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FEDERAL REGISTER

VOLUME 21 NUMBER 191

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

DEFINITIONS

Paragraphs (a) and (j) of § 25.102 are amended as set out below.

§ 25.102 *Definitions.* As used in this subpart, and in making salary adjustments upon change in type of appointment, employment status, or position of the employee, words and terms are defined as follows:

(a) "New appointment" is the first appointment, regardless of the tenure of appointment, as a Federal civilian officer or employee in any department as defined in section 201 (a) of the Classification Act of 1949, as amended, or in a mixed ownership corporation, or in a position in the legislative or judicial branch before transfer in accordance with section 2 (b) or (c) of Public Law 880, 76th Congress, as amended.

* * * * *

(j) "Highest previous rate" is the highest basic salary rate previously paid to a Federal civilian employee occupying a position in a department as defined in section 201 (a) of the Classification Act of 1949, as amended, or in a mixed ownership corporation, or in a position in the legislative or judicial branch, before transfer in accordance with section 2 (b) or (c) of Public Law 880, 76th Congress, as amended, irrespective of whether or not such position is subject to the pay schedules of the Classification Act. The highest previous rate must be based on a regular tour of duty at such rate (1) under an appointment not limited to 90 days or less, or (2) for a continuous period of 90 days under one or more appointments without a break in service. If such highest previous rate was earned in a position not subject to the Classification Act, it shall be increased only by those amendments to the Classification Act or other applicable statutory amendments which were enacted during a period when the employee was not in civilian service as described above.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-7911; Filed, Oct. 1, 1956; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 426.1]

PART 306—REAL PROPERTY INSURANCE

PROPERTY INSURANCE ON FARM BUILDINGS

Subchapter A, Title 6, Code of Federal Regulations is amended to add a new Part 306 entitled "Real Property Insurance" and to read as follows:

Sec.
306.1 General.
306.2 Companies and policies.
306.3 Coverage requirements.
306.4 Examining and servicing of insurance.
306.5 Losses.
306.6 Property insurance with Stock Company Association.

AUTHORITY: §§ 306.1 to 306.6 issued under R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438, sec. 4 (c), 64 Stat. 100; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g), 40 U. S. C. 442 (c). Interpret or apply secs. 3 (b) (5), 12 (c) (4), 44 (b), 60 Stat. 1074, 1076, 1069, sec. 502 (b) (4), 63 Stat. 433, sec. 2 (f), 64 Stat. 99, secs. 9, 10 (a), 68 Stat. 735; 7 U. S. C. 1003 (b) (5), 1005b (c) (4), 1018 (b), 42 U. S. C. 1472 (b) (4), 40 U. S. C. 440 (f), 16 U. S. C. 590x-2, 590x-3 (a).

§ 306.1 *General*—(a) *Authority.* This part applies to property insurance on buildings on farms securing the interest of the United States of America in connection with Farm Ownership, Farm Housing, Other Real Estate, and Soil and Water Conservation loans secured by real estate mortgages.

(b) *Borrower to furnish insurance.* The real estate mortgage executed by the borrower provides that he will furnish and continually maintain and pay for insurance on buildings situated or constructed on the farm, in companies,

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

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Title 50 ($0.60)

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in amounts, and on terms and conditions satisfactory to the Farmers Home Administration for the term of the loan.

(c) *Borrower's selection of company.* The borrower will be given free choice in selecting the insurance company from which he desires to obtain his insurance, provided that the insurance issued by such company complies in all respects with all of the requirements set forth in this part.

(d) *Failure of borrower to provide insurance.* Upon failure of the borrower to furnish and pay for insurance in accordance with the requirements of this part, the Farmers Home Administration will secure the necessary insurance and charge the cost to the borrower's account.

(e) *Responsibility.* The County Supervisor is responsible for taking all actions in connection with insurance as may be necessary to protect the security interest of the Farmers Home Administration.

§ 306.2 *Companies and policies.* Property insurance policies or other evidence of insurance will be accepted from borrowers when the requirements outlined herein are complied with fully.

(a) *Companies.* The companies must be licensed to do business in the particular State or territory, or specifically authorized by State law to transact business within the State or territory where the property is located.

(b) *Standard policies.* The policies must be the standard fire insurance policy and be so identified. The standard policy is the one containing "Standard Provisions" adopted or recommended by legislative action or by order of the supervising insurance authorities of the State or territory in which the security is located. The original policy must be submitted to the County Supervisor by the borrower, except that a certificate of insurance, a copy of the policy, or other evidence of insurance is acceptable for loans which are secured by other than a first lien if the mortagage clause includes the name(s) of prior mortgagee(s).

(1) *Binders.* Whenever there is a justifiable reason for not issuing a policy or endorsement, as required, a written binder will be acceptable for a period not to exceed 30 days from the effective date of the insurance. The written binder must have attached the approved form of mortgage clause. Such a binder will be submitted to the County Supervisor in lieu of an insurance policy or endorsement and the insurance policy or endorsement will be submitted on or before the expiration date of the binder.

(c) *Loss or damage covered.* Properties must be insured against loss or damage by fire, lightning, windstorm, hail, explosion, riot, civil commotion, aircraft, vehicles, and smoke.

(d) *Effective date of insurance.* If there are insurable buildings located on the farm, the borrower will arrange with his agent or company to have adequate insurance in force at the time of loan closing so that the policy will properly insure the borrower and the mortgagee(s). When new buildings are erected or major improvements are made to existing buildings, such insurance will be made effective as of the date materials are delivered to the property. The County Supervisor will make no payments from loan funds for labor or materials until the borrower has furnished adequate insurance to protect the interest of the Farmers Home Administration in the property including the buildings being erected or improved.

(e) *Term.* The borrower will be required to furnish insurance for a term of not less than one year.

(f) *Mortgage clause.* The standard mortgage clause (without contribution) must be attached to or printed in the policy, or Form FHA–878, "Property Insurance Mortgage Clause (Without Contribution)," must be attached to the policy. If the use of a mortgage clause other than the standard mortgage clause (without contribution) has been made mandatory by the laws or insurance regulations of any State or territory, such form will be acceptable to the FHA upon prior approval by the National Office.

(1) The name, "United States of America (Farmers Home Administration), First Mortgagee," will be shown in the mortgage clause for direct and insured loans secured by a first mortgage to the Farmers Home Administration, or loans secured by a first mortgage held by the Farmers Home Administration, as trustee, under a 2 (f) agreement or trust assignment.

(2) The name, "United States of America (Farmers Home Administration)," and all other mortgagees in the order of their priority will be shown on the mortgage clause for loans secured by other than a first lien. When a new mortgage clause is issued including the interest of the Farmers Home Administration, after the policy has been in force, the mortgage clause must be signed by the agent or an officer of the company that issued the policy.

(3) The statement, "United States of America (Farmers Home Administration), as Agent of the First Mortgagee and Insurer of the First Mortgage (or trust), or Holder of such Mortgage (or Trust) by Assignment," must be shown verbatim in the standard mortgage clause for insured Farm Ownership loans secured by a mortgage held by the lender. Upon assignment of an insured mortgage to the Insurance Fund or to the Farmers Home Administration under a Trust Assignment, it will not be necessary to change the name in the mortgage clause of the existing policy. For renewal of the insurance, the name of the mortgagee will be the same as stated in subparagraph (1) of this paragraph.

(g) *Evidence of premium payment.* (1) When Form FHA–878 is attached to the policy, no evidence of premium or assessment payment is required.

(2) When a mortgage clause other than Form FHA–878 is used, the borrower will be required to furnish, with the policy, proper evidence that the premium has been paid for the full term of the policy. The evidence of premium payment may be a receipted bill; the policy stamped "Premium Paid,"; the endorsement renewing or continuing the policy stamped "Premium Paid,"; or a letter or statement signed by the agent or company stating the premium has been paid. In case the policy is written by an assessment mutual insurance company on an annual assessment basis, proper evidence will accompany the policy to show that the most recent annual assessment has been paid.

(h) *Policy restrictions.* Any insurance having restrictions which limit the amount of collectible insurance to less than Farmers Home Administration requirements, must have such restrictions eliminated or modified to afford the required protection; otherwise, the policy will not be accepted. Policies will not be accepted if, under the terms of the policies or local laws, contributions or assessments may be made against the Farmers Home Administration, nor when, by the terms of the policy or other conditions, loss payments are contingent upon action by the Board of Directors, the policyholders, or the members.

§ 306.3 *Coverage requirements.* The County Supervisor should encourage the borrower for his own protection to insure for their depreciated replacement value (actual cash value) all buildings which are essential to the operation of the farm or the repayment of the loans. The minimum insurance to be furnished

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on insurable buildings located on land taken as security for the loan, which insurance will be distributed among the most essential buildings, is prescribed below:

(a) *Loans secured by a first lien.* (1) When the unpaid balance of the loan is equal to or greater than the depreciated replacement value of the buildings that are essential to the operation of the farm and any other buildings that have significant security value, all such buildings will be insured for their depreciated replacement value or the cost of essential buildings adequate for the farm which can be built for amounts less than the depreciated replacement values of the existing buildings. Insurance will not be required on buildings that are not essential for the operation of the farm and do not have significant security value, or are in such a state of disrepair that the cost of insurance would be prohibitive.

(2) When the unpaid balance of the loan is less than the depreciated replacement value of the buildings that are essential for the operation of the farm and any other buildings that have significant security value, the total amount of insurance must be at least equal to the unpaid balance of the loan, or the cost of essential buildings adequate for the farm which can be built for amounts less than the depreciated replacement values of the existing buildings.

(3) When, by use of loan funds or otherwise, buildings are erected or substantial improvements are made to essential buildings, or to other buildings which have a substantial security value, insurance will be provided in accordance with subparagraphs (1) or (2) of this paragraph, whichever is applicable.

(b) *Loans secured by other than first liens.* The amount of insurance on buildings in the case of Farmers Home Administration loans secured by other than a first lien shall be the same as required in paragraph (a) of this section with the understanding that the unpaid balance of the loan shall be deemed for this purpose to be the amount of the total real estate mortgage indebtedness owed all prior mortgagees named in the mortgage clause, and the Farmers Home Administration's debt secured by the real estate mortgage.

(c) *Exception of buildings from insurance.* Upon written request of the borrower, the County Supervisor may approve the following exceptions:

(1) Insurance need not be carried on any buildings if the hazards are so slight because of the character and construction of the building, or the cost of the insurance so high in comparison with the value of the building that, according to common standards of judgment, it should not be insured, including but not limited to windmills, wind pumps and their towers, silos, fire-cured tobacco barns, potato or root cellars, and stone smokehouses.

(2) In cases where the unpaid balance of the Farmers Home Administration loans and any prior liens have been reduced to $1,000, or less, all property insurance may be dispensed with provided the County Supervisor determines that the value of the farmland itself is sufficient to protect the Farmers Home Administration in its collection of the amount of the outstanding indebtedness.

§ 306.4 *Examining and servicing of insurance*—(a) *Examination by County Office of policies, evidence of insurance, endorsements, and binders.* Upon receipt in the County Office of a policy, evidence of insurance, endorsement, or binder submitted by a borrower, it will be examined promptly by the County Supervisor for compliance with the requirements of this part. If the insurance is found to be acceptable, it will be placed in the borrower's case folder.

(1) *Unacceptable policies.* (i) When the borrower furnishes any policy or evidence of insurance which does not meet the requirements of this part, such policy or evidence of insurance will be returned to the borrower with the reasons why it is not acceptable.

(ii) If the borrower does not furnish acceptable insurance within 15 days from the date the unacceptable insurance was returned, the County Supervisor will submit a completed Form SCA–1, "Insurance Order," to the Stock Company Association.

(2) *Release of mortgage interest.* Where the borrower's loan has been paid in full and the satisfaction or release of the mortgage has been executed, the County Supervisor will execute the following Release of Mortgage Interest on the mortgage clause attached to the policy, or evidence of insurance, and transmit it with the paid-in-full note and satisfaction:

It is understood and agreed that the interest of the United States of America in the property insured hereunder ceased as of (date of final payment), and that the Government shall have no interest in any loss or damage to such property occurring thereafter.

(3) *Lost or misplaced policies.* When an unexpired insurance policy or evidence of insurance is lost or misplaced, it will be necessary to obtain a replacing policy or evidence of insurance. The County Supervisor is authorized to sign a Lost Policy Receipt on behalf of the Farmers Home Administration.

(4) *Disposition of expired policies.* All expired policies or evidences of insurance held by the Farmers Home Administration for borrowers will be returned to borrowers one year following expiration, except that such policies or evidences of insurance will be delivered to the borrower, upon request, within one year after expiration.

(b) *Special servicing of insurance*—(1) *Vacancy or unoccupancy.* If the County Supervisor has knowledge that a farm is vacant or unoccupied, or that the occupancy has changed from owner to tenant, he will examine the policy to determine whether the policy permits such conditions. Unless the insurance permits such condition, the County Supervisor will immediately notify, in writing, the company or agent. In any case where there is an additional premium due because of vacancy, unoccupancy, or tenant occupancy, and upon demand to the Farmers Home Administration from the company or agent because the borrower cannot, or will not, pay the additional premium, it may be paid by Standard Form 1034, "Public Voucher for Purchases and Services other than Personal," to the company or agent.

(2) *Transfer of farm.* If the County Supervisor has knowledge that a borrower's farm is being transferred during the term of the insurance, the County Supervisor must be supplied immediately with an endorsement signed by the company or agent, changing the name of the assured to that of the transferee; or the transferee must obtain other insurance acceptable to the Farmers Home Administration. If other insurance is obtained, the old policy or record of insurance will be returned to the transferor, unless there is an unsettled loss. If there is an unsettled loss, the policy or evidence of insurance will not be returned until the claim has been settled satisfactorily. Acceptance of the new policy or endorsement from an ineligible person will not constitute consent by the Government to the transfer.

(3) *Voluntary conveyance of farm to Government and foreclosure.* (i) After the deed of conveyance to the Government in lieu of foreclosure has been filed for record, the County Supervisor will send a letter to the company or agent, attaching the unexpired policy for cancellation. The letter will also request the issuance of the unearned premium check payable to the Farmers Home Administration.

(ii) After a foreclosure sale has been held, the County Supervisor will send a letter to the company or agent identifying the policy, stating that the property was the subject of a foreclosure sale, and mentioning the date of the sale. In no case will the policy be surrendered if there is an unsettled loss with respect to the property.

§ 306.5 *Losses*—(a) *General.* In case of loss covered by insurance, the County Supervisor is authorized to take such steps as are necessary to protect the interest of the Farmers Home Administration in the property against further damage and to collect the amount of the loss. When serious problems arise with respect to protecting the property from further damage, or an amicable settlement cannot be reached, or when legal action appears to be necessary, the matter will be referred to the State Director. The State Director is authorized to execute Proofs of Loss, and other forms as may be required in connection with Proofs of Loss, for the Farmers Home Administration when borrowers will not, or cannot, execute such forms.

(1) *Reporting loss.* It is the responsibility of the borrower, under his policy, to notify immediately the company or agent of any loss or damage to insured property. The borrower also should notify the County Supervisor. When requested, the County Supervisor will inform the borrower of all insurance in force covering the risk according to Farmers Home Administration records. If the borrower will not, or cannot, report the loss to the insurance company, the County Supervisor will notify the company or agent.

(2) *Protective repairs.* The borrower must immediately take the required steps

to protect his property temporarily from further damage from any causes after a loss, regardless of the estimated amount of such loss. It will be the responsibility of the County Supervisor to determine whether the emergency protection is being made. In unusual cases when the borrower cannot, or will not, arrange adequate protection for the property, the County Supervisor will arrange for the emergency protection. Such costs will be paid from the insurance loss funds when received from the company.

(3) *Completing adjustment.* The borrower must complete the adjustment of loss with the company or its authorized representatives. The County Supervisor, upon request of the borrower, may consult with the borrower regarding the loss adjustment, but will not enter into negotiations with insurance adjusters or company representatives relative to the adjustment or settlement of losses on borrower property, or make any commitments, or sign any forms in connection with the adjustment of the loss. Under no circumstances will the Farmers Home Administration waive any rights which it may have against the company.

(4) *Reinstatement after loss.* In cases where insurance in the amount of the loss is not reinstated automatically by the provisions of the policy, it will be the responsibility of the County Supervisor to have the borrower reinstate as much of the insurance as may be necessary to fulfill the requirements of the Farmers Home Administration.

(b) *Loss drafts—when loan is secured by a first mortgage.* (1) A loss draft which in the opinion of the County Supervisor represents a satisfactory adjustment of the loss will be endorsed immediately without recourse and deposited in the borrower's supervised bank account, except:

(i) Where the amount of the loss is $500 or less and the borrower will use the funds for repairing or replacing the building, the loss draft may be endorsed without recourse, and given to the borrower upon satisfactory proof that the repairs or replacements have been made, or upon satisfactory assurance that the work will be performed.

(ii) Where the buildings are not to be repaired or replaced, and other suitable buildings are not to be erected, the insurance funds will be applied as an extra payment to the borrower's real estate loan account, unless authorized by the Administrator for other disposition.

(iii) Where the records show that the real estate indebtedness has been paid in full, the loss draft will not be endorsed but will be returned to the company or agent, accompanied by a statement that the borrower's real estate indebtedness has been satisfied.

(c) *Loss drafts—when loan is secured by other than first mortgage.* (1) When the loss draft does not include the interest of a prior mortgagee, it will be processed as provided in paragraph (b) of this section.

(2) When the loss draft includes the interest of a prior mortgagee, the County Supervisor is authorized to endorse and process the draft as follows:

(i) When the prior mortgagee will permit the use of such loss funds to repair or restore the damaged building, the draft may be endorsed without recourse upon satisfactory proof that the repairs or replacements have been made or upon satisfactory assurance that the work will be performed.

(ii) When the amount of the draft does not exceed the amount of the indebtedness then secured by the prior mortgage as stated in writing by the holder of the prior mortgage, and the holder of the prior mortgage has agreed in a written statement to the County Supervisor that he will apply such funds as a payment on the borrower's prior mortgage indebtedness, the draft may be endorsed without recourse.

(iii) When the amount of the draft exceeds the amount of the indebtedness then secured by the prior mortgage, as stated in writing by the holder, and he has agreed in writing to pay such indebtedness from the loss funds, the draft will be endorsed without recourse only after all parties named as payees in the draft have signed an agreement to deliver the draft "in escrow" to a bank acceptable to the named parties. The agreement will specify the manner in which the funds will be disbursed by the bank, as escrow agent, to the several mortgagees named in the draft. After the loss funds have been collected by the bank, it will issue cashier's checks in the manner prescribed in the escrow agreement.

(iv) Drafts which have been endorsed by other payees will be endorsed immediately without recourse. Such drafts or other loss funds will be processed in accordance with the methods described in paragraph (b) of this section.

(d) *Repairs and replacements.* When any loss payments have been deposited in the borrower's supervised bank account, all repairs or replacements done by or under the direction of the borrower, or by contract, will be planned, performed, inspected, and paid for in the same manner as improvements financed with loan funds. Any balance remaining from such loss proceeds after all repairs and replacements and other authorized disbursements have been made will be applied as an extra payment on the borrower's real estate loan account, unless approved by the National Office for other disposition.

§ 306.6 *Property insurance with Stock Company Association*—(a) *Insurance ordered by the Farmers Home Administration.* Upon failure of the borrower to provide and maintain insurance acceptable to the Farmers Home Administration, the County Supervisor immediately will request insurance from the Stock Company Association for the protection of the security interest of the Farmers Home Administration in the property. The request will be made on Form SCA–1, furnished by the Stock Company Association.

(1) After completing Form SCA–1 in accordance with the requirements set forth in § 306.3, the original and one copy will be sent to the Stock Company Association, 1422 K Street, N. W., Washington 5, D. C., unless otherwise directed.

(2) Insurance ordered from the Stock Company Association will be for the protection of the borrower(s) and the Farmers Home Administration, and will not include the name of any other mortgagee who might have a prior or subsequent lien on the property. The County Supervisor will not collect the premium from the borrower or issue a Standard Form 1034. In all cases where the insurance is ordered by the Farmers Home Administration from the Stock Company Association, the premium will be paid by the Finance Office and charged to the borrower's account for the loan secured by the real estate mortgage.

(b) *Losses—Stock Company Association.* Any loss or damage to property insured by the Stock Company Association will be subject to the provisions of § 306.5 except as follows:

(1) It will be the responsibility of the borrower to notify the County Supervisor promptly of any loss or damage to property insured by the Stock Company Association. Immediately following such notification, the County Supervisor will prepare a Form FAR 2, "Notice of Loss." The original and one copy should be sent to the Stock Company Association at the address shown in paragraph (a) (1) of this section, unless otherwise directed.

(2) The loss draft, when issued by the Stock Company Association, will be sent to the County Office servicing the particular loan and the County Supervisor will process such loss draft in accordance with § 306.5.

(3) It will be the responsibility of the borrower to make his own adjustment with a representative of the Stock Company Association, and the amount of loss when adjusted shall be paid to the borrower and the Government as their interest may appear.

Dated: September 26, 1956.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 56–7906; Filed, Oct. 1, 1956; 8:49 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 CCC Cotton Bulletin 1, Amdt. 4]

PART 427—COTTON

SUBPART—1956 COTTON LOAN PROGRAM

PAYMENT OF COMPRESSION CHARGES FOR COMPRESSION OF COTTON TO STANDARD DENSITY

In order to provide for the payment by Commodity Credit Corporation of charges for the compression of cotton to standard density to a warehouseman who has had the cotton so compressed under a contract with another warehouse, at a rate not to exceed the rate charged by the warehouse performing the service to all its customers on all other cotton, provided such charges have not been paid by the producer, § 427.721 of the regulations issued by Commodity Credit Corporation and the Commodity

Stabilization Service, published in 21 F. R. 3856 and containing the instructions and requirements with respect to the 1956 Cotton Loan Program, is hereby amended to read as follows:

§ 427.721 *Warehouse charges.* (a) The Agreement of Warehouseman on each Form A must be executed by the warehouseman storing the cotton covered by the Form A not more than 15 days preceding the date of the Producer's Note on the Form A and must not be executed subsequent to the date of the note. In the case of loans made to a cotton cooperative marketing association as provided in § 427.730, the Warehouseman's Certificate and Agreement on the Certificate of Association and Agreement of Warehouseman (CCC Cotton Form G–1, referred to in this subpart as "Form G–1") must be executed by the warehouseman storing the cotton covered by such form. By executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's Certificate and Agreement on the reverse side of the Form A or on the Form G–1 and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows:

(b) The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire, such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehouseman to cancel his insurance on the cotton. Such insurance shall cover damage to the cotton by water from the warehouseman's sprinkler system when such damage results from fire in the same warehouse in which the cotton is stored. From the dates of the warehouse receipts representing the cotton or from the date through which the producer has paid storage charges, whichever is later, through July 31, 1957, all charges on the cotton for storage and insurance (as required in § 427.719) shall be at the rate of 43 cents per bale per month or fraction thereof for flat or compressed cotton stored in warehouses operating compress facilities or compressed cotton stored in warehouses not operating compress facilities, and at the rate of 48 cents per bale per month or fraction thereof for flat cotton stored in warehouses not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC loan cotton, whichever is less. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment: *Provided,* That on any cotton for which CCC makes payment of accrued charges through July 31 of any year, payment for the fractional part of a month prior to such date shall be at the proportionate part of the monthly rate. The warehouseman may make a charge for outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, of not to exceed 15 cents per bale if such charges are included in the warehouseman's tariff: *and provided further,* That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin or another warehouse under contract with the warehouseman will be paid at the rate which the warehouseman pays the ginner or the other warehouseman. In no event shall compression charges on gin compressed cotton or cotton compressed by another warehouseman exceed the rate paid to the ginner or the other warehouseman by his customers on all other cotton. Charges for the compression of cotton will be paid by CCC only when the charges have not been paid by the producer. All other charges on cotton including flat delivery charges on cotton moved from a warehouse operating compress facilities without payment of compression charges, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided,* That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC loan cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 20 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the Schedule of Pledged Cotton on the Form A or Form G–1, and executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, if such charges are included in the warehouseman's tariff: *And provided further,* That in no event shall such charge, a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a purchaser of the cotton. No charge for compression or for delivery or outhandling, except for an outhandling charge of not to exceed 15 cents and charges for the compression to standard density at gins or other warehouses as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate:

I hereby certify that I have removed from the cotton covered by this voucher only that amount of cotton necessary to secure representative samples, to properly trim the sample holes; or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage or compressing said cotton except for reconditioning of damaged cotton; that I have not reconditioned, picked or cleaned by blowing or brushing any of the cotton included in this voucher except as noted on report attached hereto; and that I have not purchased or otherwise obtained any Producers' Equity Transfers on cotton stored in my warehouse which have not been presented to Commodity Credit Corporation within 15 days from the dates such transfers were executed by the producers.

The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. In the event that the cotton is purchased or pooled by CCC or the loan on such cotton is extended or carried in past-due status by CCC after July 31, 1957, the rates quoted herein will remain in effect until terminated by CCC or the warehouseman at the end of any month by giving the other at least 30 days' notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is redeemed from the loan or the cotton is sold by CCC, the charges provided in this section shall be applicable for services rendered up to and including the date of such redemption or sale, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such services an amount in excess of that computed in accordance with this agreement. The terms and provisions of this section shall prevail over the written or printed terms of the warehouse receipts representing the cotton covered by the Form A.

(c) By executing the Agreement of Warehouseman on Forms A dated 6–3–55, the warehouseman certifies, in addition to the certifications contained in the Agreement of Warehousemen, that the heads of each bale of the cotton are completely covered with bagging.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 406, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1426)

Issued this 26th day of September 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56–7926; Filed, Oct. 1, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 12—DETERMINATION OF SURPLUS AGRICULTURAL COMMODITIES UNDER SECTION 211 OF THE AGRICULTURAL ACT OF 1956

SUBPART—1957 CROP YEAR

Sec.
12.1 Basis and purpose.
12.2 Determination of surplus agricultural commodities.

AUTHORITY: §§ 12.1 and 12.2 issued under sec. 211, 70 Stat. 188; 7 U. S. C. 1860.

§ 12.1 *Basis and purpose.* (a) This proclamation is issued to announce the agricultural commodities which have been determined by the Secretary of Agriculture to be in surplus supply for the purposes of section 211 of the Agricultural Act of 1956 during the 1957 crop year. Section 211 provides that, on or before October 1 of each year, the Secretary shall determine and proclaim the agricultural commodities the supplies of which are in excess of estimated requirements for domestic consumption and export plus adequate reserves for emergencies. The commodities so proclaimed are to be considered as being in surplus supply for the purposes of section 211 during the succeeding crop year. Section 211 further provides that such surplus crops shall not receive certain Federal payments, loans, or benefits if grown on newly irrigated, drained, or reclaimed lands within irrigation, drainage, or flood control projects authorized after May 28, 1956, the date of enactment of the Agricultural Act of 1956.

(b) The determinations made by the Secretary are contained in § 12.2 and have been made on the basis of the latest available statistics of the Federal Government. In making these findings and determinations, all crops which might be produced during the 1957 crop year on the lands described in section 211 and which might reasonably be expected to receive payments, loans, or benefits of the types specified in section 211 were considered. Tree crops were not considered, since such crops could not be produced during the 1957 crop year on trees newly planted on lands irrigated, drained, or reclaimed since May 28, 1956. Commodities which could not receive benefits except under a Federal Crop Insurance Corporation insurance policy were not considered because the Corporation does not insure commodities to be produced on newly irrigated, drained, or reclaimed lands on which adequate production history is not available as a basis for determining premiums.

§ 12.2 *Determination of surplus agricultural commodities.* Pursuant to section 211 of the Agricultural Act of 1956 it is hereby determined and proclaimed for the purposes of such section 211 that the supplies of barley, dry edible beans, corn, upland cotton, extra long staple cotton, flaxseed, grain sorghums, oats, peanuts, rice, rye, tobacco, wheat, and potatoes are now in excess of estimated requirements for domestic consumption and export plus adequate reserves for emergencies.

Done at Washington, D. C., this 28th day of September 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–7968; Filed, Sept. 28, 1956; 4:05 p. m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATE FOR LIMEADE[1]

On August 17, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 6198) regarding proposed amendments to United States Standards for Grades of Frozen Concentrate for Limeade (7 CFR 52.2521 to 52.2532; 20 F. R. 2747).

After consideration of all relevant matters presented, including the proposals in the aforesaid notice, the following amendments to said standards are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.), which amendments provide for the addition of suitable artificial coloring materials and define the requirements of color with respect to the artificially colored product:

1. Change § 52.2521 to read:

§ 52.2521 *Product description.* Frozen concentrate for limeade is the product prepared from lime juice and one or more nutritive sweetening ingredients to which may be added oil derived from limes for added flavor, and may or not contain water in sufficient quantities to standardize the product. The lime juice is produced from fresh, sound, mature, and thoroughly cleansed fruit of one or more of the varities of the species citrus aurantifolia. Such juice may be fresh or frozen or may be fresh juice concentrated or frozen concentrated. The concentrate for limeade is processed in accordance with good commercial practice and is frozen and maintained at temperatures sufficient for the preservation of the product. If properly labeled any artificial color permissible under the provisions of the Federal Food, Drug and Cosmetic Act may be added.

2. Change § 52.2526 to read:

§ 52.2526 *Color*—(a) *(A) classification.* Frozen concentrate for limeade which, when prepared as limeade, possesses a good color may be given a score of 17 to 20 points. "Good color" means a good bright characteristic color that reflects the appearance of limeade prepared from freshly expressed lime juice; or, if artificially colored, possesses a bright attractive light green color typical of artificially colored limeade.

(b) *(B) classification.* If the frozen concentrate for limeade, when prepared as limeade, possesses a reasonably good color a score of 14 to 16 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a characteristic color that reflects to a reasonable extent the color of limeade prepared from freshly expressed lime juice and is not dark or otherwise discolored for any reason; or, if artificially colored, possesses a reasonably bright color typical of artificially colored limeade.

(c) *(SStd.) classification.* If the limeade fails to meet the requirements of paragraph (b) of this section, a score of 0 to 13 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

Dated this 27th day of September 1956 to become effective 30 days after publication of this document in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 56–7925; Filed, Oct. 1, 1956; 8:52 a. m.]

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. The product covered by these standards is essentially lime juice sweetened for limeade but is marketed under the name "Frozen Concentrate for Limeade."

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 912—MILK IN DUBUQUE, IOWA, MARKETING AREA

PART 925—MILK IN PUGET SOUND, WASH., MARKETING AREA

PART 944—MILK IN QUAD CITIES MARKETING AREA

PART 971—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

PART 972—MILK IN TRI-STATE MARKETING AREA

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

PART 978—MILK IN NASHVILLE, TENN., MARKETING AREA

PART 988—MILK IN KNOXVILLE, TENN., MARKETING AREA

PART 1000—MILK IN CHATTANOOGA, TENN., MARKETING AREA

PART 1002—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

TERMINATION ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agree-

ment Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the orders, as amended (7 CFR Parts 912, 925, 944, 971, 972, 973, 978, 988, 1000, 1002, and 1009), regulating the handling of milk in the Dubuque, Iowa; Puget Sound, Washington; Quad Cities; Dayton-Springfield, Ohio; Tri-State; Minneapolis-St. Paul, Minnesota; Nashville, Tennessee; Knoxville, Tennessee; Chattanooga, Tennessee; Greater Wheeling, West Virginia; and Clarksburg, West Virginia marketing area, hereinafter referred to as the "orders", it is hereby found and determined that:

(a) The provision "Plymouth, Wisconsin," in §§ 912.50 (b) (2), 925.50 (b) (2), 944.50 (c) (2), 971 (b) (2), 972.40 (b) (2), 973.51 (b) (2), 978.51 (d) (2), 988.50 (b) (2), 1000.50 (b) (2), 1002.50 (b) (2), and 1009.50 (b) (2) of the orders does not tend to effectuate the declared policy of the act.

The specified sections of each of the aforesaid orders contains a reference to the prices of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, which prices are utilized in calculating class prices in each of the orders.

The Department has been advised that the location of the operation of the Wisconsin Cheese Exchange has been changed from Plymouth, Wisconsin, to Green Bay, Wisconsin. The Wisconsin Cheese Exchange is a well recognized exchange for commodity trading and the listing of its location in making reference to it is no longer necessary. Therefore, the provision Plymouth, Wisconsin, as it appears in the specified sections of the aforesaid orders should be deleted.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reason stated under (a) above and in that:

1. The information upon which this action is based did not become available in time for such compliance.

2. This termination order does not require persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That the provision "Plymouth, Wisconsin," be and is hereby deleted from §§ 912.50 (b) (2), 925.50 (b) (2), 944.50 (c) (2), 971.50 (b) (2), 972.40 (b) (2), 973.51 (b) (2), 978.51 (d) (2), 988.50 (b) (2), 1000.50 (b) (2), 1002.50 (b) (2), and 1009.50 (b) (2) of the aforesaid orders.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 26th day of September 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7907; Filed, Oct. 1, 1956; 8:49 a. m.]

PART 946—MILK IN THE LOUISVILLE, KY., MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK

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946.0 Findings and determinations.

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946.90 Effective time.
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MISCELLANEOUS PROVISIONS

Sec.
946.100 Agents.
946.101 Separability of provisions.

AUTHORITY: §§ 946.0 to 946.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1956. Any delay beyond that date in the effective date of this order amending the order, as amended, will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Louisville, Kentucky, marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Acting Deputy Administrator, Agricultural Marketing Service, on August 3, 1956, and the final decision having

been issued by the Assistant Secretary of Agriculture on September 24, 1956. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective October 1, 1956, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by this order amending the order, as amended, which is marketed within the Louisville, Kentucky, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period August 1956, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 946.1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 946.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the act of the said Secretary of Agriculture.

§ 946.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 946.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 946.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 946.6 *Louisville, Kentucky, marketing area.* "Louisville, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the City of Louisville, the Fort Knox Military Reservation; the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county; and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charlestown, in Clark County, Indiana.

§ 946.7 *City plant.* "City plant" means the building and facilities, except those of a producer-handler, which are used during the month in the processing and packaging of producer milk and from which not less than 10 percent of such milk is distributed in the container in which packaged from delivery routes or plant stores as Class I milk in the marketing area: *Provided*, That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.8 *Country plant.* "Country plant" means the building and facilities, except those of a city plant, which are used during the month in the receipt of milk from dairy farmers who held dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area and which are approved by such health authority to furnish milk to a city plant for use as Class I milk: *Provided*, That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant;

(b) A country plant during the period of October through March for each month in which not less than 10 percent of its receipts from dairy farmers who hold dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area is delivered to a city plant in the form of milk, skim milk, or cream; or

(c) A country plant during the months of April through September from which more than 50 percent of its combined receipts from dairy farmers, who held dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area, during the preceding period of October through February were delivered to one or more city plants in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15th of withdrawal of the plan from the pool for the months of April through September next following.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any cooperative association with respect to milk of producers which it causes to be diverted to a nonpool plant for the account of such cooperative association; or

(d) Any person, other than a producer-handler, in his capacity as operator of a nonpool plant used during the month for the processing and packaging of milk any portion of which is disposed of in the marketing area as Class I milk from delivery routes or plant stores.

§ 946.12 *Producer.* "Producer" means any person, except a producer-handler, who produces, under a dairy farm inspection permit issued to such person by the appropriate health authority having jurisdiction in the marketing area (as used in this subpart, "dairy farm inspection permit" shall include approval of milk by the authority to administer regulations governing the quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases located in the marketing area, which is received at a plant from which any portion of such milk is disposed of to such institutions or bases in the container in which packaged as Class I milk), milk which is:

(a) Delivered from his farm to a pool plant;

(b) Diverted from a pool plant to another pool plant or a nonpool plant: *Provided*, That such milk so diverted shall be deemed to have been received at the pool plant from which it was diverted: *And provided further*, That this definition shall not include during any of the months of October through February, any person whose milk was diverted to a nonpool plant for more than one-half of the days of such month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided*, That any such milk so diverted shall be deemed to have been received by the cooperative association.

§ 946.13 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant in accordance with the conditions set forth in § 946.12.

§ 946.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) except

operator of such plant notifies the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 946.70; and

(2) The amounts to be paid by such handler pursuant to §§ 946.61, 946.84, 946.87, and 946.88.

those produced at the plant) except

Class II products from pool plants, which are repackaged, reprocessed or converted to another product in the plant during the month.

§ 946.15 *Producer-handler.* "Producer-handler" means any person who processes and packages milk from his own farm production, distributing any portion of such milk within the marketing area as Class I milk and who receives no milk from producers.

§ 946.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month.

§ 946.17 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 946.18 *Route.* "Route" means the operation of a plant store or a vehicle (including that operated by a vendor) through the means of which fluid milk products are disposed of to retail or wholesale stops in the marketing area other than to a milk plant.

MARKET ADMINISTRATOR

§ 946.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 946.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 946.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 946.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 946.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts has not made reports pursuant to §§ 946.30 through 946.32, or payments pursuant to §§ 946.80 through 946.86;

(j) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to producer milk caused to be delivered by such association or by its members to each handler during the month: (1) the percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 12th day after the end of each month, the minimum prices for each class of milk computed pursuant to § 946.51, and the butterfat differentials for each class computed pursuant to § 946.52; and

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 946.71, and the butterfat differential computed pursuant to § 946.81;

(l) On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 946.70; and

(2) The amounts to be paid by such handler pursuant to §§ 946.61, 946.84, 946.87, and 946.88.

REPORTS, RECORDS, AND FACILITIES

§ 946.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator for each of his pool plants in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own farm production);

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk other than on routes operated wholly or partially within the marketing area; and

(f) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 946.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 946.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided,* That milk diverted to a pool plant as described in § 946.12 (b) need not be reported pursuant to this paragraph.

(c) On or before the 10th day after the request of the market administrator, such handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 946.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products on hand at the beginning and end of each month.

§ 946.34 *Retention of records.* All books and records required under this part to be available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified records and books until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 946.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat which is required to be reported pursuant to §§ 946.30 and 946.61 shall be classified by the market administrator pursuant to the provisions of §§ 946.41 through 946.46.

§ 946.41 *Classes of utilization.* Subject to the conditions set forth in §§ 946.42 through 946.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed; (2) disposed of as any fluid milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk, or cream from sources approved by such authority; and (3) not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat the utilization of which is established as used to produce (1) cottage cheese, ice cream, ice cream mix, eggnog, frozen desserts, and milk (or skim milk) and cream mixtures containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, and (2) in inventories of fluid milk products.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat, the utilization of which is established: (1) As used to produce any product other than those specified in paragraphs (a) or (b) of this section, (2) as disposed of for livestock feed, (3) as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products, and (4) in plant shrinkage of skim milk and butterfat in receipts of producer milk and in other source milk computed pursuant to § 946.42.

§ 946.42 *Unaccounted for skim milk and butterfat and plant shrinkage.* Skim milk and butterfat received at a handler's pool plant(s) in excess of such handler's established utilization of skim milk and butterfat pursuant to § 946.41, except paragraphs (a) (3) and (c) (4) shall be known as unaccounted for skim milk and butterfat and classified as follows:

(a) Adjust such handler's receipts of producer milk by (1) deducting the pounds of skim milk and butterfat in producer milk diverted by such handler to a nonpool plant or to the pool plant of another handler without having been received for purposes of weighing and testing in the diverting handler's plant, (2) adding the skim milk and butterfat in producer milk received at the pool plant of such handler which was diverted from the pool plant of another handler;

(b) Prorate the quantities of unaccounted for skim milk and butterfat, respectively, between such handler's receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (a) of this section and in other source milk received in the form of fluid milk products in bulk;

(c) That portion of the quantities of unaccounted skim milk not to exceed five percent during the months of April through July and two percent during other months, and the quantities of butterfat not to exceed two percent in each month, of the skim milk and butterfat, respectively, in receipts of producer milk and other source milk applied pursuant to paragraph (b) of this section shall be known as "shrinkage" and classified as Class III milk: *Provided,* That if the quantities of skim milk and butterfat utilized and disposed of in milk and all milk products are not established by such handler all unaccounted for skim milk and butterfat prorated to receipts of producer milk pursuant to paragraph (b) of this section shall be classified as Class I milk;

(d) That portion of the quantities of unaccounted for skim milk and butterfat which is in excess of the quantities of skim milk and butterfat, respectively, classified pursuant to paragraph (c) of this section shall be classified as Class I milk.

§ 946.43 *Responsibility for classification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in another class is mutually indicated in the reports submitted to the market administrator by both handlers pursuant to § 946.30 on or before the 7th day after the end of the month: *Provided,* That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remaining quantity shall be classified as Class I milk: *And provided further,* That if either or both handlers received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located less than 185 miles from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator, and as Class I milk if transferred in the form of fluid cream to such a plant, wherever located, unless the following conditions are met:

(1) The handler claims classification in another class on the basis of a utilization indicated in his report submitted to the market administrator pursuant to § 946.30 on or before the 7th day after the end of the month;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonpool plant; and

(3) An amount of skim milk or butterfat, respectively, not less than that so transferred or diverted was used in the indicated use: *Provided,* That if upon inspection of the records of the nonpool plant it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remainder shall be classified in the highest valued use classification (as described in § 946.41) in the nonpool plant; and

(d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located 185

miles or more from the City Hall at Louisville, Kentucky, by shortest hard surface highway distance as determined by the market administrator.

§ 946.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

§ 946.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 946.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk assigned to producer milk shrinkage pursuant to § 946.42 (c);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in Class III milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(5) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraphs (1) and (3) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in Class II and Class I milk, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 946.44 (a);

(8) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 946.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section and subparagraph (1) of § 946.51 (c).

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Add 20 percent to the Chicago butter price for the month and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("cheddars," f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

(c) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

§ 946.51 *Class prices.* Subject to the provisions of §§ 946.52 and 946.53, the minimum prices per hundredweight to be paid by each handler for milk of 3.8 percent butterfat content received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk per hundredweight shall be the basic formula price for the preceding month rounded to the nearest tenth of a cent plus $1.25.

(b) *Class II milk.* The price for Class II milk shall be the higher of the basic formula price pursuant to § 946.50 or that computed pursuant to subparagraphs (1) and (2) of this paragraph, rounded to the nearest tenth of a cent:

(1) Multiply the Chicago butter price by 4.56;

(2) Add an amount computed as follows: from the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

(c) *Class III milk.* The price of Class III milk for the months of September through December shall be the price per hundredweight computed pursuant to § 946.50 (a), or that pursuant to subparagraph (1) of this paragraph, whichever is higher; and for the months of January through August the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, rounded to the nearest tenth of a cent.

(1) From the average of the basic or field prices per hundredweight reported to the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at plants at the following locations:

Operator and Location

Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Lawrenceburg, Ky.
Kraft Foods Co., Paoli, Ind.
Salem Cheese and Milk Co., Salem, Ind.
Red 73 Creameries, Madison, Ind.
Producers Dairy Marketing Association, Orleans, Ind.

Subtract the amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 2.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Add 15 percent to the Chicago butter price for the month and multiply by 3.8.

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, roller process, for human consumption, f. o. b. manufacturing plants in Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department deduct 6.5 cents and multiply by 8.2.

§ 946.52 *Price adjustments to handlers*—(a) *Butter differentials.* If the weighted average butterfat content of milk received from producers allocated

to Class I, Class II, or Class III, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(1) *Class I milk.* Multiply by 0.125 the Chicago butter price for the preceding month.

(2) *Class II milk.* For the months of September through December, multiply the Chicago butter price by 0.120, and for the months of January through August, multiply by 0.118.

(3) *Class III milk.* For the months of September through December, multiply the Chicago butter price for the month by 0.12, and for the months of January through August, multiply the Chicago butter price for the month by 0.115.

§ 946.53 *Transportation differential.* With respect to milk received from producers at a country plant, which is moved as milk from such plant directly to a plant in the marketing area or which is disposed of as milk for Class I use outside the marketing area, the class prices per hundredweight shall be reduced at the rates set forth in the following schedule based on the shortest distance via hard surfaced highway, as determined by the market administrator, from the plant where the milk is first received from producers to City Hall in Louisville.

Mileage zone:	Rate (cents per cwt.)
Not more than 25 miles	0
More than 25 but not more than 35 miles	13
More than 35 but not more than 45 miles	15
More than 45 but not more than 55 miles	17
For each additional 10 miles or fraction thereof an additional	1

APPLICATION OF PROVISIONS

§ 946.60 *Producer-handlers.* Sections 946.40 through 946.46, 946.50 through 946.53, 946.61, 946.70, 946.71, and 946.80 through 946.89 shall not apply to a producer-handler.

§ 946.61 *Handlers operating nonpool plants.* Sections 946.30 through 946.32, 946.50 through 946.53, 946.70, 946.71, 946.80 through 946.85, 946.87, and 946.88 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 946.11 (d), except that such handler shall:

(a) On or before the 7th day after the end of the month, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) On or before the 15th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 946.11 (d) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials:

(1) For the months of January through September, the Class III price adjusted by the Class III butterfat differentials; or

(2) For the months of October through December, the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resulting figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

(c) On or before the 15th day after the end of the month, pay to the market administrator, as such handler's pro rata share of the expense of administration of this part, 3.0 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II and Class III products disposed of during the month in the marketing area in the manner described in § 946.11 (d).

§ 946.62 *Plants subject to other orders.* In the case of any plant from which a greater volume of Class I milk is disposed of in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, than in the Louisville marketing area, the provisions of this part shall not apply except the handler operating such plant shall, with respect to his total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 946.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 946.46 by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 946.46 by the applicable class prices;

(d) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 946.46 (a) (6) and the corresponding step of § 946.46 (b), whichever is less; and

(e) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 946.46 (a) (2) and the corresponding step of § 946.46 (b) and pursuant to § 946.46 (a) (6) and the corresponding step of § 946.46 (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (d) of this section by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials;

(1) For the months of January through September, the Class III price adjusted by the Class III butterfat differential; and

(2) For the months of October through December the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resultant figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

§ 946.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in § 946.30 for the month and who are not in default of payments pursuant to § 946.84 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 946.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount computed by multiplying the hundredweight of milk received from producers at each country plant by the appropriate zone differential provided in § 946.53.

(d) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(e) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 946.85 (a), and less the aggregate of the amounts held pursuant to paragraph (d) of this section for payment pursuant to § 946.85 (b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price for milk of 3.8 per-

cent butterfat content received from producers at a handler's pool plant.

PAYMENTS

§ 946.80 *Time and method of payment for producer milk.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler at not less than the Class III price for 3.8 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 946.71 subject to the butterfat differential computed pursuant to § 946.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) location differential deductions pursuant to § 946.82, (3) marketing service deductions pursuant to § 946.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed either by such producer or by the cooperative association marketing the producer's milk: *Provided,* That if such handler has not received full payment for such month pursuant to § 946.85 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator. The handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(c) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount of the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 946.81 *Producer butterfat differential.* In making payment to producers pursuant to § 946.80 (b) each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, the amount set forth in the following schedule for the price range in which falls the Chicago butter price for the month during which such milk was received.

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50 to 22.499	2½
22.50 to 27.499	3
27.50 to 32.499	3½
32.50 to 37.499	4
37.50 to 42.499	4½
42.50 to 47.499	5
47.50 to 52.499	5½
52.50 to 57.499	6
57.50 to 62.499	6½
62.50 to 67.499	7
67.50 to 72.499	7½
72.50 to 77.499	8
77.50 to 82.499	8½
82.50 to 87.499	9
87.50 to 92.499	9½
92.50 and over	10

§ 946.82 *Location differential.* In making payments to producers pursuant to § 946.80 (b) a handler shall deduct from the uniform price, with respect to all milk received from producers at a country plant, not more than the appropriate zone differential provided in § 946.53.

§ 946.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 946.61, 946.84, and 946.86 and out of which he shall make all payments pursuant to §§ 946.85 and 946.86: *Provided,* That payments due any handler shall be offset by payments due from such handler.

§ 946.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials.

§ 946.85 *Payments out of the producer-settlement fund.* (a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 16th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by all handlers during the month an amount computed as follows: Divide one-fourth of the aggregate amount held pursuant to § 946.71 (d) by the hundredweight of milk received from producers by all handlers during the month and multiply the resulting amount (computed to the nearest cent per hundredweight) by the milk received from such producers during the month: *Provided,* That payment under this paragraph to any producer who has given authority to a cooperative association to receive payment for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payments.

§ 946.86 *Adjustment of accounts.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 946.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 946.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

§ 946.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.80, shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.80 as are authorized by such producers and on or before the 15th day after the end of each month, pay such deductions to the cooperative association rendering such services.

§ 946.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 3.0 cents per hundredweight, or such amount to be not in excess thereof as the Secretary may prescribe with respect to all receipts by such handler during the month of (a) milk from producers (including such handler's own farm production), and (b) other source milk classified as Class I milk pursuant to § 946.46. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be diverted by such cooperative association to a nonpool plant and milk received from producers at a pool plant of such cooperative association.

§ 946.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calender month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deductions or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 946.90 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 946.91.

§ 946.91 *Suspension or termination.* Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 946.92 *Continuing power and duty.* (a) If upon the suspension of termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 946.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, except §§ 946.34, 946.89, 946.91 through 946.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 946.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 946.101 *Separability of provisions.* If any provision of this part, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of September 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7924; Filed, Sept. 28, 1956; 12:31 p. m.]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 973), regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 973.53 will not tend to effectuate the declared policy of the act for the period October 1, 1956, through November 30, 1956: (1) "plus 70 cents for the delivery periods of January through April, plus 60 cents for May and June, plus $1.10 for July through November, and", and "for December"; and (2) the proviso at the end thereof.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) A large majority of the producers of the milk produced for this market have requested that these provisions be suspended;

(3) This suspension order will relieve handlers of an obligation inasmuch as it will have the effect of reducing the

average cost of Class I milk during the effective period;

(4) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area; and

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective October 1, 1956.

It is therefore ordered; That the following provisions of § 973.53 of the order be and hereby are suspended for the period October 1, 1956, through November 30, 1956: (1) "plus 70 cents for the delivery periods of January through April, plus 60 cents for May and June, plus $1.10 for July through November, and", and "for December"; and (2) the proviso at the end thereof.

Done at Washington, D. C., this 26th day of September 1956 to be effective October 1, 1956.

EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7908; Filed, Oct. 1, 1956; 8:49 a. m.]

[Docket No. AO-182-A6]

PART 980—MILK IN TOPEKA, KANS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN TOPEKA, KANSAS, MARKETING AREA

§ 980.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 2 cents per hundredweight, or such amount not exceeding 2 cents per hundredweight, as the Secretary may prescribe with respect to all milk received during such delivery period from approved dairy farmers.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1956. The order provides that the base for each producer applicable during February through July shall be determined by that producer's deliveries during the preceding months of September through December. Consequently, any delay beyond October 1, 1956, as the effective date of this order amending the order, as amended, will further shorten the period available to producers to make base for the flush months of 1957 and will seriously threaten the orderly marketing of milk in the Topeka, Kansas, marketing area. The provisions of the said order are well known to handlers.

The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective October 1, 1956, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c), Administrative Procedure Act. 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Topeka, Kansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Topeka, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Revise § 980.5 to read as follows:

§ 980.5 *Topeka, Kansas, marketing area.* The "Topeka, Kansas, marketing area", hereinafter called the "marketing area", means the cities of Topeka and Emporia, and all of the territories included within the counties of Shawnee and Lyon, all in the State of Kansas.

2. Revise § 980.6 to read as follows:

§ 980.6 *Approved dairy farmer.* "Approved dairy farmer" means any person who delivers to an approved plant milk;

(a) Approved under a permit or rating issued by the health authority of any municipal or State government for the production of milk to be disposed of as Grade A milk; or

(b) Acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type I; Type II, No. I, or Type III, No. 1.

3. Revise § 980.8 to read as follows:

§ 980.8 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by the health authority of any municipal or State government for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

4. Revise § 980.9 to read as follows:

§ 980.9 *Pool plant.* A "pool plant" shall be any plant meeting the conditions of paragraphs (a) or (b) of this section, except the plant of a producer-handler:

(a) Any approved plant, hereinafter referred to as a "distributing plant", from which during the month the quantity of milk disposed of as Class I milk on a route(s) in the marketing area is equal for April, May, June, or July to 20 per-

cent of the receipts at such plant of milk from approved dairy farmers or from other approved plants, or for August through March to 25 percent of such receipts: *Provided,* That during the month the total quantity of milk disposed of as Class I milk on routes from such plant is equal for April, May, June, or July to 40 percent of the receipts at such plant of milk from approved dairy farmers or from other approved plants, or for August through March to 50 percent of such receipts; or

(b) Any approved plant, hereinafter referred to as a "supply plant," from which, during the month not less than 50 percent of its supply of milk from approved dairy farmers, less any milk regularly disposed of as Class I on routes is moved to a distributing plant(s): *Provided,* That any supply plant which has shipped to a distributing plant(s) the required percentage of its supply of milk from approved dairy farmers during each of the months of October, November, and December 1956, and, in subsequent years, during each of the months of August through December, shall be a pool plant for each of the following months of January through July.

(c) For the purpose of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to another milk plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

5. Revise § 980.10 to read as follows:

§ 980.10 *Handler.* "Handler" means (a) any person in his capacity as operater of a pool plant, (b) any person who operates an approved plant from which Class I products are disposed of on a route(s) in the marketing area, or (c) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to another milk plant for the account of such cooperative association.

6. Delete § 980.46 (a) (2) and substitute therefor the following:

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act,

§ 980.46 (a) change the designation of subparagraphs "(3)", "(4)", "(5)", and "(6)" to "(4)", "(5)", "(6)" and (7), respectively.

7. Revise § 980.50 (b) to read as follows:

(b) *Class II milk.* The price of Class II milk in delivery periods during the months of February through July shall be equal to the price specified in subparagraph (1) of this paragraph and during the months of August through January shall be the higher of the prices specified in subparagraphs (1) and (2) of this paragraph:

(1) The average price ascertained by the market administrator to have been paid for ungraded milk of 3.8 percent butterfat content received during such delivery period at the following plants:

Present Operator and Location

Borden Co., Ft. Scott, Kans.
Carnation Co., Girard, Kans.
Pet Milk Co., Iola, Kans.
Arkansas City Cooperative Milk Association, Arkansas City, Kans.
Swift & Co., Parsons, Kans.; or

(2) A price equal to the sum of the plus values of the following computations:

(i) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, and multiply by 7.

8. Add a § 980.52 as follows:

§ 980.52 *Location adjustments to handlers.* (a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in either Topeka or Emporia, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 980.50 (a) shall be reduced by 16 cents if such plant is located more than 50 miles, but not more than 70 miles from such city hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

(b) Milk moved in bulk from a supply plant as defined in § 980.9 (b) to a distributing plant as defined in § 980.9 (a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the distributing plant exceeds receipts of milk from producers' farms: *Provided,* That if milk is received by a distributing plant from more than one supply plant, the milk so classified as Class I shall be deemed to have been transferred from the supply plants in the order of their least distance from the applicable city hall.

9. Delete the proviso in § 980.66 (a) and substitute therefor the following: "*Provided,* That the daily base applicable during the delivery periods of February through July 1957 for producers delivering milk to any plant qualifying as a pool plant pursuant to § 980.9 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the delivery periods from the effective date hereof through December 1956."

10. In § 980.81 delete the words "and subject to the butterfat differential set forth in § 980.82" and substitute therefor the following, "and subject to the butterfat and location differentials set forth in § 980.82."

11. Revise § 980.82 to read as follows:

§ 980.82 *Producer butterfat and location differentials*—(a) *Butterfat differential.* In making payments pursuant to § 980.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of milk received from the producer is above or below 3.8 percent, an amount computed by adding four cents to the simple average as computed by the market administrator of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period, dividing the resulting sum by 10 and rounding to the nearest one-tenth of a cent.

(b) *Location differential.* For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance as determined by the market administrator, from the city hall in either Topeka or Emporia (whichever is closer), there shall be deducted 16 cents per hundredweight of milk if such plant is located more than 50 miles but not more than 70 miles from such city hall plus an additional ½ cent for each 10 miles or fraction thereof if such distance exceeds 70 miles.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of September 1956 to be effective on and after October 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-7909; Filed, Oct. 1, 1956; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6492]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HIGH PENN OIL CO., INC. ET AL.

In the Matter of High Penn Oil Company, Inc., a Corporation, and R. L. Brinson, R. L. Brinson, Jr., and J. M. Brinson, Individually and as Officers of Said Corporation.

Subpart—*Misbranding or mislabeling:* § 13.1265 *Old, secondhand, reclaimed or*

reconstructed product as new. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new.* Subpart—*Using misleading name*—Goods: § 13.2320 *Old, secondhand, reconstructed or reused as new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, High Penn Oil Company, Inc., et al., High Point, N. C., Docket 6492, Sept. 15, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its officers, engaged at High Point, N. C., in reclaiming used motor oil obtained from drainings of motor crank cases and similar sources and in selling such lubricating oil, or a blend thereof with new oil, to dealers for resale to the purchasing public, with representing that such reclaimed oil was new oil by selling it in containers of the same general size, kind, and appearance as those used for new oil, with no markings to indicate that the product was reclaimed; by misleading statements printed on the containers; and by use of the corporate name "High Penn Oil Co." on certain of its oil containers and of invoices and letterheads.

Respondents filed no answer, but made appearance at a hearing and presented a number of documents in evidence. In due course, counsel supporting the complaint submitted proposed findings and conclusion; respondents submitted none.

On this basis, the hearing examiner made his initial decision,[1] including findings, conclusion, and order to cease and desist, which by order of September 14 became on September 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents High Penn Oil Company, Inc., a corporation, and its officers, and R. L. Brinson, R. L. Brinson, Jr., and J. M. Brinson, individually and as officers of said corporation, and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of lubricating oil composed in whole or in part of oil which has been previously used and reclaimed, do forthwith cease and desist from:

1. Representing, directly or by implication, that such lubricating oil is new or unused oil, or refined from virgin crude oil;

2. Advertising, offering for sale or selling any lubricating oil previously used for lubricating purposes without disclosing such prior use to the purchaser or potential purchaser in advertising, in sales promotion matter, and by a clear and conspicuous statement to that effect on the container.

By "Decision of the Commission", report of compliance was required as follows:

[1] Filed as part of original document.

It is ordered, That respondents High Penn Oil Company, Inc., a corporation, and R. L. Brinson, R. L. Brinson, Jr., and J. M. Brinson, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: September 14, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-7887; Filed, Oct. 1, 1956; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

TRADING IN GERMAN SECURITIES

The Securities and Exchange Commission has announced that it has amended § 240.15c2-3 (Rule X-15C2-3) under the Securities Exchange Act of 1934, which relates to trading in German securities. This rule was announced in Securities Exchange Act Release No. 4983 on January 11, 1954, which discusses various other matters pertaining to the resumption of trading in German securities, and was amended on March 9, 1954 (Securities Exchange Act Release No. 5011).

Information available to the United States Government indicates that a considerable amount of interest coupons detached from unvalidated German Dollar Bonds are in the possession of lawful holders. It appears that these bonds were duly repurchased or acquired by the German issuers, that the interest coupons were lawfully detached when the holders sold the bonds, and that many of the bonds were among those which were looted in Berlin after the end of World War II. In December 1954 the United States Government requested the German Government to take the necessary steps for the validation of these detached interest coupons and the German Government, after having made the necessary investigations, has passed an ordinance providing for such validation. All inquiries with respect to the procedures to be followed to secure the validation of such coupons should be addressed to the Validation Board for German Dollar Bonds, 30 Broad Street, New York 4, N. Y.

This Commission is informed that when a coupon or coupons of the same issue, detached from unvalidated German Dollar Bonds, are validated, a validation instrument will be issued to the registrant, the person who has submitted the coupons for validation, certifying to the validation of such coupon or coupons. Because of the administrative difficulties involved it will not be possible for the Validation Board for German Dollar Bonds to issue separate validation instruments for each coupon where more than one coupon of the same issue is submitted for validation by a single registrant. The Commission also understands that in order for a holder of these validated coupons to obtain payment of the amount which may be determined to be due on such coupons it will be necessary for the holder to present the validation instrument with the coupons. In order to afford protection to purchasers of these coupons the Commission has amended § 240.15c2-3 to provide that when a broker-dealer effects a transaction in validated interest coupons detached from an unvalidated German Dollar Bond he must deliver with the coupons the document of the Validation Board for German Dollar Bonds certifying to the validation of such coupons.

Statutory basis. Section 240.15c2-3 (Rule X-15C2-3) is amended pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15 (c) (2) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it under the act. The Commission finds that this amendment furthers the purposes and functions of the rule and has the effect of relieving restriction, that notice and public procedure pursuant to section 4 of the Administrative Procedure Act are impracticable and unnecessary, and that the rule may be and is hereby declared effective on October 1, 1956.

Section 240.15c2-3 is amended to read as follows:

§ 240.15c2-3 *Prohibiting trading in German securities unless validated.* The term "fraudulent, deceptive, or manipulative act or practice", as used in section 15 (c) (2) of the act, is hereby defined to include any act of any broker or dealer designed to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security required to be validated under any applicable validation law of the Federal Republic of Germany, unless (a) such security has been duly validated, and (b) (1) if such security is a dollar bond, there is attached a document of the Validation Board for German Dollar Bonds certifying to the validation of such security, or (2) if such security is an interest coupon detached from an unvalidated dollar bond, a document of the Validation Board for German Dollar Bonds certifying to the validation of such coupon is delivered with such coupon.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 20, 1956.

[F. R. Doc. 56-7891; Filed, Oct. 1, 1956; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54202]

PART 1—CUSTOMS DISTRICTS AND PORTS

EXTENSION OF LIMITS OF CUSTOMS PORT OF WILMINGTON, DELAWARE

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Chapter II), the limits of the customs port of entry of Wilmington, Delaware, in Customs Collection District No. 11 (Philadelphia), comprising the territory within the corporate limits of that city, and the territory embracing New Castle, Newport, and Claymont, in the State of Delaware, and Carneys Point and Deep Water Point, in the State of New Jersey, are hereby extended to include all the other territory in the State of Delaware lying between U. S. Highway No. 13 and the Delaware River, from the corporate limits of Wilmington to the Chesapeake and Delaware Canal, effective upon the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1 (c), Customs Regulations, is amended by inserting "including territory described in T. D. 54202" after the notation opposite "Wilmington, Del." in the column headed "Ports of entry" in District No. 11 (Philadelphia).

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-7917; Filed, Oct. 1, 1956; 8:51 a. m.]

[T. D. 54203]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE TOWING LAWS

Upon written recommendation in the interest of national defense by the Secretary of the Army, acting under the delegation of August 18, 1955 (20 F. R. 6361), of certain powers of the Secretary of Defense with respect to matters concerning the St. Lawrence Seaway Power Project or the St. Lawrence Seaway Navigation Project, and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and Revised Treasury Department Order No. 165, as amended (T. D.'s 53654 and 53966), I hereby waive compliance with section 316, title 46, United States Code, to the extent necessary to permit the Canadian tug "Harbor Master" to tow the Tecon Corporation undocumented barge No. 55 from Clayton, New York, to Stony Crest Island, New York, on one voyage to commence on or about September 27, 1956.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F. R. Doc. 56-7918; Filed, Oct. 1, 1956; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter D—Miscellaneous Excise Taxes

[T. D. 626]

PART 42—FACILITIES AND SERVICES TAXES

SUBPART D—TRANSPORTATION OF PERSONS

On August 24, 1956, notice of proposed rule making with respect to regulations under sections 4261, 4262, 4263, and 4264 of part I of subchapter C of chapter 33, and sections 4291, 4292, and 4293 of subchapter E of chapter 33 of the Internal Revenue Code of 1954, relating to the tax on the transportation of persons, was published in the FEDERAL REGISTER (21 F. R. 6386). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

Subpart D—Transportation of Persons

Sec.
42.4261.0-1 Introduction.
42.4261 Statutory provisions; imposition of tax; amounts paid within the United States; amounts paid outside the United States; seats, berths, etc.; by whom paid.
42.4261-1 Imposition of tax; in general.
42.4261-2 Rate and application of tax.
42.4261-3 Payments made within the United States.
42.4261-4 Payments made in the United States; evidence of nontaxability.
42.4261-5 Payments made outside the United States.
42.4261-6 Payments made outside the United States; evidence of nontaxability.
42.4261-7 Examples of payments subject to tax.
42.4261-8 Examples of payments not subject to tax.
42.4261-9 Seats and berths; rate and application of tax.
42.4261-10 By whom paid.
42.4262 (a) Statutory provisions; definition of taxable transportation; taxable transportation; in general.
42.4262 (a)-1 Taxable transportation.
42.4262 (b) Statutory provisions; exclusion of certain travel.
42.4262 (b)-1 Exclusion of certain travel.
42.4262 (c) Statutory provisions; definitions; continental United States; 225-mile zone.
42.4262 (c)-1 Definitions.
42.4263 (a) Statutory provisions; exemptions; commutation travel.
42.4263 (a)-1 Commutation tickets.
42.4263 (a)-2 Charges not exceeding 60 cents.
42.4263 (b) Statutory provisions; exemptions; small vehicles on nonestablished lines.
42.4263 (b)-1 Motor vehicles with seating capacity of less than ten.
42.4263 (c) Statutory provisions; exemptions; fishing trips.
42.4263 (c)-1 Fishing trips.
42.4263 (d) Statutory provisions; exemptions; certain organizations.
42.4263 (d)-1 Transportation furnished to certain organizations.
42.4263 (e) Statutory provisions; exemptions; members of the Armed Forces.
42.4263 (e)-1 Members of the Armed Forces.
42.4264 (a) Statutory provisions; special rules; payments made outside the United States for prepaid orders.
42.4264 (a)-1 Duty to collect the tax; payments made outside the United States.
42.4264 (b) Statutory provisions; special rules; tax deducted upon refunds.
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42.4264 (c) Statutory provisions; special rules; payment of tax.
42.4264 (c)-1 Special rule for the payment of tax.
42.4264 (d) Statutory provisions; special rules; application of tax.
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42.4264 (e)-1 Round trips.
42.4264 (f) Statutory provisions; special rules; transportation outside the northern portion of the Western Hemisphere.
42.4264 (f)-1 Transportation outside the northern portion of the Western Hemisphere.
42.4291 Statutory provisions; cases where persons receiving payment must collect tax.
42.4291-1 Duty to collect tax.
42.4292 Statutory provisions; State and local government exemption.
42.4292-1 State and local government exemptions.
42.4293 Statutory provisions; exemption for United States and possessions.
42.4293-1 Exemption for the United States and possessions.

AUTHORITY: §§ 42.4261.0-1 to 42.4293, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

SUBPART D—TRANSPORTATION OF PERSONS

§ 42.4261.0-1 *Introduction*—(a) *Scope of regulations.* The regulations contained in this subpart relate to the tax on the transportation of persons imposed by part I of subchapter C of chapter 33 of the Internal Revenue Code of 1954, as amended.

(b) *Period covered.* The regulations in this subpart apply to amounts paid on or after October 1, 1956, for transportation of persons commencing on or after such date. The regulations with respect to amounts paid after December 31, 1954, and before October 1, 1956, for transportation of persons commencing at any time and with respect to amounts paid after September 30, 1956, for transportation of persons commencing before October 1, 1956, are contained in Regulations 42 (1942 edition) (26 CFR (1939) Part 130), as prescribed and made applicable to part I of subchapter C of chapter 33 of the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954. The regulations relating to certain related administrative provisions contained in Subpart G of Regulations 42, and the provisions of Treasury Decision 6131, approved April 29, 1955, apply to amounts paid for the transportatfon of persons which are covered by the regulations in this subpart. The regulations with respect to other applicable administrative provisions contained in subtitle F (Procedure and Administration) of the Internal Revenue Code of 1954 are set forth in the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 42.4261 *Statutory provisions; imposition of tax; amounts paid within the United States; amounts paid outside the United States; seats, berths, etc.; by whom paid.*

SEC. 4261. *Imposition of tax*—(a) *Amounts paid within the United States.* There is hereby imposed upon the amount paid within the United States for taxable transportation (as defined in section 4262) of any person by

rail, motor vehicle, water, or air a tax equal to 10 percent of the amount so paid.

(b) *Amounts paid outside the United States.* There is hereby imposed upon the amount paid without the United States for taxable transportation (as defined in section 4262) of any person by rail, motor vehicle, water, or air, but only if such transportation begins and ends in the United States, a tax equal to 10 percent of the amount so paid.

(c) *Seats, berths, etc.* There is hereby imposed upon the amount paid for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by subsection (a) or (b) a tax equivalent to 10 percent of the amount so paid.

(d) *By whom paid.* Except as provided in section 4264, the taxes imposed by this section shall be paid by the person making the payment subject to the tax.

[Section 4261 as amended by section 1 and section 4 (b) of Pub. Law 796 (70 Stat. 644, 646), approved July 25, 1956]

§ 42.4261–1 *Imposition of tax; in general.* Section 4261 imposes a tax at the rate of 10 percent upon payments made for taxable transportation of persons by rail, motor vehicle, water, or air. For a definition of the term "taxable transportation", see section 4262 and § 42.4262–1. The tax accrues at the time payment is made for the transportation, irrespective of when the transportation is furnished. The purpose of the transportation, whether business or pleasure, is immaterial. It is not necessary that the transportation be between two definite points. If not otherwise exempt, a payment for continuous transportation beginning and ending at the same point is subject to the tax.

§ 42.4261–2 *Rate and application of tax.* (a) The tax under section 4261 is 10 percent of the amount paid for taxable transportation.

(b) The tax is measured by the total amount paid, whether paid at one time or collected at intervals during the course of a continuous transportation, as in the case of a carrier operating under the zone system.

(c) The tax is determined by the amount paid for transportation with respect to each person. Thus, where a single payment is made for the transportation of two or more persons, the taxability of the payment and the amount of the tax, if any, payable with respect thereto, must be determined on the basis of the portion of the total payment properly allocable to each person transported.

(d) Where a payment covers charges for nontransportation services as well as for transportation of a person, such as charges for meals, hotel accommodations, etc., the charges for the nontransportation services may be excluded in computing the tax payable with respect to such payment, provided such charges are separable and are shown in the exact amounts thereof in the records pertaining to the transportation charge. If the charges for nontransportation services are not separable from the charge for transportation of the person, the tax must be computed upon the full amount of the payment.

§ 42.4261–3 *Payments made within the United States*—(a) *Transportation beginning and ending in the United States or the 225-mile zone.* The tax imposed by section 4261 (a) applies to payments made within the United States for transportation which begins in the United States or in the 225-mile zone and ends in the United States or in the 225-mile zone. For example, an amount paid within the United States for transportation between New York and Montreal, Canada; between Vancouver, Canada, and Windsor, Canada; or between Nogales, Mexico, and Hermosillo, Mexico, would be fully taxable. See section 4262 (c) (2) for definition of the 225-mile zone.

(b) *Other transportation.* In the case of transportation other than that described in paragraph (a) of this section for which payment is made in the United States, the tax applies with respect to the amount paid for that portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States. Transportation that (1) begins in the United States or in the 225-mile zone and ends outside such area, (2) begins outside the United States or the 225-mile zone and ends inside such area, or (3) begins outside the United States and ends outside such area is taxable only with respect to such portion of the transportation which is directly or indirectly from one port or station in the United States to another such port or station. Thus, on a trip from Chicago to London, England, with a stop at New York, for which payment is made in the United States, the tax would apply to the part of the payment which is applicable to the transportation from Chicago to New York.

(c) *Method of computing tax on taxable portion.* Where a payment is made for transportation which is partially taxable under paragraph (b) of this section—

(1) The tax may be computed on that proportion of the total amount paid which the mileage of the taxable portion of the transportation bears to the mileage of the entire trip, or

(2) The tax may be computed on the basis of the applicable local fare for transportation of a like class between the ports or stations referred to in paragraph (b) of this section. Where a uniform fare is charged for transportation between a station and any coastal gateway point of embarkation on a trip to the same international destination, the tax may be computed on the basis of such uniform fare. In the absence of a fare described in this subparagraph, the tax must be determined in accordance with subparagraph (1) of this paragraph. If an international trip includes a leg between coastal gateway points of embarkation for which no additional fare is charged, no tax shall be applicable to such leg of the transportation.

(d) *Cross reference.* See section 4262 (b) and the regulations thereunder for a partial exclusion with respect to amounts paid for certain transportation.

§ 42.4261–4 *Payments made in the United States; evidence of nontaxability*—(a) *Presumption of taxability.* The tax imposed by section 4261 (a) shall apply to any amount paid within the United States for the transportation of any person, unless the taxpayer establishes in accordance with the provisions of this section that at the time of payment the transportation is not transportation in respect of which tax is imposed by section 4261 (a)) (see section 4264 (d)).

(b) *Through tickets.* In the case of transportation which is wholly or in part not taxable transportation, the issuance of one ticket (commonly known as a "through ticket") covering such transportation will be sufficient to establish that the amount paid for such transportation is wholly or in part not subject to tax. Thus, if A purchases a through ticket in the United States for transportation by air from Chicago to Edmonton, Canada, with a stop at Minneapolis, no further evidence will be required to establish that no tax applies with respect to the amount paid for the portion of the transportation between Minneapolis and Edmonton.

(c) *Separate tickets.* Where a separate ticket or order is issued for taxable transportation as defined in section 4262 (a) (1) (hereinafter referred to as the "domestic ticket or order"), but the domestic ticket or order is to be used in conjunction with a ticket or order for additional transportation (hereinafter referred to as the "international ticket or order") which changes the tax consequences, unless the domestic ticket or order and the international ticket or order are purchased from a single agency or carrier at the same time, the person making payment for the domestic ticket or order shall at the time of payment exhibit the international ticket or order to the agency or carrier receiving such payment. The agency or carrier which receives the payment for the domestic ticket or order shall inscribe the tickets or orders for the entire journey in the following manner:

(1) The international ticket or order shall be inscribed or stamped with an appropriate legend (for example, "Cannot be reused to obtain any tax exemption on a domestic ticket or order") to show that a domestic ticket or order has been purchased wholly or partially tax free for use in conjunction therewith.

(2) The domestic ticket or order shall be inscribed to show (i) the identity of the agency or carrier which received payment therefor (unless otherwise shown on the ticket or order), (ii) the origin and destination of the additional transportation, (iii) the identity of the carrier furnishing the additional transportation, and (iv) the serial number of the ticket or order covering such additional transportation. If the domestic ticket or order is not large enough to accommodate the prescribed inscription, a statement setting forth the required information shall be attached to such ticket or order.

§ 42.4261–5 *Payments made outside the United States*—(a) *In general.* The tax imposed by section 4261 (b) applies to amounts paid outside the United States for the taxable transportation of persons, but only if such transportation begins and ends in the United States. Thus, in addition to the exclusion provided for certain travel under section 4262 (b), the tax imposed by section 4261 (b) shall not apply unless the transportation both begins and ends within the United States. Accordingly, the tax does not apply to a payment made outside the United States for one-way or round-trip transportation between a point within the United States and a point outside the United States.

(b) *Transportation between two or more points in the United States.* (1) For purposes of this section, a payment made outside the United States for transportation between two or more points in the United States is a payment for transportation which begins and ends in the United States, even though additional transportation to or from a point outside the United States is involved in the entire journey, if at the time of making payment for the transportation between two or more points in the United States it is not definitely established, under the rules set forth in § 42.4261–6, that such transportation is purchased for use in making the journey from or to a point outside the United States. The fact that the entire journey includes transportation from or to a point outside the United States is not in itself determinative of the liability for tax.

(2) The following examples illustrate the application of this paragraph:

Example (1). W travels from Havana, Cuba, to New York by way of Miami. He purchases in Havana a steamship ticket for his transportation from Havana to Miami and an exchange order for air transportation from Miami to New York. The ticket for the connecting transportation from Havana to Miami, and the order for the transportation from Miami to New York were not appropriately inscribed by the agency or carrier which received the payment for the air transportation involved at the time such payment was received so as to clearly show that the ticket and order were purchased for use in conjunction with each other. Therefore, the agency of carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York is required to collect the tax which applies to the amount paid outside the United States for such transportation.

Example (2). X travels on a round trip from Montreal, Canada, to Los Angeles by way of New York. He purchases in Montreal air transportation for the round trip between New York and Los Angeles, and uses a private automobile for transportation from Montreal to New York and return to Montreal. The amount paid in Montreal for the round-trip transportation between New York and Los Angeles is a payment for transportation which begins and ends in the United States, and is therefore subject to tax.

(c) *Cross reference.* See section 4262 (b) and the regulations thereunder for a partial exclusion with respect to amounts paid for certain transportation.

§ 42.4261–6 *Payments made outside the United States; evidence of nontaxability*—(a) *In general.* The tax does not apply to a payment made outside the United States for transportation which begins or ends outside the United States. For purposes of the preceding sentence, a payment made outside the United States for transportation between two or more points within the United States (such transportation being referred to hereinafter in this section as "the United States portion"), which is part of transportation from or to a point outside the United States is a payment for transportation which begins or ends outside the United States, where it is definitely established at the time of making payment for the United States portion that such portion is purchased for use in making the journey from or to a point outside the United States. The nontaxable character of the payment made outside the United States for the United States portion shall be established under the rules set forth in paragraphs (b) through (e) of this section.

(b) *Through tickets.* Where one ticket (commonly known as a "through ticket") is issued to cover all of the United States portion of a journey which begins or ends outside the United States and to cover also the connecting transportation from or to a point outside the United States, no further evidence of the nontaxable character of the transportation covered by such ticket will be required.

(c) *Separate tickets.* Where separate tickets or orders are issued for the United States portion of a journey which begins or ends outside the United States, the agency or carrier which receives payment for such tickets or orders shall definitely determine at the time of receiving the payment that the United States portion is being purchased for use in conjunction with connecting transportation from or to a point outside the United States, and shall appropriately inscribe the tickets or orders issued outside the United States for the United States portion and for the connecting transportation from or to a point outside the United States to show clearly that such tickets or orders are purchased for use in conjunction with each other. Such tickets or orders shall be inscribed in the following manner:

(1) The ticket or order for the connecting transportation from or to a point outside the United States shall be inscribed or stamped with an appropriate legend (for example, "Not to be used again for purchase of tax-free United States transportation") to show that the United States portion has been purchased tax free for use in conjunction therewith.

(2) Where the ticket for the United States portion is issued outside the United States, it shall be inscribed to show (i) the identity of the agency or carrier which received payment therefor (unless otherwise shown on the ticket), (ii) the origin and destination of the connecting transportation, (iii) the identity of the carrier furnishing the connecting transportation, and (iv) the serial number of the ticket or order covering such connecting transportation. If the ticket is not large enough to accommodate the prescribed inscription, a statement setting forth the required information shall be attached to such ticket.

(3) Where an order for the United States portion is issued outside the United States, it shall be inscribed to show (i) the origin and destination of the connecting transportation, (ii) the identity of the carrier furnishing the connecting transportation, and (iii) the serial number of the ticket or order covering such connecting transportation.

(d) *Ticket issued pursuant to inscribed order.* Where the ticket for the United States portion is issued in the United States pursuant to an order which was purchased and properly inscribed outside the United States under the rules set forth in paragraph (c) (3) of this section, liability for payment or collection of tax will not be incurred upon the issuance of the ticket provided the agency or carrier issuing such ticket stamps or inscribes thereon an appropriate legend, for example, "Tax not paid—furnished on order", or "Exempt—order".

(e) *Maintenance of records.* In any case where a payment for the United States portion is not subject to tax under the rules set forth in this section, the carrier furnishing transportation for the United States portion shall procure and maintain appropriate evidence which will clearly show that the tickets or orders for such transportation were purchased for use in conjunction with connecting transportation from or to a point outside the United States.

(f) *Examples.* The following are examples of nontaxable transportation:

Example (1). Y travels from London, England, to San Francisco by way of New York. He purchases from an agency or carrier in England all of the transportation involved in such journey, which includes air transportation from London to New York and from New York to San Francisco, for which separate tickets are issued. The agency or carrier which receives the payment for Y's transportation from New York to San Francisco will not be required to collect tax with respect to the payment, provided it determines at the time such payment is received that the transportation in question is being purchased for use in conjunction with the connecting transportation from London to New York and it appropriately inscribes both of the tickets for the journey.

Example (2). Z travels from Havana, Cuba, to New York by way of Miami. He purchases in Havana, Cuba, a ticket for his transportation by water from Havana to Miami, and later purchases from a travel agency in Havana air transportation from Miami to New York for which the travel agency issues an exchange order. To establish the nontaxable character of the payment for Z's transportation from Miami to New York the travel agency shall determine at the time payment is received by it that the transportation is being purchased for use in conjunction with the connecting transportation from Havana to Miami, and shall make the appropriate inscription on the ticket and the order. The carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York will not be required to collect tax with respect to the ticket so issued if it appropriately inscribes the ticket as provided in paragraph (d) of this section.

§ 42.4261–7 *Examples of payments subject to tax.* The following are examples of payments for transportation which, unless otherwise exempt under section 4263, 4292, or 4293, are subject to tax.

(a) *Cash fares.* The tax applies to payments of so-called "cash fares" where no ticket or other evidence of the right to transportation is issued to the passenger.

(b) *Scrip books.* The tax applies to the amount paid for scrip books. The tax shall be collected from the purchaser at the time the scrip book is sold, and not when and as the scrip is used for transportation.

(c) *Additional charges.* Amounts paid as additional charges for changing the class of accommodations, changing the destination or route, extending the time limit of a ticket, as "extra fare", or for exclusive occupancy of a section, etc., are subject to the tax.

(d) *Round-trip tickets.* An amount of 61 cents or more paid for a round-trip ticket is taxable (1) if the one-way fare of like class is 61 cents, or more, or (2) if there is no established one-way fare of like class.

(e) *Commutation or season tickets.* (1) Amounts paid for commutation or season tickets good for more than one month is subject to tax where the single trip is 30 miles or more. For this purpose the term "30 miles" means 30 constructive miles where the rate for transportation is fixed on the constructive mileage. The tax shall be collected from the purchaser at the time of payment for the commutation or season ticket, and not when and as the ticket is used for transportation.

(2) In the event that a partly used exempt commutation or season ticket is redeemed and the carrier, in determining the amount of the refund, makes a charge at regular rates for the used portion of the ticket, the tax applies to such charge, if the one-way fare is more than 60 cents.

(f) *Prepaid orders, exchange orders, or similar orders.* The tax applies to the amounts paid for prepaid orders, exchange orders, or similar orders for transportation. Additional amounts paid in procuring transportation in connection with the use of prepaid orders, exchange orders, or similar orders, are likewise subject to tax.

(g) *Combinations of rail, motor vehicle, water, or air transportation.* The tax applies to the total amount paid for transportation over the lines of a number of connecting carriers; and also to the total amount paid for any combination of rail, motor vehicle, water, or air transportation, such as rail-air line, air line-motor bus, or motor bus-steamship, etc.

(h) *Chartered conveyances.* (1) An amount paid for the charter of a special car, train, motor vehicle, aircraft, or boat for transportation purposes, provided no charge is made by the charterer to the persons transported, is subject to tax if the amount paid for the charter represents a per capita charge of more than 60 cents for each person actually transported. For the exemption of amounts paid for transportation of persons on boats chartered for fishing purposes, see § 42.4263 (c)–1.

(2) The charterer of a conveyance who sells transportation to other persons must collect and account for the tax with respect to all amounts paid to him for transportation which are in excess of 60 cents. In such case, no tax will be due on the amount paid for the charter of the conveyance but it shall be the duty of the owner of the conveyance to advise the charterer of his liability for collecting and accounting for the tax.

(i) *All-expense tours.* Amounts paid for all-expense tours are subject to tax with respect to that portion representing taxable transportation. See §§ 42.4261–2 (d) and 42.4261–8 (f) (4).

(j) *Payments remitted to foreign countries by persons in the United States.* Payments for transportation tickets, prepaid orders, exchange orders, or similar orders are subject to the tax where the payment for such tickets or orders is accomplished by the purchaser either (1) by transmission from within the United States via telegraph or mail of cash, checks, postal or telegraphic money orders, and similar drafts to ticket offices or travel agencies, etc., located in any place without the United States, or (2) by the delivery of the funds to an agency located in the United States for transmission to ticket offices, or travel agencies, etc., without the United States. Such payments are considered to be payments made within the United States.

§ 42.4261–8 *Examples of payments not subject to tax.* In addition to a payment specifically exempt under sections 4263, 4292, and 4293, the following are examples of payments not subject to tax:

(a) *Exchange of prepaid order, scrip, etc., for tickets.* A ticket issued pursuant to an exchange order, prepaid order, airline pilot order, or scrip, is not subject to tax where the tax is paid at the time of payment for the order or scrip.

(b) *Caretakers and messengers accompanying freight shipments.* The tax on the transportation of persons does not apply to amounts paid for transportation of freight that includes also the transportation of caretakers or messengers for which no specific charge as such is made. However, such amount is subject to the tax on the transportation of property imposed by section 4271.

(c) *Special baggage cars.* An amount paid for a special baggage car is not subject to the tax on the transportation of persons if separable from the payment for transportation of persons and if shown in the exact amount of the charge on the records covering the taxable transportation payment. However, such amount is subject to the tax on the transportation of property imposed by section 4271.

(d) *Circus or show trains.* The amount paid pursuant to a contract for the movement of a circus or show train where the amount covers only the transportation of the performers, laborers, animals, equipment, etc., by the circus or show train is not subject to the tax on the transportation of persons imposed by section 4261, but is subject to the tax on the transportation of property imposed by section 4271. However, if the contract payment also covers the issuance to advance agents, bill posters, etc., of circus or show scrip books, or other evidence of the right to transportation, for use on regular passenger trains, that portion of the contract payment properly allocable to such scrip books or other evidence is subject to the tax on the transportation of persons. The balance of the contract payment is subject to the tax on the transportation of property.

(e) *Corpses.* The tax on the transportation of persons does not apply to the amount paid for the transportation of a corpse, but does apply to the amount paid for the transportation of any person accompanying the corpse. The amount paid for the transportation of the corpse is subject to the tax on the transportation of property imposed by section 4271.

(f) *Miscellaneous charges.* Where the charge is separable from the payment for the transportation of a person and is shown in the exact amount thereof on the records pertaining to the transportation payment, the tax on the transportation of persons does not apply to the following and similiar charges:

(1) Charges for transportation of baggage, including incidental charges such as excess value, storage, transfer, parcel checking, special delivery, etc.

(2) Charges for transportation of an automobile in connection with the transportation of a person.

(3) Charges for bridge or road toll, or a ferry charge of 60 cents or less, made in connection with the transportation of a person by bus. Charges incurred by the carrier which are part of its costs of operation, such as bridge tolls, road tolls, or ferry charges, paid by the carrier on account of the bus and driver, cannot be deducted from the charge made to the passenger in determining the taxable charges for transportation.

(4) Charges for admissions, guides, meals, hotel accommodations, and other nontransportation services, for example, where such items are included in a lump sum payment for an all-expense tour.

(5) Charges in connection with the charter of a land, water, or air conveyance for the transportation of persons, such as for parking, icing, sanitation, "layover" or "waiting time", movement of equipment in deadhead service, dockage, wharfage, etc.

In the case of subparagraphs (1) and (2) of this paragraph the amounts paid are, however, subject to the tax on the transportation of property imposed by section 4271.

§ 42.4261–9 *Seats and berths; rate and application of tax.* (a) Section 4261 (c) imposes a tax upon payments of any amount for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by section 4261 (a) or (b).

(b) The tax is 10 percent of the amount of the taxable payment for the seating or sleeping accommodations.

(c) The rules and provisions of §§ 42.4261–1 to 42.4261–6, inclusive, with respect to the tax on payments for transportation imposed by section 4261 (a) or (b) are also applicable to the tax on payments for seating or sleeping accommodations.

§ 42.4261–10 *By whom paid.* The tax imposed by section 4261 is payable by the person making the taxable payment for transportation or for seats, berths, etc., and is collectible by the person receiving such payment. See section 4264 (a) and (c) for special rules relating to payment and collection of tax.

§ 42.4262 (a) *Statutory provisions; definition of taxable transportation; taxable transportation, in general.*

SEC. 4262. *Definition of taxable transportation*—(a) *Taxable transportation; in general.* For purposes of this part, except as provided in subsection (b), the term "taxable transportation" means—

(1) Transportation which begins in the United States or in the 225-mile zone and ends in the United States or in the 225-mile zone; and

(2) In the case of transportation other than transportation described in paragraph (1), that portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States.

[Section 4262 (a) as added by section 3 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4262 (a)–1 *Taxable transportation*—(a) *In general.* Unless excluded under section 4262 (b) (see § 42.4262 (b)–1), taxable transportation means—

(1) Transportation which begins in the United States or in that portion of Canada or Mexico which is not more than 225 miles from the nearest point in the continental United States (the "225-mile zone") and ends in the United States or in the 225-mile zone; and

(2) In the case of any other transportation, that portion of such transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States. Transportation from one port or station in the United States to another port or station in the United States occurs whenever a carrier, after leaving any port or station in the United States, makes a regularly scheduled stop at another port or station in the United States irrespective of whether stop-overs are permitted or whether passengers disembark.

(b) *Illustrations of taxable transportation under section 4262 (a) (1).* In each of the following examples the transportation is taxable transportation and the amount paid within the United States for such transportation is subject to the tax:

(1) New York to Seattle;

(2) New York to Vancouver, Canada, with a stop at Jasper, Canada;

(3) Chicago to Monterrey, Mexico;

(4) Montreal, Canada, to Toronto, Canada; and

(5) Miami to Los Angeles via Panama.

If in subparagraphs (1) and (5) of this paragraph, payment for the transportation had been made outside the United States, such payment would nevertheless have been subject to tax since in each case the transportation begins and ends in the United States.

(c) *Illustrations of taxable transportation under section 4262 (a) (2).* The following examples will illustrate the application of section 4262 (a) (2):

Example (1). A purchases in New York a round-trip ticket for transportation by air from New York to Havana, Cuba, with a stop at Miami. The amount paid for that part of the transportation between New York and Miami on both going and return trips is subject to tax, since such transportation is from one station in the United States to another station in the United States.

Example (2). B purchases a ticket in San Francisco for combination rail and water transportation from San Francisco to New York to Halifax, Canada, to London, England. The amount paid for that part of the transportation between San Francisco and New York is subject to tax, since such transportation is from one station in the United States to another station in the United States. Although Halifax is in the 225-mile zone, the transportation between New York and Halifax is not taxable because it is not transportation from one port in the United States to another port in the United States.

Example (3). C purchases a ticket in Seattle for transportation from Seattle to Lisbon, Portugal, with stops at Vancouver, Edmonton, and Montreal, Canada, and New York. The amount paid for that part of the transportation from Seattle to New York is subject to tax, since it is indirectly from one station in the United States to another station in the United States.

Example (4). E purchases in Chicago a ticket for transportation by air from Chicago to New York to Gander, Newfoundland, to London, England. Only the amount paid for that part of the transportation between Chicago and New York is subject to tax. If, while on the New York-Gander leg of the journey the aircraft is forced to land at Boston, because of weather or other emergency, no tax is imposed by reason of such emergency stop.

Example (5). G charters a plane in New York for transportation to Bogota, Colombia, and pays the charter charges in New York. The plane stops at an airport in Miami for refueling in accordance with its flight plan. The tax attaches with respect to that part of the transportation which is between New York and Miami.

(d) *Illustrations of transportation which is not taxable transportation.* The following examples will illustrate transportation which is not taxable transportation:

(1) New York to Trinidad by water with no stops in the United States;

(2) Minneapolis to Edmonton, Canada, with a stop at Winnipeg, Canada; and

(3) Los Angeles to Mexico City, Mexico, with stops at Tia Juana and Guadalajara, Mexico.

Amounts paid for the transportation referred to in the examples in this paragraph are not subject to the tax regardless of where payment is made, since none of the trips (i) begins in the United States or in the 225-mile zone and ends in the United States or in the 225-mile zone, nor (ii) contains a portion of transportation which is directly or indirectly from one port or station in the United States to another port or station in the United States.

§ 42.4262 (b) *Statutory provisions; exclusion of certain travel.*

SEC. 4262. *Definition of taxable transportation.* • • •

(b) *Exclusion of certain travel.* For purposes of this part, the term "taxable transportation" does not include that portion of any transportation which meets all 4 of the following requirements:

(1) Such portion is outside the United States;

(2) Neither such portion nor any segment thereof is directly or indirectly—

(A) Between (i) a point where the route of the transportation leaves or enters the continental United States, or (ii) a port or station in the 225-mile zone, and

(B) A port or station in the 225-mile zone;

(3) Such portion—

(A) Begins at either (i) the point where the route of the transportation leaves the United States, or (ii) a port or station in the 225-mile zone, and

(B) Ends at either (i) the point where the route of the transportation enters the United States, or (ii) a port or station in the 225-mile zone; and

(4) A direct line from the point (or the port or station) specified in paragraph (3) (A), to the point (or the port or station) specified in paragraph (3) (B), passes through or over a point which is not within 225 miles of the United States.

[Section 4262 (b) as added by section 3 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4262 (b)–1 *Exclusion of certain travel*—(a) *In general.* Under section 4262 (b) taxable transportation does not include that portion of any transportation which meets all four of the following requirements:

(1) Such portion is outside the United States;

(2) Neither such portion nor any segment thereof is directly or indirectly—

(i) Between (*a*) a point where the route of the transportation leaves or enters the continental United States, or (*b*) a port or station in the 225-mile zone, and

(ii) A port or station in the 225-mile zone;

(3) Such portion—

(i) Begins at either (*a*) the point where the route of the transportation leaves the United States, or (*b*) a port or station in the 225-mile zone, and

(ii) Ends at either (*a*) the point where the route of the transportation enters the United States, or (*b*) a port or station in the 225-mile zone; and

(4) A direct line from the point (or the port or station) specified in subparagraph (3) (i) of this paragraph, to the point (or the port or station) specified in subparagraph (3) (ii) of this subparagraph, passes through or over a point which is not within 225 miles of the United States.

For purposes of this section, the route of the transportation shall be deemed to leave or enter the United States when it passes over (1) the international boundary line between any part of the United States and a contiguous foreign country, or (2) a point three nautical miles (3.45 statute miles) from low tide on the coastline.

(b) *Transportation to or from the Territories of Alaska and Hawaii.* (1) Under the provisions of section 4262 (b) transportation between the continental United States or the 225-mile zone and the Territory of Alaska or Hawaii will be partially exempt from the tax. The portion of such transportation which (i) is outside the United States, (ii) is not transportation between ports or stations within the continental United States or the 225-mile zone, and (iii) is not transportation between ports or stations within the Territory of Alaska or Hawaii, meets all the requirements set forth in section 4262 (b) and is excluded from taxable transportation.

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). A buys a ticket for transportation by air from Seattle to Fairbanks, Alaska, via Ketchikan and Juneau, Alaska, and Whitehorse, Yukon Territory, Canada. The portion of the transportation between the point where the route of the transportation leaves the continental United States and the point where it first enters Alaska (the three-mile limit or the international boundary) is not subject to tax.

Example (2). B purchases combination rail-water transportation from Chicago to Juneau, Alaska, by way of Vancouver, Canada. The portion of the transportation from Vancouver to the point where the route of the transportation enters the three-mile limit off the coast of Alaska is not subject to tax.

Example (3). C purchases a ticket in the United States for transportation by air from Vancouver, Canada, to Honolulu, T. H. No part of the route followed by the carrier passes through or over any part of the continental United States. The only part of the payment made by C for this transportation which is subject to the tax is that applicable to the portion of the transportation between the three-mile limit off the coast of Hawaii and the airport in Honolulu.

(c) *Method of computing tax on travel not excluded.* (1) Where a payment is made for transportation which includes transportation excluded under the provisions of section 4262 (b)—

(i) The tax may be computed on that proportion of the total amount paid which the mileage of the taxable portion of the transportation bears to the mileage of the entire trip, or

(ii) If the taxable portion of the transportation includes transportation from one port or station to another port or station for which an applicable local fare of a like class is available, the tax may be computed on the amount of such local fare, plus an amount equivalent to that proportion of the remainder of the total amount paid which the mileage of the remainder of the taxable portion of the transportation bears to the remainder of the mileage of the entire trip. If the taxable transportation includes a leg from a station to a coastal gateway point of embarkation for which a uniform fare is charged regardless of the gateway point actually used, the tax on such a leg may be computed on the basis of such uniform fare. In the absence of a fare described in this subparagraph, the tax must be determined in accordance with subdivision (i) of this subparagraph. If the taxable portion of the transportation includes a leg between coastal gateway points of embarkation for which no additional fare is charged, no tax shall be applicable to such leg of the transportation.

(2) The basis for determining the proportions described in subdivisions (i) and (ii) of this paragraph shall be the average mileage of the established route traveled by the carrier between given points under normal circumstances.

(d) *Illustration.* The application of § 42.4262 (b)–1 (c) may be illustrated by the following example:

Example. A purchases in San Francisco a ticket for transportation by air to Honolulu, T. H. The portion of the transportation which is outside the continental United States and is outside the Territory of Hawaii is excluded from taxable transportation. The tax applies to that part of the payment made by A which is applicable to the portion of the transportation between the airport in San Francisco and the three-mile limit off the coast of California (a distance of 15 miles) and between the three-mile limit off the coast of Hawaii and the airport in Honolulu (a distance of 5 miles). The part of the payment made by A which is applicable to the taxable portion of his transportation and the tax due thereon are computed in accordance with paragraph (c) (1) as follows:

Mileage of entire trip (San Francisco airport to Honolulu airport)	2,400 miles.
Mileage in continental United States	15
Mileage in Hawaii	5
	—20 miles.
Fare from San Francisco to Honolulu	$168.00.
Payment for taxable portion (20/2400×$168)	$1.40.
Tax due (10%×$1.40)	$0.14.

All distances and fare assumed for purposes of this example.

§ 42.4262 (c) *Statutory provisions; definitions; continental United States; 225-mile zone.*

SEC. 4262. *Definition of taxable transportation.* • • •

(c) *Definitions.* For purposes of this section—

(1) *Continental United States.* The term "continental United States" means the existing 48 States and the District of Columbia.

(2) *225-mile zone.* The term "225-mile zone" means that portion of Canada and Mexico which is not more than 225 miles from the nearest point in the continental United States.

[Section 4262 (c) as added by section 3 of Pub. Law 796 (70 Stat. 644), approved July 25, 1956]

§ 42.4262 (c)–1 *Definitions*—(a) *The continental United States.* For the purposes of the regulations in this subpart, the term "continental United States" means the existing 48 States and the District of Columbia, including inland waters (such as rivers, lakes, bays, etc.) lying wholly therein, and, where an international boundary line divides inland waters, such parts of such inland waters as lie within the boundary of the United States, and also the waters 3 nautical miles (3.45 statute miles) from low tide on the coast line.

(b) *The 225-mile zone.* For purposes of the regulations in this subpart, the term "225-mile zone" means that portion of Canada and Mexico which is not more than 225 miles from the nearest point in the continental United States. Whether any point in Canada or Mexico is more than 225 miles from the continental United States is to be determined by measuring the distance from such point to the nearest point on the boundary of the continental United States.

§ 42.4263 (a) *Statutory provisions; exemptions; commutation travel; etc.*

SEC. 4263. *Exemptions*—(a) *Commutation travel, etc.* The tax imposed by section 4261 shall not apply to amounts paid for transportation which do not exceed 60 cents, to amounts paid for commutation or season tickets for single trips of less than 30 miles, or to amounts paid for commutation tickets for one month or less.

[Section 4262 (b), redesignated section 4263 (a) by section 2 of Pub. Law 796 (70 Stat. 644), approved July 25, 1956, and as amended by Pub. Law 1015 (70 Stat. 1077), approved August 7, 1956]

§ 42.4263 (a)–1 *Commutation tickets.* (a) Amounts paid for commutation or season tickets or books for single trips of less than 30 miles are exempt from the tax imposed under section 4261, regardless of the length of time for which such tickets or books are valid. The phrase "less than 30 miles" means less than 30 constructive miles in instances where the charge is based on constructive mileage.

(b) Amounts paid for commutation tickets or books for one month or less are exempt from the tax regardless of the distance of a single trip.

§ 42.4263 (a)–2 *Charges not exceeding 60 cents*—(a) *In general.* The tax imposed by section 4261 does not apply to transportation payments of 60 cents or less.

(b) *Round trips.* The exemption is determined by the amount paid for a single one-way trip. Thus, an amount of more than 60 cents paid for round-trip transportation is exempt from the tax, if the regular one-way single fare of like class between the terminal points of the round trip does not exceed 60 cents.

(c) *Charters.* An amount paid for the charter of a car, train, motor vehicle, aircraft, or boat is exempt from the tax, if the payment represents a per capita charge of 60 cents or less for each person actually transported.

(d) *Seating or sleeping accommodations.* Any amount paid for seating or sleeping accommodations is not subject to tax under section 4261 (c) where the amount of the related payment for transportation is 60 cents or less. However, where the payment for transportation exceeds 60 cents, a payment for seating or sleeping accommodations in connection with such transportation is subject to the tax regardless of the amount thereof.

§ 42.4263 (b) *Statutory provisions; exemptions; small vehicles on nonestablished lines.*

SEC. 4263. *Exemptions.* • • •

(b) *Small vehicles on nonestablished lines.* The tax imposed by section 4261 shall not apply to transportation by motor vehicles having a passenger seating capacity of less than ten adult passengers, including the driver, except when such vehicle is operated on an established line.

[Section 4262 (c), redesignated section 4263 (b) by section 2 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4263 (b)–1 *Motor vehicles with seating capacity of less than ten.* No tax is imposed under section 4261 on transportation by a motor vehicle having a seating capacity of less than ten adult passengers, including the driver, unless such vehicle is operated on an established line. The term "operated on an established line" means operated with some degree of regularity between definite points. It does not necessarily mean that strict regularity of schedule is maintained; that the full run is always made; that a particular route is followed; or that intermediate stops are restricted. The term implies that the person rendering the service maintains and exercises control over the direction, route, time, number of passengers carried, etc.

§ 42.4263 (c) *Statutory provisions; exemptions; fishing trips.*

SEC. 4263. *Exemptions.* • • •

(c) *Fishing trips.* The tax imposed by section 4261 shall not apply to amounts paid for transportation by boat for the purpose of fishing from such boat.

[Section 4262 (d), redesignated section 4263 (c) by section 2 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4263 (c)–1 *Fishing trips.* No tax is imposed under section 4261 upon any amount paid for transportation by boat where the transportation is for the purpose of fishing from such boat.

§ 42.4263 (d) *Statutory provisions; exemptions; certain organizations.*

SEC. 4263. *Exemptions.* • • •

(d) *Certain organizations.* The tax imposed by section 4261 shall not apply to the payment for transportation or facilities furnished to an international organization, or any corporation created by act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.

[Section 4262 (e), redesignated section 4263 (d) by section 2 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4263 (d)–1 *Transportation furnished to certain organizations*—(a) *The American National Red Cross.* The tax imposed by section 4261 does not apply to amounts paid for transportation or facilities furnished to any corporation created by act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864 (The American National Red Cross).

(b) *International organizations.* The tax imposed by section 4261 does not apply to amounts paid for transportation or facilities furnished to an international organization. See section 7701 (a) (18) for the definition of "international organization". An international organization is designated as such by the President through an Executive order or orders. When an organization has been designated by the President as entitled to enjoy the privileges, exemptions and immunities conferred by the International Organizations Immunities Act, or part thereof, including exemption from the tax, the exemption applies to amounts so paid unless the President otherwise provides. The exemption is subject to withdrawal or revocation by the President. In case of withdrawal or revocation, unless otherwise provided by the President, the exemption is inapplicable to payments on or after the date of issuance of the order of withdrawal or the date of revocation.

(c) *Evidence of right to exemption.* The right to exemption under section 4263 (d) shall be established by the use of exemption certificate, Form 731. See § 42.4292–1 (b) for the rules applicable when the right to exemption is evidenced by exemption certificates.

§ 42.4263 (e) *Statutory provisions; exemptions; members of the armed forces.*

SEC. 4263. *Exemptions.* • • •

(e) *Members of the armed forces.* The tax imposed by section 4261 shall not apply to the payment for transportation or facilities furnished under special tariffs providing for fares of not more than 2.025 cents per mile applicable to round-trip tickets sold to personnel of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard traveling in uniform of the United States at their own expense when on official leave, furlough, or pass, including authorized cadets and midshipmen, issued on presentation of properly executed certificate.

[Section 4262 (b), redesignated section 4263 (e) by section 2 of Pub. Law 796 (70 Stat. 644) approved July 25, 1956]

§ 42.4263 (e)–1 *Members of the armed forces.* The tax imposed by section 4261 does not apply to amounts paid for transportation or for seating or sleeping accommodations furnished under special tariffs providing for fares of not more than 2.025 cents per mile applicable to round-trip tickets sold to personnel of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, including authorized cadets and midshipmen, traveling in uniform of the United States at their own expense when on official leave, furlough, or pass. A person claiming exemption under this section will be required to exhibit to the agent of the carrier a properly executed certificate to show that he is traveling on official leave, furlough, or pass, but the submission of an exemption certificate on Form 731 is not necessary in such case.

§ 42.4264 (a) *Statutory provisions; special rules; payments made outside the United States for prepaid orders.*

SEC. 4264. *Special rules.* (a) *Payments made outside the United States for prepaid orders.* If the payment upon which tax is imposed by section 4261 is made outside the United States for a prepaid order, exchange order, or similar order, the person furnishing the initial transportation pursuant to such order shall collect the amount of the tax.

[Section 4264 (a) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645), approved July 25, 1956]

§ 42.4264 (a)–1 *Duty to collect the tax; payments made outside the United States.* Where payment is made outside the United States for a prepaid order, exchange order, or similar order for transportation which begins and ends in the United States or for seating or sleeping accommodations in connection therewith, the person furnishing the initial transportation pursuant to such order shall collect all the tax applicable to such transportation or accommodations. See section 4291 and the regulations thereunder for cases where persons receiving payment must collect the tax.

§ 42.4264 (b) *Statutory provisions; special rules; tax deducted upon refunds.*

SEC. 4264. *Special rules.* • • •

(b) *Tax deducted upon refunds.* Every person who refunds any amount with respect to a ticket or order which was purchased without payment of the tax imposed by section 4261, shall deduct from the amount refundable, to the extent available, any tax due under such section as a result of the use of a portion of the transportation purchased in connection with such ticket or order, and shall report to the Secretary or his delegate the amount of any such tax remaining uncollected.

[Section 4264 (b) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645), approved July 25, 1956]

§ 42.4264 (b)–1 *Duty to collect the tax in the case of certain refunds*—(a) *Special rule for collection of tax.* Section 4264 (b) provides a special rule for the collection of the tax where an unused ticket or order (or portion thereof) purchased without payment of tax is presented for refund and, as a result of the use of only a portion of the transportation purchased in connection with such ticket or order, liability for payment of tax has been incurred. In such a case, the person making the refund shall deduct the amount of the tax due, to the extent available, from the amount which would otherwise be refundable. If the redemption value of the unused ticket or order (or portion thereof) is less than the amount of the tax due on the amount paid for the travel actually performed, the person redeeming the unused ticket or order (or portion thereof) shall make no refund but shall apply the entire amount against the tax due and shall collect any additional tax due or, within 90 days, shall make a report of the amount of the tax remaining uncollected, together with the name and address of the person who sought the refund. The report shall be made to the office of the district director of internal revenue for the district in which the person making such report is located, and a copy of the report shall be furnished to the person presenting the unused ticket or order for redemption.

(b) *Return of tax.* Any person who has made a collection of tax in accordance with the preceding paragraph shall include such amount in his regular return of taxes required to be collected under section 4291.

(c) *Illustration.* A carrier receives for redemption a ticket purchased in the United States for transportation from Calgary, Canada, to Edmonton, Canada, which the purchaser bought for use in conjunction with a ticket for non-stop transportation from Seattle to Calgary. The person applying for the refund does not establish to the satisfaction of the carrier that the tax on the Seattle-Calgary ticket has been paid or that the Seattle-Calgary ticket has been redeemed. The carrier, before making any refund for the unused ticket, is required to deduct from the amount otherwise refundable the tax applicable to the amount paid by the purchaser for the transportation from Seattle to Calgary and to report the tax so collected in its quarterly return on Form 720. In the event that the redemption value of the unused Calgary to Edmonton ticket is less than the amount of the tax due on the amount paid for the transportation from Seattle to Calgary, the carrier should not make any refund but should apply against the outstanding tax the entire amount refundable and should either collect the balance of the tax due or make a report, within 90 days, to the office of the district director of internal revenue for the district in which the carrier is located, setting forth the name and address of the person seeking the refund and the amount of the tax remaining uncollected.

§ 42.4264 (c) *Statutory provisions; special rules; payment of tax.*

SEC. 4264. *Special rules.* • • •

(c) *Payment of tax.* Where any tax imposed by section 4261 is not paid at the time payment for transportation is made, then, under regulations prescribed by the Secretary or his delegate, to the extent that such tax is not collected under any other provision of this subchapter—

(1) Such tax shall be paid by the person paying for the transportation or by the person using the transportation;

(2) Such tax shall be paid within such time as the Secretary or his delegate shall prescribe by regulations after whichever of the following first occurs:

(A) The rights to the transportation expire; or

(B) The time when the transportation becomes subject to tax; and

(3) Payment of such tax shall be made to the person to whom the payment for transportation was made or to the Secretary or his delegate.

[Section 4264 (c) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645) approved July 25, 1956]

§ 42.4264 (c)–1 *Special rule for the payment of tax*—(a) *Rule.* When any tax imposed by section 4261 is not paid at the time payment for the transportation is made, then to the extent that such tax is not collected under any other provision of law, such tax shall be paid by the person paying for the transportation or by the person using the transportation. The provisions of section 4264 (c) apply where the amount paid for transportation is (1) subject to tax at the time such payment is made, but no tax is paid at that time, or (2) not subject to tax at the time such payment is made, but because of some subsequent event the payment becomes subject to tax. The payment of tax shall be made to the district director of internal revenue for the district in which the taxpayer resides, or to the person from whom the transportation was purchased, within thirty days after whichever of the following first occurs: (i) The rights to the transportation expire, or (ii) the transportation becomes subject to tax. Such payment shall be accompanied with an explanation that it is being made in accordance with section 4264 (c).

(b) *Relationship to other sections.* Section 4264 (c) and this section are not intended in any way to relieve the person receiving the payment for taxable transportation of persons from his duty under section 4291 of collecting the tax at the time such payment is received by him. The provisions of section 4264 (c) and this section also do not apply in any case where the tax is collected in the manner provided in section 4264 (a) or (b) or in other provisions of law.

(c) *Illustration.* The provisions of this section may be illustrated by the following example:

Example: A purchases in New York a round-trip ticket for transportation between New York and London, England, with a stop-over in Montreal, Canada. After arriving in Montreal A decides not to continue his trip to London and returns to New York. A is liable for tax with respect to the amount paid for his transportation from New York to Montreal and return. A's transportation became taxable transportation at the time he began his return trip to New York, and within thirty days thereafter A must pay the tax to either the person from whom he purchased the ticket or the appropriate district director of internal revenue.

§ 42.4264 (d) *Statutory provisions; special rules; application of tax.*

SEC. 4264. *Special rules.* • • •

(d) *Application of tax.* The tax imposed by section 4261 shall apply to any amount paid within the United States for transportation of any person unless the taxpayer establishes, pursuant to regulations prescribed by the Secretary or his delegate, at the time of payment for the transportation, that the transportation is not transportation in respect of which tax is imposed by section 4261.

[Section 4264 (d) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645), approved July 25, 1956]

§ 42.4264 (d)–1 *Cross reference.* For the rules applicable under section 4264 (d) see § 42.4261–4.

§ 42.4264 (e) *Statutory provisions; special rules; round trips.*

SEC. 4264. *Special rules.* • • •

(e) *Round trips.* In applying this part to a round trip, such round trip shall be considered to consist of transportation from the point of departure to the destination, and of separate transportation thereafter.

[Section 4264 (e) as added by section 4 (a) of Pub. Law 796 (70 Stat. 645) approved July 25, 1956]

§ 42.4264 (e)–1 *Round trips*—(a) *In general.* For purposes of the regulations in this subpart, a round trip shall be considered to consist of two separate trips, i. e., one trip from the point of departure to the destination and a second trip in returning from the destination. A round trip includes certain journeys in which the same routing is not followed on the return trip from the destination to the point of departure as was taken on the going trip (sometimes referred to as "circle trips"). In the case of a cruise or tour (i. e., transportation to no set destination but with one or more intermediate stops en route) the point farthest from the point of departure will be regarded as the destination for purposes of applying the term "round trip". If a cruise or tour ends at a point other than the one at which it began, the rules of "open jaw" transportation set forth in paragraph (b) of this section apply.

(b) *Open jaw transportation.* Transportation which qualifies under this paragraph as "open jaw" transportation will be treated in the same manner as a round trip. For purposes of the regulations in this subpart, "open jaw" transportation means (1) transportation from the point of departure to a specified destination and return from the specified destination to a point other than the original point of departure, or (2) transportation from the point of departure to a specified destination and return from a point other than the specified destination to the original point of departure, provided that where the points of the open jaw are within the continental United States or the 225-mile zone, the distance betweeen the points of the open jaw does not exceed the distance of the shorter segment traveled. For example, a trip from New York to New Orleans via Panama would be considered as one trip from New York to Panama and separate trip from Panama to New Orleans, since the distance between the points of the open jaw (i. e., New York and New Orleans) is shorter than the distance between Panama and New Orleans (the shorter of the two segments traveled). Both trips would be nontaxable. On the other hand, transportation from New York to Miami via Bermuda does not qualify as "open jaw" transportation (since the points of the open jaw are in the United States and the distance between them is greater than the shorter segment traveled) and therefore would be considered a single trip from New York to Miami and would be taxable.

§ 42.4264 (f) *Statutory provisions; special rules; transportation outside the northern portion of the Western Hemisphere.*

SEC. 4264. *Special rules.* • • •

(f) *Transportation outside the northern portion of the Western Hemisphere.* In applying this part to transportation any part of which is outside the northern portion of the Western Hemisphere—

(1) If the route of such transportation leaves and re-enters the northern portion of the Western Hemisphere, such transportation shall be considered to consist of transportation to a point outside such northern portion, and of separate transportation thereafter.

(2) If such transportation is transportation by water on a vessel which makes one or more intermediate stops at ports within the United States on a voyage which begins or ends in the United States and ends or begins outside the northern portion of the Western Hemisphere, a stop at an intermediate port within the United States at which such vessel is not authorized both to discharge and to take on passengers shall not be considered to be a stop at a port within the United States.

For purposes of this subsection, the term "northern portion of the Western Hemisphere" means the area lying west of the 30th meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America.

[Section 4264 (f) as added by section 4 (a) of Pub. Law 796 (70 Stat. 646) approved July 25, 1956]

§ 42.4264 (f)–1 *Transportation outside the northern portion of the Western Hemisphere*—(a) *Transportation which leaves and re-enters the northern portion of the Western Hemisphere.* For purposes of the regulations in this subpart, transportation, any part of which is outside the northern portion of the Western Hemisphere (as defined in paragraph (c) of this section) shall, if the route of the transportation leaves and re-enters the northern portion of the Western Hemisphere, be considered to consist of transportation to the point outside such northern portion and of separate transportation thereafter. The amount paid for such transportation will be considered to be a payment made for two trips and the taxability of the payment will be determined accordingly. Thus, an amount paid for transportation from New York to San Francisco with a stop at Caracas, Venezuela, will be considered an amount paid for a trip from New York to Caracas and for a separate trip from Caracas to San Francisco neither of which is taxable transportation.

(b) *Transportation by water on a vessel*—(1) *Special rule.* Section 4264 (f) (2) provides a special rule in the case of transportation, any part of which is outside the northern portion of the Western Hemisphere, by water on a vessel which makes one or more intermediate stops at ports within the United States on a voyage which (i) begins or ends in the United States, and (ii) ends or begins outside the northern portion of the Western Hemisphere. In such a case, a stop at an intermediate port within the United States at which such vessel is not authorized both to discharge and to take on passengers shall not be considered to be a stop at a port within the United States. A vessel is considered to be authorized both to discharge and to take on passengers at an intermediate port unless there is a legal or other authoritative prohibition of such traffic. For purposes of the preceding sentence, an order issued by the owner or operator of a vessel prohibiting such vessel from either discharging or taking on passengers at the intermediate port is not a legal or other authoritative prohibition of such traffic.

(2) *Illustrations.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A purchases a steamship ticket in New York for transportation from New York to Southampton, England. The vessel on which A sails makes an intermediate stop during the course of such voyage at Boston to take on passengers. The vessel is not, however, authorized to discharge passengers at such port. No tax applies to the portion of the transportation between New York and Boston since under section 4264 (f) (2) the vessel is not considered to have made a stop at Boston.

Example (2). B purchases a steamship ticket in San Francisco for a voyage from San Francisco to Tokyo, Japan. The vessel on which B travels makes a stop at Honolulu, T. H., to discharge passengers. The vessel is also permitted to take on passengers in Honolulu. Since the vessel is permitted both to discharge and take on passengers at the stop in Honolulu, the portion of the transportation between San Francisco and Hawaii not excluded under section 4262 (b) (i. e., the portion of such transportation between the pier in San Francisco and the three-mile limit off the coast of California and between the three-mile limit off the coast of Hawaii and the pier in Honolulu) is taxable under section 4262 (a) (2) as transportation from one port in the United States to another port in the United States.

(c) *Northern portion of the Western Hemisphere.* For purposes of the regulations in this subpart, the term "northern portion of the Western Hemisphere" means the area lying west of the 30th meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America.

§ 42.4291 *Statutory provisions; cases where persons receiving payment must collect tax.*

SEC. 4291. *Cases where persons receiving payment must collect tax.* Except as provided in section 4264 (a), every person receiving any payment for facilities or services on which a tax is imposed upon the payor thereof under this chapter shall collect the amount of the tax from the person making such payment. • • •

[Section 4291 as amended by section 4 (c) of Pub. Law 796 (70 Stat. 646), approved July 25, 1956]

§ 42.4291–1 *Duty to collect tax.* Except as provided in section 4264 (a) and § 42.4264 (a)–1, the rules applicable under section 4291 by reason of Treasury Decision 6091, signed August 16, 1954, remain in full force and effect until superseded.

§ 42.4292 *Statutory provisions; State and local government exemption.*

SEC. 4292. *State and local governmental exemption.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section • • • 4261 • • • upon (1) any payment received for services or facilities furnished to • • • the Government of any State, Territory of the United States, or any political subdivision of the foregoing or the District of Columbia.

§ 42.4292–1 *State and local government exemptions*—(a) *In general.* The tax imposed by section 4261 shall not apply to amounts paid by a State, Territory of the United States, any political subdivision of the foregoing, or the District of Columbia, for the transportation of persons or for seating or sleeping accommodations furnished therewith. Amounts paid for transportation or facilities by an officer or employee of a State, Territory, etc., who is traveling on a mileage or other allowance basis are exempt from tax where reimbursement is made to such officer or employee.

(b) *Evidence of right to exemption.* The right to exemption under section 4292 (referred to in paragraph (a) of this section) shall be established by the use of (1) government transportation requests, or (2) exemption certificates, Form 731. When exemption certificates are used, a separate certificate must be furnished with respect to each amount paid for transportation or for seating or sleeping accommodations furnished in connection therewith. Where an exempt agency purchases transportation or facilities for a group of persons, as in the case of an officer conducting a number of prisoners, one certificate covering the total amount paid may be accepted by the carrier. Where an exempt agency makes periodic payments for transportation or facilities furnished officers or employees, one certificate covering the total amount paid at any one time may be accepted by the carrier. One exemption certificate covering a number of separate payments may not be accepted by the carrier. Every person claiming exemption from the tax must identify himself by presenting credentials in the form of papers, documents, or other evidence which will reasonably assure the agent of the carrier collecting a payment that he is the person covered by the exemption certificate issued on behalf of the exempt agency. The exemption certificate must be submitted to the carrier at the time the payment for transportation or facilities is made. The carrier will retain all exemption certificates accepted, with the record of services and facilities rendered, available for inspection by internal revenue officers for at least three years from the date the tax would have become due if payable.

§ 42.4293 *Statutory provisions; exemption for United States and possessions.*

SEC. 4293. *Exemption for United States and possessions.* The Secretary may authorize exemption from the taxes imposed by • • • subchapters • • • C of chapter 33, as to any particular • • • service or class of • • • services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such • • • services, or class of • • • services will cause substantial burden or expense which can be avoided by granting tax exemption and that full benefit of such exemption, if granted, will accrue to the United States.

§ 42.4293–1 *Exemption for the United States and possessions.* The tax imposed by section 4261 does not apply to any payment for transportation of persons or for seating or sleeping accommodations in connection therewith furnished to the United States upon a United States of America Transportation Request.

[SEAL] C. W. STOWE,
Acting Commissioner of Internal Revenue.

Approved: September 27, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56–7921; Filed, Sept. 28, 1956; 12:31 p. m.]

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6205]

PART 225—WAREHOUSING OF DISTILLED SPIRITS

PART 230—BOTTLING OF TAXPAID SPIRITS

PART 235—RECTIFICATION OF SPIRITS AND WINES

STRIP STAMPS

In order to permit bottlers to enclose bottles of distilled spirits in opaque cartons or wrappers, 26 CFR Parts 225, 230, and 235 are amended as follows:

PARAGRAPH 1. 26 CFR Part 225, "Warehousing of Distilled Spirits", is amended by revising § 225.1044 to read as follows:

§ 225.1044 *Concealing or obscuring stamps.* No part of the stamp shall be concealed or obscured by any label or other covering, except that the stamp may be covered by a cup, cap, seal, carton, wrapping, or other device, as provided in this section. Where stamps are so covered, such covering must either be sufficiently transparent to permit the data on the stamps to be read or be so applied that it may be readily removed without injury to the stamp. Where a cup or cap is placed over a stamp on a bottle, the arrangement must be such that a portion of the stamp will be plainly visible when the cup or cap is in place. Bottles may be enclosed in sealed, opaque cartons or wrappings, if such cartons or wrappings bear the legend "This package

may be opened for examination by internal revenue officers." Internal revenue officers shall have the right to open such carton or wrapping and examine the container.

(68A Stat. 602; 26 U. S. C. 5008)

PAR. 2. 26 CFR Part 230, "Bottling of Taxpaid Spirits", is amended by revising § 230.228 to read as follows:

§ 230.228 *Concealing or obscuring stamps.* No part of the stamp shall be concealed or obscured by any label or other covering, except that the stamp may be covered by a cup, cap, seal, carton, wrapping, or other device, as provided in this section. Where stamps are so covered, such covering must either be sufficiently transparent to permit the data on the stamps to be read or be so applied that it may be readily removed without injury to the stamp. Where a cup or cap is placed over a stamp on a bottle, the arrangement must be such that a portion of the stamp will be plainly visible when the cup or cap is in place. Bottles may be enclosed in sealed, opaque cartons or wrappings, if such cartons or wrappings bear the legend "This package may be opened for examination by internal revenue officers." Internal revenue officers shall have the right to open such carton or wrapping and examine the container.

(68A Stat. 602; 26 U. S. C. 5008)

PAR. 3. 26 CFR Part 235, "Rectification of Spirits and Wines", is amended by revising § 235.752 to read as follows:

§ 235.752 *Concealing or obscuring stamps.* No part of the stamp shall be concealed or obscured by any label or other covering, except that the stamp may be covered by a cup, cap, seal, carton, wrapping, or other device, as provided in this section. Where stamps are so covered, such covering must either be sufficiently transparent to permit the data on the stamp to be read or be so applied that it may be readily removed without injury to the stamp. Where a cup or cap is placed over a stamp on a bottle, the arrangement must be such that a portion of the stamp will be plainly visible when the cup or cap is in place. Bottles may be enclosed in sealed, opaque cartons or wrappings, if such cartons or wrappings bear the legend "This package may be opened for examination by internal revenue officers." Internal revenue officers shall have the right to open such carton or wrapping and examine the container.

(68A Stat. 602; 26 U. S. C. 5008)

Compliance with the notice and public procedure provisions of section 4 (a) of the Administrative Procedure Act approved June 11, 1946, or the effective date provisions of section 4 (c) of said act, is impracticable and unnecessary in connection with the issuance of this Treasury decision because the amendents are of a liberalizing nature and impose no new restrictions on the industry.

This Treasury decision shall be effective on publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 27, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-7919; Filed, Oct. 1, 1956; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 518—RECORDS AND REPORTS

UNOFFICIAL RESEARCH IN ARMY RECORDS CENTERS

Section 518.5 is revised to read as follows:

§ 518.5 *Unofficial research in Army records centers*—(a) *Research by authorized individuals.* Research in files in Army records centers by authorized individuals, under the conditions and procedures specified below, is encouraged. Space and facilities will be furnished at the records centers to authorized individuals. No withdrawals of records from records centers will be made for the purpose of unofficial research. Individuals who are properly cleared as indicated in paragraph (b) of this section will be permitted to examine unclassified files, exclusive of personnel records. Access to classified files for unofficial research purposes will be permitted as specified in paragraph (e) of this section.

(b) *Applications.* All applications for permission to examine files in Army records centers will be submitted on DA Form 871 (Application for Permission to Use Official Files and/or Record of Interview of Applicant), to the head of the records center having custody of the records to be utilized. If the location of the retired records is not known, the completed applications will be submitted for appropriate action to the Chief, Departmental Records Branch, TAGO, King and Union Streets, Alexandria, Virginia. Clearance of applicants will be for a specified time and will be applicable to a clearly defined research project. The application will indicate:

(1) Purpose of investigation.

(2) Subject to be investigated and, when possible, individual documents to be consulted.

(3) Whether publication or dissemination is intended and, if so, the form or medium of publication or dissemination.

(4) If the applicant is a member or former member of the Armed Forces, his grade and service number.

(5) For an applicant designated to prepare an unofficial unit history, a signed statement from the commanding officer (former commanding officer in the case of nonactive units) of the unit authorizing the applicant to prepare such a history.

(c) *Conditions on access to files.* Access to records for unofficial research purposes will be subject to the following conditions:

(1) Files will be charged specifically to individuals and will be used only in a reference area to be designated by the head of the records center.

(2) Records will be returned to file at the end of the day.

(3) Papers will not be defaced, damaged, or detached from a file by the researcher.

(4) Arrangement of files for photographic purposes will be the responsibility of appropriate personnel of the records center.

(5) Papers, brief cases, and packages of the researcher will be subject to inspection.

(d) *Reproduction of records.* Reproduction of unclassified records by photographic means may be undertaken at records centers for unofficial research purposes. Cost of copy reproduction will be borne by the individual for whom the records are reproduced. Charges for copy reproduction will be made in accordance with prevailing fees.

(e) *Access to classified files.* (1) Classified files in records centers will be made available to authorized individuals for unofficial research purposes under the following conditions:

(i) The research project is in the interest of promoting national defense or furthering the national interest.

(ii) The relationship of the researcher to the research project is established as being bona fide.

(iii) Access to the classified material concerned is essential to the accomplishment of the project.

(iv) The researcher is granted a security clearance for access to the classified material concerned.

(v) The researcher signs the necessary statements agreeing to abide by the special restrictions on the use of information from classified files.

(2) The researcher will furnish information necessary for a determination of the conditions set forth in subparagraph (1) (i) and (ii). of this paragraph.

[C 2, AR 345-230, August 24, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 56-7912; Filed, Oct. 1, 1956; 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Governor by §§ 4.7, 4.11, 4.12 and 4.19 of Part 4 of Title 35, Code of Federal Regulations, as adopted by Canal Zone Order 30, January 8, 1953 (18 F. R. 280), § 4.15 of Part 4 of Title 35 is hereby revoked and certain other sections appearing in said Part 4 are hereby renumbered and amended as follows:

1. Section 4.13 is amended to read as follows:

§ 4.13 *Functions of the boarding officer.* The boarding officer shall perform the functions of admeasurer for the purpose of determining Panama Canal tolls; shall make inspections for the purpose of insuring compliance with quarantine, immigration, and customs laws and regulations; and shall act as deputy shipping commissioner for seamen aboard U. S. flag vessels pursuant to sections 391 and 392 of title 2 of the Canal Zone Code and Rule 152 of Executive Order 4314, September 25, 1925 (§ 25.1 of this chapter).

2. Section 4.14 is amended to read as follows:

§ 4.14 *Time for boarding.* Vessels arriving at the terminal ports of the Panama Canal will be boarded upon arrival unless, in the case of the arrival of such vessel after 6:00 p. m., prior notice is given by the vessel or its agent that boarding upon arrival is not desired. A vessel that is arriving after 6:00 p. m., and for the first time in Canal Zone waters, will be notified by the Port Captain in the event that admeasurement is to be delayed until the following day; and in the event of such delay, boarding and inspection after 6:00 p. m. may be declined subsequent to the vessel's being sighted.

3. Section 4.16 is renumbered § 4.15 and is amended to read as follows:

§ 4.15 *Compliance with quarantine and immigration instructions.* (a) In the case of vessels subject to quarantine inspection, all persons shall comply strictly with instructions from the boarding officer until such time as pratique is granted.

(b) In the case of vessels subject to immigration inspection, all persons shall comply strictly with instructions from the boarding officer in all matters concerning immigration inspection; and, until the vessel has been granted immigration clearance, no person other than the boarding officer and the pilot shall go aboard or leave the vessel unless authorized to do so by the boarding officer.

4. Section 4.16a is renumbered § 4.16 and amended to read as follows:

§ 4.16 *Designation and other signals.* Every vessel shall hoist its designation signal when approaching and entering a terminal port and those arriving at night shall signal promptly their names by blinker light or other visual means to the signal station.

5. Section 4.18 is amended by the deletion of the term "Quarantine officials" as it appears in the last sentence of paragraph (a) of said section and by the insertion in lieu thereof of the term "the boarding officer."

6. Section 4.20 is amended by the deletion of the term "boarding party" and by the insertion in lieu thereof of the term "boarding officer;" by the deletion of item (n) as it appears in said section; by the renumbering of items (d) through (r), inclusive, as they appear in said section, and in those instances that they appear in Note 1 thereunder, as items (c) through (p), inclusive, and by the deletion of the words "Regulations 12.1 (§ 4.20)" as they appear in Note 3 thereunder and by the insertion in lieu thereof of the words "§ 4.20."

7. Section 4.20a is amended to read as follows:

§ 4.20a *Incoming passenger list.* All copies of the passenger lists required by § 4.20 shall be accurate and legible and shall be delivered to the boarding officer. List shall show passengers in alphabetical order, and passengers who are to be discharged at Canal Zone ports shall be listed separately from other passengers aboard who are only to transit the Canal. In the event that any passenger listed for discharge fails to disembark, or any passenger listed for transit disembarks, notice thereof shall be given promptly by the Master through his agent to the Port Captain and a supplementary passenger list (same number of copies required for an original list of disembarking passengers) showing the required information concerning such passengers shall be furnished promptly to the Chief Customs Inspector prior to clearing Canal Zone waters.

8. Section 4.20b is amended by the deletion of the term "boarding party" and by the insertion in lieu thereof of the term "boarding officer."

9. Section 4.21a is amended by the deletion of the words "The Panama Canal" and by the insertion in lieu thereof of the words "the Canal Zone Government."

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318, E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

Issued at Balboa Heights, Canal Zone, September 21, 1956.

[SEAL] W. E. POTTER,
Governor.

[F. R. Doc. 56-7886; Filed, Oct. 1, 1956; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 4.51, a new subparagraph (3) is added to paragraph (c) as follows:

§ 4.51 *Concurrent payment of two benefits to the same person.* * * *

(c) *General.* * * *

(3) Compensation or pension may not be paid to or for a child because of school attendance after age 18 concurrently with benefits under the War Orphans' Educational Assistance Act of 1956 based on the service of the same or any other veteran. Compensation or pension may be paid, however, to a child under age 18 or to a helpless child concurrently with benefits under that act.

* * * * *

(50 Stat. 305, Vet. Reg. 10, as amended, sec. 502, 70 Stat. 420; 38 U. S. C. ch. 12A)

2. In § 4.52, a new paragraph (c) is added as follows:

§ 4.52 *Right of election between Veterans Administration benefits.* * * *

(c) *War Orphans' Educational Assistance Act of 1956.* Election of benefits under Public Law 634, 84th Congress, shall be a bar in the same or any other case to further payments of death compensation or pension after age 18 because of approved school attendance. Election of benefits under Public Law 634, 84th Congress, is final after one payment has been made under that act to or for the child or as an administrative allowance to the school.

(70 Stat. 411)

3. Immediately following § 4.65, a new centerhead and a new § 4.66 are added as follows:

CERTIFICATION OF ELIGIBILITY TO BENEFITS UNDER THE WAR ORPHANS' EDUCATIONAL ASSISTANCE ACT OF 1956

§ 4.66 *Certification of eligibility to benefits under the War Orphans' Educational Assistance Act of 1956.* For the purposes of the War Orphans' Educational Assistance Act of 1956 (Public Law 634, 84th Congress) the child of a deceased veteran shall have basic eligibility if:

(a) The veteran's death was the result of disease or injury incurred in or aggravated by active service (1) in the Army, Navy, Air Force, Marine Corps or Coast Guard, or as a commissioned officer of the Public Health Service detailed to duty with one of such forces, (2) in World War I between April 6, 1917, and November 11, 1918, in World War II between December 7, 1941, and December 31, 1946, or in the Korean conflict between June 27, 1950, and January 31, 1955, all dates inclusive; (cases where compensation is payable under sec. 31, Public Law 141, 73d Cong.; sec. 12, Public Law 866, 76th Cong.; sec. 2 (par. 4, pt. VII, Veterans Regulation No. 1 (a)) (38 U. S. C. ch. 12A) Public Law 16, 78th Cong., or Public Law 894, 81st Cong., are not included); and

(b) The veteran died in service or after separation from service provided such separation was under conditions other than dishonorable; and

(c) The child meets the definitions of relationship contained in § 4.14 (c), § 4.15 (b), or § 4.15a (b), whichever is applicable, except as to age and marital status.

(Sec. 102, 70 Stat. 411)

4. In § 4.86, a new subparagraph (3) is added to paragraph (d), the headnote of paragraph (e) is amended, and a new subparagraph (4) is added to paragraph (e) as follows:

§ 4.86 *Public Law 2, 73d Congress (act of March 20, 1933), as amended; sections 28 and 31, Title III, Public Law 141, 73d Congress (act of March 28, 1934), as amended; Public Law 484, 73d Congress (act of June 28, 1934), as amended; and Public Law 301, 79th Congress (act of February 18, 1946).* * * *

(d) *Helpless child; school child.* • • •

(3) The day preceding the commencement date of benefits under the War Orphans' Educational Assistance Act of 1956 where the award of compensation or pension is based on school attendance.

(e) *Widow's award; school child dying, marrying, or discontinuing school atendance or electing educational assistance benefits.* • • •

(4) When benefits under the War Orphans' Educational Assistance Act of 1956 (Public Law 634, 84th Cong.) have been elected by or for a child over the age of 18 years, the additional pension or compensation to a widow by reason of the child's school attendance will be discontinued the day preceding the commencement date of benefits under that act.

• • • • •

5. In § 4.90, the headnote and paragraph (a) are amended to read as follows:

§ 4.90 *Readjustment after contingency (Public Law 166, 69th Cong. (act of May 1, 1926), as reenacted by Public Law 269, 74th Cong. (act of August 13, 1935), and as amended, Public Law 2, 73d Cong. (act of March 20, 1933), as amended, sections 28 and 31, Public Law 141, 73d Cong. (act of March 28, 1934), as amended, and Public Law 484, 73d Cong. (act of June 28, 1934), as amended, and Public Law 634, 84th Cong. (act of June 29, 1956)).*

(a) In any claim under the above-cited acts in which death pension or compensation is being paid the widow and other dependents of a person who served and an adjustment in the rates payable becomes necessary because of the death, remarriage, or forfeiture of title of one or more of the beneficiaries, or because benefits under the War Orphans' Educational Assistance Act of 1956, have been elected by or for a child, readjustment will be made without the filing of a formal application. The rates for the remaining beneficiary or beneficiaries shall be the amount which would have been payable if they had been the sole original beneficiaries and will become effective the day following the date of discontinuance of payments under the prior award, provided the evidence necessary to effect an adjustment or resumption of payments is received in the Veterans Administration within 1 year from the date of request therefor; if the evidence is not received within 1 year from the date of request therefor, payments will be authorized from the date of receipt of the evidence. (See § 3.286 of this chapter.)

• • • • •

6. In § 4.92, paragraph (b) is amended to read as follows:

§ 4.92 *Changing prior apportionments; discontinuance of apportionments, effective dates.* • • •

(b) *Discontinuance of apportionments, effective dates.* In those cases where death compensation or pension is apportioned between the widow, and a child or children, and payments have been or are being made to such dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefits to the child or children shall be the date of last payment, and the award to the widow will be adjusted accordingly: *Provided*, That in the event of death, attainment by a child of an age (16, 18, or 21) after which compensation or pension is no longer payable, marriage of a child, or the discontinuance of a course of instruction, the effective date shall be the date of death, the day preceding the date of attainment of such age, the day preceding the date of marriage, or the date provided in § 4.98 (c) and (g): *Provided further*, That where the award is adjusted because benefits have been elected by or for a child (over age 18 and not helpless) under the War Orphans' Educational Assistance Act of 1956 (Public Law 634, 84th Cong.) the effective date shall be the date preceding the commencement date of benefits under that act.

7. In § 4.98, paragraph (g) is amended to read as follows:

§ 4.98 *Payment of pension or compensation based on school attendance.* • • •

(g) *When child marries, ceases to attend course, or reaches age of 21 years—*(1) *General.* Payments of pension or compensation under this section will terminate upon the date preceding the date of marriage or, except as provided in paragraph (c) of this section, upon the last day which the child attended school, but in no event will pension or compensation be paid for a period beyond the day preceding the child's 21st birthday.

(2) *Election of benefits under the War Orphans' Educational Assistance Act of 1956.* Payments of pension or compensation under this section will terminate the date preceding the commencement date of benefits under the War Orphans' Educational Assistance Act of 1956 (Public Law 634, 84th Cong.).

• • • • •

8. In § 4.160, a new paragraph (f) is added as follows:

§ 4.160 *Under section 12, Public Law 144, 78th Congress.* • • •

(f) *War Orphans' Educational Assistance Act of 1956.* Educational assistance allowance or special restorative training allowance under Public Law 634, 84th Congress, remaining due and unpaid at the date of the eligible person's death shall be payable only to another child or children of the veteran under paragraph (a) (4) of this section (see also paragraph (c) (2) of this section), or on the expenses of last sickness and burial under paragraph (a) (5) of this section.

(Par. V, Part I, Vet. Reg. 2 (a), as amended, sec. 1500, 58 Stat. 300, sec. 270, 66 Stat. 681, sec. 510, 70 Stat. 422, 697, 980; 38 U. S .C. ch. 12A)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 2, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-7916; Filed, Oct. 1, 1956; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-935; Rules Amdt. 2-25]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of September 1956;

The Commission having under consideration the matter of amending § 2.104 (a) (5), the Table of Frequency Allocations, of the Commission's rules and regulations so as to permit, in addition to land stations, mobile stations operated by non-Federal conservation agencies in mobile relay systems on two frequencies and in limited areas designated in Footnote US19 of this section;

It appearing that the public interest would be served by allowing such agencies to increase the flexibility and utility of their communications by permitting mobile station operation in the mobile relay systems now authorized on these frequencies, thereby utilizing these frequencies more effectively; and

It further appearing that this amendment is issued pursuant to the authority of sections 4 (k), 303 (c), (f) and (r) of the Communications Act of 1934, as amended; and

It further appearing that operation on these frequencies as permitted in this amendment cannot adversely affect any party who has not already been notified and consented to the amendment, and that therefore notice and public procedure hereon pursuant to section 4 (a) of the Administrative Procedures Act are impracticable and unnecessary;

It is ordered, That effective Oct. 2, 1956, § 2.104 (a) (5) of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 27, 1956.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

Section 2.104 (a) (5), Footnote US19, of the Commission's rules and regulations is amended to read as follows:

US19 The use of the frequencies 170.475, 171.425, 171.575 and 172.275 Mc East of the Mississippi River and 170.425, 170.575, 171.475, 172.225 and 172.375 Mc West of the Mississippi River may be authorized to fixed, land and mobile stations operating by non-Federal forest fire-fighting agencies. In addition, land stations and mobile stations operated by non-Federal conservation agencies, for mobile relay operation only, may be authorized to use the frequency 172.275 Mc East of the Mississippi River and the frequency 171.475 Mc West of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

[F. R. Doc. 56-7927; Filed, Oct. 1, 1956; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

EMPLOYEES WELFARE EXPENSES

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 24th day of September A. D. 1956.

The matter of accounting regulations prescribed for Class I common and contract motor carriers of property being under consideration pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 U. S. C. 304 and 320); and,

It appearing that a notice of proposed rule making was issued July 20, 1956, announcing that new and additional departmental primary expense accounts were under consideration to include certain types of employee welfare expenses, such notice being published in the FEDERAL REGISTER issue of August 1, 1956 (21 F. R. 5750), pursuant to provisions of section 4 (a) of the Administrative Procedure Act; and, after consideration of all written views and arguments received in that connection on or before August 31, 1956, as provided in such notice, it is ordered, that:

(1) *Effective date.* All motor carriers subject to provisions of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property shall, effective January 1, 1957, comply with the modifications set forth below which are pursuant to the said notice of July 20, 1956.

(2) *Notice.* A copy of this order with the attached modifications shall be served on each motor carrier of property which is subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof with the attached modifications in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

(1) Insert the following new and additional accounting instruction:

§ 182.01-28 *Employees' welfare expenses.* (a) A primary account is prescribed in each of the major groupings of operation and maintenance expense accounts to record expenditures made for employees' welfare. Such expenditures shall include the following classes of items:

(1) Contributions to health and welfare funds, whether under contract arrangements with labor organizations or otherwise.

(2) Premiums on group insurance policies for benefit of employees or their beneficiaries.

(3) Payments to trustees under profit sharing and pension plans for the benefit of employees in active service.

(4) Payments for pensions directly to retired employees or to their beneficiaries when no trust fund exists.

(5) Salaries and expenses incurred in conducting relief, benefit, and general medical departments, including payments to or on behalf of employees other than claims covered by Workmen's Compensation Acts.

(b) Expenses that are directly or naturally assignable to primary accounts under each major grouping shall be distributed to such accounts. Where contributions are applicable to officers or employees who engage in work in more than one department, such expenses shall be apportioned to the appropriate primary accounts in the same ratio as their pay is distributed to primary accounts, or the expenses may be distributed on other equitable basis. Small amounts applicable to time spent on incidental or occasional duties may be included in the primary account appropriate according to the regular duty or the predominate work assignment of the employee.

(c) No charges to the primary employee welfare expense accounts shall be made in anticipation of discretionary payments in the future. The cost of life or other insurance on officers and employees whereunder the carrier is the beneficiary shall be charged to account 7500—Other Deductions. Cash surrender values of such policies shall be carried in account 1650—Other Investments and Advances.

(2) Insert the following new and additional primary accounts:

§ 182.4145 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of equipment maintenance employees in accordance with provisions of § 182.01-28.

§ 182.4245 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of transportation employees in accordance with provisions of § 182.01-28.

§ 182.4345 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of terminal employees in accordance with provisions of § 182.01-28.

§ 182.4445 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of traffic employees in accordance with provisions of § 182.01-28.

§ 182.4545 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of insurance and safety department employees in accordance with provisions of § 182.01-28.

(3) Cancel provisions of § 182.4645 *Employees' welfare expenses*, and substitute the following in lieu thereof:

§ 182.4645 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of general office employees in accordance with provisions of § 182.01-28.

(49 Stat. 546, as amended; 49 U. S. C. 304)

[F. R. Doc. 56-7889; Filed Oct. 1, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 41, 301]

EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES, AND PROCEDURE AND ADMINISTRATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention T:P, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

PARAGRAPH 1. The following regulations, relating to the excise tax on the use of certain highway motor vehicles, are hereby prescribed under subchapter D of chapter 36 of the Internal Revenue Code of 1954 (70 Stat. 390) and under those administrative provisions of subtitle F of such Code which have special application to the tax imposed by such subchapter D:

SUBPART A—INTRODUCTION

Sec.
41.0-1 Introduction.
41.0-2 General definitions and use of terms.
41.0-3 Scope of regulations.

SUBPART B—TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

41.4481 Statutory provisions; imposition of tax.
41.4481-1 Imposition of tax.
41.4481-2 Persons liable for tax.
41.4481-3 Registration.

Sec.
41.4482 (a) Statutory provisions; definitions; highway motor vehicle.
41.4482 (a)–1 Definition of highway motor vehicle.
41.4482 (b) Statutory provisions; definitions; taxable gross weight.
41.4482 (b)–1 Definition of taxable gross weight.
41.4482 (c) Statutory provisions; definitions; other definitions; State, year, and use.
41.4482 (c)–1 Definition of State, year, and use.
41.4483 Statutory provisions; exemptions.
41.4483–1 State and local governmental exemption.
41.4483–2 Exemption for certain transit-type buses.
41.4483–3 Application of exemptions.
41.4484 Statutory provisions; cross reference.
41.4484–1 Administrative provisions.

SUBPART C—ADMINISTRATIVE PROVISIONS OF SPECIAL APPLICATION TO TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

41.6001 Statutory provisions; notice or regulations requiring records, statements, and special returns.
41.6001–1 Records.
41.6011 (a) Statutory provisions; general requirements of return, statement, or list; general rule.
41.6011 (a)–1 Returns.
41.6071 (a) Statutory provisions; time for filing returns and other documents; general rule.
41.6071 (a)–1 Time for filing returns.
41.6081 (a) Statutory provisions; extension of time for filing returns; general rule.
41.6081 (a)–1 Extension of time for filing returns.
41.6091 Statutory provisions; place for filing returns or other documents.
41.6091–1 Place for filing returns.
41.6101 Statutory provisions; period covered by returns or other documents.
41.6101–1 Period covered by returns.
41.6151 (a) Statutory provisions; time and place for paying tax shown on returns.
41.6151 (a)–1 Time and place for paying tax.
41.6161 (a) (1) Statutory provisions; extension of time for paying tax.
41.6161 (a) (1)–1 Extension of time for paying tax.
41.6302 (b) Statutory provisions; mode or time of collection; discretionary method.
41.6302 (b)–1 Method of collection.
41.7701 Statutory provisions; definitions.
41.7805 Statutory provisions; rules and regulations.
41.7805–1 Promulgation of regulations.

SUBPART A—INTRODUCTION

§ 41.0–1 *Introduction*—(a) *In general.* The regulations in this part are designated "Highway Motor Vehicle Use Tax Regulations". The regulations relate to the tax imposed by subchapter D of chapter 36 of the Internal Revenue Code of 1954 and to certain related administrative provisions of subtitle F of such Code. Subchapter D of chapter 36 imposes an excise tax on the use of certain highway motor vehicles on the public highways in the United States.

(b) *Division of regulations.* The regulations in this part are divided into three subparts. Subpart A contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, and scope of the regulations. Subpart B relates to the provisions of the Code set forth in subchapter D of chapter 36 thereof (Tax on Use of Certain Vehicles). Subpart C relates to selected provisions of subtitle F of the Code (Procedure and Administration) which have special application to the tax imposed by subchapter D of chapter 36 of the Code.

(c) *Arrangement and numbering.* Each section of the regulations is preceded by the section or subsection of the Internal Revenue Code of 1954 which it interprets. The sections of the regulations can readily be distinguished from sections of the Code since—

(1) The sections of the regulations are printed in larger type;

(2) The sections of the regulations are preceded by a section symbol and the part number, arabic numeral 41 followed by a decimal point (§ 41.); and

(3) The sections of the Code are preceded by "Sec.". Each section of the regulations setting forth law or regulations is designated by a number composed of the part number followed by a decimal point (41.) and the number of the corresponding provision of the Internal Revenue Code of 1954. In the case of a section setting forth regulations, this designation is followed by a hyphen (-) and a number identifying such section.

§ 41.0–2 *General definitions and use of terms.* As used in the regulations in this part, unless otherwise expressly indicated—

(a) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(b) The Internal Revenue Code of 1954 means the act approved August 16, 1954 (68A Stat.), entitled "An Act To revise the internal revenue laws of the United States", as amended.

(c) References to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954.

(d) References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code of 1954.

(e) District director means district director of internal revenue.

(f) Tax means the tax on the use of certain highway motor vehicles imposed by section 4481 of the Code.

(g) Highway Revenue Act of 1956 means Title II of the Act approved June 29, 1956 (70 Stat. 387).

(h) The cross references in the regulations in this part to other portions of the regulations, when the word "see" is used, are made only for convenience and shall be given no legal effect.

§ 41.0–3 *Scope of regulations.* The regulations in this part apply to the use after June 30, 1956, and before July 1, 1972, of certain highway motor vehicles on the public highways in the United States.

SUBPART B—TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

§ 41.4481 *Statutory provisions; imposition of tax.*

SEC. 4481. *Imposition of tax*—(a) *Imposition of tax.* A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of more than 26,000 pounds, at the rate of $1.50 a year for each 1,000 pounds of taxable gross weight or fraction thereof.

(b) *By whom paid.* The tax imposed by this section shall be paid by the person in whose name the highway motor vehicle is, or is required to be, registered under the law of the State in which such vehicle is, or is required to be, registered, or, in case the highway motor vehicle is owned by the United States, by the agency or instrumentality of the United States operating such vehicle.

(c) *Proration of tax.* If in any year the first use of the highway motor vehicle is after July 31, the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the 30th day of June following.

(d) *One payment per year.* If the tax imposed by this section is paid with respect to any highway motor vehicle for any year, no further tax shall be imposed by this section for such year with respect to such vehicle.

(e) *Period tax in effect.* The tax imposed by this section shall apply only to use after June 30, 1956, and before July 1, 1972.

[Sec. 4481 as added by sec. 206 (a), Highway Revenue Act 1956]

§ 41.4481–1 *Imposition of tax*—(a) *In general.* A tax is imposed for each taxable year (commencing after June 30, 1956, and ending before July 1, 1972) upon the use, at any time during the taxable year, on the public highways in the United States of any highway motor vehicle which has a taxable gross weight in excess of 26,000 pounds. The tax is imposed upon the use of such a highway motor vehicle only if, at the time of the use of such vehicle, it is registered or required to be registered in the name of a person (whether or not such person is the person who uses the vehicle). See, however, §§ 41.4483–1 and 41.4483–2, relating, respectively, to exemption from the tax in the case of highway motor vehicles used by a State or any political subdivision thereof and in the case of certain transit-type buses. For definition of the terms "registered", "highway motor vehicle", "taxable gross weight", "taxable year", and "use", see §§ 41.4481–3, 41.4482 (a)–1, 41.4482 (b)–1, and 41.4482 (c)–1 (b) and (c), respectively.

(b) *Rate of tax.* The rate of tax, with respect to each taxable year, is $1.50 for each 1,000 pounds of taxable gross weight or fraction thereof of each highway motor vehicle the use of which at any time during the taxable year is subject to the tax. Thus, any fraction of 1,000 pounds of taxable gross weight in excess of 26,000 pounds of taxable gross weight is treated as 1,000 pounds for purposes of the computation of the tax.

(c) *Computation of tax.* (1) Except as provided in subparagraph (2) of this paragraph, the tax on the use of a particular highway motor vehicle for the taxable year is computed by multiplying the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of $1.50.

(2) If the first taxable use of a particular highway motor vehicle is made after the month of the taxable year, the tax on the use of such vehicle for such taxable year is computed by multiplying the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of $1.50; by multiplying the resulting figure by the number of months in the taxable year exclusive of those months prior to the month in which such first taxable use was made; and by dividing the resulting figure by 12 (the number of months in the taxable year).

(3) Since the tax is measured from the first day of the month in which the first taxable use of a highway motor vehicle is made, the fact that the vehicle is later sold, destroyed, junked, or otherwise disposed of in the taxable year does not affect the computation of the tax on the use of such vehicle for such taxable year, or give rise to a right to refund or credit. Likewise, the fact that the use of a highway motor vehicle during the taxable year is discontinued or is of an exempt nature in a later part of the taxable year does not affect the computation of the tax or give rise to a right to refund or credit.

(d) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). In the taxable year beginning July 1, 1956, the first taxable use of a particular highway motor vehicle having a taxable gross weight of 29,400 pounds occurs on July 10, 1956, at which time the vehicle is registered in the name of X. A tax of $45 (30 x $1.50) is imposed on the use of such vehicle for the taxable year.

Example (2). On July 1, 1957, X has registered in his name a highway motor vehicle having a taxable gross weight of 29,400 pounds. The vehicle is in "dead storage" until August 10, 1957, at which time X starts using the vehicle on the public highways in carrying on his trucking business. On August 10, 1957, the vehicle is still registered in X's name. Since the first taxable use of this highway motor vehicle during the taxable year occurred on August 10, 1957, X is required to pay a tax of $41.25 (30 x $1.50 x 11/12) for the taxable year.

§ 41.4481–2 *Persons liable for tax.* (a) The person in whose name any highway motor vehicle is registered at the time of the first taxable use of such vehicle in any taxable year is liable for the tax on the use of the vehicle for such taxable year. If thereafter in the same taxable year a taxable use of such vehicle is made while it is registered in the name of another person, such other person is also liable for the tax on the use of such vehicle for such taxable year to the extent that such tax has not previously been paid. In case more than one person is liable for the tax on the use of a particular highway motor vehicle for a taxable year, the liability of all persons for such tax is satisfied to the extent that the tax is paid by any person.

(b) Every person who, at any time in the taxable year, acquires and has registered in his name a secondhand highway motor vehicle shall obtain and keep as a part of his records evidence, which he believes to be true, showing whether there was or was not a taxable use of such vehicle at any time in such taxable year prior to the time when the vehicle was registered in his name. The evidence may take the form of a written statement, signed and dated by the person from whom the vehicle was acquired, showing whether there was or was not a prior taxable use of the vehicle in the taxable year. If the vehicle is acquired from a dealer in highway motor vehicles, the statement may be obtained from such dealer or from the person from whom the dealer acquired such vehicle. If evidence is not obtained showing whether there was or was not a prior taxable use of such vehicle, such person shall keep as a part of his records a written statement of the reasons why he was unable to obtain such evidence.

§ 41.4481–3 *Registration.* (a) For purposes of the regulations in this part, the term "registered" when used with reference to a highway motor vehicle means—

(1) Registered under the law of any State or Territory of the United States or of the District of Columbia, or

(2) Required to be registered under the law of any State or Territory of the United States in which such highway motor vehicle is operated or situated or, in case the vehicle is operated or situated in the District of Columbia, under the law of the District of Columbia.

Any highway motor vehicle which is operated under a dealer's tag, license, or permit is considered to be registered in the name of such dealer. A highway motor vehicle is not considered to be registered solely by reason of the fact that there has been issued a special permit for operation of the vehicle at particular times and under specified conditions.

(b) Any highway motor vehicle which, during any period in the taxable year, is registered both in the name of the owner of such vehicle and in the name of any other person, is considered, for purposes of the regulations in this part, to be registered, during such period, solely in the name of the owner of such vehicle.

§ 41.4482 (a) *Statutory provisions; definitions; highway motor vehicle.*

SEC. 4482. *Definitions*—(a) *Highway motor vehicle.* For purposes of this subchapter, the term "highway motor vehicle" means any motor vehicle which is a highway vehicle.

[Sec. 4482 (a) as added by sec. 206 (a), Highway Revenue Act 1956]

§ 41.4482 (a)–1 *Definition of highway motor vehicle*—(a) *In general.* The term "highway motor vehicle" means any vehicle which is propelled by means of its own motor, whether such motor is powered by gasoline, diesel fuel, special motor fuels, electricity or otherwise, and which is of a type used for highway transportation. Such term does not include any vehicle which moves exclusively on rails. The term does, however, include trolley buses or coaches and other similar type vehicles.

(b) *Motor vehicles.* The term "highway motor vehicle" does not include any vehicle which is not propelled by means of its own motor. For example, trailers and semitrailers used in combination with highway trucks or truck-tractors are not vehicles the use of which is subject to the tax imposed by section 4481 (a). However, trailers or semitrailers customarily used in combination with highway trucks or truck-tractors are taken into account in determining the taxable gross weight (§ 41.4482 (b)–1) of the highway motor vehicle, which is the base of the tax.

(c) *Highway vehicle.* The term "highway motor vehicle" does not include any vehicle which, although propelled by means of its own motor, is of a type used for a purpose other than highway transportation. For example, such "off-the-road" vehicles as earth movers and bulldozers are not highway motor vehicles for purposes of the regulations in this part. Neither are such vehicles as road graders or snow plows, which are of a type used for construction or maintenance of roads, considered to be highway motor vehicles. The same is true of farm tractors, cotton pickers, and other motorized agricultural implements of a similar nature. However, the fact that equipment or machinery having a specialized use is mounted on a vehicle which, apart from such equipment or machinery, is a highway motor vehicle will not preclude classification of such vehicle as a highway motor vehicle.

§ 41.4482 (b) *Statutory provisions; definitions; taxable gross weight.*

SEC. 4482. Definitions. • • •

(b) *Taxable gross weight.* For purposes of this subchapter, the term "taxable gross weight", when used with respect to any highway motor vehicle, means the sum of—

(1) The actual unloaded weight of—

(A) Such highway motor vehicle fully equipped for service, and

(B) The semitrailers and trailers (fully equipped for service) customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle, and

(2) The weight of the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on the semitrailers and trailers referred to in paragraph (1) (B).

Taxable gross weight shall be determined under regulations prescribed by the Secretary or his delegate (which regulations may include formulas or other methods for determining the taxable gross weight of vehicles by classes, specifications, or otherwise).

[Sec. 4482 (b) as added by sec. 206 (a), Highway Revenue Act 1956]

§ 41.4482 (b)–1 *Definition of taxable gross weight*—(a) *In general.* The tax imposed on the use of a highway motor vehicle (of a taxable gross weight in excess of 26,000 pounds) is based on the taxable gross weight of such highway motor vehicle. Taxable gross weight of a highway motor vehicle is determined with reference to the sum of (1) the actual unloaded weight of such highway motor vehicle (fully equipped for service); (2) the actual unloaded weight of any one or more trailers or semitrailers (fully equipped for service) customarily used in combination with highway motor vehicles of the same type as such highway motor vehicle; and (3) the weight of the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on any one or more trailers or semitrailers customarily used in combination with highway motor vehicles of the same type as such highway motor vehicle.

(b) *Meaning of terms.* As used in this section with reference to highway motor vehicle—

(1) The term "actual unloaded weight" means the empty (or tare) weight of the vehicle fully equipped for service, without payload or driver;

Sec.
41.4482 (b)–2 Taxable gross weight; fully equipped for service.
41.4482 (b)–3 Taxable gross weight; trailers and semitrailers.
41.4482 (b)–4 Taxable gross weight; maximum load.
41.4482 (b)–5 Taxable gross weight; determination.
41.4482 (c) Statutory provisions; definitions; other definitions; State, year, and use.
41.4482 (c)–1 Definition of State, year, and use.
41.4483 Statutory provisions; exemptions.
41.4483–1 State and local governmental exemption.
41.4483–2 Exemption for certain transit-type buses.
41.4483–3 Application of exemptions.
41.4484 Statutory provisions; cross reference.
41.4484–1 Administrative provisions.

SUBPART C—ADMINISTRATIVE PROVISIONS OF SPECIAL APPLICATION TO TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

41.6001 Statutory provisions; notice or regulations requiring records, statements, and special returns.
41.6001–1 Records.
41.6011 (a) Statutory provisions; general requirements of return, statement, or list; general rule.
41.6011 (a)–1 Returns.
41.6071 (a) Statutory provisions; time for filing returns and other documents; general rule.
41.6071 (a)–1 Time for filing returns.
41.6081 (a) Statutory provisions; extension of time for filing returns; general rule.
41.6081 (a)–1 Extension of time for filing returns.
41.6091 Statutory provisions; place for filing returns or other documents.
41.6091–1 Place for filing returns.
41.6101 Statutory provisions; period covered by returns or other documents.
41.6101–1 Period covered by returns.
41.6151 (a) Statutory provisions; time and place for paying tax shown on returns.
41.6151 (a)–1 Time and place for paying tax.
41.6161 (a) (1) Statutory provisions; extension of time for paying tax.
41.6161 (a) (1)–1 Extension of time for paying tax.
41.6302 (b) Statutory provisions; mode or time of collection; discretionary method.
41.6302 (b)–1 Method of collection.
41.7701 Statutory provisions; definitions.
41.7805 Statutory provisions; rules and regulations.
41.7805–1 Promulgation of regulations.

§ 41.4482 (b)–2 *Taxable gross weight; fully equipped for service.* (a) For purposes of the regulations in this part, a highway motor vehicle is fully equipped for service when it has the weight of all accessories and equipment which are normally used in connection with the operation of such vehicle on the highway. Such accessories and equipment include, but are not limited to, the following: Body, cab, paint, bumpers, tires, tubes, rims, wheels, springs, axles, brakes, steering gear, battery, generator, starter, ignition system, lights, windshield, windshield wipers, mirrors, horn, radio, heater, fenders, and spare parts.

(b) Any highway motor vehicle which is operated under a dealer's tag, license, or permit is considered to be fully equipped for service when it has the weight of all accessories and equipment which are normally used in connection with the operation of such vehicle on the highway.

§ 41.4482 (b)–3 *Taxable gross weight; trailers and semitrailers.* (a) For purposes of the regulations in this part, a trailer or semitrailer is fully equipped for service when it has the weight of all accessories and equipment which are normally used in connection with the operation of such trailer or semitrailer on the highway. Such accessories and equipment include, but are not limited to, the following: Body, paint, bumpers, tires, tubes, rims, wheels, springs, axles, brakes, steering gear, lights, windshield, windshield wipers, mirrors, fenders, and spare parts.

(b) Any trailer or semitrailer which is operated under a dealer's tag, license, or permit is considered to be fully equipped for service when it has the weight of all accessories and equipment which are normally used in connection with the operation of such trailer or semitrailer on the highway.

(c) Trailers and semitrailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle are those trailers and semitrailers which are customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle in the ordinary course of business. Thus, trailers and semitrailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle include trailers and semitrailers which are used in connection with highway motor vehicles of the same type as such highway motor vehicle by the owner of such highway motor vehicle, by the lessee of such highway motor vehicle, or by any person who has contracted with the owner or lessee of such highway motor vehicle to haul property for him. Trailers and semitrailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle do not include trailers and semitrailers which are used in connection with highway motor vehicles of the same type as such highway motor vehicle only occasionally or only for the purpose of meeting a peak load.

(d) Trailers and semitrailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle include trailers and semitrailers which are used in connection with highway motor vehicles of the same type as such highway motor vehicle by the owner of such highway motor vehicle, by the lessee of such highway motor vehicle, or by any person who has contracted with the owner or lessee of such highway motor vehicle to haul property for him. Trailers and semitrailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle do not include trailers and semitrailers which are used in connection with highway motor vehicles of the same type as such highway motor vehicle only occasionally or only for the purpose of meeting a peak load.

§ 41.4482 (b)–4 *Taxable gross weight; maximum load.* (a) For purposes of the regulations in this part, the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle is the maximum load which is customarily carried on such highway motor vehicles, semitrailers, and trailers in the ordinary course of business. Thus, the maximum load customarily carried on such highway motor vehicles, semitrailers, and trailers includes the maximum load which is customarily carried on such highway motor vehicles, semitrailers, and trailers by the owner of such highway motor vehicle, by the lessee of such highway motor vehicle, or by any person who has contracted with the owner or lessee of such highway motor vehicle to haul property for him. The maximum load customarily carried on such highway motor vehicles, semitrailers, and trailers does not include the maximum load which is carried on such highway motor vehicles, semitrailers, and trailers only occasionally or only for the purpose of meeting a peak load.

(b) The maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle is the maximum load which is customarily carried on such highway motor vehicles, semitrailers, and trailers in the ordinary course of business. Thus, the maximum load customarily carried on such highway motor vehicles, semitrailers, and trailers includes the maximum load which is customarily carried on such highway motor vehicles, semitrailers, and trailers by the owner of such highway motor vehicle, by the lessee of such highway motor vehicle, or by any person who has contracted with the owner or lessee of such highway motor vehicle to haul property for him. The maximum load customarily carried on such highway motor vehicles, semitrailers, and trailers does not include the maximum load which is carried on such highway motor vehicles, semitrailers, and trailers only occasionally or only for the purpose of meeting a peak load.

§ 41.4482 (b)–5 *Taxable gross weight; determination.* (a) For purposes of the regulations in this part, the taxable gross weight of a highway motor vehicle is determined with reference to the sum of (1) the actual unloaded weight of such highway motor vehicle (fully equipped for service); (2) the actual unloaded weight of any one or more trailers or semitrailers (fully equipped for service) customarily used in combination with highway motor vehicles of the same type as such highway motor vehicle; and (3) the weight of the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on any one or more trailers or semitrailers customarily used in combination with highway motor vehicles of the same type as such highway motor vehicle.

(b) The taxable gross weight of a highway motor vehicle is determined with reference to the sum of (1) the actual unloaded weight of such highway motor vehicle (fully equipped for service); (2) the actual unloaded weight of any one or more trailers or semitrailers (fully equipped for service) customarily used in combination with highway motor vehicles of the same type as such highway motor vehicle; and (3) the weight of the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on any one or more trailers or semitrailers customarily used in combination with highway motor vehicles of the same type as such highway motor vehicle.

(2) The term "fully equipped for service" includes body and all accessories and equipment attached to or carried on the vehicle for use in connection with the vehicle as a means of transportation, whether or not in the actual operation of the vehicle, and a full complement of lubricants, fuel, water, etc.; and

(3) The term "weight of the maximum load" includes the weight of payload and driver. The term "payload" means cargo and any special equipment (such as an air compressor) mounted on the vehicle for use otherwise than in connection with the vehicle as a means of transportation.

(c) *Schedule of taxable gross weights.* The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed:

USE-TAX SCHEDULE

	Taxable gross weight (in pounds)
1. Single units:	
Any truck equipped for use as a single unit with actual unloaded weight of at least 10,000 pounds and less than 12,000 pounds	(1)
2 axled truck equipped for use as a single unit with actual unloaded weight of 12,000 pounds or more	27,000
3 or 4 axled truck equipped for use as a single unit, with actual unloaded weight of at least 12,000 pounds and less than 15,000 pounds	30,000
3 or 4 axled truck equipped for use as a single unit with actual unloaded weight of 15,000 pounds or more	40,000
2. Combinations:	
2 axled truck-tractor equipped for general use, with actual unloaded weight of less than 6,500 pounds	30,000
2 axled truck-tractor equipped for general use, with actual unloaded weight of at least 6,500 pounds and less than 9,000 pounds	40,000
2 axled truck-tractor equipped for general use, with actual unloaded weight of 9,000 pounds or more	50,000
2 axled truck equipped for use in combination with 2 (or more) axled trailer and for general use, with actual unloaded weight of less than 12,000 pounds	40,000
2 axled truck equipped for use in combination with 2 (or more) axled trailer and for general use, with actual unloaded weight of 12,000 or more	55,000
3 or 4 axled truck equipped for use in combinations and for general use	60,000
3 or 4 axled truck-tractor equipped for general use	60,000
Any highway motor vehicle specially equipped for use in combination with a special type of trailer or semitrailer, such as a pole and logging semitrailer, heavy hauler (rigger), etc	75,000
3. Buses	(2)

[1] Actual unloaded weight of vehicle, plus weight of the maximum load customarily carried on vehicles of the same type as such vehicle.

[2] Actual unloaded weight of vehicle plus 150 pounds for each unit of seating capacity provided for passengers and driver.

Any truck equipped for towing a one-axled trailer is considered, for purposes of the schedule of taxable gross weights prescribed in this paragraph, as being equipped for use as a single unit. Any highway motor vehicle which falls in one of the categories shown in such schedule shall be considered, for purposes of the regulations in this part, to have the taxable gross weight assigned to such category.

§ 41.4482 (c) *Statutory provisions; definitions; other definitions; State, year, and use.*

SEC. 4482 *Definitions.* • • •

(c) *Other definitions.* For purposes of this subchapter—

(1) *State.* The term "State" means a State, a Territory of the United States, and the District of Columbia.

(2) *Year.* The term "year" means the one-year period beginning on July 1.

(3) *Use.* The term "use" means use in the United States on the public highways.

[Sec. 4482 (c) as added by sec. 206 (a), Highway Revenue Act 1956]

§41.4482 (c)–1 *Definition of State, year, and use*—(a) *State.* The term "State", as used in the regulations in this part, means any one of the several States, the Territory of Alaska or Hawaii, or the District of Columbia.

(b) *Taxable year.* The term "taxable year", as used in the regulations in this part, means the one-year period beginning with July 1 and ending with the following June 30.

(c) *Use.* The term "use", as used in the regulations in this part with reference to a highway motor vehicle, means the use of the highway motor vehicle on the public highways in the United States, that is, operation of the vehicle, by means of its own motor, on any roadway in the United States which is not a private roadway. Thus, for purposes of the tax, there is no use of a highway motor vehicle while the vehicle is in "dead storage". The term "use" does not include operation of a new highway motor vehicle on a public highway of the United States if such operation is merely for the purpose of delivering the vehicle from factory to dealer or distributor for sale by him, or by the dealer or distributor to the purchaser. Neither does the term include operation of a highway motor vehicle, whether new or used, by a dealer in new or used highway motor vehicles or by a distributor, exclusively for demonstration purposes. Operation of a highway motor vehicle on a private roadway, or other private property, does not constitute use of the vehicle within the meaning of the regulations in this part, as for example, in the case of a highway motor vehicle which is utilized in lumbering operations on private property.

§ 41.4483 *Statutory provisions; exemptions.*

SEC. 4483. *Exemptions*—(a) *State and local governmental exemption.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed by section 4481 on the use of any highway motor vehicle by any State or any political subdivision of a State.

(b) *Exemption for United States.* The Secretary may authorize exemption from the tax imposed by section 4481 as to the use by the United States of any particular highway motor vehicle, or class of highway motor vehicles, if he determines that the imposition of such tax with respect to such use will cause substantial burden or expense which can be avoided by granting tax exemption and that full benefit of such exemption, if granted, will accrue to the United States.

(c) *Certain transit-type buses.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed by section 4481 on the use of any bus which is of the transit type (rather than of the intercity type) by a person who, for the last 3 months of the preceding year (or for such other period as the Secretary or his delegate may by regulations prescribe for purposes of this subsection), met the 60-percent passenger fare revenue test set forth in section 6421 (b) (2) as applied to the period prescribed for purposes of this subsection.

[Sec. 4483 as added by sec. 206 (a), Highway Revenue Act 1956]

§ 41.4483–1 *State and local governmental exemption.* Use by any State or any political subdivision thereof of any highway motor vehicle is exempt from the tax imposed by section 4481. For definition of the term "State", see § 41.4482 (c)–1. For purposes of this section, the term "use by any State or any political subdivision thereof" means the operation by any State or any political subdivision thereof on the public highways in the United States of any highway motor vehicle, whether or not such highway motor vehicle is owned by the State or the political subdivision.

§ 41.4483–2 *Exemption for certain transit-type buses*—(a) *In general.* Use in any taxable year, or part thereof, of any bus of the transit type by any person who is engaged in the operation of a transit system is exempt from the tax, if such person meets the 60 percent passenger fare revenue test set forth in section 6421 (b) (2) for the applicable period prescribed in paragraph (c) of this section as the test period for such person for such system for such taxable year, or part thereof.

(b) *Buses of the transit type.* The term "transit type", when used in the regulations in this part with reference to a bus, means the type of bus which is designed for the mass transportation of persons within an urban area, as distinguished from the intercity-type bus. A transit-type bus is ordinarily distinguishable from an intercity-type bus by comparison of seats, doors, and baggage facilities. The transit-type bus usually has straight-back seats of the bench type, while the intercity-type bus generally has seats which either can be reclined or are in fact permanently fixed in a reclining position. The transit-type bus is more likely to have an accordion or folding-type door at the front of the bus, and often has a second door in the middle or at the rear for passengers to leave the bus, as opposed to the emergency-type rear door which may or may not be included in the intercity-type bus. The typical transit-type bus does not have facilities for storing baggage whereas the typical intercity-type bus has facilities for storing baggage in a compartment underneath the floor of the bus or in overhead racks, or both. Other characteristics which may be taken into account in distinguishing a transit-type bus from an intercity-type bus include gear ratios, acceleration and maximum speed, and aisle space for standees. The transit-type bus ordinarily has a lower gear ratio to provide for quick starts and

because, in general, buses of this type are operated at low speeds. The intercity-type bus ordinarily has a higher gear ratio and can be operated at much higher speeds. The transit-type bus usually has wider aisles, with overhead straps or bars to accommodate standees.

(c) *Test period.* (1) In the case of any person who is engaged in the operation of a transit system at any time in the calendar quarter immediately preceding July 1 of any taxable year, the test period for such system for such taxable year shall be such calendar quarter. However, if passenger fare revenue from scheduled service described in paragraph (e) of this section was derived on less than 30 days during such calendar quarter from operation of such system, the test period for such system for such taxable year shall be the last preceding test period for such system. If such system has no preceding test period, then the test period for such system for such taxable year shall be the calendar quarter beginning with July 1 of such taxable year.

(2) In the case of any person who commences operation of a transit system at any time on or after July 1 of any taxable year, the test period for such system for that part of such taxable year beginning with the first day on which such operation was commenced shall be the calendar quarter in which falls such first day. However, if passenger fare revenue from scheduled service described in paragraph (e) of this section was derived on less than 30 days during such calendar quarter from operation of such system, the test period for such system for such taxable year shall be the following calendar quarter.

(d) The term "transit system", as used in the regulations in this part, means any system for furnishing scheduled common carrier public passenger land transportation service along regular routes.

(e) *60-percent passenger fare revenue test.* For purposes of this section, a person engaged in the operation of a transit system meets the 60-percent passenger fare revenue test set forth in section 6421 (b) (2), for the applicable test period prescribed in this section, if—

(1) During such test period (rather than any different period prescribed in section 6421 (b) (2)) such person derived passenger fare revenue from the operation of such system, and

(2) At least 60 percent of the total of such passenger fare revenue derived by such person during such test period was attributable to fares which were exempt (by reason of section 4263 (a), relating to the exemption for commutation travel, etc.) from the tax on transportation of persons imposed by section 4261.

In determining the total of such passenger fare revenue, the tax imposed by section 4261 is not to be taken into account for that purpose, nor is revenue from such sources as charter fees, rentals of property, advertising receipts, etc., to be included for that purpose.

(f) *Examples.* Application of this section may be illustrated by the following examples:

Example (1). The X Transit Company is engaged in the operation of a transit system in the city of A and surrounding area throughout April, May, and June of 1956 and the taxable year beginning July 1, 1956. It derives passenger fare revenue from the operation of such system for 15 days in April and for the entire months of May and June of 1956. On July 1, 1956, the Company is using 60 buses of the transit type and 40 buses of the intercity type. Each of 20 of the transit-type buses and each of 10 of the intercity-type buses has a taxable gross weight of more than 26,000 pounds. (No tax is imposed on the use of either a transit-type bus or an intercity-type bus having a taxable gross weight of 26,000 pounds or less. See § 41.4481–1.) Use of the 10 intercity-type buses is subject to the tax for the taxable year beginning with July 1, 1956, since the exemption, if any, applies only to transit-type buses. Use of the 20 transit-type buses is not subject to the tax for such taxable year if at least 60 percent of the total passenger fare revenue (not including any tax on the transportation of persons imposed by section 4261) derived by the X Transit Company during April, May, and June of 1956 (the test period prescribed in paragraph (c) (1) of this section) from operation of such system was from fares which were exempt from the tax imposed by section 4261 by reason of section 4263 (a) (relating to the exemption for commutation travel, etc.). If the X Transit Company does not meet the 60-percent passenger fare revenue test for April, May, and June of 1956, the tax attaches for the taxable year beginning with July 1, 1956, with respect to the use of each of the 20 transit-type buses having a taxable gross weight of more than 26,000 pounds.

Example (2). Assume the same facts as those stated in Example (1), except that the X Transit Company commences operation of the transit system on July 15, 1956, and derives passenger fare revenue from operation of the system throughout the following August and September. In such case, the test period is July, August, and September of 1956, and if the test is met for this period, no tax is imposed on the use by the Company of any bust of the transit type in the period July 15, 1956, through June 30, 1957.

Example (3). Assume the same facts as those stated in Example (1), except that the X Transit Company commences operation of the transit system on April 15, 1957, and derives passenger fare revenue from operation of the system throughout the following May and June. In such case the test period is April, May, and June of 1957, and if the test is met for this period, no tax is imposed on the use by the Company of any bus of the transit type in the period April 15 through June of 1957 or in the taxable year beginning on July 1, 1957.

§ 41.4483–3 *Application of exemptions.* Any exemption from the tax on the use of a highway motor vehicle has application only with respect to the use of such highway motor vehicle and not with respect to the highway motor vehicle as such. Furthermore, such exemption is subject to those provisions of § 41.4481–1 (c) relating to proration of the tax and to the effect of an exempt use of a highway motor vehicle after a taxable use has been made. Thus, if a taxable use is made of a highway motor vehicle at any time in the taxable year, the tax is imposed on the use of such vehicle for such taxable year, computed from the first day of the month in which such taxable use occurred, even though at some time in the same taxable year, before or after such taxable use occurred, the use of the vehicle may have been, or may be, exempt. For example, if a highway motor vehicle is operated exclusively by a State in the period July 1 through September 10 of a taxable year, use of such vehicle in such period is exempt from the tax. However, if a taxable use of the vehicle is made on September 11 of such taxable year, the tax imposed on the use of such vehicle for such taxable year is computed from September 1. On the other hand, if a taxable use of the vehicle is made at any time in July of the taxable year, the tax imposed on the use of such vehicle for such taxable year is computed from July 1, even though the vehicle may be operated exclusively by a State in every other month of such year.

§ 41.4484 *Statutory provisions; cross reference.*

SEC. 4484. *Cross reference.* For penalties and administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4484 as added by sec. 206 (a), Highway Revenue Act 1951]

§ 41.4484–1 *Administrative provisions.* For administrative provisions relating to the tax on the use of certain highway motor vehicles, see Subpart C of this part and the applicable sections of the regulations on procedure and administration (Part 301 of this chapter).

SUBPART C—ADMINISTRATIVE PROVISIONS OF SPECIAL APPLICATION TO TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

§ 41.6001 *Statutory provisions; notice or regulations requiring records, statements, and special returns.*

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 41.6001–1 *Records*—(a) *Records to be kept.* Every person is whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds (see the schedule of taxable gross weights prescribed by § 41.4482 (b)–1) is registered at any time in the taxable year shall keep records sufficient to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof. Such records shall show with respect to each such vehicle—

(1) A description of the vehicle (including serial number or other manufacturer's number) in sufficient detail to permit positive identification of the vehicle and of the category of the schedule of taxable gross weights in which such vehicle falls.

(2) In the case of any such vehicle acquired after June 30, 1956, the date on which such person acquired such vehicle and the name and address of the person from whom the vehicle was acquired.

(3) The first month of each taxable year in which occurred a taxable use of

each such vehicle while the vehicle was registered in the name of such person; information showing whether such vehicle was operated, while registered in the name of such person, in any prior month in such taxable year; and if such vehicle was so operated, evidence establishing that such operation was not a taxable use.

(4) The date of sale or other transfer to another of any such vehicle, together with the name and address of the person to whom transferred.

(5) In the case of any such vehicle disposed of otherwise than by sale or other transfer, the date and method of disposition of the vehicle.

(6) In the case of a second-hand highway motor vehicle acquired at any time in the taxable year, evidence showing whether there was a prior taxable use in such taxable year of such highway motor vehicle (see § 41.4481–2 (b)).

(7) A copy of each return, schedule, statement, or other document filed, pursuant to the regulations in this part or in accordance with the instructions applicable to any form prescribed thereunder, by the person required to keep such records.

(b) *Transit systems.* Every person engaged in the operation of a transit system shall keep records sufficient to show, with respect to each taxable year, whether he meets the 60 percent passenger fare revenue test (see § 41.4483 (e)) for the period prescribed as the test period (see § 41.4483 (c)) for such system for such taxable year.

(c) *Records of claimants.* Any person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax, or assessable penalty, shall keep a complete and detailed record with respect to the claim.

(d) *Place and period for keeping records.* (1) All records required by the regulations in this part shall be kept, by the person required to keep them, at a convenient and safe location within the United States which is accessible to internal revenue officers. Such records shall at all times be available for inspection by such officers. If such person has a principal place of business in the United States, the records shall be kept at such place of business.

(2) Records required by paragraphs (a) and (b) of this section shall be maintained for a period of at least 3 years after the date the tax becomes due or the date the tax is paid, whichever is the later. Records required by paragraph (c) of this section (including any record required by paragraph (a) or (b) of this section which relates to a claim) shall be maintained for a period of at least 3 years after the date the claim is filed.

§ 41.6011 (a) *Statutory provisions; general requirement of return, statement, or list; general rule.*

SEC. 6011. *General requirement of return, statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

§ 41.6011 (a)–1 *Returns.* (a) Every person in whose name a highway motor vehicle is registered at the time of the first taxable use of such vehicle in any taxable year shall make a return of the tax on the use of such vehicle for such taxable year. Such return shall be made on Form 2290. If the first taxable use of two or more such vehicles occurs in a particular month of the taxable year, only one return shall be made of the tax for the taxable year on the use of all such vehicles.

(b) Every person (other than a person required under paragraph (a) of this section to make a return) in whose name any highway motor vehicle is registered at a time during the taxable year when a taxable use (other than the first taxable use) of such vehicle occurs shall make a return of the tax on the use of such vehicle for such taxable year on Form 2290 if the district director notifies such person that such tax has not been paid in full. The amount to be reported as tax on such return with respect to the use of such vehicle shall be the unpaid portion of the tax on the use of such vehicle for such taxable year, measured from the first day of the month in which occurred the first taxable use of such vehicle in such taxable year. The district director shall advise such person of the amount of such unpaid tax.

(c) Each return shall be made in accordance with the instructions and regulations applicable thereto.

§ 41.6071 (a) *Statutory provisions; time for filing returns and other documents; general rule.*

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

§ 41.6071 (a)–1 *Time for filing returns*—(a) *Use after June 1956 and before July 1957.* Except as otherwise provided in paragraph (c) of this section—

(1) In the case of any highway motor vehicle the first taxable use of which occurs after June 1956 and before November 1956, the person in whose name the vehicle is registered at the time of such use shall, after October 1956 and on or before November 30, 1956, make a return of the tax on the use of such vehicle for the taxable year ending June 30, 1957; and

(2) In the case of any highway motor vehicle the first taxable use of which occurs in a month after October 1956 and before July 1957, the person in whose name the vehicle is registered at the time of such use shall, after such month and on or before the last day of the following month, make a return of the tax on the use of such vehicle for the taxable year ending June 30, 1957.

(b) *Use after June 1957.* Except as otherwise provided in paragraph (c) of this section—

(1) In the case of any highway motor vehicle the first taxable use of which in any taxable year beginning on or after July 1, 1957, occurs in July of such taxable year, the person in whose name such vehicle is registered at the time of such use shall, after July and on or before August 31 of such taxable year, make a return of the tax on the use of such vehicle for such taxable year.

(2) In the case of any highway motor vehicle the first taxable use of which in any taxable year beginning on or after July 1, 1957, occurs in a month of such taxable year after July, the person in whose name the vehicle is registered at the time of such use shall, after such month and on or before the last day of the following month, make a return of the tax on the use of such vehicle for such taxable year.

(c) *Certain transit-type buses.* In the case of any bus of the transit type, the first taxable use of which in any taxable year occurs prior to the close of the test period (see §41.4483–2 (c)) with reference to which liability for the tax on the use of such transit-type bus for such taxable year is determined, the person in whose name the bus is registered at the time of such use shall, after such test period and on or before the last day of the following month (but in no event earlier than the time prescribed in paragraph (a) (1) of this section for filing a return) make a return of such tax for such taxable year on the use of such transit-type bus and, in addition, of the tax for such taxable year on the use of any other type highway motor vehicle the first taxable use of which in such taxable year occurs in the last month of such test period while registered in the name of such person.

(d) *Prior taxable use.* Every person who, pursuant to paragraph (b) of § 41.6011 (a)–1, is required to make a return of the tax on the use of any highway motor vehicle for any taxable year shall make such return on or before the last day of the month following the month in which such person is notified by the district director that such return is required.

(e) *Delinquent returns.* For additions to the tax in case of failure to file return within prescribed time, see section 6651 and the regulations thereunder.

§ 41.6081 (a) *Statutory provisions; extension of time for filing returns; general rule.*

SEC. 6081. *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

§ 41.6081 (a)–1 *Extension of time for filing returns.* District directors may, upon application of the taxpayer, grant a reasonable extension of time (not to exceed 60 days) in which to file the return. Application for an extension of time for filing the return should be addressed to the district director for the district in which the taxpayer files his returns and must contain a full recital of the causes for the delay. For extensions of time for payment of the tax, see § 41.6161 (a) (1)–1.

§ 41.6091 *Statutory provisions; place for filing returns or other documents.*

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(2) *Corporations.* Returns of corporations shall be made to the Secretary or his delegate in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

* * * * *

(4) *Exceptional cases.* Notwithstanding paragraph (1), (2) * * * of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

§ 41.6091–1 *Place for filing returns*—(a) *Persons other than corporations.* Each return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the district director at Baltimore, Maryland.

(b) *Corporations.* Each return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation. If it has no principal place of business or principal office or agency in any internal revenue district, the return shall be filed with the district director at Baltimore, Maryland.

§ 41.6101 *Statutory provisions; period covered by returns or other documents.*

SEC. 6101 *Period covered by returns or other documents.* When not otherwise provided for by this title, the Secretary or his delegate may by regulations prescribe the period for which, or the date as of which, any return, statement, or other document required by this title or by regulations, shall be made.

§ 41.6101–1 *Period covered by returns.* Each return shall cover a one-year period beginning with July 1 and ending with the following June 30.

§ 41.6151 (a) *Statutory provisions; time and place for paying tax shown on returns.*

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

§ 41.6151 (a)–1 *Time and place for paying tax.* The tax required to be reported on any return is due and payable to the district director with whom the return is required to be filed. Such tax shall be paid at the time prescribed in § 41.6071 (a)–1 for filing the return. For provisions relating to interest on underpayments, see section 6601 and the regulations thereunder. For provisions relating to credits and refunds, see §§ 301.6402–1, 301.6402–2, and 301.6402–4 of this chapter. For provisions relating to abatements, see § 301.6404–1 of this chapter. For provisions relating to limitations on credits or refunds, see §§ 301.6511 (a)–1 and 301.6511 (b)–1 of this chapter.

§ 41.6161 (a) (1) *Statutory provisions; extension of time for paying tax.*

SEC. 6161. *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return * * * required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

§ 41.6161 (a) (1)–1 *Extension of time for paying tax.* If it is shown to the satisfaction of the district director that the payment of the tax upon the date prescribed for the payment thereof will result in undue hardship to the taxpayer, the district director, at the request of the taxpayer, may grant an extension of time (not to exceed 60 days) for the payment of such tax.

§ 41.6302 (b) *Statutory provisions; mode or time of collection; discretionary method.*

SEC. 6302. *Mode or time of collection.* * * *

(b) *Discretionary method.* Whether or not the method of collecting any tax imposed by chapters 21, 31, 32, 33, section 4481 of chapter 36, sections 4501 (a) or 4511 of chapter 37, or sections 4701 or 4721 of chapter 39 is specifically provided for by this title, any such tax may, under regulations prescribed by the Secretary or his delegate, be collected by means of returns, stamps, coupons, tickets, books, or such other reasonable devices or methods as may be necessary or helpful in securing a complete and proper collection of the tax.

[Sec. 6302 (b) as amended by sec. 206 (b), Highway Revenue Act 1956]

§ 41.6302 (b)–1 *Method of collection.* For provisions relating to collection of the tax by means of returns, see § 41.6011 (a)–1.

§ 41.7701 *Statutory provisions; definitions.*

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

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(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

* * * * * *

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Delegate.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(13) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to any internal revenue tax.

* * * * * *

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

* * * * * *

(d) *Cross references*—(1) *Other definitions.* For other definitions, see the following sections of Title 1 of the United States Code:

(1) Singular as including plural, section 1.
(2) Plural as including singular, section 1.
(3) Masculine as including feminine, section 1.

* * * * * *

§ 41.7805 *Statutory provisions; rules and regulations.*

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue

laws, shall be applied without retroactive effect.

(c) *Preparation and distribution of regulations, forms, stamps, and other matters.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue.

§ 41.7805–1 *Promulgation of regulations.* In pursuance of section 7805 of the Internal Revenue Code of 1954, the foregoing regulations are hereby prescribed. (See § 41.0–3 relating to the scope of the regulations.)

PAR. 2. In order to conform the regulations on procedure and administration (26 CFR Part 301) to section 206 (b) of the Highway Revenue Act of 1956 (70 Stat. 391), § 301.6302 of such regulations, adopted by Treasury Decision 6119, approved December 31, 1954, is amended as follows:

(A) By inserting "section 4481 of chapter 36," after "33," in section 6302 (b) of the Internal Revenue Code of 1954 as set forth in § 301.6302.

(B) By adding at the end thereof the following historical note:

[Sec. 6302 as amended by sec. 206 (b), Highway Revenue Act 1956]

[F. R. Doc. 56–7920; Filed, Oct. 1, 1956; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

SUGARCANE SIRUP

U. S. STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Sugarcane Sirup pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, et seq.; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the second issue of United States Standards for Grades of Sugarcane Sirup.

All persons who desire to submit written data, views, or arguments for consideration in connection with the following proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
52.3101 Product description.
52.3102 Types of sugarcane sirup.
52.3103 Grades of sugarcane sirup.

FILL OF CONTAINER

52.3104 Recommended fill of container.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

FACTORS OF QUALITY

Sec.
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SCORE SHEET

52.3121 Score sheet for sugarcane sirup.

AUTHORITY: §§ 52.3101 to 52.3121 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.3101 *Product description.* Sugarcane sirup is the clean, sound liquid product obtained by evaporating the juice of sugarcane without the removal of any of the soluble solids or by dissolving sugarcane concrete in water, and is produced and packed in accordance with good commercial practice.

§ 52.3102 *Types of sugarcane sirup.* The type of sugarcane sirup is not incorporated in the grades of the finished product since the type of sugarcane sirup, as such, is dependent upon the method of preparation and processing and, therefore, is not a factor of quality for the purpose of these grades. Sugarcane sirup may be prepared and processed as one of the following types:

(a) "Sulfured sugarcane sirup" means sugarcane sirup which is made by the sulfitation process and contains not more than 100 parts per million of sulfur dioxide.

(b) "Unsulfured sugarcane sirup" means sugarcane sirup which is not made by the sulfitation process.

§ 52.3103 *Grades of sugarcane sirup.* (a) "U. S. Grade A or U. S. Fancy" is the quality of sugarcane sirup that contains not less than 74 percent, by weight, of soluble solids (74° Brix; 39.50° Baumé); that possesses a good color; that possesses a good flavor; that is practically free from defects; that is practically clear; and that for those factors which are rated in accordance with the scoring system outlined in this subpart the score is not less than 90 points: *Provided,* That the sugarcane sirup may possess a reasonably good color and may be reasonably clear if the total score is not less than 90 points.

(b) "U. S. Grade B or U. S. Choice" is the quality of sugarcane sirup that contains not less than 74 percent, by weight, of soluble solids (74° Brix; 39.50° Baumé); that possesses a reasonably good color; that possesses a reasonably good flavor; that is reasonably free from defects; that is reasonably clear; and that scores not less than 80 points when rated in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C or U. S. Standard" is the quality of sugarcane sirup that contains not less than 74 percent, by weight, of soluble solids (74° Brix; 39.50° Baume'); that possesses a fairly good color; that possesses a fairly good flavor; that is fairly free from defects; that is fairly clear; and that scores not less than 70 points when rated in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of sugarcane sirup that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.3104 *Recommended fill of container.* The recommended fill of container is not incorported in the grades of the product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommeded that each container be filled with sirup as full as practicable, and with respect to containers of one gallon or less shall be filled to not less than 93 percent of total capacity.

FACTORS OF QUALITY

§ 52.3105 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factor not rated by score points.* (i) Soluable solids.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	30
Flavor	30
Defects	20
Clarity	20
Total score	100

§ 52.3106 *Ascertaining the score for the factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.3107 *Color*—(a) *General.* Color has reference to the color of sugarcane sirup when examined by means of the U. S. D. A. permanent glass color standards for sugarcane sirup. Information regarding these color standards may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, U. S. Department of Agriculture, Washington 25, D. C.

(b) (*A*) *Classification.* Sugarcane sirup that possesses a good color may be given a score of 27 to 30 points. "Good color" means that the color is bright and typical of sirup properly prepared and processed from sound, well matured sugarcane, and is equal to or lighter in color than U. S. D. A. permanent glass color standard No. 1 for sugarcane sirup.

(c) (*B*) *classification.* If the sugarcane sirup possesses a reasonably good color, a score of 24 to 26 points may be given. "Reasonably good color" means that the color is reasonably bright, and is equal to or lighter in color than U. S. D. A. permanent glass color standard No. 2 for sugarcane sirup.

(d) (*C*) *classification.* Sugarcane sirup that possesses a fairly good color may be given a score of 21 to 23 points. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the sugarcane sirup possesses a color that is equal to or lighter in color than U. S. D. A. permanent glass color standard No. 3 for sugarcane sirup.

(e) (*SStd.*) *classification.* Sugarcane sirup that fails to meet the requirements of the above paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3108 *Flavor*—(a) *General.* The factor of flavor refers to the palatability of the sugarcane sirup and the effect on flavor of the method of preparation for the particular type of sugarcane sirup.

(b) (*A*) *classification.* Sugarcane sirup that possesses a good flavor may be given a score of 27 to 30 points. "Good flavor" means that the product possesses a good, characteristic flavor for the type of sugarcane sirup and is free from objectionable flavors, including but not limited to, objectionable flavors caused by scorching or fermentation or the presence of any foreign or disagreeable flavor or odor.

(c) (*B*) *classification.* If the sugarcane sirup possesses a reasonably good flavor, a score of 24 to 26 points may be given. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the product possesses a reasonably good, characteristic flavor for the type of sugarcane sirup and is free from objectionable flavors, including but not limited to, objectionable flavors caused by scorching or fermentation or the presence of any foreign or disagreeable flavor or odor.

(d) (*C*) *classification.* Sugarcane sirup that possesses a fairly good flavor may be given a score of 21 to 23 points. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product possesses a fairly good flavor for the type of sugarcane sirup and is free from objectionable flavors, including but not limited to, objectionable flavors caused by scorching or fermentation or the presence of any foreign or disagreeable flavor or odor.

(e) (*SStd.*) *classification.* Sugarcane sirup that fails to meet the requirements of the above paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3109 *Defects*—(a) *General.* Defects refers to the cleanliness of the product and the degree of freedom from harmless extraneous material, such as particles of fiber; carbon, or earthy material which may be in suspension or deposited as sediment in the container, and the ash content. The maximum ash content recommended for the respective type and grade of sugarcane sirup is given in Table No. I of this section.

(b) (*A*) *classification.* Sugarcane sirup that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the appearance and edibility of the product are not affected by the presence of harmless extraneous matter or other material which may be in suspension or deposited as sediment in the container.

(c) (*B*) *classification.* If the sugarcane sirup is reasonably free from defects, a score of 16 or 17 points may be given. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the appearance and edibility of the product are not materially affected by the presence of harmless extraneous matter or other material which may be in suspension or deposited as sediment in the container.

(d) (*C*) *classification.* Sugarcane sirup that is fairly free from defects may be given a score of 14 or 15 points. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the appearance and edibility of the product are not seriously affected by the presence of harmless extraneous matter or other material which may be in suspension or deposited as sediment in the container.

TABLE I—RECOMMENDED MAXIMUM ASH CONTENT FOR THE RESPECTIVE TYPE AND GRADE OF SUGARCANE SIRUP

Grade designation	Sulfured	Unsulfured
	Percent	*Percent*
U. S. Grade A	3.0	2.5
U. S. Grade B	4.5	3.5
U. S. Grade C	6.0	4.5
Substandard	Over 6.0	Over 4.5

(e) (*SStd.*) *classification.* Sugarcane sirup that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3110 *Clarity*—(a) *General.* The factor of clarity has reference to the degree of freedom from fine particles of mineral matter, colloidal or amorphous material, or any other suspended matter that may affect the clarity, appearance, or edibility of the product.

(b) (*A*) *classification.* Sugarcane sirup that is practically clear may be given a score of 18 to 20 points. "Practically clear" means that the sugarcane sirup may contain not more than a trace of finely divided particles of suspended material which does not affect the appearance or edibility of the product.

(c) (*B*) *classification.* If the sugarcane sirup is reasonably clear a score of 16 or 17 points may be given. "Reasonably clear" means that the sugarcane sirup may contain finely divided particles of suspended material which does not materially affect the appearance or edibility of the product.

(d) (*C*) *classification.* Sugarcane sirup that is fairly clear may be given a score of 14 or 15 points. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly clear" means that the appearance or edibility of the sugarcane sirup may be materially but not seriously affected by the presence of finely divided particles of suspended material.

(e) (*SStd.*) *classification.* Sugarcane sirup that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 52.3111 *Color of sugarcane sirup.* (a) The color classification of sugarcane sirup is determined by means of the U. S. D. A. permanent glass color standards for sugarcane sirup as outlined in this subpart.

(b) Partially crystallized sugarcane sirup is liquefied by heating to approximately 54.4° C. (130° F.) and cooled to approximately 20° C. (68° F.) before ascertaining the color of the sirup by means of the U. S. D. A. permanent glass color standards for sugarcane sirup.

§ 52.3112 *Application of U. S. D. A. permanent glass color standards in classifying the color of sugarcane sirup*—(a) *Sample containers.* The sample containers for use in making the visual color determination, as set forth in this subpart, are cells of colorless optical glass or plastic, having an internal width of 3.175 mm. (⅛ inch) with outside dimensions of approximately 1 1/16 inches by 3½ inches.

(b) *Comparator; viewing box.* The comparator or viewing box for the entire color range in the visual comparison test is divided into five compartments. Each compartment is provided with openings approximately 1 3/16 inches square in the two parallel sides. The U. S. D. A. permanent glass color standards are mounted in a fixed position in the front openings of compartments 1, 3, and 5 of the two comparators, compartments 2

and 4 being adapted to receive the sample containers.

(c) *Clear blanks.* Three clear blanks of distilled water in sample containers are required. The clear blanks are placed in the compartments provided behind each permanent glass color standard.

(d) *Visual comparison test.* The color of a sample of sugarcane sirup is compared with the U. S. D. A. permanent glass color standards in the following manner to determine its color classification:

(1) Place the sample of sugarcane sirup in a clean, dry sample container.

(2) Place the clear blanks behind each permanent glass color standard.

(3) Place the container filled with the sample of sugarcane sirup successively in compartments 2 and 4 of the comparator, and visually compare the color of the sample with that of each of the glass color standards by looking through them at a diffuse source of natural or artificial daylight.

§ 52.3113 *Soluble solids; Brix value.* Soluble solids means the solids content of sugarcane sirup or the Brix value as determined by the double dilution method by means of a Brix hydrometer corrected to 20° C. (68° F.).

§ 52.3114 *Ash.* Percent ash means the ash content of sugarcane sirup determined as sulfated ash as outlined in the Official Methods of Analysis of the Association of Official Agricultural Chemists, Seventh Edition, 1950. Percent ash is calculated on the basis of the percent soluable solids content of the product and expressed as percent of sulfated ash with no deduction.

§ 52.3115 *Sulfur dioxide, p. p. m.* Sulfur dioxide, p. p. m. means the total sulfites determined by the Monier-Williams method, calculated as parts per million of sulfur dioxide (SO_2).

§ 52.3116 *Reducing sugars.* The percent, by weight, of reducing sugars is calculated on the basis of the percent of soluble solids. Reducing sugars are determined by the Lane-Eynon volumetric method for reducing sugars.

§ 52.3117 *Sucrose.* The percent, by weight, of sucrose is calculated on the basis of the percent of soluble solids. The determination may be made by the Clerget, or double polarization, method using invertase as the inverting agent, by Jackson-Gillis Method Number IV, or by the chemical method, before and after inversion.

§ 52.3118 *Methods of analysis.* The analysis indicated in this section shall be made in accordance with methods of analysis given in Official Methods of Analysis of the Association of Official Agricultural Chemist or by any other means which give equivalent results.

LOT CERTIFICATION TOLERANCES

§ 52.3119 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of sugarcane sirup the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points, (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.3120 *Score sheet for sugarcane sirup.*

Size and kind of container ____
Container mark or identification ____
Label ____
Type ____
Soluble solids, percent, Brix (degrees) ____
Sucrose, percent ____
Reducing sugars, percent ____
Ash, percent ____

Factors		Score points	
Color		30	(A) 27–30 (B) 24–26 (C) [1] 21–23 (SStd.) [1] 0–20
Flavor		30	(A) 27–30 (B) [1] 24–26 (C) [1] 21–23 (SStd.) [1] 0–20
Defects		20	(A) 18–20 (B) [1] 16–17 (C) [1] 14–15 (SStd.) [1] 0–13
Clarity		20	(A) 18–20 (B) 16–17 (C) [1] 14–15 (SStd.) [1] 0–13
Total Score		100	

Grade ____
Color ____

[1] Indicates limiting rule.

Dated: September 27, 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-7923; Filed, Oct. 1, 1956; 8:52 a. m.]

[7 CFR Part 1019]

[Docket No. AO-288]

MILK IN BALTIMORE, MARYLAND, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the opening of a public hearing to be held in the Assembly Room of the Sheraton Belvedere Hotel, Charles and Chase Streets, Baltimore, Maryland, beginning at 9:30 a. m., e. s. t., on October 22, 1956 and in the Chesapeake Room of the Emerson Hotel, Baltimore and Calvert Streets, Baltimore, Maryland, on October 23, 1956. The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Baltimore, Maryland, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in such marketing area.

The hearing on the proposed marketing agreement and proposed order is to determine whether, (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, (2) the issuance of a marketing agreement or order regulating the handling of milk in the area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. The proposals set forth below have not received the approval of the Secretary of Agriculture and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Proposal No. 1: The following marketing agreement and order has been proposed by Maryland Cooperative Milk Producers, Inc.:

DEFINITIONS

Section 1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Section 2. *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

Section 3. *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

Section 4. *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

Section 5. *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

Section 6. *Baltimore, Maryland, marketing area.* "Baltimore, Maryland, marketing area", hereinafter called the "marketing area", means all the territory in the State of Maryland situated within the corporate limits of the City of Baltimore and the Town of Laurel and within the following counties: Cecil, Hartford, Baltimore, Carroll, Howard, Calvert, Anne Arundel, Queen Annes and Kent, together with all piers, docks, and wharves connected therewith and all crafts moored thereat. As used in this section "territory" shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above described area.

Section 7. *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling or processing of milk or milk products.

Section 8. *Distributing plant.* "Distributing plant" means any milk plant holding a permit issued pursuant to the Maryland Milk Law (sections 530–541 of Article 43) by any health authority having jurisdiction in the marketing area for the processing and packaging of fluid milk products and from which any such products are disposed of during the month as Class I in the marketing area.

Section 9. *Supply plant.* "Supply plant" means any milk plant, other than a distributing plant, holding a permit from a duly constituted health authority issued pursuant to sections 530–541 of Article 43 of the Maryland Milk Law to supply milk for sale as fluid milk in the marketing area.

Section 10. *Pool plant.* "Pool plant" means any plant other than the plant of a producer-handler, which, in a given month, meets the following requirements:

(a) Qualifies as a distributing plant; or

(b) Qualifies as a supply plant and from which not less than 50 percent of its total receipts of producer milk, less transfers of Class I milk to other handlers, is moved to a distributing plant(s): *Provided,* That any supply plant which shipped to a distributing plant(s) the required percentage of its producer receipts during each of the months June through January shall be a pool plant for each of the following months of February through May: *And provided further,* That all supply plants which are operated by one handler, may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the 5th working day prior to the month to which the notice applies. In any of the months of February through May a unit shall not contain plants which were not qualified as pool plants, either individually or as members of another unit, during the previous months June through January.

Section 11. *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

Section 12. *Dairy farmer.* "Dairy farmer" means any person who operates a farm engaged in the production of milk.

Section 13. *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit issued by an appropriate health authority having jurisdiction for the production of milk qualified for disposition to consumers in fluid form in the marketing area.

Section 14. *Producer milk.* "Producer milk" means milk of any producer qualified as described in section 13 and either (a) received directly at a pool plant, or (b) caused to be diverted by a handler for his account from such plant to a nonpool plant.

Section 15. *Other source milk.* "Other source milk" means all milk and milk products contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to section 41 (a) except:

(1) Fluid milk products received from pool plants, or

(2) Producer milk; and

(b) Products, other than those designated as Class I pursuant to section 41 (a) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

Section 16. *Other order milk.* "Other order milk" means all milk and milk products in any of the forms specified in section 41 (a) received by a handler but the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any other milk marketing area.

Section 17. *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a pool plant(s) or any other plant from which milk in any of the forms specified in section 41 (a) is disposed of, either directly or indirectly within the marketing area.

(b) Any cooperative association with respect to producer milk of members assigned, delivered or caused to be delivered to a pool plant or to a nonpool plant.

Section 18. *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant, but who receives no milk from other dairy farmers.

Section 19. *Base milk.* "Base milk" means producer milk received by a handler during any month which is not in excess of each producer's daily average base, computed pursuant to section 80, multiplied by the number of days in such month for which such producer delivered milk.

Section 20. *Excess milk.* "Excess milk" means milk received by a handler during any month which is in excess of base milk received from each producer during such month.

MARKET ADMINISTRATOR

Section 25. *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

Section 26. *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

Section 27. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by section 99 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under section 98) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of milk and milk products for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to sections 30 to 32 inclusive; or

(2) Made one or more of the payments pursuant to sections 90, 97, 98, and 99.

(i) On or before the 12th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify each handler whose total value of milk is computed pursuant to section 70 of:

(1) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(2) The amount of any charge made pursuant to section 70 (e);

(3) The uniform prices computed pursuant to sections 71 and 72;

(4) The totals of the amounts computed in the manner provided by section 90 (a);

(5) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(6) The totals of the amounts required to be paid by such handler pursuant to sections 98 and 99.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to section 50 (a) and the Class I butterfat differential pursuant to section 51 (a), both for the current month; and the respective minimum prices for Class II milk and Class III milk pursuant to section 50 (b) and (c) and the respective butterfat differentials for Class II and Class III milk pursuant to section 51 (b) and (c), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to section 71 and 72 and the butterfat differential(s) specified pursuant to section 91, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

Section 30. *Monthly reports of receipts and utilization.* On or before the 7th day of each month, each handler shall submit to the market administrator a report, in the detail and on forms prescribed by the market administrator, for such handler's pool plant(s) containing the following information for the preceding month:

(a) The quantities of milk, and the butterfat contained therein, received from producers;

(b) The quantities of milk and milk products, and the butterfat contained therein, received from other handlers;

(c) The quantities of other source milk, and the butterfat contained therein, received at the handler's pool plant(s);

(d) The utilization of all milk and milk products, and the butterfat contained therein, required to be reported pursuant to this section, including the pounds of milk and milk products and the butterfat contained therein on hand at the beginning and end of each month;

(e) The aggregate quantities of base and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

Section 31. *Payroll reports.* On or before the 20th day of each month each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) For each producer, the name, address, code number (if any), patron number and Farm Permit number;

(b) For each producer, the total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk and the number of days on which milk was delivered by such producer in such month;

(c) The amount of payment to each producer;

(d) The nature and amount of any deductions or charges involved in such payments; and

(e) Such other information with respect thereto as the market administrator may require.

Section 32. *Other reports.* (a) At such times and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information with respect to sources and utilization of milk and milk products handled by him as may be requested by the market administrator.

(b) At such times and in such manner as the market administrator may prescribe, each producer-handler shall report to the market administrator relative to his receipts, utilization and disposition of milk and milk products.

(c) As requested by the market administrator, each handler shall report the total quantity of milk received from each producer and the number of days of such delivery beginning with July 1 and ending December 31 of each year.

Section 33. *Records and Facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations (and summaries thereof customarily maintained) and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to sections 30, 31 and 32 and to payments required to be made pursuant to sections 90 through 99.

Section 34. *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Section 35. *Handler report to producers.* (a) In making payments to producers pursuant to section 90 each handler, on or before the 17th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month:

(1) The identification of the handler and the producer;

(2) The total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery;

(3) The minimum rate(s) at which payment to the producer is required under the provisions of section 90;

(4) The rate(s) used in making the payment, if such rate(s) is other than the required minimum rate(s);

(5) The amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate pursuant to section 90 (b) each handler upon request shall furnish to the cooperative association, on or before the 16th day of each month, with respect to each producer for whom such payment is made, all the information specified in paragraph (a) of this section.

CLASSIFICATION

Section 40. *Milk to be classified.* All milk, skim milk, and cream which is received within the month by a handler, which is required to be reported pursuant to section 30 shall be classified by the market administrator pursuant to the provisions of section 41 through 45.

Section 41. *Class of utilization.* Subject to the conditions set forth in sections 42 through 43 the classes of utilization shall be as follows:

(a) *Class I milk.* All milk and skim milk (including the milk or skim milk equivalent of concentrated milk, and of dry whole milk, condensed skim milk and nonfat dry milk solids used in re-

constituting or fortifying any Class I product) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored) concentrated milk, or any mixture of milk, cream or skim milk containing less than 18 percent butterfat (except sterilized products in hermetically sealed containers, ice milk mixes and eggnog) including such products which are:

(1) Disposed of to retail establishments which dispose of milk both for fluid and other uses, or

(2) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* (1) All milk, skim milk and cream which are:

(i) Disposed of in bulk and used in soup, candy, bakery products or any other non-dairy commercial food product;

(ii) Disposed of in cottage cheese, pot or bakers' cheese; or

(iii) Disposed of as cream for fluid consumption (including aerated whips); and

(2) Milk and skim milk used in the manufacture of or disposed of as such in ice cream.

(c) *Class III milk.* (1) All milk, skim milk and cream used or disposed of in the manufacture of butter, eggnog, roller or spray nonfat dry milk solids, condensed milk, condensed skim milk, cheese other than cottage, pot or bakers' cheese or disposed of and used for livestock feed, and cream for ice cream;

(2) All milk and milk products contained in monthly inventory variations; and

(3) All milk accounted for as actual plant shrinkage, but not to exceed 2 percent of the total pounds of milk, skim milk and cream received or 2 percent of the butterfat pounds received in the form of milk, skim milk and cream at a handler's pool plant(s). For the purpose of this section, plant loss of serum and butterfat shall be assigned pro rata between pool milk and other source milk.

Section 42. *Transfers of milk.* Milk and skim milk containing less than 18 percent butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a product designated as Class I in section 41 (a) to the pool plant of another handler, except a producer-handler, unless utilization in another class is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to section 30: *Provided,* That the products so assigned to another class shall be limited to the amount thereof remaining in the assigned class in the plant of the transferee-handler after the subtraction of other source milk pursuant to section 45 and any additional amounts of such products shall be classified as Class I milk: *And provided further,* That if either or both handlers have received other source milk, the fluid milk products so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a product designated as Class I in section 41 (a);

(c) As Class I milk, if transferred or diverted in the form of a product designated as Class I in section 41 (a) to a nonpool milk plant located more than 400 miles distant from City Hall, Baltimore, Maryland, by the shortest highway distance as determined by the market administrator;

(d) As Class I milk, if transferred or diverted in the form of a product designated as Class I pursuant to section 41 (a) to a nonpool plant located not more than 400 miles distant from City Hall, Baltimore, Maryland, by the shortest highway distance as determined by the market administrator, unless all the following conditions are met:

(1) The transferring handler claims classification in other than Class I;

(2) The operator of such nonpool plant keeps adequate books and records showing the utilization of all milk and milk products received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) The Class I milk, as defined pursuant to section 41 (a) in such nonpool milk plant does not exceed the receipts of milk from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided,* That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk so transferred or diverted.

Section 43. *Transfers of cream.* Cream containing 18 percent or more butterfat, transferred from a pool plant shall be classified:

(a) As Class II if transferred to the plant of another handler, except a producer-handler, unless utilization in another class is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to section 30: *Provided,* That if either or both handlers have received cream as other source milk, the cream so transferred shall be classified at both plants so as to allocate the greatest possible Class II utilization to the producer milk of both handlers; and

(b) As Class II if transferred to a producer-handler unless utilization in another class is claimed by both the transferor-handler and the producer-handler in their reports submitted for the month to the market administrator pursuant to sections 30 and 32 respectively.

Section 44. *Computation of milk in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of milk in each class for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of milk or skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

Section 45. *Allocation of classified milk.* The market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during each month as follows:

(a) The gross product pounds of milk and milk products classified (including any overage determined pursuant to paragraph (5) of this section) shall be allocated in the following manner:

(1) If the total product pounds of all milk and milk products classified is less than the total product pounds of all milk and milk products received at the handler's pool plant(s) add to the product pounds of Class I and Class III milk the product pounds classified as plant shrinkage pursuant to section 41 (a) (2) and (c) (3);

(2) Subtract from the product pounds in Class III milk the product pounds in receipts of other source milk: *Provided,* That if the product pounds of such receipts to be subtracted are greater than the product pounds in Class III milk, the balance shall be subtracted first from the product pounds in Class II to the extent Class II is available and thence from Class I;

(3) Subtract from the product pounds remaining in each class, the product pounds of milk, skim milk and cream in receipts from pool plants of other handlers and assigned to such class pursuant to sections 42 and 43;

(4) Subtract from the product pounds remaining in Class III the product pounds of milk and skim milk received from producer-handlers: *Provided,* That if the product pounds of such receipts to be subtracted are greater than the product pounds in Class III milk, the balance shall be subtracted first from the product pounds in Class II to the extent Class II is available and thence from Class I;

(5) If the remaining product pounds in the several classes exceed the product pounds of milk from producers, subtract such excess from the remaining product pounds in series beginning with Class III. Any amount of excess so subtracted shall be called overage.

(b) Butterfat shall be allocated under the same procedure outlined for gross product pounds in paragraph (a) of this section.

(c) Divide the pounds of butterfat in each class by the hundredweight of product pounds in such class to determine the weighted average butterfat content of each class.

MINIMUM PRICES

Section 50. *Class prices.* Subject to the provisions of sections 51, 52 and 53 the minimum prices per hundredweight, 3.5 percent butterfat basis to be paid by each handler for producer milk received at his pool plant(s) shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk shall be that price set opposite the bracket in which the formula index falls for the applicable month.

(1) Compute an average of the four latest weekly index figures of wholesale commodity prices published by the Bureau of Labor Statistics, U. S. Department of Labor.

(2) Divide by .03441 the average price paid for milk by 13 midwest condenseries, as reported by the U. S. Department of Agriculture, and adjust the result for

seasonal variation by dividing by the applicable figure indicated below for each month:

January	1.02	July	0.96
February	1.01	August	.99
March	1.00	September	1.02
April	.97	October	1.03
May	.95	November	1.05
June	.95	December	1.05

(3) Divide the sum of the indexes calculated in subparagraphs (1) and (2) of this paragraph by 2, the resulting figure to be the formula index.

(4) The price for the months June–January and for the months February–May shall be determined by the index value calculated on April and December data respectively, and announced in the month preceding the stated periods, in accordance with the bracket shown in the following table in which such index is included (If the formula index is more than 108.9 the table shall be extended at the same intervals):

Formula index	Basic price	Seasonal price	
		June–January	February–May
89.0–92.9	$5.06	$5.29	$4.83
93.0–96.9	5.26	5.49	5.03
97.0–100.9	5.46	5.69	5.23
101.0–104.9	5.66	5.89	5.43
105.0–108.9	5.86	6.09	5.63

(b) *Class II milk price.* The price per hundredweight during each month shall be the sum of the values of butterfat and skim milk computed as follows:

(1) *Butterfat.* Add all "car or truck lot" market quotations (using the midpoint of any weekly range as one quotation) of prices for a 40-quart can of "Pennsylvania and New Jersey" and "Pennsylvania only" approved sweet cream of bottling quality in the Philadelphia, Pennsylvania, market, reported for each week ending within the current month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00, divided by 33.48 and multiply by 3.5.

(2) *Skim milk.* Apply the average of all daily market quotations (using midpoint of any daily range as one quotation) of all "hot roller, other brands, human consumption, carlots, bags or barrels" published for the delivery period in "The Producers' Price Current" to the following schedule:

When the quotation per pound is:	*The Class II skim milk value shall be:*
$0.106 to $0.1159	$0.47½
$0.116 to $0.1259	.55
$0.126 to $0.1359	.62½
$0.136 to $0.1459	.70

If the quotation is less than $0.106 or more than $0.1459 extend the table at the same intervals.

(c) *Class III milk.* The price per hundredweight during each month shall be the sum of the values of butterfat and skim milk computed as follows:

(1) *Butterfat.* Add all "car or truck lot" market quotations (using the midpoint of any weekly range as one quotation) of prices for a 40-quart can of "Pennsylvania and New Jersey" and "Pennsylvania only" approved sweet cream of bottling quality in the Philadelphia, Pennsylvania, market, reported for each week ending within the current month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00, divide by 33.48 and multiply by 3.5.

(2) *Skim milk.* Apply the average of all daily market quotations (using midpoint of any daily range as one quotation) of all "hot roller, other brands, human consumption, carlots, bags or barrels" published for the delivery period in "The Producers' Price Current" to the following schedule:

When the quotation per pound is:	*The Class III skim milk value shall be:*
$0.106 to $0.1159	$0.37½
$0.116 to $0.1259	.45
$0.126 to $0.1359	.52½
$0.136 to $0.1459	.60

If the quotation is less than $0.106 or more than $0.1459 extend the table at the same intervals.

Section 51. *Butterfat differentials.* (a) The Class I price shall be subject to a butterfat differential of 7 cents for each one-tenth of one percent variation above or below 3.5 percent butterfat.

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 3.5 percent, computed by subtracting $2.00 from the average cream quotation computed pursuant to section 50 (b) (1), and dividing by 334.8.

(c) The Class III price shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 3.5 percent, calculated by subtracting $2.00 from the average cream quotation computed pursuant to section 50 (c) (1) and dividing by 334.8.

Section 52. *Location differentials to handlers.* In the case of milk received from producers by any handler at a supply plant and classified as Class I, or Class II or Class III there shall be deducted from the prices set forth in section 50 (a), (b) and (c) the following amounts:

(a) Class I milk; 28 cents per hundredweight.

(b) Class II and Class III milk; 7 cents per hundredweight.

Section 53. *Bulk farm tank differentials to handlers.* In case of Class I milk received from producers at a distributing plant by bulk farm tank pick-up truck, there shall be added to the price set forth in section 50 the following amounts:

(a) If 50 percent to 75 percent of producer receipts are received directly by bulk farm pick-up truck, add 5 cents; and

(b) If more than 75 percent of producer receipts are received directly by bulk farm pick-up truck, add 10 cents.

Section 54. *Rate of compensatory payments on other source milk.* Any handler who receives other source milk during the month which is allocated to Class I or Class II pursuant to sections 44 and 45 shall pay to the producer-settlement fund an amount equal to the value of the milk so allocated to Class I and Class II, less an amount computed at the same rate as specified in section 52, if not from a distributing plant, and less the value of such milk at the Class III price: *Provided,* That such payments shall not apply for any month in which total receipts from producers at all pool plants of all handlers is less than 110 percent of total Class I utilization of all handlers.

Section 55. *Use of equivalent prices or indexes.* If for any reason a price or index specified by this order for use in computing class prices is not available in the manner described, the market administrator shall use a price or index determined by the Secretary to be equivalent to the price or index which is required.

APPLICATION OF PROVISIONS

Section 60. *Producer-handler.* Sections 40 through 45, 50 through 53, 55, 70 through 72, 80 through 83 and 90 through 100 shall not apply to a producer-handler.

Section 61. *Plants subject to other Federal orders.* A plant specified in paragraphs (a) and (b) of this section shall be considered as a nonpool milk plant under this order except that the operator of each plant shall, with respect to total receipts and utilization at such plant, make reports to the market administrator at such times and in such manner as the market administrator may require (in lieu of the reports required pursuant to section 30 through section 32) and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail and wholesale outlets (except pool milk plants) in the Baltimore marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the act unless such plant disposes of a greater volume of producer milk to pool plants under the Baltimore order than to plants distributing in the marketing area regulated pursuant to such other order.

DETERMINATION OF UNIFORM PRICE

Section 70. *Computation of value of milk for each handler.* The total value of milk received during any month by each handler, shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class for such month by the respective class prices computed and adjusted in accordance with section 50 and section 51 and add together the resulting amounts;

(b) Deduct the total amount of all location differentials computed in accordance with section 52;

(c) Add, or subtract, as the case may be, an amount necessary to correct errors as disclosed by the verification of the reports of such handler of his receipts and utilization of milk and butterfat for previous months;

(d) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage deducted from each class pursuant to section 45 by the applicable class price;

(e) Add, with respect to other source milk (excluding other order milk) received at each pool plant of such handler and allocated to Class I or Class II the value pursuant to section 54; and

(f) Add, the value of all tank differentials on bulk farm tank receipts computed in accordance with section 53.

Section 71. *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content f. o. b. distributing plants, as follows:

(a) Combine into one total the values computed pursuant to section 70 for the producer milk of all handlers who submit reports prescribed in section 30 and who are not in default of payments pursuant to section 90:

(b) Subtract, in the case of producer milk containing more than 3.5 percent butterfat an amount computed as follows: Multiply the amount by which the average butterfat content of such milk exceeds 3.5 percent by the butterfat differential applicable to such milk in accordance with section 91, and multiply the result by the total hundredweight of such milk;

(c) Add, in the case of producer milk containing less than 3.5 percent butterfat an amount computed as follows: Multiply the amount by which the average butterfat content of such milk is less than 3.5 percent by the butterfat differential applicable to such milk in accordance with section 91, and multiply the result by the total hundredweight of such milk;

(d) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to section 92;

(e) Subtract an amount equal to the sum of the tank differential credits to producers pursuant to section 93.

(f) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund.

(g) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(h) Subtract not less than 4 cents, nor more than 5 cents.

Section 72. *Computation of uniform price for base milk and excess milk.* For each month the market administrator shall compute the uniform price per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. distributing plants, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to section 30 by multiplying the hundredweight of such milk by the uniform price for excess milk, which price shall be the Class III price computed pursuant to section 50 (c);

(b) Subtract the aggregate value of excess milk, plus 4 cents times the hundredweight of excess milk, from the total value of producer milk for the month as determined according to the calculation set forth in section 71 (a) through (f); and

(c) Divide the amount obtained in paragraph (b) of this section by the total hundredweight of base milk, and subtract not less than 4 cents nor more than 5 cents from the prices thus computed. The resulting figure shall be the uniform price for base milk.

BASE RATING

Section 80. *Computation of producer bases.* Subject to the rules set forth in section 81 the market administrator shall determine bases for producers in the following manner:

(a) Divide the total pounds of milk received by a handler from each producer during the months of July through December immediately preceding by the number of days such milk was produced, but not less than 169 days, the base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: *Provided,* That any producer for whom a base has been computed may upon written notice to the market administrator not later than January 31 relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) The base of any producer who has not established a base (including any producer for whom a base may not be computed because of lack of available information covering such producer deliveries in the July–December period) or who elects to relinquish his base pursuant to paragraph (a) of this section shall be a quantity to be effective for the current month only, computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

January	75	July	80
February	70	August	80
March	70	September	75
April	65	October	75
May	65	November	75
June	70	December	75

Section 81. *Base rules.* The following rules shall be observed in determination of bases:

(a) A base computed pursuant to section 80 (a) may be transferred in its entirety upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases or otherwise conveys his herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part.

(b) A producer who ceases deliveries to a pool plant for more than 45 days shall lose his base if computed pursuant to section 80 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to section 80 (b) until he establishes a new base under section 80 (a) to begin the next February 1.

(c) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(d) Any dairy farmer who subsequently becomes a producer, upon presentation of evidence satisfactory to the market administrator, may use his deliveries during the base-making months to establish a base to apply when he assumes the status of producer.

(e) Only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon the receipt of an application signed by all joint holders or their heirs, or assigns.

Section 83. *Announcement of established base.* (a) On or before February 1st of each year the market administrator shall notify each producer not a member of a cooperative association, of the daily base established by such producer.

(b) On or before February 1st of each year the market administrator shall provide the cooperative association(s) with a listing of bases of members of such association.

PAYMENTS

Section 90. *Payments to producers.* (a) On or before the 17th day after the end of each month each handler shall make payment to each producer for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided,* That whenever total receipts of producer milk by all handlers during the month are less than 115 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid the uniform price for all milk delivered: *And provided further,* That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under section 5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 14th day after the end of such month: *And provided further,* That, if by such date such handler has not received full payment for such month pursuant to section 85 he shall not be deemed in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differentials computed pursuant to section 91, the location differentials computed pursuant to section 92 and farm bulk tank credits computed pursuant to section 93.

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat

differential computed pursuant to section 91, the location differentials computed pursuant to section 92 and farm bulk tank credits pursuant to section 93.

(b) On or before the 14th day after the end of each month each handler shall pay to each cooperative association which operates a pool plant for milk received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such milk in each class by the class price adjusted by the appropriate differentials computed pursuant to sections 51, 52 and 53.

Section 91. *Producer butterfat differential.* In making payments pursuant to section 90 (a) for base milk and for excess milk, there shall be added to or subtracted from the uniform price thereof for each one-tenth of one percent that the average butterfat content of milk received from the producer is above or below 3.5, 7 cents and 8 cents respectively.

Section 92. *Location differentials to producers.* In making payment to producers pursuant to section 90 for milk received at a supply plant to which the provisions of section 52 apply, the uniform price(s) per hundredweight shall be reduced at the rate of 21 cents per hundredweight.

Section 93. *Farm bulk tank credits to producers.* In making payment to producers pursuant to section 90 for bulk farm tank milk received at a pool plant (or diverted to a nonpool plant pursuant to section 14) to which the provisions of section 53 apply, the uniform price(s) per hundredweight shall be increased at the rate of 10 cents per hundredweight.

Section 94. *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to section 95 and out of which he shall make all payments to handlers pursuant to section 96.

Section 95. *Payments to the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to section 70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in section 90 (a).

Section 96. *Payments out of the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to section 70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in section 90 (a) and less any unpaid obligations of such handler to the market administrator pursuant to sections 95, 97, 98 and 99: *Provided*, That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

Section 97. *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

Section 98. *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to section 90 (a) shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to section 90 (a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 14th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

Section 99. *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler including any cooperative association which is a handler but not including a producer-handler, shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk and Class II milk, and (b) milk received from producers, including such handler's own production.

Section 100. *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligations under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

Section 105. *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to section 106.

Section 106. *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this order whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

Section 107. *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

Section 108. *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

Section 110. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Section 111. *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

The following proposal has been made by Western Maryland Dairy, Inc.

Proposal No. 2—Baltimore, Maryland, marketing area. "Baltimore, Maryland, marketing area" hereinafter called "the marketing area", means all the territory in the State of Maryland situated within the corporate limits of the City of Baltimore and the Town of Laurel, and within the following counties: Harford, Baltimore, Carroll, Howard, Calvert, Anne Arundel, Cecil, Queen Annes, Kent, Caroline, Talbot, Dorchester, Wicomico, Somerset and Worcester, together with all piers, docks and wharves connected therewith and all crafts moored thereat. As used in this section "territory" shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above described area.

The following proposal has been made by Maryland Co-op Guernsey Breeders' Association, Inc.

Proposal No. 3. Provide for computation of payments to producers on the basis of utilization by each handler (handler pool) and make such other changes in order proposed by Maryland Cooperative Milk Producers, including pool plant definition and compensatory payments, as are in keeping with a handler pool order.

Issued at Washington, D. C., this 26th day of September 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-7904; Filed, Oct. 1, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

WILBUR F. DUERINGER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER (21 F. R. 1736-37, March 20, 1956).

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 12, 1956.

Dated: September 17, 1956.

WILBUR F. DUERINGER.

[F. R. Doc. 56-7913; Filed, Oct. 1, 1956; 8:50 a. m.]

CLARENCE BLUMOEHR

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER (21 F. R. 2795-6, April 28, 1956).

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 22, 1956.

Dated: September 24, 1956.

CLARENCE BLUMOEHR.

[F. R. Doc. 56-7914; Filed, Oct. 1, 1956; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations, (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers as learners for normal labor turnover purposes.

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala.; effective 9-10-56 to 9-9-57 (men's dress trousers).

Ellen Dress Co., 22 Union Street, Cobleskill, N. Y.; effective 9–11–56 to 9–10–57 (women's dresses).

Foster Brothers Manufacturing Co., Inc., Luverne, Ala.; effective 9–16–56 to 9–15–57 (rayon, wool and cotton slacks).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greenboro, N. C.; effective 9–25–56 to 9–24–57 (night gowns, pajamas, etc.).

Harde Manufacturing Co., Inc., Dillard Street, Blackstone, Va.; effective 9–26–56 to 9–25–57 (boys' zipper jackets, hobby jeans, etc.).

The Jerold Corp., Highway 301 South, Smithfield, N. C.; effective 9–15–56 to 9–14–57 (sport jackets).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 9–16–56 to 9–15–57 (men's work clothing).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Ave., New Orleans, La.; effective 9–10–56 to 9–9–57 (uniform pants, slacks, work shirts, etc.).

Mor-Tan Dress Co., 434 South Main Street, Nazareth, Pa.; effective 9–7–56 to 9–6–57 (dresses).

Southland Manufacturing Co., Inc., 1510 South Third Street, Wilmington, N. C.; effective 9–27–56 to 9–26–57 (dress and sport shirts).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized:

Ann Lee Frocks, Inc., Lyndwood Branch, 631 Fellows Avenue, Wilkes-Barre, Pa.; effective 9–15–56 to 9–14–57 (dresses).

Hoess Blouse Co., 1212 South Main Avenue, Scranton, Pa.; effective 9–13–56 to 9–12–57; 6 learners (ladies' blouses).

Hunter Brothers Co., Inc., Statesville, N. C.; effective 9–6–56 to 9–5–57; 5 learners engaged in the production of shirts only (shirts).

Kayler Manufacturing, Inc., 822 Anderson Street, New Kensington, Pa.; effective 9–16–56 to 9–15–57 (ladies' cotton blouses).

Selma Garment Co., Selma, Ala.; effective 10–3–56 to 10–2–57 (shirts).

The Vanity Silk Underwear Co., Inc., 208 St. Clair Avenue, West, Cleveland, Ohio; effective 9–18–56 to 9–17–57; 3 learners (slips, nightgowns, petticoats, etc.).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Chadbourn Manufacturing Co., Inc., Chadbourn, N. C.; effective 9–11–56 to 3–10–57; 50 learners (children's dungarees).

Chester Manufacturing Co., Inc., By-Pass 72, Chester, S. C.; effective 9–12–56 to 3–11–57; 40 learners (dress shirts).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 9–16–56 to 3–15–57; 25 learners (men's work clothing).

Lordley, Inc., Wendell, N. C.; effective 9–23–56 to 3–22–57; 15 learners (men's sport shirts).

McNeer Dillon Co., Statesville, N. C.; effective 9–17–56 to 3–16–57; 100 learners (shirts) (replacement certificate).

Selma Garment Co., Selma, Ala.; effective 9–6–56 to 3–5–57; 25 learners (shirts).

Spooner Sportswear, Inc., 115 Elm Street, Spooner, Wis.; effective 9–17–56 to 3–16–57; 10 learners (ladies' twill jeans).

Tic Tac Co., Inc., Dicey's Creek Road, R. F. D. 2, Camden, S. C.; effective 9–13–56 to 3–12–57; 20 learners (children's outerwear).

Youngwood Manufacturing Co., 309 North Fourth Street, Youngwood, Pa.; effective 9–7–56 to 3–6–57; 15 learners (children's snow pants).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

M. Trelles & Co., Inc., 701 South Peters Street, New Orleans, La.; effective 9–14–56 to 2–28–57; 10 percent of factory production workers for normal labor turnover purposes (replacement certificate).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Parlso Glove Co., 15 South Cleveland Street, Knox, Ind.; effective 9–17–56 to 9–16–57; 4 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, five percent of the total number of factory production workers were authorized for employment.

Ashburn Hosiery Mills, Inc., 719 South Street, Mount Airy, N. C.; effective 9–17–56 to 9–16–57 (seamless).

Bedington Hosiery Mill, Inc., Hickory, N. C.; effective 9–17–56 to 9–16–57; 5 learners (seamless).

Brown's Hosiery Mill, Villa Rica, Ga.; effective 9–12–56 to 9–11–57 (seamless).

Liberty Hosiery Mills, Inc., Gibsonville, N. C.; effective 9–20–56 to 9–19–57 (full-fashioned and seamless).

Liberty Hosiery Mills, Inc., The Liberty Plant, Liberty, N. C.; effective 9–20–56 to 9–19–57 (full-fashioned).

Reaco Hosiery Mills, 220 Twelfth Avenue NW., Hickory, N. C.; effective 9–17–56 to 9–16–57; 5 learners (seamless).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Bear Brand Hosiery Co., Henderson, Ky.; effective 9–1–56 to 2–28–57; 25 learners (seamless).

Bear Brand Hosiery Co., Kearney, Nebr.; effective 9–1–56 to 2–28–57; 15 learners (full-fashioned).

Bear Brand Hosiery Co., Fayetteville, Ark.; effective 9–1–56 to 2–28–57; 15 learners (seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 9–1–56 to 2–28–57; 15 learners (seamless).

Brigadoon Hosiery Mills, 515 East One Hundred and Sixty-third Street, Bronx, N. Y.; effective 9–17–56 to 3–16–57; 5 learners (seamless).

Claussner Hosiery Co., No. 2 Seamless Division, Thirtieth and Adams Streets, Paducah, Ky.; effective 9–17–56 to 3–16–57; 15 learners (seamless).

Newland Knitting Mills, Newland, N. C.; effective 9–17–56 to 3–16–57; 15 learners (seamless).

The Nolde and Horst Co., Hugh Grey Div., Concord, N. C.; effective 9–17–56 to 3–16–57; 35 learners (full-fashioned, seamless).

Se-Ling Mills Corp., 505 North Third Street, Quincy, Ill.; effective 9–17–56 to 3–9–57; 15 additional learners (seamless) (supplemental certificate).

Sharp Hosiery Mill, Inc., Montoursville, Pa.; effective 9–13–56 to 3–12–57; 10 learners (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Anniston Knitting Co., Flagg-Utica Corp., Anniston, Ala.; effective 9–10–56 to 3–9–57; 30 learners for plant expansion purposes (knitted underwear).

Hunter Brothers Co., Inc., Statesville, N. C.; effective 9–6–56 to 9–5–57; 5 learners for normal labor turnover purposes in the production of shorts only (shorts).

Keyser Undergarment Co., Inc., Hyndman, Pa.; effective 9–17–56 to 9–16–57; 5 learners for normal labor turnover purposes (knitted slips and panties).

Snowden, Inc., Osceola, Iowa; effective 9–10–56 to 3–9–57; 10 learners for plant expansion purposes (women's lingerie).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Crawford Shoe Co., U. S. Route No. 45 South, Mattoon, Ill.; effective 9–13–56 to 9–12–57; 10 learners for normal labor turnover purposes.

Flora Factory, International Shoe Co., Flora, Ill.; effective 9–17–56 to 9–16–57; 10 percent of factory production workers for normal labor turnover purposes.

Livermore Shoe Co., Livermore Falls, Maine; effective 8–22–56 to 8–21–57; 10 percent of factory production workers for normal labor turnover purposes (replacement certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as follows:

Bear Brand Hosiery Co., Kankakee, Ill.; effective 9–1–56 to 2–28–57; not less than 80 cents per hour for the first 432 hours and 87½ cents per hour for the remaining 384 hours of the 816-hour learning period, for the occupation of looping; authorizing the employment of 25 high school students only for part time employment (seamless hosiery).

Bear Brand Hosiery Co., Henderson, Ky.; effective 9–1–56 to 2–28–57; not less than 80 cents per hour for the first 432 hours and 87½ cents per hour for the remaining 384 hours of the 816-hour learning period, for the occupation of looping; authorizing the employment of 45 high school students only for part time employment (seamless hosiery).

The Boston Corp, 2635 Boston Street, Baltimore, Md.; effective 9–10–56 to 3–9–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes (men's clothing).

Brooklyn Mailing Device Co., Inc., 233 South First Street, Brooklyn, N. Y.; effective 9–16–56 to 3–15–57; not less than 85 cents per hour for a maximum of 160 hours, for the occupation of sewing machine operator; authorizing the employment of 2 learners (cotton mailing bags).

The Deshler Broom Factory, Deshler, Nebr.; effective 9–17–56 to 3–16–57; not less than 85 cents per hour for a maximum of 320 hours, for the occupations of whisk winding and broom winding; authorizing the employment of 15 learners (brooms, etc.).

Fort Wayne Tailoring Corp., 115 East Brackenridge Street, Fort Wayne, Ind.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers (men's and boys' clothing) (replacement certificate).

Hickey-Freeman Co., 1155 Clinton Avenue, North, Rochester, N. Y.; effective 9–17–56 to 3–16–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of hand sewers and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers (suits, overcoats, topcoats, etc.).

International Hat Co., Oran, Mo.; effective 9–14–56 to 3–13–57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of 4 learners (caps, hats).

Raleigh Manufacturers, Inc., 414 Light Street, Baltimore, Md.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 40 hours of the 320-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers (men's suits, coats).

Raleigh Manufacturers Inc., 519 West Pratt Street, Baltimore, Md.; effective 9–1–56 to 2–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 40 hours of the 320-hour learning period, for the occupations of sewing machine operator and final presser; authorizing the employment of 5 percent of factory production workers (men's suits, coats, pants).

Southern Handkerchief Manufacturing Co., Main and Hammond Streets, Greenville, S. C.; effective 9–14–56 to 3–13–57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 3 learners (handkerchiefs).

Story-Smithson, Inc., Stover, Mo.; effective 9–17–56 to 3–16–57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of embroidery machine operator; authorizing the employment of 6 learners (quilting and embroidery).

Timely Clothes, Inc., 1415 North Clinton Avenue, Rochester, N. Y.; effective 9–17–56 to 3–16–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers (men's suits, outercoats, and slacks).

Timely Clothes, Inc., 65 Sullivan Street, Rochester, N. Y.; effective 9–17–56 to 3–16–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers (men's suits, coats, and slacks).

A. J. Weinstein Co., 308 Third Street, Carnegie, Pa.; effective 9–14–56 to 3–13–57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 2 learners (vacuum cleaners bags).

Wrenn Hosiery Co., 115 Liberty Drive, Thomasville, N. C.; effective 9–13–56 to 9–12–57; not less than 80 cents per hour for a maximum of 240 hours, for the occupation of folding, other than women's nylon and rayon; authorizing the employment of 5 percent of factory production workers engaged in the production of children's and men's seamless hosiery (seamless hosiery).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Angus Manufacturing Co., Inc., Mayaguez, P. R.; effective 7–26–56 to 1–25–57; not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of cutting and sewing machine operating; authorizing the employment of 38 learners for expansion purposes (coveralls).

Bra-Glo Manufacturing Co., Inc., Carolina, P. R.; effective 8–16–56 to 8–15–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 20 learners for normal labor turnover purposes (brassieres).

Carolina Brassiere Co., Inc., Carolina, P. R.; effective 8–23–56 to 2–22–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 25 learners for expansion purposes (brassieres).

Chance Manufacturing Co., Hato Tejas, Bayamon, P. R.; effective 7–26–56 to 1–25–57; not less than 36 cents per hour for the first 240 hours and 42 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 10 learners for expansion purposes (women's and children's shorts and pedal pushers and women's cotton halters).

Dee Originals, Ltd., Ponce-Peñuelas Road, Ponce, P. R.; effective 8–13–56 to 2–12–57; not less than 50 cents per hour for the first 240 hours and 55 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of slip stitchers, hand rollers, sewing machine operators, pressers, and cutters; authorizing the employment of 36 learners for expansion purposes (men's ties).

El Dorado Import & Export, Inc., 106 Padial Street, Caguas, P. R.; effective 7–27–56 to 1–26–57; not less than 42 cents per hour for the first 240 hours and 48 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operating, cutting and embroidery; authorizing the employment of 10 learners for normal labor turnover purposes (women's wool jersey hats).

Glamourette Fashion Mills, Inc., Quebradillas, P. R.; effective 7–23–56 to 1–22–57; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting, topping, looping, seaming, and mending; authorizing the employment of 40 learners for expansion purposes (sweaters).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 7–24–56 to 1–23–57; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of looping and seaming; authorizing the employment of 50 learners for expansion purposes (sweaters).

International Molded Plastics of Puerto Rico, Inc., Km 8.9 Isla Verda Road, Carolina, P. R.; effective 8–14–56 to 8–13–57; not less than 50 cents per hour for a maximum of 200 hours, for the occupations of preformers, molders, sanders and buffers; not less than 50 cents per hour for a maximum of 160 hours, for the occupation of final inspector; authorizing the employment of 10 learners for normal labor turnover purposes (plastic dishes).

Island Industries, Inc., Catano, P. R.; effective 7–19–56 to 4–17–57; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of looping; authorizing the employment of 5 learners for normal labor turnover purposes (girdles).

Neckwear Corp. of Puerto Rico, Rio Piedras, P. R.; effective 8–16–56 to 2–15–57; not less than 50 cents per hour for the first 240 hours and 55 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operators and pressers; authorizing the employment of 8 learners for normal labor turnover purposes (men's ties).

Paula Brassiere Co., Inc., Caguas, P. R.; effective 8–13–56 to 2–12–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 20 learners for expansion purposes (brassieres).

Pol-O-Pal Mills, Inc., Luquillo, P. R.; effective 8–21–56 to 2–20–57; not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 25 learners for expansion purposes (brassieres).

Reina Manufacturing Co., Matadero Road, Puerto Nuevo, P. R.; effective 7–26–56 to 1–25–57; not less than 36 cents per hour for the first 240 hours and 42 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 10 learners for expansion purposes (women's and children's shorts and pedal pushers and women's cotton halters).

Uniforms, Inc., Cayey, P. R.; effective 7–23–56 to 1–22–57; not less than 35 cents per hour for the first 240 hours and 40 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 40 learners for expansion purposes (nurses' and maids' uniforms).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Ozark Academy, Route No. 2, Gentry, Ark.; effective 9–10–56 to 8–31–57, (1) furniture manufacturing: not less than 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours of the 600-hour learning period, for the occupations of woodworking machine operators, assembler, furniture finisher and related skilled and semiskilled operations; authorizing the employment of 8 learners; (2) venetian blind manufacturing: not less than 80 cents per hour for the first 200 hours and 85 cents per hour for the remaining 200 hours of the 400-hour learning period, for the occupations of rail cutter, machine operator, spray painter, slat, cord and tape cutter, installer, and related skilled and semiskilled operations; authorizing the employment of 2 learners; (3) broom manufacturing; not less

than 80 cents per hour for the first 180 hours and 85 cents per hour for the remaining 180 hours of the 360-hour learning period, for the occupations of broommaker, stitcher and related skilled and semiskilled operations; authorizing the employment of 8 student-workers.

Pacific Union College, Angwin, Calif.; effective 9–1–56 to 8–31–57, (1) print shop: not less than 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours of the 1,000-hour learning period, for the occupations of compositor, pressman, lithographer, bindery worker and related skilled and semiskilled occupations including incidental clerical work in shop; authorizing the employment of 8 learners; (2) bookbindery: not less than 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours of the 600-hour learning period, for the occupations of bookbinder, sewer, stamper, trimmer, cutter, backer, case-maker and related skilled and semiskilled occupations including incidental clerical work in shop; authorizing the employment of 12 student-workers.

Shenandoah Valley Academy, New Market, Va.; effective 9–1–56 to 8–31–57; not less than 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours of the 600-hour learning period, for the occupations of bookbinder, bindery worker, sewer, trimmer, backer, cutter, case-maker, letterer and related skilled and semiskilled occupations including incidental clerical work in shop; authorizing the employment of 15 student-workers.

Southwestern Junior College, Keene, Tex.; effective 9–1–56 to 8–31–57; (1) print shop: not less than 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours of the 1,000-hour learning period, for the occupations of compositor, pressman, bindery worker and related skilled and semiskilled occupations; authorizing the employment of 12 learners; (2) clerical: not less than 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 240 hours of the 480 hour learning period, for the occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semiskilled occupations; authorizing the employment of 3 student-workers.

Sunnydale Academy, Centralia, Mo.; effective 9–1–56 to 8–31–57; not less than 80 cents per hour for the first 150 hours and 85 cents per hour for the remaining 150 hours of the 300-hour learning period, for the occupations of food manufacturing, semiskilled occupations only; authorizing the employment of 14 student-workers.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Parts 522 and 527.

Signed at Washington, D. C., this 20th day of September 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56–7886; Filed, Oct. 1, 1956; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS RELATING TO FEDERAL AIRWAYS SYSTEM

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of Commerce to negotiate, without advertising, under section 302 (c) (2), (4), (9) and (12) of the act, contracts for the procurement of supplies and services relating to the expansion and improvement of the traffic control, air navigation and communication facilities comprising the Federal Airways system.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. The authority under section 302 (c) (2), (4), and (9) may be redelegated to any official or employee of the Department of Commerce. The authority under section 302 (c) (12) of the act may not be redelegated but may be exercised in accordance with section 309 (a) of the act.

4. This delegation shall be effective as of the date hereof.

Dated: September 26, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56–7915; Filed, Oct. 1, 1956; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 56]

OKLAHOMA

TRANSPORTATION OF LIVESTOCK FEED AT REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that by reason of a prolonged drouth existing in the State of Oklahoma, the Governor of that State has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport livestock feed to Oklahoma at reduced rates.

It is ordered, That carriers by railroad participating in the transportation of livestock feed to Oklahoma, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until December 31, 1956, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the State agents or agencies.

It is further ordered, That during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate-of-intermediate rates is a reduced rate established under the authority of this order.

And it is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 26th day of September 1956.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56–7890; Filed, Oct. 1, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11565, 11566; FCC 56M–876]

ROLLINS BROADCASTING OF DELAWARE, INC., AND FRANKLIN BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP–9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP–9633; for construction permits.

Upon informal request by counsel for each applicant and with the consent of Bureau counsel, *It is ordered*, This 20th day of September 1956, that the further hearing in this proceeding now scheduled at 10:00 a. m. on Friday, September 21, 1956, is continued to 10:00 a. m. on Thursday, October 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–7928; Filed, Oct. 1, 1956; 8:52 a. m.]

[FCC 56–917]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

SEPTEMBER 27, 1956.

The Federal Communications Commission announces that the following dates will constitute the composite week for the preparation of program log analyses in connection with renewal applications of all AM, FM, and TV broadcast stations whose licenses expire in 1957. Attention is directed to the fact that the date for Sunday is in the year 1955, whereas all other dates are in the year 1956.

Monday, February 6, 1956.
Tuesday, March 13, 1956.
Wednesday, April 25, 1956.
Thursday, May 3, 1956.
Friday, August 10, 1956.
Saturday, September 15, 1956.
Sunday, December 4, 1955.

The attention of licensees is directed to section IV, page 3, item 10, of the renewal application which permits the submission of any additional program data that the applicant desires to call to the Commission's attention, if, in the applicant's opinion, the statistics based on the composite week do not adequately reflect the program service rendered.

Adopted: September 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–7929; Filed, Oct. 1, 1956; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–2219]

APACHE URANIUM CO.

NOTICE OF AND ORDER FOR HEARING

SEPTEMBER 25, 1956.

Apache Uranium Company, 519 Carson Street, Las Vegas, Nevada, hereinafter referred to as "Apache", filed with the Commission on December 27, 1955 a Notification on Form 1–A and an Offering Circular, and amendments thereto, relating to a proposed public offering of 1,425,000 shares of its 1¢ par value common capital stock at 7¢ per share and a proposed offering of rescission to persons who had previously purchased 4,695,500 shares of its 1¢ par value common capital stock for an aggregate of $40,450.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on August 22, 1956 issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 as amended temporarily suspending the conditional exemption under Regulation A and afforded to any person having an interest therein an opportunity to request a hearing pursuant to Rule 223. A written request for a hearing was received by the Commission from Apache on September 6, 1956 which requested the hearing be set on or after October 15, 1956.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933 as amended and the rules of the Commission be held on October 15, 1956 at 11 a. m., P. s. t, at City Council Chambers, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada with respect to the following specified matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with in that

(1) The written consent of the principal underwriter or underwriters is not attached as an Exhibit to the Notification on Form 1–A, as required by Item 7 (b) thereof;

(2) The name and address of the principal underwriter or underwriters are not stated in the Offering Circular; the facing page of the Offering Circular does not reflect the per unit or any amount of underwriting commissions to be paid; and the aggregate amount of underwriting commissions is not stated in the Offering Circular; all as required by Rule 219 (c) (4);

(3) A report on Form 2–A filed with the Commission on May 8, 1956 pursuant to Rule 224 is false, inaccurate and misleading with respect to the number of shares sold, the per unit and aggregate sales price thereof, and the disposition of the proceeds of such sale.

B. Whether the Offering Circular contains untrue statements of material facts, and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly in that:

(1) The Offering Circular falsely states that the Company has no present intention of engaging the services of an underwriter, and that no underwriting commissions will be paid.

(2) The Offering Circular fails to disclose the existence of outstanding options issued by the Company for its 1¢ par value common capital stock at prices less than the public offering price, and the contemplated issuance of options for additional stock at prices less than the public offering price.

(3) The Offering Circular contains an offer of rescission by the issuer with respect to the prior sale of 4,695,500 shares of the issuer's common capital stock for an aggregate of $40,450, and states that Mr. Robert Stanley personally guarantees the refund of the money to the purchasers of such stock; however, the Offering Circular fails to disclose that neither the issuer nor Mr. Robert Stanley is financially able to repay moneys to purchasers who accept such offer of rescission.

C. Whether the use of said offering circular would and did operate as a fraud and deceit upon the purchasers.

D. Whether the order dated August 22, 1956 suspending the exemption under Regulation A with respect to Apache should be vacated or made permanent.

It is further ordered, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under section 19 (b), 21 and 22 (c) of the Securities Act of 1933 as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Apache Uranium Company, 519 Carson Street, Las Vegas, Nevada, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before October 12, 1956 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56–7892; Filed, Oct. 1, 1956; 8:47 a. m.]

[File No. 240—1353]

REALTY MORTGAGE CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 26, 1956.

I. Realty Mortgage Co., a Colorado corporation, 1504 Ivanhoe Street, Denver, Colorado, having filed with the Commission on July 22, 1954, a notification on Form 1–A, and subsequently having filed amendments thereto, relating to an offering of 1,800 shares of 6 percent cumulative preferred stock, par value $25, at $25 per share, and 199 shares of common stock, par value $25, at $25 per share, for an aggregate of $49,975, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports on Form 2–A as required by Rule 224 of Regulation A.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, with-

in twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearings; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*

[F. R. Doc. 56-7893; Filed, Oct. 1, 1956; 8:47 a. m.]

[File No. 24D-1159]

MR. PETROLEUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 26, 1956.

I. Mr. Petroleum, Inc., a Delaware corporation, 1717 East Colfax Avenue, Denver, Colorado, having filed with the Commission on July 23, 1953, a notification on Form 1-A and an offering circular relating to an offering of 500 shares of its 6 percent cumulative preferred stock, par value $100 per share, at $100 per share for an aggregate of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading in stating that Joe Scott Reynolds is secretary and a director of the company and omitting to state that Mr. Reynolds resigned as secretary and director over two years ago and has had no association with the company since that time.

B. The company has failed to file reports on Form 2-A in accordance with Rule 224 of Regulation A.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7894; Filed, Oct. 1, 1956; 8:47 a. m.]

[File No. 24D-1248]

APEX URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 26, 1956.

I. Apex Uranium, Inc., a Colorado corporation, 718 Majestic Building, Denver, Colorado, having filed with the Commission on April 5, 1954, a notification on Form 1-A and offering circular, and subsequently having filed amendments thereto, relating to an offering of 400,000 shares of its 1¢ par value common stock at 10¢ per share, for an aggregate of $40,000, and an offering of rescission to purchasers of 1,375,000 shares of such 1¢ par value common stock at 1¢ per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading in stating that the address of the company is 718 Majestic Building, Denver, Colorado, and in failing to state that such is not the address of the company, and in further stating that the underwriter of the securities being offered is Carroll, Kirchner & Jaquith, Inc., Patterson Building, Denver, Colorado, whereas that corporation no longer exists, and in failing to state that such corporation no longer exists, and the use of such material without such disclosures would operate as a fraud and deceit upon prospective purchasers.

B. The company has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7895; Filed, Oct. 1, 1956; 8:47 a. m.]

[File No. 24D-1344]

SAN FERNANDO VALLEY URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 26, 1956.

I. San Fernando Valley Uranium, Inc., a Nevada corporation, Suite 2, Cragin Building, 308 Fremont Street, Las Vegas, Nevada, having filed with the Commission on July 16, 1954, a notification on Form 1-A, and subsequently having filed amendments thereto, relating to an offering of 44,185 shares of common stock, par value $1, at $1 per share for an aggregate of $44,185 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports on Form 2-A as required by Rule 224 of Regulation A;

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretauy of the Commission a written request for hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7896; Filed, Oct. 1, 1956; 8:47 a. m.]

[File No. 1-597]

JAEGER MACHINE CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 26, 1956.

In the matter of The Jaeger Machine Co., Capital Stock, File No. 1-597.

Cincinnati Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The recent splitting of shares calls for payment of a listing fee on the additional shares which the issuer feels is not warranted in view of the small volume of trading on the applicant Exchange. There have been no transactions thereon in said stock during 1955 and 1956 to date of application. The issue is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before October 15, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*

[F. R. Doc. 56-7897; Filed, Oct. 1, 1956; 8:48 a. m.]

[File No. 70-3508]

MISSOURI EDISON CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING THE ISSUANCE OF SHORT TERM NOTES

SEPTEMBER 26, 1956.

Missouri Edison Company ("Missouri Edison"), a public utility subsidiary of Union Electric Company, a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

Missouri Edison proposes to borrow from The Boatmen's National Bank of St. Louis, Missouri amounts not to exceed, in the aggregate, $1,400,000. Such borrowings will be evidenced by promissory notes, which notes will mature not later than August 31, 1957 and which will bear interest at the prime rate effective in St. Louis at the time of the particular borrowing.

No State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions. No fees or commissions will be paid and the expenses will be nominal.

Due notice having been given of the filing of the declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the expenses are not unreasonable, and that the declaration should be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7898; Filed, Oct. 1, 1956; 8:48 a. m.]

[File No. 70-3510]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF $25,000,000 PRINCIPAL AMOUNT OF DEBENTURES

SEPTEMBER 26, 1956.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed with this Commission a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder regarding the following proposed transaction:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of — percent Debentures, Series G, due 1981 ("New Debentures"). The interest rate to be borne by the New Debentures and the price to the company (to be not less than 99 percent nor more than 101½ percent of the principal amount) will be determined by competitive bidding.

The New Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, as Trustee, dated as of August 1, 1950, as heretofore supplemented and as to be further supplemented by a Sixth Supplemental Indenture, dated as of October 1, 1956.

The proceeds of the New Debentures together with other funds will be applied to Columbia's 1956 construction program, involving total expenditures of approximately $73,000,000. It is estimated that the additional $25,000,000 to be raised by the sale of the New Debentures will enable Columbia to complete this program.

The fees and expenses in connection with the proposed transaction—excluding legal, engineering, and accounting fees and expenses, as to which the record is not yet complete—are estimated as follows: filing fee, $2,550; original issue tax, $27,500; listing fee, New York Stock Exchange, $3,000; printing registration statement and other documents, $17,600; printing and engraving debentures, including charges of Trustee, $21,200; services of system service company (at cost), $12,000; and miscellaneous expenses, $3,000.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding with respect to the proposed transaction that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no reservations are necessary except as noted, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith, subject to the conditions and reservations set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the conditions prescribed in Rules U-50 and U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to all legal, engineering, and accounting fees and expenses.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7899; Filed, Oct. 1, 1956; 8:48 a. m.]

[File No. 812-1032]

ALLEGHANY CORP. AND MURCHISON BROS.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATED PERSONS

SEPTEMBER 26, 1956.

In the matter of Alleghany Corporation and Murchison Brothers, a partnership consisting of John D. Murchison and Cling W. Murchison, Jr.

Notice is hereby given that Alleghany Corporation ("Alleghany"), a registered closed-end, non-diversified investment company under the Investment Company Act of 1940 ("act"), and Murchison Brothers, a co-partnership composed of John D. Murchison and Clint W. Murchison, Jr., of Dallas, Texas, have filed a joint application pursuant to the provisions of section 17 (b) of the act requesting an order exempting from the provisions of section 17 (a) of the act the purchase by Murchison Brothers from Alleghany of 53,000 shares of nonvoting Class A Common Stock ("Class A

Stock") of Investors Diversified Services, Inc. ("IDS"), a registered face-amount certificate investment company.

The only outstanding voting securities of IDS consist of 574,540.80 shares of common stock. Prior to the end of 1953, Alleghany owned 93.6 percent of the outstanding voting common stock of IDS. In transactions consummated between Alleghany and Murchison Brothers and others since December 31, 1953, Alleghany divested itself of presumptive control of IDS within the meaning of that term as defined in the act and Murchison Brothers obtained such control.

Murchison Brothers now owns 28.8 percent of the oustanding voting common stock of IDS and Alleghany now owns 24.6 percent of such voting stock. Under the provisions of section 2 (a) (3) of the act, Murchison Brothers is an affiliated person of IDS and IDS is an affiliated person of Alleghany. The proposed transaction is, therefore, prohibited by section 17 (a) of the act, which makes it unlawful, subject to an exception not relevant here, for an affiliated person (Murchison Brothers) of an affiliated person (IDS) of a registered investment company (Alleghany) to purchase any securities from such registered company, unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a) of the act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

In accordance with the terms of an agreement between Murchison Brothers and Alleghany, dated as of August 15, 1956, Murchison Brothers proposes to acquire 53,000 shares of IDS Class A stock from Alleghany as follows:

Murchison Brothers is to purchase the 53,000 Class A shares of IDS for a consideration of $81 per share, or an aggregate of $4,293,000, payable by delivery of Murchison Brothers' promissory note ("Note"), in like principal amount, payable in five equal annual installments commencing one year from the date thereof and bearing interest payable semi-annually at a rate equal to 1 percent above the prime commercial rate then in effect for 90 day maturities at the Chemical Corn Exchange Bank in New York. The Note is to be guaranteed by Clint W. Murchison, Sr., of Dallas, Texas, and is to be secured by the deposit by Murchison Brothers, as collateral security, of marketable securities, acceptable to Alleghany, having an initial market value at least equal to the principal amount of the Note ("Collateral").

As additional consideration for the shares, upon the sale, withdrawal, return, or other disposition of all or any part of the Collateral, Murchison Brothers is to pay to Alleghany an amount equal to 20 percent of the excess of the net proceeds of any sale of Collateral sold or otherwise disposed of, or the excess of the market value of Collateral withdrawn or returned over its market value at the date of its deposit as collateral.

Murchison Brothers has the right to sell any of the Collateral but must apply the proceeds of the sale on account of the Note and, in addition, must pay on account of the Note such amount, if any, as the market value of the Collateral at the time of its deposit as collateral exceeds the proceeds of sale thereof; Alleghany is given a right of first refusal with respect to any of the Collateral proposed to be sold by Murchison Brothers other than on a recognized national securities exchange or over-the-counter market; other securities may be substituted for those constituting the Collateral only with the consent of Alleghany; upon the payment of any portion of the Note, Murchison Brothers will have the right to withdraw a pro rata portion of the Collateral; and Murchison Brothers must deposit additional collateral, satisfactory to Alleghany, in the event that the market value of the Collateral shall at any time be less than 85 percent of the principal amount of the Note.

So long as Alleghany owns at least 100,000 shares, in the aggregate, of common stock and Class A stock of IDS, Alleghany will have a right of first refusal upon the sale or other disposition of 165,750 shares of common stock and 53,000 shares of Class A stock of IDS owned by Murchison Brothers; and so long as Alleghany owns at least 100,000, in the aggregate of such shares, Murchison Brothers at the request of Alleghany will use its best efforts to elect two nominees of Alleghany to the Board of Directors of IDS.

The application states that the terms of the proposed transaction are reasonable and fair, and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of Alleghany and is consistent with the general purposes of the act. The application also states that Alleghany will gain the following material advantages from the proposed transaction:

(a) The payments to be made by Murchison Brothers under the Note will materially assist Alleghany in meeting certain of its cash requirements over the next several years.

(b) The interest rate payable by Murchison on the Note is ¼ percent above the interest rate payable by Alleghany under its present bank loan agreements.

(c) The price is fair in relation to the current market value of the Class A stock and adequately reflects the fact that the sale is on credit rather than for cash.

(d) Murchison Brothers has agreed to pay as additional consideration an amount equal to 20 percent of any increase in the value of the Collateral to be furnished by Murchison Brothers. Such Collateral is subject to Alleghany's approval, and Alleghany's consent must be obtained for substitution of any Collateral. Therefore, Alleghany has the opportunity to accept only Collateral having the greatest potential for profit.

(e) Alleghany will realize a profit on the sale of the Class A stock of about $4,000,000 which may be used by Alleghany to offset tax loss carry-over in the amounts of $2,433,143.42 which would otherwise expire December 31, 1956, and of $1,803,731.45, which would otherwise expire December 31, 1957.

(f) The proposed private sale of the Class A stock to Murchison Brothers, will relieve Alleghany of the considerable time and expense which would otherwise be involved in a public distribution.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 10th day of October 1956, at 10:00 a. m. in the offices of the Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that Rule setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That William W. Swift or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether, pursuant to section 17 (b) of the act, the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not invlove overreaching on the part of any person concerned.

(2) Whether, the proposed transaction is consistent with the policies of the registered investment companies concerned as recited in their registration statements and reports filed under the act.

(3) Whether, the proposed transaction, in itself and in the light of prior transactions, is consistent with the general purposes of the act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Alleghany Corporation, and Murchison Brothers, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7910; Filed, Oct. 1, 1956; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF THE NETHERLANDS FOR BENEFIT OF JOSEPHINE HIJMANS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Josephine Hijmans, L. S. Claim No. 475; $1,117.43 in the Treasury of the United States.

Dietrich and Moritz Gomperts and Louis Metz, L. S. Claim No. 607; $506.83 in the Treasury of the United States.

Bertha Schwarz, L. S. Claim No. 719; $1,540.00 in the Treasury of the United States.

Annie Zadoks, L. S. Claim No. 819; $1,480.00 in the Treasury of the United States.

Meyer Zwart, L. S. Claim No. 823; $506.83 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7879; Filed, Oct. 1, 1956; 8:45 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF LOUIS VAN THIJN, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Louis van Thijn and Mrs. Sophia Polak, L. S. Claim No. 41; $1,568.32 in the Treasury of the United States.

Jaques Mesritz, L. S. Claim No. 605; $1,512.50 in the Treasury of the United States.

Max Orobio de Castro, L. S. Claim No. 635; $1,013.67 in the Treasury of the United States.

Nico, Jacques and Carel Polak, Helena Wolthers, Jacob Bramson and Frederik Klein, L. S. Claim No. 659; $1,540.00 in the Treasury of the United States.

Jacques Polak, L. S. Claim No. 660; $33.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7880; Filed, Oct. 1, 1956; 8:45 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF HELENA EDERSHEIM, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Helena, Karel, Samuel and Elisa Edersheim, Selina Hertzberger and Maurits Franken, L. S. Claim No. 572; $2,234.86 in the Treasury of the United States.

Bruno Jan de Jongh, L. S. Claim No. 513; $2,027.32 in the Treasury of the United States.

Carel de Jongh, L. S. Claim No. 514; $1,013.66 in the Treasury of the United States.

Thamar Kalker, L. S. Claim No. 520; $1,437.06 in the Treasury of the United States.

Ruth Klestadt, L. S. Claim No. 537; $1,337.50 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7881; Filed, Oct. 1, 1956; 8:45 a. m.]

STATE OF THE NETHERLNDS FOR BENEFIT OF GONDA VOERMAN-VAN DER LIJN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Gonda Voerman-van der Lijn, L. S. Claim No. 581; $392.08 in the Treasury of the United States.

August Markens, L. S. Claim No. 594; $392.08 in the Treasury of the United States.

Max Michels and I. Marx-Michels, L. S. Claim No. 610; $392.08 in the Treasury of the United States.

Clara Gerzon, L. S. Claim No. 666; $784.16 in the Treasury of the United States.

Theresa Harts, L. S. Claim No. 674; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-7882; Filed, Oct. 1, 1956; 8:45 a. m.]

N. V. BUREAU VOOR ECONOMISCHE STOOMPRODUCTIE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

N. V. Bureau voor Economische Stoomproductie, Rotterdam, The Netherlands; Claim No. 42702; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent No. 2,264,655.

Executed at Washington, D. C., on September 25, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-7885; Filed, Oct. 1, 1956; 8:45 a. m.]

ADDITIONAL AR

STATE OF THE NETHERLANDS FOR BENEFIT OF LEO MAURICE SON ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Leo Maurice Son, L. S. Claim No. 732; $784.16 in the Treasury of the United States.

Walter, Elsa and Joseph Son, L. S. Claim No. 737; $784.16 in the Treasury of the United States.

H. M. Hummelen—van der Stempel, Tilda and Jacob van der Stempel, L. S. Claim No. 750; $784.16 in the Treasury of the United States.

Betsy Joseph, Rozette Hofkamp, Evalina Groneveld and Henry Citroen, L. S. Claim No. 774; $392.08 in the Treasury of the United States.

Julius Vos, L. S. Claim No. 780; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7883; Filed, Oct. 1, 1956; 8:45 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF ILSE MEYER-HECHT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Ilse Meyer-Hecht, Sonja Dufayel-Cohen, Jacqueline Dufayel and Adolphe van Wolf, L. S. Claim No. 508; $392.08 in the Treasury of the United States.

Elske, Wielke and Sonja Kaas, L. S. Claim No. 517; $392.08 in the Treasury of the United States.

Juliette Reens, Jacques Kaas, and Martin Polak, L. S. Claim No. 518; $392.08 in the Treasury of the United States.

Ruchie Kanner, L. S. Claim No. 523; $3,920.80 in the Treasury of the United States.

Elizabeth de Leef and Helena Veenstra, L. S. Claim No. 558; $784.16 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., September 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-7884; Filed, Oct. 1, 1956; 8:45 a. m.]

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TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Cigar-Filler and Binder—56)-1 Amdt. 1]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER TOBACCO MARKETING QUOTA REGULATIONS, 1956-57 MARKETING YEAR

The amendment contained herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1311–1315) and the provisions of the Agricultural Act of 1949 (63 Stat. 1051). The Cigar-filler and binder tobacco marketing quota regulations, 1956-57 marketing year, are amended to provide for listing indebtedness due the United States upon marketing cards issued pursuant to such regulations.

Since Agricultural Stabilization and Conservation County Offices are preparing to issue marketing cards which will determine price support eligibility, it is necessary that the provisions of this amendment become effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable, unnecesary and contrary to the public interest and this amendment shall become effective upon filing with the Division of Federal Register.

Section 723.738 (b), of the Cigar-filler and binder tobacco marketing quota regulations, 1956–57 marketing year (21 F. R. 6254) is hereby amended by adding the following new subparagraph (3) at the end thereof:

(3) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card issued for such farm in accordance with subparagraph (1) of this paragraph shall bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided*, That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero percent" penalty shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco loan organization to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual loan organization charges, authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right to the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 401, 63 Stat. 1054; 7 U. S. C. 1421)

Done at Washington, D. C., this 28th day of September 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7975; Filed, Oct. 2, 1956; 8:53 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

MISCELLANEOUS AMENDMENTS

This amendment to 10 CFR, Part 30, Licensing of Byproduct Material, is pub-

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lished for the purpose of adding to § 30.71, Schedule A, three classes of devices which may be possessed and used under the general license contained in § 30.21 (a) (1) when such devices are manufactured, tested and labeled in accordance with the specifications contained in a specific license issued to the manufacturer under these regulations; and to add small quantities of beta and/or gamma emitting byproduct material to the list of byproduct materials generally licensed pursuant to §§ 30.21 (a) (2) and 30.72. Inasmuch as this amendment is intended to relieve from, rather than to impose, restrictions, the Atomic Energy Commission has found that general notice of proposed rule-making and public procedure are unnecessary and that good cause exists why the regulations should be made effective without the customary period of notice.

Part 30, *Title 10, CFR*, Licensing of Byproduct Material, is hereby amended in the following respects:

1. Section 30.71 *Schedule A* is amended to read as follows:

§ 30.71 *Schedule A.* The following devices and equipment incorporating byproduct material, when manufactured, tested and labeled by the manufacturer in accordance with the specifications contained in a specific license issued to him pursuant to the regulations in this part, are placed under a general license pursuant to § 30.21 (a) (1).

(a) *Static elimination device.* Devices designed for use as static eliminators which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of Polonium 210 per device.

(b) *Spark gap and electronic tubes.* Spark gap tubes and electronic tubes which contain byproduct material consisting of not more than 5 microcuries per tube of Cesium 137, or Nickel 63, or Krypton 85 gas, or not more than one microcurie per tube of Cobalt 60.

(c) *Light meter.* Devices designed for use in measuring or determining light intensity which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 200 microcuries of Strontium 90 per device.

(d) *Ion generating tube.* Devices designed for ionization of air which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of Polonium 210 per device.

2. Section 30.72 *Schedule B* is amended as follows:

a. The abbreviation for Cesium-Barium 137 is corrected to read "(CsBa 137)."

b. The following is inserted at the end of the presently scheduled byproduct materials, immediately under Zinc 65:

Beta and/or Gamma emitting byproduct material not listed above	Column No. I Not as a sealed source (microcuries)	Column No. II As a sealed source (microcuries)
	1	10

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Washington, D. C., this 27th day of September 1956.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-7972; Filed, Oct. 2, 1956; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6527]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SCOVILL MANUFACTURING CO.

Subpart—*Acquiring stock, or assets, etc., of competitor:* § 13.5 *Acquiring stock, or assets, etc., of competitor.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 7, 38 Stat. 731; 15 U. S. C. 18) [Cease and desist order, Scovill Manufacturing Company, Waterbury, Conn., Docket 6527, September 15, 1956.]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging the nation's largest manufacturer of safety and common pins with acquiring all the outstanding capital stock and the assets and the business of a principal competitor, in violation of the anti-merger law—and agreement between counsel providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which by order of September 14, 1956, became, on September 15, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, Scovill Manufacturing Company, a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Clayton Act, as amended, of safety pins and of common pins, do cease and desist from: Manufacturing, producing, or assembling safety pins or common pins on the premises or in the factory or plant of the DeLong Hook & Eye Company Division of the Scovill Manufacturing Company, located at 21st and Clearfield Streets, Philadelphia, Pennsylvania, said division of Scovill Manufacturing Company being located on the premises and in the buildings formerly occupied by the DeLong Hook & Eye Company prior to its acquisition by the Scovill Manufacturing Company on April 1, 1955.

It is further ordered, That respondent, Scovill Manufacturing Company, shall divest itself absolutely, in good faith, within 90 days after service upon it of a copy of this order, of all safety pin and common pin machines, equipment and related attachments now located in and at the said DeLong Hook & Eye Company Division at 21st and Clearfield Streets, Philadelphia, Pennsylvania, which were acquired from the former DeLong Hook & Eye Company of that address, together with, and as a unit, and to the same purchaser, all trade names, trade-mark registrations, patents, and goodwill acquired by Scovill Manufacturing Company, as a result of the aforementioned acquisition, which relate to or have been used in connection with or in the sale of safety pins or common pins.

It is provided, however, That if the aforesaid property is not sold or disposed of entirely for cash, nothing in this order shall be deemed to prohibit respondent from retaining, accepting and enforcing in good faith any security interest in the aforesaid property for the purpose of securing to respondent full payment of the price, with interest, at which the aforesaid property is disposed of or sold; *And provided further:* that if, after a good faith divestiture of the aforesaid property, the buyer fails to perform his obligation and respondent regains ownership of or control over the aforesaid property, respondent shall redivest itself of the property within one hundred and fifty days in the same manner as ordered originally.

The terms "safety pins" and "common pins" as used herein refer to identical terms as used and understood by the members of the Pin, Clip and Fastener Association when reporting their shipments of said items to the safety pin and common pin divisions of said association.

It is further ordered, That respondent, Scovill Manufacturing Company, shall, within one hundred days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order contained herein.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, on or before November 23, 1956, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order contained in the initial decision.

Issued: September 14, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-7947; Filed, Oct. 2, 1956; 8:47 a. m.]

[Docket 6565]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

P. W. MINOR & SON, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.130 *Manufacture or preparation;* § 13.170 *Qualities or properties of product or service.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1680 *Manufacture or preparation;* § 13.1710 *Qualities or properties.* Subpart—*Using misleading name*—Goods: § 13.2310 *Manufacture or preparation;* § 13.2325 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15

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U. S. C. 45) [Cease and desist order, P. W. Minor & Son, Inc., et al., Batavia, N. Y., Docket 6565, September 15, 1956]

In the Matter of P. W. Minor & Son, Inc., a Corporation, and Henry H. Minor, Jr., Leo J. Hart and Charles B. Taft, Individually and as Officers of P. W. Minor & Son, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Batavia, N. Y., manufacturer of its "Treadeasy" women's shoes with using the words "orthopedics" and "Corrector" in connection with certain of their stock shoes, and with representing falsely in statements printed on cartons in which the shoes were packed, in folders and circulars, and in advertisments in magazines and catalogs sent to customers, that their several lines of shoes provided a variety of corrective and supporting features for foot ailments—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision, including order to cease and desist, which by order of September 14 became on September 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents P. W. Minor & Son, Inc., a corporation, and its officers, and Henry H. Minor, Jr., Leo J. Hart, and Charles B. Taft and their representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, or respondents' shoes designated as "Treadeasy Shoes" or any other shoe of similar construction or performing similar functions irrespective of the designation applied thereto, do forthwith cease and desist from:

1. Representing, directly or by implication, that their said shoes are orthopedic or corrective, or will cure, correct, or improve abnormalities, diseases, or disorders of the feet.

2. Representing, directly or by implication, that one purchasing and wearing respondents' said shoes can be assured of proper fit, or comfort.

3. Representing, directly or by implication, that respondents' shoe called Floridian, would be beneficial to all feet with rotating heels, or that any aid thus afforded to a particular foot would be adequate in cases of feet having rotating heels, or that any such aid thus afforded would be permanent or would extend beyond the time the shoe is on the foot.

4. Representing, directly or by implication, that respondents' shoe called the Stroller is anatomically correct for feet generally.

5. Representing, directly or by implication, that respondents' shoe known as the Easejoint can be depended upon to relieve pressure on any part of the foot, will afford help to anyone suffering from bursitis, that said shoe provides a bunion pocket, or will afford benefit to all enlarged or painful joints in any area of the foot.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 14, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-7948; Filed, Oct. 2, 1956; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

MISCELLANEOUS AMENDMENTS

On July 11, 1956, the Securities and Exchange Commission invited views and comments on certain proposed changes in its general rules and regulations under the Securities Act of 1933. The Commission has now reviewed and considered all of the comments and suggestions received in regard to the proposed changes and hereby takes the following action:

I. *Rescission of §§ 230.132, 230.151, 230.414 (Rules 132, 151 and 414).* Section 230.132 (Rule 132) provided for the use of identifying statements in connection with securities registered or in the process of registration under the act. It has been rescinded because it has now been superseded by § 230.134 (Rule 134) which provides for the use of substantially the same type of advertisements pursuant to section 2 (10) (b) of the act.

Section 230.151 (Rule 151) defined, for certain transactions, the term "issuance" as used in the former section 4 (3) of the act as in effect prior to July 1, 1934. Since the rule applied only to offerings commenced prior to that date, it is no longer necessary and has been rescinded.

Section 230.414 (Rule 414) required the filing with certain registration statements of identifying statements proposed to be used pursuant to § 230.132 (Rule 132). With the rescission of that rule, § 230.414 (Rule 414) is no longer necessary and has been rescinded.

II. *Amendment of § 230.100 (Rule 100).* Paragraph (a) of § 230.100 (Rule 100) is amended by deleting therefrom the definition of the term "section". Since the Commission's rules are included in the Code of Federal Regulations as "sections," this definition is deleted to avoid possible confusion between sections of the act and sections of the Code. Paragraph (a) as so amended, and with other minor verbal changes, reads as follows:

§ 230.100 *Definition of terms used in the rules and regulations.* (a) As used in the rules and regulations prescribed in this part by the Securities and Exchange Commission pursuant to the Securities Act of 1933, unless the context otherwise requires:

(1) The term "Commission" means the Securities and Exchange Commission.

(2) The term "act" means the Securities Act of 1933.

(3) The term "rules and regulations" refers to all rules and regulations adopted by the Commission pursuant to the act, including the forms and accompanying instructions thereto.

(4) The term "registrant" means the issuer of securities for which a registration statement is filed.

(5) The term "agent for service" means the person authorized in the registration statement to receive notices and communications from the Commission.

III. *Amendment of § 230.170 (Rule 170).* Rule 170 prohibits the use of financial statements which give effect to the receipt and application of any part of the proceeds from the sale of the securities being offered unless the issue is underwritten and the underwriters are committed to take the entire issue.

This rule is amended to make clear that the rule is intended to permit the use of such financial statements not only in cases where there is a firm commitment to take the issue but also in cases where there is no such commitment, provided the underwriters agree to take all of the securities if any are taken or to refund to public investors all subscription payments made, if the underwriters elect not to take the issue. The rule as amended reads as follows:

§ 230.170 *Production of use of certain financial statements.* Financial statements which purport to give effect to the receipt and application of any part of the proceeds from the sale of securities for cash shall not be used unless such securities are to be offered through underwriters and the underwriting arrangements are such that the underwriters are or will be committed to take and pay for all of the securities, if any are taken, prior to or within a reasonable time after the commencement of the public offering, or if the securities are not so taken to refund to all subscribers the full amount of all subscription payments made for the securities. The caption of any such financial statement shall clearly set forth the assumptions upon which such statement is based. The caption shall be in type at least as large as that used generally in the body of the statement.

IV. *Amendment of § 230.426 (Rule 426).* This rule requires the inclusion in a prospectus for registered securities of certain statements and information in regard to stabilizing. The amendment requires, in the case of a rights offering to existing security holders, that the prospectus used in connection with any reoffering of the unsubscribed securities to the general public shall contain information in regard to transactions effected by the issuer or the underwriters during the rights offering period. The amendment adds a new paragraph (c) to the rule reading as follows:

§ 230.426 *Statement as to stabilizing.* • • •

(c) If the securities being registered are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public after the expiration of the rights offering period, there shall be set forth by supplement or otherwise, in the prospectus used in connection with such reoffering (1) the amount of securities bought in stabilization activities during the rights offering period and the price or range of prices at which such securities were bought, (2) the amount of the offered securities subscribed for during such period, (3) the amount of the offered securities subscribed for by the underwriters during such period, (4) the amount of the offered securities sold during such period by the underwriters and the price, or range of prices, at which such securities were sold and (5) the amount of the offered securities to be reoffered to the public and the public offering price.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19 (a) thereof, and shall become effective October 20, 1956.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s. Interpret or apply secs. 6, 7, 10, 48 Stat. 78, 81, as amended; 15 U. S. C. 77f, 77g, 77j)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7937; Filed, Oct. 2, 1956; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

CAPSULES TETRACYCLINE AND OLEANDOMYCIN

Correction

In F. R. Document 56-7809, appearing in the issue for Friday, September 28, 1956, make the following change: In § 141c.231 (c) (1) (vi), line 2, the word "millimeters" should read "milliliters".

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

BASIC REQUIREMENTS OF SERVICE AND DEATH

In § 4.300, subparagraph (2) of paragraph (a) is amended to read as follows:

§ 4.300 *Basic requirements of service and death.* (a) • • •

(2) Members of the Reserve Officers Training Corps (Army ROTC), contract Naval Reserve Officers' Training Corps (NROTC), and Air Force Reserve Officers' Training Corps (AFROTC) when called or ordered to active training duty for 14 days or more, where death occurs on or after June 27, 1950, and prior to August 1, 1956, while on such active training duty. (Coverage of these categories is limited to deaths which occur while on such active training duty, and does not extend for 120 days after separation or release from duty even though the person may have been called or ordered to such duty for a period exceeding 30 days. They are not covered while undergoing scholastic training or inactive training duty. They are covered during a period of travel en route to or from active training duty only if such travel is performed under competent orders; for example, travel to or from the port of embarkation or training station for the annual practice cruise or annual training period.) There is no coverage of categories in this subparagraph where death occurs on or after August 1, 1956 (Public Law 879, 84th Congress).

• • • • •

(Sec. 2, 65 Stat. 33, as amended, sec. 5, 70 Stat. 806; 38 U. S. C. 851)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 3, 1956.

[SEAL] JOHN S. PATTERSON, *Deputy Administrator.*

[F. R. Doc. 56-7954; Filed, Oct. 2, 1956; 8:49 a. m.]

PART 14—LEGAL SERVICES, GENERAL COUNSEL

POWERS OF ATTORNEY

In § 14.628, paragraph (c) is amended and new paragraphs (d) and (e) are added as follows:

§ 14.628 *Powers of attorney.* • • •

(c) Where a veteran is temporarily incapacitated through illness or injury and unable to execute a power of attorney, his wife or other next friend (if her or his interests are not adverse to that of the veteran) may execute a power of attorney, VA Form 2-22, appointing a service organization to act for him in the prosecution of his claim before the Veterans Administration. Such power of attorney shall remain effective during the period of the veteran's temporary incapacity. Upon regaining his capacity he should either execute a new power of attorney himself in the event he still desires the same service organization or another to represent him or, if not, he should notify the Veterans Administration in writing of the revocation of the power of attorney executed by his wife or other next friend during his temporary incapacity. In the event that a guardian is appointed by a court of competent jurisdiction, the foregoing power of attorney shall terminate and it will be necessary for the guardian to execute a new power of attorney, VA Form 2-22, reappointing the service organization to act for the veteran. This paragraph applies only to cases in which there has been no rating or other determination of mental incapacity on the part of the veteran.

(d) A parent and natural guardian of a minor child of a veteran or other person having custody of said minor, provided there is no legally appointed guardian, may execute a power of attorney, VA Form 2-22, appointing a service organization to act for said minor in the prosecution of his or her claim before the Veterans Administration. Such power of attorney shall remain in effect until the minor attains his or her 18th birthday or such later date as the minor may be eligible for benefits from the Veterans Administration or until he or she attains his majority under the law of the State of domicile, whichever is the earlier. In the event that a guardian is appointed by a court of competent jurisdiction the foregoing power of attorney shall terminate and it will be necessary for the guardian to execute a new power of attorney, VA Form 2-22, reappointing the service organization to act for the veteran.

(e) In certifying a case to the Board of Veterans Appeals wherein a power of attorney has been executed by the claimant in favor of an attorney, agent, or accredited representative of a recognized organization, the certifying officer will include a statement showing that such attorney or attorney-in-fact is on the accredited list.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 200-203, 49 Stat. 2031, as amended, 2032; 38 U. S. C. 101-104)

This regulation is effective October 3, 1956.

[SEAL] JOHN S. PATTERSON, *Deputy Administrator.*

[F. R. Doc. 56-7953; Filed, Oct. 2, 1956; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 57—GRANTS FOR CONSTRUCTION OF RESEARCH FACILITIES

Notice of proposed rule making, public participation and postponement of the effective date have been omitted in prescribing the following regulations since they relate solely to grants or benefits.

1. Subchapter D of Chapter I is hereby amended by adding thereto the following new part:

Sec.
57.1 Definitions.
57.2 Eligible institutions.
57.3 Applications for construction grants.
57.4 Required assurances.
57.5 Approval of grants.
57.6 Amount of grant; limitation.
57.7 Necessary costs of construction.
57.8 Conditions to grant.
57.9 Payments.
57.10 Good cause for other use of completed facility.

AUTHORITY: §§ 57.1 to 57.10 issued under sec. 709, 70 Stat. 720. Interpret or apply secs. 701-708, 70 Stat. 717-720.

§ 57.1 *Definitions.* When used in this part:

(a) All terms which are defined in sections 2 and 702 of the Public Health Service Act, as amended, shall have the same meaning as given them in such sections.

(b) "Act" means the Public Health Service Act, as amended.

(c) "Construction grant" means a grant of funds for the construction of health research facilities as authorized by title VII of the act.

(d) "Equipment" means those items that are considered depreciable and as having an estimated life of not less than five years. Not included are such items as glassware, chemicals, storage batteries, and books.

§ 57.2 *Eligible institutions.* A public or nonprofit institution shall be eligible to apply for a construction grant upon a determination by the Surgeon General:

(a) That such institution is either controlled and operated by one or more State, county, municipal or other non-Federal, governmental agencies or is owned and operated by one or more nonprofit corporations or associations.

(b) That such institution is authorized to conduct research in the sciences related to health; and

(c) Upon a further determination, after consultation with the Council, that the institution is competent to engage in the type of research for which the facility is to be constructed, taking into consideration among other pertinent factors:

(1) The scientific or professional standing or reputation of the institution and of its existing or proposed officers and research staff;

(2) The availability, by affiliation or other association, of other scientific or health personnel and facilities to the extent necessary to provide effective opportunities for the type of research proposed.

§ 57.3 *Applications for construction grants.* No construction grant shall be made unless an application is filed therefor in the form and manner prescribed by the Surgeon General and is executed by an official or officials legally authorized by the applying agencies, corporations or associations to make on their behalf such application and to provide the required assurances. In addition to any other pertinent information which the Surgeon General may require, each applicant shall:

(a) Furnish in sufficient detail plans and specifications of the facility to be constructed so as to indicate the nature and purpose of all portions of the facility and the type and quality of any features bearing on the costs of construction;

(b) Set forth the estimated total costs of construction of the facility and the basis on which such estimate was made, stating separately the estimated cost of excavation, structures, equipment, and architectural or other special services; and

(c) Furnish information on the extent and manner in which the proposed construction will expand the applicant's capacity for research in the sciences related to health or is necessary to improve or maintain the quality of such research by the applicant.

§ 57.4 *Required assurances.* No construction grant shall be made unless the application therefor contains or is supported by assurances, found by the Surgeon General to be reasonable:

(a) That for not less than 10 years after completion of construction, the facility will be used for the purposes of research in the sciences related to health for which it is to be constructed. Such an assurance shall be supported by evidence indicating that applicant's ownership of, or right otherwise to occupy, the site and to control the use of the facility for such 10-year period;

(b) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility. Such assurance shall be supported by evidence of the amount of funds in escrow or firmly pledged or of funds or fund sources specifically earmarked for such purpose, or other such evidence indicating that funds for the non-Federal share are available: *Provided, however,* That if the applicant is unable to give the assurances as required by this paragraph, the grant may be made notwithstanding on such terms and conditions as prescribed by the Surgeon General after consultation with the Council and on the specific condition that such assurances, together with supporting evidence, will be furnished by the applicant within six months after such conditional grant or within such other period as determined by the Surgeon General after such consultation; and

(c) That sufficient funds will be available when construction is completed for effective use of the facility for the research for which it is being constructed. Such an assurance shall be supported as to new facilities by a proposed operating budget indicating the amount and source of operating funds for a 2-year period immediately following completion of construction or, as to existing facilities, by a statement of the amount and source of funds that are or will be available for such 2-year period to meet any difference between proposed expenditures and anticipated income.

§ 57.5 *Approval of grants.* The Council shall recommend, and the Surgeon General approve, construction grants only for those proposed facilities which in their judgment will be the more effective in expanding capacity for research in the sciences related to health, in improving the quality of such research, and in promoting an equitable geographical distribution of such research. In so recommending or approving, particular consideration shall be given to facilities that: (a) Will be used for research in disciplines or diseases which have the most urgent need; (b) are adaptable to various methods by which research is organized or advanced; (c) will be in institutions or localities with broad research programs and potentials; (d) will promote a better geographic distribution of research through assistance to established or promising new facilities in various areas of the Nation having at present relatively few such research facilities.

§ 57.6 *Amount of grant; limitation.* (a) The amount of any grant shall be that recommended by the Council or such lesser amount as the Surgeon General deems to be appropriate. Such an amount shall be reserved from any available appropriation, but the amount so reserved may be amended from time to time either upon a revision by the Surgeon General of his estimate of the necessary cost of construction or upon the Surgeon General's approval of an amendment to the application upon recommendation by the Council.

(b) In no event shall the amount payable under a construction grant exceed whichever is the least of the following:

(1) The amount reserved for such grant as determined or redetermined under paragraph (a) of this section;

(2) Fifty percent of the necessary cost of construction as determined by the Surgeon General; or,

(3) Such other percentage of such cost so determined as may be recommended by the Council and approved by the Surgeon General upon making the grant.

§ 57.7 *Necessary costs of construction.* In determining the necessary costs of construction of any facility, the Surgeon General, in addition to other relevant considerations, shall exclude:

(a) The cost of any necessary services, materials or equipment in excess of the lowest, responsible, competitive bid or, where there has been no such bidding, in excess of reasonable costs as the Surgeon General may determine;

(b) The value of any donation of gifts or services, materials, or equipment;

(c) The cost of any services, materials, or equipment not reasonably required by the plans and specifications furnished under § 57.3, or approved amendments thereto, and any costs occasioned by special architectural or designed features or the use of special materials not necessary for the conduct of the proposed research program;

(d) The cost of any portion of the facility that is not completed to a sufficient extent that it can be used for the proposed research program, and any architectural or other services specifically related thereto;

(e) The cost of any space or equipment to the extent it is related to purposes other than research in the sciences related to health;

(f) Costs for legal services, for damages whether or not arising out of construction, and for any bonus or any other extra payments not related to furnishing additional services, materials or equipment;

(g) Any costs incurred prior to July 31, 1956.

(h) Any other costs with respect to services performed (except architectural services) or materials or equipment delivered, at any time, pursuant to a contract or agreement entered into by the applicant prior to the filing of application for a construction grant unless (1) such contract or agreement as initially entered into is expressly contingent upon the making of the grant, and (2) Federal participation in all or part of the costs under such a contingent contract or agreement, whether incurred before or after the date of application, is specifically approved in the making of the grant.

§ 57.8 *Conditions to grant.* In addition to any other conditions imposed by law or determined by the Surgeon General to be reasonably necessary to fulfill the purpose of the grant, each construction grant shall be subject to the condition that the grantee institution shall:

(a) Use grant funds solely for the purposes of the construction for which the grant was made.

(b) Use no part of the grant funds for any cost with respect to services performed or material or equipment delivered, at any time, pursuant to a contract or agreement entered into by the applicant prior to the effective date of the construction grant unless such contract or agreement as initially entered into is expressly contingent upon such grant being made.

(c) Secure through performance bonds, insurance, or other equivalent undertakings, protection against contingencies or hazards that reasonably may prevent completion of the construction;

(d) Maintain such fiscal or other records and furnish such progress or other reports relating to the construction as may be directed by the Surgeon General, and permit audit of records and inspection of the site and of the construction in progress at any reasonable time by representatives of the Surgeon General;

(e) Repay to the United States the amount of any grant funds found by the Surgeon General to have been used contrary to law, to these regulations or to the conditions to the grant, and any amount paid in excess of the maximum prescribed in paragraph (b) of § 57.6.

§ 57.9 *Payments.* Upon approval of any grant, the Surgeon General shall reserve from any appropriation available therefor, the amount of the grant, and in the absence of special circumstances shall pay such amount in installments consistent with construction progress as he determines. Such payments shall be governed by the following procedures:

(a) At least 60 days prior to the time a payment is needed by the grantee, he shall submit to the Surgeon General a request for an amount to cover the Federal portion of his necessary expenditures at such time.

(b) Each such request for payment shall be supported by a certification by the grantee institution that the construction with respect to which the payment is requested has substantially complied with the plans and specifications submitted with the grant application, or with amendments thereto approved by the Surgeon General.

§ 57.10 *Good cause for other use of completed facility.* If within 10 years after completion of any construction for which a construction grant has been made the facility shall cease to be used for the research purposes for which it was constructed, the Surgeon General in determining whether there is good cause for releasing the applicant or other public or nonprofit owner from the obligation so to use the facility, shall take into consideration, among other factors, the extent to which:

(a) The facility will be devoted by the applicant or other public or nonprofit owner to other research in the sciences related to health or to other health purposes;

(b) The circumstances calling for a change in the use of the facility were not known, or with reasonable diligence could not have been known to the applicant, at the time of the application, and are circumstances reasonably beyond the control of the applicant or other owner; and

(c) There are reasonable assurances that for the remainder of the 10-year period other facilities not previously utilized for such research will be so utilized and are substantially the equivalent in nature and extent for such purposes.

2. These regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: September 26, 1956.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: September 28, 1956.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 56-7944; Filed, Oct. 2, 1956; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-901]

[Docket No. 11253; Rules Amdts. 2-24, 7-15, 8-20, 10-11, 11-2, 16-9, 21-2]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

REDUCTION OF SEPARATION BETWEEN ASSIGNABLE FREQUENCIES; INTERNATIONAL INTERFERENCE; ESTABLISHMENT OF NARROW BAND TECHNICAL STANDARDS

In the matter of amendment of Parts 2, 6, 10, 11 and 16 of the Commission's rules to reduce separation between assignable frequencies in the 25–50 Mc and 152–162 Mc bands; amendment of Parts 2, 6, 7, 8, 10, 11 and 16 of the Commission's rules to reflect conditions concerning international interference in the band 25–50 Mc; amendment of Parts 6, 10, 11 and 16 of the Commission's rules to provide for the establishment of narrow band technical standards; Docket No. 11253.

A. *Background.* 1. This proceeding was instituted by the Commission's notice of proposed rule making in Docket No. 11253, adopted January 12, 1955. The comment period ending March 28, 1955, was extended by Order of the Commission to May 27, 1955. As explained in the notice of proposed rule making, the Commission recognizes that the number of usable channels available to the Common Carrier, Industrial, Land Transportation and Public Safety radio services for rendition of land mobile service is generally inadequate to accommodate the increasing numbers of licensees and potential licensees in these vital services. Solutions to this problem can be sought in various ways, such as allocating additional spectrum space to these services, increased use of geographical sharing between services and sub-services, and taking advantage of developments in the state of the art which make narrower channel spacing possible. Although the Commission believes that much remains to be done before the first two of these three possibilities have been exploited fully, the present proceeding addresses itself only to the last one, namely, reduced channel spacing, which is generally referred to as channel splitting. The frequencies concerned are those available to Commission licensees for land mobile service in the bands 25–50 Mc and 152–162 Mc. No proposals with regard to modified channel spacing were made in the present proceeding with respect to the band 72–76 Mc, 162–174 Mc or 450–460 Mc.

2. The Commission's proposal in the present proceeding consisted, in effect, of three parts. First, it set forth specific proposals for reduction in the spacing between assignable frequencies in the subject bands. Second, it proposed to set forth explicitly in the rules governing each service involved the hitherto assumed requirement that licensees of stations operating in the 25–50 Mc band must expect and accept harmful interference at times from stations of this and other countries operating in this band. Third, as a corollary of the proposed reduction in channel spacing and to accomplish that objective, it proposed new technical standards to govern equipment operating and to be operated in the subject bands, these standards to be incorporated into Parts 6, 10, 11 and 16 of the Commission's rules.

B. *Summary of comments filed.* 1. The Commission has studied all comments received and, insofar as they are germane, has summarized and discussed them herein. There were no requests for an evidentiary hearing. Only one affirmative request for oral argument was made in the event the Commission was to decide against the recommendations of the party filing comments. The National Association of Manufacturers stated, "We therefore request that the Commission abandon or postpone indefinitely its proposal in this Docket as it affects the 152–162 Mc band. If the Commission should deny this request, we ask leave to present oral argument". The National Committee for Utilities Ra-

dio stated, " . . . NCUR is of the opinion that these matters can best be resolved by an informal conference at which time all the conflicting comments should be discussed for the purpose of clarification and to find a uniform opinion that can result in a docket which can be finalized without formal hearing".

2. Of the approximately 130 comments received, about 40 percent objected generally to the Commission's proposal. A few of the objectors indicated that they were basing their objections solely upon the proposed "channel splitting" in the frequency bands allocated to their services and did not necessarily object to the proposal as it affected other services and bands of frequencies. Approximately 60 percent of these objectors were associated with police agencies or municipalities. These objectors, for the most part, related their comments to the proposed technical standards and their belief that the adoption of such standards would degrade mobile system communications. These factors will be discussed further under later paragraphs relating to Technical Standards.

3. Approximately 60 percent of those commenting upon the proposal favored "channel splitting" but very few made definite recommendations as to what spacing between assignable frequencies should be adopted. Those who did make recommendations were predominantly in favor of 20 kc spacing in the 25–50 Mc band and 30/15 kc spacing in the 152 Mc band. The only comments received which made specific recommendations for channel separations other than those already contained in the rules or those which were proposed were from representatives of "Paging Systems", who recommended greater separations than now exist; from the American Telephone and Telegraph Company, which recommended 20 kc spacing below 50 Mc and indicated that, in the 152 Mc band, 40 kc spacing was now feasible and that 30 kc spacing should await further development; and from Motorola, which recommended closer spacing in the 25–50 Mc band than in the 152 Mc band.

4. Several comments were received which recommended that the Commission should consider reallocation of the presently available frequencies prior to "channel splitting" or in connection therewith. Although the proposed Rule amendments did not include Part 4, comments were received from NBC, NARTB and CBS, since Remote Pickup Broadcast stations are indirectly affected by virtue of their shared use of the frequencies in question. Those three comments pointed out that remote pickup stations were not able to make adequate use of the available 9 frequencies in the 152 Mc band due to the requirement that interference protection must be afforded the Industrial Service. In each instance the request was made that "exclusive" or "mutually protected" frquencies should be made available.

5. An analysis of general comments, broken down into service categories, is summarized briefly as follows:

(a) *Highway maintenance.* Of the approximately 50 comments received, 41 agreed in general with the Commission's proposal.

(b) *Police and fire.* Of the approximately 40 comments received, 30 objected to the Commission's proposal. Associated Police Communications Officers, Inc., supported the Commission's proposal but requested that some of the frequencies be set aside for the fixed service.

(c) *Forestry conservation.* Comments were received from the Forestry Conservation Communications Association which were in favor of the Commission's proposal provided the additional frequencies obtained by "splitting" were to be made available to Forestry.

(d) *Fixed public service.* Comments from American Cable and Radio, Inc., requested that Puerto Rico be excluded from the proposal in order to permit expanded fixed service in Puerto Rico in the 152 Mc band.

(e) *Forest products.* Comments from Forest Industries Radio Communications,, an organized group of licensees in the Forest Products (Industrial) service, were in favor generally of the Commission's proposal.

(f) *Domestic public land mobile.* Of seven comments received, three objected to the proposal. Generally, the comment from the remaining four, favored or did not object to the proposal. One commenter, an association of Domestic Public licensees, recommended a developmental period for experimenting and determining the results of split channel operation prior to rule finalization. Several were in favor of a general reallocation proceeding.

(g) *Motor carriers.* The American Trucking Associations, Inc. concurred in the 25–50 Mc band proposal, but objected to the proposal in regard to the 152 Mc band, even though no frequencies are allocated to the Motor Carrier Radio service in that band. The American Transit Association was not "for" or "against" the proposal. However, this organization questioned what service would receive the new frequencies provided by the splits. They wished to retain block allocations and have the benefit of an amortization period consistent with Treasury Department regulations.

(h) *Taxicabs.* The American Taxicab Association objected to the 152 Mc band proposal. The Southern California Radio Taxicab Association concurred in splitting the 152 Mc band into 15 kc channels and the only comment from an individual company supported the proposal provided the "split channels" were to be allocated to taxicabs.

(i) *Petroleum.* The Central Committee on Radio Facilities of the American Petroleum Institute concurred generally in the proposal.

(j) *Power.* The National Committee for Utilities Radio objected to the proposal insofar as most technical standards were concerned but gave support to the substantive result of obtaining additional channels by this method.

(k) *Special industrial.* The Special Industrial Service Association approved the proposal generally. However, the National Association of Manufacturers objected to the proposal and requested oral argument in the event the Commission went ahead with its proposal to split channels in the 152-Mc band.

(l) *Railroads.* The Association of American Railroads objected to the 152 Mc band proposal, but did not comment on the 25–50 Mc proposal since the Railroad Radio Service is not presently allocated any frequencies in that band.

(m) *Radio manufacturers and radio engineering groups.* Of the approximately 20 comments received, nearly all generally supported the Commission's proposal. However, many different sets of technical standards were proposed.

C. *Discussion of reduction in channel separation.* 1. In the light of the comments filed, and of the Joint Technical Advisory Committee (JTAC) reports which have been made a part of this record, the Commission concludes that the state of the radio art is such as to permit a reduction in channel spacing without significant degradation of service, and that it is in the public interest to go forward with this matter at this time.

2. The splitting of existing channels creates new assignable frequencies. Who shall use these new frequencies? In considering this question, the Commission notes that some of the existing services are much more heavily congested than others, and also recalls past decisions in which it has been recognized that some services, by virtue of their more direct relation to safety of life and property, are entitled to employ frequencies on a peak demand rather than average demand basis, i. e., lighter average channel loading in any particular geographical area. The frequencies in the bands under consideration currently are allocated, in most cases, on a block basis, that is, several assignable frequencies which are immediately adjacent to one another are allocated to a single service such as Public Safety, or Forest Products. Such a method of allocation has many advantages at least in any local geographic area, and should not be abandoned without reason. However, the present block allocations were made in the period 1946–1949, and the estimates of future requirements which were made at that time, have not been realized to an equal extent by all services. Therefore, as a means of reaching a proper frequency balance, commensurate with the established needs of the several services, the Commission intends to initiate, in the near future, a series of proceedings to determine, among other things, to which services the split channels will be allocated. For some services the need is obvious and the Commission will propose in such instances to make additional frequencies available at a very early date. Some adjustments in block allocations will be proposed to meet several critical areas of frequency shortages in the several services. However, the Commission does not intend to initiate an overall reallocation of frequencies now allocated to the land mobile service since it is believed that the public interest will best be served by a series of minor adjustments in frequency availability to meet the immediate needs of the several services.

3. *The 152–162 Mc band.* In the notice of proposed rule making in this proceeding, as it concerned the 152–162 Mc band, the Commission requested comments concerning the relative merits of 40 kc same area operation (with 20 kc adjacent area operation) versus 30 kc same area operation (with 15 kc adjacent area operation). The comments were mixed, although a preponderance favored the 30/15 kc plan. There also were comments directed to offset operation, where in a particular case a careful engineering study indicates that some frequency closer to one adjacent channel than to the other would give maximum freedom from interference for all concerned. The Commission has considered carefully the comparative advantages and disadvantages of the channeling plans proposed, and has decided that in the 152–162 Mc band the basic separation between assignable frequencies in the same geographical area should be 30 kc. Once having determined which services will get the "new" channels resulting from this proceeding it is proposed that assignments offset from the 30 kc channels by 15 kc will be made upon request wherever it appears that the available 30 kc channels already are in use in the area involved and that the proposed new radio station or system is sufficiently removed in distance from existing installations to result in a net gain in freedom from interference for the persons involved. In general, it is expected that for the near future it will be possible to make such 15 kc assignments only at distances greater than one half the normal cochannel separation between stations in the service concerned. Additionally, assignments will be made on frequencies offset from the 30 kc channels by a frequency other than 15 kc when field tests supervised by a competent engineer and conducted with the knowledge of all licensees concerned indicate that such an assignment is to the net advantage of all of the parties. As a distant future goal, the Commission hopes that further advances in equipment development ultimately may make it possible to utilize 15 kc frequency separation for land mobile radiotelephone operation in the same area on a basis which is both economically and technically feasible.

4. *The 25–50 Mc band.* The notice of proposed rule making in this proceeding specified 20 kc separations between assignable frequencies and the adoption of technical standards appropriate for such separations. The Notice also proposed the inclusion of a "warning" paragraph in the pertinent parts of the Rules with respect to the skywave interference problems in this band. The comments received in the proceeding, in the main, were not addressed to questions of long distance of skywave interference. No objections were received to the inclusion of the "warning" paragraph proposed although some suggestions were made with regard to the possibility of further international sharing patterns.

In disposing of these two matters, i. e., the adoption of 20 kc separation between assignable frequencies and the related technical standards, the Commission is taking into account a considerable amount of information available to it with respect to the plans and operations of other Administrations. Such plans and operations involve stations, circuits and networks not under the jurisdiction of the Commission. Their nature is such, however, as to have a definite and significant effect on and inter-relationship to the future use of the band 25–50 Mc by stations in the mobile service licensed by the Commission.

First, as to the proposition of adopting 20 kc separations between assignable frequencies, the Commission has given consideration to various facets of this question. These may be broadly grouped into the following three categories:

1. Low power intermittent telephone use of frequencies in this band by neighboring countries.

2. Conventional skywave interference to U. S. non-Government mobile systems such as that detailed in the notice of proposed rule making.

3. The present status and future plans for ionospheric scatter circuits using frequencies between the approximate limits of 25 and 60 Mc.

As to the first of these three matters, it has become increasingly apparent since the issuance of the notice of proposed rule making in this proceeding that other American countries, particularly those to the south of the U. S., are experiencing great difficulty in selecting frequencies for assignment in this band in such a way as to avoid interference from the preponderance of U. S. non-Government mobile assignments on the present assignable frequencies spaced at intervals of 40 kc. It is apparent that this problem would be aggravated if the Commission made the 20 kc assignments also available to its licensees. It is also apparent that, to the extent other countries (but not licensees of the FCC) used the 20 kc assignments together with equipment meeting technical specifications such as those proposed in this proceeding, the problems of mutual interference between Commission licensees and stations in other countries employing this band for purposes similar to that authorized by the Commission would be greatly reduced.

As to the present operations and future plans of Administrations other than the FCC for use of frequencies in this band by fixed stations employing ionospheric scatter techniques, a considerable amount of information has become available to the Commission since the institution of this proceeding. The Commission is not releasing or publishing this information in this category but invites interested persons to acquaint themselves with such information on this subject as has been published in such periodicals as the Telecommunications Journal of the International Telecommunication Union and the Proceedings of the Institute of Radio Engineers. The Commission's information on this subject is not limited, however, to that contained in such publications. Of even greater significance than the aforementioned operations and future plans is the extent of actual harmful interference which has been encountered by Commission licensees in the non-Government mobile service in this band, since the institution of this proceeding, where the sources of such harmful interference have been fixed stations employing ionospheric scatter techniques. When the wide extent of such interference is evaluated in the light of the ever increasing use of this band by the fixed services employing ionospheric scatter techniques, it is apparent that a serious and progressive degradation of the mobile service use of this band will occur. Furthermore, while it is outside the scope of this proceeding, it is apparent that the world need for medium distance fixed service assignments is such as to continue to create ever increasing requirements for use of frequencies in this band for fixed circuits employing ionospheric scatter techniques. Even a casual inspection of the Radio Frequency Record (RFR) of the International Telecommunication Union (ITU) indicates a very large number of HF fixed circuits whose path lengths are suitable for communications by means of ionospheric scatter.

The Commission considers that each of these three factors alone justifies its decision not to make available additional assignable frequencies in this band for the mobile service. The Commission again urges mobile service licensees now employing frequencies in this band to consider the feasibility of transferring their operations to higher frequency bands where the long distance interference characteristics of this band are not present.

Second, as to the adoption of technical standards for mobile equipments which are geared to the availability of assignable frequencies at intervals of 20 kc, the Commission considers that the future probabilities of interference received by its mobile licensees will be decreased somewhat if such technical standards were to be adopted. Furthermore, to the extent that mobile systems continue to operate in this band, it is apparent that increased geographical sharing and more efficient and effective use of the 40 kc assignable frequencies will result if all such mobile systems employ so-called "narrow band" equipment meeting standards similar to those proposed in this proceeding. However, such narrow band standards will not be adopted as rules in order to avoid any situations which might result whereby existing mobile service licensees who replace their existing equipment with new narrow band equipment find later that the aforementioned interference situations are such as to result in a transfer of their operations to higher frequency bands where their 25–50 Mc band mobile equipment could not be used or easily modified to operate in such higher bands. It is, nevertheless, urged that mobile service licensees who desire to continue to operate in this band give serious consideration to the desirability of voluntarily employing equipment meeting technical standards such as those proposed in this proceeding.

E. *Technical standards.* 1. Actual utilization of reduced channel spacing is dependent on the availability of transmitting equipment which meets the necessary tighter specifications for frequency stability, bandwidth and frequency deviation, and of receiving equip-

ment having the requisite stability and selectivity. The comparative performance of narrow band systems versus the existing systems must also be taken into account. The numerical value to be selected for the channel spacing depends upon these factors; accordingly, they have been considered in determining whether reduced channel spacing is practicable in the present state of the art.

2. The notice of proposed rule making proposed a tolerance of 0.002 percent in the 25–50 Mc band and 0.0005 percent in the 50–1000 Mc band, except that 0.005 percent would be required for transmitters with 3 watts or less power input in the 50–1000 Mc band. From consideration of the comments, it appears that new equipment can meet 0.002 percent in the 25–50 Mc band. With regard to the proposed 0.0005 percent tolerance in the 50–1000 Mc band some objections were raised, particularly as to the maintenance of this tolerance in mobile units under adverse conditions of ambient temperature and operation. These comments indicate the advisability of a larger tolerance for mobile stations. Nevertheless, it must be borne in mind that the benefits offered by narrow bandwidth operation cannot be achieved if an excessive amount of spectrum is wasted by unduly large tolerances. Certainly, any large frequency space lost due to tolerance would represent an excessive proportion of the channel spacing, assuming the existing channels are split. Consequently, the following tolerances are believed to be both reasonable and desirable:

Band (Mc)	Base stations	Mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
25–50	0.002	0.002	0.005
50–1000	0.0005	0.0005	0.005

3. The proposed frequency deviation of 5 kc was generally acceptable to those commenting on the matter of FM Standards, except those comments relating to remote pickup broadcast stations which advocated 7 kc deviation for those stations. Accordingly, the deviation for the classes of stations directly affected by these proceedings (this does not include remote pickup broadcast stations) is being adopted as 5 kc in the bands below 400 Mc. In the range 450–470 Mc, 15 kc deviation will be retained.

4. The proposed specification for an audio low pass filter with a cutoff frequency of 2500 cps has been reviewed in the light of comments which indicated that little improvement would be obtained by reducing the cutoff frequency from 3000 cps to 2500 cps. Consideration has also been given to the need for a quantitative specification of the frequency response characteristic of the low pass filter. The principal functions of the filter are to remove distortion products produced by the modulation limiter, to attenuate the audio components above the cutoff frequency, and to attenuate noise components occurring in the audio stages of the transmitter. Thus, the filter serves to reduce unwanted sideband energy and thereby to reduce emission capable of causing interference to adjacent channel stations. The proposed specification of a 12 db per octave attenuation above the cutoff frequency appears satisfactory; however, it is an incomplete specification of the necessary filter characteristics. Accordingly, the Commission is adopting a specification which includes additional provisions to define the minimum attenuation characteristic of the filter as follows: "A low pass filter shall be installed after the modulation limiter. At frequencies between 3 kc and 15 kc, the low pass filter shall have an attenuation greater than the attenuation at 1 kc by at least $40 \log_{10} (f/3)$ decibels, where f is the frequency in kc. At frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc". In transmitters without limiters, the attenuation characteristics of the modulation circuit shall comply with the foregoing specification for low pass filters.

5. Bandwidth is dependent on the deviation and the modulating frequency. The necessary bandwidth, as defined in Part 2 of the rules is 16 kc for FM and 6 kc for AM emission, assuming a nominal maximum modulating frequency of 3 kc and, for FM, a deviation of 5 kc. It is recognized, however, that the occupied bandwidth, as defined in § 2.524 of the rules, may exceed the necessary bandwidth and may also exceed the frequency separation between channels. The occupied bandwidth measurement required for type acceptance (§ 2.524) specifies 2500 cps input signal. The authorized bandwidth, based on the test conditions for type acceptance, is being adopted as 20 kc for FM with 5 kc deviation.

6. With regard to system performance, a number of comments indicated concern or opinion that narrow band systems would be inferior to the existing systems, particularly as to signal-to-noise ratio and service range. It is possible that some complaints as to inferior performance of narrow band systems result from the use of wide band receivers with narrow band transmissions; under these conditions, of course, appreciably degraded performance is expected. The quantitative data furnished by those commenting, together with the reports of the Joint Technical Advisory Committee (JTAC) dated May 28, 1953, and December 10, 1954, however, indicate that narrow band systems designed pursuant to the foregoing standards can give service range performance approximately equivalent to that of existing systems. the JTAC reported 3 db average degradation in receiver output signal-to-noise ratio in the narrow band system relative to the wide band system, and that the co-channel interference ratios are the same for the two systems. In view of these data the Commission has reached the general conclusion that adequate performance can be obtained in narrow band systems.

7. In adopting the 152–162 Mc technical standards set forth herein as rules, it is necessary to establish effective dates. Two dates are necessary with respect to a particular frequency: (a) A date after which at least the majority of equipment manufacturers will be in a position to supply, in production quantities, equipment which conforms to the new technical standards; and (b) a date by which all equipment operating on the frequency shall be brought into conformity with the new technical standards. In establishing these dates, the following factors, among many, have been taken into account:

(a) This Docket proceeding has been outstanding since January 12, 1955, and was widely anticipated prior to that date, in consequence of which manufacturers of land mobile equipment have had considerable opportunity to prepare themselves for early delivery of new equipment.

(b) In order to maintain uniformity of equipment for all of the land mobile services, it is desirable that no distinctions be drawn between the several radio services involved.

(c) In general, tax-supported activities require more time to finance technical changes than commercial licensees. Therefore, the selected "across-the-board" dates for compliance of existing equipment should be reasonable as applied to tax-supported licensees—primarily licensees in the Public Safety Radio Services. This is without prejudice to individual licensees and/or services proceeding more rapidly on a voluntary basis.

(d) Some degree of forced obsolescence for existing equipment (receivers only, in many cases) is justified, even for tax supported licensees, due to the present degree of congestion being experienced by many Commission licensees in the band 152–174 Mc, the heavy anticipated demand for frequencies from additional applicants is the land mobile service, and the accelerated pressure for assignments in the 152–162 Mc range due to the nature of the Commission's decision herein with respect to the 25–50 Mc band.

(e) If a reasonable change-over period is provided, the cost of the change-over on a per annum basis will not be excessive.

After considering those factors and those of the comments filed which addressed themselves to this point, the Commission believes that the public interest would best be served by adhering to the dates contained in its notice of proposed rule making in this proceeding. Accordingly, the following schedule will be followed in the 152–162 Mc band:

(a) For authorizations issued beginning two years from the effective date of this decision, equipment must meet the new technical standards when it will be used in a radio system not operationally integrated with an existing radio system.

(b) For authorizations, including renewals, issued beginning seven years from the effective date of this decision, all equipment must meet the new technical standards.

NOTE: Existing systems may be expanded or modified under the presently existing ("old") technical standards at the request of the licensee, but such authorizations shall not be construed as extending the deadline dates set forth herein.

F. *Disposition of procedural comments.* 1. With respect to the NAM request for oral argument, the Commission understands that this request is based upon two main considerations, i. e., (a) that the NAM has before the Commission a petition to reallocate a portion of the FM broadcasting band for manufacturer's uses, and (b) that the cost of going to higher technical standards may be prohibitive to NAM members. The Commission will consider the subject FM broadcasting band petition in a separate proceeding, and, if its decision with respect to that petition results in oral argument or hearing, the NAM can present its arguments at that time, insofar as they relate to all matters concerned with frequencies in the band 88–108 Mc, which are considered to be outside the scope of the present proceeding.

With respect to arguments regarding costs of meeting improved technical standards, the Commission is specifying changeover dates which are considered to be generous when viewed in the light of the pressing demands for spectrum space.

With regard to the general desire of the NAM for more frequency space for manufacturer's use, the Commission proposes to initiate proceedings designed among other things, to determine the extent of manufacturers' additional requirements and to determine possible means of satisfying these requirements.

In view of the above factors, the NAM request for oral argument in this proceeding is being denied.

2. The National Committee for Utilities Radio was of the opinion that an informal conference should be held, at which time conflicting comments could be discussed for purposes of clarification and for delineation of an area of uniform opinion which would simplify the problems of reaching a final decision in the proceeding without the necessity for a formal hearing. To a degree such a conference would serve a useful purpose. However, it is believed that such meetings would be most productive in connection with the further proceedings which are necessary to determine who shall use the split channels and how the implementation program best can proceed in each service. Accordingly, a conference of the interested parties has not been convened prior to the action the Commission is taking herein.

G. *Summary of decisions made in this proceeding.* In summary, the Commission has decided that it is in the public interest to:

(1) Adopt new technical standards to govern operation of FCC-licensed equipment operating in the 152–162 Mc bands. For new radio systems, the effective date of these standards is two years hence. For present licensees, all equipment, including existing equipment, must be brought into compliance 7 years hence. The new standards are based on 30 kc separations.

(2) Make no assignments at this time in the band 25–50 Mc on frequencies other than those already listed in its rules, i. e., retain 40 kc channeling. However, this decision is subject to review at a later date.

(3) Amend Parts 2, 7, 8, 10, 11, 16 and 21 to indicate clearly that frequencies in the 25–50 Mc range are subject to long-range skywave interference, and that persons requiring radio systems with a high degree of reliability and freedom from such interference should consider use of frequencies higher in the spectrum where skywave interference is not normally a serious problem.

(4) Institute new rule making proceedings to determine the service-allocations of the new assignable frequencies to become available in the 152–162 Mc band as the result of the decisions taken herein. Such proceedings also may consider the shared land mobile/maritime mobile allocations now existing in the 152–162 Mc band. Until these new proceedings have been instituted and carried to final decision, no regular or developmental assignments will be made on the additional or "split" channels in any of the Commission's radio services, except for assignments which may be required in connection with research and development necessary to produce equipment capable of meeting the new technical standards. The existing channeling will remain in Part 2 until the proceedings referred to in this paragraph have been completed.

(5) Deny the request of the National Association of Manufacturers for oral argument in the present proceeding.

On June 13, 1956, Commission action in Docket No. 10821 finalized Part 21 Domestic Public Radio Services (Other Than Maritime Mobile), to become effective September 4, 1956. Since that portion of Part 6 of the rules affected by this proceeding will be governed by Part 21, as of September 4, 1956, amendments to Part 21 rather than Part 6 are set forth below.

In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, that, effective, November 1, 1956, Parts 2, 7, 8, 10, 11, 16 and 21 of the Commission's rules are amended as set forth below:

And it is further ordered, That no new regular or developmental authorization for the use of any frequency obtained by "channel splitting" shall be granted to any station in any service until such frequencies are made available specifically for assignment to such stations by the Rules governing the service involved, except as may be required in connection with equipment development to meet the new technical standards ordered herein;

And it is further ordered, That the request of the National Association of Manufacturers for oral argument in the present proceeding is denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.)

Adopted: September 19, 1956.

Released: September 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

I. Part 2 is amended as follows:

Section 2.103 is amended by adding the following new paragraph (e).

(e) Non-Government services operating on frequencies in the band 25–50 Mc must recognize that it is shared with various services of other countries; that harmful interference may be caused by skywave signals received from distant stations of all services of the United States and other countries radiating power on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

II. Part 7 is amended as follows:

1. In § 7.304 (c), add a new subparagraph (4) to read as follows:

(4) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 35–36 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

2. In § 7.356, a new paragraph (d) is added to read as follows:

(d) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 35–36 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

III. Part 8 is amended as follows:

Section 8.351 (b) is amended by adding a new subparagraph (1) thereto. New subparagraph (1) reads as follows:

(1) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 35–45 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference

should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

IV. Part 10 is amended as follows:

1. Section 10.101 is amended by adding new paragraphs (e), (f) and (g) to read as follows:

(e) [Reserved.]

(f) [Reserved.]

(g) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 25–50 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

2. Section 10.102 is amended to read as follows:

§ 10.102 *Frequency stability.* (a) Except as provided in paragraphs (b) and (c) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
Below 25 Mc	0.01	0.01	0.02
25 to 50 Mc	0.002	0.002	0.005
50 to 1000 Mc	0.0005	0.0005	0.005
Above 1000 Mc	(1)	(1)	(1)

[1] To be specified in the station authorization.

(b) Transmitters authorized for operation on frequencies in the range 25 to 50 Mc may conform, as a minimum requirement, to the following frequency tolerance in lieu of meeting the requirements of paragraph (a) of this section until further notice by the Commission; however, compliance with the more strict frequency tolerance is recommended as a means of avoiding some causes of harmful interference:

Transmitter power:	*Frequency tolerance (percent)*
Over 3 watts	0.01
3 watts or less	0.02

(c) Transmitters authorized prior to November 1, 1958, for operation on frequencies in the range 50 to 1000 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may conform, as a minimum requirement, to the following frequency tolerances in lieu of meeting the requirements of paragraph (a) of this section, until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
50 to 220 Mc	0.005	0.01
220 to 1000 Mc	(1)	(1)

[1] To be specified in the authorization.

(d) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the manufacturer.

3. Section 10.104 (b) is amended to read as follows:

(b) The maximum authorized bandwidth of emission corresponding to the types of emission specified in § 10.103 (a) and (c), and the maximum authorized frequency deviation in the case of frequency or phase modulated emission, shall be as follows:

(1) For all type A3 emissions, the maximum authorized bandwidth shall be 8 kc.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, for all F3 emission, the maximum authorized bandwidth and maximum authorized frequency deviation shall be as follows:

Frequency band (Mc)	Authorized bandwidth (kc)	Frequency deviation (kc)
25 to 50 Mc	20	5
50 to 150 Mc	40	15
150 to 450 Mc	20	5
450 to 1,000 Mc	40	15

(3) Transmitters authorized to utilize type F3 emission and to be operated on frequencies in the range 25 to 50 Mc may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, in lieu of meeting the requirements of subparagraph (2) of this paragraph, until further notice by the Commission; however, compliance with the narrower bandwidth limits is recommended as a means of avoiding some causes of harmful interference.

(4) Transmitters authorized prior to November 1, 1958, to utilize type F3 emission and to be operated on frequencies in the range 150 to 450 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, in lieu of meeting the requirements of subparagraph (2) of this paragraph until not later than October 31, 1963.

(5) For all type F1 emissions, the maximum authorized band width shall be 0.25 kc.

4. Section 10.105 is amended to read as follows:

§ 10.105 *Modulation requirements.* (a) The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second; in any transmitter not subject to the provisions of paragraph (d) or (c) of this section the overall frequency response of the audio and modulating circuits shall nevertheless approximately correspond with that required thereby.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

(d) Each transmitter first authorized or installed on or after July 1, 1960, for operation on frequencies in the range 25 to 50 Mc which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, shall also be provided with an audio low-pass filter which shall be installed between the modulation limiter and the modulated stage and which shall meet the specifications contained in paragraph (f) of this section.

(e) Each transmitter first authorized or installed on or after November 1, 1958, for operation on frequencies in the range 152 to 162 Mc, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, for operation on frequencies in that range, and each transmitter operating on a frequency in the range 152 to 162 Mc after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, shall also be provided with an audio low-pass filter which shall be installed between the modulation limiter and the modulated stage and which shall meet the specifications contained in paragraph (f) of this section.

(f) At audio frequencies between 3 kc and 15 kc, the low-pass filter required under the provisions of paragraph (d) or (c) of this section shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "*f*" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

V. Part 11 is amended as follows:

1. Amend § 11.8 by the addition of the following new paragraph (h):

(h) Persons authorized pursuant to this part to operate radio stations on

frequencies in the band 25-50 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

2. Amend § 11.102 to read as follows:

§ 11.102 *Frequency stability.* (a) Except as provided in paragraphs (b) and (c) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 units	3 watts or less
	Percent	*Percent*	*Percent*
Below 25 Mc	0.01	0.01	0.02
25 to 50 Mc	0.002	0.002	0.005
50 to 1,000 Mc	0.0005	0.0005	0.005
Above 1,000 Mc	(1)	(1)	(1)

[1] To be specified in the station authorization.

(b) Transmitters authorized for operation on frequencies in the range 25 to 50 Mc may conform, as a minimum requirement, to the following frequency tolerance in lieu of meeting the requirements of paragraph (a) of this section until further notice by the Commission; however, compliance with the more strict frequency tolerance is recommended as a means of avoiding some causes of harmful interference:

Transmitter power:	*Frequency tolerance (percent)*
Over 3 watts	0.01
3 watts or less	0.02

(c) Transmitters authorized prior to November 1, 1958, for operation on frequencies in the range 50 to 1000 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may conform, as a minimum requirement, to the following frequency tolerances in lieu of meeting the requirements of paragraph (a) of this section, until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
50 to 220 Mc	0.005	0.01
220 to 1000 Mc	(1)	(1)

[1] To be specified in the authorization.

(d) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the manufacturer.

3. Amend paragraph (b) of § 11.104 to read as follows:

(b) The maximum authorized bandwidth of emission corresponding to the types of emission specified in § 16.103 (a) of this chapter, and the maximum authorized frequency deviation in the case of frequency or phase modulated emission, shall be as follows:

(1) For all type A3 emission, the maximum authorized bandwidth shall be 8 kc.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, for all F3 emission, the maximum authorized frequency deviation shall be as follows:

Frequency band (Mc)	Authorized bandwidth (kc)	Frequency deviation (kc)
25 to 50 Mc	20	5
50 to 150 Mc	40	15
150 to 450 Mc	20	5
450 to 1000 Mc	40	15

(3) Transmitters authorized to utilize type F3 emission and to be operated on frequencies in the range 25 to 50 Mc may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, in lieu of meeting the requirements of subparagraph (2) of this paragraph, until further notice by the Commission; however, compliance with the narrower bandwidth limits is recommended as a means of avoiding some causes of harmful interference.

(4) Transmitters authorized prior to November 1, 1958, to utilize type F3 emission and to be operated on frequencies in the range 150 to 450 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, in lieu of meeting the requirements of subparagraph (2) of this paragraph, until not later than October 31, 1963.

4. Amend § 11.105 to read as follows:

§ 11.105 *Modulation requirements.* (a) The maximum radio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second; in any transmitter not subject to the provisions of paragraph (d) or (e) of this section the overall frequency response of the audio and modulating circuits shall nevertheless approximately correspond with that required thereby.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) Each transmitter authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in this subpart, which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate with a maximum plate power input to the final radio frequency stage of 3 watts or less.

(d) Each transmitter first authorized or installed on or after July 1, 1960, for operation on a frequency in the range 25 to 50 Mc, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, shall also be provided with an audio low-pass filter which shall be installed between the modulation limiter and the modulated stage and which shall meet the specifications contained in paragraph (f) of this section.

(e) Each transmitter first authorized or installed on or after November 1, 1958, for operation on frequencies in the range 152 to 162 Mc, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, for operation on frequencies in that range, and each transmitter operating on a frequency in the range 152 to 162 Mc after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, shall also be provided with an audio low-pass filter which shall be installed between the modulation limiter and the modulated stage and which shall meet the specifications contained in paragraph (f) of this section.

(f) At audio frequencies between 3 kc and 15 kc, the low-pass filter required under the provisions of paragraph (d) or (e) of this section shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "*f*" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

VI. Part 16 is amended as follows:

1. Amend § 16.8 by the addition of the following new paragraph (e):

(e) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 25–50 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

2. Amend § 16.102 to read as follows:

§ 16.102 *Frequency stability.* (a) Except as provided in paragraphs (b) and (c) of this section, a permittee or licensee in these services shall maintain the car-

rier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
Below 25 Mc	0.01	0.01	0.02
25 to 50 Mc	0.002	0.002	0.005
50 to 1000 Mc	0.0005	0.0005	0.005
Above 1000 Mc	(1)	(1)	(1)

[1] To be specified in the station authorization.

(b) Transmitters authorized for operation on frequencies in the range 25 to 50 Mc may conform, as a minimum requirement, to the following frequency tolerance in lieu of meeting the requirements of paragraph (a) of this section until further notice by the Commission; however, compliance with the more strict frequency tolerance is recommended as a means of avoiding some causes of harmful interference:

Transmitter power:	*Frequency tolerance (percent)*
Over 3 watts	0.01
3 watts or less	0.02

(c) Transmitters authorized prior to November 1, 1958, for operation on frequencies in the range 50 to 1000 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may conform, as a minimum requirement, to the following frequency tolerances in lieu of meeting the requirements of paragraph (a) of this section, until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
50 to 220 Mc	0.005	0.01
220 to 1000 Mc	(1)	(1)

[1] To be specified in the authorization.

(d) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the manufacturer.

3. Amend paragraph (b) of § 16.104 to read as follows:

(b) The maximum authorized bandwidth of emission corresponding to the types of emission specified in § 16.103 (a), and the maximum authorized frequency deviation in the case of frequency or phase modulated emission, shall be as follows:

(1) For all type A3 emission, the maximum authorized bandwidth shall be 8 kc.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, for all F3 emission, the maximum authorized bandwidth and maximum authorized frequency deviation shall be as follows:

Frequency band (Mc)	Authorized bandwidth (kc)	Frequency deviation (kc)
25 to 50 Mc	20	5
50 to 150 Mc	40	15
150 to 450 Mc	20	5
450 to 1000 Mc	40	15

(3) Transmitters authorized to utilize type F3 emission and to be operated on frequencies in the range 25 to 50 Mc may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, in lieu of meeting the requirements of subparagraph (2) of this paragraph, until further notice by the Commission; however, compliance with the narrower bandwidth limits is recommended as a means of avoiding some causes of harmful inteference.

(4) Transmitters authorized prior to November 1, 1958, to utilize type F3 emission and to be operated on frequencies in the range 150 to 450 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, in lieu of meeting the requirements of subparagraph (2) of this paragraph, until not later than October 31, 1963.

4. Amend 16.105 to read as follows:

§ 16.105 *Modulation requirements.* (a) The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second; in any transmitter not subject to the provisions of paragraph (d) or (e) of this section, the overall frequency response of the audio and modulating circuits shall nevertheless approximately correspond with that required thereby.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) Each transmitter authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in this subpart, which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate with a maximum plate power input to the final radio frequency stage of 3 watts or less.

(d) Each transmitter first authorized or installed on or after July 1, 1960, for operation on frequencies in the range 25 to 50 Mc, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, shall also be provided with an audio low-pass filter which shall be installed between the modulation limiter and the modulated stage and which shall meet the specifications contained in paragraph (f) of this section.

(e) Each transmitter first authorized or installed on or after November 1, 1958, for operation on frequencies in the range 152 to 162 Mc, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, for operation on frequencies in that range, and each transmitter operating on a frequency in the range 152 to 162 Mc after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, shall also be provided with an audio low-pass filter which shall be installed between the modulation limiter and the modulated stage and which shall meet the specifications contained in paragraph (f) of this section.

(f) At audio frequencies between 3 kc and 15 kc, the low-pass filter required under the provisions of paragraph (d) or (e) of this section shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

VII. Part 21 is amended as follows:

1. Amend § 21.100 by designating the existing paragraph as (a) and by the addition of the following new paragraph (b):

(b) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 25–50 Mc must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

2. Amend § 21.101 to read as follows:

§ 21.101 *Frequency stability.* (a) Except as provided in paragraphs (b) and (c) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the reference frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
25 to 50 Mc [1]	0.002	0.002	0.005
50 to 1000 Mc	0.0005	0.0005	0.005
Above 1000 Mc	(2)	(2)	(2)

[1] Transmitters authorized for operation on frequencies in the range 25 to 50 Mc may conform, as a minimum requirement, to the tolerances shown in paragraph (b) of this section in lieu of meeting the requirements of this paragraph until further notice by the Commission; however, compliance with the more strict frequency tolerance is recommended as a means of avoiding some cases of harmful interference. Equipment authorized to be operated on frequencies between 890 and 940 Mc as of October 15, 1956, shall be required to maintain a frequency tolerance within 0.03 percent subject to the condition that no harmful interference is caused by any other radio station.

[2] To be specified in the station authorization but not less than 0.05 percent between 1000 and 10,000 Mc and not less than 0.75 percent above 10,000 Mc.

(b) Transmitters authorized for operation on frequencies in the range 25 to 50 Mc may conform, as a minimum requirement, to the following frequency tolerance in lieu of meeting the requirements of paragraph (a) of this section until further notice by the Commission; however, compliance with the more strict frequency tolerance is recommended as a means of avoiding some causes of harmful interference:

Transmitter power:	*Frequency tolerance (percent)*
Over 3 watts	0.01
3 watts or less	0.02

(c) Except as provided in footnote 1 of paragraph (a) of this section, transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, shall conform, as a minimum requirement, to the following frequency tolerances in lieu of meeting the requirements of paragraph (a) of this section, until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
50 to 1,000 Mc	0.005	0.01

(d) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the Commission's Radio Equipment List, Part C.

(e) The reference frequency of a station shall be deemed to be the assigned frequency, unless otherwise specified.

3. Amend § 21.507 (b) to read as follows:

(b) The maximum authorized bandwidth of emission and the maximum authorized frequency deviation in the case of frequency or phase modulated emission, shall be as follows (except as provided in subparagraphs (1) and (2) of this paragraph):

Type of emission	25–450 Mc		450–500 Mc	
	Authorized bandwidth (kc)	Frequency deviation (kc)	Authorized bandwidth (kc)	Frequency deviation (kc)
A1	1		1	
A2	3		3	
A3	8		8	
A4	12		12	
F1	3		3	
F2	3		3	
F3	20	5	40	15
F4	20	5	40	15

(1) Transmitters authorized to utilize type F3 emission and to be operated on frequencies in the range 25 to 50 Mc may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, in lieu of meeting the foregoing requirements of this section, until further notice by the Commission, however, compliance with the narrower bandwidth limits is recommended as a means of avoiding some causes of harmful interference.

(2) Transmitters authorized and installed prior to November 1, 1958, to utilize type F3 emission and to be operated on frequencies in the range 150 to 450 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to January 1, 1959, for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, in lieu of meeting the requirements set forth in the above table of this section, until not later than October 31, 1963.

4. Amend § 21.508 (d) to read as follows:

(d) When phase or frequency modulation is used for single channel operation on frequencies below 500 Mc, the deviation arising from modulation shall not exceed the limits specified in § 21.507 (b).

5. Amend § 21.508 (e) to read as follows:

(e) Each single channel radiotelephone transmitter having more than 3 watts plate power input to the final radio frequency stage, which is initially authorized or installed at the station in this service after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (c) and (d) of this section which may be caused by greater than normal audio level. At audio frequencies between 3 kc and 15 kc, the low-pass filter required by § 21.118 (b) shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

6. Amend § 21.604 (a) to read as follows:

§ 21.604 *Emmission limitations.* (a) The maximum bandwidths which will normally be authorized for single channel operation in this service are set forth below:

Type of emission	25–450 Mc		450–500 Mc	
	Authorized bandwidth (kc)	Frequency deviation (kc)	Authorized bandwidth (kc)	Frequency deviation (kc)
A1	1		1	
A2	3		3	
A3	8		8	
A4	12		12	
F1	3		3	
F2	3		3	
F3	20	5	40	15
F4	20	5	40	15

7. Amend § 21.605 (c) to read as follows:

(c) When phase or frequency modulation is used for single channel operation on frequencies below 500 Mc, the deviation arising from modulation shall not exceed the limits specified in § 21.604 (a).

8. Amend § 21.605 (d) to read as follows:

(d) Each single channel radiotelephone transmitter having more than 3 watts plate power input to the final radio frequency stage and initially installed at a station in this service after the effective date of these rules shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level. At audio frequencies between 3 kc and 15 kc, the low-pass filter required by § 21.118 (b) shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

[F. R. Doc. 56–7956; Filed, Oct. 2, 1956; 8:49 a. m.]

[Docket No. 11783; FCC 56–925]

[Rules Amdt. 3–27]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS (PIERRE-RELIANCE, SOUTH DAKOTA)

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Pierre-Reliance, South Dakota).

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on July 16, 1956 (FCC 56–681) and published in the FEDERAL REGISTER on July 20, 1956 (20 F. R. 5451), proposing to delete Channel 6 from Pierre, South Dakota and assign it to Reliance, South Dakota in response to a petition from the Midcontinent Broadcasting Company.

2. No comments were filed opposing the proposed amendment. In support of the requested amendment, Midcontinent urged that there are no applications for the Pierre assignments; that there is a need and demand for the assignment in Reliance; that a station on this channel in Reliance would serve a greater population and area presently without service; that the assignment of Channel 6 to Reliance would conform to all the Rules; and that an application would be filed by petitioner for the construction of a new television station in the event the amendment is adopted. The Commission is of the view that the proposed amendment would serve the public interest.

3. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* That effective November 1, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the

communities named are concerned, as follows:

City:	Channel No.
Pierre, S. Dak.	10+, *22+
Reliance, S. Dak.	6—

(Sec. 4, 48 Stat. 1068, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 26, 1956.

Released: September 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7957; Filed, Oct. 2, 1956; 8:51 a. m.]

[FCC 56-940; Rules Amdt. 15-4]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

RADIATION INTERFERENCE LIMITS

In the matter of amendment of § 15.62 of the Commission's rules governing restricted radiation devices.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 27th day of September 1956;

The Commission having under consideration the need for clarifying the applicability of Note 1 of § 15.62 with respect to certain radio receivers; and

It appearing that effective October 1, 1956, § 15.62 of the Federal Communications Commission Rules and Regulations provides that various receivers that operate in the range 30 and 890 Mc limit radio frequency voltage between each power line and ground to 100 uv at any frequency between 450 kc and 25 Mc inclusive; and

It further appearing that such limitations are only of real significance in reducing interference when radio receivers are connected to a power line serving many receivers such as occurs in the power systems provided by public utilities; and

It further appearing that the practical problems involved in the administration and enforcement of the Commission's power line voltage limitation is simplified if the requirement to meet this limit is contingent upon the condition as to whether or not the receiver is connected to a public utility power system; and

It further appearing that in view of the time element involved, compliance with the notice provisions of section 4 of the Administrative Procedure Act, United States Code 1003, would be impracticable, and that, because the amendment relieves a restriction, it may be made effective immediately;

It is ordered, That pursuant to the authority of section 4 (i) and 303 (f) of the Communications Act of 1934 (as amended), § 15.62 of the said rules is amended as set forth below, effective September 27, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, aa amended; 47 U. S. C. 303)

Released: September 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The provisions of § 15.62 are amended with respect to the applicability of the power line interference limit to certain radio receivers.

Section 15.62 as amended reads as follows:

§ 15.62 *Radiation interference limits.* The radiation from all radio receivers that operate (tune) in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, manufactured after the effective date of this subpart shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

Frequency of radiation (Mc)	Field strength (uv/m)
0.45 up to and including 25	See note.
Over 25 up to and including 70	32.
Over 70 up to and including 130	50.
130–174	50–150 (linear interpolation).
174–260	150.
260–470	150–500 (linear interpolation).
470–1000	500.

NOTE: This requirement applies only to radio receivers intended to be connected to power lines of public utility systems.

Pending the development of suitable measurement techniques for measuring the actual radiation in this band the interference capabilities of a receiver in this band will be determined by the measurement of radio frequency voltage between each power line and ground at the power terminals of the receiver. The voltage so measured shall not exceed 100 uv at any frequency between 450 kc and 25 Mc inclusive.

[F. R. Doc. 56-7958; Filed, Oct. 2, 1956; 8:51 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11829; FCC 56-920]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; GREENFIELD AND LOWELL, MASSACHUSETTS

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition filed on August 21, 1956, by Springfield Television Broadcasting Corporation, permittee of television Station WRLP, Greenfield, Massachusetts, requesting rule making to amend the Table of Assignments contained in § 3.606 of the Commission's rules as follows:

City	Channel No.	
	Present	Proposed
Greenfield, Mass.	58—	[1] 32+
Lowell, Mass.	32+	78

[1] In the utilization of this channel the transmitter will have to be located so as to meet the minimum spacing requirements.

Petitioner further requests that the Commission order it to Show Cause why its outstanding authorization for Station WRLP should not be modified to specify operation on Channel 32 in lieu of Channel 58.

3. In support of its request petitioner urges that the requested reallocation would not result in loss of service to either Greenfield or Lowell since neither Channel 32 nor Channel 78 is occupied by an operating station; that the amendment would not necessitate any further changes in the Table of Assignments; and that it is unlikely that Channel 32 will be used in Lowell in the foreseeable future since Lowell receives service from three VHF stations in Boston and another in Manchester. Petitioner also contends that the allocation of Channel 32 to Greenfield would be more efficient since the terrain in the Greenfield-Northfield area is more rugged than in the Lowell-Lawrence area. Springfield Television alleges that while Channel 32 in Greenfield would not meet the minimum mileage spacing from the city, transmitter sites are available that would meet the minimum mileage requirements.

4. The Commission is of the view that rule making should be instituted in order that interested parties may submit their views and relevant data.

5. Springfield Television urges that Channel 32 be substituted for Channel 58 in Greenfield and that it be directed to show cause in this proceeding why its authorization for Channel 58 should not be modified to specify the new frequency. However, in order to assign Channel 32 to Greenfield it is not necessary that Channel 58 be deleted from that community. Accordingly, it is not proposed that Channel 58 would be deleted from Greenfield. There is no necessity, therefore, for modifying the outstanding authorization of Springfield Television in this proceeding in order to accomplish the change in allocation, and Springfield's request for Show Cause Order is denied.

6. Authority for the adoption of the amendment is contained in section 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 1, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 26, 1956.

Released: September 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. D. Doc. 56-7959; Filed, Oct. 2, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11830; FCC 56-921]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; AINSWORTH, NEBRASKA

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition, filed June 27, 1956, by Bi-States Company, permittee of television Stations KHOL-TV, Kearney, Nebraska and KHPL-TV, Hayes Center, Nebraska, for rule making to amend § 3.606, Table of Assignments, Television Broadcast Stations, so as to assign Channel 3 minus[1] to Ainsworth, Nebraska.

3. In support of its request, petitioner asserts that Channel 3 may be assigned to Ainsworth in conformity with the Commission's rules and without requiring any other changes in the Table of Assignments; that the present allocations Table does not provide any channels for the Ainsworth area of north central Nebraska, the nearest UHF and VHF allocations being for communities 75 miles and 122 miles away, respectively, and the nearest operating station (KHOL-TV at Kearney, Nebraska) being approximately 140 miles away; that the residents of the Ainsworth area are desirous of obtaining a television service and have requested petitioner to provide them with such service; and that, if the instant proposal is adopted, an application will be filed for a satellite station on this assignment.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data to the Commission.

[1] This would require a change in the offset carrier requirement only of the Channel 3 assignments in Rapid City, South Dakota, from 3+ to 3— and in Miles City, Montana, from 3— to 3 even.

5. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 1, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

6. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: September 26, 1956.

Released: September 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7960; Filed, Oct. 2, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11831; FCC 56-922]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; HAY SPRINGS, NEBRASKA

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed August 2, 1956, by Northwest Nebraska Cooperative Television Association, for rule making to amend § 3.606, Table of Assignments, Television Broadcast Stations, so as to assign Channel 8 (non-offset) to Hay Springs, Nebraska.

3. In support of its request, petitioner asserts that the residents of the Hay Springs area are desirous of obtaining a first local television service; that because of terrain factors, a VHF channel is needed to render adequate television service to Hay Springs and to the surrounding area; and that, if Channel 8 is allocated to Hay Springs, petitioner will apply for a station on that channel.

4. Channel 8 is presently assigned to Laramie, Wyoming, a city approximately 183 miles from Hay Springs. A television station with a transmitter site some 7 or more miles to the north or east of Hay Springs could, under the Commission's new separation requirements, be licensed as a Hay Springs facility.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 1, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

8. In accordance with the provisions of § 1.764 of the Rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: September 26, 1956.

Released: September 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7961; Filed, Oct. 2, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

CERTAIN STATES; CONSENT TO GRAZE LANDS DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 5205, 5685, 5959, and 6879, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

Counties	Period
COLORADO	
Baca, Bent, Cheyenne, Elbert, Huerfano, Kiowa, Kit Carson, Las Animas, Lincoln, Otero, Prowers, and Washington Counties, the non-irrigated area of Crowley County, the northeast corner of El Paso County bounded on the south by Highway 94 and on the west by Range 65, and that portion of Yuma County lying south of U. S. Highway 34.	Sept. 12, 1956–Nov. 1, 1956, inclusive.
IOWA	
Fremont	Sept. 12, 1956–Dec. 31, 1956, inclusive.
KANSAS	
Barber, Barton, Brown, Chase, Chautauqua, Cheyenne, Clark, Clay, Comanche, Dickinson, Doniphan, Elk, Ellis, Finney, Ford, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Logan, Marion, Marshall, Meade, Morris, Morton, Neosha, Pratt, Rawlins, Rice, Scott, Seward, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, Washington, Wichita, and Wilson.	Sept. 12, 1956–Dec. 31, 1956, inclusive.
NEW MEXICO	
That part of McKinley County west of the continental divide, the east half of Rio Arriba County, and that part of Valencia County west of the continental divide.	Sept. 10, 1956–Sept. 30, 1956, inclusive.
OKLAHOMA	
Beaver, Cimmarron, Ellis, Harper, Texas, and Woods Counties	Sept. 12, 1956–Oct. 31, 1956, inclusive.
SOUTH DAKOTA	
Those portions of Corson and Perkins Counties not heretofore designated.	Aug. 30, 1956–Dec. 31, 1956, inclusive.
TEXAS	
Anderson, Andrews, Archer, Armstrong, Atascosa, Austin, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Brooks, Brown, Briscoe, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Jones, Johnson, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Starr, Sterling, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Throckmorton, Titus, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Young, Zapata, and Zavala Counties.	Sept. 12, 1956–Dec. 31, 1956, inclusive.
UTAH	
Washington County	July 5, 1956–Dec. 31, 1956, inclusive.
Beaver, Garfield, Iron, Kane, Millard, Piute, Sevier Counties	Sept. 7, 1956–Dec. 31, 1956, inclusive.

Issued at Washington, D. C., this 28th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7974; Filed, Oct. 2, 1956; 8:53 a. m.]

Office of the Secretary

PUERTO RICAN HURRICANE RELIEF LOANS

TRANSFER OF FUNCTIONS TO FARMERS HOME ADMINISTRATION

Pursuant to authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, section 1400 of the Acting Secretary's Order of December 24, 1953 (19 F. R. 74) is further amended so as to assign to the Farmers Home Administration the functions and responsibilities with respect to the Puerto Rican hurricane relief loans vested in the Secretary of Agriculture by Public Law 692, 84th Congress. The amendment will be accomplished by adding paragraph r to read as follows:

SEC. 1400. *Assignment of functions.*

* * *

r. The authorities, functions, obligations and documents with respect to Puerto Rican hurricane relief loans transferred to or vested in the Secretary of Agriculture by Public Law 692, 84th Congress.

Done at Washington, D. C., effective as of July 11, 1956.

TRUE D. MORSE,
Acting Secretary.

SEPTEMBER 28, 1956.

[F. R. Doc. 56-7977; Filed, Oct. 2, 1956; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 25, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. 07384, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as recreation areas, campgrounds and a guard station in the San Juan National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN NATIONAL FOREST

Wolf Creek Campground:
T. 37 N., R. 1 E.,
Sec. 16: NW¼SW¼.
Cherry Creek Campground:
T. 36 N., R. 11 W.,
Sec. 31: Lot No. 4.
T. 36 N., R. 12 W.,
Sec. 36: E½SE¼SE¼.
Priest Gulch Campground:
T. 36 N., R. 12 W.,
Sec. 3: W½NE¼NE¼, NW¼SE¼NE¼.
Piedra Campground and Guard Station:
T. 37 N., R. 3 W.,
Sec. 21: W½NE¼, E½NW¼.
Vallecitos Campground:
T. 37 N., R. 6 W.,
Tract No. 38: W½.
Pine River Campground:
T. 37 N., R. 6 W.,
Sec. 26: E½SE¼NW¼.
Cascade Campground:
T. 39 N., R. 9 W.,
Sec. 2: W½SW¼NE¼.
Forks Campground:
T. 39 N., R. 14 W.,
Sec. 35: S½SE¼SE¼.
Lime Creek Campground:
T. 40 N., R. 8 W.,
Sec. 33: SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SE¼SE¼.
Geyser Springs Recreational Area:
T. 40 N., R. 11 W.,
Sec. 6: W½SE¼, NE¼SW¼.

Total area, 832.03 acres.

JAMES S. ANDREWS,
Acting State Supervisor.

[F. R. Doc. 56-7973; Filed, Oct. 2, 1956; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MATSON NAVIGATION CO. ET AL.

NOTICES OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8073-2, between Matson Navigation Company and Nippon Yusen Kaisha (N. Y. K. Line), modifies approved transhipment Agreement No. 8073 to provide a through rate of $47.00 per 2000 lbs on canned pineapple and canned pineapple juice from Hawaii to Dublin, Irish Free State. Agreement No. 8073, as amended, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian, African and Mediterranean Sea ports, with transhipment at ports on the Pacific Coast of the United States.

(2) Agreement No. 8142, between Matson Navigation Company, The Oceanic Steamship Company and the Orient Steam Navigation Company, Ltd., covers an arrangement for the interchange of tickets and exchange orders on transportation of passengers between United States and Canadian Pacific Coast ports or Hawaiian Island ports and Fiji Islands, New Zealand, or Australia.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 27, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-7946; Filed, Oct. 2, 1956; 8:47 a. m.]

Office of the Secretary

HAROLD J. VORZIMER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Harold J. Vorzimer.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 12, 1956.

4. Title of position: Director, Electrical Equipment Division.

5. Name of private employer: Federal Pacific Electric Company, 50 Paris Street, Newark 1, New Jersey.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Federal Pacific Elec. Co., Elba Capital Corp., Skiatron Electronics, Rhodesian Anglo American Ltd., Lily Tulip Cup Corp., Commercial Solvents Corp., Pittsburgh Coke & Chemical Co., International Nickel Co. of Canada, Bank deposits.

Dated: September 28, 1956.

HAROLD J. VORZIMER.

[F. R. Doc. 56-7943; Filed, Oct. 2, 1956; 8:46 a. m.]

JOHN H. CLEMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1956.

JOHN H. CLEMSON.

SEPTEMBER 24, 1956.

[F. R. Doc. 56-7949; Filed, Oct. 2, 1956; 8:48 a. m.]

ROBERT L. TURNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 7, 1956.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1956.

ROBERT L. TURNER.

SEPTEMBER 26, 1956.

[F. R. Doc. 56-7950; Filed, Oct. 2, 1956; 8:48 a. m.]

HAROLD L. GRAHAM, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 7, 1956.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1956.

HAROLD L. GRAHAM, JR.

SEPTEMBER 24, 1956.

[F. R. Doc. 56-7951; Filed, Oct. 2, 1956; 8:48 a. m.]

PAUL BUTLER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 7, 1956.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1956.

PAUL BUTLER.

SEPTEMBER 24, 1956.

[F. R. Doc. 56-7952; Filed, Oct. 2, 1956; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6436 et al.]

NORTHEASTERN STATES AREA CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding, scheduled for October 15, 1956, is postponed to October 29, 1956, at 10:00 a. m., e. d. s. t., in Hearing Room A, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D. C., before Examiner John Cannon.

Dated at Washington, D. C., September 28, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-7971; Filed, Oct. 2, 1956; 8:53 a. m.]

[Docket No. 6630 et al.]

PACIFIC SERVICE MAIL RATE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned for October 24, 1956, 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 28, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-7970; Filed, Oct. 2, 1956; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11823; FCC 56-918]

WILLIAM E. WALKER ET AL.

ORDER DESIGNATING APPLICATION FOR ORAL ARGUMENT

In re application of William E. Walker, et al. (Transferor) and Guild Films Company, Inc. (Transferee), Docket No. 11823, File No. BTC-2255; for transfer of control of M & M Broadcasting Company, licensee of Station WMAM, Marinette, Wisconsin, and permittee of Station WMBV-TV, Marinette, Wisconsin.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of September 1956:

The Commission, having under consideration (a) the above-captioned application; (b) a "Protest and Petition for Reconsideration" filed on August 20, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Valley Telecasting Company, licensee of television Station WFRV-TV, Green Bay, Wisconsin, directed against the Commission's action of July 18, 1956, granting without hearing the above-captioned application; (c) an opposition thereto filed on August 30, 1956, by the applicants; and (d) a reply to said opposition filed on September 7, 1956, by Valley Telecasting Company; and

It appearing that on September 19, 1956, the Commission, by Memorandum Opinion and Order (56-888) in Docket No. 11823, found that the protestant, Valley Telecasting Company, was a "party in interest" and a "person aggrieved or whose interests are adversely affected" by the grant of the above-captioned application within the meaning of sections 309 (c) and 405, respectively, of the Communications Act of 1934, as amended; that the protestant had specified with particularity the facts from which it concluded that the Commission's grant was not in the public interest; that the above-entitled application required designation for further proceedings at a time and place to be specified by subsequent order; and that the Commission ordered that the effective date of its grant be postponed pending a final determination in said further proceeding and further ordered that in the event the transfer involved had been consummated, the parties to the above-entitled application would have until October 19, 1956, to return control of M & M Broadcasting Company to the transferors; and

It further appearing that section 309 (c) of the Communications Act provides, in substance, that where a timely and sufficient protest is filed, the Commission, "shall designate the protested application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording the protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented"; that the instant protest contains allegations of fact and conclusions drawn therefrom by the protestant; that the facts alleged are, in substance, the same as facts which were alleged in pleadings filed by the protestant prior to the Commission's grant of the above-entitled application; that upon consideration of these facts, among others, the Commission then found that a grant of the application would be in the public interest; that protestant's conclusions are drawn from allegations of fact relating, in substance, to programming and other operations of the licensee, to the licensee's identification with Green Bay, a city which it serves with a Grade A signal, to the financial and other qualifications of the transferee, and to its programming proposals; and that the Commission has given further careful consideration to the facts alleged in the protest and to the exhibits attached thereto and finds, at this time, that the conclusions drawn by the Commission from the allegations of fact set forth in the protest indicate to it that while protestant's competitive situation may be aggravated by the protested grant, the facts alleged do not appear to so affect the public interest adversely as to warrant reconsideration of its action of July 18, 1956, and that even if these facts were proven, no grounds have been presented for setting aside the grant of the above-entitled application;

It is ordered, That the above-captioned application is designated for oral argument at the offices of the Commission in Washington, D. C., on the question whether, if the facts alleged in the protest were proven, grounds have been presented for setting aside the grant of said application;

It is further ordered, That, the protestant and the Chief, Broadcast Bureau are hereby made parties to the proceedings herein and that:

(1) The oral argument shall commence at 10:00 a. m. on the 8th day of October, 1956, and shall be held before the Commission en banc;

(2) The parties intending to participate in the oral argument shall file their appearances not later than October 3, 1956;

(3) The parties to the proceedings have until the date of oral argument to file briefs or memoranda of law.

Released: September 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-7962; Filed, Oct. 2, 1956; 8:52 a. m.]

[Docket Nos. 11825, 11826; FCC 56M-894]

VICTORIA TELEVISION CO. AND ALKEK TELEVISION CO.

ORDER SCHEDULING HEARING

In re applications of O. L. Nelms, d/b as Victoria Television Company, Victoria, Texas, Docket No. 11825, File No. BPCT-2084; Albert B. Alkek, d/b as Alkek Television Company, Victoria, Texas, Docket No. 11826, File No. BPCT-2109; for construction permits for new television stations.

It is ordered, This 26th day of September 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 13, 1956, in Washington, D. C.

Released: September 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-7963; Filed, Oct. 2, 1956; 8:52 a. m.]

[Docket No. 11827; FCC 56M-893]

PRAIRIE BROADCASTING CO. (WPRE)

ORDER SCHEDULING HEARING

In re application of Prairie Broadcasting Company (WPRE), Prairie du Chien, Wisconsin, Docket No. 11827, File No. BP-10155; for construction permit.

It is ordered, This 26th day of September 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is scheduled to commence on November 13, 1956, in Washington, D. C.

Released: September 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-7964; Filed, Oct. 2, 1956; 8:52 a. m.]

[Docket No. 11828; FCC 56-916]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

In the matter of amendment of the revised tentative allocation plan for Class B FM Broadcast Stations; Docket No. 11828.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the revised tentative allocation plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
San Francisco, Calif.	263	
Sacramento, Calif.	233	263

3. The purpose of the proposed amendment is to provide a channel for station KGMS-FM, Sacramento, California, which will eliminate the present condition in which its operations on Channel No. 233 cause interference in the Sacramento area to reception of station KPFA, Berkeley, California.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before October 26, 1956 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 26, 1956.

Released: September 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-7965; Filed, Oct. 2, 1956; 8:52 a. m.]

[Docket Nos. 11832, 11833; FCC 56-928]

RADIOSIGNAL SERVICE (RADIO DISPATCH, INC.) AND WILLIAM J. THERKILDSEN

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radiosignal Service (Radio Dispatch, Inc.), Seattle, Washington, Docket No. 11832, File No. 736-C2-P/L-56; William J. Therkildsen, Seattle, Washington, Docket No. 11833, File No. 1063-C2-P-56; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of September 1956;

The Commission having under consideration the above-entitled applications for one-way signaling stations in the Domestic Public Land Mobile Radio Service at Seattle, Washington; and

It appearing that, the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing that, the above-entitled applications request authorizations in the same service area on the same frequency and that a grant of such applications would result in harmful mutual interference; and

It further appearing that, in accordance with § 21.100 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area in order to permit the condition of service on an interference-free basis; and

It further appearing that, Radiosignal Service, one of the applicants herein, formerly held a construction permit (File No. 330-C2-MP-56) which authorized construction of a one-way signaling service at Seattle, Washington, which permit expired by its terms on October 1, 1955 due to the failure of the permittee either to file a timely application for license to cover such permit or to extend such permit; and

It further appearing that, the Commission has advised each of the above-entitled applicants, by letters dated February 8, 1956, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why such applications cannot be granted without hearing, and that replies have been received from each of the applicants, and that such replies have been considered; and

It further appearing that, the applicants herein are qualified, except as to technical qualifications, to be licensees in this service;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on November 27th, 1956, upon the following issues:

1. To determine the technical qualifications of each applicant.

2. To determine the area and population which may be expected to receive service from each of the facilities proposed in Seattle and the need for a second such service in that area.

3. To determine, on a comparative basis, the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

4. To determine whether any harmful interference would result from simultaneous co-channel operations on 35.58 Mc by the proposed stations, and, if so, in view of the nature of the service proposed, whether such interference would be undesirable or intolerable.

5. To determine, in the light of the evidence adduced on the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

Released: September 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-7966; Filed, Oct. 2, 1956; 8:52 a. m.]

[FCC 56-939]

CONELRAD MANUAL OR GUIDE FOR PUBLIC SAFETY RADIO SERVICES

This document is issued to explain methods whereby the CONELRAD Radio Alert and CONELRAD Radio All Clear may be received, by radio stations in the Public Safety Radio Services and to describe operating procedures during a CONELRAD Radio Alert.

General. All radio stations in the Public Safety Radio Services are required to make provisions to receive the CONELRAD Radio Alert.

All radio stations in these services are required to either remain silent or operate under specified conditions and for authorized purposes during the period of a CONELRAD Radio Alert and until the CONELRAD Radio All Clear is issued.

How the CONELRAD Radio Alert may be received. The following basic methods may be used to receive the CONELRAD Radio Alert.

(1) The Alert may be received by monitoring any standard, FM or TV broadcast station.

NOTE: Every standard, FM and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

(a) Discontinue normal program.

(b) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

(c) Return carrier to the air for approximately five seconds.

(d) Cut the transmitter carrier for approximately five seconds.

(e) Return carrier to the air.

(f) Broadcast 1000 cycle (approximate) steady state tone for fifteen seconds.

(g) Broadcast the CONELRAD Radio Alert Message as follows:

We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver.

(h) The CONELRAD Radio Alert Message will then be repeated.

(a) through (f) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution (a) through (f) is a warning that a CONELRAD Radio Alert may follow; the actual CONELRAD Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert Message.)

The CONELRAD Radio Alert Message, as set forth in (g) above, is worded in a manner suitable for reception by the public; however, the message is also *THE* CONELRAD Radio Alert. When this CONELRAD Radio Alert Message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert Message, above, will be broadcast only in the event of an actual Alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

Equipment is available commercially to automatically receive the CONELRAD Radio Alert from broadcast stations. Such apparatus normally operates in a muted condition. When the CONELRAD Radio Alert is transmitted the device is activated to produce an audible or visual warning by turning on the speaker, ringing a bell, or flashing a light, etc.

(2) The Alert may be received from an Air Defense Warning Network or extension thereof; such as the Civil Air Defense Warning Net if applicable to your situation.

Many establishments owned by state or local governments and some commercial installations are either directly tied to an Air Defense Warning Network (such as the Civil Air Defense Warning Network) or an extension of that Network.

Radio stations receiving the Alert by this means must operate in accordance with the CONELRAD regulations when the CONELRAD Radio Alert is transmitted.

NOTE: If the CONELRAD Radio Alert is not received, radio stations must comply with CONELRAD requirements upon receipt of Warning Yellow; if neither the CONELRAD Radio Alert or the Warning Yellow is received, radio stations must comply with CONELRAD requirements upon receipt of Warning Red.

(3) The CONELRAD Radio Alert may be received from a point that receives the Alert from 1 or 2 above.

NOTE: It is acceptable for a radio station to make arrangements to have the Alert expeditiously relayed from a point that receives the Alert as in (1) and (2) above. For instance a firm agreement with a broadcast station or other radio station that receives the Alert as in (1) or (2) above to relay the Alert to your radio station by telephone or other means will be considered as complying with the requirements. *Caution:* Arrangements must be made to receive the Alert at all times when your radio station is open for operation.

(4) Radio station licensees operating radio systems consisting of several mobile units, portable, and/or fixed location stations may elect to receive the CONELRAD Radio Alert at only one point if desired; under such conditions the licensee will be responsible for disseminating the Alert to the other units in the system.

NOTE: Transmission of the CONELRAD Radio Alert is considered as an emergency transmission and may be carried on under the CONELRAD operating requirements.

(5) If it is impracticable or undesirable to receive the CONELRAD Alert by any of the methods specified above, the licensee of a radio station or group of stations may request authority to be alerted by other means.

Such request should be addressed to the Secretary, Federal Communications Commission, Washington 25, D. C. and should indicate why the alerting methods specified above are unsuitable. The desired method for receiving the Alert should be described in detail.

NOTE: Radio stations need not make arrangements to receive the Alert during periods that the station is not open for operation.

Caution should be used upon opening the station for operation to insure that a CONELRAD Radio Alert is not in progress.

Normal broadcast station operation or normal channel traffic will indicate that no Alert is in progress.

How radio stations must operate during a CONELRAD Radio Alert. When the CONELRAD Radio Alert is issued, radio stations to which this document applies must comply with the following:

(1) No radio transmissions shall be made unless they are of an emergency nature affecting the national safety or the safety of people and property.

The following types of messages are considered as permissible under (1) above:

(a) Relaying of the CONELRAD Radio Alert.

(b) Transmissions involving the safety, security or protection of equipment and materials.

(c) Transmission involving the safety of people.

NOTE: Transmissions involving fires, armed robbery, assault, murder, sabotage, evacuation, traffic control, civil defense, rescue work, etc., are transmissions effecting the national safety or the safety of people and property and may be made during the CONELRAD Radio Alert.

Transmissions necessary for expeditious handling of fire, police and other radio safety services business brought about as a result of an air attack or impending air attack may be made during the CONELRAD Radio Alert.

Except under unusual circumstances, transmissions involving missing persons or property, stolen automobiles, or business not requiring immediate action should not be made during the CONELRAD Radio Alert.

The cooperation and judgment of the licensee must be relied upon in interpreting which transmissions are essential.

All transmission not immediately necessary must be withheld until the CONELRAD Radio All Clear.

(2) All transmissions must be as short as possible and the carrier shall be removed from the air during periods of no message or intelligence transmissions.

(3) No station identification shall be given, at any time after the Alert is received, either by announcement of regularly assigned call signals or by announcement of geographical location.

This does not prevent the use of identifiers if such is necessary to carry on the service.

During a CONELRAD Radio Alert it is permissible to identify stations and units in the manner specified in § 10.152 (b) if it is essential for carrying on the radio service. If such identification is necessary, it is recommended that special identifiers fulfilling the requirements of § 10.152 (b) be assigned to stations and units by the licensee for use only during Radio Alert periods.

(4) Licensees of radio stations or radio systems may request a modification of (1), (2) or (3) above in the event compliance is not feasible. The requests must be directed to:

The Secretary,
Federal Communications Commission,
Washington 25, D. C.

The reason why compliance is not feasible must be explained along with the licensees recommended mode of station or system operation, taking into account due regard for the minimization of navigational aid in accordance with the Executive Order 10312.

How the CONELRAD Radio All Clear may be received. The CONELRAD Radio All Clear can be received through the same channels as the CONELRAD Radio Alert is received.

When the CONELRAD Radio All Clear is issued each standard, FM and TV broadcast station will transmit 15 seconds of 1000 cycle tone beeps then transmit the following CONELRAD Radio All Clear Message:

CONELRAD Radio All Clear
Resume Normal Operation
I repeat
CONELRAD Radio All Clear
Resume Normal Operation

Observations indicating broadcast stations are operating in a normal manner will indicate that a CONELRAD Radio All Clear is in effect.

General information. Radio stations operating in the Public Safety Radio Services are well suited for use as navigational aids to an enemy force.

Direction finder navigation is not the only electronic means to navigate aircraft; however, countermeasures are available to prevent the use of all normally used systems of electronic navigation.

CONELRAD is a countermeasure against direction finder navigation.

Adopted: September 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-7967; Filed, Oct. 2, 1956; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service; Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp. 151]

UNIVERSAL SURETY CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

SEPTEMBER 28, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $85,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in which Incorporated: Universal Surety Company, Lincoln, Nebr.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-7955; Filed, Oct. 2, 1956; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5133, G-5180]

SUNRAY MID-CONTINENT OIL CO.

NOTICE OF SEVERANCE AND POSTPONEMENT OF HEARING

SEPTEMBER 26, 1956.

Upon consideration of the request of Counsel for Sunray Mid-Continent Oil Company (Sunray), filed September 25, 1956, for postponement of the hearing upon the applications of said company for certificates of public convenience and necessity in Docket Nos. G-5133 and G-5180 now scheduled for October 3, 1956, in the consolidated matters of Arkansas Louisiana Gas Company, et al. in Docket Nos. G-4438, et al.:

The applications of Sunray in Docket Nos. G-5133 and G-5180 are hereby severed from said consolidated matters and the hearing presently scheduled for October 3, 1956, in Docket Nos. G-5133 and G-5180 is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7933; Filed, Oct. 2, 1956; 8:45 a. m.]

[Docket No. G-10019]

SUNRAY MID-CONTINENT OIL CO.

NOTICE OF SEVERANCE AND POSTPONEMENT OF HEARING

SEPTEMBER 26, 1956.

Upon consideration of the request of Counsel for Sunray Mid-Continent Oil Company (Sunray), filed September 25, 1956, for postponement of the hearing upon the application of said company for a certificate of public convenience and necessity in Docket No. G-10019 now scheduled for October 2, 1956, in the consolidated matters of Rycade Oil Corporation et al. in Docket No. G-3244, et al.:

The application of Sunray in Docket No. G-10019 is hereby severed from said consolidated matters and the hearing presently scheduled for October 2, 1956 in Docket No. G-10019 is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7934; Filed, Oct. 2, 1956; 8:45 a. m.]

[Project No. 2214]

PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY, WASH.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 26, 1956.

Public notice is hereby given that Public Utility District No. 1 of Snohomish County, Washington, has filed an application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed Project No. 2214 located on the North Fork Snoqualmie River, Hancock Creek, Calligan Creek and Tolt River in King County, Washington, affecting navigable waters of the United States and consisting of an earth dam on the North Fork Snoqualmie River approximately 200 feet high and 1,760 feet long in Section 20, T. 25 N. R. 9 E., W. M. creating a reservoir with a water surface elevation of 1,540 feet and 100,000 acre-feet capacity; two low diversion dams on the downstream tributaries, (1) in Section 32, T. 25 N. R. 9 E. W. M. and (2) in Section 8, T. 24 N. R. 9 E. W. M. raising the levels of Calligan Lake and Lake Hancock respectively to an elevation of 2,200 feet; Calligan powerhouse with an installed capacity of about 6000 kw using the flow from the tributary lakes, through 3.8 miles of conduit, operating under an average head of about 700 feet; Beaver Creek powerhouse with an installed capacity of about 20,000 kw using the discharge from Calligan powerhouse and the North Fork Dam, through 4.8 miles of conduit, operating under an average head of about 500 feet; Griffin Creek powerhouse with an installed capacity of about 13,500 kw using the discharge from Beaver Creek powerhouse, through 4.8 miles of conduit, operating under an average head of about 350 feet; Tolt River powerhouse with an installed capacity of about 22,500 kw using that portion of the discharge from Griffin Creek powerhouse not used for water supply, through 4.4 miles of conduit, operating under an average head of about 570 feet; a 110 kv transmission line connecting the four plants to the applicant's Snohomish Substation; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is November 7, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7935; Filed, Oct. 2, 1956; 8:45 a. m.]

[Project No. 2215]

CENTRAL ALASKA POWER ASSOCIATION, INC.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 26, 1956.

Public notice is hereby given that Central Alaska Power Association, Inc., of Anchorage, Alaska, has filed an application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed Project No. 2215 located on Copper River, approximately 85 miles from its mouth, in the Third Judicial Division, Territory of Alaska, in the region of Valdez, Chitina and Cordova, Alaska, affecting lands of the United States, and consisting of a concrete gravity dam about 560 feet high, located on Copper River in Wood Canyon about 4 miles below the confluence of the Chitina River; a reservoir, extending 51 miles up the Copper River and 55 miles up the Chitina River, having a total capacity of 18½ million acre-feet of storage of which 14 million acre-feet would be active storage; a powerhouse with an estimated ultimate installed capacity of 1,475,000 horsepower (1,100,000 kilowatts); transmission lines; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is November 22, 1956. The ap-

plication is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7936; Filed, Oct. 2, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 132]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 28, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (21 F. R. 7339, 7340, § 1.241, September 26, 1956).

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 15214 Sub 27, filed September 14, 1956, MERCURY MOTORWAYS, INC., 947 Louise Street, P. O. Box 689, South Bend, Ind. Applicant's representative; G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, including *household goods as defined by the Commission*, but excluding articles of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment, serving to and from the new site of The Ford Motor Company plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

HEARING: November 9, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 30046 Sub 6, filed September 17, 1956, H. A. SCHARFF, 2210 N. E. Portland Road, Newberg, Oreg. Applicant's representative: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sawdust, wood chips, hog fuel* and *planer shavings*, in bulk, (a) between points in Oregon, on the one hand, and, on the other, points in Washington; (b) from points in Clatsop, Tillamook, Columbia, Washington, Yamhill, Polk, Clackamas, Marion, Linn, Lincoln, Benton, Lane, Douglas, Coos, Hood River and Multnomah Counties, Oregon, to railheads and docks in said counties. Applicant is authorized to transport lumber and lumber products in Washington and Oregon.

HEARING: November 8, 1956, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 35380 Sub 1, filed September 13, 1956, STANLEY W. BELNAP, doing business as BELNAP FREIGHT LINES, 2750 South Alameda Street, Los Angeles, Calif. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities, including those of unusual value, household goods as defined by the Commission, commodities in bulk, excepting liquid commodities in bulk, and commodities requiring special equipment*, but excepting Class A and B explosives, (1) between Kingman, Ariz. and points in Arizona within fifty (50) miles of Kingman, on the one hand, and, on the other; Fullerton, Huntington Beach and Santa Ana, Calif. and points in Los Angeles County, Calif.; (2) between Los Angeles, Calif. and Kingman, Ariz.; (a) from Los Angeles over U. S. Highway 66 to Kingman, and return over the same route serving intermediate points located in California; (b) from Los Angeles over U. S. Highway 70 to Blythe, Calif., thence over U. S. Highway 95 to junction U. S. Highway 66, and thence over U. S. Highway 66 to Kingman, and return over the same routes; (c) from Los Angeles over U. S. Highway 6 to Mohave, and thence over U. S. Highway 466 to Kingman, and return over the same route; (d) from Los Angeles over U. S. Highway 101 to Anaheim, Calif., thence over U. S. Highway 91 to Las Vegas, Nev., and thence over U. S. Highway 466 to Kingman, Ariz., using Las Vegas as an interchange point only.

NOTE: In Certificate No. MC 35380, applicant holds authority to transport general commodities, except livestock, powder, Class A and B explosives, and bulk liquids, between Kingman, Ariz. and points in Arizona within 50 miles of Kingman, on the one hand, and, on the other, points in Los Angeles County, and Fullerton, Huntington Beach, and Santa Ana, Calif., and points in California intermediate to Kingman and Los Angeles, Calif. on U. S. Highway 66.

HEARING: November 26, 1956, at the Federal Building, Los Angeles, Calif., before Joint Board No. 166.

No. MC 35890 Sub 11, filed September 19, 1956, BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, as defined by the Commission, between points in Allegan, Barry, Eaton, Kent, Muskegon and Ottawa Counties, Mich., on the one hand, and, on the other, Grand Rapids, Mich. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia.

HEARING: November 13, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 42318 Sub 31, filed September 16, 1956, HOWARD HALL COMPANY, INC., 214 South Tenth Street, Birmingham 5, Ala. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Montgomery, Ala., and points within 65 miles of and including Birmingham, Ala., on the one hand, and, on the other, points in that portion of Pinellas County, Fla., bounded by a line beginning on the north at the intersection of Florida Highway 55 with Allen Creek, thence southward along Florida Highway 55 to junction Florida Highway 686, thence westward along Florida Highway 686 to the city limits of Largo, Fla., including Largo, thence southward along Firoida Highway 595 to its intersection with the city limit line of St. Petersburg, Fla., thence along the city limit line of St. Petersburg, Fla., to Boca Ciega Bay, thence south, east and north along Boca Ciega Bay and Tampa Bay to Allen Creek, and point of beginning, including all points on and within such line. Applicant is authorized to conduct operations in Alabama, Florida, and Georgia.

HEARING: November 8, 1956, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 98.

No. MC 52746 Sub. 47, filed August 15, 1956, KNAUS TRUCK LINES, INC., 801 E. 17th St., Kansas City, Mo. Applicant's representative: Walter V. Huston, 4105 Main St., Kansas City 11, Mo. For authority to operate as a common carrier, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between (1) St. Joseph, Mo. and the junction of U. S. Highways 36 and 40 near Byers, Colo. over U. S. Highway 36, serving no intermediate points; (2) between Salina, Kans. and Oakley, Kans. over U. S. Highway 40, serving no intermediate points; and (3) between Great Bend, Kans. and Towner, Colo. over Kansas Highway 96 to the Kansas-Colorado State line and thence over Colorado Highway 96 to Towner, and return over the same routes. Applicant is authorized to conduct operations in Kansas, Missouri, Iowa, Illinois, Colorado, and Indiana.

NOTE: On route numbered (1), applicant is authorized to serve St. Francis, Kans. as an off-route point, on route numbered (2) the points of Ellsworth and Grainfield as off-route points, and on route numbered (3), Scott City as an off-route point.

HEARING: November 14, 1956, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 178.

No. MC 55037 Sub 7, filed September 20, 1956, DEARMIN TRANSFER, INC., Highway 61, Wapello, Iowa. Applicant's representative: A. R. Fowler, Highway Tariff Bureau, 2288 University Avenue, St. Paul W4, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*,

from Crystal City, Mo., to West Point, Ia., and points in Iowa within 35 miles of West Point.

HEARING: November 20, 1956, at the Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Joint Board No. 137.

No. MC 67583 Sub 2, filed September 13, 1956, KANE TRANSFER COMPANY, a corporation, 2116 Fifth Street NE, Washington 2, D. C. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, and in connection therewith *premiums and advertising material* for the account of the Procter and Gamble Distributing Company, from the plant site of the Procter and Gamble Manufacturing Company at Baltimore, Md., to Alexandria, Va., points in the Washington, D. C., Commercial Zone, those in Arlington and Fairfax Counties, Va., and those in Prince Georges County, Md., and *unclaimed, unsalable or rejected shipments* of the above-specified commodities, on return.

NOTE: Dual operations may be involved.

HEARING: November 28, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 68349 Sub 20, filed September 20, 1956, ROWE TRANSFER AND STORAGE COMPANY, 1319 Western Avenue SW., P. O Box 219, Knoxville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, used by the Atomic Energy Commission, *including Class A and B explosives and commodities requiring special equipment*, but excluding commodities of unusual value, commodities in bulk, and household goods as defined by the Commission, between the Atomic Energy Commission Plants located at Dunbarton, S. C., Oak Ridge, Tenn., and Kevil, Ky.

HEARING: November 27, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 75320 Sub 75, filed August 17, 1956, CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, 2333 East Mill Street, Springfield, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Kansas City, Mo., and Tulsa, Okla., over U. S. Highway 169, serving the intermediate points of Cherryvale, Kans. and Coffeyville, Kans.; (2) between the junction of U. S. Highways 169 and 59 at or near Chanute, Kans. and Parsons, Kans., over U. S. Highway 59. Applicant is authorized to conduct operations in Missouri, Kansas, Illinois, Oklahoma, Arkansas, Tennessee, Texas, Mississippi, Alabama, and Louisiana.

HEARING: November 15, 1956, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 180.

No. MC 104430 Sub 20, filed September 13, 1956, CAPITAL TRANSPORT COMPANY, INC., P. O. Box 789, McComb, Miss. Applicant's representative: Dudley W. Conner, Conner Building, Hattiesburg, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Gulfport, Miss., and points within five miles thereof, to Baton Rouge, La. Applicant is authorized to conduct operations in Louisiana, Mississippi, Florida, and Alabama.

HEARING: November 8, 1956, at the Jung Hotel, New Orleans, La., before Joint Board No. 28.

No. MC 105302 Sub 13, filed September 18, 1956, CLESS G. DAVIS, doing business as QUEEN CITY TRANSPORTS, 179 St. Paul Street, Burlington, Vt. Applicant's representative: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Burlington, Vt., to points in Coos and Grafton Counties, N. H. Applicant is authorized to conduct operations in New York, Vermont and Maine.

HEARING: November 8, 1956, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 132.

No. MC 107496 Sub 85, filed September 20, 1956, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, from Sugar Creek, Mo., to points in Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

HEARING: November 28, 1956, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 137.

No. MC 108075 Sub 3, filed September 17, 1956, E. VERL MAXWELL AND GORDON D. GIFFORD, doing business as G & M CONTRACT CARRIER, 1222 14th Street South, Fargo, N. Dak. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P. O. Box 557, Ottumwa, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from Omaha, Nebr., to Fargo, N. Dak., and *empty malt beverage containers on return*. Applicant is authorized to conduct regular route operations in Minnesota, North Dakota, and Wisconsin, and irregular route operations in Minnesota and North Dakota.

HEARING: November 27, 1956, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 309.

No. MC 112020 Sub 19 (Correction), filed July 16, 1956, published in the August 1, 1956 issue on page 5765, COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable and animal oils, lards* and *tallow*, and *products and blends thereof*, in bulk, in tank vehicles, (1) between points in Illinois, and (2) between points in Illinois, on the one hand, and, on the other, points in Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Tennessee, Pennsylvania, New York, New Jersey, Missouri, Kansas, Colorado, Oklahoma, Arkansas, Texas, Louisiana and Kentucky. Applicant is authorized to conduct operations in Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma and Texas.

HEARING: December 4, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 113885 Sub 1, filed September 17, 1956, S. W. CAUDLE, JR., Route No. 3, Florence, S. C. Applicant's representative: Frank A. Graham, Jr., 406-7 Palmetto Building, Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, except plywood and veneer, *poles, posts* and *cross ties*, rough, dressed or treated, from points in Florence and Darlington Counties, S. C., to points in North Carolina.

HEARING: November 8, 1956, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 2.

No. MC 116124, filed July 25, 1956, HOURLY EXPRESS SERVICE, INC., c/o Clarke Murphy, Jr., 300 Title Building (106 St. Paul Street), Baltimore 2, Md. Applicant's representative: Clarke Murphy, Jr., 300 Title Building, 106 St. Paul Street, Baltimore 2, Md. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, excluding Class A and B explosives, in express package service, restricted to weight of 50 pounds or less, between Baltimore, Md., and Washington, D. C., from Baltimore over Baltimore-Washington Expressway to junction Maryland Highway 175 at Jessup, Md., thence over Maryland Highway 175 to junction U. S. Highway 1, thence over U. S. Highway 1 to Washington, and return over the same route, serving no intermediate points.

HEARING: November 27, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

No. MC 116142 Sub 7, filed September 7, 1956, BEVERAGE TRANSPORTATION, INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 723-34 Investment Building, Washington, D. C. For authority to operate as a *common carrier* over regular routes, transporting: *Malt beverages* and *empty malt beverage containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, (1) between Newark, N. J., and its Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Baltimore, Md., and its Commercial Zone, as defined by the Commission, from Newark over the New Jersey Turnpike to U. S. Highway 40 to Baltimore, and return over the same route, serving no intermediate points.

HEARING: November 30, 1956, at the Office of the Interstate Commerce Com-

mission, Washington, D. C., before Joint Board No. 283.

No. MC 116214, filed September 19, 1956, REGAL PACKER BY-PRODUCTS COMPANY, a corporation, Lynn Center, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, prepared, not frozen, in bulk or in bags, from Belmond, Iowa, to Lake Geneva, Wis., and points within ten (10) miles of Lake Geneva.

HEARING: November 16, 1956, at the Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Joint Board No. 111.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 127, filed September 10, 1956, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, between junction U. S. Highway 202 and Pennsylvania Highway 43 near King of Prussia, Pa., and Valley Forge State Park at Valley Forge, Pa., from junction U. S. Highway 202 and Pennsylvania Highway 43 near King of Prussia over U. S. Highway 202 to junction Pennsylvania Highway 23 at King of Prussia, thence over Pennsylvania Highway 23 (also over Pennsylvania Temporary State Route 23) to Valley Forge State Park, and return over the same route, serving no intermediate points.

HEARING: November 28, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 65.

No. MC 1504 Sub 131, filed September 10, 1956, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction Old and Relocated North Carolina Highways 18 near Morganton, N. C., and junction Old and Relocated North Carolina Highways 18 near the Cleveland-Lincoln County line, N. C., over Relocated North Carolina Highway 18, serving all intermediate points. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Simultaneously with the granting of the authority requested herein, applicant wishes to abandon and have deleted from the certificate its present authority to operate over Old North Carolina Highway 18 between the same points.

HEARING: November 29, 1956, at the North Carolina Utility Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 103.

No. MC 2060 Sub 3, filed August 22, 1956, PINE HILL-KINGSTON BUS CORPORATION, 27 Clinton Avenue, Kingston, N. Y. Applicant's representative: N. LeVan Haver, 41 Pearl Street, Kingston, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Oneonta, N. Y., and Kingston, N. Y., as follows: (a) From Oneonta over New York Highway 28 via Mount Tremper, N. Y., to Kingston; and (b) from Oneonta to Mount Tremper as specified above, thence over New York Highway 212 to Woodstock, N. Y., thence over New York Highway 375 to junction New York Highway 28, thence over New York Highway 28 to Kingston, and return over the above routes; and (2) between Oneonta, N. Y., and New York, N. Y., as follows: (a) from Oneonta to Kingston as specified above, thence over New York Highway 9W to Newburgh, N. Y., thence over New York Highway 32 to junction New York Highway 17, thence over New York Highway 17 via Harriman, N. Y., to the New York-New Jersey State line, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction depressed highway leading to the Lincoln Tunnel, thence over depressed highway and through the Lincoln Tunnel to New York City; and (b) from Oneonta to Kingston as specified above, thence over New York State Thruway to Suffern, N. Y., thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction depressed highway leading to the Lincoln Tunnel, thence over depressed highway and through the Lincoln Tunnel to New York City, and return over the same routes, serving all intermediate points between Oneonta, N. Y., and Kingston, N. Y., on local runs and between New York, N. Y., and Oneonta, N. Y., all intermediate points west of Kingston, N. Y. Applicant is authorized to conduct operations in New York.

NOTE: Applicant states that the purpose of this application is to extend its existing operations so as to make its rights applicable year round instead of seasonal as presently authorized. Duplicating authority to be eliminated.

HEARING: November 19, 1956, at the N. J. Board of Public Utility Commissioners, Raymond Boulevard, Newark, N. J., before Joint Board No. 3.

No. MC 29890 Sub 18 (Amended), filed July 30, 1956, published in the August 15, 1956, issue on Page 6105, ROCKLAND COACHES, INC., 125 North Washington Avenue, Bergenfield, N. J. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in Westwood, N. J.: from junction of Ridgewood Road and Lafayette Avenue (a point on applicant's present operations) over Lafayette Avenue, Washington Avenue, and Irvington Street to junction Broadway (a point on applicant's present operations); also, from junction Washington Avenue, Third Avenue and Madison Avenue (a point on applicant's present operations) over Washington Avenue to junction Irvington Street; also from junction Washington Avenue, Third Avenue and Madison Avenue (a point on applicant's present operations) over Madison Avenue to junction Irvington Street; and return over the same routes, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: November 9, 1956, at the N. J. Board of Public Utility Commissioners, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 109780 Sub 45, filed August 29, 1956, TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. Applicant's representative: C. Zimmerman, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *light express*, and *newspapers*, in the same vehicle with passengers, between Kansas City, Kans., and the Kansas-Oklahoma State line near South Haven, Kans., over the Kansas Turnpike Toll Road, serving no intermediate points, but serving the approaches and interchanges to and from Kansas City, Lawrence, Topeka, Emporia, Eldorado, Wichita, Wellington, and South Haven, Kans., as off-route points.

NOTE: Applicant states that the Kansas Turnpike Toll Road is operated and controlled by the Kansas Turnpike Authority and closely parallels applicant's auothorized regular route operations between Kansas City, Kans., and the Kansas-Oklahoma State line near South Haven, Kans.; that the proposed service over the Turnpike will be a supplemental service to its presently existing service; that applicant will continue to serve the present towns and cities it now serves under its Certificate; that no new towns or points will be served, but that applicant proposes to use the Turnpike route to operate an expedited through bus service, and in addition, to make such operation feasible, applicant seeks authority to operate over the approaches and interchanges as described above.

HEARING: November 13, 1956, at the Kansas State Corporation Commission, Topeka, Kans., before Joint Board No. 36.

No. MC 116210, filed September 18, 1956, LEON AVILA AND FRANK AVILA, doing business as AVILA BROTHERS, Metacom Avenue, Warren, R. I. Applicant's representative: James E. Murphy, 41 Washington Street, Warren, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Bristol County, R. I., and extending to Boston, Mass.

HEARING: November 8, 1956, in Room 308, Main Post Office Bldg., Providence, R. I., before Joint Board No. 18.

No. MC 116212, filed September 18, 1956, HARRY LEE EYRE, JR., Woodbine, Md. Applicant's representative: Milton E. Diehl, 1363 National Press

Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* (including musical instruments when accompanied by owners) in the same vehicle with passengers, in charter or special operations, beginning and ending at Woodbine, Carroll County, Md., and points within ten miles of Woodbine, and extending to points in Pennsylvania and the District of Columbia.

HEARING: November 29, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 200.

No. MC 116215, filed September 20, 1956, NORRIS EDWARD BASS, doing business as N. E. BASS, Gladys, Va. Applicant's representative: W. G. Burnette, 1104–5 Peoples National Bank Building, Lynchburg, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Virginia and extending to points throughout the United States and the District of Columbia.

HEARING: November 29, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

CORRECTIONS

No. MC 30387 Sub 208 (CORRECTION) KENOSHA AUTO TRANSPORT CORPORATION, Kenosha, Wis., published page 7355, issue of September 26, 1956. The above docket number was in error. The correct docket number is: MC 30837 Sub 208.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (21 F. R. 7339, § 1.240, September 26, 1956).

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC-F 6383 (correction), published in the September 19, 1956, issue of the FEDERAL REGISTER on page 7045. The name of vendor was erroneously shown as CHARLES W. VALLILEE. It should read CHARLES M. VALLILEE.

No. MC–F 6384 (correction), published in the September 19, 1956, issue of the FEDERAL REGISTER on page 7045. The name of vendor was incorrectly shown as ARMORED MOTORS SERVICE CO., INC. (a Tennessee Corporation). It should read ARMORED MOTOR SERVICE CO., INC. (a Tennessee Corporation).

No. MC–F 6390 (correction), published in the September 19, 1956, issue of the FEDERAL REGISTER on page 7046. Vendee's address should read 2233–41 Warwood Avenue, Wheeling, W. Va., rather than 2333–41 Warwood Avenue.

No. MC-F 6400. Authority sought for purchase by MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Street, Allentown, Pa., of the operating rights and property of SAMUEL CALABRESE, doing business as YOUNGSTOWN-PITTSBURGH EXPRESS, 23d and smallman Streets, Pittsburgh, Pa., and for acquisition by SAMUEL L. LEBOVITZ AND I. C. GUTMAN, both of Allentown, of control of such rights and property through the purchase. Applicants' representative: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Pittsburgh, Pa., and Warren, Ohio, between Rochester, Pa., and Salem, Ohio, and between East Liverpool, Ohio, and East Palestine, Ohio, serving certain intermediate and off-route points; *iron and steel articles*, and *wood patterns*, and *equipment and supplies* used in the production of such articles, over irregular routes, between Vandergrift, Pa., on the one hand, and, on the other, Canton, Wooster, Youngstown, Alliance, Martins Ferry, and Cleveland, Ohio, and Pittsburgh, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland, Connecticut, Delaware, Massachusetts, Rhode Island, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6403. Authority sought for purchase by DRURY BROS. TRANSFER & STORAGE CO., INC., 2140 Second Avenue, Huntington, W. Va., of a portion of the operating rights of PINSON TRANSFER COMPANY, INC., 119 20th Street, Huntington, W. Va., and for acquisition by C. H. CASE, also of Huntington, of control of such rights through the purchase. Applicants' representative: Chas. T. Dodrill, 600 Fifth Avenue, Huntington, W. Va. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between points in Kentucky, Illinois, Indiana, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia, and between points in Pike, Letcher, Floyd, Martin, Johnson, and Lawrence Counties, Ky., on the one hand, and, on the other, points in the lower peninsula of Michigan. Vendee is authorized to operate as a *common carrier* in West Virginia, Kentucky, Ohio, Florida, Texas, Oklahoma, Arkansas, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Maryland, Pennsylvania, Indiana, Illinois, Michigan, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Delaware and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6404. Authority sought for purchase by PIC FREIGHT CO., 731 Campbell Avenue, St. Louis, Mo., of a portion of the operating rights of STEFFKE FREIGHT CO., 204 South Bellis Street, P. O. Box 990, Wausau, Wis., and for acquisition by JULIUS BLUMOFF, also of St. Louis, of control of such rights through the purchase. Applicants' representative: Axelrod, Goodman & Steiner, 39 South La Salle St., Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points; alternate routes for operating convenience only between junction U. S. Highway 41 and Illinois Highway 42–A near Waukegan, Ill., and Chicago, Ill., and between Chicago, Ill., and the junction of Edens Expressway and U. S. Highway 41. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Ohio, Indiana and Kentucky. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6405. Authority sought for purchase by C AND R TRANSFER CO., 502 East 6th Street, Sioux Falls, South Dakota, of a portion of the operating rights of BUCKINGHAM TRANSPORTATION, INC., 308 West Boulevard, Rapid City, South Dakota, and for acquisition by JOHN COOME and HARRY E. REYNOLDS, both of Sioux Falls, South Dakota, of control of such rights through the purchase. Applicant's representative: H. Lauren Lewis, P. O. Box 747, Sioux Falls, South Dakota. Operating rights sought to be transferred: *Farm machinery, contractors' machinery, equipment, supplies and materials*, as a *common carrier*, over irregular routes, between points in South Dakota, on the one hand, and, on the other, points in Iowa, Nebraska, Minnesota, North Dakota, Wyoming, and Montana; *such commodities* as by reason of their size and weight require the use of special equipment or special handling, between points in South Dakota on and west of U. S. Highway 83, on the one hand, and, on the other, points in Montana, North Dakota, Minnesota, and Iowa. Vendee is authorized to operate as a *contract carrier* in South Dakota, Nebraska, Iowa, Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6406. Authority sought by PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline Street, Oakland, Calif., to merge the operating rights and property of PUBLIC FREIGHT SYSTEM, 4908 South Alameda Street, Los Angeles, Calif. Applicant's representatives: A. S. Klikbarg, 155 Sansome Street, San Francisco, Calif., and Arthur H. Glanz, 639 South Spring Street, Los Angeles, Calif. Operating rights sought to be merged: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between points in the Los Angeles Commercial Zone and the Los Angeles Harbor Commercial Zone as defined by the Commission, and Fontana, Calif., serving all intermediate points and the off-route points of Wilmar, Covina, Claremont, and Kaiser, Calif.; *general commodities*, as specified above, over irregular routes, between points within 25 miles of Huntington Park, Calif., including Huntington Park. PACIFIC INTERMOUNTAIN EXPRESS CO., is authorized to operate as a common carrier in Colorado, Utah, Wyoming, Nevada, California, Idaho, Missouri, Kansas, Illinois, Indiana, Ari-

zona, Washington, Montana and Oregon. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6407. Authority sought for control by LYONS TRANSPORTATION CO., 1701 Parade Street, Erie 5, Pa., of KEYSTONE MOTOR EXPRESS, INC., 725 15th Street, Huntington, W. Va. Applicant's representatives: Noel F. George, 44 East Broad Street, Columbus, Ohio, and William E. Parsons, Chafin Building, Huntington, W. Va. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Pittsburgh, Pa., and Huntington, W. Va., and between Sutton, W. Va., and Charleston, W. Va., serving all intermediate and certain off-route points. LYONS TRANSPORTATION CO., is authorized to operate as a *common carrier* in New York, Ohio, Pennsylvania, and West Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6408. Authority sought for control by MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago 29, Ill., of CHAMBERLAND'S EXPRESS, INCORPORATED, 1995 Central Avenue, Colonie, N. Y., and for acquisition by MILTON D. RATNER, also of Chicago, of control of CHAMBERLAND'S EXPRESS, INCORPORATED, through the acquisition by MIDWEST TRANSFER COMPANY OF ILLINOIS. Applicant's representatives: Clarence D. Todd and Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Elizabeth, N. J., and Albany and Syracuse, N. Y., and between Fultonville, N. Y., and Utica, N. Y., serving all intermediate and certain off-route points. Applicant is authorized to operate as a *contract carrier* in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Kentucky, Wisconsin, Missouri, New York, Iowa, Maryland, New Jersey, West Virginia and Nebraska. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6409. Authority sought for control and merger by CEMENT DISTRIBUTORS, INCORPORATED, 5200 East Marginal Way, Seattle 4, Wash., of the operating rights and property of OKEY'S TRUCKING, INC., 1034 Park Street, P. O. Box 4, Woodlawn, Wash., and for acquisition by A. L. CHANDLER AND W. D. CHANDLER, both of Seattle, of control of such rights and property through the transaction. Applicants' representatives: George H. Hart, 827 Central Building, Seattle, Wash., and Earle V. White, 1401 N. W. 19th, Portland, Oreg. Operating rights sought to be controlled and merged: *Grain*, as a *common carrier*, over a regular route, between Pratum, Oreg., and Vancouver, Wash., serving the intermediate point of Portland, Oreg.; *machinery, contractors' equipment*, and *construction material*, over irregular routes, between points in Washington and Oregon west of the Cascade Mountains and north of a line beginning at Florence, Oreg., and extending along Oregon Highway 36 to junction U. S. Highway 99, thence south along U. S. Highway 99 to junction U. S. Highway 28, and thence along U. S. Highway 28 to the Cascade Mountains, including points on the indicated portions of the highway specified: *wood poles, reinforcing and construction steel*, and *steel piling*, between Milwaukee, Oreg., and points in Multnomah County, Oreg., on the one hand, and on the other, points in that part of Washington west of the Cascade Mountains. CEMENT DISTRIBUTORS, INCORPORATED, is authorized to operate as a *common carrier* in Oregon and Washington. Application has been filed for temporary authority under section 210a (b).

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC–F 6398. Authority sought for purchase by INTERSTATE BUSSES CORPORATION (A MASSACHUSETTS CORPORATION), Court House Square, Newport, R. I., of the operating rights and property of INTERSTATE BUSSES CORPORATION (A CONNECTICUT CORPORATION), 172 Memorial Avenue, West Springfield, Mass., and for acquisition by GEORGE M. SAGE, also of Newport, of control of such rights and property through the purchase. Applicants' representatives: Frank Daniels, 11 Beacon St., Boston, Mass., and William A. Murray, Jr., Court House Square, Newport, R. I. Operating rights sought to be transferred: *Passengers and their baggage, express, newspapers, and mail*, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Providence, R. I., and Schenectady, N. Y., between Albany, N. Y., and Schenectady, N. Y., between Pittsfield, Mass., and Springfield, Mass., between Worcester, Mass., and Springfield, Mass., and between Putnam, Conn., and Quinebaug, Conn., serving all intermediate and certain off-route points; between Centerdale, Town of North Providence, R. I., and Narragansett Park Race Track, Pawtucket, R. I., and between North Woodstock, Conn., and Southbridge, Mass., serving no intermediate points; *passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, in a seasonal operation between March 1 and December 1, both inclusive, of each year, over a regular route, between Greenville, R. I., and Providence, R. I., serving the Lincoln Race Track as an intermediate point. Vendee is not a motor carrier, but is the sole stockholder of THE SHORT LINE, INC., Newport, R. I., which is authorized to operate as a *common carrier* in Rhode Island and Massachusetts. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–7945; Filed, Oct. 2, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1828]

ATLAS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 27, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Atlas Corporation, 5 Percent Cumulative Preferred Stock, File No. 7–1828.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before October 17, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–7938; Filed, Oct. 2, 1956; 8:46 a. m.]

ATLAS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 27, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Atlas Corporation warrants to purchase common stock, File No. 7–1804.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American Stock Exchange.

Upon receipt of a request, on or before October 17, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–7940; Filed, Oct. 2, 1956; 8:46 a. m.]

[File No. 24NY–4059]

CONSOLIDATED FIBERGLASS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 26, 1956.

I. Consolidated Fiberglass, Inc. ("Consolidated"), a Delaware corporation, whose last known principal office was located at 118 West 22d Street, New York, N. Y., filed with the Commission on August 4, 1955, a Notification on Form 1–A and an offering circular and subsequently filed amendments thereto relating to a proposed offering of 200,000 shares of 10 cents par common stock at $1.50 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

1. The offering, if made or continued, would be made in such a manner as to operate as a fraud or deceit upon the purchasers in that material changes in the condition of the issuer since September 14, 1955, are not reflected in the material filed under Regulation A, concerning, among others:

(a) The financial condition of Alumin-Aire Luggage, Inc., a subsidiary of the issuer and its sole asset;

(b) The inactive status of Alumin-Aire Luggage, Inc. in that such company discontinued operations in December 1955 and its fixed assets were sold at public auction for non-payment of taxes.

2. The issuer has not filed reports on Form 2–A as required by Rule 224.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–7939; Filed, Oct. 2, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–136]

NATIONAL BANK OF RUMANIA

In re: Debt owing to the National Bank of Rumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei. F–57–85, F–63–60 (Zurich) SA.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of the Swiss Credit Bank, also known as Credit Suisse, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $438.50, being a portion of the ordinary blocked account entitled, "Credit Suisse, Zurich (Swiss Credit Bank, Zurich)," maintained at the aforesaid bank and identified on its books and records as the portion of said account maintained for Banque de l'Etat de la Republique de Roumanie, together with any and all rights to demand, enforce and collect the same.

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Rumania, also known as Banque Nationale de Roumanie and as Banca Nationale a Roumaniei, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 27, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–7931; Filed, Oct. 2, 1956; 8:45 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

PROCLAMATION 3160

FURTHER SUPPLEMENTING PROCLAMATION 2761A[1] OF DECEMBER 16, 1947, WITH RESPECT TO CERTAIN WOOLEN TEXTILES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 (a) of the Tariff Act of 1930, as amended (ch. 474, 48 Stat. 943; ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410), on October 30, 1947, the President entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Parts 5 and 6) A7, A11, and A2051), and, by Proclamation No. 2761A of December 16, 1947 (61 Stat. (Part 2) 1103), the President proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said trade agreement on and after January 1, 1948;

2. WHEREAS items 1108 and 1109 (a), and the appropriate headings, in Part I of Schedule XX annexed to the said General Agreement on Tariffs and Trade, which items were given effect by the said proclamation of December 16, 1947, read as follows:

Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
1108	Woven fabrics, weighing not more than four ounces per square yard, wholly or in chief value of wool, regardless of value:	
	If the warp is wholly of cotton or other vegetable fiber	30¢ per lb. and 25% ad val.
	Other	37½¢ per lb. and 25% ad val.
	NOTE: The United States reserves the right to increase the ad valorem part of the rate applicable to any of the fabrics provided for in item 1108 or 1109 (a) of this Part to 45 per centum ad valorem on any of such fabrics which are entered in any calendar year in excess of an aggregate quantity by weight of 5 per centum of the average annual production of similar fabrics in the United States during the 3 immediately preceding calendar years.	
1109 (a)	Woven fabrics, weighing more than four ounces per square yard, wholly or in chief value of wool, regardless of value.	37½¢ per lb. and 25% ad val.

3. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including the said section 350 (a) of the Tariff Act of 1930, as amended, on April 21, 1951, the President entered into a trade agreement with certain foreign countries, which trade agreement consists of the Torquay Protocol to the General Agreement on Tariffs and Trade (3 UST (pt. 1) 615, (pt. 2) 1841), and, by Proclamation No. 2929 of June 2, 1951 (65 Stat. C12), the President proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said trade agreement on and after June 6, 1951;

4. WHEREAS item 1109 (a), and the appropriate headings, in Part I of Schedule XX annexed to the said Torquay Protocol, which item was given effect by the said proclamation of June 2, 1951, reads as follows:

(Continued on p. 7595)

[1] 12 F. R. 8863; 3 CFR, 1947 Supp.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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Tariff Act of 1930, paragraph	Description of Products	Rate of Duty
1109 (a)	Woven green billiard cloths in the piece, weighing over 11 but not over 15 ounces per square yard, wholly of wool, regardless of value. NOTE: This item shall be subject to the note in item 1108 in Part I of Schedule XX (original).	37½¢ per lb. and 20% ad val.

5. WHEREAS on September 26, 1956, the Government of the United States notified the Executive Secretary to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade that it invoked the reservation contained in the note to item 1108 set forth in the second recital of this proclamation, effective October 1, 1956;

6. WHEREAS the fourth general note to the said Schedule XX to the General Agreement on Tariffs and Trade specified in the second recital of this proclamation provides as follows:

"4. If any tariff quota provided for in this Schedule, other than those provided for in items 771, becomes effective after the beginning of a period specified as the quota year, the quantity of the quota product entitled to enter under the quota during the unexpired portion of the quota year shall be the annual quota quantity less 1/12 thereof for each full calendar month that has expired in such period.";

7. WHEREAS I find that upon invocation of the said reservation set forth in the second recital of this proclamation, effective October 1, 1956, it will be appropriate to carry out the trade agreement specified in the first recital of this proclamation that the ad valorem part of the rate be 45 per centum ad valorem in the case of any of the fabrics described in the said item 1108 or 1109 (a) in Part I of Schedule XX to the General Agreement on Tariffs and Trade set forth in the second recital of this proclamation, or in the said item 1109 (a) in Part I of Schedule XX to the Torquay Protocol set forth in the fourth recital of this proclamation, excepting in either case articles dutiable at rates applicable to such fabrics by virtue of any provision of the Tariff Act of 1930, as amended, other than paragraph 1108 or 1109 (a):

(a) during the period from October 1, 1956, to December 31, 1956, both inclusive, if such fabrics are entered, or withdrawn from warehouse, for consumption after the total aggregate quantity of 3,500,000 pounds of such fabrics has been so entered or withdrawn; which quantity I find to be not less than 1¼ per centum of the average annual production in the United States during the three immediately preceding calendar years of fabrics similar to such fabrics; and

(b) following December 31, 1956, until otherwise proclaimed by the President, if such fabrics are entered, or withdrawn from warehouse, for consumption in any calendar year after that total aggregate quantity by weight of such fabrics which shall have been notified by the President to the Secretary of the Treasury, and published in the FEDERAL REGISTER, has been so entered or withdrawn during such calendar year; which quantity the President shall have found to be not less than 5 per centum of the average annual production in the United States during the three immediately preceding calendar years of fabrics similar to such fabrics; and

8. WHEREAS the sixteenth recital of Proclamation No. 3140 of June 13, 1956 (21 F. R. 4237), amended the list set forth in the seventh recital of Proclamation No. 2769 of January 30, 1948 (62 Stat. (pt. 2) 1479), and it is required or appropriate to further amend such list:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the Statutes, including the said section 350 of the Tariff Act of 1930, as amended, do proclaim as follows:

1. In order to carry out the said trade agreements specified in the first and third recitals of this proclamation, until otherwise proclaimed by the President, the ad-valorem part of the rate which shall be applied to the said fabrics described in the seventh recital of this proclamation, entered, or withdrawn from warehouse, for consumption in excess of the quantity specified in clause (a) of that recital, or in excess of a quantity notified to the Secretary of the Treasury pursuant to clause (b) of that recital, shall be 45 per centum ad valorem.

2. The said proclamation of December 16, 1947, specified in the first recital of this proclamation, and the said proclamation of June 2, 1951, specified in the third recital of this proclamation, as amended, shall be suspended to the extent necessary to give effect to the foregoing provisions of this proclamation.

3. In order to carry out the said trade agreement specified in the first recital of this proclamation, the list set forth in the seventh recital of the said proclamation of January 30, 1948, as amended by the said proclamation of June 13, 1956, is hereby further amended by deleting the last line in item 1406 of such list, reading "Cigar bands------ 35¢ per lb."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of September in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-8058; Filed, Oct. 3, 1956; 10:11 a. m.]

RULES AND REGULATIONS

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54206]

PART 8—LIABILITY FOR DUTIES: ENTRY OF IMPORTED MERCHANDISE

ENTRY OF CERTAIN IMPORTED MERCHANDISE

Emergency purchases of war materials abroad by certain Government agencies may be delivered without detailed examination. The filing of customs Form 6417, which is used when detailed examination is made, serves no useful purpose in such cases. To provide that customs Form 6417 shall not be filed for entries of this type and also to require the filing of an extra copy of the entry for importation of ores and crude metals for use for statistical purposes, the customs regulations are amended as follows:

1. Section 8.8 (d) is amended by changing the period at the end of the sentence to a comma and adding: "except that in the case of an importation entitled to immediate delivery under § 10.104 (a) of this chapter, no customs Form 6417 shall be required or accepted by the collector of customs."

(Sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

2. Section 8.46 (a) is amended by inserting the following sentence after the first sentence: "An extra copy of the entry shall be filed at the time of entry for use by the collector in reporting for statistical purposes any changes in entered quantities and values."

(R. S. 251, Sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 26, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8000; Filed, Oct. 3, 1956; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 27]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September 1956.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and it appearing that Notice No. 27, dated July 27, 1956, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on August 23, 1956 (21 F. R. 6339), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above-referred-to Notice No. 27 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 27, dated July 27, 1956, as revised by the specific deletions and modifications set forth as follows:

1. In § 73.314 (a) delete the proposed amendment to Note 9.

2. Delete the entire proposed amendment to §§ 78.270–12 (d), 78.285–12 (d), 78.286–12 (d), 78.287–12 (d), 78.288–12 (d), 78.289–12 (d), 78.294–12 (d), and 78.300–12 (d).

3. Revise the amendatory text to § 78.321 and subsections; revise the proposed amendment to § 78.321 heading; delete the proposed amendment to § 78.321–11 (b); add paragraph (c) to § 78.321–11; revise § 78.321–12 (b); revise § 78.321–13 (a); revise § 78.321–14 (a); add paragraph (b) to § 78.321–14.

4. Revise the amendatory text to § 78.324 and subsection; revise the proposed amendment to § 78.324 heading; revise the proposed amendment to § 78.324–11 (a); add paragraph (b) to § 78.324–11; amend § 78.324–13 (b).

5. Revise the amendatory text to § 78.325–8; amend the text preceding the formulae in § 78.325–8 (a); revise the proposed amendments to § 78.325–8 (d).

As changed, the text of the amendments read as set forth below.

It is further ordered, That this order shall become effective December 17, 1956, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (15 F. R. 8264, 8265, 8266, 8267, 8268, 8269, 8271, 8272, 8273, Dec. 2, 1950) (18 F. R. 5270, Sept. 1, 1953) (21 F. R. 3008, 3025, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Bromine pentafluoride	Cor. L	No exemption, 73.284	White	100 pounds.
Bromine trifluoride	Cor. L	No exemption, 73.283	do	Do.
Chlorine trifluoride	Cor. L	No exemption, 73.285	do	Do.
Dichlorodifluoromethane	Nonf. G	73.302, 73.306, 73.314, 73.315.	Green	300 pounds.
Highway fuses	Expl. C	No exemption, 73.100 (y), 73.108.		200 pounds.
Igniters, jet thrust (jato), class B explosives.	Expl. B	No exemption, 73.92	None	Do.
Igniters, jet thrust (jato), class A explosives.	Expl. A	No exemption, 73.79	do	Not accepted.
Matches, book, card, or strike-on-box	See § 73.176 (g).			
ØMethyl chloride	F. G	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Railway fuses	Expl. C	No exemption, 73.100 (y), 73.108.		200 pounds.
Vinyl chloride, inhibited	F. G	73.302, 73.306, 73.314	Red Gas	300 pounds.
(Add)				
Argon, pressurized liquid	Nonf. G	No exemption, 73.308	Green	Do.
ØDichlorodifluoromethane - dichlorotetrafluoroethane mixture.	Nonf. G	73.302, 73.306, 73.314, 73.315.	do	Do.
ØDichlorodifluoromethane - monochlorodifluoromethane mixture.	Nonf. G	73.302, 73.306, 73.314	do	Do.
ØDichlorodifluoromethane-trichloromonofluoromethane - monochlorodifluoromethane mixture.	Nonf. G	73.302, 73.306, 73.314	do	Do.

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
ØDichlorodifluoromethane-trichlorotrifluoroethane mixture.	Nonf. G	73.302, 73.306, 73.314	Green	300 pounds
Fuzees. See Railway or highway fuzees.				
Hand signal devices	Expl. C	No exemption, 73.100 (y), 73.108.		200 pounds.
(Under Initiating explosive)				
Lead mononitroresorcinate		No exemption, 73.70		
Lead mononitroresorcinate. See Initiating explosive.				
Methyl dichlorosilane	F. L	No exemption, 73.136	Red	10 gallons.
Nitrogen, pressurized liquid	Nonf. G	No exemption, 73.308	Green	300 pounds.
Oxygen, pressurized liquid	Nonf. G	No exemption, 73.308	do	Do.
Pyroforic fuel	F. L	No exemption, 73.134	Red	Not accepted.
Signal flares	Expl. C	No exemption, 73.100 (y), 73.108.		200 pounds.
Smoke candles	Expl. C	No exemption, 73.100 (y), 73.108.		Do.
Smoke pots	Expl. C	No exemption, 73.100 (y), 73.108.		Do.
Smoke signals	Expl. C	No exemption, 73.100 (y), 73.108.		Do.
Starter cartridges, jet engine, class B explosives.	Expl. B	No exemption, 73.92		Do.
Very signal cartridges	Expl. C	No exemption, 73.100(y), 73.108.		Do.
(Cancel)				
Flares, signal. See Common fireworks.				
Pressurized flammable liquid, n. o. s.	F. L	No exemption, 73.142	Red	10 gallons.
Signals, highway. See Common fireworks.				
Smoke candles. See Common fireworks.				
Smoke pots. See Common fireworks.				
Smoke signals. See Common fireworks.				
Very signal cartridge. See Special fireworks.				

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. In § 73.21 amend paragraph (b) (18 F. R. 801, 802, Feb. 7, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.21) to read as follows:

§ 73.21 *Prohibited packing.* * * *

(b) The offering for transportation of any package or container of any liquid, solid or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) or decompose so as to cause dangerous evolution of heat or gas is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited. Refrigeration may be used as a means of stabilization only when approved by the Bureau of Explosives.

2. In § 73.25 amend paragraph (b) (18 F. R. 6776, Oct. 27, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.25) to read as follows:

§ 73.25 *Specification containers in outside containers.* * * *

(b) Outside specification shipping containers containing acids or other corrosive liquids, except nitric acid, perchloric acid, or hydrogen peroxide solution containing over 52 percent hydrogen peroxide by weight, may be shipped when tightly packed in strong outside fiberboard or wooden boxes, or in wooden crates, provided such outside container shall not contain any other article except under the following conditions:

(1) As provided in §§ 73.242, 73.257, 73.258, 73.259, 73.260, 73.261, and 73.286.

(2) Electrolyte acid or alkaline corrosive battery fluid in packages prescribed in §§ 73.257 and 73.258 may be included in outside shipping containers with dry charged storage batteries when packed to prevent movement within the outside containers.

(3) The outside container shall be marked with the prescribed name of contents and labeled as required and shall be marked "This Side Up" or "This End Up." The outside container must also be marked "Inside Packages Comply With Prescribed Specifications" unless the specification markings on the inside packages are visible through openings in the outside package.

3. In § 73.34 amend entire paragraph (f), and (h); amend paragraph (k) table, and paragraph (k) (11) (16 F. R. 9373, Sept. 15, 1951) (18 F. R. 5270, Sept. 1, 1953) (19 F. R. 3259, June 3, 1954) (15 F. R. 3283, Dec. 2, 1950) (19 F. R. 6267; Sept. 29, 1954) (19 F. R. 8524, Dec. 14, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* * * *

(f) *Safety relief devices.* Each cylinder charged with compressed gas, unless excepted in this paragraph, must be equipped with one or more safety relief devices approved, as to type, location, and quantity, by the Bureau of Explosives and must be capable of preventing explosion of the normally charged cylinder when it is placed in a fire. (Cylinders shall not be shipped with leaking safety relief devices. Safety relief devices must be tested for leaks before the charged cylinder is shipped from the cylinder filling plant; it is expressly forbidden to repair leaking fuse plug devices, where leak is through the fusible metal or between the fusible metal and the opening in the plug body, except by removal of the device and replacement of the fusible metal.) Exceptions are as follows:

(1) Except as provided in Notes 1, 2 and 3, safety relief devices are not required on cylinders 12" or less in length, exclusive of neck, and 4½" or less in outside diameter.

NOTE 1: Safety relief devices are required on specs. 9, 40, and 41 (§§ 78.63, 78.66, and 78.67 of this chapter) cylinders.

NOTE 2: Safety relief devices are required on cylinders charged with a liquefied gas for which this part requires a service pressure of 1,800 pounds per square inch or higher.

NOTE 3: Safety relief devices are required on cylinders charged with nonliquefied gases to a pressure of 1,800 pounds per square inch or higher at 70° F.

(2) Safety relief devices are not required on cylinders charged with nonliquefied gas under pressure of 300 pounds per square inch or less at 70° F.

(3) Safety relief devices are prohibited on cylinders charged with poisonous gas or liquid as defined in § 73.326 (a).

(4) Safety relief devices are prohibited on cylinders charged with fluorine.

(5) Safety relief devices are not required on cylinders charged with methyl mercaptan; mono, di, or trimethylamine, anhydrous; with not over 10 pounds of nitrosyl chloride; or with less than 165 pounds of anhydrous ammonia.

(6) Safety relief devices are not required on drums containing liquefied petroleum gas as provided for in § 73.312 (a).

* * * * * *

(h) Cylinders exposed to the action of fire. Cylinders which have been in a fire must not again be placed in service until they have been properly heat treated and retested as prescribed in paragraph (i) of this section: *Provided*, That cylinders made of plain carbon steel with not over 0.25 percent carbon need not be heat treated, and may be used after passing the pressure test prescribed. Acetylene cylinders, except those authorized in specification ICC–8, to be made of 4130X steel and those made to comply with specification 8AL, need not be treated or tested, provided porous filling is found to be unchanged and intact. The inner cylinders made under specification 4L may be used after again passing the original hydrostatic test.

* * * * * *

(k) * * *

Specification under which cylinders were made	Minimum retest pressure (pounds per square inch)
ICC–3	3,000 pounds.
ICC–3A; ICC–3AA; ICC–3D; ICC–4A; ICC–26 marked for filling at over 450 pounds.	5/3 times the service pressure. (See § 73.301 (g).)
ICC–3B; ICC–3BN; ICC–4AA480; ICC–4B; ICC–4BA; ICC–4D; ICC–4DA; ICC–26 marked for filling at 450 pounds and below.	2 times service pressure. (See § 73.301 (g).)
ICC–3C; ICC–3E; ICC–4C; ICC–4L; ICC–8; ICC–8AL	Quinquennial test not required.
ICC–7 when used as authorized in § 73.312 (a) (4)	300 pounds.
ICC–7 when not used under authority of § 73.312 (a) (4)	Quinquennial test not required.
ICC–4	700 pounds.
ICC–9	400 pounds.
ICC–25; ICC–38	500 pounds.
ICC–33	300 pounds.

* * * * *

(11) Cylinders made in compliance with specifications ICC–4B, ICC–4BA, and ICC–26–300,[1] (§§ 78.50 and 78.51 of this chapter), used exclusively for anhydrous dimethylamine, anhydrous monomethylamine, anhydrous trimethylamine, methyl chloride, or liquefied petroleum gas, or dichlorodifluoromethane, difluoroethane, difluoromonochoroethane, monochlorodifluoromethane, monochlorotetrafluoroethane, monochlorotrifluoroethylene or mixtures thereof or mixtures of one or more with trichloromonofluoromethane, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) may be retested decennially (see Note 2) instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic pressure equal to at least 2 times the marked service pressure without determination of expansions (see Note 1), but this type of test must be repeated quinquennially after expiration of the first ten-year period (see Note 2). When subjected to this latter test cylinders must be carefully examined under the test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(Notes 1 and 2 remain the same.)

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.53 amend paragraphs (b), (c), (d), and (e) (19 F. R. 8525, Dec. 14, 1954) (15 F. R. 8285, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 73.53) to read as follows:

§ 73.53 *Definition of class A explosives.* * * *

(b) *Type 2.* Solid explosives which contain a liquid explosive ingredient, and which, when unconfined (See Note 3), can be detonated by means of a No. 8 test blasting cap (See Note 2); or which can be exploded in at least 50 percent of the trials in the Bureau of Explosives' Impact Apparatus (See Note 4) under a drop of 4 inches or more, but cannot be exploded in more than 50 percent of the trials under a drop of less than 4 inches. Example: High explosives, commercial dynamite containing a liquid explosive ingredient.

(c) *Type 3.* Solid explosives which contain no liquid explosive ingredient and which can be detonated, when unconfined (See Note 3), by means of a No. 8 test blasting cap (See Note 2); or which can be exploded in at least 50 percent of the trials in the Bureau of Explosives' Impact Apparatus (See Note 4) under a drop of 4 inches or more, but cannot be exploded in more than 50 percent of the trials under a drop of less than 4 inches. Example: High explosives, commercial dynamite containing no liquid explosive ingredient, trinitrotoluene, amatol, tetryl, picric acid, urea nitrate, pentolite, and commercial boosters.

(d) *Type 4.* Solid explosives which can be caused to detonate when unconfined (see Note 3), by contact with sparks or flame such as produced by safety fuse or an electric squib; or which can be exploded in the Bureau of Explosives' Impact Apparatus (see Note 4), in more than 50 percent of the trials under a drop of less than 4 inches. Example: Initiating and priming explosives, lead azide, fulminate of mercury, etc., and high explosives.

(e) *Type 5.* Desensitized liquid explosives are explosives which may be detonated separately or when absorbed in sterile absorbent cotton, by a No. 8 test blasting cap (see Note 2); but which cannot be exploded in the Bureau of Explosives' Impact Apparatus (see Note 4), by a drop of less than 10 inches. The desensitizer must not be significantly more voltatile than nitroglycerine and the desensitized explosive must not freeze at temperatures above minus 10° F. Example: High explosives, desensitized nitroglycerine.

2. In § 73.56 amend paragraph (f) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.56, 1950 Rev.) to read as follows:

§ 73.56 *Ammunition, projectiles, grenades, bombs, mines, and torpedoes.* * * *

(f) Each exterior package or projectile, bomb, or mine must be plainly marked "Explosive Projectile," "Explosive Torpedo," "Explosive Mine," "Explosive Bomb," "Hand Grenades," or "Rifle Grenades," as the case may be, except that each device need not be so marked when palletized and the palletized units are plainly marked and shipped as carload or truckload shipments.

3. In § 73.60 add paragraph (b) (3) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.60, 1950 Rev.) to read as follows:

§ 73.60 *Black powder and low explosives.* * * *

(b) * * *

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip), not over 5 gallons capacity each, without opening except bunghole not exceeding 2.3 inches in diameter. Authorized for carload or truckload shipments only.

4. In § 73.63 amend paragraph (c) (2) (20 F. R. 8099, Oct. 28, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.63) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* * * *

(c) * * *

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be paraffined two-ply paper bags not exceeding 12½ pounds capacity, securely closed by folding the tops and securing the fold by tape, with not more than two such bags inserted into another two-ply paper bag which must be securely closed and dipped in paraffin after closing, or with not more than two inside containers which must be securely closed polyethylene bags not less than 0.004 inch in thickness of not more than 12½ pounds capacity each packed in a securely closed polyethylene or paper bag and packed in polyethylene lined outside fiberboard boxes. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

5. Amend entire § 73.70 (15 F. R. 8291, Dec. 2, 1950) (16 F. R. 11776, Nov. 21, 1951) (49 CFR 1950 Rev., 1955 Supp., 73.70) to read as follows:

§ 73.70 *Diazodinitrophenol or lead mononitroresorcinate.* (a) The offering of diazodinitrophenol or lead mononitroresorcinate in a dry condition for transportation by common carriers by rail freight, rail express, highway, or water is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders, the transportation of which is authorized in this part.

(b) Diazodinitrophenol or lead mononitroresorcinate must be packed wet with not less than 40 percent by weight of water in specification containers 5 or 5B (§ 78.80 or § 78.82 of this chapter) metal barrels or drums or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside containers which must be bags made of at least 10-ounce cotton duck, rubber, or rubberized cloth, which must be securely closed. The dry weight of diazodinitrophenol in one container must not exceed 220 pounds and the dry weight of lead mononitroresorcinate in one container must not exceed 100 pounds. The bags containing diazodinitrophenol or lead mononitroresorcinate must be placed in a rubber bag, rubberized cloth bag, or bag made of suitable watertight material and then placed in the barrel, keg, or drum. Any empty space in the outside bag must be filled with water and this bag securely closed.

(c) Sufficient outage in outside container must be allowed to prevent rupturing of container in freezing weather, or a mixture of denatured alcohol and water may be used to prevent freezing in transit.

(d) Each barrel, box, drum, or keg must be plainly marked "Initiating Explosive—Dangerous—Do Not Store or Load With Any High Explosive."

(e) Diazodinitrophenol or lead mononitroresorcinate, wet, must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

6. In § 73.88 amend the introductory text of paragraph (e); add paragraph (e) (2) (15 F. R. 8293, Dec. 2, 1950) (49 CFR 73.88, 1950 Rev.) to read as follows:

§ 73.88 *Definitions of class B explosives.* * * *

(e) Jet thrust units (jato), class B, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing.

* * * * *

(2) Starter cartridges, jet engine, consist of plastic cases, each containing a pressed cylindrical block of propellant explosive and having in the top of the case a small plastic compartment that encloses an electric squib, small amounts of black powder, and smokeless powder, which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

7. In § 73.91 amend paragraph (a) (3) (20 F. R. 4414, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp. 73.91) to read as follows:

§ 73.91 *Special fireworks.* (a) * * *

(3) Spec. 12B (§ 78.205 of this chapter). Gross weight not to exceed 65 pounds except as provided in subparagraph (5) of this paragraph. Not permitted for illuminating projectiles, toy torpedoes, and aeroplane flares.

8. In § 73.92 amend paragraph (a) (3); add paragraph (a) (4) (21 F. R. 3009, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.92) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, or igniters, jet thrust (jato), class B.* (a) * * *

(3) Spec. 23F (§ 78.214 of this chapter). Fiberboard boxes. Authorized for igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B, only, which must be packed in tightly closed inside fiberboard boxes, at least 200-pound test (Mullen or Cady), or metal containers. Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment.

(4) Jet thrust units (jato), class B, may be packed in the same outside shipping container with separately packaged igniters, jet thrust, when the containers are approved by the Bureau of Explosives.

9. In § 73.100 amend the introductory text of paragraph (r); cancel paragraph (r) (12); add paragraph (y) (18 F. R. 3134, June 2, 1953) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 73.100) to read as follows:

§ 73.100 *Definitions of Class C explosives.* * * *

(r) Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which is designed to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects.) Any new device, not enumerated in this paragraph, must be approved by the Bureau of Explosives before being offered for transportation as Common Fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, except articles defined in paragraphs (s) through (y), inclusive, of this section, other than common fireworks as defined in this paragraph, and those forbidden for transportation in § 73.51, are classed as Special Fireworks (see § 73.88 (d)).

* * * * *

(12) [Canceled.]

* * * * *

(y) Smoke candles, smoke pots, and smoke signals containing not more than 200 grams of pyrotechnic composition each, hand signal devices, Very signal cartridges, and highway or railway fusees are devices designed to produce visible effects for signal purposes.

10. In § 73.108 amend the introductory text of paragraph (a), and amend paragraph (d) (15 F. R. 8297, Dec. 2, 1950) (18 F. R. 5271, Sept. 1, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.108) to read as follows:

§ 73.108 *Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke pots, and Very signal cartridges.* (a) Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke pots, and Very signal cartridges, except as otherwise authorized, must be securely packed in containers complying with the following specifications:

* * * * *

(d) Each outside package must be plainly marked in letters not less than 7/16 inch in height "Common Fireworks," "Signal Flares," "Hand Signal Devices," "Railway Fusees," "Highway Fusees," "Smoke Signals," "Smoke Candles," "Smoke Pots," or "Very Signal Cartridges," as the case may be, and with the additional words "Handle Carefully—Keep Fire Away."

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Amend entire § 73.115 (21 F. R. 670, Jan. 31, 1956) (17 F. R. 7280, Aug. 9, 1952) (49 CFR 1950 Rev., 1955 Supp., 73.115) to read as follows:

§ 73.115 *Flammable liquids; definition.* (a) A flammable liquid for the purpose of Parts 71–78 of this chapter is any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F. and having vapor pressure not over 40 pounds per square inch absolute at 100° F.

(b) Flammable liquids are described as viscous flammable liquids (see § 73.119 (j)) when viscosity is determined by one of the following methods:

(1) The viscosity of the liquids must be determined in a Stormer viscosimeter with an actuating weight of 400 grams and with the liquid maintained at a temperature of 28° C. The cylinder of the viscosimeter must be immersed in the liquid.

(2) For transparent liquids the sample may be tested in a vertical glass tube, 1 inch inside diameter by approximately 13 inches long, having two marks 10 inches apart engraved thereon, the lower mark being 2 inches above the bottom of the tube; the liquid to be tested shall be poured into the tube until its surface rises one-half inch above the upper mark and must be maintained at a temperature of 28° C. during the test; a polished steel ball one-fourth inch in diameter shall be supported one-half inch above the surface of the liquid at the center of the tube and dropped therein.

(3) When the speed of the cylinder in the first test does not exceed 10 revolutions per 13 seconds, or the time required in the second test for the steel ball to fall the vertical distance between the two lines upon the glass tube is not less than 4 seconds the material is classed as "viscous."

2. In § 73.118 add paragraph (c) (35) and (36) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* * * *

(c) * * *

(35) Methyl dichlorosilane.

(36) Pyroforic fuel.

3. In § 73.119 amend Note 1 to paragraph (f) (3); amend the introductory text of paragraph (j); cancel paragraphs (j) (1), (2), and (3) (15 F. R. 8299, 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* * * *

(f) * * *

(3) * * *

NOTE 1: Tanks built in compliance with American Railway Association specifications for Class IV–A1 tank cars authorized for use effective October 1, 1925, may be continued in service for the transportation of ethyl chloride and other liquids which do not have a vapor pressure exceeding 28

pounds per square inch, gauge pressure, at 100° F., provided there is stenciled on each side of the tank immediately below the valve protecting housing the words "Liquids having vapor pressure exceeding 28 pounds per square inch at 100° F. must not be loaded into this tank" in letters and figures at least 1 inch high. These tank cars must be retested as prescribed in current spec. 105A100 (§ 78.270 of this chapter), except that safety valves must open at pressure not exceeding 35 pounds, and be vapor tight at 28 pounds per square inch.

(No change in Notes 2 and 3.)

• • • • • •

(j) *Viscous flammable liquids.* Flammable liquids having a viscosity as determined by one of the methods prescribed in § 73.115 (b) must be shipped in specification containers as prescribed in paragraph (k) or (l) of this section.

(1) [Canceled.]
(2) [Canceled.]
(3) [Canceled.]

4. In § 73.122 amend paragraph (a) (3) and Note 1 thereto (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.122) to read as follows:

§ 73.122 *Acrolein, inhibited.* (a) • • •

(3) Spec. 105A500–W (§ 78.288 of this chapter). Tank cars.

NOTE 1: Spec. 105A500–W (§ 78.288 of this chapter) tank cars stenciled 105A300–W (§ 78.286 of this chapter) because of safety valve settings may also be used.

5. Amend entire § 73.134 (21 F. R. 3009, May 5, 1956) (49 CFR 73.134, 1950 Rev.) to read as follows:

§ 73.134 *Aluminum triethyl, aluminum trimethyl, pyroforic fuel, or zinc ethyl.* (a) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, or zinc ethyl must be shipped in cylinders as prescribed for any compressed gas, except acetylene, or in devices or apparatus of a type approved by the Bureau of Explosives.

(b) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, or zinc ethyl must not be offered for transportation by rail express.

6. In § 73.135 add paragraph (a) (7), (8), and (9) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.135, 1950 Rev.) to read as follows:

§ 73.135 *Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.* (a) • • •

(7) Spec. 103 or 103W (§ 78.265 or § 78.280 of this chapter). Tank cars, without bottom discharge outlet.

(8) Spec. 105A100, 105A100–W or 105A300–W (§ 78.270, § 78.285 or § 78.286 of this chapter). Tank cars.

(9) Spec. MC300 or MC303 (§ 78.321 or § 78.324 of this chapter). Tank motor vehicles.

7. In § 73.136 amend the introductory text of paragraph (a); add paragraph (a) (6) and (7) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.136, 1950 Rev.) to read as follows:

§ 73.136 *Methyl dichlorosilane and trichlorosilane.* (a) Methyl dichlorosilane and trichlorosilane must be packed in specification containers as follows:

• • • • •

(6) Spec. 103 or 103W (§ 78.265 or § 78.280 of this chapter). Tank cars, without bottom discharge outlet.

(7) Spec. 105A100, 105A100–W or 105A300–W (§ 78.270, § 78.285 or § 78.286 of this chapter). Tank cars.

8. In § 73.141 amend paragraph (a) (7) (19 F. R. 8528, Dec. 14, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.141) to read as follows:

§ 73.141 *Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.* (a) • • •

(7) Spec. 105A300–W, 105A400–W, 105A500–W, or 105A600–W (§ 78.286, § 78.287, § 78.288, or § 78.289 of this chapter). Tank cars.

9. Cancel entire § 73.142 (17 F. R. 7281, Aug. 9, 1952) (21 F. R. 3009, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.142)

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend entire § 73.158 (15 F. R. 8304, Dec. 2, 1950) (17 F. R. 7281, Aug. 9, 1952) (16 F. R. 11777, Nov. 21, 1951) (17 F. R. 4295, May 10, 1952) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.158) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) Benzoyl peroxide, dry, lauroyl peroxide, dry chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry, may be shipped when packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect contents with equal efficiency. Net weight in outside container must not exceed 50 pounds, except that for lauroyl peroxide, dry, net weight not over 100 pounds is authorized.

(2) Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter). Fiber drums, net weight not over 100 pounds, authorized only for lauroyl peroxide, dry.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in spec. 12B65 (§ 78.205 of this chapter) boxes may be more than 65 but not more than 70 pounds provided net weight of contents does not exceed 50 pounds.

2. In § 73.202 amend paragraph (a) (1) (21 F. R. 671, Jan. 31, 1956) (49 CFR 73.202, 1950 Rev.) to read as follows:

§ 73.202 *Sodium and potassium, metallic liquid alloy.* (a) • • •

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes with inside metal containers of a type approved by the Bureau of Explosives cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch. Closing devices must be protected from injury. Not more than 300 pounds of sodium or potassium liquid alloy may be shipped in one outside container.

3. In § 73.206 amend paragraph (c) (1) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1955 Supp., 73.206) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* • • •

(c) • • •

(1) Spec. 105A300–W (§ 78.286 of this chapter), tank cars, having exterior heater coils fusion welded to tank shell and properly stress-relieved, the material to be in molten condition when loaded into the tank and allowed to solidify before car is offered to the carrier.

4. In § 73.218 amend paragraph (a) (1) (19 F. R. 8526, Dec. 14, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.218) to read as follows:

§ 73.218 *Isopropyl percarbonate, unstabilized.* (a) • • •

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes, or other equally efficient container when approved by the Bureau of Explosives, with glass, metal, or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 0° F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.242 amend paragraph (a) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.242, 1950 Rev.) to read as follows:

§ 73.242 *Bottles containing acid or other corrosive liquids.* (a) Bottles containing acid or other corrosive liquids, as defined by § 73.240, must not be packed in the same outside container with any other article, except as specifically provided in paragraphs (b) and (c) of this section and § 73.25, § 73.257, § 73.258, § 73.259, § 73.260, § 73.261, or § 73.286.

2. In § 73.247 amend paragraph (a) (6) (19 F. R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.247) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(6) Spec. 103A, 103A–W, or 105A300–W (§ 78.266, § 78.281, or § 78.286 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A300–W tank cars must be used. Benzyl chloride must be stabilized when loaded in unlined tanks.

3. In § 73.249 amend paragraph (b) (1) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.249) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* • • •

(b) • • •

(1) In containers as prescribed in § 73.249 (a) (8), (9), and (10).

4. In § 73.253 add paragraph (a) (5) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.253, 1950 Rev.) to read as follows:

§ 73.253 *Chloracetyl chloride.* (a) • • •

(5) Spec. 5K (§ 78.88 of this chapter). Nickel drums.

5. In § 73.257 amend paragraph (a) (6) (21 F. R. 3026, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.257) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(6) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant non-fragile materials having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other materials shall be not less than 0.003 inch for any film sheet for multiwall containers or not less than 0.006 inch for single wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401 (c) shall not be required. Inside containers shall be packed to prevent movement within the box. Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers; gross weight of completed package shall not exceed 65 pounds. Complete package, closed as for shipment, with inside containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

6. In § 73.258 amend the introductory text of paragraph (a) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.258, 1950 Rev.) to read as follows:

§ 73.258 *Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries.* (a) Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries, except as provided in § 73.257 (a) (6), must be packed in specification containers as follows:

7. In § 73.262 amend the introductory text of paragraph (a); add paragraph (b) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.262, 1950 Rev.) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) Hydrobromic acid not over 49 percent strength must be packed in specification containers as follows:

• • • • • •

(b) Hydrobromic acid greater than 49 percent strength but not over 63 percent strength must be packed in specification containers as follows:

(1) Spec. 1F (§ 78.10 of this chapter). Polyethylene carboys in plywood drums.

8. In § 73.264 amend the introductory text of paragraph (a); cancel paragraph (a) (3), (4), (5), (6); add Note 5 to paragraph (a) (7); add Note 1 to paragraph (a) (8); cancel paragraph (a) (12); add Note 1 to paragraph (a) (14); amend paragraph (b) (2) (15 F. R. 8317, 8318, Dec. 2, 1950) (17 F. R. 1562, Feb. 20, 1952) (21 F. R. 4565, June 26, 1956) (18 F. R. 6779; Oct. 27, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.264) to read as follows:

§ 73.264 *Hydrofloric acid.* (a) Hydrofluoric acid must be packed in specification containers as follows:

• • • • • •

(3) [Canceled.]
(4) [Canceled.]
(5) [Canceled.]
(6) [Canceled.]
(7) • • •

NOTE: Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent, when shipped in unlined steel containers, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

(8) • • •

NOTE 1: Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent, when shipped in unlined metal tank cars, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

• • • • • •

(12) [Canceled.]

• • • • • •

(14) • • •

NOTE 1: Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent, when shipped in unlined tank motor vehicles, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

• • • • • •

(b) • • •

(2) Spec. 105A300–W, 105,[1] 105A500–W, or ARA–V[1] (§ § 78.286 and 78.288 of this chapter) tank cars, equipped with special valves and appurtenances approved for this particular service. Filling density must not exceed 90 percent of the pounds water weight capacity of the tank.

9. In § 73.272 amend the introductory text of paragraph (l); amend paragraph (l) (6) (15 F. R. 8321, Dec. 2, 1950) (21 F. R. 672, Jan. 31, 1956) (49 CFR 73.272, 1950 Rev.) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(l) For sulfuric acid of concentrations not to exceed 51 percent (approximately 1.408 specific gravity (42° Baumé), unless otherwise provided:

• • • • • •

(6) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Authorized for sulfuric acid concentrations not over 76 percent. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum shall be waived.

10. In § 73.280 add paragraphs (a) (7) and (8) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.280, 1950 Rev.) to read as follows:

§ 73.280 *Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.* (a) • • •

(7) Spec. 103, 103A, 105A 100, or 105A 100–W (§ 78.265, § 78.266, § 78.270, or § 78.285 of this chapter). Tank cars.

(8) Spec. MC310 or MC311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles of steel or stainless steel construction.

11. In § 73.289 amend paragraph (a) (2) (21 F. R. 3011, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(2) Spec. 103C–W or 103E–W (§ 78.283 or § 78.298 of this chapter). Tank cars stenciled "For Formic Acid Only".

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.302 amend the introductory text of paragraph (a); add paragraph (a) (9) (21 F. R. 3011, May 5, 1956) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 73.302) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) Compressed gases, except poisonous gases as defined by § 73.326 (a), when in accordance with either subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), or (9) of this paragraph, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • •

(9) Inside nonrefillable metal containers of a capacity not to exceed 31.83 cubic inches (17.6 fluid ounces) charged with a solution of nonpoisonous and nonflammable materials and nonliquefied compressed gases. Pressure in the container not to exceed 105 pounds per square inch absolute at 70° F. or 140 pounds per square inch absolute at 130°

exposed to the action of fire. Each completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect.

6. In § 73.314 amend paragraph (a) table, and amend Notes 12 and 19 thereto (19 F. R. 8528, Dec. 14, 1954) (21 F. R. 673, Jan. 31, 1956) (21 F. R. 4565, June 26, 1956) (18 F. R. 3136, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.314) as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 3	Required type of tank car, Note 2
(Add)		
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	119	ICC–106A500, 105A500X, 110A500W, Notes 12 and 19.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture	125 119	ICC–105A300, 105A300X. ICC–106A500, 106A500X, 110A500W, Notes 12 and 19.
Dichlorodifluoromethane-monochlorodifluoromethane mixture.	125 119	ICC–105A300, 105A300X. ICC–106A500, 106A500X, 110A500W, Notes 12 and 19.
Dichlorodifluoromethane-monochlorodifluoromethane-trichloromonofluoromethane mixture.	125 119	ICC–105A300, 105A300X. ICC–106A500, 106A500X, 110A500W, Notes 12 and 19.
(Change)		
Dichlorodifluoromethane	119	ICC–106A500, 106A500X, 110A500W Note 19.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	125 Note 6	ICC–105A300, 105A300X. ICC–106A500, 106A500X, Note 12. ICC–110A500W.
Dispersant gas, n. o. s.	Note 16	ICC–105A300, 105A300X. ICC–106A500, 106A500X, Notes 12 and 19. ICC–110A500W, Note 19.
Trifluorochloroethylene	115 110 100	ICC–105A300, 105A300X, Note 12. ICC–106A500, 106A500X, Note 12. ICC–110A500W.
Refrigerant gas, n. o. s.	Note 16	ICC–105A300, 105A300X. ICC–106A500, 106A500X, Notes 12 and 19. ICC–110A500W, Note 19.

• • • • • • •

Note 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, trifluorochloroethylene, dichlorodifluoromethane - trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, or dichlorodifluoromethane - trichloromonofluoromethane mixture; tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane - monochlorodifluoromethane mixture, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane - trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, dichlorodifluoromethane - monochlorodifluoromethane - trichloromonofluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present to be necessary. See § 74.560 of this chapter, for rail freight motor vehicle shipments.

• • • • • • •

Note 19: Only dichlorodifluoromethane, dichlorodifluoromethane - difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, dichlorodifluoromethane - trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane - trichloromonofluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present to be necessary. See § 74.560 of this chapter, for rail freight motor vehicle shipments.

• • • • • • •

§ 73.306 *Liquefied gases, except acetylene in solution.* • • •

(d) Mixtures containing compressed gas or gases which are nonpoisonous but which are flammable as determined by Bureau of Explosives' flammability test, as provided in § 73.300 (b) (2), (3), and (4), except that the material shall not have a flame flashback in the prescribed test, nor shall the flame be sustained at any degree of the valve opening; the above flashback and sustained flame restriction shall not apply provided the valve is protected by an overcap or other device approved by the Bureau of Explosives such as to prevent accidental discharge of the valve in transit; and the product, as tested in accordance with Bureau of Explosives' test procedure for flammability, shall not have a flash point under 20° F. and must be shipped in cylinders as prescribed in paragraph (a) of this section or in specification containers as follows:

4. In § 73.308 amend paragraph (a) table, and amend Note 1 thereto (19 F. R. 8527, Dec. 14, 1954) (16 F. R. 9376, Sept. 15, 1951) (49 CFR 1950 Rev., 1955 Supp., 73.308) as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(Add)		
Argon, pressurized liquid	115	ICC–4L200.
Oxygen, pressurized liquid	96	ICC–4L300.
Nitrogen, pressurized liquid	68	ICC–4L300.
(Change)		
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air (see Note 10).	(7)	ICC–3AA300; ICC–3AA300; ICC–4B300; ICC–4B A300; ICC–4D300; ICC–4DA600.

• • • • • • •

§ 73.312 *Liquefied petroleum gas.* (a) • • •

(7) Spec. 2P (§ 78.33 of this chapter). Inside metal containers are authorized for liquefied petroleum gas with a gas pressure not over 45 pounds per square inch gauge at 70° F. and 105 pounds per square inch gauge at 130° F. Containers must be equipped with safety devices which will prevent rupture of the containers and dangerous projection of the closing devices when the containers are

Note 1: Cylinders complying with spec. 3E (§ 78.42 of this chapter) are also authorized for all gases named in this table for which steel cylinders are authorized except where ICC–3AA2000, 3AA2000, and 4L200 (§§ 78.36, 78.37 and 78.57 of this chapter) cylinders are specified.

5. In § 73.312 add paragraph (a) (7) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 73.312, 1950 Rev.) to read as follows:

F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of the contents at 70° F. or one and one-half times the pressure of the contents at 130° F., whichever is greater.

2. In § 73.304 add paragraph (f) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.304, 1950 Rev.) to read as follows:

§ 73.304 *Filling limits.* • • •

(f) The pressure in ICC–4L (§ 78.57 of this chapter) cylinders must be limited by a pressure controlling valve so sized and set as to limit the pressure to one and one-fourth times the marked service pressure. The liquid portion of the gas must not completely fill the cylinder. For ICC–4L (§ 78.57 of this chapter) cylinders insulated by a vacuum the pressure control valve must be set at least 15 pounds per square inch lower than one and one-fourth times the marked service pressure. The other paragraphs of this section do not apply to ICC–4L (§ 78.57 of this chapter) cylinders.

3. In § 73.306 amend the introductory text of paragraph (d) (19 F. R. 1279, Mar. 6, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.306) to read as follows:

methane mixture, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane - trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, and monochlorotetrafluoroethane may be shipped as dispersant gas, n. o. s. or refrigerant gas, n. o. s. in accordance with provisions of table (a).

7. In § 73.315 amend paragraph (a) (1) table; amend paragraph (h) table; amend paragraph (i) (2) table (18 F. R. 6780, Oct. 27, 1953) (21 F. R. 3012, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.315) as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.*

(a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density: Percent by weight (see Note 1)	Maximum permitted filling density: Percent by volume (see par. (f) of this section)	Specification container required: Type (see Note 2)	Specification container required: Minimum design working pressure (psig)
(Add)				
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture.	119	See Note 7.	ICC–51, MC–330..	180

• • • • • • •

(h) • • •

Kind of gas	Permitted gauging device
(Add)	
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	None

• • • • • • •

(i) • • •

(2) • • •

Kind of gas	Minimum start-to-discharge pressure (psig)
(Add)	
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	180

SUBPART C—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.353 amend paragraph (a) (4) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.353, 1950 Rev.) to read as follows:

§ 73.353 *Methyl bromide or mixtures of methyl bromide and ethylene dibromide, liquid.* (a) • • •

(4) Spec. 4D300 or 4DA500 (§ 78.53 or § 78.58 of this chapter). Metal spheres for aircraft use only, must be equipped with approved safety devices and must be packed in strong boxes or crates (see § 73.25).

2. In § 73.354 amend paragraph (a) (4) (20 F. R. 8103, Oct. 28, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.354) to read as follows:

§ 73.354 *Motor fuel antiknock compound or tetraethyl lead.* (a) • • •

(4) Spec. 105A300–W (§ 78.286 of this chapter). Tank cars. Stenciled on both sides of the tank "For Motor Fuel Antiknock Compound Only". Tank cars not authorized for tetraethyl lead.

3. In § 73.357 amend paragraph (b) (1) (19 F. R. 8528, Dec. 14, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.357) to read as follows:

§ 73.357 *Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.* • • •

(b) • • •

(1) Spec. 3A, 3AA; 3B, 3C, 3D, 3E, 4A, 4B, 4BA, or 4C (§ 78.36, § 78.37, § 78.38, § 78.40, § 78.41, § 78.42, § 78.49, § 78.50, § 78.51, or § 78.52 of this chapter). Metal cylinders of not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders closed by means of solid plugs may have the plugs protected by metal collars. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 73.25).

SUBPART I—SHIPPING INSTRUCTIONS

1. In § 73.429 amend paragraph (b) (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.429, 1950 Rev.) to read as follows:

§ 73.429 *Receipts; rail express shipments.* • • •

(b) Each receipt must show the proper and definite name of commodity, as listed in § 72.5 of this chapter, and the color or kind of label applied to the package if any is required. Abbreviations must not be used.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.532 amend paragraph (c) (18 F. R. 6780, Oct. 27, 1953) (49 CFR 1950 Rev., 1955 Supp., 74.532) to read as follows:

§ 74.532 *Loading other dangerous articles.* • • •

(c) Packages protected by labels or exempted from labels by § 73.402 (c) must be so loaded that they cannot fall and in such manner that other packages cannot fall onto or slide against them. Packages bearing marking "This Side Up" or "This End Up" must be so loaded. Dangerous articles for which red, yellow, green, or white (acid, alkaline caustic liquid, or corrosive liquid) labels are prescribed herein must not be loaded in the same car with explosives named in §§ 73.53 to 73.87 of this chapter. (See loading and storage chart, § 74.538.) Packages protected by yellow labels must not be loaded in the same end of a car with packages protected by "Acid", "Alkaline Caustic Liquid", or "Corrosive Liquid" labels, except that shippers loading carload shipments may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. In § 74.538 paragraph (a) chart, amend item b and item 2 vertical and horizontal columns; amend footnote b to paragraph (a) chart (17 F. R. 1563, Feb. 20, 1952) (21 F. R. 3013, May 5, 1956) (17 F. R. 4296, May 10, 1952) (49 CFR 1950 Rev., 1955 Supp., 74.538) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.*

(a) • • •

"b" High explosives or propellant explosives, class A.

• • • • • •

"2" Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B.

• • • • • •

b Unless loaded in opposite ends of car, acids or other corrosive liquids, white label, must not be loaded with yellow label articles, ammunition for cannon with or without projectiles, or propellant explosives, except that shippers loading carload shipments of white label and yellow label articles may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

SUBPART C—PLACARDS ON CARS

1. In § 74.549 amend paragraphs (f) and (h) (15 F. R. 8351, Dec. 2, 1950) (18 F. R. 6780, Oct. 27, 1953) (49 CFR 1950 Rev., 1955 Supp., 74.549) to read as follows:

§ 74.549 *Application of placards.* • • •

(f) Placards as required by §§ 74.540, 74.541, and 74.542 must be securely applied to both sides and both ends of a container car on which a container or containers loaded with explosives, class A or B, or with dangerous articles requiring labels, are placed; or placards must be securely applied to both ends of such a car and to both sides of a container loaded with such articles. Car certificates required by § 74.525 must be securely applied to both sides of a con-

tainer car on which a container or containers loaded with class A explosives are placed.

* * * * *

(h) Placards as required by §§ 74.540, 74.541, and 74.542 must be securely applied to both sides and both ends of car, or to both sides and both ends of truck body or trailer loaded on flat cars, containing explosives or other dangerous articles. Car certificates as required by § 74.525 must be securely applied to both sides of such cars.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

1. In § 74.584 amend the introductory text of paragraph (a) (16 F. R. 11781, Nov. 21, 1951) (49 CFR 1950 Rev., 1955 Supp., 74.584) to read as follows:

§ 74.584 *Waybills, switching orders, or other billing.* (a) The revenue waybill, astray waybill, switching order or any other billing issued in lieu thereof, prepared from the shipping order or other shipping paper, or shipping orders used as waybills, must describe the article by shipping name as prescribed in § 72.5 of this chapter, and must show the color or kind of label notations for less-than-carload shipments or placard notations for carload shipments of explosives and other dangerous articles and placard indorsement as follows:

Dichlorodifluoromethane	Green gas label.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture.	Green gas label.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture.	Green gas label.
Dichlorodifluoromethane-monochlorodifluoromethane mixture.	Green gas label.
Dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture.	Green gas label.
Hydrogen	Red gas label.
Oxygen	Green gas label.
Anhydrous ammonia	Green gas label.
Chlorine	Green gas label.
Ethylene	Red gas label.
Liquefied carbon dioxide	Green gas label.
Liquefied petroleum	Red gas label.
Methyl chloride	Red gas label.
Nitrous oxide	Green gas label.
Oxygen	Green gas label.
Sulfur dioxide	Green gas label.

In cylinders not exceeding 12 x 61 inches, and with pressure not exceeding 300 pounds at 70° F.

In cylinders not exceeding 4½ by 22 inches.

PART 75—CARRIERS BY RAIL EXPRESS

1. In § 75.654 amend paragraph (b) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 75.654, 1950 Rev.) to read as follows:

§ 75.654 *Receipts.* * * *

(b) Each receipt must show the proper and definite name of commodity, as listed in § 72.5 of this chapter, and the color or kind of label applied to the package if any is required. Abbreviations must not be used.

2. In § 75.657 amend paragraph (a) (17 F. R. 1563, Feb. 20, 1952) (49 CFR 75.657, 1950 Rev.) to read as follows:

§ 75.657 *Waybills.* (a) The waybill or delivery sheet when used as a waybill, or other billing issued in lieu thereof, and the transfer sheet, or interchange record used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in § 72.5 of this chapter, and show color or kind of label applied. Abbreviations must not be used.

PART 76—RAIL CARRIERS IN BAGGAGE SERVICE

1. In § 76.703 amend the introductory text of paragraph (b) (15 F. R. 8360, Dec. 2, 1950) (49 CFR 76.703, 1950 Rev.) to read as follows:

§ 76.703 *Acceptable articles.* * * *

(b) Compressed gases:

* * * * *

"b" High explosives or propellant explosives, class A.

* * * * *

"2" Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B.

* * * * *

[b] Acid or other corrosive liquids, white label, must not be loaded above or adjacent to flammable solids or oxidizing materials, yellow label, ammunition for cannon with or without projectiles, or propellant explosive, except that shippers loading truckload shipments of white label and yellow label packages may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.814 paragraph (a), amend the 3d line of the report form now reading, "Bureau of Service" to read as follows: "Bureau of Safety and Service" (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.814, 1950 Rev.)

2. In § 77.818 amend paragraph (b) (15 F. R. 8363, Dec. 2, 1950) (49 CFR 77.818, 1950 Rev.) to read as follows:

§ 77.818 *Receipts.* * * *

(b) Each receipt must show the proper and definite name of commodity, as listed in § 72.5 of this chapter, and the color or kind of label applied to the package if any is required. Abbreviations must not be used.

SUBPART B—LOADING AND UNLOADING

1. In § 77.840 amend paragraph (c), (18 F. R. 3139, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 77.840) to read as follows:

§ 77.840 *Compressed gases.* * * *

(c) Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monofluorotrichloromethane mixture, trifluorochloroethylene, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane-monochlorodifluoromethane mixture, or dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture; tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture, dispersant gas, n.o.s., or refrigerant gas, n.o.s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter.

2. In § 77.848 paragraph (a) chart, amend item b and item 2 vertical and horizontal columns; amend footnote b to paragraph (a) chart (17 F. R. 1564, Feb. 20, 1952) (21 F. R. 3013, May 5, 1956) (49 CFR 1950 Rev., 1955 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. In § 78.50–14 amend entire paragraph (d) (15 F. R. 8404, Dec. 2, 1950) (49 CFR 78.50–14, 1950 Rev.) to read as follows:

§ 78.50 *Specification 4B; welded and brazed steel cylinders.*

§ 78.50–14 *Hydrostatic test.* * * *

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and show no defect.

2. In § 78.51–14 amend entire paragraph (d) (15 F. R. 8406, Dec. 2, 1950) (49 CFR 78.51–14, 1950 Rev.) to read as follows:

§ 78.51 *Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.*

§ 78.51–14 *Hydrostatic test.* * * *

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and show no defect.

3. Add § 78.57 (15 F. R. 8419, Dec. 2, 1950) (49 CFR 78.57, 1950 Rev.) to read as follows:

§ 78.57 *Specification 4L; welded cylinders insulated.*

§ 78.57–1 *Compliance.* (a) Required in all details.

§ 78.57–2 *Type, size, service pressure[1] and service temperature.*[2] (a) *Type and size.* Must be fusion welded; not over 1,000 pounds water capacity (nominal).

(b) The service pressure shall be at least 150 and not over 500 pounds per square inch.

(c) The service temperature shall be minus 320° F.

§ 78.57–3 *Inspection by whom and where.* (a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

§ 78.57–4 *Duties of inspector.* (a) Inspect all material and reject any not complying with requirements of this specification.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance with all specification requirements. Obtain samples for all tests. Obtain samples for check chemical analyses, where required. Witness all tests. Report volumetric capacity, tare weight (see report form), and minimum thickness of wall noted.

(d) Render complete report (§ 78.57–22) to purchaser, cylinder maker, and the Bureau of Explosives.

§ 78.57–5 *Material.* (a) Designations and limiting chemical compositions of steel authorized by this specification shall be as shown in § 78.57–21 (a), Table I.

[1] The service pressure limits the use of the cylinder. It is shown by marks on the cylinder; for example: ICC–4L200 indicates the service pressure as 200 pounds per square inch.

[2] The service temperature is the lowest temperature at which the cylinder may be used.

§ 78.57–6 *Identification of material.* (a) Required; by any suitable method.

§ 78.57–7 *Defects.* (a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.57–8 *Manufacture.* (a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. The shell portion must be a reasonably true cylinder.

(b) The heads must be seamless, concave side to the pressure, hemispherical or ellipsoidal in shape with the major diameter not more than twice the minor diameter. Minimum thickness of heads shall be not less than 90 percent of the required thickness of the sidewall. The heads must be reasonably true to shape, shall have no abrupt shape changes and the skirts must be reasonably true to round.

(c) The surface of the cylinder must be insulated. Any insulating material must be fire resistant. The insulation must be covered with a steel jacket of not less than 0.060 inch thickness so constructed that moisture cannot come in contact with the insulating material. The construction must be such that the total heat transfer from the atmosphere at ambient temperature to the contents of the cylinder shall not exceed 0.0005 B. t. u. per hour per degree F differential in temperature per pound of water capacity of the cylinder.

§ 78.57–9 *Welding.* (a) All seams of the cylinder must be fusion welded. Means must be provided for accomplishing complete penetration of the joint. Only butt or joggle butt joints for the cylinder seams are authorized. All joints in the cylinder must be in reasonably true alignment.

(b) All attachments to the sidewalls and heads of the cylinder must be by fusion welding and must be of a weldable material complying with the impact requirements of § 78.57–17 (d).

(c) For welding the cylinder, procedure and operators must be qualified in accordance with the sections that apply in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[3]

(d) Brazing, soldering and threading are permitted only for joints not made directly to the cylinder body. Threads must comply with § 78.57–12.

§ 78.57–10 *Wall thickness.* (a) The minimum wall thickness of the cylinder shall be such that the calculated wall stress at minimum required test pressure shall not exceed the least value of the following:

(1) 45,000 pounds per square inch.

(2) One-half of the minimum tensile strength across the welded seam determined as required in § 78.57–17 (a).

[3] Available from the Compressed Gas Association, Inc, 11 West 42d Street, New York 36, N. Y.

(3) One-half of the minimum tensile strength of the base metal determined as required in § 78.57–15.

(4) The yield strength of the base metal determined as required in § 78.57–15.

(5) Further provided that wall for cylinders having longitudinal seams must not exceed 85 percent of the above value, whichever applies.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:

S = wall stress in pounds per square inch;
P = minimum test pressure prescribed for hydrostatic test;
D = outside diameter in inches;
d = inside diameter in inches.

§ 78.57–11 *Heat treatment.*—(a) *Permissible.* If heat treatment is used each cylinder must be uniformly and properly heat treated as required in § 78.57–21 (a), Table I, after all forming and prior to test.

§ 78.57–12 *Openings in cylinder.* (a) Openings permitted in heads only. They must be circular and shall not exceed 3 inches diameter or ⅓ of the cylinder diameter, whichever is the smaller. Each opening in the cylinder must be provided with a fitting, boss or pad securely attached to the cylinder body by fusion welding. Attachments to a fitting, boss or pad may be made by welding, brazing, soldering or threading. Threads must comply with following:

(1) Threads must be clean cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads must have at least 4 engaged threads and have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, inert to the commodity and adequate to prevent leakage.

§ 78.57–13 *Safety devices and pressure control valves.* (a) Must be as required by Interstate Commerce Commission Regulations that apply (§§ 73.34 (f), and 73.304 (f) of this chapter).

§ 78.57–14 *Hydrostatic test.* (a) Each cylinder before insulating and jacketing must be examined under a pressure of at least 2 times the service pressure, maintained for at least 30 seconds without evidence of leakage, visible distortion or other defect. Pressure gauge must permit reading to accuracy of 1 percent.

§ 78.57–15 *Physical test.* (a) Determine yield strength, tensile strength, and elongation on 2 specimens selected from material of each heat and in the same condition as that in the completed cylinder.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; or, gauge length at least 24 times thickness with width not over 6 times thickness (authorized when cylinder wall is not over 5/16 inch thick). The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each

end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

(2) In using the "extension under load" method, the total strain (or "extension under load"), corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic expansion of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on the elastic modulus of the material used. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain reference shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

§ 78.57–16 *Acceptable results for physical tests.* (a) Physical properties must meet the limits specified in § 78.57–21 (a), Table I, for the particular steel in the annealed condition. If heat treatment is not used, the specimens must show at least 20 percent elongation for 2-inch gauge length except that the percentage may be reduced numerically by 2 for each 75,000 pounds per square inch increment of tensile strength above 100,000 pounds per square inch to a maximum of 5 such increments. Yield strength and tensile strength must meet the requirements of § 78.57–21 (a), Table I.

§ 78.57–17 *Tests of welds*—(a) *Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less, or welded test plate.[4] The specimen shall be taken across the major seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954). Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fails to meet the requirements, the entire lot represented shall be rejected.

(b) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in paragraph (a) of this section. Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954). The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines—a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 100,000 pounds per square inch, as provided in § 78.57–16 (a).

(c) *Alternate guided-bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954). The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines—a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 100,000 pounds per square inch, as provided in § 78.57–16 (a).

(d) *Impact tests.* Two sets of three Charpy impact specimens shall be cut from each cylinder or welded test plate used for the tensile test specified in paragraph (a) of this section. These two sets of specimens shall be used for determining the impact properties of the weld metal and heat affected area. One set of impact specimens shall be taken across the weld with the notch in the weld metal and one set shall be similarly taken with the notch in the adjacent metal in the heat-affected zone.

(1) The impact test specimens shall be of the Charpy type, keyhole or milled U-notch, and shall conform in all respects to Figure 3 in ASTM E–23–47T. The standard 10 mm x 10 mm specimen shall be used where the cylinder thickness is 7/16 inch or greater, and for thinner material, a similar specimen shall be used except that the dimension along the axis of the notch shall be reduced to the largest possible of 7.5 mm, 5 mm, or 2.5 mm. When the material in the cylinder is not of sufficient thickness to permit preparation of specimens to the smallest size provided for, specimens shall be prepared from the welded test plate.

(2) Impact test specimens shall be cooled in liquid nitrogen (—320° F.). The apparatus for testing the specimens must conform to the requirements of ASTM Standard E–23–47T. The test piece, as well as the handling tongs, shall be cooled for a length of time sufficient to reach the temperature of liquid nitrogen. The temperature of the cooling device shall be maintained within a range of plus or minus 3° F. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than six seconds.

(3) The impact properties of each set of impact specimens shall be not less than the values in the following table:

Size of specimen	Minimum impact value required for average of each set of three specimens (ft-lb)	Minimum impact value permitted on one specimen only of a set of three (ft-lb)
10 mm x 10 mm	15	10
10 mm x 7.5 mm	12.5	8.5
10 mm x 5 mm	10	7.0
10 mm x 2.5 mm	5	3.5

(4) When the average value of the three specimens equals or exceeds the minimum value permitted for a single specimen and the value for more than one specimen is below the required average value, or when the value for one specimen is below the minimum value permitted for a single specimen, a retest of three additional specimens shall be made. The value of each of these retest specimens shall equal or exceed the required average value. When an erratic result is caused by a defective specimen, or there is uncertainty in test procedure, a retest is authorized.

§ 78.57–18 *Radiographic examination.* (a) The techniques and acceptability of radiographic inspection shall conform to the standards set forth in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).

(b) Cylinders must be examined as follows:

(1) One finished longitudinal seam shall be selected at random from each lot of 100 or less successively produced and be radiographed throughout its entire length. Should the radiographic examination fail to meet the requirements of paragraph (a) of this section, two additional seams of the same lot shall be examined, and if either of these fail to meet the requirements, each cylinder may be examined as outlined above; only those passing are acceptable.

§ 78.57–19 *Rejected cylinders.* Welds may be repaired by suitable methods of fusion welding; reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests.

§ 78.57–20 *Marking.* (a) Marking required by stamping plainly and permanently on shoulder or top head of jacket or on a permanently attached plate or head protective ring as follows:

(1) ICC–4L followed by the service pressure (for example, ICC–4L200).

(2) Serial number and identifying symbol; location of number to be just below the ICC mark; location of symbol to be just below the number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications not authorized.

Example:

ICC–4L200
1234
XY

(3) Inspector's official mark, date of test (such as 10–55 for October 1955), near serial number.

[4] The welded test plate shall be of one of the heats in the lot of 200 or less which it represents, in the same condition and approximately the same thickness as the cylinder wall except that in no case shall it be of lesser thickness than that required for a one-quarter size Charpy impact specimen. The weld must be made by the same procedure and subjected to the same heat treatment as the major weld on the cylinder.

(4) Size of markings at least ¼ inch high if space permits.

(b) Except for serial number, all markings prescribed in paragraph (a) of this section must be duplicated on each cylinder by any suitable means.

§ 78.57–21 *Authorized steels.* (a) Electric furnace steel of uniform quality. The following chemical analyses and physical properties are authorized.

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis, limits in percent; stainless steel; type 304 [1] [3]
Carbon [2] (maximum)	0.08
Manganese (maximum)	2.50
Phosphorus (maximum)	0.035
Sulphur (maximum)	0.030
Silicon (maximum)	0.85
Nickel (minimum)	8.00
Chromium (minimum)	18.00
Molybdenum	------
Titanium	------
Columbium	------
	Physical properties (annealed)
Tensile strength, p. s. i. (minimum)	75,000
Yield strength, p. s. i. (minimum)	30,000
Elongation in 2-inch (minimum) (percent)	30.0
Elongation other permissible gage lengths (percent)	15.0

[1] Identical to ASTM A–240, Grade S, type 304 modified.
[2] The carbon analysis shall be reported to the nearest hundredth of 1 percent.
[3] Heat treatment is authorized, and if used must be suitable and proper.

§ 78.57–22 *Inspector's report.* (a) Required to be clear, legible and in following form:

(Place) ----------
(Date) ----------

Steel gas cylinders.

Manufactured for ----------
Location at ----------
Manufactured by ----------
Location at ----------
Consigned to ----------
Location at ----------
Quantity ----------
Size ---------- inches outside diameter by ---------- inches long.
Cylinders were hydrostatically tested at ---------- pounds per square inch and found to be satisfactory.
Maximum and minimum weight ----------
Maximum and minimum volumetric capacity ----------
Marks stamped into the ----------
(Location of marking)
of the cylinder are:
Specification ICC– ----------
Serial numbers ------ to ------ inclusive.
Inspector's mark ----------
Identifying symbol (registered) ----------
Test date ----------
Tare weights (yes or no) ----------
Other marks ----------

These cylinders were made by process of ----------

The material used was authorized by § 78.57–21.

The material used was identified by the following ----------
(Heat-purchase order)
numbers ----------

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers ----------
(Were—were not)
marked on the material.

All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.

The compliance of cylinders with specification requirements was verified including markings, condition of inside, tests, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ------ inch. The outside diameter was determined by a close approximation to be ------ inches. The wall stress was calculated to be ------ pounds per square inch under an internal pressure of ------ pounds per square inch.

Hydrostatic tests, tensile tests of material, and other tests as prescribed in specification No. ICC–4L ---------- were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

Each cylinder ---------- been
(Has—has not)
equipped with safety devices as follows: ----------

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4L except as follows:

Exceptions ----------

(Manufacturer's name)
By ----------
(Signed) ----------
(Inspector)
(Place) ----------
(Date) ----------

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Numbered ------ to ------ inclusive.
Size ------ inches outside diameter by ------ inches long.
Made by ---------- Company.
For ---------- Company.

Test No.	Heat No.	Check analysis No.	Cylinders represented (serial Nos.)	Chemical analysis										
				C	P	S	Si	Mn	Ni	Cr	Mo	Cu	Al	Zr

Steel was manufactured by ----------
Company. The originals of the certified mill test reports are in the files of the manufacturer.

Chemical analyses were made by ----------
(Place) ----------
(Date) ----------

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered ------ to ------ inclusive.
Size ------ inches outside diameter by ------ inches long.
Made by ---------- Company.
For ---------- Company.

Test No.	Cylinders represented by test (serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in inches)	Impact test results	Weld tensile test	Weld bend test

(Signed) ----------

4. Add § 78.58 (15 F. R. 8419, Dec. 2, 1950) (49 CFR 78.58, 1950 Rev.) to read as follows:

§ 78.58 *Specification 4DA; inside containers, welded steel for aircraft use.*

§ 78.58–1 *Compliance.* (a) Required in all details.

§ 78.58–2 *Type, size, and service pressure*—(a) *Type and size.* Welded steel spheres (two seamless hemispheres) or circumferentially welded cylinders (two seamless drawn shells) not over 100 pounds water capacity.

(b) *Service pressure.*[1] At least 500 to not over 900 pounds per square inch.

§ 78.58–3 *Inspection by whom and where.* (a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within the limits of the United States.

§ 78.58–4 *Duties of inspector.* (a) Inspect all material and reject any not complying with requirements.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one container out of each lot of 200 or less.

(c) Verify compliance of containers with all requirements including markings; inspect inside before closing; verify heat treatment and welding procedure as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight and minimum thickness of wall noted.

(d) Render complete report to purchaser, container maker, and the Bureau of Explosives.

[1] The "service pressure" limits the use of the container. It is shown by marks on container; for example ICC–4DA500 indicates the service pressure as 500 pounds per square inch.

§ 78.58–5 *Steel.* (a) Open-hearth or electric steel of aircraft quality. The following chemical analyses are authorized (see Note 1):

4130

	Percent
Carbon	0.28/0.33.
Manganese	0.40/0.60.
Phosphorus	0.040 max.
Sulfur	0.040 max.
Silicon	0.20/0.35.
Chromium	0.80/1.10.
Molybdenum	0.15/0.25.

NOTE 1: A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual entitled "Alloy Steel: Semi-finished; Hot Rolled and Cold Finished Bars" dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

§ 78.58–6 *Identification of material.* (a) Required; any suitable method except that plates and billets for hot-drawn containers shall be marked with heat number.

§ 78.58–7 *Defects.* (a) Material with seams, cracks, laminations, or other injurious defects, not authorized. Defects in welded joints shall not exceed the limits specified in § 78.58–17 covering radiographic inspection.

§ 78.58–8 *Manufacture.* (a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished container appreciably, reasonably smooth and uniform surface finish required. No abrupt change in wall thickness permitted. Certification of welders and/or process required in accordance with the sections that apply of Compressed Gas Association Standards for Welding and Brazing on Thin Walled Containers (CGA Pamphlet C–3–1954).[3]

(b) All seams of the sphere or cylinders must be fusion welded. Seams shall be of the butt or joggle butt type and means must be provided for accomplishing complete penetration of the joint.

§ 78.58–9 *Welding.* (a) Attachments to the container are authorized by fusion welding provided that such attachments are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130 steel.

§ 78.58–10 *Wall thickness.* (a) The minimum wall thickness shall be such that the wall stress at the minimum specified test pressure shall not exceed 67 percent of the minimum tensile strength of the steel as determined from the physical and burst tests required and shall not be over 70,000 psi. Minimum wall 0.060 inch for any diameter container.

(b) Calculation for a sphere must be made by the formula:

$$S=\frac{PD}{4tE}$$

where:
S = wall stress in pounds per square inch;
P = test pressure prescribed for water jacket test, i. e., at least 2 times service pressure, in pounds per square inch;
D = outside diameter in inches;
t = minimum wall thickness in inches;
E = 0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat affected zones which zone shall extend a distance of 6 times wall thickness from center line of weld);
E = 1.0 (for all other areas).

(c) Calculation for a cylinder must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:
S = wall stress in pounds per square inch;
P = test pressure prescribed for water jacket test, i. e., at least 2 times service pressure, in pounds per square inch;
D = outside diameter in inches;
d = inside diameter in inches.

§ 78.58–11 *Heat treatment.* (a) The completed containers must be uniformly and properly heat-treated prior to tests. Heat-treatment of containers of the authorized analysis shall be as follows:

(1) All containers must be oil quenched except as noted in subparagraph (5) of this paragraph.

(2) The steel temperature on quenching shall be that recommended for the steel analysis, but in no case shall exceed 1,750° F.

(3) The steel shall be tempered at the temperature most suitable for the analysis except that in no case shall the tempering temperature be less than 1,000° F.

(4) The steel may be normalized at a temperature of 1,650° F. instead of being quenched, and containers so normalized need not be tempered.

(5) The steel coming under this specification may be quenched in molten salt bath maintained at a temperature not less than 375° F.

§ 78.58–12 *Openings in container.* (a) Each opening in the container must be provided with a fitting, boss, or pad of weldable steel securely attached to the container by fusion welding.

(b) Attachments to a fitting, boss, or pad must be adequate to prevent leakage. Threads must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the container; gaskets required, adequate to prevent leakage.

§ 78.58–13 *Safety devices.* (a) Safety relief devices must be as required by the Interstate Commerce Commission's Regulations. (See § 73.34 (f) of this chapter.)

§ 78.58–14 *Hydrostatic test.* (a) By water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is the lower.

(c) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(d) Each container must be tested to at least 2 times service pressure.

§ 78.58–15 *Burst test.* (a) One container taken at random out of 200 or less shall be hydrostatically tested to destruction. Rupture pressure shall be included as part of the inspector's report.

§ 78.58–16 *Flattening test*—(a) *Flattening test for spheres.* At the weld between parallel steel plates on a press with welded seam at right angles to the plates, test one sphere taken at random out of each lot of 200 or less after hydrostatic test. Any projecting appurtenances may be cut off (by mechanical means only) prior to crushing.

(b) *Flattening test for cylinders.* Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test one cylinder taken at random out of each lot of 200 or less, after hydrostatic test.

§ 78.58–17 *Radiographic inspection.* (a) Required on all welded joints which are subjected to internal pressure, except that at the discretion of the disinterested inspector, openings less than 25 percent of the sphere diameter need not be subjected to radiographic inspection. Evidence of any defects likely to seriously weaken the container shall be cause for rejection.

§ 78.58–18 *Physical test and specimens for spheres and cylinders*—(a) *Physical test for spheres.* Required on 2 specimens cut from flat representative sample plate of the same heat taken at random from the steel used to produce the sphere. This flat steel from which the 2 specimens are to be cut must receive the same heat-treatment as the spheres themselves. Sample plates to be taken for each lot of 200 or less spheres.

(b) *Specimens for spheres.* Specimens must be gauge length 2 inches with width not over 1½ inches: *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when wall of sphere is not over 3/16 inch thick.

(c) *Physical test for cylinders.* Required on 2 specimens cut from 1 cylinder taken at random out of each lot of 200 or less.

(d) *Specimens for cylinders.* Specimens must be gauge length 8 inches with width not over 1½ inches; or gauge length 2 inches with width not over 1½ inches: *Provided,* That gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. Heating of specimen for any purpose is not authorized.

(e) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–42.

(2) In using the "extension under load" method, the total strain (or "extension under load") corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

§ 78.58–19 *Acceptable results for physical, flattening, and burst tests.* (a) Elongation at least 20 percent for 2 inch gauge length or 10 percent in other cases.

(b) Flattening required to 50 percent of the original outside diameter without cracking.

(c) Burst pressure shall be at least 3 times service pressure.

§ 78.58–20 *Rejected containers.* (a) Reheat-treatment authorized; subsequent thereto, acceptable containers must pass all prescribed tests. Repair of welded seams by welding prior to reheat-treatment authorized.

§ 78.58–21 *Marking.* (a) Marking on each container by stamping plainly and permanently only on a permanent attachment or on a metal nameplate permanently secured to the container by means other than soft solder, as follows:

(1) ICC–4DA followed by the service pressure (for example, ICC–4DA900).

(2) A serial[4] number and an identifying symbol (letters); location of number to be just below the ICC mark; location[4] of symbol to be just below the number. The symbols and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

Example:

ICC–4DA900
1234
XY

(3) Inspector's official mark, near serial number, date of test (such as 8–50 for August 1950), so placed that dates of subsequent tests can be easily added.

§ 78.58–22 *Size of marks.* (a) Of sufficient size to be legible.

§ 78.58–23 *Inspector's report.* (a) Required to be clear, legible, and in the following form:

(Place) _____
(Date) _____

Gas _____
(Spheres-cylinders)

Manufactured for _____ Company.
Location at _____
Manufactured by _____ Company.
Location at _____
Consigned to _____ Company.
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the _____
(Shoulder-metal plate, § 78.58–21.)
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____

These containers were made by process of _____

The material used was identified by the following _____
(Heat-purchase order)
numbers _____

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(Were—were not)
marked on the material.

All material, such as plates, billets and seamless tubing, was inspected and each container was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the container. The processes of manufacture and heat treatment of containers were supervised and found to be efficient and satisfactory.

The container walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material, and other tests, as prescribed in specification No. ICC–4DA were made in the presence of the inspector and all material and containers accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these containers proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4DA except as follows:
Exceptions: _____
(Signed) _____
(Inspector)

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading, "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Test No.	Heat No.	Check analysis No.	Containers represented (Serial Nos.)	Chemical analysis						
				C	P	S	Si	Mn	Ni	Cr

The analyses were made by _____
(Signed) _____

(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CONTAINERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

Test No.	Containers represented by test (Serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 8 inches)	Reduction of area (percent)	Flattening test

(Signed) _____

[3] Available from the Compressed Gas Association, Inc., 11 West 42d Street, New York 36, N. Y.

[4] Lot numbers not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 60 cubic inches.

[4] Symbol in front or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

§ 78.58–24 *Retests.* (a) Retests authorized only when specified by the inspector.

(b) Retests must be made on 2 specimens cut from the same container or from a container of the same heat and lot.

(c) Retests must be made on specimens of the same size and kind as originally required.

(d) Retests must be made on specimens cut from the same location as originally required.

(e) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(f) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(g) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(h) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(i) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(j) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(k) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(l) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(m) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(n) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(o) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(p) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(q) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(r) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(s) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(t) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(u) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(v) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(w) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(x) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(y) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

(z) Retests must be made on specimens cut from containers which have been heat-treated as originally required.

§ 78.205–7 *Tape.* • • •

(b) Tape for closure of slotted containers complying with the following requirements is authorized when applied as prescribed in § 78.205–17 (a) (3):

(1) Tape must be not less than 3 inches wide and shall be made of two sheets of 100 percent sulfate Kraft each not less than 30 pounds basis weight, reinforced with glass, sisal, or rayon fiber, combined with a laminant of asphalt or other material not affected by temperature extremes any more than would standard 180° to 200° softening point asphalt.

(2) Tape must be reinforced by lengthwise fibers spaced not more than an average of ½ inch apart, and by crosswise fibers spaced not less than an average of 2 per inch except that when a diamond pattern is employed for crosswise reinforcement, the spacing between the parallel sides of the diamond measured in the machine direction must be not more than 1 inch.

(3) Glass or sisal reinforced tape must have a minimum tensile strength in the machine direction of 75 pounds per inch of width and a minimum tensile strength in the cross direction of 45 pounds per inch of width; rayon reinforced tape must have a minimum tensile strength in the machine direction of 57 pounds per inch of width and a minimum tensile strength in the cross direction of 27 pounds per inch of width with elongation not exceeding 15 percent. Tensile tests on the finished product shall be made on a 3-inch width sample.

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CONTAINERS

Numbered _____ to _____ Inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company.
For _____ Company.

Serial numbers of containers tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion (cubic centimeters)[1]	Permanent expansion (cubic centimeters)[1]	Percent ratio of permanent expansion to total expansion	Tare weight (pounds)[2]	Volumetric capacity

NOTE: When specifications require test for only 1 out of each lot of 200 or less containers, the check on the others must be indicated by a notation hereon reading "Each container was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the container by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without value. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____

5. In § 78.67–17 amend the introductory text of paragraph (a) (21 F. R. 3015, May 5, 1956) (49 CFR 78.67–17, 1950 Rev.) to read as follows:

§ 78.67 *Specification 41; inside containers, non-refillable seamless or welded or brazed steel cylinders.*

§ 78.67–17 *Marking.* (a) Marking on each cylinder by embossing plainly and permanently on the valve end or footring of cylinder before heat-treatment, the marks ICC–41 and registered symbol of the manufacturer, except that stamping of all prescribed marks on the valve end of all cylinders having wall thickness of 0.042 inch or greater is authorized providing no stamping shall exceed 0.015 inch in depth.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.100–5 paragraph (a) table, amend the 3d column heading, to read "Type of container", and add footnote 3 to paragraph (a) table (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.100–5, 1950 Rev.) to read as follows:

[3] When drum is used in conjunction with an inside Spec. 2S (§ 78.35 of this chapter) polyethylene drum as a composite package, two ¾-inch holes are permitted diametrically opposite each other in the drum body near the bottom chime.

§ 78.205–17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces, or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

• • • • •

(3) For slotted containers only, reinforced tape complying with the requirements of § 78.205–7 (b) is authorized for application over the center seam only. Tape must extend over the ends of box not less than 2½ inches.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. Amend § 78.321 heading; add paragraph (c) to § 78.321–11; amend the introductory text of § 78.321–12 (b); amend § 78.321–13; amend § 78.321–14 (a); add paragraph (b) to § 78.321–14 (15 F. R. 8544, 8546, Dec. 2, 1950) (16 F. R. 11765, Nov. 21, 1951) (49 CFR 1950 Rev., 1955 Supp., 78.321, –11, –12, –13, –14) to read as follows:

§ 78.321 *Specification MC 300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or of stainless steel.* To be mounted on and to form part of tank motor vehicles for transportation of flammable liquids, and poisonous liquids, class B.

§ 78.321–11 *Properties of material.* • • •

(c) *Properties of stainless steel sheets.* All stainless steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point, minimum	32,000 lbs. per sq. in.
Ultimate strength, minimum	75,000 lbs. per sq. in.
Minimum elongation, standard 2-inch sample	20 percent.

§ 78.321–12 *Thickness of steel sheets.* • • •

(b) *Thickness of high-tensile and stainless steel sheets.* The minimum thickness of high-tensile and stainless steel tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles, or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table III and Table IV:

§ 78.321–13 *Cargo tanks constructed of a combination of mild and high-tensile steel sheets.* Mild steel sheets as specified in § 78.321–12 (a) may be used in combination with high-tensile steel sheets, other than stainless steel sheets as specified in § 78.321–12 (b) in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements for the material used in the construction for that section of the tank. Stainless steel sheets may not be used in combination with sheets of other kinds of steel in the construction of a single tank.

§ 78.321–14 *Joints.*—(a) *Method of joining.* Mild steel tank sheets, high-tensile steel tank sheets, or combination thereof and stainless steel tank sheets shall be joined by fusion welding, riveting and fusion welding, brazing, or riveting and brazing at the option of the motor carrier.

(b) *Strength of joints.* The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 pounds per square inch. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two (2) test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within six (6) months after the tests on such samples have been completed.

2. Amend § 78.324 heading; amend entire § 78.324–11; amend § 78.324–13 (b) (15 F. R. 8551 to 8553, Dec. 2, 1950) (49 CFR 78.324, –11, –13, 1950 Rev.) to read as follows:

§ 78.324 *Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel.* To be mounted on and to form part of tank motor vehicles for transportation of flammable liquids, and poisonous liquids, class B.

§ 78.324–11 *Material*—(a) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall be of ferrous alloy, commonly known as high-tensile steel, meeting the following minimum requirements:

Yield point	50,000 lbs. per sq. in.
Ultimate strength	65,000 lbs. per sq. in.
Elongation, 2-inch sample	20 percent.

(b) *Properties of stainless steel sheets.* All stainless steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point	32,000 lbs. per sq. in.
Ultimate strength	75,000 lbs. per sq. in.
Elongation, 2-inch sample	20 percent.

§ 78.324–13 *Joints.* • • •

(b) *Strength of joints.* The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 pounds per square inch. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two (2) test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within six (6) months after the tests on such samples have been completed.

3. In § 78.325–8 (a) amend the text preceding the formulæ; in § 78.325–8 (d) amend the text following the second table and preceding the last table; amend the text following the last table in paragraph (d) (21 F. R. 3016, May 5, 1956) (20 F. R. 8114, Oct. 28, 1955) (49 CFR 1950 Rev., 1955 Supp., 78.325–8) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100° F.*

§ 78.325–8 *Minimum thickness of material.* (a) Tanks for this service may be constructed of mild steel, high-tensile steel, stainless steel, or aluminum. The material thicknesses shall not be less than those obtained by applying the following formulae, nor less than those specified in paragraph (d) of § 78.325–8.

• • • • • •

(d) • • •

Minimum thicknesses of high-tensile and stainless steel tank sheets, in U. S. standard gauges, subject to the foregoing requirements in this section:

(Note: Table remains the same.)

• • • • • •

All material used in accordance with this table of minimum thicknesses shall meet or exceed the following minimum requirements:

	Steel other than stainless	Stainless steel
Yield point	50,000 p. s. i.	32,000 p. s. i.
Ultimate strength	65,000 p. s. i.	75,000 p. s. i.
Elongation, 2-inch sample.	20 percent	20 percent.

4. In § 78.330–14 amend paragraphs (b) and (c) (15 F. R. 8555, Dec. 2, 1950) (49 CFR 78.330–14, 1950 Rev.) to read as follows:

§ 78.330 *Specification MC 310; cargo tanks.* To be mounted on or to form part of tank motor vehicles for the transportation of corrosive liquids.

§ 78.330–14 *Tank outlets.* • • •

(b) *Bottom outlets.* Bottom outlets shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation.

(c) *Bottom wash-out chambers.* Tanks may be equipped with bottom washout chambers. Bottom wash-out chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

5. In § 78.331–11 amend paragraphs (b) and (c) (18 F. R. 6784, Oct. 27, 1953) (49 CFR 78.331–11, 1950 Rev.) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.* To be mounted on or to form part of tank motor vehicles for the transportation of corrosive liquids.

§ 78.331–11 *Tank outlets.* • • •

(b) *Bottom wash-out chambers.* Tanks may be equipped with bottom washout chambers. Bottom wash-out chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

(c) *Bottom outlets.* Bottom outlets shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation.

[F. R. Doc. 56–7997; Filed, Oct. 3, 1956; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.293]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Correction

In Federal Register Document 56–6443, published on page 5977 of the issue for Friday, August 10, 1956, the reference to paragraph (b) of § 325.11 in amendatory paragraph 1 should read "paragraph (a)".

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT I

This supplements the 1956 acreage reserve part of the Soil Bank Program 21 F. R. 4379, as amended in 21 F. R. 5205, 21 F. R. 5685, 21 F. R. 5959, and 21 F. R. 6879.

Notwithstanding any other provision of the foregoing regulations (hereinafter referred to as "the regulations")—

(1) Any producer who is not entitled to any compensation under his "Soil Bank Acreage Reserve Agreement for 1956" (hereinafter called "agreement") because of failure to perform such agreement in any of the following respects is hereby released from his obligations under the agreement:

(a) Failure to plow under, or otherwise physically incorporate into the soil,

or clip, mow, or cut the crop growing on the tract or tracts of land designated as the acreage reserve by the final date specified for such purpose in the regulations.

(b) Failure to meet the minimum acreage requirements specified in § 485.108 (b) of the regulations.

(c) Failure to comply with all of his acreage allotments (or Soil Bank corn base) with respect to the farm.

(2) Any producer who has satisfied the requirements of the program with respect to a part of the acreage covered by his agreement may enter into a revised agreement, which shall be effective as of the date of the issuance of this supplement, covering the number of acres with respect to which he has performed the agreement. Such revised agreement may be entered into without regard to the minimum acreage limitations contained in § 485.108 (b) of the regulations, and compensation shall be payable under such revised agreement without regard to the proviso in § 485.114 of the regulations and section 5 of Part V of the printed provisions of the agreement denying compensation in cases where the acreage with respect to which the agreement is performed is below the minimum acreage which, under the regulations, may be placed in the acreage reserve. Except as provided herein, the regulations shall be applicable to such revised agreements.

Nothing herein shall be construed as a release of any producer from liability for civil penalties incurred by such producer prior to the issuance of this supplement for having knowingly and willfully harvested or grazed any crop from the acreage reserve in violation of the agreement.

(Sec. 124 Public Law 540, 84th Cong.)

Issued at Washington, D. C., this 28th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8015; Filed, Oct. 3, 1956; 8:52 a. m.]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

WAIVER

The regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, as amended in 21 F. R. 5205, 21 F. R. 5685, 21 F. R. 5959, and 21 F. R. 6879, are hereby further amended as indicated below:

1. A new § 485.133 is added to follow § 485.132 to read as follows:

§ 485.133 *Waiver.* The Administrator, in order to prevent undue hardship, may waive the requirements of any provision of the regulations in this subpart or in the agreement if such waiver is not prohibited by law and if, in his judgment, such waiver is in the best interests of the program. Any such waiver shall be in writing and shall contain a full statement of the reasons therefor.

(Pub. Law 124, 84th Cong.)

Issued at Washington, D. C., this 28th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8016; Filed, Oct. 3, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

SUBPART—1956 COUNTY CORN ACREAGE ALLOTMENTS

§ 721.707 *Basis and purposes.* The 1956 county corn acreage allotments herein were determined under and in accordance with section 329 (a) of the Agricultural Adjustment Act of 1938, as amended. The purpose of this proclamation is to announce the apportionment among the counties in the commercial corn-producing area of the corn acreage allotment for 1956 which was established by the proclamation dated January 31, 1956 (21 F. R. 763).

§ 721.708 *1956 county corn acreage allotments.*

ALABAMA

County:	Allotment
De Kalb	70,476
Jackson	58,902
Madison	45,315
Marshall	52,093
State reserve	1,140
Total allotted	227,926

ARKANSAS

Clay	22,631
Craighead	31,366
Greene	25,572
Reserve	401
Total allotted	79,970

DELAWARE

County—Continued	Allotment
Kent	36,124
New Castle	22,887
Sussex	68,589
Reserve	682
Total	130,282

ILLINOIS

Adams	72,968
Alexander	15,737
Bond	38,873
Boone	42,317
Brown	25,109
Bureau	152,844
Calhoun	19,199
Carroll	55,101
Cass	41,374
Champaign	176,851
Christian	103,560
Clark	49,726
Clay	39,742
Clinton	43,268
Coles	75,817
Cook	43,007
Crawford	43,840
Cumberland	38,972
De Kalb	120,588
De Witt	66,252
Douglas	70,438
Du Page	31,289
Edgar	88,353
Edwards	26,120
Effingham	45,258
Fayette	66,031
Ford	90,262
Franklin	27,197
Fulton	93,199
Gallatin	39,763
Greene	62,254
Grundy	75,363
Hamilton	38,124
Hancock	85,407
Hardin	6,375
Henderson	52,233
Henry	142,357
Iroquois	199,554
Jackson	38,966
Jasper	51,053
Jefferson	47,703
Jersey	32,521
Jo Daviess	43,697
Johnson	14,688
Kane	81,309
Kankakee	118,593
Kendall	60,021
Knox	100,181
Lake	31,278
La Salle	204,187
Lawrence	41,341
Lee	126,592
Livingston	199,633
Logan	109,516
McDonough	83,170
McHenry	80,885
McLean	231,059
Macon	92,855
Macoupin	91,124
Madison	62,535
Marion	44,035
Marshall	60,346
Mason	69,081
Massac	16,432
Menard	43,958
Mercer	82,139
Monroe	33,261
Montgomery	80,553
Morgan	71,231
Moultrie	54,232
Ogle	111,108
Peoria	72,131
Perry	31,925
Piatt	73,131
Pike	86,175
Pope	11,142
Pulaski	14,710
Putnam	22,163
Randolph	48,577
Richland	32,076
Rock Island	50,704

ILLINOIS—Continued

County—Continued	Allotment
St. Clair	52,342
Saline	30,953
Sangamon	120,834
Schuyler	37,131
Scott	32,398
Shelby	104,922
Stark	51,121
Stephenson	70,582
Tazewell	95,234
Union	23,228
Vermilion	130,010
Wabash	26,766
Warren	86,236
Washington	33,859
Wayne	73,836
White	69,650
Whiteside	118,034
Will	121,528
Williamson	21,108
Winnebago	62,647
Woodford	87,509
Reserve	2,208
Total	7,008,873

INDIANA

Adams	35,528
Allen	60,640
Bartholomew	39,514
Benton	73,167
Blackford	16,033
Boone	56,636
Carroll	52,782
Cass	51,197
Clark	20,451
Clay	30,301
Clinton	59,701
Daviess	48,096
Dearborn	14,975
Decatur	44,330
De Kalb	87,574
Delaware	43,199
Dubois	31,071
Elkhart	41,567
Fayette	22,989
Floyd	5,444
Fountain	45,160
Franklin	29,847
Fulton	46,664
Gibson	60,552
Grant	43,130
Greene	38,791
Hamilton	46,568
Hancock	39,849
Harrison	20,687
Hendricks	47,406
Henry	49,280
Howard	38,562
Huntington	38,200
Jackson	40,218
Jasper	85,574
Jay	36,328
Jefferson	18,608
Jennings	24,629
Johnson	35,526
Knox	72,238
Kosciusko	63,688
Lagrange	33,380
Lake	52,132
La Porte	67,234
Lawrence	22,297
Madison	51,764
Marion	23,016
Marshall	53,523
Martin	11,203
Miami	43,441
Monroe	10,401
Montgomery	62,487
Morgan	32,880
Newton	61,114
Noble	44,131
Ohio	4,746
Orange	16,771
Owen	18,756
Parke	37,908
Perry	12,331
Pike	21,280
Porter	46,871
Posey	57,902

INDIANA—Continued

County—Continued	Allotment
Pulaski	57,448
Putnam	44,013
Randolph	54,191
Ripley	30,822
Rush	63,379
St. Joseph	43,631
Scott	11,286
Shelby	58,370
Spencer	34,700
Starke	40,514
Steuben	26,746
Sullivan	47,717
Switzerland	8,004
Tippecanoe	66,585
Tipton	36,691
Union	20,176
Vanderburgh	21,864
Vermillion	27,839
Vigo	37,063
Wabash	47,779
Warren	44,281
Warrick	27,696
Washington	31,482
Wayne	44,051
Wells	41,833
White	78,691
Whitley	35,700
Reserve	1,946
Total allotted	3,576,766

IOWA

Adair	71,281
Adams	51,198
Allamakee	43,343
Appanoose	33,483
Audubon	65,958
Benton	113,867
Black Hawk	85,900
Boone	99,978
Bremer	61,756
Buchanan	86,464
Buena Vista	102,356
Butler	96,550
Calhoun	103,981
Carroll	100,628
Cass	80,548
Cedar	90,883
Cerro Gordo	100,029
Cherokee	92,578
Chickasaw	69,354
Clarke	37,992
Clay	97,442
Clayton	66,607
Clinton	108,040
Crawford	106,581
Dallas	96,944
Davis	32,571
Decatur	41,676
Delaware	77,816
Des Moines	48,175
Dickinson	64,548
Dubuque	59,345
Emmet	70,956
Fayette	91,059
Floyd	83,899
Franklin	109,702
Fremont	110,091
Greene	108,140
Grundy	86,644
Guthrie	76,661
Hamilton	111,525
Hancock	105,011
Hardin	100,248
Harrison	121,954
Henry	56,482
Howard	62,167
Humboldt	82,552
Ida	71,193
Iowa	81,555
Jackson	57,109
Jasper	104,565
Jefferson	48,012
Johnson	84,740
Jones	74,368
Keokuk	75,740
Kossuth	178,043
Lee	45,529
Linn	97,457

IOWA—Continued

County—Continued	Allotment
Louisa	53,260
Lucas	34,209
Lyon	102,856
Madison	60,369
Mahaska	82,148
Marion	68,462
Marshall	91,770
Mills	84,694
Mitchell	78,199
Monona	114,446
Monroe	31,428
Montgomery	67,553
Muscatine	61,127
O'Brien	98,005
Osceola	72,046
Page	81,353
Palo Alto	106,165
Plymouth	150,846
Pocahontas	109,004
Polk	84,018
Pottawattamie	164,064
Poweshiek	85,478
Ringgold	47,094
Sac	100,201
Scott	65,972
Shelby	101,475
Sioux	141,958
Story	109,709
Tama	102,219
Taylor	58,827
Union	44,042
Van Buren	32,573
Wapello	40,560
Warren	64,195
Washington	82,632
Wayne	47,133
Webster	125,768
Winnebago	72,587
Winneshiek	72,940
Woodbury	149,004
Worth	65,720
Wright	109,193
Reserve	2,807
Total allotted	8,201,379

KANSAS

Anderson	23,414
Atchison	40,468
Brown	76,623
Clay	33,337
Cloud	30,864
Doniphan	52,925
Douglas	29,963
Franklin	31,433
Jackson	48,934
Jefferson	45,359
Jewell	51,784
Johnson	28,165
Leavenworth	29,968
Marshall	92,802
Miami	43,946
Nemaha	89,448
Phillips	40,625
Pottawatomie	39,882
Republic	64,844
Riley	25,159
Shawnee	34,426
Smith	53,125
Washington	64,327
Reserve	5,039
Total allotted	1,076,860

KENTUCKY

Allen	21,424
Ballard	20,670
Barren	36,589
Boone	8,883
Boyle	7,568
Breckinridge	24,437
Bullitt	8,392
Butler	23,257
Caldwell	18,163
Calloway	25,343
Carlisle	14,886
Carroll	4,607
Christian	49,170
Crittenden	17,490
Daviess	47,946

KENTUCKY—Continued	
County—Continued	*Allotment*
Edmonson	11,414
Fulton	14,541
Graves	51,906
Grayson	25,972
Hancock	10,960
Hardin	24,080
Hart	18,717
Henderson	57,069
Hickman	19,884
Hopkins	29,000
Jefferson	7,819
Larue	16,374
Livingston	18,313
Logan	42,622
Lyon	12,373
McCracken	11,766
McLean	22,565
Marion	13,597
Mason	7,939
Meade	12,968
Monroe	19,536
Nelson	19,023
Oldham	7,630
Shelby	15,108
Simpson	21,256
Spencer	7,702
Taylor	15,570
Todd	27,837
Trigg	24,212
Trimble	4,437
Union	33,031
Warren	36,401
Washington	10,971
Webster	26,917
Reserve	4,481
Total allotted	1,032,806

MARYLAND	
Caroline	20,746
Carroll	26,129
Cecil	14,333
Dorchester	17,773
Frederick	25,772
Kent	26,756
Montgomery	12,564
Queen Annes	30,710
Somerset	8,097
Talbot	23,126
Washington	19,266
Wicomico	20,917
Worcester	25,170
Reserve	261
Total allotted	271,640

MICHIGAN	
Allegan	38,951
Barry	23,847
Berrien	23,762
Branch	44,664
Calhoun	42,450
Cass	29,378
Clinton	42,470
Eaton	40,723
Genesee	23,031
Gratiot	43,215
Hillsdale	50,026
Ingham	37,867
Ionia	37,427
Isabella	24,720
Jackson	34,296
Kalamazoo	30,012
Kent	28,678
Lapeer	31,003
Lenawee	81,397
Livingston	25,223
Macomb	23,508
Mecosta	13,510
Midland	11,623
Monroe	53,656
Montcalm	22,957
Oakland	19,119
Saginaw	39,060
St. Clair	30,772
St. Joseph	38,262
Sanilac	36,415
Shiawassee	32,284
Tuscola	34,831
Van Buren	29,284

MICHIGAN—Continued	
County—Continued	*Allotment*
Washtenaw	43,319
Wayne	15,982
Reserve	1,656
Total reserve	1,179,378

MINNESOTA	
Anoka	12,944
Benton	26,517
Big Stone	47,020
Blue Earth	104,323
Brown	83,363
Carver	37,857
Chippewa	90,554
Chisago	21,926
Cottonwood	100,477
Dakota	52,499
Dodge	51,541
Douglas	38,427
Faribault	111,684
Fillmore	78,145
Freeborn	98,618
Goodhue	55,729
Grant	40,837
Hennepin	29,831
Houston	32,304
Jackson	122,995
Kandiyohi	94,053
Lac qui Parle	105,970
Le Sueur	48,525
Lincoln	68,381
Lyon	121,012
McLeod	58,350
Martin	131,941
Meeker	69,608
Morrison	39,500
Mower	99,929
Murray	114,303
Nicollet	53,649
Nobles	123,048
Olmsted	67,477
Otter Tail	91,588
Pipestone	71,251
Pope	49,962
Redwood	146,523
Renville	142,013
Rice	53,877
Rock	79,809
Scott	35,061
Sherburne	24,327
Sibley	72,794
Stearns	90,620
Steele	55,361
Stevens	65,105
Swift	91,521
Todd	54,124
Traverse	44,854
Wabasha	36,141
Waseca	57,473
Washington	26,763
Watonwan	72,481
Wilkin	35,833
Winona	37,619
Wright	66,384
Yellow Medicine	121,751
Reserve	1,385
Total allotted	4,058,157

MISSOURI	
Adair	26,548
Andrew	46,661
Atchison	103,513
Audrain	59,525
Bates	53,939
Benton	21,445
Bollinger	21,044
Boone	33,034
Buchanan	45,347
Caldwell	34,356
Callaway	34,351
Cape Girardeau	34,555
Carroll	73,925
Cass	53,038
Charlton	59,862
Clark	33,577
Clay	24,694
Clinton	33,443
Cole	16,221

MISSOURI—Continued	
County—Continued	*Allotment*
Cooper	43,317
Daviess	43,675
De Kalb	37,984
Dunklin	30,581
Franklin	33,985
Gentry	41,629
Grundy	29,116
Harrison	49,452
Henry	45,244
Holt	77,958
Howard	35,049
Jackson	35,088
Jefferson	14,278
Johnson	49,001
Knox	32,684
Lafayette	67,430
Lewis	34,271
Lincoln	44,579
Linn	36,062
Livingston	37,015
Macon	41,041
Marion	29,239
Mercer	23,096
Mississippi	39,382
Moniteau	25,075
Monroe	46,506
Montgomery	37,028
New Madrid	39,672
Nodaway	95,589
Perry	24,531
Pettis	51,795
Pike	50,925
Platte	38,961
Putnam	20,830
Ralls	35,481
Randolph	23,979
Ray	53,681
St. Charles	39,986
St. Clair	29,533
St. Louis	14,974
Ste. Genevieve	16,801
Saline	96,414
Schuyler	13,006
Scotland	26,833
Scott	39,542
Shelby	34,193
Stoddard	64,174
Sullivan	29,175
Vernon	50,787
Warren	20,707
Wayne	11,029
Worth	22,984
Reserve	459
Total allotted	2,814,864

NEBRASKA	
Adams	65,942
Antelope	116,176
Boone	103,031
Boyd	41,990
Buffalo	127,587
Burt	98,328
Butler	104,573
Cass	103,867
Cedar	122,887
Clay	75,396
Colfax	72,325
Cuming	107,662
Custer	153,864
Dakota	46,194
Dawson	114,309
Dixon	83,488
Dodge	100,402
Douglas	53,999
Fillmore	86,568
Franklin	48,735
Furnas	62,666
Gage	120,335
Garfield	9,626
Gosper	39,297
Greeley	54,234
Hall	85,464
Hamilton	95,628
Harlan	46,237
Holt	58,215
Howard	60,225
Jefferson	57,683
Johnson	50,852
Kearney	63,309

NEBRASKA—Continued	
County—Continued	*Allotment*
Knox	120,491
Lancaster	127,700
Lincoln	83,559
Madison	102,864
Merrick	74,344
Nance	64,764
Nemaha	68,053
Nuckolls	69,241
Otoe	101,640
Pawnee	51,682
Phelps	74,564
Pierce	87,915
Platte	120,867
Polk	81,403
Richardson	86,751
Saline	76,486
Sarpy	46,502
Saunders	148,185
Seward	97,454
Sherman	59,098
Stanton	70,821
Thayer	59,100
Thurston	71,815
Valley	58,291
Washington	69,435
Wayne	83,994
Webster	58,029
York	114,105
Reserve	4,965
Total alloted	4,965,412

NEW JERSEY	
Burlington	17,594
Cumberland	6,667
Gloucester	5,594
Hunterdon	21,798
Mercer	9,804
Salem	17,103
Somerset	7,429
Warren	14,620
Reserve	216
Total allotted	100,820

NORTH CAROLINA	
Beaufort	32,119
Bertie	25,938
Camden	12,469
Chowan	10,646
Craven	20,463
Currituck	11,395
Duplin	66,405
Edgecombe	39,947
Gates	17,874
Greene	33,606
Halifax	83,262
Hertford	16,580
Johnston	69,711
Jones	19,235
Lenoir	44,715
Martin	24,178
Nash	37,137
Northampton	27,676
Onslow	21,518
Pasquotank	15,977
Perquimans	16,058
Pitt	59,101
Sampson	62,998
Wake	29,559
Washington	8,807
Wayne	60,873
Wilson	36,968
Reserve	3,389
Total allotted	858,604

NORTH DAKOTA	
Richland	84,400
Reserve	325
Total allotted	84,725

OHIO	
Adams	26,965
Allen	89,251
Ashland	25,418
Auglaize	45,113
Brown	38,399
Butler	43,642

OHIO—Continued	
County—Continued	*Allotment*
Champaign	48,752
Clark	42,813
Clermont	27,584
Clinton	54,705
Coshocton	21,276
Crawford	42,266
Darke	84,409
Defiance	32,769
Delaware	40,032
Erie	21,573
Fairfield	46,055
Fayette	53,082
Franklin	38,516
Fulton	55,160
Greene	49,872
Hamilton	13,423
Hancock	58,753
Hardin	55,384
Henry	48,373
Highland	51,118
Hocking	8,058
Holmes	21,786
Huron	38,549
Jackson	7,509
Knox	34,651
Lawrence	4,134
Licking	43,665
Logan	42,977
Lorain	20,176
Lucas	20,661
Madison	54,854
Marion	44,150
Medina	20,886
Mercer	51,012
Miami	54,012
Montgomery	43,064
Morgan	6,740
Morrow	30,380
Muskingum	21,227
Ottawa	17,988
Paulding	34,024
Perry	12,752
Pickaway	65,729
Pike	15,777
Preble	56,993
Putnam	50,604
Richland	28,624
Ross	49,691
Sandusky	42,452
Scioto	17,092
Seneca	56,888
Shelby	45,811
Stark	25,846
Tuscarawas	18,762
Union	42,828
Van Wert	45,806
Vinton	4,689
Warren	37,754
Wayne	42,355
Williams	40,820
Wood	65,267
Wyandot	40,294
Reserve	1,896
Total allotted	2,534,035

PENNSYLVANIA	
Adams	34,075
Berks	49,262
Blair	8,572
Bucks	29,002
Carbon	3,442
Centre	19,208
Chester	31,668
Clinton	6,240
Columbia	18,530
Cumberland	37,407
Dauphin	21,367
Franklin	41,399
Fulton	9,132
Huntingdon	13,950
Juniata	12,832
Lancaster	80,189
Lebanon	24,250
Lehigh	21,341
Lycoming	19,939
Mifflin	11,297
Montgomery	20,974
Montour	7,612

PENNSYLVANIA—Continued	
County—Continued	*Allotment*
Northampton	24,062
Northumberland	21,227
Perry	16,062
Schuylkill	12,364
Snyder	13,869
Union	11,611
York	69,679
Reserve	2,500
Total allotted	693,062

SOUTH DAKOTA	
Aurora	63,357
Beadle	93,447
Bon Homme	85,399
Brookings	98,063
Brule	75,783
Charles Mix	137,430
Clark	51,611
Clay	77,467
Codington	28,671
Davison	55,590
Day	31,783
Deuel	41,578
Douglas	56,673
Grant	44,993
Gregory	63,337
Hamlin	42,142
Hanson	59,062
Hutchinson	111,380
Jerauld	35,947
Kingsbury	76,200
Lake	79,491
Lincoln	102,322
McCook	85,927
Miner	60,355
Minnehaha	125,497
Moody	83,287
Roberts	63,610
Sanborn	58,587
Tripp	66,273
Turner	99,478
Union	80,185
Yankton	78,818
Reserve	5,799
Total allotted	2,319,492

TENNESSEE	
Benton	13,356
Cheatham	9,124
Crockett	15,581
Dyer	27,880
Franklin	20,213
Gibson	45,325
Haywood	27,715
Henry	29,926
Lauderdale	26,338
Marion	7,486
Montgomery	26,727
Obion	41,494
Robertson	31,495
Stewart	15,037
Tipton	23,872
Weakley	50,110
Reserve	3,001
Total allotted	414,680

VIRGINIA	
Accomac	9,471
Charles City	3,246
Isle of Wight	21,960
Nansemond	22,158
Norfolk	13,549
Northampton	4,260
Princess Anne	10,355
Southampton	34,535
Surry	11,663
Sussex	15,126
Reserve	734
Total allotted	147,059

WEST VIRGINIA	
Berkeley	7,344
Jefferson	11,206
Reserve	351
Total allotted	18,901

WISCONSIN

County:	Allotment
Adams	14,550
Buffalo	28,365
Columbia	65,413
Crawford	25,915
Dane	120,225
Dodge	76,747
Dunn	43,617
Eau Claire	19,189
Fond du Lac	53,545
Grant	80,561
Green	50,494
Green Lake	28,165
Iowa	45,643
Jackson	22,457
Jefferson	52,631
Juneau	22,075
Kenosha	26,070
La Crosse	21,818
Lafayette	58,695
Marquette	19,201
Milwaukee	5,901
Monroe	29,015
Pepin	12,213
Pierce	39,914
Polk	38,824
Racine	34,647
Richland	26,598
Rock	92,623
St. Croix	51,738
Sauk	48,742
Trempealeau	33,367
Vernon	34,018
Walworth	64,014
Waukesha	39,045
Waushara	26,897
Winnebago	30,407
Reserve	1,493
Total allotted	1,484,832
U. S. total	43,280,543

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interprets or applies sec. 329, 52 Stat. 52, 7 U. S. C. 1329)

Issued at Washington, D. C., this 28th day of September 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-7976; Filed, Oct. 3, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 12[1]]

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

DELETION FROM TABLE OF COMPLIANCE ORDERS

Section 382.51 *Supplement 1; Table of compliance orders currently in effect deniyng export privileges*, paragraph (b) *Table of compliance orders* is amended by deleting the following entry:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Solvents Chemie, Longue Rue Nueve 43, Antwerp, Belgium.	10-27-55	10-27-57 (Duration)	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Steinmler-Imex, N. V., which see.)	20 F. R. 8202, 11-1-55.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Bureau of Foreign Commerce.

[F R. Doc. 56-7991; Filed, Oct. 3, 1956; 8:48 a. m.]

[1] This amendment was published in Current Export Bulletin No. 770, dated September 27, 1956.

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 190; Docket No. R-144]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

MISCELLANEOUS AMENDMENTS

The Commission has under consideration in this proceeding the amendment of § 154.91 of its rules of practice and procedure as promulgated by its Order No. 174-B of December 17, 1954, prescribing regulations governing the filing of rate schedules and applications for certificates of public convenience and necessity by producers and gatherers of natural gas which are natural gas companies.

The Commission on March 23, 1955, issued a Notice of Proposed Rule Making whereby it was proposed that § 154.91 of the rules and regulations be amended to require the operator of a well or unit and of a plant processing natural gas to make all filings with respect to all sales in interstate commerce for resale required by §§ 154.92, 154.94 and 157.23 of the rules and regulations in lieu of filings by any non-operating working interest whose gas was being sold or delivered in interstate commerce for resale by such operator.

Agency notice of the Proposed Rule Making was given by publication in the FEDERAL REGISTER on April 2, 1955 (20 F. R. 2090-91), and mailing notices to interested parties including State and Federal regulatory agencies. This notice invited submission in writing of data, views and comments to the Commission. Views, comments and suggestions were filed by numerous persons including representatives of state agencies, interstate pipe line companies and independent producers and gatherers, many of whom act in both the capacity of operator and non-operator.

The submitted views and comments reflect concern that there be imposed by our regulations a compulsory agency relationship between the operator and the non-operating working interests with the resulting probability that the working interests would lose their separate identity for tax purposes and be held to constitute an "association taxable as a corporation." (See IT 3930 and IT 3948.) Concern has been expressed regarding the elimination by the rule of any rights of a party to show that an operator is not marketing a non-operator's share of the production, but that sales are being made pursuant to separate agreements between such owner of the non-operator's share and the purchaser. It is contended that the owner of a non-operating working interest who has a contract should have preserved by whatever rule the Commission may adopt the right to take his share of the production in kind and the right to represent himself including the right to intervene, apply for rehearing and appeal. Also, it has been suggested that the operator should not be required to file when a sale is made to the operator.

While paragraph (a) of § 154.91 has been unchanged since first adopted by Order No. 174 (19 F. R. 4534), it should be included as a part of the revised section hereinafter adopted.

It is the purpose of the Commission in proposing an amendment of § 154.91 to improve its administrative procedure. It seems appropriate that every effort should be given to assure the public and the industry that the procedures governing independent producers of natural gas who are engaged in the sale of natural gas in interstate commerce for resale will be simple and clear, and at the same time reduce as much as possible of the work of processing the thousands of filings by independent producers. The revision hereinafter adopted appears to carry out this objective and at the same time to enable the Commission to carry out more directly the responsibilities of certificating and regulating the jurisdictional rates of independent producers.

The Commission, after careful and full consideration of all the views and comments concerning the proposed amendments filed herein, finds: The amendments hereinafter adopted are necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 4, 7 and 16 thereof (52 Stat. 822, 824, 830; 15 U. S. C. 717c, 717f and 717o) and subject to the provisions of sections 3 and 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002, 1003), orders: Part 154—Rate Schedules and Tariffs—

of Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is further amended by changing § 154.91 to read as follows:

§ 154.91 *Applicability*—(a) *Definition.* An "independent producer" as that term is used in this part means any person as defined in the Natural Gas Act who is engaged in the production or gathering of natural gas and who transports natural gas in interstate commerce or sells natural gas in interstate commerce for resale, but who is not primarily engaged in the operation of an interstate pipeline.

(b) *Filings by operators signatory to a gas sales contract.* (1) Where the operator (i) of a natural gas producing property (not a producer selling pursuant to a percentage formula under paragraph (e) of this section), or (ii) of a plant processing natural gas and located in or near the production area of the gas it processes is a signatory party to a contract for the sale of the gas produced or processed, the operator shall make all the filings required under §§ 154.92 (rate schedules), 154.94 (changes in rate schedules), or 157.23 (applications for certificates) of all signatories for such sale, as well as for the sale and delivery (according to the terms of the contract) of the gas of non-signatory co-owners. Notwithstanding this requirement for filings by operators, a co-owner who is a signatory party to a contract of sale of natural gas may, but he need not, make his own filings under §§ 154.92, 154.94 and 157.23 in addition to the filings required of the operators.

(2) As a part of his application for a certificate of public convenience and necessity, the operator shall file: (i) a copy of the contract or contracts for the sale of gas in interstate commerce for resale; (ii) the names and percentum of ownership of co-owners whose interest in production is to be delivered to the purchaser under the terms of such contract or contracts; and (iii) a copy of the sales authorization from, or operating agreement with, any non-signatory co-owners whose gas is so to be delivered.

(3) The operator, either at the close of each calendar year or at the end of each twelve-month period following the date of initial filing, shall submit a statement listing any changes in the ownership of working interests, producers, or plant ownership occurring subsequent to the filing of a prior statement hereunder.

(c) *Filings by signatory co-owners.* (1) Where gas is delivered by a well, unit, or plant operator under the terms of a contract of sale of an owner or owners to which the operator is not a signatory party, each signatory owner is responsible for making the filings required by §§ 154.92, 154.94 and 157.23 to cover the sale, but any such filings may be made and accepted to cover other co-owners who are joint signatories to the sales contract. As a part of his application for a certificate of public convenience and necessity, such owner shall file a single statement setting forth: (i) the names of the co-owners (signatory or non-signatory) to whose accounts the gas so delivered is to be credited; (ii) the percentum of ownership of such owners in the well, unit, or plant; and (iii) a copy of the contract or contracts for the sale of gas in interstate commerce for resale. Also, such owner, either at the close of each calendar year or at the end of each twelve-month period following the date of initial filing, shall submit a statement listing any changes in the ownership of working interests, producers, or plant ownership occurring subsequent to the filing of a prior statement hereunder.

(2) Where the operator is an interstate pipe-line transmission company and delivers the gas into its own lines for interstate transmission it shall file a statement setting forth the names of all the co-owners whose gas is so delivered and the respective percentum of ownership therein, and such co-owners shall make all required filings.

(d) *No filings by non-signatories.* Where, under paragraph (b) or (c) of this section, filings of rate schedules, rate changes, and certificate applications covering the sale are required of the operator or of the signatory owners, a non-signatory co-owner may not file rate schedules, rate changes, or certificate applications where his gas is being sold or delivered by the operator according to the terms of a contract to which the co-owner is not a signatory party, whether or not the filings by operator or co-owner as above required have been made. However, the non-signatory co-owner whose gas is being sold by the operator may, where he has reserved the right to do so, elect to take his gas in kind and dispose of it otherwise if and when there has first been obtained authorization therefor to the extent required by section 7 (b), and 7 (c), or other applicable provisions of the Natural Gas Act, and filings have been made as required by section 4 thereof.

(e) *Percentage sales.* Where a producer sells to the operator of a processing plant at a price which is a percentage of the proceeds from the resale of the residue gas, the plant operator shall make all filings required to cover the sale by such producers, which filings shall include a list of the producers from whom the natural gas is purchased, showing the percentum of the resale price received by each from such sale of gas. At the close of each calendar year or at the end of each twelve-month period following the date of initial filing the operator shall submit a further statement listing any changes in the producers from whom the gas is purchased or in the percentum they receive. In cases of percentage sales by producers covered by this paragraph, the producers may not file rate schedules, rate changes, or certificate applications, whether or not the filings by operator as herein required have been made. However, such producer is fully subject to applicable provisions of the Natural Gas Act, including sections 5 and 7 (b).

Part 157—Certificates of Public Convenience and Necessity—of Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is further amended by changing paragraph (c) of § 157.23 *applications for certificates of public convenience by independent producer*, to read as follows:

(c) Filings hereunder shall be made by signatory operators and signatory owners as provided in § 154.91 of this chapter.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Issued: September 27, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-7981; Filed, Oct. 3, 1956; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

OCCUPANCY REQUIREMENTS

In § 232.20 paragraph (b) is amended to read as follows:

§ 232.20 *Occupancy requirements.* * * *

(b) *Transient or hotel purposes.* The mortgagor must certify under oath that, so long as the mortgage is insured by the Commissioner, the mortgagor will not rent, permit the rental or permit the offering for rental, of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. For the purpose of this certificate, the term "rental for transient or hotel purposes" shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service: *Provided*, That such term shall not be construed to include rentals for 30 days or more if the tenants are elderly persons (as defined in paragraph (c) of this section) and are furnished room service for food and beverages, maid service and linen service, by a non-profit mortgagor of a project specially designed for the use and occupancy of elderly persons.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., September 28, 1956.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-7993; Filed, Oct. 3, 1956; 8:48 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 132–56]

PART 21—WITNESS FEES

ALASKA

Pursuant to the authority vested in me by section 25 of title 48 of the United States Code and section 11–3–9 of the Compiled Laws of Alaska (1949), I hereby amend § 21.3, Chapter I, Title 28 of the Code of Federal Regulations to read as follows:

§ 21.3 *Fees and allowances of witnesses in the District of Alaska.* The fees and allowances of witnesses in the District of Alaska shall be as follows:

(a) For attendance at the District Court or before any officer pursuant to law, including a commissioner acting in any capacity authorized by law, and for the time necessarily occupied in traveling from their place of residence to the place of trial or hearing and in returning therefrom, witnesses shall be entitled to $4 a day.

(b) In addition to the fee fixed by paragraph (a) of this section, witnesses (other than salaried employees of the Government and detained witnesses) who attend court or attend before a commissioner at points so far removed from their place of residence that they are unable to return thereto each day shall be entitled to a subsistence allowance of $9 a day for each day of such attendance and for each day necessarily occupied in traveling to the place of such attendance and in returning to their place of residence.

(c) Witnesses to whom paragraphs (a) and (b) of this section are applicable shall be entitled to travel allowances on the basis of the means of travel actually employed and the distance actually and necessarily traveled, and in accordance with the following:

(1) If the travel is by common carrier, witnesses shall be entitled to the cost of the cheapest available first-class accommodations for travel in Alaska and outside Alaska in proceeding to or from Alaska. Receipts or other evidence of actual payment shall be furnished whenever practicable.

(2) If the travel is by privately-owned automobile or other private carrier, witnesses shall be entitled to twelve cents a mile for travel in Alaska; provided that whenever the use of a private airplane, dog-team, or boat is approved by the court, a commissioner, the United States Attorney, or an Assistant United States Attorney, witnesses may be paid the actual rental cost or reasonable estimate of necessary expense.

(3) If the travel is by privately-owned automobile or other private carrier, witnesses shall be entitled to eight cents a mile for travel outside Alaska in proceeding to or from Alaska: *Provided*, That the total entitlement, including attendance fees and subsistence allowances, shall not exceed that which would have been payable had the cheapest first-class accommodations via common carrier been used.

(4) In addition to the allowances to which they are entitled under subparagraphs (1), (2), and (3) of this paragraph, witnesses shall be entitled to incidental travel expenses, such as taxicab fares between the place of lodging and the carrier terminal, and bridge, road, and tunnel tolls, and ferry fares.

(d) Witnesses detained in prison for want of security for their appearance shall not be entitled to attendance fees and subsistence allowances as prescribed in paragraphs (a) and (b) of this section, but shall be entitled to one dollar a day, in addition to the actual subsistence furnished by the Government, while thus detained.

(e) Officers and employees of the United States summoned as witnesses for the Government in matters before the District Court of Alaska or commissioners shall be entitled to expenses and subsistence allowance as provided by § 21.1.

(f) Payment of witness fees, subsistence allowances, and travel expenses by the United States under this section shall be made upon the basis of a certificate signed by the United States Attorney, an Assistant United States Attorney, the attorney in charge of the case, or a commissioner. With respect to any witness who is allowed subsistence of $9 a day, the certificate shall state that the witness attended court, or attended before a commissioner, as the case may be, at a point so far removed from his place of residence that he was unable to return thereto each day.

(Sec. 30, 31 Stat. 332; 48 U. S. C. 25)

This order shall become effective on October 15, 1956. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is impractical and unnecessary in this instance for the reason that the amendments made by the order are, so far as material, clearly advantageous to the persons affected thereby.

Dated: September 27, 1956.

WILLIAM P. ROGERS,
Acting Attorney General.

[F. R. Doc. 56–8013; Filed, Oct. 3, 1956; 8:52 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order 45]

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the President of the United States by section 9 of title 2 of the Canal Zone Code, approved June 19, 1934, and delegated to me by Executive Order 9748 of July 1, 1946, as amended by Executive Order 10595 of February 7, 1955, §§ 4.12, 4.17, 4.19 and 4.21 of Part 4 of Title 35 of the Code of Federal Regulations, as adopted by Canal Zone Order 30 of January 6, 1953, 18 F. R. 260, are hereby amended as set forth below:

§ 4.12 *Boarding of arriving vessels.* Arriving vessels will be boarded inside the breakwater at the Atlantic entrance or off the seaward end of the dredged channel at the Pacific entrance, by a boarding officer designated by the Governor. The Governor is authorized to prescribe regulations establishing the time for the boarding of vessels at the respective ports, and the charges for customs and immigration services performed by the boarding officer under special demand.

§ 4.17 *Anchoring to await boarding officer.* When a vessel is not boarded immediately on arrival, it shall anchor in the anchorage area designated by the Governor and await the boarding officer.

§ 4.19 *Papers required by boarding officer.* On arrival, there shall be ready for immediate delivery to the boarding officer, for inspection or delivery, as the case may be, such papers, and number of copies of each, concerning tonnage of vessel, cargo, persons on board, health conditions, pratique, and such other matters upon which information is necessary, as may be prescribed by the Governor. The required manifests, lists and statements shall be sworn to by the master or agent of the vessel. Failure to have the prescribed papers upon arrival will subject the vessel to delay, but not to fine.

§ 4.21 *Clearance.* Outgoing vessels will be cleared by the Port Captain, or such other officer as may be designated by the Governor, but he shall issue clearance only after he has ascertained that all documents and statistical data required by the Canal authorities in regard to vessel, cargo and passengers have been furnished; that all tolls and other bills for services and supplies furnished by the Canal Zone Government or the Panama Canal Company have been paid, or their payment has been secured; and that the vessel has complied with the quarantine, customs, and exclusion laws, rules, and regulations of the Canal Zone Government, and the laws, rules, and regulations governing the shipping, discharging and protection of seamen.

(Sec. 5, 37 Stat. 562, as amended; 2 C Z Code 9, 48 U. S. C. 1318, E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

WILBER M. BRUCKER,
Secretary of the Army.

SEPTEMBER 27, 1956.

[F. R. Doc. 56–7969; Filed, Oct. 3, 1956; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter I—Mineral Lands

[Circular No. 1961]

PART 185—GENERAL MINING REGULATIONS

RIGHTS ACQUIRED BY LOCATION PURSUANT TO ACT OF JULY 23, 1955

Part 185 is amended by adding thereto the following:

RIGHTS ACQUIRED BY LOCATION PURSUANT TO ACT OF JULY 23, 1955

Sec.
185.120 Purpose and authority.
185.121 Common varieties: defined.
185.122 Restriction on use of unpatented mining claims.
185.123 Request for publication of notice to mining claimant.
185.124 Evidence necessary to support a request for publication.
185.125 Publication of notice.
185.126 Contents of published notice.
185.127 Service of notice.
185.128 Service of copies; failure to comply.
185.129 Proof of publication.
185.130 Failure of claimant to file verified statement.
185.131 Hearing; time and place.
185.132 Stipulation between parties.
185.133 Hearing; procedures.
185.134 Effect of decision affirming a mining claimant's rights.
185.135 Recording by mining claimant of request for copy of notice.
185.136 Waiver of rights by mining claimants.
185.137 Protection of existing rights; exclusion of reservation in patents.

AUTHORITY: §§ 185.120 to 185.137 issued under sec. 1, 61 Stat. 681, as amended; 30 U. S. C. 601.

§ 185.120 *Purpose and authority.* The act of July 23, 1955 (69 Stat. 367, 30 U. S. C. sec. 601), was enacted "to amend the act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, and for other purposes." The regulations in this part are intended to implement only sections 3 to 7, inclusive, of said act hereinafter more fully identified.[1] The word "act" when used in §§ 185.120 to 185.137, inclusive, refers to the act of July 23, 1955.

§ 185.121 *Common varieties: defined.* (a) The act in section 3 provides:

A deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders shall not be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws: *Provided, however*, That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. "Common varieties" as used in this act does not include deposits of such materials which are valuable because the deposit has some property giving it distinct and special value and does not include so-called "block pumice" which occurs in nature in pieces having one dimension of two inches or more.

(b) "Common varieties" as defined by decision of the Department and of the courts include deposits which, although they may have value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts do not possess a distinct, special economic value for such use over and above the normal uses of the general run of such deposits. Section 3[2] of the law has no application where the mineral for which a location is made is carried in or borne by one of such common varieties.

§ 185.122 *Restriction on use of unpatented mining claims.* (a) The act in section 4 provides:

Any mining claim hereafter located under the mining laws of the United States shall not be used, prior to issuance of patent therefor, for any purposes other than prospecting, mining or processing operations and uses reasonably incident thereto.

Rights under any mining claim hereafter located under the mining laws of the United States shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefor, to the right of the United States, its permittees, and licensees, to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land: *Provided, however*, That any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto: *Provided, further*, That if at any time the locator requires more timber for his mining operations than is available to him from the claim after disposition of timber therefrom by the United States, subsequent to the location of the claim, he shall be entitled, free of charge, to be supplied with timber for such requirements from the nearest timber administered by the disposing agency which is ready for harvesting under the rules and regulations of that agency and which is substantially equivalent in kind and quantity to the timber estimated by the disposing agency to have been disposed of from the claim: *Provided, further*, That nothing in this act shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian relating to the ownership, control, appropriation, use, and distribution of ground or surface waters within any unpatented mining claim.

Except to the extent required for the mining claimant's prospecting, mining or processing operations and uses reasonably incident thereto, or for the construction of buildings or structures in connection therewith, or to provide clearance for such operations or uses, or to the extent authorized by the United States, no claimant of any mining claim hereafter located under the mining laws of the United States shall, prior to issuance of patent therefor, sever, remove, or use any vegetative or other surface resources thereof which are subject to management or disposition by the United States under the preceding subsection (b). Any severance or removal of timber which is permitted under the exceptions of the preceding sentence, other than severance or removal to provide clearance, shall be in accordance with sound principles of forest management.

(b) The locator of an unpatented mining claim subject to the act is limited in his use of the claim to those uses specified in the act, namely prospecting, mining, or processing operations and uses reasonably incident thereto. He is forbidden to use it for any other purpose such, for example, as for filling stations, curio shops, cafes, tourist, or fishing and hunting camps. Except as such interference may result from uses permitted under the act, the locator of an unpatented mining claim subject to the act may not interfere with the right of the United States to manage the vegetative and other surface resources of the land, or use it so as to block access to or egress from adjacent public land, or use Federal timber for purposes other than those permitted under the act,[3] or block access to water needed in grazing use of the national forests or other public lands, or block access to recreational areas, or prevent agents of the Federal Government from crossing the locator's claim in order to reach adjacent land for purposes of managing wild-game habitat or improving fishing streams so as to thwart the public harvest and proper management of fish and game resources on the public lands generally, both on located and on adjacent lands.

(c) Mining claims located prior to the date of the act will be subject to the act where determination has been made pursuant to section 5 of the act, that the locator's surface rights are limited as provided in section 4 of the act, or where the owners have waived and relinquished all rights under section 6 of the act, which are contrary to or in conflict with the limitations and restrictions specified as to hereafter located unpatented mining claims in section 4 of the act. See § 185.137 as to effect on existing rights.

(d) On mining claims subject to the provisions of the act, timber may be used by the claimants only for the purposes permitted under the act, and, except where timber is removed to provide clearance for operations or uses permitted under the act, such timber must be cut in accordance with sound principles of forest management. When timber on a mining claim is disposed of by the Government subsequent to the location of the claim, free use of timber by the mining claimant of like kind and quantity from the nearest timber administered by the disposing agency is provided for, but only when and to the extent that is required for their mining operations and only in kind and quantity substantially equivalent to the timber removed from the claim by the Government. Any such timber may be cut and removed only under the rules and regulations of the administering agency. Regulations governing applications and issuance of permits for the use of such timber on public lands administered by the Bureau of Land Management are contained in Part 259 of this chapter.

§ 185.123 *Request for publication of notice to mining claimant.* (a) The act in the first paragraph of section 5 (a) provides as follows:

The head of a Federal department or agency which has the responsibility for administering surface resources of any lands belonging to the United States may file as to such lands in the office of the Secretary of the Interior, or in such office as the Secretary of the Interior may designate, a request for publication of notice to mining claim-

[1] Sections 1 and 2 thereof relate specifically to the Materials Act of July 31, 1947, and will be implemented by the amendments of Part 259.

[2] Thus, while marble would not be a common variety of stone, ordinary building stone or sand and gravel or pumice or limestone used in building would be.

[3] For regulations relating to the disposition of materials on land administered by the Department of Agriculture see appropriate regulations of that Department. (See 36 CFR 251.4.)

ants, for determination of surface rights, which request shall contain a description of the lands covered thereby, showing the section or sections of the public land surveys which embrace the lands covered by such request, or if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

The "request for publication of notice to mining claimants" authorized to be filed by the above-quoted portion of the act can be filed by the Federal department or agency which has the responsibility for administering surface resources of the lands to which the requested notice would relate. It must describe the land covered by the request by section, township, range, and meridian or, if the land is unsurveyed, either the section or sections which would probably embrace such lands when the public land surveys are extended to such lands, or by a metes and bounds description of such area with a tie to a United States mineral monument.

(b) A request for publication of notice under this subsection shall be filed with the land office of the Bureau of Land Management for the land district in which the lands are situated.[4] No request for publication may include lands in more than one land district.

§ 185.124 *Evidence necessary to support a request for publication.* (a) The second and third paragraphs of section 5 (a) of the act provide in detail for the filing by the head of a Federal department or agency of certain evidence in support of the request for publication of the notice referred to in § 185.123, as follows:

The filing of such request for publication shall be accompanied by an affidavit or affidavits of a person or persons over twenty-one years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof, on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's abstractor's, or attorney's examination of those instruments which are shown by the tract indexes in the county office of record as affecting the lands described in said request, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if such address is disclosed by such instruments of record. "Tract indexes" as used herein shall mean those indexes, if any, as to surveyed lands identifying instruments as affecting a particular legal subdivision of the public land surveys, and as to unsurveyed lands identifying instruments as affecting a particular probable legal subdivision according to a projected extension of the public land surveys.

(b) This part of the act requires the filing of an affidavit which may be made by any person or persons over twenty-one years of age who have examined the lands. It must show whether any person or persons were "in actual possession of or engaged in the working of such lands (the lands described in the request for publication of notice) or any part thereof" and, if they were, the name and address of each such person must be given if it can be learned by reasonable inquiry and if it cannot be so learned, the affidavit must show in detail what inquiry or inquiries were made to obtain each such name and address. No definition of the terms "in actual possession" or "engaged in the working of said lands" will be attempted here, but the affidavits should recite what evidences of occupancy or workings were found. The request for publication must also be accompanied by a certificate executed as provided in the third paragraph of section 5 (a) and containing the information required by that paragraph to be furnished. If there are no tract indexes, as defined in the act, in the county office of record affecting the lands described in the request for publication, a certificate executed as provided in the said third paragraph of section 5 (a) to that effect must be furnished. A form of certificate which may be used at the option of the requesting department or agency is appended to the regulations in this part as Form No. 1.[5]

§ 185.125 *Publication of notice.* If the request for publication and the accompanying papers conform to the requirements of the act, the Manager or the Director, as may be appropriate, at the expense of the requesting department or agency, shall cause notice to mining claimants to be published in a newspaper having general circulation in the county in which the lands involved are situated. If the notice is published in a daily newspaper it shall be published in the Wednesday issue for nine consecutive weeks, if in a weekly paper, in nine consecutive issues, or if in a semi-weekly or tri-weekly paper, in the issue of the same day of each week for nine consecutive weeks.

§ 185.126 *Contents of published notice.* (a) Section 5 (a) of the act specifies in detail what the published notice shall contain, as follows:

Such notice shall describe the lands covered by such request, as provided heretofore, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, rights as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within one hundred and fifty days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim—

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claims; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and adresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any right, title or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this act as to hereafter located unpatented mining claims, and (ii) to constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, shall be subject to the limitations and restrictions specified in section 4 of this act as to hereafter located unpatented mining claims, and (iii) to preclude thereafter, prior to issuance of patent, any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this act as to hereafter located unpatented mining claims.

(b) The notice should conform to Form #2 appended to the regulations in this part.[6]

§ 185.127 *Service of notice.* The last paragraph of section 5 (a) of the act provides with respect to service of the notice by personal delivery or by registered mail, as follows:

Within fifteen days after the date of first publication of such notice, the department or agency requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 5, and shall cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

§ 185.128 *Service of copies; failure to comply.* If the department or agency requesting publication under these regulations shall fail to comply with the requirements of section 5 (a) of the act as to the personal delivery or mailing of a copy of the published notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice shall in no manner affect, diminish, prejudice or bar any rights of that person.

§ 185.129 *Proof of publication.* After the period of newspaper publication has expired, the department or agency requesting the publication shall obtain from the office of the newspaper or publication a sworn statement that the notice was published at the time and in accordance with the requirements under the regulations of this part, and shall file such sworn statement in the office where the Request for Publication was filed.

§ 185.130 *Failure of claimant to file verified statement.* If any claimant under any unpatented mining claim located prior to July 23, 1955, which embraces any of the lands described in any notice published in accordance with the regulations in this part shall fail to file a verified statement, as specified in such published notice (see § 185.125), within one hundred and fifty days from the date of the first publicaton of such notice, such failure shall be conclusively deemed except as otherwise provided in § 185.128:

(a) To constitute a waiver and relinquishment by such mining claimant of any right, title or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment.

(b) To constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, be subject to the limitations and restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment.

(c) To preclude thereafter prior to the issuance of patent any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment. A verified statement under this section may follow Form No. 3 appended to the regulations of this part.[6]

§ 185.131 *Hearing; time and place.* If any verified statement shall be filed by a mining claimant as provided under § 185.11, then the Examiner or the Director, as may be appropriate, shall fix a time and place for a hearing to determine the validity and effectiveness of any right or title to or interest in or under such mining claim which the mining claimant may assert contrary to or in conflict with the limitations or restrictions specified in section 4 of the act as to unpatented mining claims located after its enactment. The Examiner shall notify the department or agency and all mining claimants entitled to notice as the result of the filing of such verified statement of the time and place of such hearing at least 30 days in advance thereof. The notice of hearing shall contain a statement specifying the issues upon which evidence will be submitted at the hearing. Such hearing shall be held in the county where the lands in question, or parts thereof, are located unless the mining claimant agrees otherwise.

§ 185.132 *Stipulation between parties.* Where verified statements are filed asserting rights to an aggregate of more than twenty mining claims, any single hearing shall be limited to a maximum of twenty mining claims unless the parties affected shall otherwise stipulate and as many separate hearings shall be set as shall be necessary to comply with section 5 (c) of the act. If at any time prior to a hearing the department or agency requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by the notice published pursuant to that request.

§ 185.133 *Hearing; procedures.* The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals, shall follow the rules of practice of the Department of the Interior and the Bureau of Land Management (Part 221 of this title) relating to contests or protests affecting public lands of the United States so far as they are applicable.

§ 185.134 *Effect of decision affirming a mining claimant's rights.* (a) If the final decision rendered in any hearing held pursuant to section 5 of the act shall affirm the validity and effectiveness of any mining claimant's right or interest under a mining claim asserted in accordance with the provisions of that section, then no subsequent proceedings under section 5 of the act shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim.

(b) If it is finally determined as the result of such a hearing that the claimant has no right or title to or interest in or under his mining claim which he may assert contrary to or in conflict with the limitations and restrictions specified in section 4 of the act, then those limitations and restrictions shall apply with respect to such mining claim.

§ 185.135 *Recording by mining claimant of request for copy of notice.* (a) Section 5 (d) of the act provides as follows:

Any person claiming any right under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice to mining claimants which may be published as above provided in subsection (a) of this section 5, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice of certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies, and shall also set forth, as to each heretofore located unpatented mining claim under which such person asserts rights—

(1) The date of location;

(2) The book and page of the recordation of the notice or certificate of location; and

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument. Other than in respect to the requirements of subsection (a) of this section 5 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 5, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(b) A request for a copy of notices recorded pursuant to the regulations in this part may follow Form No. 4 appended to the regulations in this part.[6]

§ 185.136 *Waiver of rights by mining claimants.* (a) Section 6 of the act provides as follows:

The owner or owners of any unpatented mining claim heretofore located may waive and relinquish all rights thereunder which are contrary to or in conflict with the limitations or restrictions specified in section 4 of this act as to hereafter located unpatented mining claims. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter and prior to issuance of patent subject to the limitations and restrictions in section 4 of this act in all respects as if said mining claim had been located after enactment of this act, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

(b) A waiver under this section may follow Form 5 appended to the regulations in this part.[6]

§ 185.137 *Protection of existing rights; exclusion of reservation in patents.* The act in section 7 provides as follows:

Nothing in this act shall be construed in any manner to limit or restrict or to authorize the limitation or restriction of any existing rights of any claimant under any valid mining claim heretofore located, except as such rights may be limited or restricted as a result of a proceeding pursuant to section 5 of this act, or as a result of a waiver and relinquishment pursuant to section 6 of this act; and nothing in this act shall be construed in any manner to authorize inclusion in any patent hereafter issued under the mining laws of the United States for any mining claim heretofore or hereafter located, of any reservation, limitation, or restriction not otherwise authorized by law, or to limit or

[4] The land office for North Dakota and South Dakota is located at Billings, Montana; that for Nebraska at Cheyenne, Wyoming, and that for Arkansas, Florida, Louisiana and Mississippi, at Washington, D. C.

[5] The use of this form is not compulsory.

[6] Filed as part of original document, published in FEDERAL REGISTER issue of July 11, 1956.

[5] The use of this form is not compulsory.

[6] Filed as part of original document; published in FEDERAL REGISTER issue of July 11, 1956.

repeal any existing authority to include any reservation, limitation, or restriction in any such patent, or to limit or restrict any use of the lands covered by any patented or unpatented mining claim by the United States, its lessees, permittees, and licensees which is otherwise authorized by law.

This section makes it clear that all of the rights of mining claimants existing on the date of the act are preserved and will continue unless:

(a) Claimant fails subject, however, to the provisions of § 185.128 hereof, to file a verified statement in response to a published notice as provided in section 5 (b) of the act and § 185.130; (b) it is determined as a result of a hearing pursuant to section 5 (c) that such rights asserted in a verified statement are not valid and effective; (c) the claimant waives and relinquishes his rights pursuant to section 6. It also preserves to all mining claimants the right to a patent unrestricted by anything in the act and provides that no limitation, reservation or restriction may be inserted in any mineral patent unless authorized by law, but it also makes it clear that all laws in force on the date of its enactment which provide for any such reservation, limitation, or restriction in such patents and all authority of law then existing for the use of lands embraced in unpatented mining claims by the United States, its lessees, permittees, and licensees continue in full force and effect.

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 28, 1956.

[F. R. Doc. 56-7998; Filed, Oct. 3, 1956; 8:49 a. m.]

Subchapter P—Practice

[Circular No. 1962]

PART 221—APPEALS AND CONTESTS

MISCELLANEOUS AMENDMENTS

1. Section 221.2 is amended to read as follows:

§ 221.2 *Appeal; how taken, filing fee, mandatory time limit.* A person who wishes to appeal to the Director must file in the office of the officer who made the decision a notice that he wishes to appeal. Except where an agency of the Federal Government or of a State or territorial government or political subdivision thereof or a municipal corporation is the appellant, the notice of appeal must be accompanied by a filing fee of $5 for each separate application, claim, entry, permit, lease, protest, or similar filing or interest on which the appellant is seeking favorable action. The consolidation of appeals will not relieve each appellant of paying the same filing fee that he would have to pay if he took his appeal separately. The notice of appeal must give the serial number or other identification of the case and must be received in the office where it is required to be filed within 30 days after the person taking the appeal received the decision he is appealing from. No extension of time will be granted for filing this notice. A notice of appeal which is filed late or which is not accompanied by the required filing fee will not be considered and the case will be closed by the officer from whose decision the appeal is taken. The notice of appeal may include a statement of the reasons for the appeal and any arguments the appellant wishes to make.

2. Section 221.18 is amended to read as follows:

§ 221.18 *Copies of transcript.* Each party must pay for any copies of the transcript obtained by him except where the reporter's fees paid enable the Bureau to furnish him with a copy of the transcript without additional cost. Unless a summary of the evidence is stipulated to, the Government will file the original copy of the transcript with the case record.

3. Section 221.32 is amended to read as follows:

§ 221.32 *Appeal; how taken, filing fee, mandatory time limit.* A person who wishes to appeal to the Secretary from a decision of the Director must file in the office of the Director a notice that he wishes to appeal. Except where an agency of the Federal Government or of a State or territorial government or political subdivision thereof or a municipal corporation is the appellant, the notice of appeal must be accompanied by a filing fee of $5 for each separate application, claim, entry, permit, lease, protest, or similar filing or interest on which the appellant is seeking favorable action. The consolidation of appeals will not relieve each appellant of paying the same filing fee that he would have to pay if he took his appeal separately. The notice of appeal must give the serial number or other identification of the case and must be received in the Director's office within 30 days after the person taking the appeal received the decision he is appealing from. No extension of time will be granted for filing this notice. A notice of appeal which is filed late or which is not accompanied by the required filing fee will not be considered and the case will be closed by the Director. The notice of appeal may include a statement of the reasons for the appeal and any arguments the appellant wishes to make.

4. Section 221.53 is amended to read as follows:

§ 221.53 *Initiation of contest.* Any person desiring to initiate a private contest must file a complaint in the land office which has jurisdiction over the land involved, or, if there is no such land office, in the office of the Director, Bureau of Land Management, Washington 25, D. C. The contestant must serve a copy of the complaint on the contestee not later than 15 days after filing the complaint and must file proof of such service, as required by § 221.95, in the office where the complaint was filed within 15 days after service.

5. Section 221.54 is amended by deleting the last sentence of the section which reads as follows: "If the complaint does not meet each of these requirements, it will be summarily dismissed."

6. Section 221.57 is amended by adding the following sentence: "Any complaint which is not accompanied by the required fee and deposit will not be accepted for filing."

7. Section 221.59 is amended to read as follows:

§ 221.59 *Summary dismissal; waiver of defect in service.* If a complaint when filed does not meet all the requirements of §§ 221.54 and 221.56 or if the complaint is not served upon each contestee as required by § 221.58, the complaint will be summarily dismissed by the manager and no answer need be filed. However, where prior to the summary dismissal of a complaint a contestee answers without questioning the service or proof of service of the complaint, any defect in service will be deemed waived.

8. Paragraphs (a) and (d) of § 221.68 are amended to read as follows:

(a) No corroboration shall be required of a Government complaint and the complaint need not be under oath.

* * * * * * *

(d) The statements required by § 221.54 (e) and (f) need not be included in the complaint.

9. The centerheading following § 221.68 is amended to read as follows: "Proceedings Before the Examiner."

10. Section 221.70 is amended to read as follows:

§ 221.70 *Notice of hearing.* The examiner shall fix a place and date for the hearing and notify all parties and the Bureau at least 30 days in advance of the date set, unless the parties and the Bureau request or consent to an earlier date. The notice shall include (a) the time, place, and nature of the hearing, (b) the legal authority and jurisdiction under which the hearing is to be held, and (c) the matters of fact and law asserted.

11. Section 221.75 is amended to read as follows:

§ 221.75 *Reporter's fees; transcript.* (a) Each party and the Bureau will be required to pay the reporter's fees covering the party's or the Bureau's direct evidence and cross-examination of other witnesses except that

(1) In the case of a private contest, if the ultimate decision is adverse to the contestant, he must in addition pay all the reporter's fees otherwise payable by the contestee.

(2) In the case of a Government contest, if the ultimate decision is adverse to the Government, the Bureau must pay all the reporter's fees otherwise payable by the contestee.

(3) In the case of a Government contest the contestee may be relieved of paying his share of the reporter's fees if he is financially unable to pay his share. In order to secure such relief he must file with the examiner at least 15 days prior to the date set for the hearing a request for such relief, supported by an affidavit setting forth in detail facts showing his financial inability to pay. If the examiner in his discretion determines that the applicant for relief is financially unable to pay his share of the reporter's fees, the Bureau will bear the cost of such share.

(b) Except where a party is relieved of paying the reporter's fees pursuant to subparagraph (3) of paragraph (a) of this section, each party shall be required by the examiner to make reasonable deposits for reporter's fees from time to time in advance of taking testimony. Such deposits must be sufficient to cover all reporter's fees for which the party may ultimately be liable under paragraph (a) of this section. Any part of a deposit not used will be returned to the depositor upon the final determination of the case except that deposits which are required to be made when a complaint is filed will not be returned if the party making the deposit does not appear at the hearing, but will be used to pay the reporter's appearance fee, if any, and the remainder will be forfeited to the United States. Reporter's fees will be at the rates established for the local courts, or, if the reporting is done pursuant to a contract, at rates established by the contract.

(c) Each party must pay for any copies of the transcript obtained by him except where the reporter's fees paid enable the Bureau to furnish him with a copy of the transcript without additional cost.

12. Section 221.76 is amended to read as follows:

§ 221.76 *Findings and conclusions; decision by examiner; submission to Director for decision.* (a) At the conclusion of the testimony the parties at the hearing shall be given a reasonable time by the examiner, considering the number and complexity of the issues and the amount of testimony, to submit to the examiner proposed findings of fact and conclusions of law and reasons in support thereof or to stipulate to a waiver of such findings and conclusions.

(b) As promptly as possible after the time allowed for presenting proposed findings and conclusions, the examiner shall make findings of fact and conclusions of law (unless waiver has been stipulated), giving the reasons therefor, upon all the material issues of fact, law, or discretion presented on the record. The examiner may adopt the findings of fact and conclusions of law proposed by one or more of the parties if they are correct. He must rule upon each proposed finding and conclusion submitted by the parties and such ruling shall be shown in the record. The examiner will render a written decision in the case which shall become a part of the record and shall include a statement of his findings and conclusions, as well as the reasons or basis therefor, and his rulings upon the findings and conclusions proposed by the parties if such rulings do not appear elsewhere in the record. A copy of the decision will be served upon all parties to the case.

(c) The Director may require, in any designated case, that the examiner make only a recommended decision and that the decision and the record be submitted to the Director for consideration. The recommended decision shall meet all the requirements for a decision set forth in paragraph (b) of this section. The Director shall then make the initial decision in the case. This decision shall include such additional findings and conclusions as do not appear in the recommended decision and the record shall include such rulings on proposed findings and conclusions submitted by the parties as have not been made by the examiner.

13. Section 221.91 is amended by adding the following paragraph:

(d) "Field Commissioner" includes an examiner designated to hold a hearing under Subpart A of this part.

14. Section 221.104 is amended to read as follows:

§ 221.104 *Compulsory attendance of witnesses.* The Field Commissioner or the examiner, as the case may be, is authorized to issue subpoenas directing the attendance of witnesses at hearings to be held before him or at the taking of depositions to be held before himself or other officers. The issuance of subpoenas, service, attendance fees, and similar matters shall be governed by the act of January 31, 1903 (43 U. S. C. 102–106), and 28 U. S. C. 1821. Subpoenas will be issued on Form No. 4–622.

15. Section 221.105 is amended to read as follows:

§ 221.105 *Application for subpoena.* An application for a subpoena may be filed in the office of the Field Commissioner or the examiner before whom the hearing is to be held, in the office of the officer who made the decision appealed from, or in the office of the manager in which a complaint was filed, in which case the officer or manager will forward the application to the Field Commissioner or the examiner, as the case may be.

16. Section 221.106 is amended to read as follows:

§ 221.106 *Fees payable to witness who testifies on request without issuance of subpoena.* Any witness who attends any hearing or the taking of any deposition at the request of any party to the controversy without having been subpoenaed to do so shall be entitled to the same mileage and attendance fees, to be paid by such party, to which he would have been entitled if he had been first duly subpoenaed as a witness on behalf of such party.

17. Sections 221.55, 221.65, 221.66, 221.69, 221.71, 221.72, 221.73, 221.74, 221.77, and 221.97 are amended by striking out "Field Commissioner" wherever that term appears in these sections and substituting therefor the word "examiner".

(R. S. 2478; 43 U. S. C. 1201)

These amendments shall take effect upon publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 28, 1956.

[F. R. Doc. 56-7999; Filed, Oct. 3, 1956; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 403—VENDING STAND PROGRAM FOR THE BLIND ON FEDERAL AND OTHER PROPERTY

OWNERSHIP OF STOCK AND EQUIPMENT BY OPERATORS

Part 403 is amended by deleting paragraph (b) of § 403.5, and inserting in lieu thereof the following:

(b) Reasonable criteria to govern the determination as to the circumstances under which title may be so vested. Such criteria shall contain reasonable provisions to enable an operator to purchase vending stand equipment. No individual may be denied the opportunity to become an operator because of his inability to purchase the vending stand equipment or the initial stock.

(Sec. 2, 49 Stat. 1559, as amended; 20 U. S. C. 107a. Interprets or applies sec. 3, 49 Stat. 1560, as amended, 20 U. S. C. 1076)

Dated: September 27, 1956.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 56-7992; Filed, Oct. 3, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

GRAIN STANDARDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Agricultural Marketing Service proposes to amend Part 26 of Title 7, Chapter I, Code of Federal Regulations, pursuant to the authority conferred by the act of August 28, 1950 (64 Stat. 561, 5 U. S. C. 576), by amending § 26.74 of Subpart A and adding a new subpart, to be known as Subpart C, which would establish uniform hourly charges for overtime spent in connection with the appeal inspection and grading of grain for export.

The proposed amendments are:

1. Amend the last sentence of § 26.74 (e) to read as follows: "Unless otherwise stated in the findings in any appeal, and

the decision he is appealing from. No [illegible] the last sentence of the section for such relief, supported by an affidavit

except as provided in Subpart C of this part, the fee as prescribed by this section, and no further charges, shall be deemed to be fixed and assessed.

2. Add Subpart C to read as follows:

SUBPART C—OVERTIME SERVICES RELATING TO GRAIN INSPECTION ON APPEAL

§ 26.701 *Overtime work on appeal inspection of grain for export.* Any person, firm, or corporation applying for an appeal on grain inspected for export under the United States Grain Standards Act, as amended (7 U. S. C. 71 et seq.), and tendering or loading such grain for such appeal inspection outside the regular schedule of working hours of employees in the field office of the Grain Division, Agricultural Marketing Service, assigned to perform the appeal inspection of such grain, shall reimburse the Agricultural Marketing Service for all overtime incurred at the rate of $5.00 per man-hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each such period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, provided such travel is performed solely on account of such overtime duty. The amount of this travel time period, determined to be necessary to cover the time spent in reporting to and returning from the place at which the employee performs overtime duty, is hereby established as one hour. These charges for overtime and for commuter travel time shall be in addition to the fees and charges prescribed in § 26.74 under the United States Grain Standards Act (7 U. S. C. 71 et seq.), and shall be paid in all cases, whether the appeal be sustained or not sustained.

Any person who wishes to submit written data, views, or arguments for consideration in connection with the proposed amendments may do so by filing them with the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of October 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8014; Filed, Oct. 3, 1956; 8:52 a. m.]

[7 CFR Part 51]

FRUITS, VEGETABLES, AND OTHER PRODUCTS[1]

INSPECTION AND CERTIFICATION

Notice is hereby given that the United States Department of Agriculture is considering the revision of existing general regulations (7 CFR 51.1 to 51.51,) governing the inspection and certification of fresh fruits, vegetables and other products, issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

The proposed revision is intended to clarify the regulations governing the inspection and certification of fresh fruits, vegetables and other products and make various changes therein found advisable on the basis of experience in conducting the inspection service.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulations should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed regulations are as follows:

ADMINISTRATIVE

Sec.
51.1 Administration of regulations.

DEFINITIONS

51.2 Meaning of words.
51.3 Designation of official certificates, memoranda, marks, other identifications and devices for purposes of the Agricultural Marketing Act.

INSPECTION SERVICE

51.4 Where inspection service is offered.
51.5 Kind of service.
51.6 Who may obtain service.
51.7 How to make application.
51.8 Form of application.
51.9 Filing of applications.
51.10 When application may be rejected.
51.11 When application may be withdrawn.
51.12 Authority to request inspection.
51.13 Accessibility of products.
51.14 Basis of service.
51.15 Order of inspection.
51.16 Financial interest of inspector.
51.17 Postponing inspection.
51.18 Official sampling.
51.19 Certificate forms.
51.20 Certificates, issuance.
51.21 Certificates, disposition.
51.22 Advance information.

APPEAL INSPECTION

51.23 When appeal may be taken.
51.24 How to obtain.
51.25 Record of filing time.
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ADMINISTRATIVE

§ 51.1 *Administration of regulations.* The Administrator, Agricultural Marketing Service, United States Department of Agriculture, is charged with the administration of the regulations in this part, except he may delegate any or all of such functions to any other officer or employee of the Agricultural Marketing Service of the Department, in his discretion.

DEFINITIONS

§ 51.2 *Definitions.* Words used in the regulations in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of such regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Act.* "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.) or any other act of Congress conferring like authority.

(b) *Regulations.* "Regulations" means the regulations in this subpart.

(c) *Department.* "Department" means the United States Department of Agriculture.

(d) *Agricultural Marketing Service.* "Agricultural Marketing Service" means

[1] Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower bulbs; and onion sets.

the Agricultural Marketing Service of the Department.

(e) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) *Administrator.* "Administrator" means the Administrator of the Agricultural Marketing Service or any other officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) *Person.* "Person" means any individual, partnership, association, business trust, corporation, organized group of persons (whether incorporated or not), the United States (including, but not limited to, corporate agencies thereof), and any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(h) *Interested party.* "Interested party" means any person who has a financial interest in the product on which inspection is requested.

(i) *Inspector.* "Inspector" means any employee of the Department who is authorized by the Secretary, or any other person licensed by the Secretary, to investigate, sample, inspect, and certify, in accordance with the regulations in this part, to any interested party the quality and/or condition of any product covered under this part, and to perform related duties in connection with such inspection services.

(j) *Applicant.* "Applicant" means any person who has applied for inspection service under the regulations.

(k) *Inspection service.* "Inspection service" means the service established and conducted under the regulations for the determination and certification or other identification of the grade, quality or condition of products.

(l) *Inspection certificate.* "Inspection certificate" means a statement, in written and/or printed form, issued pursuant to the regulations in this part, setting forth, in addition to appropriate descriptive information relative to the particular product and the containers thereof, the quality and/or condition of such product.

(m) *Quality.* "Quality" means the combination of the inherent properties of a product which determines its relative degree of excellence.

(n) *Condition.* "Condition" means the relative degree of soundness or preservation of a product and includes, but is not necessarily limited to, its maturity, decay, freezing or mechanical injury, shriveling, flabbiness, or any other factor which affects its merchantability.

(o) *Lot.* "Lot" means any number of containers which contain a product of the same kind located in the same conveyance or warehouse and which are available for inspection at the same time; *Provided,* That:

(1) Products which differ from each other as to grade, variety, condition, identification marks, or other factors may be deemed to be separate lots;

(2) If the applicant requests more than one inspection certificate covering different portions of such product, the quantity of the product covered by each certificate shall be deemed to be a separate lot; and

(3) If said product is packed in more than one size or type of container, each such size or type may be deemed to be a separate lot.

§ 51.3 *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purpose of said subsection and the provisions in this part, the terms listed in this section shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, including those defined in § 51.2, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspection, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected, or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected, or both, under this part.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this Part of any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

INSPECTION SERVICE

§ 51.4 *Where inspection service is offered.* Products will be inspected at appropriate points indicated in paragraphs (a), (b) and (c) of this section whenever inspectors are available.

(a) *Shipping points.* Inspection is available in all areas covered by cooperative agreements providing for this work with States or other agencies which have been entered into on behalf of the Department pursuant to authority contained in any act of Congress, or any other area which is not covered by a cooperative agreement when the Administrator determines that it is practicable to provide inspection service.

(b) *Destination markets.* Inspection is available in all central markets in which an inspection office is located.

(c) *Other points.* Inspection may be made at any point which may be conveniently reached from any market referred to in paragraph (b) of this section under conditions provided in § 51.40 and to the extent permitted by the time of the nearest inspector.

(d) *Addresses of offices.* Any prospective applicant may obtain an up-to-date list of inspection offices by addressing an inquiry to Fresh Products Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D. C.

§ 51.5 *Kind of service.* Inspection of products may be made according to quality and/or condition, and, in the discretion of the Administrator, for any part thereof.

§ 51.6 *Who may obtain service.* An application for inspection may be made by any interested party, or his authorized agent, or by any Governmental Agency.

§ 51.7 *How to make application.* Application for inspection may be filed in an office of inspection at any market referred to in § 51.4, (a), (b), or (d) or with any inspector. It may be made in writing, orally, by telegraph, or by telephone. If made orally or by telephone, the inspector may require that it be confirmed by applicant in writing or by telegraph. An application may be made for one or more lots, or it may be in the nature of a blanket application for inspection of all designated lots of a given commodity within a particular period, or for all designated lots loaded or received at a specified point.

§ 51.8 *Form of application.* Each application for inspection shall state (a) the name and post-office address of the applicant and the name and capacity of the person, if any, making the application in his behalf; (b) the name and post-office address of the shipper; (c) the kind and quantity of the products involved; (d) the interest of the applicant therein; (e) the identification of the products by (1) grade, brand, or other marks, if practicable, (2) car initials, car number, and name of carrier

or number of truck or name of boat, if practicable, and (3) the name and location of the store, warehouse, or other place where the products are located; (f) the particular quality or condition concerning which inspection is requested, to which may be added the time and place at which it is desired that the inspection be made; (g) when the lot is to be inspected in a receiving market, the name and address of the receiver; (h) the name of the shipping point and of the destination, when known; and (i) such other information as may be necessary for identification of the product, or as may be required by the inspector or the Administrator.

§ 51.9 *Filing of application.* An application shall be deemed filed when received at the office of inspection nearest the place where the commodity is located. A record showing the date and time of filing shall be made and kept in such office.

§ 51.10 *When application may be rejected.* An application may be rejected by the inspector in charge of the appropriate office of inspection if the applicant objects to the inspector cutting an adequate number of specimens to determine the interior quality or condition of the product to be inspected, or for failure of the applicant (a) to observe the regulations of this part, (b) to furnish necessary information or to make the commodity reasonably available or accessible for inspection, (c) to pay for previous inspections, or (d) when it appears that to perform the inspection and certification service would not be to the best interests of the Government. Such applicant shall be notified promptly of the reason for such rejection.

§ 51.11 *When application may be withdrawn.* An application may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 51.12 *Authority to request inspection.* Proof of the interest of an applicant in the product involved, or of the authority of any person applying for inspection in behalf of another may be required, in the discretion of the inspector.

§ 51.13 *Accessibility of products.* The applicant shall cause the products for which inspection is requested to be made reasonably accessible for sampling or inspection and to be so placed as to disclose their quality or condition. Samples of the products drawn for examination shall be inspected only under such conditions as, in the opinion of the inspector, will permit a true and correct determination to be made of their quality or condition.

§ 51.14 *Basis of service.* Inspection and certification service for quality and/or condition shall be based upon the appropriate standards promulgated by the United States Department of Agriculture, applicable standards prescribed by the laws of the State where the particular product was produced, specifications of any governmental agency, written buyer and seller contract specifications, or any written specification by an applicant which is approved by the Administrator: *Provided,* That, if such product is regulated pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), or the comparable laws of any State, such inspection and certification shall be on the basis of the standards, if any, prescribed in, or pursuant to, the marketing order and/or agreement effective thereunder.

§ 51.15 *Order of inspection.* Inspection shall, insofar as practicable, be made in the order in which applications are received, except that precedence shall be given (a) to the inspection of lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.), and (b) to appeal inspections. Precedence may also be given to applications made on behalf of the Federal Government or of a State Government.

§ 51.16 *Financial interest of inspector.* No inspector shall inspect any product in which he is financially interested, either directly or indirectly.

§ 51.17 *Postponing inspection.* If the inspector has reason to believe that, because of latent defects due to climatic or other conditions, he is unable to determine the true quality or condition of the product, he shall postpone examination for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition.

§ 51.18 *Official sampling.* Samples may be officially drawn by any duly authorized inspector and delivered, or shipped, for analysis and certification to the nearest designated market or to such market as shall be directed by the Administrator. The container in which such samples are delivered, or shipped, shall contain a statement, signed by the inspector who drew the samples, showing the time and place of the sampling and the brands or other identifying marks of the containers from which the samples were drawn. The certificate based on such samples shall show the time and place of drawing the samples, and the name of the inspector by whom they were drawn.

§ 51.19 *Certificate form.* Certificates shall be issued on forms approved by the Administrator: *Provided,* That when an application for inspection is made by any person for the purpose of determining whether food products for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but the fact of such compliance or non-compliance may be indicated by appropriate stamp or mark on such products or the containers thereof, or otherwise, in the discretion of the inspector.

§ 51.20 *Issuance of certificates.* The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of lots a single certificate may be issued to cover all such lots.

§ 51.21 *Disposition of certificates and samples.* (a) The original certificate, and not to exceed four copies (if requested by applicant prior to issuance), shall be delivered or mailed promptly to the applicant or to a person designated by him. One copy shall be filed in the office of the inspector when the inspection is made by a Federal Government employee, otherwise, it shall be filed in the appropriate office of the cooperating State Agency. One copy shall be forwarded to the Administrator to be kept on file in Washington, except that copies of certificates showing the grades of lots offered for processing or other purposes designated by the Administrator, need not be so forwarded. In the case of any product covered by a marketing agreement and/or order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), at least one copy of each certificate covering the inspection of such product shall, on request, be delivered to the administrative agency established thereunder, subject to such terms and conditions as the Administrator may prescribe. Copies may be furnished to other interested parties as outlined in § 51.41.

(b) If it is necessary to take samples of the product to the inspection office for further examination the inspector, after completion of inspection of such samples, shall dispose of them as follows if they have a substantial monetary value: Ascertain from the applicant if the owner wants the samples returned to him at his expense. If he does not want them so returned the inspector shall give them to a nonsectarian charitable organization, or sell them and remit the proceeds to the Agricultural Marketing Service.

§ 51.22 *Advance information.* Upon request of an applicant, all or any part of the contents of a certificate covering an inspection requested by him may be telegraphed or telephoned to him, or to any person designated by him, at his expense. If the application for such information is received after the certificate has been issued, it will be considered as an application for an extra copy of the certificate, and the fees prescribed in § 51.41 shall apply.

APPEAL INSPECTION

§ 51.23 *When appeal may be taken.* An application for appeal inspection may be made whenever any financially interested person is dissatisfied with the determination stated in the original certificate.

§ 51.24 *How to obtain.* An appeal inspection may be obtained by the applicant, or other person financially interested in the product, by filing a request (a) with the inspection office nearest the point where the product is located, or (b) with the inspector who made the original inspection, or (c) with any district supervisory inspection office, or (d) with the Administrator. The application for appeal shall state the reasons therefor, and shall be accompanied by a copy of any previous inspection certificate or

inspection report, and any other information which the applicant received regarding the quality or condition of the product at the time of the original inspection. Such application may be made orally or in writing, or by telegraph or telephone. If made orally or by telephone, the application shall be confirmed in writing.

§ 51.25 *Record of filing time.* A record showing the date and time of filing an application shall be made promptly by the receiving office.

§ 51.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if: (a) The reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the product has undergone a material change since the inspection covering the product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be, made accessible for inspection; (d) the lot relative to which appeal inspection is requested cannot be identified positively by the inspector as the lot which was previously inspected; or (e) there is noncompliance with the regulations in this part. Such an applicant shall be notified promptly of the reason for refusal.

§ 51.27 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided,* That the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 51.28 *Order in which made.* Appeal inspections shall be made, insofar as practicable, at the time requested by the applicant and in the order in which applications are received. They shall take precedence over all other pending applications, except inspections covering lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.).

§ 51.29 *Who shall make appeal inspections.* Appeal inspections shall be made by an inspector or inspectors designated therefor by the Administrator and whenever practical, such appeal inspections shall be made by two inspectors.

§ 51.30 *Appeal findings.* The inspector or inspectors making an appeal inspection shall sign and issue an appeal inspection certificate, which shall supersede and refer specifically to the original inspection certificate from which the appeal was taken, and contain a statement as to the quality or condition of the product, as determined by the appeal inspection. In all other respects the provisions of §§ 51.5 to 51.22, insofar as applicable, shall apply to appeal inspection certificates, except that if the applicant for appeal inspection is not the original applicant, a copy of the appeal inspection certificate shall be mailed to the original applicant. All appeal inspection findings shall be referred to the Administrator for final decision before an appeal inspection certificate is issued.

§ 51.31 *Superseded certificates.* When an original inspection certificate shall have been superseded by an appeal inspection certificate, such original inspection certificate shall not thereafter represent the quantity or condition of the product described therein. If the original and all copies of the superseded certificate have not previously been submitted to the person receiving the application for appeal inspection, the officer issuing the superseding certificate shall forward notice of such issuance and of the superseding of the original certificate to such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

LICENSED INSPECTORS

§ 51.32 *Who may be licensed.* Persons possessing adequate qualifications, as determined by such examinations as the Administrator may consider to be appropriate, may be licensed as inspectors of products which may be inspected under the regulations in this part. Such licenses shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. A licensed inspector shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 51.33 *Application to become a licensed inspector.* Application to become a licensed inspector shall be made to the Administrator on forms furnished for that purpose. Each such application shall be filled in and signed by the applicant in his own handwriting, and the application shall contain or be accompanied by:

(a) A statement of present address, age, height and weight of the applicant;

(b) A statement showing education and present and previous occupations, together with names of all employers for whom he has worked with periods of service, during the last five years previous to the date of his application;

(c) A statement by the applicant that he agrees to comply with all the terms and conditions of the regulations in this part relating to the duties of inspectors; and

(d) Such other information as may be required by the Administrator.

§ 51.34 *Suspension or revocation of license of licensed inspector.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed inspector issued pursuant to the regulations in this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7 day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days, the license shall be automatically revoked.

§ 51.35 *Surrender of license.* Upon termination of his services as a licensed inspector, or suspension or revocation of his license, a licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in case of an expired license.

FEES AND CHARGES (DESTINATION MARKETS)

§ 51.36 *Amount of fees, rates, and charges.* For each lot of products inspected, a fee and expenses, determined in accordance with §§ 51.37 to 51.40 shall be paid by the applicant.

§ 51.37 *Basis for charges.* (a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: For an inspection covering quality and condition, $10.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $6.60 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be $20.00. For an inspection covering condition-only, $8.00 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and $5.40 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be $16.00.

(b) For each lot of peanuts, pecans, or other nuts inspected, the fee shall be $14.00 when the quantity involved is not more than a full carload: *Provided,* That the different grades and varieties of peanuts shall be considered separate lots and the fee for Farmers' stock peanuts (unshelled) shall be $1.50 per ton.

(c) When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided,* That said fractions shall be calculated in terms of fourths or next higher fourths. When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $4.00 per hour, or the charges may be based upon the number of pounds or number of containers in the

by the laws of the State where the par-

lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled work week, the charge for inspection shall be $2.00 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§ 51.38 *Fees under cooperative agreement.* Fees for inspections made under cooperative agreements pursuant to authority contained in any act of Congress shall be those provided by such agreements.

§ 51.39 *Fees for appeal inspections.* Fees for appeal inspections on all products shall be at the same rate as those set forth in § 51.37, except that when it is found that there was a material error in the determination based upon the original inspection no fee will be charged, and except that appeal inspection for Government agencies shall be on the hourly basis prescribed in § 51.37, plus traveling and other expenses authorized to be charged by the provisions in § 51.40.

§ 51.40 *Traveling, and other expenses.* Such further charges may be made for traveling expenses and other items paid or incurred by the Agricultural Marketing Service in connection with an inspection made at a place where no inspector is located, or appeal inspection where the services of a second inspector are required, as will reimburse the Agricultural Marketing Service. These charges shall be included with the fee for inspection on the bill furnished the applicant.

§ 51.41 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 51.21, may be supplied to any interested party upon payment of a fee of $2.25 for each set of 5, or less, copies.

§ 51.42 *Charges for inspection services on a contract basis.* Irrespective of fees and charges prescribed in the foregoing sections, the Administrator may enter into contracts with applicants to perform inspection services pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection services provided for in such contracts shall be on such bases as will reimburse the Agricultural Marketing Service of the Department for the full cost of rendering such inspection service, including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses, as may be determined by the Administrator.

§ 51.43 *How fees shall be paid.* Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the inspector, and in advance, if required by the inspector.

§ 51.44 *Disposition of fees.* (a) The fees covered by §§ 51.37 to 51.39 shall be disposed of as follows:

(1) Fees for inspections made by salaried inspectors acting exclusively for the Agricultural Marketing Service shall be remitted promptly to the Agricultural Marketing Service.

(2) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organizations shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State as may be due the United States shall be remitted to the Agricultural Marketing Service.

(b) Fees and charges collected pursuant to §§ 51.40 to 51.41 shall be remitted to the Agricultural Marketing Service.

(c) Fees and charges collected pursuant to § 51.42 shall be disposed of in accordance with the terms of the contract. Such portion of the fees collected under a contract which may be due the United States shall be remitted to the Agricultural Marketing Service.

FEES AND CHARGES (SHIPPING AREAS)

§ 51.45 *Schedule of fees.* In the absence of specific provisions therefor contained in cooperative agreements entered into pursuant to § 51.38, the fees to be charged and collected for any inspection service performed in shipping areas shall be based on the applicable rates specified in this section.

(a) *Base fee for fruits and vegetables.* The base fee shall be $10.00 per carload of the customary size for the products in the area from which shipped: *Provided,* That the base fee shall be adjusted on an approximately proportional basis to determine the fee for any lot which is smaller or larger than a carload of the customary size, based either on the number of pounds or the number of containers.

(b) *Additional fee for multiple products.* An additional fee of $0.50 (fifty cents) per commodity shall be charged whenever the lot inspected consists of more than one fruit or vegetable: *Provided,* That the total fee for the inspection of such a lot shall not exceed $12.50.

(c) *Additional fee for certified weight or count.* An additional fee of $2.00 per lot shall be charged for determining certified weight and $1.00 per lot shall be charged for determining certified count.

(d) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be $12.50 per carload of the customary size for such products in the area from which shipped: *Provided,* That the base fee shall be adjusted on an approximately proportional basis to determine the fee for any lot which is smaller or larger than a carload of the customary size based either on the number of pounds or the number of containers: *And provided further,* That the fee for farmers' stock (unshelled) peanuts shall be $1.50 per ton.

(e) *Minimum fee.* The minimum fee for performing any inspection shall be $2.00 regardless of the size of the lot involved.

§ 51.46 *Additional charges for inspections performed at night, Sundays, or holidays.* Whenever inspections are performed at the request of the applicant between the hours of 6 o'clock p. m. and 6 o'clock a. m., on Sundays or on holidays, the charge for inspection shall be $2.00 per hour or portion thereof per inspector in addition to the regular lot fees specified in this subpart.

§ 51.47 *Charges for inspection service on a contract basis.* Irrespective of the fees and charges prescribed in §§ 51.45 and 51.46, the Administrator may enter into contracts with applicants to perform inspection services for the purpose of establishing prescribed minimum charges for specified periods of time whenever the Administrator determines that the regular lot fees will not reimburse the Agricultural Marketing Service for the full cost of rendering such inspection services: *Provided,* That the fees and charges actually levied shall in no event be less than the regular lot fees per carload or per ton specified in this subpart.

§ 51.48 *Inspections for government agencies.* Unless otherwise provided in a written agreement between the applicant and the Administrator, the fees to be charged for any inspection service performed at the request of the United States or of any State, or any agency or instrumentality thereof, shall be at the rate of $4.00 per hour.

§ 51.49 *Travel and other expenses.* Charges may be made to cover the cost of travel and other expenses incurred in connection with the performance of any inspection service.

§ 51.50 *Fees for additional copies of certificates.* Additional copies of any inspection certificate, other than those provided in § 51.21, may be supplied to any interested party upon payment of a fee of $2.25 for each set of five, or less, copies.

§ 51.51 *Payment of fees.* Fees shall be paid by the applicant in accordance with directions on the fee bill furnished him by the inspector. Either payment in advance or an advance of funds or surety bond in an amount suitable to the Administrator may be required prior to rendering inspection service.

MISCELLANEOUS

§ 51.52 *Fraud or misrepresentation.* Any willful misrepresentation or any deceptive or fraudulent practice found to be made or committed by any person in connection with: (a) The making or filing of an application for any inspection service; (b) the making of the produce accessible for sampling or inspection; (c) the use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part; (d) the use of a facsimile form which simulates, in whole or in part, any official certificate authorized to be used under the regulations in this part for the purpose of purporting to evidence the U. S. grade of any product; (e) any other violation of the provisions of section 203 (h) of the Agricultural Marketing Act of 1946, as amended by Pub. Law 272, 84th Cong. (see § 51.3); or (f) any other willful violation of the regulations in this part, or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 51.53 *Political activity.* All inspectors are forbidden, during the period of their respective appointments or licenses to take an active part in political management or in political campaigns and a violation by a licensee shall constitute grounds for revocation of his license. All Federal employees are subject to the applicable provisions of the Department's administrative regulation relating to political activity.

§ 51.54 *Interfering with an inspector.* Any further benefits of the act may be denied any applicant or other interested party, who, either personally or through an agent or representative, interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector in the performance of his duties.

§ 51.55 *Compliance with other laws.* None of the requirements in the regulations of this part shall excuse failure to comply with any Federal, State, County, or municipal laws applicable to products covered in the regulations in this part.

§ 51.56 *Identification.* Each inspector shall have in his possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

§ 51.57 *Approved identifications.* (a) The approved grade shield may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Department or by a Federal-State inspection service; (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product has been certified by an inspector as meeting the requirements of the grade shown within the shield. The grade shield approved for use shall be similar in form and design to the examples in Figures 1 and 2 of this section.

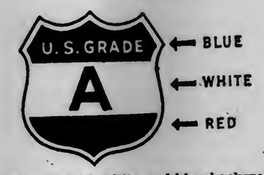

Shield using red, white and blue background.

FIGURE 1.

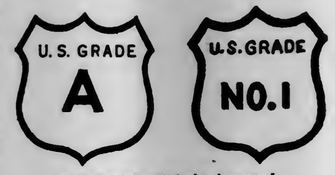

Shields with plain background.

FIGURE 2.

(b) The approved continuous inspection marks may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Department or by a cooperative Federal-State inspection service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices; and (3) the product meets the requirements of one or more of the official U. S. Grades or such quality specifications as may be approved by the Administrator. The continuous marks approved for use shall be similar in form and design to the examples in Figures 3 through 5 of this section.

Statement enclosed within a shield.

FIGURE 3.

PACKED UNDER CONTINUOUS INSPECTION OF THE U. S. DEPT. OF AGRICULTURE

FIGURE 4.

PACKED BY

UNDER CONTINUOUS FEDERAL-STATE INSPECTION

FIGURE 5.

Statements without the use of the shield.

(c) The grade marks set forth in paragraph (a) of this section and the inspection marks set forth in paragraph (b) of this section may be combined into a consolidated grade and inspection mark for use on products which meet the requirements of both of these paragraphs.

(d) Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspector by stamping the packages with a device having an official inspection mark similar in form and design to Figure 6. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

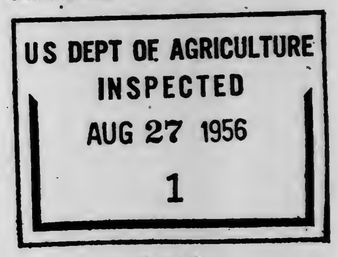

FIGURE 6.

§ 51.58 *Custody of official inspection marking devices.* All official inspection devices marked as shown in Figure 6 shall be kept in the custody of the Agricultural Marketing Service and accurate records shall be kept of these devices. Each inspection office shall keep a record of the devices assigned to it. Such devices shall be distributed only to authorized employees of the Department who shall keep the devices in their possession or control at all times and keep complete records of such devices.

§ 51.59 *Congressional interest in contracts.* No member of, or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in the regulations in this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a member of, or Delegate to Congress, or a Resident Commissioner in his capacity as a farmer.

Dated: September 27, 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Service.

[F. R. Doc. 56-7905; Filed, Oct. 3, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 184]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 18, 1956.

Having under consideration the matter of prescribing a Uniform System of Accounts for Class II Common and Contract Motor Carriers of Property, notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that the Commission proposes under the provisions of sections 204 and 220 of the Interstate Commerce Act (49 U. S. C. 304 and 320) the accounts set forth below in the chart of accounts. A Class II account shown opposite more than one Class I account in the chart will, when the text is prescribed, include the substance of the provisions now embodied in those Class I accounts (49 CFR Part 182). To facilitate an understanding of the effect of this condensation of Class I accounts, the texts are not included here but the instructions and definitions for use by the new Class II carriers are shown in the attachments.

Among other things, the proposed Class II system provides that the Class II carriers at their option may continue to maintain the Class I system of accounts, provided, however, that the Class II carriers include in annual reports to the Commission the group totals required in the proposed Class II system. The new Class II system also incorporates the substance of Instruction 27 of the Class I system which requires carriers which derive an average of 75-percent or more of their revenues from intercity transportation of general commodities and which have average annual gross revenues of $500,000 or more to separate expenses between line haul and pickup and delivery. In condensing the Class I accounts into the proposed Class II system, care has been exercised to preserve separate accounts for those items in the Class I system which are used generally by the industry in cost formulae. In that manner the basic cost information now available for Class I carriers will also be available for the Class II carriers.

Any interested person may on or before October 31, 1956, file with the Commission's Secretary written views or arguments to be considered in this connection. After consideration of the representations so received, and giving effect to any changes necessary because of them, it is contemplated that the uniform system of accounts for the Class II carriers proposed herein will become effective January 1, 1957.

[SEAL] HAROLD D. MCCOY, *Secretary.*

CHART OF ACCOUNTS

BALANCE SHEET—ASSET SIDE

PROPOSED ACCOUNTS FOR CLASS II CARRIERS		ACCOUNTS FOR CLASS I CARRIERS	
	Current assets		
100	Cash and working funds	1000	Cash.
		1020	Working funds.
104	Special deposits	1040	Special deposits.
		1041	Interest special deposits.
		1042	Dividend special deposits.
		1043	Miscellaneous special deposits.
108	Notes receivable	1080	Notes receivable.
110	Receivables from affiliated companies	1100	Receivables from affiliated companies.
		1101	Loans and notes receivable.
		1105	Interest and dividends receivable.
		1109	Accounts receivable.
112	Accounts receivable	1120	Accounts receivable—agents, customers, and interline.
		1130	Accounts receivable—other.
117	Prepayments	1170	Prepayments.
		1171	Prepaid taxes and licenses.
		1172	Prepaid insurance.
		1173	Prepaid interest.
		1174	Prepaid rents.
		1175	Prepaid stationery and printed matter.
		1176	Prepaid tires and tubes.
		1179	Miscellaneous prepayments.
118	Material and supplies	1180	Material and supplies.
119	Other current assets	1060	Temporary cash investments.
		1140	Subscribers to capital stock.
		1160	Interest and dividends receivable.
		1190	Other current assets.
	Property and investments		*Tangible property*
120	Carrier property	1200	Carrier operating property.
		1300	Carrier operating property leased to others.
121	Land and structures	1201	Land and land rights.
		1210	Structures.
122	Revenue equipment	1220	Revenue equipment.
123	Service cars and equipment	1230	Service cars and equipment.
124	Other carrier property	1240	Shop and garage equipment.
		1250	Furniture and office equipment.
		1260	Miscellaneous equipment.
		1270	Improvements to leasehold property.
		1280	Undistributed property.
		1290	Unfinished construction.
140	Noncarrier property	1400	Noncarrier property.
			Intangible property
150	Intangible property	1500	Organization, franchises and permits.
		1501	Organization.
		1511	Franchises.
		1541	Patents.
		1550	Other intangible property.
			Investment securities and advances
160	Investments, advances, and special funds.	1600	Investments and advances—affiliated companies.
		1650	Other investments and advances.
			Special funds
		1701	Sinking funds.
		1751	Depreciation funds.
		1781	Miscellaneous special funds.
	Deferred and miscellaneous debits		*Deferred debits*
185	Deferred and miscellaneous debits	1880	Unamortized debt discount and expense.
		1890	Other deferred debits.
			Miscellaneous debit items
		1900	Discount on capital stock.
		1910	Commission and expense on capital stock.
		1920	Reacquired securities.
		1990	Nominally issued securities.

BALANCE SHEET—LIABILITY SIDE—Continued

PROPOSED ACCOUNTS FOR CLASS II CARRIERS		ACCOUNTS FOR CLASS I CARRIERS	
	Deferred credits and reserves—Continued		*Reserves*—Continued
269	Other reserves	2630	Reserve for adjustments—investments and advances.
		2650	Reserve for uncollectible accounts.
		2660	Insurance reserves.
		2680	Injuries, loss, and damage reserves.
		2690	Other reserves.
	Capital and surplus		*Capital stock*
270	Capital stock	2700	Preferred capital stock.
		2710	Common capital stock.
		2720	Premiums and assessments on capital stock.
		2730	Capital stock subscribed.
			Noncorporate capital
280	Sole proprietorship capital	2800	Sole proprietorship capital.
281	Partnership capital	2810	Partnership capital.
			Unappropriated surplus
290	Unearned surplus	2900	Unearned surplus.
293	Earned surplus	2930	Earned surplus.

INCOME ACCOUNTS

PROPOSED ACCOUNTS FOR CLASS II CARRIERS		ACCOUNTS FOR CLASS I CARRIERS	
	I *Carrier Operating Income*		*Revenues*
300	Operating revenues	3000	Operating revenues.
310	Freight revenue—intercity common carrier.	3100	Freight revenue—intercity common carrier.
311	Freight revenue—intercity contract carrier.	3110	Freight revenue—intercity contract carrier.
312	Freight revenue—local cartage	3120	Freight revenue—local cartage.
313	Intercity transportation for other Class II and Class I motor carriers.	3130	Intercity transportation for other Class I motor carriers.
390	Other operating revenue	3900	Other operating revenue.
			Expenses
400	Operation and maintenance expenses.	4000	Operation and maintenance expenses.
410	Equipment maintenance	4100	Equipment maintenance.
411	Supervision, office and other expenses.	4110	Supervision.
		4120	Office and other expenses.
413.0	Repairs and servicing—revenue equipment.	4130	Repairs and servicing—revenue equipment.
413.1	Line haul	4131	Line haul.
413.5	Pickup and delivery	4135	Pickup and delivery.
416.0	Tires and tubes—revenue equipment.	4160	Tires and tubes—revenue equipment.
416.1	Line haul	4161	Line haul.
416.5	Pickup and delivery	4165	Pickup and delivery.
418	Other maintenance expenses	4180	Other maintenance expenses.
		4185	Operating rents.
419	Joint garage expense—net	4191	Joint garage expense—debit.
		4196	Joint garage expense—credit.

BALANCE SHEET—LIABILITY SIDE

PROPOSED ACCOUNTS FOR CLASS II CARRIERS		ACCOUNTS FOR CLASS I CARRIERS	
	Current liabilities		*Current liabilities*
200	Notes payable	2000	Notes payable.
		2020	Matured long-term obligations.
203	Payables to affiliated companies	2030	Payables to affiliated companies.
		2031	Loans and notes payable.
		2035	Interest and dividends payable.
		2039	Accounts payable.
205	Accounts payable	2050	Accounts payable.
		2051	Accounts payable—officers, stockholders and employes.
		2055	Interline account balances.
		2059	Accounts payable—other.
207	Salaries and wages payable	2070	Wages payable.
209	C. o. d.'s unremitted	2090	C. o. d.'s unremitted.
212	Taxes accrued	2120	Taxes accrued.
219	Other current and accrued liabilities	2100	Dividends declared.
		2150	Interest accrued.
		2160	Matured interest.
		2190	Other current liabilities.
	Equipment and other long-term obligations		*Advances payable*
		2200	Advances payable—affiliated companies.
		2250	Other advances payable.
			Equipment and other long-term obligations
230	Equipment and other long-term obligations.	2300	Equipment obligations.
		2330	Bonds.
		2360	Other long-term obligations.
	Deferred credits and reserves		*Deferred credits*
240	Deferred credits	2400	Unamortized premium on debt.
		2450	Other deferred credits.
			Reserves
250	Reserve for depreciation—carrier property.	2500	Reserve for depreciation—carrier operating property.
		2590	Reserve for depreciation—carrier operating property leased to others.
251	Reserve for depreciation—structures	2510	Reserve for depreciation—structures.
252	Reserve for depreciation—revenue equipment.	2520	Reserve for depreciation—revenue equipment.
253	Reserve for depreciation—service cars and equipment.	2530	Reserve for depreciation—service cars and equipment.
254	Reserve for depreciation—other carrier property.	2540	Reserve for depreciation—shop and garage equipment.
		2550	Reserve for depreciation—furniture and office equipment.
		2560	Reserve for depreciation—miscellaneous equipment.
		2570	Reserve for depreciation—improvements to leasehold property.
		2580	Reserve for depreciation—undistributed property.
260	Reserve for amortization—carrier property.	2600	Reserve for amortization—carrier operating property.
261	Reserve for depreciation and amortization—noncarrier property.	2610	Reserve for depreciation and amortization—other property.

INCOME ACCOUNTS—Continued

PROPOSED ACCOUNTS FOR CLASS II CARRIERS		ACCOUNTS FOR CLASS I CARRIERS	
	Expenses—Continued		*Expenses*—Continued
	Insurance and safety—Continued		Insurance and safety—Continued
458	Other insurance and safety department expense.	4580	Other insurance and safety department expense.
		4585	Operating rents.
460	Administrative and general	4600	Administrative and general.
461.0	Supervision	4610	Supervision.
461.1	Salaries—general officers	4611	Salaries—General officers.
461.2	Salaries—revenue accounting	4612	Salaries—revenue accounting.
461.3	Salaries—other general office employees.	4613	Salaries—other general office employees.
462	Other general office expenses	4620	Office and other expenses.
		4621	Expenses—general officers.
		4622	Expenses—general office employees.
		4623	Other general office expenses.
463	Law and outside auditing expenses	4630	Law expenses.
		4635	Outside auditing expenses.
464	Communication service	4640	Communication service.
465	Employees welfare expenses	4645	Employees welfare expenses.
466	Uncollectible revenues	4660	Uncollectible revenues.
467	Regulatory expenses	4670	Regulatory expenses.
468	Other general expenses	4650	Management and supervision fees.
		4675	Purchasing and store expenses.
		4680	Other general expenses.
		4685	Operating rents.
469	Joint operating expense—net	4691	Joint operating expense—debit.
		4696	Joint operating expense—credit.
500	Depreciation expense	5000	Depreciation expense.
501	Depreciation of structures	5010	Depreciation of structures.
502.0	Depreciation of revenue equipment.	5020	Depreciation of revenue equipment.
	Line haul	5021	Line haul.
502.5	Pickup and delivery	5025	Pickup and delivery.
503	Depreciation of service cars and equipment.	5030	Depreciation of service cars and equipment.
504	Depreciation of shop and garage equipment.	5040	Depreciation of shop and garage equipment.
505	Depreciation of furniture and office equipment.	5050	Depreciation of furniture and office equipment.
506	Depreciation of miscellaneous equipment.	5060	Depreciation of miscellaneous equipment.
507	Depreciation of other carrier property.	5070	Depreciation of improvements to leasehold property.
		5080	Depreciation of undistributed property.
510	Depreciation adjustment	5100	Depreciation adjustment.
515	Amortization of carrier property	5150	Amortization chargeable to operations.
		5151	Amortization of carrier operating property.
		5155	Extraordinary property losses.
520	Operating taxes and licenses	5200	Operating taxes and licenses.
521.0	Gasoline, other fuel and oil taxes	5210	Gasoline, other fuel and oil taxes.
521.1	Line haul	5211	Line haul.
521.5	Pickup and delivery	5215	Pickup and delivery.
522.0	Vehicle license and registration fees.	5220	Vehicle license and registration fees.
522.1	Line haul	5221	Line haul.
522.5	Pickup and delivery	5225	Pickup and delivery.
523	Real estate and personal property taxes.	5230	Real estate and personal property taxes.
524	Social security taxes	5240	Social security taxes.

INCOME ACCOUNTS—Continued

PROPOSED ACCOUNTS FOR CLASS II CARRIERS		ACCOUNTS FOR CLASS I CARRIERS	
	Expenses—Continued		*Expenses*—Continued
420	Transportation	4200	Transportation.
421	Supervision, office and other expenses.	4210	Supervision.
		4220	Office and other expenses.
423.0	Drivers and helpers	4230	Drivers and helpers.
423.1	Line haul	4231	Line haul.
423.5	Pickup and delivery	4235	Pickup and delivery.
425.0	Fuel and oil—revenue equipment	4250	Fuel for revenue equipment.
425.1	Line haul	4251	Line haul.
425.5	Pickup and delivery	4255	Pickup and delivery.
		4280	Oil for revenue equipment.
		4261	Line haul.
		4265	Pickup and delivery.
427.0	Purchased transportation	4270	Purchased transportation.
427.1	Equipment rents—intercity—with drivers.	4271	Equipment rents—intercity—with drivers.
427.2	Equipment rents—intercity—without drivers.	4272	Equipment rents—intercity—without drivers.
427.3	Other purchased transportation—intercity.	4273	Other purchased transportation—intercity.
427.5	Equipment rents—pickup and delivery—with drivers.	4275	Equipment rents—pickup and delivery—with drivers.
427.6	Equipment rents—pickup and delivery—without drivers.	4276	Equipment rents—pickup and delivery—without drivers.
427.7	Other purchased pickup and delivery.	4277	Other purchased pickup and delivery.
427.9	Equipment rents—credit	4279	Equipment rents—credit.
428	Other transportation expenses	4280	Other transportation expenses.
		4285	Operating rents.
430	Terminal	4300	Terminal.
431.0	Supervision	4310	Supervision.
431.1	Supervisory salaries	4311	Supervisory salaries.
431.2	Salaries and fees—billing and collecting.	4312	Salaries and fees—billing and collecting.
431.3	Other office employees	4313	Other office employees.
432	Office and other expenses	4320	Office and other expenses.
434	Salaries and wages—platform employees.	4340	Salaries and wages—platform employees.
435	Other terminal employees	4350	Other terminal employees.
436	Commission agents	4360	Commission agents.
438	Other terminal expenses	4380	Other terminal expenses.
		4385	Operating rents.
439	Joint terminal facilities—net	4391	Joint terminal facilities—debit.
		4396	Joint terminal facilities—credit.
440	Traffic	4400	Traffic.
441	Supervision, office and other expenses.	4410	Supervision.
		4420	Office and other expenses.
443	Tariffs and schedules	4430	Tariffs and schedules.
		4450	Advertising.
448	Other traffic expenses	4480	Other traffic expenses.
		4485	Operating rents.
450	Insurance and safety	4500	Insurance and safety.
451	Supervision, office and other expenses.	4510	Supervision.
		4520	Office and other expenses.
453	Public liability and property damage.	4530	Public liability and property damage.
454	Workmen's compensation	4540	Workmen's compensation.
455	Cargo, loss and damage	4550	Cargo, loss and damage.
456	Fire, theft and collision	4560	Fire, theft and collision.
457	Other insurance expense	4570	Other insurance expense.

INCOME ACCOUNTS—Continued

PROPOSED ACCOUNTS FOR CLASS II CARRIERS		ACCOUNTS FOR CLASS I CARRIERS	
	Expenses—Continued		*Expenses*—Continued
	Operating taxes and licenses—Con.		Operating taxes and licenses—Con.
525	Other taxes	5250	Other taxes.
540	Lease of distinct operating unit—debit.	5400	Lease of distinct operating unit—debit.
550	Lease of distinct operating unit—credit.	5500	Lease of distinct operating unit—credit.
	II *Other Ordinary Income*		II *Other Ordinary Income*
610	Income from noncarrier operations—net.	6100	Income from noncarrier operations—net.
650	Other nonoperating income	6300	Interest income.
		6400	Dividend income.
		6500	Other nonoperating income.
	III *Deductions from Ordinary Income*		III *Deductions from Ordinary Income*
710	Interest	7100	Interest.
750	Other income deductions	7300	Amortization of debt discount and expense.
		7400	Amortization of premiums on debt—credit.
		7500	Other deductions.
	IV *Extraordinary Income*		IV *Extraordinary Income*
810	Extraordinary income credits	8100	Extraordinary income credits.
		8400	Delayed income credits.
820	Extraordinary income charges	8200	Extraordinary income charges.
		8600	Delayed income charges.
880	Income taxes	8800	Income taxes.
		8810	Federal income taxes.
		8820	State income taxes.
		8830	Other income taxes.

INSTRUCTIONS

1. *Classification of carriers.* A. For the purpose of prescribing Uniform Systems of Accounts for common or contract motor carriers of property subject to the Interstate Commerce Act, carriers are grouped into the following three classes:

Class I: Carriers having average gross operating revenues (including interstate and intrastate) of $1,000,000 or over annually, from motor carrier operations.

Class II: Carriers having average gross operating revenues (including interstate and intrastate) of $200,000 or over, but under $1,000,000 annually, from motor carrier operations.

Class III: Carriers having average gross operating revenues (including interstate and intrastate) of less than $200,000 annually, from motor carrier operations.

B. Class II carriers shall keep all the accounts prescribed herein, where applicable.

C. The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations for the three calendar years immediately preceding the effective date of this system of accounts. If, at the end of any subsequent calendar year, the average of a carrier's annual gross operating revenues from motor carrier operations for the last three preceding years is greater than the maximum or less than the minimum for the class in which the carrier has been previously grouped, it shall automatically be grouped in the higher or lower class in which it falls because of such increased or decreased average annual gross operating revenues, and it shall notify the Commission of the change in its status. Any carrier which begins new operations or extends its existing operations subsequent to the effective date of this system of accounts will be classified in accordance with a reasonable estimate of its prospective annual gross operating revenues.

D. Any Class II carrier may, at its option, use the system of accounts prescribed for Class I carriers, provided, however, that the Class II carriers shall include in annual reports to the Commission the group totals required by the condensed classification for Class II carriers.

2. *Records.* A. Each carrier shall keep its general accounting books, and all other books, records and memoranda which support in any way the entries to such accounting books, readily accessible so that it can furnish at any time full information as to any account. Moreover, it shall support each entry to each account with such detailed information as will provide a ready analysis and verification of the facts recorded therein. All expenditures must be supported by vouchers, pay rolls, receipted bills, cancelled checks, receipts for petty cash payments, or other evidences of the expenditures incurred. Expense accounts and disbursements from working or petty cash funds by employees must, wherever practicable, be supported by receipts from the persons furnishing the services or materials and, where not practicable to obtain receipts, the employees must describe the disbursements in sufficient detail to clearly identify the nature and reason therefor.

B. The books referred to herein include not only books of account in a limited technical sense but all other records such as minute books, stock books, reports, correspondence, and memoranda which will be useful in developing the history of or facts regarding any transaction.

C. Carriers shall not destroy any books, records, memoranda, or correspondence which support entries to their accounts unless the destruction thereof is specifically provided for in the Regulations to Govern the Preservation of Records of Motor Carriers, other than Class I motor carriers, prescribed by the Commission.

D. Subdivisions of any account in this system of accounts may be kept, provided that such subdivisions do not impair the integrity of the accounts prescribed. When an account is subdivided in the general ledger, an account need not be maintained for the total of the subdivisions. When such subdivisions are carried in subsidiary ledgers, however, the general ledger shall contain the controlling accounts therefor so that a complete general ledger trial balance may be obtained.

3. *Accounting period.* Each carrier shall keep its books on a calendar year basis and for each month (or four-week period—see Note) all transactions applicable thereto, as nearly as can be ascertained, including accruals, shall be written up and posted to the general ledger. A trial balance of the general ledger accounts shall be prepared at the close of each month and retained as a permanent record. The final entries for any month shall be made in the general ledger not later than 60 days after the last day of the month for which the accounts are stated, unless otherwise authorized by the Commission, except that the period within which the final entries for the last month in the calendar year shall be made may be extended to such date in March of the following year as shall not interfere with the preparation and filing of annual reports.

NOTE: To avoid repetition, whenever the word "month" appears in these instructions, it is intended to include "or 4-week period".

4. *Submission of questions.* To maintain uniformity of accounting, carriers shall submit all questions of doubtful interpretation to the Commission for consideration and decision.

5. *Item lists, interpretation of.* Lists of items appearing in the texts of the several accounts are given for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all items includible in the accounts, but merely as representative of them. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

6. *Opening entries.* As of the date that this system of accounts is adopted by the carrier the accounts prescribed herein shall be opened by appropriately transferring thereto the balances carried in the accounts previously maintained by the carrier, provided, however, that the balance brought forward to any account upon adoption of this system of accounts shall be adjusted to correct previous accounting performed which is

not in conformity with the provisions of this system. The carrier is authorized to make such subdivisions, reclassifications, consolidations of or additions to such balances as are necessary to meet the requirements of this system of accounts.

7. *Delayed items.* A. Delayed items (see definition 13) and adjustments, applicable to prior years, shall be charged or credited to the same accounts which would have been charged or credited if the items had been taken up or adjusted in the period to which they pertain except that if the amount of any such delayed item relatively is so large that its inclusion in the appropriate accounts for the current year would seriously distort the income for the year, the amount shall be included in account 810—Extraordinary Income Credits, or account 820—Extraordinary Income Charges, as appropriate. (See, however, Note B to Account 880—Income Taxes.)

8. *Current assets of doubtful value.* In the group of accounts designated as Current Assets (accounts 100 to 119 inclusive), there shall not be included any item the amount or collectibility of which is not reasonably assured unless provision has been made in a reserve. Items of current character but of doubtful value not covered by reserves may be carried in this group of accounts at a nominal value or included in account 185—Deferred and Miscellaneous Debits, at book cost or nominal value, or written off, as may be appropriate. Adjustments to accomplish the writing down or writing off of such items shall be made through account 466—Uncollectible Revenues, account 750—Other Income Deductions, account 820—Extraordinary Income Charges, or other appropriate income account.

9. *Clearing accounts, purpose of.* A. Clearing accounts, designed to facilitate the distribution of certain expenditures which may affect more than one class of accounts, may be kept when necessary in making the proper distribution of items to the appropriate accounts, as subdivisions of account 185—Deferred and Miscellaneous Debits, or account 240—Deferred Credits.

B. Balances in clearing accounts shall be fully cleared not later than the end of the calendar year unless items held therein unquestionably relate to future periods.

10. *Carrier property.* A. Amounts chargeable to accounts 120—Carrier Property, and 150—Intangible Property, shall be the actual cost to the carrier of the items properly includible therein, except as provided in paragraphs E, F and H following.

B. Any unit of property, including additions to or betterments of existing property, having a cost not in excess of $50.00, or having a life of one year or less, shall be charged to the appropriate operation and maintenance expense account and not to the property account. This is not to be construed as authorizing the parceling of expenditures to bring them within this limit.

C. When operating property is purchased under any plan involving deferred payments, charges shall not be made to the property accounts for interest, insurance, or other expenditures occasioned by such form of payment.

D. When the consideration given for carrier property is anything other than cash, the cash value of such consideration shall be used.

E. When any transportation system or portion thereof constituting a distinct operating unit (see definition 15) is purchased, the constituent elements thereof that are chargeable to account 120 shall be recorded in these accounts at their book cost as reflected by the records of the vendor with concurrent credits to the depreciation reserves for accrued depreciation to date of purchase.

F. Any undistributed portion of the purchase cost of a distinct operating unit not includible in specific accounts provided for tangible assets acquired or liabilities assumed, including expenses incurred in connection with the transaction, shall be charged to account 150.

G. In a transaction involving the acquisition of any transportation system or portion thereof constituting a distinct operating unit from another carrier, the purchaser shall obtain from the vendor all available records and other evidence (or certified copies thereof) relating to the acquisition, construction and improvement of the property acquired.

H. If it is determined at the time the entries are made on the books of the purchaser recording the acquisition of a distinct operating unit, that the remaining service lives of any of the units of carrier property acquired will exceed or be less than those used by the vendor in computing depreciation on the property, and that accruals of depreciation had been excessive or inadequate, the accruals may, upon approval of the proposed accounting by the Commission, be adjusted on the basis of new rates determined from revised estimates which take into consideration the estimated remaining service lives of the property subsequent to acquisition by the purchaser. Such adjustments of depreciation accruals shall be made by concurrently adjusting the undistributed balance of the cost of acquisition included in account 150.

11. *Property retired from service.* A. When a building, unit of revenue or service equipment, or other unit of depreciable carrier property is permanently retired from service, the book cost of such property shall be credited to the property account and concurrently charged, together with the cost of removal, to the appropriate depreciation reserve account. Any amount realized from the sale or trade-in of the property, or salvage or insurance recovered, including amounts provided for in any insurance or other reserve with respect to the retired property, when such reserve covers the cause of retirement, shall be credited to the depreciation reserve. Any difference remaining in the depreciation reserve with respect to the retired property after the above entries have been made, shall be charged or credited as appropriate to account 510—Depreciation Adjustment.

B. When the property retired constitutes a minor item (see definition 21), the book cost of which will be accounted for by its inclusion in the unit of property of which it is a part, no adjustment of the property account or depreciation reserve is required therefor. When a minor item is retired and replaced, with property of like purpose, the entire cost of replacement shall be charged to the expense account appropriate for the cost of repairs to the property retired.

C. When land is sold, the book cost shall be credited to account 121—Land and Structures, and any difference between the book cost and the sale price, less commissions and expenses on the sale, shall be adjusted through account 810—Extraordinary Income Credits, or account 820—Extraordinary Income Charges, as appropriate.

D. When any leasehold of land or easement, franchise, certificate, consent, privilege, or patent expires, is relinquished, or sold, the accounting with respect to the retirement of such items shall be in accordance with the text of account 260, Reserve for Amortization-Carrier Property.

E. The book cost of property retired shall be the amount at which such property is included in the property accounts.

12. *Insurance.* A. Provision has been made under Operation and Maintenance Expenses for recording amounts of premiums paid outside insurance companies and accruals for self-insurance in accounts as follows:

453—Public Liability and Property Damage.
454—Workmen's Compensation.
455—Cargo Loss and Damage.
457—Other Insurance Expense.

B. Premiums paid in advance shall be charged to account 117—Prepayments, and equitably distributed to the appropriate accounts over the period to which the premiums relate, except minor premiums which may be charged direct, and premiums that are chargeable to construction.

C. Carriers which have qualified as self-insurers and those desiring to provide for losses in excess of outside insurance shall establish and maintain reserves against such liability by monthly charges to the appropriate insurance expense accounts in amounts sufficient to cover the probable liability with concurrent credits to account 269—Other Reserves. Such charges shall be determined currently by the carrier from its best source of information and the rates used may be based on percentages of revenue, mileage of vehicles, amount of payrolls, or other equitable basis.

Payments or settlements of claims for which reserves have been established shall be charged against the reserve.

D. The cost of repairs to owned or leased carrier property involved in accidents or damaged by fire or other causes, and of replacing damaged or destroyed property leased from others, less the estimated value of materials salvaged and amounts provided for such losses in an insurance reserve, shall be charged to the appropriate maintenance expense accounts for repairs of the property. Amounts receivable from insurance companies or others in full or partial reimbursement of such costs shall be

credited to the expense accounts previously charged with the cost of repairs.

13. *Distribution of pay and expenses of employees.* A. The pay and expenses of officers or employees engaged in activities of a varying nature, such as an officer who may be assigned to supervise both transportation and terminal operations, shall be included in the appropriate accounts upon the basis of the actual time devoted to the respective classes of work, except that the pay and expenses of an officer or employee who performs substantially the same variety of duties from day to day may be distributed upon the basis of a study of the time actually devoted by him to those duties during a representative period.

B. The pay and expenses of officers regularly assigned to specific duties who perform incidental services of a different nature involving small expense, shall be included in the expense accounts appropriate for the duties to which officers or employees are regularly assigned.

14. *Joint facilities.* A. Where a facility (see definition 17), operated by others, is used by the reporting carrier under a joint facility arrangement, any amounts paid by the carrier as its share of operation and maintenance costs including rent if the property is leased, or including depreciation, taxes and a return on the investment in the joint facility if the property is owned by the operating carrier, shall be charged to the appropriate joint facility account under equipment maintenance, terminal, or administrative and general expenses.

B. Where the reporting carrier operates a joint facility, any amounts received from other carriers using the facility, as reimbursement of operation and maintenance costs, including rent if the property is leased, or including depreciation, taxes and a return on the investment in the joint facility if the property is owned by the reporting carrier, shall be credited to the appropriate joint facility account under equipment maintenance, terminal, or administrative and general expenses.

C. The carrier operating the joint facility shall include a statement of the distribution of the income and expenses of the facility on bills rendered joint users.

15. *Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operation and maintenance expenses, and for other carrier expenses, shall be just, reasonable and necessary to the honest and efficient operation and management of the motor carrier business. Payments, accruals, or allowances in excess of such just and reasonable charges shall be included in account 750—Other Income Deductions.

16. *Book cost of securities owned.* A. Securities of others acquired by the carrier shall be recorded in these accounts at cost, including brokerage and registration fees, stock transfer taxes, and similar expenses, at the time of acquisition. Cost does not include any amount paid for accrued interest or dividends, except that amount of interest included in the purchase price of bonds, which are not payable until maturity or until the bonds are disposed of, shall be included in these accounts as part of the cost.

B. Reserves may be provided in account 269—Other Reserves, by charges to account 820—Extraordinary Income Charges, to adjust or write off the value of securities reflected in account 160—Investments, Advances and Special Funds.

17. *Capital stock.* A. All transactions relating to the capital stock of the accounting carrier shall be recorded by class of stock. Stocks are of the same class only when they are identical in all provisions, including preferences in the distribution of dividends and assets, voting rights, and conditions under which the stock may be retired. If the capital stock of the carrier is of more than one class, its records shall be so maintained as to record the amount applicable to each class in separate subdivisions of the accounts.

B. Commission and expenses applicable to capital stock issues shall not be deducted from premium on capital stock.

C. 1. General levies or assessments against stockholders shall be credited to account 290—Unearned Surplus for the particular class and series of capital stock so assessed, except that assessments with respect to nonpar stock without stated value shall be credited to the capital stock account.

2. Discounts and expenses on original issues of capital stock may be amortized or written off by charges to account 290—Unearned Surplus; however, in no event shall net debits exceed the accumulated net credits in unearned surplus with respect to the particular class of stock. Any excess of debits may be retained in account 185—Deferred and Miscellaneous Debits, until the stock is reacquired or retired, or the excess debits may be charged to account 293—Earned Surplus.

D. When an issue of capital stock, or any part thereof, is reacquired, either by purchase or through donations by stockholders, it shall be charged at its par or stated value, or if it is nonpar stock without a stated value, in an amount equal to the proportionate part applicable to such shares of stock of the total amount at which all stock without par or stated value of the same class is carried in the capital stock account; if cancelled to account 270—Capital Stock; if not cancelled, to account 185—Deferred and Miscellaneous Debits. The difference between the amount at which the reacquired stock is recorded in the foregoing accounts and the amount paid for the stock, including commissions and other expenses incurred in its purchase and also any premium or discount applicable to its original sale, shall be included in account 290—Unearned Surplus, provided, however, that the excess of a debit over the balance carried in unearned surplus with respect to the particular class of stock shall be charged to account 293—Earned Surplus.

E. When shares of its reacquired capital stock of any class are resold by the carrier, account 185—Deferred and Miscellaneous Debits, shall be credited with the amount at which the shares were debited to that account upon reacquisition. Any difference between the total amount realized from the sale of the stock (less commissions and expenses incident thereto), and the amount credited to account 185, shall be accounted for as set out in the last sentence of paragraph D above, provided, however, that if an excess debit was included in account 293—Earned Surplus, when the stock was reacquired, any difference resulting from the resale of the stock, if a credit, shall be included in account 293 to the extent of the previous charge to that account.

18. *Allocation of expenses between line haul and pickup and delivery.* A. Class II common carriers which derive an average of 75% or more of their revenues from the intercity transportation of general commodities and which have average annual gross revenues of $500,000 or more, based on the three calendar years ended December 31, 1956, and on the latest three calendar years thereafter, shall separate expenses between line haul and pickup and delivery as provided in this instruction. Class II motor carriers, other than those specified above, are not required to comply with the provisions of this instruction.

B. Carriers required to comply with the provisions of this instruction shall separate the amounts includible in the following accounts between those applicable to line haul and those applicable to pickup and delivery:

413.0 Repairs and Servicing—Revenue Equipment.
416.0 Tires and Tubes—Revenue Equipment.
423.0 Drivers and Helpers.
425.0 Fuel and Oil—Revenue Equipment.
427.0 Purchased Transportation.
502.0 Depreciation of Revenue Equipment.
521.0 Gasoline, Other Fuel, and Oil Taxes.
522.0 Vehicle License and Registration Fees.

C. The separation between line haul and pickup and delivery expenses in the accounts listed above shall be made in the following manner:

1. Classification of Expenses, Other Than Wages for Drivers and Helpers.

A. All expenses for vehicles classified (see paragraph (b)) as "line haul" shall be entered in the line haul subdivisions of the accounts, and all the expenses for vehicles classified as "pickup and delivery" shall be entered in the pickup and delivery subdivisions of the accounts.

In no case shall the expenses of a vehicle be split between the two subdivisions of an account.

B. For the purpose of separating the expenses each revenue vehicle (truck, tractor or trailer) shall be classified as "line haul" or "pickup and delivery", according to the service in which it is predominantly employed.

Include in the "line haul" classification all revenue vehicles predominantly engaged in the transportation of property in terminal-to-terminal, peddle, and other intercity service. Peddle trips are trips operated out of a local area, consisting of a city or town and contiguous suburban districts, for the purpose of delivering freight to consignees and gathering freight from consignors at points outside such area. The incidental or occasional use in pickup and delivery

or local cartage service of vehicles regularly employed in line-haul service would not affect their classification as "line-haul".

Include in the "pickup and delivery" classification all revenue vehicles predominantly employed in pickup and delivery service and local cartage service within a local area as defined above. The incidental or occasional use in line-haul service of vehicles regularly employed in pickup and delivery or local cartage service would not affect their classification as "pickup and delivery".

Where a vehicle or fleet of vehicles is used with complete interchangeability in the carrier's regular line-haul and pickup and delivery services, and a separation based on predominant use is not feasible, such vehicle or fleet of vehicles should be classified as "line haul".

Where vehicles assigned to over-night intercity runs are also used more or less regularly during the day in the carrier's general pickup and delivery service, such vehicles should be classified as "line haul".

2. Classification of Wages of Drivers and Helpers.

A. The separation of drivers' and helpers' wages between the "line haul" and "pickup and delivery" subdivisions of account 423.0 Drivers and Helpers, shall be made according to the type of service performed by the employee. Thus, if a driver makes a line haul trip, whether terminal-to-terminal, peddle, or other, his wages for the trip shall be charged to the "line haul" subdivision of the account, irrespective of whether the vehicle used for the trip has been classified as "line haul" or "pickup and delivery." Similarly, if a driver is engaged in the carrier's general pickup and delivery service, his wages while so employed shall be charged to the "pickup and delivery" subdivision of the account, irrespective of whether the vehicle used in making the pickups and deliveries has been classified as "pickup and delivery" or "line haul."

B. Where a driver making a line-haul trip picks up or delivers all or part of his load at point of origin or destination or points en route, the entire wages of the driver shall be charged to the "line haul" subdivision of account 423.0, except that where the driver's compensation for the pickup and delivery work performed is computed separately for pay roll purposes it shall be charged to the "pickup and delivery" subdivision.

C. Where a driver spends part of the day in making a line-haul trip after which he is assigned to the carrier's general pickup and delivery service, his wages for the line-haul trip shall be charged to the "line haul" subdivision of the account and his wages for the pickup and delivery work performed shall be charged to the "pickup and delivery" subdivision.

D. Also, where a driver is employed in either line-haul or pickup and delivery service and, in addition, is regularly assigned for a part of his time to platform work at the carrier's terminal, including the loading or unloading of his own or other vehicles, his wages for the time so employed shall be charged to account 434, Salaries and Wages—Platform Employees.

E. Any carrier which finds it impracticable to segregate expenses as required by this instruction should furnish the Commission with full particulars of the conditions which prevent the proper segregation. Upon receipt of such information carriers will be advised of the procedure to be followed.

DEFINITIONS

1. *Definitions.* When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Addition" means structures, facilities or equipment added to those in service, or the extension or enlargement of existing property, and not taking the place of anything previously existing.

3. "Amortization" means the gradual extinguishment of an amount in an account by prorating the amount over either a fixed period dependent on the requirements of regulatory bodies, the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

4. (a) "Affiliated companies" means companies (see definition 8) or persons, except officers and other employees of the carrier, that directly, or indirectly through one or more intermediaries, control or are controlled by, or are under common control with the accounting carrier.

(b) "Control" (including "controlling", "controlled by" and "under common control") as used herein, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company whether through the ownership of voting securities, by contract, or otherwise. If in any instance the existence of control is or may be open to reasonable doubt, the carrier shall report to the Commission all the material facts pertinent to the possible existence of control.

5. "Book cost" means the amount at which property is recorded on the books without deduction of related reserves. (See definition 22.)

6. "Carrier" or "motor carrier" means a common carrier by motor vehicle or a contract carrier by motor vehicle.

7. "Carrier property" means the property which is used (see definition 31) wholly or principally by the carrier in the conduct of its motor carrier operations or property constituting a distinct operating unit (see definition 15) leased to others and which has an expectation of life in service of more than one year from date of installation. This includes land, structures, equipment, and facilities necessary for such operations and for services incidental thereto.

8. "Company" means a person, firm, partnership, corporation, association, or joint-stock association; and includes any trustee, receiver, assignee, or personal representative thereof.

9. "Commission" or "the Commission" means the Interstate Commerce Commission.

10. "Current Assets" means cash as well as those assets that are readily convertible into cash or are held for current use in operations or construction; current claims against others, payment of which is reasonably assured; and other amounts accruing to the carrier which are subject to settlement within one year from the date of issue or upon demand.

11. "Current Liabilities" means those obligations the amount of which is definitely determined or closely estimated which are either matured or become due within one year from date of issue or assumption, or upon demand, (see Note), except bonds, equipment obligations, and receivers' or trustees' certificates, which shall be classed as long-term obligations (see definition 19) regardless of the period for which they are to run.

NOTE: Demand obligations, which by mutual agreement will not be paid within one year from date of issue, shall be classed as long-term obligations.

12. "Date of retirement", as applied to carrier property (see definition 7), means the date at which such property is permanently withdrawn from service.

13. "Delayed items" means items relating to transactions which occurred before the current calendar year. It includes adjustments of errors in the income, operating revenue, and operating expense accounts of prior years. (See instruction 7.)

14. "Depreciation", as applied to depreciable property, means the loss in service value (see definition 28) not restored by current maintenance, incurred in connection with the consumption, use or prospective retirement of property from causes against which the carrier is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, obsolescence, changes in the art, inadequacy, changes in demand, and requirements of public authority.

15. "Distinct operating unit" means the operating rights covered by a certificate of public convenience and necessity or a permit, and also includes carrier property used in operations under the rights or permit (when included in the transaction) purchased, leased, operated or sold as an operating unit or transportation system.

16. "Intercity service", for the purposes of accounting and compiling statistical data, means transportation performed beyond the limits defined for local service (see definition 18).

17. "Joint facility" means any owned or leased carrier property occupied or operated jointly by the carrier and one or more other carriers by motor, rail, water, air, etc., under an arrangement whereby the costs are shared by the parties to the joint agreement. Portions of a structure or other property used exclusively by each of two or more carriers are not joint facilities. (See instruction 14.)

18. "Local service," for the purpose of accounting and compiling statistical data, means transportation performed within a city or town including the suburban area contiguous thereto.

19. "Long term obligations" includes all unmatured equipment obligations, bonds, receivers' or trustees' certificates regardless of maturity; other obligations having a life of more than one year from date of issuance or assumption; and demand obligations which by mutual agreement will not be paid within one year from date of issue.

20. "Mileage method", as applied to depreciation of vehicles, means the plan under which the service value (see definition 28) of the vehicle is charged to depreciation expense and credited to the depreciation reserve at a fixed rate for each mile the vehicle is operated.

21. "Minor items", as applied to carrier property (see definition 7), means the chassis, body, engine or other parts or elements of which units of property (see definition 30) are composed.

22. "Net book cost", when applied to property, means the book cost (see definition 5) less related depreciation and amortization reserves.

23. "Nominally issued", as applied to securities issued or assumed by the carrier, means those securities which have been signed, certified, or otherwise executed and placed with the proper officer for sale and delivery, or pledged, but which have not been sold or issued directly to trustees of sinking funds in accordance with contractual requirements.

24. "Property retired", means property which has been removed, sold, abandoned, destroyed, or which for any cause has been permanently withdrawn from service.

25. "Replacing" or "replacement", when not otherwise indicated in the context, means the acquisition, construction, or installation of property in place of property of like purpose retired, together with the removal of the property retired.

26. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recovered is chargeable to account 118—Material and Supplies, or other appropriate account.

27. "Service life" means the period between the date carrier property (see definition 7) is placed in service and the date of its retirement. (See definition 24.)

28. "Service value" means the difference between the book cost (see definition 5) and the salvage value (see definition 26) of property.

29. "Straight-line method", as applied to depreciation accounting, means the plan under which the service value (see definition 28) of property is charged to depreciation expenses or other appropriate accounts and credited to the depreciation reserves through equal periodic charges as nearly as may be during its service life (see definition 27).

30. "Unit of property", for the purpose of this system of accounts, means any item of property (except minor items, see definition 21) which when retired, with or without replacements by sale, abandonment, disposal or replacement, is accounted for by crediting the book cost (see definition 5) thereof to the property account in which it is included, as provided in instruction 11.

31. "Used", as applied to property, means actually and necessarily in current service or ready for and reasonably required to be currently held for future service.

[F. R. Doc. 56-7843; Filed, Oct. 3, 1956; 8:45 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-10804]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 26, 1956.

Take notice that Tennessee Gas Transmission Company (Applicant) a Delaware corporation having its principal place of business at Houston, Texas, filed an application on July 24, 1956, as supplemented on September 10, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application now on file with the Commission and open for public inspection.

Applicant proposes to render natural gas storage service to Public Service Electric and Gas Company (Public Service) pursuant to an option agreement dated October 16, 1953, and exercised by Public Service by a Precedent Agreement dated May 15, 1956, as amended by a Letter Agreement dated July 12, 1956, between Applicant and Public Service. This agreement provides for Applicant to deliver to Public Service during the period from November 1 of each year to May 1 of the following year volumes of natural gas up to 2,700,000 Mcf at a maximum daily rate of 30,000 Mcf, and for Public Service to make available to Applicant for injection into Applicant's underground storage facilities during the off-peak periods from May 1 through October 31 of each year equivalent volumes of natural gas. Such storage and delivery cycle shall continue for the period coextensive with the term of the Gas Sales Contract between the parties dated January 9, 1956.

Applicant does not request authorization of any facilities inasmuch as its presently authorized facilities are adequate to render the service proposed herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-7982; Filed, Oct. 3, 1956; 8:46 a. m.]

[Docket No. G-10874]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 26, 1956.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on August 8, 1956, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate certain natural gas transmission facilities and for authority to abandon certain other facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 2.2 miles of 5½-inch O. D. natural gas transmission pipeline in Clark County, Ohio, partially replacing Line Z-11 serving New Carlisle;

(2) Approximately 5.1 miles of 16-inch O. D. natural gas transmission pipeline in Hardin and Allen Counties, Ohio, extending Line D-357 to complete the looping of Line D-322 between Green Camp and Lima;

(3) Approximately 5.7 miles of 16-inch O. D. natural gas transmission pipeline in Wood County, Ohio, extending Line D-345 to complete the replacement of Line "T" between Bowling Green and Toledo;

(4) Approximately 5.8 miles of 12¾-inch O. D. natural gas transmission pipeline in Hancock County, Ohio, extending from Line D-345 near Arcadia to the junction of Lines D-40, "T", and T-50;

(5) Approximately 50 feet of 2⅜-inch O. D. natural gas transmission pipeline in Seneca County, Ohio, extending from Line D-345 to a proposed town border regulating station for service to McCutchenville:

Together with valves, fittings, and incidental facilities necessary for practical operation.

Applicant also requests authorization to abandon:

Approximately 2.2 miles of 3½-inch O. D. pipe to be replaced by facilities described under Project No. 1, and 5.5 miles of 12¾-inch O. D. pipe to be replaced by facilities described under Project No. 3.

Based on estimates by Dayton Power and Light Company, additional capacity will be required in order to maintain adequate service to New Carlisle during the winter of 1956-1957 and thereafter.

The estimated requirements are as follows:

1957	152,700	1,530
1958	157,900	1,730
1959	163,600	1,780

Due to an increase in the contract demand of West Ohio Gas Company for the winter of 1956–1957, capacity of the D–322 system must be increased to 85,400 Mcf per day, the estimated requirement of the area during the winter of 1956–1957.

To meet the increasing requirements of the Toledo area and to provide the additional capacity now necessary, Applicant proposes to replace the remaining section of 5.5 miles of 12-inch pipe of Line T with 5.7 miles of 16-inch line, as proposed in Project No. 3. This will eliminate the pressure restriction of existing facilities and provide the needed increase in capacity.

In order to remove part of the load from Line D–345 and thereby release needed capacity for service to Toledo, Applicant now proposes to construct the Findlay lateral, proposed as Project No. 4, consisting of approximately 5.8 miles of 12-inch pipe. This would shorten the route for service to Findlay by eliminating the need to use the 16-inch portion of Line D–345 and then back-tracking to Findlay via Lines T–50 and T. The proposed lateral, leading directly from the 20-inch portion of Line D–345 to the junction of Lines D–40, T, and T–50, would release capacity in Line D–345 from Arcadia to North Baltimore, and in Lines T and T–50 from Findlay to North Baltimore, thus increasing peak day capacity to Toledo to approximately 43,000 Mcf through Line D–345 direct, and 8,000 Mcf through Line T–50.

The estimated natural gas requirements for McCutchenville are as follows:

	Annual Mcf	Peak day Mcf
1957	7,963	82
1958	8,718	90
1959	9,122	92

The estimated cost of Applicant's proposed construction is $772,360, including $11,360 for service in McCutchenville, all of which will be financed by The Columbia Gas System, Inc. The total salvage value of the facilities to be abandoned is estimated at $36,200, and the cost of retiring these facilities is estimated at $29,100.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 1, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7983; Filed, Oct. 3, 1956; 8:46 a. m.]

[Docket No. G–11140]

T. J. AHERN ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

On August 27, 1956, T. J. Ahern et al. (Applicant), submitted for filing proposed changes in its rate schedule presently in effect for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Effective Date

Supplemental Agreement dated April 15, 1955; Texas Illinois Natural Gas Pipe Line Company; Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 2; September 27, 1956.[1]

Notice of Change, undated; Texas Illinois Natural Gas Pipe Line Company; Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 2; September 27, 1956.[1]

Supplement No. 3 provides for a proposed new schedule of prices for gas sales in future years by Applicant to Texas Illinois Natural Gas Pipe Line Company. Supplement No. 4 provides for a proposed increased rate to be charged during the next 12 months, as well as a proposed reduction in the present rate effective September 1, 1956, to reflect the decrease in Texas Gas Occupation tax.

The increased rates and charges proposed in Supplements Nos. 3 and 4 have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges and that Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 2, and Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 2, insofar as it pertains to the increase in rates, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges, and pending such hearing and decision thereon the above designated Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 2, and Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 2 insofar as it pertains to a proposed rate increase, be and the same hereby are suspended and the use thereof deferred until February 27, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: September 26, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7984; Filed, Oct. 3, 1956; 8:47 a. m.]

[Docket No. G–10434]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 1, 1956.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with principal office at 2223 Dodge Street, Omaha, Nebraska, filed, on May 21, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant for the purpose of selling and delivering natural gas on an interruptible basis to the Marshall County, Iowa Home and Hospital for use in their steam heating plants.

The facilities proposed to be constructed and operated by Applicant at an estimated cost of $2,300 for which Applicant will be reimbursed by Marshall County consist of a line tap on its existing 10 inch Marshalltown, Iowa branch line together with measuring and regulating facilities near that point. Marshall County will construct, own and operate the necessary line from the outlet side of the measuring station to the Home and Hospital.

The estimated annual gas requirement of the foregoing project is 8,440 Mcf at 14.73 psia and the estimated maximum day gas requirement is 100 Mcf at 14.73 psia.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, November 5, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–7994; Filed, Oct. 3, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant, if later.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Road Commission has filed an application, Serial No. 032961, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing laws. The applicant desires the land for use as a permanent depot for road construction and maintenance purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

A parcel of land located at approximate latitude 62°42'30" N., longitude 144°0'0" W. in vicinity of Slana, Alaska, more particularly described as follows:

Beginning at the United States Land Monument 2885, which bears South 53° 39' 26" East 3,977.42 feet from a point of curvature (P. C.) on the centerline of the Glenn Highway at Engineers Station "O" 852+45.94. Thence South 66 feet to the North boundary of the Lawrence Dewitt Homestead, U. S. Survey No. 2059. Thence West 1,808.40 feet to Corner No. 2 of the aforementioned homestead which is the real point of beginning. Thence West 150 feet. Thence North 982.75 feet. Thence South 50° 37' 30" East 776.19 feet. Thence South 490.57 feet. Thence West 450 feet to the point of beginning.

The described area contains 10.15 acres more or less.

L. T. MAIN, *Acting Operations Supervisor.*

[F. R. Doc. 56–7978; Filed, Oct. 3, 1956; 8:45 a. m.]

OREGON

NOTICE OF HEARING ON PROPOSED WITHDRAWALS OF PUBLIC LAND

SEPTEMBER 24, 1956.

Notice is hereby given that a public hearing will be held beginning at 9:00 a. m. Tuesday, November 20, 1956, in the Circuit Court Room, Josephine County Courthouse, Grants Pass, Oregon. The subject of the hearing will be withdrawals of lands adjacent to the Rogue River proposed by the Bureau of Land Management, Department of the Interior, and the United States Forest Service, Department of Agriculture.

The proposals would withdraw national forest lands from appropriation under the general mining laws and the remaining public lands from all forms of appropriation under the public land laws, including the general mining laws, except designated areas which may be classified for lease under the Small Tract Act and, if authorized, lease and sale under the Recreational Act of 1926, as amended.

The proposed withdrawals would retain in public ownership the lands described below and thus preserve and protect their scenic, natural and recreational resources for the enjoyment of the public as set forth in the Notice of Proposed Withdrawals and Reservations of Lands, Oregon 03791, published in the FEDERAL REGISTER on May 12, 1955, Vol. 20, page 3237, amended on June 10, 1955, Vol. 20, page 4094, amended on June 30, 1955, Vol. 20, page 4662; Oregon 04135 published on December 22, 1955, Vol. 20, page 9868; and Oregon 04645 published on March 14, 1956, Vol. 21, page 1606.

The lands are described as follows:

WILLAMETTE MERIDIAN, OREGON

BUREAU OF LAND MANAGEMENT LANDS

T. 33 S., R. 1 E.,
Sec. 23: E½SW¼, S½SE¼;
Sec. 24: NW¼SW¼;
Sec. 32: NW¼NW¼.
T. 33 S., R. 2 E.,
Sec. 11: NE¼SW¼, S½SW¼, SE¼;
Sec. 19: NW¼NE¼, S½NE¼, E½NW¼, SE¼SW¼, SW¼SE¼.
T. 33 S., R. 1 W.,
Sec. 35: SE¼SE¼.
T. 33 S., R. 7 W.,
Sec. 31: Lot 4.
T. 33 S., R. 8 W.,
Sec. 33: Lots 1–8 inclusive, N½N½, SW¼NW¼, SE¼SW¼, S½SE¼;
Sec. 35: Lots 8, 9, 10, SE¼SW¼, S½SE¼.
T. 33 S., R. 9 W.,
Sec. 17: Lots 1–8 inclusive, SW¼NE¼, N½S½, SW¼SW¼, SE¼SE¼;
Sec. 21: Lots 1, 2, 3, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 23: Lots 1, 2, 3, NE¼SW¼, S½NW¼, NW¼SE¼, S½SE¼;
Sec. 35: Lots 1–10 inclusive, NE¼SE¼, W½SW¼, W½NE¼, SE¼NE¼.
T. 33 S., R. 10 W.,
Sec. 9: Lot 2, N½NE¼, N½SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, SE¼SE¼;
Sec. 11: Lots 1–9 inclusive, S½NE¼, NW¼NW¼, SE¼NW¼, N½SE¼, SW¼SW¼;
Sec. 13: Lots 1–8 inclusive, S½NW¼, N½SE¼;
Sec. 17: Lots 1, 2, 4, 5, 6, 8, 9, 10, 11, N½N½, SE¼NE¼;
Sec. 19: Lots 1, 2, 3, 5, 6, 7, 8, 9, 10, S½NE¼, SE¼.
T. 33 S., R. 11 W.,
Sec. 25: Lots 2, 5, 6, NW¼NE¼, NW¼, N½SW¼, S½SE¼.
T. 34 S., R. 1 W.,
Sec. 2: Lot 3, N½SW¼;
Sec. 3: NE¼SE¼;
Sec. 10: Lot 2, E½NE¼, NE¼SE¼.
T. 34 S., R. 7 W.,
Sec. 6: Lots 3–7 inclusive, SE¼SW¼;
Sec. 18: Lots 3, 4, E½SW¼;
Sec. 19: Lots 2, 4, E½W½;
Sec. 30: Unpatented part of Lot 1, Lots 2, 4, E½NW¼;
Sec. 31: Lots 3, 4, E½SW¼, S½SE¼.
T. 34 S., R. 8 W.,
Sec. 1: Lots 1–13 inclusive, SW¼NE¼, NW¼SE¼, SW¼;
Sec. 5: Lots 1–5 inclusive, S½NW¼, N½SW¼;
Sec. 13: Lots 1, 2, Lots 4–12 inclusive, SE¼NE¼, W½SW¼;
Sec. 25: Lots 4, 5, 9, 10.
T. 34 S., R. 9 W.,
Sec. 1: Lots 1–10 inclusive, N½SW¼, SE¼, SW¼NW¼.
T. 34 S., R. 11 W.,
Sec. 3: Lots 1–10 inclusive, S½N½, W½SW¼, NE¼SW¼, NW¼SE¼;
Sec. 8: Lots 1, 2, 4;
Sec. 9: Lots 3, 9, N½NW¼, SW¼NW¼, E½SE¼, SW¼SE¼;
Sec. 17: Lots 1, 4, 5, 7, S½SW¼, SE¼, SE¼NE¼;
Sec. 19: Lots 5–9 inclusive, Lots 11, 14, NE¼SE¼, S½SE¼;
Sec. 30: Lot 2;
Sec. 31: Lots 1, 6, 7, 9, 10, 11, 12, NE¼, NE¼SE¼.
T. 35 S., R. 7 W.,
Sec. 3: SW¼;
Sec. 4: Lots 5–9 inclusive, S½NE¼, NE¼SW¼;
Sec. 5: Lots 7, 8, 9, S½NE¼, SE¼NW¼, SE¼SW¼;
Sec. 6: Lots 1–7 inclusive, Lots 12, 13, SE¼NW¼, NE¼SW¼;
Sec. 9: Lots 1, 2, NW¼NE¼, S½NE¼;

Sec. 10: Lots 1, 5, SW¼NW¼, SE¼SE¼, N½NE¼, SE¼NE¼, SW¼SE¼, N½SW¼;
Sec. 24: Lot 1.
T. 35 S., R. 8 W.,
Sec. 1: Lots 1, 2, 3, 5, 8, NW¼SW¼, N½SE¼.
T. 35 S., R. 11 W.,
Sec. 6: Lots 8, 9, 10, 14, SE¼SW¼;
Sec. 7: Lots 1, 2, 9, 10, 11, 12, NE¼NW¼, SE¼NE¼, E½SE¼.
T. 35 S., R. 12 W.,
Sec. 10: Lots 1, 16, 17;
Sec. 11: Lots 2, 4, 5, 16;
Sec. 12: Lot 3;
Sec. 15: Lot 1.
T. 36 S., R. 2 W.,
Sec. 13: Lot 7.
T. 36 S., R. 3 W.,
Sec. 11: Lot 3, N½SE¼, SE¼SE¼;
Sec. 12: Lots 5, 8, 9;
Sec. 13: Lot 7;
Sec. 14: E½NE¼.
T. 36 S., R. 7 W.,
Sec. 2: Lots 5, 8, 9, 10;
Sec. 3: Lots 1, 2, 7, 8, 9;
Sec. 11: Lot 3;
Sec. 12: Lot 3, W½SW¼.
T. 38 S., R. 3 W.,
Sec. 33: Lot 1.
T. 39 S., R. 1 W.,
Sec. 29: S½SW¼.
T. 39 S., R. 2 W.,
Sec. 19: NE¼SE¼;
Sec. 23: SW¼SW¼, SW¼SE¼.
Approximately 15,488 acres.

SISKIYOU NATIONAL FOREST LANDS

T. 33 S., R. 8 W.,
Sec. 32: Lots 1–7 inclusive, NW¼SW¼;
Sec. 34: Lot 1, Lots 3–10 inclusive, SE¼NW¼, SW¼SW¼, SE¼SW¼.
T. 33 S., R. 9 W.,
Sec. 8: S½S½;
Sec. 16: Lots 1–5 inclusive, NW¼NW¼, SE¼NW¼, SW¼SW¼, NW¼SE¼, SE¼SE¼.
Sec. 18: Lots 1–13 inclusive, excluding patented land in portions of Lots 3, 4, 5; N½NE¼, NE¼NW¼;
Sec. 22: Lots 1–8 inclusive, Lot 10, NW¼NW¼, SE¼NE¼ NW¼SW¼;
Sec. 26: Lots 1–9 inclusive, NW¼NE¼;
Sec. 36: Lots 1, 2, 3.
T. 33 S., R. 10 W.,
Sec. 9: Lots 3–6 inclusive;
Sec. 10: Lots 1, 2, Lots 6–10 inclusive, NE¼NE¼, SE¼NW¼NE¼, W½NE¼NW¼, NW¼NW¼, NE¼SE¼, S½S½;
Sec. 12: Lots 1, 2, N½SW¼, NW¼SE¼, S½SE¼;
Sec. 14: Lots 1, 2, 3, NE¼NW¼, S½NE¼;
Sec. 16: Lots 1–8 inclusive, W½NE¼, NW¼NW¼, NE¼SW¼;
Sec. 18: Lots 2–8 inclusive, Lots 13–15 inclusive, Lots 17, 20, N½NE¼, NE¼NW¼, S½SE¼, N½NE¼NW¼SW¼, NE¼NW¼NW¼SW¼;
Sec. 20: Lots 1–4 inclusive;
Sec. 30: Lots 1, 2, 3, NE¼NW¼.
T. 33 S., R. 11 W.,
Sec. 35: Lots 1–6 inclusive, S½NE¼, NE¼SW¼;
Sec. 36: Lots 1–10 inclusive, N½NE¼, NE¼NW¼, SW¼NW¼.
T. 34 S., R. 8 W.,
Sec. 6: Lots 1–12 inclusive, NE¼SW¼, NW¼SE¼;
Sec. 12: Lots 1–8 inclusive, NW¼SW¼;
Sec. 13: Lots 3, 13;
Sec. 24: Lots 1, 3, 4, 5, 8;
Sec. 25: Lots 1, 2, 3, 6, 8, NE¼NW¼.
T. 34 S., R. 9 W.,
Sec. 2: Lots 1, 2, 3.
T. 34 S., R. 11 W.,
Sec. 1: Lots 1, 2, 3, 4;
Sec. 2: Lots 2–9 inclusive, SE¼NE¼, NE¼SW¼;
Sec. 10: Lots 1, 3, 4, NW¼NE¼, SE¼NW¼, E½SW¼NW¼.
T. 35 S., R. 11 W.,
Sec. 5: Lots 6, 7;
Sec. 8: Lot 1.
T. 35 S., R. 12 W.,
Sec. 21: Lots 1, 3, 4, 6.
T. 36 S., R. 13 W.,
Sec. 1: Lot 8, and unsurveyed SW¼SW¼;
Sec. 2: Lots 7, 10, 11, 12, NE¼SW¼;
Sec. 3: Lot 2.
Approximately 7,870.67 acres.

The hearing will be open to attendance of opponents to the withdrawal who may state their views, and to proponents of the withdrawal who may explain its purpose, intent, and extent; and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than November 13, 1956, with the State Supervisor, Bureau of Land Management, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

VIRGIL T. HEATH,
State Supervisor.

SEPTEMBER 24, 1956.

[F. R. Doc. 56-7979; Filed, Oct. 3, 1956; 8:45 a. m.]

Bureau of Reclamation

YAKIMA PROJECT, WASHINGTON

AMENDMENT TO ORDER OF REVOCATION

SEPTEMBER 28, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby amend Revocation Order dated January 12, 1956, concurred in by the Bureau of Land Management on June 18, 1956, and published as Federal Register Document 56-5968 at page 5596 of the issue for July 25, 1956, to read "Williamette Meridian, Washington" rather than "Williamette Meridian, Oregon."

DON S. CAMPBELL,
Acting Assistant Commissioner.

[68333]

SEPTEMBER 28, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-7980; Filed, Oct. 3, 1956; 8:46 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN FORESTER AND RESEARCH FORESTER POSITIONS THROUGHOUT UNITED STATES AND ALASKA

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions at GS-5 and GS-7 in the Forester Series, GS-460-0, all options, and the Research Forester Series, GS-461-0, all options. The new rate for GS-5 has been set at $4210 (the fifth step of the grade) and for GS-7 at $4930 (the fourth step of the grade). The increases will be effective on the first day of the first pay period which begins after October 20, 1956, and apply to these positions throughout the United States and Alaska.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8001; Filed, Oct. 3, 1956; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 53—DPAV-46 (g)]

AMERICAN INDEPENDENT OIL CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY, AS AMENDED

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the name of the following company which has accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply, as Amended," dated May 8, 1956. The request and original list of acceptances were published in 21 F. R. 5703, July 28, 1956, and additional acceptances were published in 21 F. R. 6687, September 5, 1956, and 21 F. R. 6964, September 14, 1956.

American Independent Oil Company, 111 Sutter Street, San Francisco 4, California.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: October 1, 1956.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-7996; Filed, Oct. 3, 1956; 8:48 a. m.]

[ODM (DPA) Request No. 53A—DPAV-56 (b)]

AMERICAN INDEPENDENT OIL CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN PLAN OF ACTION UNDER VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the name of the following company which has accepted the request to participate in a plan of action entitled, "Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply," dated August 10, 1956. The request and original list of acceptances were published in 21 F. R. 6686, September 5, 1956, and an additional acceptance was published in 21 F. R. 6964, September 14, 1956.

American Independent Oil Company, 111 Sutter Street, San Francisco 4, California.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: October 1, 1956.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-7995; Filed, Oct. 3, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4138]

WILLIAM TELL PRODUCTIONS, INC.

NOTICE OF AND ORDER FOR HEARING

SEPTEMBER 28, 1956.

William Tell Productions, Inc., 135 Central Park West, New York, N. Y., having filed with the Commission on November 4, 1955, a notification on Form 1-A and subsequently filed amendments thereto relating to a proposed public offering of 295,000 shares of common stock, par value $0.10, at $1.00 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission, on September 5, 1956, having issued an order pursuant to Rule 223 (a) and Rule 261 (a) of the general rules and regulations under the Securities Act of 1933 temporarily suspending the exemption under Regulation A and affording to any person having any interest therein an opportunity to request a hearing pursuant to said Rules, and a written request for a hearing having been received by the Commission on September 14, 1956, from the company; and

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption:

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933 and the rules of the Commission be held on October 11, 1956 at 10:00 a. m., e. d. s. t., at the New York Regional Office of the Commission, 225 Broadway, New York, N. Y., with respect to the following specified matters and questions, without prejudice, however, to the specification of additional issues which may be present in these proceedings:

1. Whether the terms and conditions of Regulation A have been complied with by William Tell Productions, Inc.

2. Whether the issuer failed to disclose in Item 4 of Form 1-A that W. T. Clemons Associates was, and is, an affiliate of the issuer.

3. Whether W. T. Clemons Associates offered and sold securities within the meaning of Rule 217 (a) (3) in an amount which when combined with the issuer's offering exceeded the $300,000 maximum aggregate offering price limitation of Rule 217 (a).

4. Whether the issuer failed to disclose in Item 3 of Form 1-A sales of securities by W. T. Clemons Associates, within one year prior to the date of the filing of such Form 1-A by the issuer.

5. Whether the issuer, through its underwriter, Rutledge Irvine & Co., Inc., sold securities of the issuer and in connection with such sales failed to give or deliver to the purchasers an offering circular as required by Rule 219 (a) (2).

6. Whether the issuer, through its underwriter, Rutledge Irvine & Co., Inc., offered and sold its securities prior to the filing of an amended offering circular disclosing information with respect to the underwriting agreement with said Rutledge Irvine & Co., Inc., as required by Rule 219 (c) (4) and (5).

7. Whether the issuer, through its underwriter, Rutledge Irvine & Co., Inc., sold its securities prior to and during the waiting period, following the filing of amending material to the offering as prescribed by Rule 219 (e).

8. Whether the order dated September 5, 1956, suspending the exemption under Regulation A with respect to William Tell Productions, Inc. should be vacated or made permanent.

It is further ordered, That James Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before October 9, 1956, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-7986; Filed, Oct. 3, 1956; 8:47 a. m.]

[File No. 70-3509]

MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE OF NOTES TO BANKS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY, AND ORDER FOR HEARING THEREON

SEPTEMBER 28, 1956.

Notice is hereby given that Michigan Consolidated Gas Company ("Michigan Consolidated"), a public utility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to a Credit Agreement to be dated October 1, 1956, Michigan Consolidated proposes to borrow from certain banks up to the amounts of their several commitments, not exceeding $30,000,000 in the aggregate, as follows:

The First National City Bank of New York	$6,200,000
The Hanover Bank, New York	6,200,000
Mellon National Bank & Trust Co., Pittsburgh	6,200,000
National Bank of Detroit	6,200,000
The Detroit Bank	2,000,000
The Manufacturers National Bank of Detroit	2,000,000
Bank of the Commonwealth, Detroit	400,000
City Bank, Detroit	400,000
Old Kent Bank, Grand Rapids	400,000
Total	30,000,000

Said borrowing will be evidenced by unsecured promissory notes, to be issued from time to time after September 30, 1956, as funds are required by the company. Each note will be dated when issued, will mature September 30, 1957, and will bear interest at the prime rate prevailing at The First National City Bank of New York for commercial loans on the date of issue. The Credit Agreement will provide that, at the option of the company, the note may be prepaid in whole or in part, and, if in part, pro rata as to each of the banks and in an aggregate principal amount of $3,000,000 or multiples thereof, without penalty except in the case of payment from the proceeds of borrowings from other banks, in which event there will be payable a penalty of one quarter of one percent per annum for the unexpired term of the amount prepaid. The Credit Agreement will also provide that the company shall pay a standby charge equal to one-quarter of one percent per annum on the average daily unused balance of the commitment, computed from October 1, 1956, until the face amount of notes shall equal the aggregate commitments or the Credit Agreement terminates.

Michigan Consolidated will use the borrowed moneys in furtherance of its current construction program, estimated at $35,501,000 for 1956 and $34,162,000 for 1957. The company proposes in 1957 to consummate a long-term financing program in an amount sufficient to retire all bank loans then outstanding and to provide funds for further construction.

Declarant states that no other regulatory commission has jurisdiction over the proposed borrowings.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the declaration and that it should not be permitted to become effective except pursuant to further order of the Commission:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, that a hearing with respect to the declaration shall be held on October 12, 1956, at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington, D. C. On said date the Hearing Room Clerk in Room 193 will

advise as to the room in which such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before October 11, 1956, a request relative thereto as provided by Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the declaration which he desires to controvert.

It is further ordered, That James G. Ewell, or any other officer of the Commission designated by it for that purpose, shall preside at such hearing, and that the officer so designated is hereby authorized to exercise all of the powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to the designation of additional matters and questions upon further examination:

1. Whether the proposed short-term notes are to be issued for the purpose of financing the business of the declarant as a public-utility company.

2. Whether the issue and sale of the proposed notes by Michigan Consolidated are reasonably adapted to the security structure of the company and other companies in the holding company system.

3. Whether the notes to be issued are reasonably adapted to the earning power of the company.

4. Generally, whether the proposed issue meets the applicable standards of section 7 of the act.

5. What terms and conditions, if any, should be imposed in the public interest or in the interest of investors or consumers with respect to the issue and sale of such notes.

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7987; Filed, Oct. 3, 1956; 8:47 a. m.]

[File No. 70-3512]

OHIO EDISON CO.

ORDER AUTHORIZING ACQUISITION OF UTILITY ASSETS

SEPTEMBER 28, 1956.

Ohio Edison Company ("Company"), a registered holding company and a public utility company, has filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Pursuant to a Sale Agreement dated August 27, 1956 between the Company and the Village of Huron, Ohio ("Huron"), the Company proposes to acquire, for a cash consideration of $335,000, the Huron municipal electric distribution system, including approximately 26 pole miles of overhead distribution facilities, 314 street lights, and 178 line transformers of approximately 2,424 kva aggregate capacity, and serving approximately 1,350 customers.

The Company presently supplies power to Huron for distribution over its system, amounting to 4,963,200 kwh, with revenue of $74,950, for the 12-month period ended July 31, 1956.

Huron is situated within the Company's service area, in close proximity to communities presently served by the Company; and upon consummation of the acquisition, the property will become a part of the Company's integrated system.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7988; Filed, Oct. 3, 1956; 8:47 a. m.]

[File No. 70-3511]

IROQUOIS GAS CORP.

ORDER AUTHORIZING ACQUISITION OF NATURAL GAS PROPERTIES

SEPTEMBER 28, 1956.

Iroquois Gas Corporation ("Iroquois"), a public utility subsidiary of National Fuel Gas Company, a registered holding company, has filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Iroquois proposes to buy, for a cash consideration of $450,000, all of the natural gas properties of Reservation Gas Company and Finance Oil Company, non-affiliates, located in Erie, Cattaraugus, and Chautauqua Counties, New York, consisting primarily of 49 producing wells, approximately 45 miles of 2, 3, 4 and 6 inch pipeline, 2 compressor stations, various parcels of real property, and gas producing and storage leaseholds covering approximately 27,850 acres.

For the immediate present Iroquois intends to operate the properties for gas production. However the properties are suitable for eventual conversion into underground storage areas for natural gas, supplementing the company's existing storage pools in the same locality.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7989; Filed, Oct. 3, 1956; 8:48 a. m.]

[File No. 70-3513]

OHIO VALLEY ELECTRIC CORP. ET AL.

NOTICE OF FILING REGARDING PAYMENT OF DIVIDENDS, ISSUANCE AND ACQUISITION OF SUBORDINATED NOTES, ALTERATION OF RIGHTS AND PREPAYMENT OF PORTION OF OTHER OUTSTANDING NOTES

SEPTEMBER 28, 1956.

In the matter of Ohio Valley Electric Corporation, American Gas and Electric Company, The West Penn Electric Company, Ohio Edison Company; File No. 70-3513.

Notice is hereby given that Ohio Valley Electric Corporation ("OVEC"), an exempt holding company and a public utility company, and its parent registered holding companies, American Gas and Electric Company, The West Penn Electric Company, and Ohio Edison Company, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6, 7, 9, 10 and 12 of the act and Rules U-42 and U-43 thereunder as applicable to transactions therein proposed, which are summarized below:

Through the consummation of various proposals, incident to the organization and financing of the capital requirements of OVEC, heretofore authorized by the Commission (Holding Company Act Release Nos. 11578, 12077, 12752 and 12909) OVEC issued and now has outstanding the following securities:

First mortgage bonds, 3¾ percent, due 1982	$304,946,000
Bank notes, 3⅝ percent, due 1967	45,611,170
Interim notes (demand)	10,000,000
Common stock, $100 par	10,000,000
Total	370,557,170

OVEC's debt securities are held by institutional investors including several banks and the common stock is held by holding and public utility companies ("Participating Companies").

OVEC also obtained authority to issue and sell to the Participating Companies not in excess of $8,000,000 of Subordinated Notes which are subordinate to all of OVEC's other debt securities. The proceeds derived from the sale of the Subordinated Notes, none of which has been issued, together with other funds are to be applied to certain serial prepayments of OVEC's outstanding Bank Notes which are subject to semi-annual payments, in varying amounts fixed by formula, to commence on January 1, 1957. In this connection the Participating Companies are obligated to supply OVEC with a total of $400,000 on January 1, 1957, and $400,000 on each July 1 and January 1 thereafter up to and including July 1, 1966 (an aggregate of $8,000,000), such advances to be evidenced by Subordinated Notes of OVEC.

According to the present filing full scale operation of the facilities of OVEC commenced on March 13, 1956, several months in advance of the date originally contemplated, as the result of which OVEC had an earned surplus at June 30, 1956, of $1,102,222 that will not be required to be dedicated by OVEC or the Participating Companies to any specified purpose; it being anticipated that the initial obligation of $400,000 of the Participating Companies can be met with earnings of OVEC accruing during the six months period July 1 to December 31, 1956.

OVEC and the Participating Companies now propose to make an optional prepayment of Bank Notes and reduce the balance remaining at the maturity of that issue, the result of which will be to increase the Participating Companies' ultimate investment in OVEC, as evidenced by Subordinated Notes, to $9,102,000 from the originally authorized $8,000,000, and to reduce the bank-held notes by an amount equal to such proposed additional investment.

The holders of the Bank Notes have consented to waive the premium which would otherwise be payable under the optional prepayment privilege and have waived a provision requiring that prepayments be made only in multiples of $1,500,000.

To effectuate this program OVEC and the Participating Companies now propose the following transactions:

(i) OVEC will pay a cash dividend of $1,102,222 on its common stock, such amount being equal to its earned surplus as at June 30, 1956;

(ii) OVEC will issue and sell to the Participating Companies $1,102,000 principal amount of Subordinated Notes; and

(iii) OVEC will use the proceeds from such sale to prepay a like principal amount of its outstanding Bank Notes.

The Subordinated Notes will mature July 1, 1968, and will bear interest at the rate of 3⅝ percent per annum, subject to increase under certain circumstances to a rate not exceeding 4 percent. These terms are among those heretofore authorized by the Commission.

The fees, commissions and expenses paid or incurred or to be paid or incurred in connection with the proposed transactions by OVEC or any associate company are to be supplied by amendment.

It is represented that OVEC will submit the proposed transactions to the Public Utilities Commission of Ohio for consideration and approval. A copy of the order of that commission will be supplied by amendment.

Notice is further given that any interested person may, not later than October 15, 1956, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-7990; Filed, Oct. 3, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 1, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32682: *Fertilizer and materials—Niagara Falls and Port Robinson, Ontario, to Central Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, straight or mixed carloads from Niagara Falls and Port Robinson, Ontario, Canada, to Points in central territory.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 47 to Agent Hinsch's tariff I. C. C. 4662.

FSA No. 32683: *Caustic soda—Michigan points to Foley, Fla.* Filed by The St. Louis-San Francisco Railway Company, for itself and other interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), liquid, tank-car loads from Detroit, Montague, and Whitehall, Mich., to Foley, Fla.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32684: *Malt liquors—Milwaukee, Wis., to the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on malt liquors, carloads, and empty returned containers, carloads from Milwaukee, Wis., to specified points in the South.

Grounds for relief: Circuitous routes.

Tariff: Supplement 10 to Agent Raasch's tariff I. C. C. 850.

FSA No. 32685: *Fertilizer solutions between western and eastern points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on nitrogen fertilizer solution or fertilizer ammoniating solution, tank-car loads, and phosphatic fertilizer solution, tank-car loads (1) between points in western trunk-line territory, on one hand and points in official territory, east of Illinois territory, on the other, and (2) between points in official territory, east of Illinois territory, on the one hand, and points in northern Illinois, southern Wisconsin, and eastern Iowa, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 14 to Agent Hinsch's tariff I. C. C. 4720; Supplement 47 to Agent Hinsch's tariff I. C. C. 4662.

FSA No. 32686: *Alcoholic liquors within official territory.* Filed jointly by Agents C. W. Boin and O. E. Swenson, for interested rail carriers. Rates on alcoholic liquors, noibn, carloads between specified points in official (including Illinois) territory, including northern Illinois, southern Wisconsin, and extended zone "C".

Grounds for relief: Motor truck competition and circuity.

Tariffs: Agent C. W. Boin's tariff I. C. C. A-1117 and supplement 1 thereto.

FSA No. 32687: *Petroleum coke—Southwest to Ohio and Pennsylvania.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum coke, carloads from Baytown, Beaumont, Chaison, Houston, Port Arthur, San Antonio, Texas City and West Port Arthur, Tex., and Sunray and Tulsa, Okla., to Fostoria, Painesville, and Perry, Ohio, and Chester and Monongahela, Pa.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 66 to Agent Kratzmeir's I. C. C. 3983.

FSA No. 32688: *Animal or poultry feed—Florida and Georgia points to Georgia points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on animal or poultry feed, carloads and less-than-carloads from Clewiston, Jacksonville and Lake Alfred, Fla., Port Wentworth and Savannah, Ga., to Dublin, Jeffersonville, Nashville and Soperton, Ga., application on traffic mixed in transit at Macon, Ga.

Grounds for relief: Modified distance scale, and circuitous routes.

Tariff: Supplement 7 to Agent Spanginger's I. C. C. 1482.

FSA No. 32689: *Candy and confectionery—Hershey, Pa., to New Orleans, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on candy and confectionery, carloads from Hershey, Pa., to New Orleans, La.

Grounds for relief: Rail-water competition, and circuitous routes.

Tariff: Supplement 24 to Agent Boin's I. C. C. A–1079.

FSA No. 32690: *Butyl alcohol—Philadelphia, Pa., to Tennessee.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on butyl alcohol, tank-car loads from Philadelphia, Pa., to Kingsport and Holston, Tenn.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 24 to Agent Boin's I. C. C. A–1079.

FSA No. 32691: *Grain—Davisboro and Tennile, Ga., to Mobile, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barley, corn, oats, rye, soybeans or wheat, in bulk, straight carloads from Davisboro and Tennile, Ga., to Mobile, Ala., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 157 to Agent Spaninger's tariff I. C. C. 1325.

FSA No. 32692: *Commodity rates from and to Sharon, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on various commodities, carloads and less-than-carloads from and to Sharon, Ohio, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station, grouping and circuity.

Tariff: Detroit, Toledo and Ironton Railroad Company tariff I. C. C. 771.

FSA No. 32693: *Commodity rates from and to Eagle City, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on various commodities, carloads and less-than-carloads from and to Eagle City, Ohio, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station, grouping and circuity.

Tariff: Detroit, Toledo and Ironton Railroad Company tariff I. C. C. 770.

FSA No. 32694: *Alumina—Baton Rouge and North Baton Rouge, La., to Ravenswood Works, W. Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on alumina, calcined or hydrated, carloads from Baton Rouge and North Baton Rouge, La., to Ravenswood Works, W. Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 200 to Alternate Agent Marque's tariff I. C. C. 417.

FSA No. 32695: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by Household Goods Carriers Bureau, Agent, for the Pennsylvania Railroad Company and interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago and East St. Louis, Ill., and Indianapolis, Ind., on the one hand, and Kearny, N. J., Philadelphia or Pittsburgh, Pa., on the other.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56–7985; Filed, Oct. 3, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR THE BENEFIT OF KAREL EDERSHEIM ET AL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Karel Edersheim, L. S. Claim No. 24, $1,681.07 in the Treasury of the United States.

Anna and Ernst Lankhout, Hesther van Emden and Carl Polak, L. S. Claim No. 242, $1,681.07 in the Treasury of the United States.

Henriette Lignac-Enthoven, Martha Hotke-Enthoven, Henri, Adine and Marius Enthoven, L. S. Claim No. 387, $1,681.07 in the Treasury of the United States.

Otto and Paul Goldschmidt, and Augusta van Royen, L. S. Claim No. 432, $1,681.07 in the Treasury of the United States.

Ella, Hendrik, Emilie and Marianne Levenbach, L. S. Claim No. 572, $1,681.07 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8002; Filed, Oct. 3, 1956; 8:50 a. m.]

STATE OF THE NETHERLANDS FOR THE BENEFIT OF PAUL ENTHOVEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Dr. Paul Enthoven, L. S. Claim No. 236, $2,955.80 in the Treasury of the United States.

Helene Rozendaal, Julie Hedeman and Ellen Gerzon, L. S. Claim No. 705, $5,043.21 in the Treasury of the United States.

Jenny, Florence and Carel Wolff, L. S. Claim No. 814, $1,812.42 in the Treasury of the United States.

Mietje, Tiny and Tom de Vries, L. S. Claim No. 841, $1,681.07 in the Treasury of the United States.

Lucie, Hilda, Carl and Jeanette Steiner, L. S. Claim No. 843, $1,681.07 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8003; Filed, Oct. 3, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF SILVAIN HELLENDALL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Silvain Hellendall, L. S. Claim No. 231, $6,700.07 in the Treasury of the United States.

Mozes Elzas, L. S. Claim No. 382, $6,724.28 in the Treasury of the United States.

Johanna Kerremans, L. S. Claim No. 456, $5,043.21 in the Treasury of the United States.

Elisa Edersheim and Henriette, Arthur and Benjamin Isaac, L. S. Claim No. 498, $1,681.07 in the Treasury of the United States.

Michael and Eva de Jong, L. S. Claim No. 512, $1,681.07 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway New York 4, New York.

Executed at Washington, D. C., on September 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8004; Filed, Oct. 3, 1956; 8:50 a. m.]

ERICH LUDWIG RAUBENHEIMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Erich Ludwig Raubenheimer, Kusel-Rheinpfalz 22b, Germany, Claim No. 45820, $1,361.48 in the Treasury of the United States.

Vesting Order No. 12792.

Executed at Washington, D. C., on September 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8005; Filed, Oct. 3, 1956; 8:51 a. m.]

JEAN BERNARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Bernard, Paris, France, Claim No. 41380, property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to:

(1) Patent Application Serial No. 202,571, now United States Letter Patent No. 2,302,364;

(2) Patent Application Serial No. 343,284, now United States Letter Patent No. 2,328,412;

(3) Patent Application Serial No. 343,283, now United States Letter Patent No. 2,335,378.

(4) Patent Application Serial No. 343,285.

Vesting Order No. 293.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8006; Filed, Oct. 3, 1956; 8:51 a. m.]

CONTRAVES A. G.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Contraves A. G., Zurich, Switzerland, Claim No. 40554, property described in Vesting Order No. 2692 (9 F. R. 463, January 12, 1944) relating to United States Letter Patent No. 2,162,707.

Vesting Order No. 2692.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8007; Filed, Oct. 3, 1956; 8:51 a. m.]

HENRI LEON LUCIEN JESUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Henri Leon Lucien Jesus, Seine, France, Claim No. 41379, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letter Patent No. 2,235,484.

Vesting Order No. 666.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8009; Filed, Oct. 3, 1956; 8:51 a. m.]

MELANIE WECKBACH (VELZ)

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Melanie Weckbach (Velz), Buenos Aires, Argentina, Claim No. 38034, $974.02 in the Treasury of the United States.

Vesting Order No. 7855.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8012; Filed, Oct. 3, 1956; 8:52 a. m.]

FERDINAND SUSTERSIC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ferdinand Sustersic, % Spielwarenerzeugung, GmbH., Linz, Salzburger Reichstr. 250/53, Austria, Claim No. 42058, property described in Vesting Order No. 676 (8 F. R. 5039, April 17, 1943) relating to United States Letters Patent No. 2,022,987.

Vesting Order No. 676.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8010; Filed, Oct. 3, 1956; 8:51 a. m.]

WHITE, CHILD & BENEY GESELLSCHAFT M. B. H.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

White, Child & Beney Gesellschaft, m. b. H., Vienna X, Austria, Claim No. 41126, property described in Vesting Order No. 68 (7 F. R. 6181, August 11, 1942) relating to Patent Application Serial No. 360,856, now United States Letter Patent No. 2,341,628.

Vesting Order No. 68.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8011; Filed, Oct. 3, 1956; 8:51 a. m.]

SELMA KIMMEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the

THE NATIONAL ARCHIVES LITTERA SCRIPTA

following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Selma Kimmel, nee Strauss, Solingen Northrhine—Westfalia, Germany, Claim No. 58786, all right, title, interest and claim of any kind or character whatsoever of Mrs. Selma Kimmel in and to the Estate of Rudolph Strauss, deceased, which estate is in the process of administration by Kenneth O. Cole, as administrator, C. T. A., acting under the judicial supervision of the Surrogate's Court, Westchester County, State of New York.

Vesting Order No. 10530.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8008; Filed, Oct. 3, 1956; 8:51 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10680

DESIGNATING THE INTERNATIONAL FINANCE CORPORATION AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the International Finance Corporation under the authority of the act of Congress approved August 11, 1955, (69 Stat. 669), I hereby designate the International Finance Corporation as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the said International Organizations Immunities Act.

The designation of the International Finance Corporation made by this order is not intended to abridge in any respect privileges, exemptions, and immunities which such corporation may have acquired or may acquire by treaty or Congressional action; nor shall such designation be construed to affect in any way the applicability of the provisions of section 3, Article VI, of the Articles of Agreement of the Corporation deposited in the archives of the International Bank for Reconstruction and Development.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 2, 1956.

[F. R. Doc. 56-8096; Filed, Oct. 4, 1956, 12:03 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 53—LIVESTOCK, MEATS, PREPARED MEATS AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

SUBPART A—REGULATIONS

MILEAGE CHARGES FOR GRADING SERVICE

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624), and section 520 of the Revised Statutes (5 U. S. C. 511), the provisions of § 53.35a *Fees for grading services* prescribing mileage charges in connection with the performance of Federal meat grading service are hereby amended as follows:

1. Paragraph (c) is amended by changing the mileage fee specified therein from 7 cents per mile to 8 cents per mile.

2. Paragraph (e) is amended by changing the mileage fee specified therein from 7 cents per mile to 8 cents per mile.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading service, rendered under its provisions. What such cost is and the fees necessary to cover it are matters wholly within the knowledge of the Department of Agriculture. It has been determined that the mileage charges in connection with the performance of the Federal meat grading service must be increased immediately as provided for herein to cover this phase of the cost of the service. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found that notice and other public procedure with respect to the changes in mileage charges provided by this amendment are impracticable and unnecessary and good cause is found for making such amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER, with respect to all Federal meat grading service thereafter rendered including service under weekly grading contracts whether theretofore or thereafter made.

(Sec. 205, 60 Stat. 1090, 7 U. S. C. 1624. Interprets or applies R. S. 520, sec. 203, 60 Stat. 1087, 5 U. S. C. 511, 7 U. S. C. 1622)

Done at Washington, D. C., this 2d day of October 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56-8052; Filed, Oct. 4, 1956; 8:52 a. m.]

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Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

SUBPART—ORDER REGULATING HANDLING

MISCELLANEOUS AMENDMENTS

§ 964.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance (20 F. R. 1685) of this marketing order, and all of said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Fresno, California, on June 11, 1956, upon proposed amendments of Marketing Agreement No. 123 and Order No. 64 (7 CFR Part 964; 20 F. R. 1685), regulating the handling of dried figs produced in California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of dried figs produced in California in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activities specified, or necessarily included, in the proposals upon which the amendment hearing was held; and

(3) There are no differences in the production and marketing of dried figs in the production area covered by this marketing order, as hereby amended, which make necessary different terms applicable to different parts of such area.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making the provisions of this amendment order effective not later than the date of its publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone the effective date until 30 days after such publication (see 5 U. S. C. 1001 et seq.). The new crop year under the marketing order began on August 1, 1956, and dried figs are now being handled under the existing provisions of the order. The provisions of these amendments, particularly those relating to inspection procedures which will resolve previous difficulties in administering program operations, should be made effective as early in the crop year as possible. The provisions of this order are well known to handlers. The public hearing in connection therewith was held at Fresno, California, on June 11, 1956, and the recommended decision and the final decision were published in the FEDERAL REGISTER on July 18, 1956 (21 F. R. 5376), and August 16, 1956 (21 F. R. 6140), respectively. Copies of the provisions of the amendments to the order were made available to all known interested persons, and compliance with such provisions will not require advance preparation on the part of persons subject thereto.

(c) *Determinations.* It is hereby determined that:

(1) The "Agreement Amending the Marketing Agreement Regulating the Handling of Dried Figs Produced in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dried figs covered by this order) who, during the period August 1, 1955 through July 31, 1956 handled, as the first handlers thereof, not less than 50 percent of the volume of dried figs covered by the marketing agreement which is hereby amended;

(2) The issuance of this order amending the aforesaid order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1955 through July 31, 1956), were engaged, within the State of California, in the production of dried figs for market; and

(3) The issuance of this order amending the aforesaid order is favored or approved by producers who participated in the aforesaid referendum and who, during the determined representative period, produced at least two-thirds of the dried figs represented in such referendum and produced within the State of California for market.

It is, therefore, ordered, That, on and after the date of the publication of this document in the FEDERAL REGISTER, all handling of dried figs produced in California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended, as follows:

1. Delete the provisions of § 964.21 (a) and substitute for existing paragraph (a) the provisions of paragraph (c) of that section, relettered as paragraph (a), and amended to read as follows:

§ 964.21 *Selection and term of office of members of the committee*—(a) *Selection of members.* Selection of the 10 members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by those groups, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made upon the basis of the representation provided for in §§ 964.22, 964.23 and 964.25.

2. Amend the provisions of § 964.21 (b) to read as follows:

(b) *Term of office of members.* The 10 members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 1 and shall serve until their respective successors shall be selected and shall qualify; and in the event the committee shall nominate an eleventh member he may be selected by the Secretary to serve for one year beginning July 1.

3. Amend the provisions of § 964.24 (a) to read as follows:

§ 964.24 *Nomination of producer members of the committee*—(a) *Nomination meetings.* Nominations for producer members and alternate producer members of the committee shall be made at a meeting or meetings of producers held in each of the foregoing districts. Such meetings shall be called by the committee at such times and at such places within such districts as the committee shall designate, prior to May 1 of each year. The producers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the committee shall transmit forthwith to the Secretary its certificate showing the name of each person for whom votes have been cast, whether as a member or as alternate for a member, and the number of votes received by each such person.

4. Amend the provisions of § 964.26 to read as follows:

§ 964.26 *Nomination of handler members.* The committee shall cause to be held each year prior to May 1, a meeting or meetings of handlers affected by this part for the purpose of obtaining nominations of persons to serve as handler members and alternate members of the committee.

5. Amend the provisions of paragraph (c) of § 964.34 to read as follows:

(c) *Voting requirements.* No action shall be taken by the committee at an assembled meeting including the nomination of an eleventh member unless a quorum is present and a concurring vote of not less than three producer members and three handler members, or alternate members acting in the place and stead of members, is obtained; *Provided however,* That any recommendation to establish volume regulation under § 964.55 shall require the concurring vote of not less than four handler members and four producer members, or alternate members acting in the place and stead of members. The committee may vote by mail or telegraph, when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully and identically by mail or telegraph to all members. A unanimous vote of all members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure to receive a vote from any member or from his alternate acting in his place and stead, within a prescribed time, shall be held to be a dissenting vote. No action to establish volume regulation under § 964.55 can be taken on the basis of a mail or telegraphic vote.

6. Amend the provisions of subparagraph (2) of paragraph (c) of § 964.90 to read as follows:

(2) For dried figs being prepared as fig paste, or sliced dried figs being pre-

pared as fig paste, or sliced dried figs

TER, the administrative rules and proce-

trees per acre, 10 inches d. b. h. or more

erly 196 feet, thence easterly 150 feet, thence

of coverage shall be all the lands in any

new bond on Form 4–1258 in the amount

pared as fig paste, or sliced dried figs being prepared for disposition as sliced dried figs: (i) Total defective figs shall not exceed 10 percent including not more than 5 percent of insect infested dried figs, and (ii) no sliced dried figs or fig paste shall contain more than 13 insect heads per 100 grams.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 2, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-8055; Filed, Oct. 4, 1956; 8:52 a. m.]

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

SUBPART—ADMINISTRATIVE RULES AND PROCEDURES

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900; 19 F. R. 57), Marketing Order No. 64 (20 F. R. 1685), regulating the handling of dried figs produced in California was amended by an order signed on October 2, 1956. An agreement amending Marketing Agreement No. 123 (the regulatory provisions of which are identical with those of Order No. 64) in the same manner as the amendment of the marketing order was executed on the same date. Among the amendments of the marketing agreement and order is one deleting the final sentence of § 964.90 (c) (2) (ii), which provided that "Head count tests (for insects) shall be required only in the cases of such varieties or blends thereof as are set forth in rules and procedures established pursuant to the provisions of this subpart." Under such provision, now deleted, an amendment of the administrative rules and procedures (20 F. R. 10095), effective December 30, 1955, provided, in § 964.151 (c) (3), that "The inspection of any dried figs of the Adriatic or the Calimyrna variety or any blend containing the Adriatic or the Calimyrna variety, being prepared as fig paste or sliced dried figs, shall include head count tests for insects."

After the effective time of the amendment referred to above, the inspection agency will be free to apply the head count test for insects, which is a special laboratory test not included in normal inspection procedure, to any variety of dried figs as the need for such tests may be indicated by the normal inspection of the respective lots of dried figs. In this circumstance, the continuance in effect of the provisions of § 964.151 (c) (3), as amended, would be in conflict with the liberalized inspection procedure made possible by the deletion of the foregoing requirement from the marketing agreement and order.

Therefore, it is hereby ordered, That, effective as of the date of the publication of this document in the FEDERAL REGISTER, the administrative rules and procedures, as amended (20 F. R. 7186; 10095), be further amended as follows:

1. Delete subparagraph (3) of paragraph (c) of § 964.151;

2. Renumber subparagraphs (4) and (5) of § 964.151 (c) as subparagraphs (3) and (4), respectively; and

3. Correct a typographical error in the final sentence of subparagraph (4), now being renumbered as subparagraph (3), of § 964.151 (c) by changing "obliterated" to "obliterated."

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment for 30 days, or any lesser period, after publication in the FEDERAL REGISTER (see 5 U. S. C. 1001 et seq.) in that: (1) The amendment places no new restrictions on handlers of dried figs; and (2) it was stated in the Acting Deputy Administrator's recommended decision (21 F. R. 5377), with reference to the proposed amendment of § 964.90 (c) (2) (ii), that "Should this proposed amendment of the order be approved and become effective, the rule with respect to those two varieties (Adriatic and Calimyrna) should then be terminated, since it would be in conflict with the intent of this proposed amendment." It is imperative that this action be made effective on the date on which this order is published in the FEDERAL REGISTER in order that it may be effective at the same time as the indicated amendment of the order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 2, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-8053; Filed, Oct. 4, 1956; 8:51 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[NSCP-1901, Supp. 3]

PART 1106—NAVAL STORES CONSERVATION PROGRAM

SUBPART—1955

PRACTICES DEFEATING PURPOSES OF PROGRAMS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1955, the 1955 Naval Stores Conservation Program, approved August 17, 1954 (19 F. R. 5304), is further amended as follows:

1. In § 1106.627 *Practices defeating purposes of programs,* paragraph (a) (2) is amended to read as follows:

(2) When turpentine trees are cut in a harvest cutting at least 500 turpentine trees per acre shall be left uncut and undamaged or six thrifty turpentine seed trees per acre, 10 inches d. b. h. or more shall be left uncut and undamaged, or if clear cut artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1958.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 2d day of October 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 56-8026; Filed, Oct. 4, 1956; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 86]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005, 3923, 4339, 5043, 5435, 5861, 6748, 7051), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. Subparagraph (1) of paragraph (d), relating to Atlantic County in New Jersey, is deleted.

2. Subparagraph (4) of paragraph (d), relating to Cape May County in New Jersey, is deleted.

3. A new subdivision (lxxviii) is added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxviii) Block 154, Lots 1, 2, 3, and 5, in Deptford Township, owned by William Ulieg, Sr.

4. New subdivisions (xiv) and (xv) are added to subparagraph (8) of paragraph (d), relating to Middlesex County in New Jersey, to read:

(xiv) That part of Madison Township lying north of the Middlesex County line, south and west of State Route No. 18, and east of the Cheesequake-Morganville Road, owned and operated by Joseph DeGroff; and

(xv) Block 740, Lot 1, in South Plainfield Township, owned by Joseph Meyer.

5. A new subdivision (xxvi) is added to subparagraph (9) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(xxvi) That part of New Shrewsbury Boro beginning at a point on Wingo Terrace 200 feet east of Hamilton Road, running northerly 196 feet, thence easterly 150 feet, thence southerly 190 feet, thence westerly along Wingo Terrace to point of beginning, owned by Jesse Smith.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon god cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111, Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 1st day of October 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-8056; Filed, Oct. 4, 1956; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1963]

PART 192—OIL AND GAS LEASES

PART 201—MINERAL DEPOSITS IN THE OUTER CONTINENTAL SHELF

AMOUNT OF BOND REQUIRED OF LESSEE

1. Section 192.100 (e) is amended to read as follows:

§ 192.100 *Amount of bonds required of lessee.* • • •

(e) In lieu of bonds required under any of the preceding paragraphs the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessees pending departmental approval of operating agreements, may furnish a bond the amount of which must be $150,000 for full nationwide coverage under both the Mineral Leasing Act and the Mineral Leasing Act for Acquired Lands of 1947 (61 Stat. 1913; 30 U. S. C. 351-369), or at the rate of $25,000 for each unit of coverage. A unit of coverage shall be all the lands in any one State or Territory held by the principal under either the Mineral Leasing Act or the Mineral Leasing Act for Acquired Lands. Coverage under both acts in one State or Territory constitutes two units. In lieu of a surety bond, a personal bond in a like amount may be given by the obligor with the deposit as security therefor of negotiable bonds of the United States of a par value equal to the amount specified in the bond. Where upon a default, the surety makes payment to the Government of any indebtedness due under a lease, the face amount of the surety bond and the surety's liability thereunder shall be reduced by the amount of such payment. Thereafter, upon penalty of cancellation of all of the leases covered by such bond the principal shall post a new bond on Form 4-1258 in the amount of $100,000 within 6 months after notice, or within such shorter period as the authorized officer of the Bureau of Land Management may fix. However, in lieu thereof, the principal may within that time file separate bonds for each lease. The provisions hereof may be made applicable to any bond on Form 4-1258 in force at the time of the approval of the amendment of this section by filing in the local office of the Bureau of Land Management in New Orleans, Louisiana, a written consent to that effect and an agreement to be bound by the provisions hereof executed by the principal and surety. Upon receipt thereof the bond will be deemed to be subject to the provisions of this section.

(Sec. 5, 67 Stat. 464; 43 U. S. C. 1334)

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 29, 1956.

[F. R. Doc. 56-8021; Filed, Oct. 4, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-942; Rules Amdt. 15-5]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

RADIO AND TELEVISION BROADCAST RECEIVERS; EFFECTIVE DATE

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 26th day of September 1956;

The Commission having under consideration a request from Task Force No. 5 of the Radio—Electronics—Television—Manufacturers Association to extend the time within which FM broadcast receivers must comply with the requirements of Part 15 of the Rules Governing Incidental and Restricted Radiation Devices; and

It appearing that § 15.68 (a) of the Federal Communications Commission Rules and Regulations provides that all FM broadcast receivers manufactured after October 1, 1956, must comply with the provisions of Part 15; and

It further appearing that some difficulty is being encountered in complying with the Commission's power line interference limits where the source of interference is the intermediate frequency amplifier of FM broadcast receiver; and

It further appearing that the matter is under study by the Engineering Department of the Radio—Electronics—Television—Manufacturers Association, and additional time until December 31, 1956, has been requested in order to allow the Association to report its views to the Commission; and

It further appearing that the public interest would be served by granting the extension of time as requested; and

It further appearing that in view of the time element involved, compliance

not available, of a physician in the em-

performed by individuals in positions

Federal Regulations, dealing with the operation and maintenance assessments

with the notice provisions of section 4 of the Administrative Procedure Act, United States Code 1003, would be impracticable; and that, because the amendment relieves a restriction, it may be made effective immediately;

It is ordered, that pursuant to the authority of section 4 (i) and 303 (f) of the Communications Act of 1934 (as amended), § 15.68 (a) is amended as set forth below effective September 28, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 15.68 (a) is amended to revise the effective date of the rules with respect to frequency modulation broadcast receivers.

As amended § 15.68 (a) reads as follows:

§ 15.68 *Effective date of this subpart.* (a) Except as provided in paragraphs (b), (c) and (d) of this section, television broadcast receivers manufactured after May 1, 1956, and all other radio receivers manufactured after October 1, 1956, except FM broadcast receivers shall comply with the requirements of this part. FM broadcast receivers shall comply with the requirements of this part after December 31, 1956.

[F. R. Doc. 56-8048; Filed, Oct. 4, 1956; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 401]

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, that the amendments to regulation set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as amendments to present Social Security Administration Regulation No. 1 as amended (20 CFR 401.1 et seq.). It is proposed to amend the existing regulation by authorizing disclosure of specified types of information (in addition to those types of information disclosure of which is presently authorized): first, with respect to agreements entered into pursuant to section 218 of the Social Security Act for the coverage of employees of States and political subdivisions thereof and of instrumentalities of more than one State; second, obtained in connection with determinations of disability pursuant to section 221 of the act; third, to carry out the purposes of section 222 of the act, i. e., the referral of disabled individuals for vocational rehabilitation.

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, at the Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205 (a), 1102, and 1106 of the Social Security Act, 53 Stat. 1368 as amended, 49 Stat. 647 as amended, 64 Stat. 559, and section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18.

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: October 1, 1956.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

1. Section 401.3 is amended in the following respects:

§ 401.3 *Information which may be disclosed and to whom.* Disclosure of any such file, record, report or other paper, or information, is hereby authorized in the following cases and for the following purposes:

(a) As to matters directly concerning any claimant or prospective claimant for benefits or payments under Title II of the Social Security Act, to such claimant or prospective claimant or his duly authorized representative; or (except medical information) upon authorization by such claimant or prospective claimant, or his duly authorized representative, to others or to the public when consistent with the proper and efficient administration of the act. Medical information concerning a claimant or prospective claimant shall be disclosed (other than to such claimant or prospective claimant or duly authorized representative) only to such claimant's or prospective claimant's physician or to a medical institution at or of which such claimant or prospective claimant is a patient, and then only upon consent of such claimant or prospective claimant and of the source of such information or, if such source is not available, of a physician in the employ of the Department, and when consistent with the proper and efficient administration of the act. However, statements of wage and medical information may be furnished in such summary form as may be administratively deemed appropriate to the conduct of the old-age and survivor's insurance program under title II; any request for medical information (other than by the claimant's or prospective claimant's physician or medical institution) which is not reasonably necessary for a title II purpose shall be refused.

(b) After death of an individual, any information (except medical information) relating to the individual may be furnished to a surviving relative or to the legal representative of the estate of the individual. Medical information relating to the individual may be furnished to such relative or legal representative, in such summary form as may be administratively deemed appropriate to the conduct of the old-age and survivors insurance program under title II; any request for medical information which is not reasonably necessary for a title II purpose shall be refused. Available information concerning the fact, date, or circumstances of death of the individual may be disclosed to any person. None of the foregoing information shall be disclosed except upon written request stating the purpose thereof, and when efficient administration permits such disclosure, and where such disclosure is considered not detrimental to the individual or to his estate.

• • • • • •

(e) Except in the case of medical information relating to an individual, to any officer or employee of an agency of the Federal Government or a State Government lawfully charged with the administration of a Federal or State unemployment compensation law or contribution or tax levied in connection therewith, for the purpose of such administration only.

(f) To any officer or employee of an agency of the Federal Government lawfully charged with the administration of a law providing for public assistance, or work relief, or pension, or retirement, or other benefit payments, only for the purpose of the proper administration of such law, or of the Social Security Act. Medical information relating to an individual may be furnished for such a purpose to such an officer or employee only upon consent of such individual and of the source of such information or, if such source is not available, of a physician in the employ of the Department.

(g) (1) To any officer or employee of an agency of a State Government lawfully charged with the administration of a program receiving aid under titles I, IV, V, X, or XIV of the Social Security Act, information regarding benefits paid or entitlement to benefits under title II of the Social Security Act and, if it has been determined, the date of birth of a recipient or applicant, and also whether a period of disability has been established for such recipient or applicant, the beginning and ending date of such period, and the date determined to be the date of onset of such disability, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant. Medical information relating to an individual may be furnished for such a purpose to such an officer or employee only upon consent of such individual and of the source of such information or, if such source is not available, of a physician in the employ of the Department.

(2) To any officer or employee of an agency of a State Government lawfully charged with the administration of a program receiving aid under the Vocational Rehabilitation Act, for the proper administration of such program only, the information specified in the first sentence of subparagraph (1) of this paragraph and in addition:

(i) The name, address, social security account number, and such other information as may be obtained with respect to the alleged disability, of an applicant for benefits on account of disability or for a determination of disability; and

(ii) The name, address, social security account number, and such other information as may be obtained with respect to the alleged disability, of any individual making inquiry concerning benefits on account of disability or concerning a determination of disability, if no objection is made by such individual to the release of such information.

(h) To a Federal, State, municipal, or hospital official upon written request stating that he has the name or social security account number of a deceased or insane person or a person suffering from amnesia or who is unconscious or in a state equivalent thereto, but cannot establish such person's identity, such identifying data as is available relative to such person which may be determined by the proper officer of the Department to be necessary to assist the requesting officer or agency to make the required identification. Information as to the existence of a legally reportable medical condition of an individual discovered in connection with an application for benefits on account of disability or for a determination of disability may also be furnished to a State or municipal agency required by local law to be furnished such information.

• • • • • •

(j) Any record or information may be disclosed when such disclosure is necessary in connection with any claim or other proceeding under the Social Security Act and is necessary for the proper performance of the duties of any officer or employee of the Department, or of any officer or employee of a State agency to carry out an agreement entered into under section 221 of the Social Security Act.

• • • • • •

(o) In connection with agreements and modifications of agreements for the coverage of State and local employees entered into pursuant to section 218 of the Social Security Act, the following may be disclosed when efficient administration permits:

• • • • • •

(4) Information reported by a State as to whether or not there is in effect in such State or in a political subdivision thereof a retirement system providing benefits to employees thereof; and any other information reported by the State as to such retirement system if service performed by individuals in positions covered by that system has been included in an agreement under section 218 or a modification thereof.

• • • • • •

(6) Information reported by a State, after a referendum has been conducted on whether services in positions covered by a retirement system should be excluded from or included under such an agreement, of the number of employees eligible to vote in such referendum, the number who actually voted therein, and the number who voted in favor of inclusion of such service.

2. Section 401.4 (b) is amended to read as follows:

§ 401.4 *Definitions.* As used in this part the term:

• • • • • •

(b) "Prospective claimant" includes a living wage earner or self-employed individual, the legal representative of an incompetent wage earner or self-employed individual, the guardian of an infant, the next of kin of a deceased wage earner or self-employed individual, any other person who is equitably entitled by reason of having paid, in whole or part, the burial expenses of the deceased wage earner or self-employed individual, or the legal representative of such next of kin or equitably entitled person;

3. Section 401.6 (e) is added to read as follows:

§ 401.6 *Payment for information in specific cases.* • • •

(e) When the request is for medical information relating to an individual, or as to the existence and duration of a disability of an individual, pursuant to § 401.3 (a), (f), or (g), by a person or agency thereby authorized to receive such information, the information shall be furnished without charge.

[F. R. Doc. 56-8039; Filed, Oct. 4, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

KLAMATH INDIAN IRRIGATION PROJECT, KLAMATH INDIAN RESERVATION, OREGON

OPERATION AND MAINTENANCE CHARGES

SEPTEMBER 28, 1956.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U. S. C. 1001) and pursuant to the acts of August 11, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon, by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F. R. 3456-3457), a notice is hereby given of intention to modify § 130.47 *Charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited by the irrigation systems on the Klamath Irrigation Project, Klamath Indian Reservation, Oregon, as follows:

By increasing the annual operation and maintenance assessments under paragraph (a) on irrigable land of the Modoc Point Unit to which water can be delivered from $3.85 to $4.00 per acre per annum.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DON C. FOSTER,
Area Director.

[F. R. Doc. 56-8020; Filed, Oct. 4, 1956; 8:45 a. m.]

[25 CFR Part 130]

WAPATO INDIAN IRRIGATION PROJECT, YAKIMA INDAIN RESERVATION, WASHINGTON

OPERATION AND MAINTENANCE CHARGES

SEPTEMBER 27, 1956.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U. S. C. 1001) and pursuant to the acts of August 11, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385,387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F. R. 3456-3457), a notice is hereby given of intention to modify § 130.86 *Charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited by the irrigation systems on the Wapato Irrigation Project, Yakima Indian Reservation, Washington, as follows:

By increasing the annual operation and maintenance assessments under paragraph (b), flat rate upon all farm units or tracts for each accessable acre, from $5.50 to $6.00.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DON C. FOSTER,
Area Director.

[F. R. Doc. 56-8019; Filed, Oct. 4, 1956; 8:45 a. m.]

tion of a form (Form F. R. Y-1) [1] to be

(a) The municipality of Memphis, to its intersection with Main Road,

commercial zone, may do so by the sub-

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 10, 40, 41, 42]

[Draft Release No. 56–20A]

SPECIAL REGULATIONS FOR TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING; EXTENSION OF END COMMENT DATE AND NOTICE OF MEETING

The Board gave notice in 21 F. R. 6091 and by circulation of Civil Air Regulations Draft Release No. 56–20 on August 9, 1956, of proposed rule making on the subject matter.

The notice of proposed rule making solicited written comments from all interested persons by not later than October 15, 1956. It was further indicated that copies of such communications would be available after October 19, 1956, for examination by interested persons at the Docket Section of the Board.

The Air Transport Association has requested an extension of the date for return of comment on the proposed rules contained in Draft Release No. 56–20 from October 15, 1956, to January 15, 1957, on the basis that the ATA would be unable to assess properly the effects of the proposed rules regarding performance and to prepare intelligent comment by October 15, 1956. The ATA's request was supported by the Aircraft Industries Association. In substantiation of its request, the ATA has submitted a schedule of a cooperative program between the ATA and AIA, which it considers necessary in order to comment properly on the performance proposals contained in Draft Release No. 56–20. The cooperative program, as proposed by ATA, is substantially as follows:

(a) Investigation by the airframe manufacturers of the effects of the proposed rules on jet aircraft, to be completed by October 15, 1956;

(b) Investigation by the airlines of the effects of the proposed rules on economics and safety of operation on the basis of the results of the manufacturers' investigation, to be completed by November 15, 1956;

(c) Meetings to be held among all interested parties to compare the results of studies, to assess the necessity for additional data, to resolve the data into orderly presentation form, and to prepare changes to the proposed rules where considered necessary for submission to the Board by January 15, 1957.

The Board believes that there is merit to the program proposed by the ATA and when executed will further assure that the Board will receive considered opinion from manufacturing and operating interests as to the effect of the proposed rules.

In establishing the end comment date of October 15, 1956, the Board was mindful of the interest of the manufacturers of turbine-powered airplanes in knowing, as soon as possible, what regulations would apply to the certification of those airplanes; hence, a relatively early end comment date was set. However, the AIA has indicated a willingness to accept the delay resulting from the extension of comment date as requested by the ATA. In view of the AIA's willingness to accept such delay and its support of the ATA request for extension of comment date, it is not believed that there would be undue compromise of the Board's intention to establish firm certification standards if the requested extension were granted. Therefore, the Board will extend the comment deadline date from October 15, 1956, to January 15, 1957. In granting this extension, all persons will be equally afforded an additional opportunity to evaluate the proposals more completely. The effect of the extension of comment date, if any, on the retroactive application of the proposed rules to airplanes certificated prior to the adoption of such rules, will receive further study.

In view of the importance of the proposals under consideration, the Board considers it advisable to hold a meeting with all interested persons shortly after the comment deadline date of January 15, 1957, to permit discussion on all comments received. Accordingly, such a meeting will be held on February 1, 1957, in the Conference Rooms of the Departmental Auditorium in Washington, D. C., starting at 9:30 a. m.

The Board takes this opportunity to call attention to a typographical error in Draft Release No. 56–20 with respect to § 4b.114a (b) (2). The numeric coefficient of 1.5 should be 1.15.

In view of the foregoing, the Board hereby serves notice as follows:

(1) That the date by which comments must be received on the notice of proposed rule making in 21 F. R. 6091 and Civil Air Regulations Draft Release No. 56–20 to insure their consideration by the Board is hereby extended from October 15, 1956, to January 15, 1957. Further, copies of such communications will be available after January 18, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

(2) That the Board will meet with all interested persons on February 1, 1957, at 9:30 a. m., at the Departmental Auditorium in Washington, D. C. to discuss comment received on Draft Release No. 56–20.

(3) That the coefficient of 1.5 in § 4b.114a (b) (2) of the proposal in Draft Release No. 56–20 should be 1.15.

Dated at Washington, D. C., October 1, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56–8057; Filed, Oct. 4, 1956; 8:52 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

BANK HOLDING COMPANIES

FORM F. R. Y–1; APPROVAL OF ACTION TO BECOME A BANK HOLDING COMPANY

The Board of Governors of the Federal Reserve System is considering the adoption of a form (Form F. R. Y–1) [1] to be used by a company in making application to the Board pursuant to section 3 (a) (1) of the Bank Holding Company Act of 1956 (70 Stat. 133) for prior approval by the Board of action resulting in such company's becoming a bank holding company.

The proposed form is designed to provide for the submission of information regarding the factors set forth in section 3 (c) of the Bank Holding Company Act of 1956 which are required to be considered by the Board in passing upon any such application.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2).

To aid in the consideration of this matter the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than October 17, 1956.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 56–8037; Filed, Oct. 4, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[Ex Parte No. MC–37]

COMMERCIAL ZONES AND TERMINAL AREAS

REVISION OF DEFINITION OF BOUNDARY OF MEMPHIS, TENN., COMMERCIAL ZONE

OCTOBER 2, 1956.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given that, for the purpose of including additional points and areas, which by reason of industrial growth and other developments have become a part of the limits of the zone which is adjacent to and commercially a part of Memphis, Tenn., within the meaning of section 203 (b) (8) of the Interstate Commerce Act, the Interstate Commerce Commission, informed by experience and by an informal investigation, proposes to modify and redefine, as hereinafter indicated, the limits of the zone adjacent to and commercially a part of Memphis, Tenn., as heretofore determined by the application of the population-mileage formula prescribed in Commercial Zones and Terminal Areas, 46 M. C. C. 665, 49 CFR 170.16, and to revise the description of such zone limits to read as follows:

(a) The municipality of Memphis, Tenn., itself.

(b) All points within a line drawn 5 miles beyond the corporate limits of Memphis, Tenn.

(c) All points in that part of Shelby County, Tenn., north of the line described in (b) above, bounded by a line as follows: Beginning at the intersection of the line described in (b) above and U. S. Highway 51 north of Memphis, thence northeasterly along U. S. Highway 51 for approximately 3 miles to its intersection with Lucy Road, thence easterly along Lucy Road for approximately 1.4 miles to its intersection with Chase Road, thence northerly along Chase Road for approximately 0.6 mile to its intersection with Lucy Road, thence easterly along Lucy Road for approximately 0.8 mile to its intersection with Main Road, thence southeasterly along Main Road approximately 0.3 mile to its intersection with Amherst Road, thence southerly and easterly along Amherst Road for approximately 0.8 mile to its intersection with Raleigh-Millington Road, thence southerly along Raleigh-Millington Road for approximately 2 miles to its intersection with the line described in (b) above north of Memphis;

(d) All of any municipality any part of which is within the limits of the combined areas described in (b) and (c) above.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the Memphis, Tenn., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before November 16, 1956.

Notice to the general public of the action herein taken shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–8036; Filed, Oct. 4, 1956; 8:49 a. m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D. C., or to any Federal Reserve Bank.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 25]

MINERAL LEASES AND PERMITS

REDELEGATION OF AUTHORITY

SEPTEMBER 28, 1956.

Order 551, as amended (16 F. R. 2939, 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; 19 F. R. 1936, 3482, 3971, 4544, 4585, 7416; 20 F. R. 1562, 2694, 2894, 5442, 6590; and 21 F. R. 222, 503, 1455, 1905, 2896, 6357, 7351), is further amended as hereinafter indicated:

Section 16 (a) is amended to read as follows:

SEC. 16. *Mineral leases and permits.* (a) The granting of permission to negotiate permits and leases of tribal and individually owned trust or restricted lands for coal, sand, gravel, pumice, and building stone, and the approval of permits and leases for coal, sand, gravel, pumice and building stone.

W. BARTON GREENWOOD, *Acting Commissioner.*

[F. R. Doc. 56–8018; Filed, Oct. 4, 1956; 8:45 a. m.]

Bureau of Land Management

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

OCTOBER 1, 1956.

The Fish and Wildlife Service, Department of the Interior, has filed application, BLM 043123, for the withdrawal of the land described below, from all form of appropriation, including the mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use by the State of Arkansas in connection with the Shirey Bay-Rainey Brake Project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

LAWRENCE COUNTY, ARKANSAS

T. 15 N., R. 2 W., 5th P. M.,
Sec. 8, Lot 1;
Sec. 9, Lot 1.
Containing 45.47 acres.

H. K. SCHOLL, *Acting Manager.*

[F. R. Doc. 56–8022; Filed, Oct. 4, 1956; 8:46 a. m.]

Office of the Secretary

[Order 2508, Amdt. 15]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

SEPTEMBER 29, 1956.

Order 2508, as amended (14 F. R. 258; 16 F. R. 473, 11620, 11974; 17 F. R. 1570, 6418; 19 F. R. 34, 1123, 4585; 20 F. R. 167, 552, 3834, 5106, 7017), is further amended as hereinafter indicated.

1. Paragraph (a) under section 13 *Lands and minerals* is amended to read as follows:

(a) (1) The execution and approval of leases for oil, gas, or other mining purposes, covering lands or interests in lands held by the United States in trust for individual Indians, or tribes of Indians, or subject to restrictions against alienation without the consent of the Secretary of the Interior, pursuant to 25 CFR Parts 183, 186, 189, 192, 195 and 201;

(2) The execution and approval of leases for and on behalf of the United States, as trustee, of mineral lands acquired by or for Indians under the act of June 26, 1936 (49 Stat. 1967). The execution of leases on behalf of the United States, where the title to the mineral estate has been acquired by the United States by purchase where funds used were appropriated under grants of authority referred to in section 7 of the act of June 26, 1936, supra. The execution and approval of mining leases on the Chilocco School Reservation Lands, pursuant to the act of June 21, 1906 (34 Stat. 325, 362);

(3) The authority conferred by subparagraphs (1) and (2) extends to and includes the approval of, or other appropriate administrative action required on, assignments of leases, whether heretofore or hereafter executed; bonds and other instruments required in connection with such leases or assignments thereof; unit and communitization agreements; well-spacing orders of the Oklahoma Corporation Commission submitted for approval under authority of section 11 of the act of August 4, 1947 (61 Stat. 731); the acceptance of voluntary surrender of leases by the lessees; the cancellation of leases for violation of the terms thereof; and the approval of agreements for settlement of claims for damage to Indian lands resulting from oil, gas, or other mineral operations.

2. Section 19 *Litigation; Five Civilized Tribes,* is amended to read as follows:

SEC. 19. *Litigation; Five Civilized Tribes.* The Commissioner may with respect to the Five Civilized Tribes, exercise the authority of the Secretary (a) to make determinations against the removal to the United States District Court of cases in which notices have

been served under section 3 of the act of section 2 (d) of Public Law 38, 81st

FEDERAL COMMUNICATIONS

the conference is incorporated by refer-

Docket No. G–4281; Warren Petroleum Corporation, Docket No. G–4282; Oil

of America and excluded by the Presid-

ing Examiner should be received.[2]

been served under section 3 of the act of April 12, 1926 (44 Stat. 239), and (b) to submit to the Department of Justice recommendations for the removal of such cases to the United States District Court.

3. Section 30 *Authority under specific acts* is amended to read as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

(1) June 17, 1954 (P. L. 399, 83d Congress, 2d session; 68 Stat. 250),

(2) August 13, 1954 (P. L. 587, 83d Congress, 2d session; 68 Stat. 718),

(3) August 23, 1954 (P. L. 627, 83d Congress, 2d session; 68 Stat. 768),

(4) August 27, 1954 (P. L. 671, 83d Congress, 2d session; 68 Stat. 868),

(5) September 1, 1954 (P. L. 762, 83d Congress, 2d session; 68 Stat. 1099),

(6) August 30, 1954 (P. L. 716, 83d Congress, 2d session; 68 Stat. 980),

(7) Sec. 1, act of August 12, 1953 (67 Stat. 558, 25 U. S. C. 375 (c)).

(8) Sec. XI and Sec. XIV of the act of September 3, 1954 (P. L. 776, 83d Congress, 2d session; 68 Stat. 1191).

(b) The authority granted in paragraph (a) of this section shall not include:

(1) The authority to dispose of enrollment appeals,

(2) The issuance of documents for publication in the FEDERAL REGISTER as required by the acts cited in paragraph (a),

(3) The issuance of additions to or amendments of the Code of Federal Regulations,

(4) The authority to issue patents under sections XI and XIV of the act of September 3, 1954 (P. L. 776, 83d Congress, 2d session, 68 Stat. 1191).

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-8023; Filed, Oct. 4, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA, KANSAS, AND OKLAHOMA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on May 24, 1956, that a major disaster occasioned by drought existed in the State of Arizona; the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; and the President also determined on February 27, 1956, that a major disaster occasioned by drought existed in the State of Oklahoma.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on the dates indicated to be affected by the above-mentioned major disasters:

ARIZONA

Determined on September 25, 1956: Apache, Gila, Greenlee, Maricopa, Navajo, Pima, Pinal, Santa Cruz, Yuma.

KANSAS

Determined on September 26, 1956: Rooks.

OKLAHOMA

Determined on September 25, 1956: Adair, Custer, Greer, Le Flore, Sequoyah, Washington, Washita.

Done at Washington, D. C., this 1st day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8027; Filed, Oct. 4, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN C. CLAY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: John C. Clay.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: September 18, 1956.
4. Title of position: WOC Consultant.
5. Name of private employer: National Starch Products, Inc., 270 Madison Avenue, New York 16, N. Y.

JOHN F. LUKENS,
Deputy Director of Personnel.

OCTOBER 1, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Robert Gair Co., General Cable Corp., Marathon Corp., National Starch Products Inc., Public Service Electric & Gas Co., Standard Oil Co. N. J., Studebaker-Packard Corp., bank deposits.

Dated: September 25, 1956.

JOHN C. CLAY.

[F. R. Doc. 56-8038; Filed, Oct. 4, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10286, 10287; FCC 56M-902]

ENTERPRISE CO. AND BEAUMONT BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re application of The Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT-743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT-762; for construction permits for new television station.

The Chief Hearing Examiner having under consideration the Commission's Memorandum Opinion and Order, released July 23, 1956, remanding the above-entitled proceeding to the Examiner for further hearing and for the preparation of initial decision;

It appearing that said remand action is pursuant to a mandate of the U. S. Court of Appeals for the District of Columbia in The Enterprise Company v. Federal Communications Commission, — U. S. App. D. C. —, 13 RR 2033;

It appearing further that on September 7, 1956, the Examiner, who presided at the original hearing in this proceeding and will serve in the further hearing so ordered, gave notice that, in view of her current commitments in pending hearing cases, it would not be feasible to begin hearings or hearing conferences in the Beaumont matter until after January 1, 1957;

It appearing further that The Enterprise Company does not consent to the transfer of the case to another examiner who, by reason of current workload, would be expected to give prompt handling to the instant case;

It appearing further that, in view of the Court's mandate, supra, expedition in the handling and disposition of the further hearing herein is required, and, therefore, it is incumbent upon the Examiner to accord Beaumont equal priority with other cases on her docket;

It is ordered, This 1st day of October 1956, that Hearing Examiner Annie Neal Huntting will preside at the further hearing in the above-entitled proceeding which will be held in the Offices of the Commission, Washington, D. C., commencing October 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8049; Filed, Oct. 4, 1956; 8:51 a. m.]

[Docket No. 11791; FCC 56M-895]

RADIO MOUNT KISCO, INC.

STATEMENT AND ORDER AFTER PREHEARING CONFERENCE

In re application of Radio Mount Kisco, Inc., Mt. Kisco, New York, Docket No. 11791, File No. BP-10344; for construction permit.

A prehearing conference was held on September 27, 1956. The transcript of the conference is incorporated by reference. The following timetable is set:

October 16, 1956: Furnishing of proposed written case by applicant (Issues 1 and 2), and by WJLK (Issue 3).

October 26, 1956: 10:00 a. m., in Washington, D. C.—Start of evidentiary hearing (continued from October 2, 1956).

It is contemplated that there will be no need for oral testimony, and it is hoped that the entire case can be submitted in writing.

So ordered, this 27th day of September 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8050; Filed, Oct. 4, 1956; 8:52 a. m.]

[Docket Nos. 11804, 11805; FCC 56M-898]

RADIO WAYNE COUNTY, INC., AND RADIO NEWARK, INC.

ORDER SETTING PRE-HEARING CONFERENCE

In re applications of Radio Wayne County, Inc., Newark, New York, docket No. 11804, File No. BP-10316; Radio Newark, Inc., Newark, New York, docket No. 11805, File No. BP-10527; for construction permits.

It is ordered, This 28th day of September 1956, that all parties in the above-entitled proceeding, or their counsel, are directed to appear for a pre-hearing conference, pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10: 00 a. m., October 4, 1956, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) The possibility of stipulating with respect to facts;

(4) Need, if any, for depositions;

(5) The date for the exchange of exhibits between the applicants, as required by § 1.841, supra; and

(6) Such other matters as will be conducive to an expeditious conduct of the hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8051; Filed, Oct. 4, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4280 etc.]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

ORDER ON MOTIONS, FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

In the matters of Natural Gas Pipeline Company of America, Docket No. G-4280; Mid-Continent Petroleum Corporation, Docket No. G-4281; Warren Petroleum Corporation, Docket No. G-4282; Oil Drilling, Inc., et al., Docket No. G-4283; Lone Star Gas Company, Docket No. G-8763.

Lone Star Gas Company on September 19, 1956, filed a motion for reconsideration of the Commission's order issued September 11, 1956, relating to the reopening of the above proceedings and for enlargement of the scope of the hearing, and Oklahoma Natural Gas Company on September 21, 1956, filed a motion for reconsideration and rescission of the said order issued September 11, 1956, and petitioned for general reopening of the above proceedings. Answers in opposition to these motions have been filed on September 25, 1956, by Oil Drilling, Inc., et al., and Natural Gas Pipeline Company of America. On September 25, 1956, the hearing scheduled for October 1, 1956, in the above-entitled matters was postponed to permit action by the Commission upon such motions.

Prior to the filing of these motions the proceedings in the above matters were consolidated for hearing and reopened by order issued July 26, 1956, upon a joint petition in the first three dockets listed, for the purpose of allowing petitioners to offer in evidence amendments to their gas purchase contracts entered into subsequent to the conclusion of the hearings thereon. By subsequent notice from the Secretary, the further hearing was scheduled for October 15, 1956, to be held in the Hearing Room of the Commission, 441 G Street NW., Washington, D. C. By order issued September 11, 1956, the order of July 26, 1956, was clarified to reflect granting of the request set forth in the said joint petition and the hearing fixed for October 1, 1956.

Upon consideration of the numerous averments contained in the respective petitions, and upon review of the present record, we conclude that it may be in the public interest to reopen these consolidated proceedings to permit presentation of evidence with respect to matters occurring subsequent to the close of the record therein. Clearly, we do not envisage a rehearing of matters not falling within that category, except as specifically provided herein.

The Commission finds:

(1) The records as made in the above-entitled proceedings which have heretofore been consolidated for hearing, should be reopened to permit the presentation of material and relevant evidence on matters which have occurred since the closing of the record and which affect the granting of certificates of public convenience and necessity under the Natural Gas Act.

(2) Evidence relating to a proposal of Lone Star Gas Company to transport additional volumes of natural gas up to 100,000 Mcf per day to Natural Gas Pipeline Company of America which was excluded by the Presiding Examiner[1] should be received.

(3) Evidence relating to the transportation of up to 200,000 Mcf per day offered by Natural Gas Pipeline Company of America and excluded by the Presiding Examiner should be received.[2]

(4) It is reasonable, and good cause exists that the hearing commence on less than 15 days notice.

(5) Due and timely execution of the Commission's functions imperatively and unavoidably require that upon receipt of the evidence referred to in paragraphs (1), (2) and (3) above, the Presiding Examiner shall certify the record to the Commission and that the Commission render final decision in the above proceedings.

The Commission orders:

(A) The proceedings in the above-entitled dockets are hereby reopened for the purpose of permitting Natural Gas Pipeline Company of America, Mid-Continent Petroleum Corporation, Warren Petroleum Corporation, Oil Drilling, Inc., et al., Lone Star Gas Company, and other proper parties, in the order named, to present material and relevant evidence on matters which have occurred since the closing of the records made in the proceedings and which affect the granting of the requested certificates of public convenience and necessity under the Natural Gas Act.

(B) The aforesaid ruling referred to in Findings (2) and (3) of the Presiding Examiner are hereby reversed.

(C) The hearing on the reopened records shall commence on October 8, 1956 at 10:00 a. m., e. d. s. t., in a hearing room of the Commission, 441 G Street NW., Washington, D. C.

(D) Upon receipt of the evidence referred to in Paragraphs (A) and (B) hereof the Presiding Examiner shall forthwith certify the record to the Commission for final disposition of matters and issues involved.

(E) Oral argument in the above proceedings shall be had before the Commission within 10 days after the closing of the reopened record upon notice to be given by the Secretary and the parties may, if they so desire, file a brief in support on their position before oral argument.

Issued: September 28, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8028; Filed, Oct. 4, 1956; 8:47 a. m.]

[Docket No. G-6481]

J. B. STODDARD ET AL.

NOTICE OF SEVERANCE AND POSTPONEMENT OF HEARING

SEPTEMBER 28, 1956.

On September 14, 1956, the Commission received a letter from J. B. Stoddard advising that the creation of certain trusts would necessitate a change of ownership interest in the leases involved in the certificate application submitted by J. B. Stoddard et al. in Docket No. G-6481, which is now scheduled for hearing on October 3, 1956, in the consoli-

[1] Lone Star Gas Company, Tr. 379, 385.

[2] Lone Star Gas Company, Tr. 869.

dated matters of Arkansas Louisiana Gas

The Commission finds: It is necessary

concerning the matters involved in and

G-7601; Elkhorn Gas and Oil Co.; Dry Creek, Knott County, Ky.; United Fuel Gas

dated matters of Arkansas Louisiana Gas Company et al. in Docket Nos. G-4438 et al. It is desirable that the application in Docket No. G-6481 be amended prior to the issuance of a certificate of public convenience and necessity.

Therefore, notice is hereby given that the application of J. B. Stoddard et al. in Docket No. G-6481 is hereby severed from said consolidated matters and the hearing presently scheduled for October 3, 1956, in Docket No. G-6481 is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8029; Filed, Oct. 4, 1956; 8:47 a. m.]

[Docket No. G-10882]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 1, 1956.

Take notice that The Ohio Fuel Gas Company, Applicant, an Ohio corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on August 9, 1956, an application for a certificate of public convenience and necessity, authorizing it to construct and operate certain proposed facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant seeks authority to construct and operate:

(1) Approximately 10.5 miles of 6⅝-inch O. D. pipeline extending from existing line C-106 and the Grimes Field station discharge line to a junction with line H-639, all in Morgan County, Ohio; together with valves, fittings, and incidental facilities necessary for practical operation, and

(2) To transfer approximately 2⅒ miles of existing line FH-180 consisting of 4-inch and 6⅝-inch O. D. pipe in Morgan County, Ohio from field to transmission service. This line will connect the proposed new 6-inch line with other lines serving communities in the area.

These facilities are required to serve increased demands for gas in the Malta-McConnelsville and Pennsville-Stockport-Chesterhill market areas. The present facilities are not adequate to meet peak day demands in these areas as expected in the 1956-1957 winter season.

The existing system can supply 2,000 Mcf per day at 50 psi to Malta and McConnelsville. The projected system capacity for this area would be increased to 2,500 Mcf per day at the same pressure and would release the 2,000 Mcf per day of existing capacity to meet increased demands in other nearby communities.

In addition, Applicant proposes to take further advantage of the proposed new line to provide a second source of supply to the Chesterhill-Pennsville-Stockport area. 2.1 Miles of Line FH-180, an existing field gathering line, would be transferred to transmission service permitting the portion of existing Line Q-915 which runs under the streets of Chesterhill to be operated at a lower pressure with reduced maintenance.

The estimated requirements of the Malta-McConnelsville area are as follows:

	1955	1957	1958	1959
Annual (Mcf)	236,991	250,000	251,100	252,600
Peak day (Mcf)	1,725	2,600	2,600	2,700

The estimated capital cost of the proposed facilities is $219,500, which will be financed by Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 1, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8030; Filed, Oct. 4, 1956; 8:48 a. m.]

[Docket No. G-10985]

CITY OF PINCKNEYVILLE, ILL.

NOTICE OF APPLICATION SEEKING ORDER TO OBTAIN PHYSICAL CONNECTION OF NATURAL GAS TRANSPORTATION FACILITIES

SEPTEMBER 28, 1956.

Take notice that the City of Pinckneyville, Perry County, Illinois, (Applicant), an Illinois municipal corporation whose address is Pinckneyville, Illinois, filed, on August 28, 1956, as amended September 21, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Texas Illinois Natural Gas Pipeline Company (Texas Illinois) to establish physical connection of its existing natural gas transportation facilities with Applicant's proposed natural gas facilities and to sell and deliver to Applicant on a firm basis a maximum volume of 272 Mcf of natural gas per day for resale by Applicant to the Brunswick Radio Corporation of New York City, a wholly owned subsidiary of Decca Records Inc. for use in the processing of phonograph records in a new $750,000 plant proposed to be constructed and located in or adjacent to Pinckneyville, Illinois.

Applicant proposes to construct and operate aproximately 700 feet of 4-inch lateral transmission line extending from a point of interconnection with Texas Illinois' 36-inch transmission line to the proposed plant.

The estimated cost of the natural gas facilities is $5,950 which will be financed by Applicant from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end: Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8031; Filed, Oct. 4, 1956; 8:48 a. m.]

[Docket No. G-11160]

MURPHY CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Murphy Corporation (Applicant) on August 31, 1956, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change which constitutes an increase rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change undated; United Fuel Gas Company; Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 15; October 1, 1956.

Applicant states that the proposed change covers a periodic rate increase for gas sold to the purchaser from the Indian Lake field; Madison and Franklin Parishes, Louisiana.

The increased rates and charges proposed in the aforesaid filing of Supplement No. 2 have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the date proposed by Applicant, if later.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 15; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until March 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: September 28, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8032; Filed, Oct. 4, 1956; 8:48 a. m.]

[Docket No. G-6951, etc.]

EVANS OIL & GAS CO., INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G-6951; Evans Oil & Gas Company, Inc., and Oliver Jenkins; Nat's Creek, Lawrence County, Ky.; Kentucky-West Virginia Gas Company.

G-7799; Cornett Oil and Gas Company; John's Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7803; Grassy Creek Oil and Gas Co.; Grassy Creek, Magoffin County, Ky.; Kentucky-West Virginia Gas Company.

G-7804; James Oil and Gas Company; John's Creek, Pike County, Ky.; Kentucky-West Virginia Gas Company.

G-7805; John's Creek Oil and Gas Co.; John's Creek, Pike County, Ky.; Kentucky-West Virginia Gas Company.

G-7806; Scott Gas and Oil Company; John's Creek, Pike County, Ky.; Kentucky-West Virginia Gas Company.

G-7828; Jeff Jervis Oil and Gas No. 2; Buffalo Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7829; Martin Oil and Gas; Mud Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7830; Roop Oil and Gas; John's Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7831; Mosley Oil and Gas; Cow Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7832; Spears Oil and Gas; John's Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7833; Jeff Jervis No. 1 Oil and Gas; John's Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7834; Fields Oil and Gas No. 1; John's Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7835; Newsome Oil and Gas; Mud Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7836; Home Branch Oil and Gas; John's Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7837; Layne, Dingus, Stephens and Hale Oil and Gas; Buffalo Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7838; Jno R. Jervis Oil and Gas No. 2; John's Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G-7796; Carr Creek Gas and Oil Co.; Carr Creek, Knott County, Ky.; United Fuel Gas Company.

G-7800; Ford Oil and Gas Company; Carr Creek, Knott County, Ky.; United Fuel Gas Company.

G-7801; Elkhorn Gas and Oil Co.; Dry Creek, Knott County, Ky.; United Fuel Gas Company.

G-7802; Glenn C. Spradlin Oil and Gas Co.; Big Sandy, Pike County, Ky.; United Fuel Gas Company.

G-7814; Ferdinand Gas Company; Lincoln County, W. Va.; United Fuel Gas Company.

G-7828; Hatcher Oil and Gas Co.; Mud Creek, Floyd County, Ky.; United Fuel Gas Company.

A public hearing will be held on the 31st day of October 1956, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

OCTOBER 1, 1956.

[F. R. Doc. 56-8033; Filed, Oct. 4, 1956; 8:48 a. m.]

[Docket No. G-10736]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 1, 1956.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation with principal place of business in Nebraska at Hastings, Nebraska, filed on July 11, 1956, as amended July 27, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery, resale and distribution of natural gas by Applicant directly to ultimate consumers in the communities of Marquette and Phillips, Nebraska.

The facilities proposed to be constructed and operated by Applicant consist of:

(1) Approximately 0.2 mile of 2-inch lateral transmission line extending from Applicant's existing Giltner-Aurora 8-inch transmission line to Applicant's proposed town border station at Marquette, Nebraska, together with a distribution system within Marquette, Nebraska.

The estimated total cost of the lateral and station is $2,200 and that of the Marquette distribution system is $10,610.

(2) Approximately 0.2 mile of 2-inch lateral transmission line extending from Applicant's existing Doniphan-Grand Island 16-inch transmission line to Applicant's proposed town border station at Phillips, Nebraska, together with a distribution system within Phillips, Nebraska.

The estimated total cost of the lateral and station is $2,200 and that of Phillips distribution system is $9,280.

sion and a copy served upon each party

(k) Rule 21 (c) of the Commission's

REGION 13

The estimated total cost of both of the foregoing projects is $24,290 which will be financed by Applicant out of its cash reserves.

The estimated annual gas requirements and peak day gas requirements of the instant project in Mcf at 14.73 psia and 60° F. are as follows:

	1956	Winter 1956-57	1957	Winter 1957-58	1958	Winter 1958-59	1959	Winter 1959-60
Peak day:								
Marquette	-------	55	-------	85	-------	105	-------	120
Phillips	-------	50	-------	75	-------	90	-------	105
Total	-------	105	-------	160	-------	195	-------	225
Annual:								
Marquette	1,090	-------	6,540	-------	9,155	-------	10,985	-------
Phillips	950	-------	5,700	-------	7,980	-------	9,575	-------
Total	2,040	-------	12,240	-------	17,135	-------	20,560	-------

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Monday, November 5, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 19, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8034; Filed, Oct. 4, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES, 1956

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 1st day of October A. D. 1956.

A petition was filed with the Interstate Commerce Commission on September 27, 1956, by the railroads listed in Appendix I thereof, being substantially all railroads in Eastern and Western Territories and a number of railroads in Southern Territory. Petitioners request the Commission to institute an investigation into the adequacy of all freight rates and charges of all carriers by railroad within the United States; to make all carriers by railroad within the United States respondents thereto; and to authorize and permit increases in freight rates and charges sufficient to meet the revenue needs of such carriers. Petitioners specifically request that the Commission authorize and permit an increase of 15 percent in all freight rates and charges within, from, to, and via Eastern Territory as defined in Appendix II of the petition, and within, from, and to, and via Western Territory as defined in said Appendix, subject to the provisions, limitations, and exceptions set forth in Appendix III of the petition. Petitioners also seek permission to make such increased rates and charges effective at the earliest practicable date, upon one day's notice; and pray for the entry of an order modifying all outstanding orders of the Commission to the extent necessary to enable the railroads to make the proposed increased rates and charges effective; and also for the entry of appropriate orders under section 4 and 6 of the Interstate Commerce Act.

Upon consideration of the above-entitled petition, and in order to permit a full inquiry into existing railroad rate levels and the need for increased revenues and other matters alleged in the petition, and in order that the Commission may be fully informed of the rate situation as a whole throughout the United States; and good cause appearing:

It is ordered:

1. That an investigation under the above caption be and it is hereby instituted into and concerning the adequacy of all freight rates and charges of all common carriers by railroad in the United States and into the reasonableness and lawfulness thereof; said investigation to include the proposals of the Eastern and Western Railroads to increase all freight rates and charges by 15 percent with certain exceptions within, from, to and via Eastern and Western Territories; and including proposed general increases in freight rates and charges which may be subsequently filed in the proceeding.

2. That all common carriers by railroad subject to the Interstate Commerce Act be and they are hereby made respondents to this proceeding.

3. That the special rules of practice and procedure hereinafter set forth will apply:

(a) All evidence except oral cross-examination hereinafter provided for, will be submitted in the form of verified statements (affidavits) with exhibits attached; and accompanied by a certificate of service. The parties will be heard in oral argument, and upon brief in lieu of oral argument or in addition to oral argument.

(b) Interventions: Petitions of intervention or separate petitions of other carriers will be received within a reasonable time, but the Commission will not undertake to serve such petitions. Such petitions together with justification in the form of verified statements (affidavits) shall be filed and served upon the parties to Ex Parte No. 196 and such petitions shall contain a certificate that such service has been made. Additional copies of the petition and supporting verified statements shall be furnished to any other interested party upon request therefor.

Persons other than carriers, appearing in support of or opposition to the carriers may become parties to the proceeding by the filing of verified statements.

(c) Use of Commission's records and other documents: The Commission will take official notice of, and consider as part of the record in this proceeding, the following documents, except that objection to consideration of the particular matter contained in such documents may be made as specified herein:

Annual, quarterly, and monthly reports of individual railroads, water carriers, and freight forwarders filed with the Commission; Freight Commodity Statistics, Class I steam railways; Annual Report on the Statistics of Railways in the United States; similar compilations of statistics of Class I motor carriers, electric railways, freight forwarders, carriers by water, and private car owners; Annual Report on Transport Statistics in the United States, and annual returns of railroads to Valuation Order No. S.

Quarterly reports: Series No. Q-500, 600, 650, 750, 800, 900, and 950.

Monthly reports: Series No. M-100, 125, 150, 200, 211, 213, 215, 220, 230, 240, 250, and 300.

Weekly reports: Association of American Railroads' Car Service Division (Form CS-54A) Revenue Freight Loaded and Received from Connections.

Special studies: Analyses of the 1-percent sample of waybills, by the Commission's Bureau of Transport Economics and Statistics. Statement No. 4-56, Distribution of the Rail Revenue Contribution by Commodity Groups, 1953.

This will extend to such documents on file or to be filed or issued during the pendency of the proceeding, and is for the benefit of all parties as well as the Commission.

Parties desiring to enter objection to the consideration of such documents, or to any particular matter contained therein upon the ground of relevance or materiality, must orally enter such objection on the record at a timely stage of the hearing provided for in paragraph (g) hereof. The objection should specify the matter objected to and the reasons therefor.

(d) Evidence of petitioners and other carriers seeking similar relief must be submitted in the form of verified statements (affidavits) with or without exhibits attached. An original and 24 copies shall be furnished to the Commission and a copy served upon each party to Ex Parte No. 196. One copy of such verified statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. A list of the addresses of Regional Offices and Regional Managers is attached hereto as Appendix A. These verified statements must be filed on or before October 15, 1956. A copy shall be furnished to any interested party upon request addressed to Mr. Edward A. Kaier, 804 Transportation Bldg., Washington, D. C.

(e) Evidence of persons other than carriers in support of petitioners must be submitted in the form of verified statements (affidavits) with or without exhibits attached, and filed and served as provided in the preceding paragraph. These verified statements must be filed on or before October 24, 1956.

(f) Evidence in opposition to the petitioners must be submitted in the form of verified statements (affidavits) with or without exhibits attached. An original and 24 copies shall be furnished to the Commission and 25 copies shall be furnished to Mr. Edward A. Kaier, 804 Transportation Building, Washington, D. C., for the railroads. One copy of such verified statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. These verified statements must be filed by December 14, 1956. A copy shall be furnished to any interested party upon request.

(g) Verified statements in reply must be filed by January 4, 1957, furnishing an original and 24 copies to the Commission. The party whose verified statement is being replied to should be served with a copy of the reply by first-class mail, and a copy of each verified reply statement should be sent to each of the Regional Offices of the Commission where it will be open to public inspection. A copy shall be furnished to any interested party upon request.

(h) A hearing for the purpose of cross-examining witnesses who have filed verified statements will be held at the office of the Commission in Washington, D. C., beginning at 10:00 o'clock a. m., January 15, 1957, before Division 2.

If cross-examination of a witness is desired by any party, request therefor must be given to the Commission and to the witness or his attorney as promptly as circumstances will permit in time to enable the witness to reach Washington, D. C., for the hearing.

(i) Oral argument before the entire Commission will be held in Washington, D. C., beginning at 10:00 o'clock a. m., January 22, 1957.

(j) Memorandum briefs will be due January 22, 1957, and may be filed in lieu of oral argument or in addition to oral argument. Original and 24 copies shall be furnished to the Commission and 25 copies shall be sent to Mr. Edward A. Kaier, 804 Transportation Building, Washington, D. C., and a copy sent to each of the Commission's Regional Offices where it will be open to public inspection. Upon reasonable request parties shall furnish copies of their brief to other parties.

(k) Rule 21 (c) of the Commission's general rules of practice allowing 5 days additional time for parties located at or west of the El Paso, Texas-Helena, Montana line will not apply in this proceeding.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX A—REGIONAL OFFICES

REGION 1

Territory: Maine, New Hampshire, Vermont, Rhode Island, Mass. Headquarters: Boston 9, Mass., 824 New Post Office Building. In charge: George R. Nuzum, Regional Manager.

REGION 2

Territory: New York, New Jersey, Connecticut. Headquarters: New York 13, N. Y., Room 1111, 346 Broadway. In charge: Thomas L. McClelland, Regional Manager.

REGION 3

Territory: Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia. Headquarters: Philadelphia 6, Pa., 800 U. S. Custom House Building, Second and Chestnut Street. In charge: T. G. Reynolds, Regional Manager.

REGION 4

Territory: Western Pennsylvania, Ohio, West Virginia. Headquarters: Columbus 15, Ohio, 232 New Post Office Building. In charge: Roy M. Snetzer, Regional Manager.

REGION 5

Not active.

REGION 6

Territory: Georgia, Florida, Alabama, North Carolina, South Carolina. Headquarters: Atlanta 3, Ga., 743 Peachtree Street, Seventh Building, 50 Seventh Street NE. In charge: William Addams, Regional Manager.

REGION 7

Territory: Kentucky, Tennessee, Mississippi. Headquarters: Nashville 3, Tenn., Room 701, U. S. Court House, 801 Broadway. In charge: E. S. Craig, Regional Manager.

REGION 8

Territory: Indiana, Illinois, Michigan. Headquarters: Chicago 7, Ill., 852 U. S. Custom House Building, 610 South Canal Street. In charge: Harry P. Raymond, Regional Manager.

REGION 9

Territory: Wisconsin, Minnesota, North Dakota, South Dakota. Headquarters: Minneapolis, Minn., 618 Metropolitan Building, Second Avenue South and Third Street. In charge: W. E. Hustleby, Regional Manager.

REGION 10

Territory: Iowa, Missouri, Nebraska, Kansas. Headquarters: Kansas City 6, Mo., 500 Federal Office Building, 911 Walnut Street. In charge: H. Joseph Simmons, Regional Manager.

REGION 11

Not active.

REGION 12

Territory: *Texas, Oklahoma, Arkansas, Louisiana.* Headquarters: Fort Worth 2, Tex., Room 2100, 300 West Vickery Street. In charge: R. K. Hagarty, Regional Manager.

REGION 13

Territory: *Wyoming, Colorado, New Mexico, Utah, Montana.* Headquarters: Denver, Colo., 251 New Customs Building, 19th and Stout Streets. In charge: Bert L. Penn, Regional Manager.

REGION 14

Not active.

REGION 15

Territory: *Oregon, Washington, Idaho.* Headquarters: Portland, Ore., 538 Pittock Block, 921 S. W. Washington Street. In charge: Frank E. Landsburg, Regional Manager.

REGION 16

Territory: *Arizona, California, Nevada.* Headquarters: San Francisco 2, Calif., Room 944 Flood Building, 870 Market Street. In charge: Pete H. Dawson, Regional Manager.

[F. R. Doc. 56-8035; Filed, Oct. 4, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1033]

GENERAL MOTORS CORP. AND E. I. DU PONT DE NEMOURS AND CO.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

OCTOBER 1, 1956.

Notice is hereby given that General Motors Corporation ("General Motors"), an affiliated person of E. I. du Pont De Nemours and Company ("du Pont"), which is controlled by Christiana Securities Company, a registered closed-end non-diversified investment company, which is in turn controlled by Delaware Realty and Investment Company, also a registered closed-end non-diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act the purchase by General Motors of certain land from du Pont.

Du Pont owns approximately 23% of the outstanding common stock of General Motors. Du Pont and General Motors own adjoining land in the vicinity of Tonawanda, New York. General Motors proposes to purchase from du Pont approximately 8.74 acres of the vacant land owned by du Pont upon which to install railroad tracks to provide a suitable route for entrance to the motor plant of General Motors.

The price proposed to be paid by General Motors to du Pont for the land to be purchased is approximately $35,000, or $4,000 an acre. This price was arrived at by the parties on the basis of an option negotiated at about the same time by General Motors for the purchase of adjoining property from unrelated interests. The application also alleges that the price is fair in the light of valuations for recent tax assessments of the property proposed to be purchased.

Section 17 (a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any

JECHIEL SCHNEID

Martha Lehmann, L. S. Claim No. 258; $1,520.00 in the Treasury of the United States.

said bond and due on or after November 1, 1946 together with any and all

security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since, by definition under the act, General Motors is an affiliated person of du Pont, a company controlled by a registered investment company, the proposed purchase of property by General Motors from du Pont is subject to the provisions of section 17 (a) of the act.

Notice is further given that any interested person may, not later than October 12, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8024; Filed, Oct. 4, 1956; 8:46 a. m.]

[File No. 1-3303]

C. N. I. LIQUIDATING CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 1, 1956.

In the matter of C. N. I. Liquidating Company, Common Stock; File No. 1-3303.

Midwest Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stockholders on April 3, 1956, adopted a plan of complete liquidation of the Company and authorized sale of all its principal properties and assets to Standard Brands, Inc., change of name from Clinton Foods, Inc., to C. N. I. Liquidating Company, and dissolution thereof. The sale occurred on April 16, 1956, and an initial liquidating distribution of $43 per share was made payable April 26, 1956. An unaudited balance sheet of the Company as of March 31, 1956, indicated a possible further net asset value of approximately $4.30 per share, there being 1,364,828 shares outstanding. A certificate of dissolution was filed in the office of the Secretary of State in Delaware on June 8, 1956, and has become effective. In the opinion of the Exchange, further dealings on its floor in the subject stock are inadvisable and dealings therein were suspended at the opening of the trading session on July 2, 1956.

Upon receipt of a request, on or before October 17, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8025; Filed, Oct. 4, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ETABLISSEMENTS EMEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Etablissements Emel, Paris, France, Claim No. 46624; Vesting Order No. 666, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,235,743.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8042; Filed, Oct. 4, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF HUGO ELIAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Hugo Elias, Elise van der Voort, Joyce Wink and Carla Wolff, L. S. Claim No. 99; $1,520.49 in the Treasury of the United States.

Betsy Kuyper, L. S. Claim No. 101; $1,540.00 in the Treasury of the United States.

Aline and Betsy Serphos, L. S. Claim No. 106; $1,540.00 in the Treasury of the United States.

Daan, Guido and Monique Franco, L. S. Claim No. 201; $1,013.67 in the Treasury of the United States.

Abraham Calio, L. S. Claim No. 321; $2,920.00 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8040; Filed, Oct. 4, 1956; 8:50 a. m.]

N. V. KONINKLIJKE PHARMACEUTISCHE FABRIEKEN VOORHEEN BROCADES-STHEEMAN & PHARMACIA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

N. V. Koninklijke Pharmaceutische Fabrieken voorheen Brocades-Stheeman & Pharmacia, Amsterdam, The Netherlands; Claim No. 42718; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent Nos. 2,039,262; 2,039,263; 2,058,835, and 2,202,566.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8046; Filed, Oct. 4, 1956; 8:51 a. m.]

JECHIEL SCHNEID

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jechiel Schneid, Merced 398, Santiago, Chile; Claim Nos. 61468 and 61967; Vesting Orders Nos. 17840, 17915 and 18118; $775.64 in the Treasury of the United States.

Securities presently registered in the name of the Attorney General of the United States and in the custody of the Federal Reserve Bank of New York, as follows:

Twenty (20) shares Keta Gas & Oil Corporation, common stock, par value $.10 per share;

Fourteen (14) shares Swan Finch Oil Corporation, common stock, par value $5.00 per share.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8044; Filed Oct. 4, 1956; 8:51 a. m.]

[Vesting Order 19206, Amdt.]

BERENT NILSEN

In re: Debts owing to Berent Nilsen, also known as H. B. Nilsen and as Harald Berent Nilsen, F49-852.

Vesting Order 19206, dated March 30, 1953, is hereby amended as follows:

1. That Berent Nilsen, also known as H. B. Nilsen and as Harald Berent Nilsen whose last known address is Andreasstrasse 15, Hamburg, Germany, on or since December 11, 1941, and prior to January 1, 1947 was, a resident of Germany and is and prior to January 1, 1947 was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation matured or unmatured evidenced by a 4% General Mortgage 100 year Atchison, Topeka and Santa Fe Railway Company Bond, numbered M 79420 of $1,000.00 face value, and evidenced by coupons attached to or detached from said bond and due on or after April 1, 1946, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same and any and all rights in and under said bond and coupons, and

b. That certain debt or other obligation matured or unmatured evidenced by a 50 year 4½% Southern Pacific Co. Gold bond due 1981, numbered 11667, of $1,000.00 face value, and evidenced by coupons attached to or detached from said bond and due on or after November 1, 1946, together with any and all accruals to the aforesaid debt or other obligation, all rights to demand, enforce and collect the same and any and all rights in and under said bond and coupons

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Berent Nilsen, also known as H. B. Nilsen and as Harald Berent Nilsen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8047; Filed, Oct. 4, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF DAGOBERT MEYER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Dagobert Meyer, L. S. Claim No. 226; $1,332.50 in the Treasury of the United States.

Elie Mogendorff, L. S. Claim No. 241; $1,325.70 in the Treasury of the United States.

Julius Feige, L. S. Claim No. 253; $1,495.00 in the Treasury of the United States.

Justine and Alice de Jong, L. S. Claim No. 256; $1,137.43 in the Treasury of the United States.

Martha Lehmann, L. S. Claim No. 258; $1,520.00 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C. on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8041; Filed, Oct. 4, 1956; 8:50 a. m.]

EVA KIEWE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eva Kiewe nee Zutrauen, now known as Eva Zutrauen de Wallisch, Santiago, Chile, Claim No. 4588; Vesting Order No. 3126; $272.98 in the Treasury of the United States.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8043; Filed, Oct. 4, 1956; 8:50 a. m.]

DOROTHEA DEUTMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Dorothea Deutmann nee von Kessler, Berlin-Wilmersdorf, Germany, Claim No. 38227; Vesting Order No. 2584; $500.86 in the Treasury of the United States.

Executed at Washington, D. C., on September 28, 1956.

For the Attorney General

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8045; Filed, Oct. 4, 1956; 8:51 a. m.]

UNIVERSITY OF MICHIGAN
OCT 9 1956
MAIN

FEDERAL REGISTER

VOLUME 21 NUMBER 195

Washington, Saturday, October 6, 1956

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 616, 2d Revision, Amdt. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

Pursuant to the authority conferred on him by the fourth sentence of the Mediterranean fruit fly quarantine (Notice of Quarantine No. 78, 7 CFR 301.78, 21 F. R. 3213), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and pursuant to other delegations of authority (19 F. R. 515, as amended) the Chief of the Plant Pest Control Branch hereby amends § 301.78a (c) of revised administrative instructions (7 CFR 301.78a; 21 F. R. 6365) exempting certain regulated articles from the requirements of §§ 301.78–3 (b), 301.78–4 and 301.78–5 of the regulations supplemental to said notice of quarantine (7 CFR 301.78–3 (b), 301.78–4, 301.78–5; 21 F. R. 3214, 3215), by adding the word "Dade," between the words "Collier," and "Hendry," therein.

This amendment shall be effective October 6, 1956.

The purpose of this amendment is to add Dade County to the list of counties from which the movement of certain vegetables is exempt from the requirements of the Mediterranean fruit fly quarantine and regulations when they have been grown under approved conditions that include spray schedules where required, and when handled under sanitary conditions satisfactory to an inspector. This exemption is based on progress of control work and consequent reduction of Mediterranean fruit fly populations in Dade County. It has been determined that movement from Dade County of such vegetables will not result in the spread of the Mediterranean fruit fly. In order to be of maximum benefit to affected shippers, the amended instructions should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public rule making procedure with respect to the amendment are impracticable and unnecessary.

Since the amendment relieves restrictions, it is within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 2d day of October 1956.

[SEAL] L. F. CARL,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 56–8078; Filed, Oct. 5, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 89]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.389 *Valencia Orange Regulation 89*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the pub-

(Continued on p. 7667)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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lic interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 4, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 7, 1956, and ending at 12:01 a. m., P. s. t., October 14, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 716,100 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 5, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–8124; Filed, Oct. 5, 1956; 11:19 a. m.]

[Lemon Reg. 662]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.769 *Lemon Regulation 662*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 3, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter specified; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 7, 1956; and ending at 12:01 a. m., P. s. t., October 14, 1956; is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 4, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–8104; Filed, Oct. 5, 1956; 8:53 a. m.]

[992.311 Amdt. 1]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is

See Wage and Hour Division.

Part 578 ---------- 7672

based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes in the manner set forth below, on and after the effective time of this amendment, (iii) the provisions of the current limitation of shipments regulation (§ 992.311; 21 F. R. 4861) will continue in effect until June 1, 1957, unless sooner terminated, suspended, or amended; (iv) on or about September 26, 1956, the rate of harvesting the fall crop of potatoes in the production area had already reached, or was about to reach, its peak; (v) on September 26, 1956, the committee held a meeting for making recommendations for the appropriate requirements that should be in effect with respect to the handling of the largest portion of such harvested potatoes and would tend to maximize the benefits accruing from the regulatory program and the act, and all interested parties were afforded an opportunity to present their views thereon to the committee at such meeting; (vi) information regarding the committee's recommendation has been made available to producers, handlers, and all other interested parties in the production area, which recommendation contained the same provisions as the amendment hereinafter set forth; (vii) this amendment should be made effective at the time hereinafter set forth, and notice thereof, including its effective time, should be published in the FEDERAL REGISTER as soon as practical to afford persons subject thereto the maximum time to prepare therefor; (viii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by such effective time; and (ix) reasonable time is permitted, under the circumstances for such preparation.

Order, as amended. The provisions of paragraph (b) (1) of § 992.311 (21 F. R. 4861) are hereby amended to read as follows:

(b) *Order.* (1) During the period from October 8, 1956, through May 31, 1957, no handler shall ship potatoes of any variety unless such potatoes are "fairly clean" and, in addition, meet either of the following requirements:

(i) The potatoes grade U. S. No. 2 and are of a weight not less than 5 ounces; or

(ii) The potatoes grade at least U. S. Commercial and are of a size not smaller than 2 inches in diameter or 4 ounces in weight,

as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 through 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 3, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-8105; Filed, Oct. 5, 1956; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Admt. 2]

PART 618—HIGH DENSITY AIR TRAFFIC ZONE RULES, WASHINGTON, D. C.

REVOCATION

Pursuant to the provisions of Special Civil Air Regulations SR-408 and SR-408A (19 F. R. 6871 and 20 F. R. 8093), by which the Civil Aeronautics Board delegated to the Administrator the authority to designate the airspace located within the Washington control zone as a high density air traffic zone, and to prescribe additional rules which shall be applicable therein during VFR weather conditions, the Administrator adopted Part 618—High Density Air Traffic Zone Rules, Washington, D. C. The authority to prescribe such rules terminated on July 31, 1956, and no further extension of such authority has been given to the Administrator. Therefore, Part 618, which terminated on July 31, 1956, is hereby revoked.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8060; Filed, Oct. 5, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs. Amdt. 13]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products,* paragraph (c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended in the following particulars:

Subparagraph (2) *Refined copper, Schedule B No. 641200* is amended to read as follows:

(2) *Refined copper, Schedule B No. 641200.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) shall be supported by the information described below.

(i) *Evidence of availability required.* The following certification shall appear on each application:

I (we) certify that the commodities in the quantities described on this license application are in my (our) possession or will be in my (our) possession for export not later than ----------
(Date)

(ii) *Disclosure of foreign consumer.* The foreign consumer shall be identified on the license application by the use of one of the following applicable statements:

The foreign consumer of the commodities covered by this application is the same as that shown in item 7 on this license application;

or if the foreign consumer is not the same as that shown in item 7:

The name and address of the foreign consumer is ----------

Subparagraph (4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended to read as follows:

(4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots.* (i) In order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300; copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT- or FC-821 in accordance with procedure set forth in § 373.4. A separate report on Form IT- or FC-821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT- or FC-821, the heading above items (c) and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

(ii) In addition to the above, license applications to export copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300, and copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, shall disclose the foreign consumer as set forth in subparagraph (2) (ii) of this paragraph.

(iii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

(iv) License applications to export copper-nickel alloy scrap, containing 40 percent or more copper and 5 percent or more nickel will not be considered for licensing.

(v) License applications to export "off-shore" copper scrap (scrap located in United States territories or possessions outside the continental United States) will be considered for approval without regard to quota limitations established for the export of copper scrap where it is shown that (a) the scrap originated in and will be exported from a United States territory or possession, and (b) the scrap was collected pursuant to an approved collection contract with a United States Government agency. Applications submitted under the provisions of this subdivision shall contain one of the following as applicable:

(1) Where the scrap was collected by the applicant, the application shall contain the following certification:

I (we) certify that the copper scrap covered by this application originated in (name of United States territory or possession) and will be exported from (name of United States territory or possession). This scrap was collected by (me) (us) pursuant to approved (collection contract number or other identifying number) with (name of United States Government agency).

(2) Where the scrap was not collected by the applicant, the application shall contain the following information:

(i) The name of the United States territory or possession where the scrap covered by the application originated.

(ii) The name of the United States territory or possession from which the scrap will be exported.

(iii) The name of the party who contracted with the United States Government to collect the scrap covered by the application and also the name of the United States Government agency with which the collection contract was made, and the contract number or other identifying number.

2. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding the dates "October 6, 1956–December 15, 1956" in the column headed "Fourth Quarter, 1956" for the following commodities:

Dept. of Commerce Schedule B No.	Commodity
641300	Copper scrap (new and old), containing 40 percent or more copper.[1]
644000	Copper-base alloy scrap (new and old), containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel.[1]
644100	Copper-base alloy ingots and other crude forms.

This amendment shall become effective as of October 6, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-8074; Filed, Oct. 5, 1956; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), effective the 6th day of November 1956, Title 29, Part 511 of the Code of Federal Regulations is amended to read as follows:

Sec.
511.1 General method for issuance of wage orders.
511.2 Initiation of proceedings; notices of hearings.
511.3 Composition and appointment of committees.
511.4 Compensation of committee members.
511.5 Vacancies and dissolution of a committee.
511.6 Investigation.
511.7 Committee staff.
511.8 Prehearing statements.
511.9 Requirements for quorum and decisions.
511.10 Subjects and issues.
511.11 Pertinent data.
511.12 Committee and subcommittee meetings.
511.13 Evidence.
511.14 Procedure for receiving evidence.
511.15 Submittals prior to reports.
511.16 Reports.
511.17 Records.
511.18 Publication and effective date of wage order.
511.19 Petitions.

AUTHORITY: §§ 511.1 to 511.19 issued under sec. 5, 52 Stat. 1064, as amended, 29 U. S. C. 205. Interpret or apply 60 Stat. 237–244, secs. 6, 8, 52 Stat. 1062, as amended, 1064, as amended; 5 U. S. C. 1001–1011, 29 U. S. C. 206, 208.

§ 511.1 *General method for issuance of wage orders.* Pursuant to authority delegated by the Secretary of Labor, the Administrator of the Wage and Hour Division publishes the orders which are required by statute to make the recommendations of industry committees effective as wage orders under section 6 (c) of the Fair Labor Standards Act. The wage orders issued by the Administrator must by law give effect to the recommendations of the industry committees. All wage order proceedings will be conducted in accordance with the standards provided in the Administrative Procedure Act as interpreted and applied in this part.

§ 511.2 *Initiation of proceedings; notices of hearings.* (a) Wage order proceedings are initiated by order of the Secretary, published in the FEDERAL REGISTER, giving notice of hearings by industry committees to recommend the minimum rate or rates of wages to be paid under section 6 of the act to employees in Puerto Rico, the Virgin Islands, or American Samoa engaged in commerce or in the production of goods for commerce. These orders will contain a definition of the particular industry in Puerto Rico, the Virgin Islands, or American Samoa, for which the committee is to make its recommendations, or these orders will direct the committee to recommend the minimum rate or rates of wages for all industry in Puerto Rico, the Virgin Islands, or American Samoa. All such orders will make provision for convening the committee. Any particular industry defined in such an order may be a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(b) These orders will also give reasonable notice (1) of the time and place for the commencement of the hearing of such witnesses and receiving of such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act, (2) of the general nature of the wage order proceedings and the authority under which they are proposed, (3) of the subjects and issues involved, and (4) that the committee will take official notice of the economic report (note § 511.13), and the parties will have an opportunity at the hearing to show any contrary or additional facts.

§ 511.3 *Composition and appointment of committees.* An industry committee will be composed of residents of the island or islands where the employees with respect to whom such committee was appointed are employed and residents of the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. The Secretary will by order appoint as members of each committee an equal number of persons representing (a) the public, (b) employees in the industry, and (c) employers in the industry. The public members shall be disinterested, and the Secretary will designate one as chairman. For purposes of this section only, the definition of the industry shall be considered to include all such industry throughout the United States, its territories and possessions.

§ 511.4 *Compensation of committee members.* Each member of an industry committee will be allowed a per diem of $50 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

§ 511.5 *Vacancies and dissolution of committees.* The Secretary by order will appoint persons to fill any vacancies occurring on industry committees. If an industry committee is unable to arrive at a recommendation within a reasonable time, or refuses to make a recommendation, it may be dissolved by the Secretary. An industry committee shall cease to perform further functions when it has filed with the Administrator its report containing its findings of fact and recommendations with respect to

the matters referred to it, and shall not again perform any functions with respect to any matter reported on, unless and until directed by the Administrator. An industry committee shall be dissolved automatically when its recommendations are no longer subject to review under section 10 of the act.

§ 511.6 *Investigation.* The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters to be referred to a committee. A copy of these regulations will be sent to each member of the committee following his appointment, and a copy of the economic report when completed will be furnished promptly. Before making its report the committee will decide whether it will conduct any further investigation, apart from the hearing and the review of the economic report, in connection with the matters referred to it.

§ 511.7 *Committee staff.* Each industry committee will be furnished a lawyer, to serve as committee counsel, and an economist, to serve as committee economist. Committee counsel shall advise the committee on the issues of law, including interpretations of these regulations and the legal scope of the committee's discretion, which arise during the committee proceedings. The committee counsel and economist shall be available to advise and assist the committee at all of its meetings. The Administrator shall furnish the committee with adequate stenographic, clerical, and other assistance.

§ 511.8 *Prehearing statements.* (a) Every employer, employee, trade association, trade union, or group of employers, employees, associations, or unions in the industry as defined, or in such industry elsewhere in the United States, and every other person who, in the judgment of the committee has an interest sufficient to justify the participation he proposes, shall be considered an interested person. No member of the committee may participate as a party or as a witness. Any other interested person who wishes to participate on his own behalf shall file a written prehearing statement. Ten days before the first hearing date set for any committee in a notice of hearing concerning minimum wages for Puerto Rico or the Virgin Islands, the original and 11 copies of the prehearing statement shall be filed at the office of the Territorial Director of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, and one copy at the office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. If such statements are sent by airmail between Puerto Rico or the Virgin Islands and the mainland, such filing shall be deemed timely if postmarked within the time provided. The number of copies of such statements and the times and places for filing them will be specified in the notices of hearings to determine minimum wages for American Samoa. The prehearing statement shall describe the person's interest and specify whether he proposes to participate as a party or only as a witness. No such statement shall be required of a witness named in and appearing solely for the purpose of presenting testimony summarized in a party's prehearing statement under paragraph (c) of this section.

(b) The prehearing statement of each person who proposes to participate as a witness shall contain (1) the written data he proposes to introduce in evidence, including all tangible objective data to be submitted pursuant to § 511.13; (2) the prepared statement he proposes to give, if any; and (3) a statement of the approximate length of time his direct testimony should take. The filing of a prehearing statement in accordance with the above requirements shall give the right to testify, but shall not give the rights provided in this section and §§ 511.12, 511.13, 511.14, and 511.15 for parties.

(c) The prehearing statement of each person who proposes to participate as a party shall contain (1) a statement of the classifications and wage rates, if any, which he proposes to support, (2) the written data he proposes to introduce in evidence, including all tangible objective data to be submitted pursuant to § 511.13, (3) the names and addresses of the witnesses he proposes to call, and a summary of the evidence proposed to be developed, (4) a statement of the approximate length of time his case will take, and (5) the name and address of the individual who will present his case. If the prehearing statement is in conformity with the above requirements, the person shall have the right to participate as a party. In accordance with section 6 (c) of the Administrative Procedure Act, industry committees shall, after considering the advice of committee counsel, issue subpoenas authorized by section 9 of the Fair Labor Standards Act of 1938, to parties who make a request therefor accompanied by a clear showing of general relevance and reasonable scope of the evidence sought.

(d) Prehearing statements of parties and witnesses shall be made available for examination at the offices where they are filed. Each person who files a prehearing statement should, if requested, make himself available for conference with the committee staff to make any needed clarification of his prehearing statement, and arrange details of presenting his testimony or case.

(e) In exceptional circumstances a person who has not filed the prehearing statement required by this section and who does not appear on a witness list filed by a party may nevertheless be permitted, in the discretion of the committee, to testify as a witness.

§ 511.9 *Requirements for quorum and decisions.* Two-thirds of the members of an industry committee shall constitute a quorum. Approval by a majority of all of the members of an industry committee or subcommittee shall be required for its report. Except as otherwise provided in this part, the chairman of the industry committee or subcommittee may make other decisions for the committee or subcommittee, but each such decision shall be subject to approval of a majority of the members present if any member objects.

§ 511.10 *Subjects and issues.* In accordance with the declared policy of the act each industry committee shall recommend minimum wages which will reach as rapidly as is economically feasible without substantially curtailing employment the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act. Each industry committee shall recommend to the Administrator the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico, the Virgin Islands, or American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out in this section which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in that industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classification within the industry, in making such classification, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living and production costs; (b) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) the wages paid for work of a like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

§ 511.11 *Pertinent data.* Among the types of data which may be considered pertinent to the subjects and issues delineated in § 511.10, are those revealing (a) employment and labor conditions and trends in Puerto Rico, the Virgin Islands, or American Samoa, as the case may be, and on the mainland, particularly since the promulgation of the presently applicable wage order, including such items as present and past employment, present wage rates and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning periods, rejection rates, and similar factors; (b) market conditions and trends in Puerto Rico, the Virgin Islands, or American Samoa, as the case may be, and on the mainland, including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, competitive relationships, tariff rates, and similar marketing factors; (c) comparative production costs in Puerto Rico, the Virgin Islands, or American Samoa, as the case may be, on the mainland, and in foreign countries, together with the factors responsible for differences; (d) financial conditions and trends since promulgation of the present wage order as reflected in profit and loss statements and balance sheets; and (e) data bearing on proper definitions of classifications within an industry.

§ 511.12 *Committee and subcommittee meetings.* (a) The full committee, or a quorum thereof, will convene at the time and place appointed for an initial prehearing meeting as provided in the Secretary's order initiating the proceedings (note § 511.2). The full committee acting through a quorum will decide at that meeting whether it will preside at the reception of evidence at the hearing or will authorize a subcommittee to preside. Any resolution authorizing a subcommittee to hold the hearing shall provide a period of 30 days after (1) the subcommittee has filed its recommended report and (2) a transcript of the subcommittee hearing is made available to the parties, for the parties to file exceptions to the recommended report, and the committee shall meet promptly thereafter on call of its chairman or the Administrator to consider exceptions and prepare its final report.

(b) A committee may adjourn its meeting or hearing, or both, from time to time, and meet again, at hearing or otherwise, pursuant to the terms of adjournment, or on call of its chairman or the Administrator.

§ 511.13 *Evidence.* In accordance with the notice of hearing, the committee and any authorized subcommittee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing. Other pertinent evidence available to the Department of Labor may be presented at the hearing. The committee itself may call witnesses not otherwise scheduled to testify. Oral or documentary evidence may be received, but the committee shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every interested person who has met the requirements for participation as a party shall have the right to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination of witnesses called by others as may be required for a full and true disclosure of the facts. Testimony on behalf of an employer or group of employers as to inability to absorb wage increases shall be received in evidence only if supported by tangible objective data, such as the pertinent profit and loss statements and balance sheets for a representative period of years, filed as part of the prehearing statement under § 511.8. Evidence of witnesses not present at the hearing may be submitted only by affidavits received with, or as a part of, a prehearing statement which meets the requirements of § 511.8 and satisfactorily explains why each affiant cannot be present. Such affidavits will be received in evidence to the same extent that testimony from affiants would have been admitted had they been present. The committee will give such weight to these statements as it considers appropriate, and the fact that such affiants have not been subject to cross-examination may be considered, along with other relevant facts, in assessing the weight to be given such evidence.

§ 511.14 *Procedure for receiving evidence.* (a) All testimony shall be given under oath or affirmation. Any party shall have the right to appear in person, by counsel, or by other specified representative. Misconduct at any hearing shall be ground for summary exclusion from the hearing. The committee shall limit the testimony of any witness where appropriate to prevent the hearing from becoming unduly prolonged. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the committee, be ground for striking all testimony given by the witness on related matters.

(b) Unless otherwise directed by the committee, witnesses shall be called in the following order: The committee economist qualified to testify concerning the content and preparation of the economic report, other witnesses called by the Department of Labor, witnesses called by the parties, other witnesses. Unless otherwise directed by the committee, all witnesses other than those called by the parties shall be examined in the following order: By committee counsel, by committee economist, by committee members, by the parties or their representatives. Witnesses called by the parties shall be examined first by the party calling them or by his specified representative, and then in the order herein indicated for all other witnesses. Redirect examination may be permitted in the discretion of the committee. Rebuttal evidence may be offered in the order and manner in this section provided for other evidence. To the extent not specified in this section, the order for calling and examining witnesses shall be specified by the chairman of the committee or subcommittee.

§ 511.15 *Submittals prior to reports.* As soon as the receipt of evidence is concluded, a committee or subcommittee presiding at a hearing shall receive any proposed findings of fact and recommendations together with the reasons therefor submitted by any party. These submittals shall be oral unless otherwise directed by the committee or subcommittee. If, in the discretion of the committee or subcommittee such proposals should be in writing, it may grant such additional time as it deems essential.

§ 511.16 *Reports.* Promptly after receipt of submissions under § 511.15, the committee or subcommittee will resolve the issues before it and prepare a report containing its findings of fact and recommendations. The report shall contain the committee's or the subcommittee's findings and conclusions as well as the reasons or basis therefor upon all the material issues of fact, law, or discretion presented on the record. When a committee, acting through a quorum, has presided at the reception of evidence, this report shall be its final report on the matters referred to it. Where, however, a subcommittee has presided at the reception of evidence, this report shall be an initial report, and the committee shall meet thereafter to review the report and rule on exceptions in its final report. Where the committee presides at the reception of evidence and proceeds to final decision every party shall be regarded as having objected to any wage rate or classification at variance with any he proposed in his prehearing statement unless he accepted such a rate or classification in any submittal made pursuant to § 511.15. A copy of the report shall be signed by each member of the committee who approves it, either at a meeting of the committee or by circulation of one or more copies among the members of the committee. At any time within 3 days after the committee report is signed by those who approve it, members dissenting therefrom may collectively or individually submit signed reports stating the reasons for their dissent.

§ 511.17 *Records.* Each industry committee shall keep a journal recording the time and place of all its meetings, the members present, the votes, and other formal proceedings, including the appointment of subcommittees. Subcommittees shall keep a similar journal. No report of committee or subcommittee discussions need be included. All hearings shall be reported and transcribed within 45 days after the date of the Administrator's order under § 511.18. Promptly after completion of the committee's final report, the committee chairman shall certify the report and transmit it to the Administrator. As soon as practicable thereafter, the committee staff shall transmit to the Administrator (a) all committee and subcommittee journals, (b) all applications for leave to participate as interested persons or parties together with the record of action thereon, and (c) the transcript of testimony and exhibits together with all papers and requests filed in the proceedings. These documents shall be available for inspection and copying by any interested person at the office of the Administrator during usual business hours.

§ 511.18 *Publication and effective date of wage order.* Promptly after receipt of the committee report the Administrator shall publish the committee recommendations in the FEDERAL REGISTER and shall provide by order that the recommendations contained in such report shall take effect upon the expiration of 15 days after the date of such publication.

§ 511.19 *Petitions.* Any interested person may at any time file a petition with the Administrator for an amendment to the regulations contained in this

part or for an amendment to a wage order applicable to him. In view of the statutory requirement that the minimum rates of wages established by order under section 6 of the act be reviewed by an industry committee at least once each year, substantial cause must be shown in support of any petition for an amendment of a wage order out of regular course. Any interested person may also file a petition at any time with the Administrator for a public hearing under section 13 (e) of the act to determine whether economic conditions warrant rules or regulations providing reasonable limitations or allowing reasonable variations, tolerances, or exemptions to or from any or all of the provisions of section 7 of the act with respect to employees in American Samoa for whom the Secretary of Labor has established minimum wage rates under section 6 (a) (3) of the act and the regulations contained in this part. Whenever it appears to the Secretary of Labor, by reason of such a petition or otherwise, to be probable that such a hearing is likely to reveal that economic conditions warrant such action, notice of such hearing specifying the procedure to be followed will be published in the FEDERAL REGISTER.

Signed at Washington, D. C., this 28th day of September 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56-8075; Filed, Oct. 5, 1956; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1956 Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

CALENDAR YEAR; QUARTER BEGINNING OCTOBER 1, 1956

OCTOBER 1, 1956.

§ 129.19 *Calendar year, 1956.* * * *

(d) *Quarter beginning October 1, 1956.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units, are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1956, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Colombia	Peso	$0.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law 1367 effective Oct. 19, 1951.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Uruguay	Peso	.6583	Present gold content of 0.585018 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL]

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8073; Filed, Oct. 5, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

DECORATIONS FOR INDIVIDUALS

Sections 578.1 through 578.25a are revoked and the following substituted therefor:

Sec.
578.1 Purpose.
578.2 Definitions.
578.3 General provisions governing the awards of decorations.
578.4 Medal of Honor.
578.5 Distinguished-Service Cross.
578.6 Distinguished-Service Medal.
578.7 Silver Star.
578.8 Legion of Merit.
578.9 Distinguished-Flying Cross.
578.10 Soldier's Medal.
578.11 Bronze Star Medal.
578.12 Air Medal.
578.13 Commendation Ribbon with Metal Pendant.
578.14 Purple Heart.
578.15 Medal for Merit.
578.16 National Security Medal.
578.17 Medal of Freedom.
578.18 Appurtenances to military decorations.
578.19 Foreign decorations.
578.20 Supply of decorations and appurtenances.
578.21 Original issue or replacement.
578.22 Exhibition.
578.23 Certificates for decorations.
578.24 Certificate of Appreciation.
578.25 Accolade and Gold Star lapel button.
578.25a Certificate of Honorable Service and Record of Service (Deceased Military Personnel).
578.25b Certificate of Achievement.

AUTHORITY: §§ 578.1 to 578.25b issued under R. S. 161; 5 U. S. C. 22. Statutory provisions interpreted or applied are cited to text in parentheses.

SOURCE: AR 672-5-1, July 20, 1956.

§ 578.1 *Purpose.* The primary purpose of the decorations system is to provide tangible evidence of public recognition of acts of heroism performed and valuable services rendered. Military decorations are awarded in recognition of and as a reward for heroic, extraordinary, outstanding, and meritorious acts, achievements, and services, and such visible evidence of recognition is cherished accordingly by the recipients. Awards of decorations, when properly utilized, are potent incentives to greater effort and are instrumental in building and maintaining morale. Decorations are primarily intended to recognize acts, achievements, and services in time of war.

§ 578.2 *Definitions.* The following definitions are furnished for clarity and uniformity in the determination and award of decorations:

(a) *Above and beyond the call of duty.* Exercise of a voluntary course of action, the omission of which would not justly subject the individual to censure for failure in the performance of duty. It usually includes the acceptance of existing danger or extraordinary responsibilities with praiseworthy fortitude and exemplary courage. In its highest degrees it involves the voluntary acceptance of additional danger and risk of life.

(b) *Combat heroism.* Act or acts of heroism by an individual engaged in:

(1) Actual conflict with an armed enemy, or

(2) Military operations which involve exposure to personal hazards, due to direct enemy action or the imminence of such action.

(c) *Combat zone.* The region where fighting is going on; the forward area of the theater of operations where combat troops are actively engaged. It extends from the front line to the front of the communications zone.

(d) *Duty of great responsibility.* Duty which, by virtue of the position held, carries the ultimate responsibility for the successful operation of a major command, activity, agency, installation, or project. The discharge of such duty must involve the acceptance and fulfillment of the obligation so as to greatly benefit the interests of the United States.

(e) *Duty of responsibility.* Duty, which by virtue of the position held, carries a high degree of the responsibility for the successful operation of a major command, activity, agency, installation, or project, or which requires the exercise of judgment and decision affecting plans, policies, operations, or the lives and well being of others.

(f) *Heroism.* Specific acts of bravery or outstanding courage, or a closely related series of heroic acts performed within an exceptionally short period of time.

(g) *In connection with military operations against an armed enemy.* This phrase covers all military operations including combat, support, and supply which have a direct bearing on the outcome of an engagement or engagements against armed opposition. To perform duty or to accomplish an act of achievement in connection with military operations against an armed enemy, the individual must have been subjected either to personal hazard as a result of direct enemy action (or the imminence of such action) or must have had the conditions under which his duty or accomplishment took place complicated by enemy action or the imminence of enemy action.

(h) *Key individual.* A person who is occupying a position that is indispensable to an organization, activity, or project.

(i) *Meritorious achievement.* A praiseworthy accomplishment, with easily discernible beginning and end, carried through to completion. The length of time involved is not a consideration but speed of accomplishment may be a factor in determining the worth of the enterprise.

(j) *Meritorious service.* Praiseworthy execution of duties over a period of time. Service differs from achievement in that service concerns a period of time while achievement concerns an enterprise having a definite beginning and end but not necessarily connected with a specific period of time.

(k) *Peacetime criteria.* The criteria applied:

(1) In a period when the United States is not engaged in the prosecution of a formal declared war, or

(2) Outside a combat zone when the United States is engaged in military operations against an armed enemy, but is not prosecuting a formal declared war, except that in the communications zone, those individuals whose duties are in connection with military operations against an armed enemy may be considered under war criteria.

(l) *Shall have distinguished himself or herself by.* The person thus described must have, by praiseworthy accomplishment, set himself apart from his comrades or from other persons in the same or similar circumstances. Determination of this distinction requires careful consideration of exactly what is or was expected as the ordinary, routine, or customary behavior and accomplishment for individuals of like rank and experience for the circumstances involved.

(m) *Wartime criteria.* The criteria to be applied under the following conditions:

(1) During a period of formal, declared war and for 1 year after the cessation of hostilities, or

(2) During a period of military operations against an armed enemy and for 1 year after the cessation of hostilities. Only those individuals actually in the combat zone or those individuals in the communications zone whose duties involve direct control or support of combat operations, are to be considered under wartime criteria.

§ 578.3 *General provisions governing the awards of decorations*—(a) *To whom awarded.* See figure 1.

(b) *Recommendations.* (1) It is the responsibility and privilege of any individual having personal knowledge of an act, achievement, or service believed to warrant the award of a decoration to submit a recommendation for consideration.

(2) Recommendations may be submitted in letter form but it is preferable that (DA Form 638) Recommendation for Award (Heroism, meritorious achievement or service) be used. This form is self-explanatory; however, close attention to detail is most essential. A separate recommendation including a proposed citation will be submitted for each proposed award and only one proposed recipient will be named in a single recommendation. Lucid reporting of facts, not flowery generalities, will be most likely to achieve the object of the recommendation. Statements of eyewitnesses, preferably in the form of certificates, affidavits, or sworn statements, extracts from official records, sketches, maps, diagrams, photographs, etc., will be attached to support and amplify stated facts. The proposed citation usually will be limited to one typewritten page (8 x 10½ inches) double spaced.

(3) To be fully effective a decoration must be timely. Undue delay in the submission of a recommendation may preclude its consideration as noted in paragraph (m) of this section. It is highly desirable that a recommendation be placed in military channels and acted on as quickly as possible. If circumstances preclude submission of a completely documented recommendation it is best to submit it as soon as possible and note that additional data is to be submitted later. Action by intermediate headquarters and by the final approving authority will be as expeditious as possible, consistent with full and weighted judgment.

UNITED STATES MILITARY DECORATIONS—LISTED IN ORDER OF WEARING

Decorations	By whom awarded		Recognition of heroism								Recognition of meritorious achievement or service			
			Combat				Noncombat							
	Wartime	Peacetime	U. S. military personnel	U. S. civilians	Foreign military	Foreign civilians	U. S. military	U. S. civilians	Foreign military	Foreign civilians	U. S. military	U. S. civilians	Foreign military	Foreign civilians
Military:														
Medal of Honor	(a)	----	[1] X	----	----	----	----	----	----	----	----	----	----	----
Distinguished-Service Cross	(a)	----	X	----	X	----	----	----	----	----	----	----	----	----
Distinguished-Service Medal	(b)	(b)	----	----	----	----	----	----	----	----	X	----	X	----
Silver Star	(c)	----	X	----	X	----	----	----	----	----	----	----	----	----
Legion of Merit	(d)	(b)	----	----	----	----	----	----	----	----	X	----	[1] X	----
Distinguished-Flying Cross	(c)	(b)	X	----	X	----	----	----	----	----	X	----	X	----
Soldier's Medal	(c)	(b)	----	----	----	----	X	----	X	----	----	----	----	----
Bronze Star Medal w/V device	(c)	----	X	X	X	----	----	----	----	----	----	----	----	----
Bronze Star Medal	(c)	----	----	----	----	----	----	----	----	----	X	X	X	----
Air Medal	(c)	(b)	X	X	X	----	----	----	----	----	X	X	X	----
Commendation Ribbon w/MP	(c)	(c)	----	----	----	----	----	----	----	----	X	----	----	----
Purple Heart	(c)	----	X	X	----	----	----	(f)	(f)	(f)	(f)	(f)	----	----
Nonmilitary:														
Medal for Merit	----	----	----	----	----	----	----	(g)	(g)	(g)	(g)	----	----	----
National Security Medal	(e)	(e)	X	X	X	X	X	X	X	X	X	X	X	X
Medal of Freedom	(d)	(b)	----	X	[1] X	[1] X	----	X	[1] X	[1] X	----	X	[1] X	[1] X

[a] The President.
[b] The Secretary of the Army.
[c] The Senior Army Commander of a separate force or by other delegation as provided in § 578.3 (c) (1), (2), and (5) within limitations indicated in § 578.3 (c) (4).
[d] By specific delegation of authority by Secretary of the Army.
[e] Major General or higher or Brigadier General in position of a Major General. Heads of administrative technical services.
[1] The Army Medal of Honor is awarded only to Army officer or enlisted personnel.
[2] Degree will be specified for each award.
[3] Awarded in recognition of wounds.
[4] No longer awarded.

(4) A recommendation for the award of a decoration based on a period of meritorious service will not normally be acted on more than 30 days prior to the projected end of that period. Such an award normally will not be made until the duties which the individual has been performing are terminated. When an individual departing an organization or installation desires to initiate a recommendation for an award for meritorious service for an individual who is remaining in the command, he should leave the recommendation in written form with the commanding officer or with his own successor for final action when the person recommended becomes eligible for consideration, as indicated in subparagraphs (1) to (4) of this paragraph.

Tariff Act of 1930.

SOURCE: AR 672-5-1, July 20, 1956.

of the Communications Zone.

(5) Recommendations for all awards which may not be finally acted on in the field pursuant to delegated authority will be forwarded through channels to The Adjutant General, or directly to The Adjutant General if the use of military channels is impracticable. Each intermediate headquarters will express approval or disapproval, indicating reasons if disapproved. When an interim award is made a copy of the orders and citation will be added to the recommendation when it is forwarded.

(c) *By whom awarded—wartime criteria.* The award of the Medal of Honor is made by the President. Awards of other decorations are made by the President, the Secretary of Defense, and the Secretary of the Army, except that during a period when wartime criteria apply, authority to award decorations is delegated as follows:

(1) The Distinguished-Service Cross, Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, Air Medal, and Commendation Ribbon with Metal Pendant may be awarded to members of the Armed Forces of the United States by the senior Army commander of any separate force or by subordinate commanders to whom he may delegate this authority, provided that the authority will not be delegated to any commander below the grade of major general. Authority may be delegated to any commander in the grade of brigadier general while he is in command of a tactical unit and, as such, is occupying the established position vacancy of a major general. No award will be made under the provisions of this paragraph to a member of another United States Armed Forces service without the concurrence of the respective senior commander present.

(2) The Distinguished-Service Cross and Silver Star may be awarded by the commanding general of a United States Army force in a theater of operations to officers and members of crews of ships of the United States Merchant Marine serving under his jurisdiction.

(3) The Legion of Merit may be awarded only by commanders specifically designated by the Secretary of the Army.

(4) The Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, and Air Medal may be awarded by the commanders indicated in subparagraph (1) of this paragraph, to members of the armed forces of friendly foreign nations, provided concurrence has been obtained from the senior commander present in the theater of hostilities for an award to one of his own nationals, except as shown in subdivisions (i) and (ii) of this subparagraph. Such concurrence will be regarded as constituting approval by his government for acceptance of the award. A recommendation for any of these awards will be forwarded to the Department of the Army when:

(i) The senior commander of a cobelligerent force is unable to obtain the approval of his government.

(ii) An award to a flag or general officer or to the senior officer of the cobelligerent force present in the area is contemplated.

(5) The Purple Heart may be awarded by the commanding general of any separate force who is in the grade or position of a major general or higher or by any field grade officer to whom he may delegate the authority. The award may be made to members of the Armed Forces of the United States, to officers and members of crews of ships of the United States Merchant Marine serving within the area of his command, to civilian citizens of the United States serving with the Army, and to civilian citizens of the United States whose presence within the command has been approved (examples: war correspondents, Red Cross, and USO personnel).

(6) The Medal of Freedom may be awarded by such officers as may be designated by the Secretary of the Army.

(7) The National Security Medal shall be awarded by the President or his designee for that purpose under either wartime or peacetime criteria.

(d) *By whom awarded—peacetime criteria.* (1) Awards for peacetime services are made by the President, the Secretary of Defense and the Secretary of the Army with the following exception: The Commendation Ribbon with Metal Pendant may be awarded by any commanding general in the grade of major general or higher, by the heads of administrative and technical services, or by a general officer commanding an organization normally commanded by a major general, to military personnel of the United States below the grade of brigadier general, provided the period of service for which the award is made exceeds 6 months, or meets the requirements of AR 600–80 (Army Regulations relative to military participation in suggestion programs).

(2) The Legion of Merit and the Medal of Freedom are the only United States decorations which may be awarded by the Army to foreign nationals under peacetime criteria.

(e) *Civilian components.* Awards of the Soldier's Medal, Distinguished-Flying Cross, Air Medal, and Commendation Ribbon with Metal Pendant may be made by the Secretary of the Army to members of the civilian components of the Army not in Federal service or on active duty for acts and services incident to membership in such civilian components or directly related to attendance on occasions of military duty.

(f) *Posthumous awards.* Awards may be made following the decease of the person being honored in the same manner as they are made for a living person except that the orders and citation will indicate that the award is being made posthumously. Engraved certificates for presentation with the decorations will not contain the word posthumous. When the next of kin resides in the United States, orders announcing the award, together with the citation and related papers will be forwarded to The Adjutant General who will cause presentation to be made. Eligible classes of next of kin are listed in the order of their precedence in § 578.25a (b).

(g) *Interim awards.* To insure prompt recognition of an act, achievement, or service, the award of a suitable lesser military decoration may be made by appropriate authority pending final action on a recommendation for a higher award. Each such lesser award will be revoked simultaneously with an award of a higher military decoration for the same act.

(h) *Awards of a lower decoration.* When an interim award has not been made as provided in paragraph (g) of this section, the commander having authority to take final action in the case may award a lower decoration in lieu of the one recommended.

(i) *Duplication of awards.* Only one military decoration will be awarded for the same act, achievement, or period of meritorious service. An award for meritorious service may include meritorious achievements, but duplicating awards will not be made for meritorious achievement and meritorious service involving the same period of time. Continuation of the same or similar type service already recognized by an award for meritorious service will not be given a second award. If appropriate, an award may be made to include the extended period of service by superseding the earlier award, or if considered appropriate by the awarding authority, and desired by the individual, the award previously made may be amended to incorporate the extended period of service. An award for heroism performed within a period which is recognized by an award for meritorious service is not a duplication.

(j) *Conversion of awards.* Awards of certain decorations on the basis of existing letters, certificates, and/or orders, as hereinafter authorized will be made only upon letter application of the individuals concerned to The Adjutant General, Washington 25, D. C. If possible, the applicant for the conversion of an award of the Bronze Star Medal or Commendation Ribbon should inclose the original or a copy of the documentation which he wishes to have considered, or furnish all possible details as to time, place, and deed or service to assist in locating any copy of the commendation which may have been recorded.

(k) *Character of service.* No decoration shall be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service shall not have been honorable. The act of July 9, 1918 (40 Stat. 871) as amended (10 U. S. C. 1409); the act of July 2, 1926 (44 Stat. 789), as amended (10 U. S. C. 1429).

(l) *Disapproval of awards.* Whenever a recommendation for the award of a decoration is disapproved, the disapproving officer will indicate the specific reason or reasons for such action. The disapproval of a recommendation by an officer subordinate to the commander having authority to award the decoration will not constitute authority for the return of the recommendation to the initiator, except that recommendations for an award for meritorious service which describe only performance of normal duty in time of peace will be automatically disapproved and returned to the initiator. All recommendations which have been finally disapproved by the commander having authority to award the decoration recommended will be considered by that commander for the award of a lesser but appropriate decoration which, if approved, will be forwarded in lieu thereof. All disapproved recommendations will be returned to the initiator if he is in the military service and will be returned through the same channels employed for forwarding.

(m) *Time limitations.* By operation of law a military decoration will not be awarded more than 3 years after the action or period of service being honored, and in each instance the recommendation for an award must be formally entered into military channels within 2 years of the date of the act, achievement, or service to be honored.

(1) Awards of military decorations may be made in cases where prior similar recommendations have been acted upon by commanders who had authority to approve the awards, provided the requests for reconsideration or upgrading are submitted within the time limits prescribed above and such requests are accompanied by new and material evidence in support thereof.

(2) Awards of military decorations may be made in recognition of previously issued orders, letters, or certificates, and in exchange of decorations as may be hereinafter authorized.

(3) When it reasonably can be established that a recommendation was placed in official channels within the prescribed time limits and has become lost, the certificate of an officer or affidavit of an enlisted person to that effect, accompanied by a copy of the original recommendation if available, or a statement of the substance of the original recommendation may be accepted. This exception applies only to recommendations submitted for acts or services performed after September 2, 1945.

(n) *Announcement of awards.* All awards made pursuant to delegated authority will be announced in general orders by the commander authorized to make the award. Complete citations for acts of heroism are normally included in orders announcing the award. Orders announcing awards for meritorious achievement and meritorious service normally include only the places and inclusive dates of such achievements and services; the complete citation is then prepared separately for presentation and record purposes. Awards made by the President and the Secretary of the Army will be announced in Department of the Army General Orders when appropriate.

(o) *Recording of awards.* The award of a military decoration will be entered in the personnel records of the recipient and in the unit history of his organization in the manner prescribed in Army regulations.

(p) *Engraving of awards.* The Medal of Honor is engraved with the grade, name, and organization of the recipient. The Medal of Freedom is engraved on the edge, and the reverse of all other decorations is engraved with the name of the recipient. Normally, engraving will be accomplished prior to presentation. When this is impracticable, the recipient will be advised of his privilege to mail the decoration to Commanding General, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania, for engraving at Government expense.

(q) *Presentation of decoration.*—(1) *Medal of Honor.* The Medal of Honor is usually presented to living recipients by the President of the United States at the White House. Posthumous presentation to the next of kin is normally made in Washington, D. C., by the President or his personal representative.

(2) *Other United States military decorations.* Presentation will be timely. They will be made with an appropriate air of formality and with fitting ceremony.

(3) *Conversion awards.* Conversion awards are not usually presented with formal ceremony, however, such presentation may be made at the discretion of local commanders.

(4) *Act of presentation.* A decoration may be pinned on the clothing of the recipient, whether in uniform or civilian clothing or on the next of kin in the case of an award following death; however, this will not be construed as authority for any person other than the individual honored by the decoration to wear it. As an alternative to pinning the decoration, it may be handed to the recipient in an open decoration container.

§ 578.4 *Medal of Honor.*—(a) *Criteria.* The Medal of Honor, established by a Joint Resolution of Congress on July 12, 1862, is awarded in the name of Congress to each person who, while an officer or enlisted person of the Army, shall have distinguished himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty in action involving actual conflict with an enemy (fig. 1). The deed performed must have been one of personal bravery of self-sacrifice, so conspicuous as to clearly distinguish the individual for gallantry and intrepidity above his or her comrades and must have involved risk of life. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit. Eligibility is limited to members of all components of the Army of the United States in the active service.

(b) *Description.* A gold-finished bronze star, one point down, $1\frac{9}{16}$ inches in diameter with rays terminating in trefoils, surrounded by a laurel wreath in green enamel, suspended by two links from a bar bearing the inscription "Valor" and surmounted by an eagle grasping laurel leaves in one claw and arrows in the other. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress To." The medal is suspended by a hook to a ring fastened behind the eagle. The hook is attached to a light-blue moired silk neckband, $1\frac{3}{16}$ inches in width and $21\frac{3}{4}$ inches in length, behind a square pad in the center made of the ribbon with the corners turned in. On the ribbon bar are 13 white stars arranged in the form of a triple chevron, consisting of two chevrons of 5 stars and one chevron of 3 stars. A hexagonal rosette of light-blue ribbon ½ inch circumscribing diameter, with a fan-shaped ribbon insert showing white stars, is included for wear on civilian clothing.

(c) *Medal of Honor Roll.* The Medal of Honor Roll was established by act of Congress, April 27, 1916. It provides that a person to whom the Medal of Honor has been awarded may, upon attaining age 65 and having been honorably discharged from the service by muster-out, resignation, or otherwise, have his name entered on the Medal of Honor Roll. Persons whose names are placed on the Medal of Honor Roll are certified to the Veterans Administration as being entitled to receive a special pension of $10 per month, for life, payable monthly by that agency. The payment of this special pension is in addition to and does not deprive the pensioner of any other pension, benefit, right, or privilege to which he or she is or may thereafter be entitled. A written application must be made by the former member of the Army to have his or her name placed on the Medal of Honor Roll. The application will bear the full personal signature of the applicant and be directed to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGBS–AD. No form is prescribed for application.

(d) *Additional benefits.* (1) Air transportation: See AR 96–20 (Army Regulations pertaining to Air Transportation).

(2) Sons of winners of the Medal of Honor, otherwise qualified for admission to the United States Military Academy, will not be subject to quota requirements (see annual catalog, United States Military Academy).

(40 Stat. 870; 10 U. S. C. 1403)

§ 578.5 *Distinguished-Service Cross.*—(a) *Criteria.* The Distinguished Service Cross, established by act of Congress on July 9, 1918, is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by extraordinary heroism in connection with military operations against an armed enemy (fig. 1). The acts of heroism performed must have been so notable and have involved risk of life so extraordinary as to set the individual apart from his or her comrades.

(b) *Description.* A cross of bronze 2 inches in height and $1\frac{13}{16}$ inches in width with an eagle on the center and a scroll below the eagle bearing the inscription "For Valor." On the reverse, the center of the cross is circled by a wreath. The cross is suspended by a ring from moired silk ribbon, $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of a band of red ($\frac{1}{8}$-inch), white ($\frac{1}{16}$-inch), blue (1-inch), white ($\frac{1}{16}$-inch), and red ($\frac{1}{8}$-inch).

(40 Stat. 870; 10 U. S. C. 1406)

§ 578.6 *Distinguished-Service Medal.*—(a) *Criteria.* (1) The Distinguished-Service Medal, established by act of Congress on July 9, 1918, is awarded to any person who, while serving in any capac-

ity with the Army of the United States, shall have distinguished himself or herself by exceptionally meritorious service to the Government in a duty of great responsibility (fig. 1). The performance must be such as to merit recognition for service which is clearly exceptional. Superior performance of normal duty will not alone justify an award of this decoration.

(2) For service not related to actual war the term "duty of great responsibility" applies to a narrower range of positions than in time of war, and requires evidence of conspicuously significant achievement. However, justification of the award may accrue by virtue of exceptionally meritorious service in a succession of high positions of great importance.

(3) Awards may be made to persons other than members of the Armed Forces of the United States for wartime services only, and then only under exceptional circumstances with the express approval of the President, in each case.

(b) *Description.* The coat of arms of the United States in bronze surrounded by a circle of dark-blue enamel 1½ inches in diameter, bearing the inscription "For Distinguished Service MCMXVIII." On the reverse, a blank scroll upon a trophy of flags and weapons. The medal is suspended by a bar from a moired silk ribbon, 1⅜ inches in length and 1⅜ inches in width, composed of a bank of scarlet (5/16-inch), a stripe of dark-blue (1/16-inch), a band of white (3/8-inch), a stripe of dark-blue (1/16-inch), and a band of scarlet (5/16-inch).

(40 Stat. 870; 10 U. S. C. 1407, 1408)

§ 578.7 *Silver Star* (a) *Criteria.* The Silver Star, established by act of Congress July 9, 1918, is awarded to any person who, while serving in a capacity with the Army, has distinguished himself or herself by gallantry in action not warranting the award of the Medal of Honor or Distinguished-Service Cross, and to any person who, while serving in any capacity with the Army, received a citation for gallantry in action in World War I published in orders issued at the headquarters of a force commanded by a general officer. See figure 1.

(1) The required gallantry, while lesser degree than that required for the award of the Medal of Honor or Distinguished-Service Cross, must nevertheless have been performed with marked distinction.

(2) Awards may be made, upon letter application to The Adjutant General, to those individuals who, prior to December 7, 1941, have been cited for gallantry in action in orders as indicated in this paragraph.

(b) *Description.* A bronze star 1½ inches in circumscribing diameter. In the center thereof is a 3/16-inch diameter raised silver star, the center lines of all rays of both stars coinciding. The reverse has the inscription "For Gallantry in Action." The star is suspended by a rectangular-shaped metal loop with corners rounded from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of blue (3/32-inch), white (3/64-inch), blue (7/32-inch), white (7/32-inch), red (7/32-inch), white (7/32-inch), blue (7/32-inch), white (3/64-inch), and blue (3/32-inch).

(40 Stat. 871, as amended; 10 U. S. C. 1412)

§ 578.8 *Legion of Merit.* The Legion of Merit, established by act of Congress July 20, 1942, is awarded to any member of the Armed Forces of the United States or of a friendly foreign nation who has distinguished himself or herself by exceptionally meritorious conduct in the performance of outstanding services. See figure 1.

(a) *Criteria for Armed Forces of the United States.* (1) The performance must have been such as to merit recognition of key individuals for service which was clearly exceptional. Superior performance of normal duties will not alone justify an award of this decoration.

(2) For service not related to actual war the term "key individuals" applies to a narrower range of positions than in time of war and requires evidence of significant achievement. However, justification of the award may accrue by virtue of exceptionally meritorious service in a succession of important positions.

(3) The accomplishment of the duty should have been completed prior to submitting a recommendation, or if the person being recommended has been transferred prior to completion, the accomplishment must have progressed to what may be clearly determined to be an exceptional degree.

(4) Awards will be made without reference to degree and for each such award, the Legion of Merit (Legionnaire) will be issued.

(b) *Criteria for armed forces of foreign nations.* (1) See AR 672-7 (Army Regulations pertaining to Legion of Merit for foreign nationals).

(2) Each award will be made in one of the following degrees, which are listed in order or rank:

(i) Chief Commander.
(ii) Commander.
(iii) Officer.
(iv) Legionnaire.

(3) Awards of this decoration in the degrees of Chief Commander and Commander are comparable to awards of the Distinguished-Service Medal and the standards prescribed in § 578.6 (a) will be applied in considering such awards.

(4) Awards in the lesser degrees of this decoration are comparable to awards of the Legion of Merit to members of the Armed Forces of the United States and the standards prescribed in paragraph (a) of this section are applicable.

(5) Second or succeeding awards of this decoration will be in the same or a higher degree than the previous award.

(c) *Description*—(1) *Chief Commander.* A doomed five-pointed American white star plaque of heraldic form bordered in purplish-red enamel 2 15/16 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with pierced, crossed arrows pointing outward between each arm of the star and the wreath. The reverse is engraved with the words "United States of America."

(2) *Commander.* A five-pointed American white star of heraldic form bordered in purplish-red enamel 2¼-inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with pierced, crossed arrows pointing outward between each arm of the star and the wreath. A bronze wreath connects an oval suspension ring to a neck ribbon. The reverse of the five-pointed star is enameled in white, bordered in purplish-red enamel; in the center is a disk surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," and on the scroll are the words "United States of America." The moired silk neck ribbon is 21¼ inches in length and 1 15/16 inches in width composed of a bank of purplish-red (1 13/16-inches) with edges of white (1/16-inch).

(3) *Officer.* A five-pointed American white star of heraldic form bordered in purplish-red enamel 1⅞-inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with modeled, crossed arrows pointing outward between each arm of the star and the wreath, and an all-bronze device of the same design as the pendant ¾ inch in diameter on the center of the suspension ribbon. On the reverse is a disk surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," and on the scroll are the words "United States of America." The pendant is suspended by a moired silk ribbon 1⅞ inches in length and 1⅜ inches in width, composed of a band of purplish-red (1¼-inches) with edges of white (1/16-inch).

(4) *Legionnaire.* Same as prescribed in subparagraph (3) of this paragraph, except the all-bronze device is not worn on the ribbon.

(58 Stat. 662; 10 U. S. C. 1408b. E. O. 9260, October 29, 1942, 7 F. R. 8819; 33 CFR, 1943 Cum. Supp.)

§ 578.9 *Distinguished-Flying Cross*—(a) *Criteria.* The Distinguished-Flying Cross, established by act of Congress July 2, 1926, is awarded to any member of the Armed Forces of the United States and of friendly foreign nations who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by heroism or extraordinary achievement while participating in aerial flight (fig. 1). The performance of the act of heroism must be evidenced by voluntary action in the face of great danger above and beyond the call of duty while participating in aerial flight. The extraordinary achievement while participating in aerial flight must have resulted in an accomplishment so exceptional and outstanding as to clearly set the individual apart from his comrades, or from other persons in similar circumstances. Awards will be made only to recognize single acts of heroism or extraordinary achievement and will not be made in recognition of sustained operational activities against an armed enemy. It should also be noted that if a higher decoration is considered to be merited for the heroism or extraordinary achievement while participating in aerial flight, recommendation may be made for any appropriate higher award.

(b) *Description.* On a bronze 1½-inch cross pattee, a four-bladed propeller 1 1/16 inches across the blades; in the reentrant angles, rays forming a 1-inch square. The cross is suspended by a plain, straight link from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of blue (7/64-inch), white (9/64-inch), blue (11/32-inch), white (3/64-inch), red (3/32-inch), white (3/64-inch), blue (11/32-inch), white (9/64-inch), and blue (7/64-inch).

(44 Stat. 789, as amended; 10 U. S. C. 1429; E. O. 4601, March 1, 1927, as amended by E. O. 7786, January 8, 1938, 3 F. R. 59)

§ 578.10 *Soldier's Medal*—(a) *Criteria.* The Soldier's Medal, established by act of Congress July 2, 1926, is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by heroism not involving actual conflict with an armed enemy (fig. 1). The same degree of heroism is required as that for an award of the Distinguished-Flying Cross. The performance must have involved personal hazard or danger and the voluntary risk of life under conditions other than those involving conflict with an armed enemy. Awards will not be made solely on the basis of having saved a life. The award of this decoration will be limited to members of the Armed Forces of the United States and of friendly foreign nations.

(b) *Description.* On a 1⅜-inch bronze octagon, an eagle displayed, standing on a fasces, between two groups of stars of six and seven, above the group of six a spray of leaves. On the reverse is a shield paly of 13 pieces on the chief, the letters "U. S." supported by sprays of laurel and oak, around the upper edge the inscription "Soldier's Medal," and across the face the words "For Valor." The medal is suspended by a rectangular-shaped metal loop with corners rounded from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of two outside stripes of blue (3/8-inch), the center containing 13 white and red stripes of equal width (7 white and 6 red).

(44 Stat. 789; 10 U. S. C. 1428)

§ 578.11 *Bronze Star Medal*—(a) *Criteria.* The Bronze Star Medal, established by Executive Order on February 4, 1944, is awarded to any person who, while serving in any capacity in or with the Army of the United States, on or after December 7, 1941, shall have distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy. See figure 1.

(1) *Heroism.* Awards may be made for acts of heroism performed in actual ground combat against an armed enemy which are of lesser degree than required for the award of the Silver Star.

(2) *Meritorious achievement and service.* (i) Awards may be made to recognize single acts of merit and meritorious service. The required achievement or service, while of lesser degree than that required for the award of the Legion of Merit, must nevertheless have been meritorious and accomplished with distinction.

(ii) Awards may be made, upon letter application to The Adjutant General, to those members of the Armed Forces of the United States who, on or after December 7, 1941, have been awarded the Combat Infantryman Badge or Medical Badge for exemplary conduct in ground combat against an armed enemy between December 7, 1941 and September 2, 1945, inclusive, or whose meritorious achievement or exemplary conduct in ground combat against an armed enemy during such period has been otherwise confirmed in writing by documents executed prior to July 1, 1947. Documents which have been executed since August 4, 1944 in connection with recommendations for the award of decorations of higher degree than the Bronze Star Medal will not be used to establish a basis for the award of this decoration under the provisions of this paragraph.

(b) *Description.* A bronze star 1½ inches in circumscribing diameter. In the center thereof is a 5/16-inch diameter raised bronze star, the center line of all rays of both stars coinciding. The reverse has the inscription "Heroic or Meritorious Achievement." The star is suspended by a rectangular-shaped loop with corners rounded from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of white (1/32-inch), red (9/16-inch), white (1/32-inch), blue (1/8-inch), white (1/32-inch), red (9/16-inch), and white (1/32-inch). A bronze block letter "V" ¼ inch in height with serifs at the top of the members is worn on the suspension and service ribbons of the Bronze Star Medal to denote an award made for heroism (valor). Not more than one "V" device will be worn. When one or more oak-leaf clusters appear on the same ribbon the "V" device is worn on the wearer's right.

(E. O. 9419, February 4, 1944, 9 F. R. 1495)

§ 578.12 *Air Medal*—(a) *Criteria.* The Air Medal, established by Executive Order on May 11, 1942, is awarded to any person who, while serving in any capacity in or with the army of the United States, has distinguished himself or herself by meritorious achievement while participating in aerial flight (fig. 1). Awards may be made to recognize single acts of merit or sustained operational activities against an armed enemy. The required achievement, while of lesser degree than that required for the award of the Distinguished-Flying Cross, must nevertheless have been accomplished with distinction above, and beyond that normally expected.

(b) *Description.* A bronze compass rose 1 1/16-inches circumscribing diameter suspended by the pointer and charged with an eagle volant carrying two lightning flashes in its talons. The points of the compass rose on the reverse are modeled with the central portion plain. The medal is suspended from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of ultramarine blue (⅛-inch), a band of golden orange (¼-inch), a band of ultramarine blue (⅝-inch), a band of golden orange (¼-inch), and a band of ultramarine blue (⅛-inch), by a ring engaging the pointer.

(E. O. 9158, May 11, 1942, 7 F. R. 3541, as amended by E. O. 9242A, September 11, 1942, 7 F. R. 7874)

§ 578.13 *Commendation Ribbon with Metal Pendant*—(a) *Criteria.* The Commendation Ribbon with Metal Pendant, established by the Secretary of War on December 18, 1945, is awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army on or after December 7, 1941, shall have distinguished himself or herself by meritorious achievement or meritorious service. See figure 1.

(1) The required meritorious achievement or meritorious service, while of lesser degree than that required for the award of the Legion of Merit, must nevertheless have been accomplished with distinction and must have been of the same degree as required for the award of the Bronze Star Medal or Air Medal. An award may be made when the operational requirements for the award of the Bronze Star Medal have not been fully met. An award may be made for acts of outstanding courage which do not meet the requirements for an award of the Soldier's Medal.

(2) For services not related to actual war, the award of the Commendation Ribbon with Metal Pendant may be made to officers and enlisted men to recognize:

(i) Acts of courage which do not meet the requirements for an award of the Soldier's Medal, and

(ii) Unusual or outstanding services, either in the continental United States or overseas.

The Commendation Ribbon with Metal Pendant will not be awarded to general officers either in peace or war.

(3) It is particularly desirable that awards of this decoration be made to outstanding company-grade officers, warrant officers, and enlisted personnel whose achievements and services meet the prescribed standards.

(4) Awards may be made, upon letter application to The Adjutant General, to those individuals who were commended on or after December 7, 1941 and prior to January 1, 1946 in a letter, certificate, or order of commendation, as distinguished from letters of appreciation, signed by a major general or officer occupying the position vacancy of a major general or by an officer of higher grade.

(5) The Commendation Ribbon with Metal Pendant may be awarded in connection with military participation in the Department of the Army Suggestion Program.

(6) Those individuals who, as members of the Army, were awarded the Commendation Ribbon prior to October 1, 1949, will, upon application to The Adjutant General, be issued the Commendation Ribbon with Metal Pendant. Each letter application will be accompanied by a copy of the commendation and/or the specific authorization for the Commendation Ribbon. The next of kin of individuals who, as members of the Army, were awarded the Commendation

Ribbon prior to October 1, 1949 may likewise make letter application for issuance of the Commendation Ribbon with Metal Pendant.

(b) *Description.* On a 1⅜-inch bronze hexagon, one point up, an American bald eagle with wings displayed horizontally grasping three crossed arrows and bearing on its breast a shield paly of 13 pieces and a chief. On the reverse between the words "For Military" and "Merit" a panel, all above a sprig of laurel. A moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of white (3/32-inch), green (25/64-inch), white (1/32-inch), green (1/16-inch), white (1/32-inch), green (1/16-inch), white (1/32-inch), green (1/16-inch), white (1/32-inch), green (25/64-inch), and white (3/32-inch).

§ 578.14 *Purple Heart*—(a) *Criteria.* The Purple Heart, establishesd by General George Washington at Newburgh, New York, on August 7, 1782 and revived by the President on February 22, 1932, is awarded to any member of the Armed Forces of the United States and to any civilian citizen of the United States serving with the Army who was wounded either in action against an armed enemy of the United States or as a direct result of an act of such enemy, provided the wound necessitated treatment by a medical officer. See Figure 1.

(1) For the purpose of considering an award of this decoration, a "wound" is defined as an injury to any part of the body from an outside force or agent sustained while in action in the face of the armed enemy or as a result of a hostile act of such enemy. A physical lesion is not required, provided the concussion or other form of injury received was directly due to enemy action and required treatment by a medical officer. Awards will not be made by reason of injuries due to frostbite or trenchfoot. Not more than one award of this decoration will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

(2) Record of medical treatment for wounds or injuries received in action as prescribed above must have been made a matter of official record during the period of hostilities or within 6 months thereafter.

(3) Awards may be made, upon letter application, to those individuals who, as members of the Army, prior to December 7, 1941, were awarded Meritorious Services Citation Certificates by the Commander-in-Chief, American Expeditionary Forces, during World War I and/or were authorized to wear wound chevrons.

(4) Those individuals who, as members of the Army, on or after December 7, 1941, were awarded the Purple Heart for meritorious achievement or service in connection with military operations against the enemy may make application for the award of an appropriate decoration in lieu of the Purple Heart.

(5) A Purple Heart will be issued by The Adjutant General to the next of kin of each person entitled to a posthumous award. Issue will be made automatically as soon as possible after receipt by the Department of the Army of a report of death under circumstances indicating such entitlement, and notwithstanding the fact that the records indicate the presentation of a Purple Heart to the deceased person prior to death.

(b) *Description.* On a purple heart within a bronze border, a profile head in relief of General George Washington in military uniform. Above the heart is a shield of General Washington's coat of arms between two sprays of leaves in green enamel. On the reserve below the shield and leaves without enamel is a raised bronze heart with the inscription "For Military Merit." The entire device is 1 1/16 inches in length. The medal is suspended by a rectangular-shaped loop with corners rounded from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width consisting of a purple (pansy) center with white edges (⅛-inch).

§ 578.15 *Medal for Merit*—(a) *Criteria.* The Medal for Merit was established by act of Congress on July 20, 1942, to be awarded to civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations who have, subsequent to the proclamation of an emergency by the President, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services. The Medal for Merit has not been awarded since 1952.

(b) *Description.* An eagle displayed standing on a vertical sheaf of arrows bearing the inscription "Novus Ordo Seclorum," all gold-finished bronze, in front of a ring of dark-blue enamel 1½ inches in diameter, bearing 13 white enamel stars. On the gold-finished bronze reverse, the ring, in front of the eagle and arrows in reverse, the words "United States of America" at the top and "For Merit" at the bottom in front of a spray of laurel leaves. The medal is connected to the suspension ring by a wreath of laurel leaves, green enamel on the front and gold-finished bronze on the back. The medal is suspended by a moired silk ribbon 1⅞ inches in length and 1⅜ inches in width, composed of a stripe of purplish-red (9/16-inch), a stripe of white (1/16-inch), a stripe of purplish-red (⅛-inch), a stripe of white (1/16-inch), and a stripe of purplish-red (9/16-inch). A circular cup-shaped rosette of purplish-red ribbon, ½-inch circumscribing diameter, with a fan-shaped ribbon insert showing purplish-red and white stripes is included for wear on civilian clothing.

(56 Stat. 662; 10 U. S. C. 1408b)

§ 578.16 *National Security Medal*—(a) *Criteria.* The National Security Medal, established by Executive Order on January 9, 1953, is awarded to any person, without regard to nationality, including members of the Armed Forces of the United States for distinguished achievement or outstanding contribution on or after July 26, 1947, in the field of intelligence relating to the national security. This contribution may consist of either exceptionally meritorious service performed in a position of high responsibility or of an act of valor requiring personal courage of a high degree and complete disregard of personal safety.

(b) *Description.* A blue enameled compass rose surrounded by a red enameled oval, the interior dimensions of which are 1 inch vertically and ⅞ inch horizontally, bearing the inscription "United States of America" at the top and "National Security" at the bottom, the whole enclosed within a laurel wreath of gold-finished bronze surmounted by an American bald eagle standing with wings raised. On the reverse a serial number appears on the eagle and the words "Presented To" are impressed on the compass rose. The name of the recipient is engraved below. The medal is suspended by a loop from a silk moire ribbon 2 inches in length and 1⅜ inches in width, composed of a band of dark-blue (¼-inch), gold (3/32-inch), dark blue (1/16-inch), gold (3/32-inch), dark blue (¼-inch). Diagonal gold lines (3/32 inch in width and 3/32 inch apart) extend downward from the wearer's right to left across the center band of dark blue. The miniature of this medal is furnished at the time of the award.

(E. O. 10431, January 19, 1953, 18 F. R. 437)

§ 578.17 *Medal of Freedom*—(a) *Criteria.* The Medal of Freedom, established by Executive Order 9586, July 6, 1945, as amended by Executive Order 10336, April 3, 1952, is awarded to any person, other than a member of the Armed Forces of the United States, who, on or after December 7, 1941, has performed a meritorious act or service which has aided the United States in the prosecution of a war against an armed enemy or enemies, or has similarly aided any nation engaged with the United States in the prosecution of a war against a common enemy or enemies, or during any period of national emergency declared by the President or the Congress, has furthered the interests of the security of the United States or of any nation allied or associated with the United States during such period, when the award of any other United States military decoration is deemed inappropriate. (Fig. 1.) Under special circumstances, without regard to the existence of a state of war or national emergency, the Medal of Freedom may be awarded by, or at the discretion of, the President for performance of a meritorious act or service in the interests of the security of the United States.

(1) Awards to citizens and habitual residents of the United States.

(i) This decoration normally is awarded for acts or services performed within a recognized or designated active theater of operations, but may be awarded for acts or services performed elsewhere under special circumstances. It is not awarded to citizens of the United States for acts or services performed within the continental limits of the United States.

(ii) The required meritorious act or service shall be the same as that required for an award of the Bronze Star Medal to members of the Armed Forces.

(iii) Awards of the Medal of Freedom are made to citizens of the United States without reference to degree or palms.

(2) Awards to Citizens and Members of the Armed Forces of Foreign Nations.

(i) The Medal of Freedom will be awarded in one of the following degrees which corresponds to the respective military decorations indicated:

(*a*) Gold Palm (Legion of Merit, Chief Commander).

(*b*) Silver Palm (Legion of Merit, Commander).

(c) Bronze Palm (Legion of Merit, (Officer and Legionnaire).

(*d*) Without Palm (Bronze Star Medal).

(ii) Only one Medal of Freedom either with or without palm shall be awarded to any one person. However, a second or successive award may be evidenced by the addition of a palm or a higher degree.

(b) *Description.* The Medal of bronze is 1¼ inches in diameter. On the obverse are the head, shoulders, and headdress of Freedom (taken from the statue on the top of the United States Capitol dome). In the lower portion in an arc is the inscription "Freedom." On the reverse is the "Liberty Bell" without carriage, within a circle composed of the words "United States of America." The medal is suspended by a ring from a moired silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of red (7/16-inch), white (1/32-inch), red (⅛-inch), white (1/32-inch), red (⅛-inch), white (1/32-inch), red (⅛-inch), white (1/32-inch), and red (7/16-inch). The gold, silver, or bronze palm is 1⅛ inches in length, and is worn on the suspension and service ribbons of the Medal of Freedom with the tip of the palm toward the wearer's right.

(E. O. 9586, July 6, 1945, 10 F. R. 8523, as amended by E. O. 10336, April 3, 1952, 17 F. R. 2957)

§ 578.18 *Appurtenances to military decorations*—(a) *Oak-Leaf-Cluster.* A bronze (or silver) twig of four oak leaves with three acorns on the stem, 13/32 inch in length for a suspension ribbon and 5/16 inch in length for a service ribbon is issued in lieu of a decoration for the second or succeeding awards of United States military decorations with the exception that Oak-Leaf Clusters will not be placed on a posthumous award of the Purple Heart. Oak-Leaf Clusters are not issued for the Legion of Merit or the Medal of Freedom awarded in degrees to foreign nationals. Oak-Leaf Clusters are worn attached to the ribbons of the decorations to which they pertain with the stem of the oak leaves toward the wearer's right. A Silver Oak-Leaf Cluster may be worn in lieu of five bronze Oak-Leaf Clusters for the same decoration. In lieu of an Oak-Leaf Cluster a gold compass rose is issued to denote the second or succeeding awards of the National Security Medal.

(b) Letter "V" Device. See § 578.11 (b).

(c) Palm. See § 578.17 (b).

(d) *Service ribbon.* A ribbon identical in color with the suspension ribbon of the decoration it represents attached to a bar ⅜ inch in width (vertical dimension) and 1⅜ inches in length, equipped with a suitable attaching device. A service ribbon is issued with each decoration except the National Security Medal which is provided with an extra length of ribbon for the recipient's use. Service ribbons will not be impregnated with unnatural preservatives nor worn with protective coverings.

(e) *Lapel button.* A lapel button ⅛ inch in length and 21/32 inch in width is a colored enamel replica of the respective service ribbon. An enamel lapel button is issued with each decoration except the Medal of Honor and Medal for Merit.

(f) *Rosette.* See § 578.4 (b) and § 578.15 (b).

(g) *Container.* A container, either plastic or leather covered, and plushlines, containing a decoration, service ribbon, and lapel button or rosette. Each decoration awarded will be furnished in an appropriate container.

(h) *Miniatures.* Miniature decorations and appurtenances are replicas of the corresponding decorations and appurtenances on the scale of one-half. With the exception of the National Security Medal (§ 578.16), miniatures are not presented or sold by the Army but may be purchased from civilian dealers. There is no miniature of the Medal of Honor or the Legion of Merit, degree of Commander.

§ 578.19 *Foreign Decorations*—(a) *Consent required.* No person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any present, emolument, office, or title of any kind whatsoever from any king, prince, or foreign state. (Const., art. I, sec. 9, cl. 8.)

(b) *Participation in ceremonies.* In the event an individual is advised that a friendly foreign nation has made an award to him and that his presence is desired at a formal presentation ceremony, the individual may participate in the ceremony and receive the award notwithstanding the absence of the consent of Congress to accept it. The receipt of a foreign award at such ceremony will not constitute an acceptance of the award by the recipient. When the presentation is made without the prior approval of Congress, the appropriate representative of the foreign government will be advised by the recipient or an appropriate representative of the United States of the provisions of the constitution as indicated above. Exceptions to this authorization to participate in ceremonies are noted in paragraph (d) of this section.

(c) *Congressional authorization*—(1) *Action required of recipient.* Except for such foreign awards as previously may have been specifically authorized by the Congress to be accepted, each tender of an award by a foreign government to a member of the Army will be forwarded through The Adjutant General to the Department of State, where it will be held in escrow pending approval by the Congress for the proposed recipient to accept. No foreign decorations or ribbons will be worn prior to such approval by the Congress. The awards, and the original copies of all allied documents, will be forwarded to The Adjutant General by letter of transmittal which will include the full name and service number of the recipient, the name of the award, and a brief statement concerning the service or act for which the award was or is to be made. The date and place of the presentation and the name of the person making the presentation should also be included for record purposes.

(2) *Notification of recipients.* Upon approval by the Congress for the acceptance of a foreign award by a member of the Army of the United States, the recipient will be informed by The Adjutant General, at which time the award will be withdrawn from escrow with the Department of State and forwarded directly to the recipient.

(3) *Current policy.* Only the names of retired personnel for whom the Department of State is holding decorations, orders, medals, or presents tendered them by foreign governments may be transmitted to the Department of State for necessary Congressional action. The list will be compiled and transmitted to the Secretary of State one full month before the beginning of the Second Session of each alternate Congress (every 4 years).

(d) *Military Assistance Program and United Nations Truce supervisory personnel.* (1) Except as indicated in subparagraph (2) of this paragraph, members of the Armed Forces and civilian employees of the United States Government are not authorized to receive decorations from foreign governments for duties performed in connection with the Military Assistance Program, Aid Missions, or United Nations Truce Supervisory Activities. Personnel so assigned are not authorized to participate in presentation ceremonies as provided in paragraph (b) of this section.

(2) The above prohibition does not bar such personnel from receiving awards for services in connection with actual combat operations.

(e) *Authorization not required*—(1) *Former members of armed forces of friendly foreign nations.* The approval of Congress, as prescribed above, is not required to accept any foreign decoration tendered or awarded for services while the recipient was a bona fide member of the armed forces of the respective foreign nation and provided the award is duly accepted in accordance with the regulations of the nation making the award prior to the recipient's entrance into the Armed Forces of the United States.

(2) *Reserve components of the Armed Forces of the United States.* Individuals while not on active duty and while not holding an office of profit or trust under the Government may, without specific consent of the Congress, accept a foreign decoration and may, when authorized to do so by service regulations, wear such decoration on his uniform, provided the award is not in recognition of services performed while the recipient was on active duty with the Armed Forces of the United States.

(3) *Posthumous.* The approval of the Congress, as prescribed above, is not required to accept any foreign decoration tendered or awarded posthumously to a former member of the Army.

§ 578.20 *Supply of decorations and appurtenances*—(a) *Items furnished.* The following items will be furnished by the Department of the Army:

(1) Decorations.
(2) Oak-Leaf Clusters.
(3) Letter "V" devices.
(4) Palms.
(5) Service ribbons.
(6) Lapel buttons.
(7) Rosettes.
(8) Compass rose.
(9) Certificates for decorations.
(10) Containers for decorations.

(b) *Items not furnished.* The following items are not issued or sold by the Department of the Army.

(1) Miniature decorations and appurtenances.
(2) Miniature service ribbons.
(3) Miniature devices.

§ 578.21 *Original issue or replacement.* Letter requests for decoration or appurtenances which have been awarded but never presented, and requests for replacement or questions pertaining thereto submitted by or on behalf of persons completely separated from the service by discharge or death, when the period of service in question is subsequent to April 1917, should be made to the Commanding Officer, Army Records Center, 9700 Page Boulevard, St. Louis 14, Missouri. All similar correspondence from or pertaining to personnel in the active service, the Army Reserve, the National Guard of the United States, and living retired persons should be directed to The Adjutant General.

(40 Stat. 871; 10 U. S. C. 1416)

§ 578.22 *Exhibition*—(a) *Government agencies.* Upon approval by the Secretary of the Army, samples of military decorations may be furnished, without charge, for one display at the headquarters of each Army and higher field commander, in the offices of the chiefs of governmental agencies not under military jurisdiction where opportunity for the public to view the display is assured, and in each office of the Department of the Army the functions of which include matters pertaining to decorations.

(b) *Civilian institutions.* Upon approval of the Secretary of the Army, samples of military decorations may be furnished, at cost price (including the cost of engraving, packing, and shipment), to museums, libraries, numismatic, and military societies and institutions of such public nature as will assure an opportunity for the public to view the exhibits under circumstances beneficial to the Army. All decorations furnished to civilian institutions for exhibition purposes will be engraved with the words "For Exhibition Purposes Only."

(c) *Requests.* Letter requests for decorations for exhibit or display will be made to The Adjutant General, Department of the Army, Washington 25, D. C. Shipment is made direct from the Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

§ 578.23 *Certificates for decorations—Issuance for prior awards.* Those individuals to whom United States military decorations have been awarded subsequent to December 7, 1941, and to whom an appropriate certificate for decoration has not been issued may make application for such certificate by submitting a written request to the appropriate office as indicated in § 578.21. Each request should indicate a reference to the number, date, and headquarters of issue of the order announcing the award.

§ 578.24 *Certificate of Appreciation.* As a token of appreciation and in recognition of patriotic civilian service rendered to the Department of the Army, a Certificate of Appreciation has been established. This certificate is a standard Department of the Army certificate and will be issued only to individual United States citizens who are not employed by the Department of the Army or were not so employed during the period for which the services are being recognized. This certificate will be issued only by the Department of the Army and to civilians who have performed services of benefit to the Army as a whole.

(a) The Certificate of Appreciation reads as follows:

For patriotic civilian service to the Department of the Army ---------- is hereby presented this Certificate of Appreciation. (Signature) Secretary of the Army.

(b) Letter recommendations for issuance of this certificate will be submitted to The Adjutant General through military channels. Each recommendation will describe the type of service rendered; the activity in which performed, and the dates of the service. The relationship and value of this service to the Army as a whole must be clearly indicated. The recommendation will also include the place and date of birth of the person recommended, and statements that the individual is a United States citizen, is not employed by the Army, or was not so employed during the period in which the services to be recognized were rendered. A proposed citation will be inclosed.

(c) A lapel button of gold color, the coat of arms of the United States in the center, surrounded by a red border bearing the words "Patriotic Civilian Service" in gold, will be presented to each person who receives a Certificate of Appreciation.

(d) Any person who received an individual War Department Certificate of Appreciation may make application for a lapel button to The Adjutant General, Department of the Army, Washington 25, D. C., inclosing the original or a photostat copy of the Certificate of Appreciation.

§ 578.25 *Accolade and Gold Star lapel button.* (a) As a token of appreciation and in recognition of services rendered by those who died in the service of their country, an Accolade signed by the President is issued to the next of kin of record of all military personnel whose death occurred in line of duty during World War II, December 7, 1941 to July 25, 1947, both dates inclusive, and in Korea during military operations from June 27, 1950 to July 27, 1954, inclusive. The Accolade is also issued to the next of kin of civilians who died overseas or as a result of injury or disease contracted while serving in a civilian capacity with the Armed Forces of the United States during the date and/or in the areas prescribed above in connection with military personnel.

(1) The Accolade reads as follows:

In grateful memory of ---------- who died in the service of his (her) country at ---------- He (she) stands in the unbroken line of patriots who have dared to die that freedom might live and grow, and increase its blessings. Freedom lives, and through it he (she) lives—in a way that humbles the undertakings of most men. (Facsimile signature) President of the United States.

(2) Accolades will be issued by The Adjutant General upon receipt of reports of death.

(b) In order to provide an appropriate identification for widows, parents, and certain next of kin of members of the Armed Forces of the United States who lost their lives in World War I, April 6, 1917 to March 3, 1921; World War II, September 8, 1939 to July 25, 1947; Korean operations, June 27, 1950 to July 27, 1954; or during any subsequent war or period of armed hostilities in which the United States may be engaged, a Gold Star lapel button was established by an act of Congress on August 1, 1947.

(1) The Gold Star lapel button consists of a gold star on a purple circular background, bordered in gold and surrounded by gold laurel leaves. On the reverse is the inscription "United States of America, Act of Congress, August 1947," with space for engraving the initials of the recipient.

(2) One Gold Star lapel button will be furnished without cost to the widow or widower and to each of the parents of a member of the Armed Forces who lost his or her life while in the active military service during the periods indicated above. The term "widow or widower" includes those who have since remarried, and the term "parents" included mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.

(3) One Gold Star lapel button will be furnished at cost price to each child, stepchild, child through adoption, brother, half brother, sister, and half sister of a member of the Armed Forces who lost his or her life during any period indicated herein.

(4) Letter applications for Gold Star lapel buttons may be submitted to The Adjutant General or to the Commanding Officer, Army Records Center, 9700 Page Boulevard, St. Louis 14, Missouri, by eligible next of kin of deceased Army personnel enumerated in subparagraphs (2) and (3) of this paragraph.

(5) Under the act, only one Gold Star lapel button will be furnished to eligible individuals, except that whenever a Gold Star lapel button has been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was furnished, such button may be replaced at cost price upon application to The Adjutant General. Private manufacture and/or sale of the Gold Star lapel button is prohibited. The design will not be incorporated in any manner in any article manufactured commercially or privately. The law prescribes a fine of $1,000 and/or imprisonment for 2 years as a penalty for unauthorized wearing or counterfeiting of the Gold Star lapel button, or for possessing a counterfeit of this button.

§ 578.25a *Certificate of Honorable Service and Record Service—(Deceased Military Personnel).* (a) Certificate of Honorable Service. A Certificate of Honorable Service (DA Form 1563) is issued to the closest next of kind of record in recognition of services rendered by those who die in line of duty while in active military service in time of peace when the Accolade is not appropriate.

(1) The certificate reads as follows:

Honorable Service in the Armed Forces of the United States of America. This is to certify that ---------- died while in the service of our country as a member of the Army of the United States on the ---------- day of ---------- This certificate is awarded as a testimonial of Honest and Faithful Service. (Signature) Secretary of the Army.

(2) Certificates of Honorable Service will be issued by The Adjutant General upon receipt of reports of death.

(b) *A Record of Service—Deceased Military Personnel (DA Form 53A).* Form 53A will be issued for all military personnel who die while in the active military service or while taking inactive status training as reservists not on active duty, regardless of line of duty status. Commanding officer having custody of the individual's records at time of death will prepare the form in duplicate. The original will be forwarded to the closest next of kin of record of the deceased individual in the following order: widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

§ 578.25b *Certificate of Achievement.* Commanding officers may recognize periods of faithful service, acts, or achievements which do not meet the standards required for decorations by issuing to individual United States military personnel and United States civilian citizens a Certificate of Achievement.

(a) The Certificate of Achievement may be devised locally by commanding officers and issued under such regulations as they may prescribe; may be printed or lithographed; and may bear reproductions of authorized insignia. A Certificate of Achievement may be used locally for awarding the Good Conduct Medal.

(b) No distinguishing device is authorized for wear to indicate the receipt of a Certificate of Achievement.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-8059; Filed, Oct. 5, 1956; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

VOLUNTARY ENTRY ON EXTENDED ACTIVE DUTY

In Part 861, §§ 861.901 to 861.910 are rescinded and the following substituted therefor:

Sec.
861.901 General.
861.902 Policy.
861.903 Policy for retired officers.
861.904 Eligibility requirements.
861.905 Medical qualifications.
861.906 Length of tours.
861.907 Determining flying status of rated officers.
861.908 Purposes for which officers will not be ordered to extended active duty.
861.909 Applications.

AUTHORITY: §§ 861.901 to 861.908 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended, 5 U. S. C. 22, 171a. Interpret or apply 69 Stat. 598, sec. 8209, 70A Stat. 500; 50 U. S. C. 925, 10 U. S. C. 8209.

DERIVATION: AFR 45-26, July 26, 1956.

§ 861.901 *General*—(a) *Purpose.* Sections 861.901 to 861.909 outline the policy for ordering Reserve commissioned officers of the Air Force, other than general officers, to extended active duty voluntarily.

(b) *Definitions*—(1) *Reserve of the Air Force officers.* Refers to all commissioned officers of the Air Force Reserve and the Air National Guard of the United States. Where the term "officer" is used in §§ 861.901 to 861.909, it means a commissioned officer of the Reserve of the Air Force.

(2) *Extended active duty.* A tour of active military service performed by a Reservist who occupies an authorized troop space of the active military establishment. Strength accountability for such personnel changes from the Reserve component to the active establishment. Tours of active duty under §§ 861.1151 to 861.1166 and section 505 of Title 32 United States Code, are not extended active duty.

(3) *Application.* This refers to a completed AF Form 125, "Application for extended active duty with the United States Air Force," with inclosures required by the instructions on the reverse of the form.

(4) *Officers of the Air Force medical service.* Refers to the following groups of officers within the medical services:

(i) Medical Corps officers.
(ii) Dental Corps officers.
(iii) Veterinary Corps officers.
(iv) Nurse Corps officers.
(v) Medical Service Corps officers.
(vi) Medical Specialist Corps officers.

(5) *Effective date of duty.* This means the date the Reservist departs from his home in compliance with orders.

(6) *Travel.* Refers to travel authorized in accordance with current pertinent regulations and the Joint Travel Regulations.

(7) *Delay.* Postponement of the tentative or actual date specified for Reservists to enter on extended active duty. The term "delay" should not be confused with the term "deferment," which is used in referring to Selective Service registrants whose reporting for military service is deferred under Selective Service law and regulations.

(8) *Appeal.* A request for review by an authorized appellate body of a decision of a delay board on a request for delay.

(9) *Full-time course of instruction.* A full-time schedule course prescribed for resident students in accordance with the regulations of the particular educational institution.

(10) *Master's degree.* An academic degree of advanced character, ranking above the degree of bachelor, awarded by an educational institution empowered to confer such an advanced degree. This does not include the degree of bachelor of laws or a degree of doctor of medicine, dentistry, veterinary medicine, or allied specialties.

§ 861.902 *Policy.* The entry on extended active duty of officers will be limited, except in time of national emergency, to small programs necessary to provide outstandingly qualified officers to man critical requirements.

(a) Headquarters USAF will determine the number of officers to be ordered to extended active duty and the eligibility criteria they must meet.

(b) Notwithstanding any other provisions of §§ 861.901 to 861.909, Headquarters USAF will retain the authority to select, for extended active duty, chaplains; officers of the Air Force Medical Service; or officers in the grade of colonel.

(c) Entry on extended active duty of individual members of the Air National Guard of the United States will be made only with the consent of the Governor or other appropriate authority of a State, Territory, or the District of Columbia. A member of the Air National Guard of the United States who has committed himself to serve a specified period as a member of the Air National Guard by reason of schooling or training paid from National Guard funds will not be ordered to extended active duty voluntarily until the period of service is completed.

(d) Officers who decline to enter on extended active duty, upon notice of selection, will not be again considered for extended active duty until one year from date of declination.

(e) Officers will be ordered to extended active duty in the permanent Reserve of the Air Force grade held on the effective date of entry on extended active duty, unless authorized a higher temporary grade as prescribed in section 514, Reserve Officer Personnel Act of 1954 (50 U. S. C. Supp. III, 134). If an officer's name appears on an approved promotion list and the effective date of promotion is to be after the date selected for entry on extended active duty, the officer may request his application for extended active duty be withdrawn. A subsequent application for extended active duty will be governed by paragraph (d) of this section. If an officer's effective date of promotion is after his selection for extended active duty, but, before his effective date

of entry on extended active duty, his selection for extended active duty will be declared void. He will then be considered for entry on extended active duty in accordance with the criteria and against the quotas for the grade to which promoted.

(f) An oath of office will not be accomplished for officers appointed to a higher temporary grade. Such temporary appointments will be considered accepted if orders are complied with.

§ 861.903 *Policy for retired officers.* (a) The Air Force will not order officers to extended active duty who have been permanently retired for physical disability. The Air Force will not normally order to extended active duty those officers who have been retired for reasons other than physical disability.

(b) The Air Force permits the retirement of officers who qualify under various provisions of law because of physical disability, length of service, or age. As an exception to policy, the Air Force may in limited numbers only, order to extended active duty certain officers retired for reasons other than physical disability. They must be outstandingly qualified for unique assignments that officers on the active list cannot fill or be needed for a position where an officer on the active list cannot be trained to perform the required duties in a reasonable period of time. Economy and effectiveness of operation will be the basic factors considered in reaching a decision. Careful consideration will also be given to the fact that retired officers returned to extended active duty will detract from the possibilities of advancement for officers in the active establishment. Every effort will be made to prevent such occurrence. If an exception is granted, the retired officer must:

(1) Consent to entry on extended active duty.

(2) Be returned to duty for the shortest possible time. The tour of duty will be limited to the completion of a particular assignment or to the smallest period of time needed to train a replacement from the active list. When the officer's services are required for more than one year, his retention will be fully justified in writing to the Deputy Chief of Staff, Personnel, Headquarters USAF. Retention beyond the one-year period may not exceed 90 days. A retired officer ordered to extended active duty will not be placed on flying status except with the approval of the Chief of Staff, USAF.

§ 861.904 *Eligibility requirements.* As a result of limitations which the Air Force operating program imposes from time to time, the Chief of Staff, USAF, may add other criteria to the conditions listed in this section. Additions or deletions will be announced under separate directives, as required:

(a) To be eligible for extended active duty, all applicants must:

(1) Possess a favorable National Agency Check.

(2) Possess an indefinite term appointment as a Reserve officer of the Air Force.

(3) Agree to enter on extended active duty in the current Reserve of the Air Force grade or in any higher temporary grade held, if authorized as outlined in § 861.902 (e).

(4) Agree in writing to serve for the periods indicated in § 861.906.

(5) Not be in a deferred status under the Reserve Officer Personnel Act.

(6) Not have attained the following maximum age applicable to his grade.

RATED OFFICERS ON FLYING STATUS

Grade:	*Age-in-grade maximum*
Lieutenants	30
Captains	33
Majors	37
Lieutenant colonels	37
Colonels	37

NONRATED OFFICERS AND RATED OFFICERS NOT ON FLYING STATUS

Lieutenants	34
Captains	37
Majors	39
Lieutenant colonels	43
Colonels	54

(b) In addition to the requirements outlined in paragraph (a) of this section, the following restrictions apply to female officers. Waivers of these restrictions will not be granted. Female officers must not:

(1) Be the parent by birth or adoption of a child under 18 years of age of whom she has personal or legal custody.

(2) Be the step-parent of a child under 18 years of age if the child is within her household for a period of more than 30 days a year.

(3) Have personal custody of any child under 18 years of age.

§ 861.905 *Medical qualifications.* (a) Before extended active duty orders are issued, all officers must be found to be medically qualified in accordance with current pertinent regulations.

(1) Reserve officers serving as airmen or warrant officers who are tentatively selected for extended active duty against Reserve procurement quotas will be advised to report to the surgeon at the installation at which they are based to undergo a standard medical examination.

(2) All other applicants tentatively selected for extended active duty against Reserve procurement quotas will be advised to report to the Air Force installation nearest their home or other convenient Air Force installation possessing necessary examination facilities to undergo a standard medical examination. Appointments for medical examinations should be made in advance of reporting to the installation. Any travel required to undergo the medical examination will be at no expense to the Government.

(b) In order that Reserve procurement quotas may be filled in the time alloted by Headquarters USAF, all major air commanders will insure that necessary medical examinations are accomplished and the results forwarded on a priority basis.

§ 861.906 *Length of tours—(a) Officers of the Air Force medical service.* Officers of the Air Force medical service as listed in § 861.901 (b) (4) must agree to serve at least the minimum tour indicated in subparagraph (1) of this paragraph. They must concur in the following statement and include it in the "remarks" section of AF Form 125:

I agree to remain on extended active duty for ----------
(Minimum period indicated in subparagraph (1) of this paragraph)

(1) *Length of tour.* (i) Medical service officers appointed under §§ 887.151 to 887.156, male nurses and medical specialists must agree to serve 3 years.

(ii) Female nurses and medical specialists must agree to serve 2 years.

(iii) Medical, dental and veterinary officers, classified as priority I or III must agree to serve 2 years.

(iv) Medical, dental, and veterinary officers classified as priority II and IV may agree to serve for minimum tours as indicated in subparagraph (2) of this paragraph.

(2) *Minimum tour.* (i) Officers having less than 9 months prior creditable service may agree to serve 24 months.

(ii) Officers having prior creditable service of 9 months or more but less than 12 months may agree to serve 21 months.

(iii) Officers having prior creditable service of 12 months or more but less than 15 months may agree to serve 18 months.

(iv) Officers having prior creditable service of 15 months or more but less than 21 months may agree to serve 15 months.

(v) Officers having prior creditable service of 21 months or more may agree to serve 12 months.

(3) Minimum tours listed in subparagraph (2) of this paragraph will not prevent officers of the Medical Service from volunteering for a longer tour of duty or from volunteering to remain on extended active duty.

(b) *Officers appointed.* The length of tour will be that voluntarily agreed upon as a part of the application for appointment.

(c) *Officers who have never served on extended active duty as such.* 3 years.

(d) *All other officers.* The length of tour is indefinite. Applicants must agree to and include in the "Remarks" section of AF Form 125 the following certificate:

I agree to remain on active duty for an indefinite period. I understand that this does not preclude my requesting separation from active military service under applicable directives and that approval of any request for separation will be dependent upon the requirements of the Air Force.

§ 861.907 *Determining flying status of rated officers.* Flying status of rated officers being ordered to extended active duty will be determined in accordance with AFR 36–57 (Flying Status of Rated Personnel). Rated officers who are overage-in-grade for return to extended active duty on flying status and who are selected for return to extended active duty in a non-rated specialty will submit with their application a request for permanent suspension from flying status.

§ 861.908 *Purposes for which officers will not be ordered to extended active duty.* Officers will not be ordered to extended active duty under §§ 861.901 to 861.909:

(a) For trial by courts-martial.

(b) To appear as a witness in a military trial.

(c) To complete a project left unfinished at the time of release from extended active duty.

(d) To correct an error committed by the individual during a previous tour of extended active duty.

(e) To appear before a physical evaluation board.

(f) Primarily to qualify for retirement benefits under any provision of law.

§ 861.909 *Applications.* All applicants must submit application for extended active duty on AF Form 125. Officers may indicate three zone of interior bases of choice on their applications (AF Form 125). In addition, officers may volunteer for oversea assignment by indicating their choice of oversea theaters (Far East Air Forces, United States Air Forces in Europe, Alaskan Air Command, Northeast Air Command, or Caribbean Air Command) on their application (AF Form 125). Officers will not indicate an area within an oversea theater such as Germany, Japan, etc. It must be understood, however, that no assurance of assignment to a base or area of choice may be given since the assignments are based on Air Force-wide requirements. If assigned to a base or area of choice, no assurance can be given that the individual will be retained there for the duration of the active duty tour.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56–8099; Filed, Oct. 5, 1956; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956 CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 56–7844, appearing at page 7471 in the issue for Saturday, September 29, 1956, the following change should be made: In § 421.2033 (a) (2), the list of named counties, immediately following the "All counties" entry for Georgia, should be preceded by the headnote "ILLINOIS".

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 519—FRESH IRISH POTATOES

SUBPART—FRESH IRISH POTATOES LIVESTOCK FEED DIVERSION PROGRAM XMD 3a

Sec.
519.130 General statement.
519.131 Administration.
519.132 Area.
519.133 Period of program.
519.134 Rate of payment.
519.135 Eligibility for payment.
519.136 Application and approval for participation.
519.137 Performance bond.
519.138 Period of diversion.
519.139 Definition of diversion.
519.140 Diversion specifications.
519.141 Inspection and certificate of diversion.
519.142 Claim for payment.
519.143 Compliance with program provisions.
519.144 Inspection of premises.
519.145 Records and accounts.
519.146 Set-off.
519.147 Joint payment or assignment.
519.148 Officials not to benefit.
519.149 Amendment and termination.

AUTHORITY: §§ 519.130 to 519.149 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 519.130 *General statement.* In order to encourage the domestic consumption of fresh Irish potatoes produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payment for the diversion of 1956-crop potatoes for use as livestock feed, subject to the terms and conditions hereinafter set forth. Information relating to this program and forms prescribed for use hereunder may be obtained from the following:

Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Offices of the State Agricultural Stabilization and Conservation Committees in the respective States.

County Agricultural Stabilization and Conservation Committees in the respective counties.

§ 519.131 *Administration.* The program provided for in this part will be administered under the general direction and supervision of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, and in the field will be carried out by the Commodity Stabilization Service through the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees, hereinafter referred to as State and County Committees. Each State Committee will authorize one or more employees of the State Committee to act as representatives of the United States Department of Agriculture, hereinafter referred to as USDA, to approve applications for participation. State and County Committees or their authorized representatives do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 519.132 *Area.* This program will be effective in such States or areas as may be designated from time to time by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture. Information with respect to the areas designated may be obtained from the offices listed in § 519.130.

§ 519.133 *Period of program.* This program will be effective from the date of this announcement and continue until further notice, but in any event not later than June 30, 1957.

§ 519.134 *Rate of payment.* The rate of payment per 100 pounds of potatoes meeting the requirements of Specification A as defined in § 519.140 and which are diverted as prescribed in § 519.139 will be 50 cents for potatoes diverted during the months of October, November, and December 1956; 40 cents during the months of January, February, and March 1957; and 30 cents during the months of April, May, and June 1957. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

§ 519.135 *Eligibility for payment.* Payments will be made under this program to any individual, partnership, association, or corporation located in the continental United States, (a) who executes and files an application for participation on the prescribed forms, (b) whose application is approved, (c) who diverts fresh Irish potatoes directly or through any other person or persons, (d) who files claim as provided in § 519.142, and (e) who otherwise complies with all the terms and conditions of this subpart.

§ 519.136 *Application and approval for participation.* Persons desiring to participate in this program must submit a written application on Form CSS–177 "Application for Participation in Fresh Irish Potato Livestock Feed Diversion Program—XMD 3a." Each applicant must submit a performance bond as provided in § 519.137. Applications and bonds should be submitted to the County ASC Office for the county within which the potatoes are to be diverted. Applications will be forwarded to the State ASC Office and will be considered in the order received in the respective areas and in accordance with the availability of funds. Applicants will be notified of the approval or non-approval of their application. Approved applications may be modified or amended with the consent of the applicant and the duly authorized representative of the State Committee: *Provided,* That such modification or amendment shall not be in conflict with the provisions of this subpart or any amendment or supplements hereto. An approved applicant is hereinafter referred to as "the diverter."

§ 519.137 *Performance bond.* Each applicant shall submit with his first application for participation a performance bond as further assurance that the potatoes diverted pursuant to this program will be used exclusively for livestock feed. The bond shall be executed on Form CSS–119 by the principal and two individual sureties, all of whom shall agree to indemnify the USDA for any losses, claims, or payments made by USDA with respect to any quantity of such potatoes not used for livestock feed. The USDA may disapprove any bond if for any reason any surety does not in

the opinion of USDA afford USDA full protection and security.

§ 519.138 *Period of diversion.* The potatoes in connection with which payments are to be made must be diverted (a) after the date of approval of the diverter's application, (b) within the time period specified in the approved application, and (c) in any event on or before June 30, 1957.

§ 519.139 *Definition of diversion.* Diversion of potatoes for use as livestock feed as used herein means the preparation of potatoes for feeding to livestock by cutting, chopping, slicing, gouging, crushing, cooking, or ensiling so as to render them unsuitable to enter into normal channels of trade and commerce as potatoes.

§ 519.140 *Diversion specifications.* Potatoes in connection with which payments will be made must meet the requirements of "Specification A" which is hereby defined as meaning potatoes equal to or better than the quality requirements of U. S. No. 2 grade, and which have either a minimum diameter of 2 inches or a minimum weight of 4 ounces, with no tolerance being allowed for defects or undersize. Long varieties of potatoes which by clipping ends or second growth could be made to meet the quality requirements of U. S. No. 2 grade need not be so clipped to be classed Specification A but the portions which customarily would be clipped off shall not be considered as meeting the requirements of Specification A and this weight shall be deducted in determining the weight of those potatoes in the lot which do meet the requirements of Specification A.

§ 519.141 *Inspection and certificate of diversion.* Prior to diversion the potatoes shall be inspected by an inspector authorized or licensed by the Secretary of Agriculture to inspect and certify the class, quality, and condition of fresh Irish potatoes. The diverter shall be responsible for requesting and arranging for inspection sufficiently in advance of the diversion so that the inspector can be present to determine the proportion of potatoes in each lot which meet the quality requirements of Specification A. The inspector shall also verify the quantity of potatoes being diverted and that such potatoes have been diverted as defined in § 519.139. The diverter shall furnish such scale tickets, weighing facilities, or volume measurements as determined by the inspector to be necessary for ascertaining the net weight of the potatoes being diverted. The cost of inspecting, verifying the quantity, certifying that diversion has been performed, and issuing certificates thereof shall be borne by the diverter. Certificates shall be prepared on Form CSS–118 "Invoice and Certificates of Inspection and Diversion."

§ 519.142 *Claim for payment.* In order to obtain payment the diverter must submit a properly executed "Invoice and Certificates of Inspection and Diversion," Form CSS–118, to the State ASC Office which approved his application. All such claims shall be filed not later than August 31, 1957.

§ 519.143 *Compliance with program provisions.* If USDA determines that any quantity of potatoes diverted under this program was not used exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such potatoes and shall be liable to USDA for any other damages incurred as a result of such failure to use the potatoes exclusively for livestock feed purposes. USDA may deny any diverter the right to participate in this program or the right to receive payments in connection with any diversion previously made under this program, or both, if USDA determines that: (a) The diverter has failed to use or caused to be used any quantity of potatoes diverted under this program exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, (b) the diverter has not acted in good faith in connection with any transaction under this program, or (c) the diverter has failed to discharge fully any obligation assumed by him under this program. Persons making any misrepresentation of facts in connection with this program for the purpose of defrauding the USDA will be subject to the applicable civil and criminal provisions of the United States Code.

§ 519.144 *Inspection of premises.* The diverter shall permit authorized representatives of USDA at any reasonable time to have access to his premises to inspect and examine such potatoes as are being diverted or stored for diversion, and to inspect and examine the diverter's facilities for diverting potatoes, in order to determine to what extent there is or has been compliance with the provisions of this program.

§ 519.145 *Records and accounts.* If the diverter sells or otherwise disposes of potatoes diverted pursuant to this program to any other person or persons for use as livestock feed, the diverter shall keep accurate records and accounts showing the details relative to the diversion and disposition of such potatoes. The diverter shall permit authorized representatives of USDA at any reasonable time to inspect, examine, and make copies of such records and accounts in order to determine to what extent there is or has been compliance with the provisions of this program. Such records and accounts shall be retained by the diverter for two years after date of last payment to him under the program.

§ 519.146 *Set-off.* If the diverter is indebted to USDA or to any other agency of the United States, set-off may be made against any amount due the diverter hereunder. Setting off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 519.147 *Joint payment or assignment.* The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim, to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the authorized representative of USDA who approved the application, together with a true copy of the instrument of assignment, in accordance with the instructions on Form CSS–66 "Notice of Assignment," which form must be used in giving notice of assignment to USDA. The "Instrument of Assignment" may be executed on Form CSS–347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the State ASC Office or the Washington office shown in § 519.130.

§ 519.148 *Officials not to benefit.* No member of or delegate to Congress, or Resident Commissioner, shall be entitled to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be considered to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

§ 519.149 *Amendment and termination.* This subpart may be amended or terminated at any time but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any potatoes diverted before the effective time of such amendment or termination.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: October 4, 1956.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 56–8100; Filed, Oct. 5, 1956; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Transport Mobilization Staff, Interstate Commerce Commission

[Administrative Order ICC TM–1]

TM–1—ESTABLISHMENT WITHIN THE INTERSTATE COMMERCE COMMISSION OF A UNIT OF THE NATIONAL DEFENSE EXECUTIVE RESERVE

Sec.
1. Purpose.
2. Definitions.
3. Policy and program management.
4. Designation of members of Executive Reserve.
5. Security.
6. Conflict of interest.
7. Transportation and subsistence.

AUTHORITY: Sections 1 to 7 issued under sec. 710, 64 Stat. 819, as amended; 50 U. S. C. App. 2160. E. O. 10660, 21 F. R. 1117.

SECTION 1. *Purpose.* (a) There is hereby established within the Interstate Commerce Commission a unit of the National Defense Executive Reserve.

(b) The purpose of this order is to prescribe the policies governing the administration of such unit.

SEC. 2. *Definitions.* (a) The National Defense Executive Reserve is composed of persons selected from various segments of the civilian economy and from government who are to be trained for assignment to executive positions in the federal government during periods of emergency.

(b) An Executive Reservist is a member of the National Defense Executive Reserve.

(c) The Interstate Commerce Commission unit of the National Defense Executive Reserve is composed of persons selected from all major segments of the economy concerned with the major mobilization responsibilities of the Commission.

SEC. 3. *Policy and program management.* (a) The number of Executive Reservists in the Commission unit of the National Defense Executive Reserve will be limited to that for which there is a demonstrable need in essential mobilization functions for which the Commission is responsible.

(b) Candidates for the Executive Reserve will be selected from industry (including small business), educational institutions, labor organizations, the professions and professional societies, government, and other groups which contain qualified and available executive personnel. Such candidates will be designated on the basis of each individual's (1) qualifications to perform duties and responsibilities of contemplated mobilization assignment, and (2) likelihood of being available in the event of full mobilization.

(c) Prior to designation as a member of the Executive Reserve, each proposed designee must submit a statement of understanding as to availability, with the formal concurrence of his employer.

(d) Persons with overriding military obligations will not be designated as members of the Executive Reserve.

(e) The Chief of Mobilization Planning of the Transport Mobilization Staff of the Commission will be responsible for the recruitment and training program of the Commission unit of the Executive Reserve and will be responsible for determining the number of Executive Reservists needed to meet mobilization requirements. He will also serve as the Commission representative on the Interagency Advisory Committee on the National Defense Executive Reserve.

(f) Within the availability of funds, the extent and type of training given to Executive Reservists will be determined by the Chief of Mobilization Planning. In general, training will include:

(1) Frequent communications of an informative and instructional nature pertaining to the problems and responsibilities of the area or to the duties which the Executive Reservists may be expected to perform.

(2) Participation in mobilization exercises to the maximum extent feasible.

(3) Periodic meetings for purposes of orientation.

(4) Correspondence on specific mobilization problems.

SEC. 4. *Designation of members of Executive Reserve.* Designation of members of the Interstate Commerce Commission unit of the National Defense Executive Reserve will be made by the Chairman of the Commission on the recommendation of the Commissioner in charge of the administration and performance of the functions and responsibilities delegated to the Commission pursuant to the Defense Production Act of 1950, as amended.

SEC. 5. *Security.* The degree of security clearance necessary for each Executive Reservist will be in accordance with existing security standards of the Commission pertaining to mobilization planning activities. The official designation of an Executive Reservist will be withheld until such security clearance is obtained.

SEC. 6. *Conflict of interest.* Activities of Executive Reservists shall not include acting or advising on any matter pending before any department or agency but shall be limited to receiving training for mobilization assignments under the Executive Reserve program. With respect to activities so limited, Executive Reservists who are not full-time government employees shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99).

SEC. 7. *Transportation and subsistence.* (a) Members of the Executive Reserve who are not full-time government employees may, if claim is made, receive transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes or regular places of business for the purpose of participating in the Executive Reserve program.

(b) Where claim for travel expense and per diem is made, invitational travel orders will be issued.

Issued at Washington, D. C., this 3d day of October 1956.

[SEAL] OWEN CLARKE,
Commissioner.

[F. R. Doc. 56–8076; Filed, Oct. 5, 1956; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1343]

[Montana 019680 (SD)]

SOUTH DAKOTA

RESERVING PUBLIC LANDS WITHIN BLACK HILLS NATIONAL FOREST FOR USE OF FOREST SERVICE AS PICNIC GROUNDS AND FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Black Hills National Forest in South Dakota are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as picnic grounds and for other public purposes as indicated:

BLACK HILLS PRINCIPAL MERIDIAN

Roughlock Picnic Ground:
T. 5 N., R. 1 E.,
Sec. 36, W½SW¼ NE¼SW¼ (less patented mineral entries).
The areas described aggregate 120 acres.
Timon Campground:
T. 4 N., R. 1 E.,
Sec. 10, NE¼NW¼.
The area described contains 40 acres.
Boxelder Organization Camp:
T. 3 N., R. 5 E.,
Sec. 20, N½NW¼, N½S½NW¼ (less patented mineral entries).
The areas described aggregate 120 acres.
Boy Scout Summer Camp:
T. 3 N., R. 5 E.,
Sec. 21, SE¼SW¼;
Sec. 28, N½NW¼.
The areas described aggregate 120 acres.
Dalton Dam Picnic Ground:
T. 3 N., R. 5 E.,
Sec. 11, S½NE¼SE¼, N½SE¼SE¼ (less patended homestead entry).
The areas described aggregate 40 acres.
Deer Creek Picnic Ground:
T. 2 N., R. 5 E.,
Sec. 27, N½SE¼SW¼ (less patented homestead entries).
The areas described aggregate 20 acres.
Headwaters Picnic Ground:
T. 2 N., R. 2 E.,
Sec. 4, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and SE¼SE¼.
The areas described aggregate 70 acres.
Black Fox Campground:
T. 2 N., R. 2 E.,
Sec. 11, NW¼SE¼, and NE¼SW¼.
The areas described aggregate 80 acres.
Deerdale Campground:
T. 2 N., R. 2 E.,
Sec. 12, NE¼SE¼ (less patented homestead entry).
The area described contains 40 acres.
Roubaix Lake Picnic Ground:
T. 3 N., R. 4 E.,
Sec. 20, SE¼ (less patented homestead entries);
Sec. 29, N½NE¼.
The areas described aggregate 240 acres.
Steamboat Rock Picnic Ground:
T. 2 N., R. 5 E.,
Sec. 2, N½SE¼SE¼ and S½NE¼SE¼.
The areas described aggregate 40 acres.
Strawberry Hill Picnic Ground:
T. 4 N., R. 4 E.,
Sec. 18, S½N½NW¼ and N½S½NW¼ (less patented mineral entries).
The areas described aggregate 80 acres.
Bob Marshall Organization Camp and Bismark Lake:
T. 3 S., R. 5 E.,
Sec. 22, N½.
The area described contains 320 acres.
Rochford Administrative Site:
T. 2 N., R. 3 E.,
Sec. 23, E½E½NE¼NE¼ and E½NE¼SE¼NE¼;
Sec. 24, NW¼NW¼ and NW¼SW¼NW¼.
The areas described aggregate 65 acres.

This order shall take precedence over but not otherwise affect the existing

reservation of the lands for national forest purposes.

F. E. WORMSER,
Assistant Secretary of the Interior.

OCTOBER 1, 1956.

[F. R. Doc. 56-8061; Filed, Oct. 5, 1956; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 27th day of September A. D. 1956.

The matter of accounting regulations prescribed for motor carriers of property being under consideration pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 U. S. C. 304 and 320); and,

It appearing that a notice of proposed rule making was issued June 29, 1956, announcing that reclassification of motor carriers of property for accounting and reporting purposes was under consideration, such notice being published in the FEDERAL REGISTER issue of July 18, 1956 (21 F. R. 5378) pursuant to provisions of section 4 (a) of the Administrative Procedure Act; and,

It further appearing that the time for filing views or arguments to be considered in that connection was extended to and including August 31, 1956 by a further notice issued July 31, 1956 which was published in the FEDERAL REGISTER issue of August 3, 1956 (21 F. R. 5808), and after consideration of all views and arguments so received on or before that extended date, it is ordered, that:

(1) *Effective date.* All motor carriers subject to provisions of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property shall, effective January 1, 1957, comply with the modifications which are attached hereto and made a part hereof, and which are pursuant to the said notice of June 29, 1956.

(2) *Notice.* A copy of this order with the attached modifications shall be served on each motor carrier of property which is subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof with the attached modifications in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

1. Cancel the provisions of paragraph (a) in § 182.01-1 *Classification of carriers*, and substitute the following in lieu thereof:

(a) For purposes of the accounting regulations common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I: Carriers having average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more from property motor carrier operations.

Class II: Carriers having average annual gross operating revenues (including interstate and intrastate) of $200,000, but less than $1,000,000, from property motor carrier operations.

Class III: Carriers having average annual gross operating revenues (including interstate and intrastate) of less than $200,000 from property motor carrier operations.

2. Cancel the provisions of paragraph (a) in § 182.01-27 *Allocation of expenses between line haul and pickup and delivery*, and substitute the following in lieu thereof:

(a) Class I common carriers which derive an average of 75 percent or more of their revenues from the intercity transportation of general commodities, shall separate expenses between line haul and pickup and delivery as provided in this instruction. Class I motor carriers, other than those specified herein, are not required to comply with provisions of this instruction.

(49 Stat. 546, as amended; 49 U. S. C. 304)

[F. R. Doc. 56-8064; Filed, Oct. 5, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 975]

[Docket No. AO-179-A-15]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Cypress Room, Hollanden Hotel, Cleveland, Ohio, beginning at 10 a. m., e. s. t., October 10, 1956, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. The amendments proposed have not received the approval of the Secretary of Agriculture.

Proposed by Milk Producers Federation of Cleveland:

1. Consider the issue of fixing an appropriate Class I price in § 975.61, including the consideration of a uniform Class I differential.

2. In § 975.61 amend the supply-demand adjustment paragraphs to include the Akron and Stark County Order gross Class I sales and producer receipts in the computation of the current utilization percentage and substitute the following standard utilization table for the one now contained in the order:

January	125	July	151
February	128	August	148
March	131	September	139
April	134	October	133
May	137	November	132
June	146	December	128

3. Delete § 975.66 and substitute therefor the following:

§ 975.66 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period.

(b) A producer may transfer his daily quota during the period of March through July by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

Proposed by Akron Milk Producers, Inc.:

4. Consider amendment of § 975.61 to use a uniform Class I differential during all months of the year.

5. Consider amendments to §§ 975.71 and 975.81 to change the amount of the allowable location differential to handlers and to producers and specifically,

to consider the elimination of any location adjustment credit to handlers or to producers in the 30 to 60 mile zone.

Proposed by Wayne Cooperative Milk Producers, Inc.:

6. Delete § 975.63 and substitute therefor the following:

§ 975.63 *Class III milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 975.60, less 20 cents.

Proposed by Cleveland Milk Market Survey Committee:

7. Delete § 975.17 and substitute the following:

§ 975.17 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's delivery average quota computed pursuant to § 975.65, multiplied by the number of days in such delivery period on which such producer delivered milk to such handler: provided, that with respect to any producer on "every-other-day" delivery to a pool plant, the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 975.65.

8. Delete § 975.18 and substitute the following:

§ 975.18 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of eligible milk received from such producer during such delivery period.

9. In § 975.30 (b), line 5, after the word "above" insert "or a pool plant under Order 60".

10. In § 975.30 (b), line 19, following the word "shall" delete the words "upon written application to the Market Administrator on or before January 31 of any year".

11. Change § 975.41 (b) (1) to conform to the revisions in §§ 975.17 and 975.18.

12. Change § 975.52 by adding thereto a further paragraph, to be designated (c), as follows:

(c) In computing shrinkage on transfers of producer milk in bulk, there shall be an application of the shrinkage allowance provided for in § 975.51 (c) (3) not to exceed one percent (1%) to the supply pool plant and not to exceed one percent (1%) to the receiving pool plant on the producer milk so transferred, if the operator or operators of the transferor or transferee pool plants so request the Market Administrator in writing to make such application prior to the delivery period for which such allocation is requested.

13. Delete § 975.53 (a) and substitute the following:

(a) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to the pool plant of a handler operating under either Order 75 or Order 60, unless utilization in another class is mutually indicated in writing to the Market Administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided*, That if either or both pool plants have received other source milk such transfers shall be classified by th Market Administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided, further*, That if transfers are made to a pool plant from more than one other pool plant, any other source milk involved in such transfers shall be prorated by the Market Administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this sub-paragraph from the transferor plant.

14. Delete § 975.53 (b) and substitute the following:

(b) As Class I milk, if transferred as any item, except cream, listed in § 975.51 (a) (1) to a non-pool plant located more than 265 miles from the Public Square in Cleveland, Ohio by the shortest highway distance as determined by the Market Administrator.

15. Delete § 975.56 (c) and substitute the following:

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other-source-milk received from a plant(s) at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act, except transfers from plants regulated under Order 60.

16. Revise § 975.61 (a) to reflect a uniform Class I differential to be added to the basic formula price each and every month of the year.

17. Delete § 975.65 and substitute the following:

§ 975.65 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 975.66, the Market Administrator shall compute quotas for producers as follows:

(a) During each of the delivery periods of February through July, inclusive of each year beginning with 1958, the daily quota of each producer, whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December inclusive, shall be a quantity determined by the Market Administrator as follows:

(1) Divide each producer's total pounds of milk, delivered in the 3-month period, by the number of days from the date of first delivery to the end of such 3-month period.

(b) An eligible milk quota may be provided for a producer who fails to establish an eligible quota in the October through December period in the following manner:

(1) For a producer whose milk was received by a handler(s) for the full calendar month of January, February and July: Divide such producer's total pounds of milk delivered during the month by the number of days in the month, and multiply the result by 75 per cent.

(2) For a producer whose milk was received by a handler(s) for the full calendar months of March, April, May or June: Divide such producer's total pounds of milk delivered during the month by the number of days in the month, and multiply the result by 50 per cent.

Proposed by Telling Belle Vernon Company:

18. Eliminate in its entirety § 975.71 and eliminate paragraph (c) from § 975.73.

19. Eliminate paragraph (b) from § 975.90.

20. Change the treatment of milk priced under other orders:

a. Add to § 975.14 the words "or milk regulated under another Federal Milk Marketing order;"

b. Eliminate from paragraph (b) § 975.56 the words "other than one at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;" and

c. Eliminate paragraph (c) from § 975.56 and add to paragraph (d) in § 975.56 following the words "other handlers" the following words "and from a plant(s) at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act."

Proposed by the Dairy Division, Agricultural Marketing Service:

21. In § 975.75 (a) after the word "through" correct a typographical error by changing "(c)" to "(e)".

22. Correct §§ 975.84 and 975.85 by adding immediately after the reference to "§ 975.80" in each section the following: "before subtracting any location adjustment pursuant to § 975.81 (a)".

23. Make such changes as may be required to make the order in its entirety conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and of the order, as amended, now in effect may be obtained from the Market Administrator, 2163 East Second Street, Cleveland 15, Ohio, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 3d day of October 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8067; Filed, Oct. 5, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 222]

[General Order 39, Revised]

STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), of proposed revision of General Order 39, Revised (46 CFR 222.2–222.9), pursuant to sections 204 and 212A of the Merchant Marine Act, 1936, as amended (49 Stat. 1987, 52 Stat. 964, 70 Stat. 332, 46 U. S. C. 1114 and 1122a), to read substantially as follows:

§ 222.2 *Forms of vessel utilization and performance reports prescribed.* Pursuant to the authority of section 212 (A) of the Merchant Marine Act, 1936, as amended (Public Law 612, 84th Congress; 70 Stat. 332; 46 U. S. C. 1122a), the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U. S. C. 1101, et seq.), to require persons operating vessels in the waterborne foreign commerce of the United States to file reports of the utilization and performance of such vessels in the form of the attached Maritime Administration Forms MA–7801, 7802, 7803, and 7804, and hereby prescribes and approves such Forms and Instructions[1] for the preparation thereof. An accurate Vessel Utilization and Performance Report must be filed, in duplicate, with the appropriate collector of customs, for transmittal to the Maritime Administration, by the operator of every self-propelled vessel of 500 or more net registered tons before midnight of the tenth day after customs entry at the first port in the United States and before midnight of the tenth day after customs clearance from the last port in the United States. In calculating the due date, Saturdays, Sundays, and holidays are excluded. Incomplete or inaccurate reports will be deemed as not having been filed. Forms MA–7801 through 7804 are required to be filed in triplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

§ 222.3 *Penalty.* Section 212 (A) of the Merchant Marine Act, 1936, as amended (Public Law 612, 84th Congress; 70 Stat. 332; 46 U. S. C. 1122a), provides:

SEC. 212 (A). The operator of a vessel in waterborne foreign commerce of the United States shall file at such time and in such manner as the Secretary of Commerce may prescribe by regulations, such report, account, record, or memorandum relating to the utilization and performance of such vessel in commerce of the United States, as the Secretary may determine to be necessary or desirable in order to carry out the purposes and provisions of this Act, as amended. Such report, account, record or memorandum shall be signed and verified in accordance with regulations prescribed by the Secretary. An operator who does not file the report, account, record, or memorandum as required by this section and the regulations issued hereunder, shall be liable to the United States in a penalty of $50 for each day of such violation. The amount of any penalty imposed for any violation of this section upon the operator of any vessel shall constitute a lien upon the vessel involved in the violation, and such vessel may be libeled therefor in the district court of the United States for the district in which it may be found. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this section on such terms as he may deem proper.

§ 222.4 *Notice of failure to comply herewith and that petition for relief may be filed.* (a) Every offender under the regulations in this part shall be advised by the collector of customs of any penalty incurred by him and of his right to apply for relief under § 222.5. If the offender fails to petition for relief or pay the penalty within 60 days from the date of mailing of the notice of violation as provided for herein, the case shall be referred immediately to the United States attorney for appropriate action, unless it appears that the person liable for the penalty is absent from the United States or during the said period was absent for more than 30 days, in which event the collector may withhold such action for a further reasonable time, or unless other action is expressly authorized by the Maritime Administrator. When a penalty is mitigated, and the mitigated penalty is not paid nor a supplemental petition filed within 60 days from the date a notice of the settlement is mailed to the petitioner, the matter shall be referred immediately to the United States attorney for appropriate attention, unless other action has been directed by the Maritime Administrator.

(b) No action looking to the remission or mitigation of a penalty shall be taken on any petition, irrespective of the amount involved, if the case has been referred to the Department of Justice for the institution of legal proceedings.

§ 222.5 *Petition for relief.* (a) Any petition for relief from a penalty incurred under these regulations shall be addressed to the Maritime Administrator, signed by the petitioner, and filed with the collector of customs of the district in which the penalty was imposed. It shall be filed in triplicate and shall set forth the facts relied upon by the petitioner to justify his request for relief.

(b) Upon receipt of a petition, the collector shall cause such investigation to be made as the facts in the case may warrant. In forwarding the petition to the Maritime Administrator, he shall forward with it a copy of the report of the investigation, if any, a statement of all other facts which may have come to his knowledge, and his recommendation as to the final action to be taken. If the petition involves a matter which has been referred to the Department of Justice for the institution of court proceedings, the collector shall transmit the petition immediately upon receipt to the appropriate United States attorney and notify the petitioner of such action.

(c) The decision of the Maritime Administrator will be forwarded to the collector for delivery to the petitioner.

Interested persons may submit written data, views, comments, and arguments in connection with the proposed revision to the Secretary, Maritime Administration, Washington 25, D. C., within fifteen (15) days after publication hereof in the FEDERAL REGISTER.

NOTE: The reporting requirements of the proposed revision have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: October 2, 1956.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56–8083; Filed, Oct. 5, 1956; 8:50 a. m.]

[1] Copies of the Forms and Instructions currently in use and those to be used beginning January 1, 1957, are filed with the Federal Register Division as a part of the original document, and may be obtained from the Statistics and Special Studies Office, Maritime Administration, Washington 25, D. C.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42, 45]

[Draft Release No. 56–25]

EMERGENCY EVACUATION PROVISIONS FOR TRANSPORT CATEGORY AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to the emergency evacuation provisions of Part 4b of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by November 9, 1956. Copies of such communications will be available after November 14, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

There have been few changes to the emergency evacuation provisions contained in § 4b.362 of Part 4b of the Civil Air Regulations since the Board promulgated the last major revision which became effective December 20, 1951. At that time, the Board adopted regulations which were considered appropriate for airplanes which were then in the design stage. Turbine-powered airplanes currently undergoing development are considerably larger than the transport category airplanes now in service and, accordingly, will have provision for a larger number of passengers.

In view of the foregoing, it is believed advisable to broaden the scope of the existing emergency exit requirements to cover those airplanes which will accommodate a larger number of passengers than now provided for in the current regulations, and to permit greater flexibility and more appropriate application of these requirements to airplanes of different sizes.

Furthermore, in order to assure adequate evacuation facilities during a ditching operation, it is being proposed to require ditching exits of the type which are optional under the currently effective regulations.

Other changes, being proposed for the purpose of facilitating emergency evacuation, affect the provisions for crew compartment exits and include provisions which would require Type III exits to be located over the wing with specific step-up and step-down dimensions. In addition, proposed provisions are included with respect to exits on high-wing airplanes.

Pursuant to the provisions of § 4b.11, the applicant for type certification may elect to show compliance with provisions of the regulations effective subsequent to the date of application for type certification. It is considered that the proposed amendments to § 4b.362 are so interrelated that if these proposals are adopted by the Board and the applicant elects to show compliance with any portions of the proposal he should be required to show compliance with the entire proposal.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 4b of the Civil Air Regulations be amended as follows:

1. By amending § 4b.362 by deleting the second sentence of the introductory paragraph and inserting in lieu thereof the following: "The provisions of this section shall apply to airplanes where the major portion of the passenger area is adjacent to and aft of the powerplants and fuel tanks."

2. By amending § 4b.362 (a) to read as follows:

§ 4b.362 *Emergency evacuation.* * * *

(a) *Flight crew emergency exits.* Flight crew emergency exits shall be located in the flight crew area, one on each side of the airplane, or, alternatively, a top hatch shall be provided. Such exits shall be of sufficient size and shall be so located as to permit rapid evacuation by the crew. Such exits shall not be required in airplanes having a passenger capacity of twenty or less if the Administrator finds that the proximity of passenger emergency exits to the flight crew area offers a convenient and readily accessible means of evacuation for the flight crew.

3. By amending § 4b.362 (b) to read as follows:

(b) *Passenger emergency exits; type and location.* The types of exits and their location shall be as follows:

(1) Type I: A rectangular opening of not less than 24 inches wide and 48 inches high, with corner radii not greater than one-third the width of the exit. The first Type I exit on each side of the fuselage shall be located as far aft in the passenger area as practicable. Additional Type I exits shall be in such locations as will afford the most effective means of passenger evacuation. All Type I exits shall be floor level exits.

(2) Type II: A rectangular opening of not less than 20 inches wide and 44 inches high with corner radii not greater than one-third the width of the exit. One Type II exit on each side of the fuselage shall be located as far aft in the passenger area as practicable unless Type I exits are also required. Additional Type II exits shall be in such locations as will afford the most effective means of passenger evacuation. Type II exits shall be floor level exits unless located over the wing in which case they shall have a step-up inside the airplane of not more than 10 inches and a step-down outside the airplane of not more than 17 inches.

(3) Type III: A rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than one-third the width of the exit, located over the wing with a step-up inside the airplane of not more than 20 inches and a step-down outside the airplane of not more than 27 inches.

(4) Type IV: A rectangular opening of not less than 19 inches wide by 26 inches high, with corner radii not greater than one-third the width of the exit, located over the wing with a step-up inside the airplane of not more than 29 inches and a step-down outside the airplane of not more than 36 inches.

NOTE: Larger openings than those specified in paragraph (b) of this section will be acceptable, whether or not of rectangular shape, provided the specified rectangular openings can be inscribed therein, and provided further that the base of the minimum specified opening measured at the specified step-up and step-down height provides a flat surface of not less than one-third of the width.

4. By amending § 4b.362 (c) to read as follows:

(c) *Passenger emergency exits; number required.* Emergency exits of the type and location prescribed in paragraph (b) of this section shall be accessible to the passengers and shall be provided on each side of the fuselage in accordance with the following:

Passenger seating capacity	Emergency exits required on each side of the fuselage			
	Type I	Type II	Type III	Type IV
1 to 19 inclusive	------	------	1	------
20 to 39 inclusive	------	1	------	1
40 to 59 inclusive	1	------	------	2
60 to 79 inclusive	1	------	1	1
80 to 99 inclusive	1	------	------	2
100 to 119 inclusive	1	1	------	2
120 to 139 inclusive	2	------	------	2
140 to 159 inclusive	2	------	1	2
160 to 179 inclusive	2	1	------	2
180 to 199 inclusive	2	2	------	------
200 to 219 inclusive	3	1	------	------
220 to 239 inclusive	4	------	------	------

It shall be acceptable to consider one Type III exit to be equivalent to two Type IV exits. On airplanes where the vertical location of the wing does not permit the installation of Type III or Type IV exits, one Type II exit shall be provided for each Type III and only one Type II exit, on each side, shall be provided for all Type IV exits required.

NOTE: Although similar exits and their locations are prescribed for each side of the fuselage, it is not the intent of this regulation to require that the exits necessarily be at locations diametrically opposite each other.

5. By amending § 4b.362 (d) to read as follows:

(d) *Ditching emergency exits.* It shall be shown that, on each side of the fuselage, there is not less than one emergency exit located above the water line for every 35 passengers, except that for the purpose of this paragraph an easily accessible overhead hatch of not less than the clear dimensions of Type III emergency exits (see paragraph (b) (3) of this section) shall be considered equivalent to one emergency exit on each side.

6. By amending § 4b.362 (e) (7) by deleting the words, "other than Type IV (see paragraph (b) of this section)" and substituting in lieu thereof the words, "other than exits located over the wing".

7. By amending § 4b.362 (g) by adding the following sentence at the end thereof: "Access shall be provided from the main aisle to all Type III and Type IV exits and such access shall not be obstructed by seats, berths, or other protrusions to an extent which would reduce the effectiveness of the exit."

8. By amending § 4b.362 (h) by adding the following sentence at the end thereof: "For airplanes having a maximum passenger seating capacity of 19 or less, these aisle widths shall not be less than 12 inches wide up to a height above the floor of 25 inches and not less than 20 inches above that height.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., October 1, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 56–8080; Filed, Oct. 5, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM FRANCE

AVAILABLE CERTIFICATIONS BY GOVERNMENT OF FRANCE

Notice is herby given that certificates of origin issued by the Ministere de l'Industrie et du Commerce of the Republic of France under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from France of the following additional commodity:

Silk piece goods, tussah.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-8071; Filed, Oct. 5, 1956; 8:47 a. m.]

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM JAPAN

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF JAPAN

Notice is hereby given that certificates of origin issued by the Ministry of International Trade and Industry of the Government of Japan under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Japan of the following additional commodity:

Silk piece goods, tussah.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-8072; Filed, Oct. 5, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHILDRESS LIVESTOCK COMMISSION CO. ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Childress Livestock Commission Company, Childress, Tex.
Dalhart Livestock Auction Co., Dalhart, Tex.
Keeton Livestock Commission Co., Lubbock, Tex.
Hall County Livestock Commission Co., Memphis, Tex.
Perryton Cattle Commission Co., Perryton, Tex.
Quanah Livestock Commission Co., Quanah, Tex.
Shamrock Auction Sale, Shamrock, Tex.
Wellington Livestock Sale, Wellington, Tex.
Clayton Cattle Auction, Clayton, N. Mex.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 3d day of October 1956.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-8077; Filed, Oct. 5, 1956; 8:49 a. m.]

Commodity Stabilization Service

PUERTO RICO AND VIRGIN ISLANDS

NOTICE OF HEARING ON SUGARCANE WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U. S. C. Sup. 1131), and in acordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At San Juan, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Office, Segarra Building, on October 25, 1956, at 9:30 a. m.,

At Christiansted, St. Croix, Virgin Islands, in the Government House, on October 30, 1956, at 9:30 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wages rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico and the Virgin Islands during the calendar year 1957 on farms with respect to which applications for payments under the said act are made, and (2) pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1956-57 Puerto Rican crop and the 1957 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters with respect to wages and prices in Puerto Rico.

Wages: 1. Definitions of work performed and appropriate wage rates for field flooders and irrigators.

2. Inclusion of additional wage classifications for workers directly employed in the production, cultivation or harvesting of sugarcane.

Prices: 1. Actions which should be taken with respect to trash and other extraneous material delivered with sugarcane and the proper methods for determining the quantities of trash and other extraneous material delivered with sugarcane.

2. Information with respect to the sugar yield periods used by processors during the 1956 crop and testimony regarding the equities and reasons for the use of sich sugar yield periods.

3. Testimony as to the most equitable delivery point for sugarcane, that point at which the processor bears the cost of transporting sugarcane.

4. Modifications in admissible selling and delivery expenses on raw sugar to recognize changes which result from the bulk handling of raw sugar.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

A. A. Greenwood, Ward S. Stevenson, Charles B. Broeg, and G. Laguardia are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 2d day of October, 1956.

[SEAL] THOS. H. ALLEN,
Acting Director,
Sugar Division.

[F. R. Doc. 56-8079; Filed, Oct. 5, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7735 et al.]

ST. LOUIS-SOUTHEAST SERVICE CASE

NOTICE OF HEARING

In the matter of an application by the City of St. Louis and certain air carriers and other parties for amendments to the air service pattern between St. Louis on the one hand and Florida and other southeastern points on the other.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 of the said act and the applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held on October 18, 1956, at 10 a. m., e. d. s. t., in the U. S. Department of Commerce Auditorium, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions:

(1) Whether the public convenience and necessity require the amendment of existing certificates of public convenience and necessity or the issuance of new certificates as proposed in the applications assigned for disposition in this proceeding relating to improvements in the air service pattern between St. Louis on the one hand and Florida and other southeastern points on the other.

(2) Are the applicants fit, willing, and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder?

For further details regarding this proceeding, interested parties are referred to the prehearing conference report served April 25, 1956, a supplemental prehearing conference report served June 14, 1956, an order granting and denying motions for consolidation of applications entered on May 18, 1956, (Order No. E-10304), and an order granting and denying petitions for reconsideration of this order, entered on October 2, 1956, (Order No. E-10651), and other documents in the Docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this consolidated proceeding must file with the Board on or before October 18, 1956, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's rules of practice in Economic Proceedings.

Dated at Washington, D. C., October 2, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8081; Filed, Oct. 5, 1956; 8:50 a. m.]

[Docket No. 7511]

ROUTE RESTRICTION INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned for October 31, 1956, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 2, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8082; Filed, Oct. 5, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10919]

NATURAL GAS COMPANY OF WEST VIRGINIA

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 2, 1956.

Take notice that Natural Gas Company of West Virginia, Applicant, a West Virginia corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on August 15, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act authorizing it to construct and operate certain proposed facilities to replace certain existing facilities and for authority to abandon certain other existing facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate: Approximately 1.6 miles of 8⅝-inch O. D. x 0.250-inch wall, and 1.6 miles of 6⅝-inch O. D. x 0.219-inch wall natural gas transmission pipe line in Columbiana County, Ohio, replacing portions of existing facilities serving the Leetonia-Columbiana market area; together with valves, fittings, and incidental facilities necessary for practical operation; and

Applicant also requests authorization to abandon: Approximately 4.9 miles of 4½-inch O. D. and 0.2 mile of 6⅝-inch O. D. Lines 6069, 6070, 6071, and 6073.

No existing customers will be deprived of service because of the proposed abandonment. No new service is proposed.

Applicant shows the present and estimated demand in the area to be served by the new facilities as follows:

Year	1955	1957	1958	1959
Peak day (Mcf)	3,285	4,390	4,710	5,000
Annual (Mcf)	478,579	708,200	738,400	770,800

The estimated cost of the proposed construction is $74,000, which will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8062; Filed, Oct. 5, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1829]

DRESSER INDUSTRIES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 2, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Dresser Industries, Inc. (Delaware), Common Stock, File No. 7-1829.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Los Angeles Stock Exchange.

Upon receipt of a request, on or before October 19, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-8054; Filed, Oct. 5, 1956; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10920]

NATURAL GAS COMPANY OF WEST VIRGINIA

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 2, 1956.

Take notice that Natural Gas Company of West Virginia, Applicant, a West Virginia corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on August 15, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act authorizing it to construct and operate certain proposed facilities to replace certain existing facilities and for authority to abandon certain other existing facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate: Approximately 1.6 miles of 8⅝-inch O. D. x 0.250-inch wall, and 1.6 miles of 6⅝-inch O. D. x 0.219-inch wall natural gas transmission pipe line in Columbiana County, Ohio, replacing portions of existing facilities serving the Leetonia-Columbiana market area; together with valves, fittings, and incidental facilities necessary for practical operation; and

Applicant also requests authorization to abandon: Approximately 4.9 miles of 4½-inch O. D. and 0.2 mile of 6⅝-inch O. D. Lines 6069, 6070, 6071, and 6073.

No existing customers will be deprived of service because of the proposed abandonment. No new service is proposed.

Applicant shows the present and estimated demand in the area to be served by the new facilities as follows:

Year	1955	1957	1958	1959
Peak day (Mcf)	3,285	4,390	4,710	5,000
Annual (Mcf)	478,579	708,200	738,400	770,800

The estimated cost of the proposed construction is $74,000, which will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8063; Filed, Oct. 5, 1956; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10921]

NATURAL GAS COMPANY OF WEST VIRGINIA

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 2, 1956.

Take notice that Natural Gas Company of West Virginia, Applicant, a West Virginia corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on August 15, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act authorizing it to construct and operate certain proposed facilities to replace certain existing facilities and for authority to abandon certain other existing facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate: Approximately 1.6 miles of 8⅝-inch O. D. x 0.250-inch wall, and 1.6 miles of 6⅝-inch O. D. x 0.219-inch wall natural gas transmission pipe line in Columbiana County, Ohio, replacing portions of existing facilities serving the Leetonia-Columbiana market area; together with valves, fittings, and incidental facilities necessary for practical operation; and

Applicant also requests authorization to abandon: Approximately 4.9 miles of 4½-inch O. D. and 0.2 mile of 6⅝-inch O. D. Lines 6069, 6070, 6071, and 6073.

No existing customers will be deprived of service because of the proposed abandonment. No new service is proposed.

Applicant shows the present and estimated demand in the area to be served by the new facilities as follows:

Year	1955	1957	1958	1959
Peak day (Mcf)	3,285	4,390	4,710	5,000
Annual (Mcf)	478,579	708,200	738,400	770,800

The estimated cost of the proposed construction is $74,000, which will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8064; Filed, Oct. 5, 1956; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 12]

DRIED FIGS AND FIG PASTE

INVESTIGATION INSTITUTED AND HEARING SET

Institution of investigation: By direction of the President, dated October 2, 1956, the United States Tariff Commission on the 2d day of October 1956 instituted, and hereby gives notice of, and investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether dried figs and fig paste are practically certain to be imported into the United States during the 1956–57 crop year under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the Federal Fig Marketing Order Program undertaken by the Department of Agriculture or to reduce substantially the amount of products processed in the United States from domestic figs or fig paste with respect to which such program is being undertaken.

Hearing: A public hearing in this investigation will be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. s. t., on October 30, 1956. All parties interested will be given opportunity to be present, to produce evidence, and to be heard.

Request to appear: Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least 3 days in advance of the date set for the hearing.

I hereby certify that the above investigation was instituted and hearing ordered by the United States Tariff Commission on October 2, 1956.

Issued: October 2, 1956.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56–8066; Filed, Oct. 5, 1956; 8:46 a. m.]

[Investigation 13]

DATES

INVESTIGATION INSTITUTED AND HEARING SET

Institution of investigation: By direction of the President, dated October 2, 1956, the United States Tariff Commission on the 2d day of October 1956 instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether dates are practically certain to be imported into the United States during the 1956–57 crop year under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the Federal Date Marketing Order Program and the Department of Agriculture's program for the diversion of dates to new uses or to reduce substantially the amount of products processed in the United States from domestic dates with respect to which such programs are being undertaken.

Hearing: A public hearing in this investigation will be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. s. t., on November 1, 1956. All parties interested will be given opportunity to be present, to produce evidence, and to be heard.

Request to appear: Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C. at least 3 days in advance of the date set for the hearing.

I hereby certify that the above investigation was instituted and hearing ordered by the United States Tariff Commission on October 2, 1956.

Issued: October 2, 1956.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56–8065; Filed, Oct. 5, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 3, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32696: *All freight—Aurora, Ill., to Birmingham, Ala.* Filed R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Aurora, Ill., to Birmingham, Ala.

Grounds for relief: Modified distance formula and circuitous routes.

Tariff: Supplement 25 to Agent R. G. Raasch's tariff I. C. C. 789.

FSA No. 32697: *All freight—Chicago, Ill., Group to Florida Points.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Chicago, Ill., and Chicago district points to Melbourne, New Smyrna Beach, and Daytona Beach, Fla.

Grounds for relief: Modified short-line distance formula, and circuitous routes.

Tariff: Supplement 25 to Agent Raasch's tariff I. C. C. 789.

FSA No. 32698: *All freight—Chicago, Ill., group to Sarasota, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Chicago, Ill., and Chicago district points to Sarasota, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 25 to Agent Raasch's tariff I. C. C. 789.

FSA No. 32699: *Ore Concentrates—Rosiclare, Ill., to Pennsylvania Points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on zinc or zinc ore concentrates, carloads from Rosiclare, Ill., to Donora, Donora (Baird), Josephtown and Kobuta, Pa.

Grounds for relief: Barge-truck competition and circuitous routes.

Tariff: Supplement 129 to Agent Hinsch's tariff I. C. C. 4430.

FSA No. 32700: *Liquefied petroleum gas and butadiene—California points to Eugene, Oreg.* Filed by J. P. Haynes, Agent, for interested rail carriers. Rates on liquefied petroleum gas, and butadiene from petroleum, tank-car loads from specified points in California to Eugene, Oreg., on the Oregon Electric Railway Company.

Grounds for relief: Circuitous routes.

Tariff: Sixth revised page 390A of Agent Haynes' I. C. C. 1352.

FSA No. 32701: *Petroleum Coke—Texas points to Virginia points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum coke, carloads from Port Arthur and West Port Arthur, Tex., to Bentonville, Bellwood, and Roanoke, Va.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 67 to Agent Kratzmeir's I. C. C. 3983.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–8063; Filed, Oct. 5, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–137]

COLOMBIA OIL CO.

In re: Debt owing to Colombia Oil Company. F–57–1267.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Elliott Company, Lagonda Division, Springfield, Ohio, appearing on the books and records of said Company as an account payable to Colombia Oil Company of Bucharest, Roumania, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Colombia Oil Company, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered,

sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on October 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–8068; Filed, Oct. 5, 1956; 8:47 a. m.]

[Vesting Order SA–139]

SOCIETE DE REASSURANCES GENERALES "BALKAN"

In re: Debt owing to Societe de Reassurances Generales "Balkan". F–11–191.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, arising out of an account entitled, "Societe de Reassurances Generales 'Balkan', Sofia, Bulgaria, #20078 Blocked", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Societe de Reassurances Generales "Balkan", Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on October 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–8070; Filed, Oct. 5, 1956; 8:47 a. m.]

[Vesting Order SA–138]

SOCIETE DE REASSURANCES GENERALES "BALKAN"

In re: Debts owing to Societe de Reassurances Generales "Balkan". F–11–191.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, Societe de Reassurances Generales 'Balkan', Sofia, Blocked Account, General Ruling #6, Zurich, Switzerland", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, F/O Societe de Reassurances Generales 'Balkan', Sofia, Blocked Account, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

c. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, F/O Societe de Reassurances Generales, 'Balkan' Sofia, Blocked Account by o/o Office of Alien Property, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Societe de Reassurances Generales "Balkan," Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on October 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–8069; Filed, Oct. 5, 1956; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
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FEDERAL REGISTER
1934 OF THE UNITED STATES

VOLUME 21 NUMBER 196

Washington, Tuesday, October 9, 1956

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Maryland-56)-1, Amdt. 1]

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1956–57 MARKETING YEAR; MISCELLANEOUS AMENDMENTS

The amendments contained herein are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7. U. S. C. 1311–1315), and the provisions of the Agricultural Act of 1949 (63 Stat. 1051). The Maryland Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (21 F. R. 6260) are amended (a) to provide for listing indebtedness due the United States upon within quota marketing cards issued pursuant to such regulations, (b) to include the official average price for Maryland tobacco for the 1955–56 marketing year, and (c) to include the actual rate of penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1956–57 marketing year. The act provides that the penalty rate on marketings of excess tobacco shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for the preceding marketing year.

Agricultural Stabilization and Conservation County Offices are preparing to issue marketing cards which will evidence price support eligibility, and the 1956 crop of Maryland tobacco is now being harvested and a few sales have been made. In view thereof and in order that the rate of penalty may be made known to producers who now desire to market tobacco and to warehousemen and buyers who are responsible for payment of the penalty on marketings of excess tobacco, it is necessary that the amendments set forth herein be made effective at the earliest possible date. The amendment with respect to the rate of penalty is the result of a mere mathematical calculation required by the act. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of Section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable, unnecessary, and contary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 727.738 (c) of the Maryland tobacco marketing quota regulations, 1956–57 marketing year (21 F. R. 6260) is hereby amended by adding the following new subparagraph (3) at the end thereof:

(3) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card issued for such farm in accordance with subparagraph (1) of this paragraph shall bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided*, That if the producer named as debtor on the card objects to the issuance of, or after issuance to the use of, a within quota marketing card bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero percent" penalty shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card shall constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card, but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to

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vided, will tend to effectuate the declared

(iii) The potatoes grade at least U. S. No. 1 and are of a size not smaller than

requirements for potatoes for chipping

FEDERAL REGISTER

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contest the validity of such indebtedness by appropriate administrative appeal or legal action.

2. Section 727.747 of the Maryland Tobacco Marketing Quota Regulations, 1956-57 Marketing Year (21 F. R. 6260) is hereby amended by adding the two following additional paragraphs (c) and (d):

(c) *Average market price.* The average market price as determined by the Agriculture Estimates Division, Agricultural Marketing Service, United States Department of Agriculture, for the 1955–56 marketing year was 49.6 cents per pound.

(d) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1956–57 marketing year shall be thirty-seven (37) cents per pound.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 314, 52 Stat. 48, as amended; 7 U. S. C. 1314)

Done at Washington, D. C., this 4th day of October 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8107; Filed, Oct. 8, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[959.314 Amdt. 2]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agriculture Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes in the manner set forth below, on and after the effective time of this amendment, (iii) the provisions of the current limitation of shipments regulation (§ 959.314; 21 F. R. 4945, 6886) will continue in effect until July 1, 1957, unless sooner terminated, suspended, or amended; (iv) on or about September 23–24, 1956, the rate of harvesting the fall crop of potatoes in the production area had already reached, or was about to reach, its peak; (v) on September 23–24, 1956, the committee held a meeting for making recommendations for the appropriate requirements that should be in effect with respect to the handling of the largest portion of such harvested potatoes and would tend to maximize the benefits accruing from the regulatory program and the act, and all interested parties were afforded an opportunity to present their views thereon to the committee at such meeting; (vi) information regarding the committee's recommendation has been made available to producers, handlers, and all other interested parties in the production area, which recommendation contained the same provisions as the amendment hereinafter set forth; (vii) this amendment should be made effective at the time hereinafter set forth, and notice thereof, including its effective time, should be published in the FEDERAL REGISTER as soon as practical to afford persons subject thereto the maximum time to prepare therefor; (viii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by such effective time; and (ix) reasonable time is permitted, under the circumstances for such preparation.

Order, as amended. The provisions of paragraph (b) (1), (2), (3), (4), and (5) of § 959.314 (21 F. R. 4945, 6886) are hereby amended to read as follows:

(b) *Order.* (1) During the period from October 10, 1956, to June 30, 1957, both dates inclusive, no handler shall ship potatoes of any variety grown in any district unless the potatoes meet either of the following requirements:

(i) The potatoes were grown in District No. 3 and grade at least U. S. No. 2, or better grade up to, but not including, U. S. No. 1, and are of a size not smaller than $1\frac{7}{8}$ inches in diameter;

(ii) The potatoes grade U. S. No. 2, or better grade up to, but not including, U. S. No. 1, and weigh not less than 6 ounces; or

(iii) The potatoes grade at least U. S. No. 1 and are of a size not smaller than 2 inches in diameter or 4 ounces in weight:

Provided, That potatoes meeting the aforesaid applicable grade and size requirements in subdivisions (ii) and (iii) of this subparagraph may be commingled in the handling thereof.

(2) During the period from October 10, 1956, to June 30, 1957, both dates inclusive, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of potatoes of any variety if such potatoes are more than "slightly skinned," as such term is defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), which means that not more than 10 percent of such potatoes have more than one-fourth of the skin missing or "feathered": *Provided,* That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled every seven days without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) Pursuant to § 959.53, each handler may ship not in excess of five hundredweight per week without regard to the limitations set forth in subparagraphs (1) and (2) of this paragraph and §§ 959.42 and 959.60.

(4) Except as otherwise provided in this section, the limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (1) Grading or storing within the district where grown; (ii) certified seed potatoes; (iii) export; (iv) canning or freezing; (v) dehydration or manufacture or conversion into starch, flour, or alcohol; (vi) charity; (vii) potato chipping; (viii) livestock feed within the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped for livestock feed within, or to, such districts for such purpose.

(5) During the period October 10, 1956, to June 30, 1957, both dates inclusive: (i) No handler shall ship (*a*) potatoes for export which do not meet the requirements of the U. S. No. 1 or better grade, $1\frac{1}{2}$ inches minimum diameter, or (*b*) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol which do not meet the requirements of 85 percent of the U. S. No. 1 or better grade, $1\frac{1}{2}$ inches minimum diameter; (ii) potatoes grown in a particular district and which fail to meet applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped for use for potato chipping; (iii) potatoes grown in a particular district and which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clipping; (iv) potatoes grown in a particular district and which meet the aforesaid requirements for potatoes for chipping may be commingled in the handling thereof for use for potato chipping; and (v) potatoes grown in a particular district which have been conditioned for use for potato chipping and from which both ends are clipped or from which more than one-fourth of the potato has been cut away if in such cases the remaining portion weighs 6 ounces or more, may be shipped for use for potato chipping if such potatoes otherwise meet the applicable grade requirements.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 5th day of October 1956, to become effective October 10, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-8152; Filed, Oct. 8, 1956; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 28—DEFINITIONS AND STANDARDS OF IDENTITY

OLEOMARGARINE OR MARGARINE; IDENTITY; LABEL STATEMENT OF OPTIONAL INGREDIENTS

Pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U. S. C. 71–91 and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306), § 28.1 (a) (2) (iv) of the Meat Inspection Regulations (9 CFR, 1955 Supp., 28.1 (a) (2) (iv) is hereby amended to read as follows:

(iv) Any combination of nonfat dry milk and water in which the weight of the nonfat dry milk is not less than 10 percent of the weight of the water;

The amendment deletes the term "dried skim milk" formerly appearing in the definition and standard of identity for oleomargarine or margarine containing animal fats and substitutes therefor the term "nonfat dry milk", in order to conform the nomenclature of the provision with that contained in the amended definition and standard of identity for oleomargarine or margarine promulgated by the Food and Drug Administration of the Department of Health, Education, and Welfare. Such change does not alter the substantive provisions of the definition and standard of identity. Accordingly, it is found upon good cause that notice of proposed rule making in connection with the amendment is unnecessary and good cause is found for making the amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Ch. 2907, 34 Stat. 1260, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

Done at Washington, D. C., this 2d sioner of Food and Drugs by the Secre- (c) Students physically disabled to the

(b) in its entirety and inserting in lieu subcontracts when the aggregate rene- § 1470.91 (b), this Statement may be filed

Done at Washington, D. C., this 2d day of October 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-8095; Filed, Oct. 8, 1956; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 14]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

ALUMINUM SCRAP (NEW AND OLD) AND ALUMINUM REMELT INGOTS

Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding the dates "October 6, 1956–December 15, 1956" in the column headed "Fourth Quarter, 1956" for the following commodities:

Dept. of Commerce Schedule B No.	Commodity
630050	Aluminum scrap (new and old).
630070	Aluminum remelt ingots.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of October 6, 1956.

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-8101; Filed, Oct. 8, 1956; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 130—NEW DRUGS

NEOMYCIN SULFATE NASAL DROPS AND SPRAYS; REVISION OF RECOMMENDED DOSAGES

There was published in the FEDERAL REGISTER of August 22, 1956 (21 F. R. 6301), a notice and text of a proposed amendment to § 130.102 (a). No comments nor objections were filed with respect to the proposed amendment within the 30-day period stipulated in the above-referenced notice, and the amendment set out below is hereby ordered, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701; 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 130.101 (b); 21 F. R. 5576, 5582).

In § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale,* paragraph (a) (9) (vii) is changed to read as follows:

(vii) The dosages recommended or suggested in the directions for use do not exceed: For adults, the equivalent of 0.24 milligram of neomycin base per nostril per dose, or 5 doses in a 24-hour period; for children over 3 years of age, the equivalent of 0.16 milligram of neomycin base per nostril per dose, or 5 doses in a 24-hour period.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

Dated: October 3, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8086; Filed, Oct. 8, 1956; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

1. Section 562.12 (a) (1) is revised to read as follows:

§ 562.12 *Classification of ROTC units.* Senior division, military schools division, and junior division units are classified according to the type of institution at which such units are established, as indicated below:

(a) *Senior division.* The senior division units are classified as follows:

(1) *Class MC (Military Colleges).* (i) for the purpose of qualifying as a military college within the meaning of subsection 6 (a), Universal Military Training and Service Act, as amended: Units established at essentially military colleges or universities which confer baccalaureate or graduate degrees; at which the average age of the students at the time of graduation is not less than 21 years; which require all students to pursue military training throughout the undergraduate course and require all members of the ROTC to be habitually in uniforms; which constantly maintain military discipline; which have as objectives the development of the student by means of military training and the regulation of his conduct in accordance with disciplinary principles.

(ii) In the application of the above definition and criteria for the qualification of an institution as class MC (military college), exceptions to the provisions that all undergraduate students pursue military training may be made for the following categories of male undergraduate students:

(*a*) Foreign national.

(*b*) Individuals who are not liable for induction by virtue of having honorably completed active training and service.

(c) Students physically disabled to the extent that they are incapable of pursuing the required military training.

(iii) Exception may be made also for institutions that admit female students, providing that all other requirements are met with respect to the male undergraduate student body.

(iv) For the purpose of qualifying for class MC special rate of commutation in lieu of uniforms, as announced annually, essentially military colleges are further defined as follows and will maintain the following standards: Colleges or universities, fully accredited by their appropriate regional accrediting associations, which confer baccalaureate or graduate degrees; that admit to their undergraduate student bodies only male students, except that female students may be admitted if the military college phase of a coeducational institution is completely self-contained and the female students are separate from military activities including classroom instruction; that organize their entire male undergraduate student bodies into a corps of cadets under strict and constantly maintained military discipline; that require all physically qualified members of their corps of cadets, except foreign nationals and individuals who are not liable for induction by virtue of having honorably completed active training and service, to qualify for and enroll in ROTC units of the appropriate service; that require all members of the corps of cadets to be in appropriate uniform at all times when on the post, reservation, or campus; that have as a major objective the development of potential junior officers of exceptionally high quality by means of military discipline and training integrated with appropriate academic education; and that achieve this objective by maintaining at all times an environment and atmosphere in which all members of their corps of cadets can be developed in character and military proficiency by being properly trained in military subjects, constantly subjected to military discipline, standards, and precepts, and effectively indoctrinated in military traditions and ethics; and which, in summation, generally meet military standards similar to those maintained at the Service Academies.

2. Sections 562.58 through 562.67, pertaining to training camps, are revoked.

[C6, AR 145-350, Sept. 14, 1956; AR 145-30, Aug. 16, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-8084; Filed, Oct. 8, 1956; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

FILING OF FINANCIAL STATEMENT

Section 1470.3 *Filing of financial statement* is amended by deleting paragraph

(b) in its entirety and inserting in lieu thereof the following:

(b) *When renegotiable sales are less than statutory "floor".* In accordance with the requirements of section 105 (e) (1) of the act, the "Statement of Non-Applicability of the Renegotiation Act of 1951, as amended" is hereby prescribed as the form of financial statement for use by any person who holds renegotiable prime contracts or subcontracts when the aggregate renegotiable receipts or accruals of such person and all other persons under control of or controlling or under common control with such person do not exceed the applicable minimum amount for renegotiation prescribed in section 105 (f) (1) or (2) of the act. As set forth in § 1470.91 (a), this Statement is required to be filed by every such person with respect to any fiscal year ending on or before June 30, 1956. As set forth in § 1470.91 (b), this Statement may be filed by any such person, at his election, with respect to any fiscal year ending after June 30, 1956.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: October 5, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-8131; Filed, Oct. 8, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 14, Amdt. 8]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY WITH RESPECT TO REGULARLY SCHEDULED OVERTIME

OCTOBER 3, 1956.

Section 1 of Order No. 14, issued December 1, 1954 (19 F. R. 8824), as amended (21 F. R. 3086), is amended by the addition of paragraph (w) reading as follows:

(w) Approval of regularly scheduled overtime in excess of 30 days and not more than 90 days.

(Secretary's Order No 2640; 5 U. S. C., 1952 ed., sec. 22; sec. 2, Reorg. Plan No. 3 of 1950)

CONRAD L. WIRTH,
Director.

[F. R. Doc. 56-8088; Filed, Oct. 8, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

CERTAIN STATES; CONSENT TO GRAZE LANDS DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, F. R. 5205, 21 F. R. 5685, 21 F. R. 5959, and 21 F. R. 6879, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

COLORADO

Counties	Period
Custer, Fremont and Pueblo Counties, that portion of the non-irrigated area of El Paso County not heretofore granted, and the non-irrigated areas of Adams, Arapahoe, Doublas and Weld Counties.	Sept. 25, 1956–Nov. 1, 1956, inclusive.

KANSAS

Rooks County	Sept. 26, 1956–Dec. 31, 1956, inclusive.

OKLAHOMA

Alfalfa, Atoka, Beckham, Bryan, Caddo, Carter, Cherokee, Choctaw, Coal, Comanche, Cotton, Creek, Dewey, Garfield, Garvin, Grady, Grant, Haskell, Hughes, Jefferson, Johnston, Kay, Kingfisher, Latimer, Lincoln, Logan, Love, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Okfuskee, Oklahoma, Okmulgee, Osage, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Stephens, Tillman, Tulsa, Wagoner, and Woodward Counties.	Sept. 25, 1956–Oct. 25, 1956, inclusive.

NEBRASKA

Adams County	Sept. 25, 1956–Dec. 31, 1956, inclusive.

Done at Washington, D. C., this 4th day of October 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8106; Filed, Oct. 8, 1956; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 129]

KESCO, G. M. B. H., ET AL.

ORDER REVOKING EXPORT LICENSES, DENYING EXPORT PRIVILEGES, ETC.

In the matter of Kesco, G. m. b. H., Hans Kessler, Sr., Hans Kessler, Jr., Mainluststrasse 8, Frankfurt am Main, Germany; Essex International Corporation, Fred W. Schonfeld, 120 Liberty Street, New York 6, New York; Condor Industries, Inc., Fred W. Schonfeld, 125 Cedar Street, New York 6, New York; Andersson & Co., Waterbergstrasse 10, Bremen 23, Germany; South Sea Trading Co., Ltd., 314, China Building, Hong Kong; Trans-International Forwarders, Inc., 82 Beaver Street, New York 5, New York; United States Navigation Co., Inc., 17 Battery Place, New York 4, New York; respondents; Case No. 219.

The respondents, Kesco, G. m. b. H., Hans Kessler, Sr., and Hans Kessler, Jr., of Frankfurt am Main, Germany, Essex International Corporation, Condor Industries, Inc., and Fred W. Schonfeld, of New York City, New York, Andersson & Co. of Bremen, Germany, and South Sea Trading Co., Ltd. of Hong Kong, having been charged by the Director of the Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder, including, among others, conduct relating to the prohibited transshipment of borax and boric acid to unauthorized destinations; and the respondents, Trans-International Forwarders, Inc. and United States Navigation Co., Inc., of New York City, New York, having been charged with having failed to insert, in one or more instances, destination control notices required in certain export control documents by the regulations; and

The said respondents all having been duly served with the charging letters; and

The said respondents having appeared herein by service of answer, demand for oral hearing or proposal for consent disposition, this case was referred to the Compliance Commissioner, who held a hearing at which were present in person or represented by counsel the respondents Kesco, G. m. b. H., Hans Kessler, Jr., Hans Kessler, Sr., Essex International Corporation, Condor Industries, Inc., Fred W. Schonfeld, and Trans-International Forwarders, Inc.

The Compliance Commissioner, having heard and considered all the evidence

submitted in support of the charges and

5. Prior to the filing of the applica-

tified that 950 metric tons of granulated

many as the place of ultimate destination and naming Kesco as the ultimate

did not inquire whether, a destination control notice was required on the bill of

thereof to Kesco. It did not endorse

submitted in support of the charges and all the evidence and arguments submitted by all the respondents in opposition thereto or in connection therewith, and having considered also briefs submitted on behalf of Kesco, G. m. b. H., Hans Kessler, Jr., Hans Kessler, Sr., Essex International Corporation, Condor Industries, Inc., and Fred W. Schonfeld, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that (a) the consent proposal submitted on behalf of United States Navigation Co., Inc. be accepted and (b) that respondents be denied export privileges to the extent hereinafter provided, together with which report there have been transmitted also the transcript of testimony at the hearing, all exhibits submitted thereat, the charging letters, answers, consent proposal, correspondence and briefs.

Now, after reviewing and considering the entire record of this case, the Compliance Commissioner's Report and Recommendation, and the briefs, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Kesco, G. m. b. H., was, and still is, engaged in the export and import business in Frankfurt, Germany. Hans Kessler, Jr., and Hans Kessler, Sr., engaged on its behalf in all the matters herein involved either by actual performance of all acts or with knowledge and express approval thereof before, when or soon after they were performed. Where reference is hereinafter made to Kesco such reference shall be deemed to include not only the firm but also each of said individuals.

2. At all times hereinafter mentioned, Essex International Corporation and Condor Industries, Inc. were, and still are, engaged in the export business in New York and all their activities were and are controlled by and are under the direct supervision of Fred W. Schonfeld. All acts hereinafter found to have been performed by Essex or Condor were performed by Schonfeld on their behalf or on their behalf under his direction. Wherever reference is hereinafter made to Condor or Essex such reference shall be deemed to include Schonfeld as well.

3. Andersson & Co., at all times hereinafter mentioned, was, and still is, engaged in the forwarding business in Bremen, Germany; Trans-International Forwarders, Inc. was, and is, similarly engaged in New York; and United States Navigation Co., Inc. was, and is, a General Agent, with offices in New York, of international steamship carriers. (The linking of these three firms in this finding is not intended to indicate in any manner that they were associated together or acted in concert with each other in the performance of any of the acts hereinafter found to have been performed.)

4. South Sea Trading Co., Ltd., at all times hereinafter mentioned, was, and still is, engaged in the export-import business in Hong Kong.

5. Prior to the filing of the applications for export licenses hereinafter described, Kesco made known to Condor and Essex that the commodities therein mentioned were desired by it for the purpose of transshipment to Hong Kong or to a place or places other than the destinations therein, in the said applications, set forth.

6. In connection with each of the said applications, Kesco provided Condor or Essex with an end-use statement, as hereinafter more particularly set forth, in which end-use statements it made statements and representations which it knew to be false at the time of making and in which it bound itself to notify the American exporter, Condor or Essex, of any change of facts or intentions with respect to the disposition of the goods described in such statements.

7. In each instance, Kesco knew and had known that such end-use statements would be submitted by Condor or Essex in support of applications by those firms for licenses to export the commodities therein mentioned to Kesco and that, further, the purpose for which the United States Department of Commerce demanded such statements was to control and restrict the ultimate destination and end use of the commodities to be licensed by that Department for export from the United States.

8. Condor and Essex, at the time when they filed the applications for export licenses hereinafter described, had received letters from Kesco which contained information which informed them or from which any reasonable person would have been informed that the object and intention of Kesco were to receive the commodities hereinafter described from the United States for the purpose of transshipping such commodities to persons and destinations, including the destination Hong Kong, other than and different from the persons and destinations named by Kesco in the said end-use statements as the ultimate consignees and ultimate destinations.

9. Schonfeld, in writing to Kesco, suggested to, guided and instructed Kesco in and about the manner in which Condor and Essex might obtain export licenses for the purpose of shipping to Kesco commodities sought by Kesco for transshipment; and Kesco, in writing to Condor and Essex, requested and instructed them, for the purpose of facilitating its conduct hereinafter described, to omit from the export control documents the prescribed destination control notices; and Condor and Essex, having been so requested and instructed, and with knowledge that they were required by regulations of the Department of Commerce, did thereafter omit such destination control notices from their commercial invoices and failed to make certain that they were affixed upon or inserted in export declarations and bills of lading issued in connection with the shipments hereinafter described.

10. On or about the 2d day of June 1954, with the knowledge and intention that Condor would use them for the purpose of supporting applications for export licenses, Kesco executed two Multiple Transaction Statements in which it certified that 950 metric tons of granulated borax and 500 metric tons of boric acid to be purchased by it from Condor were being obtained by it for resale in Western Germany for industrial purposes in the ceramic industry there.

11. At the time when Kesco executed the said statements it knew that the certifications therein made were false and it intended to reexport or transship the said borax and boric acid to South Sea in Hong Kong.

12. On or about the 6th day of July 1954, for the purpose of obtaining two export licenses to ship to Kesco, as ultimate consignee in Western Germany, the said 950 tons of granulated borax and 500 tons of boric acid, Condor submitted to the Bureau of Foreign Commerce of the Department of Commerce two applications for such export licenses, attached said Multiple Transaction Statements thereto in support thereof and stated and represented to the Bureau of Foreign Commerce that Kesco was the ultimate consignee in Western Germany and that the borax and boric acid would be used in the manner set forth in the said statements.

13. At the time of such submissions Condor knew, or should have known, that Kesco did not intend to use said borax and boric acid as so represented but did, in fact, intend to transship it to Hong Kong.

14. Kesco, in the said Mutliple Transaction Statements, and Condor, in the said applications for export licenses, expressly represented that any change in intended disposition of the said borax and boric acid would be reported promptly to the Office of International Trade but neither of them ever reported any such change, even though the destination was different and said respondents knew, or had reason to know, that this was so. (See explanatory note in Finding 15.)

15. Apart from the requirements of the regulations, Condor, when executing the said applications, did promise and agree that, "documents and records evidencing the order * * * and other facts of the export transaction on which this application is based will be retained for three years from the date of receipt by OIT of application and made available to OIT, upon demand, * * *" (The forms used by Condor were old Office of International Trade forms but the Bureau of Foreign Commerce was and is what was formerly OIT.)

16. The Bureau of Foreign Commerce thereafter, on or about the 9th day of July 1954, upon the representations and statements so made, issued to Condor the export licenses requested by it.

17. Condor, thereafter, on or about the 2d day of September 1954, under the 950 ton borax license, exported to Kesco 100 metric tons of borax, which borax, after arrival at Hamburg, in Western Germany, was transshipped from there to South Sea, in Hong Kong, upon instructions from Kesco.

18. South Sea; at the time it purchased the said borax from Kesco, knew that the same was to be exported from the United States to Western Germany under an export license specifying Western Germany as the place of ultimate destination and naming Kesco as the ultimate consignee.

19. Condor failed to endorse on its invoice for these 100 tons to Kesco the prescribed destination control notice warning that the borax was licensed for shipment to Western Germany and that diversion contrary to U. S. law was prohibited; and Condor and Trans-International, Condor's forwarder, failed to endorse or procure the endorsement of the said notice on the shipper's export declaration and bill of lading issued in connection therewith.

20. Further, also under the said export license for 950 tons of borax, on or about the 24th day of January 1955, Condor exported to Kesco from the United States about 500 additional tons of borax but, following the suspension of the said license, the exportation was interrupted in transit and the borax was retained in the United States.

21. In connection with such exportation, Condor again failed to endorse on its invoice to Kesco and Condor and Trans-International failed to endorse or procure the endorsement of the destination control notice on the shipper's export declaration and the bill of lading.

22. Prior to the final arrangements for the exportation to it of said 500 tons of borax, Kesco had sold the same to a purchaser in Poland but Kesco at no time informed Condor or the Department of Commerce of this change in ultimate consignee and destination.

23. Under the 500 ton boric acid license, Condor made two exportations to Kesco, about 280 tons on or about September 26, 1954, and about 220 tons on or about November 29, 1954.

24. Condor failed to endorse the required destination control notice on its invoices for these shipments of boric acid to Kesco and it made no effort to have the destination control notice endorsed on the shipper's export declarations and bills of lading issued in connection with such exportations.

25. Tfans-International's agent on the Pacific Coast endorsed the destination control notice on the shipper's export declarations for both of these shipments and on the bill of lading for the November 29, 1954, shipment. Despite the said endorsement on the November 29, 1954, bill of lading, which was received by Andersson on behalf of Kesco, Andersson, on instructions from Kesco, both of whom knew that the said 220 tons of boric acid had been licensed for export to Western Germany, did, on their arrival in Western Germany, transship them to Hong Kong, without authorization from the Department of Commerce.

26. The 280 tons of boric acid were shipped by Condor on a vessel which left the United States at Los Angeles, California. Trans-International, Condor's forwarding agent, requested United States Navigation Co., Inc., the carrier's agent in New York, to complete and issue the bill of lading for this shipment as an accommodation to it. Trans-International prepared said bill of lading, without the destination control notice, and submitted it to United States Navigation. The latter did not see the export declaration, was not notified that, and did not inquire whether, a destination control notice was required on the bill of lading. It has admitted its negligence in failing to make inquiry and in completing and issuing the bill of lading without said destination control notice and it does not appear to have had any intent to violate the Export Control Regulations nor was it acting in concert with any other party to any of the transactions here involved.

27. When these 280 tons of boric acid arrived in Europe, Kesco, having knowledge that the boric acid had been licensed by the United States for end-use in Western Germany, transshipped the same to Hong Kong without authorization from the Department of Commerce.

28. Prior to such transshipments of said two lots of boric acid, South Sea, with knowledge that the same would be licensed by the United States for exportation to West Germany as the country of ultimate destination, purchased the same from Kesco and, after their arrival at Hong Kong, sold them to various purchasers there. A large portion of such boric acid was thereafter shipped to Communist China.

29. On November 25, 1954, Kesco executed a Purchaser's Single Transaction Statement, for submission to the Bureau of Foreign Commerce, in which it certified and represented that 400 metric tons of granular borax being purchased by it from Essex were to be used in the glass and enamel industry in Western Germany and that "reexporting" was forbidden. In the said statement it promised to "promptly send a supplemental statement to the exporter named * * * disclosing any change of facts or intentions set forth * * * which occurs after the statement has been prepared and forwarded * * * [and] * * * with respect to any shipment [to be disposed of contrary to the representations made] * * * notify the exporter named * * * and * * * secure U. S. Government approval through this exporter prior to such disposition."

30. On or about December 1, 1954, Essex applied to the Office of International Trade for a license to export to Kesco 400 tons of granular borax and, in support thereof, it submitted said Kesco Purchaser's Statement, and, moreover, represented and stated therein that Kesco was the purchaser and ultimate consignee and that Western Germany was the country of ultimate destination.

31. At the time when Kesco executed the said statement, Kesco had sold the borax specified therein to a firm in Poland. Its communications to Essex contained statements which should have led Essex to believe and which did inform Essex that Kesco intended to transship the said borax or some of it to a point or place outside of Western Germany. Nevertheless, Essex never informed the Department of Commerce or made any effort to have its application for export license amended to reflect such changes of the statements and representations theretofore made by it.

32. The export license for said 400 tons of borax was issued December 3, 1954, and, on or about December 30, 1954, Essex exported about 300 tons thereof to Kesco. It did not endorse on its invoice nor did it make any effort to have endorsed on the shipper's export declaration or the bill of lading the destination control notice. Trans-International failed to endorse the said notice on the bill of lading and on the shipper's export declaration.

33. When the said borax arrived in Germany, Kesco, with knowledge that transshipment of the borax from Western Germany was prohibited, transshipped the same to Poland without authorization from the Department of Commerce and without notifying it of the change in destination.

34. During the time when Condor and Essex were handling the transactions and performing the acts heretofore mentioned, among a mass of correspondence, Condor received eight letters from Kesco and wrote five letters to Kesco, all of which were records of, contained facts concerning and were evidence of the facts relating to the said purchase transactions.

35. Subsequent to the commencement of the investigation of the acts herein involved and during such investigation, an investigator of the Department of Commerce, duly authorized, went to Condor's office in New York City and, on various days commencing February 16, 1955, and ending February 23, 1955, demanded that Condor produce for his inspection the complete records including all correspondence, files, records and shipping documents pertaining to all borate transactions with Kesco.

36. Condor thereupon produced and made available to him shipment files, application files and correspondence files and represented and stated to him that they were the complete files.

37. The said eight letters written by Kesco to Condor and copies of the five letters written by Condor to Kesco were not among the letters, papers, correspondence, documents and files produced by Condor and made available to said investigator.

38. The said thirteen letters contained statements which made it clear that the borax and boric acid for which Kesco was negotiating to buy from Condor were to be shipped to Hong Kong and that Condor knew that such was the purpose and intention. They were material and relevant to the applications for export licenses filed by Condor and Essex and were related to and concerned the transactions for which the applications were filed.

39. They were thereafter obtained by the Department of Commerce from Kesco after a subpoena for their production had been issued to their attorney, which subpoena had been enforced by the United States District Court for the District of Columbia.

And, the following are my conclusions:

A. Kesco (referring collectively to it and Hans Kessler, Jr., and Hans Kessler, Sr.), knowingly made false and misleading representations, statements and certifications, and concealed material facts, on consignee-purchaser statements, as to the country of ultimate destination, the end use and the parties in interest in the transactions, in violation of § 381.5 of the Export Regulations; cer-

tified that it would notify the United

attempting to violate regulations with

submitted the end-use statement(s) to-

recommendation that it shall commence thirty days from the date of the order.

pation by any of the respondents, directly or indirectly, in any manner or capacity,

supplemental order is issued, respondent shall have the right to hearing and ap-

tified that it would notify the United States exporter and secure United States Government approval before disposing of the commodities described in said statements contrary to the representations therein set forth and then, in violation of § 381.5 (d) of the Export Regulations, failed to notify in writing the Bureau of Foreign Commerce of the changes of material facts and intentions from those previously represented, stated and certified; bought, sold and disposed of commodities exported from the United States, knowing that with respect to such commodities a violation of the Export Control Law, regulations and licenses issued thereunder was about to or was intended to occur and did occur, in violation of § 381.4 of the Export Regulations; and knowingly disposed of, diverted and transshipped commodities to persons, destinations and for uses, and caused the doing of such acts, contrary to the terms, provisions and conditions of export control documents, its prior representations and other notifications that such acts were prohibited, in violation of §§ 379.5, 381.2, and 381.6 of the Export Regulations.

B. Condor, Essex and Schonfeld knowingly made and caused to be made false and misleading statements, representations and certifications to and concealed and caused to be concealed from the Bureau of Foreign Commerce and the Collector of Customs, material facts in connection with the preparation, submission and use of export control documents, the exportation of goods from the United States and the transshipment and diversion thereof, in violation of §§ 381.2 and 381.5 of the Export Regulations; knowingly aided, abetted, counselled and permitted the making of false and misleading representations, statements and certifications to, and the concealing of material facts from the Bureau of Foreign Commerce, in violation of §§ 373.65, 381.2, and 381.5 of the Export Regulations; sold, disposed of and caused to be transported and forwarded exportations from the United States knowing that, with respect to the whole or part of such exportations, a violation of the Export Control Act, regulations and licenses had occurred, was about to and was intended to occur, in violation of §§ 381.2 and 381.4 of the Export Regulations; knowingly disposed of, aided, abetted, and caused to be diverted and transshipped, United States commodities to persons, destinations and for uses in violation of and contrary to the terms, provisions and conditions of export control documents, prior representations, and provisions of the Export Control Law, regulations and licenses issued thereunder, in violation of §§ 381.2 and 381.6 of the Export Regulations; obtained, used, assisted in and permitted the use of export control documents for the purpose of and in connection with facilitating and effecting exportations not in accordance with the terms, provisions and conditions of such documents in violation of § 381.8 of the Export Regulations; engaged in unethical activity and demonstrated that they did not possess required integrity and ethical standards, by knowingly participating in the violation of and attempting to violate regulations with respect to the exportation of commodities, in violation of § 384.2 (a) of the Export Regulations; caused shipments of commodities to be made from the United States in connection with which they failed and omitted to place upon or cause to be placed upon commercial invoices, shipper's export declarations and bills of lading the required destination control notices in violation of §§ 381.2 and 379.10 (c) and (d) of the Export Regulations.

C. Condor and Schonfeld failed to keep available for inspection upon demand by and concealed from the Bureau of Foreign Commerce, during the course of an investigation, documents and records constituting evidence of the facts relating to purchase transactions in violation of §§ 381.5 and 372.4 (f) of the Export Regulations.

D. South Sea bought, received, sold and disposed of goods exported from the United States knowing that with respect thereto a violation of the Export Control Act, regulations and licenses issued thereunder was about to, was intended to and did occur, in violation of § 381.4 of the Export Regulations; and knowingly disposed of, diverted and transshipped such goods to persons and destinations and for uses contrary to the terms, provisions and conditions of United States export control documents, in violation of § 381.6 of the Export Regulations.

E. Andersson received, forwarded and disposed of goods exported from the United States, with knowledge that, with respect to such goods, a violation of the United States Export Control Act, regulations and a license issued thereunder was about to and was intended to occur, in violation of § 381.4 of the Export Regulations; knowingly diverted and transshipped such goods to a person and destination contrary to the terms, provisions and conditions of United States export control documents and notice of the prohibition of such action, in violation of §§ 379.5 and 381.6 of the Export Regulations.

F. Trans-International caused shipments of commodities to be made from the United States in connection with which it failed and omitted to place upon or cause to be placed upon shipper's export declarations and bills of lading the required destination control notices, in violation of § 379.5 (c), (now § 379.10 (c)), of the Export Regulations.

G. U. S. Navigation issued one bill of lading which did not contain the required destination control statement set forth on the corresponding authenticated shipper's export declaration, in violation of § 379.5 (c), (now § 379.10 (c)), of the Export Regulations.

In making his recommendation, the Compliance Commissioner said, among other things,

> The facts speak for themselves and it is quite clear that Kesco and South Sea should be denied export privileges so long as the Export Control Law and the regulations are in effect. Condor, Essex and Schonfeld deserve, upon the facts, a similar denial of export privileges so long as controls are in effect. In defense, they argued that they "discharged their responsibility when they submitted the end-use statement(s) together with the import certificate(s)." In this case, that was not enough for there was sufficient notice to them that the end-use statements were false. They argued also that the correspondence not produced for inspection was not that required by the regulations. I hold that any correspondence which relates to or shows the facts of the transaction is within the requirement of the regulations, particularly correspondence as incriminating as was the correspondence here. They argued further that it was the responsibility of the Government and not theirs to investigate the truth of the end-use statements. I hold that the Government had the right to rely on the end-use statements particularly when the respondents had, within their own files, the evidence to show that the statements were untrue and did not disclose these facts to the Government but, on the contrary, by submitting the end-use statements in support of their applications, vouched for the truth thereof. They argued also that the forwarding agent, not they, was responsible for the failure to endorse the destination control notice on the bills of lading and the export declarations. Their responsibility was to make sure it was done and their failure to do so, after admonitions and requests from Kesco that the notices be omitted, is highly significant. Despite their equal culpability with Kesco, they are in a somewhat different position. Other export and import activities are available to Kesco. No other export opportunities are available to Condor, Essex, or Schonfeld unless Schonfeld should leave his home in the United States. Further, from the evidence which has been presented to me, it is my belief that Schonfeld's extremely bad business situation was the major cotnributing factor which led him into the acts of violation. I do not believe that he is inherently bad or incorrigible. I do believe he realizes fully that what he did was wrong and I believe further that he is not likely to violate again. I believe also, on the basis of evidence which was submitted to me following the hearing, that he will co-operate with the Bureau of Foreign Commerce in the administration of the law and will aid the Bureau in the detection of attempted violations. I believe he should not be excluded indefinitely from the export business. For these reasons it is my recommendation that, although in the first instance Condor, Essex, and Schonfeld should be denied export privileges so long as the Export Control Law and the regulations are in effect, these privileges should be restored to them upon the expiration of one year from the date of the order, conditioned upon their full compliance with the law and all regulations during the entire period of controls.
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> Andersson might have been found in violation in other instances in addition to the single instance charged. It is a freight forwarder in Germany and is well acquainted with export controls. It was very well aware of the United States restrictions against transshipment of commodities licensed for export from the United States. It showed this awareness by its reference, in interoffice correspondence, to the fact that, in connection with the transshipment of goods involved herein but not the subject of the charge against it, "This time there is no clause at all prohibiting re-export. Hence there should be no difficulties in the way of clearance." Nevertheless, and because it is an international freight forwarder and to to avoid undeserved hardship to its innocent customers, I am recommending that it be denied export privileges for a period of six months, only one of which shall be effective upon condition that, during such six-month period it shall not violate any export control regulation. Also, with respect to such one month effective denial, it is my further recommendation that it shall commence thirty days from the date of the order.
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> I am fully convinced that Trans-International's conduct herein was careless and negligent but without intent to violate the regulations. I am satisfied and believe that future violations are not likely to occur. Nevertheless, what it did here may not go without remedial action because of the need to deter similar violations by others and make known the importance of the destination control notice on export documents. It may be that in this case the appearance of the notice on the documents might not have prevented the transshipments. On the other hand, in most cases it is quite likely that it would. That is its purpose. It is my recommendation that Trans-International be denied export privileges for a period of two months, but that only two weeks thereof, commencing thirty days following the date of the order, be effective, conditioned upon its full compliance with all Export Control Regulations during the entire two months.
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> U. S. Navigation came into this case solely because of its willingness to accommodate Trans-International by issuing a bill of lading in New York for a shipment which had been received by another General Agent on the West Coast. Apart from this, it had nothing to do with that or any other shipment involved herein. It has had made a survey and reorganization of its export control practices and it is not likely that there will be a recurrence. It has proposed a consent disposition, concurred in by the Investigation Staff, and I shall adopt its proposal in the order to be recommended by me.

Now, after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. All outstanding validated export licenses held by or issued in the names of Kesco, G. m. b. H., Hans Kessler, Jr., Hans Kessler, Sr., Essex International Corporation, Condor Industries, Inc., Fred W. Schonfeld, and South Sea Trading Co., Ltd., or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. The following respondents, for the periods of time hereinafter in this part provided, except as modified and qualified in Part IV hereof, are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed:

Kesco, G. m. b. H., Hans Kessler, Sr., Hans Kessler, Jr., South Sea Trading Co., Ltd., Condor Industries, Inc., Essex International Corporation, and Fred W. Schonfeld—henceforth and for the duration of export controls;

Andersson & Co.—for six months commencing November 3, 1956;

Trans-International Forwarders, Inc.—for two months commencing November 3, 1956;

United States Navigation Co., Inc.—for a conditional two weeks, not to be effective except as provided in Part V hereof.

Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denials of export privileges, to the extent that any respondents may be affected thereby, shall extend not only to each of them, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. The respondents, Condor Industries, Inc., Essex International Corporation, Fred W. Schonfeld, Andersson & Co., and Trans-International Forwarders, Inc., without further order of the Bureau of Foreign Commerce, shall have their export privileges restored to them, conditionally, as follows:

Condor Industries, Inc., Essex International Corporation, and Fred W. Schonfeld, on October 3, 1957;

Andersson & Co., on December 3, 1956;

Trans-International Forwarders, Inc., on November 17, 1956,

the condition for such restoration in each instance being that, during the entire period that each of the said respondents has been denied export privileges as provided in Part II hereof, and commencing on the date hereof, the said respondents shall comply in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. By reason of mitigating circumstances, the denial of export privileges to United States Navigation Co., Inc., as set forth in Part II hereof, shall be suspended entirely for a period of four months from the date hereof, upon condition that, during said period of four months from the date hereof, said respondent and all such related persons and companies do not knowingly violate the terms of this order or the Export Control Laws and Regulations. In the event of such violation, the Bureau of Foreign Commerce may summarily and without prior notice, at such time as it shall determine that such violation has occurred, issue a supplemental order which may deny to said respondent and related companies all export privileges for the two-week period which has been held in abeyance, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, respondent shall have the right to hearing and appeal therefrom, as provided in the Export Regulations.

VI. The privileges conditionally restored to any respondent, under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that such respondent at any time prior to the expiration of the term of denial of export privileges provided for him or it in Part II hereof has knowingly failed to comply with the condition set forth in Part IV hereof, in which event Part II hereof, insofar as it shall apply to such respondent, shall then be and become effective for a period of time equivalent to the time of denial of export privileges which would otherwise have remained for such respondent after the date applicable to him or it in Part IV hereof provided.

VII. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when any respondent or related party is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with such respondent or related party, or (c) do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: October 4, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 56-8102; Filed, Oct. 8, 1956; 8:49 a. m.]

GEORGE MUSSMAN ET AL.

ORDER TEMPORARILY REVOKING AND DENYING EXPORT PRIVILEGES

In the matter of George Mussman and Automotive Equipment Supply Corporation of 8-10 Bridge Street, New York, New York and 86 rue du President Wilson, Levallois-Perret (Seine), France; Imex-Auto, S. A. R. L., 86 rue du President Wilson, Levallois-Perret (Seine), France; Jacques Bensa, doing business as Americauto, 44 rue Brunel, Paris, France; A. C. I., S. A., also known as Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland; respondents.

The Investigation Staff of the Bureau of Foreign Commerce, United States Department of Commerce, applied to the

Compliance Commissioner, pursuant to

or hereafter been completed. Without

DEPARTMENT OF HEALTH, EDU-

amended, particularly sections 402 and 1001 of said act, that a hearing in the

ings, door canopies, carports, lawn umbrellas, and similar products, which

require additional funds in the amounts of $1,250,000, $1,500,000 and $450,000,

Compliance Commissioner, pursuant to the provisions of § 382.11 of the Bureau of Foreign Commerce Export Regulations (Title 15, Chapter III, Subchapter C, Code of Federal Regulations), for an order temporarily denying to George Mussman and Automotive Equipment Supply Corporation of New York, New York, and Levallois-Perret (Seine), France, Imex-Auto, S. A. R. L., Levallois-Perret (Seine), France, Jacques Bensa, doing business as Americauto, Paris, France, and A. C. I., S. A., also known as Automobile Commerciale Internationale, Geneva, Switzerland, all United States export privileges pending completion of an investigation of alleged violations of the Export Regulations involving said persons and firms.

The Compliance Commissioner, having considered the evidence submitted in support of said application, has recommended that a temporary denial order be issued. There is reasonable ground to believe from the supporting evidence and the memorandum of the Compliance Commissioner (1) that the respondents were interested and participated in shipments of large quantities of auto parts from the United States which they, in apparent violation of United States Export Control Regulations, transshipped to Poland; (2) that such parts were a portion of a very large order for auto parts placed by interests in Communist China; and (3) that respondents have not yet completed the order or orders held by them and if such order or orders are completed with parts exported from the United States, such parts may be transshipped to unauthorized destinations.

An investigation of the foregoing matters is presently being conducted by the Investigation Staff and, pending the completion thereof, in view of the facts already disclosed, it would be contrary to the public interest to permit said respondents or persons and firms associated with them to participate in any further exportations from the United States. The temporary denial hereinafter provided is therefore found to be reasonable and necessary to protect the public interest pending completion of the aforementioned investigation.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses in which respondents, George Mussman, Automotive Equipment Supply Corporation, Imex-Auto, S. A. R. L., Jacques Bensa, Americauto, and A. C. I., S. A., appear or participate as purchaser, intermediate consignee, ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The said respondents, George Mussman, Automotive Equipment Supply Corporation, Imex-Auto, S. A. R. L., Jacques Bensa, Americauto, and A. C. I., S. A., their agents, servants, and employees, and all persons and firms associated with them, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering or disposing of any commodities in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall apply not only to the said respondents, but also to any other person, firm, corporation, or business organization with which the respondents may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

(4) This order shall be published in the Federal Register, shall take effect forthwith and shall remain in effect for a period of sixty days from the date hereof, except insofar as it may be hereafter extended, amended, or modified in accordance with the provisions of the Export Regulations.

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereinabove receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served the said respondents.

(7) In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary suspension order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C., at the earliest possible date.

Dated: October 4, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 56-8103; Filed, Oct. 8, 1956; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

DELEGATIONS OF AUTHORITY

The description of the organization and functions of the Food and Drug Administration published in the FEDERAL REGISTER of September 5, 1956 (21 F. R. 6682), is amended in section III *Delegations of authority* by changing the reference in paragraph 10 *Delegations regarding acceptance of process* * * * to "sections 505 (h) and 701 (f) of the Federal Food, Drug, and Cosmetic Act" to read: "sections 408 (i) (1), 505 (h), and 701 (f) of the Federal Food, Drug, and Cosmetic Act".

Dated: October 3, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8087; Filed, Oct. 8, 1956; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-33]

MARUBENI-IIDA CO. (NEW YORK), INC.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that on September 13, 1956 Marubeni-Iida Co. (New York), Inc., 39 Broadway, New York, New York, filed an application under Section 104d of the Atomic Energy Act of 1954 for a license to export one Model L-54 homogeneous solution-type research reactor to the Japan Atomic Energy Research Institute, Tokyo, Japan. The reactor is manufactured by Atomics International, and is designed to operate at 50 kilowatts. A copy of the application is available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 28th day of September 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 56-8085; Filed, Oct. 8, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8040]

TRANSPORTES AEREOS NACIONALES, S. A.

NOTICE OF HEARING

In the matter of the application of Transportes Aereos Nacionales, S. A., for extension or renewal of its foreign air carrier permit between the coterminal points Tegucigalpa and San Pedro Sula, Honduras; an intermediate point or points in Honduras; the intermediate point Belize, British Honduras; and the terminal point Miami, Florida, subject to certain conditions.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 16, 1956, at 10 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by said applicant, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest as defined in section 402 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before October 16, 1956, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., October 1, 1956.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8109; Filed, Oct. 8, 1956; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[File 21-492]

METAL AWNING AND ALLIED PRODUCTS INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

In the matter of trade practice conference proceedings for the Metal Awning and Allied Products Industry; File 21-492.

Notice is hereby given that a trade practice conference for the Metal Awning and Allied Products Industry will be held by the Federal Trade Commission in Room 332 of the Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on October 29, 1956, commencing at 10 a. m., e. s. t. The conference will be under the supervision of the Honorable Robert T. Secrest, Federal Trade Commissioner, and will constitute the first step in proceedings authorized by the Commission for establishment of trade practice rules for this industry.

Rules suggested and considered at the conference are to be such as are designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, which are violative of laws administered by the Commission.

All persons, firms, corporations, and organizations engaged in the manufacture, fabrication, or marketing of awnings, door canopies, carports, lawn umbrellas, and similar products, which are wholly or principally of metal construction and are designed to afford shelter or protection from the rays of the sun, rain, snow, and other weather conditions, are cordially invited to attend or to be represented at the conference and to take part in the proceedings. Any of such persons, firms, corporations, or organizations may submit suggested trade practice rules for consideration at the conference and take part in the consideration and discussion of proposals or suggestions for rules presented by others.

After the conference on October 29th, and before any rules are finally approved by the Commission, a draft of proposed rules in the form deemed appropriate will become available to all interested or affected parties, including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the proposed rules and to be heard at a public hearing to be announced by the Commission.

Issued: October 4, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-8108; Filed, Oct. 8, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3514]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSALS TO ISSUE AND SELL SHORT-TERM BANK NOTES

OCTOBER 3, 1956.

In the matter of Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company; File No. 70-3514.

Notice is hereby given that Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"), public utility subsidiaries of Eastern Utilities Associates, a registered holding company, have filed with this Commission a joint declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding proposals to issue and sell to banks short-term notes. Declarants have designated sections 6 (a) and 7 of the act and Rules U-50 (a) (2) and U-42 (b) (2) as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the office of the Commission for a statement of the transactions proposed, which are summarized as follows.

As at July 31, 1956, Blackstone, Brockton and Fall River had outstanding bank loans in the amounts of $3,000,000, $1,000,000 and $800,000, respectively. To meet construction requirements to September 30, 1957, it is estimated that Blackstone, Brockton and Fall River will require additional funds in the amounts of $1,250,000, $1,500,000 and $450,000, respectively. It is proposed by the companies to borrow, from various banks during the period ending on September 30, 1957, funds requisite to meet such requirements.

Borrowings are to be evidenced by unsecured notes, dated as of the date of issuance, maturing not later than September 30, 1957, and bearing interest at a rate not greater than the prime rate existing on the respective dates of issuance. The notes are to be prepayable at any time without penalty. The aggregate maximum amounts of short-term indebtedness to be issued after October 1, 1956, and prior to September 30, 1957, is not to exceed $4,750,000 by Blackstone, $3,000,000 by Brockton, and $1,750,000 by Fall River; and the maximum amounts to be outstanding at any one time is not to be in excess of $4,250,000 of Blackstone, $2,500,000 of Brockton, and $1,250,000 of Fall River.

The proceeds from the proposed bank loans are to be used to pay outstanding short-term bank loans or for construction expenditures.

Declarants state that it is contemplated that Blackstone and Brockton will retire a portion of their respective outstanding notes from the proceeds received from the issuance and sale of preferred stock prior to September 30, 1957. It is also stated that if any permanent financing is done by either of the companies prior to such date, such company will apply the proceeds therefrom to the reduction or total payment of its then outstanding short-term indebtedness, and will reduce the unissued amount of its proposed short-term borrowing by the amount of the remaining balance of the proceeds from such permanent financing.

It is also stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than October 15, 1956, at 5:30 p. m., request in writing that a hearing be held in respect of the declaration, stating the nature of his interest, the reasons for such hearing, and the issues of fact or law raised by the declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may permit the declaration, as filed or as it may be amended, to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-8089; Filed, Oct. 8, 1956; 8:46 a. m.]

[File No. 70-3515]

actions as follows: Manufacturers—

the instant application-declaration ex-

Rule U-23 of the rules and regulations promulgated under the act, or the Com-

Corporation; and that applications are pending before both commissions in con-

ships, Belmont County, Ohio, together with the measuring station, meter and

[File No. 70-3515]

MANUFACTURERS LIGHT AND HEAT CO. AND COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED EXCHANGE OF GAS PROPERTIES BETWEEN SUBSIDIARY AND NON-AFFILIATE

OCTOBER 3, 1956.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned public utility subsidiary The Manufacturers Light and Heat Company ("Manufacturers"), a Pennsylvania corporation, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9 (a), 9 (b) (1), and 12 (d) thereof and Rule U-44 thereunder as applicable to the proposed transactions, which are summarized as follows:

Pursuant to an exchange agreement dated November 16, 1955, between Manufacturers and Carnegie Natural Gas Company ("Carnegie"), a non-affiliated public utility company, Manufacturers proposes to acquire from Carnegie certain oil and gas leases, gas wells, pipelines, compressor station and compressor station lot, together with all gas reserves (estimated at 1,600,000 Mcf), easements, rights of way, and rights and equipment appurtenant thereto, situated in Marshall and Wetzel Counties, West Virginia, and (as to one lease only) in Greene County, Pennsylvania. The properties include 724 acres of unoperated leases, 1,519 acres of operated leases with 38 producing gas wells, two gas purchase contracts, 37 listed pipelines of various lengths and dimensions, and a compressor station with lands, structures, piping, and auxiliary equipment.

Manufacturers desires to acquire said properties in connection with the development of its Victory Storage Field for the underground storage of gas.

In consideration of the transfer to it of the properties aforesaid, Manufacturers proposes to transfer to Carnegie certain oil and gas leases, gas reserves (estimated at 800,000 Mcf.), wells and pipelines located in Washington and Greene counties, Pennsylvania, plus a cash consideration of $200,000. Such properties include 1,089 acres of operated leases with 21 gas wells, and 21 listed pipelines of various dimensions.

Exclusive of gas producing leaseholds, the properties being acquired by Manufacturers had an original cost of $413,329 on Carnegie's books, and they will be recorded on Manufacturers' books at the same amount, with concurrent credit to depreciation reserve of $174,705, or a net original cost of $238,624, which is equal to the net original cost of the properties being transferred to Carnegie. Manufacturers will also charge its gas plant in service with the cash consideration of $200,000 being paid to Carnegie, as a part of the leasehold cost of the Victory Storage Field.

The proposed transactions have been approved by the Pennsylvania Public Utility Commission and the Public Service Commission of West Virginia.

Declarants estimate their respective expenses in connection with the transactions as follows: Manufacturers—$1,200, including $800 for legal fees; Columbia—$100.

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than October 18, 1956, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8090; Filed, Oct. 8, 1956; 8:46 a. m.]

[File No. 70-3516]

LAWRENCE ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE BY SUBSIDIARIES OF A REGISTERED HOLDING COMPANY OF PROMISSORY NOTES TO BANKS AND TO PARENT COMPANY

OCTOBER 3, 1956.

In the matter of Lawrence Electric Company, The Lowell Electric Light Corporation, Quincy Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System; File No. 70-3516.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by New England Electric System ("NEES"), a registered holding company, and five of its public-utility subsidiary companies, namely, Lawrence Electric Company ("Lawrence"), The Lowell Electric Light Corporation ("Lowell"), Quincy Electric Company ("Quincy"), Weymouth Light and Power Company ("Weymouth"), and Worcester County Electric Company ("Worcester") (hereinafter collectively referred to as "the borrowing companies"). NEES and the borrowing companies have designated sections 7, 10 and 12 of the act and Rules U-42 (b), U-43 (a), U-45 and U-50 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

The Commission has heretofore granted and permitted effectiveness to a joint application-declaration by NEES and certain of its subsidiaries, including all the subsidiaries of NEES embraced in the instant application-declaration except Lowell. (File No. 70-3442) By the terms of that prior application-declaration the four subsidiaries (not including Lowell) embraced in the instant filing received authorizations to have outstanding short-term notes to banks or to NEES in an aggregate principal amount not to exceed $14,060,000. By the terms of the instant application-declaration the borrowing companies are seeking to have the authorized aggregate amount of notes to be outstanding to be increased to $15,875,000, including therein an authorization for Lowell in the amount of $900,000.

This proposed borrowing of $15,875,000 will be distributed among the borrowing companies as follows: Lawrence, $5,225,000 (an increase of $400,000); Quincy, $1,900,000 (an increase of $195,000); Weymouth, $2,550,000 (an increase of $20,000); Worcester, $5,300,000 (an increase of $300,000); and Lowell, $900,000 (Lowell was not embraced in the prior filing). Of this total borrowing, $10,525,000 will be from NEES and the balance, $5,350,000, will be from The First National Bank of Boston.

The proceeds to be derived from the issuance and sale of the proposed notes will be used by the borrowing companies to discharge their outstanding notes or to pay construction costs.

As in the case of the prior application-declaration the notes to be issued will be evidenced by promissory notes maturing not later than March 31, 1957, with provisions for prior payment in whole or in part without premium and bearing interest at not in excess of the prime rate, presently 4 percent per annum, charged by banks for similar loans at the time such loans are made.

The joint application-declaration states that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $150 for each of the parties to this application-declaration, or an aggregate of $900.

The joint application-declaration further states that no State commission or Federal commission other than this Commission has jurisdiction over the proposed transaction.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than October 18, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in

Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8091; Filed, Oct. 8, 1956; 8:47 a. m.]

[File No. 70-3517]

IROQUOIS GAS CORP. AND NATIONAL FUEL GAS CO.

NOTICE OF FILING REGARDING THE SALE OF GAS UTILITY ASSETS

OCTOBER, 3, 1956.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and its wholly-owned public utility subsidiary, Iroquois Gas Corporation ("Iroquois"), have filed a declaration with this Commission under the Public Utility Holding Company Act of 1935 ("act") and have designated sections 12 (d) and 27 (a) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the proposed transactions and the facts contained therein which are summarized as follows:

Iroquois proposes to sell to New York State Electric & Gas Corporation ("NYSEGC"), a non-affiliated public utility company, its natural gas distribution facilities in the towns of Portage, Nunda and West Sparta, New York and the eastern portion of its distribution system in the town of Genesee Falls, New York, together with the gas transmission line running from Genesee Falls to Dansville, New York, for a price equivalent to the original cost of such distribution and transmission properties less accrued depreciation as shown on the books of Iroquois, which depreciated cost at June 30, 1956, amounted to $200,925. A formal agreement for the purchase and sale of these properties has been executed and delivered by the representative parties.

No brokers are involved in this transaction and no commissions will be payable to any persons, firm or corporation. No fees will be payable in connection with the proposed transaction except legal fees which are estimated at $500 to Messrs. Stryker, Tams & Horner, attorneys for National, and $1,500 to Messrs. Kenefick, Bass, Letchworth, Baldy & Phillips, attorneys for Iroquois.

The declaration states that the New York Public Service Commission has jurisdiction over the proposed sale by Iroquois and over the exercise of franchises in the municipalities involved; that the FPC has jurisdiction over the termination by Iroquois of the sale at wholesale of gas to NYSEGC and the purchase by NYSEGC of such gas directly from New York State Natural Gas Corporation; and that applications are pending before both commissions in connection with the proposed transaction. The declaration further states that no State or Federal commission in addition to those above named, other than this Commission, is believed to have jurisdiction over the proposed transactions.

Notice is further given that any person may, not later than October 17, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8092; Filed, Oct. 8, 1956; 8:47 a. m.]

[File No. 70-3518]

NATURAL GAS COMPANY OF WEST VIRGINIA AND COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED TRANSFER OF NATURAL GAS PROPERTIES BY SUBSIDIARY TO ASSOCIATE COMPANY IN FURTHERANCE OF SYSTEM'S REALIGNMENT PROGRAM

OCTOBER 3, 1956.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary, Natural Gas Company of West Virginia ("Natural Gas"), a public utility company doing business in Ohio, have filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 12 thereof and Rule U-43 thereunder as applicable to the proposed transaction, which is summarized as follows:

Natural Gas will sell and convey the following assets to The Manufacturers Light and Heat Company ("Manufacturers"), also a wholly owned public utility subsidiary of Columbia, whose operations adjoin those of Natural Gas on the east:

(a) The McFarland Gas Production Field, located in Madison and St. Clair Townships, Columbiana County, Ohio, comprising 25 operating wells and the associated well lines, field gathering lines, measuring and regulating equipment and drilling equipment, and approximately 7,000 feet of six-inch and 3,800 feet of eight-inch transmission lines; and

(b) Approximately 5.4 miles of eight-inch pipeline in Pultney and Pease Townships, Belmont County, Ohio, together with the measuring station, meter and services associated therewith.

The facilities to be sold constitute only a minor part of the utility assets of Natural Gas. They are located in the Ohio-Pennsylvania border area and are already integrated with Manufacturers' eastern Ohio operations.

The proposed conveyance constitutes an intermediate step in Columbia's system-wide realignment program, whose ultimate objective is to transfer to a single operating company all production and interstate transmission properties subject to the jurisdiction of the Federal Power Commission, and to consolidate the distribution facilities within each State in a single company subject to the appropriate State commission.

Natural Gas will sell and Manufacturers will record the said properties at the book value (original cost) less the book reserves for depreciation and depletion applicable thereto. At June 30, 1956, such amount was stated to be $127,955. Manufacturers will pay for such properties with cash from its general funds.

The Public Utilities Commission of Ohio, which has jurisdiction in the premises, has approved the sale of said properties by Natural Gas and their acquisition by Manufacturers. Columbia states that the acquisition by Manufacturers is therefore exempt from the jurisdiction of this Commission as provided in section 9 (b) of the act.

The Federal Power Commission has authorized Natural Gas to abandon wholesale service through the certificated facilities and has issued a certificate of public convenience and necessity authorizing Manufacturers to acquire and operate such facilities.

The fees and expenses to be incurred by the declarants in connection with the proposed transaction will be supplied by amendment.

It is requested that the Commission issue its order as soon as possible after the filing of the final amendment herein.

Notice is further given that any interested person may, not later than October 18, 1956, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8093; Filed, Oct. 8, 1956; 8:47 a. m.]

[File No. 24D-1816]

Grounds for relief: Short-line distance

slag, carloads, from Ensley, Ala., to Bar-

Grounds for relief: Short-line distance

[File No. 24D–1816]

URANIUM TECHNICIANS CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 3, 1956.

I. Uranium Technicians Corporation, a Utah corporation, 1101 South State, Salt Lake City, Utah, having filed with the Commission on June 30, 1955, a notification on Form 1–A and offering circular, and subsequently having filed amendments thereto, relating to an offering of 30,000,000 shares of its no par value common stock at 1 cent per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that

A. More than $300,000 in offering price of securities have been or would be offered under the Regulation in contravention of Rule 217.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading in the following respects:

1. The notification and offering circular reflect an underwriting agreement with Ackerson-Hackett Investment Company, whereas such underwriting agreement has beeen terminated by the mutual consent of the parties.

2. The notification and offering circular state that Mr. Tommy Thompson owns 400,000 shares of capital stock of the company which was issued to him for $4,000 in cash, whereas such shares are held by Mr. Thompson for the benefit of approximately 27 persons who contributed some $4,000 for such shares, and later paid additional cash. These persons were subsequently issued 1,500,000 shares by the company, which is not disclosed in the notification or offering circular.

3. The notification and offering circular show certain shares issued in the names of Messrs. Gressman, Horton and Price, officers and directors of the issuer, whereas it appears that Messrs. Horton and Price have assigned their shares (held in escrow by the Utah Securities Commission) to Mr. Gressman and have resigned from the board of directors, which facts are not disclosed.

4. The notification and offering circular do not disclose the fact that 1,500,000 shares of stock were issued to a party in Oklahoma in consideration of the receipt by the company of certain oil properties.

5. The notification and offering circular do not disclose that Mr. Gressman received 1,000,000 shares of the company's stock from George Willis Smith of Stockton, Utah, and sold 500,000 of such shares to the public consisting of approximately 11 persons.

6. The notification and offering circular do not disclose that the required assessment work for the year 1956 had not been performed on any of the claims represented in the offering circular as held by the company, nor was it disclosed that unless such work was performed by July 1, 1956, the issuer would forfeit its right to the claims.

C. The use of the notification and offering circular without disclosing the above facts would operate as a fraud and deceit upon prospective purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–8094; Filed, Oct. 8, 1956; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 118]

LOUISIANA

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about September 23 and September 24, 1956, because of the disastrous effects of a hurricane, damage resulted to residences and business property located in certain areas in the State of Louisiana;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following parishes (including any areas adjacent to the parishes below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Parishes of: Lafourche, St. Charles; Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex.

Parishes of: Jefferson, Plaquemines, St. Bernard, Orleans; Small Business Administration Branch Office, Masonic Temple Building, Room 718, 333 St. Charles Street, New Orleans 12, La.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1957.

Dated: September 28, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56–8097; Filed, Oct. 8, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 4, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32702: *Superphosphate—Southwest to western trunk line territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, carloads from specified points in Arkansas, Louisiana, southern Missouri, New Mexico, Oklahoma, and Texas, to points in western trunk-line territory.

Grounds for relief: Short-line distance formula, change in commodity description, and circuitous routes.

Tariff: Supplement 166 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 32703: *Cake or meal—West Memphis, Ark., to Louisiana ports.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soybean cake or meal, carloads from West Memphis, Ark., to Baton Rouge and New Orleans, La., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 35 to Agent Kratzmeir's I. C. C. 3984.

FSA No. 32704: *Lime—Mosher and Ste. Genevieve, Mo., to Boutte, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lime, carloads from Mosher and Ste. Genevieve, Mo., to Boutte, La.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 35 to Agent Kratzmeir's I. C. C. 4021.

FSA No. 32705: *Hides, pelts and skins—southern to eastern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts and skins, carloads from specified points in Florida, Kentucky, South Carolina and Tennessee to specified points in New Hampshire, New Jersey, New York and Pennsylvania.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 3 to Agent Spaninger's I. C. C. 1539.

FSA No. 32706: *Livestock—Greenville, Miss., to Iowa and Nebraska points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on livestock, consisting of cattle, calves, hogs, goats, and sheep in single-deck cars, and calves, goats, hogs and sheep, in double-deck cars from Greenville, Miss., to Des Moines and Waterloo, Iowa, Omaha and South Omaha, Nebr.

Grounds for relief: Truck and truck-rail competition, and circuitious routes.

Tariff: Supplement 232 to Agent Spaninger's I. C. C. 1351.

FSA No. 32707: *Barite—Georgia and Tennessee points to Louisiana points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barite (barytes), ground, carloads from Cartersville, Ga., Athens, Tenn., and other specified points in Georgia and Tennessee to Crowley, Franklin, Lake Charles and New Iberia, La.

Grounds for relief: Market competition, maintenance of origin group relations, and circuitous routes.

Tariff: Supplement 66 to Agent Spaninger's I. C. C. 1299.

FSA No. 32708: *Basic slag—Ensley, Ala., to Alabama points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on ground open hearth basic slag, carloads, from Ensley, Ala., to Barachias, Dingley, Goshen, Hallsville, London, Montgomery, Perry's Mill, Pikes Road, and Steiner, Ala.

Grounds for relief: Circuitous routes through intermediate points in Georgia.

Tariff: Supplement 45 to Agent Spaninger's I. C. C. 1510.

FSA No. 32709: *Sugar—Port Wentworth and Savannah, Ga., to South Carolina points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, carloads, from Port Wentworth and Savannah, Ga., to Allendale, Barton, Charleston, Conway and Pregnall, S. C.

Grounds for relief: Motor truck competition, and circuity.

Tariff: Supplement 324 to Alternate Agent Marque's I. C. C. 380.

FSA No. 32710: *Logs—Alabama points to Greensboro, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on logs, native wood, carloads from Brewton and Castleberry, Ala., to Greensboro, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 133 to Agent Spaninger's I. C. C. 1293.

FSA No. 32711: *Liquefied petroleum gas—Canton, Ohio, to Buffalo, N. Y.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Canton, Ohio to Buffalo, N. Y.

Grounds for relief: Short-line distance formula, truck competition, and circuitous routes.

Tariff: Supplement 107 to Agent Hinsch's I. C. C. 4446.

FSA No. 32712: *Sodium phosphates to Balir, Tenn., and Palatka, Fla.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on phosphate of soda, di-sodium phosphate, and tri-sodium phosphate, carloads from specified points in Delaware, New Jersey, and Pennsylvania to Blair, Tenn., and Palatka, Fla.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 24 to Agent Boin's I. C. C. A–1079.

FSA No. 32713: *Sodium phosphates to Bogalusa, La.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on phosphate of soda, di-sodium phosphate, and tri-sodium phosphate, carloads from specified points in Delaware, New Jersey and Pennsylvania to Bogalusa, La.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 24 to Agent Boin's I. C. C. A–1079.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–8098; Filed, Oct 8, 1956; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 197

Washington, Wednesday, October 10, 1956

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

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OCT 12 1956

MAIN

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP CORN RESEAL LOAN PROGRAM

AVAILABILITY

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service, published in 20 F. R. 4104, 7413, 7977 and 21 F. R. 3411, 4038 and containing the specific requirements for the 1955-Crop Corn Reseal Loan Program, are hereby amended as follows:

Section 421.1148 (b) (3) is amended to allow producers with corn under purchase agreements who notified the county committee before July 31, 1956, of their intention to participate in the reseal loan program more time for the execution of loan documents by changing the date in the third sentence from September 30, 1956, to November 30, 1956, so that the amended subparagraph (3) reads as follows:

§ 421.1148 *Availability.* • • •

(b) *Time.* • • •

(3) The producer who signed a purchase agreement on farm-stored corn is required, under the 1955 corn price support program, to notify the county committee not later than July 31, 1956, if he intends to sell the corn to CCC. If the producer has notified the county committee on or before July 31, 1956, of his intention to sell the corn to CCC, or to participate in this program, he may obtain a farm-storage loan on the corn. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before November 30, 1956, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the corn is in existence and in good condition. If the corn was not in existence and in good condition at the time of disbursement the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 4th day of October 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-8155; Filed, Oct. 9, 1956; 8:53 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART A—DATE DIVERSION PAYMENT PROGRAM XMD 29a (1956 MARKETING SEASON)

Sec.
518.540 General statement.
518.541 Rate of payment.
518.542 Eligibility for payment.
518.543 Payment to date producers.
518.544 Claims for payment supported by evidence of compliance.
518.545 Records and accounts.
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518.547 Persons not eligible for payment.
518.548 Set-off.
518.549 Joint payee or assignment.
518.550 Good faith.
518.551 Definitions.

AUTHORITY: §§ 518.540 to 518.551 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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§ 518.540 *General statement.* (a) In order to encourage the domestic consumption of dates produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments on dates diverted under the terms and conditions hereinafter set forth.

(b) Information pertaining to this program and forms prescribed for use hereunder may be obtained from the following:

Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1031 South Broadway, Los Angeles 15, California.

C. P. Sivertson, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Fourteenth Street and Independence Avenue SW., Washington 25, D. C.

§ 518.541 *Rate of payment.* The rate of payment applicable to dates diverted in accordance with the terms and conditions contained herein shall be four cents per net pound of dates whose moisture content does not exceed an average of 25 percent. A deduction of 0.05 cents per pound shall be made for each whole or fractional percent by which the moisture content exceeds 25 percent.

§ 518.542 *Eligibility for payment*—(a) *Program participation.* Payments will be made to any individual, partnership, association of growers or packers, or corporation located in the continental United States (1) who executes and files with the Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Fourteenth Street and Independence Avenue, SW., Washington 25, D. C., no later than July 31, 1957, in triplicate, an application to divert as set forth on forms attached hereto, (2) whose application is approved by the Administrator, (3) who diverts eligible dates, either directly or through an agent or subcontractor, (4) who files claim as provided in § 518.544, and (5) who otherwise complies with all the terms and conditions of this program. Applications will be considered in the order submitted and in accordance with the availability of funds. An application must be submitted for each new product or additional poundage and must be approved before diversion of the dates. The Administrator will give notice to the diverter of the approval or nonapproval of each application. Approved applications may be modified or amended with the written consent of the Administrator.

(b) *Eligible dates.* Dates diverted under this program shall: (1) Have been produced in the United States, (2) be whole or pitted, (3) be of the Deglet Noor variety, (4) be not less than U. S. Grade C or U. S. Grade C (Dry) of the United States Standards for Grades of Dates, effective August 26, 1955, (5) be within the diverter's "restricted" poundage of dates estimated to be acquired by him during the 1956–57 crop year pursuant to the Order Regulating the Handling of Domestic Dates Produced or Packed in Los Angeles and Riverside Counties of California (20 F. R. 5056) plus any such "restricted" poundage acquired from other handlers by the diverter, and (6) have been purchased, directly or indirectly, from producers who have been paid or will be paid or, if members of a grower marketing cooperative, have been credited or will be credited, not less than four cents per net pound for the dates diverted under this program.

(c) *Inspection.* The dates diverted shall have been inspected, check weighed and the moisture content determined prior to diversion. The inspection, check weighing, moisture test and the observation of diversion shall be performed by an inspector of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "USDA Inspector"). Where diverter sells macerated or paste form dates for use outside of California and Arizona, the outbound shipment shall be checkloaded by a USDA Inspector. The cost of inspection, weighing, issuance of certificates, observation of diversion and checkloading shall be borne by the diverter.

(d) *Period of diversion.* No payment under this program will be made in connection with any dates diverted unless the diversion was accomplished by the diverter after the date of approval of his application and prior to 12 o'clock midnight, P. s. t., September 30, 1957.

§ 518.543 *Payment to date producers.* All producers of dates which were diverted or sold for diversion under this program shall be paid or, in the case of a grower marketing cooperative, credited for all dates so diverted or sold for diversion not less than four cents per net pound not later than November 30, 1957, or, in the event that a handler's diversion operations or sales for diversion are completed prior to said date, not later than 30 days after final payment is received by him for such diversion or sale for diversion, whichever date is earlier: *Provided,* That, if dates of various producers have been commingled by a handler, such handler shall determine the percentage of his acquisitions of dates which were diverted or sold for diversion and shall pay or, in the case of a grower marketing cooperative, shall credit the producers not less than four cents per net pound on the same percentage of their deliveries.

§ 518.544 *Claims for payment supported by evidence of compliance.* (a) Diverters shall file claim for payment not later than October 31, 1957, with the Western Area Administrative Division, Agricultural Marketing Service, U. S. Department of Agriculture, 1515 Clay Street, 6th Floor, Oakland 12, California: *Provided,* That, upon written request of the diverter stating substantial reason therefor, the Administrator may, if he deems it desirable, grant an extension of time for the filing of claims.

(b) Each claim for payment shall be in the form of an original and one copy of an invoice to USDA, Agricultural Marketing Service, stating the name of the diversion product, the number of pounds of dates diverted and the amount of payment claimed, the number assigned by USDA to the related approved application, and the following certification: "I certify that the above bill is correct and just; that payment has not been received; that the transactions enumerated above were performed as stated and that the payment is authorized to be made as indicated above" and shall be supported by:

(1) The original or one signed copy of the inspection certificate or certificates required in § 518.542 (c) accompanied by a signed statement by a USDA Inspector that he observed the diversion of the dates covered by the certificate into the approved product;

(2) Certification to the USDA that date producers have been or will be paid or, in the case of a grower marketing cooperative, have been or will be credited, with a rate of payment of not less than four cents per net pound for all diverted dates covered by the claim for payment. With respect to dates purchased by diverter from date producers, such certification shall be executed by the diverter. With respect to dates purchased by diverter from a person other than a date producer, such certification shall be executed by such other person. Such certification shall be on Form FV–492 (10–1–56) Grower-Price Certification.[1]

(3) Where diverter sells dates in macerated or paste form for use outside of the States of California and Arizona, the following additional documents must be submitted: (i) One signed copy of railroad or trucker's bill of lading. The bill of lading must indicate the lot number, code, brand markings or other reference sufficient to identify the dates loaded on board the carrier; (ii) one signed or certified copy of the sales contract or written agreement of the buyer stipulating that the macerated or paste form dates will be used only outside of the States of California and Arizona and only in products distributed outside such States; and (iii) certification of checkloading by USDA Inspector; and (iv) such other documents as may be required by the Secretary as evidence of diversion hereunder.

§ 518.545 *Records and accounts.* Each diverter shall maintain accurate records of diversion hereunder. Such records, accounts, and other documents relating to dates diverted under this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved until October 31, 1959.

§ 518.546 *Amendment and termination.* This program may be amended or terminated by the Administrator at any time, but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any dates covered by an application approved before the effective time of such amendment or termination.

§ 518.547 *Persons not eligible for payment.* No member of, or delegate to, Congress, or Resident Commisioner, shall be admitted to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, or to any such person acting in his capacity as a date producer.

[1] Filed as part of the original document.

§ 518.548 *Set-off.* The Secretary may set off, against any amount owed to any diverter hereunder, any amount owed by such diverter to the Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Setting off as provided in this subpart shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 518.549 *Joint payee or assignment.* A diverter may name a joint payee on claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That, such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the Administrator, together with a true copy of the instrument of assignment, in accordance with the instructions on Form AMS–66 "Notice of Assignment," which form must be used in giving notice of assignment to the Administrator. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment. The AMS forms may be obtained from the Administrator or the Western Area Administrative Division.

§ 518.550 *Good faith.* If the Administrator determines that any diverter has not acted in good faith in connection with any transaction under this program, or has failed to discharge fully any obligation assumed by him under this program, such diverter may be denied the right to continue participating in this program or the right to receive payment under this program in connection with any diversion previously made under this program, or both.

§ 518.551 *Definitions.* As used in §§ 518.540 to 518.551, the following terms have the following meanings:

(a) *"Secretary"* means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) "Administrator" means the Administrator, Agricultural Marketing Service, USDA, or any Representative of the Secretary to whom said Administrator has delegated authority to perform functions vested in him.

(c) "Diversion" means (1) the processing of domestically produced dates into rings, chunks, pieces, butter, or other products approved by the Administrator wherein the dates lose their form as whole or pitted dates (except dates in macerated or paste form for use inside the States of California or Arizona), or (2) the production and sale for use outside of the States of California and Arizona of dates in macerated or paste form. Approved products, other than those specifically named herein, shall be restricted to those for which it is determined, on the basis of Departmental and such other sources as are reasonably available, that there has been no commercial sale, other than on an experimental basis or under a previous Department diversion program, prior to the effective date of this program. Butter as distinguished from macerated dates or paste, shall mean finely ground dates of near powder consistency, stabilized by additives such as sugar or citric acid, having a full bodied date flavor and odor, having a uniform color and containing moisture sufficient to permit easy spreading. For purposes of this program, date pieces, crunchies, or other small date units may be made directly from whole or pitted dates or indirectly from macerated dates.

(d) Styles of dates:

(1) "Whole" or "whole dates" means whole unpitted dates from which the pits have not been removed and which may be slit longitudinally.

(2) "Pitted" or "pitted dates" means whole dates from which the pits have been removed.

(e) "Application" means Form FV–488 (10–1–56), "Application For Participation in Date Diversion Payment Program XMD 29a and For Approval of Diversion Product."

(f) "Filed": Applications, claims and related documents are deemed to be filed on the date postmarked by a U. S. Post Office if mailed, or when received by the appropriate USDA office if otherwise delivered.

Effective date: This program shall become effective at 12:01 a. m., e. s. t., October 6, 1956.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 5th day of October 1956.

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture

[F. R. Doc. 56–8154; Filed, Oct. 9, 1956; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.299]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective as of the beginning of the first pay period following October 6, 1956:

1. Paragraph (a) is amended by the deletion of the following:

Saigon, Vietnam.
Thailand, all posts except Bangkok.
Tymbaki (Crete), Greece.

2. Paragraph (b) is amended by the deletion of the following:

Derna, Libya.
Irbid, Jordan.
Karak, Jordan.

3. Paragraph (a) is amended by the addition of the following:

Thailand, all posts except Bangkok and Chiengmai.

4. Paragraph (b) is amended by the addition of the following:

Chiengmai, Thailand.
Saigon, Vietnam.

5. Paragraph (c) is amended by the addition of the following:

Derna, Libya.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: September 27, 1956.

For the Acting Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

[F. R. Doc. 56–8118; Filed, Oct. 9, 1956; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[958.321, Amdt. 2]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 58, (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes in the manner set forth below, on and after the effective time of this amendment, (3) the provisions of the current limitation of shipments regulation (§ 958.321; 21 F. R. 5409, 5682) will continue in effect until June 1, 1957, unless sooner terminated, suspended, or amended; (4) on or about October 2, 1956, the rate of harvesting the fall crop of potatoes in the production area had already reached, or was about to reach, its peak; (5) on October 2, 1956, the committee held a meeting for making recommendations for the appropriate requirements that should be in effect with respect to the handling of the largest portion of such harvested potatoes and would tend to maximize the benefits accruing from the regulatory program and the act, and all interested parties were afforded an opportunity to present their views thereon to the committee at such meeting; (6) information regarding the committee's recommendation has been made available to producers, handlers, and all other interested parties in the production area, which recommendation contained the same provisions as the amendment hereinafter set forth; (7) this amendment should be made effective at the time hereinafter set forth, and notice thereof, including its effective time, should be published in the FEDERAL REGISTER as soon as practical to afford persons subject thereto the maximum time to prepare therefor; (8) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by such effective time; and (9) reasonable time is permitted, under the circumstances for such preparation.

Order, as amended. The provisions of § 958.321 (b) (1) (FEDERAL REGISTER, July 19 and 28, 1956; 21 F. R. 5409, 5682) are hereby amended to read as follows:

(b) *Order.* (1) During the period from October 15, 1956, through May 31, 1957, no handler shall ship potatoes of any variety unless such potatoes grade at least U. S. No. 2 and, in addition, (i) if such potatoes are of the long varieties, they are of a size not smaller than 2 inches in diameter or 4 ounces in weight, or (ii) if such potatoes are of the round varieties (including, but not limited to, Irish Cobbler, Katahdin, Kennebec, Bliss Triumph, and Pontiac) they are of a size not smaller than 2⅛ inches in diameter and are fairly well shaped, free from damage caused by second growth, growth cracks, sunburn, and cuts, free from surface scab which covers an area of more than 25 percent of the surface of the potato in the aggregate, and free from pitted scab which affects the appearance of the potato to a greater extent than the amount of the surface scab permitted: *Provided*, That an additional tolerance of five percent shall be allowed for potatoes which do not meet the specified requirements relating to shape, damage caused by second growth, growth cracks, sunburn, and cuts, and freedom from scab.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 8th day of October to become effective October 15, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56–8187; Filed, Oct. 9, 1956; 8:54 a. m.]

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT FOR 1956–57 CROP YEAR

Pursuant to Marketing Agreement No. 123 and Order No. 64 (20 F. R. 1685) regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of, and information supplied by the Dried Fig Administrative Committee, the administrative agency for program operations, and other available information, it is hereby found and determined, and it is therefore, ordered, that the budget of expenses of the Dried Fig Adminstrative Committee, and the rate of assessment, for the crop year which began on August 1, 1956, shall be as follows:

§ 964.301 *Budget of expenses of the Dried Fig Administrative Committee and rate of assessment for the 1956–57 crop year*— (a) *Budget of expenses.* Expenses in the amount of $26,040 are reasonable and likely to be incurred by the Dried Fig Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1956, and ending July 31, 1957.

(b) *Rate of assessment.* Each handler shall pay to the Dried Fig Administrative Committee, in accordance with the provisions of the marketing agreement and order, an assessment of $1.55 for each ton of salable tonnage dried figs handled by him as the first handler thereof and on each ton of dried figs sold to him from surplus tonnage for resale as salable tonnage, during the crop year beginning August 1, 1956, and ending July 31, 1957, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making, or postpone the effective time of this action later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The rate of assessment hereby fixed is applicable to all salable tonnage dried figs handled by each handler as the first handler thereof, and to all dried figs purchased by him from surplus tonnage for resale as salable tonnage, during the crop year; (2) assessable dried figs from the new crop are now being handled by handlers; (3) the Dried Fig Administrative Committee must be enabled to obtain assessment revenue promptly to defray expenses of administering the program; and (4) this action will require no advance preparation by dried fig handlers. It is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated October 5, 1956, to become effective on the date on which this order is published in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 56-8153; Filed, Oct. 9, 1956; 8:53 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

COLUMBIUM-TANTALUM REGULATION: DOMESTIC COLUMBIUM-TANTALUM PURCHASE PROGRAM

Sec.
99.501 Basis and purpose.
99.502 Definitions.
99.503 Participation in the program.
99.504 Specifications and prices.
99.505 Deliveries.
99.506 Weighing, sampling, and analysis.
99.507 Access to books and records.
99.508 Duration of the program.

AUTHORITY: §§ 99.501 to 99.508 issued under sec. 4, 70 Stat. 580; Public Law 733, 84th Cong. Interpret or apply sec. 2, 70 Stat. 579; Public Law 733, 84th Cong.

§ 99.501 *Basis and purpose.* The purpose of the program is to provide temporary assistance to producers of columbium-tantalum bearing ores and concentrates of domestic origin for an interim period. Sections 99.501 to 99.508 interpret and implement the authority of the Administrator of General Services to purchase columbium-tantalum bearing ores and concentrates pursuant to the provisions of the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (Pub. Law 733, 84th Cong.), and delegation of authority from the Secretary of the Interior (21 F. R. 5872). In accordance with the program set forth in §§ 99.501 to 99.508, the General Services Administration will buy columbium-tantalum bearing ores and concentrates produced in the United States, its Territories and possessions.

§ 99.502 *Definitions.* As used in §§ 99.501 to 99.508:

(a) "Program" means the terms and conditions set forth in §§ 99.501 to 99.508 pursuant to which the Government will purchase columbium-tantalum.

(b) "United States" includes the Territories and possessions of the United States.

(c) "Columbium-tantalum" means columbium-tantalum bearing ores mined in the United States and columbium-tantalum concentrates produced in the United States from ores mined in the United States.

(d) "Seller" means any individual or firm having title to columbium-tantalum.

(e) "Lot" means the quantity of columbium-tantalum tendered to the General Services Administration at one time by a seller.

(f) "Government purchase depot" means any one of the three depots maintained by the General Services Administration at the following locations: Franklin, New Hampshire; Spruce Pine, North Carolina; and Custer, South Dakota.

§ 99.503 *Participation in the program.* Any seller may offer for sale to the General Services Administration columbium-tantalum which meets the specifications provided in § 99.504 by delivering such material to the General Services Administration in accordance with the terms and conditions set forth in §§ 99.501 to 99.508.

§ 99.504 *Specifications and prices.* (a) The General Services Administration will pay the following prices for columbium-tantalum which is delivered in lots of not less than 2,000 pounds each and which meets the following specifications, determined on a dry weight basis:

(1) For columbium-tantalum containing not less than 35 percent combined Cb_2O_5 and Ta_2O_5, and having a Cb_2O_5 and Ta_2O_5 ratio of not less than one to one; impurities not to exceed the following maximum limits:

	Percent
TiO_2	8
SnO_2	8
FeO	25
MnO	13

$1.40 per pound of contained combined pentoxide, plus 2 cents per pound for each additional full percent of contained combined pentoxide above 35 percent.

(2) For columbium-tantalum containing not less than 25 percent Ta_2O_5 and less than 20 percent Cb_2O_5, and containing not in excess of the following maximum impurities:

	Percent
TiO_2	4
SnO_2	4

$3.00 per pound of contained Ta_2O_5 in ores and concentrates containing 30–40 percent Ta_2O_5, plus 3 cents per pound for each additional full percent of contained Ta_2O_5 above 40 percent, plus an additional 4 cents per pound for each full percent of contained Ta_2O_5 above 50 percent.

Penalty: For columbium-tantalum containing between 25 and 30 percent of Ta_2O_5, 6 cents per pound will be deducted for each full percent of contained Ta_2O_5 under 30 percent.

(3) For columbium-tantalum containing 25 percent or more of Ta_2O_5 and 20 percent of Cb_2O_5, and containing not in excess of the following maximum impurities:

	Percent
TiO_2	4
SnO_2	4

$1.60 per pound of contained combined pentoxide, plus 2 cents per pound for each additional full percent of combined pentoxide above 45 percent.

(4) Columbium-tantalum failing to meet the specifications set forth in subparagraphs (1), (2) and (3) of this paragraph will be considered for purchase by the General Services Administration, provided the seller bears the cost of upgrading to the minimum specifications.

(b) Any lot of columbium-tantalum which is less than 2,000 pounds but not less than 1,000 pounds and which meets the specifications set forth in subparagraph (2) or (3) of paragraph (a) of this section will be accepted at the prices specified in said paragraph (a) (2) or (3); *Provided*, That said lot also meets the following content requirements:

	Percent
Ta_2O_5 minimum	40
Ta_2O_5 plus Cb_2O_5 minimum	70
TiO_2 maximum	4
SnO_2 maximum	4
TiO_2 plus SnO_2 maximum	6

(c) For each lot which is accepted under the quantity and specifications requirements of paragraph (a) or (b) of this section, an incentive bonus amounting to 100 percent of the applicable price specified in said paragraph (a) or (b) of this section will be paid: *Provided, however*, That in the event the seller is not the actual miner of the ore accepted, or is not the actual miner of the ore from which the accepted concentrates were produced, as the case may be, said bonus shall be paid by the United States Government directly to the actual miner.

(d) Any lot of columbium-tantalum which is less than 2,000 pounds, but which does not meet the specifications and quantity requirements of paragraph (b) of this section, will be accepted under the following terms and conditions and at the following prices:

(1) Each such lot shall contain a minimum of 50 percent contained combined pentoxide (Cb_2O_5 plus Ta_2O_5). The ratio of Cb_2O_5 to Ta_2O_5 shall not be a factor in the acceptability of any such lot nor in making payment therefor.

(2) Irrespective of the actual Cb_2O_5 plus Ta_2O_5 content, lots meeting the requirements of this paragraph will be purchased at the flat rate of $3.40 per pound of contained combined pentoxide (Cb_2O_5 plus Ta_2O_5), and for purposes of payment such lots shall be considered as containing not more than 50 percent contained combined pentoxide (Cb_2O_5 plus Ta_2O_5). This price is the maximum allowed for purchases under this paragraph and is calculated to include bonus, premiums and penalties.

(3) Lots offered under this paragraph may be rejected if, in the opinion of the General Services Administration, they are not of acceptable or desirable grade. The removal of objectionable substances by cleaning, cobbing or other methods may be required as a condition of purchase by the General Services Administration.

(e) No columbium-tantalum previously owned by the United States Government will be purchased under the program.

§ 99.505 *Deliveries.* (a) Columbium-tantalum offered to the General Services Administration under the program shall be delivered by the seller to one of the Government purchase depots and unloaded by the seller at that point, such delivery and unloading to be at the expense of the seller.

(b) Each lot of columbium-tantalum delivered under the program shall be accompanied by a certificate executed by the seller disclosing (1) the source of columbium-tantalum delivered and

(2) the identity of the miner of the ores delivered, or the identity of the miner of the ores from which the concentrates delivered were produced, as the case may be.

(c) Any lot of columbium-tantalum failing to meet the specifications and requirements of the program will be rejected. The seller shall be accorded 15 days after receipt of notice of rejection to remove the lot from the unloading site. Upon failure to remove the lot within such 15-day period, the General Services Administration may, at its discretion, remove the lot and the cost of such removal shall be for the account of the seller, or the General Services Administration may at its option otherwise dispose of such lot without liability therefor.

(d) Any seller desiring to deliver columbium-tantalum under the program in lots consisting of one or more railroad carloads shall notify the Commissioner, Defense Materials Service, General Services Administration, Washington 25, D. C., so that consideration may be given to the making of special arrangements for delivery in the most expeditious and economical manner.

§ 99.506 *Weighing, sampling and analysis.* (a) Except as otherwise provided in paragraph (b) of this section, all lots delivered shall be subject to weighing, sampling, moisture determination and analysis by the General Services Administration, at its own expense, prior to acceptance. The seller may, at his own expense, have a representative present at the weighing and sampling. Each lot will be sampled at the time of unloading at the Government depot by a sampler designated by the General Services Administration. Each sample shall be analyzed by a recognized commercial laboratory selected by the General Services Administration and the results of the analysis will be binding on the seller and the General Services Administration.

(b) The acceptability of lots of less than 2,000 pounds offered under the program pursuant to paragraph (d) of § 99.504 will be determined on the basis of visual inspection by the General Services Administration: *Provided, however*, That the seller may request a chemical analysis and if, in the judgment of the General Services Administration, a chemical analysi is justified, such an analysis may be made at the seller's expense by a laboratory mutually acceptable to the General Services Administration and the seller, and the results of such analysis will be binding on the seller and the General Services Administration.

§ 99.507 *Access to books and records.* By participating in the program each seller agrees to permit authorized representatives of the United States Government, during the duration of the program, and for a period of three years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the program.

§ 99.508 *Duration of program.* The program is limited to 250,000 pounds of contained combined pentoxide (Cb_2O_5 plus Ta_2O_5) and shall terminate when the Administrator of General Services determines that approximately that amount has been delivered to and accepted by the General Services Administration under the program, or on December 31, 1958, whichever first occurs: *Provided, however*, That the quantity which the General Services Administration shall be obligated to purchase hereunder at any time shall be limited to the quantity which can be purchased with funds then available.

Dated: October 3, 1956.

FRANKLIN G. FLOETE,
Administrator of General Services.

Approved: October 5, 1956.

J. REUEL ARMSTRONG,
Acting Secretary of the Interior.

[F. R. Doc. 56-8178; Filed, Oct. 9, 1956; 8:54 a. m.]

Chapter IV—Department of Commerce

[Foreign Excess Property Order No. 1, Supp. 1]

PART 401—DISPOSAL OF FOREIGN EXCESS PROPERTY

CANCELLATION, RESCISSION, AND REVOCATION OF CERTAIN AUTHORIZATIONS, PERMITS, DETERMINATIONS, LICENSES AND APPROVALS

Notice was published on August 28, 1956, at 21 F. R. 6491, of the proposed issuance of Supplement No. 1 to Foreign Excess Property Order No. 1. No data, views or arguments in writing relative thereto have been received by the Foreign Excess Property Officer. Good cause is found to exist for making said Supplement No. 1 effective on the date of its publication in the FEDERAL REGISTER in that ample time since their dates of issuance has already elapsed for the exercise of the authorizations, permits, determinations, licenses and approvals referred to therein, and further delay in terminating the authority for their exercise would encourage or permit the importation of foreign excess property which would not now relieve domestic shortages or otherwise be beneficial to the economy of this country.

Accordingly, Foreign Excess Property Order No. 1, as amended August 23, 1950 (15 F. R. 5847), is hereby supplemented as follows:

§ 401.11 *Cancellation, rescission, and revocation of certain authorizations, permits, determinations, licenses, and approvals.* All authorizations, permits, determinations, licenses, and approvals issued on or before December 31, 1955, by the Foreign Excess Property Officer of the Department of Commerce for the importation into the United States of nonagricultural foreign excess property are hereby cancelled, rescinded and revoked.

§ 401.12 *Scope of § 401.11* The provisions of § 401.11 shall not apply to importations into the United States of foreign excess property with respect to which authority for such importations is withdrawn pursuant to § 401.11, provided such foreign excess property has been acquired prior to the date of this Supplement by holders of authorizations, permits, determinations, licenses or approvals issued on or before December 31, 1955, for such importation if such foreign excess property shall be delivered on or before October 8, 1956, to a carrier for transportation to the United States.

Sections 401.11 and 401.12 shall take effect on the date of their publication in the FEDERAL REGISTER.

(Sec. 402, 63 Stat. 393; 40 U. S. C. 512)

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-8151; Filed, Oct. 9, 1956; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11767; FCC 56-960]

[Rules Amdt. 3-30]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on July 9, 1956 (FCC 56-632), and published in the FEDERAL REGISTER on July 13, 1956 (21 F. R. 5237), proposing to assign Channel 8+ to Elk City, Oklahoma and to substitute Channel 35+ for Channel 8+ in Woodward, Oklahoma, in response to a petition filed by Video Independent Theatres, Inc.

2. No oppositions to the proposed amendments were filed. In support of the proposed amendment, petitioner alleges that there are no pending applications for a television station in either Elk City or Woodward and that the assignment of Channel 8+ to Elk City and Channel 35+ to Woodward, in the manner proposed, would meet all separation requirements of the Commission. Petitioner states that Elk City is located in Beckham County, which has a population of 21,627 persons and that Woodward is located in Woodward County, which has a population of 14,383 persons. It urges that Beckham County is the more thickly populated and economically active. Petitioner represents that if Channel 8 is assigned to Elk City, it will apply for a station in that community.

3. The Commission is of the view that the assignment of Channel 8 to Elk City would serve the public interest by making more effective use of available facilities and would provide a new television service in conformance with the rules and standards.

4. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective November 7, 1956, the Table of Assignments contained in

§ 3.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned, as follows:

City	Channel No.
Elk City, Okla.	8+, 15+, 26+
Woodward, Okla.	35+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: October 3, 1956.

Released: October 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8133; Filed, Oct. 9, 1956; 8:49 a.m.]

[Docket No. 11768; FCC 56-958]

[Rules Amdt. 3-28]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

1. The Commission has under consideration its Notice of Proposed Rule Making issued in this proceeding on July 9, 1956 (FCC 56-634), and published in the FEDERAL REGISTER on July 13, 1956 (21 F. R. 5238), proposing to assign Channel 26 to Anderson, Indiana, in lieu of Channel 61 as follows:

City	Channel No.	
	Delete	Add
Anderson, Ind.	61	26+
Indianapolis, Ind.	26+	77

2. No comments in opposition to the proposed amendment were filed. Great Commission Schools, Inc., petitioner in the proceeding, submits in support of its proposal that it is important that it operate on the lowest possible UHF channel in view of the higher cost in providing the greater power necessary to overcome the difficulties inherent in present day receivers on the higher UHF channels. Petitioner states that its proposal conforms to the rules and would not adversely affect any other party; that its proposed amendment would permit the immediate establishment of a first local television station in Anderson, a city with 46,820 persons; and that the station, to be operated by an educational and religious non-profit organization, would provide a much needed type of public service programing not now available to the area from existing stations. The Commission is of the view that the public interest would be served by the proposed change.

3. After the issuance of the instant proposal, the Commission issued a Notice of Proposed Rule Making in Docket No. 11796, which among other things looks toward the substitution of Channel 77 for Channel 15 at Angola, Indiana. Great Commission Schools, Inc., notes that this assignment might possibly conflict with its own proposal for the use of Channel 77 in Indianapolis and suggests that Channel 39 can be assigned in Indianapolis to replace Channel 26 rather than Channel 77. A station on this channel would have to employ a site meeting the separation and coverage requirements. We are adopting this suggestion. Accordingly, there is no necessity for deleting Channel 61 from Anderson nor for disturbing the present authorization of Great Commission Schools, Inc., on this frequency. Great Commission Schools will have the opportunity of filing an application for the new frequency.

4. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective November 7, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

City	Channel No.
Anderson, Ind.	26+, 61
Indianapolis, Ind.	6, 8–, 13–, *20–, 39, 67–

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: October 3, 1956.

Released: October 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8134; Filed, Oct. 9, 1956; 8:50 a. m.]

[Docket No. 11780; FCC 56-959]

[Rules Amdt. 3-29]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration its Notice of Proposed Rule Making in this proceeding issued on July 16, 1956 (FCC 56-678), and published in the FEDERAL REGISTER on July 20 (21 F. R. 5450), proposing to shift the educational reservation in Lincoln, Nebraska from Channel 18 to Channel 12. The Notice was issued pursuant to the joint petition of Byron J. Dunn, Trustee, the permittee of KUON-TV, operating on Channel 12 in Lincoln[1] and the University of Nebraska.

2. No comments opposing the proposed amendment have been filed. In support of the proposed amendment, petitioners urge that there is an imbalance between the commercial and educational assignments in the State of Nebraska in that 14 VHF channels have been assigned in the State, none of which have been reserved for education; that there are very few, if any, television receivers in the State equipped to receive UHF signals; that there are no applications pending for UHF facilities in Lincoln or elsewhere in the State of Nebraska; that there are no operating UHF television stations in the State; and that there are both UHF and VHF channels available for commercial assignment. It is alleged that KUON-TV, operating on a VHF channel, will reach a larger audience than if it operated on a UHF channel; that as a non-commercial educational station, various grants-in-aid from charitable foundations and financial support from individuals and corporations would be available; and that the station would not be subject to the provisions of § 3.651 of the Commission's rules governing minimum hours of operation. Petitioners further submit that the State legislature and various funds would be reluctant to contribute to the operation of the station if it were operating on a UHF channel.

3. The Commission is of the view that the amendment of § 3.606 of the rules, as requested, so as to switch the educational reservation from Channel 18 to Channel 12 will serve the public interest. KUON-TV, which is operating on Channel 12, at the present time, carries a minimum of 3 hours daily, 5 days per week, of noncommercial programming. It is, in practical effect, operating as a noncommercial educational station. Accordingly, the continued reservation of Channel 18 serves no useful purpose.

4. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective Nov. 7, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the community named is concerned, as follows:

City:	Channel No.
Lincoln, Nebr.	10+, *12–, 18+, 24

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: October 3, 1956.

Released: October 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8135; Filed, Oct. 9, 1956; 8:50 a. m.]

[Rules Amdt. 3-31]

[Docket No. 11782; FCC 56-961]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration its Notice of Proposed Rule

[1] The permittee on Channel 12 in Lincoln would be qualified to operate as a noncommercial educational television station and will be required to operate in accordance with § 3.621 of the rules relating to noncommercial educational stations.

Making issued in this proceeding on July 16, 1956 (FCC 56-680), and published in the FEDERAL REGISTER on July 20, 1956 (20 F. R. 5451), proposing to assign Channel 5 to Glendive, Montana, in response to a petition filed by the Glendive Broadcasting Corporation.

2. Comments opposing the proposed amendment were filed by Montana-Dakota Utilities Company and East River Electric Power Cooperative, Inc. A reply was filed by Glendive Broadcasting Corporation.

3. In support of the proposal Glendive Broadcasting Corporation urges that Channel 5 may be assigned to Glendive in conformance with the rules and without any other changes in the Table of Assignments; that it would make possible a first television service to a large area presently without such service; and that it would achieve a fair and equitable distribution of available television facilities.

4. Montana-Dakota Utilities Company and East River Electric Power Cooperative, Inc., utilize fixed control and relay stations in the 72–76 Mc band as a part of their operations. They urge that these stations would be affected by the operation of a television station on Channel 5 in Glendive and that replacement of their equipment because of interference to or from the proposed television station would require them to expend between $30,000 and $50,000. Section 11.8 (g) of the rules governing industrial radio services provides that all authorizations in the 72–76 Mc band are subject to the condition that no harmful interference will be caused to television reception on Channels 4 and 5 and that the applicant agrees to eliminate any harmful interference caused by his operation to TV reception on either Channel 4 or 5 that might develop by whatever means found to be necessary and if such interference is not cleared up within a 90-day period, operation of the fixed station will be discontinued. Other criteria are specified governing the authorization and use of frequencies within this band with regard to the effect on television broadcast stations. Montana-Dakota and East River argue that their radio facilities were constructed in the belief that the Table of Assignments adopted by the Sixth Report and Order was permanent and that the provisions of § 11.8 (g) do not apply in the situation where an assignment of Channel 5 is made after the fixed stations are in operation.

5. In its reply to the comments filed by Montana-Dakota Utilities Company and East River Electric Power Cooperative, Inc., Glendive Broadcasting Corporation argues that it is implicit in the Report and Order adopting § 11.8 (g) that even if the Table of Television Assignments should be changed from time to time, the burden of eliminating interference to Channels 4 and 5 rests on the operator of the fixed stations; that § 11.8 (g) and similar provisions relating to other services operating in the 72–76 Mc band specifically envisage the possible creation of interference in the future to stations operating on Channels 4 and 5 and specifically provide that in such event protection must be afforded to the television operation. It is argued that precluding new channel assignments because they will create interference to fixed stations would impede the progress of the television industry and, further, that Montana-Dakota and East River chose to operate in the 72–76 Mc band with full knowledge of the conditions imposed on their continued use of these frequencies.

6. The Table of Television Channel Assignments set out in § 3.606 is not a fixed allocation of television facilities. The Rules provide for the manner in which the Table may be amended and since the adoption of the Sixth Report channel assignments have been changed in numerous cases. Section 11.8 (g) clearly sets out the requirements with respect to the use of fixed stations in the 72-76 Mc band with respect to protecting television stations operating on Channels 4 and 5. The criteria of use specified by § 11.8 (g) apply with equal force to a station operating on a channel added to the Table after the Sixth Report and after fixed stations in the area may already be operating in the 72–76 Mc band. Channels 4 and 5 are allocated for the television broadcast service and their use should not be restricted by the effect that broadcast stations on these frequencies might have on other services which are authorized to use the 72–76 Mc band on a secondary basis under established criteria designed to protect the television operation.

7. Upon consideration of the record in this proceeding, we are of the view that the proposed assignment would serve the public interest by providing television service to a significant number of people.

8. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That effective November 7, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the community named is concerned as follows:

City:	Channel No.
Glendive, Mont.	5+, 18–.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: October 3, 1956.

Released: October 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8136; Filed, Oct. 9, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7]

PART 20—PILOT CERTIFICATES

MISCELLANEOUS AMENDMENTS

This supplement changes the limitations contained in §§ 20.4–1 and 20.22–1 for student pilot and private pilot certificates issued to applicants who cannot read, write, speak, and understand the English language. As changed by this supplement, the limitations will be appropriate to the particular deficiency of the applicant.

This supplement also revises § 20.42–4 by modifying the requirement for completion of all items of Phase I of the instrument flight test with the use of the primary panel of flight instruments only. As changed by this supplement, the applicant will be required to perform only sufficient maneuvers to demonstrate his ability to control the attitude of an airplane by use of the basic flight instruments.

The following revisions are hereby adopted:

1. Section 20.4–1 is revised to read as follows:

§ 20.4–1 *Language limitation (CAA policies which apply to § 20.4).* (a) A student pilot certificate issued to a person who cannot speak or understand the English language will bear the limitation "Not valid for Flights Requiring the use of English for Traffic Instructions."

(b) A student pilot certificate issued to a person who cannot read or write the English language will be limited by flight instructors' endorsements to solo flights in aircraft in which he is completely familiar with all placards, operating limitations, and instructions.

2. Section 20.22–1 is revised to read as follows:

§ 20.22–1 *Language limitation (CAA policies which apply to § 20.22).* (a) A private pilot certificate issued to a person who cannot speak or understand the English language will bear the limitation "Not Valid for Flights Requiring the Use of English for Traffic Instructions."

(b) A private pilot certificate issued to a person who cannot read or write the English language will be limited to the type or types of aircraft in which he demonstrates a thorough knowledge of all placards, operating limitations, and instructions.

3. Section 20.42–4 (c) is revised to read as follows:

§ 20.42–4 *Demonstration of skill—general (CAA policies which apply to § 20.42 (c) and (d)).* * * *

(c) The applicant will be required to perform with the basic flight instruments sufficient maneuvers to demonstrate his ability to control the attitude of an air-

plane by the basic flight instruments only.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

This supplement shall become effective October 1, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8114; Filed, Oct. 9, 1956; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TECHNICAL STANDARD ORDER TSO-C22c, SAFETY BELTS

Regulations of the Administrator § 514.32 (TSO-C22) pertaining to safety belts is amended to reissue minimum performance standards in the new format published in 21 F. R. 6508. The original effective date is being retained. These changes are editorial in nature; therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act are considered unnecessary.

Section 514.32 under Subpart B of this part is amended to read as follows:

§ 514.32 *Safety belts—TSO-C22c*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for safety belts which are to be used in civil aircraft of the United States.[1] Safety belts manufactured for installation in civil aircraft on or after July 1, 1950, shall meet the standards of National Aircraft Standards Specification 802, revised May 15, 1950,[2] with the following exceptions:

(2) *Exceptions.* (i) For the purpose of this order the strengths specified in 4.1.1 of NAS 802 shall be 1,500 pounds and 3,000 pounds instead of 3,000 pounds and 6,000 pounds.

(ii) In complying with 4.3.2.2. of NAS 802, the curved portion of the test form may be padded with no more than one inch of medium density sponge rubber, or equivalent, and covered with suitable fabric to similate a person's body and clothing.

(b) *Marking.* Each half of each safety belt shall be marked in accordance with § 514.3 except that in lieu of subparagraph (3) of § 514.3 (a) the rated strength of the safety belt assembly shall be shown.

(c) *Effective date.* This amendment will become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8111; Filed, Oct. 9, 1956; 8:45 a. m.]

[1] New military safety belts, identified by an NAF, AAF, or AN drawing number, an AAF order number or other official military designation or specification numbers are also eligible for installation in all civil aircraft.

[2] Copies may be obtained from the American Aeronautical Forum, 527 Washington Loan and Trust Building, Washington 4, D. C.

[Amdt. 215]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport, authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BELLINGHAM, WASH. Bellingham 158'. SBRAZ-DTV BLI. Procedure No. 1. Amendment No. 8. Effective date: October 27, 1956. Supersedes amendment 7 dated December 25, 1954. Major changes: Correct bearings and distances; standardize landing minimums, add straight-in note.	BLI VOR	160—6.7	2,000	W side NW course: 295° outbound. 115° inbound. 1,500' within 10 miles.	1,000	114—2.6	T-dn C-dn S-dn Runway 12 A-dn	300-1 600-1 *500-1 800-2	300-1 600-1 *500-1 800-2	200-½ 600-1½ *500-1 800-2	Within 2.6 miles, turn right, climb to 1,500 feet on NW course BLI LFR within 20 miles. *Circling minimums apply if ADF not utilized LFR to runway.
	Intersection NW course BLI LFR and BLI VOR radial 205 (final).	115—4.9	1,000								

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BELLINGHAM, WASH. Bellingham Airport 158'. BVOR-BLI. Procedure No. 1. Amendment No. 2. Effective date: October 27, 1956. Supersedes amendment 1, dated January 1, 1955. Major changes: Correct bearings and distances; revised missed approach distance.	Intersection E course Vancouver LFR and 326° radial BLI-VOR.	146—17.2	2,000	W side of course: 326° outbound. 146° inbound. 2,000' within 10 miles. Not authorized beyond 10 miles.	2,000	146—8.9	T-dn C-dn A-dn	300-1 800-1 800-2	300-1 800-1 800-2	200-½ 800-1½ 800-2	Within 8.9 miles, turn right, climb to 4,000' on 155° radial within 15 miles of BLI VOR.
	Intersection W course Abbotsford LFR and 326° radial BLI-VOR.	146—5.2	2,000								
	BLI-LFR	340—6.7	2,000								
	Abbotsford LFR	197—5.6	2,000								
	Maple Ridge intersection	163—17.4	2,000								
BILLINGS, MONT. Billings municipal, 3612'. BVOR BIL. Procedure No. 1. Amendment No. 1. Effective date: October 27, 1956. Supersedes original, dated January 22, 1955. Major changes: Procedure turn altitude lowered; final approach course realined; delete nibbe and Lavina FM transitions—en route information.	Billings LFR	252—5.2	5,000	S side of course: 257° outbound. 077° inbound. 5,200' within 10 miles. Not authorized beyond 10 miles.	4,700	077—3.2	T-dn C-d C-n S-d S-n Runway 7 A-dn	300-1 400-1 400-2 400-1 400-2 800-2	300-1 500-1 500-2 400-1 400-2 800-2	300-1 500-1½ 500-2 400-1 400-2 800-2	Within 3.2 miles, climb to 5,000' on 055° radial within 20 miles.
	Park City FM	068—13.0	5,200								

...mended to read in part:

...UMENT APPROACH PROCEDURE

...cept visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport ...following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such ...ises. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set ...

City and State; airport name; procedure title; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course and minimum altitude inbound; limiting distances	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)		
1	2	3	4	5	6	14
LONG BEACH, CALIF. Municipal 56'. ILS LOB LOM LG. Combination ILS/ADF. Procedure No. 11. Amendment No. 11. Effective date: October 27, 1956. Supersedes amendment 10 dated August 18, 1956. Major changes: Add note regarding minimums when glide path inoperative.	LOB LFR	LOM	130—1.3	1,500	S side S course; 300° inbound.	Within 4.7 miles, after passing LOM, climb to 1,500' on NW course LOB LFR; turn left to 200° continuing climb to intersection S course LAX LFR and proceed to San Pedro Intersection at minimum of 2,500'. CAUTION: Standard clearance over obstructions not provided for circling minimums; 500' S of airport; oil derricks 1 mile S of airport with 3,000' obstruction. *900-1 required for takeoff runways 16, 16R, 25L, 34R. NOTE: Glide slope unit now at beginning of usable portion of runway 30; 930' end closed permanently. #Straight-in landing minimums are 400-1 with glide slope inoperative.
	Huntington Beach FM (final).	LOM	300—8.2	1,400	300° inbound.	
	San Pedro Intersection	LOM	033—13.4	1,500	Beyond 10 miles not authorized.	
	LOB VOR	LOM	199—2.0	1,500		
	Intersection SW course El Toro LFR and SE course LOB LFR (final).	LOM	297—13.2	1,400		
	Intersection SW course El Toro LFR and LOB radial 122° (final).	LOM	298—13.2	1,400		

Minimum altitude at glide slope intercept (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				
	Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)	
				65 knots or less	More than 65 knots		
7	8	9	10	11	12	13	
1,400 ILS	1,320—4.7	745—0.7	T-dn C-dn	300-1 500-1	300-1 600-1	*200-½ 600-2	
1,100 ADF			S-dn Runway 30 #ILS	*			
				300-¾	300-¾	300-¾	
			ADF	500-1	500-1*	500-1	
			A-dn ILS	600-2	600-2	600-2	
			ADF	800-2	800-2	800-2	

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-7932; Filed, Oct. 9, 1956; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Regs. U-10, U-12]

PART 251—LAND USES

SPECIAL USE PERMITS

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), §§ 251.1 and 251.3, Part 251, Chapter II, Title 36, Code of Federal Regulations, being Regulations U-10 and U-12 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, are hereby amended.

1. Paragraph (a) (1) of § 251.1 is amended to read as follows:

§ 251.1 *Special use permits, archaeological permits, leases, and easements; general conditions.*—(a) *Special uses.* (1) All uses of national forest lands, improvements, and resources, including the uses authorized by the act of March 4, 1915 (38 Stat. 1101), as amended July 28, 1956 (Pub. Law 829, 84th Cong.; 70 Stat. 708; 16 U. S. C. 497), the act of March 30, 1948 (62 Stat. 100; 48 U. S. C. 341), and section 7 of the act of April 24, 1950 (64 Stat. 84; 16 U. S. C. 580d), and excepting those provided for in the regulations governing the disposal of timber and the grazing of livestock or otherwise specifically authorized by acts of Congress, shall be designated "special uses," and shall be authorized by "special use permits."

2. Paragraph (a) of § 251.3 is amended to read as follows:

§ 251.3 *Charge or other consideration for special use permits.* (a) Special use permits, except as otherwise provided in this section or § 251.2, or specifically authorized by the Secretary of Agriculture, shall require the payment of a fee or charge commensurate with the value of the use authorized by the permit, the amount of which shall be prescribed by the Chief of the Forest Service, except that any such permit to any State or political subdivision thereof or any public agency or for nonprofit purposes may be issued without charge as provided by § 251.2 or for such charge as may be deemed appropriate by the Chief, Forest Service.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 4th day of October 1956.

(Sec. 1, 30 Stat. 35, 16 U. S. C. 55. Interpret or apply 33 Stat. 628, 16 U. S. C. 472)

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 56-8127; Filed, Oct. 9, 1956; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 27]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 56-7997, published at page 7596 in the issue for Thursday, October 4, 1956, the following changes should be made:

1. In Note 1 to paragraph (f) (3) of § 73.119, the designation "Class IV–A1" should read "Class IV–A [1]".

2. The note to subparagraph (7) of § 73.264 should be designated as "Note 5".

3. In footnote 6 to the report form under § 78.58–23, the word "value" should read "valve".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1011]

[AO-277]

IRISH POTATOES GROWN IN NEW JERSEY

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed Marketing Agreement No. 111 and Order No. 129 (hereinafter referred to as the "marketing agreement and order") regulating the handling of Irish potatoes grown in the State of New Jersey, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the twentieth day after publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and order were formulated was held at Hightstown, New Jersey, on May 21–25, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 2631). Such notice set forth the proposed marketing agreement and order which were sponsored by producers of Irish potatoes in the State of New Jersey, as represented by officials of the New Jersey State Potato Association.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(2) The existence of the right to exercise Federal jurisdiction;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the committee to incur expenses and to levy assessments on potatoes handled;

(d) The authority for establishment of potato marketing research and development projects;

(e) The authority for limiting the grade, size, and quality of potatoes which may be handled under the marketing agreement and order;

(f) The authority for establishing minimum standards of quality and maturity;

(g) The authority for special regulations to be made applicable to the handling of potatoes for specified outlets which may be handled under special regulations that are modifications of, or amendments to, grade, size, and quality regulations;

(h) The necessity for inspection and certification of potatoes being handled pursuant to the marketing agreement and order;

(i) The relaxation of regulation in hardship cases and the methods and procedures applicable thereto;

(j) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(k) Additional terms and conditions as set forth in §§ 1011.70 through 1011.91, as published in the FEDERAL REGISTER (21 F. R. 2631) on April 24, 1956, which are common to marketing agreements and marketing orders.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) Prices of Irish potatoes grown in the State of New Jersey have fluctuated widely during the past six years, reflecting disorderly marketing conditions that have adversely affected growers' returns. In addition, during the same period the New Jersey potato industry has lost markets steadily to competing areas. This trend is reflected in the potato acreage and production in New Jersey which has decreased steadily from 1949 to 1955. Since 1949 the potato acreage has decreased from 41,000 acres to approximately 23,000 acres in 1955. Prior to 1949 New Jersey potato acreage had dropped from 69,000 acres in 1945 to 41,000 in 1949. Farm prices for New Jersey potatoes averaged $1.27 per bushel in 1949 and $0.80 per bushel during the 1955 season. For the other seasons, the average farm price received by New Jersey potato growers fluctuated as follows: 1950 season—$0.82 per bushel; 1951 season—$1.11 per bushel; 1952 season—$2.30 per bushel; 1953 season—$0.84 per bushel; and 1954 season—$1.17 per bushel. These farm prices reflected the following percentages of the applicable equivalent parity prices for such potatoes: 1949 season—76 percent; 1950 season—49 percent; 1951 season—65 percent; 1952 season—151 percent; 1953 season—56 percent; 1954 season—81 percent; and 1955 season—59 percent.

New Jersey potato growers are concerned with the increasing competition and losses of markets previously enjoyed by that industry. The bulk of the New Jersey potato crop is marketed during a very short season of approximately six weeks during July and August. During this period New Jersey potatoes are in competition in both interstate and intrastate markets with commercially-produced potatoes from Delaware, Long Island, and Pennsylvania and with non-commercial, home-grown potatoes. The quantity of potatoes marketed during any given period by New Jersey producers or handlers has a direct effect upon the prices of all potatoes, and particularly the price which New Jersey growers receive for their crop.

Whenever there is a surplus of potatoes in a particular market, whether interstate or intrastate, any additional supply of such commodity received on that market has a depressing effect on the price of potatoes therein. In such a situation, if only the better grades, sizes, and qualities of New Jersey potatoes are permitted to move to such market, the depressing effect on New Jersey potato prices could be minimized.

The principal factor contributing to the reduced market for, and the disorderly marketing conditions with respect to New Jersey potatoes is the inferior packs which have been marketed during the past several years. Grades and sizes of New Jersey potatoes are not uniform within packs; and inferior grades and sizes are often included. This lack of uniformity in the New Jersey packs results from the common practice of growers grading and packing potatoes according to their own conceptions of the quality and size composition of the United States official potato grades. The usual packs sold by the New Jersey potato industry are referred to, in the industry, as "number ones"

and "number twos" or "seconds." The "number ones" are run over a 1⅞ inch screen; and the "seconds" are the smaller sizes—1½ to 1⅞ inches minimum diameter—which fall through such screen. Also, some potatoes are picked out of both packs because of defects, such as cuts, sunburn, decay, scab, etc. These potatoes are referred to as culls or pickouts. The "number ones" are generally considered equivalent in quality and size to U. S. No. 1 potatoes by most of the industry. However, less than 5 percent of the New Jersey crop in 1955 was actually certified by the Federal-State Inspection Service as meeting any United States official grade.

The bulk of the New Jersey potato crop which is so graded and packed is sold through shipping point dealers or handlers. Such handlers sell the potatoes and usually arrange for their transportation and delivery to the buyer. The dealers, however, do not have assurance of the actual grade, size, and quality of the potatoes they handle. Because of this fact, it has been the practice for dealers to look to the grower for any adjustments in the selling prices of potatoes involved in disputes by buyers concerning the grade, size, or quality of the produce. Mandatory inspection under the marketing agreement and order of all regulated New Jersey potato shipments made thereunder would assure both handlers and buyers of the grade, size, and quality of the potatoes being handled, and would thus minimize the necessity for adjustments at destination. This would tend to promote more orderly marketing conditions for New Jersey potatoes, and growers' returns would be increased accordingly.

Long Island potatoes usually command a premium over New Jersey potatoes. During the 1950 and 1951 seasons, however, the handling of New Jersey potatoes was regulated under a marketing agreement and order (Order No. 98) program. During the 1950 season, about 75 percent of the New Jersey crop was sold to the government under a price support program. The remainder, sold in commercial channels, was packed under grade and size regulations and returned to New Jersey growers higher prices than potatoes sold by nearby competing producing areas. After June 30, 1951, the price support program was not in effect. Grade and size regulations were continued under the marketing agreement and order program, and the 1951 New Jersey crop was sold in commercial channels. For the second consecutive year, New Jersey potatoes brought higher returns than those produced in such competing areas. During 1952, although New Jersey potato returns were high, the marketing agreement and order was terminated, and Long Island regained its advantage over New Jersey, which usually averaged about 15 cents per hundredweight, but which ranged as much as 50 cents per hundredweight higher on some days. Distribution of the New Jersey potato crop during 1951 was wider than in 1952, and demand for such commodity in most States was greater than in 1952. The evidence discloses that during the years New Jersey operated under the marketing agreement and order program, prices received by New Jersey potato growers were increased.

Certain grades and sizes of potatoes return higher prices to growers than other grades and sizes. For example, "number ones" return higher prices than "seconds" and other potatoes, lower in quality and smaller in size, commonly referred to in trade parlance as "culls" or "pickouts." The market for "seconds" is rather limited. Some are sold to truckers, and local or nearby markets; and other outlets for "seconds" are canning and livestock feed. During 1955 "seconds" usually averaged one-third the price of the "number ones" and brought about 30 cents per hundredweight irrespective of their final use (e. g., as table stock, or for canning or livestock feed.) This price returned growers only harvesting and packing costs for such potatoes.

"Pickouts" from New Jersey frequently find their way into commercial channels where they are generally sold at a discount. The sale of "pickouts" thus not only returns discounted prices to growers, but also brings discredit to the reputation of New Jersey potatoes thereby adversely affecting prices received therefor. Prices for New Jersey potatoes marketed and total returns for New Jersey potato growers could be enhanced by prohibiting the shipment of such poor quality potatoes in commercial channels.

The orderly marketing of Irish potatoes grown in New Jersey has been disrupted by reason of the shipment of certain grades, sizes, and qualities of such potatoes which have adversely affected price returns to potato producers. The marketing agreement and order are necessary to authorize regulations governing the sale and transportation of Irish potatoes grown in New Jersey so that more orderly marketing conditions for such potatoes may be established and maintained. The establishment of orderly marketing conditions through a marketing agreement and order and regulations thereunder would tend to establish parity prices for Irish potatoes grown in the State of New Jersey. A marketing agreement and order authorizing regulation for the handling of New Jersey potatoes will assist the New Jersey potato industry in establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for Irish potatoes grown in the production area which will effectuate such orderly marketing of such potatoes as will be in the public interest. The marketing agreement and order, as hereinafter set forth, will tend to promote orderly marketing of New Jersey potatoes. The operation of the marketing agreement and order will tend to establish and maintain such orderly marketing conditions for New Jersey potatoes as will establish parity prices of such potatoes.

(2) All handling of Irish potatoes grown in New Jersey is either in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. The bulk of the New Jersey potatoes moves to markets located outside of New Jersey. The Southern States constitute the principal market for such potatoes. New Jersey and nearby areas, which include Pennsylvania and New York State, are next in importance followered by the North Central States. A small percentage of the New Jersey potato crop moves into New England.

New Jersey potatoes are in competition principally with potatoes grown in Pennsylvania, Long Island, and Delaware. However, the shipping period for New Jersey coincides with that of several other commercial producing areas, including the Central and Western States. Also, potatoes from these competing areas are sold in New Jersey at the same time New Jersey potatoes are moving to market. Daily reports submitted to the New Jersey Department of Agriculture by most dealers operating in New Jersey indicate that 2.4 percent of their shipments in 1955 were destined for New England; 20.2 percent for New Jersey, New York, and Pennsylvania; 18.9 percent for the North Central States and 43.7 percent for Southern States. Only 3.6 percent of their shipments was destined for New Jersey markets. However, there are additional shipments of New Jersey potatoes sold within New Jersey, which are not included in the daily reports by the dealers. Many of these shipments are made by growers to the farmer's markets in Camden and Trenton, New Jersey, or sold directly to roadside stands located within the State. Other shipments are sold through truckers who make their purchases at the farms and may sell the potatoes within the State or may dispose of them outside the State.

Some of the reported shipments to nearby areas may also be consumed within the State. Some chain stores have warehouses located within New Jersey which service their New Jersey and out-of-State retail stores. When a load of New Jersey potatoes is shipped to such a warehouse, the shipper at the time of shipment does not know whether these potatoes will be disposed of within New Jersey or delivered to the out-of-State stores. Also, sales at the farmer's markets and sales in wholesale lots at roadside stands may eventually be shipped in interstate commerce for disposition.

The demand for "seconds" and "pickouts" is not confined to the State of New Jersey. Many of these potatoes are offered on consignment in the Philadelphia market. Others are purchased by itinerant truckers, and, in most cases, the destinations of such potatoes are unknown to the grower at the time of sale. Others move into the current of interstate commerce through roadside stands. While these roadside stands are primarily retail outlets for fruits and vegetables, many such stands wholesale potatoes.

The sale and movement of potatoes grown within the State of New Jersey are directly related whether such sale or such movement is within the State or to points outside thereof, and there is no differentiation in prices for potatoes of similar quality merely due to destination. According to the evidence if the

marketing agreement and order regulated only interstate and foreign commerce in New Jersey potatoes the unregulated sale and movement of such potatoes within the State would displace regulated potatoes thereby channeling these additional potatoes into interstate and foreign commerce, which could be a burden, and have a direct adverse effect, on interstate and foreign commerce in New Jersey potatoes.

Shipments of New Jersey potatoes to markets within the State and to markets outside thereof are inextricably intermingled, and it is concluded that it is impractical to effectively regulate the handling of New Jersey potatoes in interstate and foreign commerce without regulating all handling of such commodity.

(3) It is necessary to define the certain terms used in the marketing agreement and order, so their applicability and meaning may be established and to preclude the necessity for redefining such terms when they are later used therein.

The term "potatoes" as used in the marketing agreement and order identifies the agricultural commodity involved, and distinguishes it from other agricultural commodities such as sweet potatoes. The term "potatoes" should be defined to mean all varieties of Irish potatoes which are commonly referred to as such in the production area as hereafter defined. Potatoes are a major agricultural crop grown by farmers in the production area. Reference to "potatoes" has a common and specific meaning for all growers and handlers in the production area. The definition of potatoes as set forth in the marketing agreement and order establishes the identity of the agricultural commodity for which regulation is authorized. This definition establishes the commodity with respect to which handling activities related thereto are subject to the authority of the marketing agreement and order.

The term "production area" as defined in the marketing agreement and order specifies the area in which potatoes must be grown before the handling thereof is subject to regulation. Potatoes are produced for market in all regions of New Jersey. Production, harvesting, and marketing conditions, are generally the same throughout the State. The same varieties are grown throughout the State and potatoes from each region thereof compete in the same markets both within and outside of New Jersey during each season. Exclusion of any portion of the State of New Jersey from the production area would divide a known potato producing section of the United States. All territory included within the boundaries of the State of New Jersey constitutes the smallest regional production area that is practicable consistently with carrying out the declared policy of the act. The term "production area" should, therefore, be defined as hereinafter set forth.

(4) The definition of "handler," which is synonymous with "shipper," is incorporated in the marketing agreement and order as the impact of regulation is upon handlers. This term should have a broad, comprehensive meaning and should include all persons (except common or contract carriers of potatoes owned by others) responsible in any way as principals or agents in the sale or transportation of potatoes. The exception should be made for common and contract carriers for the reason that these agencies transport potatoes for a monetary consideration and do not have a proprietary or agency interest in the commodity.

As a general rule, growers in New Jersey grade and pack their own potatoes. These operations are usually performed by contract labor crews under the direction of the grower on the farm where the potatoes are grown. Arrangements for sale of the potatoes may be consummated by the grower prior to the grading and packing operations or subsequent thereto. Some growers sell their potatoes: through recognized local dealers or through commission merchants operating in nearby terminal markets; directly to itinerant truckers; on farmers' markers and auction markets located in the production area or in nearby out-of-state areas; or to retailers or institutional users of potatoes. The greater part of these sales is made through local dealers who usually sell the potatoes for the account of the grower for a stipulated fee per unit.

The dealer usually arranges for the transportation of the potatoes from the grower's grading shed to destination, however, growers also haul potatoes from the farm directly to market or to a loading point for further movement to market. Such hauling is usually done in trucks owned by the grower. In other instances growers hire common or contract carriers to move the potatoes.

A grower should be deemed to be a handler whenever he sells potatoes, except sales made through a recognized dealer located within the production area, or whenever he transports potatoes except for the purpose of grading or storing the potatoes within the production area. The potatoes so sold directly by the grower have already been graded or packed either to the grower's specifications, or those of the buyer, and nothing further remains to be done to them prior to their being sold or marketed without any intervening agency. In a sale by a grower through a local dealer, the dealer should be considered the handler since he is responsible for negotiating and consummating the sale with the buyer and is usually responsible for the arrangement of transportation of the potatoes from the farm to destination. Since the dealer actually concludes the sale he should be required to assume the responsibility fully of ascertaining the grade, size, and quality of the potatoes he is selling; and dealers testified willingness to accept such responsibility. In some cases a dealer may operate central packing sheds and buy ungraded potatoes from growers. Such dealer grades and otherwise prepares the potatoes for market and performs the other functions of the dealer. Such dealers should similarly be deemed the handlers of the potatoes. The itinerant trucker who buys potatoes from a handler, regardless of whether such person is also the grower of the potatoes, and thereafter sells or transports them should also be considered as a handler since he is performing the handler activities.

Definition of "ship" or "handle" is incorporated in the marketing agreement and order to indicate particular phases of potato marketing and the specific activities which are to be subject to regulation under the marketing agreement and order. With respect to the marketing agreement and order the shipping or handling of potatoes includes the movement of potatoes from the end of the grader to a car or truck and the loading thereof, the transportation of such potatoes (whether or not to market), and the sale of such potatoes. The definition also includes all of these activities which may be carried on with respect to any and all regraded, resorted, or repacked potatoes.

New Jersey potatoes generally, are sorted, graded, and otherwise prepared for market on the farm where grown. Such preparation for market, including the packing of potatoes in bags or other containers, is done by, or under the direction of, the grower. In the counties comprising District No. 3 of the production area (as such district is described in the marketing agreement and order), central packing is a common practice. Ungraded potatoes are hauled, usually in growers' trucks, from the field where grown to central packing sheds operated by local dealers. Such dealers perform, or supervise, the actual grading and other preparation of the potatoes for market. The potatoes which are so hauled to the central packing sheds are sold to the dealers who pay the growers on a pack-out basis. The dealers own the potatoes and sell, or otherwise handle them, as their own property.

The movement of ungraded potatoes from the field where grown to market and the sale of such potatoes in a field-run condition are not a common practice in New Jersey. However, because of the proximity of the production area to large consuming centers, and the easy access which growers and handlers have to such markets, such movement and sale could take place. Should this occur the movement of ungraded potatoes from a grower's field or from any other point, to market for sale in commercial channels in their ungraded form, as well as the actual sale thereof, should be considered as being within the definition of ship or handle. This should be so since such potatoes were not previously prepared for market as such preparation was not considered necessary as a preliminary thereto by the person transporting the potatoes to market or selling them. To exclude such handling from regulation could destroy the effectiveness of the marketing agreement and order program.

The movement of potatoes to a grading shed in the production area where such potatoes are graded and otherwise prepared for market is the usual and common practice in New Jersey. It is not necessary to require that such potatoes, before they move to the grading shed, meet grade and size regulations which may be in effect. The movement of potatoes to storage where they will subsequently be graded and otherwise prepared for market should similarly not be

required to comply with current grade and size regulations. The practice in New Jersey with respect to potatoes that are so moved to storage is to have the potatoes graded and otherwise prepared for market before they are handled. Such exceptions from regulation, however, should be limited to the movement of the potatoes to packing sheds and storage located within the State. To permit the movement of potatoes for such purposes to points outside of New Jersey would remove them from the control of the New Jersey Potato Committee (hereinafter described as the administrative agency for the marketing agreement and order), and could make it virtually impossible for the committee to ascertain whether any such potatoes complied with current grade and size regulations at the time the potatoes are marketed or moved to market. Therefore, the movement of ungraded potatoes within the production area for grading or storage therein should not be included in the definition of the terms "ship" and "handle."

(5) (a) The definitions of "Secretary," "act," and "person," as set forth in the notice of hearing, were not in controversy at the hearing. These terms are used in marketing agreements and marketing orders effective under the statute, and indicate the officials of the Department of Agriculture who may exercise authority under the marketing agreement and order, the official citation of the legal authority for the program, and the identity of the individuals and others embraced within the meaning of the term "person." The use of such terms in the marketing agreement and order is essential to the basic framework thereof.

"Producer" should be defined to mean any person who is engaged in the production of potatoes within the production area and who is producing such potatoes for market. The definition of the term producer is necessary for appropriate determinations as to eligibility for exemptions under the marketing agreement and order to vote for and to serve as a producer member or alternate on the New Jersey Potato Committee and for other reasons. The term should be limited to those persons who have an ownership interest in the potatoes produced. It should not include laborers or others who perform work, for a fee or for hire, in producing the potatoes.

"Fiscal period" should be defined to mean the period beginning and ending on the dates as recommended by the committee and approved by the Secretary. This definition provides authority for the committee and the Secretary to set the beginning of a fiscal period relatively close to the opening of a marketing season so that a minimum of expenses may be incurred by the committee prior to receipt of revenue from current shipments to cover such expenses. There is a definite break in shipments between one potato marketing season and another in the State of New Jersey and no difficulty should be encountered in establishing the beginning of one marketing year and the close of another. Such flexibility should facilitate operations under the marketing agreement and order.

The definition of "committee" is incorporated in the marketing agreement and order to identify the administrative agency responsible for assisting in the administration of the program. Committee means the New Jersey Potato Committee as authorized by the act and which is necessary and incidental to the operation of the marketing agreement and order.

The term "varieties" is defined in the marketing agreement and order so that the committee and the Secretary may give consideration to differences in the characteristics of different varieties of potatoes and differences in regulations which could be recommended and made effective therefor. The bulk of the potatoes produced in New Jersey falls within the general group known as the round white varieties. However, a great deal of experimental and research work is being conducted at the present time with respect to new varieties. Evidence indicates that it is possible that a long white variety may become adaptable for New Jersey. Differences by groups or varieties should be recognized by the committee and the Secretary in their deliberations and the marketing agreement and order should authorize different regulations for different varieties when necessary. It is particularly important, especially in the development of any new variety, that the marketing agreement and order should contain authority to provide special treatment such as freedom from regulation or minimal regulation for such variety. The meaning set forth in the definition of the term "varieties" is appropriate for determining different varieties of potatoes as grown in the production area.

Definitions of "seed potatoes" or "seed" and "table stock potatoes," are incorporated in the marketing agreement and order because regulations are authorized under certain circumstances for each. The term "seed potatoes" or "seed" should be defined to include such potatoes as are certified, tagged, or otherwise appropriately identified as such by the official seed certifying agency of the State of New Jersey. Table stock potatoes should be defined as all potatoes other than seed potatoes. Hence, the total of the table stock and seed potatoes will equal potatoes, to be covered by the marketing agreement and order. Special regulations for seed potatoes should be authorized because such potatoes are produced for a specialized use (i. e., planting) and the demands of the table stock market differ in some respects from those on the seed market. For example, potatoes of the small sizes ordinarily are discounted in the table stock market, while they may bring a premium in the seed market if they are seed potatoes.

"Pack" should be defined as a basis of distinguishing the various shipping units in which potatoes are packaged, as well as the contents of the packages in terms of the quantity of potatoes and the grade and size thereof. The term "pack" is commonly used throughout the New Jersey potato industry and refers to one or more of the combinations of factors relating to the grade and size of particular containers of potatoes and to the size and type of the container. For example, "number ones" and "seconds" are referred to as specific packs. Differences in packs are also recognized by the size of the package. For example, potatoes in ten pound bags often are referred to as a 10-pound pack. It is essential that such differentiation should be authorized in the marketing agreement and order so that appropriate regulations tailored to the particular pack involved, and the market demands therefor, may be made effective and thereby tend to achieve the declared policy of the act. The definition for the term "pack" should, therefore, be set forth in the marketing agreement and order.

Definitions of "grade" and "size," are incorporated in the marketing agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalent of the meanings assigned these terms in (i) the official standards for potatoes (7 CFR 51.1540–51.1559, and 51.1575–51.1587) issued by the United States Department of Agriculture, (ii) the State of New Jersey Standards for White Potatoes issued by the appropriate authority in the production area, or (iii) modifications of, or amendments to, any such standards or variations based thereon. Regulations under the marketing agreement and order may then use such terms (i. e., grade and size) with the constant meaning assigned thereto by such standards or by such modified or amended standards; or such regulations may vary such terms by prescribing, for example, a percentage of a grade. Official inspectors are qualified to certify grades and sizes of potatoes grown in the production area in terms of any of the aforesaid standards, or modifications, amendments, or variations thereof.

"Grading" and "preparation for market," are synonymous in the marketing agreement and order and mean the sorting of potatoes by hand or mechanical means, or both, into grade, quality, or size classifications. New Jersey potatoes are currently sorted into some such classifications, e. g., "number ones," "seconds," and "pickouts." Grading is usually a mechanical operation whereby potatoes are carried by a mechanical conveyor over a series of moving screens and tables where sizes are determined and good quality, as represented by preferred grades and sizes or both, is sorted from the poor, so the potatoes which are to go to preferred price outlets are separated from those going to lower price outlets. This grading or preparation for market is an operation which applies to all potatoes grown in the production area even though the extent to which the potatoes are sorted may vary considerably according to the types of outlets. The definition of grading or preparation for market should also mean the sorting or preparation of potatoes into grades and sizes by any means, including any repacking, regrading, or resorting of potatoes which may have been previously

prepared for marketing. The definition should be as set forth in the marketing agreement and order.

The definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipments than for domestic shipments. Export markets may have requirements which differ from the domestic market and special regulations are justified. Export should be defined to include all shipments of potatoes outside the continental United States.

"District" should be defined in the marketing agreement and order as referring to each of the geographical divisions of the production area, as initially established, or as later reestablished, in order to provide a basis for the nomination and selection of committee members and alternates and for regulatory purposes.

(b) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee called the New Jersey Potato Committee composed of twelve members. Establishment of this committee is necessary to aid the Secretary in carrying out the declared policy of the act. Such committee is authorized by the act. The membership also gives potato producers and handlers in the production area a fair and equitable representation on the committee. Committee membership of eight producers and four handlers is equitable and practical. Evidence supports the findings that this plan of representation has received intensive study by the industry and after thorough consideration such division of responsibility between producers and handlers is appropriate.

Provision is made for an alternate for each member of the committee. Circumstances may arise when it is impossible for a member or members to attend particular meetings of the committee or where positions are vacant because of resignations or for other reasons. In such situations it is desirable for the respective alternates to serve in lieu of the members so that there will be no interruption of committee operations and to assure producers and handlers in all districts of the production area representation in the conduct of all committee business. Also, alternates could relieve members by performing other assigned tasks necessary for administration of the program. Such alternates should have the same qualifications as the members in order that the interest of all producers and handlers will be adequately considered at all times in the administration of the marketing agreement and order.

A quorum of the New Jersey Potato Committee should consist of eight members and eight concurring votes should be necessary for passing any motion or approving any action of the committee. Such quorum and voting requirements, constituting a minimum of two-thirds of the membership are deemed reasonable and adequate. The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine it would be unreasonable to call for an assembled meeting, or when rapid action is necessary because of an emergency. Votes cast at other than assembled meetings should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person, so as to preclude the obtaining of telephone or other types of votes from members or alternates who did not participate in the assembled meeting deliberations.

Each member and alternate selected to represent producers in a particular district should be a producer of potatoes, or an officer or employee of a corporate producer or other type of business unit engaged in producing potatoes, in such district and also be a resident thereof. Persons with such qualifications will be acquainted with the particular problems of producing and marketing potatoes in such district and for that reason can be expected to reflect the views, problems, and economic conditions of producers in such district with respect to committee actions. Each member and alternate representing handlers should be a person who is a handler or who is an officer or employee of a corporate handler or other type of business unit engaged in the handling of potatoes in the State of New Jersey and a resident thereof. Handler representation should be by New Jersey handlers irrespective of the district or districts in which they operate so that they will have the requisite background knowledge and current information relative to the marketing of New Jersey potatoes. Such knowledge and information will enable them to advise the committee with respect to regulations that will most effectively carry out the objectives of the marketing agreement and order and the act. Handler representatives should also be residents of the State in order that they will be readily available for committee meetings, and will have by reason of such residence a direct interest in the problems of marketing potatoes grown in New Jersey.

The selection of committee members and alternates on the basis of districts, as set forth in the marketing agreement and order, provides a practicable and equitable manner of representation. The geographical basis for the extent and selection of the committee membership is related to the acreage and production of potatoes within the production area so that such selection thereby provides an equitable basis for committee representation.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within ten days after notification of appointment so that the composition of the committee will not be unduly delayed. This requirement is necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to indicate his willingness and intention to serve on the committee.

The term of office of committee members and alternates under the proposed program should be for two years beginning on May 1 and ending April 30. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for two years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of marketing season and hence allow adequate time for the committee to organize and start operating.

Provision is made in the marketing agreement and order for staggered terms of office of committee members and alternates. Under this provision one-half of the committee in office on April 30 of each year will continue in office until the next year. The establishment of such staggered terms will provide for more efficient administration of the program in that members and alternates constituting the new half of the committee membership will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the marketing agreement and order. Such continuity is an essential ingredient in the successful administration of the marketing agreement and order.

The terms of office of one-half of the initial committee members and alternates shall be for one year, and of the remainder for two years so that one-half of the total committee membership will terminate at the end of each year. This will facilitate the establishment of staggered terms of office as provided in the marketing agreement and order. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act because such powers are authorized to be granted by the enabling statutory authority. They are necessary so that an agency of the character set forth in the marketing agreement and order can function. The duties established for the committee are generally similar to those specified for administrative agencies under other marketing agreements and marketing orders of this character. These duties should enable the members and alternates of the committee to undertake or perform such activities as may be necessary for the committee to carry out its responsibilities prescribed in the marketing agreement and order. The committee's duties as set forth in the marketing agreement and order are necessary for the discharge of its responsibilities. It should be recognized that these specified duties are not necessarily all inclusive in that there may be other duties which are incidental to and not inconsistent with the terms and condi-

tions of the marketing agreement and order which the committee may need to perform in connection with its operations thereunder.

Committee members and alternates should be reimbursed for reasonable expenses necessarily incurred when they are engaged in committee business. These expenses should be paid because it would be unfair for committee members and alternates, who are to serve on the committee without compensation, in the interest of the industry, to be required to bear such expenses, in addition to the time lost in their business.

Districts are established to provide a basis for the selection of committee membership. It is practical and equitable that selection of committee members and alternates should be on the basis of districts as provided for in the marketing agreement and order. This would provide the geographical basis, as previously discussed, for the selection and representation of such members. The districts as set forth in the marketing agreement and order constitute what are generally known and recognized by the industry as major growing sections within the production area, and such districts represent the best basis which could be devised at this time for providing a fair, adequate and equitable representation on the committee.

A provision for redistricting is necessary so as to enable the committee to consider from time to time when the basis for representation has changed or could be improved and how such improvement should be made. The guides as set forth in the marketing agreement and order which the committee and the Secretary should keep in mind in considering redistricting are appropriate and desirable points of reference upon which the committee and the Secretary should base recommendations and action. The marketing agreement and order should therefore authorize redistricting.

A nomination procedure is provided in the marketing agreement and order to assure the Secretary that the names of appropriate prospective members and alternates will be brought to his attention. The nomination of prospective producer members and alternates by producers at producer meetings in their respective districts and of prospective handler members and alternates at handler meetings is a practical method of providing the Secretary with names of such members and alternates. Such procedure will insure that the Secretary has available a list of nominees whose qualifications have been reviewed, and acted upon, by members of the industry.

Nomination meetings for the purpose of nominating members of the committee and their alternates shall be held or caused to be held by the committee prior to March 1 of each year. Such date will provide the committee with adequate time to prepare and submit a nominee list to the Secretary in time for the Secretary to select the members and alternates to take office on May 1 as provided for in the marketing agreement and order. Such meetings may be held by the committee, or by persons or organizations requested by the committee to hold such meetings.

At least two nominees should be designated for each position as member, and each position as alternate member, which is vacant or which will become vacant the following April 30, so that the Secretary will have a choice in making his selection, and, in the event the selectee declines to serve, the Secretary will have the names of prospective members or alternates from which to make another appointment.

Nominee lists should be supplied to the Secretary in the manner and form prescribed by him to establish administrative uniformity in the handling of such matters. Such nominations should be presented to the Secretary by March 31 of each year so that the selection of the members and alternates for the new term of office which begins May 1 may be made prior to such date.

The marketing agreement and order provide that only producers shall participate in designating nominees for producer members and alternates and only handlers in designating handler members and their alternates. This is necessary to insure that the interest of each group are properly safeguarded and that the nominees truly reflect the choices of each group. If a person is both a producer and a handler he may vote either as a producer or as a handler by electing the group with which he wishes to participate. Such person may not vote both as a producer and a handler because to do so would enable him to participate in nominations to greater degree than persons who are only producers or only handlers.

A producer or handler should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates regardless of the number of districts in which he produces or handles potatoes. Voting on any other basis would not provide equitable participation or representation. If a producer or handler could cast more than one vote by reason of operating in more than one district such producer or handler would have an advantage in selecting nominees over producers or handlers operating in only one district. Likewise, if more than one vote was permitted, producers or handlers could dominate the elections and nominate the producers and handlers not favored by a majority of producers or of handlers.

A producer who operates in more than one district should be permitted to elect from among the districts in which he produces potatoes the district in which he may vote in order that he may cast his ballot for nominees for committee members and alternates where he believes his main interest lies. The one vote limitation applies to any one position at a nomination meeting. Each producer or handler is allowed one vote for each such position as a committee member and each such position as a committee alternate which is to be filled.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order the Secretary should be allowed to select committee members and alternates without regard to nominations if the committee for some reason should fail to comply with the nomination procedure prescribed therein. Such selection, however, should be on the basis of the representation provided in the marketing agreement and order to insure that all producers and handlers in the production area are fairly and adequately represented on the committee.

Provision should be made for the Secretary to fill any committee vacancy in order to maintain continuity of committee operations. The marketing agreement and order provide several procedures which may be followed by the Secretary in filling such vacancies. This is desirable so that the Secretary will not be forestalled in filling vacancies and so that he may have available adequate means of obtaining the names of qualified persons to fill such vacancies. The Secretary should have authority to select persons to fill committee vacancies from nominations made at meetings of producers or handlers. It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies by reference to nominees on the current nominee list without regard to nominations whenever meetings for such purpose are not conducted. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary should have this authority in order to maintain continuity of committee membership and operations and to assure that all producers and handlers in the production area are adequately represented in the conduct of committee's business.

(c) The committee should be required to prepare a budget of expenses at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the marketing agreement and order. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. This will furnish the Secretary with adequate data and information concerning the committee's proposed activities and enable him to determine whether the proposed expenses, and related rate of assessment, are reasonable and likely to be incurred by the committee in carrying out its duties and functions under the marketing agreement and order.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of reasonable expenses by administrative agencies, such as the committee, and the statute also requires that each order issued pursuant to the act shall contain provisions requiring handlers to pay their pro rata share of the necessary expenses.

Each handler should pay the committee upon demand his pro rata share of

such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a specified fiscal period and the total quantity of potatoes so handled by all handlers during the same fiscal period; and such proration of expenses will be equitable among handlers. Since the first handler usually applies for inspection, such handler will be the person who is to pay the assessment. For potatoes which are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the potatoes and should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on potatoes that are handled more than once; and handlers will be able to arrange their operations accordingly. The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act.

At any time during or subsequent to a given fiscal period the committee should be authorized to recommend the approval of an amended budget and to recommend the fixing of an increased rate of assessment to balance the revenues and necessary committee expenses for such period. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets, and, if he finds that the then current rate of assessment is insufficient to cover committee expenses and permit proper administration of the marketing agreement and order, he should be authorized to increase the rate of assessment. So as to avoid inequities, the marketing agreement and order should provide that such increased rate of assessment shall be applied retroactively to all potatoes handled by first handlers during the specified fiscal period.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administering the provisions of the marketing agreement and order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration may be subject to inspection at any time by the Secretary. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible, should the Secretary at any time ask for such an accounting.

Whenever any person ceases to be a member or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to such successor as directed by the Secretary. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the successor the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

If the committee were to recommend that the operation of the marketing agreement and order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period with respect to records, funds, and other property. This provides a feasible means whereby the committee's business affairs may be taken care of during periods of relative inactivity with a minimum of expense to the industry and to the Secretary.

The committee should provide periodic reports on its fiscal operations. Audit reports may be requested by the Secretary at appropriate times (such as at the end of each marketing season or at such other times as may be necessary) to maintain appropriate supervision and control of the committee's affairs.

Handlers should be entitled to a proportionate refund of any excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season. Whenever a handler demands payment of any such credit, the proportionate refund should be paid to him.

When the committee is required to wind up its affairs, upon termination of the marketing agreement and order, considerable expense may be involved in the liquidation process. It is appropriate, therefore, in order to meet the expenses of such liquidation that some of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation of the committee in the event that the marketing agreement and order are terminated and would, to the extent practical, spread the cost of liquidation on an equitable basis among handlers during the entire period the program was in effect. However, any funds not required for such liquidation should, to the extent practical, be returned on a pro rata basis to all persons who contributed to the reserve.

(d) Information relative to the marketing and distribution of New Jersey potatoes could be helpful to improve consumer acceptance. In addition, marketing research and development projects or studies relative to the development of new and different food products from New Jersey potatoes or the development of industrial uses for such potatoes could improve market outlets for New Jersey potatoes. The establishment or providing for the establishment for marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes is authorized by the act. The committee should have this authority, therefore, to establish the requisite projects.

The committee oftentimes may be limited in carrying out such research and development projects due to the lack of facilities and trained technicians. However, universities and other agencies have the facilities and the personnel trained to conduct, classify, and interpret such projects. The committee should have the authority to utilize such facilities and personnel to assist it in carrying out proper marketing research and development projects. However, all such projects should receive the prior approval of the Secretary to assure their appropriateness and the proper expenditure of funds therefor.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate such orderly marketing of potatoes as will be in the public interest. The regulation of shipments of potatoes by grade, size, quality, or maturity, or any combination thereof, as authorized in the marketing agreement and order provides a means of carrying out such policy.

The procedures and methods which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, quality, and maturity regulations provide a practical basis for the committee to obtain appropriate and adequate information relating to potato marketing problems. Also, other members of the industry, including both growers and handlers, should be provided with the information regarding the policies and regulations recommended by the committee to enable them to plan their operations accordingly. The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policies are the factors commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to potatoes.

In order that the Secretary may effectively carry out his responsibilities in connection with the marketing agreement and order, the committee should prepare and submit to the Secretary a report on its proposed marketing policy and amendments thereto, relating to the marketing of potatoes during each season. The initial marketing policy forwarded at the beginning of each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with recommendations for regulations. This should give all inter-

ested parties the maximum notice of probable regulations. Reports on marketing policy and regulations recommended by the committee should be submitted to the Secretary and presented to the industry as a means of keeping both informed.

The committee should be empowered to consider and recommend any or all authorized regulations for issuance by the Secretary. Evidence shows that authority should be established in the marketing agreement and order to issue regulations with respect to grade, size, quality, or maturity or any combination thereof, in any or all portions of the production area during any period. Such grade, size, quality, or maturity regulations may be applicable to table stock potatoes or to seed potatoes or both. The limitation of shipments of poorer grades, off qualities, badly skinned, and less desirable sizes of potatoes grown in the production area will tend to increase prices of more desirable grades, qualities and sizes and to promote more orderly marketing conditions for, and increase the returns to producers of, such potatoes.

The various standards for potatoes as issued by the United States Department of Agriculture, or by the New Jersey Department of Agriculture, provide a common and acceptable means of determining grade, size, quality, or maturity of potatoes grown in the production area defined in the marketing agreement and order. Such standards are widely used throughout the production area and both producers and shipping point handlers, as well as buyers, are acquainted with such standards and commonly use them in their market transactions. The sizes of potatoes which may be considered for limitation under the authority of the marketing agreement and order because of their depressing effect on potato prices may include not only small potatoes but also excessively large potatoes. Size limitations could be made applicable, for example, to the sizes of potatoes which may be contained in particular packs as a means of promoting more orderly marketing. Lower grades of potatoes, and off quality potatoes including not only the unclassified potatoes as set forth in the Federal and in the State standards for potatoes, which are commonly referred to as culls, but also other potatoes which show excessive defects (e. g. those set forth and described in such standards) generally have a price lowering effect on the market price for good quality potatoes and tend to discourage consumer acceptance. The limitation of shipments by prohibiting movement of potatoes of poor quality or that are badly skinned, and less desirable sizes of potatoes will help to improve orderly marketing conditions for potatoes by enhancing the demand for, and competitive position of, potatoes grown in the production area; and authority therefor should be contained in the marketing agreement and order.

The orderly marketing of potatoes grown in such production area, with the objective of increasing returns to producers of such potatoes, will be promoted by authorizing the regulation of shipments of particular grades, sizes, qualities, or maturity of potatoes differently for different varieties, differently for table stock and seed, differently for different portions of the production area, differently for different packs, and differently for any combination of the foregoing, during any period.

Demand for different varieties of potatoes generally establishes price preferences for different grades, sizes, or both, or quality, or any combinations thereof, of such varieties. Prices for minimum grades and sizes of long white varieties acceptable to consumers may well be different, and usually are different, from those for the minimum grade and sizes of round white varieties. Similarly, minimum grades and sizes of potatoes of the red varieties could receive different demands than for either the round white or the long varieties. New varieties are being introduced, some of which may be adaptable to production in New Jersey, and the marketing conditions could be such as to require a differentiation in regulation between such new varieties and present varieties. This flexibility in the authority to regulate potato shipments should therefore be in the marketing agreement and order.

Small size New Jersey potatoes usually return a premium in the seed market if such potatoes are certified seed potatoes. However, small size potatoes are generally discounted in the table stock market, and it is immaterial whether such potatoes in fact are certified seed potatoes. Therefore, different regulations should be authorized for table stock and seed.

It is possible that weather conditions may differ from one portion of the production area to another and have different effects on potato production, or hail storms and other weather damage may affect potatoes grown in certain portions of the production area, more adversely than in others. Authority should be established in the marketing agreement and order for the committee to consider such differences and to recommend the issuance by the Secretary of appropriate different regulations for such potatoes.

The marketing agreement and order should authorize different regulations for different packs so that this part of the marketing program may assist the industry in furthering such merchandising approaches as are found to be sound. The committee and the Secretary could take account of different supply and demand conditions as they may arise and become apparent for different packs and thereby have available an adequate basis for the issuance of applicable pack regulations.

It may well occur, during the course of a marketing season, that the grade, size, or quality regulation then in effect may become unsuitable as a limitation of shipments regulation at a particular time. This may result from the fact that the supply and demand situation with respect to production area potatoes could have changed so that other grades, sizes, or qualities of potatoes would be able to be marketed at better returns to the growers than under the then current regulation. Authority should be contained in the marketing agreement and order, therefore, to enable the committee and the Secretary to effect an amendment of such current regulation to conform, to the extent practical, the provisions of the regulation to such supply and demand situation. In addition, whenever the limitations of a particular regulation do not tend to effectuate the declared policy of the act, or obstruct such effectuation, the marketing agreement and order should authorize the suspension or termination of such regulation. In this manner, regulations on a current basis could always be in effect.

Due to lack of substantial evidence to support authority in the marketing agreement and order for providing a method for fixing the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging or handling of potatoes, or both, such authority is not included in the marketing agreement and order.

(f) The committee should be authorized to recommend, and the Secretary to establish as permitted by the act, such minimum standards of quality and maturity and such grading and inspection requirements, during any and all periods when the seasonal average price for potatoes may be above parity, as will effectuate such orderly marketing of New Jersey potatoes as will be in the public interest. Some potatoes are of such poor quality that they do not give consumer satisfaction at any time because of the large amount of waste and time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality potatoes, and even when prices are above parity it is not in the public interest, either of the producers or consumers, to permit shipments of such poor quality. Potatoes that are excessively skinned are more susceptible to deterioration than mature potatoes. Here too, consumers do not receive satisfaction with such immature potatoes. The sale of such excessively skinned potatoes tends to disturb market conditions for the commodity even when prices are above parity and discounted prices are received for such immature potatoes, and adversely affects growers' returns. The marketing agreement and order should therefore contain authority for the establishment of such minimum standards of quality and maturity as will effectuate such orderly marketing of New Jersey potatoes as will be in the public interest; and no action will be authorized thereunder which has for its purpose the maintenance of growers prices above the parity level.

(g) The Secretary upon the basis of recommendation and information submitted by the committee or other available information should be authorized to modify, suspend, or terminate grade, size, quality, or maturity regulations with respect to shipments of potatoes for purposes other than disposition in commercial markets as table stock potatoes. The committee should be well qualified because of the experience gained in operating under the marketing program and of the experience and knowledge of individual members to recommend such modifications, suspensions, or terminations as will be in the best interest of the New Jersey potato industry and which will tend to effectuate the declared policy of the act. Potatoes moving to, or sold in, certain outlets, such as those specified in § 1011.54 of the marketing agreement and order, are handled in a different manner or are accepted in different grades, sizes, or qualities, or different prices are returned, or combinations of such considerations may apply. The marketing agreement and order should provide authority for the committee and the Secretary to give appropriate consideration to shipments of potatoes for such purposes so that full opportunity may be taken by this program to improve orderly marketing conditions for potatoes thereby promoting the tendency to increase total returns to potato growers in the production area.

Authority should be provided in the marketing agreement and order for the committee to recommend to the Secretary that he modify, suspend, or terminate regulations with respect to movements of potatoes for export; and the Secretary should be authorized so to act. Export requirements for potatoes differ materially on occasions from domestic market requirements. Certain outlets in the Caribbean area, for example, prefer certain grades, sizes and qualities of potatoes which usually are discounted in the domestic market. Such shipments to export tend to increase total returns to producers in the production area and result in added income for the crop thereby tending to effectuate the declared policy of the act. Other export outlets, Canada for example, prefer grades, sizes, and qualities which are more common to our domestic table stock market. The committee and the Secretary should have the requisite authority to effect the appropriate modification, suspension, or termination of regulations for export shipments differently depending upon the demands of such outlets. Export markets are usually additional outlets for New Jersey potatoes. The authority to modify, suspend, or terminate regulations should be included in the marketing agreement and order to facilitate the movement of New Jersey potatoes to such outlets. For these reasons, the committee should be authorized to recommend, and the Secretary to establish, modification, suspension, and termination of regulations to facilitate export shipments.

The marketing agreement and order should provide that special consideration may be given to shipments of potatoes for charitable purposes. Such shipments are intended for special outlets, and usually the shipments are by way of donation or due to some special consideration between the shipper and the receiver, and are not considered as being in competition with usual table stock shipments.

The committee should be authorized to recommend and the Secretary to provide that potatoes shipped for manufacture or conversion into specified products should not be regulated to the same extent as table stock potatoes or that regulations thereon be suspended or terminated. Shipments of potatoes for manufacture or conversion reduce the supply of such potatoes available for shipment to the table stock market and therefore, such shipments tend to increase the value of the crop. The committee should be given authority to recommend which shipments should be classed as being for manufacture or conversion into specified products because committee members are in a position to appraise market conditions and determine whether such products are competitive with table stock potatoes. New end products may be developed, from time to time, some of which may, and some of which may not, be competitive with table stock potatoes; and the committee would be in a favorable position to assess the competition, if any, between such products and fresh table stock potatoes. It is concluded that the committee and the Secretary should have the necessary authority with respect to such modifications, suspensions and terminations.

The committee should also be authorized to recommend and the Secretary to provide that shipments of potatoes for livestock feed should not be regulated or to recommend and provide the modification or suspension of regulations so as to facilitate the movement of potatoes to such outlets. Livestock feed provides a salvage outlet for potatoes that is not competitive with table stock market. When such outlets are available it would tend to furnish a source of revenue for potatoes that otherwise would not be permitted to be handled because of failure to comply with grade, size, and quality regulations. Off grades, off sizes, and other poor quality potatoes should be allowed to move with freedom from grade and size requirements to livestock feed outlets and thereby augment growers' returns for the total crop.

In order to maintain appropriate identification of shipments of potatoes to special outlets, safeguards are authorized in the marketing agreement and order and may provide for the issuance of Certificates of Privilege to handlers of such potatoes and in addition require that such handlers shall obtain such certificates on all shipments by them to such special outlets.

The authority contained in the marketing agreement and order for modifying, suspending, or terminating regulations should be accompanied by the additional administrative authority for the committee to recommend and for the Secretary to prescribe adequate safeguards to prevent shipments for any of the foregoing purposes from entering the channels of trade contrary thereto. The authority for establishing safeguards should include appropriate requirements or qualifications on shipments which are necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards among others may include: inspection requirements so that the committee may have an accurate record of the potatoes (including the grade, size, and quality thereof, when necessary) shipped to special outlets; application to make such special shipments; requirement for the payment of assessments in connection with such shipments; reports by handlers on the number of such shipments, and the amount of potatoes shipped, and assurances by the receivers or purchasers that the potatoes are to be used for the purposes designated.

Certificates of Privilege may be issued by the committee to authorize handlers to make such shipments and as a means of identifying such shipments. Such Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner which can be made known to all handlers. The Secretary should have the right to modify, change, alter or rescind any or all safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection with the foregoing and the committee should currently notify all persons affected by the indicated action.

The committee should be authorized by the marketing agreement and order to deny or rescind Certificates of Privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the marketing agreement and order which should include the authority to rescind or deny certificates upon the evidence satisfactory to it that a handler to whom a Certificate of Privilege had been issued has handled potatoes contrary to the provisions of the certificate. If the committee rescinds or denies a Certificate of Privilege to any handler such action should be in terms of a specified period of time. Handlers affected by the denial of a certificate or the rescinding of such certificate should have the right of appeal to the committee for a reconsideration.

The committee should maintain detailed records relevant to Certificates of Privilege and submit reports thereon to the Secretary as prescribed in the marketing agreement and order in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

The committee, with the approval of the Secretary, should be authorized to establish minimum quantities below which shipments will not be required to comply with all regulations under the marketing agreement and order. Administrative difficulties of completely regulating small shipments may, under some circumstances, make it uneconomical, undesirable, and impractical to attempt to do so. Under such circumstances, which can be readily determined by the committee, regulation in all respects of such small shipments would not tend to effectuate the declared policy of the act. It may be desirable, for example, to exempt small shipments from mandatory inspection, from payment of assessments, or from both. In such instances, however, handlers would still be required to have such shipments meet the then current grade, size, quality, and

maturity regulations. It is concluded, therefore, that the committee should be authorized to recommend, and the Secretary to establish, the minimum quantities which would not be completely subject to regulation under the marketing agreement and order. The committee and the Secretary should use such authority to relieve minimum quantities from regulation whenever practical. The foregoing provisions would thus permit flexible operation of the marketing agreement and order in a practical way. The use of such authority will tend to minimize financial burdens upon handlers making such small shipments.

(h) Provision should be made for mandatory inspection by the Federal-State Inspection Service, or by such other inspection service as the Secretary may approve, of all shipments of potatoes grown in the production area so as to insure compliance under the program. Such inspection requirements should apply to all potatoes shipped under regulations issued under the marketing agreement and order except when relieved from inspection pursuant to §§ 1011.53 and 1011.54 thereof.

Inspection of shipments subject to regulation would furnish the shipper or handler, the buyer, the committee, the Secretary, and other interested parties with an appropriate means of determining whether such shipments of potatoes comply with the requirements of applicable grade, size, quality, and maturity regulations which may be in effect under the marketing agreement and order. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, quality, and maturity of each shipment thereof should be authoritatively established so that the administration of the marketing agreement and order shall be efficient and effective.

Provision should be made in the marketing agreement and order whereby potatoes could be inspected not only by the Federal-State Inspection Service, but also by such other inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if Federal-State inspection is not available. The requirement that no handler shall ship potatoes unless such shipment is inspected by an authorized inspection service approved under the marketing agreement and order is reasonable and necessary for the proper administration of the program.

The responsibility for obtaining inspection should fall on all persons who handle potatoes so that each shipment of such potatoes will be identified and certified with respect to its grade, size, quality, or maturity as regulations may require. Each handler must bear responsibility for determining that each of his shipments is so inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates, which it needs to carry out its responsibility for determining whether shipments are inspected and are otherwise made in conformity with the requirements of the marketing agreement and order and regulations issued pursuant thereto. Handlers, too, would know whether their potato shipments are in compliance.

Whenever potatoes that have been inspected and certified are dumped thereafter from the containers in which they were so inspected and certified such potatoes lose their identity insofar as the inspection certificate issued is concerned. If any of such potatoes should thereafter be repacked, regraded, or resorted, such repacked, regraded, or resorted potatoes would have a new identity; and any handling of such potatoes should comply with the then current regulations under the marketing agreement and order. Therefore inspection and certification should also be required with respect to such repacked, regraded and resorted potatoes as in the case of handling any other regulated potatoes. The marketing agreement and order should provide that any repacked, regraded, or resorted potatoes shall not be handled unless they are inspected and certified except when exempted by the Secretary. Such inspection and certification of repacked, regraded, or resorted potatoes are necessary so that the shipper thereof as well as subsequent handlers, the committee, and other interested parties may determine if such shipments comply with the regulations in effect and applicable thereto.

The committee should be authorized to recommend rules and regulations which with the approval of the Secretary will modify inspection requirements on repacked, regraded, or resorted potatoes. The regrading, resorting, or repacking of potatoes is not a common practice in the production area because the bulk of the packing operations is done on the farm. Some dealers repack potatoes into consumer size packages for sale to limited outlets. Extension of the inspection and certification requirements to the handling of such repacked, regraded, or resorted potatoes may impose undue hardship on such dealers and also on the Federal-State Inspection Service. It may be desirable and practical to exempt such potatoes from the requirements under rules and regulations recommended by the committee and approved by the Secretary which could provide for such exemption by permitting minimum quantities to be reworked and handled without the additional inspection. Therefore, the marketing agreement and order should authorize the committee to recommend such rules and regulations which would modify, suspend, or terminate inspection requirements on the repacked, regraded, or resorted lots of potatoes.

The committee should be authorized to recommend rules and regulations which with the approval of the Secretary could require all lots of potatoes inspected and certified to be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal-State Inspector or the committee. Such requirement could result in more efficient and effective administration of the program because compliance problems would be minimized. In addition it would be of benefit to growers in areas close to terminal markets who handle their own potatoes, often at late hours, and ship more than one load to market in a given day. If the potatoes are identified by such seals, stamps, or tags prior to any such handling, it would not be necessary to require inspection on the separate loads of the potatoes originally inspected and certified as a single lot. It is, therefore, proper for the committee to have the authority to recommend, and for the Secretary to approve, such requirement when necessary or appropriate to effectuate the declared policy of the act.

The committee, with the approval of the Secretary, should be authorized to specify, insofar as the requirements of the marketing agreement and order are concerned, the length of time inspection certificates may be valid. Potatoes are susceptible to fairly rapid deterioration under unfavorable conditions of weather, temperature, or storage, for example. In order to obtain the maximum benefits from regulation under the marketing agreement and order and assure that at the time of handling the quality of the potatoes is so far as practicable the same as when inspected, the continued application of inspection certificates to certified lots of potatoes should be limited. In this way, the certified grade, size, quality, and maturity of inspected potatoes may be protected by imposing a reasonable time limit on the validity of such certificates. The committee should be able, due to experience and knowledge of the New Jersey potato industry, to recommend to the Secretary the maximum period of time within which such certificates should be considered as reflecting the condition of the inspected potatoes.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee by the inspection service promptly so that it may properly discharge its administrative responsibilities under the program.

(i) Certain hazards are encountered in the production and storing of the potatoes grown in the production area which are beyond the control and reasonable expectation of the grower of such potatoes or the handler who may store them. Because of these circumstances and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned the committee should be given authority to issue exemption certificates to permit qualified applicants to ship their equitable proportion of all shipments from their respective districts. The committee by reason of its knowledge of the conditions and problems applicable to the production and storing of potatoes in the various districts of the production area, should be well qualified to judge each applicant's case in a fair and equitable manner, in the light of the information which the applicant may furnish to substantiate his request for exemption, and to fix the quantity of exempted potatoes which each such applicant may ship. It is reasonable to require all such applicants for exemption to furnish the committee with satisfactory evidence to support their applications.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order. They should, therefore, be incorporated in the marketing agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedures established by the committee for granting exemptions and exemptions granted pursuant to such procedure. This is desirable to guard against inequities in the granting of exemptions, and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) Except as provided in the marketing agreement and order, no handler shall be permitted to handle potatoes the handling of which is prohibited pursuant to the marketing agreement and order; and no handler should be permitted to handle potatoes except in conformity with the marketing agreement and order. If the program is to be effective, compliance therewith is essential; and, hence, no handler should be permitted to evade any provisions. Any such evasion on the part of even one handler, could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair operation of the program.

(k) Provisions in §§ 1011.70 through 1011.73 and §§ 1011.80 through 1011.88 as published in the FEDERAL REGISTER of April 24, 1956 (21 F. R. 2631) are common to marketing agreements and orders now operating. The provisions in §§ 1011.89 through 1011.91 also published in such FEDERAL REGISTER are common to marketing agreements currently in effect. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the marketing agreement or order, or both. These provisions are incidental to, and not inconsistent with, the terms and conditions in section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions should, therefore, be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and record thereof it is found that:

(1) The marketing agreement and order hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefore as will tend to establish as prices to producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said marketing agreement and order authorize regulation of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Ruling on proposed findings and conclusions. Interested parties were allowed until July 2, 1956 to file briefs with respect to findings of fact and conclusions based on evidence introduced at the hearing. No such written brief was filed, however, James S. Turp, attorney for the opponents, requested, and was accorded by the presiding officer, an opportunity to present an oral argument before the close of the hearing for consideration in lieu of a written brief.

Every point covered in the argument was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the argument are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as a detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 1011.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1011.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1011.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1011.4 *Production area.* "Production area" means all territory included within the boundaries of the State of New Jersey.

§ 1011.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the State of New Jersey.

§ 1011.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 1011.7 *Handle.* "Handle" or "ship" means to sell or transport potatoes within the production area or between the production area and any point outside thereof: *Provided,* That the definition of "ship" or "handle" shall not be applicable to shipments of ungraded potatoes for grading or storing within the production area.

§ 1011.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 1011.9 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 1011.10 *Committee.* "Committee" means the New Jersey Potato Committee, established pursuant to § 1011.25.

§ 1011.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1011.12 *Seed potatoes.* "Seed potatoes" or "seed" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of New Jersey, or other seed certification agencies which the Secretary may recognize.

§ 1011.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 1011.14 *Pack.* "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or size limits, or both, as recommended by the

committee and approved by the Secretary.

§ 1011.15 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) New Jersey Standards for White Potatoes as issued by the New Jersey Department of Agriculture or amendments thereto, or modifications thereof, or variations based thereon.

§ 1011.16 *Grading.* "Grading" is synonymous with "preparation for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 1011.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 1011.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 1011.32.

COMMITTEE

§ 1011.25 *Establishment and membership.* (a) The New Jersey Potato Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence and perform other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1011.26 *Procedure.* (a) Eight members of the committee shall be necessary to constitute a quorum and eight concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 1011.27 *Selection.* (a) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a producer or handler, respectively, in the district for which selected and shall be residents of such district.

(b) The Secretary shall select six producer members of the committee, with their alternates, from District No. 1, one producer member with his alternate, from District No. 2, and one producer member with his alternate, from District No. 3. The Secretary shall select four handler members of the committee, with their respective alternates, from the production area at large.

(c) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1011.28 *Term of office.* (a) The terms of office of committee members and alternates shall be two years beginning May 1 and ending April 30. The terms of office of members and alternates shall be so determined that one-half of the total producer committee membership and one-half of the total handler committee membership shall terminate each April 30.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1011.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1011.30 *Duties.* It shall be the duty of the committee:

(a) As soon as practical after the beginning of each fiscal period, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request, and the report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers;

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart; and

(k) To establish, and pay the expenses of, advisory subcommittees for the purpose of consulting with Federal, State, and other appropriate agencies with respect to the establishment of marketing research and development projects pursuant to § 1011.47; and

(l) To set up subcommittees, including a special public relations subcommittee for working with producers, handlers, and the general public in connection with specific regulations, rules, practices, committee services, inspection, terminal marketing practices, transportation, and such other matters that are related to this marketing program.

§ 1011.31 *Expenses and compensation.* Committee members and their respective alternates when acting on committee business may be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart.

§ 1011.32 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. Mercer, Middlesex, Monmouth and all counties lying north thereof in the State of New Jersey;

District No. 2. Burlington, Camden, Gloucester, and Ocean Counties; and

District No. 3. Atlantic, Cape May, Cumberland, and Salem Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That in recommending any such changes in districts or representation, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative position of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part and (4) other relevant factors: *Provided further,* That there shall be no change in the total number of committee members or in the total number of districts.

§ 1011.33 *Nominations.* The Secretary may select the members of the New Jersey Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to March 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and handlers, respectively, in each of the districts designated in § 1011.32 in which the term of office of committee members, and their respective alternates, will commence the following May 1;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following April 30;

(d) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than March 31 of each year;

(e) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(f) Each person who is both a handler and a producer may vote either as a handler or as producer and may elect the group in which he votes; and

(g) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(h) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 1011.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 1011.33, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 1011.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled during a fiscal period by him as the first handler thereof and the total quantity of potatoes handled during such fiscal period by all handlers as first handlers thereof.

§ 1011.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1011.42 *Assessments.* (a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes handled during such fiscal yeriod.

§ 1011.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1011.44 *Refunds.* At the end of each fiscal period monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1011.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

REGULATION

§ 1011.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investi-

gations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, or in different containers, or any other shipping unit;

(2) Supply of potatoes by grade, size, quality, and maturity in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy and it shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 1011.51 *Recommendation for regulations.* The committee shall recommend to the Secretary regulations, or amendments thereto, or modifications thereof, whenever it finds that such regulations as provided in § 1011.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of potatoes for the purposes authorized in § 1011.54. The committee may also recommend amendment, termination, or suspension of any regulation issued under this part.

§ 1011.52 *Issuance of grade, size, quality, and maturity regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, or qualities, of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(2) Regulate the handling of particular grades, sizes, or qualities of potatoes differently, for different varieties, for table stock and seed, for different portions of the production area, for different export outlets, for different packs, or for any combination of the foregoing, during any period; or

(3) Regulate the handling of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary may amend any regulation issued under this subpart whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of any regulation issued or of any modification, suspension, or termination thereof pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 1011.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish minimum quantities below which shipments will be free from regulations issued pursuant to § 1011.42 or § 1011.60, or both.

§ 1011.54 *Handling for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to §§ 1011.40 to 1011.60, inclusive, in order to facilitate the handling of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act. Adequate safeguards may be established pursuant to paragraph (c) of this section to prevent such shipments from entering channels of trade for other than the specified purposes:

(1) Shipments of potatoes for export;

(2) Shipments of potatoes for distribution by relief agencies, or for consumption by charitable institutions;

(3) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products; or

(4) Shipments of potatoes for livestock feed.

(b) Whenever the handling of seed potatoes is not subject to the same regulations as is the handling of table stock potatoes, issued pursuant to §§ 1011.52 to 1011.60, inclusive, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 1011.60 and pay the pro rata share of expenses provided by § 1011.42 in connection with potatoes handled under the provisions of this section; and

(3) Handlers shall obtain Certificates of Privilege from the committee for potatoes to be handled under the provisions of this section. The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(4) The committee shall make monthly reports to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any handler if evidence is obtained that potatoes handled by him for the purposes stated in this section have been diverted from such purposes contrary to the provisions of this subpart.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension or termination of regulations pursuant to this section, or of any approval issued by him under the provision of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

INSPECTION AND CERTIFICATION

§ 1011.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to § 1011.52 or § 1011.54, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 1011.53 or § 1011.54 or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection as the Secretary shall designate: *Provided,* That such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated under rules and regulations recommended by the committee, and approved by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal-State or Federal inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate, or evidence thereof in the form of seals, stamps, or tags, is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 1011.65 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1011.66 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 1011.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's district; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of potatoes specified thereon. Such certificates shall be transferred with such potatoes at time of shipment.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reasons of a regulation issued pursuant to § 1011.52 he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's district; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1011.67 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1011.68 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to § 1011.65, § 1011.66, § 1011.67, or any combination thereof.

(b) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied and the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 1011.70 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1011.71 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal period.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1011.72 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1011.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart; (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

REPORTS

§ 1011.80 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of potatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such potatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the potatoes were handled, together with the destination of each exempted disposition, and of all potatoes handled pursuant to §§ 1011.53 and 1011.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1011.81 *Compliance.* No handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall handle potatoes except in conformity to the provisions of this part.

§ 1011.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1011.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1011.84 *Agents.* The Secretary may by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1011.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1011.86 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty.

§ 1011.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1011.88 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ 1011.89 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1011.90 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1011.91 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 5th day of October 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-8125; Filed, Oct. 9, 1956; 8:48 a. m.]

[1] Applicable only to the proposed marketing agreement.

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

AIRCRAFT SEATS AND BERTHS

The following regulations pertaining to Technical Standard Orders are proposed for publication as §§ 514.35 and 514.36 of Subpart B of Part 514 of the regulations of the Administrator.

Technical Standard Order TSO–C25, as it appears in § 514.35 (21 F. R. 6508), is amended to apply only to Type I transport seats for use in aircraft for which application for type certificate was made prior to March 5, 1952. A new regulation, § 514.36 (TSO–C39) is proposed to define the minimum performance standards for approved seats pursuant to §§ 4b.1, 4b.18, and 4b.358 of Chapter I of this title. These standards are applicable to seats for rotorcraft, and to aircraft for which an application for type certification was made on or after March 5, 1952.

The amendments to § 514.35 (21 F. R. 6508) and § 514.36 are proposed for adoption, to be effective November 15, 1956. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Section 514.35 under Subpart B of this part, is amended to read as follows:

§ 514.35 *Aircraft seats and berths (Type I transport, 6g forward load)—TSO-C25a*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft seats and berths (Type I transport, 6g forward load) which are to be used in civil aircraft of the United States. These standards apply to Type I transport seats for use in transport category aircraft for which an application for type certificate was made prior to March 5, 1952.[2] New models of seats and berths (Type I transport, 6g forward load) manufactured for installation in civil aircraft on or after the effective date of this order shall meet the standards of National Aircraft Standard Specification 806, revised January 1, 1956,[3] with the changes and exceptions listed in subparagraph (2) of this paragraph. Seats and berths approved by the Civil Aeronautics Administration prior to the effective date of this order may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) The ultimate loads corresponding to the aircraft reduced weight gust load factor or the airplane designer's special requirements may exceed the ultimate down loads for Type I seats specified in subsection 4.1.2 of NAS 806. For the purpose of this order, in order to provide for such loading conditions, the ultimate down loads specified in Table I of 4.1.2 for Type I seats shall be 1000 pounds (6g) instead of 765 pounds.

(ii) To insure that pilot and copilot seats will provide for the rearward loads resulting from the application of pilot forces to the flight controls, such seats shall withstand a rearward load of 450 pounds. The load shall be applied 8 inches above the intersection of the seat back with the seat bottom.

(iii) The weight of the seat or berth times the appropriate "g" value shall be added to the design ultimate load specified in subdivision (i) of this subparagraph and in subsection 4.1.2 of NAS 806.

(iv) For the purpose of this section, 4.3 (c) of NAS 806 should read: "that the structure is capable of supporting without failure for at least 3 seconds the ultimate loads specified in this order when applied separately."

2. Section 514.36 is added under Subpart B of this part, to read as follows:

§ 514.36 *Aircraft seats and berths—TSO-C39*—(a) *Applicability*—(1) *Minimum performance standards.* (i) Minimum performance standards are hereby established for aircraft seats and berths of the following types which are to be used in civil aircraft of the United States:

Type I—Transport (9g forward load).
Type II—Normal and utility.
Type III—Acrobatic.
Type IV—Rotorcraft.

(ii) New models of seats and berths manufactured for installation in civil aircraft on or after the effective date of this order shall meet the standards of National Aircraft Standards Specification 809, dated January 1, 1956,[4] with the exception in subparagraph (2) of this paragraph. Seats and berths approved by the Civil Aeronautics Administration prior to the effective date of this order may continue to be manufactured under the provisions of their original approval.

(2) *Exception.* The sideward loads as specified in 4.1.2 Table I need not exceed the requirements of the applicable Civil Air Regulations.

[2] Standards for Types II, III, IV, and I (for installation in aircraft for which an application for type certificate was made after March 5, 1952), are contained in § 514.36 (TSO–C39).

[3] Copies may be obtained from the National Standard Association, 616 Washington Loan and Trust Building, Washington 4, D. C.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8113; Filed, Oct. 9, 1956; 8:46 a. m.]

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

RADIO MARKER RECEIVING EQUIPMENT

The proposed regulation § 514.37 defines minimum performance standards for radio marker receiving equipment which is to be used in civil aircraft of the United States.

Section 514.37 is proposed for adoption, to be effective November 30, 1956. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 514.37 is added under Subpart B of this part to read as follows:

§ 514.37 *Radio marker receiving equipment operating on 75 mc (for air carrier aircraft—TSO–C35a*—(a) *Applicability*—(1) *Minimum performance standards.* (i) Minimum performance standards are hereby established for radio marker receiving equipment which is to be used in civil aircraft of the United States.

(ii) New models of radio marker receiving equipment for use in air carrier operations, manufactured on or after the effective date of this order shall meet the standards of Radio Technical Commission for Aeronautics' Paper entitled, "Minimum Performance Standards—Airborne Radio Marker Receiving Equipment Operating on 75 Megacycles" as amended (Paper 87–54/DO–57 dated April 13, 1954, and amendment, Paper 202–55/EC–273, dated November 14, 1955)[1] with the exception listed in subparagraph (2) of this paragraph. Radio marker receiving equipment models approved by the Civil Aeronautics Administration prior to the effective date of this TSO may continue to be manufactured under the provisions of their original approval.

(2) *Exception.* The exception applies to section 3.0, Minimum Performance Standards Under Environmental Test Conditions. Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 dated April 13, 1954,[4] which is incorporated by reference in and thus is a part of Paper 87–54/DO–57, outlines environmental test procedures for equipment designed to operate under three different temperature ranges as specified therein under Procedures A, B, and C. Only radio marker receiving equipment which meets the operating requirements in the temperature range of −55° C to +55° C or −40° C to +55° C, whichever is applicable, as outlined under Procedure A or Procedure B of Paper 100–54/DO–60 is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over a temperature range of −55° C. to +55° C. as outlined in Procedure A of RTCA Paper 100–54/DO–60 shall be marked as Category A equipment. Equipment which has been designed to operate over a temperature range of −40° C. to +55° C. as outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* Ten copies each of the operating instructions, schematic diagrams, and installation procedures for the equipment shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8112; Filed, Oct. 9, 1956; 8:45 a. m.]

[1] Copies of this paper may be obtained from the RTCA Secretariat, Room 2036, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D. C., at a cost of 30 cents per copy.

[4] Copies may be obtained from the National Standards Association, 616 Washington Loan and Trust Building, Washington 4, D. C.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11745]

INTERFERENCE PROTECTION TO FREQUENCIES UTILIZED FOR RADIO ASTRONOMY

EXTENSION OF TIME TO FILE COMMENTS

In the matter of amendment of Part 2 of the Commission's rules and regulations to give interference protection to frequencies utilized for Radio Astronomy.

1. The Commission having under consideration the request filed in the above entitled proceeding by the Radio-Electronics Television Manufacturers Association (RETMA) requesting an extension of time from September 28, 1956, to October 12, 1956, in which to file comments to the Commission's Notice of Proposed Rule Making in this Docket;

2. It appearing that good and sufficient reasons have been advanced by the RETMA in its request for an extension of time in which to file comments, and that the public interest would be served by a grant of that request;

3. *It is ordered*, That the time for filing comments in the above entitled proceeding is hereby extended from September 28, 1956, to October 12, 1956.

Adopted: September 28, 1956.

Released: October 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8137; Filed, Oct. 9, 1956; 8:50 a. m.]

[4] Copies of this paper may be obtained from the RTCA Secretariat, Room 2036, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D. C., at a cost of 20 cents per copy.

[47 CFR Part 3]

[Docket No. 11838; FCC 56-954]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, BINGHAMTON, AND CORTLAND, N. Y.

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. On September 11, 1956, WBRE-TV, Inc., Wilkes Barre, Pennsylvania, filed a petition for rule making to amend § 3.606 *Table of Assignments*, Television Broadcast Stations, so as to assign Channel 56+ to Binghamton, New York as follows:

City	Channels	
	Present	Proposed
Binghamton, N. Y..	12−, 40−, *46+	12−, 40−, *46+, 56+
Cortland, N. Y.....	56+	72

3. In support of its request petitioner submits that the Binghamton area has only one operating television station; that although a permit is outstanding for Channel 40 in Binghamton, the station has not been constructed; and that the assignment of Channel 56 to Binghamton would provide a diversified television program service to the area and would comply with the Commission's rules. WBRE–TV states that if its request is granted, it will file an application for a construction permit to operate on Channel 56. It notes that no application for Channel 56 in Cortland has been filed and that the assignment of Channel 72 would make future television service available to that community.

5. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 7, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to orig-

inal comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

6. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: October 3, 1956.

Released: October 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8138; Filed, Oct. 9, 1956; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11839; FCC 56-955]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, NASHVILLE, TENN.

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed September 13, 1956 by WLAC-TV, Inc., licensee of Station WLAC-TV, Old Hickory, Tennessee, requesting it to amend § 3.606 *Table of Assignments*, so as to assign Channel 5 to Nashville, Tennessee instead of Old Hickory, Tenn. and to issue a show cause order why its authorization for operation of Station WLAC-TV in Old Hickory should not be modified to specify operation at Nashville.

3. In support of its request petitioner notes that Channel 5 was assigned to Nashville by the Commission's Sixth Report and Order; that subsequently this assignment was deleted upon finding that Channel 5 had been incorrectly assigned to Nashville at a sub-standard separation, under the then existing rules; and that, after rule making, Channel 5 was assigned to Old Hickory. Old Hickory is a community of approximately 8,500 persons located in the Nashville metropolitan area approximately 11 miles from Nashville. In assigning Channel 5 to Old Hickory the Commission pointed out that it would be possible for a station on this frequency in Old Hickory to serve the needs and interests of the Nashville metropolitan area as well as the community of Old Hickory itself. The Commission recognized that by assigning Channel 5 to Old Hickory, it would be affording recognition to public interest requirements substantially the same as those recognized in the assigning of Channel 5 to Nashville in Docket No. 8736. Petitioner is authorized to operate Station WLAC-TV on Channel 5 at Old Hickory, with main studios located in Nashville, and urges that in assigning Channel 5 to Old Hickory the Commission recognized that it was, in effect, providing an additional television service for Nashville. Petitioner submits that public interest requirements which led to the assignment of Channel 5 to Nashville in the first instance still obtain and that these requirements may be more fully met by reassigning Channel 5 to Nashville in accordance with the mileage spacing requirements as recently amended in Docket 11714 (§ 3.611 (a) (2)). Petitioner's present transmitter site for Station WLAC-TV would meet the present milage requirements of the Rules, and Channel 5 may now be assigned to Nashville.

4. The Commission is of the view that rule making proceedings should be instituted in this matter so that all interested parties may submit their views and relevant data to the Commission.

5. WLAC-TV requests that it be directed in this proceeding to show cause why its authorization for Station WLAC-TV should not be modified to specify operation at Nashville instead of Old Hickory. We do not believe, however, that we should direct WLAC-TV in this proceeding to show cause why its authorization should not be modified. Such additional proceedings which may be necessary can be instituted at the termination of this rule making proceeding.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c) (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 7, 1956, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: October 3, 1956.

Released: October 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8139; Filed, Oct. 9, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11840; FCC 56-956]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, MACON, GA.

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given that the Commission has received a proposal for rule making in the above entitled matter.

2. The Commission has before it for consideration a petition filed August 27, 1956 by Southeastern Broadcasting Company, licensee of Station WMAZ-TV, Warner Robins, Georgia, requesting it to amend § 3.606 of its rules by assigning Channel 13 to Macon, Georgia, instead of Warner Robins and to issue a show cause order why its authorization for Station WMAZ-TV should not be modified to specify operation in Macon.

3. In support of its request Southeastern points out that Chanel 13 was assigned to Macon by the Commission's Sixth Report and Order; that subsequently the Commission discovered that this assignment had erroneously been made in violation of the minimum mileage requirements of the then existing rules; and that upon request of petitioner, Channel 13 was shifted from Macon to Warner Robins. Petitioner submits that under the recent amendment to the Commission's Rules relating to mileage spacing requirements, Channel 13 can now be assigned to Macon upon a showing that a transmitter site is available which would meet the minimum separations specified by the Rules. It is urged that in assigning Channel 13 to Warner Robins the Commission was affording recognition to public interest requirements substantially the same as those recognized in assigning the channel to Macon in the first instance. Petitioner states that as a Warner Robins station it must depend upon an audience and advertisers in Macon and that, being the only operating station in the Macon area, it is relied upon by the people of Macon and the surrounding area for television service, and it is maintained that the public interest would be served by identifying WMAZ-TV with the larger city. From the station's present site, mileage spacing requirements would be met and city-grade service is provided to Macon.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that all interested parties may submit their view and relevant data to the Commission.

5. Southeastern Broadcasting Company asks that it be directed to show cause why its outstanding authorization for Station WMAZ-TV should not be modified to specify operation as a Makin instead of a Warner Robins station. We do not believe, however, that we should direct Southeastern in this proceeding to show cause why its authorization should not be modified. Such additional proceedings which may be necessary can be instituted at the termination of this rule making proceeding.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the amendment proposed by petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 7, 1956, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: October 3, 1956.

Released: October 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8140; Filed, Oct. 9, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11841; FCC 56-957]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, LAFAYETTE AND LEBANON, IND.

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. On August 29, 1956, WFAM, Inc., permittee of television Station WFAM-TV authorized to operate on Channel 59 in Lafayette, Indiana, filed a petition for rule making to amend § 3.606 *Table of Assignments*, Television Broadcast Stations, so as to shift Channel 59 from Lafayette, Indiana, to Lebanon, Indiana, and to shift Channel 18 from Lebanon to Lafayette. Petitioner also requests the Commission to order it to show cause why its outstanding authorization for Station WFAM-TV should not be modified to specify operation on Channel 16 in lieu of Channel 59.

3. In support of its request petitioner alleges that the proposal conforms with the Commission's rules and regulations; that it would resolve the problems inherent in the operation on the higher UHF channels and would result in more efficient operation of WFAM's present transmitting equipment and the receivers in the hands of the public. It argues further that no application for Channel 18 in Lebanon has been filed with the Commission; that it does not appear that any applicant in Lebanon will apply for Channel 18 in the foreseeable future and that it is probable that the equipment problems connected with operation on higher UHF channels will be eliminated by the time an application for Channel 59 is filed.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data to the Commission.

5. We do not believe, however, that we should direct the WFAM,-Inc., in this proceeding to show cause why its authorization for station WFAM-TV should not be modified to specify operation on Channel 18 in place of Channel 59. Such additional proceedings which may be necessary can be instituted at the termination of this rule making proceeding.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 7, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

8. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: October 3, 1956.

Released: October 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8141; Filed, Oct. 9, 1956; 8:51 a. m.]

[47 CFR Part 16]

[Docket No. 11843; FCC 56-969]

LAND TRANSPORTATION RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 16.352 (a) of Part 16 of the Commission's rules governing Land Transportation Radio Service.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration petitions filed by the Atchison, Topeka and Santa Fe Railway Company and the Association of American Railroads. In these petitions it is requested that the Commission's rules governing the Railroad Radio Service be modified to permit the utilization on a regular basis of frequencies in the band 159.51 to 161.79 Mc for transmission of tone signals for control purposes other than for the establishment or maintenance of voice communications, on a secondary basis over other authorized transmissions. Petitioners urge that the requested modification of the Rules is of great value to the railroads and is in the public interest because it will improve railroad service to the public and will promote the safety of train operation. In addition, petitioners point out that since the proposed utilization of frequencies in the band 159.51 to 161.79 Mc for transmission of tone signals for control purposes other than for the establishment or maintenance of voice communications is subordinate to other authorized transmissions, such use does not require additional frequencies and is also of such nature that it does not interfere with the normal course of communication between the front and rear ends of freight trains or between fixed points and trains.

3. It is believed that the above petitions warrant the institution of a rule making proceeding looking toward amendment of the Railroad Radio Service Rules to permit the utilization of tone signals for control purposes other than for the establishment or maintenance of voice communications, on a basis secondary to other authorized transmissions in the band 159.51 to 161.79 Mc. Accordingly, it is proposed to amend the second paragraph of § 16.352 (a) of the Commission's rules to read as follows:

§ 16.352 *Frequencies available for base and mobile stations.* (a) • • •

These frequencies may also be used on a secondary basis (1) for intercommunication between adjacent base stations, provided interference is not caused to communications involving radio stations aboard railroad rolling stock; and (2) for transmission of tone signals for signaling and control purposes where a satisfactory showing of need therefor has been made in compliance with § 16.103 (b), provided interference is not caused to other stations licensed under this subpart.

4. Authority for this proposed amendment is contained in sections 4 (i), 303 (b), (c), (k), and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 12, 1956, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing and said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the

time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 3, 1956.

Released: October 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8142; Filed, Oct. 9, 1956, 8:51 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. F-35]

AMF ATOMICS, INC.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that on September 27, 1956, AMF Atomics, Inc., 261 Madison Avenue, New York, New York, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a demonstration type nuclear reactor, designed to operate at 10 kilowatts, to the Ministry of Education, Kingdom of the Netherlands. The reactor is to be erected at the International Exhibition "Het Atoom," Amsterdam, under the auspices of the Laboratorium Voor Chemische Werktuigen der Technische Hogeschool (Delft Institute of Technology). A copy of the application is available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 28th day of September 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 56-8110; Filed, Oct. 9, 1956; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-038226]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 038226, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the United States mining laws but not including the mineral leasing laws.

The applicant desires the land for use as campgrounds, cabinsites and summer homesites.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

6TH PRINCIPAL MERIDIAN, WYOMING

TARGHEE NATIONAL FOREST

Long Springs Recreational Site:
T. 37 N., R. 118 W.,
Sec. 7: SW¼ (unsurveyed);
Sec. 18: NE¼NE¼, E½NW¼NE¼.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-8129; Filed, Oct. 9, 1956; 8:49 a. m.]

[Area Order No. 10]

ADMINISTRATIVE OFFICER AND PROCUREMENT AND SUPPLY OFFICER, AREA III

REDELEGATION OF AUTHORITY TO TRANSFER, DONATE, OR DISPOSE OF EXCESS OR SURPLUS REAL PROPERTY

SEPTEMBER 27, 1956.

Pursuant to the authority contained in section 1 of Order No. 614 of the Director, Bureau of Land Management, the following are authorized to transfer, donate or dispose of real property and related personal property excess to the needs of the Bureau of Land Management:

Administrative Officer, Area III (unlimited amount).

Procurement and Supply Officer, Area III (not to exceed $2,000).

W. B. WALLACE,
Area Administrator.

[F. R. Doc. 56-8115; Filed, Oct. 9, 1956; 8:46 a. m.]

National Park Service

[Region Three, Order 3, Amdt. 2]

SUPERINTENDENTS

DELEGATION OF AUTHORITY

1. The following new paragraph is added to section 1:

(f) Approval of preliminary plans for concessioners' projects, approval of preliminary plans which establish the architectural theme in a newly developed area or which are a departure from a previous theme in an established area, and approval of plans for liquefied petroleum gas installations which have not been recommended by the Safety Engineer of the Western Office, Division of Design and Construction.

2. The following new paragraph is added to section 2:

(g) Approval of preliminary plans for concessioners' projects, approval of preliminary plans which establish the architectural theme in a newly developed area or which are a departure from a previous theme in an established area, and approval of plans for liquefied petroleum gas installations which have not been recommended by the Safety Engineer of the Western Office, Division of Design and Construction.

3. The following new paragraph is added to section 3:

(m) Approval of preliminary plans for concessioners' projects, approval of preliminary plans which establish the architectural theme in a newly developed area or which are a departure from a previous theme in an established area, and approval of plans for liquefied petroleum gas installations which have not been recommended by the Safety Engineer of the Western Office, Division of Design and Construction.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C. 1952 ed., sec. 2)

[SEAL] HUGH M. MILLER,
Regional Director.

[F. R. Doc. 56-8116; Filed, Oct. 9, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11565, 11566; FCC 56M-909]

ROLLINS BROADCASTING OF DELAWARE, INC., AND FRANKLIN BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500 and Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

Upon informal request by counsel for each applicant and with the consent of Bureau counsel: *It is ordered,* This 3d day of October 1956, that the further hearing in this proceeding now scheduled at 10:00 a. m., on Thursday, October 4, 1956, is continued to 10:00 a. m., on Wednesday, October 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8143; Filed, Oct. 9, 1956; 8:51 a. m.]

[Docket No. 11786 etc., FCC 56M-900]

WEST SHORE BROADCASTING CO. ET AL.

STATEMENT AND ORDER FOR CONTINUANCE OF HEARING

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821, The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972 and James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; for construction permits.

1. A prehearing conference was held on September 28, 1956. The transcript of the conference is incorporated by reference.

2. The following time table was set:

a. November 19, 1956—Exchange of affirmative written cases.

b. November 29, 1956—Further conference.

c. December 10, 1956—Beginning of evidentiary hearing (now scheduled for October 16).

3. An informal engineering conference will be held not later than October 26, 1956.

So ordered, This 1st day of October 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8144; Filed, Oct. 9, 1956; 8:51 a. m.]

[FCC 56-964]

INQUIRY INTO FEASIBILITY OF TRANSFERRING TELEVISION BROADCASTING TO UHF BAND

1. In paragraph 25 of the Report and Order adopted June 25, 1956, in the general television rule making proceeding (Docket No. 11532) we invited interested parties to file comments in the above-entitled matter by October 1, 1956. This date was designated in the desire to acquaint the Commission at the earliest possible date with the preliminary views of all interested segments of the television industry and any other interested parties.

2. The comments filed by October 1 will be carefully reviewed and evaluated by the Commission, and it is expected that they will provide assistance to the Commission in deciding what further steps should be taken in the long-range program for television. However, in view of the far-reaching, long-range character of the changes that would be involved in a transfer of all or a major part of television to the UHF and the time that would be required to make all of the necessary determinations as to its feasibility, it will be helpful if we continue to accept comments under this inquiry and, accordingly, no final date for the submission of such further comments is being designated at this time.

3. As developments occur which shed new light on the problems which must be resolved before the Commission decides whether to embark upon a specific, detailed change-over program, interested parties are requested to continue to file comments and supplementary comments on any aspects of the problem of converting television to UHF which may assist us in our continuing study of this subject.

Adopted: October 4, 1956.

Released: October 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8148; Filed, Oct. 9, 1956; 8:52 a. m.]

[Docket Nos. 11814, 11815; FCC 56M-903]

GREAT WESTERN RADIO CO. AND JOHN JACK BENTLEY

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re applications of George Wayne Inglis and Elvis Leo Roberts, d/b as Great Western Radio Company, Midland, Texas, Docket No. 11814, File No. BP-10466 and John Jack Bentley, Stanton, Texas, Docket No. 11815, File No. BP-10613; for construction permits.

It is ordered, This 2d day of October 1956, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the office of the Commission in Washington, D. C., at 10 o'clock a. m., October 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8146; Filed Oct. 9, 1956; 8:52 a. m.]

[Change List 105]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 17, 1956.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of change or commencement of operation
CJBQ.....	Belleville, Ontario (PO: 0.25 kw on 1230 kc.).	*800 kilocycles* 1 kw.....	DA-1	U	II	Change in antenna pattern. EIO 1-3-57.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8147; Filed, Oct. 9, 1956; 8:52 a. m.]

[Docket Nos. 11804, 11805; FCC 56M-908]

RADIO WAYNE COUNTY, INC., AND RADIO NEWARK, INC.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of Radio Wayne County, Inc., Newark, New York, Docket No. 11804, File No. BP-10316 and Radio Newark, Inc., Newark, New York, Docket No. 11805, File No. BP-10527; for construction permits.

The Hearing Examiner having under consideration a motion to continue the pre-hearing conference in the above-styled proceeding, filed on October 2, 1956, by Radio Wayne County, Inc., one of the applicants in the proceeding;

It appearing that counsel for Radio Wayne County, Inc., will be unable to be in Washington, D. C., on the date on which the pre-hearing conference is presently scheduled to be held and oral consent to the requested continuance has been obtained from counsel for Radio Newark, Inc., the other applicant, and from counsel for the Broadcast Bureau;

It is ordered, This 3d day of October 1956, that the motion be and it is hereby granted and the pre-hearing conference is continued from October 4, 1956, to October 17, 1956 at 10:00 a. m., at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8145; Filed, Oct. 9, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2603 et al., G-5215]

PHILLIPS PETROLEUM CO. ET AL.

ORDER SEVERING AND REJECTING APPLICATION

In the matters of Phillips Petroleum Company et al., Docket No. G-2603 et al., Rice Drilling Company, Docket No. G-5215.

Rice Drilling Company filed an application with the Federal Power Commission requesting that a certificate of public convenience and necessity be issued to it pursuant to section 7 of the Natural Gas Act. The application of Rice Drilling Company was noticed with various other dockets entitled Phillips Petroleum Company et al., Docket Nos. G-2603 et al., and set for hearing to be held on October 11, 1956, at 9:30 a. m., e. d. s. t. It appears from the application filed by Rice Drilling Company in Docket No. G-5215 and the files of the Commission that Rice Drilling Company is not a signatory party to the respective contract which covers the respective sale of natural gas to the respective transmission purchasing pipeline company (Arkansas-Louisiana Gas Company) for transportation in interstate commerce for resale which is the subject of said application.

The Commission finds:

(1) The application of Rice Drilling Company in Docket No. G-5215 should be severed from the proceedings set for October 11, 1956, at 9:30 a. m., e. d. s. t., entitled In the Matters of Phillips Petroleum Company, et al., Docket Nos. G-2603, et al.

(2) On the basis of the Commission's order in Humble Oil & Refining Company in Docket Nos. G–6753, et al., issued March 10, 1955, and in Hassie Hunt Trust, Docket No. G–7684 issued December 15, 1955, the application of Rice Drilling Company in Docket No. G–5215 should be rejected.

(3) This action should be without prejudice of any determination of the priority or effectiveness of any rate schedules or supplements heretofore filed with this Commission and applicable to the delivery in interstate commerce of natural gas involved in the application of Rice Drilling Company in Docket No. G–5215.

The Commission orders:

(A) The application of Rice Drilling Company in Docket No. G–5215 is hereby severed from the proceedings set for October 11, 1956 at 9:30 a. m., e. d. s. t., in the Matters of Phillips Petroleum Company, et al., Docket Nos. G–2603, et al.

(B) The application of the Rice Drilling Company in Docket No. G–5215 is hereby rejected.

(C) This action is without prejudice to any determination of the priority or effectiveness of any rate schedules or supplements heretofore filed with this Commission and applicable to the delivery in interstate commerce of natural gas involved in the application of Rice Drilling Company in Docket No. G–5215.

Issued: October 3, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8122; Filed, Oct. 9, 1956; 8:47 a. m.]

[Docket No. 6516, etc.]

D. F. O'ROURKE ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G–6516; D. F. O'Rourke et al.; SE. Moore, Cleveland County, Okla.; Cities Service Gas Company.

G–6569; Frank F. DuBose; East Panhandle, Wheeler County, Tex.; Lone Star Gas Company.

G–6571; Holly Oil Company; Greenwood, Morton County, Kans.; Colorado Interstate Gas Company.

G–6679; Carl M. Smith; Hugoton, Sherman County, Tex.; Shamrock Oil and Gas Corporation.

G–6692; R. C. Barnes; Keystone, Winkler County, Tex.; Sid Richardson Gasoline Company.

G–6693; An-Son Petroleum Corporation; SE. Moore, Cleveland County, Okla.; Cities Service Gas Company.

G–6694; Washington Natural Gas Company; Cassity and Middlefork District, Randolph County, W. Va.; Cumberland and Allegheny Gas Company.

G–6968; H. B. Scott et al.; Sherman District, Calhoun County, W. Va.; Twin Cities Gas Company.

G–6972; J. D. Minney Lease; Sherman District, Calhoun County, W. Va.; Twin Cities Gas Company.

G–6973; B. S. Messenger Lease; Glenville District, Gilmer County, W. Va.; Twin Cities Gas Company.

G–6974; H. B. Scott et al.; Sherman District, Calhoun County, W. Va.; Twin Cities Gas Company.

G–6975; H. B. Scott et al.; Glenville District, Gilmer County, W. Va.; Twin Cities Gas Company.

G–7079; Columbian Carbon Company; Upshur and Lewis Counties, W. Va.; Cumberland and Allegheny Gas Company.

G–7084; Columbian Carbon Company; Raleigh County, W. Va.; Amere Gas Utilities Company and Atlantic Seaboard Corporation.

G–7476; The Globe Oil & Refining Company; Greenwood, Morton County, Kans.; Colorado Interstate Gas Company, Katie, Garvin County, Okla.; Lone Star Gas Company.

G–7958; McCall Drilling Company; Courthouse Dist., Lewis County, W. Va.; Cumberland and Allegheny Gas Company.

G–7959; McCall Drilling Company; Hackers Creek, Lewis County, W. Va.; Cumberland and Allegheny Gas Company.

G–8037; Powel Briscoe, et al.; Logan County, Okla.; Cities Service Gas Company.

G–8156; Shell Oil Company; North McFaddin, Victoria County, Tex.; United Gas Pipe Line Company.

G–8319; Sam Sklar, Trustee; Willow Springs, Gregg County, Tex.; Arkansas-Louisiana Gas Company.

A public hearing will be held on the 1st day of November 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

OCTOBER 3, 1956.

[F. R. Doc. 56–8123; Filed, Oct. 9, 1956; 8:48 a. m.]

[Docket No. G–10537]

UNION OIL COMPANY OF CALIFORNIA

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 3, 1956.

Take notice that Union Oil Company of California (applicant), a California corporation, whose address is Los Angeles, California, filed on May 31, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to United Fuel Gas Company which is produced from the Lake Hatch Field, Terrebonne Parish, Louisiana, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, hearing will be held on October 22, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8119; Filed, Oct. 9, 1956; 8:47 a. m.]

[Docket No. G–10957]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 3, 1956.

Take notice that The Manufacturers Light and Heat Company, Applicant, a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on August 22, 1956, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate certain natural gas facilities to replace certain existing facilities, serving the Steubenville, Ohio, and adjacent Weirton, West Virginia, market area, and for authority to abandon the facilities to be replaced, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant serves the Steubenville-Weirton market area at retail through its transmission lines Nos. 5 and 29, which consist of varying lengths of 6-, 8-, and 12-inch pipe running along the banks of the Ohio River in this area. Line No. 5 running north supplies Steubenville from Applicant's "Station A" in Cross Creek District, Brooke County, West Virginia, through a series of taps into the city distribution system on the western side of the river. This system also supplies nearby Weirton from several tap lines extending from the Ohio portion of the system into West Virginia.

Gas is fed into Line No. 29 from Line No. 5 at both ends. After the completion of the construction proposed herein, applicant will regulate the gas passing into Line No. 29 from Line No. 5 and will carry generally lower pressures in Line No. 29 because of its location in built-up sections of Weirton.

The proposed construction will replace four sections of Line No. 5 and a parallel section of Line No. 29 as follows:

Job A—0.60 mile of 16-inch line to replace 0.60 mile of 12-inch line;

Job B—2.84 miles of 16-inch line to replace sections of parallel 6-inch lines (No. 5 and No. 29), aggregating 5.3 miles;

Job C—1.19 miles of 12-inch line to replace 1.08 miles of 6-inch line;

Job D—3.5 miles of 12-inch line to replace approximately the same amount of 6-inch and 8-inch line.

Jobs A, B and C will form a continuous line from Station A along the West Virginia side of the Ohio River to an existing 12-inch river crossing in the City of Weirton. Job D runs from the Ohio side of the above mentioned river crossing north along the Ohio River to the northern connection with Line No. 29, serving the northern part of Weirton.

The delivery capacity of that portion of Line No. 5 to be replaced is approximately 20,100 Mcf on a peak day. Applicant estimates that 22,127 Mcf will be needed from the line on a 1957 peak day and about 26,600 Mcf on the peak day of 1960.

The estimated capital cost to build the new facilities is $420,700. Applicant, however, estimates the net addition to fixed capital to be $358,400 after credit due to retirement and removal of some incidental facilities. This will be financed by Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 7, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 22, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8121; Filed, Oct. 9, 1956; 8:47 a. m.]

[Docket No. G–10853]

CITY OF ELIZABETHTOWN, KY.

NOTICE OF APPLICATION

OCTOBER 3, 1956.

Take notice that City of Elizabethtown, Hardin County, Kentucky (Applicant), whose address is Elizabethtown, Kentucky, filed on August 3, 1956, an application (1) for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (Act), authorizing Applicant to construct and operate a lateral transmission line as hereinafter described and (2) for an order, pursuant to section 7 (a) of the act, directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its natural gas transportation facilities with Applicant's proposed lateral transmission line, and to sell and deliver natural gas to Applicant in amounts equal to the reasonable requirements of Applicant's proposed natural gas distribution system for resale and distribution by Applicant in and adjacent to the City of Elizabethtown, Hardin County, Kentucky (Elizabethtown), as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct (a to-be-created Utility Commission will operate) approximately 22 miles of 6-inch lateral transmission line extending from a point of interconnection with the Texas Gas 26-inch transmission line near Garrett, Kentucky, to Elizabethtown, together with an intermediate-pressure distribution system within the corporate limits of Elizabethtown and the outlying districts thereof.

The estimated total cost of the foregoing project is $1,250,000 which will be financed by Applicant through the sale of revenue bonds. The estimated annual gas requirements and peak day gas requirements of the foregoing project in Mcf at 15.025 psia for the first 5 years of operation are as follows:

Year:	Annual	Peak day
1	148,710	2,070
2	198,205	2,520
3	235,690	2,970
4	276,295	3,315
5	315,745	3,795

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8120; Filed, Oct. 9, 1956; 8:47 a.m.]

UNITED STATES TARIFF COMMISSION

TRADE-AGREEMENT NEGOTIATIONS WITH CUBA UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE

NOTICE OF INVESTIGATION AND HEARINGS

Public notice of investigation and hearings under section 3 of the Trade Agreements Extension Act of 1951, as Act of 1930, as follows: Investigation No. 5. List of articles for consideration in proposed trade agreement negotiations with Cuba.

1. The final date for filing requests to testify at Tariff Commission public hearings is November 8, 1956.

2. The final date for filing written statements with the Tariff Commission is November 8, 1956.

3. Tariff Commission public hearings will begin on November 14, 1956.

4. Public announcements relating to the proposed trade-agreement negotiations have also been issued by the Interdepartmental Committee on Trade Agreements[1] and the Committee for Reciprocity Information,[2] and appear concurrently with this notice in the FEDERAL REGISTER.

[1] See F. R. Doc. 56–8172, *supra.*

[2] See F. R. Doc. 56–8173, *supra.*

The Interdepartmental Committee on Trade Agreements this day issued an announcement concerning proposed trade-agreement negotiations with Cuba. On the same day, in accordance with section 3 of the Trade Agreements Extension Act of 1951, as amended, the President furnished to the United States Tariff Commission a list (hereinafter referred to as the "President's list") of articles imported into the United States to be considered in proposed negotiations with Cuba, and requested the Tariff Commission to make a "peril point" investigation and report with respect to each such article, as provided in said section 3 of the Trade Agreements Extension Act of 1951, as amended. A copy of the President's list is attached to the announcement of the Interdepartmental Committee on Trade Agreements published in the FEDERAL REGISTER concurrently with this notice, and is annexed to this notice for convenience.[1]

A. *Investigation instituted.* Pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, and under the authority of section 332 of the Tariff Act of 1930, the United States Tariff Commission has this day instituted an investigation with respect to the articles included in the President's list.

B. *Purpose of investigation.* The purpose of the investigation is to obtain the facts necessary to enable the Tariff Commission to formulate findings (known as "peril point" findings) for inclusion in a report to the President with respect to each article included in the President's list as to (1) the limit to which the modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment may be extended in order to carry out the purpose of Section 350 of the Tariff Act of 1930, as amended (Trade Agreements Act), without causing or threatening serious injury to the domestic industry producing like or directly competitive articles, and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions required.

C. *Written statements and public hearings.* Parties interested will be given opportunity to present their views with respect to the subject matter of the investigation either by submission of written statements or by oral testimony at public hearings, or both. In order to permit, within the limited time and resources available, all interested parties to present information and views concerning the articles in the President's list in an orderly manner and with the least possible inconvenience to all concerned, the Commission has established the following procedure for submission of written statements and the conduct of hearings:

1. *Written statements in lieu of appearance at hearings.* Interested parties may present their information and views through the submission of written statements in lieu of appearances at the public hearings. Such statements must be under oath and will be given the same consideration as oral testimony presented at the hearings, and, except for information submitted and accepted in confidence, will be made available for inspection by interested parties. Twenty copies of written statements shall be submitted, only one of which need be sworn to. Such statements should be submitted as early as possible, but not later than November 8, 1956.

2. *Scope of written statements and oral testimony.* Written statements and oral testimony must relate to articles included in the President's list, and must be confined to matters relevant to the purpose of the investigation as stated in B, above. At the beginning of any written statement that is read at the hearings, or any oral testimony given at the hearings, the article and tariff paragraph number to which the testimony relates should be specifically identified.

3. *Submission of information in confidence.* Information pertinent to the subject matter of the investigation which interested parties desire to submit in confidence may be submitted with written statements or at the time testimony is given at the hearings, on separate sheets, each clearly marked "Submitted in confidence."

4. *Appearance at public hearings.* The following information and instructions should be carefully studied by all persons interested in appearing at the public hearings in this investigation.

a. Requests to appear at the public hearings must be filed in writing (by letter separate from any written statement or brief) with the Secretary of the Commission on or before November 8, 1956. Such requests must contain the following information:

(1) The tariff paragraph number and a description of the article or articles on which testimony will be presented.

(2) The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(3) A brief indication of the position to be taken concerning the customs treatment of the articles affected.

(4) A careful estimate of the time desired for presentation of oral testimony by all witnesses for whom the request is filed.

NOTE: The Commission reserves the right to limit the time assigned to witnesses. Witnesses may, of course, supplement their oral testimony with written statements of any desired length.

b. The Secretary of the Commission should be promptly notified of any changes in the request for appearance as originally filed.

c. It is suggested that parties who have a common interest in one or more of the articles listed may wish to arrange for a consolidated presentation of their views.

5. *Date and conduct of hearings.* a. The public hearings in this investigation will commence at 10:00 o'clock a. m. on Wednesday, the 14th day of November, 1956, in the Hearing Room of the Tariff Commission Building, 8th and E Streets, N. W., Washington, D. C. The hearings will be held each day from 10:00 a. m. to about 1:00 p. m., and are scheduled to be concluded not later than Friday, November 16, 1956.

b. Parties who have properly entered their appearance by November 8, 1956, as indicated under paragraph C, 4, above, will be individually notified of the date on which they are scheduled to appear. Such notifications will be sent as soon as possible after the closing date for requests to appear (November 8, 1956).

c. Questioning of witnesses will be limited to members of the Commission.

6. *Related hearings before the Committee for Reciprocity Information.* Published concurrently with this notice is an announcement by the Committee for Reciprocity Information regarding public hearings to be held by that Committee on the articles included in the President's list, and on other matters, to begin on November 14, 1956. Arrangements will be made to permit persons desiring to appear at both Tariff Commission and Committee for Reciprocity Information hearings to do so without conflict in scheduling, and, where possible, to present their testimony at both hearings on the same day. Oral testimony and written statements of interested parties received by the Tariff Commission in connection with this investigation will be made available by the Tariff Commission to the Committee for Reciprocity Information. Accordingly, as stated in the Committee for Reciprocity Information notice, appearance before the Committee for Reciprocity Information for the purpose of submitting the same information, although permissible, will not be necessary.

D. *Communications to be addressed to Secretary.* All communications regarding the Tariff Commission investigation, including requests for appearance at the Tariff Commission hearings, should be addressed to the Secretary, United States Tariff Commission, Washington 25, D. C.

By direction of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-8174; Filed, Oct. 9, 1956; 8:53 a. m.]

[1] Filed as part of the original document.

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS WITH CUBA UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. 945, ch. 474; 65 Stat 73, ch. 141), and to paragraph 4 of Executive Order 10082 of October 5, 1949 (3 CFR, 1949 Supp., p. 126), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to conduct trade-agreement negotiations with the Government of Cuba, within the framework of the General Agreement on Tariffs and Trade, for the purpose of negotiating mutually advantageous tariff concessions to be embodied in schedules to the General Agreement.

There is annexed hereto a list of articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade agreement negotiations of which notice is given above.

The articles proposed for consideration in the negotiations are identified in the annexed list by specifying the numbers of the paragraphs in the dutiable list of the Tariff Act of 1930, as amended, in which the articles are provided for together with the language used in such tariff paragraphs to provide for such articles, except that where necessary the statutory language has been modified by the omission of words or the addition of new language in order to narrow the scope of the original language. Where no qualifying language is used with regard to the type, grade, or value of any listed articles, all types, grades, and values of the article covered by the language used are included.

In the case of those articles in the list with respect to which the product of Cuba is now entitled to preferential treatment, a reduction in the rate applicable to the product of Cuba may involve a reduction also in the rate applicable to other contracting parties to the General Agreement on Tariffs and Trade, in order to avoid increases in margins of preference.

No article imported into the United States will be considered in the negotiations unless it is included, specifically or by reference, in the annexed list or unless it is subsequently included in a supplementary public list. Except where otherwise indicated in the list, only duties imposed under the paragraphs of the Tariff Act of 1930 specified in the list with regard to articles described therein will be considered for a possible decrease, but additional or separate duties or taxes on such articles imposed under any other provisions of law may be bound against increase as an assurance that the concession under the listed paragraph or section will not be nullified.

In the event that an article which as of August 15, 1956, was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the conclusion of the trade-agreement negotiations, the list will nevertheless be considered as including such article.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082 of October 5, 1949, information and views as to any aspect of the proposal, including the list of articles, announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.[1]

Persons interested in exports to Cuba may present their views regarding any tariff or other concessions that might be requested of the Government of Cuba. Any other matters appropriate to be considered in connection with the negotiations proposed above may also be presented.

Public hearings in connection with the "peril point" investigation of the United States Tariff Commission relating to the articles included in the annexed list, pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, are the subject of an announcement of this date issued by that Commission.[2]

By direction of the Interdepartmental Committee on Trade Agreements this 8th day of October 1956.

CARL D. CORSE,
Chairman,
Interdepartmental Committee
on Trade Agreements.

LIST OF ARTICLES IMPORTED INTO THE UNITED STATES PROPOSED FOR CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

Tariffact of 1930, par.	Schedule 6. Tobacco and manufactures of
601	Wrapper tobacco, and filler tobacco when mixed or packed together with more than 35 per centum of wrapper tobacco, all the foregoing, stemmed or unstemmed.
601	Filler tobacco not specially provided for (except cigarette leaf tobacco), stemmed or unstemmed.
603	Scrap tobacco.

[F. R. Doc. 56-8172; Filed, Oct. 9, 1956; 8:53 a. m.]

[1] See F. R. Doc. 56-8173, *infra.*

[2] See F. R. Doc. 56-8174, *infra.*

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE AGREEMENT NEGOTIATIONS WITH CUBA UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE.

Submission of information to the Committee for Reciprocity Information:

Closing date for filing applications to be heard and the submission of briefs November 8, 1956.
Public hearings open November 14, 1956.

The Interdepartmental Committee on Trade Agreements has issued on this day[1] a notice of intention to conduct trade-agreement negotiations with the Government of Cuba within the framework of the General Agreement on Tariffs and Trade.

Annexed to the notice of the Interdepartmental Committee on Trade Agreements is a list of articles imported into the United States to be considered for possible concessions in the negotiations. The Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to the proposed negotiations shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, November 8, 1956. The application must indicate the product or products on which the individual or groups desire to be heard and an estimate of the time required for oral presentation. All persons who make application to be heard shall also submit to the Committee their views in writing in regard to the foregoing proposal not later than 12:00 noon, November 8, 1956. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use Only of Committee for Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 2 p. m. on November 14, 1956, in the hearing room in the Tariff Commission Building, Eighth and E Streets NW., Washington 25, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

As indicated in the notice of intention to negotiate, no article imported into the United States will be considered in the negotiations unless it is included in the list annexed to the public notice by the Interdepartmental Committee on Trade Agreements, or unless it is subsequently included in a supplementary public list.

The United States Tariff Commission has today[2] announced public hearings on the import items appearing in the list annexed to the notice of intention to negotiate to run concurrently with the hearings of the Committee for Reciprocity Information. Oral testimony and written information submitted to the Tariff Commission will be made available to and will be considered by the Interdepartmental Committee on Trade Agreements. Consequently, those whose interests relate only to import products included in the foregoing list, and who appear before the Tariff Commission, need not, but may if they wish, appear also before the Committee for Reciprocity Information.

Persons interested in exports may present their views regarding any tariff or other concessions that might be requested of the Government of Cuba. Any other matters appropriate to be considered in connection with the proposed negotiations may also be presented.

Copies of the list attached to the notice of intention to negotiate may be obtained

[1] See F. R. Doc.56-8172, *supra.*

from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce.

By direction of the Committee for Reciprocity Information this 8th day of October 1956.

EDWARD YARDLEY,
Executive Secretary,
Committee for
Reciprocity Information.

[F. R. Doc. 56-8173; Filed, Oct. 9, 1956; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8013]

TRANS-CONTINENTAL AIRLINES AGENCY CORP. ET AL.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on October 30, 1956, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., October 4, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8132; Filed, Oct. 9, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

OCTOBER 1956 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in October under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months 3½ percent per annum.

For periods over 6 months up to and including 18 months 4 percent per annum.

For periods over 18 months up to and including 36 months 4½ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

OCTOBER 1956 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices (except for restricted use) apply "in store" [1] at storage locations of product. Domestic price for restricted use is basis delivered to delivery point named in offer. CCC will convert to "in store" price by deducting lowest domestic rail freight rate, except that no deduction for freight will be made if the "in store" location and the delivery point named in offer are in the same city. Export prices are basis f. a. s. port or f. o. b. point of export. CCC will convert to "in store" price by deducting lowest export rail freight rate. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale for unrestricted use and domestic sale for animal and poultry feed, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for other sales.
Nonfat dry milk (in carloads only); spray, 75,000,000 pounds; roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17 cents per pound; in bags (as available) 16.15 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement ID-14 and supplements: In barrels and drums, 11.5 cents per pound; in bags (as available) 10.65 cents per pound. Export, unrestricted use: Under ID-5 and amendments. Spray process, U. S. Extra Grade: In barrels and drums, 9.9 cents per pound; in bags (as available), 9.05 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 8.15 cents per pound; in bags, 7.55 cents per pound. Export, restricted use (animal and poultry feed): Under ID-23 and amendment. Competitive bid on not more than 19 million pounds. Bids received each week (by close of business on Friday) will be considered for acceptance on the first business day of the following week.
Butter (in carloads only), as available.	Domestic, unrestricted use: 63.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 62.5 cents per pound. Domestic, restricted use: Under DA-111 and supplements. For use as an extender for cocoa butter in the manufacture of chocolate, 39 cents per pound.
Cheddar cheese; cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only) 201,000,000 pounds.	Export, unrestricted use: Under ID-7. 39 cents per pound. Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 37 cents per pound. Export: Under ID-5 and amendments. 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-7 in carlot quantities on an "as is, where is" basis. Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-2 as amended, and NO-C-6 as amended.
Cotton, Extra Long Staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6 but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wool, shorn 90,000,000 pounds	Domestic or export: Limited quantities (not more than 6,250,000 pounds in October) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Peanuts	Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 59 (1955) as amended. Available Dallas CSS Commodity Office.
Corn, bulk	Domestic or export: Commercial corn-producing area: Market price, basis in store,[1] but not less than legal minimum price (1956 maximum loan rate basis point of production for class, grade, and quality plus 10 cents per bushel). Examples of minimum price per bushel, including average paid-in freight (basis interim loan rate): Chicago, No. 2 yellow, $1.79; Minneapolis, No. 3 yellow, $1.70; Kansas City, No. 3 yellow, $1.78; Portland, No. 3 yellow, $1.95. Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 121 percent of the applicable 1956 loan rate, plus 10 cents per bushel. Available Chicago, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices. Corn is also available as follows: (1) Nonstorable corn at the above offices; (2) in flat storage in the Pacific Northwest on competitive bid basis for export.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[2] but not less than the legal minimum price (1956 loan rate for class, grade, quality, and location, plus 19 cents per bu.). Examples of minimum price per bushel: Chicago No. 1 RW, $2.50; Minneapolis No. 1 DNS, $2.53; Kansas City No. 1 HW, $2.50. Noncommercial wheat-producing area: Market price, basis in store,[2] but not less than 133 percent of applicable 1956 county loan rate plus 19 cents per bushel. Export (as wheat): Under Announcement GR-261 revised, for application to barter contracts only, at prices determined daily, and under Announcement GR-212 revised, for specific offerings on competitive bid basis. Disposals under special export program under Announcement GR-345.[3] Export (as flour): Under Announcement GR-212 revised and under GR-262 revised, at prices determined daily.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas, Chicago, and Portland only.
Oats, bulk	Domestic: Market price, basis in store,[2] but not less than the legal minimum price (1956 loan rate basis point of production for class, grade, and quality, plus 9 cents per bushel). Examples of minimum price per bushel including average paid-in freight: Chicago, No. 3 oats or better, $0.87; Minneapolis, No. 3 oats or better, $0.82.

See footnotes at end of table.

OCTOBER 1956 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Oats, bulk—Continued	Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price, basis in store,[2] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 13 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 barley, $1.37. Available Minneapolis, Kansas City, Chicago, Dallas, and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price, basis in store,[2] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 15 cents per bushel). Example of minimum price per bushel: Minneapolis No. 2 or better, $1.65. Available Minneapolis, Kansas City, Chicago, Dallas and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Dallas, Chicago, and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price, basis in store,[2] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 24 cents per 100 pounds). Example of minimum price per hundredweight: Kansas City No. 2 or better, $2.66. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.
Rice, milled	Domestic: For U. S. No. 2, the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent adjusted for milling plus 25 cents per hundredweight). Examples of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens)
Bluebonnet	$11.13	$8.59
Zenith	9.16	7.21
Pearl		6.82

Export: A schedule of prices as announced by Dallas and Portland CSS Commodity Offices.
Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (port at option of CCC), or for Texas-Mexico border points and f. a. s. San Francisco Bay area for Pearl:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens)
Bluebonnet	$10.20	$7.80
Zenith	8.70	6.49
Pearl		6.50

Specific prices and quantities may be obtained from Dallas CSS Commodity Office for all available varieties and from Portland CSS Commodity Office for Pearl.
Special export: Competitive bid on U. S. No. 5 and better under DL-MR-400 and GR-301 as announced by Dallas CSS Commodity Office.[1]
Special export, on "as is" basis: Competitive bid under terms and conditions of DL-MR-53 announced by Dallas CSS Commodity Office.
Domestic (for feed): Other brokens: Competitive bid under DL-BR-1/56 and GR-PD-42 announced by Dallas CSS Commodity Office.
Domestic (unrestricted use) and for export: Other brokens: Competitive bid under DL-BR-1/56 and GR-PD-42 (Minimum price for domestic sales, $6.01 per hundredweight in sacks, $5.86 bulk) as announced by Dallas and Portland CSS Commodity Offices.

Dry edible beans (bagged)	Prices for domestic sale are for U. S. No. 1, f. o. b., indicated points of production. Amount of paid-in freight to be added as applicable. For other grades of all beans, adjust by market differentials. For other areas, adjust by the 1956 support price differentials.
Baby lima beans, 1954 crop, 55,000 per hundredweight. Small red beans, 1955 crop, 168,000 per hundredweight.	Export: Competitive bid as announced by Portland CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic: Market price but not less than $7.37 per 100 pounds points of production. Available Portland CSS Commodity Office. Export: Competitive bid as announced by Portland CSS Commodity Office. Domestic or export: Offer and acceptance, "as is" in the stated quantities on the designated storage yards, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine (bulk in tanks)	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.
[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Sales of wheat for export as flour may be made under terms and conditions of Announcement GR-302. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: October 4, 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 56-8126; Filed, Oct. 9, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4260]

ADIRONDACK URANIUM AND MINERAL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 4, 1956.

I. Adirondack Uranium and Mineral Corporation, 115 Main Street, Village of Whitesboro, Oneida County, New York, having filed with the Commission on March 19, 1956, a notification on Form 1-A and an offering circular, and subsequently having filed amendments thereto, relating to a proposed public offering of 300,000 shares of $0.10 par value Class "A" Stock at $1 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to file, as required by Rule 221 of Regulation A, a news release relating to the offering, published on behalf of the issuer on August 6, 1956, in the Syracuse, New York, Post Standard and circulated by the wire services of the Associated Press.

B. That such news release, which was used in connection with the offering and sale of issuer's securities, contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to state that the representation concerning the alleged discovery of $400,000 uranium vein was made without the benefit of adequate supporting data and is, therefore, unjustified.

2. Estimate of ore reserves in the amount of $400,000 based on X-ray spectrographic and chemical analysis reports were made without sufficient supporting data for such estimates.

3. The statements that "I believe we've struck pay dirt. We have been looking for a strike like this for a long time."

4. The failure to qualify the statements made concerning the results of an analysis of the mineralized material to show that such analysis affords no basis

for assuming the results apply to any substantial tonnage of mineralized material.

C. That the use of said news release would and did operate as a fraud or deceit upon the purchasers.

It is ordered, Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; and, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8130; Filed, Oct. 9, 1956; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 133]

MOTOR CARRIER APPLICATIONS

OCTOBER 5, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 603 Sub 9, filed September 21, 1956, T. R. SHUMPERT, doing business as SHUMPERT TRUCK LINE, Amory, Miss. Applicant's representative: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Artesia, Miss., and site of proposed U. S. Navy Air Base located at junction U. S. Highway 45 and unnumbered county highway, near Lauderdale, Miss.; from Artesia over U. S. Highway 45W to junction U. S. Highway 45, thence over U. S. Highway 45 to site of proposed U. S. Navy Air Base at junction U. S. Highway 45 and unnumbered county highway near Lauderdale, and return over the same route, serving Lizella (Lauderdale), Miss., and all points on all access roads and entrances to said site, as intermediate or off-route points. Applicant is authorized to conduct operations in Tennessee and Mississippi.

HEARING: November 15, 1956, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97.

No. MC 703 Sub 8, filed September 24, 1956, HINCHCLIFF MOTOR SERVICE, INC., 3400 South Pulaski Rd., Chicago, Ill. Applicant's representative: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, sand, stone, and coal, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the new Chrysler Automotive Body Division, Stamping Plant, in Twinsburg Township, Summit County, Ohio, on Ohio Highway 82, approximately one mile west of junction Ohio Highways 82 and 91, as an off-route point in connection with carrier's regular-route operations between Chicago, Ill., and Cleveland, Ohio. Applicant is authorized to conduct operations in Ohio, Illinois, and Indiana.

HEARING: November 15, 1956, in Room 322, New Federal Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 1150 Sub 17, filed August 2, 1956, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's representative: Van Osdel & Foss, First National Bank Building, Fargo, N. Dak. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: November 14, 1956, South Dakota Public Utilities Commission, Pierre, South Dakota, Before Joint Board No. 124.

No. MC 1641 Sub 36, filed August 24, 1956, RAY PEAKE, doing business as PEAKE TRANSPORT SERVICE, Chester, Nebr. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum, petroleum products*, and *petroleum by-products*, (other than gasoline, kerosene and tractor fuel), in bulk, in tank vehicles, from points in Kansas, and those in the Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in Nebraska on and west of the western boundaries of Red Willow, Frontier, Lincoln, Custer, Blaine, Brown and Keyapaha Counties, Nebr. Applicant is authorized to conduct regular route operations in Kansas and Nebraska and irregular route operations in Iowa, Kansas, Nebraska and South Dakota.

NOTE: Applicant is authorized, among other operations, to transport *petroleum products*, in bulk, in tank vehicles, from Council Bluffs, Iowa and points in Iowa within 10 miles thereof, and from refining and distributing points in Kansas to points in Nebraska east of the western boundaries of Red Willow, Frontier, Lincoln, Custer, Blaine, Brown and Keyapaha Counties, Nebr.

HEARING: November 30, 1956, Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 140.

No. MC 1872 Sub 39, filed July 31, 1956, ASHWORTH TRANSFER, INC., 1526 South 6th West Street, Salt Lake City, Utah. Applicant's representative: Stockton, Linville and Lewis, the 1650 Grant Street Building, Denver 3, Colo. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 27, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 1968 Sub 69, filed August 27, 1956, DAVID C. HALL doing business as D. C. HALL MOTOR TRANSPORTATION, 1301 Foch Street, P. O. Box 1349, Fort Worth, Tex. Applicant's representative: Joe H. Eidson, Jr., Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Sterlington, La., and junction Louisiana Highway 553 and U. S. Highway 165, from Sterlington over Louisiana Highway 553 to junction U. S. Highway 165, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Louisiana, Mississippi, Oklahoma, Tennessee and Texas.

HEARING: November 9, 1956, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

No. MC 2202 Sub 153, filed September 24, 1956, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Indianapolis, Ind., and Huntington, Ind., over Indiana Highway 37, serving no intermediate points, but serving Huntington, Ind., for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: November 16, 1956, U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2484 Sub 33, filed August 13, 1956, E. & L. TRANSPORT COMPANY, a Corporation, 14201 Schaden Avenue, Dearborn, Mich. Applicant's representative: George S. Dixon, Matheson, Dixon & Brady, Guardian Building, Detroit 26, Mich. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 20, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 2589 Sub 14, filed September 26, 1956, C. A. B. Y. TRANSPORTATION COMPANY, a corporation, 3141 St. Clair Avenue, Cleveland, Ohio. Applicant's representative: Milton C. Portmann, Union Commerce Building, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new General Motors Euclid Division Plant, near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations (a) between Cleveland, Ohio, and Rochester, N. Y., and (b) between Cleveland, Ohio, and Youngstown, Ohio. Applicant is authorized to conduct regular and irregular operations in New York, Ohio and Pennsylvania.

HEARING: November 16, 1956, in Room 322, New Federal Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 3261 Sub 22, filed August 8, 1956, KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's representative: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 16, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 6380 Sub 3, filed July 10, 1956, R. F. TRUESDELL, (Individual) 1616 West 4th Street, Ashtabula, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: November 9, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 7746 Sub 82, filed September 24, 1956, UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Applicant's representative: George R. La Bissoniere, 654 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fruits, Vegetables*, and *Fish*, fresh, frozen, canned or processed, serving points in Grays Harbor and Pacific Counties, Wash., as off-route or intermediate points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Oregon, Washington and Idaho.

HEARING: November 14, 1956, in Room 400, U. S. Court House, Fifth and Madison Sts., Seattle, Wash., before Joint Board No. 80.

No. MC 8989 Sub 159, filed May 28, 1956, HOWARD SOBER, INC., 2400 West St. Joseph St., P. O. Box 1228, Lansing, Mich. Applicant's representative: Albert F. Beasley, Investment Bldg., 15th and K Streets, NW., Washington 5, D. C. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: November 9, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 10928 Sub 29, filed August 7, 1956, SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, Dallas, Tex. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 14, 1956, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 210.

No. MC 16503 Sub 4, filed July 5, 1956, JOHN L. GUEX, 133 South Andrews Street, Shawano, Wis. Applicant's representative: William C. Dineen, 341 Empire Building, 710 North Plankinton Ave., Milwaukee 3, Wis. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: November 16, 1956, Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 29780 Sub 6, filed August 9, 1956, JOE A. HARRIS, doing business as HARRIS TRUCK LINE, 805 South Second Street, Raton, N. Mex. Applicant's representative: Harold O. Waggoner, Simms Building, P. O. Box 1035, Albuquerque, N. Mex. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 16, 1956, New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 31445 Sub 1, filed July 25, 1956, SHAW MOTORS, INC., 89 Bellevue Ave., Providence 7, R. I. Applicant's representative: Sherwood and Clifford, 1003 Turks Head Bldg., Providence 3, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including commodities in bulk*, but excepting those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment other than tank trucks, serving points (1) in an area of Rhode Island north and east of Rhode Island Highway 102 and west of a ten (10) mile radius of Providence, R. I. and (2) in that portion of Bristol County, R. I. which is beyond a ten (10) mile radius of Providence, R. I. as off-route points in connection with applicant's authorized regular route operations between Providence, R. I. and Boston and North Attleboro, Mass. over U. S. Highways 1 and 1-A. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Pennsylvania, and Connecticut, and in Certificate No. MC 31445 service is authorized, among other, to serve points within ten miles of Providence, restricted against the transportation of liquid bituminous materials used in road building, in bulk, from East Providence, R. I. to Boston, Mass. and points within ten miles thereof.

HEARING: November 15, 1956, in Room 308, Main P. O. Building, Providence, R. I., before Joint Board No. 232.

No. MC 37896 Sub 7, filed September 20, 1956, YOUNGBLOOD TRUCK LINES, INC., Fletcher, N. C. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Graham County, N. C., on the one hand, and, on the other, points in Georgia on and north of a line beginning at the Alabama-Georgia State Line and extending over Georgia Highway 20 to junction U. S. Highway 41, thence over U. S. Highway 41 to Atlanta, Ga., thence over U. S. Highway 29 to Athens, Ga. and thence over U. S. Highway 78 to the Georgia-South Carolina State line. Applicant is authorized to conduct operations in North Carolina, Georgia and Alabama.

HEARING: November 15, 1956, at the Peachtree-Seventh Bldg., 50 Seventh St. NE. Atlanta, Ga., before Joint Board No. 204.

No. MC 38541 Sub 7, filed September 27, 1956, DENNIS E. WHITE, doing business as WHITE MOTOR EXPRESS, 713 Fourth Avenue South, Nashville, Tenn. Applicant's representative: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Nashville, Tenn., and Lebanon, Tenn., from Nashville, over U. S. Highway 70N to Lebanon, and return over the same route serving the termini for the purpose of joinder with applicant's authorized routes for operating convenience only.

HEARING: November 15, 1956, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 38840 Sub 2, filed June 18, 1956, WILLIAM TROLANO, doing business as WILLIAM TROLANO TRUCKING, 1461-38th St., Brooklyn, N. Y. Applicant's representative: Paul Somers, 40 Exchange Place, New York 5, N. Y. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: November 14, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 40858 Sub 45, filed August 6, 1956, THE SILVER FLEET MOTOR EXPRESS, INC., 216 West Pearl Street, Louisville 2, Ky. Applicant's representative: Robert W. Brunow, 1511-1516 Kentucky Home Life Building, Louisville 2, Ky. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 9, 1956, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 103.

No. MC 41635 Sub 31 (further amended), published on page 4985, issue of July 4, 1956, filed June 11, 1956, DEALERS TRANSPORT COMPANY, 1368 Riverside Blvd., P. O. Box 2482, De-Soto Station, Memphis, Tenn. Applicant's representative: Charles H. Hud-

son, Jr., 407 Broadway Bank Bldg., Nashville, Tenn. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 20, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 42487 Sub 321, filed September 26, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Fallon and Sparks, Nev., and points within six miles of each, to points in Alpine, Mono, El Dorado, Placer, Nevada, Sierra, Plumas, Lassen, Modoc and Yuba Counties, Calif., and Lake, Harney and Malheur Counties, Oreg. Applicant is authorized to conduct irregular route operations in California, Idaho, Montana, Oregon, Nevada and Washington.

HEARING: November 30, 1956, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 151.

No. MC 46005 Sub 8, filed June 27, 1956, BURG TRUCKING CORP., 835 Washington St., New York, N. Y. Applicant's representative: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: November 15, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 48975 Sub 8, filed July 31 1956, C. J. URLING, 2700 Penn Avenue, Pittsburgh 22, Pa. Applicant's representative: Frederick L. Kiger, Grant Building, Pittsburgh, Pa. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: November 15, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 206.

No. MC 52405 Sub 2, filed May 28, 1956, SCOTT BROS., INCORPORATED, 1000 South Broad St., Philadelphia 46, Pa. Applicant's attorney: Robert H. Griswold, Commerce Bldg., P. O. Box 432, Harrisburg, Pa. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: November 9, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 54435 Sub 26, filed July 20, 1956, MICHIGAN MOTOR FREIGHT LINES, INC., 4800 Oakman Blvd., Dearborn, Mich. Applicant's representative: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 15, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 57927 Sub 4, filed July 17, 1956, ROBERT J. GOOLEY, doing business as LONGYEAR'S EXPRESS, Hunter, N. Y. Applicant's representative: John J. Fromer, Tannersville, N. Y. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: November 20, 1956, 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 58885 Sub 16, filed September 4, 1956, ATLANTA MOTOR LINES, INC., 1268 Caroline Street, NE., Atlanta, Ga. Applicant's representative: Allan Watkins, 214 Grant Building, Atlanta, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Dahlonega, Ga., and Rabun Gap, Ga., from Dahlonega over Georgia Highway 52 to junction Georgia Highway 115, thence over Georgia Highway 115 to junction U. S. Highway 441, thence over U. S. Highway 441 to Rabun Gap, and return over the same route, serving no intermediate points, (2) between Clayton, Ga., and Murphy, N. C., from Clayton over U. S. Highway 76 to junction Georgia Highway 66, thence over Georgia Highway 66 to junction U. S. Highway 64, thence over U. S. Highway 64 to Murphy, and return over the same route, serving no intermediate points, (3) between Rabun Gap, Ga., and Robbinsville, N. C., from Rabun Gap over U. S. Highway 441 to Franklin, N. C., thence over North Carolina Highway 28 to Lauada, N. C., thence over U. S. Highway 19 to Topton, N. C., and thence over U. S. Highway 129 to Robbinsville, and return over the same route, serving no intermediate points, and (4) between Murphy, N. C., and Robbinsville, N. C., over U. S. Highway 129, serving all intermediate points. Applicant is authorized to conduct operations in Georgia, North Carolina and Tennessee.

HEARING: November 27, 1956, at the Peachtree-Seventh Bldg., 50 Seventh St. NE., Atlanta, Ga., before Joint Board No. 204.

No. MC 63081 Sub 2, filed July 30, 1956, EDGAR J. DAUGHERTY and JEANNE B. DAUGHERTY, a partnership, doing business as DAUGHERTY TRUCKING, Baggs, Wyo. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 30, 1956, Wyoming Public Service Commission, Supreme Court and State Library Bldg., Cheyenne, Wyo., before Joint Board No. 50.

No. MC 70451 Sub 175, filed July 8, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th St., Omaha, Nebr. Issues published in FEDERAL REGISTER of July 27, 1955.

HEARING: November 15, 1956, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 75320 Sub 76, filed September 20, 1956, CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, 2333 E. Mill Street, Springfield, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highway 11 and Mississippi Highway 43 and New Orleans, La., over U. S. Highway 11, serving no intermediate points, and serving junction U. S. Highway 11 and Mississippi Highway 43 for the purpose of joinder only, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Meridian, Miss., and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: November 14, 1956, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 75320 Sub 77, filed September 24, 1956, CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 E. Mill Street, P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment, serving the site of the Mississippi Pulp and Paper Company Plant located in Lowndes County, Miss. (near Columbus, Miss.), as an off-route point in connection with applicant's regular route operations between (1) Greenwood, Miss., and Vernon, Ala., and (2) between Tupelo, Miss., and Mayhew, Miss.

HEARING: November 14, 1956, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97.

No. MC 80430 Sub 83, filed August 16, 1956, GATEWAY TRANSPORTATION CO., 2130–2150 South Ave., La Crosse, Wis. Applicant's representative: Joseph E. Ludden, P. O. Box 851, La Crosse, Wis. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 20, 1956, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 92983 Sub 173, filed August 6, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 20, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 135.

No. MC 95922 Sub 10, filed August 16, 1956, JAMES F. LEE, doing business as LEE TRANSPORT, 707 East Fourth St., Muscatine, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 19, 1956, Federal Office Bldg., 5th & Court Aves., Des Moines, Iowa, before Joint Board No. 54.

No. MC 99828 Sub 1, filed September 13, 1956, PAUL W. NIELSEN, doing business as NIELSEN TRUCKING COMPANY, 551 South 1st West Street, Salt Lake City, Utah. Applicant's representative: Lynn S. Richards, 716 Newhouse Bldg., Salt Lake City 11, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities including Class A and B explosives and those requiring special equipment and commodities in bulk*, (excluding petroleum and petroleum products, in bulk) *commodities of unusual value, livestock, and household goods*, as defined by the Commission, and *empty containers or other sueh incidental facilities* (not specified), between Salt Lake City and Cedar City, Utah, and the Glen Canyon damsite, located on the Colorado River approximately 15 miles upstream from Marble Canyon, Ariz., near the Utah-Arizona State line, and points within a radius of 25 miles thereof.

HEARING: November 20, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 99828 Sub 2, filed September 18, 1956, PAUL W. NIELSEN, doing business as NIELSEN TRUCKING COMPANY, 551 South 1st West, Salt Lake City, Utah. Applicant's representative: Lynn S. Richards, 716 Newhouse Building, Salt Lake City 11, Utah. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives, commodities of unusual value and commodities requiring special equipment* and excluding household goods as defined by the Commission, petroleum and petroleum products in bulk, in tank vehicles, but *including other commodities in bulk*, (1) between Salt Lake City, Utah, and Hurricane, Utah, from Salt Lake City over U. S. Highway 91 to Anderson's Junction, thence over Utah Highway 15 to junction Utah Highway 17, thence over Utah Highway 17 to Hurricane, and return over the same route, serving all intermediate points between Cedar City and Hurricane only (no service to be performed between Salt Lake City and Cedar City); and (2) between La Verkin Junction and Springdale, Utah, over Utah Highway 15, serving all intermediate points.

HEARING: November 20, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 103378 Sub 74, filed August 14, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 9, 1956, at the S. C. Public Service Commission, Wade Hampton State Office Bldg., Columbia, S. C., before Joint Board No. 2.

No. MC 103880 Sub 173, filed July 30, 1956, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 15, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 244.

No. MC 109136 Sub 11, filed July 26, 1956, THE ORIOLE TERMINAL & TRANSPORTATION CO., a corporation, 6301 Quad Avenue, Baltimore 5, Md. Applicant's representative: Dale C. Dillon, Suite 944, Washington Building, Washington 5, D. C. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: November 14, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 40.

No. MC 109223 Sub 1, filed August 6, 1956, MANCUSO TRUCKING SERVICE, INC., 1785 West Jefferson, Detroit 16, Mich. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 16, 1956, at the Olds Hotel, Lansing, Mich. before Joint Board No. 76.

No. MC 109259 Sub 1, filed July 23, 1956, STANDARD TRANSFER AND STORAGE, INC., Fourth and Bryant Sts. NE., Washington 2, D. C. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: November 13, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 109689 Sub 40, filed September 28, 1956, W. S. HATCH CO., a corporation, Woods Cross, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *road oils*, in bulk, in tank vehicles, and *contaminated shipments* of the above-specified commodities, between points in Utah. Applicant is authorized to conduct operations in Nevada, Oregon, and Utah.

HEARING: November 15, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 112272 Sub 3, filed June 12, 1956, REISS TRANSPORTATION, INC., 24–60 28th St., Long Island City, N. Y. Applicant's attorney: Richard F. Brennan, Jr., 36 Waldron Ave., Staten Island 1, N. Y. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: November 9, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 112370 Sub 8, filed August 7, 1956, HENRY C. BUNGIE, doing business as WASHINGTON-SOLOMONS FREIGHT LINE, 4408 Sheriff Road, NE., Washington 19, D. C. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 13, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 112750 Sub 20, filed June 13, 1956, ARMORED CARRIER CORPORATION, 222–17 Northern Blvd., Bayside, N. Y. Applicant's attorney: James K. Knudson, 1116 Ring Building, 18th at "M" Street NW., Washington, D. C. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: November 13, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 112750 Sub 21, filed June 13, 1956, ARMORED CARRIER CORPORATION, 222–17 Northern Blvd., Bayside, N. Y. Applicant's attorney: James K. Knudson, 1116 Ring Bldg., 18th at "M" Street, NW., Washington, D. C. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: November 13, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 112841 Sub 3, filed August 10, 1956, ILLINOIS-RUAN TRANSPORT CORPORATION, 205 Old St. Louis Road, Wood River, Ill. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 28, 1956, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 135.

No. MC 113336 Sub 9, filed August 14, 1956, PETROLEUM TRANSIT COMPANY, INC., East 2nd Street, P. O. Box 921, Lumberton, N. C. Applicant's representative: James E. Wilson, Continental Building, Fourteenth at K Northwest, Washington 5, D. C. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 14, 1956, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 2.

No. MC 114346 Sub 5, filed September 10, 1956, TRANS-CARIBBEAN MOTOR TRANSPORT, Pier 2, Municipal Docks, Miami 32, Fla. Applicant's representative: Allan F. Wholstetter, 1518 K Street NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including Class A and B explosives, household goods, as defined by the Commission, those requiring refrigeration, commodities in bulk, and those requiring special equipment*, but excluding commodities of unusual value, in pick-up and delivery service, between points within the Commercial Zone of Jacksonville, Fla. The above service is restricted to traffic moving to and from territories and possessions of the United States.

HEARING: November 15, 1956, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205.

No. MC 114546 Sub 2, filed August 13, 1956, MORTON NORTHRUP, doing business as NORTHERN CARTAGE CO., 4860 N. Nagle Avenue, Norwood Park, Ill. Applicant's representative: Zeamore A. Ader, 100 North LaSalle Street, Chicago, Ill. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 27, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17.

No. MC 114647 Sub 2, filed August 8, 1956, ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, 135 North 11th St., Forest City, Iowa. Applicant's representative: R. C. Brown, Forest City, Iowa. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 21, 1956, Federal Office Bldg., 5th and Court Aves., Des Moines, Iowa, before Joint Board No. 146.

No. MC 114655 Sub 3, filed August 6, 1956, COAST TRANSPORT, INC., 1906 SE. 10th Avenue, Portland, Oreg. Applicant's representative: George R. LaBissoniere, 835 Central Building, Seattle 4, Wash. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 16, 1956, Room 400, U. S. Court House, 5th and Madison Sts., Seattle, Wash., before Joint Board No. 237.

No. MC 114655 Sub 4, filed August 6, 1956, COAST TRANSPORT, INC., 1906 SE. 10th Avenue, Portland, Oreg. Applicant's representative: George R. LaBissoniere, 654 Central Building, Seattle 4, Wash. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 16, 1956, Room 400, U. S. Court House, 5th and Madison Sts., Seattle, Wash., before Joint Board No. 45.

No. MC 115490 Sub 1, filed June 20, 1956, BERNARD KLEIN, SAMUEL KLEIN, and EMANUEL KLEIN, a partnership, doing business as BERNARD'S EXPRESS & TRUCKING, 48–20 30th Street, Long Island City, N. Y. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: November 16, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 115753, filed January 9, 1956, FRANKLIN DURGIN, doing business as FRANKLIN DURGIN TRUCKING, Plainview, Minn. Applicant's representative: Frederick W. Gerber, Plainview, Minn. Issues published in FEDERAL REGISTER of February 8, 1956.

HEARING: November 13, 1956, Uptown Station and Federal Courts Bldg., 5th & Market Streets, St. Paul, Minn., before Joint Board No. 142.

No. MC 116050, filed June 15, 1956, ROBERT H. CARR, SR., doing business as RAMBACH DISTRIBUTING, 3–21 27th St., Fairlawn, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Issues published in FEDERAL REGISTER of June 4, 1956.

HEARING: November 15, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116064, filed June 21, 1956, AIRPORT CAR SHIPPERS, INC., P. O. Box 605, La Guardia Airport, Flushing, N. Y. Applicant's representative: Charles H. Trayford, 115 E. 40th St., New York 16, N. Y. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: November 19, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116073, (Amended) filed June 25, 1956, published July 11, 1956, on page 5154, JOHN C. BARRETT and LLOYD G. PLADSON, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Ave., Moorhead, Minn. Applicant's representative: Lee F. Brooks, First National Bank Bldg., Fargo, N. Dak. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: November 15, 1956, U. S. Court Rooms, Fargo, N. Dak., before Joint Board No. 224.

No. MC 116075, filed June 25, 1956, SAMUEL E. NUTILE AND LEO RABINOWITZ, doing business as NU-RAY TRUCKING CO., 41 Fredericks Avenue, Hawthorne, N. J. Applicant's representative: M. J. Barron, Traffic Mgr., Ekco Products Company, 1949 North Cicero Avenue, Chicago 39, Ill. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: November 16, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116130, filed July 27, 1956, BENEDETTO J. INDIVIGLIA, doing business as MY-OWN TRUCKING CO., 1288 Daffodil Lane, Wantagh, N. Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N. Y. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: November 20, 1956, 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116221, filed September 24, 1956, WEENER BROS., INC., 278 Common Street, Walpole, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Waste paper, and waste rags*, in bales, from New Haven, Hartford and Rockville, Conn., to Fitchburg, and East Walpole, Mass.

HEARING: November 14, 1956, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 134.

No. MC 116222, filed September 26, 1956, MAX A. GIST, R. F. D. #1, Hannibal, Mo. Applicant's representative: Roy Hamlin, Hornback Building, Hannibal, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Livestock feed and supplement therefor*, and *fertilizer*, from Quincy, Ill., to farms in Adair, Audrain, Boone, Callaway, Clark, Chariton, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Scotland and Shelby Counties, Mo.

HEARING: November 29, 1956, at the Majestic Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 116227, filed September 26, 1956, WARREN SMITH and DUANE POLMAN, doing business as BILL'S TRUCKING SERVICE, 312 Cedar Ave., Wadena, Minn. Applicant's representative: James F. Greenstein, 405 New York Bldg., St. Paul, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Wadena, Minn., and Alexandria, Minn., over Minnesota State Highway 29 and return over the same route, serving the intermediate points of Deer Creek, Almora and Parkers Prairie, and the off-route points of Henning, Miltona and Carlos, Minn.

HEARING: November 14, 1956, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 145.

No. MC 116229 Sub 1, filed September 28, 1956, JULIAN M. SHRADER, Pickaway, W. Va. Applicant's representative: Preston and Davis, 400 Union Building, Charleston 1, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Lynchburg, Va., and points within five miles of Lynchburg, to points in and south of Cabell, Putnam, Kanawha, Clay, Nicholas and Pocahontas Counties, W. Va.

HEARING: November 20, 1956, at the U. S. Court House, Charleston, W. Va., before Joint Board No. 245.

CORRECTIONS

No. MC 116106, filed July 17, 1956, NEIL A. SMITH and DONALD W. SMITH, partnership, doing business as SMITH BROTHERS, Columbus, Ontario, Canada, published Page 5767, issue August 1, 1956. Restriction in instant application, reflected in previous publications as "restricted to shipments originating in, and destined for, Canada", in error. The correct restriction is: "No shipments shall be transported except those originating in Canada and destined for the United States, or those originating in the United States and destined for Canada."

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC–F 6360, published in the August 8, 1956, issue of the FEDERAL REGISTER on page 5958. By supplemental application filed September 26, 1956, the following additional persons have joined in the application as persons in control of VIRGINIA STAGE LINES, INC.: JAMES L. JESSUP, BETTY SUE JESSUP, MARY IRVA JESSUP, PHILIP S. JESSUP, and VIRGINIA PEPSI COLA BOTTLING COMPANY, all of Charlottesville, Va.

No. MC–F 6362, published in the August 15, 1956, issue of the FEDERAL REGISTER on page 6106. Supplemental application filed October 2, 1956, to show joinder of P. W. FLETCHER, of Macon, Mo., as the person in control of vendee.

No. MC–F 6406 (correction), published in the October 3, 1956, issue of the FEDERAL REGISTER on page 7589. The name of applicant's representative was erroneously shown as A. S. KLIKBARG. It should read A. S. GLIKBARG.

No. MC–F 6411. Authority sought for control and merger by FRIGIDWAYS, INC., P. O. Box 2503, Memphis, Tenn., of the operating rights and property of HILTON TRUCK LINES, INC., 114 North College Avenue, Fayetteville, Ark., and for acquisition by C. L. HANCOCK, BUFORD WRIGHT, CHARLES L. GRAY and FRANK GRAY, all of Memphis, of control of such rights and property through the transaction. Applicant's representative: Frank B. Hand, Jr., 522 Transportation Bldg., Washington 6, D. C. Operating rights sought to be controlled and merged: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between Summers and Lincoln, Ark., and points within five miles of each, on the one hand, and, on the other, points in Oklahoma and Missouri; *packing-house products*, as defined by the Commission, *rice, dried apples, cream and cheese boxes, empty cans, bananas, sugar, canned goods, cheese, glass containers*, in truckloads, *dairy products* as defined by the Commission, in truckloads, *paper and paper products*, in truckloads, *rough and dressed lumber, lath, shingles, and brick, fresh fruit, spinach, coal, livestock, flour and feed, lumber and building material, brick*, and *grain*, from, to and between points and areas, varying with the commodity transported, in Kansas, Missouri, Arkansas, Tennessee, Mississippi, Louisiana, Nebraska, and Oklahoma; and *vinegar*, in seasonal operation, during the period from March 1 to September 30 of each year, both inclusive, from Rogers, Ark., to certain points in Kansas and Missouri. FRIGIDWAYS, INC., is authorized to operate as a *common carrier* in Louisiana, Missouri, Illinois, Iowa, Tennessee, Mississippi, North Carolina, Minnesota, Alabama, Georgia and Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6412. Authority sought for control and merger by GREAT SOUTHERN TRUCKING COMPANY, 1863 Clarkson Street, Jacksonville, Fla., of the operating rights and property of GOLDSTON MOTOR EXPRESS, INC., Morgan Road, P. O. Box 96, Spray, N. C., and for acquisition by RYDER SYSTEM, INC., JAR CORPORATION, JAR NO. 2 CORPORATION, J. A. RYDER and R. N. REEDY, all of Miami, Fla., and A. E. GREENE, JR., also of Jacksonville, of control of such rights and property through the transaction. Applicant's representative: Eugene T. Liipfert, 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Greensboro, N. C., and Martinsville, Va., and Spray, N. C., and between Winston-Salem, N. C., and Madison, N. C., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between points in Rockingham County, N. C., on the one hand, and, on the other, points in Henry, Pulaski, Norfolk and Roanoke Counties, Va.; *chemicals*, in carbons, from Norfolk, Va., to Burlington, High Point, Greensboro, Winston-Salem, Concord, Leaksville and Spray, N. C.; *peanut butter*, from Norfolk and Suffolk, Va., to certain points in North Carolina; *vegetables*, from Norfolk, Va., to Greensboro, N. C.; and *peanuts*, from Suffolk and Franklin, Va., to Greensboro, N. C. GREAT SOUTHERN TRUCKING COMPANY is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Tennessee, North Carolina and South Carolina. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6414. Authority sought for purchase by HANEY TRUCK LINE, 2219 Cedar Street, Forest Grove, Oreg., of a portion of the operating rights of DELMER KISER, doing business as KISER TRUCK SERVICE, Route Two, Box 160, Forest Grove, Oreg., and for acquisition by EVERETT HANEY, ADELAIDE HANEY MURRAY and MILDRED HANEY, all of Forest Grove, of control of such rights through the purchase. Applicants' representative: John M. Hickson, 1012 Yeon Bldg., Portland 4, Oreg. Operating rights sought to be transferred: *Heavy machinery*, as a *common carrier* over irregular routes between points in Washington County, Oreg., on the one hand, and, on the other, Seattle, Wash., and points in that part of Washington west of the Cascade Mountains and south of Seattle, Wash. Vendee is authorized to operate as a *common carrier* in Oregon, Washington and Idaho. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6415. Authority sought for control by HOWARD TERMINAL, 95 Market Street, Oakland, Calif., of EL DORADO MOTOR TRANSPORTATION COMPANY, 401 S Street, Sacramento, Calif. Applicant's representative: Gerald H. Trautman, 1400 Balfour Bldg., San Francisco 4, Calif. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Sacramento, Calif., and Pollock Pines and Jackson, Calif., serving certain intermediate and off-route points. EL DORADO MOTOR TRANSPORTATION COMPANY is authorized to operate under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act, in California, in the transportation of *general commodities*, with certain exceptions, over regular routes between Sacramento, and Pollock Pines and Jackson, Calif. HOWARD TERMINAL is authorized to operate as a *common carrier* in the State of California under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–7930; Filed, Oct. 9, 1956; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 5, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32714: *Pig iron—Buffalo, N. Y., group to Detroit, Mich.* Filed by Erie Railroad Company, for itself and other interested rail carriers. Rates on pig iron, carloads from Black Rock, Buffalo (East Ferry St.), Buffalo (Louisiana St.), Buffalo (Main St.), Buffalo Lake, East Buffalo, Niagara Falls, and Suspension Bridge, N. Y., to Detroit, Mich.

Grounds for relief: Circuitous routes.

Tariff: Supplement 17 to Erie Railroad Company I. C. C. A–7852.

FSA No. 32715: *Sand—Eastern points to Port Rayon, Tenn.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sand, carloads from specified points in New Jersey, Pennsylvania, Virginia and West Virginia to Port Rayon, Tenn.

Grounds for relief: Modified short-line distance scale, grouping and circuitous routes.

Tariff: Supplement 24 to Agent Boin's I. C. C. A-1079.

FSA No. 32716; *Cement—Trunk Line Territory to Memphis, Tenn., and Lower Mississippi River crossings.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on cement and related articles, carloads from specified points in official territory to Memphis, Tenn., Helena, Ark., Natchez, Miss., Baton Rouge and New Orleans, La., and other points in Louisiana intermediate thereto or grouped therewith.

Grounds for relief: Circuitous routes, in part west of the Mississippi River.

Tariff: Supplement 8 to Agent Boin's I. C. C. A–1037.

FSA No. 32717: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by Middle Atlantic Conference, Agent, for interested rail carriers. Rates on freight of various commodities moving on class and commodity rates loaded in highway trailers and transported on railroad flat cars between Pittsburgh, Pa., on one hand, and Kearny, N. J., on the other.

Grounds for relief: Motor truck competition.

FSA No. 32718: *All commodities—Illinois and Wisconsin points to Syracuse, N. Y.* Filed by the Chicago and North Western Railway Company, for itself and other interested rail carriers. Rates on merchandise, mixed carloads from Rockford, Ill., Appleton, Wis., and other specified points in Wisconsin to Syracuse, N. Y.

Grounds for relief: Circuitous routes.

Tariff: Chicago and North Western Railway Tariff I. C. C. 11334.

FSA No. 32719: *Pipe—Official territory to Missouri River points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on pipe, riveted, steel or wrought iron, tubing, and related articles, carloads from specified points in central, trunk-line, and New England territories to Atchison, Leavenworth, Kans., and St. Joseph, Mo.

Grounds for relief: Barge-truck competition and circuitous routes.

Tariffs: Supplement 9 to Agent Hinsch's tariff I. C. C. 4703; Supplement 77 to Agent Swenson's tariff I. C. C. 604; Supplement 13 to Agent Boin's tariff I. C. C. A–1057.

FSA No. 32720: *Phosphatic feed supplements—East St. Louis, Ill., to Southern Territory.* Filed by Phosphatic feed supplements, carloads from East St. Louis, Ill., to specified points in southern territory, also to Helena, Ark.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 6 to Agent Spaninger's tariff I. C. C. 1535.

FSA No. 32721: *Tin or terne plate—Baltimore, Md., to Florida points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on tin or terne plate, carloads from Baltimore, Md., to Auburndale, Bartow, Dade City, Winter Garden, Plymouth and Orlando, Fla. (water-rail).

Grounds for relief: Competition with all-rail routes, and circuitous water-rail routes.

Tariff: Supplement 153 to Agent Spaninger's I. C. C. 1258.

FSA No. 32722: *Commodity rates from and to Clifdale-Fort Bragg, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on all commodities moving on commodity rates from or to Clifdale-Fort Bragg, N. C.

Grounds for relief: New station.

FSA No. 32723: *Sulphur (brimstone)—New Orleans, La., to eastern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphur (brimstone), carloads from New Orleans, La., to North Brookfield, Taunton, Mass., and Pottstown, Pa.

Grounds for relief: Circuitous routes.

Tariff: Supplement 30 to Alternate Agent Marque's tariff I. C. C. 442.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8128; Filed, Oct. 9, 1956; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Bruce Co., Inc., 120 East 15th Street, Ottawa, Kans.; effective 9-28-56 to 9-27-57 (men's work clothing, jackets).

The Butler Shirt Co., 165 Brugh Ave., Butler, Pa.; effective 9-22-56 to 9-21-57 (men's sport shirts).

Cleveland Overall Co., 1768 East 25th Street, Cleveland, Ohio; effective 9-27-56 to 9-26-57 (men's cotton work clothing).

Joseph Gulino, 278 Court Street, Brooklyn, N. Y.; effective 9-18-56 to 3-17-57 (ladies' housedresses).

Oshkosh B'Gosh, Inc., Celina Div., Celina, Tenn.; effective 10-8-56 to 10-7-57 (work pants, work shirts).

The following learner certificates were issued for normal labor turnover purposes, authorizing the employment of not more than 10 learners.

Country Cousin Frocks, Inc., 110 Downing Street, Plymouth, Pa.; effective 9-24-56 to 9-23-57 (women's dresses and aprons).

Style-Rite Manufacturing Co., 200 East Second Street, Pana, Ill.; effective 9-21-56 to 9-20-57 (dresses).

Style-Rite Manufacturing Co., 133 South Broadway, Shelbyville, Ill.; effective 9-21-56 to 9-20-57 (dresses).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Byrds Manufacturing Corp., Star City, Ark.; effective 9-20-56 to 3-20-57; 100 learners (sports shirts).

El Bonito of California, d/b/a Myron of California, 100 B Street, Taft, Calif.; effective 9-20-56 to 3-19-57; 10 learners (men's sport shirts).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 9-20-56 to 3-19-57; 25 learners (work pants and shirts).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Premiere Gloves, Inc., Franklin Street, Fultonville, N. Y.; effective 9-19-56 to 9-18-57; 8 learners for normal labor turnover purposes (ladies' fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Aberdeen Hosiery Mills Co., Inc., Aberdeen, N. C.; effective 9-17-56 to 3-16-57; 15 learners for expansion purposes (full-fashioned).

Adams-Millis Corp., Tryon, N. C.; effective 9-21-56 to 9-20-57; 5 percent of factory production workers for normal labor turnover purposes (full-fashioned).

Claussner Hosiery Co., No. 2 Seamless Division, 30th and Adams Streets, Paducah, Ky.; effective 9-17-56 to 3-16-57; 20 learners for expansion purposes (replacement certificate) (seamless).

Carol May Finishing Co., Inc., West Depot Street, Concord, N. C.; effective 9-18-56 to 3-17-57; 20 learners for expansion purposes (full-fashioned and seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Northern Ohio Telephone Co., Loudonville, Ohio; effective 10-1-56 to 9-30-57.

Northern Ohio Telephone Co., New London, Ohio; effective 10-1-56 to 9-30-57.

Northern Ohio Telephone Co., McComb, Ohio; effective 10-1-56 to 9-30-57.

Northern Ohio Telephone Co., Lodi, Ohio; effective 10-1-56 to 9-30-57.

Sleepy Eye Telephone Co., Sleepy Eye, Minn.; effective 9-20-56 to 9-19-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Ashland Knitting Mills, Inc., Front and Chestnut Streets, Ashland, Pa.; effective 9-18-56 to 9-17-57; 5 percent of factory production workers for normal labor turnover purposes (cotton knit underwear).

Mister Ease, Inc., Philmont, N. Y.; effective 9-20-56 to 9-19-57; 5 percent of factory production workers for normal labor turnover purposes (men's and women's knit shirts).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 9-20-56 to 9-19-57; 10 percent of factory production workers for normal labor turnover purposes (women's compo).

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 9-20-56 to 3-19-57; 25 learners for expansion purposes (women's compo).

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

The Hal Dorsey Co., 2812 Edgewater Drive, Orlando, Fla.; effective 9-24-56 to 3-23-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 2 learners for normal labor turnover purposes (handkerchiefs).

Fashion Park, Inc., 432 Portland Avenue, Rochester, N. Y.; effective 9-24-56 to 3-23-57; not less than 65 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's suits, outercoats, etc.).

Fellerman Brothers, Inc., 12 West 32d Street, New York, N. Y.; effective 9-24-56 to 3-23-57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of umbrella tipper, hand; authorizing the employment of 3 learners in any one work day for normal labor turnover purposes (umbrellas).

Frederick Tailoring Co., Inc., New Bern Northcool Plant, 809 Pasteur Street, New Bern, N. C.; effective 9-21-56 to 3-20-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's clothing).

Herbert Manufacturing Co., 471 Temperance Street, St. Paul, Minn.; effective 9-24-56 to 3-23-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes (overcoats, sportcoats, etc.).

Langerberg Hat Co., Berger, Mo.; effective 9-21-56 to 3-20-57; not less than 85 cents per hour for a maximum of 240 hours, for the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes (winter caps).

Michaels Stern & Co., Inc., 15 Hand Street, Rochester, N. Y.; effective 9-24-56 to 3-23-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's suits, sportscoats, etc.).

Michaels Stern & Co., Inc., 317 Child Street, Rochester, N. Y.; effective 9-24-56 to 3-23-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's suits, sportcoats, etc.).

P & K, Inc., 122 North Dixie Highway, Momence, Ill.; effective 9-24-56 to 3-23-57; not less than 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 60 hours of the 300-hour learning period, for the occupations of fish hook bender, fish hook brazing, fly tying, lacquer lures and assemble stringers; authorizing the employment of 10 learners for normal labor turnover purposes (fishhooks, artificial flies, etc.).

Richard Paul, Inc., 1600 Newport Pike, Wilmington, Del.; effective 9-24-56 to 3-23-57; not less than 85 cents per hour for the first 240 hours and 90 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator only; authorizing the employment of 6 learners for normal labor turnover purposes (peds, shoe and foot covers).

Triumph Paper Box Corp., 110 North Hudson Avenue, Stillwater, N. Y.; effective 9-24-56 to 3-23-57; not less than 90 cents per hour for a maximum of 160 hours, for the occupations of basic hand and machine production operations, with the exception of cutting, scoring, and slitting; authorizing the employment of 2 learners for normal labor turnover purposes (set-up paper boxes).

Welch Manufacturing Co., Marshfield, Mo.; effective 9-24-56 to 3-23-57; not less than 90 cents per hour for a maximum of 320 hours, for the occupations of machine operator, assembler, and spray painters; authorizing the employment of 5 learners for normal labor turnover purposes (small wood products).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number or proportion of learners authorized to be employed, are as indicated:

The Carborundum Co. of P. R., Mayaguez, P. R.; effective 8-1-56 to 1-31-57; not less than 53 cents per hour for the first 240 hours and 62 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of assembly inspection; authorizing the employment of 23 learners for expansion purposes (kovar seals).

Edro Corp., Anasco, P. R.; effective 8-29-56 to 2-28-57; not less than 44 cents per hour for the first 240 hours and 51 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine stitching, cutting and laying off; authorizing the employment of 50 learners for expansion purposes (fabric gloves).

Fairfield Manufacturing Co., Inc., Carpenter Road and Carolina Street, Hato Rey, P. R.; effective 9-15-56 to 3-14-57; not less than 50 cents per hour for the first 240 hours and 57 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of assemblers, welders, platers, rackers, and dippers; not less than 50 cents per hour for a maximum of 240 hours, for the occupations of box making and packing; authorizing the employment of 31 learners for expansion purposes (drapery pleater hooks).

San Juan Glove Corp., Carolina Street, Hato Rey, P. R.; effective 7-27-56 to 1-26-57; not less than 44 cents per hour for the first 240 hours and 51 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 18 learners for normal labor turnover purposes (fabic and leather gloves).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Enterprise Academy, Enterprise, Kans.; effective 9-17-56 to 8-31-57; print shop industry: Not less than 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours of the 1,000-hour learning period, for the occupations of compositor, pressman, linotype operator, and related skilled and semi-skilled occupations; authorizing the employment of 6 student workers.

Forest Lake Academy, Maitland, Fla.; effective 9-17-56 to 8-31-57, printing industry; not less than 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours of the 1,000-hour learning period, for the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations; authorizing the employment of 23 student workers.

Glendale Union Academy, 700 Kimlin Drive, Glendale, Calif.; effective 9-13-56 to 8-31-57, printing industry: Not less than 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours of the 1,000-hour learning period, for the occupations of compositor, pressman and related skilled and semi-skilled occupations; authorizing the employment of 4 student workers.

Monterey Day Academy, Watsonville, Calif.; effective 9-17-56 to 8-31-57, trellis manufacturing industry: Not less than 80 cents per hour for the first 200 hours and 85 cents per hour for the remaining 200 hours of the 400-hour learning period, for the occupations of millman, assembler, and related skilled and semi-skilled occupations including incidental clerical work in shop; authorizing the employment of 16 student workers.

Oak Park Academy, Nevada, Iowa; effective 9-12-56 to 8-31-57, (1) printing industry: Not less than 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours of the 1,000-hour learning period, for the occupations of compositor, pressman and related skilled and semi-skilled occupations including incidental clerical work in shop; authorizing the employment of 7 student workers; (2) broom shop industry: Not less than 80 cents per hour for the first 180 hours and 85 cents per hour for the remaining 180 hours of the 360-hour learning period, for the occupations of broom maker, stitcher and related skilled and semi-skilled occupations; authorizing the employment of 7 student workers.

Wisconsin Academy, Columbus, Wis.; effective 9-17-56 to 8-31-57; furniture manufacturing: Not less than 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours of the 600-hour learning period, for the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations; authorizing the employment of 21 student workers.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Parts 522 and 527.

Signed at Washington, D. C., this 28th day of September 1956.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 56-8117; Filed, Oct. 9, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CLASINUS PIETER EVERT HOOLHORST

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Clasinus Pieter Evert Hoolhorst, Bloemendaal, The Netherlands; Claim No. 42710; property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942), relating to Patent Application No. 295,991 (now United States Letters Patent No. 2,313,996).

Executed at Washington, D. C., on October 3, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8149; Filed, Oct. 9, 1956; 8:52 a. m.]

[Vesting Order No. 9144, Amdt.]

ELISE VON BAECKMANN

In re: Trust under the Will of Elise von Baeckmann, Deceased (File No. D-28-10202).

Vesting Order No. 9144, dated May 29, 1947, and amended on November 1, 1955, is hereby further amended as follows:

By deleting subparagraph 2 and substituting in lieu thereof the following:

2. "That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 and subparagraph 1a hereof in

and to the trust created under the will of Elise von Baeckmann, deceased, and in and to the estate of Elise von Baeckmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);"

and by inserting in subparagraph 4 thereof, immediately following the words "subparagraph 1" the words "and subparagraph 1a."

All other provisions of said Vesting Order No. 9144 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on October 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8150; Filed, Oct. 9, 1956; 8:52 a. m.]

THE NATIONAL ARCHIVES
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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PHYSICAL THERAPIST

Section 24.134 is added as set out below:

§ 24.134 *Physical Therapist, GS-633-0 (all grades)*—(a) *Educational requirements.* Applicants must be graduates of a school of physical therapy approved at the time of graduation by the Council on Medical Education and Hospitals of the American Medical Association. Applicants who graduated prior to 1936 must be graduates of a school of physical therapy approved at the time of graduation by the American Physical Therapy Association.

(b) *Duties.* With duties varying in responsibility in accordance with grade, physical therapists under general supervision of a medical officer, administer or supervise the administration of physical therapy in all branches.

(c) *Knowledge and training requisite for the performance of duties.* Physical Therapists must have a knowledge of sciences such at anatomy, physiology, psychology, pathology, neurology, sociology, and child growth and development; a knowledge of clinical subjects covering general medical and surgical conditions, orthopedics, psychiatric, pediatric, tuberculosis, cardiac, circulatory and neurological conditions; and theory courses interpreting the principles and practices of physical therapy in pediatrics, psychiatry, tuberculosis, orthopedics, general medicine and surgery, rehabilitation techniques, and therapeutic exercises. They must be able to perform tests such as manual or electrical muscle tests, joint measurement and range of motion, mobilization and ambulation, functional testing, activities of daily living, tests for peripheral vascular disease including skin temperature tests or oscillometric tests, determination of sensory patterns, activity tolerance, vital capacity measurement, and developmental level. They must be able to recognize the connotation of the diagnosis so that limitations of the physical condition of the patient can be related to the treatment program. They must have a scientific knowledge of the use of physical therapy equipment, and be able to plan for and/or construct specific equipment adaptations to meet the specific patient's needs. They must be able to anticipate and to recognize changes in the patient's physical or emotional condition and be able to make immediate adjustments in the treatment program. The necessary knowledges and training required can only be acquired through a directed course of study in an approved physical therapy school.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8186; Filed, Oct. 10, 1956; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6454]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ILLINOIS TRAVELING MEN'S HEALTH ASSOCIATION

Subpart—*Advertising falsely or misleadingly:* § 13.260 *Terms and conditions:* Insurance coverage. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1760 *Terms and conditions:* Insurance coverage. Supart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1905 *Terms and conditions:* Insurance coverage.[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45). [Cease and desist order, Illinois Traveling Men's Health Association, Chicago, Ill., Docket 6454, September 25, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging an insurance company with misrepresenting the terms and conditions of its accident and health insurance policies in advertising in printed and written matter and in state-

[1] New.

(Continued on next page)

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ments made by its agents which represented falsely that certain policies could be continued to a specific age or for a specific period of time and provided cash benefits for losses resulting from any and all sicknesses and accidents, excepting only insanity, venereal disease, and hernia; and with misrepresenting cash benefits payable for losses caused by accidents—and an agreement between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on September 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Illinois Traveling Men's Health Association, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any accident insurance policy, or health insurance policy, do forthwith cease and desist from:

(A) Representing, directly or by implication:

(1) That said insurance policy may be continued in effect indefinitely or for any period of time, when, in fact, said policy provides that it may be cancelled by respondent or terminated under any circumstances over which the insured has no control, during the period of time represented.

(2) That said policy of accidental insurance provides for indemnification to insured in cases of accident generally or in any or all cases of all accident, when such is not the fact.

(3) That said policy of health insurance provides for indemnification to insured for all disability caused by illness generally when such is not the fact.

(4) That said accident policy provides for the payment of certain benefits in addition to other benefits when such is not a fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 25, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-8188; Filed, Oct. 10, 1956; 8:50 a. m.]

[Docket 6558]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

I. J. FOX, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Fictitious Marking; § 13.175 *Quality of products or service:* § 13.235 *Source or origin:* Place: *Foreign, in general* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act: § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, I. J. Fox, Inc., et al., Cleveland, Ohio, Docket 6558, September 19, 1956]

In the Matter of I. J. Fox, Inc., a Corporation, and Charles K. Fox and Max Weisman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Cleveland seller of fur products to cease violating the Fur Products Labeling Act through labeling certain of its products with fictitious prices and failing to label others with the information, and in the form, required by the act; through invoicing products deceptively; through advertising in newspapers which failed to disclose the names of animals producing certain furs, the country of origin, the fact that others were artificially colored, and misrepresented quality, characteristics, and prices; and through failing to maintain records on which such purported reduced prices were based—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on September 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents I. J. Fox, Inc., a corporation, and its officers, and Charles K. Fox and Max Weisman, individually, and as officers of said corporation, and Respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, sold it in commerce, advertised, or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

2. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting;

(b) Non-required information mingled with required information;

(c) Prices represented to be the regular or usual price of any fur products which are an amount in excess of the prices at which the respondents have usually or customarily sold such fur products in the recent regular course of their business;

3. Failing to show separately on labels attached to a fur product composed of two or more sections containing different animal furs the required information with respect to the fur comprising each said section;

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

2. Setting forth required information in abbreviated form;

3. Failing to set forth on invoices pertaining to fur products an item number or mark assigned to such products;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals that produced the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(c) The country of origin of imported furs as required by the Fur Products Labeling Act or in the manner and form permitted by § 301.38 (b) (Rule 38 (b)) of the rules and regulations promulgated thereunder;

2. Represents, directly or by implication:

(a) That fur products are made from "pedigreed Persian Lambs" or which through the use of the word "pedigree" or any other word of similar import or meaning misrepresents the quality or characteristics of the fur products so advertised;

(b) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

D. Using comparative prices and percentage savings claims in advertising unless such prices and claims are based on current market values or unless the designated time of a bona fide compared price is given;

E. Making pricing claims or representations of the type referred to in paragraphs C (2) (b) and D, above, unless there is maintained by respondents an adequate record disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondents I. J. Fox, Inc., a corporation, and Charles K. Fox and Max Weisman, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 19, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-8189; Filed, Oct. 10, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 216]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
ANCHORAGE, ALASKA Merrill Field, 139'. SBRAZ-VPDTX-ANC. Procedure No. 1. Amendment No. 7. Effective date: November 3, 1956. Supersedes Amendment 6, dated May 28, 1955. Major changes: (1) Item 3, changed to coincide with range course; (2) Item 5 changed to coincide with range courses; (3) bearing and distance, column 7 shown to runway 33.	Jewel Lake FM (final) Northeast course not authorized due to danger area D-348.	003—4.8	800	Non-standard. W side of SW course: 183° outbound. 003° inbound. 1,500' within 10 miles of Anchorage LFR.	800	356—0.7	T-dn C-dn A-dn	300–1 300–1 800–2	300–1 500–1½ 800–2	200–½ 500–1½ 800–2	Within 0.7 mile, climb to 1,500' on NW course (296°) Anchorage LFR to Susitna Intersection. CAUTION: Mountains 8 miles E and TV tower 348' mean sea level 1 mile WNW of airport.
FORT BRIDGER, WYO. Fort Bridger International Field, 7,016'. SBRAZ-VDT-FBR. Procedure No. 1. Amendment No. 6. Effective November 3, 1956. Supersedes Amendment 5, dated December 1, 1951. Major changes: Restricts air carrier operation.	----------	----------	----------	N side E course: 058° outbound. 238° inbound. 8,500' within 10 miles. Not authorized beyond 10 miles.	7,500	243—1.6	T-dn C-d C-n A-dn	300–1 500–1 500–2 NA	NA NA NA NA	NA NA NA NA	Within 1.6 mile, turn right and climb to 10,000' on E course within 20 miles of LFR range. Not authorized for air carrier use. No weather reporting facilities or NOTAM service on this airport.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
RAPID CITY, S. DAK. Rapid City, 3,172'. SBRAZ-DTV-RAP. Combination LFR and VOR. Procedure No. 2. Original. Effective date: November 3, 1956. Supersedes none. Major changes: None.	RAP LFR RAP VOR	Intersection* 075—4.8 Intersection* 001—5.0	4,400 4,400	S side E course: 075° outbound. 255° inbound. 4,400' within 10 miles of RAP LFR.	Minimum altitude over Intersection* 4,400	Intersection* to airport 241—3.3	T-dn #C-dn A-dn	300–1 600–1 800–2	300–1 600–1 800–2	200–½ 600–1½ 800–2	Within 3.3 miles, make climbing left turn, climb to 4,500' on S course LFR within 20 miles. Caution: Rising terrain to 3,447' mean sea level 3 miles N of airport. #If intersection* not received minimums of 700' apply. Procedure authorized only to those aircraft equipped to receive Intersection.* *Intersection E crs RAP-LFR and R001 RAP-VOR.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
FINDLAY, OHIO. Findlay Airport, 800'. BMH-FDY. Procedure No. 1. Amendment original. Effective date: November 3, 1956.	Findlay VOR	041—9.0	2,000	E side of course: 180° outbound. 360° inbound. 2,000' within 10 miles.	1,200*	BMH on airport	T-dn *C-dn *S-dn 36 A-dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2	Within 0.0 miles of Findlay BMH make a left climbing turn to 2,000'. Hold S. in a standard pattern 360° inbound at 2,000'. *Maintain 1,400' until after passing Findlay VOR 065° radial. Ceiling minimum of 600' applicable without use of VOR.

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
FINDLAY, OHIO. Findlay Airport, 800'. VOR–FDY. Procedure No. 1. Amendment original. Effective date: November 3, 1956.				E side of course: 223° outbound. 043° inbound. 2,000' within 10 miles.	1,500	221—9.5	T–dn C–d C–n S–d 7 S–n 7 A–dn	300–1 500–1 500–2 500–1 500–2 800–2	300–1 500–1 500–2 500–1 500–2 800–2	200–½ 500–1½ 500–2 500–1 500–2 800–2	Within 9.5 miles make a climbing left turn, return to Findlay VOR at 2,000'. Hold southwest on radial 223° in a 1 minute right hand pattern. CAUTION: Radio tower 1,049' mean sea level 1.5 miles ESE of airport.
GOODLAND, KANS. Goodland, 3,553'. BVOR–GLD. Procedure No. 1. Amendment No. 2. Effective date: November 3, 1956. Supersedes Amendment 1, dated September 8, 1956. Major changes: (1) Corrects altitude to 4,800', columns 5 and 6.				W side of course: 010° outbound. 190° inbound. 4,800' within 10 miles.	4,800	190—0.7	*T–dn *C–dn *A–dn	300–1 1,100–2 1,100–2	300–1 1,100–2 1,100–2	200–½ 1,100–2 1,100–2	Within 0.7 mile, climb to 5,000' on 190° radial within 20 miles. CAUTION: 4,482' mean sea level tower 1.7 miles S of airport and 4,021' mean sea level tower 3 miles SW of airport. *Night operation authorized only on NW/SE runway.
HAWI, HAWAII. Upolu Point Airport, 90'. BVOR. UPP. Procedure No. 1. Amendment No. 3. Effective November 3, 1956. Supersedes Amendment 2, dated December 10, 1955. Major changes: New format. Lower minima. Change missed approach altitude.				N side of course: 250° outbound. 070° inbound. 3,000' within 10 miles.	1,400	#360—1.5	T–dn C–d C–n A–dn	500–1 500–1 700–2 1,000–2	500–1 500–1 700–2 1,000–2	500–1½ 500–2 700–2 1,000–3	#Within 3.0 miles on course 360°, climb to 3,000' on course 360° within 10 miles, reverse course climbing to 4,000' over VOR. NOTE: Distance, VOR to missed approach point exceeds standard. CAUTION: High terrain SE; Loran tower 334' mean sea level 1.6 miles SW of airport.
MORGANTOWN, W. VA. Morgantown, 1,250'. VOR–DME–MGW. Procedure No. 1. Amendment No. 2. Effective date: November 3, 1956. Supersedes Amendment 1, dated, September 29, 1956. Major changes: Correct distance in columns 7 and 12; correct DME altitudes after passing facility.	10 miles fix radial 158° (final).	338—10	3,000	E side of course: 158° outbound. 338° inbound. 4,000' within 10 miles. Procedure turn need not be accomplished with DME.	3,000	338—5.6	With DME#: T–dn C–d C–n A–dn Without DME: T–dn C–d C–n A–dn	300–1 600–1 600–2 800–2 300–1 1,400–1 1,400–2 1,600–3			Within 5.6 miles, climb to 3,000' on radial 338° within 10 miles. #DME mean sea level altitudes after passing MGW VOR on final: 1 mile, 2,700'. 2 miles, 2,500'. 3 miles, 2,300'. 4 miles, 2,100'. 5 miles, 1,900'.

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
AMARILLO, TEX. Air Terminal, 3,604'. ILS–IAMA. BVOR–AMA. Combination ILS and VOR. Procedure No. 2. Amendment original. Effective date: November 3, 1956.	Amarillo LFR	AMA VOR	042—6.0	4,800	N side of NE course: 029° outbound. 209° inbound. 4,900' within 10 miles of AMA VOR.	No glide slope. 4 miles from Runway 21.	4,400 over AMA VOR to approach end of		T–dn C–dn S–dn 21 ILS VOR A–dn	300–1 400–1 300–1 400–1 800–2	300–1 500–1 300–1 400–1 800–2	200–½ 500–1½ 300–1 400–1 800–2	Within 4 miles climb to 5,000' on SW course ILS or radial 209° or when directed by ATC turn left, climb to 4,700' on radial 075° within 25 miles.
COLUMBUS, OHIO. Port Columbus, 816'. ILS–CMH. LOM–CM. Combination ILS–ADF. Procedure No. 1. Amendment No. 7. Effective date: November 3, 1956. Supersedes Amendment 6, dated August 11, 1956. Major changes: Provides transition from Appleton VOR.	Columbus LFR Appleton VOR (Final Transition—ILS) Radar terminal area transition altitudes: Within— 25 miles 2,500 35 miles 3,000 40 miles 4,000	LOM E course ILS	093—7.8 186—9.5	2,500 2,500	N side E course: 096° outbound. 276° inbound. 2,500' within 10 miles. Not authorized beyond 10 miles.	ILS 2,500 ADF 2,000 over LOM	2,595—5.4	1,093—0.61	T–dn C–dn S–dn 27 ILS ADF A–dn ILS ADF	300–1 400–1 200–½ 400–1 600–2 800–2	300–1 500–1 200–½ 400–1 600–2 800–2	200–½ 500–1½ 200–½ 400–1 600–2 800–2	5.4 miles after passing LOM (ADF), climb to 2,500' on W course ILS or course 276° from LOM within 15 miles.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–7651; Filed, Oct. 9, 1956; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA; ASSESSMENTS, JOINT WORKS

On August 8, 1956 (21 F. R. 5932), there was published a notice of intention to amend § 130.63, 25 CFR to increase the annual rate of assessments for the operation and maintenance of the Joint Works part of the San Carlos Indian Irrigation Project, Arizona (the works serving the Indian and non-Indian lands), from $1.20 per acre to $1.35 per acre, for the 100,000 acres of project lands. Interested persons desiring to participate in formulating the amendment could do so by filing written statements or data with the Area Director of the Bureau of Indian Affairs, with headquarters at Phoenix, Arizona, not later than August 28, 1956. Within the time allowed no objections were filed. I have therefore concluded that the total amount of the estimated assessment should be $135,000 or $1.35 per acre annually, effective for the fiscal year 1958 and thereafter until further notice. Accordingly § 130.63 of 25 CFR is amended to read as follows:

§ 130.63 *Assessments, joint works.* (a) Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 130.69a–130.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1958 is estimated to be $135,000 and the rate of assessment for the said fiscal year and subsequent years until further order, is hereby fixed at $135 for each acre of land.

The foregoing changes are to become effective for the fiscal year 1958 and continue thereafter until further notice; the assessment for that part payable by the San Carlos Irrigation and Drainage Dis-

(1) *Civilian employees.* Employees of

(b) As a direct consequence of action

(2) A claim should be presented as claimant will notify the claims officer

(2) The allowable compensation for

trict being due in advance of such fiscal year on March 1; for that part payable for the 50,000 acres of Indian land will be as provided in §§ 130.110 to 130.116, inclusive.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

L. L. NELSON,
Acting Area Director.

[F. R. Doc. 56-8157; Filed, Oct. 10, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 946—MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF CORRECTION WITH RESPECT TO ORDER REGULATING HANDLING

In F. R. Doc. 56-7924 filed September 28, 1956, page 7521, column 3, the third full paragraph beginning in such column should read: "Issued at Washington, D. C., this 26th day of September 1956, to be effective October 1, 1956.".

Issued at Washington, D. C., this 5th day of October 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-8171; Filed, Oct. 10, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

CLAIMS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES FOR PROPERTY LOST OR DAMAGED INCIDENT TO SERVICE

Section 536.27 is revised to read as follows:

§ 536.27 *Claims of military personnel and civilian employees for property lost or destroyed incident to service*—(a) *Statutory authority.* The statutory authority for the regulations of this section is contained in Title 10, United States Code, section 2732. Under this authority, the maximum amount which may be allowed on a claim is $6,500.

(b) *Scope.* The regulations of this section prescribe the substantive basis for the settlement of claims against the United States of military personnel or civilian employees of the Department of Defense, the Department of the Army, or the Army, for the damage to, loss, destruction, capture, or abandonment of personal property incident to their service. Any claim within the scope of Title 10, United States Code, section 2732, which otherwise would be cognizable under §§ 536.12 to 536.23, 536.25, 536.26, 536.29, or 536.45, will be settled under the regulations of this section.

(c) *Definitions.* See §§ 536.1 to 536.8. As used in this section, the following terms have the meanings here indicated:

(1) *Civilian employees.* Employees of the Department of Defense, of the Department of the Army, or of the Army, who were being paid from appropriated funds at the time of the incident which resulted in the damage or loss.

(2) *Damage or loss.* Includes destruction, capture, or abandonment.

(3) *Property.* Tangible personal property, other than property of the United States (paragraph (e) (5) of this section).

(d) *Claims payable*—(1) *General.* Claims are payable only for such types and quantities or amounts of property, including money, as shall be determined by the approving authority to have been reasonable, useful, necessary, or proper, in the attendant circumstances, for military personnel or civilian employees to have had or used and to have been damaged or lost incident to their service. A claim may be approved even though the property was not in possession of the claimant at the time of damage or loss, or was not owned by the claimant, providing it was lawfully under his dominion and control (e. g., property borrowed from others).

(2) *Examples.* The following are examples of circumstances in which claims for damage to or loss of property may be favorably considered.

(i) *In quarters or other authorized places.* Damage to or loss of property by fire, flood, hurricane, or other serious occurrence, or by theft, while located at:

(*a*) Quarters occupied by the claimant, which were assigned to him or otherwise provided in kind by the Government.

(*b*) Quarters outside the continental United States, or in Alaska, occupied by the claimant but not assigned to him or otherwise provided in kind by the Government, except when the claimant is a civilian employee who is a local inhabitant, or

(*c*) Any warehouse, office, hospital, baggage dump, or other place suitable for the reception or storage of the property.

(ii) *Transportation losses.* Damage to or loss of property, including baggage checked or in the claimant's personal custody, by a common or contract carrier or an agent or agency of the Government, or in a private conveyance:

(*a*) When shipped under orders, or

(*b*) In connection with travel under orders or in performance of military duty.

(iii) *Marine or aircraft disaster.* Damage to or loss of property as a consequence of perils of the sea or air.

(iv) *Enemy action.* Damage to or loss of property due to:

(*a*) Action by an enemy, or threat of such action; preventing capture or confiscation; or combat, guerrilla, brigandage, or other belligerent activity, whether or not the United States was involved or

(*b*) Unjust confiscation by a foreign power or its nationals.

(v) Civil disturbance, public disaster, or public service. Damage to or loss of property:

(*a*) Due to civil disturbance or public disaster, or

(*b*) As a direct consequence of action by the claimant in trying to save Government property or human life.

(vi) *Money.* Loss of personal funds which were delivered to and accepted by personnel with apparent authority to receive them for such purposes as safekeeping, deposit in soldiers' deposit accounts, transmission by personal transfer account, purchase of United States bonds or postal money order, or conversion into military payment order, Government check, or another kind of currency, and which were neither applied as directed by the owner nor returned to him.

(vii) *Motor vehicles.* Damage to or loss of motor vehicles occurring when used in the performance of military duty. As used here, military duty does not include travel between quarters and place of duty, or the parking of the vehicle incident to such travel.

(e) *Claims not payable.* Among others, allowances may not be made for:

(1) Clothing being worn, except under the circumstances set out in paragraph (d) (2) (iii), (iv), and (v) of this section.

(2) Articles to be disposed of by sale.

(3) Precious jewels and other articles of extraordinary value, in excess of the reasonable price of substitute articles of average value or quality.

(4) Intangible property, such as checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, travelers' checks, and bank books.

(5) Government property except that for which the claimant is responsible to a Government agency other than the Department of the Army, the Army, or the Department of Defense.

(6) Enemy property.

(7) Losses of subrogees.

(8) Losses recoverable from an insurer or carrier (paragraph (h) (3) of this section).

(9) Losses recoverable under contract.

(10) Damage or loss due to any negligence of the claimant, or any agent or employee of the claimant acting in the scope of his employment, and

(11) Small articles of substantial value, usually worn or carried, and easily pilfered, such as cameras, watches, rings, necklaces, when shipped with household goods or as unaccompanied baggage.

(12) Property acquired, possessed, or transported in violation of competent regulations or directives.

(f) *Statute of limitations.* (1) No claim may be paid unless it is presented in writing within 2 years after the incident out of which it arose. If the incident occurs in time of war or armed conflict in which the Armed Forces of the United States are engaged, or if war or armed conflict intervenes within 2 years after the claim accrues, the claim may, on good cause shown, be presented within 2 years after such good cause ceases to exist but not later than 2 years after peace is established or the armed conflict terminates. Good cause must be shown for any delay exceeding 2 years after the occurrence out of which the claim arose.

(2) A claim should be presented as soon as possible after discovery of the damage or loss. Immediate action by a claimant will facilitate the settlement of his claim, as delays cause difficulty in securing statements of essential witnesses or necessary documents. Failure of a claimant to make demand on the last carrier within 9 months may reduce the amount allowable (paragraph (h) (4) of this section).

(g) *Claimants.* A claim may be presented only by a military person or a civilian employee, his authorized agent, surviving spouse, or legal representative. If the damage or loss occurs concurrently with or subsequent to the death of the military person or civilian employee who would otherwise be the claimant, the claim may be presented, in the following order of precedence, by the decedent's surviving:

(1) Spouse.
(2) Child or children.
(3) Father, mother, or both, or
(4) Brother, sister, or both.

(h) *Demand on carrier or insurer*—(1) *Carrier.* When it appears that damage to or loss of property has occurred under circumstances in which a carrier is responsible, the claimant will, within 9 months after delivery or the date on which delivery should reasonably have been made, and prior to presenting his claim, make demand in writing upon the last carrier known or believed to have handled the shipment for reimbursement for such damage or loss, using DA Form 1819 (Demand on Carrier for Damage to or Loss of Property). If more than one bill of lading or contract was issued, a separate demand will be made upon the last carrier under each bill of lading or contract. No such demand is required when it appears that the damage or loss resulted from improper packing, storage, or other cause not within the control of the carrier. The claimant should accept any amount offered in settlement by the carrier.

(2) *Insurer.* When the property damaged or lost was insured in whole or in part, the claimant will, within the time prescribed in the insurance policy and prior to presenting his claim, make demand in writing on the insurer for reimbursement under the terms and conditions of the policy. The claimant may accept any amount offered in settlement by the insurer. When the amount recovered or recoverable by the claimant from an insurer is less than the total loss, the amount so recovered or recoverable will be prorated between the amount approved (deemed meritorious) and the amount determined not to be payable for property excluded by paragraphs (d) (1) and (e) of this section.

(3) *Action after demand.* The claimant may present his claim at any time after he has made demand on the carrier, or the insurer, or both, if both a carrier and an insurer are involved. A copy of the demand, and of any reply, will be presented with the claim (paragraph (k) (2) of this section). The claimant will notify the claims officer promptly of any subsequent action by the carrier or the insurer, including settlement, partial settlement, or denial of liability. The amount offered in settlement by the carrier or the insurer and accepted by the claimant will be deducted from the amount which might otherwise be found payable under this section.

(4) *Failure to make demand.* When a demand on a carrier or insurer is required and the claimant fails to make such demand seasonably, or fails to make reasonable efforts to recover from the carrier or insurer, the amount otherwise payable under this section may be reduced by the maximum amount which would have been recoverable if the claim against the carrier or the insurer had been filed seasonably, or diligently prosecuted. However, this requirement may be waived in cases in which the circumstances of claimant's service precluded seasonable filing or diligent prosecution of the claim, or demand was impracticable.

(5) *Transfer of rights.* The claimant will assign to the United States, to the extent of any payment on his claim accepted by him, all his right, title, and interest in any claim he may have against any carrier, insurer, or other party, arising out of the incident on which the claim against the United States is based. He will also, upon request, furnish such evidence as may be required to enable the United States to enforce the claim. After payment of his claim by the United States, the claimant will, upon receipt of any payment from a carrier or insurer, pay the proceeds to the United States to the extent of the payment received by him from the United States.

(i) *Form of claim.* The claimant will normally submit his claim, in triplicate, on DA Form 1089 (Claim for Personal Property). Any writing will be received and considered as a claim if it makes demand for a definite sum, sets forth the facts and circumstances in detail, and shows that:

(1) It comes within the provisions of this section,

(2) The damage or loss was not due to any negligence of the claimant or his agents or employees,

(3) The property has not been recovered or replaced by the Government, except as shown,

(4) The property was not insured, or if it was, that timely demand was made on the insurer, or that demand was not made for adequate specified reasons, and

(5) A demand was made on the carrier if required.

(j) *Determination of compensation.* (1) The allowable compensation will not exceed the cost of the property (that is, the price paid in cash or property, or the value at time of acquisition if not acquired by purchase or exchange) and will be determined by deducting from the cost a percentage thereof based on the type of property involved, the condition when damaged or lost, and the time elapsed between the date of acquisition and the date of the accrual of the claim.

(2) The allowable compensation for an expensive article, including an heirloom or an antique, or for an item purchased at an unreasonably high price, will be based upon the purchase price of a substitute article of a similar type.

(3) The allowable compensation for an article acquired by barter will not exceed the cost of the article exchanged.

(4) The Chief, Claims Division, Office of The Judge Advocate General, is authorized to promulgate from time to time guides for determining allowable compensation for specific articles, including maximum amounts, and establishing the maximum quantities for which compensation may be allowed. In the application of such guides, consideration will be given to the claimant's standard of living, his income and social obligations, the size of his family and his need to have more than average quantities.

(k) *Evidence.* Requirements as to evidence are covered generally in §§ 536.1 to 536.8. Except in cases involving small claims, the claimant will furnish, in addition to a statement of the facts and circumstances in detail, the following evidence in support of a claim for damage or loss:

(1) In quarters or authorized places, a statement indicating:

(i) Geographical location,

(ii) Whether assigned or provided in kind by the Government,

(iii) Whether regularly occupied by the claimant,

(iv) Name of authority, if any, who designated the place of storage of the property, if other than quarters, and

(v) Measures taken for the protection of the property.

(2) In transportation:

(i) Copy of orders authorizing the travel, transportation, or shipment, or certificate explaining the absence of orders, and stating their substance.

(ii) Statement of facts establishing the transportation or shipment of the property.

(iii) Copy of demand on carrier or insurer, or both, when required and the reply, if any (paragraph (h) of this section).

(iv) Statement indicating action taken to locate the property (missing baggage), with related correspondence.

(v) Statement indicating, if property was delivered to a quartermaster, transportation, or supply officer, or contract packer:

(*a*) Name, or designation, and address,

(*b*) Date of delivery,

(*c*) Condition of property,

(*d*) When and where property was packed, by whom, and method of packing and crating,

(*e*) Date of shipment and reshipment,

(*f*) Date and place of delivery to claimant,

(*g*) Date of unpacking,

(*h*) Names of disinterested witnesses as to condition of the property when received, delivered, or as to handling or storage.

(vi) Statement whether application was made pursuant to Joint Travel Regulations for the shipment of articles of

gold or silver, paintings, or other articles

TITLE 47—TELECOMMUNI-

the NARTB and ABC,' and from over 300

tention as to warrant the safeguard that

transcribed broadcasts are accepted by

via press and air and that such material

gold or silver, paintings, or other articles of extraordinary value.

(3) In marine or aircraft disaster—copy of orders or other evidence to establish claiminant's right to be, or to have his property on board.

(4) Due to enemy action or public service:

(i) Copy of orders or other evidence establishing claimant's authorized presence in the area.

(ii) Statement showing applicable cause enumerated in paragraph (d) (2) (iv) or (e) of this section.

(5) Of money delivered to another:

(i) Names, grades, service numbers, if any, and addresses of the person who received the money, and others involved,

(ii) Statement of circumstances indicating apparent authority of the person receiving the money, and

(iii) Receipts, or written statements explaining the failure to present them.

(l) *Replacement in kind.* The commanding officer of the unit with which the claimant is serving, or to which he belongs, acting in person or through his judge advocate or if he has none, a designated officer, may direct replacement of the property damaged or lost, in kind, from available stocks. When this is done, a copy of the claim, with the order directing the replacement, will be delivered to the organization making such replacement for its property records. The claimant may be required to sign a receipt indicating that the property for which claim is made has been replaced in kind. The action by or for the commanding officer directing replacement in kind, and the replacement effected in compliance with such action, will be final for all purposes, and the claim as to that property will be considered settled. If only part of the property damaged or lost is so replaced, the claim file will be forwarded in accordance with §§ 536.1 to 536.8 and will include the issue slip or other evidence of the items replaced and a statement as to the value of each.

(m) *Settlement of claims*—(1) *Authority.* The Chief, Claims Division, Office of The Judge Advocate General, and all officers of the Judge Advocate General's Corps assigned to that Division, have been designated to consider, ascertain, adjust, determine and settle claims under Title 10, United States Code, section 2732, and this section. The exercise of this authority is subject to such limitation as the Chief, Claims Division, considers appropriate.

(2) *Effect of action.* The action of the approving authority is, by statute, final and conclusive for all purposes.

(3) *Notice to claimant.* The claimant will be notified by letter of the action taken.

(4) *Settlement agreement.* A settlement agreement is not required.

[AR 25–100, Sept. 12, 1956] (10 U. S. C. 2732)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56–8156; Filed, Oct. 10, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11546; FCC 56–963]

[Rules Amdt. 3–33]

PART 3—RADIO BROADCAST SERVICES

MECHANICAL REPRODUCTIONS

In the matter of amendment of §§ 3.118, 3.288, 3.588 and 3.653 of the Commission's rules and regulations relating to mechanical reproductions.

1. The Commission has under consideration its notice of proposed rule making issued November 17, 1955 (FCC 55–1136) proposing to amend §§ 3.118 (AM), 3.288 (FM), 3.588 (noncommercial FM) and 3.653 (TV) of the Commission's rules and regulations which relate to the announcement requirements for programs broadcast by means of mechanical reproduction. By that notice, it was proposed that the above mechanical reproduction rules be uniformly amended to relax the present identification requirements for recorded programs so as to require announcements for mechanically reproduced programs only in the case of a speech, news event, news commentator, forum, panel discussion, special event, or any other such program in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the audience that the event or program being broadcast is, in fact, occurring simultaneously with the broadcast. Another amendment, much narrower in scope than the foregoing proposal which substantially encompasses it, was also proposed. This later proposal would amend the mechanical reproduction rules only to the extent of making the present waiver provision in paragraph (a) (6) of § 3.118 (AM) [1] of the rules applicable to the FM, noncommercial FM and TV mechanical reproduction rules and extend the waiver provision, which now permits elimination of mechanical recordation announcements only with respect to network programs delayed for one hour because of daylight saving time in some areas, to network programs which are transcribed and rebroadcast at a later hour because of the time differential resulting from the time zone differences between the place where the program originates and where it is rebroadcast. The notice was issued in response to a petition filed by the National Association of Radio and Television Broadcasters urging the broad revision of the AM, FM and TV mechanical reproduction rules and by a petition filed by the American Broadcasting Company for the amendment of the footnote waiver provision.

2. Comments on the proposed amendments were received from the petitioners, the NARTB and ABC,[2] and from over 300 standard, FM, and television licensees and permittees and other parties concerned with broadcasting. Only three parties, the American Federation of Musicians, Charles W. Balthrope, President of KITE (AM) and KITE–FM, San Antonio, Texas, and licensee of Station KENN, Kennedy, Texas, and Richard B. Blanchard, Jr., of Hollywood, California, express opposition to the proposed amendments or their objective of relaxing present requirements. Most of the parties urge the adoption of the NARTB proposal or its substance; but a number of parties recommend that the language of the proposed amendment by clarified or modified in some respects, as more fully discussed below. A few parties maintain that the present mechanical recordation rules are adequate but that no harm would ensue from the relaxation of the rules as proposed, provided practical adherence to their requirements can be assured. Many of the parties favoring adoption of the amendment proposed by the NARTB state that while they also favor the adoption of the proposed amendment to the waiver provision (§ 3.118 (6)), the need for the waiver provision would be eliminated by revising the mechanical reproduction rules along the lines proposed by the NARTB.

NARTB COMMENTS

3. In support of the proposed amendment, the NARTB agrees that the proposed amendment should also apply to § 3.588 (noncommercial educational FM) as proposed in the Notice, and urges that the arguments presented in its petition warrant its adoption. In its petition the Association urged that the present rules governing mechanical reproductions are outmoded in the light of the great strides which have been made in the recording, transcription, broadcasting and telecasting fields, as well as the existence of a more sophisticated audience response. While the Association subscribes to the broad principle that the public interest is best served by the elimination of industry practices deliberately calculated to mislead or deceive the public in any way, it urges that the present rules extend a protection neither warranted by the actualities of broadcasting nor in reality desired by the public. NARTB submits that there is little possibility of deceiving the public by deletion of the announcement that a broadcast is accomplished by means of mechanical reproduction, except with respect to those programs in which the element of time is of such special significance that the impression or belief would be created in the mind of the public that the event or program is, in fact, occurring simultaneously with the broadcast. The Association concedes that newscasts, political speeches, panels, forums, news commentators and special events are vested with such public significance and, in general, have gained such widespread listener attention as to warrant the safeguard that, if broadcast through means of mechanical reproduction, they should be announced as such. NARTB maintains that no real benefit results from requiring programs in which the element of time and significance is not of special importance to be announced as being mechanically reproduced since under present conditions a mechanical reproduced program is often superior to a live program; the possibilities of deception are minimal; and such announcements serve only to disrupt program continuity and to irritate the public. NARTB submits that the public is more concerned with technical quality and program content than with the method by which the programs are broadcast. While the Association recognizes that under its proposal the public may occasionally believe that a mechanically reproduced program is a live broadcast, it urges the application of a rule of reason and that public interest considerations, inherent in "high program" content call for service to the public free from announcements of the obvious. With respect to delayed programs in which the element of time is of special significance, NARTB contends that broadcasters may be expected to present such programs in a manner and with such announcements as will inform listeners adequately of the circumstances. The Association notes that it approves the ABC proposal for amending paragraph (a) (6) of § 3.118 of the rules but that its own proposal will achieve the results sought by ABC.

4. The majority of the parties supporting the proposed amendment advance arguments similar to those of NARTB. They also urge that the mechanical recordation rules for AM, FM, TV and noncommercial educational FM broadcast stations should be made uniform. They claim that the present rules have become outmoded through technological advances, industry growth and public acceptance and no longer serve any useful purpose where the element of timeliness is entirely immaterial to the listener or viewer; that the value of such programs as news, sports events, weather reports, auction sales of live stock, political speeches, panels, forums, and those of an emergency nature depend upon the time element involved and should be announced; and that the proposed amendment recognizes the necessity of informing the public of a mechanical reproduction when a question of timeliness is involved and contains adequate safeguards to insure that such programs are announced and that deliberate misrepresentation is prohibited. They state that the present rules were adopted to prevent misleading the public as to whether the broadcast was live or recorded at a time when live broadcasting was the standard and mechanical reproduction program material was technically inferior and constituted only a minor part of a station's program structure; that today the need for a distinction between live and recorded programs, except where a question of timeliness is material, no longer exists since recorded programming has reached near perfection, the majority of transcribed broadcasts are accepted by the public in the same light as "live" presentations, the bulk of a station's programming is recorded, and the public's awareness of programming techniques is such that listeners could only be misled by deliberate action on the part of the broadcaster. It is pointed out that the proposed amendment prohibits such affirmative misrepresentation; that the possibility of deliberate deception is remote since it would not work to a station's advantage to mislead its audience into believing recorded program material is live; that, in any case, the Commission could take appropriate action if any such attempt to mislead might be made; and that the few occasions where such an attempt might be made would be outweighed by the elimination of repetitious announcements which have no affirmative value. It is claimed that with the increased use of recorded programming and the trend to small program blocks in radio, the number of recorded announcements required to be made each day has increased to the point where their effectiveness is lost. It is urged that both the public and the broadcasting industry will be served by the elimination of announcements where the public's knowledge whether the program is recorded does not affect the value of the program or make any difference as a matter of public interest, convenience or necessity; that such announcements serve only to cause repetitious interruptions of program continuity and program inbalance; that they are both an annoyance and a distraction to the listener or viewer and a costly and unnecessary burden on broadcast stations, and that they consume broadcast time which can be used by the station and the public to better advantage.

5. Others supporting the proposed amendments claim that it is inconsistent to relax the present rules to the extent of not requiring mechanical recordation announcements with respect to background music in programs and programs of less than one minute duration—thus indicating that the Commission is not concerned whether the public is aware that such programs or components thereof are live or transcribed—and, on the other hand, to require identification of all other forms of mechanically recorded program material. It is likewise claimed that there appears to be no justifiable reason for exempting a station because of daylight saving time differentials from announcement requirements with respect to network programs received on a delayed basis, except for announcements once or twice a day, and, on the other hand, requiring a neighboring station in standard time to announce as mechanically reproduced each program broadcast on a delayed basis for other reasons. Some parties point out that only the broadcaster is now required to label his material as "transcribed"; that other competitive services, such as Muzak, the juke box, the home phonograph, etc., which the Commission does not regulate, are not hampered by mechanical reproduction identification requirements; that newspapers, wire services, foreign correspondence, etc., frequently delay the release of material via press and air and that such material is often treated as not having happened until released, and that the delay between creation and release of material by such services does not adversely affect either the public interest nor public acceptance of the material.

6. ABC and several of the parties supporting the objectives of the proposed amendment—the confinement of announcements of mechanically reproduced programs to those where the element of time is of special significance and where the public might otherwise be misled—point out that the proposed form of the amendment can be construed as requiring all mechanically reproduced speeches, news events, news commentators, forums, panel discussions and special event programs to be announced as such regardless of whether the element of time is of special significance. They urge that announcement requirements should not be applied flatly to such programs simply because they fall in one of the listed categories but that the amendment should be clarified so that it can be construed only as requiring announcements when the particular program, because of its contents or its participants, might cause the listening or viewing public to be misled unless an accompanying announcement is made. These parties claim that the element of time is not of special significance in every speech, forum or like program and a recordation announcement should not be required if such is the case. It is urged, for example, that there is no reason to require an announcement in a case where a live newscaster's commentary is supplemented by recorded interviews if the manner of presentation precludes the creation of any impression or belief that the recorded events are occurring simultaneously with the broadcast. It is suggested that the necessary clarification be made by changing the punctuation of the pertinent sentence in the proposed amendment or by deleting all reference to specific categories of programs which must be announced as mechanically recorded. It is urged by those favoring the latter modification that it is preferred, with only a general requirement that all mechanically reproduced programs in which the element of time is of special significance be announced, because of the natural tendency to accept illustrations as all-inclusive.

7. While agreeing that the proposed amendment properly restricts the scope of the mechanical reproduction rules to an area that takes into account current broadcasting realities, NBC suggests that, in order to achieve as much flexibility as is consistent with the public interest, any new mechanical reproduction rules shoud also exempt programs of one minute or less from announcement requirements in the same manner as they are exempted under the present rules; that mechanically reproduced commercial announcements and other political, public service and promotional announcements, even though they exceed one minute in duration, should be exempted completely from any announcement requirements since there is no reason to require such announcements

[1] Prior to recodification of Part 3 of the rules, effective January 2, 1956, § 3.118 was § 3.188 and the waiver provisions was appended as a footnote to § 3.188.

[2] ABC also filed on June 1, 1956, a Petition for Expedited Action or Interim Relief which in light of our action here is now moot.

in these matters; and that any new

casts by means of transcription where

end of a program, as now required by the

in America, as well as the livelihood of

permitting the broadcast of transcribed

chanical reproduction consists of live

in these matters; and that any new mechanical reproduction rules should give broadcasters the same option as is now present in the television rules to make the requisite announcement of a mechanically reproduced program either at the beginning or at the end of the program. NBC points out that the Commission denied a request in 1950 (Public Notice 48056, Report No. 1639, March 20, 1950) proposing that announcement of the use of mechanical reproductions be required before such a program instead of either before or after, as permitted by the TV rules, since it recognized that a choice was desirable in order to maintain structural balance in programming. Southwest Broadcasters, Inc., suggests that identification announcements of mechanical reproduction be required only once for any programs of five minutes or less in conformity with the present AM and FM rules. It is also suggested that even if the element of time is of significance in programs consisting of news, speeches, etc., identification of mechanical reproduction should not be required unless the length of the time delay in the recorded presentation of a live program is of such extent that the public interest would require such identification. Southwest points out that it is frequently expedient for it to record and delay network newscasts approximately 30 minutes; that much of the news content of such programs is hours old at the time of the live release, and that it is not essential to the public interest that a recorded delay in the spoken presentation of such newscasts be identified as recorded since the timeliness of the program is little, if any, more affected than if a live release itself were similarly delayed. A number of parties urge that even if certain categories of programs are required to be announced as mechanically reproduced, network programs which are delayed to accommodate daylight saving time or time zone differences should be exempted entirely from any such requirement. Rumford Broadcasting Company suggests that since the vast majority of programs on radio today are entirely transcribed or contain recorded and transcribed music, it would be more realistic for broadcast stations to make announcement of the fact of a "live" program as opposed to the present rule requiring identification of recorded programs.

8. If the NARTB proposal is not adopted, ABC and many other parties who support the NARTB proposal urge that as a minimum, paragraph (a) (6) of § 3.118, should be amended, as proposed, to take care of time zone as well as daylight saving differences across the country by permitting network programs to be delayed up to four hours with only a single daily announcement that such programs are transcribed at an earlier hour for later presentation. They recommend that the amendment also be made applicable to FM, TV and noncommercial educational FM stations also. Some parties suggest that the present and proposed requirement in the waiver that an announcement be made once each day to the effect that all or some network programs are delayed broadcasts by means of transcription where daylight saving time or time zone differences are involved serves no useful purpose and should be deleted. It is argued that years of experience with the daylight saving time waiver have demonstrated that the failure to make separate announcement for programs transcribed and broadcast at a later time because of daylight saving time has worked no injury on the public, stations or the networks and that the public has benefited from the elimination of repetitious announcements and the interruption of programs. It is contended that if the present waiver provision with respect to daylight saving differentials is sound, a similar waiver is equally appropriate to accommodate time zone differences; that the public is as completely aware of the time zone differentials and their effect on radio and TV programs as they are of daylight saving time changes; that the effect upon broadcasting of time zone variances pre-dates the adoption of daylight saving time in some areas and is therefore an even more familiar and accepted technique of American broadcasting; that advertising promotion, and listening habits have educated the public in the various time zones to the fact that leading network shows originating in New York are received via their local stations one, two or three hours later; that the public demands that its local stations carry these network shows on a delayed basis so that the programs are available locally, in comparable leisure time, and that repeated announcements that the program is transcribed for delayed broadcast is of no value and is boring to the average listener or viewer. It is also urged that the provision in the proposed waiver amendment—that the Commission be advised of any network organization or individual station taking advantage of the waiver—be eliminated, since public demand and past practice indicate that all broadcasting stations will continue the practice of delaying network programs to adjust for the time zone. It is claimed, therefore, that there is no necessity for stations taking advantage of the waiver to advise the Commission, and that such a requirement would be unnecessarily burdensome to both the industry and the Commission.

9. In opposition to the proposed amendment, Charles W. Balthrope, San Antonio, Texas, states that the present requirements of the mechanical reproduction rules are adequate and not excessive; that they have served the broadcasting industry well for many years; that no reason now exists for their change; and that their relaxation might tend to dissipate the intent of these rules as far as proper identification to the listener is concerned. Richard Blanchard Jr., of Hollywood, California, contends that the present announcement requirements of the mechanical reproduction rules are too lax; that stronger rules should be formulated to eliminate all doubt, in all types of shows including time-delayed programs, as to whether a program is live or mechanically reproduced. He urges, in particular, that the television rules be amended to require an announcement both at the beginning and end of a program, as now required by the AM and FM mechanical reproduction rules. He submits that the public is interested in knowing when a program is live or recorded and not in the networks' time problem; that the fact that dramatic and other types of shows are live is a major factor in the public's enjoyment of them, and that too much misleading data concerning mechanically reproduced programs is now broadcast deliberately to give the impression that such programs are live. While of the view that no harm would result from adoption of the proposed NARTB proposal, three broadcasters charge that the major radio networks give only lip service to the identification rules for mechanically reproduced programs by hiding the announcement under loud music, applause, or the like, or by making a statement such as "This is John Doe transcribing from New York"; that this approach is not justified by the facts of public acceptance but is probably done to suit the commercial sensitivities of the advertising agencies, and that it has virtually rendered the public insensible to just what constitutes a mechanical reproduction. These broadcasters state that if the comments received herein indicate a question of candor on the part of licensees with respect to the possible practical—though not technical—violation of the rule, as has become the habit on some network programs, harm might result from adoption of either proposed amendment. However, they state that if the Commission takes strong action to require practical adherence to the rule as finally adopted, the question of adherence will be moot, and the question of concern about the adoption of these amendments will be resolved.

10. The American Federation of Musicians, representing some 252,000 professional musicians in the United States and Canada, opposes the NARTB proposal and any relaxation of the mechanical reproduction rules for the reason that it would augment the practice of presenting mechanically reproduced music as if it were being produced live. The Federation states that it recognizes the great advances made in the art of mechanical reproduction, but it urges that where the techniques of mechanical reproduction are used indiscriminately to destroy the livelihood of musical artists whose abilities are exploited by these techniques, serious problems are raised which warrant the Commission to require all mechanically reproduced musical programs to be announced. It contends that basic to the problem is the impact upon those musicians who create the music and whose livelihood depends upon the opportunity to create more and more live music; that musicians have been displaced from their chosen profession by the millions of records played in juke-boxes, broadcasting stations, "wired" musical programs and the like so that today less than 75,000 musicians out of a total of more than 252,000 earn the bulk of their living out of music; and that unlike other displaced workers they have no chance of being absorbed in other musical channels. It urges that the future of music in America, as well as the livelihood of musicians, is threatened by the continued advances of mechanized music and that this fact must be forefront in assessing the instant proposal. It urges that an announcement of a recorded musical program serves a necessary function in the musical world by preventing the public from being deceived that it is hearing live music at the time of performance and as a constant reminder that live musicians are not being used. It contends that it is better to irritate a listener to the point of demanding live music than to lull him into any easy acceptance of canned music and all the resulting economic and cultural dislocations. The Federation alleges that to abandon all requirements of revealing the mechanized nature of musical programs will serve to help only the entrepreneurs of musical automation and will cause unemployment for musicians and lessen the opportunity for developing and maintaining real musical culture in America. It urges that the present problem is more than one of encouraging the utilization of live talent by broadcasting stations, which the Commission has recognized as desirable, but that it is one also of preserving and sustaining the talent which we now have; that radio and television stations have "a positive responsibility" not to utilize mechanized music in such a way as to discourage live talent and to blind the public to the human displacements that inevitably result, and that denial of the proposed amendment will further the lessening of the evils of mechanized music.

11. The mechanical records rules were promulgated to protect the listening and viewing public from deception. In former years, mechanically reproduced programs were markedly inferior to live programs, and rules requiring the identification of nearly all mechanical reproductions were necessary to protect the broadcast audience from being led to believe that programs broadcast by mechanical reproduction consist of live talent. As the quality of mechanical recordation has improved and its use by the broadcast services has increased, we have relaxed or modified the mechanical records rules whenever we found that certain identification requirements for mechanical records were unnecessary to keep the listener or viewer reasonably apprised of whether a program was live or mechanically reproduced and when they served only to burden broadcasters unnecessarily or to cause wearisome repetition of announcements which the public for the most part would recognize as such, e. g., programs of one minute or less and programs delayed for one hour because of the daylight saving time differential.

12. The two proposals before the Commission in this proceeding are similar to the proposals for amendment of the AM mechanical recordation rules which were before us in 1946 in Docket No. 7611. The arguments advanced in support of the instant proposals are likewise similar to those which we considered at that time. At the conclusion of the 1946 proceeding we amended the AM mechanical reproduction rule only to the extent of permitting the broadcast of transcribed or recorded material of one minute or less without identification. We explained in the Public Notice issued December 6, 1946, that this amendment was made because the requirement of an announcement to identify transcribed or recorded programs of one minute or less "tended to require more interruptions for explanatory announcements than was necessary to avoid deception of the public." Since that time the AM and FM mechanical reproduction rules have not been changed, except for the addition of the footnote to the AM rule in 1947, as amended in 1948, waiving identification requirements with respect to network programs which are transcribed and broadcast one hour later because of the time differential resulting from the adoption of Daylight Saving Time. The Commission was of the view that repeated identification of such delayed broadcasts was burdensome to broadcasters and the public and unnecessary if an appropriate announcement was made at least once daily.

13. The present TV mechanical recordation rule was last amended on November 28, 1945. Unlike the AM and FM rules, which require identifying announcements both before and after programs of a longer duration than 5 minutes and at each 30 minute interval also if longer than 30 minutes, the pertinent television rule requires such an announcement either at the beginning or end of a recorded program regardless of its length, including those one minute or less, which are excepted under the AM and FM rules. In 1950 we denied a request to amend the TV rule to require an identifying announcement at the beginning of a mechanical reproduced program (Public Notice 48056, Rept. No. 1639, March 20, 1950). We pointed out in our decision that, in adopting the television rule, the time when the identifying announcement was to be made was left to the discretion of the licensee so long as the viewer was not left with the impression that a mechanical reproduction consisted of live talent. We recognized that television licensees might prefer to maintain structural balance in their programming by announcing the use of mechanical reproductions at the end of a program instead of before, and we held that no facts were presented which warranted requiring an identifying announcement before a television mechanical recordation.

14. We have carefully considered the many comments filed in this proceeding, and we conclude that they point up the need for making the mechanical records rules for the AM, FM and TV broadcast services uniform and the desirability of additional relaxation in identification requirements along the lines of the NARTB and ABC proposals. We are of the view that, in the light of the present broadcast situation, the present identification requirements are too stringent, and to the extent that they are, impose a needless burden on broadcasters and detract from the public's enjoyment of programs. We believe that the general protection afforded by the rules against any affirmative attempt by a licensee to create the impression that any broadcast by mechanical reproduction consists of live talent is adequate to protect the public from harmful deception as to the nature of most programs and that specific requirements as to identification of recorded programs and material at the time of broadcast are needed today only where the element of time is of special significance in such programs. Since the possibility of the public being misled and the harm that could ensue therefrom is greater with respect to programs in which time is a significant element, the public interest, in our view, still requires that recorded programs in which time is a significant factor be identified and that the question of their identification not be left to the discretion of the licensee. However, we agree with those parties who urge that a general requirement that mechanically reproduced programs in which time is significant be identified is sufficient, and that no specific requirements should be adopted to require identification of all programs falling into the categories (speeches, news events, news commentators, forums, panel discussions, etc.) suggested by the NARTB and other parties. While the element of time is often significant in programs of these types, it is not always the case, and we find no need for requiring the identification of recorded or transcribed programs where the time factor is unimportant simply because they are of a certain type. In our view, station licensees are capable of bearing the responsibility of determining whether mechanically reproduced material or programs falling within the suggested categories require identification because of the time element and the possibility of harmful deception. Therefore, the amendments we are now adopting require that all mechanically reproduced programs in which time is a significant factor, except for the few exceptions noted below, must be identified, but make no requirement that all programs or material of the types enumerated therein must be identified if broadcast by mechanical recordation. The categories of programs set forth in the amendment have been included solely for the purpose of illustrating some of the types of programs in which an identifying announcement may be required; the list is not intended to be all-inclusive, and the question of the identification of programs or material falling within these categories is left to the discretion of the licensee.

15. We are also of the view that only one announcement is necessary to inform the listener or viewer when a mechanical reproduction is being used, and we believe that the question of whether the announcement should be made before or after the use of a mechanical reproduction should also be left to the discretion of the licensee. The television mechanical reproduction rules have permitted licensees to operate under similar requirements for a number of years, and we believe that the NARTB proposal which would require an announcement, both before and after a mechanically reproduced program where the time element is significant, causes more hardship on licensees and interruption of program continuity than is warranted at the

present time. We are, therefore, amend-

each such program be separately iden-

line recording is for broadcast at an hour

grams at a later hour in accordance with

and 10:00 p. m., stating that some or all

casts by means of transcription. This

present time. We are, therefore, amending the mechanical reproduction rules for all the services to require only one identifying announcement for recorded programs covered by the rules and to make the use of such an announcement at the beginning or end of a mechanical reproduction or program optional with the licensee.

16. Inasmuch as experience in the application of the AM and FM mechanical recordation rules—which for a number of years have excepted recorded or transcribed programs of one minute or less from all identification requirements—has demonstrated that identification of programs or material of this length is unnecessary to prevent deception, we have retained this exception in the new mechanical recordation requirements for AM and FM and made it applicable to the TV mechanical recordation requirements as well. The only other exceptions to the new requirements for mechanical recordations which we believe to be warranted cover network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas and network programs delayed as much as three hours because of the time zone differences between the place where the programs originate and where they are rebroadcast. Standard broadcast stations have been operating since 1947 under a provision in the AM mechanical recordation rules waiving identification requirements to accommodate daylight saving time differences and requiring in lieu thereof only a single daily announcement as to all delayed network programs broadcast by means of transcription for this reason. We believe that the daily announcement has proved to be adequate to identify such programs under the circumstances; and we have therefore embodied the waiver provision in all the mechanical recordation rules and we have eliminated the requirement that the Commission be advised of any network or station taking advantage of the waiver. Although consideration was given to the suggestion that the requirement of a daily announcement with respect to programs delayed because of daylight saving time should be deleted entirely or should be required only where the time element is significant, we are convinced that the daily announcement serves a useful purpose and that less confusion and less opportunity for misunderstanding will arise if it is made applicable to all programs delayed because of daylight saving time, particularly when it imposes no great burden on broadcasters. We also believe that there is merit to the proposal of ABC to extend the daylight saving time waiver to accommodate time zone differences, and the new mechanical recordation requirements contain a similar waiver provision with respect to such broadcasts. In light of our experience with the daylight saving time waiver and the long-standing practice of broadcasting stations to delay network programs to adjust for the time zone in order to broadcast them locally at appropriate times, we believe that a requirement that each such program be separately identified is no longer necessary and causes needless program interruption and that a daily announcement will suffice to identify all such delayed programs.

17. Authority for the adoption of the amendments herein is contained in sections 4 (i), 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

18. In view of the foregoing: *It is ordered*, That effective November 7, 1956, Part 3 of the rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 3, 1956.

Released: October 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 3.118 is amended to read as follows:

§ 3.118 *Mechanical reproductions.* (a) No mechanically reproduced program consisting of a speech, news event, news commentator, forum, panel discussion, or special event in which the element of time is of special significance, or any other program in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the listening audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used that it is a mechanical reproduction or a mechanically reproduced program: *Provided, however*, That each such program of one minute or less need not be announced as such.

(b) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. Any other program mechanically reproduced or series of mechanical reproductions, including a mechanical reproduction used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper, need not be announced as provided in paragraph (a) of this section, but the licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

(c) The requirements of paragraph (a) of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differentials between the place where the program originates and where it is rebroadcast, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast at an hour not exceeding the time zone differential between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs at a later hour in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10:00 a. m., and 10:00 p. m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. This waiver provision also applies during the annual periods in which daylight saving time will be effective with respect to network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas.

2. Section 3.288 is amended to read as follows:

§ 3.288 *Mechanical reproductions.* (a) No mechanically reproduced program consisting of a speech, news event, news commentator, forum, panel discussion, or special event in which the element of time is of special significance, or any other program in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the listening audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used that it is a mechanical reproduction or a mechanically reproduced program: *Provided, however*, That each such program of one minute or less need not be announced as such.

(b) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. Any other program mechanically reproduced or series of mechanical reproductions, including a mechanical reproduction used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper, need not be announced as provided in paragraph (a) of this section, but the licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

(c) The requirements of paragraph (a) of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differential between the place where the program originates and where it is rebroadcast, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast at an hour not exceeding the time zone differential between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs at a later hour in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10:00 a. m., and 10:00 p. m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. This waiver provision also applies during the annual periods in which daylight saving time will be effective with respect to network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas.

3. Section 3.588 is amended to read as follows:

§ 3.588 *Mechanical reproductions.* (a) No mechanically reproduced program consisting of a speech, news event, news commentator, forum, panel discussion, or special event in which the element of time is of special significance, or any other program in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the listening audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used that it is a mechanical reproduction or a mechanically reproduced program: *Provided, however*, That each such program of one minute or less need not be announced as such.

(b) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. Any other program mechanically reproduced or series of mechanical reproductions, including a mechanical reproduction used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper, need not be announced as provided in paragraph (a) of this section, but the licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

(c) The requirements of paragraph (a) of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differential between the place where the program originates and where it is rebroadcast, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast at an hour not exceeding the time zone differential between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs at a later hour in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10:00 a. m., and 10:00 p. m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. This waiver provision also applies during the annual periods in which daylight saving time will be effective with respect to network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas.

4. Section 3.653 is amended to read as follows:

§ 3.653 *Mechanical reproductions.* (a) No mechanically reproduced program, whether visual or aural, consisting of a speech, news event, news commentator, forum, panel discussion, or special event in which the element of time is of special significance, or any other program in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the listening audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used that it is a mechanical reproduction or a mechanically reproduced program: *Provided, however*, That each such program of one minute or less need not be announced as such.

(b) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. Any other program mechanically reproduced or series of mechanical reproductions, including a mechanical reproduction used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper, need not be announced as provided in paragraph (a) of this section, but the licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

(c) The requirements of paragraph (a) of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differential between the place where the program originates and where it is rebroadcast, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast at an hour not exceeding the time zone differential between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs at a later hour in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10:00 a. m., and 10:00 p. m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. This waiver provision also applies during the annual periods in which daylight saving time will be effective with respect to network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas.

[F. R. Doc. 56-8179; Filed, Oct. 10, 1956; 8:48 a. m.]

[FCC 56-962]

[Rules Amdt. 3-32]

PART 3—RADIO BROADCAST SERVICES

AUXILIARY TRANSMITTERS

In the matter of amendment of § 3.63, Commission rules and regulations relating to auxiliary transmitters.

1. The Commission has before it for consideration the use of standard broadcast auxiliary transmitters in CONELRAD. The present rule (§ 3.63) is silent on such use. However, a number of standard broadcast stations employ their auxiliary transmitters for CONELRAD. Therefore, the rule is being amended to include a provision for the use of auxiliary transmitters for CONELRAD purposes.

2. The present auxiliary transmitter rule provides that auxiliary transmitters shall be tested on the licensed frequency of the station. However, stations using their auxiliary transmitters for CONELRAD purposes have them adjusted to a CONELRAD frequency; and we do not believe that licensees should be required to switch the transmitters back to the licensed frequency each time they are tested. We are therefore amending the rule to permit tests to be made while the transmitters are adjusted to the CONELRAD frequency; provided that the output of the auxiliary transmitter is connected to a dummy load in order to prevent interference to other stations.

3. The present auxiliary transmitter rule also places a limit on the length of time that an auxiliary transmitter may be used when the main transmitter is inoperative due to maintenance or modification but does not place any time limit on the use of the auxiliary transmitter because of failure of the main transmitter. In order to be consistent it is proposed to delete the time limit in the former case.

4. The amendment adopted herein merely affords broadcast licensees an alternative method for testing auxiliary transmitters and removes an inconsistency from the present rule. We find in accordance with section 4 (a) of the Administrative Procedure Act, that notice and public procedure thereon in this matter would be impractical, unnecessary, or contrary to the public interest.

5. In view of the above and pursuant to authority contained in sections 4 (i), 301, 303 (e), (f) and (r) of the Communications Act of 1934, as amended, § 3.63 of the Commission's rules and regulations is amended effective November 7, 1956, as follows:

Paragraphs (c) and (d) of § 3.63 are amended to read as follows:

(c) The auxiliary transmitter shall be

(d) The auxiliary transmitter shall be tested at least once each month and shall be connected to a dummy load. A record shall

§ 244.1 *Definitions.* For the purposes by the air carrier in other business

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(c) The auxiliary transmitter shall be maintained so that it may be placed in operation at any time for any one of the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of the regular programs during maintenance or modification work on the main transmitter necessitating discontinuance of its operation.

(3) CONELRAD tests, drills or operation, provided the auxiliary transmitter is used in connection with a National Defense Emergency Authorization.

(4) Upon request of a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the licensed or CONELRAD frequency: *Provided, however,* That the test in any week may be omitted if the auxiliary transmitter has been operated during the week pursuant to paragraph (c) of this section and such operation was satisfactory. Tests on the licensed frequency shall be conducted only between 12 midnight and 9 a. m., local standard time. Tests on a CONELRAD frequency, when such tests are not part of an authorized CONELRAD test, shall be made only when the transmitter output is connected to a dummy load. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 3, 1956.

Released: October 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8180; Filed, Oct. 10, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF DIURON (3 - (3,4-DICHLOROPHENYL) - 1,1-DIMETHYLUREA)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the establishment of a tolerance of 1 part per million for residues of diuron (3-(3,4-dichlorophenyl) - 1,1-dimethylurea) in or on grapes.

The analytical method proposed in the petition for determining residues of diuron is the method published in the FEDERAL REGISTER of July 8, 1955 (20 F. R. 4871).

Dated: October 5, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8175; Filed, Oct. 10, 1956; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 244]

[Economic Regs. Draft Release 84]

FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

NOTICE OF PROPOSED RULE MAKING

OCTOBER 8, 1956.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed revision of Part 244 of the Economic Regulations (14 CFR Part 244). The proposed revision makes a number of changes in present Part 244 and also provides appropriate reporting requirements for the newly authorized class of indirect air carriers designated as "Cooperative Shippers Associations".

The principal features of the revision are explained below in the explanatory statement.

The proposed revised Part 244 is set forth below. This regulation is proposed under authority of sections 205 (a), and 407 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto in quadruplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before November 9, 1956, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after November 14, 1956, for examination by interested persons in the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. Experience has demonstrated that the presently effective provisions of Part 244 fail to provide sufficiently uniform and detailed data concerning the operations of air freight forwarders and international air freight forwarders. Consequently, the proposed amendment prescribes a standard reporting form and also requires a separation of revenues and expenses between forwarder and non-forwarder activities. In addition, the requirements of this part have been liberalized in several respects. Thus, forwarders would be relieved from the burden of supplying tonnage volumes respectively consigned for shipment over the facilities of different classes of direct air carriers and of surface carriers but would be required to furnish only the aggregate total tonnage of air and surface carriage. Likewise, data relating to station personnel engaged in selling, operating, and administrative work will not be required under the proposed amendment. Furthermore, the proposed reports for air freight forwarders would be submitted semi-annually instead of quarterly.

The proposed rule also prescribes a standard reporting form for cooperative shippers associations. However, such associations would be subject to less detailed and extensive reporting requirements than forwarders. Such differential treatment appears to be proper because only minimal regulatory controls have been imposed upon these associations on the theory that since they serve only their own members they will be self-policing entities. Such associations would file an annual report containing data showing the relationship between their officers and directors and air freight forwarders or direct air carriers and their total operating revenues (with a separation of income derived from members and all other sources).

Both the forwarders and the associations have been required to file annual reports, pursuant to section 407 (b) of the act, disclosing the identities of their stockholders or members holding more than 5 percent of the aggregate capital stock or capital of a carrier and a description of the stock, or other ownership interests, held by the air carrier in other business enterprises. Such information has long been incorporated in the Board's reporting requirements for direct air carriers (Part 241 and Part 242 of the Economic Regulations) and appears to be equally pertinent with respect to the operations of these indirect air carriers.

For the information of any interested persons who do not receive the proposed forms in regular distribution, copies thereof may be obtained by addressing a request in writing to the Civil Aeronautics Board, Publications Section, Department of Commerce Building, Washington 25, D. C.

It is proposed to revise Part 244 of the Economic Regulations (14 CFR Part 244) to read as follows:

§ 244.1 *Definitions.* For the purposes of this part:

(a) "Air freight forwarder" means any air carrier classified and defined as such in Part 296 of this chapter.

(b) "International air freight forwarder" means any air carrier classified and defined as such in Part 297 of this chapter.

(c) "Cooperative shippers association" means any air carrier classified and defined as such in Part 296 or Part 297 of this chapter.

§ 244.2 *Financial and operating reports by air freight forwarders and international air freight forwarders.* (a) For the semi-annual period beginning January 1, 1957 and terminating on June 30, 1957, and thereafter for each succeeding semi-annual period, each air freight forwarder and international air freight forwarder shall file CAB Form 244,[1] entitled "Report of Financial and Operating Statistics for Air Freight Forwarders and International Air Freight Forwarders" in accordance with the instructions accompanying such form and the requirements of this section. Schedules D and E of CAB Form 244 shall be filed annually. All air freight forwarders shall file such reports irrespective of whether they are actually engaged in air freight forwarding operations. Such reports shall be filed within 45 days after the termination of each such reporting period and shall be certified to be correct in the form and manner prescribed by a responsible officer of the reporting air freight forwarder.

(b) Each such report shall contain the following data:

(1) Balance sheet, prepared in accordance with prescribed practices.

(2) Profit and loss statement:

(i) With a separation of revenue items so as to indicate respective earnings from forwarder and non-forwarder activities (including a further breakdown of forwarder revenues).

(ii) With a separation of expense items so as to indicate the breakdown of total expenses between those respectively incurred in forwarder activities and in non-forwarder activities (including a further segregation of both classes of expense between direct and allocated overhead items).

(3) Statistical data:

(i) Number of shipments received from shippers for carriage by air.

(ii) Number of consignments to carriers by air.

(iii) Number of tons consigned for shipment by:

Air carriers.
Surface carriers (rail, motor, other than pick-up and delivery, or water).

(4) Disclosure of identities of stockholders or members holding more than 5 percent of entire capital stock or capital of such air carrier, names of all beneficial owners and descriptions of stock and other ownership interests held by the air carrier in other business entities.

§ 244.3 *Insurance statements by air freight forwarders and international air freight forwarders.* Each air freight forwarder and international air freight forwarder shall submit the statements required by this section as an attachment to its CAB Form 244. During any reporting period when such air carrier has certificates of insurance on file with the Board, pursuant to the provisions of Part 296 or Part 297 of this chapter, it shall either certify that there have been no changes in its insurance coverage during the semi-annual period covered by such report or explain, in detail, every such change. During any period when such an air carrier does not have certificates of insurance on file with the Board, it shall submit a statement of all outstanding cargo and public liability insurance in effect or surety bonds with regard to its operations pursuant to both Part 296 and Part 297 of this chapter. Such statement shall identify the companies issuing the policies or bonds, the amounts thereof and a brief statement as to their coverage.

§ 244.4 *Financial and operating reports by cooperative shippers associations.* (a) For the annual period beginning January 1, 1957, and terminating on December 31, 1957, and thereafter for each consecutive annual period, each cooperative shippers association shall file, in duplicate, copies of CAB Form ____[1] entitled "Report of Cooperative Shippers Associations" in accordance with the instructions accompanying such form and the requirements of this section. All cooperative shippers associations shall file such reports irrespective of whether they are actively engaged indirectly in the air transportation of property. Such reports shall be filed within 45 days after the termination of each prescribed reporting period and shall be certified to be correct in the form and manner prescribed, by a responsible officer of the reporting cooperative shippers association.

(b) Each such report shall contain the following data:

(1) Statement of offices, or stockholding in excess of 5 percent of the entire capital stock or capital, held in an air freight forwarder or direct air carrier by any of the general officers or directors of the cooperative shippers association.

(2) Statement of operating revenues, with a separation of gross income between earnings from charges to members and from all other sources.

(3) Disclosure of identities of stockholders or members holding more than 5 percent of entire capital stock or capital of such air carrier, names of all beneficial owners and descriptions of stock and other ownership interests held by the air carrier in other business entities.

[1] Filed as part of the original document.

No. 198——3

[F. R. Doc. 56-8190; Filed, Oct. 10, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8]

[Docket No. 11844; FCC 56-970]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

SHIP-SHORE TELEPHONY TO SERVE SAFETY AND OPERATIONAL COMMUNICATION NEEDS OF PLEASURE BOATS ON INTERIOR WATERS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to provide for public ship-shore telephony on 2638 kc to serve the safety and operational communication needs primarily of pleasure boats on interior waters.

1. From time to time, applications or inquiries are received regarding the desire to obtain station authorizations for ship-shore telephony to fulfill a stated need therefor primarily for the safety of pleasure boats on inland lakes (other than the Great Lakes) and similar bodies of water in the interior of the continental United States. In general, there is no existing service of this kind except in those areas within the effective communication range of public coast stations along the seaboard, on the Great Lakes, on the Mississippi River system, on parts of the Columbia River, on Lake Mead, Nevada, and on Lakes Dallas and Texhoma in Texas. In terms of definitions set forth in § 8.6 (a) and (m) of the Commission's rules, it appears that this service is required primarily for "safety communication" and secondarily for "operational communication."

2. Under existing rules, two pairs of frequencies (two duplex circuits) above 156 Mc (VHF) are assignable for public ship-shore telephony without excluding any location or area within the continental United States. On most interior waters, these frequencies should provide a satisfactory service even though in some instances more than one shore station may be required in conjunction with land point-to-point circuits (wire, or radio above 70 Mc) to cover all of the area involved. With respect to some interior waters, however, it seems apparent that the use of VHF channels exclusively will not, from a practical (economic) point of view, serve this purpose. These refer to certain inland lakes which have a very irregular shore line configuration and are surrounded by sparsely populated hilly or mountainous terrain. Under these conditions, it is recognized that the applicants might be in a position to show affirmatively that the use of a frequency in the regional maritime band 2000 kc–3000 kc is necessary to permit reasonably economic establishment, operation, and maintenance of this class of service.

3. The principal problem relative to appropriate rule making to support the filing of such applications for the necessary station authorizations is the selection of a working frequency in the 2000 kc–3000 kc band which would be assignable generally throughout the interior of the United States without giving rise to

interference conflicts with existing as-

b. Insert a new paragraph (d) to read

quency 2638 kc, but not any frequencies

tion and the coast station transmit

interference conflicts with existing assignments adjudged to have priority. A recent survey of the situation by the Commission's staff would seem to support the opinion that no "new" frequency for use in this way can be provided for the maritime mobile service. Neither does it appear possible to utilize on a geographic distribution basis any group of frequencies already assigned to existing coast stations without creating new interference problems which would be difficult to resolve.

4. However, certain telephone channels in the band 2000–3000 kc are available under existing rules for ship-to-ship communication without geographic restriction throughout the interior of the country. These are 2638 kc and 2738 kc; their intership use is limited primarily to safety communication and secondarily to operational and business communication. These channels are intensively utilized along the seacoast and on the Mississippi River system with a consequent high level of mutual interference during hours of darkness. While no action should be taken which would further increase the present congestion, it would appear that the conservative use of one of these channels on interior waters, at least 100 miles from the major waterways, for operational ship-shore communication during daylight hours only, would not cause any significant increase in the existing congestion and interference. Additional and occasional safety communication at all hours (whenever 2182 kc could not be used) should not be a troublesome factor of any significance. On the other hand, such use would apparently satisfy the expressed minimum communication need of pleasure craft on certain inland lakes where VHF operation only may be economically infeasible.

5. The proposed amendments to Parts 7 and 8 of the rules set forth below would make the frequency 2638 kc assignable to public coast stations and useable by public ship stations for the desired service with appropriate geographic and operating limitations to avoid or minimize interference, provided the shore (coast) station applicant in each case makes an affirmative showing that the use of VHF facilities exclusively would not be practical for reasons other than the absence of VHF ship or shore station equipment, that there is a need for the station to provide safety and operational communication not available from any other station (existing or authorized to be established), and that the proposed station would meet this need when operated in accordance with the applicable rules. Additionally, when filing for renewel of coast station license, the licensee would be required to show (on the basis of operation during the preceding license term) that supplemental VHF facilities, if used for all short-distance communication during the next license period, would not substantially decrease use of 2638 kc or to file, simultaneously with the application for renewal, an application for authority to install and operate supplemental VHF shore station equipment. Ship station licensees desiring to utilize 2638 kc for communication with such coast stations in accordance with applicable rules would, in reference to existing rule §§ 8.22 and 8.301 (a) (1), be required to make specific written request for this authority in their related license application together with identification therein of the respective coast station(s). These licensees would be apprised of the duly authorized coast stations through a public notice issued by the Commission and a new Appendix to Part 8 of the Commission's rules, each to be revised from time to time as additional coast stations are licensed in accordance with the proposed rule amendments for operation on 2638 kc.

6. It should be understood that each coast station which may be licensed to operate on 2638 kc under the proposed rules would be subject to all applicable rules in Part 7 pertaining to the installation and operation of public coast stations using telephony including such basic rules as §§ 7.103 (b), 7.104 (b) (1), 7.106, 7.108, 7.116, 7.176, 7.178, 7.179, 7.180, 7.186 (d), 7.189 (c), 7.305 (a), 7.313 and 7.314 Under existing rule §§ 7.185 and 7.312 which are not herein proposed to be amended, public coast stations licensed to transmit on 2638 kc would be permitted to transmit, on that frequency, weather information of general interest to a number of ships and to use selective-signalling for calling particular ship stations. The Commission desires to receive comments concerning the appropriateness of permitting the latter type of transmission on the frequency 2638 kc in reference to the proposed shared use of this frequency with ship stations carrying on intership communication.

7. The proposed amendments contained below are issued under the authority contained in section 303 (b) (c) (d) (f) (g) (h) and (r) of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before November 12, 1956, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. The Commission will consider all comments and briefs presented before taking final action in this matter.

9. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 3, 1956.

Released: October 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.7 is amended by adding a new paragraph (o) to read as follows:

(o) *Operational communication.* Radiocommunication concerning the navigation, movement, or management of a ship or ships.

(1) *Navigation.* This includes the piloting of a vessel.

(2) *Movement.* This includes information and necessary communications relative to when and where the boat or ship will move or be moved as, for example, rendezvous at a port, basin, or marina, or for maneuvers during a cruise.

(3) *Management.* This includes the obtaining of necessary supplies for the ship, limited to immediate needs, and the scheduling of repairs or modifications to the ship, limited to communications with those directly involved in the repairs or modification or concerned with changes in the movement of the ship because of those repairs or modifications.

2. In § 7.134 (c), in lieu of the existing designator "2000–4000 kc" which appears as the heading for the two columns designating "Day" and "Night" authorized maximum transmitter power for this frequency band, substitute a new designator to read: "2000–2632 kc and 2644–3500 kc".

3. In § 7.134 (d), in lieu of the existing text preceding the tabulation of classes of amplifiers and authorized transmitter power, substitute a new paragraph (d) to read as follows:

(d) For coast stations and marine utility stations using telephony on the authorized carrier frequency 2638 kc or on any frequency assignment within the frequency band 35 Mc to 44 Mc and employing amplitude modulation (AM), the maximum authorized transmitter power shall be:

4. In § 7.304 (a), in the list of frequencies set forth in this paragraph, insert the frequency "2638" kc after "2598" and before "2738".

5. Section 7.304 (d) is amended by adding a new subparagraph (8) to read as follows:

(8) Use of the frequency 2638 kc by coast stations in certain geographic areas as prescribed in this part is authorized upon the express condition that harmful interference shall not be caused to intership communication on this frequency, nor to the service of any station which, in the discretion of the Commission, has priority on the frequency or frequencies to which interference results: *Provided,* That with respect to the stations of the maritime mobile service, this condition shall not be construed as prohibiting the operation of a coast station on this frequency pursuant to the provisions of §§ 7.181 (b), 7.182 and 7.183 (b) and (c).

6. Section 7.306 is amended as follows:

a. Redesignate existing paragraph (d) as paragraph (e). Paragraph (e) shall read as follows:

(e) Use of the working frequencies authorized in paragraphs (a), (b), (c) and (d) of this section is subject to the applicable conditions and limitations set forth in § 7.304 (d). Further, and insofar as is practicable, class II coast stations shall use frequencies within the band 4000 kc to 30 Mc only when the use of frequency assignments outside this band will not provide effective communication.

b. Insert a new paragraph (d) to read as follows:

(d) (1) Subject to the specific limitations and conditions imposed herein and as applicable in § 7.304 (d), the carrier frequency 2638 kc is assignable as a working frequency to class II public coast stations for telephony when the coast station and the mobile station transmit alternately on this frequency: *Provided,* That:

(i) Under the provisions of this part, no other working frequency for telephony within the band 1600–5000 kc is available for assignment to a public coast station at the proposed location; and

(ii) The proposed station would be located within the continental United States not less than 100 miles from the seacoast (including the shores of all navigable bays and sounds adjacent to the open sea), the shores of the Great Lakes, the St. Lawrence River, the Illinois and Ohio Rivers, and the Mississippi River south of Hastings, Minnesota.

(2) Use of the frequency 2638 kc for ship-shore communication shall be confined exclusively to safety and operational communication (see paragraphs (a), (d), (f), (g) and (o) of § 7.7). Except for safety communication, operation on the frequency 2638 kc by coast stations shall be limited to day only (see paragraph (m) of § 7.2): *Provided,* That daily operation with respect to operational communication may be continued beyond this time to the extent necessary for compliance with the provisions of paragraph (b) of § 7.186.

(3) Each application for public coast station authorization which requests initial or renewal assignment of the frequency 2638 kc shall include:

(i) An affirmative showing that, for reasons other than the absence of necessary ship or coast station equipment, all of the needed ship-shore communication by means of telephony in the respective area cannot, as a practical matter, be provided by the operation of one or more coast stations exclusively on an assignable frequency or frequencies above 156 Mc; and

(ii) An affirmative showing that there is a need for such station for safety and operational communication by means of telephony in the area involved, that the service of any coast station or stations (public, limited or Government) already established, or authorized to be established within an appropriate time, is not, or will not be, adequate to meet all ship-shore safety and operational communication needs of the maritime mobile service in such area, and that the applicant's proposed operation on 2638 kc for telephony in accordance with applicable provisions of this part would serve effectively the safety and operational communication needs of ships within such area; and

(iii) A description of the procedures or methods to be used by the station licensee to assure compliance with the provisions of subparagraph (2) of this paragraph.

(4) Each application for renewal of public coast station license which requests renewal assignment of the frequency 2638 kc, but not any frequencies above 156 Mc, shall, in respect to any area in which public coast station facilities for ship-shore telephone communication on frequencies above 156 Mc are not yet established or authorized to be established,—

(i) Include an affirmative showing that use of appropriate ship and coast station equipment, if installed and operating on an assignable working frequency above 156 Mc in lieu of 2638 kc for relatively short distance communication, would not decrease a substantial use of 2638 kc by the respective coast station during any part or all of the period of time to be covered by the renewal license; or

(ii) Be accompanied by one or more applications of the same station licensee for station authorization(s) to install and operate supplemental equipment on land to provide public coast station facilities for ship-shore communication over appropriate distances in the respective area on assignable frequencies above 156 Mc, including the calling and safety frequency 156.8 Mc.

B. Part 8 is amended as follows:

1. Section 8.351 (d) (7) is amended to read as follows:

(7) The frequencies 2638 kc and 2738 kc are authorized for use on a shared basis with ship stations of other countries, for the purposes hereinafter prescribed in this subpart. Use of these frequencies for ship-shore communication in certain geographic areas in accordance with this subpart is authorized upon the express condition that harmful interference shall not be caused to intership communication on these frequencies, nor to the service of any station which, in the discretion of the Commission, has priority on the frequency or frequencies to which interference results: *Provided,* That in respect to stations of the maritime mobile service, this condition shall not be construed as prohibiting the operation of ship stations for authorized ship-shore communication on this frequency pursuant to the provisions of §§ 8.176, 8.177 (b), 8.179 and 8.180.

2. Section 8.354 is amended as follows:

a. Redesignate existing paragraph (b) as paragraph (c). New paragraph (c) shall read as follows:

(c) The use of the working frequencies authorized in paragraphs (a) and (b) of this section is subject to the applicable conditions and limitations set forth in § 8.351 (d). Further, and insofar as is practicable, ship stations shall use frequency assignments within the band 4000 kc to 5000 kc only when frequency assignments below 4000 kc or above 30 Mc will not provide effective communication.

b. Insert a new paragraph (b) to read as follows:

(b) Subject to the specific limitations and conditions imposed herein and as applicable in § 8.351, the carrier frequency 2638 kc is authorized as a working frequency for public ship stations for communication with public coast stations by means of telephony when the ship station and the coast station transmit alternately on this frequency: *Provided;* That:

(1) (i) For each ship station licensed to transmit on 2638 kc for ship-to-ship communication, this additional authorization is valid only if written request therefor is included in the respective application on file with the Commission for regular ship station license or for modification of license;

(ii) The applicant has stated specifically in such application for the purpose expressed in § 8.301 (a) (1) that operation on 2638 kc is intended, in addition to other authorized use, for communication with one or more public coast stations authorized by the Commission for such operation and identified by the applicant;

(iii) Such application contains a description of the procedure or method to be used by the ship station licensee to assure compliance with the provisions of subparagraph (2) of this paragraph;

NOTE: The information required by this subparagraph may be submitted on a separate sheet attached to the completed official application form. Coast stations with which communication on 2638 kc is authorized in accordance with the provisions of this paragraph are designated in a public notice issued by the Commission, a copy of which may be obtained by each ship station licensee involved. Additionally, a copy of this document, current to the latest practicable date, is appended to this part (§ 8.804—Appendix IV).[1]

(2) Use of the frequency 2638 kc for communication with public coast stations shall be confined exclusively to safety and operational communication (see § 8.6, paragraphs (a), (d), (f), (g), (h) and (m)). Except for safety communication, operation on this frequency for ship-shore communication shall be limited to day only (see § 8.2 (l)): *Provided,* That daily operation with respect to operational communication may be continued beyond this time to the extent necessary for compliance with the provisions of § 8.183;

(3) Operation on the frequency 2638 kc for ship-shore communication as provided in this paragraph shall be limited to those situations in which the use of any other authorized working frequency would be impracticable or ineffective for this purpose;

(4) Except in event of distress, use of the frequency 2638 kc by stations on board aircraft for communication with coast stations is not authorized by any provisions of this paragraph.

3. Section 8.366 (g) is amended to read as follows:

(g) *Authorized use of 2003, 2638, 2738 and 2830 kc.* The radio channels of which 2003, 2638, 2738 and 2830 kc are the authorized carrier frequencies, shall be used for communication between mobile stations in accordance with the provisions of §§ 8.176, 8.177 (b) and 8.358.

[F. R. Doc. 56-8181; Filed, Oct. 10, 1956; 8:49 a. m.]

[1] This appendix would necessarily be promulgated subsequent to finalization of these proposed rules, and if and when one or more such coast stations are authorized.

counsel for the Broadcast Bureau were advised of "all objections made to the broadcasts by illegal gambling activities.

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11718; FCC 56 M-913]

KEY CITY BROADCASTERS

ORDER SCHEDULING HEARING

In re application of Howard Barrett and Robert H. Nash d/b as Key City Broadcasters, Abilene, Texas; Docket No. 11718, File No. BP-10278; for construction permit.

Pursuant to informal request by counsel for Key City Broadcasters: *It is ordered*, This 4th day of October 1956, that hearing in the above-entitled proceeding is hereby scheduled for October 15, 1956, commencing at 10:00 a. m. at the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8184; Filed, Oct. 10, 1956; 8:49 a. m.]

[Docket Nos. 11789, 11790; FCC 56M-910]

TRADEWINDS BROADCASTING CO. (WCBQ)

ORDER CONTINUING HEARING CONFERENCE

In re applications of M. R. Lankford, tr/as The Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida; for construction permit to replace expired construction permit, Docket No. 11789, File No. BP-10370; and for modification of construction permit, Docket No. 11790, File No. BMP-6920.

On the oral request of counsel for the Broadcast Bureau, and without objection by counsel for the other parties, *It is ordered*, This 4th day of October 1956, that the further conference now scheduled for October 15, 1956, at 10:00 a. m., will begin instead at 2:00 p. m. on the same date, in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8185; Filed, Oct. 10, 1956; 8:49 a. m.]

[Docket No. 10133; FCC 56-944]

COMMUNITY BROADCASTING SERVICE, INC. (WWBZ)

MEMORANDUM OPINION AND ORDER REOPENING RECORD FOR FURTHER HEARING ON STATED ISSUES

In re application of Community Broadcasting Service, Inc., (WWBZ), Vineland, New Jersey, Docket No. 10133; File No. BR-1435; for renewal of license.

1. The Commission has before it for consideration (1) a petition to vacate and set aside decision and to reopen record, filed on May 25, 1956, by Community Broadcasting Service, Inc. (hereinafter called WWBZ or petitioner); (2) an opposition thereto filed on June 4, 1956 by the Chief of the Commission's Broadcast Bureau; (3) a reply to such opposition filed on June 11, 1956 by Community Broadcasting Service, Inc.; (4) a petition for grant of one-year probationary license or, alternatively, for one-year suspension of effective date of Commission decision and order, filed on June 25, 1956 by Community Broadcasting Service, Inc.; and (5) an amendment to such petition filed on July 16, 1956.

2. The Commission released its decision in the above-captioned proceeding on November 28, 1955, in which it denied the application of WWBZ for renewal of license. On April 26, 1956, the Commission released a Memorandum Opinion and Order denying the petition of WWBZ for reconsideration and rehearing of the Commission's decision of November 28, 1955.[1]

The petition to vacate and set aside decision and to reopen record. 3. As a preliminary consideration, it is appropriate to note certain observations which were made in our Memorandum Opinion and Order of April 26, 1956, wherein we denied WWBZ's petition for reconsideration and rehearing of the decision of November 28, 1955. One of the points urged by WWBZ in that petition related to correspondence dated September 16, 1954 between the Commission and a member of the staff of the Department of Justice, and between the Commission and the Secretary of the Treasury, to the effect that an unknown "United States Attorney in Newark, New Jersey" made a complaint about station WWBZ, and that the Commission had received "allegations made by responsible sources that the broadcast of racing information * * * is being used by bookmakers and gangsters for gambling and illegal purposes * * *." Petitioner asserted that serious error tainted the entire proceeding and decision with respect to horse race results broadcasts since it had not been notified by the Commission of the said complaint or complaints. It was argued further by petitioner that since the complaint or complaints reached the Commission prior to the actual hearing in this proceeding, the Commission erroneously disregarded the requirement of section 309 (b) of the Communications Act that the applicant be advised of "all objections made to the application as well as the source and nature of such objections." In rejecting this contention, we stated:

It is to be noted that petitioner's application was designated for hearing prior to the date of the enactment of the Communications Act amendments of 1952, at a time when no statutory requirement existed that objections made to an application as well as the nature and source of such objections should be brought to the applicant's attention prior to formal designation for hearing. This is not to say that in the instant proceeding the applicant was not fairly apprised of the matters at issue herein for it is apparent that our designation order of February 23, 1952, fairly advised the applicant of the subject matter and issues involved. It is to be noted in this connection that the applicant sought neither enlargement nor clarification of the issues herein at any time subsequent to the release of the designation order.

4. In the instant petition, WWBZ requests that the Commission (1) vacate and set aside its Decision, released November 28, 1955, denying its application for renewal of license, and its Memorandum Opinion and Order, released April 26, 1956, denying its petition for reconsideration and rehearing; (2) reopen the record in this proceeding upon reasonable notice; and (3) permit petitioner to present further evidence. The foundation of WWBZ's petition rests upon a statement of further matters in connection with the absence of notice to it of complaints concerning the broadcast of horse race results. Specifically, petitioner adverts to a letter dated August 30, 1954, from an Assistant Attorney General of the United States to the then Chairman of the Commission.

5. It is urged that petitioner has been denied a fair hearing because of the failure of the Commission to comply with § 0.406 (c)[2] of its rules. In this connection, petitioner points out that section 309 (b) of the Communications Act of 1934, as amended, provides, in pertinent part, that an applicant be advised of "all objections made to the application as well as the source and nature of such objections." Petitioner asserts that it was prejudiced because of the fact that

[1] In the Decision released November 28, 1955, WWBZ was granted authority to continue temporary operation for a period of sixty days so that it might have time to cease operation and wind up its affairs. The authority for temporary operation has been extended from time to time; by order released June 22, 1956, WWBZ was granted authority to continue temporary operation of its station for a period of sixty days from and after action (1) by the Commission on its petition to vacate and set aside decision and to reopen record or (2) by the United States Court of Appeals for the District of Columbia Circuit on an appeal filed with that body, whichever is later.

[2] SEC. 0.406 *Inspection of record.* Subject to the provisions of sections 4 (j), 213 (f), 412 and 606 of the act, the files of the Commission shall be open to public inspection as follows:

* * * * *

(c) All applications and amendments thereto filed under Title II and Title III of the Act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 (47 CFR 1.341) and network and transcription contracts filed pursuant to § 1.342 (47 CFR 1.342) shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this paragraph as "not for public inspection."

counsel for the Broadcast Bureau were given the opportunity to prepare their case on the basis of "leads" furnished by the "missing letter" whereas the applicant was denied the same opportunity because of the Commission's violation of § 0.406 (c). It is urged that there are implications in the letter from the Department of Justice of a concerted, vindictive, and false campaign against the applicant which might well involve witnesses called by the Broadcast Bureau and affect the weight and credability of their testimony. Petitioner states that it finds it virtually impossible to believe that some "300 citizens" spontaneously made complaints to any law enforcement officer or agency, in view of the fact that WWBZ received no such complaints either from individuals or from law enforcement agencies. Petitioner submits that it "now wonders whether any of the Broadcast Bureau's witnesses took part in a campaign against the station, or were 'promoted' or prepared as witnesses by persons seeking to attack the applicant for personal reasons." Petitioner urges that it "can only wonder" for the record has been closed and it can no longer ask questions or investigate such matters in the preparation of its case.

6. Petitioner further argues that it has been denied a fair hearing because, through lack of notice of a prejudicial communication to the Commission, it has been unable to take appropriate procedural steps in the hearing process to secure an impartial tribunal. In this connection, petitioner states that one of the purposes of § 0.406 (c) of the Commission's rules providing for public inspection of communications to the Commission adverse to a broadcast applicant is the opportunity thereby afforded an applicant to insure judgment by an impartial tribunal, uninfluenced by ex parte representations. It is urged that failure to disclose the prejudicial letter prevented the applicant from taking reasonable steps in the hearing such as requesting enlargement of the issues, calling additional witnesses and elaborating upon some phases of testimony of certain witnesses. It is petitioner's contention that it did not have its case judged by an unprejudiced tribunal for the letter from the Department of Justice was prejudicially effective upon the Commission.

7. The Broadcast Bureau opposes the instant petition and states that the letter from the Department of Justice contains bare allegations which are not sustained by evidence of record; thus, the Bureau asserts, it cannot be said that the Commission was prejudiced thereby. The Bureau argues that no necessity existed to inform WWBZ of the "objections" contained in the letter from the Department of Justice for no statutory requirement obtained at the date of designation, February 23, 1952,[3] that an applicant be advised of "all objections made to the application as well as the source and nature of such objections" preceding formal designation for hearing. The Bureau submits that WWBZ was apprised of the matters at issue by the designation order of February 23, 1952; that discussion at the prehearing conference held on August 17, 1954 reveals that petitioner was fully advised of the objections of the Commission to a grant of its application; and that counsel for WWBZ when asked by the Hearing Examiner whether the issues were understood, responded: "Yes, I believe we understand the issues."

8. It is further asserted by the Broadcast Bureau that the final decision in this proceeding was based on facts of record and not on letters in the Commission's files; that the evidence upon which the decision was based was probative, material and relevant; that petitioner had full opportunity to cross-examine all of the witnesses as well as the opportunity to present rebuttal testimony; and that the applicant availed itself of this opportunity and interposed no objection to the closing of the record upon the conclusion of the testimony in Vineland, New Jersey.

9. In its reply to the opposition of the Broadcast Bureau, WWBZ urges that since the allegations in the Department of Justice letter were not the subject of proof under appropriate issues in the hearing, such letter was prejudicial to it. Petitioner further argues that the prejudice to WWBZ arises from the fact that a strong, condemnatory letter from the Department of Justice to the Commission is "per se" an influential document.

10. The questions posed to us by the instant petition are whether our failure to incorporate into the public docket of this proceeding, at an earlier time,[4] an alleged condemnatory letter has deprived the petitioner of procedural due process, and whether the contents of such letter have prejudiced the Commission to the extent that the applicant was precluded from being heard by an impartial tribunal. These questions cannot be answered definitively on the restricted basis of reference to section 0.406 (c) of our rules; other circumstances surrounding this proceeding must also be considered. As we understand the instant petition, the suggestion is strong that the incorporation of the letter from the Department of Justice into the public files on or about May 18, 1956 renders this proceeding ineffectual because of a fatal procedural defect. We are aware that section 0.406 (c) serves the salutary purpose of affording opportunity to interested persons to reply to communications which may adversely affect them. It is to be noted here, however, that long before the receipt of the letter from the Department of Justice the renewal application of WWBZ had been designated for hearing upon issues designed to inquire into, inter alia, the matter of horse race results broadcasts by WWBZ and the use, or the likelihood of use, of such broadcasts by illegal gambling activities. This is not, then, a question of the Commission having before it an ex parte representation as to an aspect of a matter in respect to which it is soon to take action. Here, at the time of the receipt of the letter in question, the proceeding was virtually in the stage of the taking of testimony in response to issues which not only sought information similar to the allegations presented in the Department of Justice letter but also sought detailed information with respect to specified aspects of the WWBZ station operation. In these circumstances, it cannot be said that petitioner was prejudiced by the lack of notification to it of the communication from the Department of Justice. As we pointed out in our Memorandum Opinion and Order of April 26, 1956, no statutory requirement existed at the time petitioner's application was designated for hearing that objections made to an application as well as the nature and source of such objections should be brought to an applicant's attention prior to formal designation for hearing. Thus, to the extent that petitioner urges that section 309 (b) of the Communications Act of 1934, as amended, required that it be notified of the letter from the Department of Justice its argument must fall for the above-stated reasons. Similarly, petitioner's arguments with respect to the effect upon it of the Commission's failure to comply with section 0.406 (c) must be rejected. In this connection, we are unable to see that any injury or prejudice resulted to petitioner thereby. It is pertinent to observe here, as we did in our Memorandum Opinion and Order of April 26, 1956, that at no time subsequent to the release of the designation order in this proceeding did the applicant seek either enlargement or clarification of the issues. We believe that these facts together with the observations that petitioner had full opportunity to cross-examine all of the witnesses at the hearing in this proceeding as well as the opportunity to present rebuttal testimony, and that petitioner availed itself of this opportunity and interposed no objection to the closing of the record herein upon the conclusion of the taking of testimony, effectively disposes of the contention that prejudice resulted because of the non-disclosure of the Department of Justice letter. This is so for the hearing herein was had upon issues which in principle inquired into the very matters alleged in the Department of Justice letter.

11. We do not discuss in detail the petitioner's contention that it was precluded from securing an impartial tribunal because the Department of Justice letter was prejudicially effective upon the Commission. We need only state, in this connection, that our final decision in this proceeding was based upon matters of record, and that the above-mentioned letter was not a matter of record.

The petition for probationary license or for suspension of effective date of decision. 12. WWBZ requests that the Commission (1) grant it a renewal of its license for the period of one year or, alternatively, (2) that it suspend for the period of one year, following action on

[3] The Broadcast Bureau points out that the WWBZ application was designated for hearing on February 23, 1952, at a time and place to be specified by subsequent order; that such subsequent order, released July 16, 1954, scheduled the hearing for September 29, 1954; and that the record was opened for prehearing conference on August 17, 1954.

[4] On or about May 18, 1956, the letter from the Department of Justice was placed in the public Docket of this proceeding.

the instant petition, the effective date of

Albert Tedesco alleges that in the opera-

7. With respect to Issue No. 2, involv-

whether a violation of the Rule would

the instant petition, the effective date of the Commission's Decision of November 28, 1955, denying WWBZ's application for renewal of license. Petitioner states that the purpose of its petition is to permit, through either of the alternative procedures, continuation of the WWBZ operations on a probationary basis for a probationary period of one year in order that the Commission may be further assured that WWBZ has been, is, and will continue operating in the public interest, at the service of the people of Vineland and area, and in full conformity with all Commission policies, rules, and regulations. In support of its contention that a grant of authority to WWBZ to operate for a probationary period would be in the public interest, petitioner points out that its station is the only station located in Vineland, New Jersey; that it discontinued the broadcast of horse racing information in March of 1955; and that the probationary period of operation for one year, rather than an extension of operations pending the outcome of the court appeal, would have a more stable effect upon the operations of WWBZ, thus benefiting the public interest through effective station operations.

13. We have considered the legal arguments in support of petitioner's contention that the Commission possesses the authority to renew a broadcast license for the period of one year. Undoubtedly, if we chose to exercise our discretion in this respect, we could, within the frame work of the Communications Act and our Rules, renew a broadcast license for a one-year term. Similarly, if we chose we could suspend the effective date of our decision herein for a one-year period. These matters, however, rest within our discretion, and in the circumstances of this proceeding we believe that we should not exercise our discretion in the manner requested.

14. We have carefully reviewed the entire proceeding herein, and, on our own motion, we are of the opinion that the ends of justice and the public interest, convenience and necessity would best be served by reopening the record and affording further hearing to petitioner under the issues which previously controlled this proceeding.

15. In view of the foregoing: *It is ordered*, That the petition of Community Broadcasting Service, Inc., to vacate and set aside decision and to reopen record, filed on May 25, 1956, is denied: and

It is further ordered, That the petition of Community Broadcasting Service, Inc., filed June 25, 1956, for grant of one-year probationary license or, alternatively, for one-year suspension of effective date of our decision and order, is denied: and

It is further ordered, That on our own motion our decision of November 28, 1955 and our Order of April 26, 1956, are vacated and set aside, and that the above-entitled matter is remanded to the Hearing Examiner, who originally presided at this hearing, with the instructions to reopen the record for further hearing under the issues which previously controlled this proceeding; and

It is further ordered, That after procedural steps appropriate to the further proceeding herein have been taken, the Hearing Examiner shall issue a supplemental initial decision: and

It is further ordered, That Community Broadcasting Service, Inc. is granted authority to continue temporary operation of Station WWBZ pending the Commission's final determination of this proceeding.

Adopted: October 3, 1956.

Released: October 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8182; Filed, Oct. 10, 1956; 8:49 a. m.]

[Docket No. 11631; FCC 56-946]

ROCHESTER BROADCASTING CO.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of Victor J. Tedesco and Nicholas Tedesco, d/b/a The Rochester Broadcasting Company, Rochester, Minnesota, Docket No. 11631, File No. BP-9991; for construction permit.

1. The Commission has before it for consideration a motion to enlarge the issues filed on March 12, 1956, by Minnesota Television Public Service Corporation (WTCN). An opposition to the motion was filed on March 21, 1956 by Rochester Broadcasting Company (Rochester), comments and opposition were filed on March 22, 1956, by the Commission's Broadcast Bureau (Bureau), and a reply to opposition was filed on March 26, 1956, by WTCN.

2. Rochester is a partnership composed of two brothers, Victor J. and Nicholas Tedesco, each of whom is committed by the partnership agreement to pay $10,000 as his minimum capital contribution. Rochester filed its application for a construction permit for a new standard broadcast station to operate on 1270 kc with 0.5 kw power during daytime hours at Rochester, Minnesota, on July 22, 1955. This application was designated for hearing on February 16, 1956, following a petition by WTCN, operating on 1280 kc with 0.5 kw power during daytime hours at St. Paul, Minnesota which petition alleged loss of 1,219 persons in an area of 65 square miles due to adjacent channel interference. WTCN was made a party to the proceeding and the issues were confined to the question of interference.

3. Additional issues requested by WTCN in its motion to enlarge are:

Issue No. 1. To determine the nature and character of the program service which will be lost to the areas which will receive interference from the operation of the proposed station and the nature and character of the program service proposed to be rendered by the applicant.

Issue No. 2. To determine whether a grant of the above-entitled application would be in contravention of the provisions of § 3.35 of the Commission's rules in the light of common ownership interests and the operating practices employed at other broadcast stations and to be employed at the proposed station by the parties to the above-entitled application.

Issue No. 3. To determine whether the applicant possesses the financial qualifications to construct and operate the proposed station.

Issue No. 4. To determine whether the provision in the applicants' partnership agreement which provides that "neither of the partners shall engage in any business except the partnership or upon account thereof" is contrary to the public interest because it would preclude the applicants from carrying out licensee responsibilities with which they have heretofore been entrusted by the Commission in connection with other broadcasting facilities.

4. WTCN cites Democrat Printing Company v. FCC, 7RR 2138 in support of its request for the inclusion of Issue No. 1, supra, asserting that a comparative program showing is necessary as a basis upon which the Commission can conclude whether or not a grant to Rochester would serve the public interest despite interference caused by it. Inclusion of Issue No. 2 is supported by the statement that the Tedesco brothers own or control the following standard broadcast stations:

Call letter	Location	Percent ownership
WCOW (now identified as WISK).	St. Paul, Minn.	60⅔
KCUE	Red Wing, Minn.	100
WKLJ (now identified as WCOW).	Sparta, Wis.	74

WTCN asserts that, if the proposed Rochester station is built, 31.2 percent of the population and 38 percent of the area within its 0.5 mv/m contour will receive service from two Tedesco stations; that 51.8 percent of the population and 56.3 percent of the area within the KCUE 0.5 mv/m contour will receive service from two Tedesco stations; and that these factors, when considered in the light of the Tedesco's public announcement that time will be sold by them on a package discount plan, raise a public interest question which must be determined by the Commission. With respect to Issue No. 3, WTCN alleges that the balance sheets of the partners do not reflect sufficient liquid assets to meet their partnership contributions and that the principal source of funds upon which they depended to meet their commitments, i. e., a $20,000.00 bank loan, was exhausted by the subsequent purchase of radio station KAAA (now identified as KCUE). Finally, in support of Issue No. 4, supra, WTCN argues that the provision in the Rochester partnership agreement that "neither of the partners shall engage in any business except the partnership, or on account thereof" would amount to an abdication of their responsibility as licensees of WISK, KCUE, and WCOW.

5. In addition to the above, WTCN's reply to opposition, calls attention to the application of Albert Tedesco, tr/as Winona Broadcasting Company, for a new standard broadcast station at Winona, Minnesota which apparently will overlap to some extent both WCOW and the proposed Rochester Station. Although Albert Tedesco alleges that in the operation at Winona he will be disassociated with his father and brothers, WTCN urges that, in view of the combination and discount selling practiced by the Tedescos, the full hearing required should include evidence on the relationship between St. Paul, Red Wing, Sparta, the proposed Rochester station, and the proposed Winona station.

Conclusions. 6. We are of the opinion that WTCN's request for the inclusion of issues 1, 3, and 4, set forth in paragraph 3, supra, must be denied for the following reasons:

Issue No. 1. WTCN relies upon § 3.24 (b) [1] of the rules and the Democrat Printing Company case supra, as supporting its request for a comparative programming issue and apparently takes the position that, in conformity with the Democrat Printing Company case, the Commission must permit inquiry into the comparative merits of programming between WTCN and the proposed Rochester station in the interference area as a matter of law. We do not believe that, under the facts of this case, WTCN has made a showing adequate to justify inclusion of the requested issue. The Democrat Printing Company case, supra, is distinguished in that the court was there concerned with (a) substantial interference as contrasted with the minimal interference alleged by WTCN [2], (b) the possibility that the station suffering loss may have programmed especially for the interference area, whereas WTCN is about 50 miles removed from such area and has not alleged that a program service is provided which is designed for it. For further reasons in support of our denial of WTCN's request to include Issue No. 1, see News on the Air, Inc., Memorandum Opinion and Order released July 27, 1956 (14 RR 123).

Issue No. 3 WTCN's request for the inclusion of this issue is based upon an alleged exhaustion of the Tedesco's principal source of funds, i. e., a $20,000 loan from the Northwestern State Bank of St. Paul. In view of the facts that (a) the original bank commitment was specifically identified with the Rochester application and (b) this commitment was subsequently confirmed on March 16, 1956 by the President of the Northwestern State Bank of St. Paul in a letter to the Commission, we are unable to conclude that a showing has been made which is sufficent to justify inclusion of the requested issue.

Issue No. 4. The basis of this issue was certain language in Rochester's partnership agreement which was subsequently deleted by amendment. The petition for leave to amend so as to delete the objectionable language was granted on March 27, 1956, by the Chief Hearing Examiner.

7. With respect to Issue No. 2, involving the question of compliance with § 3.35 [3] of the rules, we are of the opinion that WTCN's motion should be granted, although the requested issue will be modified so as to make it more definite and certain. In the present case, a grant to Rochester would result in ownership by the same interests of four standard broadcast stations the primary service areas of which would overlap or be closely proximate to one another.[4] In addition, the Tedescos employ a combination and discount selling plan by which advertisers using more than one Tedesco station are given a reduced rate. Under such circumstances we believe inquiry into compliance with § 3.35 of the Commission's rules is warranted. Contrary to Rochester's argument, the Commission is not limited to the inclusion of those issues which are "absolutely disqualifying." In any event, § 3.35 of the rules precludes issuance of a license to a party if noncompliance with the multiple ownership provisions would result. The Commission has examined the letter of Rochester's counsel dated August 30, 1956 in which it is stated that Rochester would be willing to accept a grant "* * * subject to the condition, if the Commission finds that the imposition of such a condition is required under its multiple ownership rules, that the Tedesco brothers, who are the principals in the Rochester application, dispose of their interest in Station KCUE, Red Wing, Minnesota, prior to the commencement of program tests at Rochester." Without more detailed facts upon which to base a decision, we are not in a position to say whether a violation of the Rule would result; the appropriate means of developing this evidence is at a hearing at which this question can be explored.

8. *Accordingly, it is ordered*, This 3d day of October 1956, that the Motion to Enlarge Issues filed on March 12, 1956 by Minnesota Television Public Service Corporation (WTCN), Minneapolis, Minnesota, is granted insofar as the issues are amended to include the following issue:

To determine the overlap, if any, that will exist between the service areas of the station proposed by Rochester Broadcasting Company and of Station KCUE, Red Wing, Minnesota, the nature and extent thereof, and whether such overlap if any, is in contravention of § 3.35 (a) of the Commission's rules and whether a grant of the application of Rochester Broadcasting Company would be in contravention of § 3.35 (b) of the Commission's rules with particular reference to the matters specified in this section of the rules and in addition, to the combination advertising proposal offered by Rochester Broadcasting Company to advertisers.

And is denied in all other respects; and the record in the above-entitled matter is reopened and the proceeding is remanded for the limited purpose of permitting the introduction of evidence relative to the above stated issue and the issuance thereafter of a new Initial Decision.

Released: October 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8183; Filed, Oct. 10, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 8127, 7963]

CALIFORNIA EASTERN AVIATION, INC.; INTERLOCKING RELATIONSHIPS

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned for October 15, 1956, at 10:00 a. m., e. d. s. t., in the Foyer of the Commerce Auditorium, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before Examiner John Cannon.

Dated at Washington, D. C., October 8, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8191; Filed, Oct. 10, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6708]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

OCTOBER 5, 1956.

Take notice that on October 3, 1956, an application was filed with the Federal

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[1] Commissioners Doerfer and Craven dissenting and voting to reconsider previous action and grant renewal application.

[1] Section 3.24 (b) provides, in pertinent part, that an authorization for a new standard broadcast station will be issued only after a satisfactory showing has been made. "That * * * if interference will be caused, the need for the proposed service outweights the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree.

[2] The Democrat Printing Company case was concerned with 164,000 persons, amounting to about 41 percent of the population losing service of the existing station, whereas WTCN alleges loss of only 1,219 persons. Total population served by WTCN was not stated in the pleadings. The Commission's records, however, indicate that as of 1946 WTCN provided primary service to more than 1,000,000 persons.

[3] Section 3.35 provides in pertinent part as follows:

§ 3.35 *Multiple ownership.* No license for a standard broadcast station shall be granted to any party (including all parties under common control) if:

(a) Such party directly or indirectly owns, operates or controls another standard broadcast station, a substantial portion of whose primary service area would receive primary service from the station in question, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation; or

(b) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest, convenience or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved and the extent of other competitive service to the areas in question.

[4] WTCN, in its "Reply to Opposition" (see paragraph 5, supra) urges that Issue No. 2 be expanded to include inquiry as to the relationship of Winona Broadcasting Company with the St. Paul, Red Wing, Sparta and proposed Rochester stations. Due to the lack of information before us in this proceeding, we do not feel justified in so expanding Issue No. 2 but are of the opinion that the question raised may be more appropriately dealt with when the application of Winona Broadcasting Company is considered.

Power Commission pursuant to section

[Docket No. G-9451, etc.]

[Docket No. G-10396 etc.]

at a time and place to be fixed by further

Power Commission pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada, with its principal business office at Reno, Nevada, seeking an order authorizing the issuance by competitive bidding of $3,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1986 to be dated as of November 1, 1956, and to mature November 1, 1986. Said bonds are to be issued by Applicant for the purpose of obtaining funds to pay bank loans made for construction purposes.

Any person desiring to be heard or make any protest with reference to said application should on or before the 25th day of October 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8163; Filed, Oct. 10, 1956; 8:46 a. m.]

[Docket No. E-6709]

ARKANSAS POWER & LIGHT CO.

ORDER SUPERSEDING ORDER INSTITUTING INVESTIGATION

On July 29, 1953, the Commission issued an order instituting a preliminary investigation pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof respecting the probable benefits to be received by the Carpenter and Remmel hydroelectric developments on the Ouachita River in Arkansas (Project No. 271) downstream from the Blakely Mountain Project then under construction by the United States Army Corps of Engineers. The Arkansas Power & Light Company is the licensee for Project No. 271.

The Blakely Mountain Project of the United States has been placed in operation. The initial filling of the reservoir of the Blakely Mountain Project commenced on July 7, 1952, and ended on September 30, 1955. The first of the two generating units at the Blakely Mountain Project was placed in commercial operation on September 15, 1955, and the second unit was placed in commercial operation on October 1, 1955.

The preliminary investigation indicates that the filling of the Blakely Mountain reservoir resulted in a net reduction in energy generated at the two downstream plants of the Arkansas Light & Power Company during the filling period. The preliminary investigation also indicates that subsequent to the initial filling of the Blakely Mountain reservoir, it has provided substantial benefits to the downstream Carpenter and Remmel plants. Therefore, an investigation should be instituted to determine the equitable proportion of the annual charges to be paid by the owner of the Carpenter and Remmel developments for actual benefits received from the Blakely Mountain Project.

It is appropriate that losses sustained at Project No. 271 caused by the initial filing of the Blakely Mountain reservoir be off-set against benefits subsequently received by Project No. 271 from the Blakely Mountain headwater improvement.

The Commission finds: It is appropriate and in the public interest that the aforesaid investigation be enlarged, and the Commission's order issued July 29, 1953 instituting the preliminary investigation be superseded as hereinafter provided.

The Commission orders: The aforesaid order issued July 29, 1953 is superseded by an order reading as follows:

An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether Project No. 271 of the Arkansas Power & Light Company located on the Ouachita River downstream from the Blakely Mountain headwater improvement constructed by the United States is directly benefited by the construction and operation of such upstream improvement of the United States and, if it so finds, to determine the equitable proportion of the annual charges to be paid by the owner of Project No. 271 so benefited for interest, maintenance and depreciation on such upstream improvement constructed by the United States.

Issued: October 4, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8165; Filed, Oct. 10, 1956; 8:46 a. m.]

[Docket No. G-2603 etc.]

PHILLIPS PETROLEUM CO. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

OCTOBER 5, 1956.

In the matters of Phillips Petroleum Company, et al., Docket No. G-2603, et al.; Sunray Mid-Continent Oil Company, Docket Nos. G-4912, G-4914—G-4919, inclusive, G-4944, G-4945, G-4947—G-4954, inclusive, G-6044, G-6046—G-6051, inclusive, G-6053, G-6054, G-6056, G-6057, G-6059; Shell Oil Company, Docket No. G-5660.

Notice is hereby given that the applications of Sunray Mid-Continent Oil Company in Docket Nos. G-4912, G-4914—G-4919, inclusive, G-4944, G-4945, G-4947—G-4954, inclusive, G-6044, G-6046—G-6051, inclusive, G-6053, G-6054, G-6056, G-6057, and G-6059, and Shell Oil Company in Docket No. G-5660, in the above consolidated proceedings, and scheduled for a hearing on October 11, 1956, at 9:30 a. m., e. d. s. t., are hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8176; Filed, Oct. 10, 1956; 8:48 a. m.]

[Docket No. G-9451, etc.]

MIDWESTERN GAS TRANSMISSION CO. ET AL.

ORDER FIXING DATE OF ORAL ARGUMENT

In the matters of Midwestern Gas Transmission Company, Docket Nos. G-9451, G-9452 and G-9453; Tennessee Gas Transmission Company, Docket Nos. G-1922, G-9449, G-9450, G-9454; Iron Ranges Natural Gas Company, Docket No. G-9648; Central Wisconsin Gas Company, Docket No. G-9813.

The Commission, by Order issued July 6, 1956, in the above-entitled proceeding, referred to the Presiding Examiner for a recommended decision the various motions to dismiss filed by Northern Natural Gas Company, Natural Gas Pipe Line Company of America jointly with Texas Illinois Natural Gas Company, Northern Indiana Public Service Company, Michigan Wisconsin Pipe Line Company jointly with American Louisiana Pipe Line Company, The Peoples Gas Light and Coke Company jointly with Chicago District Pipeline Company, and National Coal Association jointly with United Mine Workers of America, Fuels Research Council, Inc., Western States Fuel Policy Council, Anthracite Institute, Maher Coal Bureau and The Chesapeake and Ohio Railway Company, as to certain applications in these proceedings.

The Commission provided further in said order for the filing of exceptions to said recommended decision in accordance with § 1.31 of the rules of practice and procedure.

The Presiding Examiner, pursuant to said order, filed on September 28, 1956, his recommended decision and the time of filing exceptions thereto expires on October 18, 1956.

The Commission finds: The above motions should be disposed of at the earliest possible time and it is desirable that oral argument in this matter be had before the Commission by any parties desiring to be heard.

The Commission orders:

(A) Oral argument before the Commission in this matter is hereby set for October 22, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C.

(B) Request for time for oral argument shall be filed with the Secretary of the Federal Power Commission on or before October 12, 1956.

Issued: October 4, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8160; Filed, Oct. 10, 1956; 8:45 a. m.]

[Docket No. G-9593]

TEXAS CO. ET AL.

ORDER AMENDING ORDER SUSPENDING PROPOSED CHANGES IN RATES

By order issued November 2, 1955, in this proceeding, certain changes proposed by The Texas Company (Applicant) in its Supplement No. 1 to its FPC Gas Rate Schedule No. 3 were suspended and the use thereof deferred pursuant to the provisions of section 4 (e) of the Natural Gas Act. Applicant's Rate Schedule No. 3, consisting of a contract dated May 22, 1953, with United Fuel Gas Company, then showed Applicant as the only party seller.

On August 8, 1956, Applicant filed a request for consolidation of filings by operator pursuant to § 154.91 (b) of the Commission's Regulations under the Natural Gas Act. This filing showed that Applicant was the operator and owner of the majority of the working interests in three Valentine Field Units, from which natural gas is sold under the contract of May 22, 1953. Six individual owners of working interests in the three units have ratified the May 22 contract, as shown by filing of individual rate schedules with the Commission. Each of these individuals, hereinafter listed, filed proposed changes in their rate schedules, all denominated Supplement No. 1 to FPC Gas Rate Schedule No. 1, and all such proposed changes were suspended by orders issued November 2, 1955, in the following dockets:

Working interest owner:	Docket No.
H. L. Brown	G-9597
Dolte Cheramie	G-9598
Robert Mosbacher	G-9599
Eunice J. Vinet	G-9600
W. R. Wheeler	G-9601
James L. Woods	G-9602

The Texas Company requests (a) that its FPC Gas Rate Schedule No. 3 be regarded as an operator filing on behalf of and as agent for the several minority owners shown above; (b) that the suspension order of November 2, 1955, in this proceeding be amended to include said minority owners, and (c) that concurrently therewith, the proceedings in Docket Nos. G-9597 through G-9602 be terminated.

The Commission finds: The action requested by Applicant is reasonable and consistent with efficient administration of the Natural Gas Act. Separate orders terminating the proceedings in Docket Nos. G-9597 through G-9602 will be issued concurrently herewith.

The Commission orders: The order suspending proposed changes in rates in Docket No. G-9593 and issued November 2, 1955, be and and is hereby amended as follows: (a) The title of the proceeding is amended to read, "In the Matter of The Texas Company, et al.", and (b) the first paragraph of the order of November 2, 1955, is amended to read, "The Texas Company (Applicant), on behalf of itself as operator and H. L. Brown, W. R. Wheeler, Eunice J. Vinet, Dolte Cheramie, Robert Mosbacher, and James L. Woods, non-operators, on October 3, 1955, tendered * * * (et cetera)."

Issued: October 4, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8177; Filed, Oct. 10, 1956; 8:48 a. m.]

[Docket No. G-10396 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

NOTICE OF APPLICATION AND CONSOLIDATION OF PROCEEDINGS

OCTOBER 5, 1956.

In the matters of American Louisiana Pipe Line Company, Docket No. G-10396; Gulf Refining Company, Docket Nos. G-10398, G-10399, G-10400, G-10442, G-10443; Panhandle Eastern Pipe Line Company, Docket No. G-11061.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle), a Delaware corporation with principal offices at 1221 Baltimore Avenue, Kansas City 5, Missouri, and 120 Broadway, New York 5, New York, filed on September 10, 1956, an application pursuant to section 7 (b) of the Natural Gas Act for an order permitting and approving complete abandonment of service to Michigan Consolidated Gas Company (Michigan Consolidated). According to the application, Panhandle is presently delivering to Michigan Consolidated 125,000 Mcf of natural gas per day at Detroit, Michigan, and 2,000 Mcf of natural gas per day at Ann Arbor, Michigan.

American Louisiana Pipe Line Company (American Louisiana) earlier on May 14, 1956 filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, Docket No. G-10396, authorizing it to construct and operate certain facilities for the transportation and sale of natural gas in interstate commerce which would increase the sales capacity of its certificated pipeline system from 300,000 Mcf of natural gas per day to 400,000 Mcf of natural gas per day, a portion of which increased sales capacity American Louisiana proposes to deliver to Michigan Consolidated.

Applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, Docket Nos. G-10398, G-10399, G-10400, G-10442 and G-10443, related to the application of American Louisiana Docket No. G-10396, were filed by Gulf Refining Company (Gulf) on May 14, and May 21, 1956. Notice of the applications of American Louisiana and Gulf and date of hearing thereon was published in the FEDERAL REGISTER on August 24, 1956 (21 F. R. 6397-6398). By notice issued October 4, 1956, the hearing on the applications of American Louisiana, Docket No. G-10396, and Gulf, Docket Nos. G-10398, G-10399, G-10400, G-10442 and G-10443, was postponed from October 9, 1956, to a date to be fixed by further notice.

The application of Panhandle Eastern Pipe Line Company, Docket No. G-11061, is on file with the Commission and open for public inspection.

The foregoing related matters should be heard on a consolidated record and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on a date and at a time and place to be fixed by further notice concerning the matters involved and the issues presented by the applications in Docket Nos. G-10396, G-10398, G-10399, G-10400, G-10442, G-10443 and G-11061.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 29, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8159; Filed, Oct. 10, 1956; 8:45 a. m.]

[Docket No. G-10896 etc.]

AMERICAN LOUISIANA PIPE LINE CO. AND GULF REFINING CO.

NOTICE OF POSTPONEMENT OF HEARING

OCTOBER 4, 1956.

In the matters of American Louisiana Pipe Line Company, Docket No. G-10396; Gulf Refining Company, Docket Nos. G-10398, G-10399, G-10400, G-10442 and G-10443.

Take notice that the hearing now scheduled for October 9, 1956, in the above-entitled matters is postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8161; Filed, Oct. 10, 1956; 8:45 a. m.]

[Docket No. G-11024 etc.]

CONTINENTAL OIL CO. ET AL.

NOTICE OF APPLICATIONS

OCTOBER 3, 1956.

In the matters of Continental Oil Company, Docket No. G-11024; The Atlantic Refining Company, Docket No. G-11034; Cities Service Production Company, Docket No. G-11046; Tidewater Oil Company, Docket No. G-11049.

Take notice that the persons captioned above, hereinafter collectively referred to as Applicants, filed on September 5, 1956, in Docket No. G-11024, September 7, 1956, in Docket No. G-11034, and September 10, 1956, in Docket Nos. G-11046 and G-11049, respectively, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant proposes to sell natural gas in interstate commerce from production of its 25 percent interest in 5 leases in West Cameron Area, 12 leases in East Cameron Area, and 7 leases in Vermilion Area, all offshore the coast of Cameron and Vermilion Parishes, Louisiana in the

Gulf of Mexico, to Tennessee Gas Transmission Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end: Take further notice that protests or petitions to entervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8164; Filed, Oct. 10, 1956; 8:46 a.m.]

[Project No. 2000]

DEPARTMENT OF PUBLIC UTILITIES OF THE COMMONWEALTH OF MASSACHUSETTS v. POWER AUTHORITY OF STATE OF NEW YORK

NOTICE OF POSTPONEMENT OF HEARING

OCTOBER 4, 1956.

Upon consideration of the application filed October 3, 1956, by the Massachusetts Department of Public Utilities for postponement of the hearing now scheduled for October 15, 1956, in the above-designated matter;

Notice is hereby given that said hearing is postponed to 10:00 a. m., e. d. s. t., on January 28, 1957, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8162; Filed, Oct. 10, 1956; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1031]

ADAMS EXPRESS CO. AND AMERICAN INTERNATIONAL CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING PURCHASE OF SECURITIES FROM AFFILIATES DURING EXISTENCE OF UNDERWRITING SYNDICATE

OCTOBER 5, 1956.

Notice is hereby given that Adams Express Company ("Adams") and American International Corporation ("American"), affiliated registered closed-end diversified management companies, have filed an application pursuant to sections 10 (f) and 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of sections 10 (f) and 17 (a) the proposed purchase by Adams or American, or both, from certain underwriters of Subordinated Debentures due October 1, 1976 ("Debentures"), of Fansteel Metallurgical Corporation ("Fansteel"), a New York corporation. Adams owns approximately 70 percent of the outstanding voting securities of American.

The application states that on September 11, 1956, Fansteel filed a registration statement (File No. 2-12774) under the Securities Act of 1933 covering a proposed issue of $3,000,000 of convertible Debentures. The Debentures are to be dated October 1, 1956, with interest payable semi-annually. Among the principal underwriters named or to be named in such registration statement are Adamex Securities Corporation ("Adamex"), Hallgarten and Co. ("Hallgarten") and R. W. Pressprich and Co. ("Pressprich"). Adamex is a wholly-owned subsidiary of Adams, primarily engaged in the business of underwriting and distributing securities issued by other persons. Maurice Newton, a partner in Hallgarten, and Clinton S. Lutkins, a partner in Pressprich, are members of the Board of Managers of Adams and of the Board of Directors of American. By definition under the act, Messrs. Newton and Lutkins are affiliated persons of Hallgarten and Pressprich, respectively, and both are affiliated persons of Adams and American. Adamex is also by definition an affiliated person of Adams and American.

Adams, which had total assets as of June 30, 1956, of $101,106,773, may determine to purchase not to exceed a principal amount of $150,000 of the Debentures, which is 5 percent of the total issue, and American, which had total assets as of March 31, 1956, of $38,513,583, may determine to purchase not to exceed a principal amount of $100,000 of the Debentures, which is 3.3 percent of the total issue. Such purchase or purchases will not be made until after Fansteel's registration statement has become effective and the price and other terms of such offering have been made public. Such purchase or purchases may be made in whole or in part from Adamex, or Hallgarten, or Pressprich, or from any other underwriter of the Debentures, and will be made at the price at which the Debentures are offered to the general public, and the underwriter or underwriters selling the Debentures to either Adams or American, or both of them, will receive the same discounts and commissions in connection therewith as in the case of Debentures sold to the general public.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since partners of Hallgarten and Pressprich, members of the principal underwriting group, are a manager of Adams and a director for American, respectively, and since Adamex is an affiliate of American, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors.

Section 17 (a) of the act, among other things, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling to such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the prohibitions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

Adams and American state in their application that the decision by either of them to purchase any of the Debentures, if made, will be based upon the opinion of its management that the purchase of such Debentures, at the public offering price, will constitute a good investment for such applicant. The application states that Adams presently owns 6,180 shares (0.81%) and American 4,120 shares (0.54%) of the common stock of Fansteel. The application also states that Adams and American believe that the requested exemption is consistent with the protection of investors as required by section 10 (f) of the act. They further believe that all the requirements of section 17 (b) of the act are met.

Notice is further given that any interested person may, not later than October 18, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8166; Filed, Oct. 10, 1956; 8:46 a. m.]

[File No. 70-3520]

GENERAL PUBLIC UTILITIES CORP. AND EMPLOYEES WELFARE ASSOCIATION, INC.

NOTICE OF PROPOSED SALE OF SUBSIDIARY EMPLOYEES' LIFE INSURANCE COMPANY AND REACQUISITION OF SUBSIDIARY EMPLOYEES' PENSION COMPANY

OCTOBER 5, 1956.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and its wholly-owned subsidiary, Employees Welfare Association, Incorporated, a Delaware corporation ("EWADEL"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9 (a), 10, 11 (b), and 12 (f) thereof and Rules U-43 and U-44 (c) thereunder as applicable to the proposed transactions, which are summarized as follows:

(1) GPU proposes to sell to Brown, Crosby & Co., Inc., a nonaffiliate, for a cash consideration of $1,000, all the outstanding stock of EWADEL, consisting of 10 shares of Class B common stock without par value.

(2) EWADEL proposes to sell, and GPU proposes to acquire, for a cash consideration of $1,000, all the outstanding stock of Employees Welfare Association, Inc., a New Jersey corporation ("EWA-NJ"), consisting of 1,000 shares of common stock of the par value of $1 per share.

EWADEL, organized in 1931, is engaged in servicing employees' group life and ordinary life policies issued under the GPU system's life insurance plan. In addition to servicing such policies in respect of employees of the presently-constituted GPU system, EWADEL has continued to administer policies relating to employees of certain companies which were formerly, but are no longer, part of the GPU system. In 1951, GPU was ordered by the Commission, pursuant to section 11 (b) (1) of the act, to dispose of that part of the business relating to the servicing of the insurance policies of employees of those companies which are no longer a part of its system (Holding Company Act Release No. 10982). Having concluded that it would not be economically or administratively feasible to attempt to reduce the scope of EWADEL's activities to the servicing of employee policies of the present GPU system, GPU accordingly proposes to divest itself of its entire interest in EWADEL. EWADEL operates on a non-profit basis; its operating expenses (approximately $21,000 in the twelve months ended June 30, 1956) are reimbursed through deductions from dividends received by it on the life insurance policies, the balance of such dividends being remitted by it to the employing companies. The proposed sales price of $1,000 is equal to the present book value of EWADEL's outstanding capital stock.

EWANJ, a wholly owned subsidiary of EWADEL, was organized in 1937 as a necessary corporate link in the establishment of a pension trust for employees of the holding company system of Associated Gas and Electric Company, GPU's predecessor in interest. Apart from certain nominal administrative functions in respect of the pension trust (which is in process of liquidation) EWANJ is inactive and has no income or expenses. Its only asset, carried on its books at $1, consists of an interest in the pension trust agreement stemming from its original deposit of $1,000 with the pension trustee. In the Commission's order of 1951, GPU was permitted to retain its interest in EWANJ pending the latter's orderly liquidation. Accordingly, GPU proposes to acquire EWANJ from EWADEL and to hold the company as a direct subsidiary pending its liquidation.

It is stated that no other regulatory commission has jurisdiction over the proposed transactions.

The fees and expenses to be paid by GPU in connection herewith are estimated at not over $1,000.

Notice is further given that any interested person may, not later than October 18, 1956, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for his request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8167; Filed, Oct. 10, 1956; 8:46 a. m.]

FRED MCDERMOTT & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of October 1956.

In the matter of Fred McDermott, a sole proprietor, dba Fred McDermott & Co., 180 N. Wacker Drive, Chicago 6, Illinois.

I. The Commission's public official files disclose that Fred McDermott, a sole proprietor, doing business as Fred McDermott & Co., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

[1] Filed as part of original document.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that procedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof at 10 a. m., e. s. t., on the 9th day of November 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 26, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to November 9, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8168; Filed, Oct. 10, 1956; 8:47 a. m.]

NATIONAL ARCHIVES

[File No. 70-3519]

OHIO POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AND PREFERRED STOCK AT COMPETITIVE BIDDING, ISSUANCE AND SALE OF COMMON STOCK AND ACQUISITION THEREOF BY PARENT, CASH CONTRIBUTION BY PARENT AND TRANSFER THEREOF BY SUBSIDIARY TO CAPITAL STOCK ACCOUNT

OCTOBER 5, 1956.

Notice is hereby given that Ohio Power Company ("Ohio"), a public utility company, and its parent American Gas and Electric Company ("American"), a registered holding company, have filed with this Commission, a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (b), 10, 12 and 12 (c) of the act and Rules U-42 and U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration, as amended, on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Ohio proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50,

(a) $28,000,000 principal amount of its First Mortgage Bonds __% percent Series, due 1986. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to the company (which shall be not less than 100 and shall not exceed 102¾ percent) will be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Mortgage and Deed of Trust, dated October 1, 1938, as heretofore supplemented, and a new indenture supplemental thereto to be dated November 1, 1956; and

(b) 60,000 shares of __ percent Cumulative Preferred Stock, par value $100 per share. The dividend rate (which shall be in a multiple of 0.04 of 1 percent) and the price to be paid Ohio (which shall be not less than $100 per share nor more than $102.75 per share), will be determined by competitive bidding.

Ohio also proposes to issue and sell, and American proposed to acquire, 110,000 shares of its common stock, no par value for $11,000,000 cash.

American Gas proposes, prior to the sale of the above securities, to make a capital contribution of $9,000,000 to Ohio which will be credited to Ohio's capital surplus account and thereupon transferred to its common stock account. This transaction will not increase Ohio's cash resources since it is expected that, concurrently with the making of the contribution, Ohio will pay to American a special cash dividend of $9,000,000 on its common stock.

The net proceeds from the sales of bonds, preferred stock and common stock are to be applied, to the extent available, to the prepayment, without premium, of notes payable to banks. At the present time, notes payable to banks are outstanding in the amount of $23,500,000 and it is expected that up to a further additional amount of $7,500,000 may be issued, making an aggregate of not in excess of $31,000,000 to be outstanding at the time of issuance and delivery of the securities described above. Any remaining proceeds will be added to Ohio's treasury funds and will be applied to extensions, additions and improvements to its properties.

A statement of the fees, commissions and expenses incurred or to be incurred and paid in connection with the proposed transactions will be supplied by amendment.

The Public Utilities Commission of Ohio issued an order on September 18, 1956, authorizing the proposed issue and sale of bonds, preferred and common stock by Ohio. It is represented that no other regulatory commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 18, 1956, at 5:30 p. m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration as amended which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8169; Filed, Oct. 10, 1956; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 54]

CERTAIN COTTON CLOTH (GINGHAMS, ETC.)

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission on October 5, 1956, ordered that the public hearing in Investigation No. 54 under section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted with respect to certain cotton cloth, heretofore scheduled for October 23, 1956 (21 F. R. 4262), be postponed to 10 a. m., December 4, 1956.

The hearing will be held in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C.

Requests to appear: Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., at least three days in advance of the date of the hearing.

Issued: October 5, 1956.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-8170; Filed, Oct. 10, 1956; 8:47 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

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OCT 15 1956
MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (p) is added to § 6.323 as set out below:

§ 6.323 *Federal Civil Defense Administration* • • •

(p) One Assistant Administrator, Economic Requirements Service

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-8202; Filed, Oct. 11, 1956; 8:46 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (10) of § 6.302 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-8223; Filed, Oct. 11, 1956; 8:49 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER § 6.310 (j) (1) is revoked, § 6.310 (j) (2) is amended and § 6.310 (j) (4) is added as set out below.

§ 6.310 *Department of the Interior* • • •

(j) *Bureau of Indian Affairs* • • •

(2) Two Assistants to the Commissioner.

• • • • • •

(4) One Assistant to the Commissioner (Industrial Development).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-8224; Filed, Oct. 11, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS; APPENDIX

Pursuant to authority contained in paragraph (a) of § 420.1 of the above-identified regulations, as amended (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473, 5883, 6858, 7314), the following counties have been designated for insurance for the 1956 crop year.

Arkansas: Arkansas.
Colorado: Morgan, Weld.
Illinois: Bond, Clinton, Effingham, Fayette, Hamilton, Jasper, Jersey, Madison, Pike, Scott, Wayne.
Indiana: Boone, Dearborn, Ripley, Shelby, Sullivan, Wells, Whitley.
Iowa: Boone, Buena Vista, Clay, Delaware, Emmet, Franklin, Howard, Humboldt, Ida, Mitchell, Story, Tama, Union, Warren, Winnebago, Worth.
Kansas: Bourbon, Cherokee, Franklin, Linn, Montgomery.
Louisiana: St. Martin, Vermilion.
Michigan: Gratiot, Jackson.
Minnesota: Big Stone, Chippewa, Dakota, Dodge, Faribault, Goodhue, Kandiyohi, Lac qui Parle, Lincoln, McLeod, Nicollet, Polk, East, Pope, Stearns, Stevens, Swift, Yellow Medicine.
Missouri: Audrain, Cass, Cooper, Johnson.
Nebraska: Antelope, Pawnee, Washington.
North Dakota: Barnes, Dickey, Grand Forks, LaMoure, Pierce, Ransom, Richland, Sargent, Steele.
Ohio: Union, Van Wert.
Oregon: Linn, Malheur.
Pennsylvania: Lebanon, Somerset.
South Dakota: Bon Homme, Day, Deuel, Grant, Hamlin, Hutchinson, Kingsbury, Lake, McCook, Miner.
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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies Secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 56-8201; Filed, Oct. 11, 1956; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958; 19 F. R. 9368), regulating the handling of Irish potatoes grown in Colorado, was published in the FEDERAL REGISTER September 15, 1956 (21 F. R. 6973). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevent matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 1, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.222 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period ending May 31, 1957, will amount to $1,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 9th day of October 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8226; Filed, Oct. 11, 1956; 8:50 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF SHARE ALLOCATION PROCEDURE WITH RESPECT TO OFFERS OF SURPLUS TONNAGE RAISINS FOR SALE IN EXPORT

Pursuant to § 989.66 (e) (5) of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order," effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," the Raisin Administrative Committee established under the order has submitted for approval a modification of the procedures specified in § 989.66 (e) (4) with respect to allocating to each handler offers of surplus tonnage raisins for sale in export.

The said committee has determined that the allocation procedures specified in § 989.66 (e) (4) are not suitable in the present situation. It is provided in § 989.66 (e) (4) that each handler's share of an offer of surplus tonnage raisins for sale in export shall be determined as the same proportion that the surplus tonnage raisins acquired by him is of the surplus tonnage raisins acquired by all handlers. Some handlers acquire a relatively larger proportion of their season's supply of raisins during the early part of the crop year than do other handlers. A handler's rate of acquisition depends on his available storage space and other factors, and not necessarily on his need of raisins for sale in export at any given time. Hence, the allocation procedure provided in § 989.66 (e) (4) may result in some handlers receiving more, and others less, tonnage than they need during the fall and early winter months when the export demand usually is most active. At the present time, amendments to the order are pending, one of which is designed to overcome this and other allocation problems. To meet current export demand, the said committee plans to offer surplus tonnage to handlers before these amendments could become effective in any event. In order to have suitable procedure available now, and to avoid the further problem which would result from a change during the season, the present provisions of § 989.66 (e) (4) should be modified so as to conform the existing procedures to those contained in the proposed amendment. It is hereby found that to so modify the procedures specified in § 989.66 (e) (4), as hereinafter set forth, and delete the provisions of § 989.166 (j) of the rules and procedures (21 F. R. 4800) established to implement the provisions of § 989.66 (e) (4), will tend to effectuate the provisions of the act.

It is therefore ordered, That the provisions of § 989.166 (j) shall be, and they hereby are, deleted; and that the provisions of § 989.66 (e) (4) shall be, and they hereby are, modified and implemented as follows:

§ 989.266 *Offers of surplus tonnage raisins to handlers for sale in export.* (a) Whenever the committee offers surplus tonnage raisins to handlers for sale in export, the committee shall specify, among other terms of the offer: (1) The period within which each handler shall be given the opportunity to purchase his share of the offer; (2) the additional period during which, if any of the offer then remains unpurchased, a handler may purchase from his holdings surplus tonnage raisins in excess of his share; (3) the further additional period during which, if any of the offer then remains unpurchased, a handler may purchase surplus tonnage raisins in excess of his share and in excess of his holdings. Approvals of handlers' applications to purchase during the periods specified in subparagraphs (2) and (3) of this paragraph and as provided in paragraph (e) of this section shall be made in the same order in which the applications are filed with the committee. The committee shall fix the length of each of the three periods so as to facilitate disposition of surplus tonnage raisins.

(b) Except as provided in paragraph (c) of this section for new handlers, each handler's share of surplus tonnage raisins offered for sale in export prior to February 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during

the preceding crop year who remain practicable, first withdraw surplus ton- regulating the handling of filberts grown

TITLE 9—ANIMALS AND similar material shall not be imported § 261.2 *Location of property.* * * *

the preceding crop year who remain handlers. Subsequent to January 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year.

(c) If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of surplus tonnage raisins offered prior to February 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all such new handlers shall, for the purpose of determining the shares of all handlers prior to February 1, be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

(d) If prior to February 1 of any crop year, a handler's share of any offer exceeds the quantity of surplus tonnage raisins held by him for the account of the committtee (the shortage being for reasons other than deferment of his set aside obligations pursuant to § 989.66 (c)), and upon the committee concluding that the handler's acquisitions of surplus as of January 31 will exceed the total of his shares or upon said handler furnishing the committee such written undertaking secured by a bond as the committee may require, the committee may permit the handler to borrow, for a period not to exceed 30 days (or ending not later than January 31) from the date of the acceptance of the offer, raisins from any reserve tonnage held by him for the account of the committee. Any handler who has not repaid all prior loans from the reserve pool by the end of the required 30-day period or by January 31, whichever date is earlier, may not participate in any subsequent offers of surplus tonnage until the loan is repaid.

(e) If prior to the close of any offer of surplus tonnage raisins for sale in export and subsequent to any share reservation period (specified by the committee pursuant to paragraph (a) (1) of this section) the entire offer has not been purchased, any handler who has purchased his entire share and makes application to the committee shall be allocated additional surplus tonnage raisins from such raisins held by him. In the event such handler no longer holds any surplus tonnage raisins for the account of the committee, the committee shall, subsequent to any period the committee may prescribe (pursuant to paragraph (a) (2) of this section) for handlers to purchase their holdings, allocate and deliver to the handler, surplus tonnage raisins held by other handlers. In making such allocation, the committee shall, insofar as is practicable, first withdraw surplus tonnage raisins from those handlers who have purchased for sale in export the smallest percentage of the surplus tonnage raisins acquired by them or who for other reasons are holding the largest percentage of their acquisitions of surplus tonnage. The cost of transporting any such surplus tonnage raisins from one handler to another shall be paid by the committee from surplus pool funds.

(f) Whenever essentially all of the surplus tonnage raisins acquired as surplus, or the reserve tonnage which becomes surplus on July 1, have been offered on a share basis, and any unpurchased or unoffered tonnage of surplus is offered to handlers, approval of applications may be made in the same order in which the applications are filed with the committee.

(g) Whenever a handler's share or allocation pursuant to this subparagraph is less than or exceeds his holdings of surplus by less than one ton, the committee may adjust the handler's share or allocation so as to avoid the cost of the physical transfer.

It is hereby further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making, or postpone the effective time of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The first offering for the 1956–57 crop year of surplus tonnage raisins to handlers for sale in export is now being made and it is necessary that the modified allocation procedure apply with respect to all offers during the said crop year; (2) the allocation procedure is applied by the Raisin Administrative Committee to the offers it makes of surplus tonnage and the said committee, having proposed the modification, needs no advance notice; and (3) handlers are familiar with the modified procedure through the pending proceedings to amend § 989.66 (e) (4) of the order, and there was general agreement at the amendment promulgation hearing that said section should be so modified. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, October 9, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56–8228; Filed, Oct. 11, 1956; 8:50 a. m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

ORDER ESTABLISHING BUDGET OF EXPENSES OF THE FILBERT CONTROL BOARD FOR THE FISCAL YEAR BEGINNING AUGUST 1, 1956

Pursuant to the provisions of Marketing Agreement No. 115 and Order No. 97 regulating the handling of filberts grown in Oregon and Washington (7 CFR Part 997), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Filbert Control Board, which administers the program, transmitted to the Secretary of Agriculture its recommendations regarding the budget of expenses for the fiscal year beginning August 1, 1956. The proposed budget is about $10,740 less than expenses for the 1955–56 fiscal year and well below expenditures for any previous year. In view of the reduced activities of the Board anticipated as a result of an estimated small 1956–57 crop, it is believed that the proposed budget will be sufficient to carry out program objectives.

The Board estimates that the quantity of filberts certified as merchantable during the 1956–57 fiscal year will approximate 4,716,800 pounds. On this basis, the assessment rate of twenty hundredths (0.20) of a cent per pound of filberts certified as merchantable, as fixed by § 997.91 (a) of the aforesaid marketing agreement and order would result in collection of sufficient funds to meet the proposed budget.

After consideration of all relevant matters, it is hereby found and determined that the budget of expenses of the Filbert Control Board shall be as follows:

§ 997.301 *Budget of Expenses of the Filbert Control Board for the fiscal year beginning August 1, 1956.* The budget of expenses for the fiscal year beginning August 1, 1956, shall be in the total amount of $9,434, such amount being reasonable and likely to be incurred by the Filbert Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

To the extent that the requirements contained in § 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) are applicable, it is hereby found that it is unnecessary, impracticable, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to postpone the effective date of this document later than the date of publication in the FEDERAL REGISTER for the reasons that: (1) the fiscal year began on August 1, 1956 and there is a current need for assessment income, (2) the industry through its representatives on the Filbert Control Board has unanimously recommended the budget as established herein, and (3) the action taken will require no advance preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 9, 1956.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56–8227; Filed, Oct. 11, 1956; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 371, Amdt. 5]

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

MISCELLANEOUS AMENDMENTS

On June 23, 1956, there was published in the FEDERAL REGISTER (21 F. R. 4518) a notice with respect to proposed amendments of Part 95, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with the notice, and pursuant to section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), said Part 95 is hereby amended in the following respects:

1. The introductory paragraph of § 95.21 is amended to read:

§ 95.21 *Hay and straw; requirements for unrestricted entry.* Except as provided in § 95.28, hay or straw which does not meet the conditions or requirements of paragraph (a), (b), or (c) of this section shall not be imported except subject to handling and treatment in accordance with § 95.22 after arrival at the port of entry.

2. The introductory paragraph of § 95.22 is amended to read:

§ 95.22 *Hay and straw; importations permitted subject to restrictions.* Except as provided in § 95.28, hay or straw which does not meet the conditions or requirements of § 95.21 shall be handled and treated in the following manner upon arrival at the port of entry.

3. A new paragraph (d) is added to § 95.26 to read:

(d) *Permitted disinfectants against ticks.* The disinfectants permitted for use against tick infestation are liquefied phenol (U. S. P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to one gallon of water; or chlorinated lime (U. S. P. strength 30 percent available chlorine) in the proportion of one pound to three gallons of water; or any one of the cresylic disinfectants permitted by the Agricultural Research Service in the proportion of at least four fluid ounces to one gallon of water; or through application of boiling water if the treatment is against rinderpest or foot-and-mouth disease and tick infestation; or other disinfectants or treatments approved by the Chief of Branch.

4. A new § 95.28 is added to read:

§ 95.28 *Hay or straw, and similar material from tick-infested areas.* Hay or straw, grass, or similar material from tick-infested pastures, ranges, or premises may disseminate the contagion of splenetic, Southern or Texas fever when imported for animal feed or bedding; therefore, such hay or straw, grass, or similar material shall not be imported unless such material is first disinfected with a disinfectant specified in § 95.26 (d).

These amendments impose certain additional restrictions on the importation of hay, straw, grasses, and similar materials in order to more adequately safeguard livestock of the United States against communicable diseases.

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 8th day of October 1956.

[SEAL] C. D. VANHOUWELING,
Acting Deputy Administrator.

[F. R. Doc. 56–8229; Filed, Oct. 11, 1956; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

PART 263—MULTIFAMILY REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

MISCELLANEOUS AMENDMENTS

1. Section 232.19 is amended by adding a new paragraph (g) as follows:

§ 232.19 *Required supervision of private mortgagors.* • • •

(g) *Mortgagor's equity investment.* Unless it can be established to the satisfaction of the Commissioner, prior to the final endorsement of the mortgage for insurance, that the mortgagor has a permanent investment in the project, represented by cash expenditures from other than borrowed funds, in an amount equal to 3 percent of the total cost of the project as certified by the mortgagor and approved by the Commissioner, there shall be deposited in a special fund an amount equal to the difference between such 3 percent and the amount of any such permanent investment for necessary expenses incident to the completion of the project. Disbursements from any such fund may be made only with the prior written approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

2. In § 261.2 paragraph (b) is amended and a new paragraph (c) is added as follows:

§ 261.2 *Location of property.* • • •

(b) An urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight, and respecting which the Housing and Home Finance Administrator has made the findings prescribed in Title I of the Housing Act of 1949, as amended, or

(c) The area of an urban renewal project assisted under section 111 of the Housing Act of 1949, as amended, providing for redevelopment or rehabilitation of urban areas made necessary as the result of a disaster.

3. In § 261.3 paragraph (b) is amended and a new paragraph (c) is added as follows:

§ 261.3 *Certificate by Administrator to Commissioner.* • • •

(b) There exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan, or

(c) There exists an urban renewal plan as required for projects assisted under section 111 of the Housing Act of 1949, as amended, which plan conforms to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and there exist the necessary authority and financial capacity to insure completion of such urban renewal plan.

4. Section 261.7a is amended to read as follows:

§ 261.7a *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner not to be less than 10 nor more than 30 years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser. The amortization period should be either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

5. In § 263.1 paragraph (a) is amended by adding to, and changing the headings of the listed provisions as follows:

§ 263.1 *Incorporation by reference.* (a) • • •

§ 232.4 Maximum mortgage amounts.

• • • • •

§ 232.20 Occupancy requirements.

• • • • •

§ 232.28 Rehabilitation projects.

• • • • •

§ 232.31a Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.

• • • • •

6. In § 263.2 paragraph (b) is amended and a new paragraph (c) is added as follows:

§ 263.2 *Location of property.* • • •

(b) An urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight, and respecting which the Housing and Home Finance Administrator has made the findings

prescribed in Title I of the Housing Act of 1949, as amended, or

(c) The area of an urban renewal project assisted under section 111 of the Housing Act of 1949, as amended, providing for redevelopment or rehabilitation of urban areas made necessary as the result of a disaster.

7. In § 263.3 paragraph (b) is amended and a new paragraph (c) is added as follows:

§ 263.3 *Certificate by Administrator to Commissioner.* * * *

(b) There exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan, or

(c) There exists an urban renewal plan as required for projects assisted under section 111 of the Housing Act of 1949, as amended, which plan conforms to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and there exist the necessary authority and financial capacity to insure completion of such urban renewal plan.

8. Section 263.6 is amended to read as follows:

§ 263.6 *Maximum mortgage amounts—(a) Mortgage amount—dollar limitation.* A mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) $12,500,000 ($50,000,000 if executed by a public mortgagor);

(2) $2,250 per room (or $8,100 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use.

(b) *Increased mortgage amount—elevator-type structures.* With respect to a mortgage meeting the requirements of this section and covering a project consisting of elevator-type structures, the Commissioner may, in his discretion, increase the dollar amount limitation of $2,250 per room to not to exceed $2,700 per room and the dollar amount limitation of $8,100 per family unit to not to exceed $8,400 per family unit, as the case may be, to compensate for the higher costs incident to construction of elevator-type structures of sound standards of construction and design.

(c) *Increased mortgage amount—high cost areas.* The Commissioner may, in any geographical area where he finds cost levels so require, increase the maximum dollar amount limitations per room set out in this section by not to exceed $1,000 per room or per family unit. As to projects located in the Territory of Alaska, Guam, or Hawaii, if the Commissioner finds that because of high costs it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, he may increase the maximum for the principal obligation of mortgages otherwise meeting the requirements of this section in such amounts as he shall find necessary to compensate for such high costs, but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(d) *Adjusted mortgage amount—rehabilitation projects.* A mortgage having a principal amount computed in compliance with the applicable provisions of paragraphs (a) to (c) of this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation; or

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation; and (ii) such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation; and (ii) the actual purchase price of the land and improvements but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repairs and rehabilitation.

The dollar limitation set forth in this section is in addition to the loan-to-value limitation as set forth in § 263.7.

9. Section 263.7 is amended to read as follows:

§ 263.7 *Maximum mortgage amount—loan-to-value limitation.* In addition to meeting the dollar limitation set forth in § 263.6 the mortgage shall be in an amount not to exceed:

(a) *Rehabilitation and non-approved new construction.* 90 percent of the appraised value as of the date the mortgage is accepted for insurance if the proceeds of the mortgage are used to finance the rehabilitation of an existing project or complete the construction of a new project not approved for mortgage insurance prior to the beginning of construction; or

(b) *Approved new construction.* 90 percent of the Commissioner's estimate of the replacement cost, as of the date the mortgage is accepted for insurance if the project is approved for mortgage insurance prior to the beginning of construction. The replacement cost of the property or project may include the land, the proposed physical improvements, utilities within the boundaries of the property or project, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner; and shall include an allowance for builder's and sponsor's profit and risk to be determined by totaling the foregoing items, with the exception of the land, and applying the percentage or percentages specified in § 263.9c.

10. Part 263 is amended by adding a new § 263.9b as follows:

§ 263.9b *Occupancy requirements—(a) Family with children.* The mortgagor must certify under oath that in selecting tenants for the property covered by the mortgage, the mortgagor will not discriminate against any family by reason of the fact that there are children in the family, and that the mortgagor will not sell the property while the mortgage insurance is in effect unless the purchaser also so certifies, such certifications to be filed with the Commissioner.

(b) *Transient or hotel purposes.* The mortgagor must certify under oath that so long as the mortgage is insured by the Commissioner, the mortgagor will not rent, permit the rental, or permit the offering for rental, of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. For the purpose of this certificate, rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

11. Part 263 is amended by adding a new § 263.9c as follows:

§ 263.9c *Builder's and sponsor's profit and risk allowance—(a) Identity of interest cases.* In the case of a mortgage where it is determined by the Commissioner that an identity of interest exists between the mortgagor and the builder or contractor, there shall be included in the actual cost, in lieu of any allowance for a "builder's fixed fee" provided for in § 232.25 (b) of this chapter, an allowance for builder's and sponsor's profit and risk equal to 10 percent of all other items entering into the term "actual cost" except land or any amount paid for a leasehold and, in case the mortgage is to assist the financing of repair or rehabilitation, the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property.

(b) *Non-identity of interest cases.* In the case of a mortgage where it is established to the satisfaction of the Commissioner that no identity of interest exists between the mortgagor and the builder or contractor, there shall be included in the actual cost, in addition to the items provided for in § 232.26 (a) of this chapter, an allowance for sponsor's profit and risk equal to 10 percent of all other items entering into the term "actual cost" except amounts paid by the mortgagor under a general construction contract and other items required to be deducted under the provisions of paragraph (a) of this section.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U. S. C. 1715k)

Issued at Washington, D. C., October 10, 1956.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-8245; Filed, Oct. 11, 1956; 8:47 a. m.]

Chapter IV—Federal National Mortgage Association, Housing and Home Finance Agency

PART 400—MORTGAGE PURCHASES, SERVICING AND SALES

MISCELLANEOUS AMENDMENTS

Part 400 of the said title is hereby amended as follows:

1. In § 400.0, in the information relating to the "Sales Office" in New York 6, N. Y., delete "45 Broadway, Room 725" and insert in lieu thereof, "149 Broadway, Room 2310".

2. Delete § 400.11 in its entirety and substitute the following:

§ 400.11 *Nature and scope.* FNMA's secondary market operations are confined, insofar as practicable, to the purchase and sale of mortgages which are of such quality, type, and class as to meet, generally, the purchase standards imposed by private institutional mortgage investors. FNMA is not authorized to purchase participations under its secondary market operations. Purchases are made under the terms of a specific form of contract by FNMA Agency Offices, and in accordance with certain conditions and requirements stated therein.

(a) *Immediate Purchase Contract.* A seller may offer a mortgage to FNMA for immediate purchase by executing an Immediate Purchase Contract and delivering with the offer the required documents and forms.

(b) *Standby Commitment Contract.* Provided construction of the property has not commenced, a seller may offer mortgages for future purchase by FNMA by executing a Standby Commitment Contract which, when accepted, obligates FNMA to purchase any or all home mortgages, specified in the contract, that the seller elects to deliver to FNMA within the commitment period.

(c) *Option Contract.* With respect to mortgages offered to FNMA pursuant to Immediate Purchase Contracts, sellers may obtain an Option Contract from FNMA to repurchase at Seller's election any or all mortgages sold to FNMA, at the same purchase price rate paid by FNMA. The Option Contract is issued for a period of 9 months after the date of purchase of the mortgages by FNMA, upon the payment by the seller of a fee of one-half of one percent (½ of 1%) of the unpaid principal balance of the mortgage at purchase date.

3. In § 400.12, delete the period after "VA Section 501" and insert in lieu thereof a comma and add, "other than 501 (c)."

4. With respect to § 400.13:

a. In paragraph (a), after "½ of 1 percent," and before "the unpaid principal" insert "as provided in § 400.62,".

b. In paragraph (d), after "Puerto Rico," and before "or the Territory of Hawaii," insert "the Virgin Islands,".

5. Delete § 400.14 in its entirety and substitute the following:

§ 400.14 *Purchase price—(a) Immediate Purchase Contracts.* The price to be paid under an Immediate Purchase Contract for a mortgage purchased by FNMA in its secondary market operations is established within the range of market prices for the particular class of mortgages involved, as determined by FNMA. The price paid by FNMA for a mortgage, which meets its acceptability requirements, varies in accordance with the remaining term of the mortgage, its interest rate, the location of the mortgaged property, and the ratio of the outstanding principal balance of the mortgage to the lesser of the following: (1) valuation of the property (VA or FHA) or (2) the purchase price of the property, i. e., the entire legal consideration paid or payable by the original mortgagor on account of the sale of the property covered by the mortgage, exclusive of closing costs and prepaid items incident to closing the sale of the property or making of the mortgage. If there was no sale of the property to the original mortgagor incident to the inception of the mortgage, the valuation of the property (VA or FHA) shall be deemed to be the purchase price of the property. The current purchase prices at which FNMA purchases mortgages under an Immediate Purchase Contract are contained in the FNMA Purchase Price schedule for the appropriate State, copies of which may be obtained by application to the FNMA Agency Office serving the area in which the mortgaged property is located. All prices quoted by FNMA are subject to change without notice. A quotation of prices is not to be considered as an offer by FNMA; it is solely an invitation to the seller to make an offer to FNMA. FNMA is under no obligation to purchase any mortgage until the seller has submitted, and FNMA has executed and delivered, a specific contract covering such purchase. No mortgage will be purchased at a price exceeding 100 percent of its unpaid principal amount at the time of purchase, with adjustments for interest and any comparable items.

(b) *Standby Commitment Contracts.* FNMA issues Standby Commitment Contracts at prices which are sufficient to facilitate advance planning of home construction, but which are sufficiently below the price offered by the Association for immediate purchase to prevent excessive sales to the Association pursuant to such commitments. The price at which FNMA will purchase mortgages under a Standby Commitment Contract is published in the Sellers Guide.

6. In § 400.15, after the next to the last sentence and before the last sentence insert the following new sentence: "A Seller is not required to pay a Purchase and Marketing Fee on mortgages purchased by FNMA under a Standby Commitment Contract."

7. With respect to § 400.16: a. Delete paragraph (a) in its entirety and substitute the following:

(a) *Sale of stock.* FNMA issues nonvoting preferred and common stock (par value $100 per share). The preferred stock, in its entirety, is held by the Secretary of the Treasury. The common stock is issued only to sellers using FNMA's facilities under its secondary market operations. In connection with purchases of mortgages by FNMA, the Association requires each mortgage seller to make payments of nonrefundable capital contributions equal to 2 per centum of the unpaid principal amounts of mortgages purchased or to be purchased by the Association from such seller or equal to such other greater or lesser percentage, but not less than 1 per centum thereof, as the Association may determine from time to time, taking into consideration conditions in the mortgage market and the general economy. FNMA's stock subscription requirements are published in the Sellers Guide. (Under the FNMA Charter Act, any institution, including a National bank or State member bank of the Federal Reserve System, or any member of the Federal Deposit Insurance Corporation, trust company, or other banking organization, organized under any law of the United States, including the laws relating to the District of Columbia, is authorized to subscribe to FNMA's common stock.)

b. In paragraph (b), delete the last sentence and in lieu thereof substitute the following two sentences: "FNMA's obligations are available from time to time for sale to private investors. The Secretary of the Treasury may, within certain limitations, purchase FNMA's obligations until such time as all of the preferred stock of FNMA held by the Secretary of the Treasury has been retired."

8. Delete § 400.21 in its entirety and substitute the following:

§ 400.21 *General.* To carry out the purposes of the Special Assistance Functions, FNMA is authorized to make commitments to purchase, and to purchase mortgages and participations therein, for such periods of time and to such extent as the President of the United States has determined to be in the public interest. The operations under the Special Assistance Functions are confined, so far as practicable, to mortgages and participations therein which are deemed by FNMA to be of such quality as to meet, substantially and generally, the purchase standards imposed by private institutional investors but which, at the time the mortgages are offered to FNMA for purchase, are not necessarily readily acceptable to such investors. When and as authorized by the President of the United States or by the Congress, FNMA will announce the inauguration of Special Assistance Programs, including the types of mortgages that will be purchased, the prices to be paid therefor, and the special acceptability requirements relating to such programs. The price to be paid by FNMA for mortgages purchased under its

Special Assistance Functions during a

§ 45.8-1 *Active underground working*

(6), means cannot be inspected readily late in dangerous quantities in active under-

Special Assistance Functions, during a period of one year from the date of enactment of the Housing Act of 1956 (August 7, 1956), shall be not less than 99 per centum of the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items. Purchases may be made under Immediate Purchase Contracts or Commitment Contracts, as announced in the Special Assistance Programs.

9. Delete the last sentence in § 400.22.

10. Add the following sentence at the end of § 400.55: "Such limitations do not apply to mortgages covering properties located in Alaska, Guam, or Hawaii, or to any mortgage insured by FHA under section 803 of the National Housing Act, as amended."

11. Delete § 400.62 in its entirety and substitute the following:

§ 400.62 *Service fee.* Each FHA-insured mortgage, the original principal obligation of which is $6,650 or less, shall contain a provision requiring the monthly payment by the mortgagor of a service fee of ½ of 1 percent per annum. The service fee must be remitted to FNMA.

(Sec. 309, 68 Stat. 620; 12 U. S. C. 1723a)

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
J. S. BAUGHMAN,
President.

[F. R. Doc. 56-8198; Filed, Oct. 11, 1956; 8:45 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter K—Procedures

PART 40—TITLE II, FEDERAL COAL MINE SAFETY ACT OF 1952

§ 40.1 *Appeals to the Director.* An application to the Director of the Bureau of Mines under section 206 of the act for the annulment or revision of an order issued pursuant to section 203 of the act, must be in writing, and should state specifically and in detail the grounds upon which it is based. The Director may initiate the special inspection upon an informal application by telephone, but may require written confirmation of such application before issuing any order of annulment or revision. A telegram may serve as a written application. Any application should state the return address for communications by wire or mail, and the telephone number if communication by that means is desired.

(66 Stat. 692-710; 30 U. S. C. 471-483)

Subchapter L—Interpretations

PART 45—TITLE II, FEDERAL COAL MINE SAFETY ACT OF 1952

Sec.
45.1 Statutory provisions (sec. 201 (a) (3)).
46.1-1 Certified person.
45.1-2 Acts to be performed by a certified person.
45.4 Statutory provisions (sec. 201 (a) (7)).
45.4-1 Underground connections.
45.8 Statutory provisions (sec. 209 (d) (1)).
45.8-1 Active underground working places.
45.12 Statutory provisions (sec. 209 (d) (5)).
45.12-1 Abandoned areas.
45.16 Statutory provisions (sec. 209 (d) (6)).
45.16-1 Pillar lines.
45.16-2 Air currents.
45.16-3 Inaccessible.
45.20 Statutory provisions (sec. 209 (d) (7)).
45.20-2 Emergency escapeways.
45.20-3 Examinations prior to a non-coal-producing shift.
45.24 Statutory provisions (sec. 209 (e) (1)).
45.24-1 Accumulations of combustible material.
45.28 Statutory provisions (sec. 209 (e) (2)).
45.28-1 Excessive dust.
45.32 Statutory provisions (sec. 209 (e) (3)).
45.32-1 Wet dust.
45.36 Statutory provisions (sec. 209 (e) (4)).
45.36-1 Rock dusting back entries.
45.40 Statutory provisions (sec. 209 (e) (5)).
45.40-1 Increase of rock dusting due to methane.
45.44 Statutory provisions (sec. 209 (f) (1)).
45.44-1 Electric face equipment.
45.44-2 Nonpermissible Miller-type plugs.
45.44-3 Replacement components.
45.48 Statutory provisions (sec. 209 (g) (5)).
45.48-1 Underground structures.
45.52 Statutory provisions (sec. 209 (h) (6)).
45.51-1 Unconfined shots.

AUTHORITY: §§ 45.1 to 45.52-1 issued under 66 Stat. 692-710; 30 U. S. C. 471-483.

NOTE: The following interpretations have been adopted for the guidance of coal mine operators and the public to provide uniformity in the administration of Title II of the Federal Coal Mine Safety Act (66 Stat. 692; 30 U. S. C. secs. 471-483). The interpretations in this subchapter pertain only to particular sections of the act. Additional interpretations may be issued from time to time. For convenience each section of the act is given first and is followed by the interpretations of such section.

§ 45.1 *Statutory provisions (sec. 201 (a) (3)).*

The term "certified person", when used to designate the kind of person to whom the performance of a duty in connection with the operation of a mine shall be assigned, means a person who is qualified under the laws of the State in which such mine is located to perform such duty, except that in a State the laws of which do not provide for such qualification, the term means a person deemed by the operator of such mine to be qualified to perform such duty.

§ 45-1-1 *Certified person.* A "certified person" may be either a person who is "qualified" under the laws of the State, or, in a State the laws of which do not provide for qualification, a person who is deemed by the operator to be "qualified."

§ 45.1-2 *Acts to be performed by a certified person.* Among the duties are the preshift and onshift examinations provided for by section 209 (d) (7), (8), and (9) of the act (although the special examinations for methane at underground face workings in a grassy mine where electrically driven equipment is operated, as required by the last sentence of section 209 (d) (9), do not have to be made by a "certified person").

§ 45.4 *Statutory provisions (sec. 201 (a) (7)).*

The term "mine" means an area of land including everything annexed to it by nature and all structures, machinery, tools, equipment and other property, real or personal, placed upon, under or above its surface by man, used in the work of extracting bituminous coal, lignite or anthracite, from its natural deposits in the earth in such area and in the work of processing the coal so extracted. The term "mine" does not include any strip mine. The term "work of processing the coal" as used in this paragraph means the sizing, cleaning, drying, mixing and crushing of bituminous coal, lignite or anthracite, and such other work of processing such coal as is usually done by the operator, and does not mean crushing, coking, or distillation of such coal or such other work of processing such coal as is usually done by a consumer or others in connection with the utilization of such coal.

§ 45.4-1 *Underground connections.*[1] (a) Mines or areas which are connected underground shall be considered as a single "mine" if the underground connections between previously separate mines or areas subject the men in the respective mines or areas to a reasonable likelihood of danger from mine fires or the products of fires, explosions or the forces and products of explosions, mine inundations, or man-trip or man-hoist accidents.

(b) In some instances this means that the jurisdiction and protection of the act is applicable for the first time, if the separate mines, before being connected, had each employed fewer than fifteen men underground.

§ 45.8 *Statutory provisions (sec. 209 (d) (1)).*

All active underground working places in a mine shall be ventilated by a current of air containing not less than 19.5 per centum of oxygen, not more than 0.5 per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases. The volume and velocity of the current of air shall be sufficient to dilute so as to render harmless, and to carry away, flammable or harmful gases. In bituminous-coal and lignite mines the quantity of air reaching the last open crosscut in any pair or set of entries shall not be less than six thousand cubic feet a minute, except that the quantity of air reaching the last open crosscut in any pair or set of entries in pillar sections may be less than six thousand cubic feet a minute if not less than six thousand cubic feet of air a minute is being delivered to the intake end of the pillar line. In anthracite mines the quantity of air reaching the face of each working place shall be at least two hundred cubic feet a minute for each man working in the place and as much more as may be required to dilute, render harmless, and sweep away noxious or dangerous gases, smoke, and fumes. In robbing areas where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

[1] Inland Steel Company, Inc. (Wheelwright Mine) v. Director of the United States Bureau of Mines, Federal Coal Mine Safety Board of Review, Docket No. 55-05, Sept. 13, 1956.

§ 45.8-1 *Active underground working places.* The term "active underground working places", as used in section 209 (d) (1), means underground places in which men are required to be or to pass through in the performance of normal mining operations for the production of coal.

§ 45.12 *Statutory provisions (sec. 209 (d) (5)).*

In a gassy mine, air which has passed by an opening of any unsealed, abandoned area shall not be used to ventilate any active face area in such mine if such air contains 0.25 per centum or more of methane; but if this sentence cannot be complied with in such mine on the effective date of this section, such mine may continue to be operated after such date as it was operated immediately prior to such date, for a reasonable time until future mine development and ventilation of such mine can be changed to comply with this sentence. In no event shall such air be used to ventilate any area in such mine in which men work or travel if such air contains more than 1 per centum of methane. For the purposes of this paragraph, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

§ 45.12-1 *Abandoned areas.* The term "abandoned area", as used in section 209 (d) (5), means sections, panels, and other areas that are not ventilated and examined in the manner required for active underground working places. This term does not include a section, panel, or other area which, although worked out, is so ventilated and examined.

§ 45.16 *Statutory provisions (sec. 209 (d) (6)).*

In a gassy mine, air that has passed through an abandoned panel which is inaccessible for inspection, or air that has passed through a similar abandoned area which is inaccessible for inspection, or air which has been used to ventilate a pillar line, or air which has been used to ventilate an area from which the pillars have been removed, shall not be used to ventilate any active face area in such mine; but if this sentence cannot be complied with in such mine on the effective date of this section, such mine may continue to be operated after such date as it was operated immediately prior to such date, for a reasonable time until future mine development and ventilation of such mine can be changed to comply with this sentence. In no event shall such air be used to ventilate any area in such mine in which men work or travel if such air contains more than 1 per centum of methane.

§ 45.16-1 *Pillar lines.* The term "pillar line", as used in section 209 (d) (6), shall be considered to include enough advancing working places (rooms) immediately adjacent to the line of retreat as are necessary to establish the pillar line and maintain an orderly sequence of pillar recovery.

§ 45.16-2 *Air currents.* Section 209 (d) (6) applies to air currents which have definitely coursed through an inaccessible abandoned panel or area or which have ventilated a pillar line or a pillared area, regardless of the methane content or absence of methane in such air.

§ 45.16-3 *Inaccessible.* The term "inaccessible", as used in section 209 (d) (6), means cannot be inspected readily during regular operations.

§ 45.20 *Statutory provisions (sec. 209 (d) (7)).*

In a gassy mine, within four hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift other than those who may be designated to make the examinations prescribed in this paragraph enter the underground areas of such mine, certified persons designated by the operator of such mine to do so shall make an examination, as prescribed in this paragraph, of such areas. Each person designated to act as such a mine examiner shall be directed to examine a definite underground area of such mine, and, in making his examination, such examiner shall inspect every active working place in such area and make tests therein with a permissible flame safety lamp for accumulations of methane and oxygen deficiency in the air therein; examine seals and doors to determine whether they are functioning properly; inspect and test the roof, face, and rib conditions in the working places and on active roadways and travel ways; inspect active roadways, travel ways, approaches to abandoned workings and accessible falls in active sections for explosive gas and other hazards; and inspect to determine whether the air in each split is traveling in its proper course and in normal volume. Such mine examiner shall place his initials and the date at or near the face of each place he examines. If such mine examiner, in making his examination, finds a condition which he considers to be dangerous to persons who may enter or be in such area, he shall indicate such dangerous place by posting a "Danger" sign conspicuously at a point which persons entering such dangerous place would be required to pass. No person, other than Federal or State mine inspectors or persons authorized by the mine operator to enter such place for the purpose of eliminating the dangerous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the result of his examination to a person designated by the mine operator to receive such reports, at a designated station on the surface of the premises of the mine or underground, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book kept for such purpose at a place on the surface of the mine designated by the mine operator. No person (other than a certified person designated under this paragraph) shall enter any underground area in a gassy mine, except during a coal-producing shift, unless an examination of such area as prescribed in this paragraph has been made within twelve hours immediately preceding his entrance into such area.

§ 45.20-2 *Emergency escapeways.* Section 209 (d) (7) does not require a preshift examination of those escapeways that are used only in event of emergency.

§ 45.20-3 *Examinations prior to a non-coal-producing shift.* The examination referred to in the last sentence of section 209 (d) (7) is intended to cover each place entered by employees, such as maintenance men, repairmen, and pumpmen, and as much of the surrounding area as may be necessary to provide reasonable protection.

§ 45.24 *Statutory provisions (sec. 209 (e) (1)).*

Coal dust, loose coal, and other combustible materials shall not be permitted to accumulate in dangerous quantities in active underground workings of a mine.

§ 45.24-1 *Accumulations of combustible material.* (a) "Dangerous quantities" of combustible materials encompasses accumulations that with reasonable likelihood might precipitate explosions or fires. Whether this peril exists in any particular mine is not subject to a fixed and inflexible quantitative rule, but depends on the conditions and practices in that mine. The same quantity that might be dangerous in one mine, because of its circumstances, might not be dangerous in another mine where those conditions do not prevail.

(b) Accumulations of combustible materials are not considered dangerous if adequate precautions are taken to render them reasonably safe.[2]

§ 45.28 *Statutory provisions (sec 209 (e) (2)).*

Where underground mining operations raise an excessive amount of dust into the air, water, or water with a wetting agent added to it, or other effective method shall be used to allay such dust at its source.

§ 45.28-1 *Excessive dust.* The term "underground mining operations" is not limited to operations in face areas. The term "excessive amounts of dust" means bituminous coal dust in the air in such amount as to create a potential explosion hazard. To be a potential explosion hazard, a cloud of bituminous coal dust must contain at least 0.04 ounce of dust per cubic foot of air, which is so dense that visibility will be very low and breathing difficult. The likelihood that dust suspended in the air during normal mining or haulage operations will create a dust-ignition hazard is very remote.

§ 45.32 *Statutory provisions (sec. 209 (e) (3)).*

All underground mines, except those mines or areas of mines in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within forty feet of all faces, and, if open crosscuts near such faces are less than forty feet therefrom, such crosscuts shall be rock-dusted.

§ 45.32-1 *Wet dust.* The term "too wet" means wet enough to exude water, if a ball of the finely divided material is squeezed in the hands.

§ 45.36 *Statutory provisions (sec. 209 (e) (4)).*

In mines partially rock-dusted or in mines that are required to start rock-dusting, haulageways and parallel entries connected thereto by open crosscuts shall be rock-dusted. Back entries shall be rock-dusted for at least one thousand feet outby the junction with the first active entry. Inby this junction, the rooms, entries, and crosscuts shall be rock-dusted.

§ 45.36-1 *Rock-dusting back entries.* The rock-dusting of back entries is required only inby a point 1,000 feet outby the junction with the first entry in which

[2] Three Fork Coal Company, Inc. v. Director of the United States Bureau of Mines, Federal Coal Mine Safety Board of Review, Docket No. 55-02, March 4, 1955.

coal is being mined in each working

mine pursuant to the provisions of sec-

TITLE 33—NAVIGATION AND

§ 203.245 governing the operation

§ 56.2 *Grants for research projects*

and local government air pollution con-

coal is being mined in each working section.[a]

§ 45.40 *Statutory provisions (sec. 209 (e) (5)).*

Where rock dust is applied, it shall be distributed upon the top, floor, and sides of all open places and maintained in such quantity that the incombustible content of the combined coal dust, rock dust and other dust will not be less than 65 per centum. Where methane is present in any ventilating current, the 65 per centum of incombustible content of such combined dust shall be increased 1 per centum for each 0.1 per centum of methane.

§ 45.40–1 *Increase of rock-dusting due to methane.* The percentage increase of rock-dusting required by section 209 (e) (5) applies only to: (a) Face areas that are ventilated by the current in which the methane that necessitates the percentage increase is present and (b) the return airways of such current, except as limited by section 209 (e) (4). If the only ventilating current in which methane is present is a main return in a mine using a split system of ventilation, no increase of rock-dusting is required. The methane content of an air split shall be determined from an air sample taken in the immediate return of that split.

§ 45.44 *Statutory provisions (sec. 209 (f) (1)).*

All electric face equipment used in a gassy mine shall be permissible, except that electric face equipment may be used in a gassy mine even though such equipment is not permissible if, before the effective date of this section or the date such mine became a gassy mine, whichever is later, the operator of such mine owned such equipment, or owned the right to use such equipment, or had ordered such equipment. Permissible electric face equipment in use in a gassy mine shall not be replaced by electric face equipment which is not permissible except that (A) permissible and nonpermissible electric face equipment in use in a mine may be interchanged within such mine, and (B) explosion-tested cable-reel locomotives and shuttle cars purchased before permissible cable-reel locomotives and shuttle cars became available, may be used to replace permissible cable-reel locomotives and shuttle cars.

§ 45.44–1 *Electric face equipment.* The term "electric face equipment" as used in section (f) (1) means electric equipment that is installed or used inby the last open crosscut in an entry or a room. Conveyors are considered as face equipment if the electric drive units or their controls including push buttons are installed inby the last open crosscut or in a newly opened place before the first crosscut connection is made.

§ 45.44–2 *Nonpermissible Miller-type plugs.* Section 209 (f) (1) does not prohibit the use of nonpermissible Miller-type plugs for the purpose of sectionalizing trailing cables, if the plug connections are outby the last open crosscut.

§ 45.44–3 *Replacement components.* When an item of nonpermissible electric face equipment is being used in a gassy mine pursuant to the provisions of section 209 (f) (1), a component used for replacement need not be certified as "explosion proof" under the provisions of 30 CFR, § 18.31 of this chapter.

§ 45.48 *Statutory provisions (sec. 209 (g) (5)).*

Underground structures (transformer stations, battery-charging stations, substations, permanent pump rooms, etc.) installed in a mine after the effective date of this section shall be of fireproof construction.

§ 45.48–1 *Underground structures.* Section 209 (g) (5) means that all surfaces, including roof and rib supports, enclosing underground structures shall be fireproof. Modern mercury-arc rectifiers that are manufactured as package units, usually portable, and are fully enclosed in fire-proof housings, need no additional enclosures.

§ 45.52 *Statutory provisions (sec. 209 (h) (6)).*

Mudcaps (adobes) or other unconfined shots shall not be fired underground in a mine. However, in anthracite mines mudcaps or other open, unconfined shots may be fired, if restricted to battery starting when no gas or fire hazard is present, and if it is otherwise impracticable to start the battery; likewise, in anthracite mines open, unconfined "shake" shots in working places and other places in pitching veins may be fired, when no gas or fire hazard is present, if the taking down of loose, hanging coal by other means is too hazardous for men working in such places. Only permissible explosives shall be used for such open, unconfined shots in anthracite mines.

§ 45.52–1 *Unconfined shots.* The use of explosives in applying rock dust to mine surfaces is considered as unconfined shots.

JAMES WESTFIELD,
Acting Director,
U. S. Bureau of Mines.

[F. R. Doc. 56-8158; Filed, Oct. 11, 1956; 8:45 a. m.]

[a] Crucible Steel Company v. Director of the United States Bureau of Mines, Federal Coal Mine Safety Board of Review, Docket No. 56–01, November 23, 1955.

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—The Renegotiation Board Regulations Under the 1951 Act

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

CONTRACTS PERFORMED OUTSIDE UNITED STATES

Section 1455.2 *Prime contracts and subcontracts to be performed outside of the United States* is amended by deleting the last sentence of paragraph (c–1) (2) (iv) and inserting in lieu thereof the following: "No prime contract or related subcontract of the subsidiary, even though wholly performed outside the United States, is exempt under this paragraph."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: Oct. 9, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-8219; Filed, Oct. 11, 1956; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

SAN DIEGO HARBOR, CALIF.; BAYOU TECHE, LA.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), and the provisions of the Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.90 establishing special anchorages in San Diego Harbor and § 202.210 establishing anchorage grounds in San Diego Harbor, California, are hereby amended to redefine the limits of special anchorages A–2 and A–3 and enlarge the nonanchorage area, as follows:

§ 202.90 *San Diego Harbor, Calif.* * * *

(b) *Area A–2.* An area in the Commercial Basin having the southwesterly side parallel to and 325 feet from the pierhead line and all other sides parallel to and 250 feet from the pierhead line.

NOTE: This area is reserved for commercial fishing boats having a length of 65 feet and under. Single and fore and aft moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

(c) *Area A–3.* An area between the United States bulkhead and pierhead lines bounded on the north by a portion of the bulkhead line between Stations 218 and 220; on the northeast by a portion of the bulkhead line between Stations 220 and 222; on the southeast by a line perpendicular to that portion of the bulkhead line between Stations 220 and 222, at a point 1,300 feet southeasterly of Station 220; on the southwest by a portion of the pierhead line between Stations 304 and 306; and on the west by the easterly side of the nonanchorage area.

NOTE: This area is reserved for commercial fishing boats having a length of 65 feet and under. Single and fore and aft moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

* * * * * *

§ 202.210 *San Diego Harbor, Calif.*—(a) *The anchorage grounds.* * * *

(3) *Nonanchorage area.* A lane between San Diego and Coronado bounded on the east by a line extending southerly from a point 410 feet west of United States bulkhead line Station 220 on the San Diego side of the bay to a point 350 feet west of United States bulkhead line Station 149 on the Coronado side of the bay, and on the west by a line extending due north from the intersections of the west side of "E" Avenue with the south side of First Street, Coronado, and a line extending 225° from the intersection of the west side of Pacific Highway with the north side of Harbor Drive, San Diego.

* * * * * *

[Regs., 27 September 1956, 800.212 (San Diego Harbor, Calif.)—ENGWO] (Sec. 7, 38 Stat. 1053, 54 Stat. 150; 33 U. S. C. 180, 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required is hereby amended deleting from paragraph (j) (6) the regulations governing the Louisiana Department of Highways bridge at Breaux Bridge, Louisiana, and prescribing in paragraph (j) (7), regulations to govern the operation of the Louisiana Department of Highways bridge at Breaux Bridge, Louisiana, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(j) *Waters discharging into Gulf of Mexico west of Mississippi River.* * * *

(6) Bayou Teche, La.; Louisiana Department of Highways bridge at Ruth. At least 48 hours' advance notice required.

(7) Bayou Teche, La.; Morgan's Louisiana and Texas Railroad and Steamship Company and Louisiana Department of Highways bridges at Breaux Bridge. At least 24 hours' advance notice required.

* * * * * *

[Regs., 24 September 1956, 823.01 (Bayou Teche, La.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-8210; Filed, Oct. 11, 1956; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 56—GRANTS AND CONTRACTS FOR AIR POLLUTION CONTROL

SUBPART A—GRANTS AND CONTRACTS FOR AIR POLLUTION RESEARCH, TRAINING, AND DEMONSTRATIONS

Notice of proposed rule making and public rule making procedures have been omitted in the issuance of the following amendment to this subpart which relates solely to grants and contracts for air pollution control.

Sec.
56.1 Allotments.
56.2 Grants for research projects.
56.3 Grants for training and demonstration projects.
56.4 Contracts for research, training and demonstration projects.

AUTHORITY: §§ 56.1 to 56.4, issued under sec. 5, 69 Stat. 322; 42 U. S. C. 1857.

§ 56.1 *Allotments.* The Surgeon General shall, from time to time, from amounts available therefor, allot and reallot funds for grants and for contracts for air pollution research, training, and demonstration projects.

§ 56.2 *Grants for research projects.* Within the amount of funds allotted therefor, grants for air pollution research projects shall be made by the Surgeon General or his designee after applications therefor have been submitted by State and local government air pollution control agencies, other public and private agencies and institutions, and individuals, and have been recommended by the National Advisory Health Council.

§ 56.3 *Grants for training and demonstration projects.* Within the amount of funds allotted therefor, grants for air pollution training and demonstration projects shall be made by the Surgeon General or his designee upon the basis of applications therefor submitted by State and local government air pollution control agencies, other public and private agencies and institutions, and individuals.

§ 56.4 *Contracts for research, training and demonstration projects.* Within the amount of funds allotted therefor, contracts shall be entered into by the Surgeon General or his designee with public and private agencies and institutions, and individuals, for air pollution research, training, and demonstration projects.

Dated: October 5, 1956.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 56-8204; Filed, Oct. 11, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS; CIRCULATION EXPENDITURES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 173 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 65, 917; 26 U. S. C. 173, 7805).

[SEAL] C. W. STOWE,
Acting Commissioner of Internal Revenue.

The following regulations relating to circulation expenditures are hereby prescribed under section 173 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

§ 1.173 *Statutory provisions; itemized deductions for individuals and corporations; circulation expenditures.*

SEC. 173. *Circulation expenditures.* Notwithstanding section 263, all expenditures (other than expenditures for the purchase of land or depreciable property or for the acquisition of circulation through the purchase of any part of the business of another publisher of a newspaper, magazine, or other periodical) to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical shall be allowed as a deduction; except that the deduction shall not be allowed with respect to the portion of such expenditures as, under regulations prescribed by the Secretary or his delegate, is chargeable to capital account if the taxpayer elects, in accordance with such regulations, to treat such portion as so chargeable. Such election, if made, must be for the total amount of such portion of the expenditures which is so chargeable to capital account, and shall be binding for all subsequent taxable years unless, upon application by the taxpayer, the Secretary or his delegate permits a revocation of such election subject to such conditions as he deems necessary.

§ 1.173–1 *Circulation expenditures*—(a) *Allowance of deduction.* Section 173 provides for the deduction from gross income of all expenditures to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical, subject to the following limitations:

(1) No deduction shall be allowed for expenditures for the purchase of land or depreciable property or for the acquisition of circulation through the purchase of any part of the business of another publisher of a newspaper, magazine, or other periodical;

(2) The deduction shall be allowed only to the publisher making the circulation expenditures, and

(3) The deduction shall be allowed only for the taxable year in which such expenditures are paid or incurred, or paid or accrued.

Subject to the provisions of paragraph (b), the deduction permitted under section 173 and this paragraph shall be allowed notwithstanding the provisions of section 263 and the regulations thereunder, relating to capital expenditures.

(b) *Election to capitalize.* (1) A taxpayer entitled to the deduction for circulation expenditures provided in section 173 and paragraph (a) may, in lieu of taking such deduction, elect to capitalize the portion of such circulation expenditures which is properly chargeable to capital account. As a general rule, expenditures normally made from year to year in an effort to maintain circulation are not properly chargeable to capital

account; conversely, expenditures made

(1) Varies from 52 to 53 weeks,

the computation under section 21, the

account; conversely, expenditures made in an effort to establish or to increase circulation are properly chargeable to capital account. For example, if a newspaper normally employs five persons to obtain renewals of subscriptions by telephone, the expenditures in connection therewith would not be properly chargeable to capital account. However, if such newspaper, in a special effort to increase its circulation, hires for a limited period 20 additional employees to obtain new subscriptions by means of telephone calls to the general public, the expenditures in connection therewith would be properly chargeable to capital account. If an election is made by a taxpayer to treat any portion of his circulation expenditures as chargeable to capital account, the election must apply to all such expenditures which are properly so chargeable. In such case, no deduction shall be allowed under section 173 for any such expenditures. In particular cases, the extent to which any deductions attributable to the amortization of capital expenditures are allowed may be determined under sections 162, 263 and 461.

(2) A taxpayer may make the election referred to in subparagraph (1) by attaching a statement to his return for the first taxable year to which the election is applicable. Once an election is made, the taxpayer must continue in subsequent taxable years to charge to capital account all circulation expenditures properly so chargeable, unless the Commissioner, on application made to him in writing by the taxpayer, permits a revocation of such election for any subsequent taxable year or years. Permission to revoke such election may be granted subject to such conditions as the Commissioner deems necessary.

(3) Elections filed under section 23 (bb) of the Internal Revenue Code of 1939 shall be given the same effect as if they were filed under section 173. (See section 7807 (b) (2).)

[F. R. Doc. 56-8206; Filed, Oct. 11, 1956; 8:47 a. m.]

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

Notice is hereby given that, pursuant to the Administrative Procedure Act, approved June 11, 1946, the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The regulations set forth below are hereby prescribed under sections 441, 442, and 443 of the Internal Revenue Code of 1954. Except as otherwise stated in the regulations, the rules are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.
1.441 Statutory provisions; period for computation of taxable income.
1.441-1 Period for computation of taxable income.
1.441-2 Election of year consisting of 52-53 weeks.
1.442 Statutory provisions; change of annual accounting period.
1.442-1 Change of annual accounting period.
1.443 Statutory provisions; returns for a period of less than 12 months.
1.443-1 Returns for periods of less than 12 months.

ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

ACCOUNTING PERIODS

§ 1.441 *Statutory provisions; period for computation of taxable income.*

SEC. 441. *Period for computation of taxable income*—(a) *Computation of taxable income.* Taxable income shall be computed on the basis of the taxpayer's taxable year.

(b) *Taxable year.* For purposes of this subtitle, the term "taxable year" means—

(1) The taxpayer's annual accounting period, if it is a calendar year or a fiscal year;

(2) The calendar year, if subsection (g) applies; or

(3) The period for which the return is made, if a return is made for a period of less than 12 months.

(c) *Annual accounting period.* For purposes of this subtitle, the term "annual accounting period" means the annual period on the basis of which the taxpayer regularly computes his income in keeping his books.

(d) *Calendar year.* For purposes of this subtitle, the term "calendar year" means a period of 12 months ending on December 31.

(e) *Fiscal year.* For purposes of this subtitle, the term "fiscal year" means a period of 12 months ending on the last day of any month other than December. In the case of any taxpayer who has made the election provided by subsection (f), the term means the annual period (varying from 52 to 53 weeks) so elected.

(f) *Election of year consisting of 52-53 weeks*—(1) *General rule.* A taxpayer who, in keeping his books, regularly computes his income on the basis of an annual period which varies from 52 to 53 weeks and ends always on the same day of the week and ends always—

(A) On whatever date such same day of the week last occurs in a calendar month, or

(B) On whatever date such same day of the week falls which is nearest to the last day of a calendar month,

may (in accordance with the regulations prescribed under paragraph (3)) elect to compute his taxable income for purposes of this subtitle on the basis of such annual period. This paragraph shall apply to taxable years ending after the date of the enactment of this title.

(2) *Special rules for 52-53-week year*—(A) *Effective dates.* In any case in which the effective date or the applicability of any provision of this title is expressed in terms of taxable years beginning or ending with reference to a specified date which is the first or last day of a month, a taxable year described in paragraph (1) shall (except for purposes of the computation under section 21) be treated—

(i) As beginning with the first day of the calendar month beginning nearest to the first day of such taxable year, or

(ii) As ending with the last day of the calendar month ending nearest to the last day of such taxable year,

as the case may be.

(B) *Change in accounting period.* In the case of a change from or to a taxable year described in paragraph (1)—

(i) If such change results in a short period (within the meaning of section 443) of 359 days or more, or of less than 7 days, section 443 (b) (relating to alternative tax computation) shall not apply;

(ii) If such change results in a short period of less than 7 days, such short period shall, for purposes of this subtitle, be added to and deemed a part of the following taxable year; and

(iii) If such change results in a short period to which subsection (b) of section 443 applies, the taxable income for such short period shall be placed on an annual basis for purposes of such subsection by multiplying such income by 365 and dividing the result by the number of days in the short period, and the tax shall be the same part of the tax computed on the annual basis as the number of days in the short period is of 365 days.

(3) *Regulations.* The Secretary or his delegate shall prescribe such regulations as he deems necessary for the application of this subsection.

(g) *No books kept; no accounting period.* Except as provided in section 443 (relating to returns for periods of less than 12 months), the taxpayer's taxable year shall be the calendar year if—

(1) The taxpayer keeps no books;

(2) The taxpayer does not have an annual accounting period; or

(3) The taxpayer has an annual accounting period, but such period does not qualify as a fiscal year.

§ 1.441-1 *Period for computation of taxable income*—(a) *Computation of taxable income.* Taxable income shall be computed and a return shall be made for a period known as the "taxable year." For rules relating to methods of accounting, the taxable year for which items of gross income are included and deductions are taken, inventories, and adjustments, see sections 446 to 482, inclusive, and the regulations thereunder.

(b) *Taxable year.* (1) The term "taxable year" means—

(i) The taxpayer's annual accounting period, if it is a calendar year or a fiscal year;

(ii) The calendar year, if section 441 (g) (relating to taxpayers who keep no books or have no accounting period) applies; or

(iii) The period for which the return is made, if the return is made under section 443 for a period of less than 12 months, referred to as a "short period."

(2) A taxable year may not cover a period of more than 12 calendar months except in the case of a 52-53-week taxable year. See § 1.441-2.

(3) A new taxpayer in his first return may adopt any taxable year which meets the requirements of section 441 and this section without obtaining prior approval. However, for rules applicable to the adoption of a taxable year by a partnership, see section 706 (b) and § 1.706-1 (b). For rules applicable to the taxable year of a member of an affiliated group which makes a consolidated return, see § 1.1502-14 and § 1.442-1 (d).

(4) After a taxpayer has adopted a calendar or a fiscal year, he must use it in computing his taxable income and making his returns for all subsequent years unless prior approval is obtained from the Commissioner to make a change or unless a change is otherwise permitted under the internal revenue laws or regulations. See section 442 and § 1.442-1. For rules applicable to changes in taxable years of partners and partnerships, see also section 706 (b) and § 1.706-1 (b).

(c) *Annual accounting period.* The term "annual accounting period" means the annual period (calendar year or fiscal year) on the basis of which the taxpayer regularly computes his income in keeping his books.

(d) *Calendar year.* The term "calendar year" means a period of 12 months ending on December 31. A taxpayer who has not established a fiscal year must make his return on the basis of a calendar year.

(e) *Fiscal year.* (1) The term "fiscal year" means—

(i) A period of 12 months ending on the last day of any month other than December, or

(ii) The 52-53-week annual accounting period, if such period has been elected by the taxpayer.

(2) A fiscal year will be recognized only if it is established as the annual accounting period of the taxpayer and only if the books of the taxpayer are kept in accordance with such fiscal year.

(f) *Election of year consisting of 52-53 weeks.* For rules relating to the 52-53-week taxable year, see § 1.441-2.

(g) *No books kept; no accounting period.* Except in the case of a short period under section 443, the taxpayer's taxable year shall be the calendar year if—

(1) The taxpayer keeps no books;

(2) The taxpayer does not have an annual accounting period (as defined in section 441 (c) and paragraph (c) of this section); or

(3) The taxpayer has an annual accounting period, but such period does not qualify as a fiscal year (as defined in section 441 (e) and paragraph (e) of this section).

For the purposes of subparagraph (1) of this paragraph, the keeping of books does not require that records be bound. Records which are sufficient to reflect income adequately and clearly on the basis of an annual accounting period will be regarded as the keeping of books. A taxpayer whose taxable year is required to be a calendar year under section 441 (g) and this paragraph may not adopt a fiscal year without obtaining prior approval from the Commissioner since such adoption is treated as a change of annual accounting period. See section 442 and § 1.442-1 (a) (2).

§ 1.441-2 *Election of year consisting of 52-53 weeks*—(a) *General rule.* Section 441 (c) provides, in general, that a taxpayer may elect to compute his taxable income on the basis of a fiscal year which—

(1) Varies from 52 to 53 weeks.

(2) Ends always on the same day of the week, and

(3) Ends always on—

(i) Whatever date this same day of the week last occurs in a calendar month, or

(ii) Whatever date this same day of the week falls which is nearest to the last day of the calendar month.

For example, if the taxpayer elects a taxable year ending always on the last Saturday in November, then for the year 1956, the taxable year would end on November 24, 1956. On the other hand, if the taxpayer had elected a taxable year ending always on the Saturday nearest to the end of November, then for the year 1956, the taxable year would end on December 1, 1956. Thus, in the case of a taxable year described in (3) (i), the year will always end within the month and may end on the last day of the month, or as many as six days before the end of the month. In the case of a taxable year described in (3) (ii), the year may end on the last day of the month, or as many as three days before or three days after the last day of the month.

(b) *Application of effective dates.* (1) For the purpose of determining the effective date for the applicability of any provision of this title which is expressed in terms of taxable years beginning or ending with reference to the first or last day of a specified calendar month, including the time for filing returns and other documents, paying tax, or performing other acts, a 52-53-week taxable year is deemed to begin on the first day of the calendar month beginning nearest to the first day of the 52-53-week taxable year, and is deemed to end or close on the last day of the calendar month ending nearest to the last day of the 52-53-week taxable year, as the case may be. The preceding sentence does not apply if subparagraph (2) of this paragraph, relating to the computation under section 21 of the effect of changes in rates of tax during a taxable year, applies. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that an income tax provision is applicable to taxable years beginning on or after January 1, 1957. For that purpose, a 52-53-week taxable year beginning on any day within the period December 26, 1956, to January 4, 1957, inclusive, shall be treated as beginning on January 1, 1957.

Example (2). Assume that an income tax provision requires that a return must be filed on or before the 15th day of the third month following the close of the taxable year. For that purpose, a 52-53-week taxable year ending on any day during the period May 25 to June 3, inclusive, shall be treated as ending on May 31, the last day of the month ending nearest to the last day of the taxable year, and the return, therefore, must be made on or before August 15.

(2) If a change in the rate of tax is effective during a 52-53-week taxable year (other than on the first day of such year as determined under subparagraph (1) of this paragraph), the tax for the 52-53-week taxable year shall be computed in accordance with section 21, relating to effect of changes, and the regulations thereunder. For the purpose of the computation under section 21, the determination of the number of days in the period before the change, and in the period on and after the change, is to be made without regard to the provisions of subparagraph (1) of this paragraph. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume a change in the rate of tax is effective for taxable years beginning after June 30, 1956. For a 52-53-week taxable year beginning on Wednesday, November 2, 1955, the tax must be computed on the basis of the old rates for the actual number of days, from November 2, 1955, to June 30, 1956, inclusive, and on the basis of the new rates for the actual number of days from July 1, 1956, to Tuesday, October 30, 1956, inclusive.

Example (2). Assume a change in the rate of tax for taxable years beginning after June 30. For this purpose, a 52-53-week taxable year beginning on any of the days from June 25 to July 4, inclusive, is treated as beginning on July 1. Therefore, no computation under section 21 will be required for such year because of the change in rate.

(c) *Adoption of or change to or from 52-53-week taxable year.* (1) A new taxpayer may adopt the 52-32-week taxable year for his first taxable year if he keeps his books and computes his income on that basis, or if he conforms his books accordingly in closing them. The taxpayer must thereafter keep his books and report his income on the basis of the 52-53-week taxable year so adopted unless prior approval for a change is obtained from the Commissioner. See subparagraph (4) of this paragraph. The taxpayer shall file with his return for his first taxable year a statement containing the information required in subparagraph (3) of this paragraph. A newly-formed partnership may adopt a 52-53-week taxable year without the permission of the Commissioner only if such a year ends either with reference to the same month in which the taxable years of all its principal partners end or with reference to the month of December. See § 1.706-1 (b) (1).

(2) A taxpayer, including a partnership, may change to a 52-53-week taxable year without the permission of the Commissioner if the 52-53-week taxable year ends with reference to the end of the same calendar month as that in which the former taxable year ended, and if the taxpayer keeps his books and computes his income for the year of change on the basis of such 52-53-week taxable year, or if he conforms his books accordingly in closing them. The taxpayer must continue to keep his books and compute his income on the basis of such 52-53-week taxable year unless prior approval for a change is obtained. See subparagraph (4) of this paragraph. The taxpayer shall indicate his election to change to such 52-53-week taxable year by a statement filed with his return for the first taxable year for which the election is made. This statement shall contain the information required in subparagraph (3) of this paragraph.

(3) The statement referred to in subparagraphs (1) and (2) of this paragraph shall contain the following information:

(1) The calendar month with reference

(4) *Computation of taxable income*

of any such change will be denied unless

any time within the ten calendar years

shall contain a statement that it is filed

(1) An amount which bears the same ratio

(i) The calendar month with reference to which the new 52–53-week taxable year ends;

(ii) The day of the week on which the 52–53-week taxable year always will end; and

(iii) Whether the 52–53-week taxable year will always end on (*a*) the date on which such day of the week last occurs in the calendar month, or (*b*) on the date on which such day of the week last occurs which is nearest to the last day of such calendar month.

(4) Where a taxpayer wishes to change to a 52–53-week taxable year and, in addition, wishes to change the month with reference to which the taxable year ends, or where a taxpayer wishes to change from a 52–53-week taxable year, he must obtain prior approval from the Commissioner, as provided in section 442 and §1.442–1.

(5) If a change from or to a 52–53-week taxable year results in a short period (within the meaning of section 443) of 359 days or more, or six days or less, the tax computation under section 443 (b) shall not apply. If the short period is 359 days or more, it shall be treated as a full taxable year. If the short period is six days or less, such short period shall be added to and deemed a part of the following taxable year. (In the case of a change from or to a 52–53-week taxable year not involving a change of the month with reference to which the taxable year ends, the tax computation under section 443 (b) does not apply since the short period will always be 359 days or more, or six days or less.) In the case of a short period which is more than six days, but less than 359 days, taxable income for the short period shall be placed on an annual basis for the purpose of section 443 (b) by multiplying such income by 365 and dividing the result by the number of days in the short period. In such case, the tax for the short period shall be the same part of the tax computed on such income placed on an annual basis as the number of days in the short period is of 365 days (unless section 443 (b) (2) and § 1.443–1 (b) (2), relating to the alternative tax computation, apply). For adjustment in deduction for personal exemption, see section 443 (c) and § 1.443–1 (b) (1) (v).

(6) The provisions of subparagraph (5) are illustrated by the following examples:

Example (1). A taxpayer having a fiscal year ending April 30 elects for years beginning after April 30, 1955, a 52–53-week taxable year ending on the last Saturday in April. This election involves a short period of 364 days, from May 1, 1955, to April 28, 1956, inclusive. Since this short period is 359 days or more, it is not placed on an annual basis and is treated as a full taxable year.

Example (2). Assume the same conditions as in example (1), except that the taxpayer elects for years beginning after April 30, 1955, a taxable year ending on the Tuesday nearest to April 30. This election involves a short period of three days, from May 1 to May 3, 1955. Since this short period is less than seven days, tax is not separately computed for it. This short period is added to and deemed part of the following 52-week taxable year which would otherwise begin on May 4, 1955, and end on May 1, 1956. Thus, that taxable year is deemed to begin on May 1, 1955, and end on May 1, 1956.

(d) *Computation of taxable income.* The principles of section 451, relating to the taxable year for inclusion of items of gross income, and section 461, relating to the taxable year for taking deductions, are generally applicable to 52–53-week taxable years. In the case of depreciation, unless some other practice is consistently followed, the allowance shall be determined as though the 52–53-week year were a taxable year consisting of 12 calendar months. Amortization deductions for the taxable year shall be determined as though the 52–53-week year were a taxable year consisting of 12 calendar months.

(e) *Taxable years beginning before January 1, 1954, and ending after August 16, 1954.* Pursuant to section 7851 (a) (1) (C), the regulations prescribed in this section relating to taxable years consisting of 52–53 weeks, shall also apply to taxable years beginning before January 1, 1954, and ending after August 16, 1954, which years are subject to the Internal Revenue Code of 1939.

§ 1.442 *Statutory provisions; change of annual accounting period.*

SEC. 442. *Change of annual accounting period.* If a taxpayer changes his annual accounting period, the new accounting period shall become the taxpayer's taxable year only if the change is approved by the Secretary or his delegate. For purposes of this subtitle, if a taxpayer to whom section 441 (g) applies adopts an annual accounting period (as defined in section 441 (c)) other than a calendar year, the taxpayer shall be treated as having changed his annual accounting period.

§ 1.442–1 (a) *Change of annual accounting period*—(1) *In general.* If a taxpayer wishes to change his annual accounting period (as defined in section 441 (c)) and adopt a new taxable year (as defined in section 441 (b)), he must obtain prior approval from the Commissioner by application, as provided in paragraph (b) of this section, or the change must be authorized under the Income Tax Regulations. A new taxpayer who adopts an annual accounting period as provided in section 441 and §§ 1.441–1 or 1.441–2 need not secure the permission of the Commissioner under section 442 and this section. However, see subparagraph (2) of this paragraph. For adoption of and changes to or from a 52–53-week taxable year, see section 441 (f) and § 1.441–2; for adoption of and changes in the taxable years of partners and partnerships, see section 706 (b) and § 1.706–1 (b); for special rules relating to certain corporations, subsidiary corporations, and newly married couples, see paragraphs (c), (d), and (e), respectively, of this section.

(2) *Taxpayers to whom section 441 (g) applies.* Section 441 (g) provides that if a taxpayer keeps no books, does not have an annual accounting period, or has an accounting period which does not meet the requirements for a fiscal year, his taxable year shall be the calendar year. If section 441 (g) applies to a taxpayer, the adoption of a fiscal year will be treated as a change in his annual accounting period under section 442. Therefore, such fiscal year can become the taxpayer's taxable year only with the approval of the Commissioner. Approval of any such change will be denied unless the taxpayer agrees in his application to establish and maintain accurate records of his taxable income for the short period involved in the change and for the fiscal year proposed. The keeping of records which adequately and clearly reflect income for the taxable year constitutes the keeping of books within the meaning of section 441 (g) and § 1.441–1 (g).

(b) *Prior approval of the Commissioner.* In order to secure prior approval of a change of a taxpayer's annual accounting period, the taxpayer must file an application on Form 1128 with the Commissioner of Internal Revenue, Washington 25, D. C., on or before the last day of the month following the close of the short period for which a return is required to effect the change of accounting period. In general, a change of annual accounting period will be approved where the taxpayer establishes a substantial business purpose for making the change. In determining whether a taxpayer has established a substantial business purpose for making the change, consideration will be given to all the facts and circumstances relating to the change, including the tax consequences resulting therefrom. If the effect of the change is to defer a substantial portion of the taxpayer's income, or to shift a substantial portion of deductions, from one year to another so as to reduce substantially the tax liability of the taxpayer (or if such effect is on the tax liability of another taxpayer such as a partner, beneficiary, etc.), the change will ordinarily not be approved. Further, no change will be approved if the short period resulting from the change is one in which there is a net operating loss. Among the non-tax factors that will be considered in determining whether a substantial business purpose has been established in the effect of the change on the taxpayer's annual cycle of business activity. However, even though a substantial business purpose is not established, the Commissioner in appropriate cases may permit a husband and wife to change his or her taxable year in order to secure the benefits of section 2 (relating to tax in case of joint return). See paragraph (e) of this section for special rule for newly married couples.

(c) *Special rule for certain corporations.* (1) A corporation may change its annual accounting period without the prior approval of the Commissioner if all the conditions in subparagraph (2) of this paragraph are met, and if the corporation files a statement with the district director of internal revenue with whom the returns of the corporation are filed at or before the time (including extensions) for filing the return for the short period required by such change. This statement shall indicate that the corporation is changing its annual accounting period under § 1.442–1 (c) and shall contain information indicating that all of the conditions in subparagraph (2) of this paragraph have been met.

(2) The provisions of this paragraph do not apply unless all of the following conditions are met:

(i) The corporation has not adopted or changed its annual accounting period at

any time within the ten calendar years ending with the calendar year which includes the beginning of the short period required to effect the change of annual accounting period; however, this condition shall not apply to a corporation which has been in existence for 60 months or less as of the beginning of the short period;

(ii) The short period required to effect the change of annual accounting period is not a taxable year in which the corporation has a net operating loss as defined in section 172;

(iii) The taxable income of the corporation for the short period required to effect the change of annual accounting period is, if placed on an annual basis (see § 1.443–1 (b) (1) (i) and (ii)), 80 percent or more of the taxable income of the corporation for the taxable year immediately preceding such short period; and

(iv) The corporation would not, for the short period, have a different status as a corporation under chapter 1 than the status it had for the full taxable year immediately preceding such short period. For purposes of the preceding sentence, the term "status as a corporation under chapter 1" shall include only the following: a corporation subject to the accumulated earnings tax, a personal holding company, a foreign personal holding company, a corporation which is an exempt organization, a Western Hemisphere trade corporation, and a China Trade Act corporation

(d) *Special rule for change of annual accounting period by subsidiary corporation.* A subsidiary corporation which is required to change its annual accounting period under § 1.1502–14, relating to the accounting period of an affiliated group which files a consolidated income tax return, may do so by filing Form 1128 with the district director with whom the consolidated return is filed at or before the time (including extensions) for filing the consolidated return for the first taxable year in which the income of the subsidiary is included. See § 1.1502–13 (h) for the time for filing the return for the short period required to effect the change of taxable year. See also §§ 1.1502–14 and 1.1502–32.

(e) *Special rule for newly married couples.* (1) A newly married husband or wife may change his or her annual accounting period in order to adopt the annual accounting period of the other spouse so that a joint return may be filed for the first or second taxable year of such spouse ending after the date of marriage, provided that the newly married husband or wife adopting the annual accounting period of the other spouse files a return for the short period required by such change on or before the 15th day of the 4th month following the close of such short period. See section 443 and the regulations thereunder. (If the due date for any such short-period return occurs before the date of marriage, the first taxable year of the other spouse ending after the date of marriage cannot be adopted under this paragraph.) The short-period return shall contain a statement that it is filed under authority of § 1.442–1 (e). For a change of annual accounting period by a husband or wife which does not qualify under this subparagraph, see paragraph (b) of this section.

(2) The provisions of this paragraph may be illustrated by the following example:

Example: H & W marry on September 25, 1956. H is on a fiscal year ending June 30, and W is on a calendar year. H wishes to change to a calendar year in order to file joint returns with W. W's first taxable year after marriage ends on December 31, 1956. H may not change to a calendar year for 1956 since, under § 1.442–1 (e), he would have had to file a return for the short period from July 1 to December 31, 1955, by April 15, 1956. Since the date of marriage occurred subsequent to this due date, the return could not be filed under § 1.442–1 (e). Therefore, H cannot change to a calendar year for 1956. However, H may change to a calendar year for 1957 by filing a return under § 1.442–1 (e) by April 15, 1957, for the short period from July 1 to December 31, 1956. If H files such a return, H and W may file a joint return for calendar year 1957 (which is W's second taxable year ending after the date of marriage).

(f) *Effective date.* The provisions of this section are effective for any change of annual accounting period where the last day of the short period to effect the change ends on or after the date the final regulations under section 442 are published in the FEDERAL REGISTER.

§ 1.443 *Statutory provisions; returns for a period of less than 12 months.*

SEC. 443 *Returns for a period of less than 12 months*—(a) *Returns for short period.* A return for a period of less than 12 months (referred to in this section as "short period") shall be made under any of the following circumstances:

(1) *Change of annual accounting period.* When the taxpayer, with the approval of the Secretary or his delegate, changes his annual accounting period. In such a case, the return shall be made for the short period beginning on the day after the close of the former taxable year and ending at the close of the day before the day designated as the first day of the new taxable year.

(2) *Taxpayer not in existence for entire taxable year.* When the taxpayer is in existence during only part of what would otherwise be his taxable year.

(3) *Termination of taxable year for jeopardy.* When the Secretary or his delegate terminates the taxpayer's taxable year under section 6851 (relating to tax in jeopardy).

(b) *Computation of tax on change of annual accounting period*—(1) *General rule.* If a return is made under paragraph (1) of subsection (a), the taxable income for the short period shall be placed on an annual basis by multiplying such income by 12 and dividing the result by the number of months in the short period. The tax shall be the same part of the tax computed on the annual basis as the number of months in the short period is of 12 months.

(2) *Exception*—(A) *Computation based on 12-month period.* If the taxpayer applies for the benefits of this paragraph and establishes the amount of his taxable income for the 12-month period described in subparagraph (B), computed as if that period were a taxable year and under the law applicable to that year, then the tax for the short period, computed under paragraph (1), shall be reduced to the greater of the following:

(i) An amount which bears the same ratio to the tax computed on the taxable income for the 12-month period as the taxable income computed on the basis of the short period bears to the taxable income for the 12-month period; or

(ii) The tax computed on the taxable income for the short period without placing the taxable income on an annual basis.

The taxpayer (other than a taxpayer to whom subparagraph (B) (ii) applies) shall compute the tax and file his return without the application of this paragraph.

(B) *12-month period.* The 12-month period referred to in subparagraph (A) shall be—

(i) The period of 12 months beginning on the first day of the short period, or

(ii) The period of 12 months ending at the close of the last day of the short period, if at the end of the 12 months referred to in clause (i) the taxpayer is not in existence or (if a corporation) has theretofore disposed of substantially all of its assets.

(C) *Application for benefits.* Application for the benefits of this paragraph shall be made in such manner and at such time as the regulations prescribed under subparagraph (D) may require; except that the time so prescribed shall not be later than the time (including extensions) for filing the return for the first taxable year which ends on or after the day which is 12 months after the first day of the short period. Such application, in case the return was filed without regard to this paragraph, shall be considered a claim for credit or refund with respect to the amount by which the tax is reduced under this paragraph.

(D) *Regulations.* The Secretary or his delegate shall prescribe such regulations as he deems necessary for the application of this paragraph.

(c) *Adjustment in deduction for personal exemption.* In the case of a taxpayer other than a corporation, if a return is made for a short period by reason of subsection (a) (1) and if the tax is not computed under subsection (b) (2), then the exemptions allowed as a deduction under section 151 (and any deduction in lieu thereof) shall be reduced to amounts which bear the same ratio to the full exemptions as the number of months in the short period bears to 12.

(d) *Cross references.* For inapplicability of subsection (b) in computing—

(1) Accumulated earnings tax, see section 536.

(2) Personal holding company tax, see section 546.

(3) Undistributed foreign personal holding company income, see section 557.

(4) The taxable income of a regulated investment company, see section 852 (b) (2) (E).

§ 1.443–1 *Returns for periods of less than 12 months*—(a) *Returns for short period.* A return for a short period, that is, for a taxable year consisting of a period of less than 12 months, shall be made under any of the following circumstances:

(1) *Change of annual accounting period.* In the case of a change in the annual accounting period of a taxpayer, a separate return must be filed for the short period of less than 12 months beginning with the day following the close of the old taxable year and ending with the day preceding the first day of the new taxable year. However, such a return is not required for a short period of six days or less, or 359 days or more,

resulting from a change from or to a

short period shall be the same part of

case of the taxable income for a short

Example (2). The X Corporation makes a

at the close of the last day of the short

such inventory in computing the taxable

resulting from a change from or to a 52–53-week taxable year. See section 441 (f) and § 1.441–2. The computation of the tax for a short period required to effect a change of annual accounting period is described in paragraph (b) of this section. In general, a return for a short period resulting from a change of annual accounting period shall be filed and the tax paid within the time prescribed for filing a return for a taxable year of 12 months ending on the last day of the short period. For a subsidiary corporation required to change its annual accounting period under § 1.1502–14, see §§ 1.1502–13, 1.1502–32, and 1.442–1 (d).

(2) *Taxpayer not in existence for entire taxable year.* If a taxpayer is not in existence for the entire taxable year, a return is required for the short period during which the taxpayer was in existence. For example, a corporation organized on August 1 and adopting the calendar year as its annual accounting period is required to file a return for the short period from August 1 to December 31, and returns for each calendar year thereafter. Similarly, a dissolving corporation which files its returns for the calendar year is required to file a return for the short period from January 1 to the date it goes out of existence. Income for the short period is not required to be annualized if the taxpayer is not in existence for the entire taxable year, and, in the case of a taxpayer other than a corporation, the deduction under section 151 for personal exemptions (or deductions in lieu thereof) need not be reduced under section 443 (c). In general, the requirements with respect to the filing of returns and the payment of tax for a short period where the taxpayer has not been in existence for the entire taxable year are the same as for the filing of a return and the payment of tax for a taxable year of 12 months ending on the last day of the short period. Although the return of a decedent is a return for the short period beginning with the first day of his last taxable year and ending with the date of his death, the filing of a return and the payment of tax for a decedent may be made as though the decedent had lived throughout his last taxable year.

(3) *Termination of taxable year for jeopardy.* A return must be filed for a short period resulting from the termination by the Commissioner of a taxpayer's taxable year for jeopardy. See section 6851 and the regulations thereunder.

(b) *Computation of tax for short period on change of annual accounting period*—(1) *General rule.* (i) If a return is made for a short period resulting from a change of annual accounting period, the taxable income for the short period shall be placed on an annual basis by multiplying such income by 12 and dividing the result by the number of months in the short period. Unless section 443 (b) (2) and subparagraph (2) of this paragraph apply, the tax for the short period shall be the same part of the tax computed on the annual basis as the number of months in the short period is of 12 months.

(ii) If a return is made for a short period of more than 6 days, but less than 359 days, resulting from a change from or to a 52–53-week taxable year, the taxable income for the short period shall be annualized and the tax computed on a daily basis, as provided in section 441 (f) (2) (B) (iii) and § 1.441–2 (c) (5).

(iii) For method of computation of income for a short period in the case of a subsidiary corporation required to change its annual accounting period to conform to that of its parent, see §§ 1.1502–32 and 1.1502–14.

(iv) An individual taxpayer making a return for a short period resulting from a change of annual accounting period is not allowed to take the standard deduction provided in section 141 in computing his taxable income for the short period. See section 142 (b) (3).

(v) In computing the taxable income of a taxpayer other than a corporation for a short period (which income is to be annualized in order to determine the tax under section 443 (b) (1)) the personal exemptions allowed individuals under section 151 (and any deductions allowed other taxpayers in lieu thereof, such as the deduction under section 642 (b)) shall be reduced to an amount which bears the same ratio to the full amount of the exemptions as the number of months in the short period bears to 12. In the case of the taxable income for a short period resulting from a change from or to a 52–53-week taxable year to which section 441 (f) (2) (B) (iii) applies, the computation required by the preceding sentence shall be made on a daily basis, that is, the deduction for personal exemptions (or any deduction in lieu thereof) shall be reduced to an amount which bears the same ratio to the full deduction as the number of days in the short period bears to 365.

(vi) If the amount of a credit against the tax (for example, the credits allowable under sections 34 and 35 for dividends received and for partially tax-exempt interest, respectively) is dependent upon the amount of any item of income or deduction, such credit shall be computed upon the amount of the item annualized separately in accordance with the foregoing rules. The credit so computed shall be treated as a credit against the tax computed on the basis of the annualized taxable income. In any case in which a limitation on the amount of a credit is based upon taxable income, taxable income shall mean the taxable income computed on the annualized basis.

(vii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A taxpayer with one dependent who has been granted permission under section 442 to change his annual accounting period files a return for the short period of 10 months ending October 31, 1956. He has income and deductions as follows:

Income		
Interest income		$10,000.00
Partially tax-exempt interest with respect to which a credit is allowable under section 35		500.00
Dividends to which sections 34 and 116 are applicable		750.00
		11,250.00
Deductions		
Real estate taxes		200.00
2 personal exemptions at $600 on an annual basis		1,200.00
The tax for the 10-month period is computed as follows:		
Total income as above		$11,250.00
Less:		
Exclusion for dividends received	$50.00	
2 personal exemptions ($1,200×10/12)	1,000.00	
Real estate taxes	200.00	
		1,250.00
Taxable income for 10-month period before annualizing		10,000.00
Taxable income annualized (10,000×12/10)		12,000.00
Tax on $12,000 before credits		3,400.00
Deduct credits:		
Dividends received for 10-month period	$750.00	
Less: Excluded portion	50.00	
Included in gross income	700.00	
Dividend income annualized ($700×12/10)	840.00	
Credit (4 percent of $840)		$33.60
Partially tax-exempt interest included in gross income for 10-month period	500.00	
Partially tax-exempt interest (annualized) ($500×12/10)	600.00	
Credit (3 percent of $600)		18.00
		51.60
Tax on $12,000 (after credits)		3,348.40
Tax for 10-month period ($3,348.40×10/12)		2,790.33

Example (2). The X Corporation makes a return for the one-month period ending September 30, 1956, because of a change in annual accounting period permitted under section 442. Income and expenses for the short period are as follows:

Gross operating income	$126,000
Business expenses	130,000
Net loss from operations	(4,000)
Dividends received from taxable domestic corporations	30,000
Gross income for short period before annualizing	26,000
Dividends received deduction (85 percent of $30,000, but not in excess of 85 percent of $26,000)	22,100
Taxable income for short period before annualizing	3,900
Taxable income annualized (3,900×12)	46,800
Tax on annual basis: $46,800 at 52 percent	$24,336
Less surtax exemption	5,500
	18,836
Tax for 1-month period ($18,836×1/12)	1,570

(2) *Exception: computation based on 12-month period.* (i) A taxpayer whose tax would otherwise be computed under section 443 (b) (1) (or section 441 (f) (2) (B) (iii) in the case of certain changes from or to a 52–53-week taxable year) for the short period resulting from a change of annual accounting period may apply to the district director to have his tax computed under the provisions of section 443 (b) (2) and this subparagraph. If such application is made, as provided in subdivision (v) of this subparagraph, and if the taxpayer establishes the amount of his taxable income for the 12-month period described in subdivision (ii) of this subparagraph, then the tax for the short period shall be the greater of the following—

(*a*) An amount which bears the same ratio to the tax computed on the taxable income which the taxpayer has established for the 12-month period as the taxable income computed on the basis of the short period bears to the taxable income for such 12-month period; or

(*b*) The tax computed on the taxable income for the short period without placing the taxable income on an annual basis.

However, if the tax computed under section 443 (b) (2) and this subparagraph is not less than the tax for the short period computed under section 443 (b) (1) (or section 441 (f) (2) (B) (iii) in the case of certain changes from or to a 52–53-week taxable year) then section 443 (b) (2) and this subparagraph do not apply.

(ii) The term "12-month period" referred to in subdivision (i) of this subparagraph means the 12-month period beginning on the first day of the short period. However, if the taxpayer is not in existence at the end of such 12-month period, or if the taxpayer is a corporation which has disposed of substantially all of its assets before the end of such 12-month period, the term "12-month period" means the 12-month period ending at the close of the last day of the short period. For the purposes of the preceding sentence, a corporation which has ceased business and distributed so much of the assets used in its business that it cannot resume its customary operations with the remaining assets, will be considered to have disposed of substantially all of its assets. In the case of a change from a 52–53-week taxable year, the term "12-month period" means the period of 52 or 53 weeks (depending on the taxpayer's 52–53-week taxable year) beginning on the first day of the short period.

(iii) (*a*) The taxable income for the 12-month period is computed under the same provisions of law as are applicable to the short period and is computed as if the 12-month period were an actual annual accounting period of the taxpayer. All items which fall in such 12-month period must be included even if they are extraordinary in amount or of an unusual nature. If the taxpayer is a member of a partnership, his taxable income for the 12-month period shall include his distributive share of partnership income for any taxable year of the partnership ending within or with such 12-month period, but no amount shall be included with respect to a taxable year of the partnership ending before or after such 12-month period. If any other item partially applicable to such 12-month period can be determined only at the end of a taxable year which includes only part of the 12-month period, the taxpayer, subject to review by the Commissioner, shall apportion such item to the 12-month period in such manner as will most clearly reflect income for the 12-month period.

(*b*) In the case of a taxpayer permitted or required to use inventories, the cost of goods sold during a part of the 12-month period included in a taxable year shall be considered, unless a more exact determination is available, as such part of the cost of goods sold during the entire taxable year as the gross receipts from sales for such part of the 12-month period is of the gross receipts from sales for the entire taxable year. For example, the 12-month period of a corporation engaged in the sale of merchandise, which has a short period from January 1, 1956, to September 30, 1956, is the calendar year 1956. The three-month period, October 1, 1956, to December 31, 1956, is part of the taxpayer's taxable year ending September 30, 1957. The cost of goods sold during the three-month period, October 1, 1956, to December 31, 1956, is such part of the cost of goods sold during the entire fiscal year ending September 30, 1957, as the gross receipts from sales for such three-month period are of the gross receipts from sales for the entire fiscal year.

(*c*) The Commissioner may, in granting permission to a taxpayer to change his annual accounting period, require, as a condition to permitting the change, that the taxpayer must take a closing inventory upon the last day of the 12-month period if he wishes to obtain the benefits of section 443 (b) (2). Such closing inventory will be used only for the purposes of section 443 (b) (2), and the taxpayer will not be required to use such inventory in computing the taxable income for the taxable year in which such inventory is taken.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). The taxpayer in example (1) under paragraph (b) (1) establishes his taxable income for the 12-month period from January 1, 1956, to December 31, 1956. The taxpayer has a short period of 10 months, from January 1, 1956, to October 31, 1956. The taxpayer files an application in accordance with subdivision (v) of this subparagraph to compute his tax under section 443 (b) (2). The taxpayer's income and deductions for the 12-month period, as so established, follow:

Income		
Interest income		$11,000
Partially tax-exempt interest with respect to which a credit is allowable under section 35		600
Dividends to which sections 34 and 116 are applicable		850
		12,450
Deductions		
Real estate taxes		200
2 personal exemptions at $600		1,200
Tax computation for short period under section 443 (b) (2) (A) (i)		
Total income as above		12,450
Less:		
Exclusion for dividends received	$50	
Personal exemptions	1,200	
Deduction for taxes	200	
		1,450
Taxable income for 12-month period		11,000
Tax before credits		3,020
Credit for partially tax-exempt interest (3 percent of $600)	$18	
Credit for dividends received (4 percent of ($850−50))	32	
		50
Tax under section 443 (b) (2) (A) (i) for 12-month period		2,970
Taxable income for 10-month short period from example (1) of paragraph (b) (1) before annualizing		10,000
Tax for short period under section 443 (b) (2) (A) (i) ($2,970×$10,000 (taxable income for short period)/$11,000 (taxable income for 12-month period))		2,700
Tax computation for short period under section 443 (b) (2) (A) (ii)		
Total income for 10-month short period		$11,250
Less:		
Exclusion for dividends received	$50	
2 personal exemptions	1,200	
Real estate taxes	200	
		1,450
Taxable income for short period without annualizing and without proration of personal exemptions		9,800
Tax before credits		2,572
Less credits:		
Partially tax-exempt interest (3 percent of $500)	$15	
Dividends received (4 percent of ($750−50))	28	
		43
Tax for short period under section 443 (b) (2) (A) (ii)		2,529

The tax of $2,700 computed under section

not later than the time (including ex-

[27 CFR Part 4]

pure sugar by recognized methods of in-

ment of composition appearing in direct

8. To amend section 21, class 8 (a) (4)

The tax of $2,700 computed under section 443 (b) (2) (A) (i) is greater than the tax of $2,529, computed under section 443 (b) (2) (A) (ii), and is, therefore, the tax under section 443 (b) (2). Since the tax of $2,700 (computed under section 443 (b) (2)) is less than the tax of $2,790.33 (computed under section 443 (b) (1)) on the annualized income of the short period (see example (1) of paragraph (b) (1)), the taxpayer's tax for the 10-month short period is $2,700.

Example (2). Assume the same facts as in example (1) of this subdivision, except that, during the month of November 1956, the taxpayer suffered a casualty loss of $5,000. The tax computation for the short period under section 443 (b) (2) would be as follows:

Tax computation for short period under section 443 (b) (2) (A) (i)

Taxable income for 12-month period from example (1)		$11,000
Less: Casualty loss		5,000
Taxable income for 12-month period		6,000
Tax before credits	$1,360	
Credits from example (1)	50	
Tax under section 443 (b) (2) (A) (i) for 12-month period		1,310
Tax for short period ($1,310×$10,000/$6,000) under section 443 (b) (2) (A) (1)		2,183

Tax computation for short period under section 443 (b) (2) (A) (ii)

Total income for the short period		$11,250
Less:		
Exclusion for dividends received	$50	
2 personal exemptions	1,200	
Real estate taxes	200	
		1,450
Taxable income for short period without annualizing and without proration of personal exemptions		9,800
Tax before credits		2,572
Less credits:		
Partially tax-exempt interest (3 percent of $500)	$15	
Dividends received (4 percent of $750 −50))	28	
		43
Tax for short period under section 443 (b) (2) (A) (ii)		2,529

The tax of $2,529, computed under section 443 (b) (2) (A) (ii) is greater than the tax of $2,183 computed under section 443 (b) (2) (A) (i) and is, therefore, the tax under section 443 (b) (2). Since this tax is less than the tax of $2,790.33, computed under section 443 (b) (1) (see example (1) of paragraph (b) (1)), the taxpayer's tax for the 10-month short period is $2,529.

(v) (*a*) A taxpayer who wishes to compute his tax for a short period resulting from a change of annual accounting period under section 443 (b) (2) must make an application therefor. Except as provided in subdivision (*b*), the taxpayer shall first file his return for the short period and compute his tax under section 443 (b) (1). The application for the benefits of section 443 (b) (2) shall subsequently be made in the form of a claim for credit or refund. The claim shall set forth the computation of the taxable income and the tax thereon for the 12-month period and must be filed not later than the time (including extensions) prescribed for filing the return for the taxpayer's first taxable year which ends on or after the day which is 12 months after the beginning of the short period. For example, assume that a taxpayer changes his annual accounting period from the calendar year to a fiscal year ending September 30, and files a return for the short period from January 1, 1956, to September 30, 1956. His application for the benefits of section 443 (b) (2) must be filed not later than the time prescribed for filing his return for his first taxable year which ends on or after the last day of December 1956, the twelfth month after the beginning of the short period. Thus, the taxpayer must file his application not later than the time prescribed for filing the return for his fiscal year ending September 30, 1957. If he obtains an extension of time for filing the return for such fiscal year, he may file his application during the period of such extension. If the district director determines that the taxpayer has established the amount of his taxable income for the 12-month period, any excess of the tax paid for the short period over the tax computed under section 443 (b) (2) will be credited or refunded to the taxpayer in the same manner as in the case of an overpayment.

(*b*) If at the time the return for the short period is filed, the taxpayer is able to determine that the 12-month period ending with the close of the short period (see section 443 (b) (2) (B) (ii) and subparagraph (2) (ii) of this paragraph) will be used in the computations under section 443 (b) (2), then the tax on the return for the short period may be determined under the provisions of section 443 (b) (2). In such case, a return covering the 12-month period shall be attached to the return for the short period as a part thereof, and the return and attachment will then be considered as an application for the benefits of section 443 (b) (2).

(*c*) *Adjustment in deduction for personal exemption.* For adjustment in the deduction for personal exemptions in computing the tax for a short period resulting from a change of annual accounting period under section 443 (b) (1) (or under section 441 (f) (2) (B) (iii) in the case of certain changes from or to a 52–53-week taxable year), see paragraph (b) (1) (v) of this section.

(*d*) *Cross references.* For inapplicability of section 443 (b) and paragraph (b) of this section in computing—

(1) Accumulated earnings tax, see section 536 and the regulations thereunder;

(2) Personal holding company tax, see section 546 and the regulations thereunder;

(3) Undistributed foreign personal holding company income, see section 557 and the regulations thereunder; and

(4) The taxable income of a regulated investment company, see section 852 (b) (2) (E) and the regulations thereunder.

[F. R. Doc. 56-8205; Filed, Oct. 11, 1956; 8:46 a. m.]

[27 CFR Part 4]

LABELING AND ADVERTISING OF WINE

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U. S. C. 205), of a public hearing to be held:

On November 27, 1956, at 10 a. m., at Room 3313, Internal Revenue Building, Washington, D. C.

On December 4, 1956, at 10 a. m., at St. Francis Hotel, San Francisco, California,

at which times and places all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to the proposals, the substance of which is stated below, to amend Regulations No. 4 (27 CFR Part 4), relating to labeling and advertising of wine.

Written data, views or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., provided that they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. Material relating to each proposal shall be submitted separately and shall bear the number of the proposal to which it relates. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

1. To amend article I (e), (f) and (g) (27 CFR 4.1 (e), (f) and (g)) to read substantially as follows:

(e) The term "wine" means (1) "natural wine" as defined under section 5381 of the Internal Revenue Code, "specially sweetened natural wine" as defined in section 5385 of the Internal Revenue Code, "special natural wine" as defined in section 5386 of the Internal Revenue Code, and "standard agricultural wines" as defined in section 5387 of the Internal Revenue Code; and (2) other alcoholic beverages not so defined, but made in the manner of wine, including imitation wine, compounds sold as wine, and also including cider, perry and sake; in each instance only if containing not less than 7 per centum, and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.

(f) The term "pure condensed must" means the concentrated juice or must of sound, ripe grapes, or other fruit or agricultural products, concentrated to not more than 80° Brix, the composition thereof remaining unaltered except for removal of water; the term "restored pure condensed must" means pure condensed must to which has been added an amount of water reducing the must to its original density or to not less than 22° Brix; and the term "sugar" means pure refined cane or beet sugar, or pure refined anhydrous or monohydrate dextrose sugar, of not less than 95% purity calculated on a dry basis: *Provided*, That invert sugar syrup produced from such pure sugar by recognized methods of inversion may be used to prepare any sugar syrup, or solution of water and pure sugar.

(g) As used in the phrase "added wine spirits or alcohol," the term "wine spirits" means wine spirits as defined in section 5373 of the Internal Revenue Code. The term "alcohol" means ethyl alcohol distilled at or above 190° proof.

2. To amend section 21, class 1 (a) (27 CFR 4.21 (a) (1)) to read substantially as follows:

(a) *Class 1; Grape wine.* (1) "Grape wine" is natural still grape wine having a maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, (i) not exceeding 0.14 gram per ml. for natural red wine, and (ii) not exceeding 0.12 gram ml. in the case of other grape wines, and shall include grape wine ameliorated or sweetened in accordance with section 5383 of the Internal Revenue Code. Grape wine deriving its characteristic color or lack of color from the presence or absence of the red coloring matter of the skins, juice, or pulp of grapes may be designated as "red wine," "pink wine" or "rose" or "rose' wine," "amber wine," or "white wine," as the case may be.

3. To amend section 21, class 1 (c) (27 CFR 4.21 (a) (3)) to change "added grape brandy or alcohol" to read "grape wine spirits or alcohol" wherever it appears.

4. To amend section 21, class 2 (a) (27 CFR 4.21 (b) (1)), and section 21, class 3 (a) (27 CFR 4.21 (c)), by changing "Grape Wine" to read "Light Grape Wine."

5. To amend section 21, class 4 and class 5 (27 CFR 4.21 (d) and (e)) to read substantially as follows:

(d) *Class 4; Fruit and berry wine.* (1) Wine of this class is natural still wine (other than still grape wine) having a maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, not exceeding (i) 0.14 gram per ml., or (ii), if containing wine spirits or alcohol, 0.12 gram per ml., and shall include fruit and berry wines ameliorated in accordance with section 5384 of the Internal Revenue Code.

(2) Wine of this class derived from one kind of fruit shall be designated by the word "wine" qualified by the name of the fruit (e. g., "orange wine", "peach wine", "blackberry wine", etc.).

(3) Wine of this class derived from different kinds of citrus fruit shall be designated as "citrus wine" or "citrus fruit wine" qualified by a truthful and adequate statement of composition appearing in direct conjunction therewith.

(4) Wine of this class derived from different kinds of berries shall be designated as "berry wine" qualified by a truthful and adequate statement of composition appearing in direct conjunction therewith.

(5) Wine of this class derived from different kinds of fruit, but not falling into the categories described in subparagraphs (3) and (4) of this paragraph, shall be designated as "fruit wine" qualified by a truthful and adequate statement of composition appearing in direct conjunction therewith.

(6) Wine of this class may be further described as "light" wine or "table" wine, if containing not more than 14 percent alcohol by volume, and as "dessert" wine if containing more than 14 percent and not more than 24 percent alcohol by volume.

(e) *Class 5; Effervescent fruit and berry wine.* (1) Wines of this class are wines conforming to the standards set forth in paragraph (d) of this section (class 4), except that they have been rendered effervescent with carbon dioxide. Such wines shall be designated in the same manner as prescribed in paragraph (d) of this section (class 4), except that they shall be further designated as "sparkling" if the effervescence results solely from the secondary fermentation of the wine within a closed container, tank, or bottle, or as "carbonated" if the effervescence is otherwise derived.

6. To amend section 21, class 6 (27 CFR 4.21 (f)) to read substantially as follows:

(f) *Class 6; Agricultural wines.* (1) Wines made from agricultural products, other than the juice of fruit, shall be made in accordance with good commercial practice and no coloring material or herbs or other flavoring material (except hops in the case of honey wine) may be used in their production. Wines of this class shall have a maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, not exceeding (i) 0.14 gram per ml., or (ii), if containing wine spirits or alcohol, 0.12 gram per ml. Wines of this class may be further designated as "table" wine or "light" wine, if containing not more than 14 percent alcohol by volume, and as "dessert" wine if containing more than 14 percent and not more than 24 percent alcohol by volume.

(2) "Raisin wine" is wine of this class made from dried grapes.

(3) "Sake" is wine of this class produced from rice in accordance with the commonly accepted method of production of such product.

(4) Wine of this class derived wholly (except for sugar, water, or added alcohol) from one kind of agricultural product shall, except in the case of "sake", be designated by the word "wine" qualified by the name of such agricultural product, e. g., "honey wine", "raisin wine", "dried blackberry wine". Wine of this class not derived wholly from one kind of agricultural product shall be designated as "wine" qualified by a truthful and adequate statement of composition appearing in direct conjunction therewith. Wine of this class rendered effervescent by carbon dioxide resulting solely from the secondary fermentation of wine within a closed container, tank, or bottle shall be further designated as "sparkling"; and wine of this class rendered effervescent by carbon dioxide otherwise derived shall be further designated as "carbonated".

7. To amend section 21, class 7 (a) (27 CFR 4.21 (g) (1)) to change "added brandy or alcohol" to read "wine spirits or alcohol".

8. To amend section 21, class 8 (a) (4) (27 CFR 4.21 (h) (1) (iv)) to change "(Balling)" to read "Brix".

9. To amend section 21, class 8 (b) (4) (27 CFR 4.21 (h) (2) (iv)) to read substantially as follows:

(iv) Any domestic grape wine, or domestic fruit and berry wine, which has been ameliorated in excess of the amount permitted by section 5383 and section 5384 of the Internal Revenue Code.

10. To amend section 22 (a) (27 CFR 4.22 (a)) to read substantially as follows:

(a) Proper cellar treatment constitutes those practices and procedures in the United States and elsewhere, whether historical or newly developed, of using various methods and materials to correct or stabilize the wine, or the materials from which it is made, so as to produce a finished product acceptable in good commercial practice. If cellar treatment, other than proper cellar treatment, has been employed, then the class or type of the wine shall be deemed to be altered; if the product as so altered does not fall within any class or type specified in this article or known to the trade, it shall be designated with a truthful and adequate statement of composition in accordance with section 34, article III, of these regulations.

11. To amend section 22 (b) (5) (27 CFR 4.22 (b) (5)) to read substantially as follows:

(5) Amelioration of any domestic grape wine or fruit and berry wine in excess of the amount permitted by section 5383 and section 5384 of the Internal Revenue Code.

12. To amend section 22 (c) (2) and (3) (27 CFR 4.22 (c) (2) and (3)) by changing "acceptable cellar practice" to read "good commercial practice".

13. To amend the last portion of section 34 (a) (27 CFR 4.34 (a)), beginning with "In the case of wine which has a total solids content * * *" to read substantially as follows: "In the case of wine having a sugar solids content in excess of 15 percent by weight, the words 'extra sweet', 'specially sweet', or 'specially sweetened' shall be stated as a part of the class and type designation. The last of these quoted phrases shall appear as a part of the class and type designation of specially sweetened natural wines made under section 5385 of the Internal Revenue Code."

14. To amend article I (h) (27 CFR 4.1 (h)) so as to include carbonated grape wine made wholly from grapes gathered in the same calendar year and grown and fermented in the same viticultural area, in the definition of "vintage wine".

15. To amend section 21, class 2 (c) (27 CFR 4.21 (b) (3)) by deleting "all the words in any such further designation shall be equally conspicuous and shall appear in direct conjunction with and in lettering approximately one-half the size of the words 'sparkling wine'" and inserting in lieu thereof substantially the following wording "all the words in any such further designation shall be equally conspicuous and shall appear in letter-

ing substantially the same size as the

September 12, 1956, published in the

The substance of existing Rule 133, classification of its securities or (c) the

ing substantially the same size as the words 'sparkling wine' ".

16. To amend section 21, class 7 (27 CFR 4.21 (g)) to authorize the use of water in the production of Vermouth, provided a minimum of 75% of grape wine is used.

17. To amend section 30 (b) (2) (27 CFR 4.30 (b) (2)) to provide that no application for permission to relabel bottled wine need be made in any case where there is added to the bottle, after removal from Customs custody or from the bottling premises, a strip, shoulder, or other label bearing the name or name and address of the wholesaler or retailer, preceded by such phrases as "bottled for", "selected for", "made for" or "imported for", and containing no references whatever to the characteristics of the product.

18. To amend section 32 (a) and (c) (27 CFR 4.32 (a) and (c)) and section 35 (b) (1) (27 CFR 4.35 (b) (1)) to authorize the use of a legend such as "Imported by and bottled in the United States for (followed by the name and address of the importer)", in lieu of showing the name and address of the domestic bottler and to require this information to appear on the brand label.

19. To amend section 32 (a) and (c) (27 CFR 4.32 (a) and (c)) and section 35 (b) (1) (27 CFR 4.35 (b) (1)) to provide that the information required by section 35 (b) (1) (27 CFR 4.35 (b) (1)) relative to domestic bottling of imported wine must appear on the brand label, instead of on the brand or back label as now required.

20. To amend section 37 (d) (27 CFR 4.37 (d)) to permit the net contents to be blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, in the sides, front, or back of bottles.

21. To amend section 38 (b) (27 CFR 4.38 (b)) to require alcoholic content statements to appear in lettering not smaller than the equivalent of 6-point Gothic caps and not larger than the equivalent of 8-point Gothic caps and prohibit any accentuation of such statements by placing them in blocks or otherwise.

22. To amend section 39 (a) (7) (27 CFR 4.39 (a) (7)) to prohibit the use of the word "unfortified" on wine labels.

23. To amend section 39 (b) (3) (27 CFR 4.39 (b) (3)) to permit the importation of vintage Champagne in bottles having a capacity in excess of one gallon.

24. To amend section 39 (e) (27 CFR 4.39 (e)) to permit establishment dates to appear on labels elsewhere than in direct conjunction with the name of the company or brand name to which they refer when this will not result in any confusion as to the company or brand name to which the establishment date is applicable.

25. To amend the labeling requirements of the regulations to add new sections authorizing the Director to require a certificate of origin, authenticity, and identity, issued by a duly authorized official of the appropriate foreign government, covering imported wines, if he has reason to believe that the appropriate foreign government has authorized the issuance of such a certificate.

26. To amend section 40 (27 CFR 4.40) to eliminate the present requirement that an "Affidavit for Release of Distilled Spirits, Wine, or Malt Beverages Under the Federal Alcohol Administration Act" be deposited with the appropriate Customs officer at the Port of Entry before bottled wine may be released from Customs custody.

27. To amend section 64 (a) (8) (27 CFR 4.64 (a) (8)) to prohibit the use of the word "unfortified" in any wine advertisement.

28. To amend section 72 (a) (27 CFR 4.72 (a)) to provide for additional standards of fill for wine, if sufficient need for any additional size containers is disclosed at the hearing.

29. To amend section 72 (a) (2) (27 CFR 4.72 (a) (2)) to restrict the use of 2/5 pint bottles to the traditional Chianti or round shapes.

30. To amend section 72 (a) (2) (27 CFR 4.72 (a) (2)) to eliminate the proviso that the standards of fill for 1/5 gallon and 2/5 gallon shall be applicable only to wine contained in bottles of the traditional Bordeaux or Burgundy shapes.

[SEAL] DWIGHT E. AVIS,
Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.

[F. R. Doc. 56-8207; Filed, Oct. 11, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 6, 21]

[Docket No. 11842]

PROPOSED REVISION OF CONSTRUCTION PERMIT APPLICATION FORM (FCC FORM 401)

NOTICE OF INQUIRY

In the matter of construction permit application form (FCC Form 401) used by applicants for common carrier radio authorizations under Parts 6 and 21 of our rules, Docket No. 11842.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of October 1956;

The Commission having under consideration the matter of revising the construction permit application forms (FCC Form 401) used by applicants for common carrier radio authorizations under Parts 6 and 21 of our rules; and

It appearing that said Form 401 was last revised in June 1951 and was intended for use also by other radio services most of which now use other application forms; and

It further appearing that, in view of the information required to be filed in applications for construction permits under Parts 6 and 21 of the Commission's rules, Form 401, as presently constituted, is inadequate; and

It further appearing that it would be advantageous to the public and to the Commission if the construction permit application form for these services were revised;

Now, therefore, the Commission hereby institutes an inquiry into the suitability of FCC Form 401 for use by applicants for common carrier radio authorizations under Parts 6 and 21 of our rules and invites submission of suggestions as to how this form may be improved. Such suggestions may be submitted in letter form at any time prior to December 31, 1956.

Released: October 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8218; Filed, Oct. 11, 1956; 8:48 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Part 145]

[No. 10,059]

FEDERAL SAVINGS AND LOAN SYSTEM OPERATIONS

SALES COMMISSIONS; AMENDMENT OF NOTICE OF PROPOSED REGULATION

OCTOBER 9, 1956.

Resolved that, Federal Home Loan Bank Board Resolution No. 9999, dated September 12, 1956, published in the FEDERAL REGISTER on September 18, 1956 (21 F. R. 7009), is hereby amended by striking in the last resolving paragraph the language "October 19, 1956" and inserting in lieu thereof the language "October 31, 1956" and by inserting in said paragraph, at the end thereof, the following new sentence: "A hearing will be held on October 31, 1956, at 10:00 a. m., e. s. t., in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Federal Home Loan Bank Board, a member thereof, or a Hearing Officer designated by the Board, for the purpose of receiving evidence, oral views, and arguments on said proposed amendment to the rules and regulations for the Federal Savings and Loan System and on the proposed amendment to the rules and regulations for Insurance of Accounts proposed by Federal Home Loan Bank Board Resolution No. 10,000, dated September 12, 1956, published in the FEDERAL REGISTER on September 18, 1956 (21 F. R. 7009)."

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 56-8220; Filed, Oct. 11, 1956; 8:49 a. m.]

[24 CFR Part 163]

[No. 10,060]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION OPERATIONS

SALES COMMISSIONS; AMENDMENT OF NOTICE OF PROPOSED REGULATION

OCTOBER 9, 1956.

Resolved that, Federal Home Loan Bank Board Resolution No. 10,000, dated September 12, 1956, published in the FEDERAL REGISTER on September 18, 1956 (21 F. R. 7009), is hereby amended by striking in the last resolving paragraph the language "October 19, 1956" and inserting in lieu thereof the language "October 31, 1956" and by inserting in said paragraph, at the end thereof, the following new sentence: "A hearing will be held on October 31, 1956, at 10:00 a. m., e. s. t., in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue, NW., Washington, D. C., before the Federal Home Loan Bank Board, a member thereof, or a Hearing Officer designated by the Board, for the purpose of receiving evidence, oral views, and arguments on said proposed amendment to the rules and regulations for Insurance of Accounts and on the proposed amendment to the rules and regulations for the Federal Savings and Loan System proposed by Federal Home Loan Bank Board Resolution No. 9999, dated September 12, 1956, published in the FEDERAL REGISTER on September 18, 1956 (21 F. R. 7009)."

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 56-8221; Filed, Oct. 11, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

DEFINITION OF TERMS UNDER SECURITIES ACT OF 1933

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise § 230.133 (Rule 133) under the Securities Act of 1933. This rule, which is in the form of a definition of the terms "sale", "offer," "offer to sell" and "offer for sale," serves to make the registration and prospectus requirements of the act inapplicable to certain mergers, consolidations, reclassifications of securities and transfers of assets between corporations.

The effect of the proposed revision would be to rescind the existing Rule 133 and to substitute therefor a rule which would define the terms "offer," "offer to sell" and "offer for sale" to include the solicitation of a vote, consent or authorization of stockholders of a corporation in favor of such mergers, consolidations, reclassifications of securities and transfers of assets. The revised rule would provide that a "sale" is deemed to occur when the approval of stockholders to the merger, consolidation, reclassification or transfer is obtained.

The substance of existing Rule 133, commonly referred to as the "no sale theory," was first promulgated in 1935 as an explanatory note in one of the Commission's early registration forms, Form E-1. That form was re-rescinded in 1947 as a part of the Commission's over-all form revision program. From then until the adoption of Rule 133 in 1951, the Commission followed the no-sale theory administratively in applying section 5 of the act.

The Commission has never felt, however, that the principle embodied in this rule necessarily applies in other contexts under the Securities Act or under any of the other statutes administered by the Commission. In pursuance of this feeling, the Commission when it adopted the rule in 1951 restricted the no-sale theory to the registration and prospectus provisions of the act. The Commission has uniformly treated the issuance and sale of securities in mergers and analogous transactions as involving sales which require its prior approval under the Public Utility Holding Company Act of 1935

With the development of the economy and changes in the tax statutes, there has been a tremendous increase in transactions between corporations by way of merger, consolidation and acquisition of assets which affect materially the rights of security holders. Unless the company's securities are listed on a national securities exchange, in which event a proxy statement under the Commission's proxy rules must be furnished if proxies are solicited, these transactions may occur without the disclosure of adequate information to security holders.

In view of this situation, and in view of the further fact that there is no provision of the act which expressly or by necessary implication excludes transactions of this character from the operation of the act, the Commission feels that the statutory basis and soundness of Rule 133 should be re-examined in the interest of the investing public.

If Rule 133 is revised as proposed, it is contemplated that provision will be made so that information furnished to security holders in a Securities Act prospectus will not be unnecessarily duplicated in a proxy statement under the Securities Exchange Act proxy rules, where the latter apply.

The text of the revised rule, which is proposed pursuant to the Securities Act of 1933, particularly sections 2 (3), 5 and 19 (a) thereof, reads as follows:

§ 230.133 *Definition of "offer," "offer to sell," "offer for sale" and "sale."* An "offer," "offer to sell" or "offer for sale" of securities shall be deemed to be made to the stockholders of a corporation when the vote, consent or authorization of such stockholders is solicited in favor of a proposal for (a) a merger or consolidation involving such corporation, (b) a reclassification of its securities or (c) the transfer of assets of such corporation to another person in consideration of securities of such person or of another person. A "sale" is deemed to occur in connection with such a proposal when the stockholders or their proxies cast the required number of votes in favor of the proposal or, if no vote is required, when the required number of consents or authorizations are obtained.

All interested persons are invited to submit views and comments on the proposed revision of Rule 133 in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before November 2, 1956. Except where it is requested that such communications not be disclosed, they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 1, 1956.

[F. R. Doc. 56-8200; Filed, Oct. 11, 1956; 8:45 a. m.]

[17 CFR Part 239]

FORMS FOR REGISTRATION STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Form S-2[1] (§ 239.12) under the Securities Act of 1933. This form is used, generally speaking, for capital stock of corporations which do not have a record of earnings, have not succeeded to other going businesses and do not have any important subsidiaries. The form is used only where the securities are to be sold for cash and is not available for insurance, investment, or mining companies.

The purpose of the proposed revision is to bring the items and instructions of the form up-to-date and in line with the items and instructions of other forms. A copy of the proposed revision is attached hereto.

All interested persons are invited to submit views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before November 5, 1956. Except where it is requested that such communications not be disclosed, they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 4, 1956.

[F. R. Doc. 56-8199; Filed, Oct. 11, 1956; 8:45 a. m.]

[1] Filed as part of the original document.

such time as they are needed for recla-

The following is the text of Order is-
A. Deletions: No change.

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[T. D. No. 52; Supp. 1]

ASSISTANT DEPUTY COMMISSIONER OF NARCOTICS

DELEGATION OF FUNCTIONS

By virtue of the authority vested in me by Treasury Department Order No. 180–3 all of the functions under Public Law No. 362, 84th Congress, 1st Session (21 USC 198 (a), 198 (b), 198 (c)), are hereby transferred to the Assistant Deputy Commissioner of Narcotics.

The transfer of functions to the Assistant Deputy Commissioner of Narcotics is in addition to the transfer of functions to the officers designated in Bureau of Narcotics Treasury Decision No. 52, dated August 31, 1955.

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

OCTOBER 8, 1956.

[F. R. Doc. 56–8209; Filed, Oct. 11, 1956; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[73400]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 5, 1956.

1. Plats of survey of the lands described below, accepted February 17, 1956, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m., November 12, 1956:

MICHIGAN MERIDIAN MICHIGAN

T. 43 N. R. 16 W.,
Sec. 14, lot 7.
T. 47 N. R. 16 W.,
Sec. 12, lots 6, 7.
T. 39 N. R. 19 W.,
Sec. 28, lot 1;
Sec. 33, lot 5.
T. 39 N. R. 20 W.,
Sec. 3, lot 1.
T. 58 N. R. 29 W.,
Sec. 10, lots 8, 9, 10.
T. 58 N. R. 30 W.,
Sec. 3, lot 6.

2. The plats represent the survey of certain islands which were not included in the original surveys of the above-mentioned townships.

3. Available information indicate that all of the islands are substantial in character being mostly of solid rock formation; that they range in elevation from 3 to 12 feet above the normal lakes levels; that each island supports a good growth of timber, pine, poplar, birch, spruce and other species of northern trees.

6. No application for these lots may be allowed under the Homestead or Small Tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

7. At the hour specified on the above-mentioned effective date, the said land shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

8. Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

WILLIAM E. THOMAS,
Acting Manager.

[F. R. Doc. 56–8194; Filed, Oct. 11, 1956; 8:45 a. m.]

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, MONTANA-WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

April 23, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388):

YELLOWTAIL RESERVOIR SITE

YELLOWTAIL UNIT

Principal Meridian, Montana

T. 8 S., R. 28 E.,
Sec. 25, SE¼SE¼.
T. 9 S., R. 28 E.,
Sec. 12, lots 1, 2, 3, 4, 5, NW¼NE¼, and NE¼SW¼;
Sec. 13, lots 1, 2, 3, 4, 5, 6, SE¼NW¼ and N½SE¼;
Sec. 23, E½SE¼;
Sec. 24, lots 1, 2, 3, and NW¼NW¼;
Sec. 25, lot 1;
Sec. 26, lots 1, 2, 3, 4, and W½SE¼;
Sec. 35, lots 1, 2, 3, 4, 7, 8, 9, NW¼NE¼, and NE¼SW¼;
Sec. 36, lot 1.
T. 7 S., R. 29 E.,
That portion of unsurveyed land in (secs. 13, 14, 23, 24) T. 7 S., R. 29 E., bounded on the north by the South boundary of the Crow Indian Reservation, on the South and East by the Big Horn River and on the West by the East line of Sec. 22, T. 7 S., R. 29 E., and an extension thereof to the South Boundary of the Crow Reservation; and also that portion of the unsurveyed land in (sec. 15) T. 7 S., R. 29 E., bounded on the north by South Boundary of Crow Indian Reservation on the East by an extension of East line of sec. 22, on the South by the north line of said sec. 22 and on the West by the east line of sec. 16, T. 7 S., R. 29 E.
Sec. 22, all;
Sec. 26, lot 1;
Sec. 27, lots 1, 2, 3, 4, 5, 6, W½NE¼, SE¼NW¼, and W½SW¼;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, and N½NW¼;
Sec. 35, lot 1.
T. 8 S., R. 29 E.,
Sec. 3, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9;
Sec. 4, lots 1, 5, 6, and 7;
Sec. 9, lots 1, 2, 3, 4, and NW¼SE¼;
Sec. 15, lots 1 and 2;
Sec. 16, lots 1, 2, 5, 6, W½NE¼, N½SE¼;
Sec. 17, SE¼SE¼;
Sec. 20, lot 1 and SE¼NE¼;
Sec. 21, lots 1, 2, 3, 4, and NW¼SW¼;
Sec. 28, lots 1, 2, and 3;
Sec. 29, lots 1, 2, 3, 4, 5, 6, 7, NE¼NW¼, S½NW¼, N½SW¼, and S½SE¼;
Sec. 30, SE¼SE¼;
Sec. 31, lots 1, 2, 3, NE¼, SE¼NW¼, NE¼SW¼, and W½SW¼;
Sec. 32, lots 1, 2, 3, 4, and 5;
Sec. 33, lot 1.
T. 9 S., R. 29 E.,
Sec. 6, all;
Sec. 7, lots 1 and 2;
Sec. 18, lots 1, 2, 3, and 4.

Sixth Principal Meridian, Wyoming

T. 55 N., R. 94 W.,
Sec. 4, lot 7.
T. 56 N., R. 94 W.,
Sec. 4, lot 2;
Secs. 6 and 7, lot 65 E;
Sec. 8, lot 4;
Sec. 9, lot 5;
Sec. 17, lots 2, 5, and 58J;
Sec. 20, lot 2;
Sec. 27, lots 1 to 5, inclusive;
Secs. 28 and 29, lots 45–A, 45–B;
Sec. 33, lot 5;
Sec. 34, lots 2, 3, and 4.
T. 57 N., R. 94 W.,
Sec. 5, lot 5;
Sec. 6, lots 3 to 14, incl., SW¼NE¼, SE¼NW¼, SE¼SW¼;
Sec. 7, lots 1, 2, NW¼NE¼, S½NE¼, and NE¼NW¼;
Sec. 8, lots 1 to 4 incl., NE¼NW¼, NW¼SE¼, and SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 15, W½SW¼;
Sec. 22, lots 1, 5, 7, NW¼NE¼, and NE¼NW¼;
Sec. 23, W½SW¼;
Sec. 26, lots 1, 2, and SW¼;
Sec. 27, lots 3, 4, 5, 6, and NE¼SW¼.
T. 58 N., R. 94 W.,
Sec. 19, Lots 3, 4, 5, 6, 9, 10, 11, SE¼NW¼, and E½SW¼;
Sec. 30, lots 1 to 4, incl., and E½W½;
Sec. 31, lots 1 to 4, incl., E½W½, SW¼NE¼, and E½SE¼.
T. 56 N., R. 95 W.,
Sec. 1, lot 1.
T. 57 N., R. 95 W.,
Sec. 1, all;
Sec. 12, N½NE¼.
T. 58 N., R. 95 W.,
Sec. 24, lot 1, SE¼NE¼, and E½SE¼;
Sec. 25, E½NE¼, S½SW¼, SW¼SE¼, and E½SE¼.

The above areas aggregate approximately 9,760 acres.

E. G. NIELSEN,
Assistant Commissioner.

[71718]

OCTOBER 8, 1956.

I concur.

The lands, so far as they are not otherwise withdrawn, shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice For Filing Objections to Order Withdrawing Public Lands for the Missouri River Basin Project, Montana-Wyoming.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the States of Montana and Wyoming for use in connection with the proposed Yellowtail Reservoir, Yellowtail Unit, Lower Bighorn Division, Missouri River Basin Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 56-8195; Filed, Oct. 11, 1956; 8:45 a. m.]

POST OFFICE DEPARTMENT

GENERAL COUNSEL

ESTABLISHMENT OF BUREAU AND DELEGATION OF AUTHORITY, DUTIES, AND FUNCTIONS FORMERLY DELEGATED OR ASSIGNED TO THE SOLICITOR

The following is the text of Order No. 56214, dated October 10, 1956, which establishes the Bureau of the General Counsel in the Post Office Department, and delegates to the General Counsel the authority, duties, and functions delegated to or assigned to the Solicitor for the Post Office Department.

All authority, duties, and functions delegated or assigned to the Solicitor for the Post Office Department are hereby delegated and assigned to the General Counsel, and all orders, regulations, and instructions, presently in force and effect, which contain a reference to the Solicitor are hereby amended to refer to the General Counsel.

All assignment of duties and functions, and redelegation of authority made by the Solicitor for the Post Office Department to the officers and employees under his jurisdiction are continued in force and effect until modified or rescinded by the General Counsel. All personnel of the Office of the Solicitor for the Post Office Department, and funds alloted to that office, are hereby transferred to the Bureau of the General Counsel, which is hereby established as an independent Bureau in the Post Office Department, effective at once.

The following is the text of Order issued by the General Counsel on October 10, 1956, which continues in force and effect the rules, regulations or instructions issued by the Solicitor for the Post Office Department.

All rules, regulations, or instructions issued by the Solicitor for the Post Office Department are continued in force and effect until modified or rescinded.

(R. S. 161, 396, as amended, Reorganization Plan No. 3 of 1949; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 56–8262; Filed, Oct. 11, 1956; 9:02 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

TOBACCO INSPECTION, HORSE CAVE, BOWLING GREEN, RUSSELLVILLE, AND FRANKLIN TOBACCO MARKETS

PROPOSED DISTRIBUTION OF INSPECTION

Notice is hereby given that the United States Department of Agriculture has under consideration the distribution of inspection service between the Horse Cave, Kentucky; Bowling Green, Kentucky; Russellville, Kentucky; and Franklin, Kentucky, burley tobacco markets, pursuant to the provisions of The Tobacco Inspection Act (49 Stat. 731, 7 U. S. C. 511 et seq.). Among the factors that will be considered in distributing the inspection service on an equitable basis are quantity of tobacco available for inspection, adequacy of facilities, history of marketings, area and producers served, and the reasonableness of the inspection provided as it relates to orderly marketing by producers in the respective market areas.

All persons who desire to submit written data, views, or arguments with respect to the above-mentioned matter should file the same, in duplicate, with the Director, Tobacco Division, Agricultural Marketing Service, Washington 25, D. C., not later than the close of business on November 1, 1956.

Done at Washington, D. C., this 8th day of October 1956.

[SEAL] STEPHEN E. WRATHER,
Director,
Tobacco Division.

[F. R. Doc. 56–8225; Filed, Oct. 11, 1956; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN S. VANDER HEIDE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 21 F. R. 3029–3030, May 5, 1956.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 27, 1956.

Dated: October 2, 1956.

JOHN S. VANDER HEIDE.

[F. R. Doc. 56–8192; Filed, Oct. 11, 1956; 8:45 a. m.]

STUART E. YEATON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 21 F. R. 2494, April 17, 1956.

A. Deletions: No change.
B. Additions: Marcus Transformer Co. Inc.

This statement is made as of September 29, 1956.

Dated: October 2, 1956.

STUART E. YEATON.

[F. R. Doc. 56–8193; Filed, Oct. 11, 1956; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F–16]

POWER REACTOR DEVELOPMENT CO.

NOTICE OF HEARING ORDER

At a session of the Atomic Energy Commission held in Washington, D. C., on the 8th day of October 1956, Chairman Lewis L. Strauss and Commissioners Willard F. Libby, Thomas E. Murray, and Harold S. Vance present, it appeared that:

On January 7, 1956, Power Reactor Development Company (hereinafter called "the applicant") filed its application for a construction permit, under section 104b. of the Atomic Energy Act of 1954, to build a nuclear reactor. Amendments to the application were filed on June 6, July 12, July 20 and July 23, 1956. On August 4, 1956, the Commission issued a provisional construction permit (CPPR–4) under § 50.35 of its regulations (10 CFR 50.35) authorizing construction of said reactor subject to certain conditions.

Petitions for leave to intervene and further relief were filed on August 31, 1956, on behalf of the International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, AFL–CIO, Walter P. Reuther, Emil Mazey and Carlos Gastambide; on behalf of the International Union of Electrical, Radio and Machine Workers, AFL–CIO, James B. Carey, Al Hartnett and James Douglas; and on behalf of the International Union, United Paperworkers of America, AFL–CIO, Harry Sayre, Frank Grasso, Max Van Wickle, Joseph Stanifer, Lawrence Helten, John Jennings, and Frank Meade, Jr.;

On September 14, 1956, the applicant filed answering papers to said petitions

insofar as they request leave to intervene and suspension of said construction permit pending a final determination of the matters raised by said petitions, and the applicant moved that the Commission strike certain statements from said petitions; and

On September 19 and 20, 1956, petitioners filed additional statements in opposition.

Upon due consideration of the foregoing, and in light of the considerations expressed in the memorandum of the Commissioners,[1]

It is ordered, That:

(1) The petitions for leave to intervene filed on behalf of the above named petitioners are granted and said interveners are made parties to the hearing ordered herein;

(2) Pursuant to section 189 of the Atomic Energy Act of 1954 and the Commission's regulations, a hearing shall be held on said application upon the following Specification of Issues:

A. 1. Whether there is information sufficient to provide reasonable assurance that a utilization facility of the general type proposed in the application can be constructed and operated at the location proposed therein without undue risk to the health and safety of the public.

2. Whether there is reasonable assurance that technical information omitted from and required to complete the application will be supplied.

B. Whether, pursuant to § 50.40 (b) of the Commission's regulations, the applicant is financially qualified to engage in the proposed activities; and whether, pursuant to § 50.60 (c) (2) of the Commission's regulations, the applicant is financially qualified to receive an allocation of special nuclear material.

C. With respect to any matter in controversy in this proceeding, whether the Commission may, or should, grant any exemption pursuant to § 50.12 of its regulations on the ground that such exemption is "authorized by law and will not endanger life or property or the common defense and security and • • • [is] otherwise in the public interest."

D. If the issues in the proceeding are resolved in favor of continuing the construction permit, what additional or different provisions, if any should be incorporated in it.

(3) Jay A. Kyle, Esq., is designated as the presiding officer to conduct the hearing. The hearing shall commence on November 13, 1956, in Washington, D. C., at the offices of the Commission or on such adjourned date or at such other place as may be directed by the presiding officer. Pursuant to § 2.751 (b) of the Commission's regulations, the presiding officer at the conclusion of the hearing shall, without rendering an intermediate decision, certify the record of the hearing to the Commission.

(4) The interveners' requests for an immediate suspension of said construction permit pending the final determination of the matters raised by said petitions are denied without prejudice to ultimate determination by the Commission as to whether the permit should be continued, modified or vacated.

(5) On or before October 22, 1956, the applicant and the interveners shall file and serve their answers pursuant to § 2.736 of the Commission's regulations.

(6) A copy of the letter dated June 6, 1956, from C. Rogers McCullough, Chairman, Advisory Committee on Reactor Safeguards to the General Manager shall be sent to each of the interveners and placed in the Commission's public document room.

(7) Papers required to be filed with AEC in this proceeding shall be filed with the Secretary, Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C. Pending further order of the presiding officer, the parties shall file ten copies of each such paper with AEC and where service of papers is required on other parties shall serve five copies on each.

Dated at Washington, D. C., this 8th day of October 1956.

ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F. R. Doc. 56-8222; Filed, Oct. 11, 1956; 8:49 a. m.]

[1] Available in the Commission's public document room.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10133; FCC 56M-928]

COMMUNITY BROADCASTING SERVICE, INC. (WWBZ)

ORDER SCHEDULING HEARING CONFERENCE

In re application of Community Broadcasting Service, Inc. (WWBZ), Vineland, New Jersey, Docket No. 10133, File No. BR-1435; for renewal of license.

It is ordered, This 8th day of October 1956, on the hearing examiner's own motion, that a hearing conference in the above entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 9:30 a. m., October 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8211; Filed, Oct. 11, 1956; 8:48 a. m.]

[Docket Nos. 11645, 11646; FCC 56-965]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

In the Matter of American Telephone and Telegraph Company, Docket No. 11645; charges, classifications, regulations and practices for and in connection with private line services and channels; the Western Union Telegraph Company, Docket No. 11646; charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of October 1956;

The Commission having under consideration:

(1) Its Order of March 7, 1956, as amended by its Order of September 6, 1956, instituting a general investigation into the lawfulness of the charges, classifications, regulations and practices as set forth in Tariffs F. C. C. Nos. 134, 135, 140, 145, 208, 220 and 231 of the American Telephone and Telegraph Company applicable to private line services and channels (Docket No. 11645) and as set forth in Tariff F. C. C. No. 237 of the Western Union Telegraph Company applicable to leased facility services (Docket No. 11646);

(2) Amendments of certain of the above-mentioned tariffs filed with the Commission subsequent to the above-described Order of March 7, 1956;

It appearing, that the general investigation, herein, was intended to include consideration of the charges, classifications, regulations and practices contained in amendments of the above-mentioned tariffs and successive issues thereof filed subsequent to the issuance of the above-described Order of March 7, 1956, but that such Order does not so specify;

It is ordered, That the above-described Order of March 7, 1956, is further amended to include consideration of and investigation into the lawfulness under the Communications Act of 1934, as amended, of the charges, classifications, regulations and practices contained in the currently effective tariffs enumerated above, as well as in subsequent amendments thereto and successive issues thereof.

Released: October 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8212; Filed, Oct. 11, 1956; 8:48 a. m.]

[Docket No. 11673, 11674; FCC 56M-916]

MISSISSIPPI BROADCASTING CO. (WCOC-TV) AND LAUREL TELEVISION CO., INC.

ORDER CONTINUING HEARING

In re applications of Mississippi Broadcasting Company (WCOC-TV), Pachuta, Mississippi, Docket No. 11673, File No. BMPCT-3213; for modification of construction permit; and Laurel Television Company, Inc., Laurel Mississippi, Docket No. 11674, File No. BPCT-2031; for television construction permit (Channel 7).

On the oral request of counsel for applicants, and without objection by counsel for the Broadcast Bureau, it is ordered, this 5th day of October 1956, that the hearing now scheduled for October 8, 1956, is continued to Monday, November 5, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8213; Filed, Oct. 11, 1956; 8:48 a. m.]

[Docket No. 11681; FCC 56M-926]

JOSEPH THOMAS COLLINS

ORDER SCHEDULING HEARING

In the matter of Joseph Thomas Collins, Thiensville, Wisconsin, Docket No. 11681; suspension of amateur radio operator license.

It is ordered, This 8th day of October 1956, that hearing in the above-entitled proceeding will be held in Milwaukee, Wisconsin, commencing December 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8214; Filed, Oct. 11, 1956; 8:48 a. m.]

[Docket No. 11741; FCC 56M-927]

CLAREMORE BROADCASTING CO.

ORDER CONTROLLING THE CONDUCT OF HEARING

OCTOBER 8, 1956.

In re application of Robert I. Hartley tr/as Claremore Broadcasting Company, Claremore, Oklahoma, Docket No. 11741, File No. BP-10306; for construction permit.

Appearances. Leo Resnick, on behalf of Robert I. Hartley, tr/as Claremore Broadcasting Company; Russell Rowell, on behalf of KUOA, Inc.; and Ray R. Paul and Richard E. Ely, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference called pursuant to the provisions of § 1.813 of the Commission's rules was held October 1, 1956. The parties attending were those indicated in the appearances above.

2. The Commission order adopted June 13, 1956, released June 18, 1956, found the applicant to be legally, technically, financially and otherwise qualified except as may appear from the specified issues and designated the application for hearing on the following three issues:

"1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

"2. To determine whether the proposed operation would cause objectionable interference to Stations KSOK, Arkansas City, Kansas, and KUOA, Siloam Springs, Arkansas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

"3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest."

3. At the conference, it was agreed that the resolution of all of the issues would flow from the study of the engineering exhibits and the examination or cross-examination of the engineering witnesses.

4. As a result of the hearing conference, it was agreed that the applicant would exchange copies of all exhibits to be offered in evidence in response to the several issues with the other parties to the proceeding on or before October 22, 1956. Included in the exhibits will be the direct testimony in written form of the engineer or engineers who prepared the exhibits. The other parties to the proceeding may prepare and exchange other proposed exhibits in the nature of reply or rebuttal exhibits on or before November 12, 1956. On November 12, 1956, the other parties will advise the applicant whether they wish to cross-examine any witness or witnesses of the applicant and if so, specify the witness.

5. The evidentiary hearing will begin on Monday, November 19, 1956. It is contemplated that the parties to the proceeding may exchange drafts of proposed exhibits and that the engineers may discuss with each other on an informal basis any of the engineering exhibits or matters with a view of explaining, clarifying and possibly resolving any differences of opinion which may exist with respect to the engineering facts in issue in this proceeding.

6. As a result of the hearing conference, it appears that a further pre-hearing conference will not be necessary. If after the exchange of the exhibits any party to the proceeding desires a further pre-hearing conference, such conference will be called upon request.

It is ordered, This the 8th day of October 1956, that pursuant to the agreements reached at the pre-hearing conference on October 1, 1956, the applicant will exchange his exhibits with the other parties on or before October 22, 1956; the other parties to the proceeding may exchange any other exhibits on or before November 12, 1956; on November 12, 1956, the other parties to the proceeding will notify the applicant of the identity of the witness or witnesses desired for cross-examination; in the absence of a request for a further pre-hearing conference, such hearing conference will not be held; and the evidentiary hearing scheduled to begin on November 1, 1956, will begin on November 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8215; Filed, Oct. 11, 1956; 8:48 a. m.]

[Docket No. 11835; FCC 56-952]

TOWN AND COUNTRY RADIO, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Town and Country Radio, Inc., Rockford, Illinois, Docket No. 11835, File No. BP-10484; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of October 1956;

The Commission having under consideration the above-captioned application of Town and Country Radio, Inc., for a construction permit for a new standard broadcast station to operate on 1150 kilocycles with a power of one kilowatt, directional antenna, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the proposed operation may be involved in objectionable interference with Station WJJD, Chicago, Illinois (1160 kc, 50 kw, DA-1, L-KSL); that it has not yet been determined whether the proposed directional antenna system can be adjusted and its stability maintained as contemplated; and that, in the event the proposed directional antenna system cannot be adjusted and maintained as contemplated, the proposed operation may cause objectionable interference to Station WISN, Milwaukee, Wisconsin (1150 kc, 5 kw, DA-1, U); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 22, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that counsel for Station WJJD requested by letter dated April 13, 1956, that the subject application be designated for hearing and that Station WJJD be made a party to the proceeding; and

It further appearing that counsel for Station WISN, in letters dated June 12 and June 30, 1956, stated that the proposed operation would cause interference to Station WISN and that the subject application should be designated for hearing; and

It further appearing that a timely reply was filed by the applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed directional antenna system can be adjusted and maintained as proposed in the application.

3. To determine in the light of Issue No. 2 above, whether the proposed operation would cause objectionable interference to Station WJJD, Chicago, Illinois, or Station WISN, Milwaukee, Wisconsin, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the subject

FSA No. 32731: *Grain from Kansas*

ern trunk line territories to Independ-

FSA No. 32734: *Merchandise from*

application would serve the public interest, convenience and necessity.

It is further ordered, That The Hearst Corporation and the Plough Broadcasting Company, Inc., licensees of Stations WISN and WJJD, respectively, are made parties to the proceeding.

Released: October 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8216; Filed, Oct. 11, 1956; 8:48 a. m.]

[Docket Nos. 11836, 11837; FCC 56-953]

PLAINVIEW RADIO

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Earl S. Walden, Homer T. Goodwin and Leroy Durham d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200, Troyce H. Harrell & Kermit S. Ashby d/b as Star of the Plains Broadcasting Company, Slaton, Texas, Docket No. 11837, File No. BP-10499; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of October 1956;

The Commission having under consideration the above-captioned applications of Earl S. Walden, Homer T. Goodwin, and Leroy Durham d/b as Plainview Radio, and Troyce H. Harrell and Kermit S. Ashby d/b as Star of the Plains Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1050 kilocycles with powers of one kilowatt and 250 watts, respectively, daytime only, Plainview Radio proposing to utilize a directional antenna, at Plainview and Slaton, Texas, respectively;

It appearing that each of the applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; that the proposed operation of the Star of the Plains Broadcasting Company would cause objectionable interference to Station KCCO, Lawton, Oklahoma; and that the proposed operation of the Star of the Plains Broadcasting Company may not comply with § 3.28 (c) of the Commission's rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 10, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that counsel for Station KCCO, by letter dated August 27, 1956, advised the Commission that Station KCCO will appear and participate in the event the Star of the Plains Broadcasting Company application is designated for hearing; and

It further appearing that the Star of the Plains Broadcasting Company filed an amendment on September 6, 1956, specifying a change in transmitter site and reduced antenna height, but that the amendment makes no appreciable change in the interference problems; and

It further appearing that a timely reply was filed by Plainview Radio; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by the Star of the Plains Broadcasting Company would involve objectionable interference with Station KCCO, Lawton, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposal of the Star of the Plains Broadcasting Company would comply with § 3.28 (c) of the Commission's rules, and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: October 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8217; Filed, Oct. 11, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 9, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32724: *Condensed milk—Maysville, Ky., to Lake Charles, La., and Galveston, Tex.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on milk, condensed or evaporated, canned, carloads from Maysville, Ky., to Lake Charles, La., and Galveston, Tex., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 142 to Agent Hinsch's I. C. C. 4058.

FSA No. 32725: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by Kenosha Auto Transport Corporation, Agent, for itself and the Pennsylvania Railroad Company. Rates on freight loaded in highway trailers on railroad flat cars from Chicago, Ill., on traffic originating on applicant motor carrier to Kearny, N. J., destined to points reached by motor carriers in trunk line and New England territories.

Grounds for relief: Motor truck competition.

FSA No. 32726: *Sand from Illinois to Jackson, Miss.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, ground or pulverized, in packages or in bulk, carloads from Ottawa, Wedron, Sheridan, Millington, Oregon, and Utica, Ill., to Jackson, Miss.

Grounds for relief: Short-line distance formula-circuitous routes.

Tariff: Supplement 88 to Agent Raasch's I. C. C. No. 776.

FSA No. 32727: *Alcohol from Tuscola, Ill., to New Orleans, La.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on alcohol (other than denatured or wood alcohol), in bond, tank-car loads from Tuscola, Ill., to New Orleans, La.

Grounds for relief: Circuitous route.

Tariff: Supplement 88 to Agent Raasch's tariff I. C. C. 776.

FSA No. 32728: *Plastics from Tuscola, Ill., to Jackson, Miss., and New Orleans, La.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on plastics, synthetic, liquid or other than liquid, N. O. I. B. N., in bulk or in packages, carloads from Tuscola, Ill., to Jackson, Miss., and New Orleans, La.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32729: *Grain from Chicago, Ill., to St. Joseph, Mo.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, seeds, and related articles, carloads from Chicago, Ill., to St. Joseph and South St. Joseph, Mo.

Grounds for relief: Rail competition and circuitous route.

Tariff: Supplement 104 to Agent Prueter's I. C. C. A-3866.

FSA No. 32730: *Grain from Sioux City, Iowa.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, seeds, and related articles, carloads from Sioux City, Iowa to Minneapolis and St. Louis Railway stations, Marietta to Roland, Iowa, Inclusive,

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 104 to Agent Prueter's I. C. C. A-3866.

FSA No. 32731: *Grain from Kansas City, Mo.-Kans., to Cairo, Ill.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, seeds, and related articles, carloads from Kansas City, Mo.-Kans., to Cairo, Ill.

Grounds for relief: Circuitous route.

Tariff: Supplement 104 to Agent Prueter's I. C. C. No. A-3866.

FSA No. 32732: *Pipe or tubing to Independence, Mo.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on pipe or tubing, wrought iron or steel, carloads from points in official and western trunk line territories to Independence, Mo.

Grounds for relief: Barge-truck competition.

Tariffs: Supplement 112 to Agent Prueter's I. C. C. A-3991. Supplement 9 to Agent H. R. Hinsch's I. C. C. 4703.

FSA No. 32733: *Tobacco from Pennington, Va., to Durham, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on tobacco, unmanufactured, carloads from Pennington, Va., to Durham, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 90 to Agent C. A. Spaninger's I. C. C. 1384.

FSA No. 32734: *Merchandise from Philadelphia, Pa., to Birmingham, Ala.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on merchandise in mixed carloads from Philadelphia, Pa., to Birmingham, Ala.

Grounds for relief: Circuitous routes.

Tariff: Agent Boin's tariff I. C. C. A-1119.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-8203; Filed, Oct. 11, 1956; 8:46 a. m.]

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1934
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FEDERAL REGISTER

VOLUME 21 NUMBER 200

Washington, Saturday, October 13, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 1—COVERAGE AND DEFINITIONS

PART 2—FILLING COMPETITIVE POSITIONS

PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM COMPETITIVE SERVICE

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER VETERANS' PREFERENCE ACT OF 1944

MISCELLANEOUS AMENDMENTS

The following amendments are effective October 1, 1956.

1. Paragraph (ee) is added to § 1.102 as follows:

§ 1.102 *Definitions.* As used in Parts 1 through 11 of the regulations in this chapter, the term: • • •

(ee) "Reemployed annuitant" means an employee whose annuity under the Civil Service Retirement Act, as amended, was continued upon reemployment in an appointive position on or after October 1, 1956.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

2. Section 2.304 (a) is amended to read as follows:

§ 2.304 *Temporary renewable appointment*—(a) *Agency authority.* (1) Any person who is eligible and selected for employment in a continuing position under any regulation of the Commission and who enters on duty on or after his seventieth (70th) birthday shall be given a temporary renewable appointment for a period not to exceed one year.

(2) Temporary renewable appointment may also be given to any employee appointed under this section who would otherwise be eligible under any regulation of the Commission for promotion, demotion, reassignment, or transfer.

NOTE: Temporary renewable appointments of annuitants under 70 effected noncompetitively before receipt of Departmental Circular 884 announcing the change in regulations, will be permitted to stand.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

3. Paragraph (b) is added to § 9.102 to read as follows:

§ 9.102 *Procedure in separating, suspending, or demoting employees.* • • •

(b) Reemployed annuitants are not entitled to the benefits of the regulations in this part.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

4. Section 21.4 (b) is amended to read as follows:

§ 21.4 *Qualifications of applicants.* • • •

(b) *Disqualifications.* In the standards established by the agency or the appropriate office of the agency, it may be provided that certain factors will disqualify applicants for employment. These may include among others, the following: (1) Dismissal from the service for delinquency or misconduct; (2) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (3) intentional false statements as to any material fact, or deception or fraud in connection with an application; (4) habitual use of intoxicating beverages to excess; (5) reasonable doubt as to the loyalty of the person involved, to the Government of the United States; (6) any legal disqualification for appointment; and (7) lack of United State citizenship. However, an applicant shall not be disqualified for employment solely by reason of his retired status.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

5. The first unnumbered paragraph of § 21.10 is amended to read as follows:

§ 21.10 *Removal, suspension, furlough, or demotion of preference employees.* This section shall apply to permanent and indefinite employees entitled to five- or ten-point preference under the regulations in this part but shall not apply to (a) employees during their first year of current continuous Federal or District of Columbia service, (b) employees appointed for periods specifically limited to one year or less, or (c) employees whose annuity under the Civil Service Retirement Act, as amended, was continued upon reemployment in an appointive position on or after October 1, 1956.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

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6. Section 22.102 (b) is amended to read as follows:

§ 22.102 *Employee coverage.* • • •

(b) *Employees not covered.* The regulations in this part shall not apply to an employee serving a probationary or trial period, to a reemployed annuitant, or to an employee under the legislative or judicial branch of the Government unless he is occupying a position in the competitive service. This part shall not apply to an employee (except a postmaster) whose appointment is required to be confirmed by the United States Senate.

(Secs. 11, 19, 59 Stat. 390, 391; 5 U. S. C. 860, 868)

7. Paragraph (e) of § 22.103 is redesignated as paragraph (f) and a new paragraph (e) is added as follows:

§ 22.103 *Definitions.* • • •

(e) "Reemployed annuitant" means an employee whose annuity under the Civil Service Retirement Act, as amended, was continued upon reemployment in an appointive position on or after October 1, 1956.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8257; Filed, Oct. 12, 1956; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

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[Amdt. 1]

PART 472—WOOL

SUBPART A—1956 INCENTIVE PAYMENT PROGRAM FOR SHORN WOOL

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EDITORIAL NOTE: In F. R. Document 56-5614, appearing in the issue for Tuesday, July 17, 1956, on page 5311, column 2, the section designated as "§ 472.723" should be changed to "§ 472.725".

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

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REVIEW OF FARM ACREAGE ALLOTMENT

722.830 Review of farm acreage allotment.

AUTHORITY: §§ 722.811 to 722.830 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 342–347, 361–368, 373, 374, 377, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1373, 1374, 1388.

GENERAL

§ 722.811 *Basis and purpose.* (a) The regulations contained in §§ 722.811 to 722.830 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) and govern the establishment of State, county and farm acreage allotments for the 1957 crop of upland cotton and the determination of the acreage planted to cotton on individual farms in 1957. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.811 to 722.830. Notice of proposed formulation of acreage allotment regulations for the 1957 crop of upland cotton was published in the FEDERAL REGISTER on July 7, 1956 (21 F. R. 5063) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the Agricultural Stabilization and Conservation State and County Committees may perform their assigned functions in an orderly manner and establish farm acreage allotments as early as possible prior to the holding of the cotton referendum, it is essential that the regulations in §§ 722.811 to 722.830 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.812 *Definitions.* As used in §§ 722.811 to 722.830 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number.

(a) *Terms relating to administrative organization.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore, or hereafter made.

(2) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(3) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(4) "Director" means the Director, or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(5) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(6) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(7) "Community committee" means the group of persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(8) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(b) *General terms.* (1) "Upland cotton" (herein referred to as "cotton") means any cotton other than extra long staple cotton.

(2) "Extra long staple cotton" means the kinds of cotton described in section 347 (a) of the act and in the regulations for establishing acreage allotments for the 1957 crop of extra long staple cotton and for determining acreages planted to extra long staple cotton.

(3) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area.

(4) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(5) "County" means county or parish of a State.

(6) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(c) *Terms relating to farms.* (1) "Farm" means all adjacent or nearby farm or rangeland under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm or rangeland which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(3) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(4) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(5) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(6) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(7) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on a farm, is entitled to all or a share of the 1957 crop of cotton produced thereon or of the proceeds thereof.

(8) "Farm acreage allotment" means a cotton acreage allotment established for a farm under the regulations in this subpart. Farm acreage allotments are initially established on the basis of the data for farms as finally constituted for 1956; where there is a change in the land in a farm for 1957, the farm acreage allotment will be redetermined in accordance with § 722.817 (h).

(9) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(10) "Old cotton farm" means a farm having an acreage planted to cotton in any one or more of the years 1954, 1955, and 1956.

(11) "New cotton farm" means a farm on which cotton is to be planted in 1957 but on which no acreage was planted to cotton in any of the years 1954, 1955, and 1956.

(12) "Small farm" means a farm for which an acreage allotment, exclusive of allocations to the farm from State and county reserves, for 1957 is 15 acres or less.

(13) "Normal yield" means the average yield per acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which much normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared wtih other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

(14) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(15) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1957.

(16) "Actual yield" per acre means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm by the acreage planted to cotton on the farm in 1957.

(17) "Acreage planted to cotton":

(i) *State.* The acreages of cotton to be used in establishing State acreage allotments are as follows:

(*a*) *For 1951 and 1952.* The official planted acreages of cotton (acreage in cultivation on July 1 of each year plus the estimated acreage planted but abandoned prior to July 1), as determined by the Agricultural Marketing Service of the United States Department of Agriculture.

(*b*) *For 1953.* The measured acreages of cotton for all farms in the State, as determined in accordance with official instructions issued by the Deputy Administrator.

(*c*) *For 1954 and 1955.* The measured acreages of cotton for all farms in the State, as determined for purposes of the 1954 and 1955 cotton marketing quota programs, and adjusted according to the provisions of subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(ii) *County.* The acreages of cotton to be used in establishing county acreage allotments are as follows:

(*a*) *For 1951 and 1952.* The official planted acreages of cotton (acreage in cultivation on July 1 of each year plus the estimated acreage planted but abandoned prior to July 1), as determined by the Agricultural Marketing Service of the United States Department of Agriculture.

(*b*) *For 1953.* The measured acreage of cotton for all farms in the county, as determined in accordance with official instructions.

(*c*) *For 1954 and 1955.* The measured acreages of cotton for all farms in the county, as determined for purposes of the 1954 and 1955 cotton marketing quota programs and adjusted according to the provisions of subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(iii) *Farm (1954, 1955, 1956).* For purposes of establishing farm acreage allotments for the 1957 crop of cotton, the acreage planted to cotton on a farm means the acreage of land planted to cotton for the years 1954, 1955 and 1956, which shall be determined as follows:

(*a*) *For 1954 and 1955.* The acreages of cotton measured for purposes of the 1954 and 1955 cotton marketing quota programs, and adjusted, as provided in subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(*b*) *For 1956.* The acreage of cotton measured for purposes of the 1956 marketing quota program, including any acreage not seeded to cotton which is eligible for compensation as cotton acreage reserve under the Soil Bank Program and adjusted as provided in subsection (g) (3), (i), and (m) (2) of section 344 of the act. If a written request was filed by June 1, 1956, to preserve acreage history for a farm for the year 1956 as provided in section 377 of the act, the entire 1956 allotment shall be considered to have been planted to cotton.

(iv) *Farm (1957).* For purposes of determining compliance with the farm acreage allotment, the acreage planted to cotton on a farm in 1957 shall be the acreage of land seeded to cotton on the farm in 1957, excluding any acreage in excess of the farm acreage allotment which (*a*) is destroyed by causes beyond the producer's control prior to the expiration of the period established under item (*b*) of this subdivision for disposing of excess cotton acreage, or (*b*) is disposed of not later than 20 days, or such longer period as is approved in writing by the county committee, in accordance with § 722.826, after notice of the measured cotton acreage is mailed to the farm operator.

(v) *Exclusion of acreages planted to extra long staple cotton.* Acreage devoted to the production of American-Egyptian, Sea Island and Sealand cotton during the period of years 1951 to 1956, inclusive, shall not be included in the acreage planted to cotton, as determined under subdivisions (i), (ii) and (iii) of this subparagraph, for the purposes of determining acreage allotments for the 1957 crop of cotton.

(18) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (i) bearing orchards and vineyards (except the acreage of cropland therein), (ii) plowable non-crop open pasture, and (iii) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community. Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into under the conservation reserve program by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses under such contract.

(d) *Terms relating to national reserve.* (1) "National reserve for minimum farm allotments" means the national acreage reserve provided in section 303 (a) of the Agricultural Act of 1956 (which amends section 344 (b) of the act) for apportionment to States on the basis of needs for additional allotments to establish minimum farm allotments. The allotment to Nevada from such national reserve is 1,000 acres.

(2) "State's share of the national reserve for minimum farm allotments" means the part of the national reserve allocated to the State on the basis of State needs for additional allotments to establish minimum farm allotments, including the 1,000 acre allotment to Nevada from the national reserve as provided by the Act.

(3) "State reserve for minimum farm allotments" means that part of the State reserve allocated to counties to assist in establishing minimum farm allotments.

(4) "County allocations for minimum farm allotments" means the allocations to the county from the State's share of the national reserve for minimum farm allotments and from the State reserve for minimum farm allotments which become a part of the county allotment for apportionment to farms.

§ 722.813 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out these regulations. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.814 *Extent of calculations and rule of fractions.* The acreages planted to cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and ffactions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.815 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed for the 1957 crop of cotton, less the acreage required pursuant to section 344 (k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1954, 1955, and 1956, is apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1951, 1952, 1953, 1954 and 1955, with adjustments in such acreages for abnormal weather conditions. Such adjustments for abnormal weather conditions are made in the acreages planted to cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a State is the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed cotton because of abnormal weather conditions. In accordance with section 302 of the Agricultural Act of 1956, amending section 342 of the act, any such apportionment which is less than the State acreage allotment for 1956 by more than 1 percent shall be increased so that the State acreage allotment for 1957 is 99 percent of the 1956 State acreage allotment. The acreage required for such increase shall be in addition to the 1957 national acreage allotment. An additional apportionment among the States shall be made from the national acreage reserve as provided by section 303 (a) of the Agricultural Act of 1956, amending section 344 (b) of the act, on the basis of the needs of each State for additional acreage for establishing minimum farm allotments under section 344 (f) (1) of the act (except that the amount apportioned to Nevada shall be 1,000 acres). This paragraph will be amended at a later date to include the apportionment to each State from the national acreage allotment, the additional acreage, if any, required to make each State acreage allotment equal 99 percent of the 1956 State acreage allotments, State acreage allotments for 1957, apportionments from the national acreage reserve, and the total allotment available for distribution in each State.

§ 722.816 *Apportionment of State acreage allotment among counties.*—(a) *State acreage reserve.*—(1) *State reserve for trends, abnormal conditions, new farms and inequities and hardship cases.* The State committee shall determine what portion of the State acreage allotment, if any, is to be reserved for use in (i) adjusting computed county acreage allotments for trends in acreage, (ii) adjusting computed county acreage allotments for abnormal conditions affecting plantings, (iii) establishing allotments for new cotton farms, and (iv) adjusting farm allotments to correct inequities and to prevent hardship. The total allocation to the State reserve for all such uses shall not exceed two percent of the State acreage allotment unless the Secretary, on the basis of a recommendation by the State committee, approves a larger percent.

(2) *State reserve for minimum farm allotments.* The State committee shall determine what portion of the State acreage allotment, if any, is to be reserved for establishing minimum farm allotments in the State. The total State reserve for this purpose shall not be less than the smaller of (i) three percent of the State acreage allotment, or (ii) the estimated acreage allotment needed in the State to increase factored farm allotments to minimum farm allotments determined under paragraphs (c) and (d) of § 722.817 minus the allocation to the State from the national reserve. The factored farm allotments mentioned in item (ii) or this subparagraph shall be determined by apportioning the State acreage allotment (with no State reserve deducted) to counties on the basis of the acreages planted to cotton in 1951 to 1955, inclusive, with such adjustments for abnormal weather conditions for such years prior to 1955 as were used in establishing county acreage allotments for 1956, and by apportioning the county acreage allotment thus determined among farms on the basis of the three-year average of the acreages planted to cotton in the years 1954 and 1955 and the farm acreage allotment for the year 1956.

(3) *State reserve for small farms.* The State committee shall determine what portion of the State acreage allotment, if any, is to be reserved for making adjustments in acreage allotments for small farms as defined in § 722.812 (c) (12).

(4) *Limitation on size of State reserve.* The total of the State acreage reserve established by the State committee pursuant to items (1), (2) and (3) of this paragraph shall not exceed 10 percent of the State acreage allotment (15 percent in the case of Oklahoma).

(b) *Computed county acreage allotments.* The State acreage allotment for the 1957 crop of cotton, less the State acreage reserve established pursuant to paragraph (a) of this section, shall be apportioned to counties on the basis of the average acreage planted to cotton in each county in 1951, 1952, 1953, 1954 and 1955, (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. Such adjustments for abnormal weather conditions are made in the acreages planted to cotton in the county on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a county is the amount established by reference to available information and data as the net reduction of planted acreage in the county attributed solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed cotton because of abnormal weather conditions. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment."

(c) *Use of State acreage reserve.* The State acreage reserve established under paragraph (a) of this section shall be used by the State committee for the purposes set forth in subparagraphs (1) through (6) of this paragraph.

(1) *To adjust computed county acreage allotments for trends in the acreage of cotton.* A part or all of the State acreage reserve established pursuant to item (1) of paragraph (a) of this section, may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for trends in the acreage planted to cotton in the counties during recent years (the period of years may include the year 1956 but shall not include the year 1949). Since cotton allotments have been in effect for 3 years during the period 1951–1956, inclusive, only those areas of the State where the acreage increased rapidly from 1951 through 1953 on a permanent basis shall be considered in adjusting county allotments from the State reserve for trends in acreage. The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.* A part or all of the

age reserve and the acreage required to

under this subparagraph, each indicated

Mexico; and in Brewster, Culberson, El

State acreage reserve established pursuant to item (1) of paragraph (a) of this section may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) Abnormal weather conditions such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to cotton production, or are increasing the acreage in cotton after having been out of production or having been on a reduced level of cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted cotton acreages because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under item (i) of this subparagraph for abnormal weather conditions the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in acreage allotments for small farms.* The State acreage reserve established pursuant to item (3) of paragraph (a) of this section shall be available for allocation by the State committee to counties to supplement that part of the county acreage reserve established as provided in subparagraphs (1) and (2) of § 722.817 (e) for adjusting indicated farm acreage allotments for old cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.817. The State committee shall determine the acreage, if any, to be allocated to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1957 acreage allotments for new cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.817 (e) (3). Where it is determined by the State committee that the entire county acreage reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.817 (e), the State committee shall consider establishing an acreage from the State acreage reserve as provided in item (1) of paragraph (a) of this section to supplement the acreage, if any, set aside by the county committee from the county acreage reserve for establishing acreage allotments for new cotton farms. In determining the estimated acreage to be set aside for establishing acreage allotments for new cotton farms on the basis of the factors set forth in § 722.817 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing acreage allotments for new cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State acreage reserve as provided in item (1) of paragraph (a) of this section for making adjustments in farm acreage allotments to correct inequities and to prevent hardship and shall allocate such reserve to the counties.

(6) *To establish minimum farm allotments.* The State reserve established pursuant to subparagraph (2) of paragraph (a) of this section shall be apportioned among counties on the basis of their respective needs for additional allotment to establish minimum farm allotments, as determined in accordance with subparagraph (2) (ii) of paragraph (a) of this section. The allotment so apportioned by each county shall become a part of the county acreage allotment.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested cotton producer: (1) The amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraph (1) and (2) of paragraph (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purpose set forth in subparagraphs (3), (4), (5) and (6) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section, (3) the allocation, if any, to the county from the national reserve, and (4) the allocation, if any, to the county from the State acreage reserve for minimum farm allotments. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county in which farm acreage allotments are to be established under § 722.817 (c) that, because of different conditions pertaining to the production of cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.817 (j) shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

(h) *Apportionment of State's share of national acreage reserve among counties.* Each State's share of the national acreage reserve established pursuant to § 722.815 shall be apportioned among counties on the basis of their respective needs for additional allotment to establish minimum farm allotments, as determined in accordance with subparagraph (2) (ii) or paragraph (a) of this section, except that the additional allotment of 1,000 acres for Nevada from such reserve shall be apportioned among counties on the same basis that the State acreage allotment, less the State acreage reserve, is apportioned among counties pursuant to § 722.816 (b). The allotment apportioned to each county pursuant to this paragraph shall become a part of the county acreage allotment.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.817 *Apportionment of county acreage allotment—(a) Determination of method to be used in apportioning county acreage allotment among farms.* Section 344 (f) (2) of the act provides that the county acreage allotment, less the county acreage reserve and the acreage required to establish minimum farm allotments under section 344 (f) (1) of the act, shall be allotted to old cotton farms by multiplying the adjusted cropland for such farm, other than minimum allotment farms, by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to in this section as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county acreage allotment, less the county acreage reserve and the acreage required to establish minimum farm allotments under section 344 (f) (1) of the act, shall be apportioned to old cotton farms on the basis of the acreage planted to cotton on each such farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting planting (this method will be referred to in this section as the "historical basis"). The county committee shall study these two methods of apportioning the county acreage allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm acreage allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.816 (e) is amended to include the county acreage allotment established for each county, the Secretary will designate the basis on which the farm acreage allotments are to be established in the county.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the sum of (1) the computed county acreage allotment, and (2) the allotment allocated to the county pursuant to items (1) and (2) of § 722.816 (c), which may be used to adjust indicated farm acreage allotments for old cotton farms determined under paragraph (c) or (d) of this section and to establish acreage allotments for new cotton farms under paragraph (e) (3) of this section Such reserves shall be published in an amendment to the regulations in this part.

(c) *Indicated acreage allotments for old cotton farms in counties where farm acreage allotments are determined on the cropland basis.* If farm acreage allotments are to be determined in the county on the cropland basis, the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be used to determine indicated allotments for old cotton farms as follows:

(1) *Indicated minimum acreage allotments for old cotton farms with highest cotton acreage less than four acres.* The indicated minimum acreage allotment for each old cotton farm on which the highest acreage planted to cotton in any of the years 1954, 1955 and 1956 was less than four acres, shall be equal to such highest acreage.

(2) *Pro rata reduction of indicated acreage allotments for old cotton farms.* If the sum of (i) the indicated acreage allotments determined under subparagraph (1) of this paragraph (c) and (ii) the acreage determined by multiplying the number of old cotton farms with four acres or more planted to cotton in any of the years 1954, 1955 and 1956 by four exceeds the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section), an indicated acreage allotment of four acres shall be established for each old cotton farm having four acres or more planted to cotton in any of the years 1954, 1955 and 1956. Where indicated acreage allotments of four acres are established under this subparagraph, each indicated acreage allotment determined under this subparagraph and under subparagraph (1) of this paragraph for each old cotton farm shall be reduced pro rata so that the sum of the indicated acreage allotments for all old cotton farms, does not exceed the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section).

(3) *Indicated acreage allotments for old cotton farms with highest cotton acreage of four acres or more in counties where subparagraph (2) of this paragraph is not applicable—(i) Determination of adjusted cropland.* If subparagraph (2) of this paragraph is not applicable in the county, the county committee shall determine an adjusted cropland acreage for each old cotton farm on which the highest acreage planted to cotton in any of the years, 1954, 1955, and 1956, was four acres or more, by deducting from the cropland on the farm the sum of the following acreages:

(*a*) The 1956 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(*b*) The 1956 acreage of tobacco for market (or the 1956 farm acreage allotment, if any, for the applicable type of tobacco if the 1956 acreage has not been determined);

(*c*) The 1956 acreage of peanuts picked and threshed, as adjusted by the county committee for abnormal conditions affecting such acreage;

(*d*) The 1956 wheat acreage for market (including the acreage of wheat for feeding to livestock for market). In States in the commercial wheat-producing area for 1957, if the 1956 wheat acreage on the farm was reduced substantially below the 1956 farm wheat acreage allotment because of adverse weather conditions, the acreage to be deducted shall be the 1957 wheat allotment for the farm (less the acreage determined by the county committee to be used on the farm for home use other than for feeding to livestock for market). In the counties designated in item (*f*) of this subdivision the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this item (*d*) exceeds the acreage deducted under item (*f*) of this subdivision;

(*e*) The acreage planted to rice in 1956 for market (including the acreage of rice for feeding to livestock for market), plus the acreage of other riceland on the farm for which water is available and which is not used for the production of cotton under the rotation system for the farm; and

(*f*) In Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, Yavapai and Yuma Counties, Arizona; and in Butte, Fresno, Glenn, Imperial, Kern, Kings, Los Angeles, Madera, Merced, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Stanislaus, Tehama, Tulare and Yuba Counties, California; and in Clark and Nye Counties, Nevada; and in Bernalillo, Chaves, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Luna, Otero, Sierra, Socorro and Valencia Counties, New Mexico; and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the cotton-producing season (seeding to maturity).

(ii) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (*a*) the remainder of the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section) after indicated allotments have been made under subparagraph (1) of this paragraph, by (*b*) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this subparagraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (*1*) the available county acreage allotment remaining after maximum and minimum indicated farm acreage allotments, as defined in subdivision (iii) of this subparagraph, have been determined for such old cotton farms by (*2*) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this suparagraph, which under the preceding factor were not affected by either the maximum or minimum allotment provisions. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor."

(iii) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old cotton farm under this subparagraph (3) by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that (*a*) the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to cotton on the farm in any of the years 1954, 1955 and 1956, and (*b*) the minimum indicated acreage allotment for any such farm shall not be less than four acres.

(d) *Indicated acreage allotments for old cotton farms in counties where farm acreage allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1957 on the historical basis and the Deputy Administrator approves such recommendation, indicated allotments for old cotton farms shall be determined in accordance with subparagraph (1) of this paragraph. For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to cotton on the farm during each of the three years 1954, 1955 and 1956 (sum of the acreages divided by three), with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings. Adjustments for abnormal conditions affecting plantings will be made by the county committee on the basis of data and information available

in the county office records or furnished by producers on the farm.

(iv) *Limitation of farm acreage allotments to 50 percent of cropland.* If the

(c) The farm is the only farm in the county which is owned or operated by

available for the production of cotton, crop rotation practices, the soil and

acreage history among the tracts: *Provided*, That, if two or more tracts of land

in the county office records or furnished by producers on the farm.

(1) *Indicated allotments for old cotton farms.* Indicated farm acreage allotments shall be determined as provided in subdivisions (i), (ii), and (iii) of this subparagraph, but subject to the provisions of subdivision (iv) of this subparagraph if the county committee so elects.

(i) *Indicated minimum acreage allotments for old cotton farms with highest acreage planted to cotton less than four acres.* The indicated minimum acreage allotment for each old cotton farm on which the highest acreage planted to cotton in any of the years 1954, 1955 and 1956 was less than four acres, shall be equal to such highest acreage.

(ii) *Pro rata reduction of indicated acreage allotments for old cotton farms.* If the sum of (*a*) the indicated acreage allotments determined under subdivision (i) of this subparagraph and (*b*) the acreage determined by multiplying the number of old cotton farms with four acres or more planted to cotton in any of the years 1954, 1955 and 1956 by four, exceeds the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section) an indicated acreage allotment of four acres shall be established for each old cotton farm having four acres or more planted to cotton in any of the years 1954, 1955 and 1956. Where indicated acreage allotments of four acres are established under this subdivision, each indicated acreage allotment determined under this subdivision and under subdivision (i) of this subparagraph for each old cotton farm shall be reduced pro rata so that the sum of the indicated acreage allotments for all old cotton farms does not exceed the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section).

(iii) *Indicated acreage allotments for old cotton farms with highest acreage planted to cotton of four acres or more.* In counties where subdivision (ii) of this subparagraph is not applicable, the indicated acreage allotments for old cotton farms with four acres or more planted to cotton in any of the years 1954, 1955, and 1956, shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of the allotment bases for all such farms into the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section and the sum of the indicated acreage allotments determined under subdivision (i) of this subparagraph: *Provided*, That, if the indicated acreage allotment thus determined for any farm is less than four acres, it shall be four acres. Second and additional factors shall be determined, if necessary, by dividing (*a*) the available county acreage allotment after minimum indicated farm acreage allotments have been determined for such old farms by (*b*) the sum of the allotment bases for farms which under the preceding factor were not affected by the minimum allotment provision. The last county history factor computed and applied shall be referred to herein as the "final county history factor."

(iv) *Limitation of farm acreage allotments to 50 percent of cropland.* If the county committee so elects, the indicated farm acreage allotment determined for each farm in accordance with subdivisions (i), (ii), and (iii) of this subparagraph shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section.

(e) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 15 acres or less.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments determined under paragraph (c) or (d) of this section to be 15 acres or less, excluding minimum indicated farm acreage allotments established under section 344 (f) (1) (B) of the act. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to cotton in 1954, 1955 and 1956; the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted to cotton on the farm in 1957 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton to be planted on land unsuited for the production of cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting or determining the requirements under subparagraphs (1), (3) and (4) of this paragraph, shall be used by the county committee to adjust indicated farm acreage allotments which are more than 15 acres and minimum indicated farm acreage allotments established under section 344 (f) (1) (B) of the act. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to cotton on the farm in 1954, 1955 or 1956 as reflecting such factors and use such acreage as the basis for adjusting the indicated farm acreage allotment under this subparagraph. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage of cotton which could be planted on the farm in 1957 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton to be planted on land unsuited for the production of cotton.

(3) *Acreage allotments for new cotton farms*—(i) *Determination of acreage needed for establishing acreage allotments for new cotton farms.* The county committee with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new cotton farms in the county. In counties where farm acreage allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new cotton farms; and in counties where farm allotments are established on the historical basis, an estimate shall be made of the cropland on new cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new cotton farms. In determining the acreage from the county acreage reserve which is to be used for establishing acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to § 722.816 (c) (4) for establishing acreage allotments for new cotton farms. The total acreage reserved for establishing allotments for new cotton farms in the county, including any acreage allocated to the county for new cotton farms from the State acreage reserve, shall not exceed 75 percent of the total of the farm acreage allotments which the county committee estimates will be determined for the same number of old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1954, 1955, and 1956.

(ii) *Eligibility of a new cotton farm for a cotton acreage allotment.* A cotton acreage allotment for a new cotton farm may be established by the county committee if each of the following conditions is met:

(*a*) An application for a cotton acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1957.

(*b*) The farm operator is largely dependent on income from the farm for his livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which a cotton acreage allotment is established for 1957.

(iii) *Establishment of acreage allotments for new cotton farms.* If the applicant's farm is eligible for a cotton acreage allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the acreage allotment requested by the applicant, and (*c*) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old cotton farms in the county which are similar except for the acreages planted to cotton during the years 1954, 1955, and 1956. The sum of the acreage allotments determined by the county committee for new cotton farms shall not exceed the acreage reserves available for such farms in the county under this subparagraph. The acreage allotments for new cotton farms shall be subject to review and approval by the State committee, as provided in § 722.829. If the acreage planted to cotton on a new cotton farm is less than the cotton acreage allotment established for the farm pursuant to this subparagraph, such allotment shall be automatically reduced to the acreage planted to cotton on the farm.

(4) *Adjustments in farm acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State acreage reserve to correct inequities in farm allotments and to prevent hardship. Such county and State reserves may be used by the county committee for making adjustments in farm acreage allotments to correct inequities and to prevent hardship for farms where abnormal changes in labor, equipment, or other facilities affecting production have been made which are peculiar to the farm or to a particular group of farms which are not reflected in the basic data for such farm(s) and which are not common to farms in general in the county. Such reserves may also be used for establishing and adjusting farm acreage allotments as provided in paragraph (h) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. In addition any allocation to the county from the State reserve which is made pursuant to § 722.816 (c) (5) may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to cotton in 1954, 1955 and 1956 the land, labor, and equipment available for the production of cotton, crop rotation practices, the soil and other physical facilities affecting the production of cotton and abnormal conditions of production.

(f) *Use of acreage allocated to county from State acreage reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State acreage reserve for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the acreage reserves provided for in paragraphs (e) (1), (2), and (4) and (f) of this section shall be subject to the approval of the State committee.

(h) *Allotments for late and reconstituted farms and correction of errors.* The acreage reserves provided for in paragraph (e) (4) of this section and in § 722.816 (c) (5) shall be used by the county committee for the purposes specified therein and also (i) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to cotton on the farm in 1954, 1955, and 1956, (ii) for correcting errors in farm acreage allotments, and (iii) for use in establishing acreage allotments for farms which are divided or combined for 1957. Where reconstitutions of farms are made for 1957 after farm acreage allotments for 1957 are established prior to the referendum, the cotton acrease histories and acreage allotments for all such reconstituted farms shall be established as provided in subparagraphs (1) and (2) of this paragraph. If a farm as constituted in 1956 consists in part of land owned by the Federal Government which for 1957 is covered by a lease restricting the production of price-supported crops in surplus supply, such Federally owned land shall be reconstituted as a separate farm for 1957. Likewise, such Federally owned land shall not be combined with any other land to constitute a farm for 1957.

(1) If land which was constituted as a single farm for the year 1956 is divided into two or more tracts for 1957:

(i) The acreages planted to cotton on the farm in 1954, 1955, and 1956, (as defined in § 722.812 (c) (17) and as shown in Col. (2), Cotton Table 2 of the county committee's farm cotton acreage record) shall be divided among the tracts in proportion to the acreage of cropland on each tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland on each tract in apportioning the cotton acreage history among the tracts: *Provided*, That, if two or more tracts of land were combined for 1955 or for 1956 to form the single farm and the single farm is divided for 1957, the cotton acreage history for any year in the farm base period prior to the combination which was contributed by each tract to the history for the single farm will be restored to such tract; and if any such tract is divided into two or more parts in connection with a reconstitution for 1957 the cotton acreage history for such tract for any year in the farm base period prior to the combination shall be divided among such parts in proportion to the acreage of cropland in each such part, except that, upon agreement by the owners and operators and approval by the county committee, the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland in apportioning the cotton acreage history for the tract among the parts.

(ii) In counties where farm acreage allotments are determined on the historical basis, if the acreage planted to cotton in 1954, 1955, or 1956 is adjusted for abnormal conditions affecting plantings, as provided in § 722.817 (d), such adjusted acreage shall be divided among the tracts as follows:

(*a*) For any of the years 1954, 1955, and 1956, when the farm being divided was operated as a single farm, the cropland ratio determined under subdivision (i) of this subparagraph shall be used in apportioning such adjusted cotton acreage among the tracts.

(*b*) In case the farm being divided was established by combining two or more tracts of land for 1955 or for 1956 each such tract shall be referred to herein as an "identical tract", and the adjusted cotton acreage for 1954 (in case of a combination for 1955) or for 1954 and 1955 (in case of a combination for 1956) shall be divided among the identical tracts as follows:

(*1*) Where any such adjustment in the acreage planted to cotton was made prior to the combination and the adjusted cotton acreage for that year for the combined farm which was used in establishing the original 1957 farm acreage allotment is the same as when the combination was made, the adjusted cotton acreage which was used for the identical tract in making the combination shall be reestablished for the tract for that year.

(*2*) Where any such adjustment in the acreage planted to cotton was made prior to the combination and the adjusted cotton acreage for that year for the combined farm which was used in establishing the original 1957 farm acreage allotment is less than when the combination was made, the adjustment for each identical tract in making the combination shall be reduced by the same percentage that the adjustment previously applicable for the combined farm was reduced.

(*3*) Where any such adjustment (upward) for any year for the combined farm which was used in establishing the original 1957 farm acreage allotment is larger than the adjustment in effect at the time the combination was made, the

county committee shall determine the share of the increase in the adjustment

request on Form MQ–31 is later canceled by the person(s) filing such form. If a

county committee shall determine the share of the increase in the adjustment which is to be assigned to each identical tract on the basis of the conditions obtaining on the tract which were the cause for the increase and shall add its share of such increase to the adjusted cotton acreage determined for each such tract for that year prior to the combination.

(4) Where any such adjustment (upward) in the acreage planted to cotton in a year prior to the combination was initially made in establishing the original 1957 farm acreage allotment, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and shall add its share of such increase to the planted cotton acreage for each such tract for that year.

(5) If, in establishing the original 1957 farm acreage allotment for a farm which was established by combining two or more tracts of land for 1955 or for 1956, the acreage planted to cotton on the combined farm was adjusted downward for abnormal conditions affecting plantings, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and make a corresponding reduction in the acreage planted to cotton on such tract for that year.

(c) Where an identical tract is divided, the adjusted cotton acreage for that year for the identical tract shall be divided among the tracts thereof in proportion to the acreage of cropland on each such tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland, and sugarcane land may be excluded from the cropland on each tract in apportioning the adjusted cotton acreage for the identical tract among the tracts thereof.

(iii) In counties where farm acreage allotments are determined on the cropland basis the 1957 farm acreage allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1956 cotton acreage among the tracts pursuant to subdivision (i) of this subparagraph.

(iv) In counties where farm acreage allotments are determined on the historical basis the 1957 farm acreage allotment established for the single farm shall be apportioned among the tracts in proportion to the allotment bases determined for such tracts.

(v) The sum of the 1957 allotments established for the several tracts shall not exceed the 1957 acreage allotment initially established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part shall be increased to the extent required by the minimum farm allotment provisions and may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*b*) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(2) If two or more tracts of land are combined and operated as a single farm in 1957, the allotment established for such single farm shall be the sum of the allotments established for such tracts, except that (i) the allotment for the single farm shall be increased to the extent required by the minimum allotment provisions, and (ii) the allotment for such single farm shall not exceed the maximum farm allotment if such maximum allotment limitation is in effect in the county: *Provided*, That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship and (*b*) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(i) *Availability of reserves for inspection by interested cotton producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve shall be available in the office of the county committee for examination by any interested producer.

(j) *Release and reapportionment of cotton acreage allotments—(1) Conditions under which farm acreage allotments cannot be released.* The following farm acreage allotments shall not be released in whole or in part:

(i) Allotments for new cotton farms.

(ii) The allotment for an old cotton farm for which a Form MQ-31, "Request to Preserve Acreage History", has been filed in the county office for the purpose of preserving the 1957 cotton acreage history as provided in paragraph (i) of this section.

(iii) The allotment for an old cotton farm which is owned by the Federal Government and which was leased to the operator on condition that no land on the farm shall be planted to cotton.

(iv) The allotment for an old cotton farm where such allotment was established or adjusted as provided in § 722.818 (a), (b) and (e).

(v) The allotment for any farm where such release is opposed by the owner or operator or the holder of a real estate lien on the farm.

(vi) The allotment for any farm where the county committee determines that the farm is being acquired for governmental or other public purpose.

(2) *Allotments which may be released.* Except as provided otherwise in subparagraph (1) of this paragraph, any part of any 1957 farm acreage allotment for an old cotton farm which will not be used in 1957 and which is voluntarily released to the county committee by the farm owner or operator by the applicable closing date shall be deducted from the farm acreage allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of cotton, land, labor, and equipment available for the production of cotton, crop-rotation practices, and soil and other physical facilities affecting the production of cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.816 (g). Any farm acreage allotment released for 1957 only shall, in determining future farm cotton acreage allotments, be regarded as having been planted on the farm from which such allotment was released if cotton was planted on such farm in at least one of the years in the three-year farm base period. Except as provided otherwise in subparagraph (1) of this paragraph, all or any part of any farm acreage allotment for an old cotton farm may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm cotton acreage allotments, the planting in 1957 of reapportioned acreage allotments shall not be considered. For the purpose of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted.

(k) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under § 722.816 (g) may be used by the county committee for establishing and adjusting farm acreage allotments for new cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of this section.

(l) *Request to preserve acreage history.* Any owner or operator of an old cotton farm may file a Form MQ-31, "Request to Preserve Acreage History" with the county committee of the county in which the farm is located at any time after the allotment for the farm is established but not later than June 1, 1957, as provided in section 377 of the act. This action will preserve an acreage history for the year 1957 equal to the farm acreage allotment. If any part of the farm acreage allotment for 1957 has previously been released, the Form MQ-31 will apply only to the allotment remaining on the farm after the release. No release of acreage may be made with respect to a farm after a Form MQ-31 for the farm has been filed by the owner or operator thereof, even though such request on Form MQ-31 is later canceled by the person(s) filing such form. If a farm covered by a Form MQ-31 is later reconstituted for the year 1957, any reconstituted farm which contains a part or all of the farm originally covered by the Form MQ-31 and which is owned or operated by the owner or operator who filed the Form MQ-31, will be considered to be covered by such Form MQ-31. A request on Form MQ-31 does not apply to acreage released from other farms and reapportioned to the farm for which the Form MQ-31 is filed.

§ 722.818 *Allotments for special farms—(a) Allotments for farms returned to agricultural production.* The owner or operator of any cotton farm, in an area acquired in 1940 or thereafter for nonfarming purposes by the United States or by any State or agency thereof, which has been returned to agricultural production and which is not eligible under the regulations in this subpart for an acreage allotment as an old cotton farm, may apply to the county committee for a 1957 cotton acreage allotment for such farm. Any such application shall be in writing and shall be filed within three years after the date of acquisition of such farm by the applicant but not later than the closing date established by the State committee, which shall not be later than March 1, 1957. No such owner or operator shall be eligible for an acreage allotment under this paragraph unless it is established to the satisfaction of the county committee that such person was the owner or operator of a cotton farm at the time it was acquired by the United States or any State or agency thereof. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the cotton acreage allotment, if any, last established for such farm; the land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton.

(b) *Allotments for other farms owned or operated by persons from whom cotton farms were acquired.* The county committee shall establish an allotment or consider an adjustment in the acreage allotment determined under § 722.817, for any farm within the State owned or operated by a person from whom a cotton farm was acquired in the State in 1940 or thereafter for governmental or other public purposes, provided application therefor is filed within three years after acquisition of such farm by the applicant. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the cotton acreage allotment, if any, of the farm so acquired from the owner or operator; the land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton: *Provided*, That no person shall be entitled to receive an acreage allotment under both this paragraph and paragraph (a) of this section, and no person who, since his farm was acquired for governmental or other public purpose, has acquired an old cotton farm that for 1957 will have a representative cotton acreage allotment, shall be entitled to receive an allotment under this paragraph.

(c) *Cotton farm.* For the purposes of paragraphs (a) and (b) of this section "cotton farm" means any farm on which there was an acreage planted to cotton (or regarded as planted to cotton under Public Law 12, 79th Congress, and section 344 (1) of the act) during any of the three years immediately preceding the year in which the farm was acquired by the United States, or any State or any agency thereof, or for any public purpose.

(d) *Acreage allotted in addition to county and State acreage allotments.* Except to the extent that the production of any farm for which an acreage allotment is established under paragraphs (a) and (b) of this section has contributed to the county and State acreage allotments, the additional acreage allotted to farms under paragraphs (a) and (b) of this section shall be in addition to the acreage allotments otherwise established for the county and State under the applicable provisions of the regulations in this subpart and the production of the additional acreage so allotted shall be in addition to the national marketing quota established for 1957 pursuant to section 342 of the act.

(e) *Reallocation of allotments for flooded farms.* In any county in which a major flood control reservoir constructed by the United States Government is located wholly or in part, farm acreage allotments established pursuant to the provisions of § 722.817 for the production of cotton on the lands within such reservoir, which lands, because of permanent or perennial flooding occasioned by the construction of such reservoir, shall be unfit for further cotton production, may be reallocated, within the discretion of the county committee, to other farms within the county as will in the opinion of the committee best serve the public interest.

(f) *Publicly owned agricultural experiment stations—(1) Acreage allotments for farms operated by publicly owned agricultural experiment station.* A farm acreage allotment shall be established pursuant to the provisions of § 722.817 for a farm operated by a publicly owned agricultural experiment station.

(2) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any cotton of the 1957 crop which is grown, for experimental purposes only, on a farm operated by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to cotton on a farm operated by a publicly owned agricultural experiment station is in excess of the farm acreage allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (i) the acreage planted to cotton on the farm in excess of the farm acreage allotment, or (ii) the acreage planted to cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

EXTRA LONG STAPLE COTTON

§ 722.819 *Conditions of exemption of extra long staple cotton—(a) If marketing quotas under section 347 of the act are in effect for the 1957 crop.* If marketing quotas for extra long staple cotton are in effect for the 1957 crop, the provisions of this subpart relating to upland cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 of the act.

(b) *If marketing quotas under section 347 of the act are not in effect for the 1957 crop.* If marketing quotas for extra long staple cotton are not in effect for the 1957 crop:

(1) All of the 1957 crop of American-Egyptian cotton which is produced from pure strain seed in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and Imperial and Riverside Counties, California; and Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1957 crop of upland cotton; provided, the American-Egyptian cotton is ginned on a roller-type gin, or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes, or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain American-Egyptian cottonseed is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the American-Egyptian seed to be planted showing that such seed is of pure strain.

(2) All of the 1957 crop of Sea Island and Sealand cotton which is produced from pure strain seed in Alachua, Bradford, Columbia, Hamilton, Jefferson,

Lake, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union and

for which this acreage allotment and marketing quota and marketing excess

tered by the reporter on the Form CSS-

(e) *Measurement of acreage disposed*

farm with the action of the county committee in refusing to establish a farm

Lake, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Atkinson, Berrien, Cook, and Lanier Counties, Georgia; and all of the 1957 crop of Sea Island cotton which is produced from pure strain seed in Puerto Rico, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1957 crop of upland cotton; provided the Sea Island and Sealand cotton is ginned on a roller-type gin, or the Deputy Administrator authorizes such cotton to be ginned on another type gin for experimental purposes, or to prevent loss of such cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on the farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain Sea Island cottonseed, or pure strain Sealand cottonseed, is to be planted, and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton, and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the Sea Island seed and the Sealand seed to be planted showing that such seed is of pure strain.

(3) Any cotton produced from the 1957 crop which staples one and one-half inches or more in length and which is ginned on a roller-type gin, or the Deputy Administrator authorizes the cotton to be ginned on another type gin for experimental purposes, or to prevent loss of the cotton due to frost or other adverse conditions, shall be exempted from the provisions of the regulations in this subpart with respect to marketing quotas for the 1957 crop of upland cotton regardless of where the cotton is produced in the United States or the variety of cotton from which such cotton is produced.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.820 *Notice of farm acreage allotment and marketing quota.* Immediately after farm acreage allotments in a county or other local administrative area are established and approved by the State committee pursuant to § 722.829 (b), the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established a similar written notice showing "None" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will for crop year shown above be interested in the above-designated commodity produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1957 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether cotton farmers favor or oppose marketing quotas for the 1957 crop.

§ 722.821 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1957 crop of cotton shall be the actual production of lint cotton on the farm less the farm marketing excess.

§ 722.822 *Amount of the farm marketing excess.* The farm marketing excess for the 1957 crop of cotton shall be the normal production of the acreage of cotton on the farm in excess of the farm acreage allotment: *Provided,* That, such farm marketing excess shall not be larger than the amount by which the actual production of cotton on the farm exceeds the normal production of the farm acreage allotment if the producer establishes such actual production in accordance with regulations to be issued under this part by the Secretary.

§ 722.823 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments and quotas shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period, the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area. Either the copies of notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairmen of the community committees.

§ 722.824 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.825 *Marketing quotas not transferable.* A farm marketing quota is established for a farm, and except as specifically provided for in § 722.817 (j) and (k) and § 722.818 (d) and (e), may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.826 *Measurement of farms to determine compliance with allotments*—(a) *Premeasurement.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment if the farm operator requests such measurement and pays the cost thereof, as determined by the county committee, and any farm on which such measured acreage is the only acreage planted to cotton shall be deemed to have an acreage not in excess of the farm acreage allotment.

(b) *Measurement after planting.* Measurement of the acreage planted to cotton on each farm in the county shall be made under the general supervision of the county committee in accordance with the following provisions:

(1) The measurement of the farm shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. A reporter may be assisted in the measurement of a farm by another reporter, a community, county, or State committeeman, a State committee representative, the county office manager, any employee of the county office when authorized by the county office manager, or by any employee of the U. S. Department of Agriculture when authorized by the Deputy Administrator. The reporter may request the operator or producer or his representative to designate all fields on the farm on which cotton was planted in 1957 and otherwise to assist in measuring the farm. If so requested, the operator or producer or his representative shall so designate all fields planted to cotton on the farm in 1957. The reporter may utilize any assistance from the operator or producer or his representative in measuring the farm.

(2) The county office manager shall have responsibility for assigning, in writing, insofar as practicable, the farms in the county to be measured by a reporter.

(3) A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request, he will obtain and exhibit to the farm operator, producer, or owner his written assignment to measure the farm.

(4) Measurement may be by identification of fields or parts of fields by use of a map or aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator, or by a combination of two or more of the foregoing methods. The pertinent data and information for the farm shall be entered by the reporter on the Form CSS-578, and on maps or aerial photographs where applicable, and filed in the county office. Computations of acreages shall be made by an employee in the county office from the data so obtained, and the use of a planimeter or rotometer in connection therewith is authorized.

(5) Measurements of whole fields made prior to the effective date of this § 722.826 and in accordance with existing procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the acreage planted to cotton in 1957 and the acreage of cotton in excess of the 1957 farm acreage allotment.

(c) *Notice of measured acreage and disposition of excess acreage.* The county committee shall notify the farm operator by mail of the 1957 measured acreage of cotton on the farm. If such acreage is in excess of the farm acreage allotment, the county committee shall also notify the farm operator that unless the acreage of cotton on the farm is adjusted to the farm acreage allotment within the time established under this paragraph the farm marketing excess for the farm will be determined on the basis of the excess acreage and the normal yield for the farm. Notice so given shall constitute notice to each producer having an interest in the 1957 crop of cotton produced on the farm. If producers on the farm do not dispose of the excess cotton acreage within 20 days after notice of the measured cotton acreage is mailed to the farm operator as provided in this paragraph, or within 20 days after notice of the remeasured cotton acreage determined pursuant to paragraph (d) of this section is mailed to the farm operator, and a request in writing for additional time and a showing to the satisfaction of the county committee that circumstances beyond their control prevented the disposition of the excess acreage within the applicable 20-day period is filed with the county committee, the county committee may allow an additional period not to exceed 10 days for disposing of the excess acreage. No cotton acreage shall be disposed of for purposes of adjusting the planted acreage of cotton to the farm acreage allotment after any cotton has been harvested from such planted acreage.

(d) *Remeasurement.* The county committee shall provide for the remeasurement, upon request by the farm operator, of the acreage planted to cotton on the farm, but the operator shall be required to deposit with the treasurer of the county committee on amount equal to the estimated cost of such remeasurement and such deposit shall not be returned to the farm operator if the planted acreage is found upon such remeasurement to be in excess of the farm acreage allotment. Where the farm operator requests an additional remeasurement of the acreage planted to cotton on the farm, the county committee shall provide for such remeasurement only if it finds, on the basis of evidence presented by the farm operator and other available information or data, that an error was probably made in the prior remeasurement.

(e) *Measurement of acreage disposed of.* If the excess cotton acreage on any farm is disposed of within the time allowed pursuant to paragraph (c) of this section and a producer on the farm requests that the acreage disposed of be measured and pays the estimated cost of measuring such acreage, the county committee shall provide for such measurement.

§ 722.827 *Future effect of underplanting or overplanting farm acreage allotment*—(a) *Underplanting the farm acreage allotment.* For any old cotton farm on which cotton is planted in 1957 and the acreage of cotton in 1957 is less than the 1957 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to cotton on the farm in 1957, and the additional acreage added to the cotton acreage history for the farm shall be added to the cotton acreage history for the county and State.

(b) *No credit for overplanting the farm acreage allotment.* Any acreage planted to cotton in 1957 in excess of the farm acreage allotment for the 1957 crop of cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1958 and subsequent crops of cotton.

§ 722.828 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving cotton acreage allotments, all records pertaining to cotton acreage allotments and marketing quotas.

§ 722.829 *Approval of determinations and redelegation of authority by the State committee*—(a) *Approval of State acreage reserves, county acreage allotments, and county acreage reserves.* Determinations of State acreage reserves and county acreage allotments, as provided for in § 722.816 (a) and § 722.816 (e), and of county acreage reserves, as provided for in § 722.817 (b), shall be subject to review and approval by the Secretary.

(b) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may revise or require revision of any determinations made under §§ 722.817 to 722.826. All acreage allotments for both old and new cotton farms, shall be approved by the State committee, and no official notice of farm acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(c) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.817 to 722.829 (b), inclusive, may be redelegated by the State committee, subject to the approval of the Deputy Administrator.

REVIEW OF FARM ACREAGE ALLOTMENT

§ 722.830 *Review of farm acreage allotment*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm acreage allotment for such farm, may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.820, have such allotment reviewed by a review committee composed of three farmers appointed by the Secretary pursuant to section 363 of the act. The review committee shall, upon proper application, review the action of the county committee. In all cases, the review committee shall consider only such matters as under the applicable provisions of the act and the regulations in this part, are required or permitted to be considered by the county committee in establishing the allotment. Unless such application is made within 15 days, the original determination of the farm acreage allotment shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 11th day of October 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8266; Filed, Oct. 12, 1956; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 90]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.390 *Valencia Orange Regulation 90*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby

found that the limitation of handling of such Valencia oranges, as hereinafter

[Orange Reg. 301]

15, 1956, and ending at 12:01 a. m., e. s. t.,

based became available and the time of 1949, as supplemented by section 601.17 ance with this section will not require

found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 11, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 14, 1956, and ending at 12:01 a. m., P. s. t., October 21, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 716,100 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 12, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8309; Filed, Oct. 12, 1956; 11:29 a. m.]

[Orange Reg. 301]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.802 *Orange Regulation 301*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 15, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 15, 1956; the recommendation and supporting information for continued regulation subsequent to October 14, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 9, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 15, 1956, and ending at 12:01 a. m., e. s. t., October 29, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 1, or (*b*) are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box; or

(ii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 2 Russet, or (*b*) are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box; or

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1," "U. S. No. 2 Russet," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 20 F. R. 7205).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 10, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8259; Filed, Oct. 12, 1956; 8:50 a. m.]

[Grapefruit Reg. 249]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.803 *Grapefruit Regulation 249*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 15, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 15, 1956; the recommendation and supporting information for continued regulation subsequent to October 14, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 9, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 15, 1956, and ending at 12:01 a. m., e. s. t., October 29, 1956, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 10, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8260; Filed, Oct. 12, 1956; 8:50 a. m.]

[Tangerine Reg. 177]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.804 *Tangerine Regulation 177*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 15, 1956. The committee held an open meeting on October 9, 1956, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the State of Florida, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the State of Florida at the start of this market season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 15, 1956, and ending at 12:01 a. m., e. s. t., October 29, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8278; Filed, Oct. 12, 1956; 8:51 a. m.]

[Lemon Reg. 663]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.770 *Lemon Regulation 663*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time

when this section must become effec-

Area No. 1, established pursuant to said

toes are of the round varieties (including

terms of the interim binder for war risk

subsidy paid with respect to the vessel bears

provisions of said section and has deter-

when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 10, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 14, 1956, and ending at 12:01 a. m., P. s. t., October 21, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 172,050 cartons;

(iii) District 3: 13,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8288; Filed, Oct. 12, 1956; 8:50 a. m.]

[958.323 Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 1, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et. seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes in the manner set forth below, on and after the effective time of this amendment; (iii) the provisions of the current limitation of shipments regulation (§ 958.323; 21 F. R. 6564) will continue in effect until June 1, 1957, unless sooner terminated, suspended, or amended; (iv) on or about October 5, 1956, the rate of harvesting the fall crop of potatoes in the production area had already passed, or was about to pass, its peak and the bulk of such potatoes is yet to be marketed; (v) on October 5, 1956, the committee held a meeting for making recommendations for the appropriate requirements that should be in effect with respect to the handling of the largest portion of such harvested potatoes and would tend to maximize the benefits accruing from the regulatory program and the act, and all interested parties were afforded an opportunity to present their views thereon to the committee at such meeting; (vi) information regarding the committee's recommendation has been made available to producers, handlers, and all other interested parties in the production area, which recommendation contained the same provisions as the amendment hereinafter set forth; (vii) this amendment should be made effective at the time hereinafter set forth, and notice thereof, including its effective time, should be published in the FEDERAL REGISTER as soon as practical to afford persons subject thereto the maximum time to prepare therefor; (viii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by such effective time; and (ix) reasonable time is permitted, under the circumstances for such preparation.

Order, as amended. The provisions of § 958.323 (b) (1) (FEDERAL REGISTER, August 31, 1956; 21 F. R. 6564) are hereby amended to read as follows:

(b) *Order.* (1) During the period from October 15, 1956, through May 31, 1957, no handler shall ship potatoes of any variety grown in Area No. 1 unless such potatoes grade at least U. S. No. 2 and, in addition, (i) if such potatoes are of the long varieties, they are of a size not smaller than 2 inches in diameter or 4 ounces in weight, or (ii) if such potatoes are of the round varieties (including, but not limited to, Irish Cobbler, Katahdin, Kennebec, Bliss Triumph, and Pontiac) they are of a size not smaller than 2⅛ inches in diameter and not larger than 24 ounces in weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 10, 1956, to become effective October 15, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56-8258; Filed, Oct. 12, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 418—AVIATION SAFETY REPRESENTATIVES

PILOT EXAMINER

Section 418.21 (a) is revised by consolidating the current designations "Private Pilot Examiner" and "Commercial Pilot Examiner" into the single designation "Pilot Examiner". The experience standards for the new designation are comparable with current requirements for a commercial examiner designation. This new designation contains the privileges of both current designations.

Proposed rules were published in 21 F. R. 6046 on August 11, 1956. All interested persons have been afforded an opportunity to submit written views, data or argument and consideration has been given to all relevant data presented.

Section 418.21 (a) is revised to read as follows:

§ 418.21 *Pilot Examiners*—(a) *Types.* The types of pilot examiner designations issued by the CAA are: Pilot Examiner, Instrument Rating Examiner, and Airline Transport Pilot Examiner.

(Sec. 310, 64 Stat. 1079; 49 U. S. C. 460)

This amendment shall become effective October 15, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8230; Filed, Oct. 12, 1956; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter G—Emergency Operations

[Gen. Order 75, Amdt. 7]

PART 308—WAR RISK INSURANCE

MISCELLANEOUS AMENDMENTS

Whereas the Maritime Administrator desires to make certain changes in the terms of the interim binder for war risk hull insurance to conform with Public Law 958, 84th Congress, 70 Stat. 984:

Therefor, it is ordered, That § 308.101 *Form of application* and § 308.106 *Standard form of war risk hull insurance interim binder* (General Order 75, 17 F. R. 8295; 18 F. R. 1211, 3690, 5663; 19 F. R. 4407, 4499; 20 F. R. 6100, 7829; 21 F. R. 2620, 2622) are hereby amended as follows:

1. Section 308.101 is amended (a) by changing the form designation "Form MA-183 (3-52)" to read "Form MA-183 (Rev. 8-56)" and (b) by deleting that portion of the application form beginning with the words "Sum to be insured" and ending with the words "acts of Congress" and substituting therefor the following:

Sum to be insured $ _____ subject to the provisions of Public Law 958, 84th Congress, 70 Stat. 984.

2. Section 308.106 is amended (a) by changing the form designation "Form MA-184 (9-53)" to read "Form MA-184 (Rev. 8-56)" and (b) by deleting that portion of the application form beginning with the words "Sum insured" and ending with the words "acts of Congress" and substituting therefor the following:

Sum insured _____ dollars ($ _____) for actual or constructive total loss of the vessel, herein called the stated valuation: *Provided, however,* That in the case of a construction-subsidized vessel, for the period of insurance prior to requisition for title or use, the stated valuation shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for the period of insurance after requisition for use the stated valuation shall not exceed the amount which would be payable under section 802 of the Merchant Marine Act, 1936, as amended, in the case of requisition for title or use: *Provided further,* That the assured shall have the right within sixty days after the attachment of the insurance under the policy, or within sixty days after determination of the stated valuation by the Secretary of Commerce, whichever is later, to reject the stated valuation, and shall pay, at the rate provided for in the policy, premiums upon such asserted valuation as the assured shall specify at the time of rejection, but such asserted valuation shall not operate to the prejudice of the United States in any subsequent action on the policy. In the event of the actual or constructive total loss of the vessel, if the assured has not rejected the stated valuation the amount of any claim therefor which is adjusted, compromised, settled, adjudged, or paid shall not exceed the stated valuation, but if the assured has so rejected the stated valuation, the assured shall be paid as a tentative advance only, 75 per centum of the stated valuation and shall be entitled to sue the United States in a court having jurisdiction of such claims to recover such valuation as would be equal to the just compensation which such court determines would have been payable if the vessel had been requisitioned for title under section 902 (a) at the time of the attachment of the insurance under the policy: *Provided, however,* That in the case of a construction-subsidized vessel, the valuation determined by the court as such just compensation for any period of insurance prior to actual requisition for title or use of the vessel shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for any period of insurance after actual requisition for use, the valuation determined by the court shall be the amount which would have been payable under section 802 of the Merchant Marine Act, 1936, as amended, in the case of requisition for title: *And provided further,* That in the event of an election by the assured to reject the stated valuation and to sue in the courts, the amount of the judgment will be payable without regard to the limitations contained in the twelfth paragraph under the heading Maritime Activities in title I of the Department of Commerce and Related Agencies Appropriation Act, 1956, in the tenth paragraph under the heading Maritime Activities in title III of the Department of State, Justice, and Commerce, and the United States Information Agency Appropriation Act, 1955, in the eleventh paragraph under the heading "Maritime Activities" in title III of the Department of Justice, State, and Commerce Appropriation Act, 1954, the tenth paragraph under the heading "Operating Differential Subsidies" in title II of the Independent Offices Appropriation Act, 1953, the corresponding paragraphs of the Independent Offices Appropriation Act, 1952, and the Third Supplemental Appropriation Act, 1951, although the excess of any amounts advanced on account of just compensation over the amount of the court judgment will be required to be refunded. In the event of such court determination, premiums under the policy shall be adjusted on the basis of the valuation as finally determined and of the rate provided for in the policy.

Effective date. This amendment to General Order 75 shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775; 46 U. S. C. 1114, 1289)

Dated: October 3, 1956.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 56-8243; Filed, Oct. 12, 1956; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-919]

PART 3—RADIO BROADCAST SERVICES

FCC POLICY FOR TAX CERTIFICATES

In recent years the Commission has been requested to issue tax relief certificates, under section 1071 and its predecessor section 112 (m) of the Internal Revenue Code, to parties who already held the maximum number of broadcast interest in a particular service or in a particular community permitted under the Commission's rules, but were desirous of acquiring a new station and, in order to accomplish this objective, had to dispose of their interests in one of their existing stations. In the past, the Commission has issued such certificates in situations where the basic transaction was voluntary in nature.

The Commission has reviewed the legislative history of section 1071, has reevaluated its policy in applying the provisions of said section and has determined that, in future transactions, tax certificates will only be issued in situations where, because of changes in the Commission's rules, licensees or permittees are required to dispose of their broadcast holdings involuntarily.

A brief study of the history of section 1071 indicates that it was included in the Revenue Act of 1943 to afford relief to licensees who were required to dispose of broadcast holdings involuntarily because of the adoption by the Commission, on November 23, 1943, of § 3.35 of the Commission's rules and regulations. Before that time, some licensees had more than one station in the same city. Section 3.35 prohibited such duopoly situations and, as a result of its adoption, approximately 35 licensees who held interests in two stations in the same city were required to dispose of one of these interests involuntarily. Nothing in the legislative history of section 1071 indicates that it was intended to apply to situations where a licensee voluntarily chose to dispose of one broadcast facility in order to obtain another facility and disposition of the first facility was necessary because of the Commission's multiple ownership or duopoly rules or policies.

Therefore, the Commission has determined that, in the future, the basic test to be applied in issuing tax certificates (pursuant to section 1071 of the Internal Revenue Code (26 U. S. C. 1071) relating to nonrecognition of gain or loss on sale or exchange of radio broadcasting stations to effectuate policies of the Federal Communications Commission) will be that the facility which was disposed of must have been lawful under the Commission's rules and policies when acquired, but have been disposed of because of a change in Commission policy or rules which made the retention of the facility inconsistent with such policy or rules. The above policy will become applicable to any transaction involving the disposition of any broadcast interest based on a contract entered into after October 15, 1956. (See for example the regulations in this part.)

CROSS REFERENCE: 21 F. R. 3784-3786, 26 CFR §§ 1.1071—1.1071-4.

Adopted: September 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8284; Filed, Oct. 12, 1956; 8:52 a. m.]

[Rules Amdt. 7-16]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

AVAILABILITY OF CERTAIN FREQUENCIES

In the matter of amendment of § 7.306 (b) of the Commission's rules to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in § 7.306 (b) of its rules; and

It appearing that that portion of the

DEPARTMENT OF LABOR

$1.00 per hour in the manufacture of men's and boys' underwear from any

portunities for employment flowing from the $1.00 per hour minimum wage re-

It appearing that that portion of the frequency table dealing with the Seattle, Washington area in § 7.306 (b) lists incorrectly, in the fourth column, the frequency 2432 kc in lieu of the correct frequency 2430 kc, and that this error occurred in Docket 11617, FCC 56–838; 21 F. R. 6827;

It further appearing that the amendment adopted herein is editorial in nature and therefore prior publication of notice of proposed rule making under the provision of section 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and Section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 8th day of October 1956, that, effective October 15, 1956, § 7.306 (b) is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: October 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 7 is amended as follows:

1. In § 7.306 (b), that portion of the frequency table dealing with Seattle, Washington is amended to read as follows:

Seattle, Wash.	2522 2482	None. Authorized for use during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 14 of this Chapter to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m. P. s. t. only; thereafter and annually from Apr. 1 to Sep. 30, inclusive, from 5 a. m. to 9 p. m. P. s. t. only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m. P. s. t. only.	2126 2430	None. Authorized for use south of 51 degrees north latitude and east of 142 degrees west longitude exclusively [4] during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 14 of this chapter to which this carrier frequency is assigned for transmission: from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m. P. s. t. only; [4] thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m. P. s. t. only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m. P. s. t. only.

2. In § 7.306 (b), table footnote 5 to the frequency table in this section is deleted and the following is substituted therefor:

[4] During certain hours within this time period ship stations (when north of Vancouver, British Columbia, and transmitting on 2430 kc to Seattle) may cause some interference to stations in southeastern Alaska.

[F. R. Doc. 56–8250; Filed, Oct. 12, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

[Hearing Clerk Docket SU–138]

ALLOTMENT OF SUGAR QUOTAS FOR PUERTO RICO

NOTICE OF HEARING ON PROPOSED ALLOTMENT OF 1957 SUGAR QUOTA AND NOTICE OF REOPENED HEARING ON ALLOTMENT OF 1956 SUGAR QUOTA

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. 1100, et seq.), hereinafter called the "act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of (1) the 1957 sugar quota for Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1957 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building on October 24, 1956, at 10:00 a. m. The quotas and portions thereof to be allotted are referred to herein as "mainland quota", "direct-consumption portion" and "local quota," respectively.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the above-mentioned quotas among persons (1) who produce and market Puerto Rican sugar to be brought into the contintental United States for consumption therein, (2) who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein and (3) who produce and market sugar for local consumption in Puerto Rico. The hearing will relate first to the allotment of the 1957 mainland and local quotas. Immediately upon completion of this part of the hearing, evidence will be received in regard to the allotment of the direct-consumption portion of the 1957 mainland quota.

The findings made above are in the nature of preliminary findings based on the best information now available. It will be appropriate to present evidence at the hearings on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of any such quota or portion thereof in accordance therewith.

In addition, the subjects and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "ability to market," as provided in section 205 (a) of the said act, should be measured; (2) the relative weightings which should be given to these factors; (3) participation in the allotments by producers of sugarcane who receive sugar in settlement therefor; (4) the transfer or exchange of allotments; (5) the manner in which sugar is to be charged to allotments, and (6) limiting of marketings or entries into the continental United States to assure equitable 1957 allotments in the event of a decrease in the quota during the year.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) allotting any increase, or decrease, in the (a) mainland quota, (b) direct-consumption portion thereof, or (c) local quota for Puerto Rico; (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of a quota.

It is necessary, also, to reopen the record and hearing pertaining to the allotment of the 1956 sugar quota for Puerto Rico identified as Hearing Clerk Docket No. SH–138 for the sole purpose of receiving evidence relevent and pertinent to changes that may be made in the requirements of paragraphs (c) and (e) of S. R. 814.15 to permit efficient and full utilization of 1956 mainland allotments by allottees having adequate sugar supplies. The subjects and issues of the reopened hearing involve the marketing of sugar for the purpose of filling the 1956 sugar quota for Puerto Rico and allotments thereof where a processor having sugar available for marketing within his allotment finds that he cannot do so because of transportation problems. Accordingly, pursuant to the provisions of the act and the applicable rules of practice and procedure, notice is hereby given that such public hearing will be reopened at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building, on October 24, 1956, immediately after the close of the hearing relating to allotment of the direct-consumption portion of the 1957 mainland quota provided for above.

Issued this 10th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–8264; Filed, Oct. 12, 1956; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

MANUFACTURE OF MEN'S AND BOYS' UNDERWEAR FROM ANY WOVEN FABRIC

EMPLOYMENT OF LEARNERS

Pursuant to notice published in the FEDERAL REGISTER (21 F. R. 3230), interested persons were given opportunity to submit oral and written data, views, and arguments before Harry Weiss, my authorized representative, on June 6, 1956, in the Department of Labor Building, Washington, D. C., on the question of what provision, if any, for the employment of learners at wages lower than $1.00 per hour in the manufacture of men's and boys' underwear from any woven fabric is necessary in order to prevent curtailment of opportunities for employment. Mr. Weiss has reported his findings to me and recommended that the supplemental learner regulations applicable to the manufacture of men's and boys' underwear from any woven fabric (29 CFR 522.31 (d)) be left unchanged.

Having fully considered all pertinent data available to me, I accept these findings. I have decided not to amend the learner regulations applicable to the manufacture of men's and boys' underwear from any woven fabric, because I have concluded that the regulations as they now stand are necessary and adequate to prevent any curtailment of opportunities for employment flowing from the $1.00 per hour minimum wage requirement in the manufacture of men's and boys' underwear from any woven fabric.

A copy of the findings will be sent to any interested person upon request. All requests should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.

Signed at Washington, D. C., this 9th day of October 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56–8244; Filed, Oct. 12, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Notice No. 4 of Requirement of Certification—1956]

TERRITORY OF HAWAII

QUOTAS; ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Pursuant to § 817.4 (7 CFR 817.4; 13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the 1956 sugar quotas for the Territory of Hawaii, amounting to 1,052,000 short tons, raw value, has been filled to the extent of 80 per centum or more.

Accordingly, pursuant to § 817.4 after the close of business October 12, 1956, and for the remainder of the calendar year 1956, no sugar from the Territory of Hawaii may be brought into the continental United States unless and until the certification described in § 817.4 (a) is issued to the Collector of Customs.

Issued this 10th day of October, 1956.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 56–8263; Filed, Oct. 12, 1956; 8:51 a. m.]

Office of the Secretary

TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on September 28, 1956, to be affected by the above-mentioned major disaster:

Texas: Gaines, Lamb, Yoakum.

Done at Washington, D. C., this 10th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–8261; Filed, Oct. 12, 1956; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[Treasury Decision 51, Revision 1]

PERSONS TO ACT AS COMMISSIONER OF NARCOTICS

ORDER OF SUCCESSION

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers of the Bureau of Narcotics and individuals as designated, in the order of succession enumerated, shall act as Commissioner of Narcotics during the absence or disability of the Commissioner of Narcotics, or when there is a vacancy in such office:

1. The Deputy Commissioner of Narcotics.
2. The Assistant Deputy Commissioner of Narcotics.
3. The Chief Counsel of the Bureau of Narcotics.
4. The Narcotic District Supervisor, District No. 11.
5. The Narcotic District Supervisor, District No. 14.
6. The Narcotic District Supervisor, District No. 6.
7. The Narcotic District Supervisor, District No. 15.
8. The Narcotic District Supervisor, District No. 12.
9. The Narcotic District Supervisor, District No. 7.
10. The Officer in Charge, United States Secret Service, Little Rock, Arkansas.

This order supersedes all orders issued previously establishing a line of succession within the Bureau of Narcotics and shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 2, 1956.

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

[F. R. Doc. 56–8248; Filed, Oct. 12, 1956; 8:47 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, 152d Supp.]

LONDON AND LANCASHIRE INSURANCE COMPANY, LTD.

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

OCTOBER 10, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR 223. An underwriting limitation of $459,000 has been established for the company.

The London and Lancashire Insurance Company, Limited, London, England. (U. S. Office, Hartford, Connecticut.)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56–8249; Filed, Oct. 12, 1956; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8040]

TRANSPORTES AEREOS NACIONALES, S. A.

NOTICE OF HEARING

In the matter of the application of Transportes Aereos Nacionales, S. A., for extension or renewal of its foreign air

carrier permit between the coterminal points Tegucigalpa and San Pedro Sula,

2. Employing agency: Department of Commerce, Business and Defense Serv-

4. No further agreements were arrived

Statement and order. Pursuant to

thereto or for requiring the production

Wisconsin, Docket No. 11827, File No.

carrier permit between the coterminal points Tegucigalpa and San Pedro Sula, Honduras; an intermediate point or points in Honduras; the intermediate point Belize, British Honduras; and the terminal point Miami, Florida, subject to certain conditions.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said Act, that a hearing in the above-entitled proceeding assigned to be held on October 16, 1956, in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., is reassigned to be held at 10:00 a. m., e. d. s. t., in Room 5132, Department of Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., October 9, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8269; Filed, Oct. 12, 1956; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 21 F. R. 3029-30, May 5, 1956.

A. Deletions:
Mullins Manufacturing Corp., Salem, Ohio.
Chicago & North Western Ry. Co., 400 West Madison Street, Chicago 6, Ill.
Canada Dry Ginger Ale, Inc., 100 Park Avenue, New York 17, N. Y.
Lear, Inc., 3171 South Bundy Drive, Santa Monica, Calif.
H. & B. American Machine Co., 122 South Michigan Avenue, Chicago 3, Ill.
B. Additions:
Hard Rock Gold Mines, Ltd., 200 Bay Street, Toronto, Ontario, Canada.

This statement is made as of October 6, 1956.

WILLIAM M. FIRSHING.

OCTOBER 6, 1956.

[F. R. Doc. 56-8241; Filed, Oct. 12, 1956; 8:47 a. m.]

WILLIAM J. KAESTNER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. William J. Kaestner.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: October 1, 1956

4. Title of position: Chief, Ferro Alloys Branch.

5. Name of private employer: Vanadium Corporation of America. 420 Lexington Avenue, New York 17, N. Y.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Vanadium Corporation of America. Bank deposits.

WILLIAM J. KAESTNER.

OCTOBER 5, 1956.

[F. R. Doc. 56-8240; Filed, Oct. 12, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11169, etc.; FCC 56M-907]

TRIAD TELEVISION CORP. ET AL.

STATEMENT CONCERNING HEARING CONFERENCE AND ORDER

In re applications of Triad Television Corporation, Parma, Michigan, Docket No. 11169, File No. BPCT-1846; Booth Radio & Television Stations, Inc., Parma, Michigan, Docket No. 11170, File No. BPCT-1866; Television Corporation of Michigan, Inc., Onondaga, Michigan, Docket No. 11171, File No. BPCT-1870; Jackson Broadcasting & Television Corporation, Parma, Michigan, Docket No. 11172, File No. BPCT-1871; State Board of Agriculture, Onondaga, Michigan, Docket No. 11173, File No. BPCT-1885; for construction permits for new television stations (Channel 10).

An informal hearing conference held herein on October 3, 1956, was attended by counsel for all parties and the following agreements were reached and approved by the Hearing Examiner:

1. Further hearing will be held October 23, 1956, at 10:00 a. m.

2. The parties will attempt to arrive at a stipulation of as many of the facts to be proved as is possible prior to the hearing.

3. Mr. Fred A. Knorr will be called as a witness for Jackson Broadcasting and Television Corporation. He will be subject to direct examination by Jackson Broadcasting and Television Corporation and cross-examination by the other parties within the limits of the order of September 25, 1956, re-opening the record herein for limited purposes.

4. No further agreements were arrived at at this conference.

It it ordered, This 3d day of October 1956, that the foregoing agreements shall govern the course of the proceeding to the extent indicated, unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling, and that further hearing is scheduled herein for October 23, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8252; Filed, Oct. 12, 1956; 8:49 a. m.]

[Docket Nos. 10286, 10287; FCC 56M-912]

ENTERPRISE CO. AND BEAUMONT BROADCASTING CORP.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of The Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT-743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT-762; for construction permits for new television stations (Channel 6).

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that counsel have agreed on the date referred to below for a hearing conference;

It is ordered, This 4th day of October 1956, that all parties, or their attorneys, are directed to appear for a hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., October 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8251; Filed, Oct. 12, 1956; 8:48 a. m.]

[Docket No. 11288, etc.; FCC 56M-931]

PONCE DE LEON BROADCASTING CO., INC., OF PUERTO RICO ET AL.

HEARINGS ON APPLICATIONS

In re applications of Ponce de Leon Broadcasting Co., Inc., of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Sucesion Luis-Pirallo Castellanos, Mayaguez, Puerto Rico, Docket No. 11811, File No. BPCT-2158; Department of Education of Puerto Rico, Mayaguez, Puerto Rico, Docket No. 11812, File No. BPCT-2159; for construction permits for new television stations.

Appearances. John B. Jacob, on behalf of Ponce de Leon Broadcasting Company, Inc.; Frank Stollenwerck, on behalf of Sucesion Luis-Pirallo Castellanos; Reed Miller, on behalf of the Department of Education of Puerto Rico; and John H. Bass, on behalf of the Chief of the Broadcast Bureau, Federal Communications Commission.

Statement and order. Pursuant to §§ 1.813 and 1.841 (c) of the Commission's rules, as amended, a pre-hearing conference in the above-entitled proceeding was held in the offices of this Commission, Washington, D. C., on September 20, 1956, at which all three of the applicants and the Broadcast Bureau of the Federal Communications Commission were represented by counsel. At this pre-hearing conference certain stipulations were reached between the parties and rulings made by the Hearing Examiner involving the procedures to be followed in the hearing in the said proceeding, which are set forth below as follows:

1. Testimony will be taken first on the application with the lowest docket number, namely, that of Ponce De Leon Broadcasting Company, Inc., of Puerto Rico, (Docket No. 11288), to be followed in succession by the taking of testimony on the applications of Sucesion Luis-Pirallo Castellanos, (Docket No. 11811), and the Department of Education of Puerto Rico, (Docket No. 11812).

2. Each applicant shall identify its exhibits in some appropriate manner, and such exhibits of each applicant shall be numbered beginning with the number "1".

3. Each applicant taking surveys in the proposed service area, for the purpose of determining the program needs therein and the availability of program material from local public service groups and organizations will submit an exhibit showing the name of its authorized representative who made contacts with such local groups and organizations, the method by which such contacts were made, the date of such contacts, the names, addresses and positions of the persons contacted representing such local groups and organizations, and the representations made on behalf of the applicant concerning its program proposals, as well as the responses or commitments made by the persons contacted, each of the other parties reserving the right, however, to cross-examine the individuals contacted concerning their responses or commitments.

4. No letters will be received in evidence for the purpose of proving any facts contained therein if objected to by any of the parties as being in violation of the hearsay rule.

5. All of the applicants stipulated that the equipment specified in their respective applications will be available on the market for purchase.

6. All of the applicants agreed to submit analyses and schedules for the 1955 composite week specified by this Commission with respect to the program services of existing stations owned or operated by them and all of such applicants will be afforded an opportunity to submit additional material in exhibit form to show the broadcasting of public service announcements by such stations or their cooperation with public service groups and organizations over a specified period. Each of the applicants, however, reserves the right to object to the relevance of such program material and will make no determination or commitment respecting the necessity for calling witnesses for cross-examination with regard thereto or for requiring the production of the program logs of the stations in question until after the date of exchange of the affirmative cases in writing.

7. October 15, 1956, was fixed as the date for exchange of exhibits and information between the applicants, pursuant to § 1.841 (a), supra; October 23, 1956, as the date for the final pre-hearing conference, pursuant to § 1.841 (c), supra; and October 29, 1956, was affirmed as the date for the commencement of the taking of testimony in the said proceeding. The Examiner further ruled that requests by parties for information from adversary parties to the proceeding, pursuant to § 1.841 (e), supra, or petitions requesting the Examiner to add the so-called "Evansville" issue, as authorized by the Commission's Order of Designation in the said proceeding, shall be filed on or before October 19, 1956.

It is hereby ordered, This 9th day of October 1956, that the course of the hearing in the above-entitled proceeding shall be governed by the procedure set forth above, unless the same shall be subsequently modified by the Examiner or the Commission for good cause shown.

It is further ordered, That the taking of testimony in the above-entitled proceeding shall commence on October 29, 1956, at 10:00 o'clock a. m., in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8253; Filed, Oct. 12, 1956; 8:49 a. m.]

[Docket Nos. 11825, 11826; FCC 56M-894]

VICTORIA TELEVISION CO. AND ALKEK TELEVISION CO.

ORDER SCHEDULING HEARING

In re applications of O. L. Nelms, d/b as Victoria Television Company, Victoria, Texas, Docket No. 11825, File No. BPCT-2084; Albert B. Alkek, d/b as Alkek Television Company, Victoria, Texas, Docket No. 11826, File No. BPCT-2109; for construction permits for new television stations.

It is ordered, This 26th day of September 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 13, 1956, in Washington, D. C.

Released: September 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8254; Filed, Oct. 12, 1956; 8:49 a. m.]

[Docket No. 11827; FCC 56M-929]

PRAIRIE BROADCASTING CO. (WPRE)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Prairie Broadcasting Company (WPRE), Prairie du Chien, Wisconsin, Docket No. 11827, File No. BP-10155; for construction permit.

It is ordered, This 9th day of October 1956, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the office of the Commission in Washington, D. C., at 10 o'clock a. m., October 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8255; Filed, Oct. 12, 1956; 8:49 a. m.]

[Docket No. 11834]

SEACO, INC.

ORDER TO SHOW CAUSE

In the matter of Seaco, Inc., Orlando, Florida; order to show cause why the licenses for Special Industrial Radio Stations KIK 385 and KC 7607 should not be revoked, or, in the alternative, why a cease and desist order should not be issued against the licensee of said stations.

There being under consideration the matter of eligibility of Seaco, Inc., P. O. Box 5367, Orlando, Florida, under § 11.509[1] of the Commission's rules for Special Industrial Radio Stations KIK 385 and KC 7607, and the usage of said stations beyond the limitations estab-

[1] Section 11.509 reads as follows:

(a) *Definition.* For the purposes of this part, general industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functons, services or materials which are essential to the efficient conduct of miscellaneous industrial or agricultural processes. Only the following are recognized as general industrial service and trade activities in accordance with the foregoing.

(1) Servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) exclusively in connection with agricultural, heavy construction, manufacturing or mining activities, as those terms are defined in this subpart, or in connection with activities conducted by persons who are eligible for license in the Power, Petroleum, Forest Products or Motion Picture Radio Services.

(2) Delivering and pouring ready-mixed concrete, hot asphalt mix, and similar perishable mixtures.

(b) *Eligibility.* Persons engaged in general industrial service and trade activities, or in a combination of general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of those activities.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

lished in §§ 11.502 and 11.509 of the Commission's rules and the terms of the licenses involved; and

It appearing that said Special Industrial Radio Stations were granted on December 12, 1955, to the above-named licensee based on statements of eligibility submitted to the Commission by the said licensee on two FCC Forms 400, sworn to by one Fred F. Moore on September 24, 1955, designated as an officer of the applicant corporation, which reads on the application for the base station KIK 385, and is repeated with minor variations on the application for the mobile station, KC 7607, as follows:

We are engaged in an industrial activity, the primary function of which is servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) exclusively in connection with agriculture, heavy construction, and manufacturing activities. All equipment which we maintain or repair is used in connection with activities conducted by persons who are eligible for license under FCC rules and regulations. Most of our servicing and maintenance work is carried out in sparsely populated and remotely located farms, groves, and other inaccessible locations, where no other means of communications is available. We are therefore, eligible to own and operate a radio communication system in accordance with § 11.509 (a) (1) FCC rules and regulations. Two way radio communication equipment will be installed in our service vehicles and will be used to expedite service to our customers' equipment, as well as to provide communications during emergencies and in the event of injury to personnel. This station shall be located and operated at all times in areas other than standard metropolition [sic] areas of five hundred thousand or more population.

which caused the Commission to believe that the applicant was eligible for such licenses under said § 11.509 of the Commission's rules; and

It further appearing that since the grant of said licenses, the Commission has obtained information indicating that Seaco, Inc., was not then engaged and still is not engaged in an industrial activity, the primary function of which is servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) exclusively in connection with agriculture, heavy construction, and manufacturing activities, as defined in §§ 11.509, 11.503, 11.504, and 11.506 of the Commission's rules; and

It further appearing that since the grant of said licenses, the Commission has obtained information indicating that Seaco, Inc., was then engaged and still is engaged primarily in the business of selling or servicing radio communication equipment, an activity specifically excluded as a basis for eligibility for a special industrial radio station license by paragraphs 37 and 38 of the Commission's Report and Order promulgating the revised rules governing the Special Industrial Radio Service, Docket No. 9703, adopted September 7, 1955 (FCC 55-923-22654); and

It further appearing that by a letter, dated April 19, 1956, the Commission brought to the attention of the licensee, pursuant to section 9 (b) of the Administrative Procedure Act, its queries concerning the accuracy of its eligibility statements on its station applications, called upon the licensee to demonstrate its eligibility under § 11.509 of the Commission's rules, and warned the licensee against using said radio stations in connection with selling or servicing radio transmitting equipment; and

It further appearing that in its response to the Commission's letter of April 19, 1956, the licensee, among other things, denied that the eligibility statement in its license applications was inaccurate or misleading, denied that the Commission had relied upon this eligibility statement in granting the applications, denied that "its commercial or industrial activities do not come within the definition of such activities eligible for license under the provisions of § 11.509 (a) (1) of the Commission's rules," and asserted,

To the extent Seaco, Inc. will operate its stations in the servicing, repairing, and maintaining of radio equipment such radio equipment is substantially all an integral part of the heavy machinery referred to in the eligibility statement of Seaco, Inc. in its applications. To the extent such radio equipment is not such an integral part of heavy machinery it is itself classifiable as heavy machinery, including but not limited to heavy motor generator sets, heavy antennas, and other heavy radio equipment with mechanical moving parts;

and

It further appearing that in response to an interrogatory from the Commission to Seaco, Inc., dated July 5, 1956, requesting additional information pursuant to section 308(b) of the Communications Act of 1934, as amended, Seaco, Inc. submitted a sworn statement showing that it performs considerable business functions which would not make it eligible for a station license under § 11.509 of the Commission's rules and for which its present radio stations would not be authorized to be used under said section or its licenses, and also indicated briefly, with insufficient description to enable a determination of eligibility under said § 11.509, that it does a small amount of business servicing, repairing, and maintaining "Auxiliary gas power generator, etc." for certain specified customers; and

It further appearing that the Commission has been unable to obtain any convincing evidence that the licensee is engaged even in part in the business of servicing, repairing, and maintaining heavy machinery (not including automobiles or trucks) exclusively in connection with agriculture, heavy construction, and manufacturing activities, as defined in §§ 11.509, 11.503, 11.504, and 11.506 of the Commission's rules; and

It further appearing, that if the true nature of said licensee's business had been revealed to the Commission at the time of these grants, the Commission would not have issued the said special industrial radio station licenses to Seaco, Inc; and

It further appearing that said licensee wilfully misrepresented its eligibility status to the Commission; and

It further appearing that even if further information is made available to the Commission by the licensee which would enable a determination by it that SEACO, INC. is eligible for station licenses under said § 11.509, the licensee proposes to use said stations for purposes beyond those authorized in §§ 11.502 and 11.509 of the Commission's rules and the terms of its station licenses;

It is ordered, This 8th day of October 1956, pursuant to section 312 (a) (1) (2) (3), (b), and (c) of the Communications Act of 1934, as amended, that the said Seaco, Inc. show cause why the aforesaid licenses should not be revoked, or, in the alternative, if revocation is shown not to be in order, why it should not be ordered to cease and desist from using its radio stations in connection with the repairing, servicing, and maintaining of radiocommunication equipment or any other activity not authorized by §§ 11.502 and 11.509 of the Commission's rules and the terms of its licenses, and that said Seaco, Inc. appear and give evidence in respect thereto at a hearing[1] to be held at the offices of the Commission in Washington, D. C., on the 19th day of November 1956; and

It is further ordered, That the Secretary send a copy of this order by registered mail—return receipt requested to the said Seaco, Inc., P. O. Box 5367, Orlando, Florida, and another copy thereof by regular first class mail to its attorney, Daryal A. Myse, 1411 Pennsylvania Avenue NW., Washington 4, D. C.

Released: October 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8256; Filed, Oct. 12, 1956; 8:50 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an Order to Show Cause, a licensee shall within thirty (30) days from the date of the receipt of a Show Cause Order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an Order of Revocation or a Cease and Desist Order should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the Order to Show Cause. Failure to respond to a Show Cause Order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.

FEDERAL POWER COMMISSION

[Docket No. G-9120]

NORTHERN NATURAL GAS CO

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 8, 1956.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation, address 2223 Dodge Street, Omaha 1, Nebraska, filed on July 11, 1955, an application, which was amended on July 30, 1956, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to construct and operate certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to install a metering station at a point on its existing 12-inch line near Rosemont, Minnesota, for the purpose of selling a maximum daily volume of 10,000 Mcf of natural gas on an interruptible basis to Great Northern Oil Company. The estimated annual sales being 1,095,200 Mcf. Applicant proposes that the sale of gas to Great Northern Oil Company will be subject to curtailment as a "Step 3 customer" under its existing tariff. The gas will be sold at a price of $320 for the first 1,000 Mcf of gas delivered per month with excess volumes at 26 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 25, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said application: *Provided, however*, That the Commission may after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 20, 1956. Failure of any party to appear at and participate in the proceedings shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where requests therefor are made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-8231; Filed, Oct. 12, 1956; 8:45 a. m.]

[Docket No. G-11196]

H. J. CHAVANNE, TRUSTEE, ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On September 5, 1956, H. J. Chavanne, Trustee, et al. (Applicant), submitted for filing proposed changes in its rate schedules presently in effect for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings, which are proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation;[1] *and Effective Date*[2]
Notice of change, dated August 27, 1956; Texas Eastern Transmission Corporation; Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 1; November 1, 1956.
Notice of change dated August 27, 1956; Texas Eastern Transmission Corporation; Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 2; November 1, 1956.

Both of said Supplements provide for proposed periodic rate increases for sales of natural gas to the Purchaser, and both also provide for proposed reductions in rate effective September 1, 1956, to reflect decreases in the Texas Occupation Tax as of the same date.

The increased rates and charges proposed in each of said Supplements have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges, and that Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 1 and Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 2, insofar as they pertain to increases in rates, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges; and, pending such hearing and decision thereon, the above designated Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 1 and Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 2, insofar as the same pertain to proposed increases in rates, be and the same hereby are suspended and the use thereof deferred until April 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplements hereby suspended nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

[1] Designations of applicant's rate schedules are: H. J. Chavanne, Trustee, et al., FPC Gas Rate Schedule No. 1, and H. J. Chavanne, Trustee, FPC Gas Rate Schedule No. 2.

[2] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant, if later.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 8, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-8232; Filed, Oct. 12, 1956; 8:45 a. m.]

[Docket No. G-11197]

SOUTHERN PRODUCTION COMPANY, INC.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On September 7, 1956, Southern Production Company, Inc. (Applicant), submitted for filing a proposed change in its rate schedule presently in effect for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]
Notice of change undated; Texas Eastern Transmission Corporation; Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 14; November 1, 1956.

The increased rate and charge proposed in Supplement No. 7 has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge, and that the above designated Supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rate and charge; and, pending such hearing and decision thereon, the above designated Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 14 be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant, if later.

expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 8, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-8233; Filed, Oct. 12, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 10, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32735: *Substituted service, motor-rail-motor—Pennsylvania Railroad.* Filed by Transamerican Freight Lines, Inc., Agent, for itself, the Pennsylvania Railroad Company and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Chicago, East St. Louis, Ill., or Indianapolis, Ind., on the one hand, and Kearny, N. J., Pittsburgh or Philadelphia, Pa., on the other; and between Cleveland, Ohio, on the one hand, and Kearny, N. J., or Philadelphia, Pa., on the other.

Grounds for relief: Motor-truck competition.

FSA No. 32736: *Substituted service, motor-rail-motor—Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., for The Pennsylvania Railroad Company and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Chicago, East St. Louis, Ill., or Indianapolis, Ind., on the one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor-truck competition.

FSA No. 32737: *Methanol from Sterlington, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methanol (methyl alcohol), tank-car loads from Sterlington, La., to Chicago, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 104 to Agent Kratzmeir's I. C. C. 4064.

FSA No. 32739: *Anhydrous Ammonia from Velasco, Tex., to Sheffield, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Velasco, Tex., to Sheffield, Ala.

Grounds for relief: Barge and market competition.

Tariff: Supplement 170 to Agent Kratzmeir's I. C. C. No. 4112.

FSA No. 32740: *Merchandise from Howells Transfer, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise in mixed carloads from Howells Transfer, Ga., to Memphis, Tenn., St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 53 to Agent C. A. Spaninger's I. C. C. 1458.

FSA No. 32741: *Grain from Chicago, Ill., to Maryland.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on grain and grain products, carload and less-than-carload from Chicago, Ill., to Denton, Hebron, McDaniel, Ocean City, Preston, Queenstown, and Vienna, Md.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 83 to Agent Hinsch's tariff I. C. C. 4403.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32738: *Methanol from Sterlington, La., to Chicago, Ill.,* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methanol (methyl alcohol), tank-car loads from Sterlington, La., to Chicago, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 104 to Agent Kratzmeir's I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-8235; Filed, Oct. 12, 1956; 8:46 a. m.]

[No. MC-C-2020]

FRUIT AND VEGETABLE JUICES BETWEEN LOS ANGELES, CALIF., AND OREGON AND WASHINGTON

RATES AND CHARGES; FIRST SUPPLEMENTAL ORDER

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 8th day of October A. D. 1956.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce, the rate of 113 cents, minimum 36,000 pounds, from origins in Oregon to Los Angeles, Calif. Group No. 2 points insofar as it applies on fruit or vegetable juices, as set forth in Item No. 495 on Twenty-second Revised Page 74-A to MF-I. C. C. No. 16 (filed in the name of R. N. B. Converse, d/b/a Converse Trucking Service) of Converse Trucking Service, or as the same may be amended or reissued.

It appearing that upon consideration of the tariff schedules, there is reason to institute an investigation to determine whether they result in rates and charges, rules and regulations or practices that are unjust or unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That the carriers parties to the said schedules be, and they are hereby, made respondents to this proceeding; that a copy of this order be forthwith served upon the said respondents; and that a notice of this preceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-8234; Filed, Oct. 12, 1956; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1034]

E. I. DU PONT DE NEMOURS AND CO. AND GENERAL MOTORS CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

OCTOBER 8, 1956.

Notice is hereby given that E. I. du Pont de Nemours and Company ("du Pont"), which is controlled by Christiana Securities Company, a registered closed-end non-diversified investment company, which is in turn controlled by Delaware Realty and Investment Company, also a registered closed-end non-diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act the purchase by du Pont from General Motors Corporation ("Motors"), an affiliated person of du Pont, of the 33⅓ percent equity interest owned by Motors in International Freighting Corporation, Inc., ("IFC").

Du Pont owns approximately 23 percent of the outstanding common stock of Motors. IFC, a Delaware corporation, is engaged principally in the operation of chartered steamships which transport mixed cargo between the United States and South America. IFC has outstanding 450 shares of common stock of which du Pont owns 300 shares (66⅔ percent) and Motors owns the remaining 150 shares (33⅓ percent). The shares of IFC owned by Motors were acquired from IFC in 1936, at which time Motors agreed not to sell its stock interest in IFC without first allowing du Pont the right to purchase such stock interest at the purchase price to Motors, plus its proportionate share in undistributed net earnings of IFC accumulated subsequent to January 1, 1936.

Motors has advised du Pont that it wishes to dispose of its investment in IFC and has offered to sell its 33⅓ percent interest to du Pont for $136,447, the amount computed as of July 31, 1956 in accordance with its 1936 agreement, and du Pont proposes to purchase such interest. The application states that du Pont wishes to retain services of IFC and that, as sole owner of IFC, du Pont will have maximum flexibility in dealing with matters affecting IFC. The application further states that the proposed price is reasonable and fair in the light of IFC's net worth and on the basis of comparisons with prices relative to earnings of other steamship companies whose common stocks are traded in the securities markets.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since, by definition under the act, Motors is an affiliated person of du Pont, a company controlled by a registered investment company, the proposed purchase of securities by du Pont from Motors is subject to the provisions of section 17 (a) of the act.

Notice is further given that any interested person may, not later than October 22, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8236; Filed, Oct. 12, 1956; 8:46 a. m.]

[File No. 812-1025]

HIGH VOLTAGE ENGINEERING CORP. AND BAIRD ASSOCIATES-ATOMIC INSTRUMENT CO.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

OCTOBER 8, 1956.

Notice is hereby given that High Voltage Engineering Corporation ("High Voltage") and Baird Associates-Atomic Instrument Company ("Baird"), both affiliated persons of American Research and Development Corporation ("Research"), Boston, Massachusetts, a registered closed-end, non-diversified investment company, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") requesting an order exempting certain transactions summarized below from the provisions of section 17 (a) of the act.

High Voltage is a corporation organized under the laws of Massachusetts in 1946, and having its place of business in Cambridge, Massachusetts. Its business at the present time consists of the manufacture of multi-million volt electrostatic generators for use in scientific research, deep X-ray cancer therapy, industrial radiography, cathode ray sterilization of pharmaceuticals and foods, linear accelerators for providing electrons with energies up to fifty million volts and precision accessory equipment.

Baird is a corporation organized under the laws of Massachusetts in 1947 and also having its principal place of business in Cambridge, Massachusetts. Since June 1, 1956, when it was merged with Atomic Instrument Company, its business has consisted of the design, development and manufacture of spectrochemical instruments for analytical and process control applications and products in the field of nuclear instrumentations.

High Voltage is building a new plant in Burlington, Massachusetts and is in the process of a gradual movement out of its building at Cambridge, Massachusetts. High Voltage and Baird have entered into an Indenture of Lease as of May 31, 1956, under which Baird has leased the real estate owned by High Voltage, located in Cambridge. Under the Indenture of Lease Baird has an option to purchase the leased properties for $275,000, at any time between May 31, 1956, and June 1, 1957, provided that if Baird shall resell the property within two years after date of notification of acceptance of the option, Baird shall pay High Voltage one-half of the excess of the sale price over $275,000 plus permanent capital improvements made at Baird's expense less reasonable depreciation. Baird has a further option to purchase the property for $300,000 at any time during the period June 1, 1957, and ending June 1, 1958.

It is stated in the application that negotiations for the options were carried on directly between Baird and High Voltage with the knowledge of Research, but without its participation. The price of $275,000 was fixed by High Voltage on the basis of its own study of the value of industrial property in the area. The price was confirmed as a fair price, absent brokerage commissions, by a local industrial realtor, Clarence Woodman. A recent appraisal for the property for insurance purposes showed the building to have a replacement cost of $450,000. The net depreciated cost of the building and improvements is approximately $197,000, excluding provision for accelerated depreciation for a Certificate of Necessity, and the land is carried at its cost of $43,900. Applicants believe, in view of all the circumstances that the terms of the option granted are, and the purchase, if made, will be, fair and reasonable and do not involve overreaching on the part of any person concerned. Research states it is not involved in the transaction, in the sense that it did not initiate the transaction, but that the transaction is consistent with the general purposes of the act.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered company or to any company controlled by such registered company, any security or other property, with certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) of the act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its Registration Statement and reports filed under the act, and is consistent with the general purposes of the act.

Research presently owns 95,000 shares, or 25.7 percent of the outstanding 369,070 shares of common stock of High Voltage and 46,000 shares or 21.2 percent of the outstanding 216,703¼ shares of common stock of Baird. Accordingly, High Voltage is affiliated with and presumed to be controlled by Research by reason of section 2 (a) (3) and section 2 (a) (9) of the act, respectively, and Baird is an affiliated person of Research by reason of section 2 (a) (3) of the act. Since exercise of either of the options by Baird would constitute a purchase of property by an affiliated person of a registered investment company from a company controlled by such registered investment company, the transaction is prohibited by section 17 (a) (2) of the act, unless the Commission grants the application pursuant to section 17 (b) of the act.

Notice is further given that any interested person may, not later than October 19, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission,

Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8237; Filed, Oct. 12, 1956; 8:46 a. m.]

[File No. 812-1027]

PRUDENTIAL INVESTMENT CORPORATION OF SOUTH CAROLINA

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF CLOSED-END INVESTMENT COMPANY

OCTOBER 8, 1956.

Notice is hereby given that Prudential Investment Corporation of South Carolina ("Prudential"), a corporation organized under the laws of the State of South Carolina, has filed an application and amendment thereto pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D-1 thereunder, for an order of the Commission exempting it from such provisions of the act as the Commission may consider appropriate.

Prudential, a closed-end, diversified, management investment company as defined in the act, was organized on August 20, 1956. Its present authorized capital consists of 62,500 shares of $1 par value common stock. Eight residents of South Carolina have subscribed for 25,000 shares of this stock at $1 per share. Prudential proposes to make a public offering of the remaining 37,500 shares of common stock, at a price of $1.20 per share, $1 of which will be allocated to capital and the other $0.20 to be used for expenses and commissions incident to the public sale of the stock; any amount not so used will be allocated to surplus. The aggregate sums received by Prudential from the sale of all its securities, and the aggregate offering price of all securities of which Prudential is the issuer and which Prudential proposes to offer for sale, will not exceed $100,000. Prudential proposes to confine the sale of these securities only to persons who are residents of the State of South Carolina. The corporation has made no public offering of securities as yet.

Prudential represents that its primary purpose is to seek capital gains from investments in life insurance companies. It represents that it will issue no senior securities, will neither borrow nor lend money, except in emergencies, and will not underwrite or participate in the underwriting of any securities. The corporation proposes to diversify its investments and provides in its By-laws that the corporation cannot purchase any stock from any company if immediately after the purchase, the corporation's holding in that company exceeds 5 percent of the corporation's assets at market value.

Section 6 (d) of the act provides in substance that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000, and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemption be granted Prudential from the following provisions of the act and the respective rules and regulations promulgated under each of such provisions:

Section 7; section 8 (b), except the requirement to file the information required by Items 3, 4 and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20 (a); section 24 (d), insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a); section 30 (b), except that Prudential shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d) which reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e); section 30 (f), to the extent that the subject person shall not be required to file reports more than once each six months; and section 32 (a); Provided, that the applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may, not later than October 22, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. D. Doc. 56-8238; Filed, Oct. 12, 1956; 8:46 a. m.]

[File No. 1-597]

JAEGER MACHINE CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 9, 1956.

In the matter of The Jaeger Machine Co., Capital Stock, File No. 1-597.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The recent splitting of shares calls for payment of a listing fee on the additional shares which the issuer feels is not warranted in view of the limited trading on the Midwest Stock Exchange. Practically all the reported activity in this stock is on the New York Stock Exchange, where listing will continue. The Midwest Stock Exchange has waived the stockholder approval provision of its delisting rule in this instance.

Upon receipt of a request, on or before October 26, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8239; Filed, Oct. 12, 1956; 8:46 a. m.]

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VOLUME 21 NUMBER 201

Washington, Tuesday, October 16, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; WEST VIRGINIA

On September 28, 1956, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

WEST VIRGINIA	*Average value*
County:	
Barbour	$20,000
Berkeley	30,000
Brooke	25,000
Cabell	25,000
Calhoun	25,000
Fayette	18,000
Grant	20,000
Greenbrier	25,000
Hancock	22,000
Hardy	20,000
Harrison	27,000
Jackson	28,000
Jefferson	30,000
Marion	20,000
Marshall	25,000
Mason	30,000
Mineral	20,000
Monongalia	20,000
Ohio	25,000
Pendleton	22,000
Preston	20,000
Putnam	23,000
Raleigh	18,000
Randolph	20,000
Roane	25,000
Taylor	20,000
Tyler	18,000
Upshur	20,000

(Sec. 41 (1), 50 Stat. 529, as amended; 7 U. S. C. 1015 (l))

Dated: October 10, 1956.

[SEAL] H. C. SMITH, *Acting Administrator, Farmers Home Administration.*

[F. R. Doc. 56-8281; Filed, Oct. 15, 1956; 8:47 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 Incentive Payment Programs (Shorn Wool), Amdt. 4]

PART 472—WOOL

SUBPART—1955 INCENTIVE PAYMENT PROGRAM FOR SHORN WOOL

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1955 Incentive Payment Program for Shorn Wool, as amended (20 F. R. 2011, 5383 and 21 F. R. 1043, 2741), are further amended as follows:

1. At the end of § 472.607 (a), as amended, the following is added: "The Director of the Livestock and Dairy Division, Commodity Stabilization Service, may waive this 30-day limitation on applications filed before April 1, 1957, upon recommendation of the respective ASC county and state committees if delayed filing is due to causes beyond the control of the applicant or other good causes."

2. The heading of § 472.614 and paragraph (a) of the section are deleted and the following is substituted therefor:

§ 472.614 *Death, disappearance, incompetency, or other disability.* (a) Except as provided in § 472.613, in case any person who is entitled to a payment under this subpart dies, becomes incompetent, or disappears before receiving such payment, whether before or after making application therefor, payment may be made, upon proper application, without regard to claims of creditors other than the United States, in accordance with the regulations contained in 7 CFR Part 1108, Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agri-

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Commodity Stabilization Service
Wool, pulled, 1955 incentive payment program for lambs and yearlings; miscellaneous amendments (*see* Commodity Credit Corporation).
Wool, shorn, 1955 payment program; miscellaneous amendments (*see* Commodity Credit Corporation).

FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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cultural Conservation Program Service shall be deemed to refer to Commodity Credit Corporation. The reference in 7 CFR Part 1108.7 to Standard Form 1055 shall be deemed to be a reference to Standard Form 1055—Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446)

Issued this 11th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture and President, Commodity Credit Corporation.

[F. R. Doc. 56–8293; Filed, Oct. 15, 1956; 8:49 a. m.]

[1955 Payment Program for Lambs and Yearlings (Pulled Wool), Amdt. 4]

PART 472—WOOL

SUBPART—1955 PAYMENT PROGRAM FOR LAMBS AND YEARLINGS (PULLED WOOL)

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), as amended (20 F. R. 7541, 7321 and 21 F. R. 1045, 2743), are further amended as follows:

1. At the end of § 472.658 (a), as amended, the following is added: "The Director of the Livestock and Dairy Division, Commodity Stabilization Service, may waive this 30-day limitation on applications filed before April 1, 1957, upon recommendation of the respective ASC county and state committees if delayed filing is due to causes beyond the control of the applicant or other good causes."

2. The heading of § 472.667 and paragraph (a) of that section are deleted and the following is substituted therefor:

§ 472.667 *Death, disappearance, incompetency, or other disability.* (a) In case any person who is entitled to a payment under this subpart dies, becomes incompetent, or disappears before receiving such payment, whether before or after making application therefor, payment may be made, upon proper application, without regard to claims of creditors other than the United States, in accordance with the regulations contained in 7 CFR Part 1108, Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to Commodity Credit Corporation. The reference in 7 CFR Part 1108.7 to Standard Form 1055 shall be deemed to be a reference to Standard Form 1055—Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446)

Issued this 11th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture and President, Commodity Credit Corporation.

[F. R. Doc. 56–8292; Filed, Oct. 15, 1956; 8:49 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

BASE UNIT RATES FOR WHEAT

Appendix 2 of the regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F R. 6162, as amended in 21 F. R. 6879, which specifies the base unit rates for wheat is hereby corrected and supplemented as follows:

CALIFORNIA

Correct the spelling of "Yola" County to "Yolo" County.

COLORADO

Add the following county with base unit rate as indicated:

Teller County—Base unit rate—1.13

NEW JERSEY

Add the following counties with base unit rates as indicated:

County:	*Base unit rate*
Atlantic	1.31
Union	1.31

PENNSYLVANIA

Add the following counties with base unit rates as indicated:

Cameron	1.29
Philadelphia	1.34

TEXAS

Change the Base Unit Rate of Bailey County to 1.20. Correct the spelling of "Bamdera" County to "Bandera" County. Correct the spelling of "Dimit" County to "Dimmit" County.

Add the following counties with base unit rates as indicated:

County:	*Base Unit Rate*
Austin	1.34
Brazos	1.27
Gonzales	1.27
Henderson	1.25
Hopkins	1.24
Houston	1.27
Rains	1.24
Red River	1.22
Titus	1.22

(Sec. 124, Public Law 540, 84th Cong.)

Done at Washington, D. C., this 11th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–8294; Filed, Oct. 15, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

CORRECTION

In Sugar Regulation 811, Amendment 5 (21 F. R. 7206), which was published in the FEDERAL REGISTER of September 22, 1956, two figures in § 811.85 (a) were shown incorrectly. The quantity of the Hawaiian quota which may be filled by direct-consumption sugar, shown as 59,616, should read 29,616. The quantity of Puerto Rican direct-consumption sugar which may be filled only by sugar principally of crystalline structure, shown as 125,033 short tons, raw value, should read 126,033 short tons, raw value.

§ 811.85 *Direct-consumption portion portion of quotas or prorations*—(a) *Domestic areas.* Pursuant to subsections (a), (b) and (c) of sec. 207 of the act the quotas established in § 811.81 for offshore domestic areas may be filled by direct-consumption sugar not exceeding the following quantity for each such area:

Area:	*Short tons, raw value*
Hawaii	29,616
Puerto Rico	127,638
Virgin Islands	0

Of the quantity for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Done at Washington, D. C., this 11th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–8290; Filed, Oct. 15, 1956; 8:48 a.m.]

rates ---------- 7926

Part 2 ---------- 7847

Subchapter I—Determination of Prices

[Sugar Determination 874.9]

PART 874—SUGARCANE; LOUISIANA

PRICES FOR 1956 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Thibodaux, Louisiana, on August 2, 1956, the following determination is hereby issued:

§ 874.9 *Fair and reasonable prices for the 1956 crop of Louisiana sugarcane.* A producer of sugarcane in Louisiana who is also a processor of sugarcane (hereinafter referred to as "processor") shall have paid or contracted to pay, for sugarcane of the 1956 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of sugar.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(3) "Standard sugarcane" means sugarcane, free of trash, containing 12 percent sucrose in the normal juice with a purity of at least 76.00 but not more than 76.49.

(4) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the combined weight of sugarcane and trash delivered by a producer.

(5) "Salvage sugarcane" means sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(6) "Trash" means green or dried leaves, loose sugarcane tops, attached sugarcane tops at or above the green leaf roll, dirt and all other extraneous material which is representative of the quantity of sugarcane from which the sample for trash determination is taken.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.06 per ton for each one-cent per pound of the average price of raw sugar determined in accordance with whichever of the following periods was used by the processor during the 1955 crop, or the processor may use the alternate period upon approval of the State Office:

(i) The simple average of the daily prices of raw sugar for the week in which the sugarcane is delivered; or

(ii) The simple average of the weekly prices of raw sugar for the period October 5, 1956, through April 25, 1957: *Provided,* That the average price of raw sugar as determined under this subdivision or subdivision (i) of this subparagraph may be reduced by not more than the following:

(*a*) 0.022 cent for all mills except those located in the areas defined in (*b*) and (*c*) below;

(*b*) 0.097 cent for mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River; or

(*c*) 0.147 cent for mills located north and west of New Iberia west of the Atchafalaya River.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the Louisiana State Agricultural Stabilization and Conservation Office (hereinafter referred to as "State Office").

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except for salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying the quantity of net sugarcane by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice of net sugarcane:	*Standard sugarcane quality factor* [1]
9.5	0.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and,

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

STANDARD SUGARCANE PURITY FACTOR [1]

Purity of normal juice		Percent sucrose in normal juice															
		At least 9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least—	But not more than—	But not more than 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.915	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.74	1.010	.998	.987	.976	.965	.954	.945	.938	.931	.924	.917	.910	.904	.897	.890	.884
68.75	68.99	1.016	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.902	.896	.890
69.00	69.49	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
69.50	69.99	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.00	70.49	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905
70.50	70.99	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.00	71.49	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914
71.50	71.99	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918
72.00	72.49	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922
72.50	72.99	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.00	73.49	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
73.50	73.99	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.00	74.49		1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
74.50	74.99		1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.00	75.49			1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
75.50	75.99			1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.00	76.49				1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
76.50	76.99				1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.00	77.49					1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
77.50	77.99					1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964
78.00	78.49						1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968
78.50	78.99						1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.00	79.49							1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
79.50	79.99							1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.00	80.49								1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
80.50	80.99								1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.00	81.49									1.036	1.028	1.021	1.014	1.006	1.000	.994	.988
81.50	81.99									1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.00	82.49										1.035	1.027	1.020	1.013	1.007	1.000	.995
82.50	82.99										1.038	1.030	1.023	1.016	1.010	1.004	.998
83.00	83.49											1.033	1.027	1.019	1.013	1.007	1.000
83.50	83.99											1.036	1.030	1.022	1.016	1.010	1.004
84.00	84.49												1.033	1.025	1.019	1.013	1.007
84.50	84.99													1.028	1.022	1.016	1.010

[1] Factors applicable to higher sucrose and purity of the normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the Louisiana State ASO Office, Alexandria, La., upon request.

(d) *Molasses payment.* For each ton of net sugarcane (except salvage sugarcane) there shall be paid an amount equal to the product of 7.3 and one-half of the average price per gallon of blackstrap molasses in excess of 6 cents. The average price of blackstrap molasses shall be either the simple average of the daily prices for the week in which the sugarcane is delivered, or the simple average of the weekly prices of blackstrap molasses for the period October 5, 1956 through February 28, 1957, as agreed upon between the processor and the producer.

(e) *General.* (1) The sucrose and purity of the normal juice shall be determined by acceptable methods of analysis on sugarcane as delivered, such methods to be subject to the approval of the State Office.

(2) Because of decreased boiling house efficiency deductions may be made from the payment for frozen sugarcane accepted by the processor provided such deductions are at rates not in excess of 1.5 percent of the payment, computed without regard to the molasses payment, for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). Frozen sugarcane testing in excess of 4.75 cc. of acidity shall be considered as having no value. Sugarcane shall not be considered as frozen, even after being subjected to freezing temperature, unless and until there is evidence of damage having taken place because of the freeze, such evidence to be certified by the State Office.

(3) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor, subject to approval by the State Office: *Provided,* That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the simple average of the weekly price of raw sugar for the period October 5, 1956 through April 25, 1957 and the simple average of the weekly prices of blackstrap molasses for the period October 5, 1956 through February 28, 1957, less an amount not to exceed $3.00 per gross ton of sugarcane for processing and less actual costs of hoisting, field weighing and transporting such sugarcane.

(4) A processor who paid the costs for hoisting and weighing sugarcane of the 1955 crop shall also pay such costs with respect to the 1956 crop: *Provided,* That nothing in this subparagraph shall be construed as prohibiting negotiations with respect to such costs, any change to be approved by the State Office.

(5) A processor who made allowances to producers for delivering sugarcane from the farm to the mill for the 1955 crop, shall also make such allowances for the 1956 crop at rates not less than those which were effective under comparable conditions in 1955.

(6) A processor who made allowances to producers for transporting sugarcane from the customary delivery points to the mill for the 1955 crop, shall also make such allowances for the 1956 crop: *Provided,* That nothing in this subparagraph shall be construed as requiring the processor to make allowances to producers in excess of the actual costs or rates charged by a commercial carrier for the customary method of transportation: *Provided further,* That where the only available practicable means of transportation is by railroad and the distance to the nearest mill is in excess of 50 miles or where, because of unusual circumstances, the cost of transporting sugarcane is in excess of customary allowances, such costs may be shared by the processor and the producer by agreement, subject to the approval of the State Office.

(7) If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, there may be deducted from the price per ton of sugarcane an amount equal to one-half of the cost of such plan. Such deduction may not be made until the plan has been approved by the State Office.

(8) The requirements of this section are applicable to all sugarcane grown by a producer and processed by the processor for the extraction of sugar or liquid sugar, *Provided,* That such requirements shall not apply with respect to sugarcane grown on acreage in excess of the proportionate share for the farm if such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed.

(9) The processor shall not reduce the returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

a. *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1956 crop grown by other producers.

b. *Requirements of the act.* Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

c. *1956 price determination.* The 1956 price determination continues the provisions of the 1955 crop determination except for three changes. The provision relating to transportation allowances made by processors to producers has been clarified with respect to that sugarcane delivered directly from the farm to the mill, the molasses payment to producers is based on 7.3 gallons per ton of sugarcane, instead of 7.2 gallons, reflecting the most recent 5-year average recovery, and a provision is included which specifies that the fair price requirements are not applicable to sugarcane grown in excess of the proportionate share for the farm, if such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed.

A public hearing was held at Thibodaux, Louisiana, on August 2, 1956, at which interested persons presented testimony with respect to fair and reasonable prices for the 1956 crop. A representative of the Louisiana Grower-Processor Committee recommended that the provisions of the 1955 crop price determination be continued for the 1956 crop. A representative of the Louisiana Farm Bureau recommended a revision in the sugarcane normal juice sucrose and purity factors to more accurately reflect current harvesting methods and cane varieties; a raw sugar pricing period extending from October through January instead of the period October through January instead of the period October through April used in 1955; an investigation into the methods of sampling and testing sugarcane at the mill; and that processors be required to pay producers in 1956 the same allowances paid in 1955 for transporting sugarcane from the farm to the mill.

In making this determination, consideration has been given to recommendations made at the public hearing, to information obtained as a result of investigations and to returns, costs and profits data of the Louisiana sugar industry. Analysis of the comparative returns and costs of producing and processing sugarcane obtained by survey for recent years and restated in terms of prospective conditions for the 1956 crop, indicates that the relationship in the sharing of costs and returns between producers and processors continues to be equitable.

Previous fair price determinations have not made it clear that processors make allowances for cane delivered directly to the mill although such practice has been followed by some processors for many years. This determination specifies that such allowance be made by the processor in conformity with customary practices.

The recommendation that an adjustment be made in the standard sugarcane purity factor scale has not been adopted. This recommendation has been made in previous years and investigations were made that resulted in an adjustment of the standard sugarcane purity factor scale in the 1955 determination. It is believed there should be further study of the factors involved to determine whether additional adjustments are warranted.

The purpose of the raw sugar pricing period is to provide a basis for computing payments for sugarcane purchased from producers by processors. During recent years processors have been subject to marketing allotments. These allotments resulted in a larger portion of the crop being marketed in the following year and the pricing period for raw sugar has been extended to coincide with the processors' marketing opportunities. Since it is likely that there will be a substantial amount of sugar from the 1956 crop carried over until 1957, it is deemed equitable to continue the pricing period specified in the 1955 determination in order to maintain the customary relationship between sugarcane settlements and raw sugar marketing opportunities of processors.

This determination provides that the fair price requirements are applicable

to sugarcane grown for the extraction of sugar or liquid sugar, but are not applicable to sugarcane grown in excess of the proportionate share for the farm, if such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. During the last two or three years quantities of nonquota raw sugar have been imported into the United States for use as livestock feed. This sugar has been marketed at price levels substantially below the price levels which prevailed for quota sugars. The use of sugar for livestock feed is a further development to find alternative uses for sugar. Section 212 of the act specifies that the quota provisions of Title II are not applicable to sugar imported into or produced in the United States for this purpose.

In view of the acreage restrictions in effect for domestic sugar-producing areas in recent years, some domestic producers appeared to be interested in the production of sugar for livestock feed or for the production of livestock feed so as to cushion the impact of restrictions whenever it became necessary to reduce production and to allow domestic areas to participate in the market for livestock feed with foreign areas. Recently, section 301 (b) of the Sugar Act of 1948 was amended to permit producers to market (or process) sugarcane in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from this excess sugarcane is not eligible for a Sugar Act payment. Prior to this amendment the fair price requirements were applicable to all sugarcane delivered by producers and processed for the extraction of sugar or liquid sugar, including sugarcane produced on acreage in excess of the proportionate share for the farm.

The producer is relieved from compliance with the conditions for a Sugar Act payment with respect to sugarcane in excess of the proportionate share for the farm which is marketed (or processed) for the extraction of sugar for livestock feed or for the production of livestock feed, without causing such producer to become ineligible for payment with respect to sugarcane marketed from the acreage within the proportionate share for the farm. In view of the foregoing, it has been determined that with respect to any sugarcane in excess of the proportionate share for the farm of a producer who marketed such sugarcane for the extraction of sugar for livestock feed or for the production of livestock feed, the fair price condition shall not be applicable.

On the basis of analysis of all pertinent factors the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 11th day of October, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8291; Filed, Oct. 15, 1956; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 662, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.769 (Lemon Regulation 622, 21 F. R. 7667) are hereby amended to read as follows:

(ii) District 2: 209,250 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8289; Filed, Oct. 15, 1956; 8:48 a. m.]

[Grapefruit Reg. 110]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.371 *Grapefruit Regulation 110*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on October 4, 1956, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., October 21, 1956, and ending at 12:01 a. m., P. s. t., December 16, 1956, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (a) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3 11/16 inches in diameter, or (b) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3 5/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–955: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 5/16 inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 5/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955.

(Sec. 5, 49 State. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56-8287; Filed, Oct. 15, 1956; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54213]

PART 2—MEASUREMENT OF VESSELS

BLUEPRINTS, DRAWINGS, AND SKETCHES

In order to provide for the filing of blueprints or drawings for vessels and to clarify the requirements for sketches to be made by admeasurers when blueprints or drawings are not available, § 2.9 of the Customs Regulations is amended as follows:

That portion of paragraph (a) immediately following the section heading and preceding the numbered subparagraphs therein is deleted and the following is substituted therefor:

(a) *Plans to be filed.* In order to facilitate admeasurement, there shall be furnished by the vessel's builder or owner to the collector of customs for the district in which the vessel will be admeasured, either with the application for admeasurement or a reasonable period before admeasurement is scheduled to commence, blueprints or drawings of the following:

The following is added to paragraph (a) as an undesignated new paragraph at the end thereof:

If there are no blueprints or drawings available and if the collector is satisfied that it is impracticable to require such plans to be prepared and made available, considering the size and nature of the vessel as well as the cost and time involved, the vessel shall be measured without requiring their production.

Paragraph (b) is amended to read:

(b) *Sketches.* When blueprints or drawings are not produced, necessary rough sketches may be made during the course of admeasurement showing the inboard profile, the midship cross-section, the hull and deck arrangements, and related matters, recording any necessary dimensions and showing details of important features such as the depth of side and bottom frames or floor timbers; the dimensions, location, and use of structures and hull spaces; and the thickness of the inner and outer skin. Such rough sketches shall be retained and filed with the other admeasurement papers. The rough sketches made shall not be redrawn to scale unless the admeasurer is satisfied that such action is necessary to insure that accurate dimensions have been lifted, to avoid the necessity for readmeasurement, or to insure against a claim of error which may reasonably be expected to be made in a particular case by the owner or agent.

(R. S. 161, 4153, as amended, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 4, 26 Stat. 743, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 77, 79)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 8, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8282; Filed, Oct. 15, 1956; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a; 21 F. R. 2789) are amended as indicated below:

1a. The section headnote of § 141a.89 is changed to read: "§ 141a.89 *Procaine-penicillin-neomycin-polymyxin in oil; procaine-penicillin-neomycin-polymyxin ointment*".

b. In paragraph (a) (1), (2), and (3), the words "per gram" are changed to read "per milliliter or per gram".

2. Section 146a.111 is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read as follows:

§ 146a.111 *Procaine penicillin-neomycin-polymyxin in oil; procaine penicillin-neomycin-polymyxin ointment*—(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin-neomycinpolymyxin in oil is a suspension of procaine penicillin, neomycin, and polymyxin in refined peanut oil or sesame oil, with or without the addition of one or more suitable and harmless dispersing and suspending agents. Procaine penicillin-neomycin-polymyxin ointment is procaine penicillin, neomycin, and polymyxin in a suitable and harmless ointment base. It may contain a suitable anesthetic, a suitable and harmless preservative, and cortisone or a suitable derivative of cortisone. Its moisture content is not more than 1.0 percent. It contains not less than 25,000 units of procaine penicillin, not less than 17.5 milligrams of neomycin, and not less than 5,000 units of polymyxin per milliliter or per gram. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except § 146a.44 (a) (2) and (3). The neomycin used conforms to the requirements of § 146e.410 (a) (2) of this chapter. The polymyxin used conforms to the requirements of § 146b.107 (a) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. In paragraph (b) *Packaging*, subdivisions (a), (b), and (c) under subparagraph (1) are redesignated as subdivisions (i), (ii), and (iii), respectively.

c. In paragraph (b) (1), renumbered subdivision (i) is amended by changing the words "per gram" to read "per milliliter, per gram,".

d. In paragraph (b) (1), renumbered subdivision (ii) is amended by inserting after the word "anesthetic" the words ", a preservative,".

e. In paragraph (b) (1), renumbered subdivision (iii) is changed to read:

(iii) If it contains cortisone or a derivative of cortisone, after the name "procaine penicillin-neomycin-polymyxin in oil" or "procaine penicillin-neomycin-polymyxin ointment," wherever such name appears, the words "with _____ (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

1. Paragraph (b) (2) is amended by changing the words "per gram" in the first sentence to read "per milliliter or per gram."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: October 10, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8277; Filed, Oct. 15, 1956; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs.; Amdt. 15[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 373.40 *Iron and steel*, paragraph (d) *Iron and steel scrap* is amended to read as follows:

(d) *Iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070, and 601090*[2]—(1) *General.* License applications to export iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070, and 601090, except where the ultimate destination of the exportation is in Mexico or where "offshore" scrap (scrap located in American possessions or territories, including Alaska, outside the continental United States) is to be exported, will be considered by the Bureau of Foreign Commerce only where the application contains the certification described in subparagraph (2) of this paragraph.

(2) *Evidence of availability required.* The following certification shall appear on each application:

I (we) certify that the scrap commodities in the quantities described on this license application are in my (our) possession or will be in my (our) possession for export not later than ----------
(Date)

(3) *Offshore scrap.* License applications to export these scrap commodities from an American possession or territory outside the continental United States, including Alaska, shall include the following certification:

I (we) certify that the commodities described in this application originated in (*name of United States territory or possession*) and will be exported from (*name of United States territory or possession*).

(4) *Validity period.* Licenses to export these iron and steel scrap commodities, except where the ultimate destination of the exportation is in Mexico or where "offshore" scrap is to be exported, will be issued for a maximum validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on September 15, 1956, would expire on December 31, 1956. All licenses for iron and steel scrap destined for Mexico and all licenses for "offshore" scrap to be exported to any destination shall bear the usual six-month validity period.

(5) *Documentation.* Exporters are advised that in accordance with the provisions of § 372.10, it may be necessary in some instances to require additional documentation in support of license applications. Where this occurs, the applicant will be advised after review of the application by the Bureau of Foreign Commerce.

NOTE: In accordance with the provisions of § 379.3 (c) (3), in all cases where a Shipper's Export Declaration is required by the Export Regulations or the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, the shipper shall present to the Collector of Customs an additional copy of the Declaration for exportations of iron and steel scrap, Schedule B Nos. 601010 through 601090.[2] The additional copy shall bear the following notation in the upper right corner: "COMM-8."

This part of the amendment shall become effective as of October 18, 1956.

2. Section 373.40 *Iron and steel* is amended by adding a new paragraph (e) to read as follows:

(e) *Rerolling rails, Schedule B No. 601170*—(1) *General.* License applications to export rerolling rails, Schedule B No. 601170, will be considered for approval in accordance with the procedure described below.

(2) *Evidence of availability.* The following certification shall appear on each application:

I (we) certify that the commodities in the quantities described on this license application are in my (our) possession or will be in my (our) possession for export not later than ----------
(Date)

(3) *Statement of Past Participation in Exports, Form IT- or FC-821.* Applicants for licenses to export rerolling rails are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports in accordance with the procedure set forth in § 373.4. In order to be considered during the fourth quarter of 1956, the Form IT- or FC-821 must be received in the Bureau of Foreign Commerce no later than October 25, 1956. The report shall be broken down by countries of destination and shall cover the quantity of exports from the United States of rerolling rails, exclusive of other rerolling materials, made by the applicant during the calendar year 1955 and the period January 1, 1956 through September 20, 1956, where the total value of such exports to all countries amounted to $3,000 or over. In preparing Form IT- or FC-821, the heading above items (c) and (d) shall read "calendar year 1955" and the heading above items (e) and (f) shall read "January 1 through September 20, calendar year 1956."

(4) *Time for submission of applications.* Applications for licenses to export rerolling rails, Schedule B No. 601170, shall be submitted in accordance with the time schedule set forth in § 373.71.

This part of the amendment shall become effective as of October 18, 1956.

3. Section 373.71 *Supplement 1; time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES
(Fourth quarter of 1956 and first quarter of 1957)

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter, 1956	First quarter, 1957
601170	Rerolling rails	Oct. 11 to Dec. 15, 1956.	
630050	Aluminum scrap (new and old)	Oct. 6 to Dec. 15, 1956.	
630070	Aluminum remelt ingots		
641300	Copper scrap (new and old containing 40 percent or more copper.[1]		
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel.[1]		
644100	Copper-base alloy ingots and other crude forms		
619159	Selenium powder	Sept. 4 to 18, 1956	Dec. 3 to 17, 1956.
622998	Ferroselenium		
664998	Selenium metal, except selenium-bearing scrap materials.		
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators.		
830980	Selenous acid (selenious acid)		
839750	Selenium salts of organic compounds		
839900	Selenium salts and compounds, including selenium dioxide.		
842900	Selenium-containing pigments		

[1] License applications to export "offshore" copper scrap may be submitted at any time. See § 373.41 (c) (7).

[1] This amendment was published in Current Export Bulletin No. 771, dated October 11, 1956.

[2] See § 373.40 (e) for Rerolling Rails, Schedule B No. 601170.

[2] This regulation includes shipments under a validated license, under a general license, and shipments to Canada.

NOTE: 1. *Return of unused quotas.* As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation.

2. *Where no filing dates are announced.* Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5(c)).

3. *Intransit shipments.* Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6(d)).

4. Section 379.3 *Presentation of Shipper's Export Declaration*, paragraph (e) *Special requirements* is amended by adding a new subparagraph (3) to read as follows:

(3) *Special requirements for exportations by air.* (i) The provisions of this subparagraph apply to any exportation by air, other than air mail or air parcel post, where the related Shipper's Export Declaration requires a destination control statement (see § 379.10).

(ii) For any such exportation by air, one copy of the related Air Waybill (or other contract of carriage) shall be submitted to the Collector of Customs at the gateway or port of exit at the same time as the Shipper's Export Declaration is presented for authentication. This copy of the waybill submitted to the Collector will be returned to the presenting party.

(iii) Where several individual exportations are consolidated into one shipment for which a consolidated Master Air Waybill is issued by the carrier, a copy of each of the individual Air Waybills issued by the consolidator (indirect carrier) for each exportation contained in the consolidated shipment shall be submitted to the Collector of Customs. However, it is not required that the "Master" Waybill be submitted to the Collector.

(iv) The copy of the waybill presented to the Collector will be examined by him to assure that it meets all the requirements of the Export Regulations and will be returned to the presenting party.

(v) In the case of an exporation included in a consolidated shipment, the consolidator shall be responsible for assuring that the office copies of the waybill retained by him at the gateway or port of exit, as well as all copies of the waybill which are to be sent abroad, shall conform to the copy of the waybill presented to the Collector. In the case of an exportation which is not included in a consolidated shipment, the exporting carrier shall have this responsibility.

NOTE: The provisions of subparagraph (3) of this paragraph do not require an exporting carrier or consolidator to assure the conformity of copies of the waybill which are not accessible to him at the gateway or port of exit and which are not to be sent abroad.

This part of the amendment shall become effective as of November 26, 1956.

5. Section 379.10 *Destination control*, paragraph (c) *Statement regarding ultimate destination on Declaration, Bill of Lading, and Commercial Invoice*, subparagraph (2) is amended to read as follows:

(2) (i) No carrier by water, land, or air shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure a Bill of Lading covering an exportation of a commodity with respect to which a Declaration has been authenticated by a Collector containing the applicable statement set forth in subparagraph (1) of this paragraph, unless all copies of such Bill of Lading, including all non-negotiable and office copies except as provided in subdivision (ii) of this subparagraph, shall contain the same statement.

(ii) In the case of shipments by air (other than airmail or air parcel post) the provisions of subdivision (i) of this subparagraph are applicable to: (*a*) Any Air Waybill issued by a consolidator (indirect carrier) for an exportation included in a consolidated shipment; or (*b*) any Air Waybill issued by a carrier or other person covering an exportation not included in a consolidated shipment. The provisions of subparagraph (1) of this paragraph do not apply to a "Master" Air Waybill issued by a carrier to cover a consolidated shipment.

This part of the amendment shall become effective as of November 26, 1956.

6. Section 379.10 *Destination control*, paragraph (h) *Conformity of export control documents* is amended by substituting the following for the introductory clause in subparagraph (2):

(2) The rules of conformity set forth below shall apply to all shipments which are subject to the provisions of this Section; except that in the case of shipments by air, other than air mail or air parcel post, the conformity rules do not apply to a consolidated "Master" Air Waybill. However, the rules of conformity do apply to any individual Air Waybill issued by a consolidator (indirect carrier) for an exportation included in a consolidated shipment and to any Air Waybill issued by a carrier or other person covering an exportation not included in a consolidated shipment.

This part of the amendment shall become effective as of November 26, 1956.

7. Section 380.2 *Amendments or alterations of licenses*, paragraph (f) *Where to file*, subparagraph (1) *General* is amended by adding Dallas to the list of Department of Commerce field offices.

This part of the amendment shall become effective as of October 11, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-8285; Filed, Oct. 15, 1956; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

OLYMPIC NATIONAL PARK

1. In § 20.28, subparagraph (1) of paragraph (a) *Fishing; open season*, is amended to read as follows:

(a) *Fishing; open season* • • •

(1) Lake Crescent, Lake Mills and Irely Lake are open to fishing from May 15 to October 31, inclusive.

Issued this 20th day of September 1956.

(Sec. 3, 39 Stat. 535, as amended, sec. 209, 48 Stat. 205; 16 U. S. C. 3, 40 U. S. C. 409)

[SEAL] FRED J. OVERLY,
Superintendent,
Olympic National Park.

[F. R. Doc. 56-8268; Filed, Oct. 15, 1956; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1344]

[Montana 020559 (SD)]

SOUTH DAKOTA

RESERVING PUBLIC LANDS WITHIN BLACK HILLS NATIONAL FOREST FOR USE OF FOREST SERVICE AS PICNIC AND CAMP GROUNDS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Black Hills National Forest in South Dakota are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as picnic and camp grounds:

BLACK HILLS PRINCIPAL MERIDIAN
BLACK HILLS NATIONAL FOREST

Battle Creek Picnic Ground:
T. 2 S., R. 6 E.,
Sec. 10, SE¼SW¼NE¼.
The area described contains 10 acres.
Beaver Creek Picnic Ground:
T. 5 S., R. 5 E.,
Sec. 21, E½NE¼SE¼;
Sec. 22, W½NW¼SW¼.
The areas described aggregate 40 acres.
Boulder Park Picnic Ground:
T. 5 N., R. 4 E.,
Sec. 15, SW¼SW¼SE¼, SE¼SE¼SW¼;
Sec. 22, NW¼NW¼NE¼, NE¼NE¼NW¼.
The areas described aggregate 40 acres.
Boxelder Forks Picnic Ground:
T. 3 N., R. 5 E.,
Sec. 20, S½SE¼SE¼;
Sec. 28, SW¼NW¼NW¼;
Sec. 29, N½NE¼NE¼, SE¼NE¼NE¼.
The areas described aggregate 60 acres.

ule B No. 601170.

shipments to Canada.

Ditch Creek Camp Ground:
T. 1 S., R. 2 E.,
Sec. 14, SE¼NW¼SE¼, S½NE¼NW¼SE¼, N½NE¼SW¼SE¼.
The areas described aggregate 20 acres.
Elk Creek Picnic Ground:
T. 4 N., R. 5 E.,
Sec. 26, NW¼NE¼.
The area described contains 40 acres.
Flynn Creek Picnic Ground:
T. 4 S., R. 5 E.,
Sec. 20, N½SE¼SE¼.
The area described contains 20 acres.
Glen Erin Picnic Ground:
T. 4 S., R. 5 E.,
Sec. 4, NW¼SW¼SW¼, NW¼SW¼;
Sec. 5, NE¼SE¼SE¼, SE¼NE¼SE¼.
The areas described aggregate 70 acres.
Icebox Canyon Picnic Ground:
T. 4 N., R. 2 E.,
Sec. 23, N½NW¼SW¼SE¼, SW¼NW¼SE¼, S½SE¼NE¼SW¼, N½NE¼SE¼SW¼, W½SE¼NW¼SE¼.
The areas described aggregate 30 acres.
Lightning Creek Picnic Ground:
T. 4 S., R. 3 E.,
Sec. 1, NE¼SE¼NW¼, NW¼SW¼NE¼, SE¼NE¼NW¼, SW¼NW¼NE¼.
The areas described aggregate 40 acres.
Newton Forks Picnic Ground:
T. 1 S., R. 4 E.,
Sec. 14, SE¼NW¼.
The area described contains 40 acres.
Mann Road Picnic Ground:
T. 4 S., R. 2 E.,
Sec. 3, SW¼SW¼SE¼.
The area described contains 10 acres.
Mitchell Lake Camp Ground:
T. 1 S., R. 5 E.,
Sec. 28, N½NW¼NW¼, NW¼NE¼NW¼.
The areas described aggregate 30 acres.
Moon Camp Ground:
T. 1 S., R. 1 E.,
Sec. 21, NE¼SW¼, (lot 7).
The area described contains 40 acres.
Reno Gulch Picnic Ground:
T. 2 S., R. 4 E.,
Sec. 3, NW¼NW¼NW¼ part of lot 8;
Sec. 4, NE¼NE¼NE¼ part of lot 3.
The areas described aggregate 20 acres.
Rockerville Camp Ground:
T. 1 S., R. 6 E.,
Sec. 14, SW¼SE¼.
The area described contains 40 acres.
Spring Creek Picnic Ground:
T. 1 S., R. 6 E.,
Sec. 5, S½SW¼SE¼, SE¼SE¼SW¼;
Sec. 8, NE¼NE¼NW¼, NW¼NW¼NE¼.
The areas described aggregate 50 acres.
Strato Rim Picnic Ground:
T. 1 S., R. 6 E.,
Sec. 12, SE¼NE¼, E½SW¼NE¼.
The areas described aggregate 60 acres.
Vanocker Picnic Ground:
T. 5 N., R. 5 E.,
Sec. 32, N½NW¼NE¼.
The area described contains 20 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 10, 1956.

[F. R. Doc. 56-8267; Filed, Oct. 15, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 20, 301]

ESTATE TAX REGULATIONS; PROCEDURE AND ADMINISTRATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 45 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The Estate Tax Regulations (26 CFR (1954) Part 20) set forth in paragraph 1 below are hereby prescribed under chapter 11 of subtitle B of the Internal Revenue Code of 1954 and under certain sections of subtitle F of the Internal Revenue Code of 1954.

In order to conform the Regulations on Procedure and Administration (26 CFR (1954) Part 301) to section 2 of Public Law 1011 (84th Congress), approved August 6, 1956, such regulations are amended as set forth in paragraphs 2 and 3 below.

Except as specifically provided otherwise, the regulations contained in this Treasury decision are applicable to estates of decedents dying after August 16, 1954.

PARAGRAPH 1. The following Estate Tax Regulations are hereby prescribed under Chapter 11 of Subtitle B of the Internal Revenue Code of 1954 and under certain sections of Subtitle F of the Internal Revenue Code of 1954:

ESTATE TAX

ESTATES OF CITIZENS OR RESIDENTS

Tax Imposed

Sec.
20.2001 Statutory provisions; rate of tax.
20.2001-1 Introduction; description of Federal estate tax.
20.2001-2 Rate of tax.
20.2002 Statutory provisions; liability for payment.
20.2002-1 Liability for payment of tax.

Credits Against Tax

20.2011 Statutory provisions; credit for State death taxes.
20.2011-1 Credit for State death taxes.
20.2011-2 Limitation on credit if a deduction is allowed under section 2053 (d).
20.2012 Statutory provisions; credit for gift tax.
20.2012-1 Credit for gift tax.
20.2013 Statutory provisions; credit for tax on prior transfers.
20.2013-1 Credit for tax on prior transfers.
20.2013-2 "First limitation".
20.2013-3 "Second limitation".
20.2013-4 Valuation of property transferred.
20.2013-5 "Property" and "transfer" defined.
20.2013-6 Examples.
20.2014 Statutory provisions; credit for foreign death taxes.
20.2014-1 Credit for foreign death taxes.
20.2014-2 "First limitation".
20.2014-3 "Second limitation".
20.2014-4 Application of credit in cases involving a death duty convention.
20.2014-5 Proof of credit.
20.2014-6 Period of limitations on credit.
20.2015 Statutory provisions; credit for death taxes on remainders.
20.2015-1 Credit for death taxes on remainders.
20.2016 Statutory provisions; recovery of taxes claimed as credit.
20.2016-1 Recovery of death taxes claimed as credit.

Gross Estate

20.2031 Statutory provisions; definition of gross estate.
20.2031-1 Definition of gross estate; valuation of property.
20.2031-2 Valuation of stocks and bonds.
20.2031-3 Valuation of interests in businesses.
20.2031-4 Valuation of notes.
20.2031-5 Valuation of cash on hand or on deposit.
20.2031-6 Valuation of household and personal effects.
20.2031-7 Valuation of annuities, life estates, terms for years, remainders and reversions.
20.2031-8 Valuation of certain life insurance and annuity contracts.
20.2031-9 Valuation of other property.
20.2032 Statutory provisions; alternate valuation.
20.2032-1 Alternate valuation.
20.2033 Statutory provisions; property in which the decedent had an interest.
20.2033-1 Property in which the decedent had an interest.
20.2034 Statutory provisions; dower or curtesy interests.
20.2034-1 Dower or curtesy interests.
20.2035 Statutory provisions; transactions in contemplation of death.
20.2035-1 Transactions in contemplation of death.
20.2036 Statutory provisions; transfers with retained life estate.
20.2036-1 Transfers with retained life estate.
20.2037 Statutory provisions; transfers taking effect at death.
20.2037-1 Transfers taking effect at death.
20.2038 Statutory provisions; revocable transfers.
20.2038-1 Revocable transfers.
20.2039 Statutory provisions; annuities.
20.2039-1 Annuities.
20.2039-2 Annuities under "qualified plans".

Sec.
20.2040 Statutory provisions; joint interests.
20.2040-1 Joint interests.
20.2041 Statutory provisions; powers of appointment.
20.2041-1 Powers of appointment; in general.
20.2041-2 Powers of appointment created on or before October 21, 1942.
20.2041-3 Powers of appointment created after October 21, 1942.
20.2042 Statutory provisions; proceeds of life insurance.
20.2042-1 Proceeds of life insurance.
20.2043 Statutory provisions; transfers for insufficient consideration.
20.2043-1 Transfers for insufficient consideration.
20.2044 Statutory provisions; prior interests.
20.2044-1 Applicability to pre-existing transfers or interests.

Taxable Estate

20.2051 Statutory provisions; definition of taxable estate.
20.2051-1 Definition of taxable estate.
20.2052 Statutory provisions; exemption.
20.2052-1 Exemption.
20.2053 Statutory provisions; expenses, indebtedness, and taxes.
20.2053-1 Deductions for expenses, indebtedness, and taxes; in general.
20.2053-2 Deduction for funeral expenses.
20.2053-3 Deduction for expenses of administering estate.
20.2053-4 Deduction for claims against the estate; in general.
20.2053-5 Deductions for charitable, etc., pledges or subscriptions.
20.2053-6 Deduction for taxes.
20.2053-7 Deduction for unpaid mortgages.
20.2053-8 Deduction for expenses in administering property not subject to claims.
20.2053-9 Deduction for certain State death taxes.
20.2054 Statutory provisions; losses.
20.2054-1 Deduction for losses from casualties or theft.
20.2055 Statutory provisions; transfers for public, charitable, and religious uses.
20.2055-1 Deduction for transfers for public, charitable, and religious uses; in general.
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ESTATE TAX

ESTATES OF CITIZENS OR RESIDENTS

Tax Imposed

§ 20.2001 *Statutory provisions; rate of tax.*

SEC. 2001. *Rate of tax.* A tax computed in accordance with the following table is hereby imposed on the transfer of the taxable estate, determined as provided in section 2051, of every decedent, citizen or resident of the United States dying after the date of enactment of this title:

If the taxable estate is—	*The tax shall be—*
Not over $5,000	3 percent of the taxable estate.
Over $5,000 but not over $10,000	$150, plus 7 percent of excess over $5,000.
Over $10,000 but not over $20,000	$500, plus 11 percent of excess over $10,000.
Over $20,000 but not over $30,000	$1,600, plus 14 percent of excess over $20,000.
Over $30,000 but not over $40,000	$3,000, plus 16 percent of excess over $30,000.
Over $40,000 but not over $50,000	$4,800, plus 22 percent of excess over $40,000.
Over $50,000 but not over $60,000	$7,000, plus 25 percent of excess over $50,000.
Over $60,000 but not over $100,000	$9,500, plus 28 percent of excess over $60,000.
Over $100,000 but not over $250,000	$20,700, plus 30 percent of excess over $100,000.
Over $250,000 but not over $500,000	$65,700, plus 32 percent of excess over $250,000.
Over $500,000 but not over $750,000	$145,700, plus 35 percent of excess over $500,000.
Over $750,000 but not over $1,000,000	$233,200, plus 37 percent of excess over $750,000.
Over $1,000,000 but not over $1,250,000	$325,700, plus 39 percent of excess over $1,000,000.
Over $1,250,000 but not over $1,500,000	$423,200, plus 42 percent of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000	$528,200, plus 45 percent of excess over $1,500,000.
Over $2,000,000 but not over $2,500,000	$753,200, plus 49 percent of excess over $2,000,000.
Over $2,500,000 but not over $3,000,000	$998,200, plus 53 percent of excess over $2,500,000.
Over $3,000,000 but not over $3,500,000	$1,263,200, plus 56 percent of excess over $3,000,000.
Over $3,500,000 but not over $4,000,000	$1,543,200, plus 59 percent of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000	$1,838,200, plus 63 percent of excess over $4,000,000.
Over $5,000,000 but not over $6,000,000	$2,468,200, plus 67 percent of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000	$3,138,200, plus 70 percent of excess over $6,000,000.
Over $7,000,000 but not over $8,000,000	$3,838,200, plus 73 percent of excess over $7,000,000.
Over $8,000,000 but not over $10,000,000	$4,568,200, plus 76 percent of excess over $8,000,000.
Over $10,000,000	$6,088,200, plus 77 percent of excess over $10,000,000.

§ 20.2001–1 *Introduction; description of Federal estate tax*—(a) *Scope.* Chapter 11 of subtitle B of the Internal Revenue Code of 1954 imposes a Federal estate tax on the transfer of estates of decedents dying after August 16, 1954. The determination of the tax liability of the estate of a person who was a citizen or resident of the United States at the time of his death differs from the determination of the tax liability of the estate of a nonresident who was not a citizen of the United States. Subchapter A contains provisions applicable to the estates of citizens or residents of the United States (see sections 2001 through 2056 and §§ 20.2001–2 through 20.2056 (e)–3). Subchapter B contains the provisions applicable to the estates of nonresidents not citizens of the United States (see sections 2101 through 2106 and §§ 20.2101–1 through 20.2106–2). Subchapter C contains a number of miscellaneous provisions (see sections 2201 through 2207 and §§ 20.2201–1 through 20.2207–1). Note, however, that all these provisions may be modified by the provisions of an applicable death duty convention with a foreign country. For the Federal estate tax imposed upon the transfer of estates of decedents dying before August 17, 1954, see the corresponding provisions of prior laws.

(b) *Nature of tax.* The Federal estate tax is neither a property tax nor an inheritance tax, but a tax on the privilege of transmitting property. It is imposed upon the transfer of the entire taxable estate and not upon any particular legacy, devise, or distributive share. Escheat of a decedent's property to the state for lack of heirs is a transfer which causes the property to be included in the decedent's gross estate.

(c) *Definitions of "resident" and "nonresident".* The term "resident" means a decedent who, at the time of his death, had his domicile in the United States. The term "nonresident" means a decedent who, at the time of his death, had his domicile outside the United States. (See, however, section 2202 with respect to missionaries in foreign service.) The term "United States" as used above includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia (see section 7701 (a) (9)). Thus, a person is a "nonresident" if his domicile is in Puerto Rico, the Virgin Islands, or otherwise outside the United States (as defined in section 7701 (a) (9)). A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of later removing therefrom. Residence without the requisite intention to remain indefinitely will not suffice to constitute domicile, nor will intention to change domicile effect such a change unless accompanied by actual removal.

(d) *Computation of tax*—(1) *In general.* The following subparagraphs contain a general description of the method to be used in determining the Federal estate tax imposed upon the transfer of an estate of a decedent who was a citizen or resident of the United States at the time of his death.

(2) *Gross estate.* The first step in determining the tax is to ascertain the total value of the decedent's gross estate. The value of the gross estate includes the value of all property (except real property situated outside of the United States) to the extent of the interest therein of the decedent at the time of his death. However, the gross estate also may include property in which the decedent did not have an interest at the time of his death. A decedent's gross estate for Federal estate tax purposes may therefore be very different from the same decedent's estate for local probate purposes. Examples of items which may be included in a decedent's gross estate and not in his probate estate are the following: certain property transferred by the decedent during his life without adequate consideration; property held jointly by the decedent and others; property over which the decedent had a general power of appointment; proceeds of certain policies of insurance on the decedent's life; annuities; and dower or curtesy of a surviving spouse or a statutory estate in lieu thereof. For a detailed explanation of the method of ascertaining the value of the gross estate, see sections 2031 to 2044, inclusive, section 2103 (for estates of nonresidents not citizens), and the regulations thereunder.

(3) *Taxable estate.* The second step in determining the tax is to ascertain the value of the decedent's taxable estate. The value of the taxable estate is determined by subtracting from the value of the gross estate the authorized exemption and deductions. Under various conditions and limitations, deductions are allowable for expenses, indebtedness, taxes, losses, charitable transfers, and transfers to a surviving spouse. For a detailed explanation of the method of ascertaining the value of the taxable estate, see sections 2051 to 2056, inclusive, section 2106 (for estates of nonresidents not citizens), and the regulations thereunder.

(4) *Gross estate tax.* The third step is the determination of the gross estate tax. This is accomplished by the application of certain rates to the value of the decedent's taxable estate. In this connection, see sections 2001, 2101 (for estates of nonresidents not citizens), and the regulations thereunder.

(5) *Net estate tax payable.* The final step is the determination of the net estate tax payable. This is done by subtracting from the gross estate tax the authorized credits against tax. Under certain conditions and limitations, credits are allowable for the following:

(i) State death taxes paid in connection with the decedent's estate (section 2011);

(ii) Gift taxes paid on inter-vivos transfers by the decedent of property included in his gross estate (section 2012);

(iii) Federal estate taxes paid on transfers of property to the decedent (section 2013); and

(iv) Foreign death taxes paid in connection with the decedent's estate (section 2014).

Sections 2015 and 2016 contain certain further rules for the application of the credits for State and foreign death taxes.

For a detailed explanation of the credits against tax, see sections 2011 to 2016, inclusive, section 2102 (for estates of nonresidents not citizens), and the regulations thereunder.

§ 20.2001–2 *Rate of tax.* (a) The gross estate tax is computed by the application of progressively graduated rates to the value of the decedent's taxable estate in accordance with the following table:

TABLE FOR COMPUTATION OF GROSS ESTATE TAX

(A) Taxable estate equal to or more than—	(B) Taxable estate less than—	(C) Tax on amount in column (A)	(D) Rate of tax on excess over amount in column (A)
			Percent
----------	$5,000	----------	3
$5,000	10,000	$150	7
10,000	20,000	500	11
20,000	30,000	1,600	14
30,000	40,000	3,000	16
40,000	50,000	4,800	22
50,000	60,000	7,000	25
60,000	100,000	9,500	28
100,000	250,000	20,700	30
250,000	500,000	65,700	32
500,000	750,000	145,700	35
750,000	1,000,000	233,200	37
1,000,000	1,250,000	325,700	39
1,250,000	1,500,000	423,200	42
1,500,000	2,000,000	528,200	45
2,000,000	2,500,000	753,200	49
2,500,000	3,000,000	998,200	53
3,000,000	3,500,000	1,263,200	56
3,500,000	4,000,000	1,543,200	59
4,000,000	5,000,000	1,838,200	63
5,000,000	6,000,000	2,468,200	67
6,000,000	7,000,000	3,138,200	70
7,000,000	8,000,000	3,838,200	73
8,000,000	10,000,000	4,568,200	76
10,000,000	----------	6,088,200	77

(b) The application of the table may be illustrated by the following example:

Example. The decedent died January 1, 1955, having a gross estate of $600,000. The exemption and authorized deductions amount to $75,000, thus leaving a taxable estate of $525,000. Reference to the table discloses that the specified amount in column (A) nearest to and less than the value of the decedent's taxable estate is $500,000. The tax upon this amount, as indicated in column (C), is $145,700. The amount by which the taxable estate exceeds the same specified amount is $25,000. The tax upon this amount, computed at the rate of 35 percent indicated in column (D), is $8,750. Thus, the total gross estate tax upon a taxable estate of $525,000 is $154,450. From this amount, the credits authorized by sections 2011 through 2014 are subtracted in order to determine the net estate tax payable.

§ 20.2002 *Statutory provisions; liability for payment.*

SEC. 2002. *Liability for payment.* The tax imposed by this chapter shall be paid by the executor.

§ 20.2002–1 *Liability for payment of tax.* The Federal estate tax imposed with respect to the estates of citizens or residents and with respect to estates of nonresidents not citizens is payable by the executor or administrator of the decedent's estate. If there is no executor or administrator appointed, qualified and acting in the United States, any person in actual or constructive possession of any property of the decedent is required to pay the tax to the extent of the value of the property in his possession. See section 2203, defining the term "executor". These duties apply to the entire tax, regardless of the fact that the gross estate consists in part of property which does not come within the possession of the executor or such other person. The personal liability of the executor or such other person is described in section 3467 of the Revised Statutes (31 U. S. C. 192) as follows:

> Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid.

As used in said section, the word "debt" includes a beneficiary's distributive share of an estate. Thus, if the executor pays a debt due by the decedent's estate or distributes any portion of the estate before all the estate tax is paid, he is personally liable, to the extent of the payment or distribution, for so much of the estate tax as remains due and unpaid. In addition, section 6324 provides that if the estate tax is not paid when due, then the spouse, transferee, trustee (except the trustee of an employee's trust which meets the requirements of section 401 (a)), surviving tenant, person in possession of the property by reason of the exercise, nonexercise, or release of a power of appointment, or beneficiary, who receives, or has on the date of decedent's death, property included in the gross estate under sections 2034 through 2042, is personally liable for the tax to the extent of the value, at the time of the decedent's death, of such property. See also the following related sections of the Internal Revenue Code of 1954: section 2204, discharge of executor from personal liability; section 2005, reimbursement out of estate; sections 2206 and 2207, liability of life insurance beneficiaries and recipients of property over which decedent had power of appointment; sections 6321 to 6325, inclusive, concerning liens for taxes; and section 6901 (a) (1), concerning the liabilities of transferees and fiduciaries.

Credits Against Tax

§ 20.2011 *Statutory provisions; credit for State death taxes.*

SEC. 2011. *Credit for State death taxes*—(a) *In general.* The tax imposed by section 2001 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, or any possession of the United States, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent).

(b) *Amount of credit.* The credit allowed by this section shall not exceed the appropriate amount stated in the following table:

If the taxable estate is—	*The maximum tax credit shall be—*
Not over $90,000	8/10ths of 1 percent of the amount by which the taxable estate exceeds $40,000.
Over $90,000 but not over $140,000	$400 plus 1.6 percent of the excess over $90,000.
Over $140,000 but not over $240,000	$1,200 plus 2.4 percent of the excess over $140,000.
Over $240,000 but not over $440,000	$3,600 plus 3.2 percent of the excess over $240,000.
Over $440,000 but not over $640,000	$10,000 plus 4 percent of the excess over $440,000.
Over $640,000 but not over $840,000	$18,000 plus 4.8 percent of the excess over $640,000.
Over $840,000 but not over $1,040,000	$27,600 plus 5.6 percent of the excess over $840,000.
Over $1,040,000 but not over $1,540,000	$38,800 plus 6.4 percent of the excess over $1,040,000.
Over $1,540,000 but not over $2,040,000	$70,800 plus 7.2 percent of the excess over $1,540,000.
Over $2,040,000 but not over $2,540,000	$106,800 plus 8 percent of the excess over $2,040,000.
Over $2,540,000 but not over $3,040,000	$146,800 plus 8.8 percent of the excess over $2,540,000.
Over $3,040,000 but not over $3,540,000	$190,800 plus 9.6 percent of the excess over $3,040,000.
Over $3,540,000 but not over $4,040,000	$238,800 plus 10.4 percent of the excess over $3,540,000.
Over $4,040,000 but not over $5,040,000	$290,800 plus 11.2 percent of the excess over $4,040,000.
Over $5,040,000 but not over $6,040,000	$402,800 plus 12 percent of the excess over $5,040,000.
Over $6,040,000 but not over $7,040,000	$522,800 plus 12.8 percent of the excess over $6,040,000.
Over $7,040,000 but not over $8,040,000	$650,800 plus 13.6 percent of the excess over $7,040,000.
Over $8,040,000 but not over $9,040,000	$786,800 plus 14.4 percent of the excess over $8,040,000.
Over $9,040,000 but not over $10,040,000	$930,800 plus 15.2 percent of the excess over $9,040,000.
Over $10,040,000	$1,082,800 plus 16 percent of the excess over $10,040,000.

(c) *Period of limitations on credit.* The credit allowed by this section shall include only such taxes as were actually paid and credit therefor claimed within 4 years after the filing of the return required by section 6018, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Tax Court within the time prescribed in section 6213 (a), then within such 4-year period or before the expiration of 60 days after the decision of the Tax Court becomes final.

(2) If, under section 6161, an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such 4-year period or before the

date of the expiration of the period of the extension.

Refund based on the credit may (despite the provisions of sections 6511 and 6512) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest.

(d) *Basic estate tax.* The basic estate tax and the estate tax imposed by the Revenue Act of 1926 shall be 125 percent of the amount determined to be the maximum credit provided by subsection (b). The additional estate tax shall be the difference between the tax imposed by section 2001 or 2101 and the basic estate tax.

(e) *Limitation in cases involving deduction under section 2053 (d).* In any case where a deduction is allowed under section 2053 (d) for an estate, succession, legacy, or inheritance tax imposed upon a transfer for public, charitable, or religious uses described in section 2055 or 2106 (a) (2), the allowance of the credit under this section shall be subject to the following conditions and limitations:

(1) The taxes described in subsection (a) shall not include any estate, succession, legacy, or inheritance tax for which a deduction is allowed under section 2053 (d).

(2) The credit shall not exceed the lesser of—

(A) The amount stated in subsection (b) on a taxable estate determined by allowing the deduction authorized by section 2053 (d), or

(B) That proportion of the amount stated in subsection (b) on a taxable estate determined without regard to the deduction authorized by section 2053 (d) as (i) the amount of the taxes described in subsection (a), as limited by the provisions of paragraph (1) of this subsection, bears to (ii) the amount of the taxes described in subsection (a) before applying the limitation contained in paragraph (1) of this subsection.

(3) If the amount determined under subparagraph (B) of paragraph (2) is less than the amount determined under subparagraph (A) of that paragraph, then for purposes of subsection (d) such lesser amount shall be the maximum credit provided by subsection (b).

[Sec. 2011 as amended by sec. 3, Pub. Law 414 (84th Cong.)]

§ 20.2011–1 *Credit for State death taxes*—(a) *In general.* A credit is allowed under section 2011 against the Federal estate tax for estate, inheritance, legacy or succession taxes actually paid to any State, Territory, or possession of the United States, or the District of Columbia (hereafter referred to as "State death taxes"). The credit, however is allowed only for State death taxes paid (1) with respect to property included in the decedent's gross estate, and (2) with respect to the decedent's estate. The amount of the credit is subject to the limitation described in paragraph (b) of this section. It is subject to further limitations described in § 20.2011–2 if a deduction is allowed under section 2053 (d) for State death taxes paid with respect to a charitable gift.

(b) *Amount of credit.* (1) If the decedent's taxable estate does not exceed $40,000, the credit for State death taxes shall be zero. If the decedent's taxable estate does exceed $40,000, the credit for State death taxes shall be limited to an amount computed in accordance with the following table:

TABLE FOR COMPUTATION OF MAXIMUM CREDIT FOR STATE DEATH TAXES

(A) Taxable estate equal to or more than—	(B) Taxable estate less than—	(C) Credit on amount in column (A)	(D) Rates of credit on excess over amount in column (A)
			Percent
$40,000	$90,000	----------	0.8
90,000	140,000	$400	1.6
140,000	240,000	1,200	2.4
240,000	440,000	3,600	3.2
440,000	640,000	10,000	4.0
640,000	840,000	18,000	4.8
840,000	1,040,000	27,600	5.6
1,040,000	1,540,000	38,800	6.4
1,540,000	2,040,000	70,800	7.2
2,040,000	2,540,000	106,800	8.0
2,540,000	3,040,000	146,800	8.8
3,040,000	3,540,000	190,800	9.6
3,540,000	4,040,000	238,800	10.4
4,040,000	5,040,000	290,800	11.2
5,040,000	6,040,000	402,800	12.6
6,040,000	7,040,000	522,800	12.8
7,040,000	8,040,000	650,800	13.6
8,040,000	9,040,000	786,800	14.4
9,040,000	10,040,000	930,800	15.2
10,040,000	----------	1,082,800	16.6

(2) Subparagraph (1) of this paragraph may be illustrated by the following example:

Example. (i) The decedent died January 1, 1955, leaving a taxable estate of $150,000. On January 1, 1956, inheritance taxes totaling $2,500 were actually paid to a State with respect to property included in the decedent's gross estate. Reference to the table discloses that the specified amount in column (A) nearest to and less than the value of the decedent's taxable estate is $140,000. The maximum credit in respect of this amount, as indicated in column (C), is $1,200. The amount by which the taxable estate exceeds the same specified amount is $10,000. The maximum credit in respect of this amount, computed at the rate of 2.4 percent indicated in column (D), is $240. Thus, the maximum credit in respect of the decedent's taxable estate of $150,000 is $1,440, even though $2,500 in inheritance taxes was actually paid to the State.

(ii) If, in subdivision (i) of this example, the amount actually paid to the State was $950, the credit for State death taxes would be limited to $950. If, in subdivision (i) of this example, the decedent's taxable estate was $35,000, no credit for State death taxes would be allowed.

(c) *Miscellaneous limitations and conditions to credit*—(1) *Period of limitations.* The credit for State death taxes is limited under section 2011 (c) to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the estate tax return for the decedent's estate. If, however, a petition has been filed with The Tax Court of the United States for the redetermination of a deficiency within the time prescribed in section 6213 (a), the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return or within 60 days after the decision of The Tax Court becomes final, whichever period is longer. Similarly, if an extension of time has been granted under section 6161 for payment of the tax shown on the return, or of a deficiency, the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return, or before the date of the expiration of the period of the extension, whichever period is longer. See section 2015 for the applicable period of limitations for credit for State death taxes on reversionary or remainder interests if an election is made under section 6163 (a) to postpone payment of the estate tax attributable to reversionary or remainder interests. If a claim for refund based on the credit for State death taxes is filed within the applicable period described in this subparagraph, a refund may be made despite the general limitation provisions of sections 6511 and 6512. Any refund based on the credit described in this section shall be made without interest.

(2) *Submission of evidence.* Before the credit for State death taxes is allowed, evidence that such taxes have been paid must be submitted to the district director. The district director may require the submission of a certificate from the proper officer of the taxing State, Territory, or possession of the United States, or the District of Columbia, showing: (i) The total amount of tax imposed (before adding interest and penalties and before allowing discount); (ii) the amount of any discount allowed; (iii) the amount of any penalties and interest imposed or charged; (iv) the total amount actually paid in cash; and (v) the date of payment. If the amount of these taxes has been redetermined, the amount finally determined should be stated. The required evidence should be filed with the return, but if that is not convenient or possible, then it should be submitted as soon thereafter as practicable. The district director may require the submission of such additional proof as is deemed necessary to establish the right to the credit. For example, he may require the submission of a certificate of the proper officer of the taxing jurisdiction showing (iv) whether a claim for refund of any part of the State death tax is pending and (vii) whether a refund of any part thereof has been authorized, and if a refund has been made, its date and amount, and a description of the property or interest in respect of which the refund was made. The district director may also require an itemized list of the property in respect of which State death taxes were imposed certified by the officer having custody of the records pertaining to those taxes. In addition, he may require the executor to submit an affidavit (or a written declaration under penalties of perjury) stating whether, to his knowledge, any person has instituted litigation or taken an appeal (or contemplates doing so), the final determination of which may affect the amount of those taxes. See section 2016 concerning the redetermination of the estate tax if State death taxes claimed as credit are refunded.

(d) *Definition of "basic estate tax".* Section 2011 (d) provides definitions of the terms "basic estate tax" and "additional estate tax", used in the Internal Revenue Code of 1939, and "estate tax imposed by the Revenue Act of 1926", for the purpose of supplying a means of computing State death taxes under local statutes using those terms, and for use

in determining the exemption provided for in section 2201 for estates of certain members of the Armed Forces. See section 2011 (e) (3) for a modification of these definitions if a deduction is allowed under section 2053 (d) for State death taxes paid with respect to a charitable gift.

§ 20.2011–2 *Limitation on credit if a deduction is allowed under section 2053 (d).* If a deduction is allowed under section 2053 (d) for State death taxes paid with respect to a charitable gift, the credit for State death taxes is subject to special limitations. Under these limitations, the credit cannot exceed the least of the following:

(a) The amount of State death taxes paid other than those for which a deduction is allowed under section 2053 (d);

(b) The amount indicated in section 2011 (b) to be the maximum credit allowable with respect to the decedent's taxable estate; and

(c) An amount, A, which bears the same ratio to B (the amount which would be the maximum credit allowable under section 2011 (b) if the deduction under section 2053 (d) were not allowed in computing the decedent's taxable estate) as C (the amount of State death taxes paid other than those for which a deduction is allowed under section 2053 (d)) bears to D (the total amount of State death taxes paid). For the purpose of this computation, in determining what the decedent's taxable estate would be if the deduction under section 2053 (d) were not allowed, adjustment must be made for the decrease in the deduction for charitable gifts under section 2055 or 2106 (a) (2) by reason of any increase in Federal estate tax which would be charged against the charitable gifts.

The application of this section may be illustrated by the following example:

Example. The decedent died January 1, 1955, leaving a gross estate of $925,000. Expenses, indebtedness, etc., amounted to $25,000. The decedent bequeathed $400,000 to his son with the direction that the son bear the State death taxes on the bequest. The residuary estate was left to a charitable organization. Except as noted above, all Federal and State death taxes were payable out of the residuary estate. The State imposed death taxes of $60,000 on the son's bequest and death taxes of $75,000 on the bequest to charity. The decedent's taxable estate is computed as follows:

Gross estate				$925,000.00
Expenses, indebtedness, etc			$25,000.00	
Exemption			60,000.00	
Deduction under section 2053 (d)			75,000.00	
Charitable deduction:				
Gross estate		$925,000.00		
Expenses, etc	$25,000.00			
Bequest to son	400,000.00			
State death tax paid from residue	75,000.00			
Federal estate tax paid from residue	122,916.67	622,916.67	302,083.33	462,083.33
Taxable estate				462,916.67

If the deduction under section 2053 (d) were not allowed, the decedent's taxable estate would be computed as follows:

Gross estate				$925,000.00
Expenses, indebtedness, etc			$25,000.00	
Exemption			60,000.00	
Charitable deduction:				
Gross estate		$925,000.00		
Expenses, etc	$25,000.00			
Bequest to son	400,000.00			
State death tax paid from residue	75,000.00			
Federal estate tax paid from residue	155,000.00	655,000.00	270,000.00	355,000.00
Taxable estate				570,000.00

Under these facts, the credit for State death taxes is determined as follows:

(1) Amount of State death taxes paid other than those for which a deduction is allowed under section 2053 (d) ($135,000—$75,000)	$60,000.00
(2) Amount indicated in section 2011 (b) to be the maximum credit allowable with respect to the decedent's taxable estate of $462,916.67	10,916.67
(3) Amount determined by use of the ratio described in paragraph (c) above $\left(\frac{\$60,000}{\$135,000} \times \$15,200\right)$	6,755.56
(4) Credit for State death taxes (least of subparagraphs (1) through (3) above)	6,755.56

§ 20.2012 *Statutory provisions; credit for gift tax.*

SEC. 2012. *Credit for gift tax*—(a) *In general.* If a tax on a gift has been paid under chapter 12 (sec. 2501 and following), or under corresponding provisions of prior laws, and thereafter on the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for purposes of this chapter, then there shall be credited against the tax imposed by section 2001 the amount of the tax paid on a gift under chapter 12, or under corresponding provisions of prior laws, with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit shall not exceed an amount which bears the same ratio to the tax imposed by section 2001 (after deducting from such tax the credit for State death taxes provided by section 2011) as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate bears to the value of the entire gross estate reduced by the aggregate amount of the charitable and marital deductions allowed under sections 2055, 2056, and 2106 (a) (2).

(b) In applying, with respect to any gift, the ratio stated in subsection (a), the value at the time of the gift or at the time of the death, referred to in such ratio, shall be reduced—

(1) By such amount as will properly reflect the amount of such gift which was excluded in determining (for purposes of section 2503 (a)), or of corresponding provisions of prior laws, the total amount of gifts made during the year in which the gift was made;

(2) If a deduction with respect to such gift is allowed under section 2056 (a) (relating to marital deduction)—then by an amount which bears the same ratio to such value (reduced as provided in paragraph (1) of this subsection) as the aggregate amount of the marital deductions allowed under section 2056 (a) bears to the aggregate amount of such marital deductions computed without regard to subsection (c) thereof; and

(3) If a deduction with respect to such gift is allowed under sections 2055 or 2106 (a) (2) (relating to charitable deduction)—then by the amount of such value, reduced as provided in paragraph (1) of this subsection.

(c) Where the decedent was the donor of the gift but, under the provisions of section 2513, or corresponding provisions of prior laws, the gift was considered as made one-half by his spouse—

(1) The term "the amount of the tax paid on a gift under chapter 12", as used in subsection (a), includes the amounts paid with respect to each half of such gift, the amount paid with respect to each being computed in the manner provided in subsection (d); and

(2) In applying, with respect to such gift, the ratio stated in subsection (a), the value at the time of the gift or at the time of the death, referred to in such ratio, includes such value with respect to each half of such gift, each such value being reduced as provided in paragraph (1) of subsection (b).

(d) (1) For purposes of subsection (a), the amount of tax paid on a gift under chapter 12, or under corresponding provisions of prior laws, with respect to any gift shall be an amount which bears the same ratio to the total tax paid for the year in which the gift was made as the amount of such gift bears to the total amount of taxable gifts (computed without deduction of the specific exemption) for such year.

(2) For purposes of paragraph (1), the "amount of such gift" shall be the amount included with respect to such gift in determining (for the purposes of section 2503 (a), or of corresponding provisions of prior laws) the total amount of gifts made during such year, reduced by the amount of any deduction allowed with respect to such gift under section 2522, or under corresponding provisions of prior laws (relating to charitable deduction), or under section 2523 (relating to marital deduction).

§ 20.2012–1 *Credit for gift tax*—(a) *In general.* A credit is allowed under section 2012 against the Federal estate tax for gift tax paid under chapter 12 of the Internal Revenue Code of 1954, or corresponding provisions of prior laws, on a gift by the decedent of property subsequently included in the decedent's gross estate. The credit is allowable even though the gift tax is paid by the executor after the decedent's death and the amount of the gift tax is deductible from the gross estate as a debt of the decedent.

(b) *Limitations on credit.* The credit for gift tax is limited to the smaller of the following amounts:

puted as described in subparagraph (2) below) bears to H (the value of the entire gross estate, reduced by the total deductions allowed under sections 2055 or 2106 (a) (2) (charitable deduction) and 2056 (marital deduction)). Stated algebraically, the "second limitation" equals

$$\frac{\text{"Value of the gift"}}{\text{Value of gross estate, less marital and charitable deductions.}} \times \text{Gross estate tax, less credit for State death taxes.}$$

(2) For purposes of the ratio stated in subparagraph (1) of this paragraph, the "value of the gift" referred to as factor "G" is the value of the property transferred by gift and included in the gross estate, as determined for the purpose of the gift tax or for the purpose of the estate tax, whichever is lower, and adjusted as follows:

(i) The appropriate value is reduced by all or a portion of any annual exclusion allowed for gift tax purposes under section 2053 (b) of the Internal Revenue Code of 1954 or corresponding provisions of prior laws. If the gift tax value is lower than the estate tax value, it is reduced by the entire amount of the exclusion. If the estate tax value is lower than the gift tax value, it is reduced by an amount which bears the same ratio to the estate tax value as the annual exclusion bears to the total value of the property as determined for gift tax purposes. To illustrate: In 1955, a donor, in contemplation of death, transferred certain property to his five children which was valued at $300,000 for the purpose of the gift tax. Thereafter, the same property was included in his gross estate at a value of $270,000. In computing his gift tax, the donor was allowed annual exclusions totalling $15,000. The reduction provided for in this subdivision is

$$\frac{\$15{,}000 \text{ (annual exclusions allowed)}}{\$300{,}000 \text{ (value of transferred property for the purpose of the gift tax)}} \times \$270{,}000 \text{ (value of transferred property for the purpose of the estate tax)} = \$13{,}500.$$

(ii) The appropriate value is further reduced if any portion of the value of the property is allowed as a marital deduction under section 2056 or as a charitable deduction under section 2055 or section 2106 (a) (2). The amount of the reduction is an amount which bears the same ratio to the value determined under subdivision (i) of this subparagraph as the portion of the property allowed as a marital deduction or as a charitable deduction bears to the total value of the property as determined for the purpose of the estate tax. Thus, if a gift is made solely to the decedent's surviving spouse and is subsequently included in the decedent's gross estate as having been made in contemplation of death, but a marital deduction is allowed under section 2056 for the full value of the gift, no credit for gift tax on the gift will be allowed since the reduction under this subdivision together with the reduction under subdivision (i) of this subparagraph will have the effect of reducing the factor "G" of the ratio in subparagraph (1) of this paragraph to zero. However, if by reason of the limitation on the aggregate marital deduction to 50 percent of the value of the adjusted gross estate (see section 2056 (c)) the aggregate marital deduction allowed is less than the aggregate marital deduction computed without regard to that limitation, then the reduction under this subdivision is an amount, I, which bears the same ratio to J (the value determined in subdivision (i) of this subparagraph) as K (the aggregate marital deduction allowed) bears to L (the aggregate marital deduction computed without regard to the 50 percent limitation). For an illustration, see subparagraph (3) of this paragraph.

(3) The application of this paragraph may be illustrated by the following example:

Example. (i) In 1955, a donor, in contemplation of death, transferred certain property to his wife which was valued, for the purpose of the gift tax, at $86,000. In computing his gift tax the donor was allowed an annual exclusion of $3,000. In 1956, the donor died leaving a gross estate of $350,000. Expenses, indebtedness, etc., amounted to $50,000. The gross estate included the property transferred by the decedent to his wife in 1955. This property was valued, for the purpose of the estate tax, at $100,000 and was property for which a marital deduction may be taken. The decedent was survived by his wife to whom he left the major part of his estate. The estate was allowed an aggregate marital deduction of $150,000. The amount of the marital deduction computed without regard to the 50 percent limitation in section 2056 (c) would have been $250,000. The gross estate tax was $17,900, and the credit for State death taxes was $400.

(ii) Factor "G" of the ratio which is used in computing the "second limitation" is computed as follows (see § 20.2012–1 (d) (2)):

Value of gift to wife for the purpose of the gift tax or for the purpose of the estate tax, whichever is lower	$86,000
Less: Portion of annual exclusion allowed in determining the gift tax (see § 20.2012–1 (d) (2) (i))	3,000
Net value	83,000
Less: Portion of the net value allowed as a marital deduction under section 2056 (see § 20.2012–1 (d) (2) (ii))	------

$$\frac{\$150{,}000 \text{ (aggregate marital deduction allowed for the purpose of the estate tax)}}{\$250{,}000 \text{ (aggregate marital deduction computed without regard to the limitation stated in section 2056 (c))}} \times \$83{,}000 = 49{,}800$$

Factor "G" of the ratio	33,200

(iii) Under the "second limitation", the credit for gift tax on the donor's gift to his wife cannot exceed (see § 20.2012–1 (d) (1)).

$$\frac{\$33{,}200 \text{ (factor "G" of the ratio; see subdivision (ii) of this example)}}{\$350{,}000 - \$150{,}000 \text{ (value of gross estate, less marital deduction allowed)}} \times \$17{,}500 - \$400 \text{ (gross estate tax, less credit for State death taxes)} = \$2{,}905.$$

The lesser of the "first limitation" as computed in paragraph (c) of this section and the "second limitation" as computed in this paragraph is the credit for gift tax.

(e) *Credit for "split gifts".* If a decedent made a gift of property which is thereafter included in his gross estate, and, under the provisions of section 2513 of the Internal Revenue Code of 1954 or section 1000 (f) of the Internal Revenue Code of 1939, the gift was considered as made one-half by the decedent and one-half by his spouse, credit against the estate tax is allowed for the gift tax paid with respect to both halves of the gift. The "first limitation" is to be separately computed with respect to each half of the gift in accordance with the principles stated in paragraph (c) of this section. The "second limitation" is to be computed with respect to the entire gift in accordance with the principles stated in paragraph (d) of this section. To illustrate: A donor, in contemplation of death, transferred property valued at $106,000 to his son on January 1, 1955, and he and his wife consented that the gift should be considered as made one-half by him and one-half by her. The property was thereafter included in the donor's gross estate. Under the "first limitation", the amount of the gift tax of the donor paid with respect to the half of the gift considered as made by him is determined to be $11,250, and the amount of the gift tax of his wife paid with respect to the half of the gift considered as made by her is determined to be $1,200. Under the "second limitation", the amount of the estate tax attributable to the property is determined to be $28,914. Therefore, the credit for gift tax allowed is $12,450 ($11,250 plus $1,200).

§ 20.2013 *Statutory provisions; credit for tax on prior transfers.*

SEC. 2013. *Credit for tax on prior transfers*—(a) *General rule.* The tax imposed by section 2001 shall be credited with all or a part of the amount of the Federal estate tax paid with respect to the transfer of property (including property passing as a result of the exercise or non-exercise of a power of appointment) to the decedent by or from a person (herein designated as a "transferor") who died within 10 years before, or within 2 years after, the decedent's death. If the transferor died within 2 years of the death of the decedent, the credit shall be the amount determined under subsections (b) and (c). If the transferor predeceased the decedent by more than 2 years, the credit shall be the following percentage of the amount so determined—

(1) 80 percent, if within the third or fourth years preceding the decedent's death;

(2) 60 percent, if within the fifth or sixth years preceding the decedent's death;

(3) 40 percent, if within the seventh or eighth years preceding the decedent's death; and

(4) 20 percent, if within the ninth or tenth years preceding the decedent's death.

(b) *Computation of credit.* Subject to the limitation prescribed in subsection (c), the credit provided by this section shall be an amount which bears the same ratio to the estate tax paid (adjusted as indicated hereinafter) with respect to the estate of the transferor as the value of the property transferred bears to the taxable estate of the transferor (determined for purposes of the estate tax) decreased by any death taxes paid with respect to such estate and increased by the exemption provided for by section 2052 or section 2106 (a) (3), or the corresponding provisions of prior laws, in determining the taxable estate of the transferor for the purposes of the estate tax. For purposes of the preceding sentence, the estate tax paid shall be the Federal estate tax paid increased by any credits allowed against such estate tax under section 2012, or corresponding provisions of prior laws, on account of gift tax, and for any credits allowed against such estate tax under this section on account of prior transfers where the transferor acquired property from a person who died within 10 years before the death of the decedent.

(c) *Limitation on credit*—(1) *In general.* The credit provided in this section shall not exceed the amount by which—

(A) The estate tax imposed by section 2001 or section 2101 (after deducting the credits for State death taxes, gift tax, and foreign death taxes provided for in sections 2011, 2012, and 2014) computed without regard to this section, exceeds

(B) Such tax computed by excluding from the decedent's gross estate the value of such property transferred and, if applicable, by making the adjustment hereinafter indicated.

If any deduction is otherwise allowable under section 2055 or section 2106 (a) (2) (relating to charitable deduction) then, for the purpose of the computation indicated in subparagraph (B), the amount of such deduction shall be reduced by that part of such deduction which the value of such property transferred bears to the decedent's entire gross estate reduced by the deductions allowed under sections 2053 and 2054, or section 2106 (a) (1) (relating to deduction for expenses, losses, etc.). For purposes of this section, the value of such property transferred shall be the value as provided for in subsection (d) of this section.

(2) *Two or more transferors.* If the credit provided in this section relates to property received from 2 or more transferors, the limitation provided in paragraph (1) of this subsection shall be computed by aggregating the value of the property so transferred to the decedent. The aggregate limitation so determined shall be apportioned in accordance with the value of the property transferred to the decedent by each transferor.

(d) *Valuation of property transferred.* The value of property transferred to the decedent shall be the value used for the purpose of determining the Federal estate tax liability of the estate of the transferor but—

(1) There shall be taken into account the effect of the tax imposed by section 2001 or 2101, or any estate, succession, legacy, or inheritance tax, on the net value to the decedent of such property;

(2) Where such property is encumbered in any manner, or where the decedent incurs any obligation imposed by the transferor with respect to such property, such encumbrance or obligation shall be taken into account in the same manner as if the amount of a gift to the decedent of such property was being determined; and

(3) If the decedent was the spouse of the transferor at the time of the transferor's death, the net value of the property transferred to the decedent shall be reduced by the amount allowed under section 2056 (relating to marital deductions), or the corresponding provision of prior law, as a deduction from the gross estate of the transferor.

(e) *Property defined.* For purposes of this section, the term "property" includes any beneficial interest in property, including a general power of appointment (as defined in section 2041).

§ 20.2013–1 *Credit for tax on prior transfers*—(a) *In general.* A credit is allowed under section 2013 against the Federal estate tax imposed on the present decedent's estate for Federal estate tax paid on the transfer of property to the present decedent from a transferor who died within ten years before, or within two years after, the present decedent's death. See § 20.2013–5 for definition of the terms "property" and "transfer". There is no requirement that the transferred property be identified in the estate of the present decedent or that the property be in existence at the time of the decedent's death. It is sufficient that the transfer of the property was subjected to Federal estate tax in the estate of the transferor and that the transferor died within the prescribed period of time. The executor must submit such proof as may be requested by the district director in order to establish the right of the estate to the credit.

(1) The amount of gift tax paid on the gift, computed as set forth in paragraph (c) of this section, and

(2) The amount of the estate tax attributable to the inclusion of the gift in the gross estate, computed as set forth in paragraph (d) of this section.

When more than one gift is included in the gross estate, a separate computation of the two limitations on the credit is to be made for each gift.

(c) *"First limitation".* The amount of the gift tax paid on the gift is the "first limitation". Thus, if only one gift was made during a certain calendar year, and the gift is wholly included in the decedent's gross estate for the purpose of the estate tax, the credit with respect to the gift is limited to the amount of the gift tax paid for that calendar year. On the other hand, if more than one gift was made during a certain calendar year, the credit with respect to any such gift which is included in the decedent's gross estate is limited under section 2012 (d) to an amount, A, which bears the same ratio to B (the total gift tax paid for that calendar year) as C (the "amount of the gift", computed as described below) bears to D (the total taxable gifts for the year, computed without deduction of the gift tax specific exemption). Stated algebraically, the "first limitation" equals

$$\frac{\text{"Amount of the gift"}}{\text{Total taxable gifts, plus specific exemption allowed}} \times \text{Total gift tax paid.}$$

For purposes of the ratio stated above, the "amount of the gift" referred to as factor "C" is the value of the gift reduced by any portion excluded or deducted under sections 2503 (b) (annual exclusion), 2522 (charitable deduction), or 2523 (marital deduction) of the Internal Revenue Code of 1954 or corresponding provisions of prior laws. In making the computations described in this paragraph, the values to be used are those finally determined for the purpose of the gift tax, irrespective of the values determined for the purpose of the estate tax. A similar computation is made in case only a portion of any gift is included in the decedent's gross estate. The application of this paragraph may be illustrated by the following example:

Example. The donor made gifts during the calendar year 1955 on which a gift tax was determined as shown below:

Gift of property to son on February 1	$13,000
Gift of property to wife on May 1	86,000
Gift of property to charitable organization on May 15	10,000
Total gifts	109,000
Less exclusions ($3,000 for each gift)	9,000
Total included amount of gifts	100,000
Marital deduction (for gift to wife)	$43,000
Charitable deduction	7,000
Specific exemption ($30,000 less $20,000 used in prior years)	10,000
Total deductions	60,000
Taxable gifts	40,000
Total gift tax paid for calendar year 1955	3,600

The donor's gift to his wife was made in contemplation of death and was thereafter included in his gross estate. Under the "first limitation", the credit with respect to that gift cannot exceed

$$\frac{\$86{,}000 - \$3{,}000 - \$43{,}000 \text{ (gift to wife, less annual exclusion and marital deduction)}}{\$40{,}000 + \$10{,}000 \text{ (taxable gifts, plus specific exemption allowed)}} \times \$3{,}600 \text{ (total gift tax paid)} = \$2{,}880.$$

(d) *"Second limitation".* (1) The amount of the estate tax attributable to the inclusion of the gift in the gross estate is the "second limitation". Thus, the credit with respect to any gift of property included in the gross estate is limited to an amount, E, which bears the same ratio to F (the gross estate tax, reduced by any credit for State death taxes under section 2011) as G (the "value of the gift", com-

(b) *Limitations on credit.* The credit for tax on prior transfers is limited to the smaller of the following amounts:

(1) The amount of the Federal estate tax attributable to the transferred property in the transferor's estate, computed as set forth in § 20.2013–2; and

(2) The amount of the Federal estate tax attributable to the transferred property in the decedent's estate, computed as set forth in § 20.2013–3.

Rules for valuing property for purposes of the credit are contained in § 20.2013–4.

(c) *Percentage reduction.* If the transferor died within the two years before, or within the two years after, the present decedent's death, the credit is the smaller of the two limitations described in paragraph (b) of this section. If the transferor predeceased the present decedent by more than two years, the credit is a certain percentage of the smaller of the two limitations described in paragraph (b) of this section, determined as follows:

(1) 80 percent, if the transferor died within the third or fourth years preceding the present decedent's death;

(2) 60 percent, if the transferor died within the fifth or sixth years preceding the present decedent's death;

(3) 40 percent, if the transferor died within the seventh or eighth years preceding the present decedent's death; and

(4) 20 percent, if the transferor died within the ninth or tenth years preceding the present decedent's death.

The word "within" as used in this paragraph means "during". Therefore, if a death occurs on the second anniversary of another death, the first death is considered to have occurred within the two years before the second death. If the credit for tax on prior transfers relates to property received from two or more transferors, the provisions of this paragraph are to be applied separately with respect to the property received from each transferor. See paragraph (d) of example (2) in § 20.2013–6.

(d) *Examples.* For illustrations of the application of this section, see examples (1) and (2) set forth in § 20.2013–6.

§ 20.2013–2 *"First limitation".* (a) The amount of the Federal estate tax attributable to the transferred property in the transferor's estate is the "first limitation." Thus, the credit is limited to an amount, A, which bears the same ratio to B (the "transferor's adjusted Federal estate tax", computed as described in paragraph (b) of this section) as C (the value of the property transferred (see § 20.2013–4)) bears to D (the "transferor's adjusted taxable estate", computed as described in paragraph (c) of this section). Stated algebraically, the "first limitation" equals

$$\frac{\text{Value of transferred property}}{\text{"Transferor's adjusted taxable estate"}} \times \text{"Transferor's adjusted Federal estate tax"}.$$

(b) For purposes of the ratio stated in paragraph (a) of this section, the "transferor's adjusted Federal estate tax" referred to as factor "B" is the amount of the Federal estate tax paid with respect to the transferor's estate plus:

(1) Any credit allowed the transferor's estate for gift tax under section 2012, or the corresponding provisions of prior laws; and

(2) Any credit allowed the transferor's estate, under section 2013, for tax on prior transfers, but only if the transferor acquired property from a person who died within 10 years before the death of the present decedent.

(c) For purposes of the ratio stated in paragraph (a) of this section, the "transferor's adjusted taxable estate" referred to as factor "D" is the amount of the transferor's taxable estate (or net estate) decreased by the amount of any "death taxes" paid with respect to his gross estate and increased by the amount of the exemption allowed in computing his taxable estate (or net estate). The amount of the transferor's taxable estate (or net estate) is determined in accordance with the provisions of § 20.2051–1 (or the corresponding provisions of prior regulations). The term "death taxes" means the Federal estate tax plus all other estate, inheritance, legacy, succession, or similar death taxes imposed by and paid to any taxing authority, whether within or without the United States. However, only the net amount of such taxes paid shall be taken into consideration. The amount of the exemption depends upon the citizenship and residence of the transferor at the time of his death. If he was a citizen or resident of the United States, the exemption is the $60,000 authorized by section 2052 (or the corresponding provisions of prior laws). If he was not a citizen or resident of the United States, the exemption is the $2,000 authorized by section 2106 (a) (3) (or the corresponding provisions of prior laws), or such larger amount as may have been allowed as an exemption pursuant to the prorated specific exemption provisions of an applicable death duty convention.

(d) If the credit for tax on prior transfers relates to property received from two or more transferors, the provisions of this section are to be applied separately with respect to the property received from each transferor. See paragraph (b) of example (2) in § 20.2013–6.

(e) For illustrations of the application of this section, see examples (1) and (2) set forth in § 20.2013–6.

§ 20.2013–3 *"Second limitation".* (a) The amount of the Federal estate tax attributable to the transferred property in the present decedent's estate is the "second limitation." Thus, the credit is limited to the difference between—

(1) The net estate tax payable (see § 20.2001–1 (d) (5)) with respect to the present decedent's estate, determined without regard to any credit for tax on prior transfers under section 2013 or any credit for foreign death taxes claimed under the provisions of a death duty convention, and

(2) The net estate tax determined as provided in subparagraph (1) of this paragraph, but computed by subtracting from the present decedent's gross estate the value of the property transferred (see § 20.2013–4), and by making the adjustment indicated in paragraph (b) of this section if a charitable deduction is allowable to the estate of the present decedent.

(b) If a charitable deduction is allowable to the estate of the present decedent under the provisions of section 2055 or section 2106 (a) (2), for purposes of determining the tax described in subparagraph (a) (2) of this paragraph, the charitable deduction otherwise allowable is reduced by an amount, E, which bears the same ratio to F (the charitable deduction otherwise allowable) as G (the value of the transferred property (see § 20.2103–4)) bears to H (the value of the present decedent's gross estate reduced by the amount of the deductions for expenses, indebtedness, taxes, losses, etc., allowed under the provisions of sections 2053, 2054, and 2106 (a) (1)). See paragraph (c) (2) of example (1) and paragraph (c) (2) of example (2) in § 20.2013–6.

(c) If the credit for tax on prior transfers relates to property received from two or more transferors, the property received from all transferors is aggregated in determining the limitation on credit under this section (the "second limitation"). However, the limitation so determined is apportioned to the property received from each transferor in the ratio that the property received from each transferor bears to the total property received from transferors. See paragraph (c) of example (2) in § 20.2013–6.

(d) For illustrations of the application of this section, see examples (1) and (2) set forth in § 20.2013–6.

§ 20.2013–4 *Valuation of property transferred.* (a) For purposes of section 2013 and §§ 20.2013–1 to 20.2013–6, inclusive, the value of the property transferred to the decedent is the value at which such property was included in the transferor's gross estate for the purpose of the Federal estate tax (see sections 2031, 2032, and the regulations thereunder) reduced as indicated in paragraph (b) of this section. If the decedent received a life estate or remainder or other limited interest in property included in the transferor's gross estate, the value of the interest is determined as of the date of the transferor's death on the basis of recognized actuarial principles (see § 20.2031–7). If the interest cannot be so valued, it is considered for purposes of section 2013 to have no value. The application of this paragraph may be illustrated by the following examples:

Example (1). A died on January 1, 1953, leaving Blackacre to B. The property was included in A's gross estate at a value of $100,000. On January 1, 1955, B sold Blackacre to C for $150,000. B died on February 1, 1955. For purposes of computing the credit against the tax imposed on B's estate, the value of the property transferred to B is $100,000.

Example (2). A died on January 1, 1953, leaving Blackacre to B for life and, upon B's death, remainder to C. At the time of A's death, B was 56 years of age. The property was included in A's gross estate at a value of $100,000. The part of that value attributable to the life estate is $44,688 (see § 20.2031–7 (c)), and the part of that value attributable to the remainder is $55,312 (see § 20.2031–7 (d)). B died on January 1, 1955, and C died on January 1, 1956. For purposes of computing the credit against the tax imposed on B's estate, the value of the property transferred to B is $44,688. For purposes of computing the credit against the tax imposed on C's estate, the value of the property transferred to C is $55,312.

(b) In arriving at the value of the property transferred to the decedent, the value at which the property was included in the transferor's gross estate (see paragraph (a) of this section) is reduced as follows:

(1) By the amount of the Federal estate tax and any other estate, inheritance, legacy, or succession taxes which were payable out of the property transferred to the decedent or which were payable by the decedent in connection with the property transferred to him. Thus, if under the transferor's will or local law all death taxes are to be paid out of other property with the result that the decedent receives his bequest free and clear of all death taxes, no reduction is to be made under this subparagraph;

(2) By the amount of any martial deduction allowed the transferor's estate under section 2056 (or under section 812 (e) of the Internal Revenue Code of 1939) if the decedent was the spouse of the transferor at the time of the transferor's death; and

(3) (i) By the amount of any encumbrance on the property or by the amount of any obligation imposed by the transferor and incurred by the decedent with respect to the property, to the extent such charges would be taken into account if the amount of a gift to the decedent of such property were being determined.

(ii) For purposes of this subparagraph, an obligation imposed by the transferor and incurred by the decedent with respect to the property includes a bequest, etc., in lieu of the interest of the surviving spouse under community property laws, unless such interest was, immediately prior to the transferor's death, a mere expectancy. (As to the circumstances under which the interest of a surviving spouse is regarded as a mere expectancy, see the provisions of § 20.2056 (c)–2 (d) which are equally applicable here.) However, an obligation imposed by the transferor and incurred by the decedent with respect to the property does not include a bequest, devise, or other transfer in lieu of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the transferor's property or estate.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). The transferor devised to the decedent real estate subject to a mortgage. The value of the property transferred to the decedent does not include the amount of the mortgage. If, however, the transferor by his will directs the executor to pay off the mortgage, such payment constitutes an additional amount transferred to the decedent.

Example (2). The transferor bequeathed certain property to the decedent with a direction that the decedent pay $1,000 to X. The value of the bequest to the decedent is the value of the property reduced by $1,000.

Example (3). The transferor bequeathed certain property to his wife, the decedent, in lieu of her interest in property held by them as community property under the law of the State of their residence. The wife elected to relinquish her community property interest and to take the bequest. The value of the bequest is the value of the property reduced by the value of the community property interest relinquished by the wife.

§ 20.2013–5 *"Property" and "transfer" defined.* (a) For purposes of section 2013 and §§ 20.2013–1 to 20.2013–6, inclusive, the term "property" means any beneficial interest in property, including a general power of appointment (as defined in section 2041) over property. Thus, the term does not include an interest in property consisting merely of a bare legal title, such as that of a trustee. Nor does the term include a power of appointment over property which is not a general power of appointment (as defined in section 2041). Examples of property, as described in this paragraph, are annuities, life estates, estates for terms of years, vested or contingent remainders and other future interests.

(b) In order to obtain the credit for tax on prior transfers, there must be a transfer of property described in paragraph (a) of this section by or from the transferor to the decedent. The term "transfer" of property by or from a transferor means any passing of property or an interest in property under circumstances which were such that the property or interest was included in the gross estate of the transferor. In this connection, if the decedent receives property as a result of the exercise or nonexercise of a power of appointment, the donee of the power (and not the creator) is deemed to be the transferor of the property if the property subject to the power is includible in the donee's gross estate under section 2041 (relating to powers of appointment). Thus, notwithstanding the designation by local law of the capacity in which the decedent takes, property received from the transferor includes interests in property held by or devolving upon the decedent: (1) As spouse under dower or curtesy laws or laws creating an estate in lieu of dower or curtesy; (2) as surviving tenant of a tenancy by the entirety or joint tenancy with survivorship rights; (3) as beneficiary of the proceeds of life insurance; (4) as survivor under an annuity contract; (5) as donee (possessor) of a general power of appointment (as defined in section 2041); (6) as appointee under the exercise of a general power of appointment (as defined in section 2041); or (7) as remainderman under the release or nonexercise of a power of appointment by reason of which the property is included in the gross estate of the donee of the power under section 2041.

(c) The application of this section may be illustrated by the following example:

Example. A devises Blackacre to B, as trustee, with directions to pay the income therefrom to C, his son, for life. Upon C's death, Blackacre is to be sold. C is given a general testamentary power, to appoint one-third of the proceeds, and a testamentary power, which is not a general power, to appoint the remaining two-thirds of the proceeds, to such of the issue of his sister D as he should choose. D has a daughter, E, and a son, F. Upon his death, C exercised his general power by appointing one-third of the proceeds to D and his special power by appointing two-thirds of the proceeds to E. Since B's interest in Blackacre as a trustee is not a beneficial interest, no part of it is "property" for purpose of the credit in B's estate. On the other hand, C's life estate and his testamentary power over the one-third interest in the remainder constitute "property" received from A for purpose of the credit in C's estate. Likewise, D's one-third interest in the remainder received through the exercise of C's general power of appointment is "property" received from C for purpose of the credit in D's estate. No credit is allowed E's estate for the property which passed to her from C since the property was not included in C's gross estate. On the other hand, no credit is allowed in E's estate for property passing to her from A since her interest was not susceptible of valuation at the time of A's death (see § 20.2013–4).

§ 20.2013–6 *Examples.* The application of §§ 20.2013–1 to 20.2013–5, inclusive, may be illustrated by the following examples:

Example (1). (a) A died December 1, 1953, leaving a gross estate of $1,000,000. Expenses, indebtedness, etc., amounted to $90,000. A bequeathed $200,000 to B, his wife, $100,000 of which qualifies for the marital deduction. B died November 1, 1954, leaving a gross estate of $500,000. Expenses, indebtedness, etc., amounted to $40,000. B bequeathed $150,000 to charity. A and B were both citizens of the United States. The estates of A and B both paid State death taxes equal to the maximum credit allowable for State death taxes. Death taxes were not a charge on the bequest to B.

(b) "First limitation" on credit for B's estate (§ 20.2013–2):

A's gross estate		$1,000,000.00
Expenses, indebtedness, etc		90,000.00
A's adjusted gross estate		910,000.00
Marital deduction	$100,000.00	
Specific exemption	60,000.00	
		160,000.00
A's taxable estate		750,000.00
A's gross estate tax		233,200.00
Credit for State death taxes		23,280.00
A's net estate tax payable		209,920.00

"First limitation" = $209,920.00 (§ 20.2013–2 (b)) × $\frac{\$200,000.00 - \$100,000.00 \text{ (§ 20.2013–4)}}{\$750,000.00 - \$209,920.00 - \$23,280.00 + \$60,000.00 \text{ (§ 20.2013–2 (c))}}$ = 36,393.90

(2) With respect to the property received from C:

C's gross estate		$250,000.00
Expenses, indebtedness, etc	$50,000.00	
Exemption	60,000.00	
		110,000.00
C's taxable estate		140,000.00
C's gross estate tax		32,700.00
Credit for State death taxes		1,200.00
C's net estate tax payable		31,500.00
"First limitation"=$31,500.00 ($ 20.2013-2 (b)) × $50,000.00 ($ 20.2013-4) / $140,000.00−$31,500.00−$1,200.00+$60,000.00 ($ 20.2013-2 (c))		9,414.23

(c) "Second limitation" on credit for B's estate ($ 20.2013-3 (c)):

(1) B's net estate tax payable as described in § 20.2013-3 (a) (1) (previously taxed transfers included=$61,780.00 (this computation is identical with the one contained in paragraph (c) (1) of example (1) of this section).

(2) B's net estate tax payable as described in § 20.2013-3 (a) (2) (previously taxed transfers excluded):

B's gross estate		$350,000.00
Expenses, indebtedness, etc		$40,000.00
Charitable deduction ($ 20.2013-3 (b))=$150,000.00−($150,000.00×($200,000.00−$100,000.00+$50,000.00)/($500,000.00−$40,000.00))		101,086.96
Specific exemption	60,000.00	
		201,086.96
B's taxable estate		148,913.04
B's gross estate tax		35,373.91
Credit for State death taxes		1,413.91
B's net estate tax payable		33,960.00

(3) "Second limitation":

Subparagraph (1)	$61,780.00	
Less: Subparagraph (2)	33,960.00	
		27,820.00

(4) Apportionment of "second limitation" on credit:

Transfer from A ($ 20.2013-4)	100,000.00
Transfer from C ($ 20.2013-4)	60,000.00
Total	150,000.00
Portion of "second limitation" attributable to transfer from A ($^{100}/_{150}$ of $27,820.00)	18,546.67
Portion of "second limitation" attributable to transfer from C ($^{50}/_{150}$ of $27,820.00)	9,273.33

(d) Credit of B's estate for tax on prior transfers ($ 20.2013-1 (c)):

Credit for tax on transfer from A:

$18,546.67 (lower of "first limitation" computed in paragraph (b) (1) and "second limitation" apportioned to A's transfer in paragraph (c) (4)) x 100 percent (percentage to be taken into account under § 20.2013-1 (c))	$18,546.67

Credit for tax on transfer from C:

$9,273.33 (lower of "first limitation" computed in paragraph (b) (2) and "second limitation" apportioned to B's transfer in paragraph (c) (4)) x 80 percent (percentage to be taken into account under § 20.2013-1 (c))	7,418.66
Total credit for tax on prior transfers	25,965.33

§ 20.2014 *Statutory provisions; credit for foreign death taxes.*

SEC. 2014. *Credit for foreign death taxes*—(a) *In general.* The tax imposed by section 2001 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any foreign country in respect of any property situated within such foreign country and included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). If the decedent at the time of his death was not a citizen of the United States, credit shall not be allowed under this section unless the foreign country of which such decedent was a citizen or subject, in imposing such taxes, allows a similar credit in the case of a citizen of the United States resident in such country. The determination of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States.

(b) *Limitations on credit.* The credit provided in this section with respect to such taxes paid to any foreign country—

(1) Shall not, with respect to any such tax, exceed an amount which bears the same ratio to the amount of such tax actually paid to such foreign country as the value of property which is—

(A) Situated within such foreign country,
(B) Subjected to such tax, and
(C) Included in the gross estate,

bears to the value of all property subjected to such tax; and

(2) Shall not, with respect to all such taxes, exceed an amount which bears the same ratio to the tax imposed by section 2001 (after deducting from such tax the credits provided by sections 2011 and 2012) as the value of property which is—

(A) Situated within such foreign country,
(B) Subjected to the taxes of such foreign country, and
(C) Included in the gross estate,

bears to the value of the entire gross estate reduced by the aggregate amount of the deductions allowed under sections 2055 and 2056.

(c) *Valuation of property.* (1) The values referred to in the ratio stated in subsection (b) (1) are the values determined for purposes of the tax imposed by such foreign country.

(2) The values referred to in the ratio stated in subsection (b) (2) are the values determined under this chapter; but, in applying such ratio, the value of any property described in subparagraphs (A), (B), and (C) thereof shall be reduced by such amount as will properly reflect, in accordance with regulations prescribed by the Secretary or his delegate, the deductions allowed in respect of such property under sections 2055 and 2056 (relating to charitable and marital deductions).

(d) *Proof of credit.* The credit provided in this section shall be allowed only if the taxpayer establishes to the satisfaction of the Secretary or his delegate—

(1) The amount of taxes actually paid to the foreign country,

(2) The amount and date of each payment thereof,

(3) The description and value of the property in respect of which such taxes are imposed, and

(4) All other information necessary for the verification and computation of the credit.

(e) *Period of limitation.* The credit provided in this section shall be allowed only for such taxes as were actually paid and credit therefor claimed within 4 years after the filing of the return required by section 6018, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Tax Court within the time prescribed in section 6213 (a), then within such 4-year period or before the expiration of 60 days after the decision of the Tax Court becomes final.

(2) If, under section 6161, an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such 4-year period or before the date of the expiration of the period of the extension.

Refund based on such credit may (despite the provisions of sections 6511 and 6512) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest.

§ 20.2014–1 *Credit for foreign death taxes*—(a) *In general.* (1) A credit is allowed under section 2014 against the Federal estate tax for any estate, inheritance, legacy, or succession taxes actually paid to any foreign country (hereinafter referred to as "foreign death taxes"). The credit is allowed only for foreign death taxes paid (i) with respect to property situated within the country to which the tax is paid, (ii) with respect to property included in the decedent's gross estate, and (iii) with respect to the decedent's estate. The credit is allowable to the estate of a decedent who was a citizen of the United States at the time of his death. The credit is also allowable to the estate of a decedent who was a resident but not a citizen of the United States at the time of his death if the country of which the decedent was a national, in imposing death taxes, allows a similar credit to the estates of citizens of the United States resident in that country. See § 20.2001–1 (c) for definition of the term "resident". The credit is not allowable to the estate of a decedent who was neither a citizen nor a resident of the United States at the time of his death. The credit is allowable not only for death taxes paid to foreign countries which are states in the international sense, but also for death taxes paid to possessions or political subdivisions of foreign states. No credit is allowable for interest or penalties paid in connection with foreign death taxes.

(2) In addition to the credit for foreign death taxes under section 2014, similar credits are allowed under death tax conventions with certain foreign countries. If credits against the Federal estate tax are allowable under section 2014, or under section 2014 and one or more death duty conventions, for death taxes paid to more than one country, the credits are combined and the aggregate amount is credited against the Federal estate tax, subject to the limitation provided for in § 20.2014–4 (c). For application of the credit in cases involving a death duty convention, see § 20.2014–4.

(3) No credit is allowable under section 2014 in connection with property situated outside of the foreign country imposing the tax for which credit is claimed (although such a credit may be allowable under certain death duty conventions). Whether or not particular property of the decedent is situated in the foreign country imposing the tax is determined in accordance with the same principles that would be applied in determining whether or not similar property of a nonresident decedent not a citizen of the United States is situated within the United States for Federal estate tax purposes. See §§ 20.2104–1 and 20.2105–1, inclusive. For example, under § 20.2104–1, a bond for the payment of money is not within the United States unless it is physically located in the United States. Accordingly, a bond is deemed situated in the foreign country imposing the tax only if it is physically located in that country. Similarly, under § 20.2104–1, shares of stock are deemed to be situated in the United States only if issued by a domestic (United States) corporation. Thus, a share of corporate stock is regarded as situated in the foreign country imposing the tax only if the issuing corporation is incorporated in that country. Further, under § 20.2105–1, moneys deposited with any person carrying on the banking business by or for a nonresident not a citizen of the United States who was not engaged in business in the United States at the time of death are not deemed situated in the United States. Therefore, an account with a foreign bank in the country imposing the tax is not considered to be situated in that country under corresponding circumstances.

(b) *Limitations on credit.* The credit for foreign death taxes is limited to the smaller of the following amounts:

(1) The amount of a particular foreign death tax attributable to property situated in the country imposing the tax and included in the decedent's gross estate for Federal estate tax purposes, computed as set forth in § 20.2014–2; and

(2) The amount of the Federal estate tax attributable to particular property situated in a foreign country, subjected to foreign death tax in that country, and included in the decedent's gross estate for Federal estate tax purposes, computed as set forth in § 20.2014–3.

§ 20.2014–2 *"First limitation".* (a) The amount of a particular foreign death tax attributable to property situated in the country imposing the tax and included in the decedent's gross estate for Federal estate tax purposes is the "first limitation." Thus, the credit for any foreign death tax is limited to an amount, A, which bears the same ratio to B (the amount of the foreign death tax without allowance of credit, if any, for Federal

§ 20.2014-3 *"Second limitation".* (a) The amount of the Federal estate tax attributable to particular property situated in a foreign country, subjected to foreign death tax in that country, and included in the decedent's gross estate for Federal estate tax purposes is the "second limitation." Thus, the credit is limited to an amount, E, which bears the same ratio to F (the gross Federal estate tax, reduced by any credit for State death taxes under section 2011 and by any credit for gift tax under section 2012) as G (the "adjusted value of the property situated in the foreign country, subjected to foreign death tax, and included in the gross estate", computed as described in paragraph (b) of this section) bears to H (the value of the entire gross estate, reduced by the total amount of the deductions allowed under sections 2055 (charitable deduction) and 2056 (marital deduction)). Stated algebraically, the "second limitation" equals

$$\frac{\text{Adjusted value of the property situated in the foreign country, subjected to foreign death taxes, and included in the gross estate}}{\text{Value of entire gross estate, less charitable and marital deductions}} \times \text{Gross Federal estate tax, less credits for State death taxes and gift tax.}$$

The values used in this proportion are the values determined for the purpose of the Federal estate tax.

(b) Adjustment is required to factor "G" of the ratio stated in paragraph (a) of this section if a charitable deduction under section 2055 or a marital deduction under section 2056 is allowed with respect to the foreign property. In such case, factor "G" is the value of the property situated in the foreign country, subjected to foreign death tax, and included in the gross estate reduced as follows:

(1) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to any part of the foreign property specifically bequeathed, devised, or otherwise specifically passing to a charitable organization or to the decedent's spouse, the value of the foreign property is reduced by the amount of the charitable deduction or marital deduction allowed with respect to such specific transfer. See example (1) of paragraph (c) of this section.

(2) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to a bequest, devise, or other transfer of an interest in a group of assets including both the foreign property and other property, the value of the foreign property is reduced by an amount, I, which bears the same ratio to J (the amount of the charitable deduction or marital deduction allowed with respect to such transfer of an interest in a group of assets) as K (the value of the foreign property included in the group of assets) bears to L (the value of the entire group of assets). As used in this subparagraph, the term "group of assets" has reference to those assets which could be utilized in satisfying the charitable or marital transfer. See example (2) of paragraph (c) of this section.

Any reduction described in subparagraphs (1) or (2) of this paragraph on account of the marital deduction must proportionately take into account the limitation on the aggregate amount of the marital deduction contained in section 2056 (c), if applicable. See example (3) of paragraph (c) of this section.

(c) The application of paragraphs (a) and (b) of this section may be illustrated by the following examples. In each case, the computations relate to the amount of credit under section 2014 without regard to the amount of credit which may be allowable under an applicable death duty convention.

Example (1). (i) Decedent, a citizen and resident of the United States at the time of his death, left a gross estate of $1,000,000 which includes: shares of stock issued by a United States corporation, valued at $750,000; bonds issued by the government of Country X physically located in the United States, valued at $50,000; and shares of stock issued by a Country X corporation, valued at $200,000. Expenses, indebtedness, etc., amounted to $60,000. Decedent specifically bequeathed $40,000 of the stock issued by the Country X corporation to a United States charity and left the residue of his estate, in equal shares, to his son and daughter. The gross Federal estate tax is $266,500 and the credits for State death taxes is $27,600. Under the situs rules referred to in § 20.2014-1 (a) (3), the shares of stock issued by the Country X corporation comprise the only property deemed to be situated in Country X.

(ii) The "second limitation" on the credit for foreign death taxes is:

$$\frac{\$200,000-\$40,000 \text{ (factor G of the ratio stated at § 2.2014-3 (a); see also § 20.2014-3 (b) (1))}}{\$1,000,000-\$40,000 \text{ (factor H of the ratio stated at § 20.2014-3 (a))}} \times (\$266,500-\$27,600) \text{ (factor F of the ratio stated at § 20.2014-3 (a))} = \$39,816.67.$$

The lesser of this amount and the amount of the "first limitation" (computed under § 20.2014-2) is the credit for foreign death taxes.

Example (2). (i) Decedent, a citizen and resident of the United States at the time of his death, left a gross estate of $1,000,000 which includes: shares of stock issued by a United States corporation, valued at $650,000; shares of stock issued by a Country X corporation, valued at $200,000; and life insurance, in the amount of $150,000, payable to a son. Expenses, indebtedness, etc., amounted to $40,000. The decedent made a specific bequest of $25,000 of the Country X corporation stock to Charity A and a general bequest of $100,000 to Charity B. The residue of his estate was left to his daughter. The gross Federal estate tax is $242,450 and the credit for State death taxes is $24,480. Under these facts, neither the stock of the Country X corporation specifically bequeathed to Charity A nor the insurance payable to the son could be utilized in satisfying the bequest to Charity B. Therefore, the "group of assets" which could be so utilized is limited to stock of the Country X corporation valued at $175,000 and stock of the United States corporation valued at $650,000.

(ii) Factor "G" of the ratio which is used in determining the "second limitation" is computed as follows:

Value of property situated in Country X	$200,000.00
Less:	
Reduction described in § 20.2014-3 (b) (1)	$25,000.00
Reduction described in § 20.2014-3 (b) (2) = $\frac{\$175,000 \text{ (factor K of the ratio stated at § 20.2014-3 (b) (3))}}{\$175,000+\$650,000 \text{ (factor L of the ratio stated at § 20.2014-3 (c) (3))}} \times \$100,000$ (factor J of the ratio stated at § 20.2014-3 (b) (3)) =	21,212.12
	46,212.12
Factor "G" of the ratio	153,787.88

(iii) In this case, the "second limitation" on the credit for foreign death taxes is:

$$\frac{\$153,787.88 \text{ (factor G of the ratio stated at § 20.2014-3 (a); see also subdivision (ii) above)}}{\$1,000,000-\$125,000 \text{ (factor H of the ratio stated at § 20.2014-3 (a))}} \times (\$242,450-\$24,480) \text{ (factor F of the ratio stated at § 20.2014-3 (a))} = \$38,309.88.$$

Example (3). (i) Decedent, a citizen and resident of the United States at the time of his death, left a gross estate of $850,000 which includes: shares of stock issued by United States corporations, valued at $440,000; real estate located in the United States, valued at $110,000; and shares of stock issued by Country X corporations, valued at $300,000. Expenses, indebtedness, etc., amounted to $50,000. Decedent devised $40,000 in real estate to a United States charity. In addition, he bequeathed to his wife $200,000 in United States stocks and $300,000 in Country X stocks. The residue of his estate passed to his children. The gross Federal estate tax is $81,700 and the credit for State death taxes is $5,520.

(ii) Decedent's adjusted gross estate is $800,000 (i. e., $850,000, gross estate less $50,000, expenses, indebtedness, etc.). The aggregate marital deduction allowed to his estate is limited by section 2056 (c) to one-half of this amount, or $400,000. Factor "G" of the ratio which is used in determining the "second limitation" is computed as follows:

Value of property situated in Country X	$300,000
Less: Reduction described in § 20.2014-3 (b) (1) determined as follows (see also end of § 20.2014-3 (b))—	
Total amount of bequests which qualify for the marital deduction:	
Specific bequest of Country X stock	$300,000
Specific bequest of United States stock	200,000
	500,000
Limitation on aggregate marital deduction under section 2056 (c)	400,000
Part of specific bequest of Country X stock with respect to which the marital deduction is allowed—$\left(\frac{\$400,000}{\$500,000} \times \$300,000\right)$	240,000
Factor "G" of the ratio	60,000

(iii) Thus, the "second limitation" on the credit for foreign death taxes is

$$\frac{\$60,000 \text{ (factor G of the ratio stated at § 20.2014-3 (a); see also subdivision (ii) above)}}{\$850,000-\$40,000-\$400,000 \text{ (factor H of the ratio stated at § 20.2014-3 (a))}} \times (\$81,700-\$5,520) \text{ (factor F of the ratio stated at § 20.2014-3 (a))} = \$11,148.29.$$

(d) Where the foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate, or where the foreign country and a political subdivision or possession thereof each impose a death tax, the "second limitation" is still computed by applying the ratio set forth in paragraph (a) of this section. Factor "G" of the ratio is determined by taking into consideration the combined value of the foreign property which is subjected to each different tax or different rate. The combined value, however, cannot exceed the value at which such property was included in the gross estate for Federal estate tax purposes. Thus, if Country X imposes a tax on the inheritance of a surviving spouse at a 10 percent rate and on the inheritance of a son at a 20 percent rate, the combined value of their inheritances is

taken into consideration in determining factor "G" of the ratio, which is then used in computing the "second limitation." However, the "first limitation" is computed as provided in § 20.2014-2 (b). The lesser of the "first limitation" and the "second limitation" is the credit for foreign death taxes.

§ 20.2014-4 *Application of credit in cases involving a death duty convention*—(a) *In general.* (1) If credit for a particular foreign death tax is authorized by a death duty convention, there is allowed either the credit provided for by the convention or the credit provided for by section 2014, whichever is the more beneficial to the estate. The application of this paragraph may be illustrated by the following example:

Example. (i) Decedent, a citizen of the United States and a domiciliary of Country X at the time of his death, left a gross estate of $1,000,000 which includes: shares of stock issued by a Country X corporation, valued at $400,000; bonds issued by a Country X corporation physically located in the United States, valued at $350,000; and real estate located in the United States, valued at $250,000. Expenses, indebtedness, etc., amounted to $50,000. Decedent left his entire estate to his son. There is in effect a death duty convention between the United States and Country X which provides for allowance of credit by the United States for succession duties imposed by the national government of Country X. The gross Federal estate tax is $307,200 and the credit for State death taxes is $33,760. Country X imposed a net succession duty on the stocks and bonds of $180,000. Under the situs rules described in § 20.2014-1 (a) (3), the shares of stock comprise the only property deemed to be situated in Country X. Under the convention, both the stocks and the bonds are deemed to be situated in Country X.

(ii) (*a*) The credit authorized by the convention for death taxes imposed by Country X is computed as follows:

(*1*) Country X tax attributable to property situated in Country X and subjected to tax by both countries $\left(\frac{\$750,000}{\$750,000} \times \$180,000\right)$	$180,000
(*2*) Federal estate tax attributable to property situated in Country X and subjected to tax by both countries $\left(\frac{\$750,000}{\$1,000,000} \times \$273,440\right)$	205,080
(*3*) Credit (subdivision (*1*) or (*2*)), whichever is less	180,000

(*b*) The credit authorized by section 2014 for death taxes imposed by Country X is computed as follows:

(*1*) "First limitation" computed under § 20.2014-2 $\left(\frac{\$400,000}{\$750,000} \times \$180,000\right)$	$96,000
(*2*) "Second limitation" computed under § 20.2014-3 $\left(\frac{\$400,000}{\$1,000,000} \times \$273,440\right)$	109,376
(*3*) Credit (subdivision (*1*) or (*2*)), whichever is less	96,000

(iii) On the basis of the facts contained in this example, the credit of $180,000 authorized by the convention is the more beneficial to the estate.

(2) It should be noted that the greater of the treaty credit and the statutory credit is not necessarily the more bene-

estate tax) as C (the value of the property situated in the country imposing the foreign death tax, subjected to the foreign death tax, and included in the gross estate) bears to D (the value of all property subjected to the foreign death tax). Stated algebraically, the "first limitation" equals

$$\frac{\text{Value of property in foreign country subjected to foreign death tax and included in gross estate}}{\text{Value of all property subjected to foreign death tax}} \times \text{Amount of foreign death tax.}$$

The values used in this proportion are the values determined for the purpose of the foreign death tax. The amount of the foreign death tax for which credit is allowable must be converted into United States money. The application of this paragraph may be illustrated by the following example:

Example. At the time of his death, the decedent, a citizen of the United States, owned real property in Country X valued at $80,000 and stock in Y Corporation (a corporation organized under the laws of Country X) valued at $80,000. Decedent left by will $50,000 of the real property and $20,000 of the Y Corporation stock to his surviving spouse. He left the rest of the real property and Y Corporation stock to his son. The real property was not included in his gross estate (see section 2031). There is no death duty convention in existence between the United States and Country X. Under the laws of Country X, the inheritance taxes are computed as follows:

Inheritance tax of surviving spouse:	
Value of real property in Country X	$50,000
Value of stock in Corporation Y	20,000
Total value	70,000
Tax (16 percent rate)	11,200
Inheritance tax of son:	
Value of real property in Country X	30,000
Value of stock in Y Corporation	60,000
Total value	90,000
Tax (16 percent rate)	14,400

The "first limitation" on the credit for foreign death taxes is:

$20,000+$60,000 (factor C of the ratio stated at § 20.2014-2 (a)) × $70,000+$90,000 (factor D of the ratio stated at § 20.2014-2 (a)) = ($11,200+$14,400) (factor B of the ratio stated at § 20.2014-2 (a)) = $12,800.

(b) If a foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate, or if a foreign country and a political subdivision or possession thereof each imposes a death tax, a "first limitation" is to be computed separately for each tax or rate and the results added in order to determine the total "first limitation." The application of this paragraph may be illustrated by the following example:

Example. The facts are the same as those contained in the example set forth in paragraph (a) of this section, except that the tax of the surviving spouse was computed at a 10 percent rate and amounted to $7,000, and the tax of the son was computed at a 20 percent rate and amounted to $18,000. In this case, the "first limitation" on the credit for foreign death taxes is computed as follows:

"First limitation" with respect to inheritance tax of surviving spouse:

$20,000 (factor C of the ratio stated at § 20.2014-2 (a)) × $70,000 (factor D of the ratio stated at § 20.2014-2 (a)) = $7,000 (factor B of the ratio stated at § 20.2014-2 (a)) = $2,000.

"First limitation" with respect to inheritance tax of son:

$60,000 (factor C of the ratio stated at § 20.2014-2 (a)) × $90,000 (factor D of the ratio stated at § 20.2014-2 (a)) = $18,000 (factor B of the ratio stated at § 20.2014-2 (a)) = $12,000.

Total "first limitation" on the credit for foreign death taxes 14,000

ficial to the estate. Such is the situation, for example, in those cases which involve both a foreign death tax credit and a credit under section 2013 for tax on prior transfers. The reason is that the amount of the credit for tax on prior transfers may differ depending upon whether the credit for foreign death tax is taken under the treaty or under the statute. Therefore, under certain circumstances, the advantage of taking the greater of the treaty credit and the statutory credit may be more than offset by a resultant smaller credit for tax on prior transfers. The solution is to compute the net estate tax payable first on the assumption that the treaty credit will be taken and then on the assumption that the statutory credit will be taken. Such computations will indicate whether the treaty credit or the statutory credit is in fact the more beneficial to the estate.

(b) *Taxes imposed by both a foreign country and a political subdivision thereof.* If a foreign death tax is imposed by both a foreign country with which the United States has entered into a death duty convention and one of its possessions or political subdivisions, there is allowed either the credit provided for by the convention or the credit provided for by section 2014, whichever is the more beneficial to the estate. Thus, if a portion of the estate of a United States citizen is situated in X (a country with which the United States has entered into a death duty convention providing for allowance of credit by the United States for death tax imposed by the national government of X) and is subjected to death taxes imposed by both the national government of X and the government of Y, a province of X, there is allowed either a credit for the national death tax computed under the convention or a credit for the combined national and provincial death taxes computed under section 2014, whichever is the more beneficial to the estate. However, unless the convention provides otherwise, credit may not be claimed separately under the convention for the national tax and under section 2014 for the provincial tax. The application of this paragraph is illustrated in greater detail in the following example:

Example. (1) Decedent, a citizen of the United States and a domiciliary of Country X at the time of his death, left a gross estate of $225,000 which includes: bonds issued by a United States corporation physically located in Y, a province of Country X, valued at $100,000; bonds issued by a Country X corporation physically located in the United States, valued at $75,000; and shares of stock issued by a Country X corporation, valued at $50,000. Expenses, indebtedness, etc., amounted to $10,000. Decedent left his entire estate to his son. There is in effect a death duty convention between the United States and Country X which provides for allowance of credit by the United States for succession duties imposed by the national government of Country X. The gross Federal estate tax is $55,200 and the credit for State death taxes is $3,000. Country X imposed a net succession duty on the Country X stock and the Country X bonds of $18,000. Province Y imposed a net succession duty on the United States bonds of $16,000. Under the situs rules described in § 20.2014–1 (b), the United States bonds and the Country X stock are deemed to be situated in Country X. Under the convention, the Country X bonds and the Country X stock are deemed to be situated in Country X.

(2) (i) The credit authorized by the convention for death taxes imposed by Country X is computed as follows:

(a) Country X tax attributable to property situated in Country X and subjected to tax by both countries $\left(\frac{\$125,000}{\$125,000}\times\$18,000\right)$	$18,000
(b) Federal estate tax attributable to property situated in Country X and subjected to tax by both countries $\left(\frac{\$125,000}{\$225,000}\times\$52,200\right)$	29,000
(c) Credit (subdivision (a) or (b), whichever is less)	18,000

(ii) The credit authorized by section 2014 for death taxes imposed by Country X (which includes death taxes imposed by Province Y according to § 20.2014–1 (a) (1)) is computed as follows:

(a) "First limitation" with respect to tax imposed by national government of Country X computed under § 20.2014–2 (b) $\left(\frac{\$50,000}{\$125,000}\times\$18,000\right)$	$7,200
(b) "First limitation" with respect to tax imposed by Province Y computed under § 20.2014–2 (b) $\left(\frac{\$100,000}{\$100,000}\times\$16,000\right)$	16,000
(c) Total "first limitation"	23,200
(d) "Second limitation" computed under § 20.2014–3 (d) $\left(\frac{\$150,000}{\$225,000}\times\$52,200\right)$	34,800
(e) Credit (subdivision (c) or (d), whichever is less)	23,200

(3) On the basis of the facts contained in this example, the credit of $23,200 authorized by section 2014 is the more beneficial to the estate.

(c) *Taxes imposed by two foreign countries with respect to the same property.* It is stated as a general rule in § 20.2014–1 (a) (2) that if credits against the Federal estate tax are allowable under section 2014, or under section 2014 and one or more death duty conventions, for death taxes paid to more than one country, the credits are combined and the aggregate amount is credited against the Federal estate tax. This rule may result in credit being allowed for taxes imposed by two different countries upon the same item of property. If such is the case, the total amount of the credits with respect to such property is limited to the amount of the Federal estate tax attributable to the property, determined in accordance with the rules prescribed for computing the "second limitation" set forth in § 20.2014–3. The application of this section may be illustrated by the following example:

Example. The decedent, a citizen of the United States and a domiciliary of Country X at the time of his death, left a taxable estate which included bonds issued by Country X corporations, physically located in Country Z. Each of the three countries involved imposed death taxes on the Country X bonds. Assume that under the provisions of a treaty between the United States and Country X, the estate is entitled to a credit against the Federal estate tax for death taxes imposed by Country X on the Country X bonds in the maximum amount of $20,000. Assume, also, that under the provisions of section 2014, the estate is entitled to a credit against the Federal estate tax for death taxes imposed by Country Z on the Country X bonds in the maximum amount of $10,000. Finally, assume that the Federal estate tax attributable to the Country X bonds is $25,000. Under such circumstances, the credit allowed the estate with respect to the Country X bonds would be limited to $25,000.

§ 20.2014–5 *Proof of credit.* (a) If the foreign death tax has not been determined and paid by the time the Federal estate tax return required by section 6018 is filed, credit may be claimed on the return in an estimated amount. However, before credit for the foreign death tax is finally allowed, satisfactory evidence, such as a statement by an authorized official of each country, possession or political subdivision thereof imposing the tax, must be submitted certifying: (1) The full amount of the tax (exclusive of any interest or penalties), as computed before allowance of any credit, remission, or relief; (2) the amount of any credit, allowance, remission, or relief, and other pertinent information, including the nature of the allowance and a description of the property to which it pertains; (3) the net foreign death tax payable after any such allowance; (4) the date on which the death tax was paid, or if not all paid at one time, the date and amount of each partial payment; and (5) a list of the property situated in the foreign country and subjected to its tax, showing a description and the value of the property. Satisfactory evidence must also be submitted showing that no refund of the death tax is pending and none authorized or, if any refund is pending or has been authorized, its amount and other pertinent information. See also section 2016 and § 20.2016–1 for requirements if foreign death taxes claimed as credit are subsequently recovered.

(b) The following information shall also be submitted wherever applicable:

(1) If any of the property subjected to the foreign death tax was situated outside of the country imposing the tax, the description of each item of such property and its value.

(2) If more than one inheritance or succession is involved with respect to which credit is claimed, or where the foreign country, possession or political subdivision thereof imposes more than one kind of death tax, or where both the foreign country and a possession or political subdivision thereof each imposes a death tax, a separate computation with respect to each inheritance or succession tax.

(c) In addition to the information required under paragraphs (a) and (b) of this section, the district director may require the submission of any further proof deemed necessary to establish the right to the credit.

§ 20.2014–6 *Period of limitations on credit.* The credit for foreign death taxes under section 2014 is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the estate tax return for the decedent's estate. If, however, a petition has been filed with The Tax Court of the United States for the redetermination of a deficiency with-

in the time prescribed in section 6213 (a), the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return, or before the expiration of 60 days after the decision of the Tax Court becomes final, whichever period is longer. Similarly, if an extension of time has been granted under section 6161 for payment of the tax shown on the return, or of a deficiency, the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return, or before the date of the expiration of the period of the extension, whichever period is longer. See section 2015 for the applicable period of limitations for credit for foreign death taxes on reversionary or remainder interests if an election is made under section 6163 (a) to postpone payment of the estate tax attributable to reversionary or remainder interests. If a claim for refund based on the credit for foreign death taxes is filed within the applicable period described in this section, a refund may be made despite the general limitation provisions of sections 6511 and 6512. Any refund based on the credit for foreign death taxes shall be made without interest.

§ 20.2015 *Statutory provisions; credit for death taxes on remainders.*

SEC. 2015. *Credit for death taxes on remainders.* Where an election is made under section 6163 (a) to postpone payment of the tax imposed by section 2001 or 2101, such part of any estate, inheritance, legacy, or succession taxes allowable as a credit under section 2011 or 2014, as is attributable to a reversionary or remainder interest may be allowed as a credit against the tax attributable to such interest, subject to the limitations on the amount of the credit contained in such sections, if such part is paid, and credit therefor claimed, at any time before the expiration of 60 days after the termination of the precedent interest or interests in the property.

§ 20.2015–1 *Credit for death taxes on remainders.* (a) If the executor of an estate elects under section 6163 (a) to postpone the time for payment of any portion of the Federal estate tax attributable to a reversionary or remainder interest in property, credit is allowed under sections 2011 and 2014 against that portion of the Federal estate tax for State death taxes and foreign death taxes attributable to the reversionary or remainder interest if such State death taxes or foreign death taxes are paid and if credit therefor is claimed either—

(1) Within the time provided for in sections 2011 and 2014, or

(2) Within 60 days after the termination of the preceding interest or interests in the property.

The allowance of credit, however, is subject to the other limitations contained in sections 2011 and 2014.

(b) In applying the rule stated in paragraph (a) above, credit for State death taxes or foreign death taxes paid within the time provided in sections 2011 and 2014 is applied first to the portion of the Federal estate tax payment of which is not postponed, and any excess is applied to the balance of the Federal estate tax. However, credit for State death taxes or foreign death taxes not paid within the time provided in section 2011 or 2014 is allowable only against the portion of the Federal estate tax attributable to the reversionary or remainder interest, and only for State or foreign death taxes attributable to that interest. If a State death tax or a foreign death tax is imposed upon both a reversionary or remainder interest and upon other property, without a definite apportionment of the tax, the amount of the tax deemed attributable to the reversionary or remainder interest is an amount which bears the same ratio to the total tax as the value of the reversionary or remainder interest bears to the value of the entire property with respect to which the tax was imposed. In applying this ratio, adjustments consistent with those required under § 20.6163–1 (c) shall be made.

(c) The application of this section may be illustrated by the following examples:

Example (1). One-third of the Federal estate tax was attributable to a remainder interest in real property located in State Y, and two-thirds of the Federal estate tax was attributable to other property located in State X. The payment of the tax attributable to the remainder interest was postponed under the provisions of section 6163 (a). The maximum credit allowable for State death taxes under the provisions of section 2011 is $12,000. Therefore, of the maximum credit allowable, $4,000 is attributable to the remainder interest and $8,000 is attributable to the other property. Within the 4-year period provided for in section 2011, inheritance tax in the amount of $9,000 was paid to State X in connection with the other property. With respect to this $9,000, $8,000 (the maximum amount allowable) is allowed as a credit against the Federal estate tax attributable to the other property, and $1,000 is allowed as a credit against the postponed tax. After the expiration of the 4-year period but before expiration of 60 days after termination of the life estate or other precedent interest, inheritance tax in the amount of $5,000 was paid to State Y in connection with the remainder interest. As the maximum credit allowable with respect to the remainder interest is $4,000 and $1,000 has already been allowed as a credit, an additional $3,000 will be credited against the Federal estate tax attributable to the remainder interest.

Example (2). The facts are the same as in example (1), except that within the 4-year period inheritance tax in the amount of $2,500 was paid to State Y with respect to the remainder interest and inheritance tax in the amount of $7,500 was paid to State X with respect to the other property. The amount of $8,000 is allowed as a credit against the Federal estate tax attributable to the other property and the amount of $2,000 is allowed as a credit against the postponed tax. After the expiration of the 4-year period but before the expiration of 60 days after the termination of the life estate or other precedent interest, the estate pays additional inheritance taxes of $5,000 to State Y in connection with the remainder interest. Thus, additional credit will be allowed in the amount of $2,000 ($4,000, maximum credit allowable, less $2,000, credit previously allowed) against the Federal estate tax attributable to the remainder interest.

Example (3). The facts are the same as in example (2), except that no payment was made to State Y within the 4-year period. The amount of $7,500 is allowed as a credit against the Federal estate tax attributable to the other property. After termination of the life interest additional credit will be allowed in the amount of $4,000 against the Federal estate tax attributable to the remainder interest. Since the payment of $5,000 was made to State Y following the expiration of the 4-year period, no part of the payment may be allowed as a credit against the Federal estate tax attributable to the other property.

§ 20.2016 *Statutory provisions; recovery of taxes claimed as credit.*

SEC. 2016. *Recovery of taxes claimed as credit.* If any tax claimed as a credit under section 2011 or 2014 is recovered from any foreign country, any State, any Territory or possession of the United States, or the District of Columbia, the executor, or any other person or persons recovering such amount, shall give notice of such recovery to the Secretary or his delegate at such time and in such manner as may be required by regulations prescribed by him, and the Secretary or his delegate shall (despite the provisions of section 6501) redetermine the amount of the tax under this chapter and the amount, if any, of the tax due on such redetermination, shall be paid by the executor or such person or persons, as the case may be, on notice and demand. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the executor of tax claimed as a credit under section 2014, for any period before the receipt of such refund, except to the extent interest was paid by the foreign country on such refund.

§ 20.2016–1 *Recovery of death taxes claimed as credit.* In accordance with the provisions of section 2016, the executor (or any other person) receiving a refund of any State death taxes or foreign death taxes claimed as a credit under section 2011 or section 2014 shall notify the district director of the refund within 30 days of its receipt. The notice shall contain the following information:

(a) The name of the decedent;

(b) The date of decedent's death;

(c) The property with respect to which the refund was made;

(d) The amount of the refund, exclusive of interest;

(e) The date of the refund; and

(f) The name and address of the person receiving the refund.

If the refund was in connection with foreign death taxes claimed as a credit under section 2014, the notice shall also contain a statement showing the amount of interest, if any, paid by the foreign country on the refund. Finally, the person filing the notice shall furnish the district director such additional information as he may request. Any Federal estate tax found to be due by reason of the refund is payable by the person or persons receiving it, upon notice and demand, even though the refund is received after the expiration of the period of limitations set forth in section 6501 (see section 6501 (c) (5)). If the tax found to be due results from a refund of foreign death tax claimed as a credit under section 2014, such tax shall not bear interest for any period before the receipt of the refund, except to the extent that interest was paid by the foreign country on the refund.

Under the convention, the Country X bonds

under the provisions of section 2014, the

the redetermination of a deficiency with-

Gross Estate

§ 20.2031 *Statutory provisions; definition of gross estate.*

SEC. 2031. *Definition of gross estate*—(a) *General.* The value of the gross estate of the decedent shall be determined by including to the extent provided for in this part, the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside of the United States.

(b) *Valuation of unlisted stock and securities.* In the case of stock and securities of a corporation the value of which, by reason of their not being listed on an exchange and by reason of the absence of sales thereof, cannot be determined with reference to bid and asked prices or with reference to sales prices, the value thereof shall be determined by taking into consideration, in addition to all other factors, the value of stock or securities of corporations engaged in the same or a similar line of business which are listed on an exchange.

§ 20.2031–1 *Definition of gross estate; valuation of property*—(a) *Definition of gross estate.* The value of the gross estate of a decedent who was a citizen or resident of the United States at the time of his death is the total value of the interests described in sections 2033 through 2044, other than real property situated outside of the United States (as defined in § 20.2001–1 (c)), valued as described in §§ 20.2031–1 through 20.2031–9 and § 20.2032–1. The contents of sections 2033 through 2044 are in general as follows:

(1) Sections 2033 and 2034 are concerned mainly with interests in property passing through the decedent's probate estate. Section 2033 includes in the decedent's gross estate any interest that the decedent had in property at the time of his death. Section 2034 provides that any interest in the decedent's property of his surviving spouse such as dower or curtesy does not prevent the inclusion of such property in the decedent's gross estate.

(2) Sections 2035 through 2038 deal with interests in property transferred by the decedent during his life under such circumstances as to bring the interests within the decedent's gross estate. Section 2035 includes in the decedent's gross estate property transferred in contemplation of death, even though the decedent had no interest in or control over the property at the time of his death. Section 2036 provides for the inclusion of transferred property with respect to which the decedent retained the income or the power to designate who shall enjoy the income. Section 2037 includes in the decedent's gross estate certain transfers under which the beneficial enjoyment of the property could be obtained only by surviving the decedent. Section 2038 provides for the inclusion of transferred property if the decedent had at the time of his death the power to change the beneficial enjoyment of the property. It should be noted that there is considerable overlap in the application of sections 2036 through 2038 with respect to reserved powers, so that transferred property may be includible in the decedent's gross estate in varying degrees under more than one of these sections.

(3) Sections 2039 through 2042 deal with special kinds of property and powers. Sections 2039 and 2040 concern annuities and jointly held property, respectively. Section 2041 deals with powers held by the decedent over the beneficial enjoyment of property not originating with the decedent. Section 2042 concerns insurance under policies on the life of the decedent.

(4) Section 2043 concerns the sufficiency of consideration for transfers made by the decedent during his life. This has a bearing on the amount to be included in the decedent's gross estate under sections 2035 through 2038, and 2041. Section 2044 deals with retroactivity.

(b) *Valuation of property in general.* The value of every item of property includible in a decedent's gross estate under sections 2031 through 2044 is its fair market value at the time of the decedent's death, except that if the executor elects the alternate valuation method under section 2032, it is the fair market value thereof at the date and with the adjustments prescribed in that section. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. The fair market value of a particular item of property includible in the decedent's gross estate is not to be determined by a forced sale price. The value is generally to be determined by ascertaining as a basis the fair market value as of the applicable valuation date of each unit of the property. For example, in the case of shares of stock or bonds, such unit of property is generally a share of stock or a bond. Livestock, farm machinery, harvested and growing crops must generally be itemized and the value of each item separately returned. Property shall not be returned at the value at which it is assessed for local tax purposes unless that value represents the fair market value thereof as of the applicable valuation date. All relevant facts and elements of value as of the applicable valuation date shall be considered in every case.

§ 20.2031–2 *Valuation of stocks and bonds*—(a) *In general.* The value of stocks and bonds is the fair market value per share or bond on the applicable valuation date.

(b) *Based on selling prices.* If there is a market for stocks or bonds, on a stock exchange, in an over-the-counter market, or otherwise, the mean between the highest and lowest quoted selling prices on the valuation date is the fair market value per share or bond. If there were no sales on the valuation date, but there were sales on dates within a reasonable period both before and after the valuation date, the fair market value is determined by taking a weighted average of the means between the highest and lowest sales on the nearest date before and the nearest date after the valuation date. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the valuation date. For example, assume that sales of stock nearest the valuation date (Friday, June 15) occurred two trading days before (Wednesday, June 13) and three trading days after (Wednesday, June 20) and that on these days the mean sale prices per share were $10 and $15, respectively. The price of $12 is taken as representing the fair market value of the stock as of the valuation date $\left(\frac{(3\times10)+(2\times15)}{5}\right)$. If, instead, the mean sale prices per share on June 13 and June 20 were $15 and $10, respectively, the price of $13 is taken as representing the fair market value $\left(\frac{(3\times15)+(2\times10)}{5}\right)$. If stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed. In valuing listed securities, the executor should be careful to consult accurate records to obtain values as of the applicable valuation date. If quotations of unlisted securities are obtained from brokers, or evidence as to their sale is obtained from officers of the issuing companies, the executor should preserve in his files the letters furnishing such quotations or other evidence of sale for inspection when the return is verified by an investigating officer.

(c) *Based on bid and asked prices.* If the provisions of paragraph (b) of this section are inapplicable because actual sales are not available during a reasonable period beginning before and ending after the valuation date, the fair market value may be determined by taking the mean between the bona fide bid and asked prices on the valuation date, or if none, by taking a weighted average between the bona fide bid and asked prices on the nearest trading date before and the nearest trading date after the valuation date, if both such nearest dates are within a reasonable period. The average is to be determined in the manner described in paragraph (b) of this section.

(d) *Based on incomplete selling prices or bid and asked prices.* If the provisions of paragraphs (b) and (c) of this section are inapplicable because no actual sale prices or bona fide bid and asked prices are available on a date within a reasonable period before the valuation date, but such prices are available on a date within a reasonable period after the valuation date, or vice versa, then the mean between such highest and lowest available sale prices or bid and asked prices may be taken as the value.

(e) *Where selling prices or bid and asked prices do not reflect fair market value.* If it is established that the value of any bond or share of stock determined on the basis of selling or bid and asked prices as provided under paragraphs (b), (c), and (d) of this section does not reflect the fair market value thereof, then some reasonable modification of that basis or other relevant facts and elements of value are considered in determining the fair market value. For example, the size of the block of securities to be valued in relation to the numbers of shares changing hands in sales is relevant in determining whether or not selling prices reflect fair market value. Thus, if the block is so large in relation to the existing market that it could not be liquidated in a reasonable time without depressing the market, the price at which the block could be sold as such outside the usual market, as through an underwriter, may be a more accurate indication of the value than market quotations. On the other hand, if the block to be valued represents a controlling interest in a going business, the price at which small lots change hands may have little relation to its true value.

(f) *Where selling prices or bid and asked prices are unavailable.* If the provisions of paragraphs (b), (c), and (d) of this section are inapplicable because actual sale prices and bona fide bid and asked prices are lacking, then the fair market value is to be determined by taking the following factors into consideration:

(1) In the case of corporate or other bonds, the soundness of the security, the interest yield, the date of maturity, and other relevant factors; and

(2) In the case of shares of stock, the company's net worth, prospective earning power and dividend-paying capacity, and other relevant factors.

Some of the "other relevant factors" referred to in subparagraphs (1) and (2) of this paragraph are: the good will of the business; the economic outlook in the particular industry; the company's position in the industry and its management; and the values of securities of corporations engaged in the same or similar lines of business which are listed on a stock exchange. However, the weight to be accorded such comparisons or any other evidentiary factors considered in the determination of a value depends upon the facts of each case. Complete financial and other data upon which the valuation is based should be submitted with the return, including copies of reports in any case in which examinations of the company have been made by accountants, engineers, or any technical experts as of or near the applicable valuation date.

(g) *Pledged securities.* The full value of securities pledged to secure an indebtedness of the decedent is included in the gross estate. If the decedent had a trading account with a broker, all securities belonging to the decedent and held by the broker at the date of death must be included at their fair market value as of the applicable valuation date. Securities purchased on margin for the decedent's account and held by a broker must also be returned at their fair market value as of the applicable valuation date. The amount of the decedent's indebtedness to a broker or other person with whom securities were pledged is allowed as a deduction from the gross estate in accordance with the provisions of §§ 20.2053–1 and 20.2106–1.

(h) *Securities subject to an option or contract to purchase.* Another person may hold an option or a contract to purchase securities owned by a decedent at the time of his death. The effect, if any, that is given to the option or contract price in determining the value of the securities for estate tax purposes depends upon the circumstances of the particular case. Ordinarily, no effect will be given to an option or contract under which the decedent is free to dispose of the underlying securities at any price he chooses during his life. Such is the effect of an option or contract to purchase whatever shares of stock the decedent may own at the time of his death, or an agreement amounting only to a right of first refusal during the decedent's life. Even though the decedent's right to dispose of the underlying securities during his life is restricted, if full and adequate consideration in money or money's worth was not given for the option or contract, the option or contract price will be disregarded in determining the value of the securities. An agreement will ordinarily be presumed to have been entered into for full and adequate consideration in money or money's worth if it was arrived at as a result of arm's length bargaining between strangers. However, this presumption does not apply if the agreement is entered into by the decedent and those who are, directly or indirectly, the natural objects of his bounty, as for example, an agreement entered into by the decedent and a corporation controlled by the decedent and his family.

§ 20.2031–3 *Valuation of interests in businesses.* The fair market value of any interest of a decedent in a business, whether a partnership or a proprietorship, is a net value equal to the amount which a willing purchaser whether an individual or a corporation, would pay for the interest to a willing seller, neither being under any compulsion to buy or to sell. The net value shall be determined on the basis of all relevant factors including—

(a) A fair appraisal as of the applicable valuation date of all the assets of the business, tangible and intangible, including good will;

(b) The demonstrated earning capacity of the business; and

(c) The other factors set forth in § 20.2031–2 (f) and (h) relating to the valuation of corporate stock, to the extent applicable.

Special attention should be given to determining an adequate value of the good will of the business in all cases in which the decedent has not agreed, for an adequate and full consideration in money or money's worth, that his interest passes at his death to his surviving partner or partners. Complete financial and other data upon which the valuation is based should be submitted with the return, including copies of reports in any case in which examinations of the business have been made by accountants, engineers, or any technical experts as of or near the applicable valuation date.

§ 20.2031–4 *Valuation of notes.* The fair market value of notes, secured or unsecured, is presumed to be the amount of unpaid principal, plus interest, unless the executor establishes that the value is lower or that the notes are worthless. However, items of interest shall be separately stated on the estate tax return. If not returned at face value, plus accrued interest, satisfactory evidence must be submitted that the note is worth less than the unpaid amount (because of the interest rate, date of maturity, or other cause), or that the note is uncollectible, either in whole or in part (by reason of the insolvency of the party or parties liable, or for other cause), and that any property pledged or mortgaged as security is insufficient to satisfy the obligation.

§ 20.2031–5 *Valuation of cash on hand or on deposit.* The amount of cash belonging to the decedent at the date of his death, whether in his possession or in the possession of another, or deposited with a bank, is included in the decedent's gross estate. If bank checks outstanding at the time of the decedent's death and given in discharge of bona fide, legal obligations of the decedent incurred for an adequate and full consideration in money or money's worth are subsequently honored by the bank and charged to the decedent's account, the balance remaining in the account may be returned, but only if the obligations are not claimed as deductions from the gross estate.

§ 20.2031–6 *Valuation of household and personal effects*—(a) *General rule.* The fair market value of the decedent's household and personal effects is the price which a willing buyer would pay to a willing seller, neither being under any compulsion to buy or to sell. A room by room itemization of household and personal effects is desirable. All the articles should be named specifically, except that a number of articles contained in the same room, none of which has a value in excess of $50, may be grouped. A separate value should be given for each article named. In lieu of an itemized list, the executor may furnish a written statement containing a declaration that it is made under penalties of perjury setting forth the aggregate value as appraised by a competent appraiser or by appraisers of recognized standing and ability, or by a dealer or dealers in the class of personalty involved.

(b) *Special rule in cases involving a substantial amount of valuable articles.* Notwithstanding the provisions of paragraph (a) of this section, if there are included among the household and personal effects articles having marked artistic or intrinsic value of a total value in excess of $2,000 (e. g., jewelry, silverware, paintings, etchings, engravings, antiques, books, statuary, vases, oriental rugs, coin or stamp collections), the appraisal of an expert or experts, under oath, should be filed with the return. The appraisal should be accompanied by a written statement of the executor containing a declaration that it is made under the penalties of perjury as to the completeness of the itemized list of such property and as to the disinterested character and the qualifications of the appraiser or appraisers.

(c) *Disposition of household effects prior to investigation.* If it is desired to effect distribution or sale of any portion of the household or personal effects of

the decedent in advance of an investigation by an officer of the Internal Revenue Service, information to that effect shall be given to the district director. The statement to the district director shall be accompanied by a verified appraisal of such property and by a written statement of the executor containing a declaration that it is made under the penalties of perjury regarding the completeness of the list of such property and the qualifications of the appraiser, as heretofore described. If a personal inspection by an officer of the Internal Revenue Service is not deemed necessary, the executor will be so advised. This procedure is designed to facilitate disposition of such property and to obviate future expense and inconvenience to the estate by affording the district director an opportunity to make an investigation should one be deemed necessary prior to sale or distribution.

(d) *Additional rules if an appraisal involved.* If, pursuant to paragraphs (a), (b), and (c) of this section, expert appraisers are employed, care should be taken to see that they are reputable and of recognized competency to appraise the particular class of property involved. In the appraisal, books in sets by standard authors should be listed in separate groups. In listing paintings having artistic value, the size, subject, and artist's name should be stated. In the case of oriental rugs, the size, make, and general condition should be given. Sets of silverware should be listed in separate groups. Groups or individual pieces of silverware should be weighed and the weights given in troy ounces. In arriving at the value of silverware, the appraisers should take into consideration its antiquity, utility, desirability, condition, and obsolescence.

§ 20.2031–7 *Valuation of annuities, life estates, terms for years, remainders and reversions*—(a) *In general.* (1) The fair market value of annuities, life estates, terms for years, remainders and reversions is their present value, determined under this section, except in the case of annuities under contracts issued by companies regularly engaged in their sale. The valuation of such commercial annuity contracts, and of insurance policies on the lives of persons other than the decedent, is determined under § 20.2031–8. (See § 20.2042–1 with respect to insurance policies on the decedent's life.)

(2) The present value of an annuity, life estate, remainder or reversion determined under this section which is dependent on the continuation or termination of the life of one person is computed by the use of Table I in paragraph (f) of this section. The present value of an annuity, term for years, remainder or reversion dependent on a term certain is computed by the use of Table II in paragraph (f) of this section. If the interest to be valued is dependent upon more than one life or there is a term certain concurrent with one or more lives, see paragraph (e) of this section. For purposes of the computations described in this section, the age of a person is to be taken as the age of that person at his nearest birthday.

(b) *Annuities*—(1) *Payable annually at end of year.* If an annuity is payable annually at the end of each year during the life of an individual (as for example if the first payment is due one year after decedent's death), the amount payable annually is multiplied by the figure in column 2 of Table I opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. If the annuity is payable annually at the end of each year for a definite number of years, the amount payable annually is multiplied by the figure in column 2 of Table II opposite the number of years in column 1 representing the duration of the annuity. The application of this subparagraph may be illustrated by the following examples:

Example (1). The decedent received, under the terms of his father's will an annuity of $10,000 a year payable annually for the life of his elder brother. At the time he died, an annual payment had just been made. The brother at the decedent's death was 40 years 8 months old. By reference to Table I, the figure in column 2 opposite 41 years, the number nearest to the brother's actual age, is found to be 17.6853. The present value of the annuity at the date of the decedent's death is, therefore, $176,853 ($10,000 × 17.6853).

Example (2). The decedent was entitled to receive an annuity of $10,000 a year payable annually throughout a term certain. At the time he died, an annual payment had just been made and five more annual payments were still to be made. By reference to Table II, it is found that the figure in column 2 opposite 5 years is 4.5151. The present value of the annuity is, therefore, $45,151 ($10,000 × 4.5151).

(2) *Payable at the end of semiannual, quarterly, monthly, or weekly periods.* If an annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods during the life of an individual (as for example if the first payment is due one month after the decedent's death), the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table I opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. The product so obtained is then multiplied by whichever of the following factors is appropriate:

1.0087 for semiannual payments,
1.0130 for quarterly payments,
1.0159 for monthly payments, and
1.0171 for weekly payments.

If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods for a definite number of years, the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table II opposite the number of years in column 1 representing the duration of the annuity. The product so obtained is then multiplied by whichever of the above factors is appropriate. The application of this paragraph may be illustrated by the following example:

Example. The facts are the same as those contained in example (1) set forth in subparagraph (1) of this paragraph, except that the annuity is payable semiannually. The aggregate annual amount, $10,000, is multiplied by the factor 17.6853, and the product multiplied by 1.0087. The present value of the annuity at the date of the decedent's death is, therefore, $178,391.62 ($10,000 × 17.6853 × 1.0087).

(3) *Payable at the beginning of annual, semiannual, quarterly, monthly, or weekly periods.* (i) If the first payment of an annuity for the life of an individual is due at the beginning of the annual or other payment period rather than at the end (as for example if the first payment is to be made immediately after the decedent's death), the value of the annuity is the sum of (*a*) the first payment plus (*b*) the present value of a similar annuity, the first payment of which is not to be made until the end of the payment period, determined as provided in subparagraph (1) or (2) of this paragraph. The application of this subdivision may be illustrated by the following example:

Example. The decedent was entitled to receive an annuity of $50 a month during the life of another. The decedent died on a day the payment was due. At the date of the decedent's death, the person whose life measures the duration of the annuity was 50 years of age. The value of the annuity at the date of the decedent's death is $50 plus the product of $50 × 12 × 14.8466 (see Table I) × 1.0159 (see subparagraph (2) of this paragraph), or $9,100.82.

(ii) If the first payment of an annuity for a definite number of years is due at the beginning of the annual or other payment period, the applicable factor is the product of the factor shown in Table II multiplied by whichever of the following factors is appropriate:

1.0350 for annual payments,
1.0262 for semiannual payments,
1.0218 for quarterly payments,
1.0189 for monthly payments, and
1.0177 for weekly payments.

The application of this subdivision may be illustrated by the following example:

Example. The decedent was the beneficiary of an annuity of $50 a month. On the day a payment was due, the decedent died. There were 300 payments to be made, including the payment due. The value of the annuity as of the date of decedent's death is the product of $50 × 12 × 16.4815 (see Table II) × 1.0189, or $10,075.80.

(c) *Life estates and terms for years.* If the interest to be valued is the right of a person for his life, or for the life of another person, to receive the income of certain property or to use nonincome-producing property, the value of the interest is the value of the property multiplied by the figure in column 3 of Table I opposite the number of years nearest to the actual age of the measuring life. If the interest to be valued is the right to receive income of property or to use nonincome-producing property for a term of years, column 3 of Table II is used. The application of this paragraph may be illustrated by the following example:

Example. The decedent or his estate was entitled to receive the income from a fund of $50,000 during the life of his elder brother. Upon the brother's death, the remainder is to go to X. The brother was 81 years 5 months old at the time of decedent's death. By reference to Table I, the figure in column 8 opposite 31 years is found to be 0.71068.

The present value of decedent's interest is, therefore, $35,534 ($50,000 × 0.71068).

(d) *Remainders or reversionary interests.* If a decedent had, at the time of his death, a remainder or a reversionary interest in property to take effect after an estate for the life of another, the present value of his interest is obtained by multiplying the value of the property by the figure in column 4 of Table I opposite the number of years nearest to the actual age of the person whose life measures the preceding estate. If the remainder or reversion is to take effect at the end of a term for years, column 4 of Table II is used. The application of this paragraph may be illustrated by the following example:

Example. The decedent was entitled to receive certain property worth $50,000 upon the death of his elder brother, to whom the income was bequeathed for life. At the time of the decedent's death, the elder brother was 31 years 5 months old. By reference to Table I, the figure in column 4 opposite 31 years is found to be 0.28932. The present value of the remainder interest at the date of decedent's death is, therefore, $14,466 ($50,000 × 0.28932).

(e) *Actuarial computations by the Internal Revenue Service.* If the valuation of the interest involved is dependent upon the continuation or the termination of more than one life or upon a term certain concurrent with one or more lives, a special factor must be used. The factor is to be computed upon the basis of the Makehamized mortality table appearing as Table 38 of United States Life Tables and Actuarial Tables 1939–1941, published by the United States Department of Commerce, Bureau of Census, and interest at the rate of 3½ percent a year, compounded annually. Many such factors may be found in, or readily computed with the use of the tables contained in, a pamphlet entitled "Actuarial Values for Estate and Gift Tax." This pamphlet may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C. However, if a special factor is required in the case of an actual decedent, the Commissioner will furnish the factor upon request. The request must be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments.

(f) The following tables shall be used in the application of the provisions of this section:

TABLE I

TABLE, SINGLE LIFE, 3¼ PERCENT, SHOWING THE PRESENT WORTH OF AN ANNUITY, OR A LIFE INTEREST, AND OF A REMAINDER INTEREST

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
0	23.9685	0.83890	0.16110
1	24.9035	.87162	.12838
2	24.8920	.87122	.12878
3	24.8246	.86886	.13114
4	24.7378	.86582	.13418
5	24.6392	.86237	.13763
6	24.5326	.85864	.14136
7	24.4188	.85466	.14534
8	24.2982	.85044	.14956
9	24.1713	.84600	.15400
10	24.0387	.84135	.15865
11	23.9008	.83653	.16347
12	23.7600	.83160	.16840
13	23.6161	.82656	.17344
14	23.4693	.82143	.17857
15	23.3194	.81618	.18382
16	23.1665	.81083	.18917
17	23.0103	.80536	.19464
18	22.8511	.79979	.20021
19	22.6870	.79404	.20596
20	22.5179	.78813	.21187
21	22.3438	.78203	.21797
22	22.1646	.77576	.22424
23	21.9801	.76930	.23070
24	21.7902	.76266	.23734
25	21.5950	.75582	.24418
26	21.3942	.74880	.25120
27	21.1878	.74157	.25843
28	20.9759	.73416	.26584
29	20.7581	.72653	.27347
30	20.5345	.71871	.28129
31	20.3052	.71068	.28932
32	20.0699	.70245	.29755
33	19.8288	.69401	.30599
34	19.5816	.68536	.31464
35	19.3285	.67650	.32350
36	19.0695	.66743	.33257
37	18.8044	.65815	.34185
38	18.5334	.64867	.35133
39	18.2566	.63898	.36102
40	17.9738	.62908	.37092
41	17.6853	.61899	.38101
42	17.3911	.60869	.39131
43	17.0913	.59820	.40180
44	16.7860	.58751	.41249
45	16.4754	.57664	.42336
46	16.1596	.56559	.43441
47	15.8388	.55436	.44564
48	15.5133	.54297	.45703
49	15.1831	.53141	.46859
50	14.8486	.51970	.48030
51	14.5101	.50785	.49215
52	14.1678	.49587	.50413
53	13.8221	.48377	.51623
54	13.4734	.47157	.52843
55	13.1218	.45926	.54074
56	12.7679	.44688	.55312
57	12.4120	.43442	.56558
58	12.0546	.42191	.57809
59	11.6960	.40936	.59064
60	11.3360	.39679	.60321
61	10.9776	.38422	.61578
62	10.6186	.37165	.62835
63	10.2604	.35911	.64089
64	9.9036	.34663	.65337
65	9.5486	.33420	.66580
66	9.1960	.32186	.67814
67	8.8464	.30962	.69038
68	8.5001	.29750	.70250
69	8.1578	.28552	.71448
70	7.8200	.27370	.72630
71	7.4871	.26205	.73795
72	7.1597	.25059	.74941
73	6.8382	.23934	.76066
74	6.5231	.22831	.77169
75	6.2148	.21752	.78248
76	5.9137	.20698	.79302
77	5.6201	.19670	.80330
78	5.3345	.18671	.81329
79	5.0572	.17700	.82300
80	4.7884	.16759	.83241
81	4.5283	.15849	.84151
82	4.2771	.14970	.85030
83	4.0351	.14123	.85877
84	3.8023	.13308	.86692
85	3.5789	.12526	.87474
86	3.3648	.11777	.88223
87	3.1601	.11060	.88940
88	2.9648	.10377	.89623
89	2.7788	.09726	.90274
90	2.6019	.09107	.90893
91	2.4342	.08520	.91480
92	2.2754	.07964	.92036
93	2.1254	.07439	.92561
94	1.9839	.06944	.93056
95	1.8507	.06477	.93523
96	1.7256	.06040	.93960
97	1.6082	.05629	.94371
98	1.4982	.05244	.94756
99	1.3949	.04882	.95118
100	1.2973	.04541	.95459
101	1.2033	.04212	.95788
102	1.1078	.03877	.96123
103	.9973	.03491	.96509
104	.8318	.02911	.97089
105	.4831	.01691	.98309

TABLE II

TABLE SHOWING THE PRESENT WORTH AT 3¼ PERCENT OF AN ANNUITY FOR A TERM CERTAIN, AND OF A REMAINDER INTEREST POSTPONED FOR A TERM CERTAIN

(1) Number of years	(2) Annuity	(3) Term certain	(4) Remainder
1	0.9662	0.033816	0.966184
2	1.8997	.066489	.933511
3	2.8016	.098057	.901943
4	3.6731	.128558	.871442
5	4.5151	.158027	.841973
6	5.3286	.186499	.813501
7	6.1145	.214009	.785991
8	6.8740	.240588	.759412
9	7.6077	.266269	.733731
10	8.3166	.291081	.708919
11	9.0016	.315054	.684946
12	9.6633	.338217	.661783
13	10.3027	.360596	.639404
14	10.9205	.382218	.617782
15	11.5174	.403109	.596891
16	12.0941	.423294	.576706
17	12.6513	.442796	.557204
18	13.1897	.461639	.538361
19	13.7098	.479844	.520156
20	14.2124	.497434	.502566
21	14.6980	.514429	.485571
22	15.1671	.530849	.469151
23	15.6204	.546714	.453286
24	16.0584	.562043	.437957
25	16.4815	.576853	.423147
26	16.8904	.591162	.408838
27	17.2854	.604988	.395012
28	17.6670	.618346	.381654
29	18.0358	.631252	.368748
30	18.3920	.643722	.356278

§ 20.2031–8 *Valuation of certain life insurance and annuity contracts.* (a) The value of a contract for the payment of an annuity, or an insurance policy on the life of a person other than the decedent, issued by a company regularly engaged in the selling of contracts of that character is established through the sale by that company of comparable contracts. An annuity payable under a combination annuity contract and life insurance policy on the decedent's life (e. g., a "retirement income" policy with death benefit) under which there was no insurance element at the time of the decedent's death (see § 20.2039–1 (d)) is treated like a contract for the payment of an annuity for purposes of this section.

(b) As valuation through sale of comparable contracts is not readily ascertainable when, at the date of the decedent's death, the contract has been in force for some time and further premium payments are to be made, the value may be approximated by adding to the interpolated terminal reserve at the date of the decedent's death the proportionate part of the gross premium last paid before the date of the decedent's death which covers the period extending beyond that date. If, however, because of the unusual nature of the contract such an approximation is not reasonably close to the full value of the contract, this method may not be used. The application of this paragraph may be illustrated by the following examples. In each case involving an insurance contract, it is assumed that there are no accrued dividends or outstanding indebtedness on the contract.

Example (1). X purchased from a life insurance company a single payment annuity contract by the terms of which he was entitled to receive payments of $1,200 annually for the duration of his wife's life. Five years after such purchase, when his wife

person at his nearest birthday.

plied by the factor 17.6853, and the product 8 opposite 31 years is found to be 0.71008.

was 50 years of age, X died. The value of the annuity contract at the date of X's death is the amount which the company would charge for an annuity providing for the payment of $1,200 annually for the life of a person 50 years of age.

Example (2). Y died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was one on which no further payments were to be made to the company (e. g., a single premium policy or a paid-up policy). The value of the insurance policy at the date of Y's death is the amount which the company would charge for a single premium contract of the same specified amount on the life of a person of the age of the insured.

Example (3). Z died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was an ordinary life policy issued nine years and four months prior to Z's death and at a time when Z's wife was 35 years of age. The gross annual premium is $2,811 and the decedent died four months after the last premium due date. The value of the insurance policy at the date of Z's death is computed as follows:

Terminal reserve at end of tenth year	$14,601.00
Terminal reserve at end of ninth year	12,965.00
Increase	1,636.00
One-third of such increase (Z having died four months following the last preceding premium due date) is	545.33
Terminal reserve at end of ninth year	12,965.00
Interpolated terminal reserve at date of Z's death	13,510.33
Two-thirds of gross premium (⅔×$2,811)	1,874.00
Value of the insurance policy	15,384.33

§ 20.2031–9 *Valuation of other property.* The valuation of any property not specifically described in §§ 20.2031–2 to 20.2031–8, inclusive, is made in accordance with the general principles set forth in § 20.2031–1.

§ 20.2032 *Statutory provisions; alternate valuation.*

SEC. 2032. *Alternate valuation*—(a) *General.* The value of the gross estate may be determined, if the executor so elects, by valuing all the property included in the gross estate as follows:

(1) In the case of property distributed, sold, exchanged, or otherwise disposed of, within 1 year after the decedent's death such property shall be valued as of the date of distribution, sale, exchange, or other disposition.

(2) In the case of property not distributed, sold, exchanged, or otherwise disposed of, within 1 year after the decedent's death such property shall be valued as of the date 1 year after the decedent's death.

(3) Any interest or estate which is affected by mere lapse of time shall be included at its value as of the time of death (instead of the later date) with adjustment for any difference in its value as of the later date not due to mere lapse of time.

(b) *Special rules.* No deduction under this chapter of any item shall be allowed if allowance for such item is in effect given by the alternate valuation provided by this section. Wherever in any other subsection or section of this chapter reference is made to the value of property at the time of the decedent's death, such reference shall be deemed to refer to the value of such property used in determining the value of the gross estate. In case of an election made by the executor under this section, then—

(1) For purposes of the charitable deduction under section 2055 or 2106 (a) (2), any bequest, legacy, devise, or transfer enumerated therein, and

(2) For the purpose of the marital deduction under section 2056, any interest in property passing to the surviving spouse,

shall be valued as of the date of the decedent's death with adjustment for any difference in value (not due to mere lapse of time or the occurrence or nonoccurrence of a contingency) of the property as of the date 1 year after the decedent's death (substituting, in the case of property distributed by the executor or trustee, or sold, exchanged, or otherwise disposed of, during such 1-year period, the date thereof).

(c) *Time of election.* The election provided for in this section shall be exercised by the executor on his return if filed within the time prescribed by law or before the expiration of any extension of time granted pursuant to law for the filing of the return.

§ 20.2032–1 *Alternate valuation*—(a) *In general.* In general, section 2032 provides for the valuation of a decedent's gross estate at a date other than the date of the decedent's death. More specifically, if an executor elects the alternate valuation method under section 2032, the property included in the decedent's gross estate on the date of his death is valued as of whichever of the following dates is applicable:

(1) Any property distributed, sold, exchanged, or otherwise disposed of within one year after the decedent's death is valued as of the date on which it is first distributed, sold, exchanged, or otherwise disposed of;

(2) Any property not distributed, sold, exchanged, or otherwise disposed of within one year after the decedent's death is valued as of the date one year after the date of the decedent's death;

(3) Any property, interest, or estate which is affected by mere lapse of time is valued as of the date of the decedent's death, but adjusted for any difference in its value not due to mere lapse of time, as of the date one year after the decedent's death, or as of the date of its distribution, sale, exchange, or other disposition, whichever date first occurs.

(b) *Method and effect of election.* (1) While it is the purpose of section 2032 to permit a reduction in the amount of tax that would otherwise be payable if the gross estate has suffered a shrinkage in its aggregate value in the year following the decedent's death, the alternate valuation method is not automatic but must be elected. Furthermore, the alternate valuation method may be elected whether or not there has been a shrinkage in the aggregate value of the estate. However, the election is not effective for any purpose unless the value of the gross estate at the time of the decedent's death exceeded $60,000, so that an estate tax return is required to be filed under section 6018.

(2) If the alternate valuation method under section 2032 is to be used, section 2032 (c) requires that the executor must so elect on the estate tax return required under section 6018, filed within 15 months from the date of the decedent's death or within the period of any extension of time granted by the district director under section 6081. The election may be made or revoked in an amended return filed within such time, but it cannot be made or revoked after the expiration of such time. If the election is made, it applies to all the property included in the gross estate, and cannot be applied to only a portion of the property.

(c) *Meaning of "distributed, sold, exchanged, or otherwise disposed of".* (1) The phrase "distributed, sold, exchanged, or otherwise disposed of" comprehends all possible ways by which property ceases to form a part of the gross estate. For example, money on hand at the date of the decedent's death which is thereafter used in the payment of funeral expenses, or which is thereafter invested, falls within the term "otherwise disposed of." The term also includes the surrender of a common stock certificate for corporate assets in complete or partial liquidation of a corporation. The term does not, however, extend to transactions which are mere changes in form. Thus, it does not include a transfer of assets to a corporation in exchange for its stock in a transaction with respect to which no gain or loss would be recognized for income tax purposes under section 351. Nor does it include an exchange of stock or securities in a corporation for stock or securities in the same corporation or another corporation in a transaction, such as a merger, recapitalization, reorganization or other transaction described in section 368 (a), with respect to which no gain or loss is recognized for income tax purposes under section 354.

(2) Property may be "distributed" either by the executor, or by a trustee of property included in the gross estate under sections 2035 through 2038, or section 2041. Property is considered as "distributed" upon the first to occur of the following:

(i) The entry of an order or decree of distribution, if the order or decree subsequently becomes final;

(ii) The segregation or separation of the property from the estate or trust so that it becomes unqualifiedly subject to the demand or disposition of the distributee; and

(iii) The actual paying over or delivery of the property to the distributee.

(3) Property may be "sold, exchanged, or otherwise disposed of" by: (i) The executor; (ii) a trustee or other donee to whom the decedent during his lifetime transferred property included in his gross estate under sections 2035 through 2038, or section 2041; (iii) an heir or devisee to whom title to property passes directly under local law; (iv) a surviving joint tenant or tenant by the entirety; or (v) any other person. If a binding contract for the sale, exchange, or other disposition of property is entered into, the property is considered as sold, exchanged, or otherwise disposed of on the effective date of the contract, unless the contract is not subsequently carried out substantially in accordance with its terms. The effective date of a contract is normally the date it is entered into (and not the date it is consummated, or the date legal title to the property passes) unless the contract specifies a different effective date.

(d) *"Included property" and "excluded property".* (1) If the executor elects the alternate valuation method under section 2032, all property interests existing at the date of decedent's death which form a part of his gross estate as determined under sections 2033 through 2044 are valued in accordance with the provisions of this section. Such property interests are hereinafter referred to in this section as "included property". Furthermore, such property interests remain "included property" for the purpose of valuing the gross estate under the alternate valuation method even though they change in form during the alternate valuation period by being actually received, or disposed of, in whole or in part, by the estate. On the other hand, property earned or accrued (whether received or not) after the date of the decedent's death and during the alternate valuation period with respect to any property interest existing at the date of the decedent's death, which does not represent a form of "included property" itself or the receipt of "included property" is excluded in valuing the gross estate under the alternate valuation method. Such property is hereinafter referred to in this section as "excluded property". Illustrations of "included property" and "excluded property" are contained in the subdivisions that follow:

(i) *Interest-bearing obligations.* Interest-bearing obligations, such as bonds or notes, may comprise two elements of "included property" at the date of the decedent's death, viz., (*a*) the principal of the obligation itself, and (*b*) interest accrued to the date of death. Each of these elements is to be separately valued as of the applicable valuation date. Interest accrued after the date of death and before the subsequent valuation date constitutes "excluded property". However, any part payment of principal made between the date of death and the subsequent valuation date, or any advance payment of interest for a period after the subsequent valuation date made during the alternate valuation period which has the effect of reducing the value of the principal obligation as of the subsequent valuation date, will be included in the gross estate, and valued as of the date of such payment.

(ii) *Leased property.* The principles set forth in subdivision (i) above with respect to interest-bearing obligations also apply to leased realty or personalty which is included in the gross estate and with respect to which an obligation to pay rent has been reserved. Both the realty or personalty itself and the rents accrued to the date of death constitute "included property", and each is to be separately valued as of the applicable valuation date. Any rent accrued after the date of death and before the subsequent valuation date is "excluded property". Similarly, the principle applicable with respect to interest paid in advance is equally applicable with respect to advance payments of rent.

(iii) *Noninterest-bearing obligations.* In the case of noninterest-bearing obligations sold at a discount, such as savings bonds, the principal obligation and the discount amortized to the date of death are property interests existing at the date of death and constitute "included property." The obligation itself is to be valued at the subsequent valuation date without regard to any further increase in value due to amortized discount. The additional discount amortized after death and during the alternate valuation period is the equivalent of interest accruing during that period and is, therefore, not to be included in the gross estate under the alternate valuation method.

(iv) *Stock of a corporation.* Shares of stock in a corporation and dividends declared to stockholders of record on or before the date of the decedent's death constitute "included property" of the estate. On the other hand, ordinary dividends out of earnings and profits (whether in cash, shares of the corporation, or other property) declared to stockholders of record after the date of the decedent's death are "excluded property" and are not to be valued under the alternate valuation method. If, however, dividends are declared to stockholders of record after the date of the decedent's death with the effect that the shares of stock at the subsequent valuation date do not reasonably represent the same "included property" of the gross estate as existed at the date of the decedent's death, the dividends are "included property", except to the extent that they are out of earnings of the corporation after the date of the decedent's death. For example, if a corporation makes a distribution in partial liquidation to stockholders of record during the alternate valuation period which is not accompanied by a surrender of a stock certificate for cancellation, the amount of the distribution received on stock included in the gross estate is itself "included property", except to the extent that the distribution was out of earnings and profits since the date of the decedent's death. Similarly, if a corporation, in which the decedent owned a substantial interest and which possessed at the date of the decedent's death accumulated earnings and profits equal to its paid-in capital, distributed all of its accumulated earnings and profits as a cash dividend to shareholders of record during the alternate valuation period, the amount of the dividends received on stock includible in the gross estate will be included in the gross estate under the alternate valuation method. Similarly, a stock dividend is "included property".

(2) The application of this paragraph may be further illustrated by the following example in which it is assumed that the decedent died on January 1, 1955:

Description	Subsequent valuation date	Alternate value	Value at date of death
Bond, par value $1,000, bearing interest at 4 percent payable quarterly on Feb. 1, May 1, Aug. 1, and Nov. 1. Bond distributed to legatee on Mar. 1, 1955	Mar. 1, 1955	$1,000.00	$1,000.00
Interest coupon of $10 attached to bond and not cashed at date of death although due and payable Nov. 1, 1954. Cashed by executor on Feb. 1, 1955	Feb. 1, 1955	10.00	10.00
Interest accrued from Nov. 1, 1954, to Jan. 1, 1955, collected on Feb. 1, 1955	Feb. 1, 1955	6.67	6.67
Real estate, not disposed of within year following death. Rent of $300 due at the end of each quarter, Feb. 1, May 1, Aug. 1, and Nov. 1	Jan. 1, 1956	11,000.00	12,000.00
Rent due for quarter ending Nov. 1, 1954, but not collected until Feb. 1, 1955	Feb. 1, 1955	300.00	300.00
Rent accrued for November and December 1954, collected on Feb. 1, 1955	Feb. 1, 1955	200.00	200.00
Common stock, X Corporation, 500 shares, not disposed of within year following decedent's death	Jan. 1, 1956	47,500.00	50,000.00
Dividend of $2 per share declared Dec. 10, 1954, and paid on Jan. 10, 1955, to holders of record on Dec. 30, 1954	Jan. 10, 1955	1,000.00	1,000.00

(e) *Mere lapse of time.* In order to eliminate changes in value due only to mere lapse of time, section 2032 (a) (3) provides that any interest or estate "affected by mere lapse of time" is included in a decedent's gross estate under the alternate valuation method at its value as of the date of the decedent's death, but with adjustment for any difference in its value as of the subsequent valuation date not due to mere lapse of time. Properties, interests, or estates which are "affected by mere lapse of time" include patents, estates for the life of a person other than the decedent, remainders, reversions, and other like properties, interests, or estates. The phrase "affected by mere lapse of time" has no reference to obligations for the payment of money, whether or not interest-bearing, the value of which changes with the passing of time. However, such an obligation, like any other property, may become affected by lapse of time when made the subject of a bequest or transfer which itself is creative of an interest or estate so affected. The application of this paragraph is illustrated in the following subparagraphs:

(1) *Life estates, remainders, and similar interests.* The values of life estates, remainders, and similar interests are to be obtained by applying the methods prescribed in § 20.2031–7, using (i) the age of each person, the duration of whose life may affect the value of the interest, as of the date of the decedent's death, and (ii) the value of the property as of the alternate date. For example, assume that the decedent or his estate was entitled to receive property upon the death of his elder brother who was entitled to receive the income therefrom for life. At the date of the decedent's death, the property was worth $50,000 and the elder brother was 31 years old. The value of the decedent's remainder interest at the date of his death would, as explained in § 20.2031–7 (d), be $14,466 ($50,000×0.28932). If, because of economic conditions, the property declined in value and was worth only $40,000 one year after the date of the decedent's death, the value of the remainder interest as of the alternate date would be $11,572.80 ($40,000×0.28932).

(2) *Patents.* To illustrate the alternate valuation of a patent, assume that

the decedent owned a patent which, on the date of the decedent's death, had an unexpired term of ten years and a value of $78,000. Six months after the date of the decedent's death, the patent was sold, because of lapse of time and other causes, for $60,000. The alternate value thereof would be obtained by dividing $60,000 by 0.95 (ratio of the remaining life of the patent at the alternate date to the remaining life of the patent at the date of the decedent's death), and would, therefore, be $63,157.89.

(f) *Effect of election on deductions.* If the executor elects the alternate valuation method under section 2032, any deduction for losses under section 2054 (or section 2106, relating to estates of nonresidents not citizens) is allowed only to the extent that it is not otherwise in effect allowed in determining the value of the gross estate. Furthermore, the amount of any charitable deduction under section 2055 (or section 2106 (a) (2), relating to the estates of nonresidents not citizens) or the amount of any marital deduction under section 2056 is determined by the value of the property with respect to which the deduction is allowed as of the date of the decedent's death, adjusted, however, for any difference in its value as of the date one year after death, or as of the date of its distribution, sale, exchange, or other disposition, whichever first occurs. However, no such adjustment may take into account any difference in value due to lapse of time or to the occurrence or nonoccurrence of a contingency.

§ 20.2033 *Statutory provisions; property in which the decedent had an interest.*

SEC. 2033. *Property in which the decedent had an interest.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of the interest therein of the decedent at the time of his death.

§ 20.2033–1 *Property in which the decedent had an interest*—(a) *In general.* The gross estate of a decedent who was a citizen or resident of the United States at the time of his death includes under section 2033 the value of all property whether real or personal, tangible or intangible, and wherever situated, beneficially owned by the decedent at the time of his death, except real property situated outside of the United States. Real property situated in the United States is included whether it came into the possession and control of the executor or administrator or passed directly to heirs or devisees. Various statutory provisions which exempt bonds, notes, bills, and certificates of indebtedness of the Federal Government or its agencies and the interest thereon from taxation are generally not applicable to the estate tax, since such tax is an excise tax on the transfer of property at death and is not a tax on the property transferred.

(b) *Miscellaneous examples.* A cemetery lot owned by the decedent is part of his gross estate, but its value is limited to the salable value of that part of the lot which is not designed for the interment of the decedent or the members of his family. Property subject to homestead or other exemptions under local law is included in the gross estate. Notes or other claims held by the decedent are likewise included even though they are cancelled by the decedent's will. Interest and rents accrued at the date of the decedent's death and dividends declared to stockholders of record on or before the date of the decedent's death and not yet collected also constitute part of the gross estate.

§ 20.2034 *Statutory provisions; dower or curtesy interests.*

SEC. 2034. *Dower or curtesy interests.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower or curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy.

§ 20.2034–1 *Dower or curtesy interests.* A decedent's gross estate includes under section 2034 any interest in property of the surviving spouse existing at the time of the decedent's death as dower or curtesy, or any interest created by statute in lieu thereof (although such other interest may differ in character from dower or curtesy). Thus, the full value of property is included in the decedent's gross estate, without deduction of such an interest of the surviving husband or wife, and without regard to when the right to such an interest arose.

§ 20.2035 *Statutory provisions; transactions in contemplation of death.*

SEC. 2035. *Transactions in contemplation of death*—(a) *General rule.* The value of gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, in contemplation of his death.

(b) *Application of general rule.* If the decedent within a period of 3 years ending with the date of his death (except in case of a bona fide sale for an adequate and full consideration in money or money's worth) transferred an interest in property, relinquished a power, or exercised or released a general power of appointment, such transfer, relinquishment, exercise, or release shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this section and sections 2038 and 2041 (relating to revocable transfers and powers of appointment); but no such transfer, relinquishment, exercise, or release made before such 3-year period shall be treated as having been made in contemplation of death.

§ 20.2035–1 *Transactions in contemplation of death*—(a) *In general.* A decedent's gross estate includes under section 2035 the value of any interest in property transferred by a decedent in contemplation of death within 3 years before his death, except to the extent that the transfer was for a full and adequate consideration in money or money's worth (see § 20.2043–1). With the exception noted in the proceeding sentence, the decedent's gross estate includes as a transfer in contemplation of death the value of any interest in property transferred within 3 years before the decedent's death, unless the transfer is shown not to have been made in contemplation of death. The result is not affected by the fact that at the time of the transfer the decedent parted absolutely and immediately with his enjoyment of and title to the property.

(b) *Application of other sections.* If a decendent transfers an interest in property or relinquishes a power in contemplation of death, the decedent's gross estate includes the property subject to the interest or power to the extent that it would be included under section 2036, 2037, or 2038 if the decedent had retained the interest or power until his death. If a decedent exercises or releases a general power of appointment in contemplation of death, the property subject to the power is included in the decedent's gross estate to the extent provided in section 2041 and the regulations thereunder.

(c) *Definition.* The phrase "in contemplation of death", as used in this section, does not have reference to that general expectation of death such as all persons entertain. On the other hand, its meaning is not restricted to an apprehension that death is imminent or near. A transfer "in contemplation of death" is a disposition of property prompted by the thought of death (although it need not be solely so prompted). A transfer is prompted by the thought of death if (1) made with the purpose of avoiding the tax, (2) made as a substitute for a testamentary disposition of the property, or (3) made for any other motive associated with death. The bodily and mental condition of the decedent and all other attendant facts and circumstances are to be scrutinized in order to determine whether or not such thought prompted the disposition.

(d) *Presumptions.* Any transfer of an interest in property, relinquishment of a power, or exercise or release of a general power of appointment by a decedent within a period of 3 years ending with the date of his death is deemed to have been made "in contemplation of death", unless shown to the contrary. No transfer made by a decedent more than 3 years before his death is treated as having been made "in contemplation of death".

(e) *Valuation.* The value of an interest in transferred property includible in a decedent's gross estate under this section is the value of the interest as of the applicable valuation date. In this connection, see sections 2031, 2032, and the regulations thereunder. However, if the transferee has made improvements or additions to the property, any resulting enhancement in the value of the property is not considered in ascertaining the value of the gross estate. Similarly, neither income received subsequent to the transfer nor property purchased with such income is considered.

§ 20.2036 *Statutory provisions; transfers with retained life estate.*

SEC. 2036. *Transfers with retained life estate*—(a) *General rule.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death—

(1) The possession or enjoyment of, or the right to the income from, the property, or

(2) The right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom.

(b) *Limitation on application of general rule.* This section shall not apply to a transfer made before March 4, 1931; nor to a transfer made after March 3, 1931, and before June 7, 1932, unless the property transferred would have been includible in the decedent's gross estate by reason of the amendatory language of the joint resolution of March 3, 1931 (46 Stat. 1516).

§ 20.2036–1 *Transfers with retained life estate*—(a) *In general.* A decedent's gross estate includes under section 2036 the value of any interest in property transferred by the decedent after March 3, 1931, whether in trust or otherwise, except to the extent that the transfer was for an adequate and full consideration in money or money's worth (see § 20.2043–1), if the decedent retained or reserved (1) for his life, or (2) for any period not ascertainable without reference to his death (if the transfer was made after June 6, 1932, or (3) for any period which does not in fact end before his death—

(i) The use, possession, right to the income, or other enjoyment of the transferred property, or

(ii) The right, either alone or in conjunction with any other person or persons, to designate the person or persons who shall possess or enjoy the transferred property or its income.

If the decedent retained or reserved a right with respect to all of the property transferred by him, the amount to be included in his gross estate under section 2036 is the value of the entire property, less only the value of any outstanding income interest which is not subject to the decedent's right and which is actually being enjoyed by another person. If the decedent retained or reserved a right with respect to a part only of the property transferred by him, the amount to be included in his gross estate under section 2036 is only a corresponding proportion of the amount described in the preceding sentence. An interest or right is treated as having been retained or reserved if at the time of the transfer there was an understanding, express or implied, that the interest or right would later be conferred.

(b) *Meaning of terms.* (1) A reservation by the decedent "for any period not ascertainable without reference to his death" may be illustrated by the following examples:

(i) A decedent reserved the right to receive the income from transferred property in quarterly payments, with the proviso that no part of the income between the last quarterly payment and the date of the decedent's death was to be received by the decedent or his estate; and

(ii) A decedent reserved the right to receive the income from transferred property after the death of another person who in fact survived the decedent. In such a case, the amount to be included in the decedent's gross estate under this section does not include the value of the outstanding income interest of the other person. It may be noted that if the other person predeceased the decedent, the reservation by the decedent may be considered to be either for his life, or for a period which does not in fact end before his death.

(2) The "use, possession, right to the income, or other enjoyment of the transferred property" is considered as having been retained by or reserved to the decedent to the extent that the use, possession, right to the income, or other enjoyment is to be applied (or an enforceable right exists to cause it to be applied) toward a legal obligation of the decedent, or otherwise for his pecuniary benefit. The term "legal obligation" includes a legal obligation to support a dependent during the decedent's lifetime.

(3) The phrase "right * * * to designate the person or persons who shall possess or enjoy the transferred property or the income therefrom" includes a power to designate the person or persons to receive the income from the transferred property, or to possess or enjoy nonincome-producing property, during the decedent's life or during any other period described in paragraph (a) of this section. With respect to such a power, it is immaterial (i) whether the power was exercisable alone or only in conjunction with another person or persons, whether or not having an adverse interest; (ii) in what capacity the power was exercisable by the decedent or by another person or persons in conjunction with the decedent; and (iii) whether the exercise of the power was subject to a contingency beyond the decedent's control which did not occur before his death (e. g., the death of another person during the decedent's life). The phrase, however, does not include a power over the transferred property itself not affecting the enjoyment of the income received or earned during the decedent's life. See, however, section 2038 for the inclusion of property in the gross estate on account of such a power. Nor does the phrase apply to a power held solely by a person other than the decedent. But for example, if the decedent had the unrestricted power to remove or discharge a trustee at any time and appoint a new trustee, including himself, the decedent is considered as having the powers of the trustee.

(c) *Valuation.* The value of an interest in transferred property includible in a decedent's gross estate under this section is the value of the interest as of the applicable valuation date. In this connection, see sections 2031, 2032, and the regulations thereunder. However, if the transferee has made improvements or additions to the property, any resulting enhancement in the value of the property is not considered in ascertaining the value of the gross estate.

§ 20.2037 *Statutory provisions; transfers taking effect at death.*

SEC. 2037. *Transfers taking effect at death*—(a) *General rule.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of any interest therein of which the decedent has at any time after September 7, 1916, made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, if—

(1) Possession or enjoyment of the property can, through ownership of such interest, be obtained only by surviving the decedent, and

(2) The decedent has retained a reversionary interest in the property (but in the case of a transfer made before October 8, 1949, only if such reversionary interest arose by the express terms of the instrument of transfer), and the value of such reversionary interest immediately before the death of the decedent exceeds 5 percent of the value of such property.

(b) *Special rules.* For purposes of this section, the term "reversionary interest" includes a possibility that property transferred by the decedent—

(1) May return to him or his estate, or

(2) May be subject to a power of disposition by him,

but such term does not include a possibility that the income alone from such property may return to him or become subject to a power of disposition by him. The value of a reversionary interest immediately before the death of the decedent shall be determined (without regard to the fact of the decedent's death) by usual methods of valuation, including the use of tables of mortality and actuarial principles, under regulations prescribed by the Secretary or his delegate. In determining the value of a possibility that property may be subject to a power of disposition by the decedent, such possibility shall be valued as if it were a possibility that such property may return to the decedent or his estate. Notwithstanding the foregoing, an interest so transferred shall not be included in the decedent's gross estate under this section if possession or enjoyment of the property could have been obtained by any beneficiary during the decedent's life through the exercise of a general power of appointment (as defined in section 2041) which in fact was exercisable immediately before the decedent's death.

§ 20.2037–1 *Transfers taking effect at death*—(a) *In general.* A decedent's gross estate includes, under section 2037, the value of any interest in property transferred by the decedent after September 7, 1916, whether in trust or otherwise, except to the extent that the transfer was for an adequate and full consideration in money or money's worth (see § 20.2043–1), if—

(1) Possession or enjoyment of the property could, through ownership of the interest, have been obtained only by surviving the decedent,

(2) The decedent had retained a possibility (hereinafter referred to as a "reversionary interest") that the property, other than the income alone, would return to the decedent or his estate or would be subject to a power of disposition by him, and

(3) The value of the reversionary interest immediately before the decedent's death exceeded 5 percent of the value of the entire property.

However, if the transfer was made before October 8, 1949, section 2037 is applicable only if the reversionary interest arose by the express terms of the instrument of transfer and not by operation of law (see paragraph (g) of this section). See also paragraph (h) of this section with respect to transfers made between November 11, 1935, and January 29, 1940. The provisions of section 2037 do not apply to transfers made before September 8, 1916.

(b) *Condition of survivorship.* As indicated in paragraph (a) of this section, the value of an interest in transferred property is not included in a decedent's gross estate under section 2037 unless possession or enjoyment of the property could have been obtained only by surviving the decedent. Thus, property is not included in the decedent's gross estate if, immediately before the decedent's death, possession or enjoyment of the property could have been obtained by any beneficiary either by surviving the decedent or through the occurrence of some other event such as the expiration of a term of years or the exercise of a power of appointment. However, if a consideration of the terms and circumstances of the transfer as a whole indicates that the "other event" is unreal and if the death of the decedent does, in fact, occur before the "other event," the beneficiary will be considered able to possess or enjoy the property only by surviving the decedent. See examples (5) and (6) in paragraph (f) of this section.

(c) *Retention of reversionary interest.* (1) As indicated in paragraph (a) of this section, the value of an interest in transferred property is not included in a decedent's gross estate under section 2037 unless the decedent had retained a reversionary interest in the property, and the value of the reversionary interest immediately before the death of the decedent exceeded 5 percent of the value of the property.

(2) For purposes of section 2037, the term "reversionary interest" includes a possibility that property transferred by the decedent may return to him or his estate and a possibility that property transferred by the decedent may become subject to a power of disposition by him. The term is not used in a technical sense, but has reference to any reserved right under which the transferred property shall or may be returned to the grantor. Thus, it encompasses an interest arising either by the express terms of the instrument of transfer or by operation of law. (See, however, paragraph (g) of this section with respect to transfers made before October 8, 1949.) The term "reversionary interest", however, does not include rights to income only, such as the right to receive the income from a trust after the death of another person. See section 2036 for the inclusion of property in the gross estate on account of such rights. Nor does the term "reversionary interest" include the possibility that the decedent during his life might have received back an interest in transferred property by inheritance through the estate of another person. Similarly, a statutory right of a spouse to receive a portion of whatever estate a decedent may leave at the time of his death is not a "reversionary interest".

(3) For purposes of this section, the value of the decedent's reversionary interest is computed as of the moment immediately before his death, without regard to whether or not the executor elects to have the gross estate valued as provided in section 2032 and without regard to the fact of the decedent's death. The value is ascertained in accordance with recognized valuation principles for determining the value for estate tax purposes of future or conditional interests in property. (See §§ 20.2031–1, 20.2031–7, and 20.2031–9.) For example, if the decedent's reversionary interest was subject to an outstanding life estate in his wife, his interest is valued according to the actuarial rules set forth in § 20.2031–7. On the other hand, if the decedent's reversionary interest was contingent on the death of his wife without issue surviving and if it cannot be shown that his wife is incapable of having issue (i. e., an interest not subject to valuation according to the § 20.2031–7 actuarial rules), his interest is valued according to the general rules set forth in § 20.2031–1. A possibility that the decedent may be able to dispose of property under certain conditions is considered to be as valuable as a right of the decedent to the return of the property under those same conditions.

(4) In order to determine whether or not the decedent retained a reversionary interest in transferred property of a value in excess of 5 percent, the value of the reversionary interest is compared with the value of the transferred property, including interests therein which are not dependent upon survivorship of the decedent. For example, assume that the decedent, A, transferred property in trust with the income payable to B for life and with the remainder payable to C if A predeceases B, but with the property to revert to A if B predeceases A. Assume further that A does, in fact, predecease B. The value of A's reversionary interest immediately before his death is compared with the value of the trust corpus, without deduction of the value of B's outstanding life estate. If, in the above example, A had retained a reversionary interest in half only of the trust corpus, the value of his reversionary interest would be compared with the value of half of the trust corpus, again without deduction of any part of the value of B's outstanding life estate.

(d) *Transfers partly taking effect at death.* If separate interests in property are transferred to one or more beneficiaries, paragraphs (a) through (c) of this section are to be separately applied with respect to each interest. For example, assume that the decedent transferred an interest in Blackacre to A which could be possessed or enjoyed only by surviving the decedent, and that the decedent transferred an interest in Blackacre to B which could be possessed or enjoyed only on the occurrence of some event unrelated to the decedent's death. Assume further that the decedent retained a reversionary interest in Blackacre of a value in excess of 5 percent. Only the value of the interest transferred to A is includible in the decedent's gross estate. Similar results would obtain if possession or enjoyment of the entire property coud have been obtained only by surviving the decedent, but the decedent had retained a reversionary interest in a part only of such property.

(e) *Valuation.* The value of an interest in transferred property includible in a decedent's gross estate under this section is the value of such interest as of the applicable valuation date. In this connection, see sections 2031, 2032, and the regulations thereunder. However, if the transferee has made improvements or additions to the property, any resulting enhancement in the value of the property is not considered in ascertaining the value of the gross estate.

(f) *Examples.* The provisions of paragraphs (a) through (e) of this section may be further illustrated by the following examples. It is assumed that the transfers were made on or after October 8, 1949; for the significance of this date, see paragraphs (g) and (h) of this section:

Example (1). The decedent transferred property in trust with the income payable to his wife for life and, at her death, remainder to the decedent's then surviving children, or if none, to the decedent or his estate. Since each beneficiary can possess or enjoy the property without surviving the decedent, no part of the property is includible in the decedent's gross estate, regardless of the value of the decedent's reversionary interest.

Example (2). The decedent transferred property in trust with the income to be accumulated for the decedent's life, and at his death, principal and accumulated income to be paid to the decedent's then surviving issue, or if none, to A or A's estate. Since the decedent retained no reversionary interest in the property, no part of the property is includible in the decedent's gross estate, even though possession or enjoyment of the property could be obtained by the issue only by surviving the decedent.

Example (3). The decedent transferred property in trust with the income payable to his wife for life and with the remainder payable to the decedent or, if he is not living at his wife's death, to his daughter or her estate. The daughter cannot obtain possession or enjoyment of the property without surviving the decedent. Therefore, if the decedent's reversionary interest immediately before his death exceeded 5 percent of the value of the property, the value of the property, less the value of the wife's outstanding life estate, is includible in the decedent's gross estate.

Example (4). The decedent transferred property in trust with the income payable to his wife for life and with the remainder payable to his son or, if the son is not living at the wife's death, to the decedent or, if the decedent is not then living, to X or X's estate. Assume that the decedent was survived by his wife, his son, and X. Only X cannot obtain possession or enjoyment of the property without surviving the decedent. Therefore, if the decedent's reversionary interest immediately before his death exceeded 5 percent of the value of the property, the value of X's remainder interest (with reference to the time immediately after the decedent's death) is includible in the decedent's gross estate.

Example (5). The decedent transferred property in trust with the income to be accumulated for a period of 20 years or until the decedent's prior death, at which time the principal and accumulated income was to be paid to the decedent's son if then surviving. Assume that the decedent does, in fact, die before the expiration of the 20-year period. If, at the time of the transfer, the decedent was 30 years of age, in good health, etc., the son will be considered able to possess or enjoy the property without surviving the decedent. If, on the other hand, the decedent was 70 years of age at the time of the transfer, the son will not be considered able to possess or enjoy the property without surviving the decedent. In this latter case, if the value of the decedent's reversionary interest (arising by operation of law) immediately before his death after consideration of the effect of any applicable local lapse statute exceeded 5 percent of the value of the property, the value of the property is includible in the decedent's gross estate.

Example (6). The decedent transferred property in trust with the income to be accumulated for his life and, at his death, the principal and accumulated income to be paid to the decedent's then surviving children. The decedent's wife was given the unrestricted power to alter, amend, or revoke the trust. Assume that the wife survived the decedent but did not, in fact, exercise her power during the decedent's life. Since possession or enjoyment of the property could have been obtained by the wife during the decedent's life under the exercise of a general power of appointment which was, in fact, exercisable immediately before the decedent's death, no part of the property is includible in the decedent's gross estate.

(g) *Transfers made before October 8, 1949.* (1) Notwithstanding any provisions to the contrary contained in paragraphs (a) through (f) of this section, the value of an interest in property transferred by a decedent before October 8, 1949, is included in his gross estate under section 2037 only if the decedent's reversionary interest arose by the express terms of the instrument and not by operation of law. For example, assume that the decedent, on January 1, 1947, transferred property in trust with the income payable to his wife for the decedent's life and, at his death, remainder to his then surviving descendants. Since no provision was made for the contingency that no descendants of the decedent might survive him, a reversion to the decedent's estate existed by operation of law. The descendants cannot obtain possession or enjoyment of the property without surviving the decedent. However, since the decedent's reversionary interest arose by operation of law, no part of the property is includible in the decedent's gross estate. If, in the above example, the transfer had been made on or after October 8, 1949, and if the decedent's reversionary interest immediately before his death exceeded 5 percent of the value of the property, the value of the property would be includible in the decedent's gross estate.

(2) The decedent's reversionary interest will be considered to have arisen by the express terms of the instrument of transfer and not by operation of law if the instrument contains an express disposition which affirmatively creates the reversionary interest, even though the terms of the disposition do not refer to the decedent or his estate, as such. For example, where the disposition is, in its terms, to the next of kin of the decedent and such a disposition, under applicable local law, constitutes a reversionary interest in the decedent's estate, the decedent's reversionary interest will be considered to have arisen by the express terms of the instrument of transfer and not by operation of law.

(h) *Transfers made after November 11, 1935, and before January 29, 1940.* The provisions of paragraphs (a) through (g) of this section are fully applicable to transfers made after November 11, 1935 (the date on which the Supreme Court decided Helvering v. St. Louis Union Trust Co. (296 U. S. 39) and Becker v. St. Louis Union Trust Co. (296 U. S. 48)), and before January 29, 1940 (the date on which the Supreme Court decided Helvering v. Hallock and companion cases (309 U. S. 106)), except that the value of an interest in property transferred between these dates is not included in a decedent's gross estate under section 2037 if—

(1) The Commissioner, whose determination shall be final, determines that the transfer is classifiable with the transfers involved in the St. Louis Union Trust Co. cases, rather than with the transfer involved in the case of Klein v. United States, 283 U. S. 231), previously decided by the Supreme Court, and

(2) The transfer shall have been finally treated for all gift tax purposes, both as to the calendar year of the transfer and as to subsequent calendar years, as a gift in an amount measured by the value of the property undiminished by reason of a provision in the instrument of transfer by which the property, in whole or in part, is to revert to the decedent should he survive the donee or another person, or the reversion is conditioned upon some other contingency terminable by the decedent's death.

§ 20.2038 *Statutory provisions; revocable transfers.*

SEC. 2038. *Revocable transfers.*—(a) *In general.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States)—

(1) *Transfers after June 22, 1936.* To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power (in whatever capacity exercisable) by the decedent alone or by the decedent in conjunction with any other person (without regard to when or from what source the decedent acquired such power), to alter, amend, revoke, or terminate, or where any such power is relinquished in contemplation of decedent's death.

(2) *Transfers on or before June 22, 1936.* To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death. Except in the case of transfers made after June 22, 1936, no interest of the decedent of which he has made a transfer shall be included in the gross estate under paragraph (1) unless it is includible under this paragraph.

(b) *Date of existence of power.* For purposes of this section, the power to alter, amend, revoke, or terminate shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the alteration, amendment, revocation, or termination takes effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose, if the notice has not been given or the power has not been exercised on or before the date of his death, such notice shall be considered to have been given, or the power exercised, on the date of his death.

§ 20.2038–1 *Revocable transfers.*—(a) *In general.* A decedent's gross estate includes under section 2038 the value of any interest in property transferred by the decedent, whether in trust or otherwise, if the enjoyment of the interest was subject at the date of the decedent's death to any change through the exercise of a power by the decedent to alter, amend, revoke, or terminate, or if the decedent relinquished such a power in contemplation of death. However, section 2038 does not apply—

(1) To the extent that the transfer was for an adequate and full consideration in money or money's worth (see § 20.2043–1);

(2) If the decedent's power could be exercised only with the consent of all parties having an interest (vested or contingent) in the transferred property, and if the power adds nothing to the rights of the parties under local law; and

(3) To a power held solely by a person other than the decedent. But, for example, if the decedent had the unrestricted power to remove or discharge a trustee at any time and appoint a new trustee, including himself, the decedent is considered as having the powers of the trustee. However, this result would not follow if he only had the power to appoint a successor trustee under limited conditions which did not exist at the time of his death.

Except as provided in the preceding sentence, it is immaterial (i) in what capacity the power was exercisable by the decedent or by another person or persons in conjunction with the decedent; (ii) whether the power was exercisable alone or only in conjunction with another person or persons, whether or not having an adverse interest (unless the transfer was made before June 2, 1924; see paragraph (e) of this section); and (iii) at what time or from what source the decedent acquired his power (unless the transfer was made before June 23, 1936; see paragraph (d) of this section). Section 2038 is applicable to any power affecting the time or manner of enjoyment of property or its income, even though the identity of the beneficiary is not affected. For example, section 2038 is applicable to a power reserved by the grantor of a trust to accumulate income or distribute it to A, and to distribute corpus to A, even though the remainder is vested in A or his estate, and no other person has any beneficial interest in the trust. Only the

value of an interest in property subject to a power to which section 2038 applies is included in the decedent's gross estate under section 2038.

(b) *Date of existence of power.* A power to alter, amend, revoke, or terminate will be considered to have existed at the date of the decedent's death even though the exercise of the power was subject to a precedent giving of notice or even though the alteration, amendment, revocation, or termination would have taken effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice had been given or the power had been exercised. In determining the value of the gross estate in such cases, the full value of the property transferred subject to the power shall be discounted for the period required to elapse between the date of the decedent's death and the date upon which the alteration, amendment, revocation, or termination could take effect. In this connection, see especially § 20.2031–7. However, section 2038 is not applicable to a power the exercise of which was subject to a contingency beyond the decedent's control which did not occur before his death (e. g., the death of another person during the decedent's life). See, however, section 2036 (a) (2) for the inclusion of property in the gross estate on account of such a power.

(c) *Valuation.* The value of an interest in transferred property includible in a decedent's gross estate under section 2038 is the value of the interest as of the applicable valuation date. In this connection, see sections 2031, 2032, and the regulations thereunder. However, if the transferee has made improvements or additions to the property, any resulting enhancement in the value of the property is not considered in ascertaining the value of the gross estate.

(d) *Transfers made before June 23, 1936.* Notwithstanding anything to the contrary in paragraphs (a) through (c) of this section, the value of an interest in property transferred by a decedent before June 23, 1936, is not included in his gross estate under section 2038 unless the power to alter, amend, revoke, or terminate was reserved at the time of the transfer. For purposes of this paragraph, the phrase "reserved at the time of the transfer" has reference to a power (arising either by the express terms of the instrument of transfer or by operation of law) to which the transfer was subject when made and which continued to the date of the decedent's death (see paragraph (b) of this section) to be exercisable by the decedent alone or by the decedent in conjunction with any other person or persons. The phrase also has reference to any understanding, express or implied, had in connection with the making of the transfer that the power would later be created or conferred.

(e) *Transfers made before June 2, 1924.* Notwithstanding anything to the contrary in paragraphs (a) through (d) of this section, if an interest in property was transferred by a decedent before the enactment of the Revenue Act of 1924 (June 2, 1924, 4:01 p. m., eastern standard time), and if a power reserved by the decedent to alter, amend, revoke, or terminate was exercisable by the decedent only in conjunction with a person having a substantial adverse interest in the transferred property, or in conjunction with several persons some or all of whom held such an adverse interest, there is included in the decedent's gross estate only the value of any interest or interests held by a person or persons not required to join in the exercise of the power plus the value of any insubstantial adverse interest or interests of a person or persons required to join in the exercise of the power.

(f) *Powers relinquished in contemplation of death*—(1) *In general.* If a power to alter, amend, revoke, or terminate would have resulted in the inclusion of an interest in property in a decedent's gross estate under section 2038 if it had been held until the decedent's death, the relinquishment of the power in contemplation of the decedent's death within 3 years before his death results in the inclusion of the same interest in property in the decedent's gross estate, except to the extent that the power was relinquished for an adequate and full consideration in money or money's worth (see § 20.2043–1). For the meaning of the phrase "in contemplation of death", see § 20.2035–1.

(2) *Transfers before June 23, 1936.* In the case of a transfer made before June 23, 1936, section 2038 applies only to a relinquishment made by the decedent. However, in the case of a transfer made after June 22, 1936, section 2038 also applies to a relinquishment made by a person or persons holding the power in conjunction with the decedent, if the relinquishment was made in contemplation of the decedent's death and had the effect of extinguishing the power.

§ 20.2039 *Statutory provisions; annuities.*

SEC. 2039. *Annuities*—(a) *General.* The gross estate shall include the value of an annuity or other payment receivable by any beneficiary by reason of surviving the decedent under any form of contract or agreement entered into after March 3, 1931 (other than as insurance under policies on the life of the decedent), if, under such contract or agreement, an annuity or other payment was payable to the decedent, or the decedent possessed the right to receive such annuity or payment, either alone or in conjunction with another for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death.

(b) *Amount includible.* Subsection (a) shall apply to only such part of the value of the annuity or other payment receivable under such contract or agreement as is proportionate to that part of the purchase price therefor contributed by the decedent. For purposes of this section, any contribution by the decedent's employer or former employer to the purchase price of such contract or agreement (whether or not to an employee's trust or fund forming part of a pension, annuity, retirement, bonus or profit sharing plan) shall be considered to be contributed by the decedent if made by reason of his employment.

(c) *Exemption of annuities under certain trusts and plans.* Notwithstanding the provisions of this section or of any provision of law, there shall be excluded from the gross estate the value of an annuity or other payment receivable by any beneficiary (other than the executor) under—

(1) An employees' trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan which, at the time of the decedent's separation from employment (whether by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of section 401 (a); or

(2) A retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan which, at the time of decedent's separation from employment (by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of section 401 (a) (3).

If such amounts payable after the death of the decedent under a plan described in paragraph (1) or (2) are attributable to any extent to payments or contributions made by the decedent, no exclusion shall be allowed for that part of the value of such amounts in the proportion that the total payments or contributions made by the decedent bears to the total payments or contributions made. For purposes of this subsection, contributions or payments made by the decedent's employer or former employer under a trust or plan described in this subsection shall not be considered to be contributed by the decedent. This subsection shall apply to all decedents dying after December 31, 1953.

§ 20.2039–1 *Annuities*—(a) *In general.* A decedent's gross estate includes under section 2039 (a) and (b) the value of an annuity or other payment receivable by any beneficiary by reason of surviving the decedent under certain agreements or plans to the extent that the value of the annuity or other payment is attributable to contributions made by the decedent or his employer. Section 2039 (a) and (b), however, has no application to an amount which constitutes the proceeds of insurance under a policy on the decedent's life. Paragraph (b) of this section describes the agreements or plans to which section 2039 (a) and (b) applies; paragraph (c) provides rules for determining the amount includible in the decedent's gross estate; and paragraph (d) distinguishes proceeds of life insurance. See section 2039 (c) and § 20.2039–2 for special rules relating to annuities and other payments under "qualified plans".

(b) *Agreements or plans to which section 2039 (a) and (b) applies.* Section 2039 (a) and (b) applies to the value of an annuity or other payment receivable by any beneficiary under any form of contract or agreement entered into after March 3, 1931, under which—

(1) An annuity or other payment was payable to the decedent, either alone or in conjunction with another person or persons, for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death, or

(2) The decedent possessed, for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death, the right to receive such an annuity or other payment, either alone or in conjunction with another person or persons.

The term "annuity or other payment" as used with respect to both the decedent and the beneficiary has reference to one or more payments extending over any period of time. The payments may be equal or unequal, conditional or unconditional, periodic or sporadic. The term "contract or agreement" includes any arrangement, understanding or plan, or any combination of arrangements, understandings or plans arising by reason of the decedent's employment. An annuity or other payment "was payable" to the decedent if, at the time of his death, the decedent was in fact receiving an annuity or other payment, whether or not he had an enforceable right to have payments continued. The decedent "possessed the right to receive" an annuity or other payment if, immediately before his death, the decedent had an enforceable right to receive payments at some time in the future, whether or not, at the time of his death, he had a present right to receive payments. For the meaning of the phrase "for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death", see section 2036 and § 20.2036–1. The application of this paragraph is illustrated and more fully explained in the following examples. In each example: (i) it is assumed that all transactions occurred after March 3, 1931, and (ii) the amount stated to be includible in the decedent's gross estate is determined in accordance with the provisions of paragraph (c) of this section.

Example (1). The decedent purchased an annuity contract under the terms of which the issuing company agreed to pay an annuity to the decedent for his life and, upon his death, to pay a specified lump sum to his designated beneficiary. The decedent was drawing his annuity at the time of his death. The amount of the lump sum payment to the beneficiary is includible in the decedent's gross estate under section 2039 (a) and (b).

Example (2). Pursuant to a retirement plan, the employer made contributions to a fund which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide the employee's wife, upon his death after retirement, with a similar annuity for life. The benefits under the plan were completely forfeitable during the employee's life, but upon his death after retirement, the benefits to the wife were forfeitable only upon her remarriage. The employee had no right to originally designate or to ever change the employer's designation of the surviving beneficiary. The retirement plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the employee died at age 61 after the employer started payment of his annuity as described above. The value of the wife's annuity is includible in the decedent's gross estate under section 2039 (a) and (b). Includibility in this case is based on the fact that the annuity to the decedent "was payable" at the time of his death. The fact that his annuity may have been forfeited is of no consequence. Nor is it important that the decedent had no right to choose the surviving beneficiary. The element of forfeitability in the wife's annuity may be taken into account only with respect to the valuation of the annuity in the decedent's gross estate.

Example (3). Pursuant to a retirement plan, the employer made contributions to a fund which was to provide the employee, upon his retirement at age 60, with an annuity of $100 per month for life, and which was to provide his designated beneficiary, upon the employee's death after retirement, with a similar annuity for life. The plan further provided that if the employee should die before reaching the retirement age, a lump sum payment representing the amount of the employer's contributions credited to the employee's account would be paid to the designated beneficiary in lieu of the annuity described above. The benefits under the plan were forfeitable only in the event of misconduct. The plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the employee died at age 59 and that his designated beneficiary was paid the specified lump sum payment. Such amount is includible in the decedent's gross estate under section 2039 (a) and (b). Since, immediately before his death, the employee had an enforceable right to receive an annuity upon his retirement at age 60, he is considered to have "possessed the right to receive" an annuity as that term is used in section 2039 (a).

Example (4). Pursuant to a retirement plan, the employer made contributions to a fund which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide his designated beneficiary, upon the employee's death after retirement, with a similar annuity for life. The plan provided, however, that no benefits were payable in the event of the employee's death before retirement. The retirement plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the employee died at age 59 but that the employer nevertheless started payment of an annuity in a slightly reduced amount to the designated beneficiary. The value of the annuity is not includible in the decedent's gross estate under section 2039 (a) and (b). Since the employee died before reaching the retirement age, the employer was under no obligation to pay the annuity to the employee's designated beneficiary. Therefore, the annuity was not paid under a "contract or agreement" as that term is used in section 2039 (a). If, however, it can be established that the employer has consistently paid an annuity under such circumstances, the annuity will be considered as having been paid under a "contract or agreement".

Example (5). The employer made contributions to a retirement fund which were credited to the employee's individual account. Under the plan, the employee was to receive half the amount credited to his account upon his retirement at age 60, and his designated beneficiary was to receive the other half upon the employee's death. If the employee should die before reaching the retirement age, the entire amount credited to his account was to be paid to the designated beneficiary. The retirement plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the employee received half the amount credited to his account upon reaching the retirement age and that he died shortly thereafter. Since such payment to the employee was not payable for his life or for any period not ascertainable without reference to his death, or for any period which did not in fact end before his death, the amount of the payment to the designated beneficiary is not includible in the decedent's gross estate under this section. However, the beneficiary's payment may be includible in the decedent's gross estate under some other section of part 3 of subchapter A of chapter 11.

Example (6). The employer made contributions to two different funds set up under two different plans. One plan was to provide the employee, upon his retirement at age 60, with an annuity for life, and the other plan was to provide the employee's designated beneficiary, upon the employee's death, with a similar annuity for life. Each plan was established at a different time and each plan was administered separately in every respect. Neither plan at any time met the requirements of section 401 (a) (relating to qualified plans). The value of the designated beneficiary's annuity is includible in the employee's gross estate. All rights and benefits accruing to an employee and to others by reason of the employment (except rights and benefits accruing under certain plans meeting the requirements of section 401 (a) (see § 20.2039–2)) are considered together in determining whether or not section 2039 (a) and (b) applies. The scope of section 2039 (a) and (b) cannot be limited by indirection.

(c) *Amount includible in the gross estate.* The amount to be included in a decedent's gross estate under section 2039 (a) and (b) is an amount which bears the same ratio to the value at the decedent's death of the annuity or other payment receivable by the beneficiary as the contribution made by the decedent, or made by his employer (or former employer) for any reason connected with his employment, to the cost of the contract or agreement bears to its total cost. In applying this ratio, the value at the decedent's death of the annuity or other payment is determined in accordance with the rules set forth in §§ 20.2031–1, 20.2031–7, 20.2031–8, and 20.2031–9. The application of this paragraph may be illustrated by the following examples:

Example (1). On January 1, 1945, the decedent and his wife each contributed $15,000 to the purchase price of an annuity contract under the terms of which the issuing company agreed to pay an annuity to the decedent and his wife for their joint lives and to continue the annuity to the survivor for his life. Assume that the value of the survivor's annuity at the decedent's death (computed under § 20.2031–8) is $20,000. Since the decedent contributed half of the cost of the contract, the amount to be included in his gross estate under section 2039 (a) and (b) is $10,000.

Example (2). Under the terms of an employment contract entered into on January 1, 1945, the employer and the employee made contributions to a fund which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide his designated beneficiary, upon the employee's death, with a similar annuity for life. The retirement fund at no time formed part of a plan meeting the requirements of section 401 (a) (relating to qualified plans). Assume that the employer and the employee each contributed $5,000 to the retirement fund. Assume, further, that the employee died after retirement at which time the value of the survivor's annuity was $8,000. Since the employer's contributions were made by reason of the decedent's employment, the amount to be included in his gross estate under section 2039 (a) and (b) is the entire $8,000. If, in the above example, only the employer made contributions to the fund, the amount to be included in the gross estate would still be $8,000.

(d) *Insurance under policies on the life of the decedent.* If an annuity or other payment receivable by a beneficiary under a contract or agreement is in substance the proceeds of insurance under a policy on the life of the decedent, section 2039 (a) and (b) does not apply. For the extent to which such an annuity or other payment is includible in a decedent's gross estate, see section 2042 and § 20.2042–1. A combination annuity contract and life insurance policy on the decedent's life (e. g., a "retirement income" policy with death benefits) which matured during

the decedent's life so that there was no longer an insurance element under the contract at the time of the decedent's death is subject to the provisions of section 2039 (a) and (b). On the other hand, the treatment of a combination annuity contract and life insurance policy on the decedent's life which did not mature during the decedent's life depends upon the nature of the contract at the time of the decedent's death. The nature of the contract is generally determined by the relation of the terminal reserve value of the policy to the value of the death benefit at the time of the decedent's death. If the decedent dies before the terminal reserve value equals the death benefit, there is still an insurance element under the contract. The contract is therefore considered, for estate tax purposes, to be an insurance policy subject to the provisions of section 2042. However, if the decedent dies after the terminal reserve value equals the death benefit, there is no longer an insurance element under the contract. The contract is therefore considered to be a contract for an annuity or other payment subject to the provisions of section 2039 (a) and (b) or some other provision of sections 2033 through 2041. Notwithstanding the relation of the terminal reserve value to the value of the death benefit, a contract under which the death benefit could never exceed the total premiums paid, plus interest, contains no insurance element.

Example. Pursuant to a retirement plan established January 1, 1945, the employer purchased a contract from an insurance company which was to provide the employee, upon his retirement at age 65, with an annuity of $100 per month for life, and which was to provide his designated beneficiary, upon the employee's death after retirement, with a similar annuity for life. The contract further provided that if the employee should die before reaching the retirement age, a lump sum payment of $15,000 would be paid to his designated beneficiary in lieu of the annuity described above. The benefits under the retirement plan were forfeitable only in the event of misconduct. The plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the terminal reserve value of the contract at the retirement age would be $15,000. If the employee died after reaching the retirement age, the death benefit to the designated beneficiary would constitute an annuity, the value of which would be includible in the employee's gross estate under section 2039 (a) and (b). If, on the other hand, the employee died before reaching his retirement age, the death benefit to the designated beneficiary would constitute insurance under a policy on the life of the decedent since the terminal reserve value would be less than the death benefit. Accordingly, its includibility would depend upon section 2042 and § 20.2042–1.

§ 20.2039–2 *Annuities under "qualified plans"*—(a) *In general.* Section 2039 (c) excludes from the decedent's gross estate the value of an annuity or other payment receivable under certain "qualified plans" to the extent provided in paragraph (c) of this section. The exclusion, however, is limited to amounts which would, if it were not for section 2039 (c), be includible in the decedent's gross estate under section 2039 (a) and (b). For example, if a payment to a beneficiary constituted proceeds of insurance under a policy on the decedent's life, determined in accordance with § 20.2039–1 (d), the payment would not be includible in the decedent's gross estate under section 2039 (a) and (b). Under such circumstances, section 2039 (c) would not apply.

(b) *Plans to which section 2039 (c) applies.* Section 2039 (c) excludes from a decedent's gross estate, to the extent provided in paragraph (c) of this section, the value of an annuity or other payment receivable by any beneficiary (except the value of an annuity or other payment receivable by or for the benefit of the decedent's estate) under—

(1) An employees' trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan which, at the time of the decedent's separation from employment (whether by death or otherwise), or at the time of the earlier termination of the plan, met the requirements of section 401 (a), or

(2) A retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan which, at the time of decedent's separation from employment (by death or otherwise), or at the time of the earlier termination of the plan, met the requirements of section 401 (a) (3) through (6).

Section 2039 (c) applies to estates of all decedents dying after December 31, 1953, and, solely for purposes of applying section 2039 (c), section 2039 (a) and (b) applies to estates of all decedents dying after December 31, 1953. For the meaning of the phrase "receivable by or for the benefit of the decedent's estate", see § 20.2042–1 (b). The application of this paragraph may be illustrated by the following example:

Example. Pursuant to a pension plan established January 1, 1945, the employer made contributions to a trust which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide the employee's wife, upon his death, with a similar annuity for life. No contributions were made to the trust by the employee. At the time of the employee's retirement, the pension trust formed part of a plan meeting the requirements of section 401 (a). Assume that the employee died at age 61 after the employer started payment of his annuity as described above. If it were not for section 2039 (c), the value of the wife's annuity would be includible in the decedent's gross estate under section 2039 (a) and (b). Under section 2039 (c), however, such amount is excludable from the decedent's gross estate. If, in this example, the employer provided other benefits under nonqualified plans, the exclusion under section 2039 (c) would not be affected since, in applying section 2039 (c), each qualified plan is to be considered separately and without regard to any other benefits provided by the employer.

(c) *Amount excludable from the gross estate.* (1) The amount to be excluded from a decedent's gross estate under section 2039 (c) is an amount which bears the same ratio to the value at the decedent's death of the annuity or other payment receivable by the beneficiary as the employer's contribution (or a contribution made on his behalf) to the plan on the employee's account bears to the total contributions to the plan on the employee's account. In applying this ratio, the value at the decedent's death of the annuity or other payment is determined in accordance with the rules set forth in §§ 20.2031–1, 20.2031–7, 20.2031–8, and 20.2031–9.

(2) In certain cases, the employer's contribution (or a contribution made on his behalf) to a plan on the employee's account and thus the total contributions to the plan on the employees' account cannot be readily ascertained. In order to apply the ratio stated in subparagraph (1) of this paragraph in such cases, the method outlined in the following sentences must be used unless a more precise method is presented. Assume that the total contributions to the plan on the employee's account is the value of any annuity or other payment payable to the decedent and his survivor computed as of the time the decedent's rights first mature (or as of the time the survivor's rights first mature if the decedent's rights never mature) and computed in accordance with the rules set forth in §§ 20.2031–1, 20.2031–7, 20.2031–8, and 20.2031–9. By subtracting from such value the amount of the employee's contribution to the plan, the amount of the employer's contribution to the plan on the employee's account may be obtained. The application of this paragraph may be illustrated by the following example:

Example. Pursuant to a pension plan established January 1, 1945, the employer and the employee contributed to a trust which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide the employee's wife, upon his death, with a similar annuity for life. At the time of the employee's retirement, the pension trust formed part of a plan meeting the requirements of section 401 (a). Assume the following: (i) that the employer's contributions to the fund were not credited to the accounts of individual employees; (ii) that the value of the employee's annuity and his wife's annuity, computed as of the time of the decedent's retirement, was $40,000; (iii) that the employee contributed $10,000 to the plan; and (iv) that the value at the decedent's death of the wife's annuity was $16,000. On the basis of these facts, the total contributions to the fund on the employee's account are presumed to be $40,000 and the employer's contribution to the plan on the employee's account is presumed to be $30,000 ($40,000 less $10,000). If it were not for section 2039 (c), the value of the wife's annuity ($16,000) would be includible in the decedent's gross estate under section 2039 (a) and (b). Under section 2039 (c), however, $12,000 $\left($16,000 $\times \frac{\$30,000}{\$40,000}\right)$ of such amount is excludable from the decedent's gross estate. Compare this result with the result reached in the example set forth in paragraph (b) of this section in which all contributions to the plan were made by the employer.

§ 20.2040 *Statutory provisions; joint interests.*

SEC. 2040. *Joint interests.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse, or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth: *Provided,* That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further,* That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants.

§ 20.2040–1 *Joint interests*—(a) *In general.* A decedent's gross estate includes under section 2040 the value of property held jointly at the time of the decedent's death by the decedent and another person or persons with right of survivorship, as follows:

(1) To the extent that the property was acquired by the decedent and the other joint owner or owners by gift, devise, bequest, or inheritance, the decedent's fractional share of the property is included.

(2) In all other cases, the entire value of the property is included except such part of the entire value as is attributable to the amount of the consideration in money or money's worth furnished by the other joint owner or owners. See § 20.2043–1 with respect to adequacy of consideration. Such part of the entire value is that portion of the entire value of the property at the decedent's death (or at the alternate valuation date described in section 2032) which the consideration in money or money's worth furnished by the other joint owner or owners bears to the total cost of acquisition and capital additions. In determining the consideration furnished by the other joint owner or owners, there is taken into account only that portion of such consideration which is shown not to be attributable to money or other property acquired by the other joint owner or owners from the decedent for less than a full and adequate consideration in money or money's worth. Property will not be treated as having been acquired from the decedent for less than adequate and full consideration in money or money's worth if it represents income from property acquired from the decedent. For this purpose, gain (whether realized or unrealized) resulting from appreciation in the value of property is not "income" from property.

The entire value of jointly held property is included in a decedent's gross estate unless the executor submits facts sufficient to show that property was not acquired entirely with consideration furnished by the decedent, or was acquired by the decedent and the other joint owner or owners by gift, bequest, devise, or inheritance.

(b) *Meaning of "property held jointly".* Section 2040 specifically covers property held jointly by the decedent and any other person (or persons), property held by the decedent and spouse as tenants by the entirety, and a deposit of money, or a bond or other instrument, in the name of the decedent and any other person and payable to either or the survivor. The section applies to all classes of property, whether real or personal, and regardless of when the joint interests were created. Furthermore, it makes no difference that the survivor takes the entire interest in the property by right of survivorship and that no interest therein forms a part of the decedent's estate for purposes of administration. The section has no application to property held by the decedent and any other person (or persons) as tenants in common.

(c) *Examples.* The application of this section may be explained in the following examples in each of which it is assumed that the other joint owner or owners survived the decedent:

(1) If the decedent furnished the entire purchase price of the jointly held property, the value of the entire property is included in his gross estate;

(2) If the decedent furnished a part only of the purchase price, only a corresponding portion of the value of the property is so included;

(3) If the decedent furnished no part of the purchase price, no part of the value of the property is so included;

(4) If the decedent, before the acquisition of the property by himself and the other joint owner, gave the latter a sum of money or other property which thereafter became the other joint owner's entire contribution to the purchase price, then the value of the entire property is so included, notwithstanding the fact that the other property may have appreciated in value due to market conditions between the time of the gift and the time of the acquisition of the jointly held property;

(5) If the decedent, before the acquisition of the property by himself and the other joint owner, transferred to the latter for less than an adequate and full consideration in money or money's worth other income-producing property, the income from which belonged to and became the other joint owner's entire contribution to the purchase price, then the value of the jointly held property less that portion attributable to the income which the other joint owner did furnish is included in the decedent's gross estate;

(6) If the property originally belonged to the other joint owner and the decedent purchased his interest from the other joint owner, only that portion of the value of the property attributable to the consideration paid by the decedent is included;

(7) If the decedent and his spouse acquire the property by will or gift as tenants by the entirety, half of the value of the property is included in the decedent's gross estate; and

(8) If the decedent and his two brothers acquired the property by will of gift as joint tenants, a third of the value of the property is so included.

(d) *Contemplation of death.* If a decedent's fractional interest in joint tenancy property is given away in contemplation of death, his fractional interest is nevertheless includible in his gross estate under section 2035. If a joint tenancy in property is severed during the decedent's life in contemplation of death, as by converting it into a tenancy in common, the fractional interest of the other owner (or owners) is not included in the decedent's gross estate under either section 2035 or section 2040 if the decedent has no remaining interest in or control over such interest even though the decedent furnished the entire consideration for the property.

§ 20.2041 *Statutory provisions; powers of appointment.*

SEC. 2041. *Powers of appointment*—(a) *In general.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States)—

(1) *Powers of appointment created on or before October 21, 1942.* To the extent of any property with respect to which a general power of appointment created on or before October 21, 1942, is exercised by the decedent—

(A) By will, or

(B) By a disposition which is of such nature that if it were a transfer of property owned by the decedent, such property would be includible in the decedent's gross estate under sections 2035 to 2038, inclusive;

but the failure to exercise such a power or the complete release of such a power shall not be deemed an exercise thereof. If a general power of appointment created on or before October 21, 1942, has been partially released so that it is no longer a general power of appointment, the exercise of such power shall not be deemed to be the exercise of a general power of appointment if—

(i) Such partial release occurred before November 1, 1951, or

(ii) The donee of such power was under a legal disability to release such power on October 21, 1942, and such partial release occurred not later than 6 months after the termination of such legal disability.

(2) *Powers created after October 21, 1942.* To the extent of any property with respect to which the decedent has at the time of his death a general power of appointment created after October 21, 1942, or with respect to which the decedent has at any time exercised or released such a power of appointment by a disposition which is of such nature that if it were a transfer of property owned by the decedent, such property would be includible in the decedent's gross estate under sections 2035 to 2038, inclusive. A disclaimer or renunciation of such a power of appointment shall not be deemed a release of such power. For purposes of this paragraph (2), the power of appointment shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the exercise of the power takes effect only on the expiration of a stated period after its exercise, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised.

(3) *Creation of another power in certain cases.* To the extent of any property with respect to which the decedent—

(A) By will, or

(B) By a disposition which is of such nature that if it were a transfer of property owned by the decedent such property would be includible in the decedent's gross estate under section 2035, 2036, or 2037,

exercises a power of appointment created after October 21, 1942, by creating another power of appointment which under the applicable local law can be validly exercised so as to postpone the vesting of any estate or interest in such property, or suspend the absolute ownership or power of alienation of such property, for a period ascertainable without regard to the date of the creation of the first power.

(b) *Definitions.* For purposes of subsection (a)—

(1) *General power of appointment.* The term "general power of appointment" means a power which is exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate; except that—

(A) A power to consume, invade, or appropriate property for the benefit of the decedent which is limited by an ascertainable standard relating to the health, education, support, or maintenance of the decedent shall not be deemed a general power of appointment.

(B) A power of appointment created on or before October 21, 1942, which is exercisable by the decedent only in conjunction with another person shall not be deemed a general power of appointment.

(C) In the case of a power of appointment created after October 21, 1942, which is exercisable by the decedent only in conjunction with another person—

(1) If the power is not exercisable by the decedent except in conjunction with the creator of the power—such power shall not be deemed a general power of appointment.

(11) If the power is not exercisable by the decedent except in conjunction with a person having a substantial interest in the property, subject to the power, which is adverse to exercise of the power in favor of the decedent—such power shall not be deemed a general power of appointment. For the purposes of this clause a person who, after the death of the decedent, may be possessed of a power of appointment (with respect to the property subject to the decedent's power) which he may exercise in his own favor shall be deemed as having an interest in the property and such interest shall be deemed adverse to such exercise of the decedent's power.

(iii) If (after the application of clauses (i) and (ii)) the power is a general power of appointment and is exercisable in favor of such other person—such power shall be deemed a general power of appointment only in respect of a fractional part of the property subject to such power, such part to be determined by dividing the value of such property by the number of such persons (including the decedent) in favor of whom such power is exercisable.

For purposes of clauses (ii) and (iii), a power shall be deemed to be exercisable in favor of a person if it is exercisable in favor of such person, his estate, his creditors, or the creditors of his estate.

(2) *Lapse of power.* The lapse of a power of appointment created after October 21, 1942, during the life of the individual possessing the power shall be considered a release of such power. The preceding sentence shall apply with respect to the lapse of powers during any calendar year only to the extent that the property, which could have been appointed by exercise of such lapsed powers, exceeded in value, at the time of such lapse, the greater of the following amounts:

(A) $5,000, or

(B) 5 percent of the aggregate value, at the time of such lapse, of the assets out of which, or the proceeds of which, the exercise of the lapsed powers could have been satisfied.

(3) *Date of creation of power.* For purposes of this section, a power of appointment created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942.

§ 20.2041–1 *Powers of appointment; in general*—(a) *Introduction.* A decedent's gross estate includes under section 2041 the value of property in respect of which the decedent possessed, exercised, or released certain powers of appointment. This section contains rules of general application; § 20.2041–2 contains rules specifically applicable to general powers of appointment created on or before October 21, 1942; and § 20.2041–3 sets forth specific rules applicable to general powers of appointment created after October 21, 1942.

(b) *Definition of "power of appointment"*—(1) *In general.* The term "power of appointment" includes all powers which are in substance and effect powers of appointment regardless of the nomenclature used in creating the power and regardless of local property law connotations. For example, if a trust instrument provides that the beneficiary may appropriate or consume the principal of the trust, the power to consume or appropriate is a power of appointment. Similarly, a power given to a decedent to affect the beneficial enjoyment of trust property or its income by altering, amending, or revoking the trust instrument or terminating the trust is a power of appointment. If the community property laws of a State confer upon the wife a power of testamentary disposition over property in which she does not have a vested interest she is considered as having a power of appointment. A power in a donee to remove or discharge a trustee and appoint himself, may be a power of appointment. For example, if under the terms of a trust, the trustee or his successor has the power to appoint the principal of the trust for the benefit of individuals including himself, and the decedent has the unrestricted power to remove or discharge the trustee at any time and appoint any other person or class which could include himself, the decedent is considered as having a power of appointment. However, the decedent is not considered to have a power of appointment if he only had the power to appoint a successor, including himself, under limited conditions which did not exist at the time of his death, without an accompanying unrestricted power of removal. Similarly, a power to amend only the administrative provisions of a trust instrument, which cannot affect the beneficial enjoyment of the trust property or income, is not a power of appointment. The mere power of management, investment, custody of assets, or the power to allocate receipts and disbursements as between income and principal, exercisable in a fiduciary capacity, whereby the holder has no power to enlarge or shift any of the beneficial interests therein except as an incidental consequence of the discharge of such fiduciary duties is not a power of appointment. Further, the right in a beneficiary of a trust to assent to a periodic accounting, is not a power of appointment if the right of assent does not consist of any power or right to enlarge or shift the beneficial interest of any beneficiary therein.

(2) *Relation to other sections.* For purposes of §§ 20.2041–1 through 20.2041–3, the term "power of appointment" does not include powers reserved by the decedent to himself within the concept of sections 2036 through 2038. (See §§ 20.2036–1 through 20.2038–1.) No provision of section 2041 or of §§ 20.2041–1 through 20.2041–3 is to be construed as in any way limiting the application of any other section of the Internal Revenue Code of 1954 or of these regulations. The power of the owner of a property interest already possessed by him to dispose of his interest, and nothing more, is not a power of appointment, and the interest is includible in his gross estate to the extent it would be includible under section 2033 or other provisions of the Internal Revenue Code of 1954. For example, if a trust created by S provides for payment of the income to A for life with power in A to appoint the remainder by will and, in default of such appointment for payment of the income to A's widow, W, for her life and for payment of the remainder to A's estate, the value of A's interest in the remainder is includible in his gross estate under section 2033 regardless of its includibility under section 2041.

(3) *Powers over a portion of property.* If a power of appointment exists as to part of an entire group of assets or only over a limited interest in property, section 2041 applies only to such part or interest. For example, if a trust created by S provides for the payment of income to A for life, then to W for life, with power in A to appoint the remainder by will and in default of appointment for payment of the remainder to B or his estate, and A dies before W, section 2041 applies only to the value of the remainder interest excluding W's life estate. If A dies after W section 2041 would apply to the entire property. If the power were only over half the remainder, section 2041 would apply only to half the value of the remainder interest.

(c) *Definition of "general power of appointment"*—(1) *In general.* The term "general power of appointment" as defined in section 2041 (b) (1) means any power of appointment exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate, except (i) joint powers, to the extent provided in §§ 20.2041–2 and 20.2041–3, and (ii) certain powers limited by an ascertainable standard, to the extent provided in subparagraph (2) of this paragraph. A power of appointment exercisable to meet the estate tax, or any other taxes, debts, or charges which are enforceable against the estate, is included within the meaning of a power of appointment exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate. A power of appointment exercisable for the purpose of discharging a legal obligation of the decedent or for his pecuniary benefit is considered a power of appointment exercisable in favor of the decedent or his creditors. However, for purposes of §§ 20.2041–1 through 20.2041–3, a power of appointment not otherwise considered to be a general power of appointment is not treated as a general power of appointment merely by reason of the fact that an appointee may, in fact, be a creditor of the decedent or his estate. A power of appointment is not a general power if by its terms it is either—

(*a*) Exercisable only in favor of one or more designated persons or classes other than the decedent or his creditors (if the power is exercisable during life), or his estate, or the creditors of his estate, or

(*b*) Expressly not exercisable in favor of the decedent or his creditors (if the power is exercisable during life), his estate, or the creditors of his estate.

A decedent may have two powers under the same instrument, one of which is a general power of appointment and the other of which is not. For example, a beneficiary may have a power to withdraw trust corpus during his life, and a testamentary power to appoint the corpus among his descendants. The testamentary power is not a general power of appointment.

(2) *Powers limited by an ascertainable standard.* A power to consume, invade, or appropriate income or corpus, or both, for the benefit of the decedent which is limited by an ascertainable standard relating to the health, education, support, or maintenance of the decedent is, by reason of section 2041 (b) (1) (A), not a general power of appointment. A power is limited by such a standard if the extent of the holder's duty to exercise and not to exercise the power is reasonably measurable in terms of his needs for health, education, or support (or any combination of them). The words "support" and "maintenance" are synonymous. While their meaning is not limited to the bare necessities of life, and includes other reasonable living expenses, it does not necessarily extend to all expenditures that might be considered customary in the decedent's position in life. A power to use property for the comfort, welfare, or happiness of the holder of the power is not limited by the requisite standard. Examples of powers which are limited by the requisite standard are powers exercisable for the holder's "support," "support in reasonable comfort," "reasonable comfort and support," "maintenance in health and reasonable comfort," "education, including college and professional education," "health," and "medical, dental, hospital and nursing expenses and expenses of invalidism." In determining whether a power is limited by an ascertainable standard, it is immaterial whether the beneficiary is required to exhaust his other income before a power can be exercised. The fact that the governing instrument gives the holder of a power discretion to determine amounts to be distributed under the power is not in itself an indication that the power is not limited by the requisite standard.

(3) *Certain powers under wills of decedents dying between January 1 and April 2, 1948.* Section 210 of the Technical Changes Act of 1953 provides that if a decedent died after December 31, 1947, but before April 3, 1948, certain property interests described therein may, if the decedent's surviving spouse so elects, be accorded special treatment in the determination of the marital deduction to be allowed the decedent's estate under the provisions of section 812 (e) of the Internal Revenue Code of 1939. See § 81.47a (h) of Regulations 105 (26 CFR (1939) 81.47a (h)). The section further provides that property affected by the election shall, for the purpose of inclusion in the surviving spouse's gross estate, be considered property with respect to which she has a general power of appointment. Therefore, notwithstanding any other provision of law or of §§ 20.2041–1 through 20.2041–3, if the present decedent (in her capacity as surviving spouse of a prior decedent) has made an election under section 210 of the Technical Changes Act of 1953, the property which was the subject of the election shall be considered as property with respect to which the present decedent has a general power of appointment created after October 21, 1942, exercisable by deed or will, to the extent it was treated as an interest passing to the surviving spouse and not passing to any other person for the purpose of the marital deduction in the prior decedent's estate.

(d) *Definition of "exercise".* Whether a power of appointment is in fact exercised may depend on local law. For example, the residuary clause of a will may be considered under local law as an exercise of a testamentary power of appointment in the absence of evidence of a contrary intention drawn from the whole of the testator's will. However, regardless of local law, a power of appointment is considered as exercised for purposes of section 2041 even though the exercise is in favor of the taker in default of appointment, and irrespective of whether the appointed interest and the interest in default of appointment are identical, or whether the appointee renounces any right to take under the appointment. A power of appointment is also considered as exercised even though the exercise cannot take effect until the occurrence of an event after the exercise takes place, if the exercise is irrevocable and, as of the time of the exercise, the condition was not impossible of occurrence. For example, if property is left in trust to A for life, with a power in B to appoint the remainder by will, and B dies before A, exercising his power by appointing the remainder to C, in the event that C survives A, B is considered to have exercised his power if C survives B. On the other hand, a testamentary power of appointment is not considered as exercised if it is exercised subject to the occurrence during the decedent's life of an express or implied condition which did not in fact occur. Thus, if in the preceding example, C dies before B, B's power of appointment would not be considered to have been exercised. Similarly, if a trust provides for income to A for life, remainder as A appoints by will, and A appoints a life estate in the property to B and does not otherwise exercise his power, but B dies before A, A's power is not considered to have been exercised.

(e) *Time of creation of power.* A power of appointment created by will is in general considered as created on the date of the testator's death. However, section 2041 (b) (3) provides that a power of appointment created by a will executed on or before October 21, 1942, is considered a power created on or before that date if the testator dies before July 1, 1949, without having republished the will, by codicil or otherwise, after October 21, 1942. A power of appointment created by an inter vivos instrument executed on or before October 21, 1942, is considered as created after that date if on that date the instrument was revocable, or was amendable in a manner which could substantially affect the terms of the power or the identity of its holders, other than by or with the consent of the holder of the power. However, a power is not considered as created after October 21, 1942, merely because the power is not exercisable or the identity of its holders is not ascertained until after that date. If the power is acquired by the holder by reason of the failure of some other person to exercise a power of appointment in such other person, or upon the happening of some event, contingency, or condition within the unrestricted control of some other person, including the settlor of a trust or the trustee, the power is not deemed to be created until the event, condition or contingency takes place or becomes fixed. However, where an irrevocably fixed power of appointment is acquired only by reason of the exercise of a right in the trustee, or his successor (other than the settlor), to appoint a successor or additional trustee (not consisting of a right to establish a power of appointment or to change the extent or quality of a previously existing power), the power will be deemed to be created when the power is fixed.

§ 20.2041.2 *Powers of appointment created on or before October 21, 1942*—(a) *In general.* Property subject to a general power of appointment created on or before October 21, 1942, is includible in the gross estate of the holder of the power under section 2041 only if he exercised the power under specified circumstances. Section 2041 (a) (1) requires that there be included in the gross estate of a decedent the value of property subject to such a power only if the power is exercised by the decedent either (1) by will, or (2) by a disposition which is of such nature that if it were a transfer of property owned by the decedent, the property would be includible in the decedent's gross estate under section 2035 (relating to transfers in contemplation of death), 2036 (relating to transfers with retained life estate), 2037 (relating to transfers taking effect at death), or 2038 (relating to revocable transfers). See § 20.2041–1 (c) and (d) above for the definition of various terms used in this section.

(b) *Joint powers created on or before October 21, 1942.* Section 2041 (b) (1) (B) provides that a power created on or

before October 21, 1942, which at the time of the exercise is not exercisable by the decedent except in conjunction with another person, is not deemed a general power of appointment.

(c) *Exercise during life.* The circumstances under which section 2041 applies to the exercise other than by will of a general power of appointment created on or before October 21, 1942, are set forth in paragraph (a) of this section. In this connection, the rules of sections 2035 through 2038 which are to be applied are those in effect on the date of the decedent's death which are applicable to transfers made on the date when the exercise of the power occurred. Those rules are to be applied in determining the extent to which and the conditions under which a disposition is considered a transfer of property. The application of this paragraph may be illustrated by the following examples:

Example (1). The decedent in 1951 exercised a general power of appointment created in 1940, reserving no interest in or power over the property. The decedent died in 1956. Since the exercise was not made within three years before the decedent's death, no part of the property is includible in his gross estate. See section 2035 (b), relating to transfers in contemplation of death.

Example (2). S created a trust in 1930 to pay the income to A for life, remainder as B appoints by an instrument filed with the trustee during his life, and in default of appointment to C. B exercises the power in 1955 by directing that after A's death the income be paid to himself for life with remainder to C. If B dies after A, the entire value of the trust property is included in B's estate, since such a disposition if it were a transfer of property owned by B would be included in his estate under section 2036 (a) (1). If B dies before A, the value of the trust property less the value of A's life estate is includible in B's estate, for the same reason.

Example (3). A trust is created by S in 1940 to pay the income to A for life, with a general power of appointment in A over the remainder exercisable by an instrument delivered to the trustee during his life. A exercises the power in 1955, five years before his death, reserving the right of revocation. The exercise, if not revoked at death, will cause the property subject to the power to be included in A's gross estate under section 2041 (a) (1), since such a disposition, if the property were owned by the decedent, would cause the property to be includible in his gross estate under section 2038. However, if the exercise were completely revoked, so that A died still possessed of the power, the property would not be includible in A's gross estate for the reason that the power will not be treated as having been exercised.

Example (4). A decedent exercised a general power of appointment by making a disposition in trust under which possession or enjoyment of the property subject to the exercise could be obtained only by surviving the decedent and under which the decedent retained a reversionary interest in the property of a value of more than five percent. The exercise of the power will cause the property to be includible in the decedent's gross estate since, if it had been a transfer of property owned by the decedent, it would have been includible under section 2037. See § 20.2037–1.

(d) *Release or lapse.* A failure to exercise a general power of appointment created on or before October 21, 1942, or a complete release of such a power is not considered to be an exercise of a general power of appointment. The phrase "a complete release" means a release of all powers over all or a portion of the property subject to the power, as distinguished from the reduction of a power to a lesser power. Thus, if the decedent completely relinquished a power over one-half of the property subject to the power, the power is completely released as to that half. However, if at or before the time the power is relinquished, the holder of the power exercises the power in such a manner or to such an extent that the relinquishment results in the reduction, enlargement, or shift in a beneficial interest in property, the relinquishment will be considered to be an exercise and not a release of the power. For example, assume that A created a trust in 1940 providing for payment of the income to B for life with the power in B to amend the trust, and for payment of the remainder to such persons as B shall appoint or, upon default of appointment, to C. If B amended the trust in 1948 by providing that upon his death the remainder was to be paid to C, and further amended the trust in 1950 by deleting his power to amend the trust, and if the 1948 amendment remained in effect the relinquishment will be considered an exercise and not a release of a general power of appointment. On the other hand, if the 1948 amendment became ineffective before or at the time of the 1950 amendment, or if B in 1948 merely amended the trust by changing the purely ministerial powers of the trustee, his relinquishment of the power in 1950 will be considered as a release of a power of appointment.

(e) *Partial release.* If a general power of appointment created on or before October 21, 1942, is partially released so that it is not thereafter a general power of appointment, a subsequent exercise of the partially released power is not an exercise of a general power of appointment if the partial release occurs before whichever is the later of the following dates:

(1) November 1, 1951, or

(2) If the decedent was under a legal disability to release the power on October 21, 1942, the day after the expiration of 6 months following the termination of such legal disability.

However, if a general power created on or before October 21, 1942, is partially released on or after the later of these dates, a subsequent exercise of the power will cause the property subject to the power to be included in the holder's gross estate, if the exercise is such that if it were a disposition of property owned by a decedent it would cause the property to be included in his gross estate. The legal disability referred to in this paragraph is determined under local law and may include the disability of an insane person, a minor, or an unborn child. The fact that the type of general power of appointment possessed by the decedent actually was not generally releasable under the local law does not place the decedent under a legal disability within the meaning of this paragraph. In general, however, it is assumed that all general powers of appointment are releasable, unless the local law on the subject is to the contrary, and it is presumed that the method employed to release the power is effective, unless it is not in accordance with the local law relating specifically to releases or, in the absence of such local law, is not in accordance with the local law relating to similar transactions.

(f) *Partial exercise.* If a general power of appointment created on or before October 21, 1942, is exercised only as to a portion of the property subject to the power, section 2041 is applicable only to the value of that portion. For example, if a decedent had a general power of appointment exercisable by will created on or before October 21, 1942, over a trust fund valued at $200,000 at the date of his death, and exercised his power either to the extent of directing the distribution of half the trust property to B, or of directing the payment of $100,000 to B, the trust property would be includible in B's estate only to the extent of $100,000. However, if the exercise of a power creates or changes any beneficial interest in a portion subject to the power, the power is considered exercised as to the entire portion. Thus, if the same decedent had instead directed that the income from the entire trust property be paid to his wife for life, and did not otherwise exercise his power, and his wife survived him, the value of the entire trust property would be includible in his gross estate.

§ 20.2041–3 *Powers of appointment created after October 21, 1942*—(a) *In general.* (1) Property subject to a power of appointment created after October 21, 1942, is included in the gross estate of the holder of the power under varying conditions depending on whether the power is (i) general in nature, (ii) possessed at death, or (iii) exercised or released. See § 20.2041–1 (c) and (d) above for the definition of various terms used in this section. See paragraph (c) of this section below for the rules applicable to determine the extent to which joint powers created after December 21, 1942, are to be treated as general powers of appointment.

(2) If the power is a general power of appointment, the value of an interest in property subject to such a power is includible in a decedent's gross estate under section 2041 (a) (2) if either—

(i) The decedent has the power at the time of his death (and the interest exists at the time of his death), or

(ii) The decedent exercised or released the power, or the power lapsed, under the circumstances and to the extent described in paragraph (d) of this section.

(3) If the power is not a general power of appointment, the value of property subject to the power is included in the holder's gross estate under section 2041 (a) (3) only if it is exercised to create a further power under certain circumstances (see paragraph (e) of this section below).

(b) *Existence of power at death.* For purposes of section 2041 (a) (2), a power of appointment is considered to exist on the date of a decedent's death even though the exercise of the power is subject to the precedent giving of notice, or even though the exercise of the power takes effect only on the expiration of a stated period after its exercise, whether or not on or before the decedent's death notice has been given or the power has been exercised. Further, a power of appointment is considered to exist on the date of the decedent's death even though the decedent was at death and at all times since the creation of the power under physical, mental, or legal disability (whether or not adjudged incompetent). However, a power which by its terms is exercisable only upon the occurrence during the decedent's lifetime of an event or a contingency which did not in fact take place or occur during such time is not a power in existence on the date of the decedent's death. For example, if a decedent was given a general power of appointment exercisable only after he reached a certain age, only if he survived another person, or only if he died without descendants, the power would not be in existence on the date of the decedent's death if the condition precedent to its exercise had not occurred.

(c) *Joint powers created after October 21, 1942.* The treatment of a power of appointment created after October 21, 1942, which is exercisable only in conjunction with another person is governed by section 2041 (b) (1) (C), which provides as follows:

(1) Such a power is not considered a general power of appointment if it is not exercisable by the decedent except with the consent or joinder of the creator of the power.

(2) A power is not considered a general power of appointment if it is not exercisable by the decedent except with the consent or joinder of a person having a substantial interest in the property subject to the power which is adverse to the exercise of the power in favor of the decedent, his estate, his creditors, or the creditors of his estate. An interest adverse to the exercise of a power is considered as substantial if its value in relation to the total value of the property subject to the power is not insignificant. For this purpose, the interest is to be valued in accordance with the actuarial principles set forth in § 20.2031–7 or, if it is not susceptible to valuation under those provisions, in accordance with the general principles set forth in § 20.2031–1. A taker in default of appointment under a power has an interest which is adverse to an exercise of the power. A coholder of the power has no adverse interest merely because of his joint possession of the power nor merely because he is a permissible appointee under a power. However, a coholder of a power is considered as having an adverse interest where he may possess the power after the decedent's death and may exercise it at that time in favor of himself, his estate, his creditors, or the creditors of his estate. Thus, for example, if X, Y, and Z held a power jointly to appoint among a group of persons which includes themselves and on the death of X the power will pass to Y and Z jointly, then Y and Z are considered to have interests adverse to the exercise of the power in favor of X. Similarly, if on Y's death the power will pass to Z, Z is considered to have an interest adverse to the exercise of the power in favor of Y. The application of this subparagraph may be further illustrated by the following additional examples (in each of which it is assumed that the value of the interest in question is substantial):

Example (1). The decedent and R were trustees of a trust under which the income was to be paid to the decedent for life and then to M for life, and R is remainderman. The trustees had power to distribtue corpus to the decedent. Since R's interest was substantially adverse to an exercise of the power in favor of the decedent the latter did not have a general power of appointment. If M and the decedent were trustees, M's interest would likewise have been adverse.

Example (2). The decedent and L were trustees of a trust under which the income is to be paid to L for life and then to M for life, and the decedent was remainderman. The trustees had power to distribute corpus to the decedent during L's life. Since L's interest was adverse to an exercise of the power in favor of the decedent, the decedent did not have a general power of appointment. If the decedent and M were trustees, M's interest would likewise have been adverse.

Example (3). The decedent and L were trustees of a trust under which the income was to be paid to L. The trustees could designate whether corpus was to be distributed to the decedent or to A after L's death. L's interest was not adverse to an exercise of the power in favor of the decedent, and the decedent therefore had a general power of appointment.

(3) A power which is exercisable only in conjunction with another person, and which after application of the rules set forth in subparagraphs (1) and (2) of this paragraph constitutes a general power of appointment, will be treated as though the holders of the power who are permissible appointees of the property were joint owners of property subject to the power. The decedent, under this rule, will be treated as possessed of a general power of appointment over an aliquot share of the property to be determined with reference to the number of joint holders, including the decedent, who (or whose estates or creditors) are permissible appointees. Thus, for example, if X, Y, and Z hold an unlimited power jointly to appoint among a group of persons, including themselves, but on the death of X the power does not pass to Y and Z jointly, then Y and Z are not considered to have interests adverse to the exercise of the power in favor of X. In this case X is considered to possess a general power of appointment as to one-third of the property subject to the power.

(d) *Releases and lapses of general powers of appointment.* (1) Property subject to a general power of appointment created after October 21, 1942, is includible in the gross estate of a decedent under section 2041 (a) (2) even though he does not have the power at the date of his death, if during his life he exercised or released the power under circumstances such that, if the property subject to the power had been owned and transferred by the decedent, the property would be includible in the decedent's gross estate under section 2035, 2036, 2037, or 2038. Further, section 2041 (b) (2) provides that the lapse of a power of appointment is considered to be a release of the power to the extent set forth in subparagraph (3) of this paragraph. A release of a power of appointment need not be formal or express in character. The principles set forth in § 20.2041–2 for determining the application of the pertinent provisions of sections 2035 through 2038 to a particular exercise of a power of appointment are applicable for purposes of determining whether or not an exercise or release of a power of appointment created after October 21, 1942, causes the property to be included in a decedent's gross estate under section 2041 (a) (2). If a general power of appointment created after October 21, 1942, is partially released, a subsequent exercise or release of the power under circumstances described in the first sentence of this subparagraph, or its possession at death, will nevertheless cause the property subject to the power to be included in the gross estate of the holder of the power, if the exercise is such that if it were a disposition of property owned by the decedent it would cause the property to be included in his gross estate.

(2) Section 2041 (a) (2) is not applicable to the complete release of a general power of appointment created after October 21, 1942, whether exercisable during life or by will, if the release was not made in contemplation of death within the meaning of section 2035, and if after the release the holder of the power retained no interest in or control over the property subject to the power which would cause the property to be included in his gross estate under sections 2036 through 2038 if the property had been transferred by the holder.

(3) The failure to exercise a power of appointment created after October 21, 1942, within a specified time, so that the power lapses, constitutes a release of the power. However, section 2041 (b) (2) provides that such a lapse of a power of appointment during any calendar year during the decedent's life is treated as a release for purposes of inclusion of property in the gross estate under section 2041 (a) (2) only to the extent that the property which could have been appointed by exercise of the lapsed power exceeds the greater of (i) $5,000 or (ii) 5 percent of the aggregate value, at the time of the lapse, of the assets out of which, or the proceeds of which, the exercise of the lapsed power could have been satisfied. Thus, for example, if an individual has a noncumulative right to withdraw $10,000 a year from the principal of a $200,000 trust fund (which neither increases nor decreases in value prior to death), the failure to exercise this right of withdrawal will not result in estate tax with respect to the power to withdraw $10,000 which lapses each year before the year of death. At death there will be included in the gross estate of the holder of the power the $10,000 which he was entitled to withdraw for the year in which his death occurs less any amount which he may have taken during that year. However, if in the above example the holder of the power had had the right to withdraw $15,000 of the principal annually, the failure to exercise this power in any year will be considered a release of the power to the extent of the excess of the amount subject to withdrawal over 5 percent of the

trust fund (in this example, $5,000, if the trust fund is worth $200,000 at the time of the lapse). Since each lapse is treated as though the holder of the power had exercised dominion over the trust property by making a transfer of principal reserving the income therefrom, that proportion of the trust property is includible in the holder's estate (unless before his death he has disposed of his right to the income under circumstances to which sections 2035 through 2038 would not be applicable). The extent to which the value of the trust property is included in the decedent's gross estate is determined as provided in the next subparagraph.

(4) The purpose of section 2041 (a) (2) is to provide a determination, as of the date of the lapse of the power, of the proportion of the property over which the power lapsed which is an exempt disposition for estate tax purposes and the proportion which, if the other requirements of sections 2035 to 2038, inclusive, are satisfied, will be considered as a taxable disposition. Once the taxable proportion of any disposition at the date of lapse has been determined, the valuation of that proportion as of the date of the decedent's death (or, if the executor has elected the alternate valuation method under section 2032, the value as of the date therein provided), is to be ascertained in accordance with the principles which are applicable to the valuation of transfers of property by the decedent under the corresponding provisions of sections 2035 to 2038, inclusive. For example, if the life beneficiary of a trust had a right exercisable only during one calendar year to draw down $50,000 from the corpus of a trust, which he did not exercise, and if at the end of the year the corpus was worth $800,000, the taxable portion over which the power lapsed is $10,000 (the excess of $50,000 over 5 percent of the corpus), or 1/80 of the total value. On the decedent's death, if the total value of the corpus of the trust (excluding income accumulated after the lapse of the power) on the applicable valuation date was $1,200,000 $15,000 (1/80 of $1,200,000) would be includible in the decedent's gross estate. However, if the total value was then $600,000, only $7,500 (1/80 of $600,000) would be includible.

(5) If the failure to exercise a power, such as a right of withdrawal, occurs in more than a single year, the proportion of the property over which the power lapsed which is treated as a taxable disposition will be determined separately for each such year. The aggregate of the taxable proportions for all such years, valued in accordance with the above principles, will be includible in the gross estate by reason of the lapse. The includible amount, however, shall not exceed the aggregate value of the assets out of which, or the proceeds of which, the exercise of the power could have been satisfied, valued as of the date of the decedent's death (or, if the executor has elected the alternate valuation method under section 2032, the value as of the date therein provided).

(6) A disclaimer or renunciation of a general power of appointment is not considered to be a release of the power. The disclaimer or renunciation must be unequivocal and effective under local law. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. Such rights refer to the incidents of the power and not to other interests of the decedent in the property. If effective under local law, the power may be disclaimed or renounced without disclaiming or renouncing such other interests. There can be no disclaimer or renunciation of a power after its acceptance. A disclaimer of a power over only a portion of the property subject to the power is not a complete and unqualified refusal to accept the rights to which one is entitled. In the absence of facts to the contrary, the failure to renounce or disclaim within a reasonable time after learning of its existence will be presumed to constitute an acceptance of the power.

(e) *Successive powers.* (1) Property subject to a power of appointment created after October 21, 1942, which is not a general power, is included in the gross estate of the holder of the power under section 2041 (a) (3) if the power is exercised, and if both of the following conditions are met:

(i) If the exercise is (*a*) by will, or (*b*) by a disposition which is of such nature that if it were a transfer of property owned by the decedent the property would be includible in the decedent's gross estate under sections 2035 through 2038; and

(ii) If the power is exercised by creating another power of appointment which, under the terms of the instruments creating and exercising the first power and under applicable local law, can be validly exercised so as to (*a*) postpone the vesting of any estate or interest in the property for a period ascertainable without regard to the date of the creation of the first power, or (*b*) (if the applicable rule against perpetuities is stated in terms of suspension of ownership or of the power of alienation, rather than of vesting) suspend the absolute ownership or the power of alienation of the property for a period ascertainable without regard to the date of the creation of the first power.

(2) For purposes of the application of section 2041 (a) (3), the value of the property subject to the second power of appointment is considered to be its value unreduced by any precedent or subsequent interest which is not subject to the second power. Thus, if a decedent has a power to appoint by will $100,000 to a group of persons consisting of his children and grandchildren and exercises the power by making an outright appointment of $75,000 and by giving one appointee a power to appoint $25,000, no more than $25,000 will be includible in the decedent's gross estate under section 2041 (a) (3). If, however, the decedent appoints the income from the entire fund to a beneficiary for life with power in the beneficiary to appoint the remainder by will, the entire $100,000 will be includible in the decedent's gross estate under section 2041 (a) (3) if the exercise of the second power can validly postpone the vesting of any estate or interest in the property or can suspend the absolute ownership or power of alienation of the property for a period ascertainable without regard to the date of the creation of the first power.

(f) *Examples.* The application of this section may be further illustrated by the following examples, in each of which it is assumed, unless otherwise stated, that S has transferred property in trust after October 21, 1942, with the remainder payable to R at L's death, and that neither L nor R has any interest in or power over the enjoyment of the trust property except as is indicated separately in each example:

Example (1). Income is directed to be paid to L during his lifetime at the end of each year, if living. L has an unrestricted power during his lifetime to cause the income to be distributed to any other person including R, but no power to cause it to be accumulated. L dies before R. No part of the trust property is included in L's gross estate since L had a power to dispose of only his income interest, a right otherwise possessed by him.

Example (2). Income is directed to be accumulated during L's life but L has power to cause it to be distributed to himself. L dies before R. If L's power is limited by an ascertainable standard (relating to his health, etc.), as defined in § 20.2041–1 (c) (2), no part of the trust property is includible in L's gross estate. If L's power is not so limited, no part of the original corpus is includible in his gross estate, but he has a general power of appointment over the income, the lapse of which may cause a portion of any accumulated income to be included in his gross estate under section 2041. If his power in any year extends only to income of that year, he will continue to receive income on any accumulations in that year after his power lapses at the end of the year, and, therefore, the accumulations for the year will cause a portion of the total accumulations to be included in his gross estate to the extent the year's accumulations which he could have caused to be paid to himself exceed the greater of $5,000 or 5 percent of the income for the year. If his power does not lapse at the end of each year with respect to that year's income, but lapses only by reason of his death, the total accumulations which he could have caused to be paid to himself immediately before his death are includible in his gross estate.

Example (3). All the income is directed to be paid to L during his life, but he has the power to cause it to be accumulated and added to corpus. L dies before R. L has no power of appointment but a property interest. Any accumulated income at the time of his death is included in his gross estate under section 2036.

Example (4). L is entitled to all the income during his lifetime and has an unrestricted power to cause corpus to be distributed to himself. L dies before R. L had a general power of appointment over the corpus of the trust, and the entire corpus as of the time of his death would be included in his gross estate under section 2041. (If the power had been created on or before October 21, 1942, no portion would be includible in his gross estate under section 2041, since as to any portion remaining in the trust his power was unexercised.)

Example (5). L is entitled to all the income during his lifetime and has an unrestricted power to cause corpus to be distributed at any time to R. L dies before R. If R's remainder is vested, L has only a power to dispose of his income interest by accelerating R's remainder, and nothing is includible in his gross estate for the reason stated in example (1). If R's remainder were contingent, L would have a power of appointment, but not a general power, and nothing would be included in his gross estate.

Example (6). Income was directed to be accumulated but R has an unrestricted power to cause it to be distributed to L. R dies before L. The value, if any, of R's remainder interest (including accumulated income) in the trust property immediately after his death is includible in his gross estate under section 2033. Nothing is includible under section 2041, for the reason stated in example (1).

Example (7). Income was payable to L during his lifetime. R has an unrestricted power to cause corpus to be distributed to L. R dies before L. If R's remainder interest is vested, R has only a power to dispose of his remainder interest, the value of which would be included in his gross estate under section 2033, and nothing in addition would be includible under section 2041. If R's remainder were contingent on his surviving L, nothing would be includible in his gross estate under either section 2033 or 2041. While he would have a power of appointment, it would not be a general power.

Example (8). Income was payable to L during his lifetime. R has an unrestricted power to cause corpus to be distributed to himself. R dies before L. While the value, if any, of R's remainder interest would be includible in his gross estate under section 2033, R also has a general power of appointment over the entire trust corpus, the consequences of which are the same as in example (4).

§ 20.2042 *Statutory provisions; proceeds of life insurance.*

SEC. 2042. *Proceeds of life insurance.* The value of the gross estate shall include the value of all property—

(1) *Receivable by the executor.* To the extent of the amount receivable by the executor as insurance under policies on the life of the decedent.

(2) *Receivable by other beneficiaries.* To the extent of the amount receivable by all other beneficiaries as insurance under policies on the life of the decedent with respect to which the decedent possessed at his death any of the incidents of ownership, exercisable either alone or in conjunction with any other person. For purposes of the preceding sentence, the term "incident of ownership" includes a reversionary interest (whether arising by the express terms of the policy or other instrument or by operation of law) only if the value of such reversionary interest exceeded 5 percent of the value of the policy immediately before the death of the decedent. As used in this paragraph, the term "reversionary interest" includes a possibility that the policy, or the proceeds of the policy, may return to the decedent or his estate, or may be subject to a power of disposition by him. The value of a reversionary interest at any time shall be determined (without regard to the fact of the decedent's death) by usual methods of valuation, including the use of tables of mortality and actuarial principles, pursuant to regulations prescribed by the Secretary or his delegate. In determining the value of a possibility that the policy or proceeds thereof may be subject to a power of disposition by the decedent, such possibility shall be valued as if it were a possibility that such policy or proceeds may return to the decedent or his estate.

§ 2042–1 *Proceeds of life insurance—*

(a) *In general.* (1) Section 2042 provides for the inclusion in a decedent's gross estate of the proceeds of insurance on the decedent's life (i) receivable by or for the benefit of the estate (see paragraph (b) of this section), and (ii) receivable by other beneficiaries (see paragraph (c) of this section). The term "insurance" refers to life insurance of every description, including death benefits paid by fraternal beneficial societies operating under the lodge system.

(2) Proceeds of life insurance which are not includible in the gross estate under section 2042 may, depending upon the facts of the particular case, be includible under some other section of part 3 of subchapter A of chapter 11. For example, if the decedent possessed incidents of ownership in an insurance policy on his life but gratuitously transferred all rights in the policy in contemplation of death, the proceeds would be includible under section 2035. Section 2042 has no application to the inclusion in the gross estate of the value of rights in an insurance policy on the life of a person other than the decedent, or the value of rights in a combination annuity contract and life insurance policy on the decedent's life (i. e., a "retirement income" policy with death benefit or an "endowment" policy) under which there was no insurance element at the time of the decedent's death (see § 20.2039–1 (d)).

(3) The amount to be included in the gross estate under section 2042 is the full amount receivable under the policy. If the proceeds of the policy are made payable to a beneficiary in the form of an annuity for life or for a term of years, the amount to be included in the gross estate is the one sum payable at death under an option which could have been exercised either by the insured or by the beneficiary, or if no option was granted, the sum used by the insurance company in determining the amount of the annuity.

(b) *Receivable by or for the benefit of the estate.* (1) Section 2042 requires the inclusion in the gross estate of the proceeds of insurance on the decedent's life receivable by the executor or administrator in his representative capacity, or payable to the decedent's estate. It makes no difference whether the estate is the beneficiary under the terms of the policy or as a matter of fact. Thus, if under the terms of an insurance policy the proceeds are receivable by another beneficiary but are subject to an obligation, legally binding upon the other beneficiary, to pay taxes, debts, or other charges enforceable against the estate, then the amount of such proceeds required for the payment in full (to the extent of the beneficiary's obligation) of such taxes, debts, or other charges is includible in the gross estate. Similarly, if the decedent purchased an insurance policy in favor of another person or a corporation as collateral security for a loan or other accommodation, its proceeds are considered to be receivable for the benefit of the estate. The amount of the loan outstanding at the date of the decedent's death, with interest accrued thereon to that date, will be deductible in determining the taxable estate. See § 20.2053–4.

(2) If the proceeds of an insurance policy made payable to the decedent's estate are community assets under the local community property law and, as a result, half of the proceeds belongs to the decedent's spouse, then only half of the proceeds is considered to be receivable by or for the benefit of the decedent's estate.

(c) *Receivable by other beneficiaries.* (1) Section 2042 requires the inclusion in the gross estate of the proceeds of insurance on the decedent's life not receivable by or for the benefit of the estate if the decedent possessed at the date of his death any of the incidents of ownership in the policy, exercisable either alone or in conjunction with any other person.

(2) For purposes of this section, the term "incidents of ownership" is not limited in its meaning to ownership of the policy in the technical legal sense. Generally speaking, the term has reference to the right of the insured or his estate to the economic benefits of the policy. Thus, it includes the power to change the beneficiary, to surrender or cancel the policy, to assign the policy, to revoke an assignment, to pledge the policy for a loan, or to obtain from the insurer a loan against the surrender value of the policy, etc. Similarly, the term includes a power to change the beneficiary reserved to a corporation of which the decedent is sole stockholder.

(3) The term "incidents of ownership" also includes a reversionary interest in the policy or its proceeds, whether arising by the express terms of the policy or other instrument or by operation of law, but only if the value of the reversionary interest immediately before the death of the decedent exceeded 5 percent of the value of the policy. As used in this subparagraph, the term "reversionary interest" includes a possibility that the policy or its proceeds may return to the decedent or his estate and a possibility that the policy or its proceeds may become subject to a power of disposition by him. In order to determine whether or not the value of a reversionary interest immediately before the death of the decedent exceeded 5 percent of the value of the policy, the principles contained in § 20.2037–1 (c) (3) and (4), in so far as applicable, shall be followed under this subparagraph. In that connection, there must be specifically taken into consideration any incidents of ownership held by others immediately before the decedent's death which would affect the value of the reversionary interest. For example, the decedent would not be considered to have a reversionary interest in the policy of a value in excess of 5 percent if the power to obtain the cash surrender value existed in a designated beneficiary immediately before the decedent's death and was exercisable by such beneficiary alone and in all events. The terms "reversionary interest" and "incidents of ownership" do not include the possibility that the decedent might receive a policy or its proceeds by inheritance through the estate of another person, or as a surviving spouse under a statutory right of election or a similar right.

(4) A decedent is considered to have an "incident of ownership" in an insurance policy held in trust if, under the terms of the policy, the decedent (either alone or in conjunction with another person or persons) has the power (as trustee or otherwise) to change the beneficial ownership in the policy or its proceeds, or the time or manner of enjoyment thereof, even though the decedent has no beneficial interest in the trust. Moreover, such a power may re-

sult in the inclusion in the decedent's gross estate under section 2036 or 2038 of the other property held in the trust if, for example, the decedent has the power to surrender the insurance policy and if the income used to pay premiums on the policy would be currently payable to a beneficiary of the trust in the event that the policy were surrendered.

(5) As an additional step in determining whether or not a decedent possessed any incidents of ownership in a policy or any part of a policy, regard must be given to the effect of the State or other applicable law upon the terms of the policy. For example, assume that the decedent purchased a policy of insurance on his life with funds held by him and his surviving wife as community property, designating their son as beneficiary but retaining the right to surrender the policy. Under the local law, the proceeds upon surrender would have inured to the marital community. Assuming that the policy is not surrendered and that the son receives the proceeds on the decedent's death, the wife's transfer of her half interest in the policy was not considered absolute before the decedent's death. Upon the wife's prior death, half of the value of the policy would have been included in her gross estate. Under these circumstances, the power of surrender possessed by the decedent as agent for his wife with respect to half of the policy is not, for purposes of this section, an "incident of ownership", and the decedent is, therefore, deemed to possess an incident of ownership in only half of the policy.

(6) Life insurance policies frequently form a part of arrangements for the purchase of partnership interests or corporate shares from a decedent's estate. If such an arrangement is a binding agreement for full and adequate consideration in money or money's worth entered into in good faith and at arm's length providing for the use of proceeds of insurance on the decedent's life for the purchase of his partnership interest or corporate shares, the value of the interest or shares (as affected by the agreement) and not the value of the insurance, is included in the decedent's gross estate. However, if the insurance is owned by or payable to the partnership or corporation, or a trust created by it or for its benefit, the proceeds of insurance are considered as an asset of the partnership or corporation for the purposes of first, determining whether the agreement was supported by full and adequate consideration in money or money's worth and, second, determining the value of the decedent's interest or shares if the agreement is not considered to have been entered into in good faith and at arm's length. The principles described in § 20.2031–2 (h) are to be applied in determining whether the agreement was supported by full and adequate consideration in money or money's worth. If the agreement was not supported by full and adequate consideration in money or money's worth, there is included in the decedent's gross estate both the value of the decedent's interest or shares (determined without regard to the agreement) and, if otherwise includible, the proceeds of the insurance (except to the extent that the proceeds are included in the value of the interest or shares).

§ 20.2043 *Statutory provisions; transfers for insufficient consideration.*

SEC. 2043. *Transfers for insufficient consideration*—(a) *In general.* If any one of the transfers, trusts, interests, rights, or powers enumerated and described in sections 2035 to 2038, inclusive, and section 2041 is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a bona fide sale for an adequate and full consideration in money or money's worth, there shall be included in the gross estate only the excess of the fair market value at the time of death of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent.

(b) *Marital rights not treated as consideration.* For purposes of this chapter, a relinquishment or promised relinquishment of dower or curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth."

§ 20.2043–1 *Transfers for insufficient consideration*—(a) *In general.* The transfers, trusts, interests, rights or powers enumerated and described in sections 2035 to 2038, inclusive, and section 2041 are not subject to the Federal estate tax if made, created, exercised, or relinquished in a transaction which constituted a bona fide sale for an adequate and full consideration in money or money's worth. To constitute a bona fide sale for an adequate and full consideration in money or money's worth, the transfer must have been made in good faith, and the price must have been an adequate and full equivalent reducible to a money value. If the price was less than such a consideration, only the excess of the fair market value of the property (as of the applicable valuation date) over the price received by the decedent is included in ascertaining the value of his gross estate.

(b) *Marital rights and support obligations.* For purposes of chapter 11, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, is not to any extent a consideration in "money or money's worth." Similarly, a transfer of property which, or the income from which, is to be used in the future to discharge a decedent's obligation to support a dependent is not a transfer for a consideration in money or money's worth, unless under local law the transfer operates completely to discharge the decedent's obligation. The decedent's obligation is discharged pro tanto as each payment for support is made, and not by the original transfer. Therefore, for example, property transferred in trust for the support of a dependent of a decedent is includible in the decedent's gross estate under section 2036 (a) (1) if the trust continued in existence until the decedent's death and if the dependency relationship existed at that time, since in such a case the decedent retained the benefit of the property or its income during his life. However, if such a transfer is made to carry out a decree or order of a court of competent jurisdiction entered in a divorce, separate maintenance, or annulment proceeding, or if made in advance of such a decree or order, is later incorporated or approved therein, or is contingent thereon, the includible amount is decreased by the value at the date of the decedent's death of any of the beneficiaries' continuing right of support as fixed or approved by the court. In this connection, continuing right of support does not include provisions made for payments to children of the decedent beyond the date on which the decedent's obligation of support would have ceased in the absence of the decree or order and had he lived.

§ 20.2044 *Statutory provisions; prior interests.*

SEC. 2044. *Prior interests.* Except as otherwise specifically provided therein, sections 2034 to 2042, inclusive, shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whenever made, created, arising, existing, exercised, or relinquished.

§ 20.2044–1 *Applicability to pre-existing transfers or interests.* Sections 2034 through 2043 are applicable regardless of when the interests and events referred to in those sections were created or took place, except as otherwise provided in those sections and the regulations thereunder.

Taxable Estate

§ 20.2051 *Statutory provisions; definition of taxable estate.*

SEC. 2051. *Definition of taxable estate.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the exemption and deductions provided for in this part.

§ 20.2051–1 *Definition of taxable estate.* The taxable estate of a decedent who was a citizen or resident (see § 20.2001–1 (c)) of the United States at the time of his death is determined by subtracting the total amount of the deductions authorized by sections 2052 through 2056, and the regulations thereunder, from the total of the amounts which must be included in the gross estate under sections 2031 through 2044 and the regulations thereunder. These deductions are in general as follows:

(1) An exemption of $60,000 (section 2052);

(2) Funeral and administration expenses and debts (including certain taxes and charitable pledges) (section 2053);

(3) Losses from casualty or theft during the administration of the estate (section 2054);

(4) Charitable transfers (section 2055); and

(5) The marital deduction (section 2056).

See section 2106 and the regulations thereunder for the computation of the taxable estate of a decedent who was not a citizen or resident of the United States. See also § 1.642 (g)–1 of this chapter concerning the disallowance for income tax purposes of certain deductions allowed for estate tax purposes.

§ 20.2052 *Statutory provisions; exemption.*

SEC. 2052. *Exemption.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an exemption of $60,000.

§ 20.2052–1 *Exemption.* An exemption of $60,000 is allowed as a deduction under section 2052 from the gross estate of a decedent who was a citizen or resident of the United States at the time of his death. For the amount of the exemption allowed as a deduction from the gross estate of a decedent who was a nonresident not a citizen of the United States, see § 20.2106–1.

§ 20.2053 *Statutory provisions; expenses, indebtedness, and taxes.*

SEC. 2053. *Expenses, indebtedness, and taxes*—(a) *General rule.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate such amounts—

(1) For funeral expenses,

(2) For administration expenses,

(3) For claims against the estate, and

(4) For unpaid mortgages on, or any indebtedness in respect of, property where the value of the decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate,

as are allowable by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered.

(b) *Other administration expenses.* Subject to the limitations in paragraph (1) of subsection (c), there shall be deducted in determining the taxable estate amounts representing expenses incurred in administering property not subject to claims which is included in the gross estate to the same extent such amounts would be allowable as a deduction under subsection (a) if such property were subject to claims, and such amounts are paid before the expiration of the period of limitation for assessment provided in section 6501.

(c) *Limitations*—(1) *Limitations applicable to subsections (a) and (b)*—(A) *Consideration for claims.* The deduction allowed by this section in the case of claims against the estate, unpaid mortgages, or any indebtedness shall, when founded on a promise or agreement, be limited to the extent that they were contracted bona fide and for an adequate and full consideration in money or money's worth; except that in any case in which any such claim is founded on a promise or agreement of the decedent to make a contribution or gift to or for the use of any donee described in section 2055 for the purposes specified therein, the deduction for such claims shall not be so limited, but shall be limited to the extent that it would be allowable as a deduction under section 2055 if such promise or agreement constituted a bequest.

(B) *Certain taxes.* Any income taxes on income received after the death of the decedent, or property taxes not accrued before his death, or any estate, succession, legacy, or inheritance taxes, shall not be deductible under this section.

(2) *Limitations applicable only to subsection (a).* In the case of the amounts described in subsection (a), there shall be disallowed the amount by which the deductions specified therein exceed the value, at the time of the decedent's death, of property subject to claims, except to the extent that such deductions represent amounts paid before the date prescribed for the filing of the estate tax return. For purposes of this section, the term "property subject to claims" means property includible in the gross estate of the decedent which, or the avails of which, would under the applicable law, bear the burden of the payment of such deductions in the final adjustment and settlement of the estate, except that the value of the property shall be reduced by the amount of the deduction under section 2054 attributable to such property.

(d) *Certain State death taxes*—(1) *General rule.* Notwithstanding the provisions of subsection (c) (1) (B) of this section, for purposes of the tax imposed by section 2001 the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary or his delegate) of any estate, succession, legacy or inheritance tax imposed by a State or Territory or the District of Columbia, or any possession of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055 or 2106 (a) (2). The election shall be exercised in accordance with regulations prescribed by the Secretary or his delegate.

(2) *Condition for allowance of deduction.* No deduction shall be allowed under paragraph (1) for a State death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided for in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106 (a) (2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106 (a) (2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal estate tax which any transferees other than those described in sections 2055 and 2106 (a) (2) are required to pay.

(3) *Effect of deduction on credit for State death taxes.* See section 2011 (e) for the effect of a deduction taken under this subsection on the credit for State death taxes.

(e) *Marital rights.* For provisions that relinquishment of marital rights shall not be deemed a consideration "in money or money's worth," see section 2043 (b).

[Sec. 2053 as amended by sec. 2, Pub. Law 414 (84th Cong.)]

§ 20.2053–1 *Deductions for expenses, indebtedness, and taxes; in general*—(a) *General rule.* In determining the taxable estate of a decedent who was a citizen or resident of the United States at the time of his death, there are allowed as deductions under section 2053 (a) and (b) amounts falling within the following two categories (subject to the limitations contained in this section and in §§ 20.2053–2 through 20.2053–9):

(1) *First category.* Amounts which are payable out of property subject to claims and which are allowable by the law of the jurisdiction, whether within or without the United States, under which the estate is being administered for—

(i) Funeral expenses;

(ii) Administration expenses;

(iii) Claims against the estate (including taxes to the extent set forth in § 20.2053–6 and charitable pledges to the extent set forth in §20.2053–5); and

(iv) Unpaid mortgages on, or any indebtedness in respect of, property, the value of the decedent's interest in which is included in the value of the gross estate undiminished by the mortgage or indebtedness.

See further §§ 20.2053–2 through 20.2053–7.

(2) *Second category.* Amounts representing expenses incurred in administering property which is included in the gross estate but which is not subject to claims and which—

(i) Would be allowed as deductions in the first category if the property being administered were subject to claims; and

(ii) Were paid before the expiration of the period of limitation for assessment provided in section 6501.

See further § 20.2053–8.

(b) *Provisions applicable to both categories*—(1) *In general.* If the item is not one of those described in paragraph (a) of this section, it is not deductible merely because payment is allowed by the local law. If the amount which may be expended for the particular purpose is limited by the local law, no deduction in excess of that limitation is permissible.

(2) *Effect of court decree.* The decision of a local court as to the amount and allowability under local law of a claim or administration expense will ordinarily be accepted if the court passes upon the facts upon which deductibility depends. If the court does not pass upon those facts, its decree will, of course, not be followed. For example, if the question before the court is whether a claim should be allowed, the decree allowing it will ordinarily be accepted as establishing the validity and amount of the claim. However, the decree will not necessarily be accepted even though it purports to decide the facts upon which deductibility depends. It must appear that the court actually passed upon the merits of the claim. This will be presumed in all cases of an active and genuine contest. If the result reached appears to be unreasonable, this is some evidence that there was not such a contest, but it may be rebutted by proof to the contrary. If the decree was rendered by consent, it will be accepted, provided the consent was a bona fide recognition of the validity of the claim—and not a mere cloak for a gift—and was accepted by the court as satisfactory evidence upon the merits. It will be presumed that the consent was of this character, and was so accepted, if given by all parties having an interest adverse to the claimant. The decree will not be accepted if it is at variance with the law of the State; as, for example, an allowance made to an executor in excess of that prescribed by statute. On the other hand, a deduction for the amount of a bona fide indebtedness of the decedent, or of a reasonable expense of administration, will not be denied because no court decree has been entered if the amount would be allowable under local law.

(3) *Estimated accounts.* An item may be entered on the return for deduction though its exact amount is not then known, provided it is ascertainable with reasonable certainty, and will be paid. No deduction may be taken upon the

basis of a vague or uncertain estimate. If the amount of a liability was not ascertainable at the time of final audit of the return by the district director, and, as a consequence, it was not allowed as a deduction in the audit and subsequently the amount of the liability is ascertained, relief may be sought by a petition to the Tax Court or a claim for refund as provided by sections 6213 (a) and 6511, respectively.

(c) *Provision applicable to first category only.* Deductions of the first category (described in paragraph (a) (1) of this section) are limited under section 2053 (a) to amounts which would be properly allowable out of property subject to claims by the law of the jurisdiction under which the decedent's estate is being administered. Further, the total allowable amount of deductions of the first category is limited by section 2053 (c) (2) to the sum of—

(1) The value of property included in the decedent's gross estate and subject to claims, plus

(2) Amounts paid, out of property not subject to claims against the decedent's estate, within 15 months after the decedent's death (the period within which the estate tax return must be filed under section 6075), or within any extension of time for filing the return granted under section 6081.

The term "property subject to claims" is defined in section 2053 (c) (2) as meaning the property includible in the gross estate which, or the avails of which, under the applicable law, would bear the burden of the payment of these deductions in the final adjustment and settlement of the decedent's estate. However, for the purposes of this definition, the value of property subject to claims is first reduced by the amount of any deduction allowed under section 2054 for any losses from casualty or theft incurred during the settlement of the estate attributable to such property. The application of this paragraph may be illustrated by the following examples:

Example (1). The only item in the gross estate is real property valued at $250,000 which the decedent and his surviving spouse held as tenants by the entirety. Under the local law this real property is not subject to claims. Funeral expenses of $1,200 and debts of the decedent in the amount of $1,500 are allowable under local law. Before the prescribed date for filing the estate tax return the surviving spouse paid the funeral expenses and $1,000 of the debts. The remaining $500 of the debts was paid by her after the prescribed date for filing the return. The total amount allowable as deductions under section 2053 is limited to $2,200, the amount paid prior to the prescribed date for filing the return.

Example (2). The only two items in the gross estate were a bank deposit of $20,000 and insurance in the amount of $150,000. The insurance was payable to the decedent's surviving spouse and under local law was not subject to claims. Funeral expenses of $1,000 and debts in the amount of $29,000 were allowable under local law. A son was executor of the estate and before the prescribed date for filing the estate tax return he paid the funeral expenses and $9,000 of the debts, using therefor $5,000 of the bank deposit and $5,000 supplied by the surviving spouse. After the prescribed date for filing the return the executor paid the remaining $20,000 of the debts, using for that purpose the $15,000 left in the bank account plus an additional $5,000 supplies by the surviving spouse. The total amount allowable as deductions under section 2053 is limited to $25,000 ($20,000 of property subject to claims plus the $5,000 additional amount which, before the prescribed date for filing the return, was paid out of property not subject to claims).

(d) *Disallowance of double deductions.* See section 642 (g) and § 1.642 (g)–1 with respect to the disallowance for estate tax purposes of certain deductions if the right to take such deductions is waived in order to permit their allowance for income tax purposes.

§ 20.2053–2 *Deduction for funeral expenses.* Such amounts for funeral expenses are allowed as deductions from a decedent's gross estate as (a) are actually expended, (b) would be properly allowable out of property subject to claims under the laws of the local jurisdiction, and (c) satisfy the requirements of paragraph (c) of § 20.2053–1. A reasonable expenditure for a tombstone, monument, or mausoleum, or for a burial lot, either for the decedent or his family, including a reasonable expenditure for its future care, may be deducted under this heading, provided such an expenditure is allowable by the local law. Included in funeral expenses is the cost of transportation of the person bringing the body to the place of burial.

§ 20.2053–3 *Deduction for expenses of administering estate.*—(a) *In general.* The amounts deductible from a decedent's gross estate as "administration expenses" of the first category (see § 20.2053–1 (a) and (c)) are limited to such expenses as are actually and necessarily incurred in the administration of the decedent's estate; that is, in the collection of assets, payment of debts, and distribution of property to the persons entitled to it. The expenses contemplated in the law are such only as attend the settlement of an estate preliminary to the transfer of the property of the estate to individual beneficiaries or to a trustee, whether the trustee is the executor or some other person. Expenditures not essential to the proper settlement of the estate, but incurred for the individual benefit of the heirs, legatees, or devisees, may not be taken as deductions. Administration expenses include (1) executor's commissions; (2) attorney's fees; and (3) miscellaneous expenses. Each of these classes is considered separately in paragraphs (b) to (d), inclusive, of this section.

(b) *Executor's commissions.* (1) The executor or administrator, in filing the estate tax return, may deduct his commissions in such an amount as has actually been paid, or in an amount which at the time of filing the estate tax return may reasonably be expected to be paid, but no deduction may be taken if no commissions are to be collected. If the amount of the commissions has not been fixed by decree of the proper court, the deduction will be allowed on the final audit of the return, to the extent that all three of the following conditions are satisfied:

(i) The district director is reasonably satisfied that the commissions claimed will be paid;

(ii) The amount entered as a deduction is within the amount allowable by the laws of the jurisdiction in which the estate is being administered; and

(iii) It is in accordance with the usually accepted practice in the jurisdiction to allow such an amount in estates of similar size and character.

If the deduction is disallowed in whole or in part on final audit, the disallowance will be subject to modification as the facts may later require. If the deduction is allowed in advance of payment and payment is thereafter waived, it shall be the duty of the executor to notify the district director and to pay the resulting tax, together with interest.

(2) A bequest or devise to the executor in lieu of commissions is not deductible. If, however, the decedent fixed by his will the compensation payable to the executor for services to be rendered in the administration of the estate, deduction may be taken to the extent that the amount so fixed does not exceed the compensation allowable by the local law or practice.

(3) Except to the extent that a trustee is in fact performing services with respect to property subject to claims which would normally be performed by an executor, amounts paid as trustees' commissions do not constitute expenses of administration under the first category, and are only deductible to the extent provided in § 20.2053–8.

(c) *Attorney's fees.* (1) The executor or administrator, in filing the estate tax return, may deduct such an amount of attorney's fees as has actually been paid, or an amount which at the time of filing may reasonably be expected to be paid. If on the final audit of a return the fees claimed have not been awarded by the proper court and paid, the deduction will, nevertheless, be allowed, if the district director is reasonably satisfied that the amount claimed will be paid and that it does not exceed a reasonable remuneration for the services rendered, taking into account the size and character of the estate and the local law and practice. If the deduction is disallowed in whole or in part on final audit, the disallowance will be subject to modification as the facts may later require.

(2) A deduction for attorneys' fees incurred in contesting an asserted deficiency or in prosecuting a claim for refund should be claimed at the time the deficiency is contested or the refund claim is prosecuted. A deduction for reasonable attorneys' fees actually paid in contesting an asserted deficiency or in prosecuting a claim for refund will be allowed even though the deduction, as such, was not claimed in the estate tax return or in the claim for refund. A deduction for these fees shall not be denied, and the sufficiency of a claim for refund shall not be questioned, solely by reason of the fact that the amount of the fees to be paid was not established at the time that the right to the deduction was claimed.

(3) Attorney's fees incurred by beneficiaries incident to litigation as to their respective interests do not constitute a proper deduction, inasmuch as expenses of this character are incurred on behalf of the beneficiaries personally and are not administration expenses.

(d) *Miscellaneous administration expenses.* Miscellaneous administration expenses include such expenses as court costs, surrogates' fees, accountants' fees, appraisers' fees, clerk hire, etc. Expenses necessarily incurred in preserving and distributing the estate are deductible, including the cost of storing or maintaining property of the estate, if it is impossible to effect immediate distribution to the beneficiaries. Expenses for preserving and caring for the property may not include outlays for additions or improvements; nor will such expenses be allowed for a longer period than the executor is reasonably required to retain the property. A brokerage fee for selling property of the estate is deductible if the sale is necessary in order to pay the decedent's debts, the expenses of administration, or taxes, or to effect distribution. Other expenses attending the sale are deductible, such as the fees of an auctioneer, if it is reasonably necessary to employ one.

§ 20.2053–4 *Deduction for claims against the estate; in general.* (a) The amounts that may be deducted as claims against a decedent's estate are such only as represent personal obligations of the decedent existing at the time of his death, whether or not then matured, and interest thereon which had accrued at the time of death. Only interest accrued at the date of the decedent's death is allowable even though the executor elects the alternate valuation method under section 2032. Only claims enforceable against the decedent's estate may be deducted. Except as otherwise provided in § 20.2053–5 with respect to pledges or subscriptions, section 2053 (c) (1) (A) provides that the allowance of a deduction for a claim founded upon a promise or agreement is limited to the extent that the liability was contracted bona fide and for an adequate and full consideration in money or money's worth. See § 20.2043–1. Liabilities imposed by law or arising out of torts are deductible.

(b) A claim based solely on an agreement entered into by a decedent to support a dependent for a period which extends beyond his death is not contracted for an adequate and full consideration in money or money's worth since the decedent ordinarily has no obligation to support a dependent after his death. The decedent is considered as not having received consideration in money or money's worth for the agreement at the time it was entered into, since his support obligation was not discharged by the agreement, but only as each payment under the agreement was made. However, to the extent that such an agreement is made to carry out a decree or order of a court of competent jurisdiction entered in a divorce, separate maintenance or annulment proceeding, or if made in advance of such a decree or order, is later incorporated or approved therein, or is contingent thereon, the agreement is pursuant to the obligation imposed by law in the decree or order, and to that extent a deduction is allowed for a claim based on the agreement.

§ 20.2053–5 *Deductions for charitable, etc., pledges or subscriptions.* A pledge or a subscription, evidenced by a promissory note or otherwise, even though enforceable against the estate, is deductible only to the extent that—

(a) Liability therefor was contracted bona fide and for an adequate and full consideration in cash or its equivalent, or

(b) It would constitute an allowable deduction under section 2055 (relating to charitable, etc., deductions) if it had been a bequest.

§ 20.2053–6 *Deduction for taxes.*—(a) *In general.* Taxes are deductible in computing a decedent's gross estate only as claims against the estate (except to the extent that excise taxes may be allowable as administration expenses), and only to the extent not disallowed by section 2053 (c) (1) (B) (see the remaining paragraphs of this section). However, see § 20.2053–9 with respect to the deduction allowed for certain State death taxes on charitable, etc., transfers.

(b) *Property taxes.* Property taxes are not deductible unless they accrued before the decedent's death. However, they are not deductible merely because they have accrued in an accounting sense. Property taxes in order to be deductible must be an enforceable obligation of the decedent at the time of his death. Real property taxes are deductible only if they have become a lien on the real property before the decedent's death.

(c) *Death taxes.* No estate, succession, legacy or inheritance tax payable by reason of the decedent's death is deductible, except as provided in § 20.2053–9 with respect to certain State death taxes on charitable, etc., transfers. However, see sections 2011 and 2014 with respect to credits for death taxes.

(d) *Gift taxes.* Unpaid gift taxes on gifts made by a decedent before his death are deductible. If a gift is considered as made half by the decedent and half by his spouse under section 2513, the entire amount of the gift tax, unpaid at the decedent's death, attributable to a gift in fact made by the decedent is deductible. No portion of the tax attributable to a gift in fact made by the decedent's spouse is deductible except to the extent that the obligation is enforced against the decedent's estate and his estate has no effective right of contribution against his spouse. (See section 2012 with respect to credit for gift taxes paid upon gifts of property included in a decedent's gross estate.)

(e) *Excise taxes.* Excise taxes incurred in selling property of a decedent's estate are deductible as an expense of administration if the sale is necessary in order to pay the decedent's debts, expenses of administration, or taxes, or to effect distribution. Excise taxes incurred in distributing property of the estate in kind are also deductible.

(f) *Income taxes.* Unpaid income taxes are deductible if they are on income properly includible in an income tax return of the decedent for a period before his death. Taxes on income received after the decedent's death are not deductible. If income received by a decedent during his lifetime is included in a joint income tax return filed by the decedent and his spouse, or by the decedent's estate and his surviving spouse, the portion of the joint liability for the period covered by the return for which a deduction would be allowed is the amount for which the decedent's estate would be liable under local law, as between the decedent and his spouse, after enforcement of any effective right of reimbursement or contribution. In the absence of evidence to the contrary, the deductible amount is presumed to be an amount bearing the same ratio to the total joint tax liability for the period covered by the return that the amount of income tax for which the decedent would have been liable if he had filed a separate return for that period bears to the total of the amounts for which the decedent and his spouse would have been liable if they had both filed separate returns for that period. Thus, the deductible amount equals

$$\frac{\text{Decedent's separate tax}}{\text{Both separate taxes}} \times \text{Joint tax.}$$

However, the deduction cannot in any event exceed the lesser of—

(1) The decedent's liability for the period (as determined in this paragraph) reduced by the amounts already contributed by the decedent toward payment of the joint liability, or

(2) If there is an enforceable agreement between the decedent and his spouse or between the executor and the spouse relative to the payment of the joint liability, the amount which pursuant to the agreement is to be contributed by the estate toward payment of the joint liability.

If the decedent's estate and his surviving spous eare entitled to a refund on account of an overpayment of a joint income tax liability, the overpayment is an asset includible in the decedent's gross estate under section 2033 to the extent the decedent's contributions toward payment of the joint tax exceeds his liability determined in accordance with the principles set forth in this paragraph (other than subparagraph (1) of this paragraph).

§ 20.2053–7 *Deduction for unpaid mortgages.* A deduction is allowed from a decedent's gross estate of the full unpaid amount of a mortgage upon, or of any other indebtedness in respect of, any property of the gross estate, including interest which had accrued thereon to the date of death, provided the value of the property, undiminished by the amount of the mortgage or indebtedness, is returned as part of the value of the gross estate. If the decedent's estate is liable for the amount of the mortgage or indebtedness, the full value of the property subject to the mortgage or indebtedness must be included as part of the value of the gross estate; the amount of the mortgage or indebtedness being in such case allowed as a deduction. But if the decedent's estate is not so liable, only the value of the equity of redemption (or value of the property, less the mortgage or indebtedness) need be returned as part of the value of the gross estate. In no case may the deduction on account of the mortgage or indebted-

ness exceed the liability therefor contracted bona fide and for an adequate and full consideration in money or money's worth. See § 20.2043–1. Only interest accrued to the date of the decedent's death is allowable even though the alternate valuation method under section 2032 is selected. Inasmuch as real property outside of the United States does not form a part of the gross estate, no deduction may be taken of any mortgage thereon or any other indebtedness in respect thereof.

§ 20.2053–8 *Deduction for expenses in administering property not subject to claims.* (a) Expenses incurred in administering property included in a decedent's gross estate but not subject to claims fall within the second category of deductions set forth in § 20.2053–1, and may be allowed as deductions if they—

(1) Would be allowed as deductions in the first category if the property being administered were subject to claims; and

(2) Were paid before the expiration of the period of limitation for assessment provided in section 6501.

Usually, these expenses are incurred in connection with the administration of a trust established by a decedent during his lifetime. They may also be incurred in connection with the collection of other assets or the transfer or clearance of title to other property included in a decedent's gross estate for estate tax purposes but not included in his probate estate.

(b) These expenses may be allowed as deductions only to the extent that they would be allowed as deductions under the first category if the property were subject to claims. See § 20.2053–3. The only expenses in administering property not subject to claims which are allowed as deductions are those occasioned by the decedent's death and incurred in settling the decedent's interest in the property or vesting good title to the property in the beneficiaries. Expenses not coming within the description in the preceding sentence but incurred on behalf of the transferees are not deductible.

(c) The principles set forth in paragraphs (b), (c), and (d) of § 20.2053–3 (relating to the allowance of executor's commissions, attorney's fees, and miscellaneous administration expenses of the first category) are applied in determining the extent to which trustee's commissions, attorney's and accountant's fees, and miscellaneous administration expenses are allowed in connection with the administration of property not subject to claims.

(d) The application of this section may be illustrated by the following examples:

Example (1). In 1940, the decedent made an irrevocable transfer of property to the X Trust Company, as trustee. The instrument of transfer provided that the trustee should pay the income from the property to the decedent for the duration of his life and, upon his death, distribute the corpus of the trust among designated beneficiaries. The property was included in the decedent's gross estate under the provisions of section 2036. Three months after the date of death, the trustee distributed the trust corpus among the beneficiaries, except for $6,000 which it withheld. The amount withheld represented $5,000 which it retained as trustee's commissions in connection with the dissolution of the trust and $1,000 which it had paid to an attorney for representing it in connection with the dissolution. Both the trustee's commissions and the attorney's fees were allowable under the law of the jurisdiction in which the trust was being administered, were reasonable in amount, and were in accord with local custom. Under these circumstances the estate is allowed a deduction of $6,000.

Example (2). In 1945, the decedent made an irrevocable transfer of property to Y Trust Company, as trustee. The instrument of transfer provided that the trustee should pay the income from the property to the decedent during his life. If the decedent's wife survived him, the trust was to continue for the duration of her life, with Y Trust Company and the decedent's son as co-trustees, and with income payable to her for the duration of her life. Upon the death of both the decedent and his wife, the corpus is to be distributed among designated remaindermen. The decedent was survived by his wife. The property was included in the decedent's gross estate under the provisions of section 2036. In accordance with local custom, the trustee made an accounting to the court as of the date of the decedent's death. Following the death of the decedent, a controversy arose among the remaindermen as to their respective rights under the instrument of transfer, and a suit was brought in court to which the trustee was made a party. As a part of the accounting, the court approved the following expenses which the trustee had paid within 3 years following the date of death: $10,000, trustee's commissions; $5,000, accountant's fees; $25,000, attorney's fees; and $2,500, representing fees paid to the guardian of a remainderman who was a minor. The trustee's commissions and accountant's fees were for services in connection with the usual issues involved in a trust accounting as also were half of the attorney's and guardian's fees. The remainder of the attorney's and guardian's fees were for services performed in connection with the suit brought by the remaindermen. The amount allowed as a deduction is the $28,750 ($10,000, trustee's commissions; $5,000, accountant's fees; $12,500, attorney's fees; and $1,250, guardian's fees) incurred as expenses in connection with the usual issues involved in a trust accounting. The remaining expenses are not allowed as deductions since they were incurred on behalf of the transferees.

Example (3). Decedent in 1950 made an irrevocable transfer of property to the Z Trust Company, as trustee. The instrument of transfer provided that the trustee should pay the income from the property to the decedent's wife for the duration of her life. If the decedent survived his wife the trust corpus was to be returned to him but if he did not survive her, then upon the death of the wife the trust corpus was to be distributed among their children. The decedent predeceased his wife and the transferred property, less the value of the wife's outstanding life estate, was included in his gross estate under the provisions of section 2037 since his reversionary interest therein immediately before his death was in excess of 5 percent of the value of the property. At the wife's request the court ordered the trustee to render an accounting of the trust property as of the date of the decedent's death. No deduction will be allowed the decedent's estate for any of the expenses incurred in connection with the trust accounting, since the expenses were incurred on behalf of the wife.

Example (4). If in the preceding example the decedent died without other property, and no executor or administrator of his estate was appointed, so that it was necessary for the trustee to prepare an estate tax return and participate in its audit, and if the trustee required accounting proceedings for its own protection in accordance with local custom, trustees', attorneys' and guardians' fees in connection with the estate tax and accounting proceedings would be deductible to the same extent that they would be deductible if the property were subject to claims. Deductions incurred under similar circumstances by a surviving joint tenant or the recipient of life insurance proceeds would also be deductible.

§ 20.2053–9 *Deduction for certain State death taxes*—(a) *General rule.* A deduction is allowed a decedent's estate under section 2053 (d) for the amount of any estate, succession, legacy, or inheritance tax imposed by a State, Territory, the District of Columbia, or any possession of the United States upon a transfer by the decedent for charitable, etc., uses described in section 2055 or 2106 (a) (2) (relating to the estates of nonresidents not citizens), but only if (1) the conditions stated in paragraph (b) of this section are met, and (2) an election is made in accordance with the provisions of paragraph (c) of this section. See section 2011 (e) and § 20.2011–2 for the effect which the allowance of this deduction has upon the credit for State death taxes.

(b) *Condition for allowance of deduction.* (1) The deduction is not allowed unless either (i) the entire decrease in the Federal estate tax resulting from the allowance of the deduction inures solely to the benefit of a charitable, etc., transferee described in section 2055 or 2106 (a) (2), or (ii) the Federal estate tax is equitably apportioned among all of the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate.

(2) For purposes of this paragraph, the Federal estate tax is considered to be equitably apportioned among all the transferees of property included in the decedent's gross estate only if each transferee is required to bear the burden of the Federal estate tax in an amount, A, which bears the same ratio to B (the Federal estate tax payable after allowance of the credits authorized by sections 2011 to 2014, inclusive, and section 2102 (relating to estates of nonresidents not citizens)) as C (the value of the transfer, reduced as provided in the following sentence) bears to D (the sum of the taxable estate and the exemption allowed in computing the taxable estate). If any deductions under sections 2053 (d), 2055 (charitable deduction), 2056 (marital deduction), or 2106 (a) (2) (relating to estates of nonresidents not citizens) are allowed with respect to the transfer, factor "C" of the ratio is the value at which the transfer is included in the gross estate, reduced by the amount of the deductions allowed under those sections with respect to the transfer.

(c) *Exercise of election.* The election to take a deduction for a State death tax imposed upon a transfer for charitable, etc., uses shall be exercised by the filing of a written notification to that effect with the district director of internal revenue in whose district the estate tax return for the decedent's estate was filed. The notification shall be filed before the expiration of the period of limitation for assessment provided in section 6501 (usually 3 years from the last day for filing the return). The election may be revoked by the executor by the filing of a written notification to that effect with the district director at any time before the expiration of such period.

(d) *Amount of State death tax imposed upon a transfer.* If a State death tax is imposed upon the transfer of the decedent's entire estate and not upon the transfer of a particular share thereof, the State death tax imposed upon a transfer for charitable, etc., uses is deemed to be an amount, E, which bears the same ratio to F (the amount of the State death tax imposed with respect to the transfer of the entire estate) as G (the value of the charitable, etc., transfer, reduced as provided in the next sentence) bears to H (the total value of the properties, interests, and benefits subjected to the State death tax received by all persons interested in the estate, reduced as provided in the last sentence of this paragraph). In arriving at amount G of the ratio, the value of the charitable, etc., transfer is reduced by the amount of any deduction or exclusion allowed with respect to such property in determining the amount of the State death tax. In arriving at amount H of the ratio, the total value of the properties, interests, and benefits subjected to State death tax received by all persons interested in the estate is reduced by the amount of all deductions and exclusions allowed in determining the amount of the State death tax on account of the nature of a beneficiary or a beneficiary's relationship to the decedent.

(e) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). The decedent's gross estate was valued at $200,000. He bequeathed $90,000 to a nephew, $10,000 to Charity A, and the remainder of his estate to Charity B. State inheritance tax in the amount of $13,500 was imposed upon the bequest to the nephew, $1,500 upon the bequest to Charity A, and $15,000 upon the bequest to Charity B. Under the will and local law, each legatee is required to pay the State inheritance tax on his bequest, and the Federal estate tax is to be paid out of the residuary estate. Since the entire burden of paying the Federal estate tax falls on Charity B, it follows that the decrease in the Federal estate tax resulting from the allowance of deductions for State death taxes in the amounts of $1,500 and $15,000 would inure solely for the benefit of Charity B. Therefore, deductions of $1,500 and $15,000 are allowable under section 2053 (d). If, in this example, the State death taxes as well as the Federal estate tax were to be paid out of the residuary estate, the result would be the same.

Example (2). The decedent's gross estate was $350,000. Expenses, indebtedness, etc., amounted to $50,000. The entire estate was bequeathed in equal shares to a son, a daughter and Charity A. State inheritance tax in the amount of $2,000 was imposed upon the bequest to the son, $2,000 upon the bequest to the daughter and $5,000 upon the bequest to Charity A. Under the will and local law, each legatee is required to pay his own State inheritance tax and his proportionate share of the Federal estate tax after taking into consideration the net amount of his bequest subjected to the Federal tax. Since the deductions under sections 2053 (d) and 2055 are to be taken into account in determining Charity A's share of the Federal estate tax, the tax is considered to be equitably apportioned. Thus, a deduction of $5,000 is allowable under section 2053 (d). This deduction together with a deduction of $95,000 under section 2055 (charitable deduction) will mean that none of Charity A's bequest is subjected to Federal estate tax. Hence, the son and the daughter will bear the entire estate tax.

Example (3). The decedent bequeathed his property in equal shares, after payment of all expenses, to a son, a daughter, and a charity. State inheritance tax of $2,000 was imposed upon the bequest to the son, $2,000 upon the bequest to the daughter, and $15,000 upon the bequest to the charity. Under the will and local law, each beneficiary pays the State inheritance tax on his bequest and the Federal estate tax is to be paid out of the estate as an administration expense. If the deduction for State death tax on the charitable bequest is allowed in this case, some portion of the decrease in the Federal estate tax would inure to the benefit of the son and the daughter. The Federal estate tax is not considered to be equitably apportioned in this case since the deductions under section 2055 (for the bequest to charity) and under section 2053 (d) (for the State death tax imposed upon the charitable bequest) are not taken into account in determining what portion of the burden of the Federal estate tax is to be borne by the charity. Inasmuch as some of the decrease in the Federal estate tax payable would inure to the benefit of the son and the daughter, and inasmuch as there is no equitable apportionment of the Federal estate tax, no deduction is allowable under section 2056 (d).

§ 20.2054 *Statutory provisions; losses.*

SEC. 2054. *Losses.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate losses incurred during the settlement of estates arising from fires, storms, shipwrecks, or other casualties, or from theft, when such losses are not compensated for by insurance or otherwise.

§ 20.2054–1 *Deduction for losses from casualties or theft.* A deduction is allowed for losses incurred during the settlement of the estate arising from fires, storms, shipwrecks, or other casualties, or from theft, if the losses are not compensated for by insurance or otherwise. If the loss is partly compensated for, the excess of the loss over the compensation may be deducted. Losses which are not of the nature described are not deductible. In order to be deductible a loss must occur during the settlement of the estate. If a loss with respect to an asset occurs after its distribution to the distributee it may not be deducted. Notwithstanding the foregoing, no deduction is allowed under this section if the estate has waived its right to take such a deduction pursuant to the provisions of section 642 (g) in order to permit its allowance for income tax purposes. See further § 1.642 (g)–1.

§ 20.2055. *Statutory provisions; transfers for public, charitable, and religious uses.*

SEC. 2055. *Transfers for public, charitable, and religious uses*—(a) *In general.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the amount of all bequests, legacies, devises, or transfers (including the interest which falls into any such bequest, legacy, devise, or transfer as a result of an irrevocable disclaimer of a bequest, legacy, devise, transfer, or power, if the disclaimer is made before the date prescribed for the filing of the estate tax return)—

(1) To or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) To or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and no substantial part of the activities of such trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation; or

(4) To or for the use of any veterans' organization incorporated by act of Congress, or of its departments or local chapters or posts, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

For purposes of this subsection, the complete termination before the date prescribed for the filing of the estate tax return of a power to consume, invade, or appropriate property for the benefit of an individual before such power has been exercised by reason of the death of such individual or for any other reason shall be considered and deemed to be an irrevocable disclaimer with the same full force and effect as though he had filed such irrevocable disclaimer.

(b) *Powers of appointment*—(1) *General rule.* Property includible in the decedent's gross estate under section 2041 (relating to powers of appointment) received by a donee described in this section shall, for purposes of this section, be considered a bequest of such decedent.

(2) *Special rule for certain bequests subject to power of appointment.* For purposes of this section, in the case of a bequest in trust, if the surviving spouse of the decedent is entitled for life to all of the net income from the trust and such surviving spouse has a power of appointment over the corpus of such trust exercisable by will in favor of, among others, organizations described in subsection (a) (2), such bequest in trust, reduced by the value of the life estate, shall, to the extent such power is exercised in favor of such organizations, be deemed a transfer to such organizations by the decedent if—

(A) No part of the corpus of such trust is distributed to a beneficiary during the life of the surviving spouse;

(B) Such surviving spouse was over 80 years of age at the date of the decedent's death;

(C) Such surviving spouse by affidavit executed within one year after the death of the decedent specifies the organizations described in subsection (a) (2) in favor of which he intends to exercise the power of appointment and indicates the amount or proportion each such organization is to receive; and

(D) The power of appointment is exercised in favor of such organizations and in the

amounts or proportions specified in the affidavit required under subparagraph (C).

The affidavit referred to in subparagraph (C) shall be attached to the estate tax return of the decedent and shall constitute a sufficient basis for the allowance of the deduction under this paragraph in the first instance subject to a later disallowance of the deduction if the conditions herein specified are not complied with.

(c) *Death taxes payable out of bequests.* If the tax imposed by section 2001, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this section, then the amount deductible under this section shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes.

(d) *Limitation on deduction.* The amount of the deduction under this section for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(e) *Disallowance of deductions in certain cases.* For disallowance of certain charitable, etc., deductions otherwise allowable under this section, see sections 504 and 681.

(f) *Other cross references.* (1) For option as to time for valuation for purpose of deduction under this section, see section 2032.

(2) For exemption of bequests to or for benefit of Library of Congress, see section 5 of the Act of March 3, 1925, as amended (56 Stat. 765; 2 U. S. C. 161).

(3) For construction of bequests for benefit of the library of the Post Office Department as bequests to or for the use of the United States, see section 2 of the Act of August 8, 1946 (60 Stat. 924; 5 U. S. C. 393).

(4) For exemption of bequests for benefit of Office of Naval Records and Library, Navy Department, see section 2 of the Act of March 4, 1937 (50 Stat. 25; 5 U. S. C. 419b).

(5) For exemption of bequests to or for benefit of National Park Service, see section 5 of the Act of July 10, 1935 (49 Stat. 478; 16 U. S. C. 19c).

(6) For construction of devises or bequests accepted by the Secretary of State under the Foreign Service Act of 1946 as devises or bequests to or for the use of the United States, see section 1021 (e) of that Act (60 Stat. 1032; 22 U. S. C. 809).

(7) For construction of gifts or bequests of money accepted by the Attorney General for credit to "Commissary Funds, Federal Prisons" as gifts or bequests to or for the use of the United States, see section 2 of the Act of May 15, 1952, 66 Stat. 73, as amended by the Act of July 9, 1952, 66 Stat. 479 (31 U. S. C. 725s–4).

(8) For payment of tax on bequests of United States obligations to the United States, see section 24 of the Second Liberty Bond Act, as amended (50 Stat. 48, § 4; 31 U. S. C. 757e).

(9) For construction of bequests for benefit of or use in connection with the Naval Academy as bequests to or for the use of the United States, see section 3 of the Act of March 31, 1944 (58 Stat. 135; 34 U. S. C. 1115b).

(10) For exemption of bequests for benefit of Naval Academy Museum, see section 4 of the Act of March 26, 1938 (52 Stat. 119; 34 U. S. C. 1119).

(11) For exemption of bequests received by National Archives Trust Fund Board, see section 7 of the National Archives Trust Fund Board Act (55 Stat. 582; 44 U. S. C. 300gg).

[Sec. 2055 as amended by sec. 1, Pub. Law 1011 (84th Cong.)]

§ 20.2055–1 *Deduction for transfers for public, charitable, and religious uses; in general*—(a) *General rule.* A deduction is allowed under section 2055 (a) from the gross estate of a decedent who was a citizen or resident of the United States at the time of his death for the value of property included in the decedent's gross estate and transferred by the decedent during his lifetime or by will—

(1) To or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) To or for the use of any corporation or association organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), if no part of the net earnings of the corporation or association inures to the benefit of any private stockholder or individual (other than as a legitimate object of such purposes), and no substantial part of its activities is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, if the transferred property is to be used exclusively for religious, charitable, scientific, literary, or educational purposes (or for the prevention of cruelty to children or animals), and if no substantial part of the activities of such transferee is carrying on propaganda, or otherwise attempting, to influence legislation; or

(4) To or for the use of any veterans' organization incorporated by Act of Congress, or of any of its departments, local chapters, or posts, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

The deduction is not limited, in the case of estates of citizens or residents of the United States, to transfers to domestic corporations or associations, or to trustees for use within the United States. Nor is the deduction subject to percentage limitations such as are applicable to the charitable deduction under the income tax. However, sections 503 (e) and 681 (b) (5) provide that no deduction is allowed for transfers to organizations or trusts described in subparagraphs (2) and (3) of this paragraph which have engaged in certain "prohibited transactions" (see § 20.2055–4).

(b) *Powers of appointment*—(1) *General rule.* A deduction is allowable under section 2055 (b) for the value of property passing to or for the use of a transferee described in paragraph (a) of this section by the exercise, failure to exercise, release or lapse of a power of appointment by reason of which the property is includible in the decedent's gross estate under section 2041.

(2) *Certain bequests subject to power of appointment.* For the allowance of a deduction in the case of a bequest in trust where the decedent's surviving spouse (i) was over 80 years of age at the date of the decedent's death, (ii) was entitled for life to all of the net income from the trust, and (iii) had a power of appointment over the corpus of the trust exercisable by will in favor of, among others, a charitable organization, see section 2055 (b) (2). See also section 6503 (e) for suspension of the period of limitations for assessment or collection of any deficiency attributable to the allowance of the deduction.

(c) *Submission of evidence.* In establishing the right of the estate to the deduction authorized by section 2055, the executor should submit the following with the return:

(1) A copy of any instrument in writing by which the decedent made a transfer of property in his lifetime the value of which is required by statute to be included in his gross estate, for which a deduction under section 2055 is claimed. If the instrument is of record the copy should be certified, and if not of record, the copy should be verified.

(2) A written statement by the executor containing a declaration that it is made under penalties of perjury and stating whether any action has been instituted to construe or to contest the decedent's will or any provision thereof affecting the charitable deduction claimed and whether, according to his information and belief, any such action is designed or contemplated.

The executor shall also submit such other documents or evidence as may be requested by the district director.

§ 20.2055–2 *Transfers not exclusively for charitable purposes*—(a) *Remainders and similar interests.* If a trust is created or property is transferred for both a charitable and a private purpose, deduction may be taken of the value of the charitable beneficial interest only insofar as that interest is presently ascertainable, and hence severable from the noncharitable interest. The present value of a remainder or other deferred payment to be made for a charitable purpose is to be determined in accordance with the rules stated in § 20.2031–7. Thus, if money or property is placed in trust to pay the income to an individual during his life, or for a term of years, and then to pay the principal to a charitable organization, the present value of the remainder is deductible. To determine the present value of such remainder use the appropriate factor from column 4 of Table I or Table II of § 20.2031–7, whichever is applicable. If the interest transferred is such that its value is to be determined by a special computation (see § 20.2031–7 (e), a request for a specific factor, accompanied by a statement of the date of birth of each person the duration of whose life may affect the value of the remainder, and by copies of the relevant instruments, may be submitted to the Commissioner who in his discretion may supply the factor requested. If the Commisisoner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present value made in accordance with the principles set forth in the applicable paragraph of § 20.2031–7.

(b) *Transfers subject to a condition or a power.* If, as of the date of a decedent's death, a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an estate or interest has passed to or is vested in charity at the time of a decedent's death and the estate or interest would be defeated by the performance of some act or the happening of some event, the occurrence of which appeared to have been highly improbable at the time of the decedent's death, the deduction is allowable. The deduction is not allowed in the case of a transfer in trust conveying a present interest in income if by reason of all the conditions and circumstances surrounding the transfer it appears that the charity may not receive the beneficial enjoyment of the interest. For example, assume that assets placed in trust consist of stock in a corporation controlled by the decedent and his family, that the trustees and remaindermen are likewise members of the decedent's family, and that the governing instrument contains no adequate guarantee of the requisite income to the charitable organization. Under such circumstances, no deduction will be allowed. Similarly, if the trustees were not members of the decedent's family but had no power to sell or otherwise dispose of the closely held stock, or otherwise insure the requisite enjoyment of income to the charitable organization, no deduction will be allowed.

(c) *Disclaimers.* The amount of a bequest, devise or transfer, for which a deduction is allowable under section 2055, includes an interest which falls into the bequest, devise or transfer as a result of either—

(1) A disclaimer of a bequest, devise, transfer, or power, if (i) the disclaimer is made within 15 months after the decedent's death (the period of time within which the estate tax return must be filed under section 6075) or within any extension of time for filing the return granted pursuant to section 6081, and (ii) the disclaimer is irrevocable at the time the deduction is allowed, or

(2) The complete termination of a power to consume, invade, or appropriate property for the benefit of an individual (whether the termination occurs by reason of the death of the individual, or otherwise) if the termination occurs (i) before the date prescribed for the filing of the estate tax return, and (ii) before the power has been exercised.

Ordinarily, a disclaimer made by a person not under any legal disability will be considered irrevocable when filed with the probate court. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. Thus, if a beneficiary uses these rights for his own purposes, as by receiving a consideration for his formal disclaimer, he has not refused the rights to which he was entitled. There can be no disclaimer after an acceptance of these rights, expressly or impliedly. The disclaimer of a power is to be distinguished from the release or exercise of a power. The release or exercise of a power by the donee of the power in favor of a person or object described in paragraph (a) of this section does not result in any deduction under section 2055 in the estate of the donor of a power (but see § 20.2055–1 (b) with respect to the donee's estate).

(d) *Payments in compromise.* If a charitable organization assigns or surrenders a part of a transfer to its pursuant to a compromise agreement in settlement of a controversy, the amount so assigned or surrendered is not deductible as a transfer to that charitable organization.

§ 20.2055–3 *Death taxes payable out of charitable transfers.* (a) If under the terms of the will or other governing instrument, or the law of the jurisdiction imposing the particular tax, the Federal estate tax, or any estate, succession, legacy, or inheritance tax is payable in whole or in part out of any property the transfer of which would otherwise be allowable as a deduction under section 2055, section 2055 (c) provides that the sum deductible is the amount of the transferred property reduced by the amount of the tax. Section 2055 (c) in effect provides that the deduction is based on the amount actually available for charitable uses, that is, the amount of the fund remaining after the payment of all death taxes. Thus, if $50,000 is bequeathed for a charitable purpose and is subjected to a State inheritance tax of $5,000, payable out of the $50,000, the amount deductible is $45,000. If a life estate is bequeathed to an individual with remainder over to a charitable organization, and by the local law the inheritance tax upon the life estate is paid out of the corpus with the result that the charitable organization will be entitled to receive only the amount of the fund less the tax, the deduction is limited to the present value, as of the date of the testator's death, of the remainder of the fund so reduced. If a testator bequeaths his residuary estate, or a portion of it, to charity, and his will contains a direction that certain inheritance taxes, otherwise payable from legacies upon which they were imposed, shall be payable out of the residuary estate, the deduction may not exceed the bequest to charity thus reduced pursuant to the direction of the will. If a residuary estate, or a portion of it, is bequeathed to charity, and by the local law the Federal estate tax is payable out of the residuary estate, the deduction may not exceed that portion of the residuary estate bequeathed to charity as reduced by the Federal estate tax. The return should fully disclose the computation of the amount to be deducted. If the amount to be deducted is dependent upon the amount of any death tax which has not been paid before the filing of the return, there should be submitted with the return a computation of that tax.

(b) It should be noted that if the Federal estate tax is payable out of a charitable transfer so that the amount of the transfer otherwise passing to charity is reduced by the amount of the tax, the resultant decrease in the amount passing to charity will further reduce the allowable deduction. In such a case, the amount of the charitable deduction can be obtained only by a series of trial-and-error computations, or by a formula. If, in addition, interdependent State and Federal taxes are involved, the computation becomes highly complicated. Examples of methods of computation of the charitable deduction and the marital deduction (with which similar problems are encountered) in various situations are contained in supplemental instructions to the estate tax return.

§ 20.2055–4 *Disallowance of charitable, etc., deductions because of "prohibited transactions."* (a) Sections 503 (e) and 681 (b) (5) provide that no deduction which would otherwise be allowable under section 2055 for the value of property transferred by the decedent during his lifetime or by will for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) is allowed if (1) the transfer is made in trust, and, for income tax purposes for the taxable year of the trust in which the transfer is made, the deduction otherwise allowable to the trust under section 642 (c) is limited by section 681 (b) (1) by reason of the trust having engaged in a prohibited transaction described in section 681 (b) (2), or (2) the transfer is made to a corporation, community chest, fund or foundation which, for its taxable year in which the transfer is made, is not exempt from income tax under section 501 (a) by reason of having engaged in a prohibited transaction described in section 503 (c).

(b) For purposes of section 681 (b) (5) and section 503 (e), the term "transfer" includes any gift, contribution, bequest, devise, legacy, or other disposition. In applying such sections for estate tax purposes, a transfer, whether made during the decedent's lifetime or by will, is considered as having been made at the moment of the decedent's death.

(c) The income tax regulations contain the rules for the determination of the taxable year of the trust for which the deduction under section 642 (c) is limited by section 681 (b) and for the determination of the taxable year of the organization for which an exemption is denied under section 503 (a). Generally, such taxable year is a taxable year subsequent to the taxable year during which the trust or organization has been notified by the Commissioner of Internal Revenue that it has engaged in a prohibited transaction. However, if the trust or organization during or prior to the taxable year entered into the prohibited transaction for the purpose of diverting its corpus or income from the charitable or other purposes by reason of which it is entitled to a deduction or exemption, and the transaction involves a substantial part of the income or corpus, then the deduction of the trust under section 642 (c) for such taxable year is limited by section 681 (b), or exemption of the organization for such taxable year is denied under section 503 (a), whether or not the organization has previously received notification by the Commissioner of Internal Revenue that it is engaged in a prohibited transaction. In certain cases, the limitation of sections 681 or 503 may be removed or the exemption may be reinstated for certain

subsequent taxable years under the rules set forth in the income tax regulations under sections 681 and 503. In cases in which prior notification by the Commissioner of Internal Revenue is not required in order to limit the deduction of the trust under section 681 (b) or to deny exemption of the organization under section 503, the deduction otherwise allowable under section 2055 is not disallowed in respect of transfers made during the same taxable year of the trust or organization in which a prohibited transaction occurred or in a prior taxable year unless the decedent or a member of his family was a party to the prohibited transaction. For the purpose of the preceding sentence, the members of the decedent's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants.

§ 20.2056 (a) *Statutory provisions; bequests, etc., to surviving spouse; allowance of marital deduction.*

SEC. 2056. *Bequests, etc., to surviving spouse*—(a) *Allowance of marital deduction.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall, except as limited by subsections (b), (c), and (d), be determined by deducting from the value of the gross estate an amount equal to the value of any interest in property which passes or has passed from the decedent to his surviving spouse, but only to the extent that such interest is included in determining the value of the gross estate.

§ 20.2056 (a)–1 *Marital deduction; in general.* (a) A deduction is allowed under section 2056 from the gross estate of a decedent who was a citizen or resident of the United States at the time of his death for the value of any property interest which passed from the decedent to his surviving spouse, if the interest is a "deductible interest" as defined in § 20.2056 (a)–2, and if the total of such interests does not exceed the percentage limitation set forth in §§ 20.2056 (c)–1 and 20.2056 (c)–2. This deduction is referred to as the "marital deduction". The marital deduction is generally not available if the decedent's gross estate consists exclusively of property held by the decedent and his surviving spouse as community property under the law of any State, Territory, or possession of the United States, or any foreign country. See § 20.2056 (c)–2. Except as otherwise provided by a convention with a foreign country, the marital deduction is not allowed in the case of an estate of a nonresident who was not a citizen of the United States. However, if the decedent was a citizen or resident, his estate is not deprived of the right to the marital deduction by reason of the fact that his surviving spouse was neither a resident nor a citizen. For convenience, the surviving spouse is generally referred to in the feminine gender, but if the decedent was a woman the reference is to her surviving husband. Sections 20.2056 (b)–1 through 20.2056 (b)–6 contain miscellaneous rules for determining the amount of "deductible interests"; §§ 20.2056 (c)–1 and 20.2056 (c)–2 provide a percentage limitation on the allowable amount of the marital deduction; § 20.2056 (d)–1 states special rules concerning disclaimers of interests in property; and §§ 20.2056 (e)–1 through 20.2056 (e)–3 define various terms used in the aforementioned sections.

(b) In order to obtain the marital deduction with respect to any property interest, the executor must establish the following facts:

(1) That the decedent was survived by his spouse (see § 20.2056 (e)–2 (e));

(2) That the property interest passed from the decedent to his spouse (see §§ 20.2056 (b)–5, 20.2056 (b)–6, 20.2056 (d)–1, and 20.2056 (e)–1 through 20.2056 (e)–3);

(3) That the property interest is a "deductible interest" (see § 20.2056 (a)–2);

(4) The value of the property interest (see § 20.2056 (b)–4); and

(5) The value of the decedent's "adjusted gross estate" (see §§ 20.2056 (c)–1 and 20.2056 (c)–2).

The executor must submit such proof as is necessary to establish the right of the estate to the marital deduction, including any evidence requested by the district director.

§ 20.2056 (a)–2 *Marital deduction; "deductible interests" and "nondeductible interests".* (a) Property interests which passed from a decedent to his surviving spouse fall within two general categories: (1) Those with respect to which the marital deduction is authorized, and (2) those with respect to which the marital deduction is not authorized. These categories are referred to in this section and other sections of the regulations under section 2056 as "deductible interests" and "nondeductible interests", respectively (see paragraph (b) of this section). Subject to the percentage limitation set forth in §§ 20.2056 (c)–1 and 20.2056 (c)–2, the marital deduction is equal in amount to the aggregate value of the "deductible interests".

(b) An interest passing to a decedent's surviving spouse is a "deductible interest" if it does not fall within one of the following categories of "nondeductible interests":

(1) Any property interest which passed from the decedent to his surviving spouse is a "nondeductible interest" to the extent it is not included in the decedent's gross estate.

(2) If a deduction is allowed under section 2053 (relating to deductions for expenses and indebtedness) by reason of the passing of a property interest from the decedent to his surviving spouse, such interest is, to the extent of the deduction under section 2053, a "nondeductible interest". Thus, a property interest which passed from the decedent to his surviving spouse in satisfaction of a deductible claim of the spouse against the estate is, to the extent of the claim, a "nondeductible interest" (see § 20.2056 (b)–4). Similarly, amounts deducted under section 2053 (a) (2) for commissions allowed to the surviving spouse as executor are "nondeductible." As to the valuation, for the purpose of the marital deduction, of any property interest which passed from the decedent to his surviving spouse subject to a mortgage or other encumbrance, see § 20.2056 (b)–4.

(3) If during settlement of the estate a loss deductible under section 2054 occurs with respect to a propery interest, then that interest is, to the extent of the deductible loss, a "nondeductible interest" for the purpose of the marital deduction.

(4) A property interest passing to a decedent's surviving spouse which is a "terminable interest", as defined in § 20.2056 (b)–1, is a "nondeductible interest" to the extent specified in that section.

§ 20.2056 (b) *Statutory provisions; bequests, etc., to surviving spouse; limitation in the case of life estate or other terminable interest.*

SEC. 2056. *Bequests, etc., to surviving spouse.* • • •

(b) *Limitation in the case of life estate or other terminable interest*—(1) *General rule.* Where, on the lapse of time, on the occurrence of an event or contingency, or on the failure of an event or contingency to occur, an interest passing to the surviving spouse will terminate or fail, no deduction shall be allowed under this section with respect to such interest—

(A) If an interest in such property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to any person other than such surviving spouse (or the estate of such spouse); and

(B) If by reason of such passing such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest so passing to the surviving spouse;

and no deduction shall be allowed with respect to such interest (even if such deduction is not disallowed under subparagraphs (A) and (B))—

(C) If such interest is to be acquired for the surviving spouse, pursuant to directions of the decedent, by his executor or by the trustee of a trust.

For purposes of this paragraph, an interest shall not be considered as an interest which will terminate or fail merely because it is the ownership of a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity for life or for a term.

(2) *Interest in unidentified assets.* Where the assets (included in the decedent's gross estate) out of which, or the proceeds of which, an interest passing to the surviving spouse may be satisfied include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets passed from the decedent to such spouse, then the value of such interest passing to such spouse shall, for purposes of subsection (a), be reduced by the aggregate value of such particular assets.

(3) *Interest of spouse conditional on survival for limited period.* For purposes of this subsection, an interest passing to the surviving spouse shall not be considered as an interest which will terminate or fail on the death of such spouse if—

(A) Such death will cause a termination or failure of such interest only if it occurs within a period not exceeding 6 months after the decedent's death, or only if it occurs as a result of a common disaster resulting in the death of the decedent and the surviving spouse, or only if it occurs in the case of either such event; and

(B) Such termination or failure does not in fact occur.

(4) *Valuation of interest passing to surviving spouse.* In determining for purposes of subsection (a) the value of any interest in property passing to the surviving spouse for which a deduction is allowed by this section—

(A) There shall be taken into account the effect which the tax imposed by section 2001, or any estate, succession, legacy, or inheritance tax, has on the net value to the surviving spouse of such interest; and

(B) Where such interest or property is encumbered in any manner, or where the surviving spouse incurs any obligation imposed by the decedent with respect to the passing of such interest, such encumbrance or obligation shall be taken into account in the same manner as if the amount of a gift to such spouse of such interest were being determined.

(5) *Life estate with power of appointment in surviving spouse.* In the case of an interest in property passing from the decedent, if his surviving spouse is entitled for life to all the income from the entire interest, or all the income from a specific portion thereof, payable annually or at more frequent intervals, with power in the surviving spouse to appoint the entire interest, or such specific portion (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), and with no power in any other person to appoint any part of the interest, or such specific portion, to any person other than the surviving spouse—

(A) The interest or such portion thereof so passing shall, for purposes of subsection (a), be considered as passing to the surviving spouse, and

(B) No part of the interest so passing shall, for purposes of paragraph (1) (A), be considered as passing to any person other than the surviving spouse.

This paragraph shall apply only if such power in the surviving spouse to appoint the entire interest, or such specific portion thereof, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

(6) *Life insurance or annuity payments with power of appointment in surviving spouse.* In the case of an interest in property passing from the decedent consisting of proceeds under a life insurance, endowment, or annuity contract, if under the terms of the contract such proceeds are payable in installments or are held by the insurer subject to an agreement to pay interest thereon (whether the proceeds, on the termination of any interest payments, are payable in a lump sum or in annual or more frequent installments), and such installment or interest payments are payable annually or at more frequent intervals, commencing not later than 13 months after the decedent's death, and all amounts, or a specific portion of all such amounts, payable during the life of the surviving spouse are payable only to such spouse, and such spouse has the power to appoint all amounts, or such specific portion, payable under such contract (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), with no power in any other person to appoint such amounts to any person other than the surviving spouse—

(A) Such amounts shall, for purposes of subsection (a), be considered as passing to the surviving spouse, and

(B) No part of such amounts shall, for purposes of paragraph (1) (A), be considered as passing to any person other than the surviving spouse.

This paragraph shall apply only if, under the terms of the contract, such power in the surviving spouse to appoint such amounts, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

§ 20.2056 (b)–1 *Marital deduction; limitation in case of life estate or other "terminable interest"*—(a) *In general.* Section 2056 (b) provides that no marital deduction is allowed with respect to certain property interests, referred to generally as "terminable interests", passing from a decedent to his surviving spouse. The phrase "terminable interest" is defined in paragraph (b) of this section. However, the fact that an interest in property passing to a decedent's surviving spouse is a "terminable interest" makes it nondeductible only (1) under the circumstances described in paragraph (c) of this section, and (2) if it does not come within one of the exceptions referred to in paragraph (d) of this section.

(b) *"Terminable interests".* A "terminable interest" in property is an interest which will terminate or fail on the lapse of time or on the occurrence or the failure to occur of some contingency. Life estates, terms for years, annuities, patents, and copyrights are therefore terminable interests. However, a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity or a term for years, is not a terminable interest.

(c) *Nondeductible terminable interests.* A property interest passing to a decedent's surviving spouse is deductible (if it is not otherwise disqualified under § 20.2056 (a)–2) even though it is a terminable interest, and even though it does not come within one of the exceptions described in paragraph (d) of this section, unless (1) another interest in the same property passed from the decedent to some other person for less than an adequate and full consideration in money or money's worth, and (2) by reason of its passing the other person or his heirs or assigns may possess or enjoy any part of the property after the termination or failure of the spouse's interest. Therefore, if a decedent transfers to his spouse all the interest he ever had in a term for years, a patent, or any other terminable interest, the interest of the spouse is a deductible interest if it is not otherwise disqualified under § 20.2056 (a)–2. However, the provisions of this paragraph are subject to qualification under the following circumstances:

(i) If the decedent has directed his executor or a trustee to acquire a terminable interest for his surviving spouse (see paragraph (f) of this section).

(ii) If an interest passing to the decedent's surviving spouse may be satisfied out of a group of assets which includes a nondeductible interest (see § 20.2056 (b)–2).

(d) *Exceptions.* A property interest passing to a decedent's surviving spouse is deductible (if it is not otherwise disqualified under § 20.2056 (a)–2) even though it is a terminable interest, and even though an interest therein passed to another person, if it is a terminable interest only because—

(1) It is conditioned on the spouse's surviving for a limited period, in the manner described in § 20.2056 (b)–3;

(2) It is a right to income for life with a general power of appointment, meeting the requirements set forth in § 20.2056 (b)–5; or

(3) It consists of life insurance or annuity payments held by the insurer with a general power of appointment in the spouse, meeting the requirements set forth in § 20.2056 (b)–6.

(e) *Miscellaneous principles.* (1) In determining whether an interest passed from the decedent to some other person, it is immaterial whether interests in the same property passed to the decedent's spouse and another person at the same time, or under the same instrument.

(2) In determining whether an interest in the same property passed from the decedent both to his surviving spouse and to some other person, a distinction is to be drawn between "property", as such term is used in section 2056, and an "interest in property". The term "property" refers to the underlying property in which various interests exist; each such interest is not for this purpose to be considered as "property".

(3) Whether or not an interest is nondeductible because it is a terminable interest is to be determined by reference to the property interests which actually passed from the decedent. Subsequent conversions of the property are immaterial for this purpose. Thus, where a decedent bequeathed his estate to his wife for life with remainder to his children, the interest which passed to his wife is a nondeductible interest, even though the wife agrees with the children to take a fractional share of the estate in fee in lieu of the life interest in the whole, or sells the life estate for cash, or acquires the remainder interest of the children either by purchase or gift.

(4) The terms "passed from the decedent," "passed from the decedent to his surviving spouse," and "passed from the decedent to a person other than his surviving spouse" are defined in §§ 20.2056 (e)–1 through 20.2056 (e)–3.

(f) *Direction to acquire a terminable interest.* No marital deduction is allowed with respect to a property interest which a decedent directs his executor or a trustee to convert after his death into a terminable interest for his surviving spouse. The marital deduction is not allowed even though no interest in the property subject to the terminable interest passes to another person and even though the interest would otherwise come within the exceptions described in § 20.2056 (b)–5 and § 20.2056 (b)–6 (relating to life estates and life insurance annuity payments with powers of appointment). However, a general investment power, authorizing investments in both terminable interests and other property, is not a direction to invest in a terminable interest.

(g) *Examples.* The application of this section may be illustrated by the following examples in each of which it is assumed that the property interest which passed from the decedent to a person other than his surviving spouse did not pass for an adequate and full consideration in money or money's worth:

Example (1). H (the decedent) devised real property to W (his surviving wife) for life, with remainder to A and his heirs. The interest which passed from H to W is a nondeductible interest since it will terminate upon her death and A (or his heirs or assigns) will thereafter possess or enjoy the property.

Example (2). H bequeathed the residue of his estate in trust for the benefit of W and A. The trust income is to be paid to W for life, and upon her death the corpus is to be distributed to A or his issue. However, if A should die without issue, leaving W surviving, the corpus is then to be distributed to W. The interest which passed from H to W is a nondeductible interest since it will terminate in the event of her death if A or his issue survive, and A or his issue will thereafter possess or enjoy the property.

Example (3). H during his lifetime purchased an annuity contract providing for payments to himself for life and then to W for life if she should survive him. Upon the death of the survivor of H and W, the excess, if any, of the cost of the contract over the annuity payments theretofore made was to be refunded to A. The interest which passed from H to W is a nondeductible interest since A may possess or enjoy a part of the property following the termination of the interest of W. If, however, the contract provided for no refund upon the death of the survivor of H and W, or provided that any refund was to go to the estate of the survivor, then the interest which passed from H to W is (to the extent it is included in H's gross estate) a deductible interest.

Example (4). H, in contemplation of death, transferred a residence to A for life with remainder to W provided W survives A, but if W predeceases A, the property is to pass to B and his heirs. If it is assumed that H died during A's lifetime, and the value of the residence was included in determining the value of his gross estate, the interest which passed from H to W is a nondeductible interest since it will terminate if W predeceases A and the property will thereafter be possessed or enjoyed by B (or his heirs or assigns). This result is not affected by B's assignment of his interest during H's lifetime, whether made in favor of W or another person, since the term "assigns" (as used in section 2056 (b) (1) (B)) includes such an assignee. However, if it is assumed that A predeceased H, the interest of B in the property was extinguished, and, viewed as of the time of the subsequent death of H, the interest which passed from him to W is the entire interest in the property and, therefore, a deductible interest.

Example (5). H transferred real property to A by gift, reserving the right to the rentals of the property for a term of 20 years. H died within the 20-year term, bequeathing the right to the remaining rentals to a trust for the benefit of W. The terms of the trust satisfy the five conditions stated in § 20.2056 (b)–5, so that the property interest which passed in trust is considered to have passed from H to W. However, the interest is a nondeductible interest since it will terminate upon the expiration of the term and A will thereafter possess or enjoy the property.

Example (6). H bequeathed a patent to W and A as tenants in common. In this case, the interest of W will terminate upon the expiration of the term of the patent, but possession or enjoyment of the property by A must necessarily cease at the same time. Therefore, since A's possession or enjoyment cannot outlast the termination of W's interest, the latter is a deductible interest.

Example (7). A decedent bequeathed $100,000 to his wife, subject to a direction to his executor to use the bequest for the purchase of an annuity for the wife. The bequest is a nondeductible interest.

§ 20.2056 (b)–2 *Marital deduction; interest in unidentified assets.* (a) Section 2056 (b) (2) provides that if an interest passing to a decedent's surviving spouse may be satisfied out of assets (or their proceeds) which include a particular asset that would be a nondeductible interest if it passed from the decedent to his spouse, the value of the interest passing to the spouse is reduced, for the purpose of the marital deduction, by the value of the particular asset.

(b) In order for section 2056 (b) (2) to apply, two circumstances must coexist, as follows:

(1) The property interest which passed from the decedent to his surviving spouse must be payable out of a group of assets included in the gross estate. Examples of property interests payable out of a group of assets are a general legacy, a bequest of the residue of the decedent's estate or of a portion of the residue, and a right to a share of the corpus of a trust upon its termination.

(2) The group of assets out of which the property interest is payable must include one or more particular assets which, if passing specifically to the surviving spouse, would be nondeductible interests. Therefore, section 2056 (b) (2) is not applicable merely because the group of assets includes a terminable interest, but would only be applicable if the terminable interest were nondeductible under the provisions of § 20.2056 (b)–1 (a).

(c) If both of the circumstances set forth in paragraph (b) of this section are present, the property interest payable out of the group of assets is (except as to any excess of its value over the aggregate value of the particular asset or assets which would not be deductible if passing specifically to the surviving spouse) a nondeductible interest.

(d) The application of this section may be illustrated by the following example:

Example. A decedent bequeathed one-third of the residue of his estate to his wife. The property passing under the decedent's will included a right to the rentals of an office building for a term of years, reserved by the decedent under a deed of the building by way of gift to his son. The decedent did not make a specific bequest of the right to such rentals. Such right, if passing specifically to the wife, would be a nondeductible interest (see example (5) of § 20.2056 (b)–1 (g)). It is assumed that the value of the bequest of one-third of the residue of the estate to the wife was $85,000, and that the right to the rentals was included in the gross estate at a value of $60,000. If the decedent's executor had the right under the decedent's will or local law to assign the entire lease in satisfaction of the bequest, the bequest is a nondeductible interest to the extent of $60,000. If the executor could only assign a one-third interest in the lease in satisfaction of the bequest, the bequest is a nondeductible interest to the extent of $20,000. If the decedent's will provided that his wife's bequest could not be satisfied with a nondeductible interest, the entire bequest is a deductible interest. If, in this example, the asset in question had been foreign real estate not included in the decedent's gross estate, the results would be the same.

§ 20.2056 (b)–3 *Marital deduction; interest of spouse conditioned on survival for limited period*—(a) *In general.* Generally, no marital deduction is allowable if the interest passing to the surviving spouse is a terminable interest as defined in § 20.2056 (b)–1 (b). However, section 2056 (b) (3) provides an exception to this rule so as to allow a deduction if (1) the only condition under which it will terminate is the death of the surviving spouse within 6 months after the decedent's death, or her death as a result of a common disaster which also resulted in the decedent's death, and (2) the condition does not in fact occur.

(b) *Six months survival.* If the only condition which will cause the interest taken by the surviving spouse to terminate is of such nature that it can occur only within 6 months following the decedent's death, the exception provided by section 2056 (b) (3) will apply, provided the condition does not in fact occur. However, if the condition (unless it relates to death as a result of a common disaster) is one which may occur either within the 6-month period or thereafter, the exception provided by section 2056 (b) (3) will not apply.

(c) *Common disaster.* If a property interest passed from the decedent to his surviving spouse subject to the condition that she does not die as a result of a common disaster which also resulted in the decedent's death, the exception provided by section 2056 (b) (3) will not be applied in the final audit of the return if there is still a possibility that the surviving spouse may be deprived of the property interest by operation of the common disaster provision as given effect by the local law.

(d) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). A decedent bequeathed his entire estate to his spouse on condition that she survive him by 6 months. In the event his spouse failed to survive him by 6 months, his estate was to go to his niece and her heirs. The decedent was survived by his spouse. It will be observed that, as of the time of the decedent's death, it was possible that the niece would, by reason of the interest which passed to her from the decedent, possess or enjoy the estate after the termination of the interest which passed to the spouse. Hence, under the general rule set forth in § 20.2056 (b)–1, the interest which passed to the spouse would be regarded as a nondeductible interest. If the surviving spouse in fact died within 6 months after the decedent's death, that general rule is to be applied, and the interest which passed to the spouse is a nondeductible interest. However, if the spouse in fact survived the decedent by 6 months, thus extinguishing the interest of the niece, the case comes within the exception provided by section 2056 (b) (3), and the interest which passed to the spouse is a deductible interest. (It is assumed for the purpose of this example that no other factor which would cause the interest to be nondeductible is present.)

Example (2). The facts are the same as in example (1) except that the will provided that the estate was to go to the niece either in case the decedent and his spouse should both die as a result of a common disaster, or in case the spouse should fail to survive the decedent by 3 months. It is assumed that the decedent was survived by his spouse. In this example, the interest which passed from the decedent to his surviving spouse is to be regarded as a nondeductible interest if the surviving spouse in fact died either within 3 months after the decedent's death or as a result of a common disaster which also resulted in the decedent's death. However, if the spouse in fact survived the decedent by 3 months, and did not thereafter die as a result of a common disaster which also resulted in the decedent's death, the exception provided under section 2056 (b) (3) will apply.

Example (3). The facts are the same as in example (1) except that the will provided that the estate was to go to the niece if the decedent and his spouse should both die as a result of a common disaster and if the spouse failed to survive the decedent by 3 months. If the spouse in fact survived the decedent by 3 months, the interest of the niece is extinguished, and the interest passing to the spouse is a deductible interest.

Example (4). A decedent devised and bequeathed his residuary estate to his wife if she was living on the date of distribution of his estate. The devise and bequest is a nondeductible interest even though distribution took place within 6 months after the decedent's death and the surviving spouse in fact survived the date of distribution.

§ 20.2056 (b)–4 *Marital deduction; valuation of interest passing to surviving spouse*—(a) *In general.* The value, for the purpose of the marital deduction, of any deductible interest which passed from the decedent to his surviving spouse is to be determined as of the date of the decedent's death, except that if the executor elects the alternate valuation method under section 2032 the valuation is to be determined as of the date of the decedent's death but with the adjustment described in § 20.2032–1 (a) (3). The marital deduction may be taken only with respect to the net value of any deductible interest which passed from the decedent to his surviving spouse, the same principles being applicable as if the amount of a gift to the spouse were being determined. In determining the value of the interest in property passing to the spouse account must be taken of the effect of any material limitations upon her right to income from the property. An example of a case in which this rule may be applied is a bequest of property in trust for the benefit of the decedent's spouse but the income from the property from the date of the decedent's death until distribution of the property to the trustee is to be used to pay expenses incurred in the administration of the estate.

(b) *Property interest subject to an encumbrance or obligation.* If a property interest passed from the decedent to his surviving spouse subject to a mortgage or other encumbrance, or if an obligation is imposed upon the surviving spouse by the decedent in connection with the passing of a property interest, the value of the property interest is to be reduced by the amount of the mortgage, other encumbrance, or obligation. However, if under the terms of the decedent's will or under local law the executor is required to discharge, out of other assets of the decedent's estate, a mortgage or other encumbrance on property passing from the decedent to his surviving spouse, or is required to reimburse the surviving spouse for the amount of the mortgage or other encumbrance and in fact does so, such payment or reimbursement constitutes an additional interest passing to the surviving spouse. The passing of a property interest subject to the imposition of an obligation by the decedent does not include a bequest, devise, or transfer in lieu of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate. The passing of a property interest subject to the imposition of an obligation by the decedent does, however, include a bequest, etc., in lieu of the interest of his surviving spouse under community property laws unless such interest was, immediately prior to the decedent's death, a mere expectancy. (As to the circumstances under which the interest of the surviving spouse is regarded as a mere expectancy see § 20.2056 (c)–2.) The following examples are illustrative of property interests which passed from the decedent to his surviving spouse subject to the imposition of an obligation by the decedent:

Example (1). A decedent devised a residence valued at $25,000 to his wife, with a direction that she pay $5,000 to his sister. For the purpose of the marital deduction, the value of the property interest passing to the wife is only $20,000.

Example (2). A decedent devised real property to his wife in satisfaction of a debt owing to her. The debt is a deductible claim under section 2053. Since the wife is obligated to relinquish the claim as a condition to acceptance of the devise, the value of the devise is, for the purpose of the marital deduction, to be reduced by the amount of the claim.

Example (3). A decedent bequeathed certain securities to his wife in lieu of her interest in property held by them as community property under the law of the State of their residence. The wife elected to relinquish her community property interest and to take the bequest. For the purpose of the marital deduction, the value of the bequest is to be reduced by the value of the community property interest relinquished by the wife.

(c) *Effect of death taxes.* (1) In the determination of the value of any property interest which passed from the decedent to his surviving spouse, there must be taken into account the effect which the Federal estate tax, or any estate, succession, legacy, or inheritance tax, has upon the net value to the surviving spouse of the property interest.

(2) For example, assume that the only bequest to the surviving spouse is $100,000 and the spouse is required to pay a State inheritance tax in the amount of $1,500. If no other death taxes affect the net value of the bequest, the value, for the purpose of the marital deduction, is $98,500.

(3) As another example, assume that a decedent devised real property to his wife having a value for Federal estate tax purposes of $100,000 and also bequeathed to her a nondeductible interest for life under a trust. The State of residence valued the real property at $90,000 and the life interest at $30,000, and imposed an inheritance tax (at graduated rates) of $4,800 with respect to the two interests. If it is assumed that the inheritance tax on the devise is required to be paid by the wife, the amount of tax to be ascribed to the devise is

$$\frac{120,000}{90,000} \times \$4,800 = \$3,600.$$

Accordingly, if no other death taxes affect the net value of the bequest, the value, for the purpose of the marital deduction, is $100,000 less $3,600, or $96,400.

(4) If the decedent bequeaths his residuary estate, or a portion of it, to his surviving spouse, and his will contains a direction that all death taxes shall be payable out of the residuary estate, the value of the bequest, for the purpose of the marital deduction, is based upon the amount of the residue as reduced pursuant to such direction. If the residuary estate, or a portion of it, is bequeathed to the surviving spouse, and by the local law the Federal estate tax is payable out of the residuary estate, the value of the bequest, for the purpose of the marital deduction, may not exceed its value as reduced by the Federal estate tax. Methods of computing the deduction, under such circumstances, are set forth in supplemental instructions to the estate tax return.

(d) *Remainder interests.* If the income from property is made payable to another individual for life, or for a term of years, with remainder absolutely to the surviving spouse or to her estate, the marital deduction is based upon the present value of the remainder. The present value of the remainder is to be determined in accordance with the rules stated in § 20.2031–7. For example, if the surviving spouse is to receive $50,000 upon the death of a person aged 31 years, the present value of the remainder is $14,466. If the remainder is such that its value is to be determined by a special computation (see § 20.2031–7 (e)), a request for a specific factor may be submitted to the Commissioner. The request should be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the remainder, and copies of the relevant instruments. The Commissioner may, if conditions permit, supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present value made in accordance with the principles set forth in the applicable paragraphs of § 20.2031–7.

§ 20.2056 (b)–5 *Marital deduction; life estate with power of appointment in surviving spouse*—(a) *In general.* Section 2056 (b) (5) provides that if an interest in property passes from the decedent to his surviving spouse (whether or not in trust) and the spouse is entitled for life to all the income from the entire interest or all the income from a specific portion of the entire interest, with a power in her to appoint the entire interest or the specific portion, the interest which passes to her is a deductible interest, to the extent that it satisfies all five of the conditions set forth below (see paragraph (b) of this section if one or more of the conditions is satisfied as to only a portion of the interest):

(1) The surviving spouse must be entitled for life to all of the income from the entire interest or a specific portion of the entire interest, or to a specific portion of all the income from the entire interest.

(2) The income payable to the surviving spouse must be payable annually or at more frequent intervals.

(3) The surviving spouse must have the power to appoint the entire interest or the specific portion to either herself or her estate.

(4) The power in the surviving spouse must be exercisable by her alone and (whether exercisable by will or during life) must be exercisable in all events.

(5) The entire interest or the specific portion must not be subject to a power in any other person to appoint any part to any person other than the surviving spouse.

(b) *Specific portion; deductible amount.* If either the right to income or the power of appointment passing to the surviving spouse pertains only to a specific portion of a property interest passing from the decedent, the marital deduction is allowed only to the extent that the rights in the surviving spouse meet all of the five conditions described in paragraph (a) of this section. While the rights over the income and the power must coexist as to the same interest in property, it is not necessary that the rights over the income or the power as to such interest be in the same proportion. However, if the rights over income meeting the required conditions set forth in paragraph (a) (1) and (2) of this section extend over a smaller share of the property interest than the share with respect to which the power of appointment requirements set forth in paragraph (a) (3) through (5) of this section are satisfied, the deductible interest is limited to the smaller share. Conversely, if a power of appointment meeting all the requirements extends to a smaller portion of the property interest than the portion over which the income rights pertain, the deductible interest cannot exceed the value of the portion to which such power of appointment applies. Thus, if the decedent leaves to his surviving spouse the right to receive annually all of the income from a particular property interest and a power of appointment meeting the specifications prescribed in paragraph (a) (3) through (5) of this section as to only one-half of the property interest, then only one-half of the property interest is treated as a deductible interest. Correspondingly if the income interest of the spouse satisfying the requirements extends to only one-fourth of the property interest and a testamentary power of appointment satisfying the requirements extends to all of the property interest, then only one-fourth of the interest in the spouse qualifies as a deductible interest. Further, if the surviving spouse has no right to income from a specific portion of a property interest but a testamentary power of appointment which meets the necessary conditions over the entire interest, then none of the interest qualifies for the deduction. In addition, if, from the time of the decedent's death, the surviving spouse has a power of appointment meeting all of the required conditions over three-fourths of the entire property interest and the prescribed income rights over the entire interest, but with a power in another person to appoint one-half of the entire interest, the value of the interest in the surviving spouse over only one-half of the property interest will qualify as a deductible interest.

(c) *Definition of "specific portion."* A partial interest in property is not treated as a specific portion of the entire interest unless the rights of the surviving spouse in income and as to the power constitute a fractional or percentile share of a property interest so that such interest or share in the surviving spouse reflects its proportionate share of the increment or decline in the whole of the property interest to which the income rights and the power relate. Thus, if the right of the spouse to income and the power extend to one-half or a specified percentage of the property, or the equivalent, the interest is considered as a specific portion. On the other hand, if the annual income of the spouse is limited to a specific sum, or if she has a power to appoint only a specific sum out of a larger fund, the interest is not a deductible interest. Even though the rights in the surviving spouse may not be expressed in terms of a definite fraction or percentage, a deduction may be allowable if it is shown that the effect of local law is to give the spouse rights which are identical to those she would have acquired if the size of the share had been expressed in terms of a definite fraction or percentage. The following examples illustrate the application of this and the preceding paragraphs of this section:

Example (1). The decedent transferred to a trustee 500 identical shares of X Company stock. He provided that during the lifetime of the surviving spouse the trustee should pay her annually one-half of the trust income or $6,000, whichever is the larger. The spouse was also given a general power of appointment, exercisable by her last will over the sum of $160,000 or over three-fourths of the trust corpus, whichever should be of larger value. Since there is no certainty that the trust income will not vary from year to year, for purposes of paragraphs (a) and (b) of this section, an annual payment of a specified sum, such as the $6,000 provided for in this case, is not considered as representing the income from a definite fraction or a specific portion of the entire interest if that were the extent of the spouse's interest. However, since the spouse is to receive annually at least one-half of the trust income, she will, for purposes of paragraphs (a) and (b) of this section, be considered as receiving all of the income from one-half of the entire interest in the stock. Inasmuch as there is no certainty that the value of the stock will be the same on the date of the surviving spouse's death as it was on the date of the decedent's death, for purposes of paragraphs (a) and (b) of this section, a specified sum, such as the $160,000 provided for in this case, is not considered to be a definite fraction of the entire interest. However, since the surviving spouse has a general power of appointment over at least three-fourths of the trust corpus, she is considered as having a general power of appointment over three-fourths of the entire interest in the stock.

Example (2). The decedent bequeathed to a trustee an office building and 250 identical shares of Y Company stock. He provided that during the lifetime of the surviving spouse the trustee should pay her annually three-fourths of the trust income. The spouse was given a general power of appointment, exercisable by will, over the office building and 100 shares of the stock. By the terms of the decedent's will the spouse is given all the income from a definite fraction of the entire interest in the office building and in the stock. She also has a general power of appointment over the entire interest in the office building. However, since the amount of property represented by a single share of stock would be altered if the corporation split its stock, issued stock dividends, made a distribution of capital, etc., a power to appoint 100 shares at the time of the surviving spouse's death is not the same necessarily as a power to appoint 100/250 of the entire interest which the 250 shares represented on the date of the decedent's death. If it is shown in this case that the effect of local law is to give the spouse a general power to appoint not only the 100 shares designated by the decedent but also 100/250 of any shares or amounts which are distributed by the corporation and included in the corpus, the requirements of this paragraph will be satisfied and the surviving spouse will be considered as having a general power to appoint 100/250 of the entire interest in the 250 shares.

(d) *Definition of "entire interest".* Since a marital deduction is allowed for each qualifying separate interest in property passing from the decedent to his surviving spouse (subject to the percentage limitation contained in §§ 20.2056 (c)-1 and 20.2056 (c)-2 concerning the aggregate amount of the deductions), for purposes of paragraphs (a) and (b) of this section, each property interest with respect to which the surviving spouse received some rights is considered separately in determining whether her rights extend to the entire interest or to a specific portion of the entire interest. A property interest which consists of several identical units of property (such as a block of 250 shares of stock, whether the ownership is evidenced by one or several certificates) is considered one property interest, unless certain of the units are to be segregated and accorded different treatment, in which case each segregated group of items is considered a separate property interest. The bequest of a specified sum of money constitutes the bequest of a separate property interest if immediately following distribution by the executor and thenceforth it, and the investments made with it, must be so segregated as to permit its identification as a separate item of property. The application of this paragraph may be illustrated by the following examples:

Example (1). The decedent transferred to a trustee three adjoining farms, Blackacre, Whiteacre, and Greenacre. His will provided that during the lifetime of the surviving spouse the trustee should pay her all of the income from the trust. Upon her death, all of Blackacre, a one-half interest in Whiteacre, and a one-third interest in Greenacre were to be distributed to the person or persons appointed by her in her will. The surviving spouse is considered as being entitled to all of the income from the entire interest in Blackacre, all of the income from the entire interest in Whiteacre, and all of the income from the entire interest in Greenacre. She also is considered as having a power of appointment over the entire interest in Blackacre, over one-half of the entire interest in Whiteacre, and over one-third of the entire interest in Greenacre.

Example (2). The decedent bequeathed $250,000 to C, as trustee. C is to invest the money and pay all of the income from the investments to W, the decedent's surviving spouse, annually. W was given a general power, exercisable by will, to appoint half of the corpus of the trust. Here, immediately following distribution by the executor, the $250,000 will be sufficiently segregated to permit its identification as a separate item, and the $250,000 will constitute an entire property interest. Therefore, W has a right to income and a power of appointment such that one-half of the entire interest is a deductible interest.

Example (3). The decent bequeathed 100 shares of Z Corporation stock to D, as trustee. W, the decedent's surviving spouse, is to receive all of the income of the trust annually and is given a general power, exercisable by will, to appoint out of the trust corpus the sum of $25,000. In this case the $25,000 is not, immediately following distribution, sufficiently segregated to permit its identification as a separate item of property in which the surviving spouse has the entire interest. Therefore, the $25,000 does not constitute the entire interest in a property for the purpose of paragraphs (a) and (b) of this section.

(e) *Application of local law.* In determining whether or not the conditions set forth in paragraph (a) (1) through (5) of this section are satisfied by the instrument of transfer, regard is to be had to the applicable provisions of the law of the jurisdiction under which the interest passes and, if the transfer is in trust, the applicable provisions of the law governing the administration of the trust. For example, silence of a trust instrument as to the frequency of payment will not be regarded as a failure to satisfy the condition set forth in paragraph (a) (2) of this section that income must be payable to the surviving spouse annually or more frequently unless the applicable law permits payment to be made less frequently than annually. The principles outlined in this paragraph and paragraphs (f) and (g) of this section which are applied in determining whether transfers in trust meet such conditions are equally applicable in ascertaining whether, in the case of interests not in trust, the surviving spouse has the equivalent in rights over income and over the property.

(f) *Right to income.* (1) If an interest is transferred in trust, the surviving spouse is "entitled for life to all of the income from the entire interest or a specific portion of the entire interest," for the purpose of the condition set forth in paragraph (a) (1) of this section, if the effect of the trust is to give her substantially that degree of beneficial enjoyment of the trust property during her life which the principles of the law of trusts accord to a person who is unqualifiedly designated as the life beneficiary of a trust. Such degree of enjoyment is given only if it was the decedent's intention, as manifested by the terms of the trust instrument and the surrounding circumstances, that the trust should produce for the surviving spouse during her life such an income, or that the spouse should have such use of the trust property as is consistent with the value of the trust corpus and with its preservation. The designation of the spouse as sole income beneficiary for life of the entire interest or a specific portion of the entire interest will be sufficient to qualify the trust unless the terms of the trust and the surrounding circumstances considered as a whole evidence an intention to deprive the spouse of the requisite degree of enjoyment. In determining whether a trust evidences that intention, the treatment required or permitted with respect to individual items must be considered in relation to the entire system provided for the administration of the trust.

(2) If the over-all effect of a trust is to give to the surviving spouse such enforceable rights as will preserve to her the requisite degree of enjoyment, it is immaterial whether that result is effected by rules specifically stated in the trust instrument, or, in their absence, by the rules for the management of the trust property and the allocation of receipts and expenditures supplied by the State law. For example, where the State law does not provide for amortization of bond premium, a provision in the trust instrument for amortization by appropriate periodic charges to interest will not disqualify the interest passing in trust.

(3) In the case of a trust, the rules to be applied by the trustee in allocation of receipts and expenses between income and corpus must be considered in relation to the nature and expected productivity of the assets passing in trust, the nature and frequency of occurrence of the expected receipts, and any provisions as to change in the form of investments. If it is evident from the nature of the trust assets and the rules provided for management of the trust that the allocation to income of such receipts as rents, ordinary cash dividends and interest will give to the spouse the substantial enjoyment during life required by the statute, provisions that such receipts as stock dividends and proceeds from the conversion of trust assets shall be treated as corpus will not disqualify the interest passing in trust. Similarly, provision for a depletion charge against income in the case of trust assets which are subject to depletion will not disqualify the interest passing in trust, unless the effect is to deprive the spouse of the requisite beneficial enjoyment. The same principle is applicable in the case of depreciation, trustees' commissions, and other charges.

(4) Provisions granting administrative powers to the trustees will not have the effect of disqualifying an interest passing in trust unless the grant of powers evidences the intention to deprive the surviving spouse of the beneficial enjoyment required by the statute. Such an intention will not be considered to exist if the entire terms of the instrument are such that the local courts will impose reasonable limitations upon the exercise of the powers. Among the powers which if subject to reasonable limitations will not disqualify the interest passing in trust are the power to determine the charges which shall be made against income and corpus, the power to apply the income or corpus for the benefit of the spouse, and the power to retain the assets passing to the trust. For example, a power to retain trust assets which consist substantially of unproductive property will not disqualify the interest if the applicable rules for the administration of the trust require, or permit the spouse to require, that the trustee either make the property productive or convert it within a reasonable time Nor will such a power disqualify the interest if the applicable rules for administration of the trust require the trustee to use the degree of judgment and care in the exercise of the power which a prudent man would use if he were owner of the trust assets. Further, a power to retain a residence for the spouse or other property for her personal use will not disqualify the interest passing in trust.

(5) An interest passing in trust will not satisfy the condition set forth in paragraph (a) (1) of this section that the surviving spouse be entitled to all the income if the primary purpose of the trust is to safeguard property without providing the spouse with the required beneficial enjoyment. Such trusts include not only trusts which expressly provide for the accumulation of the income but also trusts which indirectly accomplish a similar purpose. For example, assume that the corpus of a trust consists substantially of property which is not likely to be income producing during the life of the surviving spouse and that the spouse cannot compel the trustee to convert or otherwise deal with the property as described in subparagraph (4) of this paragraph. An interest passing to such a trust will not qualify unless the applicable rules for the administration require, or permit the spouse to require, that the trustee provide the required beneficial enjoyment, such as by payments to the spouse out of other assets of the trust.

(6) If a trust is created during the decedent's life, it is immaterial whether or not the interest passing in trust satisfied the conditions set forth in paragraph (a) (1) through (5) of this section prior to the decedent's death. If a trust may be terminated during the life of the surviving spouse, under her exercise of a power of appointment or by distribution of the corpus to her, the interest passing in trust satisfies the condition set forth in paragraph (a) (1) of this section, that the spouse be entitled to all the income, if the spouse is entitled to the income until the trust terminates.

(7) An interest passing in trust fails to satisfy the condition set forth in paragraph (a) (1) of this section, that the spouse be entitled to all the income, to the extent that the income is required to be accumulated in whole or in part or may be accumulated in the discretion of any person other than the surviving spouse; to the extent that the consent of any person other than the surviving spouse is required as a condition precedent to distribution of the income; or to the extent that any person other than the surviving spouse has the power to alter the terms of the trust so as to deprive her of her right to the income. An interest passing in trust will not fail to satisfy the condition that the spouse be entitled to all the income merely because its terms provide that the right of the surviving spouse to the income shall not be subject to assignment, alienation, pledge, attachment or claims of creditors.

(8) In the case of an interest passing in trust, the terms "entitled for life" and "payable annually or at more frequent intervals", as used in the conditions set

point one-half of the entire interest, the

building and 100 shares of the stock. By the

spouse, annually. W was given a general

forth in the terms of the trust the income referred to must be currently (at least annually; see paragraph (e) of this section above) distributable to the spouse or that she must have such command over the income that it is virtually hers. Thus, the conditions in paragraph (a) (1) and (2) of this section are satisfied in this respect if, under the terms of the trust instrument, the spouse has the right exercisable annually (or more frequently) to require distribution to herself of the trust income, and otherwise the trust income is to be accumulated and added to corpus. Similarly, as respects the income for the period between the last distribution date and the date of the spouse's death, it is sufficient if that income is subject to the spouse's power to appoint. Thus, if the trust instrument provides that income accrued or undistributed on the date of the spouse's death is to be disposed of as if it had been received after her death, and if the spouse has a power of appointment over the trust corpus, the power necessarily extends to the undistributed income.

(9) An interest is not to be regarded as failing to satisfy the conditions set forth in paragraph (a) (1) and (2) of this section (that the spouse be entitled to all the income and that it be payable annually or more frequently) merely because the spouse is not entitled to the income from estate assets for the period before distribution of those assets by the executor, unless the executor is, by the decedent's will, authorized or directed to delay distribution beyond the period reasonably required for administration of the decedent's estate. As to the valuation of the property interest passing to the spouse in trust where the right to income is expressly postponed, see § 20.2056 (b)–4.

(g) *Power of appointment in surviving spouse.* (1) The conditions set forth in paragraph (a) (3) and (4) of this section, that is, that the surviving spouse must have a power of appointment exercisable in favor of herself or her estate and exercisable alone and in all events, are not met unless the power of the surviving spouse to appoint the entire interest or a specific portion of it falls within one of the following categories:

(i) A power so to appoint fully exercisable in her own favor at any time following the decedent's death (as, for example, an unlimited power to invade); or

(ii) A power so to appoint exercisable in favor of her estate. Such a power, if exercisable during life, must be fully exercisable at any time during life, or, if exercisable by will, must be fully exercisable irrespective of the time of her death (subject in either case to the provisions of § 20.2053 (b)–3, relating to interests conditioned on survival for a limited period); or

(iii) A combination of the powers described under subparagraphs (i) and (ii) of this subparagraph. For example, the surviving spouse may, until she attains the age of 50 years, have a power to appoint to herself and thereafter have a power to appoint to her estate. However, the condition that the spouse's power must be exercisable in all events is not satisfied unless irrespective of when the surviving spouse may die the entire interest or a specific portion of it will at the time of her death be subject to one power or the other (subject to the exception in § 20.2053 (b)–3, relating to interests contingent on survival for a limited period).

(2) The power of the surviving spouse must be a power to appoint the entire interest or a specific portion of it as unqualified owner (and free of the trust if a trust is involved, or free of the joint tenancy if a joint tenancy is involved) or to appoint the entire interest or a specific portion of it as a part of her estate (and free of the trust if a trust is involved), that is, in effect, to dispose of it to whomsoever she pleases. Thus, if the decedent devised property to a son and the surviving spouse as joint tenants with right of survivorship and under local law the surviving spouse has a power of severance exercisable without consent of the other joint tenant, and by exercising this power could acquire a one-half interest in the property as a tenant in common, her power of severance will satisfy the condition set forth in paragraph (a) (3) of this section that she have a power of appointment in favor of herself or her estate. However, if the surviving spouse entered into a binding agreement with the decedent to exercise the power only in favor of their issue, that condition is not met. An interest passing in trust will not be regarded as failing to satisfy the condition merely because takers in default of the surviving spouse's exercise of the power are designated by the decedent. The decedent may provide that, in default of exercise of the power, the trust shall continue for an additional period.

(3) A power is not considered to be a power exercisable by a surviving spouse alone and in all events as required by paragraph (a) (4) of this section if the exercise of the power in the surviving spouse to appoint the entire interest or a specific portion of it to herself or to her estate requires the joinder or consent of any other person. The power is not "exercisable in all events", if it can be terminated during the life of the surviving spouse by any event other than her complete exercise or release of it. Further, a power is not "exercisable in all events" if it may be exercised for a limited purpose only. For example, a power which is not exercisable in the event of the spouse's remarriage is not exercisable in all events. Likewise, if there are any restrictions, either by the terms of the instrument or under applicable local law, on the exercise of a power to consume property (whether or not held in trust) for the benefit of the spouse, the power is not exercisable in all events. Thus, if a power of invasion is exercisable only for the spouse's support, or only for her use, the power is not exercisable in all events. In order for a power of invasion to be exercisable in all events, the surviving spouse must have the unrestricted power exercisable at any time during her life to use all or any part of the property subject to the power, and to dispose of it in any manner, including the power to dispose of it by gift (whether or not she has power to dispose of it by will).

(4) The power in the surviving spouse is exercisable in all events only if it exists immediately following the decedent's death. For example, if the power given to the surviving spouse is exercisable during life, but cannot be effectively exercised before distribution of the assets by the executor, the power is not exercisable in all events. Similarly, if the power is exercisable by will, but cannot be effectively exercised in the event the surviving spouse dies before distribution of the assets by the executor, the power is not exercisable in all events. However, an interest will not be disqualified by the mere fact that, in the event the power is exercised during administration of the estate, distribution of the property to the appointee will be delayed for the period of administration. If the power is in existence at all times following the decedent's death, limitations of a formal nature will not disqualify an interest. Examples of formal limitations on a power exercisable during life are requirements that an exercise must be in a particular form, that it must be filed with a trustee during the spouse's life, that reasonable notice must be given, or that reasonable intervals must elapse between successive partial exercises. Examples of formal limitations on a power exercisable by will are that it must be exercised by a will executed by the surviving spouse after the decedent's death or that exercise must be by specific reference to the power.

(5) If the surviving spouse has the requisite power to appoint to herself or her estate, it is immaterial that she also has one or more lesser powers. Thus, if she has a testamentary power to appoint to her estate, she may also have a limited power of withdrawal or of appointment during her life. Similarly, if she has an unlimited power of withdrawal, she may have a limited testamentary power.

(h) *Requirement of survival for a limited period.* A power of appointment in the surviving spouse will not be treated as failing to meet the requirements of paragraph (a) (3) of this section even though the power may terminate, if the only conditions which would cause the termination are those described in § 20.2056 (b)–3 (a), and if those conditions do not in fact occur. Thus, the entire interest or a specific portion of it will not be disqualified by reason of the fact that the exercise of the power in the spouse is subject to a condition of survivorship described in § 20.2056 (b)–3 if the terms of the condition, that is, the survivorship of the surviving spouse, or the failure to die in a common disaster, are fulfilled.

(i) *Existence of a power in another.* Paragraph (a) (5) of this section provides that a transfer described in paragraph (a) is nondeductible to the extent that the decedent created a power in the trustee or in any other person to appoint a part of the interest to any person other than the surviving spouse. However, only powers in other persons which are in opposition to that of the surviving spouse will cause a portion of the interest to fail to satisfy the condition set forth in paragraph (a) (5) of this section. Thus, a power in a trustee to distribute corpus to or for the benefit of a surviving spouse will not disqualify the trust. Similarly, a power to distribute corpus to the spouse for the support of minor children will not disqualify the trust if she is legally obligated to support such children. The application of this paragraph may be illustrated by the following examples:

Example (1). Assume that a decedent created a trust, designating his surviving spouse as income beneficiary for life with an unrestricted power in the spouse to appoint the corpus during her life. The decedent further provided that in the event the surviving spouse should die without having exercised the power, the trust should continue for the life of his son with a power in the son to appoint the corpus. Since the power in the son could become exercisable only after the death of the surviving spouse, the interest is not regarded as failing to satisfy the condition set forth in paragraph (a) (5) of this section.

Example (2). Assume that the decedent created a trust, designating his surviving spouse as income beneficiary for life and as donee of a power to appoint by will the entire corpus. The decedent further provided that the trustee could distribute 30 percent of the corpus to the decedent's son when he reached the age of 35 years. Since the trustee has a power to appoint 30 percent of the entire interest for the benefit of a person other than the surviving spouse, only 70 percent of the interest placed in trust satisfied the condition set forth in paragraph (a) (5) of this section. If, in this case, the surviving spouse had a power, exercisable by her will, to appoint only one-half of the corpus as it was constituted at the time of her death, it should be noted that only 35 percent of the interest placed in the trust would satisfy the condition set forth in paragraph (a) (3) of this section.

§ 20.2056 (b)–6 *Marital deduction; life insurance or annuity payments with power of appointment in surviving spouse*—(a) *In general.* Section 2056 (b) (6) provides that an interest in property passing from a decedent to his surviving spouse, which consists of proceeds held by an insurer under the terms of a life insurance, endowment, or annuity contract, is a "deductible interest" to the extent that it satisfies all five of the following conditions (see paragraph (b) of this section if one or more of the conditions is satisfied as to only a portion of the proceeds):

(1) The proceeds, or a specific portion of the proceeds, must be held by the insurer subject to an agreement either to pay the entire proceeds or a specific portion thereof in installments, or to pay interest thereon, and all or a specific portion of the installments or interest payable during the life of the surviving spouse must be payable only to her.

(2) The installments or interest payable to the surviving spouse must be payable annually, or more frequently, commencing not later than 13 months after the decedent's death.

(3) The surviving spouse must have the power to appoint all or a specific portion of the amounts so held by the insurer to either herself or her estate.

(4) The power in the surviving spouse must be exercisable by her alone and (whether exercisable by will or during life) must be exercisable in all events.

(5) The amounts or the specific portion of the amounts payable under such contract must not be subject to a power in any other person to appoint any part thereof to any person other than the surviving spouse.

(b) *Specific portion; deductible interest.* If the right to receive interest or installment payments or the power of appointment passing to the surviving spouse pertains only to a specific portion of the proceeds held by the insurer, the marital deduction is allowed only to the extent that the rights of the surviving spouse in the specific portion meet the five conditions described in paragraph (a) of this section. While the rights to interest, or to receive payment in installments, and the power must coexist as to the proceeds of the same contract, it is not necessary that the rights to each be in the same proportion. If the rights to interest meeting the required conditions set forth in paragraph (a) (1) and (2) extend over a smaller share of the proceeds than the share with respect to which the power of appointment requirements set forth in paragraph (a) (3) through (5) are satisfied, the deductible interest is limited to the smaller share. Similarly, if the portion of the proceeds payable in installments is a smaller portion of the proceeds than the portion to which the power of appointment meeting such requirements relates, the deduction is limited to the smaller portion. In addition, if a power of appointment meeting all the requirements extends to a smaller portion of the proceeds than the portion over which the interest or installment rights pertain, the deductible interest cannot exceed the value of the portion to which such power of appointment applies. Thus, if the contract provides that the insurer is to retain the entire proceeds and pay all of the interest thereon annually to the surviving spouse and if the surviving spouse has a power of appointment meeting the specifications prescribed in paragraph (a) (3) through (5), as to only one-half of the proceeds held, then only one-half of the proceeds may be treated as a deductible interest. Correspondingly, if the rights of the spouse to receive installment payments or interest satisfying the requirements extend to only one-fourth of the proceeds and a testamentary power of appointment satisfying the requirements of paragraph (a) (3) through (5) extends to all of the proceeds, then only one-fourth of the proceeds qualifies as a deductible interest. Further, if the surviving spouse has no right to installment payments (or interest) over any portion of the proceeds but a testamentary power of appointment which meets the necessary conditions over the entire remaining proceeds (exclusive of interest accumulation), then none of the proceeds qualifies for the deduction. In addition, if, from the time of the decedent's death, the surviving spouse has a power of appointment meeting all of the required conditions over three-fourths of the proceeds and the right to receive interest from the entire proceeds, but with a power in another person to appoint one-half of the entire proceeds, the value of the interest in the surviving spouse over only one-half of the proceeds will qualify as a deductible interest.

(c) *Applicable principles.* (1) The principles set forth in § 20.2056 (b)–5 (c) for determining what constitutes a "specific portion of the entire interest" for the purpose of section 2056-(b) (5) are applicable in determining what constitutes a "specific portion of all such amounts" for the purpose of section 2056 (b) (6). However, the interest in the proceeds passing to the surviving spouse will not be disqualified by the fact that the installment payments or interest to which the spouse is entitled or the amount of the proceeds over which the power of appointment is exercisable may be expressed in terms of a specific sum rather than a fraction or a percentage of the proceeds provided it is shown that such sums are a definite or fixed percentage or fraction of the total proceeds.

(2) The provisions of paragraph (a) of this section are applicable with respect to a property interest which passed from the decedent in the form of proceeds of a policy of insurance upon the decedent's life, a policy of insurance upon the life of a person who predeceased the decedent, a matured endowment policy, or an annuity contract, but only in case the proceeds are to be held by the insurer. With respect to proceeds under any such contract which are to be held by a trustee, with power of appointment in the surviving spouse, see § 20.2056 (b)–5. As to the treatment of proceeds not meeting the requirements of § 20.2056 (b)–5 or of this section, see § 20.2056 (a)–2.

(3) In the case of a contract under which payments by the insurer commenced during the decedent's life, it is immaterial whether the conditions in subparagraphs (1) to (5) of paragraph (a) of this section were satisfied prior to the decedent's death.

(d) *Payments of installments or interest.* The conditions in subparagraphs (1) and (2) of paragraph (a) of this section relative to the payments of installments or interest to the surviving spouse are satisfied if, under the terms of the contract, the spouse has the right exercisable annually (or more frequently) to require distribution to herself of installments of the proceeds or a specific portion thereof, as the case may be, and otherwise such proceeds or interest are to be accumulated and held by the insurer pursuant to the terms of the contract. A contract which otherwise requires the insurer to make annual or more frequent payments to the surviving spouse following the decedent's death, will not be disqualified merely because the surviving spouse must comply with certain formalities in order to obtain the first payment. For example, the contract may satisfy the conditions in subparagraphs (1) and (2) of paragraph (a) of this section even though it requires the surviving spouse to furnish proof of death before the first payment is made. The condition in paragraph (a) (1) of this section is satisfied where interest on the proceeds or a specific portion thereof is payable, annually or more frequently, for a term, or until the occurrence of a specified event, following which the proceeds or a specific portion

thereof are to be paid in annual or more frequent installments.

(e) *Powers of appointment.* (1) In determining whether the terms of the contract satisfy the conditions in subparagraph (3), (4), or (5) of paragraph (a) of this section relating to a power of appointment in the surviving spouse or any other person, the principles stated in § 20.2056 (b)–5 are applicable. As stated in § 20.2056 (b)–5, the surviving spouse's power to appoint is "exercisable in all events" only if it is in existence immediately following the decedent's death, subject, however, to the operation of § 20.2056 (b)–3 relating to interests conditioned on survival for a limited period.

(2) For examples of formal limitations on the power which will not disqualify the contract, see § 20.2056 (b)–5 (g) (4). If the power is exercisable from the moment of the decedent's death, the contract is not disqualified merely because the insurer may require proof of the decedent's death as a condition to making payment to the appointee. If the submission of proof of the decedent's death is a condition to the exercise of the power, the power will not be considered "exercisable in all events" unless in the event the surviving spouse had died immediately following the decedent, her power to appoint would have been considered to exist at the time of her death, within the meaning of section 2041 (a) (2). See § 20.2041–3 (b).

(3) It is sufficient for the purposes of the condition in paragraph (a) (3) of this section that the surviving spouse have the power to appoint amounts held by the insurer to herself or her estate if the surviving spouse has the unqualified power, exercisable in favor of herself or her estate, to appoint amounts held by the insurer which are payable after her death. Such power to appoint need not extend to installments or interest which will be paid to the spouse during her life. Further, the power to appoint need not be a power to require payment in a single sum. For example, if the proceeds of a policy are payable in installments, and if the surviving spouse has the power to direct that all installments payable after her death be paid to her estate, she has the requisite power.

(4) It is not necessary that the phrase "power to appoint" be used in the contract. For example, the condition in paragraph (a) (3) of this section that the surviving spouse have the power to appoint amounts held by the insurer to herself or her estate is satisfied by terms of a contract which give the surviving spouse a right which is, in substance and effect, a power to appoint to herself or her estate, such as a right to withdraw the amount remaining in the fund held by the insurer, or a right to direct that any amount held by the insurer under the contract at her death shall be paid to her estate.

§ 20.2056 (c) *Statutory provisions; bequests, etc., to surviving spouse; limitation on aggregate of deductions.*

SEC. 2056. *Bequests, etc., to surviving spouse.* • • •

(c) *Limitation on aggregate of deductions*—(1) *General rule.* The aggregate amount of the deductions allowed under this section (computed without regard to this subsection) shall not exceed 50 percent of the value of the adjusted gross estate, as defined in paragraph (2).

(2) *Computation of adjusted gross estate*—(A) *General rule.* Except as provided in subparagraph (B) of this paragraph, the adjusted gross estate shall, for purposes of subsection (c) (1), be computed by subtracting from the entire value of the gross estate the aggregate amount of the deductions allowed by sections 2053 and 2054.

(B) *Special rule in cases involving community property.* If the decedent and his surviving spouse at any time, held property as community property under the law of any State, Territory, or possession of the United States, or, of any foreign country, then the adjusted gross estate shall, for purposes of subsection (c) (1), be determined by subtracting from the entire value of the gross estate the sum of—

(i) The value of property which is at the time of the death of the decedent held as such community property; and

(ii) The value of property transferred by the decedent during his life, if at the time of such transfer the property was held as such community property; and

(iii) The amount receivable as insurance under policies on the life of the decedent, to the extent purchased with premiums or other consideration paid out of property held as such community property; and

(iv) An amount which bears the same ratio to the aggregate of the deductions allowed under sections 2053 and 2054 which the value of the property included in the gross estate, diminished by the amount subtracted under clauses (i), (ii), and (iii) of this subparagraph, bears to the entire value of the gross estate.

For purposes of clauses (i), (ii), and (iii), community property (except property which is considered as community property solely by reason of the provisions of subparagraph (C) of this paragraph) shall be considered as not "held as such community property" as of any moment of time, if, in case of the death of the decedent at such moment, such property (and not merely one-half thereof) would be or would have been includible in determining the value of his gross estate without regard to the provisions of section 402 (b) of the Revenue Act of 1942. The amount to be subtracted under clauses (i), (ii), or (iii) shall not exceed the value of the interest in the property described therein which is included in determining the value of the gross estate.

(C) *Community property-conversion into separate property*—(i) *After December 31, 1941.* If after December 31, 1941, property held as such community property (unless considered by reason of subparagraph (B) of this paragraph as not so held) was by the decedent and the surviving spouse converted, by one transaction or a series of transactions, into separate property of the decedent and his spouse (including any form of coownership by them), the separate property so acquired by the decedent and any property acquired at any time by the decedent in exchange therefor (by one exchange or a series of exchanges) shall, for the purposes of clauses (i), (ii), and (iii) of subparagraph (B), be considered as "held as such community property."

(ii) *Limitation.* Where the value (at the time of such conversion) of the separate property so acquired by the decedent exceeded the value (at such time) of the separate property so acquired by the decedent's spouse, the rule in clause (i) shall be applied only with respect to the same portion of such separate property of the decedent as the portion which the value (as of such time) of such separate property so acquired by the decedent's spouse is of the value (as of such time) of the separate property so acquired by the decedent.

§ 20.2056 (c)–1 *Marital deduction; limitation on aggregate of deductions; in general*—(a) *In general.* The allowable marital deduction is limited to the smaller of the following amounts:

(1) The aggregate value of the "deductible interests" which passed from the decedent to his surviving spouse (see § 20.2056 (a)–2 (a)).

(2) Fifty percent of the value of the decedent's "adjusted gross estate."

(b) *"Adjusted gross estate".* The "adjusted gross estate" is the entire value of the decedent's gross estate less the aggregate amount of the deductions allowed for expenses, indebtedness, taxes, and losses under sections 2053 and 2054, unless the decedent and his spouse at any time held any property as community property (see § 20.2056 (c)–2). In determining the adjusted gross estate, the gross estate is not reduced by the exemption allowable under section 2052, or by the amount of any charitable deduction allowable under section 2055.

Example. The value of a decedent's gross estate is $200,000 and the aggregate amount of the deductions allowed by sections 2053 and 2054 for expenses, debts, taxes and losses is $30,000. (It is assumed for the purpose of this example that the decedent and his spouse never held any property as community property.) The decedent left $10,000 to a charitable organization for which a deduction is allowable under section 2055, and left the balance of his estate to his surviving spouse. The value of the adjusted gross estate is, therefore, $200,000 less $30,000, or $170,000. It is assumed that the aggregate value of the deductible interests which passed from the decedent to his surviving spouse is $100,000. The allowable marital deduction is limited to $85,000 (50 percent of the value of the adjusted gross estate).

§ 20.2056 (c)–2 *Marital deduction in cases involving community property.* (a) If the decedent and his surviving spouse at any time held property as "community property," as defined in this section, the "adjusted gross estate" referred to in § 20.2056 (c)–1 is the entire value of the gross estate less the sum of the following values and amounts:

(1) The value of any property included in the gross estate which was at the time of the decedent's death held by him and his surviving spouse as "community property," as defined in this section.

(2) The value of property (to the extent included in the gross estate) transferred by the decedent during his life, if at the time of such transfer the property was held by him and his surviving spouse as "community property," as defined in this section.

(3) The amount (to the extent included in the gross estate) receivable as insurance under policies upon the life of the decedent, to the extent purchased with premiums or other consideration paid out of property then held by him and his surviving spouse as "community property," as defined in this section.

(4) An amount which bears the same ratio to the aggregate amount of the deductions for expenses, indebtedness, taxes and losses allowed by sections 2053 and 2054 as the value of the gross estate, reduced by the aggregate amount subtracted under subparagraphs (1), (2), and (3) of this paragraph, bears to the entire value of the gross estate. The amount to be subtracted under this subparagraph is

$$\frac{\text{Gross estate, less community property}}{\text{Entire gross estate}} \times \text{Deductions for expenses, indebtedness, taxes, and losses.}$$

(b) If a policy of insurance upon the life of the decedent was purchased partly with property held by him and his surviving spouse as "community property," as defined in this section, and partly with other property, the amount receivable under the policy is considered, for the purpose of paragraph (a) (3) of this section, to have been purchased with such "community property" in the proportion that the payments made with such "community property" bear to the total amount paid.

(c) In determining the "adjusted gross estate" under this section, property held by the decedent and his surviving spouse as "community property," at the time of the death of the decedent (for the purpose of paragraph (a) (1) of this section), at the time of the transfer (for the purpose of paragraph (a) (2) of this section), or at the time of the payment of insurance premiums or other consideration (for the purposes of paragraph (a) (3) of this section), is considered to include—

(1) Any property held by them at such time as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, except property in which the surviving spouse had at such time merely an expectant interest.

(2) Separate property acquired by the decedent as a result of a "conversion" after December 31, 1941, of property held by him and his surviving spouse as community property under the law of any State, Territory, or possession of the United States, or of any foreign country (except such property in which the surviving spouse had at the time of the "conversion" merely an expectant interest), into their separate property, subject to the limitation with respect to value contained in paragraph (h) of this section.

(3) Property acquired by the decedent in exchange (by one exchange or a series of exchanges) for separate property acquired as set forth under subparagraph (2) of this paragraph.

The burden of establishing the extent to which separate property of the decedent was acquired other than as described in subparagraphs (2) and (3) of this section rests upon the executor.

(d) The surviving spouse is regarded as having merely an expectant interest in property held as community property under the law of any State, Territory, or possession of the United States, or of any foreign country (1) at the time of the decedent's death, if the entire value of such property (and not merely half of it) is includible in the decedent's gross estate, or (2) at the time of any transfer, payment of insurance premiums or other consideration, or "conversion", if, in case of the death of the decedent at such time, the entire value of the property involved in the transfer, payment, or "conversion" (and not merely half of it) would have been so includible without regard to the provisions of section 402 (b) of the Revenue Act of 1942 (56 Stat. 942).

(e) The characteristics of property which acquired a noncommunity instead of a community status by reason of an agreement (whether antenuptial or postnuptial) are such that section 2056 (c) (2) (C) classifies the property as community property of the decedent and his surviving spouse in the computation of the "adjusted gross estate". In distinguishing property which thus acquired a noncommunity status from property which acquired such a status solely by operation of the applicable property law, section 2056 (c) (2) (C) refers to the former category of property as "separate property" acquired as a result of a "conversion" of "property held as such community property". As used in section 2056 (c) (2) (C), the phrase "property held as such community property" is used to denote the body of property comprehended within the community property system; the term "separate property" includes any noncommunity property (whether held in joint tenancy, tenancy by the entirety, tenancy in common, or otherwise); and the term "conversion" includes any transaction or agreement which transforms property from a community status into a noncommunity status.

(f) The separate property which section 2056 (c) (2) (C) classifies as community property is not limited to that which was in existence at the time of the conversion. The following are illustrative of the scope of section 2056 (c) (2) (C): (1) a partition of community property between husband and wife, in which a portion of such property became the separate property of each, is a conversion of such property; (2) a transfer of community property into some other form of co-ownership, such as a joint tenancy, is a conversion of such property; (3) an agreement (whether made before or after marriage) that future earnings and gains which would otherwise be community property shall be shared by the spouses as separate property effects a conversion of such earnings and gains; and (4) a change in the form of ownership of property which causes the future rentals therefrom, which would otherwise have been acquired as community property, to be acquired as separate property effects a conversion of the rentals.

(g) The rules of section 2056 (c) (2) (C) are applicable, however, only if the conversion took place after December 31, 1941, and only to the extent stated in this section.

(h) If the value of the separate property acquired by the decedent as a result of a conversion did not exceed the value of the separate property thus acquired by the surviving spouse, the entire separate property thus acquired by the decedent is to be considered, for the purpose of this section, as held by him and his surviving spouse as community property. If the value (at the time of the conversion) of the separate property so acquired by the decedent exceeded the value (at that time) of the separate property so acquired by the spouse, only a part of the separate property so acquired by the decedent (and only the same fractional part of property acquired by him in exchange for such separate property) is to be considered, for the purposes of this section, as held by him and his surviving spouse as community property. The part of such separate property (or property acquired in exchange therefor) which is considered as so held is the same proportion of it which the value (at the time of the conversion) of the separate property so acquired by the spouse is of the value (at that time) of the separate property so acquired by the decedent.

(j) The application of this section may be illustrated by the following examples:

Example (1). The value of a decedent's gross estate is $300,000, of which $200,000 represents his separate property and $100,000 represents his half interest in community property. The decedent's separate property was inherited from his father. The deductions allowed under sections 2053 and 2054 total $45,000. The adjusted gross estate is computed as follows:

Value of gross estate	$300,000
Reduction under paragraph (a) (1)	100,000
Reduction under paragraph (a) (4) $\left(\frac{\$200,000}{\$300,000} \times \$45,000\right)$	30,000
Total reduction	130,000
Adjusted gross estate	170,000

The marital deduction will be $85,000 (half the value of the adjusted gross estate) in case the aggregate value of the deductible interests which passed from the decedent to his surviving spouse equals or exceeds that amount.

Example (2). The facts are the same as in example (1) except that the decedent's separate property was not inherited from his father, but was acquired under the following transaction: On November 1, 1942, the decedent and his surviving spouse partitioned certain community property then having a value of $224,000. A portion of such property, then having a value of $160,000, was converted into the decedent's separate property, and the remaining portion then having a value of $64,000, was converted into his spouse's separate property. The portion of the separate property so acquired by the decedent which is considered as held as community property at the time of his death is represented by that proportion of $200,000 (the value, at the time of death, of such separate property) which $64,000 (the value at the time of the conversion, of the separate property so acquired by his spouse) bears to $160,000 (the value, at the time of the conversion, of the separate property so acquired by the decedent), which proportion equals $80,000.

The adjusted gross estate is computed as follows:

Value of gross estate	$300,000
Reduction under paragraph (a) (1) ($100,000+$80,000)	180,000
Reduction under paragraph (a) (4) $\left(\frac{\$120,000}{\$300,000}\times\$45,00\right)$	18,000
Total reduction	198,000
Adjusted gross estate	102,000

The marital reduction will be $51,000 (half the value of the adjusted gross estate) in case the aggregate value of the deductible interests which passed from the decedent to his surviving spouse equals or exceeds that amount.

§ 20.2056 (d) *Statutory provisions; bequests, etc., to surviving spouse; disclaimers.*

SEC. 2056. *Bequests, etc., to surviving spouse.* * * *

(d) *Disclaimers*—(1) *By surviving spouse.* If under this section an interest would, in the absence of a disclaimer by the surviving spouse, be considered as passing from the decedent to such spouse, and if a disclaimer of such interest is made by such spouse, then such interest shall, for the purposes of this section, be considered as passing to the person or persons entitled to receive such interest as a result of the disclaimer.

(2) *By any other person.* If under this section an interest would, in the absence of a disclaimer by any person other than the surviving spouse, be considered as passing from the decedent to such person, and if a disclaimer of such interest is made by such person and as a result of such disclaimer the surviving spouse is entitled to receive such interest, then such interest shall, for purposes of this section, be considered as passing, not to the surviving spouse, but to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.

§ 20.2056 (d)–1 *Marital deduction; effect of disclaimers*—(a) *By a surviving spouse.* If a decedent's surviving spouse makes a disclaimer of any property interest which would otherwise be considered as having passed from the decedent to her, the disclaimed interest is to be considered as having passed from the decedent to the person or persons entitled to receive the interest as a result of the disclaimer. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. It is, therefore, necessary to distinguish between the surviving spouse's disclaimer of a property interest and her acceptance and subsequent disposal of a property interest. For example, if proceeds of insurance are payable to the surviving spouse and she refuses them so that they consequently pass to an alternate beneficiary designated by the decedent, the proceeds are considered as having passed from the decedent to the alternate beneficiary. On the other hand, if the surviving spouse directs the insurance company to hold the proceeds at interest during her life and, upon her death, to pay the principal sum to another person designated by her, thus effecting a transfer of a remainder interest, the proceeds are considered as having passed from the decedent to his spouse. See § 20.2056 (e)–2 (c) with respect to a spouse's exercise or failure to exercise a right to take against a decedent's will.

(b) *By a person other than a surviving spouse.* It is unnecessary to distinguish, for the purpose of the marital deduction, between a disclaimer by a marital person other than the surviving spouse and a transfer by such person. If the surviving spouse becomes entitled to receive an interest in property from the decedent as a result of a disclaimer made by some other person, the interest is, nevertheless, considered as having passed from the decedent, not to the surviving spouse, but to the person who made the disclaimer, as though the disclaimer had not been made. If, as a result of a disclaimer made by a person other than the surviving spouse, a property interest passes under circumstances which meet the conditions set forth in § 20.2056 (b)–5 (relating to a life estate with a power of appointment), the rule stated in the preceding sentence applies, not only with respect to the portion of the interest which beneficially vests in the surviving spouse, but also with respect to the portion over which she acquires a power to appoint. The rule applies also in the case of proceeds under a life insurance, endowment, or annuity contract, which, as a result of a disclaimer made by a person other than the surviving spouse, are held by the insurer subject to the conditions set forth in § 20.2056 (b)–6.

§ 20.2056 (e) *Statutory provisions; bequests, etc., to surviving spouse; definition.*

SEC. 2056. *Bequests, etc., to surviving spouse.* * * *

(e) *Definition.* For purposes of this section, an interest in property shall be considered as passing from the decedent to any person if and only if—

(1) Such interest is bequeathed or devised to such person by the decedent;

(2) Such interest is inherited by such person from the decedent;

(3) Such interest is the dower or curtesy interest (or statutory interest in lieu thereof) of such person as surviving spouse of the decedent;

(4) Such interest has been transferred to such person by the decedent at any time;

(5) Such interest was, at the time of the decedent's death, held by such person and the decedent (or by them and any other person) in joint ownership with right of survivorship;

(6) The decedent had a power (either alone or in conjunction with any person) to appoint such interest and if he appoints or has appointed such interest to such person, or if such person takes such interest in default on the release or nonexercise of such power; or

(7) Such interest consists of proceeds of insurance on the life of the decedent receivable by such person.

Except as provided in paragraph (5) or (6) of subsection (b), where at the time of the decedent's death it is not possible to ascertain the particular person or persons to whom an interest in property may pass from the decedent, such interest shall, for purposes of subparagraphs (A) and (B) of subsection (b) (1), be considered as passing from the decedent to a person other than the surviving spouse.

§ 20.2056 (e)–1 *Marital deduction; definition of "passed from the decedent".* (a) The following rules are applicable in determining the person to whom any property interest "passed from the decedent":

(1) Property interests devolving upon any person (or persons) as surviving coowner with the decedent under any form of joint ownership under which the right of survivorship existed are considered as having passed from the decedent to such person (or persons).

(2) Property interests at any time subject to the decedent's power to appoint (whether alone or in conjunction with any person) are considered as having passed from the decedent to the appointee under his exercise of the power, or, in case of the lapse, release or nonexercise of the power, as having passed from the decedent to the taker in default of exercise.

(3) The dower or courtesy interest (or statutory interest in lieu thereof) of the decedent's surviving spouse is considered as having passed from the decedent to his spouse.

(4) The proceeds of insurance upon the life of the decedent are considered as having passed from the decedent to the person who, at the time of the decedent's death, was entitled to receive the proceeds.

(5) Any property interest transferred during life, bequeathed or devised by the decedent, or inherited from the decedent, is considered as having passed to the person to whom he transferred, bequeathed, or devised the interest, or to the person who inherited the interest from him.

(6) The survivor's interest in an annuity or other payment described in section 2039 (see §§ 20.2039–1 and 20.2039–2) is considered as having passed from the decedent to the survivor only to the extent that the value of such interest is included in the decedent's gross estate under that section. If only a portion of the entire annuity or other payment is included in the decedent's gross estate and the annuity or other payment is payable to more than one beneficiary, then the value of the interest considered to have passed to each beneficiary is that portion of the amount payable to each beneficiary as the amount of the annuity or other payment included in the decedent's gross estate bears to the total value of the annuity or other payment payable to all beneficiaries.

(b) If before the decedent's death the decedent's surviving spouse had merely an expectant interest in property held by her and the decedent under community property laws, that interest is considered as having passed from the decedent to the spouse. As to the circumstances under which the interest of the surviving spouse under community property laws is regarded as merely expectant, see § 20.2056 (c)–2 (d).

§ 20.2056 (e)–2 *Marital deduction; definition of "passed from the decedent to his surviving spouse"*—(a) *In general.* In general, the definition stated in § 20.2056 (e)–1 is applicable in determining the property interests which "passed from the decedent to his surviving spouse". Special rules are provided, however, for the following:

(1) In the case of certain interests with income for life to the surviving spouse with power of appointment in her (see § 20.2056 (b)–5);

(2) In the case of proceeds held by the insurer under a life insurance, endowment, or annuity contract with power of appointment in the surviving spouse (see § 20.2056 (b)–6);

(3) In case of the disclaimer of an interest by the surviving spouse or by any other person (see § 20.2056 (d)–1);

(4) In case of election by the surviving spouse (see paragraph (c) of this section); and

(5) In case of a controversy involving the decedent's will, see paragraph (d) of this section.

A property interest is considered as passing to the surviving spouse only if it passed to her as beneficial owner, except to the extent otherwise provided in §§ 20.2056 (b)–5 and 20.2056 (b)–6 in the case of certain life estates and insurance and annuity contracts with powers of appointment. For this purpose, where a property interest passed from the decedent in trust, such interest is considered to have passed from him to his surviving spouse to the extent of her beneficial interest therein. The deduction may not be taken with respect to a property interest which passed to such spouse merely as trustee, or subject to a binding agreement by the spouse to dispose of the interest in favor of a third person. An allowance or award paid to a surviving spouse pursuant to local law for her support during the administration of the decedent's estate constitutes a property interest passing from the decedent to his surviving spouse if the executor or administrator of the surviving spouse's estate could under local law have caused the allowance or award to be paid to her estate in the event of her death immediately after the decedent's death.

(b) *Examples.* The following illustrate the provisions of paragraph (a) of this section above:

(1) A property interest bequeathed in trust by H (the decedent) is considered as having passed from him to W (his surviving spouse)—

(i) If the trust income is payable to W for life and upon her death the corpus is distributable to her executors or administrators;

(ii) If W is entitled to the trust income for a term of years following which the corpus is to be paid to W or her estate;

(iii) If the trust income is to be accumulated for a term of years or for W's life and the augmented fund paid to W or her estate; or

(iv) If the terms of the transfer satisfy the requirements of § 20.2056 (b)–5.

(2) If H devised property—

(i) To A for life with remainder absolutely to W or her estate, the remainder interest is considered to have passed from H to W;

(ii) To W for life with remainder to her estate, the entire property is considered as having passed from H to W; or

(iii) Under conditions which satisfy the provisions of § 20.2056 (b)–5, the entire property is considered as having passed from H to W.

(3) Proceeds of insurance upon the life of H are considered as having passed from H to W if the terms of the contract—

(i) Meet the requirements of § 20.2056 (b)–6;

(ii) Provide that the proceeds are payable to W in a lump sum;

(iii) Provide that the proceeds are payable in installments to W for life and after her death any remaining installments are payable to her estate; or

(iv) Provide that interest on the proceeds is payable to W for life and upon her death the principal amount is payable to her estate.

(c) *Effect of election by surviving spouse.* This paragraph contains rules applicable if the surviving spouse may elect between a property interest offered to her under the decedent's will or other instrument and a property interest to which she is otherwise entitled (such as dower, a right in the decedent's estate, or her interest under community property laws) of which adverse disposition was attempted under the will or other instrument. If the surviving spouse elects to take against the will or other instrument, then the property interests offered thereunder are not considered as having "passed from the decedent to his surviving spouse" and the dower or other property interest retained by her is considered as having so passed (if it otherwise so qualifies under this section). If the surviving spouse elects to take under the will or other instrument, then the dower or other property interest relinquished by her is not considered as having "passed from the decedent to his surviving spouse" (irrespective of whether it otherwise comes within the definition stated in paragraph (a) of this section) and the interest taken under the will or other instrument is considered as having so passed (if it otherwise so qualifies). As to the valuation of the property interest taken under the will or other instrument, see § 20.2056 (b)–4 (b).

(d) *Will contests.* (1) If as a result of a controversy involving the decedent's will, or involving any bequest or devise thereunder, his surviving spouse assigns or surrenders a property interest in settlement of the controversy, the interest so assigned or surrendered is not considered as having "passed from the decedent to his surviving spouse."

(2) If as a result of the controversy involving the decedent's will, or involving any bequest or devise thereunder, a property interest is assigned or surrendered to the surviving spouse, the interest so acquired will be regarded as having "passed from the decedent to his surviving spouse" only if the assignment or surrender was a bona fide recognition of enforceable rights of the surviving spouse in the decedent's estate. Such a bona fide recognition will be presumed where the assignment or surrender was pursuant to a decision of a local court upon the merits in an adversary proceeding following a genuine and active contest. However, such a decree will be accepted only to the extent that the court passed upon the facts upon which deductibility of the property interests depends. If the assignment or surrender was pursuant to a decree rendered by consent, or pursuant to an agreement not to contest the will or not to probate the will, it will not necessarily be accepted as a bona fide evaluation of the rights of the spouse.

(e) *Survivorship.* If the order of deaths of the decedent and his spouse cannot be established by proof, a presumption (whether supplied by local law, the decedent's will, or otherwise) that the decedent was survived by his spouse will be recognized as satisfying § 20.2056 (a)–1 (b) (1), but only to the extent that it has the effect of giving to the spouse an interest in property includible in her gross estate under sections 2031 to 2044, inclusive. Under these circumstances, if an estate tax return is required to be filed for the estate of the decedent's spouse, the marital deduction will not be allowed in the final audit of the estate tax return of the decedent's estate with respect to any property interest which has not been finally determined to be includible in the gross estate of his spouse.

§ 20.2056 (e)–3 *Marital deduction; definition of "passed from the decedent to a person other than his surviving spouse".* The expression "passed from the decedent to a person other than his surviving spouse" refers to any property interest which, under the definition stated in § 20.2056 (e)–1 is considered as having "passed from the decedent" and which under the rules referred to in § 20.2056 (e)–2 is not considered as having "passed from the decedent to his surviving spouse." Interests which passed to a person other than the surviving spouse include interests so passing under the decedent's exercise, release, or nonexercise of a nontaxable power to appoint. It is immaterial whether the property interest which passed from the decedent to a person other than his surviving spouse is included in the decedent's gross estate. The term "person other than his surviving spouse" includes the possible unascertained takers of a property interest, as, for example, the members of a class to be ascertained in the future. As another example, assume that the decedent created a power of appointment over a property interest, which does not come within the purview of §§ 20.2056 (b)–5 or 20.2056 (b)–6. In such a case, the term "person other than his surviving spouse" refers to the possible appointees and possible takers in default (other than the spouse) of such property interest. Whether or not there is a possibility that the "person other than his surviving spouse" (or the heirs or assigns of such person) may possess or enjoy the property following termination or failure of the interest therein which passed from the decedent to his surviving spouse is to be determined as of the time of the decedent's death.

ESTATES OF NONRESIDENTS NOT CITIZENS

§ 20.2101 *Statutory provisions; tax imposed.*

SEC. 2101. *Tax imposed*—(a) *In general.* A tax computed in accordance with the table contained in section 2001 is hereby imposed on the transfer of the taxable estate, determined as provided in section 2106, of every decedent nonresident not a citizen of the

United States dying after the date of enactment of this title.

(b) *Property held by alien property custodian.* For taxes in connection with property or interests transferred to or vested in the Alien Property Custodian, see section 36 of the Trading with the Enemy Act, as added by the act of August 8, 1946 (60 Stat. 929; 50 U. S. C. App. 36).

§ 20.2101–1 *Estates of nonresidents not citizens; tax imposed.* (a) Section 2101 imposes a tax on the transfer of the taxable estate of a nonresident who was not a citizen of the United States at the time of his death. The tax is computed at the same rates as the tax which is imposed on the transfer of the taxable estate of a citizen or resident of the United States. See section 2001. For the meanings of the terms "resident," "nonresident," and "United States," see § 20.2001–1 (c). For the presumption applying to the residence of missionaries, see section 2202. For the liability of the executor for payment of the tax, see section 2002.

(b) The first step in the determination of the tax liability of the estate of a nonresident not a citizen of the United States is to ascertain the value of that part of the decedent's "entire gross estate" which at the time of his death was situated in the United States. See §§ 20.2103–1 and 20.2104–1. The second step is to determine the value of the taxable estate by subtracting from the value of that part of the "entire gross estate" which was situated in the United States at the time of the decedent's death the amount of the allowable deductions. See § 20.2106–1. The third step is to compute the gross estate tax on the taxable estate, using the rates set forth in section 2001. See paragraph (a) of this section. The fourth step is to subtract from the gross estate tax the total amount of any allowable credits in order to arrive at the net estate tax payable. See § 20.2102–1. Note, however, that all of these provisions may be modified by the provisions of an applicable death duty convention with a foreign country.

§ 20.2102 *Statutory provisions; credits against tax.*

SEC. 2102. *Credits against tax.* The tax imposed by section 2101 shall be credited with the amounts determined in accordance with sections 2011 to 2013, inclusive (relating to State death taxes, gift tax, and tax on prior transfers).

§ 20.2102–1 *Estates of nonresidents not citizens; credits against tax.* In arriving at the net estate tax payable with respect to the transfer of an estate of a nonresident who was not a citizen of the United States at the time of his death, the following credits are subtracted from the tax imposed by section 2101:

(a) The State death tax credit under section 2011;

(b) The gift tax credit under section 2012; and

(c) The credit for tax on prior transfers under section 2013.

The amount of each of these credits is determined in the same manner as that prescribed for its determination in the estates of citizens and residents of the United States. See §§ 20.2011–1 through 20.2013–6. The provisions of sections 2015 and 2016, relating respectively to the credit for death taxes on remainders and the recovery of taxes claimed as a credit, are applicable with respect to the credit for State death taxes in the case of the estates of nonresidents not citizens. However, the credit for foreign death taxes under section 2014 is not allowed.

§ 20.2103 *Statutory provisions; definition of gross estate.*

SEC. 2103. *Definition of gross estate.* For the purpose of the tax imposed by section 2101, the value of the gross estate of every decedent nonresident not a citizen of the United States shall be that part of his gross estate (determined as provided in section 2031) which at the time of his death is situated in the United States.

§ 20.2103–1 *Estates of nonresidents not citizens; "entire gross estate."* The "entire gross estate" wherever situated of a nonresident who was not a citizen of the United States at the time of his death is made up in the same way as the "gross estate" of a citizen or resident of the United States. See §§ 20.2031–1 through 20.2044–1. As in the case of a citizen or resident of the United States, it does not include real property situated outside the United States. However, in the case of a nonresident not a citizen, only that part of the entire gross estate which is situated in the United States is included in his taxable estate. In fact, property situated outside the United States need not be disclosed on the return unless certain deductions are claimed or information is specifically requested. See §§ 20.2106–1 and 20.2106–2. For a description of property considered to be situated in the United States, see § 20.2104–1. For a description of property considered to be situated outside the United States, see § 20.2105–1.

§ 20.2104 *Statutory provisions; property within the United States.*

SEC. 2104. *Property within the United States*—(a) *Stock in corporation.* For purposes of this subchapter shares of stock owned and held by a nonresident not a citizen of the United States shall be deemed property within the United States only if issued by a domestic corporation.

(b) *Revocable transfers and transfers in contemplation of death.* For purposes of this subchapter, any property of which the decedent has made a transfer, by trust or otherwise, within the meaning of sections 2035 to 2038, inclusive, shall be deemed to be situated in the United States, if so situated either at the time of the transfer or at the time of the decedent's death.

§ 20.2104–1 *Estates of nonresidents not citizens; property within the United States*—(a) *In general.* Property of a nonresident who was not a citizen of the United States at the time of his death is considered to be situated in the United States if it is—

(1) Real property located in the United States.

(2) Tangible personal property located in the United States, except certain works of art on loan for exhibition (see § 20.2105–1).

(3) Written evidence of intangible personal property which is treated as being the property itself, such as a bond for the payment of money, if it is physically located in the United States, except obligations of the United States (but not its instrumentalities) issued before March 1, 1941, if the decedent was not engaged in business in the United States at the time of his death.

(4) Intangible personal property the written evidence of which is not treated as being the property itself (other than corporate shares, amounts receivable as insurance on the decedent's life, and moneys deposited in the United States with any person carrying on the banking business), if it is issued by or enforceable against a resident of the United States or a domestic corporation or governmental unit.

(5) Shares of stock issued by a domestic corporation, regardless of the location of the certificates.

(6) Moneys deposited in the United States with any person carrying on the banking business by or for the decedent, if the decedent was engaged in business in the United States at the time of his death.

(b) *Transfers.* Property of which the decedent has made a transfer taxable under sections 2035 through 2038 is deemed to be situated in the United States if it is determined, under the provisions of paragraph (a) of this section, to be so situated either at the time of the transfer or at the time of the decedent's death. See §§ 20.2035–1 through 20.2038–1.

(c) *Death duty convention.* It should be noted that the situs rules described in this section may be modified for various purposes under the provisions of an applicable death duty convention with a foreign country.

§ 20.2105 *Statutory provisions; property without the United States.*

SEC. 2105. *Property without the United States*—(a) *Proceeds of life insurance.* For purposes of this subchapter, the amount receivable as insurance on the life of a nonresident not a citizen of the United States shall not be deemed property within the United States.

(b) *Bank deposits.* For purposes of this subchapter, any moneys deposited with any person carrying on the banking business, by or for a nonresident not a citizen of the United States who was not engaged in business in the United States at the time of his death shall not be deemed property within the United States.

(c) *Works of art on loan for exhibition.* For purposes of this subchapter, works of art owned by a nonresident not a citizen of the United States shall not be deemed property within the United States if such works of art are—

(1) Imported into the United States solely for exhibition purposes,

(2) Loaned for such purposes, to a public gallery or museum, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and

(3) At the time of the death of the owner, on exhibition, or en route to or from exhibition, in such a public gallery or museum.

§ 20.2105–1 *Estates of nonresidents not citizens; property without the United States.* Property of a nonresident who was not a citizen of the United States is considered to be situated outside the United States if it is—

(a) Real property located outside the United States.

(b) Tangible personal property located outside the United States.

(c) Works of art owned by the decedent if they were—

(1) Imported into the United States solely for exhibition purposes,

(2) Loaned for those purposes to a public gallery or museum, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and

(3) At the time of the death of the owner, on exhibition, or enroute to or from exhibition, in such a public gallery or museum.

(d) Written evidence of intangible personal property which is treated as being the property itself, such as a bond for the payment of money, if it is not physically located in the United States.

(e) Obligations of the United States issued before March 1, 1941, even though physically located in the United States, if the decedent was not engaged in business in the United States at the time of his death.

(f) Intangible personal property the written evidence of which is not treated as being the property itself (other than corporate shares, amounts receivable as insurance on the decedent's life, and money's deposited in the United States with any person carrying on the banking business), if it is not issued by or enforceable against a resident of the United States or a domestic corporation or governmental unit.

(g) Shares of stock issued by a corporation which is not a domestic corporation, regardless of the location of the certificates.

(h) Amounts receivable as insurance on the decedent's life.

(j) Moneys deposited in the United States with any person carrying on the banking business by or for the decedent, if the decedent was not engaged in business in the United States at the time of his death.

§ 20.2106 *Statutory provisions; taxable estate.*

SEC. 2106. *Taxable estate*—(a) *Definition of taxable estate.* For purposes of the tax imposed by section 2101, the value of the taxable estate of every decedent nonresident not a citizen of the United States shall be determined by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States—

(1) *Expenses, losses, indebtedness, and taxes.* That proportion of the deductions specified in sections 2053 and 2054 (other than the deductions described in the following sentence) which the value of such part bears to the value of his entire gross estate, wherever situated. Any deduction allowable under section 2053 in the case of a claim against the estate which was founded on a promise or agreement but was not contracted for an adequate and full consideration in money or money's worth shall be allowable under this paragraph to the extent that it would be allowable as a deduction under paragraph (2) if such promise or agreement constituted a bequest.

(2) *Transfers for public, charitable, and religious uses*—(A) *In general.* The amount of all bequests, legacies, devises, or transfers (including the interest which falls into any such bequest, legacy, devise, or transfer as a result of an irrevocable disclaimer of a bequest, legacy, devise, transfer, or power, if the disclaimer is made before the date prescribed for the filing of the estate tax return)—

(i) To or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(ii) To or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; or

(iii) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and no substantial part of the activities of such trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation.

(B) *Powers of appointment.* Property includible in the decedent's gross estate under section 2041 (relating to powers of appointment) received by a donee described in this paragraph shall, for purposes of this paragraph, be considered a bequest of such decedent.

(C) *Death taxes payable out of bequests.* If the tax imposed by section 2101, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes.

(D) *Limitation on deduction.* The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(E) *Disallowance of deductions in certain cases.* For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 504 and 681.

(F) *Other cross references.* (1) For option as to time for valuation for purpose of deduction under this paragraph, see section 2032.

(2) For exemption of bequests to or for benefit of Library of Congress, see section 5 of the act of March 3, 1925, as amended (56 Stat. 765; 2 U. S. C. 161).

(3) For construction of bequests for benefit of the library of the Post Office Department as bequests to or for the use of the United States, see section 2 of the act of August 8, 1946 (60 Stat. 924; 5 U. S. C. 393).

(4) For exemption of bequests for benefit of Office of Naval Records and Library, Navy Department, see section 2 of the act of March 4, 1937 (50 Stat. 25; 5 U. S. C. 419b).

(5) For exemption of bequests to or for benefit of National Park Service, see section 5 of the act of July 10, 1935 (49 Stat. 478; 16 U. S. C. 19c).

(6) For construction of devises or bequests accepted by the Secretary of State under the Foreign Service Act of 1946 as devises or bequests to or for the use of the United States, see section 1021 (e) of that act (60 Stat. 1032; 22 U. S. C. 809).

(7) For construction of gifts or bequests of money accepted by the Attorney General for credit to "Commissary Funds, Federal Prisons" as gifts or bequests to or for the use of the United States, see section 2 of the act of May 15, 1952, 66 Stat. 73, as amended by the act of July 9, 1952, 66 Stat. 479 (31 U. S. C. 725s–4).

(8) For payment of tax on bequests of United States obligations to the United States, see section 24 of the Second Liberty Bond Act, as amended (59 Stat. 48, § 4; 31 U. S. C. 757e).

(9) For construction of bequests for benefit of or use in connection with the Naval Academy as bequests to or for the use of the United States, see section 3 of the Act of March 31, 1944 (58 Stat. 135; 34 U. S. C. 1115b).

(10) For exemption of bequests for benefit of Naval Academy Museum, see section 4 of the Act of March 26, 1938 (52 Stat. 119; 34 U. S. C. 1119).

(11) For exemption of bequests received by National Archives Trust Fund Board, see section 7 of the National Archives Trust Fund Board Act (55 Stat. 582; 44 U. S. C. 300gg).

(3) *Exemption.* An exemption of $2,000.

(b) *Condition of allowance of deductions.* No deduction shall be allowed under paragraphs (1) and (2) of subsection (a) in the case of a nonresident not a citizen of the United States unless the executor includes in the return required to be filed under section 6018 the value at the time of his death of that part of the gross estate of such nonresident not situated in the United States.

(c) *United States bonds.* For purposes of section 2103, the value of the gross estate (determined as provided in section 2031) of a decedent who was not engaged in business in the United States at the time of his death—

(1) Shall not include obligations issued by the United States before March 1, 1941; and

(2) Shall include obligations issued by the United States on or after March 1, 1941.

§ 20.2106–1 *Estates of nonresidents not citizens; taxable estate; deductions in general.* (a) Section 2106 (a) provides that the taxable estate of a nonresident who was not a citizen of the United States at the time of his death is determined by subtracting from the value of that part of his gross estate which, at the time of his death, is situated in the United States the total amount of the following deductions:

(1) The deductions allowed in the case of estates of decedents who were citizens or residents of the United States under sections 2053 and 2054 (see §§ 20.2053–1 through 20.2053–9 and § 20.2054–1) for expenses, indebtedness and taxes, and for losses, to the extent provided in § 20.2106–2.

(2) A deduction computed in the same manner as the one allowed under section 2055 (see §§ 20.2055–1 through 20.2055–4) for charitable, etc., transfers, except—

(i) That the deduction is allowed only for transfers to corporations and associations created or organized in the United States, and to trustees for use within the United States, and

(ii) That the provisions contained in § 20.2055–2 (c) (2) relating to termination of power to consume is not applicable.

(3) An exemption of $2,000, unless a death duty convention provides for another amount, such as a prorated part of the exemption allowed in the case of estates of citizens and residents of the United States under section 2052.

(b) Section 2106 (b) provides that no deduction is allowed under paragraph (a) (1) or (2) of this section unless the

executor discloses in the estate tax return the value of that part of the gross estate not situated in the United States. See § 20.2105–1. Such part must be valued as of the date of the decedent's death, or if the alternate valuation method under section 2032 is elected, as of the applicable valuation date. No marital deduction under section 2056 is allowed.

§ 20.2106–2 *Estates of nonresidents not citizens; deductions for expenses, losses, etc.* (a) In computing the taxable estate of a nonresident who was not a citizen of the United States at the time of his death, deductions are allowed under sections 2053 and 2054 for expenses, indebtedness and taxes, and for losses, to the following extent:

(1) A pledge or subscription is deductible if it is an enforceable claim against the estate and if it would constitute an allowable deduction under § 20.2106–1 (a) (2), relating to charitable, etc., transfers, if it had been a bequest.

(2) That proportion of other deductions is allowed which the value of that part of the decedent's gross estate situated in the United States at the time of his death bears to the value of the decedent's entire gross estate wherever situated. It is immaterial whether the amounts to be deducted were incurred or expended within or without the United States.

No deduction is allowed under this paragraph unless the value of the decedent's entire gross estate is disclosed in the estate tax return. See § 20.2106–1 (b).

(b) In order that the Internal Revenue Service may properly pass upon the items claimed as deductions, the executor should submit a certified copy of the schedule of liabilities, claims against the estate, and expenses of administration filed under any applicable foreign death duty act. If no such schedule was filed, the executor should submit a certified copy of the schedule of these liabilities, claims and expenses filed with the foreign court in which administration was had. If the items of deduction allowable under section 2106 (a) (1) were not included in either such schedule, or if no such schedules were filed, then there should be submitted a written statement of the foreign executor containing a declaration that it is made under the penalties of perjury setting forth the facts relied upon as entitling the estate to the benefit of the particular deduction or deductions.

(c) The application of this section and of § 20.2106–1 may be illustrated by the following example:

Example. The decedent was a nonresident, not a citizen of the United States at the time of his death. His gross estate, wherever situated, amounts to $1,000,000, of which $200,000 (or 20 percent) represents the value of the property having its situs within the United States. The funeral expenses, administration expenses, and claims against the estate aggregate $150,000, and there are charitable bequests, for use within the United States, amounting to $25,000. The decedent's taxable estate is determined as follows:

That part of the entire gross estate situated in the United States		$200,000
Deductions for expenses and claims (20 percent of $150,000)	$30,000	
Charitable deduction	25,000	
Exemption	2,000	
		57,000
Taxable estate		143,000

For the manner of computing the tax on the taxable estate, see § 20.2001–2.

MISCELLANEOUS

§ 20.2201 *Statutory provisions; members of the Armed Forces dying during an induction period.*

SEC. 2201. *Members of the Armed Forces dying during an induction period.* The additional estate tax as defined in section 2011 (d) shall not apply to the transfer of the taxable estate of a citizen or resident of the United States dying during an induction period (as defined in sec. 112 (c) (5)), while in active service as a member of the Armed Forces of the United States, if such decedent—

(1) Was killed in action while serving in a combat zone, as determined under section 112 (c); or

(2) Died as a result of wounds, disease, or injury suffered, while serving in a combat zone (as determined under section 112 (c)), and while in line of duty, by reason of a hazard to which he was subjected as an incident of such service.

§ 20.2201–1 *Members of the Armed Forces dying during an induction period.* (a) The additional estate tax as defined in section 2011 (d) does not apply to the transfer of the taxable estate of a citizen or resident of the United States dying during an induction period as defined in section 112 (c) (5) (see paragraph (b) of this section) and while in active service as a member of the Armed Forces of the United States, if the decedent—

(1) Was killed in action while serving in a combat zone, as determined under section 112 (c) (2) and (3) (see paragraph (c) of this section), or

(2) Died as a result of wounds, disease, or injury suffered while serving in such a combat zone and while in line of duty, by reason of a hazard to which he was subject as an incident of such service.

(b) Section 112 (c) (5) defines the term "induction period" as meaning any period during which individuals are liable for induction, for reasons other than prior deferment, for training and service in the Armed Forces of the United States.

(c) Section 112 (c) (2) and (3) provides that service is performed in a combat zone only—

(1) If it is performed in an area which the President of the United States has designated by Executive order for purposes of section 112 (c) as an area in which the Armed Forces of the United States are, or have, engaged in combat, and

(2) If it is performed on or after the date designated by the President by Executive order as the date of the commencing of combatant activities in such zone and on or before the date designated by the President by Executive order as the date of termination of combatant activities in such zone.

(d) If the official record of the branch of the Armed Forces of which the decedent was a member at the time of his death states that the decedent was killed in action while serving in a combat zone, or that death resulted from wounds or injuries received or disease contracted while in line of duty in a combat zone, this fact shall, in the absence of evidence establishing the contrary, be presumed to be established for the purposes of the exemption. Moreover, wounds, injuries or disease suffered while in line of duty will be considered to have been caused by a hazard to which the decedent was subjected as an incident of service as a member of the Armed Forces, unless the hazard which caused the wounds, injuries, or disease was clearly unrelated to such service.

(e) A person was in active service as a member of the Armed Forces of the United States if he was at the time of his death actually serving in such forces. A member of the Armed Forces in active service in a combat zone who thereafter becomes a prisoner of war or missing in action, and occupies such status at death or when the wounds, disease, or injury resulting in death were incurred, is considered for purposes of this section as serving in a combat zone.

(f) The exemption from tax granted by section 2201 does not apply to the basic estate tax as defined in section 2011 (d).

§ 20.2202 *Statutory provisions; missionaries in foreign service.*

SEC. 2202. *Missionaries in foreign service.* Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be residents of the State, the District of Columbia, Alaska, or Hawaii wherein they respectively resided at the time of their commission and their departure for such foreign service.

§ 20.2202–1 *Missionaries in foreign service.* Section 2202 provides that a duly commissioned missionary, dying while in foreign missionary service under a board of foreign missions of a religious denomination in the United States, is presumed to have retained a United States residence (see § 20.2001–1 (c)) held at the time of his commission and departure for foreign service, in the absence of relevant facts other than his intention to remain permanently in such foreign service.

§ 20.2203 *Statutory provisions; definition of executor.*

SEC. 2203. *Definition of executor.* The term "executor" wherever it is used in this title in connection with the estate tax imposed by this chapter means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent.

§ 20.2203–1 *Definition of executor.* The term "executor" means the executor or administrator of the decedent's estate. However, if there is no executor or administrator appointed, qualified and acting within the United States, the term means any person in actual or constructive possession of any property of the decedent. The term "person in actual or constructive possession of any property of the decedent" includes, among others, the decedent's agents and representatives; safe-deposit companies, warehouse companies, and other custodians of property in this country; brokers holding, as collateral, securities belonging to the decedent; and debtors of the decedent in this country.

§ 20.2204 *Statutory provisions; discharge of executor from personal liability.*

SEC. 2204. *Discharge of executor from personal liability.* If the executor makes written application to the Secretary or his delegate for determination of the amount of the tax and discharge from personal liability therefor, the Secretary or his delegate (as soon as possible, and in any event within 1 year after the making of such application, or, if the application is made before the return is filed, then within 1 year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in section 6501) shall notify the executor of the amount of the tax. The executor, on payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

§ 20.2204–1 *Discharge of executor from personal liability.* The executor of a decedent's estate may make written application to the district director for the district in which the estate tax return is filed for a determination of the Federal estate tax and discharge from personal liability therefor. Within one year after receipt of the application, or if the application is made before the return is filed then within one year after the return is filed, the executor will be notified of the amount of the tax and, upon payment thereof, he will be discharged from personal liability for any deficiency in the tax thereafter found to be due. If no such notification is received, the executor is discharged at the end of such one year period from personal liability for any deficiency thereafter found to be due.

§ 20.2205 *Statutory provisions; reimbursement out of estate.*

SEC. 2205. *Reimbursement out of estate.* If the tax or any part thereof is paid by, or collected out of, that part of the estate passing to or in the possession of any person other than the executor in his capacity as such, such person shall be entitled to reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the persons whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest is subject to equal or prior liability for the payment of taxes, debts, or other charges against the estate, it being the purpose and intent of this chapter that so far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid out of the estate before its distribution.

§ 20.2205–1 *Reimbursement out of estate.* If any portion of the tax is paid by or collected out of that part of the estate passing to, or in the possession of, any person other than the duly qualified executor or administrator, that person may be entitled to reimbursement, either out of the undistributed estate or by contribution from other beneficiaries whose shares or interests in the estate would have been reduced had the tax been paid before distribution of the estate, or whose shares or interests are subject either to an equal or prior liability for the payment of taxes, debts, or other charges against the estate. For specific provisions giving the executor the right to reimbursement from life insurance beneficiaries and from recipients of property over which the decedent had a power of appointment, see sections 2206 and 2207. These provisions, however, are not designed to curtail the right of the district director to collect the tax from any person, or out of any property, liable for its payment. The district director cannot be required to apportion the tax among the persons liable nor to enforce any right of reimbursement or contribution.

§ 20.2206 *Statutory provisions; liability of life insurance beneficiaries.*

SEC. 2206. *Liability of life insurance beneficiaries.* Unless the decedent directs otherwise in his will, if any part of the gross estate on which tax has been paid consists of proceeds of policies of insurance on the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds of such policies bear to the sum of the taxable estate and the amount of the exemption allowed in computing the taxable estate, determined under section 2051. If there is more than one such beneficiary, the executor shall be entitled to recover from such beneficiaries in the same ratio. In the case of such proceeds receivable by the surviving spouse of the decedent for which a deduction is allowed under section 2056 (relating to marital deduction), this section shall not apply to such proceeds except as to the amount thereof in excess of the aggregate amount of the marital deductions allowed under such section.

§ 20.2206–1 *Liability of life insurance beneficiaries; cross reference.* With respect to the right of the district director to collect the tax without regard to the provisions of section 2206, see § 20.2205–1.

§ 20.2207 *Statutory provisions; liability of recipient of property over which decedent had power of appointment.*

SEC. 2207. *Liability of recipient of property over which decedent had power of appointment.* Unless the decedent directs otherwise in his will, if any part of the gross estate on which the tax has been paid consists of the value of property included in the gross estate under section 2041, the executor shall be entitled to recover from the person receiving such property by reason of the exercise, nonexercise, or release of a power of appointment such portion of the total tax paid as the value of such property bears to the sum of the taxable estate and the amount of the exemption allowed in computing the taxable estate, determined under section 2052, or section 2106 (a), as the case may be. If there is more than one such person, the executor shall be entitled to recover from such persons in the same ratio. In the case of such property received by the surviving spouse of the decedent for which a deduction is allowed under section 2056 (relating to marital deduction), this section shall not apply to such property except as to the value thereof reduced by an amount equal to the excess of the aggregate amount of the marital deductions allowed under section 2056 over the amount of proceeds of insurance upon the life of the decedent receivable by the surviving spouse for which proceeds a marital deduction is allowed under such section.

§ 20.2207–1 *Liability of recipient of property over which decedent had power of appointment; cross reference.* With respect to the right of the district director to collect the tax without regard to the provisions of section 2207, see § 20.2205–1.

PROCEDURE AND ADMINISTRATION

§ 20.6001 *Statutory provisions; notice or regulations requiring records, statements, and special returns.*

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 20.6001–1 *Persons required to keep records, render statements and make returns.* (a) It is the duty of the executor to keep such complete and detailed records of the affairs of the estate for which he acts as will enable the district director to determine accurately the amount of the estate tax liability.

(b) In addition to filing a preliminary notice (see § 20.6036–1) and an estate tax return (see § 20.6018–1), the executor shall furnish such supplemental data as may be necessary to establish the correct estate tax. It is therefore the duty of the executor (1) to furnish, upon request, copies of any documents in his possession (or on file in any court having jurisdiction over the estate) relating to the estate, appraisal lists of any items included in the gross estate, copies of balance sheets or other financial statements obtainable by him relating to the value of stock, and any other information obtainable by him that may be found necessary in the determination of the tax, and (2) to render any written statement, containing a declaration that it is made under penalties of perjury, of facts within his knowledge which the district director may require for the purpose of determining whether a tax liability exists and, if so, the extent thereof. Failure to comply with such a request will render the executor liable to penalties (see section 7269), and proceedings may be instituted in the proper court of the United States to secure compliance therewith (see section 7604 (a)).

(c) Persons having possession or control of any records or documents containing or supposed to contain any information concerning the estate, or having knowledge of or information about any fact or facts which have a material bear-

ing upon the liability, or the extent of liability, of the estate for the estate tax, shall, upon request of the district director or any revenue agent or inspector designated by him for that purpose, make disclosure thereof. Failure on the part of any person to comply with such request will render him liable to penalties (section 7269), and compliance with the request may be enforced in the proper court of the United States (section 7604 (b)).

(d) Upon notification from the Internal Revenue Service, a corporation (organized or created in the United States) or its transfer agent is required to file a return disclosing the following information pertaining to stocks or bonds registered in the name of a nonresident decedent (regardless of citizenship): (1) The name of the decedent as registered; (2) the date of the decedent's death; (3) the decedent's residence and his place of death; (4) the names and addresses of executors, attorneys, or other representatives of the estate, within and without the United States; and (5) a description of the securities, the number of shares or bonds and the par values thereof.

§ 20.6011 *Statutory provisions; general requirement of return, statement, or list.*

SEC. 6011. *General requirement of return, statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

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(c) *Income, estate, and gift taxes.* For requirement that returns of income, estate, and gift taxes be made whether or not there is tax liability, see sections 6012 to 6019, inclusive.

§ 20.6011–1 *Form of preliminary notice, return, and certain evidence*—(a) *Preliminary notices.* In the case of a decedent who was a citizen or resident of the United States at the time of his death, the preliminary notice shall be made on Form 704. In the case of a nonresident not a citizen, the preliminary notice shall be made on Form 705. See § 20.6036–1 for the circumstances under which the filing of a preliminary notice is required.

(b) *Estate tax returns*—(1) *Estate of citizens or residents.* The return for the estate of a citizen or resident of the United States shall be made on Form 706. See § 20.6018–1 (a) for the circumstances under which the filing of a return is required.

(2) *Estates of nonresidents not citizens.* The return for the estate of a nonresident not a citizen of the United States shall be made on Form 706 or Form 706NA. Under certain conditions the return may be made only on Form 706. See the instructions on Form 706NA for the circumstances under which that form may not be used. See § 20.6018–1 (b) for the circumstances under which the filing of a return is required.

(c) *Other forms*—(1) *Certification of payment of foreign death taxes.* The certification of the payment of foreign death taxes described in § 20.2014–1 shall be made on Form 706CE.

(2) *Life insurance statement.* The life insurance statement required by § 20.6018–4 shall be made on Form 712.

§ 20.6011–2 *Use of prescribed forms.* Copies of the forms prescribed by § 20.6011–1 may be obtained from district directors. The fact that an executor has not been furnished with copies of these forms will not excuse him from filing a preliminary notice or making a return, or from the furnishing of evidence for which the forms specified in paragraph (c) of § 20.6011–1 are to be used. Application for a form should be made to the district director in ample time for the executor to have the form prepared, verified, and filed with the district director on or before the date prescribed for filing of the estate tax return (see § 20.6075–1). The executor should carefully prepare the preliminary notice and the return so as to set forth fully and clearly the data called for therein. A preliminary notice or a return which has not been so prepared will not be accepted as meeting the requirements of §§ 20.6018–1 through 20.6018–4 and § 20.6036–1.

§ 20.6018 *Statutory provisions; estate tax returns.*

SEC. 6018. *Estate tax returns*—(a) *Returns by executor*—(1) *Citizens or residents.* In all cases where the gross estate at the death of a citizen or resident exceeds $60,000, the executor shall make a return with respect to the estate tax imposed by subtitle B.

(2) *Nonresidents not citizens of the United States.* In the case of the estate of every nonresident not a citizen of the United States if that part of the gross estate which is situated in the United States exceeds $2,000, the executor shall make a return with respect to the estate tax imposed by subtitle B.

(b) *Returns by beneficiaries.* If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein. Upon notice from the Secretary or his delegate such person shall in like manner make a return as to such part of the gross estate.

§ 20.6018–1 *Returns*—(a) *Estates of citizens or residents.* A return must be filed on Form 706 for the estate of every citizen or resident of the United States whose gross estate, as defined by the statute, exceeded $60,000 in value on the date of death. The value of the gross estate at the date of death governs with respect to the filing of the return regardless of whether the value of the gross estate is, at the executor's election, finally determined as of a date subsequent to the date of death pursuant to the provisions of section 2032. For the contents of the return, see § 20.6018–3.

(b) *Estates of nonresidents not citizens.* A return must be filed on Form 706 or 706NA for the estate of every nonresident not a citizen if the value of the part of the gross estate situated in the United States exceeded $2,000 on the date of his death. See, however, the instructions on Form 706NA for circumstances under which that form may not be used. For the contents of the return, see § 20.6018–3.

(c) *Place for filing.* See § 20.6091 for the place where the return shall be filed.

(d) *Time for filing.* See § 20.6075–1 for the time for filing the return.

§ 20.6018–2 *Returns; person liable for return.* Section 6018 provides that the duly qualified executor or administrator shall file the return. If there is more than one executor or administrator, the return must be made jointly by all. If there is no executor or administrator appointed, qualified and acting within the United States, every person in actual or constructive possession of any property of the decedent situated in the United States is constituted an executor for purposes of the tax (see § 20.2203–1), and is required to make and file a return. If in any case the executor is unable to make a complete return as to any part of the gross estate, he is required to give all the information he has as to such property, including a full description, and the name of every person holding a legal or beneficial interest in the property. If the executor is unable to make a return as to any property, every person holding a legal or beneficial interest therein shall, upon notice from the district director, make a return as to that part of the gross estate.

§ 20.6018–3 *Returns; contents of returns*—(a) *Citizens or residents.* The return of an estate of a decedent who was a citizen or resident of the United States at the time of his death must contain an itemized inventory by schedule of the property constituting the gross estate and lists of the deductions under the proper schedules. The return shall set forth (1) the value of the gross estate (see §§ 20.2031–1 through 20.2044–1), (2) the deductions claimed (see §§ 20.2052–1 through 20.2056 (c)–3), (3) the taxable estate (see § 20.2051–1), and (4) the gross estate tax, reduced by any credits (see §§ 20.2011–1 through 20.2014–4) against the tax. The instructions printed on the return should be carefully followed. In listing upon the return the property constituting the gross estate (other than household and personal effects for which see § 20.2031–6), the description of it should be such that the property may be readily identified for the purpose of verifying the value placed on it by the executor.

(b) *Nonresidents not citizens.* The return of an estate of a decedent who was not a citizen or resident of the United States at the time of his death must contain the following information: (1) an itemized list of that part of the gross estate situated in the United States (see § 20.2104–1), (2) an itemized list of any deductions claimed (see §§ 20.2106–1 and 20.2106–2), (3) the amount of the taxable estate (see § 20.2106–1), and (4) the gross estate tax, reduced by any credits (see § 20.2102–1) against the tax. For the disallowance of certain deductions if the return does not disclose that part of the gross estate not situated in the United States, see §§ 20.2106–1 and 20.2106–2.

(c) *Provisions applicable to returns described in paragraphs (a) and (b) of this section.* (1) A legal description should be given of each parcel of real estate, and, if located in a city, the name of the street and number, its area, and, if improved, a short statement of the character of the improvements.

(2) A description of bonds should include the number held, principal amount, name of obligor, date of maturity, rate of interest, date or dates on which interest is payable, series number if there is more than one issue, and the principal exchange upon which listed, or the principal business office of the corporation, if unlisted. Description of stocks should include number of shares, whether common or preferred, and, if preferred, what issue, par value, quotation at which returned, exact name of corporation, and, if the stock is unlisted, the location of the principal business office and State in which incorporated and the date of incorporation, or if the stock is listed, the principal exchange upon which sold. A description of notes should include name of maker, date on which given, date of maturity, amount of principal, amount of principal unpaid, rate of interest and whether simple or compound, date to which interest has been paid and amount of unpaid interest. A description of the seller's interest in land contracts should include name of buyer, date of contract, description of property, sale price, initial payment, amounts of installment payments, unpaid balance of principal and accrued interest, interest rate and date prior to decedent's death to which interest had been paid.

(3) A description of bank accounts should disclose name and address of depository, amount on deposit, whether a checking, savings, or a time-deposit account, rate of interest, if any payable, amount of interest accrued and payable, and serial number. A description of life insurance should give the name of the insurer, number of policy, name of the beneficiary, and the amount of the proceeds.

(4) In describing an annuity, the name and address of the grantor of the annuity should be given, or, if the annuity is payable out of a trust or other funds, such a description as will fully identify it. If the annuity is payable for a term of years, the duration of the term and the date on which it began should be given, and if payable for the life of a person other than the decedent, the date of birth of such person should be stated. If the executor has not included in the gross estate the full value of an annuity or other payment described in section 2039, he should nevertheless fully describe the annuity and state its total purchase price and the amount of the contribution made by each person (including the decedent's employer) toward the purchase price. If the executor believes that any part of the annuity or other payment is excludable from the gross estate under the provisions of section 2039, or for any other reason, he should state in the return the reason for his belief.

(5) Judgments should be described by giving the title of the cause and the name of the court in which rendered, date of judgment, name and address of the judgment debtor, amount of judgment, and rate of interest to which subject, and by stating whether any payments have been made thereon, and, if so, when and in what amounts.

(6) If, pursuant to section 2032, the executor elects to have the estate valued at a date or dates subsequent to the time of the decedent's death, there must be set forth on the return: (i) an itemized description of all property included in the gross estate on the date of the decedent's death, together with the value of each item as of that date; (ii) an itemized disclosure of all distributions, sales, exchanges, and other dispositions of any property during the 1-year period after the date of the decedent's death, together with the dates thereof; and (iii) the value of each item of property in accordance with the provisions of section 2032 (see § 20.2032–1). Interest and rents accrued at the date of the decedent's death and dividends declared to stockholders of record on or before the date of the decedent's death and not collected at that date are to be shown separately. (See also § 20.6018–4 (e) with respect to documents required to be filed with the return.)

(7) All transfers made by the decedent within 3 years before the date of his death of a value of $1,000 or more and all transfers made by the decedent at any time during his life of a value of $5,000 or more, except bona fide sales for an adequate and full consideration in money or money's worth, must be disclosed in the return, whether or not the executor regards the transfers as subject to the tax. If the executor believes that such a transfer is not subject to the tax, a brief statement of the pertinent facts should be made.

§ 20.6018–4 *Returns; documents to accompany the return.* (a) All documents and vouchers used in preparing the return should be retained by the executor until the expiration of the period of limitations for assessment of the tax (see sections 6501 and 6503) so as to be available for inspection whenever required. A certified copy of the will, if the decedent died testate, must be submitted with the return, together with copies of such other documents as are required in Form 706 and in the applicable sections of these regulations. There may also be filed copies of any documents which the executor may desire to submit in explanation of the return.

(b) In the case of an estate of a nonresident citizen, the executor should also file the following documents with the return: (1) a copy of any inventory of property and the schedule of liabilities, claims against the estate and expenses of administration filed with the foreign court of probate jurisdiction, certified by a proper official of the court; and (2) a copy of any return filed under any applicable foreign inheritance, estate, legacy, or succession tax act, certified by a proper official of the foreign tax department.

(c) In the case of an estate of a nonresident not a citizen, the executor must also file with the return, but only if deductions are claimed, a copy of the inventory of property filed under the foreign death duty act; or, if no such inventory was filed, a certified copy of the inventory filed with the foreign court of probate jurisdiction.

(d) For every policy of life insurance listed on the return, the executor must procure a statement, on Form 712, by the company issuing the policy and file it with the return.

(e) If, pursuant to section 2032, the executor elects to have the estate valued at a date or dates subsequent to the time of the decedent's death, the executor should file with the return evidence in support of any statements made by him in the return as to distributions, sales, exchanges, or other dispositions of property during the 1-year period which followed the decedent's death. If the court having jurisdiction over the estate makes an order or decree of distribution during that period, a certified copy thereof must be submitted as part of the evidence. The district director may require the submission of such additional evidence as is deemed necessary.

(f) In any case where a transfer, by trust or otherwise, was made by a written instrument, a copy thereof should be filed with the return if (1) the property is included in the gross estate, or (2) the executor pursuant to the provisions of § 20.6018–3 (c) (7) has made a disclosure of the transfer on the return but has not included its value in the gross estate in the belief that it is not so includible. If the written instrument is of public record, the copy should be certified, or if it is not of record, the copy should be verified. If the decedent was a nonresident not a citizen at the time of his death, the copy may be either certified or verified.

(g) If the executor contends that the value of property transferred by the decedent within a period of three years ending with the date of the decedent's death should not be included in the gross estate because he considers that the transfer was not made in contemplation of death, he should file with the return (1) a copy of the death certificate, and (2) a statement, containing a declaration that it is made under the penalties of perjury, of all the material facts and circumstances, including those directly or indirectly indicating the decedent's motive in making the transfer and his mental and physical condition at that time. However, this data need not be furnished with respect to transfers of less than $1,000 in value unless requested by the district director.

§ 20.6036 *Statutory provisions; notice of qualification as executor or receiver.*

SEC. 6036. *Notice of qualification as executor or receiver.* Every receiver, trustee in bankruptcy, assignee for benefit of creditors, or other like fiduciary, and every executor (as defined in section 2203), shall give notice of his qualification as such to the Secretary or his delegate in such manner and at such time as may be required by regulations of the Secretary or his delegate. The Secretary or his delegate may by regulation provide such exemptions from the requirements of

this section as the Secretary or his delegate deems proper.

§ 20.6036–1 *Notice of qualification as executor*—(a) *Preliminary notice.* A preliminary notice is required to be filed on Form 704 in the case of every citizen or resident of the United States whose gross estate exceeded $60,000 in value at the date of death, and on Form 705 in the case of every nonresident who is not a citizen if that part of his gross estate which was situated in the United States (see § 20.2104–1) exceeded $2,000 in value at the date of death. The value of the gross estate at the date of death governs with respect to the filing of the notice regardless of whether the value of the gross estate is, at the executor's election, finally determined as of a date subsequent to the date of death pursuant to the provisions of section 2032. If there is doubt as to whether the gross estate exceeds $60,000 or $2,000, as the case may be, the notice should be filed as a matter of precaution in order to avoid the possibility of penalties attaching. The primary purpose of the notice is to advise the Government of the existence of taxable estates, and filing should not be delayed beyond the period provided for in § 20.6071–1 merely because of uncertainty as to the exact value of the assets. The estimate of the gross estate called for by the notice should be the best approximation of value which can be made within the time allowed. The instructions upon the back of the form should be read carefully before executing the notice. For penalties for filing a false or fraudulent notice, see section 7269. See § 20.6091–1 for the place for filing the notice. See § 20.6071–1 for the time for filing the notice.

(b) *Persons required to file.* In the estate of a citizen or resident of the United States the preliminary notice must be filed by the duly qualified executor or administrator, or if none qualifies within 2 months after the decedent's death, by every person in actual or constructive possession of any property of the decedent at or after the time of the decedent's death. The signature of one executor or administrator on the preliminary notice is sufficient. In the case of a nonresident not a citizen, the notice must be filed by every duly qualified executor or administrator within the United States, or if none qualifies within two months after the decedent's death, by every person in actual or constructive possession of any property of the decedent at or after the time of the decedent's death.

§ 20.6061 *Statutory provisions; signing of returns and other documents.*

SEC. 6061. *Signing of returns and other documents.* Except as otherwise provided by sections 6062 and 6063, any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 20.6061–1 *Signing of returns and other documents.* For regulations under this section, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.6064 *Statutory provisions; signature presumed authentic.*

SEC. 6064. *Signature presumed authentic.* The fact that an individual's name is signed to a return, statement, or other document shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

§ 20.6064–1 *Signature presumed authentic.* For regulations under this section, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.6065 *Statutory provisions; verification of returns.*

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. This subsection shall not apply to returns and declarations with respect to income taxes made by individuals.

§ 20.6065–1 *Verification of returns.* For regulations under this section, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.6071 *Statutory provisions; time for filing returns and other documents.*

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

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§ 20.6071–1 *Time for filing of preliminary notice.* If a duly qualified executor or administrator of the estate of a decedent who was a resident or a citizen of the United States qualifies within two months after a decedent's death, or if a duly qualified executor or administrator of the estate of a nonresident not a citizen qualifies within the United States within two months after the decedent's death, the preliminary notice required by § 20.6036–1 must be filed within two months after his qualification. If no such executor or administrator qualifies within that period, the preliminary notice must be filed within two months of the decedent's death.

§ 20.6075 *Statutory provisions; time for filing estate tax return.*

SEC. 6075. *Time for filing estate and gift tax returns*—(a) *Estate tax returns.* Returns made under section 6018 (a) (relating to estate taxes) shall be filed within 15 months after the date of the decedent's death.

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§ 20.6075–1 *Returns; time for filing estate tax return*—(a) *General rule.* The estate tax return required by section 6018 must be filed within 15 months after the date of the decedent's death, unless an extension of time is granted pursuant to § 20.6081–1.

(b) *Due date of return.* The due date is the date on or before which the return is required to be filed in accordance with the provisions of section 6075 (a) or the last day of the period covered by an extension of time granted by the district director as provided in § 20.6081–1. Unless an extension of time for filing has been granted, the due date is the day of the fifteenth calendar month after the decedent's death numerically corresponding to the day of the calendar month on which death occurred, except that, if there is no numerically corresponding day in such fifteenth month, the last day of the fifteenth month is the due date. For example, if the decedent died on August 31, 1955, the due date is November 30, 1956. When the due date falls on Saturday, Sunday, or a legal holiday, the due date for filing the return is the next succeeding day which is not Saturday, Sunday, or a legal holiday. For definition of a legal holiday, see the regulations under section 7503 contained in the Regulations on Procedure and Administration (part 301 of this chapter). If the return is placed in the mails, it should be posted in ample time to reach the office of the district director, under ordinary handling of the mails, on or before the date on which the return is required to be filed. If the return is made and placed in the mails in due course, properly addressed and postage paid, in ample time to reach the office of the district director on or before the due date, no penalty will attach should the return not actually be received by the district director until after the due date. If a question may be raised as to whether the return was posted in ample time to reach the office of the district director on or before the due date, the envelope in which the return was transmitted will be preserved by the district director and attached to the return. As to additions to the tax in the case of failure to file the return within the prescribed time, see section 6651. As to loss of the right to elect to have the property valued as of a date or dates subsequent to the decedent's death by failing to file the return within the time prescribed, see § 20.2032–1.

§ 20.6081 *Statutory provisions; extension of time for filing returns.*

SEC. 6081. *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

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(c) *Postponement by reason of war.* For time for performing certain acts postponed by reason of war, see section 7508.

§ 20.6081–1 *Extension of time for filing the return.* (a) In case it is impossible or impracticable for the executor to file a reasonably complete return within 15 months from the date of death, the district director may, upon a showing of good and sufficient cause, grant a reasonable extension of time for filing the return required by section 6018. Unless the executor is abroad, the extension may not be for more than six months from the date for filing provided in section 6075 (a). Therefore, unless the executor is abroad, the due date for filing the return under any extension granted by a district director may not be later than 21 months from the date of the decedent's death. The extension may, of course, be for a lesser period of time.

(b) The application for an extension of time for filing the return should be addressed to the district director for the district in which the return is to be filed, and must contain a full recital of the causes for the delay. It must be made before the expiration of the time within which the return otherwise must be filed. It should, where possible, be made sufficiently early to permit the district director to consider the matter and reply before what otherwise would be the due date of the return.

(c) A return as complete as possible must be filed before the expiration of the extension period granted. The return thus filed will be the return required by section 6018 (a) and any tax shown thereon will be the "amount determined by the executor as the tax" referred to in section 6161 (a) (2), or the "amount shown as the tax by the taxpayer upon his return" referred to in section 6211 (a) (1) (A). The return cannot be amended after the expiration of the extension period although supplemental information may subsequently be filed that may result in a finally determined tax different from the amount shown as the tax by the executor on the return. An extension of time for filing the return does not operate to extend the time for payment of the tax. See § 20.6151–1 for the time for payment of the tax, and §§ 20.6161–1 and 20.6163–1 for extensions of time for payment of the tax.

§ 20.6091 *Statutory provisions; place for filing returns or other documents.*

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

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(3) *Estate tax returns.* Returns of estate tax required under section 6018 shall be made to the Secretary or his delegate in the internal revenue district in which was the domicile of the decedent at the time of his death or, if there was no such domicile in an internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

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§ 20.6091–1 *Place for filing returns or other documents.* If the decedent was a resident of the United States, the preliminary notice required by § 20.6036–1 and the estate tax return required by § 20.6018–1 must be filed with the district director in whose district the decedent had his domicile at the time of death. If the decedent was a nonresident (whether a citizen or not a citizen), the notice and the return must be filed with the District Director of Internal Revenue, Baltimore, Maryland, or with such other district director as the Commissioner may designate.

§ 20.6151 *Statutory provisions; time and place for paying tax shown on returns.*

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

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(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

§ 20.6151–1 *Time and place for paying tax shown on the return*—(a) *General rule.* The tax shown on the estate tax return is to be paid at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return). For provisions relating to the time and place for filing the return, see §§ 20.6075–1 and 20.6091–1. For the duty of the executor to pay the tax, see § 20.2002–1.

(b) *Extension of time for paying*—(1) *In general.* For general provisions relating to extention of time for paying the tax, see § 20.6161–1.

(2) *Reversionary or remainder interests.* For provisions relating to extension of time for payment of estate tax on the value of a reversionary or remainder interest in property, see § 20.6163–1.

(c) *Payment by check.* For provisions relating to payment of the tax by check, see § 20.6311–1.

(d) *Payment with obligations of the United States.* Treasury bonds of certain issues which were owned by the decedent at the time of his death and included in the gross estate may be redeemed for the purpose of paying the estate tax. Whether bonds of particular issues may be redeemed for this purpose will depend on the terms of the offering circulars cited on the face of the bonds. A current list of eligible issues may be obtained from any Federal Reserve Bank or Branch, or from the Bureau of Public Debt, Washington, D. C. See § 306.28 of Treasury Department Circular No. 300, Revised (31 CFR Part 306), for the procedure to be followed in the redemption of these bonds for this purpose. See the regulations under section 6312 contained in the Regulations on Procedure and Administration (part 301 of this chapter) for provisions relating to the payment of taxes with United States Treasury notes.

(e) *Receipt for payment.* For provisions relating to duplicate receipts for payment of the tax, see § 20.6314–1.

§ 20.6161 *Statutory provisions; extension of time for paying tax.*

SEC. 6161 *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return or declaration required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

(2) *Estate tax.* If the Secretary or his delegate finds that the payment on the due date of any part of the amount determined by the executor as the tax imposed by chapter 11 would result in undue hardship to the estate, he may extend the time for payment for a reasonable period not in excess of 10 years from the date fixed for payment of the tax.

(b) *Amount determined as deficiency.* Under regulations prescribed by the Secretary or his delegate, the Secretary or his delegate may extend, to the extent provided below, the time for payment of the amount determined as a deficiency:

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(2) In the case of a tax imposed by chapter 11, for a period not to exceed 4 years from the date otherwise fixed for payment of the deficiency.

An extension under this subsection may be granted only where it is shown to the satisfaction of the Secretary or his delegate that the payment of a deficiency upon the date fixed for the payment thereof will result in undue hardship to the taxpayer in the case of a tax imposed by chapter 1, to the estate in the case of a tax imposed by chapter 11, or to the donor in the case of a tax imposed by chapter 12. [redacted] extension shall be granted if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

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§ 20.6161–1 *Extension of time for paying tax shown on the return.* (a) In any case in which the district director finds that payment, on the due date, of any part of the tax shown on the return would impose undue hardship upon the estate, he may extend the time for payment for a period or periods not to exceed one year for any one period and for all periods not to extend more than 10 years from the due date.

(b) The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the estate. It must appear that substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the estate from making payment of the tax at the due date. If a market exists, a sale of property at the current market price is not ordinarily considered as resulting in an undue hardship.

(c) An application for such an extension must be in writing and must contain, or be supported by, information in a written statement declaring that it is made under penalties of perjury showing the undue hardship that would result to the estate if the requested extension were refused. The application, with the supporting information, must be filed with the district director. When received, it will be examined, and, if possible, within 30 days will be denied, granted, or tentatively granted subject to certain conditions of which the executor will be notified. The district director will not consider an application for such an extension unless it is applied for on or

before the due date for payment of the tax. If the executor desires to obtain an additional extension, it must be applied for on or before the date of the expiration of the previous extension. The granting of the extension of time for paying the tax is discretionary with the district director and his authority will be exercised under such conditions as he may deem advisable.

(d) The amount of the tax for which an extension is granted, with the additions thereto, shall be paid on or before the expiration of the period of extension without the necessity of notice and demand from the district director.

(e) The granting of an extension of time for paying the tax will not relieve the executor from the duty of filing the return on or before the date provided for in § 20.6075–1, nor will it operate to prevent the running of interest. See section 6601. An extension of time to pay the tax may extend the period within which State death taxes allowed as a credit under section 2011 are required to be paid and the credit therefor claimed. See § 20.2011–1.

(f) For provisions requiring the furnishing of security for the payment of the tax for which an extension is granted, see § 20.6165–1 (a). For provisions relating to extensions of time for payment of tax on the value of a reversionary or remainder interest in property, see § 20.6163–1.

§ 20.6163 *Statutory provisions; extension of time for payment of estate tax on value of reversionary or remainder interest in property.*

SEC. 6163. *Extension of time for payment of estate tax on value of reversionary or remainder interest in property*—(a) *Extension permitted.* If the value of a reversionary or remainder interest in property is included under chapter 11 in the value of the gross estate, the payment of the part of the tax under chapter 11 attributable to such interest may, at the election of the executor, be postponed until 6 months after the termination of the precedent interest or interests in the property, under such regulations as the Secretary or his delegate may prescribe.

(b) *Cross references*—(1) *Interest.* For provisions requiring the payment of interest for the period of such extension, see section 6601 (b).

(2) *Security.* For authority of the Secretary or his delegate to require security in the case of such extension, see section 6165.

§ 20.6163–1 *Extension of time for payment of estate tax on value of reversionary or remainder interest in property.* (a) In case there is included in the gross estate a reversionary or remainder interest in property, the payment of the part of the tax attributable to that interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property. This provision is limited to cases in which the reversionary or remainder interest is included in the decedent's gross estate as such and does not extend to cases in which the decedent creates future interests by his own testamentary act.

(b) Notice of the exercise of the election to postpone the payment of the tax attributable to a reversionary or remainder interest must be filed with the district director before the date prescribed for payment of the tax. The notice of election may be made in the form of a letter addressed to the district director. There should be filed with the notice of election a certified copy of the will or other instrument under which the reversionary or remainder interest was created, or a copy verified by the executor if the instrument is not filed of record. The district director may require the submission of such additional proof as he deems necessary to disclose the complete facts. If the duration of the precedent interest is dependent upon the life of any person, the notice of election must show the date of birth of that person.

(c) If the decedent's gross estate consists of both a reversionary or remainder interest in property and other property, the tax attributable to the reversionary or remainder interest, within the meaning of this section, is an amount which bears the same ratio to the total tax as the value of the reversionary or remainder interests (reduced as provided in the following sentence) bears to the entire gross estate (reduced as provided in the last sentence of this paragraph). In applying this ratio, the value of the reversionary or remainder interest is reduced by (1) the amount of claims, mortgages, and indebtedness which is a lien upon such interest; (2) losses in respect of such interest during the settlement of the estate which are deductible under the provisions of section 2054 or section 2106 (a) (1); (3) any amount deductible under section 2056 or 2106 (a) (2) for charitable, etc., transfers; and (4) the portion of the marital deduction allowed under the provisions of section 2056 on account of bequests, etc., of such interests to the decedent's surviving spouse. Likewise, in applying the ratio, the value of the gross estate is reduced by such deductions having similar relationship to the items comprising the gross estate.

(d) For provisions requiring the payment of interest for the period of the extension, see section 6601 (b). For provisions requiring the furnishing of security for the payment of the tax for which the extension is granted, see § 20.6165–1 (b). For provisions concerning the time within which credit for State death taxes on such a reversionary or remainder interest may be taken, see section 2015 and the regulations thereunder.

§ 20.6165 *Statutory provisions; bonds where time to pay tax or deficiency has been extended.*

SEC. 6165. *Bonds where time to pay tax or deficiency has been extended.* In the event the Secretary or his delegate grants any extension of time within which to pay any tax or any deficiency therein, the Secretary or his delegate may require the taxpayer to furnish a bond in such amount (not exceeding double the amount with respect to which the extension is granted) conditioned upon the payment of the amount extended in accordance with the terms of such extension.

§ 20.6165–1 *Bonds where time to pay tax or deficiency has been extended*—(a) *Extensions under section 6161 (a) (2) of time to pay estate taxes.* If an extension of time for payment of tax is granted under section 6161 (a) (2), the district director may, if he deems it necessary, require the executor to furnish security for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension. For general provisions relating to bonds required where extensions of time to pay estate taxes are granted under section 6161 (a) (2), see the regulations under sections 6165 and 7101 contained in the Regulations on Procedure and Administration (part 301 of this chapter).

(b) *Extensions under section 6163 of time to pay estate taxes attributable to reversionary or remainder interests.* As a prerequisite to the postponement of the payment of the tax attributable to a reversionary or remainder interest as provided in § 20.6163–1, a bond must be furnished in an amount which is double the amount of the tax and interest for the estimated duration of the precedent interest, conditioned upon the payment of the tax and interest accrued thereon within six months after the termination of the precedent interest. If after the acceptance of a bond it is determined that the amount of the tax attributable to the reversionary or remainder interest was understated in the bond, a new bond or a supplemental bond may be required, or the tax, to the extent of the understatement, may be collected. The bond must be conditioned upon the principal or surety promptly notifying the district director when the precedent interest terminates and upon the principal or surety notifying the district director during the month of September of each year as to the continuance of the precedent interest, if the duration of the precedent interest is dependent upon the life or lives of any person or persons, or is otherwise indefinite. For general provisions relating to bonds where an extension of time has been granted for paying the tax, see the regulations under sections 6165 and 7101 contained in the Regulations on Procedure and Administration (part 301 of this chapter).

§ 20.6311 *Statutory provisions; payment by check or money order.*

SEC. 6311. *Payment by check or money order*—(a) *Authority to receive.* It shall be lawful for the Secretary or his delegate to receive for internal revenue taxes, or in payment for internal revenue stamps, checks or money orders, to the extent and under the conditions provided in regulations prescribed by the Secretary or his delegate.

(b) *Check or money order unpaid*—(1) *Ultimate liability.* If a check or money order so received is not duly paid, the person by whom such check or money order has been tendered shall remain liable for the payment of the tax or for the stamps, and for all legal penalties and additions, to the same extent as if such check or money order had not been tendered.

(2) *Liability of banks and others.* If any certified, treasurer's, or cashier's check or any money order so received is not duly paid, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of the bank or trust company on which drawn or for the amount of such money order upon all the assets of the issuer thereof; and such amount shall be paid out of such assets in preference to any other claims whatsoever against such bank or issuer except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

§ 20.6311–1 *Payment by check or money order.* District directors may accept checks drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, Territory, or possession of the United States, or money orders in payment of the tax, provided the checks or money orders are collectible in United States currency at par. For complete regulations under this section, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.6313 *Statutory provisions; fractional parts of a cent.*

SEC. 6313. *Fractional parts of a cent.* In the payment of any tax imposed by this title not payable by stamp, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

§ 20.6313–1 *Fractional parts of a cent.* For regulations concerning fractional parts of a cent, see § 301.6313–1 of the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.6314 *Statutory provisions; receipt for taxes.*

SEC. 6314. *Receipt for taxes*—(a) *General rule.* The Secretary or his delegate shall, upon request, give receipts for all sums collected by him, excepting only when the same are in payment for stamps sold and delivered; but no receipt shall be issued in lieu of a stamp representing a tax.

(b) *Duplicate receipts for payment of estate taxes.* The Secretary or his delegate shall, upon request, give to the person paying the tax under chapter 11 (relating to the estate tax) duplicate receipts, either of which shall be sufficient evidence of such payment, and shall entitle the executor to be credited and allowed the amount thereof by any court having jurisdiction to audit or settle his accounts.

(c) *Cross references.* • • •

(2) For receipt of discharge of executor from personal liability, see section 2204.

§ 20.6314–1 *Duplicate receipts for payment of estate taxes.* The district director will, upon request, give to the person paying the tax duplicate receipts, either of which will be sufficient evidence of such payment and entitle the executor to be credited with the amount by any court having jurisdiction to audit or settle his accounts.

§ 20.6321 *Statutory provisions; lien for taxes.*

SEC. 6321. *Lien for taxes.* If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount (including any interest, additional amount, addition to tax, or assessable penalty, together with any costs that may accrue in addition thereto) shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, belonging to such person.

§ 20.6321–1 *Lien for taxes.* For regulations concerning the lien for taxes, see § 301.6321–1 of the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.6322 *Statutory provisions; period of lien.*

SEC. 6322. *Period of lien.* Unless another date is specifically fixed by law, the lien imposed by section 6321 shall arise at the time the assessment is made and shall continue until the liability for the amount so assessed is satisfied or becomes unenforceable by reason of lapse of time.

§ 20.6323 *Statutory provisions; validity against mortgagees, pledgees, purchasers, and judgement creditors.*

SEC. 6323. *Validity against mortgagees, pledgees, purchasers, and judgement creditors*—(a) *Invalidity of lien without notice.* Except as otherwise provided in subsection (c), the lien imposed by section 6321 shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed by the Secretary or his delegate—

(1) *Under State or territorial laws.* In the office designated by the law of the State or Territory in which the property subject to the lien is situated, whenever the State or Territory has by law designated an office within the State or Territory for the filing of such notice; or

(2) *With clerk of district court.* In the office of the clerk of the United States district court for the judicial district in which the property subject to the lien is situated, whenever the State or Territory has not by law designated an office within the State or Territory for the filing of such notice; or

(3) *With clerk of district court for District of Columbia.* In the office of the clerk of the United States District Court for the District of Columbia, if the property subject to the lien is situated in the District of Columbia.

(b) *Form of notice.* If the notice filed pursuant to subsection (a) (1) is in such form as would be valid if filed with the clerk of the United States district court pursuant to subsection (a) (2), such notice shall be valid notwithstanding any law of the State or Territory regarding the form or content of a notice of lien.

(c) *Exception in case of securities*—(1) *Exception.* Even though notice of a lien provided in section 6321 has been filed in the manner prescribed in subsection (a) of this section, the lien shall not be valid with respect to a security, as defined in paragraph (2) of this subsection, as against any mortgagee, pledgee, or purchaser of such security, for an adequate and full consideration in money or money's worth, if at the time of such mortgage, pledge, or purchase such mortgagee, pledgee, or purchaser is without notice or knowledge of the existence of such lien.

(2) *Definition of security.* As used in this subsection, the term "security" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation (including one issued by a government or political subdivision thereof), with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(d) *Disclosure of amount of outstanding lien.* If a notice of lien has been filed under subsection (a), the Secretary or his delegate is authorized to provide by rules or regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

§ 20.6323–1 *Validity against mortgages, pledgees, purchasers, and judgment creditors.* For regulations concerning the validity of liens against mortgagees, pledgees, purchasers, and judgment creditors, see § 301.6323–1 of the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.6324 *Statutory provisions; special liens for estate and gift taxes.*

SEC. 6324. *Special liens for estate and gift taxes*—(a) Liens for estate tax. Except as otherwise provided in subsection (c) (relating to transfers of securities)—

(1) *Upon gross estate.* Unless the estate tax imposed by chapter 11 is sooner paid in full, it shall be a lien for 10 years upon the gross estate of the decedent, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien.

(2) *Liability of transferees and others.* If the estate tax imposed by chapter 11 is not paid when due, then the spouse, transferee, trustee (except the trustee of an employee's trust which meets the requirements of section 401 (a)), surviving tenant, person in possession of the property by reason of the exercise, nonexercise, or release of a power of apopintment, or beneficiary, who receives, or has on the date of the decedent's death, property included in the gross estate under sections 2034 to 2042, inclusive, to the extent of the value, at the time of the decedent's death, of such property, shall be personally liable for such tax. Any part of such property transferred by (or transferred by a transferee of) such spouse, transferee, trustee, surviving tenant, person in possession of property by reason of the exercise, nonexercise, or release of a power of appointment, or beneficiary, to a bona fide purchaser, mortgagee, or pledgee, for an adequate and full consideration in money or money's worth shall be divested of the lien provided in paragraph (1) and a like lien shall then attach to all the property of such spouse, transferee, trustee, surviving tenant, person in possession, beneficiary, or transferee of any such person, except any part transferred to a bona fide purchaser, mortgagee, or pledgee for an adequate and full consideration in money or money's worth.

(3) *Continuance after discharge of executor.* The provisions of section 2204 (relating to discharge of executor from personal liability) shall not operate as a release of any part of the gross estate from the lien for any deficiency that may thereafter be determined to be due, unless such part of the gross estate (or any interest therein) has been transferred to a bona fide purchaser, mortgagee, or pledgee for an adequate and full consideration in money, or money's worth, in which case such part (or such interest) shall not be subject to a lien or to any claim or demand for any such deficiency, but the lien shall attach to the consideration received from such purchaser, mortgagee, or pledgee by the heirs, legatees, devisees, or distributees.

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(c) *Exception in case of securities.* The lien imposed by subsection (a) or (b) shall not be valid with respect to a security, as defined in section 6323 (c) (2), as against any mortgagee, pledgee, or purchaser of any such security, for an adequate and full consideration in money or money's worth, if at the time of such mortgage, pledge, or purchase such mortgagee, pledgee, or purchaser is without notice or knowledge of the existence of such lien.

§ 20.6324–1 *Special lien for estate tax.* For regulations concerning the special lien for the estate tax, see § 301.6324–1 of the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.6325 *Statutory provisions; release of lien or partial discharge of property.*

SEC. 6325. *Release of lien or partial discharge of property*—(a) *Release of lien.* Subject to such rules or regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of release of any lien imposed with respect to any internal revenue tax if—

(1) *Liability satisfied or unenforceable.* The Secretary or his delegate finds that the liability for the amount assessed, together with all interest in respect thereof, has been fully satisfied, has become legally unenforceable, or, in the case of the estate tax imposed by chapter 11 or the gift tax imposed by chapter 12, has been fully satisfied or provided for; or

(2) *Bond accepted.* There is furnished to the Secretary or his delegate and accepted by him a bond that is conditioned upon the payment of the amount assessed, together with all interest in respect thereof, within the time prescribed by law (including any extension of such time), and that is in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon, as may be specified by such rules or regulations.

(b) *Partial discharge of property*—(1) *Property double the amount of the liability.* Subject to such rules or regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to any lien imposed under this chapter if the Secretary or his delegate finds that the fair market value of that part of such property remaining subject to the lien is at least double the amount of the unsatisfied liability secured by such lien and the amount of all other liens upon such property which have priority to such lien.

(2) *Part payment or interest of United States valueless.* Subject to such rules or regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to the lien if—

(A) There is paid over to the Secretary or his delegate in part satisfaction of the liability secured by the lien an amount determined by the Secretary or his delegate, which shall not be less than the value, as determined by the Secretary or his delegate, of the interest of the United States in the part to be so discharged, or

(B) The Secretary or his delegate determines at any time that the interest of the United States in the part to be so discharged has no value.

In determining the value of the interest of the United States in the part to be so discharged, the Secretary or his delegate shall give consideration to the fair market value of such part and to such liens thereon as have priority to the lien of the United States.

(c) *Effect of certificate of release or partial discharge.* A certificate of release or of partial discharge issued under this section shall be held conclusive that the lien upon the property covered by the certificate is extinguished.

(d) *Cross references.* (1) For single bond complying with the requirements of both subsection (a) (2) and section 6165, see section 7102.

(2) For other provisions relating to bonds, see generally chapter 73.

(3) For provisions relating to suits to enforce lien, see section 7403.

(4) For provisions relating to suits to clear title to realty, see section 7424.

§ 20.6325–1 *Release of lien or partial discharge of property; transfer certificates in nonresident estates.* A transfer certificate is a certificate permitting the transfer of property of a nonresident decedent (regardless of citizenship) without liability. No domestic corporation or its transfer agent should transfer stock registered in the name of a nonresident decedent, regardless of citizenship, except such shares which have been submitted for transfer by a duly qualified executor or administrator who has been appointed and is acting in the United States, without first requiring a transfer certificate covering all of the decedent's stock of the corporation and showing that the transfer may be made without liability. Corporations, transfer agents of domestic corporations, transfer agents of foreign corporations (except as to shares held in the name of a nonresident decedent not a citizen of the United States), banks, trust companies, or other custodians in actual or constructive possession of property of such a decedent can insure avoidance of liability for taxes and penalties only by demanding and receiving transfer certificates before transfer of property of nonresident decedents. However, a transfer certificate need not be required for bonds owned by a decedent who was a nonresident not a citizen if it is known that the bonds were not physically situated in the United States at the time of death. A transfer certificate will be issued by the district director when he is satisfied that the tax imposed upon the estate, if any, has been fully discharged. The tax will be considered fully discharged for purposes of the issuance of a transfer certificate only when investigation has been completed and payment of the tax, including any deficiency finally determined, has been made. If the tax liability has not been fully discharged, transfer certificates may be issued permitting the transfer of particular items of property without liability upon the filing with the district director of such security as he may require. No transfer certificate is required in an estate of a resident decedent. Further, in the case of an estate of a nonresident decedent (regardless of citizenship) a transfer certificate is not required with respect to property which is being administered by an executor or administrator appointed, qualified, and acting within the United States. For further provisions relating to section 6325, see § 301.6325–1 of the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.6601 *Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax.*

SEC. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment, of tax*—(a) *General rule.* If any amount of tax imposed by this title (whether required to be shown on a return, or to be paid by stamp or by some other method) is not paid on or before the last date prescribed for payment, interest on such amount at the rate of 6 percent per annum shall be paid for the period from such last date to the date paid.

(b) *Extensions of time for payment of estate tax.* If the time for payment of an amount of tax imposed by chapter 11 is extended as provided in section 6161 (a) (2) or if postponement of the payment of an amount of such tax is permitted by section 6163 (a), interest shall be paid at the rate of 4 percent, in lieu of 6 percent as provided in subsection (a).

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§ 20.6601–1 *Interest on underpayment, nonpayment or extensions of time for payment, of tax.* For regulations concerning interest, see the Regulations on Procedure and Administation (Part 301 of this chapter).

§ 20.7101 *Statutory provisions; form of bonds.*

SEC. 7101. *Form of bonds.* Whenever, pursuant to the provisions of this title (other than sections 7485 and 6803 (a) (1)), or rules or regulations prescribed under authority of this title, a person is required to furnish a bond or security—

(1) *General rule.* Such bond or security shall be in such form and with such surety or sureties as may be prescribed by regulations issued by the Secretary or his delegate.

(2) *United States bonds and notes in lieu of surety bonds.* The person required to furnish such bond or security may, in lieu thereof, deposit bonds or notes of the United States as provided in 6 U. S. C. 15.

§ 20.7101–1 *Form of bonds.* See § 20.6165–1 (b) for the form of the bond required in any case in which the payment of the tax attributable to a reversionary or remainder interest has been postponed under the provisions of § 20.6163–1. For further provisions relating to bonds, see § 20.6165–1 of these regulations and the regulations under sections 6165 and 7101 contained in the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.7701 *Statutory provisions; definitions.*

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(7) *Stock.* The term "stock" includes shares in an association, joint-stock company, or insurance company.

(8) *Shareholder.* The term "shareholder" includes a member in an association, joint-stock company, or insurance company.

(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) *State.* The term "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Delegate.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(13) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to any internal revenue tax.

(15) *Military or naval forces and Armed Forces of the United States.* The term "military or naval forces of the United States" and the term "Armed Forces of the United States" each includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, and each term also includes the Coast Guard. The members of such forces include commissioned officers and personnel below the grade of commissioned officers in such forces.

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(26) *Trade or business.* The term "trade or business" includes the performance of the functions of a public office.

(27) *Tax Court.* The term "Tax Court" means the Tax Court of the United States.

(28) *Other terms.* Any term used in this subtitle with respect to the application of, or in connection with, the provisions of any other subtitle of this title shall have the same meaning as in such provisions.

(29) *Internal Revenue Code.* The term "Internal Revenue Code of 1954" means this title, and the term "Internal Revenue Code of 1939" means the Internal Revenue Code enacted February 10, 1939, as amended.

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(c) *Commonwealth of Puerto Rico.* Where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, references in this title to possessions of the United States shall be treated as also referring to the Commonwealth of Puerto Rico.

(d) *Cross references*—(1) *Other definitions.* For other definitions, see the following sections of Title 1 of the United States Code:

(1) Singular as including plural, section 1.
(2) Plural as including singular, section 1.
(3) Masculine as including feminine, section 1.
(4) Officer, section 1.
(5) Oath as including affirmation, section 1.
(6) County as including parish, section 2.
(7) Vessel as including all means of water transportation, section 3.
(8) Vehicle as including all means of land transportation, section 4.
(9) Company or association as including successors and assigns, section 5.

(2) *Effects of cross references.* For effect of cross references in this title, see section 7806 (a).

§ 20.7701–1 *Definitions.* For regulations concerning definitions, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.7805 *Statutory provisions; rules and regulations.*

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

(c) *Preparation and distribution of regulations, forms, stamps, and other matters.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue.

§ 20.7805–1 *Rules and regulations.* For regulations concerning rules and regulations, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 20.7806 *Statutory provisions; construction of title.*

SEC. 7806. *Construction of title*—(a) *Cross references.* The cross references in this title to other portions of the title, or other provisions of law, where the word "see" is used, are made only for convenience, and shall be given no legal effect.

(b) *Arrangement and classification.* No inference, implication, or presumption of legislative construction shall be drawn or made by reason of the location or grouping of any particular section or provision or portion of this title, nor shall any table of contents, table of cross references, or similar outline, analysis, or descriptive matter relating to the contents of this title be given any legal effect. The preceding sentence also applies to the sidenotes and ancillary tables contained in the various prints of this Act before its enactment into law.

§ 20.7851 *Statutory provisions; applicability of revenue laws.*

SEC. 7851. *Applicability of revenue laws*—(a) *General rules.* Except as otherwise provided in any section of this title—

* * * * *

(2) *Subtitle B.* (A) Chapter 11 of this title shall apply with respect to estates of decedents dying after the date of enactment of this title, and with respect to such estates chapter 3 of the Internal Revenue Code of 1939 is hereby repealed.

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(6) *Subtitle F*—(A) *General rule.* The provisions of subtitle F shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. * * *

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PAR. 2. Section 301.6503 (e), adopted by Treasury Decision 6172, approved April 30, 1956, is amended as follows:

(A) The number of the section is changed from "§ 301.6503 (e)" to "§ 301.6503 (f)".

(B) In section 6503, subsection "(e)" is redesignated "(f)".

(C) There is added at the end of the section a historical note reading: "[Sec. 6503 (f) as amended by sec. 2, Pub. Law 1011 (84th Cong.)]"

PAR. 3. There is inserted after § 301.6503 (d)–1 the following new sections:

§ 301.6503 (e) *Statutory provisions; suspension of running of period of limitation; certain powers of appointment.*

SEC. 6503. *Suspension of running of period of limitation.* * * *

(e) *Certain powers of appointment.* The running of the period of limitations for assessment or collection of any tax imposed by chapter 11 shall be suspended in respect of the estate of a decedent claiming a deduction under section 2055 (b) (2) until 30 days after the expiration of the period for assessment or collection of the tax imposed by chapter 11 on the estate of the surviving spouse.

[Sec. 6503 (e) as added by sec. 2, Pub. Law 1011 (84th Cong.)]

§ 301.6503 (e)–1 *Suspension of running of period of limitation; certain powers of appointment.* Where the estate of a decedent is allowed an estate tax charitable deduction under the provisions of section 2055 (b) (2) (with respect to property over which the decedent's surviving spouse was given a power of appointment exercisable in favor of charitable organizations) subject to the later disallowance of the deduction if all conditions set forth in section 2055 (b) (2) are not complied with, the running of the period of limitation for assessment or collection of any estate tax imposed on the decedent's estate is suspended until 30 days after the expiration of the period for assessment or collection of the estate tax imposed on the estate of the decedent's surviving spouse.

[F. R. Doc. 56–8208; Filed, Oct. 15, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 711]

MARKETING QUOTA REVIEW REGULATIONS

NOTICE OF PROPOSED REVISION

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, (7 U. S. C. 1281 et seq.) (hereinafter referred to as the "act") the Secretary has under consideration the revision of the Marketing Quota Review Regulations (7 CFR, 1955 Supp., 711.1 to 711.36). It is proposed that the regulations be revised as set forth herein and such revised regulations shall apply to (1) the review of farm marketing quotas for cotton (both upland and extra long staple), peanuts, rice, tobacco, and wheat, on and after January 1, 1957, and (2) to the review of all quotas for the year 1957 for crops other than wheat even though the applications may be filed and the hearings held prior to January 1, 1957.

DEFINITIONS

§ 711.2 *Definitions.* The following terms, unless the context or subject matter otherwise requires, shall have the following meanings:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amend-

ments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the applicable Division, Commodity Stabilization Service, United States Department of Agriculture. The applicable Division shall be the Cotton Division in the case of cotton; the Oils and Peanut Division in the case of peanuts; the Tobacco Division in the case of tobacco; and the Grain Division in the case of rice and wheat.

(e) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(f) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(g) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(h) "Quota" means or includes the farm allotment, normal yield, actual production, farm marketing quota, farm marketing excess, or the county committee determination of what land constitutes a farm as established pursuant to the act and applicable regulations.

(i) "Application" means an application for review of a quota under section 363 of the act.

(j) "Clerk to the review committee" means the county office manager or other person designated by the county committee to serve as clerk to the review committee in the county.

(k) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture.

(l) "County office manager" means the person employed by the county committee to execute the policies of the county committee and to be responsible for the day-to-day operations of the county committee (hereinafter referred to as the "county office"), or the person acting in such capacity.

(m) "State Administrative Officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee (hereinafter referred to as the "State office"), or the person acting in such capacity.

THE REVIEW COMMITTEE

§ 711.3 *Eligibility as review committeeman.* Any farmer who,

(a) Has knowledge of the acreage allotment and marketing quota programs; and

(b) Has experience, to the extent possible, in growing the commodities for which quotas are in effect in the area of venue of the review committee; and

(c) Is recognized as being fair-minded and well qualified in all respects; and

(d) Meets the eligibility requirements for county and community committeemen prescribed in Part 7 of this title in a county within the area of venue or in a county nearby the area of venue; and

(e) Is not a member of a county committee,

shall be eligible to serve as a regular member or alternate member of a review committee. No person whose legal residence is in one State shall be eligible to serve on a review committee in another State.

§ 711.4 *Appointment.* Three eligible farmers shall be appointed as regular members and three eligible farmers shall be appointed as alternate members to serve on each review committee. The Secretary shall make the appointments and designate one of the regular members as chairman and another regular member as vice-chairman. Notice of appointment shall be sent to the State committee, which shall in turn notify the farmers and the clerk to the review committee. Appointments may be made before, during, or after the period during which applications are required to be filed. Notwithstanding the foregoing, the Secretary shall have the continuing power to revoke or suspend any appointment made pursuant to the regulations in this part, and subject to the provisions of the act to make such other appointment as he may deem proper.

§ 711.5 *Oath of Office.* Each farmer appointed as a regular or alternate member shall, as soon as possible after appointment, execute an oath of office in the form and manner prescribed by the Deputy Administrator. No person shall act as review committeeman unless such oath of office has been duly executed and filed with the State office or the Clerk to the review committee.

§ 711.6 *Composition.* Three regular members shall act as a review committee for the prescribed area of venue established pursuant to the regulations in this part. In the absence of the chairman, the vice-chairman shall perform the duties and exercise the powers of the chairman and in the absence of both the chairman and vice-chairman, the other regular member shall, as acting chairman, perform the duties and exercise the powers of the chairman. The State Administrative Officer shall schedule hearings and designate alternate members to serve in the event of the absence of regular members, in case of vacancies, or in case alternate members are deemed to be better qualified to serve in a particular case, but not more than two alternate members may serve concurrently. The State Administrative Officer shall arrange for notifying review committeemen of the schedule of hearings. No regular member or alternate member shall serve in any case where he or any person with whom he is closely associated as a relative or business associate will have his quota reviewed, nor shall such regular or alternate member serve where he had acted as county or community committee member on a quota to be reviewed by the review committee.

§ 711.7 *Vacancies*—(a) *Filling of vacancies.* If a vacancy occurs on a review committee, the State committee shall recommend an eligible person to fill the vacancy unless it appears that the work of the review committee for the calendar year is already completed or that the remaining members and alternates can handle any unfinished business of the review committee in its area of venue.

(b) *Only two review committeemen present for hearing.* Where only two review committeemen are present for a hearing, although a full committee was scheduled for the hearing, at the request or with the consent of the applicant a hearing conducted by two members of the review committee, one of whom shall be a regular member, shall be deemed to be a regular hearing of the review committee as to such case, and the determination made by such members shall constitute the determination of the review committee.

(c) *Vacancy after hearing is begun.* Where a single vacancy occurs after a hearing is begun and before the final determination, the remaining two members of the review committee shall henceforth constitute an entire review committee for the purposes of such hearing. If more than one such vacancy occurs, or if the two remaining members cannot agree upon a determination, there shall be a new hearing. Such new hearing may be by the remaining regular members and designated alternate members or by three regular members including newly appointed regular members, as scheduled by the State Administrative Officer.

§ 711.8 *Term.* Appointment as a regular or alternate members shall be for a term of one calendar year and such members may be reappointed for succeeding terms. Notwithstanding the foregoing, a review committee may remain in office for a longer period of time where necessary to conclude proceedings begun during such year. Cases on appeal to a court which are remanded for further proceedings before the review committee shall be heard by the same review committeemen who made the determination which was appealed to the court: *Provided*, That, if the review committeemen who heard the case originally are not in office, such remanded cases shall be heard by the review committee then in office for that area of venue.

§ 711.9 *Effect of changes in composition of review committee.* Nothing contained in the foregoing provisions relating to any vacancy or revocation or suspension of appointment, and nothing done pursuant to such provisions, shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with the regulations in this part, in which the member of the review committee, whose office has become vacant, participated, or as affecting in any way any court proceeding which may be instituted, pursuant to the provisions of the act, for the review of such determination.

§ 711.10 *Compensation.* The members designated to serve as review committeemen in particular cases shall receive compensation at the same rate as that received by the members of the county committee which established the quotas sought to be reviewed. The members of a review committee shall not be entitled to receive compensation for services as such members for more than thirty days in any one year. Payment of compensation, reimbursement for travel expenses and rates therefor, shall be made under such conditions as may be prescribed by the Deputy Administrator.

§ 711.11 *Area of venue.* An area of venue for a review committee shall be established by the State committee taking into consideration the requirement of section 363 of the act that review committee members must be from the county in which the quota was established or from nearby counties, the prompt handling of applications for review, transportation problems and the limit of 30-day service by review committeemen during their term of office.

§ 711.12 *Jurisdiction.* A review committee shall have jurisdiction to hear all timely filed applications respecting quotas established or denied by official written notice for farms within its area of venue. In all cases, the review committee shall consider only such matters as, under applicable provisions of the act and regulations of the Secretary, are required or permitted to be considered by the county committee in the establishment of the quota sought to be reviewed.

APPLICATION FOR REVIEW OF QUOTAS

§ 711.13 *Manner and time of filing.* Any farmer who is dissatisfied with his quota may, within fifteen days after the date of mailing to him of notice of such quota, file a written application for review thereof by the review committee. Unless application for review is made within such period, the original determination of the quota shall be final. An application shall be in writing and addressed to, and filed with, the county office manager for the county from which the notice of quota was received. Any application (Form MQ-53 available on request) whether made on Form MQ-53 or not, shall contain the following:

(a) Date of application and commodity (including type where applicable, e. g. upland cotton, flue-cured tobacco).

(b) Correct full name and address of applicant.

(c) Brief statement of each ground upon which the application is based.

(d) A statement of the amount of quota which it is claimed should have been established.

(e) Signature of applicant.

§ 711.14 *Examination by county committee.* As soon as practicable, the county committee and county office manager shall examine the applications and the following action shall be taken:

(a) If the application is not filed within the prescribed 15-day period, the county office manager shall send a notice of untimely filing on Form MQ-54 by certified mail to the applicant at the address shown on the application;

(b) If the increase, adjustment or other determination requested in the application is found to be proper, the county committee shall take immediate action to correct the determination being appealed, within the limits of the act and regulations, and mail a notice of revised quota to the applicant;

(c) If the application does not contain substantially the information required under § 711.13, the county office manager shall send a notice of insufficiency on Form MQ-55 by certified mail to the applicant at the address shown on the application. The applicant may file an amended application within 15 days from the date of mailing the notice of insufficiency;

(d) All applications remaining which are not disposed of under paragraphs (a) to (c) of this section shall be listed and a report thereof sent to the State committee with a request that hearings be scheduled. The county committee, in each case scheduled for a hearing, shall prepare a written answer to the application setting forth all of the pertinent facts relating to the case, pointing out the provisions of applicable regulations under which the quota being reviewed was established, explaining the data used, how the quota was established, pointing out why the quota should not be revised, if such be the case, and any other matters deemed pertinent. The answer shall set forth the foregoing so as to include all the issues of fact which are known to be in dispute.

§ 711.15 *Withdrawal of applications.* An application may be withdrawn upon the written request of the applicant. Any application so withdrawn shall be endorsed "Dismissed at the Request of the Applicant." This endorsement shall be made by the clerk to the review committee or by the chairman of the review committee.

HEARING AND DETERMINATION

§ 711.16 *Place of hearing.* The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place in the county as may be designated by the State Administrative Officer, or by the review committee in cases arising under § 711.19: *Provided, however,* That the place of hearing may be in some other county if agreed to in writing by the applicant.

§ 711.17 *Schedule of and notice of hearing.* The State Administrative Officer shall schedule applications for hearings and forward such schedule to the clerk to the review committee who shall give written notice on Form MQ-56 to the applicant by depositing such notice in the United States mail, certified and addressed to the last known address of the applicant at least ten days prior to the time appointed for the hearing and copies of such notice shall also be sent to the county committee and the State office. If the applicant requests waiver of such ten day period, the hearing may be scheduled earlier upon consent of the other interested parties. The notice of the hearing shall specify the time, place and nature of the hearing and contain a statement of the statutory authority for the hearing and that the application will be heard by the review committee duly appointed for the area of venue in which the applicant's farm is located. Applications for review shall be scheduled for hearing as soon as possible within a period not to exceed 60 calendar days from the date of filing unless a later date is approved by the State committee upon a showing that due to volume of work it is not possible to hear the cases within such 60-day period.

§ 711.18 *Review committee examination of notices of insufficiency and untimely filing.* The review committee shall examine each application where a notice of insufficiency or untimely filing was sent. If it concurs in the action taken by the county office manager, an order of dismissal on Form MQ-57 shall be issued, as provided in § 711.24. If it does not concur, the State committee shall be advised and shall schedule a hearing.

§ 711.19 *Continuances.* Hearings shall be held at the time and place set forth in the notice of hearing or in any subsequent notice amending or superseding the prior notice, but may, without notice other than an announcement at the hearing by the chairman of the review committee, be continued from day to day or adjourned to a different place in the county or to a later date or to a date and place to be fixed in a subsequent notice to be issued in the manner provided in the regulations in this part. In the event a full committee of three is not present those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing unless the hearing is held pursuant to § 711.7 (b).

§ 711.20 *Conduct of hearing*—(a) *Open to public.* Except as otherwise provided in the regulations of this part, each hearing shall take place before the entire review committee and shall be presided over by the chairman of such committee. The hearing shall be open to the public and shall be conducted in a fair and impartial manner and in such a way as to afford the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture, and all persons appearing on behalf of such parties, reasonable opportunity to give and produce evidence relevant to the quota being reviewed.

(b) *Consolidation of hearings.* Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consolidated and heard at the same time on the same record.

(c) *Representation.* The applicant and the Secretary may be represented at the hearing. The county committee

shall be present or represented at the hearing.

(d) *Order of procedure.* At the commencement of the hearing, the chairman of the review committee shall read or cause to be read the pertinent portions of the application for review. The written answer of the county committee shall be submitted in evidence and shall be made a part of the record of the hearing. If the applicant asserts and shows to the satisfaction of the review committee that he has not been informed of the county committee's position in time to afford him adequate opportunity to prepare and present his case, the review committee shall continue the hearing, without notice other than announcement thereof at the hearing, for such period of time as will afford the applicant reasonable opportunity to meet the issues of fact and law involved. After answer by the county committee and following such continuance, if any, as may be granted by the review committee, evidence shall be received with respect to the matters relevant to the quota under review in such order as the chairman of the review committee shall prescribe.

(e) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall, before proceeding to testify, be sworn, after which he shall give such information respecting his appearance as the review committee may request. The review committee shall confine the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repetitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the review committee.

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes (stenographic or mechanical recording) at the hearing as will enable it to make a summary of the testimony received at the hearing. The testimony received at the hearing shall be reported verbatim and a transcript thereof made if (1) the applicant requests such transcript and provides for its preparation and for the payment of the expense thereof, or (2) the State committee representative requests that such transcript be made and provides therefor. Immediately upon the completion of any such verbatim transcript, three legible copies thereof shall be furnished to the review committee and one copy shall be furnished to the State office without charge.

(g) *Written arguments and proposed findings.* The review committee shall permit the applicant, the members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture to file written arguments and proposed findings of fact and conclusions, based on the evidence adduced at the hearing, for the consideration of the review committee within such reasonable time after the conclusion of the hearing as may be prescribed by the review committee. Such written arguments and proposed findings shall be filed in triplicate with the clerk to the review committee.

§ 711.21 *Nonappearance of applicant.* If, at the time of the hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of the absent applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant, the review committee may thereupon close the hearing as to such applicant, and, without further proceedings in the case, make an order dismissing the application, or continue the hearing to a later date.

§ 711.22 *Amendments.* Upon due application, and within the discretion of the review committee, the right of amendment of the application and of all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the review committee may deem right and proper.

§ 711.23 *Determination by review committee.* As soon as practicable after hearing on any sufficient application, and after consideration of the entire record of the proceedings, the review committee shall make a determination upon the application. This determination shall be made within one week after the hearing is completed, unless factors beyond the control of the review committee, such as delay in receiving a verbatim transcript of the testimony, the hearing of other cases in the area of venue, or other valid reason, prevent the preparation of the determination within such period of time. If it is determined by the review committee that the application should be denied, the review committee shall so indicate. If it is determined that the application should be granted in whole or in part, the review committee shall establish the quota which it finds to be proper. Each determination made by the review committee shall be in writing, shall contain specific findings of fact and conclusions, together with the reasons or basis therefor, and shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing. The determination shall also show the review committee's rulings upon the proposed findings and conclusions filed by the applicant. The concurrence of two members of the review committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the review committee as will indicate his concurrence therein or his dissent therefrom. In case of an increase in the quota, the review committee shall specifically state in the determination in what respect, if any, the county committee has failed properly to apply the act and regulations of the Secretary thereunder. If such increase is based upon evidence not available to the county committee, the findings of the review committee shall so indicate.

§ 711.24 *Service of determination.* A copy of the determination, or of any order dismissing the application, certified by the clerk to the review committee as a true and correct copy of the signed original, shall be served upon the applicant by depositing the same in the United States mails, registered and addressed to the applicant at his last known address. The copy of the determination or order shall contain at the top thereof the following statement: "To all persons who, as operator, landlord, tenant, or sharecropper, are or will be interested in the commodity produced on the farm for which this farm marketing quota is established:" and such statement shall constitute notice to all such persons. The clerk to the review committee shall make a notation on the original determination or order of the date and place of such mailing. The clerk to the review committee forthwith shall forward copies of such determination or order to the Director, to the State office, and to the county committee.

§ 711.25 *Reopening of hearing.* The review committee (a) on its own motion, or upon due application therefor, may, within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee, reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document, and (b) upon application by the Secretary or on his behalf by the Deputy Administrator, made for any purpose within a period of forty-five days from the date of mailing to the applicant of a copy of the determination of the review committee, shall reopen the hearing.

§ 711.26 *The record.* The record of the proceedings shall be prepared by the clerk to the review committee and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notices of quota and hearing and any other written notice in connection with the application.

(b) Copies of such pertinent proclamations, announcements, general regulations, regulations in this part, and apportionments, national, State, or county, issued by the Secretary in respect to the quota in question, as may be presented at the hearing by or on behalf of the Secretary.

(c) The answer of the county committee to the allegations contained in the application.

(d) The transcript of the testimony made in accordance with the regulations in this part, to which shall be annexed any documentary evidence received at the hearing. The review committee shall make such corrections in any verbatim transcript made as will make the text conform to the correct meaning. The corrections shall be made in such manner as will not obscure the original text of the transcript.

(e) Any written arguments or proposed findings of fact and conclusions which may have been filed in connection with the hearing.

(f) The written determination of the review committee.

(g) A list of all papers included in the record, and a certificate by the clerk to the review committee, stating that such record is true, correct and complete.

Any interested person desiring a copy of the record or any part thereof shall be entitled to same upon application to the clerk to the review committee and upon payment of the actual cost of supplying such copy.

COURT PROCEEDINGS

§ 711.27 *Duty of the review committee in the case of court proceedings*—(a) *Duty of review committee.* The review committee is required, by section 365 of the act, upon the institution of any suit against the review committee for the purpose of reviewing its determination upon any application for review, to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the review committee. Any suit for review is required to be instituted by the applicant within fifteen days after a notice of the review committee's determination is mailed to him by registered mail. Such suit may be instituted in the United States District Court or in any court of record of the State having general jurisdiction, sitting in the county or the district in which the applicant's farm is located. The bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the review committee. Any member of the review committee served with papers in such suit shall immediately forward such papers to the clerk to the review committee. No member of the review committee shall appear or permit any appearance in his behalf or in behalf of the review committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from or on behalf of the Secretary.

(b) *Duty of clerk to review committee.* Upon the institution of a suit the clerk to the review committee shall immediately take the following action:

(1) Notify the State office by telephone or by telegraph of the name of the plaintiff and commodity, the name of the court in which the suit is instituted, and the time within which appearance must be made in such suit in behalf of the review committee.

(2) Send to the State Administrative Officer all legal papers (summons and complaint or petition) served on any member of the review committee, together with a statement as to the date the determination of the review committee was mailed to the applicant, and summons was served on the review committee.

(3) Send to the State office the complete record provided for in § 711.26, by certified mail.

(4) The clerk to the review committee shall retain in his file a copy of all documents sent to the State office pursuant to this section.

(c) *Duty of State Administrative Officer.* The State Administrative Officer shall:

(1) Furnish the Attorney-in-Charge, Office of the General Counsel, promptly by prepaid telegram, name of the plaintiff and commodity, name of the court in which the suit is instituted and the time within which appearance must be made in such suit in behalf of the review committee.

(2) Transmit promptly by certified mail to the Attorney-in-Charge (i) the record provided in § 711.26, (ii) a copy of all legal papers (summons and petitions) and (iii) a statement as to the dates the determination of the review committee was mailed to the applicant and the summons was served on the review committee.

(3) Transmit promptly to the Director, by air mail (unless regular mail is faster) a copy of all legal papers (summons and petitions) and a statement as to (i) the name of the plaintiff and commodity, (ii) the name of the court in which the suit is instituted, (iii) the date the determination of the review committee was mailed to the applicant, (iv) the date the summons was served on the review committee, (v) the time within which appearance must be made in such suit in behalf of the review committee.

MISCELLANEOUS

§ 711.28 *Forms and instructions.* The Deputy Administrator shall issue such forms and instructions as are necessary for carrying out these regulations. The following forms, as revised from time to time, are prescribed for use in connection with review of quotas:

(a) MQ–53—Application for Review.
(b) MQ–54—Notice of Untimely Filing.
(c) MQ–55—Notice of Insufficiency.
(d) MQ–56—Notice of Hearing.
(e) MQ–57—Order of Dismissal.
(f) MQ–58—Determination of Review Committee.
(g) MQ–59—Oath of Review Committeeman.

§ 711.29 *Availability of records.* The clerk to the review committee shall carefully keep and preserve a record of all applications and of all proceedings relating to the review of such applications. All records and documents required to be sent to the Director by the regulations in this part shall be forwarded to the Hearing Clerk for filing. All such records shall be available for public inspection at the respective offices of the clerk to the review committee and the Hearing Clerk.

§ 711.30 *Special provisions applicable to Puerto Rico.* (a) Notwithstanding the provisions of the regulations in this part, the Caribbean Area Agricultural Stabilization and Conservation Committee (hereinafter referred to as the "ASC Committee") shall perform, insofar as applicable, the duties and assume such responsibilities and be subject to the limitations as are otherwise required of State and county committees except as provided herein. The Director, Caribbean Area Agricultural Stabilization and Conservation Office, shall recommend members and alternates for appointment to serve on review committees and establish the area of venue for review committees. Any farmer who is eligible to vote in a referendum for which a quota has been proclaimed but who did not in any respect participate in the determination of any quota for the review of which the review committee is established, shall be eligible to serve as a member of a review committee subject to the provisions of the regulations in this part except § 711.3(d) and (e). The clerk to the review committee shall be the ASC district superviser of the district in which the review committee will hold its hearings.

(b) In the event of court proceedings instituted in Puerto Rico, the following action shall be taken by the clerk to the review committee:

(1) Notify the Director, Caribbean Area ASC office, of the name of the plaintiff and commodity, the name of the court in which the suit is instituted, and the time within which appearance must be made in such suit on behalf of the review committee.

(2) Send to the Director, Caribbean Area ASC office, all legal papers (summons and complaint or petition) served on any member of the review committee, together with a statement as to the date the determination of the review committee was mailed to or otherwise served on the applicant, and summons was served on the review committee.

(3) Send the complete record provided for in § 711.26 by certified mail to the Director, Caribbean Area ASC office.

(4) Retain in his file a copy of all documents sent to the Director, Caribbean Area ASC office pursuant to this section.

(c) In the event of court proceedings instituted in Puerto Rico, the following action shall be taken by the Director, Caribbean Area ASC office:

(1) Furnish the Attorney-in-Charge, Office of the General Counsel, promptly, by telephone, the name of the plaintiff and commodity, name of the court in which the suit is instituted and the time within which appearance must be made in such suit in behalf of the review committee.

(2) Transmit promptly by certified mail, to the Attorney-in-Charge the information and documents received from the clerk to the review committee pursuant to paragraph (b)(2) and (3) of this section.

(3) Transmit promptly to the Director, by air mail a copy of all legal papers (summons and complaint or petition) and a statement as to the name of the plaintiff and commodity, name of the court in which the suit is instituted, the date the determination of the review committee was mailed to the applicant, the date the summons was served on the review committee and the time within which appearance must be made in such suit in behalf of the review committee.

(d) Where it is impractical or impossible to use the United States mail to serve the applicant with notice of hearing or determination or order, use shall be made of such other method of service as is available. However, when such other method is used, the ASC Committee shall make provision for keeping an accurate record of the date and method of delivery to the applicant.

Consideration will be given to any data, views and recommendations pertaining

thereto which are submitted in writing to the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within fifteen days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

[SEAL] WALTER C. BERGER,
Acting Administrator.

OCTOBER 10, 1956.

[F. R. Doc. 56-8280; Filed, Oct. 15, 1956; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

[File No. 21-479]

COMBINATION STORM WINDOW AND DOOR INDUSTRY TRADE PRACTICE RULES

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Combination Storm Window and Door Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. Opportunity is also hereby extended to the above parties to present to the Commission their views concerning the proposed inclusion of an industry committee provision in trade practice rules which are sought for this industry. For this purpose they may obtain copies of the proposed rules, including the industry committee provision, upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than November 2, 1956. Opportunity to be heard orally will be afforded at the hearing, beginning at 10 a. m., e. s. t., November 2, 1956, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations, and organizations engaged in the manufacture, sale, or distribution of combination storm windows and doors with glass and screen inserts.

Proceedings looking to the promulgation of trade practice rules for this industry were instituted pursuant to an industry application. A general trade practice conference was held in New York City on April 24, 1956, at which rules were proposed for Commission consideration. The announced hearing constitutes a further step in the proceedings.

Issued: October 11, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-8283; Filed, Oct. 15, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF LOTUS SEEDS AND RADISHES DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Lotus seeds.
Radishes.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-8247; Filed, Oct. 15, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAHAM LIVESTOCK AUCTION ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Graham Livestock Auction, Graham, Texas.
Olney Livestock Auction, Olney, Texas.
Seymour Livestock Commission Co., Seymour, Texas.

Therefore notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 10th day of October 1956.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 56-8279; Filed, Oct. 15, 1956; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-36]

BABCOCK & WILCOX CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that on October 5, 1956, The Babcock & Wilcox Company, 161 East 42d Street, New York, N. Y., filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a light-water moderated, pool-type research reactor to Conselho Nacional de Pesquisas do Brasil, for Comissao de Energia Atomica, University of Sao Paulo, Sao Paulo, Brasil. A copy of the application is available for public inspection in the Commission's Public Document Room located at 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 9th day of October 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 56-8246; Filed, Oct. 15, 1956; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2503, etc.]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS EASTERN PENN-JERSEY TRANSMISSION CORP.

NOTICE OF HEARING

OCTOBER 9, 1956.

In the matters of Texas Eastern Transmission Corporation, Docket Nos. G-2503, G-9784, G-9785, G-9786; and Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G-9787.

Notice is hereby given that the Commission's Opinion No. 296 and order issued October 9, 1956 [1] scheduled a hearing, and prescribed the procedure therefor, to be held in a hearing room of the Federal Power Commission, 441 G Street NW., at 10:00 a. m., e. s. t., on October 29, 1956 with respect to the matters covered by the order of April 5, 1956 (21 F. R. 2394), therein described as Part B, which relates to the public policy matters arising out of the proposed operation of the Little Inch as a common carrier of petroleum products.

[1] Copies of opinion and order available from Federal Power Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-8271; Filed, Oct. 15, 1956; 8:46 a. m.]

[Docket No. G-10499]

EL PASO NATURAL GAS CO.

NOTICE SETTING DATE OF HEARING

OCTOBER 9, 1956.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 7, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application in the above-entitled matter: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing. Due notice of the application filed herein has been published in the FEDERAL REGISTER on June 19, 1956 (21 F. R. 5428). On July 13, 1956, Pacific Gas and Electric Company filed a petition to intervene and on July 25, 1956, Public Utilities Commission of the State of California filed a notice of intervention in the above matter. No other protests or petitions to intervene have been received. The last date for filing protests or petitions was July 31, 1956.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-8272; Filed, Oct. 15, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-132, etc.]

ENGINEERS PUBLIC SERVICE CO. ET AL.

NOTICE OF FILING OF APPLICATION RELATING TO PAYMENT OF ADDITIONAL FEES AND EXPENSES AND RETURN BY ESCROW AGENT OF CERTAIN ESCROWED FUNDS

OCTOBER 10, 1956.

In the matter of Engineers Public Service Company, File No. 54-132; El Paso Electric Company, File No. 70-1149; Gulf States Utilities Company, File No. 70-1150; Virginia Electric and Power Company, File No. 70-1419.

Notice is hereby given that Engineers Public Service Company ("Engineers"), a registered holding company now in liquidation pursuant to a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), has filed an application requesting approval of an amendment to said plan (Amendment No. 7), requesting approval of the payment of certain fees and expenses of Mudge, Stern, Baldwin & Todd, counsel for Engineers, and of Milbank, Tweed, Hope & Hadley, counsel for The Chase Manhattan Bank, Escrow Agent, and requesting an order directing said escrow agent to turn over to Engineers certain funds held by it in escrow.

All interested persons are referred to the application and the exhibits attached thereto, which are on file in the offices of the Commission, for a full statement of the amendments and transactions proposed, which are summarized below:

The proposed amendment provides that in connection with the final settlement of the affairs of Engineers and payment or provision for its debts and liabilities, Engineers will request the Commission, upon its approval of said amendment to the plan, to include in its petition to the United States District Court for approval of such amendment and for an order enforcing the plan as amended, an application to the court for an order which shall—

(a) Set a date for the filing with the Clerk of the Court of verified proofs of claim against Engineers and a date for filing exceptions to such proofs of claim and provide for the giving of notice of said order by mailing a copy thereof to all known claimants, if any, and by publication thereof in all editions of the Wall Street Journal and in newspapers of general circulation, printed in the English language in the Cities of New York, Boston, Massachusetts, and Chicago, Illinois, and in such other manner, if any, as the Court may direct;

(b) Provide that all claims not theretofore paid by Engineers or approved by the Commission and which are not so filed on or before the date fixed by the Court for the filing of claims be forever barred as against Engineers, its Directors, officers and stockholders;

(c) Enjoin and restrain all persons from taking any action other than before the Court or as authorized by the Court to assert or enforce any such claims against Engineers, its Directors, officers, and stockholders; and

(d) Provide that the Court will take appropriate steps for the adjudication and disposition of all such claims so filed with it.

The proposed amendment further provides that after payment by Engineers of all claims as allowed by the court and all fees and expenses in connection with the final consummation of the plan and the liquidation of Engineers, the remaining assets of Engineers ("distributable funds") will be distributed pro rata among its common stockholders as a final dividend in liquidation. Promptly upon ascertainment of the amount of distributable funds, Engineers will deposit the same with Stone & Webster Service Corporation, Boston, Massachusetts, as Dividend Disbursing Agent, the date of such deposit being referred to as the "distribution date." Upon such distribution date Engineers will also deposit with said Dividend Disbursing Agent (a) amounts then held by it, if any, representing checks issued in payment of dividends on preferred stock of Engineers and not presented for payment by the persons entitled thereto, such amounts aggregating, as of the date of the application $35.28, and (b) amounts then held by it, if any, representing checks issued in payment of the partial liquidating dividend to common stockholders of record on November 15, 1949 and not presented for payment by the persons entitled thereto, such amounts aggregating, as of the date of the application, $244.80; all such amounts being hereinafter called the "unclaimed funds." Upon the deposit of the distributable funds and the unclaimed funds with the Dividend Disbursing Agent as aforesaid, holders of certificates for common stock of Engineers shall cease to have any rights as stockholders of Engineers and shall be entitled, subject to the limitations hereinafter set forth, only to receive their pro rata share of the final dividend in liquidation as aforesaid and their respective shares, if any, of the unclaimed funds. Thereafter said Dividend Disbursing Agent shall mail notices to the common stockholders of Engineers of such deposit and of their rights with respect thereto, upon surrender of their certificates.

From and after a date five years after the distribution date all holders of certificates for preferred and common stock of Engineers who have not surrendered such certificates to the Dividend Disbursing Agent in exchange for their pro rata share of the final dividend in liquidation or who shall not have claimed their respective shares of the unclaimed funds, shall cease to be entitled to receive any of the distributable funds or unclaimed funds, and their claims shall have become void and of no value. As soon as practicable after the cut-off date all of the distributable funds and unclaimed funds then remaining in the hands of the Dividend Disbursing Agent shall be paid over by the Dividend Disbursing Agent as follows:

51 percent to Virginia Electric and Power Company.
38 percent to Gulf States Utilities Company.
11 percent to El Paso Electric Company.

There shall be similarly paid over by the Chase Manhattan Bank to said corporations in the same proportions any funds held by it on the cut-off date, in trust or otherwise, for the account of holders of the formerly outstanding preferred stocks of Engineers who shall not have surrendered their certificates pursuant to the plan as amended.

Engineers will pay to the Dividend Disbursing Agent the sum of $23,000 in payment for its services and disbursements in connection with the distribution of the final dividend in liquidation

and the location of the holders of the formerly outstanding preferred stocks of Engineers, including the mailing of notices to the common stockholders of Engineers, the obtaining of bonds of indemnity in the event of lost stock certificates, the storage of transfer records, the employment of tracer organizations, and all related matters.

The proposed amendment further provides that any action to be taken by directors in consummating the plan shall be deemed to be taken if evidenced by a resolution duly adopted at a meeting of the directors duly convened or held or by an instrument in writing signed by a majority of the surviving directors without a meeting.

Pursuant to affidavits filed as exhibits to the application of Engineers, Engineers requests approval of the payment to Mudge, Stern, Baldwin & Todd of the sum of $12,500 for services rendered to Engineers from September 13, 1949 to the date of the application and for services to be rendered after that date, together with the disbursements actually made of $214.87 and for estimated disbursements to be made after the date of the application in the amount of $250; and to Milbank, Tweed, Hope & Hadley the sum of $1,250 for services rendered and to be rendered after August 18, 1949, and $29.79 for disbursements actually made.

Additionally, Engineers requests that an order be entered directing The Chase Manhattan Bank to turn over to Engineers such of the escrowed funds as are held by it pursuant to section 1 (c) of the Escrow Agreement, but not including such sums as are held for the account of the preferred stockholders of Engineers who have not yet surrendered their certificates.

Engineers estimates that the total expenses of consummating the plan, as amended by said Amendment No. 7, including the fee of the Dividend Disbursing Agent, counsel fees as aforesaid, and all other expenses, will be approximately $62,500 and states that this would leave, assuming that there are no additional claims of creditors asserted against Engineers, the sum of approximately $279,400, or approximately 14 cents per share, for distribution in respect of the 1,909,968 outstanding shares of common stock of Engineers.

Engineers requests the Commission to apply to the United States District Court for the District of Delaware for an order approving and enforcing said Amendment No. 7 to the plan.

Notice is further given that any interested person may, not later than 5:30 p. m., e. s. t., on November 5, 1956, request the Commission in writing that a hearing be held in respect of the proposed amendment and other proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the application, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8276; Filed, Oct. 15, 1956; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Allen Garment Co., College Street, Franklin, Ky.; effective 10-12-56 to 10-11-57 (sport shirts).

Ann Lee Frocks, 108-112 South Main Street, Pittston, Pa.; effective 10-13-56 to 10-12-57 (dresses).

Asba Manufacturing Corp.; South Cedar Lane, Greencastle, Pa.; effective 9-28-56 to 9-27-57 (housecoats).

Blue Bell, Inc., No. 2 Plant, Prentiss Co., Boonesville, Miss.; effective 9-28-56 to 9-27-57 (men's shirts).

Blue Bell, Inc., Ripley, Miss.; effective 9-25-56 to 9-24-57 (work shirts).

Dandy Modes, Inc., 3902 14th Avenue, Brooklyn, N. Y.; effective 9-27-56 to 3-26-57 (dresses, jumpers, sportswear, etc.).

F. Jacobson & Sons, Inc., Charlottesville, Va.; effective 10-7-56 to 10-6-57 (men's pajamas).

Opp Textiles, Inc., 307-09 Rear South Side, Cummins Avenue, Opp, Ala.; effective 10-2-56 to 10-1-57 (hunting coats, etc.).

Pool Manufacturing Co., 1601 South Montgomery Street, Sherman, Tex.; effective 9-24-56 to 9-23-57 (work shirts, uniform shirts, etc.).

Rosenau, Bros., Inc., Fulton Street, Ephrata, Pa.; effective 10-6-56 to 10-5-57 (children's dresses).

Rosenau Bros, Inc., Main Street, Red Hill, Pa.; effective 10-6-56 to 10-5-57 (children's dresses).

Rosenau Bros, Inc., West Bertsch Street, Lansford, Pa.; effective 10-21-56 to 10-20-57 (children's dresses).

Standard Romper Co., Inc., 335 Forest Avenue, Portland, Maine; effective 10-1-56 to 9-30-57 (children's outergarments).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R. I.; effective 10-1-56 to 9-30-57 (children's outergarments).

A. Stein & Co., 606 North Vermillion, Streator, Ill.; effective 9-27-56 to 9-26-57 (women's bras and girdles).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex.; effective 9-27-56 to 9-26-57 (denim coats, slacks).

The Warner Bros. Co., Moultrie, Ga.; effective 10-8-56 to 10-7-57 (corsets and brassieres).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated:

Granville Manufacturing Co., Oxford, N. C.; effective 9-28-56 to 9-27-57; 10 learners (ladies' dresses) (replacement certificate).

Rice-Stix Factory No. 17, Houston, Miss.; effective 10-9-56 to 10-8-57; 5 learners in the production of men's and boys' pajamas (pajamas).

S & S Sportswear, Inc., 809 First Avenue, Asbury Park, N. J.; effective 9-28-56 to 9-27-57; 5 learners (boys' and girls' jackets).

Standard Romper Co., Inc., Brunswick, Maine; effective 10-1-56 to 9-30-57; 10 learners (shirts).

Star Clothing Manufacturing, Inc., 116 Tremont Street, Boston, Mass.; effective 9-25-56 to 9-24-57; 4 learners (jackets, shorts, etc.).

Taneytown Dress Co., Taneytown, Md.; effective 9-28-56 to 9-27-57; 5 learners (ladies' cotton dresses).

Trego's Westwear, 1001-5 Seventh Street, Woodward, Okla.; effective 10-1-56 to 9-30-57; 5 learners (cowboy and cowgirl suits, wool coats).

Williamston Manufacturing Co., Inc., Williamston, S. C.; effective 9-28-56 to 9-27-57; 5 learners (men's and boys' shirts).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; effective 10-12-56 to 10-11-57; 10 learners (men's and boys' pants).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Albert of Arizona, Inc., 234 South Extension Road, Mesa, Ariz.; effective 9-28-56 to 3-27-57; 20 learners (slips and petticoats).

Chester Needlecraft, Inc., Chester, Ill.; effective 9-27-56 to 3-26-57; 10 learners (women's dresses).

Freedman Co., Okeechobee, Fla.; effective 10-1-56 to 3-31-57; 15 learners (women's uniforms).

Glenn Slacks, Inc., Bruce, Miss.; effective 9-28-56 to 3-27-57; 150 learners (play slacks, etc.).

Horse Cave Manufacturing Co., Inc., Horse Cave, Ky.; effective 9-26-56 to 2-7-57; 20 learners (men's pants, hobby jeans, etc.) (supplemental certificate).

W. Koury Co., 633 Chatham Street, Sanford, N. C.; effective 9-25-56 to 3-24-57; 50 learners (men's and boys' work pants and shirts).

T. S. Lankford & Sons, 151½ Walnut Street, Abilene, Tex.; effective 9-27-56 to 3-26-57; 10 learners (Army uniforms).

Monticello Manufacturing Co., Monticello, Ky.; effective 10-1-56 to 3-31-57; 25 learners (men's and boys' sport shirts).

Opp Textiles, Inc., 307-09 Rear South Side Cummins Avenue, Opp, Ala.; effective 10-2-56 to 4-1-57; 40 learners (hunting coats).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 9-24-56 to 3-19-57; 25 learners (work pants, and shirts) (supplemental certificate).

Smart Girl's Dress Shop, 1498 Straight Path, Wyandanch, N. Y.; effective 9-28-56 to 3-27-57; 25 learners (women's dresses).

Standard Romper Co., Inc., Brunswick, Maine; effective 10-1-56 to 3-31-57; 10 learners (children's (boys') shirts).

Washington Garment Co., 218½ West Main Street, Washington, N. C.; effective 9-26-56 to 3-25-57; 10 learners (children's dresses).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

Budd Cigar Co. of Alabama, 309 Sixth Avenue, Dothan, Ala.; effective 9-24-56 to 9-23-57; 10 percent of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Monte Glove Co., Inc., Maben, Miss.; effective 10-1-56 to 9-30-57; 10 learners for normal labor turnover purposes (work gloves).

Monte Glove Co., Inc., Maben, Miss.; effective 10-1-56 to 3-31-57; 10 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

C. W. Anderson Hosiery Co., Inc., Clinton, S. C.; effective 9-30-56 to 9-29-57; 4 learners for normal labor turnover purposes (dye and finish ladies' nylon hosiery).

Hanover Mills, Inc., 716 South 17th Street, Wilmington, N. C.; effective 9-24-56 to 3-23-57; 30 learners for expansion purposes (seamless).

Kaytee Hosiery Mill, Inc., River Street, Franklin, N. H.; effective 9-26-56 to 9-25-57; 3 learners for normal labor turnover purposes (seamless).

Regan Knitting Co., Inc., 7 Cox Avenue, Thomasville, N. C.; effective 9-25-56 to 9-24-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Tower Hosiery Mills, Inc., Broad Street, Burlington, N. C.; effective 10-1-56 to 3-31-57; 10 learners for expansion purposes (full-fashioned).

C. A. Wanner, Inc., 100 South Richmond Street, Fleetwood, Pa.; effective 9-28-56 to 9-27-57; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Dri-Set, Inc., Graysville, Tenn.; effective 9-24-56 to 3-23-57; 10 learners for expansion purposes (knitted sleeping wear).

The Hadley Corp., Reems Creek Road, Weaverville, N. C.; effective 9-26-56 to 2-28-57; 5 percent of factory production workers for normal labor turnover purposes (sweaters) (replacement certificate).

Harvey Manufacturing Co., Ninth and Vine Streets, Berwick, Pa.; effective 9-26-56 to 9-25-57; 5 learners for normal labor turnover purposes (women's slips).

Harvey Manufacturing Co., Ninth and Vine Streets, Berwick, Pa.; effective 9-26-56 to 3-25-57; 7 learners for plant expansion purposes (women's slips).

Knickerbocker Manufacturing Co., Inc., West Point, Miss.; effective 10-13-56 to 10-12-57; 5 percent of factory production workers for normal labor turnover purposes (men's woven sleepwear).

Le-Nor Undergarment Corp., 519 Eighth Avenue, New York, N. Y.; effective 9-26-56 to 3-27-57; 5 learners for normal labor turnover purposes (children's panties, pajamas).

Porter Mills, Inc., Second and Elizabeth Streets, Cullman, Ala.; effective 9-27-56 to 9-26-57; 5 learners for normal labor turnover purposes (cotton knit pajamas, tee shirts, etc.).

Rice-Stix Factory No. 17 Houston, Miss.; effective 10-9-56 to 10-8-57; 5 percent of factory production workers engaged in the production of shorts for normal labor turnover purposes (shorts).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R. I.; effective 10-1-56 to 9-30-57; 5 percent of factory production workers engaged in the manufacture of garments from knitted fabric for normal labor turnover purposes (children's outergarments).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Farmington Shoe Co., Division of Breed Sandal Co., Inc., Farmington, Maine; effective 9-21-56 to 3-20-57; 150 learners for expansion purposes (replacement certificate).

Sport Specialty Shoemakers, Inc., Unit No. 2 114 North Main Street, Chaffee, Mo.; effective 10-11-56 to 10-10-57; 10 percent of factory production workers for normal labor turnover purposes.

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Bayside Net & Twine Co., Inc., Port Isabel, Tex.; effective 10-1-56 to 3-31-57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of netting machine operator; authorizing the employment of not more than 2 learners on any one work day, for normal labor turnover purposes (fish netting).

Beckley Manufacturing Corp., Skelton, W. Va.; effective 3-1-56 to 8-31-56; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing the employment of 300 learners for expansion purposes. (This certificate replaces a certificate for the same number of learners previously issued which contained on its face a restriction that learners may be employed when the new addition to the plant is completed.) (Radio and TV components.) (Replacement certificate.)

Blount-Parker Corp., Lacona, N. Y.; effective 10-1-56 to 3-31-57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of 4 learners for normal labor turnover purposes (baby bathanets).

Brady Manufacturing Co., Inc., Ramseur, N. C.; effective 10-1-56 to 3-31-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator and presser; authorizing the employment of 5 learners for normal labor turnover purposes (men's hemstitched and plain hemmed handkerchiefs).

Excelsior Pearl Works, Inc., Federalsburg, Md.; effective 10-3-56 to 4-2-57; not less than 85 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of blank button cutting; authorizing the employment of 10 learners for normal labor turnover purposes (ocean pearl buttons).

Frederick Tailoring Co., Inc., Fulton Plant No. 4, McConnellsburg, Pa.; effective 10-1-56 to 3-31-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours for the 480-hour learning period, for the occupations of sewing machine operator, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's clothing).

Hickey-Freeman Co., 709 Bleecker Street, Utica, N. Y.; effective 10-1-56 to 3-31-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of handsewer and finishing operations involving hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes (suits, overcoats, topcoats, etc.).

Jewel-Lee Manufacturing Co., 107-16 Jamaica Avenue, Richmond Hill, N. Y.; effective 10-1-56 to 3-31-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator and hand sewer; authorizing the employment of not more than 5 learners on any one work day, for normal labor turnover purposes (men's neckwear).

Meister Candies, Inc., Madison Street, Cambridge, Wisc.; effective 9-9-56 to 3-8-57; not less than 90 cents per hour for the first 120 hours and 95 cents per hour for the remaining 120 hours of the 240-hour learning period, for the occupations of candy coater and wrapping machine operator; authorizing the employment of 5 learners for normal labor turnover purposes (bar candies, bulk candies) (replacement certificate).

Shell Arts Co., 246 Wilmington Boulevard, Wilmington, Calif.; effective 10-1-56 to 3-10-57; not less than 85 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupations of blank button cutting, button grinding machine operator, button turning machine operator, button drilling machine operator, button polisher, and finished button sorter; authorizing the employment of 10 learners for normal labor turnover purposes (ocean pearl buttons) (replacement certificate).

Textile Hardwood Manufacturing Co., Inc., 13th and 5th Streets, West Huntsville, Ala.; effective 9-28-56 to 3-27-57; not less than 85 cents per hour for a maximum of 160 hours, for the occupation of woodworking machine operator; authorizing the employment of 5 learners for normal labor turnover purposes (broom, mop, sweeper, etc.).

Timely Clothes, Inc., 624 Exchange Street, Geneva, N. Y.; effective 10-1-56 to 3-31-57; not less than 85 cens per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving handsewing; authorizing the employment of 5 learners for normal labor turnover purposes (men's suits, outercoats).

The following learner certificate was issued in Hawaii in the women's apparel division of the apparel industry.

Nall'l Fashions, Ltd., 1522 Nakaloa Street, Honolulu, T. H.; effective 10-3-56 to 10-2-57; 5 learners for normal labor turnover purposes (children's play clothes).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Cedar Lake Academy, Cedar Lake, Mich.; effective 9-1-56 to 8-31-57; woodworking industry: not less than 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours of the 600-hour learning period, for the occupations of wood working machine operator, assembler, and related skilled and semi-skilled occupations including incidental clerical work in shop; authorizing the employment of 65 student-workers (replacement certificate).

Walla Walla College, Drawer 1, College Place, Wash.; effective 9-24-56 to 8-31-57, printing industry: not less than 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours of the 1,000-hour learning period, for the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations; authorizing the employment of 25 student-workers; bookbindery industry: not less than 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours of the 600-hour learning period, for the occupations of bookbinder, bindery worker and related skilled and semi-skilled occupations; authorizing the employment of 8 student-workers.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Parts 522 and 527.

Signed at Washington, D. C., this 3d day of October 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-8270; Filed, Oct. 15, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 11, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32742: *Hydrofluosilicic acid from the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hydrofluosilicic acid in solution, tank-car loads from (A) East Point, Ga., and (B) Montgomery, Ala., to (A) Chicago and Chicago Heights, Ill., and (B) East St. Louis, Ill., St. Louis and Hine, Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 234 to Agent Spaninger's I. C. C. 1351.

FSA No. 32743: *Barrels from Sioux City, Iowa, to Iowa points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on barrels, wooden, carloads from Sioux City, Iowa, to Des Moines, Meservey, and Osage, Iowa.

Grounds for relief: Circuitous routes.

Tariff: Agent Prueter's tariff I. C. C. No. A-3952.

FSA No. 32744: *Building boards from the South to Indiana.* Filed by The St. Louis-San Francisco Railway Company, Agent, for itself, and interested rail carriers. Rates on building boards, wall or insulating, viz.: fibreboard, pulpboard, or strawboard, loose or in packages, carloads from Macon, Ga., and Pensacola, Fla., to Columbus and Shelbyville, Ind.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32745: *Grain from Georgia to Mobile, Ala., and New Orleans, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barley, corn, oats, rye, soybeans, or wheat, straight carloads, for export from Port Wentworth, Savannah, and Cordele, Ga., to Mobile, Ala., and New Orleans, La.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 160 to Agent Spaninger's I. C. C. 1325.

FSA No. 32746: *Sulphur from Texas and Louisiana to the South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphur and sulphur paste, in straight or mixed carloads from points in Texas and Louisiana to points in southern territory.

Grounds for relief: Short-line distance formula, grouping and circuity.

Tariff: Supplement 27 to Agent Kratzmeir's I. C. C. 4177.

FSA No. 32747: *Sulphur from Texas and Louisiana to the East.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphur (brimstone), crude (unground and unrefined), carloads form points in Texas and Louisiana to points in official territory.

Grounds for relief: Short-line distance formula, grouping, and circuity.

Tariff: Supplement 28 to Agent Kratzmeir's I. C. C. 4177.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-8273; Filed, Oct. 15, 1956; 8:47 a. m.]

[Drought Order 57]

DISASTER AREA

TRANSPORTATION OF LIVESTOCK AND HAY AT REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that by reason of a prolonged drouth existing in the States of Arizona, Colorado, Kansas, Nevada, New Mexico, and Utah, hereinafter referred to as the disaster area, the Acting Secretary of Agriculture by letter dated October 10, 1956, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport livestock and hay from and to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to, and livestock from, the said area, and in the subsequent return of livestock to the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until March 31, 1957 on hay, and May 31, 1957 on livestock, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That during the period in which any reduced rates authorized by this order are effective the carriers may, not withstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate-of-intermediate rates is a reduced rate established under the authority of this order.

And it is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, this 11th day of October 1956.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-8274; Filed, Oct. 15, 1956; 8:47 a. m.]

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

DUTIES AND RESPONSIBILITIES OF CHAIRMAN

OCTOBER 3, 1956.

The organization minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended, effective July 17, 1956 (21 F. R. 6310), have been amended by deleting from the section entitled "Duties and Responsibilities of the Chairman" the requirement, appearing under (b) of Item 3.7, that the Chairman report periodically, not less than once every six months, to the Commission on the state of the Commission's work. As thus amended, Item 3.7 reads as follows:

3.7 He shall (a) bring to the attention of any Commissioner, division, or board any delay or failure in the work under his or its supervision, and (b) recommend to the Commission ways and means of correcting or preventing avoidable delays in the performance of any work or the disposition of any official matter which he is unable otherwise to have remedied.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-8275; Filed, Oct. 15, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17686, Amdt.]

THEODOR BAUER

In re: Bonds owned by Theodor Bauer. F-28-31252.

Vesting Order 17686, dated April 18, 1951, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 8389, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Bauer, whose last known address is Stuttgart, Sillenbuch, Friedrich Zundelstr. 23, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Southern Pacific Company 4 percent Gold Coupon Bonds, due 1949, of $1,000 face value each, bearing the numbers 1639, 13587 and 19309, and evidenced by coupons attached to or detached from said bonds and due on or after June 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons,

b. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Central Pacific Railway Company 4 percent First Refunding Mortgage gold coupon bonds, due 1949, of $1,000 face value each, bearing the numbers 26382, 34274 and 77739, and evidenced by coupons attached to or detached from said bonds and due on or after August 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons,

c. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) The Kansas City Southern Railway Company 3 percent First Mortgage Bonds, of $1,000 face value each, bearing the numbers 22334 and 22335, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons,

d. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Northern Pacific Railway Company 4 percent Prior Lien bonds, of $1,000 face value each, bearing the numbers 5468, 61059 and 89945, and evidenced by coupons attached to or detached from said bonds, and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons,

e. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Illinois Central Railroad 4 percent bond due 4/1/52 of $1,000 face value, bearing the number 9265, and evidenced by coupons attached to or detached from said bond and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under the said bond and coupons,

f. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Union Pacific Railroad Company 4 percent First Mortgage Railroad & Land Grant Bonds, of $1,000 face value each, bearing the numbers M43459, M44782 and M81026, and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons,

g. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Norfolk and Western Railway Company First Consolidated Mortgage Bonds, bearing the numbers D4542 and D4543 of $500 face value each and 21419 of $1,000 face value, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons, and

h. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) The Atchison, Topeka and Santa Fe Railway Company 4 percent Convertible Bonds, of $1,000 face value each, due 1955, bearing the numbers 799, 36310 and 36311, and evidenced by coupons attached to or detached from said bonds and due on or after June 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons, including particularly, but not limited to, the redemption proceeds resulting from said bonds being called for retirement on December 1, 1945,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodor Bauer, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R Doc. 56-8286; Filed, Oct. 15, 1956; 8:48 a. m.]

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FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (10) is added to § 6.333 as set out below.

§ 6.333 *General Services Administration*—(a) *Office of the Administrator.* • • •

(10) One Confidential Assistant to the Assistant Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8303; Filed, Oct. 16, 1956; 8:47 a. m.]

PART 37—GROUP LIFE INSURANCE

EXCLUSIONS

Effective upon publication in the FEDERAL REGISTER § 37.2 (a) (4) is amended as set out below.

§ 37.2 *Exclusions.* (a) Employees in the following groups shall be excluded from the application of this part:

• • • • • •

(4) Employees serving under appointments limited to one year or less, except employees so appointed for full-time employment, without break in service or after a separation of three days or less, following service in which they were insured, and acting postmasters.

(Sec. 11, 68 Stat. 742; 5 U. S. C. 2100)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8322; Filed, Oct. 16, 1956; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.1]

PART 351—POLICIES AND AUTHORITIES

Subchapter E—Account Servicing

[FHA Instruction 451.1]

PART 361—ROUTINE

MISCELLANEOUS AMENDMENTS

Sections 351.2 (b) (2) (xi) and 361.2 (b) of Title 6, Code of Federal Regulations (20 F. R. 1963, 9293), are amended to change regulations regarding the application of payments derived from Agricultural Conservation Program payments earned for practices for which it was necessary to advance Farmers Home Administration loan funds, and regarding the application of payments derived from the sale of real estate not to be mortgaged to the Government when such sale and the use of the proceeds therefrom as a payment on the Farmers Home Administration loan are required as a condition of loan approval; and to read as follows:

§ 351.2 *Loans to individuals.* • • •

(b) *Use of loan funds.* • • •

(2) Soil and Water Conservation loan funds may not be used to pay for:

• • • • • •

(xi) That part of the cost of facilities, improvements, and practices which is to be earned by participation in the Agricultural Conservation Program and which can be covered by purchase orders or assignments to material suppliers, contractors, and so forth. If purchase orders or such assignments cannot readily be used, Soil and Water Conservation loan funds may be advanced to cover all or part of the cost of work for which the Agricultural Conservation Program payment will be made. In such instance, the borrower will be required to assign to the Farmers Home Administration all or that portion of the Agricultural Conservation Program payment to be earned for practices for which Soil and Water Conservation loan funds are ad-

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FEDERAL REGISTER

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vanced. Such payment will be applied on his Soil and Water Conservation account as an extra payment. However, assignments to the Farmers Home Administration need not be required when the estimated amount of the assignment likely will be $100 or less.

§ 361.2 *Definition of types of payments on all loan accounts.* * * *

(b) *Extra payments.* Extra payments will be payments derived from (1) sale of basic chattel security, (2) refinancing of the real estate debt, (3) sale of all or any part of the mortgaged real estate, (4) mineral royalties, (5) leases which depreciate the value of the security, (6) cash proceeds of real estate insurance, (7) the sale of real estate not to be mortgaged to the Government when such sale and the use of proceeds therefrom as a payment on the Farmers Home Administration loan are required as a condition of loan approval, and (8) Agricultural Conservation Program payments earned for practices for which it was necessary to advance Farmers Home Administration loan funds.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590 u (3), 590 x-3)

Dated: October 11, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-8341; Filed, Oct. 16, 1956; 8:55 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4004, 4785, 5982 and 6745 containing the specific requirements for the 1956-Crop Barley Price Support Program are amended as follows:

1. Section 421.1683 (d) (1) is amended by adding to the list of basic support rates as designated terminal markets the following:

Terminal market:	*Rate per bushel*
Atchison, Kans.	$1.23

2. Section 421.1683 (d) (2) is amended by changing the basic county support rates as follows: Fremont County, Wyoming is increased from 78 cents per bushel to 82 cents per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421)

Issued this 11th day of October 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-8308; Filed, Oct. 16, 1956; 8:48 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4248, 4790 and 6947 containing the specific requirements for the 1956-Crop Grain Sorghums are amended as follows:

Section 421.1833 (d) (1) is amended by adding to the list of basic support rates at designated terminal markets the following:

Terminal market:	*Rate per hundredweight*
Atchison, Kans.	$2.42

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054 as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 11th day of October 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-8307; Filed, Oct. 16, 1956; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1957 CROP OF EXTRA LONG STAPLE COTTON

Sec.
722.1401 Basis and purpose.
722.1402 Findings and determinations with respect to a national marketing quota for the 1957 crop of extra long staple cotton.
722.1403 Determination of a national acreage allotment for the 1957 crop of extra long staple cotton.

AUTHORITY: §§ 722.1401 to 722.1403 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 341-348, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1341-1348.

§ 722.1401 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of extra long staple cotton for the marketing year beginning August 1, 1956, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national acreage allotment for the 1957 crop of extra long staple cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act").

(b) The term "extra long staple cotton," as used in § 722.1402 (a) and (b), means the kinds of cotton described in section 347 (a) of the act, including all American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sealand cotton, and all imports of similar type cotton produced in Egypt and Peru. The term "extra long staple cotton," as used in §§ 722.1402 (c) and 722.1403, means the kinds of cotton described in section 347 (a) of the act. The term "carry-over" as used herein does not include the stocks of extra long staple cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stock-

piling Act. Section 347 (c) of the act provides that, with certain exceptions, all provisions of the act shall, insofar as applicable, apply to marketing quotas and acreage allotments for extra long staple cotton.

(c) The terms "total supply," "carry-over," and "normal supply," as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(d) Section 347 (b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary of Agriculture determines that the total supply of extra long staple cotton for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of such cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed under the act, the Secretary is also required to determine and proclaim a national acreage allotment for the crop to be produced in the next calendar year.

(e) The findings and determinations made by the Secretary are contained in §§ 722.1402 and 722.1403 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER (21 F. R. 6716) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary was preparing to examine the supply situation with respect to extra long staple cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 30 days from the date of publication of such notice, which was September 6, 1956. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.1402 *Findings and determinations with respect to a national marketing quota for the 1957 crop of extra long staple cotton*—(a) *Total supply.* The total supply of extra long staple cotton for the marketing year beginning August 1, 1956 (in terms of running bales or the equivalent) is 246,200 bales, consisting of (1) a carry-over on August 1, 1956, of 130,100 bales, (2) estimated production from the 1956 crop of 46,100 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1956, of 70,000 bales.

(b) *Normal supply.* The normal supply of extra long staple cotton for the marketing year beginning August 1, 1956 (in terms of running bales or the equivalent), is 221,000 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1956, of 130,000 bales, (2) estimated exports during the marketing year beginning August 1, 1956, of 40,000 bales, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carry-over, or 51,000 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of extra long staple cotton for the marketing year beginning August 1, 1956, will exceed the normal supply of such cotton for such marketing year by more than 8 per centum. Therefore, a national marketing quota shall be in effect for the crop of extra long staple cotton produced in the calendar year 1957. It is further determined and proclaimed that the amount of the national marketing quota for the 1957 crop of extra long staple cotton shall be 76,565 bales of cotton (standard bales of 500 pounds gross weight), which represents the quantity of cotton needed to make available a normal supply, taking into account the estimated carry-over on August 1, 1957, and the estimated imports during the 1957–58 marketing year.

§ 722.1403 *Determination of national acreage allotment for the 1957 crop of extra long staple cotton.* It is hereby determined and proclaimed that the national acreage allotment for the 1957 crop of extra long staple cotton shall be 89,357 acres. The amount of such national acreage allotment has been determined under section 344 (a) of the act, which provides that the national acreage allotment shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

Done at Washington, D. C., this 15th day of October 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8388; Filed, Oct. 15, 1956; 4:10 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6521]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BYMART-TINTAIR, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Bymart-Tintair, Inc., Newark, N. J., Docket 6521, September 25, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation engaged in Newark, N. J., in the manufacture and sale to retail drug chains, independent retail drugstores, department stores, variety stores, and beauty salons, of hair coloring preparations, including "Tintair", "Touch Up", and "Lightening Change", with violating section 2 (d) of the Clayton Act as amended, through paying substantial sums of money to United-Whelan drugstore chain for advertising its products on television programs sponsored by United-Whelan, while not making such payments available on proportionally equal terms to all United-Whelan competitors.

Following entry of an agreement between the parties containing consent order to cease and desist, the hearing examiner made his initial decision including order to cease and desist which became on September 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Bymart-Tintair, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale in commerce (as "commerce" is defined in the Clayton Act) of hair coloring preparations or other cosmetic products, do forthwith cease and desist from: Paying or contracting to pay to or for the benefit of any customer anything of value as compensation or in consideration for any radio or television advertising furnished by or through such customer in connection with the handling, sale, or offering for sale of respondent's products, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Bymart-Tintair, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 25, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-8298; Filed, Oct. 16, 1956; 8:46 a. m.]

[Docket 6523]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOHNSON & JOHNSON

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Johnson & Johnson, New Brunswick, N. J., Docket 6523, September 27, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation engaged in New Brunswick, N. J., in the manufacture and sale to retail drug chains, independent retail drugstores, and department stores, of surgical dressings, first aid kits, and related products, with violating section 2 (d) of the Clayton Act as amended, through paying substantial sums of money to United-Whelan chain of retail drugstores for advertising its products on television programs sponsored by United-Whelan, while not making such payments available on proportionally equal terms to United-Whelan's competitors.

Following entry of an agreement between the parties containing consent order to cease and desist, the hearing examiner made his initial decision and order to cease and desist which became on September 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Johnson & Johnson, a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale in commerce (as "commerce" is defined in the Clayton Act) of surgical dressings, first aid kits, baby products, dental soft products, foot products, and related products, do forthwith cease and desist from: Paying or contracting to pay to or for the benefit of any customer anything of value as compensation or in consideration for any radio or television advertising furnished by or through such customer in connection with the handling, sale, or offering for sale of respondent's products, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Johnson & Johnson, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-8299; Filed, Oct. 16, 1956; 8:46 a. m.]

[Docket 6544]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KEDVALE PHARMACAL CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.90 *History of product or offering;* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Kedvale Pharmacal Company, Chicago, Ill., Docket 6544, October 2, 1956]

In the Matter of Kedvale Pharmacal Company, a Corporation, and Michael J. Reiser, Alvah T. Martin, and M. J. Gleason, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation and its officers, engaged at their place of business in Chicago in the interstate sale and distribution of a drug product designated "Sanforin", with representing falsely in advertisements in newspapers that the preparation was a new discovery and an effective treatment and cure for all kinds of arthritis, rheumatism, and similar ailments, and the symptoms and pains thereof.

Following entry of an agreement between the parties containing a consent order to cease and desist, the hearing examiner made his initial decision, including order to cease and desist, which became on October 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Kedvale Pharmacal Company, a corporation, and its officers, and respondents Michael J. Reiser and M. J. Gleason, individually and as officers of said corporation, their representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of the preparation "Sanforin", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication that any such product:

a. Is a new discovery or is a new medicine;

b. Is an adequate, effective, or reliable treatment for any kind of arthritis, rheumatism, neuritis, bursitis, or sciatica;

c. Will arrest the progress of, correct the underlying causes of, or cure any kind of arthritis, rheumatism, neuritis, bursitis, or sciatica;

d. Is an adequate, effective, or reliable treatment for the symptoms or manifestations of arthritis, rheumatism, neuritis, bursitis, or sciatica, or will afford complete or long lasting relief from the pains thereof, or have any effect on the pain of these conditions in excess of the temporary relief of minor pain.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any such product which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the complaint herein be, and the same is, dismissed as to Alvah T. Martin.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Kedvale Pharmacal Company, a corporation, and Michael J. Reiser, and M. J. Gleason, individually and as officers of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 2, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-8301; Filed, Oct. 16, 1956; 8:47 a. m.]

[Docket 6361]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COMFORT ZONE CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.135 *Nature:* Product or service; § 13.170 *Qualities or properties of product or service;* § 13.190 *Results.* Subpart—*Using misleading name*—Goods: § 13.2315 *Nature;* § 13.2325 *Qualities or properties;* § 13.2335 *Results.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Comfort Zone Corporation et al., Mineola, Long Island, N. Y., Docket 6361, October 2, 1956]

In the Matter of Comfort Zone Corporation, a Corporation, and James L. Simpson, Harry Goldberg and Joseph Murano, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation and

its officers, engaged in interstate sale and distribution from their office in Long Island, of a device they designated as "Weather Zone Portable Air Conditioner"—consisting of a fan motor with two centrifugal single-inlet blowers, a plastic tray for water, and means to direct the air over the surface of the water before entering the blowers—with representing falsely in advertisements in newspapers, magazines, circulars, etc., that their device was an air conditioner.

Following entry of an agreement between the parties containing consent order to cease and desist, the hearing examiner made his initial decision, including order to cease and desist which became on October 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Comfort Zone Corporation, a corporation, and its officers; and Harry Goldberg and John Murano, individually and as officers or former officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their device or apparatus, now designated "Weather Zone Portable Air Conditioner", or any other device or apparatus of substantially similar construction or design, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Using the words "Air Conditioner" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a trade name, or to designate, describe or refer to said device or apparatus;

2. Representing, directly or indirectly, that said device or apparatus is an air conditioner.

It is further ordered, That the complaint herein, insofar as it relates to respondent James L. Simpson individually, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., a report of compliance was required as follows:

It is ordered, That respondent Comfort Zone Corporation, a corporation, and its officers; and Harry Goldberg and John Murano, individually and as officers or formers officers of said corporate respondent, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 2, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-8300; Filed, Oct. 16, 1956; 8:46 a. m.]

[Docket 6570]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ALBERT E. WINNER AND INVISIBLE LENS SERVICE

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Exclusive or sole distributor; offices in principal cities;[1] reputation, success, or standing; § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Albert E. Winner trading as Invisible Lens Service, Chicago, Ill., Docket 6570, September 27, 1956]

In the Matter of Albert E. Winner, an Individual, Trading Under the Name of Invisible Lens Service

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a Chicago manufacturer of contact lenses designated as "Ultra Vue", "Micro Lens", and "Micro-Wafer Lens", with misrepresenting, in advertisements in newspapers, circulars, and leaflets, the properties of his said contact lenses and their unique nature, their superiority to eyeglasses, and ease and speed of fitting, among other things; and false representations that he was the exclusive seller of the lenses and had offices in many principal cities.

Following entry of an agreement between the parties containing a consent order to cease and desist, the hearing examiner made his initial decision and order to cease and desist which became on September 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Albert E Winner, an individual trading under the name of Invisible Lens Service, or under any other name or names, his representatives, agents and employees directly or through any corporate or other device, in connection with the sale of contact lenses known as "Micro Lens", "Micro-Wafer Lens" or any other contact lens of substantially the same construction, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

I. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

1. That respondent's said contact lenses:

(a) Can always successfully replace eyeglasses.

(b) Will permit full lid action and full freedom of eye movement except after the wearer has become fully adjusted thereto.

(c) Will conform or adapt themselves to the corneal curvature.

(d) Are unbreakable.

(e) Do not require changing.

(f) Will not lag or slide.

(g) Cannot be dislodged.

(h) Can always be fitted correctly or easily during a single office visit, or that the fitting will be without discomfort in the case of many persons.

(i) Are more beneficial than eyeglasses for cross-eye or are useful, except in certain forms of cross-eye.

(j) Are sold exclusively by respondent.

(k) Are different than other fluidless contact lenses in that they permit the free exchange of oxygen.

2. That respondent maintains offices other than in Chicago.

II. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said contact lenses, which advertisement contains any of the representations prohibited in paragraph I hereof.

By "Decision of the Commission," report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-8302; Filed, Oct. 16, 1956; 8:47 a. m.]

[1] New.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54216]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

INTERNATIONAL CABLES

In order to set forth more fully the exceptions from the application of the customs laws accorded to international cables § 10.41 (f) of the Customs Regulations is amended by adding the following sentence: "With respect to international cables laid under the territorial waters of the United States but brought on shore in the United States, only that part of the cable in the United States between the point of entry into the territorial waters of the United States and the first point of support on land in the United States shall be admitted without the payment of duty."

(Sec. 14, 67 Stat. 516; 19 U. S. C. 1322)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: October 10, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-8316; Filed, Oct. 16, 1956; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

EFFECTIVE DATE OF ORDER ESTABLISHING DEFINITION AND STANDARD OF IDENTITY FOR CANNED FIGS

In the matter of adopting a definition and standard of identity for canned figs:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996; 21 F. R. 6581), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of September 8, 1956 (21 F. R. 6824) establishing a definition and standard of identity for canned figs, and that standard shall become effective November 7, 1956.

(Secs. 401, 701, 52 Stat. 1046, 1055; 70 Stat. 919; 21 U. S. C. 341, 371)

Dated: October 11, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-8310; Filed, Oct. 16, 1956; 8:48 a. m.]

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

CAPSULES PENICILLIN AND NOVOBIOCIN

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 507, 701; 52 Stat. 1055, 59 Stat. 463; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended as follows:

1. Part 141a is amended by adding the following new section:

§ 141a.21 *Capsules penicillin and novobiocin*—(a) *Potency*—(1) *Penicillin content*—(i) *Plate assay.* Proceed as directed in § 141a.1, with the following exceptions:

(*a*) In lieu of the directions prescribed by § 141a.1 (d), prepare the sample by dissolving the contents of a representative number of capsules (usually 5 to 12) in sufficient 1.0-percent potassium phosphate buffer (pH 6.0) to give a stock solution of convenient concentration.

(*b*) In lieu of the directions prescribed by § 141a.1 (e), use as the test organism the novobiocin-resistant strain of Micrococcus pyogenes var. aureus (PCI 209 R. N.). Maintain the organism on agar containing 10 micrograms of novobiocin per milliliter. Prepare an organism suspension by washing the organism from an agar slant (which has been incubated for 24 hours at 32° C.–35° C.) with 3.0 milliliters of sterile physiological saline solution onto a large surface of agar containing 10 micrograms of novobiocin per milliliter. A Roux bottle containing 300 milliliters of agar is satisfactory. Incubate 24 hours at 32° C.–35° C. Wash the resulting growth from the agar surface with sufficient sterile physiological saline solution, so that a tenfold dilution of the bulk suspension will give 20-percent light transmission, using a suitable photoelectric colorimeter with a 650-millimicron filter and an 18-millimeter-diameter test tube as an absorption cell. Run test plates to determine the quantity of bulk suspension (usually 1 milliliter) that should be added to each 100 milliliters of agar to give clear, sharp zones of inhibition of appropriate size.

(ii) *Iodometric assay.* Proceed as directed in § 141a.5 (d) (1), with the following exceptions: Use the contents of a representative number of capsules (usually 5 to 12) dissolved in sufficient 1.0-percent potassium phosphate buffer (pH 6.0) to give a concentration of 2,000 units per milliliter (estimated). In the blank determination add 1 drop of 1.2 *N* HCl to the 2.0-milliliter aliquot of the assay solution immediately before the addition of the 10.0 milliliters of 0.01 *N* iodine. Prepare the inactivated solution as follows: To 5.0 milliliters of the assay solution add 10.0 milliliters of 1 *N* NaOH and allow to stand at room temperature. After 15 minutes add 10.0 milliliters of 1.2 *N* MCl, mix well, and filter through filter paper. To 10.0 milliliters of clear filtrate add 10.0 milliliters of 0.01 *N* iodine.

Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per capsule that it is represented to contain.

(2) *Novobiocin content.* Proceed as directed in paragraph (c)–(1) of this section, except prepare the sample as follows: Place a representative sample (usually 5 to 12 capsules) in a blending jar containing 200 milliliters of 0.1 *M* potassium phosphate buffer (pH 8.0) and blend for 1 minute with a high-speed blender. To an aliquot add sufficient penicillinase to inactivate the penicillin, further dilute with 1-percent potassium phosphate buffer (pH 6.0) to give a final concentration of 1.0 microgram per milliliter (estimated) and allow to stand for ½-hour at 37° C. Its content of novobiocin is satisfactory if it contans not less than 85 percent of the number of milligrams per capsule that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a).

(c) *Novobiocin used in making the capsules*—(1) *Potency*— (i) *Cylinders (cups).* Use cylinders described in § 141a.1 (a).

(ii) *Culture media.* (*a*) Use the nutrient agar described in § 141a.1 (b) (1) for the seed layer and for carrying the organism.

(*b*) Use the nutrient agar described in § 141a.1 (b) (2) for the base layer.

(iii) *Working standard.* Dissolve a suitable weighed quantity (30 to 50 milligrams) of the working standard (obtained from the Food and Drug Administration) in 2 milliliters of ethyl alcohol and then add sufficient 0.1 *M* potassium phosphate buffer (pH 8.0) to give a concentration of 1,000 micrograms per milliliter. This stock solution may be kept for 30 days when stored at 5° C. or less.

(iv) *Preparation of sample.* Dissolve in sufficient 0.1 *M* potassium phosphate buffer (pH 8.0) to give a convenient stock solution. Further dilute in 1.0-percent potassium phosphate buffer (pH 6.0) to give a final concentration of 1.0 microgram per milliliter (estimated).

(v) *Preparation of test organism.* The test organism is Micrococcus pyogenes var. albus (American Type Culture Collection 12228) which is maintained on slants of agar described under subdivision (ii) (*a*) of this subparagraph. Wash the organism from the agar slant with 3 milliliters of sterile physiological saline solution onto a large agar surface such as that provided by a Roux bottle containing 300 milliliters of the agar described in subdivision (ii) (*a*) of this subparagraph. Spread the suspension of organisms over the entire agar surface with the aid of sterile glass beads. Incubate for 24 hours at 32° C.–35° C., and then wash the resulting growth from the agar surface with sufficient sterile physiological saline solution so that a tenfold dilution of this bulk suspension will give 15-percent light transmission, using a suitable photoelectric colorimeter with a 650-millimicron filter and an 18-millimeter-diameter test tube as an absorption cell. Run test plates to determine the quantity of the bulk suspension (usually 1.5 milliliters) that should be added to each 100 milliliters of agar to give clear, sharp zones of inhibition of appropriate size.

(vi) *Preparation of plates.* Add 21 milliliters of the agar prepared as described in subdivision (ii) (*b*) of this subparagraph to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly in the plates and allow it to harden. Use the plates the same day they are prepared. Melt a sufficient amount of the agar described in subdivision (ii) (*a*) of this subparagraph, cool to 48° C., add the proper amount of the test organism as described above, and mix thoroughly. Add 4 milliliters of this inoculated agar to each

Petri dish. Distribute the agar evenly in the plates, cover with porcelain covers glazed on the outside, and allow to harden. After the agar has hardened, place 6 cylinders on the agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius.

(vii) *Standard curve.* Prepare the daily standard curve by further diluting the 1,000 micrograms per milliliter stock solution in 1 percent potassium phosphate buffer (pH 6.0), to obtain concentrations of 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, 1.2, 1.3, 1.4, and 1.5 micrograms per milliliter. Use 3 plates for the determination of each point on the curve, except the 1.0 microgram per milliliter concentration, a total of 27 plates. On each of 3 plates fill 3 cylinders with the 1.0 microgram per milliliter standard, and the other 3 cylinders with the concentration under test. Thus, there will be 81 one-microgram determinations and 9 determinations for each of the other points on the curve. After the plates have incubated, read the diameters of the circles of inhibition. Average the readings of the 1.0 microgram per milliliter concentration and the readings of the point tested for each set of 3 plates, and average also all 81 readings of the 1.0 microgram per milliliter concentrations. The average of the 81 readings of the 1.0 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram per milliliter reading for that set of 3 plates were the same as the correction point. Thus, if in correcting the 0.8-microgram concentration, the average of the 81 readings of the 1.0-microgram concentration is 20.0 millimeters, and the average of the 1.0-microgram concentration of this set of 3 plates is 19.8 millimeters, the correction is +0.2 millimeter. If the average reading of the 0.8-microgram concentration of these same 3 plates is 19.0 millimeters, the corrected value is then 19.2 millimeters. Plot these corrected values, including the average of the 1.0 microgram per milliliter concentration, on 2-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points.

(viii) *Assay.* Use 3 plates for each sample. Fill 3 cylinders on each plate with the standard 1.0 microgram per milliliter solution and 3 cylinders with the 1.0 microgram per milliliter (estimated) sample, alternating standard and sample. Incubate all plates, including those containing the standard curve, at 32° C.–35° C. overnight, and measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the 3 plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 1.0 microgram per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0 microgram per milliliter value on the standard curve. From the curve, read the potencies corresponding to these corrected values of zone sizes.

(2) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.5 milliliter of a solution containing 4 milligrams per milliliter.

(3) *Moisture.* Proceed as directed in § 141a.5 (a).

(4) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution (approximately 25 milligrams per milliliter) of the drug.

(5) *Crystallinity.* Proceed as directed in § 141a.5 (c).

2. Part 146a is amended by adding the following new section:

§ 146a.53 *Capsules penicillin and novobiocin*—(a) *Standards of identity, strength, quality, and purity.* Capsules penicillin and novobiocin are crystalline penicillin G sodium or potassium and crystalline monosodium novobiocin, with or without one or more suitable and harmless buffer substances, lubricants, colorings, and flavorings, enclosed in a suitable and harmless gelatin capsule. Each capsule contains not less than 125,000 units of penicillin and not less than 125 milligrams of novobiocin. The moisture content is not more than 4.0 percent. The crystalline penicillin G used conforms to the requirements of § 146a.24 (a), except § 146a.24 (a) (2) and (4). The crystalline monosodium novobiocin used is produced by the growth of Streptomyces niveus, has a potency of not less than 750 micrograms per milligram, is nontoxic, has a moisture content of not more than 6.0 percent, and the pH in a saturated aqueous solution is not less than 6.5 and not more than 8.5. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling; request for certification, samples; fees.* Capsules penicillin and novobiocin conform to all requirements and procedures prescribed for crystalline penicillin G tablets by § 146a.27 (b), (c), (d), and (e), except that:

(1) In addition to the labeling prescribed for penicillin tablets, each package shall bear on its label or labeling the number of milligrams of novobiocin in each capsule of the batch, and the expiration date shall be the date that is 18 months after the month during which the batch was certified.

(2) In addition to complying with the requirements of § 146a.27 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the novobiocin used in making the batch for potency, toxicity, pH, moisture, and crystallinity. He shall also submit in connection with his request a sample consisting of not less than 30 capsules and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the novobiocin used in making the batch.

(3) The fee for the services rendered with respect to each container in the sample of novobiocin submitted in accordance with the requirements prescribed therefor by subparagraph (2) of this paragraph shall be $4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments ordered.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463; 21 U. S. C. 357)

Dated: October 11, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8311; Filed, Oct. 16, 1956; 8:49 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

MISCELLANEOUS AMENDMENTS

Pursuant to the requirements of section 3 of the Administrative Procedure Act (5 U. S. C. 1002) and under authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 14 of 1950 (64 Stat. 1267), Part 5 of Title 29, Code of Federal Regulations is hereby amended, as hereinafter stated, for the purpose of applying this part, as varied pursuant to § 5.12 thereof,[1] to the labor standards requirements of the Federal-Aid Highway Act of 1956 (70 Stat. 374).

1. In § 5.1 the citation of the Davis-Bacon Act is hereby amended to read as follows:

Davis-Bacon Act, as amended, 46 Stat. 1494, 49 Stat. 1011, 54 Stat. 399, 55 Stat. 53; 40 U. S. C. 276a et seq.; and as extended to the Federal-Aid Highway Act of 1956, 70 Stat. 374.

2. Section 5.2 (h) is hereby amended to read as follows:

§ *Definitions.* * * *

(h) The term "public building" or "public work" includes building or work, the construction, prosecution, completion, or repair of which, as defined above, is carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public regardless of whether title thereof is in a Federal agency. However, the term "initial construction" in section 115 (a) of the Federal-Aid Highway Act of 1956 does not include repair or maintenance work.

3. Section 5.3 is hereby amended to read as follows:

§ 5.3 *Procedure for requesting wage determinations.* Requests for the determination of wage rates by the Secretary of Labor or for any change, modification, or review thereof, shall be submitted by the Federal agency (in the case of the Federal-Air Highway Act of 1956, the State Highway Department of each State) on forms prescribed by the Department of Labor. Requests for such determinations shall be initiated at least thirty (30) calendar days before advertisement of the specifications or the beginning of the negotiations for the contract for which the determination is sought; exceptions from this provisions will be made only upon a proper showing in unusual circumstances.

4. Section 5.4 is hereby amended to read as follows:

§ 5.4 *Use of wage determinations.* (a) If the proposed contract for which the determination is sought has not been awarded or if under a contract subject to the National Housing Act construction has not begun within 90 calendar days from the date of the original wage determination such determination shall be deemed obsolete and the Agency Head (in the case of the Federal-Aid Highway Act of 1956, the State Highway Department of each State) shall request a new wage determination before the award of such contract, as the case may be.

(b) All actions changing and modifying an original wage determination prior to the award of the contract or contracts for which the determination was sought shall be applicable thereto but modifications received by the agency (in the case of the Federal-Aid Highway Act of 1956, the State Highway Department of each State) later than 5 days before the opening of bids shall not be effective if the award is made within 30 days after the opening of the bids or 90 days from the date of the original wage determination whichever is the earlier. Similarly, in the case of contracts entered into pursuant to the National Housing Act, changes or modifications in the original determination shall be effective if made prior to the beginning of the construction, but shall not apply after the mortgage is initially indorsed by the agency if the beginning of construction takes place within 30 days thereafter.[2] The Agency Head shall provide that persons such as the prospective bidders, sponsors, applicants or owners be informed of these conditions.

5. Section 5.11 is hereby amended to read as follows:

§ 5.11 *Rulings and interpretations.* All questions arising in any agency relating to the application and interpretation of the regulations contained in this part and of the Davis-Bacon Act, as amended, and as extended to the labor standards provisions of the Federal-Aid Highway Act of 1956, the Anti-Kickback Act, the Eight Hour Laws, as amended, and the labor standards provisions of the following acts, the National Housing Act, as amended, the Housing Act of 1949, the Hospital Survey and Construction Act, the Federal Airport Act, as amended, the School Survey and Construction Act of 1950, and the Defense Housing and Community Facilities and Services Act of 1951, as amended, shall be referred to the Secretary of Labor for appropriate ruling or interpretation. The rulings and interpretations of the Secretary shall be authoritative and may be relied upon as provided for in section 10 of the Portal to Portal Act of 1947. Requests for such rulings and interpretations should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

(63 Stat. 203, 64 Stat. 967; 5 U. S. C. 133z, 20 U. S. C. 251)

Signed at Washington, D. C., this 11th day of October 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-8313; Filed, Oct. 16, 1956; 8:49 a. m.]

[1] For variations of this part, for purposes of section 115 of the Federal Aid Highway Act of 1956, issued herewith, see F. R. Document 56-8314, Department of Labor, Office of the Secretary, in Notices section, *infra*.

[2] This does not apply to supplemental wage determinations issued for additional crafts not included in the original determinations.

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

RENEWAL OF ENROLLMENT CARDS

Part 10 of Title 31 of the Code of Federal Regulations, comprising a part of Treasury Department Circular No. 230, as amended, is amended as follows:

1. Paragraph (d) of § 10.6, *Roster of enrollees; enrollment cards*, as amended by regulations of the Secretary of the Treasury (31 CFR 14.5), signed January 9, 1953, is further amended to read as follows:

(d) *Expiration and renewal of enrollment cards.* Every enrollment card issued after December 31, 1951, shall become void five years after the date of its issuance. A holder of a void card is not entitled to practice before the Treasury Department. Application for renewal of enrollment card may be made at any time during a twenty-four month period commencing twelve months before and ending twelve months after the expiration of an enrollment card. Such application shall be filed on Form 23A at such place or places as may be designated by the Director of Practice and there shall be annexed thereto the enrollment card last outstanding. Copies of Form 23A may be obtained from the Director of Practice and at the offices of district directors of internal revenue.

2. Paragraph (e) of § 10.6 is hereby revoked.

Because this Treasury decision liberalizing in nature in that it extends the period for renewal of enrollment cards becoming void after December 31, 1956, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(R. S. 161, sec. 3, 23 Stat. 258; 5 U. S. C. 22, 261)

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8317; Filed, Oct. 16, 1956; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 79]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

UNIFORM BAREBOAT CHARTER OF A GOVERNMENT-OWNED DRY-CARGO VESSEL

Part 221 is hereby amended by adding the following new section at the end thereof:

§ 221.13 *Uniform Bareboat Charter of a Government-owned dry-cargo vessel under section 705 of the Merchant Marine Act, 1936, as amended, "Form No. 705."* (a) On July 16, 1956, the United States Department of Commerce, through the Maritime Administration, approved and authorized publication of a standard form of bareboat charter for use in the chartering, under section 705 of the Merchant Marine Act, 1936, as amended, of Government-owned dry-cargo vessels, which are subject to Title VII of said act. The chartering of such vessels is subject to competitive bidding procedures as prescribed under section 706 of said act.

(b) Except as otherwise authorized, the form of such charter shall be substantially as follows:

Rorm No. 705 (7–56) Contract No. ------

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MARITIME ADMINISTRATION—BAREBOAT CHARTER AGREEMENT

This Charter Party Agreement (hereinafter called the "Agreement") dated as of ------ ----------, 19--, between the United States of America, acting by and through the Department of Commerce (Maritime Administration) (hereinafter called the "Owner") and ---------- (hereinafter called the "Charterer"), whose address is ----------.

Witnesseth:

Whereas:

1. The Owner, acting pursuant to authority vested in it by the Merchant Marine Act, 1956, as amended (herein referred to as the "Act"), and particularly Title VII thereof, issued under date of ----------, 19--, its Invitation for Sealed Bids for th bareboat charter of certain Vessel(s)[1] for operation in a service determined to be essential, as provided by Section 221 of the Act.

2. Bids received pursuant to such Invitation were opened on ----------, 19--, and the Charterer stated in its bid for the charter of said Vessel(s) that such Vessel(s) would be operated in the service hereinafter described, which has heretofore been determined to be essential, as provided in Section 211 of the Act, and established to the satisfaction of the Owner its qualifications as a bidder (including the sufficiency of its capital, credit, and experience), and its compliance with the terms and conditions for the award of a charter of aid Vessel(s) as set forth in said Invitation.

3. The Owner accepted the bid of the Charterer for the bareboat charter of said Vessel(s) for operation in the service described in said bid, and awarded a charter to the Charterer for the period and upon the terms and conditions hereinafter set forth.

Now therefore, in consideration of the premises, the parties hereto agree as follows:

PART I

CLAUSE A. *Uniform terms.* This Agreement consists of two parts, this Part I and Part II. Unless otherwise in this Part I expressly provided, all of the provisions of said Part II shall be a part of this Agreement as though fully set forth in this Part I. In the event of a conflict between the provisions of Parts I and II, the provisions of Part I shall govern to the extent of such conflict.

CLAUSE B. *Agreement of the parties.* The Owner hereby agrees to let and the Charterer agrees to hire, the ---------- ---------- for the carriage of lawful merchandise and passengers during the period and upon the terms and conditions hereinafter set forth.

CLAUSE C. *Period of charter.* Subject to termination as provided in this Clause and in Section F, Part II, hereof, the period of this Agreement shall be as follows:

Provided, That whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, or after a declaration of war or of national emergency made by the Congress, the Owner may terminate this Agreement without cost to the United States, upon such notice to the Charterer as the President or Congress shall determine.

CLAUSE D. *Place and date of delivery.* The Vessel shall be delivered by the Owner to the Charterer at a safe berth in the port or place hereinafter designated, on or about the delivery date tentatively scheduled.

Vessel name	Place of delivery	Estimated delivery date

CLAUSE E. *Service.* The Charterer shall maintain and operate the Vessel in service or services on the following described trade route and not otherwise:

CLAUSE F. *Rate of basic charter hire.* Basic charter hire at the rate of $---------- per calendar month for each Vessel or pro rata of any portion thereof, shall be paid by the Charterer to the Owner in accordance with Clause I, Part II of this Agreement.

[1] The term "Vessels" as used in the plural in either Part I or Part II of this Agreement also refers to any single Vessel, whenever appropriate, and similarly the term "Vessel" as used in the singular refers to all Vessels within the Agreement whenever appropriate.

CLAUSE G. *Amount of insurance.* The Charterer shall at all times during the period of the Vessel's use under this Agreement carry and maintain on each Vessel policies of insurance in the manner and form prescribed in Clause 25, Part II, in the minimum amounts as follows:

Marine hull and machinery..... $.....
War risk hull and machinery..... $.....
Marine P & I..... $..... per GRT
War risk P & I..... $..... per GRT
Marine excess, general average, salvage, and collision liability..... $.....
War risk excess, general average, salvage, and collision liability..... $.....

together with such additional amounts of P & I and excess liability insurance as the Owner may require from time to time.

The insertion of the amount of Marine and War Risk Hull and Machinery insurance shall be for the purpose of (a) fixing the minimum amount for the placing of insurance as prescribed in Clause 25, Part II, and (b) constituting the replacement or total loss value of the Vessel as between the Charterer and the Owner, but for no other purpose. The Charterer shall also at all times during the period of the Vessel's use under this Agreement carry and maintain such crew insurance as is required by the Charterer's current bargaining agreements.

CLAUSE H. *Amount of bond.* The Charterer, at or before delivery of each Vessel under this Agreement, shall furnish the Owner with a bond in the amount of $---------- for each Vessel, in the manner prescribed in Clause 3, Part II of this Agreement.

CLAUSE I. *Special provisions.*

In witness whereof, this Agreement has been executed in triplicate by the Owner on the ------ day of ----------, 19--, and by the Charterer on the ------ day of ----------, 19--.

UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE,
(Maritime Administration)

By: ----------

[CORPORATE SEAL]

Attest:

By: ----------

Secretary

PART II—GENERAL PROVISIONS

A. *Charter hire and bond*

CLAUSE 1. *Basic charter hire.* The Charterer shall pay to the Owner the basic charter hire at the monthly rate provided for in Part I hereof from the day and hour of delivery of the Vessel until and including the day and hour of redelivery to the Owner pursuant to the terms of this Agreement; or if any Vessel shall be lost, hire shall continue until the time of such loss, if known, or if the time of loss be uncertain, then up to and including the time last heard from. Payment of such basic charter hire shall be made to the Owner at Washington, D. C., on delivery of each Vessel for the remainder of the calendar month in which delivery is made, and thereafter monthly in advance of the first day of each month.

CLAUSE 2. *Additional charter hire.* (a) If, at the end of the calendar year in which this agreement becomes effective, or any subsequent calendar year or at the termination of this Agreement, the cumulative net voyage profit (after the payment of the basic charter hire hereinabove specified and payment of the Charterer's fair and reasonable overhead expenses applicable to operation of the Vessel(s)) shall exceed 10 per centum per annum on the Charterer's capital necessarily employed in the business of the Vessel(s) (all as hereinafter defined), the Charterer shall pay over to the Owner at Washington, D. C., within thirty (30) days after the end of such year or other period, as additional charter hire for such year or other period, an amount equal to one-half of such cumulative net voyage profit in excess of 10 per centum per annum on the Charterer's capital necessarily employed in the business of the Vessel(s). Such cumulative net profit so accounted for shall not be included in any calculation of cumulative net profit in any subsequent year or period.

For purposes of calculating "cumulative net voyage profit" it is agreed by the parties that at the end of each accounting period any net voyage losses and/or any unearned portion of the aforesaid allowable return of 10% per annum on capital necessarily employed, may be carried forward into the next accounting period, but that in no event shall profits in excess of 10% per annum on capital employed, at the end of any accounting period, be carried forward into the next accounting period; such profits being subject to distribution at the end of each accounting period as herein provided.

(b) The Charterer agrees to make preliminary payments to the Owner on account of such additional charter hire at such time and in such manner and amounts as may be required by the Owner; provided, however, that such payment of additional charter hire shall be deemed to be preliminary and subject to adjustment either at the time of the rendition of preliminary statements or upon the completion of each final audit by the Owner, at which times such payments will be made to the Owner as such preliminary statements or final audit may show to be due, or such overpayments refunded to the Charterer as may be required.

CLAUSE 3. *Bond.* The Charterer, at or before delivery of each Vessel under this Agreement, shall furnish the Owner with a bond with sufficient surety, in the amount specified in Part I hereof, such bond to be approved by the Owner, both as to form and sufficiency of the sureties, and to be conditioned upon the true and faithful performance of all and singular the covenants and agreements of the Charterer contained in this Agreement, including, but not limited to, the Charterer's obligation to pay charter hire and damages and to indemnify against liens. The Charterer may, in lieu of furnishing such bond, pledge United States Government securities in the par value of the required amount under an agreement satisfactory in form and substance to the Owner.

B. *Condition of Vessel(s) Equipment and Stores*

CLAUSE 4. *Condition of vessel(s) on delivery.* Each Vessel on delivery shall be in Class A-1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the Coast Guard, Treasury Department, and so far as due diligence can make her so, tight, staunch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service.

CLAUSE 5. *Surveys.* (a) Each Vessel shall be jointly surveyed before delivery and before redelivery under this Agreement to determine and state the condition of the Vessel. Such surveys shall include drydocking to determine and state the condition of the underwater parts, unless, at Owner's option, the drydocking in connection with delivery is postponed, in which event the cost and time (including Vessel expenses) of any damage to underwater parts found either upon delivery or during the period of the Vessel's use under this Agreement shall be for Owner's account unless such damage is established, from the basis of all evidence, to have occurred during the period of the Vessel's use under this Agreement. The cost and time of such delivery survey shall be for account of the Owner, and similarly the cost and time of such redelivery survey shall be for the account of the Charterer. Each party shall bear the cost of surveyors appointed by it in connection with both delivery and redelivery surveys.

(b) Except as to items sighted prior to delivery and noted on the delivery survey report as defective, which shall be for the Owner's account, including cost and time (inclusive of Vessel expenses) the delivery of each Vessel by the Owner and the acceptance thereof by the Charterer shall constitute full performance by the Owner of all the Owner's obligations under this Clause with respect to such Vessel, and thereafter the Charterer shall not be entitled to make or assert any claim against the Owner on account of any agreements, representations or warranties, expressed or implied with respect to the condition of such Vessel; provided, however, that the Owner shall nevertheless be responsible for the cost and time (exclusive of Vessel expenses) of repairs or renewals occasioned by latent defects in such Vessel, her machinery or appurtenances or defects due to locked-in stresses in such Vessel existing at the time of delivery, not recoverable under the terms and conditions of the American Hull form of policy (American Institute Time (Hulls) December, 1955) containing no deductible average clause.

CLAUSE 6. *Determination of class.* For the purpose of this Agreement a Vessel chartered hereunder shall be deemed to be in class, whether or not any requirements or recommendations of the Classification Society are outstanding at the time of delivery or redelivery, as the case may be, unless the time limit for the accomplishment of any such requirements or recommendations, including any extension or period of grace allowed, shall have expired.

CLAUSE 7. *Inventory.* A complete inventory of each Vessel's entire outfit, equipment, furniture, furnishings, appliances, spare and replacement parts and of all unbroached consumable stores, subsistence stores, slop chest, containers, and bunker fuel shall be jointly taken and mutualy agreed upon as to items and quantities, at the time of delivery, by representatives of the Charterer and the Owner. The parties may agree, however, to accept any suitable prior inventory which may have been taken before the delivery of the Vessel under this Agreement. Such delivery inventory of consumable and subsistence stores, slop chest, containers, and bunker fuel shall be priced by the Charterer at the current market price prevailing at the port and time of delivery. At redelivery a complete inventory of each Vessel's entire outfit, equipment, furniture, furnishings, appliances and spare and replacement parts shall, also, be jointly taken and mutually agreed upon as to items and quantities by representatives of the Charterer and the Owner. In addition, a complete inventory of all broached and unbroached consumable stores, subsistence stores, slop chest, containers, and bunker fuel shall be taken by the Charterer immediately prior to redelivery. Such inventory shall be priced by the Charterer at the current market price prevailing at the port and time of performance of Charterer's redelivery obligations, and the Owner shall be furnished with three certified copies of such inventory, together with an affidavit certifying as to its correctness.

CLAUSE 8. *Consumable Stores and Fuel.* The Charterer shall accept and pay for any unbroached consumable stores, subsistence stores, slop chest, returnable containers, and bunker fuel furnished by the Owner or on board at the time of delivery at the market prices current at the time and place of repairs and outfitting. The Owner shall have no obligation upon redelivery to accept or pay for consumable stores (either broached or unbroached), subsistence stores, slop chest, or returnable containers, and shall accept and pay for bunker fuel only in such minimum amounts as the Owner may determine. (Bunkers accepted by the Owner shall be paid for at the current market price prevailing at the port and time of redelivery, or, in event of redelivery at a Reserve Fleet site, at the current market price at the port and time of redelivery repairs.) Prior to redelivery, such items shall be removed from the Vessels by the Charterer in accordance with the provisions of NSA Order No. 64, as revised from time to time, and the fair and reasonable cost of such removal shall be charged in the Vessel's voyage accounts for the last voyage prior to redelivery. With respect to the aforesaid items, there shall be taken into account in the determination of additional charter hire, in accordance with Clause 2, Part II, of this Agreement, (a) the current market value thereof at the port and time of redelivery, in the event redelivery is effected at a redelivery port, or, in the event redelivery is effected at a Reserve Fleet site, the current market value at the port and time of redelivery repairs, or (b) the net proceeds from the disposition thereof, in the event the Charterer elects to dispose of the removed goods and notifies the Owner of such intention prior to redelivery. The manner of, time of and determination of net proceeds from such disposition of the items shall be subject to approval of the Owner.

CLAUSE 9. *Use of equipment.* The Charterer shall have the use of all outfit, equipment, furniture, furnishings, appliances, spare and replacement parts on board the Vessel at the time of delivery under this Agreement without extra cost and the same shall be returned to the Owner upon redelivery in good order and condition. Any such items damaged or so worn in service as to be unfit for use or lost or destroyed shall be replaced or made good by the Charterer in kind at or before redelivery, or at Owner's option, the Charterer shall pay for said items at the current market prices at the port and time of performance of Charter's redelivery obligations, based upon the condition of the items at the time of delivery. The Owner shall have a right, but not an obligation, to accept any overages on the Vessel at redelivery. Any overages accepted by the Owner shall be paid for at the current market prices at the port and time of performance of Charterer's redelivery obligations, based upon the condition of the items at the time of redelivery. Overage and shortage statements shall be prepared and priced by the Charterer, subject to review and adjustment by the Owner.

CLAUSE 10. *Maintenance.* The Charterer, except as otherwise provided in Clause 4, shall, at its own expense, maintain each Vessel, her machinery, boilers, appurtenances, and spare parts during the period of the Vessel's use under this Agreement in good state of repair and in efficient operating condition and in accordance with good commercial maintenance practices and shall keep each Vessel in such condition as will entitle the Owner at all times to all required Certificates, including, without limitation, the highest classification and rating for vessels of the same age and type in the American Bureau of Shipping and with unexpired marine inspection certificates of the Coast Guard, Treasury Department.

CLAUSE 11. *Structural changes.* The Charterer shall make no structural changes in the Vessel(s) and shall make no changes in the machinery, boilers, appurtenances or spare parts thereof, without in each instance first securing the written approval of the Owner.

CLAUSE 12. *Drydocking.* The Charterer shall drydock each Vessel and clean and paint the underwater parts, when necessary, but not less than once in about every nine (9) months from date of delivery. The Charterer shall give the Owner reasonable notice of the time and place of drydocking and if practicable fifteen (15) days in advance thereof

and afford the Owner an opportunity to inspect the Vessel(s) while drydocked. The Charterer shall also promptly notify the Owner sufficiently in advance to enable its representative to be present at repairs or surveys of the Vessel(s), and shall furnish the Owner with copies of reports made pursuant to such surveys.

CLAUSE 13. *Inspections.* The Owner shall have the right at any time, without notice, to inspect or survey the Vessels at its own expense, to ascertain their condition and to satisfy itself that the Vessels are being properly repaired and maintained in accordance with good commercial maintenance practices, but such inspections shall be held at such time and in such manner as to not interfere with Vessels' schedule. The Charterer shall make all such repairs, at its own expense, as such inspection or survey may show to be required in compliance with the Charterer's obligations under this Agreement. The Charterer shall also permit the Owner to inspect the Vessels' logs whenever requested, and shall furnish the Owner upon request with full information regarding any casualties or other accidents or damage to the Vessels.

CLAUSE 14. *Redelivery of vessel(s)*—(a) *Port or place of redelivery.* The port of redelivery shall be the port of delivery or such other port as may be mutually agreed, *Provided*, that the Owner shall have the option of requiring the Charterer to place the Vessel(s) in layup at a Reserve Fleet site designated by the Owner, on the same coast as the port of redelivery, in the manner and on the basis provided for in subparagraph (d) of this Clause. In the event the Owner exercises this option, the Owner shall have the right to designate the port at which Charterer's redelivery obligations under this Clause will be performed.

(b) *Redelivery conditions.* Each Vessel, unless lost, shall be redelivered to the Owner, pursuant to the terms of this Agreement, in the same good order and condition as that in which she was delivered, unless the lack of good order and condition is due solely to ordinary wear and tear, and with valid classification and Coast Guard certificates, whether or not classification or Coast Guard repairs are due wholly or in part to ordinary wear and tear. At the redelivery survey provided for in Clause 6, surveyors appointed by the Charterer and surveyors appointed by the Owner, shall be present, who shall determine and state the repairs or work necessary to place each Vessel on the date of redelivery in the condition and class required under this Clause, which findings shall include all repairs and work required to be performed at the time of redelivery by the Classification Society and all other regulatory bodies, and all repairs and work which are necessary to place each Vessel on the date of redelivery in the good order and condition required by this Clause. The Charterer, before redelivery, shall make all such repairs and do all such work so found to be necessary at its expense and time, or at Owner's option, the Charterer shall, on Owner's request, discharge such obligation by payment to the Owner of an amount sufficient to place each Vessel in such class, order and condition and to provide for the foregoing work and repairs at the prices current at the time of redelivery, which amount shall also include compensation at the rate of basic hire payable under this Agreement for the time reasonably required under then existing conditions to complete such work or repairs and compensation for all other expenses, (including insurance) reasonably required incident to such work or repairs. In the event the Owner exercises this option, the Charterer's redelivery repair obligations shall be limited to the amount of Marine Hull and Machinery insurance required by the provisions of Part I hereof. The Charterer shall not be required to make any repairs which were for Owner's account under Clause 4 of this Agreement, but if such repairs were made after delivery under this Agreement and paid for by the Owner, they shall be considered as having been made at the time of delivery for the purpose of determining the Charterer's obligations under this Clause 14.

(c) *Disputes.* Should any dispute arise between the Owner and the Charterer with respect to responsibility for repairs, renewals, replacements, or condition of the Vessel(s), at the time of redelivery, the Charterer shall, without prejudice to its contentions, make and pay for such disputed repairs, renewals, or replacements, or any part thereof, before redelivery, and may recover the cost from the Owner, together with Vessel expenses and charter hire during the period required for the performance of such work over and above the time required to perform the Charterer's redelivery repairs, in event Owner's liability therefor is established.

(d) *Vessel Layup.* In the event that the Owner exercises its option under subparagraph (a) of this Clause to require the Charterer to place the Vessel(s) in layup following completion of Charterer's normal redelivery obligations, the Charterer shall perform and pay for all work required in connection with the preparation for layup and movement of the Vessel(s) to the Reserve Fleet site designated by the Owner, as prescribed in NSA Order No. 64, as revised from time to time. In such event, (i) basic charter hire shall cease as of completion of Charterer's normal redelivery obligations, and (ii) all reasonable costs incurred by the Charterer during the period of the stripping and layup of the Vessel(s) as aforesaid, including but without limitation, cost of insurance, shall, to the extent authorized and approved by the Owner, be taken into account as voyage expense in the determination of additional charter hire under Clause 2.

C. *Operation of the Vessel(s)*

CLAUSE 15. *Charterer to man, etc.* During the period of this Agreement, the Charterer shall, at its own expense, and by its own procurement, man, victual, navigate, operate, supply, fuel and, except as otherwise expressly provided in Clause 4 of this Agreement, repair each Vessel and pay all charges and expenses of every kind and nature whatsoever incident to the use and operation of the Vessel(s) under this Agreement. The Owner reserves the right to require the removal of the Master(s) or the Chief Engineer(s) if it shall have reason to be dissatisfied with their conduct or if it considers their employment to be prejudicial to the interests of the United States. Except as otherwise expressly provided in this Clause and Clause 40 of this Agreement, the Charterer and not the Owner shall have exclusive possession, control and command of the Vessel(s) during the entire period of use under this Agreement.

CLAUSE 16. *Owner's representatives.* The Charterer agrees that, at its expense, it will furnish transportation on each Vessel, during the period of this Agreement, for not more than five officers and/or employees of the Federal Maritime Board—Maritime Administration, travelling on official business, who shall be given full, free and complete access at all reasonable times to all parts of such Vessel, and shall have full opportunity to observe and inspect the working of such vessel in all of its parts, but without any directing or controlling power over such Vessel's operations. The Charterer also agrees to cooperate with such representatives in the making of any inspection or investigation which the Owner may deem desirable, and to prepare and furnish full and complete reports, records or other data pertaining to such Vessel's operation, as requested by the Owner. It is mutually understood and agreed that the transportation of such Owner's representatives, shall be on the basis of not more than one round-trip per calendar year per Vessel, upon the written request of the Maritime Administrator.

CLAUSE 17. *Employment of affiliates, etc.; rental of office space.* (a) Unless granted an exemption upon such terms and conditions and for such specific period of time as the Owner shall determine pursuant to Section 803 of the Act, the Charterer shall not employ any person or concern performing or supplying stevedoring, ship-repair, shipchandler, towboat, or kindred services to supply such services to the chartered Vessel(s) if the Charterer or any subsidiary company, holding company, affiliate company, or associate company of the Charterer, or any officer, director, or employee of the Charterer, such subsidiary company, holding company, affiliate company, or associate company of the Charterer, or any member of the immediate family of the Charterer, or of such officer, director, or employee of the Charterer, or any member of the immediate family of any officer, director, or employee of such subsidiary company, holding company, affiliate company, or associate company of the Charterer owns any pecuniary interest, directly or indirectly, in the person or concern supplying such services to the chartered Vessel, or receives any payment or other things of value, directly or indirectly, as a result of such employment of services.

(b) Without prior approval of the Owner granted upon such terms and conditions as the Owner may prescribe, the Charterer shall not rent office space owned by the Charterer or by any subsidiary, holding company, affiliate or associate company of the Charterer, or by any officer, director, or employee of the Charterer, or any member of the immediate family of the Charterer, or of such officer, director, or employee of the Charterer, or any member of the immediate family of any officer, director, or employee of such subsidiary, holding company, affiliate, or associate company of the Charterer.

CLAUSE 18. *Efficient operation.* The Charterer agrees to conduct its business and its operations with respect to each Vessel in an economical and efficient manner.

CLAUSE 19. *Use of United States goods.* Whenever practicable, the Charterer shall use only articles, materials, and supplies of the growth, production, and manufacture of the United States, as defined in Section 505 (a) of the Act, except when it is necessary to purchase supplies and equipment outside the United States to enable a Vessel to continue and complete a voyage, and the Charterer shall perform repairs to the Vessel(s) within the continental limits of the United States, except in an emergency.

CLAUSE 20. *Development of American-flag merchant marine.* The Charterer shall cooperate with the Owner and with other American-flag companies in the development of the American-flag merchant marine as a whole, and, whenever practicable, the Charterer shall favor American-flag companies in transshipping of cargo, in selecting foreign domestic agents or other representatives, and in the rental of terminal and other facilities and in related matters.

CLAUSE 21. *Services rendered vessel(s).* The Charterer, if and when requested by the Owner, shall file with the Owner rates and schedules covering any services rendered the Vessel(s) under this Agreement by any individual, firm or corporation.

CLAUSE 22. *No transfer or assignment.* The Charterer shall not, without the Owner's written or telegraphic consent, sell, transfer, or assign this Agreement or any interest therein, or time charter or subcharter the Vessel(s), or make any arrangement whereby the maintenance, management, or operation of the Vessel(s) is to be performed by any other person.

CLAUSE 23. *Preference and conference agreements.* (a) The Charterer shall not unjustly discriminate in any manner so as to give preference, directly or indirectly, in respect to cargo in which the Charterer has a direct or indirect ownership or purchase or vending interest. If the Charterer carries any cargo on its own behalf or for its own account or on behalf or for the account of any associate, affiliate, susidiary, parent or holding company, the Charterer shall not discriminate in its own favor, or in favor of any such associate, affiliate, subsidiary, holding or parent company, in regard to rates charged or service rendered. The Charterer shall also hold confidential and shall not reveal to any such associate, affiliate, subsidiary, holding or parent company any information whatsoever, except such information as is generally made available to the public in the regular course of the steamship business in regard to cargo of similar kind or nature which the Charterer may at any time carry for any other interests or otherwise.

(b) The Charterer agrees not to continue as a party to or to conform to any agreement with another carrier or carriers by water, or to engage in any practice in concert with another carrier or carriers by water, which is unjustly discriminatory or unfair to any other citizen of the United States who operates a common carrier by water exclusively employing vessels registered under the laws of the United States on any established trade route from and to a United States port or ports.

CLAUSE 24. *Libels.* Neither the Charterer nor the Master of the Vessel(s) nor any other person shall have the right, power, or authority to create, incur, or permit to be placed upon the Vessel(s) any liens whatsoever other than for crew's wages or salvage. The Charterer agrees to carry a properly certified copy of this Agreement with the ship's papers on board each Vessel and agrees to exhibit the same to any person having business with such Vessel and agrees also to exhibit the same to any representative of the Owner on demand.

The Charterer agrees to notify any person furnishing repairs, supplies, towage, or other necessaries to the Vessel(s) that neither the Charterer nor the Master has any right to create, incur, or permit to be imposed upon the Vessel(s) any liens whatsoever, except for crew's wages and salvage. Such notice as far as may be practicable shall be in writing. The Charterer further agrees to fasten in each Vessel in a conspicuous place, and to maintain during the charter period, a notice reading as follows:

This Vessel is the property of the United States of America. It is under charter to

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and by the terms of the charter neither the Charterer nor the Master has any right, power, or authority to create, incur, or permit to be imposed upon the Vessel any lien whatsoever, except for crew's wages and salvage.

The Owner shall indemnify and hold harmless and defend the Charterer against any liens, claims or liabilities of whatsoever nature upon the Vessel(s) at the time of delivery under this Agreement. The Charterer shall indemnify and hold harmless and defend the Owner against any liens of whatsoever nature upon the Vessel(s) and against any claims against the Owner arising out of the operation of the Vessel(s) by the Charterer, or out of any act or neglect of the Charterer, in relation to the Vessel(s) or the operation thereof, except insofar as such liens or claims arise out of any matter covered by the insurance procured and in force, as provided herein. If a libel should be filed against the Vessel(s) or if the Vessel(s) is/are otherwise levied against or taken in custody by virtue of legal proceedings in any court because of any liens or claims arising out of the operation of the Vessel(s) by the Charterer, the Charterer shall at its own expense within fifteen (15) days thereof cause the Vessel(s) to be released and the lien to be discharged.

CLAUSE 25. *Insurance.* (a) The Charterer shall, at all times during the period of the Vessels' use under this Agreement, carry on each Vessel policies of insurance covering all marine and war risk hull and marine and war risk protection and indemnity risks, and all other hazards and liabilities in the amounts set out in Part I hereof, in such form and with such insurance companies, underwriters or funds as the Owner shall require and approve. All insurance required under the terms of this Agreement to be carried by the Charterer shall include the United States of America as an assured, without recourse against the United States for payment of premiums, or for assessments under any mutual form of policy. The underwriters shall have full rights of subrogation against the United States of America to the extent of any loss paid for which any assured other than the United States of America could bring suit against the United States of America, under the Suits in Admiralty, Public Vessels or Tucker Acts to recover for such loss, and, notwithstanding the fact that the United States of America may be named as an assured and as payee in the policy, such loss shall be considered to have been paid to and sustained by any assured other than the United States of America, in the first instance.

(b) All losses under the policies of insurance carried on the Vessels, except those payable under crew insurance policies, shall be made payable to the Owner for distribution by it to itself and the Charterer as their interests may appear, provided, however, that in the absence of specific instructions to the contrary, P & I insurance claims in amounts not exceeding $10,000 may be payable directly to the Charterer. Charterer shall at Charterer's expense keep the Vessels entered in the Marine Index Bureau, Inc. The originals of all cover notes or binders and policies, except those for crew insurance, shall be delivered promptly to the Owner for its custody and approval.

(c) In the event that any of the insurance hereinbefore provided for shall not, by reason of any act, omission, or negligence of the Charterer, be kept in full force and effect, or for any reason, including but without limitation the existence of any deductible average, franchise provisions, or other exclusion contained therein, but excluding insolvency of the underwriters, does not cover in full all losses, damages, claims or demands, the Charterer shall indemnify and hold harmless and defend the Owner against all such losses, claims and demands.

(d) No tender of abandonment as a constructive total loss shall be made without the prior approval of the Owner, provided, however that in the event the Owner refuses to approve such tender or fails to act thereon with twenty (20) days after receipt of Charterer's request, then charter hire shall cease as of the date of such refusal or at the expiration of such twenty (20) day period, as the case may be, and provided further that charter hire shall cease only in the event that, but for the refusal of the Owner to agree to tender of abandonment, the amount which would have been recoverable from the hull insurance underwriters would have equalled or exceeded the amount set forth in Part I hereof.

CLAUSE 26. *Bills of lading or voyage charters.* All bills of lading or voyage charters issued under this Agreement shall contain directly or by reference substantially the following clauses:

(i) *Clause paramount.* This bill of lading shall have effect subject to the provisions of the Carriage of Goods by Sea Act of United States, approved April 16, 1936, which shall be deemed to be incorporated herein, and nothing herein contained shall be deemed a surrender by the Carrier of any of its rights or immunities or an increase of any of its responsibilities or liabilities under said Act. If any term of this bill of lading be repugnant to said Act to any extent, such term shall be void to that extent but no further.

(ii) *General average clause.* General average shall be adjusted, stated, and settled, according to York-Antwerp Rules, 1950, exclusive of Rule 22, at such port or place in the United States as may be selected by the Carrier, and as to matters not provided for by these Rules, according to the laws and usages at the port of New York. In such adjustment, disbursements in foreign currencies shall be exchanged into United States money at the rate prevailing on the dates made and allowances for damage to cargo claimed in foreign currency shall be converted at the rate prevailing on the last day of discharge at the port or place of final discharge of such damaged cargo from the ship. Average agreement or bond and such additional security, as may be required by the carrier, must be furnished before delivery of the goods. Such cash deposit as the carrier or his agents may deem sufficient as additional security for the contribution of the goods and for any salvage and special charges thereon, shall, if required, be made by the goods, shippers, consignees, or owners of the goods to the carrier before delivery. Such deposit shall, at the option of the carrier, be payable in United States money, and be remitted to the adjuster. When so remitted the deposit shall be held in a special account at the place of adjustment in the name of the adjuster pending settlement of the general average and refunds or credit balances, if any, shall be paid in United States money.

(iii) *Amended "Jason" clause.* In the event of accident, danger, damage, or disaster before or after commencement of the voyage resulting from any cause whatsoever, whether due to negligence or act, for which or for the consequence of which the carrier is not responsible by statute, contract, or otherwise, the goods, shippers, consignees, or owners of the goods shall contribute with the carrier in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred, and shall pay salvage and special charges incurred in respect of the goods. If a salving ship is owned or operated by the carrier, salvage shall be paid for as fully as if the salving ship or ships belong to strangers.

(iv) *Liberties clauses.* In any situation whatsoever and wheresoever occurring and whether existing or anticipated before commencement of or during the voyage, which in the judgment of the carrier or master is likely to give rise to risk of capture, seizure, detention, damages, delay or disadvantage to or loss of the ship or any part of her cargo, or to make it unsafe, imprudent, or unlawful for any reason to commence or proceed on or continue the voyage or to enter or discharge the goods at the port of discharge, or to give rise to delay or difficulty in arriving, discharging at or leaving the port of discharge or the usual place of discharge in such port, the carrier may before loading or before the commencement of the voyage, require the shipper or other person entitled thereto to take delivery of the goods at port of shipment and upon their failure to do so, may warehouse the goods at the risk and expense of the goods; or the carrier or master, whether or not proceeding toward or entering or attempting to enter the port of discharge or reaching or attempting to reach the usual place of discharge therein or attempting to discharge the goods there, may discharge the goods into depot, lazaretto, craft or other place; or the ship may proceed or return, directly or indirectly to or stop at any such port or place whatsoever as the

master or the carrier may consider safe or advisable under the circumstances, and discharge the goods, or any part thereof, at any such port or place; or the carrier or the master may retain the cargo on board until the return trip or until such time as the carrier or the master thinks advisable and discharge the goods at any place whatsoever as herein provided; or the carrier or the master may discharge and forward the goods by any means at the risk and expense of the goods. The carrier or the master is not required to give notice of discharge of the goods or the forwarding thereof as herein provided. When the goods are discharged from the ship, as herein provided, they shall be at their own risk and expense; such discharge shall constitute complete delivery and performance under this contract and the carrier shall be freed from any further responsibility. For any service rendered to the goods as herein provided the carrier shall be entitled to a reasonable extra compensation.

The carrier, master, and ship shall have liberty to comply with any orders or directions as to loading, departure, arrival, routes, ports of call, stoppages, discharge, destination, delivery or otherwise howsoever given by the Government of any nation or department thereof or any person acting or purporting to act with the authority of such government or of any department thereof, or by any committee or person having, under the terms of the war risk insurance on the ship, the right to give such orders or directions. Delivery or other disposition of the goods in accordance with such orders or directions shall be a fulfillment of the contract voyage. The ship may carry contraband, explosives, munitions, warlike stores, hazardous cargo, and may sail armed or unarmed and with or without convoy.

In addition to all other liberties herein the carrier shall have the right to withhold delivery of, reship to, deposit or discharge the goods at any place whatsoever, surrender or dispose of the goods in accordance with any direction, condition or agreement imposed upon or exacted from the carrier by any government or department thereof or any person purporting to act with the authority of either of them. In any of the above circumstances the goods shall be solely at their risk and expense and all expenses and charges so incurred shall be payable by the owner or consignee thereof and shall be a lien on the goods.

CLAUSE 27. *General and particular average.* Average adjusters shall be appointed by the Charterer from a list of adjusters satisfactory to the Owner, who shall attend to the settlement and collection of both general and particular average losses subject to customary charges. The Charterer agrees to assist the adjuster in preparing the average statement and to take all other possible measures to protect the interests of each Vessel and the Owner.

CLAUSE 28. *Salvage.* Earned salvage shall be prorated 25% to the Owner and 75% to the Charterer, after deducting Owner's and Charterer's expenses, Master's and Crew's shares, and legal and other expenses incident to the salvage, provided, however, that hire of the Vessel(s) shall not be considered an item of the Charterer's expense hereunder. Salvage earned by the Charterer shall be considered gross income as defined in Clause 38 (a). Settlement of such claims for earned salvage shall be subject to the approval of both Owner and Charterer, Provided, that the amount of awards for the salving of vessels of which the United States, or any department or agency thereof, is the Owner or Owner pro hac vice, or for the cargoes and freights on such vessels, shall be approved by the Owner.

D. *Management—Other Activities of Charterer*

CLAUSE 29. *Mergers, business not related to shipping.* The Charterer agrees that during the charter period it will not, without the prior written approval of the Owner, (1) effect any merger, consolidation or substantial acquisition or disposition of assets not in the ordinary course of business, or (2) directly or indirectly embark upon any new enterprise or business activity not directly connected with the business of shipping.

CLAUSE 30. *Coastwise or intercoastal service.* Neither the Charterer nor any holding company, subsidiary, affiliate, or associate of the Charterer nor any officer, director, agent, or executive thereof shall, without the permission of the Owner granted pursuant to Section 805 (a) of the Act, directly or indirectly, own, operate, or charter any vessel or vessels engaged in the domestic intercoastal or coastwise service, or own any pecuniary interest, directly or indirectly, in any person or concern that owns, charters or operates any vessel or vessels in the domestic intercoastal or coastwise service; Provided that, if such permission is or has been granted, none of the persons mentioned in this Clause shall divert, directly or indirectly, any moneys, property, or other thing of value, used in foreign trade operation, for which a subsidy is paid by the United States, into any such coastwise or intercoastal operations; Provided further, that where such permission is or has been granted pursuant to the Proviso clause of the first paragraph of Section 805 (a) of the Act, in the event of substantial change in the character or extent of such operations over those conducted during 1935, the foregoing permission to continue such operations may be limited or terminated by the Owner, after notice to the Charterer and opportunity for hearing, with respect to any or all of the operations thus permitted.

CLAUSE 31. *Supervision of employment.* Whenever the Charterer receives an operating-differential subsidy and is in default with respect to any mortgage, note, purchase contract or other obligation to the Owner, or has not maintained, in a manner satisfactory to the Owner, all of the reserves provided for in the Act, the Owner shall have the right to supervise the number and compensation of all officers and employees of the Charterer, and the Charterer shall then comply with all instructions of the Owner with respect thereto.

CLAUSE 32. *Salaries and fees.* No salary for personal services in excess of $25,000 per annum paid to a director, officer, or employee by the Charterer, its affiliates, subsidiary, or associates, directly or indirectly, shall be taken into account under this Agreement. The terms "director," "officer," or "empolyee" shall be construed in the broadest sense to include, but not to be limited to, managing trustee or other administrative agent. The term "salary" shall include wages and allowances or compensation in any form for personal services which will result in a director, officer, or employee receiving total compensation for his personal services from such sources exceeding in amount or value $25,000 per annum.

CLAUSE 33. *Employment of managing agent.* The Charterer shall not without the prior consent of the Owner employ any other person or concern as the managing or operating agent of the Charterer.

CLAUSE 34. *Members or Delegates of Congress.* The Charterer shall not employ any Member of Congress, either with or without compensation, as an attorney, agent, officer, or director. Except to the extent permitted by law, no Member of or Delegate to Congress or any Resident Commissioner is or shall be admitted to any share or interest in this Agreement, or any benefit that may arise therefrom.

CLAUSE 35. *Rescission provision.* Upon determination by the Owner that any wilful violation of any provision of Clauses, 30, 31, 32, 33 or 34 has occurred, the Owner shall have the right to rescind the Agreement, and upon such rescission, the Owner shall be relieved of all further liability under this Agreement.

CLAUSE 36. *Foreign-flag vessels.* Neither the Charterer, nor any holding company, subsidiary, affiliate, or associate of the Charterer, nor any officer, director, agent, or executive thereof shall, directly or indirectly, own, charter, act as agent or broker for, or operate any foreign-flag vessel which competes with any American-flag vessel service which may be determined by the Owner to be essential pursuant to Section 211 of the Act, except as the Owner in its discretion and for a specific period of time may otherwise permit in accordance with the provisions of the Act.

E. *Accounting—Definitions*

CLAUSE 37. *Accounting, report and supervision.* (a) The Charterer and, to the extent required by the Owner, every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the Charterer:

(1) shall keep its books, records and accounts relating to the management, operation, conduct of the business of and maintenance of the Vessel(s) covered by this Agreement in accordance with the "Uniform System of Accounts for Maritime Carriers" prescribed by the Maritime Administration, U. S. Department of Commerce, in General Order 22, Revised, (Issue of 1950) effective January 1, 1951, and under such regulations as may be prescribed by the Owner; *Provided*, That notwithstanding the provisions of said General Order 22, Revised, such reserves as may be specifically authorized by the Owner shall be taken into account in the determination of "Net Voyage Profit" hereunder or the expenses to provide for which such reserves are so authorized shall be distributed over the period of use hereunder of the Vessel involved in such manner as will accomplish the same result as though such reserves were established, all pursuant to regulations prescribed by the Owner; and *Provided further*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Owner shall not require the duplication of books, records, and accounts required to be kept in some other form by that Commission; and

(2) shall file, upon notice from the Owner, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of any facts and transactions, which in the opinion of the Owner affect the financial results in, the performance of, or transactions or operations under, this Agreement. The Owner reserves the right to require that all or any of such statements, reports and memoranda shall be certified by independent certified public accountants acceptable to the Owner. Specific reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(b) The Owner is hereby authorized to examine and audit the books, records and accounts of all persons referred to above in this Clause whenever it may deem it necessary or desirable, including an analysis of the surplus and all supporting accounts. The Charterer agrees to allow any and all auditors, inspectors, attorneys, and other employees, designated by the Owner, full, free and complete access at all reasonable times, to the Vessel when in port or undergoing repairs, and to all books, records, papers, memoranda or other documents of the Charterer wherever located or of any holding company, subsidiary company or affiliated company of the Charterer pertaining to any activities relating in any way to the Vessel(s), and further agrees to permit the making of photostatic or other copies of any such books, records, papers, memoranda or other documents and to furnish without charge adequate office space and other facilities reasonably required by such auditors, attorneys, or inspectors in the performance of their duties. The Charterer further agrees to establish and maintain from time to time such checks upon or systems of control of expenditures or revenues in connection with the operation of the Vessel(s) as the Owner may request.

(c) Upon the wilful failure or wilful refusal of any person described in this Clause to comply with the above provisions of this Clause, the Owner shall have the right to rescind this Agreement, and upon such rescission, the Owner shall be relieved of all further liability under this Agreement.

CLAUSE 38. *Definitions.* The terms "net voyage profit," "fair and reasonable overhead expenses," and "capital necessarily employed" as used herein with respect to the operations of the Vessel(s) and services incident thereto are hereby defined for the purpose of this Agreement only, as follows:

(a) "Net voyage profit" shall be determined by deducting from gross income, as hereinafter defined, such direct vessel operating expenses, terminal and other auxiliary operating expenses, overhead expenses, interest expense, amortization of deferred charges, depreciation on property utilized in the operation of the Vessel(s), and all other charges which are customarily made in accordance with sound accounting practice in determining net profits before provision for federal income taxes, all as the Owner may deem fair and reasonable, provided, that in instances where the Charterer engages in other activities in addition to the operation of the Vessel(s) covered by this Agreement, such charges, other than those directly and exclusively allocable to the operation of the Vessel(s) shall be prorated between these activities on such basis as the Owner may determine to be fair and reasonable.

"Gross income" shall include such items as revenue earned from the carriage of cargo, passengers, and mail, terminal and other auxiliary operations and miscellaneous profits and losses, such as those arising from pooling agreements, advance and prepaid beyond items, bar and slop chest, and such other transactions as the Owner may determine are properly included. "Gross income" shall include also interest earned, dividends received, and other non-operating income, as well as all accruals, if any, to the Charterer as an operating-differential subsidy. If the Charterer engages in any other activities in addition to the operation of the Vessel(s), the revenues and miscellaneous income, other than those exclusively applicable to the operation of the Vessel(s), shall be prorated between these activities on such basis as the Owner may determine to be fair and reasonable.

Income consisting of capital gains and expenses consisting of capital losses shall in no event be included in the computation of "Net Voyage Profit," as above defined.

Income from and expenses attributable to assets, other than the Vessel(s), excluded in the computation of "Capital Necessarily Employed," as hereinafter defined, shall not be included in the computation of "Net Voyage Profit," as above defined.

In determining "Net Voyage Profit," as above defined, all profits of persons performing services or supplying facilities to the Charterer which are required to be included in the earnings of the Charterer under Section 803 of the Act shall be taken into account.

(b) "Fair and reasonable overhead expenses" shall include those expenses actually and necessarily incurred in the conduct of the business of operating the Vessel(s), such as salaries of officers; wages of employees; legal and accounting fees and expenses; rent, heat, light, and power; communication expenses; office supplies, stationery, and printing; membership dues and subscriptions; entertaining and solicitation; traveling expenses; insurance and bond premiums; postage; maintenance of office equipment; and miscellaneous administrative and general expenses, all as the Owner may determine to be fair and reasonable and properly included, provided, that there shall be deducted from the total of such expenses, agency fees, commissions, brokerage, and such other miscellaneous earnings as the Owner may determine to be properly deductible.

"Fair and reasonable overhead expenses" shall include also freight, passenger, and other expenses incident to advertising the Vessel(s) and the route served; taxes, other than Federal income taxes; and management and operating commissions, but only if and in the cases where the express written consent of the Owner has been given the Charterer to employ any other person or concern as the managing or operating agent of the Charterer; all as the Owner may determine to be fair and reasonable and properly included.

If the Charterer engages in other activities in addition to the operation of the Vessel(s), the "Fair and Reasonable Overhead Expenses" other than those directly and exclusively allocable to the Operation of the Vessel(s) shall be prorated between such activities on such basis as the Owner may determine to be fair and reasonable.

(c) Except in instances where the Charterer is granted an operating-differential subsidy (which is covered by the last paragraph of this subsection (c)), "Capital necessarily employed" shall be determined upon the basis of the net worth reported by the Charterer in its balance sheet as of the close of the month preceding the date of delivery of the first vessel under this Agreement (or in the last previous balance sheet deemed by the Owner to fairly present the financial position of the Charterer, but adjusted to take into account subsequent changes in net worth and such other changes as the Owner may deem essential to a proper determination of "Capital Employed" as at the end of such month), and as at each succeeding December 31st during the effective period of the Agreement, adjusted as hereinafter provided. For the purpose of this determination, net worth, as stated in the balance sheet of the Charterer, shall be deemed to include capital stock, surplus and such subdivisions thereof as capital surplus, earned surplus, and accounts of like nature. Net worth, as thus stated, shall be adjusted in such manner as the Owner may determine to be fair and reasonable, including the elimination of appreciation, adequate statement of the liabilities, and such other adjustments as are consistent with sound accounting principles. In the computation of "Capital Necessarily Employed," good will, intangibles not actually purchased and paid for, and stock held in treasury shall be excluded.

Property and other assets utilized in the operation of the Vessel(s) shall be valued at cost, including betterments and reconditioning costs, to the present owner or to any former owner at any time affiliated or associated directly or indirectly with the present owner, whichever is the lower, less depreciation; provided, that the cost of acquisition of assets acquired in exchange for capital share or other securities of the Charterer from other than holding, subsidiary, affiliated, or associated companies, shall not be in excess of the fair value of such property at the date of acquisition.

Additional capital, in the form of cash or tangible property paid in during the charter period, shall be included in the computation of "Capital Necessarily Employed" from the date paid in. Conversely, any withdrawals of capital shall be deducted from the date withdrawn; provided, however, that no capital shall be withdrawn and no share capital shall be converted into debt without the prior written approval of the Owner. Earnings and capital gains (or losses) for any accounting period subsequent to the last day of the month preceding the month during which delivery of the first Vessel is made hereunder to the Charterer by the Owner shall not be included in the computation of the "Capital Necessarily Employed" for the year or other accounting period in which realized (or sustained). Dividends paid out of earnings that have not been included in "Capital Employed" shall not be deducted from "Capital Employed."

If the Charterer engages in other activities in addition to the operation of the Vessel(s), the Owner shall determine the proper allocation of capital as between such activities. The amount so allocated to the operation of the Vessel(s) shall be deemed to be the "Capital Necessarily Employed."

In the event the Charterer is granted an operating-differential subsidy, "Capital Necessarily Employed" in the business of the Vessel(s) chartered hereunder shall be determined upon the bases provided by the United States Maritime Commission with respect to subsidized vessels in its General Order No. 71 as adopted by its successors, the Federal Maritime Board and Maritime Administration, and amended from time to time, excepting inapplicable provisions of that Order (such as those relating to (1) ship equities, (2) deposits in the Special Reserve Fund, (3) deposits in the Capital Reserve Fund, and (4) progress payments on vessels under construction) as determined by the Owner.

F. *Termination—Miscellanecus.*

CLAUSE 39. *Events of default.* The following shall constitute events of default under this Agreement:

(a) The failure of the Charterer to pay the charter hire on each Vessel as and when the same shall be due under the terms of this Agreement.

(b) The failure of the Charterer to operate each Vessel as required by Clause E, Part I, or the operation of the Vessel(s) on some other route without the prior written approval of the Owner.

(c) Any material misrepresentation by the Charterer in connection with this Agreement whether before or after execution hereof and whether made in an application, report or otherwise, or any wilful failure by the Charterer to disclose information necessary to cause any material representation by it not to be misleading.

(d) The occurance of any event causing the Charterer to be ineligible for charter of the Owner's vessels.

(e) A voluntary sale by the Charterer of this Agreement or any interest therein, or any assignment, transfer, agreement or any other arrangement whereby the maintenance, management or operation of the above described service, route, or Vessel(s) shall pass out of the direct control of the Charterer without the consent of the Owner.

(f) The filing of a petition in bankruptcy by the Charterer or the entry of an order, upon petition against the Charterer, adjudicating the Charterer a bankrupt, or the making of a general assignment for the benefit of creditors, or the Charterer losing its charter by forfeiture or otherwise, or the appointment of a receiver or receivers of any kind whatsoever, whether appointed or not in Admiralty, Bankruptcy, Common Law or Equity proceedings, and whether temporary or permanent, for the property of the Charterer, or the filing of a petition by the Charterer for reorganization under the Bankruptcy Act, or the filing of such a petition by creditors and the same approved by the court, or the approval of the court of a reorganization of the Charterer under said Act, whether proposed by a creditor, a stockholder or any other person whomsoever.

(g) Any breach by the Charterer of its obligations under this Agreement (including but without limitation, the obligation to maintain a Performance Bond as required by Clause 3) or any agreement executed in connection therewith (including but not limited to any operating-differential subsidy

agreement with respect to the Vessel), or any ship mortgage given to or construction agreement made with the United States.

(h) Failure by the Charter to comply with any applicable provision of the Merchant Marine Act, 1936, as amended, or of any law relating to the operation of the Vessel(s).

(i) Failure by any subsidiary company, holding company, affiliate company or associate company of the Charterer, or failure by any person performing services or supplying facilities to the Charterer subject to the provisions of Section 803 of the Act, to conform to the provisions of this Agreement.

CLAUSE 40. *Termination upon default.* (a) The Owner may terminate this Agreement in whole or in part without notice to the Charterer in case any event of default specified in paragraphs (a), (b), (c), (d), (e) or (f) of the preceding Clause 39 shall occur, or if any other default specified in paragraphs (g), (h) or (i) of said Clause shall occur and shall continue for a period of 30 days after notice thereof has been mailed or telegraphed by the Owner to the Charterer.

(b) Upon termination, the Owner may, at its option, retake the Vessel(s), wherever the same may be found, whether upon the high seas or in any port, harbor, or other place, without prior demand and without legal process and for that purpose may enter upon any dock, pier, or other premises where the Vessel(s) may be and may take possession thereof, or may require the Charterer to redeliver such Vessel(s) in accordance with terms of this Agreement immediately upon the receipt of a notice demanding such redelivery.

(c) The rights conferred upon the Owner by this Clause are cumulative and in addition to any rights which it may have at law or in equity or by virtue of the terms of this Agreement.

CLAUSE 41. *Termination of business.* Upon termination of this Agreement, the Charterer shall turn over to the Owner, at such time and at such place as the Owner may direct, each Vessel and all property of whatsoever nature which the Owner may theretofore have delivered to the Charterer or to which the Owner is entitled under the terms of this Agreement, and the Charterer shall at its own expense make to the owner such accounting as the Owner may require of all matters arising out of the operation of the Vessel(s) and this Agreement, and shall adjust, settle, and liquidate such accounts, provided, however, that the Owner may collect directly all freight moneys or other debts remaining unpaid and apply any moneys collected on any unpaid balance due from the Charterer to the Owner. All expenses of such collection shall be for the account of the Charterer.

CLAUSE 42. *Cancellation or modification by mutual consent.* This Agreement may be terminated, modified, or amended at any time by mutual consent.

CLAUSE 43. *Warranty against contingent fees.* The Charterer warrants that no person or agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the Charterer for the purpose of securing business. For breach or violation of this warranty, the Owner shall have the right to annul this contract without liability or in its discretion to require the Charterer to pay, in addition to the charter hire, the full amount of such commission, percentage, brokerage, or contingent fee.

CLAUSE 44. *Renegotiation.* This Agreement shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951, as amended and extended. The Contractor (which term as used in this sentence in the Bareboat Charter Agreement, means the Bareboat Charterer, and, as used in this sentence in related sub-contracts shall mean the party contracting to perform the work or furnish the materials required under such sub-contract) shall, in compliance with said Section 104, insert the provisions of this Clause in each sub-contract and purchase order made or issued in carrying out this Agreement.

CLAUSE 45. *Citizenship.* The Charterer hereby warrants and represents that it is and at all time during the period of this Agreement will continue to be a citizen of the United States within the meaning of Section 2 of the Shipping Act of 1916, as amended.

CLAUSE 46. *Officers and crew.* The Charterer agrees, with respect to the Vessel(s) that during the period of this Agreement:

(a) Insofar as is practicable, officers' living quarters shall be kept separate and apart from those furnished for members of the crew; the Charterer shall comply with all rules and regulations promulgated by the appropriate agencies of the United States.

(b) Licensed officers and unlicensed members of the crew shall be entitled to make complaints or recommendations to the Owner, providing they file such complaint or recommendation directly with the Owner or with their immediate superior officer, who shall be required to forward such complaint or recommendation with his remarks to the Owner, or with the authorized representative of the respective collective bargaining agencies.

(c) Licensed officers who are members of the United States Naval Reserve shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy; officers being those men serving under licenses issued by the United States Coast Guard or its successor.

(d) The uniform stripes, decoration, or other insignia shall be of gold braid or woven gold or silver material, to be worn by officers, and no member of the ship's crew other than licensed officers shall be allowed to wear any uniform with such officer's identifying insignia.

(e) No discrimination shall be practiced against licensed officers who are otherwise qualified, because of their failure to qualify as members of the United States Naval Reserve.

(f) The Charterer shall comply with all laws governing the citizenship of licensed officers and crews, including Section 302 of the Act.

CLAUSE 47. *Nondiscrimination in employment.* In connection with the performance of work under this Agreement, the Charterer agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Charterer agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the Owner setting forth the provisions of the nondiscrimination clause.

The Charterer further agrees to insert the foregoing provisions in all sub-contracts hereunder, except sub-contracts for standard commercial supplies or raw materials.

CLAUSE 48. *Notices.* Unless otherwise provided in this Agreement or mutually agreed upon, all payments, notices and communications from the Owner to the Charterer, pursuant to the terms of or in connection with this Agreement, shall be made or addressed to the Charterer at the address provided herein, and all payments, notices and communications from the Charterer to the Owner, pursuant to the terms of or in connection with this Agreement, shall be made or addressed to the Owner at its offices in Washington, District of Columbia.

CLAUSE 49. *Headnotes.* The use of headnotes at the beginning of the clauses of this Agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the clauses themselves.

(c) The charterer's books, records, and accounts, required to be kept and maintained under Clause 37 (1), Part II, of Form No. 705 charter, shall be retained by the charterer for a period of three (3) years after a release or final settlement is completed between the Maritime Administration and the charterer.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interprets or applies sec. 705, 49 Stat. 2009, as amended, 46 U. S. C. 1195)

By order of the Maritime Administrator.

Dated: July 16, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-8242; Filed, Oct. 16, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11387; FCC 56-982]

[Rules Amdt. 3-34]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (NASHAQUITSA, MASSACHUSETTS)

1. The Commission has before it for consideration petitions filed by The Vineyard Gazette, Martha's Vineyard, Massachusetts and the Blacksmith Valley Association, Nashaquitsa, Massachusetts, on August 7, 1956, and by Southern Connecticut and Long Island Television Company, Inc., Bridgeport, Connecticut, on August 8, 1956, for reconsideration of the Report and Order (FCC 56-626) issued in this proceeding on July 9, 1956, amending the Table of Assignments contained in § 3.606 of the Commission's rules and regulations to assign Channel 6 to Nashaquitsa. Oppositions to the petitions were filed by E. Anthony & Sons, Inc. on August 20, 1956.

2. The Vineyard Gazette and the Blacksmith Valley Association argue that a television station would impair the beauty of Martha's Vineyard, constitute a hazard to air and sea navigation, and depreciate property values. They contend that Nashaquitsa, which has no post office, is not a city, town or political subdivision; that its boundaries cannot be identified for use as a reference point; and that "the uncertain area of Nashaquitsa" is a geographic and legal part of the town of Chilmark and the distance between the post office of Chilmark and the reference point in Portland, Maine, is less than 170 miles. They submit that the recent amendment of § 3.611 of the rules to permit channel assignments on the basis of showings that spacings between transmitter sites meet the minimum spacings and principal city coverage requirements should not be applied in this case since the amendment was adopted subsequent to the Report and Order in this proceeding.

3. Southern Connecticut and Long Island Television Company, Inc., contends that assignment of Channel 6 to Nashaquitsa may preclude consideration of its proposal to assign Channel 6 to Bridgeport at less than the current minimum separations. It asserts that there has been no showing of need for a station in Nashaquitsa; that most of the signal of such a station would be wasted over water; that the assignment may cause substantial interference to existing stations; and that the need for the service to be provided by the assignment is much less than the need of Bridgeport for a local service.

4. In its oppositions, E. Anthony & Sons, Inc., submits that the petitions for reconsideration merely repeat contentions advanced in the original comments; that no facts are set forth to substantiate the claim that the assignment would constitute a hazard to navigation; and that the original petition for rule making properly described the proposed site as "Nashaquitsa in Dukes County in the town of Chillmark".

5. We concluded in our Report and Order in this proceeding that the assignment of Channel 6 in the Nashaquitsa area would make a VHF channel available in an area without operating stations and would make possible a much needed additional television service to a large area and population in southern Massachusetts. We have carefully reviewed the arguments and contentions advanced in the petitions for reconsideration—which in large part merely restate contentions advanced in the comments in the proceeding and which were disposed of in our Report and Order. We are not persuaded by our review of the petitions that our prior decision was incorrect. The contentions with respect to the detriment to the beauty of the Island and to the property values that would allegedly result from the establishment of a station in Nashaquitsa, as we noted in our Report and Order, raise questions which more appropriately come within the jurisdiction of local zoning authorities. We are not here approving a particular site but are merely considering an assignment to a community. We also pointed out in our Report and Order that the question of hazard to air navigation is considered in connection with a particular application and a specific proposal for tower location and height.

6. The purpose of the proposed assignment of Channel 6 in the Nashaquitsa area is to provide a much needed television service in southern Massachusetts. Although New Bedford is the largest community in this area, the channel could not be assigned directly to this city under the old rule since the distance between the reference point in New Bedford and other assignments would not meet minimum spacing requirements. Accordingly, it was proposed to assign Channel 6 to the smaller community of Nashaquitsa, where spacings could be met. The Commission has now amended § 3.611 of its rules to permit the assignment of channels which do not meet city-to-city spacings but which could be employed so that minimum transmitter spacings would be made and the required minimum signal could be placed over the community to be served. In light of this amendment, we believe that more effective use of Channel 6 in providing service to southern Massachusetts can be made by assigning the channel to New Bedford rather than the much smaller community of Nashaquitsa. Under § 3.611 as now amended the site will, of course, have to meet minimum spacings and the transmitter will have to be located so as to provide the required minimum signal over New Bedford.

7. Although we are not passing on the merits of the proposal of Southern Connecticut to assign Channel 6 to Bridgeport at less than minimum spacing, our action herein will not preclude consideration of this proposal. While New Bedford and Bridgeport are less than the required 170 miles for co-channel stations in Zone I, the distance between Bridgeport and the transmitter site that would have to be employed for Channel 6 in New Bedford would be greater than the distance between Bridgeport and other communities where Channel 6 is already assigned. The only effect of the New Bedford assignment, therefore, will be that Southern Connecticut will have to take into consideration one additional station at spacings less than the minimum requirement.

8. In view of the foregoing: *It is ordered,* That the petitions for reconsideration filed by the Vineyard Gazette, Blacksmith Valley Association and Southern Connecticut and Long Island Television Company, Inc., are denied.

9. *It is further ordered,* That § 3.606, Table of Television Channel Assignments, of the Commission's rules and regulations is amended, effective November 14, 1956, insofar as the communities names are concerned, as follows:

Delete Nashaquitsa, Massachusetts.

City:	Channel No.
New Bedford, Mass	6+, 28−, 34+.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: October 10, 1956.

Released: October 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8323; Filed, Oct. 16, 1956; 8:51 a. m.]

[Docket No. 11499; FCC 56-983]

[Rules Amdt. 3-35]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

1. The Commission has before it for consideration its notice of further proposed rule making issued on July 23, 1956 (FCC 56-736) and published in the FEDERAL REGISTER on July 27, 1956 (21 F. R. 5656) proposing changes in § 3.606, *Table of assignments,* rules governing television broadcast stations, in response to the following proposals:

Party and Request

WGR Corporation, Buffalo, N. Y.; assign Channel 26+ to Shinglehouse, Pa., Channel 37 to Clymer, N. Y., and substitute Channel 62+ for Channel 37 in Meadville, Pa.[1]

Lycoming Broadcasting Company, Williamsport, Pa.; assign Channel 26+ to Williamsport, Pa.[2]

The Helm Coal Company, York, Pa.; substitute Channel 21+ for Channel 49 in York, Pa., and Channel 49 for Channel 21+ in Lancaster, Pa.

The Patriot-News Company, Harrisburg, Pa.; substitute Channel 21+ for Channel 71+ in Harrisburg, Pa., Channel 71+ for Channel 21+ in Lancaster, Pa., and Channel 26+ for Channel 36— in Williamsport, Pa.

Susquehanna Broadcasting Company, York, Pa.; substitute Channel 21+ for Channel 43 in York, Pa., and Channel 43 for Channel 21+ in Lancaster, Pa.

2. The Helm Coal Company operates Station WNOW-TV on Channel 49 in York, the Patriot-News Company operates Station WTPA on Channel 71 in Harrisburg, and Susquehanna Broadcasting Company operates Station WSBA-TV on Channel 43 in York. WRAK, Inc., holds a permit for Channel 36 in Williamsport, but construction has not been undertaken.

3. WGR Corporation proposes to assign UHF channels to Clymer and Shinglehouse. Petitioner urges that these assignments would meet the Commission's rules and would implement the priorities outlined in the Sixth Report and Order; that stations in these communities would provide a first television service to large areas and a second service to a significant number of persons, and would afford a first local outlet to the communities. WGR represents that it will file applications for satellite stations in these communities to operate in conjunction with its station in Buffalo (WGR-TV).

4. Air Waves, Inc., Jamestown, New York and Great Lakes Television Company, permittee of Station WSEE, Erie, Pennsylvania, oppose the proposed assignments for Clymer and Shinglehouse. They urge that there is no need for stations in these small communities; that WGR proposes merely to operate these stations as satellites and would thereby be extending the Buffalo market; and that stations operating in Clymer and Shinglehouse would adversely affect the ability of WSEE to provide service to the public in the Erie area. WGR submits in reply that the proposed assignments would not retard the establishment of new UHF stations but, by encouraging UHF conversions, will remove some of the obstacles hindering UHF operations.

5. Helm Coal Company, Patriot-News Company and Susquehanna Broadcasting Company are all UHF broadcasters seeking to substitute Channel 21 for their present frequency by shifting Channel 21 to York or Harrisburg from Lancaster

[1] This proposal would also require a change in the offset carrier requirement for Channel 62 in Frederick, Md., from 62+ to 62 even.

[2] This proposal would also require a change in the offset carrier requirement for Channel 26 assignment in New London, Conn., from 26+ to 26−.

where it is presently assigned. The parties urge that the lower UHF channels are more desirable in light of the equipment problems and propagation difficulties encountered on the higher frequencies; that they can render a more effective service on Channel 21; and that there is no outstanding authorization for Channel 21 in Lancaster.

6. Lycoming Broadcasting Company proposes that Channel 26 be assigned to Williamsport, Pennsylvania, in addition to the present assignment of Channel 36. Lycoming submits that its proposal would provide a second competitive service in Williamsport and notes that the proposals of Patriot-News and WGR would only assign one channel to Williamsport and maintains that its proposal is therefore more meritorious.

7. Channel 21 cannot be assigned to both York and Harrisburg since the distance between the cities is well below the required minimum cochannel spacing for UHF assignments in Zone I. The three requests for Channel 21 in York and Harrisburg are therefore mutually exclusive. In addition, the Harrisburg proposal conflicts with the WGR and Lycoming proposals since the Patriot-News Company request would delete Channel 36 from Williamsport and the Lycoming proposal would retain it there as a second channel. WGR would assign Channel 26 in Shinglehouse at less than the required minimum spacing from Williamsport, where Patriot-News would assign this frequency. In light of the conflict among the proposals they must be considered together.[4]

8. The proposals for York and Harrisburg seek to substitute a lower UHF channel for the presently authorized frequencies of 3 UHF stations in those cities. However, as noted above, only one of the stations would be able to utilize the lower frequency because of the conflicts involved. The Commission has, in the past, recognized the temporary equipment difficulties facing stations on the higher UHF channels and has substituted lower channels where the lower channels could be switched from communities where there is no present need or demand. In order to make Channel 21 available for one of the petitioners in York or Harrisburg it would be necessary to delete Channel 21 from Lancaster.[4] Such action, we believe, would be justified only if there is no indication that Channel 21 would be employed in Lancaster. This is not the case, however. An application for a new station on Channel 21 in Lancaster was recently submitted to the Commission. Whether or not this application is granted, it does evince an interest in retaining Channel 21 for this community. Under these circumstances we do not believe that we would be warranted in shifting Channel 21 from Lancaster in order to permit a station in another community to substitute this frequency for its present assignment. Moreover, as pointed out above, only one of the petitioners could be awarded Channel 21 under the conflicting proposals. Accordingly, the requests of Helm Coal Company, The Patriot-News Company and Susquehanna Broadcasting Company are rejected.

9. There remains for consideration the requests of WGR and Lycoming. Lycoming would add a second assignment to Williamsport, a city which has no station in operation but does have an outstanding construction permit. WGR would assign channels in two communities presently without assignments. While these communities are small in themselves, stations located therein would provide service to large areas and populations and would provide a first service to large surrounding areas. This is especially true with regard to Shinglehouse. WGR has represented that it proposes to file applications for stations to be operated in these communities in the event the assignments are adopted. We are of the view that the WGR proposal is to be preferred to that of Lycoming since the former would permit the establishment of a first service to large areas whereas the Lycoming proposal would merely provide a second channel to Williamsport.

10. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c),(d), (f) and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That the petitions of Lycoming Broadcasting Company, Helm Coal Company, Susquehanna Broadcasting Company, and the Patriot-News Company are denied, and that effective November 14, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	*Channel No.*
Meadville, Pa	62+
Shinglehouse, Pa	26+
Clymer, N. Y	37

Change the offset carrier requirement of Channel 62 in Frederick, Maryland, from 62+ to 62 even.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: October 10, 1956.

Released: October 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8324; Filed, Oct. 16, 1956; 8:51 a. m.]

[Docket No. 11794; FCC 56-984]

[Rules Amdt. 3-36]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (MISSOULA-KALISPELL, MONTANA AND SANDPOINT, IDAHO)

1. The Commission has before it for consideration its notice of proposed rule making issued on July 24, 1956 (FCC 56-743), and published in the FEDERAL REGISTER on July 27, 1956 (21 F. R. 5653), proposing to assign Channel 8 to Missoula, Montana, in response to a petition filed by Montana Broadcasting Company. The proposal is summarized as follows:

City	Channels	
	Present	Proposed
Missoula, Mont	*11-, 13-, 21+	8-, *11-, 13-, 21+
Kalispell, Mont	8-	[1] 9+
Sandpoint, Idaho	9+	23-

[1] Although petitioner proposes Channel 9 with a plus offset, we believe that a minus offset will represent a more efficient allocation.

2. Missoula has a population of 22,485 persons. Mosby's, Inc. is the permittee of Station KGBO-TV on Channel 13. An application for Channel 21 filed by Western Montana Associates (BPCT-2127) is pending. No applications have been filed for the educational frequency. Station KGEZ-TV has a permit to operate a station on Channel 8 in Kalispell, but the grant is conditioned on the outcome of the instant rule making proceeding. Sandpoint has a population of 4,265 persons; no applications have been filed for Channel 9 in that community.

3. Comments were filed by Montana Broadcasting Company and Mosby's Incorporated, the permittee of KGVO-TV on Channel 13 in Missoula. In support of its request, Montana Broadcasting submits that it desires to provide a second VHF television service to Missoula and that the proposed addition of Channel 8 appears to be the only practicable way of accomplishing this objective. Petitioner contends that a UHF station could not effectively compete with the VHF station operating on Channel 13 in Missoula; that the only remaining VHF channel in the community is reserved for education and that Montana State University is preparing plans for the development of educational television. It argues that its proposal complies with the Rules; that no application has been filed for Channel 9 in Sandpoint; that Sandpoint receives service from 3 VHF stations located in Spokane, Washington (approximately 55 miles) and lies within 42 miles of a VHF assignment (no application on file with the Commission) in Coeur d'Alene, Idaho; and that in view of the difference in size and importance of the two cities involved, a second commercial VHF assignment in Missoula is to be preferred to a fourth or possibly a fifth service in Sandpoint.

4. Mosby's Inc., which operates a VHF station in Missoula, opposes the proposed amendment contending that it would deprive Sandpoint of its only VHF channel and suggests that a second commercial VHF channel can be assigned to Missoula by making Channel 11 available for commercial use and reserving Channel 21 for education. Mosby's submits that the fact that the educational organizations in Missoula have failed to make use of free time on KGVO-TV, indicates that they will not construct and operate a television station on Channel 11 in the foreseeable future. Mosby's states that when the educational interests are able to make use of the educational reservation, UHF will be technically satisfactory.

5. We are of the view that the proposed channel change would serve the public interest by making more effective use of available television facilities. There does not appear to be any present demand for Channel 9 in Sandpoint, whereas petitioner represents that it is anxious to construct and operate a station in Missoula. The alternative proposed by Mosby's, would deprive the area of an educational channel in which the local educational interests have shown some interest. We therefore prefer the proposal advanced by Montana Broadcasting Company.

6. Authority for the adoption of the amendments is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective November 14, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	*Channels*
Missoula, Mont	8-, *11-, 13-, 21+
Kalispell, Mont	9-
Sandpoint, Idaho	23-

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: October 10, 1956.

Released: October 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8325; Filed, Oct. 16, 1956; 8:52 a. m.]

[FCC 56-986]

PART 3—RADIO BROADCAST SERVICES

USE OF TELEVISION TEST SIGNALS

OCTOBER 11, 1956.

1. The Commission has under consideration the institution of a rule making proceeding for the purpose of adopting a standard test signal to be transmitted by television broadcast stations.

2. The Commission believes that it would be helpful in the meantime if television stations are authorized, without further specific authority, to transmit test signals during programming. Such test transmissions can be used for the purpose of developing and testing the feasibility of the method employed and will be of assistance in the preparation of comments and data in such rule making proceedings as may be instituted. Station licensees are cautioned, however, that the specifications of any test signal which may be adopted will be determined after rule making and equipment which may be used under this test authorization may be rendered obsolete as a result of the final specifications adopted.

3. The transmission of test signals during program time pursuant to this notice shall not interfere with synchronization nor degrade the quality of picture reception. Minor departures from signal specifications prescribed by the rules are permitted.

4. Television broadcast stations are authorized to conduct test transmissions in accordance with the foregoing for the period ending January 15, 1957. Stations originating test signals under this experimental authorization are requested to notify the Commission.

NOTE: This affects §§ 3.682, 3.687, and 3.699.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: October 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8326; Filed, Oct. 16, 1956; 8:52 a. m.]

[Docket No. 11618; FCC 56-991]

[Rules Amdt. 11-3]

PART 11—INDUSTRIAL RADIO SERVICES

CONELRAD PLAN

1. The Commission has before it for consideration its notice of proposed rule making in the above captioned matter released January 26, 1956.

2. Comments directed to the matters involved in this proceeding were received from the National Committee for Utilities Radio, the Special Industrial Radio Services Association, the Central Committee on Radio Facilities of the American Petroleum Institute, and Offshore Raydist, Inc.

3. The National Committee for Utilities Radio (NCUR) comments in regard to several sections of the proposed rules. NCUR comments that the control point where the CONELRAD Radio Alert is received should make an announcement to associated units that a Radio Alert has been ordered. The provision in § 11.702 (c) that the control point is responsible for the dissemination of the Alert to associated stations is considered adequate authorization to make the suggested announcement, however, this point has been clarified in the rules. NCUR comments that § 11.702 (d) should be expanded to specify the other methods of receiving the CONELRAD Alert that will be acceptable to the Commission. This suggestion has been accepted and alternate methods to receive the Alert other than monitoring broadcast stations have been detailed. The NCUR comment that the word "approximate" in § 11.702 (d) referring to the transmission of the 1000 cycle tone should be clarified to reflect the standard of stability is rejected because it is the Commission's intent that there should be a nominal tolerance in the exact frequency of this tone. The NCUR comment suggesting rephrasing § 11.703 (a) (3) to clarify the meaning of "station identification" is rejected because the present phraseology is considered clear. The NCUR proposal to modify § 11.704 to give industrial microwave systems a blanket exemption from CONELRAD control is rejected, however the rules have been modified to permit a waiver of certain requirements to permit certain stations to operate in a specified manner not covered by the rules. Special situations will be handled on a case by case basis. The NCUR comment that the CONELRAD Radio All Clear should be transmitted on the broadcast CONELRAD frequencies, 640 and 1240 Kc is already provided for in the CONELRAD Plan for the broadcast services. The NCUR comment that § 11.706 should be clarified in respect to the action that should be taken by industrial stations not in service at the time of a test or drill have been accepted and a sentence has been added to excuse stations not in service at such times from taking part in, or reporting on the results of a test. The NCUR makes a comment in connection with alerting of Industrial Radio systems that may be in operation 24 hours a day after local broadcast stations sign off. Alerting under those conditions is automatically provided for in the Sky Wave Key station alerting.

4. The Special Industrial Radio Service Association (SIRSA) comment that the proposed rules should be amended to exempt certain important defense industries from the provisions of these rules is rejected because it does not comply with the basic intent of Executive Order 10312; the SIRSA comment that mobile units, microwave systems and automatic relay systems should be exempted from the provisions of the rules is rejected for the same reason; SIRSA comment that the phrase "unless otherwise restricted by order of the Federal Communications Commission" in § 11.705 be specifically defined is rejected as inappropriate in this rule making proceeding. This and other phrases in these rules will be defined in the CONELRAD "Manual" or "Guide" now being completed.

5. The Central Committee on Radio Facilities of the American Petroleum Institute (hereinafter referred to as the Central Committee) comments in general terms that the petroleum industry is vital to our national defense and that the industry's use of radio communications must not be disturbed even under emergency conditions. This view is contrary to Executive Order 10312 which specifically charges the Commission with the duty of preparing plans for the control of electromagnetic radiations in the frequency range from 10 kc/s to 100,000 Mc/s and therefore is rejected. However, § 11.703 makes provisions for the transmission of essential messages. The Central Committee also comments that all microwave and automatic relay systems should be exempt from CONELRAD con-

[4] Patriot-News submits a counterproposal designed to resolve some of the conflicts so that Channel 21 could be assigned to either Harrisburg or York and Channel 26 to either Shinglehouse or Williamsport. WGR also offers a counterproposal to remove the conflict of its proposal. However, both of these suggestions would conflict with the Commission's proposal in Docket No. 11758 in which it is proposed to assign Channel 30 to Elmira, New York.

[4] Harold C. Burke had an authorization for Channel 21 (WWLA) in Lancaster but surrendered the construction permit on December 27, 1955.

trols. This view is rejected as contrary to Executive Order 10312.

6. Offshore Raydist, Inc., a licensee of land radio positioning service, comments that its transmissions usually would cease during a real CONELRAD Radio Alert but in some cases, its transmission could fall within the category of "emergency affecting the national safety or the safety of people and property," and therefore might be continued. Section 11.703 provides that if transmissions meet this criteria they may be continued under the restrictions imposed by this section. Offshore Raydist also comments that tests and drills of the Industrial CONELRAD Plan should be announced far enough in advance to permit licensees to make adequate plans. The comment is accepted and § 11.706 has been clarified to specify that tests of the Industrial CONELRAD system will be conducted in a manner that will not interfere with normal traffic.

7. These amendments to Part 11 of the Commission's rules are promulgated under the authority of sections 303 (r) and 606 (c) of the Communications Act as amended, and Executive Order 10312 signed by the President December 10, 1951.

8. Accordingly: *It is ordered*, That Part 11 of the Commission's rules be amended to include the rules set forth below, effective January 2, 1957, or on such earlier date as the Commission, by subsequent order, may designate.

Adopted: October 10, 1956.

Released: October 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 11 of the Commission's rules is amended by adding the following new subpart.

SUBPART N—CONELRAD

Sec.
11.701 Scope and objectives.
11.702 Alerting.
11.703 Operation during a CONELRAD Radio Alert.
11.704 Special conditions.
11.705 Radio all clear.
11.706 Tests.
11.707 Record entries.

AUTHORITY: §§ 11.701 to 11.707 issued under sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 606, 65 Stat. 4087; 47 U. S. C. 303, 606, E. O. 10312, 16 F. R. 12452; 3 CFR 1951 Supp.

§ 11.701 *Scope and objective.* (a) This subpart applies to all radio stations licensed by the Federal Communications Commission in the Industrial Radio Services located within the continental United States, and is for the purpose of providing for the alerting and operation of radio stations in these services during periods of air attack or imminent threat thereof. (As used herein, the term, "licensed by" includes every form of authority issued by the FCC pursuant to which a radio station may be operated, including construction permits, station licenses, temporary authorizations, etc.)

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Industrial Radio Services, while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 11.702 *Alerting.* (a) Licensees of radio stations in the Industrial Radio Services are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear.

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) Industrial Radio Service mobile radio systems, including fixed stations associated therewith, and fixed service systems where applicable, may, if desired, be alerted at a single point, normally the control point or the control center. The control point thus receiving the CONELRAD Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the radio system or systems and insuring that all associated stations execute CONELRAD requirements immediately. Relaying of a CONELRAD Radio Alert is considered a transmission of extreme emergency affecting the national safety and may be carried on under the authority of § 11.703 (a) (1).

(d) The CONELRAD Radio Alert for the Industrial Radio Services may be received by one or more of the methods outlined below:

(1) By monitoring any standard, FM or TV broadcast station by aural or automatic means, to receive the CONELRAD Radio Alert.

(2) By reception of the CONELRAD Radio Alert by telephone or other means from a point or extension thereof that has received the CONELRAD Radio Alert from a standard, FM or TV broadcast station.

(3) By notification of the CONELRAD Radio Alert from an Air Defense Warning Network or extension thereof. If no CONELRAD Radio Alert is transmitted, stations must comply with CONELRAD operating requirements upon receipt of Air Defense Warning Yellow. If neither a CONELRAD Radio Alert nor Air Defense Warning Yellow is received, stations must comply with CONELRAD operating requirements upon receipt of Air Defense Warning Red.

(4) By notification of the CONELRAD Radio Alert (or Warning Yellow or Warning Red if no CONELRAD Radio Alert is transmitted) by telephone or other means from any point that has received the alert as in subparagraph (1), (2) or (3) of this paragraph.

(5) Radio station licensees desiring to receive the CONELRAD Radio Alert by a means not covered by subparagraph (1), (2), (3) or (4) of this paragraph may request authority from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must include remarks why methods described in subparagraph (1), (2), (3) or (4) of this paragraph are not suitable and must fully describe the proposed method for receiving the Alert.

NOTE: Every standard, FM and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

(1) Discontinue the normal program.
(2) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)
(3) Return carrier to the air for approximately 5 seconds.
(4) Cut the transmitter carrier for approximately 5 seconds.
(5) Return carrier to the air.
(6) Broadcast 1000 cycle (approximate) steady state tone for fifteen seconds.
(7) Broadcast the CONELRAD Radio Alert message as follows:

"We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver".

(8) The CONELRAD Radio Alert message will then be repeated.

(1) through (6) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution (1) through (6) is a warning that a Radio Alert may follow; the actual Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert message).

The CONELRAD Radio Alert message as set forth in (7) above, is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert Message, above, will be broadcast only in the event of an actual alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

(e) Base, fixed and mobile stations in the Industrial Radio Services not directly receiving the CONELRAD Radio Alert must use caution in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

§ 11.703 *Operation during a CONELRAD Radio Alert.* (a) Radio Stations in the Industrial Radio Services, upon receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert, except for transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of an emergency nature affecting the national safety or the safety of people and property.

NOTE: Transmissions affecting the safety or security of industrial plants, personnel or equipment and materials necessary to the national defense may be made under the authority of § 11.703 (a) (1). All transmissions not immediately necessary must be withheld until the CONELRAD Radio All Clear has been issued.

(2) All transmissions shall be as short as possible and the stations' carrier shall be removed from the air during periods of message transmission.

(3) No station identification shall be given either by announcement of regularly assigned call signals or by announcement of geographical location. If identification is necessary to carry on the service, the use of special identifiers will be authorized.

§ 11.704 *Special conditions.* Licensees of radio stations or systems in the Industrial Radio Services, who for technical or operational reasons believe that compliance with § 11.703 cannot be met, may request a waiver of § 11.703. Such request must be made by letter to the Secretary, Federal Communications Commission, stating why § 11.703 cannot be complied with. The FCC upon investigation may modify the CONELRAD operating requirements of the station or system if it is found to be essential to the defense of the nation or the public welfare.

§ 11.705 *Radio all Clear.* The CONELRAD Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Broadcast stations will transmit the CONELRAD Radio All Clear message on normally assigned frequencies as follows:

CONELRAD Radio All Clear. Resume normal operation.
I repeat—
CONELRAD Radio All Clear. Resume normal operation.

Radio stations and systems licensed in the Industrial Radio Services may resume normal operation when the CONELRAD Radio All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

§ 11.706 *Tests.* Tests of the CONELRAD alerting and operating systems may be conducted at appropriate intervals. Stations not normally in operation during the period of a test will not be required to take part. Tests of the operation system will not require the station to close down and will be conducted in a manner that will not interfere with the transmission of normal traffic. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 11.707 *Record entries.* Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.

[F. R. Doc. 56-8327; Filed, Oct. 16, 1956; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO 262-A2]

MILK IN TEXAS PANHANDLE MARKETING AREA

NOTICE OF HEARING ON PROPOSED EMERGENCY AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Herring Hotel, Amarillo, Texas, beginning at 10:00 a. m., c. s. t., on October 22, 1956.

Subjects and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the handling of milk in the Texas Panhandle milk marketing area. More specifically consideration will be given to the pricing of Class I milk to determine (1) the extent to which drought conditions, shortage of hay and feeds, and increasing prices of available supplies of hay and feeds, constitute a threat to the adequacy of supplies of pure and wholesome milk, and (2) whether temporary emergency price relief is necessary to promote orderly marketing.

This request for emergency action has been received from the Tri-State Milk Producers Association whose members constitute a majority of the producers supplying milk to the Texas Panhandle marketing area.

Copies of this notice of hearing may be procured from the Market Administrator, 515 West 8th Avenue, Amarillo, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 12, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8343; Filed, Oct. 16, 1956; 8:55 a. m.]

[7 CFR Part 974]

[Docket No. AO-176-A11]

MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Columbus, Ohio, on March 6-9, 1956, pursuant to notice thereof which was issued on February 14, 1956 (21 F. R. 1145).

The material issues of record relate to:

(1) The pricing of milk used in the manufacture of ice cream and related products (Class III milk);

(2) Revision of the Class II price formula;

(3) Revision of the Class IV price formula;

(4) The fixing of class prices on a "hundredweight of milk" basis with adjustments for butterfat content in lieu of separate class prices for skim milk and butterfat;

(5) The supply-demand adjustment and level of the Class I price;

(6) The classification of milk disposed of in the form of cream;

(7) The provisions for the allocation of other source milk;

(8) Revision of the method of payment to producers; and

(9) Modification of the producer butterfat differential.

Additional proposals relating to the definitions of "fluid milk plant" and "handler" were made by the major producer association. During the course of the hearing proposals were modified by proponents. Following a ruling by the hearing examiner that the additional proposals on such definitions, as set forth in the notice of hearing, were not within the scope of the notice, proponents terminated their testimony with respect thereto. It is concluded that the evidence does not support affirmative action on such proposals. Proposals to (1) review the method of accounting for nonfat dry milk and condensed skim milk used in Class I products, and (2) replace the

market-wide pool with individual-handler pools, were abandoned by the respective proponents, and no further comments on the latter proposals are necessary in this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

(1) The price formula for Class III milk should be revised. Certain handlers proposed that the price for milk used to produce frozen cream, condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream and ice cream mix (Class III milk) be made the same as the basic formula price. They contended that the Columbus Board of Health relaxed regulations on milk used to produce ice cream and ice cream ingredients when they permitted additional ice cream manufacturers to bring such products into Columbus from plants under fluid milk inspection by the cities of Cleveland and Marion, Ohio. Milk used to produce ice cream and ice cream ingredients by these additional companies is priced primarily under the Cleveland order. Handlers noted the May 1, 1955, amendment to the Federal milk order for the Cleveland marketing area under the terms of which Cleveland producer milk used in manufacture of ice cream and ice cream ingredients is priced at a level approximating prices generally being paid in the Cleveland milkshed for milk used in manufactured milk products. Reference was made to the fact that the Cleveland order price for milk used in ice cream and ice cream ingredients was lower than the Columbus order price for such uses in all months of 1955. In addition, handlers claimed the Class III price in Columbus is not properly aligned with prices of milk used for ice cream in other nearby markets under regulation.

The proposed reduction of prices paid for producer milk used to produce ice cream and ice cream mix was opposed by one handler. This handler presented several reasons in opposition, as follows:

(1) Previous decreases in the Class III price have influenced some handlers to develop supplies of inspected (producer) milk to provide a year-round supply of inspected milk to produce ice cream and related products for sale outside the Columbus marketing area.

(2) A lower price for Class III milk would induce handlers to carry an excessive supply of producer milk for manufacturing purposes.

(3) Plants of handlers manufacturing ice cream do not serve as a "balance wheel" to supplies needed by handlers primarily engaged in bottling fluid milk in the market.

(4) Ice cream represents a year-round outlet for inspected milk rather than a distress outlet for Class I reserves and seasonal excesses of supplies.

(5) Fluid milk handlers would be disadvantaged if a reduced price for (Class III) milk used to produce ice cream and related products were accompanied by an offsetting adjustment in the price for milk used in fluid milk products (Class I milk).

Producers opposed any decrease in the Class III price on the basis that it would reduce returns to producers. They contended that the price formula as proposed, had it been in effect during 1954 and 1955, would have reduced the uniform price between 4.31 and 12 cents per month in 1954, and between 5.39 and 14.6 cents monthly in 1955. In addition, producers noted that the total poundage of milk used to produce ice cream is as high or higher than that used in the corresponding months of previous years, indicating, in their view, no disadvantage in sales of ice cream by handlers at present Class III milk prices under the order.

The action by the Columbus Board of Health to permit ice cream or ice cream ingredients produced from milk under Cleveland health regulations to be brought into Columbus was taken in June 1952 prior to the last amendment to the order. Official notice is taken of the March 10, 1954, decision to amend the Columbus order. As stated in such decision, the price for milk used to produce Class III products (ice cream and related products) was changed by the last amendment to recognize the competitive factor of Cleveland inspected milk in the form of ice cream and ice cream mixes brought into the Columbus market.

Historically, skim milk and butterfat used to produce ice cream and related products in the Columbus market have received a differential over skim milk and butterfat used for manufacturing purposes. Milk produced under the fluid milk regulations of the Columbus health department is required for the production by handler of ice cream and related products (used later in ice cream or fluid milk products) to be sold in Columbus. Under such regulations of the Columbus health department, cream, condensed skim milk or ice cream mix permitted to enter Columbus from the Cleveland market for ice cream manufacture must be produced under the same health inspection as applies to milk for consumption as fluid milk in the latter market.

Prior to the last amendment to the order skim milk used to produce ice cream was priced, in all months, substantially higher than the price paid for skim milk used for manufacturing purposes. However, in March 1954 the differential in the price of skim milk used to produce ice cream and related products over that processed into other manufactured products was reduced for the months of April through July. Butterfat used to produce ice cream also had been priced higher than the price paid for butterfat used in manufacturing purposes prior to the last amendment to the order. By the last amendment the price differential on butterfat used to produce ice cream and related products over butterfat in manufacturing outlets was eliminated entirely for the months of April through July. This made the price for butterfat in ice cream the same as that for Class IV (regular) uses and slightly higher than the price paid for butterfat processed into butter in such months. Thus, producers currently received little if any economic incentive over the price of uninspected milk for butterfat from milk produced under rigid health regulations and used to produce ice cream and related products in April, May, June and July. The above reductions were made in recognition of the competitive factor of ice cream derived from ice cream ingredients from Cleveland fluid milk plants and the need for an additional incentive to the summer storage by handlers, through seasonally reduced prices, of ice cream ingredients made from producer milk for use in the short production months.

As stated previously, handlers proposed the reduction of prices paid for skim milk and butterfat used to produce ice cream and related products to the level of manufacturing prices for each month of the year. At this level of pricing producers would receive no differential over prices paid for manufacturing milk for producing high quality milk as needed in Columbus for these products. There would be no economic incentive for producers to produce Grade A milk for ice cream and ice cream ingredients even though there is a year-round demand for milk for such preferred uses. There was no showing by handlers that an alternative Grade A milk supply, or its equivalent in terms of ice cream ingredients, is available to them, f. o. b. their plants in Columbus, at the general level of manufacturing milk prices in Ohio, at the Cleveland Class III price, or even at the present Columbus Class III price.

Since the present level of Class III prices, i. e., for milk used to produce ice cream and related products, customarily has been below the uniform price (averaging approximately 45 cents less in 1954 and 38 cents less in 1955), it would not be in the interest of maintaining adequate supplies of milk to reduce the annual average of producer returns at this time by relieving this class of milk from carrying a share of the cost of producing inspected milk for the market. Milk supplies in the market are not burdensome. At the present level of class prices handlers have utilized, on an annual average, in excess of 91 percent of producer receipts in Class I, II, and III (products which require inspected milk) in 1953, 1954, and 1955.

The present Class III formula price recognizes that skim milk used in ice cream and related products has additional value in all months of the year as compared to the value of skim milk used for manufacturing. However, it does not reflect the additional value of butterfat for ice cream uses in the months of April through July. The price of butterfat for such products should be adjusted to reflect in such months its additional value over the manufacturing level of butterfat. It is concluded that a price for Class III butterfat not less than 6 cents per pound above the Class IV price (as recommended to be revised in another section of this decision) of butterfat in any month will provide at all times a price for butterfat used in ice cream at a reasonable minimum above the butterfat used for manufacturing purposes. Such a differential in price will restore a summer-winter relationship of butterfat pricing in Class III quite similar to that which obtained prior to the last amendment when differential pricing over the manufacturing price level applied in the case of both butterfat and skim milk in this class to compensate producers for the additional expenses of providing Grade A milk for ice cream and related products that are not required of dairy farmers delivering milk to manufacturing plants.

It is further concluded from the above that the price of milk used to produce ice cream and related products should be the basic formula price plus 30 cents for the months of April through July, and plus 60 cents for the period August through March. The supply-demand adjustment would continue to apply in the August–March period. To express the Class III price in terms of a differential over the basic formula price for each month of the year recognizes that all factors affecting the marketing and pricing of ice cream, condensed skim milk or whole milk, and frozen cream may not always coincide with those of most significance in the pricing of Class I milk. The reduction of 10 cents (from 70 to 60 cents) per hundredweight on Class III milk over the basic formula price in the August–March period will offset the slight increase effected for the summer months. This is appropriate since there is no basis in the record for a net increase in the annual average of Class III prices.

(2) The Class II price formula should be restated.

Handlers suggested that the Class II price formula be revised to be the basic formula price, plus 70 cents (plus or minus the supply-demand adjustment). At the present time, the Class II price is computed as the Class I price minus 40 cents. They proposed relating the Class II price to the basic formula price in view of the increased Class I differential proposed by producers. Handlers contended that the price of each such class should be related to the basic formula price in order that fluctuating prices in the one class would not have direct effect upon the price of the other.

Producers proposed that the Class II price formula be the Class I price minus 80 cents to remove any effect of the proposed increased differential of $1.50 for Class I milk on the price level of Class II milk. In another proposal, producers suggested that fluid cream, sour cream, "Reddi-Whip" and other Class II milk products, except cottage cheese, be reclassified to Class I milk. The products proposed for reclassification represent approximately 25 percent of the average monthly volume of Class II milk (1955 data). Producers objected to the handlers' proposal to base Class II prices directly on the basic formula price.

The producers' proposal to make such reclassification of Class II products is adopted in another part of this decision. Thus, only milk used to manufacture cottage cheese would constitute Class II milk under an amended order. Both handlers and producers stressed the importance of maintaining the present level of Class II prices for milk in cottage cheese and no testimony to change the method of arriving at the price for milk in cottage cheese use was offered.

The proposed increase in the Class I price differential is denied in another part of this decision and it is not necessary to revise the Class II price provisions as a corollary to such proposal. It is concluded, however, that to express the Class II price in terms of a differential (70 cents) over the basic formula price, plus or minus the supply-demand adjustment, would constitute an order improvement. Basing the Class II price directly on the basic formula price for reasons similar to those indicated in establishing a revised formula for Class III milk pricing, will make it possible to give consideration to the pricing of milk for cottage cheese in the future without necessarily involving the Class I price level. This revision would not change the present level of prices for milk used in cottage cheese.

(3) The Class IV price formula should be revised.

Handlers proposed that the Class IV price formula should be the average of prices paid for milk received from dairy farmers at four selected manufacturing plants in or near the Columbus milkshed. Under the present order, prices for Class IV skim milk and butterfat are computed from the prices paid for nonfat dry milk and butter on the Chicago market. On surplus butterfat disposed of to butter plants or processed into butter in the handler's own plant 5 cents per pound of butterfat is deducted as a "make" allowance under the Class IV price formula, whereas no such allowance is applicable to butterfat (a) used to produce hard cheeses, (b) disposed of as livestock feed or dumped, or (c) in allowable shrinkage (2 percent of butterfat in producer receipts).

Proponents would price all Class IV butterfat the same as that manufactured into butter on the basis that butterfat disposed of in Class IV (regular) uses is of no greater value than butterfat manufactured into butter. In this connection, they noted that 86 percent of the Class IV butterfat was manufactured into butter in the year 1955. It was stated that the volume of butterfat disposed of to manufacturing outlets during the surplus production season has increased since the establishment of regulation for the Columbus market. Handlers testified that the proposed lower price for skim milk in the flush production months would help to reduce the seasonal increase in milk production.

Producers opposed any reduction of Class IV milk prices, stating that handlers did not show hardship in disposing of Class IV milk at the present level of prices for skim milk and butterfat in such class. They objected to the pricing of Grade A milk at the same level as ungraded milk used in manufactured products when an individual handler overestimates his necessary reserve requirements and must dispose of such supplies to manufacturing plants. They pointed out also that, as necessary, the producers' association has assumed the cost of diverting surplus producer milk from local handlers to manufacturing outlets during the flush production months. Premiums have been paid on milk produced under the health regulations of the Columbus market and which has been moved by the association to manufacturing plants during the months of seasonally high production.

The price of Class IV skim milk should not be so low that handlers are encouraged to retain milk supplies solely for the purpose of converting substantial quantities into Class IV skim milk products. Comparison of the manufacturing price of skim milk computed from the butter-nonfat dry milk formula (alternate basic price formula) with the price of skim milk computed from the present Class IV price formula illustrates the already favorable prices to handlers for skim milk in Class IV uses in all months of the year. For the year 1955, the price of Class IV skim milk averaged approximately 12 cents per hundredweight less than that established by the butter-nonfat dry milk basic price formula. The level of prices for Class IV skim milk should not provide an outlet sufficiently profitable to attract milk needed for other higher-valued uses, or to discourage the storage of inspected condensed skim milk which is needed for ice cream and other higher-valued uses during the fall and winter months. In view of the above facts, the proposed Class IV price formula as it applies to skim milk is denied.

Butterfat utilized in regular Class IV (products other than butter) is priced at a level 5 cents per pound higher than the price of butterfat used in butter. In view of the nature of the items covered by Class IV milk (as described above) the pricing of butterfat in some Class IV uses should not be distinguished from that in other Class IV uses. However, the level of prices for all such butterfat should be considered.

Official notice is taken of the methods used in computing the prices of butterfat in the butter-nonfat dry milk formula (alternate basic price formula) and in Class IV milk (butter). The two formulas result in approximately the same price for butterfat for use as butter. Such methods of computing butterfat prices may be illustrated as follows:

(1) Butter-nonfat dry milk formula:

$0.57533	(1955-monthly average of Chicago 92-score butter.)
−0.035	Make allowance deduction.
0.54033	
×1.20	Overrun adjustment.
0.648396	($0.64840 per pound of butterfat.)

(2) Class IV—Regular and butter:

$0.57533	(Same price as example 1.)
×1.20	Overrun adjustment.
0.690396	($0.6904 per pound of butterfat—Class IV regular.)
−0.05	
0.640396	($0.6404 per pound of butterfat—Class IV butter.)

1 milk).

butterfat from milk produced under rigid

price differential is denied in another

0.640396 ($0.6404 per pound of butterfat—Class IV butter.)

In view of the similarity of prices resulting from the two formulas, one formula should suffice in the order. It is noted that the major portion of butterfat disposed of in Class IV outlets is from surplus Grade A milk in the flush production season and generally is disposed of as sweet cream butterfat to nearby manufacturing plants. Since sweet cream butterfat disposed of by handlers receives a premium of one to two cents per pound over prices for uninspected butterfat, it is reasonable that such butterfat should receive a price slightly higher than the price of uninspected butterfat. Therefore, it is concluded that the price of butterfat in Class IV milk should be that as determined by the butter-nonfat dry milk formula. The small increase in the price which would be chargeable to the handler for butterfat used as butter in such class would be largely offset by the decrease which would be effected on other butterfat in Class IV milk. Thus, all Class IV butterfat would be priced in line with the general level of manufacturing prices for butterfat.

The handler's proposed price for Class IV milk would average between 4 cents and 23 cents per hundredweight (3.5 percent milk) less than prices for milk in similar uses in surrounding markets such as Cleveland, Cincinnati, Dayton-Springfield and Portsmouth. The revised price formula for Class IV butterfat provides for alignment of prices of Class IV milk at approximately the same level as prevails for corresponding uses in surrounding regulated markets. In view of the above, the proposed Class IV price formula based upon the average of prices paid for milk received from dairy farmers at four selected manufacturing plants is denied.

(4) The present basis for announcing class prices should not be revised.

Producers proposed that the method of computing and announcing separate prices for skim milk and butterfat in all classes be changed so as to price milk on a hundredweight basis at a given butterfat test, with the addition, or subtraction, of a butterfat differential for butterfat over, or under, the "standard" butterfat test. They testified that there is need for a uniform basis of quoting prices in all Federally regulated markets in Ohio.

Handlers opposed any change in the method of computing and announcing butterfat and skim milk prices. They further opposed any change in the level of skim milk prices which, they felt, could result from the proposed method.

The proposed method of computing and announcing prices would not necessarily change the level of skim milk or butterfat prices in the various classes. The particular butterfat differentials adopted under the proposed system would result in a change in current skim milk prices. However, until there is further opportunity than was possible at this hearing to consider the matter in full detail, it is concluded that the computation of the class prices on a hundredweight basis with a butterfat differential adjustment should not be adopted.

(5) The stated Class I price differential should not be revised.

Producers proposed that the Class I price differential should be $1.50 for all months. This differential would be added to the basic formula price (plus or minus the supply-demand adjustment) in computing the Class I price. At present, the Class I price differential is $1.10 for all months. Producers contended that the present Class I price has not brought an adequate supply of pure and wholesome milk in all months. They noted that in August 1955, 2.8 percent of producer receipts were in Class IV, and in September 2.1 percent of producer receipts were in Class IV, which they claim does not reflect an adequate reserve of milk. In addition, the increased volume of other source milk used by handlers for products that require inspected milk was pointed out as an indicator of a short supply.

One handler opposed any increase in the Class I price as a means of maintaining the same level of returns to producers in the event Class III and IV prices are reduced as proposed by handlers generally. He objected also to any increase in the Class I price differential as an offset to any reduction in price brought about by the proposed supply-demand adjustment. This handler pointed out that the proposed reduction in Class III and Class IV prices with compensating raises in the Class I price would place his firm at a competitive disadvantage. His firm is mainly a fluid milk and cream operation with no Class III milk products and only a small amount of Class IV milk, and would not be benefited by the proposed reduction of Class III prices.

Handlers in general opposed the proposed change in the Class I price differential on other grounds. They pointed out that although surrounding Federally-regulated markets pay various class prices, the uniform prices for such markets are not considerably different. These handlers contended that it would not be necessary to increase the price of Class I milk to obtain a sufficient supply of milk for this market even if reductions of the blend or uniform price to producers were caused by lower Class III and Class IV prices.

Handlers stated that Class I requirements for fluid milk are being fulfilled but that needs for inspected milk in other classes have not been adequate. It is not appropriate that the price of Class I milk should be the sole determinant in supplying high quality milk for other than Class I needs. Other products that require inspected milk should be priced at levels that will enable these products to carry their share of the burden of obtaining an adequate supply of Grade A milk. Since 1952, the available Class I reserve has been between 10 and 20 percent of Class I requirements. Handlers have not found it necessary to obtain supplemental supplies of Grade A milk for Class I requirements since January 1952. It is concluded that supplies of producer milk are adequate to meet Class I requirements, including a reasonable reserve. The functioning of the present Class I price together with the prices adopted for Class II and Class III milk should induce an adequate supply for all requirements of inspected milk.

Official notice is taken of the annual average of blend prices of 3.5 percent milk in 1954 and 1955 for the Federally regulated markets of Cleveland, Dayton-Springfield, and Cincinnati. The 1954 annual averages of uniform prices of 3.5 percent milk were as follows: Cleveland, $4.05; Columbus, $4.05; Cincinnati, $4.05; and Dayton-Springfield, $4.06. The 1955 annual averages of uniform prices of 3.5 percent milk were as follows: Cleveland, $4.11; Columbus, $4.09; Cincinnati, $4.06; and Dayton-Springfield, $4.00. In addition, official notice is taken of the Cincinnati Federal order location differential of 15 cents which is deductible from the above price on milk of Cincinnati producers received at any receiving station located where the production areas of Columbus, Dayton-Springfield and Cincinnati overlap. It may not be concluded from these data that Columbus uniform prices are out of reasonable alignment with those of surrounding regulated markets. Columbus should have no difficulty in competing with other markets for milk supplies. In view of the above, the proposed Class I differential of $1.50 is denied.

The "standard" utilization percentages in the automatic supply-demand adjustor should be revised.

Handlers proposed revisions of the supply-demand adjustment as follows: (1) Express the standard and current utilization percentages in terms of the relationship of producer milk receipts to Class I sales rather than the reciprocal sales-to-receipts ratio; (2) establish a range between maximum and minimum standard utilization percentages for each month within which the current utilization percentage would not effect a change in price; (3) determine the standard utilization percentages from a base period consisting of the period from December 1952 to December 1955 (handlers suggested that if fluid cream is included in Class I utilization the monthly minimum and maximum percentages should be reduced 3 percent); and (4) establish the supply-demand adjustment rate at 3 cents per percentage point when the current utilization percentage deviates from the standard utilization percentage as determined in (3).

Handlers suggested that because of the increased Class I sales a more recent period should be used as the base period. They contended that the trend of Class I sales has been upward at a greater rate than producer receipts since the base period currently used as a "norm" of supply and demand conditions and that the years of 1953, 1954, and 1955 reflect more accurately the supply and demand conditions of the market. They contended further that supply-demand adjustments which have occurred in the flush production months have forced handlers to carry excessive surplus milk as indicated by increasing amounts of milk in Class IV outlets.

Producers supported the use of the supply-demand adjustment as presently calculated until more market experience

has been gained under the present method. They stated that the base period currently used for computing the standard utilization percentages represents that period when supply and demand were in best balance; moreover, that the revisions as illustrated by handlers would tend to reduce the effectiveness of the fall production incentive plan. They noted that the recent relationship of producer receipts to Class I sales is more in balance seasonally than in previous periods; that supply-demand adjustments usually have added to the price in the short production season and served to reduce the price during the flush production season. Producers objected to the reduction in blend prices of approximately 7 cents per hundredweight (monthly average—1954–1955) which they expect to occur from adoption of the proposed changes in the supply-demand adjustment formula, without some compensating factor to maintain the present level of uniform prices.

The production of Grade A milk for this market has increased in recent years at approximately the same rate as the demand for Class I milk. This increased production was accomplished while the number of producers delivering milk decreased. However, those producers remaining on the market increased daily deliveries sufficiently to meet the increased demand for Grade A milk. Producer receipts for the year 1955 were 29 percent greater than in 1952; for the same period Class I sales increased 23 percent. Deliveries of producer milk have increased over the preceding year as follows: 18 percent in 1953; 6 percent in 1954; and 3 percent in 1955. Likewise, Class I sales have increased over the preceding year as follows: 11 percent in 1953; 5 percent in 1954; and 5 percent in 1955. The increases in producer receipts represent somewhat greater volumes of milk than the increases in Class I sales since Class I sales are less (about 73 percent) than total producer receipts. Highly similar results are obtained when only data for the short production months of each year are compared. In view of the above, it is concluded that the annual average of the standard monthly Class I percentages should not be changed.

However, in view of revisions as discussed in other portions of this decision, adjustments in such standard Class I percentages should be made (to reflect the inclusion of fluid cream in Class I utilization, and the adjustment for inventory variations). Supply-demand adjustments are utilized to effect limited adjustments in prices in prompt response to changed marketing conditions. Supply-demand adjustments not only reflect the supply-demand conditions related to actual Class I utilization but also are effective in inducing the necessary milk for Class I reserves, Class II milk uses, and those Class III products that require milk of inspected quality.

The annual average of Class I sales in relation to producer receipts have been maintained at approximately the same level but major changes in the supply-demand pattern within the period of a year, i. e., from season to season, have taken place since the base period used in the present formula. These changes in seasonal relationships necessitate revision of the present standard, or "basic", utilization percentages in order to prevent contraseasonal price movements. Although in this connection a suggestion was made to express the standard and current utilization percentages as a ratio of producer receipts to Class I sales, the record lacks factual information on the need for such a change. Use of such reciprocal percentages would not necessarily alter the results to be obtained. Producers have responded to seasonal incentives by adjusting their deliveries of milk more nearly in seasonal balance with Class I requirements. Increased production in the months of November, December, and January in relation to Class I sales has resulted in supply-demand adjustments at times that have reduced the Class I price in such months. This is a period when milk production normally is shortest in relation to Grade A requirements.

Producer receipts in the months of August and September have not increased at the same rate as increased Class I utilization. In 1955, for example, producer receipts in these two months were at a level which is considered the minimum necessary to adequately supply the market with a sufficient quantity of pure and wholesome milk. Milk disposed of to Class IV outlets in such months of 1955 amounted to 2.8 percent of producer receipts in August; and 2.1 percent in September. Thus little, if any, reserve milk was disposed of to distress outlets. The standard utilization percentage should be revised in these months when production has not increased at the same rate as Class I sales to provide the market with an adequate supply of milk for Class I, Class I reserves, Class II Milk uses, and Class III products that require Grade A milk.

In addition, producer supplies of milk in relation to Class I requirements have been reduced in the flush production months, since the base period. The range of seasonal variation has decreased with this more balanced seasonal pattern of production. In view of the above, it is concluded that the standard or "basic" utilization percentages should be revised in accordance with the following table in order that continued encouragement may be given for the production of milk in a manner which will satisfy all Grade A requirements throughout the year:

Month for which a price is being computed:	*Standard utilization percentage*
January	80
February	79
March	77
April	74
May	68
June	65
July	68
August	68
September	75
October	77
November	77
December	80

The fall production incentive program provides a measurable seasonal variation in returns as a means of encouraging a seasonal shift in production from the flush production months to the normally short production months. In addition, however, the present order provides for three variable supply-demand adjustment rates according to the season of the year. The present fall production incentive program provides the necessary seasonality in returns to producers. Seasonal supply-demand adjustment rates, of course, have little significance in causing seasonal production adjustments since the supply-demand pattern is frequently such that there is no supply-demand adjustment in operation. Therefore, it is concluded that the supply-demand adjustment should be computed for each month, on the basis of a single rate (approximately 3 cents plus or minus) for each point that the current utilization percentage is above or below the standard or "basic" utilization percentage as indicated in the following table.

If the net utilization percentage is—	*Supply-demand adjustment shall be— (cents per hundredweight)*
+12 or over	+38
+9 or +10	+28
+6 or +7	+20
+3 or +4	+10
+1 or −1	0
−3 or −4	−10
−6 or −7	−20
−9 or −10	−28
−12 or under	−38

(When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket in which is the same or nearest to the bracket, used in the previous month.)

The handlers' proposed revision of the supply-demand adjustment also would exclude inventory variations from Class I milk when computing the current utilization percentage under the supply-demand adjustment formula. Handlers claim that supply-demand adjustments are distorted when milk in inventory is actually used for manufacturing purposes in the following month. In addition, it was stated that the basic, or "standard", utilization percentages in the formula were computed by averaging two-month periods over a span of three years, which tended to minimize the effect of inventory variations on Class I milk volume in the base period, whereas the "current utilization percentage" is based on a single recent two-month period.

In those months when the last day of the month falls on a weekend substantial quantities of bulk milk may be included in inventory. At times a substantial proportion of such milk may be later sold to manufacturing outlets as Class IV milk. Thus, milk ultimately used for manufacturing becomes a determining factor in adjusting supply to meet requirements for inspected milk. Any fluid milk and milk products from inventory actually used as Class I milk in the following month will reflect fully in that month's supply-demand adjustment.

In view of the above, it is concluded that inventory variations should not be included in Class I utilization for the purpose of computing current utilization

percentages. For the same reasons, the influence of inventory variations should be removed from the basic, or "standard", utilization percentages in the formula against which current utilization percentages are measured. The basic utilization percentages have been so adjusted.

(6) Certain products now included in Class II milk should be reclassified Class I milk.

The producers' association proposed reclassifying to Class I milk from Class II milk all skim milk and butterfat disposed of in fluid form as cream, or as any mixture of cream and milk containing more than 6 percent butterfat.

Health regulations of the city of Columbus require that milk originating on farms under health department inspection be used to produce the products which producers proposed to be reclassified Class I milk, i. e., sweet or sour cream, or any mixture of cream and milk containing more than 6 percent butterfat. Although a limited reciprocity with the fluid milk inspection of other municipal health authorities is allowed by Columbus health authorities on skim milk and butterfat ingredients for use in ice cream manufacture in Columbus, no reciprocity is granted relative to cream or milk and cream mixtures. As a practical matter most, if not all, the cream and cream mixtures distributed throughout the entire marketing area are produced from Columbus inspected milk supplies. Aerated products containing cream or combinations of milk and cream (such as "Reddi-Wip" or "Instant Whip"), which are sold for use as whipping cream substitutes, also must be produced from inspected milk supplies under the same health regulations as apply to cream for sale in fluid form and thus should be similarly classified.

The above-named products are sold by Columbus handlers on a year-round basis. They compete for the total supply of inspected milk with other items requiring milk of similar quality which previously have been included in Class I milk. The costs of producing the milk so used must be considered similar to those for the milk already classified Class I milk. The products to be reclassified should be included in Class I to return to producers a price commensurate with their use value and to bear fully their proportionate share of the cost of inducing an adequate supply of milk of the quality required.

Some opposition was expressed by handler witnesses to the reclassification of cream as Class I on the basis of the resultant increased cost to handlers, but it is noted that the added cost to handlers as compared with the cost if retained as Class II milk under present order provisions amounts to approximately 1 cent per half pint of single cream.

In view of the above, it is concluded that sweet and sour cream, milk and cream mixtures containing more than 6 percent butterfat, including eggnog, and aerated cream products should be reclassified Class I milk.

(7) The provisions for the allocation of other source milk should not be revised.

Handlers proposed that skim milk and butterfat disposed of as animal feed, dumped, or accounted for as plant loss be deducted from Class IV milk prior to the allocation of "other source" skim milk and butterfat. Handlers claim it is not practical to operate a plant without some milk being disposed of as animal feed or dumped.

The extent to which producer milk may be given priority assignment to higher-valued uses has been established as the prerogative of the Secretary in formulating provisions which will provide reasonable protection to producers from the substitution of unregulated (unpriced) milk, and thus promote orderly marketing. The provisions for the allocation of milk have been developed in light of the class price structure established by the order. During each of the past several years some producer milk has been disposed of as animal feed, dumped, or lost by shrinkage.

The proposed allocation of milk could provide an incentive for handlers to use unpriced milk in preference to producer milk priced under the order. Thus, producer returns could be jeopardized and subject to considerable instability when handlers use other source milk for products that require inspected milk. Handlers could bring in more milk than was absolutely essential in the confidence that it would be credited at higher-valued uses. Such displacement of producer milk from higher-valued uses would mean that additional producer milk would be accounted for at a lower class price. Producer returns would be decreased by the proposal and correlative adjustments in the class prices would be necessary if producer returns were to be maintained at the present level. Moreover, a complete checking of milk dumped or disposed of as animal feed under the circumstances outlined would be exceedingly difficult and administratively burdensome. In view of the above, the proposed revised allocation of milk in certain Class IV uses is denied.

Handlers proposed that producer milk received at a regulated fluid milk plant and then sent to a nonregulated plant for manufacture into nonfat dry milk (Class IV) should retain its status as producer milk and be reclassified when such milk is returned to the regulated handler for use in other than Class IV products. Producer milk sent to an unregulated plant and then returned to the original handler in the form of nonfat dry milk is now treated as "other source milk" upon its return to the handler's plant. Other source milk, at the present time, is allocated pro rata to the classes when received by the handler under an emergency permit in writing issued by the appropriate health authorities, otherwise it is allocated to the lowest-priced use in the handler's plant.

Producers stated the view that it would not be good precedent from an administrative standpoint to permit producer milk destined for final use as Class I milk within the market to retain its identity as such when manufactured into a milk product, such as the nonfat dry milk referred to, in a plant which also receives noninspected milk for the same use.

One handler, who is engaged primarily in Class I and Clas II milk operations, delivers surplus skim milk in the flush production season to a nonregulated plant for processing into nonfat dry milk. This nonregulated plant has been approved by the Columbus health authorities to process, under their supervision, inspected skim milk into nonfat dry milk for subsequent use in products to be sold in Columbus. This plant also provides facilities for the storage of the nonfat dry milk made from the skim milk received from the handler. Such handler, who has an excess of skim milk in the flush production months, stated that such skim milk would be sold at a loss if it were not processed into nonfat dry milk at the above unregulated plant for his subsequent use. He experiences short supplies of skim milk for Class I uses in the fall months.

Another handler testified that it probably would be advantageous to him if he also could have skim milk, received during the flush production season, manufactured by such nonregulated plant into nonfat dry milk for use in ice cream in the short production months. The proposal, it was claimed, would make available in the short production months low temperature nonfat dry milk derived from inspected milk. It was contended that there are inadequate supplies of skim milk available in the short production months for ice cream and ice cream mix and that handlers in this market have no facilities in their plants to manufacture low temperature nonfat dry milk. In addition, handlers stated that the storage space for inspected dry milk in the nonregulated plant would alleviate the present lack of storage facilities in the Columbus market.

The handler who maintains the arrangement for the manufacture of nonfat dry milk from inspected milk at the unregulated plant alleged that he has experienced excess "shrinkage" when such nonfat dry milk is classified as other source milk, pointing out that under the order provisions his total receipts of milk are increased by the skim milk equivalent of the nonfat dry milk used, whereas disposition is increased only by the actual pounds of nonfat dry milk. Thus, whenever such handler experiences shrinkage in excess of 2 percent of his producer milk receipts, the difference between the pounds of milk equivalent of the nonfat dry milk and the actual pounds of nonfat dry milk in an amount in excess of 2 percent of producer milk receipts is added to Class I utilization as "excess shrinkage." It was contended that if such milk were designated producer milk there would be no inflation of shrinkage to be accounted for at the Class I price.

Having inspected skim milk processed into nonfat dry milk by a nonregulated plant is at present the practice of only the one handler. Thus, this handler's supply of skim milk is the only nonfat dry milk from an unregulated plant acceptable to Columbus health authorities for Class I and II uses. Outside supplies of manufactured products eligible for the production of ice cream and ice cream mix by handlers are available, however.

Typical examples of a handler's cost have been computed under which the skim milk equivalent of nonfat dry milk has been treated as (1) other source milk, and (2) producer milk, for classification purposes. When the handler's total shrinkage is less than 2 percent of his producer receipts "excess shrinkage" is not, of course, at issue. When total shrinkage is greater than 2 percent, their continues to be little difference in the respective costs of milk to the handler whether such milk is handled as producer milk or as other source milk. More often than not it may be expected that the handler would receive no financial benefit from the proposal.

The skim milk in question is moved to the nonregulated plant during the flush production months. That portion which the transferring handler requires is returned to his plant during the subsequent fall and winter months. Any balance is disposed of by the nonregulated plant to other markets. The time period which elapses between the time of manufacture and the time of final disposition introduces problems of accounting out of proportion to the difficulties complained of by proponent. These problems are enhanced by the fact that the plant of manufacture is not subject to regulation. For these reasons, and since other handlers, who evidenced interest only in the availability of nonfat dry milk for Class III uses, have alternative sources of ingredients for ice cream, the difficulties referred to do not warrant a revision of the order. Therefore, the proposal is denied.

Another handler proposal concerning allocation would permit other source milk received under a written permit issued by the appropriate health authorities for a specific use to be classified in the class in which it is used when producer receipts are less than 120 percent of Class I sales. It was stated that surplus milk in the flush production months could be reduced if other source milk were allocated on such basis since handlers would be relieved of handling as much producer milk in the summer months as a means of assuring adequate supplies each fall.

Producers contended that if it is necessary to receive supplemental supplies of milk from outside sources in the fall months, the market must be short of producer milk. They stated, however, that potential supplies of producer milk are available to meet both long-term increases in demand and short term-needs for additional milk. They also claimed that the proposed revision would lower the uniform price.

As in the case of the proposal for allocating milk used for animal feed or dumped, this proposal could permit other source milk at times to replace producer milk in the higher-valued uses. This market, however, has not been short for Class I uses for at least five years. On the other hand there have been occasions when additional milk has been required for cottage cheese, ice cream, and ice cream mix. Other revisions in the order adopted by this decision are provided to insure an adequate supply of producer milk for all products that require Grade A milk. In addition, it is noted that the proposal would have had effect in only two months during the last five years. In view of the needs, under local health requirements, for producer milk for the aggregate of Class I, II, and III uses, and the lack of evidence that alternative supplies are available at lower than order prices, full encouragement to producers to produce the necessary supplies should be given. Priority of classification of producer milk will assist in accomplishing this objective at present class price levels. For these reasons and those stated in connection with the conclusion concerning the proposal on the allocation of milk for animal feed, the proposal is denied.

(8) Handlers should not be required to remit to the market administrator all proceeds from the sale (at class prices) of producer milk for payment through the market-wide pool to producers and associations of producers.

The producers' association proposed that a provision be incorporated under which each handler would be required to make payment to the market administrator for the full utilization value of his milk. Under the proposal the market administrator, in turn, would pay individual producers, or an association which had requested to make distribution to its members, for the value of their milk at the market-wide, minimum uniform price. Thus, the market administrator would act as a collecting agent for monies owed by handlers to producers generally and would be charged with responsibility of payment to the producers.

In support of their proposal proponents testified that such a provision would enable the association, in cases where handlers turn back milk to the association for surplus disposition to manufacturing outlets, to reduce current payments for milk to the extent required to offset any losses on such disposition. Present methods of financing such disposition are either (1) specific assessments on member producers to cover the loss, or (2) reduction of the association's financial reserves. It was alleged that under the proposal the reblending of proceeds among all producers who are members would be facilitated. The association claimed authority under its membership contract to handle all proceeds due members from the sale of milk.

Handlers' opposition was based primarily on their contention that the contact with the producer maintained through the payment of monthly milk checks is an important influence on the quality control of milk.

In the few instances in the past when it has been necessary for the producers' association to divert milk to manufacturing uses at some expense to the association a special deduction (in addition to regular membership deductions or dues) usually has been assessed on milk delivered by members of the association in amounts sufficient to cover expenses associated with the transportation and handling of the diverted milk. Although, as producers suggest, the provision sought would facilitate the financing of milk disposition under the above circumstances and the reblending of proceeds among all producers who are members of the association, such a provision actually would not mitigate any financial or physical burden involved. The association cited no instance in which it was financially embarrassed or unable to carry out its obligation to its members or to the market. The fact that member producers may not fully appreciate the nature and reasons for the special deductions which have been necessary is a matter of internal understanding between the cooperative and its members and is not sufficient reason in itself to alter so significantly the present payment provisions of the order. It may not be concluded from this record that past cases of milk diversion have developed problems of financing or reblending of proceeds of such proportion as to require adoption of the proposed provision as a necessary means of maintaining orderly marketing conditions. The present procedure for making producer payments should be retained.

(9) The butterfat differential to producers should be revised.

The major producers' association would include the prices of Class IV skim milk and butterfat with the prices of Class II and Class III skim milk and butterfat when computing weighted average prices of skim milk and butterfat to be used for determining the producer butterfat differential. Prior to the last amendment to the order the producer butterfat differential was computed by subtracting the weighted average price of Class II and Class III skim milk from the weighted average price of Class II and Class III butterfat. Class II and Class III milk as in effect previous to that amendment are now divided into three categories for pricing purposes (Class II, III, and IV milk). The computation of the producer butterfat differential would be revised to re-establish the differential on a basis comparable to that in effect prior to such amendment.

Certain other producers suggested that the producer butterfat differential to be determined by subtracting the weighted average price of skim milk in all the classes from the weighted price of butterfat in all classes.

It is noted that the butterfat content of fluid milk sold by local handlers to consumers in this market was decreased from 4.0 percent to 3.8 percent in February 1948. The innovation of half-gallon paper containers in this market was accompanied by a further reduction in the quantity of butterfat disposed of in fluid form. The volume of fluid milk sold in half-gallon containers had increased in 1955 to about 50 percent of the total volume of Class I milk. Milk used in Class I fluid milk products had a butterfat content of 3.74 in January 1948, but by January 1956 the butterfat content of such milk had decreased to 3.32 percent. There has been a relatively greater increase in the demand for skim milk than for butterfat in this market during recent years. However, the butterfat content of milk received from producers was 4.35 percent in January 1948 and 3.94 percent in January 1956. Butterfat in excess of Class I re-

quirements is utilized in lower-valued uses (Class II, III, and IV). The slightly lower differential as in effect prior to the last amendment will emphasize the need for and encourage additional quantities of skim milk in relation to butterfat. In view of the above facts, it is concluded the order should be amended so that the producer butterfat differential will be the weighted average price of Class II, III, and IV butterfat minus the weighted average price of Class II, III, and IV skim milk.

General findings. (a) The proposed marketing agreement and order, as amended, and as proposed to be further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producer organizations and certain handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Recommended marketing agreement and amendment to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 974.41 (a) and (b) and substitute therefor the following:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of (except that which has been dumped or disposed of as livestock feed) as milk, skim milk, butterfat, flavored milk or flavored milk drinks,

(2) Disposed of in fluid form for consumption as sweet and sour cream, or any mixture of cream or milk (or skim milk) including eggnog, containing more than 6 percent butterfat,

(3) Used to produce concentrated (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption and aerated products containing milk, cream or any combination thereof (such as "Reddi-Wip", "Instant Whip", etc.); and

(4) Not specifically accounted for under subparagraphs (1), (2), and (3) of this paragraph, or as Class II milk, Class III milk, and Class IV milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

2. Delete from § 974.43 (a) the phrase "milk, skim milk, flavored milk, flavored milk drinks, or buttermilk" and insert in lieu thereof the following: "products specified in § 974.41 (a)".

3. In § 974.43 delete paragraph (b) and renumber the present paragraph (c) as paragraph (b) and paragraph (d) as paragraph (c).

4. In § 974.43 (a) delete the phrase "paragraphs (c) and (d)" and substitute therefor the phrase "paragraph (b) and (c)."

5. Delete § 974.44 (f) and (g) and substitute therefor the following:

(f) Determine the total pounds of butterfat in Class II milk by computing the aggregate amount of butterfat in items used to produce cottage cheese;

(g) Determine the total pounds of skim milk in Class II milk by:

(1) Computing the aggregate amount of skim milk and butterfat (in whatever form) in items used to produce cottage cheese; and

(2) Subtracting the result obtained in paragraph (f) of this section.

6. Delete from § 974.45 (a) and phrase as follows: "(other than butterfat used "in butter making)"

7. Delete § 974.51 (a) (1), (2) and (3) and substitute the following:

(1) Compute a "current utilization percentage" by dividing the total gross volume of Class I milk (less interhandler transfers and inventory variations) in the month for which a price is being computed and the first preceding month by the total receipts of producer milk for the same months, multiplying the result by 100, and rounding to the nearest whole number. The total gross volume of Class I milk to be used in this computation should include the volume of any milk which was previously classified as other than Class I milk and was reclassified pursuant to § 974.42 (b) during the above described two-month period as Class I milk.

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed pursuant to subparagraph (1) of this paragraph the appropriate standard utilization percentage shown:

Month for which a price is being computed:	*Standard utilization percentage*
January	80
February	79
March	77
April	74
May	68
June	65
July	68
August	68
September	75
October	77
November	77
December	80

(3) Determine the amount of the supply-demand adjustment as follows:

If the net utilization percentage is:	*Supply-demand adjustment*
+12 or over	+38
+9 or +10	+28
+6 or +7	+20
+3 or +4	+10
+1 or −1	0
−3 or −4	−10
−6 or −7	−20
−9 or −10	−28
−12 or under	−38

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which would have been used in determining the supply-demand adjustment had it been in effect in the previous month.

8. Delete § 974.52 (a) and substitute therefor the following:

(a) Add to the basic formula price $0.70 in each month, and add or subtract the supply-demand adjustment as computed in § 974.51 (a) (1), (2) and (3).

9. Delete the proviso in § 974.52 (b) and substitute therefor as follows: *"Provided,* That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to § 974.53 (a) (2) and (b) (2)."

10. Delete § 974.53 and substitute therefor the following:

§ 974.53 *Class III milk price.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class III milk shall be as follows, as computed by the market administrator:

(a) For each of the months of August through March the prices for skim milk and butterfat shall be computed as follows:

(1) Add to the basic formula price $0.60 in each month and add or subtract the supply-demand adjustment as computed in § 974.51 (a) (1), (2), and (3);

(2) Multiply the price computed in subparagraph (1) of this paragraph by the percentage computed in § 974.51 (b), and then divide by 0.035; the resulting amount shall be the Class III butterfat price per hundredweight: *Provided,* That in no event shall the price of Class III butterfat be less than $0.06 per pound above the price computed pursuant to § 974.54 (b);

(3) Subtract from the price computed pursuant to subparagraph (1) of this paragraph the amount computed in subparagraph (2) of this paragraph multiplied by 0.035, and divide the result by 0.965; the resulting amount shall be the Class III skim milk price per hundredweight.

(b) For each of the months of April through July the prices for skim milk and butterfat shall be computed as follows:

(1) Add to the basic formula price $0.30 in each month;

(2) Compute the prices per hundredweight of butterfat and skim milk in accordance with the procedure outlined in subparagraphs (2) and (3) of paragraph (a) of this section.

11. Delete § 974.54 (b) and substitute therefor the following:

(b) The price per hundredweight of butterfat shall be computed as follows: From the arithmetical average of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month, as reported by the Department of Agriculture for the Chicago market, subtract 3.5 cents, then multiply by 120.

12. Delete § 974.76 and substitute therefor the following:

§ 974.76 *Butterfat differential.* For each month the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by subtracting from the weighted average price per hundredweight of all butterfat from producer milk in Class II milk, Class III milk, and Class IV milk, the weighted average price per hundredweight of all skim milk from producer milk in Class II milk, Class III milk and Class IV milk, and dividing the remainder by 1,000.

Filed at Washington, D. C., this 12th day of October 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8345; Filed, Oct. 16, 1956; 8:55 a. m.]

[7 CFR Part 1015]

[AO-281-RO-1]

CUCUMBERS GROWN IN FLORIDA

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSED MARKETING ARGEEMENT AND ORDER

Pursuant to the notice of hearing on a proposed marketing agreement and order regulating the handling of cucumbers grown in Florida (21 F. R. 2689), the hearing provided for therein was opened by the hearing examiner on May 28, 1956, at the time and place specified in such notice and thereafter was continued by the hearing examiner to a date and place to be later announced by the issuance of a public notice in accordance with the applicable rules of practice and procedure (7 CFR Part 900).

Accordingly, notice is given that the public hearing on proposed marketing agreement and order regulating the handling of cucumbers grown in Florida, as continued, will be held in the Patio, Fort Myers Exposition Hall, Fort Myers, Florida, beginning at 9:30 a. m., local time, November 5, 1956.

Dated: October 12, 1956.

[SEAL] G. OSMOND HYDE,
Hearing Examiner.

[F. R. Doc. 56-8339; Filed, Oct. 16, 1956; 8:54 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 1,1-DICHLORO-2,2-BIS (*p*-ETHYLPHENYL)-ETHANE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Rohm and Haas, Washington Square, Philadelphia 5, Pennsylvania, proposing the establishment of tolerances of 15 parts per million for residues of 1,1-dichloro-2,2-bis (*p*-ethylphenyl)-ethane (also known as diethyl diphenyl dichloroethane), in or on the following raw agricultural commodities: Cabbage, broccoli, brussels sprouts, cauliflower, and kohlrabi.

The analytical methods proposed in the petition for determining residues of diethyl diphenyl dichloroethane are the methods described in the Notice of Filing of Petition for Establishment of Tolerances for Residues of Diethyl Diphenyl Dichloroethane published in the FEDERAL REGISTER of December 14, 1955 (20 F. R. 9346).

Dated: October 11, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8312; Filed, Oct. 16, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

[Draft Release 56-26]

EMERGENCY FLOTATION EQUIPMENT FOR AIR CARRIER OPERATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Dec. 10, 1956. Copies of such communications will be available after Dec. 12, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Air carriers engaged in extended overwater flights (more than 50 miles from shore) are presently required by the Civil Air Regulations to carry emergency flotation equipment for passengers. A need for all flights to be equipped with some type of emergency flotation equipment was recently demonstrated by the ditching of a large air carrier aircraft on the waters of Puget Sound near Seattle, Washington. Five of the passengers and crew lost their lives, presumably from drowning, and many others might have lost their lives if seat cushions had not been removed from the aircraft and used as life preservers. Aircraft accident records of the Civil Aeronautics Board show that in addition to the above accident there have been 12 other cases involving crash landings on water by aircraft which were being flown on other than extended overwater flights. These 12 accidents resulted in 25 deaths from drowning, and a potential loss of life from drowning of an additional 262 persons.

Recommendations that flotation devices be carried for passengers on all air carrier aircraft have been received by the Board. These recommendations have not been adopted previously since the risk of a ditching or crash landing on water for overland flights did not appear substantial enough to justify imposing on carriers the cost of carrying, maintaining, and inspecting life preservers. However, recent development of unicellular plastic material, that is, a material composed of individually sealed cells, now provides a means for fabricating seat cushions, pillows, blankets, and other airline equipment which are not only comfortable but buoyant. Foam rubber tends to absorb water if immersed for any period of time, or if crushed so as to force out the entrapped air, and it thereby loses its capacity to support weight. A unicellular material, on the other hand, remains nonabsorbent, and so, buoyant. Accordingly, if a flotation device is to be used, it is necessary to construct it out of an inherently buoyant material. Such items can be made to serve as life preservers by sewing on arm straps or providing for some other simple means of enabling persons to hold on to the seat cushion or article of equipment. Accordingly, a requirement for carrying flotation devices need not result in adding equipment to be maintained and inspected, and, in view of the recent ditching accident on Puget Sound together with the previous 12 similar cases, the Bureau now believes such a requirement to be a reasonable one.

Life jackets, by United States Coast Guard and international standards, are required to have a buoyancy of 16½ pounds. The manufacturers of unicellular plastic materials have advised that this amount of buoyancy can be readily built into seat cushions, blankets, and other similar items.

It is the opinion of the Bureau that the safe carriage of persons by air now requires air carrier aircraft to be equipped with life preservers or some type of flotation device for each occupant. Although no specific form or type is to be designated, it is proposed to require that the life preserver or flotation device have a buoyancy of at least 16½ pounds, be located within easy reach of each occupant, be readily removable from the aircraft, and have arm straps or some other simple means of enabling persons to hold on to the device. In view of the fact that the proposed requirement may be satisfied in any one of several different ways, and since no development of material or design, or any change of aircraft structure is involved, the Bureau believes that it is not unreasonable to require compliance with these proposed regulations not later than 12 months following adoption.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Parts 40, 41, and 42 of the Civil Air Regulations be amended:

1. By amending § 40.173 of Part 40 by adding a new paragraph (g) to read as follows:

§ 40.173 *Emergency equipment for all operations.** * *

(g) *Emergency flotation devices.* All airplanes, excepting those required to be equipped for overwater operations as provided in § 40.206, shall carry for each occupant an individual life preserver or flotation device constructed of inherently buoyant material which will provide a buoyancy of at least 16½ pounds; such life preserver or flotation device shall be located within the immediate reach of each occupant and readily removable from the airplane. Arm straps or other simple means of holding on to the device shall be provided.

2. By amending § 41.23b of Part 41 by designating the existing paragraph as paragraph (a), by adding a new paragraph (b) to read the same as the provision in § 40.173 (g) above, and by making reference in the exception to § 41.23c.

3. By amending § 42.24a of Part 42 by designating the existing paragraph as paragraph (a), by adding a new paragraph (b) to read the same as the provision in § 40.173 (g) above, and by making reference in the exception to § 42.24b.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., October 1, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 56–8338; Filed, Oct. 16, 1956; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 31, 34, 35]

[Docket No. 11845; FCC 56–987]

CERTAIN SCHEDULES IN ANNUAL REPORT FORMS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of certain schedules in Annual Report Forms—(Form M, Class A and Class B Telephone Companies; Form O, Wire-telegraph and Ocean-cable Carriers; and Form R, Radiotelegraph Carriers), Docket No. 11845.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Communications Workers of America (CWA), by letter dated February 10, 1956, requested amendment of page 2 of Schedule 70C, Wages and Hours, of the Commission's Form M annual report. The amendments requested by the CWA are being proposed in this Notice of Proposed Rule Making and are described below. It is also proposed to amend the hourly rates of pay distributions in the wages and hours schedules in the Form O and Form R annual reports to make them the same as in schedule 70C in Form M. Other changes in the report forms, some involving minor changes in substance, some to make the forms conform to the way they are actually being filled out with the consent of the Commission, and others of a clarifying nature, are being proposed.

3. The proposed changes in each of the report forms and the reasons therefor follow:

(In language quoted from the report forms changes proposed are shown by italicizing words proposed to be added and by bracketing words proposed to be deleted.)

A. Annual Report Form M (Class A and Class B Telephone Companies):

(a) Schedule 12B, Analysis of Credits for Telephone Plant Retired.—Change line 9 to read: "Cash or other asset account (*net* selling price of depreciable plant sold with traffic)"; and change line 10 to read: "Cash or other asset account (*net* selling price of nondepreciable plant sold)." These changes are proposed because the net proceeds from sales of plant are the amounts charged to the cash or other asset account as the overall effect of such sales.

(b) Schedule 24, Long-Term Debt.—Delete present column (i) captioned "Amount in Related Premium (or Discount) Account" and substitute in lieu thereof two new columns captioned, respectively, "(i), Balance at End of Year" and "(j), Amortized During Year," together with a caption over-riding the two columns entitled "Amount of Related Premium (or Discount)."

Delete present column (l) captioned "Remarks" and change designations of present columns (j) and (k) to columns (k) and (l), respectively.

Change instruction 6 as follows: "6. Include data, *appropriately annotated,* in columns (a), (b), (c), (*i*) *and* (j) [and (k)] with respect to obligations *previously* retired [during the year] *but for which discount or premium was amortized during the year, citing by date of letter Commission authorization therefor.*" This change is for the purpose of increasing the usefulness of the schedule. It should result in the total of column (i) tieing in with the net of amounts shown on lines 40 and 75 of schedule 10, Balance Sheet, and the total of column (j) tieing in with the net of lines 21 and 22 of schedule 11, Income and Earned Surplus Statement.

(c) Schedule 26, Capital Stock and Funded Debt Reacquired or Retired During the Year.—

Insert the words "Disposition of" as a caption over columns (i) through (n), to indicate that these columns relate only to dispositions.

Change the first sentence of instruction 4 as follows: "4. With respect to columns (i) to (n), inclusive: (a) Report dispositions of discounts, premiums, and expenses in the year in which the dispositions are made. [, not in the year in which the related securities are reacquired or retired.]" This change is made to clarify the instruction to indicate that dispositions can be made in the same year in which securities are reacquired or retired.

(d) Schedule 34, Operating Revenues.—Delete lines 8 and 22, regarding revenue from Morse services. The American Telephone and Telegraph Company has suggested that such revenue be included on lines 9 and 23 as "Other telegraph" revenue, in view of the small amount of revenue received from this source which has been steadily decreasing.

(e) Schedule 50, Mileage of Outside Plant.—Delete line 11, reading "Number of fixed short-haul radiotelephone links." Carriers have had difficulty in determining what to report on this line, and the data are not considered necessary to the functions of the Commission since similar facts are available from other sources.

(f) Schedule 60D, Investment of Pension and Benefit Funds.—

Delete the present column (f) captioned "Amount Added to Fund During the Year", and column (g) captioned "Effective Rate Based on Col. (e)", together with the over-riding caption entitled "Interest and Dividends," and substitute in lieu thereof a new column (f) captioned "Rate of Yield Based on Col. (e)."

Delete line 19 of the schedule reading "Income from investments disposed of during the year." Deletion of the present column (f) will make this line unnecessary.

Change instruction 4 as follows: "4. *Reasonably close approximations of the rates of yield may be reported in column (f) in instances where the mathematically exact rates are impracticable of determination.* [Include in column (f) amounts of discount and premium amortized during the year.]" Carriers have already been given permission to omit the data proposed for deletion. The total earnings for the year are reported in Schedule 60C and it is believed that the data previously requested are unnecessary.

(g) Schedule 70C, Wages and Hours.—Delete the present columns captioned, "(g), Less than $.75", "(h), $.75 to $.79", "(i), $.80 to $.89", and "(j), $.90 to $.99", and substitute in lieu thereof a new column (g) captioned, "Less than $1.00"; redesignate columns (k) through (t) as columns (h) through (q); delete column (u) captioned "$2.50 and Over"; add new columns captioned, "(r), $2.50 to $2.69", "(s), $2.70 to $2.89", "(t), $2.90 to $3.09", and "(u), $3.10 and Over." The proposed wage groupings with one exception, were requested by the Communications Workers of America. The exception is that CWA suggested that the highest grouping be "$2.90 and Over." We have inserted an additional grouping "$2.90 to $3.09", since there is room for this on the page and the additional grouping recognizes the upward trend in wage rates. CWA stated "recent changes in the federal minimum wage law as well as increased wage levels in the telephone industry make the current form obsolete and sorely in need of revision."

Change the second sentence of instruction 2, as follows: "For example, all employees who received hourly rates of pay of [$.75] *$1.00* or more but less than [$.80] *$1.10* shall be reported in the interval [$.75 to $.79] *$1.00 to $1.09.*"

B. Annual Report Form O (Wire-telegraph and Ocean-cable Carriers):

(a) On page iii delete from the list of schedules for which certain data may be omitted, schedules "408A and 408B" and the particulars pertaining thereto. Changes being proposed in schedules 408A and 408B make this part of page iii no longer applicable.

(b) Schedule 338d, Investment of Pension and Benefit Funds.— Revise the schedule to make it identical with the proposed revision of Schedule 60D of Form M. The change in this schedule was requested by The Western Union Telegraph Company.

(c) Schedule 408A, Employees and their Salaries—Ocean Cable.—

Delete the present columns (b), (c) and (d), in regard to the April count of employees in the Continental United States. Carriers previously have been given permission to omit these data, as indicated in the Special Notice, page iii of the current report form. Redesignate the present columns (e), (f), (g), (h), (i) and (j) as columns (b), (c), (d), (e), (f) and (g), respectively. Delete the present columns (k) through (y), and substitute in lieu thereof new columns (h) through (v), captioned to correspond with the groupings proposed for Schedule 70C of Form M. The recent amendment of the minimum wage law and general wage increases have made the existing wage groupings obsolete.

Change instruction 1, as follows: "1. Include as employees in columns (b), (c) *and* (d) [through (g)] all persons in the service of the respondent, including temporary, occasional, extra and similar employees, and employees on paid vacations, and paid sickness and accident leaves, but excluding persons on unpaid leaves or furloughs, *and* persons and agents paid exclusively on a commission basis. For detailed instructions on counting employees, see [Sections 52.1 (a) through (g) and 52.11] *Part 52* of the Commission's Rules and Regulations."

Change the first sentence of instruction 2, as follows: "2. In columns (*f*) [(i)] and (*g*) [(*j*)], report scheduled weekly hours and compensation for the employees reported in column (*d*) [(*g*)] as defined in [Sections 52.21 and 52.22] *Part 52* of the Rules and Regulations, except that in column (*g*) [(j)] regularly scheduled maintenance, travel or other allowances should be included."

In instruction 3 change the reference to column "(h)" to read column "(e)".

In instruction 4 change the last sentence as follows: "For example, *all* employees who received hourly rates of pay [between $.60 up to and including $.649] *of $1.00 or more but less than $1.10* [should] *shall* be reported in the interval [$.60 to $.64] *$1.00 to $1.09.*" This change conforms with the proposed change in the example in schedule 70C of Form M.

(d) Schedule 408B, Employees and their Salaries—Wire-Telegraph.—

Change column headings to make them identical with those proposed for Schedule 408A.

Delete the present instructions 1 and 2, and substitute in lieu thereof a new instruction reading as follows: "See instructions for Schedule 408A."

C. Annual Report Form R (Radiotelegraph Carriers):

(a) On the second page of the "Special Notice," delete from the list of schedules for which certain data may be omitted, schedule 408A and the particulars pertaining thereto. Other proposed changes make this no longer applicable.

(b) Schedule 338d, Investment of Pension and Benefit Funds.—Revise the schedule to make it identical with the proposed revision of Schedule 60D of Form M.

(c) Schedule 408A, Employees and their Salaries—Radiotelegraph.—Revise the schedule to make the instructions and column headings identical with the proposed revision of Schedule 408A of Form O. The recent amendment of the minimum wage law and general wage increases have made the existing wage grouping obsolete.

4. The changes proposed in annual report forms M, O and R are intended for incorporation in the forms for the 1956 reporting year. In this connection the attention of carriers is called to the fact that wages and hours data are required as of the end of October. Since these proposed changes in the report forms will not be finally acted upon until after the end of October it is suggested that carriers might find it advisable to anticipate changes in the reporting requirements in accumulating wage statistics as of the end of October.

5. This Notice of Proposed Rule Making is issued under authority of sections 4 (i) and 219 of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before November 13, 1956, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: October 10, 1956.

Released: October 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–8329; Filed, Oct. 16, 1956; 8:52 a. m.]

[47 CFR Part 3]

[Docket No. 11747; FCC 56–985]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (SPRINGFIELD, ILL.-ST. LOUIS, MO.)

NOTICE OF FURTHER PROPOSED RULE MAKING

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On June 25, 1956, the Commission issued a Notice of Proposed Rule Making in the above-entitled matter proposing to delegate Channel 2 from Springfield, Illinois, reassign it to St. Louis, Missouri and substitute Channel 39 therefor at Springfield. On July 25, 1956, the Commission issued a notice of further proposed rule making proposing to assign Channel 26 to Springfield in addition to Channel 39. These proposals are summarized as follows:

City	Channel No.	
	Present	Proposed
Springfield, Ill.----	2+, 20+, *66+	20+, 26−, 39, *66+
St. Louis, Mo.----	4−, 5−, *9, 11−, 30, 36−, 42+ 53+	2+, 4−, 5−, *9, 11−, 30, 36−, 42+ 49+
Lincoln, Ill.----		

3. Channel 36 has been in operation at St. Louis for some time. As a result there are many receivers in the hands of the public in the area between St. Louis and Springfield which are capable of receiving this channel. The Commission is of the view that interested parties should be invited to file comments on a proposal to assign Channel 36 to Springfield by deleting it from St. Louis instead of adding Channel 39 to Springfield. This can be accomplished as follows:

City	Channel No.	
	Present	Proposed
Springfield, Ill.	2+, 20+, *66+	20+, 26−, 36−, *66+
St. Louis, Mo.	4−, 5−, *9, 11−, 30, 36−, 42+ 29	2+, 4−, 5−, *9, 11−, 30, 42+ 49+
Jacksonville, Ill.	4+, 6+, *30+, 36+, 42−	4+, 6+, *30+, 42−, 68
Davenport-Rock Island-Moline, Ill.		

In utilizing Channel 36 at Springfield, the transmitter will have to be located so as to meet the minimum spacing and coverage requirements of the Rules.

4. Signal Hill Telecasting Corporation operates Station KTVI on Channel 36 at St. Louis, and the proposal herein would shift this assignment to Springfield. We do not believe, however, that we should direct Signal Hill Telecasting Corporation in this proceeding to show cause why its authorization should not be modified to specify operation on Channel 2 in lieu of Channel 36. Such additional proceedings which may be necessary can be instituted later.

5. Any interested person who is of the view that the proposals herein should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 15, 1956, written data, views, or arguments setting forth his comments. Comments in support of the proposals may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 15 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

6. Authority for the adoption of the amendments proposed is contained in sections 1, 4 (i), and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and Section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: October 10, 1956.

Released: October 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8330; Filed, Oct. 16, 1956; 8:53 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 221]

[Reg. U]

LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

NOTICE OF PROPOSED RULE MAKING

Part 221 (Reg. U), issued by the Board of Governors of the Federal Reserve System pursuant to the authority cited at 12 CFR Part 221, prescribes the maximum loan value of the collateral in the case of any loan by a bank which is secured by any stock and for the purpose of purchasing or carrying any stock registered on a national securities exchange.

The Board is considering a proposed amendment to Part 221 which would make a bank loan to purchase securities (particularly convertible bonds or debentures) other than registered stocks subject to Part 221 whenever such securities are converted into registered stocks and such stocks are substituted for the original loan collateral. Since it would subject this type of loan to the regulation at the time of conversion in the same way as a loan to purchase registered stocks, this proposed amendment would reduce the problems connected with ascertaining the true purpose of a loan which is ostensibly to purchase securities other than registered stocks. The proposed amendment would read as follows:

Section 221.3 is amended by inserting the words "or subparagraph (3) of this paragraph" in subparagraph (1) of paragraph (b), and by adding to paragraph (b) a new subparagraph (3), so that paragraph (b) of § 221.3 reads as follows:

(b) (1) No loan, however it may be secured, need be treated as a loan for the purpose of "carrying" a stock registered on a national securities exchange unless the loan is as described in subparagraph (2) of this paragraph or subparagraph (3) of this paragraph or the purpose of the loan is to enable the borrower to reduce or retire indebtedness which was originally incurred to purchase such a stock, or, if he be a broker or a dealer, to carry such stocks for customers.

(2) A loan for the purpose of purchasing or carrying a "redeemable security" (i. e., a redeemable proportionate interest in the issuer's assets) issued by an "open-end company", as defined in the Investment Company Act of 1940, whose assets customarily include stocks registered on a national securities exchange, shall be deemed to be for the purpose of purchasing or carrying a stock so registered.

(3) If, after ---------- ----, 1956 [effective date of the amendment], a loan is made for the purpose of purchasing or carrying a security other than a stock registered on a national securities exchange and the loan is secured by the security not so registered, but subsequently there is substituted as direct or indirect collateral for the loan a stock so registered which is acquired by the borrower through the conversion or exchange of the security not so registered, or through the use of the proceeds of the sale of the security not so registered, the loan shall thereupon be deemed to be for the purpose of purchasing or carrying a stock so registered. In any such case, the amount of the outstanding loan, or such amount plus any increase therein to enable the borrower to acquire the stock so registered, shall not be permitted on the date such stock is substituted as collateral to exceed the maximum loan value of all of the collateral for the loan on such date, and thereafter such indebtedness shall be treated as subject to § 221.1.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR Part 221.

To aid in the consideration of the foregoing matters, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it on to the Board to be considered. All such material should be submitted in writing to be received not later than November 9, 1956.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

OCTOBER 11, 1956.

[F. R. Doc. 56-8297; Filed, Oct. 16, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 493]

CALIFORNIA

SMALL TRACT CLASSIFICATION

OCTOBER 4, 1956.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify for lease and sale for residence purposes only, under the Small Tract Act of June 1, 1938, as amended (43 U. S. C. 682a), the tracts of public land in Riverside County described below:

SAN BERNARDINO BASE AND MERIDIAN

T. 3 S., R. 4 E.,
Sec. 6, NE¼NE¼, SE¼NW¼NE¼, W½ SW¼.

The land comprises 26 small tracts and contains a total of 130 acres.

2. Classification of the above-described land by this order segregates it from all appropriations, including location under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The above-described land is situated approximately 1½ miles northeast of Whitewater, California, and 5 miles southwest of Desert Hot Springs, California. Twentynine Palms Highway passes less than ¼ mile east of the southeast corner of the section. Access to the land may be had by dirt roads which lead west from this highway. The topography is characterized by rather rocky and broken terrain with gentle to moderate grading slopes.

4. The land will be leased and sold in rectangular tracts of five (5) acres each, more or less, 330 x 660 feet in size, and described as aliquot parts of the section. The tracts will be subject to all existing rights-of-way and to rights-of-way for roads and public utilities as described below. Such rights-of-way may be utilized by the Federal Government, or the State, County, or municipality in which the tract is located, or by any agency thereof.

33 feet along the interior boundary of the east and north of the NE¼NE¼, and the west and south lines of the W½SW¼;
16½ feet along the east and north lines of the W½SW¼;
16½ feet along the west and south lines of the NE¼NE¼.

5. Leases will be issued to qualified applicants for a term of three (3) years and will contain an option to purchase in accordance with 43 CFR 257.13. The appraised value of the tracts is $250. The advance rental is $37.50. Therefore, an additional payment for advance rental in the amount of $22.50 is due and payable to the Manager, Land Office, Los Angeles, from individuals having statutory preference before leases can be issued. Lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands, or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards.

The residence must be suitable for year-round use, on a permanent foundation, and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete or cement slab foundations are acceptable. Concrete piers are not acceptable as foundations.

7. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United Stats for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 5th Floor, Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., February 8, 1957. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

8. All valid applications filed prior to October 4, 1956 will be granted the preference right provided for by 43 CFR 257.5 (a).

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, 5th Floor, Bartlett Building, 215 West 7th Street, Los Angeles 14, California.

R. G. SPORLEDER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, Calif.

[F. R. Doc. 56-8295; Filed, Oct. 16, 1956; 8:45 a. m.]

Bureau of Reclamation

SALT RIVER PROJECT, ARIZONA

AMENDMENT TO ORDER OF REVOCATION

SEPTEMBER 10, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby amend Revocation Order dated January 20, 1956, appearing as F. R. Doc. 56-2019 at pages 1679-80 of the FEDERAL REGISTER of March 16, 1956, by adding to the list of Departmental Orders partially revoked by it, Departmental Order of August 29, 1919.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

OCTOBER 10, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-8296; Filed, Oct. 16, 1956; 8:45 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

FEDERAL-AID HIGHWAY ACT OF 1956

LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

Notice is given that, on October 11, 1956, in accordance with 29 CFR 5.12, the Secretary of Labor provided the following variations of 29 CFR Part 5 limited to the Federal-Aid Highway Act of 1956 (70 Stat. 374) to accommodate the provisions of section 115 (a) and (b) of that act:

1. Section 5.5 (a) is hereby varied to provide as follows:

The Agency Head shall cause or require to be inserted in any contract subject to the labor standards provisions of the Federal-Aid Highway Act of 1956 the following stipulations or any modifications thereof to meet particular needs of the agency if first approved by the Department of labor:

(1) The schedule contained in the Wage Determination decision of the Secretary of Labor which is attached hereto and made a part hereof furnishes the minimum hourly rates of wages required to be paid to the various laborers and mechanics employed by contractors and subcontractors on the construction work embraced by the contract, these rates having been determined by the Secretary of Labor pursuant to section 115 of the Federal-Aid Highway Act of 1956 to be those prevailing on the same type of work on similar construction in the immediate locality in accordance with the act of August 30, 1935, known as the Davis-Bacon Act (40 U. S. C., sec. 276–a).

(2) The wage rates contained in this decision are straight hourly wage rates. In some areas contractors and labor organizations in the construction industry have collectively bargained for health and welfare fund contributions. Such contributions are not included in wage rates determined by the Secretary of Labor.

(3) No classifications of laborers or mechanics may be employed except those designated in the schedule above mentioned. In the event that classifications and wage rates are desired that are not included in the schedule, application for such classifications shall be made by the contractor to the State Highway Department for request of such classifications and rates from the Secretary of Labor.

(4) While the wage rates shown are the minimum rates required by the con-

tract to be paid during its life, this is not a representation that labor can be obtained at these rates. It is the responsibility of bidders to inform themselves as to local labor conditions and prospective changes or adjustments of wage rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

(5) All mechanics and laborers employed or working upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts due at time of payment computed at wage rates not less than those contained in the schedule except such payroll deductions as are permitted by the Anti-Kickback Regulations referred to in section IV, PR38—Bureau of Public Roads Required Provisions for Federal-Aid Contracts, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics.

(6) The Wage Determination decision shall be posted by the contractor, in a manner prescribed by the Bureau of Public Roads, at the site of the work in a prominent place where it can be easily seen by the workers.

(7) The State Highway Department may withhold or cause to be withheld from the contractor so much of the amounts due the contractor as may be considered necessary to insure payment to laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by the contract.

(8) The regulations of the Secretary of Labor, under the "Anti-Kickback" Act, as amended, 18 U. S. C. 874, 40 U. S. C. 276c, are hereby made a part of the contract.

In accordance with the above act, as amended, and regulations, each week the contractor and each subcontractor shall furnish to the resident engineer a sworn affidavit, with respect to the wages paid during the preceding weekly payroll period, in the form prescribed by the regulations as follows:

STATE OF ----------
COUNTY OF ----------

I, ---------- (name of party signing affidavit) ---------- (title), being duly sworn, do depose and say: That I pay or supervise the payment of the persons employed by ---------- (contractor or subcontractor) on the ---------- (building or work); that during the payroll period commencing on the ---- day of ----------, 195 -- and ending the ------ day of ----------, 195--, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said ---------- (contractor or subcontractor) from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full weekly wages earned by any person, other than permissible deductions, as defined in the Regulations under the "Anti-Kickback" Act, as amended, 40 U. S. C. 276c and described below:

(Paragraph describing deductions, if any.)

(Signature and title)

Sworn to before me this ---- day of ----------, 195--.

(9) In lieu of the fifth full paragraph of section IV, PR38—Bureau of Public Roads Required Provisions for Federal-Aid Contracts, relating to payrolls and payroll records, the following provisions shall apply: Employment records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid. The contractor will make his employment records available for inspection by authorized representatives of the contracting agency, and the Bureau of Public Roads pursuant to section 115 (a) of the Federal-Aid Highway Act of 1956, and the Secretary of Labor pursuant to Reorganization Plan No. 14 of 1950 and 29 CFR Part 5, and will permit such representatives to interview employees during working hours on the job.

The contractor will submit weekly a certified copy of all payrolls to the State Highway Department for transmission to the Bureau of Public Roads. The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work being performed.

(10) Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(11) The schedule contained in the Wage Determination decision of the Secretary of Labor referred to in § 5.5 (a) (1) shall be set out in a separate attachment page which, in the form indicated below, shall list all crafts and rates exactly as they appear in the Wage Determination decision.

State ---------- Decision No. -------
Project No. ---------- Date of Decision ---

Craft	*Per Hour*

(12) The contractor shall insert in each of his subcontracts all of the above stipulations, PR38–Bureau of Public Roads Required Provisions for Federal-Aid Contracts, and such other stipulations as the Bureau of Public Roads may by appropriate instructions require.

(13) A breach of stipulations (1) through (12) may be grounds for termination of the contract.

2. The Agency Head is hereby relieved from the requirements of § 5.5 (b), (c), (d), and (e).

3. Section 5.6 is hereby varied to provide as follows:

(a) It shall be the responsibility of the Federal agency to ascertain whether the stipulations required by § 5.5 as herein varied, have been inserted in the contracts. Agencies which do not directly enter into such contracts shall promulgate the necessary regulations or procedures to require that the contracts contain the provisions of § 5.5 as herein varied, or such modifications thereof which have been approved by the Department of Labor.

(b) The Agency Head shall furnish to the Secretary of Labor for transmittal to the Comptroller General the names of the persons or firms who have been found to have disregarded their obligations to employees within the meaning of the Davis-Bacon Act. The Comptroller General will distribute a list to all Departments of the Government giving the names of such ineligible persons or firms.

(c) The Federal Agency shall make such examination of the certified payrolls and affidavits as may be necessary to assure compliance with the labor standards stipulations required by the regulations contained in § 5.5 as herein varied, and the applicable statutes listed in § 5.1. In connection with such examination particular attention should be given to the correctness of classifications and disproportionate employment of laborers, helpers or apprentices. Such payrolls and affidavits shall be preserved by the agency for a period of three years from the date of completion of the contract and shall be produced at the request of the Secretary of Labor at any time during the 3-year period.

(d) In addition to the examination of payrolls and affidavits required by paragraph (c) of this section, the Federal agency shall cause investigations to be made as may be necessary to assure compliance with the labor standards stipulations required by the regulations contained in § 5.5 as herein varied, and the applicable statutes listed in § 5.1. Projects where the contract is of short duration (6 months or less) shall be investigated before the work is accepted, if feasible. In the case of contracts which extend over a long period of time the investigation shall be made with such frequency as may be necessary to assure compliance. Such investigations shall include interviews with employees and examinations of payroll data to determine the correctness of classifications and disproportionate employment of laborers, helpers or apprentices. Complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without the consent of the employee.

(e) In carrying out his responsibilities under Reorganization Plan No. 14 of 1950, the Secretary of Labor may make such investigations with respect to coordination of administration and consistency of enforcement of the labor standards provisions as he deems desirable.

4. Section 5.7 (a) is hereby varied to provide as follows:

(a) After completion of investigations, the appropriate Federal agency shall, where the violations are wilful or result in underpayments in the amount of $200 or more, transmit to the Secretary of Labor a report of its findings, including information as to restitution made; payments or approvals of loans, grants, guarantees, or subsidies withheld; contract terminations; the names and addresses of employees and contractors or subcontractors affected.

5. Section 5.9 (a) is hereby varied to provide as follows:

(a) The Agency Head may, in appropriate cases where violations of the labor standards stipulations required by the regulations contained in Part 5 as herein varied and the applicable statutes listed in § 5.1 resulting in underpayment of wages to employees are found to be nonwilful, take such action to insure that restitution be made to such employees.

6. Section 5.10 is hereby varied to read as follows:

In the event of disputes concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations, the Secretary of Labor may, upon request by a Federal agency, direct a hearing to be held. For the purpose of the hearing the Secretary of Labor shall, in writing, designate a Hearing Examiner who shall, after notice to all interested parties, make such investigation and conduct such hearings as may be necessary and render a decision embodying his findings and conclusions and if wages are found to be due, the amounts thereof. The Hearing Examiner's decisions shall be sent to the interested parties and shall be final unless a petition for review of the decision by the Secretary of Labor is filed by any such parties in quadruplicate with the Chief Hearing Examiner, United States Department of Labor, Washington 25, D. C., within twenty (20) days after receipt thereof. The petition for review must set out separately and particularly each objection asserted. The petition for review and the record which shall include the Examiner's decision then shall be certified by the Hearing Examiner to the Secretary of Labor. The petitioner may file a brief (original and four copies) in support of his petition within the twenty (20) day period and any interested party upon whom the Hearing Examiner's decision has been served may within ten (10) days after the expiration of the time for filing the petition for review, file a brief in support of, or in opposition to the Hearing Examiner's decision. The Secretary of Labor's decision shall be final.

Signed at Washington, D. C., this 11th day of October 1956.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 56–8314; Filed, Oct. 16, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10133; FCC 56M–938]

COMMUNITY BROADCASTING SERVICE, INC. (WWBZ)

ORDER SCHEDULING HEARING

In re application of Community Broadcasting Service, Inc. (WWBZ), Vineland, New Jersey; Docket No. 10133, File No. BR–1435; for renewal of license.

It is ordered, This 10th day of October 1956, that further hearing in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing December 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8331; Filed, Oct. 16, 1956; 8:53 a. m.]

[Docket No. 11835; FCC 56M–940]

TOWN AND COUNTRY RADIO, INC.

ORDER SCHEDULING HEARING

In re application of Town and Country Radio, Inc., Rockford, Illinois, Docket No. 11835, File No. BP–10484; for construction permit.

It is ordered, This 8th day of October 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 11, 1956, in Washington, D. C.

Released: October 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8332; Filed, Oct. 16, 1956; 8:53 a. m.]

[Docket Nos. 11836, 11837; FCC 56M–941]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Earl S. Walden, Homer T. Goodwin and Leroy Durham, d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP–10200; Troyce H. Harrell & Kermit S. Ashby, d/b as Star of the Plains Broadcasting Company, Slaton, Texas, Docket No. 11837, File No. BP–10499; for construction permits.

It is ordered, This 8th day of October 1956, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 11, 1956, in Washington, D. C.

Released: October 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8333; Filed, Oct. 16, 1956; 8:53 a. m.]

[Docket No. 11847]

MORGAN CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of cease and desist order to be directed to Morgan Company, Sixth and Oregon Streets, Oshkosh, Wisconsin; Docket No. 11847.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to the Morgan Company, 6th and Oregon Streets, Oshkosh, Wisconsin, to cease and desist from violating Part 18 of the Commission's rules by operating industrial heating equipment which (1) is the source of interference to authorized radio services, (2) transmits radio frequency energy in excess of the limits permitted by the Commission's rules, and (3) is not certified or licensed in accordance with the Commission's rules;

It appearing that the Morgan Company operates in its plant at 6th and Oregon Streets, Oshkosh, Wisconsin certain industrial heating equipment employing a radio frequency generator which generates radio frequency energy on approximately 6.0 megacycles and spurious emissions of radio frequency energy in television channels No. 2 and 4, and;

It further appearing that said industrial heating equipment is subject to the provisions of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing that the emissions of radio frequency energy from the aforementioned industrial heating equipment have caused interference to reception of television programs in Oshkosh, Wisconsin; and

It further appearing that the aforementioned industrial heating equipment radiates energy in excess of the limit of 10 microvolts per meter at one mile as specified in § 18.22 of the Commission's rules; and

It further appearing that the aforementioned industrial heating equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed by the Commission pursuant to § 18.41 of the Commission's rules; and

It further appearing that the above facts have been called to the attention of the Morgan Company by the Commission both orally and in writing, and that the Company has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 11th day of October 1956, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to section 0.271 (d) of the Commission's rules to show cause why there should not be issued an order commanding the Morgan Company to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services, and

It is further ordered, That a hearing in this matter be held in Milwaukee, Wisconsin at 10:00 a. m., on the 5th day of December 1956, in order to determine whether said cease and desist order should be issued, and that the Morgan Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that said Morgan Company is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Morgan Company will appear and present evidence on the matter specified in this order if the Morgan Company desires to avail itself of its opportunity to appear before the Commission. If said Morgan Company does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why the Morgan Company believes that a cease and desist order shall not be issued, and

It is further ordered, That failure of said Morgan Company timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: October 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8334; Filed, Oct. 16, 1956; 8:53 a. m.]

[Cuba Change List 6]

CUBAN RADIO STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATIONS, AND DELETIONS OF EXISTING STATIONS

SEPTEMBER 11, 1956.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

CUBAN RADIO STATIONS

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Expected date of change or commencement of operation
CMJJ	Jatibonico, Camaguey	*540 kilocycles* 0.25	ND	U	II	Change in location.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8335; Filed, Oct. 16, 1956; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2746 et al.]

REOPENED RAILWAY EXPRESS AGENCY, INC. INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the investigations of REA's requests to act as an international air freight forwarder and to handle air freight (See Order No. E-10401) is assigned for October 24, 1956, at 2:00 p. m., e. d. s. t., in Room 5132, Commerce Building, 14th and Constitution Avenue, NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., October 11, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8636; Filed, Oct. 16, 1956; 8:54 a. m.]

[Docket No. 3207 et al.]

CHICAGO-TWIN CITIES CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned for November 6, 1956, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, 14th and Constitution Avenue, NW., Washington, D. C., before Examiner James S. Keith.

At this conference consideration will be given to the consolidation for hearing and decision of part or all of the following applications now pending on the docket of the Board.

Docket No. 3207—Eastern Air Lines, Inc.
Docket No. 3403—Capital Airlines, Inc.
Docket No. 3987—Delta Air Lines, Inc.
Docket No. 7789—Western Air Lines, Inc.

Attention is directed to the § 302.12 (b) of the Board's rules of practice which specifies:

A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation on contemporaneous consideration is requested, and shall relate only to a then pending application.

In order to facilitate conduct of the conference and in accord with the above rule it is requested that any party desiring to prosecute an application in this proceeding file on or before October 29, 1956, a motion for consolidation with Examiner Keith and/or any new applications for which consolidation may be sought. Copies of such motions should be served on all applicants listed above.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party upon whom the evidence is sought on or before October 29, 1956.

Counsel will be expected to state the views of their client with respect to issues discussed during the course of this conference.

Dated at Washington, D. C., October 11, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8337; Filed, Oct. 16, 1956; 8:54 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF LABOR

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR SERVICES RELATING TO AUTHORIZED ADVERTISING CAMPAIGNS

1. The delegation of authority to the Secretary of Labor to negotiate contracts for services relating to authorized advertising campaigns, dated April 21, 1955 (20 F. R. 2837) is hereby rescinded.

2. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of Labor to negotiate, without advertising, under section 302 (c) (4) and (9) of the act, contracts for services in connection with authorized advertising campaigns of the Department of Labor.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 307, and in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

4. The authority herein delegated may be redelegated to any official or employee of the Department of Labor.

5. This delegation shall be effective as of the date hereof.

Dated: October 15, 1956.

[SEAL] FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-8387; Filed, Oct. 17, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 134]

MOTOR CARRIER APPLICATIONS

OCTOBER 12, 1956.

The following applications are governed by the Interstate Commerce's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, 21 F. R. 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 Sub 82, filed August 10, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., A Corporation, 299 Adeline Street, Oakland, Calif. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. Issues published in FEDERAL REGISTER of October 17, 1956.

HEARING: November 20, 1956, at 538 Pittock Block, Portland, Oregon, before Joint Board No. 45.

No. MC 1328 Sub 5, filed July 23, 1956, J. J. LONG, INC., Frankton Pike, Alexandria, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Bldg., Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: December 10, 1956, in the U. S. Court Rooms, Indianapolis, Ind., before Examiner Lawrence A. Van Dyke.

No. MC 1353 Sub 14, filed August 7, 1956, M. H. HUMMEL, doing business as HUMMEL WAREHOUSE TRUCKING CO., 728-40 North 15th Street, Allentown, Pa. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: December 4, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 1966 Sub 2, filed September 20, 1956, THOMAS JORDANO & SON, INC., 1 Hanson Place, Brooklyn, N. Y. Applicant's representative: S. H. Moerman, Investment Bldg., Washington 5, D. C. For authority to operate as a *contract carrier*, over regular routes, transporting: *Drugs, medicines, toilet preparations,* and *containers therefor,* and *such materials, supplies, equipment, and advertising matter as is used in the manufacture and distribution of drugs, medicines, and toilet preparations,* between New York, N. Y. and West Caldwell, N. J., from New York over U. S. Highway 1 to junction New Jersey Highway 506 (Bloomfield Ave.) at Newark, and thence over New Jersey Highway 506 to West Caldwell, and return over the same route, serving the intermediate point of Newark, N. J. Applicant is authorized to conduct operations in New York and New Jersey.

HEARING: December 6, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 3341 Sub 15, filed August 1, 1956, LAKE MOTOR FREIGHT LINES, INC., 2222 West Sample St., South Bend, Ind. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 19, 1956, in Room 322, New Federal Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 8989 Sub 160, filed September 18, 1956, HOWARD SOBER, INC., P. O. Box 1228, 2400 W. St. Joseph St., Lansing 4, Mich. Applicant's representative: Albert F. Beasley, Investment Bldg., 15th and K Streets, N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, trailers, buses, chassis, and bodies, passenger and commercial, new, used, and/or wrecked, partially assembled or with and without bodies, or with or without motive power,* and *cabs, parts, tools,* and *accessories* moving with or in subsequent shipments to be used with prior shipped vehicles, and *assembled or partially assembled bodies,* (1) in initial movements, in truckaway and driveaway service, from Canastota, N. Y. to points in Arizona, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia; (2) in secondary movements, in truckaway and driveaway service, between points in Arizona, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 12, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C, before Examiner Walter R. Lee.

No. MC 8989 Sub 163, filed September 24, 1956, HOWARD SOBER, INC., 2400 West St. Joseph St., Lansing, Mich. Applicant's representative: Albert F. Beasley, Investment Bldg., 15th and K Street, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Motor vehicles, chassis, buses, passenger and commercial, new, used, and/or wrecked, partially assembled or with and without bodies, or with or without motive power, cabs, parts, tools* and *accessories* moving with or in subsequent shipments to be used with prior shipped vehicles, *assembled, or partially assembled, bodies, trailers, semi, four-wheeled, low bed trailers, and/or carts assembled or partially assembled, used singly or in combination with powered vehicles, trailer chassis, and automobile and trailer show equipment and paraphernalia,* in initial movements, via truckaway service, from Allentown, Pa., and points within five miles thereof, and from Plainfield, N. J., and points within five miles thereof, in initial truckaway and driveaway service, to all points in the United States and the Territory of Alaska; and (2) *Tractors,* in secondary driveaway service, only when drawing trailers moving in initial driveaway service as described above, from Allentown, Pa., and points within five miles thereof and from Plainfield, N. J., and points within five miles thereof, to all points in the United States and the Territory of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 6, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 10761 Sub 58, filed February 21, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Avenue, Detroit, Mich. Applicant's representative: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Issues published in FEDERAL REGISTER of March 7, 1956.

HEARING: November 26, 1956, at the Federal Building, Albany, N. Y., before Examiner Leo A. Riegel.

No. MC 15737 Sub 8, filed June 25, 1956, (Amended) published July 18, 1956 on page 5386, ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore 30, Md. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: November 19, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 22254 Sub 23, filed September 24, 1956, TRANS-AMERICAN VAN SERVICE, INC., 7540 S. Western Ave., Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington St., Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pianos* and *musical instruments,* from Corinth, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 7, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 28439 Sub 66, filed July 6, 1956, DAILY MOTOR EXPRESS, INC., Pitt and Penn Sts., Carlisle, Pa. Applicant's representative: James E. Wilson, Continental Bldg., 14th and K, N. W., Washington 5, D. C. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 4, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 30022 Sub 80, filed August 20, 1956, PAUL S. CREBS, P. O. Box 111, Northumberland, Pa. Applicant's representative: Richard V. Zug, 1418 Packard Building, Philadelphia 2, Pa. Issues published in FEDERAL REGISTER of October 17, 1956.

HEARING: December 5, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 30383 Sub 4, filed August 7, 1956, JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York 19, N. Y. Applicant's representative: Raymond J. McDonough, Ring Bldg., Washington 6, D. C. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 20, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 31600 Sub 411, filed June 28, 1956, (amended July 20, 1956), published July 18, 1956, page 5387, P. B. MUTRIE

MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Issues published in FEDERAL REGISTER of July 18, 1956, and republished August 1, 1956.

HEARING: December 7, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 37599 Sub 17, filed July 5, 1956, P. VAN HAAREN & SONS STORAGE COMPANY, INC., First & Sheridan Streets, Bay City, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: November 28, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 39976 Sub 6, filed September 20, 1956, RAYMOND D. GIBBS, doing business as DAN GIBBS AND SON, 409 Beach Lane, N. W., New Philadelphia, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Clay products*, loose or palletized, from Palmyra, Portage County, Ohio, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and *pallets, materials, equipment and supplies* used or useful in the manufacture of clay products on return, (2) *Clay products*, loose or palletized, from points in Tuscarawas County, Ohio, to points in Connecticut, Delaware, District of Columbia, those in Indiana south of U. S. Highway 40, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, those in Pennsylvania east of U. S. Highway 15, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin, and *pallets, materials, equipment and supplies* used or useful in the manufacture of clay products on return. Applicant is authorized to conduct operations in Ohio, Pennsylvania and Illinois.

HEARING: December 12, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 43165 Sub 4, filed July 9, 1956, LOUDOUN TRANSFER, INC., Purcellville, Va. Applicant's representative: Albert F. Anderson, Leesburg, Va. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: November 19, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 45194 Sub 3, filed April 2, 1956, published in the April 18, 1956 issue on page 2548, LATTAVO BROTHERS, INC., 1620 Cleveland Avenue, S. W., Canton, Ohio. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Issues published in FEDERAL REGISTER of April 18, 1956, and republished May 2, 1956.

HEARING: December 4, 1956, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 48388 Sub 39, filed October 1, 1956, J. E. FALTIN MOTOR TRANSPORTATION, INC., 515–523 South Willow Street, Manchester, N. H. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, lumber and forest products, petroleum products in bulk, and household goods, as defined by the Commission, between Manchester, N. H., on the one hand, and, on the other, points south of U. S. Highway 302 in Belknap, Carroll, Grafton, Sullivan and Cheshire Counties, N. H.

NOTE: Applicant states he has authority in Certificate No. MC 48388, dated January 31, 1950, to transport general commodities, with the exceptions noted above, between Boston, Mass., and points within 20 miles of the State House in Boston, on the one hand, and, on the other, points south of U. S. Highway 302 in the above-mentioned New Hampshire counties, and by the above requested authority seeks to substitute the Gateway of Manchester, N. H., in lieu of the Gateway of Boston, Mass., and points within 20 miles thereof. Carrier is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont.

HEARING: November 28, 1956, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 186.

No. MC 50069 Sub 175, filed June 20, 1956, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: November 26, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 52465 Sub 15, filed August 6, 1956, WESTERN EXPRESS, A Corporation, 2300—9th Avenue North, Great Falls, Mont. Applicant's representative: Randall Swanberg, 527–529 Ford Bldg., Great Falls, Mont. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 29, 1956, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 82.

No. MC 52465 Sub 16, filed August 6, 1956, WESTERN EXPRESS, A Corporation, 2300—9th Avenue North, Great Falls, Mont. Applicant's representative: Ray F. Koby, 527–529 Ford Building, Great Falls, Mont. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 27, 1956, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 79.

No. MC 52657 Sub 493, filed August 10, 1956, ARCO AUTO CARRIERS, INC., 91st Street & Perry Ave., Chicago 20, Ill. Issues published in FEDERAL REGISTER of October 17, 1956.

HEARING: December 3, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 52978 Sub 14, filed July 23, 1956, MICHIGAN TRANSPORTATION COMPANY, 1650 Waterman Ave., Detroit, Mich. Applicant's representative: Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: December 5, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 54666 Sub 8, filed October 1, 1956, THE GREEN TRUCK LINES, INC., 501 East Front St., Laurel, Miss. Applicant's representative: Claude Pittman, Sr., P. O. Box 227, Hattiesburg, Miss. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities;* except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Meridian, Miss., and the site of the U. S. Jet Navy Base approximately 15 miles from Meridian, from Meridian, over U. S. Highway 45 to junction unnamed highway near Lauderdale, Miss., thence over unnamed highway to site of the U. S. Jet Navy Base, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Louisiana and Mississippi.

HEARING: November 27, 1956, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97.

No. MC 59120 Sub 12 (Amended), filed April 17, 1956, published on Page 3442, issue of May 23, 1956, EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 2, Pa. Applicant's representative: Samuel P. Delisi, 1211 Berger Bldg., Pittsburgh 19, Pa. Issues published in FEDERAL REGISTER of May 23, 1956, and republished August 15, 1956.

HEARING: December 4, 1956, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Leo A. Riegel.

No. MC 59135 Sub 12, filed June 29, 1956, RED STAR EXPRESS LINES of AUBURN, INCORPORATED, 26–50 Wright Avenue, Auburn, N. Y. Applicant's representative: E. Bateman Ennis, Shoreham Bldg., Washington 5, D. C. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: December 11, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 60868 Sub 9, filed August 7, 1956, RUFFALO'S TRUCKING SERVICE, INCORPORATED, East Union on Lyons Road, Newark, N. Y. Applicant's representative: Martin R. Martino, 431 Tower Building, Washington, D. C. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: December 5, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 64932 Sub 221, filed October 1, 1956, ROGERS CARTAGE CO., a corporation, 1934 S. Wentworth Ave., Chicago 16, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities in bulk*, in tank or hopper vehicles, between points in Pennsylvania, West Virginia, Kentucky, Missouri, Kansas, Nebraska, Tennessee, Arkansas, Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, and Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

PRE-HEARING CONFERENCE: December 18, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., with Examiner Bertram E. Stillwell presiding.

No. MC 65172 Sub 1, filed September 12, 1956, HERBERT RAY, doing business as RAY'S TRANSFER, R. D. #1, Hazleton, Pa. Applicant's representative: Israel T. Klapper, Hazleton National Bank Building, Hazleton, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Wilkes-Barre, Pa., and Hazleton, Pa., over U. S. Highway 309, serving no intermediate points, and (2) between Wilkes-Barre, Pa., and West Hazleton, Pa., from Wilkes-Barre over U. S. Highway 309 to Hazleton, Pa., and thence over Pennsylvania Highway 29 to West Hazleton, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Pennsylvania.

NOTE: Applicant states the purpose of this application is to secure authority to transport the above commodities by collections and delivery to the Pennsylvania Railroad Freight Depot in Wilkes-Barre from and to Hazleton and West Hazleton.

HEARING: December 6, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 66562 Sub 1304, filed August 3, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated, (same address as applicant. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 26, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 66900 Sub 16, filed September 29, 1956, HOUFF TRANSFER, INC., P. O. Box 61, Weyer, Va. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between points within 50 miles of Washington, D. C., on the one hand, and, on the other, Beckley, Clarksburg, Killarney, Charleston, Martinsburg, Elkins, Logan, Oak Hill, Wheeling, Montgomery, Hinton, Meadow Creek, and Williamson, W. Va., Cumberland and Salisbury, Md., and points in Virginia.

NOTE: Applicant states that it does not seek any additional territorial authority other than that now held under Certificate No. MC 66900, but seeks to conform its Certificate authorizing the transportation of general commodities, with certain exceptions, to the uniform commodity description now utilized by the Commission for the authorization of the transportation of general commodities with the usual exceptions.

HEARING: December 11, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 67200 Sub 5, filed August 7, 1956, THE FURNITURE TRANSPORT COMPANY, INC., 111 Hallock Avenue, New Haven, Conn. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N. Y. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 26, 1956, at the New Post Office and Court House Building, Boston, Mass., before Examiner Leo W. Cunningham.

No. MC 72442 Sub 6, filed July 20, 1956, AKERS MOTOR LINES, INCORPORATED, New Hope Road, Gastonia, N. C. Applicant's representative: Edgar Watkins, Munsey Building, Washington 4, D. C. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: November 30, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 74721 Sub 57, filed August 22, 1956, MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio. Applicant's representative: Turney & Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value and except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Lititz, Pa., as an off-route point in connection with applicant's authorized regular route operations between Canton, Ohio, and Newark, N. J., over U. S. Highway 30; between Harrisburg, Pa., and Lancaster, Pa., over U. S. Highway 230; and from Baltimore, Md., to Easton and Reading Pa., over U. S. Highway 222, among others. RESTRICTION: Applied-for authority to be subject to the restriction that no transportation is to be performed between Lititz and any other point located east of a line drawn through Buffalo, N. Y., Pittsburgh, Pa., and Charleston, W. Va. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Maryland, Minnesota, Missouri, New Jersey, Ohio, Pennsylvania, Wisconsin and the District of Columbia.

HEARING: December 10, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 75185 Sub 213, filed September 17, 1956, SERVICE TRUCKING COMPANY, INC., Preston Road, Federalsburg, Md. Applicant's representative: Francis W. McInerny, Commonwealth Bldg., 1625 K Street, N. W., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Delaware, Maryland and Virginia, east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Connecticut, Rhode Island and Massachusetts. Applicant is authorized to conduct operations in Maryland, Delaware, New York, Massachusetts, Connecticut, Pennsylvania, Virginia, Illinois, Michigan, Louisiana, Alabama, Mississippi, District of Columbia, Wisconsin, Iowa, Nebraska, Minnesota, North Carolina, South Carolina, Florida, New Jersey, Georgia, Arkansas, Indiana, Kansas, Kentucky, Missouri, Ohio, Tennessee, West Virginia and Rhode Island.

NOTE: Applicant holds authority in Certificate MC 75185 Sub. No. 44 to transport frozen foods, etc., from above-named origin to above-named destinations (among others), with specific restrictions. The purpose of this application is to remove the restrictions as to the destination territory.

HEARING: December 10, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 75185 Sub 214, filed September 27, 1956, SERVICE TRUCKING CO., INC., Preston Road, Federalsburg, Md. Applicant's representative: Francis W. McInerny, Commonwealth Building, 1625 K St., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pumps, pump parts and machinery*, from Salisbury, Md., to points in Georgia and Florida.

HEARING: December 7, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 75527 Sub 16, filed September 25, 1956, LAHN TRANSPORTATION, a Corporation, P. O. Box 17, Bridgeton, N. J. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pallets, platforms* and *skids*, and *damaged glassware*, from points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia, to Bridgeton and Salem, N. J., and from Tuckahoe, N. Y., and Relay, Md., to points in Cumberland County, N. J.

NOTE: Applicant is authorized to transport glass containers and glassware from the above-specified destination points to the above-specified origin points and in the instant application, seeks authority to transport the pallets and platforms for return to shippers by receivers.

HEARING: December 11, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 75840 Sub 110, filed June 8, 1956, MALONE FREIGHT LINES, INC., 200 South 35th St., Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 325–29 Frank Nelson Bldg., Birmingham, Ala. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: November 20, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 76430 Sub 11, filed August 8, 1956, MILLER TRANSPORT CO., INC., 64th and Passyunk Ave., P. O. Box 7808, Philadelphia 42, Pa. Applicant's representative: Raymond J. McDonough, Ring Bldg., Washington 6, D. C. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: December 18, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 77135 Sub 12, filed August 9, 1956, PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's representative: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 27, 1956, in Room 226, Old Mint Building, Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 78.

No. MC 78118 Sub 4, filed August 10, 1956, WILBUR H. JONES, 327 N. Reservoir St., Lancaster, Pa. Applicant's representative: William Livengood, Jr., 227 State St., Harrisburg, Pa. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 5, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 82083 Sub 12, filed September 17, 1956, CHARLES A. KUHNS, doing business as CHARLES A. KUHNS DELIVERY, INC., 2259 Fairfield Ave., Niagara Falls, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities in bulk*, in special equipment, such as dump and hopper bodies and bodies with self-unloading equipment, between points in Erie and Niagara Counties, N. Y., on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania and West Virginia. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, New Jersey, Massachusetts and Missouri.

HEARING: December 3, 1956, at the Hotel Buffalo, Washington & Swann Streets, Buffalo, N. Y., before Examiner Leo A. Riegel.

No. MC 83539 Sub 23, filed August 6, 1956, C & H TRANSPORTATION CO., INC., 2135 West Commerce St., P. O. Box 5976, Dallas, Tex. Applicant's representative: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 27, 1956, at the Desoto Hotel, St. Louis, Mo., before Joint Board No. 195.

No. MC 89726 Sub 4, filed May 4, 1956, FRANK W. EDMANDS, INC., 16 Woodbury Ave., Saugus, Mass. Applicant's representative: Mary E. Kelley, 84 State St., Boston 9, Mass. Issues published in FEDERAL REGISTER of May 23, 1956.

HEARING: November 20, 1956, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 134.

No. MC 93003 Sub 34, filed August 2, 1956, CARROLL TRUCKING COMPANY, a corporation 4901 U. S. Highway 60, P. O. Box 5455, Huntington, W. Va. Applicant's representative: Chas. T. Dodrill, West Virginia Building, Huntington, W. Va. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 27, 1956, in Room 322, New Federal Bldg., Columbus, Ohio, before Joint Board No. 37.

No. MC 94265 Sub 60, filed September 19, 1956, BONNEY MOTOR EXPRESS, INC., (P. O. Box 4057, Broad Street Station), Military Highway, Norfolk, Va. Applicant's representative: Wilmer B. Hill, Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats*, and *meat products, dairy products*, and *packing house products*, as defined by the Commission, from Norfolk and Suffolk, Va., to points in Ohio, Georgia, Florida, Delaware, Kentucky, West Virginia, Virginia, North Carolina, South Carolina and the District of Columbia. Applicant is authorized to conduct operations in Iowa, Ohio, Illinois, Indiana, Minnesota, Nebraska, Virginia, West Virginia, Michigan, Kentucky, Missouri, Tennessee, Kansas, Wisconsin, Maryland and the District of Columbia.

HEARING: December 11, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 95561 Sub 5, filed July 12, 1956, WILLIAM J. EVELAND, doing business as WILLIAM EVELAND AND SON, 421 E. Crawford Street, Paris, Ill. Applicant's representative: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: December 13, 1956, in the U. S. Court Rooms, Indianapolis, Ind., before Examiner Lawrence A. Van Dyke.

No. MC 102298 Sub 8, filed July 27, 1956, PAN AMERICAN VAN LINES, INC., 251–257 Jericho Turnpike, Bellerose, N. Y. Applicant's representative: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 30, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 102326 Sub 8, filed June 21, 1956, DONALD E. GOULD, Coudersport, Pa. Applicant's representative: James S. Berger, Coudersport, Pa. Issues published in FEDERAL REGISTER of October 17, 1956.

HEARING: November 16, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 102376 Sub 18, filed July 16, 1956, ART BROCKMAN, INC., 12850 West Chicago Blvd., Detroit, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: November 29, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 102376 Sub 19, filed July 16, 1956, ART BROCKMAN, INC., 12850 West Chicago Blvd., Detroit, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: November 29, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 103435 Sub 72, filed September 24, 1956, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives* and *General commodities*, except commodities of unusual value, and household goods, as defined by the Commission, (1) Serving the Big Bend Dam site, located approximately 42 miles southeast of Pierre, S. Dak., as an off-route point in connection with applicant's regular-route operations over U. S. Highways 14 and 16, and (2) Serving the Rapid City Municipal Airport, located approximately ten miles east of Rapid City, S. Dak., as an off-route point in connection with applicant's operations to Rapid City, S. Dak. Applicant is authorized to conduct operations in Minnesota, South Dakota, Iowa, Nebraska, Wyoming, and Colorado.

HEARING: November 20, 1956, at the Alex Johnson Hotel, Rapid City, South Dakota, before Joint Board No. 230.

No. MC 105572 Sub 17, filed May 31, 1956, C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's representative: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: November 26, 1956, at the Sheraton-Cadillac Hotel, Detroit, Michigan, before Examiner Lawrence A. Van Dyke.

No. MC 106002 Sub 2, filed June 18, 1956, JOHN HARRIS, doing business as HOGAN'S TRANSFER, 7 Third Street, Elkins, W. Va. Applicant's representative: Bonn Brown, Elkins, W. Va. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 6, 1956, at the U. S. Court House, Charleston, W. Va., before Examiner Leo A. Riegel.

No. MC 106914 Sub 14, filed August 6, 1956, HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Ave., Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 28, 1956, in Room 322, New Federal Bldg., Columbus, Ohio, before Joint Board No. 244.

No. MC 106965 Sub 92, filed October 3, 1956, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue, N. E., Washington, D. C. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aviation fuel*, in bulk, in tank vehicles, from Naval Fuel Supply Depot, Craney Island (Churchland), Va., to Naval Air Station, Pomona, N. J.

HEARING: December 12, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 107103 Sub 3, filed May 31, 1956, ROBINSON CARTAGE COMPANY, A Michigan Corporation, 2713 Chicago Drive, S. W. (mailing address Roosevelt Square, Box 12), Grand Rapids, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Issues published in FEDERAL REGISTER of June 20, 1956.

HEARING: November 27, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 107107 Sub 79, filed June 27, 1956, ALTERMAN TRANSPORT LINES, INC., 2424 N. W. 46th St., P. O. Box 65, Miami 42, Fla. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 5, D. C. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: December 12, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 107825 Sub 1, filed July 23, 1956, published page 5954, issue of August 8, 1956, WOODROW KNOLLINGER, doing business as MIDDLE CREEK, GARAGE, National Road, Triadelphia, W. Va. Applicant's representative: Clarence I. Schafer, 1305 Eoff Street, Wheeling, W. Va. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 3, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 108453 Sub 19, filed June 14, 1956, G & A TRUCK LINE, INC., 404 W. Peck Ave., White Pigeon, Mich. Applicant's representative: Kit F. Clardy, Olds Tower, Lansing, Mich. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: December 4, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 108766 Sub 7, filed June 6, 1956, THE GREEN FLYER, INC., doing business as GREEN FLYER, 444 Hillside Avenue, Hillside, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark 2, N. J. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 26, 1956, at the N. J. Board of Public Utility Commissioners, State Office Building, Raymond Blvd., Newark, N. J., before Joint Board No. 3.

No. MC 109451 Sub 58, (amended July 2, 1956) filed May 31, 1956, ECOFF TRUCKING, INC., 112 Merrill St. Fortville, Ind. Applicant's representative: William J. Guenther, 1511–14 Fletcher Trust Bldg., Indianapolis, Ind. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: December 11, 1956, in the U. S. Court Rooms, Indianapolis, Ind., before Examiner Lawrence A. Van Dyke.

No. MC 109564 Sub 4, filed August 13, 1956, LYONS TRANSPORTATION CO., A Corporation, 1701 Parade Street, Erie 5, Pa. Applicant's representative: John P. McMahon, 44 East Broad Street, Columbus 18, Ohio. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 26, 1956, in Room 322, New Federal Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 109740 Sub 2, filed September 7, 1956, JOHN E. SHERMAN, 10 Liberty St., Castile, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange St., Rochester, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Elevators;* and *elevator equipment, machinery parts* and *accessories* of all descriptions sold by Watson Elevator Co., from Warsaw, N. Y., to points in Alabama, Connecticut, District of Columbia, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and New York, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return.

HEARING: November 30, 1956, at the Hotel Buffalo, Washington and Swann Streets, Buffalo, N. Y., before Examiner Leo A. Riegel.

No. MC 109761 Sub 5 (amended), filed April 26, 1956, published on Page 5152 issue of July 11, 1956, CARL SUBLER TRUCKING, INC., 906 Magnolia Ave., Auburndale, Fla. Applicant's representative: Benjamin J. Brooks, Washington Loan & Trust Bldg., Washington 4, D. C. Issues republished in FEDERAL REGISTER of July 18, 1956.

HEARING: December 7, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 109951 Sub 4, filed September 21, 1956, JAMES D. SHEA COMPANY, INC., 3 Malden St., Quincy, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Blasting supplies*, and *Class A, B, and C explosives, other than in liquid form*, between (1) East Bridgewater, Mass. and points within five (5) miles of East Bridgewater, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Ulster County, N. Y.; (2) Berlin, Conn. and points within five (5) miles of Berlin, on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island, and Connecticut. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New York, Rhode Island, Vermont, New Hampshire, Maine, and to Aberdeen, Md.

HEARING: November 27, 1956, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner Leo W. Cunningham.

No. MC 110190 Sub 38, filed July 5, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, York, Pa. Applicant's representative: Christian V. Graf, 11 North Front Street, Harrisburg, Pa.

Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: November 27, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 110191 Sub 12, filed May 18, 1956, TURNER'S EXPRESS, INCORPORATED, P. O. Box 1006, 1300 Shelton Avenue, Norfolk, Va. Applicant's representative: Francis W. McInerny, Commonwealth Building, 1625 K Street, N. W., Washington 6, D. C. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: November 26, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 110505 Sub 26, filed June 15, 1956, RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: December 12, 1956, in the U. S. Court Rooms, Indianapolis, Ind., before Examiner Lawrence A. Van Dyke.

No. MC 110505 Sub 27, filed June 29, 1956, (Amended) RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: November 26, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 110525 Sub 310, filed June 20, 1956, (Amended), CHEMICAL TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. Applicant's representative: John R. Sims, Jr., Munsey Building, Washington 4, D. C. Issues published in FEDERAL REGISTER of July 11, 1956, and republished July 18, 1956.

HEARING: November 16, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 110525 Sub 314, filed July 25, 1956, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downington, Pa. Applicant's representatives: Gerald L. Phelps, Dow, Lohnes and Albertson, Munsey Bldg., Washington 4, D. C. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: November 30, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 110663 Sub 3, filed August 3, 1956, R. CONLEY, INC., State Road, Springbrook, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange St., Rochester 14, N. Y. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 30, 1956, at the Hotel Buffalo, Washington & Swann Streets, Buffalo, N. Y., before Examiner Leo A. Riegel.

No. MC 110940 Sub 15, filed October 1, 1956, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr.,

531–34 Frank Nelson Bldg., Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from Savannah, Ga., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee.

HEARING: December 3, 1956, at the Peachtree-Seventh Bldg., 50 Seventh Street, N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 111435 Sub 12, filed August 14, 1956, C. & E. TRUCKING CORP., 80 Montgomery St., Rhinebeck, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 5, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 111435 Sub 13, filed August 15, 1956, C. & E. TRUCKING CORP., 80 Montgomery Street, Rhinebeck, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 5, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 111545 Sub 20, filed August 9, 1956, HOME TRANSPORTATION COMPANY, INC., 334 S. Four Lane Highway, Rt. 3, Marietta, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 30, 1956, at the Peachtree-Seventh Building, 50 Seventh Street, N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 111785 Sub 3, filed July 20, 1956, FRED C. BURNS, doing business as BURNS MOTOR FREIGHT, 1005 3d Ave., Marlington, W. Va. Applicant's representative: J. A. Bibby, Jr., Suite 406 Security Bldg., Charleston, W. Va. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 5, 1956, at the U. S. Court House, Charleston, W. Va., before Examiner Leo A. Riegel.

No. MC 112049 Sub 3, filed October 3, 1956, McBRIDE'S EXPRESS, INC., 1901 Wabash, Mattoon, Ill. Applicant's representative: Arthur W. Hewitt, 1006 Chestnut St., St. Louis, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Illinois bounded by a line beginning at Springfield, Ill., and extending along U. S. Highway 36 to Chrisman, Ill., thence along Illinois Highway 1 to Marshall, Ill., thence along U. S. Highway 40 to East St. Louis, Ill., thence along U. S. Highway 66 to point of beginning, including points on said highways, on the one hand, and, on the other, Decatur, Ill., restricted to interchange traffic at Decatur, moving to or from points beyond. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: November 28, 1956, at the U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 149.

No. MC 112145 Sub 3, filed July 16, 1956, CHARLES SPURLING, 1101 West 26th Street, Indianapolis, Ind. Applicant's representative: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 11, 1956, in the U. S. Court Rooms, Indianapolis, Ind., before Examiner Lawrence A. Van Dyke.

No. MC 112617 Sub 24, filed July 24, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. Applicant's representative: Gerald L. Phelps and John R. Sims, Jr., Munsey Bldg., Washington 4, D. C. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: December 3, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 112617 Sub 25, filed September 28, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. Applicant's representative: Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum* gas, in bulk, in tank vehicles, from Hooven, Ohio, and points within 2 miles thereof, to points in Indiana and Kentucky. Applicant is authorized to operate in Kentucky, Maryland, Virginia, North Carolina, Georgia, South Carolina, Alabama, Mississippi, West Virginia, Ohio, Pennsylvania, Indiana, Michigan, Illinois and Tennessee.

HEARING: November 27, 1956, Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 208.

No. MC 112851 Sub 3, filed June 11, 1956, GEORGE B. REYNOLDS, doing business as REYNOLDS TRUCKING COMPANY, R. R. #1, Crawfordsville, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: December 10, 1956, in the U. S. Court Rooms, Indianapolis, Ind., before Examiner Lawrence A. Van Dyke.

No. MC 113094 Sub 4, filed April 26, 1955, (REOPENED FOR FURTHER HEARING) R. A. GOULD, INC., P. O. Box 822, Moab, Utah. Applicant's representative: Harry D. Pugsley, Continental Bank Bldg., Salt Lake City 1, Utah. Issues published in FEDERAL REGISTER of August 29, 1956.

FURTHER HEARING: November 30, 1956, at the New Customs House, Denver, Colo., before Joint Board No. 213.

No. MC 113414 Sub 2, filed June 15, 1956, E. W. BOHREN, INC., Woodburn, Ind. Applicant's representative: Charles M. Pieroni, 523 Johnson Bldg., Muncie, Ind. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: December 13, 1956, in the U. S. Court Rooms, Indianapolis, Ind., before Examiner Lawrence A. Van Dyke.

No. MC 113533 Sub 7, filed September 4, 1956, L. B. VINCENT GARDELLA, doing business as GARDELLA's REFRIGERATED EXPRESS, 1951 East Ferry Street, Detroit 11, Mich. Applicant's representative: Clark, Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods, meat, meat products* and *meat by-products*, from points in New Jersey, Pennsylvania, Maine, and those in the New York, N. Y. Commercial Zone as defined by the Commission, to points in Michigan, Indiana, Illinois, Ohio, Kentucky and Missouri. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New Jersey, New York, Pennsylvania and Rhode Island.

HEARING: December 6, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 114015 Sub 6, filed July 20, 1956, HUSS, INCORPORATED, Chase City, Va. Applicant's representative: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: November 29, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 114091 Sub 12, filed August 13, 1956, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South 7th Street Road, Louisville, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 16, 1956, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 208.

No. MC 114912 Sub 8, filed July 21, 1956, CHARLES J. KOTWICA, doing business as ROME EXPRESS, 714 West Court Street, Rome, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 29, 1956, at the Federal Building, Syracuse, N. Y., before Examiner Leo A. Riegel.

No. MC 115567 Sub 1, filed August 16, 1956, MAURICE PAQUETTE, Lac des Ecorces, Conte de Labelle, Province de Quebec, Canada. Applicant's representative: Courtemanche et Therrien, Mont Laurier, Province de Quebec, Canada. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: November 26, 1956, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 188.

No. MC 115841 Sub 7, filed June 29, 1956, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 1st Ave., N. Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Bldg., Birmingham 3, Ala. Issues published in FEDERAL REGISTER of October 17, 1956.

HEARING: November 26, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 115841 Sub 8, filed June 29, 1956, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 1st

Ave., N. Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Bldg., Birmingham 3, Ala. Issues published in FEDERAL REGISTER of October 17, 1956.

HEARING: November 28, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 115911, filed April 4, 1956, ALTA F. NELSON, doing business as BOULEVARD TRANSFER COMPANY, 1955 West Kirby, Detroit, Mich. Applicant's representative: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: December 6, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 115966, filed May 2, 1956, JAMES B. HALL, AND GEORGE W. MONROE, doing business as H. M. & G. GRAIN AND FEED COMPANY, 133 Mill Street, Fowlerville, Mich. Applicant's representative: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Issues published in FEDERAL REGISTER of May 16, 1956.

HEARING: December 3, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 116085, filed June 29, 1956, FRISKNEY AND HARDING TRUCKING, INC., R. R. #2, Kendallville, Ind. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: December 5, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Lawrence A. Van Dyke.

No. MC 116112, filed July 20, 1956, THURMAN'S GARAGE, INC., P. O. Box 1146, Beckley, W. Va. Applicant's representative: J. A. Bibby, Jr., Suite 406 Security Bldg., Charleston, W. Va. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: December 5, 1956, at the U. S. Court House, Charleston, W. Va., before Examiner Leo A. Riegel.

No. MC 116119, filed July 23, 1956, JOHN HARRIS, doing business as HOGAN'S TRANSFER, 7 Third Street, Elkins, W. Va. Applicant's representative: Bonn Brown, Elkins, W. Va. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: December 6, 1956, at the U. S. Court House, Charleston, W. Va., before Joint Board No. 341.

No. MC 116144, filed August 2, 1956, ARTHUR W. SORENSEN, Johnson Road, Woodbridge, Conn. Applicant's representative: Hugh M. Joseloff, 419 Asylum Street, Hartford 3, Conn. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 30, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 116145, filed August 3, 1956, G. G. PARSONS, P. O. Box 615, North Wilkesboro, N. C. Applicant's representative: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. Issues published in FEDERAL REGISTER of October 17, 1956.

HEARING: November 19, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 116156, filed August 9, 1956, BERNARD AND MILTON JAEGER, 319 E. Third Ave., Bay Shore, L. I., N. Y. Applicant's representative: Nathan E. Zelby, 135 Broadway, New York 6, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 4, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 116199, filed September 12, 1956, HARRY SCHILDHAUS, doing business as EXCELSIOR DELIVERY SERVICE, 33 Temple Place, Irvington, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Janitorial supplies, paper products, electrical supplies* and *office supplies*, as more fully described in the application, from points in Essex County, N. J., to New York, N. Y.

HEARING: December 3, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 116206 Sub 1, filed September 17, 1956, RAY L. HORSMAN AND VIRGIL R. HORSMAN, a partnership, doing business as HORSMAN TRUCK LINE, P. O. Box 73, Fisher, Ill. Applicant's representative: Mack Stephenson, 208 East Adams St., Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Milk* and *milk products*, from Dean Milk Co. plant near Rochester, Ind., to Champaign and Decatur, Ill. *Empty cases and containers*, on return.

HEARING: November 29, 1956, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 21.

No. MC 116218, filed September 21, 1956, J. PAUL WINNINGHAM, Byrdstown, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wood staves*, from Cookeville and Huntsville, Tenn., to Louisville, Ky.

HEARING: November 28, 1956, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25.

No. MC 116220, filed September 24, 1956, PHILLIP T. KANE, doing business as KANE'S TRAILER HAULING SERVICE, 200 Courtney Avenue, Pawtucket, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles or commercial vehicles of not over one and one-half ton capacity, in secondary movements, in truckaway service, between points in Rhode Island, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

HEARING: November 28, 1956, in Room 308, Main Post Office Building, Providence, R. I., before Examiner Leo W. Cunningham.

No. MC 116225, filed September 26, 1956, ROBERT D. MITCHELL, doing business as TRAILER HAVEN, R. R. No. 1, Box 428, Kingston, N. Y. Applicant's representative: J. J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* (housetrailers and contents and furnishings thereof on the same shipments), between points in Ulster County, N. Y. on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

HEARING: November 27, 1956, at the Federal Building, Albany, N. Y., before Examiner Leo A. Riegel.

No. MC 116228, filed September 27, 1956, HOLLIDAY ACRES, INC., 291 Forest Drive, Short Hills, N. J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Show horses*, for display only, between points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island.

HEARING: December 10, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 116229, filed September 28, 1956, JULIAN M. SHRADER, Pickaway, W. Va. Applicant's representative: Preston and Davis, 400 Union Building, Charleston 1, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber (rough)*, from Bluefield, W. Va. and Ronceverte, W. Va. and points within ten miles of Bluefield and Ronceverte, to points in Virginia on and west of U. S. Highway 1, points in North Carolina on and west of U. S. Highway 1 and points in Tennessee on and east of U. S. Highway 27.

HEARING: December 7, 1956, at the U. S. Court House, Charleston, W. Va., before Examiner Leo A. Riegel.

No. MC 116230, filed October 1, 1956, DON D. BECKER, 1500 Wilkinson Avenue, Marquette, Mich. Applicant's representative: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Marquette, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return.

HEARING: November 27, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 95.

No. MC 116231, filed October 1, 1956, LEWIS R. HUNT, HERBERT L. HUNT AND CARROL L. HUNT, doing business as HUNT & SONS, Holden, Mo. Applicant's representative: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Animal feeds* and *agricultural fertilizer*, from East St. Louis, Ill., to Harrisonville, Mo., from East St. Louis over U. S. Highway 40 to junction Missouri Highway 13, east of Odessa, Mo., thence over Missouri Highway 13 to junction U. S. Highway 50, at Warrensburg, Mo., thence over U. S. Highway 50 to junction Missouri Highway 58 west of Warrensburg, Mo., thence over Missouri Highway 58 to junction

Missouri Highway 7, near Pleasant Hill, Mo., and thence over Missouri Highway 7 to Harrisonville, serving the intermediate points of Centerview, Pleasant Hill, Warrensburg and Holden, Mo., and the off-route point of Pittsville, Mo.

HEARING: November 20, 1956, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 135.

MOTOR CARRIERS OF PASSENGERS

No. MC 116005, filed May 21, 1956, ONONDAGA COACH CORP., 23 Wadsworth St., Auburn, N. Y. Applicant's representative: Daniel H. Greenberg, Empire State Bldg., 350 Fifth Ave.; New York 1, N. Y. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 28, 1956, at the Federal Building, Syracuse, N. Y., before Examiner Leo A. Riegel.

BROKERAGE LICENSE

No. MC 12651, filed September 14, 1956 (clarified October 1, 1956), MARSHALL SINGLETON, JR., doing business as SINGLETON'S MOVING & TRUCKING SERVICE CO., 255 West 144th Street, New York 30, N. Y. For a license (BMC 4) authorizing operations as a broker at New York, N. Y., in arranging for transportation of *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk,* and *those requiring special equipment,* between points in the United States, including the District of Columbia, restricted to truck load and less than truck load lots.

HEARING: December 3, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PASSENGERS

No. MC 109780 Sub 45, filed August 29, 1956, TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. Issues published in FEDERAL REGISTER of October 3, 1956. The hearing previously assigned in the application has been canceled upon the filing of verified statements on behalf of application accompanied by a request that the application be handled without oral hearing.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER 21 F. R. 7339, § 1.240, September 26, 1956.)

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC-F 6177, published in the January 18, 1956, issue of the FEDERAL REGISTER on page 350. By supplemental application filed October 3, 1956, the following additional persons have joined in the application as persons in control of NATIONAL TRAILWAYS BUS SYSTEM: S. A. JESSUP, CLAUDE A. JESSUP, JAMES L. JESSUP, BETTY SUE JESSUP, MARY IRVA JESSUP and VIRGINIA PEPSI COLA BOTTLING COMPANY, INCORPORATED, all of Charlottesville, Va.

No. MC-F 6411, published in the October 10, 1956, issue of the FEDERAL REGISTER on page 7754. Application filed October 9, 1956, for temporary authority under section 210a (b).

No. MC-F 6413. Authority sought for control by U. S. TRUCK LINES, INC., OF DELAWARE, 1602 Union Commerce Bldg., Cleveland 14, Ohio, of NATIONAL TANK TRUCK DELIVERY, INC., 85 East Gay Street, Columbus 15, Ohio. Applicant's representative: Roland Rice, 618 Perpetual Bldg., Washington 4, D. C. Authority applied for by NATIONAL TANK TRUCK DELIVERY, INC., and sought to be controlled by applicant: *Sulfuric acid,* in bulk, in tank vehicles, as a *contract carrier* over irregular routes between Columbia Park, Ohio, and points in Kentucky and Indiana. Applicant holds no authority from this Commission but owns controlling stock interest in BROWN EXPRESS, BUFFALO DELIVERY, INC., THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., THE CONSOLIDATED CARTAGE & STORAGE COMPANY, DETROIT DELIVERY, INC., MOTOR EXPRESS, INC., OF INDIANA, MOTOR EXPRESS, INC. (N. J.), MOTOR EXPRESS, INC. (OHIO), and THE SUPERIOR TRANSFER COMPANY, which are authorized to operate as *common carriers* in Texas, New York, Ohio, Indiana, West Virginia, Michigan, Illinois, Wisconsin and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6416. Authority sought for purchase by YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston 15, Texas, of a portion of the operating rights of CHEMICAL TRANSPORTS, INC., Third floor Simons Bldg., Dallas 1, Texas, and for acquisition by R. P. YORK, H. C. DANIEL and T. M. McMICHAEL, all of Houston, of control of such rights through the purchase. Applicants' representative: Warren Woods, DeSales Bldg., Connecticut Avenue and DeSales Street, NW., Washington, D. C. Operating rights sought to be transferred: Muriatic (hydrochloric) acid, in bulk, in tank vehicles, as a *common carrier* over irregular routes from Fort Worth and Machovec, Tex., to Hugoton, Lakin, Great Bend, Wichita, Plainville, and Ulysses, Kans., and Guymon, Enid, Seminola, and Paul's Valley, Okla., from Denver City, Tex., to Hobbs, N. Mex., and from Fort Worth, Tex., to Shreveport-Bossier City, La.; *muriatic acid* (hydrochloric) in bulk, in rubber-lined tank vehicles, from Fort Worth, Tex., to Healdton, Miami, and Lillard Park, Okla.; *muriatic acid,* in bulk, in tank vehicles, from Texas City, Tex., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma. Vendee is authorized to operate as a *common carrier* in Texas, Louisiana, Arkansas, Mississippi, Oklahoma and New Mexico. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6417. Authority sought for control and merger by SAFEWAY TRAILS, INC., 820 T Street, N. E., Washington, D. C., of the operating rights and property of QUAKER CITY BUS CO., 1313 Arch Street, Philadelphia, Pa., and for acquisition by CLAUDE A. JESSUP, of Charlottesville, Va., WILLIAM A. ROBERTS and CHARLES B. McINNIS, both of Washington, and MARVIN E. WALSH, of Silver Spring, Md., of control of such rights and property through the transaction. Applicant's representative: James E. Wilson, 1012 14th Street, N. W., Washington, D. C. Operating rights sought to be controlled and merged: *Passengers and their baggage,* and *express, newspapers* and *mail in the* same vehicle with passengers, as a *common carrier* over regular routes including routes between Philadelphia, Pa., and New York, N. Y., between Wrightstown, N. J., and junction unnumbered highway and U. S. Highway 206 due west of Jobstown, N. J., between Philadelphia, Pa., and Atlantic City, N. J., between Camden, N. J., and junction U. S. Highway 30 and New Jersey Highway S41 at a point near Tansboro, N. J., and between Fort Dix, N. J., and Mansfield Square, N. J., serving certain intermediate points; *passengers and their baggage,* and *express,* and *newspapers,* in the same vehicle with passengers, between Newark, N. J., and New York, N. Y., and between Wrightstown, N. J., and the entrance to McGuire Air Force Base in New Hanover, New Hanover Township, Burlington County, N. J., serving certain intermediate points; *passengers,* between junction New Jersey Highways 25 and 1 in Jersey City, N. J., and New York, N. Y.; *passengers and their baggage,* in special operations, in round trip sightseeing or pleasure tours, over irregular routes, beginning and ending at Philadelphia, Pa., or Camden, N. J., and extending to Graymoor at Garrison, N. Y., and the United States Military Academy, at West Point, N. Y. SAFEWAY TRAILS, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Maryland, Delaware and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6418. Authority sought for purchase by HYMAN TRANSPORTATION COMPANY, 8 North State Street, Aberdeen, S. Dak., of the operating rights of WALTER L. PHILLIPS, doing business as PHILLIPS TRUCKS, R. R. #1, Wilmot, S. Dak., and for acquisition by EUGENE PIKOVSKY, 704 North 5th Street, Minneapolis, Minn., of control of such rights through the purchase. Applicants' representative: Donald A. Morken, 1100 First National-Soo Line Bldg., Minneapolis 2, Minn. Operating rights sought to be transferred: *General commodities,* with certain exceptions not including household goods but including commodities in bulk, as a *common carrier* over irregular routes between Wilmot, S. Dak., on the one hand, and, on the other, points in Minnesota, and between points within 15 miles of Wilmot, S. Dak. (except Twin Brooks, S. Dak.), on the one hand, and, on the other, points in Minnesota; *livestock* and *farm products,* between points in Roberts, Grant, and Day Counties, S. Dak., on the one hand, and, on the other, points in Minnesota, and in Lyon, Osceola, Dickinson, Sioux, O'Brien, Clay, Plymouth, and Woodbury Counties, Iowa. Vendee is authorized to operate as a *common carrier* in South Dakota, Minnesota, North Dakota and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6419. Authority sought for purchase by LONG ISLAND DELIVERY CO., INC., 1150 Broadway, Hewlett, Long Island, N. Y., of a portion of the operating rights of ASKIN TRUCKING COMPANY, INC., 543 President Street, Brooklyn, N. Y., and for acquisition by WILLIAM J. MacLEER, NELLIE M. MacLEER, and EDGAR JENNINGS, all of Valley Stream, N. Y., CHARLES FRANCOLINI, JEAN FRANCOLINI, RICHARD KUSTER, and JOAN KUSTER, all of West Hempstead, N. Y., of control of such rights through the purchase. Applicants' representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between New York, N. Y., on the one hand, and, on the other, certain points in New Jersey. Vendee is authorized to operate as a *common carrier* in New York. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8304; Filed, Oct. 16, 1956; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 12, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32748: *Substituted service, motor-rail-motor, Pennsylvania Railroad.* Filed by Household Goods Carriers Bureau, Agent, for itself, The Pennsylvania Railroad and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Kearny, N. J., and Pittsburgh, Pa.

Grounds for relief: Motor truck competition.

FSA No. 32749: *Substituted service, motor-rail-motor, Pennsylvania Railroad.* Filed by Transamerican Freight Lines, Inc., Agent, for itself, The Pennsylvania Railroad and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Pittsburgh, Pa., and Kearny, N. J.

Grounds for relief: Motor truck competition.

FSA No. 32750: *Cativo plywood from Alabama to Pascagoula, Miss.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on plywood, cativo, carloads from Bay Minette and Mobile, Ala., to Pascagoula, Miss.

Grounds for relief: Rail carriers competition, grouping, and circuity.

Tariffs: Supplement 157 to Agent Spaninger's I. C. C. 1101 and three other tariffs.

FSA No. 32751: *Commodity rates from and to Pine Oaks, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on commodities (other than coal and coke), carload and less-than-carload between Pine Oaks, Va., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Establishment of a new station.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8306; Filed, Oct. 16, 1956; 8:48 a. m.]

[Drouth Order 56, Amdt. 1]

OKLAHOMA

TRANSPORTATION OF LIVESTOCK AND LIVESTOCK FEED AT REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

Upon consideration of a request by the Acting Secretary of Agriculture, dated October 10, 1956, to include the transportation of livestock in this order, and to extend the expiration date:

It is ordered, That, the order of September 26, 1956, be, and it is hereby, amended (a) to include the transportation of livestock from Oklahoma, and in the subsequent return of livestock to Oklahoma, (b) to extend the expiration date from December 31, 1956, to and including March 31, 1957, on livestock feed, and May 31, 1957, on livestock, and (c) to provide that the Department of Agriculture or agents or agencies of the State of Oklahoma, shall designate the class of persons entitled to the reduced rates.

It is further ordered, That notice to the affected railroads and the general public shall be given by depositing copies of this order in the office of the Secretary of the Commission and by filing copies with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 11th day of October 1956.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8305; Filed, Oct. 16, 1956; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

GROUNDFISH FILLETS

ESCAPE CLAUSE REPORT

OCTOBER 12, 1956.

The Tariff Commission today submitted a report to the President on its findings and recommendation in the "escape clause" investigation No. 47 made under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to groundfish fillets. Such fillets are subject to duty at rates imposed under paragraph 717 (b) of the Tariff Act of 1930, as modified pursuant to a tariff concession granted in the General Agreement on Tariffs and Trade on January 1, 1948. Under that agreement, the duty is 1⅞ cents per pound on an annual quota equal to whichever of the two following amounts is the larger: (1) 15 million pounds, or (2) 15 percent of the average annual United States consumption of such fish fillets in the three preceding calendar years. Imports in excess of that quota are dutiable at 2½ cents per pound, which is the rate of duty originally provided for all imports of groundfish fillets in paragraph 717 (b) of the Tariff Act of 1930.

The Commission unanimously found that, as a result in part of the customs treatment reflecting the aforementioned concession, groundfish fillets are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or directly competitive products. The Commission also found that in order to remedy this serious injury, it is necessary that the duty on the imports that enter under the tariff quota be increased from 1⅞ cents per pound to 2.8125 cents per pound, and that the duty on the imports that enter in excess of that quota be increased from 2½ cents per pound to 3.75 cents per pound.

The Commission's report contains a brief summary of the information assembled in the investigation and also a statistical appendix. Copies of the report may be secured upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-8315; Filed, Oct. 16, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 5529]

ARKANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 28S Conway	$50,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-8346; Filed, Oct. 16, 1956; 8:55 a. m.]

[Administrative Order 5530]

GEORGIA

LOAN ANNOUNCEMENT

SEPTEMBER 5, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 81T Towns	$1,040,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 56-8347; Filed, Oct. 16, 1956; 8:55 a. m.]

[Administrative Order 5531]

OKLAHOMA

LOAN ANNOUNCEMENT

SEPTEMBER 5, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 2Y Kay	$564,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 56-8348; Filed, Oct. 16, 1956; 8:55 a. m.]

[Administrative Order 5532]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 67P Rains-Rockwall	$600,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-8349; Filed, Oct. 16, 1956; 8:55 a. m.]

[Administrative Order 5533]

OKLAHOMA

LOAN ANNOUNCEMENT

SEPTEMBER 13, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 30X Choctaw	$100,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-8350; Filed, Oct. 16, 1956; 8:55 a. m.]

[Administrative Order 5534]

OREGON

LOAN ANNOUNCEMENT

SEPTEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 37C Wheeler	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-8351; Filed, Oct. 16, 1956; 8:55 a. m.]

[Administrative Order 5535]

IOWA

AMENDMENT OF LOAN ANNOUNCEMENT

SEPTEMBER 17, 1956.

I hereby amend Administrative Order No. 62, dated February 25, 1937, as amended by Administrative Order No. 460, dated May 18, 1940, by further reducing the allocation of $27,000 therein made for "Iowa 9W Scott" by $18.86 so that the reduced allocation shall be $16,981.14.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-8352; Filed, Oct. 16, 1956; 8:55 a. m.]

[Administrative Order 5536]

KENTUCKY

AMENDMENT OF LOAN ANNOUNCEMENT

SEPTEMBER 18, 1956.

I hereby amend:

(a) Administrative Order No. 1263, dated May 2, 1947, by reducing the allocation of $330,000 therein made for "Kentucky 20K McCracken" by $46,000 so that the reduced allocation shall be $284,000;

(b) Administrative Order No. 2388, dated November 30, 1949, by reducing the loan of $735,000 therein made for "Kentucky 20L McCracken" by $50,217.64 so that the reduced loan shall be $684,782.36;

(c) Administrative Order No. 3025, dated November 16, 1950, by reducing the loan of $285,000 therein made for "Kentucky 20M McCracken" by $195,000 so that the reduced loan shall be $90,000; and

(d) Administrative Order No. 3505, dated October 25, 1951, by rescinding the loan of $480,000 therein made for "Kentucky 20N McCracken".

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-8353; Filed, Oct. 16, 1956; 8:56 a. m.]

[Administrative Order 5537]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 96R Beltrami	$380,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-8354; Filed, Oct. 16, 1956; 8:56 a. m.]

[Administrative Order 5538]

CALIFORNIA

AMENDMENT OF LOAN ANNOUNCEMENT

SEPTEMBER 20, 1956.

I hereby amend Administrative Order No. 403, dated October 18, 1939, by rescinding the allocation of $10,000 therein made for "California 0006W1 Modoc".

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-8355; Filed, Oct. 16, 1956; 8:56 a. m.]

[Administrative Order 5539]

MISSOURI

AMENDMENT OF LOAN ANNOUNCEMENT

SEPTEMBER 20, 1956.

I hereby amend Administrative Order No. 620, dated September 23, 1941, by reducing the allocation of $10,000 therein made for "Missouri 2028S2 Barton" by $4,674.45 so that the reduced allocation shall be $5,325.55.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-8356; Filed, Oct. 16, 1956; 8:56 a. m.]

[Administrative Order 5540]

LOUISIANA

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 9AC Lafayette	$1,000,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-8357; Filed, Oct. 16, 1956; 8:56 a. m.]

[Administrative Order 5541]

INDIANA

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 89S Harrison	$490,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-8358; Filed, Oct. 16, 1956; 8:56 a. m.]

[Administrative Order 5542]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 47Y Cooper	$450,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-8359; Filed, Oct. 16, 1956; 8:56 a. m.]

[Administrative Order 5544]

FARMS WITHOUT CENTRAL STATION ELECTRIC SERVICE

LOAN ANNOUNCEMENT

SEPTEMBER 28, 1956.

Pursuant to section 3 (c) of the Rural Electrification Act of 1936, as amended, and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each State and the number of such farms for the United States at the beginning of the current fiscal year are as set forth in the following schedule, and I hereby allot from the sum of $53,500,000, being twenty-five per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

	Farms without central station electric service July 1, 1956	Allotment for loans during the fiscal year ending June 30, 1957
United States	275,250	$53,500,000
Alabama	14,450	2,808,629
Arizona	1,150	223,524
Arkansas	8,150	1,584,105
California	4,000	777,475
Colorado	4,600	894,096
Connecticut	150	29,155
Delaware	250	48,592
Florida	5,350	1,039,873
Georgia	8,250	1,603,542
Idaho	1,200	233,243
Illinois	5,500	1,069,028
Indiana	2,500	485,922
Iowa	3,650	709,446
Kansas	11,100	2,157,493
Kentucky	14,750	2,866,939
Louisiana	4,400	855,223
Maine	1,400	272,116
Maryland	1,850	359,582
Massachusetts	250	48,592
Michigan	2,800	544,233
Minnesota	7,900	1,535,513
Mississippi	27,650	5,374,296
Missouri	10,550	2,050,590
Montana	4,600	894,096
Nebraska	6,000	1,166,213
Nevada	750	145,777
New Hampshire	200	38,874
New Jersey	200	38,874
New Mexico	3,450	670,572
New York	2,200	427,611
North Carolina	10,400	2,021,435
North Dakota	9,650	1,875,659
Ohio	4,550	884,378
Oklahoma	10,900	2,118,619
Oregon	1,500	291,553
Pennsylvania	4,500	874,659
Rhode Island	50	9,718
South Carolina	11,100	2,157,493
South Dakota	8,300	1,613,261
Tennessee	11,600	2,254,678
Texas	20,300	3,945,686
Utah	700	136,058
Vermont	300	58,311
Virginia	9,550	1,856,222
Washington	1,000	194,369
West Virginia	4,850	942,688
Wisconsin	5,000	971,844
Wyoming	1,750	340,145

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-8361; Filed, Oct. 16, 1956; 8:57 a. m.]

[Administrative Order 5543]

FLORIDA

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 26V Hardee	$835,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-8360; Filed, Oct. 16, 1956; 8:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

RENE LEDUC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Rene Leduc, 23, rue Henri Cloppet, Le Vesinet (Seine-et-Oise), France; Claim No. 43859; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,272,676.

Executed at Washington, D. C., on October 10, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8319; Filed, Oct. 16, 1956; 8:50 a. m.]

CORNELIS JACOBUS STOETE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cornelis Jacobus Stoete, Haarlem, The Netherlands; Claim No. 41939, Vesting Order No. 291; property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942) relating to Patent Application Serial Number 288,226 (Now United States Letters Patent No. 2,311,909).

Executed at Washington, D. C., on October 8, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8321; Filed, Oct. 16, 1956; 8:51 a. m.]

HERMINE JASLOVICI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Hermine Jaslovici, Kiriat Yam Gimel, 389 near Haifa, Israel; Claim No. 59854, Vesting Order No. 18003; $1,952.39 in the Treasury of the United States; 3 shares Rudolph Karstadt, Inc. American shares in the custody of Swiss Bank Corporation, New York Agency, for the account of the Attorney General (Cert. No. NO6587).

Executed at Washington, D. C., on October 10, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8320; Filed, Oct. 16, 1956; 8:51 a. m.]

CASH DERIVED FROM WORLD WAR I ADMINISTRATION OF TRADING WITH THE ENEMY ACT, AS AMENDED

NOTICE OF TRANSFER TO SECRETARY OF TREASURY

Notice of transfer to the Secretary of the Treasury of cash derived from the World War I administration of the Trading with the Enemy Act, as amended, and claimed by persons last known to be nationals of Poland, Czechoslovakia, Bulgaria, Hungary, or Rumania; notice of rights of persons having claims to such cash.

Pursuant to section 1 (d) of Public Law 1007, 84th Congress, approved August 6, 1956 (70 Stat. 1071), notice is hereby given of the transfer to the Secretary of the Treasury on or about September 28, 1956, for deposit in the Treasury as miscellaneous receipts, of the cash credited on the books of the Attorney General in the following accounts heretofore maintained with respect to property or interests acquired by the United States prior to December 18, 1951, under the Trading with the Enemy Act, as amended:

(1) Trust Numbered 47675, Polish claimants;

(2) Trust Numbered 47677, Czech claimants; and

(3) Trust Numbered 47687, Bulgarian, Hungarian, and Rumanian claimants.

The cash in these accounts represented the proceeds of the seizures of certain property or interests by the United States during the course of the administration of the Trading with the Enemy Act, as amended, in connection with World War I. The last known claimants to this cash so transferred to the Secretary of the Treasury are persons who appear to be nationals of Poland, Czechoslovakia, Bulgaria, Hungary, or Rumania.

Notice is further given, pursuant to section 1 (d) of Public Law 1007, 84th Congress, that any person having a claim to any of the above described cash may file a suit against the United States for the recovery of the cash so claimed in the District Court of the United States for the District of Columbia. Such suit must be instituted within two years after the date of publication of this notice. The amount of any judgment entered by the court in favor of a claimant shall be subject to the provisions of any applicable blocking regulations issued under Executive Order 8389 of April 10, 1940, as amended, which remain in force at the time of the entry of such judgment.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

OCTOBER 11, 1956.

[F. R. Doc. 56-8318; Filed, Oct. 16, 1956; 8:50 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

EXTENSION OF PROGRAM

Regulations are hereby amended to reflect the extension of the program to schools and child-care institutions in the Territory of Alaska, pursuant to § 502.215 of this part.

Paragraph (e) of § 502.217 is amended to read as follows:

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Food Distribution Division, AMS, United States Department of Agriculture, Room 404, Appraisers Building, 630 Sansome Street, San Francisco 11, California.

(Sec. 4, 82 Stat. 1070, as amended; 15 U. S. C. 714b)

Effective date. This part, as revised, shall become effective October 15, 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

OCTOBER 12, 1956.

[F. R. Doc. 56-8398; Filed, Oct. 17, 1956; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 873.9]

PART 873—SUGARCANE; FLORIDA

PRICES FOR 1956 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held at Clewiston, Florida, on May 10, 1956, the following determination is hereby issued:

§ 873.9 *Fair and reasonable prices for the 1956 crop of Florida sugarcane.* A producer of sugarcane in Florida who is also a processor of sugarcane (hereinafter referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1956 crop grown by other producers and processed by him, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract) adjusted to a duty paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Division determines that such price does not reflect the true market value of sugar, because of inadequate volume or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of sugar.

(2) "Raw sugar" means raw sugar of 96° polarization.

(3) "Net sugarcane" means sugarcane, as delivered by a producer to a processor, from which has been deducted the weight of trash determined in the customary manner.

(4) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(5) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.07 per ton for each one cent per pound of the average price of raw sugar obtained by weighting the simple average of daily prices of raw sugar for each month in which sugar is sold by or for the account of the processor by the quantity of 1956 crop raw sugar or raw sugar equivalent of the sugar sold during each month adjusted by deducting the applicable admissible storage and handling expenses actually incurred on such sugar as a result of marketing allotments. The items of expenses which may be deducted are listed in Schedule A below: *Provided,* That nothing in this subparagraph shall be construed as prohibiting expense deductions which may be necessary because of unusual circumstances. The processor shall submit to the Florida State Agricultural Stabilization and Conservation Office (hereinafter referred to as "State Office") for ap-

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

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Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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proval, a statement setting forth the weighted average price of raw sugar, and items of expense which have been deducted.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the State Office.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice:	*Standard sugar cane quality factor* [1]
9.5	0.70
10.0	0.75
10.5	0.80
11.0	0.85
11.5	0.90
12.0	0.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

(d) *Molasses payment.* For each ton of net sugarcane ground there shall be paid to the producer a molasses payment equal to the product of 5.85 and one-half of the net liquidation from the disposal of blackstrap or final molasses in excess of 4.75 cents per gallon, f. o. b. sugarhouse tanks, during the 12-month period ending May 31, 1957: *Provided*, That the processor shall submit to the State Office, for approval, a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the net liquidation price of blackstrap molasses.

(e) *General.* (1) The price for sugarcane specified in this determination is applicable to sugarcane loaded on carts or trucks at the farm or, if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm: *Provided*, That if a producer delivers sugarcane directly to the mill the processor shall pay the producer for transportation of such sugarcane an amount equal to the cost of transporting sugarcane by railroad or by other common carrier whichever customarily is used by the processor.

(2) Methods of sucrose analysis, deductions for frozen sugarcane because of decreased boiling house efficiency, fiber content determinations and deductions, definitions of delivery schedules and similar terms employed in connection with the purchase of the 1956 crop shall be as set forth in the contract between the producer and the processor or, in the absence of such a contract, as employed in connection with the purchase of the 1955 crop.

(3) Nothing in subparagraphs (1) and (2) of this paragraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be approved by the State Office.

(4) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor and as approved by the State Office.

(5) The requirements of this section are applicable to all sugarcane grown by a producer and processed by the processor for the extraction of sugar or liquid sugar: *Provided*, That such requirements shall not apply with respect to sugarcane grown on acreage in excess of the proportionate share for the farm if such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed.

(6) The processor shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

a. *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1956 crop grown by other producers.

b. *Requirements of the act.* Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

c. *1956 fair price determination.* The 1956 price determination continues the provisions of the 1955 determination except that the basic price for salvage sugarcane which may be as agreed upon between the processor and the producer is subject to the approval of the State Office; a provision is included requiring the processor to submit to the State Office, for approval, a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the net proceeds from the sale of blackstrap molasses; the molasses payment to producers is based on 5.85 gallons per ton of sugarcane, the average production for the most recent five crops; and a provision is included which specifies that the fair price requirements are not applicable to sugarcane grown in excess of the proportionate share for the farm, if such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. Minor changes in language also have been made in certain provisions of the determination.

A public hearing was held at Clewiston, Florida, on May 10, 1956, at which interested persons presented testimony with respect to fair and reasonable prices for the 1956 crop. A processor representative recommended that the provisions of the 1955 price determination be continued for the 1956 crop. In reference to specific provisions of the determination the witness stated that producers should continue to bear their share of expenses on sugar which is not marketable under marketing allotments, that no provision should be made in the determination requiring a specific trash deduction, and that there was no objection to the agreed upon price for salvage sugarcane being made subject to the approval of the State Office. The producer representative recommended that there be no change in the determination.

Consideration has been given to the recommendations made at the public hearing, to the effects of acreage restrictions and raw sugar marketing allotments, to information obtained through investigation and to other pertinent factors. An analysis has been made of the comparative returns, costs and profits of the Florida sugarcane and raw sugar industry obtained by survey for prior years and restated in terms of prospective conditions for the 1956 crop. The analysis indicates that the changes which may occur in the sharing of costs between producers and processors for the 1956 crop as compared to previous crops, are not sufficient to warrant a revision of the sharing relationship. The change made in this determination with respect to the molasses payment provision will have little effect on prices paid to producers for 1956 crop sugarcane compared with prices paid for the 1955 crop.

This determination provides that the fair price requirements are applicable to sugarcane grown for the extraction of sugar or liquid sugar, but are not applicable to sugarcane grown in excess of the proportionate share for the farm, if such sugarcane is marketed (or proc-

essed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. During the last two or three years quantities of nonquota raw sugar have been imported into the United States for use as livestock feed. This sugar has been marketed at price levels substantially below the price levels which prevailed for quota sugars. The use of sugar for livestock feed is a further development to find alternative uses for sugar. Section 212 of the act specifies that the quota provisions of Title II are not applicable to sugar imported into or produced in the United States for this purpose.

In view of the acreage restrictions in effect for domestic sugar producing areas in recent years, some domestic producers appeared to be interested in the production of sugar for livestock feed or for the production of livestock feed so as to cushion the impact of restrictions whenever it became necessary to reduce production and to allow domestic areas to participate in the market for livestock feed with foreign areas. Recently, section 301 (b) of the Sugar Act of 1948 was amended to permit producers to market (or process) sugarcane in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from this excess sugarcane is not eligible for a Sugar Act payment. Prior to this amendment the fair price requirements were applicable to all sugarcane delivered by producers and processed for the extraction of sugar or liquid sugar, including sugarcane produced on acreage in excess of the proportionate share for the farm.

The producer is relieved from compliance with the conditions for a Sugar Act payment with respect to sugarcane in excess of the proportionate share for the farm which is marketed (or processed) for the extraction of sugar for livestock feed or for the production of livestock feed, without causing such producer to become ineligible for payment with respect to sugarcane marketed from the acreage within the proportionate share for the farm. In view of the foregoing, it has been determined that with respect to any sugarcane in excess of the proportionate share for the farm of a producer who marketed such sugarcane for the extraction of sugar for livestock feed or for the production of livestock feed, the fair price condition shall not be applicable.

On the basis of examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 12th day of October 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

SCHEDULE A—DEFINITION OF ADMISSIBLE DEDUCTIONS FOR STORAGE AND HANDLING EXPENSES ON RAW SUGAR

Admissible deductions from the weighted average price of raw sugar are those additional storage and handling expenses actually incurred by the processor on 1956 crop raw sugar as a result of marketing allotments. Such deductible expenses shall not commence prior to moving of sugar from the mill and shall be limited to the sum of the following expenses actually incurred, net of any receipts which reduce such expenses:

1. Storage and handling charges;
2. Insurance;
3. Losses in weight or polarization in excess of average losses for other sugar of the same crop.

When storage and handling services are furnished by the processor, costs for each of the services rendered shall include only the following:

Direct and immediate supervisory labor;
Maintenance labor and supplies;
Taxes and insurance, retirement, pensions, bonus and vacation expenses properly allocable to such labor;
Direct supplies;
Depreciation, property taxes and insurance on handling and storage facilities;
Properly allocable administrative expenses; and
Interest on investment.

[F. R. Doc. 56-8381; Filed, Oct. 17, 1956; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised Amdt. 87]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CLEANING AND DISINFECTING OF VEHICLES AND FACILITIES

Pursuant to sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), § 76.35, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations, is hereby further amended in the following respects:

1. Paragraphs (b) and (c) of § 76.35 are suspended until October 15, 1957, unless the suspension is rescinded prior to that date.

2. Paragraph (d) of § 76.35 is amended to read as follows:

(d) The Chief of Branch may require the thorough cleaning and disinfecting, as prescribed in paragraph (g) of this section, of any vehicle or facility which has been used in connection with the interstate movement of (1) any swine or swine products affected with or exposed to vesicular exanthema, (2) any swine or swine products which the Chief of Branch has reason to believe were so affected or exposed, (3) any swine fed any raw garbage, (4) any swine which the Chief of Branch has reason to believe had been fed any raw garbage, (5) any swine products other than specially processed swine products derived from swine fed any raw garbage, or (6) any such swine products which the Chief of Branch has reason to believe were derived from swine fed any raw garbage, when the Chief of Branch determines that such cleaning and disinfecting is necessary to prevent or guard against the interstate dissemination of the contagion of vesicular exanthema.

The provisions of paragraphs (b) and (c) of § 76.35 require the cleaning and disinfecting of certain vehicles and feed, water, and rest facilities used in connection with the interstate movement of swine. On April 27, 1955, these provisions were suspended until October 6, 1955, and on November 21, 1955, these provisions were further suspended until October 15, 1956. It was stated in the documents suspending these provisions that in view of the favorable situation with respect to vesicular exanthema and in view of the provisions of paragraph (a) of § 76.35 which require that vehicles and other facilities used in connection with the interstate movement of swine shall be kept clean, and of paragraph (d) of that section which authorize the Chief of the Animal Disease Eradication Branch to require the cleaning and disinfecting of vehicles and facilities under certain circumstances, it appeared that the cleaning and disinfecting requirements of said paragraphs (b) and (c) could be suspended without endangering the swine of the country, provided the requirements under the other provisions of § 76.35 were complied with and the favorable situation with respect to vesicular exanthema continued. The favorable situation with respect to the disease has continued and it appears that the other requirements imposed under the section are being complied with. In view of all the circumstances, it appears that the cleaning and disinfecting requirements of paragraphs (b) and (c) of § 76.35 may be further suspended without endangering the swine of the country. Paragraph (d) of § 76.35 is being amended to clarify the provisions thereof.

In part the amendment relieves certain restrictions and in part it clarifies other provisions of the regulations. The amendment should be made effective immediately in order to be of maximum benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

(Secs. 1, 2, 32 Stat. 791–792, as amended. Sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 111–113, 120, 125)

Done at Washington, D. C., this 12th day of October 1956.

[SEAL] W. L. POPHAM,
Acting Deputy Administrator, Agricultural Research Service.

[F. R. Doc. 56-8399; Filed, Oct. 17, 1956; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6207]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

GAINS AND LOSSES FROM SHORT SALES

On February 15, 1955, notice of proposed rule making regarding the regulations under section 1233 of the Internal Revenue Code of 1954 (except section 1233 (f) which was added by Public Law 385, 84th Congress, approved August 12, 1955), was published in the FEDERAL REGISTER (20 F. R. 959). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations, effective, except where otherwise provided, for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby adopted.

Notice of rule making with respect to regulations under section 1233 (f) will be published in the FEDERAL REGISTER at a future date.

§ 1.1233 *Statutory provisions; gains and losses from short sales.*

SEC. 1233. *Gains and losses from short sales*—(a) *Capital assets.* For purposes of this subtitle, gain or loss from the short sale of property, other than a hedging transaction in commodity futures, shall be considered as gain or loss from the sale or exchange of a capital asset to the extent that the property, including a commodity future, used to close the short sale constitutes a capital asset in the hands of the taxpayer.

(b) *Short-term gains and holding periods.* If gain or loss from a short sale is considered as gain or loss from the sale or exchange of a capital asset under subsection (a) and if on the date of such short sale substantially identical property has been held by the taxpayer for not more than 6 months (determined without regard to the effect, under paragraph (2) of this subsection, of such short sale on the holding period), or if substantially identical property is acquired by the taxpayer after such short sale and on or before the date of the closing thereof—

(1) Any gain on the closing of such short sale shall be considered as a gain on the sale or exchange of a capital asset held for not more than 6 months (notwithstanding the period of time any property used to close such short sale has been held); and

(2) The holding period of such substantially identical property shall be considered to begin (notwithstanding section 1223, relating to the holding period of property) on the date of the closing of the short sale, or on the date of a sale, gift, or other disposition of such property, whichever date occurs first. This paragraph shall apply to such substantially identical property in the order of the dates of the acquisition of such property, but only to so much of such property as does not exceed the quantity sold short.

For purposes of this subsection, the acquisition of an option to sell property at a fixed price shall be considered as a short sale, and the exercise or failure to exercise such option shall be considered as a closing of such short sale.

(c) *Certain options to sell.* Subsection (b) shall not include an option to sell property at a fixed price acquired on the same day on which the property identified as intended to be used in exercising such option is acquired and which, if exercised, is exercised through the sale of the property so identified. If the option is not exercised, the cost of the option shall be added to the basis of the property with which the option is identified. This subsection shall apply only to options acquired after the date of enactment of this title.

(d) *Long-term losses.* If on the date of such short sale substantially identical property has been held by the taxpayer for more than 6 months, any loss on the closing of such short sale shall be considered as a loss on the sale or exchange of a capital asset held for more than 6 months (notwithstanding the period of time any property used to close such short sale has been held, and notwithstanding section 1234).

(e) *Rules for application of section.* (1) Subsection (b) (1) or (d) shall not apply to the gain or loss, respectively, on any quantity of property used to close such short sale which is in excess of the quantity of the substantially identical property referred to in the applicable subsection.

(2) For purposes of subsections (b) and (d)—

(A) The term "property" includes only stocks and securities (including stocks and securities dealt with on a "when issued" basis), and commodity futures, which are capital assets in the hands of the taxpayer;

(B) In the case of futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange, a commodity future requiring delivery in 1 calendar month shall not be considered as property substantially identical to another commodity future requiring delivery in a different calendar month; and

(C) In the case of a short sale of property by an individual, the term "taxpayer", in the application of this subsection and subsections (b) and (d), shall be read as "taxpayer or his spouse"; but an individual who is legally separated from the taxpayer under a decree of divorce or of separate maintenance shall not be considered as the spouse of the taxpayer.

(3) Where the taxpayer enters into 2 commodity futures' transactions on the same day, one requiring delivery by him in one market and the other requiring delivery to him of the same (or substantially identical) commodity in the same calendar month in a different market, and the taxpayer subsequently closes both such transactions on the same day, subsections (b) and (d) shall have no application to so much of the commodity involved in either such transaction as does not exceed in quantity the commodity involved in the other.

(f) *Arbitrage operations in securities.* In the case of a short sale which had been entered into as an arbitrage operation, to which sale the rule of subsection (b) (2) would apply except as otherwise provided in this subsection—

(1) Subsection (b) (2) shall apply first to substantially identical assets acquired for arbitrage operations held at the close of business on the day such sale is made, and only to the extent that the quantity sold short exceeds the substantially identical assets acquired for arbitrage operations held at the close of business on the day such sale is made, shall the holding period of any other such identical assets held by the taxpayer be affected;

(2) In the event that assets acquired for arbitrage operations are disposed of in such manner as to create a net short position in assets acquired for arbitrage operations, such net short position shall be deemed to constitute a short sale made on that day;

(3) For the purpose of paragraphs (1) and (2) of this subsection the taxpayer will be deemed as of the close of any business day to hold property which he is or will be entitled to receive or acquire by virtue of any other asset acquired for arbitrage operations or by virtue of any contract he has entered into an arbitrage operation; and

(4) For the purpose of this subsection arbitrage operations are transactions involving the purchase and sale of assets for the purpose of profiting from a current difference between the price of the asset purchased and the price of the asset sold, and in which the asset purchased, if not identical to the asset sold, is such that by virtue thereof the taxpayer is, or will be, entitled to acquire assets identical to the assets sold. Such operations must be clearly identified by the taxpayer in his records as arbitrage operations on the day of the transaction or as soon thereafter as may be practicable. Assets acquired for arbitrage operations will include stocks and securities and the right to acquire stocks and securities.

[Sec. 1233 (f), I. R. C. 1954, as added by sec. 1, Pub. Law 385, 84th Cong. Under sec. 2, Pub. Law 385, 84th Cong., the amendment made by sec. 1 of such Act shall apply only with respect to taxable years ending after August 12, 1955, the date of the enactment of such Act, and only in the case of a short sale of property made by the taxpayer after such date.]

§ 1.1233–1 *Gains and losses from short sales*—(a) *General.* (1) For income tax purposes a short sale is not deemed to be consummated until delivery of property to close the short sale. Whether the recognized gain or loss from a short sale is capital gain or loss or ordinary gain or loss depends upon whether the property so delivered constitutes a capital asset in the hands of the taxpayer.

(2) Thus, if a dealer in securities makes a short sale of X Corporation stock, ordinary gain or loss results on closing of the short sale if the stock used to close the short sale was stock which he held primarily for sale to customers in the ordinary course of his trade or business. If the stock used to close the short sale was a capital asset in his hands, or if the taxpayer in this example was not a dealer, a capital gain or loss would result.

(3) Generally, the period for which a taxpayer holds property delivered to close a short sale determines whether long-term or short-term capital gain or loss results.

(4) Thus, if a taxpayer makes a short sale of shares of stock and covers the short sale by purchasing and delivering shares which he held for not more than six months, the recognized gain or loss would be considered short-term capital gain or loss. If the short sale is made through a broker and the broker borrows property to make a delivery, the short sale is not deemed to be consum-

mated until the obligation of the seller created by the short sale is finally discharged by delivery of property to the broker to replace the property borrowed by the broker.

(b) *Hedging transactions.* Gain or loss from a bona fide hedging transaction in commodity futures entered into by flour millers, producers of cloth, operators of grain elevators, etc., for the purpose of their business shall not be considered gain or loss from the sale or exchange of a capital asset. Gain or loss from a short sale of commodity futures which does not qualify as a hedging transaction shall be considered gain or loss from the sale or exchange of a capital asset if the commodity future used to close the short sale constitutes a capital asset in the hands of the taxpayer as explained in paragraph (a) of this section.

(c) *Special short sales*—(1) *General.* Section 1233 provides rules as to the tax consequences of a short sale of property if gain or loss from the short sale is considered as gain or loss from the sale or exchange of a capital asset under section 1233 (a) and paragraph (a) of this section and if, at the time of the short sale or on or before the date of the closing of the short sale, the taxpayer holds property substantially identical to that sold short. The term "property" is defined for purposes of such rules to include only stocks and securities (including stocks and securities dealt with on a "when issued" basis) and commodity futures, which are capital assets in the hands of the taxpayer. Certain restrictions on the application of the section to commodity futures are provided in section 1233 (e) and paragraph (d) (2) of this section. Section 1233 (f) contains special provisions governing the operation of rule (2) in subparagraph (2) of this paragraph in the case of a purchase and short sale of stocks and securities in a transaction qualifying as an arbitrage operation.

(2) *Treatment of special short sales.* The first two rules, which are set forth in section 1233 (b), are applicable whenever property substantially identical to that sold short has been held by the taxpayer on the date of the short sale for not more than 6 months (determined without regard to rule (2), below, relating to the holding period) or is acquired by him after the short sale and on or before the date of the closing thereof. These rules are:

Rule (1). Any gain upon the closing of such short sale shall be considered as a gain upon the sale or exchange of a capital asset held for not more than 6 months (notwithstanding the period of time any property used to close such short sale has been held); and

Rule (2). The holding period of such substantially identical property shall be considered to begin (notwithstanding the provisions of section 1233) on the date of the closing of such short sale or on the date of a sale, gift, or other disposition of such property, whichever date occurs first.

(3) *Options to sell.* For the purpose of rule (1) and rule (2) in subparagraph (2) of this paragraph, the acquisition of an option to sell property at a fixed price shall be considered a short sale, and the exercise or failure to exercise such option shall be considered as a closing of such short sale, except that any option to sell property at a fixed price acquired on or after August 17, 1954 (the day after enactment of the Internal Revenue Code of 1954), shall not be considered a short sale and the exercise or failure to exercise such option shall not be considered as the closing of a short sale provided that the option and property identified as intended to be used in its exercise are acquired on the same date. This exception shall not apply, if the option is exercised, unless it is exercised by the sale of the property so identified. In the case of any option not exercised which falls within this exception, the cost of such option shall be added to the basis of the property with which such option is identified. If the option itself does not specifically identify the property intended to be used in exercising the option, then the identification of such property shall be made by appropriate entries in the taxpayer's records within 15 days after the date such property is acquired or within 30 days after the promulgation of regulations under section 1233, whichever expiration date later occurs.

(4) *Treatment of losses.* The third rule, which is set forth in section 1233 (d), is applicable whenever property substantially identical to that sold short has been held by the taxpayer on the date of the short sale for more than 6 months. This rule is:

Rule (3). Any loss upon the closing of such short sale shall be considered as a loss upon the sale or exchange of a capital asset held for more than six months, notwithstanding the period of time any propery used to close such short sale has been held. For the purpose of rule (3), the acquisition of an option to sell property at a fixed price is not considered a short sale, and the exercise or failure to exercise such option is not considered as a closing of a short sale.

(5) *Application of rules.* Rules (1) and (3) do not apply to the gain or loss attributable to so much of the property sold short as exceeds in quantity the substantially identical property referred to in sections 1233 (b) and 1233 (d), respectively. Except as otherwise provided in section 1233 (f), rule (2) applies to the substantially identical property referred to in section 1233 (b) in the order of the dates of the acquisition of such property, but only to so much of such property as does not exceed the quantity sold short. If property substantially identical to that sold short has been held by the taxpayer on the date of the short sale for not more than six months, or is acquired by him after the short sale and on or before the date of the closing thereof, and if property substantially identical to that sold short has been held by the taxpayer on the date of the short sale for more than six months, all three rules are applicable.

(6) *Examples.* The following examples illustrate the application of these rules to short sales of stock in the case of a taxpayer who makes his return on the basis of the calendar year:

Example (1). A buys 100 shares of X stock at $10 per share on February 1, 1955, sells short 100 shares of X stock at $16 per share on July 1, 1955, and closes the short sale on August 2, 1955, by delivering the 100 shares of X stock purchased on February 1, 1955, to the lender of the stock used to effect the short sale. Since 100 shares of X stock had been held by A on the date of the short sale for not more than 6 months, the gain of $600 realized upon the closing of the short sale is, by application of rule (1), a short-term capital gain.

Example (2). A buys 100 shares of X stock at $10 per share on February 1, 1955, sells short 100 shares of X stock at $16 per share on July 1, 1955, closes the short sale on August 1, 1955, with 100 shares of X stock purchased on that date at $18 per share, and on August 2, 1955, sells at $18 per share the 100 shares of X stock purchased on February 1, 1955. The $200 loss sustained upon the closing of the short sale is a short-term capital loss to which section 1233 (d) has no application. By application of rule (2), however, the holding period of the 100 shares of X stock purchased on February 1, 1955, and sold on August 2, 1955, is considered to being on August 1, 1955, the date of the closing of the short sale. The $800 gain realized upon the sale of such stock is, therefore, a short-term capital gain.

Example (3). A buys 100 shares of X stock at $10 per share on February 1, 1955, sells short 100 shares of X stock at $16 per share on September 1, 1955, sells on October 1, 1955, at $18 per share the 100 shares of X stock purchased on February 1, 1955, and closes the short sale on October 1, 1955, with 100 shares of X stock purchased on that date at $18 per share. The $800 gain realized upon the sale of the 100 shares of X stock purchased on February 1, 1955, is a long-term capital gain to which section 1233 (b) has no application. Since A had held 100 shares of X stock on the date of the short sale for more than 6 months, the $200 loss sustained upon the closing of the short sale is, by application of rule (3), a long-term capital loss. If, instead of purchasing 100 shares of X stock on October 1, 1955, A closed the short sale with the 100 shares of stock purchased on February 1, 1955, the $600 gain realized on the closing of the short sale would be a long-term capital gain to which section 1233 (b) has no application.

Example (4). A sells short 100 shares of X stock at $16 per share on February 1, 1955. He buys 250 shares of X stock on March 1, 1955, at $10 per share and holds the latter stock until September 2, 1955 (more than 6 months), at which time, 100 shares of the 250 shares of X stock are delivered to close the short sale made on February 1, 1955. Since substantially identical property was acquired by A after the short sale and before it was closed, the $600 gain realized on the closing of the short sale is, by application of rule (1), a short-term capital gain. The holding period of the remaining 150 shares of X stock is not affected by section 1233 since this amount of the substantially identical property exceeds the quantity of the property sold short.

Example (5). A buys 100 shares of X stock at $10 per share on February 1, 1955, buys an additional 100 shares of X stock at $20 per share on July 1, 1955, sells short 100 shares of X stock at $30 per share on September 1, 1955, and closes the short sale on February 1, 1956, by delivering the 100 shares of X stock purchased on February 1, 1955, to the lender of the stock used to effect the short sale. Since 100 shares of X stock had been held by A on the date of the short sale for not more than 6 months, the gain of $2,000 realized upon the closing of the short sale is, by application of rule (1), a short-term capital gain and the holding period of

the 100 shares of X stock purchased on July 1, 1955, is considered, by application of rule (2), to begin on February 1, 1956, the date of the closing of the short sale. If, however, the 100 shares of X stock purchased on July 1, 1955, had been used by A to close the short sale, then, since 100 shares of X stock had been held by A on the date of the short sale for not more than 6 months, the gain of $1,000 realized upon the closing of the short sale would be, by application of rule (1), a short-term capital gain, but the holding period of the 100 shares of X stock purchased on February 1, 1955, would not be affected by section 1233. If, on the other hand, A purchased an additional 100 shares of X stock at $40 per share on February 1, 1956, and used such shares to close the short sale at that time, then, since 100 shares of X stock had been held by A on the date of the short sale for more than 6 months, the loss of $1,000 sustained upon the closing of the short sale would be, by application of rule (3), a long-term capital loss, and since 100 shares of X stock had been held by A on the date of the short sale for not more than 6 months, the holding period of the 100 shares of X stock purchased on July 1, 1955, would be considered, by application of rule (2), to begin on February 1, 1956, but the holding period of the 100 shares of X stock purchased on February 1, 1955, would not be affected by section 1233.

Example (6). A buys 100 shares of X preferred stock at $10 per share on February 1, 1955. On July 1, 1955, he enters into a contract to sell 100 shares of XY common stock at $16 per share when, as, and if issued pursuant to a particular plan of reorganization. On August 2, 1955, he receives 100 shares of XY common stock in exchange for the 100 shares of X preferred stock purchased on February 1, 1955, and delivers such common shares in performance of his July 1, 1955, contract. Assume that the exchange of the X preferred stock for the XY common stock is a tax-free exchange pursuant to section 354 (a) (1), and that on the basis of all of the facts and circumstances existing on July 1, 1955, the "when issued" XY common stock is substantially identical to the X preferred stock. Since 100 shares of substantially identical property had been held by A for not more than 6 months on the date of entering into the July 1, 1955, contract of sale, the gain of $600 realized upon the closing of the contract of sale is, by application of rule (1), a short-term capital gain.

(d) *Other rules for the application of section 1233*—(1) *Substantially identical property.* The term "substantially identical property" is to be applied according to the facts and circumstances in each case. In general, as applied to stocks or securities, the term has the same meaning as the term "substantially identical stock or securities" used in section 1091 relating to wash sales of stocks or securities. For certain restrictions on the term as applied to commodity futures see subparagraph (2) of this paragraph. Ordinarily, stocks or securities of one corporation are not considered substantially identical to stocks or securities of another corporation. In certain situations they may be substantially identical; for example, in the case of a reorganization the facts and circumstances may be such that the stocks and securities of predecessor and successor corporations are substantially identical property. Similarly, bonds or preferred stock of a corporation are not ordinarily considered substantially identical to the common stock of the same corporation. However, in certain situations, as, for example, where the preferred stock or bonds are convertible into common stock of the same corporation, the relative values, price changes, and other circumstances may be such as to make such bonds or preferred stock and the common stock substantially identical property. Similarly, depending on the facts and circumstances, the term may apply to the stocks and securities to be received in a corporate reorganization or recapitalization, traded in on a when issued basis, as compared with the stocks or securities to be exchanged in such reorganization or recapitalization.

(2) *Commodity futures.* (i) As provided in section 1233 (e) (2) (B), in the case of futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange, a commodity future requiring delivery in one calendar month shall not be considered as property substantially identical to another commodity future requiring delivery in a different calendar month. For example, commodity futures in May wheat and July wheat are not considered, for the purpose of section 1233, substantially identical property. Similarly, futures in different commodities which are not generally through custom of the trade used as hedges for each other (such as corn and wheat, for example) are not considered substantially identical property. If commodity futures are otherwise substantially identical property, the mere fact that they were procured through different brokers will not remove them from the scope of the term "substantialy identical property". Commodity futures procured on different markets may come within the term "substantially identical property" depending upon the facts and circumstances in the case, with the historical similarity in the price movements in the two markets as the primary factor to be considered.

(ii) Section 1233 (e) (3) relating to so-called "arbitrage" transactions in commodity futures, provides that where a taxpayer enters into two commodity futures transactions on the same day, one requiring delivery by him in one market and the other requiring delivery to him of the same (or substantially identical) commodity in the same calendar month in a different market, and the taxpayer subsequently closes both such transactions on the same day, section 1233 shall have no application to so much of the commodity involved in either such transaction as does not exceed in quantity the commodity involved in the other. Section 1233 (f), relating to arbitrage operations in stocks or securities, has no application to arbitrage transactions in commodity futures.

(iii) The following example indicates the application of section 1233 to a commodity futures transaction:

Example. A, who makes his return on the basis of the calendar year, on February 1, 1955, enters into a contract through broker X to purchase 10,000 bushels of December wheat on the Chicago market at $2 per bushel. On July 1, 1955, he enters into a contract through broker Y to sell 10,000 bushels of December wheat on the Chicago market at $2.25 per bushel. On August 2, 1955, he closes both transactions at $2.50 per bushel. The $2,500 loss sustained on the closing of the short sale is a short-term capital loss to which section 1233 (d) has no application. By application of rule (2) in paragraph (c) of this section, however, the holding period of the futures contract entered into on February 1, 1955, is considered to begin on August 2, 1955, the date of the closing of the short sale. The $5,000 gain realized upon the closing of such contract is, therefore, a short-term capital gain.

(3) *Husband and wife.* Section 1233 (e) (2) (C) provides that, in the case of a short sale of property by an individual, the term "taxpayer" in the application of subsections (b), (d), and (e) shall be read as "taxpayer or his spouse". Thus, if the spouse of a taxpayer holds or acquires property substantially identical to that sold short by the taxpayer, and other conditions of subsections (b), (d), and (e) are met, then the rules set forth therein are applicable to the same extent as if the taxpayer held or acquired the substantially identical property. For this purpose, an individual who is legally separated from the taxpayer under a decree of divorce or of separate maintenance shall not be considered as the spouse of the taxpayer.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 12, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8384; Filed, Oct. 17, 1956; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 217]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
BURBANK, CALIF. Lockheed Air Terminal, 764'. SBML-VDT-BUR. Procedure No. 1. Amendment No. 5. Effective date: November 10, 1956. Supersedes Amendment 4, dated April 23, 1955. Major changes: Conversion to nautical miles.	Intersection 331° radial LGB VOR and SE course BUR LFR.	278—14.0	5,000	S side of NW course: 278° outbound. 098° inbound. On top not below 5,000' within 10 miles NW of Chatsworth HW#.	1,500	094—2.6	*T-dn C-d C-n S-7 d n A-dn	300-1 900-1½ 900-2 600-1 700-1½ 900-2	300-1 900-1½ 900-2 600-1 700-1½ 900-2	300-1 900-1½ 900-2 600-1 700-1½ 900-2	Within 1.3 miles, climb to 5,000' on SE course. Alternate missed approach: When directed by ATC, climb to 3,000' on SE course, then make 180° right turn continuing climb to 5,000' homing on the BUR LFR and hold on the LFR in a non-standard 2-minute pattern on the SE course. *600-1 required for all takeoffs when departing via SE course BUR LFR. 200-½ authorized for takeoff on runway 25 for 4-engine aircraft only. #After procedure turn or after leaving Simi Intersection, cross Chatsworth radiobeacon inbound not below 4,800'. All approaches must be started from on top. Apply sliding scale. CAUTION: Terrain above flight altitude paralleling final approach on the north.
	Intersection W course LAX LFR and S course BUR LFR.	008—19.5	5,000								
	Simi Intersection#----------	098—14.3	4,800								
	Chatsworth "H" (final)-----	098— 9.1	1,500								
	Sliding scale for tops reported at Simi Intersection: *Top* / *Ceiling* 5,000' / 600' d-700' n 5,500' / 900' 6,000' / 1,300' 6,500' / 1,700' 7,000' / 2,100' 7,500' / 2,500'										
LAS VEGAS, N. MEX. Las Vegas, 6,869'. SBMRAZ-VDT-LVS. Procedure No. 1. Amendment No. 1. Effective date: November 10, 1956. Supersedes Form ACA-1725, dated August 1, 1951.	Las Vegas VOR----------	087—0.5	9,500	E side of SW course: 201° outbound. 021° inbound. 9,000' within 10 miles.	7,800	008—2.8	T-d C-d S-d 2 A-d	300-1 500-1 500-1 800-2	300-1 600-1 500-1 800-2	300-1 600-1½ 500-1 800-2	Within 2.8 miles, climb to 10,000' on NE course within 15 miles of LFR. Not authorized for air carrier use.
WICHITA, KANS. Municipal, 1,332'. SBRAZ-VDT-ICT. Procedure No. 1. Amendment No. 1. Effective date: July 12, 1954.	PROCEDURE CANCELED EFFECTIVE NOVEMBER 10, 1956, IN ORDER TO ELIMINATE LOW FLYING TRAFFIC OVER WICHITA.										

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
FORT WORTH, TEX. Meacham, 692'. BVOR-FTW. Procedure No. 1. Amendment No. 1. Effective date: January 14, 1954.	PROCEDURE CANCELED OCTOBER 10, 1956, FORT WORTH VOR MOVED TO NEW LOCATION.										
LAS VEGAS, N. MEX. Las Vegas, 6,866'. BVOR-LVS. Procedure No. 1. Amendment No. 1. Effective date: November 10, 1956. Supersedes Form ACA-1725A, dated November 11, 1951.	Las Vegas LFR----------	267—0.5	9,500	E side: 201° outbound. 021° inbound. 9,000' within 10 miles.	7,800	021—3.0	T-d C-d S-d 2 A-d	300-1 500-1 500-1 800-2	300-1 600-1 500-1 800-2	300-1 600-1½ 500-1 800-2	Within 3 miles, climb to 10,000' on 022° radial within 15 miles of VOR. Not authorized for air carrier use.

3. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
WATERLOO, IOWA. Municipal, 870'. BVOR-ALO. TVOR 18. Amendment No. 3. Effective date: October 10, 1956. Supersedes Amendment 2, dated September 22, 1956. Major changes: Column 6 lowered to be compatible with minimums.	----------	----------	----------	W side of course: 350° outbound. 170° inbound. 2,100' within 10 miles.	1,500	182—0.4	T-dn C-dn S-dn A-dn	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	200-½ 600-1½ 600-1 800-2	Climb to 2,500' on 194R within 20 miles.

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
BURBANK, CALIF. Lockheed Air Terminal, 764'. ILS-BUR. Procedure No. I. Amendment No. 7. Effective date: November 10, 1956. Supersedes amendment 6, dated May, 5, 1956. Major changes: Conversion to nautical miles.	Burbank LFR	LOM	251—9.5	*5,000	S side of course: 256° outbound. 076° inbound. 4,100' within 10 miles of LOM. Beyond 10 miles not authorized.	4,100	4,078—11.9	1,268—1.7 Inner compass locator 882—0.4	#T-dn C-d C-n S-dn Runway 7 A-dn	300-1 900-1½ 900-2 600-1 900-2	300-1 900-1½ 900-2 600-1 900-2	300-1 900-1½ 900-2 600-1 900-2	Turn right and climb to 4,100' on W course of BUR ILS to LOM. Alternate missed approach: When directed by ATC climb to 3,000' on SE course of BUR LFR, then make 180° right turn continuing climb to 5,000' while homing on BUR LFR and hold at BUR LFR in nonstandard 2-minute pattern on SE course; or if directed by ATC, climb to 5,000' on SE course of BUR LFR. CAUTION: 2,000' terrain 2.2 miles NE of airport rising to 3,120' approximately 3.5 miles ENE of airport. *4,100' authorized after track is established westbound on ILS localizer. #600-1 required for all takeoffs when departing VIA SE course BUR LFR. 200-½ authorized for takeoff on runway 25 for 4-engine aircraft only.
	Saugus Intersection	LOM	184—18.7	7,000									
	Simi Intersection	LOM	131—7.8	4,100									
	Broome Intersection (final).	LOM	076—13.8	4,100									
	Malibu Intersection	LOM	358—19.1	5,000									
	Shoreline Intersection	LOM	344—10.6	5,000									
	Newhall LFR	LOM	181—12.2	6,000									
	Fillmore VOR	LOM	109—16.5	5,000									
	Fillmore VOR (final) W course.	ILS	120—12.8	5,000									
DES MOINES, IOWA. Des Moines, 957'. ILS-DSM. Combination ILS-VOR—Back Course Approach. Procedure No. 2. Amendment No. 2. Effective date: November 10, 1956. Supersedes Amendment 1, dated April 21, 1956. Major changes: Minimum altitude columns 6 and 8 raised due to concrete chimney 1,067' mean sea level located 3.9' NW of airport.	Des Moines VOR	Clive Intersection#.	333—9.8	2,500	W side of NW course: 305° outbound. 125° inbound. 2,100' within 10 miles of Clive Intersection#.	No glide path	No outer marker 1,600' over Clive Intersection # 2.4 miles	No middle marker	*T-dn C-dn S-dn 12 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 2.4 miles, after passing Clive Intersection#, climb to 2,300' on ILS SE course, or when directed by ATC: Climb to 2,300' on S course DSM-LFR to Martensdale FM. CAUTION: 1,546' mean sea level Tower 3.2 miles NNE of airport. #Clive Intersection: Intersection 333R DSM-VOR and ILS NW course. *When tower not visible on N, NW, E and NE takeoffs, climb to 2,100' prior to turning toward tower. Procedure authorized only when aircraft equiped to receive ILS and VOR simultaneously.
	ILS-LOM	Clive Intersection#.	305—8.5	2,500									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
FORT WORTH, TEX. Amon Carter, 568'. ILS-IAOF. LOM-AO. Combination ILS and ADF. Procedure No. 1. Amendment No. 5. Effective date: October 10, 1956. Supersedes Amendment 4, dated October 8, 1955. Major changes: Add Britton VOR transition. Delete Fort Worth VOR transition.	Dallas LFR	LOM	282—14.0	2,200	N side of NW course: 309° outbound. 129° inbound. 2,000' within 10 miles.*	ILS 2,000 ADF 2,000 over LOM	2,000—4.6	770—0.5	T-dn C-dn S-dn 13 ILS ADF A-dn ILS ADF	300-1 400-1 200-½ 400-1 600-2 800-2	300-1 500-1 200-½ 400-1 600-2 800-2	200-½ 500-1½ 200-½ 400-1 600-2 800-2	Proceed to Hensley Intersection, climbing to 2,000' or, within 4.6 miles LOM (ADF) turn right, proceed to Grand Prairie MHW climbing to 2,000'. CAUTION: Radio tower 1,221' mean sea level located 4.3 miles ENE of outer marker. 400-¾ required when glide slope not utilized. *Procedure turn nonstandard due ATC.
	Grand Prairie MHW	LOM	330—10.0	2,000									
	Britton VOR	LOM	345—24.0	2,800									
	Stadium Intersection	LOM	040—17.0	2,700									
	Roanoke Intersection (final).	LOM	129—9.0	2,000									
FORT WORTH, TEX. Amon Carter, 568'. ILS-IACF. Procedure No. 2. Amendment No. 4. Effective date: October 10, 1956. Supersedes Amendment 3, dated October 29, 1955. Major changes: Add transition from Britton VOR.	Duncanville FM (final)	Hensley Intersection.	309—10	1,300	E side of SE course: 129° outbound. 309° inbound. 2,000' within 10 miles of Hensley Intersection. Beyond 10 miles not authorized.	No glide slope 1,300' at Hensley Intersection. 3.5 miles to approach end of runway 31.			T-dn C-dn S-dn 31 A-dn	300-1 400-1 300-1 800-2	300-1 500-1 300-1 800-2	200-½ 500-1½ 300-1 800-2	Within 3.4 miles of Hensley Intersection climb to 1,900' on NW course of ILS within 20 miles, or proceed to Fort Worth LFR via NW course of ILS and E course LFR, climbing to 2,000'. CAUTION: Radio tower located 4.3 miles ENE of outer marker.
	Grand Prairie MHW	Hensley Intersection.	035—3.5	2,000									
	Britton VOR	Hensley Intersection.	003—18.0	3,300									
FORT WORTH, TEX. Meacham, 692'. ILS-IFTW. Procedure No. 1. Amendment No. 9. Effective date: October 10, 1956. Supersedes Amendment 8, dated May 26, 1955. Major changes: Delete Fort Worth VOR transition.	Haslet MHW	N course ILS	219—1.7	2,000	W side of N course: 354° outbound. 174° inbound. 2,000' within 10 miles.	2,000	2,000—3.5	950—0.6	T-dn C-dn S-dn 17 A-dn	300-1 500-1 300-¾ 600-2	300-1 600-1 200-¾ 600-2	200-1¼ 600-1½ 300-¾ 600-2	Climb to 2,000' on S course, ILS within 20 miles. CAUTION: 956' building 2.1 miles S of OM. 1,743' tower 4.8 miles E of ILS S course. 600-¾ required when G/S not utilized. AIR CARRIER NOTES: Takeoff on runways 9-27 and 13-31 not authorized with less than 300-1. Reduction in landing minima not authorized on cargo or ferry flights.
	Fort Worth LFR	LOM	350—1.3	2,000									
FORT WORTH, TEX. Meacham, 692'. ILS-IFTW. Procedure No. 2. Amendment No. 5. Effective date: October 10, 1956. Supersedes Amendment 4, dated December 24, 1955. Major changes: Add transition from Russell Intersection. Delete Stadium Intersection.	Russell Intersection (final).	Rockwood FM.	354—6.0	1,500	W side of S course: 174° outbound. 354° inbound. 2,000' within 10 miles Rockwood FM#.	No glide slope 1,500' at Rockwood FM. 2.3 miles to approach end of runway 35.			T-dn C-dn *S-dn 35 A-dn	300-1 500-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1½ 400-1 800-2	Within 2.3 miles of Rockwood FM, climb to 2,000' on N course, ILS with 20 miles. CAUTION: Tank 864' mean sea level located 1.3 miles W of course between Rockwood FM and airport TV tower 1,743' mean sea level located 4.8 miles E of S course ILS. #Procedure turn nonstandard due obstruction. *635 f. p. m. descent required at 120 miles per hour. AIR CARRIER NOTES: Takeoff on runways 9-27 and 13-31 not authorized with less than 300-1. Reduction in landing minima not authorized on cargo and ferry flights.
	Intersection W course DAL-LFR and S course ILS (final).	Rockwood FM.	354—4.0	1,500									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
LOUISVILLE, KY. Standiford, 497'. ILS-SDF. LOM-SD. Combination ILS-ADF. Procedure No. 1. Amendment No. 14. Effective date: November 10, 1956. Supersedes Amendment 13, dated April 21, 1956. Major changes: Minimum glide slope interception altitude revised to accommodate ASR patterns.	Louisville LFR	LOM	215—10.4	2,100	W side of S course: 190° outbound. 010° inbound. 2,100' within 6 miles. Not authorized beyond 6 miles to avoid Godman danger area.	ILS 2,000	2,080—6.2	690—0.7	T-dn	300-1	300-1	200-½	6.2 miles after passing LOM (ADF), make a left climbing turn to 2,100' as soon as practical. Proceed out W course Louisville LFR, or (when directed by ATC), make climbing right turn as soon as practical and proceed to Louisville LFR. CAUTION: Obstruction 1,060' 4 miles N of Standiford Field. *400-¾ required with glide slope inoperative.
	Louisville VOR	LOM	262—8.7	2,100		ADF 1,600 over LOM			C-dn	500-1	500-1	500-1½	
	Eastwood FM	LOM	237—16.7	2,100					S-dn 01				
	Shepherdsville FM	LOM	311—9.9	2,100					*ILS	200-½	200-½	200-½	
	Intersection W course Louisville LFR and 144 course to LOM or Louisville R-295	LOM	144—9.6	2,100					ADF	500-1	500-1	500-1	
									A-dn				
									ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	
	Bardstown Intersection	LOM	324—22	2,100									
	Bourbon Intersection	LOM	333—14.4	2,100									
	Elizabeth Intersection	LOM	092—13.5	2,100									
NASHVILLE, TENN. Berry Field, 606'. ILS-IBNA. Procedure No. 2. Amendment No. 3. Effective date: November 10, 1956. Supersedes Amendment 2, dated May 14, 1955. Major changes: Revises statute to nautical miles. Adds transition from BWG VOR. Adds final from Old Hickory Intersection.	Bowling Green LFR	Old Hickory Intersection#	195—42.0	2,300	E side of N course#: 015° outbound#. 195° inbound. 2,000' within 10 miles.	No glide slope			T-dn	300-1	300-1	200-½	Within 4 miles, climb to 2,500' on S course ILS within 20 miles. NOTE: Radio tower 865' mean sea level located ½ mile S of Knob Intersection. AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized: runway 15. #Old Hickory Intersection Nashville ILS NE course and Nashville VOR 350° radial. (To be shown on AL chart only.)
	Bowling Green VOR	Old Hickory Intersection#.	189—40.0	2,100		Over Knob Intersection 1,800	Knob Intersection 3.6		C-dn	400-1	500-1	500-1½	
									S-dn				
	Nashville LFR	Knob Intersection.	336—3.5	1,900					20R	400-1	400-1	400-1	
									A-dn	800-2	800-2	800-2	
	Nashville VOR	Knob Intersection.	337—8.0	1,900									
	Old Hickory Intersection (final).	Knob Intersection.	195—5.0	1,800									
SANTA BARBARA CALIF. Municipal, 14'. ILS-SBA. Procedure No. 1. Amendment No. 4. Effective date: November 10, 1956. Supersedes Amendment 3, dated August 4, 1956. Major changes: Add transition from El Capitan FM.	SBA LFR	ILS W course.	253—0	4,000	S side of W course: 253° outbound. 073° inbound. *2,000' within 8 miles of SBA LFR.	*2,000 (7 miles W of LFR)	No outer marker	195-0.5	T-dn	300-1	300-1	#300-¾	Climb straight ahead to 800', make climbing right turn and climb to 4,000' on track of 165° from SBA LMM within 15 miles, or on S course of SBA LFR within 15 miles. *CAUTION: Procedure does not meet standard obstruction clearance requirements for procedure turn and final approach; 1,500' terrain within 3.5 miles N of localizer course; 3,000' terrain 5 miles N of LMM; 334' radio antenna 0.9 mile ESE airport; all maneuvering must be accomplished on S side of localizer course. #300-1 required on runways 3 L/R, 7 and 33 L/R. **Straight-in approach authorized from El Capitan FM provided aircraft is on top, with tops not above 1,500' mean sea level. ##300-1 required with glide slope inoperative.
	SBA VOR	LMM	205—6.7	5,000					C-dn	700-2	700-2	700-2	
	El Capitan FM	ILS W course.	073—0	**2,500			El Capitan FM 2,674—10.0		##S-dn				
									Runway 7	300-¾	300-¾	300-¾	
							Santa Barbara LFR 500—1.7		A-dn	800-2	800-2	800-2	

5. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: Precision approach: 2 engines or less: Over 65 knots	Ceiling and visibility minimums: Precision approach: More than 2 engines: Over 65 knots	Ceiling and visibility minimums: Surveillance approach: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: Surveillance approach: 2 engines or less: Over 65 knots	Ceiling and visibility minimums: Surveillance approach: More than 2 engines: Over 65 knots	Missed approach procedure
1	2	3	4	5	6	7	8	9	10	11
BURBANK, CALIF. Lockheed Air Terminal, 764'. Procedure No. 1. Amendment Original. Effective date: November 10, 1956.	All bearings are from the radar with sector azimuths progressing clockwise. Within 5 miles: 241-274—4,500'. 274-308—4,500'. 308-349—4,500'. 349-087—5,000'. 087-241—4,500'. Within 10 miles: 241-274—4,500'. 274-308—4,500'. 308-349—5,500'. 349-087—7,000'. 087-241—5,000'. Within 15 miles: 241-274—4,500'. 274-308—5,000'. 308-349—6,000'. 349-087—8,500'. 087-241—5,000'. Within 20 miles: 241-274—4,500'. 274-308—5,000'. 308-349—7,000'. 349-087—9,000'. 087-241—5,000'. Within 25 miles: 241-274—4,500'. 274-308—5,000'. 308-349—7,000'. 349-087—10,000'. 087-241—5,000'. Within 30 miles: 241-274—5,000'. 274-308—6,000'. 308-349—7,000'. 349-087—10,500'. 087-241—5,000'.	ASR 7	#T-dn				300-1	300-1	200-½	Turn right and climb to 4,100' on W course of BURS ILS to LOM. Alternate missed approach: When directed by ATC climb to 3,000' on SE course of BUR LFR, then make 180° right turn continuing climb to 5,000' while homing on BUR LFR and hold at BUR LFR in nonstandard 2-minute pattern on SE course, or if directed by ATC, climb to 5,000' on SE course of BUR LFR. CAUTION: 2,000' terrain 2.2 miles NE of airport rising to 3,126' approximately 3.5 miles ENE of airport. #600-1 required for all takeoffs when departing via SE course BUR LFR. 300-1 required for takeoff on all runways except No. 25, for 4-engine aircraft.
			C-d				900-1½	900-1½	900-1½	
			C-n				900-2	900-2	900-2	
			S-dn							
		Runway 7					600-1	600-1	600-1	
			A-dn				900-1	900-2	900-2	

These procedures shall become effective on the dates indicated on the proce dures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8265; Filed, Oct. 17, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

LAVACA RIVER, TEX.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges where constant attendance of draw tenders is not required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, is hereby amended revising paragraph (j) (25–a) to govern the operation of the St. Louis, Brownsville, and Mexico Railway Company and Texas Highway Department bridges across Lavaca River at Vanderbilt, Texas, and to correct the title to paragraph (j) (28), as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* * * *

(25–a) Lavaca River, Tex.; St. Louis, Brownsville and Mexico Railway Company and Texas Highway Department bridges near Vanderbilt. At least 48 hours' advance notice required, except in emergencies, when the bridge will be opened as soon as possible after receipt of notice.

* * * * *

(28) *Arroyo Colorado, Tex.* * * *

[Regs., September 24, 1956, 823.01—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56–8362; Filed, Oct. 17, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 16 [1]]

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

ADDITION TO TABLE OF COMPLIANCE ORDERS

Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended by adding the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Benchimol & Co., Benchimol, Ellezner, Benchimol, Jose, 8 E. 52d St., New York, N. Y.	9–23–56	10–23–56	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 6495, 8–28–56.
Hollywood Enterprises, 8 E. 52d St., New York, N. Y.	9–23–56	10–23–56	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 6495, 8–28–56.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56–8383; Filed, Oct. 17, 1956; 8:49 a. m.]

[1] This amendment was published in Current Export Bulletin No. 771, dated October 11, 1956.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

PART 16—BULK MAILINGS

PART 21—FIRST CLASS

PART 24—THIRD CLASS

PART 25—FOURTH CLASS

ELIMINATION OF REQUIREMENT FOR ENDORSEMENT "MAY BE OPENED FOR POSTAL INSPECTION" ON SEALED PARCELS

After careful consideration of the views and recommendations submitted in response to the notice of proposed rule making published in the FEDERAL REGISTER of August 18, 1956 (21 F. R. 6234), the following amendments are hereby adopted effective immediately.

a. In § 13.3 *Where to put handling instructions* delete paragraph (c) and the illustration thereunder.

(R. S. 161, 396, as amended, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 39 U. S. C. 250)

b. In § 16.1 *Second class publications* make the following changes:

1. Amend paragraph (b) (5) to read as follows:

(5) Second-class mail must be prepared so that it can be easily examined. Mailing of publications in sealed envelopes, wrappers, or other covers, at the second-class rates of postage is deemed to be the consent of the sender to postal inspection of the contents. Patrons who desire to assure that such articles will not be opened for postal inspection should, in addition to paying the first-class rate of postage, plainly mark "First Class" or similar endorsement on the envelope, wrapper or cover.

2. Amend paragraph (b) (6) to read as follows:

(6) Sealed or unsealed envelopes used as wrappers and sealed wrappers or other sealed covers must show in the upper left corner of the address side the name and address of the publication and in the upper right corner a notice of entry.

(R. S. 161, 396, as amended, secs. 5, 6, 18 Stat. 232, 233, as amended, sec. 203, 62 Stat. 1262; 5 U. S. C. 22, 369, 39 U. S. C. 283, 285)

c. In § 21.2 *Classification* amend subdivision (iv) of paragraph (a) (1) to read as follows:

(iv) Matter sealed or closed against inspection. See §§ 16.1 (b) (5), 24.8 (a), and 25.7 of this chapter for mailing of sealed publications at second-class rates of postage and sealed parcels at the third- or fourth-class rates of postage.

(R. S. 161, 396, as amended, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 39 U. S. C. 250)

d. In § 24.8 *Sealing* amend paragraphs (a) and (b) to read as follows:

(a) Third-class mail must be prepared so that it can be easily examined. Mailing of sealed parcels at the third-class rate of postage is deemed to be the consent of the sender to postal inspection of the contents. Patrons who desire to assure that their parcels will not be opened for postal inspection, should, in addition to paying the first-class rate of postage, plainly mark their parcels "First Class" or with similar endorsements.

(b) Articles other than parcels mailed at the third-class rate of postage may not be sealed. When these articles are sealed they are subject to the first-class rate.

(R. S. 161, 396, as amended, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 39 U. S. C. 250)

e. Section 25.7 *Sealing* is amended to read as follows:

§ 25.7 *Sealing.* Fourth-class mail must be wrapped or packaged so that it can be easily examined. Mailing of sealed parcels at the fourth-class rate of postage is deemed to be the consent of the sender to postal inspection of the contents. Patrons who desire to assure that their parcels will not be opened for postal inspection, should, in addition to paying the first-class rate of postage, plainly mark their parcels "First Class" or with similar endorsements.

(R. S. 161, 396, as amended, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 39 U. S. C. 250)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 56–8426; Filed, Oct. 17, 1956; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter J—Fisheries Loan Fund

PART 160—LOAN PROCEDURES

Basis and purpose. Section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1119, 1121), created a Fisheries Loan Fund to be used by the Secretary of the Interior under rules and regulations and under terms and conditions to be prescribed by him to make loans for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels, and for research into the basic problems of fisheries. To implement the authorization thus granted, the following regulations, constituting a new subchapter and part, are adopted.

Sec.
160.1 Definitions of terms.
160.2 Purposes of loan fund.
160.3 Interpretation of loan authorization.
160.4 Qualified loan applicants.
160.5 Basic limitations.
160.6 Applications.
160.7 Processing of loan applications.
160.8 Approval of loans.
160.9 Interest.
160.10 Maturity.
160.11 Security.
160.12 Penalties on default.

AUTHORITY: §§ 160.1 to 160.12 issued under sec. 4, 70 Stat. 1121.

§ 160.1 *Definitions of terms.* For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Administrator.* Administrator of the Small Business Administration or his authorized representative.

(c) *Person.* Individual, association, partnership or corporation, any one or all, as the context requires.

(d) *State.* Any State, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 160.2 *Purposes of loan fund.* (a) Under section 4 of the Fish and Wildlife Act of 1956, the Secretary is authorized, among other things,

(1) To make loans for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(2) Subject to the specific limitations in the section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

The broad objective of the fisheries loan fund created by the Act is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both fishing vessels and fishing gear thereby contributing to more efficient and profitable fishing operations.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

§ 160.3 *Interpretation of loan authorization.* The terms used in the Act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Operation of fishing gear and vessels.* The words "operation of fishing gear and vessels" mean and include all phases of activity directly associated with the capture or landing of fish.

(b) *Maintenance of fishing gear and vessels.* The words "maintenance of fishing gear and vessels" mean the normal and routine upkeep of all parts of fishing gear and fishing vessels, including machinery and equipment.

(c) *Replacement of fishing gear and vessels.* The words "replacement of fishing gear and vessels" contemplate the purchase of fishing gear or fishing vessels or any equipment, parts, machinery, or other items incident to outfitting for fishing to replace lost, damaged, worn, obsolete, inefficient, or discarded items of a similar nature.

(d) *Repair of fishing gear and vessels.* The words "repair of fishing gear and vessels" mean the restoration of any worn or damaged part of fishing gear or fishing vessels to an efficient operating condition.

(e) *Equipment of fishing gear and vessels.* The words "equipment of fishing gear and vessels" mean the parts, machinery, or other items incident to outfitting for fishing which are purchased for use in fishing operations.

(f) *Research into the basic problems of fisheries.* The words "research into the basic problems of fisheries" mean investigation or experimentation designed to lead to fundamental improvements in the capture or landing of fish conducted as an integral part of vessel or gear operations.

§ 160.4 *Qualified loan applicants.* (a) Any person residing or conducting business in any State shall be deemed to be a qualified applicant for financial assistance if—

(1) He owns a commercial fishing vessel of United States registry (if registration is required) used directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel;

(2) He owns any type of commercial fishing gear used directly in the capture of fish;

(3) He is directly engaged in commercial fishing operations using a fishing vessel of United States registry (if registration is required) or fishing gear under his control on a lease or share basis; or

(4) He owns or controls any property, equipment, or facilities useful in conducting research into the basic problems of fisheries or possesses scientific, technological, or other skills useful in conducting such research.

(b) Applications for financial assistance cannot be considered if the loan is to be used for—

(1) Any phase of a shore operation.

(2) Refinancing an existing loan made upon reasonable terms.

(3) Paying creditors for debts previously incurred (except where loans deemed to be based upon unreasonable terms are refinanced).

(4) Purchasing a partial interest in other fishing vessels or fishing gear or buying a partner's interest.

(5) Financing new business ventures involving fishing operations.

§ 160.5 *Basic limitations.* Applications for financial assistance may be considered only when there is evidence that the credit applied for is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that—

(a) Proof of refusal of the desired credit has been obtained from the applicant's bank of account: *Provided*, That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

(b) Other applicable Government financing is not available to the applicant.

§ 160.6 *Application.* Any person desiring financial assistance from the fisheries loan fund shall make application to the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., on a loan application form furnished by that Service except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

§ 160.7 *Processing of loan applications.* If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

§ 160.8 *Approval of loans.* Loan agreements shall be executed on a form approved by the Secretary. The Secretary will evidence his approval of the loan by issuing a commitment order covering the terms and conditions for making the loan. Such commitment order shall be referred to the Administrator who will direct the closing of the loan with the applicant in the field and render services involving the collection of repayments and such other loan servicing functions as may be required. Any modification of the terms of a loan agreement following its execution must be agreed to in writing by the borrower and the Secretary.

§ 160.9 *Interest.* The rate of interest on all loans which may be granted is fixed at five per cent per annum.

§ 160.10 *Maturity.* The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of ten years.

§ 160.11 *Security.* Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require.

§ 160.12 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security and the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of and withdraw any funds advanced to the borrower and remaining under his control.

These regulations shall become effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated October 15, 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-8421; Filed, Oct. 17, 1956; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 955]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

NOTICE OF PROPOSED RULEMAKING WITH RESPECT TO APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956-57 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that the expenses not to exceed $22,500.00 will be necessarily incurred during the fiscal period August 1, 1956, to July 31, 1957, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at $0.015 per standard box of fruit shipped by such handler as the first handler thereof during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," "fiscal period," and "standard box" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 15, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8397; Filed, Oct. 17, 1956; 8:51 a. m.]

[7 CFR Part 1015]

[AO-281-RO-1]

CUCUMBERS GROWN IN FLORIDA

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the hearing held at Fort Myers, Florida, May 28-June 1, 1956, on a proposed marketing agreement and order regulating the handling of cucumbers grown in Florida.

The reopened hearing is for the purpose of receiving additional evidence with respect to economic and marketing conditions relating to the provisions of the proposed marketing agreement and order, or modifications for changes of such provisions, as published in the FEDERAL REGISTER of April 26, 1956 (21 F. R. 2689). The reopened hearing will convene in the Patio, Fort Myers Exposition Hall, Fort Myers, Florida, beginning at 9:30 a. m., local time, November 5, 1956.

Copies of this notice of reopened hearing, and the notice of hearing published in the FEDERAL REGISTER of April 26, 1956, which included the provisions of the proposed marketing agreement and order may be procured from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

The following changes in the proposed marketing agreement and order, as published in the notice in the FEDERAL REGISTER of April 26, 1956 (21 F. R. 2689), have been proposed for consideration for such reopened hearing by the Florida Cucumber Growers Association:

1. Amend paragraph (c) of § 1015.52 to read as follows:

(c) Limit the handling of cucumbers by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity which shall be effective irrespective of whether the seasonal average price of cucumbers is in excess of the parity level specified in section 2 (1) of the act; and/or pack specifications for the several commercially recognized grades of equal or better quality than the said minimum standards of cucumbers which may be handled; or

2. Amend paragraph (b) of § 1015.60 by deleting the last sentence thereof and relettering paragraphs (c) and (d) of said section as paragraphs (d) and (e), respectively.

3. Add a new paragraph (c), immediately after paragraph (b) of § 1015.60, reading as follows:

(c) Prior to handling any lot of cucumbers, the handler shall obtain a certificate for such lot. Such certificate shall be obtained from the designated inspection service. Every such certificate shall show, in addition to such other information as the committee may specify, the names and addresses of the handler and the consignee, the quantity and pack of the cucumbers in the lot, and that the cucumbers conform to the pack specifications, if any, and the minimum standards of quality and maturity prescribed pursuant to § 1015.52. Each lot so inspected and certified shall be identified by appropriate seals, stamps, or tags affixed to each of the containers by the handler under the direction and supervision of the committee or the inspection service, showing that the minimum standards of quality and maturity have been met and, in addition, the particular pack specifications of the lot, if

such pack specifications are then in effect.

Dated: October 12, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8340; Filed, Oct. 16, 1956; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

VOR RADIO RECEIVING AND ADF RADIO RECEIVING EQUIPMENT

The proposed regulations define minimum performance standards for airborne VOR radio receiving equipment and airborne radio receiving and direction finding equipment to be used in civil aircraft of the United States engaged in air carrier operations.

Sections 514.38 and 514.39 are proposed for adoption, to be effective November 30, 1956. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Sections 514.38 and 514.39 are added under Subpart B of this part to read as follows:

§ 514.38 *VOR radio receiving equipment operating within the radio frequency range of 108-118 megacycles (for air carrier aircraft)—TSO-C40*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne VOR radio receiving equipment operating within the radio frequency range of 108-118 megacycles which is to be used in civil aircraft of the United States engaged in air carrier operations. New models of airborne VOR radio receiving equipment manufactured for use in civil aircraft on or after the effective date of this section shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne VOR Receiving Equipment Operating Within the Radio-Frequency Range of 108-118 Megacycles" (Paper 225-55/DO-69 dated December 13, 1955)[1] with the exception listed in subparagraph (2) of this paragraph. Airborne VOR raido receiving equipment approved by the Civil Aeronautics Administration prior to the effective date of this order may continue to be manufactured under the provisions of its original approval.

(2) *Exception.* The exception applies to Section 3.0, Minimum Performance Standards Under Environmental Test Conditions. Radio Technical Commission for Aeronautics' Paper 100-54/DO-60 dated April 13, 1954,[2] which is incorporated by reference in and thus is a part of Paper 225-55/DO-69, outlines environmental test procedures for equipment designed to operate under three different temperature ranges as specified therein under Procedures A, B, and C. Only airborne VOR radio receiving equipment which meets the operating requirements in the temperature range of −55°C to +55°C or −40°C to +55°C, whichever is applicable, as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over a temperature range of −55° C to +55° C as outlined in Procedure A of RTCA Paper 100-54/DO-60 shall be marked as Category A equipment. Equipment which has been designed to operate over a temperature range of −40° C to +55° C as outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Exception.* The exception applies to Section 3.0, Minimum Performance Standards Under Environmental Test Conditions. Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, dated April 13, 1954,[2] which is incorporated by reference in and thus is a part of Paper 83-56/DO-70, outlines environmental test procedures for equipment designed to operate under three different temperature ranges as specified therein under Procedures A, B, and C. Only airborne radio receiving and direction finding equipment which meets the operating requirements in the temperature range of −55° C to +55° C or −40° C to +55° C, whichever is applicable, as outlined in Procedure A or Procedure B of Paper 100-54/DO-60, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over a temperature range of −55° C to +55° C as outlined in Procedure A of RTCA Paper 100-54/DO-60 shall be marked as Category A equipment. Equipment which has been designed to operate over a temperature range of −40° C to +55° C as outlined in Procedure B of this same paper shall be marked as Category B equipment.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8364; Filed, Oct. 17, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 11846; FCC 56-988]

PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULE MAKING

In the matter of revision of Part 1 of the Commission's rules and regulations.

1. Notice is hereby given of rule making in the above-entitled matter.

2. A revision of the present Part 1 of the Commission's rules and regulations appears to be desirable in order that practice before the Commission may be codified in accordance with current concepts of practice and procedure as determined by public interest, administrative expediency, recent legislation and court decisions.

3. Part 1 at present does not contain specific rules to be followed in rule-making procedures. Such rules are now proposed and are set forth in Subpart C.

4. The Commission is of the opinion that many rules which are, under the present Part 1, applicable to all services should be made applicable to certain services only and that many other rules should apply for all services. Therefore, Subparts A, B and C are proposed to apply to all services while special rules, applicable only to Broadcast Applications and Procedures; to complaints, applications, tariffs, and reports involving Common Carriers; and to Safety and Special Radio Services Applications and Proceedings are contained in Subparts D, E and F, respectively. Should the Commission finally adopt the proposed revision appropriate revisions in the various service rules will be made where necessary to remove conflicts with Part 1.

[1] Copies of this paper may be obtained from the RTCA Secretariat, Room 2036, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D. C., at a cost of 30 cents per copy.

[2] Copies of this paper may be obtained from the RTCA Secretariat, Room 2036, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D. C., at a cost of 20 cents per copy.

[2] Copies of this paper may be obtained from the RTCA Secretariat, Room 2036 T-5 Building, 16th and Constitution Avenue NW., Washington 25, D. C., at a cost of 40 cents per copy.

5. The Commission is of the view that rule-making proceedings should be instituted in this matter, although such proceedings are in the present instance not required by the Administrative Procedure Act, in order that interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking further action.

6. Authority for the adoption of the proposed revision of Part 1 as set forth below is contained in section 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed revision of Part 1, Subparts A, B, C, D, E and F should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 15, 1956, written data, views or arguments setting forth his comments on these subparts. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 10, 1956.

Released: October 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

PART 1—PRACTICE AND PROCEDURE

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1.433 Motions to dismiss complaints or to make them more definite and certain.
1.434 Replies to answers or amended answers; motion to make answers more definite and certain.
1.435 Oppositions to motions to dismiss complaints or to make them more definite and certain.
1.436 Disposition of formal complaints.
1.437 Specifications as to pleadings, briefs, and other documents; subscription and verification.
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1.441 Place of filing; number of copies.
1.442 Subscription and verification.
1.443 Amendments.
1.444 Additional statements.
1.445 Defective applications.
1.446 Inconsistent or conflicting applications.
1.447 Dismissal of applications.

SPECIFIC TYPES OF APPLICATIONS UNDER TITLE II OF COMMUNICATIONS ACT

1.449 Cross references.
1.450 Interlocking directorates.
1.451 Construction, extension, acquisition or operation of lines.
1.452 Discontinuance, reduction, or impairment of service.
1.453 Consolidation of telephone companies.
1.454 Consolidation of domestic telegraph carriers.
1.455 Cable landing licenses.

TARIFFS

1.461 Filing.
1.462 Application for special tariff permission.
1.463 Petitions for suspension of tariff schedules.

CONTRACTS, REPORTS AND REQUESTS REQUIRED TO BE FILED BY CARRIERS

1.468 Requests for extension of filing time.

CONTRACTS

1.469 Filing.

FINANCIAL AND ACCOUNTING REPORTS AND REQUESTS

Sec.
1.471 Annual financial reports.
1.472 Monthly financial reports.
1.473 Reports of proposed changes in depreciation rates.
1.474 Reports regarding pensions and benefits.
1.475 Reports regarding division of international telegraph communication charges.
1.476 Reports relating to traffic by international carriers.
1.477 Reports and requests to be filed under Part 31 of this chapter.
1.478 Reports and requests to be filed under Part 33 of this chapter.
1.479 Reports and requests to be filed under Part 34 of this chapter.
1.480 Reports and requests to be filed under Part 35 of this chapter.

SERVICES AND FACILITIES REPORTS

1.483 Reports regarding telegraph carrier services.
1.484 Reports relating to continuing authority to supplement facilities or to provide temporary or emergency service.
1.485 Reports relating to reduction in temporary experimental service.
1.486 Reports regarding domestic telegraph speed of service.
1.487 Reports relating to service by carriers engaged in public radio service operations.

MISCELLANEOUS REPORTS

1.490 Reports regarding amendments to charters, by-laws, and partnership agreements of carriers engaged in domestic public radio services.
1.491 Reports regarding premature destruction of records.
1.492 Reports of negotiations regarding foreign communication matters.
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Subpart F—Safety and Special Services Applications and Proceedings

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1.502 Where applications are to be filed.
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1.523 Construction permits.
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1.529 Procedure with respect of applications for ship radio inspection or periodical survey.
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1.541 How applications are distributed.
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1.543 Frequency coordination, Canada.
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1.561 Reports, annual and semi-annual.

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1.581 Forfeitures against ship and ship masters.

APPENDIX—A plan of cooperative procedure in matters and cases under the provisions of section 410 of the Communications Act of 1934.

SUBPART A—GENERAL RULES OF PRACTICE AND PROCEDURE

GENERAL

§ 1.10 *Proceedings before the Commission.* The Commission may on its own motion or petition of any interested party hold such proceedings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties or the formulation or amendment of its rules and regulations. For such purposes it may subpoena witnesses and require the production of evidence. Procedures to be followed by the Commission shall, unless specifically prescribed in this part, be such as in the opinion of the Commission will best serve the purposes of such proceeding.

§ 1.11 *Requests for Commission action.* Except where formal procedures are required under the Commission's rules, requests for action may be submitted informally. Requests should set forth clearly and concisely the facts relied upon, the relief sought and the interest of the person submitting the request.

§ 1.12 *Separate pleading for different requests.* A separate pleading should be filed for each request which, under Part O of the Commission's Statement of Organization, Delegations of Authority and Other Information, will be acted upon by different authorities. Where pleadings are filed which contain requests, some of which have to be acted upon by the Commission while others are to be acted upon by a Bureau or Office, or which contain requests that are to be acted upon by different Bureaus or Offices, the petitioner may be requested to file a separate pleading for each request or file additional copies of the original pleading within a specified period of time. In such case the action on the pleading will be held in abeyance during the period so specified. In case of failure to timely comply with said request, the original pleading will be returned without consideration.

§ 1.13 *Oppositions and replies to oppositions.* With respect to all matters other than those upon which authority to act has been delegated to the Motion Commissioner, Chief Hearing Examiner or Hearing Examiner, oppositions to petitions, motions or other pleadings must be filed within 10 days after such petitions, motions or other pleadings are filed with the Commission and replies to such oppositions must be filed within 5 days after such oppositions are filed with the Commission: *Provided, however,* That oppositions to requests for stay of any order, decision of the Commission or other temporary relief must be filed within 5 days after such requests are filed and replies thereto within 3 days after such oppositions are filed. No further pleadings may be filed unless specifically requested by the Commission or authorized by it or the Chief Hearing Examiner.

§ 1.14 *Withdrawal of papers.* The granting of request to dismiss or withdaw an application or a pleading does not authorize the removal of such application or pleading from the Commission's records.

§ 1.15 *Suspension, amendment or waiver of rules.* The rules and regulations of the Commission may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the Commission's rules and regulations. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.

NOTE: See Subpart C of this part for practice and procedure involving rule making.

§1.16 *Reconsideration.* The Commission may, on its own motion set aside any action made or taken by it within 30 days after release of the document containing such action, or in case that such a document is not released, after release of a "Public Notice" announcing the action in question.

§ 1.17 *Declaratory rulings.* The Commission may, in accordance with section 5d of The Administrative Procedure Act, on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.

§ 1.18 *Computation of time.* (a) In computing any period of time prescribed by the Commission's rules, by order of the Commission or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, or a day on which the Commission's office is closed prior to 5:00 p. m. in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday will be considered as a holiday.

(b) All petitions, pleadings or other requests for Commission action must be tendered for filing in complete form before 5:00 p. m. Any such petition, pleading or other request for Commission action lodged with the Commission in complete form after 5:00 p. m. shall be deemed to be tendered for filing as of the next succeeding business day.

PARTIES AND PRACTITIONERS

§ 1.21 *Parties.* (a) Any party may appear before the Commission and be heard in person or by attorney.

(b) The appropriate Bureau Chief(s) of the Commission shall be deemed to be a party to every formal adjudicatory proceeding (as defined in the Administrative Procedure Act) without the necessity of being so named in the order designating the proceeding for hearing.

(c) When in any proceeding a pleading is filed by or on behalf of either the General Counsel or the Chief Engineer, he shall thereafter be deemed a party to the proceeding.

§ 1.22 *Authority for representation.* Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to act in such capacity.

§ 1.23 *Persons who may be admitted to practice.* (a) The Commission will maintain a register of attorneys at law admitted to practice before the Commission. Any attorney at law in good standing admitted to practice before any court of the Unted States or the District of Columbia, or the highest court of any State or Territory, may, by filing with the Commission, an affidavit on FCC Form 786, request admission to practice before the Commission. The Commission may require additional proof of said attorney's qualifications.

(b) Any attorney at law who has not been admitted to practice before the Commission may, in the discretion of the Commission or the official presiding at any hearing, be admitted for a particular case in which he may be employed.

§ 1.24 *Suspension or disbarment of attorneys.* The Commission may censure, suspend or disbar any person who has been admitted to practice before it if it finds that such person has in obtaining admission concealed any material facts with reference to his legal qualifications, professional standing, character or integrity, or has failed to conform to recognized standards of professional conduct. Before any member of the bar of the Commission shall be censured, suspended or disbarred, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.

§ 1.25 *Former Commissioners and employees.* (a) No Commissioner shall for a period of one year following the termination of his services as a Commissioner represent any person before the Commission in a professional capacity, except that this restriction shall not apply to any former Commissioner who has served the full term for which he was appointed.

(b) No member, officer or employee of the Commission (1) whose active service with the Commission has terminated but who is receiving pay while on annual leave not taken prior to separation from such active service, or (2) who is in any other leave status, shall appear as attorney or participate in the preparation or handling of any matter before, or to be submitted to, the Commission.

(c) Nothing in this section shall be construed as authorizing the performance of any act which is prohibited by the provisions of Title 18 U. S. C. section 284.

ACTION BY MOTIONS COMMISSIONER, CHIEF HEARING EXAMINER AND HEARING EXAMINER

§ 1.41 *Matters acted on.* The motions, petitions, and other pleadings upon which the Motions Commissioner, Chief Hearing Examiner and Hearing Examiner may act upon are specified in detail in Part O of the Commission's Statement of Organization, Delegations of Authority and Other Information. The procedural rules governing disposition of motions, petitions and other pleadings by the Motions Commissioner, Chief Hearing Examiner and Hearing Examiners are detailed in §§ 1.42 through 1.47 inclusive.

§ 1.42 *Number of copies.* An original and seven copies of each motion, petition or other pleading to be acted upon by the Motions Commissioner, Chief Hearing Examiner or Hearing Examiner and of any opposition thereto, shall be filed.

§ 1.43 *Time for action.* Unless it is found that irreparable injury would be caused one of the parties or that the public interest so requires, or unless all parties have consented, the Motions Commissioner, Chief Hearing Examiner or Hearing Examiner shall withhold consideration of any motion, petition or other pleading until it has been on file, accompanied by proof of service upon all parties, for a period of four days.

§ 1.44 *Oppositions.* Any party may file within the time specified in § 1.43 an opposition to a motion, petition or other pleading to be acted on by the Motions Commissioner, Chief Hearing Examiner or Hearing Examiner. Replies to such oppositions will not be accepted. (See however § 1.434.)

§ 1.45 *Oral argument.* Oral argument with respect to any contested motion, petition or other pleading before the Motions Commissioner, Chief Hearing Examiner or Hearing Examiner will be held when in the opinion of such officer the ends of justice will be best served thereby. Timely notice will be given of the date, time and place of any such oral argument to be held pursuant hereto.

§ 1.46 *Rulings.* The Motions Commissioner, Chief Hearing Examiner or Hearing Examiner will dispose of any matter pending before him by written order which shall be released promptly. The order upon contested matters shall contain a brief statement of the reasons for the ruling therein, unless such order is self-explanatory or is merely an affirmance of a prior denial in which reasons have been given.

§ 1.47 *Review of adverse ruling.* Any interested party may obtain a review of an adverse ruling upon motion, petition or other pleading acted upon by the Motions Commissioner, Chief Hearing Examiner or Hearing Examiner, (1) by filing within five days after the order containing the ruling is released, a petition for review by the Commission or (2) by filing or noting an exception on the record and specifically requesting review of the ruling complained of as part of the exceptions filed to the initial decision in accordance with the provisions of §§ 1.153 through 1.155.

SPECIFICATIONS AND SERVICE OF PLEADINGS AND OTHER PAPERS

§ 1.50 *Cross reference.* (a) Rules governing applications and reports are contained in the respective subparts of this part dealing with the services.

(b) Special rules governing complaints against common carriers arising under the Communications Act are set forth in Subpart E of this part.

§ 1.51 *Length of pleadings.* Pleadings by any party to any proceeding which has been designated for hearing which relate to an appeal from an interlocutory ruling of the Motions Commissioner, the Chief Hearing Examiner, the Hearing Examiner or to petitions for reconsideration and grant without hearing of applications previously designated for hearing, will not be accepted for filing if the pleadings exceed 15 double spaced typewritten pages: *Provided,* That parties may, in a separate pleading, request permission to file pleadings of more than 15 pages on matters covered by this section, which permission will be granted by the Chief Hearing Examiner upon good cause shown. Such requests must be filed within two days of the ruling in question. The five-day requirement of § 1.47 shall be operative only after disposal of the request for permission to file a pleading exceeding the limit here specified.

§ 1.52 *Specifications as to pleadings and documents.* All pleadings and documents (except briefs) filed in any proceeding shall, unless otherwise specifically provided, be on paper either 8 by 10½ or 14 inches or 8½ by 11, 13 or 14 inches, with left-hand margin not less than 1½ inches wide. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letterpress or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

§ 1.53 *Specifications as to briefs.* Briefs may be printed, typewritten, mimeographed, or multigraphed. Printed briefs shall be in 10- or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1½ inches wide, and with double spaced text and single spaced quotations.

§ 1.54 *Number of copies of pleadings, briefs and other documents.* Except as otherwise specifically provided in these rules an original and 14 copies of all pleadings, briefs and other documents required or permitted to be filed shall be furnished the Commission, and one extra copy for each party to the proceeding when service is made by the Commission.

§ 1.55 *Subscription and verification.* All petitions, motions, pleadings, briefs, and other documents filed by any party represented by counsel, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign and verify the document and state his address. Except when otherwise specifically provided by rule or statute, documents signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the document; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the matter may proceed as though the document had not been filed. An attorney may be subjected to appropriate disciplinary action, pursuant to § 1.24, for a willful violation of this rule or if scandalous or indecent matter is inserted.

§ 1.56 *Service of documents and proof of service.* In all adjudicatory proceedings and in rule making proceedings governed by sections 7 and 8 of the Administrative Procedure Act and in every other case where service is required or permitted by law, service of all briefs, notices, pleadings, or other papers shall be made in conformity with this section. All such documents which are required or permitted to be served upon parties shall be served not later than the respective dates fixed by these rules for service thereof (except that in case of service by mail, the time for filing responsive pleadings is extended by three days), as follows:

(a) Service upon the party, his attorney, or other duly constituted agent shall be made by the party filing the pleading or document or by his representative by delivering a copy or by mailing it to the last known address: *Provided, however,* That formal complaints, including supplemental, cross and amended complaints filed under section 208 of the Communications Act of 1934, as amended, will be served by the Commission. When any party is represented by an attorney of record in a formal proceeding the service shall be made upon the attorney. Delivery of a copy pursuant to this section means; handing it to the attorney, the party, or the party's duly constituted agent; or leaving it at the office of the person to be served with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.

than those upon which authority to act

fore 5:00 p. m. Any such petition, plead-

leave not taken prior to separation from...

(b) Proof of service as provided in this section shall be filed before action is taken thereon. The proof of service shall show the time and manner of service, and may be by written acknowledgment of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the service. The Commission may at any time allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

MISCELLANEOUS PROCEDURES

§ 1.61 *Notice of violations.* (a) Any licensee who appears to have violated any provision of the Communications Act or of the rules and regulations of the Commission, shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Upon receipt of such notice, the licensee shall forthwith correct all discrepancies and within 10 days from receipt of notice, or such other period as may be specified, the licensee shall send a written answer in duplicate direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification thereof. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

§ 1.62 *Revocation of station licenses and construction permits and issuance of cease and desist orders.* (a) Whenever it appears that a station license or construction permit should be revoked for any of the reasons set forth in section 312 (a) of the Communications Act, or a cease and desist order should be issued for any of the reasons specified in section 312 (b) of the Communications Act, the Commission will except in cases of wilfullness or those in which the public health or safety require otherwise, either by notice of violation as provided for in § 1.61 or by any other written warning, call to the attention of the licensee or permittee the facts or conduct which may warrant revocation of the license or construction permit or the issuance of a cease and desist order and the Commission will accord to the licensee or permittee a reasonable opportunity to demonstrate or achieve compliance with the said warning. In case of failure to timely comply therewith or in cases of wilfullness or those in which public health or safety requires, the Commission will issue an order directing the licensee, permittee or person to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued: *Provided, however,* That where the reasons set forth in the order to show cause would warrant action under either section 312 (a) or (b) of the Communications Act, the order shall ask in the alternative, that either a revocation order or a cease and desist order be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will contain a statement of the matters with respect to which the Commission in inquiring and will call upon the licensee or permittee or person to appear before the Commission at a time and place stated in the order, but in no event less than 30 days after the receipt of such order, and give evidence upon the matter specified therein; except that where safety of life or property is involved, the Commission may provide in the order for a shorter period.

(c) In order to avail himself of the opportunity to be heard, the licensee, permittee or person, in person or by his attorney, shall within 15 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order.

(d) Hearings on the matters specified in the order to show cause and the practice and procedure in connection therewith shall accord with the provisions of this subpart and Subpart B of this part, except that in all such hearings the burden of proceeding with the introduction of evidence and burden of proof shall be upon the Commission, and except that the Commission may, where the circumstances of the proceeding require expedition, specify in the show cause order, times less than those specified in § 1.153 and 1.154, within which the initial decision in such proceedings shall become effective, within which exceptions to such initial decision or replies thereto may be filed, and within which parties may file notice of intent to seek and participate in oral argument.

(e) Unless good cause is shown in a petition to be filed not later than five days before the hearing date the right to a hearing shall be deemed waived:

(1) In case of failure to timely file a written statement as required by paragraph (c) of this section: *Provided, however,* That where the licensees, permittee or person appears in person or by attorney at the hearing without having previously filed the statement required by paragraph (c) of this section, the Chief Hearing Examiner shall expeditiously pass on the question whether the failure to file such written statement should be condoned and the oral proceedings commenced, or the hearing should be regarded as waived.

(2) In case of filing the written statement provided for in paragraph (c) of this section but failure to appear at the hearing, either in person or by counsel.

(f) Where a hearing is waived and no written statement has been filed within 15 days of the receipt of the order to show cause or such shorter period of time as may be specified therein, the allegations of fact contained in the order to show cause will be deemed as correct and the Hearing Examiner will issue an initial decision invoking the sanctions requested in the order to show cause.

(g) Where a hearing is waived, a written statement in mitigation or justification may be submitted within 15 days of the receipt of the order to show cause or within such shorter period of time as may be specified therein. The Hearing Examiner may, if the statement contains, with particularity, factual allegations denying or, in the Hearing Examiner's opinion, justifying the facts upon which the show cause order is based, call upon the submitting party to furnish additional information, and the Hearing Examiner shall request all opposing parties to file an answer to the written statement and/or additional information. The Hearing Examiner will then, unless he orders that further pleadings be filed, close the record and issue, on basis of the procedure delineated in this paragraph, an initial decision.

(h) Corrections or promise to correct the condition complained of in the order to show cause shall not be grounds for nonissuance of an order to cease and desist.

(i) Any order of revocation or cease and desist order issued pursuant to this section shall include a statement of findings and the grounds therefor, shall specify the effective date of the order, and shall be served on the licensee, permittee or person.

§ 1.63 *Modification of licenses or construction permits on motion of the Commission.* (a) Whenever it appears that a station license or construction permit should be modified, the Commission will notify the licensee or permittee in writing of the proposed action and the grounds and reasons therefor and direct him to show cause why an order modifying the license or construction permit in the manner proposed by the Commission, should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will notify the licensee or permittee that he may request, within a period of time to be stated in the order to show cause, that a hearing be held on the proposed modification. In case of timely request, a hearing will be held before the Commission on the proposed modification, in no event less than 30 days after the receipt of the order to show cause, unless the Commission finds that safety of life or property require the fixing of a shorter period.

(c) In order to avail himself of the right to request a hearing and of the opportunity to appear before the Commission and to give evidence upon the matters specified in the order to show cause, the licensee or permittee, in person or by his attorney shall, within the period of time as may be specified in the order to show cause file with the Commission a written statement stating that he requests a hearing and will appear at the hearing and present evidence on the matter specified in the order to show cause.

(d) The right to request a hearing shall, unless good cause is shown in a petition to be filed not later than 5 days before the lapse of the time specified in paragraph (c) of this section, be deemed waived:

(1) In case of failure to timely file a written statement as required by paragraph (c) of this section.

(2) In case of filing the written statement provided for in paragraph (c) of this section but failure to appear at the hearing, either in person or by counsel.

(e) Where the right to request a hearing is waived and no written statement has been filed within the period of time specified in the order to show cause, the licensee or permittee will be deemed to consent to the modification as proposed in the order to show cause and a final decision will be issued by the Commission accordingly.

(f) Where the right to request a hearing has been waived, a written statement may be filed within the period of time to be specified in the order to show cause, showing with particularity why the license or construction permit should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may, depending upon the facts alleged and proof offered, either call upon the submitting party to furnish additional information under oath, designate the proceeding for hearing, or issue without further proceedings an order modifying the construction permit or license as proposed in the order to show cause or in said written statement. The order to show cause will advise the person against whom it is directed of procedure set forth in this paragraph.

(g) Any order of modification issued pursuant to this section will include a statement of the findings and the grounds and reasons therefor and specify the effective date of the order and shall be served on the licensee or permittee.

§ 1.64 *Partial grants.* Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.65 *Operation pending action on renewal application.* (a) When there is pending before the Commission at the time of expiration of license any proper and timely application for renewal of license with respect to any activity of a continuing nature, in accordance with the provision of section 9 (b) of the Administrative Procedure Act, such license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application. No operation by any licensee under this section shall be construed as a finding by the Commission that the operation will serve public interest, convenience, or necessity nor shall such operation in any way affect or limit the action of the Commission with respect to any pending application or proceeding. A licensee operating by virtue of this section shall, after the date of expiration specified in the license, post in addition to the original license, any acknowledgment received from the Commission that the renewal application has been accepted for filing or a signed copy of the application for renewal of license which has been submitted by the licensee or in services other than broadcast and common carrier, a statement certifying that the licensee has mailed or filed a renewal application, specifying the date of mailing or filing.

(b) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal or extension of the term of a license with respect to any activity not of a continuing nature, the Commission may in its discretion grant a temporary extension of such license, pending determination of such application. No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, or necessity beyond the express terms of such temporary extension of license, nor shall such temporary extension in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization clearly states on its face that it relates to an activity not of a continuing nature, or where the noncontinuing nature is otherwise clearly apparent upon the face of the authorization, all licenses issued by the Commission shall be deemed to be related to an activity of a continuing nature.

§ 1.66 *Grants of licenses without hearing.* (a) An application for license by the lawful holder of a construction permit will be granted without hearing where the Commission, upon examination of such application, finds that all the terms, conditions and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest.

(b) In the event the Commission is unable to make the findings in paragraph (a) of this section, the Commission will designate the application for hearing upon specified issues.

§ 1.67 *Procedures for handling applications requiring special aeronautical study.* (a) All antenna surveys are conducted by the Antenna Survey Branch of the Engineering Division, Field Engineering and Monitoring Bureau.

(b) Each operating Bureau or Office examines the applications for which it is responsible to ascertain whether or not antenna consideration is required. If such consideration is required, the antenna data is furnished to the Antenna Survey Branch of the Engineering Division, Field Engineering and Monitoring Bureau.

(c) The Antenna Survey Branch then ascertains whether a special aeronautical study is required.

(d) If no special aeronautical study is required, the application and the appropriate antenna painting and lighting specifications are returned to the originating Bureau or Office for such further action as is necessary.

(e) If a special aeronautical study is required, the antenna data are forwarded to the appropriate regional airspace subcommittee for its study and recommendations and the originating Bureau or Office advised of this action.

(f) Upon receipt of a report from the airspace subcommittee approving a proposed antenna, the Antenna Survey Branch prescribes antenna tower painting and lighting specifications or other conditions in accordance with provisions of Part 17 of this chapter and forwards this information to the originating Bureau or Office. If the proposed antenna is disapproved a report of the disapproval is forwarded to the originating Bureau or Office.

§ 1.68 [Reserved.]

§ 1.69 *Application for radio operator license.* (a) Application for a new, renewed, replacement or duplicate commercial radio operator license or for an endorsement thereon, or for a verification card, shall be filed on FCC Form No. 756, entitled "Application for Commercial Radio Operator License or Permit": *Provided,* That application for a new restricted radio-telephone operator permit may be filed on FCC Form No. 753–1, entitled "Application for Restricted Radiotelephone Operator Permit by Declaration".

(b) Application for an amateur radio operator license is included with the application for station license. (See § 1.530.)

§ 1.70 *Verification of operator license or permit.* FCC Form 759 shall be used to request verification of commercial operator license data and when properly executed may be posted in lieu of the license in accordance with § 13.74 of this chapter.

§ 1.71 *Procedure with respect to commercial radio operator license applica-*

tions. (a) Upon acceptance for filing of an application for a new commercial operator license, an examination is conducted, where required, by the field office with which the application is filed in accordance with Part 13 of this chapter. If applicant passes the examination and is found qualified in respect to citizenship, character and physical condition, the license will be issued. Where doubts as to citizenship, character and physical condition arise, the application is referred to the Commission's Inspection and Examination Division, Field Engineering and Monitoring Bureau, Washington, D. C., for consideration. If it appears that further information is required to determine the applicant's qualifications or that a grant of the application will not serve the public interest, the applicant will be notified in writing and given an opportunity to furnish such written showings as the Commission may request and as the applicant may desire to submit. If from the information furnished it does not appear that the applicant is qualified or that the public interest would be served by a grant of the application the applicant will be advised thereof in writing and given the opportunity to request, within the period of time to be specified in such writing, that the application be set for hearing. In case of failure timely to request such hearing, the application will be denied.

(b) Where an examination is not required, the application will be handled with respect to other matters in accordance with the procedure in paragraph (a) of this section.

(c) Applications for renewal of license after acceptance for filing are handled in accordance with the procedure contained in paragraph (a) of this section, except that no examination is required unless the circumstances as set forth in § 13.28 of this chapter exist, in which case a renewal examination will be required.

§ 1.72 *Suspension of operator licenses.* Whenever grounds exist for suspension of an operator license, as provided in section 303 (m) of the Communications Act, the Chief of the Safety and Special Radio Service Bureau, with respect to amateur operator licenses, or the Chief of the Field Engineering and Monitoring Bureau, with respect to commercial operator licenses, may issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau or the Chief, Field Engineering and Monitoring Bureau, as the case may be, and said order of suspension shall be held in abeyance until the conclusion of the hearing. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D. C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

§ 1.73 *Procedure with respect to equipment type approval and type acceptance.* Rules on applications for equipment type approval and on type acceptance are contained in Part 2, Subpart F of this chapter.

§ 1.74 *Procedure with respect to Experimental Radio Services.* Rules governing applications for licensing of stations in the Experimental Radio Services (other than broadcast) are contained in Part 5 of this chapter.

§ 1.75 *Procedure with respect to licensing in the Industrial, Scientific and Medical services.* Rules governing applications for licensing in the Industrial, Scientific and Medical Service are contained in Part 18 of this chapter.

SUBPART B—HEARING AND DECISION PRACTICE AND PROCEDURE

General

§ 1.101 *Scope.* This subpart shall be applicable to the following cases which have been designated for hearing: (a) Adjudication (as defined by the Administrative Procedure Act) and (b) rule making proceedings which are required by law to be made on the record after opportunity for a Commission hearing.

NOTE: For special provisions relating to consideration of standard broadcast applications in the light of the new NARBA see § 1.352.

§ 1.102 *Official reporter; transcript.* The Commission will designate from time to time an official reporter for the recording and transcribing of hearing proceedings. No transcript of the testimony taken, or argument had, at any hearing will be furnished by the Commission, but will be open to inspection under § 0.406 of the Commission's Statement of Organization, Delegations of Authority and Other Information. Copies of such transcript, if desired, may be obtained from the official reporter upon payment of the charges therefor.

§ 1.03 *Notice of hearing.* Reasonable notice of hearing will be given to all parties to a proceeding, and will include:

(a) A statement as to the time, place and nature of the hearing. If the time and place are not specified, the initial notice will indicate that the time and place will be designated at a later date.

(b) A statement as to the legal authority and jurisdiction under which the hearing is to be held.

(c) A statement of the matters of fact and law involved.

§ 1.104 *Petitions to intervene.* (a) Where, in cases involving applications for construction permits and station licenses, or modifications or renewals thereof, the Commission has failed to notify and name as a party to the hearing any person who qualifies as a party in interest, such person may acquire the status of a party by filing under oath and at any time not later than ten days prior to the date of hearing, a petition for intervention showing the basis of its interest. Where such persons interest is based upon a claim that a grant of the application would cause objectionable interference under applicable Commission rules to such person as a licensee or permittee of an existing or authorized station, the petition to intervene must be accompanied by an affidavit of a qualified radio engineer which shall show either by following the procedures set forth by the Commission's rules for determining interference in the absence of measurements or by actual measurements made in accordance with the methods prescribed by the Commission's rules, the extent of such interference. Where the person's status as a party in interest is established, the petition to intervene will be granted.

(b) Any other person desiring to participate as a party in any hearing may file a petition for leave to intervene not later than 10 days prior to the date of hearing. The petition must set forth the interest of the petitioner in the proceedings, and must show how such petitioner's participation will assist the Commission in the determination of the issues in question, and such petitions must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The Commission, in its discretion, may grant or deny such petition or may permit intervention by such persons limited to particular issues or to a particular stage of the proceeding.

(c) The granting of any petition to intervene shall not have the effect of changing or enlarging the issues specified in the Commission's notice of hearing unless the Commission shall on motion amend the same.

(d) Any person desiring to file a petition to intervene after the expiration of the time provided in paragraphs (a) or (b) of this section, whichever is applicable, must set forth the reason why it was not possible to file the petition within the prescribed time. Unless good cause is shown for delay in filing, the petition will be denied.

§ 1.105 *Participation by nonparties; consideration of communications.* (a) If any matter is designated for hearing, the Secretary will notify all persons who have requested that they be advised of the hearing in order that they will have an opportunity to appear and give evidence at such hearing. In the case of communications bearing more than one signature, notice of hearing shall be given to the person first signing unless the communication clearly indicates that such notice should be sent to someone other than such person.

(b) No person shall be precluded from giving any relevant material and competent testimony at a hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

(c) When a hearing is held, no communication will be considered in determining the merits of any matter unless it has been received into evidence. The admissibility of any communication shall be governed by the applicable rules of evidence, and no communication shall be admissible on the basis of a stipulation unless Commission's counsel as well as counsel for all of the parties shall join in such stipulation.

§ 1.106 *Consolidations.* (a) The Commission, upon motion, or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing (1) any cases which involve the same applicant or involve substantially the same issues, or (2) any applications which present conflicting claims.

(b) Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the later application has been filed within five days after public notice has been given in the FEDERAL REGISTER of the Commission's order which first designated for hearing the prior application or applications with which such application is in conflict. Applications which are not timely filed will be returned and will be eligible for refiling only after a final decision is rendered by the Commission denying or removing the prior application or applications from the hearing docket.

§ 1.107 *Petition for reconsideration and grant without hearing.* Where the Commission has designated an application for hearing, the applicant may file a petition requesting reconsideration and grant of the application without hearing.

Continuances and Prehearing Conferences

§ 1.111 *Prehearing conferences.* (a) The Commission or the presiding officer on its or his initiative, or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) The necessity or desirability of prior mutual exchange between or among the parties of prepared testimony and exhibits: *Provided, however,* That in case of comparative broadcast hearings the exchange of exhibits shall be ordered as provided for in § 1.363 (a) and (b);

(6) In cases arising under Title II of the Communications Act, the necessity or desirability of amending the pleadings and offers of settlement or proposals of adjustment.

(7) In cases involving comparative broadcast application:

(i) Narrowing the issues or the areas of inquiry and proof at the hearing;

(ii) Admissions of fact and of documents which will avoid unnecessary proof;

(iii) Reports and letters relating to surveys or contacts;

(iv) Assumptions regarding the availability of equipment;

(v) Network programming;

(vi) Assumptions regarding the availability of networks proposed;

(vii) Offers of letters in general;

(viii) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(ix) Proof of contracts, agreements, or understandings reduced to writing;

(x) Stipulations;

(xi) Need for depositions;

(xii) The numbering of exhibits;

(xiii) The order or offer of proof with relationship to docket number; and

(xiv) Such other matters as will be conducive to an expeditious conduct of the hearing.

(b) An official transcript of all prehearing conferences shall be made. After the conclusion of the pre-hearing conferences, the hearing officer shall enter a single formal statement on the record setting forth the matters and stipulations agreed to and found to be acceptable and approved by the hearing officer which agreements and stipulations may be incorporated by appropriate record reference. The statement will also set forth such other special rules, if any, deemed by the hearing officer to be necessary to govern the further course of the proceeding.

§ 1.112 *Continuances and extensions.* Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted by the Commission or the presiding officer upon motion for good cause shown, unless the time for performance or filing is limited by statute.

§ 1.113 *Time and place of hearing.* Any hearing shall begin at the time and place ordered by the Commission or the Chief Hearing Examiner. The time and place of subsequent hearings shall be determined by the presiding officer, *Provided, however,* That in case the hearing is scheduled to begin in the District of Columbia, the first change of place of such hearing will be ordered by the Commission or the Chief Hearing Examiner.

Depositions

§ 1.121 *When depositions may be taken.* At any time after a case has been designated for hearing, or an investigation is pending before the Commission, the testimony of any witness may be taken by deposition for purposes other than discovery, either on the Commission's own initiative or at the instance of any party.

§ 1.122 *Notice to take depositions.* A party to a hearing desiring to take the deposition of any person shall give reasonable notice in writing to every other party. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs, and the matters with which the deposition will be concerned. On motion of any party upon whom the notice is served, the Commission may, for good cause shown, enlarge or shorten the time for taking the deposition.

§ 1.123 *Deposition orders.* (a) After notice is served for taking a deposition, upon motion seasonably made by any party or by the person to be examined, and upon notice and for good cause shown, the Commission may make an order:

(1) That the deposition shall not be taken;

(2) That it may be taken only at some designated place other than that stated in the notice;

(3) That it may be taken only on written interrogatories;

(4) That certain matters shall not be inquired into;

(5) That the scope of the examination shall be limited to certain matters;

(6) That the examination shall be held with no one present except the parties to the action and their officers or counsel;

(7) That after being sealed the deposition shall be opened only by order of the Commission.

(b) The Commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.

§ 1.124 *Persons before whom depositions may be taken.* Depositions shall be taken before any judge of any court of the United States; any United States commissioner; any clerk of a district court; any chancellor, justice or judge of a supreme or superior court; the mayor or chief magistrate of a city; any judge of a county court, or court of commons pleas of any of the United States; any notary public, not being of counsel or attorney to any party, nor interested in the event of the proceeding.

§ 1.125 *Oath; transcript or depositions.* The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

§ 1.126 *Submission of deposition to witness; changes; signing.* When the testimony is fully transcribed, the depo-

(f) Require the filing of memoranda

ceipt by the Commission of such appli-

hearing is to be held.

other than such person.

sition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. If the deposition is not signed by the witness the officer shall sign it and state on the record the fact of the waiver, the illness or absence of the witness, the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless upon a motion to suppress, the Commission holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

§ 1.127 *Certification of deposition and filing by officer; copies.* The officer shall certify on the deposition that the witness was duly sworn by him, that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and two copies thereof, together with the original and two copies of all exhibits, by registered mail to the Secretary of the Commission.

§ 1.128 *Inclusion in the record.* (a) No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing.

(b) The deposition of a person with a substantial interest in or holding a position of responsibility with a party to the proceeding will not be admitted in evidence unless it is shown that the witness is dead or seriously ill, or that such exceptional circumstances exist, or that the testimony proffered is of such character that in the interest of justice and with due regard to the importance of presenting the testimony of the witnesses orally, the deposition should be admitted.

§ 1.129 *Objections to depositions.* (a) Except as provided in paragraphs (b) (c) and (d) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence, if the witness were then present and testifying.

(b) Objections to the competency of a witness, or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(c) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath, or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless reasonable objection thereto is made at the taking of the deposition.

(d) Any objection made at the time of the examination to the qualifications of the officer taking a deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to such objection.

SUBPENAS

§ 1.131 *Who may sign and issue.* Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows:

(a) Hearings before the Commission en banc or before a Committee of Commissioners: By a Commissioner;

(b) Hearings before a presiding officer: By a Commissioner or by the presiding officer.

§ 1.132 *Requests; verification and content.* A subpena, other than one directed by the Commission on its own initiative, will be issued only upon request in writing, unless such request is made on the record while a hearing is in progress, in which case such request on the record may be accepted in lieu of written request. Any request for a subpena shall be supported by a showing of the general relevance and materiality of the evidence sought. A request for a subpena to compel a witness to produce documentary evidence shall be in writing, duly subscribed and verified, and shall specify with particularity the books, papers, and documents desired and the facts expected to be proved thereby. Other parties to the proceeding need not be served with copies of a request for a subpena. Any party against which the subpena to produce documentary evidence is directed may file, within 5 days after service of such subpena, an opposition thereto setting forth why the subpena should not be issued or limited to such documentary evidence as stated in said opposition. Prompt notice including a brief statement of the reasons therefor, will be given of the denial in whole or in part, of a request for subpena.

§ 1.133 *Witness fees.* Witnesses who are subpenaed and respond thereto are entitled to the same fees including mileage as are paid for like service in the courts of the United States. The party at whose instance the testimony is taken shall pay such fees at the time the subpena is served.

§ 1.134 *Service of subpenas; return.* (a) A subpena may be served by a United States marshal or his deputy or by Commission personnel or by any person who is not a party and is not less than 18 years of age. Service of a subpena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. If the subpena is issued on behalf of the United States or an officer or agency thereof fees and mileage need not be tendered.

(b) If service of the subpena is made by a person other than a United States marshal or his deputy, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpena. In making service, the original subpena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpena, bearing or accompanied by the required return affidavit, or statement, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

§ 1.135 *Attendance of witness; disobedience.* The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpena the Commission or any party to a proceeding before the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

HEARINGS AND DECISIONS

§ 1.140 *Procedure when cause is designated for hearing.* (a) When application has been designated for hearing, the Secretary of the Commission will mail an order to the applicant setting forth the reasons for the Commission's action and the issues upon which the application will be heard. In addition, the notice of hearing will be published in the FEDERAL REGISTER. The Commission will, when possible, give at least 60 days advance notice on comparative hearings.

(b) Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate but in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues, shall be upon the applicant.

(c) In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing, and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of that time period a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days the application will be dismissed with prejudice by the

Chief Hearing Examiner for failure to prosecute.

(d) The Commission will on its own motion name as parties to the hearing any person found to be a party in interest.

(e) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to paragraph (b) of this section shall, within 20 days of the mailing of the notice of his designation as a party, file with the Commission, in person or by attorney, a written appearance in triplicate, stating that he will appear and present evidence on the issues specified in the notice of hearing. Any person so named who fails to file this written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

§ 1.141 *Motions to enlarge, change or delete issues.* Motion to enlarge, change or delete the issues may be filed by any party to a hearing. Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a motion to enlarge, change or delete the issues after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted.

§ 1.142 *Order of procedure.* (a) At hearings on a formal complaint or petition or in a proceeding for any instrument of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant, as the case may be, shall, unless the Commission otherwise orders, open and close. At hearings on protests the protestant opens and closes the proceedings in case the issues are not specifically adopted by the Commission, otherwise the grantee does so. At hearings on orders to show cause, to cease and desist, to revoke or modify a station license under sections 312 and 316 of the Communications Act, or other like proceedings instituted by the Commission, the Commission shall open and close.

(b) At all hearings under Title II of the Communications Act, other than hearings on formal complaints, petitions or applications, the respondent shall open and close unless otherwise specified by the Commission.

(c) In all other cases, the Commission, or presiding officer, shall designate the order of presentation. Intervenors shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission, or presiding officer, shall designate at what stage such intervenors shall be heard.

§ 1.143 *Designation of presiding officer.* (a) Hearings will be conducted by one or more Commissioners or by one or more Hearing Examiners designated pursuant to Section 11 of the Administrative Procedure Act: *Provided*, That in cases of adjudication, hearings will be conducted only by the Commission, or by one or more Hearing Examiners. If a presiding officer becomes unavailable to the Commission prior to the taking of testimony, another presiding officer will be designated.

(b) So far as practicable, Hearing Examiners designated as presiding officers shall be assigned to cases in rotation, due consideration being given to the following factors: (1) The grade classification of the Hearing Examiner, (2) the nature of the case to be heard, (3) the specialized experience of the Hearing Examiner, and (4) the extent of the Hearing Examiner's workload.

(c) Unless the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be designated, and notice thereof released to the public, at least 10 days prior to the date set for hearing. In the event that a presiding officer deems himself disqualified and desires to withdraw from the case he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing. Any party may request the presiding officer to withdraw on the grounds of personal bias or other disqualification. The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification, and the presiding officer may file a response thereto. Such affidavit shall be filed not later than 5 days before the commencement of the hearing, unless for good cause shown, additional time is necessary; but in no event later than the close of the first day of the hearing. If the presiding officer believes himself not disqualified he shall so rule and proceed with the hearing. If the person seeking disqualification excepts to the ruling, he shall so state at the time the ruling is made, and the presiding officer shall certify the question together with the affidavit and any response filed in connection therewith, to the Commission. The hearing shall be suspended pending a ruling on the question by the Commission. The Commission may rule on the question without hearing or it may require testimony or argument on the issues raised. The affidavit, response, testimony and decision thereon shall be part of the record in the case. Unless objection is made and exception is taken as required by this section, the right to request withdrawal of the presiding officer shall be deemed waived.

§ 1.44 *Authority of presiding officers.* Presiding officers, with respect to cases assigned to them, from the date of their designations until the submission of their decisions or the transfer of the cases to the Commission, or other presiding officers and in addition to and in accordance with the authority elsewhere specified in the rules shall have authority to:

(a) Administer oaths and affirmations,

(b) Examine witnesses,

(c) Rule upon questions of evidence,

(d) Take or cause depositions to be taken,

(e) Regulate the course of the hearing, maintain decorum and exclude from the hearing any person engaging in contemptuous conduct or otherwise disrupting the proceedings,

(f) Require the filing of memoranda of law, and the presentation of oral argument with respect to any question of law upon which they are required to rule during the course of the hearing,

(g) Hold conferences for the settlement or simplification of the issues by consent of the parties,

(h) Dispose of procedural requests or similar matters, as provided for in section 0.231 of the Commission's statement of organization, delegations of authority, and other information,

(i) Make decisions or recommended decisions in conformity with the Administrative Procedure Act.

§ 1.145 *Hearing before more than one presiding officer.* (a) There may be assigned one or more officers to preside at a hearing, each of whom shall participate in all stages unless disqualified or unavailable.

(b) In case one of the presiding officers becomes disqualified or unavailable the remaining officer or officers who have participated in all stages of the hearing shall conduct the further hearing and render the Initial Decision. When no remaining officer has participated in all stages of the hearing, the case shall proceed under the provisions of § 1.151 (c).

(c) Rulings on interlocutory matters will, unless reversed on appeal taken in accordance with § 1.147, be binding upon the parties when announced by any of the presiding officers.

§ 1.146 *Closing of the hearing.* The record of hearing shall be closed by an announcement to that effect at the hearing, by the presiding officer when the taking of testimony has been concluded. In the discretion of the presiding officer, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be prepared: *Provided*, The parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been adjourned may not be closed by such officer prior to the adjourned date except upon 10 days' notice to all parties to the proceeding.

§ 1.147 *Certification of transcript.* After the close of the hearing the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

§ 1.148 *Corrections to transcript.* Within ten days after the date of notice of certification of the transcript, any party to the proceeding may file with the presiding officer a motion requesting the correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceedings. Within five days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a

in support of an initial decision to those findings and conclusions to other portions of such document if

part of the record. The presiding officer, on his initiative, may specify corrections to be made in the transcript on 5 days' notice.

§ 1.149 *Proposed findings and conclusions.* (a) Each party to the proceeding may file proposed findings of fact and conclusions, briefs or memoranda of law: *Provided, however,* That the presiding officer may direct any party other than Commission counsel to file proposed findings of fact and conclusions, briefs, and memoranda of law. Such proposed findings of fact, conclusions, briefs and memoranda of law shall be filed within 20 days after the record is closed, unless additional time is allowed.

(b) All pleadings and other papers filed pursuant to this section shall be accompanied by proof of service thereof upon all other counsel in the proceeding.

(c) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, or memoranda of law, when directed to do so, may be deemed a waiver of the right to participate further in the proceeding.

§ 1.150 *Contents of findings of fact and conclusions.* Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed on the record (with apropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person.

§ 1.151 *Initial and recommended decisions.* (a) Except as provided in paragraphs (b) and (c) of this section, the presiding officer shall prepare an initial (or recommended) decision which shall be transmitted to the Secretary of the Commission who shall make it public immediately and file it in the docket of the case.

(b) The Commission may direct the certification of the record in a pending proceeding to it for initial or final decision where: (1) The Commission finds upon the record that due and timely execution of its functions, imperatively and unavoidably, require such certification, or (2) the presiding officer becomes unavailable to the Commission after the taking of testimony has been concluded, in which event the record shall be certified to the Commission by the Chief Hearing Examiner.

(c) If the presiding officer becomes unavailable to the Commission after the taking of evidence has commenced but before it has been concluded, the Commission may: (1) Order a rehearing befor another presiding officer designated in accordance with § 1.143, or (2) upon a finding that due and timely execution of its functions imperatively and unavoidably so requires, order the hearing to be continued by another presiding officer (or by the Commission itself), designated in accordance with § 1.143, provided that the officer continuing the hearing shall not, without the expressed consent of all parties, prepare an initial decision but shall certify the record to the Commission for an initial or final decision with or without a recommended decision as provided in paragraph (d) of this section.

(d) When the Commission has directed that the record be certified to it for initial or final decision the presiding officer will first prepare and file a recommended decision to be released with the Commission's initial or final decision except where he becomes unavailable to the Commission or the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that no recommended decision be issued by the presiding officer.

(e) Each initial and recommended decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record; each initial decision shall also contain the appropriate rule or order, and the sanction, relief or denial thereof; and each recommended decision shall contain recommendations as to what disposition of the case should be made by the Commission. Each initial decision will show the date upon which it will become effective in accordance with the rules in this part in the absence of exceptions, appeal or review.

(f) The authority of the presiding officer over the proceedings shall cease when he has filed his initial or recommended decision, or, if it is a case in which he is to file no decision, when he has certified the case to the Commission for decision.

§ 1.152 *Waiver of initial or recommended decision.* At the conclusion of the hearing or within 20 days thereafter, all the parties to proceeding may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. The Commission may, in its discretion, grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

§ 1.153 *Appeal and review of initial decision.* (a) within 30 days after the date on which public release of an initial decision is made, or such other time as the Commission may specify, any of the parties may appeal to the Commission by filing exceptions to the initial decision and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. The time for filing such exceptions may be extended for good cause shown.

(b) The Commission may on its own initiative provide, by order adopted not later than 30 days after the time for filing exceptions expires, that an initial decision shall not become final, and that it shall be further reviewed or considered by the Commission.

(c) In any case in which an initial decision is subject to review in accordance with paragraphs (a) or (b) of this section, the Commission may, on its own initiative or upon appropriate requests by a party, take any one or more of the following actions:

(1) Hear oral argument on the exceptions;

(2) Require the filing of briefs;

(3) Prior to or after oral argument or the filing of exceptions or briefs, reopen the record and/or remand the proceedings to the presiding officer to take further testimony or evidence;

(4) Prior to or after oral argument or the filing of exceptions or briefs, remand the proceedings to the presiding officer to make further findings or conclusions; and

(5) Prior to or after oral argument or the filing of exceptions or briefs, issue, or cause to be issued by the presiding officer, a supplemental initial decision.

(d) No initial decision shall become effective before 40 days after public release thereof is made unless otherwise ordered by the Commission. The timely filing of exceptions, the further review or consideration of an initial decision on the Commission's initiative or the taking of action by the Commission under paragraph (c) of this section, shall stay the effectiveness of the initial decision until the Commission's review thereof has been completed. If the effective date of an inital decision falls within any further time allowed for the filing of exceptions it shall be postponed automatically until 20 days after time for filing exceptions has expired.

(e) If no exceptions are filed, and the Commission has not ordered the review of an initial decision on its initiative, or has not taken action under paragraph (c) of this section, the initial decision shall become effective, an appropriate notation to that effect shall be entered in the docket of the case and a "Public Notice" thereof shall be given by the Commission. The provisions of § 1.16 shall not be applicable with respect to this paragraph.

(f) When any party fails to file exceptions within the specified time to an initial decision which proposes to deny its application, such party shall be deemed to have no interest in further prosecution of its application, and its application may be dismissed with prejudice for failure to prosecute.

§ 1.154 *Exceptions; oral arguments.* (a) Each exception to an initial decision or to any part of the record or proceeding in any case, including rules upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit or order, if any, on which the exception is based. Any objection not saved by exception, filed pursuant to this section, is waived. The exceptions should be concise and they will not be accepted if they contain argumentative matters or discussions of law. Lengthy excerpts of testimony, when desired, shall not be contained in the exceptions but shall be set forth in an appendix.

(b) Within the period of time allowed in paragraph (a) of § 1.153 for the filing of exceptions any party may file a statement in support of an initial decision in whole or in part, which shall be similar in form to a statement of exceptions.

(c) Exceptions or supporting statements may be accompanied by a separate brief or memorandum of law in support thereof. Except by special permission, such brief or memorandum of law will not be accepted if it exceeds 50 double spaced typewritten pages in length. Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief to which the same limitation of length applies. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired, and if no request for oral argument is filed within the time allowed the parties will be deemed to have waived oral argument. In cases of adjudication the Commission will by order grant any party's request for oral argument; in any case of rule making or any case where an initial decision is omitted (see §1.151 (b)), the Commission in its discretion shall by order grant or deny oral argument. Within 5 days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in the oral argument, shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

(d) The Commission will issue an order scheduling a case for oral argument, and each such order will contain the allotment of time for oral argument before the Commission for each party. The Commission will grant, in its discretion, upon good cause shown, an extension of such time upon petition by a party, which petition must be filed within 5 days after issuance of said order for oral argument.

(e) Within ten days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument, may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within five days after the filing of such a motion other parties may file a pleading in support of or in opposition to such motion. Thereafter, the Commissioner who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties to the proceeding. The Commissioner who presided at the oral argument, may on his own initiative by order specify corrections to be made in the transcript on five days' notice of the proposed corrections to all parties who participated in the oral argument.

§ 1.155 *Limitation of matters to be reviewed.* Upon review of any initial decision, the Commission may, in its discretion, limit the issues to be reviewed to those findings and conclusions to which exceptions have been filed, or to those findings and conclusions specified in the Commission's order of review issued pursuant to § 1.153 (b).

§ 1.156 *Number of copies of proposed findings of fact, etc.* An original and fourteen copies of proposed findings of fact and conclusions, exceptions, supporting statements or briefs shall be filed.

§ 1.157 *Final decision of the Commission.* (a) After opportunity has been afforded for the filing of proposed findings of fact and conclusions, exceptions, supporting statements, briefs and for the holding of oral argument as provided in this subpart, the Commission will issue a final decision in each case in which an initial decision has not become final.

(b) The final decision shall contain: (1) Findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record; (2) ruling on each relevant and material exception filed; (3) the appropriate rule or order and the sanction, relief or denial thereof.

§ 1.158 *The record.* The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision. Where any decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

EVIDENCE

§ 1.171 *Rules of evidence.* Except as otherwise provided in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

§ 1.172 *Cumulative evidence.* The introduction of cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.173 *Further evidence during hearing.* At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding.

§ 1.174 *Documents containing matter not material.* If material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to other counsel, and to the presiding officer, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter material and relevant in proper form, it may be received in evidence, and become a part of the record. Other counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.175 *Documents in foreign language.* Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding, or in response to any order, shall be filed in the language in which it is written together with an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed, shall be accompanied by a separate copy of the translation.

§ 1.176 *Copies of exhibits.* No document or exhibit, or part thereof shall be received as, or admitted in evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies shall be furnished to other counsel unless the presiding officer otherwise directs.

§ 1.177 *Mechanical reproductions as evidence.* Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by § 1.52, and the same shall be identified and offered in duplicate in the same manner as other exhibits.

§ 1.178 *Tariffs as evidence.* In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules on file.

§ 1.179 *Proof of official record; authentication of copy.* An official record, or entry therein when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

continued by another presiding officer

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of exceptions any party may file a state

§ 1.180 *Proof of lack of record.* The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office accompanied by a certificate as provided in § 1.179. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.181 *Other proof of official record.* Sections 1.179 and 1.180 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

§ 1.182 *Official notice*—(a) *Matters of Law.* The Commission or its hearing officer, with or without prior request or notice, will officially notice:

(1) The Constitution; Congressional Acts, Resolutions, Records, Journals and Committee Reports; Decisions of Federal Courts and Administrative Agencies; Executive Orders and Proclamations; and all rules, orders and notices published in the FEDERAL REGISTER;

(2) The public laws and the decisions of Courts of record of each State of the United States;

(3) Organization, territorial limitations, officers, departments and general administration of the Government of the United States, the several States and foreign nations;

(4) The Commission's organization, administration, officers, personnel, official publications, and practitioners before its bar.

(b) *Material facts.* In the absence of controverting evidence, the Commission and its hearing officers, with or without prior notice or request, may officially notice:

(1) The pendency of the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the Commission;

(2) General customs and practices followed in the transaction of business;

(3) Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any Federal or State officer, department, or agency;

(4) Matters within the technical knowledge of the Commission as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction.

(c) *Request or suggestion.* Any party may request, or the hearing officer or the Commission may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any pre-hearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision.

(d) *Statement.* Where an initial or final decision of the Commission rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer or the Commission may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence.

(e) *Controversion.* Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report, order or decision. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or non-existence of the material fact assumed or denied in the decision.

REHEARINGS AND PROTESTS

§ 1.191 *Cross reference.* Special rules relating to petition for reconsideration or rehearing concerning matters arising in any rule making proceeding are set forth in §§ 1.220 through 1.223.

§ 1.192 *Who may file.* After a decision, order or requirement has been made by the Commission, a petition for rehearing or reconsideration may be filed by any party to the proceedings or any other person aggrieved or whose interests are adversely affected by the decision, order, or requirement complained of. Any person not a party to the hearing desiring to file a petition for rehearing shall state with particularity his interests in the proceeding and show good reason why it was not possible for him to participate in the hearing.

§ 1.193 *Contents; relief requested.* (a) Petitions for rehearing or reconsideration shall state with particularity in what respect the decision, order, or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and with respect to any finding of fact shall specify the pages of record relied on. If the existence of newly discovered evidence is claimed, the petition shall be accompanied by a vertified statement of the facts, together with the facts relied on to show that the petitioner, with due diligence, could not have known or discovered such facts at the time of the hearing or other appropriate time for the submission of such facts.

(b) The petition for rehearing or reconsideration may request: (1) Reconsideration; (2) oral argument; (3) reopening of the proceeding; (4) amendment of any findings, or (5) other relief. Such petition shall be specific as to the form of relief sought and, subject to this requirement, may contain alternative requests.

§ 1.194 *Time for filing.* Petitions for rehearing or reconsideration shall be filed within the time specified in § 1.16.

§ 1.195 *Opposition.* An opposition to any petition for rehearing or reconsideration may be filed within 10 days after the filing of such petition.

§ 1.196 *Effect of petition for reconsideration or for rehearing.* The filing of a petition for reconsideration or rehearing shall not excuse any person from complying with or obeying any decision, order or requirement of the Commission, or operate in any manner to stay or postpone the effective date or the enforcement of any decision, order or requirement issued.

§ 1.197 *Protests of grants without hearing.* (a) Where any instrument of authorization, other than a license pursuant to a construction permit, has been granted without a hearing any party in interest may file a protest directed to such grant and request a hearing on the application granted. Such protest shall be signed by the protestant and subscribed to under oath, in accordance with § 1.303. Such protest must be filed with the Commission within 30 days after release of the document containing such action, or in case that such a document is not released, after release of a "Public Notice" announcing the action in question and must separately set forth:

(1) Such allegations of fact as will show the protestant to be a party in interest, i. e., a person aggrieved or whose interests are adversely affected by the Commission's authorization, protest of which is sought. Each such allegation of fact shall be separately stated.

(2) Facts indicating the reasons why the grant was improperly made or would otherwise not be in the public interest. Each such reason shall be separately stated and facts in support thereof shall be specified in detail and shall not include general non-specific conclusory arguments and allegations.

(3) The specific issues upon which protestant wishes a hearing to be held, which issues must relate directly to a matter specified with particularity as part of subparagraph (2) of this paragraph.

(b) Arguments and citations of authority may be set forth in a brief accompanying the protest but must be excluded from the protest itself.

(c) Oppositions to protests and briefs in support thereof shall contain all material, including that pertinent to the determination referred to in paragraph (h) of this section, deemed appropriate to the Commission's resolution of the protest. Such oppositions and supporting briefs must be filed within 10 days after the filing of such protest, and any replies to such oppositions must be filed within 5 days after the filing of the oppositions.

(d) Protests, oppositions and replies shall be filed with the Commission in original and 14 copies and shall be accompanied by proof of service upon the grantee or the protestant, as the case may be, and/or their respective attorneys.

(e) The Commission may upon consideration of a protest direct either the protestant or grantee or both to submit further statements of fact under oath relating to the matters raised in the protest.

(f) Within 30 days from the date of the filing of the protest, the Commission will enter findings as to whether such protest meets the requirements set forth in paragraphs (a) (1) and (2) of this section. If the Commission finds that one of these requirements is not met, it will dismiss the protest. If the Commission finds that these requirements are met, it will designate the application in question for hearing. As to issues which the Commission believes present no grounds for setting aside the grant, even if the facts alleged were to be proven, the Commission may designate such issues for oral argument only. The other issues will be designated for evidentiary hearing except that the Commission may redraft the issues in accordance with the facts or substantive matters alleged in the protest and may also specify such additional issues as it deems desirable. In any evidentiary hearing subsequently held upon issues specified by the Commission, upon its own initiative or adopted by it, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the grantee. With respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(g) The procedure in such protest hearing shall be governed by the provisions of §§ 1.102 to 1.181, except as otherwise provided in this section.

(h) Pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

SUBPART C—RULE MAKING PRACTICE AND PROCEDURE

PETITIONS AND RELATED PLEADINGS

§ 1.202 *Petitions for rule making.* (a) Any interested person may petition for the issuance, amendment or repeal of a rule or regulation.

(b) The petition for rule making shall conform to the requirements of §§ 1.52, 1.54 and 1.55 and should be submitted or addressed to the Secretary, Federal Communications Commission, Washington 25, D. C.

(c) The petition shall set forth the text or substance of the proposed rule, amendment, or rule to be repealed, together with all facts, views, arguments and data deemed to support the action requested, and shall indicate how the interests of petitioner will be affected.

§ 1.203 *Notice and availability.* All petitions for rule making meeting the requirements of § 1.202 (c) will be given a file number, and promptly thereafter, a "Public Notice" will be given (by means of a Commission release entitled "Petitions For Rule Making Filed") as to the petitioner, file number, nature of the proposal and date of filing. Petitions are available for public inspection at the Commission's Docket Reference Room in Washington, D. C.

§ 1.204 *Responses to petitions and replies.* (a) Any interested person may file a statement in support of or in opposition to a petition for rule making prior to Commission action on the petition but in no event later than 30 days after "Public Notice", as provided for in § 1.203, is given of the filing of such a petition. Such a statement shall be accompanied by proof of service upon the petitioner on or prior to the date of filing in conformity with § 1.57 and shall conform in other aspects with the requirements of §§ 1.52, 1.54 and 1.55.

(b) Any interested person may file a reply to statements in support of or in opposition to a petition for rule making prior to Commission action on the petition but in no event later than 10 days after the filing of such a statement. Such a reply shall be accompanied by proof of service upon the party or parties filing the statement or statements to which the reply is directed at or prior to the date of filing on conformity with § 1.57 and shall conform in other aspects with the requirements of §§ 1.52, 1.54 and 1.55.

(c) No additional pleadings may be filed unless specifically requested by the Commission or authorized by it.

§ 1.205 *Action on petitions.* If the Commission determines that the petition discloses sufficient reasons in support of the action requested to justify the institution of a rule making proceeding, and notice and public procedure thereon are required or deemed desirable by the Commission, an appropriate notice of proposed rule making will be issued. In those cases where notice and public procedure thereon are not required, the Commission may issue a final order amending the rules. In all other cases the petition for rule making will be denied and the petitioner will be notified of the Commission's action with the grounds therefor.

RULE MAKING PROCEEDINGS

§ 1.211 *Notice of proposed rule making.* (a) When pursuant to a petition therefor, or upon its own motion, the Commission proposes to issue, amend or repeal a substantive rule, a notice of proposed rule making will be published in the FEDERAL REGISTER unless all persons subject thereto are named and either are personally served or otherwise have actual notice thereof in accordance with law. Except when notice is required by statute or when the Commission considers it desirable, a notice will not ordinarily be issued of the adoption, amendment or repeal of interpretative rules, general statements of policy, organization rules, procedures or practice, matters involving military, naval or foreign affairs functions of the United States, matters relating to Commission management or personnel, public property, loans, grants, benefits or contracts, or in any situation in which the Commission for good cause finds (and incorporates such finding in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) In addition to the notice provisions of paragraph (a) of this section the Commission, before prescribing any requirements as to accounts, records, or memoranda to be kept by carriers, will notify the appropriate State agencies having jurisdiction over any carrier involved of the proposed requirements.

§ 1.212 *Content of notice.* A notice of the proposed issuance, amendment, or repeal of a rule will include (a) a statement of the time, nature and place of any public rule making proceeding to be held; (b) reference to the authority under which the issuance, amendment or repeal of a rule is proposed; (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved; (d) and the docket number assigned to the proceeding.

§ 1.213 *Comments and replies.* (a) After notice of proposed rule making is issued, the Commission will afford interested persons an opportunity to participate in the rule making proceeding through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner.

(b) A reasonable time (usually 30 days) will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rule making.

(c) A reasonable time (usually 10 days) will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rule making.

(d) No additional comments may be filed unless specifically requested by the Commission or authorized by it.

§ 1.214 *Statutory requirement for hearing.* When rules are required by law to be made on the record after opportunity for a Commission hearing, the requirements of sections 7 and 8 of the Administrative Procedure Act and applicable provisions of Subparts A and B of this part will govern in place of §§ 1.213 and 1.215.

§ 1.215 *Form of comments and replies.* Comments and replies to comments filed in response to a notice of proposed rule making should conform to the requirements of §§ 1.52 and 1.54.

§ 1.216 *Further notice of rule making.* In any rule making proceeding where the Commission deems it warranted, a further notice of proposed rule making

will be issued with opportunity for parties of record and other interested persons to submit comments in conformity with §§ 1.213 and 1.215.

§ 1.217 *Oral argument and other proceedings.* In any rule making proceeding where the Commission determines that an oral argument, hearing or any other type of proceeding is warranted, notice of the time, place and nature of such proceeding will be published in the FEDERAL REGISTER.

§ 1.218 *Commission action.* The Commission will consider all comments and relevant material of record before taking final action in a rule making proceeding and will issue a decision incorporating its finding and a brief statement of the reasons therefor.

§ 1.219 *Effective date of rules.* (a) Any rule issued by the Commission will be made effective not less than 30 days from the time it is published in the FEDERAL REGISTER except as otherwise specified in paragraphs (b) and (c) of this section.

(b) For good cause, any rule issued by the Commission may be made effective within less than thirty days from the time it is published in the FEDERAL REGISTER. Rules involving any military, naval or foreign affairs function of the United States; matters relating to agency management or personnel or to public property, loans, grants, benefits or contract; rules granting or recognizing exemption or relieving restriction; organization rules, procedure or practice, or interpretative rules and statements of policy may be made effective without regard to the 30 day requirement.

(c) In cases of alterations by the Commission in the required manner or form of keeping accounts by carriers, notice will be served upon affected carriers not less than 6 months prior to the effective date of such alterations.

§ 1.220 *Petitions for reconsideration or for rehearing.* (a) A petition for reconsideration or for rehearing of the Commission's final action in any rule making proceeding may be filed by any party to the proceeding or any other party aggrieved or whose interests are adversely affected by the action of the Commission within 30 days after the date of release of the Commission's decision in the rule making proceeding.

(b) Any person not a party to the rule making proceeding desiring to file a petition for reconsideration or rehearing shall state with particularity his interests in the proceeding and show good cause why it was not possible for him to participate in the rule making proceeding.

(c) A petition for reconsideration or for rehearing shall state with particularity in what respect the decision, order, or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous and shall conform to the requirements of §§ 1.52, 1.54 and 1.55.

§ 1.221 *Oppositions and replies to oppositions.* (a) An opposition to any petition for reconsideration or for rehearing may be filed within 10 days after such a petition is filed with the Commission and shall be accompanied by proof of service upon the petitioner or petitioners for reconsideration or for rehearing on or prior to the date of filing in conformity with § 1.57 and shall conform in other aspects with §§ 1.52, 1.54 and 1.55.

(b) A reply to any such opposition may be filed within 5 days after such an opposition is filed with the Commission and shall be accompanied by proof of service upon the party or parties filing the opposition or oppositions to which the reply is directed on or prior to the date of filing in conformity with § 1.57, and shall conform in other aspects with §§ 1.52, 1.54 and 1.55.

(c) No other pleadings may be filed unless specifically requested by the Commission or authorized by it.

§ 1.222 *Effect of petitions for reconsideration or for rehearing.* The filing of a petition for reconsideration or rehearing in any rule making proceeding shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the effective date or the enforcement of any rule or rules issued, unless specifically so ordered by the Commission.

SUBPART D—BROADCAST APPLICATIONS AND PROCEEDINGS

§ 1.300 *Scope.* This subpart is applicable to all broadcast services listed in Parts 3 and 4 of this chapter. (For additional information relative to applications see the respective rules relating to each service.)

GENERAL REQUIREMENTS AS TO APPLICATIONS

§ 1.301 *Applications required.* (a) Except as provided in paragraph (b) of this section, construction permits as defined in section 3 (dd) of the Communications Act of 1934, as amended; station licenses as defined in section 3 (bb) of the Communications Act; modifications of construction permits or licenses; renewals of licenses; transfers, assignments of construction permits or station licenses, or any rights thereunder, shall be granted only upon written and subscribed application. A separate application shall be filed for each instrument of authorization requested, except as may otherwise be provided in this part.

(b) In cases of (1) emergency found by the Commission involving danger to life or property or due to damage to equipment, or (2) during a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, and when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, the Commission may grant construction permits and station licenses, or modifications or renewals thereof without the filing of a formal application, but no authorization so granted shall continue in effect beyond the period of the emergency or war requiring it.

(c) Each individual request submitted under the provisions of paragraph (b) of this section shall contain, as a minimum requirement, the following information:

(1) Name and address of applicant;

(2) Location of proposed installation or operation;

(3) Official call letters of any valid station authorization already held by applicant and the station location;

(4) Type of service desired (not required for renewal, nor for modification unless class of station is to be modified);

(5) Frequency assignment, authorized transmitter power(s), and authorized class(es) of emission desired (not required for renewal; required for modification only to the extent such information may be involved);

(6) Equipment to be used, specifying the manufacturer and type or model number (not required for renewal; required for modification only to the extent such information may be involved);

(7) Statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

(8) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission for the purpose of this section including estimated duration of emergency or which, if during an emergency or war declared by the President or Congress, necessitate such action without formal application for the national defense or security or in furtherance of the war efforts.

§ 1.302 *Filing of applications.* All applications for authorizations set forth in § 1.301 must be filed in the Office of the Secretary, Federal Communications Commission, Washington 25, D. C. The number of copies required for each application is set forth in the FCC Form which is to be used in filing such application.

§ 1.303 *Subscription and verification of applications.* (a) Each application, or amendment thereto and each written statement of fact required by the Commission from any applicant or licensee to enable the Commission to determine whether the original application should be granted or denied or a license revoked shall, except in the cases enumerated in § 1.301 (b), be personally signed under oath or affirmation by:

(1) The applicant, if an individual;

(2) A partner of the applicant, if a partnership;

(3) An officer of the applicant, if a corporation or association;

(4) An executive of an applicant which is not an individual, partnership, corporation or association: *Provided, however,* That subscription and verification may be made by the attorney for the party (i) in case of physical disability of the party, or (ii) his absence from the continental United States.

(b) Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 1.304 *Contents of applications.* (a) Each application shall include all information called for by the particular form on which the application is required to be filed unless the information called for is inapplicable in which case this fact shall be indicated.

(b) The Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary. The Commission may also, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 1.305 *Specification of facilities.* (a) An application for facilities in the standard, FM or television broadcast services shall be limited to one frequency, or Channel assignment, and no application will be accepted for filing if it requests alternate frequency or channel assignments.

(b) An application for facilities in the experimental and auxiliary broadcast services may request the assignment of more than one frequency if consistent with applicable rules in Part 4 of this chapter. Such applications must specify the frequency or frequencies requested and may not request alternate frequencies.

(c) An application for construction permit for a new broadcast station, the facilities for which are specified in an outstanding construction permit, will not be accepted for filing.

(d) An application for facilities in the international broadcast service may be filed without a request for specific frequency as the Commission will assign frequencies from time to time in accordance with §§ 3.702 and 3.711 of this chapter.

§ 1.306 *Acceptance of applications.* (a) Applications which are tendered for filing in Washington, D. C. are dated by the Office of the Secretary upon receipt and then forwarded to the Broadcast Bureau where an adminstrative examination is made to ascertain whether the application is complete. Applications found to be complete or substantially complete are accepted for filing and are given a file number. In case of minor defects as to completeness, the applicant will be requested to supply the missing information. Applications which are not substantially complete will be returned to the applicant.

(b) Acceptance of an application for filing merely means that it has been the subject of a preliminary review by the Commissioner's administrative staff as to completeness and does not constitute any finding by the Commission that the application may properly be considered by the Commission or will not be subsequently dismissed as being in violation of §§ 1.307, 1.308 and 1.309.

(c) A "Public Notice" of applications accepted for filing is released at regular intervals.

§ 1.307 *Defective applications.* (a) Applications which are determined to be patently not in accordance with the Commission's rules, regulations, or other requirements, unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing or if inadvertently accepted for filing will be dismissed. Such requests shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(b) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, a failure to comply with such request will be deemed to render the application defective and such application will be dismissed.

§ 1.308 *Inconsistent or conflicting applications.* While an application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by the same applicant, his successor or assignee, or on behalf or for the benefit of the same applicant, his successor or assignee.

§ 1.309 *Repetitious applications.* (a) Where the Commission has denied an application for a new station, or for any modification of services or facilities, or dismissed such application with prejudice, no like application involving service of the same kind to substantially the same area by substantially the same applicant, or by its successor or assignee, or on behalf of or for the benefit of the original parties in interest, may be filed within 12 months from the effective date of the Commission's action.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until final disposition of such appeal.

§ 1.310 *Multiple applications.* Where there is one application for new or additional facilities pending, no other application for new or additional facilities for a station of the same class to serve the same community, may be filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest. Multiple applications may not be filed simultaneously.

§ 1.311 *Amendments of applications.* (a) Any application may be amended as a matter of right prior to the adoption date of the order designating such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.303.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. If the granting of such petition would permit a grant of the amended application or an application theretofore in conflict with the amended application, such petition must be accompanied by an affidavit as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. The affidavit of consideration shall be executed by:

(1) The applicant, if an individual;

(2) A partner of applicant, if a partnership;

(3) An officer of applicant having personal knowledge of the facts, if a corporation or association.

If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts.

(c) When leave to amend has been granted after an application has been designated for hearing, the application will be removed from the hearing docket if the proposed amendment substantially affects the issues upon which the application has been designated for hearing.

§ 1.312 *Dismissal of applications.* (a) Any application may, upon request of the applicant, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. An applicant's request for the return of an application that has been accepted for filing will be regarded as a request for dismissal.

(b) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Such petition must be accompanied by an affidavit as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. The affidavit of consideration shall be executed by the applicant, if an individual; by a partner of applicant, if a partnership; by an officer of the applicant having personal knowledge of the facts, if a corporation or association. If consideration has been promised or received, the affidavit shall set forth in full detail all the revelant facts.

(c) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal with prejudice.

§ 1.313 *Forfeiture of construction permit.* A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

§ 1.314 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 1.315 *License, simultaneous modification and renewal.* When an applica-

tion is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

FILING OF APPLICATIONS AND DESCRIPTION OF APPLICATION FORMS

§ 1.321 *Formal and informal applications.* (a) "Formal application" means any request for authorization where an FCC Form for such request is prescribed. "Informal application" means all other requests for authorization. Informal applications may be in letter form, but all such applications should contain a caption clearly indicating the nature of the request submitted therein.

(b) An informal application requesting modification of an outstanding authorization must comply with the requirements as to signing under oath and affirmation specified in §§ 1.301 and 1.303.

§ 1.322 *Application forms for authority to construct a new station or make changes in an existing station.* (a) Applications for new facilities or modification of existing facilities shall be made on the following forms:

(1) FCC Form 301 "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station."

(2) FCC Form 309 "Application for Authority to Construct or Make Changes in an Existing International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station."

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 318 "Request For Subsidiary Communications Authorizations." For use by existing FM broadcast licensees applying for permit to establish a SCA service, modification of SCA, renewal of SCA.

(5) FCC Form 340 "Application for Authority to Construct or Make Changes in a Noncommercial Educational FM Broadcast Station."

(6) FCC Form 346 "Application for Authority to Construct or Make Changes in a Television Broadcast Translator Station."

(b) Applications for construction permit or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated construction.

§ 1.323 *Application for extension of construction permit or for construction permit to replace expired construction permit.* (a) Application for extension of time within which to construct a station shall be filed on FCC Form 701. The application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases, an application will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(b) Application to replace an expired construction permit shall be made on FCC Form 321 "Application for Construction Permit to Replace Expired Permit." Such application must be filed within 30 days of the expiration date of the authorization sought to be replaced.

§ 1.324 *Application to operate by remote control.* Application by an existing licensee or permittee for a permit to operate a standard or FM broadcast station by remote control shall be made on FCC Form 301-A "Request for Modification of Broadcast Station Authorization (Remote Control)"

§ 1.325 *Application for license to cover construction permit.* (a) The application for station license shall be filed by permittee prior to service or program tests.

(b) The following application forms shall be used:

(1) FCC Form 302 "Application for New Broadcast Station License."

(2) FCC Form 310 "Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License."

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 318 "Request for Subsidiary Communications Authorization."

(5) FCC Form 341 "Application for Noncommercial Educational FM Broadcast Station License."

(6) FCC Form 347 "Application for Television Broadcast Translator Station License."

§ 1.326 *Application for license to use former main transmitter or antenna as an auxiliary.* The following application forms shall be used when no new construction is involved:

(a) FCC Form 302 "Application for Broadcast Station License."

(b) FCC Form 341 "Application for Noncommercial Educational FM Broadcast Station License."

§ 1.327 *Application for modification of license.* (a) An application for modification of license may be filed for:

(1) Change in name of licensee where no change in ownership or control is involved;

(2) Change station location involving no change in transmitter location;

(3) Change main studio location of a television station to or from a location outside the principal community;

(4) Change studio location of a standard or FM station to a location outside the city limits other than the associated transmitter site;

(5) Change of hours of operation of a standard broadcast station.

(b) The application forms set forth in § 1.322 shall be used.

§ 1.328 *Application for renewal of license.* (a) Unless otherwise directed by the Commission; an application for renewal of license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed except that applications for renewal of license of an experimental or developmental broadcast station or a television broadcast translator station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) No application for renewal of license of a standard, commercial FM, television or international broadcast station will be considered unless there is on file with the Commission the information currently required by §§ 1.341 to 1.343 reference to which by date and file number shall be included in the application.

(c) Whenever the Commission regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(d) The following application forms shall be used:

(1) FCC Form 303 "Application for Renewal of Broadcast Station License."

(2) FCC Form 311 "Application for Renewal of an International Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License." To be used for all applications for renewal of licenses of Experimental Television, Experimental Facsimile, and Developmental Broadcast stations.

(3) FCC Form 313 "Application for Authorization in the Auxiliary Broadcast Services." To be used for all applications for renewal of regular licenses of auxiliary broadcasting stations.

(4) FCC Form 318 "Request for Subsidiary Communications Authorizations."

(5) FCC Form 342 "Application for Renewal of Noncommercial Educational FM Broadcast Station License."

(6) FCC Form 348 "Application for Renewal of Television Broadcast Translator Station License."

§ 1.329 *Application for voluntary assignment or transfer of control.* (a) Application for consent to the assignment of construction permit or license, or for consent to the transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control), or FCC Form 316 (Short Form). Such application should be filed with the Commission at least 45 days prior to the contemplated effective date of assignment or transfer of control.

(b) The following assignment or transfer applications may be filed on FCC Form 316:

(1) Assignment from an individual or individuals (including partnerships) to

a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) Assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) Assignment or transfer by which certain stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) Corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) Assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests;

(6) Assignment of less than a controlling interest in a partnership.

§ 1.330 *Application for involuntary assignment of license or transfer of control.* (a) The Commission shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee.

(b) Within 30 days after the occurrence of such death or legal disability, an application on FCC Form 316 shall be filed requesting consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

§ 1.331 *Application for temporary authorization.* (a) The specific circumstances in which temporary authority will be granted are set out in Parts 2, 3, and 4 of this chapter.

(b) Temporary authority may be granted to a licensee or permittee of a broadcast station to operate such station for a period not to exceed 90 days upon request therefor. Any such request should be filed with the Commission at least 10 days prior to the date of the proposed operation, and should be accompanied by a statement giving full particulars as to the purpose for which the request is made. Any temporary authority issued under this section may be cancelled by the Commission without further notice or hearing.

(c) No request by a standard broadcast station for temporary authority to extend its hours of operation beyond those authorized by its regular authorization will be accepted or granted by the Commission.

(d) An informal application may be used provided such application is signed by the applicant under oath or affirmation in accordance with the provisions of § 1.303.

(e) Request for temporary operation necessitated by equipment damage or failure may be made without regard to the procedural requirements of this section.

§ 1.332 *Application for renewal or modification of special service authorization.* (a) No special service authority will be issued after (the effective date of this part): *Provided, however,* Consideration will be given to renewal or modification of a special service authorization outstanding on (the effective date of this part) providing a satisfactory showing has been made in regard to the following, among others:

(1) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;

(2) That experimental operation is not involved as provided for by § 3.32 of this chapter;

(3) That public interest, convenience, and necessity will be served by the authorization requested.

(b) Application for renewal or modification of special service authorization must be made by formal application on FCC Form 317 "Application for Standard Broadcast Station Special Service Authorization or Extension Thereof."

§ 1.333 *Application for standard broadcast station experimental operation.* Special experimental authorization may be issued in accordance with § 3.32 of this chapter to the licensee of a standard broadcast station in addition to the regular license. An informal application should be used in applying for such authorization.

§ 1.334 *Application concerning programs to be transmitted to foreign radio stations.* Application under section 325 (b) of the Communications Act for authority to locate, use, or maintain a radio broadcast studio in connection with a foreign radio station should be made on FCC Form 308 "Application for permit to locate, maintain, or use studio or apparatus for production of programs to be transmitted or delivered to foreign radio station": *Provided,* That licensees or permittees may file an informal application in those cases where the programs to be transmitted or delivered to a foreign radio station has been, is being, or will be broadcast in the United States by said licensee or permittee.

§ 1.335 *Application to determine operating power by direct measurement of antenna power.* Application to determine operating power of standard broadcast stations by direct measurement of antenna power shall be made on FCC Form 302 "Application for New Broadcast Station License."

§ 1.336 *Application for permission to use lesser grade operators.* (a) Application for temporary permission to operate standard and FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the radio district in which the station is located. Such permission will be granted for periods not to exceed 60 days if a proper showing is made, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. A request for extension of the permission previously granted may be granted upon a showing setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required by the Commission's rules. The Engineer in Charge may terminate this permission in the absence of a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

(b) Such application or report is not required to be submitted on any numbered or prescribed form. However, the request or report shall be in writing, signed by the licensee, if the licensee is an individual; by a partner, if the licensee is a partnership; or by an officer of the corporation, if the licensee is a corporation.

(c) A specific request for permission to use operators of lesser grade than required by the Commission's rules shall include the following information:

(1) Call letters of the station;

(2) Name of licensee;

(3) The number of persons holding radiotelephone first class operator licenses that will be employed as full-time operators at the station, (this does not include part-time employees and persons only available on call in case of emergencies).

(4) A showing that at least one first class operator will be employed full time at the station and will be available on call at all times in the event of equipment failure;

(5) A statement that the additional licensed radiotelephone first class operators required for maintaining the normal schedule of operation could not be obtained for employment at the station. In the event an operator of the required grade was rejected by the station, a statement should be submitted by the station showing the reason for the rejection.

(6) A showing that all known sources of broadcast operators within a reasonable distance have been exhausted. Names and addresses of sources contacted and the date of such contact shall be stated.

(d) The chief operator holding a radiotelephone first class operator license at a station to which temporary permission has been granted shall mail to the Engineer in Charge of the area from whom permission is received, within three days after employment of a lesser grade operator, a written certification setting forth the name and operator license number of the lesser grade operator employed and stating that the operator has the ability to perform the normal operation of the station.

§ 1.337 *Requests for extensions of authority to operate without certain indicating instruments.* Requests for extension of authority to operate without a frequency monitor, a modulation monitor, a plate ammeter or voltmeter, a base current meter or common point meter, or a transmission line meter for FM and television stations, should be made by informal application to the Engineer in Charge of the radio district in which the station is located. Such requests must contain information as to when and

a United States Class I station on the

not be inconsistent with the NARBA and

what steps were taken to repair or replace the defective instrument.

OTHER FORMS AND INFORMATION TO BE FILED WITH THE COMMISSION

§ 1.341 *Financial report.* Each licensee of a standard, FM, television or international broadcast station and each permittee of such an operating broadcast station shall file with the Commission on or before April 1 of each year on FCC Form 324 broadcast revenue and expense statements for the preceding calendar year together with a statement as to investment in tangible broadcast property as of December 31 of such calendar year.

§ 1.342 *Filing of contracts.* Each licensee or permittee of a standard, FM, television or international broadcast station shall file with the Commission copies of the following contracts, instruments and documents, together with amendments, supplements and cancellations within 30 days of execution thereof. The substance of oral contracts shall be reported in writing.

(a) Contracts relating to network service: This section does not require the filing of transcription agreements or contracts for the supplying of film for television stations which do not specify option time, nor contracts granting the right to broadcast music such as ASCAP, BMI, or SESAC agreements. Transcription agreements or contracts for the supplying of film for television stations which do specify option time must be filed.

(b) Contracts relating to ownership or control: Contracts, instruments or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights or interests therein, or relating to changes in such ownership or control. This paragraph is limited to the following:

(1) Articles of partnership, association and incorporation and changes in such instruments;

(2) Bylaws and any instruments affecting changes in such bylaws;

(3) Any agreement, document or instruments affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or nonvoting stock), such as (i) agreements for transfer of stock, (ii) instruments for the issuance of new stock, (iii) or agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Options to purchase stock, pledges, trust agreements, and other executory agreements are required to be filed;

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of one year; and all proxies, whether or not running for a period of one year, given without full and detailed instructions binding the nominee to act in a specified manner. With respect to proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted: *Provided, however,* That when the permittee or licensee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors or who have 1 percent or more of the corporation's voting stock. In cases where the permittee or licensee is a corporation having more than 50 stockholders and the stockholders giving the proxies are neither officers or directors nor hold 1 percent or more of the corporation's stock, the only information required to be filed is the name of any person voting 1 percent or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy;

(5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights specifying or limiting the amount of dividends payable, the purchase of new equipment, the maintenance of current assets, etc.;

(6) Any agreement reflecting a change in the officers, directors, or stockholders of a corporation, other than the licensee or permittee having an interest, direct or indirect, in the licensee or permittee as specified by § 1.343.

(c) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(d) Contracts relating to Subsidiary Communications Authorization Operation, except contracts granting licensees or permittees engaged in SCA the right to broadcast copyright music.

(e) Time sales contracts: Time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs and special events) broadcast pursuant to the contract is not under control of the station.

(f) Contracts relating to personnel: Except as provided below in this paragraph, agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with chief engineers or other engineering personnel; contracts with attorneys, accountants or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements need not be filed. However, management consultant agreements with independent contractors; contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee station; and management contacts with any persons, whether or not officers, directors, or regular employees which provide for both a percentage of profits and a sharing in losses should be filed.

§ 1.343 *Ownership reports.* (a) Each licensee of a standard, FM or television station shall file an Ownership Report (FCC Form 323) at the time the application for renewal of station license is required to be filed: *Provided, however,* That licensees owning more than one standard, FM or television broadcast station shall file the Ownership Report with the first application for renewal of station license filed on or after February 1, 1954, and at three-year intervals thereafter. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

(1) In the case of an individual, the name of such individual;

(2) In the case of a partnership, the names of the partners and the interest of each partner;

NOTE: Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license or permit. If such change involves less than a controlling interest, the application for Commission consent to such change may be made upon FCC Form No. 316 (Short Form).

(3) In the case of a corporation, association, trust, estate or receivership, the data applicable to each:

(i) The name, residence, citizenship and stock-holdings of officers and directors, and stockholders, trustees, executors, receivers and members of any association;

(ii) Full information as to family relationship or business association between two or more officials, and/or stockholders, trustees, executors, receivers and members of any association;

(iii) Capitalization with a description of the classes and voting power of stock authorized and the number of shares of each class issued and outstanding;

(iv) Full information with respect to the interest and identity of any person having any direct, indirect, fiduciary or beneficiary interest in the licensee or any of its stock;

Example. (a) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.

(b) Where X corporation controls the licensee, or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of the licensee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock [by class] in X held by each) as is required in the case of the licensee, together with full information as to the identity and citizenship of the person authorized to vote licensee's stock, in case of voting stock.

(c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of X, and as to Z corporation if it controls Y corporation or holds 25 percent or more of the number of issued and outstanding shares of either voting or non-voting stock of Y and so on back to natural persons.

(4) In the case of all licensees:

(i) A list of all contracts still in effect required to be filed with the Commission by § 1.342 showing the date of execution and expiration of each contract;

(ii) Any interest which the licensee may have in any other broadcast station.

(b) A permittee shall file an Ownership Report (FCC Form 323) within 30 days of the date of grant by the Commission of an application for original construction permit. The Ownership Report of the permittee shall give the information required by the applicable portion of subparagraphs (1), (2), (3) and (4) of paragraph (a) of this section.

(c) A supplemental Ownership Report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report shall include without limitation:

(1) Any change in capitalization or organization;

(2) Any change in officers and directors;

(3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock, such as:

(i) A transfer of stock,

(ii) issuance of new stock or disposition of treasury stock,

(iii) acquisition of licensee's or permittee's stock by the issuing corporation;

(4) Any change in the officers, directors, or stockholders of a corporation other than the licensee or permittee such as X, Y, or Z corporation described in the example in paragraph (a) (3) of this section.

NOTE: Before any change is made in the organization, capitalization, officers, directors, or stockholders of a corporation other than licensee or permittee, which results in a change in the control of the licensee or permittee, prior Commission consent must be received under section 310 (b) of the Communications Act and § 1.329. A transfer of control takes place when an individual or group in privity, gains or loses affirmative or negative (50 percent) control. See instructions on FCC Form 323 "Ownership Report".

(d) Exceptions: Where information is required under paragraphs (a) (b) or (c) of this section with respect to a corporation having more than 50 stockholders, such information need be filed only with respect to stockholders who are officers or directors of the corporation, or of other stockholders who have 1 percent or more of either the voting or nonvoting stock of the corporation.

MANNER IN WHICH APPLICATIONS ARE PROCESSED

§ 1.351 *Standard broadcast applications on which action will be withheld pending conclusion of the proceeding in Docket No. 8333.* Action will be withheld on the following types of applications:

(a) Applications proposing daytime or limited time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter.

(b) Applications by existing daytime or limited time stations presently assigned to any of the frequencies specified in § 3.25 (a) and (b) of this chapter, proposing (1) a change in operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or (2) proposing a change in transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

(c) Applications for new stations, and those for changes in frequency assignment of existing stations, proposing unlimited time Class II assignments which would operate differently during the day and night in the continental United States on any of the frequencies specified in § 3.25 (b) of this chapter, or in Alaska, Hawaii, Virgin Islands, and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter.

(d) Applications for changes in existing stations, other than frequency, proposing unlimited time Class II facilities which would operate differently during the day and night in the continental United States on any of the frequencies specified in § 3.25 (b) of this chapter, or proposing unlimited Class II facilities in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter, where the resulting daytime and nighttime operations are different; and it is either (1) proposed to change daytime operation resulting in any increase in radiation towards the normally protected contour of a United States Class I station on the channel; or (2) it is proposed to change transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

§ 1.352 *Procedure respecting standard broadcast applications involving other North American countries.* (a) The special procedural provisions set forth in paragraphs (b) thru (e) of this section with respect to the consideration of applications for standard broadcast station assignments are adopted in order to take into account the policy set out in the note to § 3.28 (b) of this chapter. That note has reference to consideration by the Commission of applications for standard broadcast station assignments pending action with respect to ratification and entry into force of provisions of the North American Regional Broadcasting Agreement, Washington, 1950, referred to herein as NARBA, and the existing relationship in the field of standard broadcasting between the United States and other North American countries. The procedure set forth in paragraphs (b) thru (e) of this section is applicable to all applications before the Commission for standard broadcast station assignments except those already being held in a pending status in connection with Dockets Nos. 6741 and 8333.

(b) Whenever it appears with respect to an application not in hearing status that a grant thereof would be inconsistent with the NARBA or that the operation proposed therein would cause objectionable interference to a station in a North American country not signatory to the NARBA, such application shall be placed in the pending file and, except as provided in this section shall not receive further consideration or action pending modification of the policy set forth in the note to § 3.28 (b) of this Chapter. Where it appears that any such application is mutually exclusive with an application or applications, the grant of which would not be inconsistent with the NARBA and would not result in objectionable interference to any station in a North American country not signatory to the NARBA, such application will be designated for hearing in consolidation with the application or applications with which it is in conflict. In such cases, the question of consistency with the NARBA or objectionable interference to stations in North American countries not signatory to the NARBA shall be made a matter of issue in the hearing.

(c) (1) Whenever it appears with respect to any application which has been designated for hearing by itself or with other applications in any consolidated proceeding that a grant of the application or each and every one of the applications involved would be inconsistent with the NARBA or would result in objectionable interference to a station in a North American country, not signatory to the NARBA and where the hearing involved has not been commenced, such application or applications will be removed from the hearing docket and placed in the pending file. Where the hearing involved has been commenced such application or applications will be placed in the pending file, but will not be removed from the hearing docket. Such action shall be by order and may be taken by the Commission.

(2) Whenever it appears with respect to one or more but not all of the applications in any consolidated proceeding that a grant of such application or applications would be inconsistent with the NARBA or would result in objectionable interference with stations in a North American country not signatory to the NARBA and where consistency with the NARBA or interference to foreign stations is not already a matter at issue in the proceeding, the notice of hearing will be amended to include an appropriate issue and if the record has been closed it will be reopened for the purpose of taking testimony with respect to such issue. Such action will be taken by the Commission upon its own motion, upon motion of any party to the proceeding or the Chief of the Broadcast Bureau.

(3) In any proceeding in which after the hearing has commenced it becomes necessary to place the applications involved in the pending file or to add, with respect to any application or applications, an issue concerning consistency with the NARBA or interference to foreign stations the applicants concerned will, notwithstanding the status of proceeding and the provisions of § 1.311 (b) be afforded a reasonable opportunity to amend for the purpose of achieving consistency with the NARBA and eliminating interference to foreign stations.

(4) In any proceeding in which there is an issue concerning consistency with the NARBA or interference to foreign stations the presiding officer will include in his decision a finding upon this issue. However, neither the presiding officer nor the Commission will take this factor into account in arriving at a determination whether the grant of any application in the proceeding would serve the public interest. The presiding officer and the Commission will adhere to the policy outlined below in taking final or inter-

mediate action upon the applications involved in such proceedings.

(i) Applications will be granted where such action would not be inconsistent with the NARBA, would not result in interference to a station in a North American country not signatory to the NARBA, and would otherwise be in the public interest.

(ii) Applications will be denied (*a*) which are mutually exclusive with an application granted in accordance with subdivision (i) of this subparagraph and (*b*) where a denial is required for reasons independent of the question whether grant of application would be consistent with the NARBA or would result in objectionable interference to a station in a North American country not signatory to the NARBA.

(iii) Applications will be placed in the pending file without removal from the hearing docket (*a*) where a grant would be inconsistent with the NARBA or would result in interference to a station in a North American country not signatory to the NARBA but would otherwise be in the public interest; and (*b*) where a denial would be based upon comparative consideration with an application placed in the pending file in accordance with the immediately preceding (*a*) of this subdivision.

(d) Whenever any application is placed in the pending file pursuant to paragraphs (b) or (c) of this section, the applicant concerned will be notified of the Commission's action in the matter. Any interested applicant who believes that an application has been erroneously placed in the pending file may petition the Commission for a review of its action. Petitions requesting that an application be placed in the pending file will also be entertained. All petitions filed pursuant to this paragraph must be filed in quintuplicate and be accompanied by an affidavit of a qualified radio engineer setting forth the engineering basis for the petition. Upon receipt of a petition filed in accordance with this paragraph, the Commission will review the action to which the petition is directed and provide opportunity for the submission by interested parties of any further data that may be required for full consideration of the matter.

(e) As a matter of general practice, except as provided in the procedure set forth in paragraphs (b) thru (d) of this section, applications consistent with the NARBA which do not propose operations which would cause interference to stations in North American countries not signatory to the NARBA will be considered and acted upon by the Commission in accordance with its established procedure, even though the NARBA may not yet have entered into force. In particular cases involving applications consistent with the NARBA but in which special considerations of an international nature require that a different procedure be followed, the applicant or applicants involved will be formally advised to that effect.

§ 1.353 *Staff consideration of applications which receive action by the Commission.* Upon acceptance of an application, the complete file is reviewed by the staff and a report containing the recommendations and any other documents required is prepared and placed on the Commission's agenda.

§ 1.354 *Procedure with respect to processing of standard broadcast applications.* (a) Applications for standard broadcast facilities are divided into two groups.

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations. (Such as changes in frequency, power, hours of operation, station location, or substantial change in directional antenna system). The applications in the first group are acted on by the Commission.

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations. The types of applications in the second group are listed in Sec. 0.241 of the Statement of Organization, Delegations of Authority and Other Information and are acted upon by the Chief of the Broadcast Bureau under delegated authority.

(b) The Commission will not act on applications in paragraph (a) (1) of this section until 30 days after the date on which "Public Notice" is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which "Public Notice" is given of the acceptance for filing of such amendment. Where a later filed application or major amendment thereto is in conflict with another application, 30-day limitation shall be applicable only to the earlier of the conflicting proposals.

(c) Applications for new stations or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. Thus, the file number strictly determines the order in which the staff's work is begun on a particular application. There is one exception thereto; the Broadcast Bureau is authorized to group together for processing applications which involve interference conflicts where it appears that the applications must be designated for hearing in a consolidated proceeding.

(d) Applications which are acted upon under delegated authority are not placed on the processing line but are processed as nearly as possible in the order in which they are filed.

(e) Applications for modification of license to change hours of operation of a class IV station, to decrease hours of operation of any other class of station, or to change station location involving no change in transmitter site will be considered without reference to the processing line.

(f) If, upon examination, the Commission finds that the public interest, convenience and necessity will be served by the granting of an application, the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.362 will be followed.

(g) When an application which has been designated for hearing has been removed from the hearing docket, the application will be returned to its proper position (as determined by the file number) in the processing line. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Examiner, or Chief Hearing Examiner in acting on such petitions, will dismiss the request for a grant.

(h) An application that has acquired the cut off date protection specified in § 1.106 and is thereafter removed from the Hearing Docket and returned to the processing line will be considered separate and apart from all other pending applications and will not be subject to designation for consolidated hearing with any other pending application unless the application which was removed from hearing has been amended, since it was last designated for hearing, to specify a change of transmitter location, frequency, directional antenna, or ownership control except through a merger of applicants theretofore designated for comparative hearing; or an increase in power, radiation, or hours of operation; or unless special circumstances exist to warrant the designation of the application removed from hearing for consolidated hearing with some other pending application.

(i) An application will continue to be carried under the same file number unless a major amendment is made which involves the substitution of a different application. (Examples: Change in station location so that essentially a new service area is involved; substitution of new parties in the application so that the original applicant no longer holds a majority control.)

(j) When an application is reached for processing and it is necessary to address a letter to the applicant asking further information the application will not be processed until the information requested is received and the application will be placed in the pending file to await the applicant's response.

(k) When an application is placed in the pending file, the applicant will be notified of the reason for such action.

§ 1.355 *Procedure with respect to processing of television broadcast applications.* (a) Applications for television broadcast facilities are divided into groups.

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations. (Such as changes in frequency, significant increases in power and/or antenna height, significant changes in antenna location and changes in station location).

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations.

(b) The Commission will not act on applications in paragraph (a) (1) of this section until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which "Public Notice" is given of the acceptance for filing of such amendment.

(c) Applications for television stations will be processed as nearly as possible in the order in which they are filed.

(d) Regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i. e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 6, 13, 47, and 53 have been assigned to City X and there are pending two applications for Channel 6 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(e) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 3.610 of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is reached for processing. The applications will be removed from hearing if the question concerning transmitter sites is resolved before a decision is rendered in the matter. The application with the lower file number will be processed as soon as possible. The application with the higher file number will be returned to its appropriate place on the processing line. In order to be considered mutually exclusive with a lower file number application, the higher file number application must have been accepted for filing at least one day before the lower file number application has been acted upon by the Commission. If the lower file number application is in hearing status at the time the higher file number application is accepted for filing, the 5-day cutoff date specified in § 1.106 (b) will be applicable.

(f) Where prior to designation for hearing, a mutually exclusive application on file becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is completely or substantially the same parties as the parties to the original application or applications, the remaining application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed.

(g) An application that has acquired the cutoff date protection specified in § 1.106 and is thereafter removed from the Hearing Docket and returned to the processing line will be considered separate and apart from all other pending applications and will not be subject to designation for consolidated hearing with any other pending application unless the application which was removed from hearing has been amended, since it was last designated for hearing, to specify a change of transmitter location, channel assignment or ownership control except through a merger of applicants theretofore designated for comparative hearing; or unless special circumstances exist to warrant the designation of the application removed from hearing for consolidated hearing with some other pending application.

§ 1.356 *Procedure with respect to processing FM and noncommercial educational FM broadcast applications.* (a) Applications for FM broadcast stations are divided into two groups.

(1) In the first group are applications for new stations, applications for major modification of authorized facilities, or amendments to such applications requesting a major change in the proposed facilities. (Such as changes in the class of station, significant increases in power and/or antenna height, and/or a change in station location.)

(2) The second group of applications consist of those which involve relatively minor changes in the facilities of authorized stations.

(b) Applications for noncommercial educational FM broadcast stations are divided into two groups.

(1) In the first group are applications for new stations.

(2) In the second group are all applications for changes in the facilities of authorized noncommercial educational FM broadcast stations.

(c) Applications delineated in paragraphs (a) (1) and (b) (1) of this section will be acted upon by the Commission. The Commission, however, will not act on such applications until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such applications. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which public notice is given of the acceptance for filing of such an amendment. Applications for noncommercial educational FM broadcast stations delineated in paragraph (b) of this section may be acted upon at any time after "Public Notice" is given of acceptance for filing of such applications. Applications delineated in paragraphs (a) (2) and (b) (2) of this section will be acted upon by the Chief of the Broadcast Bureau under delegated authority.

§ 1.357 *Staff consideration of applications which do not require action by the Commission.* Those applications which do no require action by the Commission but which pursuant to the delegation of authority contained in the Commission's Statement of Organization, Delegation of Authority and Other Information may be acted upon by Chief, Broadcast Bureau are forwarded to the Broadcast Bureau for necessary action. If the application is granted, the license division issues the formal authorization. In any case where it is recommended that the application be set for hearing, where a novel question of policy is presented or where the Chief, Broadcast Bureau desires instructions from the Commission, the matter is placed on the Commission agenda.

ACTION ON APPLICATIONS

§ 1.361 *Grants without hearing of authorizations other than licenses pursuant to construction permit, procedure for filing objections.* (a) An application for an instrument of authorization, other than a license pursuant to a construction permit, will be granted without hearing where such application is in proper form, where there is not pending a mutually exclusive application filed in accordance with paragraph (b) of this section, and where it appears from an examination of the application and supporting data, and upon consideration of objections and answers filed pursuant to paragraph (c) of this section, that: (1) The applicant is legally, technically, financially and otherwise qualified; (2) the application is not in violation of the provisions of law or the rules and regulations or established policies of the Commission; and (3) a grant of the application would otherwise serve public interest, convenience or necessity.

(b) In making its determination pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application under consideration unless such other application was substantially complete and was filed with the Commission not later than the close of business on the day preceding the day on which the Commission takes action with respect to the application under consideration.

§ 1.362 *Designation for hearing.* (a) If the Commission is unable, upon examination of any application for an instrument of authorization other than a license pursuant to a construction permit, to make the findings specified in § 1.361 (a), it will without delay notify the applicant and all other known parties in interest of the grounds and reasons for its inability to make such findings, and of all objections made to the applications, as well as the source and nature of such objections. Following such notice, the applicant is given an opportunity to reply. If the Commission, after considering such reply, should still be unable to determine that a grant without hearing would be in the public interest, it shall formally designate the application for hearing upon the issues then obtaining and shall notify the applicant and all other known parties in interest of such action.

(b) Where a grant of an application would preclude the grant of any application or applications mutually exclusive with it the Commission may, if public interest will be served thereby, make a conditional grant of one of the applications for hearing. Such conditional grant will be made upon the express

condition that such grant is subject to being withdrawn if, at the hearing, it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(1) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That public interest requires the prompt establishment of radio service in a particular community or area; or

(3) That a grant of one or more applications would be in the public interest and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the Commission's rules and regulations.

§ 1.363 *Written case; exchange of exhibits; commencement of hearing procedure.* (a) In case all parties to a comparative broadcast hearing (except respondents and intervenors) agree that each applicant present its direct case in writing, each applicant shall provide all parties to the hearing with all of the exhibits to be offered in the hearing as the direct case of said applicant. Such exchange of exhibits shall be made in accordance with such agreements and rulings as may result from the prehearing conference held pursuant to § 1.111, and unless otherwise directed in the course of that prehearing conference shall take place at least 20 days in advance of the date for commencement of the hearing. The exhibits required to be exchanged by this paragraph shall comprise the full direct case of the applicant, i. e., all data desired to be submitted by the applicant in connection with his qualifications and proposals. Oral testimony by an applicant or his witness in connection with his direct case will be limited to (1) such appropriate qualification and explanation as may be necessary of the applicant's exhibits and (2) testimony concerning any portion of the applicant's affirmative case in substitution of exhibits or portions thereof which are rejected by the Examiner on grounds of competency or form rather than for reasons of lack of materiality or relevance. Such substituted oral testimony, however, is to be limited to the scope of the rejected exhibits or portions thereof: *Provided, however,* That the provision of this paragraph shall not be construed to preclude or limit normal cross-examinations, rebuttal testimony, or the submission of appropriate exhibits in connection therewith.

(b) In case no agreement as provided for in paragraph (a) of this section is entered into by the parties to a comparative hearing, each party to such hearing shall be ordered in the course of the prehearing conference to provide at least 10 days in advance of the date for commencement of the hearing all other parties to the hearing with all of the exhibits to be offered in the hearing as a part of the direct case of said applicant.

(c) Except for good cause found in advance by the presiding officer there shall be held after the prehearing conference provided for in § 1.111, a further conference following exchange of exhibits. Unless otherwise ordered by the Examiner such further conference shall be held at least ten days prior to the date for the commencement of the hearing looking toward agreement on all matters relating to the conduct of the hearing and not already the subject of agreement. At this conference the Examiner and the parties, including Commission counsel, should be prepared to discuss (1) the possibility of agreements disposing of any evidentiary issues raised with respect to the exhibits previously exchanged between the parties; (2) the limitation on cumulative evidence; (3) number of witnesses and estimated length of testimony; (4) need for the use of depositions; and (5) any other matters which may aid the disposition of the hearing.

(d) The Hearing Examiner shall endeavor to issue an order at least five days prior to the date for commencement of hearing which recites the action taken at the further conference; the date for the hearing on the applicants' affirmative cases which, in the absence of special circumstances warranting greater delay, shall not be later than the date for commencement of the hearing specified by the Commission; agreements reached at the conference and any other matters relating to the subsequent course of the hearing. The orders issued by the Examiner as provided for herein shall control the course of the hearing unless modified by the Hearing Examiner for cause during the course of the hearing or by the Commission upon a review of the Hearing Examiner's ruling.

§ 1.364 *Petitions for reconsideration and rehearing.* (a) When a decision, order, or requirement has been made by the Commission in any proceeding, except where a protest filed under § 1.197 (c) through (h), has been denied any party thereto or any other person aggrieved or whose interests are adversely affected thereby, may petition for reconsideration or rehearing. The Commission will grant the petition if petitioner shows that:

(1) Petitioner is an existing licensee or permittee and a grant of the application would cause interference to his station as prescribed by applicable rules and standards; or

(2) At the time the application was granted, petitioner had a mutually exclusive application pending before the Commission and acceptable for filing; or

(3) A grant of the application is not in the public interest.

(b) Petitions for reconsideration or rehearing by persons not parties to the Commission's proceedings will not be granted unless the petition shows with particularity, the reasons for which petitioner regards itself as a person aggrieved or whose interests would be adversely affected.

(c) Petitions for rehearing must be filed within 30 days from the date of release of the document containing such action, or in case that such a document is not released, after release of a "Public Notice" announcing the action in question.

(d) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding will be taken at any rehearing.

(e) Where a petition for reconsideration or for rehearing is based upon a claim of electrical interference within the normally protected contour of an existing station or a station for which a construction permit is outstanding, such petition must be accompanied by an affidavit of a qualified radio engineer which shall show either by following the procedures set forth by the Commission's rules for determining interference in the absence of measurements or by actual measurements made in accordance with the methods prescribed by the Commission's rules that electrical interference will be caused to the station within its normally protected contour.

(f) Any opposition to a petition for reconsideration or rehearing must be filed within 10 days after the filing of such petition.

(g) Petitions for reconsideration or rehearing filed under this section may request (1) reconsideration; (2) reargument; (3) reopening of the proceeding; (4) amendment of any finding; or (5) such other relief as may be appropriate. Such petition shall state specifically the form of relief sought and, subject to this requirement, may contain alternative requests. Each such petition shall state with particularity in what respect the decision, order or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and with respect to any finding of fact must specify the pages of record relied on.

(h) Without special order of the Commission, the filing of a petition for reconsideration or rehearing shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown the Commission will stay the effectiveness of its order or requirement pending a decision on the petition for rehearing.

§ 1.365 *Special waiver procedure relative to applications.* (a) In the case of any broadcast applications designated for hearing, the parties may request the Commission to grant or deny the application upon the basis of the information contained in the applications and other papers specified in paragraph (b) of this section, without the presentation of oral testimony. Any party desiring to follow this procedure should execute and file with the Commission a waiver in accordance with paragraph (e) of this section, and serve copies on all other parties, or

a joint waiver may be filed by all the parties. Upon the receipt of waivers from all parties to a proceeding, the Commission will decide whether the case is an appropriate one for determination without the presentation of oral testimony. If it is determined by the Commission that, notwithstanding the waivers, the presentation of oral testimony is necessary, the parties will be so notified and the case will be retained on the hearing docket. If the Commission concludes that the case can appropriately be decided without the presentation of oral testimony, the record will be considered as closed as of the date the waivers of all parties were first on file with the Commission.

(b) In all cases considered in accordance with this procedure, the Commission will decide the case upon the basis of the information contained in the applications and any other papers open to public inspection on file with the Commission (as of the date the record was closed) which pertain to the applicants or applications in question. The Commission may call upon any party to furnish any additional information which the Commission deems necessary to a proper decision. Such information shall be served upon all parties. The waiver previously executed by the parties shall be considered in effect unless within 10 days of the service of such information the waiver is withdrawn.

(c) Any decision by the Commission rendered pursuant to this section will be in the nature of a final decision, unless otherwise ordered by the Commission.

(d) By agreeing to the waiver procedure prescribed in this section, no party shall be deemed to waive the right of appeal to the Courts to any adverse final decision of the Commission.

(e) The waiver provided for by this section shall be in the following form:

WAIVER

Name of Applicant _____
Call Letters _____
Docket No. _____

The undersigned hereby requests the Commission to consider its application and grant or deny it in accordance with the procedure prescribed in § 1.365 of the Commission's rules and regulations. It is understood that all the terms and provisions of _____ _____ are incorporated in this waiver.

SUBPART E—COMPLAINTS, APPLICATIONS, TARIFFS AND REPORTS INVOLVING COMMON CARRIERS

GENERAL

§ 1.401 *Show cause orders.* (a) The Commission may commence any proceeding within its jurisdiction against any common carrier by serving upon the carrier an order to show cause. The order shall contain a statement of the particulars and matters concerning which the Commission is inquiring and the reasons for such action, and will call upon the carrier to appear before the Commission at a place and time therein stated and give evidence upon the matters specified in the order.

(b) Any carrier, upon whom an order has been served under this Section, shall file its answer within the time specified in the order. Such answer shall specifically and completely respond to all allegations and matters contained in the show cause order.

(c) All papers filed by a carrier in a proceeding under this Section shall conform with the specifications of §§ 1.52 and 1.53 and the subscription and verification requirements of § 1.55. An original and 14 copies of all such papers shall be filed.

§ 1.402 *Appearances*—(a) *Hearings.* Except as otherwise required by § 1.140 regarding application proceedings, by § 1.62 regarding proceedings instituted under section 312 of the Communications Act of 1934, as amended, or by Commission order in any proceeding, no written statement indicating intent to appear need be filed in advance of actual appearance at any hearing by any person or his attorney.

(b) *Oral arguments.* Within 5 days after release of an order designating an initial decision for oral argument or within such other time as may be specified in the order, any party who wishes to participate in the oral argument shall file a written statement indicating that he will appear and participate. Within such time as may be specified in an order designating any other matter for oral argument, any person wishing to participate in the oral argument shall file a written statement to that effect setting forth the reasons for his interest in the matter. The Commission will advise him whether he may participate. (See § 1.154 for penalties for failure to file appearance statements in proceedings involving oral arguments on initial decisions.)

(c) *Commission counsel.* The requirement of paragraph (b) of this section shall not apply to counsel representing the Commission or the Chief of the Common Carrier Bureau.

COMPLAINTS

§ 1.411 *Formal or informal complaints.* Complaints filed against carriers under section 208 of the Communications Act may be either formal or informal.

§ 1.412 *Satisfaction of complaints; damages.* If a carrier satisfies any complaint brought to its attention by the Commission a statement must be filed with the Commission, in duplicate, setting forth when and how the complainant has been satisfied: *Provided, however,* That no complaint seeking damages as a result of alleged unjust or unreasonable charges, practices, classifications, or regulations contained in an effective tariff schedule on file with the Commission, shall be satisfied except after appropriate authorization by the Commission.

§ 1.413 *Amendments.* Pleadings and other documents filed in any complaint proceeding may be amended upon leave granted by the Commission.

INFORMAL COMPLAINTS

§ 1.416 *Form.* An informal complaint shall be in writing and shall contain: (a) The name and address of the complainant, (b) the name of the carrier against which the complaint is made, and (c) a complete statement of the facts tending to show that such carrier did or omitted to do anything in contravention of the Communications Act.

§ 1.417 *Procedure.* Upon receipt of any informal complaint, the Commission will forward a copy to the carrier complained of or take the question up by correspondence with the carrier. The carrier will also be called upon within such time as may be prescribed either to satisfy the complaint or advise the Commission of its refusal or inability to do so. If the carrier satisfies the complaint, it shall so notify the Commission in accordance with the provisions of § 1.412. The Commission will forward a copy of the carrier's notice of satisfaction to the complaint. If the carrier refuses or is unable to satisfy the compaint, it shall so notify the Commission, in duplicate, and the Commission will forward a copy of such notice to the complainant, with a statement of the procedure to be followed to further prosecute the complaint.

§ 1.418 *Unsatisfied informal complaints; formal complaints relating back to the filing dates of informal complaints.* When an informal complaint has not been satisfied pursuant to § 1.417, the complainant may file a formal complaint in the form specified in § 1.421. Such filing will be deemed to relate back to the filing date of the informal complaint: *Provided,* That the formal complaint: (a) Is filed within 6 months from the date of the Commission's statement accompanying a copy of the carrier's notice of refusal or inability to satisfy, (b) makes reference to the date of the informal complaint, and (c) is based on the same cause of action as the informal complaint. If no formal complaint is filed within the 6-month period, the complainant will be deemed to have abandoned the unsatisfied informal complaint, and such complaint will be deemed dismissed.

FORMAL COMPLAINTS

§ 1.421 *Form.* (a) A formal complaint shall contain the name of each complainant and defendant, the address of each complainant, and the name and address of his attorney, if represented by attorney, and shall be subscribed and verified by the complainant.

(b) A form of such complaint is as follows:

(This form may be used in cases to which it is applicable, with such alterations as the circumstances may render necessary.)

COMPLAINT

Before the Federal Communications Commission, Washington, D. C.

Complainant v. Defendant	Docket No. _____ (to be inserted by the Secretary of the Commission)

The complainant (here insert full name of each complainant and if a corporation the corporate title of such complainant) respectively shows:

be amended at any time by the filing of

(1) That (here state occupation and post office address of each complainant).

(2) That (here insert the full name, occupation, and post office address of each defendant).

(3) That (here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation).

Wherefore, complainant asks (here state specifically the relief desired).

Dated at _____ this ___ day of _____, 19___.

_____
(Name of each complainant)

_____
(Name and address of attorney, if any)

FORM OF VERIFICATION

_____ being first duly sworn, on oath, deposes, and says:

That he is the complainant (or one of the complainants) in the above-entitled matter, that he has read the within and foregoing complaint and knows the contents thereof, and that the matter and things therein stated are true of his own knowledge, save and except those matters therein stated on information and belief, and as to those he believes them to be true.

_____

Subscribed and sworn to before me this ____ day of _____, 19___.

_____
(Notary public or other proper officer)

§ 1.422 *Statement of issues and facts.* A formal complaint shall be so drawn as to advise the Commission and the defendant fully wherein the provisions of the Communications Act, or an order, rule or regulation of the Commission have been violated; the facts claimed to constitute such violation including such data as will identify, with reasonable certainty, the communications or transmissions, or other services complained of (as well as any other appropriate facts elicited by § 1.423), and the relief sought.

§ 1.423 *Damages; allegations with certainty.* (a) In case recovery of damages is sought, the complaint shall contain appropriate allegations showing such data as will serve to identify, with reasonable certainty, the communications or transmissions, or other services, for which recovery is sought and shall state:

(1) That the complainant makes claim for damages;

(2) The name and address of each individual claimant asking damages;

(3) The name and address of the defendant against which claim is made;

(4) The communications, transmissions, or other services rendered, the charge applied thereto, the date when charges were paid, by whom paid, and by whom borne;

(5) The period of time within which, or the specific dates when the communications, transmissions or other services were rendered;

(6) The points of origin and reception of the communications or transmissions, and if the damages sought to be recovered are for services other than communications or transmissions, then the allegations of the complaint shall state the nature and extent of such services, the date or dates when rendered, when paid for, and by whom borne;

(7) The nature and amount of injury sustained by each claimant;

(8) Separately, the damages with respect to each communication, transmission, or other service for which recovery is sought;

(9) If damages are sought on behalf of others than the complainant, in what capacity or by what authority complaint is made in their behalf; and

(10) That suit has not been filed in any court on the basis of the same cause of action.

(b) Damages will not be awarded upon a complaint unless specifically requested. Damages may be awarded, however, upon a supplemental complaint based upon the finding of the Commission in the original proceeding.

§ 1.424 *Specific tariff schedule references.* The several charges, classifications, regulations or practices complained of should be set out by specific reference to the tariff schedules in which they appear, whenever that is possible.

§ 1.425 *Joinder of complainants and causes of action.* (a) Two or more complainants may join in one complaint if their respective causes of action are against the same defendant and concern substantially the same alleged violation of the Communications Act and substantially the same facts.

(b) Two or more grounds of complaint involving the same principle, subject, or statement of facts may be included in one complaint, but should be separately stated and numbered.

§ 1.426 *Discrimination, preference or prejudice.* When unjust or unreasonable discrimination or undue or unreasonable preference, advantage, prejudice or disadvantage is alleged, the complaint shall clearly specify the particular person, company or other entity, locality, or description of traffic affected thereby, and the particular discrimination, preference, advantage, prejudice or disadvantage, relied upon as constituting a violation of the Communications Act.

§ 1.427 *Challange of rate or rate adjustment; damages.* When a rate or rate adjustment is challenged in the complaint, if an investigation is deemed warranted by the Commission it will find and determine in its report the issues as to violation of the Communications Act, injury thereby to complainant, and right to damages. The Commission will afford the parties an opportunity to agree or to make proof respecting the communications, transmissions, or other services, and amount of damages due under its findings, before entering its order awarding damages. In such cases, authenticated schedules of charges, receipts, statements, and other exhibits bearing upon the amount claimed and upon details of such communications, transmissions, or other services, for which damages are claimed, need not be produced at the hearing unless called for by the Commission, or unless called for by the presiding officer upon good cause shown by any party subject to the rules of evidence.

§ 1.428 *Supplemental complaints—*(a) *Filing.* There may be tendered to the Commission for filing a supplemental complaint which shall set forth any cause of action under the Communications Act alleged to have accrued in favor of the complainant and against the defendant since the filing of the original complaint. Upon leave granted by the Commission, a supplemental complaint will be accepted for filing and will be served by the Commission in the manner provided in § 1.430 for serving complaints.

(b) *Seeking damages.* If recovery of damages or overcharges is sought by supplemental complaint, it must be tendered for filing with the Commission within the statutory periods of limitations as to actions contained in § 415 of the Communications Act.

§ 1.429. *Cross complaints.* A cross complaint seeking any relief within the jurisdiction of the Commission against any carrier which is a party (complainant or defendant) to the proceeding, may be tendered for filing by a defendant with its answer. Upon leave granted by the Commission, a cross complaint will be accepted for filing and will be served by the Commission in the manner provided in § 1.430 for serving complaints. (For the purpose of these rules the term, cross complaint, shall include counterclaim.)

§ 1.430 *Copies; service.* (a) An original and 14 copies of all pleadings and briefs filed in any formal complaint proceeding shall be furnished the Commission, and one extra copy for each party to the proceeding when service is made by the Commission.

(b) The Commission will serve a copy of any formal complaint filed with it (and any supplemental, amended or cross complaint accepted for filing) together with a notice of the filing of the complaint. Such notice shall contain an order of the Commission calling upon the carrier to satisfy the complaint in accordance with § 1.412 or answer the same in writing within the time specified in said notice.

(c) All subsequent pleadings and briefs filed in any formal complaint proceeding shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.56. Proof of such service shall also be made in accordance with the requirements of said section.

§ 1.431 *Answers to complaints, supplemental complaints, amended complaints, and cross complaints.* Any carrier upon whom a copy of a formal complaint, supplemental complaint, amended complaint, or cross complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense, and shall respond specifically to all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

§ 1.432 *Oppositions to petitions to intervene.* Oppositions to petitions for intervention need not be made unless the defendant so elects, in which case, an opposition shall be served within 10 days after service of the petition. Failure to oppose petitions to intervene will not be deemed as admissions of any allegations contained therein.

§ 1.433 *Motions to dismiss complaints or to make them more definite and certain.* (a) A defendant may serve with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on the face of such complaint.

(b) Within 10 days after service of a complaint by the Commission, a defendant may file a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. If such motion is granted by the Commission it will order the complainant to file an amended complaint within such time as may be specified in the order.

§ 1.434 *Replies to answers or amended answers; motions to make answers more definite and certain.* Within 10 days after service of an answer or an amended answer upon leave granted by the Commission, a complainant may serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed as admission of any allegations contained in such answer or amended answer. A complainant may also serve with his reply a motion that the answer be made more definite and certain, such motion to point out the defects complained of and the details desired. If such motion is granted by the Commission it will order the defendant to file an amended answer within such time as may be specified in the order.

§ 1.435 *Oppositions to motions to dismiss complaints or to make them more definite and certain.* Within 10 days after service of a motion to dismiss a complaint or to make it more definite and certain, a complainant may serve an opposition to such motion. Failure to oppose will not be deemed as admissions of any allegations contained in such motion.

§ 1.436 *Disposition of formal complaints.* The Commission may investigate any matter complained of in a formal complaint, if its nature warrants, or may by order dismiss such complaint.

§ 1.437 *Specifications as to pleadings, briefs, and other documents; subscription and verification.* All papers filed in any formal complaint proceeding must be drawn in conformity with the requirements of §§ 1.52, 1.53, and 1.55.

§ 1.438 *Formal complaints not stating a cause of action; defective pleadings.* (a) Any document purporting to be a formal complaint which does not state a cause of action under the Communications Act will be dismissed. In such case any amendment to such document will be considered a new filing which must be made within the statutory periods of limitations of actions contained in section 415 of the Communications Act, if recovery of damages or overcharges is sought.

(b) Any pleading filed in a formal complaint proceeding not in conformity with the requirements of the applicable rules in this Part (other than the matter covered in paragraph (a) of this section) may be deemed defective. In such case the Commission will:

(1) Request that specified defects be corrected and that corrected pleadings be filed and served within a prescribed time as a condition to being treated as timely filed, and

(2) Notify all persons known to the Commission to have been served with any defective pleading of the action taken under this paragraph.

APPLICATIONS

§ 1.440 *Scope.* The general rules relating to applications contained in §§ 1.441 through 1.447 apply to all applications filed by carriers except those filed by public correspondence radio stations pursuant to Parts 7, 8, 9, 14, and 21 of this chapter. Part 21 contains general rules applicable to applications filed pursuant thereto. For general rules applicable to applications filed pursuant to Parts 7, 8, 9 and 14, see such parts and Subpart F of this part.

§ 1.441 *Place of filing; number of copies.* All applications shall be tendered for filing with the Office of the Secretary, Federal Communications Commission, Washington 25, D. C. The applications will be dated by the Office of the Secretary upon receipt and then forwarded to the Common Carrier Bureau. The number of copies required for each application is set forth in the rules in this chapter relating to various types of applications. However, if any application is not of the types covered by this chapter, an original and two copies of such application shall be submitted.

§ 1.442 *Subscription and verification.* Each application or amendment thereto shall be personally subscribed and verified or affirmed by the applicant, if the applicant is an individual; by any one of the partners, if an applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association; or by an executive of the applicant if the applicant is not an individual, partnership, corporation or association: *Provided, however,* That an application may be subscribed and verified by the attorney-in-fact for an applicant in case of physical disability of the applicant, or his absence from the continental United States. If subscription and verification is made by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Only the original of the application need be subscribed and verified or affirmed; the copies may be conformed.

§ 1.443 *Amendments.* (a) Any application not designated for hearing may be amended at any time by the filing of subscribed and verified (or affirmed) amendments in the same manner, and with the same number of copies, as was the initial application.

(b) After any application is designated for hearing, requests to amend such application may be granted by the Commission upon good cause shown by petition, which petition shall be properly served upon all other parties to the hearing.

(c) The Commission may order the applicant to amend his application at any time so as to make it more definite and certain. Such order may be issued by the Commission upon its own motion or upon petition of any interested person, which petition shall be properly served upon the applicant and, if the application has been designated for hearing, upon all parties to the hearing.

§ 1.444 *Additional statements.* The Commission may require an applicant to submit such additional documents and written statements fact, subscribed and verified (or affirmed), as in its judgment may be necessary.

§ 1.445 *Defective applications.* (a) Applications not in accordance with the applicable rules in this chapter may be deemed defective and returned by the Commission without acceptance of such applications for filing and consideration. Such applications will be accepted for filing and consideration if accompanied by petition showing good cause for waiver of the rule with which the application does not conform.

(b) The assignment of a file number, if any, to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 1.446 *Inconsistent or conflicting applications.* When an application is pending or undecided, no inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant his successor or assignee, will be considered by the Commission.

§ 1.447 *Dismissal of applications—*(a) *Without prejudice.* Any application not designated for hearing may be dismissed without prejudice at any time upon request of the applicant. An applicant's request for the return of an application that has been accepted for filing and consideration, but not designated for hearing, will be deemed a request for dismissal without prejudice. A request to dismiss an application without prejudice after it has been designated for hearing shall be made by petition properly served upon all parties to the hearing and will be granted only for good cause shown.

(b) *With prejudice.* The Commission may dismiss an application with prejudice when the applicant

(1) Fails to comply with the requirements of § 1.140 (c),

(2) Otherwise fails to prosecute his application, and

(3) Fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.

§ 1.448 *Action on applications under delegated authority.* Certain applications do not require action by the Commission but pursuant to the delegated authority contained in the Commission's statement of organization, delegation of authority and other information may be acted upon by the Telegraph Committee, the Telephone Committee, or the Chief of the Common Carrier Bureau, respectively, subject to reconsideration by the Commission.

SPECIFIC TYPES OF APPLICATIONS UNDER TITLE II OF COMMUNICATIONS ACT

§ 1.449 *Cross reference.* Specific types of applications under Title III of the Communications Act involving public correspondence radio stations are specified in Parts 6, 7, 8, 9 and 21 of this chapter.

§ 1.450 *Interlocking directorates.* Applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the Act shall be made in the form and manner and with the number of copies required by Part 62 of this chapter. The Commission should be informed of any change in status of any person authorized to hold the position of officer or director of more than one carrier, as required by Part 62 of this chapter.

§ 1.451 *Construction, extension, acquisition or operation of lines.* (a) Applications under section 214 of the Communications Act for authority to construct a new line, extend any line, acquire or operate any line or extension thereof, or to engage in transmission over or by means of such additional or extended line, to furnish temporary or emergency service, or to supplement existing facilities shall be made in the form and manner and with the number of copies required by Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of applications for certificates are filed with the regulatory agencies of the States involved.

§ 1.452 *Discontinuance, reduction, or impairment of service.* (a) Applications under section 214 of the Communications Act for authority to discontinue, reduce or impair service to a community or part of a community or for the temporary, emergency or partial discontinuance, reduction or impairment of service shall be made in the form and manner and with the number of copies required by Part 63 of this chapter. Posted and published notice shall be given the public as required by Part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of all formal applications under this section requesting authorizations (including certificates) are filed with the Secretary of the Army, the Secretary of the Navy, and the Governor of each State involved. Copies of all applications under this section requesting authorizations (including certificates) are filed with the regulatory agencies of the States involved.

§ 1.453 *Consolidation of telephone companies.* Applications under section 221 (a) of the Communications Act, by one or more telephone companies for authority to consolidate their properties or a part thereof into a single company or to acquire the whole or any part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities or by lease or in any other like manner when such consolidated company would be subject to the act shall be submitted as follows:

(a) *Contents of application.* Each application shall contain in narrative form the following information:

(1) The exact name and address of each applicant;

(2) A statement as to whether each applicant is a carrier subject to the Communications Act and what change or changes in status will result from the consummation of the proposed transaction;

(3) The name, title, and post-office address of the officer to whom correspondence in regard to the application should be addressed;

(4) The Government, State, or Territory, under the laws of which each corporate applicant was organized;

(5) Detailed description of the property to be acquired, consolidated, or merged, and a brief history of such property;

(6) In a proposed consolidation or merger, the name of the company resulting therefrom, the capitalization proposed therefor, and the amount and class of capital stock and other securities proposed to be issued;

(7) The manner in which the properties, or control, will be acquired and the consideration, in money and otherwise, to be paid by each applicant;

(8) Statement of action of stockholders and directors of each applicant approving the proposed transaction, giving date and place of each meeting;

(9) Facts as to any intercorporate relations through holding companies, ownership of securities or otherwise, between the applicants, or any of them;

(10) Reasons in general why the proposed transaction will be of advantage to the persons to whom service is to be rendered and in the public interest;

(11) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be acquired, a complete statement as to the treatment proposed to be accorded to such employees by the acquiring company, with due regard to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; locations of employment; job assignments; seniority; and other conditions of employment.

(12) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be consolidated or merged, a complete statement describing the manner in which the respective labor forces will be integrated or merged, giving due regard to the treatment to be accorded to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; locations of employment; job assignments; seniority and other conditions of employment.

(13) The extent to which the facilities to be acquired or controlled (by purchase, lease, or otherwise) parallel or are competitive with the facilities of the proposed purchaser or others;

(14) A statement as to whether the proposed transaction has been presented to the regulatory authority of each state in which the property is situated, and, if so, with what results.

(b) *Supporting data required with application.* There shall be filed with and made a part of the original of each application under section 221 (a) of the Communications Act the following:

(1) One copy of the charter, articles of incorporation and the bylaws of each applicant, duly certified (such copies as are already on file with the Commission may be incorporated in the application by reference);

(2) One copy of resolutions of the stockholders or directors of each of the applicants approving the proposed transaction, such resolutions to be properly attested and accompanied by appropriate excerpts from the minutes, showing the number of votes cast for and against each such resolution;

(3) Map or sketch indicating the facilities of each telephone carrier in the area involved, and the location and ownership of exchange and toll properties before and after consummation of the proposed transaction;

(4) A recent balance sheet and an income statement of each party involved;

(5) A statement showing the book cost and related reserve amounts with respect to the plant items to be acquired unless all of the telephone plant is included in the proposed acquisition, consolidation, or merger;

(6) Copy of any contract or contracts, exclusive of right-of-way and attachment contracts, entered into between the applicants, or any of them, with respect to any of the telephone properties or service included in the proposed transaction;

(7) With respect to the full-time employees employed in the exchange area or exchange areas served by the properties proposed to be acquired, consolidated, or merged, a table showing for each such employee, by name, his job classification, length of service, wage rate and location of employment; except that where twenty-five or more full-time employees are employed in any exchange area served by the properties to be consolidated or merged with another exchange area or exchange areas, such information with respect to those employees may be given on a group basis by job classification;

(8) Copies of any pension or benefit plans which are referred to in the statements supplied pursuant to paragraph (a) (11) and (12) of this section;

(9) Any additional facts or reasons in support of the application.

(c) *Copies required.* Five copies shall be furnished to the Commission for its use. In addition, a copy should be served on any other party to the proceeding.

(d) *Procedure.* A public hearing is held on these applications when a request therefor is made by a telephone company, an association of telephone companies, a State commission, or a local governmental authority, or in such other cases as the Commission may determine. When hearings are to be held, reasonable notice thereof is given by the Commission to the Governor of each State in which the physical property affected, or any part thereof, is situated, and to the State commission having jurisdiction over the telephone companies and to such other parties as the Commission may deem advisable.

§ 1.454 *Consolidation of domestic telegraph carriers.* (a) Applications under section 22 of the Communications Act by two or more domestic telegraph carriers for authority to effect a consolidation or merger or to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier shall contain such information as is necessary for the Commission to act upon such application under the provisions of section 222 of the act.

(b) These applications are acted upon by the Commission after public hearing. Reasonable notice in writing of the public hearing and an opportunity to be heard is given by the Commission to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of the Army, the Attorney General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable.

§ 1.455 *Cable landing licenses.* (a) Applications for cable landing licenses under 47 U. S. C. 34–39 and Executive Order No. 10530, dated May 10, 1954, should be filed in duplicate and in accordance with the provisions of said order. These applications should contain the name and address of the applicant, the corporate structure and citizenship of officers if a corporation; description of submarine cable, including type and number of channels and capacity thereof; location of points on shore of United States and points in foreign countries where cable will land (including map); proposed use, need and desirability of the cable; and any other information as may be necessary to enable the Commission to act thereon.

(b) These applications are acted upon by the Commission after obtaining the approval of the Secretary of State and such assistance from any executive department or establishment of the Government as it may require.

(c) Original files relating to submarine cable landing licenses and applications for licenses since June 30, 1934, are kept by the Commission. Such applications for licenses (including all documents and exhibits filed with and made a part thereof, with the exception of any maps showing the exact location of the submarine cable or cables to be licensed) and the licenses issued pursuant thereto, with the exception of such maps, shall, unless otherwise ordered by the Commission, be open to public inspection in the offices of the Commission in Washington, D. C.

(d) Original files relating to licenses and applications for licenses for the landing operation of cables prior to June 30, 1934, were kept by the Department of State and such files prior to 1930 have been transferred to the Executive and Foreign Affairs Branch of the General Records Office of the National Archives. Requests for inspection of these files should, however, be addressed to the Federal Communications Commission, Washington 25, D. C.; and the Commission will obtain such files for a temporary period in order to permit inspection at the offices of the Commission.

TARIFFS

§ 1.461 *Filing.* Schedules of charges and classifications, practices and regulations affecting such charges required under section 203 of the Communications Act shall be constructed, filed and posted in accordance with and subject to the requirements of Part 61 of this chapter.

§ 1.462 *Application for special tariff permission.* Applications under section 203 of the Communications Act for special tariff permission shall be made in the form and manner and with the number of copies required by Part 61 of this chapter.

§ 1.463 *Petitions for suspension of tariff schedules*—(a) *Content.* A petition for suspension of a new tariff schedule or any provision thereof shall indicate the schedule affected by its Federal Communications Commission number and give specific reference to the items against which protest is made, together with a statement of the grounds thereof.

(b) *When filed.* A petition for suspension will not ordinarily be considered unless made in writing and filed with the Commission and served upon the publishing carrier at least 10 days before the effective date of the tariff schedule. In case of emergency and within the time limits herein provided, a telegraphic request for suspension may be sent to the Commission, a copy of which shall be sent to the publishing carrier and shall set forth succinctly the substance of the matters required by paragraph (a) of this section. Such telegraphic request must be forthwith confirmed by petition filed and served in accordance with this section.

(c) *Reply.* A publishing carrier may reply to a petition for suspension, but such reply should be filed with the Commission and served upon petitioner within 3 days after service of the petition for suspension.

(d) *Copies; service.* An original and 14 copies of each petition or reply must be filed with the Commission and one copy must be simultaneously served upon the publishing carrier or each petitioner, as the case may be.

CONTRACTS, REPORTS AND REQUESTS REQUIRED TO BE FILED BY CARRIERS

§ 1.468 *Requests for extension of filing time.* Requests for extension of time within which to file contracts, reports and requests referred to in §§ 1.469 through 1.492 shall be made in writing and may be granted for good cause shown.

CONTRACTS

§ 1.469 *Filing.* Copies of carrier contracts, agreements, concessions, licenses, authorizations or other arrangements, shall be filed as required by Part 43 of this chapter.

FINANCIAL AND ACCOUNTING REPORTS AND REQUESTS

§ 1.471 *Annual financial reports.* (a) Annual financial reports shall be filed by carriers and affiliates as required by Part 43 of this chapter on the following forms:

(1) Form H (holding companies who do not report to the Commission in the manner prescribed in paragraph (b) of this section).

(2) Form L (licensees in the domestic public land mobile radio services who do not report to the Commission on Annual Report Form M).

(3) Form M (telephone companies, classes A and B).

(4) Form O (wire-telegraph and ocean-cable carriers, classes A and B).

(5) Form R (radiotelegraph carriers, classes A and B).

(b) Verified copies of annual reports filed with the Securities and Exchange Commission on its Form 10–k, Form 1–MD, or such other form as may be prescribed by that Commission for filing of equivalent information, shall be filed annually with this Commission by each person directly or indirectly controlling any communications common carrier in accordance with Part 43 of this chapter.

(c) Carriers having separate departments or divisions for carrier and non-carrier operations shall file separate supplemental annual reports with respect to such carrier and non-carrier operations in accordance with Part 43 of this chapter.

§ 1.472 *Monthly financial reports.* Monthly reports of revenues, expenses, and other items shall be filed by carriers as required by Part 43 of this chapter on the following forms:

FCC Form No. 901 Telephone.
FCC Form No. 903 Radiotelegraph and Ocean-cable.
FCC Form No. 905 Wire-telegraph.

§ 1.473 *Reports of proposed changes in depreciation rates.* Carriers shall file reports regarding proposed changes in depreciation rates as required by Part 43 of this chapter.

§ 1.474 *Reports regarding pensions and benefits.* Carriers shall file reports

regarding pensions and benefits as required by Part 43 of this chapter.

§ 1.475 *Reports regarding division of international telegraph communication charges.* Carriers engaging in international telegraph communication shall file reports in regard to the division of communication charges as required by Part 43 of this chapter.

§ 1.476 *Reports relating to traffic by international carriers.* Commission Orders Nos. 85 and 86 require international telegraph carriers to file on FCC Form No. 336 and common carriers engaged in radiotelegraph communication with maritime mobile stations (with certain exceptions) to file on FCC Form No. 337 certain traffic information at periodic intervals. A complete description of these reports is set forth in Orders Nos. 85 and 86.

§ 1.477 *Reports and requests to be filed under Part 31 of this chapter.* Reports and requests shall be filed either periodically, upon the happening of specified events or for specific approval by class A and class B telephone companies in accordance with and subject to the provisions of Part 31 of this chapter.

§ 1.478 *Reports and requests to be filed under Part 33 of this chapter.* Reports and requests shall be filed either periodically, upon the happening of specified events or for specific approval, by class C telephone companies in accordance with and subject to the provisions of Part 33 of this chapter.

§ 1.479 *Reports and requests to be filed under Part 34 of this chapter.* Reports and requests shall be filed either periodically, upon the happening of specified events or for specific approval, by radiotelegraph carriers in accordance with and subject to the provisions of Part 34 of this chapter.

§ 1.480 *Reports and requests to be filed under Part 35 of this chapter.* Reports and requests shall be filed either periodically, upon the happening of specified events or for specific approval, by wire-telegraph and ocean-cable carriers in accordance with and subject to the provisions of Part 35 of this chapter.

SERVICES AND FACILITIES REPORTS

§ 1.483 *Reports regarding telegraph carrier services.* Telegraph carriers shall file descriptions of their services as required by Part 43 of this chapter.

§ 1.484 *Reports relating to continuing authority to supplement facilities or to provide temporary or emergency service.* Carriers receiving authority under Part 63 of this chapter shall file quarterly or semiannual reports as required therein.

§ 1.485 *Reports relating to reduction in temporary experimental service.* As required in Part 63 of this chapter, carriers shall report reductions in service which had previously been expanded on an experimental basis for a temporary period.

§ 1.486 *Reports regarding domestic telegraph speed of service.* The Western Union Telegraph Company shall furnish monthly reports under Part 64 of this chapter in regard to Message Center-speed of service and Origins to Destination speed of service on FCC Forms No. 338–A and No. 338, respectively, and copies of instructions to field offices in accordance with Part 64 of this chapter.

§ 1.487 *Reports relating to service by carriers engaged in public radio service operations.* Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in Part 6 of this chapter.

MISCELLANEOUS REPORTS

§ 1.490 *Reports regarding amendments to charters, by-laws and partnership agreements of carriers engaged in domestic public radio services.* Amendments to such documents shall be reported and filed in accordance with Part 21 of this chapter.

§ 1.491 *Reports regarding premature destruction of records.* Carriers shall file reports relating to the premature destruction of records as required by Parts 45 and 46 of this chapter.

§ 1.492 *Reports of negotiations regarding foreign communication matters.* Carriers engaging or participating in foreign communications shall file monthly reports covering negotiations conducted as required by Part 43 of this chapter.

§ 1.493 *Reports regarding free service rendered the Government for national defense.* Carriers rendering free service in connection with the national defense to any agency of the United States Government shall file reports in accordance with Part 2 of this chapter.

SUBPART F—SAFETY AND SPECIAL SERVICES APPLICATIONS AND PROCEEDINGS

GENERAL REQUIREMENTS AS TO APPLICANTS

§ 1.500 *Scope.* This subpart is applicable to all services listed in Parts 7, 8, 9, 10, 11, 12, 14, 16, 19 and 20 of this chapter, except that rules involving common carriers concerning complaints, tariffs, applications and reports required under Title II of the Communications Act are set forth in Subpart E of this part. (For additional information relative to applications see the respective rules relating to each of the above-described services.) In case of any conflict or inconsistency between the rules set forth in this subpart and the rules for the specific services enumerated in this section, the former shall govern.

§ 1.501 *Applications required.* (a) Except as provided in paragraph (b) of this section, construction permits as defined in section 3 (dd) of the Communications Act of 1934, as amended, station licenses as defined in section 3 (bb) of the Communications Act, operator licenses or modifications or renewals thereof, assignments of construction permits or station licenses, or any rights thereunder; and consent to transfer control of a corporation holding a construction permit or license, shall be granted only upon written and subscribed and verified application.

(b) In cases of (1) emergency found by the Commission involving danger to life or property or due to damage to equipment, or (2) during a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, when such action is necessary for the national defense or security or otherwise in furtherance of the war effort, or (3) in cases of emergency where the Commission finds, in these services, that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission may grant construction permits and station licenses, or modifications or renewals thereof without the filing of a formal application, but no such authorization shall be granted for or continue in effect beyond the period of the emergency or war requiring it. The procedure to be followed for requests submitted under the provisions of this paragraph is the same as for obtaining special temporary authority under Sec. 1.525.

(c) In case of vessels at sea, the Commission may issue by cable, telegraph or radio a permit for the operation of a station until the vessel returns to a port of the continental United States.

(d) Canadian licensees desiring to operate in the United States under the terms of Articles 2 and 3 of the Convention between the United States and Canada concerning Operation of Certain Radio Equipment or Stations (which entered into force May 15, 1952) shall make application upon FCC Form 410 which shall be filed with the Secretary, Federal Communications Commission, Washington 25, D. C. Forms may be obtained from the FCC Secretary or any field office of the Commission or from the Controller of Telecommunications, Department of Transport, Ottawa, Canada.

§ 1.502 *Where applications are to be filed.* (a) Applications requesting authority (except renewal of license) under Part 12 or Part 19 of this chapter, for class C stations only, shall be filed in the nearest Field Office of the Commission, the location of which may be found in local directories under the heading "United States Government".

(b) All applications, except those for renewal of station license, for authority to establish or operate stations (other than ship stations) in the Alaska area subject to this part, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Washington. The provisions of this paragraph shall apply to each application for construction permit, license, or modification of construction permit or license.

(c) A formal application for ship station license, or for modification of existing license including modification to cover replacement of radiotelephone transmitting apparatus (but not including renewal of station license), to authorize the use of telephony on board a vessel when accompanied by a request for an interim ship station license, shall

be filed in accordance with § 8.36 of this chapter and presented in person by applicant or his agent at the nearest Field Office of the Commission, as shown in section 0.49 of the Commission's statement of organization, delegations of authority, and other information.

(d) All other applications shall be filed with the Commission's offices in Washington as follows:

(1) By mail, addressed to: Secretary, Federal Communications Commission, Washington 25, D. C. or,

(2) In person, Secretary's Office, New Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D. C., or,

(3) In person, Application Control Reference Room, New Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D. C.

§ 1.503 *Subscription and verification of applications.* Each application or amendment thereto shall be personally subscribed and verified by the party filing such application or amendment, if the applicant be an individual or any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That subscription and verification may be made by the attorney for the party (a) in case of physical disability of the party, or (b) his absence from the continental United States. If it be made by a person other than the party, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the party. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed. Postmasters in Alaska are authorized to administer oaths.

§ 1.504 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application forms. Additional information of a purely explanatory nature submitted in letter form need not be notarized.

§ 1.505 *Amendments of applications.* (a) Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

(b) Any application may be amended as a matter of right prior to the designation of such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed.

(c) The Commission may upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain, and may require an applicant to submit such documents and written statements of facts, under oath as in its judgment may be necessary.

§ 1.506 *Dismissal of applications.* (a) Any application may upon written request signed by the applicant or his attorney be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application.

(c) Failure to prosecute an application or failure to respond to official correspondence or request for additional information will be cause for dismissal without prejudice.

FILING OF APPLICATIONS AND DESCRIPTION OF APPLICATION FORMS

§ 1.521 *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with the rules for the particular service. A list of all application forms used by Safety and Special Radio Services Bureau is contained in § 1.522. Each form contains appropriate instructions concerning the number of required copies, where it may be filed, and the services in which it is intended to be used.

(b) Each application shall include all information called for by the particular form on which the application is required to be filed unless the information called for is inapplicable in which case that fact shall be indicated.

(c) In some cases equipment and service tests are required before an authorized station may be placed in regular operation. Reference should be made to the specific service regarding these provisions.

§ 1.522 *Forms to be used.*

FCC No.	Title
400	Application for Radio Station Authorization in the Safety and Special Radio Services.
400–10	Instructions for completion of FCC Form 400.
400–A	Request for amendment of Radio Station Authorization.
401	Application for new or modified Radio Station Construction Permit (Other than Broadcasting).
401–A	Description of Proposed Antenna Structure(s) (Services other than Broadcast).
403	Application for Radio Station License or Modification Thereof (Other than Broadcasting, Amateur, Ship, and Aircraft).
404	Application for Aircraft Radio Station License.
405–A	Application for Renewal of Radio License (Short Form).
410	Registration of Canadian Radio Station Licensee and Application for Permit to Operate.
453–B	Certificate of Special Temporary Authorization for Operation of Radio Station on Board New Aircraft.
480	Application for Civil Air Patrol Station Authorization.
481	Application for authority to operate a station in the Radio Amateur Civil Emergency Service.
482	Certification of Civil Defense Radio Officer.
501	Application for Ship Radio Station Licenses.
501–A	Application for Ship Radiotelephone Station License.
505	Application for Citizens Radio Station Construction Permit and License.
525	Application for Disaster Communications Radio Station Construction Permit and License.
602	Application for Amateur Station License at a Military Post.
610	Application for Amateur Operator and/or Station License.
701	Application for additional time to Construct Radio Station.
702	Application for Consent to Assignment of Radio Station Construction Permit or License (for Stations in Services Other Than Broadcast).
703	Application for Consent to Transfer of Control of Corporation Holding Construction Permit for Station License (for Stations in Services Other Than Broadcast).
820	Application for Ship Exemption.
820–A	Application for Exemption (Great Lakes Agreement).

§ 1.523 *Construction permits.* No construction permit is required for any class of station in the Maritime, Aviation, Public Safety, Industrial, Land Transportation, Citizens Radio, Disaster Communications, and Amateur Services except as follows: A construction permit is required for:

(a) All operational fixed stations;

(b) Land radiopositioning stations in the industrial radiolocation service;

(c) Public coast stations and limited Class I and Class II coast stations;

(d) Shore radiolocation, shore radionavigation, and shore-radar stations;

(e) Alaskan public fixed stations; and

(f) Any station involving the erection of a new antenna or changes in an existing antenna if:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet, no Form 401–A need be filed; or

(2) The antenna structures proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

NOTE: In cases of amateur stations involving the criteria set forth in paragraph (f) of this section, applicants need file only

FCC Form 401–A; an application for construction permit is not required.

§ 1.524 *Assignment or transfer of control, voluntary and involuntary.* (a) Radio station licenses are not transferable; however, except for certain stations as set forth below they may be assigned. Licenses must be assigned whenever there is a change of ownership of an authorized radio station as for example, the radio communication equipment is sold with a business. The new owner must apply for assignment to him of the existing authorization in accordance with the rules under which the station is authorized. Licenses for stations in the Amateur, Aviation (aircraft), Citizens, and Maritime (ship) Radio Services cannot be assigned. Whenever there is a change of ownership of one of these latter stations the new owner must apply for a new license. Upon receipt of the new license, the former license must be surrendered for cancellation.

(b) Application for consent to voluntary assignment of a construction permit or license or for consent to voluntary transfer of control of a corporation holding a construction permit or license shall be filed with the Commission at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(1) The following application forms should be used:

(i) FCC Form 400, "Application for Radio Station Authorization in the Safety and Special Radio Services" may be used for application for assignment of station authorization in services under Parts 10, 11, and 16 of this chapter. Attached thereto shall be a notarized letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

(ii) FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License (for stations in services other than Standard Broadcast)."

(iii) FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License (for stations in services other than Standard Broadcast)."

(c) In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within 30 days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the forgoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and forms to be followed are the same as those specified in paragraph (b) (1) of this section. In the case of stations in the Amateur, Aviation (aircraft), Citizens, and Maritime (ship) Radio Services, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

§ 1.525 *Application for special temporary authorization.* (a) Special temporary authority may be granted to install and operate new equipment, or to operate a licensed station in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons.

(b) Requests for such temporary authorization may be filed in letter form signed under oath; however, in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph provided written request, signed under oath, is submitted within 10 days from the date of such request.

(c) The purchasers of a new aircraft with factory-installed radio equipment may operate the radio station on their aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a certificate (FCC Form No. 453B) executed by the manufacturer, dealer, or distributor, the original of which has been mailed to the Commission with the formal application for station license.

§ 1.526 *Application for renewal of licenses.* (a) Application for renewal of station license shall be submitted on FCC Form 405–A (except as noted in paragraph (b) of this section). Application for renewal of license in the Amateur Radio Service shall be filed during the last 120 days of the license term; all other applications for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(b) Application for renewal of authorization to operate an amateur station in the Radio Amateur Civil Emergency Service shall be filed on FCC Form 481–1 and shall be submitted concurrently with the application for renewal of the basic amateur radio station license. Application for renewal of Civil Air Patrol radio station authorization shall be submitted on FCC Form 480.

§ 1.527 *Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.* (a) Applications for ship radio inspection and certification of the ship radio license in accordance with the requirements of section 361 (b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention, should be submitted on FCC Form No. 801, entitled "Application for Ship Radio Inspection". This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired port of inspection (see section 0.49 of the Commission's statement of organization, delegations of authority and other information).

(b) Applications for Periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Article 12 thereof, should be submitted on FCC Form 809 "Application for Periodical Survey (Great Lakes Agreement)". This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired place of survey (see section 0.49 of the Commission's statement of organization, delegations of authority and other information).

(c) Applications for inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the Communications Act of 1934, as amended, on a Sunday or a national holiday or during other than the established working hours on any other day, should be submitted on FCC Form 808, entitled "Application for and Certificate of Overtime Service Involving Inspection of Radio Equipment". This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired port of inspection (see section 0.49 of the Commisson's statement of organization, delegations of authority and other information).

§ 1.528 *Application for exemption from compulsory ship radio requirements.* Applications for exemption filed under the provisions of section 352 (b) of the Communications Act, and Regulations 5 or 6, Chapter IV, of the Safety of Life at Sea Convention, London, 1948, shall be submitted on FCC Form 820, entitled, "Application for Exemption". Applications for exemption filed under the provisions of Article 6 of the Great Lakes Agreement shall be submitted on FCC Form 820–A, entitled "Application for Exemption (Great Lakes Agreement)."

§ 1.529 *Procedure with respect to applications for ship radio inspection or periodical survey.* After the following applications are accepted for filing, the Engineer in Charge of the radio district office in which the application is submitted makes the necessary examination and issues the appropriate certification:

(a) Application for ship radio inspection and certification of the ship radio license, pursuant to the requirements of section 361 (b) of the Communications Act;

(b) Application for a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention;

(c) Application for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Article 12 thereof.

§ 1.530 *Procedure with respect to amateur radio operator licenses.* After an application for an amateur radio operator license is accepted and an examination is conducted in accordance with § 12.44 of this chapter, the examination is graded by the office supervising the examination. The results of the examination are forwarded to Washington and if the applicant is successful a license is issued by the Safety and Special Radio Services Bureau.

§ 1.531 *Application for extension of construction permit.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Application for extension of time within which to construct a station shall be filed on FCC Form 701, except in the Public Safety, Industrial, and Land Transportation Radio Services when FCC Form 400–A shall be used. Such application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 1.532 *Time in which station must be placed in operation.* In those cases in which a license is issued initially in lieu of a construction permit, if the station authorized is not placed in operation within eight months from the date of grant, the authorization shall be invalid and must be returned to the Commission for cancellation.

§ 1.533 *Installation or removal of apparatus.* In the Public Safety, Industrial and Land Transportation Radio Services replacement of transmitting equipment may be made without prior authorization provided the replacement transmitters appear on the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

MANNER IN WHICH APPLICATIONS ARE PROCESSED

§ 1.541 *How applications are distributed.* Applications for radio station authorizations in the Safety and Special Service are forwarded through the Application Control Office to the appropriate Division for processing as follows:

(a) *Aviation Division.* Air carrier aircraft, private aircraft, airdrome control, aeronautical en route, aeronautical fixed, operational fixed (aviation), aeronautical utility mobile, radionavigation (aviation), flight test, flying school, aeronautical public service, Civil Air Patrol, aeronautical advisory, aeronautical metropolitan.

(b) *Industrial Division.* Power, petroleum, forest products, motion picture, relay press, special industrial, low power industrial, industrial radiolocation.

(c) *Land Transportation Division.* Motor carrier, railroad, taxicab, automobile emergency, highway truck, citizens.

(d) *Marine Division.* Coast stations, public coast station, limited coast stations, stations on land in the Maritime Radiolocation Service, fixed stations associated with the Maritime Mobile Service for maritime purposes, stations on shipboard in the Maritime Services.

(e) *Public Safety and Amateur Division.* Police, fire, forestry-conservation, highway maintenance, special emergency, state guard, amateur, disaster, races.

§ 1.542 *How file numbers are assigned.* (a) File numbers are assigned by Application Control to all applications and authorizations in the Safety and Special Radio Services with the exception of the following: Amateur Radio Service, RACES, Citizens Radio Service, all classes of ship stations including radiolocation, radionavigation and radar, the Disaster Communications Service, all classes of Aircraft, and Canadian Registrations (file numbers may be assigned to applications in these services if the application is routed outside of the division). A sample file number 13143–LX–P–K is made up of the following parts: 13143 is the serial number which is assigned in numerical sequence upon receipt of the application, LX is the service designator which, in this case, indicates the Taxicab Radio Service; the letter P indicates that the application is for a construction permit and the letter K indicates that the application was received during the fiscal year 1956.

(b) File Number Symbols and Service Designators.

AMATEUR AND DISASTER SERVICES

Y—Amateur.
D—Disaster.
R—Races.

AVIATION SERVICES

A—Aeronautical and fixed group.
AM—Aircraft group.
AA—Aviation auxiliary group.
AR—Aviation radionavigation land.
AC—Civil Air Patrol.

INDUSTRIAL SERVICES

IF—Forest products.
IR—Industrial radiolocation.
IL—Low power industrial.
IM—Motion picture.
IP—Petroleum.
IW—Power.
IY—Relay press.
IS—Special industrial.

LAND TRANSPORTATION SERVICES

LA—Automobile emergency.
LC—Citizens.
LI—Interurban passenger.
LJ—Interurban property.
LK—Highway truck.
LR—Railroad.
LX—Taxicab.
LU—Urban passenger.
LV—Urban property.

MARINE SERVICES

MK—Alaskan group.
M—Coastal group.
MA—Marine auxiliary group.
MR—Marine radiolocation land.
MS—Ship group.

PUBLIC SAFETY SERVICES

PF—Fire.
PO—Forestry conservation.
PH—Highway maintenance.
PP—Police.
P—Public safety (combined).
PS—Special emergency.
PG—State Guard.

(c) Types of Applications or Authorizations.

P—Construction Permit.
MP—Modified CP.
MP/L—Modified CP and License.
MP/ML—Modified CP and Modified License.
AP—Assignment of Permit.
L—License.
ML—Modified License.
AL—Assignment of License.
P/L—Combination CP and License.
R—Renewed License.
TC—Transfer of Control.

§ 1.543 *Frequency coordination, Canada.* As a result of mutual agreements the Commission has since May 1950, exchanged comments with the Canadian Department of Transport regarding proposed assignments in certain frequency bands for stations north of "Line A". Line A is described as follows: Begins at Aberdeen, Washington, running by great circle arc to the intersection of 48° N. and 120° W., thence along parallel 48° N. to the intersection of 95° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N. 85° W., thence southward along the meridian 85° W., to its intersection with parallel 41° N., thence along parallel 41° N. to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates.

The frequency bands are as follows:

Mc.	*Mc.*
30.56–32.00	42.00– 50.00
33.00–34.00	72.00– 74.60
35.00–36.00	75.40– 76.00
37.00–38.00	152.0 –162.00
39.00–40.00	450.0 –460.00

However, due to the nature of the service, proposed assignments on the following specific frequencies are not coordinated:

Mc.	*Mc.*
35.10	156.8
35.14	156.9
35.18	157.0
156.3	157.1
156.4	157.2
156.5	157.3
156.6	157.4
156.7	

§ 1.544 *Shared use of broadcast antenna structure.* Applicants who propose to share the use of an antenna structure used by a standard, FM or TV broadcast station shall submit the fol-

lowing information as a part of the application:

(a) A letter of consent from the broadcast station licensee or permittee.

(b) A scale sketch of the antenna system showing the position of the proposed antenna on the tower structure and its relation to any required obstruction lights and other antennas on the tower.

(c) A diagram which will clearly indicate the proposed method of mounting the transmission feed lines and how these lines will bridge antenna base insulators if employed by the broadcast station.

§ 1.545 *Defective applications.* (a) Applications which are incomplete with respect to completeness of answers, supplementary statements, execution or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects.

(b) Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant, e. g., aliens under section 310 of the Communications Act.

(2) Proposed use or purpose of station would be unlawful.

(3) Requested frequency is not allocated for assignment for the service proposed.

(4) Applicant is not eligible for authorization in the service proposed.

(c) Applications which are not in accordance with Commission's rules, regulations or other requirements will be considered defective and may be dismissed unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request of the applicant for waiver of, or exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Applications may be dismissed, if the accompanying petition for waiver or amendment of rules does not set forth reasons which, sufficient if true, would justify a waiver or change of the rules.

(d) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective and such application may be dismissed.

§ 1.546 *How applications are processed.* (a) Applications are processed in sequence according to date of filing. Applications which are in accordance with the Commission's rules and regulations and established policies may be processed to completion in accordance with the applicable delegations of authority as set forth in Part 0 of the Commission's statement of organization, delegations of authority and other information.

(b) Applications are presented to the Commission in cases (1) where applicant requests reconsideration of action taken by the staff under such delegations of authority, (2) requests are made for waiver of, or exception to, a rule for a period in excess of 90 days, and (3) applicant files a reply to a letter sent pursuant to section 309 (b) of the Communications Act.

§ 1.547 *Grants without a hearing.* Where an application for radio facilities is proper upon its face and where it appears from an examination of the application and supporting data that (a) the applicant is legally, technically, and financially qualified; (b) a grant of the application would not involve modification, revocation, or non-renewal of any existing license or outstanding construction permit; (c) a grant of the application would not preclude the grant of any mutually exclusive application; and (d) a grant of the application would be in the public interest, the Commission will grant the application without a hearing.

§ 1.548 *Designation for hearing.* Applications which are returned to applicants as defective because of incompleteness of answers, inadequacy of data, or questions of eligibility will be accompanied by a brief statement advising applicant of the defects in such application. If, upon the resubmission of such application, the Commission is still unable to make a determination that the public interest, convenience or necessity will be served by a grant of such application, the applicant will be advised by letter pursuant to the provisions of section 309 (b) of the act as to the grounds and reasons for its inability to make such findings and of all the objections made to such application. Following such notice, the applicant will be given an opportunity to reply. If the Commission, after considering such reply, should still be unable to determine that a grant without hearing would be in the public interest, convenience or necessity it will formally designate the application for hearing upon the issues then obtaining and will notify the applicant and all other known parties in interest of such action. Parties in interest, if any, who are not notified by the Commission of its action with respect to a particular application may acquire the status of a party to the proceeding therein by filing a petition for intervention showing the basis of their interest at any time not less than ten days prior to the date of hearing. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate but in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues, shall be upon the applicant.

§ 1.549 *Resubmitted applications.* Any application which has been returned to the applicant for correction will be processed in original order of receipt when resubmitted if it is received within 30 days (45 days outside continental United States) from the date on which it was returned to the applicant. If the application is not resubmitted within the prescribed time it will be treated as a new application and considered at the time other applications received on the same date are considered.

Reports To Be Filed With the Commission

§ 1.561 *Reports, annual and semi-annual.* (a) Licensees of stations authorized for developmental operation shall submit a report on the results of the developmental program. The report shall be filed with and made a part of each application for renewal of authorization.

(b) The report shall include comprehensive and detailed information on the following:

(1) The final objective.
(2) Results of operation to date.
(3) Analysis of the results obtained.
(4) Copies of any published reports.
(5) Need for continuation of the program.
(6) Number of hours of operation on each frequency.

(c) Licensees who have entered into agreements with other persons for the cooperative use of radio station facilities must submit an audited financial statement reflecting the non-profit cost-sharing nature of the arrangement annually to the Commission's offices in Washington, D. C., no later than three months after the close of the licensee's fiscal year.

(d) Licensees of stations in the Special Industrial Radio Service who are authorized to transmit non-safety communications between base stations in accordance with § 11.513 (c) (1) or (2) of this chapter must maintain for each base station involved, a record with respect to all communications with other base stations. These records must show the call signs and locations of the base stations; the dates, times and durations of the transmissions; and detailed explanations of the circumstances necessitating the transmissions. There must be filed with the Commission a photocopy of each of the above records on or before April 15 and November 15 of each year for the six-month periods ending, respectively, on March 31 and October 31 of each year.

Forfeitures Against Ships and Ship Masters

§ 1.581 *Forfeitures against ships and ship masters.* (a) Whenever information is received indicating that reasonable grounds exist to support a suit for collection of forfeitures provided by Sec. 364 of the Communications Act of 1934, as amended, the owner of the ship and the master will be notified of apparent liability for forfeitures. The notification will specify dates, places and the nature of the alleged violations or irregularities, and will advise the parties of the Commission's authority under section 504 (b) of the act to remit or mitigate such forfeitures upon application therefor. Applications for mitigation or remission may be filed within thirty (30) days from the date of receipt of the notification letter, or within such extended time as may for good cause be granted. The application must be in duplicate but need not follow any special form. After a review of the case in the light of all the information available, including the information and arguments presented in the application, the applicant will be notified of the determination, which may be either remission of the entire amount, an offer of mitigation of the forfeiture to the extent which appears warranted under the circumstances, or denial of any relief.

(b) Acceptance of an offer of mitigation may be accomplished through payment, within thirty (30) days from the date of receipt of the notification, of the amount specified therein by check or similar means drawn to the order of the Treasurer of the United States and mailed to the Commission.

(c) In lieu of acceptance of an offer of mitigation, or in the event of denial of relief, application may be made within thirty (30) days from the date of receipt of the notification for review by the Commission as provided in section 5 (d) (2) of the act. The application should set forth the reasons for applicant's belief that the original action on his application should be modified. It may include a statement of any material facts that may have been omitted from the original application for relief. If the Commission grants the application for review, it may affirm, modify or set aside the previous action, or direct any further proceedings that appear necessary and in the public interest.

(d) If the applicant fails to take any action in respect to a notification of apparent liability for forfeiture or an offer of mitigation or a notification of denial of relief, the case may be referred by the Commission to the Attorney General of the United States for appropriate civil action to recover the forfeiture in accordance with the provisions of section 504 (a) of the act.

APPENDIX—A PLAN OF COOPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Section 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said act. Subsection (a) authorizes the reference of any matter arising in the administration of said act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceedings or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

It is understood that each commission, whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of cooperative procedure, which was jointly prepared by the Association's standing Committee on Cooperation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of cooperative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDING

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier, the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the cooperative provisions of the act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commission, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such cooperation will be by joint conference or by reference to a joint board appointed under said section 410 (a), and, as hereinafter provided, when such cooperation will be by a joint hearing under said section 410 (b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

PROCEDURE GOVERNING MATTERS REFERRED TO A BOARD

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed, in accordance with the provisions of the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, shall determine that a joint hearing under said Sec. 410 (b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the general solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than eight States are within the territory affected by the proceeding, the State commissions interested, are invited to name Cooperating Commissioners to sit with the Federal Commission for the hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting cooperation, if not more than eight States are involved, the general solicitor shall at once advise the State commissions of said States, they being represented in the membership of the association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will cooperate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the general solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding cooperative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than eight States are interested in the proceeding, because within territory for which rates will be under consideration therein, the general solicitor shall advise the president of the association that the association is invited to name a cooperating committee of State commissioners rep-

(except in the case of a ship or amateur station), application shall be filed for consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the forgoing interests under the laws of the place having jurisdiction over the estate involved. The procedure and [illegible] be followed are the same as those specified in paragraph (b) (1) of this section. In the case of stations in the Amateur, Aviation (aircraft), Citizens, and Maritime (ship) Radio Services, [illegible] renewal of the basic amateur radio station license. Application for renewal of Civil Air Patrol radio station authorization shall be submitted on FCC Form 480.

§ 1.527 *Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.* (a) Applications for ship radio inspection and certification of the ship radio license in accordance with the requirements of section 361 (b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention;

(b) Application for a Safety Convention certificate in accordance with the terms of Regulations 11 and 12, Chapter I, of the Safety Convention;

(c) Application for periodical survey as required by Article 11 of the Great Lakes Agreement and certification prescribed by Article 12 thereof.

§ 1.530 *Procedure with respect to amateur radio operator licenses.* After an application for an amateur radio license, pursuant to the requirements of section 361 (b) of the Communications Act;

of emission and does not exceed the power limitations as set forth in the station authorization.

MANNER IN WHICH APPLICATIONS ARE PROCESSED

§ 1.541 *How applications are distributed.* Applications for radio station authorizations in the Safety and Special Service are forwarded through the Application Control Office to the appropriate Division for processing as follows:

(a) *Aviation Division.* Air carrier aircraft, private aircraft, airdrome control, aeronautical en route, aeronautical fixed,

IF—Forest products.
IR—Industrial radiolocation.
IL—Low power industrial.
IM—Motion picture.
IP—Petroleum.
IW—Power.
IY—Relay press.
IS—Special industrial.

LAND TRANSPORTATION SERVICES

LA—Automobile emergency.
LC—Citizens.
LI—Interurban passenger.
LJ—Interurban property.
LK—Highway truck.
LR—Railroad.

Mc.	Mc.
35.10	156.8
35.14	156.9
35.18	157.0
156.3	157.1
156.4	157.2
156.5	157.3
156.6	157.4
156.7	

§ 1.544 *Shared use of broadcast antenna structure.* Applicants who propose to share the use of an antenna structure used by a standard, FM or TV broadcast station shall submit the fol-

lowing information as a part of the application:

(a) A letter of consent from the broadcast station licensee or permittee.

(b) A scale sketch of the antenna system showing the position of the proposed antenna on the tower structure and its relation to any required obstruction lights and other antennas on the tower.

(c) A diagram which will clearly indicate the proposed method of mounting the transmission feed lines and how these lines will bridge antenna base insulators if employed by the broadcast station.

§ 1.545 *Defective applications.* (a) Applications which are incomplete with respect to completeness of answers, supplementary statements, execution or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects.

(b) Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant, e. g., aliens under section 310 of the Communications Act.

(2) Proposed use or purpose of station would be unlawful.

(3) Requested frequency is not allocated for assignment for the service proposed.

(4) Applicant is not eligible for authorization in the service proposed.

(c) Applications which are not in accordance with Commission's rules, regulations or other requirements will be considered defective and may be dismissed unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request of the applicant for waiver of, or exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Applications may be dismissed, if the accompanying petition for waiver or amendment of rules does not set forth reasons which, sufficient if true, would justify a waiver or change of the rules.

(d) If an applicant is requested by the Commission to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective and such application may be dismissed.

§ 1.546 *How applications are processed.* (a) Applications are processed in sequence according to date of filing. Applications which are in accordance with the Commission's rules and regulations and established policies may be processed to completion in accordance with the applicable delegations of authority as set forth in Part O of the Commission's statement of organization, delegations of authority and other information.

(b) Applications are presented to the Commission in cases (1) where applicant requests reconsideration of action taken by the staff under such delegations of authority, (2) requests are made for waiver of, or exception to, a rule for a period in excess of 90 days, and (3) applicant files a reply to a letter sent pursuant to section 309 (b) of the Communications Act.

§ 1.547 *Grants without a hearing.* Where an application for radio facilities is proper upon its face and where it appears from an examination of the application and supporting data that (a) the applicant is legally, technically, and financially qualified; (b) a grant of the application would not involve modification, revocation, or non-renewal of any existing license or outstanding construction permit; (c) a grant of the application would not preclude the grant of any mutually exclusive application; and (d) a grant of the application would be in the public interest, the Commission will grant the application without a hearing.

§ 1.548 *Designation for hearing.* Applications which are returned to applicants as defective because of incompleteness of answers, inadequacy of data, or questions of eligibility will be accompanied by a brief statement advising applicant of the defects in such application. If, upon the resubmission of such application, the Commission is still unable to make a determination that the public interest, convenience or necessity will be served by a grant of such application, the applicant will be advised by letter pursuant to the provisions of section 309 (b) of the act as to the grounds and reasons for its inability to make such findings and of all the objections made to such application. Following such notice, the applicant will be given an opportunity to reply. If the Commission, after considering such reply, should still be unable to determine that a grant without hearing would be in the public interest, convenience or necessity it will formally designate the application for hearing upon the issues then obtaining and will notify the applicant and all other known parties in interest of such action. Parties in interest, if any, who are not notified by the Commission of its action with respect to a particular application may acquire the status of a party to the proceeding therein by filing a petition for intervention showing the basis of their interest at any time not less than ten days prior to the date of hearing. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate but in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues, shall be upon the applicant.

§ 1.549 *Resubmitted applications.* Any application which has been returned to the applicant for correction will be processed in original order of receipt when resubmitted if it is received within 30 days (45 days outside continental United States) from the date on which it was returned to the applicant. If the application is not resubmitted within the prescribed time it will be treated as a new application and considered at the time other applications received on the same date are considered.

REPORTS TO BE FILED WITH THE COMMISSION

§ 1.561 *Reports, annual and semi-annual.* (a) Licensees of stations authorized for developmental operation shall submit a report on the results of the developmental program. The report shall be filed with and made a part of each application for renewal of authorization.

(b) The report shall include comprehensive and detailed information on the following:

(1) The final objective.
(2) Results of operation to date.
(3) Analysis of the results obtained.
(4) Copies of any published reports.
(5) Need for continuation of the program.
(6) Number of hours of operation on each frequency.

(c) Licensees who have entered into agreements with other persons for the cooperative use of radio station facilities must submit an audited financial statement reflecting the non-profit cost-sharing nature of the arrangement annually to the Commission's offices in Washington, D. C., no later than three months after the close of the licensee's fiscal year.

(d) Licensees of stations in the Special Industrial Radio Service who are authorized to transmit non-safety communications between base stations in accordance with § 11.513 (c) (1) or (2) of this chapter must maintain for each base station involved, a record with respect to all communications with other base stations. These records must show the call signs and locations of the base stations; the dates, times and durations of the transmissions; and detailed explanations of the circumstances necessitating the transmissions. There must be filed with the Commission a photocopy of each of the above records on or before April 15 and November 15 of each year for the six-month periods ending, respectively, on March 31 and October 31 of each year.

FORFEITURES AGAINST SHIPS AND SHIP MASTERS

§ 1.581 *Forfeitures against ships and ship masters.* (a) Whenever information is received indicating that reasonable grounds exist to support a suit for collection of forfeitures provided by Sec. 364 of the Communications Act of 1934, as amended, the owner of the ship and the master will be notified of apparent liability for forfeitures. The notification will specify dates, places and the nature of the alleged violations or irregularities, and will advise the parties of the Commission's authority under section 504 (b) of the act to remit or mitigate such forfeitures upon application therefor. Applications for mitigation or remission may be filed within thirty (30) days from the date of receipt of the notification letter, or within such extended time as may for good cause be granted. The application must be in duplicate but need not follow any special form. After a review of the case in the light of all the information available, including the information and arguments presented in the application, the applicant will be

notified of the determination, which may be either remission of the entire amount, an offer of mitigation of the forfeiture to the extent which appears warranted under the circumstances, or denial of any relief.

(b) Acceptance of an offer of mitigation may be accomplished through payment, within thirty (30) days from the date of receipt of the notification, of the amount specified therein by check or similar means drawn to the order of the Treasurer of the United States and mailed to the Commission.

(c) In lieu of acceptance of an offer of mitigation, or in the event of denial of relief, application may be made within thirty (30) days from the date of receipt of the notification for review by the Commission as provided in section 5 (d) (2) of the act. The application should set forth the reasons for applicant's belief that the original action on his application should be modified. It may include a statement of any material facts that may have been omitted from the original application for relief. If the Commission grants the application for review, it may affirm, modify or set aside the previous action, or direct any further proceedings that appear necessary and in the public interest.

(d) If the applicant fails to take any action in respect to a notification of apparent liability for forfeiture or an offer of mitigation or a notification of denial of relief, the case may be referred by the Commission to the Attorney General of the United States for appropriate civil action to recover the forfeiture in accordance with the provisions of section 504 (a) of the act.

APPENDIX—A PLAN OF COOPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938.)

PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Section 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said act. Subsection (a) authorizes the reference of any matter arising in the administration of said act to a board to be composed of a member or members from each of the States in which the wire or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceedings or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

It is understood that each commission, whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of cooperative procedure, which was jointly prepared by the Association's standing Committee on Cooperation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of cooperative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDING

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier, the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the cooperative provisions of the act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commission, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such cooperation will be by joint conference or by reference to a joint board appointed under said section 410 (a), and, as hereinafter provided, when such cooperation will be by a joint hearing under said section 410 (b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

PROCEDURE GOVERNING MATTERS REFERRED TO A BOARD

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed, in accordance with the provisions of the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, shall determine that a joint hearing under said Sec. 410 (b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the general solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than eight States are within the territory affected by the proceeding, the State commissions interested, are invited to name Cooperating Commissioners to sit with the Federal Commission for the hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting cooperation, if not more than eight States are involved, the general solicitor shall at once advise the State commissions of said States, they being represented in the membership of the association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will cooperate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the general solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding cooperative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than eight States are interested in the proceeding, because within territory for which rates will be under consideration therein, the general solicitor shall advise the president of the association that the association is invited to name a cooperating committee of State commissioners rep-

resenting the States interested in said proceeding.

The president of the association shall thereupon advise the general solicitor in writing (1) whether the invitation is accepted on behalf of the association, and (2) the names of commissioners selected to sit as a cooperating committee. The president of the association shall have authority to accept or to decline said invitation for the association, and to determine the number of commissioners who shall be named on the cooperating committee, provided that his action shall be concurred in by the chairman of the association's executive committee. In the event of any failure of the president of the association and chairman of its executive committee to agree, the second vice president of the association (or the chairman of its committee on cooperation between State and Federal commissions, if there shall be no second vice president) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than eight States, is pending before the Federal Commission, in which cooperation has not been invited by that Commission, which the association's president and the first and second vice presidents, or any two of them, consider should be made a cooperating proceeding, they may instruct the general solicitor to suggest to the Federal Commission that the proceeding be made a cooperative proceeding; and any State commission considering that said proceeding should be made cooperative may request the president of the association or the chairman of its executive committee to make such suggestion after consideration with the executive officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the president of the association shall have the same authority to proceed, and shall proceed in the appointment of a cooperating committee, as is provided in other cases involving more than eight States, wherein the Federal Commission has invited cooperation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving eight States or less, which a commission of any of said States considers should be made cooperative, such commission, either directly or through the general solicitor of the association, may suggest to the Federal Commission that the proceeding be made cooperative. If said Federal Commission accedes to such suggestion, it will notify the general solicitor of the association to that effect and thereupon the general solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF COOPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any cooperating committee, the president of the association shall make appointments only from commissions of the States interested in the particular proceeding in which the committee is to serve. He shall exercise his best judgment to select cooperating commissioners who are especially qualified to serve upon cooperating committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a cooperating committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the committee is to serve, including the arguments therein, and the cooperative conferences, which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF COOPERATORS

(a) No State commissioner shall sit in a cooperative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving eight States or less, or has been selected by the president of the association to sit in a case involving more than eight States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a cooperating committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening, provided that he shall continue to be a State commissioner.

(c) No member of a cooperating committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any cooperating committee, in a proceeding involving more than eight States, by reason of the death of any cooperating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the president of the association to fill the vacancy by appointment, if, after communication with the chairman of the cooperating committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a cooperating committee involving not more than eight States, the vacancy shall be filled by the commission from which the vacancy occurs.

COOPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OR STATEMENT OF ITS ATTITUDE

(a) Whenever a cooperating committee shall have concluded its work or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the secretary of the association, or through the general solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or nonconcurrence of said cooperating committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and cooperation as hereinbefore provided because of nonmembership in the association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such association shall be conducted by the Federal Commission directly with the chairman of the commission of such State or States.

CROSS REFERENCES

SUBPART A

New section	*derived from old section*
1.10	1.727, 1.801.
1.11	1.721 and 1.727.
1.12	New.
1.13	1.730.
1.14	1.768.
1.15	1.701.
1.16	1.726 (c).
1.17	1.728.
1.18	1.703.
1.21	1.711.
1.22	1.712.
1.23	1.713.
1.24	1.714.
1.25	1.715.
1.41	1.741, 1.742, 1.743 (a), 1.744 (a), (b).
1.42	1.748.
1.43	1.745.
1.44	1.746.
1.45	1.747.
1.46	1.749.
1.47	1.750.
1.50	1.727 (a), 1.761.
1.51	1.751.
1.52	1.762.
1.53	1.763.
1.54	1.764.
1.55	1.765.
1.56	1.767.
1.61	1.401.
1.62	1.402, 1.509.
1.63	1.403.
1.64	1.383.
1.65	1.384.
1.66	New.
1.67	1.377.
1.68	(Reserved).
1.69	1.329.
1.70	1.329 (c).
1.71	1.375.
1.72	1.404.
1.73	1.332 (c).
1.74	New.
1.75	New.

SUBPART B

New section	*derived from old section*
1.101	New.
1.102	1.802.
1.103	1.803.
1.104	1.388, 1.722.
1.105	1.723.
1.106	1.724.
1.107	1.386.
1.111	1.813.
1.112	1.812.
1.113	1.811.
1.121	New.
1.122	1.821 (a).
1.123	1.821 (b).
1.124	1.822 (a).
1.125	1.822 (b).
1.126	1.823.
1.127	1.824.
1.128	1.825 (c), 1.826.
1.129	1.822, 1.825 (b), (c).
1.131	1.831.
1.132	1.832.
1.133	1.833.
1.134	1.834.
1.135	New.
1.140	1.387, 1.716.
1.141	1.389, 1.725, 1.726.
1.142	1.842.
1.143	1.843.
1.144	1.844.
1.145	1.845.
1.146	1.846.
1.147	1.847.
1.148	1.848.
1.149	1.849.
1.150	1.850.
1.151	1.851.
1.152	1.852.
1.153	1.853.
1.154	1.854.
1.155	1.855.
1.156	1.856.
1.157	1.857.
1.158	1.859.
1.171	1.871.
1.172	1.872.
1.173	1.873.
1.174	1.874.
1.175	1.875.

New section	*derived from old section*
1.176	1.876.
1.177	1.877.
1.178	1.878.
1.179	1.879.
1.180	1.880.
1.181	1.881.
1.182	New.
1.191	1.891.
1.192	1.892, 1.726 (b).
1.193	1.893.
1.194	1.894.
1.195	1.895.
1.196	New.
1.197	New.

SUBPART C

1.201–1.205	New.
1.211–1.222	New.

SUBPART D

New section	*derived from old section*
1.300	New.
1.301	1.301.
1.302	1.302.
1.303	1.303, 1.307.
1.304	1.304, 1.305, 1.306, 1.308.
1.305	1.304.
1.306	1.361 (d), 1.371.
1.307	1.361.
1.308	1.362.
1.309	1.363.
1.310	1.364.
1.311	1.365.
1.312	1.366, 1.381.
1.313	1.314 (a).
1.321	1.332.
1.322	1.309 (b), 1.311, 1.313.
1.323	1.314.
1.324	1.309 (a).
1.325	1.317.
1.326	1.318.
1.327	1.319.
1.328	1.320.
1.329	1.321.
1.330	1.323.
1.331	1.324.
1.332	1.325.
1.333	1.326.
1.334	1.327.
1.335	1.328.
1.336	1.334.
1.337	1.332 (d).
1.341	1.341.
1.342	1.342.
1.343	1.343.
1.351	Footnote 10b.
1.352	Footnote 1.
1.353	1.372.
1.354	1.373.
1.355	1.378.
1.356	1.379.
1.357	1.374.
1.361	1.382.
1.362	1.385.
1.363	1.841.
1.364	1.390.
1.365	1.391.

SUBPART E—COMPLAINTS, APPLICATIONS, TARIFFS AND REPORTS INVOLVING COMMON CARRIERS

New section	*derived from old section*
1.401	1.591.
1.402	New.
1.411	1.571.
1.412	New.
1.413	New.
1.416	1.572.
1.417	1.573.
1.418	1.574.
1.421	1.575.
1.422	1.576.
1.423	1.580.
1.424	1.578.
1.425	1.578 (partially).
1.426	1.582, 1.583.
1.427	1.581.
1.428	1.584, 1.586.
1.429	1.587.
1.430	1.577 (partially).
1.431	1.588, 1.589.
1.432	1.589.
1.433	New.
1.434	New.
1.435	New.
1.436	New.
1.437	New.
1.438	New.
1.440	New.
1.441	1.521.
1.442	1.501.
1.443	1.504, 1.505, 1.507 (partially).
1.444	1.503.
1.445	1.506.
1.446	1.510.
1.447	1.507, 1.508.
1.448	Partially from 1.524, 1.525 1.526.
1.449	New.
1.450	1.524.
1.451	1.525.
1.452	1.526.
1.453	1.527.
1.454	1.528.
1.455	Appendix 1.
1.461	1.541.
1.462	1.523.
1.463	1.590.
1.468	1.522 (partially).
1.469	1.543.
1.471	1.544.
1.472	1.545.
1.473	1.551.
1.474	1.553.
1.475	1.554.
1.476	1.557 (partially).
1.477	1.547.
1.478	1.548.
1.479	1.549.
1.480	1.550.
1.483	1.347, 1.555.
1.484	1.558 (partially).
1.485	New.
1.486	1.560.
1.487	1.346, 1.557 (partially).
1.490	New.
1.491	1.552.
1.492	1.556.
1.493	New.

SUBPART F

New section	*derived from old section*
1.501	1.301.
1.502	New.
1.503	1.303 and 1.307.
1.504	1.305.
1.505	1.306, 1.307, 1.308, 1.365.
1.506	1.366, 1.381.
1.521	1.312, 1.315, 1.317.
1.522	1.310, 1.312, 1.317, 1.318, 1.319.
1.523	1.333.
1.524	1.322, 1.323.
1.525	1.324.
1.526	1.320.
1.527	1.330.
1.528	1.331.
1.529	1.376.
1.530	1.375.
1.531	1.314.
1.532	New.
1.533	1.313.
1.541	New.
1.542	New.
1.543	New.
1.544	New.
1.545	1.361.
1.546	New.
1.547	1.382.
1.548	New.
1.549	1.385.
1.561	New.
1.581	1.410.

APPENDIX

Appendix Appendix 2.

[F. R. Doc. 56-8328; Filed, Oct. 17, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

ZIM ISRAEL NAVIGATION CO., LTD., ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8147, between Zim Israel Navigation Co., Ltd., Israel America Line Ltd., M. Dizengoff & Co. (Shipping) 1949, Ltd., and M. Dizengoff & Co. (Navigation) 1951 Ltd., provides for the establishment and maintenance of a joint cargo service under the trade name "Zim, Israel America Lines" in the trade between United States and Canadian Pacific and Atlantic and United States and Mexican Gulf ports, on the one hand, and ports on the Mediterranean and Portuguese and Spanish ports and all ports in Israel, on the other hand. Agreement No. 8147, upon approval, will supersede and cancel present joint service Agreement No. 7919, between the same parties in the same trade.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 15, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-8400; Filed, Oct. 17, 1956; 8:52 a. m.]

LUSK SHIPPING CO. AND CALDWELL & CO., INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8159 between Lusk Shipping Company, New Orleans, Louisiana and Caldwell & Company, Inc., New York, New York, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 15, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-8401; Filed, Oct. 17, 1956; 8:52 a. m.]

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE AND FERN-VILLE FAR EAST LINES

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 57-63, between the member lines of the Pacific Westbound Conference and the twelve (12) Norwegian carriers comprising the new Fern-Ville Far East Lines joint service, is a new associate membership agreement of that line which will supersede and cancel associate membership Agreement No. 57-31, between the conference members and ten (10) Norwegian carriers presently comprising that joint service. As an associate member, Fern-Ville Far East Lines will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in conference affairs; will be permitted to participate in conference contracts with shippers; and will be exempt from posting of the usual surety bond.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 15, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-8402; Filed, Oct. 17, 1956; 8:52 a. m.]

ENCINAL TERMINALS AND MATCINAL CORP.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8095-A-1, between Encinal Terminals and Matcinal Corporation, is a supplemental agreement for the purpose of making the terms and conditions with respect to the extension of the term of Agreement No. 8095, as provided in Agreement No. 8095-1, between the City of Oakland and Encinal, applicable to Agreement No. 8095-A.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 15, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-8403; Filed, Oct. 17, 1956; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 10, 1956.

The Forest Service, U. S. Department of Agriculture has filed an application, Serial No. Sacramento 051526, for the withdrawal of the lands described below, from all forms of appropriation including the General Mining Laws.

The applicant desires the land for use as the Camp Antelope Administrative Site in administration of the Toiyabe National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 23 E.,
Section 22, SE¼NW¼, NE¼SW¼.

The area described contains 80 acres of public land.

[SEAL] R. R. BEST, *State Supervisor.*

[F. R. Doc. 56-8365; Filed, Oct. 17, 1956; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 9, 1956.

The Forest Service, U. S. Department of Agriculture has filed an application, Serial No. Sacramento 047165, for the withdrawal of the lands described below, from all forms of appropriation including the General Mining Laws.

The applicant desires the land for an administrative site to erect a fire-guard station for the Toiyabe National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 22 E.,
Section 11, SW¼NE¼.

The area described contains 40 acres of public land.

[SEAL] R. R. BEST, *State Supervisor.*

[F. R. Doc. 56-8366; Filed, Oct. 17, 1956; 8:46 a. m.]

GROUP 285, ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 11, 1956.

Notice is given that the plats of survey accepted May 2, 1956 of T. 8 N., R. 17 W., T. 6 N., R. 18 W., T. 8 N., R. 19 W., T. 9 N., R. 17 W., T. 9 N., R. 18 W., and T. 9 N., R. 19 W., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 8 N., R. 17 W.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2; All Secs. 16, 32 and 36.

T. 8 N., R. 18 W.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 1;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 3;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 4;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 5;
Lots 1, 2, 3, 4, 5, 6, 7, SE¼ NW¼, S½NE¼, E½SW¼, SE¼, (All), Sec. 6;
Lots 1, 2, 3, 4, E½W½, E½, (All), Sec. 7;
Lots 1, 2, 3, 4, E½W½, E½, (All), Sec. 18;
Lots 1, 2, 3, 4, E½W½, E½, (All), Sec. 19;
Lots 1, 2, 3, 4, E½W½, E½, (All), Sec. 30;
Lots 1, 2, 3, 4, E½W½, E½, (All), Sec. 31;
All Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35 and 36.

T. 8 N., R. 19 W.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 1;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 3;
Lots 6, 7 and 8, Sec. 4;
Lots 4, 5, 6, 7, SW¼SE¼, E½E½, Sec. 9;
Lots 1, 2, 3, 4, E½SW¼, E½, Sec. 16;
Lots 5, 6, 7, Sec. 20;
Lots 4, 5, 6, 7, SW¼SE¼, E½E½, Sec. 29;
Lots 1, 2, 3, 4, E½SW¼, E½, Sec. 32;
All Secs. 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36;
Lot 1, SW¼NW¼, E½NW¼, SW¼, E½, Sec. 21.

T. 9 N., R. 17 W.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2; All Secs. 16, 32 and 36.

T. 9 N., R. 18 W.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2; All Secs. 16, 32 and 36.

T. 9 N., R. 19 W.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 1;
Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼; E½SW¼, SE¼, Sec. 2, Lot 7, Sec. 3;
Lots 3, 4, 5, 6, NE¼NW¼, E½, Sec. 11;
Lots 5, 6, 7, 8, E½, Sec. 14, Lot 5, Sec. 22;
Lots 2, 3, 4, SW¼SW¼, E½W½, E½, Sec. 23;
Lots 5, 6, 7, 8, E½SE¼, Sec. 27;
Lots 5, 6, 7, 8, SW¼NE¼, E½NE¼, SE¼, Sec. 34;
All Secs. 12, 13, 24, 25, 26, 35 and 36.

Within the above-described areas are 49,096.26 acres.

Available data indicates the land in T. 8 N., R. 17 W. consists of gravel flats and ridges, with sandy and rocky soil; and T. 8 N., R. 18 W. consists of low rolling sand dunes with sandy clay. The land in T. 8 N., R. 19 W. is composed of rolling gravel ridges, with sandy clay and gravel. T. 9 N., R. 17 W. is made up of sand dunes with some gravel flats, and the soil is sandy clay and rocky loam, except that Section 2 is mountainous with rocky soil. Section 2, T. 9 N., R. 18 W. is composed of high rocky ridges and peaks, and the soil is rocky loam, while Sections 16, 32 and 36 are made up of sand dunes, and gravel flats, with sandy clay soil. T. 9 N., R. 19 W. is composed of low rolling sand dunes with sandy clay soil, except the central portion which is mountainous with rocky clay soil.

Subject to valid existing rights, the State's title attached to the following lands upon the acceptance of the plats of survey:

Lots 1, 2, 3, 4, S½N½, S½ (All), Sec. 2, and All Secs. 16 and 36, T. 8 N., R. 17 W., W½SW¼, SE¼SW¼, and SW¼SE¼, Sec. 32, NE¼, N½SW¼, and the SW¼SW¼, Sec. 36, T. 8 N., R. 18 W., S½S½, and NE¼SE¼, Sec. 2, T. 8 N., R. 19 W., and 13.80 acres in the N½N½, Sec. 2, T. 9 N., R. 19 W.

The S½SE¼, Sec. 36, T. 8 N., R. 18 W. is patented land.

The SE¼NW¼, W½NE¼SW¼, and E½NW¼SW¼, Sec. 29, T. 8 N., R. 19 W. are in Material Site right-of-way, Arizona 09718, of the Arizona Public Service Company, approved October 19, 1955. These lands are not subject to application under the Small Tract Act of June 1, 1938.

The lands described above which are not patented or to which the State's title does not attach shall be subject to application by the State of Arizona for a period of sixty days from November 16, 1956, the date of official filing of the plats of survey, and these lands shall be reserved from any adverse appropriation, by settlement or otherwise except under rights that may be found to exist of prior inception, during this period.

No applications for the remainder of these lands, namely, all of those lands listed above to which the State's title will not attach, and which are not patented, may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on January 16, 1957 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 17, 1957, will be governed by the time of filing.

All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 17, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, U. S. Land Office, Bureau of Land Management, Phoenix, Arizona.

[SEAL] THOS. F. BRITT, *Manager.*

[F. R. Doc. 56-8367; Filed, Oct. 17, 1956; 8:46 a. m.]

[Nevada 044203]

NEVADA

ORDER PROVIDING FOR LIMITED OPENING OF PUBLIC LANDS

OCTOBER 11, 1956.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1272) as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976) the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 64 E.,
Sec. 7, S½SE¼ containing 80 acres more or less.

2. The lands are located approximately 3½ miles northwest of McGill, Nevada. An improved gravel road leaving U. S. Highway 50, 1 mile north of McGill gives an access to the land. The lands lie in Steptoe Valley approximately 6,000 feet elevation. The topography is level. Vegetation consists of greasewood, rabbitbrush, sage, Russian thistle and willows. Carrying capacity for livestock is low and no source of water originates on the land. Approximately 13 acres of alfalfa were grown on this land. The lands are without value for any mineral subject to Federal lease, and are determined to be nonmineral in character. The above-described lands have been classified for disposal by exchange.

3. Pursuant to authority delegated by Order 541 of the Director, Bureau of Land Management, approved April 24, 1954 the above-described lands are hereby restored. This restoration is made in furtherance of an exchange in which the land to be acquired by the government will benefit a federal program. Therefore, this restoration is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others.

4. This order to change the status of the above-described lands is effective immediately, and said lands are subject

to application for exchange under section 8 of the Taylor Grazing Act as follows:

a. Applicants must file, in duplicate, with the Manager, Nevada Land Office, P. O. Box 1551, Reno, Nevada, application form 4–728 filled out in compliance with the instructions on the form and accompanied by any showing or documents required by those instructions. Copies of the application form can be secured from the above-named official.

b. The application for exchange must benefit a federal land program.

5. Inquiries concerning these lands shall be addressed to the Manager, Nevada Land Office, P. O. Box 1551, Reno, Nevada.

[SEAL] JAMES E. KEOGH, JR.,
Manager.

[F. R. Doc. 56–8385; Filed, Oct. 17, 1956; 8:49 a. m.]

Office of the Secretary

[Order 2817]

DIRECTOR, FISH AND WILDLIFE SERVICE

FUNCTIONS WITH RESPECT TO FISHERIES LOAN FUND

OCTOBER 15, 1956.

SECTION 1. *Delegation.* (a) Except as provided in paragraph (b) of this section, the Director, Fish and Wildlife Service may exercise all of the authority conferred upon the Secretary of the Interior by section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1119, 1121), and may act as authorized representative of the Secretary under Part 160, Title 50, Code of Federal Regulations.

(b) The authority delegated in paragraph (a) of this section does not include authority to issue documents which amend the regulations appearing in Part 160, Title 50, Code of Federal Regulations, nor does it include authority to approve loans in excess of $50,000.

SEC. 2. *Redelegation.* The authority granted in section 1 of this order may not be redelegated.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56–8422; Filed, Oct. 17, 1956; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK, ACREAGE RESERVE PROGRAM

CONSENT TO GRAZING OF CERTAIN LAND DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 21 F. R. 5205, 21 F. R. 5685, 21 F. R. 5959, 21 F. R. 6879, 21 F. R. 7611 and 21 F. R. 7612, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

Missouri: Contry, Harrison, Mercer, and Putnam; September 27, 1956–December 31, 1956, inclusive.

Texas: Cochran, Gaines, Lamb, and Yoakum; October 2, 1956–December 31, 1956, inclusive.

(Sec. 124, Pub. Law 540, 84th Cong.)

Done at Washington, D. C., this 12th day of October 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56–8382; Filed, Oct. 17, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–10812]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 11, 1956.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on July 26, 1956, as amended August 6, 1956, and August 20, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes (1) to acquire by purchase from Mississippi Valley Gas Company (Gas Company) and Mississippi Power & Light Company (Mississippi) certain existing natural gas facilities and operate same after rearrangement of a part thereof and (2) remove and relocate certain of its existing natural gas facilities in connection therewith for the purpose of enabling Applicant to render direct interruptible natural gas service to Mississippi for industrial use as boiler fuel in Mississippi's Rex Brown Power Plant located near Jackson, Mississippi, in lieu of the present sale of natural gas by Applicant to Gas Company for resale to Mississippi for such use in said plant.

Specifically, Applicant seeks authorization to:

(1) Purchase from Mississippi at a depreciated original cost of approximately $44,155 a calorimeter, meter house and approximately 1.34 miles of 10-inch looped pipe line (2 parallel lines each approximately 0.67 mile in length) located at the aforesaid power plant near Jackson, Hinds County, Mississippi.

(2) Purchase from Gas Company at a depreciated original cost of approximately $42,027 approximately .54 miles of 16 inch pipe line and a sales meter station located near the aforesaid power plant.

(3) Rearrange the measuring station serving the aforesaid power plant at an estimated cost of $10,657.

(4) Remove Applicant's existing Jackson City Gate Meter Station No. 4 and construct a new Jackson City Gate Meter Station No. 4 at a point approximately .54 miles South of its present location at an estimated net cost of approximately $15,246.

The estimated total cost of the complete project is approximately $112,085 which will be financed by Applicant from cash on hand.

Applicant states that no new service is proposed; that Gas Company desires to be released from its contract obligations with Mississippi and that Mississippi is in agreement therewith; that the proposed direct sale by Applicant to Mississippi will permit uniformity of rates and contract conditions as between Mississippi and Applicant's other direct industrial customers in the area; that no present increase in Applicant's total sales of gas will result as Mississippi is presently receiving gas from Applicant's system and that service to Mississippi will be uninterrupted.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, November 15, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 31, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8369; Filed, Oct. 17, 1956; 8:46 a. m.]

[Docket No. G–11107]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 11, 1956.

Take notice that Tennessee Gas Transmission Company (Tennessee), a Delaware corporation, address Commerce Building, Houston, Texas, filed on September 19, 1956, an application in the above Docket No. G–11107, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas; also, it seeks permission and approval pursuant to section 7 (b) of the Natural Gas Act to abandon facilities, all as hereinafter described.

Tennessee proposes to increase the average daily capacity of its pipeline system by 456,408 Mcf over that proposed in the pending Docket Nos. G–9448 and G–9454. This increase will result in an average daily capacity of Tennessee's system of 2,471,701 Mcf and a peak day deliverability of 2,886,076 Mcf after giving consideration to the requested authorization in said Dockets G–9448 and G–9454. This proposed increased capacity is to be made available to certain existing customers under Tennessee's contract demand, general service and peaking service schedules and an average of 75,537 Mcf per day is to be used for storage development and miscellaneous adjustments. The facilities to be constructed will consist of 1,085 miles of pipeline, compression units aggregating 117,240 horsepower and an additional submerged pipeline crossing the Mississippi River near Greenville, Mississippi. The facilities to be retired consist of the compressor station (No. 110–1) located in the State of Kentucky, which was authorized in Docket No. G–911.

The estimated cost of the proposed facilities to be installed is $166,830,000 which will be financed by the issuance of Bonds, Debentures, Preferred and Second Preferred Stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8370; Filed, Oct. 17, 1956; 8:47 a. m.]

[Docket No. G–11202]

ATLANTIC REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On September 4, 1956 the Atlantic Refining Company (Applicant) submitted for filing proposed changes in its rate schedule presently in effect for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; Effective Date[1]

Notice of Change dated August 31, 1956; Texas Eastern Transmission Corporation; Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 1; November 1, 1956.

The increased rate and charge proposed in Supplement No. 6 has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge, and that Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 1, insofar as it pertains to the increase in rate, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rate and charge; and, pending such hearing and decision thereon, the above designated Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 1, insofar as it pertains to a proposed increase in rate, be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 10, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8371; Filed, Oct. 17, 1956; 8:47 a. m.]

[Docket No. G–5717]

TEXAS CO.

ORDER GRANTING MOTION AND SETTING DATE OF HEARING

On September 18, 1956, a public hearing was held In the Matter of Dirks Brothers, et al., in Docket No. G–2815, et al. Staff counsel made an oral motion at said hearing to sever the application of The Texas Company in Docket No. G–5717 from said consolidated proceedings and to continue said hearing at a future date. The Presiding Examiner certified said motion to the Commission.

The Commission finds: Good cause exists for the granting of Staff counsel's motion to sever Docket No. G–5717 and a hearing in said docket should be set for October 24, 1956, at 9:30 a. m., e. d. s. t.

The Commission orders: The matters at Docket No. G–5717 are hereby severed from the proceedings at Docket No. G–2815, et al., and a hearing thereon be held at 9:30 a. m., e. d. s. t., October 24, 1956, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Issued: October 12, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8372; Filed, Oct. 17, 1956; 8:47 a. m.]

[Docket No. G–9966]

NATURAL GAS PIPELINE COMPANY OF AMERICA

NOTICE OF SECOND AMENDED APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 11, 1956.

Take notice that Natural Gas Pipeline Company of America (Natural), a Delaware corporation, address 20 North Wacker Drive, Chicago 6, Illinois, filed on September 18, 1956, a second amendment to its application heretofore filed on February 14, 1956 and as amended on August 1, 1956, in the above Docket No. G–9966. Natural seeks a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the expansion of the capacity of its existing pipeline system and the sale of natural gas as hereinafter described.

Natural now proposes to increase the sales capacity of its existing system by 485,000 Mcf of natural gas per day, to render the service to the same markets as stated in its original and first amended application namely: Additional requirements of existing markets, new service to 14 towns in the State of Illinois proposed to be served by Illinois Power Company, 3 towns in the State of Iowa proposed to be served by Iowa Power and Light Company, and a municipal system in the City of Sigourney, Iowa. The facilities as now propsed to be constructed will consist of approximately 415.7 miles of 36-inch loop pipelines between its existing compressor station No. 106 near Beatrice, Nebraska and Joliet, Illinois, supercharging existing compressor stations and installation of additional compressor units and other appurtenant facilities. These facilities are to enable Natural to transport 460,000 Mcf to be received from Colorado Interstate Gas Company at Beatrice,

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant, if later.

Nebraska, and an additional volume of 25,000 Mcf from other sources south of Beatrice.

The estimated cost of the proposed facilities to be installed is $76,199,000 which tentatively is to be financed through the issuance of debt securities and common stock to The Peoples Gas Light and Coke Company.

The second amended application does not change the proposal that Natural become the sole seller of all gas to customers now served by Texas Illinois Natural Gas Pipeline Company, its affiliate.

This docket has heretofore been consolidated with the applications of Texas Illinois Natural Gas Pipeline Company, Docket No. G–10103, Colorado Interstate Gas Company, Docket Nos. G–10176, G–10844, Chicago District Pipeline Company, Docket No. G–10214, and Pacific Northwest Pipeline Corporation, Docket Nos. G–10455, G–10426, by Commission order issued September 14, 1956.

Additional protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 31, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8373; Filed, Oct. 17, 1956; 8:47 a. m.]

[Docket No. G–10176]

COLORADO INTERSTATE GAS CO.

NOTICE OF SECOND AMENDED APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 11, 1956.

Take notice that Colorado Interstate Gas Company (Colorado), a Delaware corporation, address Colorado Springs National Bank Building, Colorado Springs, Colorado, filed on September 18, 1956, a second amendment to its application heretofore filed on March 30, 1956, and as amended on May 18, 1956, in the above Docket No. G–10176. Colorado seeks a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of facilities for the expansion of the capacity of its existing pipeline system and the sale of natural gas; also it seeks permission and approval pursuant to section 7 (b) of the Natural Gas Act to abandon facilities, all as hereinafter described.

Colorado now proposes to transport and sell a maximum peak day volume of 460,000 Mcf of gas to Natural Gas Pipeline Company of America. This volume includes 60,000 Mcf presently being delivered at Hooker, Oklahoma, and the 25,000 Mcf contracted to be delivered from the Mocane Field, Oklahoma for which an application was heretofore filed in Docket No. G–10844 and as to which a notice of withdrawal has been filed on September 18, 1956. The facilities to be constructed will consist of 756 miles of transmission line, including loop lines, and a total of 60,980 horsepower compressor units are to be added. The facilities to be retired will consist of 87 miles of transmission lines and 27,115 horsepower of compressor units.

The estimated cost of the proposed facilities to be installed is $86,934,868, which is to be financed by the issuance of short term bank loans, bonds and preferred stock. This docket has heretofore been consolidated with the applications of Natural Gas Pipeline Company of America, Docket No. G–9966, Texas Illinois Natural Gas Pipeline Company, Docket No. G–10103, Colorado Interstate Gas Company, Docket No. G–10844, Chicago District Pipeline Company, Docket No. G–10214, and Pacific Northwest Pipeline Corporation, Docket Nos. G–10455 and G–10426, by Commission order issued September 14, 1956.

Additional protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 31, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8374; Filed, Oct. 17, 1956; 8:47 a. m.]

[Docket No. G–10793 etc.]

PHILLIPS PETROLEUM CO.

ORDER AMENDING ORDER SUSPENDING PROPOSED CHANGES IN RATES AND CONSOLIDATING PROCEEDINGS

In the matter of Phillips Petroleum Company, Docket No. G–10793. In the matters of Phillips Petroleum Company, Docket No. G–1148; Phillips Petroleum Company, Docket Nos. G–3175, G–4333, G–6621, G–7773, G–8623, G–8695, G–8883, G–10359.

Phillips Petroleum Company (Applicant), on June 25, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in Supplement No. 19 to Applicant's FPC Gas Rate Schedule No. 4.

By order issued herein on July 25, 1956, the Commission suspended the above-designated Supplement No. 19 to Applicant's FPC Gas Rate Schedule No. 4 and deferred the use thereof until December 26, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act. It appears that the rate change proposed by Applicant's above-designated filing results from the operation of a rate increase provision in Applicant's said rate schedule with Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin). It further appears that the related rate increase proposed by Michigan-Wisconsin in Docket No. G–10524 was suspended until November 15, 1956, by the order of the Commission issued in that docket on June 7, 1956.

The Commission finds: Good cause exists to amend the Order Suspending Proposed Changes In Rates and Consolidating Proceedings, issued herein on July 25, 1956, as hereinafter provided.

The Commission orders:

(A) Paragraph (A) of the said order issued herein on July 25, 1956, be and it is hereby amended to read as follows:

"(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), the above-designated Supplement No. 19 to Applicant's FPC Gas Rate Schedule No. 4 be and the same hereby is suspended and the use thereof deferred until November 15, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act."

(B) Except as hereinabove specifically amended, the said order of July 25, 1956, shall remain in full force and effect.

Issued: October 11, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8375; Filed, Oct. 17, 1956; 8:47 a. m.]

[Docket No. G–11217]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Phillips Petroleum Company (Applicant), on September 10, 1956, tendered for filing proposed changes in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates are contained in the following designated filings which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Description; and Effective Date [1]

Notice of change; El Paso Natural Gas Company; Supplement No. 19 to Applicant's FPC Gas Rate Schedule No. 32; October 11, 1956.

Notice of change; El Paso Natural Gas Company; Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 64; October 11, 1956.

Notice of change; El Paso Natural Gas Company; Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 243; October 11, 1956.

Notice of change; El Paso Natural Gas Company; Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 7; October 11, 1956.

Notice of change; El Paso Natural Gas Company; Supplement No. 11 to Applicant's FPC Gas Rate Schedule No. 9; October 11, 1956.

Notice of change; El Paso Natural Gas Company; Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 33; October 11, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Part 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until March 11, 1957 and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by this Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 10, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8376; Filed, Oct. 17, 1956; 8:48 a. m.]

[Docket No. IT–5550]

SAN DIEGO GAS & ELECTRIC CO.

NOTICE OF APPLICATION FOR INCREASE IN AUTHORIZATION TO EXPORT ELECTRIC ENERGY

OCTOBER 11, 1956.

Take notice that on October 1, 1956, San Diego Gas & Electric Company (Applicant), incorporated under the laws of the State of California, with its principal business office in San Diego, California, filed an application for an increase in the authorization to export electric energy from the United States to Mexico, as heretofore granted in the above docket by Commission order issued November 24, 1948. By that order Applicant was authorized to export at 12 kv up to 5,000,000 kwh of electric energy per year at a maximum transmission rate of 1,000 kw over facilities located opposite Tecate, Baja California, Mexico, and covered by Presidential Permit signed by the President of the United States on May 18, 1942. Applicant now requests authorization to increase that exportation at 12 kv to 12,000,000 kwh of electric energy per year at a rate not in excess of 2500 kva. As in the case of the amount of energy currently exported the purchaser of the increased amount is stated to be Cia. Electrica Fronteriza, S. A.; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 30th day of October 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8377; Filed, Oct. 17, 1956; 8:48 a. m.]

[Project No. 2220]

NATIONAL PROCESSING CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

OCTOBER 11, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by The National Processing Company, of Arkansas City, Kansas, for preliminary permit for proposed water power Project No. 2220 to be located on Fremont Creek, Long Lake, and Fremont Lake in Sublette County, Wyoming, affecting lands of the United States within Bridger National Forest. The proposed project would consist of a tunnel about 1,000 feet long from Long Lake with its outlet about 100 feet below the level of the lake and a penstock about 4,000 feet long to a power house with a capacity of 4,000 horsepower at the head of Fremont Lake, operating under an average head of about 530 feet. The energy generated would be used by Lincoln Service Corporation, an electric utility company operating in the area of the proposed project. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 29, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8378; Filed, Oct. 17, 1956; 8:48 a.m.]

[1] Commissioner Digby dissenting because he favors suspension for a period of only 30 days.

FARM CREDIT ADMINISTRATION [1]

[Farm Credit Administration Order No. 656]

OFFICERS OF THE FARM CREDIT ADMINISTRATION

AUTHORITY TO ACT AS GOVERNOR IN EVENT THAT GOVERNOR IS ABSENT OR NOT ABLE TO PERFORM DUTIES OF OFFICE FOR ANY OTHER REASON

OCTOBER 12, 1956.

1. In the event that the Governor is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) A. T. Esgate, First Deputy Governor.

(2) Thomas A. Maxwell, Jr., Deputy Governor and Director of Land Bank Service.

(3) Harold A. Miles, Deputy Governor and Director of Short-Term Credit Service.

(4) John C. Bagwell, General Counsel.

(5) Any Deputy Director of one of the above-named Services designated by the Governor.

2. This order shall be effective October 12, 1956, and supersedes Farm Credit Administration Order No. 623, dated June 28, 1955 (20 F. R. 4753).

[SEAL] R. B. TOOTELL, *Governor, Farm Credit Administration.*

[F. R. Doc. 56–8368; Filed, Oct. 17, 1956; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR PROCUREMENT OF MANAGEMENT CONSULTING SERVICES, FOREST SERVICE

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 393; 41 U. S. C. 252), authority is hereby delegated to the Secretary of Agriculture to enter into contracts for management consulting services in connection with a special study of the cooperative forest fire control activities and operations of the Forest Service, without advertising pursuant to section 302 (c) (4) and (9) of said act.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law, and shall be exercised in accordance with standards, procedures, and regulations prescribed by the General Services Administration.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Agriculture.

4. At the close of each fiscal year there shall be submitted to General Services Administration an annual report, in the form prescribed by this administration, summarizing action taken under this delegation of authority.

5. This delegation shall be effective as of the date hereof.

Dated: October 11, 1956.

[SEAL] FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 56-8386; Filed, Oct. 17, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3478]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING SALE OF INSTALLMENT NOTES AND COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

OCTOBER 12, 1956.

In the matter of The Columbia Gas System, Inc., Home Gas Company, The Keystone Gas Company, Inc., Binghamton Gas Works, et al.; File No. 70-3478.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and certain of its wholly-owned subsidiaries, including Home Gas Company ("Home"), The Keystone Gas Company, Inc. ("Keystone"), and Binghamton Gas Works ("Binghamton"), have filed a joint application-declaration and amendments thereto pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding, among others, the following proposed transactions:

As new money is required in connection with their respective 1956 construction programs, or in the reimbursement of their respective treasuries for capital expenditures heretofore made, Home, Keystone, and Binghamton will issue and sell, and Columbia will purchase for cash, at par or face amount, the following securities:

Company	Common stock			Installment notes; aggregate amount not to exceed—
	Number of shares	Par value	Aggregate amount	
Home				$525,000
Keystone	2,000	$25	$50,000	165,000
Binghamton	11,000	25	275,000	750,000

The securities will be issued and sold periodically when and to the extent that funds are required for the purposes stated. Columbia will first purchase Common Stock up to the aggregate amounts stated, and thereafter Installment Notes. The notes will be unsecured and will be dated when issued. The principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1958 to 1982, inclusive. Interest will be payable semi-annually at the rate of 3.9 percent per annum. None of the securities will be issued or purchased after March 31, 1957.

Orders authorizing Home, Keystone, and Binghamton to issue and sell the securities as proposed have been issued by the Public Service Commission of New York, in which State said companies are organized and doing business.

The fees and expenses to be paid by said companies in connection with the proposed transactions are estimated as follows: Home $250; Keystone $305; Binghamton $552.

The record with respect to other transactions proposed in said application-declaration involving another subsidiary of Columbia has not yet been completed.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the transactions specifically described herein, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith as to such transactions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith as to the particular transactions described herein, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the remaining transactions proposed in said application-declaration, as to which the record is not yet complete.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8380; Filed, Oct. 17, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF DR. MANNY RAPP ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to):

Dr. Manny Rapp, Emilie and Irene, Darmstadter, L. S. Claim No. 165; Southern Pacific Company 4½/81 Bond No. 15270, in the principal amount of $1,000.

Mrs. Hermine van Amstel, L. S. Claim No. 521; Cities Service Company 5/69 Debenture No. 36172, in the principal amount of $1,000.

Mrs. E. M. Hes, L. S. Claim No. 302; Cities Service Company 5/69 Debenture No. 30661, in the principal amount of $1,000.

Mrs. J. F. Zwart, Mrs. B. Stibbe, Mrs. I. Sanders, Mrs. E. B. Schaap, and M. Tels and Mrs. A. de Vries, L. S. Claim No. 763; Cities Service Company 5/66 Bond No. 18841, in the principal amount of $1,000.

Emma Schiff, Saul, Mano, Mozes, Bernhard, Jacob and Bertha Becker, Peninah Cheikiyahu, Frida Kaufmann and Johanna van der Horst, L. S. Claim No. 278; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond Nos. 2314 and 6654, in the principal amount of $500 each; Union Pacific Railroad 4/47 Bond No. 85060, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8389; Filed, Oct. 17, 1956; 8:50 a.m.]

STATE OF NETHERLANDS FOR BENEFIT OF MARGARETHA VAN RAALTE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Margaretha, Louise, Anton, Ellen and Louise A. van Raalte, Else Mendes, San Boas, Antoinette Wiener, Eduard, Eduard A. F. and Frans van Leer, Jenny de Jong and Elsa van Raalte, L. S. Claim No. 243; $2,744.56 in the Treasury of the United States.

Harry Bendiks, Meta Citroen, Marlejanne and Ronetta Zeehandelaar, Lodewijk Bendiks, Johanna Roet, Betty Poppers, Flora van der Hoek, Hanna Jacobson, Louise Flesseman, Ephraim Jacobson, Doreen Wijde, Caroline van der Heijden, Betty van Dijk, Adelheid de Swaan, Gertruida Hammelburg, Eva Oppenheimer, Ada Ichenhauser, Josephina V. Oppenheimer, Julius Hausdorff and Jonathan Jacobson, L. S. Claim No. 338; $3,920.80 in the Treasury of the United States.

Josephine Marens, L. S. Claim No. 767; $540.00 in the Treasury of the United States.

Marinus and Johan Warendorf, Henriette, Jannie, Marjon and Jacob Ornstein, L. S. Claim No. 794; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8391; Filed, Oct. 17, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ISAAC ENGERS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Isaac Engers, L. S. Claim No. 364; $2,637.43 in the Treasury of the United States.

Abraham and Alida Frankfort, Alina Akker, Louis and David van den Bergh, L. S. Claim No. 411; $7,232.75 in the Treasury of the United States.

Moritz Gomperts, L. S. Claim No. 437; $1,751.30 in the Treasury of the United States.

Elsa and Mieke de la Parra, L. S. Claim No. 506; $784.16 in the Treasury of the United States.

Rosette Schatz, Salomon, Hans and Martin Polak, Helena van Leer, Marianne Frank and Nico de Vries, L. S. Claim No. 654; $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8390; Filed, Oct. 17, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF HENRIETTE VAN CREVELD ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Henriette van Creveld, L. S. Claim No. 351; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond Nos. 38088 and 99516, in the principal amount of $1,000 each.

L. J. H. van der Kooy, L. S. Claim No. 421; Cities Service Company 5/69 Debenture No. 39830, in the principal amount of $1,000; Cities Service Company 5/66 Debenture No. 17699, in the principal amount of $1,000.

Anna Diamant, L. S. Claim No. 366; Louisville and Nashville Railroad Company, Southeast and St. Louis Division 3/80 Bond No. 2134, in the principal amount of $1,000.

Petronella Duyzend, L. S. Claim No. 370; International Hydro-Electric System 6/44 Debenture No. 26939, in the principal amount of $1,000.

Elisabeth Enthoven, L. S. Claim No. 388; Kansas City Southern Railway Company 3/50 Bond No. 27033, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8392; Filed, Oct. 17, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF LOUIS DE VRIES, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Louis and Samuel de Vries, Mr. and Mrs. de Kadt-de Jong, A. P. de Jong, Mr. and Mrs. F. van Itterson-de Vries, and A. van Hasselt, L. S. Claim No. 300; Cities Service Company 5/69 Debenture No. 41902, in the principal amount of $1,000.

Emil and Abraham Cohen, Margaretha van Hasselt, Margaretha van Dam, Renee Bregstein, Marion Salomon, Caroline van Leeuwen, Martha Edersheim, Helena and Bernard Vorst, Rae and Ethel Cohen, Goeffrey and Arthur Cowan, and Marjorie Duke, L. S. Claim No. 326; Kansas City Southern Railway Company 5/50 Bond No. 8425, in the principal amount of $1,000.

Rebecca Cohen, L. S. Claim No. 334; Cities Service Company 5/69 Debenture No. 43012, in the principal amount of $1,000.

Alfred de la Fuente, LJtje Dijkstra, Bertha Gompen, Max de la Parra, Jean Damme, Agnes and Juliette Belmonte, and Jacques, Jacob and Hanna Samuels, L. S. Claim No. 342; Cities Service Company 5/69 Debenture No. 17995, in the principal amount of $1,000.

Sophie Elzas, L. S. Claim No. 379; Central Pacific Railway Company 4/49 Bond No. 3785, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8393; Filed, Oct. 17, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF SAUL BECKER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Saul Becker, L. S. Claim No. 277; Kansas City Southern Railway Company 3/50 Bond No. 13502, in the principal amount of $1,000; Union Pacific Railroad Company 4/47 Bonds Nos. 62257 and 64856, in the principal amount of $1,000 each.

Fred Boasson, L. S. Claim No. 303; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 117700, in the principal amount of $1,000; Union Pacific Railroad Company 4/47 Bond No. 26090, in the principal amount of $1,000; Norfolk and Western Railway Company 4/96 Bond No. 20056, in the principal amount of $1,000.

Gretha Elias-Prins, L. S. Claim No. 377; Norfolk and Western Railway Company 4/96 Bond No. 16393, in the principal amount of $1,000; Oregon-Washington Railroad and Navigation Company 4/61 Bonds Nos. 466, and 484, in the principal amount of $1,000 each.

Else van der Goot, L. S. Claim No. 441; Louisville and Nashville Railroad Company, Southeast and St. Louis Division 3/80 Bond No. 2, in the principal amount of $1,000; Union Pacific Railroad Company 4/47 Bond No. 4834, in the principal amount of $500.

Dr. Frederik Kanstein, L. S. Claim No. 524; Missouri-Kansas-Texas Railway Company 4/90 Bond No. 20042, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8394; Filed, Oct. 17, 1956; 8:51 a. m.]

N. V. INTERNATIONALE SPINPOT EXPLOITATIE MAATSCHAPPIJ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

N. V. Internationale Spinpot Exploitatie Maatschappij, Doetinchem, The Netherlands, Claim No. 42703; property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942), relating to Patent Application Serial No. 310,722 (now United States Letters Patent No. 2,340,542) and in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent Nos. 2,089,933 and 2,194,286.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8395; Filed, Oct. 17, 1956; 8:51 a. m.]

[Vesting Order SA-132, [illegible]]

GOVERNMENT OF HUNGARY

In re: Bonds owned by the Government of Hungary; F-34-408, F-34-548.

Vesting Order SA-132, dated September 13, 1956, is amended as follows and not otherwise:

1. By deleting from paragraph 1 of said Vesting Order SA-132 the figure "$115,000.00" and substituting therefor the figure "$115,500.00".

All other provisions of said Vesting Order SA-132 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 12, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-8396; Filed, Oct. 17, 1956; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 15, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32752: *Petroleum coke from Kansas City, Mo.-Kans., and Sugar Creek, Mo.* Filed by W. J. Prueter, agent, for interested rail carriers. Rates on petroleum carbon (petroleum coke), and petroleum coke briquettes, carloads from Kansas City, Mo.-Kans., and Sugar Creek, Mo., to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 28 to Agent Prueter's I. C. C. A-3863.

FSA No. 32753: *Confectionery between Illinois Territory and the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on candy or confectionery, carloads between points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 1 to Agent Raasch's I. C. C. No. 871.

FSA No. 32754: *Scrap paper from and to points in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on paper stock, viz.: scrap or waste paper, carloads from points in southern territory to points on the Chesapeake and Ohio and the Norfolk and Western Railways.

Grounds for relief: Short-line distance formula, grouping and circuity.

Tariff: Supplement 22 to Agent Spanginger's I. C. C. No. 1525.

FSA No. 32755: *Grain from St. Louis, Mo., and East St. Louis, Ill., to Baton Rouge, La.* Filed by The Missouri Pacific Railroad Company, for itself and on behalf of The Texas and Pacific Railway Company. Rates on barley, corn, oats, rye, soybeans, and wheat, carloads, for export, from St. Louis, Mo., East St. Louis, Ill., and other points in Missouri and Arkansas to Baton Rouge, La.

Grounds for relief: Rail carrier competition and circuity.

Tariffs: Supplement 17 to Missouri Pacific Railroad I. C. C. No. A-10277; Supplement 18 to Missouri Pacific Railroad I. C. C. No. A-10366.

FSA No. 32756: *Scrap iron from points in Indiana.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron and articles taking the same rates, carloads from points in Indiana to points in Indiana, Kentucky, and Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 100 to Agent Hinsch's tariff I. C. C. 4252.

FSA No. 32757: *Scrap iron from points in Illinois and Indiana.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron and articles taking the same rates, carloads from points in Illinois and Indiana to points in Illinois, Indiana, Kentucky, and Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 57 to Agent Hinsch's tariff I. C. C. No. 4233.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-8379; Filed, Oct. 17, 1956; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 204

Washington, Friday, October 19, 1956

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (16) is added to § 6.304 as set out below.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* • • •

(16) One Deputy Assistant Secretary to the Assistant Secretary of Defense for International Security Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8415; Filed, Oct. 18, 1956; 8:47 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER § 6.311 (f) (3) is amended, and § 6.311 (f) (6) is added as set out below.

§ 6.311 *Department of Agriculture.* • • •

(f) *Farmers Home Administration.* • • •

(3) One Assistant to the Administrator.

• • • • • •

(6) One Assistant Administrator (Insured Loan Funds).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8414; Filed, Oct. 18, 1956; 8:47 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, §6.312 (h) (3) and (4) is amended to read as follows.

§ 6.312 *Department of Commerce.* • • •

(h) *Bureau of Public Roads.* • • •

(3) One Confidential Assistant to the Federal Highway Administrator.

(4) One Private Secretary to the Federal Highway Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8416; Filed, Oct. 18, 1956; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 530—POULTRY AND POULTRY PRODUCTS

SUBPART—POULTRY EXPORT PAYMENT PROGRAM XMX 87a

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530.101 Eligible commodities.
530.102 Rates of payment.
530.103 Eligible participant.
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AUTHORITY: §§ 530.100 to 530.113 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 530.100 *General statement.* (a) The United States Department of Agriculture

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FEDERAL REGISTER

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(hereinafter referred to as "USDA") hereby announces terms and conditions of a Poultry Export Program. The Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to U. S. exporters of poultry to the Federal Republic of Germany subject to the terms and conditions set forth in this subpart.

(b) Information pertaining to this offer and forms prescribed for use under this subpart may be obtained from the following Representatives of the Secretary:

Richard C. Larkin, Poultry Division, AMS, U. S. Department of Agriculture, Washington 25, D. C. (Phone: REpublic 7-4142, Extension 4510).

David L. Hume, Poultry Division, AMS, U. S. Department of Agriculture, Washington 25, D. C. (Phone: REpublic 7-4142, Extension 2458).

(c) Claims for payment shall be filed with the AMS Eastern Area Administrative Division, U. S. Department of Agriculture, Washington 25, D. C.

§ 530.101 *Eligible commodities.* Eligible poultry is limited to whole frozen, ready-to-cook USDA graded and inspected broilers, fowl, ducks, and turkeys and New York dressed USDA graded ducks, which were produced and packed in the Continental United States.

§ 530.102 *Rates of payment.* The applicable rate of payment shall be 5.5 cents per pound of poultry exported.

§ 530.103 *Eligible participant.* Any U. S. exporter of poultry qualifying under the terms and conditions of Authorization Number 31–01, "Authorization to Purchase Surplus Agricultural Commodities with Foreign Currency", (Title 1, Public Law 480) issued February 24, 1956, and all amendments thereto, shall be eligible under this program providing he has obtained an approved application.

§ 530.104 *Eligibility for payment*—(a) *Application for export payment.* No payment will be made under this subpart, unless the exporter files an application with the Secretary, and such application is approved by the Secretary. The application must be prepared separately for each sales contract, and shall be filed promptly after the date of sale but in no event later than the date of export. No payment will be made if such application is filed after the date of export unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives this requirement. The Secretary will consider applications meeting the requirements of this program, so long as funds which have been allocated to this program are available, in the order in which applications are received or such other order as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any application if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the approved application.

(b) *Sales contract.* No payment hereunder will be made in connection with any sales contract unless the date of sale is on or after September 27, 1956. In the event the sales contract covered by any approved application is cancelled or will not be completely fulfilled, the exporter shall promptly request the Secretary to cancel or amend the application with respect to the approved quantity. Such request shall be made not later than thirty (30) days after the intended date of export shown in the approved application. Applications will not be approved for export contracts entered into after the contract termination date provided in Authorization 31–01, as amended.

(c) *Date of export.* No payment under this subpart will be made in connection with any exportation unless the products are exported during the period beginning with the effective date of this announcement and ending with the termination date of the delivery period of Authorization 31–01. Products shall be deemed to have been exported when loaded on board the exporting ocean carrier, provided such products are not thereafter unloaded from such carrier in the United States, its territories, or possessions, and are not shipped or diverted to a destination other than the Federal Republic of Germany. The date of export of any lot shall be considered to be the date of loading on board the exporting ocean carrier on which movement of such lot from the United States is effected. The date of the on-board bill of lading shall be considered to be the date the products were loaded on board, unless an "on-board" date is shown.

(d) *Inspection.* Exporters shall furnish for all shipments and at no expense to the Secretary:

(1) One copy of USDA Poultry Products Grading Certificate, Form PY–225, issued by the Grading Branch, Poultry Division, AMS–USDA, not more than 24 hours before the time of loading on board the exporting ocean carrier, stating that the lot(s) meet the requirement(s) of the contract and special provisions of the Authorization Number 31–01.

(2) One copy of USDA Poultry Grading Certificate, Form PY–224, issued at the inland inspection point by the Grading Branch, Poultry Division, AMS–USDA, and showing wholesomeness, class, quality, condition, packaging and weight. In the case of New York dressed type ducks the certificate need not show the "wholesomeness" of the product.

(e) *Packaging.* All products to be exported under this program shall meet the requirements for packaging set forth in Authorization Number 31–01.

(f) *Export shipment.* Poultry products shall be exported from the United States in refrigerated space on ocean carriers and the export bills of lading covering each shipment shall show that the products are stored in refrigerated space.

(g) *Re-entry or diversion.* The exporter shall undertake, as a part of his application, that the products exported under this program will thereafter not re-enter the United States or its territories or possessions, or be diverted or shipped to a destination other than the Federal Republic of Germany. In the event of such re-entry or diversion the exporter shall refund to the Secretary any export payment received under this offer with respect to the quantity so re-entered or diverted.

§ 530.105 *Product specifications.* No payment will be made under this subpart unless the respective products meet the specifications outlined in Authorization Number 31–01.

§ 530.106 *Claims for payment supported by evidence of compliance.* (a) The exporter shall file claims for payment with the Agricultural Marketing Service Area Administrative Division, USDA, Washington 25, D. C., not later than sixty (60) days after the date of export of each lot: *Provided,* That upon request of the exporter indicating substantial reason therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed on the exporter's invoice (original only), shall show the serial number of the related approved application, shall refer to the fact that the commodity was exported under Authorization Number 31–01 shall be certified as follows:

I certify that the above bill is correct and just; that payment has not been received; that the transactions enumerated above were performed as stated and that payment is authorized to be made as indicated above.
Date ---------- Payee ----------
By ---------- Title ----------
and shall be supported by:

(1) One certified copy of the sales contract;

(2) One certified copy of the sales invoice to the buyer showing:

(i) The f. a. s. sales price to the exporter (including any export payment),

(ii) The payment to be made by the Secretary,

(iii) The balance f. a. s. U. S. port to be paid by the buyer (other charges, if any, such as ocean freight insurance, etc., shall be shown separately on the invoice), and

(iv) In the case of an invoice to a party named by the buyer as the party to be billed, the exporter shall furnish a certified copy of the directions by the buyer to bill such party;

(3) One copy of the on-board export bill of lading signed by an agent of the exporting ocean carrier and in the case of exportation via a contiguous country, one signed copy of the on-board bill of lading covering the movement from such contiguous country;

(4) The original (or signed copy) of the required inspection certificates; and

(5) Such other documents, if any, as may be required by the Secretary, evidencing purchase, sale, and exportation of the commodity on which payment is claimed.

(b) The export bill of lading must show the quantity and description of the Poultry Products, inspection certificate numbers, or other references sufficient to relate the Poultry Products loaded on board the export carrier to the Poultry Products covered by the related inspection certificates, the date and place of loading, the fact that such Poultry Products are on board, the destination of the Poultry Products, the name and address of both the exporter and consignee, and whether they are stowed in refrigerated space. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with each copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this program for the commodity covered by such bill of lading.

If the bill of lading shows the name of a consignee different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the products was not actually accomplished or that there has not been compliance with other requirements of this offer, and in any such instance the Secretary may require such additional evidence as he deems advisable.

§ 530.107 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of products exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after the effective date of this program.

§ 530.108 *Amendment and termination.* The Secretary may amend or terminate this program at any time upon public announcement thereof. Such amendment or termination, however, shall not apply to applications approved under the program prior to the effective time of such amendment or termination.

§ 530.109 *Persons not eligible.* No Member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any payment made under this program or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit, or to such person in his capacity as a farmer (grower of the products exported).

§ 530.110 *Set-off.* The Secretary may set-off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Setting-off as provided in this subpart shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 530.111 *Joint payment or assignment.* An exporter may name a joint payee on invoice for payment or may assign the proceeds of any application for export payment to a recognized financing institution, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of assignment, in accordance with the instructions on Form AMS–66 "Notice of Assignment" which form must be used in giving notice of assignment to the Representative of the Secretary. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment. The AMS forms may be obtained from any Representative of the Secretary.

§ 530.112 *Good faith.* Whereas it is the intent of this program to encourage the exportation of poultry products produced in the United States by making such products available to foreign buyers at prices below domestic market prices in the amount of the payment offered in this subpart; now, therefore, if the Secretary determines that any exporter has not acted in good faith in carrying out the purpose of this program, has not passed on to foreign buyers the incentive payment offered in this subpart, or otherwise fails to discharge fully any obligation assumed by him under this program, such exporter may be denied the right to continue participating in this program, or the right to receive payment under this program in connection with any exportations, or both.

§ 530.113 *Definitions.* As used in this subpart, the following terms have the following meanings.

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, located in the United States and engaged in the business of selling Poultry Products produced and packed in the Continental United States.

(c) "Application" means PY–300, "Application for Export Payment."

(d) "Sales contract" means an offer and acceptance, confirmation of sale or purchase, or other documentary evidence of consummation of sale including contracts between exporter and buyer, and includes a transaction involving the transfer of a product from an exporter to his foreign branch, affiliate or associate. Such sales contract may, however, be conditioned upon contingencies or events over which the exporter has no control, or the making of an export payment by the Secretary in connection with the particular sales contract pursuant to this offer.

(e) "Date of sale" means the date on which both buyer and seller signed a written contract, or the date on which buyer accepts an offer of sale or confirms the purchase, or the date on which the seller accepts an offer to purchase or confirms the sale.

(f) "On-board export bill of lading" includes any bill of lading covering the exportation of poultry products from the United States.

(g) "Public announcement" and "public notice" mean the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(h) "Certified" means a written, signed declaration, contained in or attached to any document, stating that the document is a true and correct copy of the original of such document.

(i) "Filed." Applications, claims, and related documents are deemed to be filed when they are postmarked, if mailed, or when received by the designated AMS office if otherwise delivered.

(j) "Authorization No. 31–01" means the authorization to the Federal Republic of Germany issued by the Foreign Agricultural Service, United States Department of Agriculture, to contract for poultry in the United States, pursuant to Title I, Public Law 480, February 24, 1956, as amended.

NOTE: The record keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to approval of, the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Dated: October 16, 1956.

[SEAL] HERMON I. MILLER,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 56–8436; Filed, Oct. 17, 1956; 12:30 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR BEET GREENS [1]

On September 5, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 6677) regarding a proposed issuance of United States Standards for Beet Greens.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Beet Greens are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GENERAL

Sec.
51.2860 General.

GRADES

51.2861 U. S. No. 1.

UNCLASSIFIED

51.2862 Unclassified.

APPLICATION OF TOLERANCES

51.2863 Application of tolerances.
51.2864 Basis for calculating percentages.

DEFINITIONS

51.2865 Similar varietal characteristics.
51.2866 Fresh.
51.2867 Fairly clean.
51.2868 Fairly tender.
51.2869 Well trimmed.
51.2870 Damage.
51.2871 Diameter.
51.2872 Serious damage.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 51.2860 to 51.2872 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.2860 *General.* The standards contained in this subpart are applicable to beet greens consisting of either plants (with or without attached roots) or cut leaves, but they shall not be applicable to a mixture of plants and cut leaves in the same container. The standards apply only to the common red-rooted table varieties of beets (Beta vulgaris) but not to mangel wurzel varieties primarily grown for stock feed, or to sugar beets (Beta vulgaris var. saccarifera).

GRADES

§ 51.2861 *U. S. No. 1.* "U. S. No. 1" consists of beet greens of similar varietal characteristics which are fresh, fairly clean, fairly tender, well trimmed and free from other kinds of leaves, weeds, grass or other foreign material, and decay and which are free from damage caused by discoloration, freezing, disease, insects or mechanical or other means.

(a) In the case of beet greens with roots attached, the roots shall be free from damage by any cause and the maximum diameter of the root shall not be larger than five-eighths inch.

(b) The leaf blades of beet greens shall not be longer than five and one-half inches.

(c) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted (see §§ 51.2863 and 51.2864):

(1) *For over-size roots.* 5 percent for beet greens with roots in any lot which are larger than five-eights inch in diameter;

(2) *For over-size leaf blades.* 3 percent for beet leaves in any lot which are longer than five and one-half inches;

(3) *For mixtures of whole plants and leaves.* Not more than 3 percent of the beet greens may consist of cut leaves in a lot consisting of plants, or of plants in a lot consisting of cut leaves;

(4) *For leaves other than beet leaves, weeds, grass or other foreign material.* Not more than 3 pieces in a one-pound sample; and,

(5) *For other defects.* Not more than a total of 10 percent, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than one percent for decay.

UNCLASSIFIED

§ 51.2862 *Unclassified.* "Unclassified" consists of beet greens which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2863 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerances specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified.

§ 51.2864 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or an equivalent basis, except that the amount of leaves other than beet leaves, blades of grass, weeds or parts of weeds or other foreign material shall be calculated on the basis of count, using one pound of beet greens as the sample. In inspecting the sample, the unit shall be the plant or leaf exactly as it occurs in the sample. A plant or portion of plant shall not be broken to remove the defective portion, but shall be considered as a unit.

DEFINITIONS

§ 51.2865 *Similar varietal characteristics.* "Similar varietal characteristics" means that the beet greens in any container are similar in color and type.

§ 51.2866 *Fresh.* "Fresh" means that the greens are not more than slightly wilted.

§ 51.2867 *Fairly clean.* "Fairly clean" means that the individual leaf or plant is reasonably free from dirt or other foreign material and that the general appearance of the beet greens in the container is not materially affected.

§ 51.2868 *Fairly tender.* "Fairly tender" means that the beet greens are not tough, or excessively fibrous.

§ 51.2869 *Well trimmed.* "Well trimmed" in the case of cut leaf beet greens means that the leaf stem or petiole is not more than the length of the leaf blade.

§ 51.2870 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual leaf, or plant, or the general appearance of the beet greens in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration when the appearance of the individual leaf or plant is materially affected by yellowing, spotting, or any other type of discoloration, except that leaves showing a reddish color, often caused by cold weather, shall not be considered as damaged by discoloration. Plants which have small dried, withered, or slightly yellowed leaves at the base of the plant shall not be considered as damaged by discoloration unless the general appearance of the plant or of the plants in the container is materially affected; and,

(b) Mechanical damage when the individual leaf is badly crushed, torn or broken.

§ 51.2871 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to a line from the center of the crown to the base of the root.

§ 51.2872 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual beet leaf, or plant, or the general appearance of the beet greens in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration when the individual leaf, or plant, is badly discolored;

(b) Insects when the individual leaf or plant is noticeably infested, or when it is seriously damaged by them; and,

(c) Decay.

The United States Standards for Beet Greens contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: October 16, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 56–8437; Filed, Oct. 18, 1956; 8:51 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR SPINACH PLANTS [1]

On September 5, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 6678) regarding a proposed revision of United States Standards for Spinach Plants.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Spinach Plants are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.2880 U. S. No. 1.
51.2881 U. S. Commercial.

UNCLASSIFIED

51.2882 Unclassified.

APPLICATION OF TOLERANCES

51.2883 Application of tolerances.

DEFINITIONS

51.2884 Similar varietal characteristics.
51.2885 Well grown.
51.2886 Fresh.
51.2887 Fairly clean.
51.2888 Well trimmed.
51.2889 Damage.
51.2890 Serious damage.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 51.2880 to 51.2890 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2880 *U. S. No. 1.* "U. S. No. 1" consists of spinach plants of similar varietal characteristics which are well grown, fresh, fairly clean, well trimmed, and which are free from decay, and free from damage caused by coarse stalks or seed stems, discoloration, foreign material, second growth, freezing, disease, insects or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by weight, of the spinach plants in any lot may fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage, including therein not more than 1 percent for decay.

§ 51.2881 *U. S. Commercial.* "U. S. Commercial" consists of spinach plants which meet all the requirements for U. S. No. 1 grade except that the spinach plants need only be free from damage by dirt and except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 20 percent, by weight, of the spinach plants in any lot may fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 10 percent, shall be allowed for serious damage, including therein not more than 1 percent for decay.

UNCLASSIFIED

§ 51.2882 *Unclassified.* "Unclassified" consists of spinach plants which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2883 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grades:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified.

DEFINITIONS

§ 51.2884 *Similar varietal characteristics.* "Similar varietal characteristics" means that the spinach shall be of one type, such as crinkly leaf type or flat leaf type. No mixture of types shall be permitted which materially affects the appearance of the spinach in the container.

§ 51.2885 *Well grown.* "Well grown" means that the plants are not stunted or poorly developed.

§ 51.2886 *Fresh.* "Fresh" means that the spinach is not more than slightly wilted.

§ 51.2887 *Fairly clean.* "Fairly clean" means that the individual spinach plant is reasonably free from dirt or other adhering foreign matter, and that the general appearance of the spinach plants in the container is not materially affected.

§ 51.2888 *Well trimmed.* "Well trimmed" means that the spinach plant is cut at the crown of the root, or cut so that the root is not longer than 1 inch.

§ 51.2889 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual plant, or the general appearance of the spinach in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Coarse central stalks or seedstems when causing more than 10 percent waste of the individual plant; or when the flower buds are plainly visible;

(b) Discoloration when materially affecting the general appearance of the plant, except that heart leaves which are yellow or partially blanched shall not be considered as damaging the plant; and,

(c) Foreign material when materially affecting the edible quality, or the general appearance of the spinach in the container. Foreign material means weeds, grass, or any loose material other than spinach.

§ 51.2890 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual plant, or the general appearance of the spinach in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration when the plants are badly discolored;

(b) Insects when the plant is noticeably infested, or when it is seriously damaged by them;

(c) Mildew, white rust or similar diseases when seriously affecting the edible quality or appearance of the plant; and,

(d) Decay.

The United States Standards for Spinach Plants contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Spinach which have been in effect since September 4, 1931.

Dated: October 16, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-8438; Filed, Oct. 18, 1956; 8:51 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 594, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES FROM PUERTO RICO OR VIRGIN ISLANDS

REVISED ADMINISTRATIVE INSTRUCTIONS AUTHORIZING MOVEMENT OF MANGOES FROM PUERTO RICO AFTER APPROVED FUMIGATION

Pursuant to the authority conferred by §§ 301.58–2 and 301.58–3 of the regulations supplemental to Quarantine No. 58 relating to Fruits and Vegetables from Puerto Rico or the Virgin Islands (Notice of Quarantine No. 58, 7 CFR 301.58–2 and 301.58–3) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Chief of the Plant Quarantine Branch hereby amends the administrative instructions appearing as 7 CFR 301.58–3d, effective October 1, 1951, as amended effective March 18, 1953, to read as follows:

§ 301.58–3d *Administrative instructions authorizing the movement of mangoes from Puerto Rico after approved fumigation*—(a) *Removal from prohibited status.* Mangoes that have been subjected to approved fumigation and otherwise handled as provided for in paragraph (b) are hereby removed from the prohibited status established by § 301.58–2 and may be moved from Puerto Rico in accordance with § 301.58–3 (a).

(b) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Branch. The dosage shall be applied at the following rates:

Temperature (° F.)	Dosage (pounds of ethylene dibromide per 1,000 cubic feet)	Exposure period (hours)
80–89	¾	2
70–79	1	2
55–69	1¼	2

The temperature to be used in determining the dosage schedule shall be the lower of the temperatures of the air and fruit. Cubic feet of space shall include the load. The ethylene dibromide must be applied in the liquid state and volitalized within the sealed fumigation chamber in an electrically heated vaporizing pan. The electrically heated vaporizing pan shall be controlled by a switch outside of the fumigation chamber and shall be equipped with a signal light to indicate when the current is on or off. The 2-hour period of exposure shall begin 15 minutes after all liquid ethylene dibromide has been injected into the electrically heated vaporizing pan inside the fumigation chamber, after which the electric current for the vaporizing pan can be turned off. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

(2) Mangoes to be fumigated may be packed as for shipping in crates with shredded packing material. When fruits are individually wrapped in paper the wrappings must be removed before fumigation. When loaded in the fumigation chamber the crates or other containers shall be separated at least 2 inches on all sides by wooden strips or other means. The chamber shall not be loaded to more than 50 percent of capacity.

(3) Both the fumigation and the subsequent handling of the mangoes preparatory to shipment must be under supervision of a plant quarantine inspector of the Plant Quarantine Branch. Fumigated mangoes must be safeguarded against reinfestation during the period prior to shipment in a manner satisfactory to the inspector. Certification of mangoes for shipment will be based on both the treatment and compliance with the prescribed post-treatment safeguards.

(4) All costs of treatment and prescribed post-treatment safeguards, other than the services of the supervising inspector, shall be borne by the owner of the mangoes, or his representative.

(5) While the prescribed treatment is judged from experimental tests to be safe for use with mangoes, the Department assumes no responsibility for any damage sustained through or in the course of treatment.

The purpose of this amendment is to revise upward the dosages required at 70° and 80° F. to conform to recent experimental evidence that such increases are necessary and to provide an alternate schedule for treating fruit at temperatures below 70° F. Inasmuch as mangoes to be fumigated are sometimes held under refrigeration before fumigation, the previous requirement that the temperature be raised to at least 70° F. before fumigation resulted in delay and added expense to the shipper. The lower temperature schedule will avoid this delay and expense. This amendment should be made effective at the earliest practicable date insofar as it imposes stricter requirements in order to prevent the spread of injurious insects by shipments of mangoes from Puerto Rico and insofar as it relieves restrictions in order to be of maximum benefit to the shippers of the mangoes. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

These administrative instructions shall be effective October 19, 1956, when they shall supersede 7 CFR 301.58–3d, effective October 1, 1951, as amended effective March 18, 1953.

(Sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 16th day of October 1956.

[SEAL] E. P. REAGAN,
Chief, Plant Quarantine Branch.

[F. R. Doc. 56-8441; Filed, Oct. 18, 1956; 8:52 a. m.]

[P. Q. 608, Revised, Amdt. 1]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF MANGOES FROM WEST INDIES

Pursuant to the authority conferred by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), the Chief of the Plant Quarantine Branch hereby amends § 319.56–2i (a) (4) (i) of the administrative instructions appearing as 7 CFR 319.56–2i, 21 F. R. 3485, effective May 25, 1956, to read as follows:

§ 319.56–2i *Administrative instructions prescribing method of treatment of mangoes from the West Indies.* • • •

(a) *West Indies* • • •

(4) *Approved fumigation.* (i) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Branch. The dosage shall be applied at the following rates:

Temperature (° F.)	Dosage (pounds of ethylene dibromide per 1,000 cubic feet)	Exposure period (hours)
80–89	¾	2
70–79	1	2
55–69	1¼	2

The temperature to be used in determining the dosage schedule shall be the lower of the temperatures of the air and fruit. Cubic feet of space shall include the load. The ethylene dibromide must be applied in the liquid state and volitalized within the sealed fumigation chamber in an electrically heated vaporizing pan. The electrically heated vaporizing pan shall be controlled by a switch outside of the fumigation chamber and shall be equipped with a signal light to indicate when the current is on or off. The 2-hour period of exposure shall begin 15 minutes after all liquid ethylene dibromide has been injected into the electrically heated vaporing pan inside the fumigation chamber, after which the electric current for the vaporizing pan can be turned off. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

The purpose of this amendment is to revise upward the dosages required at 70° and 80° F. to conform to recent experimental evidence that such increases are necessary and to provide an alternate schedule for treating fruit at temperatures below 70° F. Inasmuch as mangoes to be fumigated on arrival in the United States are first precooled to 50° F. before unloading from the ship, the previous requirement that the temperature be raised to at least 70° F. before fumigation resulted in delay and added expense to the importer. The lower temperature schedule will avoid this delay and expense. This amendment should be made effective at the earliest practicable date insofar as it imposes stricter requirements in order to prevent the spread of injurious insects by shipments of mangoes from the West Indies and insofar as it relieves restrictions in order to be of maximum benefit to the importers of the mangoes. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall be effective October 19, 1956.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159)

Done at Washington, D. C., this 16th day of October, 1956.

[SEAL] E. P. REAGAN,
Chief,
Plant Quarantine Branch.

[F. R. Doc. 56-8440; Filed, Oct. 18, 1956; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter B—Prohibitions of Imported Commodities

PART 1066—IRISH POTATOES

IMPORTATION

§ 1066.9 *Potato Regulation No. 3*—(a) *Findings and determinations.* (1) *Findings.* (i) Notice of rule making regarding proposed restrictions on importation of Irish potatoes into the United States, to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), was published in the FEDERAL REGISTER September 25, 1956 (21 F. R. 7299). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties, it is hereby found that the restrictions on the importation of Irish potatoes into the United States, as hereinafter provided, are in accordance with said section 8e.

(ii) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (a) the requirements established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation mandatory; (b) grade, size, quality, and maturity regulations are now in effect on domestic shipments of potatoes under § 970.303 of this chapter (21 F. R. 6911) and § 957.314 of this chapter (21 F. R. 7480); (c)

the General Regulations (Part 1060 of this chapter) relating to prohibition of imported commodities were published in the FEDERAL REGISTER on November 30, 1954 (19 F. R. 7707, 8012); (*d*) notice that this action was being considered to become effective October 22, 1956 was published in the FEDERAL REGISTER on September 25, 1956 (21 F. R. 7299); (*e*) compliance with this potato import regulation will not require any special preparation by importers which cannot be completed by the effective date; (*f*) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this potato import regulation; and (*g*) such notice is hereby determined, under the circumstances, to be reasonable.

(2) *Determinations with respect to imports of Irish potatoes.* (i) Pursuant to section 8e of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby determined that during the effective time hereof imports of Irish potatoes of the long varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 57 (Part 957 of this chapter; designated counties in Idaho and Malheur County, Oregon) and imports of Irish potatoes of the round white or red skin varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 70 (Part 970 of this chapter; the State of Maine).

(ii) It is hereby further determined that the grade, size, quality, and maturity regulations hereby established for the respective varieties of Irish potatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic Irish potatoes under the aforesaid marketing orders.

(b) *Import restrictions.* During the period from October 22, 1956, through July 13, 1957, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any Irish potatoes of any variety, other than certified seed potatoes, unless at least 90 percent of such potatoes are "fairly clean" and (1) if they are of the round white or red skin varieties, such potatoes meet the requirements of the U. S. No. 1 or better grade, 2¼ inches minimum diameter and 4 inches maximum diameter, and (2) if they are of the long white varieties (including, but not limited to, Russet Burbank variety), such potatoes meet the requirements of the U. S. No. 2 or better grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight.

(c) *Minimum quantities.* Any importation which, in the aggregate, does not exceed 500 pounds may be imported without regard to the provisions of paragraph (b) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on potatoes under the Plant Quarantine Act of 1912.

(e) *Certified seed imports.* Any person may import certified seed potatoes, which shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Science Service, Canada Department of Agriculture.

(f) *Designation of Governmental Inspection Service.* The Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the act.

(g) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 of this chapter.

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by a particular importer.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title; 20 F. R. 4842). The cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) *Definitions.* (1) the terms "U. S. No. 1", "U. S. No. 2", "fairly clean", and "Size A", mean the U. S. No. 1 grade, U. S. No. 2 grade, fairly clean, and Size A, respectively, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive, of this title), including the tolerances set forth therein. For the purposes of this section, the following United States Potato Standards and Canadian Potato Standards are determined to be equivalent; U. S. No. 1 grade and Canada No. 1 grade; U. S. No. 2 grade and Canada No. 2 grade except that the tolerances for size, as set forth in the said United States Standards, may be used.

(2) All other terms have the same meaning as when used in the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 16, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-8439; Filed, Oct. 18, 1956; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F—Poultry Improvement

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY)

MISCELLANEOUS AMENDMENTS

On September 7, 1956, there was published in the FEDERAL REGISTER (21 F. R. 6790) a notice of proposed amendments of the National Poultry Improvement Plan (9 CFR Part 145) and the National Turkey Improvement Plan (9 CFR Part 146) recommended by the 1956 Conference of representatives of the State agencies cooperating in the administration of the Plans. After due consideration of all relevant material submitted in connection with such notice, and pursuant to section 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 429), Parts 145 and 146 of Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. Section 145.1 *Definitions* is amended by changing paragraphs (i) and (j) to read:

(i) *ROP Supervisor.* The person employed or authorized to perform functions under § 145.20.

(j) *ROP Inspector.* The person employed or authorized to perform functions under § 145.21.

2. Section 145.2 is amended to read:

§ 145.2 *Administration.* (a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.

(b) The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and Memorandum of Understanding. An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement between the two Official State Agencies regarding conditions of participation and supervision.

(c) The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

3. Section 145.8 *Terminology and classification; general* is amended by changing paragraph (c) to read:

(c) Participating flocks and the eggs and chicks produced from them may be designated by their strain or trade name. When a breeder's name or strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either (1) birds originating from eggs produced under the direct supervision of the breeder of such strain; or (2) first generation progeny of birds described in subparagraph (1) of this paragraph; or (3) stock purchased from the breeder of the strain and mated, each subsequent generation, only to males secured from the breeder.

4. Section 145.9 is amended to read:

§ 145.9 *Terminology and classification; hatcheries and dealers.* Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer", respectively.

5. Section 145.10 *Terminology and classification; flocks and products* is amended by changing paragraphs (a), (b), (c), (d) and (g) to read:

NOTE: Figures 2, 3, 4, 5 and 8 following said paragraphs remain unchanged.

(a) *U. S. Record of Performance.* Females meeting prescribed standards for performance as individuals or families as provided in § 145.16 or males meeting the requirements in § 145.17.

(b) *U. S. Performance Tested Parent Stock.* Stock meeting the requirements prescribed in § 145.24.

(c) *U. S. Certified for Eggs.* (1) All males ROP, or (2) all males and females from Performance Tested Parent Stock for egg production mated in the same combination as used in the qualifying parent flock.

(d) *U. S. Certified for Meat.* All males and females from Performance Tested Parent Stock for meat production mated in the same combination as used in the qualifying parent flock.

* * * * *

(g) *U. S. Pullorum-Typhoid Clean.* Flocks in which no pullorum or typhoid reactors were found on the first official blood test provided for in § 145.5 (c): *Provided,* That if a reactor or reactors are found on the first test the flock may qualify with two consecutive official negative tests. In order to sell hatching eggs or chicks of this classification all hatching eggs and chicks handled must meet these requirements.

6. Section 145.14 *Blood testing* is amended by changing paragraph (a) to read:

(a) The official blood test shall be the standard tube agglutination test, the rapid serum test, or the stained-antigen, rapid, whole-blood test, conducted by an Authorized Agent or State Inspector. The recommended procedures for conducting such tests are described in Subpart A, Part 147, of this chapter. Each lot of antigen used for the whole-blood test shall be approved by the Department and effective July 1, 1957, shall be of the polyvalent type.

7. Section 145.14 is further amended by changing paragraph (f) to read:

(f) Reactors may be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency. The recommended minimum procedure for bacteriological examination is described in Subpart B, Part 147, of this chapter. When reactors are submitted within 10 days from date of reading the test and the bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the Salmonella group or paracolons are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

8. Section 145.30 *National random sample performance testing program* is redesignated as § 145.32.

9. Sections 145.15 through 145.29 are deleted and the following sections inserted in lieu thereof:

§ 145.15 *USROP; general.* (a) The ROP classification may be attained by the qualification of individual birds through trapnesting and pedigree breeding under the supervision of an Official State Agency.

(b) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of poultry breeding is eligible for ROP participation.

(c) Candidates may consist of any breed and variety, strain or cross thereof.

(d) Birds trapnested for qualification on the basis of either 10 months or 365 days of trapnesting may be withdrawn within 4 months after the date of the first egg laid by the family, provided the entire (dam) family is withdrawn.

(e) The average egg weight of all birds entered (to be reported in the annual summary) shall be based on the average of not less than the first five and not more than the first ten individual egg weights taken by the breeder and ROP inspector at a time previously agreed upon by the breeder and Official State Agency.

(f) Participants are encouraged to enter central and on-the-farm random sample tests annually as a further measure of the performance of their stock. Entries to be reported in the annual ROP summary in addition to or in lieu of the candidate report shall be so designated by the participant, to the ROP Supervisor, prior to the beginning of the test.

§ 145.16 *USROP; qualification of females.* (a) Females may qualify as ROP females as follows:

(1) If an individual bird has laid at the rate of 60 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(2) If the members of an entire family of six or more full sisters have laid at an average rate of 65 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(3) If the members of an entire family of eight or more full sisters have laid at an average rate of 70 percent or more when trapnested a minimum of five days per week and a minimum of 13 consecutive weeks.

(b) The trapnest period for each bird shall start with the first egg laid in a trapnest by such bird.

§ 145.17 *USROP; qualification of males.* A male may qualify as an ROP male provided:

(a) The pedigree record and wing band shall show that he was produced from an ROP sire and an ROP dam in a single-male mating, except that for beginning ROP participants a male may qualify on other bases acceptable to the Official State Agency and the APH Branch, such as having a full sister family meet the requirements of § 145.16 (a) (2) or (3); and

(b) In any event the male shall meet the following physical requirements:

(1) Exhibit health and constitutional vigor and show no evidence of any disease, for example, misshapen pupil or deformed leg indicative of leukosis;

(2) Show no serious physical deformities such as crooked back, wry tail, crooked beak, extremely crooked breast bone or toes; and

(3) Be reasonably representative of the breed and variety and meet the minimum weight standards as currently specified in the Standard of Perfection published by the American Poultry Association.

§ 145.18 *USROP; sale of products.* When products are sold or offered for sale under the ROP classification:

(a) The breeder must have on file evidence that such products are from single male matings of qualified ROP males and ROP females.

(b) A copy of such evidence, including records of egg production, hatching and pedigree, must be submitted routinely to the Official State Agency.

(c) Eggs sold, or set for the sale of chicks or stock, shall weigh at least $1^{11}/_{12}$ ounces each.

(d) Reports of trapnest records shall be in terms of percent production, except that records based on 3-, 4-, 5-, 6-, or 7-day-a-week trapnesting for a 365-day trapnest period, may be reported in number of eggs. Only records which result from trapnesting the same days of each week may be converted to number of eggs. Reports of trapnest records referred to in advertising or in any other way shall show the length of the quali-

fying period on which such records were based.

§ 145.19 *USROP; annual summary.* The ROP Supervisor shall submit to the APH Branch for publication:

(a) For ROP participants having an entry in a central or on-the-farm egg production test as provided in § 145.15 (f), the report specified in § 145.26 (a).

(b) For ROP participants having no entry in a central or on-the-farm egg production test as provided in § 145.15 (f) and for other participants at their request a report comprised of the following:

(1) Breed and variety of the entry (indicate if the entry is a crossbred or strain cross);

(2) Total number of pullets of this breed and variety on the farm;

(3) Basis of qualifying ROP females as provided in § 145.16:

(i) Individual birds producing 219 eggs in 365 days based on 3 or more days of trapnesting a week;

(ii) Individual birds otherwise meeting the requirement of 60 percent production during at least 10 consecutive months;

(iii) Families of 6 or more meeting the requirement of 65 percent production during at least 10 consecutive months;

(iv) Families of 8 or more meeting the requirement of 70 percent production during at least 13 consecutive weeks;

(4) Number of birds of this breed and variety trapnested;

(5) Number of birds withdrawn;

(6) Number of birds entered in ROP;

(7) Number of birds trapnested which were individually pedigreed;

(8) Number meeting the ROP requirements;

(9) Percentage of birds trapnested meeting the ROP requirements;

(10) Percentage of birds entered meeting the ROP requirements on 365-day basis;

(11) Average egg production of all birds entered for qualification on basis of 10 months or 365 days reported in percentage production and number of eggs, respectively.

(12) Average egg weight of all birds entered;

(13) Average body weight of all birds entered (optional with the breeder).

§ 145.20 *USROP; duties of ROP Supervisor.* The ROP supervisor shall represent the Official State Agency in its supervision of ROP participation. His duties shall include:

(a) Keeping on file in his office for at least five years a record of:

(1) All qualified males, with at least one-generation pedigree showing records of egg production of the female ancestors;

(2) All qualified females with records of their egg production for their qualifying period;

(3) All single-male matings; and

(4) All ROP chicks with at least one-generation pedigree.

(b) Submitting the reports required in § 145.19.

§ 145.21 *USROP; duties of ROP Inspector.* The ROP Inspector shall work under the direction of the ROP Supervisor. He shall:

(a) Visit, and inspect the work of, each breeder at least four times a year, his visits to be so timed that each season of the year shall be represented and at least three of these visits shall be unannounced.

(b) Trapnest on each inspection enough pens of ROP candidates to satisfy the Official State Agency as to the accuracy of the breeder's trapnest records;

(c) During the official egg weighing period for the breeder provided under § 145.15 (e), weigh and record the weight of the eggs laid by each bird trapnested;

(d) Examine hens apparently out of production and determine whether they are being credited with eggs;

(e) During the breeding season, examine all birds in single-male matings to see that the birds which constitute these matings are properly listed with the supervisor;

(f) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period, and subsequently with the number of chicks reported hatched and wing-banded. (He shall have the authority to examine for fertility the eggs being incubated.);

(g) Make an annual inspection of pedigree-hatching facilities and methods and chick-banding techniques.

§ 145.22 *U. S. Performance Tested Parent Stock; general.* (a) The Performance Tested Parent Stock classification may be attained by the qualification of flocks through the performance of their progeny in a central random sample test, as specified in §§ 145.27 and 145.28, or in any other central random sample test approved for this purpose by the Department.

(b) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of poultry breeding is eligible for participation.

§ 145.23 *U. S. Performance Tested Parent Stock; entry.* (a) The entry may consist of any breed, variety, strain, cross thereof, or hybrid combination bred for the production of eggs, meat or both.

(b) Candidates for flock qualification as Performance Tested Parent Stock for egg production shall be represented by an entry in a central random sample egg production test.

(c) Candidates for flock qualification as Performance Tested Parent Stock for meat production shall be represented by an entry in a central random sample meat production test.

(d) The entry representing candidates for flock qualification as Performance Tested Parent Stock shall be so designated by the participant to the Official State Agency prior to the beginning of the test.

§ 145.24 *U. S. Performance Tested Parent Stock; flock qualification.* (a) Flocks offered for qualification under §§ 145.22 and 145.23 and for which reports have been made as required by § 145.26 may qualify as:

(1) Performance Tested Parent Stock for egg production when progeny from such stock entered in an officially recognized central random sample egg production test, ranked in the top two-thirds of the entries based upon income above feed and chick costs per pullet chick started. (When the breeder has entries in more than one central random sample test, qualification shall be based upon the average rank in all such tests.)

(2) Performance Tested Parent Stock for meat production when progeny from such stock entered in an officially recognized central random sample meat production test (i) laid at an average rate of at least 50 percent on a hen-housed basis and had an average body weight of either at least 3.0 pounds for cockerels and 2.4 pounds for pullets at 8 weeks, or 3.3 pounds for cockerels and 2.7 pounds for pullets at 9 weeks of age; or (ii) ranked in the top third of the entries in rate of lay and rate of growth. (When the breeder has entries in more than one central random sample test, qualification shall be based upon the average performance records in all such tests.)

(b) Any entry for which the results have been invalidated and so indicated in the published test report by the test management will not be considered in compiling performance averages for qualification.

(c) Stock classified as Performance Tested Parent Stock may retain that classification for one year after classification, provided the stock is maintained under the supervision of the qualifying breeder, and is mated in the same combination, and for one more year when, in addition, the stock has been continuously represented by an entry in a central random sample test as provided in § 145.23 (b) and (c).

§ 145.25 *U. S. Performance Tested Parent Stock; sale of products.* When products are sold or offered for sale as Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are from matings qualified as Performance Tested Parent Stock.

§ 145.26 *U. S. Performance Tested Parent Stock; annual summary.* The Official State Agency shall submit to the APH Branch, for publication, whichever of the following reports are appropriate for each entry:

(a) An egg production test report shall comprise the following:

(1) Name and location of test;

(2) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);

(3) Breeder's grade designation of chicks entered;

(4) Total number of females in the flock or flocks from which sample was drawn;

(5) Number of pullet chicks started;

(6) Number of pullets housed;

(7) Age at housing (age records started);

(8) Age at which pullets attained 50 percent production;

(9) Average egg weight at 240 days of age;

(10) Average egg production to 500 days of age, hen-housed basis, number and percent;

(11) Average egg production in number of eggs to 500 days of age, hen-day basis;

(12) Adult mortality;

(13) Average egg weight based on one or more weighings at 11 to 13 months of age;

(14) Average body weight based on one or more weighings at 11 to 13 months of age;

(15) Interior egg quality data, if available and requested by breeder;

(b) A meat production test report shall comprise the following:

(1) For the growing phase:

(i) Name and location of test;

(ii) Duration of test (8 or 9 weeks);

(iii) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);

(iv) Breeder's grade designation of chicks entered;

(v) Total number of females in flock or flocks from which sample was drawn;

(vi) Number of chicks started;

(vii) Mortality;

(viii) Average weight and variability of all pullets;

(ix) Average weight and variability of all cockerels;

(x) Number of cockerels dressed (at least 50 selected at random);

(xi) Average live weight of dressed cockerels;

(xii) Average New York dressed weight before chilling;

(xiii) Average eviscerated weight, if available;

(xiv) Number of Grade A, B, and C carcasses, based on fleshing; finish; and freedom from pinfeathers;[1]

(xv) Number of birds rejected due to crooked or dented keel, hunchback, misshapen bones, calluses and blisters, scabby or discolored backs, black, blue or green color showing through skin; and

(2) For the laying phase:

(i) Name and location of test;

(ii) Breeder's grade designation of entry (female parent stock);

(iii) Total number of females in flock or flocks from which sample was drawn;

(iv) Number of pullets housed;

(v) Adult mortality for 300 days;

(vi) Average egg production in percent for a period of 300 days, hen-housed basis;

(vii) Average egg production in percent for a period of 300 days, hen-day basis;

(viii) Average egg weight;

(ix) Hatchability.

§ 145.27 *Central random sample egg production test.* (a) A central random sample egg production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants.

(b) The sample to be tested shall consist of a random sample of eggs selected by a representative of the Official State Agency from all mated pullets used to produce the grade of chicks to be tested.

[1] The grading will be based on United States Classes, Standards and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

(c) At least 50 pullet chicks, hatched from these eggs, shall be started for each entry.

(d) Pen egg production and mortality shall be recorded daily until the birds are 500 days of age.

(e) At the end of the test a summary for each entry shall be submitted by the Official State Agency to the APH Branch, for publication, including the items specified in § 145.26 (a).

§ 145.28 *Central random sample meat production test.* (a) A central random sample meat production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants.

(b) The sample shall be selected by a representative of the Official State Agency and (1) for the growing phase shall consist of a random sample of eggs selected from all mated pullets used to produce the grade of chicks to be tested; and (2) for the laying phase shall consist of a random sample of eggs, or chicks, or 4–6-month old pullets selected at random from the female parent stock.

(c) Hatchability shall be based on eggs hatched for the growing phase.

(d) At least 250 straight-run chicks shall be started in the growing phase for each entry.

(e) At least 50 pullets or pullet chicks shall be started in the laying phase for each entry.

(f) Pen egg production and mortality shall be recorded daily for a period of 300 days.

(g) The duration of the growing test shall be either 8 or 9 weeks.

(h) At either 8 or 9 weeks of age individual body weights shall be recorded by sex for the growing phase entry. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the Official State Agency.

(i) At the end of the test a summary for each entry shall be submitted by the Official State Agency to the APH Branch, for publication, including the items specified in § 145.26 (b).

§ 145.29 *On-the-farm performance tests; general.* (a) These tests shall be conducted under the supervision of the Official State Agency on the breeder's farm or at some other location under his control.

(b) Good but not impractical commercial conditions shall prevail.

(c) The entries shall be selected by a representative of the Official State Agency and each bird shall be identified with an official, sealed and numbered band at the time of selection.

(d) Accurate mortality records shall be kept for the duration of the test, and any bird removed from the test pen shall be considered as a mortality.

(e) Trapnesting of the entry shall be optional with the participant.

(f) There shall be a minimum of six unannounced inspections, by a state inspector, with at least two during the period when egg weights and body weights are recorded (11 to 13 months of age).

(g) The inspector shall determine the number of eggs laid on the day of inspection as a check on the accuracy of the breeder's records.

(h) The inspector shall weigh, either individually or as a lot, the eggs laid on the days of inspection during the period when egg weights are taken, and the average egg weight shall be computed from these weights.

(i) The entry shall be housed as a unit in a separate pen or building during the time egg production is being recorded.

(j) At the end of an on-the-farm test a summary for each entry shall be submitted by the Official State Agency to the APH Branch for publication, including for an egg production test the items specified in § 145.26 (a) and for a meat production test the items specified in § 145.26 (b).

§ 145.30 *On-the-farm performance test; egg production.* (a) An entry shall consist of at least 125 pullet chicks selected at random by a representative of the Official State Agency and identified with sealed official wing bands at hatching time.

(b) Pen egg production shall be recorded daily until the birds are 500 days of age.

(c) The inspector shall weight the pullets, either individually or as a lot, on one of the days of inspection during the period when the birds are 11 to 13 months of age, and the average body weight shall be computed from these weights.

§ 145.31 *On-the-farm performance test; meat production.* (a) The entry shall consist of:

(1) 250 or more straight-run chicks of the grade to be tested, selected at random by a representative of the Official State Agency from those produced by all mated pullets used to produce the grade of chicks to be tested; and

(2) 100 or more pullets selected at random at 4 to 6 months of age from the female parent stock of the chicks to be tested.

(b) The duration of the test shall be either 8 or 9 weeks.

(c) The chicks shall be floor brooded for the duration of the test with no more than 1½ square feet of floor space per bird.

(d) The inspector shall weigh and record the weight and sex of each bird at the conclusion of the test. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the inspector.

(e) Pen egg production and mortality shall be recorded daily for a period of 300 days.

(f) Hatchability shall be determined by the inspector by checking at random, the hatchability of at least 1,000 eggs from those produced by all mated pullets used to produce the grade of chicks to be tested.

(g) The entrant shall be disqualified by any misrepresentation, falsification or use of artificial practices (except light) such as plumping, hormones, etc.

10. The redesignated § 145.32 is amended by changing subparagraphs (3)

through (13), (15), (16), (18), (20), (22), and (23) of paragraph (c) to read:

(3) The test management of each test shall attempt to provide similar environmental conditions for all entries.

(4) The test management of any central random sample test may rule that the results of one or more entries are invalid. The reason for such invalidation shall be a part of the published report.

(5) The results of both the egg production and meat phase shall be promptly published at the conclusion of each year's test. The publication shall include an interpretation of the statistical validity of the results.

(6) The actual performance of each reportable item shall be published rather than a ranking based on one character or combination of characters.

(7) All entries shall consist of sufficient hatching eggs to produce 125 pullet chicks.

(8) Hatching eggs shall be selected at random by a disinterested person designated by the test management.

(9) Hatching eggs shall be selected from those used to produce a designated commercial grade of the breeder's chicks.

(10) The type of entry shall be designated as: "single-strain purebred" (suitable for use in breeding flocks) or "others".

(11) The eggs shall be set on a date determined by the governing board.

(12) Records shall be kept on the fertility and hatchability of the eggs submitted.

(13) Chicks shall be reared intermingled to housing time. (The same number of chicks from each entry to be brooded and reared together.)

* * * * *

(15) Rearing mortality shall be based on the period from hatching to housing date.

(16) Laying house mortality shall be based on the period from housing to the conclusion of the test.

* * * * *

(18) Each entry shall be housed not later than 160 days of age and until the end of the test period.

* * * * *

(20) Production records shall be kept from the date of housing until the conclusion of the test, but in no case less than 500 days of age.

* * * * *

(22) Body weight shall be determined at housing time and at the conclusion of the test by bulk weighing the pullets.

(23) Egg quality data shall be collected one day a month during the 8th, 10th, 12th and 14th months of age. This shall be based on measurements of all the eggs laid that day and shall include the following:

(i) Egg shape;

(ii) Shell thickness;

(iii) Meat and blood spots; and

(iv) Albumen quality (broken out basis).

11. Section 146.1 *Definitions* is amended by changing paragraph (q) to read:

(q) *Strain.* Turkey breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

12. Section 146.2 is amended to read:

§ 146.2 *Administration.* (a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.

(b) The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and Memorandum of Understanding. An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement between the two Official State Agencies regarding conditions of participation and supervision.

(c) The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

13. Section 146.4 *General provisions for all participants* is amended by adding a new paragraph (g) to read:

(g) Standard and Broad Breasted turkeys of the same variety may not be kept for commercial production on the same premises or hatched for sale in the same hatchery.

14. Section 146.8 *Terminology and classification; general* is amended by changing paragraph (c) to read:

(c) Participating flocks and the eggs and poults produced from them may be designated by their strain or trade name.

(1) A breeder's strain name may be used only when the stock is (i) first generation progeny (F_1) of stock originating from eggs produced under the direct supervision of the breeder, or (ii) multiplied by persons designated and so reported, to each Official State Agency concerned, by the breeder.

(2) A breeder's trade name may be used only by persons authorized and so reported, to each Official State Agency concerned, by the breeder.

15. Section 146.9 is amended to read:

§ 146.9 *Terminology and classification; hatcheries and dealers.* Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer," respectively.

16. Section 146.10 *Terminology and classification; flocks and products* is amended by adding a new subparagraph (3) to paragraph (b) to read:

(3) Market quality of U. S. Grade A, except for dressing and handling defects, for at least 90 percent of all birds graded.

17. Section 146.14 *Blood testing* is amended by changing paragraph (f) to read:

(f) Reactors may be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency. The recommended minimum procedure for becteriological examination is described in Subpart B, Part 147 of this chapter. When reactors are submitted within 10 days from date of reading the test and the bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the Salmonella group or paracolons are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

18. Section 146.27 *USROP; duties of ROP Supervisor* is amended by redesignating present subparagraphs (4), (5), (6), (7), and (8) of paragraph (b) as (5), (6), (7), (8), and (9) respectively and adding a new subparagraph (4) to read:

(4) Mating procedure: (Natural mating, artificial insemination or both);

19. Section 146.29 *Turkey reproduction test* is amended by redesignating present subparagraphs (2) and (3) of paragraph (d) as (3) and (4) respectively and adding a new subparagraph (2) to read:

(2) Mating procedure: (Natural mating, artificial insemination or both);

20. Section 146.30 *Central turkey meat production test* is amended by changing paragraph (b) to read:

(b) The entry shall consist of at least 100 poults, 50 percent of each sex.

21. Section 146.30 is further amended by changing paragraph (i) to read:

(i) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Mating procedure: (Natural mating, artificial insemination or both);

(3) Number of breeder hens in the flock or flocks from which egg sample was drawn;

(4) Mortality to two weeks of age; to eight weeks of age; and to the end of the test. (When feed conversion data are obtained all birds that die shall be weighed at the time of death and such weights used in the computations);

(5) Average live weight (i) of fryer-roaster entry at the end of test; and (ii) of mature marketing entry at 12 weeks of age; 22 weeks of age; and at close of test. (Such average weights shall be based on individual weights and reported by sexes);

(6) Average eviscerated weight, including neck and giblets, of all birds completing the test, by sexes. (If neck or giblets are not included this shall be explained in all reports);

(7) Average breast width, body depth and keel length of the New York dressed birds, by sexes. (The breast width shall be measured at the widest point 1¾ inches above the keel. The body depth shall be measured at the deepest point. These measurements shall be taken while the birds are suspended by the legs);

(8) Coefficient of variability of final live and eviscerated weights and body measurements;

(9) The number of birds, by sexes, (expressed in percentage) in each U. S. Grade with all factors considered, except dressing defects; and the number in U. S. Grade A for each of following factors: (i) fleshing; (ii) finish; and (iii) freedom from pinfeathers;[1]

(10) Other items, such as dressing percentage, feed conversion and defects of economic importance, at the option of the Official State Agency and the APH Branch.

22. Section 146.31 *On-the-farm turkey meat production test* is amended by changing paragraph (f) to read:

(f) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Mating procedure: (Natural mating, artificial insemination or both);

(3) Number of hens in the flock or flocks from which poult sample was drawn;

(4) Percentage of poults started that finished the test;

(5) Average live weight, by sexes, based on individual weights of all birds at the close of the test;

(6) Average eviscerated weight, including neck and giblets, of all birds completing the test, by sexes. (If neck or giblets are not included this shall be explained in all reports.);

(7) Average breast width, body depth and keel length of the New York dressed birds, by sexes. (The breast width shall be measured at the widest point 1¾ inches above the keel. The body depth shall be measured at the deepest point. These measurements shall be taken while the birds are suspended by the legs.);

(8) Coefficient of variability of all weights and body measurements.

The amendments are based on recommendations of the 1956 National Poultry and Turkey Improvement Plans Conference of representatives of the State agencies cooperating in the administration of the Plans. All affected poultrymen were represented at the Conference. Notice of rule making with respect to the amendments was published in the FEDERAL REGISTER on September 7, 1956, and on the same date the Department issued a press release summarizing the proposed changes in the Plans. Copies of the proposed amendments were sent to the representatives of each of the cooperating State agencies. The foregoing amendments are the same in substance as the recommendations of the Conference and as the proposed amendments set forth in the notice of rule making published in the FEDERAL REISGTER. All affected poultrymen should be aware of the changes in their operations that will be required by the amendments. The Conference recommended that the amendments be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The reporting and record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 101, 58 Stat. 734, as amended; 7 U. S. C. 429)

Done at Washington, D. C., this 15th day of October 1956.

[SEAL] M. R. CLARKSON,
Deputy Administrator,
Agricultural Research Service.

[F. R. Doc. 56-8418; Filed, Oct. 18, 1956; 8:48 a. m.]

[1] The grading will be based on United States Classes, Standards and Grades for Poultry, as contained in 7 CFR, Part 70, Subpart B.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 15]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the last portion between Albany, N. Y., and Boston, Mass., to read: "Albany, N. Y., radio range station; Hartford, Conn., radio range station; the intersection of the west course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station."

2. Section 600.312 is added to read:

§ 600.312 *Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).* From the intersection of the west course of the Westfield, Mass., radio range with a straight line between Albany, N. Y., radio range station and the Hartford, Conn., radio range station to the Westfield, Mass., radio range station.

3. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the portion which reads: "Muskegon, Mich., omnirange station, including a south alternative via the intersection of the Milwaukee omnirange 126° True and the Muskegon omnirange 251° True radials;" to read "Muskegon, Mich., omnirange station, including a south alternate via the intersection of the Milwaukee omnirange 111° True and the Muskegon omnirange 255° True radials;".

4. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Sacramento, Calif., omnirange station;" to read: "Sacramento, Calif., omnirange station, including a south alternate via the intersection of the Oakland omnirange 078° True and the Sacramento omnirange 192° True radials;".

5. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing the portion which reads: "South Bend, Ind., omnirange station, including a north alternate from the Naperville omnirange station to the South Bend omnirange station via the intersection of the Naperville omnirange 064° True and the South Bend omnirange 287° True radials; Litchfield, Mich., omnirange station, including a north alternate;" to read: "South Bend, Ind., omnirange station, including a north alternate from the Naperville omnirange station to the South Bend omnirange station via the intersection of the Naperville omnirange 075° True and the South Bend omnirange 290° True radials; Litchfield, Mich., omnirange station;".

6. Section 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.)* is amended by changing the portion which reads: "Tallahassee, Fla., omnirange station, including a north alternate via the intersection of the Marianna omnirange 094° True and the Tallahassee omnirange 005° True radials; to the Jacksonville, Fla., omnirange station." to read: "Tallahassee, Fla., omnirange station; to the Jacksonville, Fla., omnirange station, including a north alternate from the Marianna omnirange station to the Jacksonville omnirange station via the point of intersection of the Marianna omnirange 094° True with the Albany, Ga., omnirange 152° True radials and the point of intersection of the Tallahassee omnirange 091° True with the Valdosta, Ga., omnirange 234° True radials."

7. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing the portion which reads: "Fresno, Calif., omnirange station;" to read: "Fresno, Calif., omnirange station, including an east alternate;" and by changing the portion which reads: "intersection Sacramento omnirange 346° True and the Red Bluff omnirange 159° True radials;" to read: "intersection of the Sacramento omnirange 346° True and the Red Bluff omnirange 158° True radials;".

8. Section 600.60626 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio)* is amended by changing the portion which reads: "Minneapolis, Minn., omnirange station, including a south alternate;" to read: "Minneapolis, Minn., omnirange station, including a south alternate via the intersection of the Redwood Falls omnirange 075° True and the

Minneapolis omnirange 194° True radials;".

9. Section 600.6029 *VOR civil airway No. 29 (Salisbury, Md., to United States-Canadian Border)* is amended by changing the portion which reads: "West Chester, Pa., omnirange station; Allentown, Pa., omnirange station;" to read: "West Chester, Pa., omnirange station; Pottstown, Pa., omnirange station; Allentown, Pa., omnirange station;".

10. Section 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.)* is amended by changing the portion which reads: "From the Milwaukee, Wis., omnirange station via the Pullman, Mich., omnirange station, including a south alternate via the intersection of the Milwaukee omnirange 126° True and the Pullman omnirange 278° True radials;" to read: "From the Milwaukee, Wis., omnirange station via the Pullman, Mich., omnirange station, including a south alternate via the point of intersection of the Milwaukee omnirange 135° True and the Chicago Heights omnirange 358° True radials;".

11. Section 600.6037 is amended to read:

§ 600.6037 *VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.)*. From the Savannah, Ga., omnirange station via the Columbia, S. C., omnirange station to the Charlotte, N. C., omnirange station. From the Pulaski, Va., omnirange station to the point of intersection of the Charleston, W. Va., omnirange 129° True and the Montebello, Va., omnirange 256° True radials. From the Elkins, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; to the Erie, Pa., omnirange station.

12. Section 600.6055 *VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.)* is amended by changing the portion which reads: "South Bend, Ind., omnirange station; Pullman, Mich., omnirange station;" to read: "South Bend, Ind., omnirange station; Keeler, Mich., omnirange station; Pullman, Mich., omnirange station;".

13. Section 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.)* is amended by changing the portion which reads: "San Antonio, Tex., omnirange station;" to read: "San Antonio, Tex., omnirange station, including a north alternate via the point of intersection of the San Antonio omnirange 334° True and the Lometa, Tex., omnirange 192° True radials;".

14. Section 600.6084 *VOR civil airway No. 84 (Bradford, Ill., to Buffalo, N. Y.)* is amended by changing the last portion to read: "From the Wheeling, Ill., omnirange station via the Pullman, Mich., omnirange station; Lansing, Mich., omnirange station; Selfridge, Mich., omnirange Station; London, Ontario, omnirange station; to the Buffalo, N. Y. omnirange station."

15. Section 600.6085 is amended to read:

§ 600.6085 *VOR civil airway No. 85 (Rock River, Wyo., to Casper, Wyo.)*. From the Rock River, Wyo., omnirange station to the Casper, Wyo., omnirange station, including a west alternate via the intersection of the Rock River omnirange 336° True and the Casper omnirange 216° True radials.

16. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Alexandria, Minn.)* is amended by changing the portion which reads: "Tallahassee, Fla., omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the intersection of the Tampa omnirange 331° True and the Cross City omnirange 182° True radials and the Cross City, Fla., omnirange station;" to read: "Tallahassee, Fla., omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the Cross City, Fla., omnirange station;".

17. Section 600.6100 is added to read:

§ 600.6100 *VOR civil airway No. 100 (North Platte, Nebr., to Detroit, Mich.)*. From the North Platte, Nebr., omnirange station via the Sioux City, Iowa, omnirange station; Waterloo, Iowa, omnirange station; to the Polo, Ill., omnirange station. From the Wheeling, Ill., omnirange station via the intersection of the Wheeling omnirange 093° True and the Keeler omnirange 271° True radials; Keeler, Mich., omnirange station; point of intersection of the Litchfield, Mich., omnirange 050° True and the Salem omnirange 257° True radials; to the Salem, Mich., omnirange station.

18. Section 600.6116 *VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.)* is amended by changing the portion which reads: "Naperville, Ill., omnirange station; Pullman, Mich., omnirange station; Salem, Mich., omnirange station;" to read: "Naperville, Ill., omnirange station; Keeler, Mich., omnirange station; point of intersection of the Litchfield, Mich., 050° True and the Salem omnirange 257° True radials; Salem, Mich., omnirange station;".

19. Section 600.6126 *VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.)* is amended by changing the portion which reads: "Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 240° True radials." to read: "Wilkes-Barre-Scranton, Pa., omnirange station; Huguenot, N. Y., omnirange station; to the Wilton, Conn., omnirange station, excluding daily from sunrise to sunset, annually during the period from March 1 to November 1, the portion of this airway below 6,000 ft. above mean sea level which overlaps the West Point restricted area (R–93)."

20. Section 600.6146 is amended to read:

§ 600.6146 *VOR civil airway No. 146 (Wilkes-Barre, Pa., to Woodstock, Conn.)*. From the Wilkes-Barre-Scranton, Pa., omnirange station via the Huguenot, N. Y., omnirange station; point of intersection of the Wilton, Conn., omnirange 295° True and the Poughkeepsie omnirange 236° True radials; Poughkeepsie, N. Y., omnirange station; to the point of intersection of the Poughkeepsie omnirange 079° True and the Norwich, Conn., omnirange 347° True radials.

21. Section 600.6147 *VOR civil airway No. 147 (Philadelphia, Pa., to Rochester, N. Y.)* is amended by changing the portion which reads: "From the West Chester, Pa., omnirange station via the Allentown, Pa., omnirange station;" to read: "From the Philadelphia, Pa., International Airport ILS localizer via the Pottstown, Pa., omnirange station; Allentown, Pa., omnirange station;".

22. Section 600.6148 is amended to read:

§ 600.6148 *VOR civil airway No. 148 (Denver, Colo., to North Platte, Nebr.)*. From the Denver, Colo., omnirange station via the intersection of the Denver omnirange 186° True and the Kiowa omnirange 278° True radials; Kiowa, Colo., omnirange station; Thurman, Colo., omnirange station; Imperial, Nebr., omnirange station; to the North Platte, Nebr., omnirange station.

23. Section 600.6150 is amended to read:

§ 600.6150 *VOR civil airway No. 150 (San Francisco, Calif., to Reno, Nev.)*. From the San Francisco, Calif., terminal omnirange station via the intersection of the San Francisco terminal omnirange 304° True and the Sacramento omnirange 233° True radials; Sacramento, Calif., omnirange station; intersection of the Sacramento 097° True and the Reno 208° True radials; to the Reno, Nev., omnirange station.

24. Section 600.6158 *VOR civil airway No. 158 (Iowa Falls, Iowa, to Waterloo, Iowa)* is revoked.

25. Section 600.6163 is amended to read:

§ 600.6163 *VOR civil airway No. 163 (Brownsville, Tex., to Oklahoma City, Okla.)*. That airspace over U. S. territory from the Brownsville, Tex., omnirange station via the intersection of the Brownsville omnirange 339° True and the Alice omnirange 171° True radials; Alice, Tex., omnirange station; San Antonio, Tex., omnirange station; intersection of the San Antonio omnirange 902° True and the Lometa omnirange 173° True radials; Lometa, Tex., omnirange station, including a west alternate via the intersection of the San Antonio omnirange 334° True and the Lometa omnirange 192° True radials; Mineral Wells, Tex., omnirange station; Fort Worth, Tex., omnirange station; Ardmore, Okla., omnirange station; intersection of the Ardmore omnirange 350° True and the Oklahoma City omnirange 137° True radials; to the Oklahoma City omnirange station, including a west alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the intersection of the Ardmore omnirange 331° True and the Oklahoma City omnirange 180° True radials and also an east alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the point of intersection of the Oklahoma City omnirange 107° True and the Tulsa, Okla., omnirange 222° True radials. The portions of this airway which conflict with the Corpus Christi restricted area (R–277) are excluded.

26. Section 600.6170 is amended by changing the caption to read: *"VOR civil airway No. 170 (Milwaukee, Wis., to Philadelphia, Pa.)"* and by adding a new first portion to read: "From the Milwaukee, Wis., omnirange station via the Pullman, Mich., omnirange station; to the Salem, Mich., omnirange station."

27. Section 600.6187 is amended to read:

§ 600.6187 *VOR civil airway No. 187 (Chicago, Ill., to Milwaukee, Wis.)*. From the Chicago Heights, Ill., omnirange station via the intersection of the Chicago Heights omnirange 358° True and the Milwaukee omnirange 135° True radials; to the Milwaukee, Wis., omnirange station, including an east alternate via the intersection of the Chicago Heights omnirange 013° True and the Milwaukee omnirange 135° True radials.

28. Section 600.6191 is amended by changing the caption to read: *"VOR civil airway No. 191 (Walnut Ridge, Ark., to Milwaukee, Wis.)"* and by adding a new last portion to read: "From the Chicago, Ill., O'Hare International Airport terminal omnirange station via the point of intersection of the Chicago Heights omnirange 358° True and the Milwaukee omnirange 135° True radials; to the Milwaukee, Wis., omnirange station."

29. Section 600.6214 *VOR civil airway No. 214 (Muskegon, Mich., to Saginaw, Mich.)* is revoked.

30. Section 600.6216 is amended to read:

§ 600.6216 *VOR civil airway No. 216 (Janesville, Wis., to Saginaw, Mich.)*. From the Janesville, Wis., omnirange station via the Muskegon, Mich., omnirange station; to the Saginaw, Mich., nondirectional radio beacon.

31. Section 600.6218 is amended to read:

§ 600.6218 *VOR civil airway No. 218 (Chicago, Ill., to Flint, Mich.)*. From the point of intersection of the Naperville omnirange 296° True and the Polo, Ill., omnirange 085° True radials via the Naperville, Ill., omnirange station; Keeler, Mich., omnirange station; Lansing, Mich., omnirange station; to the point of intersection of the Lansing omnirange 068° True and the Salem, Mich., omnirange 342° True radials.

32. Section 600.6228 *VOR civil airway No. 228 (Naperville, Ill., to Sycamore, Ill.)* is revoked.

33. Section 600.6228 is added to read:

§ 600.6228 *VOR civil airway No. 228 (Wheeling, Ill., to South Bend, Ind.)*. From the Wheeling, Ill., omnirange station to the South Bend, Ind., omnirange station.

34. Section 600.6249 is added to read:

§ 600.6249 *VOR civil airway No. 249 (New York, N. Y., to Port Jervis, N. Y.)*. From the Caldwell, N. J., omnirange station to the Huguenot, N. Y., omnirange station.

35. Section 600.6251 is added to read:

§ 600.6251 *VOR civil airway No. 251 (Philadelphia, Pa., to New York, N. Y.)*. From the West Chester, Pa., omnirange station via the Pottstown, Pa., omnirange station; point of intersection of Pottstown 044° True and the Allentown, Pa., 103° True radials; to the Caldwell, N. J., omnirange station.

36. Section 600.6252 is added to read:

§ 600.6252 *VOR civil airway No. 252 (Binghamton, N. Y., to New York, N. Y.)*. From the Binghamton, N. Y., omnirange station via the point of intersection of the Binghamton omnirange 130° True and the Wilkes-Barre-Scranton, Pa., omnirange 358° True radials; Huguenot, N. Y., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton, Pa., 117° True and the Wilton, Conn., omnirange 240° True radials.

37. Section 600.6253 is added to read:

§ 600.6253 *VOR civil airway No. 253.* [Unassigned.]

38. Section 600.6254 is added to read:

§ 600.6254 *VOR civil airway No. 254 (Reinholds, Pa., to Columbus, N. J.)*. From the point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown, Pa., omnirange 228° True radials via the Pottstown, Pa., omnirange station; to the point of intersection of the Pottstown omnirange 104° True and the Colts Neck, N. J., omnirange 242° True radials.

39. Section 600.6255 is added to read:

§ 600.6255 *VOR civil airway No. 255.* [Unassigned.]

40. Section 600.6256 is added to read:

§ 600.6256 *VOR civil airway No. 256 (Reinholds, Pa., to Warrington, Pa.)*. From the point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown, Pa., omnirange 228° True radials via the Pottstown, Pa., omnirange station; to the point of intersection of the West Chester, Pa., omnirange 051° True and the Pottstown omnirange 083° True radials.

41. Section 600.6257 is added to read:

§ 600.6257 *VOR civil airway No. 257.* [Unassigned.]

42. Section 600.6258 is added to read:

§ 600.6258 *VOR civil airway No. 258 (Charleston, W. Va., to Roanoke, Va.)*. From the Charlestown, W. Va., omnirange station via the point of intersection of the Charleston omnirange 129° True and the Montebello, Va., omnirange 256° True radials; to the Roanoke, Va., terminal omnirange station.

43. Section 600.6259 is added to read:

§ 600.6259 *VOR civil airway No. 259.* [Unassigned.]

44. Section 600.6260 is added to read:

§ 600.6260 *VOR civil airway No. 260 (Charleston, W. Va., to Roanoke, Va.)*. From the Charleston, W. Va., omnirange station via the intersection of the Charleston omnirange 104° True and the Roanoke terminal omnirange 328° True radials; to the Roanoke, Va., terminal omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. November 15, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–8406; Filed, Oct. 18, 1956; 8:46 a. m.]

[Amdt. 15]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.312 is added to read:

§ 601.312 *Red civil airway No. 112 control areas (Albany, N. Y., to Westfield, Mass.)*. All of Red civil airway No. 112.

2. Section 601.1001 is amended to read:

§ 601.1001 *Control area extension (Moses Lake, Wash.)*. That airspace south of Green civil airway No. 2 within a 30-mile radius of Larson Air Force Base, excluding the portion which lies within the boundaries of prohibited area (P–246), and the airspace within 10 miles either side of a line extending from the Moses Lake nondirectional radio beacon (MSK) to the Walla Walla, Wash., radio range station.

3. Section 601.1064 is amended to read:

§ 601.1064 *Control area extension (Chicopee Falls, Mass.)*. That airspace northeast of Chicopee Falls bounded on the northwest by Red civil airway No. 33, on the northeast by VOR civil airway No. 151 and the Worcester, Mass., control zone, on the southeast by Amber civil airway No. 7 and on the south by a line extending from a point at latitude 42°08'50", longitude 72°28'00" to a point at latitude 42°04'30", longitude 72°11'30" excluding the airspace below 2,500 ft. Mean Sea Level; that airspace north of Chicopee Falls bounded on the west by Blue civil airway No. 41, on the north by VOR civil airway No. 2 and on the southeast by VOR civil airway No. 39; that airspace northwest of Chicopee Falls lying within an arc of 38 statute miles centered on the Westover, Mass., Air Force Base bounded on the north by VOR civil airway No. 2, on the east by Blue

civil airway No. 41 and on the south by Red civil airway No. 112.

4. Section 601.1076 is amended to read:

§ 601.1076 *Control area extension (Phoenix, Ariz.).* That airspace southwest of Phoenix bounded on the north and east by VOR civil airway No. 16, on the south by VOR civil airway No. 66N, and on the west by VOR civil airway No. 87; that airspace northwest and north of Phoenix bounded on the south by Green civil airway No. 5, on the west by longitude 112°50'00", on the north by latitude 34°00'00" and on the east by VOR civil airway No. 95; that airspace within 5 miles either side of the east course of the Phoenix radio range extending from the radio range station to a point 25 miles east.

5. Section 601.1081 is amended to read:

§ 601.1081 *Control area extension (Windsor Locks, Conn.).* That airspace in the vicinity of Bradley Field, Windsor Locks, Conn., bounded on the southeast by Amber civil airway No. 7, on the southwest and west by Blue civil airway No. 41, on the northwest by Red civil airway No. 33 and on the north by a line extending from a point at latitude 42°-08'50", longitude 72°28'00" to a point at latitude 42°04'30", longitude 72°11'-30"; that airspace southwest of Bradley Field bounded on the northwest by Red civil airway No. 33, on the northeast by Blue civil airway No. 41 and on the south by Red civil airway No. 13.

6. Section 601.1205 is amended to read:

§ 601.1205 *Control area extension (Albuquerque, N. Mex.).* That airspace within a 40-nautical-mile radius of the Albuquerque omnirange range station lying north of VOR civil airway No. 12.

7. Section 601.1210 is amended to read:

§ 601.1210 *Control area extension (Olathe, Kans.).* That airspace not presently controlled bounded on the northwest by a line extending from the St. Joseph, Mo., omnirange station to a point at latitude 39°17'00", longitude 96°23'00", on the west by a line extending from that point to the Emporia, Kans., omnirange station and by the eastern edge of the Wichita, Kans., control area extension, on the south by the northern edge of Red civil airway No. 105 to the eastern edge of Amber civil airway No. 4, thence north along the eastern edge of Amber 4 to latitude 38°12'00", thence east along latitude 38°12'00" to the western edge of VOR civil airway No. 205, thence north along the western edge of VOR civil airway No. 205 to the Kansas City, Mo., omnirange station, thence north along the western edge of VOR civil airway No. 15 to a point at latitude 39°55'10", longitude 95°00'45".

8. Section 601.1380 is added to read:

§ 601.1380 *Control area extension (Kaneohe, Oahu, T. H.).* That airspace from 700 feet upward within the following area: From latitude 21°35'00" N., longitude 157°42'00" W., to latitude 21°-36'00" N., longitude 157°56'00" W., to latitude 21°38'00" N., longitude 158°01'-00" W., to latitude 21°48'00" N., longitude 158°09'30" W., thence clockwise along the arc of an 8-nautical-mile radius circle centered at latitude 21°49'30" N., longitude 158°01'00" W., to latitude 21°57'30" N., longitude 158°02'00" W., to latitude 21°54'30" N., longitude 157°36'-00" W., thence clockwise along the arc of an 8-nautical-mile radius circle centered at latitude 21°46'30" N., longitude 157°37'00" W., to latitude 21°41'00" N., longitude 157°30'30" W., thence to point of beginning, excluding that airspace which overlaps warning area W–318 and excluding the airspace below 3,000 feet mean sea level lying within restricted area R–323 and excluding the airspace below 5,000 feet lying within caution area C–330. The portion of this control area extension which overlaps the Kahuku restricted area R–324 shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

9. Section 601.1412 is added to read:

§ 601.1412 *Control area extension (Marysville, Calif.).* That airspace east of Marysville bounded on the west by VOR civil airway No. 23, on the north by VOR civil airway No. 200, on the south by VOR civil airway No. 212 and on the east by restricted area R–265; that airspace northeast of Marysville bounded on the south by VOR civil airway No. 200, on the west by VOR civil airway No. 23, on the north by the Red Bluff, Calif., control area extension, and on the east by a line extending from a point at latitude 39°24'00", longitude 121°33'00" via a point at latitude 39°50'00", longitude 121°43'00" to a point at latitude 40°05'-20", longitude 121°53'00".

10. Section 601.1983 *Three-mile radius zones* is amended by deleting the following airport:

Jacksonville, N. C.: New River MCAF

11. Section 601.2081 is added to read:

§ 601.2081 *Jacksonville, N. C., control zone.* Within a 3-mile radius of the New River MCAF, Jacksonville, N. C., and within 2 miles either side of a 226° True bearing extending from the New River MCAF to a point 12 miles southwest, excluding the airspace above 5,500 feet mean sea level daily from sunset to sunrise.

12. Section 601.2178 is amended to read:

§ 601.2178 *Long Beach Calif., control zone.* That airspace within a 5-mile radius of Long Beach Municipal Airport including the airspace within a 5-mile radius of NAS Los Alamitos, Calif., and the airspace within 2 miles either side of the southeast course of the Long Beach radio range extending from the radio range station to a point 14 miles southeast, excluding the portion in conflict with El Toro MCAF control zone.

13. Section 601.2223 *Charleston, W. Va., control zone* is amended by changing the last portion to read: "and within 2 miles either side of the 061° True and 241° True radials of the Charleston omnirange extending from the 5-mile radius zone to a point 10 miles southwest of the omnirange station."

14. Section 601.2252 *El Toro, Calif., control zone* is amended by adding the following to present control zone: "and within 5 miles either side of a line bearing 175° True extending from the El Toro radio range station to Amber civil airway No. 1."

15. Section 601.2391 is added to read:

§ 601.2391 *Kaneohe, Oahu, T. H., control zone.* That airspace from the surface to 5,000 feet within a radius of 3 miles centered on the Marine Corps Air Station, Kaneohe Bay, (latitude 21°27'-30" N., longitude 157°46'30" W.), and within 2 miles either side of a line bearing 11° True extending from the MCAS to a point 16 miles north.

16. Section 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by deleting the following reporting points: "Bozeman, Mont., radio range station;" also "Westfield, Mass., radio range station; the intersection of the northeast course of the Hartford, Conn., radio range and the southeast course of the Westfield, Mass., radio range;".

17. Section 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended after "Los Angeles, Calif., radio range station;" by adding the following reporting point: "the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range;".

18. Section 601.4102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska)* is amended by deleting the following reporting point: "the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range;".

19. Section 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)*, is amended after "Hartford, Conn., radio range station;" by adding the following reporting point: "the intersection of the northeast course of the Hartford, Conn., radio range and the southeast course of the Chicopee Falls, Mass., radio range;".

20. Section 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by deleting the following reporting point: "the intersection of the northwest course of the Santa Barbara, Calif., radio range and the southwest course of the Fresno, Calif., radio range;".

21. Section 601.4312 is added to read:

§ 601.4312 *Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).* Westfield, Mass., radio range station.

22. Section 601.4635 is amended to read:

§ 601.4635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).* No reporting point designation.

23. Section 601.6023 is amended to read:

§ 601.6023 *VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.).* All of VOR civil airway No. 23 including east and west alternates, but excluding the airspace between the main airway and its west alternate between the Portland, Oreg., omnirange station and the Seattle, Wash., omnirange station.

24. Section 601.6085 is amended to read:

§ 601.6085 *VOR civil airway No. 85 control areas (Rock River, Wyo., to Casper, Wyo.).* All of VOR civil airway No. 85 including a west alternate.

25. Section 601.6097 is amended to read:

§ 601.6097 *VOR civil airway No. 97 control areas (Miami, Fla., to Alexandria, Minn.).* All of VOR civil airway No. 97 including east and west alternates, but excluding all of the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States and also excluding the airspace between the main airway and its east alternate between the Tampa, Fla., omnirange station and the Tallahassee, Fla., omnirange station.

26. Section 601.6100 is added to read:

§ 601.6100 *VOR civil airway No. 100 control areas (North Platte, Nebr., to Detroit, Mich.).* All of VOR civil airway No. 100.

27. Section 601.6146 is amended to read:

§ 601.6146 *VOR civil airway No. 146 control area (Wilkes-Barre, Pa., to Woodstock, Conn.).* All of VOR civil airway No. 146.

28. Section 601.6148 is amended to read:

§ 601.6148 *VOR civil airway No. 148 control areas (Denver, Colo., to North Platte, Nebr.).* All of VOR civil airway No. 148.

29. Section 601.6150 is amended to read:

§ 601.6150 *VOR civil airway No. 150 control areas (San Francisco, Calif., to Reno, Nev.).* All of VOR civil airway No. 150.

30. Section 601.6158 *VOR civil airway No. 158 control areas (Iowa Falls, Iowa, to Waterloo, Iowa)* is revoked.

31. Section 601.6163 is amended to read:

§ 601.6163 *VOR civil airway No. 163 control areas (Brownsville, Tex., to Oklahoma City, Okla.).* All of VOR civil airway No. 163 including west alternates and an east alternate.

32. Section 601.6170 is amended to read:

§ 601.6170 *VOR civil airway No. 170 control areas (Milwaukee, Wis., to Philadelphia, Pa.).* All of VOR civil airway No. 170 including a north alternate.

33. Section 601.6191 is amended to read:

§ 601.6191 *VOR civil airway No. 191 control areas (Walnut Ridge, Ark., to Milwaukee, Wis.).* All of VOR civil airway No. 191.

34. Section 601.6214 *VOR civil airway No. 214 control areas (Muskegon, Mich., to Saginaw, Mich.)* is revoked.

35. Section 601.6216 is amended to read:

§ 601.6216 *VOR civil airway No. 216 control areas (Janesville, Wis., to Saginaw, Mich.).* All of VOR civil airway No. 216.

36. Section 601.6218 is amended to read:

§ 601.6218 *VOR civil airway No. 218 control areas (Chicago, Ill., to Flint, Mich.).* All of VOR civil airway No. 218.

37. Section 601.6228 *VOR civil airway No. 228 control areas (Naperville, Ill., to Sycamore, Ill.)* is revoked.

38. Section 601.6228 is added to read:

§ 601.6228 *VOR civil airway No. 228 control areas (Wheeling, Ill., to South Bend, Ind.).* All of VOR civil airway No. 228.

39. Section 601.6249 is added to read:

§ 601.6249 *VOR civil airway No. 249 control areas (New York, N. Y., to Port Jervis, N. Y.).* All of VOR civil airway No. 249.

40. Section 601.6251 is added to read:

§ 601.6251 *VOR civil airway No. 251 control areas (Philadelphia, Pa., to New York, N. Y.).* All of VOR civil airway No. 251.

41. Section 601.6252 is added to read:

§ 601.6252 *VOR civil airway No. 252 control areas (Binghamton, N. Y., to New York, N. Y.).* All of VOR civil airway No 252.

42. Section 601.6253 is added to read:

§ 601.6253 *VOR civil airway No. 253 control areas.* [Unassigned.]

43. Section 601.6254 is added to read:

§ 601.6254 *VOR civil airway No. 254 control areas (Reinholds, Pa., to Columbus, N. J.).* All of VOR civil airway No. 254.

44. Section 601.6255 is added to read:

§ 601.6255 *VOR civil airway No. 255 control areas.* [Unassigned.]

45. Section 601.6256 is added to read:

§ 601.6256 *VOR civil airway No. 256 control areas (Reinholds, Pa., to Warrington, Pa.).* All of VOR civil airway No. 256.

46. Section 601.6257 is added to read:

§ 601.6257 *VOR civil airway No. 257 control areas.* [Unassigned.]

47. Section 601.6258 is added to read:

§ 601.6258 *VOR civil airway No. 258 control areas (Charleston, W. Va., to Roanoke, Va.).* All of VOR civil airway No. 258.

48. Section 601.6259 is added to read:

§ 601.6259 *VOR civil airway No. 259 control areas.* [Unassigned.]

49. Section 601.6260 is added to read:

§ 601.6260 *VOR civil airway No. 260 control areas (Charleston, W. Va., to Roanoke, Va.).* All of VOR civil airway No. 260.

50. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points:

Lometa, Tex., omnirange station.
Wheeling, Ill., omnirange station.
Keeler, Mich., omnirange station.
Huntsville, Ala., omnirange station.
Eagle Lake, Tex., omnirange station.
Alice, Tex., omnirange station.
Apple Intersection: The intersection of the Palmdale, Calif., omnirange 098° True and the Daggett, Calif., omnirange 235° True radials.

by changing the following reporting point to read:

Sequin Intersection: The intersection of the San Antonio, Tex., omnirange 089° True and the Austin, Tex., omnirange 189° True radials.

and by revoking the following reporting points:

Bozeman, Mont., omnirange station.
Perris Intersection: The intersection of the Long Beach, Calif., omnirange 095° True and the March (Riverside), Calif., omnirange 188° True radials.
El Monte Intersection: The intersection of the Ontario, Calif., omnirange 292° True and the Long Beach, Calif., omnirange 357° True radials.
Berry Intersection: The intersection of the Ontario, Calif., omnirange 300° True, the Long Beach, Calif., omnirange 346° True and the Los Angeles, Calif., omnirange 035° True radials.
Catalina Intersection: The intersection of the Los Angeles, Calif., omnirange 185° True radial, the Long Beach, Calif., omnirange 220° True radial and a straight line bearing 099° True to the Oceanside, Calif., nondirectional radio beacon.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. November 15, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–8407; Filed, Oct. 18, 1956; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF 3-(3,4-DICHLOROPHENYL) 1,1-DIMETHYLUREA

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of 3-(3,4-dichlorophenyl)-1,1-dimethylurea in or on alfalfa and grass crops (grass hay).

The Secretary of Agriculture has certified that this pesticide chemical is useful

for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 2614) are amended by changing § 120.106 to read as follows:

§ 120.106 *Tolerances for residues of 3-(3,4-dichlorophenyl)-1,1-dimethylurea.* Tolerances for residues of 3-(3,4-dichlorophenyl-1,1-dimethylurea in or on raw agricultural commodities are established as follows:

(a) 1 part per million in or on cottonseed, pineapple, potatoes, and sugarcane.

(b) 2 parts per million in or on alfalfa and grass crops (grass hay).

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: October 12, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8408; Filed, Oct. 18, 1956; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 56, Narcotic Regs. 5]

PART 151—REGULATIONS UNDER THE HARRISON NARCOTIC LAW, AS AMENDED

NEW PROCEDURES DURING CIVIL DEFENSE EMERGENCY

Narcotic Regulations 5 (26 CFR (1939) Part 151), relating to narcotics subject to the Harrison Narcotic Law, as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954, are amended as follows:

PARAGRAPH 1. Paragraphs (b) and (c) of § 151.94 (article 94 (b) and (c)) are redesignated paragraphs (c) and (b), respectively.

PAR. 2. Paragraph (c) of § 151.94 (article 94 (c)), as so redesignated, is amended to read as follows:

(c) The exempt status of an official of a civil defense organization will be recognized only during a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law. Such officials will not procure narcotics through the use of official internal revenue order forms, except as provided in paragraphs (d), (e), (f), and (g) of this section, but shall use an order form approved by the Federal Civil Defense Administration. The order form shall bear the signature, title, official address, and exemption identification number of the person executing the form, and will otherwise be handled in the manner prescribed for official internal revenue order forms.

PAR. 3. Section 151.94 (article 94) is further amended by adding at the end thereof the following new paragraphs:

(d) Provided, however, in case of a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law, regularly designated civil defense narcotics procurement officers who are also registered under the Federal narcotics laws may, irrespective of the class in which registered, use their official narcotic order forms for procurement of narcotics for civil defense emergency needs and may deliver the narcotics for such use to the medical officer in charge of the hospital, casualty center, or first-aid station for which the registrant is acting as a civil defense narcotics procurement officer.

(e) Each order form used for the purpose specified in paragraph (d) of this section shall be clearly marked across its face with the words "Civil Defense Purchase" and on the reverse side of the retained duplicate copy shall be noted the name and location or other appropriate identification of the hospital, casualty center, or first-aid station to which the narcotics are delivered, and the signed receipt of the medical officer in charge.

(f) During a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law, any official narcotic order form bearing the legend "Civil Defense Purchase" and signed by the registrant as "Civil Defense Narcotics Procurement Officer", or in its abbreviated form "CDNPO", may be filled by any other registrant who has the required narcotic on hand, irrespective of the class or classes in which the latter may be registered under the law.

(g) The variation in normal narcotic procurement procedures permitted by this section will be valid only during a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law and only for civil defense procurements. At all other times and for all other narcotic purchases or transfers the usual restrictions and requirements relating to the use of narcotic order forms, as provided in existing regulations, will be observed.

Because the purpose of this Treasury decision is merely to change the procedure to be followed by Government and State officials in procuring narcotic drugs in case of a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interprets or applies secs. 4702, 4772, 68A Stat. 549, 567; 26 U. S. C. 4702, 4772)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.
H. J. ANSLINGER,
Commissioner of Narcotics.

Approved: October 10, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8425; Filed, Oct. 18, 1956; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

CERTAIN INDUSTRIES IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

On July 20, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 464 (21 F. R. 5448) appointed, convened, and gave notice of the hearings of Industry Committee No. 23-A for the Chemical, Petroleum, Rubber, and Related Products Industry in Puerto Rico, Industry Committee No. 23-B for the Paper, Paper Products, Printing, and Publishing Industry in Puerto Rico, and Industry Committee No. 23-C for the Lumber and Wood Products Industry in Puerto Rico. Each committee was directed to recommend the minimum rate or rates to be paid under section 6 (c) of the act to employees in its industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, each committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45-A of the Secretary

(15 F. R. 3290), (1) the recommendations of these committees are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective November 4, 1956, Parts 670, 675, and 677 of Title 29, Code of Federal Regulations, are hereby amended to read as follows:

PART 670—CHEMICAL, PETROLEUM, RUBBER, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
670.1 Definition of the industry.
670.2 Wage rates.
670.3 Notices.

AUTHORITY: §§ 670.1 to 670.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 670.1 *Definition of the industry.* (a) The chemical, petroleum, rubber, and related products industry in Puerto Rico, to which this part shall apply is defined as follows: The manufacture or packaging of chemicals, drugs, medicines (other than food), toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; the mining or other extraction of petroleum, coal, or natural gases and the manufacture of products therefrom; the manufacture of all products made wholly or chiefly of natural, synthetic, or reclaimed rubber or latex; and the manufacture of footwear by vulcanizing the entire article or by vulcanizing the sole to the upper.

(b) This definition includes, but without limitation, heavy, industrial, and fine chemicals; basic plastic materials; salt; paints, varnishes, colors, dyes, and ink; vegetable and animal oil (except the process of refining into edible oil); drugs, medicines, and toilet preparations; insecticides and fungacides; soap and glycerin; rayon, acetate, and other synthetic filaments; wood distillation and naval stores; fertilizers; cleaning and polishing preparations; glue and gelatin; grease and tallow; fireworks and pyrotechnics; candles; gasoline, fuel and lubricating oils, and other petroleum products; coke oven products; fuel briquettes of any materials; asphalt, rubber, linoleum, and other resilient hard surface floor coverings (except plastic tile); synthetic or reclaimed rubber; tires and inner tubes; rubber footwear; industrial and mechanical rubber goods; rubber toys and dolls; and miscellaneous rubber specialties and sundries: *Provided, however,* That the definition shall not include any product or activity in the alcoholic beverage and industrial alcohol industry; the corsets, brassieres, and allied garments industry; the men's and boys' clothing and related products industry; and the needlework and fabricated textile products industry, as defined in the wage orders for these industries in Puerto Rico, or any activity performed by a company in its capacity as a public utility distributing gas or water.

§ 670.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the chemical, petroleum, rubber, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the fertilizer mixing, hormones, antibiotics, adrenalin, and petroleum refining classification, which is defined as the manufacture or mixing of commercial fertilizers, but not including the manufacture of fertilizer components or materials; the manufacture of hormones, antibiotics, and adrenalin; and the refining, from crude petroleum, of gasoline, fuel oils, lubricating oils, and related petroleum refinery products.

(b) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the chemical, petroleum, rubber, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the drugs, medicines, bay oil, aromatic alcohol, and toilet preparations classification, which is defined as the manufacture of all drugs, medicines, bay oil, bay rum, aromatic alcohol, perfumes, cosmetics and other toilet preparations, except those products included in the hormones, antibiotics and adrenalin classification, as herein defined.

(c) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the chemical, petroleum, rubber, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the industrial inorganic chemicals classification, which is defined as the manufacture of sulphuric acid, alkalies and chlorine, hydrochloric acid, anhydrous ammonia, sulphate of ammonia, aluminum sulphate, fertilizer materials, and other industrial inorganic chemicals.

(d) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the chemical, petroleum, rubber, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the rubber footwear classification, which is defined as the manufacture of footwear by vulcanizing the entire article or by vulcanizing the sole to the upper.

(e) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the chemical, petroleum, rubber, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce in the rubber buckets, miscellaneous petroleum products, and tire retreading, recapping, and vulcanizing classification, which is defined as the manufacture from vulcanized reclaimed rubber and textiles of buckets, paper baskets for office and household use, garbage pails and cans, basins and toilet seats; the mining or other extraction of petroleum, and coal or natural gases; the manufacture of all petroleum and coal products, including coke and coke by-products, paving and roofing materials, fuel briquettes, and lubricating oils and greases not refined from crude petroleum in petroleum refineries; and the retreading, recapping, and vulcanizing of tires and tubes: *Provided, however,* That this definition shall not include the manufacture of any product, or any activity, covered by the definitions of the fertilizer mixing, hormones, antibiotics, adrenalin, and petroleum refining classification, the drugs, medicines, bay oil, aromatic alcohol, and toilet preparations classification, the industrial inorganic chemicals classification, the rubber footwear classification, and the miscellaneous chemical and rubber products classification, as herein defined.

(f) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the chemical, petroleum, rubber, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the miscellaneous chemical and rubber products classification, which is defined as the mining, other extraction, or manufacture of all chemical and allied products, including asphalt tile, linoleum, candles, fireworks, and pyrotechnics; and the manufacture of all rubber products, including rubber tile: *Provided, however,* That this definition shall not include the manufacture of any product, or any activity, covered by the definitions of the fertilizer mixing, hormones, antibiotics, adrenalin, and petroleum refining classification, the drugs, medicines, bay oil, aromatic alcohol, and toilet preparations classification, the industrial inorganic chemicals classification, the rubber footwear classification, and the rubber buckets, miscellaneous petroleum products, and tire retreading, recapping, and vulcanizing classification, as herein defined.

§ 670.3 *Notices.* Every employer subject to the provisions of § 670.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 670.2 are working such notices of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 675—LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
675.1 Definition of the industry.
675.2 Wage rates.
675.3 Notices.

AUTHORITY: §§ 675.1 to 675.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 675.1 *Definition of the industry.* The lumber and wood products industry in Puerto Rico, to which this part shall apply, is defined as follows: Logging and the manufacture of all products made from lumber, wood, and related mate-

rials, including but without limitation, sawmill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving; trays, bowls, and other woodenware; excelsior, cork, bamboo, rattan, and willow ware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the definition shall not include any product or activity in the button, buckle, and jewelry industry; the construction, business service, motion picture, and miscellaneous industries; the handicraft products industry; the metal, machinery, transportation equipment, and allied industries; the rubber, straw, hair, and related products industry; or the paper, paper products, printing, and publishing industry; as defined in the wage orders for these industries in Puerto Rico.

§ 675.2 *Wage rates.* (a) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the lumber and wood products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce in the carpet grippers classification, which is defined as the manufacture of carpet grippers or tackless carpet strips.

(b) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the lumber and wood products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce in the lumber and millwork classification, which is defined as logging; the manufacture of sawmill, planing mill, and plywood mill products (except carpet grippers); and the manufacture of millwork, including sash, doors, moldings, window frames, window and door screens and blinds, and similar building materials.

(c) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the lumber and wood products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce in the furniture, woodenware, and miscellaneous wood products classification, which is defined as the manufacture of all products, and all activities, included in the lumber and wood products industry in Puerto Rico as defined in § 675.1, except those products and activities included in the carpet grippers classification and the lumber and millwork classification, as herein defined.

§ 675.3 *Notices.* Every employer subject to the provisions of § 675.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 675.2 are working such notices of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 677—PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY IN PUERTO RICO

Sec.
677.1 Definition of the industry.
677.2 Wage rates.
677.3 Notices.

AUTHORITY: §§ 677.1 to 677.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 677.1 *Definition of the industry.* The paper, paper products, printing, and publishing industry in Puerto Rico to which this part shall apply is defined as follows: The manufacture of pulp from wood, rags and other fibers; the conversion of such pulp into paper or paperboard; the manufacture of building board from bagasse and similar materials; the manufacture of paper, paperboard, and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on any of the foregoing products; and the printing or publishing of newspapers, books, periodicals, maps, music and all other products or services of typesetters, advertising typographers, electrotypers, stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates.

§ 677.2 *Wage rates.* (a) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper, paper products, printing, and publishing industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the daily newspaper classification, which is defined as the printing and/or publishing of daily newspapers.

(b) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper, paper products, printing, and publishing industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the pulp, paper, paperboard, and paper box classification, which is defined as the manufacture of pulp, paper, paperboard, and building board, from wood, wastepaper, rags, bagasse, and other materials; the collection and sorting of wastepaper, bagasse, and other materials to be used in the manufacture of pulp, paper, paperboard, building paper, and building board; and the manufacture of corrugated, folding, and set-up paper boxes.

(c) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper, paper products, printing, and publishing industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the paper bag classification, which is defined as the manufacture of paper bags.

(d) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper, paper products, printing, and publishing industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the general division, which is defined as the manufacture of all products, and all activities, included in the paper, paper products, printing, and publishing industry in Puerto Rico as defined in § 677.1, except those products and activities included in the daily newspaper classification, the pulp, paper, paperboard, and paper box classification, and the paper bag classification, as herein defined.

§ 677.3 *Notices.* Every employer subject to the provisions of § 677.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 677.2 are working such notices of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C. this 15th day of October 1956.

[SEAL] NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 56-8442; Filed, Oct. 18, 1956; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 4]

VESSELS IN FOREIGN AND DOMESTIC TRADE

VERIFICATION OF INSPECTION OF VESSEL BEFORE GRANTING CLEARANCE

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that, under the authority of section 161, Revised Statutes; section 2 of the act of July 5, 1884, as amended; section 4197, Revised Statutes, as amended; and section 4496, Revised Statutes, as amended (5 U. S. C. 26, 46 U. S. C. 2, 91, 494), it is proposed to amend § 4.66 of the Customs Regulations.

The purpose of the proposed amendment is to provide further aid to the United States Coast Guard in enforcing safety and inspection laws of the United States and the International Convention for the Safety of Life at Sea, 1948, by requiring all vessels subject thereto to present the required safety certificate to the collector of customs in order to obtain clearance. Hitherto, § 4.66 has not been applicable to foreign vessels not carrying passengers. The terms of the proposed amendment, in tentative form, are as follows:

Section 4.66 is hereby amended to read as follows:

§ 4.66 *Verification of inspection.* (a) No clearance shall be granted to any one of the following vessels unless the collector is satisfied that the vessel has a valid certificate of inspection or other certificate as specified herein:

(1) An American vessel required to be inspected (see § 3.54 of this chapter) shall have a certificate of inspection issued by the United States Coast Guard.

(2) Vessels of foreign countries signatory to the International Convention for the Safety of Life at Sea, 1948, shall have:

(i) A convention safety certificate, if carrying more than 12 passengers;

(ii) A convention safety equipment certificate, if carrying no more than 12 passengers and if of 500 gross tons or over;

(iii) A certificate of examination of foreign freight vessel issued by the United States Coast Guard, if carrying no more than 12 passengers and if a seagoing motor vessel of from 300 to 499 gross tons, or a steam vessel of less than 500 gross tons.

(iv) A certificate of inspection issued by the United States Coast Guard, if a motor vessel of 15 gross tons or over and under 300 gross tons, carrying freight or passengers for hire.

(3) Vessels of foreign countries which are not signatory to the International Convention for the Safety of Life at Sea, 1948, shall have:

(i) A certificate of inspection issued by the United States Coast Guard if a steam vessel of more than 65 feet in length carrying more than 12 passengers;

(ii) A certificate of inspection issued by the United States Coast Guard if a seagoing motor vessel of 300 gross tons or over carrying more than 12 passengers; or

(iii) A certificate of inspection issued by the United States Coast Guard, if a motor vessel of 15 gross tons or over and under 300 gross tons, carrying freight or passengers for hire.

(iv) A certificate of examination of foreign freight vessel issued by the United States Coast Guard, if a steam vessel or a seagoing motor vessel of 300 gross tons or over carrying not more than 12 passengers.

(4) A valid permit to proceed to another port for repair issued by the United States Coast Guard shall be accepted in lieu of any such certificate.

(b) If a collector has any reason to believe that a vessel is not in compliance with the certificate required above or that the certificate is invalid, he shall immediately notify the nearest Marine Inspection Office, United States Coast Guard, and no clearance shall be granted pending instructions from that office. No clearance shall be granted any vessel under detention by the United States Coast Guard.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 8, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8423; Filed, Oct. 18, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED PINEAPPLE[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Pineapple (§§ 52.1711 to 52.1725) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended, 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 45 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1711 Product description.
52.1712 Styles of canned pineapple.
52.1713 Grades of canned pineapple.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.1714 Liquid media and Brix measurements for canned pineapple.
52.1715 Fill of container for canned crushed pineapple.
52.1716 Recommended fill of container for other than canned crushed pineapple.
52.1717 Drained weights for canned crushed pineapple.
52.1718 Recommended minimum drained weights for canned pineapple other than canned crushed pineapple.

COUNT AND SIZE SLICES AND HALF SLICES

52.1719 Recommended counts and sizes of slices and half slices.

FACTORS OF QUALITY

52.1720 Ascertaining the grade.
52.1721 Ascertaining the rating for the factors which are scored.
52.1722 Color.
52.1723 Uniformity of size and shape.
52.1724 Absence of defects.
52.1725 Character.

LOT CERTIFICATION TOLERANCES

52.1726 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1727 Score sheet for canned pineapple.

AUTHORITY: §§ 52.1711 to 52.1727 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1711 *Product description.* "Canned pineapple" means canned pineapple as such product is defined in the standard of identity for canned pineapple (21 CFR 27.50) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1712 *Styles of canned pineapple—*(a) *Sliced, slices.* "Sliced" or "slices" consist of whole circular slices cut across the axis of the peeled, cored fruit cylinders.

(b) *Half sliced, half slices.* "Half sliced" or "half slices" consist of semicircular halves of slices. A unit that is approximately one-half slice is considered to be a half slice.

(c) *Broken sliced, broken slices.* "Broken sliced" or "broken slices" consist of arc-shaped portions cut or broken from slices, which portions are not uniform in size or shape.

(d) *Tidbits.* "Tidbits" consist of sectors cut from slices. Tidbits are reasonably uniform in size and shape; they are predominantly from 5/16-inch to 1/2-inch thick; and, except for an occasional unit, each sector is not larger than one-sixth of the slice from which cut. Tidbits are considered "small tidbits" or "large tidbits" if they conform to the following approximate dimensions:

(1) *Small tidbits.*

Length of outside arc	More than 3/8 inch but not more than 3/4 inch.
Thickness	More than 5/16 inch but not more than 1/2 inch.
Length (measured along the radius from the inside arc to the outside arc).	More than 11/16 inch but not more than 1 1/4 inches.

(2) *Large tidbits.*

Length of outside arc	More than 3/4 inch but not more than 2 inches.
Thickness	More than 5/16 inch but not more than 1/2 inch.
Length (measured along the radius from the inside arc to the outside arc).	More than 11/16 inch but not more than 1 3/4 inches.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(e) *Chunks.* "Chunks" consist of short, thick pieces cut from thick slices or from peeled, cored fruit. Chunks may or may not be symmetrical or uniform in shape and size. Predominantly, the units have a thickness greater than ½-inch, a width greater than 9/16-inch, but a longest dimension (along any edge) not greater than 1½ inches. Chunks which are symmetrical are considered "symmetrical chunks."

(f) *Cubes, diced.* "Cubes" or "diced" consist of cube-shaped pieces cut from slices or from peeled, cored fruit. Except for an occasional unit, the longest dimension (along any edge) of each unit is not greater than 9/16-inch.

(g) *Spears, fingers.* "Spears" or "fingers" consist of long, slender pieces cut parallel to the core axis from peeled, cored fruit cylinders. The units are not larger than one-sixth of the cylinder from which they are cut, and they are not less than 2½ inches long.

(h) *Crushed.* "Crushed" consists of shredded or finely cut pieces of fruit flesh.

§ 52.1713 *Grades of canned pineapple.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a good color; that is practically uniform in size and shape for the applicable style; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; that is not excessively tart; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a reasonably good color; that is reasonably uniform in size and shape for the applicable style; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; that is not excessively tart; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of half sliced or broken sliced canned pineapple that possesses a good, reasonably good, or fairly good color; that, in the style of half slices, is practically uniform, reasonably uniform, or fairly uniform in size and shape; that, in the style of broken slices, is not uniform in size and shape; that is practically free, reasonably free, or fairly free from defects; that possesses a good, reasonably good, or fairly good character; that possesses a good or fairly good flavor and odor; that is not excessively tart; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned pineapple that fails to meet the applicable requirements of U. S. Grade A or U. S. Fancy, U. S. Grade B or U. S. Choice, or U. S. Grade C or U. S. Standard and is the quality of canned pineapple that may or may not meet the minimum standard of quality for canned pineapple issued pursuant to the Federal Food, Drug, and Cosmetic Act. Canned pineapple that is excessively tart is also "Below Standard in Quality—Good Food—Not High Grade" or "Below Standard in Quality—Excessively tart."

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.1714 *Liquid media and Brix measurements for canned pineapple.* "Cut-out" requirements for liquid media in canned pineapple are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the respective designations are as follows:

(1) *All styles other than crushed canned pineapple.*

Designations	Brix measurement
"Extra-heavy sirup"	22° or more but not more than 35°.
"Heavy sirup"	18° or more but less than 22°.
"Light sirup"	14° or more but less than 18°.
"In water"	Packed in water.
"In pineapple juice" or "In unsweetened pineapple juice".	Packed in pineapple juice.
"In clarified juice"	Packed in clarified juice.

(2) *Crushed canned pineapple.*

Designations	Brix measurement
"Extra-heavy sirup" or "Extra heavily sweetened".	22° or more but not more than 35°.
"Heavy sirup" or "Heavily sweetened".	18° or more but less than 22°.
"Light sirup" or "Lightly sweetened".	14° or more but less than 18°.
"Unsweetened" or "In pineapple juice".	Packed in pineapple juice.
"In clarified juice"	Packed in clarified juice.

§ 52.1715 *Fill of container for canned crushed pineapple.* The standard of fill of container for canned crushed pineapple is a fill of not less than 90 percent of the total capacity of the container. Canned crushed pineapple that does not meet this requirement is "Below Standard in Fill."

§ 52.1716 *Recommended fill of container for other than canned crushed pineapple.* The recommended fill of container for canned pineapple is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned pineapple of all styles other than crushed style be as full of pineapple as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.1717 *Drained weights for canned crushed pineapple—(a) General.* Minimum drained weights for canned crushed pineapple are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades; however, minimum drained weights for canned crushed pineapple other than "heavy pack" or "solid pack" are a standard of quality, and minimum drained weights for canned crushed "heavy pack" and "solid-pack" pineapple are a standard of identity, under the Federal Food, Drug, and Cosmetic Act. Canned crushed pineapple other than "heavy pack" or "solid pack" which is less than 63 percent of the net weight of the contents of the container is:

Below Standard in Quality.
Good Food—Not High Grade.
(or)
Below Standard in Quality.
Contains excess liquid.

(b) *Method for ascertaining the drained weight of canned crushed pineapple.* Pour the contents of the can on a round sieve made with No. 8 woven-wire cloth complying with the specifications for such cloth in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. Use a sieve 8 inches in diameter for containers of less than 3 pounds net contents and a sieve 12 inches in diameter for larger containers. Incline the sieve, without shifting the contents, to facilitate draining. Allow to drain for 2 minutes from the time the contents of the container are poured on the sieve. Immediately transfer the drained pineapple to a clean, dry, tared pan by inverting the sieve over the pan in one moderately rapid motion, and determine the weight of the drained pineapple.

TABLE I—MINIMUM DRAINED WEIGHTS FOR CANNED CRUSHED PINEAPPLE

	Other than "heavy pack" or "solid pack"	"Heavy pack" crushed	"Solid pack" crushed
Any container size	Drained fruit: Not less than 63 percent by weight of contents	Drained fruit: Not less than 73 percent but less than 78 percent by weight of contents	Drained fruit: Not less than 78 percent by weight of contents

§ 52.1718 *Recommended minimum drained weights for canned pineapple other than canned crushed pineapple—(a) General.* The minimum drained weight recommendations for the various styles of canned pineapple in Table II or Table III are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight in canned pineapple other than canned crushed pineapple.* The drained weight of canned pineapple other than canned crushed pineapple is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and pineapple less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights in canned pineapple other than canned crushed pineapple.* Compliance with the recommended drained weights for canned pineapple other than canned crushed pineapple is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(1) The average of the drained weights from all of the containers meets the recommended drained weight;

(2) One-half or more of the containers meet the recommended drained weight; and

(3) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR SLICES, HALF SLICES, AND BROKEN SLICES

Container designation	Container size overall dimensions		Slices	Half slices	Broken slices
	Width	Height			
	Inches	*Inches*	*Ounces*	*Ounces*	*Ounces*
300 x 204	3	2 5/16	4		
No. 1 Flat	3 7/16	2 3/16	5¼	5¼	
8 Z Tall	2 11/16	3 4/16			
211 Cylinder	2 13/16	4 14/16			
No. 1½	4 1/16	27.5/16	9¼	9¼	
No. 1 Tall	3 5/16	4 1/16	10¼		
No. 2	3 7/16	4 9/16	12¾	12½	12½
No. 2½	4 1/16	4 1/16	18¼	18	18
No. 10	6 3/16	7	61½		62½

TABLE III—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CHUNKS, CUBES, SPEARS, AND TIDBITS

Container designation	Container size, overall dimensions		Chunks	Cubes	Spears	Tidbits
	Width	Height				
	Inches	*Inches*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
300 x 204	3	2 5/16	4	4		4
No. 1 Flat	3 7/16	2 3/16	5	5		5
8 Z Tall	2 11/16	3 4/16	5	5		5
211 Cylinder	2 13/16	4 14/16	7¾	7¾	8¼	7¾
No. 1½	4 1/16	27.5/16	9¼	9¼		9¼
No. 2	3 7/16	4 9/16	12¾	12¾	12¾	12¾
No. 2½	4 1/16	4 1/16	18¼	18¼	18¼	18¼
No. 10	6 3/16	7	65¾	71¼		65¾

COUNT AND SIZE OF SLICES AND HALF SLICES

§ 52.1719 *Recommended counts and sizes of slices and half slices.* The recommended minimum number of slices and half slices, together with the recommended approximate thickness and approximate diameter for the respective counts per container, are shown in Table IV for the most common container sizes for these styles. Compliance with the recommended minimum slices in No. 10 cans only is ascertained by averaging the slices from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations: *Provided*, That in any single container the count of slices in "Small" slices, that average approximately 57 to 60 count, shall be not less than 54; in "Small" slices, that average approximately 64 count, shall be not less than 60; in "Medium" slices shall be not less than 48; and in "Large" slices shall be not less than 27.

TABLE IV

Container designation	Slices minimum per can	Half slices minimum per can	Approximate thickness of slices and half slices	Approximate diameter of slices and half slices	Approximate diameter of core holes (inches)	Size of slice designation
			Inches	*Inches*		
No. 1 Tall	10		5/16	2½	1 inch	Small.
300 x 204	4		5/16	2½	1 3/16 to 1⅜	
No. 10	64		5/16	2½	1 inch	
No. 10	57		5/16	2½	1 3/16 to 1⅜	
No. 1 Flat	4	8	5/16	2 15/16	1 3/16 to 1⅜	Medium.
No. 2	10	20	5/16	2 15/16	1 3/16 to 1⅜	
No. 10	50		5/16	2 15/16	1 3/16 to 1⅜	
No. 1½	4	8	5/16	3½	1¾ to 1⅝	Large.
No. 2½	8	16	5/16	3½	1¾ to 1⅝	
No. 10	28		5/16	3½	1¾ to 1⅜	

FACTORS OF QUALITY

§ 52.1720 *Ascertaining the grade—(a) General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points in canned pineapple.* (i) Flavor and odor;

(ii) Tartness.

(2) *Factors rated by score points in canned pineapple.*

The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	30
(ii) Uniformity of size and shape	20
(iii) Absence of defects	20
(iv) Character	30
Total score	100

(b) *Definition of flavor and odor—(1) Good flavor and odor.* "Good flavor and odor" means that the canned pineapple possesses a distinct and normal flavor for the variety; is characteristic of properly ripened and properly matured pineapple that has been properly prepared and processed; and is free from objectionable flavors and objectionable odors of any kind.

(2) *Fairly good flavor and odor.* "Fairly good flavor and odor" means that the canned pineapple may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) *Definition of tartness; excessively tart.* "Excessively tart" means that more than 1.35 grams of acid, calculated as anhydrous citric acid, is present in 100 milliliters of the pineapple liquid as defined and determined in accordance with paragraphs (d) and (e) of this section.

(d) *Definition of acid.* "Acid", in all styles of canned pineapple, means grams of acid, calculated as anhydrous citric acid, as contained in 100 milliliters of the liquid drained from the product 15 days or more after the pineapple is canned.

(e) *Method for determination of acidity.* Total acidity of the drained liquid is determined by the following method:

(1) Measure with a pipette 10 milliliters of the unfiltered drained liquid into a 250-milliliter Erlenmeyer flask.

(2) Add 25 milliliters of freshly boiled, distilled water and 0.3 milliliter of 1-percent phenolphthalein solution.

(3) Titrate with one-tenth normal sodium hydroxide solution to a faint, permanently pink coloration.

(4) Multiply the number of milliliters of one-tenth normal sodium hydroxide required by 0.064 to calculate the number of grams of anhydrous citric acid per 100 milliliters of drained liquid.

§ 52.1721 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1722 *Color—(a) (A) classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a good color may be given a score of 27 to 30 points. Half sliced or broken sliced canned pineapple that scores 27 to 30 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the color of the pineapple units or mass is bright and is characteristic of properly ripened and properly matured pineapple of similar varietal

characteristics; and that there may be slight variations in shades of such characteristic color in the units, within each unit, or within the mass, and that white radiating streaks may be present: *Provided*, That such variations do not materially affect the appearance of the product.

(b) *(B) classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a reasonably good color may be given a score of 24 to 26 points. Half sliced or broken sliced canned pineapple that scores 24 to 26 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule); and other styles of canned pineapple that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the pineapple units or mass may be no more than slightly dull but is characteristic of properly matured pineapple of similar varietal characteristics; and that there may be marked variations in shades of such characteristic color in the units, within each unit, or within the mass, and that white radiating streaks may be present: *Provided*, That such variations do not seriously affect the appearance of the product.

(c) *(C) classification.* Half sliced or broken sliced canned pineapple that possesses a fairly good color may be given a score of 21 to 23 points. Half sliced or broken sliced canned pineapple that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color of the pineapple units may be dull but is characteristic of properly matured pineapple of similar varietal characteristics; and that there may be marked variations in shades of such characteristic color in the units or within each unit or white radiating streaks may be present which variations may seriously affect the appearance of the product.

(d) *(SStd) classification.* Canned pineapple that for any reason is off color or that fails to meet the applicable requirements of paragraph (b) or (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1723 *Uniformity of size and shape*—(a) *General.* The factor of uniformity of size and shape is not based on any detailed requirements and is not scored for the style of crushed pineapple; the other three factors (color, absence of defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score for canned crushed pineapple.

(b) *Radial axis.* "Radial axis" in the case of slices and half slices means the measurement along the radius from the inside arc to the outside arc.

(c) *Length.* In the case of tidbits and chunks, "length" means the measurement along the radius from the inside arc to the outside arc; and in the case of spears, "length" means the longitudinal measurement of the spear.

(d) *Sieve with 5/16-inch square openings.* "Sieve with 5/16-inch square openings" means the meshes of a sieve designated as 5/16-inch in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards.

(e) *(A) classification.* Sliced, half sliced, tidbits, chunks, cubes, or spears of canned pineapple that are practically uniform in size and shape may be given a score of 18 to 20 points. Half sliced canned pineapple that scores 18 to 20 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Practically uniform in size and shape" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* (i) The diameter of the slice with the longest diameter does not exceed the diameter of the slice with the shortest diameter by more than 1/16 inch.

(ii) The thickness of the slice with the widest thickness at the circumference does not exceed the thickness of the slice with the most narrow thickness at the circumference by more than 3/32 inch.

(iii) The maximum radial axis of any slice does not exceed the minimum radial axis of the same slice by more than 1/8 inch.

(iv) The drained weight of the largest slice is not more than 1.4 times the weight of the smallest slice.

(2) *Small tidbits.* (i) Not more than 7½ percent of the drained weight may consist of units which may fail to conform to any one or more of the following dimensions:

Length of outside arc.	More than 3/8 inch but not more than 3/4 inch.
Thickness	More than 5/16 inch but not more than 1/2 inch.
Length	More than 11/16 inch but not more than 1¼ inches.

(ii) Not more than 7½ percent of the drained weight may consist of units each of which weighs less than three-fourths as much as the average weight of all the untrimmed tidbits.

(3) *Large tidbits.* (i) Not more than 7½ percent of the drained weight may consist of units which may fail to conform to any one or more of the following dimensions:

Length of outside arc.	More than 3/4 inch but not more than 1¾ inches.
Thickness	More than 5/16 inch but not more than 1/2 inch.
Length	More than 11/16 inch but not more than 1¼ inches.

(ii) Not more than 7½ percent of the drained weight may consist of units each of which weighs less than three-fourths as much as the average weight of all the untrimmed tidbits.

(4) *Chunks.* (i) None of the units may have a longest dimension (along any edge) greater than 1½ inches.

(ii) Not more than 10 percent of the drained weight consists of pieces weighing less than 3/16 ounce each.

(5) *Symmetrical chunks.* (i) None of the units may have a longest dimension (along any edge) greater than 1½ inches.

(ii) Not less than an aggregate of 90 percent of the drained weight consists of pieces weighing 3/16 ounce or more each and exceed at least one of the following dimensions:

Length of outside arc	5/16 inch.
Thickness	1/2 inch.
Length	11/16 inch.

(6) *Cubes.* Not more than an aggregate of 10 percent of the drained weight may consist of:

(i) units of such size that they pass through the meshes of a sieve with 5/16-inch square openings; and

(ii) Pieces weighing more than 3/32 ounce each.

(7) *Spears.* (i) The units are of substantially equal length.

(ii) Not more than 10 percent, by count, of the units or not more than one unit in a container of less than 10 units, may be less than ¾ inch or more than 1¾ inches in the longest edge dimension other than the longitudinal measurement of the spear.

(iii) The drained weight of the largest spear is not more than 1.4 times the weight of the smallest spear.

(8) *Half sliced.* (i) The diameter of the half slice with the longest diameter does not exceed the diameter of the half slice with the shortest diameter by more than 1/16 inch.

(ii) The thickness of the half slice with the widest thickness at the circumference does not exceed the thickness of the half slice with the most narrow thickness at the circumference by more than 3/32 inch.

(iii) The drained weight of the largest half slice is not more than 1.75 times the weight of the smallest half slice (except for an occasional broken piece due to splitting or an occasional whole slice not quite completely cut through).

(f) *(B) classification.* Sliced, half sliced, tidbits, chunks, cubes, or spears of canned pineapple that are reasonably uniform in size and shape may be given a score of 16 or 17 points. Half sliced canned pineapple that scores 16 or 17 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule); other styles of canned pineapple that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* (i) The diameter of the slice with the longest diameter does not exceed the diameter of the slice with the shortest diameter by more than ⅛ inch.

(ii) The thickness of the slice with the widest thickness at the circumference does not exceed the thickness of the slice with the most narrow thickness at the circumference by more than ⅛ inch.

(iii) The maximum radial axis of any slice does not exceed the minimum radial axis of the same slice by more than ¼ inch.

(iv) The drained weight of the largest slice is not more than 1.4 times the weight of the smallest slice.

(2) *Small tidbits.* (i) Not more than 12½ percent of the drained weight may consist of units which may fail to conform to any one or more of the following dimensions:

Length of outside arc.	More than 3/8 inch but not more than 3/4 inch.
Thickness	More than 5/16 inch but not more than 1/2 inch.
Length	More than 11/16 inch but not more than 1¼ inches.

(ii) Not more than 15 percent of the drained weight may consist of units each of which weighs less than three-fourths as much as the average weight of all the untrimmed tidbits.

(3) *Large tidbits.* (i) Not more than 12½ percent of the drained weight may consist of units which may fail to conform to any one or more of the following dimensions:

Length of outside arc.	More than ¾ inch but not more than 1¾ inches.
Thickness	More than 5/16 inch but not more than 1/2 inch.
Length (measured along the radius).	More than 11/16 inch but not more than 1¼ inches.

(ii) Not more than 15 percent of the drained weight may consist of units each of which weighs less than three-fourths as much as the average weight of all the untrimmed tidbits.

(4) *Chunks.* (i) None of the units may have a longest dimension (along any edge) greater than 1½ inches.

(ii) Not more than 15 percent of the drained weight consists of pieces weighing less than 3/16 ounce each.

(5) *Symmetrical chunks.* (i) None of the units may have a longest dimension (along any edge) greater than 1½ inches.

(ii) Not less than 80 percent of the drained weight may consist of units which exceed at least one of the following dimensions:

Length of outside arc	5/16 inch.
Thickness	1/2 inch.
Length	11/16 inch.

(iii) Not more than 15 percent of the drained weight consists of pieces weighing less than 3/16 ounce each.

(6) *Cubes.* (i) Not more than 10 percent of the drained weight may consist of units of such size that they pass through the meshes of a sieve with 5/16-inch square openings.

(ii) Not more than 15 percent of the drained weight may consist of pieces weighing more than 3/32-ounce each.

(7) *Spears.* (i) The units are of reasonably uniform length.

(ii) Not more than 20 percent, by count, of the units or not more than one unit in a container of less than 5 units, may be less than ¾ inch or more than 1¾ inches in the longest edge dimension other than the longitudinal measurement of the spear.

(iii) The drained weight of the largest spear is not more than 1.4 times the weight of the smallest spear.

(8) *Half sliced.* (i) The diameter of the half slice with the longest diameter does not exceed the diameter of the half slice with the shortest diameter by more than ⅛ inch.

(ii) The thickness of the half slice with the widest thickness at the circumference does not exceed the thickness of the half slice with the most narrow thickness at the circumference by more than ⅛ inch.

(iii) The drained weight of the largest half slice is not more than 1.75 times the weight of the smallest half slice (except for an occasional broken piece due to splitting or an occasional whole slice not quite completely cut through).

(g) *(C) classification.* Half sliced canned pineapple that is fairly uniform in size and shape and broken sliced canned pineapple that is not uniform in size and shape may be given a score of 14 or 15 points. Half sliced and broken sliced canned pineapple that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(1) "Fairly uniform in size and shape" for half sliced canned pineapple means that the units fail to meet the requirements of paragraph (e) (8) (i) and (ii) of this section or of paragraph (f) (8) (i) and (ii) of this section, but the drained weight of the largest half slice is not more than 1.75 times the weight of the smallest half slice (except for an occasional broken piece due to splitting or an occasional whole slice not quite completely cut through).

(2) "Not uniform in size and shape" for broken sliced canned pineapple means that:

(i) Not more than 10 percent of the drained weight may consist of pieces having an arc of less than 90°;

(ii) Not more than 5 percent of the drained weight may consist of: (*a*) Pieces that measure in thickness less than 5/16 inch or more than 1 inch; or (*b*) pieces that measure less than ¾ inch in width as measured from the outer edge to the inner edge; and

(iii) Not more than 5 percent of the drained weight may consist of broken slices having an outside diameter differing by as much as ⅜ inch from that of those present in greatest proportion by weight.

(h) *(SStd) classification.* Canned pineapple of the applicable styles which fail to meet in some respects paragraph (e), (f), or (g) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and, for the applicable styles, may also be "Below Standard in Quality—Good Food—Not High Grade" or "Below Standard in Quality" for the following reasons:

(1) *Slices.* "Mixed sizes" for failure to comply with paragraph (e) (1) (iv) or (f) (1) (iv) of this section.

(2) *Tidbits.* "Mixed sizes" for failure to comply with paragraph (f) (2) (ii) or (3) (ii) of this section.

(3) *Chunks.* "Irregular small pieces" for failure to comply with paragraph (f) (4) (ii) of this section.

(4) *Cubes.* "Irregular small pieces" for failure to comply with paragraph (f) (6) (i) of this section; or "mixed sizes" for failure to comply with paragraph (f) (6) (ii) of this section.

(5) *Spears.* "Mixed sizes" for failure to comply with paragraph (e) (7) (iii) or (f) (7) (iii) of this section.

(6) *Half sliced.* "Mixed sizes" for failure to comply with paragraph (e) (8) (iii) or (f) (8) (iii) of this section.

(7) *Broken sliced.* "Small broken pieces" or "thick broken pieces," as the case may be, for failure to comply with paragraph (g) (2) (i) or (ii) of this section; or "mixed sizes" for failure to comply with paragraph (g) (2) (iii) of this section.

§ 52.1724 *Absence of defects*—(a) *General.* The factor of absence of defects refers, for the applicable style, to the degree of freedom from trimmed units, blemished units, mashed units; and from any other defects including specks, in crushed style, that cannot be weighed which detract from the appearance or edibility of the product.

(b) *Definitions of defects*—(1) *Insignificantly trimmed.* "Insignificantly trimmed" means any trimming that is noticeable but of lesser degree than slightly trimmed.

(2) *Slightly trimmed.* In slices or half slices, "slightly trimmed" means that the portion trimmed away approximates 3 percent to not more than 5 percent of the apparent physical bulk of the perfectly formed unit and if such trimming materially affects the normal circular shape of the outer or inner edge of the unit.

(3) *Excessively trimmed.* (i) In slices or half slices, "excessively trimmed" means that the portion trimmed away exceeds 5 percent of the apparent physical bulk of the perfectly formed unit and if such trimming destroys the normal circular shape of the outer or inner edge of the unit.

(ii) In broken slices, spears, or tidbits, "excessively trimmed" means that the normal shape of the unit is destroyed by trimming.

(4) *Blemishes*—(i) *"Blemishes"* (or *"blemished"*). "Blemishes" (or "blemished") include:

(*a*) Any of the following, if in excess of 1/16 inch in the longest dimension on the exposed surface of the unit: Eyes, pieces of shell, brown spots.

(*b*) Deep fruit eyes.

(*c*) Bruised portions.

(*d*) Other abnormalities that it is possible to detect in good commercial practice before sealing in the containers.

(ii) *Serious blemishes.* "Serious blemishes" (or "seriously blemished") means that the blemish seriously affects the appearance or edibility of the unit.

(iii) *Blemishes in crushed pineapple.* In crushed pineapple, each fragment of crushed pineapple bearing a blemish is segregated and the aggregate weight of such fragments is used to ascertain compliance with the allowances.

(5) *Mashed.* A "mashed" unit in the styles of sliced, half sliced, broken sliced, spears, chunks, and tidbits means a unit that has lost its normal shape as evidenced by marks of mechanical injury.

A unit that has lost its normal shape because of ripeness and which bears no mark of mechanical injury shall not be considered as mashed.

(c) *(A) classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that is practically free from defects may be given a score of 18 to 20 points. Half sliced or broken sliced canned pineapple that scores 18 to 20 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Practically free from defects" means that the canned pineapple is practically free from any defects not specifically mentioned including specks, in crushed style, that cannot be weighed that affect the appearance or edibility of the product; and, in addition, has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* (i) Not more than occasional unit may be insignificantly or slightly trimmed, but none may be excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; or one unit in a container is permitted to be blemished or seriously blemished if such unit exceeds the allowance of 5 percent, by count: *Provided,* That in all containers comprising the sample such blemished units do not exceed an average of 5 percent of the total number of units; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(2) *Tidbits.* (i) Not more than 5 percent of the drained weight may consist of units that are excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; but not more than 2½ percent, by count, may be seriously blemished; and

(iii) Not more than 3 of the units in containers of less than 150 units, or not more than 2 percent of the units in containers of 150 or more, may be mashed.

(3) *Chunks.* (i) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; but not more than 2½ percent, by count, may be seriously blemished; and

(ii) Not more than 3 of the units in container of less than 70 units, or not more than 5 percent of the units in containers of 70 units or more, may be mashed.

(4) *Cubes.* (i) Not more than a total of 2 percent of the drained weight may be blemished or seriously blemished; but not more than 1 percent of the drained weight may be seriously blemished.

(5) *Spears.* (i) Not more than an occasional unit may be insignificantly or slightly trimmed, but none may be excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; or one unit in a container is permitted to be blemished or seriously blemished if such unit exceeds the allowance of 5 percent, by count: *Provided,* That in all containers comprising the sample such blemished units do not exceed an average of 5 percent of the total number of units; and

(iii) Not more than one unit per container may be mashed.

(6) *Crushed.* (i) Not more than ½ percent of the drained weight may consist of fragments bearing blemishes, including seriously blemished fragments.

(7) *Half sliced.* (i) Not more than an occasional unit may be insignificantly or slightly trimmed, but none may be excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; or one unit in a container is permitted to be blemished or seriously blemished if such unit exceeds the allowance of 5 percent, by count: *Provided,* That in all containers comprising the sample such blemished units do not exceed an average of 5 percent of the total number of units; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(8) *Broken sliced.* (i) Not more than 5 percent, by count, of the units may be excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; and

(iii) Not more than 5 percent, by count, of the units may be mashed.

(d) *(B) classification.* Sliced, half sliced, broken sliced, tidbits, chunks, oubes, spears, or crushed canned pineapple that is reasonably free from defects may be given a score of 16 or 17 points. Half sliced or broken sliced canned pineapple that scores 16 or 17 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule); and other styles of canned pineapple that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned pineapple is reasonably free from any defects not specifically mentioned including specks, in crushed style, that cannot be weighed that affect the appearance or edibility of the product; and, in addition, has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* (i) Not more than a total of 20 percent, by count, of the units may be insignificantly, slightly, or excessively trimmed: *Provided,* That not more than 7½ percent, by count, of the units may be excessively trimmed, but in any container having not more than 10 units, one unit may be excessively trimmed; and in any container having more than 10 units but not more than 27 units, two units may be excessively trimmed;

(ii) Not more than 12½ percent, by count, of the units may be blemished, but in any container having not more than 5 units, one unit may be blemished; in containers having more than 5 units but not more than 10 units, two units may be blemished; and in containers having more than 10 units but not more than 32 units, four units may be blemished; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(2) *Tidbits.* (i) Not more than 15 percent of the drained weight may consist of units that are excessively trimmed;

(ii) Not more than a total of 12½ percent, by count, of the units may be blemished or seriously blemished; but not more than 6¼ percent, by count, may be seriously blemished; and

(iii) Not more than 3 of the units in containers of less than 150 units, or not more than 2 percent of the units in containers of 150 units or more, may be mashed.

(3) *Chunks.* (i) Not more than a total of 12½ percent, by count, of the units may be blemished or seriously blemished, but not more than 6¼ percent, by count, may be seriously blemished; and

(ii) Not more than 3 of the units in containers of less than 70 units, or not more than 5 percent of the units in containers of 70 units or more, may be mashed.

(4) *Cubes.* (i) Not more than a total of 12½ percent, by count, of the units may be blemished or seriously blemished, but not more than 6¼ percent, by count, may be seriously blemished.

(5) *Spears.* (i) Not more than a total of 20 percent, by count, of the units may be insignificantly, slightly, or excessively trimmed; but not more than 15 percent, by count, of the units may be excessively trimmed.

(ii) Not more than 12½ percent, by count, of the units may be blemished, but in any container having not more than 5 units, one unit may be blemished; in containers having more than 5 units but not more than 10 units, two units may be blemished; and in containers having more than 10 units but not more than 32 units, four units may be blemished; and

(iii) Not more than one unit per container may be mashed.

(6) *Crushed.* (i) Not more than 1¼ percent of the drained weight may consist of fragments bearing blemishes, including seriously blemished fragments.

(7) *Half sliced.* (i) Not more than a total of 20 percent, by count, of the units may be insignificantly, moderately, or excessively trimmed: *Provided,* That not more than 7½ percent, by count, of the units may be excessively trimmed, but in any container having not more than 10 units, one unit may be excessively trimmed; and in any container having more than 10 units but not more than 27 units, two units may be excessively trimmed;

(ii) Not more than a total of 8 percent, by count, of the units may be blemished or seriously blemished; or one unit in a container is permitted to be

blemished or seriously blemished if such unit exceeds the allowance of 8 percent, by count: *Provided,* That in all containers comprising the sample such blemished units do not exceed an average of 8 percent of the total number of units; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(8) *Broken sliced.* (i) Not more than 10 percent, by count, of the units may be excessively trimmed;

(ii) Not more than 8 percent, by count, of the units may be blemished or seriously blemished; and

(iii) Not more than 5 percent, by count, of the units may be mashed.

(e) *(C) classification.* Half sliced or broken sliced canned pineapple that is fairly free from defects may be given a score of 14 or 15 points. Half sliced or broken sliced canned pineapple that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that half sliced or broken sliced canned pineapple is fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product; and, in addition, has the following meanings with respect to, and applies only to, the following styles:

(1) *Half sliced.* (i) Not more than 7½ percent, by count, of the units may be excessively trimmed, but in any container having not more than 10 units, one unit may be excessively trimmed; and in any container having more than 10 units but not more than 27 units, two units may be excessively trimmed;

(ii) Not more than 12½ percent, by count, of the units may be blemished but in any container having not more than 5 units, one unit may be blemished; in containers having more than 5 units but not more than 10 units, two units may be blemished; and in containers having more than 10 units but not more than 32 units, four units may be blemished; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(2) *Broken sliced.* (i) Not more than 15 percent, by count, of the units may be excessively trimmed;

(ii) Not more than 12½ percent, by count, of the units may be blemished but in any container having more than 10 units but not more than 32 units, four units may be blemished; and

(iii) Not more than 5 percent, by count, of the units may be mashed.

(f) *(SStd) classification.* Canned pineapple of the applicable styles which fail to meet in some respects paragraph (c), (d), or (e) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and, for the applicable styles, may also be "Below Standard in Quality—Good Food—Not High Grade" or "Below Standard in Quality" for the following reasons:

(1) *Sliced.* (i) "Excessively trimmed" for failure to comply in part with paragraph (d) (1) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (d) (1) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (1) (iii) or (d) (1) (iii) of this section.

(2) *Tidbits.* (i) "Excessively trimmed" for failure to comply with paragraph (d) (2) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply in part with paragraph (d) (2) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (2) (iii) or (d) (2) (iii) of this section.

(3) *Chunks.* (i) "Blemished" or "contains blemished pieces" for failure to comply in part with paragraph (d) (3) (i) of this section; or

(ii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (3) (ii) or (d) (3) (ii) of this section.

(4) *Cubes.* (i) "Blemished" or "contains blemished pieces" for failure to comply in part with paragraph (d) (4) (i) of this section.

(5) *Spears.* (i) "Excessively trimmed" for failure to comply in part with paragraph (d) (5) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (d) (5) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (5) (iii) or (d) (5) (iii) of this section.

(6) *Crushed.* (i) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (d) (6) (i) of this section.

(7) *Half sliced.* (i) "Excessively trimmed" for failure to comply in part with paragraph (d) (7) (i) or with (e) (1) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (e) (1) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (7) (iii) or (d) (7) (iii) or (e) (1) (iii) of this section.

(8) *Broken sliced.* (i) "Excessively trimmed" for failure to comply with paragraph (e) (2) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (e) (2) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (8) (iii) or (d) (8) (iii) or (e) (2) (iii) of this section.

§ 52.1725 *Character—(a) General.* The factor of character refers to the degree of ripeness and maturity, the texture of the fruit, and the degree of freedom from core material.

(b) *Ascertaining proportion of core.* "Core" means core material which may be definitely identified as hard and characteristic of the center structure of pineapple. In ascertaining the proportion of core, identify and separate any core material cleanly from each of the units in the container, weigh the aggregate of such core material, and calculate the weight of the core material in relation to the drained fruit.

(c) *(A) classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a good character may be given a score of 27 to 30 points. Half sliced or broken sliced canned pineapple that scores 27 to 30 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Good character" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced; half sliced; broken sliced.* The units are of practically uniform ripeness, are at least reasonably firm with the fruitlets appearing as a compact structure, are reasonably free from porosity; and not more than 0.4 ounce of core is contained in 1 pound of drained fruit.

(2) *Tidbits; cubes; spears; crushed.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, the units are reasonably free from porosity; and not more than 0.4 ounce of core is contained in 1 pound of drained fruit.

(3) *Chunks.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, the units are reasonably free from porosity, and the units are practically free from any core material.

(d) *(B) classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a reasonably good character may be given a score of 24 to 26 points. Half sliced or broken sliced canned pineapple that scores 24 to 26 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule); and other styles of canned pineapple that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced; half sliced; broken sliced.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the slices are fairly free from porosity; and not more than 1.1 ounces of core is contained in 1 pound of drained fruit.

(2) *Tidbits; cubes; spears; crushed.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the units are fairly free from porosity; and not more than 1.1 ounces of core is contained in 1 pound of drained fruit.

(3) *Chunks.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the units are fairly free from porosity; and not more than 1.1 ounces of core is contained in 1 pound of drained fruit.

(e) *(C) classification.* Half sliced or broken sliced canned pineapple that possesses a fairly good character may be given a score of 21 to 23 points. Half sliced or broken sliced canned pineapple that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meaning with respect to, and applies only to, the following styles:

(1) *Half sliced; broken sliced.* The units are of fairly uniform ripeness, the fruitlets are fairly compact in structure, the units are fairly free from porosity; and not more than 1.1 ounces of core is contained in 1 pound of drained fruit.

(f) *(SStd) classification.* Canned pineapple that fails to meet the applicable requirements of paragraph (d) or (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Any style of canned pineapple in which more than 1.1 ounces of core is contained in 1 pound of drained fruit is also "Below Standard in Quality—Good Food—Not High Grade" or "Below Standard in Quality—Poorly cored" or "Below Standard in Quality—Excessive core."

LOT CERTIFICATION TOLERANCES

§ 52.1726 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned pineapple the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1727 *Score sheet for canned pineapple.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
( ) Heavy pack. ( ) Solid pack	
Acidity (gm/100 ml.)	
Brix measurement	
Sirup designation (Extra heavy, heavy, etc.)	
Style	
Count ( ) Slices. ( ) Half slices. ( ) Spears	

Factors		Score points
Color	30	(A) [3] 27-30 (B) [1] [2] 24-26 (C) [2] 21-23 (SStd) [1] 0-20
Uniformity of size and shape	20	(A) [2] 18-20 (B) [1] [2] 16-17 (C) [2] 14-15 (SStd) [1] 0-13
Absence of defects	20	(A) [2] 18-20 (B) [1] [2] 16-17 (C) [2] 14-15 (SStd) [1] 0-13
Character	30	(A) [2] 27-30 (B) [1] 24-26 (C) [2] 21-23 (SStd) [1] 0-20
Total score	100	

Proper acidity ( ) Yes. ( ) No	
Flavor and odor ( ) Good. ( ) Fairly good. ( ) Off.	
Grade	

[1] Limiting rule.
[2] Partial limiting rule.
[3] Half slices, broken slices only.

Dated: October 12, 1956.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-8344; Filed, Oct. 18, 1956; 8:45 a. m.]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED PINEAPPLE JUICE[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Pineapple Juice (§§ 52.1761–52.1771) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 45 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

[1] Compliance with provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1761 Product description.
52.1762 Styles of canned pineapple juice.
52.1763 Grades of canned pineapple juice.

FILL OF CONTAINER

52.1764 Fill of container.

FACTORS OF QUALITY

52.1765 Ascertaining the grade.
52.1766 Ascertaining the rating for the factors which are scored.
52.1767 Color.
52.1768 Absence of defects.
52.1769 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1770 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.1771 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1772 Score sheet for canned pineapple juice.

AUTHORITY: §§ 52.1761 to 52.1772 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1761 *Product description.* "Canned pineapple juice" means such product as defined in the standard of identity for canned pineapple juice (21 CFR 27.54) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1762 *Styles of canned pineapple juice.* (a) Style I, Unsweetened.

(b) Style II, Sugar added.

§ 52.1763 *Grades of canned pineapple juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned pineapple juice that possesses a very good color, is practically free from defects, possesses a very good flavor, and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned pineapple juice that possesses a good color, is fairly free from defects, possesses a good flavor, and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned pineapple juice that fails to meet the requirements of U. S. Grade C or U. S. Standard; and is the quality of canned pineapple juice that may or may not meet the minimum standard of quality for canned pineapple juice issued pursuant to the Federal Food, Drug, and Cosmetic Act.

FILL OF CONTAINER

§ 52.1764 *Fill of container.* The standard of fill of container for canned pineapple juice is a fill of not less than 90 percent of the total capacity of the container. Canned pineapple juice that does not meet this requirement is "Below Standard in Fill."

FACTORS OF QUALITY

§ 52.1765 *Ascertaining the grade—*(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors rated by score points in canned pineapple juice.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Flavor	40
Total score	100

§ 52.1766 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1767 *Color—*(a) *(A) classification.* Canned pineapple juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the canned pineapple juice possesses a bright, typical color characteristic of canned pineapple juice made from freshly pressed pineapple juice from properly matured and properly ripened pineapple, and which pineapple juice has been properly processed.

(b) *(C) classification.* If the canned pineapple juice possesses a good color, a score of 14 to 16 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the canned pineapple juice possesses a characteristic color which may be slightly dull or may be light amber but is not off color.

(c) *(SStd) classification.* Canned pineapple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1768 *Absence of defects—*(a) *General.* The factor of absence of defects refers to the degree of freedom from specks and other objectionable particles and to the quantity of finely divided "insoluble solids" that may be present.

(b) *(A) classification.* Canned pineapple juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the canned pineapple juice does not contain specks or other objectionable particles that affect the appearance or palatability of the juice and that the canned pineapple juice may contain not less than 5 percent nor more than 26 percent finely divided "insoluble solids" when determined in accordance with the method outlined in this subpart.

(c) *(C) classification.* If the canned pineapple juice is fairly free from defects, a score of 28 to 33 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned pineapple juice may contain specks or other objectionable particles that do not materially affect the appearance or palatability of the juice and that the canned pineapple juice may contain not less than 5 percent nor more than 30 percent finely divided "insoluble solids" when determined in accordance with the method outlined in this subpart.

(d) *(SStd) classification.* Canned pineapple juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Canned pineapple juice that contains less than 5 percent or more than 30 percent finely divided "insoluble solids," when determined in accordance with the method outlined in this subpart, is also "Below Standard in Quality—Good Food—Not High Grade."

§ 52.1769 *Flavor—*(a) *(A) classification.* Canned pineapple juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned pineapple juice flavor, characteristic of canned pineapple juice made from properly matured and properly ripened pineapple, and which pineapple juice is free from any caramelized flavor and that the canned pineapple juice meets the following requirements:

(1) *Brix.* Not less than 12.0 degrees.

(2) *Acid.* Not more than 1.10 grams of acid per 100 milliliters of the juice.

(3) *Brix-acid ratio.* Not less than 12 to 1.

(b) *(C) classification.* If the canned pineapple juice possesses a good flavor, a score of 28 to 33 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned pineapple juice flavor that may be slightly caramelized but is free from objectionable flavor or off flavor of any kind and that the canned pineapple juice meets the following requirements:

(1) *Brix.* Not less than 10.5 degrees.

(2) *Acid.* Not more than 1.35 grams of acid per 100 milliliters of the juice.

(3) *Brix-acid ratio.* Not less than 12 to 1.

(c) *(SStd) classification.* If the canned pineapple juice fails to meet the requirements of paragraph (b) of this section, if the canned pineapple juice has the flavor of fruit not properly matured or not properly ripened, or if the canned pineapple juice is definitely unpalatable, a score of 0 to 27 points may be given. Canned pineapple juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Canned pineapple juice that fails to meet any one of the requirements of paragraph (b) of this section with respect to Brix or Acid or Brix-acid ratio is also "Below Standard in Quality—Good Food—Not High Grade."

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1770 *Explanation of terms and analyses—*(a) *Brix.* "Brix" in canned pineapple juice means the soluble solids content as determined by the method prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists," "Solids—By Means of Spindle—Official."

(b) *Acid.* "Acid" in canned pineapple juice means the grams of acid, calculated as anhydrous citric acid, contained in 100 milliliters of the juice. Total acidity of the juice is determined by the following method:

(1) Measure with a pipette 10 milliliters of the unfiltered drained liquid into a 250-milliliter Erlenmeyer flask.

(2) Add 25 milliliters of freshly boiled, distilled water and 0.3 milliliter of 1-percent phenolphthalein solution.

(3) Titrate with one-tenth normal sodium hydroxide solution to a faint, permanently pink coloration.

(4) Multiply the number of milliliters of one-tenth normal sodium hydroxide required by 0.064 to calculate the number of grams of anhydrous citric acid per 100 milliliters of drained liquid.

(c) Finely divided "insoluble solids". The quantity of "finely divided 'insoluble solids'" is determined as follows:

(i) Measure 50 milliliters of thoroughly stirred pineapple juice into a cone-shaped graduated tube of the long-cone type, measuring approximately 4 3/16 inches from tip to top calibration and having a capacity of 50 milliliters.

(ii) Place the tube in a suitable centrifuge, the approximate speed of which is related to diameter of swing in accordance with Table I of this subpart. The word "diameter" means the over-all distance between the tips of opposing centrifuge tubes in operating position.

(iii) The milliliter reading at the top of the layer of "insoluble solids," after centrifuging 3 minutes, is multiplied by two to obtain the percentage of "insoluble solids."

Diameter: TABLE I	Approximate revolutions per minute
10 inches	1,609
10½ inches	1,570
11 inches	1,534
11½ inches	1,500
12 inches	1,468
12½ inches	1,438
13 inches	1,410
13½ inches	1,384
14 inches	1,359
14½ inches	1,336
15 inches	1,313
15½ inches	1,292
16 inches	1,271
16½ inches	1,252
17 inches	1,234

(iv) Determine the percentage of "insoluble solids" in the pineapple juice by multiplying the percentage of "insoluble solids" in the drained liquid by the percentage of drained liquid in the pineapple juice.

(d) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(e) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(f) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(g) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(h) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(i) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(j) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(k) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(l) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(m) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(n) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(o) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(p) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(q) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(r) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(s) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(t) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(u) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(v) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(w) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(x) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(y) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

(z) *Drained liquid.* "Drained liquid" in canned pineapple juice means the liquid that is obtained by the following method:

(1) Place a 10-inch, No. 8 sieve, with a tight-fitting cover, on a 12-inch pan.

(2) Pour the pineapple juice into the sieve and allow to drain for 2 minutes.

(3) Weigh the drained liquid.

Diameter:	Table I—Con.	*Approximate revolutions per minute*
17½ inches		1,216
18 inches		1,199
18½ inches		1,182
19 inches		1,167
19½ inches		1,152
20 inches		1,137

LOT CERTIFICATION TOLERANCES

§ 52.1771 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned pineapple juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1772 *Score sheet for canned pineapple juice.*

Size and kind of container	
Container mark or identification	
Label	
Liquid measure (Fl. ounces)	
Vacuum (inches)	
Brix measurement (° Brix)	
Acid (anhydrous citric: grams/100 ml.)	
Brix-acid ratio	
Insoluble solids (%)	

Factors	Score points		
Color	20	(A) 17–20 (C) [1] 14–16 (SStd [1] 0–13	
Absence of defects	40	(A) 34–40 (C) [1] 29–33 (SStd [1] 0–27	
Flavor	40	(A) 34–40 (C) [1] 28–33 (SStd) [1] 0–27	
Total score	100		
Grade			

[1] Indicates limiting rule.

Dated: October 12, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 56–8342; Filed, Oct. 18, 1956; 8:45 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 661, 671, 683]

[Administrative Order 470]

PUERTO RICO; BANKING, INSURANCE AND FINANCE INDUSTRY; WHOLESALING, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRY; COMMUNICATIONS, UTILITIES AND TRANSPORTATION INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201, et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 26–A for the banking, insurance and finance industry in Puerto Rico, Industry Committee No. 26–B for the wholesaling, warehousing, and other distribution industry in Puerto Rico, and Industry Committee No. 26–C for the communications, utilities, and transportation industry in Puerto Rico.

Industry Committee No. 26–A is composed of the following representatives:

For the public: Meyer S. Ryder, Chairman, Ann Arbor, Michigan, Robert H. Todd, Jr., San Juan, Puerto Rico, Robert L. Stutz, Storrs, Connecticut.

For the employees: Hipolito Marcano, San Juan, Puerto Rico, John L. Crull, Washington, D. C., Jacob Bennison, Washington, D. C.

For the employers: Richard P. Doherty, Washington, D. C., Emiliano Pol, San Juan, Puerto Rico, Robert L. Stutz, Storrs, Connecticut.

Industry Committee No. 26–B is composed of the following representatives:

For the public: Meyer S. Ryder, Chairman, Ann Arbor, Michigan, Robert H. Todd, Jr., San Juan, Puerto Rico, Robert L. Stutz, Storrs, Connecticut.

For the employees: Hipolito Marcano, San Juan, Puerto Rico, John L. Crull, Washington, D. C., Jacob Bennison, Washington, D. C.

For the employers: Richard P. Doherty, Washington, D. C., Emiliano Pol, San Juan, Puerto Rico, Aristides Santoni, San Juan, Puerto Rico.

For the purpose of this order the banking, insurance and finance industry in Puerto Rico is defined as follows:

The business, whether or not for profit, carried on by any banking, insurance, or other financial institution or enterprise.

Industry Committee No. 26–B is composed of the following representatives:

For the public: Meyer S. Ryder, Chairman, Ann Arbor, Michigan, Robert H. Todd, Jr., San Juan, Puerto Rico, Robert L. Stutz, Storrs, Connecticut.

For the employees: Hipolito Marcano, San Juan, Puerto Rico, John L. Crull, Washington, D. C., Jacob Bennison, Washington, D. C.

For the employers: Richard P. Doherty, Washington, D. C., Emiliano Pol, San Juan, Puerto Rico, Frank Besosa, San Juan, Puerto Rico.

For the purpose of this order the wholesaling, warehousing, and other distribution industry in Puerto Rico is defined as follows:

The wholesaling, warehousing and other distribution of commodities, including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses: *Provided, however,* That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, and other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by the definition of the communications, utilities and transportation industry in Puerto Rico, and the wage orders for the tobacco industry in Puerto Rico, and the food and related products industry in Puerto Rico.

Industry Committee No. 26–C is composed of the following representatives:

For the public: Meyer S. Ryder, Chairman, Ann Arbor, Michigan, Robert H. Todd, Jr., San Juan, Puerto Rico, Robert L. Stutz, Storrs, Connecticut.

For the employees: Hipolito Marcano, San Juan, Puerto Rico, John L. Crull, Washington, D. C., Jacob Bennison, Washington, D. C.

For the employers: Richard P. Doherty, Washington, D. C., Emiliano Pol, San Juan, Puerto Rico, Rodolfo Catinchi, San Juan, Puerto Rico.

For the purpose of this order the communications, utilities, and transportation industry in Puerto Rico is defined as follows:

The industry carried on by any wire or radio system of communication, or by messenger service; by any concern engaged in the production and distribution of gas, electricity, or steam, the distribution of water or the operation of sanitation facilities; and by any concern engaged in transportation for compensation by air, water, rail, motor vehicle, pipeline, or other means, or in related activities, including the operation of travel bureaus and ticket agencies, stevedoring, consolidating, forwarding, crating and boxing: *Provided, however,* That the definition shall not include railroad transportation activities carried on by a producer of raw sugar, cane juice, molasses, refined sugar, and incidental by-products (or by any firm owned or controlled by or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of these products, and any transportation activities by truck or other vehicle performed by a producer of these products in connection with the production or shipment of such products by such producer.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 26–A shall commence its hearings on November 19, 1956, at 2:00 p. m., in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearings of Industry Committee No. 26–A, Industry Committees Nos. 26–B and 26–C shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 26–A will meet at 10:00 a. m. on November 19, 1956, and Industry Committees Nos. 26–B and 26–C will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters herein referred to each committee. Copies of these reports may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised and amended on November 4, 1955 (20 F. R. 8285) and May 30, 1956 (21 F. R. 3678). As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than November 9, 1956.

Signed at Washington, D. C., this 15th day of October 1956.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 56–8443; Filed, Oct. 18, 1956; 8:52 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G–6346]

CONTINENTAL OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 15, 1956.

Take notice that the Continental Oil Company (Applicant), a Delaware corporation whose address is 608 Fannin Street, Houston, Texas, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to continue the sale of natural gas to El Paso Natural Gas Company, which may be subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open for public inspection.

Continental Oil Company will introduce evidence on the jurisdictional aspects of the Commission's lack of jurisdiction.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the 8th day of November 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application:

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8419; Filed, Oct. 18, 1956; 8:48 a. m.]

WINIFREDE CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G–6405; The Winifrede Company; Elk District, Kanawha County, W. Va.; United Fuel Gas Company.

G–6570; Welch Gas Company; Center District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

G–6669; Murphy Oil Company of Pennsylvania; West Union District, Doddridge County, W. Va.; South Penn Natural Gas Company.

G–3692; C. L. McMahon, Inc.; Sadler, Grayson County, Tex.; Texas Natural Gasoline Corporation and H. W. Bass & Sons, Inc.

G–3708; C. L. McMahon, Inc.; Hugoton, Kearny County, Kans.; Colorado Interstate Gas Company.

G–3323; A. Z. Skeeters; South Hallsville, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

G–3406; R. B. Honeyman Jr.; Lea County, N. Mex.; Permian Basin Pipe Line Company.

G–4234; Norman V. Kinsey Jr., and N. V. Kinsey; Carthage, Panola County, Tex.; United Gas Pipe Line Company.

G–4235; Norman V. Kinsey, Jr., N. V. Kinsey, Lallage Feazel, and Gertrude F. Anderson; Carthage, Panola County, Tex.; Arkansas-Fuel Oil Corporation.

G–4236; N. V. Kinsey; Carthage, Panola County, Tex.; Texas Gas Transmission Corporation.

G–4237; N. V. Kinsey; Hico-Knowles, Lincoln Parish, La.; Mississippi River Fuel Corporation.

G–6583; H. F. Gibson; Grayson County, Tex.; Texas Natural Gasoline Corporation; Carter County, Okla.; Apache Gasoline Company.

G–9273; Chas. A. Daubert; Muil, Jim Wells County, Tex.; Trunkline Gas Company.

A public hearing will be held on the 5th day of November 1956, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

OCTOBER 15, 1956.

[F. R. Doc. 56–8420; Filed, Oct. 18, 1956; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RAY W. IRELAND

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 7, 1956, 21 F. R. 163 and April 7, 1956, 21 F. R. 2292.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1956.

RAY W. IRELAND.

OCTOBER 12, 1956.

[F. R. Doc. 56–8435; Filed, Oct. 18, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W–043671]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture has filed an application Serial No. Wyoming 043671, for the withdrawal of the lands described below, from all forms of appropriation under the United States Mining Laws.

The applicant desires the land for use as a youth organization camp.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WYOMING—SIXTH PRINCIPAL MERIDIAN

BIGHORN NATIONAL FOREST

Sheridan County Youth Incorporated Organization Camp:
T. 54 N., R. 88 W.,
Sec. 6: Lots 3, 4, 5.
T. 55 N., R. 88 W.,
Sec. 31: Lot 4, SE¼SW¼.
T. 54 N., R. 89 W.,
Sec. 1: E½NE¼.

LOWELL M. PUCKETT, *State Supervisor.*

[F. R. Doc. 56–8409; Filed, Oct. 18, 1956; 8:46 a. m.]

[W–031320]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture has filed an application, Serial No. Wyoming 031320, for the withdrawal of the lands described below, from all forms of appropriation under the United States Mining Laws.

The applicant desires the land for use as public recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, State Supervisor, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL RERISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WYOMING—SIXTH PRINCIPAL MERIDIAN

TARGHEE NATIONAL FOREST

Grassy Lake Recreation Area:
T. 46 N., R. 116 W.,
Sec. 7: Lots 1 and 2;
Sec. 8: Lots 1, 2, 3, 4;
Sec. 16: NW¼, N½N½SW¼, SW¼NE¼, NE¼SE¼;
Sec. 17: N½, N½N½S½;
Sec. 18: NE¼, N½N½SE¼.
Darby Canyon Recreation Area:
T. 43 N., R. 118 W. (unsurveyed),
Sec. 13: S½SW¼;
Sec. 24: NW¼.
Alpine Recreation Area:
T. 37 N., R. 118 W.,
Sec. 18: Lot 1, W½SW¼NE¼, W½NW¼NE¼, NE¼NW¼.

LOWELL M. PUCKETT, *State Supervisor.*

[F. R. Doc. 56–8410; Filed, Oct. 18, 1956; 8:47 a. m.]

[W–031321]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture has filed an application, Serial No. Wyoming 031321, for the withdrawal of the lands described below, from all forms of appropriation under the United States Mining Laws.

The applicant desires the land for use as public recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, State Supervisor, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WYOMING—SIXTH PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Cook Lake Campground:
T. 53 N., R. 63 W.,
Sec. 10: S½NE¼SW¼, N½SE¼SW¼.
Reuter Canyon Picnic Ground:
T. 52 N., R. 63 W.,
Sec. 33: SE¼SE¼.

LOWELL M. PUCKETT, *State Supervisor.*

[F. R. Doc. 56–8411; Filed, Oct. 18, 1956; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 153]

HARTFORD FIRE INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

OCTOBER 16, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $29,203,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office, and State in which incorporated: Hartford Fire Insurance Company, Hartford, Connecticut.

[SEAL] W. RANDOLPH BURGESS, *Acting Secretary of the Treasury.*

[F. R. Doc. 56–8424; Filed, Oct. 18, 1956; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

Patent Compensation Board

[Docket No. 22]

JAMES C. HOBBS

NOTICE OF APPLICATION

Notice is hereby given that James C. Hobbs, 2507 Country Club Prado, Coral Gables, Florida, has filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for just compensation or an award. The applicant requests just compensation under section 11 (a) (2) of the Atomic Energy Act of 1946 for loss of rights in an invention which became U. S. Patent No. 2,520,364. The applicant also requests an award under sections 11 (a) (3), 11 (e) (2) (C) and 11 (e) (3) (C) of the Atomic Energy Act of 1946 and section 157b (3) and 157c (2) of the Atomic Energy Act of 1954 for asserted use of the invention disclosed in U. S. Patent No. 2,520,364 by the United States Government in the production of special nuclear material or atomic energy.

The application of James C. Hobbs is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

MARGARET H. MELIN, *Acting Clerk, Patent Compensation Board.*

OCTOBER 11, 1956.

[F. R. Doc. 56–8404; Filed, Oct. 18, 1956; 8:45 a. m.]

[Docket No. 23]

JAMES C. HOBBS

NOTICE OF APPLICATION

Notice is hereby given that James C. Hobbs, 2507 Country Club Prado, Coral Gables, Florida, has filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for just compensation or an award. The applicant requests just compensation under section 11 (a) (2) of the Atomic Energy Act of 1946 for rights taken away in an invention on which U. S. Patent No. 2,617,621 issued. The applicant also requests an award for asserted use of the invention disclosed in U. S. Patent No. 2,617,621 by the United States Government in the production of special nuclear material or atomic energy pursuant to sections 11 (a) (3), 11 (e) (2) (C) and 11 (e) (3) (C) of the Atomic Energy Act of 1946 and sections 157b (3) and 157c (2) of the Atomic Energy Act of 1954.

The application of James C. Hobbs is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

MARGARET H. MELIN, *Acting Clerk, Patent Compensation Board.*

OCTOBER 11, 1956.

[F. R. Doc. 56–8405; Filed, Oct. 18, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–191]

STANDARD GAS AND ELECTRIC CO.

ORDER APPROVING FEE ALLOWANCE

OCTOBER 15, 1956.

The Commission having on October 1, 1952, and March 13, 1953, approved an amended plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company ("Standard"), a registered holding company; and

The amended plan having provided that Standard would pay such fees and expenses in connection with the plan as the Commission may approve, determine or award, and the Commission in its aforesaid orders having reserved jurisdiction over such fees and expenses; and

An application having been filed by Standard on July 28, 1955, requesting, among other things, that the Commission fix the amount of the fee, if any, to be paid by Standard to James P. McGranery; and

A public hearing having been held after due notice to said James P. McGranery who did not file an application for an allowance and who did not appear at said hearing claiming that the Commission had no jurisdiction with respect to his fee; and

The Commission having on January 11, 1956, entered its order awarding a fee of $500 to said McGranery; and

The Commission having made application to the United States District Court for the District of Delaware to approve and enforce the aforesaid order of January 11, 1956, and that Court on April 13, 1956, having held that the Commission had jurisdiction but that the record was incomplete because of the failure of James P. McGranery to appear and having remanded the matter to the Commission for further proceedings not inconsistent with the opinion of the Court; and

A further hearing having been held, after due notice, at which James P. McGranery appeared and testified; and

The Commission having considered the complete record and having this day made and filed its Memorandum Opinion herein, on the basis of which:

It is ordered, That a fee to James P. McGranery in the amount of $4,000 be, and hereby is, approved and that Standard be, and hereby is, directed to make such payment.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–8417; Filed, Oct. 18, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

N. V. STOOMBANDFABRIEK VAN ENGELEN & EVERS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

N. V. Stoombandfabriek van Engelen & Evers, Heeze, The Netherlands, Claim No. 42732; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent No. 2,276,654.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–8427; Filed, Oct. 18, 1956; 8:49 a. m.]

CORNELIS ANDRIES HEERO MULDER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Cornelis Andries Heero Mulder, Utrecht, The Netherlands, Claim No. 42756; property described in Vesting Order No. 291 (7 F. R.

9834, November 26, 1942), relating to Patent Application Serial Nos. 219,087 and 293,631 (now United States Letters Patent Nos. 2,315,486 and 2,349,981, respectively).

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8428; Filed, Oct. 18, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF S. M. VAN DEN BERGH-SIMONS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

S. M. van den Bergh-Simons, H. E. Ligtenstein-Simons, J. Gompen-Simons, L. S. Claim No. 371, $1,509.51 in the Treasury of the United States;

Jozeph Benjamin de Hes, L. S. Claim No. 478, $2,980.00 in the Treasury of the United States;

Mrs. Rachel A. S. Hollander, L. S. Claim No. 491, $231.59 in the Treasury of the United States;

Elisabeth Philips, Fanny R. Speijer, Sophia B. Jacobs, L. S. Claim No. 643, $1,382.90 in the Treasury of the United States;

Simon B. Spier, L. S. Claim No. 742, $13,409.16 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8429; Filed, Oct. 18, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF JUDA POPPELSDORF ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Juda Poppelsdorf, Marie Lioni, Denise Berne, Jack Sequeira, Elise Heitlinger, Floris Kirchner, Juliette Cohen, Ida Pimentel, Elise Bakker, and Alida van Reysen, L. S. Claim No. 290, Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 11368, in the principal amount of $1,000;

Sophia Roos and Margot Levy, L. S. Claim No. 697, Missouri-Kansas-Texas Railway Company 4/90 Bond No. 17427, in the principal amount of $1,000;

Joseph van Raalte and Constance van der Broek d'Obrenan, L. S. Claim No. 676, Southern Railway Company 4/56 Bond No. 17532, in the principal amount of $1,000;

Max Pool and Philip van der Heijden, L. S. Claim No. 668, Norfolk & Western Railway Company 4/96 Bond Nos. 7562 and 7563, in the principal amount of $500 each;

D. L. van Raalte, L. S. Claim No. 677, Norfolk & Western Railway Company 4/96 Bond Nos. 3889 and 9351, in the principal amount of $500 each.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8430; Filed, Oct. 18, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF S. VENEMA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

Mrs. S. Venema (identical with Mrs. S. Frank) and E. D. Frank, L. S. Claim No. 38, $784.16 in the Treasury of the United States;

R. Keyl and Mrs. M. Speyer, L. S. Claim No. 39, $2,352.48 in the Treasury of the United States;

Sofie M. van den Bergh, Hannie E. Ligtenstein and Judith Gompen, L. S. Claim No. 40, $392.08 in the Treasury of the United States;

Josephina Aardewerk, L. S. Claim No. 145, $2,744.56 in the Treasury of the United States;

Margaretha J. Overstrijd-Pallada, L. S. Claim No. 638, $1,117.43 in the Treasury of the United States;

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8431; Filed, Oct. 18, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF HENRIETTE AND FRANS VAN DEN BERGH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Henriette and Frans van den Bergh, Henri van den Bergh, Jr., L. S. Claim No. 289, Southern Railway Company 4/56 Bond No. 34017, in the principal amount of $1,000;

Martha van Leer, Alice and Louise Binger, L. S. Claim No. 292, Missouri-Kansas-Texas Railroad Company 5/62 Bond No. 1779, in the principal amount of $250;

Johanna Apon-Vos, Therese Troostwijk-Judels, Louise Querido-Judels, Abraham and Helena Polak, Hanna Polak-van Gelder, Nanny van Gelder, Rosa Mansfeld, L. S. Claim No. 336, Missouri-Kansas-Texas Railroad Company 5/62 Bond No. 29248, in the principal amount of $1,000;

Beatrix Polak, L. S. Claim No. 337, Missouri-Kansas-Texas Railway Company 4/90 Bond No. 32539, in the principal amount of $1,000;

Hanna Strauss, Ella den Hartog, Louise van Ackooy, Dr. Eduard vaz Nunes, L. S. Claim No. 368, Norfolk & Western Railway Company 4/96 Bond No. 17991, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8432; Filed, Oct. 18, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MEIJER VAN ESSO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Meijer van Esso, L. S. Claim No. 394, Norfolk & Western Railway Company 4/96 Bond No. 29838, in the principal amount of $1,000.00;

Michiel Philip (Tinus) Roos, Michiel Philip (Michiel) Roos, Siegfried Norden, Marcel Spiro, Flora Engers, Anna de Pool, Michiel Philip (Martin) Roos, Jules Roos, Jozef Spiro and Robert Hammonds, L. S. Claim No. 425, Union Pacific Railroad Company 4/47 Bond No. 6600 in the principal amount of $1,000.00;

Emma Verloop, Adriaan Cohen, Bernadette van de Roemer, Amelie Gouda, Max Eltzbacher, L. S. Claim No. 440, Union Pacific Railroad Company 4/47 Bond No. 23432, in the principal amount of $1,000.00;

Dr. Abraham and Marianne Keesing, Elius,[1] Georginie, Elius[2] and Maurits van Voolen, Henriette Kastan, Francisca Gunzel, Siegfried, Joseph Carolina, Erna and Nathan Stranders, Adolf and Anny Vromen, Debora Elsas, Marcus van Amerongen, L. S. Claim No. 530, Union Pacific Railroad Company 4/47 Bond No. 49831, in the principal amount of $1,000.00;

Siegfried, Julius, Natalie, and Fred, Friedel and Charlotte Salomon, L. S. Claim No. 540, Union Pacific Railroad Company 4/47 Bond No. 26126, in the principal amount of $1,000.00.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C. on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8433; Filed, Oct. 18, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF CAROLINA DE LEEUW ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Carolina de Leeuw, L. S. Claim No. 564, Union Pacific Railroad Company 4/47 Bond

[1] The Netherlands.
[2] Teaneck, N. J., U. S. A.

Nos. 63662 and 55952, in the principal amount of $1,000 each;

Annalie and Joost Levenbach, L. S. Claim No. 571, Louisville & Nashville Railroad Company; Mobile and Montgomery Railway 4½/45 Bond No. 804, in the principal amount of $1,000;

Marcus and Philip Lezer, Klara van Wijk and Mia Artha Buter, L. S. Claim No. 577, Union Pacific Railroad Company 4/47 Bond No. 81792, in the principal amount of $1,000;

Emilie Schultz-Windmuller, Bertha Levie-Manfeld, Max Levie and Jeanette de Bock-Levie, L. S. Claim No. 591, International Hydro-Electric System 6/44 Debenture No. 24523, in the principal amount of $1,000;

Emmy Gomperts, Maurits Paraira and Rebecca Sondervan, L. S. Claim No. 593, Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 3517, in the principal amount of $500; Missouri-Kansas-Texas Railway Company 4/90 Bond Nos. 21037, 29588 and 32892, in the principal amount of $1,000 each; Norfolk & Western Railway Company 4/96 Bond No. 28637, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8434; Filed, Oct. 18, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 16, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32758: *Grain from Kansas City, Mo.-Kans., to Corpus Christi, Tex.* Filed by The St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on grain, grain products and related articles, and seeds, carloads, for export, from Kansas City, Mo.-Kans., on traffic originating at stations in Colorado, Iowa, Kansas, Missouri, and Nebraska to Corpus Christi, Tex.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 1 to St. Louis-San Francisco Railway Company tariff I. C. C. A-644.

FSA No. 32759: *Pipe from Sand Springs, Okla., to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pipe, wrought iron or steel, carloads from Sand Springs, Okla., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula, market competition, and circuity.

Tariff: Supplement 88 to Agent Kratzmeir's tariff I. C. C. 4116.

FSA No. 32760: *Trailer-on-flat-car service from and to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on freight loaded in or on highway truck-trailers and transported on railroad flat cars between points in the Southwest, on the one hand, and points in western trunk line, central, and truck line territories, on the other.

Grounds for relief: Motor truck competition and circuity.

Tariffs: Supplement No. 5 to Agent Kratzmeir's I. C. C. 4213; Supplement No. 12 to Agent Kratzmeir's I. C. C. 4196; Supplement No. 23 to Agent Kratzmeir's I. C. C. 4181.

FSA No. 32761: *Fine coal from Missouri to Sibley, Iowa.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fine coal, carloads from mines in northern Missouri in the Bevier and Moberly, Mo., groups to Sibley, Iowa.

Grounds for relief: Market competition.

Tariff: Supplement 38 to Agent Prueter's I. C. C. No. A-3969.

FSA No. 32762: *Coal from Western Mines to Superior, Nebr.* Filed by W. J. Christie, Agent, for interested rail carriers. Rates on bituminous slack coal, carloads from mines in Colorado, New Mexico, Utah, and Wyoming to Superior, Nebr.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 26 to Agent Christie's I. C. C. 54.

FSA No. 32763: *Latex from Naugatuck, Conn., to Gastonia, N. C.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), natural or synthetic, in barrels, or in containers in boxes, carloads, or in tank-car loads from Naugatuck, Conn., to Gastonia, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 77 to Agent O. E. Swenson's I. C. C. 610.

FSA No. 32764: *Substitute service, motor-rail-motor, Pennsylvania Railroad.* Filed by Motor Carriers Tariff Bureau, Agent, for The Pennsylvania Railroad Company and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Kearny, N. J., on the other.

Grounds for relief: Motor-truck competition.

FSA No. 32765: *Roofing and building material between the South and official territory.* Filed by The St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on roofing and building material, carloads between points in southern territory, on the one hand, and Ohio River crossings, also points in official (including Illinois) territory, on the other.

Grounds for relief: Rail carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-8412; Filed, Oct. 18, 1956; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 205

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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UNIVERSITY OF MICHIGAN

OCT 23 1956

MAIN READING ROOM

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Section 211.4 is amended by adding a new paragraph designated as (g) so that, when taken with the introductory material, paragraph (g) will read as follows:

§ 211.4 *Immigrants not required to present passports.* Aliens of the following-described classes (including alien crewmen) who apply for admission to the United States as immigrants are not required to present passports:

* * * * *

(g) An immigrant who has been preexamined and found admissible in preexamination proceedings pursuant to Part 235a of this chapter and is returning to the United States by reason thereof.

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Section 212.3 *Nonimmigrants not required to present passports, visas, or border-crossing identification cards* is amended by adding the following paragraph and subparagraph:

(c) The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act, in the individual cases of aliens who fall within the following-described category, which is hereby declared to be an unforeseen emergency within the purview of that section:

(1) An alien who is a pilot of vessels and who is compelled to travel to the United States because weather conditions made it impossible for him to disembark from a vessel after he had guided it out of a foreign port.

2. Paragraph (b) of § 212.5 *Nonimmigrants required to present passports but not visas or border-crossing identification cards* is amended by adding a new subparagraph designated as (5) so that, when taken with the introductory material, subparagraph (5) will read as follows:

(b) The provisions of section 212 (a) (26) (B) of the act relating to the requirement of visas and border-crossing identification cards for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act, in the individual cases of aliens who fall within any of the following-described categories, which are hereby declared to be unforeseen emergencies within the purview of that section:

* * * * *

(5) An alien who arrives at a United States port of entry from a remote Pacific island and who could not reasonably be expected to obtain a nonimmigrant visa because of the distance from his place of residence to the nearest United States consular office.

3. Section 212.9 *Parole of aliens into the United States* is amended by deleting the last sentence thereof.

PART 214f—ADMISSION OF NONIMMIGRANTS: STUDENTS

1. The first sentence of § 214f.1 *Petition for approval* is amended to read as follows: "Any institution of learning or other recognized place of study desiring the approval required by section 101 (a) (15) (F) of the act shall file with the district director having administrative jurisdiction over the place in which the institution or place of study is located a petition for such approval on Form I–17."

2. The penultimate sentence of § 214f.2 *Approval of certain institutions of learning and recognized places of study* is amended to read as follows: "The agreement to report the initial registration and termination of attendance of each nonimmigrant student shall be executed on Form I–17, and the report made pursuant to such agreement may be prepared on Form I–21."

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–12 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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3. Section 214f.4 is amended to read as follows:

§ 214f.4 *Certificate of eligibility.* When a prospective nonimmigrant student has been found eligible for attendance, the appropriate officer of the approved institution of learning or place of study shall execute Form I–20 and furnish it to the student for presentation to the American consul (if a visa is required) and the Service. If requested by the student, the school shall execute a new Form I–20 in a single copy for the student's use in temporarily departing from and reentering the United States, in connection with any application for extension of the period of his temporary admission, or in connection with any request to transfer to another school. Form I–20 presented by a student returning from a temporary absence may be retained by the student and used in connection with reentries any number of times within six months from date of issuance.

4. The last sentence of § 214f.7 *Employment* is amended to read as follows: "An application for practical training, which may be authorized within the limitations specified on Form I–20, shall be made on Form I–24 and shall be endorsed by the institution of learning or place of study which requires or recommends such practical training."

PART 214j—ADMISSION OF NONIMMIGRANTS: EXCHANGE ALIENS

Section 214j.4 is amended to read as follows:

§ 214j.4 *Special condition of admission.* A nonimmigrant of the class described in this part shall be admitted on the condition that he agrees not to apply for a change of the nonimmigrant status under which he is admitted to any other class or classes of nonimmigrant pursuant to section 248 of the act, or adjustment of status to that of a permanent resident pursuant to section 245 of the act: *Provided*, That said agreement shall cease to be binding upon any such nonimmigrant who, subsequent to admission, is granted a waiver in accordance with the provisions of section 201 (b) of the United States Information and Educational Exchange Act, as amended.

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Section 245.1 is amended to read as follows:

§ 245.1 *Application.* Any alien (including one admitted as a student under section 4 (e) of the Immigration Act of 1924) who entered the United States in good faith as a nonimmigrant, and who believes that he meets the eligibility requirements set forth in section 245 of the act, shall apply on Form I–507 for adjustment of status: *Provided*, That an alien who has a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a) of the act, or has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101 (a) of the act, shall not be eligible to apply for adjustment of status without first executing and submitting with his application the written waiver required by section 247 (b) of the act and Part 247 of this chapter. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter: *Provided*, That an appeal shall not lie from the decision denying an application on the ground that a quota immigrant visa is unavailable at the time the decision is rendered even though such a visa was available when the application was filed.

PART 282—PRINTING OF REENTRY PERMITS: FORMS FOR SALE TO PUBLIC

Section 282.2 is amended to read as follows:

§ 282.2 *Forms printed by the Public Printer.* The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter B of this chapter: I–20, I–21, I–94, I–95, I–129, I–129A, I–129B, I–131, I–131A, I–132C, I–133, I–133A, I–415, I–416, I–419, I–424, I–434, I–435, I–466, I–480, I–489, and I–539.

PART 299—IMMIGRATION FORMS

The list of forms in § 299.1 *Prescribed forms* is amended as follows:

1. The following form is added in numerical sequence:

Form No.	Title and description
I–21	Report of Initial Registration and Termination of Attendance of Nonimmigrant "F" Student.

2. The reference to Form I–20 is amended to read as follows:

Form No.	Title and description
I–20	Certificate of Eligibility.

3. The following forms are deleted:

Form No.	Title and description
I–226	Notice to Alien to Appear for Warrant Hearing.
I–256	Application for Voluntary Departure.

The first sentence of § 299.3 *Reproduction of forms by private parties* is amended to read as follows: "The following forms required for compliance with the provisions of subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I–20, I–21, I–94, I–95, I–132C, I–415, I–416, I–419, I–424, I–434, I–435, I–466, I–480, and I–489."

PART 337—OATH OF ALLEGIANCE

The oath of allegiance in paragraph (a) *Form of oath* of § 337.1 *Oath of allegiance* is amended to read as follows:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the armed forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than one which clarifies an existing rule, relate to agency management and procedure and confer benefits upon persons affected thereby.

Dated: October 17, 1956.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 56–8463; Filed, Oct. 19, 1956; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT AMONG STATES

Basis and purpose. The purpose of this amendment is to establish State acreage allotments for the 1957 crop of upland cotton pursuant to section 344 (b) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was published in the FEDERAL REGISTER of July 7, 1956 (21 F. R. 5063), pursuant to

section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

Farmers engaged in the production of upland cotton in 1956 will determine in a referendum to be held on December 11, 1956, whether marketing quotas will be in effect for the 1957 crop of upland cotton. In order that county allotments may be established and apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjudgment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and the State acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 772.815 of the regulations pertaining to acreage allotments for the 1957 crop of upland cotton (21 F. R. 7817) is amended to read as follows:

§ 722.815 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed for the 1957 crop of cotton, less the acreage required pursuant to section 344 (k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1954, 1955, and 1956, is apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1951, 1952, 1953, 1954 and 1955, with adjustments in such acreages for abnormal weather conditions. Such adjustments for abnormal weather conditions are made in the acreages planted to cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to cotton in a State is the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed cotton because of abnormal weather conditions. In accordance with section 302 of the Agricultural Act of 1956, amending section 342 of the act, any such apportionment which is less than the State acreage allotment for 1956 by more than one percent has been increased so that the State acreage allotment for 1957 is 99 percent of the 1956 State acreage allotment. The acreage required for such increase is in addition to the 1957 national acreage allotment. An apportionment of the national acreage reserve has been made among States as provided by section 303 (a) of the Agricultural Act of 1956, amending section 344 (b) of the act, on the basis of the needs of each State for additional acreage for establishing minimum farm allotments under section 344 (f) (1) of the act (except that the amount apportioned to Nevada is 1,000 acres). There are set forth below the apportionment to each State from the national acreage allotment, the additional acreage, if any, required to make each State acreage allotment equal 99 percent of the allotment for such State in 1956, the 1957 State acreage allotment for each State, the apportionment to each State from the national acreage reserve, and the total allotment available for distribution in each State.

State	Apportionment to State from national allotment (1)	Additional Acreage required for 1957 State allotment to equal 99 percent of 1956 State allotment (2)	1957 State acreage allotment (3)	Apportionment to state from national reserve (4)	Total allotment available for distribution in State (5)
Alabama	994,959	19,931	1,014,890	13,727	1,028,617
Arizona	360,727		360,727	165	360,892
Arkansas	1,398,937	11,329	1,410,266	6,553	1,416,819
California	809,864		809,864	581	810,445
Florida	37,533		37,533	1,138	38,671
Georgia	885,478	8,711	894,189	10,624	904,813
Illinois	3,110		3,110	72	3,182
Kansas	23	6	29	1	30
Kentucky	7,534	187	7,721	245	7,966
Louisiana	598,020	6,762	604,782	4,758	609,540
Maryland	15	10	25		25
Mississippi	1,604,680	25,416	1,630,096	13,448	1,643,544
Missouri	375,042		375,042	1,061	376,103
Nevada	2,320		2,320	1,000	3,320
New Mexico	183,803		183,803	226	184,029
North Carolina	468,569	10,524	479,093	13,784	492,877
Oklahoma	830,303	6,857	837,160	4,830	841,990
South Carolina	714,949	3,982	718,931	5,906	727,837
Tennessee	562,410		562,410	6,925	569,335
Texas	7,536,529		7,536,529	10,974	7,547,503
Virginia	16,499	444	16,943	982	17,925
United States	17,301,304	94,159	17,485,463	100,000	17,585,463

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 342–347, 361–368, 373, 374, 377, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1373, 1374, 1388)

Done at Washington, D. C., this 16th day of October 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8472; Filed, Oct. 18, 1956; 12:30 p. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 864.4]

PART 864—WAGES; SUGARCANE; LOUISIANA

FAIR AND REASONABLE WAGES; HARVESTING—1956 CROP; PRODUCTION AND CULTIVATION—CALENDAR YEAR 1957

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on August 2, 1956, the following determination is hereby issued.

§ 864.4 *Fair and reasonable wage rates for persons employed in Louisiana in the harvesting of the 1956 crop of sugarcane and production and cultivation of sugarcane during the calendar year 1957*—(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the harvesting of the 1956 crop of sugarcane and the production and cultivation of sugarcane during the calendar year 1957 shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but not less than the rates specified below. Wage rates applicable to the harvesting of the 1956 crop shall be effective on the date of publication of this section in the FEDERAL REGISTER and wage rates applicable to production and cultivation of sugarcane during the calendar year 1957 shall be effective on January 1, 1957.

(i) *For work performed on a time or piecework basis:*

CLASS OF WORKER OR OPERATION	Rate per hour
Harvest of 1956 crop:	
Cutters, toppers, strippers, scrappers	$0.53
Loaders, spotters, ropemen, grabmen	.61
Cutters and loaders, pilers, hoist operators	.55
Tractor drivers, and truck drivers	.64
Teamsters	.61
Operators of mechanical loading or harvesting equipment	.70
All other harvesting workers	.50
	Rate per ton
Cutting top and bottom:	
Large barrel varieties [1]	$1.10
Small barrel varieties [2]	1.30
	Rate per hour
Production and cultivation, calendar year 1957:	
Tractor drivers	$0.55
All other production and cultivation workers	.44

[1] Large barrel varieties: Co. 290; C. P. 29/103; C. P. 29/116; C. P. 32/243; C. P. 36/13; C. P. 36/105; C. P. 29/120; C. P. 43/47; C. P. 44/101; C. P. 44/155; N. Co. 310; C. P. 47/193; and C. P. 48/103.

[2] Small barrel varieties: All other.

(ii) *Workers between 14 and 16 years of age when employed on a time basis.* For workers between 14 and 16 years of age, the wage rate per hour (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer) shall be not less than three-fourths of the applicable hourly wage rate for adults provided under subdivision (i) of this subparagraph.

(iii) *Other piecework rates.* The piecework rate for any operation specified in subdivision (i) of this subparagraph, when performed on a unit basis other than a ton, or the piecework rate for any operation not specified shall be that as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks), shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivisions (i) and (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, time spent in transit to and from the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm in the production, cultivation, or harvesting of sugarcane grown on the farm for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugarcane grown on acreage in excess of the proportionate share for the farm, which is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate Agricultural Stabilization and Conservation county committee acceptable and adequate proof which satisfies the committee that the work performed was related solely to such sugarcane.

(c) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local county Agricultural Stabilization and Conservation office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at that office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC office shall conduct such investigation as it deems necessary. The producer and worker shall be notified in writing of the recommendation of the County ASC Committee for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office, 1517 Sixth Street, Alexandria, Louisiana, which shall likewise consider the facts. The producer and worker shall be notified in writing of the recommendation of the State ASC Committee for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

a. *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the harvesting of the 1956 crop of sugarcane and in the production and cultivation of sugarcane during the 1957 calendar year, as one of the conditions with which producers must comply to be eligible for payments under the act.

b. *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

c. *1956 harvest and 1957 production and cultivation wage determination.* This determination differs from the wage determination applicable to the harvesting of the 1955 crop and the production and cultivation of sugarcane during the calendar year 1956 in the following respects: (1) Wage rates on a time basis for the several classes of workers or operations are increased, on the average, 5 cents per hour; (2) piecework rates for hand harvesting of sugarcane are increased 10 cents per ton; (3) two new large barrel varieties of sugarcane have been designated; (4) the basis for determining the minimum hourly guarantee of earnings for workers employed on piecework is specified as a payroll period; and (5) the determination is made inapplicable with respect to sugarcane grown in excess of the proportionate share for the farm if such sugarcane is marketed or processed for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed.

A public hearing was held in Thibodaux, Louisiana, on August 2, 1956, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for work performed during the 1956 harvest season and for production and cultivation work during the calendar year 1957.

Testimony was presented by a representative of the Louisiana State Agricultural Experiment Station who appeared at the request of the American Sugar Cane League and by the Chairman of the Labor Committee of the American Sugar Cane League. There was no testimony by representatives of workers.

The representative of the Louisiana State Experiment Station pointed out that studies of costs and returns of sugarcane farmers in Louisiana had been conducted on a continuing basis for 18 years. He stated that the average net operating income for large sugarcane farms for the years 1952–54 increased over the previous 5-year period and was also greater than for the period 1937–54. The witness pointed out that acreage restrictions affected the returns of sugarcane growers in two ways. The direct effect was to lower the total returns per farm, and the indirect effect was to increase the costs by having to spread overhead and fixed costs over a smaller number of units.

The Chairman of the Labor Committee of the American Sugar Cane League recommended, on behalf of producers, an increase of approximately 10 percent in the determination wage rates on condition that the proportionate share acreage for the mainland sugarcane area was in-

creased for the 1957 crop to the 1955 level. He said that it was the opinion of the Committee that if acreage was increased to the 1955 level producers would be in a position to pay the higher rates they proposed. The witness pointed out that there has been an increase in labor productivity over a period of years. He said the reduction in the number of man-hours required to produce and harvest an acre of sugarcane has resulted from mechanization, weed and grass control with herbicides, piecework employment on some farms and increased yields through fertilization, improved drainage methods and better cane varieties. He also pointed out that unprecedented favorable weather conditions contributed to the increased labor productivity.

Consideration has been given to the recommendations made at the public hearing, to the returns, costs and profits of sugarcane producers obtained by a survey conducted by the Department in a recent prior year and restated for the current year in terms of price and production conditions likely to prevail, to information obtained as a result of investigations and to other pertinent factors.

The proportionate share program for the mainland cane area recently announced by the Department provides for a level of production in 1957 equivalent to that in effect for the 1955 crop. This action was the result of improvement in carryover sugar stocks and the indicated marketing probabilities of the area. The increases in the time and piecework rates provided in this determination are the same as those recommended at the hearing by the representative of producers. Analysis of costs and returns for producing sugarcane at the level of production likely to prevail for the 1956 crop indicates the wage rates are within the producers' ability to pay. The rates provided in this determination are below the prevailing wages being paid generally for work on sugarcane farms in Louisiana. During each of the preceding three years actual wages paid to workers have exceeded wage rates under applicable determinations by about 15 percent.

Previous determinations provided that where workers are paid on a piecework basis the hourly earnings of each worker, for the time involved on each separate unit of work, were to be not less than the applicable hourly rate specified for similar work. This determination specifies that the hourly rate of earnings of each worker employed on piecework are to be determined on the basis of a payroll period not in excess of two weeks. This change will provide a more equitable and practicable basis on which to calculate the earnings of such workers.

This determination provides that the wage requirements are applicable to sugarcane grown for the extraction of sugar or liquid sugar, but are not applicable to sugarcane grown in excess of the proportionate share for the farm, if it is established to the satisfaction of the County ASC Committee that such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. During the last two or three years quantities of non-quota sugar have been imported into the United States for use as livestock feed. This sugar has been marketed at price levels substantially below the price levels which prevailed for quota sugar. The use of sugar for livestock feed is a further development to find alternative uses for sugar. Section 212 of the act specifies that the quota provisions of Title II are not applicable to sugar imported or produced in the United States for this purpose.

In view of the acreage restrictions in effect for domestic sugar producing areas in recent years, some domestic producers appeared to be interested in the production of sugar for livestock feed or for the production of livestock feed so as to cushion the impact of restrictions whenever it became necessary to reduce production and to allow domestic areas to participate in the market for livestock feed with foreign areas. Recently, section 301 (b) of the Sugar Act of 1948 was amended to permit producers to market (or process) sugarcane in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from sugarcane in excess of the proportionate share for the farm is not eligible for Sugar Act payments. Prior to this amendment, the wage requirements were applicable to all sugarcane grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar in order to qualify for a Sugar Act payment.

Since the act now permits the producer to market sugarcane in excess of the proportionate share for the farm and remain eligible for a Sugar Act payment with respect to sugarcane within the proportionate share, and as no Sugar Act payment is made with respect to such excess sugarcane, it is determined that the wage provisions, as a condition for payment, shall not apply to persons engaged in the production, cultivation, or harvesting of such excess sugarcane. To assure, however, that the wage requirements of the determination will apply to all persons engaged in the production, cultivation, or harvesting of sugarcane, other than excess sugarcane for the production of sugar for livestock feed or production of livestock feed, it is required that a producer, to be exempt from the requirements of the determination must furnish proof that the work performed related solely to sugarcane marketed (or processed) for the production of sugar for livestock feed or the production of livestock feed.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 16th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8465; Filed, Oct. 19, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 91]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.391 *Valencia Orange Regulation 91*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 18, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning

at 12:01 a. m., P. s. t., October 21, 1956, and ending at 12:01 a. m., P. s. t., October 28, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 716,100 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 19, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8526; Filed, Oct. 19, 1956; 11:18 a. m.]

[Lemon Reg. 664]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.771 *Lemon Regulation 664*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 17, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 21, 1956, and ending at 12:01 a. m., P. s. t., October 28, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 176,700 cartons;
(iii) District 3: 18,600 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 18, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8511; Filed, Oct. 19, 1956; 8:55 a. m.]

[959.314 Amdt. 3]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating on and after the effective date of this amendment the shipment of potatoes in the manner hereinafter set forth; (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date; (4) reasonable time is permitted, under the circumstances, for such preparation; (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area; and (6) this amendment relieves restrictions on the handling of Irish potatoes grown in the production area.

Order, as amended. The provisions of paragraph (b) (5) of § 959.314 (21 F. R. 4945, 6886, 7696) are hereby amended to read as follows:

(5) During the period October 22, 1956, through June 30, 1957, (i) no handler shall ship (*a*) potatoes for export unless such potatoes grade at least U. S. No. 1, and are of a size not smaller than 1½ inches in diameter, or (*b*) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol unless such potatoes are of a size not smaller than 1½ inches in diameter and at least 85 percent of the potatoes grade not less than U. S. No. 1; (ii) potatoes grown in a particular district and which fail to meet the applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for use for potato chipping may be shipped for use for potato chipping; (iii) potatoes grown in a particular district and which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clipping; (iv) potatoes grown in a particular district which have been conditioned for use for potato chipping and from which both ends are clipped, or from which more than one-fourth of the potato has been cut away but the remaining portion weighs 6 ounces, or more, may be shipped for use for potato chipping if such potatoes otherwise meet the applicable grade requirements; (v) potatoes of the round varieties (including, but not limited to, Kennebecs) grown in District No. 1, 2, or 4, may be shipped for use for potato chipping if such potatoes grade at least U. S. No. 2 and are of a size not smaller than 2 inches in diameter or 4 ounces in weight; and (vi) potatoes grown in a particular district and which meet any of the aforesaid requirements for pota-

toes for use for potato chipping may be commingled in the handling thereof for use for potato chipping.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 17, 1956, to become effective October 22, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-8487; Filed, Oct. 19, 1956; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.300]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

WAIVER OF DOCUMENTARY REQUIREMENTS

Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respect:

Section 41.6 *Nonimmigrants not required to present passports, visas, or border crossing identification cards,* is amended by the addition of the following paragraph and subparagraph at the end thereof:

(c) The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border crossing identification cards for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act, in the individual cases of aliens who fall within the following-described category, which is hereby declared to be an unforeseen emergency within the purview of that section:

(1) An alien who is a pilot of vessels and who is compelled to travel to the United States because weather conditions made it impossible for him to disembark from a vessel after he had guided it out of a foreign port.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves a foreign affairs function of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: September 6, 1956.

SCOTT MCLEOD,
Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: September 28, 1956.

J. M. SWING,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F. R. Doc. 56-8196; Filed, Oct. 19, 1956; 8:45 a. m.]

[Dept. Reg. 108.301]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

WAIVER OF NONIMMIGRANT VISA REQUIREMENT

Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respect:

Paragraph (b) of § 41.7 *Nonimmigrants required to present passports but not visas or border crossing identification cards,* is amended by the addition of the following subparagraph at the end thereof:

(5) An alien who arrives at a United States port of entry from a remote Pacific island and who could not reasonably be expected to obtain a nonimmigrant visa because of the distance from his place of residence to the nearest United States consular office.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves a foreign affairs function of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: January 31, 1956.

ROBERT F. CARTWRIGHT,
Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: September 28, 1956.

J. M. SWING,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F. R. Doc. 56-8197; Filed, Oct. 19, 1956; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter F—Procedure and Administration

[T. D. 6208]

TEMPORARY RULES RELATING TO USE OR RESALE OF UNUSED DOCUMENTARY STAMPS

In order to prescribe temporary rules with respect to the use or resale of unused documentary stamps, Treasury Decision 6118 (19 F. R. 9896), approved December 30, 1954, as amended by Treasury Decision 6138, approved August 19, 1955, is further amended by adding at the end thereof the following paragraph:

PAR. 25. *Use or resale of unused documentary stamps.* Unused documentary stamps may be used at any time in payment of any tax imposed by chapter 34 of the Internal Revenue Code of 1954 (or corresponding provisions of the Internal Revenue Code of 1939), or may be resold by the owner at any time. For redemption of unused documentary stamps, see section 6805 of the Internal Revenue Code of 1954.

Because the rules prescribed herein are of a liberalizing character, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 16, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8455; Filed, Oct. 19, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 511—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

EFFECTS

Sections 511.4 and 511.5 are revised to read as follows:

§ 511.4 *Disposition of personal effects outside combat areas*—(a) *Purpose and scope*—(1) *Purpose.* This section and § 511.5 prescribe the manner of disposing of the household and personal effects and/or motor vehicles of certain persons who are deceased or missing outside combat areas when such effects are under the control of Army authorities.

(2) *Scope.* Procedures set forth in this section and § 511.5 govern the disposition of household and personal effects and/or motor vehicles of Army personnel and civilians accredited to the Army who are officially reported dead or missing. This section and § 511.5 do not authorize transportation (as distinguished from disposition) of personal property and effects.

(b) *Responsibility.* The Quartermaster General is responsible for the developments, formulation, and promulgation of policies, standards, and procedures and for exercising staff and technical supervision relating to the handling and disposition of personal effects of deceased and missing Army personnel.

(c) *Care of effects.* The greatest care will be taken to safeguard the personal effects of deceased individuals. Every effort must be made to eliminate pilferage, damage, or loss of the effects. Before delivery or shipment, the effects should be screened carefully to remove and destroy those effects which are obnoxious in nature, or which might cause embarrassment if forwarded to the person entitled to receive such effects. Shipment of bloodstained clothing and effects to next of kin will be avoided. Such items will be cleaned before shipment.

(d) *Safeguarding military information.* All documents and any sealed material in the effects will be reviewed to insure proper safeguarding of military information. Classified material or material warranting classification will be withdrawn and submitted to the intelligence officer for review. Materials suitable for release will be returned by the intelligence officer for disposition.

(e) *Clothing and equipment.* All organizational clothing and equipment and all other Government property to which the individual is not entitled will be withdrawn from the personal effects and turned over to the appropriate supply officer on DA Form 447 (Turn-in-Slip). Credit entries for the items withdrawn will be made on the records of the individual. Personal clothing to which title vests in the individual will not be withdrawn from effects, except to the extent necessary to provide clothing for burial.

(f) *Collection and inventory.* Upon the death of any person within the scope of this section, the immediate commanding officer of the deceased person, or the commanding officer of the installation at which effects are located, or their designated representative, will collect the effects, process them as indicated in paragraphs (c), (d), and (e) of this section, and prepare an inventory of the effects on DA Form 54 (Record of Personal Effects—Outside Combat Areas).

(g) *Delivery of effects to next of kin.* If the next of kin or legal representative is present at the installation where effects are located, the commanding officer of the installation or his representative will deliver the effects in person and will obtain a receipt for the effects on the original copy of DA Form 54; or, if requested by such person, he will arrange for packing and shipment of effects at Government expense as authorized.

(h) *Currency, commercial papers, stocks, bonds, etc.* (1) If next of kin or legal representative is present, all currencies, commercial papers, stocks, bonds, checks, etc. (except funds belonging to the Government, Government checks payable to the deceased which are drawn on the Treasurer of the United States or on foreign depositories, and military payment orders payable to the deceased) will be delivered with other effects to the next of kin or legal representative. Government funds will be handled as indicated in subparagraph (2) (iii) of this paragraph. Government checks will be transmitted to the issuing disbursing officer and military payment orders will be forwarded to the Chief of Finance for appropriate action as indicated in subparagraph (3) of this paragraph.

(2) If next of kin or legal representative is not present, the summary court will take the following action in disposing of currencies found among the effects:

(i) *United States currency.* All United States currency (if total amount exceeds $5) will be turned into the nearest disbursing officer for issuance of a United States Treasury check or foreign currency check, as appropriate. Check will be forwarded to the person entitled to receive the effects or to a consular representative acting as agent for such person (paragraph (j) of this section). Such transaction will be recorded in item 9 of DA Form 54, and this record will include the date and number of the check and the disbursing officer's symbol number. If United States currency found is less than $5, such money may be included with other effects transmitted.

(ii) *Foreign currency.* Foreign currencies found among the effects will be considered souvenir money and will be transmitted with the effects to the designated consignee.

(iii) *Government funds.* Government funds entrusted to personnel as agents or finance officers are not effects. If it appears that funds found on the deceased may be Government funds, all funds found on the deceased will be turned over to the disbursing officer on appropriate finance forms to be held in special deposits until determination can be made as to the amounts belonging to the Government and to the individual.

(iv) *Military payment certificates.* Military payment certificates will be converted to a United States Treasury check or foreign currency check, as appropriate, and forwarded to the next of kin or legal representative. Military payment certificates totaling less than $5 may be presented to the disbursing officer for conversion into proper currency which will be transmitted with the effects. If, for valid reason, such currency cannot be forwarded to the person entitled to receive the effects, transmittal may be accomplished by converting funds to a foreign currency check or taking other appropriate action necessary to effect transmittal of the funds.

(3) If the next of kin or legal representative is not present, the summary court will take the following action to dispose of commercial papers and checks found among the effects:

(i) Bank deposit books, stocks, bonds, or negotiable instruments which include traveler's checks, money orders, etc., except checks drawn on the Treasurer of the United States or on foreign depositories and military payment orders, will be transmitted to the next of kin or legal representative with other effects. However, negotiable instruments made payable to the deceased in settlement of a debt due by a local debtor may be indorsed by the summary court for collection and the proceeds will be disposed of in the same manner as currency found among the effects.

(ii) Negotiable instruments found among the effects which, for valid reasons, cannot be transmitted to the next of kin or legal representative will be forwarded to The Quartermaster General, Department of the Army, Washington 25, D. C., ATT: Memorial Division.

(iii) Government checks (payable to the deceased) drawn on the Treasurer of the United States or on foreign depositories will be transmitted to the issuing disbursing officer or his successor in office for appropriate action (transmittal to the General Accounting Office). Proper notation will be made in item 9, DA Form 54, concerning these checks and the next of kin or legal representative will be advised of their deposit so that claim may be made for them.

(iv) Military payment orders (payable to the deceased) found among the effects of deceased personnel will be forwarded to the Chief of Finance, Department of the Army, Washington 25, D. C. Letter of transmittal will furnish information showing the source from which the military payment order was received, the status of the payee, such other information as may be available regarding issuance and ownership, and the name and address of the next of kin. Information concerning such transmittal will be entered in item 9, DA Form 54, and the legal representative or next of kin will be advised thereof in order that claim may be made for the proceeds of such military payment orders.

(i) *Sale of effects.* (1) If the next of kin or legal representative is not present, the commanding officer may authorize the sale of certain effects of the general description contained in subparagraph (3) of this paragraph by the summary court if it appears to the interest of both the person designated to receive the effects and the Government, particularly when the property is located overseas. Prior to such sale the summary court will advise the next of kin or legal representative of the proposed sale and ask for a power of attorney to sell the effects concerned. Sale, if authorized by such person, may be public or private.

(2) When legal representative is not known or cannot be located, sale of effects will be accomplished in accordance with procedures contained in paragraph (k) of this section.

(3) Items which may be considered for sale under conditions stated in subparagraph (1) of this paragraph are those which:

(i) May not be shipped under existing regulations or policies established by the (oversea) commander.

(ii) Because of their bulk, nature, or weight cannot be included with other effects to be shipped.

(iii) Are obviously of no sentimental value, are not of a value commensurate to the cost of shipment, and may be sold in the oversea command for as much or more than in the United States (such as vehicles, heavy furniture, etc.).

(iv) If sold in the oversea command, would serve the best interest of the eventual owner concerned (such as items of electrical equipment which would not be of any value in the United States because of odd voltage).

(4) A complete record of all sales (including advertising, authority for sale, bills of sale, etc.) will be attached to the report of the summary court. Cash accruing from sales will be accounted for in item 9 of DA Form 54. Proceeds received from sales and certified copies of each bill of sale will be transmitted to the person designated by the summary court to receive the effects.

(j) *Delivery or shipment of effects.* (1) In accordance with the act of June 4, 1920 (41 Stat. 809), as amended, personal effects will be delivered to the widow or legal representatives; to the son, daughter, father (provided the father has not abandoned the support of his family), mother, brother, sister, or the next of kin in the order named; or to the beneficiary named in the will of the deceased.

Upon delivery or shipment of effects, a communication will be delivered or mailed to the person receiving the effects, conveying information that delivery or shipment of the property does not in any way vest title in the recipient, but that the property is delivered or forwarded for retention or disposition as custodian in accordance with the laws of the State (or Territory, possession, or country) of the decedent's legal domicile. In case of shipment, the communication will also state the date and method of shipment and the anticipated date of arrival.

(2) The summary court (or commanding officer) will transmit the effects, cash found, and cash from any transactions, certified copies of bills of sale, copy of DA Form 54, etc., to the person eligible to receive the effects. Shipments will be made on Government bills of lading or by registered or insured mail.

(3) Each package, box, or crate will be marked plainly "Effects of deceased person" and will bear the full name, grade, service number, and organization of the person to whom the effects belonged. The contents of a package or packages will be verified against the record of effects by the commanding officer or summary court, and the package or packages will be sealed by the person verifying the contents. A certificate as to such verification and sealing will be included in the package (or package No. 1).

(4) If death occurs in a Territory or possession of the United States, or in another country, and the person entitled to receive the effects is a resident of that Territory, possession, or country, and if personal delivery or direct transmission is not practicable, the commanding officer or summary court may request the person entitled to receive the effects to designate a consular representative or other such person to receive the effects. Designation must be made in writing and the consular representative who acts as agent for acceptance of the effects will be required to receipt for the effects. The authorization and the receipt will be attached to the original DA Form 54.

(5) Customs clearance of effects will be required in case of shipment across an international boundary.

(k) *Legal representative or next of kin not known or cannot be located.* (1) If the legal representative or next of kin is not known or after exhaustive effort cannot be located, action will be taken by the summary court, not earlier than 30 days after death of the owner, to dispose of the effects in accordance with the following procedures:

(i) The summary court will sell by public or private sale all effects except those articles defined valuable chiefly as keepsakes in the act of June 4, 1920 (41 Stat. 809), as amended. A complete record of all sales will be included in the report of the summary court, and certified copies of bills of sale will be attached to the report.

(ii) Prior to sale of effects, a formal finding in writing concerning action taken to discover the existence or address of any person entitled to receive the effects will be prepared by the summary court and forwarded with the original DA Form 54.

(iii) All effects obviously of no sentimental value and having no salable value will be destroyed by the summary court and a certificate of destruction will be made a part of its report.

(iv) Currencies, checks, and all moneys found among the effects, including currency or checks received from sale of effects and/or collected from debtors, will be accounted for separately in item 9, DA Form 54 and transmitted with the inventory to the local disbursing officer. The disbursing officer will receipt for the funds on the inventory, will return the original and one copy to the summary court, and will deposit funds to the applicable deposit fund account.

(2) After review and approval by the appointing authority, the original and two copies of the summary court report (with supporting papers) and the original and two copies of DA Form 54 will be forwarded to The Quartermaster General, Department of the Army, Washington 25, D. C., Attn: Memorial Division. All purely commercial papers such as stocks, bonds, evidence of bank accounts, etc., including insignia, decorations, medals, and other articles valuable chiefly as keepsakes, will be forwarded to The Quartermaster General, Attn: Memorial Division, for transmission to the United States Soldiers' Home under the provisions of the Act of Congress approved February 21, 1931 (41 Stat. 1203).

(l) *Claims for lost effects.* Inquiries concerning lost effects, together with a complete report of all actions taken in an effort to locate such effects, may be referred to the Chief, Claims Division, Branch Office of The Judge Advocate General, Fort Holabird, Baltimore 19, Maryland.

(m) *Effects of missing persons*—(1) *Inventory of effects.* When any person subject to the Missing Person's Act is officially reported missing, the commanding officer having control of the missing person's effects will secure them in accordance with procedures described in paragraphs (c), (d), and (e) of this section, and will prepare an inventory of the effects on DA Form 54. The original copy of DA Form 54 will be forwarded to The Quartermaster General, Department of the Army, Washington 25, D. C., Attn: Memorial Division.

(2) *Household and personal effects.* The household and personal effects of Army personnel in active service who are officially reported missing for thirty days or more, upon application of the dependent of such person, may be moved by Government or commercial transportation to the missing person's official residence of record or to such location as may be determined by the responsible Army commander or such person as he may designate. Shipment of household and personal effects may include one privately owned motor vehicle when the vehicle is located outside the continental limits of the United States or in Alaska.

(3) *Sale of effects.* If the dependent is not present, the commanding officer may authorize the sale of those effects described in paragraph 11c (1) through (4) if it appears to be in the best interest of both the dependent and the Government, particularly when the property is located overseas. Prior to such sale the commanding officer will advise the dependent of the proposed sale and ask for a power of attorney to sell the effects concerned. Sale, if authorized, may be public or private.

(4) *Disposition of cash from sale of effects.* Cash accruing from sale of effects will be accounted for in item 9 of DA Form 54. Proceeds received from sale of effects and a complete record of all sales (including advertising, authority for sale, certified copy of bill of sales, etc.) will be forwarded to the dependent.

§ 511.5 *Effects of deceased civilians.* (a) The provisions of § 511.4 do not apply to the disposition of effects of deceased civilians who are not subject to military law. The regulations of this section are not applicable to effects of civilian dependents of Armed Forces personnel who die in Army hospitals.

(b) In cases of civilian employees of the Government who are not subject to military law, the Army commander under whom the decedent was serving, or such representative of the service (in which the decedent was employed) as said officer may designate, will secure the effects and deliver them to the legal representative or next of kin.

(c) If the deceased was not an employee of the Army, the Army commander of the installation where death occurred, or an officer designated by him, will secure the decedent's effects and deliver them to the legal representative or next of kin.

(d) If the effects cannot be delivered or are not claimed within a reasonable period of time, the responsible officer will deliver the effects, with all available information concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons.

(e) Inventories and receipts will be retained at the installation at which death occurred in order that any inquiries received within a reasonable time may be answered by the installation concerned, however, no copies of inventories or receipts will be forwarded to The Quartermaster General.

[AR 643-50, September 21, 1956] (R. S. 161; 5 U. S. C. 22. Interprets or applies 41 Stat. 809, as amended, 46 Stat. 1203, as amended, 56 Stat. 143, as amended, and 59 Stat. 225, as amended; 5 U. S. C. 150j—150j-3, 31 U. S. C. 222c)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-8444; Filed, Oct. 19, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NEW RIVER AND NEW RIVER SOUND, FLORIDA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.446 governing the operation of East Las Olas Boulevard and Sunrise Boulevard bridges across New River Sound and Southeast Sixth Avenue (Federal Highway) bridge across New River is hereby amended to include minor changes in paragraphs (a), and (b), and revision of paragraph (c) to provide a revised schedule of openings for the Southeast Sixth Avenue bridge, as follows:

§ 203.446 *New River and New River Sound (Intracoastal Waterway), Ft. Lauderdale, Fla.; bridges*—(a) *East Las Olas Boulevard Bridge across New River Sound.* During the period November 15 to May 15, both dates inclusive, except as provided in paragraph (d) of this section, the owner of or agency • • •

(b) *Sunrise Boulevard Bridge across New River Sound.* During the period November 15 to May 15, both dates inclusive, except as provided in paragraph (d) of this section, the owner of or agency • • •

(c) *Southeast Sixth Avenue (Federal Highway) Bridge across New River.* During the period November 15 to May 15, both dates inclusive, except as provided in paragraph (d) of this section, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7 a. m. and 6 p. m., except for scheduled openings on the hour, half-hour, or quarter-hour when the bridge shall be opened to allow all accumulated vessels to pass: *Provided,* That between the hours of 4:15 p. m. and 4:45 p. m., the drawspan shall be opened at any time for the passage of east-bound sight-seeing boats. Openings are scheduled, as follows:

7:00 a. m.	11:30 a. m.	3:00 p. m.
8:00 a. m.	12:00 Noon	3:30 p. m.
9:00 a. m.	12:30 p. m.	4:00 p. m.
9:30 a. m.	1:00 p. m.	4:30 p. m.
10:00 a. m.	1:30 p. m.	5:15 p. m.
10:30 a. m.	2:00 p. m.	6:00 p. m.
11:00 a. m.	2:30 p. m.	

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[Regs., October 2, 1956, 623.01 (New River-Ft. Lauderdale, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-8445; Filed, Oct. 19, 1956; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1964]

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES AND LICENSES

SPECIAL STIPULATION FOR LANDS WHERE SURFACE IS UNDER JURISDICTION OF DEPARTMENT OF AGRICULTURE OR FOR LANDS IN RECLAMATION, OR POWER SITE WITHDRAWALS OR RESERVATIONS

On page 5537 of the FEDERAL REGISTER for July 24, 1956, there was published a notice of proposed rule making of a proposed amendment of § 191.6 of the general regulations applicable to mineral permits, leases and licenses. Interested parties were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No adverse comments having been received, the proposed amended regulation is hereby adopted without change, and is set forth below.

FRED A. SEATON,
Secretary of the Interior.

OCTOBER 16, 1956.

Section 191.6 is amended to read as follows:

§ 191.6 *Special stipulations for lands where surface control is under jurisdiction of the Department of Agriculture or for lands in reclamation, or power site withdrawals or reservations.* Offerors for noncompetitive oil and gas leases and applicants for permits, leases, and licenses for lands, the surface control of which is under the jurisdiction of the Department of Agriculture, will be required to consent to the inclusion therein of the stipulation on Form 4-216. Where the land has been withdrawn for reclamation purposes the offeror or applicant may be required to consent to the inclusion of a stipulation on Form 4-467 if the land is potentially irrigable, or Form 4-467 (a) if the land is within the flow limits of a reservoir site, or Form 4-467 (b) if the land is within the drainage area of a constructed reservoir, or if withdrawn for power purposes, Form 4-1223. Additional conditions may be imposed to protect the land withdrawn if deemed necessary by the agency having jurisdiction over the surface.

(Sec. 32, 41 Stat. 450, sec. 1, 44 Stat. 301, as amended; 30 U. S. C. 189, 271)

[F. R. Doc. 56-8449; Filed, Oct. 19, 1956; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

PROVISIONAL REGULATIONS

In Part 4, a new § 4.464 is added as follows:

§ 4.464 *Initial adjudicating procedure under Title II, Servicemen's and Veterans' Survivor Benefits Act*—(a) *Scope.* Public Law 881, 84th Congress is for application to cases where dependents of deceased veterans are receiving or are eligible to receive service-connected death compensation based on death on or before December 31, 1956. (This includes cases where death compensation is payable under the provisions of sec. 31, Public Law 141, 73d Cong. and related laws, and cases where a protected rate of death compensation is being paid.) Such persons have the right to elect to receive the new benefit designated dependency and indemnity compensation, which is provided by the act. This new benefit may, if claim be timely filed, be paid to such persons commencing January 1, 1957.

(b) *Elections.* (1) It is not necessary that the election be made on VA Form VB8-4178. A statement in writing over the payee's signature (or the signature of the fiduciary) may be accepted as a valid election of dependency and indemnity compensation.

(2) A payee who elects dependency and indemnity compensation surrenders his right to receive death compensation and his present or future right, if any, to payments of servicemen's indemnity. An election is final after dependency and indemnity compensation has been granted and (except as to children who may be entitled to servicemen's indemnity) may not be changed.

(3) Where an election to take dependency and indemnity compensation has been received and the monthly rate of such benefit would be less than the present rate of death compensation or the combined rate of death compensation and servicemen's indemnity, award action will not be taken on the election. Instead, the payee will be informed that no action has been taken on the election since the benefits being paid exceed the amount of dependency and indemnity compensation which is payable. The payee will be informed of the exact monthly rates payable under each benefit and that no further action will be taken unless the payee furnishes a statement over his signature that he prefers to receive the lesser benefit. The payee will also be informed of the future date when dependency and indemnity compensation payments would be to his advantage (e. g., reduction in number of children on the rolls or termination of servicemen's indemnity) and that payments of dependency and indemnity compensation may be made at the higher rate commencing that date on the basis of an election filed not earlier than 120 days prior to that date and that otherwise, dependency and indemnity compensation may be paid only from date of receipt of the election.

(4) A widow's election to receive dependency and indemnity compensation controls payments to a child or children, both as to children in her custody and those not in her custody. If a widow elects dependency and indemnity compensation, the following procedure will be followed:

(i) An award of servicemen's indemnity to or for a child who is under 18 will be continued.

(ii) An award of servicemen's indemnity to or for a child who is 18 years or over will be continued if the monthly rate is greater than the rate of dependency and indemnity compensation which would be payable. If the dependency and indemnity compensation rate is greater than the monthly rate of servicemen's indemnity, an award of dependency and indemnity compensation will be made, under the conditions outlined in subdivisions (iii) and (iv) of this subparagraph. If payments of servicemen's indemnity are continued, the person receiving payments on behalf of a child who would otherwise be eligible to receive dependency and indemnity compensation will be notified of the reason for this action.

(iii) An award of dependency and indemnity compensation may be made to or for a child who attained the age of 18 prior to January 1, 1957, and for whom death compensation is being paid without the filing of an application by or for the child.

(iv) An award of dependency and indemnity compensation may not be made to or for a child who will attain the age of 18 on or after January 1, 1957, unless an application for this benefit is filed. In such cases, the person who was receiving death compensation on behalf of the child will be informed of the right to file application and that dependency and indemnity compensation may be paid from the date of the child's 18th birthday if the application is filed within 1 year from that date. Pending further instructions, the election form, VA Form VB 8–4178, may be used as an application form for the purposes of this subdivision.

(5) The provisions of §§ 4.51 (c) and 4.52 (c) are applicable where benefits under the War Orphans' Educational Assistance Act of 1956 (Public Law 634, 84th Cong.) have been elected by or for a child who is 18 or over. Election of benefits under such law is a bar in the same or any other case to payments of dependency and indemnity compensation after age 18 based on school attendance.

(c) *Assignments of servicemen's indemnity after June 28, 1956.* (1) If an election to receive dependency and indemnity compensation is received from an eligible person who, after June 28, 1956, assigned his interest in payments under the Servicemen's Indemnity Act of 1951 (Public Law 23, 82d Cong.), the applicant will be informed that dependency and indemnity compensation is not payable until the indemnity so assigned is no longer payable to any person. The applicant will also be informed that when the servicemen's idemnity so assigned is no longer payable to any person, dependency and indemnity compensation may become payable and of his right to furnish another election at that time. He will also be informed that dependency and indemnity compensation may be made to commence that date on the basis of an election filed not earlier than 120 days prior to that date and that otherwise dependency and indemnity compensation may be paid only from date of receipt of the election.

(2) If a person who is eligible to receive dependency and indemnity compensation indicates a desire to make an assignment of servicemen's indemnity, he will be informed of the effect of such an assignment as outlined in subparagraph (1) of this paragraph.

(d) *Basic pay data.* The monthly rate of dependency and indemnity compensation for a widow is computed in part on the veteran's "basic pay," applicable to his rank and years of service as provided in section 102 (11) of the act.

(e) *Commencing dates of dependency and indemnity compensation.* (1) As to persons receiving or eligible to receive death compensation on December 31, 1956, the law provides that dependency and indemnity compensation may be paid for periods commencing January 1, 1957, if an election to receive this benefit is filed before July 2, 1957, or within 1 year after the veteran's death, whichever is later. If the payee does not file an election within the specified period, the new benefit is not payable for any period prior to the date of receipt of the election.

(2) An election which specifies a particular effective date may be accepted provided the effective date specified by the payee is within a reasonable time in the future, generally not to exceed 120 days. If an election is received which is intended to be prospective but does not specify a particular effective date, dependency and indemnity compensation will be made to commence the date when the rate payable would exceed the death compensation or the combined death compensation and servicemen's indemnity rate, providing such date is within a reasonable period, generally not to exceed 120 days. The payee will be informed of the action taken and that if he desires the adjustment to be made effective from some other date, he should so inform the Veterans Administration.

(f) *Widows' cases.* If an election of dependency and indemnity compensation has been received and it is clear that the claimant will receive a greater benefit, award action will be taken as outlined in paragraphs (g) and (h) of this section, when the veterans service data cards are matched with the XC folder or the basic pay data is otherwise of record. If an election has not been received, VA Form Letter VB 8–809 or 8–810, whichever is appropriate, will be sent to the widow. If there is a widow and 2 or more children under the age of 18 and the rate of dependency and indemnity compensation for a widow alone would be greater than the rate of death compensation (or death compensation and servicemen's indemnity), VA Form Letter VB 8–810 will be dispatched showing the rate of dependency and indemnity compensation payable for a widow alone. VA Form VB 8–4180 need not be dispatched to Social Security Administration in such cases until after an election of dependency and indemnity compensation has been received from the widow.

(g) *Awards procedure; general.* (1) If otherwise in order, the award will be made to commence January 1, 1957, "Subject to prior payments." If the payee is also receiving servicemen's indemnity the entry will read: "Subject to prior payments of death compensation and servicemen's indemnity." It will not be necessary to show death compensation rates for periods prior to the commencing date of dependency and indemnity compensation.

(2) If servicemen's indemnity is being paid to the same payee, the award will be discontinued the day preceding the due date of the installment in the month in which the payment of dependency and indemnity compensation is made effective. Under this rule, if an award of dependency and indemnity compensation is made to commence January 1, 1957, the award of servicemen's indemnity will be discontinued the day preceding the due date of the January 1957, installment.

(3) Where an original award is made to include death compensation and dependency and indemnity compensation, the appropriate rates of death compensation will be shown for periods prior to the commencing date of dependency and indemnity compensation. If, in such a case, servicemen's indemnity is payable to the same payee for the same period as death compensation, the award of servicemen's indemnity will contain an ending date (the day preceding the due date of the installment for the month in which payment of dependency and indemnity compensation is made effective).

(h) *Widow's awards.* (1) An award of dependency and indemnity compensation may be made to a widow upon receipt of an election except (i) where after June 28, 1956, she has assigned her interest in payments under the Servicemen's Indemnity Act of 1951 (see paragraph (c) of this section), or (ii) where an apportioned share of death compensation is being paid to a child or children who are not in the widow's custody. The rate for a widow is $112 plus 12 percent of the veteran's basic pay (as certified by the service department on the veterans service data card, or on casualty reports or VA Form 3101 series on or after August 1, 1956, adjusted to the next higher dollar after this amount has been increased by any allowance which may be available under subparagraph (2) of this paragraph. The law does not provide any additional allowance to a widow where there is a widow and one child. Where there is a widow and two or more children under the age of 18, an additional allowance may be paid to the widow under the circumstances outlined in subparagraph (2) of this paragraph.

(2) Where there is a widow and 2 or more children under 18 years of age (including children who are not in her custody) an increased amount of dependency and indemnity compensation not to exceed $25 monthly for each child in excess of one may, in some cases, be allowed to the widow, subject to a ceiling to be established from information obtained from the Social Security Administration (sec. 202 (b) of the act).

(3) If an election has been received from a widow and there are 2 or more children under 18 in her custody, award action will not be deferred solely for the purpose of ascertaining whether an additional allowance may be paid under section 202 (b) of the act. In such cases, the award of dependency and indemnity compensation will be made to the widow at the rate payable to her without reference to section 202 (b) of the act. Unless a specific inquiry has been received, the award notice letter will not contain any reference to a possible increase under section 202 (b) of the act. If VA Form VB 8–4180 has not previously been dispatched, it will be released at the time award action is taken. Upon receipt of the executed VA Form VB 8–4180, if it is determined that an increased rate is payable, the award to the widow will be amended. On an award which includes an allowance under section 202 (b) of the act, there will be entered under remarks: "Increase under sec. 202 (b)."

(4) If it is determined that an increase under the provisions of section 202 (b) of the act is not payable, a notation will be made by rubber stamp or otherwise on the widow's award brief face as follows: "Benefits under section 202 (b), Public Law 881, 84th Congress, not payable." This notation will be initialed and dated by the adjudicator. In the absence of a specific inquiry concerning this possible increased rate, notice of the determination will not be furnished. If a specific inquiry is received, the claimant will be informed that amounts payable under the Social Security Act, or Railroad Retirement Act, or both, exceed the limitations established for the purpose of granting an increase in the monthly rate of dependency and indemnity compensation. The usual appeal paragraph will be omitted. However an appeal received within 1 year from the date of the notice of nonentitlement to this additional benefit, will be processed as an appeal, regardless of the omission of the appeal paragraph from the letter.

(i) *Childrens' awards.* (1) Awards to children who are entitled to receive dependency and indemnity compensation will be made to authorize direct payment if the child has attained majority, otherwise to a fiduciary, in accordance with existing Veterans Administration regulations applicable to awards of death compensation.

(2) If a widow elects dependency and indemnity compensation, the procedure outlined in paragraph (b) (4) of this section will be followed with reference to awards of death compensation, dependency and indemnity compensation, and servicemen's indemnity for a child.

(3) The rates of dependency and indemnity compensation for children under 18—widow not entitled—are:

One child	$70
Two children	100
Three children	130
Each additional child	25

Total equally divided.

(4) The rates of dependency and indemnity compensation for children 18 and over are:

Helpless child, where widow is receiving dependency and indemnity compensation.	$70.
Helpless child, where no widow is receiving dependency and indemnity compensation.	$25 added to rate shown in subparagraph (3) of this paragraph.
Child attending school, where widow is receiving dependency and indemnity compensation.	$35.
Child attending school, where no widow is receiving dependency and indemnity compensation.	Same rate as for child under 18.

(j) *Parents.* Because dependency criteria for death compensation purposes are generally more liberal than the annual income tests of eligibility applicable to dependency and indemnity compensation, it is anticipated that the number of elections received from parents will be comparatively small.

(1) Upon receipt of an election from a parent, the file will be reviewed to determine whether the parent should be furnished information consistent with paragraph (b) (3) of this section, that the election not be to his advantage. If the XC folder shows that installments of insurance, servicemen's indemnity from another veteran, or other benefits being paid by the Veterans Administration (except disability and death compensation and dependency and indemnity compensation) when added to the claimant's income as reported for death compensation purposes would require payment of dependency and indemnity compensation at a lower rate, the parent will be so informed. The procedure outlined in paragraph (b) (3) of this section will be followed.

(2) If an election is received and it is indicated that the payment of dependency and indemnity compensation would be to the payee's advantage, VA Form VB 8–4179, "Income Questionnaire—Parents," will be forwarded. The existing 1-year time limitation is applicable to the filing of this evidence.

(k) *Philippine service cases.* The rates of dependency and indemnity compensation outlined, as well as amounts of annual income of parents, will be computed on the basis of one Philippine peso for each dollar specified, in cases involving service in the Commonwealth Army of the Philippines or as a guerrilla or in the Philippine Scouts where the veteran was enlisted under section 14, Public Law 190, 79th Congress. (Instruction 1, Public Law 881, 84th Congress)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat, 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 22, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–8451; Filed, Oct. 19, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

1957 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

NOTICE OF HEARING OF PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100, Public Law 545, 84th Congress), and in accordance with the applicable rules of practice and procedure (21 F. R. 4251), and on the basis of information before me, I do hereby find that the allotment of the 1957 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 2W, Administration Building, of the Department of Agriculture, on November 1, 1956, at 10:00 a. m., e. s. t.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota which will enable persons who process sugar and liquid sugar from sugar beets grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period of January 1, 1957, to the date the Secretary prescribes allotments of the Domestic Beet Sugar Area quota for the calendar year 1957.

To avoid disorderly marketing by any allottee who might market early in 1957 a quantity of sugar larger than its allotment of the entire 1957 sugar quota for the Domestic Beet Sugar Area, it is necessary to make allotments effective on January 1, 1957. Much of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1957 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regrading the identity of the allottees and consideration of the factors cited in section 205 (a) of the act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1957, to the date allotments of the entire quota for the calendar year 1957 are established.

On the date specified for the hearing, the Government witness will propose that for the period January 1, 1957, to the date allotments of the entire quota for the calendar year 1957 are prescribed, allotments of 1,600,000 short tons, raw value, of the 1957 Domestic Beet Sugar Area quota be established on the basis of the allotments of the Domestic Beet Sugar Area quota for 1956 established

in § 814.32, published in the FEDERAL REGISTER on August 15, 1956 (21 F. R. 6083), giving effect to changes of names, successions of interest and discontinuances of business recognized pursuant to paragraph (c) of § 814.32 or provided for in the record of the hearing.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1957 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1957 Domestic Beet Sugar Area quota for the calendar year 1957 under the provisions of the Sugar Act of 1948, as amended.

Issued this 16th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8464; Filed, Oct. 19, 1956; 8:48 a. m.]

[7 CFR Part 814]

1957 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100, Public Law 545, 84th Congress), and in accordance with the applicable rules of practice and procedure (21 F. R. 4251), and on the basis of information before me, I do hereby find that the allotment of the 1957 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 2W, Administration Building, of the Department of Agriculture, on November 1, 1956, at 11:00 a. m., e. s. t.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota which will enable persons who process sugar and liquid sugar from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period of January 1, 1957, to the date the Secretary prescribes allotments of the Mainland Cane Sugar Area quota for the calendar year 1957.

To avoid disorderly marketing by any allottee who might market early in 1957 a quantity of sugar larger than its allotment of the entire 1957 sugar quota for the Mainland Cane Sugar Area, it is necessary to make allotments effective on January 1, 1957. Much of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1957 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding the identity of the allottees and consideration of the factors cited in section 205 (a) of the act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1957, to the date allotments of the entire quota for the calendar year 1957 are established.

On the date specified for the hearing, the Government witness will propose that for the period January 1, 1957, to the date allotments of the entire quota for the calendar year 1957 are prescribed, allotments of 450,000 short tons raw value, of the 1957 Mainland Cane Sugar Area quota be established on the basis of the allotments of the Mainland Cane Sugar Area quota for 1956 as published in the FEDERAL REGISTER on August 15, 1956 (21 F. R. 6081), giving effect to changes in name, successions of interest and discontinuances of business recognized pursuant to paragraph (c) of § 814.23, or provided for in the record of the hearing.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1957 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1957 Mainland Cane Sugar Area quota for the calendar year 1957 under the provisions of the Sugar Act of 1948, as amended.

Issued this 16th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8466; Filed, Oct. 19, 1956; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 235]

[Docket No. 789]

FILING OF FREIGHT RATES IN FOREIGN IMPORT COMMERCE OF UNITED STATES

SECOND NOTICE OF PROPOSED RULE MAKING

Whereas, on March 15, 1956, the Federal Maritime Board published in the FEDERAL REGISTER (21 F. R. 1656) pursuant to section 4 of the Administrative Procedure Act, a notice of proposed rule making for the filing of freight rates in the foreign import commerce of the United States; and

Whereas, comments thereon have been received and considered by the Board, and

Whereas, it appearing that the filing by common carriers by water subject to the Shipping Act, 1916, as amended (46 U. S. C. 801, et seq.) of schedules covering the transportation of property in the foreign import commerce of the United States are necessary to facilitate the administration of the regulatory provisions of said act,

Now therefore, the following proposed rules are published pursuant to section 21 of the Shipping Act, 1916, as amended (46 U. S. C. 820), section 19, Merchant Marine Act, 1920 (46 U. S. C. 876), section 204, Merchant Marine Act, 1936 (46 U. S. C. 1114), and section 4, Administrative Procedure Act (5 U. S. C. Supp. 1004).

1. *Filing of import schedules.* Every common carrier by water subject to the Shipping Act, 1916, as amended (46 U. S. C. 801, et seq.), and engaged in the foreign import commerce of the United States, including all of its Districts, Territories, and possessions, shall file with the Federal Maritime Board, Washington 25, D. C., U. S. A., schedules of import rates and charges, including rules, regulations, and practices established and applicable in connection therewith, and changes, modifications, or cancellations thereof, for or in connection with the transportation of property, except cargo loaded and carried in bulk without mark or count, from foreign points on its own route to the United States, including all of its Districts, Territories, and possessions; and if a through route has been established with another common carrier by water, all the rates, charges, rules, regulations, and practices established for or in connection with the transportation of property, except cargo loaded and carried in bulk without mark or count, from foreign points on the route of such other common carrier by water to points in the United States, including all of its District, Territories, and possessions on the route of the delivering carrier. The schedules filed as aforesaid by any such common carrier by water in the foreign import commerce of the United States shall show the point from and to which each such rate and charge applies; and shall contain all the rules, regulations, and practices which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates and charges.

2. *Time for filing of import schedules.* Schedules containing the rates, charges, rules, regulations, and practices in effect on the effective date of these rules shall be filed as aforesaid on or before ----------, 195__, and thereafter any schedule required to be filed as aforesaid, and any change, modification or cancellation of any rate, charge, rule, regulation, or practice contained in any such schedule shall be filed with the Federal Maritime Board, Washington 25, D. C., U. S. A., within sixty (60) days from the date such schedule, change, modification or cancellation becomes effective. No such schedule, nor any change, modification or cancellation of any rate, rule, regulation, or practice shall be considered as filed until received by the Federal Maritime Board, Washington 25, D. C., U. S. A.

These rules supersede and cancel the order dated January 26, 1939, in Docket No. 507, 2 U. S. M. C. 14, issued by the United States Maritime Commission, the predecessor of the Federal Maritime Board.

Persons interested in the proposed rules may file with the Secretary, Federal Maritime Board, Washington 25, D. C., U. S. A., within sixty (60) days after publication of this notice in the FEDERAL REGISTER, written statements and comments.

Dated: October 17, 1956.

By order of the Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-8456; Filed, Oct. 19, 1956; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF SODIUM 2,2-DICHLOROPROPIONATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 5 parts per million for residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid in or on sugar beets (with or without tops).

The analytical method proposed in the petition for determining residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid is as follows:

A sample of ground sugar beet roots is pressed and the juice extracted with ethyl ether. The ether is extracted with sodium hydroxide. The alkaline extract is acidified and the naturally occurring keto acids coupled with 2,4-dinitrophenylhydrazine. The coupled extract is passed through a reverse phase partition chromatographic column to separate the keto acid hydrazones from the 2,2-dichloropropionic acid. The 2,2-dichloropropionic acid is hydrolyzed to pyruvic acid and passed through an ion exchange column to remove nonionic interfering material. The effluent from the ion exchange column is coupled with 2,4-dinitrophenylhydrazine, and the pyruvic acid hydrazone extracted and determined colorimetrically. The same procedure is followed for sugar beet tops except that a copper sulfate-calcium hydroxide precipitation step is inserted before hydrolysis and ion exchange absorption is omitted.

Dated: October 16, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8448; Filed, Oct. 19, 1956; 8:45 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF EXEMPTION FROM REQUIREMENT OF TOLERANCE FOR RESIDUES OF ETHYLENE OXIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Procter and Gamble Company, Cincinnati, Ohio, proposing the establishment of an exemption from the requirement of a tolerance for residues of ethylene oxide in or on copra.

The analytical methods proposed in the petition for determining residues of ethylene oxide in copra are the methods described in the following references:

"Residual Ethylene Oxide in Wheat," by O. F. Lubatti. Journal of the Society of Chemical Industry (London); Volume 63, pp. 133-139 (1944).

"Determination of Ethylene Oxide in Air," by R. L. Hollingsworth and B. F. Waling. American Industrial Hygiene Association Quarterly; Volume 16, pp. 52-54 (1955).

"Non-Ionic Separations with Ion Exchange Resins," by R. M. Wheaton and W. C. Bauman. Annals of the New York Academy of Science; Volume 57, pp. 159-176 (1953).

"The application of Paper Chromatography to the Investigation of Food Products. II. The Detection and Estimation of Glycols and Related Compounds," by K. G. Bergner and H. Sperlich. Zeitschrift Lebensmittel, Unterschung. und Forschung; Volume 97, pp. 253-263 (1953).

Dated: October 16, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8453; Filed, Oct. 19, 1956; 8:46 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF WITHDRAWAL OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF DIAZINON (O,O-DIETHYL O-(2-ISOPROPYL-6-METHYL-4-PYRIMIDYL THIOPHOSPHATE)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), Geigy Agricultural Chemicals, 89 Barclay Street, New York 8, New York, has withdrawn its petition for establishment of tolerances for residues of Diazinon (O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidyl) thiophosphate) on the raw agricultural commodities, apples, cabbage, cherries, and pears, notice of which was published in the FEDERAL REGISTER of July 24, 1956 (21 F. R. 5537). This withdrawal is without prejudice to a future filing.

Dated: October 16, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8454; Filed, Oct. 19, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF SIAM/NEW YORK CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8100-1 between the member lines of the Siam/New York Conference, modifies the basic agreement of that conference (No. 8100) by adding a new article providing (1) that the member lines shall cease to employ individual agents in South Siam and instead will appoint New York Lines Agency, Haadyai Branch, as the common agent of all the member lines for South Siam as to all cargo except rubber, which will be dealt with under the terms of the South Siam Rubber Agreement No. 8061; and (2) that cargo other than rubber shall be booked on the vessels of the member lines on a first come, first served, basis.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: October 16, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-8457; Filed, Oct. 19, 1956; 8:47 a. m.]

Office of the Secretary

ADMINISTRATOR OF CIVIL AERONAUTICS

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS RELATING TO FEDERAL AIRWAYS SYSTEM

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and in accordance with a delegation dated September 26, 1956, from the Administrator, General Services Administration to the Secretary of Commerce, on the above subject, the Administrator of Civil Aeronautics is hereby authorized to negotiate, without advertising, under sections 302 (c) (2), (4), and (9) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, contracts for the procurement of supplies and services relating to the expansion and improvement of the traffic control, air navigation and communications facilities comprising the Federal Airways System.

The authority above delegated may be redelegated to such officers or employees of the Civil Aeronautics Administration as the Administrator of Civil Aeronautics deems necessary and shall be exercised in accordance with applicable limitations and requirements of the act, supra, and policies, procedures, and controls prescribed by the General Services Administration. Such authority will be used only when it is determined that program requirements cannot otherwise adequately be met.

The negotiation of contracts under the provisions of section 302 (c) (12) of the act, supra, shall be subject to determinations required to be made by the Secretary of Commerce or the Under Secretary of Commerce for Transportation under said Federal Property and Administrative Services Act and in accordance with such delegation of authority from the Administrator, General Services Administration.

Dated: October 9, 1956.

[SEAL] L. S. ROTHSCHILD,
Acting Secretary of Commerce.

[F. R. Doc. 56-8446; Filed, Oct. 19, 1956; 8:45 a. m.]

COMMISSIONER OF PUBLIC ROADS

DELEGATION OF AUTHORITY TO PERMIT NEGOTIATION OF CONTRACTS FOR PROFESSIONAL SERVICES

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with the Delegation of Authority dated September 17, 1956 from the Administrator, General Services Administration to the Secretary of Commerce, the Commissioner of Public Roads is hereby authorized, for the period ending June 30, 1959, to negotiate without advertising, contracts required by the Bureau of Public Roads in the administration of its Highway program, viz., contracts for professional engineering and accounting services and for research work under sections 302 (c) (4) and 302 (c) (10) of the act, respectively.

This delegation of authority shall be subject to all provisions of Title III of the Federal Property and Administrative Services Act of 1949 with respect to negotiated contracts, and to all other applicable provisions of law.

The authority delegated herein as to section 302 (c) (4) of said act may be redelegated to such officers or employees as the Commissioner of Public Roads may deem necessary. The authority under section 302 (c) (10) may be exercised only with respect to contracts which will not require expenditure of more than $25,000 as provided in section 307 (b) of the Federal Property and Administrative Services Act of 1949, and may be redelegated only to a chief officer of the Bureau responsible for procurement.

The authority delegated herein shall remain in effect, unless otherwise amended or revoked, pending the appointment of the Federal Highway Administrator under Public Law 966, 84th Congress, approved August 3, 1956, and thereafter, subject to the direction of the Federal Highway Administrator.

Dated: October 9, 1956.

[SEAL] L. S. ROTHSCHILD,
Acting Secretary of Commerce.

[F. R. Doc. 56-8447; Filed, Oct. 19, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8157]

TRANS-PACIFIC AIRLINES, LTD.

NOTICE OF HEARING

In the matter of the application of Trans-Pacific Airlines, Ltd., under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on October 29, 1956, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 16, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8471; Filed, Oct. 19, 1956; 8:50 a.m.]

[Docket No. 8235]

TRANS WORLD AIRLINES, INC., AND NORTHEAST AIRLINES, INC.; BOARD INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of the investigation of the possible common control of Trans World Airlines, Inc., and Northeast Airlines, Inc., by Howard R. Hughes.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned for October 30, 1956, at 1:30 p. m., e. s. t., in Room 5859 Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., October 16, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8470; Filed, Oct. 19, 1956; 8:50 a. m.]

[Order No. E-10672; Docket No. 8164]

CORDOVA AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 16th day of October 1956.

In the matter of an application of Cordova Airlines, Inc. under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Cordova Airlines, Inc. (Cordova) on August 16, 1956, filed an application pursuant to section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, (the act), requesting the Board to issue Cordova a certificate or certificates of public convenience and necessity of indefinite duration authorizing (a) air transportation of mail between the terminal point Cordova, the intermediate points Valdez, Chitina, McCarthy, May Creek and the terminal point Chisana; (b) air transportation of mail between the terminal point Valdez and the terminal point Anchorage; (c) air transportation of persons, property and mail between the terminal point Cordova, the intermediate points Tatitlek, Ellamar, Whittier (Portage Bay), Nellie Juan, Chenega, Oceanic (Thumb Bay), San Juan, Port Ashton (Port Ashland), Chatham Straits (Crab Bay), Latouche and the terminal point Cordova; and (d) air transportation of persons, property and mail between the terminal point Seward and the terminal point Anchorage.

Section 401 (e) (4) of the act (effective July 20, 1956) provides:

(4) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that on such date it or its predecessor in interest was an air carrier, furnishing service within either the Territory of Hawaii or the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service within such Territory, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board shall, upon proof of such facts alone, issue a certificate or certificates of indefinite duration authorizing such applicant to engage in air transportation within such Territory between

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

the same points and in the same manner and for each such class of traffic as temporarily authorized by such certificate or certificates as of the date of enactment of this paragraph.

Cordova alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Cordova in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Cordova further alleges that on the date of enactment of section 401 (e) (4) (July 20, 1956), it was an air carrier, furnishing service within the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that service between the points and for the classes of traffic referred to above was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Cordova so operated on July 20, 1956.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (4) of the act, of a certificate of unlimited duration authorizing the services rendered by Cordova on July 20, 1956. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Cordova to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below. The Board, by Order E-9899, December 8, 1955, approved the acquisition by Cordova of a substantial part of the operating properties and rights of Hakon Christensen (Christensen) in Docket No. 5590 and reissued Christensen's certificates to Cordova. We believe it appropriate to include all Cordova's certificate authority in one document, so have consolidated the three certificates in the proposed certificate set forth below.

After allowing interested persons a reasonable period within which to submit objections to the Board's order, Cordova's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Cordova and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to reply on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Cordova is a citizen of the United States of America as defined by section 1 (13) of the act.

2. On July 20, 1956, Cordova was an air carrier, furnishing service within the Territory of Alaska authorized by certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that (a) air transportation of mail between the terminal point Cordova, the intermediate points Valdez, Chitina, McCarthy, May Creek and the terminal point Chisana; (b) air transportation of mail between the terminal point Valdez and the terminal point Anchorage; (c) air transportation of persons, property and mail between the terminal point Cordova, the intermediate points Tatitlek, Ellamar, Whittier (Portage Bay), Nellie Juan, Chenega, Oceanic (Thumb Bay), San Juan, Port Ashton (Port Ashland), Chatham Straits (Crab Bay), Latouche and the terminal point Cordova; and (d) air transportation of persons, property and mail between the terminal point Seward and the terminal point Anchorage, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

Therefore, it is ordered that:

1. Cordova is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below;

2. Cordova and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Cordova, the Mayor of each city affected by this order served by Cordova on July 20, 1956 and on every certificated air carrier serving a point served by Cordova on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Cordova Airlines, Inc. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder applicable to air transportation in the Territory of Alaska, to engage in air transportation within the Territory of Alaska,

A. Over Regular Routes, as follows:

1. Between the terminal point Cordova, the intermediate point Katalla, and the terminal point Cape Yakataga, with respect to persons, property and mail;

2. Between the terminal point Cordova, the intermediate points Valdez, Chitina, McCarthy, May Creek, and the terminal point Chisana, with respect to persons, property and mail;

3. Between the terminal point Valdez and the terminal point Anchorage, with respect to persons, property and mail;

4. Between the terminal point Cordova, the intermediate points Tatitlek, Ellamar, Whittier (Portage Bay), Nellie Juan, Chenega, Oceanic (Thumb Bay), San Juan, Port Ashton (Port Ashland), Chatham Straits (Crab Bay), Latouche and the terminal point Cordova, with respect to persons, property and mail;

5. Between the terminal points Cantwell and Denali, with respect to persons, property and mail;

6. Between the terminal point Anchorage, the intermediate points Talkeetna, Peters Creek, Cache Creek, Bird Creek, Dutch Creek and Fairview, and the terminal point Cantwell, with respect to persons and property only; and

7. Between the terminal point Seward, Alaska, and the terminal point Anchorage, Alaska, with respect to persons, property and mail.

B. Over an Irregular Route, as follows:

1. Between all points in the Third Judicial Division of the Territory of Alaska east of a line extending north and south through the most westerly point of Prince William Sound, with respect to persons and property;

2. Between all points situated in Mt. McKinley National Park and that part of the Third Judicial Division of the Territory of Alaska east of a line drawn north and south through the most westerly point of Mt. McKinley National Park and west of a line extending north and south through the most westerly point of Prince William Sound, with respect to persons and property only.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall not in the course of rendering service over the irregular route set forth, engage in air transportation between points between which regular route service is, or hereafter may be authorized in any outstanding certificate of public convenience and necessity, except on casual, occasional and infrequent trips which do not result in the establishment of a regular or scheduled service.

(2) The holder shall render service as authorized herein, except as temporary suspensions of service may be authorized by the Board, and the exercise of the privileges granted by this certificate shall be subject to such reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

(3) The authorization set forth and described in A-4 above, shall be effective only between April 1 and October 31, inclusive, of each year.

This certificate shall be effective ----------, 1956: *Provided, however*, That prior to the date on which this certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1956 (Order E-------), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In Witness Whereof, the Civil Aeronautics Board has caused this certificate to be ex-

ecuted by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ------ day of ----------, 1956.

JAMES R. DURFEE,
Chairman.

[F. R. Doc. 56-8468; Filed, Oct. 19, 1956; 8:50 a. m.]

[Order No. E-10673; Docket No. 8165]

ALASKA COASTAL AIRLINES

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 16th day of October 1956.

In the matter of the application of Alaska Coastal Airlines under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Alaska Coastal Airlines (Alaska Coastal) on August 16, 1956, filed an application pursuant to section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Alaska Coastal a certificate of public convenience and necessity of indefinite duration authorizing air transportation of mail.

Section 401 (e) (4) of the act (effective July 20, 1956) provides:

(4) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that on such date it or its predecessor in interest was an air carrier, furnishing service within either the Territory of Hawaii or the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service within such Territory, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board shall, upon proof of such facts alone, issue a certificate or certificates of indefinite duration authorizing such applicant to engage in air transportation within such Territory between the same points and in the same manner and for each such class of traffic as temporarily authorized by such certificate or certificates as of the date of enactment of this paragraph.

Alaska Coastal alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Alaska Coastal in other certification proceedings and, no information to the contrary has since come to the knowledge of the Board.

Alaska Coastal further alleges that on the date of enactment of section 401 (e) (4) (July 20, 1956), it was an air carrier, furnishing service within the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that air transportation of mail was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Alaska Coastal so operated on July 20, 1956.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (4) of the act, of a certificate of unlimited duration authorizing the services rendered by Alaska Coastal on July 20, 1956. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Alaska Coastal to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Alaska Coastal's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Alaska Coastal and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Alaska Coastal is a citizen of the United States of America as defined by section 1 (13) of the act.

2. On July 20, 1956, Alaska Coastal was an air carrier, furnishing service within the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that air transportation of mail was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

Therefore, it is ordered that:

1. Alaska Coastal is directed to show cause why the Board should not issue an order making final the tenative findings and conclusions stated herein and issue the proposed certificate of public convience and necessity in the form set forth below;

2. Alaska Coastal and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Alaska Coastal, the Mayor of each city served by Alaska Coastal on July 20, 1956 and on every certificated air carrier serving a point served by Alaska Coastal on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Marine Airways (a corporation) and Alaska Air Transport, Inc., doing business as Alaska Coastal Airlines are hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder applicable to air transportation in the Territory of Alaska, to engage in air transportation within the Territory of Alaska.

A. Over regular routes, as follows:

1. Between the terminal point Juneau, the intermediate points Hawk Inlet, Tenakee, Angoon, Chatham, Todd, and Warm Springs, and the terminal point Sitka, with respect to persons, property, and mail;

2. Between the terminal point Juneau, the intermediate points Funter Bay, Excursion Inlet, Gustavus, Hoonah, Port Althorp, Elfin Cove, Pelican City, Chichagof, Hirst, and Cobol, and the terminal point Sitka, with respect to persons, property, and mail;

3. Between the terminal point Juneau, the intermediate points Petersburg and Wrangell and the terminal point Ketchikan, with respect to persons, property and mail.

4. Between the terminal point Juneau, the intermediate point Haines, and the terminal point Skagway, with respect to persons, property, and mail; and

B. Over an irregular route as follows:

Between all points in the First Judicial Division of the Territory of Alaska, with respect to persons and property, except mail.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall not, in the course of rendering service over the irregular route set forth, engage in air transportation between points between which regular route service is, or hereafter may be, authorized in any outstanding certificate of public convenience and necessity, except on casual, occasional, and infrequent trips which do not result in the establishment of a regular or scheduled service.

(2) The holder may with respect to each regular route over which it is authorized to carry mail, include in schedules which it files under section 405 (e) of the Civil Aeronautics Act of 1938, as amended, any point not named in any regular route of any other carrier: *Provided*, That any such point shall be included in such schedules only as an intermediate point and shall be not more than 25 miles off the airline course over the holder's regular route on which it is named: And *provided further*, That the Board may require the holder, without advance notice and without hearing, to defer inauguration of regular route service to any such point, or to suspend indefinitely, or for some other period, further operation of any service which may have been inaugurated.

(3) The holder shall render service as authorized herein, except as temporary suspensions of service may be authorized by the Board, and the exercise of the privileges granted by this certificate shall be subject to such reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

This certificate shall be effective on ------, 1956: *Provided, however*, That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ------, 1956 (Order No. E-----), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ------ day of ------, 1956.

JAMES R. DURFEE,
Chairman.

[F. R. Doc. 56-8469; Filed, Oct. 19, 1956; 8:50 a. m.]

[Order No. E-10671; Docket No. 8167]

WIEN ALASKA AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 16th day of October 1956.

In the matter of the application of Wien Alaska Airlines, Inc. under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Wien Alaska Airlines, Inc. (Wien), on August 16, 1956, filed an application pursuant to section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, (the act), requesting the Board to issue Wien a certificate or certificates of public convenience and necessity of indefinite duration authorizing (a) air transportation of persons, property and mail to Umiat, Meade River, Barrow and Kobuk (set forth and described in paragraph A-1 of Wien's presently effective certificate of public convenience and necessity); (b) air transportation of mail between the terminal point Fairbanks, the intermediate points Kotzebue, Candle, Deering and the terminal point Nome (set forth and described in paragraph A-2 of Wien's presently effective certificate of public convenience and necessity); (c) air transportation of mail at Kotzebue, Noorvik, Kiana, Selawik and Shungnak (set forth and described in paragraph A-1 of Wien's presently effective certificate of public convenience and necessity); (d) air transportation of persons, property and mail between the terminal point Kotzebue, the intermediate points Noatak, Kivalina, Point Hope, Cape Lisburne, Point Lay and Wainwright, and the terminal point Barrow; and (e) air transportation of mail between the terminal point Fairbanks and the intermediate points Minto, Tolovana, Rampart, Manley Hot Springs, Tofty, American Creek and Tanana.

Section 401 (e) (4) of the act (effective July 20, 1956) provides:

(4) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that on such date it or its predecessor in interest was an air carrier, furnishing service within either the Territory of Hawaii or the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service within such Territory, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board shall, upon proof of such facts alone, issue a certificate or certificates of indefinite duration authorizing such applicant to engage in air transportation within such Territory between the same points and in the same manner and for each such class of traffic as temporarily authorized by such certificate or certificates as of the date of enactment of this paragraph.

Wien alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Wien in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Wien further alleges that on the date of enactment of section 401 (e) (4) (July 20, 1956), it was an air carrier, furnishing service within the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that the service between the points and for the classes of traffic referred to above, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Wien so operated on July 20, 1956.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (4) of the act, of a certificate of unlimited duration authorizing the services rendered by Wien on July 20, 1956. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Wien to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below. The Board by Order No. E-10278, May 10, 1956, approved the acquisition of Byers Airways, Inc. (Byers) in the Acquisition of Byers by Wien Case, Docket No. 7415, and reissued the Byers certificate to Wien. We believe it appropriate to include all Wien's certificate authority in one document, so have consolidated the two certificates in the proposed certificate set forth below.

After allowing interested persons a reasonable period within which to submit objections to the Board's order, Wien's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Wien and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Wien is a citizen of the United States of America as defined by section 1 (13) of the act.

2. On July 20, 1956, Wien was an air carrier, furnishing service within the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that (a) air transportation of persons, property and mail to Umiat, Meade River, Barrow and Kobuk (set forth and described in paragraph A-1 of Wien's presently effective certificate of public convenience and necessity); (b) air transportation of mail between the terminal point Fairbanks, the intermediate points Kotzebue, Candle, Deering, and the terminal point Nome (set forth and described in paragraph A-2 of Wien's presently effective certificate of public convenience and necessity); (c) air transportation of mail at Kotzebue, Noorvik, Kiana, Selawik and Shungnak (set forth and described in paragraph A-1 of Wien's presently effective certificate of public convenience and necessity); (d) air transportation of persons, property and mail between the terminal point Kotzebue, the intermediate points Noatak, Kivalina, Point Hope, Cape Lisburne, Point Lay and Wainwright, and the terminal point Barrow; and (e) air transportation of mail between the terminal point Fairbanks and the intermediate points Minto, Tolovana, Rampart, Manley Hot Springs, Tofty, American Creek and Tanana, was performed pursuant to temporary certificates of public convenience and necessity issued by the Civil Aeronautics Board.

Therefore, is is ordered that:

1. Wien is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below;

2. Wien and any other interested persons having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Wien, the Mayor of each city affected by this order served by Wien on July 20, 1956 and on every certificated air carrier serving a point served by Wien on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Wien Alaska Airlines, Inc. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder applicable to air transportation in the Territory of Alaska, to engage in air transportation.

A. Over Regular Routes, as follows:

1. Between the terminal point Fairbanks, the intermediate point Hughes, and beyond the intermediate point Hughes, (a) the intermediate points Kobuk, Shungnak, Selawik, Kiana, Noorvik, and the terminal point Kotzebue, and beyond the intermediate point Hughes, (b) the intermediate points Allakaket (Alatna), Bettles, Myrtle Creek, Wiseman, Anaktuvak Pass, Umiat, Meade River, and the terminal point Barrow with respect to persons, property and mail;

2. Between the terminal point Fairbanks, the intermediate points Tanana, Galena, Kotzebue, Candle, Deering and Igloo, and the terminal point Nome, with respect to persons and property, and with the exception of Tanana, Galena and Igloo, with respect to mail;

3. Between the terminal point Kotzebue, the intermediate points Noatak, Kivalina, Point Hope, Cape Lisburne, Point Lay and Wainwright, and the terminal point Barrow with respect to persons, property and mail;

4. Between the terminal point Fairbanks, the intermediate points Stevens Village, Big Lake (Rooney Lake), Chandalar, Venetie, Beaver, Fort Yukon and the terminal point Old Crow, Y. T., with respect to persons, property and mail;

5. Between the terminal point Fairbanks, the intermediate points Woodchopper and Charley River, and the terminal point Eagle with respect to persons, property and mail;

6. Between the terminal point Fairbanks, the intermediate points Chicken, Jack Wade and Boundary, and the terminal point Eagle, with respect to persons and property, except mail;

7. Between the terminal point Fairbanks, the intermediate points Big Delta and Tanacross, and the terminal point Tetlin, with respect to persons, property and mail;

8. Between the terminal points Manley Hot Springs and Tofty with respect to persons, property and mail;

9. Between the terminal point Fairbanks, the intermediate points Utopia, Husila (Cutoff), Hughes, Alatna (Allakaket), and Bettles, and the terminal point Wiseman, with respect to persons, property and mail;

10. Between the terminal point Fairbanks, the intermediate points Stevens Village, Beaver, Fort Yukon, Circle, Central, and Circle Hot Springs, and the terminal point Fairbanks, with respect to persons, property, and mail; and

11. Between the terminal point Fairbanks, the intermediate points Nanana, Minto, Tolovana, Eureka, Omega Creek, Rampart, Manley Hot Springs, Tofty, Miller Field, American Creek, Tanana, Grant Creek Landing, and Moorelock Creek, and the terminal point Livengood, with respect to persons and property, and as to the points underscored above, with respect to mail;

B. Over Irregular Routes, as follows:

1. Between all points within the Fourth Judicial Division of the Territory of Alaska, excepting that part of said Judicial Division south of a line extending eastward from a point on the line dividing the Second and Fourth Judicial Divisions at the 64th parallel of latitude to the crest of the Alaska range of mountains at Mt. McKinley, with respect to persons and property, except mail;

2. Between all points situated in that part of Alaska west of a line extending from the Arctic Ocean, following the line dividing the Second and Fourth Judicial Divisions to the headwaters of the Hogatza River, thence following the Hogatza, Koyukuk and Yukon Rivers to the mouth of the Yukon River, including points situated in the valleys of those parts of said rivers, with respect to persons and property except mail.

3. Between all points situated within the district defined by a line extending from Fairbanks to Stevens Village, to Tanana, to Nenana, to Fairbanks, with respect to persons and property, except mail.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall not, in the course of rendering service over the irregular routes set forth, engage in air transportation between points between which regular route service is, or hereafter may be, authorized in any outstanding certificate of public convenience and necessity, except on casual, occasional and infrequent trips which do not result in the establishment of a regular or scheduled service;

(2) The holder shall render service as authorized herein, except as temporary suspensions of service may be authorized by the Board and may begin or terminate, or begin and terminate, trips at points short of terminal points. The exercise of the privileges granted by this certificate shall be subject to such reasonable terms, conditions and limitations reqired by the public interest as may from time to time be prescribed by the Board.

(3) In exercising the authority set forth and described in A–2 above, the holder (a) shall not engage in local air transportation between Fairbanks, Tanana and Galena, (b) shall not engage in air transportation of mail between Nome and Fairbanks except on those flights which serve Kotzebue as an intermediate point between Nome and Fairbanks, and (c) shall serve Kotzebue or Nome as an intermediate point on all flights between Igloo, Deering or Candle on the one hand, and Galena, Tanana or Fairbanks on the other hand.

This certificate shall be effective on ----------, 1956: *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1956 (Order No. E–---), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ---- day of ----------, 1956.

JAMES R. DURFEE,
Chairman.

[F. R. Doc. 56–8467; Filed, Oct. 19, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10056; FCC 56M–947]

MACKAY RADIO AND TELEGRAPH CO., INC., AND ALL AMERICA CABLES AND RADIO, INC.

ORDER CONTINUING HEARING

In the matter of Mackay Radio and Telegraph Company, Inc., and All America Cables and Radio, Inc., application for modification of license to delete certain conditional provisions relating to communication between New York, New York and San Juan, Puerto Rico; Docket No. 10056, File No. 596–C4–ML–51, 595–C4–ML–51.

The Hearing Examiner having under consideration applicant's petition, filed October 5, 1956, requesting (a) that the date of October 15, 1956 heretofore established for the service of exhibits in the above-entitled proceeding be extended to November 1, 1956, and (b) that formal hearing in the matter, which is presently scheduled for October 31, 1956, be continued for serveral weeks;

It appearing, that good cause exists to warrant the granting of the relief here sought and that all other parties to the proceeding consent thereto;

It is ordered, This 12th day of October 1956, that the petition is granted; that the date for service of exhibits herein is extended from October 15, 1956 to November 1, 1956; and that formal hearing is continued from October 31, 1956 to November 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8458; Filed, Oct. 19, 1956; 8:47 a. m.]

[Docket Nos. 11673, 11674; FCC 56–973]

MISSISSIPPI BROADCASTING CO. (WCOC–TV) AND LAUREL TELEVISION CO., INC.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Mississippi Broadcasting Company (WCOC–TV), Pachuta, [Docket Nos. 11673, 11674; FCC 56–973] Mississippi, Docket No. 11673, File No. BMPCT–3212; for modification of construction permit; Laurel Television Company, Inc., Laurel, Mississippi, Docket No. 11674, File No. BPCT–2031; for construction permit for a new television broadcast station.

1. The Commission has before it for consideration (1) Motion to Strike Issue and Amend Order filed by Laurel Television Co., Inc., on April 23, 1956; (2) Appeal from Examiner's Ruling on its Petition for Leave to Amend its Application filed by Laurel Television Co., Inc., on May 21, 1956; (3) Opposition to Appeal from Examiner's Ruling filed by Broadcast Bureau on June 7, 1956; (4) Opposition to Appeal from Examiner's Ruling filed by Mississippi Broadcasting Co. on June 7, 1956; (5) Reply to Oppositions to Appeal from Examiner's Ruling filed by Laurel Television Co., Inc. on June 14, 1956; (6) Petition to Enlarge the Issues filed by Laurel Television Co., Inc. on May 4, 1956; (7) Opposition to Petition to Enlarge the Issues filed by the Broadcast Bureau on May 18, 1956; (8) Opposition to Petition to Enlarge the Issues filed by Mississippi Broadcasting Co. on May 18, 1956; (9) Reply to Opposition to Petition to Enlarge Issues filed by Laurel Television Co., Inc. on May 23, 1956; (10) Petition for Leave to File Supplement to Opposition to Petition to Enlarge Issues and Supplement to Opposition to Petition to Enlarge Issues filed by Mississippi Broadcasting Co. on June 10, 1956; (11) Petition for Review of Memorandum Opinion and Order of the Chief Hearing Examiner filed by Mississippi Broadcasting Co. on June 29, 1956; and (12) Opposition to Petition for Review of Memorandum Opinion and Order of the Chief Hearing Examiner filed by Laurel Television Co., Inc. on July 9, 1956.

2. Essentially these pleadings involve three matters: (1) A motion by Laurel Television Company, Inc. to delete the issue regarding the possibility of its antenna creating a menace to aerial navigation; (2) An appeal by Laurel Television Co., Inc., from the Hearing Examiner's refusal to permit it to amend its application; and (3) A motion by Laurel Television Co., Inc. to enlarge the issues to include a determination of the financial qualifications of Mississippi Broadcasting Company.

3. In its Order of Designation, the Commission included an issue as follows: "To determine whether there is a reasonable possibility that the antenna system at the site proposed by Laurel Television Co., Inc. may constitute a menace to air navigation." As the pleadings before us indicate, Laurel's antenna proposal has been approved by the National Airspace Panel of the Air Coordinating Committee. Accordingly, the issue in question should properly be deleted.

4. Laurel seeks a reversal of the action of the Hearing Examiner in refusing to accept an amendment to Laurel's application filed after this matter was designated for hearing. The Hearing Examiner based the ruling on § 1.365 of the Commission's rules which provides that applications may be amended after their designation for hearing only on a showing of good cause.

5. Laurel contends that the feasibility of its amendment, which is to its programming proposals, was contingent on its obtaining aeronautical clearance for its proposed high tower and that it should not be held to any proposal made before the question of its antenna acceptability had been finally determined. This argument must be rejected, for to accept it would provide applicants with a device for improving their competitive position after designation for hearing. It is presumed that all applicants file their applications in full awareness of the rules relating to amendment, and of the fact that these rules provide for a time after which their right to amend is restricted. Any applicant who files an application containing other than what he considers will be his final proposal runs the risk of being forced to proceed on his application as filed. In support of its position, Laurel refers us to certain of our past decisions wherein we have stated that a factor in determining the right to amend is the effect such amendment will have on our hearing processes and the degree of surprise or unfairness to competing applicants. Louisiana Television, 9 RR 894; North Shore Broadcasting Co., 7 RR 882; and KAKE Broadcasting Co., 8 RR 438. Laurel's position is not aided by this argument, for the amendment, whether intended to or not, can be used to achieve competitive advantage and therefore is unacceptable in the absence of a more valid excuse for the late filing. Laurel further contends that, because its amendment was filed within the ten day period after designation when an entirely new application might have been filed and received comparative consideration, it should be permitted to amend, and in support of this contention cites North Shore Broadcasting, 7 RR 822. Although this factor appears to have been noted in the North Shore case, there was not, as the Commission pointed out, any indication that the late filing was caused by petitioner's desire to gain a competitive advantage. In any event, as we pointed out in Fort Industry Co., 7 RR 151, the Rules relating to the filing of new applications are not intended to apply to the filing of amendments. For a fuller discussion of these cases in a somewhat similar situation, see our Memorandum Opinion and Order in Grand Prairie Broadcasting et al., Docket No. 11628 (FCC 56–879, Mimeo No. 35874) adopted September 19, 1956.

6. Laurel further seeks, by its petition of May 4, 1956, to have included in the hearing an issue to determine the financial qualifications of Mississippi Broadcasting Co. It alleged, in its petition, that Mississippi estimated certain of its construction costs too low, that it failed to provide adequate sums for its preoperating and initial operating expenses, that it overstated the deferred credit available to it, that it overvalued its real and personal property, and that the properties of its stockholders, from whom it anticipated receiving any necessary loans, were overvalued. The facts were presented on the information and belief of petitioner. In their oppositions to this petition, Mississippi and the Broadcast Bureau point out, quite rightly, that the Commission cannot introduce a new issue into a hearing solely on the unsupported allegations of fact contained in the pleading of a party. This is particularly true where the reply pleadings deny the accuracy of the allegations. Laurel's attempt to cure this defect, in its Reply to the Oppositions, by the inclusion of unsworn statements relating to its allegations must fail. In light of our action on this petition to enlarge issues, Mississippi's petition for review of the Chief Hearing Examiner's denial of leave to supplement its opposition becomes moot.

7. *It is ordered,* That the petition of the Laurel Television Company, Inc. to delete the issue: "To determine whether there is a reasonable possibility that the antenna system at the site proposed by Laurel Television Company, Inc. may constitute a menace to air navigation," is granted;

8. *It is ordered,* That the appeal from Examiner's Ruling filed by Laurel Television Company, Inc. on May 21, 1956, is denied;

9. *It is further ordered,* That the Petition to Enlarge Issues, filed by Laurel Television Company, Inc. on May 4, 1956, is denied.

Adopted: October 10, 1956.

Released: October 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8459; Filed, Oct. 19, 1956; 8:48 a. m.]

[Docket Nos. 11711, 11712; FCC 56M–946]

SOUTH GEORGIA BROADCASTING CO. AND BEN HILL BROADCASTING CORP. (WBHB)

ORDER CONTINUING HEARING CONFERENCE

In re applications of Al H. Evans and Joseph Bilodeau, a partnership d/b as South Georgia Broadcasting Company, Fitzgerald, Georgia, Docket No. 11711, File No. BP–9969; Ben Hill Broadcasting Corporation (WBHB), Fitzgerald, Georgia, Docket No. 11712, File No. BP–10195; for construction permits.

The Hearing Examiner having under consideration an informal request of counsel for South Georgia Broadcasting Company for an indefinite continuance of the prehearing conference now scheduled for October 15, 1956;

It appearing that good cause was shown therefor and that all parties have consented;

It is ordered, This 12th day of October 1956, that the prehearing conference scheduled for October 15, 1956 is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8460; Filed, Oct. 19, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Projects Nos. 2130, 708 and 1318]

PACIFIC GAS AND ELECTRIC CO.

MODIFICATION OF NOTICES OF LAND WITHDRAWALS

OCTOBER 15, 1956.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, this Commission on September 22, 1926, gave notice to the General Land Office, now the Bureau of Land Management, of the reservation of 860 acres of lands of the United States pursuant to the filing of application for license by the Sierra and San Francisco Power

Company for Project No. 708. Commission letters dated May 28 and July 1, 1938, as superseded and modified by leters dated April 28, and August 2, 1941, gave notice to that office of the reservation of approximately 1,397 acres of similar lands pursuant to the filing of application, both original and amendatory, by the same applicant, for Project No. 1318.

The Pacific Gas and Electric Company, now the licensee in Projects Nos. 708 and 1318, filed on April 16, 1953, as supplemented January 4, 1955, an application for major license to include the constructed projects under a single license under Project No. 2130.

A re-examination of available records indicate that the following additional lands were vacant lands at the time of filing of application for Project No. 708.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 2 N., R. 13 E.,
Section 23, unpatented portion of the SE¼SE¼SW¼—0.5 acre;
Section 36, N½NW¼NW¼—20 acres.

Under section 24, of the Federal Power Act, the aforesaid lands are, from the date of filing of application for Project No. 708 (April 13, 1926), reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

Copies of the maps showing to what extent lands of the United States were included in Projects Nos. 708 and 1318 were forwarded to the interested agencies as attachments to the respective letters of withdrawal notification. For purposes of cross-reference the map sheets, showing the project lands, designated as FPC 708–2 and 3 have been redesignated as FPC 2130–24 and 25, while those designated as FPC 1318–2, 8, 15, 21, 26, 27, 28, 29, 30 and 21 have been redesignated as FPC 2130–13, 23, 15, 14, 17, 18, 19, 20, 21 and 22, all respectively.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8450; Filed, Oct. 19, 1956; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

ARTHUR F. JOHNSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interest required by subsection 710 (b) of the Defense Production Act of 1950, as amended, and section 302 (c) of Executive Order 10647:

Name of Appointee: Arthur F. Johnson.

Employing Agency: General Services Administration, Defense Materials Service.

Date of Appointment: June 16, 1955.

Title of Position: Consultant.

Name of Private Employer: Olin Industries, Inc. and Olin Mathieson Chemical Corporation, New York, N. Y.

Changes in the names of any:

(1) Corporations of which I am, or within 60 days preceding my appointment have been an officer or director;

(2) Corporations in which I own or within 60 days preceding my appointment have owned any stocks, bonds, or other financial interests;

(3) Partnerships in which I am, or within 60 days preceding my appointment have been a partner; and

(4) Other businesses in which I own or within 60 days preceding my appointment have owned any similar interests.

Additions: Sunstrand Machine Tool Company.

Deletions: None.

Dated: October 9, 1956.

ARTHUR F. JOHNSON.

[F. R. Doc. 56–8461; Filed, Oct. 19, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17108, Amdt.]

NATIONAL LIFE ASSURANCE CO., LTD.

In re: Debts owing to National Life Assurance Company, Ltd., also known as "National" Lebensversicherungs Aktiengesellschaft. F–28–31150.

Vesting Order 17108, dated January 17, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That National Life Assurance Company, Ltd., also known as "National" Lebensversicherungs Aktiengesellschaft, the last known address of which is 47 Fleischhauerstrasse, Luebeck, Germany, is a corporation organized under the laws of Germany which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Luebeck, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by six 4½% State of New Jersey Bridge Bonds, Series E, due January 1, 1941, each of $1,000 face value and bearing the numbers 1776, 1792/6, and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by National Life Assurance Company, Ltd., also known as "National" Lebensversicherungs Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8462; Filed, Oct. 19, 1956; 8:48 a. m.]

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OF THE UNITED STATES 1934
VOLUME 21 NUMBER 206
Washington, Tuesday, October 23, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (1) of § 6.311 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–8500; Filed, Oct. 22, 1956; 8:52 a. m.]

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

DEFINITIONS

In F. R. Doc. 56–7911, Filed, October 1, 1956, a sentence was inadvertently omitted from § 25.102 (j). As amended the paragraph reads as follows.

§ 25.102 *Definitions.* As used in this subpart, and in making salary adjustments upon change in type of appointment, employment status, or position of the employee, words and terms are defined as follows:

• • • • • •

(j) "Highest previous rate" is the highest basic salary rate previously paid to a Federal civilian employee occupying a position in a department as defined in section 201 (a) of the Classification Act of 1949, as amended, or in a mixed ownership corporation, or in a position in the legislative or judicial branch, before transfer in accordance with section 2 (b) or (c) of Public Law 880, 76th Congress, as amended, irrespective of whether or not such position is subject to the pay schedules of the Classification Act. The highest previous rate must be based on a regular tour of duty at such rate (1) under an appointment not limited to 90 days or less, or (2) for a continuous period of 90 days under one or more appointments without a break in service. If such highest previous rate was earned in a Classification Act position, it shall be increased by any subsequent amendments to the Classification Act pay schedules. If such highest previous rate was earned in a position not subject to the Classification Act, it shall be increased only by those amendments to the Classification Act or other applicable statutory amendments which were enacted during a period when the employee was not in civilian service as described above.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–8499; Filed, Oct. 22, 1956; 8:51 a. m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

DEPARTMENT OF COMMERCE; LIST OF OFFICERS EXCLUDED FROM COVERAGE

Effective upon publication in the FEDERAL REGISTER the following positions are added to Appendix A.

DEPARTMENT OF COMMERCE

• • • • • •

2. Director of Census.
3. Commissioner of Patents.
4. Chief of Weather Bureau.
5. Director, National Bureau of Standards.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065. Interprets or applies sec. 202, 65 Stat. 679, as amended; 5 U. S. C. 2061. E. O. 10540, 19 F. R. 3983, 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–8501; Filed, Oct. 22, 1956; 8:52 a. m.]

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FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 663, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

b. *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.770 (Lemon Regulation 663, 21 F. R. 7829) are hereby amended to read as follows:

(ii) District 2: 195,300 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 18, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8510; Filed, Oct. 22, 1956; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 21—AIRLINE TRANSPORT PILOT RATING

REVISION OF PART

Because of the number of outstanding amendments to Part 21, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on October 20, 1956. Attention is called also to the following minor changes which have been made:

(1) All definitions have been moved to the front of the part, as § 21.5, and arranged alphabetically, without individual section numbers. Also, minor editorial changes have been made in some of the definitions for the purpose of obtaining uniformity in language or clarification of intent.

(2) An obsolete reference to Part 61 has been deleted in § 21.15 (a).

(3) An obsolete compliance date has been deleted in § 21.18 (a) (2).

(4) The heading, general paragraph, and footnote 1 of § 21.20 have been deleted and paragraph (a) has been changed to § 21.20.

(5) Paragraphs (e) and (f) of § 21.24 have been consolidated into paragraph (e) and revised to delete dates no longer applicable.

(6) Section 21.27 has been revised to delete dates which are no longer applicable.

(7) The identification card requirement contained in present § 21.45 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past, and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it has been deleted from this revision.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) as set forth below, effective on October 20, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

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AUTHORITY: §§ 21.1 to 21.44 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C., 551, 552.

§ 21.1 *Provision for issuance.* Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, empowering the Administrator of Civil Aeronautics to issue airman certificates specifying the capacity in which the holders thereof are authorized to serve as airmen in connection with aircraft, and requiring the Civil Aeronautics Board to prescribe such reasonable rules and regulations governing practices, methods, and procedures as the Board may find necessary to provide adequately for safety in air commerce, airline transport pilots will be rated as to competence in accordance with the provisions of the regulations in this part.

§ 21.5 *Definitions.* As used in this part, terms are defined as follows:

Category. A category is a broad classification of aircraft with distinct configuration and operating characteristics such as airplane, rotorcraft, or glider.

Class. A class is a classification of aircraft within a category differentiating between single-engine and multiengine and land and water configurations.

Flight time. Flight time is the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight (block to block).

Maximum certificated take-off weight. Maximum certificated take-off weight is the maximum take-off weight authorized by the terms of the aircraft airworthiness certificate.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

Pilot in command. A pilot in command is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Solo flight time. Solo flight time is flight time during which the pilot is the sole occupant of the aircraft.

Type. Type is a specific classification of aircraft having the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

MINIMUM REQUIREMENTS

§ 21.9 *Eligibility.* To be eligible for an airline transport pilot competency rating, an applicant shall comply with the minimum requirements set forth in §§ 21.10–21.18.

§ 21.10 *Age.* Applicant shall be at least 23 years of age.

§ 21.11 *Character.* Applicant shall be of good moral character.

§ 21.12 *Citizenship.* An applicant for a pilot certificate with an airline transport pilot rating may be a citizen of any country or a person without nationality.

§ 21.13 *Education.* (a) Applicant shall be able to read, write, and understand the English language, and shall be able to speak the English language without accent or impediment of speech which would interfere with two-way radio conversation; and

(b) Shall be a high school graduate or what is deemed by the Administrator to be its equivalent from the applicant's showing of general experience and aeronautical experience, knowledge, and skill.

§ 21.14 *Physical condition.* Applicant shall meet the physical standards of the First Class prescribed in Part 29 of this subchapter.

§ 21.15 *Aeronautical knowledge.* Applicant shall be familiar with and shall accomplish a satisfactory written examination on:

(a) The provisions of Parts 1, 21, 27, 40, and 60 of this subchapter, together with such parts of the provisions of Parts 4a and 4b of this subchapter as are pertinent to the operations of air carrier aircraft.

(b) The fundamentals of air navigation and the use of formulas and of instruments and other navigational aids, both in aircraft and on the ground, which are deemed necessary for the navigation of aircraft by instruments.

(c) The general system of weather collection and dissemination.

(d) Weather map, weather forecast, and weather sequence abbreviations, symbols, and nomenclature.

(e) Elementary meteorology, including modern knowledge of the cyclones as associated with fronts.

(f) Cloud forms.

(g) Department of Commerce Weather Bureau Circular N, Instructions for Airway Meteorological Service, and all amendments thereto.

(h) Weather conditions, including icing conditions and upper-air winds, affecting aeronautical activities.

(i) Air navigation facilities in use on the civil airways, including rotating beacons, course lights, radio ranges, and radio marker beacons.

(j) Data obtained from airplane weather observations and meteorological data reported from observations made by pilots engaged in air carrier flights.

(k) The influence of terrain upon meteorological conditions and developments, and the relation thereof to air carrier flight operations.

(l) Radio communication procedure as applied to aircraft operation.

(m) The basic principles of loading and weight distribution and its effect on flight characteristics.

§ 21.16 *Aeronautical experience.* An applicant for an airline transport pilot rating shall hold a valid commercial pilot rating, or equivalent as determined by the Administrator, and shall meet the following aeronautical experience requirements:

(a) Applicant shall have had at least 250 hours of flight time composed of time as pilot in command, or time as copilot actually performing the duties and functions of a pilot in command under the surveillance of the pilot in command, or any combination thereof. Of this time, at least 100 hours shall have been cross-country flight time, and at least 25 hours shall have been night flight time. Flight time shown in fulfillment of the requirements of this paragraph may also be used for the purposes of paragraph (b) of this section.

(b) Applicant shall have had at least 1,200 hours of flight time as pilot within the last 8 years, of which

(1) 5 hours shall have been had within 60 days immediately preceding the date of application;

(2) 500 hours shall have been cross-country flight time;

(3) 100 hours shall have been night flight time;

(4) 75 hours shall have been instrument time under actual or simulated instrument conditions of which not less than 50 hours shall have been in actual flight.

(c) An applicant who meets the requirements of paragraph (a) of this section with other than 250 hours of pilot-in-command time shall have his certificate appropriately endorsed by the Administrator in accordance with Article 39 of the Convention on International Civil Aviation. At such time as the holder of a certificate so endorsed submits reliable documentary evidence to the Administrator that he has met the requirements of paragraph (a) of this section, taking into account only time as pilot in command, he shall be reissued a certificate without such endorsement.

NOTE: By the terms of Article 40 of the Convention on International Civil Aviation, no person having a certificate endorsed in accordance with the foregoing provision may participate in international navigation as pilot in command except with the permission of the State or States whose territory is entered.

§ 21.17 *Aeronautical skill.* (a) Applicant shall demonstrate satisfactorily his ability to pilot aircraft in normal take-offs, turns, landings, and the following maneuvers (the maneuvers in subparagraphs (6) and (7) of this paragraph shall be performed in an aircraft satisfactory to the examining inspector of the Administrator):

(1) From 3,500 feet, with engine throttled, a 360° turn and a landing in normal landing attitude.

(2) From 2,500 feet, with engine throttled, a 180° turn and a landing in normal landing attitude.

(3) A series of three shallow and three steep figure 8 turns and one 720° steep power turn in each direction. During these maneuvers, the pilot shall not gain or lose more than 200 feet of altitude.

(4) A spiral in one direction from 3,500 feet, or higher, with engine throttled, and a landing in normal landing attitude.

(5) Subparagraphs (1) through (4) of this paragraph shall be applicable when the flight tests are conducted in aircraft of a gross weight in excess of 10,000 pounds; otherwise the pilot shall be required to demonstrate his aeronautical skill in accordance with § 20.26 of this subchapter.

(6) Emergency maneuvers such as simulated forced landings, spirals, side slips and climbing turns, and recovery from stalls, maneuvers in multiengine equipment with authorized load with one engine inoperative, if rating is sought on such equipment, and such other maneuvers as the examining inspector of the Administrator may deem necessary to demonstrate the competence of the applicant.

(7) A right-hand and a left-hand spin, each of at least two full turns, with not to exceed 10 degrees error.

NOTE: The requirements of subparagraphs (1)-(7) of this paragraph and of § 21.18 (b) may be met by the holding of a valid commercial rating.

(b) Applicant shall accomplish satisfactorily a flight test, solely by instruments, with respect to the following:

(1) Straight level flight for a given period of time.

(2) Moderate banks during 180° and 360° turns in both directions.

(3) Minimum glides and maximum climbs, and approaches to stalled attitudes of flight.

(4) Climbing turns.

(5) Stalls, skids, slips and spirals, and banks in excess of 45°, and recovery from the same.

NOTE: The requirements of subparagraphs (1)-(5) of this paragraph may be met by the holding of a valid instrument rating.

(6) Such other maneuvers as the examining inspector deems necessary.

(7) A practical demonstration, while in flight or under simulated conditions, of estimating arrival time, taking into account speed, wind, and drift.

§ 21.18 *Radio skill.* (a) An applicant shall demonstrate his ability to interpret International Morse Code signals, and shall accomplish a satisfactory flight test in a hooded cockpit with respect to the following:

(1) Tuning radio.

(2) Orientation. Such orientation shall include the use of the radio direction finder with sufficient tests to determine the ability of the pilot to:

(i) Home on a radio station.

(ii) Determine whether the aircraft is heading toward or away from the station.

(iii) Obtain accurate fixes by the use of radio compass.

(3) Following radio range.

(4) Locating cone of silence.

(5) Letting-down-through on the range by the approved instrument approach procedure for the particular airport used in connection with the test.

(6) Such other maneuvers as the examining inspector deems necessary.

(b) Such maneuvers as are necessary to demonstrate competence to satisfactorily pilot an aircraft from either control seat. None of the maneuvers provided for in § 21.17 and this section shall be disregarded, but any such maneuver may be modified by the examining inspector of the Administrator to such extent as may be necessary for reasonable and safe operation of the aircraft used in the particular maneuver. Such inspector will report any such modification to the Administrator in writing.

AIRLINE TRANSPORT PILOT COMPETENCY CERTIFICATE

§ 21.20 *Aircraft rating.* The aircraft which the applicant is deemed competent to pilot shall be prescribed in his certificate by category and class, and type if the aircraft has a maximum certificated take-off weight of more than 12,500 lbs. and, in the case of unconventional airplanes, such description as is appropriate to define clearly the competence of the applicant. Competence to pilot aircraft shall be demonstrated in aircraft of the category and class and, if appropriate, the type for which the rating is sought.

§ 21.21 *Application.* Application for an airline transport pilot certificate shall be made to the Administrator upon a form supplied for the purpose.

(a) *Application to amend.* When any change in an airline transport pilot competency rating is desired, the applicant shall file a written request therefor with the Administrator upon a form supplied for the purpose.

(b) *Revocation.* No person whose airline transport pilot certificate has been revoked shall apply for or be issued a pilot certificate of any grade or rating for a period of 1 year after the revocation, except as the order of revocation may otherwise provide.

§ 21.22 *Issuance.* Upon approval of an application duly made, proofs submitted and examinations and tests satisfactorily completed, an airline transport pilot certificate will be issued in an appropriate form.

(a) *Temporary certificate.* Following application made for an airline transport pilot certificate, but prior to approval thereof and issuance of the certificate, a temporary airline transport pilot certificate may be issued by the examining inspector of the Administrator.

(b) *Special ratings.* A special rating, except an instrument rating, will be issued to and renewed for the holder of a valid airline transport pilot certificate pursuant to the provisions of §§ 20.40–20.42, and upon the same terms as such rating is issued to and renewed for the holder of a valid commercial pilot certificate.

(c) *Instruction in air transportation service.* Any person holding a valid airline transport pilot rating shall be considered competent to instruct other pilots in air transportation service in aircraft of a category, class, and type specified in the airline transport pilot rating of the instructing pilot. No pilot shall give more than 8 hours of such instruction in any one day nor more than 36 hours in any 7-day period. Such instruction shall be given only in aircraft equipped with fully functioning dual controls.

§ 21.23 *Display.* An airline transport pilot certificate shall be kept in the personal possession of the pilot at all times when piloting aircraft, and shall be presented for inspection upon the demand of any passenger, or of any authorized official or employee of the Administrator or Board or any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance, or upon the reasonable request of any other person.

§ 21.24 *Duration.* (a) An airline transport pilot certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) A temporary airline transport pilot certificate shall remain in effect for a period no longer than 3 months after the date of issuance.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the regulations in this subchapter occurring during the effective period of the certificate.

(e) Upon application to the Administrator, a person who on April 30, 1953, held a valid airline transport pilot certificate showing horsepower ratings and who has failed to exchange such certificate may, notwithstanding such failure and without further showing of competence, obtain an airline transport pilot certificate showing the aircraft category and class ratings and any aircraft type ratings for which he was qualified on April 30, 1953: *Provided,* That the holder of such certificate has:

(1) Passed an official rating test, as prescribed by the Administrator, in that type aircraft; or

(2) Successfully accomplished, in that type aircraft, a pilot ground and flight training program acceptable to the Administrator; or

(3) Served as pilot in command and sole manipulator of the controls of that type aircraft for at least 10 hours since May 1, 1949, and such aircraft was within his category, class, and horsepower ratings.

Such a person may also reinstate any pilot or other special ratings shown on the expired airline transport pilot certificate.

NOTE: All airline transport pilot certificates showing horsepower ratings expired May 1, 1953.

§ 21.25 *Nontransferability.* An airline transport pilot certificate is not transferable.

§ 21.26 *Operation during physical deficiency.* A certificated airline transport pilot shall not operate any aircraft during the period of any known physical deficiency or increase in physical deficiency which would render him during that period unable to meet the physical

requirements with which he complied in order to secure his certificate.

§ 21.27 *Termination of certificates.* A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance; however, it may be reissued without further demonstration of technical competence.

§ 21.28 *Re-examination.* (a) An applicant who has failed any prescribed theoretical examination may apply for re-examination at any time after the expiration of 30 days from the date of such failure or after he has received not less than 5 hours instruction in each subject failed from a person employed by an airline to instruct in such subject or from whichever one of the following persons is appropriate:

(1) A certificated airline transport pilot;

(2) A certificated ground instructor rated for the subject;

(3) A person qualified to instruct in the theory of instrument flight.

(b) An applicant who has failed to pass any prescribed practical examination or test may apply for re-examination only after (1) he has logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of dual flight instruction with a certificated flight instructor or a certificated airline transport pilot, or (2) he has acquired such part of the above practice or instruction as may, in the opinion of the Administrator, warrant re-examination. Upon meeting the requirements of this paragraph an applicant for re-examination shall be deemed to meet the 5 hours flight time requirements set forth in § 21.16 (b) (1).

(c) Applicant shall present a statement from the instructor indicating that he has given the required instruction and that he deems the applicant qualified to pass the flight test or that part of the theoretical examination in which such instruction was given, whichever is appropriate.

§ 21.29 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a pilot certificate with an airline transport pilot rating, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

EXAMINATIONS AND TESTS

§ 21.30 *General.* The examinations and tests prescribed in the regulations of this part (both for an airline transport pilot certificate and for the ratings issued with respect thereto) will be conducted by an authorized officer or employee of the Administrator or by a properly qualified person designated for the purpose by the Administrator. During the flight tests the air carrier may have a check pilot on board.

§ 21.31 *Physical examination.* In connection with the original issuance of any airline transport pilot certificate the physical examination prescribed shall be accomplished by a medical examiner of the Administrator of Civil Aeronautics, duly authorized to so examine such pilots, before any practical or theoretical test or other examination will be given, and shall be completed within the 6 months preceding the date of filing application for such pilot certificate.

§ 21.32 *Time and place.* All examinations and tests will be held at such times and places as the Administrator may designate.

§ 21.33 *Aircraft used in tests.* The applicant shall furnish a certificated aircraft for any flight test involved. Each such aircraft, used in any test for an airline transport pilot certificate shall be equipped with dual controls and shall accommodate the applicant and the inspector. Aircraft having only one elevator and aileron control for two seats, or any arrangement whereby all flight and engine controls cannot be handled in a normal or conventional manner from either seat, are not considered as having dual controls for the purpose of flight tests for pilot ratings. Each such aircraft shall have adequate vision for the pilot and check pilot.

§ 21.34 *Aircraft category rating.* For purposes of specifying the category of aircraft which the applicant is deemed competent to pilot and for convenience in examining and rating the applicant with respect thereto, aircraft are categoried as follows:

(a) Airplane;
(b) Autogiro;
(c) Glider;
(d) Lighter-than-air aircraft.

§ 21.35 *Airplane class and type rating*—(a) *Airplane class rating.* For purposes of specifying the class of airplane which the applicant is deemed competent to pilot and for convenience in examining and rating the applicant with respect thereto, airplanes are classed as follows:

(1) Single-engine, land;
(2) Single-engine, sea;
(3) Multiengine, land;
(4) Multiengine, sea;
(5) Unconventional.

(b) *Type rating.* An aircraft type rating shall be issued for each type of aircraft having a maximum certificated take-off weight of more than 12,500 lbs.

§ 21.36 *Inspection.* The applicant for an airline transport pilot certificate shall offer full cooperation in respect of any inspection or examination which may be made of said applicant upon proper demand by any authorized representative of the Administrator prior or subsequent to the issuance of such certificate.

§ 21.37 *Standard of performance.* Every practical and theoretical examination and test shall be accomplished to the satisfaction of the Administrator and the minimum passing grade in the subject of examination or test shall be 70 percent. Each flight maneuver will be graded separately. Other examinations will be graded as a whole.

§ 21.38 *Reports.* The person giving any examination or test in behalf of the Administrator will report the result thereof upon an appropriate form to the Administrator and all data collected incident to such examination or test will be considered as of a confidential nature by such person and by all employees of the Civil Aeronautics Administrator.

PILOT REGULATIONS

§ 21.40 *Certificated airline transport pilots*—(a) *Rating limitations.* No certificated airline transport pilot shall operate any aircraft other than in accordance with the rating limitations set forth in his pilot certificate: *Provided,* That the holder of a valid airline transport pilot certificate may pilot airplanes:

(1) As a second pilot without an airplane class and horsepower rating for the particular airplane operated;

(2) As a first pilot of a class or within a horsepower range other than that specified in his airline transport pilot certificate, but he shall not carry any person in such airplanes other than members of the crew thereof, certificated airmen carried in air carrier airplanes in furtherance of their official duties, or a certificated instructor rated for the airplane operated.

(b) *Periodic physical examinations.* A certificated airline transport pilot shall not pilot an aircraft in operations for which he is required to possess an airline transport pilot rating unless, within the preceding 6 calendar months, he has met the physical requirements of this part by passing an examination given by an authorized airline medical examiner of the Administrator.

(c) *Medical certificate.* A medical certificate issued by an authorized airline medical examiner of the Administrator or other evidence satisfactory to the Administrator that the pilot has met the physical requirements of this part shall be carried by such pilot while piloting aircraft.

§ 21.41 *Passenger carrying.* A certificated airline transport pilot shall not pilot any aircraft carrying any person other than members of the crew thereof, certificated airmen carried in air carrier aircraft in furtherance of their official duties, or a certificated instructor rated for the aircraft operated, unless, within the 90 days immediately preceding, he shall have made at least 3 take-offs, and 3 landings to a full stop, in an aircraft of the same category (§ 21.34) and if an airplane, within the same class (§ 21.35 (a)) as that of the aircraft in which any such person is carried.

§ 21.42 *Recent experience requirements*—(a) *Passenger flight (day and night).* A certificated airline transport pilot shall not pilot an aircraft carrying any person other than the members of the crew thereof, certificated airmen carried in air carrier aircraft in furtherance of their official duties, or a certificated instructor rated for the aircraft operated, unless within the preceding 3 calendar months he shall have made and logged at least 3 take-offs and landings to a full stop in an aircraft of the same category, class, and type as that of the aircraft in which such person is carried.

(b) *Instrument flight.* A certificated airline transport pilot, who within the preceding 6 calendar months has not flown and logged at least 2 hours of flight time solely by reference to instruments under either actual or properly simulated instrument flight conditions, shall not pilot an aircraft under such conditions until he has flown and logged at least 2 hours of such flight time accompanied by a certificated pilot of at least private grade holding an appropriate category, class, and type rating for the aircraft and authorized to operate aircraft under instrument conditions.

§ 21.43 *Instruction.* No person holding a valid airline transport pilot certificate shall give flying instruction, except as provided for in § 21.22 (c), unless possessed of a valid instructor rating.

§ 21.44 *Logbooks.* The following rules will govern pilot logbooks:

(a) *General.* Every certificated airline transport pilot shall keep an accurate record of his flying time in a logbook in which the entries as to solo flying time have been certified to by him and the entries as to instruction have been certified to by his instructor. Logbooks shall be bound records and the entries shall be accurate, legible, in ink or indelible pencil, and so arranged as to facilitate easy reference thereto.

(b) *Contents.* The logbook shall contain the date of flight, the category, class, and type of aircraft flown, the aircraft certificate number, a statement of pilot in command, dual instruction, instrument and night flight time, the duration of the flight, the points between which such flight was made, and, in addition, when any flight results in serious damage to the aircraft, a notation to this effect. Dual instruction time shall be logged in the same manner and, in addition, the instructor shall make complete entries in the logbook of his student showing the nature of each maneuver in which instruction was given and the time spent thereon. The instructor shall attest each such entry with his initials, pilot certificate number, and pertinent rating. This logbook shall be presented for inspection, upon demand and reasonable notice, to any authorized representative of the Administrator or Board or State or municipal officer enforcing local regulations or laws involving Federal compliance.

(c) *Logging of pilot flight time.* The holder of an airline transport pilot certificate may log the total flight time while acting as pilot in command or co-pilot.

(d) *Logging instrument flight time.* Instrument flight time may be logged as such only when the aircraft is flown solely by reference to instruments either under actual or properly simulated flight conditions. (Over-the-top flying shall not be logged as instrument flight time.)

(e) *Reports.* The holder of an airline transport pilot certificate shall furnish the authorized airline medical examiner of the Administrator, at the time of each physical examination to be forwarded by him to the Administrator, a report setting forth the amount and type of his aeronautical experience and such other pertinent data as the Administrator may require since his last preceding report.

[F. R. Doc. 56-8515; Filed, Oct. 22, 1956; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4970]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CARTER PRODUCTS, INC., AND STREET & FINNEY

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service;* § 13.195 *Safety;* § 13.205 *Scientific or other relevant facts.* Subpart—*Using misleading name*—Goods: § 13.2325 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Carter Products, Inc. (New York, N. Y.), et al., Docket 4970, October 4, 1956]

This proceeding was originally heard by a hearing examiner on the complaint of the Commission, charging a corporation engaged in the interstate sale and distribution through wholesale drug jobbers, chain stores, and department stores, of a laxative preparation designated "Carter's Little Liver Pills", with representing falsely in advertisements disseminated in commerce that the preparation would benefit the liver, the flow of bile and digestion, and induce a state of general physical well-being, among other things.

Following issuance of the Commission's desist order on March 28, 1951,[1] the Ninth Circuit, on review, held that Carter had been denied a fair hearing in that the hearing examiner had unduly and prejudicially restricted its right to cross-examine three of the Government's expert witnesses, and set the order aside. The Supreme Court granted certiorari and remanded the cause to the Court of Appeals with directions to authorize the Commission to open the proceeding for further evidence and a new order consistent with the Court of Appeals opinion.

Pursuant thereto, the Commission convened additional hearings at which Carter further cross-examined two of the three expert witnesses whose cross-examination had been improperly curtailed, the third witness having died in the meantime and his testimony, on Carter's motion, being stricken.

On this basis, the hearing examiner filed his supplemental report, to which Carter filed objections and exceptions. The Commission, having denied Carter's motion to disqualify the hearing examiner for alleged bias and prejudice, thereafter exhaustively considered the entire record, made its modified and supplemental findings and conclusion in lieu of those in its earlier decision of March 28, 1951, and on October 4, 1956, issued its order to cease and desist.

[1] 16 F. R. 5926.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent, Carter Products, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the product now designated "Carter's Little Liver Pills", or any other product of substantially similar composition or possessing substantially similar properties under whatever name sold, to forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication—

(a) That said preparation represents a fundamental principle of nature in self-treatment;

(b) That said preparation will bring on or restore regularity of bowel movement, or is a cure, remedy or competent or effective treatment for constipation, or has any beneficial value in the treatment of any of the symptoms thereof in excess of the temporary relief afforded by its laxative action;

(c) That said preparation does not contain strong medicines;

(d) That said preparation is unqualifiedly safe;

(e) That said preparation is an effective treatment for sluggish liver function or that it will have any therapeutic action on any condition, disease or disorder of the liver;

(f) That said preparation will make bile flow freely, increase or beneficially influence the formation, secretion or flow of bile, or prevent or overcome discomforts caused by overindulgence in food or other pleasures;

(g) That said preparation will provide two-way relief or that it possesses therapeutic properties in addition to those afforded by laxative action;

(h) That said preparation will cause the proper flow of, or beneficially affect, the gastric juices or digestive juices, or lessen food decay;

(i) That said preparation is based on the fundamental principle of the operation of the digestive system;

(j) That said preparation will help food digestion, or regulate digestion or the digestive system;

(k) That said preparation will have any influence in inducing a state of "bounce", vigor or well-being except in those instances in which a lack thereof is due solely to constipation;

(l) That constipation poisons the body;

(m) That said preparation has any value in the treatment of headache, ugly complexion, bad breath, coated tongue or a bad taste in the mouth, or for those conditions in which an individual feels "Down-and-out", "blue", "down-in-the dumps", "worn out", "sunk", "logy", "depressed", "sluggish", "all-in", "listless", "mean", "low", "cross", "tired", "stuffy", "heavy", "miserable", "sour", "grouchy", "irritable", "cranky", "peevish", "fagged

out", "dull", "sullen", "what's-the-use", "bogged down", "grumpy", "run-down", or "gloomy", in excess of such temporary relief therefrom as may be afforded by an evacuation of the bowels in those cases in which such symptoms or conditions are associated with and caused by constipation;

(n) That said preparation is a competent or effective treatment for indigestion or retarded digestion;

(o) That said preparation is a competent or effective treatment for biliousness.

(2) Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in which the word "Liver" is used in the trade name for the respondent's preparation.

(3) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraphs (1) and (2) hereof.

It is further ordered, That the charges of the complaint as they relate to the respondent Street & Finney, a corporation, be, and the same hereby are, dismissed without prejudice to the right of the Commission to take such further action as future conditions may warrant.

It is further ordered, That the respondent, Carter Products, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 4, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-8483; Filed, Oct. 22, 1956; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

TESTS REQUIRED TO ESTABLISH SAFETY OF ORGANIC PHOSPHATE PESTICIDES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.47 *Tests required to establish the safety of organic phosphate pesticides.* (a) Recent experiments show that two organic phosphate pesticides, when fed simultaneously to test animals, are far more toxic than the sum of their toxicities when they are fed separately. One potentiates the toxicity of the other. Preliminary studies indicate that similar potentiation of toxicity occurs with certain other combinations of organic phosphate pesticides; potentiation does not occur with some combinations. The data do not suggest a method for determining, without actual testing, when such potentiation will occur. Until other procedures are developed, the toxic effect of each combination of organic phosphate pesticides must be determined by testing the combination on animals.

(b) In considering a petition for a tolerance or tolerances for an organic phosphate pesticide, the Food and Drug Administration will require experimental evidence showing the toxicity of the compound when fed to test animals with each of the other organic phosphate pesticides that has a tolerance at that time. This requirement will be relaxed if additional scientific evidence shows such action can be taken without hazard to the public health.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: October 16, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-8452; Filed, Oct. 22, 1956; 8:45 a. m.]

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF OXYTETRACYCLINE

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of oxytetracycline in or on uncooked poultry. The petition shows that cooking destroys residues of oxytetracycline that are within the tolerance being established.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.148 *Tolerance for residues of oxytetracycline.* A tolerance of 7 parts per million is established for residues of oxytetracycline in or on uncooked poultry. This tolerance level shall not be exceeded in any part of the poultry.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: October 16, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-8490; Filed, Oct. 22, 1956; 8:49 a. m.]

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

CAPSULES PENICILLIN AND NOVOBIOCIN

Correction

In F. R. Document 56-8311, appearing in the issue for Wednesday, October 17, 1956, on page 7935, in § 141a.21 (a) (1) (ii), line 18, the chemical formula should read "1.2 *N* HCl" instead of "1.2 *N* MCl".

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter H—Forestry

PART 61—GENERAL FOREST REGULATIONS

EXCEPTIONS TO ADVERTISING TIMBER SALES

OCTOBER 16, 1956.

Section 61.14 is amended to read as follows:

§ 61.14 *Advertisement of sales.* (a) (1) Sales of timber shall be made only after advertisement except as provided for in §§ 61.17 and 61.27, and paragraph (b) of this section. The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. If the estimated stumpage value of the timber offered does not exceed $1,000 the advertisement may be made by posters and circular letters. If the estimated stumpage value exceeds $1,000, the advertisement shall also be made in at least one newspaper of general circulation in the locality where the timber is situated. If the estimated stumpage value does not exceed $10,000, the advertisement shall be for not less than 15 days; if the estimated stumpage value exceeds $10,000 but not $100,000, for not less than 30 days; and if the estimated stumpage value exceeds $100,000, for not less than 60 days.

(2) The officer approving the advertisement may reduce the advertising period because of emergencies such as fire, beetle attack, blowdown, limitation of time, or when there would be no practical advantage to advertise for the specified periods.

(3) If no contract is executed after such advertisement, the officer approving the advertisement may, within one year from the last day on which bids were to be received as defined in the advertisement, sell such timber in the open market upon the terms and conditions in the advertisement and at not less than the advertised value or the appraisal value at the time of sale, whichever is greater.

(b) Timber sales up to $2,000 in value may be negotiated with the approval of the Commissioner of Indian Affairs when the serious condition of the timber or other exigency or emergency requires the immediate sale and removal of the timber or it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations. In the case of such negotiated transaction it shall be the responsibility of the negotiating officer to establish the documented record of the transaction. He shall prepare a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in paragraph (a) of this section, a record of the extent of solicitation and competition or a statement of the facts upon which a finding of impracticability of securing competition is based, and a statement of the factors on which the award was based and including a determination as to the reasonability of the price accepted.

(Secs. 7, 8, 36 Stat. 857; 25 U. S. C. 406, 407)

FRED A. SEATON, *Secretary of the Interior.*

[F. R. Doc. 56-8475; Filed, Oct. 22, 1956; 8:46 a. m.]

Subchapter W—Rights-of-Way

PART 256—RIGHTS OF WAY OVER INDIAN LANDS

MISCELLANEOUS AMENDMENTS

1. Section 256.26 is revised by amending the headnote and adding paragraph (c) to include radio and television communication facilities:

§ 256.26 *Telephone and telegraph lines; radio, television, and other communication facilities.* • • •

(c) Rights of way for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, shall be limited to 200 feet on each side of the centerline of such lines and poles; radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be limited to an area not to exceed 400 feet by 400 feet.

2. Section 256.27 (a) is amended to read as follows:

§ 256.27 *Power projects.* (a) All applications for authority to survey, locate, or commence construction work on any project for the generation of electric power, or the transmission or distribution of electric power of 33 kv or higher involving lands other than tribal lands dealt with in the exception contained in § 256.2 shall be referred by the superintendent through the area director to the Commissioner who will secure the approval of the Office of the Assistant Secretary of the Interior for Water and Power Development or such other agency as may be designated for the area involved, for consideration of the relationship of the proposed project to the power development program of the United States. Where the proposed project will not conflict with the program of the United States, the area director, upon notification to that effect, will so notify the superintendent, who may then proceed to act upon the application. In the case of necessary changes respecting the proposed location, construction, or utilization of the project in order to eliminate conflicts with the power development program of the United States, the superintendent shall obtain from the applicant written consent to or compliance with such requirements before taking further action on the application.

(R. S. 161, sec. 1, 30 Stat. 941, sec. 1, 32 Stat. 266, sec. 1, 33 Stat. 359; sec. 4, 37 stat. 194, sec. 6, 62 Stat. 18; 5 U. S. C. 22, 25 U. S. C. 328)

FRED A. SEATON, *Secretary of the Interior.*

OCTOBER 16, 1956.

[F. R. Doc. 56-8476; Filed, Oct. 22, 1956; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter XVIII of this title is hereby amended as follows:

1. AGE–1, General Agents, Agents and Berth Agents, is hereby amended by adding the following footnote at the end thereof: "The above referred to books, records, documents and accounts shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

2. FIS–1, Procedural Rules for Financial Transactions Under Agency Agreements, is hereby amended by adding the following footnote at the end thereof: "The above referred to books of accounts and documents shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

3. FIS–2, Procedure to be Followed by General Agents in Preparation of Invoices and Payment of Compensation Pursuant to Provisions of NSA Order No. 47, is hereby amended by adding the following footnote at the end thereof: "The above referred to invoices and account books shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

4. INS–1, Marine Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements, is hereby amended by adding the following footnote at the end thereof: "The above referred to statements or credit memoranda shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

5. OPR–1, Slop Chests, is hereby amended by adding the following footnote at the end thereof: "The above referred to records and logs shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

6. OPR–4, Authority and Responsibility of General Agents to Undertake to Decommission Ships to be Withdrawn from Operation and Placed in a Reserve Fleet, is hereby amended by adding the following footnote at the end thereof: "The above referred to blueprints, instruction books, navigation books, ship's plans and ship's correspondence shall be properly sorted, neatly packaged and stored in a welded store room aboard the ship, when ship is decommissioned."

7. OPR 6, Authority and Responsibility of General Agents to Undertake to Decommission Tankers and Place in a Reserve Fleet, is hereby amended by adding the following footnote at the end thereof: "The above referred to blueprints, instruction books, navigation books, charts, ship's plans and ship's correspondence, shall be properly sorted, neatly packaged and stored in a welded store room aboard the ship, when ship is decommissioned."

8. SRM–1, Expenditure Control and Distribution of Job Orders and Worksmalrep Contracts, is hereby amended by adding the following footnote at the end thereof: "The above referred to Job Orders, Supplemental Job Orders or Worksmalrep Contracts shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

9. SRM–2, Authority and Responsibility of General Agents to Undertake Emergency Repairs in Foreign Ports, is hereby amended by adding the following footnote at the end thereof: "The above referred to records and supporting documents shall be retained until the completion of the audit by the General Accounting Office, at which time the Mari-

time Administration will take custody of the records."

10. SRM–3, Authority and Responsibility of General Agents to Undertake in Continental United States Ports Voyage Repairs and Service Equipment of Vessels Operated for the Account of the National Shipping Authority Under General Agency Agreement, is hereby amended by adding the following footnote at the end thereof: "The above referred to records and supporting documents shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

11. SRM–4, General Agent's Responsibility in Connection with Foreign Repair Custom's Entries, is hereby amended by adding the following footnote at the end thereof: "The above referred to records and supporting documents shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

12. SRM–5, Procedure for Accomplishment of Vessel Repairs Under National Shipping Authority Master Lump Sum Repair Contract—NSA-LUMP-SUMREP, is hereby amended by adding the following footnote at the end thereof: "The above referred to records and supporting documents shall be retained until the completion of the audit by the General Accounting Office, at which time the Maritime Administration will take custody of the records."

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: October 10, 1956.

WILLIAM A. STIGLER,
Acting Deputy Maritime Administrator.

[F. R. Doc. 56–8509; Filed, Oct. 22, 1956; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Title 39, Chapter I, is amended as set forth below:

PART 12—ENVELOPES

In § 12.4 *Window envelopes* make the following changes:

1. Amend the introductory statement to read as follows: "Window envelopes, or open panel envelopes, may be used under the following conditions:"

2. Amend paragraph (d) to read as follows:

(d) The return address should appear in the upper left corner. If there is no return address and the delivery address does not show through the window, the piece will be handled as dead mail.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 13—ADDRESSES

In § 13.1 *General information* amend paragraph (g) by striking out the reference to § 12.4 (d).

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 16—BULK MAILINGS

In § 16.2 *Third-class mailings* amend paragraph (b) (1) to read as follows:

(1) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), face all addresses one way except the last which must be reversed to expose its address on the outside of the package. Do not label direct packages.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 31—STAMPS, ENVELOPES, AND CARDS

In § 31.2 *Plain envelopes and postal cards* amend paragraph (a) (3) to read as follows:

(3) *Window envelopes.* Window envelopes are sold to the public in full box lots only. Windows in size 5, 7, and 8 envelopes are 1⅛ inches wide and 4¾ inches long and are located ¾ inch from the left edge and ½ inch from the bottom; in the size 13 the window is the same size but is located 1 inch from the left edge and ½ inch from the bottom.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 41—SERVICE IN POST OFFICES

In § 41.3 *Post office boxes* amend paragraph (c) (2) to read as follows:

(2) *Rates.* No change in existing rates will be made by postmasters without authority from the regional controller's office.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 61—MONEY ORDERS

a. In § 61.2 *How to buy an international money order* make the following changes:

1. In paragraph (d), insert Ryukyu Islands in the table of countries.

2. In paragraph (e) amend the table of countries by inserting, in proper order, the following:

Malaya (Federation of) and Singapore. Jahore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang including Province of Wellesley), Perak, Perlis, Selangor and Trengganu and Singapore.	Great Britain.

b. Section 61.4 *Lost or damaged money orders* is amended to read as follows:

§ 61.4 *Lost or damaged money orders*—(a) *When you lose a money order.* A money order that is lost will be replaced without charge by the Post Office Department. Make application through your local postmaster.

(b) *Making application.* The postmaster will wait 30 days after the date of issue of the original money order before forwarding POD Form 6401, Inquiry as to Payment of a Money Order.

(c) *Consent of payee or endorsee.* A duplicate money order will be issued in accordance with the wishes of the applicant without the consent of the payee or endorsee.

(d) *Payment of duplicate orders.* A duplicate money order will be paid at any post office or bank under the same conditions governing the payment of the original money order.

(R. S. 161, 396, as amended, 4027; 5 U. S. C. 22, 369, 39 U. S. C. 711)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 56–8484; Filed, Oct. 22, 1956; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1345]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the hereinafter-described public lands in Alaska, including the mineral resources thereof, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and the lands, excluding the mineral resources, are reserved for use of the Department of the Air Force for military purposes. Jurisdiction over the mineral resources is retained in the Department of the Interior:

FAIRBANKS 012866

Commencing at the intersection of latitude 64°40' N., longitude 146°45' W., thence East 1,000 feet to the true point of beginning for this description, thence
N. 89° 00' W., 5,700 feet;
North, 4,200 feet;
East, 4,800 feet;
S. 51° 45' E., 3,600 feet;
South, 5,250 feet;
West, 2,300 feet;
North, 1,250 feet to point of beginning.
The tract described contains 960 acres.

FAIRBANKS 012867

Commencing at the intersection of latitude 64°35' N., longitude 146°45' W., thence South 27° 00' W., 2,560 feet to the true point of beginning for this description, thence
North, 2,600 feet;
East, 1,250 feet;
N. 31° 15' E., 3,950 feet;
N. 78° 00' E., 3,200 feet;
S. 54° 00' E., 3,500 feet;
S. 36° 00' W., 5,600 feet;
West, 5,850 feet to point of beginning.
The tract described contains 910 acres.

FAIRBANKS 012881

(FAIRBANKS MERIDIAN)

T. 4 S., R. 4 E.,
Sec. 28, W½SW¼SW¼SE¼, and SE¼SW¼SW¼SE¼ (unsurveyed);
Sec. 29, lots 2, 3, N½SW¼SW¼, N½S½SW¼SW¼, SE¼SW¼SW¼, SW¼SE¼, and SE¼SE¼;
Sec. 32, N½NE¼.
The areas described aggregate 244.93 acres.

FAIRBANKS 012885

TRACT "A"

(FAIRBANKS MERIDIAN)

T. 2 S., R. 2 E.,
Sec. 12, E½E½NE¼ and E½NE¼NE¼SE¼.
T. 2 S., R. 3 E., (partly unsurveyed),
Sec. 5, SW¼SW¼SW¼ and S½SE¼SW¼SW¼;
Sec. 6, S½S½SE¼, S½N½S½SE¼, S½SE¼SW¼, S½N½SE¼SW¼, S½SW¼SW¼, and S½NE¼SW¼SW¼;
Sec. 7, N½, N½S½, E½SE¼SW¼, SW¼SE¼, and W½W½SE¼SE¼;
Sec. 8, W½NW¼, NW¼NW¼SW¼, W½NE¼NW¼SW¼, and N½SW¼NW¼SW¼;
Sec. 18, W½NE¼ and W½W½E½NE¼.
The areas described aggregate 925 acres.

ANCHORAGE 030682

(SEWARD MERIDIAN)

T. 15 N., R. 3 W.,
Sec. 6, SW¼SE¼SE¼SE¼, SE¼SW¼SE¼SE¼, W½SW¼SE¼SE¼, S½SW¼SE¼, S½SE¼SW¼, and South 400 feet of lot 4;
Sec. 7, lots 1, 2, 3, N½ of lot 4, NE¼, E½NW¼, N½SE¼, NE¼SW¼, N½SE¼SW¼, N½S½SE¼, NE¼SW¼SE¼SE¼, NW¼SE¼SE¼SE¼, and E½SE¼SE¼SE¼;
Sec. 8, SW¼SE¼, S½SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, SE¼SE¼NW¼SW¼, W½NW¼NW¼SW¼, W½W½SW¼NW¼, and W½SW¼NW¼NW¼;
Sec. 17, lots 3, 5, and 6.
T. 15 N., R. 4 W.,
Sec. 1, SE¼SE¼SE¼SE¼ (unsurveyed);
Sec. 12, E½NE¼NE¼, SW¼NE¼NE¼, E½NW¼NE¼NE¼, SW¼NW¼NE¼NE¼, SE¼SE¼NW¼NE¼, E½E½SW¼NE¼, SE¼NE¼, N½NE¼SE¼, SE¼NE¼SE¼, N½SW¼NE¼SE¼, SE¼SW¼NE¼SE¼, E½NE¼NW¼SE¼, and N½NE¼SE¼SE¼.
The areas described aggregate 992.96 acres.

The withdrawal made by this order in connection with Anchorage 030682 shall take precedence over but not otherwise affect Public Land Order No. 1102 of March 23, 1956, so far as it reserved certain lands for use of the Alaska Aeronautics and Communications Commission.

FRED A. SEATON,
Secretary of the Interior.

OCTOBER 16, 1956.

[F. R. Doc. 56–8477; Filed, Oct. 22, 1956; 8:46 a. m.]

[Public Land Order 1346]

[Montana 020881 (SD)]

SOUTH DAKOTA

WITHDRAWING PUBLIC LANDS WITHIN BLACK HILLS NATIONAL FOREST FOR USE OF FOREST SERVICE AS CAMP GROUNDS, AN ORGANIZATION CAMP AND A PICNIC GROUND

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands within the Black Hills National Forest in South Dakota are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture as camp grounds, an organization camp, and a picnic ground:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Castle Peak Camp Ground:
T. 1 N., R. 3 E.,
Sec. 2, NW¼.
The area described contains 160 acres.
Cheese Hill Camp Ground:
T. 1 N., R. 4 E.,
Sec. 7, E½NW¼.
The area described contains 80 acres.
IOOF Organization Camp:
T. 3 N., R. 5 E.,
Sec. 20, NE¼SW¼.
The area described contains 40 acres.
Oreville Picnic Ground:
T. 2 S., R. 4 E.,
Sec. 14, W½NW¼NE¼, E½NW¼.
The areas described aggregate 100 acres.

FRED A. SEATON,
Secretary of the Interior.

OCTOBER 16, 1956.

[F. R. Doc. 56–8478; Filed, Oct. 22, 1956; 8:46 a. m.]

[Public Land Order 1347]

[71923]

MICHIGAN

PARTIALLY REVOKING EXECUTIVE ORDER OF NOVEMBER 8, 1827, WHICH RESERVED CERTAIN PUBLIC LANDS FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of November 8, 1827, so far as it reserved the following-described public lands in Michigan for lighthouse purposes, is hereby revoked:

MICHIGAN MERIDIAN

T. 39 N., R. 1 W.,
Sec. 5.

The area described contains 701.25 acres of which 4.81 acres have been patented.

Excepting, however, the following tract which shall remain within the withdrawal created by the Executive order of November 8, 1827, for use of the U. S. Coast Guard for lighthouse purposes:

That part of sec. 5, T. 39 N., R. 1 W., Michigan Meridian, described as follows:
Beginning at a point from which the center of an abandoned lighthouse tower bears S. 11° W., 216 feet, the lighthouse tower being N. 21° E., 10,417 feet from the corner common to secs. 5, 6, and 7, thence
N. 50° W., 276 feet to a point on the shore of Lake Huron;
Southeasterly, 435 feet approximately, along shore line of Lake Huron;
N. 77° W., 150 feet to point of beginning.
The tract described contains 0.53 acre.

The released lands are embraced in forest exchange application, BLM 042-960, filed by the State of Michigan under the act of July 31, 1912 (37 Stat. 241), by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

FRED A. SEATON,
Secretary of the Interior.

OCTOBER 16, 1956.

[F. R. Doc. 56–8479; Filed, Oct. 22, 1956; 8:46 a. m.]

[Public Land Order 1348]

[Colorado 013229]

COLORADO

RESERVING PUBLIC LANDS FOR USE OF FOREST SERVICE AS BUFORD RANGER STATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as the Buford Ranger Station:

SIXTH PRINCIPAL MERIDIAN

T. 1 S., R. 91 W.,
Sec. 4, SE¼SW¼.
The area described contains 40 acres.

This order shall be subject to the existing withdrawal of the lands for power purposes.

FRED A. SEATON,
Secretary of the Interior.

OCTOBER 16, 1956.

[F. R. Doc. 56–8480; Filed, Oct. 22, 1956; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of this title is hereby amended as follows:

1. Section 247.4 *Responsibilities of the operator* is hereby amended by changing the period at the end of paragraph (l) to a comma and adding the following: "such records to be retained for a period of three years after date of the Final Guarantee Survey."

2. Section 271.10 *Forms to be submitted by operators in accordance with operating-differential subsidy agreement* (20 F. R. 2227, April 8, 1955 was deleted from this chapter by superseding Part 271 in its entirety by a new Part 272.

3. Sections 282.00, 282.01 and 292.3 are hereby amended by adding a footnote at the end of each section reading as follows: "The books, records and accounts referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the contractor."

safety of organic phosphate pesticides. oxytetracycline. A tolerance of 1 parts at least one newspaper of general

4. Section 282.364 *Notes and accounts receivable from officers and employees* is hereby amended by adding the following footnote at the end thereof: "Such records shall be retained two years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the contractor."

5. Section 285.5 *Audits* is hereby amended by adding the following footnote at the end thereof: "The accounts, books, documents, memoranda, minutes and records referred to herein shall be retained two years after the final determination and acceptance of payment by the Maritime Administration."

6. Section 285.35 *Failure to maintain adequate cost records* is hereby amended by adding a footnote at the end thereof to read: "The books and records referred to in this section shall be kept for a period of two years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration."

7. Section 286.1 *Creation and maintenance of statutory reserve funds* is hereby amended by adding a footnote at the end thereof to read: "The resolutions referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the operator."

8. Section 287.6 *Establishment of fund* is hereby amended by adding a footnote at the end thereof to read: "The resolutions referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the operator."

9. Section 287.24 *Reports by taxpayers* is hereby amended by adding a footnote at the end thereof to read: "The records referred to in this section shall be retained for a period of six months beyond the termination or closing out of the reserve fund."

10. Section 292.8 *Statement of purposes and reservations* is hereby amended by adding a footnote at the end thereof to read: "The working papers referred to in this section shall be retained until a final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the operator."

11. Section 299.21 *Sales of war-built vessels to citizens of the United States* is hereby amended by adding a footnote at the end thereof to read: "The books, records and accounts referred to in this section shall be retained until a final release or settlement agreement is completed between the Maritime Administration and the purchaser."

12. Sections 299.31, 299.37–2, 299.37–4, 299.82 and 311.21 are hereby amended by adding a footnote at the end of each section reading as follows: "The books, records and accounts referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration and the charterer."

13. Section 308.517 *Open cargo policy, Form MA–300* is hereby amended by adding a footnote at the end thereof to read: "The books, records and accounts referred to in this section shall be retained until a release is granted by the Maritime Administration, at which time the Administration will take custody of the records."

14. Section 308.548 *Standard form of underwriting agency agreement for cargo:* Form MA–318 is hereby amended by adding a footnote at the end thereof to read: "The books, records and accounts referred to in this section shall be retained until a release is granted by the Maritime Administration, at which time the Administration will take custody of the records."

15. Section 308.7 *War risk insurance underwriting agency agreement* is hereby amended by adding a footnote at the end thereof to read: "The books, records and accounts referred to in this section shall be retained until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records.

16. Section 310.3 *Schools and courses* is hereby amended by adding a new sentence at the end of paragraph (b) (5) thereof to read: "All personnel records are to be retained for a period of 60 years from the date of enrollment; all other records for twelve years after final audit."

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: October 10, 1956.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 56–8503; Filed, Oct. 22, 1956; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 33—CENTRAL REGION

SUBPART—MUD LAKE NATIONAL WILDLIFE REFUGE, MINNESOTA

DEER HUNTING

Basis and purpose: On the basis of investigations by representatives of the Minnesota Department of Conservation and of the Fish and Wildlife Service, I have determined that the hunting of deer may be permitted from time to time on certain lands of the Mud Lake National Wildlife Refuge without interfering with the primary purpose of the area.

Inasmuch as the following regulation is a relaxation of the existing restrictions applicable to the Mud Lake National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.)

Effective immediately upon publication in the FEDERAL REGISTER the following subpart is added:

Sec.
33.121 Deer hunting permitted.
33.122 State laws.
33.123 Hunting licenses and permits.
33.124 Entry.
33.125 State cooperation.

AUTHORITY: §§ 33.121 to 33.125 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 33.121 *Deer hunting permitted.* Subject to the conditions and requirements of §§ 33.122 through 33.125, the Regional Director of the Fish and Wildlife Service, after an examination of the habitat and a determination of the deer population, may, from time to time, if in his judgment the facts warrant, open to the hunting of deer any or all of the lands of the Mud Lake National Wildlife Refuge, Minnesota, by suitably posting such lands.

§ 33.122 *State laws.* Any person who hunts within the refuge must comply with all applicable State laws and regulations.

§ 33.123 *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license if such license is required, which license shall serve as a Federal permit for hunting on the refuge: *Provided,* That the refuge officer in charge may limit the number of persons hunting on the refuge and may require a special permit in addition to the required State license, which permit may limit the area within which the permittee may hunt and the period for which permission is granted.

§ 33.124 *Entry.* Entry on and use of the refuge for any purpose are governed by Parts 18 and 21 of this chapter, and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall follow such routes of travel as may be designated by suitable posting by the refuge officer in charge. Hunters, when entering or leaving the public hunting area, must report to representatives of the Service or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.125 *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

Dated: October 17, 1956.

JOHN L. FARLEY,
Director.

[F. R. Doc. 56–8504; Filed, Oct. 22, 1956; 8:53 a. m.]

PART 33—CENTRAL REGION

SUBPART—RICE LAKE NATIONAL WILDLIFE REFUGE, MINNESOTA

DEER HUNTING

Basis and purpose. On the basis of investigations by representatives of the Minnesota Department of Conservation and of the Fish and Wildlife Service, I have determined that the hunting of deer may be permitted from time to time on certain lands of the Rice Lake National Wildlife Refuge without interfering with the primary purpose of the area.

Inasmuch as the following regulation is a relaxation of the existing restrictions applicable to the Rice Lake National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER the following sections are added:

Sec.
33.167 Deer hunting permitted.
33.168 State laws.
33.169 Hunting licenses and permits.
33.170 Entry.

AUTHORITY: §§ 33.167 to 33.170 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 33.167 *Deer hunting permitted.* Subject to the provisions and requirements of §§ 33.168 through 33.170, the Regional Director of the Fish and Wildlife Service, after an examination of the habitat and a determination of the deer population, may, from time to time, if in his judgment the facts warrant, open to the hunting of deer any or all of the lands of the Rice Lake National Wildlife Refuge, Minnesota, by suitably posting such lands.

§ 33.168 *State laws.* Any person who hunts within the refuge must comply with all applicable State laws and regulations. State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

§ 33.169 *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license if such license is required, which license shall serve as a Federal permit for hunting on the refuge: *Provided,* That the refuge officer in charge may limit the number of persons hunting on the refuge and may require a special permit in addition to the required State license, which permit may limit the area within which the permittee may hunt and the period for which permission is granted.

§ 33.170 *Entry.* Entry on and use of the refuge for any purpose are governed by Parts 18 and 21 of this chapter, and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall follow such routes of travel as may be designated by suitable posting by the refuge officer in charge. Hunters, when entering or leaving the public hunting area, must report to representatives of the Service or of the State at such checking stations as may be established for the purpose of regulating the hunt.

Dated: October 17, 1956.

JOHN L. FARLEY,
Director.

[F. R. Doc. 56–8505; Filed, Oct. 22, 1956; 8:53 a. m.]

PART 33—CENTRAL REGION

SUBPART—TAMARAC NATIONAL WILDLIFE REFUGE, MINNESOTA

DEER HUNTING

Basis and purpose. On the basis of investigations by representatives of the Minnesota Department of Conservation and of the Fish and Wildlife Service, I have determined that the hunting of deer may be permitted from time to time on certain lands of the Tamarac National Wildlife Refuge without interfering with the primary purpose of the area.

Inasmuch as the following regulation is a relaxation of the existing restrictions applicable to the Tamarac National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER the following sections are added:

Sec.
33.246 Deer hunting permitted.
33.247 State laws.
33.248 Hunting licenses and permits.
33.249 Entry.
33.250 State cooperation.

AUTHORITY: §§ 33.246 to 33.250 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 33.246 *Deer hunting permitted.* Subject to the provisions and requirements of §§ 33.247 through 33.250, the Regional Director of the Fish and Wildlife Service, after an examination of the habitat and a determination of the deer population, may, from time to time, if in his judgment the facts warrant, open to the hunting of deer any or all of the lands of the Tamarac National Wildlife Refuge, Minnesota, by suitably posting such lands.

§ 33.247 *State laws.* Any person who hunts within the refuge must comply with all applicable State laws and regulations.

§ 33.248 *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license if such license is required, which license shall serve as a Federal permit for hunting on the refuge: *Provided,* That the refuge officer in charge may limit the number of persons hunting on the refuge and may require a special permit in addition to the required State license, which permit may limit the area within which the permittee may hunt and the period for which permission is granted.

§ 33.249 *Entry.* Entry on and use of the refuge for any purpose are governed by Parts 18 and 21 of this chapter, and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall follow such routes of travel as may be designated by suitable posting by the refuge officer in charge. Hunters, when entering or leaving the public hunting area, must report to representatives of the Service or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.250 *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

Dated: October 17, 1956.

JOHN L. FARLEY,
Director.

[F. R. Doc. 56–8506; Filed, Oct. 22, 1956; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 945]

TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Notice is hereby given that the Secretary of Agriculture is considering the approval of the limitation of shipments hereinafter set forth, which was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR, 1955 Rev., Part 945), hereinafter referred to as Order No. 45, regulating the handling of tomatoes grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

Consideration will be given to any data, views, or arguments pertaining thereto, which are received by the Director, Fruit and Vegetable Division, Agriculture Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than October 30, 1956. The proposals are as follows:

§ 945.302 *Limitation of shipments.* During the period from November 12, 1956 through June 30, 1957, the following regulations shall be effective with respect to tomatoes grown in the production area defined in § 945.4 of Order No. 45:

(a) No person shall handle for shipment outside the production area any mature green tomatoes 1⅞ inches diameter or larger:

(1) Unless they are packed within one of the following ranges of diameters (expressed in terms of minimum and maximum):

Size arrangements:	Diameter (inches)
7 x 8	1⅞ to 2⅛, inclusive.
7 x 7	Over 2⅛ to 2$^{9}/_{32}$, inclusive.
6 x 7	Over 2$^{9}/_{32}$ to 2$^{17}/_{32}$, inclusive.

(2) Such mature green tomatoes shall be packed separately for each size range;

(3) To allow for variations incident to proper sizing not more than a total of ten (10) percent, by count, of the mature green tomatoes in any lot may be smaller than the specified minimum diameter or larger than the specified maximum diameter;

(4) Tomatoes $1\frac{7}{32}$ inches diameter or smaller and $2\frac{9}{16}$ inches diameter and larger may be shipped without regard to the aforesaid pack requirements;

(5) The requirements of this paragraph shall be applicable only to mature green tomatoes and they shall not be applicable to "pink" tomatoes and tomatoes having a greater degree of maturity;

(6) For purposes of this section, mature green tomatoes are deemed to be tomatoes generally showing a slight break in the ground color to a whitish green color over the shoulders; the contents of the seed cavities will be slightly moist and of a jelly or glue-like consistency, the seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; and the contents of two or more locules must have a jelly-like consistency and well developed seeds;

(7) For purposes of this section, "pink" tomatoes are deemed to be tomatoes usually hard or firm to feel; which are turning in color, with most of the surface of the fruit ranging from green to yellow, but showing some pink or yellow at the blossom end; and

(8) For purposes of this section, any lot of tomatoes containing more than ten (10) percent of mature green tomatoes shall be classified as mature green tomatoes.

(b) No person shall handle for shipment outside the production area any tomatoes packed in the following containers:

(i) Unless the net weight of such tomatoes in each such container does not exceed the maximum net weight set forth for each such container:

Container usual description	Carrier container No.	Inside dimensions (inches)	Cubic contents (inches)	Maximum net weight of tomatoes (pounds)
60-pound field box	None	11 x 11 x 22¼	2,662	62
60-pound wire-bound crate	4015	11⅛/₁₆ x 11⅜/₁₆ x 18¾	2,672	62
60-pound tomato lug (corrugated)	[1] 23104	13½ x 13¾ x 12¼	3,283	62
50-pound duo pack	[1] 50	11 x 10¾ x 19	2,247	51⅔
50-pound full telescope	None	10⅞/₁₆ x 10¾ x 18⅜/₁₆	2,083	51⅔
40-pound 2-piece cardboard box	1915	10 x 9 x 19⅜	1,738	41½
40-pound ½ RSC vent stitliner	7807	12¼ x 8 x 18⅞	1,822	41½
40-pound bulge pack tomato box	[1] 37 27	10 x 8⅞ x 19¾	1,753	41½
24-pound tomato lug box	1040	6½ x 13½ x 15⅞	1,353	35.12

[1] Manufacturer's number.

(2) To allow for variations incident to proper packing, not more than a total of ten percent of the aforesaid containers in any lot, by count, may exceed the specified maximum net weight set forth in subparagraph (1) of this paragraph for each such container.

(c) No person shall handle for shipment outside the production area any tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 945.60.

(d) For purposes of this section, § 945.140 relating to truck shipments of tomatoes in Florida, issued May 2, 1956, and effective May 5, 1956 (21 F. R. 3000), shall continue in effect. The said rule is as follows:

§ 945.140 *Truck shipments.* In case of the transportation by truck outside of the production area of any tomatoes which are required to be inspected and certified as complying with any applicable requirements under this part, such tomatoes shall be accompanied by, and made available for examination at any time upon request, a copy of the appropriate inspection certificate or a copy of the appropriate transfer clearance receipt (Form FV-418) issued by the Federal-State Inspection Service, the official inspection agency for this program, showing that such tomatoes have been so inspected and certified.

(e) For purposes of this section, each person subject thereto may handle, pursuant to § 945.53, up to, but not to exceed 300 pounds of tomatoes per day without regard to the requirements of this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 19, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-8602; Filed, Oct. 22, 1956; 9:00 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.223 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1957, will amount to $3,024.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 17, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8488; Filed, Oct. 22, 1956; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 657, 673, 706]

[Administrative Order 471]

INDUSTRY COMMITTEES IN PUERTO RICO

NOTICE OF RESIGNATION AND APPOINTMENT OF EMPLOYEE MEMBER

Hipolito Marcano, a resident of Puerto Rico, having resigned from Industry Committee No. 25, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints David Sternback, another resident of Puerto Rico, to serve in his stead on such Committee as a representative of employees.

Signed at Washington, D. C., this 18th day of October 1956.

ROCCO C. SICILIANO,
Acting Secretary of Labor.

[F. R. Doc. 56-8507; Filed, Oct. 22, 1956; 8:53 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 72]

INTERSTATE QUARANTINE

DRINKING WATER STANDARDS

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations in this subpart to permit the use of the membrane filter procedure in the examination of water and to otherwise revise these regulations as indicated below. Interested persons may submit written data, views or arguments (in duplicate) in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than 30 days after the publication of this notice will be considered.

1. Section 72.201 (g) is amended to read as follows:

(g) "The coliform group of bacteria" includes all organisms considered in the coliform group as set forth in the Standard Methods for the Examination of Water, Sewage and Industrial Wastes, 10th Edition (1955), prepared and published jointly by the American Public Health Association, American Water Works Association and Federation of Sewage and Industrial Wastes Associations. The procedures [5] set for the determination of bacteria of this group shall be those specified therein for:

(1) The completed test; or

(2) The confirmed test when the liquid confirmatory medium brilliant green bile lactose broth, 2 percent, is used, providing the formation of gas in any amount in this medium during 48 hours of incubation at 35° C. is considered to constitute a positive confirmed test; or

(3) The confirmed test (alternate procedure) when streaking one or more plates of Endo Agar or Eosin Methylene Blue Agar from presumptive positive tubes of Lactose Broth or Lauryl Tryptose Broth. The incubation period for the selected medium shall be 24 hours ±2 hours at 35° C ±0.5°. Some of the colonies on the surface of the selected medium shall be separated by at least 0.5 cm. from one another. A confirmed test is positive when typical nucleated colonies with or without a metallic sheen are present. Any atypical opaque, unnucleated pink colonies are doubtful and the completed test procedure must be applied. If only negative colonies are present on the plate, the confirmed test may be considered negative; or

(4) The membrane filture procedure.

In the use of the Confirmed Test, or Confirmed Test (alternate procedure) it is the responsibility of the individual laboratory to establish beyond reasonable doubt by comparisons with the completed test the value of the Confirmed Test in determining the sanitary quality of water supplies examined.

2. Section 72.201 (i) is amended to read as follows:

(i) "The standard sample" for the bacteriological test shall consist of:

(1) Five (5) standard portions of either:

(i) Ten milliliters (10 ml), or

(ii) One hundred milliliters (100 ml) each.

(2) Not less than fifty milliliters (50 ml), when the membrane filter procedure is used, which shall be filtered through one or more membranes so that the total colony count (coliforms plus noncoliforms) on each filter shall not exceed 400. The use of standard samples larger than fifty milliliters will provide more information than smaller samples, but the total colony count per filter shall not in any case exceed 400.

In any disinfected supply the sample must be freed of any disinfecting agent if not filtered within twenty (20) minutes of the time of its collection.[6]

3. Section 72.203 (b) is amended by revising the language immediately preceding subparagraph (1) as follows:

(b) *Application.* Subparagraphs (1) and (2) of this paragraph shall govern when ten milliliter (10 ml) portions are used, subparagraphs (3) and (4) of this paragraph when one hundred milliliter (100 ml) portions are used and subparagraphs (5) and (7) of this paragraph when the membrane filter procedure is used.[6]

4. Section 72.203 (b) is further amended by adding at the end thereof the following new subparagraphs:

(6) The arithmetic mean density of all standard samples examined per month by the membrane filter procedure shall not exceed one per one hundred milliliters (1.0/100 ml).

(7) Utilizing the membrane filter procedure, greater than the average number of coliform colonies will occasionally be found in a single standard sample. This shall be permissible, provided the numbers of coliform colonies per standard sample are not greater than: three (3) per fifty milliliters (50 ml), four (4) per one hundred milliliters (100 ml), seven (7) per 200 milliliters (200 ml), thirteen (13) per five hundred milliliters (500 ml), or twenty-two (22) per one thousand milliliters (1,000 ml) in

(i) Any two (2) consecutive standard samples.

(ii) More than five (5) percent of the standard samples when twenty (20) or more samples have been examined per month.

(iii) One (1) standard sample when less than twenty (20) samples have been examined per month.

Provided further, That when one standard sample shows a larger number of colonies than are permissible under subparagraph (7) of this paragraph daily samples from the same sampling point shall be collected and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[6]

[5] This reference shall apply to all details of technique in the bacteriological examination, including the selection and preparation of apparatus and media, the collection and handling of samples, and the intervals and conditions of storage allowable between collection and examination of the water sample.

[6] In freeing samples of chlorine or chloramines, the procedures given in the Standards Method for the Examination of Water, Sewage and Industrial Wastes, 10th Edition (1955), shall be followed.

[6] It is to be understood that in the examination of any water supply the series of samples for any month must conform to both of the requirements of either subparagraphs (1) and (2), (3) and (4) or (6) and (7) of this paragraph, respectively.

[6] When this occurs and when waters of unknown quality are being examined, additional filtrations should be made on volumes ranging downward from the size of the standard sample.

5. Footnote 8 to § 72.204 (a) and footnote 9 to § 72.204 (e) are renumbered as footnotes 9 and 10 respectively.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 361, 58 Stat. 703, 42 U. S. C. 264)

Dated: October 17, 1956.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: October 9, 1956.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 56-8491; Filed, Oct. 22, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 77, 78]

[Notice 28; Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

OCTOBER 3, 1956.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments and the reasons therefor are set forth below.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before November 5, 1956. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the FEDERAL REGISTER.

(62 Stat. 738, 18 U. S. C. 831-835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5, Commodity List (15 F. R. 8261, 8263, 8267, 8269, 8271, Dec. 2, 1950) (49 CFR 72.5, 1950 Rev.) as follows:

608c)

ment. (a) The reasonable expenses that

views or arguments (in duplicate) in re-

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Ammonium bichromate	F. S.	73.153, 73.154, 73.235	Yellow	100 pounds.
*Reducing compounds, paint, varnish, lacquer, etc. *See* *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid.				
*Removing compounds, paint, varnish, lacquer, etc. *See* *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid.				
Sporting powder. See Black powder or Propellant explosives, class B explosives.				
Storage batteries, wet. *See* Batteries, electric storage, wet.				
Add				
Explosive release device	Expl. O.	No exemption, 73.102		150 pounds.
Monochloroacetic acid, liquid	Cor. L.	73.244, 73.294	White	1 quart.

PART 73—SHIPPERS

In § 73.9 amend paragraph (a) (17 F. R. 7279, Aug. 9, 1952) (49 CFR 1950 Rev., 1955 Supp., 73.9) to read as follows:

§ 73.9 *Import and export shipments.* (a) Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by rail freight, rail express, motor vehicle, or water must comply with all requirements of the regulations in Parts 71–78 of this chapter. Except for shipments from Canada conforming with § 73.8, the importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed in Parts 71–78 of this chapter, and the forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping papers as prescribed in this part. Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

• • • • •

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

In § 73.22 amend paragraph (f) (20 F. R. 4413, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.22) to read as follows:

§ 73.22 *Specification containers prescribed.* • • •

(f) Where the regulations require spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) metal drums, spec. 37D, 37E, 37F, 37G, and 37H metal drums manufactured prior to August 30, 1955, may be continued in use for commodities and gross weights for which they were previously authorized until further order of the Commission.

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.77 amend paragraph (b) (16 F. R. 11776, Nov. 21, 1951) (49 CFR 1950 Rev., 1955 Supp., 73.77) to read as follows:

§ 73.77 *Pentaerythrite tetranitrate.* • • •

(b) Pentaerythrite tetranitrate must be packed wet with not less than 40 percent by weight of water in specification containers 5 or 5B (§ 78.80 or § 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside containers which must be bags made of at least 10-ounce cotton duck, rubber, or rubberized cloth, which must be securely closed. The dry weight of pentaerythrite tetranitrate in one container must not exceed 300 pounds. These bags containing the pentaerythrite tetranitrate must then be placed in a rubber bag, rubberized cloth bag, or bag made of suitable watertight material and then placed in the barrel, keg, or drum. Any empty space in the outside bag must be filled with water and this bag securely closed.

• • • • •

2. In § 73.88 amend paragraph (e) (2) (21 F. R. 6342, Aug. 23, 1956) (49 CFR 73.88, 1950 Rev.) to read as follows:

§ 73.88 *Definitions of class B explosives.* • • •

(e) • • •

(2) Starter cartridges, jet engine, consist of plastic and/or rubber cases, each containing a pressed cylindrical block of propellant explosive and having in the top of the case a small plastic compartment that encloses an electric squib, small amounts of black powder, and smokeless powder, which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

• • • • •

3. In § 73.91 amend paragraph (a) (3); add paragraph (f) (4) (21 F. R. 6342, Aug. 23, 1956) (15 F. R. 8294, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp. 73.91) to read as follows:

§ 73.91 *Special fireworks.* (a) • • •

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds except as provided in subparagraph (5) of this paragraph. Not permitted for illuminating projectiles and aeroplane flares.

• • • • •

(f) • • •

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes without inside containers may be used for not more than 50 track torpedoes provided the smallest dimension of the box is not less than 6 inches.

• • • • •

4. In § 73.100 amend paragraph (d); add paragraph (z) (19 F. R. 8526, Dec. 14, 1954) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp. 73.100) to read as follows:

§ 73.100 *Definitions of class C explosives.* • • •

(d) Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene-trinitramine not exceeding 400 grains per linear foot, overspun with tapes, yarns and plastics or waterproofing compounds. Wire countering is permissable.

• • • • •

(z) Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning.

5. Amend entire § 73.102 (15 F. R. 8296, Dec. 2, 1950) (49 CFR 73.102, 1950 Rev.) to read as follows:

§ 73.102 *Explosive cable cutters or explosive release devices.* (a) Explosive cable cutters or explosive release devices must be packed in strong wooden or metal boxes.

(b) Each outside container must be plainly marked "Explosive Cable Cutters" or "Explosive Release Devices" and "Handle Carefully—Keep Fire Away."

SUBPART C—FLAMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.118 cancel paragraph (d) (21 F. R. 4432, June 23, 1956) (49 CFR 73.118, 1950 Rev.)

§ 73.118 *Exemptions for flammable liquids.* • • •

(d) [Cancel.]

2. In 73.122 amend paragraph (a) (3) and Note 1 thereto (21 F. R. 6343, Aug. 23, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.122) to read as follows:

§ 73.122 *Acrolein, inhibited.* (a) • • •

(3) Spec. 105A500W (§ 78.288 of this chapter) tank cars, which must be stenciled near the specification number "For Acrolein Only",

NOTE 1: Spec. 105A500W tank cars stenciled 105A300W because of safety valve settings may also be used. Safety valve settings as low as 150 pounds per square inch are authorized provided cars are stenciled above the commodity stenciling "Safety valves • • • lbs.", the stars to be replaced by the appropriate figures to indicate the valve setting.

• • • • •

3. In § 73.123 add paragraph (a) (6) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.123, 1950 Rev.) to read as follows:

§ 73.123 *Ethyl chloride.* (a) • • •

(6) Spec. MC330 (§ 78.336 of this chapter). Tank motor vehicle.

• • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.157 amend paragraph (a) (1) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.157, 1950 Rev.) to read as follows:

§ 73.157 *Benzoyl peroxide, chlorobenzoyl peroxide (para), lauroyl peroxide, or succinic acid peroxide, wet.* (a) • • •

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal containers or lining, spec. 2F (§ 78.25 of this chapter), or with inside paper bags lined with polyethylene at least 0.002 inch thick and not over 1 pound dry weight capacity each; or aluminum drums of at least 16 gauge United States standard, tightly sealed. Gross weight not over 200 pounds.

• • • • •

2. In § 73.182 amend paragraph (b) (4) and (5) (21 F. R. 4432, June 23, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.182) to read as follows:

§ 73.182 *Nitrates.* • • •

(b) • • •

(4) In burlap bags not exceeding 200 pounds net weight, water-resistant, made tight against sifting, and made of not less than 7½-ounce burlap. Ammonium nitrate-carbonate mixtures, calcium nitrate, potassium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

(5) In multi-wall paper bags not exceeding 110 pounds net weight, of at least 4-ply construction including moisture-barrier ply, and made tight against sifting. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture. Ammonium nitrate-carbonate mixtures, calcium nitrate, potassium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

3. In § 73.206 add paragraph (a) (6) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206, 1950 Rev.) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* (a) • • •

(6) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip), with air-tight metal inside containers which must have closing device securely fastened by positive means (not friction). Inside metal containers must be cushioned on all sides by incombustible packing material. Authorized for lithium metal or lithium hydride only.

• • • • •

4. In § 73.221 add paragraph (a) (6) and (7) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.221, 1950 Rev.) to read as follows:

§ 73.221 *Liquid peroxides other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.* (a) • • •

(6) Spec. 1F (§ 78.10 of this chapter). Polyethylene carboys in plywood drums. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

(7) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside Spec. 2S (§ 78.35 of this chapter) polyethylene drum. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

5. In § 73.223 amend paragraph (a) (3); cancel paragraph (a) (4) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.223, 1950 Rev.) to read as follows:

§ 73.223 *Peracetic acid.* (a) • • •

(3) Spec. 1D or 1F (§ 78.4 or § 78.10 of this chapter). Carboys.

(4) [Cancel.]

• • • • •

6. In § 73.234 add paragraph (a) (3) (19 F. R. 1278, Mar. 6, 1954) (49 CFR 73.234, 1950 Rev.) to read as follows:

§ 73.234 *Sodium nitrite.* (a) • • •

(3) Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter). Fiber drums, gross weight 425 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to authorized net weight of 400 pounds.

7. Add § 73.235 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.235, 1950 Rev.) to read as follows:

§ 73.235 *Ammonium bichromate.* (a) Ammonium bichromate must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.154.

(2) Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter). Fiber drums, gross weight not over 425 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to a net weight of 400 pounds.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.247 add paragraph (a) (18) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.247, 1950 Rev.) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(18) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes having inside containers of securely closed soft-lead tubes having not more than 65 fluid ounces capacity each, which tubes shall be individually packed in securely closed steel tubes, with not more than 3 such steel tubes fastened together as a unit. The inside units shall be surrounded on all sides with incombustible mineral material. Authorized for titanium tetrachloride only.

In § 73.249 amend paragraph (a) (10) (21 F. R. 3010, May 5, 1956) (49 CFR 73.249, 1950 Rev.) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate liquid.* (a) • • •

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with not more than one glass inside container not over 1 gallon capacity containing sodium hydroxide solution not over 25 percent strength and packed in a strong fiberboard box. Dry chemicals for photographic development process not classed as dangerous articles, contained in suitable inside packages, may be packed in the same outside box. The marking requirements of § 73.401 (c) shall not apply.

• • • • •

3. § 73.251 add paragraph (a) (2) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.251, 1950 Rev.) to read as follows:

§ 73.251 *Boron trichloride.* (a) • • •

(2) Spec. 105A300W, 106A500 or 106A500X (§ 78.286 or § 78.275 of this chapter). Tank cars.

4. In § 73.257 amend paragraph (a) (9) (21 F. R. 672, Jan. 31, 1956) (49 CFR 73.257, 1950 Rev.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test (Mullen or Cady) double-wall corrugated fiberboard or 325-pound test (Mullen or Cady) double-faced corrugated fiberboard, with not more than 12 inside glass bottles, having acid-proof closures, of not over 32 ounces capacity each. Inside glass bottles must be separated and cushioned by suitable corrugated fiberboard partitions. The

box must be equipped with top and bottom pads. (See § 78.205–32 of this chapter.)

• • • • •

5. In § 73.263 cancel paragraph (a) (16); add paragraph (d) (21 F. R. 672, Jan. 31, 1956) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) • • •

(16) [Cancel.]

• • • • •

(d) Hydrochloric acid mixtures of not over 28 percent strength, or cleaning compounds, liquid, containing not over 28 percent hydrochloric (muriatic) acid, in addition to the provisions of paragraphs (a) and (b) of this section, may be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test (Mullen or Cady) double-wall corrugated fiberboard or 325-pound test (Mullen or Cady) double-faced corrugated fiberboard, with not more than 12 inside glass bottles, having acid-proof closures, of not over 32 ounces capacity each. Inside glass bottles must be separated and cushioned by suitable corrugated fiberboard partitions. The box must be equipped with top and bottom pads. (See § 78.205–32 of this chapter.)

6. In § 73.266 add paragraph (c) (6) (15 F. R. 8318, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water.* • • •

(c) • • •

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside aluminum bottles constructed of at least 99 percent pure aluminum of not over 5 pounds or 5 pints capacity each. Each bottle shall be individually partitioned and surrounded by incombustible mineral packing material in the outside shipping container. Bottle closure shall be by means of a threaded aluminum cap, fitted with polyethylene gasket or other equally efficient closing device. A venting device which will not leak liquid under conditions normally incident to transportation is permitted.

• • • • •

7. In § 73.268 add paragraph (j) (15 F. R. 8320, Dec. 2, 1950) (49 CFR 73.268, 1950 Rev.) to read as follows:

§ 73.268 *Nitric acid.* • • •

(j) Nitric acid of not over 50 percent concentration, when offered for transportation by rail express, may in addition to the provisions of paragraph (i) of this section be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§ 78.168, § 78.169, § 78.170, § 78.185, § 78.190, or § 78.205 of this chapter). Wooden or fiberboard boxes with not over 12 inside glass ampoules having capacity not over 4 fluid ounces each. Each glass ampoule must be well cushioned with incombustible mineral packing material, such as vermiculite or other equally efficient material, and be packed in a cylindrical cardboard tube having wall thickness of at least ⅛ inch, with the inside coated with wax, and be equipped with metal bottom and with metal screw-cap top. The inside packages must be separated by efficient means.

8. In § 73.271 add paragraph (d) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* • • •

(d) Spec. MC310 or MC311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles when tanks are clad with 20 percent type 316 stainless steel. Authorized for phosphorus oxychloride only.

9. In § 73.289 amend paragraph (a) (10). (21 F. R. 672, Jan. 31, 1956) (49 CFR 73.289, 1950 Rev.) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(10) Spec. 1F, 1G, or 1H (§ 78.10, § 78.11 or § 78.13 of this chapter). Polyethylene carboys in wooden boxes, plywood drums or boxes, or metal crates.

• • • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
Change		
Difluoroethane	79	ICC–106A500, 106A500X, 110A500W, Note 12.
Difluoromonochloroethane	100	ICC–106A500, 106A500X, 110A500W, Note 12.
Monochlorotetrafluoroethane	125	ICC–106A500, 106A500X, 110A500W, Note 12.
Sulfur dioxide	125	ICC–106A500, 106A500X, 110A500W, Note 12.
Add		
Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.)	Note 6	ICC–105A100AL–W.

• • • • •

(f) Except as authorized by § 73.8, tank cars made in foreign countries, except Canada, must not be used in domestic traffic until they have been tested in this country and proper reports rendered as required by the specifications that apply.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.346 add paragraph (a) (15) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(15) Spec. 21B (§ 78.223 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

2. In § 73.358 add paragraph (a) (10) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev. 1955 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) • • •

(10) Spec. 42B (§ 78.107 of this chapter). Aluminum drums.

3. In § 73.359 add paragraphs (a) (10) and (b) (8) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1955 Supp., 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) • • •

(10) Spec. 42B (§ 78.107 of this chapter). Aluminum drums.

(b) • • •

(8) Spec. 42B (§ 78.107 of this chapter). Aluminum drums.

• • • • •

4. In § 73.391 amend paragraph (b) Note 1 (20 F. R. 952, Feb. 15, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.391) to read as follows:

§ 73.391 *Radioactive materials class D poison, definition.* • • •

(b) • • •

NOTE 1. For purposes of Parts 71–78 of this chapter 1 millicurie is that amount of any radioactive material which disintegrates at the rate of 37 million atoms per second. One thousand millicuries is equal to one curie.

• • • • •

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 73.414 amend the label in paragraph (a); amend the label in paragraph (b) (21 F. R. 674, Jan. 31, 1956) (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.414, 1950 Rev.) as follows:

§ 73.414 *Radioactive materials labels.* (a) • • •

(Red printing on white)

• • • • •

(b) • • •

(Blue printing on white)

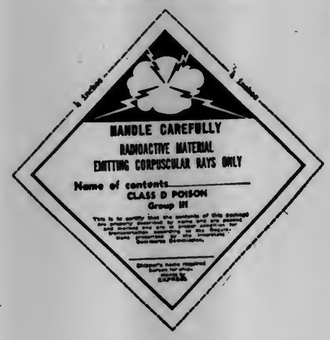

• • • • •

SUBPART I—SHIPPING INSTRUCTIONS

In § 73.427 amend paragraph (a) (21 F. R. 673, Jan. 31, 1956) (49 CFR 73.427, 1950 Rev.) to read as follows:

§ 73.427 *Shipping order and bill of lading description.* (a) The shipper when offering for transportation by carriers by rail freight, rail express, highway, or water any class A, class B, or class C explosive, flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, as defined by this part, must describe such article in the shipping order, bill of lading or other shipping paper by the shipping name used in § 72.5 (see commodity list) of this chapter and may add a further description not inconsistent therewith. Abbreviations must not be used. For shipments of blasting caps and/or electric blasting caps the shipper must, in addition, show the number of caps in the shipment.

(No change in Note 1.)

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

In § 74.525 amend the introductory text of paragraph (b); amend paragraph (c) (3); add paragraph (c) (4) (15 F. R. 8346, Dec. 2, 1950) (20 F. R. 952, 953, Feb. 15, 1955) (49 CFR 1950 Rev., 1955 Supp., 74.525) to read as follows:

§ 74.525 *Loading packages of explosives in cars, selection, preparation, inspection of car and certificate.* • • •

(b) Certified closed cars must be inspected inside and outside, other cars must be inspected as applicable to the type of car, and must conform to the following specifications:

• • • • •

(c) • • •

(3) Car certificate: The following certificate, printed on strong tag board measuring 7 by 7 inches, or 6 by 8 inches, must be duly executed in triplicate by the carrier, and by the shipper, if he loads the shipment; the original must be filed by the carrier at the forwarding station on a separate file; and the other two must be attached, one to each outer side of car to the fixed placard board or to the side of wooden car between car initials and the car door, or as otherwise provided. (See § 74.549.)

----------Railroad

CAR CERTIFICATE

No. 1. ---------- Station, ----------, 19--

I hereby certify that I have this day personally examined ---------- car No. ----------; and that car structure has no loose boards, holes or cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the kingbolts and draft bolts are properly protected and that there are no uncovered pieces of metal or nails projecting from the car which might cause injury to packages or containers of explosives; also that the floor is in good condition and has this day been cleanly swept before the car was loaded; that I have examined all the axle boxes and that they are properly covered, packed, and oiled, and that the air brakes and hand brakes are in condition for service.

(Railway employe inspecting car)

No. 2. ---------- Station, ----------, 19--

I hereby certify that I have this day personally examined the above car; that the floor is in good condition and has been cleanly swept and that car structure has no loose boards, holes, cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the kingbolts and draft bolts are protected, and that there are no uncovered pieces of metal or nails projecting from the car which might cause injury to packages or containers of explosives; that the explosives in or on this car have been loaded and braced and the car has been placarded, according to the Regulations for the transportation of explosives prescribed by the Interstate Commerce Commission; that the doors of car so equipped fit or have been stripped so that sparks cannot get in at the joints or bottom.

(Shipper)

(Railway employe inspecting loading and bracing)

NOTE 1: Both certificates must be signed; certificate No. 1 by the representative of the carrier. For all shipments loaded by the shipper he or his authorized agent must sign certificate No. 2, and the representative of the carrier must certify as to loading, bracing and general conditions. When the car is not loaded by the shipper, certificate No. 2 must be signed only by the representative of the carrier. A shipper must decline to use a car not in proper condition.

(4) Car certificates remaining on hand and which were authorized by regulations in effect prior to ----------, may be used for closed car inspections until stocks are exhausted.

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend entire § 74.538 *Loading and storage chart* (15 F. R. 8349, 8350, Dec. 2, 1950) (16 F. R. 11780, Nov. 21, 1951) (17 F. R. 9839, Nov. 1, 1952) (18 F. R. 5273, Sept. 1, 1953) (19 F. R. 1281, Mar. 6, 1954) (20 F. R. 4418, June 23, 1955) (20 F. R. 8106, Oct. 28, 1955) (21 F. R. 674, Jan. 31, 1956) (21 F. R. 3013, May 5, 1956) (21 F. R. 6346, Aug. 23, 1956) (49 CFR 1950 Rev., 1955 Supp., 74.538) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) Explosives or other dangerous articles must not be loaded, transported, or stored together, except as provided in the Loading and Storage Chart of Explosives and Other Dangerous Articles shown in this section.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators • [4]	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A •	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	Fireworks, special or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters; delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fusees or railway fusees	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids or corrosive liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials (class D poisons)
CLASS A EXPLOSIVES																							
Low explosives or black powder	(•)			X																			
High explosives or propellant explosives, class A	(•)			X	X			X			X						X	X	X	X	X	X	X
Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine pentaerythrite tetranitrate, tetrazene	(•)	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	(•)		X	X		X	X				•X						•X	•X	•X	•X	X	X	
Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators • [4]	(•)			X	X		X		X								X	X	X	X	X	X	
Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A •	(f)			X	X		X		X								X	X	X	X	X	X	
Detonating fuzes, class A, with or without radioactive components	(•)		X	X		X	X		X								X	X	X	X	X	X	
CLASS B EXPLOSIVES																							
Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	1			X																	•X		X
Propellant explosives, class B, jet thrust units (jato) class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	2			X																	•X		X
Fireworks, special or railway torpedoes	3	X	X	X	•X	X	X	X															X
CLASS C EXPLOSIVES																							
Small arms ammunition	4			X																			
Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	5			X																			
Percussion fuzes, tracer fuzes or tracers	6			X																			

See footnotes at end of table.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators • [4]	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A •	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	Fireworks, special or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters; delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fusees or railway fusees	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids or corrosive liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials (class D poisons)
CLASS C EXPLOSIVES—con.																							
Time, combination or detonating fuzes, class C	7			X																			
Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	8			X																			
Fireworks, common, highway fusees or railway fusees	9	X	X	X	•X	X	X	X															
OTHER DANGEROUS ARTICLES																							
Flammable liquids or compressed flammable gases, red label	10	X	X	X	•X	X	X	X														X	
Flammable solids or oxidizing materials, yellow label	11	X	•X	X	•X	X	X	X	•X	•X												X	
Acids or corrosive liquids, white label	12	X	X	X	•X	X	X	X	•X														
Compressed nonflammable gases, green label	13	X	X	X	•X	X	X	X															
Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	14	X	X	X	X	X	X	X	X	X	X	X											
Radioactive materials (class D poisons)	15	X	X	X	X	X	X	X														X	

• Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with articles named in vertical and horizontal columns 3, 9, 10, 11, 12, and 13. Loading and transportation of blasting caps or electric blasting caps in any quantity with articles named in vertical or horizontal columns b, c, e, or f is prohibited.

• Unless loaded in opposite ends of car, acids or other corrosive liquids, white label, must not be loaded with yellow label articles, ammunition for cannon with or without projectiles or propellant explosives, except that shippers loading carload shipments of white label and yellow label articles may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

• Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

[4] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

• Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives or with blasting caps and detonating primers.

NOTE 1: Charged electric storage batteries must not be loaded in the same car nor stored with any class A explosive.

NOTE 2: Cyanides or cyanide mixtures must not be loaded or stored with acids or corrosive liquids.

NOTE 3: Gas identification sets may be loaded and transported with all articles named except those in column c.

NOTE 4: Nitric acid, when loaded in the same car with other acids or other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank, set on edge, should be nailed across the car floor at least 12 inches from the nitric acid carboys, and the space between the plank and the carboys of nitric acid should be filled with sand, sifted ashes, or other incombustible absorbent material.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

1. In § 74.576 add paragraph (b) (15 F. R. 8354 Dec. 2, 1950) (49 CFR 74.576, 1950 Rev.) to read as follows:

§ 74.576 *Intermediate shippers and carriers.* • • •

(b) Every carrier offering or delivering for rail transportation any loaded motor vehicle or any loaded motor vehicle trailer, semi-trailer, or container containing any shipment of an explosive or other dangerous article shall show on the bill of lading, shipping order, shipping paper, transfer sheet, or other billing issued in lieu thereof, in addition to the description of the vehicle or container, the proper and definite name of the commodity as shown in § 72.5 of this chapter and the color or kind of label or kind of placards applied.

2. In § 74.600 add paragraph (c) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 74.600, 1950 Rev.) to read as follows:

§ 74.600 *In case of a wreck.* • • •

(c) Whenever a car placarded "Dangerous—Class D Poison" is involved in a wreck resulting in damage to any container of radioactive material, such container should be isolated as far as practicable from human contact. The shipper and the Bureau of Explosives must be notified immediately. Cars, building, equipment, or areas in which radioactive materials have been spilled must not be again placed in service or occupied until it has been determined that no dangerous contamination exists.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.803 amend paragraph (a) (15 F. R. 8361, 8362, Dec. 2, 1950) (49 CFR 77.803, 1950 Rev.) to read as follows:

§ 77.803 *Import shipments by domestic carriers by motor vehicles.* (a) Import shipments of explosives and other

dangerous articles offered in the United States in original packages for transportation by carriers by motor vehicle must comply with all requirements of Parts 71–78 of this chapter. Except for shipments from Canada conforming with § 73.8 of this chapter, the importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed in Parts 71–78 of this chapter, and the forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping papers as prescribed in Parts 71–78 of this chapter.

* * * * *

2. In § 77.817 amend entire paragraph (a) (20 F. R. 953, Feb. 15, 1955) (21 F. R. 4433, June 23, 1956) (49 CFR 1950 Rev., 1955 Supp., 77.817) to read as follows:

§ 77.817 *Shipping papers.* (a) Every motor carrier operating a motor vehicle transporting explosives or other dangerous articles shall require the driver of the vehicle to have in his possession, and the driver shall keep in his possession during the course of such transportation, a manifest, memorandum receipt, bill of lading, shipping order, shipping paper, or other memorandum setting forth the following information for each class of such article being transported: The shipping name, the total quantity by weight, volume, or otherwise as appropriate of each kind of explosive or other dangerous article, and the prescribed label when required for the outside container of such article. For shipments of blasting caps or electric blasting caps the shipper must, in addition, show the number of caps in the shipment.

(1) Every carrier offering or delivering for rail transportation any loaded motor vehicle or any loaded motor vehicle trailer, semi-trailer, or container containing any shipment of an explosive or other dangerous article shall show on the bill of lading, shipping order, shipping paper, transfer sheet, or other billing issued in lieu thereof, in addition to the description of the vehicle or container, the proper and definite name of the commodity as shown in § 72.5 and the color or kind of label or kind of placards applied.

3. In § 77.820 amend paragraph (a) (15 F. R. 8363, Dec. 2, 1950) (49 CFR 77.820, 1950 Rev.) to read as follows:

§ 77.820 *Waybills, manifests, etc.* (a) The waybill, manifest, dispatch, memorandum receipt, bill of lading, transfer sheet, or interchange record, when prepared for shipments and used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in § 72.5 of this chapter, and show color of label applied. (See § 77.817.)

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend entire § 77.848 *Loading and storage chart* (15 F. R. 8368, 8369, Dec. 2, 1950) (16 F. R. 11781, Nov. 21, 1951) (17 F. R. 9839, 9840, Nov. 1, 1952) (18 F. R. 5274, Sept. 1, 1953) (20 F. R. 4418, June 23, 1955) (20 F. R. 8106, Oct. 28, 1955) (21 F. R. 674, Jan. 31, 1956) (21 F. R. 3013, May 5, 1956) (21 F. R. 6347, Aug. 23, 1956) (49 CFR, 1950 Rev., 1955 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) Explosives or other dangerous articles must not be loaded, transported, or stored together, except as provided in the Loading and Storage Chart of Explosives and Other Dangerous Articles shown in this section.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators • d	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A •	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	Fireworks, special or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fuses or railway fuses	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids or corrosive liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials (class D poisons)
CLASS A EXPLOSIVES																							
Low explosives or black powder	(a)			X							X						X	X	X	X	X	X	X
High explosives or propellant explosives, class A	(b)			X	X			X			X						X	X	X	X	X	X	X
Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanylnitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitromannite, nitroguanidine pentaerythrite tetranitrate, tetrazene	(c)	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	(d)		X	X		X	X				• X						• X	• X	• X	• X	• X	X	X
Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators • d	(e)			X	X																		
Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A •	(f)			X	X																		
Detonating fuzes, class A, with or without radioactive components	(g)		X	X		X	X																
CLASS B EXPLOSIVES																							
Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	1			X																	X	X	
Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	2			X																	X	X	
Fireworks, special or railway torpedoes	3	X	X	X	• X	X	X	X														X	
CLASS C EXPLOSIVES																							
Small arms ammunition	4			X																			
Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	5			X																			
Percussion fuzes, tracer fuzes or tracers	6			X																			
Time, combination or detonating fuzes, class C	7			X																			
Cordeau detonant fuze, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	8			X																			
Fireworks, common, highway fuses or railway fuses	9	X	X	X	• X	X	X	X															

See footnotes at end of table.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet; Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators • d	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A •	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	Fireworks, special or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuze, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fuses or railway fuses	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids or corrosive liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials (class D poisons)
CLASS A EXPLOSIVES—continued																							
Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators • d	(e)			X	X			X			X						X	X	X	X	X	X	X
Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A •	(f)			X	X			X			X						X	X	X	X	X	X	X
Detonating fuzes, class A, with or without radioactive components	(g)		X	X		X	X				X						X	X	X	X	X	X	X
CLASS B EXPLOSIVES																							
Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	1			X																	X	X	
Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines	2			X																	X	X	
Fireworks, special or railway torpedoes	3	X	X	X	• X	X	X	X														X	
CLASS C EXPLOSIVES																							
Small arms ammunition	4			X																			
Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	5			X																			
Percussion fuzes, tracer fuzes or tracers	6			X																			
Time, combination or detonating fuzes, class C	7			X																			
Cordeau detonant fuze, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	8			X																			
Fireworks, common, highway fuses or railway fuses	9	X	X	X	• X	X	X	X															

See footnotes at end of table.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuses class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Low explosive or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket projectiles, with or without bursting charge, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [4]	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A [4]	Detonating fuses, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket motors with empty inert-loaded or solid projectiles or without projectiles	Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	Fireworks, special or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuses, tracer fuses or tracers	Time, combination or detonating fuses, class C	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fuses or railway fuses	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids or corrosive liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials (class D poisons)
OTHER DANGEROUS ARTICLES																							
Flammable liquids or compressed flammable gases, red label	10	X	X	X	•X	X	X	X	----	----	----	----	----	----	----	----	----	----	----	----	----	X	----
Flammable solids or oxidizing materials, yellow	11	X	•X	X	••X	X	X	X	----	----	----	----	----	----	----	----	----	----	----	•X	----	X	----
Acids or corrosive liquids, white label	12	X	X	X	•X	X	X	X	•X	•X	----	----	----	----	----	----	----	----	•X	----	----	X	----
Compressed nonflammable gases, green label	13	X	X	X	•X	X	X	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	14	X	X	X	X	X	X	X	X	X	X	X	----	----	----	----	X	X	X	X	----	----	----
Radioactive materials (class D poisons)	15	X	X	X	X	X	X	X	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

• Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with articles named in vertical and horizontal columns 8, 9, 10, 11, 12, and 13. Loading and transportation of blasting caps or electric blasting caps except as prescribed in § 77.835, in any quantity, with articles named in vertical or horizontal columns b, c, e, or f is prohibited.

• Acid or other corrosive liquids, white label, must not be loaded above or adjacent to flammable solids or oxidizing materials, yellow label, ammunition for cannon with or without projectiles, or propellant explosive, except that shippers loading truckload shipments of white label and yellow label packages may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

• Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

[4] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

[5] Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives or with blasting caps and detonating primers.

NOTE 1: Charged electric storage batteries must not be loaded in the same vehicle with explosives, class A.

NOTE 2: Cyanides or cyanide mixtures must not be loaded or stored with acids or corrosive liquids.

NOTE 3: Gas identification sets may be loaded and transported with all articles named except those in column e.

NOTE 4: Nitric acid, when loaded in the same motor vehicle with other acids or other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank, set on edge, should be nailed across the motor vehicle floor at least 12 inches from the nitric acid carboys, and the space between the plank and the carboys of nitric acid should be filled with sand, sifted ashes, or other incombustible absorbent material.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

In § 78.131–6 paragraph (a) table, change the last number in the second column to read "480" instead of "450" (20 F. R. 4419, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp., 78.131–6) to read as follows:

§ 78.131 *Specification 37A; steel drums.*

§ 78.131–6 *Capacities, weights, type, and gauges.* (a) • • •

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness in the black (gauge, United States standard)[1]		Minimum ring gauge bolted type [2]
			Body sheet [2]	Head sheet	
5	60	Straight side	26	26	Lug or plain ring seal.
5	80	....do	24	24	
10	160	....do	24	24	
55	150	....do	26	26	18, plain.
55	275	....do	24	24	18, plain.
55	350	....do	24	24	16, 2-inch overlap.
55	480	....do	22	22	16, 2-inch overlap.

(Footnotes remain the same.)

• • • • • •

[2] Tops and bottoms may be made of paper covered veneer board of good quality Douglas fir, or lumber of equal quality, having minimum thickness of 1/8 inch and free from decay, objectionable knots that interfere with nailing, splits, gaps, and other defects that materially lessen the strength. Paper covering shall be at least Kraft untreated linerboard having a basis weight of 42 pounds per 1,000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board. Board ends must be provided with such reinforcement as may be necessary to provide strength for nailing.

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

In § 78.165–8 amend footnote 2 to paragraph (a) table (20 F. R. 8109, Oct. 28, 1955) (49 CFR 1950 Rev., 1955 Supp., 78.165–8) to read as follows:

§ 78.165 *Specification 14; wooden boxes nailed.*

§ 78.165–8 *Parts and dimensions.* (a) • • •

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. In § 78.205–32 amend the heading (21 F. R. 676, Jan. 31, 1956) (49 CFR 1950 Rev., 1955 Supp., 78.205–32) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205–32 *Special box; authorized only for electrolyte (acid), corrosive battery fluid, hydrochloric acid mixtures of not over 28 percent strength, or cleaning compounds, liquid, containing not over 28 percent hydrochloric (muriatic) acid.* • • •

2. In § 78.214–8 amend paragraph (a) (18 F. R. 5278, Sept. 1, 1953) (49 CFR 1950 Rev., 1955 Supp., 78.214–8) to read as follows:

§ 78.214 *Specification 23F; fiberboard boxes.*

§ 78.214–8 *Type authorized.* (a) Of solid fiberboard; 1-piece, or 3-piece without recessed heads, fitted with lining tube or lining tubes as prescribed in § 78.214–15, except that lining tubes are not required for boxes used for shipments of electric blasting caps packed in accordance with § 73.66 (g) (1) of this chapter, or when box is constructed of 1-piece of not less than 600-pound test board weighing not less than 300 pounds per 1,000 square feet. Boxes having handholes are authorized when approved by the Bureau of Explosives.

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

In § 78.245–1 amend paragraph (c) (17 F. R. 7287, Aug. 9, 1952) (49 CFR 1950 Rev., 1955 Supp., 78.245–1) to read as follows:

§ 78.245 *Specification 51; steel portable tanks.*

§ 78.245–1 *Requirements for design and construction.* • • •

(c) On and after August 31, 1953, every uninsulated portable tank shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.265–7 paragraph (b), amend only the third sentence within; in § 78.265–10 paragraph (b), amend only the last two sentences within (21 F. R. 4567, 4568, June 26, 1956) (49 CFR 1950 Rev., 1955 Supp., 78.265–7, –10) to read as follows:

§ 78.265 *Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.265–7 *Riveting.* • • •

(b) • • • Riveted seams and joints must be made metal to metal without interposition of other material, with the exception that the use of 2 liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between 2 rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible.

• • • • •

§ 78.265–10 *Expansion dome.* • • •

(b) • • • When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

• • • • • •

2. Amend § 78.285–7 paragraph (a) (21 F. R. 4598, June 26, 1956) (49 CFR 78.285–7, 1950 Rev.) to read as follows:

§ 78.285 *Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.285–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

3. In § 78.293–17 paragraph (b), amend only the table titled, "Record of Hydrostatic Tests on Tanks" (21 F. R. 4612, 4613, June 26, 1956) (49 CFR 1950 Rev., 1955 Supp., 78.293–17) to read as follows:

§ 78.293 *Specification 110A500–W; metallic arc fusion-welded steel tanks to be mounted on a car.*

§ 78.293–17 *Inspection and reports.* • • •

(b) • • •

(Place)_____

(Date)_____

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered_____to_____inclusive.

Size_____inches outside diameter by_____inches long.

Made by_____Company.

For_____Company.

Serial Nos. of tanks tested	Actual test pressure (pounds per square inch)	Total expansion (c. c.) [1]	Permanent expansion (c. c.)[1]	Percent ratio of permanent expansion to total expansion	Tare weight pounds [2]	Capacity in pounds of water at 60° F.

(Signed)_____

(NOTE: Footnotes remain the same.)

• • • • • •

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

In § 78.336–1 amend paragraph (c) (21 F. R. 676, Jan. 31, 1956) (49 CFR 1950 Rev., 1955 Supp., 78.336–1) to read as follows:

§ 78.336 *Specification MC 330; Steel cargo tanks.*

§ 78.336–1 *Requirements for design and construction.* • • •

(c) On and after August 31, 1953, every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

Section, Paragraph, and Reason for Amendment

72.5; (a) Commodity List; Provides additions and amendments to keep commodity list on a current basis.

73.9; (a); To exempt the importer of Canadian shipments, conforming with § 73.8, from furnishing the shipper and forwarding agent at port of entry with information as to packing, marking, labeling, etc.

73.22; (f); To allow temporary use of certain type 37 drums manufactured prior to Aug. 30, 1955.

73.77; (b); To authorize spec. 17H metal drum for the transportation of pentaerythrite tetranitrate.

73.88; (e) (2); To authorize rubber cases as an additional type package for starter cartridges, jet engine.

73.91; (a) (3); To delete reference to toy torpedoes, packing for which is covered in § 73.91 (g).

73.91; (f) (4); To authorize spec. 12B fiberboard box for small shipments of track torpedoes.

73.100; (d); To provide for the transportation of a new type of cordeau detonant fuse.

73.100; (z); To define explosive release devices.

73.102, Entire section; To provide for the transportation of explosive release devices.

73.118; (d); To regulate pressurized flammable liquids only as flammable liquids.

73.122; (a) (3) and Note 1; To permit lower valve settings on certain tank cars transporting acrolein.

73.123; (a) (6); To authorize spec. MC 330 tank motor vehicle for the transportation of ethyl chloride.

73.157; (a) (1); To provide for an additional inside type of package for certain oxidizing materials.

73.182; (b) (4) and (5); To clarify that burlap bags made of not less than 7½ ounce burlap of strength not less than 8 ounce burlap may be used for certain nitrates; to provide label exemption for postassium nitrate.

73.206; (a) (6); To authorize spec. 17H or 37A metal drums for the transportation of certain flammable solids.

73.221; (a) (6); To authorize spec. 1F polyethylene carboys in plywood drums for the transportation of certain liquid peroxides.

73.221; (a) (7); To authorize spec. 6J steel barrels or drums for the transportation of certain liquid peroxides.

73.223; (a) (3); To provide more suitable carboys for the transportation of peracetic acid.

73.223; (a) (4); Cancels the use of spec. 42D aluminum drums.

73.234; (a) (3); To authorize spec. 21A or 21B fiber drums for the transportation of sodium nitrite.

73.235; Entire section; To provide for the transportation of ammonium bichromate.

73.247; (a) (18); To provide an additional type of inside container for titanium tetrachloride.

73.249; (a) (10); To provide for larger inside containers for sodium hydroxide solution not over 25 percent strength.

73.251; (a) (2); To provide for the transportation of boron trichloride in certain tank cars.

73.257; (a) (9); To clarify packaging requirements applicable to transporting electrolyte acid in spec. 12B fiberboard box.

73.263; (a) (16) and (d); Clarifies what type spec. 12B fiberboard box is required for hydrochloric acid mixtures not over 28 percent strength.

73.266; (c) (6); To provide spec. 12B fiberboard box for hydrogen peroxide not exceeding 37 percent strength by weight.

73.268; (j); To provide spec. 12B fiberboard boxes for the shipment of nitric acid of not over 50 percent concentration.

73.271; (d); To provide spec. MC 310 or MC 311 tank motor vehicles for the transportation of phosphorus oxychloride.

73.289; (a) (10); Clarifies that plywood boxes as well as drums of spec. 1G are also authorized for the shipment of formic acid.

73.294; Entire section; To provide for the transportation of monochloroacetic acid, liquid.

73.302; (a) (1); To provide for the use of suitable containers other than metal for compressed gases in small quantities.

73.314; (a) table; To provide spec. 110A-500W tank car for certain liquefied compressed gases; to provide for the transportation of nitrogen fertilizer solution having a limited pressure in 105A100AL–W tank car.

73.314; (f); To exempt tank cars constructed in Canada from being tested in the United States.

73.346; (a) (15); To provide spec. 21B fiber drums for the shipment of poisonous liquids, n. o. s.

73.358; (a) (10); To provide spec. 42B aluminum drums for the shipment of certain class B poisons.

73.359; (a) (10) and (b) (8); To provide spec. 42B aluminum drums for the shipment of certain class B poisons.

73.391; (b) (Note 1); To define one thousand millicuries is equal to one curie for measuring radioactive disintegration.

73.414; (a) and (b); To cooperate in standardization of radioactive labels.

73.427; (a); To require that the number of electric blasting caps must be shown on billing by the shipper.

74.525; (b); To clarify inspection requirements for other than closed cars.

74.525; (c) (3); Amends car certificates to provide for other than closed cars.

74.525; (c) (4); To permit the use of existing stocks of current car certificates.

74.538; (a) Loading and Storage Chart; To incorporate all changes subsequent to the 1950 Revision of the regulations.

74.576; (b); Clarifies requirements as to billing notations for shipments in trailers on flat cars.

74.600; (c); To include additional instructions for handling wrecks involving radioactive materials.

77.803; (a); To exempt the importer of Canadian shipments conforming with § 73.8, from furnishing the shipper and forwarding agent at port of entry with information as to packing, marking, labeling, etc.

77.817; (a); To require that the number of electric blasting caps must be shown on the billing by the shipper.

77.817; (a) (1); Clarification, and to require that either the color or kind of label or kind of placards applied must be shown on the shipping papers covering loaded trailers on flat cars.

77.820; (a); Clarification.

77.848; (a) Loading and Storage Chart; To incorporate all changes subsequent to the 1950 Revision of the regulations.

78.131–6; (a) table; To provide for greater gross weight in spec. 37A drums of at least 22 gauge steel.

78.165–8; (a) table footnote 2; To provide veneer board of certain quality for the construction of spec. 14 boxes.

78.205–32; Heading; To make consistent with certain sections in Part 73.

78.214–8; (a); To permit the use of some spec. 23F fiberboard boxes without liners.

78.245–1; (c) Clarification of paint requirements.

78.265–7; (b); To correct a typographical error.

78.265–10; (b); To properly punctuate material.

78.265–7; (a); To correct a typographical error.

78.293–17; (b) table; To rearrange table in proper form.

78.336–1; (c); Clarification of paint requirements.

[F. R. Doc. 56–8413; Filed, Oct. 22, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BIG SPRINGS LIVESTOCK AUCTION ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Big Springs Livestock Auction, Big Springs, Texas.
Bonham Livestock Commission Company, Bonham, Texas.
Tate Bros. Livestock Auction Company, Colorado City, Texas.
J. C. (Po-Boy) Morriss Commission Co., Douglasville, Texas.
Rains County Livestock Commission Company, Emory, Texas.
Greenville Livestock Commission Company, Greenville, Texas.
Tate Bros. Livestock Auction Company, Lamesa, Texas.
Midland Livestock Auction Company, Midland, Texas.
Paris Livestock Commission Company (South Barn), Paris, Texas.
Paris Livestock Commission Company (North Barn), Paris, Texas.
Sulphur Springs Livestock Commission Company, Sulphur Springs, Texas.
Tri-County Auction Company, Sweetwater, Texas.
Winnsboro Livestock Commission Company, Winnsboro, Texas.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in Section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 18th day of October 1956.

[SEAL] H. E. REED,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 56–8512; Filed, Oct. 22, 1956; 8:54 a. m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

AMENDMENT TO OCTOBER 1956 MONTHLY SALES LIST

The price listing for the Commodity Credit Corporation Monthly Sales List for October 1956 is amended as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669). The October 1956 Sales List is amended, effective October 11, 1956 in two respects: (a) By withdrawing from the Sales List, spray process nonfat dray milk offered for export restricted use (animal and poultry feed), and (b) by reducing the amount of roller process nonfat dry milk offered on the Sales List for export restricted use (animal and poultry feed) from 19 million pounds to 12 million pounds.

Issued: October 16, 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 56–8489; Filed, Oct. 22, 1956; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

CUSTOMS SIMPLIFICATION ACT OF 1956

REQUEST FOR COMMENT RELATING TO ANTIDUMPING ACT

OCTOBER 17, 1956.

Section 5 of the Customs Simplification Act of 1956 (Pub. Law 927, 84th Cong., 70 Stat. 943) provides as follows:

SEC. 5. Nothing in this Act shall be considered to repeal, modify, or supersede, directly or indirectly, any provision of the Antidumping Act, 1921, as amended (U. S. C., 1952 edition, title 19, secs. 160–173). The Secretary of the Treasury, after consulting with the United States Tariff Commission, shall review the operation and effectiveness of such Antidumping Act and report thereon to the Congress within six months after the date of enactment of this Act. In that report, the Secretary shall recommend to the Congress any amendment of such Antidumping Act which he considers desirable or necessary to provide for greater certainty, speed, and efficiency in the enforcement of such Antidumping Act.

Consideration will be given to any relevant views pertaining to amendments to the Antidumping Act considered desirable or necessary for the purposes above set forth, which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, communications relative to the above must be received in the Bureau not later than 45 days from the date of publication of this notice.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 56–8508; Filed, Oct. 22, 1956; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF ESTABLISHMENT OF NEW PRINCIPAL MERIDIAN

OCTOBER 17, 1956.

The Kateel River Principal Meridian is hereby established to govern the survey of the public lands of the United States in the Territory of Alaska west of 153° West longitude, between 63° and 68°22' North latitude.

Triangulation Station "Jay, 1953", established by the United States Coast and Geodetic Survey, is adopted as the initial point of the Kateel River Principal Meridian. Said triangulation station is in latitude 65°26'16.374" North and longitude 158°45'31.014" West, North American 1927 datum.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 56–8481; Filed, Oct. 22, 1956; 8:47 a. m.]

Office of the Secretary

[69322]

OREGON

EXCHANGING ADMINISTRATIVE JURISDICTION OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS; CORRECTION

The order of the Secretary of the Interior and the Secretary of Agriculture appearing as F. R. Document 56–5018 of the issue for June 23, 1956 at pages 4525–4530, is hereby corrected in the following particulars:

In Part I of the order:

a. Josephine County:
T. 33 S., R. 5 W., sec. 20, change "SE¼, SW¼" to read "SE¼SW¼."
b. Curry County:
T. 34 S., R. 10 W., sec. 12, change "that portion in Curry County" to read "that portion of NW¼NE¼ in Curry County."
c. Douglas County:
T. 32 S., R. 4 W., sec. 33, add "F. O. Worley unpatented placer claim."
d. Jackson County:
T. 33 S., R. 3 E., sec. 18, change "S½SE¼" to "S½SE¼."
T. 40 S., R. 2 W., sec. 10, add "SW¼ SE¼NW¼."
T. 38 S., R. 3 W., sec. 16, add "N½SE¼."
e. Tillamook County:
T. 3 S., R. 8 W., sec. 15, change "S¼E" to "SE¼."
f. Lane County:
T. 16 S., R. 3 E., sec. 30, change "W½SW¼" to "W½SE¼."
g. Jackson County:
By adding the following-described lands to the list of lands transferred from the Department of Agriculture to the administrative jurisdiction of the Department of the Interior by part (1) of the order:

WILLAMETTE MERIDIAN

T. 34 S., R. 3 E.,
Sec. 2, SW¼NW¼, NW¼SW¼;
Sec. 3, NE¼SE¼;
Sec. 6, lot 7, NE¼SE¼, S½SE¼;
Sec. 8, NE¼NE¼, N½NW¼NE¼;
Sec. 10, SE¼SW¼;
Sec. 12, NE¼NE¼, S½NE¼, NW¼NW¼, E½SW¼, SE¼;
Sec. 13, N½NE¼, E½NW¼, E½SE¼;
Sec. 14, S½SE¼;
Sec. 24, NE¼, NW¼SW¼, SE¼SW¼, SE¼ (except patented portion);
Sec. 26, NE¼;
Sec. 34, S½NW¼, N½SW¼.

The areas described aggregating 1,750.53 acres, are part of the 241,137.09 acres transferred by paragraph (1) of the order, but through inadvertence their descriptions were omitted.

In Part II of the order:

a. Josephine County:
T. 34 S., R. 9 W., sec. 21, change "N½NW¼" to "S½NW¼."
T. 34 S., R. 10 W., sec. 35, change entire description to read "E½, E½SW¼, SE¼NW¼ and that portion of N½NW¼ in Josephine County."
T. 36 S., R. 9 W., sec. 5, add "except mineral patent in sec. 5."
b. Curry County:
T. 34 S., R. 10 W., sec. 35, change "that portion in Curry County" to read "that portion of the N½NW¼ in Curry County."

FRED A. SEATON,
Secretary of the Interior.

OCTOBER 16, 1956.

EARL L. BUTZ,
Acting Secretary of Agriculture.

AUGUST 29, 1956.

[F. R. Doc. 56–8482; Filed, Oct. 22, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN MAIL LINE, LTD., ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8186, between American Mail Line, Ltd., American President Lines, Ltd., Isthmian Lines, Inc., et al., covers an arrangement whereby the parties may meet from time to time and discuss transportation costs, space availability, sailing schedules, and related matters, and agree on rates, terms and conditions of carriage of cargo, and as to matters relating thereto, which are to be used as a basis for discussions with Military Sea Transportation Service and related Shipper Services (Army, Navy, Air Force, and other United States military services), for the purposes of negotiating rates, terms, and conditions in connection with the transportation of cargo for such services, to and from United States Pacific Coast ports, to and from ports in territories and possessions of the United States, and also between foreign ports.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 17, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–8502; Filed, Oct. 22, 1956; 8:52 a. m.]

Office of the Secretary

THEODORE S. HODGINS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 28, 1956 (21 F. R. 2795).

A. Deletions: no change.
B. Additions: no change.

This statement is made as of October 10, 1956.

THEODORE S. HODGINS.

OCTOBER 15, 1956.

[F. R. Doc. 56–8473; Filed, Oct. 22, 1956; 8:45 a. m.]

OLIVER J. GREENWAY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as re-

ported in the FEDERAL REGISTER of April 25, 1956 (21 F. R. 2666).

A. Deletions: none.
B. Additions: Ward Industries.

This statement is made as of October 10, 1956.

OLIVER J. GREENWAY.

OCTOBER 10, 1956.

[F. R. Doc. 56-8479; Filed, Oct. 22, 1956; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7422]

INVESTIGATION RELATING TO REGULATION AND CONDUCT OF REGIONAL TRAFFIC CONFERENCE OF IATA

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 8, 1956, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 17, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-8513; Filed, Oct. 22, 1956; 8:55 a. m.]

[Docket No. 7378]

TRANSFER OF TWA CINCINNATI-DETROIT ROUTE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 13, 1956, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 17, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-8514; Filed, Oct. 22, 1956; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6710]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

OCTOBER 17, 1956.

Take notice that on October 11, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by El Paso Electric Company (Applicant), a corporation organized under the laws of the State of Texas, and doing business in the States of Texas and New Mexico, with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of $9,000,000 principal amount of Promissory Notes. The Promissory Notes are proposed to be issued to such bank or banks from which Applicant may borrow funds up to but not exceeding $9,000,000 face amount at any one time outstanding for periods not exceeding twelve months from the date of original issue or renewal thereof, as the case may be, such notes issued either originally or upon renewal from time to time, to have maturity dates not later than December 31, 1957. Said notes will bear interest at a rate per annum not in excess of one-quarter of one per cent over the prime rate in effect at the time of the borrowing or the renewal or extension of the loans, as the case may be. The net proceeds will be used to refund $1,300,000 of presently outstanding Promissory Notes maturing December 5, 1956 and the balance will be used to reimburse Applicant for construction expenditures heretofore made, and to carry out part of the construction program now in progress and planned through 1957.

Any person desiring to be heard or make any protest with reference to said application should on or before the 7th day of November 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.7, 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8496; Filed, Oct. 22, 1956; 8:51 a. m.]

[Docket No. G-2725 etc.]

J. W. MADDEN, JR., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 17, 1956.

In the matters of J. W. Madden, Jr., Docket No. G-2725; J. L. Jarvis, et al. Lease, C. A. Marshall, Agent, Docket No. G-2958; Wm. Burns Lease, C. A. Marshall, Agent, Docket No. G-2959; G. M. Yeater Lease, C. A. Marshall, Agent, Docket No. G-2960; Russell Maguire, Docket No. G-3004; R. E. Beamon, Docket No. G-3061; Mendota Oil Company, Docket No. G-3317; R. H. Goodrich, Docket No. G-3826; Warren Petroleum Corporation, Docket No. G-4162; Munoco Company, Docket No. G-4214; Munoco Company, Docket No. G-4216; R. Lacy, Inc., Docket No. G-4245; W. H. Hunt, Docket No. G-4786; Skelly Oil Company, Docket No. G-5300; Sohio Petroleum Company, Docket No. G-5929; H. H. Coffield, et al., Docket No. G-6514; Navajo Natural Gas Corporation, Docket No. G-6735; Felmont Oil Corporation, Docket No. G-7021; Adams & Ray, Docket No. G-7998.

Take notice that the persons hereinabove captioned (Applicants), filed, as hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant in each docket sells natural gas in interstate commerce from production of certain leases, units or acreage located in the area indicated to the respective purchasers as indicated for resale.

On March 10, 1955, the Applicant in Docket No. G-3317 submitted photostats from Bowie Gasoline Company, Southern Union Gas Company and Highlander Gasoline Company advising that all gas purchased by these companies from Applicant in Montague County, Texas, or San Juan County, New Mexico, is sold and consumed within the state wherein it is produced.

Docket Number; Name of Applicant; Source of Gas; and Purchaser

G-2725; J. W. Madden, Jr.; ½ of Sara Davis Tract, Edmond Field, Oklahoma County, Oklahoma; Phillips Petroleum Company.

G-2958; I. L. Jarvis, et al. Lease, C. A. Marshall, Agent; Center District, Calhoun County, West Virginia; Godfrey L. Cabot, Inc.

G-2959; Wm. Burns Lease, C. A. Marshall Agent; Sherman District, Calhoun County, West Virginia; Godfrey L. Cabot, Inc.

G-2960; G. M. Yeater Lease, C. A. Marshall, Agent; Sherman District, Calhoun County, West Virginia; Godfrey L. Cabot, Inc.

G-3004; Russell Maguire; Pelican Field, Liberty County, Texas; Tennessee Gas Transmission Company.

G-3061; R. E. Beamon; Fairbanks Field, Harris County, Texas; Texas Illinois Natural Gas Pipeline Company.

G-3317; Mendota Oil Company; Benedum-Spraberry Field, Upton County, Texas; Phillips Petroleum Company. Spraberry Trend Area, Midland County, Texas; Phillips Petroleum Company. Queen's Peak Pool, Montague County, Texas; Bowie Gasoline Company. Leases, San Juan County, New Mexico; Southern Union Gas Company. Engle Field, Montague County, Texas; Highlander Gasoline Company.

G-3826; R. H. Goodrich; Helen Gohlke Field, Victoria County, Texas; Texas Eastern Transmission Corporation.

G-4162; Warren Petroleum Corporation; Willow Springs Field, Gregg County, Texas; Arkansas Louisiana Gas Company.

G-4214; Wm. C. and Theodosia M. Nolan, d. b. a. Munoco Company; North Ruston Field, Lincoln Parish, Louisiana; Arkansas Louisiana Gas Company.

G-4216; Wm. C. and Theodosia M. Nolan, d. b. a. Munoco Company; North Ruston Field, Lincoln Parish, Louisiana; Arkansas Louisiana Gas Company.

G-4245; R. Lacy, Inc.; Carthage Field, Panola County, Texas; United Gas Pipe Line Company.

G-4786; W. H. Hunt; West Oretta Field, Beauregard Parish, Louisiana; United Gas Pipe Line Company. Section 21, Township 21 South, Range 37 East, Lea County, New Mexico; El Paso Natural Gas Company. South Sinton Area, San Patricio County, Texas; Tennessee Gas Transmission Company.

G-5300 as amended February 17, 1955; Skelly Oil Company; Walker Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc. C. F. Schaer Lease, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc. John Svacina Lease, Logan County; Colorado; Kansas-Nebraska Natural Gas Company, Inc.

G-5929; Sohio Petroleum Company; Washington Field (excluding Cockfield "B" and "D" gas-condensate reservoirs), St. Landry and Evangeline Parishes, Louisiana; Transcontinental Gas Pipe Line Corporation.

G-6514; H. H. Coffield, E. Fred Herschbach, J. S. Hudnall, G. W. Pirtle; J. G. Bender Unit No. 1, Woodlawn Field, Harrison County, Texas; Mississippi River Fuel Corporation.

G-6735; Navajo Natural Gas Corporation; West Panhandle Field, Hutchinson and Carson Counties, Texas; Panhandle Eastern Pipe Line Company.

G-7021; Felmont Oil Corporation; Goldsmith (San Andres) Field, Ector County, Texas; Phillips Petroleum Company.

G-7998; Harry Adams and Bernerd A. Ray; Eva Woods Lease, Reagan County, Texas; El Paso Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1956. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8494; Filed, Oct. 22, 1956; 8:50 a. m.]

[Docket No. G-4280 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

NOTICE OF ORAL ARGUMENT

OCTOBER 17, 1956.

In the matters of Natural Gas Pipeline Company of America, Docket No. G-4280; Mid-Continent Petroleum Corporation, Docket No. G-4281; Warren Petroleum Corporation Docket No. G-4282; Oil Drilling, Inc., et al., Docket No. G-4283; Lone Star Gas Company, Docket No. G-8763.

In accordance with the provisions of the Commission's order issued September 28, 1956, notice is hereby given that an oral argument will be heard by the Commission at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. on October 25, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8492; Filed, Oct. 22, 1956; 8:50 a. m.]

[Docket No. G-9887 etc.]

CITIES SERVICE GAS CO. AND WARREN PETROLEUM CORP.

NOTICE OF APPLICATIONS, CONSOLIDATION AND DATE OF HEARING

OCTOBER 17, 1956.

In the matters of Cities Service Gas Company, Docket Nos. G-9887, G-9974, G-10520; Warren Petroleum Corporation, Docket No. G-10625.

Take notice that Cities Service Gas Company (Cities Service), a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application (1) on January 20, 1956, in Docket No. G-9887, and a supplement thereto on February 20, 1956, (2) on February 20, 1956, in Docket No. G-9974, and a supplement thereto on April 30, 1956, (3) on June 5, 1956, in Docket No. G-10520, and supplements thereto on June 20 and July 13, 1956, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Cities Service to construct and operate facilities (Docket Nos. G-9887, and G-10520), and to render the service proposed (Docket No. G-9974), subject to the jurisdiction of the Commission, and as more fully described in the applications and supplements thereto on file with the Commission and open to public inspection.

Take notice that Warren Petroleum Corporation (Warren), a Delaware corporation with a principal office in Tulsa, Oklahoma, filed an application on June 21, 1956, in Docket No. G-10625, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Warren to sell natural gas in interstate Commerce to Cities Service Gas Company for resale, subject to the jurisdiction of the Commission, and as more fully described in the application filed with the Commission and open to public inspection.

The application of Cities Service in Docket No. G-9887 recites Cities Service proposes to construct, install and operate facilities on its system, at the cost shown and reflected, for the purpose stated in the following tabulation:

1. *Tonganoxie-St. Joseph.* To increase system peak daily sales capacity by 49,728 Mcf in the Tonganoxie, Kansas-St. Joseph, Missouri, market area.

Description	Location	Estimated costs
(a) Drill, equip and connect 55 storage wells.	McLouth Storage Field.	$551,937
(b) 1350 H. P. Compressor addition.	Tonganoxie Compressor Sta.	262,000
(c) 28.37 miles, 16-inch loop to existing 12-inch.	Hurd Junction to St. Joseph.	755,000
	Subtotal	1,568,937

2. *Welda.* To increase system peak sales capacity in the Kansas City area by 49,331 Mcf daily through increased availability of peak period storage withdrawal volumes from the north and south Welda and Colony storage fields.

Description	Location	Estimated costs
(a) 2-1350 H. P. Compressor addition.	Welda Comp. station	$540,000
	Subtotal	540,000

3. *Ottawa-Sedalia-Carrollton.* To reduce compressor station overload and high operating line pressures otherwise required of certain existing facilities to supply increased future peak day demands.

Description	Location	Estimated costs
(a) 3.5 miles 12-inch pipe replacement to existing 8-inch line.	Johnson and Lafayette Counties, Mo.	$94,800
(b) 1350 H. P. Compressor addition.	Peculiar Comp. station	270,000
	Subtotal	364,800

4. *Edmond Compressor Station.* To permit the entry into its system of increased gas supply volumes from the Golden Trend area, Oklahoma.

Description	Location	Estimated costs
(a) 1350 H. P. Compressor addition.	Edmond Comp. station.	$270,000
	Subtotal	270,000

5. *Ellsworth-Beloit.* To provide for future increase in market requirements at lower pipe line operating pressures than is possible with existing facilities.

Description	Location	Estimated costs
(a) 3.0 miles, 6-inch pipe replacement to existing 3-inch line.	Lincoln County, Tex.	$31,800
	Subtotal	31,800
	Total construction costs	2,775,537
	Less: Replaced pipe salvage	5,600
	Total estimated costs	2,769,937

The application of Cities Service in Docket No. G-9974, recites it is now rendering service to Gas Service Company for resale in the Towns of Meriden, Kansas, and Cleveland, Missouri, and to Missouri Public Service Company for resale in Clinton, Missouri, under Cities

Service filed Rate Schedule L–2 under authorization contained in Docket Nos. G–1563 and G–2209, which require the use of dual-fuel heating equipment so that no peak day firm requirements are served, except cooking and water heating. Cities Service now proposes to render a firm service to said towns under its Rate Schedule F–2, and has sufficient gas from its existing reserves to render the new service.

The application of Cities Service in Docket No. G–10520, recites Cities Service proposes to construct and operate the following described facilities, which will cost $1,423,000. The facilities are:

(a) Construct a 30 inch pipe line, 11.77 miles in length to replace an existing 20 inch pipe line, beginning near the southwest corner of section 34, Township 13 North, Range 2 West, Oklahoma County, Oklahoma, and extending northerly to Applicant's Edmond compressor station, located in the NW¼ of Section 3, Township 14 North, Range 2 West, Oklahoma County, Oklahoma.

(b) Construct a 20 inch pipe line, 17 miles in length, looping and paralleling the existing 20 inch gas pipe line, beginning at Applicant's Edmond compressor station located in the NW¼ of Section 3, Township 14 North, Range 2 West, Oklahoma County and extending northerly to the NW¼ of Section 11, Township 17 North, Range 2 West, Logan County, Oklahoma.

(c) Add turbocharging equipment to two 1100 H. P. engine-compressor units in Applicants' Edmond compressor station located in the NW¼ of Section 3, Township 14, North, Range 2 West, Oklahoma County, Oklahoma, to add 250 H. P. to each unit.

(d) Reclaim 11.77 miles of 20 inch pipe line, beginning near the southwest corner of Section 34, Township 13 North, Range 2 West, Oklahoma County, and extending northerly to Applicant's Edmond compressor station, located in the NW¼ of Section 3, Township 14 North, Range 2 West, Oklahoma County, Oklahoma.

The application of Warren in Docket No. G–10625, recites that on December 24, 1952, it entered into a contract with Oklahoma Natural Gas Company for Warren's part of residue gas, which Warren considered was being sold to Oklahoma Natural (assigned by Oklahoma Natural to Cities Service May 15, 1956), with the exception of that part sold to Lone Star Gas Company; and that now Warren is informed that Cities Service transports such gas in interstate commerce for resale. Warren proposes to sell natural gas from its Maysville plants to Cities Service.

The matters of Cities Service in Docket No. G–10520 and Warren in Docket No. G–10625 are related, and should be heard on a consolidated record; the matters in Cities Service, Docket Nos. G–9887 and G–9974, should be consolidated for the purposes of hearing only, and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, November 19, 1956, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 6, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8493; Filed, Oct. 22, 1956; 8:50 a. m.]

[Docket Nos. G–10837, 10855]

CITIES OF TOMPKINSVILLE AND EDMONTON, KY.

NOTICE OF APPLICATIONS

OCTOBER 17, 1956.

In the matters of City of Tompkinsville, Ky., Docket No. G–10837; City of Edmonton, Ky., Docket No. G–10855.

Take notice that on July 31, 1956, the City of Tompkinsville, Kentucky, and on August 6, 1956, the City of Edmonton, Kentucky (both Kentucky municipal corporations), filed their respective applications for an order, pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation (Texas Eastern) to establish physical connection of its transportation facilities with those of applicants' proposed natural gas systems and to sell and deliver to applicants their natural gas requirements for distribution and sale to the public in the respective areas and as more fully described in their respective applications.

The City of Tompkinsville, a community of 2,200 people, states that it plans to construct and operate a municipal gas transmission and distribution system supplying natural gas in the city and environs. This system will be supplied from its proposed 3-inch lateral line running 5.1 miles southeast from Texas Eastern's existing 30-inch Mississippi to Pennsylvania line which passes northwest of Tompkinsville. A master metering station will be built at the lateral connection and a city regulator station will be placed at the city limits.

The City of Tompkinsville further states that there being no gas distribution system in the town at present, a variety of fuels, as well as electricity, is used for heating purposes. Coal is the only fuel that will be cheaper than gas when the gas service is instituted.

On the basis of survey reports, the City of Tompkinsville alleges that it envisages serving 459 customers the first year of service. The market requirements of the Tompkinsville municipal gas system for the first three years of operation are as follows:

	1st year	2d year	3d year
Peak day (Mcf)	1,017.8	1,131.9	1,243.0
Annual (Mcf)	74,910.0	83,189.0	91,074.0

The City of Tompkinsville further alleges that its engineering consultants estimate the total cost of the project to be $225,000. This sum will be raised by the issuance of 5 per cent revenue bonds. Included in the application is a commitment from the municipal bond specialists, M. A. Saunders & Company of Memphis, Tennessee, to buy the bond issue and an appended economic study based on the applicable rates of Texas Eastern indicates a debt service coverage of 1.99 on the basis of a third-year levelling of gas purchases.

The City of Edmonton states that it proposes to construct and operate approximately 5.7 miles of 2-inch lateral pipeline, from a connection with Texas Eastern's 30-inch transmission main at a point approximately 5 miles southeast of the city to the city limits of Edmonton, Kentucky, and a natural gas distribution system to serve Edmonton and other potential customers along the route of its proposed transmission line.

The City of Edmonton further states that the proposed service area has a current population of approximately 745 and has no natural gas distribution facilities presently available to the public. From a field survey, City of Edmonton estimates that 192 potential customers exist in the area to be served by the system. The estimated peak day and annual requirements are as follows:

	1st year	2d year	3d year	4th year	5th year
Annual (Mcf)	35,789	36,903	38,215	38,215	38,215
Peak day (Mcf)	482.11	497.14	516.17	516.17	516.17

The City of Edmonton also states that the gas will be used for both domestic and commercial purposes.

The City of Edmonton estimates the total capital cost of its proposed facilities at $125,000, which will be financed through the issuance of 5 percent revenue bonds. Included in Edmonton's application is a statement from a Memphis, Tennessee, municipal bond dealer, testifying to the feasibility of said bond issue and stating its intention of bidding for the proposed securities.

The City of Edmonton's estimates of its revenues and operating costs indicate a 2.02 debt service coverage ratio, based on a third-year levelling of sales, and an estimated profit of $211,855 is indicated for 30 years of operation. The proposed project appears to be economically feasible.

On August 13, 1956, and on August 21, 1956, Texas Eastern replied to the respective applications of City of Tompkinsville and City of Edmonton, Kentucky, stating that it has no objection to rendering the requested service to applicants and that it has sufficient capacity and reserve to render the proposed service without any adverse effect on its other customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end: Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 7, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8497; Filed, Oct. 22, 1956; 8:51 a. m.]

[Docket No. G–11032]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 17, 1956.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation, address 2223 Dodge Street, Omaha 1, Nebraska, filed on September 7, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to construct and operate certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to install a metering and regulating station with appurtenant facilities at a point adjacent to its 26-inch main line in Dakota County near St. Paul, Minnesota, for the purpose of selling a maximum daily volume of 100 Mcf of natural gas on an interruptible basis to the Lull Engineering Company. The annual sales are estimated at 10,400 Mcf of natural gas. Applicant proposes that the sale of gas to the Lull Engineering Company will be subject to curtailment under Step 5 of its Tariff. The facilities are estimated to cost $3,900.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on November 6, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the said application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 7, 1956. Failure of any party to appear and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where request therefor was made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8498; Filed, Oct. 22, 1956; 8:51 a. m.]

[Docket No. G–11096]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 17, 1956.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Bldg., Pittsburgh, Pennsylvania, filed on September 17, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain natural gas transmission facilities for service to West Mayfield, Pennsylvania, Fairview, Pennsylvania and environs, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate (1) 2.1 miles of 8-inch transmission line, a measuring and regulating station and 0.7 mile of 12-inch transmission line extending from Joys Corners, Chippewa Township, Beaver County, Pennsylvania, to the Borough of West Mayfield, Beaver County, Pennsylvania, and (2) 0.6 mile of 6-inch transmission line and a regulating station from a connection with Applicant's existing 10-inch transmission line No. 134, Fairfield Township, Butler County, Pennsylvania, to the community of Fairview, Butler County, Pennsylvania.

Applicant alleges that the proposed construction of 8-inch and 12-inch line, together with the reconditioning of the existing 8-inch section extending east from the Ohio and Pennsylvania boundary, will enable it to bring high pressure gas from Brinker Storage Field directly into West Mayfield for distribution to the heavily populated, industrial communities along the Beaver River. Applicant states that the proposed construction and operation of the 6-inch line to the community of Fairview is necessary to relieve severe low pressure conditions.

Applicant estimates that in the "Beaver Falls area" the 1956–1957 winter peak day demand will be 24,102 Mcf. Applicant further estimates the capacity of present facilities at 18,800 Mcf per day. Applicant states that a study indicates that with present facilities there will be a deficiency in gas supply on the peak day of 1957 and thereafter in the Fairview area.

The estimated cost of the facilities proposed is $235,000, to be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 20, 1956, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8495; Filed, Oct. 22, 1956; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3521]

W. R. STEPHENS INVESTMENT CO., INC.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSED EXTENSION OF BANK LOAN

OCTOBER 17, 1956.

Notice is hereby given that W. R. Stephens Investment Company, Inc. ("Investment Company"), a holding com-

pany, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Declarant designates section 12 (d) of the act and Rule U-44 thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Investment Company proposes, under the terms of an agreement dated September 18, 1956, to extend from December 14, 1956, to July 15, 1957, the maturity date of its note in the principal amount of $19,602,821.34 to the First National City Bank of New York ("Bank"), which is secured by the pledge of 2,145,170 shares of common stock of Arkansas Louisiana Gas Company ("Arkla"), including 1,158,394 shares owned by Investment Company. Investment Company further proposes to borrow from the Bank, on December 14, 1956, not to exceed an additional amount of $550,000. The interest on the outstanding loan and on the additional sum to be borrowed is to be 4¼ percent per annum from December 14, 1956, through July 15, 1957, and the Arkla common stock is to remain pledged as security for the loan.

Investment Company states that it intends to pay the notes out of the proceeds to be received from the sale of its holdings of Arkla common stock; but that it does not deem it appropriate to undertake the sale of the Arkla stock before final determination by the Supreme Court of Arkansas of the rate case pending before it upon appeal of an order of the Arkansas Public Service Commission.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than November 5, 1956, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may permit the declaration, as filed or as it may be amended, to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8485; Filed, Oct. 22, 1956; 8:49 a. m.]

[File No. 70-3514]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSED ISSUE AND SALE OF SHORT-TERM BANK NOTES

OCTOBER 17, 1956.

In the matter of Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company; File No. 70-3514.

Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"), public utility subsidiaries of Eastern Utilities Associates, a registered holding company, filed with this Commission a joint declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

As at July 31, 1956, Blackstone, Brockton and Fall River had outstanding bank loans in the amounts of $3,000,000, $1,000,000 and $800,000, respectively. To meet construction requirements to September 30, 1957, it is estimated that Blackstone, Brockton and Fall River will require additional funds in the amounts of $1,250,000, $1,500,000 and $450,000, respectively. It is proposed by the companies to borrow, from various banks during the period ending on September 30, 1957, funds to meet such requirements.

Borrowings are to be evidenced by unsecured notes, dated as of the date of issuance, maturing not later than September 30, 1957, and bearing interest at a rate not greater than the prime rate existing on the respective dates of issuance. The notes are to be prepayable at any time without penalty. The aggregate maximum amounts of short-term indebtedness to be issued after October 1, 1956 and prior to September 30, 1957, is not to exceed $4,750,000 by Blackstone, $3,000,000 by Brockton, and $1,750,000 by Fall River; and the maximum amount to be outstanding at any one time is not to be in excess of $4,250,000 of Blackstone, $2,500,000 of Brockton, and $1,250,000 of Fall River.

The proceeds from the proposed bank loans are to be used to pay outstanding short-term bank loans or for construction expenditures.

Declarants state that it is contemplated that Blackstone and Brockton will retire a portion of their respective outstanding notes from the proceeds received from the issuance and sale of preferred stock prior to September 30, 1957. It is also stated that if any permanent financing is done by either of the companies prior to such date, such company will apply the proceeds therefrom to the reduction or total payment of its then outstanding short-term indebtedness, and will reduce the unissued amount of its proposed short-term borrowing by the amount of the remaining balance of the proceeds from such permanent financing.

It is also stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The only fees and expenses to be incurred in connection with the proposed transactions are the fees and expenses of counsel for the respective companies as follows: Blackstone $210, Brockton $385 and Fall River $210.

Due notice of the filing of the declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of, or ordered by, the Commission; and

It appearing that there is no basis for adverse findings or the imposition of special terms and conditions, and it further appearing that the fees and expenses, set forth above, to be incurred in connection with the proposed transactions are not unreasonable; and the Commission finding that the applicable provisions of the act, and of the rules and regulations thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and it hereby is, permitted to become effective, forthwith, subject to the conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-8486; Filed, Oct. 22, 1956; 8:49 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10681

AMENDMENT OF EXECUTIVE ORDER NO. 10152,[1] PRESCRIBING REGULATIONS RELATING TO INCENTIVE PAY FOR THE PERFORMANCE OF HAZARDOUS DUTY

By virtue of the authority vested in me by sections 204 and 501 (d) of the Career Compensation Act of 1949 (63 Stat. 809, 826), as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, section 4 of Executive Order No. 10152 of August 17, 1950, prescribing regulations relating to the right of members of the uniformed services to incentive pay for the performance of hazardous duty required by competent orders, is hereby amended by adding thereto a new subsection (c) reading as follows:

"(c) Minimum flight requirements for members of Reserve components of the uniformed services who perform both active-duty and inactive-duty training during the same calendar month and who may qualify for incentive pay under the provisions of both sections 204 and 501 (d) of the Career Compensation Act of 1949:

(1) For periods of active duty, those prescribed by subdivision (4) of subsection (a) of this section.

(2) For periods of inactive-duty training, those prescribed by subdivision (4) of subsection (b) of this section.

However, the total flight requirements as determined by subdivisions (1) and (2) of this subsection may be met at any time during such calendar month

(1) on inactive-duty training, or

(2) on active-duty and inactive-duty training,

if the inactive-duty flight requirement for such month has been met."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 22, 1956.

[F. R. Doc. 56-8676; Filed, Oct. 23, 1956; 9:05 a. m.]

[1] 15 F. R. 5489; 3 CFR, 1950 Supp.

EXECUTIVE ORDER 10682

AMENDMENT OF SECTION 2 (c) OF EXECUTIVE ORDER NO. 10530,[1] DELEGATING TO THE CIVIL SERVICE COMMISSION THE AUTHORITY OF THE PRESIDENT TO EXEMPT CERTAIN EMPLOYEES FROM AUTOMATIC SEPARATION FROM THE SERVICE

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, I hereby amend subsection (c) of section 2 of Executive Order No. 10530 of May 10, 1954, to read as follows:

"(c) Except as to Presidential appointees, the authority vested in the President (1) by section 204 of the act of June 30, 1932, 47 Stat. 404, to exempt from automatic separation from the service under the said section 204 any person when, in his judgment, the public interest so requires, and (2) by subsection (c) of section 5 of the Civil Service Retirement Act of July 31, 1956, 70 Stat. 748, to exempt from automatic separation from the service under the said section 5 any employee when, in his judgment, the public interest so requires."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 22, 1956.

[F. R. Doc. 56-8677; Filed, Oct. 23, 1956; 9:05 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

REDEMPTION OF CERTIFICATES IN GRAIN; CHANGE IN VALUATION OF GRAIN

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[1] 19 F. R. 2709; 3 CFR, 1954 Supp.

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

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tion in grains of certificates issued under the acreage reserve part of the Soil Bank Program is amended to read as follows:

§ 485.256 *Value of grains.* CCC-owned grains delivered in redemption of certificates shall be valued at the current price support rate, including premiums and discounts, established for the class, grade and quality of the commodity at the location where delivery is to be made: *Provided*, That if delivery of corn is made in a county having a current support rate based on such county being outside the commercial corn-producing area designated by the Secretary of Agriculture pursuant to section 327 of the Agricultural Act of 1938, as amended, the value of such corn shall be adjusted upward to reflect the price support rate which would be in effect if the county had been in the aforesaid commercial corn-producing area; such adjusted value shall be determined by (a) dividing the applicable current price support rate for the county by 82.5, (b) multiplying the dividend of such calculation by 100, and (c) rounding the product thus obtained to the nearest whole cent. In the case of wheat, oats, rye, barley and grain sorghums, the price support rate in effect on July 1 of each year shall for purposes of this section remain in effect through June 30 of the following year. In the case of rice, the price support rate in effect on August 1 of each year shall for purposes of this section remain in effect through July 31 of the following year. In the case of corn, the price support rate in effect on October 1 of each year shall for purposes of this section remain in effect through September 30 of the following year.

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 19th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–8608; Filed, Oct. 23, 1956; 8:57 a. m.]

APPENDIX A—NORMAL HARVESTING SEASON FOR GRAINS BY AREA

State	Wheat, barley, rye, and oats	Corn and grain sorghums	Rice
Alabama	May 15 through June 15	Oct. 1 through Nov. 31	Sept. 15 through Dec. 15.
Arizona	May 15 through Oct. 31	Aug. 15 through Nov. 15	Sept. 1 through Nov. 15.
Arkansas	May 1 through July 15	Oct. 1 through Nov. 30	Sept. 15 through Dec. 15.
California	May 1 through Sept. 15	Sept. 15 through Dec. 15	
Colorado	July 1 through Aug. 31	Sept. 15 through Nov. 30	
Delaware	June 1 through July 15	Sept. 1 through Oct. 31	
Florida	May 1 through May 31	Sept. 15 through Nov. 15	Sept. 1 through Oct. 15.
Georgia	May 1 through July 15	Oct. 1 through Dec. 15	
Idaho	July 15 through Sept. 30	Oct. 15 through Nov. 15	
Illinois	July 1 through Aug. 15	Oct. 15 through Nov. 30	Sept. 1 through Nov. 15.
Indiana	June 15 through July 31	Oct. 15 through Nov. 30	
Iowa	July 1 through July 31	Oct. 15 through Nov. 15	
Kansas	June 15 through July 15	Oct. 1 through Nov. 15	
Kentucky	June 1 through July 31	Oct. 1 through Nov. 15	
Louisiana	May 15 through June 15	Aug. 15 through Oct. 15	Sept. 1 through Oct. 15.
Maryland	June 11 through July 31	Sept. 1 through Oct. 31	
Michigan	July 15 through Aug. 15	Oct. 15 through Nov. 30	
Minnesota	July 1 through Sept. 15	Oct. 15 through Nov. 30	
Mississippi	May 15 through June 30	Sept. 15 through Nov. 15	Sept. 1 through Nov. 15.
Missouri	June 1 through July 15	Sept. 15 through Nov. 30	Sept. 1 through Nov. 15.
Montana	Aug. 1 through Sept. 30	Sept. 15 through Oct. 31	
Nebraska	June 15 through Aug. 31	Oct. 1 through Nov. 15	
Nevada	July 15 through Aug. 31		
New Jersey	June 1 through Aug. 15	Sept. 1 through Oct. 31	
New Mexico	June 15 through Aug. 15	Oct. 15 through Nov. 30	
New York	July 1 through Aug. 15	Sept. 1 through Dec. 1	
North Carolina	May 15 through July 15	Oct. 15 through Dec. 15	Sept. 1 through Nov. 15.
North Dakota	July 15 through Sept. 15	Sept. 15 through Oct. 31	
Ohio	June 15 through Aug. 15	Oct. 1 through Nov. 30	
Oklahoma	May 15 through July 15	Sept. 1 through Nov. 30	Sept. 1 through Nov. 15.
Oregon	July 1 through Sept. 15	Oct. 1 through Nov. 30	
Pennsylvania	June 15 through Aug. 15	Sept. 1 through Nov. 15	
South Carolina	May 15 through June 30	Oct. 15 through Dec. 15	Sept. 1 through Nov. 15.
South Dakota	July 1 through Aug. 15	Oct. 15 through Nov. 30	
Tennessee	June 1 through July 15	Oct. 15 through Nov. 30	Sept. 1 through Nov. 15.
Texas	May 1 through July 15	June 15 through Nov. 15	Sept. 1 through Oct. 15.
Utah	July 15 through Sept. 30	Sept. 1 through Oct. 15	
Virginia	June 1 through July 31	Sept. 1 through Nov. 30	
Washington	July 1 through Oct. 15		
West Virginia	June 15 through Aug. 31	Sept. 15 through Dec. 15	
Wisconsin	July 15 through Aug. 15	Oct. 1 through Nov. 15	
Wyoming	July 15 through Sept. 15	Sept. 15 through Nov. 30	

(Sec. 124, Pub. Law 540, 84th Cong.)

Done at Washington, D. C., this 19th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–8609; Filed, Oct. 23, 1956; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO–14–A23]

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PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

REDEMPTION OF CERTIFICATES IN GRAINS; APPENDIX A

Appendix A, setting forth the normal harvesting season by area for each commodity, is hereby added to the regulations (21 F. R. 6881) governing the redemption in grains of certificates issued under the acreage reserve part of the Soil Bank Program (§ 485.258 of such regulations provides that certificates shall not be redeemable in a grain during the normal harvesting season for such grain in the area where delivery is desired or the area where the grain under price support loan is stored):

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904.84 Agents.

AUTHORITY: §§ 904.0 to 904.84 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by a handler, as defined in this order, as amended, and as hereby further amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, with respect to all of his receipts of milk from producers (including such handler's own production), his receipts of outside milk, and his receipts of exempt milk processed at a regulated plant.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than November 1, 1956. The issuance of said order was restrained by a preliminary injunction issued on October 21, 1955, by the United States District Court for the District of Columbia. Said preliminary injunction was dissolved and the case giving rise thereto was dismissed by order of said court filed on October 18, 1956. The delay in the issuance of this order has already seriously impaired the orderly marketing of milk in the marketing area, and any further delay beyond November 1, 1956, in making the order effective will substantially obstruct the effectuation of the declared policy of the act.

The provisions of the said order are well known to handlers, the public hearing having been held on April 18 to May 5, 1955, the recommended decision having been issued on July 29, 1955 and the final decision having been issued on September 13, 1955. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective November 1, 1956, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Greater Boston, Massachusetts, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (April 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended to read as follows:

on July 1 of each year shall for purposes 904.3 Definitions of plants.
fishing the classification of milk.

DEFINITIONS

§ 904.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Greater Boston, Massachusetts, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following Massachusetts cities and towns:

Arlington.	Needham.
Bedford.	Newton.
Belmont.	Peabody.
Beverly.	Quincy.
Boston.	Reading.
Braintree.	Revere.
Brookline.	Salem.
Cambridge.	Saugus.
Chelsea.	Somerville.
Dedham.	Stoneham.
Everett.	Swampscott.
Framingham.	Wakefield.
Lexington.	Waltham.
Lynn.	Watertown.
Malden.	Wayland.
Marblehead.	Wellesley.
Medford.	Weston.
Melrose.	Weymouth.
Milton.	Winchester.
Nahant.	Winthrop.
Natick.	Woburn.

(c) "Month" means a calendar month.

(d) "Marketing year" means the twelve months' period from August 1 of each year through July 31 of the following year.

(e) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

§ 904.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during April, May, or June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of July through March, except that the term shall not include any person who was a producer-handler during any of the preceding months of July through March.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 904.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Springfield, Merrimack Valley, or Worcester orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer and who receives milk of his own production only from farms located within 80 miles of the State House in Boston, and who receives no milk, other than exempt milk, from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 904.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(c) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in § 904.20 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler.

(g) "Distributing plant" means any plant from which Class I milk in the form of milk is disposed of to consumers in the marketing area without intermediate movement to another plant.

(h) "New York order pool plant" means any plant designated as a pool plant in accordance with the provisions of Order No. 27, issued by the Secretary, regulating the handling of milk in the New York metropolitan marketing area.

§ 904.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, emergency milk, and receipts from New York order pool plants which are assigned to Class I milk pursuant to § 904.27;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Merrimack Valley or Worcester orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant, or from the dairy farmer who produced it, for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

(j) "Emergency milk" means fluid milk products, other than cream, received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

MARKET ADMINISTRATOR

§ 904.10 *Designation of market administrator.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 904.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 904.12 *Duties of market administrator.* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 904.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month of the marketing year in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 904.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 904.16, 904.17, and 904.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 904.16 *Classification of milk and milk products utilized at regulated plants of pool handlers and buyer-handlers.* Subject to §§ 904.17 and 904.29 (a), milk and milk products received at a regulated plant of any pool handler or buyer-handler shall be classified in accordance with their utilization at such plant.

§ 904.17 *Classification of fluid milk products, other than cream, moved to other plants.* Any fluid milk product, except cream, which is moved from a regulated plant of a pool handler or a buyer-handler to any other plant shall be classified as follows:

(a) If moved to a producer-handler's plant or an unregulated plant, it shall be classified as Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at that plant.

(b) If moved to a producer-handler's plant or to an unregulated plant and thence to another plant, it shall be classified by applying § 904.16 or paragraph (a) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, it shall be classified as Class I milk.

§ 904.18 *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 904.20 *Basic requirements for pool plant status.* Subject to the provisions of § 904.21 each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this section, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler. The basic requirements for acquiring pool plant status shall be as follows:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) Class I milk in the form of milk is disposed of in the marketing area from the plant.

(d) The handler's total Class I milk in the marketing area exceeds 10 percent of his total receipts of fluid milk products other than cream.

§ 904.21 *Conditions resulting in nonpool plant status.* Each receiving plant shall be a nonpool plant under any of the following conditions:

(a) Each plant which has acquired pool plant status but from which no Class I milk in the form of milk is disposed of in the marketing area for two successive months in the marketing year shall be a nonpool plant in the second of the two months and for each consecutive succeeding month of the marketing year during which no such Class I disposition is made.

(b) Each nondistributing plant for which the market administrator has received on or before the 16th day of the preceding month the handler's written request for nonpool plant designation shall be a nonpool plant in each month of the marketing year to which the request applies.

(c) Each city distributing plant operated by a handler who operates no other plant which is a pool plant in the same

month shall be a nonpool plant in any month in which the handler's total Class I milk in the marketing area does not exceed 10 percent of his total receipts of fluid milk products other than cream.

(d) Each plant which is operated as the plant of a producer-handler shall be a nonpool plant in any month in which it is so operated.

(e) Each plant which is operated as a New York order pool plant or as a plant from which emergency milk is received shall be a nonpool plant during the month or portion of a month of such operation.

(f) Each of a handler's plants which is a nonpool receiving plant during any of the months of July through March, shall be a nonpool plant in any of the immediately succeeding months of April through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through March was in the handler's capacity as a producer-handler. However, any plant which became subject to this order as a result of the extension of the marketing area to include the towns of Framingham, Natick, Wayland and Weston shall not be a nonpool plant during the months of April through June 1956 solely because it was a nonpool plant prior to the effective date of such extension of the area.

§ 904.22 *Disposition of Class I milk in the form of milk in the marketing area.* For the purpose of determining whether a plant has met the conditions and requirements for being considered a pool plant, each plant from which milk is moved at some time during the month to another plant from which Class I milk in the form of milk is disposed of in the marketing area shall itself be considered to have made such a disposition, except that no movement of milk to any unregulated nondistributing plant shall be considered a disposition of Class I milk in the form of milk in the marketing area.

§ 904.23 *Total receipts of fluid milk products other than cream.* For the purpose of determining whether a plant has met the conditions and requirements for being considered a pool plant, each handler's total receipts of fluid milk products other than cream, referred to in this section as "total receipts," shall be determined as follows:

(a) For each month of the marketing year until and including the first month in which the handler is a pool handler, his total receipts shall be the receipts at all plants from which Class I milk in the form of milk is disposed of in the marketing area, except his receipts at any plant which fails to meet the applicable standards set forth in § 904.20 (a) and (b), or which is a nonpool plant pursuant to § 904.21 (b).

(b) For each of the other months of the marketing year, the handler's total receipts shall be the total receipts determined pursuant to paragraph (a) of this section plus the receipts at any other of his plants which is a pool plant in such month.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 904.25 *General assignment provisions.* Except as provided in §§ 904.26 through 904.29, all receipts of fluid milk products, other than receipts from producers, shall be assigned to Class I milk or Class II milk as follows:

(a) Receipts as to which Class II use is established shall be assigned to Class II milk.

(b) All other receipts shall be assigned to Class I milk.

§ 904.26 *Assignment of receipts of exempt milk.* All receipts of exempt milk shall be assigned to Class I milk.

§ 904.27 *Assignment of receipts from New York order pool plants.* Receipts from New York order pool plants shall be assigned to Class II milk, except as provided in § 904.28, and except that receipts during the months of August through March which are classified and priced in Class I–A or I–B under the New York order shall be assigned to Class I milk.

§ 904.28 *Assignment of receipts of emergency milk.* Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this section, the handler's total Class II milk and total volume handled shall be the total of the respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month. If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity otherwise assigned to Class II milk pursuant to this section, such greater quantity shall be assigned to Class II milk. Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

§ 904.29 *Assignment of other types of receipts.* (a) Subject to the provisions of §§ 904.47 and 904.65, all receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

(b) All receipts of cream, and milk products other than fluid milk products, shall be assigned to Class II milk.

(c) All receipts of skim milk in bulk from producer-handlers shall be assigned to Class II milk.

REPORTS OF HANDLERS

§ 904.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 904.25 through 904.29;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 904.15 through 904.18.

§ 904.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 904.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(c) Each handler who is not an association of producers shall, upon request from any such association, promptly furnish it with information with respect to each of its producer members who starts, resumes, or stops deliveries to any of the handler's pool plants. Such information shall include the date on which the change took place, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

§ 904.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

the Secretary;

Class I milk at that plant.

plant which is a pool plant in the same

§ 904.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 904.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 904.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 904.37 *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

§ 904.38 *Outside cream purchases.* Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

MINIMUM CLASS PRICES

§ 904.40 *Class I price.* The Class I price per hundredweight at plants located in zone 21 shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 904.48.

§ 904.41 *Class II price.* The Class II price per hundredweight at plants located in zone 21 shall be determined for each month pursuant to this section.

(a) Subject to § 904.43 (c), subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream f. o. b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month. Subject to paragraph (d) of this section, the result is the Class II price per hundredweight for milk received from producers at plants located in zone 21.

Month:	Amount (cents)
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) For each month in which no cream price, as described in paragraph (a) of this section, is reported, and for each month in which the amount determined pursuant to this paragraph is greater than the amount computed pursuant to paragraph (c) of this section, the amount determined pursuant to this paragraph shall be the Class II price per hundredweight of milk received from producers at plants located in zone 21.

(1) Divide the average price for milk for manufacturing purposes, f. o. b. plants United States as reported on a preliminary basis by the United States Department of Agriculture for the month, by the average butterfat test of such milk and multiply by 3.7.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)
January	+8
February	+7
March	−10
April	−14
May	−17
June	−16
July	+3
August	+12
September	+9
October	+11
November	+12
December	+12

§ 904.42 *Zone price differentials.* The minimum prices determined pursuant to §§ 904.40 and 904.41 shall be subject to differentials based upon the zone location of the plant at which the milk was received from producers. For each country plant, the zone shall be determined in accordance with the railway mileage distance to Boston, Massachusetts, from the railroad shipping point for such plant. Each city plant, regardless of such railway mileage distance, shall be considered to be in the "City Plant" zone. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 904.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A		B	C
Zone	Distance to Boston (miles)	Class I price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
City Plant	0 to 40	+52.0	+38.1
5	41 to 50	+14.5	+4.2
6	51 to 60	+13.5	+4.0
7	61 to 70	+13.0	+3.7
8	71 to 80	+11.5	+3.5
9	81 to 90	+11.0	+3.2
10	91 to 100	+10.5	+3.0
11	101 to 110	+10.5	+2.9
12	111 to 120	+9.0	+2.6
13	121 to 130	+9.0	+2.4
14	131 to 140	+8.0	+2.1
15	141 to 150	+5.5	+1.6
16	151 to 160	+4.0	+1.3
17	161 to 170	+4.0	+1.2
18	171 to 180	+1.5	+0.6
19	181 to 190	+1.5	+0.4
20	191 to 200	0	+0.1
21	201 to 210	None	None
22	211 to 220	−4.0	−0.6
23	221 to 230	−4.5	−0.7
24	231 to 240	−5.5	−0.9
25	241 to 250	−5.5	−0.9
26	251 to 260	−6.5	−1.2
27	261 to 270	−7.0	−1.3
28	271 to 280	−7.5	−1.5
29	281 to 290	−8.5	−1.6
30	291 to 300	−9.5	−1.8
31	301 to 310	−13.0	−2.3
32	311 to 320	−13.0	−2.4
33	321 to 330	−14.0	−2.5
34	331 to 340	−14.0	−2.8
35	341 to 350	−15.0	−2.8
36	351 to 360	−15.0	−3.0
37	361 to 370	−15.0	−3.1
38	371 to 380	−15.5	−3.3
39	381 to 390	−15.5	−3.4
40	391 to 400	−15.5	−3.5
41	401 to 410	−17.0	−3.5
42	411 to 420	−17.0	−3.5
43	421 to 430	−17.0	−3.5
44	431 to 440	−18.5	−3.5
45	441 and over	−18.5	−3.5

§ 904.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk in carlots in tank cars or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff-M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 904.42 and other price factors set forth in § 904.41 and in § 904.63 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustments shall be effective beginning with the first complete month in which the changes in rail tariffs apply. For the purpose of this section, it shall be considered that the rail tariff applicable to city plants is zero.

(a) If such rail tariff on milk is changed, the differentials set forth in

Column B of the table and the city plant differential in Column C shall be adjusted to the extent of any change in the difference between the rail tariff for mileage distances of 201–210 miles and for the other applicable distances. Such adjustments shall be made to the nearest one-half cent per hundredweight in Column B, and to the nearest one-tenth cent per hundredweight in Column C.

(b) If such rail tariff on cream is changed, the country plant zone differentials set forth in Column C of the table shall be adjusted to the extent of any change in the difference between the rail tariff for mileage distances of 201–210 miles and for the other applicable distances, divided by 9.05. Such adjustments shall be made to the nearest one-tenth cent per hundredweight.

(c) If such rail tariff on cream is changed, the rail tariff rate on cream for mileage distances of 201–210 miles times 1.03 and adjusted to the nearest one-half cent shall be used in place of 52.5 cents specified in § 904.41 and § 904.63.

§ 904.44 *Butter and cheese adjustment.* During the months of April, May, June, and July, the value of a pool handler's milk computed pursuant to § 904.50 shall be reduced by an amount determined as follows:

(a) Using the midpoint of any range as one price, compute the average of the daily prices for Grade A (92-score) butter at wholesale in the New York market which are reported during the month by the United States Department of Agriculture, and add 20 percent.

(b) Divide by 3.7 the amount determined pursuant to § 904.41 (a), and subtract from the quotient the amount determined pursuant to paragraph (a) of this section. The result is the butter and cheese differential. If the Class II price is determined pursuant to § 904.41 (d), subtract the amount determined pursuant to paragraph (a) of this section from the simple average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the month by the United States Department of Agriculture, multiplied by 1.22.

(c) Determine the pounds of butterfat in Class II milk received from producers, which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(d) Subtract such portion of the quantity determined in paragraph (c) of this section as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

(e) Multiply the remaining pounds of butterfat determined pursuant to paragraph (d) of this section by the butter and cheese differential determined pursuant to paragraph (b) of this section.

§ 904.45 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 904.46 *Announcement of class prices and differentials.* The market administrator shall make public announcements of class prices and differentials as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

§ 904.47 *Allocation of Class I milk to plants.* For the purpose of determining the respective quantities of Class I milk subject to the applicable zone prices, each pool handler's Class I milk during the month, after excluding receipts assigned to Class I pursuant to §§ 904.25 through 904.28, shall be allocated to plants as follows:

(a) His Class I milk first shall be allocated to receipts at his city plants of milk from producers' farms; and then to the receipts of outside milk at his city plants from unregulated plants located in Connecticut, Massachusetts, or Rhode Island.

(b) Next, his Class I milk shall be allocated to receipts of milk from producers at each of the handler's country plants from which Class I milk was disposed of for consumption in the States of Maine, New Hampshire, or Vermont. The quantity allocated pursuant to this paragraph shall consist of the quantity of Class I milk disposed of from each such plant as follows:

(1) Sales to Maine, New Hampshire, or Vermont consumers, without intermediate movement to another plant; and

(2) Movements to unregulated plants which in turn disposed of Class I milk for distribution only in the States of Maine, New Hampshire, or Vermont.

(c) The handler's remaining Class I milk shall be allocated to plants in the order of the nearness of the plants to Boston by railway mileage distance. Subject to paragraph (b) of this section, the quantity allocated to any of his pool plants shall be equal to its shipments of fluid milk products, other than cream, to the limit of its receipts from producers' farms. The quantity allocated to any unregulated plant shall be equal to its shipments of outside milk to the handler's regulated plants. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II is established shall not be allocated to Class I milk.

(d) For the purpose of this section, a handler's receipts of outside milk from dairy farmers for other markets shall be considered as shipped from the unregulated plant to which such farmers ordinarily delivered.

NEW ENGLAND BASIC PRICE FORMULA

§ 904.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board and room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second

and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	*Normal Class I percentage*
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92 to 92.5	1.10
93 to 93.5	1.08
94 to 94.5	1.06
95 to 96	1.04
97 to 98	1.02
99 to 101	1.00
102 to 103	0.98
104 to 105	.96
106 to 107	.94
108 to 109	.92
110 to 111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	*Seasonal adjustment factor*
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0561: *At least*	*But less than*	*Class I price*
$4.88	$5.10	$4.99
$5.10	$5.32	5.21
$5.32	$5.54	5.43
$5.54	$5.76	5.65
$5.76	$5.98	5.87
$5.98	$6.20	6.09
$6.20	$6.42	6.31

If the New England basic Class I price index times $0.0561 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

§ 904.50 *Computation of value of milk received from producers.* For each month, the market administrator shall compute in the following manner the value of milk received from producers which is sold, distributed, or used by each pool handler:

(a) Multiply the quantity of milk in each class by the price applicable pursuant to §§ 904.40, 904.41, and 904.42;

(b) Add together the resulting value of each class; and

(c) Adjust the value determined in paragraph (b) of this section as provided in § 904.44.

§ 904.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective values of milk computed pursuant to § 904.50 and the payments required pursuant to § 904.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 904.61 (b) and 904.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 904.61, 904.62, 904.65, and 904.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 904.61 and 904.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at plants located in zone 21, shall be known as the basic blended price.

§ 904.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

PAYMENTS FOR MILK

§ 904.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 904.61 (a).

§ 904.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 904.63 and 904.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23rd day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 904.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 904.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 904.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 905.61 (b) and 904.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23rd day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 904.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 904.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Subject to § 904.43 (c), subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 330. If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

§ 904.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 904.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 904.42, as adjusted by § 904.43, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 904.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each pool handler who receives outside milk which is allocated to Class I milk in accordance with § 904.47 and each buyer-handler or producer-handler whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such allocated quantity or excess quantity as follows:

(1) On outside milk received at a regulated city plant from an unregulated plant located in Connecticut, Massachusetts, or Rhode Island, the payment shall be at the difference between the Class I price applicable to milk received from producers at city plants and the Class II price applicable to milk received from producers at plants located in Zone 21 plus 5.8 cents.

(2) On outside milk received at any regulated plant from an unregulated plant located in Maine, the payment shall be at the difference between the price pursuant to § 904.40 applicable at the zone of the unregulated plant and the lesser of either the simple average for the month of the lowest minimum semi-monthly prices for Class II milk containing 3.7 percent butterfat which are established by the Maine Milk Commission for the market in which such unregulated plant is located or the price determined pursuant to § 904.41 applicable at the zone of such plant.

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, the payment on outside milk received at any regulated plant from an unregulated plant shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone of the unregulated plant.

(4) For the purposes of this paragraph, outside milk received from dairy farmers for other markets shall be considered as received from the unregulated plant to which they ordinarily delivered.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone of the handler's plant.

§ 904.66 *Deductions from payments to members.* (a) Each association of producers may file with a handler who is not an association of producers, a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer listed authorizing the claimed deduction.

(b) In making payments to his producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted to the association with an accompanying statement showing the pounds of milk delivered by each producer from whom the deduction was made, within 25 days after the end of the month.

§ 904.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 904.61, 904.62, and 904.65 to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 904.68 *Statements to producers.* In making the payments to producers prescribed by § 904.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 904.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under § 904.66, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

ADMINISTRATION EXPENSE

§ 904.72 *Payment of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order. The payment shall be at the rate of 3 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant.

OBLIGATIONS

§ 904.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in

writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 904.80 *Effective time.* The provisions of this subpart or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 904.81.

§ 904.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 904.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 904.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

Issued at Washington, D. C., this 18th day of October 1956, to be effective on and after November 1, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-8516; Filed, Oct. 23, 1956; 8:45 a. m.]

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

SURPLUS TONNAGE

Notice was published in the September 29, 1956, issue of the FEDERAL REGISTER (21 F. R. 7491), that the Secretary of Agriculture was considering a proposed rule to approve a further amendment of the amended administrative rules and procedures (20 F. R. 7186, 10095) issued pursuant to the applicable provisions of Marketing Agreement No. 123 and Order No. 64 (20 F. R. 1685), regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After the publication of said notice, Order No. 64 was amended (21 F. R. 7649), effective October 5, 1956; also the amended administrative rules and procedures were further amended (21 F. R. 7650), effective at the same time.

The proposed further amendment, as set forth in the aforesaid notice, included modifications of an amendment submitted by the Dried Fig Administrative Committee. The amendment adds a new heading "Volume Regulation" and two new sections (§§ 964.157 and 964.158) under that heading. In the notice, opportunity was afforded all interested persons to file written data, views or arguments with respect thereto. No such written data, views or arguments were filed, and the period provided therefor has now expired.

After consideration of all pertinent available information, it is concluded that the proposed amendment of the amended administrative rules and procedures as set forth in the aforesaid notice would tend to effectuate the declared policy of the act and it should be approved.

Therefore, it is hereby ordered, That the aforesaid amended administrative rules and procedures (20 F. R. 7186, 10095; 21 F. R. 7650) be further amended as set forth below.

1. Add, immediately following § 964.151 of the administrative rules and procedures, as amended, a new heading and new §§ 964.157 and 964.158 reading as follows:

VOLUME REGULATION

§ 964.157 *Surplus tonnage of dried figs generally*—(a) *General requirement.* Surplus tonnage acquired by each handler shall be held by him for the account of the committee and subject to the applicable restrictions of the order and this subpart. Total net acquisitions of a handler shall be determined on the basis of secondary certificates issued by the inspection agency pursuant to § 964.50 (d). The surplus obligation of a handler will be determined by applying the surplus percentage to the total net weight of dried figs acquired as evidenced by secondary certificates.

(b) *Holding and delivery.* (1) Each handler shall store separate and apart from other dried figs and from each other each varietal type of surplus tonnage dried figs held by him for the account of the committee. Dried figs shall be considered as stored separate and apart from other dried figs when they are identifiable from them. Handlers shall store surplus tonnage dried figs in sweat boxes, picking boxes, sacks or other suitable containers under conditions which will maintain the dried figs in the same condition as they were acquired except for normal and natural deterioration and shrinkage. Whenever the effective date of a surplus percentage regulation is the date on which it is published in the FEDERAL REGISTER, a handler shall be allowed five business days thereafter in which to meet his obligations with respect to the holding and identification of surplus tonnage dried figs.

(2) The committee may, after giving reasonable notice, require a handler to deliver to it or anyone designated by it, at such handler's warehouse or at such other place as surplus tonnage dried figs may be stored, part or all of the surplus dried figs held by him. The committee may require that such delivery consist of natural condition dried figs or it may arrange for such delivery to consist of processed dried figs.

(3) For each crop year each handler shall be entitled to a shrinkage allowance for normal and natural shrinkage in weight of one and one-half percent of the original natural condition weight on those surplus tonnage dried figs acquired by him during the crop year and held by him for the account of the committee on March 1 of the same crop year. The handler shall be entitled to no other allowance for normal or natural shrinkage in weight for any of such dried figs acquired during the crop year: *Provided,* That the committee shall grant an additional allowance for any normal and natural shrinkage in weight of any such dried figs held for the account of the committee beyond the end of the crop year of acquisition upon submission by the handler of satisfactory proof of such shrinkage during the period the dried figs were so held.

(c) *Surplus obligation and deferment thereof.* (1) Subject to the provisions of paragraph (b) of this section, each handler shall have in his possession or under his control at all times a quantity of dried figs, by variety, equal to the quantity of surplus tonnage referable to his acquisitions of dried figs less any quantity of surplus tonnage dried figs delivered by him pursuant to instructions of the committee, any quantity of such tonnage acquired by him but subsequently sold to him by the committee and, during the period of any deferment granted pursuant to provisions of this paragraph, the quantity of dried figs covered by such deferment.

(2) Any handler who desires to defer the meeting of his surplus tonnage obligations pursuant to § 964.57 (c) shall file with the committee on a form furnished by it a certified application for deferment of his surplus tonnage obligations containing: (i) The date of the application and the name and address of the handler; (ii) the period for which deferment is requested; (iii) with respect to each varietal type, the total surplus tonnage on which deferment is requested segregated as to his current holdings and his expected acquisitions during the deferment period; (iv) a full description of the surety bond offered; and (v) the reasons why deferment is desired.

(3) The committee may grant such an application upon a showing by the handler that he has a need for the deferment and meets the requirements as to the written undertaking and bond which are prescribed in § 964.57 (c). The committee shall notify the applicant promptly of its decision with regard to his application, including the amount of the bond required by the terms of § 964.57 (c). The amount of said bond for a varietal type of dried figs shall be the product obtained by multiplying the quantity for which deferment is granted by the average field price for the season, to date, of salable tonnage dried figs of the same varietal type. At any time during the period for which a deferment has been granted, the handler may request the committee to increase or decrease the quantity of dried figs covered by the deferment and the committee shall grant the revision after the necessary increase or decrease, as the case may be, is made in the amount of the bond. Also at the request of the handler, the committee may extend the deferment beyond the original period (not beyond December 15 of the crop year) for such a quantity as is specified in the request provided the bond is extended in the necessary amount.

(4) No handler shall use any of such surplus tonnage dried figs as salable tonnage dried figs until he shall have received written approval of his application from the committee and shall have filed the required bond with the committee.

(5) Except as provided otherwise in connection with a deferment granted pursuant to § 964.57 (c) and this paragraph, a handler who fails to deliver to the committee, upon request, any surplus tonnage dried figs in the quantity or of a quality for which he has become obligated (after any shrinkage allowances which may then be in effect are applied and allowances for any deterioration due to conditions beyond his control are made), shall compensate the committee for the amount of the loss that is occasioned by his failure to so deliver. The amount of compensation for any shortage of tonnage shall be determined by multiplying the quantity of surplus tonnage dried figs not delivered by the latest weighted average price per ton received by producers during the particular crop year for salable tonnage dried figs of the particular varietal type or types, plus any charges already paid or credited to the handler and any costs to the committee which are caused by the handler's failure to deliver. Sales by producers, on which such weighted average price is computed, shall include those during the particular crop year up to the time such compensation is requested by the committee or up to the end of the particular crop year, whichever date may be earlier. The amount which a handler shall compensate the committee for any surplus tonnage dried figs which have deteriorated in quality during storage for reasons within his control, shall be the weighted average price to date received by the committee for the particular varietal type of surplus pool dried figs, less the amount received by the committee in the disposition of the dried figs delivered by the handler (or the reasonable value of such dried figs, as determined by the committee, if not sold). Any amounts paid to the committee in satisfaction of such deficiencies shall be considered as being part of the proceeds of the surplus tonnage pool. The remedies provided in this paragraph shall be in addition to and not exclusive of, any of the remedies or penalties prescribed in the act with respect to the failure on the part of the handler to comply with the applicable provisions of the act or this part.

(d) *Payment for services.* (1) Each handler shall, beginning with the crop year which began August 1, 1956, be compensated at the rate of $16.00 per ton (natural condition weight at the time of acquisition) for receiving, storing and handling surplus tonnage dried figs acquired during a particular crop year and held by him for the account of the committee during all or any part of the same crop year.

(2) Each handler shall, beginning with August 1, 1956, be reimbursed by the committee for inspection costs applicable to the surplus pool dried figs received and held by him for the account of the committee. Such payment shall be made on a monthly basis, when pool funds are available, at the applicable rate per ton paid by such handler to the inspection agency, and on the quantity for the particular month reported by the handler. The committee shall pay the cost of any inspection required by it of any surplus pool dried figs while they are being held for its account or are delivered in accordance with its request: *Provided,* That the cost of inspection of any dried figs which a handler exchanges for dried figs of the same crop year in the surplus pool, or surplus tonnage dried figs which he receives by transfer from another handler and on which he requests inspection shall be borne by the handler.

(3) Each handler shall, beginning with August 1, 1956, be paid an allowance for fumigation of 75 cents per ton for surplus tonnage dried figs received during the crop year between August 1 and March 1, and each handler shall be paid an additional allowance of 15 cents per month or any portion of a month for the fumigation of dried figs held for the account of the committee after March 1.

(4) In addition to the foregoing payments, handlers shall also be compensated for the following services when required: (i) The committee may arrange with any handlers for transporting surplus tonnage dried figs. Payment for such transportation shall be in an amount based on prevailing haulage rates for the type of transportation required; and (ii) a handler who accepts an offer by the committee to pack surplus tonnage dried figs for its account shall be compensated for such packing in an amount determined by or acceptable to the committee. In considering the amount of compensation to be paid, the committee shall take into account, among other factors, the particular varietal type of dried figs to be packed, the particular pack or package required, and the quantity and quality of the dried figs to be packed.

§ 964.158 *Disposition of surplus tonnage*—(a) *Offers of surplus tonnage dried figs to handlers for purchase or for contract processing or packing.* (1) Whenever the committee offers surplus tonnage dried figs to handlers for purchase, pursuant to § 964.58 (a), it shall specify, among other terms of the offer: (i) The period within which each handler shall be given the opportunity to purchase his share of the offer; and (ii) the additional period during which, if any of the offer then remains unpurchased, each handler who purchased all of his share of the offer may purchase his share of a reoffer of such unpurchased quantity. The committee shall fix the length of each of the two periods so as to facilitate disposition of surplus tonnage dried figs. Should any quantity of surplus tonnage dried figs remain unsold after a reoffer, any sales of such dried figs to any handler or handlers after the withdrawal of such quantity from the offer shall be made in the order in which any handler or handlers notify the committee of his or their desire

to purchase all or part of such unsold quantity.

(b) *Sales for animal feed, certain manufacturing uses and export.* The committee may sell direct to any person, whether or not he is a handler under the order and without regard to the provisions of § 964.58 (a), if the committee determines that the use of such provisions would be impracticable in liquidating the surplus pool, or sell to handlers for resale pursuant to the provisions of § 964.58 (a), any surplus tonnage dried figs for animal feed, botanicals, distillation, or for any manufacturing uses or for export at negotiated prices pursuant to § 964.58 (c).

It is hereby found that good cause exists for not postponing the effective date of this amendment of the amended administrative rules and procedures later than November 1, 1956 (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), because: (1) The regulation (21 F. R. 6887) providing for salable and surplus percentages during the 1956–57 crop year will become effective on that date; (2) the provisions of this amendment must become effective on that date to enable the Dried Fig Administrative Committee to exercise its functions with respect to the surplus pool; (3) handlers generally are aware of the recommendation made by the Dried Fig Administrative Committee with respect to this amendment of the administrative rules and procedures and, as indicated above, notice of the proposed rule was heretofore published and opportunity given to file written data, views or arguments, of which none was received; and (4) dried fig handlers will need no further time to prepare for compliance with the provisions of this further amendment.

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated: October 19, 1956, to become effective on November 1, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 56–8604; Filed, Oct. 23, 1956; 8:57 a. m.]

[Avocado Order 9, Amdt. 5]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

CONTAINER REGULATION

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and good cause exists for making the provisions hereof effective not later than October 28, 1956. The Avocado Administrative Committee at its meeting on October 9, 1956, considered the matter of testing types and sizes of containers other than those currently prescribed by Avocado Order 9, as amended, to provide a basis for recommending containers most suitable for use in handling avocados; in order to evaluate selected types and sizes of containers it is necessary to make test shipments of avocados in such containers and to make observations of the condition of the avocados and the containers at various points in marketing channels; test shipments are to be made under the supervision of the committee, and authorization to make shipments in test containers is needed not later than the effective time hereof in order that supplies of such containers may be obtained and plans made for shipment; and this amendment relieves restriction on the handling of avocados.

(b) It is, therefore, ordered that subparagraph (1) of paragraph (b) of § 969.309, as amended (Avocado Order 9, as amended; 20 F. R. 5627, 6571, 9173; 21 F. R. 4514, 6269) is further amended by adding at the end thereof a new subdivision (vii) reading as follows:

(vii) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided,* That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(c) *Effective time.* The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., October 28, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 19, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–8603; Filed, Oct. 23, 1956; 8:57 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

FREE, RESERVE, AND SURPLUS PERCENTAGES FOR 1956–57 CROP YEAR AND LIST OF COUNTRIES FOR EXPORT SALE OF SURPLUS TONNAGE THROUGH HANDLERS

Pursuant to Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order," effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," the Raisin Administrative Committee has recommended the designation of percentages of standard raisins acquired by handlers during the 1956–57 crop year, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, and the establishment of a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers.

The percentages for standard natural Thompson Seedless raisins, as hereinafter set forth, are based on the following estimates[1] and formula adopted by the committee and the Department with respect to such raisins: (1) The 1956 natural Thompson Seedless raisin production of 180,000 tons; (2) plus five percent of item 1 for possible underestimation of production, 9,000 tons; (3) total of items 1 and 2, 189,000 tons; (4) average free tonnage demand for most recent three crop years of 143,310 tons, less actual carryin at September 1, 1956, of 19,509 tons, plus merchandising cushion of 15,000 tons, equals total of 138,801 tons; (5) free tonnage percentage, total item 4 divided by item 3 equals 73 percent; (6) a reserve tonnage percentage of 10 percent is deemed necessary to protect against errors in the foregoing estimates; and (7) the surplus tonnage percentage of 17 percent is the residual obtained by subtracting the total of the free and reserve tonnage percentages from 100 percent.

The foregoing percentages for natural Thompson Seedless raisins, when applied to the estimated 1956 production of 180,000 tons, result in a free tonnage of 131,400 tons, a reserve tonnage of 18,000 tons, and a surplus tonnage of 30,600 tons.

The total supply of other varietal types of standard raisins is expected to approximate 25,000 tons and this supply is not deemed to be in excess of that which can be marketed as free tonnage and provide reasonable carryout.

It is hereby found that to designate free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages and to establish a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is therefore ordered, That such percentages and countries shall be as follows:

[1] All tonnage figures herein are in terms of natural condition weight.

§ 989.211 *Free, reserve, and surplus tonnage percentages for the 1956-57 crop year.* The percentages of each varietal type of standard raisins acquired by handlers during the crop year beginning September 1, 1956, and ending August 31, 1957, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are as follows: (a) Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 73 percent; reserve tonnage percentage, 10 percent; and surplus tonnage percentage, 17 percent; and (b) each of the other varietal types, including natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currant, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped, and Valencia raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent.

§ 989.212 *Countries to which sale in export of surplus tonnage raisins may be made by or through handlers.* The countries to which sale in export of surplus tonnage raisins acquired by handlers during the crop year beginning September 1, 1956, and ending August 31, 1957, may be made by or through handlers shall include all countries outside of the Western Hemisphere. For purposes of this section, "Western Hemisphere" shall include Greenland and the area east of the International Date Line and west of 30 degrees W. longitude.

It is hereby further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making, or postpone the effective time of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Acquisition of raisins by handlers during the 1956–57 crop year has begun, and it is necessary to have this regulation in effect promptly for application against such acquisitions of raisins and to provide surplus tonnage raisins to meet current export demand; (2) the actions to be required of handlers hereunder in connection with volume regulation are similar to those required of them during the 1955–56 crop year and hence will necessitate no unusual preparations by them; and (3) handlers have been aware that the percentages would be derived from the method used herein and they should need no additional advance notice to comply with this regulation. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated October 18, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56–8605; Filed, Oct. 23, 1956; 8:57 a. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

GRADE AND SIZE REGULATION

Pursuant to the provisions of Marketing Agreement No. 111 and Order No. 94 regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR, Part 994), effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Pecan Administrative Committee at a meeting held in Albany, Georgia on October 10, 1956 recommended that the currently effective grade and size regulation be amended to liberalize restrictions on the quantity of hull membrane adhering to kernels of inshell pecans shipped from the five-State area for inshell use.

The Pecan Administrative Committee based its recommendation on a need to resolve grading difficulties which have arisen in previous years and are expected to recur during the 1956–57 season. The recommended change in restrictions on adhering hull membrane will not affect any of the other grade and size requirements now in effect.

On the basis of this recommendation and other information available to the Department the proposed amendments appear to be reasonable and will tend to effectuate the declared policy of the aforesaid act. Therefore, the existing pecan grade and size regulation (§ 994.102; 19 F. R. 6785) is hereby renumbered from § 994.102 to § 994.204 and amended to read as follows:

§ 994.204 *Grade and size regulation.* (a) In lieu of the initial grade and size regulation contained in § 994.74 of the marketing agreement and order, no person shall handle, except as provided in § 994.77 of the marketing agreement and order, any unshelled pecans unless such pecans:

(1) Have a count per pound of less than 91 nuts, and the 10 smallest nuts in a representative 100 nut sample weigh at least 1.5 ounces and;

(2) Meet the requirements of the U. S. Commercial grade with the following modifications:

(i) Any lot of pecans, other than Mahan variety, shall contain at least 75 percent by count of pecans which have kernels which meet the requirements of the U. S. No. 1 Grade, except that all of the pecan kernels may have up to one-half of the surface adjacent to the shell affected by adhering membrane and not more than 25 percent of the kernels may have up to three-fourths of the surface adjacent to the shell affected by adhering membrane.

(ii) Lots of the Mahan variety shall contain at least 65 percent, by count, of pecans which have kernels which meet the requirements of the U. S. No. 1 Grade, except that all of the pecan kernels may have up to one-half of the surface adjacent to the shell affected by adhering membrane and not more than 35 percent of the kernels may have up to three-fourths of the surface adjacent to the shell affected by adhering membranes.

(iii) No lot of pecans of any variety may contain in excess of 9 percent, by count, of pecans which are rancid, moldy, decayed, injured by worms, or so shriveled that they have virtually no food value.

Notice of proposed rule making, public participation therein, and delay in making this order effective later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), is impracticable, unnecessary and contrary to the public interest for the reasons that: (1) The harvest season for pecans is now under way in part of the area, (2) it is desirable that all fall and winter marketings of inshell pecans be under uniform grade and size regulation, and (3) this action constitutes a liberalization of grade requirements that will not create a burden upon any handler.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Dated: October 19, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56–8601; Filed, Oct. 23, 1956; 8:57 a.m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 88]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005, 3923, 4339, 5043, 5435, 5861, 6748, 7051, 7650), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. Subparagraph (7) of paragraph (d), relating to Hunterdon County in New Jersey, is deleted.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of

swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 121, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 19th day of October 1956.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 56-8606; Filed, Oct. 23, 1956; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 179]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the San Miguel Island, California, area (R-288 formerly D-288), amended on March 3, 1950 in 15 F. R. 1783 is further amended by changing the "Controlling Agency" column to read: "11th Naval District".

2. In § 608.21, the Glenview, Illinois, area (R-76), amended on October 20, 1955 in 20 F. R. 7902 is rescinded.

3. In § 608.47, the Block Island Sound, Rhode Island, area (R-90), amended on May 4, 1956 in 21 F. R. 2977 is further amended by changing the "Controlling Agency" column to read: "NAVPORCO, Newport, Rhode Island".

4. § 608.54, the Pendleton, Virginia, area (R-74), amended on May 4, 1956 in 21 F. R. 2977 is further amended by changing the "Controlling Agency" column to read: "VACAPES OPAREACORD, NOB, Norfolk, Virginia".

5. § 608.54, the Chesapeake Bay, Virginia, area (R-388), amended on May 4, 1956 in 21 F. R. 2977 is further amended by changing the "Controlling Agency" column to read: "VACAPES OPAREACORD, NOB, Norfolk, Virginia".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 15, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 56-8517; Filed, Oct. 23, 1956; 8:45 a. m.]

[Amdt. 180]

PART 608—RESTRICTED AREAS

DESERET, UTAH

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.52, a Deseret, Utah, area (R-514), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Deseret, Utah, Restricted Area (R-514) (Salt Lake City).	North boundary: latitude 40°16'27"; East boundary: longitude 112°18'43"; South boundary: latitude 40°15'42"; West boundary: longitude 112°21'01".	Surface to 10,000 feet mean sea level.	Unlimited.	Chief of Ordnance, Deseret Ordnance Depot.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 5, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator,
of Civil Aeronautics.

[F. R. Doc. 56-8518; Filed, Oct. 23, 1956; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6527]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SCOVILL MANUFACTURING CO.

Order amending the decision of the Commission issued September 14, 1956 (21 F. R. 7565, Oct. 3, 1956)—requiring divestiture of the property of DeLong Hook & Eye Company acquired in violation of the antimerger statute—to substitute the date of January 5, 1957, for November 23, 1956, in the order to file report of compliance.

It is ordered, That the date of January 5, 1957, be, and it hereby is, substituted for the date of November 23, 1956, in the order to file report of compliance in the Commission's decision in this matter issued September 14, 1956.

Issued: October 5, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-8598; Filed, Oct. 23, 1956; 8:56 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

NOTE: For validity of certain foreign passports see F. R. Doc. 56-8584, *infra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CANNED SAUERKRAUT [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Canned Sauerkraut pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, et seq.; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the second issue of United States Standards for Grades of Canned Sauerkraut.

All persons who desire to submit written data, views, or arguments for consideration in connection with the following proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than January 31, 1957.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2951 Product description.
52.2952 Styles of canned kraut.
52.2953 Grades of canned kraut.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.2954 Recommended fill of container.
52.2955 Recommended minimum drained weight.
52.2956 Compliance with recommended minimum drained weights.

FACTORS OF QUALITY

52.2957 Ascertaining the grade.
52.2958 Ascertaining the rating for the factors which are scored.
52.2959 Color.
52.2960 Cut.
52.2961 Defects.
52.2962 Character.
52.2963 Flavor.

DEFINITIONS; METHODS OF ANALYSES

52.2964 Definitions of terms and methods of analyses.

LOT CERTIFICATION TOLERANCES

52.2965 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2966 Score sheet for canned sauerkraut.

AUTHORITY: §§ 52.2951 to 52.2966 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2951 *Product description.* Canned (or packaged) sauerkraut, hereinafter referred to as canned kraut, is prepared from clean, sound, well matured heads of the cabbage plant which have been properly trimmed and cut; to which salt is added, and is cured by natural fermentation. The product contains not less than one percent acid, expressed as lactic, and may or may not be packed with pickled peppers, pimientos, tomatoes, or contain other flavoring ingredients to give the product specific flavor characteristics. The product is sufficiently processed by heat to assure preservation in hermetically sealed containers or may be packaged in sealed containers and preserved with or without the addition of benzoate of soda or any other ingredient permissible under the provisions of the Federal Food, Drug, and Cosmetic Act or applicable State laws or regulations.

§ 52.2952 *Styles of canned kraut.* (a) "Shredded" means canned kraut which has been prepared from cabbage cut into shreds.

(b) "Chopped" means canned kraut which has been prepared from cabbage that is cut or chopped into small pieces.

§ 52.2953 *Grades of canned kraut.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned kraut that possesses a good color; that is well cut; that is practically free from defects; that possesses a good character; that possesses a good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That the canned kraut may be reasonably well cut, may possess a reasonably good character, and may be reasonably free from minor defects, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned kraut that possesses a reasonably good color; that is reasonably well cut; that is reasonably free from defects; that possesses a reasonably good character; that possesses a reasonably good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided*, That the canned kraut may be fairly well cut, if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned kraut that possesses a fairly good color; that is fairly well cut; that is fairly free from defects; that possesses a fairly good character; that possesses a fairly good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned kraut that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.2954 *Recommended fill of container.* The fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned kraut be filled as full as practicable with the kraut and that the kraut and packing medium shall fill the container to not less than 95 percent of its total capacity.

§ 52.2955 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I hereof are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned kraut is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage, and allow to drain for two minutes. The drained weight of kraut is the weight of the sieve and the drained kraut less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

§ 52.2956 *Compliance with recommended minimum drained weights.* Compliance with the recommended minimum drained weights for canned kraut is determined by averaging the drained weights of all containers which are representative of a specific lot. Such lot is considered as meeting recommendations, if:

(a) At least one-half of the containers meets the recommended minimum drained weight;

(b) The drained weights of the containers which do not meet the recommended minimum drained weight are within the range of variability of good commercial practice; and

(c) The average drained weight of all the containers which are representative of the lot does not fall below the recommended minimum drained weight.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS (IN OUNCES) OF KRAUT

Container size or designation	Dimensions (inches) or water capacity (fl. oz.)	Style of canned kraut shredded or chopped drained weight (ounces)
8-oz. tall	2 1/16 x 3 4/16	6¾
8-oz. jar	8.1 fl. oz.	6¾
No. 1 picnic	2 1/16 x 4	8¼
No. 1 tall	3 1/16 x 4 1/16	13
No. 95	3 7/16 x 4	14
No. 300	3 x 4 5/16	12
No. 303	3 1/16 x 4 5/16	13
No. 303 jar	17.0 fl. oz.	13
No. 2	3 7/16 x 4 9/16	16
No. 2½	4 1/16 x 4 1/16	23
No. 2½ jar	28.3 fl. oz.	23
Pint jar	16.5 fl. oz.	13¼
Quart jar	32.62 fl. oz.	26¼
No. 10	6 3/16 x 7	80

FACTORS OF QUALITY

§ 52.2957 *Ascertaining the grade.* (a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	20
Cut	10
Defects	20
Character	20
Flavor	30
Total score	100

§ 52.2958 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.2959 *Color.* (a) *General.* The color of canned kraut has reference to the predominating and characteristic appearance of the shreds or pieces and to the brightness of the product.

(1) Kraut model No. 1 and kraut model No. 2 means the U. S. D. A. kraut models illustrating the color of canned kraut referred to in this section.

(2) Information regarding kraut model No. 1 and kraut model No. 2 may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, U. S. Department of Agriculture, Washington 25, D. C.

(b) (*A*) *classification.* Canned kraut that possesses a good color may be given a score of 18 to 20 points. "Good color"

means that the canned kraut possesses a bright, practically uniform, typical white to light cream general appearance characteristic of properly prepared and properly processed canned kraut equal to or better than kraut model No. 1.

(c) (*B*) *classification.* If the canned kraut possesses a reasonably good color a score of 16 or 17 points may be given. Canned kraut that scores in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the canned kraut possesses a reasonably bright, reasonably uniform, typical cream to light straw general appearance characteristic of properly prepared and properly processed canned kraut equal to or better than kraut model No. 2.

(d) (*C*) *classification.* Canned kraut that possesses a fairly good color may be given a score of 14 or 15 points. Canned kraut that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned kraut may possess a dark straw, slightly green, or yellowish general appearance and may be dull or slightly variable but is not off color.

(e) (*SStd.*) *classification.* Canned kraut that fails to meet the requirements of paragraph (d) of this section or is definitely dark or has a pink tint or is off color for any reason may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2960 *Cut*—(a) *General.* The factor of cut has reference to uniformity of the shreds and of the chopped pieces in canned kraut and to the length of the shreds in shredded kraut.

(b) (*A*) *classification.* Canned kraut that is well cut may be given a score of 9 or 10 points. "Well cut" means with respect to shredded kraut that the shreds are uniform in thickness and that the appearance of the product is not more than slightly affected by the presence of short or irregular cut pieces, and with respect to chopped kraut that the pieces are uniform in size and that the presence of pieces markedly smaller or larger than the predominant size of pieces does not more than slightly affect the appearance of the product.

(c) (*B*) *classification.* If the canned kraut is reasonably well cut, a score of 8 points may be given. "Reasonably well cut" means with respect to shredded kraut that the shreds are reasonably uniform in thickness and that the appearance of the product is not materially affected by the presence of short or irregular cut pieces, and with respect to chopped kraut that the pieces are reasonably uniform in size and that the presence of pieces markedly smaller or larger than the predominant size of pieces does not materially affect the appearance of the product.

(d) (*C*) *classification.* Canned kraut that is fairly well cut may be given a score of 7 points. Canned kraut that scores in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly well cut" means with respect to shredded kraut that the presence of very short or very fine pieces or large and irregular pieces, and with respect to chopped kraut that the presence of very fine pieces or large and irregular pieces does not seriously affect the appearance of the product.

(e) (*SStd.*) *classification.* Canned kraut that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2961 *Defects*—(a) *General.* Defects refers to the degree of freedom from coarse pieces of leaves, large and coarse pieces of core material, and blemished, spotted, or otherwise dark or discolored shreds or pieces in canned kraut.

(1) "Minor defects" means large or coarse pieces of leaves and large or coarse pieces of core material in canned kraut.

(2) "Major defects" means blemished, spotted, or otherwise discolored shreds or pieces of leaves or core material in canned kraut.

(b) (*A*) *classification.* Canned kraut that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that minor defects may be present that do not materially affect the appearance or eating quality and that major defects may be present that do not more than slightly affect the appearance or eating quality of the product.

(c) (*B*) *classification.* If the canned kraut is reasonably free from defects, a score of 16 or 17 points may be given. Canned kraut that falls into this classification on account of the presence of major defects shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule). "Reasonably free from defects" means that minor and major defects may be present that do not materially affect the appearance or eating quality of the product.

(d) (*C*) *classification.* Canned kraut that is fairly free from defects may be given a score of 14 or 15 points. Canned kraut that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that minor and major defects may be present that do not seriously affect the appearance or eating quality of the product.

(e) (*SStd.*) *classification.* Canned kraut that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2962 *Character*—(a) *General.* Character refers to the condition of the product and the tendency of kraut to be firm and easy to cut.

(b) (*A*) *classification.* Canned kraut that possesses a good character may be given a score of 18 to 20 points. "Good character" means that the kraut is crisp and firm.

(c) (*B*) *classification.* If the canned kraut possesses a reasonably good character, a score of 16 or 17 points may be given. "Reasonably good character" means that the kraut is reasonably crisp and reasonably firm.

(d) (*C*) *classification.* Canned kraut that possesses a fairly good character may be given a score of 14 or 15 points. Canned kraut that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the kraut may lack crispness, may be soft or slightly tough, but is not excessively tough or excessively soft or mushy.

(e) (*SStd.*) *classification.* Canned kraut that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2963 *Flavor*—(a) *General.* The flavor of canned kraut has reference to the typical lactic fermentation of the product and salt in an amount sufficient for the development of the characteristic kraut flavor and contains not less than 1.0 percent acid, calculated as lactic, and not less than 1.3 percent nor more than 2.5 percent of salt.

(b) (*A*) *classification.* Canned kraut that possesses a good flavor may be given a score of 27 to 30 points. "Good flavor" means that the product possesses a good characteristic kraut flavor which is free from off flavors and off odors of any kind.

(c) (*B*) *classification.* If the canned kraut possesses a reasonably good flavor, a score of 24 to 26 points may be given. Canned kraut that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the product possesses a reasonably good, characteristic, kraut flavor which is free from off flavors and off odors of any kind.

(d) (*C*) *classification.* Canned kraut that possesses a fairly good flavor may be given a score of 21 to 23 points. Canned kraut that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product possesses a fairly good kraut flavor which is free from objectionable flavors and objectionable odors which may seriously affect the eating quality of the product.

(e) (*SStd.*) *classification.* Canned kraut that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS; METHODS OF ANALYSES

§ 52.2964 *Definitions of terms and methods of analyses.* (a) "Salt" means percent, by weight, of salt (NaCl) in canned kraut. The percent salt in canned kraut may be determined by direct titration on a 10-gram sample of the packing media, after neutralization with a solution of sodium hydroxide or by adding an excess of calcium carbonate. Dilute with about 25 milliliters of distilled water and titrate with N/10 silver nitrate ($AgNO_3$) solution, using 0.5 milliliter of potassium chromate indicator, to the characteristic yellow-orange end point.

(b) "Acidity" means percent, by weight, of acid, calculated as lactic, in canned kraut. The percent acidity may be determined by direct titration on a 10-gram sample of the packing media. Dilute with about 25 milliliters of distilled water and titrate with N/10 sodium hydroxide solution, using several drops of phenolphthalein indicator, to the characteristic permanent faint-pink end point.

(c) "Methods of Analyses." The analyses indicated in this section shall be made in accordance with methods of analyses specified in Official Methods of Analysis of the Association of Official Agricultural Chemists or by any other method which gives equivalent results.

LOT CERTIFICATION TOLERANCES

§ 52.2965 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned kraut the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2966 *Score sheet for canned sauerkraut.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Style	
Acidity, percent (as lactic)	
Salt, percent (NaCl)	

Factors	Score points		
Color	20	(A)	18–20
		(B)	[1] 16–17
		(C)	[1] 14–15
		(SStd)	[1] 0–13
Cut	10	(A)	9–10
		(B)	8
		(C)	[2] 7
		(SStd)	[1] 0–6
Defects	20	(A)	18–20
		(B)	[2] 16–17
		(C)	[1] 14–15
		(SStd)	[1] 0–13
Character	20	(A)	18–20
		(B)	16–17
		(C)	[1] 14–15
		(SStd)	[1] 0–13
Flavor	30	(A)	27–30
		(B)	[2] 24–26
		(C)	[2] 21–23
		(SStd)	[1] 0–20
Total score	100		
Grade			

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: October 16, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 56–8527; Filed, Oct. 23, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11851; FCC 56–1013]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606, Table of Assignments, rules governing Television Broadcast Stations (Baton Rouge, La., and Jackson, La.).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition, filed July 26, 1956, by Bayou Broadcasting Corporation, permittee of UHF Station WCNS, authorized to operate on Channel 40 at Baton Rouge, Louisiana, for rule making to amend § 3.606, Table of Assignments, Television Broadcast Stations, so as to assign Channel 18 to Baton Rouge to replace Channel 40, as follows:

City	Channel No.	
	Delete	Add
Baton Rouge, La.	40–	18–
Jackson, La.	18–	40–

Petitioner also requests that the Commission direct it to show cause why its outstanding authorization for operation on Channel 40 should not be modified to specify operation on the proposed new assignment.

3. In support of its request, petitioner asserts that neither channel involved in the request (Channels 18 and 40) is used by an operating station, so there would be no loss of service in either city; no application has been filed for Channel 18 at Jackson; the channel change can be made in full compliance with the Commission's mileage separation requirements; and that the channel change "would make comparable the technical service of UHF operations in Baton Rouge."

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. We do not believe that we should direct Bayou Broadcasting Corporation in this proceeding to show cause why its authorization for Station WCNS should not be modified to specify operation on Channel 18 in place of Channel 40. Such additional proceedings which may be necessary can be instituted at the termination of this rule making proceeding. Furthermore, it is not necessary to delete Channel 40 from Baton Rouge. Channel 59 can be assigned to replace Channel 18 in Jackson.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 21, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Authority for the adoption of the amendment proposed herein is contained in section 4 (i), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

8. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: October 17, 1956.

Released: October 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8610; Filed, Oct. 23, 1956; 8:57 a. m.]

[47 CFR Part 11]

[Docket No. 11853; FCC 56-1018]

SPECIAL INDUSTRIAL RADIO SERVICE

NOTICE OF PROPOSED RULE-MAKING

1. By Report and Order of September 7, 1955 (FCC 55-923), the Commission completely revised that part of its rules which governs the Special Industrial Radio Service. Threaded through this revision (which became effective on November 1, 1955) is a previously evolved concept that the Special Industrial use of radio within Standard Metropolitan Areas of 500,000 or more population (SMA's) must be sharply limited. This concept has materially aided the Commission in its attempt to achieve an orderly and efficient utilization of the frequencies presently available for assignment in this Service.

2. In devising the limitations which obtain with respect to the new §§ 11.503 through 11.511, the Commission proceeded with caution to the end that it would not permit a use in one of the above SMA's which would subsequently prove to be intolerable from the interference and frequency-congestion standpoints. In certain of the above sections (each of which governs a specific category of industrial activity) the Commission was more liberal, in some respects, than in the other sections. Thus, §§ 11.503 (agricultural activities), 11.507 (mining activities), 11.508 (specialized service and trade activities), and 11.509 (general industrial service and trade activities) permit operation within the above SMA's where it can be shown that the applicant's transmitting equipment will be used, at all times, in an area of low population density removed from the urbanized sections of the SMA involved. In contrast, § 11.504 (heavy construction activities) permits operation within SMA's only for "on-the-job" communications, and § 11.506 (manufacturing activities) permits such operation only for "yard area" communications.

3. The Commission's experience in administering its Special Industrial Rules reveals that exceptions of the type presently contained in the above §§ 11.503, 11.507, 11.508 and 11.509 have not materially resulted in or contributed to frequency-congestion and interference conditions in SMA's. In fact, it now appears that additional users can be accommodated in areas "of low population density removed from the urbanized sections of the Standard Metropolitan Area involved" without serious impairment to the ends sought to be served by the overall SMA concept. Accordingly, the Commission deems it entirely appropriate to amend §§ 11.504 and 11.506 with a view to removing some of the restrictions in this regard now prevailing in these sections. In addition to promoting a more efficient use of the frequencies allocated for use in the Special Industrial Radio Service, these amendments will make for increased uniformity among the various rules governing that Service.

4. In view of the foregoing, the Commission proposes to amend §§ 11.504 (b) and (c), 11.506 (b) and (c) (1) of Subpart K: Special Industrial Radio Service of Part 11—Rules Governing the Industrial Radio Services to read as they are set forth below. The authority for these amendments is contained in sections 4 (i) and 303 (d), (g) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth above, may file with the Commission, on or before November 30, 1956, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed on or before the tenth day following the last day for the filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all timely-filed comments prior to taking final action in this matter, and, if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, any statement, brief or comment filed in the above-entitled proceeding must be accompanied by 14 additional copies thereof.

Adopted: October 18, 1956.

Released: October 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

§ 11.504 *Heavy construction activities.* * * *

(b) *Eligibility.* Persons engaged in heavy construction activities, as that term is defined in this section, are eligible in this service when it is shown that the use of the Low Power Industrial Radio Service does not meet their operational requirements and that the use of radio will be exclusively in connection with the conduct of the heavy construction activities involved and either (1) that all such activities take place exclusively (i) in areas other than Standard Metropolitan Areas of 500,000 or more population and/or (ii) in areas of low population density removed from the urbanized sections of such Standard Metropolitan areas, or (2) that, in areas other than those described in subparagraph (1) of this paragraph, the use of radio will be exclusively for on-the-job communications at the site of a particular heavy construction project.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, or in areas of low population density removed from the urbanized sections of such Standard Metropolitan Areas. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that one or more Base Stations, to be associated with a specified heavy construction project and to be located within one-quarter mile thereof, will be used exclusively in the conduct of that project; however, each authorization issued pursuant to this exception will be limited in term to one year, renewable on the same showing in the event the particular project continues beyond that period.

§ 11.506 *Manufacturing activities.* * * *

(b) *Eligibility.* Persons engaged in manufacturing activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the manufacturing activities involved and either (1) that those activities take place exclusively (i) in areas other than Standard Metropolitan Areas of 500,000 or more population and/or (ii) in areas of low population density removed from the urbanized sections of such Standard Metropolitan Areas, or (2) that the use of radio will be within the yard area for mobile service communications within areas other than those described in subparagraph (1) of this paragraph, and that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the manufacturing activity otherwise found eligible under this paragraph.

(c) *Limitation on station location.* (1) Each station authorized in accordance with the provisions of paragraph (b) (1) of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, or in areas of low population density removed from the urbanized sections of such Standard Metropolitan Areas.

[F. R. Doc. 56-8611; Filed, Oct. 23, 1956; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

ACCELERATION POLICY

NOTICE OF EXTENSION OF TIME

The Securities and Exchange Commission has extended to November 15, 1956, the time for submitting written comments on the proposed note to § 230.460 (Rule 460) relative to the Commission's acceleration policy under the Securities Act of 1933.

Announcement of the proposed note was published August 9, 1956, in Release No. 3672 (21 F. R. 6282). The proposed note would specify certain of the more common situations where it is the policy of the Commission to deny acceleration of the effective date of a registration statement under the standards of section 8 (a) of the act.

The extension has been granted at the request of certain persons who desire further time to consider this proposal.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 15, 1956.

[F. R. Doc. 56-8525; Filed, Oct. 23, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[427.32]

LONG LENGTHS OF EXPANDING LINKS READILY SEPARABLE INTO WATCH BRACELETS

TARIFF CLASSIFICATION

OCTOBER 17, 1956.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated September 6, 1956 (21 F. R. 6717), that the tariff classification of long lengths of expanding links readily separable into watch bracelets was under review. The Bureau, by its letter to the collector of customs at New York, New York, dated October 17, 1956, ruled that merchandise made of base metal consisting of expanding links, each about ½ inch long, in 10 or 11 link sections joined together with a short connecting link about ⅛ inch long which can readily be snapped open, imported in the piece in long lengths is properly classifiable under paragraph 1527 (c), Tariff Act of 1930, as modified, as unfinished watch bracelets, dutiable at the rate of 55 percent ad valorem if valued over 20 cents but not over $5 per dozen pieces or at the rate of 35 percent ad valorem if valued over $5 per dozen pieces. Previously it was the practice to classify this merchandise under paragraph 1527 (d), as modified, as materials of metal other than gold or silver suitable for use in the manufacture of articles provided for in paragraph 1527 (a), (b), or (c), dutiable at the rate of 40 percent ad valorem. Insofar as this ruling will result in the assessment of duty at a rate higher than that which has heretofore been assessed under a uniform and established practice, it will be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F. R. Doc. 56-8588; Filed, Oct. 23, 1956; 8:55 a. m.]

Federal Facilities Corporation

EXECUTIVE ASSISTANT AND CERTAIN OTHER DESIGNATED OFFICIALS

ORDER OF SUCCESSION

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, I hereby designate my Executive Assistant and the following Officers of the Federal Facilities Corporation and the Internal Revenue Service, in the order of succession enumerated, to act as Administrator of Federal Facilities Corporation during the absence or disability of the Administrator of Federal Facilities Corporation, or when there is a vacancy in such office:

1. General Counsel of the Federal Facilities Corporation.
2. Director of the Office of Tin.
3. Executive Assistant to the Assistant Secretary of the Treasury.
4. Director of the Office of Synthetic Rubber.
5. District Director of Internal Revenue, Richmond, Virginia.

This order supersedes the order of succession established May 26, 1955.

[SEAL] LAURENCE B. ROBBINS, *Administrator.*

OCTOBER 19, 1956.

[F. R. Doc. 56-8585; Filed, Oct. 23, 1956; 8:54 a. m.]

Office of the Secretary

[Treasury Dept. Order 150-43]

ASSISTANT TO THE COMMISSIONER

REDESIGNATION OF TITLE OF CERTAIN OFFICE

By virtue of the authority vested in me as Secretary of the Treasury, the office of Assistant Commissioner of Internal Revenue (Planning), in the Washington Headquarters Office of the Internal Revenue Service, as established in Treasury Department Order No. 150-24, dated April 10, 1953, is redesignated as the office of Assistant to the Commissioner.

The provisions of Treasury Department Order No. 150-24 are revised accordingly by this order.

Dated: October 5, 1956.

[SEAL] G. M. HUMPHREY, *Secretary of the Treasury.*

[F. R. Doc. 56-8589; Filed, Oct. 23, 1956; 8:55 a. m.]

DEFENSE LENDING DIVISION

EXECUTIVE ASSISTANT AND CERTAIN OTHER DESIGNATED OFFICIALS; ORDER OF SUCCESSION

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, I hereby designate my Executive Assistant and the following Officers, in the order of succession enumerated, to act for the Assistant Secretary of the Treasury with respect to the Defense Lending Division during the absense or disability of the Assistant Secretary of the Treasury, or when there is a vacancy in such office:

1. Chief Counsel, Office of Production and Defense Lending.
2. Director of Loans, Defense Lending Division.
3. Executive Assistant to the Assistant Secretary of the Treasury.
4. Assistant Director of Loans, Defense Lending Division.
5. District Director of Internal Revenue, Richmond, Virginia.

This order supersedes the order of succession established May 26, 1955.

[SEAL] LAURENCE B. ROBBINS, *Assistant Secretary of the Treasury.*

OCTOBER 19, 1956.

[F. R. Doc. 56-8586; Filed, Oct. 23, 1956; 8:55 a. m.]

RECONSTRUCTION FINANCE CORPORATION

EXECUTIVE ASSISTANT AND CERTAIN OTHER DESIGNATED OFFICIALS; ORDER OF SUCCESSION

ORDER OF SUCCESSION

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, I hereby designate my Executive Assistant and the following Officers of the Reconstruction Finance Corporation and the Internal Revenue Service, in the order of succession enumerated, to act as Chief Executive Officer of Reconstruction Finance Corporation during the absence or disability of the Chief Executive Officer of Reconstruction Finance Corporation, or when there is a vacancy in such office:

1. General Counsel of the Reconstruction Finance Corporation.
2. Director of the Office of Loan Administration and Liquidation.
3. Executive Assistant to the Assistant Secretary of the Treasury.
4. Chief of the Division of Loan Administration.
5. District Director of Internal Revenue, Richmond, Virginia.

This order supersedes the order of succession established May 26, 1955.

[SEAL] LAURENCE B. ROBBINS, *Assistant Secretary of the Treasury.*

OCTOBER 19, 1956.

[F. R. Doc. 56-8587; Filed, Oct. 23, 1956; 8:55 a. m.]

DEPARTMENT OF STATE

Bureau of Security and Consular Affairs

[Public Notice 148]

CERTAIN FOREIGN PASSPORTS

VALIDITY

Under the provisions of section 212 (a) (26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the

country from which he came or to proceed to and enter some other country during such period. The regulations of the Secretary of State (22 CFR 42.36 (a)) further provide that every alien who applies for an immigrant visa and who is subject to the passport requirement must be in possession of a passport which is valid for at least sixty days beyond the period of validity of the immigrant visa issued to him. By reason of the foregoing requirements, certain foreign governments have entered into an agreement with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Brazil, Canada, Cuba, Ethiopia, Germany (German Reisepass only), Guatemala, Iceland, Mexico, The Netherlands, Portugal, United Kingdom (nonimmigrants only).

Dated: October 15, 1956.

ROBERT F. CARTWRIGHT,
Acting Administrator, Bureau of Security and Consular Affairs.

[F. R. Doc. 56-8584; Filed, Oct. 23, 1956; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR THE BENEFIT OF ELI DE LEEUW ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

Eli de Leeuw; Paula Landau; Pauline Dupont; Louis Korijn; Meyer, Henriette and Veronica Hirschel; Naatje Philips; Gerrit and Hendrik Vaz Nunes; Hendrika Kampmeyer; Coenraad and Sara Vink; Anna Wendt; Louise, Abraham and Samson de Miranda; Johanna Vlessing; Rebekka and Barend Schaap, L. S. Claim No. 541, $784.16 in the Treasury of the United States;

Esther van Collem; Felix Israel; Samuel Leendert and Tobias Boas; Jacques and Jacqueline Mot; Eva Korb-Mot; Arnold van Praagh, L. S. Claim No. 731, $1,568.32 in the Treasury of the United States;

Elisabet Leonard (formerly Weissmann), Isaac Leonard (formerly Weissman), L. S. Claim No. 798, $1,270.00 in the Treasury of the United States;

Barbara Spier; Samuel and Charles Knoek, L. S. Claim No. 809, $1,960.40 in the Treasury of the United States;

R. Maykels-Koningsberger; H. Maykels and R. Hartog-Maykels, L. S. Claim No. 839, $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8592; Filed, Oct. 23, 1956; 8:55 a. m.]

JOSEF HORAK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Josef Horak, Eisenerz, Freiheitsplatz 5, Osterreich-Austria, Claim No. 42087, property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,186,675.

Vesting Order No. 201.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8590; Filed, Oct. 23, 1956; 8:55 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF SOPHIA MEIJER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Sophia Meijer, Joseph Vredenburg, Julius Ingiseeby, Juliette and Justus Philips, L. S. Claim No. 645, $1,364.47 in the Treasury of the United States;

Israel Polak, L. S. Claim No. 658, $2,728.94 in the Treasury of the United States;

Henriette and Leonard Snijder, L. S. Claim No. 683, $4,613.86 in the Treasury of the United States;

Salomon Roet, L. S. Claim No. 691, $2,540.71 in the Treasury of the United States;

Mrs. C. L. and Herman Rosenzweig and Hadosso Lichtblau, L. S. Claim No. 706, $4,093.41 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8591; Filed, Oct. 23, 1956; 8:55 a. m.]

STATE OF THE NETHERLANDS FOR THE BENEFIT OF ANNA DE LEEUW-DE LIEME ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Anna de Leeuw-de Lieme, L. S. Claim No. 562, $1,364.47 in the Treasury of the United States;

Henriette and Willy Levie and Emmy Steinke, L. S. Claim No. 573, $2,728.94 in the Treasury of the United States;

Caroline de Bruin-Levie, Emile and Abraham Levie, L. S. Claim No. 574, $1,364.47 in the Treasury of the United States;

Elisabeth Levie-Aptroot, Benjamin and Hein Levie, L. S. Claim No. 575, $1,364.47 in the Treasury of the United States;

Bertha Menko-Edersheim, L. S. Claim No. 600, $7,053.95 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8593; Filed, Oct. 23, 1956; 8:55 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF HENDRICK DAMMEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Hendrik Dammen, L. S. Claim No. 430, $3,324.87 in the Treasury of the United States;

Betsie Krom, Rosette Hofkamp, Evalina Groeneveld, Henry Citroen and Geertruida Zeehandelaar, L. S. Claim No. 445, $2,148.63 in the Treasury of the United States;

Hermine Dux; Louis and Rosalie Housman; Walter, Edwin, Robert, Richard and Percy Frowenfeld; Clara Dickson, Rena Friedman; Paul, Ernst and Max Kruger; Georg Pretzfelder and Henriette Wachsmann, L. S. Claim No. 451, $2,728.94 in the Treasury of the United States;

Isidore Hamburg, L. S. Claim No. 460, $2,052.93 in the Treasury of the United States;

Barend Hartlooper, L. S. Claim No. 466, $1,364.47 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C. on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8594; Filed, Oct. 23, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF MAARTJE ALSBERG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Maartje Alsberg, L. S. Claim No. 268, $1,364.47 in the Treasury of the United States;

J. Bamberg, L. S. Claim No. 273, $2,728.94 in the Treasury of the United States;

Helena Helfrich-Baruch, L. S. Claim No. 276, $1,364.47 in the Treasury of the United States;

Joël Biet, L. S. Claim No. 291, $1,364.47 in the Treasury of the United States;

Marianne van Amersfoort, L. S. Claim No. 293, $4,689.34 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56 8595; Filed, Oct. 23, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF SIGMOND JZN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Sigmond Jzn, L. S. Claim No. 604, $6,091.08 in the Treasury of the United States;

Rachel Schaap and Sophie van Oven, L. S. Claim No. 713, $2,728.94 in the Treasury of the United States;

Daniel Schoyer, L. S. Claim No. 716, $1,364.47 in the Treasury of the United States;

Henriette and Leonard Snijder, L. S. Claim No. 733, $6,822.35 in the Treasury of the United States;

Helena Forster-Blog, Marianne van Adelsbergen and Jeltje Bommer, L. S. Claim No. 736, $6,822.35 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8596; Filed, Oct. 23, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF BENJAMIN PAIS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Benjamin Pais; Roza Roeg-Pais; Hijman Roeg; Rebecca de Vries-Pais; Duifje Zinger-Pais, L. S. Claim No. 471, $6,782.75 in the Treasury of the United States;

Dolly Schoenberg; Molly van der Hoop; S. H. and D. Reiss; H. S. Reese; S. Bruchiss; J. and A. Simmons; R. Marx-Reiss, L. S. Claim No. 492, $1,364.47 in the Treasury of the United States;

Emmy Jitta, L. S. Claim No. 507, $4,093.41 in the Treasury of the United States;

Martijn Koster, L. S. Claim No. 546, $1,364.47 in the Treasury of the United States;

Abraham Kroonenburg; Jetje van der Leden; Bonney and Patricia de Willigen, L. S. Claim No. 549, $2,728.94 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8597; Filed, Oct. 23, 1956; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 028919]

ALASKA

WITHDRAWING PUBLIC LANDS FOR SCHOOL PURPOSES

OCTOBER 18, 1956.

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U. S. C. 353a), and pursuant to Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior for school purposes:

WRANGELL AREA

Beginning at a point located 264 feet south of Corner 47 of U. S. Survey 2321, thence
East, 3,867 feet;
South, 3,300 feet;
West, 1,320 feet to the line of mean high tide of Zimovia Strait;
Northwesterly, 4,575 feet along said line of mean high tide to a point due west of point of beginning;
East, 408 feet to point of beginning.

This tract to be identified as lot 4 of U. S. Survey No. 3403, unapproved. The tract described contains 171.25 acres.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 56-8519; Filed, Oct. 23, 1956; 8:45 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Agriculture has filed an application, Serial No. Oregon 05181, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws but excepting mineral leasing under the mineral leasing laws.

The applicant desires the land for purposes of a National Forest land exchange now being negotiated by the United States Forest Service.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer, Bureau of Land Management, Department of the Interior, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 35 S., R. 17 E.,
Sec. 4: Lots 2 and 3;
Sec. 5: Lot 1, SE¼NE¼, E½SE¼;
Sec. 8: E½E½;
Sec. 9: W½;
Sec. 17: All;
Sec. 19: Lots 1, 2, 3, 4, E½, E½W½;
Sec. 20: All;
Sec. 21: All;
Sec. 29: NE¼, SE¼NW¼, NE¼SW¼;
Sec. 34: W½SE¼.

Approximately 3,593.96 acres.

RUSSELL E. GETTY,
Acting State Supervisor.

SEPTEMBER 28, 1956.

[F. R. Doc. 56-8520; Filed, Oct. 23, 1956; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-15]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the facility license set forth below to Aerojet-General Nucleonics, San Ramon, California. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

No. R-6

LICENSE

1. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses Aerojet-General Nucleonics, San Ramon, California (hereinafter referred to as "AGN"),

(a) Pursuant to Section 104 c. of the Atomic Energy Act of 1954 (hereinafter referred to as "the act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor (hereinafter referred to as "the facility") designated below;

(b) Pursuant to the act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Materials, Regulations," to receive, possess and use up to 700 grams of contained uranium 235 in uranium oxide (UO_2) as fuel for operation of the facility.

(c) Pursuant to the act and Title 10, CFR, Chapter 1, Part 30, "Licensing of By-Product Material," to possess, but not to separate from the fuel, such special nuclear and by-product material as may be produced from operation of the reactor.

2. This license applies to the nuclear reactor which is owned by AGN and located at San Ramon, California, and described in AGN's application dated May 23, 1956, and designated AGN-201.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, including the proposed "Standards for Protection Against Radiation" regulation (10 CFR Part 20) published in the FEDERAL REGISTER July 15, 1955; and is subject to any additional conditions specified or incorporated below.

4. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

5. This license is effective as of the date of issuance and shall expire at midnight, August 16, 1976, unless sooner terminated.

Date of Issuance: October 19, 1956.

Dated at Washington, D. C., this 19th day of October 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

APPENDIX "A"

I. *Operating restrictions.* a. AGN shall operate the reactor in accordance with the procedures described in its application dated May 23, 1956, and supporting documents transmitted by AGN on August 31, 1956.

b. AGN shall not by-pass any control mechanism during the operation of the facility.

c. AGN shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

II. *Records.* In addition to those otherwise required under this license, AGN shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of AGN as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* AGN shall make a prompt report to the Commission of any unusual operating incident of the reactor.

[F. R. Doc. 56-8626; Filed, Oct. 23, 1956; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 8127 and 7963]

CALIFORNIA EASTERN AVIATION, INC., ET AL.

NOTICE OF HEARING ON INTERLOCKING RELATIONSHIPS

In the matter of the joint applications of California Eastern Aviation, Inc., et al., for the approval of interlocking relationships under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 5, 1956, at 10:00 a. m., e. s. t., in Room 1050, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., October 18, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8599; Filed, Oct. 23, 1956; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10268 etc.; FCC 56-996]

WJR, GOODWILL STATION, INC., ET AL.

ORDER REOPENING RECORD FOR FURTHER HEARING ON STATED ISSUES

In re applications of WJR, The Goodwill Station, Inc., Flint, Michigan, Docket No. 10268, File No. BPCT-967; Trebit Corporation, Flint, Michigan, Docket No. 10269, File No. BPCT-968; W. S. Butterfield Treatres, Inc., Flint, Michigan, Docket No. 10270, File No. BPCT-953; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 17th day of October 1956;

The Commission having under consideration the opinion of the United States Court of Appeals for the District of Columbia made May 24, 1956 in the case of W. S. Butterfield Theatres, Inc., et al. v. Federal Communications Commission, and the Court's action of July 9, 1956, when it denied the Commission's Petition for Rehearing;

It appearing that in its opinion the Court of Appeals reversed and remanded this case to the Commission for further proceedings to determine the differences in transmitter site, programming and studio building proposals brought about by WJR's modification of its construction permit and to reconsider the grant to WJR in the light of the differences disclosed;

It further appearing that the court stated that one of the questions to be dealt with in the reconsideration is whether WJR's late revelation of its changed situation reflects upon its character and fitness as a licensee;

It is ordered, That the record herein is reopened and remanded for further hearing before an Examiner to be designated by the Chief Hearing Examiner and for the preparation of a supplemental Initial Decision in which, in light of the evidence adduced under the issues hereinafter specified, the grant of WJR's application will be reconsidered on a comparative basis with the applications of Trebit and of Butterfield;

It is further ordered, That the hearing be upon the following issues:

1. To determine the difference between the proposals advanced by WJR, The Goodwill Station, Inc., in its original application and those proposals advanced by it in its application for modification of its construction permit, insofar as those differences relate to the areas of transmitter site, programming and studio building.

2. To determine, in light of the facts, whether the time at which WJR filed its modification application reflects adversely upon WJR's character and fitness as a licensee.

It is further ordered, In the interest of expediting this proceeding, That the hearing ordered herein shall be held at the offices of the Commission in Washington, D. C. commencing no later than November 16, 1956.

Released: October 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8612; Filed, Oct. 23, 1956; 8:57 a. m.]

[Docket No. 11288, etc., FCC 56M-963]

PONCE DE LEON BROADCASTING CO., INC., OF P. R. ET AL.

ORDER CONTINUING HEARING

In re applications of Ponce de Leon Broadcasting Co., Inc., of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Sucesion Luis Pirallo-Castellanos, Mayaguez, Puerto Rico, Docket No. 11811, File No. BPCT-2158; Department of Education of Puerto Rico, Mayaguez, Puerto Rico, Docket No. 11812, File No. BPCT-2159; for construction permits for new television stations.

The Hearing Examiner having under consideration a petition, filed on October 9, 1956, on behalf of the Department of Education of Puerto Rico, requesting that (1) the hearing in the above-entitled proceeding, now scheduled to be held in Washington, D. C., on October 29, 1956, be postponed until November 12, 1956; (2) that the period within which requests by parties for information from adversary parties to the proceeding pursuant to § 1.841 (e) of the Commission's rules, or petitions requesting the Examiner to add the so-called "Evansville" issue, authorized by the Commission's Order of Designation in the said proceeding, be extended from October 19, 1956, to October 24, 1956; and (3) that the date for the final pre-hearing conference, pursuant to § 1.841 (c) of the said rules be postponed from October 23, 1956, to October 31, 1956; and

It appearing that sufficient good cause has been set forth in the above petition to justify a grant of the relief requested herein; and

It further appearing that no opposition to a grant of the said petition has been filed by any of the other parties to the proceeding within the four-day period specified in § 1.745 of the Commission's rules:

It is ordered, This 16th day of October 1956, that the above petition be, and it is hereby, granted; that the period within which requests for information or petitions requesting the addition of the so-called "Evansville" issue be, and it is hereby, extended from October 19, 1956, to October 24, 1956; that the date for the final pre-hearing conference in the said proceeding is postponed from October 23, 1956, to October 31, 1956; and that the date for the commencement of the hearing in the said proceeding is postponed from October 29, 1956, until November 13, 1956.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8613; Filed, Oct. 23, 1956; 8:58 a. m.]

[Docket Nos. 11565, 11566; FCC 56 M-958]

ROLLINS BROADCASTING OF DELAWARE, INC., AND FRANKLIN BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

The Hearing Examiner having under consideration a joint Petition for Continuance filed October 15, 1956 on behalf of the applicants, requesting an indefinite continuance of the further hearing now scheduled for October 17, 1956; and

It appearing that counsel for the Broadcast Bureau has informally consented to a waiver of § 1.745 of the Commission's rules and to a grant of the instant petition; and

It further appearing that good cause for an indefinite continuance is shown by petitioners' allegation that the parties hope to achieve an agreement which will eliminate the necessity of a comparative hearing, and that the requested indefinite continuance will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 16th day of October 1956, that the above Petition for Continuance be and it is hereby granted, and the further hearing in this proceeding is continued from October 17, 1956 to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8614; Filed, Oct. 23, 1956; 8:58 a. m.]

[Docket Nos. 11789, 11790; FCC 56M-970]

TRADEWINDS BROADCASTING CO. (WCBQ)

ORDER CONTINUING HEARING

In re applications of H. R. Lankford, tr/as The Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, for construction permit to replace expired construction permit; Docket No. 11789, File No. BP-10370; and for modification of construction permit; Docket No. 11790, File No. BMP-6920.

On the oral request of counsel for the applicant, and without objection by counsel for the other parties: *It is ordered,* This 17th day of October 1956, that the hearing now scheduled for October 22, 1956, is continued to Thursday, November 1, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8615; Filed, Oct. 23, 1956; 8:58 a. m.]

[Docket Nos. 11804, 11805; FCC 56M-975]

RADIO WAYNE COUNTY, INC., AND RADIO NEWARK, INC.

STATEMENT AND ORDER GOVERNING HEARING

In re applications of Radio Wayne County, Inc., Newark, New York, Docket No. 11804, File No. BP-10316; Radio Newark, Inc., Newark, New York, Docket No. 11805, File No. BP-10527; for construction permits.

Appearances: Philip M. Baker, on behalf of Radio Wayne County, Inc.; Lenore G. Ehrig and Harry J. Daly, on behalf of Radio Newark, Inc.; and Thomas Fitzpatrick, on behalf of the Broadcast Bureau.

Pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, and in accordance with notice duly given, a prehearing conference in the above-entitled matter was held on October 17, 1956. Agreements among the parties, as set forth in the transcript of such pre-hearing conference, are formally approved by the Hearing Examiner, and the course of the hearing shall be governed by the procedure agreed upon; and, accordingly,

It is ordered, This 17th day of October 1956, that the pre-hearing conference be and it is continued to November 19, 1956, at 9:00 o'clock a. m., and the hearing presently scheduled for October 31, 1956, be and it is hereby continued to a date to be fixed at the further pre-hearing conference.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8616; Filed, Oct. 23, 1956; 8:58 a. m.]

[Docket Nos. 11814, 11815; FCC 56M-966]

GREAT WESTERN RADIO CO. AND JOHN JACK BENTLEY

ORDER CONTINUING HEARING

In re applications of George Wayne Inglis and Elvis Leo Roberts, d/b as Great Western Radio Company, Midland, Texas, Docket No. 11814, File No. BP-10466; John Jack Bentley, Stanton, Texas; Docket No. 11815, File No. BP-10613; for construction permits.

[1] The date of the hearing is set for November 13, 1956, due to the fact that November 12, 1956, is a legal holiday in government service for the observance of Armistice Day which this year falls on Sunday, November 11, 1956.

The Hearing Examiner having under consideration the "Petition To Remove From Hearing Docket The Above Named Great Western Radio Company" filed on October 15, 1956, on behalf of Great Western Radio Company, along with an agreement attached to said petition between the Great Western Radio Company, applicant, and John Jack Bentley, applicant, indicating that said Bentley proposes to dismiss his application in the above-entitled proceeding;

It appearing that John Jack Bentley, applicant herein, has not filed any pleading respecting the dismissal of his application in the above-captioned proceeding;

It is therefore ordered, This 17th day of October 1956, that the pre-hearing conference presently scheduled for October 22, 1956, and the hearing now scheduled for November 5, 1956, be, and the same are hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8617; Filed, Oct. 23, 1956; 8:58 a. m.]

[Docket Nos. 11825, 11826; FCC 56 M-967]

VICTORIA TELEVISION CO. AND ALKEK TELEVISION CO.

ORDER SETTING PRE-HEARING CONFERENCE

In re applications of O. L. Nelms d/b as Victoria Television Company, Victoria, Texas, Docket No. 11825, File No. BPCT-2084; Albert B. Alkek d/b as Alkek Television Company, Victoria, Texas, Docket No. 11826, File No. BPCT-2109; for construciton permits for new television stations.

It is ordered, This 17th day of October 1956, that all parties in the above-entitled proceeding, or their counsel, are directed to appear for a pre-hearing conference, pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10:00 a. m., November 2, 1956, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) The possibility of stipulating with respect to facts;

(4) Need, if any, for depositions;

(5) The date for the exchange of exhibits between the applicants, as required by § 1.841; and

(6) Such other matters as will be conducive to an expeditious conduct of the hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8618; Filed, Oct. 23, 1956; 8:58 a. m.]

[Docket No. 11827; FCC 56 M-974]

PRAIRIE BROADCASTING CO. (WPRE)

ORDER CONTINUING HEARING

In re application of Prairie Broadcasting Company (WPRE), Prairie du Chien, Wisconsin, Docket No. 11827, File No. BP-10155; for construction permit.

It is ordered, This 18th day of October 1956, on the Hearing Examiner's own motion, that the hearing in the above-entitled proceeding, which is now scheduled for November 13, 1956, be, and the same is hereby, continued to November 26, 1956, in the Commission's offices in Washington, D. C., at 10 o'clock a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8619; Filed, Oct. 23, 1956; 8:58 a. m.]

[Docket No. 11850; FCC 56-1002]

ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

In the matter of amendment of the revised tentative allocation plan for Class B FM Broadcast Stations.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Bridgeport-Danbury-Brookfield, Conn.	233, 268	236
Kingston, N. Y.	235	233
New Haven, Conn.	236	
Pittsfield, Mass.	268	

3. A request was submitted by station WGHF, Newtown (Bridgeport-Danbury-Brookfield area) Connecticut, for deletion of Channel No. 268 from the allocations of Bridgeport, Connecticut, and Pittsfield, Massachusetts, and reallocation of Channel No. 236 from New Haven, Connecticut, to Brookfield, Connecticut, for subsequent assignment there to station WGHF. Such changes will permit the interchangeability of programs of WGHF and WTMH, Providence, Rhode Island, without interference from other stations in the area.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 16, 1956 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 17, 1956.

Released: October 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8620; Filed, Oct. 23, 1956; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11247]

ATLANTIC REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Atlantic Refining Company (Atlantic), on September 17, 1956, tendered for filing proposed changes in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates, are contained in the following designated filings, which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Designation; Effective Date[1]

Notice of Change, dated August 30, 1956; United Fuel Gas Company; Supplement No. 3 to Atlantic's FPC Gas Rate Schedule No. 63; November 1, 1956.

Notice of Change, dated August 29, 1956; United Fuel Gas Company; Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 115; November 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Comission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rule of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 18, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8521; Filed, Oct. 23, 1956; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Atlantic if later.

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Vaughn if later.

[Docket No. G-11248]

G. H. VAUGHN

ORDER SUSPENDING PROPOSED CHANGE IN RATES

G. H. Vaughn (Vaughn), on September 10, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; Effective Date[3]

Notice of change dated September 1, 1956; H. L. Hunt; Supplement No. 6 to Vaughn's FPC Gas Rate Schedule No. 1; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 18, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8522; Filed, Oct. 23, 1956; 8:46 a. m.]

[Docket No. G-11249]

M. H. MARR

ORDER SUSPENDING PROPOSED CHANGE IN RATES

M. H. Marr (Marr) on September 17, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; Effective Date[3]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 6 to Marr's FPC Gas Rate Schedule No. 3; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified; and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 18, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8523; Filed, Oct. 23, 1956; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CHIEF, MORTGAGE SERVICING SECTION

DEEDS OF TRUST

Effective October 1, 1956, the Chief of the Mortgage Servicing Section is designated the successor in office to the Director of the former Mortgage Servicing Branch, and as such he may perform the functions of trustee under deeds of trust heretofore or hereafter executed in which the United States of America and/or the Public Housing Administration has an interest.

Date approved: October 16, 1956.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 56-8524; Filed, Oct. 23, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 135]

MOTOR CARRIER APPLICATIONS

OCTOBER 19, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 340 Sub 11, filed April 30, 1956, QUERNER TRUCK LINES, INC., 1131 Austin Street, San Antonio, Tex. Applicant's representative: Joe T. Lanham, Perry-Brooks Building, Austin, Tex. Issues published in FEDERAL REGISTER of May 16, 1956.

HEARING: December 10, 1956, at The Hilton Hotel, San Antonio, Texas, before Examiner David Waters.

No. MC 531 Sub 68, filed July 2, 1956, YOUNGER BROTHERS, INC., P. O. Box 14287, Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: December 5, 1956, at the Jung Hotel, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 665 Sub 51, filed June 8, 1956, MISSOURI - ARKANSAS TRANSPORTATION COMPANY, a corporation, 1505 Malden Lane, Joplin, Mo. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: November 27, 1956, at the Arkansas Public Service Commission, Little Rock, Ark., before Joint Board No. 217.

No. MC 665 Sub 52, filed July 30, 1956, MISSOURI - ARKANSAS TRANSPORTATION COMPANY, 1505 Malden Lane, Joplin, Mo. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 5, 1956, at the Kansas State Corporation Commission, Topeka, Kansas, before Joint Board No. 39.

No. MC 730 Sub 86, filed October 1, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline St., Oakland, Calif. For authority to operate as a *common carrier*, transporting: *General commodities, including commodities requiring special equipment*, but excepting those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, in connection with applicant's authorized regular route operations over U. S. Highways 99, 99–E, and 126 between Los Angeles, Calif. and Portland, Oreg., U. S. Highway 40 between San Francisco, Calif. and Sacramento, Calif., U. S. Highway 99–W between Davis Junction, Calif. and Red Bluff, Calif., U. S. Highway 24 between Woodland, Calif. and Yuba City, Calif., and U. S. Highway 99–W between Junction City, Oreg. and Portland, Oreg., serving all intermediate points north of Sacramento on the above-indicated routes between (1) Los Angeles, Calif. and Portland, Oreg., (2) Davis Junction, Calif. and Red Bluff, Calif., and (3) Junction City, Oreg. and Portland, Oreg., without restrictions, and to and from the off-route points of Hillsboro and Gresham, Oreg., without restrictions; and Sacramento, San Francisco, Los Angeles, all intermediate points on the applicable portions of the above-indicated routes between those three points, the off-route points of Alameda and San Leandro, Calif., and those off-route points comprising (a) the area defined in the Los Angeles, Calif. Commercial Zone and the Los Angeles Harbor Commercial Zone, excluding Los Angeles, and (b) an area in Los Angeles County on and south of U. S. Highway 66 and east of the Los Angeles Harbor Commercial Zone, restricted to traffic moving to or from authorized points in California north of Sacramento, Calif., or to traffic transported by carrier to or from points outside of California.

NOTE: In Certificate No. MC 55905, acquired by applicant pursuant to proceedings in No. MC-F 5859, in connection with the above-specified operations, applicant is authorized as follows: "Service is authorized to and from all intermediate points north of Sacramento on the above-described regular routes between Los Angeles, Calif. and Portland, Oreg., between Davis Junction, Calif. and Red Bluff, Calif., and between Junction City, Oreg. and Portland, Oreg., without restrictions, and to and from the off-route points of Hillsboro and Gresham, Oreg., without restriction; and to and from the following points restricted to traffic moving to or from authorized points in California and Oregon north of Sacramento, Calif.; Sacramento, San Francisco, Los Angeles, all intermediate points on the applicable portions of the above-described routes between those three points, the off-route points of Alameda and San Leandro, Calif., and those off-route points comprising (a) the area defined in the Los Angeles, Calif. Commercial Zone and Los Angeles Harbor Commercial Zone, excluding Los Angeles, and (b) an area in Los Angeles County on and south of U. S. Highway 66 and east of the Los Angeles Harbor Commercial Zone." By this application, applicant seeks the use of additional gateways on traffic moving over its line to and from points outside the State of California. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Nevada, California, Idaho, Kansas, Missouri, Illinois, Washington, Oregon, and Montana.

HEARING: December 6, 1956, in Room 226, Old Mint Building, Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 75.

No. MC 730 Sub 89, filed October 8, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline St., Oakland, Calif. Applicant's representatives: W. T. Cannon, 299 Adeline St., Oakland 4, Calif., and A. S. Glikbarg, 155 Sansome St., San Francisco, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Nevada to points in Idaho south of the Idaho County Line, California, Oregon, Nevada and Utah. Applicant is authorized to conduct operations in California, Arizona, Utah, Nevada, Washington, Montana, Idaho, and Oregon.

HEARING: December 5, 1956, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 1263 Sub 9, filed February 1, 1956, J. H. McCARTY, doing business as J. H. McCARTY TRUCK LINE, Trenton, Mo. Applicant's representative: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Issues published in FEDERAL REGISTER of February 29, 1956.

HEARING: December 4, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 1872 Sub 38, filed May 7, 1956, RULON C. ASHWORTH, JOSEPHINE G. ASHWORTH, RALPH G. ASHWORTH, AND RULON C. ASHWORTH, JR., doing business as ASHWORTH TRANSFER COMPANY, 1526 South 6th West, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, Continental Building, Salt Lake City 1, Utah. Issues published FEDERAL REGISTER of May 23, 1956.

HEARING: December 10, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James I. Carr.

No. MC 2900 Sub 86, filed August 22, 1956, GREAT SOUTHERN TRUCKING COMPANY, 1863 Clarkson St., P. O. Box 2408, Jacksonville 3, Fla. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 6, 1956, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 177.

No. MC 4405 Sub 277, filed July 5, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: December 7, 1956, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 4405 Sub 278, filed July 5, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Bldg., Memphis 3, Tenn. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: December 6, 1956, at the Jung Hotel, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 4405 Sub 279, filed July 5, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 3, 1956, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Examiner Roy Linn.

No. MC 4405 Sub 282, filed September 28, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) (a) *Trailers* and *semi-trailers*, other than those designated to be drawn by passenger automobiles, and *trailer chassis*, in initial movements, in truckaway and driveaway service, (b) *truck* and *trailer bodies*, assembled or unassembled, from Portland, Oreg., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and (2) *Tractors*, other than farm tractors, in secondary driveaway movements, only when drawing trailers moving in initial driveaway movements, from Portland, Oreg., to points in Arizona, Nevada and Oregon. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 12, 1956, at 538 Pittock Block, Portland, Oreg., before Examiner Allen F. Borroughs.

No. MC 5111 Sub 8, filed August 13, 1956, TOM SMITH, doing business as SMITH'S FILM SERVICE, 316 West Franklin, White Hall, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 4, 1956, at the Desoto Hotel, St. Louis, Mo., before Joint Board No. 46.

NOTE: No. MC 6945 Sub 25, filed October 4, 1956, THE NATIONAL TRANSIT CORPORATION, 1687 West Fort Street, Detroit 16, Mich. Applicant's representative: Thomas I. Wattles, Dime Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, matches, household goods as defined by the Commission, commodities in bulk, other than metal scrap in bulk, and commodities requiring special equipment, serving to and from the Ford Motor Company Parts and Equipment Division Plant, located near Rawsonville, Washtenaw County, Mich., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Indiana, Kentucky, Michigan, and Ohio.

HEARING: November 29, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 8681 Sub 43, filed June 8, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's representative: Louis E. Smith, 1800 N. Meridian Street, Suite 503 Indianapolis 2, Ind. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: December 4, 1956, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 8681 Sub 47, filed June 8, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's representative: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: December 10, 1956, at 538 Pittock Block, Portland, Oreg., before Examiner Allan F. Borroughs.

No. MC 8681 Sub 49, filed July 30, 1956, WESTERN AUTO TRANSPORTS, INC., 430 S. Navajo St., Denver 9, Colo. Applicant's representative: Louis E. Smith, 1800 N. Meridian St., Indianapolis 2, Ind. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 5, 1956, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 8681 Sub 50, filed July 30, 1956, WESTERN AUTO TRANSPORTS, INC., 430 S. Navajo St., Denver 9, Colo. Applicant's representative: Louis E. Smith, 1800 N. Meridian St., Indianapolis 2, Ind. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 7, 1956, at the Jung Hotel, New Orleans, La.; before Examiner Richard H. Roberts.

No. MC 9895 Sub 85, filed June 16, 1956, R. B. "DICK" WILSON, INC., P. O. Box 838, Denver, Colo. Applicant's representative: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: November 29, 1956, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 9895 Sub 87, filed September 24, 1956, R. B. "DICK" WILSON, INC., East 59th Avenue and Highway 6, P. O. Box 283, Denver, Colo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, between Denver, Colo., and points within five miles thereof, on the one hand, and, on the other, points in Wyoming, and those in Nebraska and Kansas on and west of U. S. Highway 183, and those in South Dakota in and west of Perkins, Meade, Pennington, Washabaugh, and Shannon Counties.

HEARING: November 29, 1956, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 11185 Sub 96, filed May 14, 1956, J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Issues published in FEDERAL REGISTER of May 30, 1956.

HEARING: December 3, 1956, at the Baker Hotel, Dallas, Texas, before Examiner David Waters.

No. MC 11185 Sub 97, filed May 14, 1956, J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's representative: James W. Wrape, 2111 Sterick Bldg., Memphis 3, Tenn. Issues published in FEDERAL REGISTER of May 30, 1956.

HEARING: December 3, 1956, at the Baker Hotel, Dallas, Texas, before Examiner David Waters.

No. MC 13062 Sub 6, filed October 8, 1956, SUTTON TRANSFER, INC., 808 National Ave., Lexington, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Bldg., Louisville 2, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, other than those requiring refrigeration, between (1) Winchester, Ky. and Louisville, Ky., from Winchester over U. S. Highway 60 to Louisville, and return over the same route, restricted against pickup of shipments at any intermediate point, and on east-bound movements restricted against delivery of shipments at any intermediate point west of the eastern city limits of Lexington; (2) Louisville, Ky. and Wilmore, Ky., from Louisville over U. S. Highway 60 to junction with Parkers Mill Road, an unnumbered County highway, thence south over Parkers Mill Road to junction with Lane Allen Road, an unnumbered County highway, thence east over Lane Allen Road to junction with Rosemont Garden St. thence over Rosemont Garden St. to junction U. S. Highway 27, thence over U. S. Highway 27, to Nicholasville, and thence over Kentucky Highway 29 to Wilmore, and return over the same route, serving the intermediate point of Nicholasville, Ky. and points between Nicholasville and Wilmore; (3) Stanford, Ky. and Lexington, Ky., from Stanford over U. S. Highway 27 to Lexington and return over the same route, serving all intermediate points; (4) Stanford, Ky. and Camp Dick Robinson, Ky., from Stanford to Danville, Ky. over U. S. Highway 150, thence over Kentucky Highway 34 to Camp Dick Robinson, and return over the same routes, serving all intermediate points; (5) Danville, Ky. and Harrodsburg, Ky., from Danville over Kentucky Highway 35 to Harrodsburg and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kentucky.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of Section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificates on file with this Commission. This application will be processed concurrently with No. MC-F 6324 published in the July 11, 1956 issue, page 5156.

HEARING: November 29, 1956, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 105.

No. MC 17037, JOHN CURRY, INC., Philadelphia, Pa. Applicant's representative: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South Fifteenth St., Philadelphia 2, Pa. (PETITION FOR CLARIFICATION). In a petition filed June 14, 1956, John Curry, Inc., which holds a certificate in No. MC 17037 to operate, in interstate or foreign commerce, over irregular routes, (1) of newspapers from Philadelphia, Pa., to Washington, D. C., points and places in that part of New Jersey south and west of a line beginning at Trenton, N. J., and extending in an easterly direction to Robbinsville, N. J., thence in a southeasterly direction to New Egypt, N. J., and thence in a southerly direction to Atlantic City, N. J., and those in Delaware on and north of a line extending in an easterly direction from the junction of the Pennsylvania-Maryland-Delaware State Lines through Wilmington to Delaware River, including the points named, traversing Maryland for operating convenience only, and (2) of paper and paper products from Philadelphia, Pa., to Wilmington, Del., and points and places in that part of New Jersey specified above, requests that it be authorized to continue as in the past to lease vehicles with drivers to shippers in conducting its operations under the said certificate, and it seeks either an exemption from § 207.6 of the Commission's leasing regulations or a redescription of its operating authority so as to read as follows:

To lease vehicles with drivers to shippers for the transportation of paper and paper products, over irregular routes, from Philadelphia, Pa., to Wilmington, Delaware and points in that part of New Jersey south and west of a line beginning at Trenton, New Jersey, and extending in an easterly direction to Robbinsville, N. J., thence in a southeasterly direction to New Egypt, N. J., and thence in a southerly direction to Atlantic City, N. J.

Upon consideration of the petition, and for good cause appearing, Division 1 of the Commission by order entered August 28, 1956, accepted the petition for filing, but on its own motion reopened the proceeding for an oral hearing and for such determination, action, or relief thereunder as the facts may warrant.

HEARING: November 28, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 24379 Sub 22, filed October 1, 1956, LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit, Mich. Applicant's representative: Robert H. Levy, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich., and Port Huron, Mich., over U. S. Highway 25, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (a) between Coldwater, Mich., and Port Huron, Mich., (b) between Bay City, Mich., and Fostoria, Ohio, (c) between Lansing, Mich., and Pittsburgh, Pa., and (d) between Chicago, Ill., and Detroit, Mich. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania, and irregular route operations in New Jersey, New York, and Pennsylvania.

HEARING: November 29, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 26907 Sub 12, filed July 24, 1956, RIPON TRUCKING CO., a Corporation, Oshkosh Street, Ripon, Wis. Applicant's representative: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: November 26, 1956, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner James H. Gaffney.

No. MC 29566 Sub 44, filed July 2, 1956, SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: December 7, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 29886 Sub 86, filed June 14, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample Street, South Bend, Ind. Applicant's representative: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: December 11, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 29886 Sub 87, filed June 25, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. Applicant's representative: Charles M. Pieroni, 523 Johnson Bldg., Muncie, Ind. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: December 11, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 30319 Sub 67, filed May 7, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's representative: Edwin N. Bell, Southern Pacific Lines, Texas and New Orleans Railroad Co., Houston 2, Tex. Issues published in FEDERAL REGISTER of May 30, 1956.

HEARING: December 7, 1956, at the Federal Office Building, Franklin & Fannin Streets, Houston, Texas, before Joint Board No. 32.

No. MC 30837 Sub 207, filed August 20, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th St., Kenosha, Wis. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 4, 1956, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 30897 Sub 9, filed July 18, 1956, CONSOLIDATED FREIGHT COMPANY, a corporation, 100 Carroll Street, Saginaw, Mich. Applicant's representative: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: November 29, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 30980 Sub 3, filed June 4, 1956, CHARLES A. TARANTOLA, doing business as SOUTHAMPTON HAULING COMPANY, 4999 Fayler Avenue, St. Louis, Mo. Applicant's representative: Joseph R. Nacy, 117 West High St., Jefferson City, Mo. Issues published in FEDERAL REGISTER of June 20, 1956.

HEARING: November 30, 1956, at the Desoto Hotel, St. Louis, Mo., before Examiner William J. Cave.

No. MC 35396 Sub 20, filed September 13, 1956, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, 208 Darby St., Princeton, Ky. Applicant's representative: Robert M. Pearce, 711 McClure Bldg., Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Radioactive materials*, in special cylinders and tanks on special frames, between the site of the Atomic Energy Commission Plant at or near Kevil, Ky. and the sites of the Atomic Energy Commission Plants at or near Sargents, Ohio and Oak Ridge, Tenn. Applicant is authorized to conduct operations in Kentucky, Indiana, Ohio, Pennsylvania, West Virginia, and Tennessee.

HEARING: November 26, 1956, at the U. S. Court Rooms, Paducah, Ky., before Joint Board No. 209.

No. MC 41404 Sub 13, filed May 25, 1956, C. E. WELDON, doing business as ARGO COLLIER TRUCK LINES, Fulton Highway, Martin, Tenn. Applicant's representative: Joseph M. Scanlan, 111 W. Washington St., Chicago 2, Ill. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: November 30, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 42469 Sub 1, filed July 23, 1956, JOSEPH ARTH, 1430 Marcus Avenue, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 3, 1956, at the Desoto Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 48479 Sub 6, filed May 9, 1956, amended, FRIGIDWAYS, INC., 253 W. Virginia Ave., P. O. Box 2503, Memphis, Tenn. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. Issues published in FEDERAL REGISTER of May 23, 1956, and republished July 25, 1956.

HEARING: November 28, 1956, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Allen W. Hagerty.

No. MC 52657 Sub 485, filed May 14, 1956, (Amended), published May 30, 1956, on Page 3707, ARCO AUTO CARRIERS, INC., 91st Street & Perry Avenue, Chicago 20, Ill. Applicant's representative: Glenn W. Stephens, 121 W. Doty Street, Madison, Wis. Issues published in FEDERAL REGISTER of May 30, 1956.

HEARING: December 3, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 52657 Sub 490, filed June 25, 1956, ARCO AUTO CARRIERS, INC., 91st St. and Perry Ave., Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 W. Doty St., Madison, Wis. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: December 3, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 52709 Sub 65, filed June 21, 1956, (Amended) published July 25, 1956 on Page 5601, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Issues published in FEDERAL REGISTER of July 25, 1956 and republished August 8, 1956.

HEARING: November 28, 1956, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 52947 Sub 24, filed August 9, 1956 (Amended), published September 26, 1956 on Page 7356, PINSON TRANSFER COMPANY, INC., 119 20th Street, Huntington, W. Va. Applicant's representatives: Robert H. Kinker and Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special

equipment, between Huntington, W. Va., and Cincinnati, Ohio, over U. S. Highway 52, serving no intermediate points, but serving Aberdeen, Ohio for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kentucky, Ohio, Virginia, and West Virginia.

NOTE: Applicant has an authorized regular route authority under Certificate No. MC 52947 Sub 11, dated September 15, 1954, between Cincinnati, Ohio and Moorhead, Ky., from Cincinnati over U. S. Highway 52 to Aberdeen, Ohio, thence over U. S. Highway 62 to Maysville, Ky., etc. The portion "between Cincinnati, Ohio and Aberdeen, Ohio, over U. S. Highway 52" duplicates a portion of the authority herein requested.

HEARING: November 30, 1956, at the U. S. Court House, Charleston, W. Va., before Joint Board No. 62.

No. MC 55581 Sub 4, filed July 2, 1956, WALTER FREEMAN, 1213 Wetherly Bldg., 516 S. E. Morrison Street, Portland, Oreg. Applicant's representative: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: December 7, 1956, at 538 Pittock Block, Portland, Oreg., before Examiner Allan F. Borroughs.

No. MC 55848 Sub 32, (amended) July 20, 1956, filed May 22, 1956, HUCKABEE TRANSPORT CORP., P. O. Box 479, Columbia, S. C. Applicant's representative: A. Alvis Layne, Jr., Pennsylvania Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, used by the Atomic Energy Commission, except Class A and B explosives, those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment due to size or weight, between the Savannah River Plant of the Atomic Energy Commission, at Dunbarton, S. C., and the site of the Atomic Energy Plant at Oak Ridge, Tenn., from the Savannah River Plant over South Carolina Highway 125 to junction U. S. Highway 25, thence over U. S. Highway 25 to junction South Carolina Highway 19 (also from said plant over South Carolina Highway 19), thence over U. S. Highway 25 to junction U. S. Highway 25W west of Newport, Tenn., thence over U. S. Highway 25W through Knoxville, Tenn., to Clinton, Tenn., thence over Tennessee Highway 61 to Dossett, Tenn., and thence over an unnumbered highway to Oak Ridge (also over an unnumbered highway from Knoxville via Byington, Tenn., to Oak Ridge), and return over the same route serving no intermediate points. Applicant is authorized to conduct operations in South Carolina, North Carolina, Georgia and Tennessee.

NOTE: Applicant is authorized in MC 55848 Sub 30 to transport compressed inflammable gases, in bulk in Government-owned tube trailers, and empty tube trailers, and classified and secret materials between the same two points mentioned above.

HEARING: December 4, 1956, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 289.

No. MC 64704 Sub 2, filed December 23, 1955, SANFORD BENTON, doing business as BENTON TRUCK LINES, 320 Elm Street, Boonville, Mo. Applicant's representative: Tweedie Fisher, Jefferson City, Mo. Issues published in FEDERAL REGISTER of February 15, 1956.

HEARING: November 26, 1956, at the Desoto Hotel, St. Louis, Mo., Examiner William J. Cave.

No. MC 64932 Sub 212, filed June 7, 1956, (Amended) published June 20, 1956, on Page 4333, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Ave., Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Issues published in FEDERAL REGISTER of June 20, 1956, and republished June 27, 1956.

HEARING: November 30, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 64932 Sub 216, filed July 10, 1956, ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: November 30, 1956, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 65781 Sub 1, filed May 16, 1956, R. E. EIDSVOLD AND R. H. EIDSVOLD, doing busines as DAWN MOVING AND STORAGE COMPANY, 6009 Wayzata Boulevard, Minneapolis, Minn. Applicant's representative: Nathan E. Zelby, 135 Broadway, New York 6, N. Y. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: December 6, 1956, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Examiner James H. Gaffney.

No. MC 66562 Sub 1312, filed October 4, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's representative: James E. Thomas, % Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Bldg., Atlanta, Ga. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, moving in express service, serving Lobeco, S. C., as an intermediate point in connection with applicant's regular route operations between Augusta, Ga., and Beaufort, S. C., in its Certificate No. MC–66562 Sub 1262. RESTRICTION: The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail, except as to shipments originating at or destined to Augusta, Ga. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, express service. The authority granted herein, to the extent it authorizes the transportation of explosives shall be limited in point of time to a period expiring five years after September 19, 1956. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 5, 1956, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 177.

No. MC 70272 Sub 15, filed August 2, 1956, KING VAN LINES, INC., 6809 East Kellogg, Wichita, Kans. Applicant's representative: Dan R. Schwartz, Suite 716, Professional Bldg., Jacksonville 2, Fla. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 12, 1956, at the Hotel Lassen, Wichita, Kans., before Examiner William J. Cave.

No. MC 71234 Sub 6, (REVISION) filed March 13, 1956, THE GORE FREIGHT LINE, INCORPORATED, 914 Main Street, Stamford, Conn. Applicant's representative: William D. Traub, 60 East 42nd Street, New York, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such commodities as are dealt in by chain retail and mail order department stores*, the business of which is the sale of general merchandise, between *Danbury, Conn., on the one hand, and, on the other*, points in Dutchess County, N. Y., south of U. S. Highway 44, points in Putnam County, N. Y., and points in Westchester County, N. Y., north of a straight line from Armonk to North Tarrytown, N. Y. (The issues in the application were incorrectly described in the original notice published in the FEDERAL REGISTER of April 18, 1956.)

FURTHER HEARING: December 18, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 77404 Sub 7, filed October 8, 1956, MOHAWK MOTOR INC., 40 Harrison Street, Tiffin, Ohio. Applicant's representative: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, furs, household goods as defined by the Commission, and those requiring special equipment, serving the site of the Ford Motor Company plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with carrier's regular route operations from and to Cleveland, Ohio, over U. S. Highway 20. Applicant is authorized to conduct regular route operations in Indiana, Michigan and Ohio.

HEARING: November 28, 1956, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 89778 Sub 67, filed July 17, 1956, BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32nd Street, Birmingham 5, Ala. Applicant's representative: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 10, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 93941 Sub 8, filed July 13, 1956, W. G. McVICKER, Belle Fourche, S. Dak. Applicant's representative: R. A. Smiley, Belle Fourche, S. Dak. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: December 13, 1956, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner James I. Carr.

No. MC 95212 Sub 25, filed July 16, 1956, HELEN R. HENDERSON, doing business as H. R. HENDERSON, P. O. Box 327, Seneca, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 10, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 96461 Sub 1, filed August 22, 1956, E. G. MENELAUS, doing business as BLOCKTON OIL CO., Blockton, Iowa. Applicant's representative: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 6, 1956, at the Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Joint Board No. 55.

No. MC 98551 Sub 1, filed April 9, 1956, E. S. WESTERFIELD, doing business as DUMAS MOTOR FREIGHT LINE, 1101 Grant Street, Box 1208, Amarillo, Tex. Applicant's representative: Sterling E. Kinney, Suite 630, Amarillo Building, Amarillo, Tex. Issues published in FEDERAL REGISTER of April 25, 1956.

HEARING: December 18, 1956, at the Herring Hotel, Amarillo, Texas, at 1:00 o'clock p. m., before Joint Board No. 16.

No. MC 98749 Sub 5, filed May 7, 1956, as amended May 29, 1956, DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's representative: Joe T. Lanham, Perry Brooks Bldg., Austin, Tex. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: December 4, 1956, at the Baker Hotel, Dallas, Texas, before Joint Board No. 153.

No. MC 100892 Sub 7, filed September 24, 1956, CLARENCE E. LINDSEY, doing business as LINDSEY MOTOR LINES, 375 Mead Avenue, Salt Lake City, Utah. Applicant's representative: Lynn S. Richards, 716 Newhouse Building, Salt Lake City 11, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including Class A and B explosives and commodities in bulk*, except petroleum products in bulk, in tank vehicles, and except household goods as defined by the Commission, commodities of unusual value and those requiring special equipment, (1) between points in Arizona, on the one hand, and, on the other, points in Utah; (2) between Salt Lake City, Utah and Kanab, Utah; (3) between Kanab, Utah, and points in Utah on all access roads to the Glen Canyon damsite located in Arizona on the Colorado River approximately 15 miles upstream from Marble Canyon, and points within five miles of said access roads; and (4) between Phoenix and Flagstaff, Ariz., and all points in Arizona on U. S. Highway 89 north of and including Bitter Springs, Ariz., and points on all access roads to the Glen Canyon damsite in Arizona including all campsites, construction camps and places served by said access roads, with no service between Phoenix and Flagstaff. Applicant is authorized to conduct operations in Arizona, Idaho, Utah and Wyoming.

HEARING: December 4, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 102567 Sub 55, filed April 19, 1956, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La.; mailing address, P. O. Box 1822, Shreveport, La. Applicant's representative: Jo E. Shaw, First National Bank Bldg., Houston, Tex. Issues published in FEDERAL REGISTER of May 2, 1956.

HEARING: December 5, 1956, at the Jung Hotel, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 103051 Sub 17, filed May 18, 1956, WALKER HAULING CO., INC., 624 Penn Ave., NE., Atlanta, Ga. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens and Southern Nat'l Bank Bldg., Atlanta 3, Ga. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: November 26, 1956, at the U. S. Court Rooms, Chattanooga, Tenn., before Examiner Allen W. Hagerty.

No. MC 103066 Sub 11, filed August 1, 1956, VAN STONE, doing business as STONE TRUCKING CO., P. O. Box 2014, 1516 West 49th Street, Tulsa, Okla. Applicant's representative: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 14, 1956, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 103654 Sub 36, filed August 1, 1956, SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul 4, Minn. Applicant's representative: Donald A. Morken, 1100 First National-Soo Line Bldg., Minneapolis 2, Minn. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: November 26, 1956, at the Uptown Station and Federal Courts Building, 5th and Market Streets, St. Paul, Minn., before Joint Board No. 282.

No. MC 105813 Sub 25, filed May 11, 1956, BELFORD TRUCKING CO., INC., 1299 NW. 23rd Street, Miami 42, Fla. Applicant's representative: Dan R. Schwartz, Suite 716 Professional Bldg., Jacksonville 2, Fla. Issues published in FEDERAL REGISTER of May 30, 1956.

HEARING: November 27, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 105813 Sub 26, filed May 11, 1956, BELFORD TRUCKING CO., INC., 1299 NW. 23rd Street, Miami 42, Fla. Applicant's representative: Dan R. Schwartz, Suite 716 Professional Bldg., Jacksonville 2, Fla. Issues published in FEDERAL REGISTER of May 30, 1956.

HEARING: November 27, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 106398 Sub 65, filed May 4, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 8096, Dawson Station, Tulsa 15, Okla. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of May 23, 1956.

HEARING: December 17, 1956, at the Federal Building, Oklahoma City, Okla., before Examiner Richard H. Roberts.

No. MC 106644 Sub 31, filed August 2, 1956 (Amended), published August 29, 1956 on Page 6528, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place, N. E. Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Bldg., Atlanta 8, Ga. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: November 29, 1956, at the Federal Building, Milwaukee, Wis., before Examiner James H. Gaffney.

No. MC 107002 Sub 99, filed June 11, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans 20, La. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: December 4, 1956, at the Jung Hotel, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 107002 Sub 100, filed July 2, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Ave., P. O. Box 687, New Orleans, La. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: December 4, 1956, at the Jung Hotel, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 107162 Sub 4, filed August 9, 1956, BERNHART H. JOHNSON, 529 Harding Street, Iron Mountain, Mich. Applicant's representative: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: November 26, 1956, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner James H. Gaffney.

No. MC 107227 Sub 39, filed August 3, 1956, INSURED TRANSPORTERS, INC., 251 Park St., San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 11, 1956, at 538 Pittock Block, Portland, Oreg., before Examiner Allan F. Borroughs.

No. MC 107227 Sub 40, filed August 6, 1956, INSURED TRANSPORTERS, INC., 251 Park St., San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: December 4, 1956, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107496 Sub 77, filed May 21, 1956, RUAN TRANSPORT CORPORATION, 408 SE. 30th St., Des Moines, Iowa. Applicant's representative: Homer E. Bradshaw, Suite 510 Central National Bldg., Des Moines 9, Iowa. Issues published in FEDERAL REGISTER of June 20, 1956.

HEARING: December 5, 1956, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Examiner James H. Gaffney.

No. MC 107496 Sub 79, (Amended) filed June 25, 1956, published in the July 11, 1956 issue, page 5152, RUAN TRANSPORT CORPORATION, 408 SE. 30th St., Des Moines, Iowa. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: December 5, 1956, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Examiner James H. Gaffney.

No. MC 107515 Sub 227, filed May 21, 1956, (Amended), published on page 3888, issue of June 6, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., SW., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. Issues published in FEDERAL REGISTER of June 20, 1956.

HEARING: November 28, 1956, at the Federal Building, Milwaukee, Wis., before Examiner James H. Gaffney.

No. MC 107515 Sub 233, filed August 6, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: December 3, 1956, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Examiner James H. Gaffney.

No. MC 107541 Sub 2, filed September 28, 1956, MAGEE TRUCK SERVICE, INC., Riverside Drive (General Delivery), Klickitat, Wash. Applicant's representative: John M. Hickson, Yeon Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Box shooks* and *lumber*, from points in Crook County, Oreg., and points in Klickitat County, Wash., to points in California, and *exempt commodities* on return. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: November 27, 1956, at 538 Pittock Block, Portland, Oregon, before Joint Board No. 5.

No. MC 107839 Sub 20, filed July 20, 1956, DENVER–ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver, Colo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 6, 1956, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 108207 Sub 51, filed April 23, 1956, (Further Amended) published July 18, 1956 on Page 5392, FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P. O. Box 5382, Dallas, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: November 28, 1956, at the Baker Hotel, Dallas, Texas, before Examiner David Waters.

No. MC 108380 Sub 43, filed July 26, 1956, JOHNSTON'S FUEL LINERS, INC., P. O. Box 328, Newcastle, Wyo. Applicant's representative: Stockton, Linville and Lewis, The 1650 Grant Street Bldg., Denver 3, Colo. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: November 26, 1956, at the Council Chambers, City Hall, Billings, Mont., before Examiner Allan F. Borroughs.

No. MC 108449 Sub 37, filed July 2, 1956, INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: November 28, 1956, at the Uptown Station and Federal Courts Bldg., 5th & Market Streets, St. Paul, Minn., before Joint Board No. 282.

No. MC 108461 Sub 48, filed October 4, 1956, WHITFIELD TRANSPORTATION, INC., P. O. Box 1350, West Amador St., El Paso, Tex. Applicant's representative: Loyal G. Kaplan, Suite 924 City National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement* and *cement admixers*, in bulk, (1) from Salt Lake City and Devil's Slide, Utah, to the Glen Canyon dam site near Marble Canyon, Ariz., (2) from Cedar City (rail head) Utah to the Glen Canyon dam site near Marble Canyon, Ariz., (3) from Flagstaff (rail head) Ariz., to the Glen Canyon dam site near Marble Canyon, Ariz., (4) *Sand*, in bulk, from points in Coconino County, Ariz., to Flagstaff (rail head) Ariz. NOTE: Applicant states that with reference to routes 2 and 3, the proposed movement will be from rail heads only, the cement and cement ad-mixers having a prior movement to rail head by rail, and the movement on route 4 will be from points in the named county to the rail head at Flagstaff for subsequent movement by rail. Applicant is authorized to conduct operations in Arizona, Colorado, Texas and New Mexico.

HEARING: December 4, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 109141 Sub 21, filed October 1, 1956, WYOMING BUTANE GAS COMPANY, 3739 Montana Ave., Billings, Mont. Applicant's representative: Jerome Anderson, Electric Bldg., Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the site of the Continental Oil Company Refinery at Sussex, Wyo. to points in Montana; *contaminated shipments* of the above on return. Applicant is authorized to conduct operations in Wyoming, Colorado, Utah, Nebraska, Montana, North Dakota, and South Dakota.

HEARING: December 3, 1956, at the Council Chambers, City Hall, Billings, Mont., before Joint Board No. 123.

No. MC 109200 Sub 3, filed May 28, 1956, R. E. YOUNG, 503 S. Pecan, Arlington, Tex. Applicant's representative: M. Ward Bailey, Continental Life Bldg., Fort Worth 2, Tex. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: December 3, 1956, at the Baker Hotel, Dallas, Texas, before Examiner David Waters.

No. MC 109365 Sub 7, filed October 26, 1955, RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P. O. Box 15, Ashdown, Ark. Issues published in FEDERAL REGISTER of November 9, 1955.

HEARING: December 7, 1956, at the Jung Hotel, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 109397 Sub 15, filed May 21, 1956, TRI-STATE WAREHOUSING AND DISTRIBUTING CO., 315 E. Seventh St., P. O. Box 113, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Bldg., P. O. Box 578, Joplin, Mo. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: December 10, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 109772 Sub 11, filed July 26, 1956, ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson, Los Angeles, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: November 30, 1956, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 110193 Sub 26, filed May 28, 1956, SAFEWAY TRUCK LINES, INC., 4625 W. 55th Street, Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington St., Chicago 2, Ill., Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: December 5, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 110920 Sub 2, filed June 18, 1956, JOHN PERVIN, doing business as PERVIN GRAIN & TRANSIT CO., 1819—3rd Avenue, S. E., Rochester, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: December 4, 1956, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Examiner James H. Gaffney.

No. MC 110940 Sub 12, filed July 30, 1956, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: November 27, 1956, at the U. S. Court Rooms, Chattanooga, Tenn., before Examiner Allen W. Hagerty.

No. MC 111072 Sub 14, filed October 1, 1956, TRANSPORT DELIVERY SYSTEM, INC., 3260 South Damen Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street,

miles upstream from Marble Canyon, Schwartz, Suite 716 Professional Bldg., iner F. Roy Linn.

Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used petroleum oils*, in bulk, in tank vehicles, from West Allis, Wis., to McCook, Ill. Applicant is authorized to conduct operations in Illinois, Michigan and Wisconsin.

HEARING: December 3, 1956, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 111812 Sub 30, filed September 19, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Arizona to points in Kansas, Missouri, Iowa, Nebraska, Minnesota, North Dakota, South Dakota, Wisconsin, and Illinois. Applicant is authorized to conduct operations in Oregon, Washington, California, Iowa, Minnesota, and South Dakota.

HEARING: December 7, 1956, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Examiner James H. Gaffney.

No. MC 112713 Sub 64, filed September 19, 1956, YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's representative: L. E. Tomlinson, General Traffic Manager, Yellow Transit Freight Lines, Inc. (same address as applicant.) For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, corpses, currency, bullion, articles of virtu, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich., and Indianapolis, Ind., from Detroit over U. S. Highway 112 to Coldwater, Mich., thence over U. S. Highway 27 to Auburn, Ind., thence over Indiana Highway 427 to Fort Wayne, Ind., thence over Indiana Highway 37 to Indianapolis, and return over the same route, serving no intermediate points, with service at termini for joinder only, and restricted against traffic originating or interchanged at or destined to Indianapolis, Ind., as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between (1) Chicago, Ill., and Detroit, Mich., and (2) St. Louis, Mo., and Indianapolis, Ind., via Effingham, Ill. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky and Michigan.

HEARING: November 30, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 23.

No. MC 112822 Sub 2, filed January 17, 1955, *reopened for further hearing*, EARL BRAY, INC., Linwood and North St., P. O. Box 910, Cushing, Okla. Applicant's representative: Erle W. Francis, Veterans of Foreign Wars Bldg., 214 W. Sixth St., Topeka, Kans. Issues published in FEDERAL REGISTER of September 6, 1956.

FURTHER HEARING: December 6, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave, solely with respect to the question of whether the public convenience and necessity require the proposed service in the transportation of paraffin wax and petroleum lubricating oil.

No. MC 113410 Sub 7, filed August 9, 1956, published August 15, 1956, on page 6104 DAHLEN TRANSPORT, INC., 875 North Prior, St. Paul 4, Minn. Applicant's representative: John R. Sims, Jr., Munsey Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: Novem[illegible] 27, 1956, at the Uptown Station a[illegible] ederal Courts Bldg., 5th and Marke[illegible] reets, St. Paul, Minn., before Joint Board No. 282.

No. MC 113495 Sub 2, filed June 29, 1956, GREGORY HEAVY HAULERS, INC., 151 North 1st Street, Nashville, Tenn. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: November 30, 1956, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Allen W. Hagerty.

No. MC 113624 Sub 8, filed April 16, 1956 (Further amended), published on Page 2905, issue of May 2, 1956, amended on Page 3711, issue of May 30, 1956, WARD TRANSPORT, INC., P. O. Box 133, Pueblo, Colo. Applicant's representative: Marion F. Jones, Suite 526 Denham Bldg., Denver 2, Colo. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: December 3, 1956, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 113779 Sub 39, filed April 20, 1956, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex. Issues published in FEDERAL REGISTER of May 2, 1956.

HEARING: December 6, 1956, at the Federal Office Building, Franklin & Fannin Streets, Houston, Texas, before Examiner David Waters.

No. MC 113779 Sub 44, filed June 21, 1956, YORK INTERSTATE TRUCKING, INC., 8222 Market St. Road, Houston, Tex. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: December 6, 1956, at the Federal Office Building, Franklin & Fannin Streets, Houston, Texas, before Examiner David Waters.

No. MC 114021 Sub 1, filed March 28, 1956, MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's representative: Clarence D. Todd, Suite 944, Washington Bldg., Washington 5, D. C. Issues published in FEDERAL REGISTER of April 11, 1956.

HEARING: December 5, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 114045 Sub 21, filed February 27, 1956, (Amended), published March 14, 1956, on page 1625, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: November 30, 1956, at the Baker Hotel, Dallas, Texas, before Examiner David Waters.

No. MC 114261 Sub 1, filed October 2, 1956, MANFORD McPHERSON, doing business as McPHERSON TRUCKING CO., 511 W. Bridgeport, White Hall, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay, concrete*, and *earthen products*, from White Hall, Ill., to points in Missouri south of U. S. Highway 40, including points in St. Louis County, Mo., and *fire brick*, from St. Louis, Mo., to White Hall, Ill., on return. Applicant is authorized to conduct operations in Illinois and Missouri.

NOTE: In Permit No. MC 114261 applicant is authorized to transport the above-specified commodities from White Hall, Ill., to points in Missouri on and north of U. S. Highway 40, except those in Jackson and St. Louis Counties, Mo.; and damaged, defective, rejected, or returned shipments of the above-specified commodities, from the above-specified destination points to White Hall, Ill.

HEARING: December 4, 1956, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 114475 Sub 4, filed June 29, 1956, GENERAL TRANSPORT, INC., 631 Second Avenue South, Nashville, Tenn. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: November 26, 1956, at the U. S. Court Rooms, Chattanooga, Tenn., before Examiner Allen W. Hagerty.

No. MC 114614 Sub 3, filed August 21, 1956, T. T. BROOKS, doing business as T. T. BROOKS TRUCKING CO., 112 Chitwood Avenue NE., Fort Payne, Ala. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place NW., Washington 5, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: November 28, 1956, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 209.

No. MC 115056 Sub 4, filed October 8, 1956, CLAUDE BUNDY, doing business as BUNDY TRUCK LINE, Gatesville, N. C. Applicant's representative: John C. Goddin, State Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Sunbury, N. C., and points in North Carolina within 100 miles thereof, and points in Nansemond County, Va., to points in West Virginia, and *damaged shipments* of the above on return. Applicant is authorized to conduct operations in North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, District of Columbia, New York and New York Commercial Zone.

HEARING: December 7, 1956, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 292.

No. MC 115601 Sub 3, REOPENED FOR FURTHER HEARING, filed December 12, 1955, and amended at the hearing, BROOKS ARMORED CAR SERVICE, EXTENSION—SUSSEX COUNTY (Wil-

mington, Del.). Applicant's representatives: H. J. Conaway, Jr., Delaware Trust Building, Wilmington 1, Del., and James L. Givan, 1025 Connecticut Avenue NW., Washington 6, D. C. For authority to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *cash letters* between Philadelphia, Pa., on the one hand, and, on the other, Milford, Georgetown, Rehoboth Beach, Lewes, Millsboro, Selbyville, Laurel, Seaford, Bridgeville, Delmar, Dagsboro, Frankford, Greenwood, Harrington, Felton, Camden, Wyoming, Frederica, Dover, and Smyrna, Del., serving only banks and trust companies.

FURTHER HEARING: November 29, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 115601 Sub 4, REOPENED FOR FURTHER HEARING, filed December 12, 1955, and amended at the hearing, BROOKS ARMORED CAR SERVICE, EXTENSION—NEW CASTLE COUNTY, (Wilmington, Del.) Applicant's representatives: H. J. Conaway, Jr., Delaware Trust Building, Wilmington 1, Del., and James L. Givan, 1025 Connecticut Avenue NW., Washington 6, D. C. For authority to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *cash letters* between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Newark, Middletown, and Odessa, Del., serving only banks and trust companies.

FURTHER HEARING: November 29, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 115825, filed February 20, 1956, GLEN O. ATWOOD, doing business as ATWOOD TRANSPORT, Box 134, Cardston, Alberta, Canada. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: November 29, 1956, at the Montana Board of Railroad Commissioners, Helena, Mont., before Examiner Allan F. Borroughs.

No. MC 115843 Sub 1, filed June 28, 1956, TRANSPORT SERVICE CO., 5100 W. 41st Street, Stickney, Ill. Applicant's representative: Richard J. Hardy, No. 1 N. La Salle St., Chicago 2, Ill. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: December 13, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 115884 Sub 1, filed June 21, 1956, CECIL E. STIERNAGLE, doing business as MOBILE HOME TOWING SERVICE, Albers Trailer Court, P. O. Box 22, R. R. #2, Rantoul, Ill. Applicant's representative: Alfred H. Reichman, 318 North Hickory Street, Champaign, Ill. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: December 12, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 115897, filed March 30, 1956, FRAERING BROKERAGE COMPANY, INC., 423 South Front Street, New Orleans, La. Applicant's representative: Robert A. Ainsworth, Jr., National Bank of Commerce Building, New Orleans 12, La. Issues published in FEDERAL REGISTER of April 18, 1956.

HEARING: November 26, 1956, at the Jung Hotel, New Orleans, La., before Examiner Walter T. Cantrell.

No. MC 115922 Sub 1, filed June 13, 1956, A. W. MEEVES, P. O. Box 1088, Tucumcari, N. Mex. Applicant's representative: Maurice Sanchez, 904 Simms Building, P. O. Box 1031, Albuquerque, N. Mex. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: November 27, 1956, at the New Mexico State Corporation Commission, Santa Fe, New Mexico, before Examiner James I. Carr.

No. MC 115925, filed April 12, 1956, WISCONSIN A & L COMPANY, INC., 3567 E. Barnard Avenue, Cudahy, Wis. Issues published in FEDERAL REGISTER of April 25, 1956.

HEARING: December 10, 1956, at the Federal Building, Milwaukee, Wis., before Examiner Michael B. Driscoll.

No. MC 115931, filed April 16, 1956, BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Applicant's representative: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. Issues published in FEDERAL REGISTER of May 6, 1956.

HEARING: November 27, 1956, at the Council Chambers, City Hall, Billings, Mont., before Examiner Allan F. Borroughs.

No. MC 115945, filed April 23, 1956, JOHN W. CAIN, doing business as CAIN TRUCKING CO., 210 Cargill Road, El Paso, Tex. Applicant's representative: William J. Torrington, 1219 Simms Building, Albuquerque, N. Mex. Issues published in FEDERAL REGISTER of May 9, 1956.

HEARING: December 14, 1956, at the Hotel Paso Del Norte, El Paso, Texas, before Examiner David Waters.

No. MC 115950 EX, filed April 26, 1956, AGNES HITCHCOCK, 222 E. Mistletoe, San Antonio, Tex. Applicant's representative: Joe Reid, 1000 Transit Tower, San Antonio, Tex. Issues published in FEDERAL REGISTER of May 9, 1956.

HEARING: December 12, 1956, at The Hilton Hotel, San Antonio, Texas, before Examiner David Waters.

No. MC 115965, filed April 27, 1956, RUSSELL STUBBLEFIELD, doing business as SOUTHWEST GARAGE AND AUTO PARTS, Robertsville, Mo. Applicant's representative: A. D. Crenshaw, 3608 South Grand Blvd., St. Louis 18, Mo. Issues published in FEDERAL REGISTER of August 28, 1956.

HEARING: November 29, 1956, at the Desoto Hotel, St. Louis, Mo., before Examiner William J. Cave.

No. MC 115971, filed May 4, 1956, WILLIS SHAW AND ELLIS BOGAN, doing business as WILLIS SHAW PRODUCE CO., Elm Springs, Ark. Applicant's representatives: Kenneth Teasdale, 506 Olive Street, St. Louis 1, Mo., *and* A. Alvis Layne, Jr., Pennsylvania Building, Washington 4, D. C. Issues published in FEDERAL REGISTER of May 30, 1956.

HEARING: December 3, 1956, at the U. S. Court Rooms, Little Rock Ark., before Examiner Richard H. Roberts.

No. MC 115990, filed May 11, 1956, J. FRANK BRASHER, 3403 South State Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, Continental Bank Bldg., Salt Lake City 1, Utah. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: December 11, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James I. Carr.

No. MC 115991, filed May 11, 1956, L. S. CHERRY, 2202 N. Glenstone Street, Springfield, Mo. Applicant's representative: Chinn and White, 808 Woodruff Building, Springfield, Mo. Issues published in FEDERAL REGISTER of June 20, 1956.

HEARING: December 6, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 116000, filed May 17, 1956, J. H. BROWN, BRUCE W. BROWN AND RAY BRAUDRICK, A Partnership, doing business as EMPACADORAS de MEXICO, 11th & S. El Paso Streets, El Paso, Tex. Applicant's representative: William J. Torrington, 1219 Simms Building, Albuquerque, N. Mex. Issues published in FEDERAL REGISTER of June 6, 1956.

HEARING: December 17, 1956, at the Hotel Paso Del Norte, El Paso, Texas, before Examiner David Waters.

No. MC 116013, filed May 24, 1956, TOM ALEXANDER, INC., P. O. Box 748, U. S. Highway 190 West, Opelousas, La. Applicant's representative: Henry O'Connor, 318 Hibernia Bldg., New Orleans, La. Issues published in FEDERAL REGISTER of June 6, 1956.

HEARING: December 6, 1956, at the Jung Hotel, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 116027, filed June 4, 1956, NICHOLAS KIRCHNER, JOHN NICK KIRCHNER, AND WILLIAM J. KIRCHNER, doing business as N. KIRCHNER & SONS, St. Patrick, Clark County, Mo. Applicant's representative: J. Patrick Wheeler, Canton, Mo., and Monticello, Mo. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: November 27, 1956, at the Desoto Hotel, St. Louis, Mo., before Examiner William J. Cave.

No. MC 116047, filed June 13, 1956, JOHN M. KARLE, doing business as KARLE CARRIAGE WORKS, 806 South 9th Street, St. Joseph, Mo. Applicant's representative: Louis Kranitz, 714 Francis Street, St. Joseph 7, Mo. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: December 3, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 116058 Sub 1, filed July 27, 1956, LAWRENCE D. NIEDENS, doing business as NIEDENS TRUCKING SERVICE, 814 North Elm, Hoisington, Kans. Applicant's representative: Floyd D. Strong, 214 Insurance Bldg., 701 Jackson St., Topeka, Kans. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 11, 1956, at the Hotel Lassen, Wichita, Kansas, before Examiner William J. Cave.

No. MC 116062, filed June 20, 1956, CALIFORNIA EXPRESS, INC., 4050 Clarke, Fort Worth, Tex. Applicant's

1956, at the Hotel Pickwick, Kansas City, Mo.

13, 1956.

EXTENSION—SUSSEX COUNTY (Wil-

representative: John W. Carlisle, P. O. Box 13023, Dallas 20, Tex. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 10, 1956, at the Baker Hotel, Dallas, Texas, before Examiner Richard H. Roberts.

No. MC 116062 Sub 2, filed June 21, 1956, CALIFORNIA EXPRESS, INC., 4050 Clarke, Fort Worth, Tex. Applicant's representative: John W. Carlisle, P. O. Box 13023, Dallas 20, Tex. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 10, 1956, at the Baker Hotel, Dallas, Texas, before Examiner Richard H. Roberts.

No. MC 116063, filed July 9, 1956, C & R TRANSPORT CO., INC., P. O. Box 127, Winnsboro, Tex. Applicant's representative: M. Ward Bailey, Continental Life Bldg., Fort Worth 2, Tex. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 13, 1956, at the Baker Hotel, Dallas, Tex., before Examiner Richard H. Roberts.

No. MC 116069, filed July 2, 1956, R. L. SCHMITZ and CHARLES G. OLSEN, doing business as O & S TRANSPORT CO., Richland Center, Wis. Applicant's representative: Claude J. Jasper, One West Main Street, Madison 3, Wis. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: November 27, 1956, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner James H. Gaffney.

No. MC 116072, filed June 25, 1956, FRED KARA, JR., doing business as FRED'S MOTOR SERVICE, 3560 Archer Ave., Chicago, Ill. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: December 12, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 116074, (Amended) filed June 25, 1956, MAURICE BRIGGS, Route No. 1, Alexandria, Mo. Applicant's representative: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: November 27, 1956, at the Desoto Hotel, St. Louis, Mo., before Examiner William J. Cave.

No. MC 116111, filed July 19, 1956, CHARLES S. REAVIS, doing business as NORTH KANSAS CITY TOW SERVICE, 1114 Swift St., North, Kansas City, Mo. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 3, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 116123, filed July 23, 1956, JERRY LIPPS, 1100 North Spanish, Cape Girardeau, Mo. Applicant's representative: Henry Andrae, Central Trust Building, Jefferson City, Mo. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: November 29, 1956, at the Desoto Hotel, St. Louis, Mo., before Examiner William J. Cave.

No. MC 116139, filed July 30, 1956, JOSEPH (JACK) E. ELI, doing business as ELI TOWING SERVICE, 5028 Oakley, Kansas City, Mo. Applicant's representative: Jack G. Beamer, 724 Rialto Building, Kansas City 6, Mo. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 3, 1956, at the Hotel Pickwick, Kansas City, Mo., before Examiner William J. Cave.

No. MC 116239, filed October 5, 1956, LAWRENCE FENDER, 4544 Zenith Avenue North, Minneapolis, Minn. Applicant's representative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to points in the Minneapolis-St. Paul, Minn. Commercial Zone, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

HEARING: November 29, 1956, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

MOTOR CARRIERS OF PASSENGERS

No. MC 1255 Sub 6, filed October 4, 1956, FRANCIS ALBERT McGINN (MARGUERITE E. McGINN, SPECIAL ADMINISTRATRIX), doing business as McGINN BUS CO., 99 Cottage Street, West Lynn, Mass. Applicant's representative: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in special round-trip operations, beginning and ending at Lynn and Reading, Mass., and extending to Derry and Hudson, N. H. RESTRICTION: Applied-for authority to be restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destinations and return for the purpose of participating in games commonly referred to as beano and bingo games. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont.

HEARING: November 29, 1956, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 20.

No. MC 1501 Sub 128, filed September 24, 1956, THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill. Applicant's representative: W. E. Jones, P. O. Box 297, Lexington, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, and their baggage, express, newspapers* and *mail* in the same vehicle, between New Orleans, La., and Covington, La.: from New Orleans over Veterans Highway to Lake Ponchartrain Causeway, thence over said Causeway to Greater New Orleans Expressway to Covington, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 29, 1956, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

No. MC 116234, filed October 2, 1956, ALSTON RICHARD LA FOLLETTE, doing business as L & M TRANSPORTATION SERVICE, R. D. 1, Winchester, Va. Applicant's representative: Robert K. Waltz, 35 E. Boscawen Street, Winchester, Va. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Winchester, Va., and Charles Town, W. Va., (1) from Winchester over U. S. Highway 11, to Virginia Secondary Route 761, thence to Virginia-West Virginia State Line, thence over West Virginia Secondary Route 2 to West Virginia Secondary Route 13, thence over Secondary Route 13 to West Virginia Secondary Route 1 thence over Secondary Route 1 to Secondary Route 1–8 at Middleway, W. Va., thence over Secondary Route 1–8 to Plant of Varel Mills Inc., returning over Secondary Route 1–8 to Secondary Route 1 at Middleway, thence over Secondary Route 1 at Middleway to Primary Route 51, thence over Primary Route 51 to Charles Town, W. Va., returning to Winchester over the same route, serving all intermediate points except points on U. S. Highway 11. (2) In addition to the year-round operations of two round trips daily, between Winchester, Va., and Charles Town, W. Va., applicant requests one round trip daily, during the racing season at Charles Town, over the above route, thence over U. S. Highway 340 and private road of Charles Town Jockey Club, Inc., to the race track northeast of Charles Town.

HEARING: December 5, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 245.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PASSENGERS

No. MC 1504 Sub 132, filed October 9, 1956, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Ave. NW., Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *mail, newspapers*, and *express* in the same vehicle with passengers, (1) between Summerville, S. C., and junction South Carolina Highway 642 and U. S. Highway 52 (approximately 20 miles), from Summerville, S. C., over South Carolina Highway 165 to junction South Carolina Highway 642, thence over South Carolina Highway 642 to junction U. S. Highway 52, and return over the same route, serving all intermediate points, (2) between junction South Carolina Highway 642 and unnumbered highway and Gate No. 1 of the Charleston Air Base, S. C., (approximately one-tenth of a mile), from junction South Carolina Highway 642 over unnumbered highway to Gate No. 1 of the Charleston Air Base, and return over the same route, serving all intermediate points, and (3) between junction U. S. Highway 52 and Airport Road and Gate No. 2 of the Charleston Air Base, S. C., (approximately one mile), from junction U. S. Highway 52 over Airport Road to Gate No. 2 of the Charleston Air Base, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 29957 Sub 64, filed September 4, 1956, CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, P. O. Box 4407, Alexandria, La. Applicant's representative: Grove Stafford, P. O. Box 1711, Alexandria, La. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and baggage of passengers*, in the same vehicle with passengers or in a separate vehicle, and in the same vehicle with passengers, *express* and *newspapers*, between New Orleans, La., and Bush, La., from New Orleans over U. S. Highway 51 (also designated as U. S. Highway 61) to junction Harlem Avenue (or new access road) in Jefferson Parish, La., thence over Harlem Avenue (or new access road) to Lake Pontchartrain, La., thence over the new Lake Pontchartrain Bridge now under construction and its northern approach and access road to junction U. S. Highway 190 near Mandeville, La., thence over U. S. Highway 190 to Covington, La., thence over Louisiana Highway 21 to a point about two (2) miles from Bush, thence over local unnumbered highway to Bush, and return over the same route, serving Covington, La., as an intermediate point. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

CORRECTIONS

The following numbered applications were assigned for hearing on the dates specified in the October 17, 1956 issue, of the FEDERAL REGISTER. In each instance it was indicated that the issues were published in the FEDERAL REGISTER of "October 17, 1956". This was in error, the issues involved in each proceeding were published in previous issues herein shown below:

No. MC 730 Sub 82, Pacific Intermountain Express Co., Oakland, Calif. Issues published in FEDERAL REGISTER of August 29, 1956.

No. MC 30022 Sub 80, Paul S. Crebs, Northumberland, Pa. Issues published in the FEDERAL REGISTER of August 29, 1956.

No. MC 52657 Sub 493, Arco Auto Carriers, Inc., Chicago, Ill. Issues published in the FEDERAL REGISTER of August 22, 1956.

No. MC 102326 Sub 8, Donald E. Gould, Coudersport, Pa. Issues published in the FEDERAL REGISTER of August 22, 1956.

No. MC 115841 Sub 7 and Sub 8, Colonial Refrigerated Transportation, Inc., N. Birmingham, Ala. Issues published in the FEDERAL REGISTER of August 1, 1956.

No. MC 116145, G. G. Parsons, North Wilkesboro, N. C. Issues published in the FEDERAL REGISTER of August 22, 1956.

No. MC 37896 Sub 7, YOUNGBLOOD TRUCK LINES, INC., Fletcher, N. C., published page 7751, issue of October 10, 1956. That portion of the notice reading: "Applicant is authorized to conduct operations in North Carolina, Georgia and Alabama", was in error. Applicant is authorized to conduct operations in North Carolina, Georgia, South Carolina, Tennessee, Kentucky and Ohio.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC–F 6407, published in the October 3, 1956, issue of the FEDERAL REGISTER on page 7590. Supplemental application filed October 15, 1956, to show joinder of JOHN M. COCHRAN, 2238 South Shore Drive, Erie, Pa., as the person in control of LYONS TRANSPORTATION CO.

No. MC–F 6420. Authority sought for consolidation into CONSOLIDATED MOTOR FREIGHT, INC., 107 North Lexington Street, Hastings, Nebr., of the operating rights and property of R. W. NEWMAN, doing business as HASTINGS TRANSFER COMPANY, West 1st and North Lexington Avenue, Hastings, Nebr., OVER-NITE EXPRESS COMPANY, 1234 McDonald Street, McCook, Nebr., and BURTON VANNIER, doing business as VANNIER TRANSFER, Hildreth, Nebr., and for acquisition by RICHARD W. NEWMAN, JOHN G. BOUMANN and BURTON H. VANNIER, all of Hastings, of control of such rights and property through the transaction. Applicants' representative: Fred R. Irons, P. O. Box 315, Hastings, Nebr. Operating rights sought to be consolidated: (1) From R. W. NEWMAN, doing business as HASTINGS TRANSFER COMPANY, (a) operating rights under certificate authorizing the transportation of *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Hastings, Nebr., and Omaha, Nebr., serving certain intermediate points, and (b) operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act, in the transportation of *commodities generally*, excepting those requiring special equipment, other than refrigeration, as a *common carrier* over regular routes, from Hastings, Nebr., to Omaha, Nebr. (including one optional route), and from Holdrege, Nebr., to Hastings, Nebr., serving all intermediate and certain off-route points; *commodities generally*, excepting those requiring special equipment, other than refrigeration, over irregular routes from Holdrege, Nebr., and vicinity on the one hand, and, on the other hand, various points within a 250-mile radius of Holdrege, Nebr., and occasionally points in the state at large; *machinery and supplies, meat and food stuffs, hardware and auto supplies*, and *fresh meat and packing house products*, as a *contract carrier* to and from Hastings, Nebr., on contract with the Western Land Roller Company, the K. & R., Inc., the W. M. Dutton & Company, and with Swift and Company, wherever they may desire; (2) from OVER-NITE EXPRESS COMPANY (a) operating rights under certificate authorizing the transportation of *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Kearney, Nebr., and McCook, Nebr., serving all intermediate points; and (b) operations under the Proviso in the transportation of *commodities generally*, including furniture and household goods, as a *common carrier* over regular routes between Minden, Nebr., and Grand Island and Eustis, Nebr., serving certain intermediate points; *newspapers, small freight, meat, hardware, pop, beer, ice cream* and *package freight* from Hastings, Nebr., to Farnam, Nebr.; *commodities generally*, including perishables requiring refrigeration between Kearney, Nebr., and McCook, Nebr., serving all intermediate and certain off-route points; *furniture and household goods*, over irregular routes, from Minden, Nebr., to points throughout the state of Nebraska; (3) from BURTON VANNIER, doing business as VANNIER TRANSFER, (a) operations under the Proviso in the transportation of *cream, eggs* and *general commodities*, as a *common carrier* over regular routes from Hildreth, Nebr., to Hastings, Nebr., and from Hildreth, Nebr., to Holdredge, Nebr., serving certain off-route points, and over irregular routes from Hildreth, Nebr., and surrounding territory to Grand Island, Nebr., and occasionally to and from points in the state at large. CONSOLIDATED MOTOR FREIGHT, INC., holds no authority from this Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6421. Authority sought for purchase by CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, 2633 East Mill Street Road, Springfield, Mo., of a portion of the operating rights of MURPHEY TRUCK LINES, INC., 954 Barton Street, Memphis, Tenn., and for acquisition of control of such rights by F. G. CAMPBELL, also of Springfield. Applicants' representative: Donald R. Wellford, 1224 Commerce Title Bldg., Memphis, Tenn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Memphis, Tenn., and Grenada, Miss., between Oakland, Miss., and Charleston, Miss., and between Grenada, Miss., and Canton, Miss., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Illinois, Oklahoma, Arkansas, Iowa, Tennessee, Texas, Mississippi, Alabama and Louisiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6422. Authority sought for control by D. W. DUNN CO., 3175 Washington Street, Boston, Mass., of A. D. McMULLEN, INCORPORATED, 304 Kempton Street, New Bedford, Mass. Applicant's representative: Frank Daniels, 11 Beacon Street, Boston 8, Mass. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier* over irreg-

ular routes between points in Barnstable, Dukes, and Nantucket Counties, Mass., and those in Bristol and Plymouth Counties, Mass., south of U. S. Highway 44 and east of Massachusetts Highway 138, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and the District of Columbia. Applicant is authorized to operate as a *common carrier* in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6423. Authority sought for purchase by EAZOR EXPRESS, INC., 15–26th Street, Pittsburgh 22, Pa., of the operating rights and certain property of LITMAN MOTOR FREIGHT, INC., 409 George Street, Parkersburg, W. Va., and for acquisition by THOMAS A. EAZOR, also of Pittsburgh, of control of such rights and property through the purchase. Applicants' representatives: Samuel P. Delisi, 1211 Berger Bldg., Pittsburgh 19, Pa., and Edward M. Larkin, 2003 Law & Finance Bldg., Pittsburgh 19, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Parkersburg, W. Va., and Pittsburgh, Pa., between Parkersburg, W. Va., and Marietta, Ohio, between Parkersburg, W. Va., and Clarksburg, W. Va., between Wheeling, W. Va., and Bridgeport, Ohio, between Benwood, W. Va., and Bellaire, Ohio, between New Martinsville, W. Va., and Smithfield, W. Va., between Sistersville, W. Va., and Center Point, W. Va., between Bens Run, W. Va., and Middlebourne, W. Va., and between New Martinsville, W. Va., and Midway, W. Va., serving all intermediate and certain off-route points; *household goods* as defined by the Commission, and *general commodities*, except commodities requiring special equipment (other than household goods) Class A and B explosives, and livestock, between Parkersburg, W. Va., and Charleston, W. Va., serving all intermediate points and the off-route point of Ravenswood, W. Va.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes from points in Allegheny County, Pa., Ohio, Wood, and Kanawha Counties, W. Va., to Portsmouth and Pomeroy, Ohio, and certain points in West Virginia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Ohio and New Jersey. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6424. Authority sought for purchase by DAKOTA FILM SERVICE, INC., Lake Benton, Minn., of the operating rights and property of W. F. McLAREN, doing business as McLAREN DRAY & TRANSFER, 209 South Wind Street, Flandreau, S. Dak., and for acquisition by HENRY J. SCHUETTE, Lake Benton, Minn., and H. LAUREN LEWIS, Box 747, Sioux Falls, S. Dak., of control of such rights and property through the purchase. Applicants' representative: H. Lauren Lewis, P. O. Box 747, Sioux Falls, S. Dak. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Sioux Falls, S. Dak., and Flandreau, S. Dak., and between Flandreau, S. Dak., and Pipestone, Minn., serving certain intermediate points and the off-route point of Trent, S. Dak.; alternate route for operating convenience only between Egan, S. Dak., and Flandreau, S. Dak.; *general commodities*, with certain exceptions including neither household goods nor commodities in bulk, over irregular routes between Flandreau, S. Dak., and points within 15 miles of Flandreau, on the one hand, and, on the other, points in Minnesota; *household goods*, as defined by the Commission, between Flandreau, S. Dak., and points within 15 miles of Flandreau, on the one hand, and, on the other, points in Minnesota, between Flandreau, S. Dak., and points in South Dakota within 100 miles thereof, on the one hand, and, on the other, points in North Dakota, Nebraska and Iowa, and from points in Minnesota within 25 miles of Flandreau, S. Dak., to points in South Dakota except Flandreau, and points within 15 miles of Flandreau. Vendee is authorized to operate as a *common carrier* in South Dakota, Minnesota, and North Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6425. Authority sought for control by WARD TRANSPORT, INC., P. O. Box 133, Pueblo, Colo., of MELTON TRANSPORT COMPANY, Box 1163, Cheyenne, Wyo., and for acquisition by H. B. WARD, also of Pueblo, of control of MELTON TRANSPORT COMPANY through the acquisition by WARD TRANSPORT, INC. Applicant's representatives: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo., and Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Operating rights sought to be controlled: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over regular routes from Cheyenne, Wyo., to Martin, S. Dak., and Three-Way Station, Colo., from specified Wyoming points to specified points in Colorado, from Denver, Colo., to specified points in Wyoming, South Dakota, Nebraska, Idaho and Utah, from Casper, Wyo., to the W. R. Book bulk storage plant located approximately 13 miles south of Ramah, Colo., and to certain specified points in Colorado and Nebraska, from Sinclair, Wyo., to Nephi, Thistle, Wellsville, Wendover, Helper, Price, Salina, and Monroe, Utah, from Cheyenne, Wyo., to Tremonton, Wellsville, Wendover, Park City, Heber, Duchesne, Roosevelt, Vernal, Helper, Price, Monroe, Salina, and Cedar City, Utah between specified points in Wyoming and specified points in Colorado between specified points in Wyoming, between specified points in Colorado, between specified points in Utah, between specified points in Wyoming and specified points in Nebraska, and between specified points in Nebraska, serving certain intermediate and off-route points; *liquid petroleum products*, in tank vehicles, over regular and irregular routes, from Superior, Nebr., to certain points in Colorado, from Casper, Lance Creek and Lusk, Wyo., to certain points in Colorado, serving certain intermediate and off-route points; *petroleum products*, in bulk, in tank trucks, from Arkansas City, Eldorado and Shallow Water, Kans., to certain points in Colorado, and from specified points in Texas to specified points in Colorado serving certain intermediate points; *petroleum*, in bulk, in tank vehicles, *petroleum products*, in bulk, in tank vehicles, *crude petroleum*, in bulk, in tank vehicles, *liquid petroleum products*, in tank vehicles, petroleum products other than crude oil in its natural state, and *petroleum products*, in bulk, in tank vehicles, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, over irregular routes from, to and between points and areas, varying with the commodity transported, in Wyoming, Colorado, Nebraska, Kansas, Texas, Utah, and South Dakota. WARD TRANSPORT, INC., is authorized to operate as a *common carrier* in Colorado, New Mexico, Kansas, Oklahoma, Texas, Wyoming, Nebraska and Utah. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6429. Authority sought for purchase by SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill., of the operating rights of CREGER MOTOR LINES, INC., Route 130, Riverside, N. J., and for acquisition by WILLIAM S. HARRINGTON and JOHN T. BOYKE, both of Chicago, of control of such rights through the purchase. Applicants' representatives: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill., and Jacob Polin, 257 Ellis Road, Havertown, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between New York, N. Y., and points in Essex, Hudson, Union, and Passaic Counties, N. J., on the one hand, and, on the other, New York, N. Y., Philadelphia, Pa., and points within 20 miles thereof, those in Hudson, Essex, Union, Passaic, Middlesex, Somerset, Mercer, and Hunterdon Counties, N. J., and those in Westchester and Rockland Counties, N. Y. Vendee is authorized to operate as a *common carrier* in Kansas, Nebraska, Missouri, Iowa, Illinois, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Indiana, Colorado, Kentucky, Minnesota, Maryland, Delaware, Maine, Wisconsin, Arkansas, Michigan and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–8583; Filed, Oct. 23, 1956; 8:54 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 19, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32766: *Sand from Illinois and Wisconsin to Alabama and Virginia.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, carloads, from Millington, Oregon, Ottawa, Sheridan, Utica and Wedron, Ill., and Browntown and Klevenville, Wis., to Norton, Ala., and Martinsville, Va.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 18 to Agent Raasch's I. C. C. 855.

FSA No. 32767: *Coke refuse or dust to Crosby and Ironton, Minn.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on coke refuse or coke dust, carloads, from Chicago, Ill., and points in the Chicago district, also Indiana Harbor, Ind., and Milwaukee, Wis., to Crosby and Ironton, Minn.

Grounds for relief: Rail-barge-rail competition and circuitous routes.

Tariff: Supplement 52 to Agent Raasch's I. C. C. 767.

FSA No. 32768: *Hides, pelts, and skins from Jackson, Miss., to Endicott, N. Y.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts, and skins, carloads, from Jackson, Miss., to Endicott, N. Y.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 4 to Agent Spaninger's I. C. C. 1539.

FSA No. 32769: *Woodpulp from Foley, Fla., to Mount Tom, Mass.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads, from Foley, Fla., to Mount Tom, Mass.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 3 to Agent C. A. Spaninger's I. C. C. 1555.

FSA No. 32770: *Woodpulp from the South to Center Falls, N. Y.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads, from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, to Center Falls, N. Y.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 3 to Agent C. A. Spaninger's I. C. C. 1555.

FSA No. 32771: *Woodpulp from South to Official Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, in carloads, from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, to specified points in New York, Ohio, and Pennsylvania.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 3 to Agent C. A. Spaninger's I. C. C. 1555.

FSA No. 32772: *Woodpulp from southern points to Olin, Ind.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads, from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, to Olin, Ind.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 3 to Agent C. A. Spaninger's I. C. C. 1555.

FSA No. 32773: *Lumber from Coal Mountain, W. Va., to North Carolina points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber, carloads, from Coal Mountain, W. Va., to Greensboro and Sanford, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 133 to Agent C. A. Spaninger's I. C. C. 1297.

FSA No. 32774: *Chrome and manganese ores from Hampton Roads, Va., ports to Knoxville, Tenn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on chrome and manganese ores, carloads, from Norfolk, Portsmouth and Pinners Point, Va., to Knoxville, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 156 to Agent C. A. Spaninger's I. C. C. 1369.

FSA No. 32775: *Coffee from North Atlantic ports to Solon, Ohio.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on coffee, carloads, from specified north Atlantic ports and points taking same rates to Solon, Ohio.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 16 to C. W. Boin's I. C. C. A–986 and two other tariffs.

FSA No. 32776: *Sugar from Louisiana and western points to New Mexico and Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads, from specified point in Louisiana, and in Colorado, Idaho, Oregon, Utah, and Wyoming, to specified points in Texas, also in New Mexico on the Texas-New Mexico Railway.

Grounds for relief: Market competition and circuitous routes.

Tariffs: Supplement 25 to Agent Kratzmeir's I. C. C. 4088 and one other tariff.

FSA No. 32777: *Sulphuric acid from Wood River and Reuters, Ill., to Baton Rouge, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads, from Wood River and Reuters, Ill., to Baton Rouge, La.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32778: *Sugar from western Louisiana to Alabama and Georgia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, carloads, from specified points in western Louisiana to specified points in Alabama and Georgia.

Grounds for relief: Circuitous routes.

Tariff: Supplement 325 to Alternate Agent Marque's I. C. C. 380.

FSA No. 32779: *Tile from Jackson, Miss., and New Orleans, La., to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on tile or roofing from Jackson, Miss., and New Orleans, La., to specified points in southern territory.

Grounds for relief: Short-line distance formula, motor-truck competition, and circuity.

Tariff: Supplement 21 to Agent C. A. Spaninger's I. C. C. 1526.

FSA No. 32780: *Foreign woods from North Atlantic ports to New Albany, Ind.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on lumber, built-up wood faced with red lauan or white lauan veneer, carloads from Albany and New York, N. Y., Baltimore, Md., Carteret, N. J., Boston, Mass., Philadelphia, Pa., and Hampton Roads ports, to New Albany, Ind.

Grounds for relief: Port competition, market competition, and circuitous routes.

Tariffs: Supplement 1 to Agent C. W. Boin's I. C. C. A–1116 and three other tariffs.

FSA No. 32781: *Potassium silicate from Cleveland, Ohio, to Baltimore, Md.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on potassium silicate, other than dry, tank-car loads, from Cleveland, Ohio, to Baltimore, Md.

Grounds for relief: Market competition.

Tariff: Supplement 203 to Agent Hinsch's I. C. C. 4542.

FSA No. 32782: *Perlite rock from Socorro, N. Mex., to Florida.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rock, perlite, broken, crushed or ground, carloads, from Socorro, N. Mex., to Hialeah and Miami, Fla.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 259 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32783: *Scrap iron from and to Indiana points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron and articles taking the same rates, carloads, from Bloomington and Indianapolis, Ind., to points in Illinois, Indiana, and Kentucky.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 18 to Agent Hinsch's I. C. C. 4672.

FSA No. 32784: *Various commodities from, to, and between the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities, carloads, from, to, and between points in southern territory named in Exhibit A of the application.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32785: *Concrete pipe in Official Territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe and fittings, carloads, from Cleveland and Dayton, Ohio; Detroit, Mich., Kennett Square, Pa., Wharton, N. J., and Melbourne, Ky., to points in official territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 48 to Agent H. R. Hinsch's I. C. C. 4662.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8582; Filed, Oct. 23, 1956; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK ACREAGE RESERVE PROGRAM

CONSENT TO GRAZING OF CERTAIN LAND DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 21 F. R. 5205, 21 F. R. 5685, 21 F. R. 5959, 21 F. R. 6879, 21 F. R. 7611 and 21 F. R. 7612, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

Counties	Period
COLORADO	
Crowley County	Oct. 10, 1956–Nov. 1, 1956, inclusive.
MISSOURI	
Adair, Andrew, Atchison, Barry, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Case, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, De Kalb, Dent, Douglas, Dunklin, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Iron, Jackson, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Linn, Livingston, McDonald, Ripley, St. Clair, Madison, Maries, Marion, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Newton, Nodaway, Oregon, Osage, Ozark, Pettis, Phelps, Pike, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Saline, Schuyler, Scotland, Stone, Sullivan, Taney, Texas, Vernon, Washington, Wayne, Webster, Worth, Wright.	Oct. 11, 1956–Dec. 31, 1956, inclusive.
NEBRASKA	
Hitchcock County	Oct. 10, 1956–Dec. 31, 1956, inclusive.
OKLAHOMA	
Adair, Blaine, Canadian, Cleveland, Custer, Greer, Harmon, Jackson, Kiowa, Le Flore, McClain, Sequoyah, Washington, Washita.	Oct. 10, 1956–Oct. 31, 1956, inclusive.

Done at Washington, D. C., this 19th day of October 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-8607; Filed, Oct. 23, 1956; 8:57 a. m.]

Rural Electrification Administration

[Administrative Order T-871]

COLORADO

LOAN ANNOUNCEMENT

JULY 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Plains Cooperative Telephone Association, Inc., Colorado 518-A Plains	[1] $455,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-8528; Filed, Oct. 23, 1956; 8:47 a. m.]

[Administrative Order T-872]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Burnet Telephone Company, Incorporated, Texas 600-B Burnet	$260,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-8529; Filed, Oct. 23, 1956; 8:47 a. m.]

[Administrative Order T-873]

IDAHO

LOAN ANNOUNCEMENT

AUGUST 6, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Owyhee Telephone Company, Idaho 507-A Owyhee	[1] $626,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-8530; Filed, Oct. 23, 1956; 8:47 a. m.]

[Administrative Order T-874]

OREGON

LOAN ANNOUNCEMENT

AUGUST 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Stayton Cooperative Telephone Co., Oregon 525-A Stayton	[1] $419,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-8531; Filed, Oct. 23, 1956; 8:47 a. m.]

[Administrative Order T-875]

PENNSYLVANIA

LOAN ANNOUNCEMENT

AUGUST 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Lackawaxen and Hawley Telephone Company, Pennsylvania 516-B Lackawaxen	$50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-8532; Filed, Oct. 23, 1956; 8:47 a. m.]

[Administrative Order T-876]

CALIFORNIA

LOAN ANNOUNCEMENT

AUGUST 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Siskiyou Telephone Company, California 517-A Siskiyou	[1] $797,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-8533; Filed, Oct. 23, 1956; 8:47 a. m.]

[Administrative Order T-877]

KANSAS

LOAN ANNOUNCEMENT

AUGUST 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
J. B. N. Telephone Company, Inc., Kansas 564-A J. B. N.	[1] $648,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-8534; Filed, Oct. 23, 1956; 8:47 a. m.]

[Administrative Order T-878]

INDIANA

LOAN ANNOUNCEMENT

AUGUST 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Smithville Telephone Company, Indiana 503-D Smithville	$355,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-8535; Filed, Oct. 23, 1956; 8:48 a. m.]

[Administrative Order T-879]

INDIANA

LOAN ANNOUNCEMENT

AUGUST 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Ohio Valley Telephone Corporation, Indiana 583-A Ohio Valley	[1] $73,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-8536; Filed, Oct. 23, 1956; 8:48 a. m.]

[Administrative Order T-880]

TENNESSEE

LOAN ANNOUNCEMENT

AUGUST 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Parsons Telephone Company, Inc., Tennessee 510-C Parsons	$193,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-8537; Filed, Oct. 23, 1956; 8:48 a. m.]

[Administrative Order T-881]

GEORGIA

LOAN ANNOUNCEMENT

AUGUST 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Planters Rural Telephone Cooperative, Inc., Georgia 534-C Planters	$147,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-8538; Filed, Oct. 23, 1956; 8:48 a. m.]

[Administrative Order T-882]

KANSAS

AMENDMENT OF LOAN ANNOUNCEMENT

AUGUST 20, 1956.

I hereby amend: (a) Administrative Order No. T-90, dated December 6, 1951, by rescinding the loan of $451,000 therein made for "C & R Telephone Cooperative Association, Inc., Kansas 505-A C & R."

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-8539; Filed, Oct. 23, 1956; 8:48 a. m.]

[Administrative Order T-883]

KANSAS

AMENDMENT OF LOAN ANNOUNCEMENT

AUGUST 20, 1956.

I hereby amend: (a) Administrative Order No. T-558, dated January 18, 1955, by rescinding the loan of $103,000 therein made for "The Milliken Telephone Company, Inc., Kansas 553-A Milliken."

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-8540; Filed, Oct. 23, 1956; 8:48 a. m.]

[Administrative Order T-884]

MINNESOTA

LOAN ANNOUNCEMENT

AUGUST 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Northland Consolidated Telephone, Inc., Minnesota 533-B Northland	$144,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-8541; Filed, Oct. 23, 1956; 8:48 a. m.]

[Administrative Order T-885]

MINNESOTA

LOAN ANNOUNCEMENT

AUGUST 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Runestone Telephone Association, Minnesota 540-C Runestone	$121,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-8542; Filed, Oct. 23, 1956; 8:49 a. m.]

[Administrative Order T-886]

WISCONSIN

LOAN ANNOUNCEMENT

AUGUST 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
LaValle Telephone Cooperative, Wisconsin 568–A LaValle	[1] $208,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8543; Filed, Oct. 23, 1956; 8:49 a. m.]

[Administrative Order T–887]

OKLAHOMA

LOAN ANNOUNCEMENT

AUGUST 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Chickasaw Telephone Company Inc., Oklahoma 541–A Chickasaw	[1] $388,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8544; Filed, Oct. 23, 1956; 8:49 a. m.]

[Administrative Order T–888]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
LaValle Telephone Company Inc., Texas 594–A Lake Dallas	[1] $125,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8545; Filed, Oct. 23, 1956; 8:49 a. m.]

[Administrative Order T–889]

ARIZONA

LOAN ANNOUNCEMENT

AUGUST 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Parker Valley Telephone Company, Inc., Arizona 503–C Parker	$74,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8548; Filed, Oct. 23, 1956; 8:49 a. m.]

[Administrative Order T–890]

MISSOURI

LOAN ANNOUNCEMENT

AUGUST 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Purdy Telephone Company, Missouri 525–B Purdy	$178,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8547; Filed, Oct. 23, 1956; 8:49 a. m.]

[Administrative Order T–891]

NEBRASKA

LOAN ANNOUNCEMENT

AUGUST 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The Farmers Telephone Company of Dodge County, Nebraska 531–A Farmers	[1] $422,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8548; Filed, Oct. 23, 1956; 8:49 a. m.]

[Administrative Order T–892]

MINNESOTA

LOAN ANNOUNCEMENT

AUGUST 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Crow Wing Cooperative Rural Telephone Company, Minnesota 537–C Crow Wing	$80,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8549; Filed, Oct. 23, 1956; 8:49 a. m.]

[Administrative Order T–893]

VIRGINIA

LOAN ANNOUNCEMENT

SEPTEMBER 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Central Virginia Telephone Corporation, Virginia 515–C Amherst	$137,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56–8550; Filed, Oct. 23, 1956; 8:50 a. m.]

[Administrative Order T–894]

TENNESSEE

LOAN ANNOUNCEMENT

SEPTEMBER 5, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Concord Telephone Exchange, Inc., Tennessee 525–C Concord	$106,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 56–8551; Filed, Oct. 23, 1956; 8:50 a. m.]

[Administrative Order T–895]

LOUISIANA

LOAN ANNOUNCEMENT

SEPTEMBER 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Plain Dealing Telephone Company, Inc., Louisiana 507–B Plain Dealing	$33,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8552; Filed, Oct. 23, 1956; 8:50 a. m.]

[Administrative Order T–896]

TENNESSEE

LOAN ANNOUNCEMENT

SEPTEMBER 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tellico Telephone Company, Incorporated, Tennessee 528–B Tellico	$125,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8553; Filed, Oct. 23, 1956; 8:50 a. m.]

[Administrative Order T–897]

LOUISIANA

LOAN ANNOUNCEMENT

SEPTEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The Marion-Oak Ridge Telephone Company, Inc., Louisiana 526–B Marion	$173,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8554; Filed, Oct. 23, 1956; 8:50 a. m.]

[Administrative Order T–898]

OHIO

LOAN ANNOUNCEMENT

SEPTEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minford Telephone Company, Ohio 515–A Minford	[1] $180,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8555; Filed, Oct. 23, 1956; 8:50 a. m.]

[Administrative Order T–899]

KENTUCKY

LOAN ANNOUNCEMENT

SEPTEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West Kentucky Rural Telephone Cooperative Corporation, Inc., Kentucky 525–B West Kentucky	$334,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8556; Filed, Oct. 23, 1956; 8:50 a. m.]

[Administrative Order T–900]

TEXAS

AMENDMENT OF LOAN ANNOUNCEMENT

SEPTEMBER 14, 1956.

I hereby amend: (a) Administrative Order No. T–773, dated February 15, 1956, by rescinding the loan of $530,000 therein made for "SCVAK Telephone Company, Inc., Texas 524–A (Revised) and B Big Spring."

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8557; Filed, Oct. 23, 1956; 8:51 a. m.]

[Administrative Order T–901]

NEW MEXICO

LOAN ANNOUNCEMENT

SEPTEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
E. N. M. R. Telephone Cooperative, New Mexico 504–D Clovis	$52,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8558; Filed, Oct. 23, 1956; 8:51 a. m.]

[Administrative Order T–902]

KANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The Harper County Rural Telephone Association, Kansas 544–B Harper County	$257,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8559; Filed, Oct. 23, 1956; 8:51 a. m.]

[Administrative Order T–903]

IDAHO

LOAN ANNOUNCEMENT

SEPTEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Aberdeen Telephone Company, Idaho 508–B Aberdeen	$145,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8560; Filed, Oct. 23, 1956; 8:51 a. m.]

[Administrative Order T–904]

MAINE

LOAN ANNOUNCEMENT

SEPTEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Hebron's Home Telephone Company, Maine 501–E Hebron	$18,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8561; Filed, Oct. 23, 1956; 8:51 a. m.]

[Administrative Order T–905]

LOUISIANA

LOAN ANNOUNCEMENT

SEPTEMBER 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Lafourche Telephone Company, Inc., Louisiana 506–F Larose	$1,073,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8562; Filed, Oct. 23, 1956; 8:51 a. m.]

[Administrative Order T–906]

WISCONSIN

LOAN ANNOUNCEMENT

SEPTEMBER 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Coon Valley Farmers Telephone Company, Wisconsin 533–B Coon Valley	$73,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56–8563; Filed, Oct. 23, 1956; 8:51 a. m.]

[Administrative Order T–907]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Northeast Texas Telephone Company, Texas 586–C Bogata — Amount: $92,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–8564; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–908]

PENNSYLVANIA

LOAN ANNOUNCEMENT

SEPTEMBER 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Taylorstown Telephone Company, Pennsylvania 520–A Taylorstown — Amount: [1] $162,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–8565; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–909]

WISCONSIN

LOAN ANNOUNCEMENT

SEPTEMBER 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Solon Springs Telephone Company, Wisconsin 505–B Solon Springs — Amount: $54,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–8566; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–910]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Urbana Telephone Company, Missouri 570–A Urbana — Amount: [1] $593,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–8567; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–911]

VIRGINIA

LOAN ANNOUNCEMENT

SEPTEMBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Piedmont Telephone Company, Virginia 502–C Piedmont — Amount: $205,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–8568; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–912]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: The Farmers Mutual Telephone Company of Stanton, Iowa, Iowa 535–A Stanton — Amount: [1] $179,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–8569; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–913]

ILLINOIS

LOAN ANNOUNCEMENT

SEPTEMBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Inland Telephone Company, Illinois 547–A Inland — Amount: [1] $687,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–8570; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–914]

GEORGIA

LOAN ANNOUNCEMENT

SEPTEMBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Pineland Telephone Cooperative, Inc., Georgia 539–D Pineland — Amount: $302,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8571; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–915]

GEORGIA

LOAN ANNOUNCEMENT

SEPTEMBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Public Service Telephone Company, Georgia 510–B Public — Amount: $194,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8572; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–916]

VIRGINIA

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Farmers' Mutual Telephone System of Shenandoah County, Virginia 517–A Edinburg — Amount: [1] $2,140,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8573; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–917]

MICHIGAN

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Shiawassee Telephone Company, Michigan 523–A Shiawassee — Amount: [1] $360,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8574; Filed, Oct. 23, 1956; 8:52 a. m.]

[Administrative Order T–918]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: LaBelle Telephone Company, Missouri 572–A LaBelle — Amount: [1] $254,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8575; Filed, Oct. 23, 1956; 8:53 a. m.]

[Administrative Order T–919]

WEST VIRGINIA

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Meadow River Telephone Company, Inc., West Virginia 506–B Meadow River — Amount: $62,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8576; Filed, Oct. 23, 1956; 8:53 a. m.]

[Administrative Order T–920]

MAINE

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Saco River Telegraph and Telephone Company, Maine 512–B Bar Mills — Amount: $206,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8577; Filed, Oct. 23, 1956; 8:53 a. m.]

[Administrative Order T–921]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Goodman Telephone Company, Inc., Missouri 556–B Goodman — Amount: $96,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8578; Filed, Oct. 23, 1956; 8:53 a. m.]

[Administrative Order T–922]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Twin Valley-Ulen Telephone Company, Minnesota 573–A Twin Valley — Amount: [1] $564,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8579; Filed, Oct. 23, 1956; 8:53 a. m.]

[Administrative Order T–923]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Cooperative Telephone Exchange, Iowa 558–A Stanhope — Amount: [1] $187,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8580; Filed, Oct. 23, 1956; 8:53 a. m.]

[Administrative Order T–924]

COLORADO

LOAN ANNOUNCEMENT

SEPTEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: The Delta County Cooperative Telephone Company, Colorado 510–A Delta — Amount: [1] $1,360,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–8581; Filed, Oct. 23, 1956; 8:53 a. m.]

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VOLUME 21 NUMBER 208

Washington, Thursday, October 25, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. The headnote and paragraph (a) of § 24.107 are amended as set out below.

§ 24.107 *Public Welfare Research Analyst (Child Welfare), GS–102–9–12*—(a) *Educational requirement.* Applicants must have successfully completed 1 year of graduate study in an accredited school of social work, and they must have had at graduate or undergraduate level, 9 semester hours in statistics, or 6 semester hours in statistics and 3 semester hours in methods of social research.

2. The headnote and paragraphs (a) and (b) of § 24.108 are amended as set out below.

§ 24.108 *Public Welfare Adviser (Child Welfare) and Public Welfare Adviser-Specialist (Child Welfare), GS–102–9–13*—(a) *Educational requirement.* Applicants must have successfully completed 2 years of graduate study in an accredited school of social work. This study must have included courses in case work (courses in group work for consultant on group work), and supervised field work.

(b) *Duties.* With duties varying in responsibility in accordance with the grade, Public Welfare Advisers (Child Welfare) and Public Welfare Adviser-Specialists (Child Welfare) work with public and private, national, and international groups in developing, strengthening, and extending social services to children and youth. They advise on broad phases of planning for the social well-being of children and youth (such as legislation and other protective measures including adoption safeguards and licensing of child care institutions and agencies) and on administration and standards of social services directed toward facilitating the adjustment of children in their own homes, preventing development of conditions that require removal of children from their homes, and, for the child that cannot be cared for in his own home, providing for adequate and appropriate foster care. They also advise on the technical phases of providing and improving case work services for special groups of children (such as the dependent, neglected, and delinquent), on community programs to develop and strengthen services and facilities for children, and on staff development and training to improve the quality of case work services.

3. The headnote and paragraphs (a) and (b) of § 24.109 are amended as set out below.

§ 24.109 *Social Worker (Medical and/or Psychiatric), GS–185–7–13, and Public Welfare Adviser-Specialist (Medical and/or Psychiatric), GS–102–11–13*—(a) *Educational requirement.* Applicants must have successfully completed 2 full years of graduate study in an accredited school of social work. This study must have included courses in case work and supervised field work in case work.

(b) *Duties.* (1) With duties varying in responsibility in accordance with the grade Social Workers (Medical and/or Psychiatric) are responsible for rendering psychiatric and medical social services or for directing operating medical and psychiatric social work programs in hospitals and clinics, including those of a demonstration nature in which new techniques for treatment and preventive services are tested.

(2) With duties varying in responsibility in accordance with the grade, Public Welfare Adviser-Specialists (Medical and/or Psychiatric) work with public and private, national, and international groups in developing, strengthening, and extending medical and/or psychiatric social services. They develop program standards in the field of medical and/or psychiatric social work, are responsible for the medical and/or psychiatric social component in the administration of grant-in-aid-programs, and give consultation to other Federal agencies, regional offices, State agencies, and others on the development of program policies, standards, and procedures with special reference to social and emotional factors. They also participate in com-

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FEDERAL REGISTER

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munity planning for the development and extension of health services and assist State agencies, voluntary organizations, professional schools, and others in educational activities.

4. The headnote and paragraph (b) of § 24.110 are amended as set out below.

§ 24.110 *Public Welfare Adviser (Public Assistance) and Public Welfare Adviser-Specialist (Public Assistance), GS-102-9-13.* * * *

(b) *Duties.* Public Welfare Advisers (Public Assistance) and Public Welfare Adviser-Specialists (Public Assistance) render advisory services for operating social welfare programs in the development and carrying out on a nationwide basis of a broad public welfare program for financial assistance and case work services to the needy aged, needy blind, and dependent children. They exercise leadership in assisting State welfare departments to use effectively Federal and State resources and to develop programs not only to meet economic need but also to develop and strengthen case work services. They advise State welfare departments on legislation, organization, social policies, and methods of social investigations and social treatment that will facilitate efficient and equitable administration by the States and extend to individual recipients opportunity to utilize fully benefits and services. They report back to the Federal agency on the impact of the program in communities and in typical individual case situations for the purpose of guiding the development or modification of policy.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8654; Filed, Oct. 24, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED PRUNES [1]

On July 28, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 5693) regarding a proposed revision of the United States Standards for Grades of Dried Prunes.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Dried Prunes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended, 7 U. S. C. 1621 et seq.):

PRODUCT DESCRIPTION, VARIETAL TYPES, SIZES, GRADES

Sec.
52.3181 Product description.
52.3182 Varietal types of dried prunes.
52.3183 Sizes of dried prunes.
52.3184 Grades of dried prunes.

MOISTURE, UNIFORMITY OF SIZE, DEFECTS

52.3185 Moisture limits.
52.3186 Definitions for uniformity of size.
52.3187 Definitions and explanations of defects.

WORK SHEET

52.3188 Work sheet for dried prunes.

AUTHORITY: §§ 52.3181 to 52.3188 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

PRODUCT DESCRIPTION, VARIETAL TYPES, SIZES, GRADES

§ 52.3181 *Product description.* Dried prunes are prepared from sound, properly matured prune plums from which the greater portion of moisture is removed by drying. The dried prunes are cleaned to assure a wholesome product and may be treated with water or steam.

§ 52.3182 *Varietal types of dried prunes*—(a) *Type I.* French; or Robe; or a mixture of French and Robe.

(b) *Type II.* Italian.

(c) *Type III.* Imperial; or Sugar; or a mixture of Imperial and Sugar.

(d) *Type IV.* Any other types; or mixtures of any types other than mixtures in Type I and Type III of this section.

§ 52.3183 *Sizes of dried prunes*—(a) *Count-sizes.* Except for U. S. Grade A or U. S. Fancy, the count-sizes of dried prunes are not incorporated in the grades of dried prunes. The count-sizes of dried prunes in this subpart refer to the count (or number) of prunes per pound of dried prunes. The various sizes of dried prunes for the respective varietal types are commonly designated as follows, but may be designated by other numerical expressions:

(1) *Type I; Type IV.* 30/40, 40/50, 50/60, 60/70, 70/80, 80/90, 90/100, 100/120, 120 and over.

(2) *Type II.* 25/35, 35/45, 30/40, 40/50, 50/60, 60/70, 70/80, 80/90, 90/100.

(3) *Type III.* 15/20, 18/24, 20/30, 30/40, 40/50, 50/60, 60/70.

(b) *Recommended size nomenclature.* The following size nomenclature is recommended for the respective "count-sizes" of dried prunes:

Extra large	Average: Not more than 43 prunes per pound.
Large	Average: Not more than 53 prunes per pound.
Medium	Average: Not more than 67 prunes per pound.
Small	Average: Not more than 85 prunes per pound.

§ 52.3184 *Grades of dried prunes.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of dried prunes that, except for mixed types, possess similar varietal characteristics; that are fairly uniform in size and average 85 prunes or less per pound; that meet the applicable moisture limits in Table IV of this subpart but regardless of size and kind of packaging are reasonably uniform in moisture; and that do not exceed the total allowances and limitations for defects shown in Table I of this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of dried prunes that, except for mixed types, possess similar varietal characteristics; that are fairly uniform in size; that meet the applicable moisture limits in Table IV of this subpart but regardless of size and kind of packaging are reasonably uniform in moisture; and that do not exceed the total allowances and limitations for defects shown in Table II of this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of dried prunes that, except for mixed types, possess similar varietal characteristics; that are fairly uniform in size; that meet the applicable

moisture limits in Table IV of this subpart but regardless of size and kind of packaging are reasonably uniform in moisture; and that do not exceed the total allowances and limitations for defects shown in Table III of this subpart.

(d) "Substandard" is the quality of dried prunes that meet the applicable moisture limits in Table IV of this subpart but regardless of size and kind of packaging are reasonably uniform in moisture; and that may fail to meet other requirements for U. S. Grade C or U. S. Standard, but not more than 5 percent, by weight, of the dried prunes may be affected by mold, dirt, foreign material, insect infestation, or decay: *Provided*, That not more than 1 percent, by weight, of the dried prunes may be affected by decay.

TABLE I—U. S. GRADE A OR U. S. FANCY; ALLOWANCES FOR DEFECTS

Total allowance	Limitations		
Not more than a total of 10 percent, by weight, may be damaged or affected by: Off-color. Poor texture. End cracks. Skin or flesh damage. Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 6 percent, by weight, may be damaged or affected by: Poor texture. End cracks. Skin or flesh damage. Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 3 percent, by weight, may be affected by: Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 1 percent, by weight, may be affected by: Decay.

TABLE II—U. S. GRADE B OR U. S. CHOICE; ALLOWANCES FOR DEFECTS

Total allowance	Limitations		
Not more than a total of 15 percent, by weight, may be damaged or affected by: Off-color. Poor texture. End cracks. Skin or flesh damage. Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 8 percent, by weight, may be damaged or affected by: Poor texture. End cracks. Skin or flesh damage. Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 4 percent, by weight, may be affected by: Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 1 percent, by weight, may be affected by: Decay.

TABLE III—U. S. GRADE C OR U. S. STANDARD ALLOWANCES FOR DEFECTS

Total allowance	Limitations		
Not more than a total of 20 percent, by weight, may be damaged or affected by: Off-color. Poor texture. End cracks.[1] Skin or flesh damage. Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 10 percent, by weight, may be damaged or affected by: End cracks.[1] Skin or flesh damage. Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 8 percent, by weight, may be damaged or affected by: Skin or flesh damage. Fermentation. Scars. Heat damage. Insect injury. Other means. Mold. Dirt. Foreign material. Insect infestation. Decay.	Not more than 5 percent, by weight, may be affected by: Mold. Dirt. Foreign material. Insect infestation. Decay. *Provided, That* not more than 1 percent, by weight, may be affected by decay.

[1] Except that each 1 percent of end cracks to, and including, 8 percent, by weight, shall be considered as ½ percent damaged by end cracks; and any additional end cracks shall be calculated as true percentage, by weight.

MOISTURE, UNIFORMITY OF SIZE, DEFECTS

§ 52.3185 *Moisture limits.* Dried prunes shall not exceed the moisture limits for the applicable grades and kind and size of packaging as designated in Table IV of this subpart. "Moisture" means the percentage by weight of the finished dried prunes, exclusive of pits, that is moisture when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results. The moisture limits in Table IV apply only to so-called "bulk packs" of dried prunes packaged in non-hermetically sealed containers holding 10 pounds or more of dried prunes. Such containers include, but are not limited to, wood boxes or fiber boxes.

TABLE IV—MOISTURE ALLOWANCES FOR DRIED PRUNES (Non-hermetically sealed containers; 10 pounds or more)

Grades	Maximum moisture limits	
	Counts averaging 60 or less per pound	Counts averaging 61 or more per pound
	Percent	*Percent*
U. S. Grade A or U. S. Fancy	25	24
U. S. Grade B or U. S. Choice	25	24
U. S. Grade C or U. S. Standard	25	24
Substandard	25	24

§ 52.3186 *Definitions for uniformity of size.*—(a) *Fairly uniform in size.* "Fairly uniform in size" means that in a sample of 100 ounces:

(1) For prunes that average 53 prunes or less per pound, the count per pound of 10 ounces of the smallest prunes does not vary from the count per pound of 10 ounces of the largest prunes by more than 25 points; or

(2) For prunes that average 54 prunes or more per pound, the count per pound of 10 ounces of the smallest prunes does not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points.

§ 52.3187 *Definitions and explanations of defects.* Dried prunes damaged or affected by the following are scorable as defects:

(a) *Off-color.* "Off-color" means a skin color different from characteristic black, blue-black, reddish-purple, or other characteristic skin color for the type.

(b) *Poor texture.* "Poor texture" means porous, woody, or fibrous flesh or immature prunes or prunes possessing flesh interspersed with excessive air pockets in which the texture of the flesh is noticeably different from the flesh of mature prunes which have been properly dried, handled, and processed. "Excessive air pockets" means that the prunes are affected by air pockets to the extent that the appearance and eating quality is seriously affected.

(c) *End cracks.* "End cracks" means callous apex-end cracks which, singly or in the aggregate on a prune, are more than ⅜ inch in length but not more than ½ inch in length.

(d) *Skin or flesh damage.* "Skin or flesh damage" means:

(1) Callous growth cracks (other than callous apex-end cracks) which, singly or in the aggregate on a prune, exceed ⅜ inch in length; and callous apex-end cracks which, singly or in the aggregate on a prune, exceed ½ inch in length.

(2) Splits or skin breaks not having callous edges when the flesh is mashed out beyond the protecting skin so as to affect materially the normal appearance of the prune;

(3) Any cracks, splits, or skin breaks open to the pit;

(4) Any skin damage from multiple short skin breaks giving a very "rough" appearance to the prune such as may result from over-dipping, rain damage, processing, or other causes which in Type I dried prunes affect materially the appearance or edibility of the prune, or which in other types or other mixtures affect markedly the appearance or edibility of the prune.

(e) *Fermentation.* "Fermentation" means that the prune is fermented as evidenced by a distinct sour taste or odor or by darkening in color characteristic of fermentation or souring.

(f) *Scars.* "Scars" mean:

(1) Tough or thick scab which, singly or in combination on a prune, exceeds the area of a circle ⅜ inch in diameter such as may result from thrip injury, mildew, leaf chafing, limb rubs, or other means; or

(2) Scab which is not tough or thick and which, singly or in combination on a prune, exceeds the area of a circle ¾ inch in diameter and which is inconsequential but unsightly though practically blending in color with the skin on the portion of the prune not affected.

(g) *Heat damage.* "Heat damage" means burning or scorching from the sun or in dehydration so as to damage materially the skin or flesh, or both, of the prune.

(h) *Insect injury.* "Insect injury" means healed or unhealed surface blemishes and healed or unhealed blemishes extending into the flesh which affect materially the appearance, edibility, or keeping quality of the prune but which do not possess evidence of insect infestation.

(i) *Other means.* "Other means" includes damage by any injury or defect or group of defects not specifically mentioned in this section which materially affects the appearance, edibility, or keeping quality of the fruit, but "other means" does not include defects of a nature such as defined in paragraph (j), (k), (l), (m), or (n) of this section.

(j) *Mold.* "Mold" means a characteristic fungus growth as evidenced by a moldy or smutty condition and which, singly or in the aggregate on a prune, is equal to or exceeds the area of a circle 5/16 inch in diameter.

(k) *Dirt.* "Dirt" means the presence of any quantity of such substance, whether imbedded or adhering to the prune, which gives the prune a dirty, smudgy appearance and which may not be removed readily by washing.

(l) *Foreign material.* "Foreign material" means the presence of any quantity of such substance.

(m) *Insect infestation.* "Insect infestation" means the presence of dead insects, insect fragments, or insect remains. (No live insects are permitted).

(n) *Decay.* "Decay" means a state of decomposition, wholly or in part, of the prune.

WORK SHEET

§ 52.3188 *Work sheet for dried prunes.*

Size and kind of container_____
Container mark or identification_____
Label or brand_____
Varietal type_____
Size: Count per pound (Average)_____ Uniformity_____
( ) Extra large. ( ) Large.
( ) Medium. ( ) Small.
Moisture content_____ percent; Uniformity_____
Varietal characteristics: ( ) Similar. ( ) Dissimilar.

Defects and summary of allowances [1]	Grade A maximum	Grade B maximum	Grade C maximum	Substandard maximum
Total of all defects, including off-color	10 percent	15 percent	20 percent	No limit except as indicated below.
Total of all defects, including off-color and poor texture.				
Poor texture, end cracks, skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.	But no more than 6 percent.	But no more than 8 percent.	10 percent [2]	
End cracks,[2] skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.			But no more than 8 percent.	
Skin or flesh damage, fermentation, scars, heat damage, insect injury, other means, mold, dirt, foreign material, insect infestation, decay.	3 percent	4 percent	5 percent	5 percent.
Mold, dirt, foreign material, insect infestation, decay.	But no more than 1 percent.	But no more than 1 percent.	But no more than 1 percent.	But no more than 1 percent.
Decay				

Total_____
U. S. Grade (including all factors)_____

[1] Percentages of defects are "by weight."
[2] Except that each 1 percent of end cracks to, and including 8 percent, by weight, shall be considered as ½ percent damaged by end cracks; and any additional end cracks shall be calculated as true percentage, by weight.

The United States Standards for Grades of Dried Prunes (which is the fourth issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Dried Prunes which have been in effect since June 30, 1945.

Dated: October 19, 1956.

[SEAL] FRANK E. BLOOD,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 56-8600; Filed, Oct. 24, 1956; 8:45 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 3d Rev., Supp. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR 301.76-2a (21 F. R. 6634), effective September 4, 1956, are hereby amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Allen Ranch, Route 5, Box 528, Tucson.
Amado's Consumers Appliance & Fritz's Meats, 4784 East Speedway, Tucson.
Arizona Grain Storage Co., 100 South Nevada, Chandler.
Annie Black Chicken Yard, 225 West Paetime Road, Tucson.
Elloc Farm, Route 4, Box 182, Phoenix.
Frank Kornegay Farm (storage bins), 10th Street and Avenue D., Yuma.
Long Brothers Hog Feed Yard, Buckeye.
McElhaney Cattle Company, cattle feed lot, 44 North Central Avenue, located 1 mile south and 1½ miles east of Tempe, on east Broadway, Phoenix.
Norton's Used Furniture, 25 East Southern Avenue, Phoenix.
Peterson's Feed & Supply, 940 North Stone Avenue, Tucson.
Shamrock Hill Farm, P. O. Box 5524, Tucson.
Tiemann Feed & Supply Co., 2001 North Stone Avenue, Tucson.
Valley Hay Market, 334 West Prince Road, Tucson.

CALIFORNIA

Hershel Brady Ranch, 1531 East A Street, Brawley.
Fred Brown property, located southwest corner of intersection of Highway 111 and County Road 79. Mail address P. O. Box 11, Calipatria.
Hogan Dillinger Ranch, Route 2, Box 217, Brawley.
K. H. Henderson property, Route 1, Box 65, Brawley.
Ray J. Hovely Ranch, Old Calipatria Highway, 2½ miles north of Brawley, Brawley.
Johnson & Drysdale Cattle Co., Route 1, Box 143, Calexico.
Henry Kirchener Dairy, on west side of County Road East B, one-fourth mile north of County Road 28, El Centro.
Vernon G. Monte Feed Lot, Route 1, Box 120, Brawley.
Philip E. Ramirez (tenant dealer) property (Florena D. Baca, owner), 1151 N. C. Perry Avenue, mail address Route 1, Box 96A, Calexico.
Starkey Bros. Dairy, Imperial.
D & A Wittenberg Ranch, located south side of Tulare Avenue, one-half mile west of Scaroni Avenue, 3 miles west of Shafter, Route 1, Box 238, Shafter.
William Youtsler Ranch, intersection of West J and Road 58, Route 1, Brawley.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Joe Carlos Market, Box 576, Sonora.
D. K. Frost Stable, Route 2, Box 129, Scottsdale.
Miller Ranch, Starr Route, Mammoth.

Miller Ranch Dry Camp No. 1, General Delivery, Mammoth.

Miller Ranch No. 2 (Holy Joe Camp), General Delivery, Mammoth.

Sherrill-LaFollette Fairview Farm, Box 105, Roll.

Synder Ranch, Box 31, Tacna.

Tortilla Ranch, located 7½ miles east and 2½ miles south of Apache Trail, Tortilla Flats.

CALIFORNIA

Ed Seigel property, located at Avenue 256, Sec. 19, T. 19 S., R. 27 E., M. D. B. & M. Mail address Box 772, Lindsay.

This amendment shall become effective October 25, 1956.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 22d day of October 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-8673; Filed, Oct. 24, 1956; 8:55 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948 as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 and to establish, pursuant to sections 202, 204 and 411 of the act sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1956. This regulation also establishes pursuant to section 207 the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the requirements for the calendar year 1956 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act and to establish quotas and prorations, including the apportionment of portions thereof which certain countries are unable to fill, in accordance with the provisions of the act as amended, and to give effect to such quotas. In addition to the deficits in prorations to full duty countries found and apportioned in Amendment 5, a deficit in the quota for the Virgin Islands of 3,059 short tons, raw value, equal to the increase in basic quota established in this amendment to § 811.81, is found and determined and such additional quantity is prorated to other domestic areas in § 811.83.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811, Amendments 4 and 5 (21 F. R. 6009; 7206; 7843). To permit areas for which larger quotas or prorations are hereby established to plan to market or to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.80, 811.81, 811.82, 811.84 (a) and 811.85 (a) and (b) (1) of Sugar Regulation 811, as amended (20 F. R. 9848; 21 F. R. 2805, 4653, 5709, 6009, 7206, 7843), are further amended and § 811.83 is added to read as hereinafter set forth.

1. Section 811.80 is amended to read:

§ 811.80 *Sugar requirements, 1956.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 is hereby determined to be 8,725,000 short tons, raw value.

2. Section 811.81 is amended to read:

§ 811.81 *Basic quotas for domestic areas.* There are hereby established, pursuant to subsection (a) of section 202 of the act, for domestic sugar producing areas for the calendar year 1956 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Domestic beet sugar	1,892,402
Mainland cane sugar	582,310
Hawaii	1,056,145
Puerto Rico	1,104,334
Virgin Islands	15,059

3. Section 811.82 is amended to read:

§ 811.82 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1956, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Republic of the Philippines	960,000
Cuba	2,970,960
Other foreign countries	123,790

4. A new § 811.83 is added to read as follows:

§ 811.83 *Determination and proration of area deficits—(a) Deficit in quota for the Virgin Islands.* It is hereby determined, pursuant to section 204 (a) of the act, that the Virgin Islands will be unable to fill the quota established in § 811.81 to the extent that such quota exceeds 12,000 short tons, raw value.

(b) *Proration of deficit in quota for the Virgin Islands.* The deficit in quota determined in paragraph (a) of this section amounting to 3,059 short tons, raw value, is hereby prorated, pursuant to section 204 (a) of the act to all other domestic areas, as follows:

Area:	*Short tons, raw value*
Domestic beet sugar	1,249
Mainland cane sugar	384
Hawaii	697
Puerto Rico	729
Total	3,059

5. Section 811.84 (a) is amended to read as follows:

§ 811.84 *Proration of quotas for foreign countries other than Cuba and the Republic of the Philippines—(a) Prorations and apportionment of deficits.* Pursuant to section 202 (c) of the act the 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is prorated; pursuant to section 204 (b) it is found that El Salvador is unable to utilize any proration of such quota and Nicaragua is unable to utilize any proration in excess of 4,530 short tons, raw value, and resulting deficits are apportioned; and pursuant to section 411, adjustments are made and the following adjusted prorations are established:

Country:	*Prorations as adjusted short tons, raw value*
Dominican Republic	35,573
El Salvador	----
Haiti	3,443
Mexico	14,749
Nicaragua	4,530
Peru	50,305
Unspecified countries	6,190
Total	123,790

6. Section 811.85 (a) and (b) (1) are amended to read as follows:

§ 811.85 *Direct-consumption portion of quotas or prorations—(a) Domestic areas.* Pursuant to subsections (a), (b) and (c) of section 207 of the act the quotas established in § 811.81 for offshore domestic areas may be filled by direct-consumption sugar not exceeding the following quantity for each such area:

Area:	*Short tons, raw value*
Hawaii	29,733
Puerto Rico	126,873
Virgin Islands	0

Of the quantity for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.82 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

	Direct-consumption sugar short tons, raw value
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	42,089

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. The level of sugar requirements for 1956 was established at 8,675,000 short tons, raw value, on August 7, 1956.

Distribution during the first nine months of 1956 totaled 6,714,000 tons, about 220,000 tons more than in the corresponding period of 1955. Participation in the total distribution by East Coast, Gulf and West Coast suppliers and sugar beet processors differs markedly from the pattern of other recent years. The supplies most readily available to various areas of the country within present quotas reflect this unusual pattern of sugar deliveries. This supply situation, also, is reflected in price differentials between various areas and indicates that the supply may not provide for the needs of consumers in all areas for the balance of the year.

The New York price of raw sugar, duty paid, ranged between 5.83 and 6.09 cents per pound during the first half of the year, and between 6.05 and 6.15 in the third quarter except for three days in September at 6.00 and 6.02. In October such prices began at 6.15 and reached 6.25 cents on October 9. On October 3, an increase to 8.85 cents was announced in the New York wholesale price for refined sugar to be effective for shipments made after October 13. This price was made effective generally in the Northeast. In recent years refined sugar prices reached this level only during a few months in 1953. Similar increases from lower bases have been announced for other areas with the effective dates either indefinite or later than those in the Northeast.

The probable distribution pattern in the final quarter of 1956 cannot be expected to offset, geographically, the pattern followed in the first three quarters in a manner which will provide adequate availability within the present quotas. Also, shipping and other difficulties may impair the availability of remaining quota balances and the necessity for allotting certain quotas to sellers make increases late in the year difficult to fill. The possibility that the total supplies available may not be adequate to supply consumers in 1956 in all areas has already affected the stability of the market. These factors along with indication that total distribution may be higher than previously expected require making available now a limited additional quantity of sugar.

Accordingly, it is believed that quotas totalling 8,725,000 short tons, raw value, as established herein, are required to serve the objectives of the act.

Quotas. The 50,000 short tons, raw value, by which sugar requirements are increased by this amendment results in increases in the quotas for domestic areas of 27,500 tons and those of Cuba and other foreign countries of 22,500 tons. Of the total increase for domestic areas, 6,250 and 3,000 tons to Puerto Rico and the Virgin Islands, respectively, fulfill the "priorities" established in section 202 (a) (2) of the act and the remaining 18,250 tons is distributed to all domestic areas on the basis of their quotas as adjusted by prior increases. These changes are made in § 811.81. The increases amounting to 96 percent of 22,500 tons, or 21,600 tons, for Cuba and the balance of 900 tons for "Other foreign countries" are established in § 811.82 in accordance with section 202 (c) (1) of the act.

The Virgin Islands has only a small inventory of sugar which is unlikely to be shipped. Accordingly, the 3,059 tons by which its quota is increased in § 811.81 is determined to represent a deficit and is prorated to other domestic areas in § 811.83, pursuant to section 204 (a) of the act. If shipping proves to be available, the sugar remaining in the Virgin Islands may be brought in pursuant to section 204 (c) of the act despite this action.

The increase in quota for "Other foreign countries" is prorated, 5 percent to "Unspecified countries" and the balance to the Dominican Republic, Haiti and Mexico, as provided for by sections 202 (c) (1) and 204 (b) of the act, the other specified countries being limited to their present total pursuant to section 411 of the act.

In § 811.85 (a) and (b) (1) the portions of the quotas that may be filled by direct-consumption sugar for Hawaii, Puerto Rico and "Other foreign countries" are increased by 117, 1,235 (over that established in S. R. 811, Amendment 5) and 306, short tons, raw value, respectively, as provided for in paragraphs (a), (b) and (h) (1) of section 207 of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Done at Washington, D. C., this 23d day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8713; Filed, Oct. 24, 1956; 8:57 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN GREATER BOSTON, MARKETING AREA

TABLE OF STANDARD WEIGHTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of December 17, 1955 (20 F. R. 9495), notice that the market administrator under Order No. 4, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), was considering the issuance of a proposed amendment to the rules and regulations (7 CFR 904.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendment to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., December 22, 1955. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendment to the rules and regulations herein set forth is necessary to effectuate the terms and provisions of Order No. 4, as amended, and as further amended effective November 1, 1956. Since it does not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of this amendment to the rules and regulations. Therefore, pursuant to authority contained in said Order No. 4, the following amendment to the rules and regulations is hereby issued, to be effective on and after the 1st day of November 1956.

Amend the table of standard weights in § 904.141 to provide the following standard weights for half and half, to be used in the absence of specific weights:

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
Half and half	Any test	2.14	84.5

Issued at Boston, Massachusetts, this 19th day of October 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 56-8671; Filed, Oct. 24, 1956; 8:55 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

ORDER FURTHER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 989.0 *Findings and determinations*—(a) *Previous findings and determinations.* The findings and determinations set forth below in this section are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance of this marketing order (14 F. R. 5136) as supplemented by the findings and determinations which were made in connection with the amendment of such marketing order (7 CFR Part 989; 20 F. R. 6435) issued on August 26, 1955, and all of said previous findings and determinations are hereby ratified and confirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Fresno, California, on June 18 and 19, 1956, upon proposed amendments of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California. Upon the basis of the evidence adduced at such hearing and the record thereof, it is hereby found that:

(1) The said amended marketing order, as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said amended marketing order, as hereby further amended, is applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendatory hearing was held; and

(3) There are no differences in the production and marketing of raisins in the production area covered by the said amended marketing order, as hereby further amended, which make necessary different terms applicable to different parts of such area.

(c) *Additional findings.* It is hereby found and determined that good cause exists for making the provisions of this amendatory order effective not later than the date of its publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone the effective date until 30 days after such publication (see 5 U. S. C. 1001 et seq.). The new crop year under the existing amended marketing order began on September 1, 1956, and raisins are now being handled under the provisions of the said order. The provisions of these further amendments should be made effective as early in the crop year as practicable. The provisions of this amendatory order are well known to handlers. The public hearing in connection therewith was held at Fresno, California, on June 18 and 19, 1956, and the recommended decision and the final decision were published in the FEDERAL REGISTER on September 8, 1956 (21 F. R. 6832), and September 27, 1956 (21 F. R. 7403), respectively. Copies of the amendments were made available to all known interested persons, and compliance with their provisions will require no advance preparation on the part of persons subject thereto.

(d) *Determinations.* It is hereby determined that:

(1) The "Agreement Further Amending the Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Raisin Variety Grapes Grown in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping raisins covered by the amended order which is hereby further amended) who, during the period July 1, 1955, through June 30, 1956, handled not less than 50 percent of the volume of such raisins covered by the amended order which is hereby further amended;

(2) The issuance of this order further amending the aforesaid amended order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (July 1, 1955, through June 30, 1956), were engaged, within the State of California, in the production of raisin variety grapes for market; and

(3) The issuance of this order further amending the aforesaid amended order is favored or approved by producers who participated in the aforesaid referendum and who, during the determined representative period, produced at least two-thirds of the raisin variety grapes represented in such referendum and produced within the State of California for market.

It is therefore ordered, That, on and after the date of the publication of this document in the FEDERAL REGISTER, all handling of raisins produced from raisin variety grapes grown in California, shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid amended order, as hereby further amended as follows:

1. Amend the provisions of § 989.52 (a) to read as follows:

§ 989.52 *Procedure.* (a) All decisions of the committee reached at an assembled meeting shall be by majority vote of the members present and a quorum must be present. All votes in an assembled meeting shall be cast in person. The presence of nine members shall be required to constitute a quorum. The committee may vote by mail or telegraph when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully, and identically in a notice by mail or telegraph to all members, or alternates acting in the place and stead of the members. Said notice shall contain a statement of a reasonable time not to exceed 10 days in which a member or alternate must vote by mail or telegraph in order that the vote may be counted. A unanimous vote of all selected and eligible members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure of any such member or alternate to vote within the prescribed time shall be held to be a dissenting vote. No action to recommend a marketing policy or volume regulation can be taken on the basis of a mail or telegraphic vote.

2. Amend the provisions of § 989.58 (e) to read as follows:

(e) *Options as to off-grade natural condition raisins.* Any natural condition raisins tendered to a handler which fail to meet the applicable minimum grade standards may at the option of either the handler or the person making the tender: (1) Be returned to the person tendering the raisins; (2) if storable, be turned over to the handler to be held by him as off-grade natural condition raisins for the account of the committee; or (3) be turned over to the handler for reconditioning under the terms of a written agreement between the person making the tender and the handler. If the handler is to acquire such raisins after they are reconditioned, his obligations with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned. If after such reconditioning, such raisins meet the minimum grade standards but are no longer natural condition raisins, any handler who acquires such raisins shall meet his surplus and reserve tonnage obligations from natural condition raisins acquired by him. Any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, without further inspection, for distillation, animal feed, or uses other than for human consumption. Off-grade raisins received by a handler for reconditioning shall be kept by him separate and apart from all other raisins until after the raisins have been reconditioned and the quality of the raisins is established by inspection and certification. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual matter from such reconditioning operations.

3. Amend the provisions of § 989.59 (a) to read as follows:

§ 989.59 *Regulation of the handling of raisins subsequent to their acquisition by handlers*—(a) *Regulation.* Unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they meet the effective applicable minimum grade and condition standards for natural condition raisins; or (2) ship or otherwise make final disposition of packed raisins unless they at least meet the following minimum grade standards or such standards as modified pursuant to the provisions of paragraph (b) of this section: (i) With respect to all raisins except Layer Muscats and Zante Currants, "U. S. Grade C" as defined in effective United States Standards for Grades of Processed Raisins; (ii) with respect to Golden Seedless and Sulfur Bleached raisins, the color requirements for "bleached color" (or "choice color") as defined in the said standards; (iii) with respect to Layer Muscat raisins, "U. S. Grade B" as defined in the said standards; and (iv) with respect to Zante Currant raisins, "U. S. Grade B" as defined in the effective United States Standards for Grades of Dried Currants: *Provided*, That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins to which the prescribed standards are not applicable.

3a. Amend the provisions of the first paragraph of § 989.97 to read as follows:

Raisins meeting the varietal standards set forth hereinafter shall be considered as standard raisins and those failing to meet such standards shall be considered as off-grade raisins. Where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as standard raisins if each varietal type in the lot meets the applicable minimum standards for that varietal type: *Provided*, That, in the event Layer Muscat raisins are commingled within their containers with Natural (Sun-dried) Muscat raisins, the entire lot shall be considered as Natural (sun-dried) Muscat raisins, and as standard raisins if the lot as a whole meets the minimum standards for Natural (sun-dried) Muscat raisins: *Provided further*, That, should the requirements with respect to the maximum moisture content differ as between any two or more varietal types which are commingled, the lower (lowest) maximum moisture content requirement shall apply for each varietal type. In each category, only those raisins which have been properly dried and cured in original natural condition, are free from active infestation, and are in such condition that they are capable of being received, stored, and packed without undue deterioration or spoilage, shall be considered as storable raisins.

4. Amend the provisions of § 989.59 (e) to read as follows:

(e) *Inter-plant and inter-handler transfers.* Any handler may transfer from his plant to his own or another handler's plant within the State of California any free tonnage raisins without having had such raisins inspected as provided in paragraph (d) of this section. The transferring handler shall transmit promptly to the committee a report of such transfer, except that transfers between plants owned or operated by the same handler need not be reported. Before shipping or otherwise making final disposition of such raisins, the receiving handler shall comply with the requirements of this section.

5. Amend the provisions of § 989.59 (f) to read as follows:

(f) *Off-grade raisins accumulated by handlers.* Any off-grade raisins (including stemmer waste and raisin offal) which may be received by a processor or accumulated by a handler by removing them from his standard raisins, and any raisins acquired as standard raisins by a handler which do not meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed, without further inspection, for distillation, animal feed, or uses other than for human consumption: *Provided*, That this shall not preclude a packer from recovering raisins from such accumulations or acquisitions. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure such uses. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal or other agencies having jurisdiction.

6. Amend the provisions of § 989.63 (a) to read as follows:

§ 989.63 *Recommendation for designation of percentages.* (a) If the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentages of standard raisins acquired by handlers in any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, it shall recommend such percentages to the Secretary. The committee may recommend such percentages separately, for each varietal type. The committee also shall submit, together with any recommendation with respect to percentages, the information on the basis of which such recommendation was made, and the recommendation of the board, and also shall specify for each varietal type of raisins the outlets which were considered in determining the free and surplus tonnages and the free and surplus percentages. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any designation by the Secretary of such percentages, it shall submit to the Secretary its recommendation in that regard along with the information on the basis of which such modification, suspension or termination is recommended, and the recommendation of the board. The committee shall file with its recommendation to the Secretary, a verbatim record of that portion of its meeting or meetings, relating to the free, reserve, and surplus percentages. The recommendations of the committee for the fixing of the initial free, reserve, and surplus percentages for any crop year shall be made not later than October 5 of such year, but this date may be extended by the committee not more than five days if warranted by a late crop.

7. Amend the provisions of § 989.66 (e) (4) to read as follows:

(4) (i) Except as provided in subdivision (ii) of this subparagraph for new handlers, each handler's share of surplus tonnage raisins offered for sale in export prior to February 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. Subsequent to January 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year.

(ii) If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of surplus tonnage raisins offered prior to February 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all such new handlers shall, for the purpose of determining the shares of all handlers prior to February 1, be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

(iii) If prior to February 1 of any crop year, a handler's share of any offer exceeds the quantity of surplus tonnage raisins held by him for the account of the committee (the shortage being for reasons other than deferment of his set aside obligations pursuant to § 989.66 (c)), and upon the committee concluding that the handler's acquisitions of surplus as of January 31 will exceed the total of his shares or upon said handler furnishing the committee such written undertaking secured by a bond as the committee may require, the committee may permit the handler to borrow, for a period not to exceed 30 days (or ending not later than January 31) from the date of the acceptance of the offer, raisins from any reserve tonnage held by him for the account of the committee. Any handler who has not repaid all prior loans from the reserve pool by the end of the required 30-day period or by January 31, whichever date is earlier, may not participate in any subsequent offers of surplus tonnage until the loan is repaid.

(iv) If prior to the close of any offer of surplus tonnage raisins for sale in export and subsequent to any share reservation period the entire offer has not been purchased, any handler who has purchased his entire share and makes application to the committee shall be allocated additional surplus tonnage raisins from such raisins held by him. In the event such handler no longer holds any surplus tonnage raisins for the account of the committee, the com-

mittee shall, subsequent to any period the committee may prescribe for handlers to purchase their holdings, allocate and deliver to the handler, surplus tonnage raisins held by other handlers. In making such allocation, the committee shall, insofar as is practicable, first withdraw surplus tonnage raisins from those handlers who have purchased for sale in export the smallest percentage of the surplus tonnage raisins acquired by them or who for other reasons are holding the largest percentage of their acquisitions of surplus tonnage. The cost of transporting any such surplus tonnage raisins from one handler to another shall be paid by the committee from surplus pool funds.

(v) Whenever essentially all of the surplus tonnage raisins acquired as surplus, or the reserve tonnage which becomes surplus on July 1, have been offered on a share basis, and any unpurchased or unoffered tonnage of surplus is offered to handlers, approval of applications may be made in the same order in which the applications are filed with the committee.

(vi) Whenever a handler's share or allocation pursuant to this subparagraph is less than or exceeds his holdings of surplus by a minor quantity, the committee may adjust the handler's share or allocation so as to avoid the cost of the physical transfer. The maximum quantity by which a handler's share or allocation may be so adjusted shall be prescribed in rules and procedures with respect to the allocation of surplus tonnage raisins to handlers which the committee shall establish with the approval of the Secretary.

8. Amend the provisions of § 989.67 (b) to read as follows:

(b) Reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring, and holding of said raisins: *Provided*, That where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee. No offer to sell reserve tonnage raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

9. Amend the provisions of § 989.68 (d) and (e) to read as follows:

(d) Surplus tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by August 31 of the crop year. No offer to sell surplus tonnage raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

(e) The committee may sell surplus tonnage raisins as provided in paragraph (b) (3) of this section only when such country is not included in the list of specified countries established pursuant to paragraph (c) of this section and may sell surplus tonnage raisins to foreign government agencies or foreign importers in any country removed from such list. No agreement to sell surplus tonnage raisins shall be entered into by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, price, and foreign country involved in any such proposed sale, and the Secretary may disapprove such sale or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the sale may be made upon the committee receiving from the Secretary notice that he does not disapprove the making of the sale.

10. Amend the provisions of § 989.48 to read as follows:

§ 989.48 *Compensation and expenses.* The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee. Whenever specifically authorized in advance by the committee, or when requested to attend due to the anticipated absence of a member, an alternate member of the committee shall be reimbursed for reasonable expenses incurred by him in attending not to exceed three committee meetings per crop year when the committee member for whom he serves as alternate also attends such meetings.

11. Amend the provisions of § 989.79 to read as follows:

§ 989.79 *Expenses.* The committee is authorized to incur such expenses (other than those specified in § 989.82) as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and the board. The funds to cover such expenses shall be obtained by levying assessments as provided in § 989.80. The committee shall file with the Secretary for each crop year a proposed budget of these expenses and a proposal as to the assessment rate to be fixed pursuant to § 989.80, together with a report thereon. Such filing shall be not later than October 5 of the crop year, but this date may be extended by the committee not more than five days if warranted by a late crop. Also, it shall file at the same time a proposed budget of the expenses likely to be incurred during the crop year in connection with reserve, surplus, or off-grade raisins held for the account of the committee, exclusive of the receiving, storing, and handling expenses which are covered by a schedule of payments to handlers effective pursuant to § 989.66 (f) or any rules and procedures established by the committee, and exclusive of any expenses it may incur in connection with the disposition of such raisins and which are unknown at the time. The said report shall also cover this proposed budget.

11a. Amend the provisions of § 989.54 to read as follows:

§ 989.54 *Marketing policy.* Prior to or simultaneously with making its recommendation to the Secretary for fixing the initial free, reserve, and surplus percentages for any crop year (which shall be not later than October 5 of such crop year unless this date is extended by the committee not more than five days as provided in § 989.63 (a)), the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the crop year and shall submit promptly to the Secretary a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. The report shall include the data and information used by the committee in formulating the marketing policy, and the recommendation of the board. In developing the marketing policy, the committee shall give consideration to the following factors with respect to each varietal type of raisins:

(a) The estimated tonnage of raisins held by producers and handlers;

(b) The estimated tonnage of raisins which will be produced during the crop year;

(c) An appraisal of the quality of raisins of the crop to be produced in such crop year, including the estimated tonnage of standard raisins and off-grade raisins, respectively;

(d) The tonnage of raisins marketed during recent crop years in the domestic market and in Canada;

(e) The tonnage of raisins marketed in recent crop years in foreign markets, segregated to show the quantities marketed from free and surplus tonnage raisins and the countries in which such raisins were marketed;

(f) The current price being received for raisins by producers and handlers;

(g) The estimated trade demand during the crop year for raisins in normal market channels both domestic and foreign;

(h) The trend and level of consumer income in the domestic market;

(i) The estimated probable market requirements for raisins during the crop year in foreign markets segregated by countries or groups of countries;

(j) Such factors, if any, which in the supplying of foreign markets, may tend to directly affect or burden the normal domestic market;

(k) Any other pertinent factors bearing on the marketing of raisins; and

(l) The conditions, including pricing formula, for the sale of surplus tonnage raisins in foreign markets pursuant to the provisions of § 989.68.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 19, 1956.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 56-8623; Filed, Oct. 24, 1956; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1349]

OREGON AND ARIZONA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites as indicated:

OREGON

[Oregon 04881]

MALHEUR NATIONAL FOREST

Willamette Meridian

Deer Creek Administrative Site:
T. 16 S., R. 28 E.,
Sec. 14, S½NE¼.
The area described contains 80 acres.

ARIZONA

[Arizona 08106]

COCONINO NATIONAL FOREST

Gila and Salt River Meridian

Buck Springs Administrative Site:
T. 12 N., R. 11 E.,
Sec. 1, S½SE¼;
Sec. 12, NE¼.
The areas described aggregate 240 acres.

TONTO NATIONAL FOREST

Gila and Salt River Meridian

Old Pinal CCC Camp:
T. 1 S., R. 14 E.,
Sec. 22, SW¼SE¼.
The area described contains 40 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

F. E. WORMSER, *Acting Secretary of the Interior.*

OCTOBER 19, 1956.

[F. R. Doc. 56-8631; Filed, Oct. 24, 1956; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

RULES OF THE CORPS OF ENGINEERS CLAIMS AND APPEALS BOARD

Section 210.4 is amended by adding a new paragraph (s), as follows:

§ 210.4 *Rules of the Corps of Engineers Claims and Appeals Board.* • • •

(s) *Rule 19, Appeals pending litigation.* The Board will not proceed with its consideration of an appeal if at any stage during the appellate process the same cause of action between the same parties which is the subject of the appeal is pending in litigation before any court; unless: (1) The appellant within a reasonable time obtains and files with the Board a copy of an order of such court certified by the clerk thereof staying or suspending further proceedings in such court pending completion of administrative action by the Board, or upon remand, by the contracting officer involved; and (2) the Board in its discretion undertakes to and does obtain clearance from the Department of Justice for further administrative consideration and final disposition of the appeal.

[Regs., October 11, 1956, ENGAC-12] (R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, Acting The Adjutant General.*

[F. R. Doc. 56-8622; Filed, Oct. 24, 1956; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT ROAD AND TRAIL FUND

CONSTRUCTION AND EXPENDITURE

1. Section 212.1 (e) is revised to read as follows:

(e) "Construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a road or trail, including locating, surveying, and mapping (including establishment of temporary and permanent geodetic markers in accordance with the specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

2. Section 212.2 is revised to read as follows:

§ 212.2 *Expenditure.* The Forest Development Road and Trail Fund shall be expended according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 22d day of October 1956.

(Sec. 18, 42 Stat. 216, as amended; 28 U. S. C. 19)

[SEAL] E. L. PETERSON, *Assistant Secretary.*

[F. R. Doc. 56-8675; Filed, Oct. 24, 1956; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 16]

PART 600—DESIGNATION OF CIVIL AIRWAYS

THERMAL, CALIF., SALINAS, CALIF.; ALTERATION

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6137 *VOR civil airway No. 137 (Thermal, Calif., to Salinas, Calif.)* is amended by changing the portion which reads: "point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga omnirange 153° True radials;" to read: "point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga omnirange 152° True radials;".

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. November 1, 1956.

[SEAL] S. A. KEMP, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-8627; Filed, Oct. 24, 1956; 8:46 a. m.]

[Amdt. 16]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ENIWETOK ISLAND; CONTROL AREA EXTENSION

The control area appearing hereinafter has been coordinated with the civil operators, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1413 is added to read:

§ 601.1413 *Control area extension (Eniwetok Island).* All the airspace from 700 feet upwards within a radius of 50 nautical miles of the Eniwetok nondirectional radio beacon at latitude 11°21'00" North, longitude 162°20'00" East.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 local time November 1, 1956.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8628; Filed, Oct. 24, 1956; 8:46 a. m.]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

CANTON ISLAND; TEMPORARY CONTROL AREA AND CONTROL ZONE

The control area and control zone appearing hereinafter are adopted to meet anticipated air traffic control requirements generated by the Melbourne Olympic Games and "Operation Deepfreeze". The control area and control zone have been coordinated with the civil operators, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1414 is added to read:

§ 601.1414 *Control area extension (Canton Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles centered on the Canton Island nondirectional radio beacon.

2. Section 601.2395 is added to read:

§ 601.2395 *Canton Island control zone.* That airspace from the surface upwards within a radius of 5 nautical miles centered on Canton Airport, at latitude 02°46' 10" South, longitude 171°43'15" West.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from 0001 Greenwich time November 5, 1956, to 2400 Greenwich time December 31, 1956.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8629; Filed, Oct. 24, 1956; 8:47 a. m.]

[Amdt. 218]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
CLEVELAND, OHIO. Hopkins, 789'. SBRAZ-CLE. Procedure No. 1. Amendment No. 7. Effective date: November 17, 1956. Supersedes Amendment 6, dated December 8, 1953. Major change: Missed approach altitude revised. Caution note revised.	Elyria FM		1,400 (final)	S side of W course: 276° outbound. 096° inbound. 1,900' within 10 miles.	1,400	098—0.9	T-dn C-dn A-dn	300–1 400–1 800–2	300–1 500–1 800–2	200–½ 500–1½ 800–2	Within 0.9 mile climb to 3,000' on N side of E course of Cleveland LFR within 20 miles. CAUTION: 1,971' television towers approximately 7 miles ESE of airport.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
DAGGETT, CALIF. Daggett, 1,927' SBRAZ-DTV-DAG. Procedure No. 1. Amendment No. 5. Effective date: November 17, 1956. Supersedes Amendment 4, dated February 12, 1955. Major changes: Conversion to nautical miles; add missed approach limit.	Daggett VOR	223—4.3	6,000	N side of W course: 244° outbound. 064° inbound. 6,000' within 10 miles.	3,900	On airport	*T-dn C-dn A-dn	2,000–4 2,000–4 2,000–4	2,000–4 2,000–4 2,000–4	2,000–4 2,000–4 2,000–4	Within 0 mile, climb to 9,000' on E course DAG–LFR within 20 miles. NOTE: *500–1 authorized for takeoffs on runways 3 and 7.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
SAN JUAN, P. R. Isla Grande, 9'. SBRAZ–SJU. Procedure No. 1. Amendment No. 4. Effective date: November 17, 1956. Supersedes Amendment 3, dated October 6, 1956. Major changes: Correct shuttle procedure.	Borinquen Radiobeacon	101—53	3,000	N side of course: 277° outbound. 097° inbound. 1,200' within 15 miles.	800	090—3.6	T-dn C-dn S-dn 9R A-dn	300–1 600–1 400–1 800–2	300–1 600–1 400–1 800–2	200–½ 600–1½ 400–1 800–2	Within 3.6 miles, climb to 1,200' on course of 090° from SJU LFR within 25 miles. SHUTTLE: 097° inbound 277° outbound on SJU LFR at 3,000' within 25 miles. CAUTION: 485' tower 2 miles SW of airport. *Privately owned facilities.
	South Caicos Radiobeacon	126—354	3,000								
	Piarco Radiobeacon (Port of Spain)	336—550	4,100								
	St. Croix Radiobeacon*	308—91	5,000								
	St. Thomas Radiobeacon*	282—69	3,000								
	Oscar-7 (Intersection 164° bearing to SJU and 196° to BQN).	164—105	3,000								
	Bronson (Intersection 126° bearing to SJU and 216° to BQN).	126—48	3,000								
	Charley Fox-2 (Intersection 029° bearing to SJU and 320° to HIV).	029—160	5,500								
	Lima-5 (Intersection 012° bearing to SJU and 312° to HIV).	012—148	5,500								

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless anapproach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
DAGGETT, CALIF. Daggett, 1,927'. BVOR-DAG. Procedure No. 1. Amendment No. 5. Effective date: November 17, 1956. Supersedes Amendment 4, dated February 12, 1955. Major changes: Conversion to nautical miles; correct course from DAG-LFR; correct missed approach course.	Daggett LFR	053—4.3	6,000	N side of course: 053° outbound. 233° inbound. 6,000' within 10 miles.	4,000	233—3.6	*T-dn C-dn A-dn	2,000-4 2,000-4 2,000-4	2,000-4 2,000-4 2,000-4	2,000-4 2,000-4 2,000-4	Within 3.6 miles, climb to 6,000' on 242° radial of DAG-VOR within 20 miles. NOTE: *500-1 authorized for takeoffs on runways 3 and 7.

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date.	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
CHARLOTTE, N. C. Douglas 748'. ILS-CLT. LOM-CL. Combination ILS and ADF. Procedure No. 1. Amendment No. 10. Effective date: November 17, 1956. Supersedes Amendment 9, dated September 24, 1955. Major changes: York and Clover Intersections transition added. Changes missed approach. Deletes Sharon Intersection and Fort Mill transition.	Charlotte LFR	LOM	250—4.6	2,100	S side of SW course: 229° outbound. 049° inbound. 2,300' within 10 miles.	ILS 2,300 ADF 1,500 over LOM	2,290—4.6	950—0.5	T-dn C-dn	300-1 400-1	300-1 500-1	200-½ 500-1½	Within 4.6 miles of LOM, climb to 2,200' on course of 049° from LOM or NE course ILS; when directed by ATO turn left climb to 2,500' on N course LFR (358°) within 20 miles. *400-¾ required when glide slope not utilized. **Clover Intersection Charlotte VOR 328° and CLT-ILS-SW course. (To be shown on A-L Chart only.)
	Intersection N course Charlotte LFR and SW course ILS.	LOM	229—5.6	2,200					S-dn 5 ADF	400-1	400-1	400-1	
	York Intersection	LOM	049—14.0	2,200					*ILS	200-½	200-½	200-½	
	Charlotte VOR	Clover Intersection**	328—9.0	2,200					A-dn ADF	800-2	800-2	800-2	
	Clover Intersection** (final).	LOM	049—3.0	ILS 2,300 ADF 1,500					ILS	600-2	600-2	600-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
DAYTON, OHIO. Dayton Airport, 1,008'. ILS-DAY. LOM-DA. Combination ILS-ADF. Procedure No. 1. Amendment No. 11. Effective date: November 17, 1956. Supersedes Amendment. 10, dated April 1, 1954. Major change: Note added.	Dayton VOR	LOM	210—6.9	2,300	W side of SW course: 236° outbound. 056° inbound. 2,300' within 10 miles.	ILS 2,300 ADF 1,700 over LOM	2,270—3.8	1,235—0.6	T-dn C-dn	300-1 400-1	300-1 500-1	200-½ 500-1½	Within 3.8 miles after passing LOM (ADF), climb to 2,200' on 360° course from Tipp City MHW within 10 miles. #Intersection W course Wright Patterson LFR and SW course ILS or bearing 056° to LOM. *400-¾ required with glide slope inoperative.
	Wright-Patterson LFR	LOM	297—10.4	3,000					S-dn 6 *ILS	200-½	200-½	200-½	
	W course Columbus LFR and ILS NE course or bearing 236° to LOM.	LOM	236—15.6	2,300					ADF	400-1	400-1	400-1	
	Liberty Intersection	LOM	015—6.2	2,300					A-dn ILS	600-2	600-2	600-2	
	Dayton VOR radial 086° and ILS NE course or bearing 236° to LOM.	LOM	236—11.3	2,300					ADF	800-2	800-2	800-2	
	West Alexandria Intersection# (final).	LOM	056—12.2	2,300 ILS 1,700 ADF									
LOUISVILLE, KY. Standiford, 497'. ILS-SDF. Back course approach. Procedure No. 2. Amendment No. 1. Effective date: November 17, 1956. Supersedes Amendment Original, dated April 23, 1955. ADF approach not authorized. This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously. Major changes: Radar transition altitude added; deletes Cave Hill Intersection; changes to nautical miles.	Louisville LFR	Jeffersonville Intersection.*	320—5.7	2,100	E side N course: 010° outbound. 190° inbound. 2,000' within 10 miles N of Jeffersonville Intersection.* Procedure turn conducted E to avoid 1,590' tower 10 miles NW of Louisville.	No glide slope 2,000' over Harbor Intersection.#	No markers Descend to landing minimums after passing Harbor Intersection.# Distance and bearing to runway 19—4.8 miles 190°.		T-dn C-dn *S-dn 19 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-½ 500-1½ 500-1 800-2	4.8 miles, after passing Harbor Intersection, climb to 2,100' on S course of ILS to LOM. #Harbor Intersection N course of ILS and Louisville VOR radial 327°. *Jeffersonville Intersection: N course of ILS and Louisville radial 332°. **Do not descend below 1,100' mean sea level until past Louisville VOR 320° radial.
	Louisville VOR	Jeffersonville Intersection.*	332—13.3	2,100									
	Nabb Intersection	Jeffersonville Intersection.*	190—19.1	2,000									
	Intersection W course Louisville LFR and N course of ILS.	Jeffersonville Intersection.*	010—4.8	2,000									
	Jeffersonville Intersection	Harbor Intersection.#	190—4.8	2,000 (final)									
	Radar terminal area transitions.		Within 25 miles.	2,500									
ROCHESTER, N. Y. Monroe County, 558'. ILS-ROC. LOM-RO. LMM-OC. Combination ILS-ADF. Procedure No. 1. Amendment No. 5. Effective date: November 17, 1956. Supersedes Amendment 4, dated August 18, 1955. Major changes: Middle and outer marker altitudes revised.	Rochester LFR	LOM	076—3.2	2,000	N side of E course: 097° outbound. 277° inbound. 2,000 within 10 miles of LOM.	ILS 2,000 ADF 1,500 over LOM	2,000—4.5	%780—0.6	T-dn ILS	300-¾	300-¾	200-½	Within 4.5 miles after passing LOM, climb to 2,000' on W course of Rochester LFR. NOTE: Glide slope provides approximately 183' clearance over smoke spire 756' mean sea level located 3.2 miles W of the LOM. AIR CARRIER NOTE: Takeoff on Runway 12 and landing on runway 30 not authorized. %Minimum altitude 1,300' over LMM with glide slope inoperative or when conducting ADF approach. *Circling minimums applicable for ADF approach or with glide slope inoperative. #All installed components of the ILS must be operating otherwise alternate minimums of 800-2 apply.
	Rochester VOR	LOM	096—5.2	2,000					ADF	300-1	300-1	200-½	
	Rush Intersection	LOM	047—7.3	2,000					C-dn *S-dn 28 ILS	500-1 300-¾	600-1 300-¾	600-1½ 300-¾	
	Farmington Intersection	LOM	313—8.7	2,000					A-dn #ILS	600-2	600-2	600-2	
	Farmington Intersection	ILS E course (Final transition)	333—6.2	2,000					ADF	800-2	800-2	800-2	

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator,
of Civil Aeronautics.

[F. R. Doc. 56-8363; Filed, Oct. 24, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 17[1]]

PART 371—GENERAL LICENCES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.8 *General license GRO; shipments of non-Positive List commodities*, paragraph (c) *Surplus agricultural commodities and manufactures thereof*, subparagraph (1) *Contracts of sale amounting to $10,000 or more* is amended by postponing the effective date of the provisions of this subparagraph from October 1, 1956, to November 15, 1956.

2. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*, paragraph (b) *Nickel-copper alloy scrap* is amended to read as follows:

(b) *Nickel scrap and nickel alloy scrap*—(1) *Nickel-copper alloy scrap.* (i) License applications to export nickel-copper alloy scrap (including monel scrap), Schedule B No. 654502, will be considered for approval only where the scrap is to be exported under a conversion agreement providing that not less than 90 percent of the nickel content of the nickel-copper scrap exported will be returned to the United States in the form of nickel metal.

(ii) Such applications shall include the following certification:

I (we) certify that not less than 90 percent of the nickel content of the scrap exported will be returned to the United States in the form of nickel metal.

(iii) A copy of the Bill of Lading covering each such return shipment of the nickel metal to the United States, shall be forwarded to the Bureau of Foreign Commerce, Att: FC-2630, Washington 25, D. C., no later than 30 days after receipt of the shipments in the United States.

(2) *Unusable or unsalable grindings; crushed radio tubes and slags; and skimmings and drosses.* Applications for licenses to export grindings; crushed radio tubes and slags; and skimmings and drosses containing more than 1 percent chromium shall be suported by evidence of unusability or unsalability in the domestic market, as provided below. This evidence shall be submitted in the form of a letter or other statement from the applicant, supplier, or persons to whom the commodities have been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include as a minimum, the names and addresses of the potential users to whom the commodities have been offered, the terms at which they have been offered, and the reason(s) for rejection of offers to sell.

This part of the amendment shall become effective as of October 25, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-8655; Filed, Oct. 24, 1956; 8:52 a. m.]

[1] This amendment was published in Current Export Bulletin No. 772, dated October 25, 1956.

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 530—POULTRY AND POULTRY PRODUCTS

SUBPART—POULTRY EXPORT PAYMENT PROGRAM XMX 87a

CLAIMS FOR PAYMENT SUPPORTED BY EVIDENCE OF COMPLIANCE

The announcement with respect to the Poultry Export Payment Program XMX 87a (21 F. R. 8039) is hereby amended as follows:

Section 530.106 (a) (2) is amended to read as follows:

(2) One certified copy of the sales invoice to the buyer which will either show or be accompanied by a certified statement showing:

(i) The f. a. s. sales price to the exporter (including any export payment),

(ii) The payment to be made by the Secretary,

(iii) The balance f. a. s. U. S. port to be paid by the buyer (other charges, if any, such as ocean freight insurance, etc., shall be shown separately on the invoice), and

(iv) In the case of an invoice to a party named by the buyer as the party to be billed, the exporter shall furnish a certified copy of the directions by the buyer to bill such party;

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

This amendment shall become effective immediately upon issuance.

Dated: October 22, 1956.

[SEAL] HERMAN I. MILLER,
Authorized Representative of
the Secretary of Agriculture.

[F. R. Doc. 56-8672; Filed, Oct. 24, 1956; 8:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11766; FCC 56-1010]

[Rules Amdt. 3-37]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (YOUNGSTOWN, OHIO, AND NEW CASTLE, PA.)

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on July 9, 1956 (FCC 56-631), and published in the FEDERAL REGISTER on July 13, 1956 (21 F. R. 5236), in response to a petition filed by Community Telecasting Company requesting the substitution of Channel 33 for Channel 73 in Youngstown, Ohio, as follows:

City	Channel No.	
	Present	Proposed
Youngstown, Ohio	21−, 27, 73−	21−, 27, 33
Pittsburgh, Pa	2−, 11, *13−, 16, 47−, 53+	2−, 11, *13−, 16, 22, 53+
Clarksburg, W. Va	12+, 22, 69−	12+, 69−, 79+

Comments were also requested from interested parties on three alternative proposals originally advanced on May 20, 1955, by WKST, Inc., to assign Channel 45 to Youngstown, as follows:

PLAN I

City	Present	Proposed
Youngstown, Ohio	21−, 27, 73−	21−, 27, 45−, 73−
New Castle, Pa	45−	33
Pittsburgh, Pa	2−, 11, *13−, 16, 47−, 53+	2−, 11, *13−, 16, 22, 53+
Clarksburg, W. Va	12+, 22, 69−	12+, 69−, 79+

PLAN II

Youngstown, Ohio	21−, 27, 73−	21−, 27, 45, 73−
New Castle, Pa	45	51+
Wheeling-Steubenville, W. Va	7, 9+, 51+	7, 9, 22
Clarksburg, W. Va	12+, 22, 69−	12+, 69−, 79+
Meadville, Pa	37	62+

PLAN III

Youngstown, Ohio	21−, 27, 73−	21−, 27, 45−, 73−
New Castle, Pa	45−	55−
Akron, Ohio	49+, *55−, 61+	49+, *61, 71−

Parties were also requested to comment on a proposal to assign either Channel 33 or 45 to Youngstown, Ohio-New Castle, Pa., as a hyphenated community.

2. Comments were filed by WKBN Broadcasting Corporation (WKBN-TV), The Vindicator Printing Company (WFMJ-TV), Akron Broadcasting Corporation, WKST, Inc. (WKST-TV), Community Telecasting Company (WXTV), and Myron Jones, (WHOT).

3. Community Telecasting Company is authorized to operate television Station WXTV on Channel 73 in Youngstown. In support of its petition for Channel 33, Community Telecasting alludes to the problems inherent in the operation of television stations on the higher UHF channels in light of difficulties in obtaining proper equipment, network and advertiser reluctance in utilizing such stations, and competition with other stations in the community on lower assignments. Community Telecasting urges that no other stations would suffer loss of service as a result of its proposal and that the proposed assignments would comply with the minimum spacing requirements. Since petitioner's proposal would substitute Channel 33 for its presently authorized frequency, Community Telecasting requests that it be ordered to show cause why its outstanding authorization should not be so modified. In addition, Station WTVQ is authorized to operate on Channel 47 in Pittsburgh, and Community Telecasting requests that this station also be ordered to show cause why its authorization should not be modified to specify operation on Channel 22, which would replace Channel 47 in Pittsburgh under petitioner's proposed amendment. Community Telecasting opposes the assignment of Channel 45 to Youngstown as a fourth assignment on the grounds that it is unnecessary and unwarranted; that it would have an economically destructive effect on existing stations; that it would delay the use of Channel 73; and that the Commission has previously denied this request.

4. WKST, Inc., is presently authorized to operate Station WKST-TV as a New Castle station. In order to implement its proposal it would be required to shift the operation of its station to Youngstown. Under Plan I, Channel 22 would replace Channel 47 in Pittsburg. Golden Triangle Television Corporation is authorized to operate Station WTVQ on this frequency. Under Plan II, Channel 22 would replace Channel 51 in Wheeling-Steubenville. Polan Industries is authorized to operate Station WLTV on this frequency. In support of its previous request to assign Channel 45 to Youngstown, in order that WKST-TV may become a Youngstown station, WKST, Inc., recited the history of the station and the arguments advanced in its former proposal, which was denied by the Commission in Docket No. 11280. (See Report and Order of January 13, 1956, FCC 56-45.) Since the contentions of WKST, Inc., are outlined therein, no useful purpose would be served by repeating them here. WKST, Inc., now states that it accepts the decision of the Commission in that Report and Order and withdraws its proposal for the three alternative plans to shift Channel 45 from New Castle to Youngstown by making shifts in other communities. WKST, Inc., submits that the Commission's conclusions in its decision apply equally well to the proposal of Community Telecasting and urges that the latter not be adopted, and asks instead that Channel 45 be assigned to Youngstown-New Castle for these reasons: (1) The hyphenated allocation can be accomplished without disrupting assignments in any other city; (2) it would permit the expansion of service to the area, including Youngstown and New Castle; (3) it would increase the local and network program choices; and (4) it would improve the opportunities for effective competition among a greater number of stations. WKST, Inc., submits that the two cities have developed as a single television market with Youngstown, the larger city, as the hub; that a station in a city (New Castle) one fourth the size of a larger city (Youngstown) and at a distance of only 17 miles cannot compete with those in the larger city; that this fact has been recognized by the stations in Youngstown and by the national networks; that a station in the area would in any event serve both cities and the surrounding area; and that the hyphenated allocation would be consistent with previous Commission policy and procedures.

5. The Vindicator Printing Company and WKBN Broadcasting Co., permittees of the two operating UHF stations in Youngstown oppose both the original proposals of WKST, Inc., and the proposal of Community Telecasting, incorporating by reference their comments made in Docket No. 11280. They further oppose the hyphenation of either Channel 33 or 45 as a Youngstown-New Castle channel, alleging that this would result in four assignments to Youngstown; that in 19 of the instances where communities were hyphenated the Commission followed the definition of standard metropolitan areas and Youngstown and New Castle are not in the same metropolitan district; and that such a hyphenated allocation would, in effect, deprive New Castle of its only assignment. They further argue that the Commission has hyphenated communities because they were considered as one business, industrial, and trading area and that this is not the case with Youngstown and New Castle. They submit that these cities are in separate states and are distinct with respect to economic market, trade area, and community of interests.

6. Akron Broadcasting Corp., licensee of radio Station WCUE in Akron, Ohio, opposes the adoption of WKST, Inc.'s alternative Plan III since it would substitute a higher UHF channel for the one presently assigned to Akron. Myron Jones, licensee of radio Station WHOT, Campbell, Ohio, urges that Youngstown is large and important enough to warrant the assignment of another UHF channel but argues that neither Community Telecasting nor WKST, Inc., should be permitted to receive Orders to Show Cause why their authorizations should not be modified to specify operation on the new assignment. Rather, he suggests that the assignment be made available to any interested party on a comparative basis.

7. In reply to the oppositions of WKBN and Vindicator, WKST, Inc., urges that the Youngstown market is large enough to support additional stations, that this area should have the opportunity to receive outlets for a third network and for other local programs, and that the existing stations are not entitled to protection from competition. With respect to the hyphenation of Youngstown and New Castle, WKST, Inc., argues that the contention that these cities are not part of the same metropolitan area and that such hyphenations only apply to such areas is without merit. It contends that the census definitions are not controlling, that groups of cities in the Sixth Report and Order do not coincide with the census definitions, and that these definitions have not been accepted by the Commission as controlling for television allocation purposes.

8. We are here presented with separate proposals: (1) Substitution of Channel 33 for Channel 73 at Youngstown; and (2) a shift of Channel 45 from New Castle to Youngstown, with another Channel (33, 51 or 55) substituted in New Castle. In our January 13, 1956, Report and Order in Docket No. 11280 (FCC 56-45), we refused to shift Channel 45 from New Castle to Youngstown. Our decision was predicated on the fact that, in addition to two operating television stations in Youngstown, there was a recent grant of a construction permit for a new station on Channel 73; so it appeared that Youngstown would soon thereafter have three stations. We held that the assignment of a fourth channel to Youngstown, which would necessitate the substitution of channels in other communities, was not warranted. However, the permittee of Channel 73 has not constructed its station; it now asks that its channel be deleted and that Channel 33 be substituted therefor. While we conclude that the objections to the previous proposal to shift Channel 45 still obtain, it now appears that, if a lower UHF channel is not assigned to Youngstown, there will not be three—much less four—television stations on the air in the area in the immediately foreseeable future. Thus, an allocation of a lower channel in the community may very well result in an earlier commencement of an additional service.

9. Channel 45 can be allocated to the Youngstown area by changing the assignment of that channel from New Castle to the hyphenated allocation, Youngstown-New Castle. This shift has certain advantages over the various proposals advanced by the parties. No other assignments would be disrupted. Since Station WKST-TV operated on Channel 45 in New Castle until January 14, 1955, many receivers in the hands of the public are capable of receiving that channel. Thus, we conclude that Channel 45 should be allocated to Youngstown-New Castle.

10. We are not unmindful of the contentions of some of the parties concerning hyphenation of cities for channel allocation purposes. This assignment principle has been used for various reasons, including among others, the question of trade, industrial and cultural unity between cities. Upon a careful review of all the arguments and data in this proceeding, we are of the view that the assignment of Channel 45 to Youngstown-New Castle would serve the public interest.

11. We have also considered the advisability of substituting Channel 33 for Channel 73 in Youngstown. This proposal would necessitate shifting channels in Pittsburgh, Pennsylvania, and Clarks-

burg, West Virginia. We believe that such channel changes are not warranted for the same reasons noted in our Report and Order of January 11, 1956 (Docket No. 11280).

12. WKST, Inc., has asked that it be issued an Order to Show Cause why its authorization should not be changed to specify operation on Channel 45 in Youngstown. We are of the view that no show cause order should be issued in this proceeding.

13. Authority for the adoption of the subject amendment to § 3.606 of the Commission's rules is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

14. In view of the foregoing: *It is ordered*, That effective November 21, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

City:	Channel No.
Youngstown, Ohio (see also Youngstown, Ohio-New Castle, Pa.)	21—, 27, 73—
Youngstown, Ohio-New Castle, Pa.	45—
New Castle, Pa. (see Youngstown, Ohio-New Castle, Pa.)	-----

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: October 17, 1956.

Released: October 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-8663; Filed, Oct. 24, 1956; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 3]

OPERATION OF U. S. M. S. "NORTH STAR" BETWEEN SEATTLE, WASH. AND STATIONS OF THE BUREAU OF INDIAN AFFAIRS AND OTHER GOVERNMENT AGENCIES, ALASKA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of intention to revise the regulations dealing with the operation of the U. S. M. S. "North Star," to read as set forth below. The primary effects of this revision are to delegate to the Commissioner of Indian Affairs authority to establish rates for passage on the "North Star" and to modify certain operating procedures.

All interested persons are hereby given the opportunity to submit in writing views, data and arguments concerning the proposed revision to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sec.
3.1 Responsibility for operation.
3.2 Transportation of freight for Federal agencies and others.
3.3 Employment of natives.
3.4 Prohibition of trade with natives.
3.5 Passenger rates.
3.6 Private passengers.
3.7 Transportation of children.
3.8 Transportation of Federal employees and their families and natives.
3.9 Preferential passengers.

AUTHORITY: §§ 3.1 to 3.9 issued under R. S. 161; 5 U. S. C. 22. R. S. sec. 463, 25 U. S. C. 2; 63 Stat. 84.

§ 3.1 *Responsibility for operation.* (a) The Administrative Officer and Special Representative of the Area Director, Juneau Area Office, Bureau of Indian Affairs, with offices in Seattle, Washington, has responsibility for the operation of the ship for the Department of the Interior, Bureau of Indian Affairs, including repair, upkeep, payment of bills and employment of personnel.

(b) Itineraries for each voyage shall be made by the Administrative Officer and Special Representative in consultation with the Area Director of the Bureau of Indian Affairs, Juneau, Alaska. Preference is to be accorded to the work of the Bureau of Indian Affairs. The Area Director is vested with authority to direct the use of the ship to perform special services which may arise and to act in any emergency.

§ 3.2 *Transportation of freight for Federal agencies and others.* (a) All agencies of the Federal Government, including activities of the Bureau of Indian Affairs, Alaskan Natives, cooperatives of Alaskan Natives, business enterprises owned and operated by Alaskan Natives and Federal employees shall be charged for freight, lighterage and longshoring and other terminal charges in accordance with tariff rates and terminal charges established by the Commissioner of Indian Affairs.

(b) Baggage and other personal property of passengers that cannot be readily accommodated in the passengers' staterooms will be manifested as freight and charged for at the established rates.

(c) Commercial freight may be carried between points where adequate service is not provided by commercial vessels. Commercial freight, when carried, shall be prepaid at the same tariff rates established under paragraph (a) of this section.

(d) All freight accepted must be properly manifested, giving the name and address of the consignor and the consignee, and a description of the goods, including gross weight.

(e) Freight will be accepted only on condition that the United States will not be held responsible for any loss, damage or non-delivery.

§ 3.3 *Employment of Natives.* Natives shall be employed on the "North Star" to fill all positions for which they are qualified.

§ 3.4 *Prohibition of trade with Natives.* Officers and members of the crew on the vessel are prohibited from engaging in trade with the Natives.

§ 3.5 *Passenger rates.* Rates for transportation of passengers shall be established by the Commissioner and shall be the same for all passengers, except as provided in § 3.7. Rates shall be on file for public inspection at the Bureau of Indian Affairs offices in Seattle, Washington and Juneau, Alaska.

§ 3.6 *Private passengers.* No private passengers (except Federal employees and their families and Natives of Alaska) shall be transported on the "North Star" between points where adequate services are provided by commercial vessels. Where such commercial vessels are not available, and where accommodations can be furnished on the "North Star" without detriment to Government business, private travelers may be transported at the rates established pursuant to § 3.5.

§ 3.7 *Transportation of children.* The rates established for the transportation of children shall be subject to the following rules:

(a) No charge shall be made for transportation of children under two years of age.

(b) Children who have reached their second birthday, but not their twelfth birthday shall be transported at half the rate established pursuant to § 3.5 for all other passengers.

§ 3.8 *Transportation of Federal employees and their families and Natives.* (a) All agencies of the Federal Government will be billed at the rates established pursuant to § 3.5 for each employee traveling on official business.

(b) When not in official travel status, Federal employees and families of Federal employees will be transported at the rates established pursuant to § 3.5.

(c) Natives of Alaska, who are not indigent, will be charged the same rates as all other passengers.

§ 3.9 *Preferential passengers.* In the booking of passage on the ship, preference shall be given to employees of the Bureau of Indian Affairs and their families and to Natives of Alaska.

F. E. WORMSER,
Acting Secretary of the Interior.

OCTOBER 19, 1956.

[F. R. Doc. 56-8635; Filed, Oct. 24, 1956; 8:48 a. m.]

[1] Commissioner Hyde not participating; Commissioner Bartley concurring but would vote to add Channel 38 in addition to Channel 45 inasmuch as it is also available; Commissioner Craven disqualifying himself from participation in this matter.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO-243-A4]

MILK IN CENTRAL ARKANSAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hearing Room, Fish and Game Building, State Capitol Grounds, Little Rock, Arkansas, beginning at 10:00 a. m., c. s. t., Tuesday, November 13, 1956, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Central Arkansas marketing area (7 CFR 908 et seq.). The proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments to the order, as amended, regulating the handling of milk in the Central Arkansas milk marketing area are as follows:

Proposed by Arthur Cook's Ice Cream and Dairy Company, Humphrey's Dairy, and The Borden Company, Hot Springs, Arkansas; Young's Dairy, The Terry Dairy Products Company, Coleman Dairy, and Dixon Dairy, Little Rock, Arkansas; Wirges Dairy Farm, North Little Rock, Arkansas; O. K. Ice Cream and Candy Company, Pine Bluff, Arkansas; and Clark County Dairy Products Company, Arkadelphia, Arkansas:

1. Amend § 908.4 *Marketing area* by adding the following counties: Conway, Pope, Saline, Monroe, Hot Spring, Grant, Poinsett, Cross and St. Francis, all in the state of Arkansas.

2. Delete § 908.41 (b) (3) and substitute the following:

(3) Disposed of as skim milk and butterfat and used for livestock feed.

3. Add a new § 908.41 (b) (5) as follows:

(5) Any loss of skim milk or butterfat involved in processing or transportation casualty losses, subject to verification by the market administrator.

4. Amend § 908.45 to provide that producer milk shall not receive preferential classification as Class I over other source receipts, unless producer receipts at pool plants are at least 115 percent of total Class I sales of pool plants.

5. Add a new § 908.54 (c) as follows:

(c) The foregoing rates apply to pool plants only in the event that producer receipts of pool plants are at least 115 percent of total Class I sales of pool plants.

6. Amend §§ 908.8, 908.61 and any other sections of the order to provide that a plant physically located within the marketing area shall be a fully regulated handler under Order No. 8, regardless of the percentage of Class I sales in any other regulated market. This proposal is not intended to alter the provision of § 908.8 which establishes the standard 10 percent of Class I sales in defining a distributing plant.

7. Amend the order to provide an equitable supply-demand adjustment based on supply and demand in the Central Arkansas area, with the provision that no adjustment in any month shall be more or less than 40 cents per hundredweight.

Proposed by the Central Arkansas Milk Producers' Association, Little Rock, Arkansas:

8. Amend § 908.4 to read as follows:

§ 908.4 *Central Arkansas marketing area.* "Central Arkansas marketing area" hereinafter called the "marketing area" means all territory included within the boundaries of the counties of Pulaski, Jefferson, Faulkner, White, Clark, Garland, Conway, Saline, Lonoke, Grant, Pope, Hot Spring and Monroe, all in the State of Arkansas.

9. Amend § 908.6 to read as follows:

§ 908.6 *Producer.* "Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler as defined in § 908.12 (a) to a nonpool plant for his account, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted: *And provided further*, That if such milk is diverted from a pool plant by a handler as defined in § 908.12 (b) to a nonpool plant for his account any day during the months of February through August, or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

10. Amend § 908.8 to read as follows:

§ 908.8 *Distributing plant.* "Distributing plant" means an approved plant located within the marketing area or an approved plant located outside the marketing area from which Class I milk equal to not less than 50 percent of its receipts of producer milk and fluid milk products from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which Class I milk equal to not less than 10 percent of such receipts is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

11. Amend § 908.51 (a) to read as follows:

(a) *Class I milk price.* The Class I price shall be the price computed pursuant to § 918.51 (a) (1), (2) and (3) of this chapter, regulating the handling of milk in the Memphis, Tennessee, marketing area plus thirty-five (35) cents during all months of the year: *Provided*, That the Class I price shall in no event be less than the price computed pursuant to § 976.51 (a) of this chapter regulating the handling of milk in the Ft. Smith, Arkansas, marketing area.

12. Amend the introductory paragraph of § 908.51 (b) to read as follows:

(b) For the months of April through June the Class II milk price shall be the price determined pursuant to subparagraph (1) of this paragraph rounded to the nearest cent. For all other months it shall be the basic formula price, or the price determined pursuant to subparagraph (1) of this paragraph, plus 25 cents, whichever is less.

13. Amend the introductory paragraph of § 908.61 to read as follows:

§ 908.61 *Plants subject to other Federal orders.* A plant specified in paragraphs (a) or (b) of this section and located outside the Central Arkansas milk marketing area shall be a nonpool plant for purposes of this part except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 908.30), and allow verification of such reports by the market administrator.

14. Amend § 908.80 (a) (2) (iii) to read as follows:

(iii) Plus adjustments for errors made in previous payments made to such producer,

15. Amend § 908.91 (b) to read as follows:

(b) All or any part of a base shall be transferred from a person holding such base to any other person or persons effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person or persons to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person or persons to whom such base is to be transferred.

16. Amend § 908.91 by adding a new paragraph (c) reading as follows:

(c) If a handler, who has been subject to regulation by another Federal milk marketing order and agreement becomes subject to regulation by this order any time after the beginning of the base set-

ting period, the market administrator shall determine the bases of producers delivering to such handler in the same manner as if that handler had been subject to regulation by this order during the entire preceding base setting period.

Proposed by The Borden Company, Texarkana, Texas:

17. Delete the city Gurdon, Arkansas, from the marketing area, or amend the order to eliminate the compensatory payment on a reasonable volume of Class I sales in the marketing area from a nonpool plant.

Proposed by Midwest Dairy Products Company, Little Rock, Arkansas:

18. Amend paragraphs (a) and (b) of § 908.54 as follows:

(a) For the months of April, May and June, subtract the Class II price adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential, and in the case of fluid milk products by the Class I location differential.

(b) For the months of July through March subtract the uniform, or the weighted average of the base and excess price to producers from the Class I milk price.

19. At the end of § 908.62 delete the phrase: "by the rate of compensatory payment calculated pursuant to § 908.54" and substitute the following: "by the difference between the average pay price at the nonpool plant, and the Federal order average price for the month."

Proposed by Newport Dairy Company, Newport, Arkansas; Blue Ribbon Dairy, McGehee, Arkansas; Mack Farm Dairy, Batesville, Arkansas; and Glenwood Dairy, Glenwood, Arkansas:

20. Delete § 908.54 and substitute the following:

§ 908.54 *Rate of compensatory payment on unpriced milk.* The rate of compensatory payment per hundredweight for each month shall be calculated by subtracting the uniform or the weighted average of the base and excess prices to producers from the Class I milk price.

Proposed by the E. W. Prickett Dairy, Benton, Arkansas:

21. Exempt from regulation under Order No. 8 any handler who distributes 2,000 gallons, or less, of milk per day in the marketing area.

Proposed by the Dairy Division, Agricultural Marketing Service:

22. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 1611 Main Street, Little Rock, Arkansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 22, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8625; Filed, Oct. 24, 1956; 8:46 a. m.]

[7 CFR Part 961]

[Docket No. A0-160-A18]

MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF RECONVENED HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reconvening of a public hearing to be held in the Junior and Locust Rooms, Sylvania Hotel, Broad and Locust Streets, Philadelphia, Pennsylvania, beginning at 9:30 a. m., e. s. t., November 13, 1956. This hearing was recessed on August 22, 1956, to a time to be later announced. The issues under consideration at this hearing are set forth in the notice of hearing issued by the Deputy Administrator, Agricultural Marketing Service, on May 17, 1956 and published in the FEDERAL REGISTER on May 22, 1956 (21 F. R. 3386, F. R. Doc. 56-3983).

Issued at Washington, D. C., this 18th day of October 1956.

[SEAL] WILL ROGERS,
Hearing Examiner.

[F. R. Doc. 56-8624; Filed, Oct. 24, 1956; 8:46 a. m.]

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

RHODODENDRONS UNDER POSTENTRY QUARANTINE

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 162), is considering the amendment of § 319.37-19 (c) of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-19 (c); 21 F. R. 2589) by revising the item therein relating to "Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage)" to read as follows:

Plants to be grown under postentry quarantine	*Where imported from*
Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage).	Europe (except Belgium and The Netherlands), Asia, New Zealand, and North America north of the United States-Canadian border. (If the United States Department of Agriculture acquires evidence it considers to be conclusive, indicating that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (d By.) Savile (formerly known as C. rhododendri (DC.) d By.), does not occur within any country in the areas named and that it is being prevented entry therein by adequate plant quarantine measures, such plants may be permitted entry in accordance with the provisions of § 319.37-6.)

This amendment would exempt Rhododendron spp. (including azaleas) of the categories designated, imported from Belgium, from the list of restricted material that is to be grown under postentry quarantine. A similar proposal with respect to Rhododendron spp. grown in The Netherlands was published in the FEDERAL REGISTER on September 15, 1956 (21 F. R. 6977).

The United States Department of Agriculture has acquired evidence which it considers to be conclusive that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (d By.) Savile, does not occur in Belgium and that the rust is being prevented entry therein by adequate plant quarantine measures. Therefore, such Rhododendron spp. would be permitted entry in accordance with the provisions of § 319.37-6.

The acquired evidence that is considered to be conclusive includes negative rust surveys in Belgium during 1953, 1954, and 1956 by plant pathologists of the Department. Furthermore, the disease has not been observed by either Federal or State inspectors in any Belgian-grown azaleas or rhododendrons grown here under postentry quarantine. There are no known authentic reports in world literature of occurrence of the rust in Belgium, nor has the rust ever been observed in Belgian-grown Rhododendron spp. offered for import into the United States. Also, a formal statement has been received from the Belgian Phytopathological Service affirming that this species of rust does not occur in that country and citing the quarantine measures adopted to prevent its entry from other countries. These quarantine measures are deemed adequate.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 5, 9, 37 Stat. 316, 318; 7 U. S. C. 159, 162)

Done at Washington, D. C., this 19th day of October 1956.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 56-8674; Filed, Oct. 24, 1956; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 40]

[Draft Release No. 56-27]

OPERATION IN ICING CONDITIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the amendment of § 40.392 (b) of part 40 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by Dec. 31, 1956. Copies of such communications will be available after Jan. 3, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective § 40.392 (b) states "No airplane shall take off when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane."

Section 40.392-1 of Civil Aeronautics Manual 40 issued by the Administrator of Civil Aeronautics interprets the existing Civil Air Regulation to mean that only where frost, snow, or ice adhering to the airplane might adversely affect its performance, would take-off be prohibited.

Since the Board intended that the take-off prohibition apply to situations in which performance might be affected, it is proposed to amend the existing regulation to correspond to the existing CAA interpretation.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that § 40.392 (b) of Part 40 of the Civil Air Regulations be amended to read as follows:

§ 40.392 *Operation in icing conditions.* * * *

(b) No take-off shall be made when frost, snow, or ice adhering to any part of the airplane might adversely affect its performance.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., October 16, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 56-8670; Filed, Oct. 24, 1956; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11752; FCC 56-1006]

TELEVISION BROADCAST STATIONS; NEW ORLEANS, LA., AND MOBILE, ALA.

TABLE OF ASSIGNMENT

In the matter of amendment of § 3.606 *Table of assignment,* rules governing Television Broadcast Stations (New Orleans, La.-Mobile, Ala.).

1. The Commission has before it for consideration the Motion of Loyola University, New Orleans, Louisiana, filed August 29, 1956, requesting amendment of the notice of proposed rule making (FCC 56-593), issued on June 26, 1956, in this proceeding, so as to delete Channel 6 at New Orleans from the channel assignments proposed for New Orleans in addition to Channel 4.

2. On June 25, 1956, the Commission adopted a Report and Order in the general television allocation proceeding in Docket No. 11532 outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which consideration would be given in the interim to channel changes to improve the immediate situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general principles outlined in the above Report and Order, the Commission on the same date adopted a notice of proposed rule making in Docket No. 11752 proposing the following channel changes in Mobile and New Orleans:

City	Channel No.	
	Present	Proposed
Mobile, Ala	5+, 10+, *42, 48+.	4+, 5+, 10+, *48+.
New Orleans, La	4+, 6+, *8, 20-, 26, 32+, 61.	6+, *8, 20-, 26, 32+, 42, 61.

3. The counterproposal of petitioner would change the proposed channel assignments in New Orleans, as follows:

City	Channel No.	
	Present	Proposed
New Orleans, La	4+, 6+, *8, 20-, 26, 32+, 61.	*8, 20-, 26, 32+, 42, 61.

4. The instant request for the deletion of Channel 6 in New Orleans should be considered in conjunction with the Commission's outstanding rule making proposal in the above-entitled proceeding, which is considering a proposal to shift Channel 4 from New Orleans to Mobile but which would retain Channel 6 in New Orleans. We are of the view, therefore, that Loyola University's alternative proposal should also be considered in this proceeding. We do not believe there is any need to amend the present notice of rule making or to institute further rule making on petitioner's proposal. Petitioner may fully prosecute its counterproposal to eliminate Channel 6 from New Orleans in this proceeding, and its petition will be so construed.

5. In view of the foregoing; *It is ordered,* That the motion of Loyola University, insofar as it requests amendment of the notice of proposed rule making issued on June 26, 1956, in this proceeding, is denied.

Adopted: October 17, 1956.

Released: October 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8664; Filed, Oct. 24, 1956; 8:53 a. m.]

[47 CFR Part 3]

[Docket No. 11754; FCC 56-1008]

TELEVISION BROADCAST STATIONS; MADISON, WIS., ROCKFORD, ILL., AND FOND DU LAC, WIS.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Madison, Wis.-Rockford, Ill.-Fond du Lac, Wis.).

1. The Commission has before it for consideration the petition of Winnebago Television Corporation, Rockford, Illinois filed August 27, 1956, requesting amendment of the notice of proposed rule making (FCC 56-595) issued on June 26, 1956, in this proceeding, so as to invite comments on its proposal for the deletion of Channel 3 from Madison, Wisconsin, and its assignment to Rockford, Illinois, by shifting the assignment at Fond du Lac, Wisconsin, from 54 to 68, as an alternative to the Commission's proposal to shift the educational reservation at Madison from Channel 21 to Channel 3. Winnebago Television also requests the Commission to order it to show cause why its outstanding authorization for television Station WTVO at Rockford should not be modified to specify operation on Channel 3 in lieu of Channel 39.

2. On June 25, 1956, the Commission adopted a Report and Order in the general television allocation proceeding in Docket No. 11532 outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which consideration would be given in the interim to channel changes to improve the immediate situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general principles outlined in the above Report and Order, the Commission on the same date adopted a notice of proposed rule making in Docket No. 11754 proposing the following channel changes in Madison:

City	Channel No.	
	Present	Proposed
Madison, Wis.	3, *21—, 27—, 33+.	*3, 21—, 27—, 33+.

3. The counterproposal of petitioner would change the proposed channel assignments in Madison and make the following channel changes at Rockford and Fond du Lac, as follows:

4. The instant request for the shift of Channel 3 from Madison to Rockford should be considered in conjunction with the Commission's rule making proposal in the above-entitled proceeding, which would retain Channel 3 in Madison for noncommercial educational use. We do not believe there is any necessity for amending the Notice of Rule Making or for instituting further rule making in this proceeding. Petitioner may fully prosecute its proposal to shift Channel 3 from Madison to Rockford as a counterproposal in this proceeding, and its petition will be so construed.

5. In view of the foregoing: *It is ordered*, That the petition of Winnebago Television Corporation, insofar as it requests amendment of the notice of proposed rule making issued on June 26, 1956, in this proceeding, is denied.

Adopted: October 17, 1956.

Released: October 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8665; Filed, Oct. 24, 1956; 8:53 a. m.]

[47 CFR Part 3]

[FCC 56-1007]

TELEVISION BROADCAST STATIONS; LOUISVILLE, KY., AND EVANSVILLE, IND.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations (Louisville, Ky., and Evansville, Ind.).

1. The Commission has before it for consideration the petitions of Senator Robert Humphreys of Kentucky, filed July 13, 1956; Governor A. B. Chandler of Kentucky, filed July 12, 1956; Mayor Andrew Broaddus of Louisville, Kentucky, filed July 16, 1956; and Mid-America Broadcasting Corporation, permittee of Station WKLO-TV at Louisville, filed July 13, 1956, requesting that the Commission's Table of Television Assignments, set out in Section 3.606 of the Rules, be amended so as to assign Channel 7 to Louisville by its deletion from Evansville, Indiana. It is urged that transmitter sites are available for Channel 7 in Louisville so that minimum mileage spacings and other requirements can be met. Mid-Continent also requests the Commission to order it to show cause why its outstanding authorization for television Station WKLO-TV at Louisville should not be modified to specify operation on Channel 7 in lieu of Channel 21.

2. On June 25, 1956, the Commission adopted a Report and Order in the general television allocation proceeding in Docket No. 11532 outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which consideration would be given in the interim to channel changes to improve the immediate situation in individual communities. As a part of this interim program of channel reassignments, the Commission on the same date adopted a notice of proposed rule making in Docket No. 11757 proposing to shift the educational reservation in Evansville from UHF Channel 56 to Channel 7.

3. Channel 7 cannot be assigned to both Evansville and Louisville in accordance with the minimum mileage cochannel separation requirements specified in § 3.610 of the rules. The instant requests for the assignment of Channel 7 to Louisville, therefore, are mutually exclusive with the Commission's rule making proposal for the reservation of Channel 7 for noncommercial educational use in the Evansville area. We are of the view, therefore, that these petitions should be considered in the Evansville proceeding with the Commission's alternative proposal for the reassignment of Channel 7 in Evansville.

4. Mid-America also filed its request for the assignment of Channel 7 to Louisville as a counterproposal in the above-entitled Evansville proceeding on July 13, 1956. We do not believe that there is any need to institute further rule making or to amend the notice of rule making in this proceeding with respect to the subject requests. We think that they may be properly considered as counterproposals in the Evansville proceeding and the petitions will be so construed.

5. In view of the foregoing: *It is ordered*, That the petitions of Senator Robert Humphreys, Governor A. B. Chandler, Mayor Andrew Broaddus and Mid-America Broadcast Corporation, insofar as they seek separate rule making proceedings, are denied.

Adopted: October 17, 1956.

Released: October 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8666; Filed, Oct. 24, 1956; 8:54 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

AIRCRAFT PRODUCTION RESOURCES AGENCY

DELEGATION OF AUTHORITY TO RESCHEDULE AND/OR CROSS SCHEDULE DELIVERY OF MATERIALS AND TO SCHEDULE OR RESCHEDULE PRODUCTION AND DELIVERY OF APRA CLASS B PRODUCTS

Pursuant to delegation of authority published at 19 F. R. 5446 from Secretary of Defense to the Assistant Secretary of Defense (Supply and Logistics), and in accordance with Defense Production Act of 1950, as amended, and BDSA Delegation 1, Supplement 1, as amended September 25, 1956, published at 21 F. R. 7465, there is hereby delegated to the Director, Aircraft Production Resources Agency, authority:

1. To reschedule deliveries of materials which are required in support of the Department of Defense Aircraft Program (A1); *Provided, however*, (a) That such authority shall be applicable only to reschedule deliveries on orders rated DO-A1 and Authorized Controlled Material Orders bearing the program identification A1 issued by or under the authority of the Department of Defense except as provided in paragraph 3 below; and (b) that such rescheduling of deliveries requires no change in production schedules of the person making the deliveries.

2. To reschedule deliveries of materials which are required in support of the Department of Defense Guided Missiles Systems Program (A2); *Provided, however*, (a) That such authority shall be applicable only to reschedule deliveries on orders issued by or under the authority of the Department of the Air Force and/or Bureau of Aeronautics, Department of the Navy, which are rated DO-A2 and Authorized Controlled Material Orders bearing the program identification A2, except as provided in paragraph 3 below; and (b) that such scheduling of deliveries requires no change in production schedules of the person making the deliveries.

3. To divert deliveries of materials between the Aircraft Program (A1) orders issued by or for any military department and the Guided Missiles Systems Program (A2) orders issued by or for the Department of the Air Force and/or Bureau of Aeronautics, Department of the Navy: *Provided, however*, (a) That such authority shall be applicable only to reschedule delivery on orders rated DO-A1 and A2 and Authorized Controlled Material Orders bearing the program identification A1 and A2; and (b) that such scheduling of deliveries requires no change in the production schedules of the person making the deliveries.

4. To schedule or reschedule the production and delivery of any APRA Class B products shown under Product Class Code No. 9500 in the BDSA Official Class B Product List: *Provided, however*, (a) That the consent of the manufacturer or producer of any such Class B product proposed to be scheduled or rescheduled is first obtained; (b) that in providing for such scheduling or rescheduling the manufacturer or producer is not required or authorized to displace the production of, or delay the delivery of, any product other than an APRA Class B product; (c) that the Aircraft Production Resources Agency shall require the manufacturer or producer whose production or delivery has been so rescheduled to notify immediately in writing all customers whose deliveries have been changed as a result of such rescheduling; and (d) that this authority does not extend to the rescheduling of the production or delivery of materials or products furnished by suppliers to manufacturers of APRA Class B products.

5. To require a copy of an order board or in lieu thereof, the necessary scheduling data, covering APRA Class B products only, from a manufacturer of any such products which are in critically short supply and the lack of which products is seriously interfering with the accomplishment of other aircraft component or aircraft end-item schedules.

The exercise of this authority shall conform to the terms of the regulations and orders of the Business and Defense Services Administration and to such priorities and allocations policy directives and procedures as may be issued by the Assistant Secretary of Defense (Supply and Logistics) to implement policies and procedures issued by the Business and Defense Services Administration.

This delegation shall take effect September 27, 1956.

Delegation of authority, subject as above, published at 17 F. R. 9780, is hereby superseded and cancelled.

R. C. LANPHIER, Jr.,
Deputy Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 56-8621; Filed, Oct. 24, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RALPH F. STARZ

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Ralph F. Starz.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: October 18, 1956.
4. Title of position: Consultant.
5. Name of private employer: Ladish Company, Cudahy, Wisconsin.

CARLTON HAYWARD,
Director of Personnel.

SEPTEMBER 24, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Ladish Company, Dole Engineering, Rental Property, Bank deposits.

RALPH F. STARZ.

OCTOBER 18, 1956.

[F. R. Doc. 56-8655; Filed, Oct. 24, 1956; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa.; effective 10-8-56 to 10-7-57 (children's dresses).

Blue Ridge Shirt Manufacturing Co., Inc., Fayetteville, Tenn.; effective 10-20-56 to 10-19-57 (sport shirts).

Buttnick Manufacturing Co., 204 First Avenue South, Seattle, Wash.; effective 10-8-56 to 10-7-57; 5 learners (men's sportswear and outerwear).

Sam Ciappetta, 212 East 128th Street, New York, N. Y.; effective 10-8-56 to 4-7-57; 5 learners (children's dresses).

Classic Dress Co., 12 Classic Street, Hoosick Falls, N. Y.; effective 10-8-56 to 10-7-57; 4 learners (ladies' dresses).

Cowden Manufacturing Co., 22d and Oklahoma, Woodward, Okla.; effective 10-18-56 to 10-17-57 (denim dungarees).

E & W Manufacturing Co. or Canton, Canton, Miss.; effective 10-8-56 to 10-7-57; 10 learners (men's sport, work, and dress shirts).

Enro Shirt Co., Inc., 1010 South Preston Street, Louisville, Ky.; effective 10-19-56 to 10-18-57 (pajamas, shirts).

Hagale Garment Manufacturing Co., Ozark, Mo.; effective 9-28-56 to 9-27-57 (work pants).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; effective 9-28-56 to 9-27-57 (work pants).

Hane Manufacturing Co., Snyder Co., Shamokin Dam, Pa.; effective 10-13-56 to 10-12-57; 10 learners (boys' sport and dress shirts).

Hazelhurst Manufacturing Co., Inc., Vidalia Division, Vidalia, Ga.; effective 10-8-56 to 10-7-57 (girdles, garter belts, brassieres).

Hollywood Corset Co., 202 North College Street, Eastland, Tex.; effective 10-4-56 to 10-3-57 (brassieres) (replacement certificate).

J. & B. Sportswear Co., Maple Street, Tresckow, Pa.; effective 10-5-56 to 10-4-57; 5 learners (women's and children's sportswear).

I. Janov Shirt Co., 489 West Broad Street, Hazleton, Pa.; effective 10-5-56 to 10-4-57 (men's dress and sport shirts).

Leecraft Manufacturing Co., Spencer, Tenn.; effective 10-8-56 to 10-7-57 (sport shirts).

Goldstone Bros., 300 Main Street, Petaluma, Calif., effective 10-8-56 to 10-7-57 (men's work clothes).

Goldstone Bros., 26 Sabastopol Avenue, Santa Rosa, Calif.; Effective 10-8-56 to 10-7-57 (men's work clothes).

Meyers & Son Manufacturing Co., Corner First and Jefferson Streets, Madison, Ind.; effective 10-3-56 to 10-2-57 (coveralls).

Mode O'Day Corp., 607 Main Street, Osawatomie, Kans.; effective 10-3-56 to 10-2-57 (ladies' blouses).

Ray Lee, Inc., 1405 Warford Avenue, Memphis, Tenn.; effective 10-4-56 to 10-3-57 (ladies' sportswear).

Rice-Stix, Inc., No. 16, Water Valley, Miss.; effective 10-15-56 to 10-14-57 (work pants and shirts).

Salemburg Manufacturing Co., Salemburg, N. C.; effective 10-18-56 to 10-17-57 (cotton dresses).

Troutman Shirt Co., Inc., Troutman, N. C.; effective 10-10-56 to 10-9-57 (work and sport shirts).

Zulick's Underwear Mill, Rear 128 Centre Avenue, Schuylkill Haven, Pa.; effective 10-5-56 to 10-4-57; 5 learners (polo shirts, cardigans creepers).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Blue Bell, Inc., Homer, Ga.; effective 10-4-56 to 4-3-57; 40 learners (men's and boys' work and play clothes).

Carolina Sportswear Co., Warrenton, N. C.; effective 10-3-56 to 3-2-57; 55 learners (knit shirts).

The New England Sportswear House, 400 Pine Street, Pawtucket, R.I.; effective 10-5-56 to 4-4-57; 10 learners (jackets lined and unlined).

Standard Garments, Inc., Chase City, Va.; effective 10-3-56 to 4-2-57; 30 learners (sport shirts).

Strasburg Manufacturing Co., Inc., Strasburg, Va.; effective 10-2-56 to 4-1-57; 50 learners (women's shirts and blouses).

Cigar Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 629).

Associated Cigar Co., 29-33 West Maple Street, Dallastown, Pa.; effective 10-3-56 to 10-2-57; 1 learner for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Greensboro Hosiery Mills, Greensboro, N. C.; effective 10-8-56 to 4-7-57; 20 learners for expansion purposes (full-fashioned).

Kale Knitting Mills, Inc., Mebane, N. C.; effective 10-4-56 to 4-3-57; 10 learners for expansion purposes (seamless).

Long Finishing Mills, Inc., 225 Trade Street, Burlington, N. C.; effective 10-3-56 to 4-2-57; 20 learners for expansion purposes (full-fashioned and seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Northern Ohio Telephone Co., Delaware, Ohio; effective 10-8-56 to 4-7-57.

Northern Ohio Telephone Co., Galion, Ohio; effective 10-8-56 to 4-7-57.

Northern Ohio Telephone Co., Oberlin, Ohio; effective 10-8-56 to 4-7-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Clarida Undergarment Co., 42 East 12th Street, New York, N. Y.; effective 10-4-56 to 4-3-57; 5 learners for normal labor turnover purposes (ladies' and girl's knitted underwear).

National Knitting Co., 50 South First Avenue, Royersford, Pa.; effective 10-5-56 to 10-4-57; 5 learners for normal labor turnover purposes (men's T-shirts).

Van Raalte Co., Inc., Main Street, Bristol, Vt.; effective 10-3-56 to 10-2-57; 5 percent of factory production workers for normal labor turnover purposes (women's nylon knitted underwear).

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the Companies listed below manufacturing miscellaneous products for normal labor turnover purposes. The effective and expiration dates, learner rates, occupations, learning periods and the number or proportion of learners authorized to be employed, are as indicated.

S. Cluck & Co., Inc., 1666 Callowhill Street, Philadelphia, Pa.; effective 10-8-56 to 4-7-57; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of hand lining sewer; authorizing the employment of 10 learners (lamp shades).

Doyle Stationery, Inc., 119 North Lafayette Street, Marshall, Saline Co., Mo.; effective 10-8-56 to 4-7-57; not less than 80 cents per hour for the first 240 hours and 90 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of press feeder, folding machine operator and addressograph operator; authorizing the employment of 4 learners (printed paper napkins and bags).

Hart Schaffner & Marx, 165 North Joliet Street, Joliet, Ill.; effective 10-8-56 to 4-7-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers (men's outerwear).

Alex Hirschenfang Co., 725 Broadway, New York, N. Y.; effective 10-4-56 to 4-3-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 2 learners (men's sack coats).

B. Kuppenheimer & Co., 4101 West 18th Street, Chicago, Ill.; effective 10-8-56 to 4-7-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers (men's suits, top and overcoats).

Langenberg Hat Co., Marthasville, Mo.; effective 10-8-56 to 4-7-57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of not more than 2 learners on any work day (men's, boys' and children's caps).

Michaels Stern & Co., Inc., 214 Liberty Street, Penn Yan, N. Y.; effective 10-8-56 to 4-7-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers (men's suits and topcoats).

Herman D. Oritsky & Co., 106 Grape Street, Reading, Pa.; effective 10-8-56 to 4-7-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers (men's suits, Army and Navy uniforms).

Yale Clothing Co., 232 North 11th Street, Philadelphia, Pa.; effective 10-8-56 to 4-7-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of 5 learners (men's sack coats).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number or proportion of learners authorized to be employed, are as indicated:

Atlantic Sportswear Inc., Rio Piedras, P. R.; effective 8-17-56 to 2-16-57; not less than 50 cents per hour for the first 240 hours and 55 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 20 learners for normal labor turnover purposes (cloth and leather jackets).

Barry Corp., 263 Carpenter Road, Hato Rey, P. R.; effective 9-17-56 to 3-16-57; not less than 44 cents per hour for the first 240 hours and 51 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 10 learners for normal labor turnover purposes (fabric gloves).

Beatrice Needle Craft, Inc., Malecon Road, Mayaguez, P. R.; effective 9-12-56 to 3-11-57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 35 learners for expansion purposes (brassieres).

The Bravada Corp., Arecibo, P. R.; effective 9-17-56 to 3-16-57; not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 22 learners for normal labor turnover purposes (men's underwear).

Finrico, Inc., Cayey, P. R.; effective 9-1-56 to 2-28-57; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine stitching and pressing; authorizing the employment of 15 learners for expansion purposes (sweaters).

William H. Towles Corp. of Puerto Rico; Carolina, P. R.; effective 9-19-56 to 1-26-57; not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operator and presser; not less than 45 cents per hour for a maximum of 160 hours, for the occupation of final inspection of completed garment; authorizing the employment of 30 learners for expansion purposes (men's pajamas and undershorts).

The following learner certificate was issued in the Virgin Islands, to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Virgin Islands Art Flowers, Inc., 9 Curacao Gade, St. Thomas, V. I.; effective 9-11-56 to 3-10-57; not less than 38 cents per hour for a maximum of 160 hours, for the manufacture by hand of artificial flowers, except cutting, pressing and packing; authorizing the employment of 10 learners for normal labor turnover purposes (artificial flowers).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Walla Walla College, Drawer 1, College Place, Wash.; effective 9-24-56 to 8-31-57; printing industry: not less than 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours of the 1,000-hour learning period, for the occupation of compositor, pressman, bindery worker and related skilled and semi-skilled occupations; authorizing the employment of 8 student-workers; bookbindery industry: not less than 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours of the 600-hour learning period, for the occupations of bookbinder, bindery worker and related skilled and semi-skilled occupations; authorizing the employment of 25 student-workers (corrected certificated).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Parts 522 and 527.

Signed at Washington, D. C., this 12th day of October 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-8636; Filed, Oct. 24, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ASSISTANT ADMINISTRATOR ET AL.

EMERGENCY PROCUREMENT AND HIRING; REDELEGATION OF AUTHORITY

The redelegations of authority published in 20 F. R. 1412, are hereby amended by adding a new section 11 thereto to read as follows:

SEC. 11. *Emergency procurement and hiring.* Authorized holders of valid "disaster authority" cards (BPA Form No. 83), are authorized on behalf of the United States to acquire materials, services, and equipment and to employ temporary personnel for periods of not to exceed 30 days needed to maintain continuity of power service and operation of the Bonneville Power Administration transmission system in emergency situations caused by military attack, serious fire, flood, earthquake, or similar disaster.

(Secretary's Order No. 2751 of March 19, 1954; Secretary's Order No. 2563, 15 F. R. 3193; Secretary's Order No. 2753, 19 F. R. 2145; 50 Stat. 731, as amended; 16 U. S. C. 832, et seq.)

Dated: October 15, 1956.

WM. A. PEARL,
Administrator.

[F. R. Doc. 56-8630; Filed, Oct. 24, 1956; 8:47 a. m.]

Bureau of Land Management

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 18, 1956.

The Corps of Engineers, U. S. Army, has filed an application, Serial No. New Mexico 025192, for the withdrawal of the land described below, from all forms of appropriation, including the general mining and mineral leasing laws.

The applicant desires the land for use in the development of a solar furnace for experimental purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved are:

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

T. 15 S., R. 12 E.,
Sec. 23, SE¼;
Sec. 24, S½;
Sec. 25, W½, NE¼, N½SE¼;
Sec. 26, E½.

The area described aggregates 1,360 acres.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 56-8632; Filed, Oct. 24, 1956; 8:47 a. m.]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 19, 1956.

1. Plat of survey of omitted lands described below will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m., on November 27, 1956.

WISCONSIN

FOURTH PRINCIPAL MERIDIAN

T. 43 N., R. 6 E.,
Sec. 16, lots 10, 11, 12, 13, 14, 15, 16.

The area described aggregates 133.84 acres.

2. Available information indicates that the soil of lots 10, 11, 12, and 15 is a sandy loam with some gravel, reaching to an elevation of 100 feet above the lake level; that the lands are covered by second growth timber of hemlock, birch, maple, basswood, poplar and pine of 4 to 30 inches in diameter.

3. Available information also indicates that lots 13 and 14 are principally swamp in character and appear to be swamp and overflowed within the meaning of the act of September 28, 1850 (9 Stat. 519). Should the land finally be determined to be swamp and overflowed in character, it must be held to have inured to the State and any application adverse to the State in conflict with swamp land claim will be governed by § 271.2 of Title 43 of the Code of Federal Regulations.

4. The remaining lands are hereby opened to disposal only under the act of August 24, 1954 (68 Stat. 789) and the act of February 27, 1925 (43 Stat. 1013, 43 U. S. C. 994). Claimants under the 1925 act, supra, have a preferred right of application for a period of 90 days from November 27, 1956. Applications for public lands under the 1954 act, supra, must be filed within one year from November 27, 1956. No patents will be issued for the above-described lands prior to November 27, 1957.

5. Any of the above-described land not patented under the acts of 1925 and 1954, supra, shall not become subject to disposition under the general public land laws until it is so provided by an appropriate order.

6. Inquiries concerning the lands shall be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 56-8633; Filed, Oct. 24, 1956; 8:47 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, NEW MEXICO

ORDER OF REVOCATION

SEPTEMBER 7, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of December 6, 1915, insofar as said order affects the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described.

NEW MEXICO

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 8 W.,
Sec. 9, SE¼SE¼;
Sec. 10, SE¼NE¼, NE¼SW¼, S½SW¼ and N½SE¼;
Sec. 11, S½NW¼ and S½;
Sec. 12, SW¼SW¼;
Sec. 13, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼ and N½SE¼;
Sec. 15, NW¼;
Sec. 17, SE¼SW¼ and SE¼;
Sec. 19, SE¼NE¼, E½SW¼, N½SE¼ and SW¼SE¼;
Sec. 20, NW¼NE¼, NE¼NW¼ and S½NW¼;
Sec. 22, E½SE¼;
Sec. 26, NW¼NW¼;
Sec. 27, NE¼NE¼;
Sec. 30, lots 2 and 3, W½NE¼, E½NW¼ and NE¼SW¼.

T. 29 N., R. 9 W.,
Sec. 2, lots 2, 3 and 4, SW¼NE¼ and S½NW¼;
Sec. 3, lots 1 to 4, incl., S½N½ and N½S½;
Sec. 4, lots 1 to 4, incl., S½N½, N½S½, S½SW¼ and SW¼SE¼.

T. 30 N., R. 9 W.,
Sec. 25, NE¼, W½NW¼, SW¼ and N½SE¼;
Sec. 26, SE¼NE¼ and E½SE¼;
Sec. 35, NE¼NE¼, S½NE¼, SE¼NW¼ and S½;
Sec. 36, W½NW¼ and NW¼SW¼.

The above areas aggregate 4,800.81 acres.

E. G. NIELSEN,
Assistant Commissioner.

[566100]

[NM-024998]

OCTOBER 18, 1956.

I concur. The released lands have been patented without a reservation of minerals to the United States.

EARL J. THOMAS,
Acting Director, Bureau of Land Management.

[F. R. Doc. 56-8634; Filed, Oct. 24, 1956; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10268 etc.; FCC 56 M–977]

WJR, GOODWILL STATION, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of WJR, the Goodwill Station, Inc., Flint, Michigan, Docket No. 10268, File No. BPCT–967; Trebit Corporation, Flint, Michigan, Docket No. 10269, File No. BPCT–968; W. S. Butterfield Theatres, Inc., Flint, Michigan, Docket No. 10270, File No. BPCT–953; for construction permits for new television stations.

It is ordered, This 19th day of October 1956, that Herbert Sharfman will preside at the further hearing in the above-entitled proceeding which was directed by the Commission in its order entered October 17, 1956, the said further hearing to be held in the Offices of the Commission, Washington, D. C., commencing October 29, 1956.

Released: October 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8667; Filed, Oct. 24, 1956; 8:54 a. m.]

[Docket No. 11710 etc.; FCC 56–999]

KNORR BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Knorr Broadcasting Corporation, Lansing, Michigan, Docket No. 11710, File No. BP–10391; Capitol Broadcasting Company, East Lansing, Michigan, Docket No. 11848, File No. BP–10604; W. A. Pomeroy, Tawas City-East Tawas, Michigan, Docket No. 11849, File No. BP–10629; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of October 1956;

The Commission having under consideration the above-captioned applications of the Capitol Broadcasting Company and W. A. Pomeroy, each for a construction permit to operate on 730 kilocycles with power of 500 watts and 250 watts, respectively, daytime only, the Capitol Broadcasting Company utilizing a directional antenna, at East Lansing and Tawas City-East Tawas, Michigan, respectively;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed and the operation of the station proposed in the above-captioned application of the Knorr Broadcasting Corporation for a construction permit for a new standard broadcast station to operate on 730 kilocycles with a power of 500 watts, directional antenna, daytime only at Lansing, Michigan, would result in mutually destructive interference; that the application of the Knorr Broadcasting Corporation was designated for hearing on May 23, 1956 (released on May 28, 1956), and the applications of the Capitol Broadcasting Company and W. A. Pomeroy were timely filed on May 24 and June 4, 1956, respectively, to be entitled to consolidation in the proceeding on the application of Knorr Broadcasting Corporation, pursuant to § 1.724 (b) of the Commission's rules; that the proposed operation of the Capitol Broadcasting Company would cause interference to Station WGN, Chicago, Illinois (720 kc, 50 kw, U); that the interference which may be received by the proposed operation of the Capitol Broadcasting Company from Stations WGN, WWBG, Bowling Green, Ohio (730 kc, 250 w, DA, Day) and CBL, Toronto, Canada (740 kc, 50 kw, U) may affect more than 10 percent of the population in its proposed normally protected primary service area in contravention of § 3.28 (c) of the Commission's rules; that the interference which would be received by the proposed operation of W. A. Pomeroy from Station CBL would affect more than 10 percent of the population in his proposed normally protected primary service area in contravention of the aforementioned section of the rules; and that it has not yet been determined whether the proposed antenna of W. A. Pomeroy would constitute a hazard to air navigation; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 17, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that counsel for Station WGN expressed an intention of appearing and participating in a hearing by letter of September 5, 1956; and

It further appearing that W. A. Pomeroy filed a timely reply to the Commission's letter; and

It further appearing that W. A. Pomeroy requested a waiver of § 3.28 (c) of the Commission's rules "in order that the Tawases may be brought their first locally originated radio service"; but that we are of the opinion that this is not a valid basis for a waiver of this rule; and

It further appearing that the Capitol Broadcasting Company filed a reply with engineering affidavit attached on September 17, 1956, requesting that the applications be designated for hearing contending that interference received by its proposed operation would not be excessive under § 3.28 (c) of the Commission's rules and that measurements on Station WGN which were the basis of the finding of mutual interference between its proposed operation and Station WGN are inadequate for such finding; and that an issue be included in the order of designation under which the program service of Station WGN may be considered and that the burden of proof of such issue be placed on WGN; and

It further appearing that the measurements on Station WGN indicate that mutual interference would occur between Station WGN and the proposed operation of the Capitol Broadcasting Company but that further evidence must be taken in order to determine the extent of the interference which may be suffered by Station WGN; and

It further appearing that additional data is required to determine the extent of the interference which may be received by the proposed operation of the Capitol Broadcasting Company; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing on the applications of the Capitol Broadcasting Company and W. A. Pomeroy is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications of the Capitol Broadcasting Company and W. A. Pomeroy are designated for hearing in a consolidated proceeding with the application of the Knorr Broadcasting Corporation (Docket No. 11710, File No. BP–10391);

It is further ordered, That the issues set forth in the Commission order of May 23, 1956, are deleted; and that the said applications of Knorr Broadcasting Corporation, Capitol Broadcasting Company and W. A. Pomeroy will be heard upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Knorr Broadcasting Corporation would cause objectionable interference to Station WGN, Chicago, Illinois, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposals of the Capitol Broadcasting Company and W. A. Pomeroy would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine the type and character of the program service rendered by Station WGN, Chicago, Illinois, and to be rendered by the proposed operations of Knorr Broadcasting Corporation and the Capitol Broadcasting Company.

5. To determine whether the antenna system proposed by Knorr Broadcasting Corporation or W. A. Pomeroy would constitute a hazard to air navigation.

6. To determine whether a grant of the application of Knorr Broadcasting Corporation would be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership.

7. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

8. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the above-captioned applications should be granted.

It is further ordered, That WGN, Inc., licensee of Station WGN, is made a party to the proceeding.

Released: October 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8668; Filed, Oct. 24, 1956; 8:54 a. m.]

[Docket No. 11806; FCC 56M–976]

INDIAN CITY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Odis L. Echols, Sr. and Odis L. Echols, Jr., d/b as Indian City Broadcasting Company, Anadarko, Oklahoma, Docket No. 11806, File No. BP–10413; for construction permit.

The Hearing Examiner having under consideration a "Request for Continuance" filed by counsel for Indian City Broadcasting Company on October 18, 1956;

It appearing that counsel for the Broadcast Bureau, the only other participant, has no objection to a grant of the relief requested and has consented to the immediate consideration of the pleading;

It is ordered, This 19th day of October 1956, that the "Request for Continuance" is granted; and that 1) the date for the applicant to furnish proposed exhibits is extended from October 19 to November 5, 1956; 2) the start of the evidentiary hearing is continued from October 31 to Wednesday, November 21, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.; 3) the date for applicant to advise of its plans, if any, to call any other witnesses is extended from October 23 to November 9, 1956; and 4) the date for the Broadcast Bureau to notify counsel for applicant of its desire to cross-examine applicant's engineer is extended from October 26 to November 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–8669; Filed, Oct. 24, 1956; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–11244]

CHARLES H. OSMOND ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Charles H. Osmond, et al. (Osmond), on September 11, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation and Effective Date [1]

Notice of change dated September 6, 1956; Texas Eastern Transmission Corporation; Supplement No. 4 to Osmond's FPC Gas Rate Schedule No. 1; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 18, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8637; Filed, Oct. 24, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Osmond if later.

[2] Commissioner Digby dissenting.

[Docket No. G–11245]

B. B. ORR

ORDER SUSPENDING PROPOSED CHANGE IN RATES

B. B. Orr (Orr), on September 17, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [3]

Notice of change dated September 13, 1956; Texas Eastern Transmission Corporation; Supplement No. 6 to Orr's FPC Gas Rate Schedule No. 1; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 18, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8638; Filed, Oct. 24, 1956; 8:49 a. m.]

[Docket No. G–11246]

SUNRAY MID-CONTINENT OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Sunray Mid-Continent Oil Company (Sunray), on September 17, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated

[3] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Orr if later.

filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated September 14, 1956; United Fuel Gas Company; Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 71; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 18, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8639; Filed, Oct. 24, 1956; 8:49 a. m.]

[Docket No. G-10669]

HOWELL, HOLLOWAY & HOWELL

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 19, 1956.

Take notice that Howell, Holloway & Howell (applicant), a partnership composed of G. B. Howell, W. G. Holloway, Jr., and Vernon C. Howell with principal office and place of business at 1610 Life of America Building, Dallas, Texas, filed, on June 29, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of various interests in 73 leases, Thibodaux Area, Lafourche Parish, Louisiana, to Texas Gas Transmission Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8640; Filed, Oct. 24, 1956; 8:49 a. m.]

[Project No. 16]

NIAGARA MOHAWK POWER CORP.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

OCTOBER 19, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Niagara Mohawk Power Corporation (Licensee) for amendment of license for Project No. 16 on the Niagara River at Niagara Falls, New York. The Schoellkopf generating plant of Project No. 16 was damaged by a rock slide on June 7, 1956 and has been out of operation since that time. The Licensee states that sections 3-B and 3-C of the Schoellkopf plant were substantially destroyed by the rock slide. The application for amendment of license requests authorization: to restore 104,000 kilowatts of 60-cycle generating capacity at section 3-A of the Schoellkopf Plant of which four units totaling 32,000 kilowatts were formally designed and used for 25-cycle operation; to concrete line a portion of the Canal Basin, section 3-B inlet and forebay and to utilize thereafter for operation of section 3-A, the tunnel instead of the canal; and to erect a coffer dam across the lower end of the hydraulic canal to keep the canal from filling with water.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests and petitions to intervene may be filed is November 30, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8641; Filed, Oct. 24, 1956; 8:49 a. m.]

[Project No. 2221]

EMPIRE DISTRICT ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE

OCTOBER 19, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by The Empire District Electric Company, of Joplin, Missouri, for license for constructed water power Project No. 2221 located on the White River in Taney County, Missouri, affecting navigable waters of the United States. The project dam is located at river mile 506.1 and is in the vicinity of the towns of Forsyth and Branson. The project consists of a dam about 1,270 feet long, including a fishway, creating a reservoir (Lake Taneycomo) with water surface at elevation 699.1 feet (U. S. G. S. datum) with 2-foot flashboards installed on the spillway crest and elevation 700.1 feet (U. S. G. S. datum) with 3-foot flashboards in use; a powerhouse integral with the dam containing four turbines each rated at 7,250 horsepower at a head of 55 feet and driving a 4,000-kilowatt generator with space for additional generating units; transmission facilities connecting the powerhouse to applicant's interconnected transmission system; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 3, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8642; Filed, Oct. 24, 1956; 8:49 a. m.]

[Docket No. G-10946 etc.]

GULF REFINING CO. ET AL.

NOTICE OF APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 19, 1956.

In the matters of Gulf Refining Company, Docket No. G-10946; H. L. Hawkins, H. L. Hawkins, Jr., Louis J. Roussel, Frank S. Kelly, Jr., Docket No. G-11031; Benedum-Trees Oil Company, Docket No. G-11056.

Take notice that: Gulf Refining Company (Gulf), a Delaware corporation with address at P. O. Drawer 2100, Houston 1, Texas, filed, on August 20, 1956, in Docket No. G-10946, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (act), authorizing Gulf to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

H. L. Hawkins, H. L. Hawkins, Jr., Frank S. Kelly, Jr., and Louis J. Roussel, individuals with addresses respectively at 202 Whitney Bank Building, New Orleans, Louisiana; 609 Bank of the Southwest Building, Houston 2, Texas; Post Office Box No. 1775, Shreveport, Louisiana; and 501 Whitney Bank Building, New Orleans, Louisiana, filed, on September 7, 1956, in Docket No. G-11031, a joint application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Act, authorizing said parties to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Benedum-Trees Oil Company, a West Virginia corporation, filed, on September 10, 1956, as amended September 18, 1956, and September 26, 1956, in Docket No. G-11056, for itself and on behalf of Hiawatha Oil and Gas Company and Plymouth Oil Company, Delaware corporations, all with principal places of business at 223 Fourth Avenue, Pittsburgh 22, Pa., an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing said parties to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The aforesaid Applicants propose to sell natural gas in interstate commerce from production of certain interests in leases as indicated below in each docket to Texas Gas Transmission Corporation for resale.

Docket Numbers; Applicants; and Sources of Gas

G-10946; Gulf Refining Company; Various oil and gas leases and interests in South Bell City Field, Calcasieu Parish, La.

G-11031; H. L. Hawkins, H. L. Hawkins, Jr., Frank S. Kelly, Jr., Louis J. Roussel; Louis J. Roussel, et al., Gilbert Fontenot Unit Well; South Bell City Field, Calcasieu Parish, La.

G-11056; Benedum-Trees Oil Company; One-third interest in acreage in South Lake Arthur Field, Jefferson Davis Parish, La. Hiawatha Oil and Gas Company; one-third interest in acreage in South Lake Arthur Field, Jefferson Davis Parish, La. Plymouth Oil Company; one-third interests in acreage in South Lake Arthur Field, Jefferson Davis Parish, La.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations, and to that end: Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 31, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8643; Filed, Oct. 24, 1956; 8:49 a. m.]

[Docket No. G-11258]

NORTHERN NATURAL GAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN SERVICE AGREEMENT

On September 21, 1956, Northern Natural Gas Company (Applicant) submitted for filing a proposed change in its presently effective form of service agreement for sales of natural gas subject to the jurisdiction of the Commission. Such proposed change is contained in First Revised Sheets Nos. 50 and 51 and Original Sheet No. 51a to Applicant's FPC Gas Tariff, First Revised Volume No. 1, and First Revised Sheets Nos. 30 and 31 and Original Sheet No. 31a to Applicant's FPC Gas Tariff, Original Volume No. 1. The principal change proposed by the filing is a modification of Applicant's standard form of service agreement for firm service by the addition of the following provision:

It is agreed that Northern shall have the right to make, and to file with the Federal Power Commission in accordance with Section 4 of the Natural Gas Act, such changes in rates and new rates or rate schedules as are required to enable Northern to recover its cost of service, including a fair return; provided, however, Gas Utility shall have the right to protest any such changes in rates and new rates or rate schedules before said Commission.

Applicant requests that such change be made effective October 27, 1956.

Applicant states, in effect, that the proposed provision merely states more definitely the existing rights of itself and its utility customers as previously interpreted, and should be incorporated in its tariffs by the time, October 27, 1956, when it commences service to certain new customers in order that there may be no misunderstanding on the part of such new customers.

All of Applicant's utility customers were afforded the opportunity to comment on the proposal. Several of such customers have either protested or urged rejection of the change.

Upon consideration of the proposed change, the reasons advanced in support thereof, the comments and objections received with respect thereto, it appears that the proposed change in Applicant's tariff sheets has not been shown to be justified, and may be unjust, unreasonable, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held on November 14, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, Northwest, Washington 25, D. C., concerning the lawfulness of the above-described proposed change, and pending such hearing and decision thereon, First Revised Sheets Nos. 50 and 51 and Original Sheet No. 51a to Applicant's FPC Gas Tariff, First Revised Volume No. 1, and First Revised Sheets Nos. 30 and 31 and Original Sheet No. 31a to Applicant's FPC Gas Tariff, Original Volume No. 1, be and the same hereby are suspended and the use thereof deferred until March 27, 1957, and until such further time as such change may be made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the revised sheets hereby suspended nor the gas tariffs sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 19, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8644; Filed, Oct. 24, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Investigation and Suspension Docket No. 6615]

[4th Sec. Application 32204]

EQUALIZATION OF RATES AT NORTH ATLANTIC PORTS

IMPORT AND EXPORT RATES FROM AND TO NORTH ATLANTIC PORTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of October A. D. 1956.

In the matters of (1) assigning the time and place of hearing, and (2) prescribing special rules governing interchange of prepared material prior to hearing.

Upon consideration of the record made at the prehearing conference in the above entitled proceedings held at Washington, D. C., on September 11, 1956, and the need for special rules of procedure to expedite hearing and disposition of the matters in issue, while affording opportunity to all interested parties to be fully heard;

It is ordered, That these proceedings be, and they are hereby assigned for hearing on February 18, 1957, at 9:30 o'clock a. m., United States Standard time, and for further hearing on April 16, 1957, at 9:30 a. m., United States Standard time, at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner Marion L. Boat;

It is further ordered, That the following special rules shall be applicable herein:

1. *Interchange of prepared statements and documentary evidence in chief before hearings.* (a) The parties shall prepare in writing the testimony in chief of their witnesses and serve upon all parties shown on the list later to be issued pursuant to Rule 2 hereof, copies thereof together with any exhibits they intend to present with such testimony.

(b) All such testimony and exhibits intended to be offered by respondents proposing equalization of the port rates

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Sunray if later.

[2] Commissioner Digby dissenting.

and by all parties supporting the proposed equalization, shall be served by them on or before January 15, 1957.

(c) All similar testimony and exhibits intended to be offered by respondents opposing equalization of the port rates and by all parties supporting their position, shall be served by them on or before March 15, 1957.

(d) A copy of all testimony and exhibits served pursuant to this rule shall also be mailed to Examiner Marion L. Boat, Interstate Commerce Commission, Washington 25, D. C. No other copies thereof need be filed with the Commission prior to the hearing at which the material is tendered in evidence.

2. *Notification of desire to become a party and to be served with testimony and exhibits.* Any person not a respondent or applicant in these proceedings, who has an interest in and desires to become a party to these proceedings shall, on or before December 3, 1956, give notice to the Secretary of the Interstate Commerce Commission of his intention to appear at and participate in the hearings therein, together with his address. If any party desires to be served with copies of testimony and exhibits, as provided in Rule 1 hereof, such party shall notify the Secretary on or before December 3, 1956, of such desire, indicating the number if more than one copy is desired. Thereafter, a list of parties upon whom such service should be made will be compiled, and a copy thereof served upon all parties.

3. *Participation limited.* Except as good cause therefor shall otherwise be shown at the hearings, and subject to such limitations as may be found justified by the presiding examiner with respect to participation by late intervention, the reception of evidence in these proceedings will be limited to respondents and those persons who have become parties as provided in Rule 2 hereof.

4. *General specifications.* Prepared statements shall conform to Rule 15 of the general rules of practice in respect to style, mimeographing or printing, etc. Evidence offered should be prepared carefully with conciseness and clarity and so as to avoid extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony upon any point. The statements should be factual in character. Argument should not be incorporated in the testimony. If not so limited the prepared statement may be excluded in whole or in part. Also the Commission on its own motion or on objection may exclude a statement or any portion thereof which is (a) not material or relevant to the questions presented in the proceeding, or (b) obviously incompetent.

5. *Verification; relief from cross examination and personal appearance.* There is no requirement that a prepared statement shall have an affidavit attached, but this does not preclude attaching an affidavit to the prepared statements. If the latter is done, the following, or its equivalent, should appear in the margin on the top of the first sheet of the statement:

This statement is verified. Unless written request for cross examination is received by affiant or his attorney not later than 10 days prior to the hearing at which such evidence otherwise would be offered, affiant desires that the statement be considered for incorporation in the record without his personal appearance as a witness.

A witness making such a request and thereafter receiving a demand for cross examination must personally report at the hearing, or his verified statement may not be received. If there is no demand for cross examination as above provided (indiscriminate demands for cross examination should be avoided), the privilege of cross examination will be deemed to be waived if the statement is verified and the witness making the statement has requested to be relieved from personal appearance as above provided. It will be presumed that a witness preparing an unsworn statement intends personally to appear at the hearing for cross examination and to be sworn at that time. An unsworn statement will be admitted only if the affiant is personally present at the hearing. The original signed and notarized copy of a verified statement should be retained by affiant or his counsel for incorporation of the statement into the record at the appropriate hearing.

6. *How admitted to the record.* To become a part of the record it is necessary for the witness, or some one qualified to represent him, formally to offer the prepared statement in evidence at the hearings; and unless good reason shall otherwise appear, the statement will be admitted as an exhibit.

7. *Materiality reserved.* A prepared statement received in evidence with or without objection as to its admissibility is subject to subsequent challenge as to the weight to be accorded to the facts in such statement.

8. *Witness examination.* The examination of a witness should be conducted in a manner so as to make it rapid, distinct, and as little annoying to the witness as is consistent with eliciting the facts, and to this end counsel on the same side of an issue should agree upon one person to examine a witness.

9. *Due dates defined.* All dates specified in these rules are the latest dates on which the parties in the performance of an act contemplated by these rules may make deposit in the mails, except (a) as to any date respecting which there is an express provision otherwise, and (b) any date therein provided for the filing of a petition with, or dispatch of notification to, the Commission shall be governed by the provisions of Rule 4 (b) of the general rules of practice, namely, receipt in the Commission and not the date of deposit in the mails shall be determinative.

It is further ordered, That changes in the dates for hearing and in the time schedules specified in this order may be made, in accordance with the provision of the Commission's general rules of practice, by letter addressed to the Secretary of the Commission, and upon good cause shown such dates and time schedules may be changed, and parties notified, by notice from the Secretary without formal order. Other requirements of the order may be changed for good cause shown upon order issued by the Chairman of the Commission to whom such matters are hereby assigned.

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8645; Filed, Oct. 24, 1956; 8:50 a. m.]

RAILROAD RETIREMENT BOARD

SURETY COMPANIES

SEALED PROPOSALS FOR POSITION SCHEDULE SURETY BOND

The Railroad Retirement Board will receive sealed proposals for a position schedule surety bond covering certain federal employee positions in various locations throughout the Continental United States. Bidding will be limited to corporate surety companies holding certificates of authority from the Secretary of the Treasury under the act of July 30, 1947 (6 U. S. C. 1-15), as acceptable sureties on Federal bonds. Approximately seventy-four (74) positions are to be bonded in penalty amounts ranging from $5,000 to $25,000, most of which fall into the former category. The bond will be conditioned upon the faithful performance of the duties of the individuals occupying the positions bonded and will run solely in favor of the United States. The effective date of the bond will be January 1, 1957, and the term will be two years.

Requests for Invitation to Bid and Specifications should be directed to the Director of Supply and Service, Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois. Bids will be opened at 2 o'clock p. m., c. s. t., on December 6, 1956, in Room 1200, 844 Rush Street, Chicago, Illinois.

Date approved: October 19, 1956.

By direction of the Board.

[SEAL] MARY B. LINKINS, *Secretary of the Board.*

[F. R. Doc. 56-8646; Filed, Oct. 24, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3827]

GREAT SWEET GRASS OILS LTD.

ORDER FOR AND NOTICE OF HEARING

OCTOBER 19, 1956.

I. Great Sweet Grass Oils Limited (hereinafter called "Registrant"), a corporation organized and incorporated under the laws of the Province of Ontario, Dominion of Canada, registered its capital stock, $1 par value, with the American Stock Exchange on November 22, 1954, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 (hereinafter called "the act") and the rules and regulations adopted by the Commission thereunder and filed a duplicate original of Form 10 with the Commission on that date. The registration of such securities became effective on December 23, 1954, and such securities were admitted to trading on the American Stock Exchange on January 10, 1955.

II. On January 24, 1956, registrant filed with the Commission a current report on Form 8-K, pursuant to section 13 of the act, for the month of December, 1955. The Commission has reason to believe that the report so filed was false and misleading in the following regards:

1. In stating that registrant acquired assets from Depositors Mutual Oil Development Company, an Oklahoma corporation, consisting of 9,470,000 barrels of proven oil reserves, 18,167 MCF proven gas reserves, 93,600,000 barrels of unproven oil reserves and 238,500 MCF of unproven gas reserves.

2. In stating that registrant acquired assets from Pitt Petroleums, Ltd., an Alberta corporation, which included 155,351 barrels of probable additional oil.

III. On May 16, 1956, registrant filed with the Commission an annual report on Form 10-K, pursuant to section 13 of the act, for the fiscal year ended December 31, 1955. The Commission has reason to believe that the balance sheet included in such report for December 31, 1955, was false and misleading in valuing oil and gas properties to be acquired from Depositors Mutual Oil Development Company at $6,597,500.

It is ordered, That a public hearing, pursuant to section 19 (a) (2) of the act, be held at 10:00 a. m., e. s. t., on Tuesday, November 13, 1956, in Room 193 at the offices of the Commission, 425 Second Street, NW., Washington, D. C., to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of registrant on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder as set forth in paragraphs II and III above.

It is further ordered, That Mr. James G. Ewell is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the American Stock Exchange and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceedings should file with the Hearing Officer or the Secretary of the Commission on or before November 9, 1956, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8648; Filed, Oct. 24, 1956; 8:50 a. m.]

[File No. 70-3515]

MANUFACTURERS LIGHT AND HEAT CO. AND COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING SALE OF UTILITY ASSETS TO NON-AFFILIATE PURSUANT TO EXCHANGE AGREEMENT

OCTOBER 19, 1956.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned public utility subsidiary The Manufacturers Light and Heat Company ("Manufacturers") have filed a joint declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 thereunder regarding the following proposed transaction:

Pursuant to an exchange agreement dated November 16, 1955 between Manufacturers and Carnegie Natural Gas Company ("Carnegie"), a non-affiliated public utility company, Manufacturers proposes to sell and convey to Carnegie certain gas utility assets consisting of oil and gas leases, wells and pipelines located in Washington and Greene Counties, Pennsylvania, having a net original cost of $238,624, and to pay Carnegie $200,000 in cash, in consideration of the conveyance by Carnegie to Manufacturers of certain gas utility assets located in Marshall and Wetzel Counties, West Virginia and in Greene County, Pennsylvania.

Manufacturers will use the acquired properties in connection with the development of its Victory Storage Field for the underground storage of gas. The proposed acquisition of utility assets by Manufacturers, having been expressly authorized by the Pennsylvania Public Utility Commission and by the Public Service Commission of West Virginia, is exempt from the jurisdiction of this Commission pursuant to section 9 (b) (1) of the act.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the proposed sale of utility assets by Manufacturers, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8649; Filed, Oct. 24, 1956; 8:51 a. m.]

[File No. 70-3516]

LAWRENCE ELECTRIC CO. ET AL.

ORDER REGARDING ISSUANCE AND SALE BY SUBSIDIARIES OF A REGISTERED HOLDING COMPANY OF SHORT-TERM NOTES TO BANKS AND TO PARENT COMPANY AND ACQUISITION OF NOTES BY PARENT COMPANY

OCTOBER 19, 1956.

In the matter of Lawrence Electric Company, The Lowell Electric Light Corporation, Quincy Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, and New England Electric System; File No. 70-3516.

New England Electric System ("NEES"), a registered holding company, and five of its public-utility subsidiary companies, namely, Lawrence Electric Company ("Lawrence"), The Lowell Electric Light Corporation ("Lowell"), Quincy Electric Company ("Quincy"), Weymouth Light and Power Company ("Weymouth"), and Worcester County Electric Company ("Worcester") (hereinafter collectively referred to as "the borrowing companies") have filed a joint application-declaration and an amendment thereto pursuant to sections 6, 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

The borrowing companies propose to issue notes to a bank or to NEES in an aggregate principal amount not to exceed $15,875,000 outstanding at any one time. These borrowings will be distributed among the borrowing companies as follows: Lawrence, $5,225,000; Quincy, $1,900,000; Weymouth, $2,550,000; Worcester, $5,300,000; and Lowell, $900,000. Of this total borrowing, $10,525,000 will be from NEES and the balance, $5,350,000, will be from The First National Bank of Boston.

The Commission has heretofore granted and permitted effectiveness to a joint application-declaration by NEES and certain of its subsidiaries, including all the subsidiaries of NEES embraced in the instant application-declaration except Lowell (File No. 70-3442). By the terms of that prior application-declaration the four subsidiaries (not including Lowell) embraced in the instant filing received authorizations to have outstanding short-term notes to banks or to NEES in an aggregate principal amount not to exceed $14,060,000. The present filing seeks to increase this amount to $15,875,000.

As in the case of the prior application-declaration, the notes to be issued will be promissory notes maturing not later

than March 31, 1957, with provisions for prior payment, in whole or in part, without premium and bearing interest at not in excess of the prime rate charged by banks for similar loans at the time such loans are made. The proceeds to be derived from the issuance and sale of the proposed notes will be used by the borrowing companies to discharge outstanding notes or to pay construction costs.

Incidental services in connection with the proposed transactions are to be performed at cost by New England Power Service Company, an affiliated service company. The costs of these services are estimated by the applicants-declarants at not to exceed $150 for each of the parties or an aggregate of $900.

Notice of filing of this joint application-declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by, or requested of, the Commission; the Commission finding that the incidental expenses, if they do not exceed the estimate, are not unreasonable and that the applicable provisions of the act and the rules thereunder are satisfied; and concluding that the joint application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8652; Filed, Oct. 24, 1956; 8:51 a. m.]

[File No. 70-3520]

EMPLOYEES WELFARE ASSOCIATION, INC., AND GENERAL PUBLIC UTILITIES CORP.

ORDER AUTHORIZING SALE OF SUBSIDIARY EMPLOYEES' LIFE INSURANCE COMPANY AND REACQUISITION OF SUBSIDIARY EMPLOYEES' PENSION COMPANY

OCTOBER 19, 1956.

General Public Utilities Corporation ("GPU"), a registered holding company, and its wholly owned subsidiary Employees Welfare Association, Incorporated, a Delaware corporation ("EWADEL"), have filed an application-declaration pursuant to sections 10, 11 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-44 (c) thereunder, regarding the following proposed transactions:

(1) GPU proposes to sell to Brown, Crosby & Co., Inc., a nonaffiliate, for a cash consideration of $1,000, all the outstanding stock of EWADEL, consisting of 10 shares of Class B common stock without par value.

(2) EWADEL proposes to sell, and GPU proposes to acquire, for a cash consideration of $1,000, all the outstanding stock of Employees Welfare Association, Inc., a New Jersey corporation ("EWANJ"), consisting of 1,000 shares of common stock of the par value of $1 per share.

EWADEL, organized in 1931, is engaged in servicing employees' group life and ordinary life policies issued under the GPU system's life insurance plan. In addition to servicing such policies in respect of employees of the presently constituted GPU system, EWADEL has continued to administer policies relating to employees of certain companies which were formerly, but are no longer, part of the GPU system. In 1951, GPU was ordered by the Commission, pursuant to section 11 (b) (1) of the act, to dispose of that part of the business relating to the servicing of the insurance policies of employees of those companies which are no longer a part of its system (Holding Company Act Release No. 10982). Having concluded that it would not be economically or administratively feasible to attempt to reduce the scope of EWADEL's activities to the servicing of employee policies of the present GPU system, GPU accordingly proposes to divest itself of its entire interest in EWADEL. EWADEL operates on a nonprofit basis; its operating expenses (approximately $21,000 in the twelve months ended June 30, 1956) are reimbursed through deductions from dividends received by it on the life insurance policies, the balance of such dividends being remitted by it to the employing companies. The proposed sales price of $1,000 is equal to the present book value of EWADEL's outstanding capital stock.

EWANJ, a wholly owned subsidiary of EWADEL, was organized in 1937 as a necessary corporate link in the establishment of a pension trust for employees of the holding company system of Associated Gas and Electric Company, GPU's predecessor in interest. Apart from certain nominal administrative functions in respect of the pension trust (which is in process of liquidation) EWANJ is inactive and has no income or expenses. Its only asset, carried on its books at $1, consists of an interest in the pension trust agreement stemming from its original deposit of $1,000 with the pension trustee. In the Commission's order of 1951, GPU was permitted to retain its interest in EWANJ pending the latter's orderly liquidation. Accordingly, GPU proposes to acquire EWANJ from EWADEL and to hold the company as a direct subsidiary pending its liquidation.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8650; Filed, Oct. 24, 1956; 8:51 a. m.]

[File No. 70-3519]

OHIO POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS, PREFERRED STOCK, AND COMMON STOCK AND ACQUISITION OF COMMON STOCK BY PARENT, PREPAYMENT OF NOTES BY SUBSIDIARY, AND CASH CONTRIBUTION BY PARENT AND TRANSFER THEREOF BY SUBSIDIARY TO CAPITAL STOCK ACCOUNT

OCTOBER 19, 1956.

Ohio Power Company ("Ohio"), a public utility company, and its parent American Gas and Electric Company ("American"), a registered holding company, have filed with this Commission a joint application-declaration and amendments thereto pursuant to sections 6 (b), 10, 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-45 and U-50 thereunder regarding certain proposed transactions, which are summarized as follows:

Ohio proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50,

(a) $28,000,000 principal amount of its First Mortgage Bonds __ percent Series, due 1986. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to the company (which shall be not less than 100 percent and shall not exceed 102¾ percent), will be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding mortgage and Deed of Trust, dated October 1, 1938, as heretofore supplemented, and a new indenture supplemental thereto to be dated November 1, 1956; and

(b) 60,000 shares of __ percent Cumulative Preferred Stock, par value $100 per share. The dividend rate (which shall be in a multiple of 0.04 of 1 percent) and the price to be paid Ohio (which shall be not less than $100 per share nor more than $102.75 per share), will be determined by competitive bidding.

Ohio also proposes to issue and sell, and American proposes to acquire, 110,000 shares of its common stock, no par value for $11,000,000 cash.

American Gas also proposes, prior to the sale of the above securities, to make a capital contribution of $9,000,000 to Ohio which will be credited to Ohio's capital surplus account and thereupon transferred to its common stock account. This transaction will not increase Ohio's cash resources since it is expected that, concurrently with the making of the contribution, Ohio will pay to American a special cash dividend of $9,000,000 on its common stock.

The net proceeds from the sales of bonds, preferred stock and common stock are to be applied, to the extent available, to the prepayment, without premium, of notes payable to banks. At the present time, notes payable to banks are outstanding in the amount of $23,500,000 and it is expected that up to a further additional amount of $7,500,000 may be issued, making an aggregate of not in excess of $31,000,000 to be outstanding at the time of issuance and delivery of the securities described above. Any remaining proceeds will be added to Ohio's treasury funds and will be applied to extensions, additions and improvements to its properties.

The Public Utilities Commission of Ohio issued an order on September 18, 1956, authorizing the proposed issue and sale of bonds, preferred and common stock by Ohio. It is represented that no other regulatory commission, other than this Commission, has jurisdiction over the proposed transactions.

The estimated fees, commissions and expenses incurred or to be incurred and paid in connection with the proposed transactions are, and are to be allocated, as follows:

	New bonds	New preferred stock
Filing fee for registration statement	$2,891	$430
Federal issuance stamp taxes	30,809	6,600
State filing and recordation fees and expenses [1]	3,500	----------
Printing registration statement, prospectus, supplemental indenture, charter amendment, bidding papers, etc. [1]	20,000	4,000
Printing and engraving definitive new bonds and new preferred stock certificates [1]	9,000	500
Charges of trustee (including counsel fees) [1]	12,600	----------
Charges of transfer agent and registrar [1]	----------	500
Certified public accountants charges [1]	5,200	1,000
Legal fees of counsel to the Company:		
Simpson Thacher & Bartlett [1]	12,000	3,000
Pomerene, Burns & Milligan [1]	5,000	1,000
Handlan, Garden, Matthews & Hess [1]	2,000	----------
Miscellaneous expenses including traveling, blue sky, postage, telegraph and incidental expenses [1]	5,500	1,500
Total	106,491	18,730

[1] Estimated.

Legal fees of Winthrop, Stimson, Putnam and Roberts, counsel for the purchasers of bonds and purchasers of the preferred stock are estimated at $7,000 with respect to the bonds and $2,000 with respect to the preferred stock and will be paid by such purchasers. Federal Tax Stamps relating to the issuance by Ohio of 110,000 shares of common stock, no par value, amounting to $12,100 are to be paid by Ohio.

Notice of the filing of the application-declaration having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the applicable statutory standards are satisfied; that the fees and expenses set forth above, if they do not exceed the estimates, are not unreasonable; that it is unnecessary to impose terms or conditions other than those set forth below; and that the application-declaration, as amended, should be granted and permitted to become effective forthwith subject to the terms and conditions hereinafter provided:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that the application-declaration, as amended, be and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50 and subject to the following additional terms and conditions:

That in the event Ohio issues the 60,000 shares of __ percent Cumulative Preferred Stock, so long as any shares of the __ percent Cumulative Preferred Stock are outstanding Ohio shall not:

A. Without the consent (given by vote at a meeting called for that purpose) of the holders of a majority of the total number of shares of the Cumulative Preferred Stock then outstanding, sell or otherwise dispose of all or substantially all of its properties unless such sale or disposition shall have been ordered, approved, or permitted under the Public Utility Holding Company Act of 1935; and

B. Redeem, purchase or otherwise acquire any shares of the Cumulative Preferred Stock during any period when dividends payable on the Cumulative Preferred Stock shall be in default unless all shares of the Cumulative Preferred Stock shall be so redeemed, purchased or otherwise acquired, or unless such redemption, purchase or acquisition shall have been ordered, approved or permitted under the Public Utility Holding Company Act of 1935.

C. Without the consent (given by vote at a meeting called for that purpose) of the holders of a majority of the total number of shares of Cumulative Preferred Stock then outstanding, issue, sell or otherwise dispose of any shares, or reissue any reacquired shares, of Cumulative Preferred Stock or of any other class of stock ranking on a parity with the outstanding shares of Cumulative Preferred Stock as to dividends or assets for any purpose other than to refinance an equal par value of the Cumulative Preferred Stock or an equal par value or stated value of stock ranking prior to or on a parity with the Cumulative Preferred Stock as to dividends or assets if, assuming that the term "Depreciation Deficiency" was defined as provided in the following sentence in lieu of the definition appearing in subparagraph (c) of paragraph (7) (B) of the Agreement of Merger, dated January 21, 1955, of the Company, such issuance, reissuance, sale or other disposition would, without such consent, be in contravention of said subparagraph (c) of said paragraph (7) (B). For the purpose of this subdivision (C) only, the term "Depreciation Deficiency" shall mean, as to any specified period, an amount computed for such period as provided in section 7 (II) (ii) (2) of the Mortgage and Deed of Trust, dated as of October 1, 1938, of the Company, as amended by the Supplemental Indenture dated as of November 1, 1956.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8653; Filed, Oct. 24, 1956; 8:51 a. m.]

[File No. 70-3523]

BOTTLED GAS CORPORATION OF VIRGINIA AND COMMONWEALTH NATURAL GAS CORP.

NOTICE OF FILING OF APPLICATION REGARDING THE ACQUISITION BY SUBSIDIARY OF OUTSTANDING STOCK OF A GAS UTILITY COMPANY

OCTOBER 19, 1956.

Notice is hereby given that Commonwealth Natural Gas Corporation ("Commonwealth"), an exempt holding company and its wholly owned nonutility subsidiary, Bottled Gas Corporation of Virginia ("Bottled Gas"), have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 9 (a) (2), 10 (a) (1) and 10 (b) as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

The application states that Bottled Gas now owns 9 out of the 200 outstanding shares of the capital stock of Henrico Gas Service Corporation ("Henrico"), and under contract with Henrico operates Henrico's business. Henrico owns a small tract of land and propane gas storage facilities near Richmond, Virginia, and an underground distribution system which supplies propane gas from its storage tanks to the tenants of Lewis Gardens, a multiple dwelling housing project. Its propane gas supply is furnished by Bottled Gas. The stockholders of Henrico, other than Bottled Gas, a number of whom are officers or directors of either Commonwealth or Bottled Gas or both approached Commonwealth and Bottled Gas with a proposal to sell all of their stock of Henrico to Bottled Gas at an aggregate price of 191/200ths of $60,000, plus the net retained earnings of Henrico from November 30, 1955 to the end of the month prior to the date of closing.

The application further states that since the operations of Henrico are in the area served by Bottled Gas, savings can be obtained by the elimination of the two sets of officers, books, records, etc. Also since the price of the stock in relation to the earnings of Henrico seems reasonable, Commonwealth considers the acquisition of Henrico stock to be advantageous and accordingly has authorized its subsidiary, Bottled Gas to contract with the stockholders of Henrico to acquire all of its outstanding stock.

The application states that no State or Federal commission other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested party may, not later than November 1, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-8651; Filed, Oct. 24, 1956; 8:51 a. m.]

[File No. 811-474]

SUNSET INTERNATIONAL PETROLEUM CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

OCTOBER 19, 1956.

Notice is hereby given that Sunset International Petroleum Corporation ("Sunset") a registered closed-end, nondiversified management investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order declaring that it has ceased to be an investment company under the act.

Sunset filed its Notification of Registration under the act on October 2, 1942 under the name of International Mining Corporation.

It is represented that on August 31, 1956, Sunset Oil Company, a California corporation, was merged into International Mining Corporation, a Delaware Corporation, which became the surviving company under the name of Sunset International Petroleum Corporation.

Transactions incident to the aforesaid merger were exempted from the provisions of section 17 (a) of the act by Order of the Commission pursuant to section 17 (b) of the act (Investment Company Act Release No. 2387, July 11, 1956).

Applicant represents that the merger was approved by the holders of more than two-thirds of the outstanding shares of each corporation as required by the laws of the respective states of incorporation of each company.

Applicant further represents that by approving the merger the shareholders of International Mining Corporation authorized a change in the nature of the business of said corporation so as to cease to be an investment company, and that Sunset is presently engaged in the business of producing, refining and marketing oil products on the west coast of the United States. It is also stated that Sunset has no investment in any other company and is no longer operating as an investment company and has no intention so to do.

Applicant also states that the shares of Sunset became listed on the American Stock Exchange on August 31, 1956.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 31, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-8647; Filed, Oct. 24, 1956; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF LEONARD ANDRESON ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Leonard Andreson, L. S. Claim No. 29; $1,568.32 in the Treasury of the United States.

Maria, Anny, Betty, Abraham, Paul and Gretha Prins, Betty, Else, Anna, Thea, Henriette, Mattias, Eduard,[1] Adolf, Rosa, Eduard Philip and Josephina Elias, Joseph Spier, Netty, Rebecca, Sara and Lucie Elias, Rosa Kan, Celina and Sophie Laguna, Louise Papenek, Eduard Elias,[2] Eduard Spier, L. S. Claim No. 31; $784.16 in the Treasury of the United States.

Leo van Leeuwen, L. S. Claim No. 32; $784.16 in the Treasury of the United States.

Joseph Levie, L. S. Claim No. 33; $1,568.32 in the Treasury of the United States.

Abraham Cijfer, L. S. Claim No. 37; $1,774.98 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8658; Filed, Oct. 24, 1956; 8:52 a. m.]

[1] Waalre, Holland.

[2] Amsterdam, Holland.

ANNA PERRI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Perri, San Giovanni in Fiore, Cosenza, Italy, Claim No. 43956; 99 cents in the Treasury of the United States.

Rose Lucente, San Giovanni in Fiore, Cosenza, Italy, Claim No. 43957; 99 cents in the Treasury of the United States.

Theresa Schipano, San Giovanni in Fiore, Cosenza, Italy, Claim No. 43958; $99.50 in the Treasury of the United States.

Marriette Schipano Desimone, San Giovanni in Fiore, Cosenza, Italy, Claim No. 43959; $99.50 in the Treasury of the United States.

Angeline Schipano, San Giovanni in Fiore, Cosenza, Italy, Claim No. 43960; $99.50 in the Treasury of the United States.

Vesting Order No. 1368.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8657; Filed, Oct. 24, 1956; 8:52 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ROSA ADLER-OPPENHEIMER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Rosa Adler-Oppenheimer, L. S. Claim No. 634; Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 35210, in the principal amount of $1,000.

Frederik Stibbe and Martha Schenk, L. S. Claim No. 752; Cities Service Company 5/58 Debenture No. 44763, in the principal amount of $1,000.

R. M. Themans, L. S. Claim No. 765; International Power Securities Corporation 6½/55 Bond Nos. 1788 and 1873, in the principal amount of $1,000 each.

Marie Salomon; Mietje van Praagh; Benedictus Bonnewit; Louis, Salomon, Joseph (Buenos Aires, Argentina), and Joseph (New York) Huisman; Eva Cats; Esther Tegelaars; Elisabeth, Salomon (Charles), and Lion van Wijnbergen; Clara and Lion Groen; Judith Gelfius; Elizabeth Grabau; Rachel Schaap; Henriette Kupperman; Hartog Kalkoene; Charlotte Redeker; Rachel Witteboon; Jozef Spier; Judith de Leeuw; Flora Staal; Ronald Abram; Lion Morpurgo; Susanna Roodvelt; Rachel Groen, L. S. Claim No. 806; Cities Service Company 5/69 Debenture No. 20328, in the principal amount of $1,000.

Pleuntje Wolf and Maria Wolf, L. S. Claim No. 811; Cities Service Company 5/58 Debenture No. 4244, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8659; Filed, Oct. 24, 1956; 8:52 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MARCUS FRANK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Marcus, Juliana,[1] Hartog and Jozef Frank; Henriette Jeanmaire; Eduard and Arnold van Esso; Renee Wohl; Maurits, Salomon and Jozef Israels; Helena de Beer; Vrouwgien Spits; Chawwa Wijnberg; Eva Veldman; Rachel and Justus Hart; Grietje Griekspoor; Salomon and Cornelia Cohen; Jacob Wolf; Stijntje de Jong; Esther and Salomon Aptroot; Eva Ratzersdorfer; Rosetta de Haas; Sara Speyer; Esther, Louis and Sientje Leydesdorff; Rebecca Molenaar; Stientje Sophia; Benno Vecht; Maurice Hirschel; Sophia van Engel and Elizabeth Heimans, L. S. Claim No. 392; Kansas City Southern Railway Company 5/50 Bond No. 9387, in the principal amount of $1,000.

Anna Goudeket, L. S. Claim No. 444; Louisville & Nashville Railroad Company; Mobile and Montgomery Railway 4½/45 Bond No. 1280, in the principal amount of $1,000.

M. Hijmans and Mrs. S. Hijmans, L. S. Claim No. 485; Cities Service Company 5/50 Debenture No. 47264, in the principal amount of $1,000.

Abraham de Vries; Catherine, Leopold, Rozalie, Herman, Wilfred, George and Louise Cohen; Frieda Schwartzschild; Willem, Frederik and Max Zeehandelaar; Lily Hayhurst; Henriette Jürgens; Marjorie Pomeranz; Kathleen Belinfante; Maria and Hendrina Souweine; Stephen Meijers; Willem Klein; Izak van Nierop; Phyllis Burberry; Irene White; Cecilia, André and Matheus Davidson; Peter Erdos; Regina, Kitty and Lodewijk de Hoop; Mietje van Dam; Etty Veterman, L. S. Claim No. 493; Cities Service Company 5/69 Debenture No. 49068, in the principal amount of $1,000.

Klara, Anna and Rachel Kloots, Frank van Hessen and Samuel Okker, L. S. Claim No. 533; International Hydro-Electric System 6/44 Debenture Nos. 24421 and 25145, in the principal amount of $1,000 each:

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 18, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8660; Filed, Oct. 24, 1956; 8:53 a. m.]

[1] a. k. a. Juliana Eva Frederika Wolf nee Frank.

STATE OF NETHERLANDS FOR BENEFIT OF HANDELSVENNOOTSCHAP "ANSTI", PARTNERS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Handelsvennootschap "Ansti", Partners, Engelbert Annink and David Stibbe, L. S. Claim No. 270; Delaware & Hudson Company 4/43 Bond Nos. 8856, 11067 and 11068, in the principal amount of $1,000 each.

Ernst Fischel, L. S. Claim No. 398; Norfolk & Western Railway Company 4/96 Bond Nos. 3674 and 8287, in the principal amount of $500 each.

Herman Krijn, Adolf and Lodewijk, Schrijver and Netty Spoor-Schrijver, L. S. Claim No. 548; Norfolk & Western Railway Company 4/96 Bond No. 29562, in the principal amount of $1,000.

Mrs. J. Spanjaard, L. S. Claim No. 739; Missouri-Kansas-Texas Railroad Company 5/67 Bond No. 47607, in the principal amount of $1,000.

Jacob Jessurun, L. S. Claim No. 746; Southern Pacific Company 4/49 Bond No. 3184, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8661; Filed, Oct. 24, 1956; 8:53 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF JETJE VERKOZEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Jetje Verkozen, Saartje and Esther de Boers, L. S. Claim No. 306; $4,689.34 in the Treasury of the United States.

Ina de Bruin, L. S. Claim No. 339; $8,186.82 in the Treasury of the United States

R. Pionkowski-Davidson, N. Hartog-Davidson, L. S. Claim No. 360; $1,364.47 in the Treasury of the United States

Catharina Enthoven-Doorman; Henri, Adine, and Marius Enthoven; Martinus Hijmans; Dina Martin-Hijmans; Ida Hijmans-Semeij, L. S. Claim No. 386; $1,364.47 in the Treasury of the United States

Otto and Frederika Abas; Henri, Antoinette, Henriette, Frederik, Eleonore, Nicolaas and Theodora Franken, L. S. Claim No. 409; $4,187.98 in the Treasury of the United States

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8662; Filed, Oct. 24, 1956; 8:53 a. m.]

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6376]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PUGET SOUND SALMON CANNERS, INC., ET AL.

Subpart—*Combining or conspiring:* § 13.430 *To enhance, maintain or unify prices;* § 13.475 *To restrict competition in buying.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Puget Sound Salmon Canners, Inc. (Seattle, Wash.), et al., Docket 6376, Oct. 8, 1956]

In the Matter of Puget Sound Salmon Canners, Inc., a Corporation, Its Officers, Directors, and Members; and Alaska Packers Association, American Packing Company, Burk Canning Company, Inc., Jay F. Carroll, Doing Business as Anacortes Canning Company, Columbia River Packers Association, Inc., Dressel-Collins Fish Company, Farwest Fishermen, Inc., Fishermen's Packing Corporation, Friday Harbor Canning Company, New England Fish Company, Pacific American Fisheries, Inc., Sebastian-Stuart Fish Company, Washington Fish and Oyster Company, Inc., and Whiz Fish Products Company, Individually and as Members of Puget Sound Salmon Canners, Inc.; Purse Seine Vessel Owners Association, Its Officers, Directors, and Members; and Local No. 3, Fishermen & Allied Workers Division, International Longshoremen & Warehousemen's Union

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a trade association of salmon canners, an association of fishing vessel owners or captains and the union of fishermen making up their crews, together with the members of all three, with entering into and maintaining agreements fixing minimum prices for raw or fresh salmon in the Puget Sound fishing area.

An initial decision based on entry of an agreement for a consent order disposing of the proceeding as to 13 canner respondents and dismissing the complaint as to the remaining canner, was issued on May 8, 1956.[1] As to the remaining respondents, hearings were held in due course and proposed findings and conclusions were submitted by some of the parties.

On this basis, the hearing examiner made his initial decision, including findings and order to cease and desist, from which the Union appealed.

The Commission, in an opinion by Commissioner Secrest, denied the appeal and adopted as its own the findings, conclusions, and order contained in the initial decision, Commissioner Mason dissenting to the order to the extent that it attempted to impose sanctions upon Association and Union members who were not parties respondent.

The order to cease and desist is as follows:

It is ordered, That respondents Purse Seine Vessel Owners Association and Local No. 3, Fishermen & Allied Workers Division, International Longshoremen & Warehousemen's Union, their members, officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase or sale, or offering to purchase or sell, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of raw or fresh salmon caught in the fishing area of Puget Sound, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and any one or more of the respondents named in any other order to cease and desist issued by the Commission in this proceeding, or between any one or more of the respondents named herein and others not parties to this proceeding, to do any of the following things:

1. Entering into or carrying out, or attempting to enter into or carry out, any "Working Agreement" or "Salmon Agreement," as defined and explained in the complaint herein, or any other agreement or understanding having as its purpose or effect the fixing or maintaining of any price or prices at which raw or fresh salmon is to be purchased or sold.

[1] 21 F. R. 3623.

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FEDERAL REGISTER

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2. Fixing, establishing, adopting, maintaining or adhering to, or attempting to fix, establish, adopt, maintain or adhere to, by any means or method, any price or prices at which raw or fresh salmon is to be purchased or sold.

3. Preventing, prohibiting or interfering with, or attempting to prevent, prohibit or interfere with, the operation of any fishing vessel, with the purpose or effect of establishing or maintaining any agreement as to prices to be paid or received for raw or fresh salmon.

Provided, however, That nothing in this order shall prevent any member of respondent Purse Seine Vessel Owners Association, acting individually, from negotiating and agreeing with canners concerning prices at which salmon caught by the fishing vessel or vessels of such member is to be sold to such canners.

Provided further, That nothing herein contained shall prevent collective bargaining between respondent Union and any employer with respect to wages, hours and working conditions of members of said Union.

Provided further, That nothing herein contained shall prevent any association of bona fide salmon fishermen, acting pursuant to or in accordance with the provisions of the Fisheries Cooperative Marketing Act (15 U. S. C. A., Sections 521 and 522), from performing any of the acts and practices permitted by said act.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Puget Sound Salmon Canners, Inc., and Jay F. Carroll, doing business as Anacortes Canning Company.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondents, Purse Seine Vessel Owners Association and Local No. 3, Fishermen & Allied Workers Division, International Longshoremen & Warehousemen's Union, and their respective members, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in the initial decision.

By the Commission, Commissioner Mason dissenting to the order herein to the extent that it attempts to impose sanctions upon association members and union members who were not parties respondent.

Issued: October 8, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-8696; Filed, Oct. 25, 1956; 8:48 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 2—SERVICE RECORDS; FEES

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PART 4—LAWFUL ADMISSION FOR PERMANENT RESIDENCE: SPECIAL CASES; WHEN PRESUMED

PART 9—AUTHORITY OF COMMISSION, REGIONAL COMMISSIONERS, AND ASSISTANT COMMISSIONERS

MISCELLANEOUS AMENDMENTS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (a) of § 2.3 *Remittance of fees* is amended to read as follows:

(a) *When submitted.* Except as otherwise provided in § 2.5, fees shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by the act or other applicable statute or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefor, the district director having administrative jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. All remittances shall be accepted subject to collection. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectible. Such fees shall not be accepted in the form of postage stamps.

2. Section 2.5 is amended so that when taken with the introductory material the twenty-second item will read as follows:

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

* * * * *

For filing application for preexamination. (The fee and application shall not be required of an alien who has filed an application for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended, or section 6 of the Refugee Relief Act of 1953, as amended, or for suspension of deportation, or who has filed a previous application for preexamination.)	25.00

3. Section 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act* is further amended by deleting the fourteenth item, prescribing a fee of $12.00 for filing an application for a Certificate of Citizenship—Hawaiian Islands.

4. The last sentence of paragraph (b) *Approval; extension agreements; consent of surety; collateral security* of § 3.1 *Immigration bonds* is amended to read as follows: "In the same manner, all requests for delivery of collateral security to a person other than the depositor or his approved attorney in fact shall be forwarded to the regional commissioner for approval, except that a request for delivery of collateral security to a duly appointed and undischarged administrator or executor of the estate of a deceased depositor shall be forwarded to the district director for approval."

5. Subparagraph (1) of paragraph (j) of § 4.2 is amended, so that when taken with the introductory material, it will read as follows:

§ 4.2 *Presumption of lawful admission.* An alien of any of the following-described classes shall be presumed to have been lawfully admitted for permanent residence within the meaning of the Immigration and Nationality Act (even though no record of his admission can be found, except as otherwise provided in this part) unless the alien abandoned his status as a lawful permanent resident, or lost such status by operation of law, at some time subsequent to such admission:

* * * * *

(j) *Aliens admitted to Guam.* (1) An alien who establishes that he was admitted to Guam prior to December 24, 1952, by records, such as Service records subsequent to June 15, 1952, records of the Guamanian Immigration Service, records of the Navy or Air Force, or records of contractors of those agencies; that he was not excludable under the act of February 5, 1917, as amended; and that he continued to reside in Guam until December 24, 1952, and thereafter has not been admitted or readmitted into Guam as a nonimmigrant: *Provided,* That the provisions of this subparagraph shall not apply to an alien who was exempted from the contract laborer provisions of section 3 of the Immigration Act of February 5, 1917, as amended, through the exercise, expressly or impliedly, of the 4th or 9th provisos to section 3 of the said act.

6. Section 9.5a is amended by adding a new paragraph designated as (eee) so that, when taken with the introductory material, paragraph (eee) will read as follows:

§ 9.5a *Authority of Regional Commissioners.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the regional commissioners:

* * * * *

(eee) Waiver of the requirement that certain exchange aliens be resident and physically present in a cooperating country for an aggregate period of two years following departure from the United States, as provided in section 201 of the United States Information and Educational Exchange Act of 1948, as amended. (Sec. 2, Reorganization Plan 2, 1950, 64 Stat. 1261, note fol. 5 U. S. C. 133z-15)

(Sec. 501, 65 Stat. 290, sec. 103, 66 Stat. 173; 5 U. S. C. 140, 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than one which clarifies an existing rule, relate to agency management and procedure and confer benefits upon persons affected thereby.

Dated: October 19, 1956.

HERBERT BROWNELL, JR., *Attorney General.*

Recommended: October 4, 1956.

J. M. SWING, *Commissioner of Immigration and Naturalization.*

[F. R. Doc. 56-8708; Filed, Oct. 25, 1956; 8:50 a. m.]

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 299—IMMIGRATION FORMS

NONRESIDENT ALIEN MEXICAN BORDER CROSSING CARD

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The proviso in § 212.1 *Documentary requirements for nonimmigrants* is amended to read as follows: "*Provided*, That a valid nonresident alien Mexican border crossing card shall be acceptable in lieu of a nonimmigrant visa when presented in accordance with the provisions of § 212.11."

2. Section 212.11 is amended to read as follows:

§ 212.11 *Nonresident alien Mexican border crossing card*—(a) *Form.* Form I–186 is a nonresident alien's border crossing identification card when it is in the possession of and presented by the rightful holder thereof as provided in this part.

(b) *Use.* The rightful holder of a nonresident alien Mexican border crossing card may present such card in lieu of a nonimmigrant visa when arriving direct from Mexico and applying for admission to the United States at a port of entry situated along the border between the United States and Mexico. The presentation of such card shall not otherwise relieve the holder from establishing his admissibility to the United States under the applicable provisions of the act.

(c) *Form I–186; who may apply.* A nonresident alien Mexican border crossing card may be issued to any alien who, upon application therefor, (1) submits satisfactory evidence that he is a citizen and resident of Mexico, (2) presents a valid unexpired passport required of nonimmigrants, unless a passport is not required to be presented under the provisions of this part, (3) desires temporary admission into the continental United States for a period or periods of not more than 72 hours each, (4) is admissible to the United States as a bona fide nonimmigrant, and (5) has been fingerprinted.

(d) *Application.* Application for a nonresident alien Mexican border crossing card shall be made on Form I–190 at any Service office located at a port of entry situated along the border between the United States and Mexico, or at any United States consulate in Mexico. Photographs of the applicant shall be submitted with each application form. No appeal shall lie from a denial of the application, but such denial shall be without prejudice to the alien's application to an American consul for a nonimmigrant or immigrant visa, or to the Service for admission into the United States.

(e) *Validity of Form I–186.* A nonresident alien Mexican border crossing card shall be valid until declared void. Any immigration or consular officer may, without notice, void a nonresident alien Mexican border crossing card. Such action shall be without prejudice to the alien making application to an American consul for a nonimmigrant or immigrant visa, or to the Service for admission into the United States. No appeal shall lie from the decision of an immigration or consular officer declaring void a nonresident alien Mexican border crossing card.

(f) *Surrender and replacement.* A void nonresident alien Mexican border crossing card shall be immediately surrendered to any immigration or consular officer. A nonresident alien's border crossing identification card issued prior to November 1, 1956, shall be invalid after July 1, 1957. If a nonresident alien Mexican border crossing card has been lost, mutilated, or destroyed, the person to whom such card was issued may apply for a new card in accordance with the provisions of this section, and in such case shall attach the mutilated card to his application.

(g) *Previous removal, deportation; permission to reapply.* An alien who establishes that he is in all respects entitled to admission as a visitor for business or pleasure or as a student when in possession of a nonresident alien Mexican border crossing card, except that he has been previously removed at Government expense pursuant to section 242 (b) of the act, or excluded or deported solely because of entry without inspection or absence of required documents, is hereby granted permission to reapply for admission to the United States.

3. The references to Forms I–186 and I–190 in § 299.1 *Prescribed forms* are amended to read as follows:

Form No.	*Title and description*
I–186	Nonresident Alien Mexican Border Crossing Card.
I–190	Application for Nonresident Alien Mexican Border Crossing Card.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on November 1, 1956. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and confer benefits upon persons affected thereby.

Dated: October 23, 1956.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 56–8709; Filed, Oct. 25, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—NURSERY STOCK, PLANTS, AND SEEDS

POSTENTRY QUARANTINE

On September 15, 1956, there was published in the FEDERAL REGISTER (21 F. R. 6977) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to the proposed amendment of § 319.37–19 (c) of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–19 (c); 21 F. R. 2589). After due consideration of all relevant matters presented, and under the authority of sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 162), § 319.37–19 (c) is hereby amended by revising the item therein relating to "Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage)" to read as follows:

Plants to be grown under postentry quarantine	*Where imported from*
Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage).	Europe (except The Netherlands), Asia, New Zealand, and North America north of the United States-Canadian border. (If the United States Department of Agriculture acquires evidence it considers to be conclusive, indicating that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (d By.) Savile (formerly known as C. rhododendri (DC.) d By.), does not occur within any country in the areas named and that it is being prevented entry therein by adequate plant quarantine measures, such plants may be permitted entry in accordance with the provisions of § 319.37–6.)

This amendment exempts Rhododendron spp. (including azaleas) of the categories designated, imported from The Netherlands, from the list of restricted material that is to be grown under postentry quarantine.

The United States Department of Agriculture has acquired evidence which it considers to be conclusive that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (d By.) Savile, does not occur in The Netherlands and that the rust is being prevented entry therein by adequate plant quarantine measures. Therefore, such Rhododendron spp. will be permitted entry in accordance with the provisions of § 319.37–6.

The acquired evidence that is considered to be conclusive includes negative rust surveys in Holland during 1948, 1955, and 1956 by plant pathologists of the Department. Furthermore, the disease has not been observed by either Federal or State inspectors in any Holland-grown azaleas or rhododendrons grown here under postentry quarantine. There are no known authentic reports in world literature of occurrence of the rust in The Netherlands, nor has the rust ever been observed on Holland-grown Rhododendron spp. offered for import into the United States. Also, a formal statement has been received from the Phytopathological Service of The Netherlands affirming that this species of rust does not occur in that country and citing the quarantine measures adopted to prevent its entry from other countries. These quarantine measures are deemed adequate.

Since this amendment relieves restrictions, it is within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U. S. C. 159)

This amendment shall become effective October 26, 1956.

Done at Washington, D. C., this 19th day of October 1956.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 56–8711; Filed, Oct. 25, 1956; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146b, 146c; 21 F. R. 1849, 2231, 7433) are amended as indicated below:

1. In § 141c.224 *Tetracycline hydrochloride-nystatin capsules*, paragraph (b) *Nystatin used in making the capsules* is amended by changing subparagraph (1) (ii) (*a*) to read as follows:

(*a*) Make nutrient agar for carrying the organism and for preparing the inoculated agar plates as follows:

Peptone	9.4 grams.
Yeast extract	4.7 grams.
Beef extract	2.4 grams.
Sodium chloride	10.0 grams.
Dextrose	10.0 grams.
Agar	23.5 grams.
Distilled water to make	1,000 milliliters.
pH 6.0 to 6.2 after sterilization.	

2. In § 146b.104 *Streptomycin tablets* • • •, paragraph (a) *Standards of identity* • • • is amended by changing the words "5 percent" in the fourth sentence to read "10 percent".

3. In § 146c.231 *Capsules tetracycline and oleandomycin phosphate*, paragraph (a) (1) is amended by changing the words "100 milligrams" in the first sentence to read "80 milligrams".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: October 19, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56–8680; Filed, Oct. 25, 1956; 8:45 a. m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of chlortetracycline or tetracycline and chlortetracycline- or tetracycline-containing drugs (21 CFR Part 146c) are amended as indicated below:

1. In § 146c.203 *Chlortetracycline troches* • • •, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by inserting immediately after the words "48 months" the words "or 60 months".

2. In § 146c.208 *Chlortetracycline otic* • • •, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended to read as follows:

(iii) The statement "Expiration date _____," the blank being filled in, if it is tetracycline hydrochloride otic, with the date that is 24 months, or if it is chlortetracycline otic, with the date that is 48 months after the month during which the batch was certified: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: October 22, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56–8681; Filed, Oct. 25, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

APPEALS ORGANIZATION

In § 1.761, subparagraph (1) of paragraph (b) is amended to read as follows:

§ 1.761 *Appeals organization.* • • •

(b) *Supply Contract Appeals Board.* • • •

(1) The Assistant Chief Purchasing Agent for Supply Management has been designated as the chairman of the Board and he will assign two technical members of the office of the Chief Purchasing Agent to serve with him as the Board on each appeals case under consideration. The Board is authorized to take such actions and to adopt such rules and procedures as may be necessary and appropriate for accomplishment of its assigned functions and for efficient disposition of matters which may properly come before it.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interprets or applies 68 Stat. 81; 41 U. S. C. 321, 322)

This regulation is effective October 26, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–8697; Filed, Oct. 25, 1956; 8:48 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. In § 36.4302, paragraph (h) is amended to read as follows:

§ 36.4302 *Computation of guaranties or insurance credits.* • • •

(h) Notwithstanding the provisions of paragraph (g) of this section, if real or personal property acquired or improved with the proceeds of a guaranteed or insured loan be thereafter:

(1) Taken (by condemnation or otherwise) by the United States or any State or local government agency for public use; or

(2) Destroyed or damaged by fire or other natural hazard to the extent that occupancy, use, or restoration is impractical, and which destruction or damage is not resultant from an act or omission willfully designed by the veteran to bring about such destruction or damage; or

(3) Disposed of because of other compelling reasons devoid of fault on the part of the veteran;

the Administrator in the exercise of discretion in any such case may exclude the entitlement used in respect to such loan, and the entitlement so excluded shall be disregarded in determining the subsequent use of entitlement by the veteran except for the calculation of the gratuity payable on a new loan. This paragraph shall be construed to authorize the exclusion of guaranty or insurance entitlement used on a home loan obtained by a veteran which was guaranteed or insured under section 501 or section 505 (a) of the act, and with respect to which the real property which served as security for the loan was disposed of because the veteran, while in the military service, was transferred by the military department with which he was serving. Exclusion of entitlement used in connection with a guaranteed or insured loan shall not be authorized so long as the Administrator remains liable thereon as guarantor or insurer.

2. In § 36.4303, paragraph (f) is amended to read as follows:

§ 36.4303 *Reporting requirements.* • • •

(f) Evidence of a guaranty will be issued by the Administrator by appropriate endorsement on the note or other instrument evidencing the obligation, or by a separate certificate at the option of the lender. Notice of credit to an insurance account will be given to the lender. Unused certificates of eligibility issued prior to March 1, 1946, are void. In the event loans are reported to the Administrator for guaranty or insurance in respect to which entitlement of the veteran shall not have been reserved, any unused or unreserved entitlement of a veteran shall be applied to the loans in the order they are reported to, or made by, the Administrator. Entitlement reserved by the Administrator may not be so applied or otherwise used until released by the lender for whose benefit the reservation is outstanding. No certificate of commitment shall be issued and no loan shall be guaranteed or insured unless the lender, the veteran, and the loan are shown to be eligible; nor shall guaranty or insurance evidence be issued on any loan for the purchase or construction of residential property, or for the alteration, improvement or repair thereof, if the application of the veteran to a lender for such loan was made on or after September 15, 1956, unless the Administrator determines that there has been compliance by the veteran with the certification requirements of section 504 (d) of the act.

3. In § 36.4323, a new paragraph (f) is added as follows:

§ 36.4323 *Subrogation and indemnity.* • • •

(f) Whenever any veteran disposes of residential property securing a guaranteed or insured loan obtained by him under the act, the Administrator, upon application made by such veteran, shall issue to the veteran a release relieving him of all further liability to the Administration on account of such loan (including liability for any loss resulting from any default of the transferee or any subsequent purchaser of such property) if the Administrator has determined, after such investigation as he may deem appropriate, that there has been compliance with the conditions prescribed in section 506 (b) of the act. The assumption of full liability for repayment of the loan by the transferee of the property must be evidenced by the transferee's execution of an agreement in writing in such form as the Administrator may require. Release of the veteran from liability to the Administrator will not impair or otherwise affect the Administrator's guaranty or insurance liability on the loan, or the liability of the veteran to the holder. Any release of liability granted to a veteran by the Administrator shall inure to the spouse of such veteran. The release of the veteran from liability to the Administrator will constitute the Administrator's prior approval to a release of the veteran from liability on the loan by the holder thereof.

4. In § 36.4335, paragraph (b) is amended to read as follows:

§ 36.4335 *Supplementary administrative action.* • • •

(b) The requirement in § 36.4303 (d) that a lender originating a loan under a certificate of commitment (VA Form VB 4–1866) report the loan for issuance of guaranty or insurance evidence within 30 days following actual payment of the full proceeds of the loan. In such cases it is not necessary that a finding be made that the loan is not in default.

5. Section 36.4336 is revised to read as follows:

§ 36.4336 *Eligibility of loans; reasonable value requirements.* No loan made for the purchase of property, or for construction, alterations, repairs, or improvements thereof, shall be eligible for guaranty or insurance if the purchase price or cost to the veteran exceeds the reasonable value thereof as determined by the Administrator. Notwithstanding that the aggregate of the purchase price or cost to the veteran, and the amount remaining unpaid on taxes, special assessments, prior mortgage indebtedness, or other obligations of any character secured by enforceable superior liens or a right to such lien existing as of the date the loan is closed exceeds the reasonable value of such property as of said date and that evidence of guaranty or insurance credit is issued in respect thereof, as between the holder and the Administrator (for the purpose of computing the claim on the guaranty or insurance and for the purposes of § 36.4320, and all accountings), the indebtedness which is the subject of the guaranty or insurance shall be deemed to have been reduced as of the date of the loan by a sum equal to such excess, less any amounts secured by liens released or paid on the obligations secured by such superior liens or rights by a holder or others without expense to or obligation on the debtor resulting from such payment, or release of lien or right; and all payments made on the loan shall be applied to the indebtedness as so reduced. Nothing in this section affects any right or liability resulting from fraud or willful misrepresentation.

6. The text of § 36.4508 is designated paragraph (a) and a new paragraph (b) is added as follows:

§ 36.4508 *Transfer of property by borrower.* • • •

(b) Whenever any veteran disposes of residential property securing a direct loan obtained by him under the act, the Veterans Administration, upon application made by such borrower, shall issue to the borrower a release relieving him of all further liability to the Veterans Administration on account of such loan (including liability for any loss resulting from any default of the transferee or any subsequent purchaser of such property) if the Veterans Administration has determined, after such investigation as it deems appropriate, that there has been compliance with the conditions prescribed in section 506 (b) of the act. The assumption of full liability for repayment of the loan by the transferee of the property must be evidenced by the transferee's execution of an agreement in writing in such form as the Veterans Administration may require. Any release of liability granted to a veteran by the Veterans Administration shall inure to the spouse of such veteran.

7. In § 36.4514, a new paragraph (f) is added as follows:

§ 36.4514 *Eligibility requirements.* • • •

(f) In respect to a loan application received on or after September 15, 1956, there has been compliance by the applicant with the certification requirements prescribed in section 504 (d) of the act.

8. In § 36.4519, that portion of paragraph (a) immediately preceding subparagraph (1) is amended to read as follows:

§ 36.4519 *Eligible purposes and reasonable value requirements.* (a) A loan may be made only for the purposes hereinafter set forth in this paragraph, and the purchase price or cost of the property, construction, repairs, alterations, or improvements to be financed with the loan proceeds may not exceed the reasonable value of the same as established by Veterans Administration:

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective October 26, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–8698; Filed, Oct. 25, 1956; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

PRESCRIPTION OF NUMBERS IN GRADE

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 *Prescription of numbers in grade.* The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1956, and ending June 30, 1957:

Director Grade	300
Senior Grade	450
Full Grade	355
Senior Assistant Grade	335
Assistant Grade	60
Junior Assistant Grade	0

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 206, 58 Stat. 684, as amended; 42 U. S. C. 207)

This amendment shall be effective as of July 1, 1956.

Dated: September 24, 1956.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: October 18, 1956.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 56–8682; Filed, Oct. 25, 1956; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Circular No. 1966]

PART 7—OFFICERS AND EMPLOYEES: LANDS AND RESOURCES

EXCEPTIONS

1. Section 7.4 (a) (1) is amended to read as follows:

§ 7.4 *Exceptions.* (a) (1) The act of June 1, 1938 (52 Stat. 609) as amended by the act of July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a) authorizes any officer or employee of the Department of the Interior stationed in Alaska to purchase or lease under that act one tract in Alaska for any purposes authorized by the act, except as a business site; section 1 of the act of March 3, 1879 (20 Stat. 394, 43 U. S. C. 31) provides that the Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey; and Revised Statute section 452 (43 U. S. C. 11) provides that all officers, clerks, and employees of the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land. Apart from such restrictions, and if otherwise qualified, (i) any officer or employee of the Department of the Interior stationed in Alaska (except an officer or employee of the Bureau of Land Management or the spouse of such person) shall not by reason of being such an officer or employee be precluded from retaining or acquiring any interest in the lands or resources in Alaska administered by the Bureau of Land Management, other than in a mineral lease or mining claim, (ii) any temporary, limited, part-time, WAE (when actually employed) or WOC (without compensation) employee of the Department of the Interior (except an officer or employee of the Bureau of Land Management or the spouse of such person) shall not by reason of being such an employee be precluded from retaining or acquiring any interest in lands or resources administered by the Bureau of Land Management, and (iii) any temporary, intermittent, or seasonal employee of the Bureau of Land Management engaged in field work relating to land, range, forest, and mineral conservation and management activities, if such employment does not exceed 180 working days in each calendar year, shall not by reason of such employment be precluded from retaining any interest, including renewal or continuation of existing rights, in lands or resources administered by the Bureau of Land Management: *Provided, however,* That such employee shall not acquire any additional interest in such lands or resources during such employment.

2. Section 7.4 (c) is revoked in its entirety.

(R. S. 161, 452; 5 U. S. C. 22, 43 U. S. C. 11)

F. E. WORMSER,
Acting Secretary of the Interior.

OCTOBER 19, 1956.

[F. R. Doc. 56–8688; Filed, Oct. 25, 1956; 8:46 a. m.]

Chapter II—Bureau of Land Management, Department of the Interior

[Circular No. 1965]

PART 196—PHOSPHATE LEASES AND USE PERMITS

MISCELLANEOUS AMENDMENTS

On pages 5779 and 5780 of the FEDERAL REGISTER for August 2, 1956, there was published a notice of proposed rule making to implement amendments of certain sections of the phosphate regulations approved January 14, 1949, as amended. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments. No adverse comments having been received, the proposed amended regulations are hereby adopted without change and are set forth below.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

F. E. WORMSER,
Acting Secretary of the Interior.

OCTOBER 19, 1956.

1. Section 196.4 is amended to read as follows:

§ 196.4 *Lease bond.* A compliance bond, in no event less than $5,000, with approved corporate surety (Form 4–1113), or the lessee's personal bond in similar amount (Form 4–1114), will be required prior to the issuance of a lease. Personal bonds must be accompanied by negotiable Federal securities in the amount of the bond. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate or personal bond, in any case where the Bureau of Land Management deems it proper to do so.

2. The text of § 196.9 is redesignated as paragraph (a) of that section and a new paragraph (b) is added thereto, to read as follows:

§ 196.9 *Issuance of noncompetitive lease.* • • •

(b) If the applicant dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased applicant and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 196.7 (b) and (c).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the applicant and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 196.7 (b) and (c), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 196.7 (b) and (c).

3. Section 196.12 is amended to read as follows:

§ 196.12 *Action by successful bidder.* (a) The successful bidder at a sale by public auction must on the day of sale

deposit with the Manager of the proper land office, or other officer conducting the sale and each bidder at a sale by sealed bids must submit with his bid the following: Certified check, cashier's check, bank draft, money order, or cash for one-fifth of the amount bid by him and a statement over the bidder's own signature with respect to citizenship and interests held, similar to that required by § 196.7 (b) and (c).

(b) Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the authorized officer, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. If the land is surveyed four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental and the cost of publication of the notice of lease offer as specified in § 196.11, and file a bond as required by § 196.4. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with the requirements of this subsection until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the bidder after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence, such as specified in § 196.9 (b), in order that the Manager of the proper land office may determine to whom the lease may be issued.

4. Section 196.13 is amended by adding thereto new paragraphs (e) and (f) as follows:

§ 196.13 *Assignments of leases; subleases.* * * *

(e) No transfer will be approved if the transferee is not qualified to take and hold a lease or if his bond is insufficient. A minor, except a minor heir or devisee of a lessee, is not qualified to hold a lease and a transfer to a minor will not be approved.

(f) In order for the heirs or devisees of a deceased holder of a lease, an operating agreement, or a royalty interest in a lease, to be recognized by the Secretary as the holder of the lease, agreement or interest, there must be furnished the appropriate showing required under § 196.9 (b).

5. Section 196.15 is amended to read as follows:

§ 196.15 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

[F. R. Doc. 56-8685; Filed, Oct. 25, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 974]

[Docket No. AO-176-A11]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amended order and marketing agreement regulating the handling of milk in the Columbus, Ohio, marketing area, which was issued October 12, 1956 (21 F. R. 7949), is hereby extended to November 6, 1956.

Dated: October 23, 1956.

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8699; Filed, Oct. 25, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

DYED HOG BRISTLE OF GERMAN ORIGIN

AVAILABILITY OF LICENSES FOR IMPORTATION

On July 3, 1956, the Treasury Department gave notice that it was prepared to consider applications on Form TFAC-1 for licenses under the Foreign Assets Control Regulations, 31 CFR 500.101 to 500.808, to consummate contracts for the purchase and importation from Germany, in appropriate cases, of dyed hog bristles of German origin, provided that such bristles were dyed and dressed pursuant to such contract or contracts entered into between the applicant and the German exporter prior to April 14, 1955, and in reliance upon the German certificate of origin procedure, which was announced in the FEDERAL REGISTER on September 22, 1953 (18 F. R. 5655), and which is no longer in effect. It was stated that licenses issued pursuant to such applications would authorize the importation of bristle for entry into warehouse but that the release from warehouse of bristle imported pursuant to such licenses would be authorized only after the Foreign Assets Control was satisfied by physical inspection of the merchandise, and such other measures as might be appropriate, that the merchandise consisted solely of dyed bristle of German origin.

It was further stated that the fact that a licensee has paid for bristle under the license issued pursuant to the foregoing would not be considered a factor warranting the release from warehouse of bristle which was not found by Foreign Assets Control to consist entirely of dyed bristle of German origin.

It has now been determined that license applications will be considered from any applicant to purchase bristle dyed and dressed in Germany in reliance on the now terminated certificate of origin procedures by a German supplier who proceeded in reliance upon a contract with an American importer regardless of whether the applicant is the importer in question. All other terms and conditions of the July 3, 1956, notice will continue to be applicable.

To assure the Foreign Assets Control that the bristle to which each application refers has been firmly offered each applicant, whether or not he was a party to the contract under which the bristle was prepared, must submit a statement from the German exporter that the bristle is not the subject of any other outstanding offer and that the offer to the applicant will not be withdrawn unless the application is denied.

Additional information and license application forms may be obtained from the Foreign Assets Control, Treasury Department, Washington 25, D. C., or the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-8707; Filed, Oct. 25, 1956; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KNUD ABILDGAARD-ELLING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Knud Abildgaard-Elling, sole proprietor of the firm of Lovens Kemiske Fabrik v/ A. Kongsted, Brønshøjvef 19, Brønshøj, Copenhagen, Denmark, Claim Nos. 36765/6, Vesting Order No. 664, property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 2,129,584 and 2,275,969.

Executed at Washington, D. C., on October 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8706; Filed, Oct. 25, 1956; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6545]

RESORT RENEWAL CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned for November 20, 1956, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 23, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8710; Filed, Oct. 25, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 566, Amdt. 5]

DEPUTY COMMISSIONER ET AL.

REDELEGATION OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

Order 566 (19 F. R. 3971), as amended (20 F. R. 2092, 5703; 21 F. R. 2290, 7460) is further amended as hereinafter indicated:

Section 1 is revised to read as follows:

SECTION 1. *Redelegation of authority and designation of Contracting Officers.* (a) The authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in Order 2783 (20 F. R. 425) to negotiate, without advertising, in accordance with Title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 251 et seq.) under section 302 (c) (4) of that act, contracts for services of engineering and architectural firms and Order 2509, as amended, pertaining to construction, supply and service contracts, irrespective of the amounts involved, is redelegated to each of the following officials: the Deputy Commissioner; the Assistant Commissioner, Administration; the area directors; and the Chief, Branch of Buildings and Utilities. Each of those officials is also designated as and is authorized to perform the duties of Contracting Officer.

(b) The Chief, Branch of Property and Supply is authorized to enter into contracts for supplies, equipment and services irrespective of the amount involved, and perform the duties of Contracting Officer in regard to such contracts.

W. BARTON GREENWOOD,
Acting Commissioner.

OCTOBER 22, 1956.

[F. R. Doc. 56-8684; Filed, Oct. 25, 1956; 8:45 a. m.]

Bureau of Land Management

[Doc. No. 142]

ARIZONA

ORDER PROVIDING FOR OPENING AND CLASSIFICATION OF PUBLIC LANDS

OCTOBER 18, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15), the following described lands, located in Maricopa County, Arizona, which were reconveyed to the United States under the provisions of the Act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g) in Arizona State Exchange Application Serial No. AR-010970, are hereby opened and classified for disposal in furtherance of a Federal land adjustment program, which is in the public interest.

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 2 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 3: Lots 1, 2, 3, 4, SE¼;
Sec. 11: W½NE¼;
Sec. 12: NE¼NW¼, S½NW¼, NE¼, S½;
Sec. 27: SW¼.
T. 5 N., R. 2 W.,
Sec. 28: All.

The areas described total 2,332.80 acres of public lands.

2. Classification of the above described lands, by this order, segregates them from all appropriations, including the mining and mineral leasing laws, except as to private land exchange application Arizona Serial No. 010572, whereby lands that are necessary for training purposes in the Williams Bombing and Gunnery Range will be acquired for use by the Department of the Air Force. The lands are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II and others.

This order becomes effective at 10:00 a. m. on the 10th day after the date thereof.

Inquiries concerning the lands should be addressed to the Manager, Land Office, P. O. Box 148, Phoenix, Arizona.

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 56-8686; Filed, Oct. 25, 1956; 8:46 a. m.]

[Order 615, Amdt. 2]

CONTRACTS AND LEASES

DELEGATION OF AUTHORITY

OCTOBER 22, 1956.

The footnote to Bureau Order No. 615, dated June 12, 1956, is amended to read:

[1] Where the amount involved is in excess of $25,000, five working days advance notice to the Office of the Secretary is required in accordance with the Secretary's memoranda of March 2, 1954, and October 17, 1955.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 56-8687; Filed, Oct. 25, 1956; 8:46 a. m.]

Geological Survey

[Power Site Cancellation No. 114]

NORTH FORK YUBA RIVER, CALIFORNIA

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 C. F. R. 4.623; 12 F. R. 4025), Power Site Classification No. 183, approved July 9, 1927, is hereby cancelled insofar and to the extent that it affects the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 19 N., R. 7 E.,
Sec. 12, W½SE¼.
T. 19 N., R. 8 E.,
Sec. 7, S½SE¼.

The area described aggregates 160 acres.

Dated: October 22, 1956.

R. H. LYDDAN,
Acting Director.

[F. R. Doc. 56-8683; Filed, Oct. 23, 1956; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3620]

JACKSON BROTHERS

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 22, 1956.

In the matter of Carl D. Jackson and Edith Rhyne Jackson d/b/a/ Jackson

Brothers (Successors to Clyde D. & Carl D. Jackson d/b/a/ Jackson Brothers).

Take notice that Clyde D. Jackson and Carl D. Jackson d/b/a/ Jackson Brothers, a partnership, (Applicant) with a principal place of business in Parkersburg, West Virginia, filed on September 29, 1954, an application for a certificate of public convenience and necessity, and Carl D. Jackson and Edith Rhyne Jackson d/b/a/ Jackson Brothers, successors to Clyde B. and Carl D. Jackson d/b/a/ Jackson Brothers, filed an amendment thereto on July 19, 1956, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, and as more fully represented in the application and amendment filed thereto, which is on file with the Commission, and open for public inspection.

The application and amendment thereto recites that Applicant produces natural gas in the Murphy District of Ritchie County, West Virginia, which is sold in interstate commerce to Godfrey L. Cabot, Inc., for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 4, 1956 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8693; Filed, Oct. 25, 1956; 8:47 a. m.]

[Docket No. G-5780 et al.]

CONTINENTAL OIL CO.

ORDER OF SEVERANCE AND POSTPONEMENT OF HEARING

On October 3, 1956, the applications of Continental Oil Company in certain dockets came on for hearing in a consolidated proceeding involving the applications for certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act and petition for declaratory orders claiming the lack of jurisdiction of this Commission.

At the request of the Applicant, Staff Counsel moved for an order of severance and postponement of the hearing upon those dockets designated in the list hereunto attached. The Presiding Examiner thereupon continued the entire proceeding until October 10, 1956, at which time the hearing proceeded upon those applications in which no issues of jurisdiction had been raised.

The motion to sever and postpone the hearings upon the petitions and applications above mentioned were by motion duly made referred to the Commission by the Presiding Examiner.

The Commission finds: Good cause has been shown for the severance of the sixty-eight (68) dockets, on the list set forth below, from the consolidated proceedings and the postponement thereof until further notice.

The Commission orders: The proceedings upon the applications of the Continental Oil Company designated by docket numbers on the list attached hereto and made a part hereof are hereby severed and continued until a date to be fixed by further notice.

Issued: October 22, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

Docket No.; Name; Gas Field; and Purchaser

G-5780,[1] G-5781; Continental Oil Company; Hobbs, Lea County, N. Mex.; Phillips Petroleum Company.

G-5782, G-5783, Continental Oil Company; Hobbs, Lea County, N. Mex.; Phillips Petroleum Company.

G-5784,[1] G-5785; Continental Oil Company; Panhandle, Gray County, Tex.; Phillips Petroleum Company.

G-5786,[1] G-5787; Continental Oil Company; Fullerton, Andrews County, Tex.; Phillips Petroleum Company.

G-5789,[1] G-5790; Continental Oil Company; Goldsmith, Ector County, Tex.; Phillips Petroleum Company.

G-5791,[1] G-5792; Continental Oil Company; Goldsmith, Ector County, Tex.; Phillips Petroleum Company.

G-5793,[1] G-5794; Continental Oil Company; Vacuum, Lea County, N. Mex.; Phillips Petroleum Company.

G-5797,[1] G-5798; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5803,[1] G-5804; Continental Oil Company; Keystone, Winkler County, Tex.; Sid Richardson Gasoline Company.

G-5821,[1] G-5822; Continental Oil Company; Various fields, Lea County, N. Mex.; Skelly Oil Company.

G-5823,[1] G-5824; Continental Oil Company; Drinkard, Lea County, N. Mex.; Skelly Oil Company.

G-5825,[1] G-5826; Continental Oil Company; Brunson, Lea County, N. Mex.; Skelly Oil Company.

G-5827,[1] G-5828; Continental Oil Company; Hastings, Brazoria County, N. Mex.; Stanolind Oil and Gas Company.

G-5829,[1] G-5830; Continental Oil Company; Arrowhead, Brunson, Drinkard; Hare and Wantz-ABO; Lea County, N. Mex.; Skelly Oil Company.

G-5831,[1] G-5832; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5835,[1] G-5836; Continental Oil Company; Slaughter, Cochran County, Tex.; Stanolind Oil and Gas Company.

G-5841,[1] G-5842; Continental Oil Company; Carson-Hutchinson, Hutchinson County, Tex.; Shamrock Oil and Gas Corporation.

G-5849,[1] G-5850; Continental Oil Company; Camp, Carter and Stephens Counties, Okla.; Eason-Harris, Harris and Fletcher Counties, Okla.; Skelly Oil Company.

G-5851,[1] G-5852; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5853,[1] G-5854; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5855,[1] G-5856; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5885,[1] G-5886; Continental Oil Company; Camp, Carter County, Okla.; Skelly Oil Company.

G-5887,[1] G-5888; Continental Oil Company; Eunico, Cass, Monument & Weir, Lea County, N. Mex.; Phillips Petroleum Company.

G-5895,[1] G-5896; Continental Oil Company; West Panhandle, Moore and Hutchinson Counties, Tex.; Shamrock Oil and Gas Corporation.

G-5897,[1] G-5898; Continental Oil Company; Weiner (Colby), Winkler County, Tex.; C. V. Lyman.

G-5899,[1] G-5900; Continental Oil Company; Waskom, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

G-5907; Continental Oil Company; Salt Wells Unit Area, Sweetwater County, Wyo.; Mountain Fuel Supply Company.

G-5908,[1] G-5909; Continental Oil Company, Hugoton, Finney County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

G-5910,[1] G-5911; Continental Oil Company; Meyersville, DeWitt and Victoria Counties, Tex.; Texas Eastern Transmission Corporation.

G-5912,[1] G-5913; Continental Oil Company; Willow Springs, Gregg County, Tex.; Arkansas Fuel Oil Corporation.

G-5915,[1] G-5916; Continental Oil Company; Carthage, Panola County, Tex.; Lyons, McCord & Logan.

G-5768, G-5767; Continental Oil Company; Langlie-Mattix and Cooper Jal, Lea County, N. Mex.; El Paso Natural Gas Company.

G-6338, G-6340; Continental Oil Company; Milroy and Sholem, Alechem, Stephens and Carter Counties, Okla.; Fox Gasoline Company.

G-6585, G-6586, G-6587; Continental Oil Company; Milroy, Stephens County, Okla.; Fox Gasoline Company, Wheeler, Carter County, Okla.; Fox Gasoline Company.

G-6948; Continental Oil Company; Woodlawn, Harrison County, Tex.; Mississippi River Fuel Corporation.

[1] All dockets so marked contain petitions for Declaratory Orders.

[F. R. Doc. 56-8690; Filed, Oct. 25, 1956; 8:46 a. m.]

[Docket No. G-8906]

SUPERIOR OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 22, 1956.

Take notice that Superior Oil Company (Applicant), a California corporation with principal place of business in Los Angeles, California, filed an application on May 16, 1955, and supplement thereto on September 11, 1956, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission, and open for public inspection.

Applicant proposes to produce natural gas in the North Rhodes and Boggs Fields and the Mississippian Chert in the Hardtner area, an undesignated field in Barber County, Kansas, and to sell the same in interstate commerce to Cities Service Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8694; Filed, Oct. 25, 1956; 8:47 a. m.]

[Docket Nos. G-10806, G-10823]

MONTANA-DAKOTA UTILITIES CO. AND TEXAS NATURAL GASOLINE CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 22, 1956.

Take notice that Montana-Dakota Utilities Co. (Montana-Dakota), a Delaware corporation with a principal office in Minneapolis, Minnesota, filed on July 25, 1956, in Docket No. G-10806, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Montana-Dakota to construct and operate natural gas facilities subject to the jurisdiction of the Commission as set forth in the application on file with the Commission, and open to public inspection, and described as follows:

1. 9.8 miles of 6⅝-inch O. D. natural gas transmission main extending from Applicant's Cabin Creek compressor plant in the SE¼SE¼, Section 16, Township 10 N., Range 58 E., Fallon County, Montana, north and west to a point in the SE¼NW¼, Section 10, T 11 N., R 58 E., Wibaux County, Montana, where it will connect to the residue gas outlet of a natural gasoline plant to be constructed by the Texas Natural Gasoline Corporation.

2. Construct a gas measuring station in the SE¼NW¼, Section 10, T 11 N., R 58 E., Wibaux County, Montana, to measure surplus residue gas to be purchased from the Texas Natural Gasoline Corporation.

Take further notice that Texas Natural Gasoline Corporation (Texas Natural), a Delaware corporation with a principal office in Tulsa, Oklahoma, filed on July 30, 1956, in Docket No. G-10823, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Texas-Natural to sell natural gas in interstate commerce to Montana-Dakota Utilities Co., for resale, as more fully set forth in the application on file with the Commission, and open to public inspection.

The application in Docket No. G-10806 recites that Montana-Dakota proposes to construct and operate the said facilities to enable it to obtain additional volumes of residue gas for its system to be purchased from Texas Natural. The estimated total capital cost of the proposed facilities is $148,560.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday December 18, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8695; Filed, Oct. 25, 1956; 8:47 a. m.]

[Docket No. G-11135]

NORTH CAROLINA GAS CORP.

NOTICE OF APPLICATION

OCTOBER 22, 1956.

Take notice that The North Carolina Gas Corporation (Applicant), a North Carolina corporation with principal place of business in Reidsville, North Carolina, filed, on September 25, 1956, as amended October 9, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Transcontinental Gas Pipe Line Corporation (Transco) to establish physical connection of its natural gas transportation facilities with Applicant's proposed natural gas system for the purpose of delivering natural gas to Applicant (1) for resale and distribution by Applicant to residential, commercial and industrial consumers in the Towns of Madison and Moyadan, Rockingham County, North Carolina via its proposed distribution systems therein and (2) for resale and delivery by Applicant on an interruptible basis to the Pine-Hall Brick and Pipe Line Company, Inc., located about 2 miles Southwest of Madison; all as hereinafter described, as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate (1) at an estimated cost of $259,549 approximately 12.5 miles of 6-inch lateral transmission line extending in a general Northwesterly direction from a point of interconnection with Transco's main transmission line near Bethany, Rockingham County, North Carolina, at which point a meter station is to be located, to the Pine-Hall Brick and Pipe Line Company, Inc., and (2) approximately 2.5 miles of 4-inch lateral transmission line extending in a general Northerly direction from a point of interconnection with the lateral described in (1) hereof at a point about 2 miles back from the northernmost terminus thereof, through Madison and to Mayodan, together with natural gas distribution systems in Madison and Mayodan which are estimated to respectively cost approximately $84,667 and $52,987 inclusive of their pro rata shares in the cost of said 4-inch lateral.

The estimated total cost of the foregoing project is $397,203. Applicant states that it has a present allocation of 3,000 Mcf of natural gas per day from Transco which, after giving effect to the instant project, will not be exceeded. The estimated peak day gas requirements and annual gas requirements in Mcf for the first three years of operation for Madison and Mayodan together with the actual 1955 figures adjusted for an average growth for Reidsville, Spray, Draper and Leaksville are as follows:

III. All authority delegated herein may be exercised by the Director or Deputy Director of the Bureau of Land Management.

[SEAL] ORVILLE L. FREEMAN,
Secretary of the Interior.

[F. R. Doc. 56-8696; Filed, Oct. 25, 1956; 8:47 a. m.]

	First year	Second year	Third year
Peak day:			
Madison	93	121	152
Mayodan	18	50	75
Reidsville et al	1,684	1,844	2,041
Total	1,795	2,015	2,268
Annual:			
Madison	242,654	250,928	259,260
Mayodan	95,799	106,602	115,255
Reidsville et al	249,435	266,999	288,796
Total	587,888	624,529	663,311

Applicant states that the requirement of Pine-Hall Brick and Pipe Line Company, Inc., is approximately 800 Mcf per day (24,000 Mcf per month); that this project will permit Applicant to avail itself of an additional interruptible load of approximately 800 Mcf per day with the conservative expectation of it increasing to 1,500 Mcf in the second year and still being within its 3,000 Mcf allocation limit from Transco; and that the addition of this interruptible load will greatly improve the operating load factor of Applicant and make it possible for Applicant to supply approximately 300 additional customers with home heating gas service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end: Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 9, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8691; Filed, Oct. 25, 1956; 8:47 a. m.]

[Docket No. G-11259]

ATLANTIC REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

The Atlantic Refining Company (Atlantic), on September 11, 1956, tendered for filing a proposed change in its rate schedule, which rate schedule became effective on October 4, 1956, for sales of gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchases; Rate Schedule Designation; and Effective Date

Notice of change, dated September 7, 1956; Texas Eastern Transmission Corporation; Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 136; November 1, 1956.[1]

Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 136 includes a proposed reduction in rate effective on the date of initial deliveries under this rate schedule, October 4, 1956, reflecting the decrease in the Texas occupation tax which became effective September 1, 1956. The supplement also includes a proposed periodic increase in rates for gas sold.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement, only insofar as the designated supplement pertains to a periodic increase in rates for gas sold, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement, only insofar as it pertains to a proposed periodic increase in rates for gas sold, be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 22, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8692; Filed, Oct. 25, 1956; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice or the effective date proposed by Atlantic, if later.

[1] Commissioner Digby dissenting.

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 1 (Revision No. 3)]

DEPUTY ADMINISTRATOR FOR ADMINISTRATION

DELEGATION RELATING TO ADMINISTRATION

I. Pursuant to the authority vested in the Administrator, by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631 (Supp. II, 1952), as amended, 69 Stat. 547, 15 U. S. C. 631 (Supp. III, 1952), there is hereby delegated to the Deputy Administrator for Administration the authority:

A. *General.* To carry out all functions listed for the Deputy Administrator for Administration in section 101 of SBA-100, Administrative Manual.

B. *Specific.* 1. To give final approval to all personnel actions for the Small Business Administration and to administer Oaths of Office.

2. To establish and classify all positions subject to the Classification Act of 1949, as amended, in grades GS-1 to GS-15, and to establish salary rates for employees excluded from the act.

3. To give final approval to non-substantive changes in all SBA manuals.

4. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services.

5. To effect the disposition of official records of SBA.

6. To authorize or approve (a) his personal travel, (b) the travel of employees under the supervision of the Deputy Administrator for Administration, (c) inter-regional and Washington travel for field employees, (d) travel where actual subsistence expenses are requested, (e) travel requiring special authorization or approval not delegated to other officials and (f) all other travel as may be necessary.

7. To approve advanced sick leave and leave without pay, in excess of 30 days, for employees of SBA.

8. To approve annual and sick leave, leave without pay, and overtime work for employees under his supervision.

9. To give final approval to all SBA forms.

10. To give security clearance to applicants and employees of SBA where the security investigation discloses (a) no derogatory information, (b) derogatory information which would not warrant processing the case under provisions of section 1000.067 of SBA-100, Administrative Manual, and (c) derogatory information, but the Deputy Administrator for Administration and the Security Officer are in agreement that the derogatory information is insufficient to warrant suspension or termination in the case of an employee, or denial of clearance in the case of an applicant.

11. To approve the allotment of appropriated funds for specific programs, functions, activities, and organizational units of SBA.

12. To release Promissory Notes on (a) SBA and disaster loans paid in full and (b) loans transferred to the Department of Justice for liquidation.

13. To approve bonds and fix the indemnities thereof.

14. To determine amounts due and make payments to the Civil Service Commission and the Department of Labor for retirement and employees' compensation accounts as required by section 206 (b) of the Small Business Act.

15. To approve advance of funds for official travel and to take appropriate actions to assure that amounts advanced are deducted from allowable expenses or are otherwise recovered.

16. To approve and issue accounting and fiscal instructions.

C. *Correspondence.* 1. To sign all correspondence, except correspondence addressed to members of Congress, relating to the functions of the Deputy Administrator for Administration.

2. To sign correspondence addressed to staff members of Congressional Committees.

II. The specific authorities delegated in IB3, IB6 (a), (c), (d), (e) and (f) and 10 (c) may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Administration.

Dated: October 15, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-8700; Filed, Oct. 25, 1956; 8:49 a. m.]

[Delegation of Authority No. 4-1a (Revision 1)]

CHIEFS, AREA FISCAL STAFFS

DELEGATION RELATING TO ADMINISTRATION

I. Pursuant to the authority delegated to the Chief, Finance Division by the Controller (Delegation No. 4-1 (Revision 3), dated October 18, 1956), there is hereby redelegated to the Chiefs, Area Fiscal Staffs the authority:

A. To release notes on (a) business and disaster loans paid in full and (b) loans transferred to the Department of Justice for Liquidation.

B. To sign all correspondence relating to the functions of the Area Fiscal Office.

II. This authority may not be redelegated.

III. This authority may be exercised by any SBA employee designated as Acting Chief, Area Fiscal Staff.

Dated: October 22, 1956.

W. H. C. SIEGERSON,
Chief,
Finance Division.

[F. R. Doc. 56-8701; Filed, Oct. 25, 1956; 8:49 a. m.]

[Delegation of Authority No. 4-1 (Revision 3)]

CHIEF, FINANCE DIVISION

DELEGATION RELATING TO ADMINISTRATION

I. Pursuant to the authority delegated to the Controller by the Deputy Administrator for Administration (Delegation No. 4 (Revision 3) dated October 16, 1956), there is hereby redelegated to the Chief, Finance Division, the authority:

A. *General.* To carry out all functions listed for the Finance Division in section 101 of SBA-100, Administrative Manual.

B. *Specific.* 1. To release notes on (a) business and disaster loans paid in full and (b) loans transferred to the Department of Justice for liquidation.

2. To approve annual and sick leave for employees of the Finance Division.

3. To approve advance funds for official travel and to take appropriate actions to assure that amounts advanced are deducted from allowable expenses or are otherwise recovered.

C. *Correspondence.* To sign all correspondence relating to the above functions addressed to the Area Fiscal Staffs.

II. The specific authority delegated in paragraph I. B. 2 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Finance Division.

Dated: October 18, 1956.

K. L. HANNA,
Controller.

[F. R. Doc. 56-8702; Filed, Oct. 25, 1956; 8:49 a. m.]

[Delegation of Authority No. 4 (Revision No. 3)]

CONTROLLER

DELEGATION RELATING TO ADMINISTRATION

I. Pursuant to the authority delegated to the Deputy Administrator for Administration by the Administrator (Delegation No. 1, (Revision 3) dated October 15, 1956), there is hereby redelegated to the Controller the Authority:

A. *General.* To carry out all functions listed for the Office of the Controller in section 101 of SBA-100, Administrative Manual.

B. *Specific.* 1. To approve the allotment of appropriated funds for specific programs, functions, activities, and organizational units of SBA.

2. To release promissory notes on (a) business and disaster loans paid in full and (b) loans transferred to the Department of Justice for liquidation.

3. To approve bonds, and fix the indemnities thereof.

4. To determine amounts due and make payments to the Civil Service Commission and the Department of Labor for retirement and employees' compensation accounts, as required by section 206 (b) of the Small Business Act.

5. To approve (a) annual and sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

6. To authorize or approve his personal travel and the travel of employees of the Office of Controller (except travel where actual subsistence expenses are requested.)

7. To approve advance of funds for official travel and to take appropriate actions to assure that amounts advanced are deducted from allowable expenses or are otherwise recovered.

8. To approve and issue accounting and fiscal instructions.

C. *Correspondence.* To sign all non-policy making correspondence, other than Congressional correspondence, relating to the functions of the Office of Controller.

II. The specific authorities delegated in I. B1, I. B5 (b) and (c), I. B6 and I. B8 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Controller.

Dated: October 16, 1956.

ROBERT H. MONTGOMERY,
Deputy Administrator
for Administration.

[F. R. Doc. 56-8703; Filed, Oct. 25, 1956; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations, (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Michael Berkowitz Co., Inc., Barton Mill Road, Uniontown, Pa.; effective 10-28-56 to 10-27-57 (men's ladies' and children's pajamas).

Blue Bell, Inc., Tishomingo Co., Belmont, Miss.; effective 10-13-56 to 10-12-57 (work pants).

Blue Bell, Inc., Itawamba Co., Fulton, Miss.; effective 10-14-56 to 10-13-57 (work pants).

Cassie Sportswear Co., 306-8-10 West Catawissa Street, Nesquehoning, Pa.; effective 10-27-56 to 10-26-57 (ladies' blouses).

C. B. S. Dress Co., Inc., 101-117 Third Street, Henderson, Ky.; effective 10-8-56 to 10-7-57; 5 learners (women's and misses' cotton dresses).

Cookeville Shirt Co., 106 North Walnut, Cookeville, Tenn.; effective 10-19-56 to 10-18-57 (men's and boys' sport shirts).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; effective 10-21-56 to 10-20-57 (boys' shirts).

Cowden Manufacturing Co., 120 South Bank Street, Mt. Sterling, Ky.; effective 10-23-56 to 10-22-57 (cotton work suits and shop coats).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss.; effective 7-21-56 to 7-20-57

(men's and boys' woven pajamas) (corrected certificate).

Elder Manufacturing Co., Carl Junction, Mo.; effective 10–20–56 to 10–19–57 (boys' and juvenile shirts).

Elder Manufacturing Co., Webb City, Mo.; effective 10–22–56 to 10–21–57 (boys' and juvenile shirts).

Glaser Bros., Inc., Eldon, Mo.; effective 10–15–56 to 10–14–57 (men's dress slacks).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 10–26–56 to 10–25–57 (sport shirts).

Ilba Pants Co., 692 Broadway, New York, N. Y.; effective 10–9–56 to 4–8–57 (men's pants).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10–15–56 to 10–14–57 (men's and boys' trousers).

Lucky Star Industries, Inc., Tupelo, Miss.; effective 10–12–56 to 10–11–57 (boys', men's and girl's blue jeans).

Mansfield Shirt Co., Inc., Mansfield, Ga.; effective 10–12–56 to 10–11–57 (men's work shirts).

Metter Manufacturing Co., Metter, Ga.; effective 10–10–56 to 10–9–57 (ladies' blouses).

No Fault Garment Manufacturing Co., Inc., 5202 103d Street, Corona, Queens, N. Y.; effective 10–9–56 to 4–8–57 (ladies' pajamas) (5 learners).

Pacific Overall Co., Inc., Conyers, Ga., effective 10–12–56 to 10–11–57 (men's work pants, coveralls).

Sledge Manufacturing Co., Tyler, Tex.; effective 10–10–56 to 10–9–57; 10 percent of factory production workers engaged in the manufacture of children's dresses and women's and girl's play clothes (ladies' and girl's playclothes).

Press Dress & Uniform Co., Hummelstown, Pa.; effective 10–19–56 to 10–18–57 (maids' and nurses' uniforms, cotton dresses).

Robinson Sportswear, Inc., Fountain Inn, S. C.; effective 10–12–56 to 10–11–57 (men's sport shirts).

Seamprufe, Inc., 32 River Street, Carbondale, Pa.; effective 10–9–56 to 10–8–57; 10 percent of factory production workers engaged in the production of ladies' woven underwear only (slips and lingerie).

Sledge Manufacturing Co., Tyler, Tex.; effective 10–10–56 to 10–9–57; 10 percent of factory production workers engaged in the manufacture of men's work clothes and boys' jeans (ladies' and girls' play clothes).

Vanderbilt Shirt Co., Inc., 29–31 Walnut Street, Asheville, N. C.; effective 10–26–56 to 10–25–57 (men's western shirts).

Waldman & Kellner, Inc., 97 East Houston Street, New York, N. Y.; effective 10–12–56 to 4–11–57; 10 percent of factory production workers employed in the manufacture of men's slacks only (men's and ladies' slacks).

Washington Overall Manufacturing Co., Scottsville, Ky.; effective 10–26–56 to 10–25–57 (work and sport pants).

Wood of Texas Industries, 122 West Franklin, Hillsboro, Tex.; effective 10–10–56 to 2–28–57 (men's outer shorts) (replacement certificate).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Benjamin & Johnes, Inc., 410 Ashe Avenue, Dunn, N. C.; effective 10–10–56 to 4–9–57; 50 learners (women's foundation garments).

C. B. S. Dress Co., Inc., 101–117 Third Street, Henderson, Ky.; effective 10–8–56 to 4–7–57; 5 learners (women's, misses cotton dresses).

Chester Needlecraft, Inc., Chester, Ill.; effective 10–12–56 to 3–26–57; 10 learners (women's dresses, men's shirts) (supplemental certificate).

C. R. Dix, Inc., 7 Augusta Street, Greenville, S. C.; effective 10–11–56 to 4–10–57; 25 learners (junior dresses).

Gordo Manufacturing Corp., Gordo, Ala.; effective 10–10–56 to 4–9–57; 25 learners (men's and boys' sport shirts).

International Latex Corp., Manchester, Ga.; effective 10–15–56 to 4–14–57; 70 learners (infantswear).

International Latex Corp., Lafayette, Ala.; effective 10–12–56 to 4–11–57; 100 learners (brassieres).

Metter Manufacturing Co., Metter, Ga.; effective 10–10–56 to 4–9–57; 10 learners (ladies' blouses).

Nu-Dress Manufacturing Co., 1502 North Main Avenue, Scranton, Pa.; effective 10–10–56 to 4–9–57; 10 learners (women's dresses).

Waldon Manufacturing Co., Inc., Walnut, Miss.; effective 10–10–56 to 4–9–57; 100 learners (men's and boys' outerwear).

Wood of Texas Industries, 122 West Franklin, Hillsboro, Tex.; effective 10–10–56 to 4–9–57; 25 learners (men's outer shorts).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Good Luck Glove Co., Carbondale, Ill.; effective 10–15–56 to 10–14–57; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton, jersey and leather combination).

Good Luck Glove Co., Carbondale, Ill.; effective 10–15–56 to 3–14–57; 10 learners for plant expansion purposes (cotton, jersey and leather combination).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Beeren Knitwear, Inc., Clover, S. C.; effective 10–12–56 to 4–11–57; 40 learners for expansion purposes (men's and boys' Tee shirts).

Port City Lingerie Co., 715 Greenfield Street, Wilmington, N. C.; effective 10–8–56 to 10–7–57; 5 percent of factory production workers for normal labor turnover purposes (ladies' knit slips, panties and pajamas).

Robinhold & Co., Port Clinton, Pa.; effective 10–11–56 to 10–10–57; 2 learners for normal labor turnover purposes (ladies', children's and men's knit underwear).

Seamprufe, Inc., 32 River Street, Carbondale, Pa.; effective 10–9–56 to 10–8–57; 5 percent of factory production workers engaged in the production of ladies' knitted underwear only (slips and lingerie).

Society Lingerie Co., 115 York Street, Michigan City, Ind.; effective 10–10–56 to 4–9–57; 22 learners for expansion purposes (slips, petticoats and panties).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Creme Lure Co., 1414 Piedmont Avenue, Akron, Ohio; effective 10–15–56 to 4–14–57; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of plastic caster; authorizing the employment of 10 learners for normal labor turnover purposes (artificial lures).

Naylor Marine Products, 3616 Curlew Street, San Diego, Calif.; effective 10–15–56 to 4–14–57; not less than 80 cents per hour for the first 140 hours and 90 cents per hour for the remaining 100 hours of the 240-hour learning period, for the occupations of hand and machine operator; authorizing the employment of 2 learners for normal labor turnover purposes (sea shells and weeds).

Palm Beach Co., Bourne Avenue, Somerset, Ky.; effective 10–19–56 to 4–18–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, hand sewing and final pressing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's palm beach coats).

Paul Siegel, 821 Fourth Avenue, Rock Island, Ill.; effective 10–15–56 to 4–14–57; not less than 85 cents per hour for a maximum of 100 hours, for the occupation of sewing machine operator; authorizing the employment of 1 learner for normal labor turnover purposes (kitchen towels).

Troy Yarn & Textile Co., 603 Mineral Spring Avenue, Pawtucket, R. I.; effective 10–15–56 to 1–14–57; not less than 65 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of 20 learners for expansion purposes (braided rugs).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of October 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56–8689; Filed, Oct. 25, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 23, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32786: *Limestone in Central and Trunk Line Territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on agricultural limestone, in bulk, carloads from points in Ohio to points in New York, Pennsylvania, and West Virginia.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 203 to Agent Hinsch's tariff I. C. C. 4542; Supplement 82 to N. Y. C. R. R. tariff I. C. C. 1288.

FSA No. 32787: *Cyanamid from Niagara Falls, Ontario, to Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cyanamid or lime (calcium), nitrate of, carloads from Niagara Falls, Ontario, Canada to points in trunk line and New England territories.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 48 to Agent Hinsch's tariff I. C. C. 4662.

FSA No. 32788: *Paper from Alabama to Illinois and Missouri.* Filed by The St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on newsprint paper, carloads, also paper winding cores, new or used in reverse direction from Mobile, Coosa Pines, and Childersburg, Ala., to St. Louis, Mo., East St. Louis and Belleville, Ill.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32789: *Sulphuric acid from Illinois to Baton Rouge and North Baton Rouge, La.* Filed by F. C. Kratzmeir, Agent for interested rail carriers. Rates on sulphuric acid (spent), tank-car loads from Chicago, Lawrenceville, Lockport and Robinson, Ill., to Baton Rouge and North Baton Rouge, La.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32790: *Petroleum coke from Illinois and Missouri to Listerhill, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on petroleum coke, carloads, from St. Louis, Mo., East St. Louis, Federal, Roxana, and Wood River, Ill., to Listerhill, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 10 to Agent Spaninger's I. C. C. 1548.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56–8704; Filed, Oct. 25, 1956; 8:49 a. m.]

[No. MC–C–2015]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC., ET AL.

SOUTHERN MOTOR RATE INCREASES, 1956

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of October A. D. 1956.

The Southern Motor Carriers Rate Conference, Inc., other associations and certain common carriers by motor vehicle, as listed in the appendix hereto, have filed petitions requesting (a) an investigation of rates on general commodities (with certain exceptions) maintained by all common carriers by motor vehicle operating within Southern Territory and interritorily between the East and the South, insofar as the lawfulness of those rates may be affected by differences resulting from the nonapplication of a recent 6 percent general increase in rates by certain of the carriers by motor vehicle; (b) the issuance of an order by the Commission requiring all such carriers to increase the rates described by 6 percent and to observe the rates so increased as minimum rates for a period of not less than 90 days; and (c) that all carriers by motor vehicle operating in the defined territories be made respondents in such proceedings.

The rates and territories are more specifically described in the said petitions as listed in the appendix.

A reply in opposition to the petitions for an investigation has been filed by the St. Andrews Bay Transportation Company.

Upon consideration of the matters set forth in the petitions and the reply, it appears that good cause has been shown to warrant institution of an investigation to determine whether any unlawfulness exists as a result of differences in the rates of the carriers made respondents herein caused by the nonapplication by some of them of the 6 percent general increase published by others and to determine whether a minimum basis should be required to be established to remove any unlawfulness that may be found to exist.

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the reasonableness and the lawfulness otherwise of the rates and charges of all common carriers by motor vehicle subject to the Interstate Commerce Act engaged in the transportation of general commodities (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading) intraterritorially within Southern Territory and interterritorially between the East and the South, as those territories are described in Southern Motor Carriers Rate Conference Eastern-Southern Class Tariff 504, MF–I. C. C. No. 614 and Southern Class Tariff 501, MF–I. C. C. No. 611. Such investigation is ordered, as requested to determine whether an order should be issued requiring all carriers that have not applied a general increase of 6 percent, to increase their rates by 6 percent over the level of rates maintained by such carriers on intraterritorial traffic within Southern Territory on July 15, 1956, and the rates on interterritorial traffic between that territory and Eastern Territory in effect on July 1, 1956, or to grant such other relief and to enter such other orders or orders, as the facts shall warrant.

It is further ordered, That all common carriers by motor vehicle subject to the Interstate Commerce Act engaged in the transportation of property as described in the preceding ordering paragraph be, and they are hereby, made respondents in this proceeding.

It is further ordered, That this proceeding be, and it is hereby, set for hearing at the office of the Southern Motor Carriers Rate Conference, Inc., 1307 Peachtree Street NE., Atlanta, Ga., on December 17, 1956, at 10 o'clock a. m. U. S. Standard Time, before Examiner George B. Vandiver.

And it is further ordered, That notice of this proceeding be given to the respondents and to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

APPENDIX

List of Petitions and replies:

(1) Petition of Southern Motor Carriers Rate Conference, Inc., seeking (a) an investigation by the Commission on its own motion, into the non-application by certain carriers of a recent six percent general rate increase published for motor carriers operating within Southern territory and between Eastern and Southern territories, (b) an order of the Commission requiring observance of increased rates and charges as minima for not less than 90 days, and (c) making all motor common carriers operating in the defined territories respondents in such investigation, dated August 17, 1956;

(2) Supplemental clarifying petition of Southern Motor Carriers Rate Conference, Inc., seeking inclusion of carriers transporting commodities requiring special equipment as respondents in the above-described investigation, dated August 30, 1956;

(3) Petition of Central and Southern Motor Freight Tariff Association, Inc., in support of the petitions of Southern Motor Carrier Rate Conference, Inc., above, dated September 5, 1956;

(4) Petition of Bottoms-Fiske Truck Lines, Inc., in support of the petitions of Southern Motor Carriers Rate Conference, Inc., above, dated September 11, 1956;

(5) Petition of Dixie Ohio Express, Inc., in support of the petitions of Southern Motor Carriers Rate Conference, Inc., above, dated September 7, 1956;

(6) Petition of Great Southern Trucking Company in support of the petitions of Southern Motor Carriers Rate Conference, Inc., above, dated September 12, 1956;

(7) Petition of Super Service Motor Freight Co., in support of the petitions of Southern Motor Carriers Rate Conference, Inc., above, dated September 13, 1956;

(8) Petition of Motor Carriers Traffic Association, Inc., in support of petitions of Southern Motor Carriers Rate Conference, Inc., above, dated August 24, 1956;

(9) Petition of Nehi Corporation, in support of the petitions of the Southern Motor Carriers Rate Conference, above, insofar as they request an investigation, dated September 15, 1956;

(10) Petition of Huber & Huber Motor Express, Inc., in support of the petitions of the Southern Motor Carriers Rate Conference, above, dated September 17, 1956.

(11) Reply of St. Andrews Bay Transportation Company, dated August 30, 1956.

[F. R. Doc. 56–8705; Filed, Oct. 25, 1956; 8:50 a. m.]

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OCT 22 1956

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OCT 29 1956
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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 21 NUMBER 210

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TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA FOR 1957

§ 721.801 *Basis and purpose.* (a) This document is issued to proclaim the commercial corn-producing area for 1957 pursuant to sections 301 (b) (4) and 327 of the Agricultural Adjustment Act of 1938, as amended.

(b) In making the determinations contained in § 721.802, the corn acreage estimates of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the statistics of the Bureau of the Census relating to numbers of farms and acreage of farmland were used, adjusted where necessary to reflect the difference in the definition of "farm" used by the Commodity Stabilization Service and the Agricultural Conservation Program Service from that of the Bureau of the Census. It is hereby found and determined that the statistics of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the Bureau of the Census, as so adjusted and supplemented by Agricultural Conservation Program Service data, constitute the latest and most reliable statistics of the Federal Government.

§ 721.802 *Commercial corn-producing area for the year 1957.* The commercial corn-producing area for the year 1957 comprises the following counties:

ALABAMA

Cherokee.
DeKalb.
Etowah.
Jackson.
Limestone.
Madison.
Marshall.
Morgan.

ARKANSAS

Clay.
Craighead.
Greene.
Mississippi.

DELAWARE

All counties.

GEORGIA

Berrien.
Brooks.
Bulloch.
Candler.
Colquitt.
Cook.
Emanuel.
Evans.
Lowndes.
Screven.
Tattnall.
Tift.
Toombs.
Wayne.

ILLINOIS

All counties.

INDIANA

All counties.

IOWA

All counties.

KANSAS

Anderson.
Atchison.
Brown.
Clay.
Cloud.
Doniphan.
Douglas.
Franklin.
Jackson.
Jefferson.
Jewell.
Johnson.
Leavenworth.
Marshall.
Miami.
Nemaha.
Phillips.
Pottawatomie.
Republic.
Riley.
Shawnee.
Smith.
Washington.
Allen.
Ballard.
Barren.
Boone.
Boyle.
Breckenridge.
Bullitt.
Butler.
Caldwell.
Calloway.
Carlisle.
Carroll
Christian.
Crittenden.
Daviess.
Edmonson.
Fulton.
Graves.
Grayson.
Green.
Hancock.
Hardin.
Hart.
Henderson.
Hickman.
Hopkins.
Jefferson.
Larue.
Livingston.
Logan.
Lyon.
Mason.
McCracken.
McLean.
Marion.
Meade.
Monroe.
Muhlenberg.
Nelson.
Ohio.
Oldham.
Shelby.
Simpson.
Spencer.
Taylor.
Todd.
Trigg.
Trimble.
Union.
Warren.
Washington.
Webster.

MARYLAND

Baltimore.
Caroline.
Carroll.
Cecil.
Dorchester.
Frederick.
Harford.
Howard.
Kent.
Montgomery.
Queen Annes.
Somerset.
Talbot.
Washington.
Wicomico.
Worcester.

MICHIGAN

Allegan.
Barry.
Berrien.
Branch.
Calhoun.
Cass.
Clinton.
Eaton.

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Titles 44–45 ($1.00)

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MINNESOTA

Anoka. Benton. Big Stone. Blue Earth. Brown. Carver. Chippewa. Chisago. Cottonwood. Dakota. Dodge. Douglas. Faribault. Fillmore. Freeborn. Goodhue. Grant. Hennepin. Houston. Isanti. Jackson. Kandiyohi. Lac qui Parle. Le Sueur. Lincoln. Lyon. McLeod. Martin. Meeker. Mille Lacs. Morrison. Mower. Murray. Nicollet. Nobles. Olmsted. Otter Tail. Pipestone. Pope. Redwood. Renville. Rice. Rock. Scott. Sherburne. Sibley. Stearns. Steele. Stevens. Swift. Todd. Traverse. Wabasha. Waseca. Washington. Watonwan. Wilkin. Winona. Wright. Yellow Medicine.

MISSOURI

Adair. Andrew. Atchison. Audrain. Bates. Benton. Bollinger. Boone. Buchanan. Caldwell. Callaway. Cape Girardeau. Carroll. Cass. Charlton. Clark. Clay. Clinton. Cole. Cooper. Daviess. DeKalb. Dunklin. Franklin. Gentry. Grundy. Harrison. Henry. Holt. Howard. Jackson. Jefferson. Johnson. Knox. Lafayette. Lewis. Lincoln. Linn. Livingston. Macon. Marion. Mercer. Mississippi. Moniteau. Monroe. Montgomery. Morgan. New Madrid. Nodaway. Perry. Pettis. Pike. Platte. Putnam. Ralls. Randolph. Ray. St. Charles. St. Clair. St. Louis. Ste. Genevieve. Saline. Schuyler. Scotland. Scott. Shelby. Stoddard. Sullivan. Vernon. Warren. Wayne. Worth.

NEBRASKA

Adams. Antelope. Boone. Boyd. Buffalo. Burt. Butler. Cass. Cedar. Clay. Colfax. Cuming. Custer. Dakota. Dawson. Dixon. Dodge. Douglas. Fillmore. Franklin. Furnas. Gage. Garfield. Gosper. Greeley. Hall. Hamilton. Harlan. Holt. Howard. Jefferson. Johnson. Kearney. Knox. Lancaster. Lincoln. Madison. Merrick. Nance. Nemaha. Nuckolls. Otoe. Pawnee. Phelps. Pierce. Platte. Polk. Richardson. Saline. Sarpy. Saunders. Seward. Sherman. Stanton. Thayer. Thurston. Valley. Washington. Wayne. Webster. York.

NEW JERSEY

Burlington. Cumberland. Gloucester. Hunterdon. Mercer. Middlesex. Monmouth. Ocean. Salem. Somerset. Warren.

NORTH CAROLINA

Beaufort. Bertie. Camden. Chowan. Columbus. Craven. Currituck. Duplin. Edgecombe. Gates. Greene. Halifax. Harnett. Hertford. Hyde. Johnston. Jones. Lenoir. Martin. Nash. Northampton. Onslow. Pasquotank. Perquimans. Pitt. Robeson. Sampson. Tyrrell. Washington. Wake. Wayne. Wilson.

NORTH DAKOTA

Richland County.

OHIO

Adams. Allen. Ashland. Athens. Auglaize. Brown. Butler. Champaign. Clark. Clermont. Clinton. Columbiana. Coshocton. Crawford. Darke. Defiance. Delaware. Erie. Fairfield. Fayette. Franklin. Fulton. Green. Hamilton. Hancock. Hardin. Henry. Highland. Hocking. Holmes. Huron. Jackson. Knox. Lawrence. Licking. Logan. Lorain. Lucas. Madison. Mahoning. Marion. Medina. Mercer. Miami. Montgomery. Morgan. Morrow. Muskingum. Ottawa. Paulding. Perry. Pickaway. Pike. Preble. Putnam. Richland. Ross. Sandusky. Scioto. Seneca. Shelby. Stark. Tuscarawas. Union. Van Wert. Vinton. Warren. Wayne. Williams. Wood. Wyandot.

PENNSYLVANIA

Adams. Berks. Blair. Bucks. Carbon. Centre. Chester. Clinton. Columbia. Cumberland. Dauphin. Delaware. Franklin. Fulton. Huntingdon. Juniata. Lancaster. Lebanon. Lehigh. Lycoming. Mifflin. Monroe. Montgomery. Montour. Northampton. Northumberland. Perry. Schuylkill. Snyder. Union. York.

SOUTH DAKOTA

Aurora. Beadle. Bon Homme. Brookings. Brule. Charles Mix. Clark. Clay. Codington. Davison. Day. Deuel. Douglas. Grant. Gregory. Hamlin. Hanson. Hutchinson. Jerauld. Kingsbury. Lake. Lincoln. McCook. Miner. Minnehaha. Moody. Roberts. Sanborn. Tripp. Turner. Union. Yankton.

TENNESSEE	
Benton.	Lauderdale.
Bedford.	Lincoln.
Carroll.	Marion.
Cheatham.	Montgomery.
Coffee.	Moore.
Crockett.	Obion.
Dyer.	Robertson.
Franklin.	Sequatchie.
Gibson.	Stewart.
Grundy.	Tipton.
Haywood.	Warren.
Henry.	Weakley.
Lake.	

VIRGINIA	
Accomack.	Northampton.
Charles City.	Princess Anne.
Isle of Wight.	Southampton.
Nansemond.	Surry.
Norfolk.	Sussex.

WEST VIRGINIA

Berkeley and Jefferson counties.

WISCONSIN	
Adams.	Marquette.
Buffalo.	Milwaukee.
Columbia.	Monroe.
Crawford.	Pepin.
Dane.	Pierce.
Dodge.	Polk.
Dunn.	Racine.
Eau Claire.	Richland.
Fond du Lac.	Rock.
Grant.	St. Croix.
Green.	Sauk.
Green Lake.	Trempealeau.
Iowa.	Vernon.
Jackson.	Walworth.
Jefferson.	Waukesha.
Juneau.	Waupaca.
Kenosha.	Waushara.
La Crosse.	Winnebago.
Lafayette.	

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 327, 52 Stat. 38, 51, as amended: 7 U. S. C. 1301, 1327)

Done at Washington, D. C., this 19th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8712; Filed, Oct. 26, 1956; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 302]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.805 *Orange Regulation 302*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 29, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 29, 1956; the recommendation and supporting information for continued regulation subsequent to October 28, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 23, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 29, 1956, and ending at 12:01 a. m., e. s. t., November 12, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 1 Bronze, or (*b*) are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Bronze," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 20 F. R. 7205).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 24, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8751; Filed, Oct. 26, 1956; 8:53 a. m.]

[Grapefruit Reg. 250]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.806 *Grapefruit Regulation 250*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 29, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 29, 1956; the recommendation and supporting information for continued regulation subsequent to October 28, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 23, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 29, 1956, and ending at 12:01 a. m., e. s. t., November 12, 1956, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 24, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8750; Filed, Oct. 26, 1956; 8:53 a. m.]

[Tangerine Reg. 178]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.807 *Tangerine Regulation 178*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 29, 1956. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until October 29, 1956; the recommendation and supporting information for continued regulation subsequent to October 28, 1956, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 23, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 29, 1956, and ending at 12:01 a. m., e. s. t., November 12, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 24, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8752; Filed, Oct. 26, 1956; 8:53 a. m.]

[Lemon Reg. 665]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.772 *Lemon Regulation 665*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 24, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including

its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 28, 1956, and ending at 12:01 a. m., P. s. t., November 4, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 176,700 cartons;

(iii) District 3: 18,600 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 25, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8778; Filed, Oct. 26, 1956; 8:56 a. m.]

[970.303, Amdt. 1]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970) regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating shipments of potatoes, in the manner set forth below, on and after the effective date of this amendment; (3) the provisions of the current limitation of shipments regulation (§ 970.303; 21 F. R. 6911) will continue in effect until July 13, 1957, unless sooner terminated, suspended, or amended; (4) shipments of potatoes grown in the production area have begun with the bulk of the crop yet to be marketed; (5) on October 22, 1956, the committee forwarded the results of a mail vote recommendation with respect to the amendment hereinafter set forth, that should apply to the handling of the largest portion of such potatoes and would tend to maximize the benefits accruing from the regulatory program and the act; (6) information regarding the committee's recommendation has been made available to producers, handlers, and all other interested parties in the production area, which recommendation contained the same provisions as the amendment hereinafter set forth; (7) this amendment should be made effective on the date hereinafter set forth, and should be published in the FEDERAL REGISTER as soon as practical, to afford persons subject thereto the maximum time to prepare therefor; (8) compliance with this amendment will not require any special preparation on the part of the handlers which cannot be completed by such effective time; and (9) reasonable time is permitted, under the circumstances for such preparation.

Order, as amended. The provisions of § 970.303 (b) (1) (FEDERAL REGISTER, September 13, 1956; 21 F. R. 6911) are hereby amended to read as follows:

(b) *Order.* (1) During the period from October 29, 1956, through July 13, 1957, and except as otherwise provided in this section, no handler shall ship: (i) Potatoes of the round white or red skin varieties unless at least 90 percent of such potatoes are "fairly clean" and such potatoes meet the requirements of the U. S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter; or (ii) potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless such potatoes are "generally fairly clean to clean, mostly clean," which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty, and such potatoes meet the requirements of (*a*) the U. S. No. 1, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight, or (*b*) the U. S. No. 2, or U. S. Commercial grade, 5 ounces minimum weight.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 24, 1956, to become effective October 29, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56-8753; Filed, Oct. 26, 1956; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE WHEAT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4000, 5560 and 6743, containing the specific requirements of the 1956-crop wheat price support program, are hereby amended as follows:

Section 421.1638 (c) (1) is amended to make wheat grading No. 4, No. 5 or "Sample," because of total damage only, but otherwise grading No. 3 or better, eligible for price support, so that the amended subparagraph reads as follows:

§ 421.1638 *Eligible wheat.* • • •

(c) • • •.

(1) Eligible wheat shall be (i) wheat of any class grading No. 3 or better, (ii) wheat of any class grading No. 4 or 5 on the factor of "test weight" and/or because of containing "Durum", "Red Durum", or damaged kernels (other than heat damaged), but otherwise grading No. 3 or better, (iii) wheat of any class which grades "Sample" because of damaged kernels (other than heat damaged), contains not more than 14 percent moisture and is not musty, sour, heating or hot, but otherwise grading No. 3 or better, or (iv) wheat of the class Mixed wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i), (ii), or (iii) of this subparagraph provided such mixtures are the natural products of the field: *Provided*, That wheat shall not be eligible wheat if it does not meet the sanitation requirements set forth in paragraph (d) of this section.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Issued this 24th day of October 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-8755; Filed, Oct. 26, 1956; 8:54 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

DETERMINATION OF SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and Commodity Stabilization Service, published in 21 F. R. 4000, 5560, and 6743, and containing the specific requirements of the 1956-crop wheat price support program are hereby amended to provide discounts for eligible wheat which grades No. 4, No. 5 or "Sample" because of damaged kernels.

Section 421.1643 *Determination of support rates* • • •, paragraph (d) *Support rates* • • •, subparagraph (3) *Premiums and discounts for classification, grade, variety, and protein content*, is amended as follows:

1. Subdivision (i) (*a*) is amended by changing the footnote 1 to read as follows:

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule or to Hard Amber Durum or Amber Durum grading No. 4, 5, or "Sample" because of damaged kernels (other than heat damaged).

2. Subdivision (ii) (b) is amended to read as follows:

(ii) Grade premium and discount.

	Cents per bushel
• • • • •	
(b) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9
No. 4 or No. 5 because of containing Durum and/or Red Durum [2, 3]	−6
Total damaged kernels: [4]	
7.1–8 percent	−1
8.1–9 percent	−2
9.1–10 percent	−3
10.1–11 percent	−4
11.1–12 percent	−5
12.1–13 percent	−6
13.1–14 percent	−7
14.1–15 percent	−8
Smut—Degree basis:	
Light smutty	−2
Smutty	−6
Smut—Percentage basis:	
½ of 1 percent	−1
1 percent or over	−3
Garlic—Degree basis:	
Light garlicky	−6
Garlicky	−15

[1] These discounts are in addition to any other applicable numerical grade discount.

[2] Not applicable to any of the mixed wheats or Red Durum. For discounts applicable to mixed wheat containing Durum and/or Red Durum, see subdivision (i) (b) of this subparagraph.

[4] The discount for total damaged kernels shall be in addition to any applicable classification and grade discounts. If the wheat grades No. 4 or No. 5 because of the factor total damaged kernels, but otherwise grades No. 3 or better, the discount for total damaged kernels shall be in addition to the applicable discount for grade No. 3.

3. Subdivision (iv) is amended by changing the footnote 1 to read as follows:

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule or to wheat grading No. 4, 5, or "Sample" because of damaged kernels.

4. Section 421.1643 (d) (3) is further amended by the addition of a new subdivision (vi) as follows:

(vi) Wheat of any class which grades "Sample" because of damaged kernels (other than heat damaged), contains not in excess of 14 percent moisture and is not musty, sour, heating or hot, but which otherwise grades No. 3 or better, shall be discounted 60 cents per bushel from the applicable basic terminal or county support rate. The discounts set forth in subdivisions (i) (*b*) and (ii) (*b*) of this subparagraph, shall not be applicable to wheat of this quality.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Issued this 24th day of October 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-8756; Filed, Oct. 26, 1956; 8:55 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and Commodity Stabilization Service and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 was supplemented by 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn (21 F. R. 7175) containing specific requirements applicable to price support operations on the 1956 crop. The regulations are further supplemented as follows:

§ 421.1747 *Support rates*—(a) *County support rates.* (1) Basic county support rates for corn placed under loan and for corn delivered under purchase agreements are as set forth in this paragraph. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made at the support rate established for the county in which the corn is produced.

(2) Basic county support rates per bushel for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, are set forth below.

(3) Basic county support rates per bushel for producers not complying with acreage limitations set forth in § 421.1730 of Corn Bulletin A (21 F. R. 6986) in the commercial corn producing area shall be 25 cents per bushel less than the rates contained herein. The designation of the commercial corn producing area for 1956 appears in 7 CFR 721.702 (20 F. R. 8666).

ALABAMA

County	Rate per bushel	County	Rate per bushel
De Kalb	$1.65	Marshall	$1.65
Jackson	1.65	All other counties	1.36
Madison	1.65[5]		

ARIZONA

County	Rate per bushel
All counties	$1.42

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.36	Lee	$1.36
Ashley	1.36	Lincoln	1.36
Baxter	1.30	Little River	1.32
Benton	1.30	Logan	1.31
Boone	1.30	Lonoke	1.34
Bradley	1.36	Madison	1.31
Calhoun	1.36	Marion	1.30
Carroll	1.30	Miller	1.33
Chicot	1.36	Mississippi	1.31
Clark	1.33	Monroe	1.36
Clay	1.57	Montgomery	1.31
Cleburne	1.33	Nevada	1.34
Cleveland	1.36	Newton	1.31
Columbia	1.35	Ouachita	1.35
Conway	1.33	Perry	1.33
Craighead	1.59	Phillips	1.36
Crawford	1.31	Pike	1.31
Crittenden	1.34	Poinsett	1.33
Cross	1.34	Polk	1.31
Dallas	1.35	Pope	1.31
Desha	1.36	Prairie	1.34
Drew	1.36	Pulaski	1.33
Faulkner	1.33	Randolph	1.30
Franklin	1.31	St. Francis	1.36
Fulton	1.30	Saline	1.33
Garland	1.31	Scott	1.31
Grant	1.34	Searcy	1.31
Greene	1.58	Sebastian	1.31
Hempstead	1.33	Sevier	1.31
Hot Spring	1.33	Sharp	1.31
Howard	1.31	Stone	1.31
Independence	1.33	Union	1.36
Izard	1.31	Van Buren	1.33
Jackson	1.33	Washington	1.31
Jefferson	1.36	White	1.33
Johnson	1.31	Woodruff	1.34
Lafayette	1.34	Yell	1.31
Lawrence	1.31		

CALIFORNIA

County	Rate per bushel
All counties	$1.44

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.27	Larimer	$1.27
Alamosa	1.30	Las Animas	1.29
Arapahoe	1.28	Lincoln	1.28
Archuleta	1.32	Logan	1.25
Baca	1.29	Mesa	1.34
Bent	1.29	Moffat	1.34
Boulder	1.28	Montezuma	1.35
Cheyenne	1.27	Montrose	1.34
Conejos	1.30	Morgan	1.26
Costilla	1.29	Otero	1.29
Crowley	1.29	Ouray	1.35
Custer	1.29	Phillips	1.25
Delta	1.34	Pitkin	1.32
Dolores	1.35	Prowers	1.28
Douglas	1.29	Pueblo	1.29
Elbert	1.28	Rio Blanco	1.34
El Paso	1.29	Rio Grande	1.32
Fremont	1.29	Routt	1.32
Garfield	1.34	Saguache	1.30
Grand	1.80	San Miguel	1.35
Huerfano	1.29	Sedgwick	1.25
Jefferson	1.29	Washington	1.26
Kiowa	1.28	Weld	1.26
Kit Carson	1.26	Yuma	1.25
La Plata	1.34		

CONNECTICUT

County	Rate per bushel
All counties	$1.44

DELAWARE

County	Rate per bushel
All counties	$1.65

FLORIDA

County	Rate per bushel
All counties	$1.36

GEORGIA

County	Rate per bushel
All counties	$1.36

IDAHO

County	Rate per bushel
All counties	$1.35

[5] Not applicable to wheat of this quality.

(Sec. 5, 62 Stat. 1072, as amended; 15 U. S. C. 714c. Interpret or apply sec. 4, 62 Stat. 1070, as amended, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714b, 7 U. S. C. 1441, 1447, 1421)

Issued this 24th day of October 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-8757; Filed, Oct. 26, 1956; 8:55 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

Section 421.1747 *Support rates*—(a) *County support rates.* (1) Basic county support rates for corn placed under loan and for corn delivered under purchase agreements are as set forth in this paragraph. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made at the support rate established for the county in which the corn is produced.

(2) Basic county support rates per bushel for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, are set forth below.

(3) Basic county support rates per bushel for producers not complying with acreage limitations set forth in § 421.1730 of Corn Bulletin A (21 F. R. 6986) in the commercial corn producing area shall be 25 cents per bushel less than the rates contained herein. The designation of the commercial corn producing area for 1956 appears in 7 CFR 721.702 (20 F. R. 8666).

ALABAMA

County	Rate per bushel	County	Rate per bushel
De Kalb	$1.65	Marshall	$1.65
Jackson	1.65	All other counties	1.36
Madison	1.65[5]		

ARIZONA

County	Rate per bushel
All counties	$1.42

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.36	Lee	$1.36
Ashley	1.36	Lincoln	1.36
Baxter	1.30	Little River	1.32
Benton	1.30	Logan	1.31
Boone	1.30	Lonoke	1.34
Bradley	1.36	Madison	1.31
Calhoun	1.36	Marion	1.30
Carroll	1.30	Miller	1.33
Chicot	1.36	Mississippi	1.31
Clark	1.33	Monroe	1.36
Clay	1.57	Montgomery	1.31
Cleburne	1.33	Nevada	1.34
Cleveland	1.36	Newton	1.31
Columbia	1.35	Ouachita	1.35
Conway	1.33	Perry	1.33
Craighead	1.59	Phillips	1.36
Crawford	1.31	Pike	1.31
Crittenden	1.34	Poinsett	1.33
Cross	1.34	Polk	1.31
Dallas	1.35	Pope	1.31
Desha	1.36	Prairie	1.34
Drew	1.36	Pulaski	1.33
Faulkner	1.33	Randolph	1.30
Franklin	1.31	St. Francis	1.36
Fulton	1.30	Saline	1.33
Garland	1.31	Scott	1.31
Grant	1.34	Searcy	1.31
Greene	1.58	Sebastian	1.31
Hempstead	1.33	Sevier	1.31
Hot Spring	1.33	Sharp	1.31
Howard	1.31	Stone	1.31
Independence	1.33	Union	1.36
Izard	1.31	Van Buren	1.33
Jackson	1.33	Washington	1.31
Jefferson	1.36	White	1.33
Johnson	1.31	Woodruff	1.34
Lafayette	1.34	Yell	1.31
Lawrence	1.31		

CALIFORNIA

County	Rate per bushel
All counties	$1.44

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.27	Larimer	$1.27
Alamosa	1.30	Las Animas	1.29
Arapahoe	1.28	Lincoln	1.28
Archuleta	1.32	Logan	1.25
Baca	1.29	Mesa	1.34
Bent	1.29	Moffat	1.34
Boulder	1.28	Montezuma	1.35
Cheyenne	1.27	Montrose	1.34
Conejos	1.30	Morgan	1.26
Costilla	1.29	Otero	1.29
Crowley	1.29	Ouray	1.35
Custer	1.29	Phillips	1.25
Delta	1.34	Pitkin	1.32
Dolores	1.35	Prowers	1.28
Douglas	1.29	Pueblo	1.29
Elbert	1.28	Rio Blanco	1.34
El Paso	1.29	Rio Grande	1.32
Fremont	1.29	Routt	1.32
Garfield	1.34	Saguache	1.30
Grand	1.80	San Miguel	1.35
Huerfano	1.29	Sedgwick	1.25
Jefferson	1.29	Washington	1.26
Kiowa	1.28	Weld	1.26
Kit Carson	1.26	Yuma	1.25
La Plata	1.34		

CONNECTICUT

County	Rate per bushel
All counties	$1.44

DELAWARE

County	Rate per bushel
All counties	$1.65

FLORIDA

County	Rate per bushel
All counties	$1.36

GEORGIA

County	Rate per bushel
All counties	$1.36

IDAHO

County	Rate per bushel
All counties	$1.35

[5] Not applicable to wheat of this quality.

(Sec. 5, 62 Stat. 1072, as amended; 15 U. S. C. 714c. Interpret or apply sec. 4, 62 Stat. 1070, as amended, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714b, 7 U. S. C. 1441, 1447, 1421)

Issued this 24th day of October 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-8758; Filed, Oct. 26, 1956; 8:55 a. m.]

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.51	Lee	$1.52
Alexander	1.56	Livingston	1.52
Bond	1.53	Logan	1.53
Boone	1.52	McDonough	1.51
Brown	1.52	McHenry	1.52
Bureau	1.52	McLean	1.53
Calhoun	1.52	Macon	1.52
Carroll	1.50	Macoupin	1.53
Cass	1.53	Madison	1.53
Champaign	1.51	Marion	1.53
Christian	1.53	Marshall	1.53
Clark	1.52	Mason	1.53
Clay	1.53	Massac	1.55
Clinton	1.53	Menard	1.53
Coles	1.51	Mercer	1.50
Cook	1.53	Monroe	1.54
Crawford	1.53	Montgomery	1.53
Cumberland	1.52	Morgan	1.53
De Kalb	1.52	Moultrie	1.51
De Witt	1.52	Ogle	1.51
Douglas	1.51	Peoria	1.52
Du Page	1.53	Perry	1.54
Edgar	1.51	Piatt	1.51
Edwards	1.54	Pike	1.52
Effingham	1.53	Pope	1.55
Fayette	1.53	Pulaski	1.56
Ford	1.51	Putnam	1.52
Franklin	1.54	Randolph	1.54
Fulton	1.52	Richland	1.54
Gallatin	1.55	Rock Island	1.50
Greene	1.53	St. Clair	1.54
Grundy	1.52	Saline	1.55
Hamilton	1.54	Sangamon	1.53
Hancock	1.51	Schuyler	1.52
Hardin	1.55	Scott	1.52
Henderson	1.50	Shelby	1.52
Henry	1.51	Stark	1.52
Iroquois	1.52	Stephenson	1.51
Jackson	1.55	Tazewell	1.53
Jasper	1.53	Union	1.55
Jefferson	1.53	Vermilion	1.51
Jersey	1.53	Wabash	1.54
Jo Daviess	1.50	Warren	1.51
Johnson	1.55	Washington	1.54
Kane	1.53	Wayne	1.53
Kankakee	1.52	White	1.54
Kendall	1.52	Whiteside	1.50
Knox	1.52	Will	1.53
Lake	1.53	Williamson	1.55
La Salle	1.52	Winnebago	1.51
Lawrence	1.54	Woodford	1.53

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.53	Huntington	$1.52
Allen	1.53	Jackson	1.53
Bartholomew	1.53	Jasper	1.52
Benton	1.52	Jay	1.53
Blackford	1.53	Jefferson	1.54
Boone	1.52	Jennings	1.53
Brown	1.25	Johnson	1.52
Carroll	1.51	Knox	1.53
Cass	1.51	Kosciusko	1.52
Clark	1.54	Lagrange	1.52
Clay	1.51	Lake	1.52
Clinton	1.52	La Porte	1.52
Crawford	1.27	Lawrence	1.53
Daviess	1.53	Madison	1.52
Dearborn	1.54	Marion	1.52
Decatur	1.53	Marshall	1.51
De Kalb	1.53	Martin	1.53
Delaware	1.53	Miami	1.52
Dubois	1.53	Monroe	1.52
Elkhart	1.52	Montgomery	1.51
Fayette	1.53	Morgan	1.52
Floyd	1.54	Newton	1.52
Fountain	1.51	Noble	1.52
Franklin	1.53	Ohio	1.54
Fulton	1.51	Orange	1.53
Gibson	1.54	Owen	1.51
Grant	1.52	Parke	1.51
Greene	1.52	Perry	1.54
Hamilton	1.52	Pike	1.53
Hancock	1.52	Porter	1.52
Harrison	1.54	Posey	1.54
Hendricks	1.52	Pulaski	1.51
Henry	1.53	Putnam	1.52
Howard	1.52	Randolph	1.53

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Ripley	$1.53	Union	$1.53
Rush	1.53	Vanderburgh	1.54
St. Joseph	1.52	Vermillion	1.51
Scott	1.54	Vigo	1.51
Shelby	1.52	Wabash	1.52
Spencer	1.54	Warren	1.51
Starke	1.52	Warrick	1.54
Steuben	1.53	Washington	1.54
Sullivan	1.53	Wayne	1.53
Switzerland	1.54	Wells	1.53
Tippecanoe	1.51	White	1.51
Tipton	1.52	Whitley	1.52

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.46	Jefferson	$1.48
Adams	1.47	Johnson	1.48
Allamakee	1.45	Jones	1.48
Appanoose	1.48	Keokuk	1.47
Audubon	1.45	Kossuth	1.42
Benton	1.47	Lee	1.50
Black Hawk	1.45	Linn	1.47
Boone	1.44	Louisa	1.49
Bremer	1.44	Lucas	1.47
Buchanan	1.46	Lyon	1.41
Buena Vista	1.42	Madison	1.46
Butler	1.44	Mahaska	1.45
Calhoun	1.43	Marion	1.46
Carroll	1.44	Marshall	1.44
Cass	1.46	Mills	1.47
Cedar	1.49	Mitchell	1.42
Cerro Gordo	1.42	Monona	1.45
Cherokee	1.43	Monroe	1.47
Chickasaw	1.44	Montgomery	1.47
Clarke	1.47	Muscatine	1.49
Clay	1.42	O'Brien	1.42
Clayton	1.46	Osceola	1.41
Clinton	1.49	Page	1.47
Crawford	1.44	Palo Alto	1.41
Dallas	1.45	Plymouth	1.43
Davis	1.48	Pocahontas	1.42
Decatur	1.47	Polk	1.45
Delaware	1.47	Pottawattamie	1.47
Des Moines	1.50	Poweshiek	1.45
Dickinson	1.41	Ringgold	1.47
Dubuque	1.48	Sac	1.43
Emmet	1.41	Scott	1.49
Fayette	1.46	Shelby	1.45
Floyd	1.43	Sioux	1.42
Franklin	1.43	Story	1.44
Fremont	1.47	Tama	1.45
Greene	1.44	Taylor	1.47
Grundy	1.44	Union	1.47
Guthrie	1.45	Van Buren	1.48
Hamilton	1.43	Wapello	1.47
Hancock	1.42	Warren	1.46
Hardin	1.44	Washington	1.48
Harrison	1.46	Wayne	1.47
Henry	1.49	Webster	1.43
Howard	1.44	Winnebago	1.42
Humboldt	1.42	Winneshiek	1.45
Ida	1.43	Woodbury	1.43
Iowa	1.47	Worth	1.42
Jackson	1.49	Wright	1.42
Jasper	1.45		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.26	Doniphan	$1.49
Anderson	1.52	Douglas	1.50
Atchison	1.50	Edwards	1.27
Barber	1.29	Elk	1.28
Barton	1.27	Ellis	1.25
Bourbon	1.26	Ellsworth	1.25
Brown	1.49	Finney	1.28
Butler	1.27	Ford	1.28
Chase	1.25	Franklin	1.51
Chautauqua	1.29	Geary	1.24
Cherokee	1.29	Gove	1.27
Cheyenne	1.25	Graham	1.25
Clark	1.29	Grant	1.28
Clay	1.48	Gray	1.28
Cloud	1.48	Greeley	1.28
Coffey	1.25	Greenwood	1.27
Comanche	1.29	Hamilton	1.28
Cowley	1.29	Harper	1.29
Crawford	1.28	Harvey	1.27
Decatur	1.25	Haskell	1.28
Dickinson	1.24	Hodgeman	1.28

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$1.49	Pottawatomie	$1.49
Jefferson	1.50	Pratt	1.28
Jewell	1.48	Rawlins	1.25
Johnson	1.51	Reno	1.27
Kearny	1.28	Republic	1.48
Kingman	1.28	Rice	1.27
Kiowa	1.28	Riley	1.48
Labette	1.29	Rooks	1.24
Lane	1.28	Rush	1.27
Leavenworth	1.51	Russell	1.25
Lincoln	1.25	Saline	1.25
Linn	1.26	Scott	1.28
Logan	1.27	Sedgwick	1.28
Lyon	1.25	Seward	1.29
McPherson	1.25	Shawnee	1.49
Marion	1.25	Sheridan	1.25
Marshall	1.48	Sherman	1.26
Meade	1.29	Smith	1.48
Miami	1.52	Stafford	1.27
Mitchell	1.24	Stanton	1.29
Montgomery	1.29	Stevens	1.29
Morris	1.25	Sumner	1.29
Morton	1.29	Thomas	1.26
Nemaha	1.49	Trego	1.27
Neosho	1.28	Wabaunsee	1.24
Ness	1.28	Wallace	1.27
Norton	1.24	Washington	1.48
Osage	1.25	Wichita	1.28
Osborne	1.24	Wilson	1.28
Ottawa	1.24	Woodson	1.27
Pawnee	1.28	Wyandotte	1.25
Phillips	1.48		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.36	Hopkins	$1.60
Allen	1.65	Jackson	1.36
Anderson	1.35	Jefferson	1.58
Ballard	1.59	Jessamine	1.36
Barren	1.65	Johnson	1.36
Bath	1.36	Kenton	1.30
Bell	1.36	Knott	1.36
Boone	1.58	Knox	1.36
Bourbon	1.36	Larue	1.64
Boyd	1.33	Laurel	1.36
Boyle	1.65	Lawrence	1.34
Bracken	1.32	Lee	1.36
Breathitt	1.36	Leslie	1.36
Breckenridge	1.57	Letcher	1.36
Bullitt	1.61	Lewis	1.32
Butler	1.63	Lincoln	1.36
Caldwell	1.60	Livingston	1.59
Calloway	1.59	Logan	1.62
Campbell	1.30	Lyon	1.60
Carlisle	1.59	McCracken	1.59
Carroll	1.58	McCreary	1.36
Carter	1.34	McLean	1.60
Casey	1.36	Madison	1.36
Christian	1.61	Magoffin	1.36
Clark	1.37	Marion	1.65
Clay	1.36	Marshall	1.30
Clinton	1.36	Martin	1.36
Crittenden	1.58	Mason	1.60
Cumberland	1.36	Meade	1.58
Daviess	1.57	Menifee	1.36
Edmonson	1.64	Mercer	1.36
Elliott	1.36	Metcalfe	1.36
Estill	1.36	Monroe	1.65
Fayette	1.36	Montgomery	1.36
Fleming	1.34	Morgan	1.36
Floyd	1.36	Muhlenberg	1.33
Franklin	1.34	Nelson	1.64
Fulton	1.59	Nicholas	1.35
Gallatin	1.30	Ohio	1.33
Garrard	1.36	Oldham	1.58
Grant	1.34	Owen	1.33
Graves	1.59	Owsley	1.36
Grayson	1.61	Pendleton	1.33
Green	1.36	Perry	1.36
Greenup	1.32	Pike	1.36
Hancock	1.57	Powell	1.36
Hardin	1.60	Pulaski	1.36
Harlan	1.36	Robertson	1.34
Harrison	1.35	Rockcastle	1.36
Hart	1.65	Rowan	1.36
Henderson	1.57	Russell	1.36
Henry	1.33	Scott	1.35
Hickman	1.59	Shelby	1.61

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Simpson	$1.64	Warren	$1.65
Spencer	1.63	Washington	1.65
Taylor	1.65	Wayne	1.36
Todd	1.61	Webster	1.58
Trigg	1.61	Whitley	1.36
Trimble	1.58	Wolfe	1.36
Union	1.57	Woodford	1.35

LOUISIANA

All counties $1.36

MAINE

All counties $1.44

MARYLAND

County	Rate per bushel	County	Rate per bushel
Caroline	$1.65	Somerset	$1.65
Carroll	1.65	Talbot	1.65
Cecil	1.65	Washington	1.65
Dorchester	1.65	Wicomico	1.65
Frederick	1.65	Worcester	1.65
Kent	1.65	All other counties	1.36
Montgomery	1.65		
Queen Annes	1.65		

MASSACHUSETTS

All counties $1.44

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$1.54	Livingston	$1.55
Barry	1.54	Macomb	1.55
Berrien	1.53	Mecosta	1.55
Branch	1.54	Midland	1.55
Calhoun	1.54	Monroe	1.55
Cass	1.53	Montcalm	1.55
Clinton	1.55	Oakland	1.55
Eaton	1.55	Saginaw	1.55
Genesee	1.55	St. Clair	1.55
Gratiot	1.55	St. Joseph	1.53
Hillsdale	1.54	Sanilac	1.55
Ingham	1.55	Shiawassee	1.55
Ionia	1.55	Tuscola	1.55
Isabella	1.55	Van Buren	1.53
Jackson	1.55	Washtenaw	1.55
Kalamazoo	1.54	Wayne	1.55
Kent	1.55	All other counties	1.29
Lapeer	1.55		
Lenawee	1.55		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.17	Kittson	$1.15
Anoka	1.44	Koochiching	1.17
Becker	1.16	Lac Qui Parle	1.39
Beltrami	1.16	Lake	1.17
Benton	1.43	Lake of the Woods	1.16
Big Stone	1.39	Le Sueur	1.43
Blue Earth	1.42	Lincoln	1.39
Brown	1.42	Lyon	1.40
Carlton	1.17	McLeod	1.43
Carver	1.44	Mahnomen	1.15
Cass	1.16	Marshall	1.15
Chippewa	1.40	Martin	1.40
Chisago	1.43	Meeker	1.43
Clay	1.15	Mille Lacs	1.18
Clearwater	1.16	Morrison	1.41
Cook	1.17	Mower	1.42
Cottonwood	1.41	Murray	1.40
Crow Wing	1.16	Nicollet	1.43
Dakota	1.43	Nobles	1.40
Dodge	1.42	Norman	1.15
Douglas	1.41	Olmsted	1.42
Faribault	1.40	Otter Tail	1.40
Fillmore	1.42	Pennington	1.15
Freeborn	1.42	Pine	1.17
Goodhue	1.43	Pipestone	1.40
Grant	1.40	Polk	1.15
Hennepin	1.44	Pope	1.41
Houston	1.43	Ramsey	1.19
Hubbard	1.16	Red Lake	1.15
Isanti	1.18	Redwood	1.41
Itasca	1.17	Renville	1.42
Jackson	1.40	Rice	1.43
Kanabec	1.18	Rock	1.40
Kandiyohi	1.42		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Roseau	$1.15	Wabasha	$1.43
St. Louis	1.17	Wadena	1.16
Scott	1.43	Waseca	1.42
Sherburne	1.43	Washington	1.44
Sibley	1.43	Watonwan	1.41
Stearns	1.43	Wilkin	1.39
Steele	1.42	Winona	1.43
Stevens	1.40	Wright	1.43
Swift	1.41	Yellow Medicine	1.40
Todd	1.41		
Traverse	1.39		

MISSISSIPPI

All counties $1.36

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.51	Linn	$1.51
Andrew	1.49	Livingston	1.51
Atchison	1.48	McDonald	1.30
Audrain	1.53	Macon	1.52
Barry	1.30	Madison	1.29
Barton	1.29	Maries	1.29
Bates	1.53	Marion	1.52
Benton	1.53	Mercer	1.48
Bollinger	1.56	Miller	1.29
Boone	1.53	Mississippi	1.56
Buchanan	1.51	Moniteau	1.54
Butler	1.30	Monroe	1.53
Caldwell	1.52	Montgomery	1.54
Callaway	1.54	Morgan	1.28
Camden	1.29	New Madrid	1.56
Cape Girardeau	1.56	Newton	1.30
Carroll	1.52	Nodaway	1.48
Carter	1.30	Oregon	1.30
Cass	1.52	Osage	1.29
Cedar	1.28	Ozark	1.30
Chariton	1.52	Pemiscot	1.30
Christian	1.30	Perry	1.56
Clark	1.51	Pettis	1.53
Clay	1.52	Phelps	1.30
Clinton	1.52	Pike	1.53
Cole	1.54	Platte	1.52
Cooper	1.54	Polk	1.28
Crawford	1.29	Pulaski	1.30
Dade	1.29	Putnam	1.49
Dallas	1.29	Ralls	1.53
Daviess	1.50	Randolph	1.52
De Kalb	1.50	Ray	1.52
Dent	1.30	Reynolds	1.30
Douglas	1.30	Ripley	1.30
Dunklin	1.56	St. Charles	1.54
Franklin	1.55	St. Clair	1.53
Gasconade	1.29	St. Francois	1.29
Gentry	1.49	St. Louis	1.55
Greene	1.30	Ste. Genevieve	1.56
Grundy	1.50	Saline	1.53
Harrison	1.49	Schuyler	1.49
Henry	1.52	Scotland	1.50
Hickory	1.27	Scott	1.56
Holt	1.49	Shannon	1.30
Howard	1.53	Shelby	1.52
Howell	1.30	Stoddard	1.56
Iron	1.30	Stone	1.30
Jackson	1.52	Sullivan	1.50
Jasper	1.30	Taney	1.30
Jefferson	1.56	Texas	1.30
Johnson	1.52	Vernon	1.54
Knox	1.51	Warren	1.55
Laclede	1.30	Washington	1.29
Lafayette	1.52	Wayne	1.56
Lawrence	1.30	Webster	1.29
Lewis	1.52	Worth	1.48
Lincoln	1.54	Wright	1.30

MONTANA

All counties $1.26

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.45	Blaine	$1.20
Antelope	1.43	Boone	1.44
Arthur	1.22	Box Butte	1.23
Banner	1.24	Boyd	1.43

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Brown	$1.19	Keyapaha	$1.19
Buffalo	1.45	Kimball	1.24
Burt	1.45	Knox	1.43
Butler	1.45	Lancaster	1.45
Cass	1.46	Lincoln	1.47
Cedar	1.43	Logan	1.21
Chase	1.23	Loup	1.20
Cherry	1.20	McPherson	1.21
Cheyenne	1.24	Madison	1.44
Clay	1.45	Merrick	1.45
Colfax	1.45	Morrill	1.24
Cuming	1.44	Nance	1.45
Custer	1.46	Nemaha	1.47
Dakota	1.43	Nuckolls	1.45
Dawes	1.23	Otoe	1.46
Dawson	1.46	Pawnee	1.47
Deuel	1.24	Perkins	1.23
Dixon	1.43	Phelps	1.46
Dodge	1.45	Pierce	1.43
Douglas	1.46	Platte	1.45
Dundy	1.23	Polk	1.45
Fillmore	1.45	Red Willow	1.22
Franklin	1.45	Richardson	1.47
Frontier	1.21	Rock	1.19
Furnas	1.47	Saline	1.46
Gage	1.46	Sarpy	1.46
Garden	1.23	Saunders	1.45
Garfield	1.45	Scotts Bluff	1.24
Gosper	1.47	Seward	1.45
Grant	1.21	Sheridan	1.22
Greeley	1.45	Sherman	1.46
Hall	1.45	Sioux	1.24
Hamilton	1.45	Stanton	1.44
Harlan	1.46	Thayer	1.45
Hayes	1.23	Thomas	1.20
Hitchcock	1.23	Thurston	1.43
Holt	1.43	Valley	1.45
Hooker	1.20	Washington	1.46
Howard	1.45	Wayne	1.43
Jefferson	1.46	Webster	1.45
Johnson	1.47	Wheeler	1.20
Kearney	1.45	York	1.45
Keith	1.23		

NEVADA

All counties $1.42

NEW HAMPSHIRE

All counties $1.44

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Burlington	$1.67	Salem	$1.67
Cumberland	1.67	Somerset	1.67
Gloucester	1.67	Warren	1.67
Hunterdon	1.67	All other counties	1.38
Mercer	1.67		

NEW MEXICO

All counties $1.35

NEW YORK

All counties $1.38

NORTH CAROLINA

County	Rate per bushel	County	Rate per bushel
Beaufort	$1.65	Martin	$1.65
Bertie	1.65	Nash	1.65
Camden	1.65	Northampton	1.65
Chowan	1.65	Onslow	1.65
Craven	1.65	Pasquotank	1.65
Currituck	1.65	Perquimans	1.65
Duplin	1.65	Pitt	1.65
Edgecombe	1.65	Sampson	1.65
Gates	1.65	Wake	1.65
Greene	1.65	Washington	1.65
Halifax	1.65	Wayne	1.65
Hertford	1.65	Wilson	1.65
Johnston	1.65	All other counties	1.36
Jones	1.65		
Lenoir	1.65		

NORTH DAKOTA

Richland $1.38
All other counties 1.14

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.56	Licking	$1.56
Allen	1.53	Logan	1.54
Ashland	1.57	Lorain	1.58
Ashtabula	1.32	Lucas	1.55
Athens	1.30	Madison	1.55
Auglaize	1.53	Mahoning	1.32
Belmont	1.32	Marion	1.55
Brown	1.56	Medina	1.58
Butler	1.53	Meigs	1.30
Carroll	1.32	Mercer	1.53
Champaign	1.54	Miami	1.53
Clark	1.54	Monroe	1.32
Clermont	1.55	Montgomery	1.53
Clinton	1.54	Morgan	1.58
Columbiana	1.32	Morrow	1.56
Coshocton	1.58	Muskingum	1.58
Crawford	1.55	Noble	1.31
Cuyahoga	1.31	Ottawa	1.56
Darke	1.53	Paulding	1.53
Defiance	1.53	Perry	1.57
Delaware	1.55	Pickaway	1.55
Erie	1.57	Pike	1.56
Fairfield	1.56	Portage	1.32
Fayette	1.55	Preble	1.53
Franklin	1.55	Putnam	1.54
Fulton	1.54	Richland	1.56
Gallia	1.30	Ross	1.56
Geauga	1.32	Sandusky	1.56
Greene	1.54	Scioto	1.56
Guernsey	1.31	Seneca	1.55
Hamilton	1.54	Shelby	1.53
Hancock	1.54	Stark	1.59
Hardin	1.54	Summit	1.31
Harrison	1.32	Trumbull	1.32
Henry	1.54	Tuscarawas	1.59
Highland	1.55	Union	1.54
Hocking	1.57	Van Wert	1.53
Holmes	1.58	Vinton	1.57
Huron	1.57	Warren	1.54
Jackson	1.57	Washington	1.31
Jefferson	1.32	Wayne	1.58
Knox	1.56	Williams	1.53
Lake	1.32	Wood	1.55
Lawrence	1.57	Wyandot	1.55

OKLAHOMA

All counties $1.30

OREGON

All counties $1.40

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Adams	$1.65	Lebanon	$1.65
Berks	1.65	Lehigh	1.65
Blair	1.65	Lycoming	1.65
Bucks	1.65	Mifflin	1.65
Carbon	1.65	Montgomery	1.65
Centre	1.65	Montour	1.65
Chester	1.65	Northampton	1.65
Clinton	1.65	Northumberland	1.65
Columbia	1.65	Perry	1.65
Cumberland	1.65	Schuylkill	1.65
Dauphin	1.65	Snyder	1.65
Franklin	1.65	Union	1.65
Fulton	1.65	York	1.65
Huntingdon	1.65	All other counties	1.36
Juniata	1.65		
Lancaster	1.65		

RHODE ISLAND

All counties $1.44

SOUTH CAROLINA

All counties $1.36

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$1.17	Brule	$1.39
Aurora	1.39	Buffalo	1.15
Beadle	1.39	Butte	1.19
Bennett	1.19	Campbell	1.16
Bon Homme	1.39	Charles Mix	1.39
Brookings	1.39	Clark	1.39
Brown	1.15	Clay	1.39

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Codington	$1.39	Lyman	$1.16
Corson	1.17	McCook	1.39
Custer	1.21	McPherson	1.15
Davison	1.39	Marshall	1.15
Day	1.39	Meade	1.18
Deuel	1.39	Mellette	1.17
Dewey	1.17	Miner	1.39
Douglas	1.39	Minnehaha	1.39
Edmunds	1.15	Moody	1.39
Fall River	1.22	Pennington	1.19
Faulk	1.16	Perkins	1.16
Grant	1.39	Potter	1.16
Gregory	1.39	Roberts	1.39
Haakon	1.17	Sanborn	1.39
Hamlin	1.39	Shannon	1.20
Hand	1.15	Spink	1.15
Hanson	1.39	Stanley	1.17
Harding	1.19	Sully	1.16
Hughes	1.16	Todd	1.17
Hutchinson	1.39	Tripp	1.40
Hyde	1.16	Turner	1.39
Jackson	1.18	Union	1.39
Jerauld	1.39	Walworth	1.16
Jones	1.17	Washabaugh	1.18
Kingsbury	1.39	Washington	1.20
Lake	1.39	Yankton	1.39
Lawrence	1.19	Ziebach	1.18
Lincoln	1.39		

TENNESSEE

Anderson	$1.36	Lauderdale	$1.59
Bedford	1.36	Lawrence	1.35
Benton	1.62	Lewis	1.34
Bledsoe	1.36	Lincoln	1.36
Blount	1.36	Loudon	1.36
Bradley	1.36	McMinn	1.36
Campbell	1.36	McNairy	1.34
Cannon	1.36	Macon	1.36
Carroll	1.32	Madison	1.32
Carter	1.36	Marion	1.65
Cheatham	1.62	Marshall	1.36
Chester	1.32	Maury	1.35
Claiborne	1.36	Meigs	1.36
Clay	1.36	Monroe	1.36
Cocke	1.36	Montgomery	1.62
Coffee	1.36	Moore	1.36
Crockett	1.60	Morgan	1.36
Cumberland	1.36	Obion	1.58
Davidson	1.35	Overton	1.36
Decatur	1.34	Perry	1.34
De Kalb	1.36	Pickett	1.36
Dickson	1.34	Polk	1.36
Dyer	1.59	Putnam	1.36
Fayette	1.32	Rhea	1.36
Fentress	1.36	Roane	1.36
Franklin	1.65	Robertson	1.63
Gibson	1.59	Rutherford	1.36
Giles	1.36	Scott	1.36
Grainger	1.36	Sequatchie	1.36
Greene	1.36	Sevier	1.36
Grundy	1.36	Shelby	1.32
Hamblen	1.36	Smith	1.36
Hamilton	1.36	Stewart	1.62
Hancock	1.36	Sullivan	1.36
Hardeman	1.32	Sumner	1.36
Hardin	1.34	Tipton	1.59
Hawkins	1.36	Trousdale	1.36
Haywood	1.60	Unicoi	1.36
Henderson	1.32	Union	1.36
Henry	1.60	Van Buren	1.36
Hickman	1.34	Warren	1.36
Houston	1.34	Washington	1.36
Humphreys	1.34	Wayne	1.34
Jackson	1.36	Weakley	1.59
Jefferson	1.36	White	1.36
Johnson	1.36	Williamson	1.35
Knox	1.36	Wilson	1.36
Lake	1.30		

TEXAS

All counties $1.32

UTAH

All counties $1.40

VERMONT

All counties $1.44

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$1.65	Princess Anne	$1.65
Charles City	1.65	Southampton	1.65
Isle of Wight	1.65	Surry	1.65
Nansemond	1.65	Sussex	1.65
Norfolk	1.65	All other counties	1.36
Northampton	1.65		

WASHINGTON

All counties $1.40

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Berkeley	$1.65	All other counties	$1.36
Jefferson	1.65		

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.50	Marathon	$1.25
Ashland	1.24	Marinette	1.25
Barron	1.22	Marquette	1.51
Bayfield	1.23	Milwaukee	1.53
Brown	1.25	Monroe	1.49
Buffalo	1.48	Oconto	1.25
Burnett	1.22	Oneida	1.25
Calumet	1.25	Outagamie	1.25
Chippewa	1.23	Ozaukee	1.26
Clark	1.24	Pepin	1.48
Columbia	1.51	Pierce	1.48
Crawford	1.48	Polk	1.48
Dane	1.51	Portage	1.25
Dodge	1.52	Price	1.24
Door	1.26	Racine	1.53
Douglas	1.22	Richland	1.49
Dunn	1.48	Rock	1.52
Eau Claire	1.49	Rusk	1.23
Florence	1.25	St. Croix	1.48
Fond du Lac	1.52	Sauk	1.50
Forest	1.25	Sawyer	1.23
Grant	1.48	Shawano	1.25
Green	1.51	Sheboygan	1.26
Green Lake	1.51	Taylor	1.24
Iowa	1.50	Trempealeau	1.48
Iron	1.25	Vernon	1.48
Jackson	1.49	Vilas	1.25
Jefferson	1.52	Walworth	1.52
Juneau	1.50	Washburn	1.22
Kenosha	1.53	Washington	1.25
Kewaunee	1.26	Waukesha	1.52
La Crosse	1.48	Waupaca	1.25
Lafayette	1.50	Waushara	1.51
Langlade	1.25	Winnebago	1.52
Lincoln	1.25	Wood	1.24
Manitowoc	1.26		

WYOMING

All counties $1.27

(b) *Premiums and discounts*—(1) *Farm storage.* In the case of eligible corn delivered from farm storage under purchase agreements and in the case of farm-storage loans, the applicable premium and discounts shown in the "Schedule of Premiums and Discounts", in this paragraph, except for eligible corn under loan grading "mixed" shall be applied to the basic rate at the time of settlement. In the case of eligible corn, grading "mixed" placed under a farm-storage loan, the discount shall be applied to the basic rate at the time the loan is completed.

(2) *Warehouse storage.* In the case of warehouse-storage loans the applicable premiums and discounts for eligible corn shown in the "Schedule of Premiums and Discounts" in this paragraph shall be applied to the basic support rate at the time the loan is completed. In the case of eligible corn represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shall be applied to the basic support rate at the time of settlement. The discounts for weevily and for moisture content are not applicable since corn in approved warehouse storage which grades weevily or contains in excess of 13.5 percent moisture is not eligible.

(3) *Schedule of premiums and discounts.*

PREMIUMS	Cents per bushel
Grade No.:	
2 or better	1

DISCOUNTS	
Moisture content (percent):	
0 to 14.0	0
14.1 to 15.5	1
15.6 to 16.0	2
16.1 to 16.5	3
16.6 to 17.0	4
17.1 to 17.5	5
Weevily	2
Mixed	2

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421.

Issued this 24th day of October 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-8754; Filed, Oct. 26, 1956; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6567]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HERBERT L. GUNDLACH AND CIVILIAN SERVICE BUREAU

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Government connection; individual or private business as educational, religious or research institution; nature; personnel or staff; § 13.60 *Earnings and profits;* § 13.85 *Government approval, action, connection or standards:* Civil Service Commission connections or recognition; § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service:* Government; § 13.125 *Limited offers or supply;* § 13.135 *Nature:* Business or organization; § 13.143 *Opportunities;* § 13.185 *Refunds, repairs, and replacements.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1450 *Individual or private business as educational, religious or research institution;* § 13.1490 *Nature, in general;* [*Misrepresenting oneself and goods*]—Goods: § 13.1615 *Earnings and profits;* § 13.1663 *Individual's special selection or situation;* § 13.1670 *Jobs and employment;* § 13.1697 *Opportunities in product or service;* § 13.1725 *Refunds;* § 13.1745 *Source or origin:* Government. Subpart—*Using misleading name*—Vendor: § 13.2380 *Government connection;* § 13.2410 *Individual or private business being educational, religious or research institution or organization;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Herbert L. Gundlach dba Civilian Service Bureau, Greensboro, N. C., Docket 6567, October 13, 1956]

In the Matter of Herbert L. Gundlach, Individually and Doing Business as Civilian Service Bureau

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging an individual engaged in Greensboro, North Carolina, in the interstate sale and distribution of a correspondence course intended to prepare persons for examinations for Civil Service positions, with representing falsely in advertisements in newspapers and by means of double post cards distributed to prospective students, and sales agents who called upon them, that he was connected with the federal Government, that many Civil Service positions were available and that students completing his courses were guaranteed appointment to them, that his school was a corporate entity with various departments, among other things, and with using a fictitious name to collect accounts—and an agreement between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of October 12, became on October 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Herbert L. Gundlach, an individual trading under the name of Civilian Service Bureau or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That there are vacancies for any United States Civil Service positions when such vacancies do not exist.

(b) That positions in the United States Civil Service which may be open are available to all persons.

(c) That positions in the United States Civil Service are open which are restricted to any group or otherwise restricted or require certain qualifications, unless such restrictions and qualifications are clearly set forth.

(d) That the starting salary, or any other salary, that may be received by persons for any Civil Service position is higher than is the fact.

(e) That respondent's agents or representatives are qualified to pass upon the qualifications of persons for any specific Civil Service position.

(f) That persons will not be permitted to purchase the course unless they are qualified for the position desired.

(g) That prospective purchasers will lose the opportunity to purchase the course unless the purchase is made at the time of the first visit of respondent's agent or representative.

(h) That respondent will provide additional training to purchasers of his course who have failed to pass a Civil Service examination.

(i) That respondent makes refunds of the amount paid, or any amount, to the purchasers of his course.

(j) That respondent or his business is connected with the United States Civil Service, the United States Government, or any agency thereof.

(k) That respondent or his agents or representatives are representatives or employees of the Civil Service Commission or have any connection therewith.

(l) That the completion of respondent's course makes persons eligible for appointments to, or assures them of, or guarantees United States Civil Service positions.

(m) That prospective purchasers have been especially selected.

(n) That purchasers of respondent's course have any assurance that, in the event they obtain a Civil Service position, they will be stationed at or near their homes or at any certain location.

(o) That purchasers of respondent's course may obtain Civil Service positions regardless of the fact that they do not have the required qualifications or status.

(p) That respondent's course is designed to qualify persons to take examinations for specific Civil Service positions.

2. Using the trade name "Civilian Service Bureau" or any other trade name which suggests or implies that respondent or his business has some connection with the Civil Service Commission.

3. Using the terms "Director of Public Relations", "Director of Education" or any other word or terms which suggest or imply that respondent conducts a school or that it consists of various departments.

4. Using the title "Executive President" or any other word or terms or otherwise representing that respondent's business is a corporation.

5. Using the fictitious name "Tri-State Adjustment Bureau" or any other name in connection with the collection of accounts or representing or implying in any manner that an independent agency is collecting respondent's accounts.

6. Soliciting, procuring or accepting contracts of enrollments for respondent's course without permitting prospects to read the contract over fully and to fully understand its terms.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and

form in which he has complied with the order to cease and desist.

Issued: October 12, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-8722; Filed, Oct. 26, 1956; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54226]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE TOWING LAWS

OCTOBER 23, 1956.

Upon written recommendation in the interest of national defense by the Secretary of the Army, acting under the delegation of August 18, 1955 (20 F. R. 6361), of certain powers of the Secretary of Defense with respect to matters concerning the St. Lawrence Seaway Power Project or the St. Lawrence Seaway Navigation Project, and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and Revised Treasury Department Order No. 165, as amended (T. Ds. 53654 and 53966), I hereby waive compliance with section 316, title 46, United States Code, to permit the Canadian tugs "Salvage Prince" and "Salvage Queen" to tow the American barge "Samson" from a point known as cut F which is located on the down stream portion of Long Sault Island and which is necessary to divert the water from Long Sault Rapids through the first half of the Long Sault Dam, to Ogdensburg, New York, on one voyage to commence on or about October 25, 1956.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 213)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F. R. Doc. 56-8734; Filed, Oct. 26, 1956; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

COBALT PREPARATIONS INTENDED FOR USE BY MAN

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.48 *Cobalt preparations intended for use by man.* The present state of scientific knowledge concerning the use of cobalt salts as hemopoietic agents is limited, in that the mechanism of their action is not known and the possible deleterious effects of prolonged administration have not been fully determined. Serious toxic effects have been reported to be associated with such use of cobalt preparations, but there is a difference of opinion whether the cobalt preparations state of scientific knowledge regarding In view of the limitations of the current state of scientific knowledge regarding cobalt and in the interest of public health protection, the Food and Drug Administration is adopting the following policies concerning cobalt preparations intended for use by man.

(a) Preparations containing per dosage unit more than 10 milligrams of cobalt chloride, or more than 2.5 milligrams of cobalt in the form of any cobalt salts are not safe for use except under the supervision of a practitioner licensed by law to administer the drug.

(1) Such preparations should be labeled with the statement "Caution: Federal law prohibits dispensing without prescription."

(2) Such preparations are regarded as new drugs within the meaning of section 201 (p) of the Federal Food, Drug, and Cosmetic Act if their labeling or advertising sponsored by or on behalf of their distributor prescribes, recommends, or suggests the administration of more than 15 milligrams of cobalt in the form of any of its salts; for example, more than 60 milligrams of cobalt chloride per 24-hour period.

(3) The labeling of such preparations should bear adequate information for their use by physicians including, among other things, the following:

(i) A statement that substantial quantities of iron salts should usually be administered simultaneously with the administration of cobalt, to obtain the maximum hemopoietic effect.

(ii) A forthright disclosure of the toxic and adverse effects reported to be associated with the use of cobalt, including those effects in which the role of cobalt may be controversial.

(iii) Disclosure of the fact that the possible deleterious effects of prolonged administration of cobalt are not fully known.

(b) Articles containing per dosage unit more than 2 milligrams but not more than 10 milligrams of cobalt chloride, or more than 0.5 milligram but not more than 2.5 milligrams of cobalt in the form of any cobalt salts may be labeled with adequate directions for use in the self-medication of simple iron-deficiency anemia only; but such articles will be regarded as misbranded under the provisions of section 502 (f) (1) and/or section 502 (f) (2) and/or section 502 (j), and may be regarded as new drugs within the meaning of section 201 (p) of the act, unless all the following conditions are met:

(1) The dosages prescribed, recommended, or suggested in the labeling do not exceed 40 milligrams of cobalt chloride or 10 milligrams of cobalt in the form of any cobalt salts per 24-hour period.

(2) When used as directed in the labeling, the preparations supply not less than 100 milligrams of ferrous sulfate ($FeSo_4.7H_2O$) or its equivalent in the form of other assimilable salts of iron, per 24-hour period.

(3) The labeling bears, in juxtaposition with the directions for use, clear warning statements, so designated, against:

(i) Exceeding the recommended dosage.

(ii) Administration to children under 12 years of age unless directed by a physician.

(iii) Use for more than 2 months unless directed by a physician.

(c) The policies stated in paragraph (b) of this section also apply to any article containing, per dosage unit, not more than 2 milligrams of cobalt chloride or not more than 0.5 milligram of cobalt in the form of any cobalt salts if the directions for its use prescribe, recommend, or suggest the use of more than 2 milligrams of cobalt chloride or its cobalt equivalent per dose, or more than 8 milligrams of cobalt chloride or its cobalt equivalent per 24-hour period.

(d) Any cobalt-containing drug intended for use by man and which is marketed within the jurisdiction of the act contrary to the provisions of this statement after 60 days from the date of its publication in the FEDERAL REGISTER may be made the subject of regulatory proceedings under the act.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 201, 502, 52 Stat. 1041, as amended, 1050, as amended; 21 U. S. C. 321, 352)

Dated: October 22, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-8725; Filed, Oct. 26, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 511—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

SURVIVOR ASSISTANCE

New §§ 511.6 to 511.11 are prescribed to read as follows:

§ 511.6 *Definitions.* As used in this part, the following definitions apply:

(a) *Next of kin.* The legal next of kin of a member of the Army is the person of any age most closely related to the member according to the line of succession as follows:

(1) Widow or widower (if not divorced, legally separated, or remarried).

(2) Sons in order of seniority.

(3) Daughters in the order of seniority.

(4) Father (unless legal custody of decedent was vested in the mother by reason of a court decree or statutory provision).

(5) Mother.

(6) Brothers in the order of seniority.

(7) Sisters in the order of seniority.

(8) Grandfathers in the order of seniority.

(9) Grandmothers in the order of seniority.

(10) Other next of kin in the order of relationship to deceased, computed in accordance with civil law rules. Seniority will control where persons are of equal degree of relationship, except that males will have priority over females.

(11) Persons in loco parentis to the decedent.

(b) *Adult next of kin.* The adult next of kin is the adult highest in the line of succession appearing in paragraph (a) of this section, but if the deceased member left a widow or widower who is a minor, the widow or widower will nevertheless be considered the adult next of kin. Disposition of remains is made upon instructions of adult next of kin only but with respect to matters not involving disposition of remains, reference to next of kin will mean the legal next of kin determined according to the line of succession shown in paragraph (a) of this section.

(c) *Dependents.* The lawful wife and unmarried children under 21 years of age of an Army member are considered his dependents. Other relatives, as listed below, are considered as dependents provided that they are in fact dependent on the Army member for over half their support.

(1) Father and mother.

(2) Unmarried children over 21 years of age who are incapable of self-support because of being mentally defective or physically incapacitated.

(d) *Missing.* As applied in this part to members of the Army, the term "missing" includes "missing in action."

(e) *Commanding general of the area.* The term "commanding general of the area" when used in this part includes ZI army commanders, the Commanding General, Military District of Washington, and major oversea commanders.

(f) *Commanding General of the ZI Army area.* The term "Commanding general of the ZI army area" when used in this part includes the Commanding General, Military District of Washington.

§ 511.7 *Responsibility.* (a) ZI army commanders and commanders of major oversea commands are responsible for administering and monitoring the assistance program within their areas. They will assign assistance cases to the Army installation located nearest the residence of the next of kin or dependents, and insure that assistance is extended under this part without undue delay.

(b) Each installation commander is responsible for:

(1) Appointing a survivor assistance officer or officers.

(2) Assuring that the assistance required by this part is rendered to the next of kin or dependents of deceased or missing personnel in each case assigned to his installation by the commanding general of the area.

(c) The senior Army representative in areas outside the continental United States in which there are no Army installations will assume responsibility for extending assistance.

§ 511.8 *Survivor assistance officers.* A survivor assistance officer or officers (preferably a field grade officer) will be appointed at each Army installation and will be provided from current personnel authorizations. He will be impressed with the seriousness of his mission; the fact that he actually represents the Department of the Army; and that he will be calling on the next of kin and dependents at a time of great stress. Extreme caution will be exercised by survivor assistance officers in advising the next of kin and dependents as to expected benefits so as to avoid misrepresenting facts. Approximate dollar amounts may be specified in certain instances. However, it will be emphasized that determination as to entitlement and actual payment rests with the office or agency charged with the responsibility of administering the benefit. The installation legal assistance officer is available at all times to assist both the survivor assistance officer and the next of kin and dependents of the deceased. It is important that the survivor assistance officer recognize that the technical aspects involved in legal matters can be most complicated and he should furnish only general information to the next of kin or dependents. The most practical aid that can be given is to refer the individuals concerned to the legal assistance officer of the installation for legal guidance and specific information. In any event, the family should be advised that the services of legal assistance officer are available.

§ 511.9 *Persons entitled to assistance.* (a) Next of kin or dependents of the following persons are entitled to receive assistance covered by this part:

(1) Deceased or missing members of the Active Army.

(2) Deceased members of the Army Reserve Components who fall within the scope of act June 20, 1949 (63 Stat. 202; 10 U. S. C. 456). This act refers to those reservists who die as a result of injuries received while engaged in reserve duty training or active duty for training for any period of time, or as a result of disease incurred while engaged in extended military service in excess of 30 days.

(b) In cases where two or more persons living at different places require or deserve assistance, it may be necessary that more than one installation commander make provision for rendering assistance.

§ 511.10 *Assistance furnished.* The survivor assistance officer will contact the next of kin and dependents to:

(a) Determine the immediate needs of the dependents. If requested, arrangements will be made with the Army Emergency Relief, Army Relief Society, or American Red Cross for consideration of a request for emergency financial assistance.

(b) Offer help in arranging for available military honors, if desired.

(c) Assure the next of kin and dependents of the Army's interest in their welfare.

(d) Arrange for a personal visit, on the earliest date convenient, to the next of kin or dependents, to discuss monetary and other benefits which may be allowable as a result of the death of the Army member. If the member is in a missing status and new or additional allotments are necessary, the survivor assistance officer will assist the individual concerned in making the application.

(e) Counsel the next of kin and dependents during the second and subsequent visits regarding benefits and aid them in filing necessary claims or applications. See § 511.11 for list of benefits.

§ 511.11 *List of benefits.* Information, counsel, and assistance pertaining to any of the following benefits will be furnished by the survivor assistance officer:

(a) Allotment of Pay to Dependents of Missing Army Members.
(b) Burial.
(c) Civil Service Preference.
(d) Civil Service Retirement.
(e) Claim for Loss or Destruction of Personal Property.
(f) Commercial Insurance.
(g) Commissary and Post Exchange Privileges.
(h) Decorations and Awards.
(i) Emergency Financial Assistance.
(j) Federal Employees Compensation (Applicable only to Reserve Personnel and Temporary Officers).
(k) Government Life Insurance.
(l) Homestead Preference.
(m) Income Tax.
(n) Loans Guaranteed by Veterans Administration.
(o) Medical Care.
(p) Personal Effects.
(q) Railroad Retirement Death Benefits.
(r) Settlement of Accounts.
(s) Six Months' Gratuity Pay.
(t) Social Security.
(u) State Benefits.
(v) Travel of Dependents and Transportation of Household Goods.
(w) Veterans Administration Death Compensation.
(x) Wills.

[AR 608-12, Sept. 21, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army Acting The Adjutant General.*

[F. R. Doc. 56-8714; Filed, Oct. 26, 1956; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

MISCELLANEOUS AMENDMENTS

1a. Sections 1498.1 *Form of renegotiation agreement* and 1498.2 *Variations in form of renegotiation agreement* are amended by deleting "section 3806 of the

Internal Revenue Code" wherever appearing and inserting "section 1481 of the Internal Revenue Code of 1954" in lieu thereof; by deleting "chapters 1, 2A and 2D of" wherever appearing; and by deleting "Bureau of Internal Revenue" wherever appearing and inserting "Internal Revenue Service" in lieu thereof.

b. Section 1498.2 is further amended by deleting, in the text of Article 1 set forth in paragraph (h), the words "subject to" and inserting "and assumed" in lieu thereof.

2. Section 1498.3 *Execution of renegotiation agreement by contractor* is amended by adding to paragraph (a) thereof a new subparagraph (5) to read as follows:

(5) Any resolution and certificate complying with the requirements of this paragraph will be acceptable to the Board. The resolution and certificate may, but need not, be in the following suggested form:

I, ----------, do hereby certify that I am the duly elected, qualified, and acting Secretary of ---------- I do further certify that at a meeting of the Board of Directors of said corporation duly called and held on ---------, 195--, at ----------, at which a quorum was present and acting throughout, the following resolution was duly adopted, and that said resolution has not since been modified or rescinded and is now in full force and effect:

Resolved: That the proposed agreement between the Corporation and The Renegotiation Board to be entered into pursuant to the Renegotiation Act of 1951, as amended, providing for the elimination of excessive profits of the Corporation from contracts and subcontracts subject to said Act for the fiscal year of the Corporation ended ---------, be and hereby is approved; and that ----------, the ----------, be and hereby is authorized and directed, on behalf of the Corporation, to execute and deliver such agreement in the form presented to this meeting and that ----------, the ---------- Secretary of the Corporation, be and hereby is authorized to attest such execution and affix the seal of the Corporation to said agreement when so executed.

I do hereby further certify that the agreement to which this certificate is attached is in the form and contains the terms and conditions of the agreement submitted to said meeting, and that the person executing said agreement was the officer authorized to execute the same.

In witness whereof, I have hereunto subscribed my name and affixed the seal of said Corporation this ------ day of ----------, 195---.

[CORPORATE SEAL] (Secretary)

3. Section 1498.4 *Letter transmitting renegotiation agreement to contractor* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1498.4 *Letter transmitting renegotiation agreement to contractor—(a) Corporation and sole proprietorship.*[1]

—— (Date)

Gentlemen: Enclosed are five copies of a proposed renegotiation agreement covering your fiscal year ended ----------

Four copies of the agreement should be executed and returned. The fifth carbon copy may be retained for your files. Your corporate seal should be affixed to each executed copy of the agreement, and each executed copy should be accompanied by a certified resolution of your Board of Directors. For your guidance there is enclosed a suggested form of certified resolution. However, any other resolution which complies with the requirements of § 1498.3 of the Renegotiation Board regulations will be satisfactory. Each copy of Exhibit A attached to the agreement should be initialed in the space provided therefor. The date of your execution of the agreement should be inserted in the space provided therefor on the signature page. The date of execution on behalf of the Government, which will be the date of the agreement, will be inserted by this office.

For your guidance and use, there is also enclosed a form of letter to be addressed by you to the Director of Internal Revenue pursuant to Article 3 (a) of the agreement. This letter will enable you to obtain the amount of the tax credit allowable under section 1481 of the Internal Revenue Code of 1954. A copy of your letter to the Director, showing the date of actual mailing thereof, should be forwarded to this office.

After execution of the agreement on behalf of the Government, one fully executed copy will be returned to you for your files.

Your prompt attention to this matter will be appreciated.

Very truly yours,
REGIONAL RENEGOTIATION BOARD,
By ----------

(b) *Partnership.*

(Date)

Gentlemen: Enclosed are five copies of a proposed renegotiation agreement covering your fiscal year ended ----------

Four copies of the agreement should be executed by each of the partners and returned to this office. Each copy of Exhibit A attached to the agreement should be initialed by at least one of the partners, in the space provided therefor. The date of your execution of the agreement should be inserted in the space provided therefor on the signature page. The date of execution on behalf of the Government, which will be the date of the agreement, will be inserted by this office.

For your guidance and use, there is also enclosed a form of letter to be addressed by each of the partners to the Director of Internal Revenue pursuant to Article 3 (a) of the agreement. This letter will enable each partner to obtain the amount of the tax credit allowable under Section 1481 of the Internal Revenue Code of 1954. A copy of the letter sent by each partner, showing the date of actual mailing thereof, should be forwarded to this office.

After execution of the agreement on behalf of the Government, one fully executed copy will be returned to you for your files.

Your prompt attention to this matter will be appreciated.

Very truly yours,
REGIONAL RENEGOTIATION BOARD,
By ----------

(c) *Variation for Class A cases.* In Class A cases, the forms of letters set forth in paragraphs (a) and (b) of this section will be changed as follows:

(1) The first paragraph in each such form will be deleted in its entirety and the following inserted in lieu thereof:

Notice is hereby given that at a meeting held on ----------, this Regional Board made a final recommendation that you realized excessive profits in the amount of $------ for your fiscal year ended ------ ----------. This action of the Regional Board completes its processing of the case and constitutes the recommendation which it has forwarded to The Renegotiation Board for final determination.

You have heretofore advised that you are willing to enter into an agreement for the elimination of such excessive profits. Enclosed herewith are five copies of a proposed renegotiation agreement for this purpose.

(2) The penultimate paragraph in each such form will be deleted in its entirety and the following inserted in lieu thereof:

If The Renegotiation Board advises that it is in accord with the determination set forth in the enclosed agreement, the agreement will be executed on behalf of the Government and one fully executed copy will be returned to you for your files.

4. Section 1498.5 *Letter requesting tax credit computation* is amended by deleting "section 3806 of the Internal Revenue Code" wherever appearing and inserting "section 1481 of the Internal Revenue Code of 1954" in lieu thereof.

5. Section 1498.9 *Order of Regional Board determining excessive profits* is amended by deleting Article 2 set forth therein and inserting in lieu thereof the following:

2. Ordered that such excessive profits, as so adjusted, in the amount of ---------- ($------) Dollars be eliminated pursuant to the Act and said Renegotiation Board Regulations, subject to the applicable tax credit, if any, for Federal income (or income and excess profits) taxes provided in section 1481 of the Internal Revenue Code of 1954.

6. Sections 1498.10 *Notice by Regional Board of order determining excessive profits* and 1498.11 *Notice that order of Regional Board is deemed order of the Board* are amended by deleting "section 3806 of the Internal Revenue Code" wherever appearing and inserting "section 1481 of the Internal Revenue Code of 1954" in lieu thereof.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: October 24, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-8743; Filed, Oct. 26, 1956; 8:52 a. m.]

[1] The third, fourth, and fifth sentences of the second paragraph will be omitted when this letter is written to a sole proprietorship.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 3 (AGE-2, Amdt. 2)]

NSA 3—(AGE-2)—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

NEW AFFIDAVIT OF CITIZENSHIP

Effective as of date of publication hereof in the FEDERAL REGISTER, NSA Order No. 3 (AGE-2) is hereby further amended as follows:

Paragraph 8 under section 6 *Form of application* is amended by deleting the form entitled "Affidavit of Citizenship" and substituting therefor the following new form entitled "Affidavit of United States Citizenship of Corporate Applicant":

AFFIDAVIT OF UNITED STATES CITIZENSHIP OF CORPORATE APPLICANT

I, ---------- of ----------
(Name) (Resident)
----------, being duly sworn,
(Address)
depose and say:

1. That I am the ----------
(Title of office or offices held) of ---------- (Name of corporation)
a corporation organized and existing under the laws of the State of ----------, (hereinafter called the "Corporation"), with offices at ----------
(Business address)

2. That I am authorized by, and in behalf of, the Corporation to execute and deliver this Affidavit of United States Citizenship;

3. That the names of the President, Vice President(s) who may act in the absence or disability of the President, and the Director of the Corporation are as follows:

Name	Title
----------	----------

and that each of said individuals is a citizen of the United States of America (by virtue of birth in the United States, birth abroad of United States citizen parents, by naturalization, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a United States citizen prior to September 22, 1922, or as otherwise authorized by law);

4. Information as to stock, where Corporation has 30 or more stockholders:[1]

That I have access to the stock books and records of the Corporation; that said stock books and records have been examined and disclose (a) that, as of ----------
(Date)
the Corporation had issued and outstanding ---------- shares of ---------- stock, the only
(Class of stock)
class of stock of the Corporation issued and outstanding [if such is the case], owned of record by ---------- stockholders, said number of stockholders representing the ownership of the entire and outstanding stock of the Corporation, and (b) that no stockholder owned of record as of said date five per centum (5%) or more of the issued and outstanding stock of the Corporation of any class. (If different classes of stock exist, give the same data for each class issued and outstanding, showing the voting rights for each class. If there is an exception to the statement in clause (b), the name and address of the stockholder and the amount and class or classes of stock owned should be stated.)

That the registered addresses of ------ owners of record of ------ shares of the entire issued and outstanding stock of the Corporation are shown on the stock books and records of the Corporation as being within the United States; said ------ shares being ------ per centum (------%) of the total number of shares of stock of the Corporation issued and outstanding;

(The same statement should be made with reference to each class of stock, if there is more than one class.)

4. Information as to stock, where Corporation has less than (30) stockholders:

That the information as to stock ownership, upon which the Corporation relies to establish that the required percentage[2] of stock ownership is vested in United States citizens, is as follows:

Name of stockholder	Number of shares owned (each class)	Percentage of shares owned to total stock (each class)

and that each of said individuals is a citizen of the United States (by virtue of birth in the United States, birth abroad of United States citizen parents, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a United States citizen prior to September 22, 1922, or as otherwise authorized by law).

5. That upon the basis of the aforesaid information, the absence of knowledge of any substantial change in such information, and the absence of any other knowledge or information which would cause or tend to cause me to believe to the contrary (a) title to at least seventy-five per centum (75%)[3] of the stock of the Corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of any person not a citizen of the United States, (b) at least seventy-five per centum (75%)[3] of the voting power of the Corporation is vested in citizens of the United States, (c) through no contract or understanding is it so arranged that more than twenty-five per centum (25%)[3] of the voting power of the Corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States, and (d) by no means whatsoever is the control of any interest in the Corporation in excess of twenty-five per centum (25%)[3] conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

This Affidavit of United States Citizenship is given for the purpose of establishing the United States citizenship of the Corporation within the meaning of Section 2 of the Shipping Act, 1916, as amended, and may be relied on by the United States for such purposes.

(Name of Corporation)
By ----------
(Name)

(Title)

Subscribed and sworn to before me, a Notary Public in and for the State of ----------, County of ----------, this ------ day of ----------, 19---.

(Notary Public)

My commission expires ----------

[1] Strike inapplicable paragraph 4.

[2] 75% if Corporation is operating in the coastwise trade, on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; and controlling interest if Corporation is operating solely in the foreign trade—both terms as defined in Section 2, Shipping Act, 1916, as amended.

[3] If Corporation is operating in foreign trade only, the stated percentage should be changed to read "controlling interest".

Approved: October 24, 1956.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

WALTER C. FORD,
Deputy Maritime Administrator.

[F. R. Doc. 56-8758; Filed, Oct. 26, 1956; 8:55 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

YELLOWSTONE NATIONAL PARK

Subparagraph (1) of paragraph (a), *Weight and size limits for vehicles* of § 20.13 *Yellowstone National Park*, is amended to read as follows:

(1) No vehicle which has a gross weight including vehicle and load, in excess of 10 tons, shall be operated on or across bridges located on the following roads:

(i) The bridge across the Yellowstone River near Tower Junction on the Tower Junction-Northeast Entrance road.

(ii) The bridge across the Lewis River south of Lewis Lake on the West Thumb-South Entrance road.

(Sec. 3, 39 Stat. 535, as amended, 16 U. S. C. 3)

Issued this 9th day of October 1956.

[SEAL] WARREN F. HAMILTON,
Acting Superintendent, Yellowstone National Park.

[F. R. Doc. 56-8721; Filed, Oct. 26, 1956; 8:47 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA; ASSESSMENTS, JOINT WORKS

Correction

In F. R. Document 56-8157, appearing in the issue for Thursday, October 11, 1956, on page 7765, § 130.63, column 4, line 10, the reference to "$135" should read "$1.35".

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1350]

[Anchorage 023000]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF AIR FORCE AS RECREATIONAL SITES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Air Force as recreational sites.

NAKNEK RECREATIONAL CAMP SITE NO. 1

Beginning at a point where north latitude 58°38' line intersects the mean high water mark on the Northwest Shore of the Naknek River, in the vicinity of Naknek Air Force Base, Alaska, thence
Southerly, 410 feet along high water mark;
West, 520 feet;
North, 750 feet;
East, 625 feet;
South, 375 feet to the point of beginning.

The tract described contains approximately 10 acres.

NAKNEK RECREATIONAL CAMP SITE NO. 2

Beginning at a point where west longitude 156°28' line intersects the mean high water mark on the north shore of the Naknek River near the confluence of Naknek Lake, thence
North, 625 feet;
East, 750 feet;
South, 490 feet to the said high water mark on the north shore of the Naknek River; thence
meandering southwesterly along the mean high water mark of Naknek River 770 feet to the point of beginning.

The tract described contains approximately 10 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

FRED G. AANDAHL,
Acting Secretary of the Interior.

OCTOBER 23, 1956.

[F. R Doc. 56-8716; Filed, Oct. 26, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

COLVILLE INDIAN IRRIGATION PROJECT, WASHINGTON

OPERATION AND MAINTENANCE CHARGES

OCTOBER 19, 1956.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U. S. C. 1001), and pursuant to the Acts of August 11, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon by Order No. 551, amendment No. 1, approved June 5, 1951 (16 F. R. 3456-3457), a notice is hereby given of intention to modify § 130.9 *Charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited by the irrigation systems on the Colville Indian Irrigation Project, Colville Indian Reservation, Washington, as follows:

By increasing the annual operation and maintenance assessments under paragraph (a) Nespelem Unit $4.00; and Little Nespelem Unit $4.00.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

H. L. MOORE,
Acting Area Director.

[F. R. Doc. 56-8715; Filed, Oct. 26, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T. D. 54222]

[Treasury Department Order 165-5]

COMMISSIONER OF CUSTOMS

TRANSFER OF CERTAIN FUNCTIONS

OCTOBER 17, 1956.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp. ch. III), there are transferred to the Commissioner of Customs all the functions of the Secretary of the Treasury under Public Law No. 362-84th Congress, 1st Session (act of August 11, 1955, 21 U. S. C. 198a, 198b, 198c).

The functions herein transferred may be delegated by the Commissioner of Customs to subordinates as he deems necessary.

The transfer of functions to the Commissioner of Customs by this order is in addition to the transfer of functions to the Commissioner of Narcotics by Treasury Department Order No. 180-3, dated August 22, 1955, published in the FEDERAL REGISTER on August 26, 1955. The intent of the two orders is to transfer the functions to the two commissioners to be performed in their respective fields of operation.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8732; Filed, Oct. 26, 1956; 8:50 a. m.]

[T. D. 54223]

[Customs Delegation Order 10]

SUPERVISING CUSTOMS AGENTS

TRANSFER OF CERTAIN FUNCTIONS

OCTOBER 19, 1956.

Under the authority conferred upon me by Treasury Department Order No. 165-5, dated October 17, 1956, the functions under Public Law No. 362—84th Congress—1st Session (act of August 11, 1955, 21 U. S. C. 198a, 198b, 198c), are hereby transferred as follows:

1. All of the said functions are transferred to supervising customs agents of the Bureau of Customs;

2. All of the said functions, except the authority to issue subpenas, are transferred to customs agents of the Bureau of Customs.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 56-8733; Filed, Oct. 26, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-010778]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 22, 1956.

Pursuant to the authority delegated to me by Order No. 541, Section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473-2476), it is ordered as follows:

1. The lands hereinafter described, excluded from the Great Sand Dunes National Monument, State of Colorado, by Presidential Proclamation 3138 dated June 7, 1956 (21 F. R. 4035), are hereby restored to disposition under the public land laws, subject to the restrictions of paragraph 2 below.

NEW MEXICO PRINCIPAL MERIDIAN—COLORADO

T. 40 N., R. 12 E.,
Sec. 13: SW¼;
Sec. 24: All;
Sec. 25: All.
Fractional T. 40 N., R. 13 E.,
Sec. 19: All;
Sec. 30: All;
Sec. 31: All.

SIXTH PRINCIPAL MERIDIAN—COLORADO

T. 27 S., R. 73 W.,
Sec. 19: All;
Sec. 20: All;
Sec. 21: All.

The area described contains 4,422.85 acres of public land.

2. The restoration of the above lands is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. This restoration of the above lands is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others.

3. The following described lands excluded from the Great Sand Dunes National Monument by Presidential Proclamation 3138 dated June 7, 1956 (21 F. R. 4035) are hereby restored to disposition under the public land laws:

NEW MEXICO PRINCIPAL MERIDIAN—COLORADO

T. 40 N., R. 12 E.,
Sec. 2: All;
Sec. 11: NE¼;
Sec. 12: SW¼;
Sec. 13: NW¼.
T. 41 N., R. 12 E.,
Sec. 22: SW¼;
Sec. 26: All;
Sec. 27: All;
Sec. 34: All;
Sec. 35: All.

SIXTH PRINCIPAL MERIDIAN—COLORADO

T. 27 S., R. 73 W.,
Sec. 15: SE¼SW¼, S½SE¼;
Sec. 22: All.

Within the above described areas are 4243.43 acres of public lands.

4. These lands are located adjacent to the west and south boundaries of the Great Sand Dunes National Monument northeast of Alamosa, Colorado, along the eastern edge of the San Luis Valley. The area in Ts. 40 and 41 N., R. 12 E. is characterized by an undulating to rolling topography of small shifting sand dunes interspersed with patches of desert vegetation. The area in T. 27 S., R. 73 W. is steep and rocky and the shallow soil supports only pinon trees with little understory vegetation. None of the lands are suitable for farming.

5. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on November 27, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 26, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws presented prior to 10:00 a. m. on February 26, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning at 10:00 a. m. on February 26, 1957.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 56-8735; Filed, Oct. 26, 1956; 8:50 a. m.]

[73404]

LOUISIANA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Plat of limited dependent resurvey and protraction survey of certain islands described below, will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m., on November 26, 1956:

ST. HELENA MERIDIAN—LOUISIANA

T. 16 S., R. 18 E.,
Gardner Island in secs. 4 and 5;
Grace Point in sec. 9.

2. According to the filed notes and as shown by the plat, the islands are principally swamp in character being low and wet, approximately one foot above high tide elevation and appear to be overflowed within the meaning of the act of Sept. 28, 1850 (9 Stat. 519). Should the lands be finally determined as swamp and overflowed in character, it must be held that the lands inured to the State and any application adverse to the State in conflict with swamp land claim will be governed by § 271.2 of Title 43 of the Code of Federal Regulations.

3. Inquiries concerning the lands should be addressed to the Acting Manager, Eastern States Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

WILLIAM E. THOMAS,
Acting Manager.

[F. R. Doc. 56-8717; Filed, Oct. 26, 1956; 8:46 a. m.]

[73401]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Plat of Dependent Resurvey and Extension Survey of certain omitted lands, described below, will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m. on November 26, 1956:

FIFTH PRINCIPAL MERIDIAN—MINNESOTA

T. 148, N., R. 32 W.,
Sec. 19, lot 9.
T. 148 N., R. 33 W.,
Sec. 24, lots 10, 11, 12, 13, 14, 15.

2. The plat represents a retracement and re-establishment of the original boundaries of sec. 24 T., 148 N., R. 33 W., designed to restore all corners in their original locations according to the best available evidence and the survey of lands erroneously omitted from the original survey of that section and a small area of land similarly omitted in the survey of sec. 19, T. 148 N., R. 32 W., and not shown upon the plats approved January 25, 1875 and February 12, 1875, respectively.

3. Available information indicates that the lands range from level swamp to rolling upland, reaching 40 feet above the level of Three Island Lake; that the upland portion contains typical northern species of timber and the lands are accessible from a nearby state road and woods roads.

4. Available information further indicates that lots 10 and 15, sec. 24, T. 148 N., R. 33 W., and lot 9, sec. 19, T. 148 N., R. 32 W., are principally swamp in character and appear to be swamp and overflowed within the meaning of the act of Sept., 28, 1850 (9 Stat. 519). Should the lands finally be determined to be swamp and overflowed in character, it must be held that the lands inured to the State and any application adverse to the State in conflict with swamp land claim will be governed by § 271.2 of Title 43 of the Code of Federal Regulations.

5. No application may be allowed for lots 11, 12, 13 and 14, sec. 24, T. 148 N., R. 33 W., under the homestead or small tract or any other nonmineral public land laws unless the lands have been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

6. At the hour specified on the above-mentioned effective date, the said lands shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91-day preference right filing period for veterans and others entitled to preference under the act of

September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

7. Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from Acting Manager, Eastern States Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

WILLIAM E. THOMAS,
Acting Manager.

[F. R. Doc. 56–8718; Filed, Oct. 26, 1956; 8:46 a. m.]

[W–043672]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture has filed an application, Serial No. Wyoming 043672, for the withdrawal of the lands described below, from location and entry under the United States mining laws.

The applicant desires the land for use as public recreational areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN—WYOMING

TARGHEE NATIONAL FOREST

Teton Canyon Public Service Site:
T. 44 N., R. 118 W. (unsurveyed),
Sec. 23: NE¼SW¼, NW¼SE¼.
Darby Canyon Public Service Site:
T. 43 N., R. 118 W. (unsurveyed),
Sec. 20: S½NW¼.
Alaska Basin-South Teton Recreation Area:
T. 43 N., R. 117 W. (unsurveyed),
Sec. 11: All;
Secs. 1, 2, 12, 13, 14: Those portions that are not located within the Grand Teton National Park;
T. 43 N., R. 116 W. (unsurveyed),
Sec. 18: That portion that is not located within the Grand Teton National Park.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56–8719; Filed, Oct. 26, 1956; 8:46 a. m.]

NEBRASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture has filed an application, Serial No. Wyoming 044344 (Neb.), for the withdrawal of the lands described below, from location and entry under the United States mining laws.

The applicant desires the land for an experimental area in furtherance of the act of May 22, 1928 (45 Stat. 699) as amended.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN—NEBRASKA

NEBRASKA NATIONAL FOREST

Sandhills Experimental Forest and Range:
T. 32 N., R. 32 W.,
Sec. 1: SW¼;
Sec. 2: S½;
Sec. 3: S½;
Sec. 4: S½;
Sec. 5: S½;
Sec. 6: Lots, 7, 8, 9, 10, 13, 14, SE¼;
Sec. 7: All;
Sec. 8: All;
Sec. 9: All;
Sec. 10: All;
Sec. 11: All;
Sec. 12: W½;
Sec. 13: W½;
Sec. 14: All;
Sec. 15: All;
Sec. 16: All;
Sec. 17: All;
Sec. 18: All.
T. 32 N., R. 33 W.,
Sec. 1: SE¼;
Sec. 12: E½;
Sec. 13: E½.

The area described totals 9,875.21 acres.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56–8720; Filed, Oct. 26, 1956; 8:46 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE AND YUMA PROJECTS, CALIFORNIA

ORDER OF REVOCATION

Correction

In Federal Register Document 56–6977, published at 21 F. R. 6548, August 30, 1956, the date for the Bureau of Land Management concurrence should read "AUGUST 24, 1956."

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OHIO

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Ohio a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Ohio: Medina, Summit, Wayne.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 23d day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–8726; Filed, Oct. 26, 1956; 8:48 a. m.]

CERTAIN STATES

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; the President determined on July 19, 1956, that a major disaster occasioned by drought existed in the State of Nebraska; the President determined on February 27, 1956, that a major disaster occasioned by drought existed in the State of Oklahoma; and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on the dates indicated to be affected by the above-mentioned major disasters:

KANSAS

Determined on October 16, 1956:
1. Five townships in Doniphan County: Wolf River, Center, Union, Iowa, and Washington.
2. Five townships in Riley County: Fancy Creek, Center, Mayday, Swede Creek, and Jackson.
3. Eleven townships in Pottawatomie County: Blue Valley, Spring Creek, Shannon, Clear Creek, Rock Creek, Lone Tree, Sherman, Mill Creek, Vienna, Grant, and Lincoln.

NEBRASKA

Determined on October 10, 1956: Antelope, Boone, Buffalo, Cass, Cedar, Dixon, Frontier, Furnas, Gage, Gosper, Greeley, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Knox, Madison, Nuckolls, Pawnee, Platte, Saunders, Seward, Sherman, Stanton, Thayer, Valley, Webster, York.
Determined on October 12, 1956: Franklin.

OKLAHOMA

Determined on October 16, 1956: Craig, Delaware, McCurtain, Nowata, Ottawa.

TEXAS

Determined on October 16, 1956: Harris, Montgomery, Polk, San Jacinto, Trinity, Tyler, Walker.

Done at Washington, D. C., this 23d day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–8727; Filed, Oct. 26, 1956; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3207]

CHICAGO-TWIN CITIES CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned for November 6 is postponed to November 8, 1956, 10:00 a. m., e. s. t., Room E–224, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., October 24, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56–8749; Filed, Oct. 26, 1956; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LUSK SHIPPING CO. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Agreement No. 8163 between Lusk Shipping Co., New Orleans, La. and Paul A. Boulo, Mobile, Alabama;

(2) Agreement No. 8164 between Lusk Shipping Co., New Orleans, La. and H. H. Elder & Co., Los Angeles, California;

(3) Agreement No. 8165 between Lusk Shipping Co., New Orleans, La. and H. S. Thielen, Lake Charles, La.;

(4) Agreement No. 8166 between Lusk Shipping Co., New Orleans, La. and Fillette, Green & Co., Pensacola, Florida;

(5) Agreement No. 8168 between Lusk Shipping Co., New Orleans, La., and R. B. Comar, Inc., Charleston, S. Carolina;

(6) Agreement No. 8169 between Lusk Shipping Co., New Orleans, La. and Anderson Shipping Co., Savannah, Ga.;

(7) Agreement No. 8171 between Lusk Shipping Co., New Orleans, La., and Fillette, Green & Co. of Tampa, Tampa, Florida; and

(8) Agreement No. 8172 between Lusk Shipping Co., New Orleans, La. and Stone Forwarding Co., Inc., Houston, Texas; and

are cooperative working arrangements under which the parties perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 24, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–8757; Filed, Oct. 26, 1956; 8:55 a. m.]

Office of the Secretary

HAROLD J. CARR

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 10, 1956.

A. Deletions: Amerada Petroleum Corporation.
B. Additions: Rohm & Haas Co.

This statement is made as of October 20, 1956.

Dated: October 20, 1956.

HAROLD J. CARR.

[F. R. Doc. 56–8728; Filed, Oct. 26, 1956; 8:48 a. m.]

GLENN E. CARTER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 5, 1956.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 20, 1956.

Dated: October 20, 1956.

GLENN E. CARTER.

[F. R. Doc. 56–8729; Filed, Oct. 26, 1956; 8:49 a. m.]

NORVAL W. POSTWEILER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 22, 1956.

A. Deletions: None.
B. Additions: None.

This statement is made as of October 20, 1956.

Dated: October 20, 1956.

NORVAL W. POSTWEILER.

[F. R. Doc. 56–8730; Filed, Oct. 26, 1956; 8:49 a. m.]

JOHN H. SPRAGGON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John H. Spraggon.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: October 11, 1956.
4. Title of position: Consultant.
5. Name of private employer: Westinghouse Electric Corporation, Essington, Pennsylvania.

JOHN F. LUKENS,
Director of Personnel.

OCTOBER 17, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Westinghouse Electric Corporation.
Niagara Hudson Power Corporation.
Bank deposits.

Dated: October 22, 1956.

JOHN H. SPRAGGON.

[F. R. Doc. 56–8731; Filed, Oct. 26, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10268 etc.; FCC 56M–981]

WJR, GOODWILL STATION, INC., ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE AND CONTINUING HEARING DATE

In re applications of WJR, The Goodwill Station, Inc., Flint, Michigan; Docket No. 10268, File No. BPCT–967; Trebit Corporation, Flint, Michigan, Docket No.

10269, File No. BPCT-968; W. S. Butterfield Theatres, Inc., Flint, Michigan, Docket No. 10270, File No. BPCT-953; for construction permits for new television stations.

The Hearing Examiner having under consideration the Commission's order released October 19, 1956, among other things directing that "the [further] hearing ordered herein shall be held at the offices of the Commission in Washington, D. C., commencing no later than November 16, 1956"; and the Chief Hearing Examiner's order released the same day, designating the undersigned Hearing Examiner to preside at the further hearing and setting the hearing date for October 29, 1956;

It appearing that all counsel are agreed that a prehearing conference should be held for the purpose, among other things, of clarifying the issues, and that the earliest practicable date for such a conference is October 30, 1956;

It is ordered, This 22d day of October 1956, that a prehearing conference is scheduled for Tuesday, October 30, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.; and that the hearing now scheduled for October 29, 1956, is indefinitely continued, the parties now being notified that the new hearing date to be set after the prehearing conference will not be later than November 16, 1956, the limit fixed in the Commission's order released October 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8738; Filed, Oct. 26, 1956; 8:51 a. m.]

[Docket No. 11786 etc.; FCC 56M-979]

WEST SHORE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; for construction permits.

Upon the oral request of counsel for the three applicants, and without objection by counsel for the Broadcast Bureau: *It is ordered*, This 19th day of October 1956, that:

(1) The date for the exchange of data among the engineers (Tr. 17) is extended from October 22 to November 12, 1956.

(2) The date for the informal engineering conference (Tr. 17) is continued from October 26 to no later than November 16, 1956.

(3) The date for the exchange of affirmative written cases is extended from November 19 to December 3, 1956.

(4) The date for the further conference is continued from November 29 to December 10, 1956.

(5) The date for the beginning of the evidentiary hearing is continued from December 10, 1956, to January 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8739; Filed, Oct. 26, 1956; 8:51 a. m.]

[Docket Nos. 11789, 11790; FCC 56M-980]

TRADEWINDS BROADCASTING CO. (WCBQ)

ORDER CONTINUING HEARING

In re applications of M. R. Lankford, tr/as The Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, Docket No. 11789, File No. BP-10370; for construction permit to replace expired construction permit and Docket No. 11790, File No. BMP-6920; for modification of construction permit.

On the oral request of counsel for the applicant, and without objection by counsel for the other parties: *It is ordered*, This 22d day of October 1956, that the hearing now scheduled for November 1, 1956, is further continued to *Tuesday, November 6, 1956*, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8740; Filed, Oct. 26, 1956; 8:51 a. m.]

[Docket No. 11803; FCC 56M-986]

BOSQUE RADIO

ORDER CONTINUING HEARING

In re application of George H. Cook tr/as Bosque Radio, Clifton, Texas, Docket No. 11803, File No. BP-10361; for construction permit.

The Hearing Examiner having under consideration a petition for continuance filed by Bosque Radio on October 17, 1956;

It is ordered, This 23d day of October 1956, that the petition for continuance is granted and the date for hearing is continued from October 31 to December 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8741; Filed, Oct. 26, 1956; 8:51 a. m.]

[Docket No. 11820; FCC 56M-982]

WAYNE BROADCASTING CO.

NOTICE OF PREHEARING CONFERENCE

In re application of T. C. Collins & Herman Morris, d/b as Wayne Broadcasting Company, Jesup, Georgia, Docket No. 11820, File No. BP-10375; for construction permit for new standard broadcast station.

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding at 10:00 o'clock a. m., on Thursday, November 1, 1956, in the offices of this Commission, Washington, D. C.

Dated this 19th day of October 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8742; Filed, Oct. 26, 1956; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3501]

PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING A PROPOSED CONTRACT WITH A NON-AFFILIATE FOR NATURAL GAS SUPPLY FOR FUEL IN GENERATING STATIONS

OCTOBER 23, 1956.

Notice is hereby given that Public Service Company of Oklahoma ("Public Service"), an electric public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), an application-declaration with respect to a proposed contract with Transok Pipe Line Company ("Transok"), a non-affiliated intrastate natural gas pipeline company. The application-declaration states that sections 6, 7, 9 (a) (1) and 10 of the act may be applicable to the transactions.

All interested persons are referred to the application-declaration on file in the office of the Commission for a statement of the transactions therein proposed, together with certain related facts and circumstances, which are summarized below.

Public Service utilizes natural gas as fuel in its boilers at its principal electric generating stations. Public Service proposes to enter into an amended gas purchase contract with Transok for the term beginning with the date of its execution and ending November 1, 1980, with the right on behalf of either party to extend the term for an additional five years. Transok will undertake to supply and Public Service agrees to purchase, such of the natural gas fuel requirements of Public Service as are not supplied by others. Under the contract, Transok's pipe line and its natural gas supply is dedicated to Public Service which has first call thereon. Public Service is obligated to take, or pay for if not taken, annual minimum volumes of gas, at prices per Mcf sufficient to cover Tansok's costs, including interest on, and amortization of $13,500,000 principal amount of its 3½ percent first mortgage bonds due 1980. Public Service also agrees that, in the event of a breach of any of the terms of the contract by Transok that Public Service will, at the election and upon the demand of the trustee under Transok's bond indenture, either take over the operation of Transok's pipe line or purchase the pipe line and pay to the indenture trustee, as rentals or as the purchase price, such amounts as then or thereafter are payable by Transok on account of principal and interest, or otherwise, upon Transok's then outstanding bonds, such payments to be made to the indenture trustee when and as they are payable by the terms of Transok's bonds.

The application-declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 6, 1956, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant and permit to become effective the application-declaration, as filed or as it may be amended, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-8724; Filed, Oct. 26, 1956; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-7-13]

SLIP-RESISTANT HANGER COVERS

COMPLAINT DISMISSED

OCTOBER 24, 1956.

After preliminary inquiry in accordance with § 203.3 of its rules of practice and procedure (19 CFR 203.3), the United States Tariff Commission, on the 23d day of October 1956 dismissed the complaint filed under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337) by L. M. Leathers' Sons, 675 Pulaski Street, Athens, Georgia, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain slip-resistant hanger covers. Notice of the receipt of this complaint was published in 21 F. R. 5198.

Issued: October 24, 1956.

By order of the Commission:

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-8736; Filed, Oct. 26, 1956; 8:50 a. m.]

COTTON VELVETEEN FABRICS "ESCAPE CLAUSE" REPORT

OCTOBER 24, 1956.

The Tariff Commission today submitted a report to the President on its findings and recommendations in "escape clause" Investigation No. 49 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to cotton velveteen fabrics. Such fabrics are dutiable under paragraph 909 of the Tariff Act of 1930, as modified pursuant to concessions granted in the General Agreement on Tariffs and Trade. Under that agreement plain-back velveteens are subject to a duty of 25 percent ad valorem and twill-back velveteens are subject to a duty of 25 cents per square yard but not less than 22½ percent ad valorem nor more than 30 percent ad valorem.

The Commission unanimously found that, as a result in part of the customs treatment reflecting the aforementioned concessions, cotton velveteen fabrics (plain-back and twill-back) are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or directly competitive products. The Commission also found (Commissioner Jones dissenting) that in order to remedy this serious injury, it is necessary that the duty on the imports of plain-back velveteens be increased to 46⅞ percent ad valorem and the duty on the imports of twill-back velveteens be increased to 56¼ percent ad valorem. Commissioner Jones found that an adequate remedy for the serious injury would be provided if a duty of 44 percent ad valorem were imposed on the imports of all cotton velveteens, plain-back as well as twill-back.

The Commission's report contains a summary of the information assembled in the investigation and also a statistical appendix. Copies of the report may be secured upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington, D. C.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-8737; Filed, Oct. 26, 1956; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-140]

UNITED INCANDESCENT LAMPS & ELECTRICAL CO., LTD.

In re: debt owing to United Incandescent Lamps & Electrical Co., Ltd. F-34-494.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: that certain debt or other obligation of General Electric Company, International General Electric Company Division, 150 East 42d Street, New York 17, New York, arising out of an account on its books entitled "Account #618—Sundry Creditors, United Incandescent Lamps & Electrical Co. Ltd.", together with any and all rights to demand, enforce and collect the same,

is property within the United States, which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by United Incandescent Lamps & Electrical Co., Ltd., Ujpest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on October 22, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-8744; Filed, Oct. 26, 1956; 8:52 a. m.]

[Vesting Order SA-141]

UNITED INCANDESCENT LAMPS & ELECTRICAL CO., LTD.

In re: debt owing to United Incandescent Lamps & Electrical Co., Ltd. F-34-494.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: that certain debt or other obligation of the Radio Corporation of America, RCA International Division, Clark, New Jersey, arising out of an account on its books entitled "United Incandescent Lamps & Electrical Co., Ltd., Ujpest 4, Near Budapest, Hungary, Blocked Account, Reference 161–11," together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by United Incandescent Lamps & Electrical Co., Ltd., Ujpest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on October 22, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56–8745; Filed, Oct. 26, 1956; 8:52 a. m.]

[Vesting Order 16714, Amdt.]

HELENE BOEHM

In re: bond owned by Helene Boehm. F–28–31762.

Vesting Order 18714, dated January 18, 1952, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–401; Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Helene Boehm, whose last known address is 2 De la Pazstrasse, Munich, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation matured or unmatured evidenced by One (1) Southern Pacific Company 4½ percent Gold bond, due 1981, numbered 37584 and of $1,000.000 face value and evidenced by coupons attached to or detached from said bond and due on or after March 1, 1940, together with any and all accruals to the aforesaid debt or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond and coupons,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Helene Boehm, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including apropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 23, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8746; Filed, Oct. 26, 1956; 8:52 a. m.]

CAROLINE JEANNE MAUTSCH AND VALENTINE CITO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Caroline Jeanne Mautsch, Brussels, Belgium, Claim No. 40032. To: Caroline Jeanne Mautsch an undivided one-half interest in the property described below and the usufruct (life income) from one-half of the remaining undivided half interest therein.

Valentine Cito, Uccle, Belgium, Claim No. 38722. To: Valentine Cito an undivided one-half interest in the property described below, subject to the above-mentioned usufruct of Caroline Jeanne Mautsch from one-half thereof.

Vesting Orders Nos. 292 and 675. All right, title and interest in and to United States Letters Patent Nos. 2,159,169 and 2,234,127, vested by Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) and in and to United States Letters Patent No. 2,352,443, vested as Application Serial No. 278,768 by Vesting Order No. 292 (7 F. R. 9836, November 26, 1942).

Executed at Washington, D. C., on October 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8747; Filed, Oct. 26, 1956; 8:52 a. m.]

OTTO KLEMPERER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Otto Klemperer, 70, Syke Inga, Iver, Richings Park, Bucks, England, Claim No. 36216. $137.86 in the Treasury of the United States. Fifty percent (50%) of all royalties to become payable to the Attorney General of the United States pursuant to any licenses issued by the Attorney General for publication of a book entitled "Einfuhrung In Die Elektronik," by Otto Klemperer, as listed in Exhibit A of Vesting Order No. 500A–95 (9 F. R. 9559, August 5, 1944).

Executed at Washington, D. C., on October 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–8748; Filed, Oct. 26, 1956; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 24, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32791: *Salt cake from Front Royal and Riverton, Va., to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on salt cake (crude sulphate of soda), carloads, from Front Royal and Riverton, Va., to points in southern territory.

Grounds for relief: Rail carrier and market competition, and circuity.

Tariff: Supplement 10 to Agent C. A. Spaninger's I. C. C. 1538.

FSA No. 32792: *Sodium phosphate from St. Louis and East St. Louis to Brunswick, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sodium phosphate, di-sodium phosphate, and tri-sodium phosphate, carloads, from St. Louis, Mo., and East St. Louis, Ill., to Brunswick, Ga.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 11 to Agent C. A. Spaninger's I. C. C. 1548.

FSA No. 32793: *Alcohol from New Orleans, La., to Kingsport, Tenn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on alcohol, carloads, from New Orleans, La., and points taking the same rates, to Kingsport, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 156 to Agent C. A. Spaninger's I. C. C. 400.

FSA No. 32794: *Soda ash from Baton Rouge and North Baton Rouge, La., to Illinois.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on soda ash (other than modified soda ash), carloads, from Baton Rouge and North Baton Rouge, La., to Joliet and Ottawa, Ill.

Grounds for relief: Rail carrier and market competition, and circuity.

Tariff: Supplement 202 to Agent C. A. Spaninger's I. C. C. 417.

FSA No. 32795: *Lumber from British Columbia to the United States.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and forest products, carloads, from British Columbia, Canada, to points in the United States.

Grounds for relief: Rail carrier competition, circuity, and grouping.

Tariffs: Supplement 38 to Agent Prueter's I. C. C. 1568, and two other tariffs.

FSA No. 32796: *Fertilizer in official territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from, to, and between points in official territory.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 48 to Agent Hinsch's I. C. C. 4662 and one other tariff.

FSA No. 32797: *Canned foods from, to, and within the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs and related articles, carloads, from, to, and between points in southwestern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 5 to Agent Kratzmeir's I. C. C. 4221 and 3 other tariffs.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56–8723; Filed, Oct. 26, 1956; 8:47 a. m.]

8:52 a. m.]

8:52 a. m.]

8:53 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 211

Washington, Tuesday, October 30, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3161

NATIONAL OLYMPIC DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the XVIth Olympic Games of the modern era will be held in Melbourne, Australia, beginning November 22 and ending December 8, 1956; and

WHEREAS these games afford an opportunity for the finest men and women athletes from more than seventy participating countries to assemble together in an atmosphere of friendly competition and good sportsmanship; and

WHEREAS these athletes, who represent different nations, creeds, and races, meet together in competitive tests of their athletic abilities under rules and conditions which offer equality of opportunity for all; and

WHEREAS experience has shown that contestants and spectators have returned to their homes from Olympic Games not only refreshed in their friendships and richer in their understanding of other peoples, but also with new insight into the brotherhood of man; and

WHEREAS in these times of international tensions the peoples of the world need the stabilizing influence of the friendly relations, wholesome competition, and high ideals of sportsmanship engendered by the Olympic Games; and

WHEREAS the United States Olympic Association is presently engaged in assuring maximum support for the team representing the United States at Melbourne:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Saturday, October 27, 1956, as National Olympic Day; and I urge the fullest possible participation in its observance by people throughout the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of October in the year of our Lord nineteen hundred
[SEAL] and fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-8824; Filed, Oct. 29, 1956; 10:54 a. m.]

EXECUTIVE ORDER 10683

INCLUDING CERTAIN LANDS IN THE CHEROKEE NATIONAL FOREST

WHEREAS on July 26, 1955, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement (Contract No. TV-14396-A) providing for the transfer by the said Authority to the said Department of the right of possession and all other right, title, and interest which the Authority might have in or to certain lands therein designated and described in Carter County, Tennessee, so that such lands might be included in and reserved as a part of the Cherokee National Forest, in accordance with the terms and conditions of the said agreement and subject to the approval required by section 4 (k) (c) of the Tennessee Valley Authority Act of 1933, as amended by the act of July 18, 1941 (55 Stat. 599); and

WHEREAS on March 7, 1956, the said agreement between the Tennessee Valley Authority and the United States Department of Agriculture was approved by the Director of the Bureau of the Budget pursuant to the provisions of section 4 (k) (c) of the Tennessee Valley Authority Act of 1933, as amended, and of section 1 (h) of Executive Order No. 10530 of May 10, 1954; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that the inclusion of such lands in the Cherokee National Forest would be in the public interest:

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FEDERAL REGISTER

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1956–57 Edition

(Revised through June 1)

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NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, I hereby include in and reserve as a part of the Cherokee National Forest the following-described lands, such inclusion and reservation to be in accordance with and subject to the terms and conditions of the said agreement of July 26, 1955, between the Tennessee Valley Authority and the United States Department of Agriculture:

Certain land lying in the 18th Civil District of Carter County, State of Tennessee on the shores of Wilbur Lake, which land is designated as Parcels Nos. 1, 2, 3, and 4.

PARCEL No. 1

A parcel of land lying on the north shore of Wilbur Lake at Wilbur Dam and described as follows:

Beginning at a metal marker (Coordinates: N. 734,353; E. 3,141,461) in the US-TVA Purchase Boundary at a corner of the lands of Ralph B. Nave et ux and the Luther A Loveless (Bowers) Heirs.

From the initial point,
With the US-TVA Purchase Boundary,
S. 52° 49' E., 230 feet to a metal marker;
S. 42° 13' E., 619 feet to a poplar stump and metal marker;
S. 2° 10' W., 122 feet to a metal marker;
S. 3° 37' W., 355 feet to a metal marker;
S. 3° 37' W., 79 feet to a black gum tree;
S. 34° 18' W., 610 feet to a hacked 16-inch double red oak tree and a metal marker;
S. 60° 49' W., 983 feet to a point in the 1,665-foot contour;
Leaving the US-TVA Purchase Boundary,
S. 60° 49' W., 15 feet, more or less, to a point in the 1,655-foot contour on the north shore of Wilbur Lake;
With the said contour as it meanders in a westerly direction approximately 70 feet to a point (Coordinates: N. 732,211 E. 3,140,744);
Leaving the contour,
N. 50° 21' E., 275 feet to a metal marker;
N. 15° 47' W., 720 feet to a metal marker;
N. 76° 20' W., 274 feet to a metal marker;
N. 59° 04' E., 503 feet to a metal marker;
N. 21° 59' W., 622 feet to a metal marker in the US-TVA Purchase Boundary;
With the US-TVA Purchase Boundary,
N. 64° 14' E., 182 feet to a metal marker;
N. 64° 04' E., 673 feet to the point of beginning.

The above described Parcel No. 1 contains 43.6 acres, more or less.

PARCEL No. 2

A parcel of land lying on the east shores of Wilbur Lake approximately ½ mile east of Wilbur Dam and described as follows:

Beginning at U. S. F. S. Corner No. 3 (Coordinates: N. 730,650; E. 3,143,336), in the US-TVA Purchase Boundary at a corner of the land of the United States of America in custody of the Forest Service and the land of I. J. Estep.

From the initial point,
With the US-TVA Purchase Boundary,
N. 16° 20' W., 44 feet to a metal marker;
Leaving the US-TVA Purchase Boundary,
N. 16° 20' W., 60 feet to a point in the center line of the access highway to Watauga Dam;
N. 16° 20' W., 46 feet to a metal marker in the 1,655-foot contour on the shore of Wilbur Lake;
With the said contour as it meanders in a general northerly direction and subsequently in a westerly direction to a point;
Leaving the contour,
N. 60° 49' E., 15 feet, more or less, to a point (Coordinates: N. 732,217; E. 3,140,826) in the 1,665-foot contour and in the US-TVA Purchase Boundary;
With the US-TVA Purchase Boundary and with the 1,665-foot contour as it meanders in an easterly direction to a point;
Leaving the contour,
N. 52° 35' E., 75 feet to U. S. F. S. Corner No. 96;
S. 86° 05' E., 340 feet;
N. 67° 36' E., 284 feet;
S. 65° 33' E., 294 feet;
S. 45° 35' E., 398 feet;
S. 1° 12' W., 400 feet;
S. 1° 42' E., 400 feet;
S. 54° 47' W., 260 feet;
S. 57° 54' W., 130 feet;
S. 36° 20' W., 100 feet;
S. 24° 56' E., 230 feet;
N. 60° 29' W., 170 feet to a stone;
S. 71° 28' W., 264 feet;
S. 83° 32' W., 261 feet to the point of beginning.

The above described Parcel No. 2 contains 9.3 acres, more or less.

PARCEL No. 3

A parcel of land lying on the inside of a bend in Wilbur Lake immediately southeast of Wilbur Dam and described as follows:

Beginning at an 18-inch white pine tree (U. S. F. S. Corner No. 5.—Coordinates: N. 731,578; E. 3,140,930) in the US-TVA Purchase Boundary.

From the initial point,
S. 77° 14' E., 490 feet to a metal marker;
N. 6° 56' E., 100 feet to a metal marker;
N. 83° 34' E., 798 feet to a metal marker in the US-TVA Purchase Boundary;
With the US-TVA Purchase Boundary,
S. 5° 51' E., 88 feet to a stone pile and a metal marker;
N. 82° 43' E., 148 feet to a metal marker;
N. 5° 36' W., 88 feet to a metal marker;
Leaving the US-TVA Purchase Boundary,
N. 83° 09' E., 673 feet to a metal marker;
S. 88° 21' E., 177 feet to a metal marker;
S. 69° 02' E., 182 feet to a metal marker;
S. 40° 01' E., 120 feet to a metal marker;
S. 15° 32' E., 132 feet to a metal marker;
S. 2° 27' W., 82 feet to a metal marker;
S. 19° 14' W., 183 feet, passing a metal marker in the 1,665-foot contour at 162 feet, to a point in the 1,655-foot contour on the north shore of Wilbur Lake;
With the 1,655-foot contour as it meanders in a westerly direction to a point;
Leaving the contour,
N. 40° 00' W., 40 feet to U. S. F. S. Corner No. 2A in the US-TVA Purchase Boundary,
With the US-TVA Purchase Boundary,
N. 25° 57' W., 1,072 feet to the point of beginning.

Except therefrom 0.2 acre, more or less, owned by the Freewill Baptist Church and Cemetery, the said 0.2 acre being described as follows:

Beginning at a metal marker (Coordinates: N. 731,355; E. 3,142,796) in the US-TVA Purchase Boundary;
From the initial point,
With the US-TVA Purchase Boundary,
N. 12° 29' W., 26 feet to a metal marker;
N. 52° 19' E., 111 feet to a stone and a metal marker;
S. 80° 37' E., 87 feet to a metal marker;
S. 10° 54' W., 58 feet to a metal marker;
S. 82° 05' W., 159 feet to the point of beginning for the exception.

The above described Parcel No. 3, after giving effect to the exception above noted, contains 31.9 acres, more or less.

PARCEL No. 4

A parcel of land lying on the left side of the Watauga River at Wilbur Dam and described as follows:

Beginning at an 18-inch white pine tree (U. S. F. S. Corner No. 5—Coordinates: N. 731,578; E. 3,140,930) in the US-TVA Purchase Boundary.

From the initial point,
With the US-TVA Purchase Boundary,
N. 83° 19' W., 972 feet to a 6-inch elm tree;
S. 76° 59' W., 460 feet to an 18-inch hemlock tree;
N. 88° 06' W., 710 feet, passing a metal marker at 1 foot, to a fallen 6-inch dogwood tree and a metal marker;
N. 5° 51' W., 441 feet to a metal marker;
N. 63° 24' E., 549 feet to a metal marker;
Leaving the US-TVA Purchase Boundary,
S. 58° 12' E., 732 feet to a metal marker;
S. 67° 48' E., 529 feet to a metal marker;
S. 76° 53' E., 580 feet to the point of beginning.

The above described Parcel No. 4 contains 15.2 acres, more or less.

All of the above described land comprising four parcels contains a net total of 100 acres more or less.

Without limitation of or by any of the terms, provisions, conditions, covenants, exceptions, or reservations of the above-mentioned agreement between the Tennessee Valley Authority and the Department of Agriculture, the interests transferred to the Department of Agriculture in the above described lands are transferred subject to the following rights, the full possession, custody, and control of which were expressly retained by TVA, for itself, its successors and assigns under the terms of the above mentioned agreement:

(1) A perpetual easement and right of way, consisting of the right, at any time and from time to time, to construct, operate, maintain, repair, rebuild, and replace one or more transmission lines and appurtenances upon, over, across and under the following described strips of land which lie within Parcels 1, 2, 3, and 4, including the right to clear said strip and keep the same cleared, and to cut danger trees outside said strip:

(a) A strip of land 100 feet wide, lying 50 feet on each side of the center line of the Watauga Hydro-North Bristol transmission line, the center line extending on a bearing of N. 23° 40' W. through a point at or near the intersection of the two courses identified in the above metes and bounds description of Parcel No. 1 as having the bearings and distances of N. 76° 20' W., 274 feet and N. 59° 04' E., 503 feet.

(b) A strip of land lying on each side of the center line of the Wilbur Dam-Butler transmission line, said strip being of such width as may be necessary to insure the safe operation of the said transmission line, the center line of the strip being described as follows: Beginning at a point in the center line of the transmission line N. 6° 56' E., approximately 30 feet from the south end of that course identified in the above metes and bounds description of Parcel No. 3 by a bearing and distance of N. 6° 56' E., 100 feet; thence with the center line of the transmission line in an easterly direction approximately 2100 feet to a point where the center line crosses that course identified in the above metes and bounds description of Parcel No. 3 by a bearing and distance of S. 19° 14' W., 183 feet; thence continuing in a southeasterly direction, crossing Wilbur Lake, to a point where the center line crosses that course identified in the above metes and bounds description of Parcel No. 2 by a bearing and distance of S. 36° 20' W., 100 feet, said point being N. 36° 20' E., approximately 25 feet from the southwest end of the said course.

(c) A strip of land 100 feet wide, lying 50 feet on each side of the center line of the Watauga Hydro-Wilbur Hydro transmission line, the center line of the strip being described as follows: Beginning at a point in the center line of the transmission line S. 50° 21' W., approximately 100 feet from the northeast end of that course identified in the above metes and bounds description of Parcel No. 1 by a bearing and distance of N. 50° 21' E., 275 feet; thence with the center line of the transmission line S. 23° 40' E., to a point where the center line crosses the 1655-foot contour and the south boundary line of Parcel No. 3, said point being approximately 240 feet northeast of the most southerly corner of Parcel No. 3.

(d) A strip of land 100 feet wide, lying 50 feet on each side of the center line of the Watauga Hydro-Elizabethton transmission line, the center line of the strip being described as follows: Beginning at a point in the center line of the transmission line S. 5° 51' E., 60 feet from the north end of that course identified in the above metes and bounds description of Parcel No. 4 by a bearing and distance of N. 5° 51' W., 441 feet; thence with the center line of the trans-

mission line S. 87° 36' E., 527 feet to a point; thence S. 59° 34' E., 2259 feet to a point; thence S. 33° 01' E. to a point in the 1655-foot contour on the shore of Wilbur Lake at or near the most southerly corner of Parcel No. 3.

(e) A strip of land lying on each side of the center line of a transmission line location, the said strip being of such width as may be necessary to insure the safe operation of the transmission line, the center line of the said strip being described as follows: Beginning at a point in the center line of the transmission line location and S. 58° 12' E., 170 feet, more or less, from the northwest end of that course identified in the above metes and bounds description for Parcel No. 4 by a bearing and distance of S. 58° 12' E., 732 feet; thence with the center line of the transmission line location approximately S. 82° W., 470 feet to a point in the boundary of the said Parcel No. 4.

(2) A perpetual easement and right of way, consisting of the right to construct, operate, maintain, repair, rebuild, and replace with an existing electric power distribution line and appurtenances upon, over, across, and under a strip of land of necessary width to insure safe operation of the electric power distribution line, the center line of the said strip being described as follows: Beginning at a point in the center line of the existing distribution line and S. 15° 47' E., 80 feet, more or less, from the north end of that course identified in the above metes and bounds description for Parcel No. 1 by a bearing and distance of N. 15° 47' W., 720 feet; thence with the center line of the existing power distribution line approximately N. 35° E., 490 feet to a point; together with the right to clear said strip and keep it cleared and the right to install and maintain anchors and to cut and remove danger trees outside said strip.

The positions of corners and directions of line are referred to the Tennessee Coordinate System. The contour elevation is based on MSL Datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 26, 1956.

[F. R. Doc. 56-8823; Filed, Oct. 26, 1956; 5:04 p. m.]

EXECUTIVE ORDER 10684

INCLUDING CERTAIN LANDS IN THE CHEROKEE NATIONAL FOREST

WHEREAS on July 26, 1955, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement (Contract No. TV-14174-A) providing for the transfer by the said Authority to the said Department of the right of possession and all other right, title, and interest which the Authority might have in or to certain lands therein designated and described in Carter and Johnson Counties, Tennessee, so that such lands might be included in and reserved as a part of the Cherokee National Forest, in accordance with the terms and conditions of the said agreement and subject to the approval required by section 4 (k) (c) of the Tennessee Valley Authority Act of 1933, as amended by the act of July 18, 1941 (55 Stat. 599); and

WHEREAS on March 7, 1956, the said agreement between the Tennessee Valley Authority and the United States Department of Agriculture was approved by the Director of the Bureau of the Budget pursuant to the provisions of section 4 (k) (c) of the Tennessee Valley Authority Act of 1933, as amended, and of section 1 (h) of Executive Order No. 10530 of May 10, 1954; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that the inclusion of such lands in the Cherokee National Forest would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, I hereby include in and reserve as part of the Cherokee National Forest the following-described lands, such inclusion and reservation to be in accordance with and subject to the terms and conditions of the said agreement of July 26, 1955, between the Tennessee Valley Authority and the United States Department of Agriculture:

Certain land lying in the First and Fourth Civil Districts of Carter County and in the Fifth and Tenth Civil Districts of Johnson County, State of Tennessee, on the shores of Watauga Lake, including certain islands lying in the said lake, which land is designated as Tracts Nos. 1, 2, 2A, 3, 8, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 25A, 26, 27, 28, 29, 30, 35, 36, 36A, 36B, 36C, 37, 38, 39, 40, 41, 42, and 43, each numbered tract being described in detail as follows:

TRACT NO. 1

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the north shores of Watauga Lake, approximately 1 mile upstream from Watauga Dam, and more particularly described as follows:

Beginning at a concrete monument (Coordinates: N. 729,695; E. 3,149,020) at the top of a ridge and in the US-TVA Purchase Boundary, the said monument being the most northerly corner of the tract herein described.

From the initial point,

With the US-TVA Purchase Boundary and the top of the ridge as it meanders approximately along the following bearings and distances: S. 83° 57' E. 152 feet, S. 57° 41' E. 1,040 feet, S. 89° 43' E. 624 feet, and S. 10° 32' E. 317 feet to a 10-inch pine tree;

Leaving the ridge,

S. 49° 29' E., approximately 300 feet to a point in the 1980-foot contour on the shore of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the said contour as it meanders in a general westerly direction;

Leaving the contour,

N. 58° E., approximately 140 feet to U. S. Forest Service Monument No. 92 (Coordinates: N. 727,274; E. 3,146,078) and a 10-inch black oak tree at a corner in the US-TVA Purchase Boundary;

With the US-TVA Purchase Boundary,

N. 58° E., 270 feet;

N. 60° E., 1,118 feet to a locust post in a stone pile;

N. 45° 30' E., 1,590 feet to a stone pile;

N. 45° 06' E., 865 feet to the point of beginning.

The tract as described above contains 172 acres, more or less.

TRACT NO. 2

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the north shores of Watauga Lake, approximately 2¾ miles upstream from Watauga Dam, and more particularly described as follows:

Beginning at a corner (Coordinates: N. 730,752; E. 3,153,636) in the US-TVA Purchase Boundary, said corner being N. 9° 11' W., approximately 90 feet from a point where the said purchase boundary crosses McNealy Branch,

From the initial point,

With the US-TVA Purchase Boundary,

N. 55° 27' E., 1,208 feet to U. S. Forest Service Monument No. 158;

S. 86° 52' E., approximately 1,950 feet, passing a 10-inch pine tree at 862 feet, to a point in the 1,980-foot contour on the west shore of an inlet of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the 1,980-foot contour as it meanders in a southerly direction to the mouth of the inlet and thence in a general westerly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

N. 9° 11' W., approximately 1,270 feet to the point of beginning. The tract as described above contains 95 acres, more or less.

TRACT NO. 2A

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the east shore of a small inlet on the north side of Watauga Lake, approximately 3¼ miles upstream from Watauga Dam, and more particularly described as follows:

Beginning at a locust post (Coordinates: N. 731,297; E. 3,157,223) at a corner in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

S. 35° 46' W., approximately 200 feet to a point in the 1,980-foot contour on the shore of an inlet of Watauga Lake;

Leaving the US-TVA Purchase Boundary;

With the 1,980-foot contour as it meanders in a general northwesterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

S. 86° 52' E., approximately 350 feet to the point of beginning.

The tract as described above contains 0.9 acre, more or less.

TRACT NO. 3

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the north shores of Watauga Lake, approximately ¾ mile northwest of the State Highway 67 bridge across the lake, the said tract being bounded on the lakeward side by the 1,975-foot contour and on the landward side by a line described as follows:

Beginning at a point on the 1,975-foot contour on the northwest shore of Watauga Lake at the mouth of the Kite Branch Embayment of Watauga Lake and in the US-TVA Purchase Boundary from which a 10-inch red oak tree (Coordinates: N. 730,325; E. 3,158,355) at the top of a ridge bears N. 60° W., at a distance of approximately 65 feet.

From the initial point,

With the US-TVA Purchase Boundary,

N. 60° W., approximately 65 feet to the said 10-inch red oak tree;

With the top of the ridge,

N. 19° W., 238 feet;

N. 15° W., 69 feet;

N. 29° W., 242 feet to an 8-inch poplar tree;

N. 9° E., 85 feet;

N. 10° E., 171 feet;

N. 5° W., 75 feet;

N. 18° W., 265 feet;

N. 47° W., 263 feet;

N. 53° W., 129 feet to an 8-inch red oak tree;

N. 42° W., 187 feet;

N. 22° W., 139 feet;

N. 44° W., 77 feet;

N. 21° W., 165 feet;

N. 8° W., 213 feet to a post at U. S. F. S. Corner No. R-13 (Coordinate: N. 732,372; E. 3,157,503);

Leaving the ridge,

N. 80° 30' E., 1,362 feet, crossing the 1,975-foot contour at approximately 910 feet and recrossing the said contour at approximately 970 feet, to U. S. F. S. Corner No. R-1;

N. 27° 45' W., 644 feet to U. S. F. S. Corner No. R-2;

N. 6° 27' W., 391 feet to a post at U. S. F. S. Corner No. R-3;

S. 83° 53' E., 902 feet to a 40-inch oak tree at U. S. F. S. Corner No. R-4;

N. 4° 47' E., 384 feet to a 14-inch oak tree;

S. 27° 55' E., 152 feet;

S. 39° 48' E., 312 feet;

S. 33° 48' E., 153 feet;

S. 27° 22' E., 385 feet;

S. 40° 21' E., 122 feet;

S. 33° 52' E., 183 feet to an 18-inch oak tree (Coordinates: N. 732,764; E. 3,160,141);

S. 78° 35' E., approximately 210 feet to a point in the 1,975-foot contour on the southwest shore of an embayment of the lake.

Except, therefrom, all land lying below the 1,980-foot contour.

The tract as described above contains 86 acres, more or less.

TRACT NO. 8

A tract of land lying in the First Civil District of Carter County and in the Fifth Civil District of Johnson County, State of Tennessee, on the north shores of Watauga Lake immediately downstream from the mouth of the Roan Creek Embayment of the lake, and more particularly described as follows:

Beginning at a corner (Coordinates: N. 731,035; E. 3,164,893) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 63° 02' E., 368 feet to a stake;

N. 63° 16' E., 147 feet;

N. 62° 13' E., 550 feet, passing a 16-inch wild cherry tree at 275 feet, to a stake;

N. 61° 58' E., 245 feet to a 6-inch double dogwood tree;

S. 48° 28' E., 697 feet to a point in the southeast right-of-way line of State Highway No. 67;

With the said right-of-way line and a line 75 feet southeast of and parallel to a 4 degree curve to the right on the center line of the highway in a northeasterly direction 166.2 feet;

With a line radial to the said 4 degree curve S. 68° 41' E., 125 feet;

With a line 200 feet southeast of and parallel to the said 4 degree curve in a northeasterly direction 301.9 feet;

With a line parallel to a 300-foot cubic spiral for the said 4 degree curve in a northeasterly direction 42.9 feet;

With a line radial to the said spiral N. 52° 51' W., 125 feet;

With a line 75 feet southeast of and parallel to the said spiral in a northeasterly direction 245.4 feet;

N. 41° 21' E., 45.0 feet;

With a line 75 feet southeast of and parallel to a 300-foot cubic spiral for a 3 degree and 15 minute curve to the left on the center line of the highway in a northeasterly direction 306.4 feet;

With a line parallel to the said 3 degree and 15 minute curve in a northeasterly direction 16.3 feet;

With a line parallel to a 300-foot cubic spiral for the said 3 degree and 15 minute curve in a northeasterly direction 194.0 feet;

With a line radial to the said spiral S. 58° 13' E., 25 feet;

With a line 100 feet southeast of and parallel to the said spiral in a northeasterly direction 112.7 feet;

N. 31° 05' E., 8.4 feet;

With a line 100 feet southeast of and parallel to a 800-foot cubic spiral for a 1 degree and 30 minute curve to the right on the center line of the highway in a northeasterly direction 296.1 feet;

With a line parallel to the said 1 degree and 30 minute curve in a northeasterly direction 2.6 feet;

Leaving the right of way line,

S. 55° 31' E., 585 feet;

N. 40° 38' E., 307 feet to a 10-inch pine snag;

N. 51° 45' E., 325 feet to a point (Coordinates: N. 732,745; E. 3,168,488);

S. 50° 40' E., 79 feet;

S. 35° 19' E., 685 feet;

N. 73° 55' E., 1,090 feet to a white oak snag;

N. 3° 14' E., 583 feet to a 16-inch white oak tree;

N. 41° 34' E., 874 feet;

N. 0° 52' W., 66 feet;

N. 5° 35' E., 699 feet to a stone (Coordinates: N. 734,436; E. 3,170,672);

S. 89° 25' E., approximately 445 feet to a point in the 1,980-foot contour on the west shore of the Cobb Creek Embayment of the lake;

Leaving the US-TVA Purchase Boundary,

With the 1,980-foot contour as it meanders in a general southeasterly direction to the mouth of the embayment and thence in a general westerly direction and subsequently in a general northeasterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

S. 44° 42' E., aprpoximately 10 feet;

S. 49° 38' E., 866 feet to a 20-inch chestnut tree;

N. 83° 59' E., 200 feet to the point of beginning.

The tract as described above contains 350 acres, more or less.

TRACT NO. 10

A tract of land lying in the Fifth Civil District of Johnson County, State of Tennessee, on the northwest shores of the Sink Branch Embayment of Watauga Lake, approximately ¾ mile west of the mouth of the Roan Creek embayment of the lake, and more particularly described as follows:

Beginning at a 6-inch maple tree (Coordinates: N. 733,425; E. 3,173,630) at the top of a ridge and at a corner in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

S. 83° 40' E., approximately 360 feet to a point in the 1,980-foot contour on the west shore of the Sink Branch Embayment of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the 1980-foot contour as it meanders in a southwesterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

N. 18° 50' W., approximately 25 feet to a dogwood tree;

N. 22° 58' E., 407 feet;

N. 20° 54' E., 135 feet;

N. 26° 57' E., 182 feet to a 10-inch red oak tree;

N. 26° 27' E., 213 feet;

N. 30° 33' E., 238 feet;

N. 38° 09' E., 125 feet to the point of beginning.

The tract as described above contains 7.1 acres, more or less.

TRACT NO. 11

A tract of land lying in the Fifth Civil District of Johnson County, State of Tennessee, on the northwest shores of the Roan Creek Embayment of Watauga Lake between the mouth of the said embayment and Doe Creek, and being more particularly described as follows:

Beginning at a point (Coordinates: N. 743,684; E. 3,187,211) at the top of a ridge and at a corner in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 0° 07' W., 1,170 feet, passing a 24-inch black oak tree at approximately 25 feet, to a 12-inch red oak snag;

Due west, 427 feet, passing an 18-inch white oak tree at approximately 340 feet;

N. 1° 15' W., 1,327 feet, passing a 24-inch white oak tree at approximately 75 feet, to a 12-inch oak snag;

N. 0° 24' E., 424 feet to a 10-inch red oak stump (Coordinates: N. 746,605; E. 3,186,755);

N. 82° 39' E., 788 feet to a 36-inch double chestnut stump;

N. 82° 34' E., 53 feet to a point at the top of a ridge;

With the top of the ridge as it meanders approximately along the following bearings and distances: N. 44° E. 250 feet, N. 75° E. 240 feet, N. 57° E. 135 feet, N. 80° E. 350 feet, N. 42° 24' E. 218 feet, N. 48° 21' E. 254 feet to a 24-inch chestnut oak tree, N. 75° 36' E. 382 feet to a fallen 36-inch double chestnut tree, S. 80° 13' E. 29 feet, N. 79° 32' E. 463 feet, S. 85° 22' E. 37 feet, N. 80° 14' E. 430 feet, S. 86° 25' E. 368 feet, S. 82° 00' E. 187 feet, N. 89° 08' E. 66 feet, N. 74° 52' E. 214 feet, N. 62° 09' E. 180 feet, N. 56° 31' E. 478 feet, N. 61° 37' E. 99 feet, N. 62° 07' E. 524 feet, N. 63° 40' E. 228 feet, N. 56° 49' E. 155 feet to a 10-inch maple tree, and N. 65° 49' E. 290 feet to a 28-inch hickory tree;

N. 53° 21' E., 307 feet to a 4-inch twin dogwood tree;

N. 42° 06' E., 74 feet;

N. 32° 02' E., approximately 510 feet to a point in the 1,980-foot contour on the southwest shore of the Doe Creek Embayment of the lake;

Leaving the US-TVA Purchase Boundary.

With the said contour as it meanders in a general southwesterly direction to a point in the US-TVA Purchase Boundary on the east shore of the Sink Branch Embayment of the lake;

Leaving the contour and with the US-TVA Purchase Boundary,

N. 50° 54' E., approximately 210 feet;

N. 77° 24' E., 330 feet to a stake;

S. 23° 06' E., 474 feet to a point (Coordinates: N. 733,160; E. 3,174,818);

N. 34° 31' E., 210 feet;

N. 48° 07' E., 169 feet;

N. 36° 18' E., 182 feet;

N. 28° 44' E., 331 feet;

N. 32° 03' E., 416 feet;

N. 18° 51' E., 133 feet;

N. 51° 35' E., 451 feet;

N. 39° 37' E., 317 feet;

N. 70° 34' E., 72 feet;

S. 88° 46' E., 187 feet;

N. 73° 56' E., 130 feet;

N. 44° 57' E., 699 feet;

S. 47° 55' E., 222 feet;

N. 37° 07' E., 1063 feet to a 20-inch hickory tree;

N. 20° 46' E., 31 feet to a red oak stump;

N. 49° 30' E., 126 feet;

N. 44° 19' E., 356 feet;

N. 38° 37' E., 553 feet;

N. 24° 36' E., 183 feet;

N. 11° 20' E., 511 feet to a 24-inch black oak tree (Coordinates: N. 737,600; E. 3,178,706);

N. 65° 52' E., 591 feet to a chestnut snag;

N. 33° 00' E., 207 feet to a post at the top of a ridge;

With the top of the ridge as it meanders approximately along the following bearings and distances: N. 27° 54' E. 917 feet to a 5-inch chestnut snag, N. 31° 58' E. 963 feet, N. 51° 59' E. 757 feet, N. 59° 19' E. 684 feet to an 8-inch dogwood tree, N. 44° 20' E. 842 feet to a 12-inch chestnut oak tree, N. 55° 53' E. 711 feet to a stake, N. 53° 11' E. 1192 feet to a 6-inch black oak tree, and N. 51° 45' E. 638 feet to a point (Coordinates: N. 742,568; E. 3,184,114);

Leaving the top of the ridge,

S. 88° 56' E., 860 feet;

N. 2° 03′ E., 288 feet to a point at the top of the ridge;

With the top of the ridge as it meanders approximately along the following bearings and distances: N. 76° 46′ E. 258 feet, N. 53° 17′ E. 520 feet, S. 88° 41′ E. 479 feet to a point;

Leaving the top of the ridge,

S. 1° 21′ W., 664 feet;

N. 67° 21′ E., 1,349 feet;

N. 88° 21′ E., 60 feet to a 16-inch oak tree;

N. 86° 21′ E., 453 feet;

N. 0° 21′ E., 846 feet to an 18-inch black oak tree at the top of a ridge;

With the top of the ridge, as it meanders approximately along a bearing and distance of S. 69° 43′ W., 711 feet, to the point of beginning.

The tract as described above contains 1,639 acres, more or less.

TRACT No. 12

A tract of land lying in the Fifth Civil District of Johnson County, State of Tennessee, on the northeast shores of the Doe Creek Embayment of Watauga Lake, approximately 1½ miles southeast of Doeville, and more particularly described as follows:

Beginning at a point (Coordinates: N. 748,691; E. 3,194,165) in the northeast right of way line of a county road and in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary and the said right of way line, a line 50 feet northeast of and parallel to the center line of the county road, S. 50° 40′ E., 624 feet;

With a line parallel to a 16 degree curve to the left on the center line of the county road in a southeasterly direction 60 feet;

S. 61° 47′ E., 117 feet;

With a line parallel to a 14 degree curve to the right on the said center line in a southeasterly direction 120 feet;

With a line radial to the curve on the center line,

N. 43° 13′ E., 50 feet;

With a line 100 feet northeast of and parallel to the said center line S. 46° 47′ E., 147 feet;

With a line at right angles to the center line,

S. 43° 13′ W., 20 feet;

With a line 80 feet northeast of and parallel to the said center line S. 46° 47′ E., 197 feet;

With a line parallel to a 24 degree curve to the right on the said center line in a southerly direction 257 feet;

S. 0° 32′ E., 70 feet;

With a line parallel to an 18 degree curve to the left on the said center line in a southerly direction 99 feet;

S. 24° 25′ E., 122 feet;

With a line parallel to an 8 degree curve to the right on the said center line in a southerly direction 77 feet;

S. 18° 51′ E., 306 feet;

With a line parallel to a 5 degree curve to the right on the said center line in a southerly direction 70 feet to a point in the north right-of-way line of another county road;

With a line 50 feet north of and parallel to the center line of the last said road N. 75° 50′ E., 22 feet;

With a line parallel to a 5 degree curve to the left on the center line of the road in an easterly direction 437 feet;

Leaving the right-of-way line,

S. 27° 54′ E., approximately 135 feet to a point in the 1,975-foot contour on the northwest shore of the Roan Creek Embayment of the lake;

Leaving the US-TVA Purchase Boundary,

With the 1,975-foot contour as it meanders in a southwesterly direction to the mouth of the Doe Creek Embayment of the lake and thence in a general northwesterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

N. 28° 37′ E., approximately 110 feet to the point of beginning.

Except, therefrom, all land lying below the 1980-foot contour elevation.

The tract as described above contains 5.7 acres, more or less.

TRACT No. 13

A tract of land lying in the Fifth Civil District of Johnson County, State of Tennessee, on the southeast shores of the Roan Creek Embayment of Watauga Lake, approximately 2 miles southeast of Doeville and more particularly described as follows:

Beginning at a point (Coordinates: N. 745,791; E. 3,195,346) in the southeast right of way line of a county road and in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 33° 03′ W., approximately 220 feet to a point in the 1,980-foot contour on the southeast shore of the Roan Creek Embayment of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the said contour as it meanders in a general northeasterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

S. 40° E., approximately 120 feet to a point in the southeast right of way line of a county road;

With the said right of way line and a line 50 feet south of and parallel to the center line of the county road, S. 83° 16′ W., 72 feet;

With a line parallel to a 38 degree curve to the left on the center line in a southwesterly direction 70 feet;

S. 43° 26′ W., 110 feet;

With a line parallel to a 38 degree curve to the right on the center line in a westerly direction 186 feet to a point in the southeast right of way line of another county road;

With a line 80 feet southeast of and parallel to a 16 degree curve to the right on the center line of the second county road in a southwesterly direction 214 feet;

S. 51° 06′ W., 190 feet to the point of beginning.

The tract as described above contains 2.1 acres, more or less.

TRACT No. 18

A tract of land lying in the Tenth Civil District of Johnson County, State of Tennessee, on the southwest shore of Watauga Lake, approximately ¼ mile south of the mouth of Draught Creek, and more particularly described as follows:

Beginning at a corner (Coordinates: N. 721,452; E. 3,197,086) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 38° 14′ W., approximately 230 feet to a point in the 1,980-foot contour on the shore of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the said contour as it meanders in a general southeasterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

S. 57° 34′ W., approximately 160 feet to the point of beginning.

The tract as described above contains 0.3 acre, more or less.

TRACT No. 19

A tract of land lying in the Tenth Civil District of Johnson County, State of Tennessee, on the southwest shore of Watauga Lake, approximately ¼ mile south of the mouth of the Big Dry Run Embayment of the lake, and more particularly described as follows:

Beginning at a point (Coordinates: N. 724,626; E. 3,193,362) in the south right of way line of a county road and in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 14° 16′ E., approximately 210 feet to a point in the 1980-foot contour on the shore of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the said contour as it meanders in a southeasterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

S. 51° 31′ W., approximately 310 feet to a point in the northwest right of way line of a county road;

With the said right of way line and a line 50 feet northwest of and parallel to the center line of the county road N. 32° 39′ E., 70 feet;

With a line parallel to a 36 degree curve to the left on the center line in a northerly direction 140 feet;

N. 40° 55′ W., 218 feet to a point in the south right of way line of a second county road;

With the said south right of way line, a line 50 feet south of and parallel to a 20 degree curve to the right on the center line of the said second road, in a westerly direction 173 feet to a point;

N. 83° 12′ W., 86 feet to the point of beginning.

The tract as described above contains 2.5 acres, more or less.

TRACT No. 20

A tract of land lying in the Tenth Civil District of Johnson County, State of Tennessee, on the south shores of Watauga Lake, approximately 1 mile upstream from the mouth of the Elk River Arm of the lake, and more particularly described as follows:

Beginning at a corner (Coordinates: N. 719,823; E. 3,185,435) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary.

S. 72° 35′ W., 484 feet;

N. 79° 40′ W., 357 feet to a point in the 1,980-foot contour on the south shore of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the 1,980-foot contour as it meanders in an easterly direction to the mouth of a small inlet and thence in a southerly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

N. 85° 42′ W., approximately 20 feet;

N. 13° 05′ W., 756 feet;

N. 10° 43′ W., 188 feet;

N. 9° 14′ E., 125 feet to the point of beginning.

The tract as described above contains 0.3 acre, more or less.

TRACT No. 21

A tract of land lying in the Fifth Civil District of Johnson County, State of Tennessee, on the southwest shores of Watauga Lake, approximately ⅜ mile upstream from the mouth of the Elk River Arm of the lake, and more particularly described as follows:

Beginning at a corner (Coordinates: N. 721,185; E. 3,183,880) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 13° 55′ E., 220 feet;

N. 64° 37′ W., 366 feet;

N. 59° 10′ W., 384 feet;

N. 56° 42′ W., 122 feet;

N. 11° 24′ W., 344 feet;

N. 59° 17′ W., 241 feet;

N. 21° 16′ W., 141 feet to a point in the 1,980-foot contour on the shore of the lake;

Leaving the US-TVA Purchase Boundary,

With the 1,980-foot contour as it meanders in a southeasterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

N. 16° 45′ W., 375 feet;

N. 24° 03′ W., 285 feet;

N. 0° 22′ W., 155 feet;

N. 18° 51′ W., 387 feet;

N. 71° 02′ W., 305 feet to the point of beginning.

The tract as described above contains 1.1 acres, more or less.

TRACT No. 22

A tract of land lying in the Fifth Civil District of Johnson County, State of Tennessee, on the southwest shores of Watauga Lake, immediately southeast of the mouth of the Elk River Arm of the lake, and more particularly described as follows:

Beginning at a corner (Coordinates: N. 723,010; E. 3,181,829) in the US-TVA Purchase Boundary and in the 1980-foot contour on the northwest shore of a small inlet of Watauga Lake;

From the initial point,

With the US-TVA Purchase Boundary,

N. 20° 33′ E., 103 feet;

N. 24° 21′ W., 104 feet;

N. 63° 41′ W., 309 feet;

N. 81° 13′ W., 124 feet to a point in the 1,980-foot contour at the mouth of the Elk River Arm of the lake;

Leaving the US-TVA Purchase Boundary,

With the 1,980-foot contour as it meanders in a general southeasterly direction to the point of beginning.

The tract as described above contains 0.1 acre, more or less.

TRACT No. 23

A tract of land lying in the Fourth Civil District of Carter County, State of Tennessee, on the northeast and south shores of the Elk River Arm of Watauga Lake, approximately 1¾ miles upstream from the mouth of the said arm of the lake, and more particularly described as follows:

Beginning at a stake (Coordinates: N. 713,884; E. 3,180,167) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

S. 4° 01′ W., 557 feet to a 5-inch white oak tree;

N. 52° 11′ W., 85 feet to a stake;

S. 26° 09′ E., 941 feet to a 20-inch maple stump;

S. 26° 23′ W., approximately 100 feet to a point in the 1,980-foot contour on the northeast shore of the Elk River Arm of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the 1,980-foot contour as it meanders in a general northwesterly direction and thence in an easterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

S. 45° 40′ E., approximately 490 feet to a 4-inch maple tree;

S. 54° 41′ E., 176 feet to the point of beginning.

The tract as described above contains 76 acres, more or less.

TRACT No. 24

A tract of land lying in the Fourth Civil District of Carter County, State of Tennessee, on the north and west shores of the Elk River Arm of Watauga Lake, approximately 1¾ miles upstream from the mouth of the said arm of the lake, and more particularly described as follows:

Beginning at a stake (Coordinates: N. 714,315; E. 3,176,420) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 13° 35′ W., 886 feet to a stake;

S. 70° 43′ E., 660 feet;

N. 26° 59′ E., 496 feet;

N. 51° 25′ E., 393 feet;

N. 17° 33′ E., 176 feet;

S. 77° 20′ E., 356 feet;

S. 54° 06′ E., 259 feet;

S. 75° 44′ E., 426 feet;

S. 80° 55′ E., 304 feet;

S. 69° 14′ E., 389 feet;

N. 76° 00′ E., 364 feet to a point (Coordinates: N. 715,250; E. 3,179,526) in the 1980-foot contour on the north shore of the Elk River Arm of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the 1,980-foot contour as it meanders in a general westerly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

S. 86° 23′ W., approximately 210 feet to the point of beginning.

The tract as described above contains 8.3 acres, more or less.

TRACT No. 25

A tract of land lying in the Fourth Civil District of Carter County, State of Tennessee, on the east shore of the Hatley Branch Embayment of the Elk River Arm of Watauga Lake near the head of the said embayment, the said tract being bounded on the lakeward side by the 1,980-foot contour on the shore of the embayment, and on the landward side by a line described as follows:

Beginning at a point (Coordinates: N. 720,088; E. 3,178,748) in the 1980-foot contour on the east shore of the Hatley Branch Embayment of Watauga Lake and in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

S. 51° 06′ E., 146 feet;

S. 28° 16′ E., 135 feet;

S. 7° 26′ E., 325 feet;

S. 56° 26′ E., 128 feet to a point in the 1,980-foot contour on the east shore of the Hatley Branch Embayment.

The tract as described above contains 0.3 acre, more or less.

TRACT No. 25A

A tract of land lying in the First and Fourth Civil Districts of Carter County, State of Tennessee, on the west shores of the Elk River Arm of Watauga Lake, approximately ¾ mile upstream from the mouth of the said arm of the lake, the said tract being bounded on the lakeward side by the 1,980-foot contour on the shores of the Elk River Arm and embayments and inlets thereof, and on the landward side by a line described as follows:

Beginning at a point in the 1,980-foot contour on the west shore of the Hatley Branch Embayment of Watauga Lake and in the US-TVA Purchase Boundary.

From the initial point,

Leaving the contour and with the US-TVA Purchase Boundary,

S. 85° 46′ W., approximately 120 feet to a point in the west right of way line of the Elk River Road (Coordinates: N. 719,426; E. 3,178,746);

With the said right of way line and a line 65 feet west of and parallel to a 24 degree curve to the left on the center line of the road in a northerly direction 165 feet to a point;

N. 48° 45′ W., 312 feet;

N. 62° 28′ E., 22 feet;

With a line 45 feet southwest of and parallel to the center line of the road, N. 48° 46′ W., 123 feet;

With a line parallel to a 2 degree curve to the left on the center line of the road in a northwesterly direction 366 feet;

With a line radial to the curve on the center line N. 59° 41′ E., 5 feet;

With a line 40 feet southwest of and parallel to a 2 degree curve to the left on the center line in a northwesterly direction 154 feet;

N. 59° 16′ W., 174 feet;

With a line parallel to a 6 degree curve to the right on the center line in a northwesterly direction 114 feet;

With a line radial to the curve on the center line N. 53° 10′ E., 5 feet;

With a line 35 feet southwest of and parallel to a 6 degree curve to the right on the center line of the road in a northwesterly direction 285 feet;

N. 36° 18′ W., 280 feet;

With a line at right angles to the center line S. 50° 26′ W., 25 feet;

With a line 60 feet southwest of and parallel to the center line N. 36° 18′ W., 79 feet;

With a line parallel to a 10 degree curve to the left on the center line of the road in a northwesterly direction 136 feet;

N. 51° 29′ W., 151 feet;

With a line at right angles to the center line of the road S. 38° 31′ W., 40 feet;

Leaving the right of way line,

N. 78° 49′ W., 283 feet;

N. 68° 02′ W., 195 feet to a point at the top of a ridge;

With the top of the ridge as it meanders approximately along the following bearings and distances: S. 53° 31′ W., 87 feet and S. 31° 36′ W. 291 feet;

Leaving the top of the ridge,

S. 85° W., 187 feet to a point in the southeast right of way line of the Elk River Road;

With the said right of way line and a line 80 feet southeast of and parallel to a 28 degree curve to the left on the center line of the road in a southwesterly direction 11 feet;

S. 24° 42′ W., 62 feet;

With a line parallel to a 24 degree curve to the right on the center line of the road in a southwesterly direction 266 feet;

With a line radial to the center line of the road S. 17° 25′ E., 40 feet;

Leaving the right of way line,

S. 60° 43′ W., 141 feet;

N. 53° 58′ W., 122 feet to a point in the south right of way line of the Elk River Road at an offset in the right of way line;

With the right of way line radial to a curve on the center line of the road N. 18° 41′ E., 70 feet;

With a line 50 feet southwest of and parallel to a 24 degree curve to the right on the center line of the road in a northwesterly direction 78 feet;

N. 55° 49′ W., 200 feet;

Due north, 17 feet;

With a line 35 feet southwest of and parallel to the center line of the road N. 55° 49′ W., 58 feet;

Leaving the right of way line,

S. 89° 36′ W., 291 feet to a point in the Hatley Hollow Road;

N. 9° 46′ W., 76 feet to a point in the center line of a hollow;

N. 3° W., 400 feet to a point in the center line of a branch;

N. 3° 12′ W., 339 feet to a 5-inch sassafras snag;

N. 2° 53′ W., 538 feet to a stone;

N. 2° 17′ W., 325 feet to a 24-inch white oak snag (Coordinates: N. 722,451; E. 3,175,114);

N. 78° 20′ E., 596 feet to a 10-inch hickory tree;

S. 81° 26′ E., approximately 1,230 feet to a point in the 1,980-foot contour on the northwest shore of the Elk River Arm of Watauga Lake near the mouth of the Hatley Hollow Embayment.

Except, therefrom, 0.2 acre, more or less, for the Hatley Cemetery lying within the above described land, the said 0.2 acre being more particularly described as follows:

Beginning at a corner in the US-TVA Purchase Boundary and at the most northwesterly corner of the Hatley Cemetery, the said corner being S. 64° E., 1,350 feet (bearing and distance both approximate) from a 24-inch white oak tree (Coordinates: N. 722,451; E. 3,175,114) at a corner in the US-TVA Purchase Boundary.

From the initial point for the exception.

With the US-TVA Purchase Boundary.

S. 86° E., 27 feet;
S. 40° 30' E., 130 feet;
S. 69° W., 115 feet;
N. 46° W., 44 feet;
N. 25° E., 72 feet;
N. 4° W., 46 feet to the point of beginning.

The land as described above contains 65 acres, more or less.

TRACT No. 26

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the west shores of Watauga Lake, approximately ¼ mile downstream from the mouth of the Elk River Arm of the lake, and more particularly described as follows:

Beginning at a 24-inch pine tree (Coordinates: N. 724,659; E. 3,176,408) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

S. 60° 42' E., 347 feet to a point in the center line of a ditch;

S. 86° 35' E., 470 feet to a 5-inch ironwood tree;

S. 72° 04' E., 148 feet;

S. 55° 48' E., 155 feet;

N. 52° 31' E., 323 feet to a point in the center line of a ditch;

N. 55° 07' E., 80 feet;

N. 5° 58' E., 154 feet to a 5-inch cedar tree;

N. 2° 35' W., 399 feet;

Due north, 203 feet to a point (Coordinates: N. 725,324; E. 3,177,770);

N. 39° 02' E., 170 feet to a point in the center line of a road;

With the center line of the road as it meanders in a northerly direction approximately 550 feet to a point in the 1,980-foot contour on the west shore of the Watauga Lake;

Leaving the US-TVA Purchase Boundary and the road,

With the said contour as it meanders in a southerly direction to the mouth of an inlet of the lake and thence up the inlet in a general westerly direction to the head of the contour in the center line of a branch and in the US-TVA Purchase Boundary;

Leaving the contour,

With the US-TVA Purchase Boundary and the center line of the branch as it meanders upstream approximately 45 feet;

Leaving the branch,

N. 7° 18' W., 391 feet to the point of beginning.

The tract as described above contains 20.1 acres, more or less.

TRACT No. 27

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the southwest shores of Watauga Lake, opposite the mouth of the Roan Creek Embayment of the lake, and more particularly described as follows:

Beginning at a point (Coordinates: N. 727,583; E. 3,176,388) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

S. 79° 03' W., 385 feet to a 20-inch twin poplar tree;

S. 87° 08' W., 200 feet to a 20-inch poplar tree;

S. 86° 21' W., 328 feet to a 60-inch twin red oak tree;

N. 70° 39' W., 448 feet;

N. 50° 18' W., 659 feet;

N. 9° 28' E., 286 feet;

N. 38° E., 697 feet;

N. 17° 33' W., 163 feet;

S. 74° 29' W., 310 feet;

S. 64° 04' W., 366 feet to a point in the 1,980-foot contour on the east shore of Watauga Lake at the mouth of a small inlet of the lake;

Leaving the US-TVA Purchase Boundary,

With the 1,980-foot contour as it meanders first in a northerly direction and thence in a general southeasterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

S. 9° 01' W., approximately 750 feet to the point of beginning. The tract as described above contains 40.1 acres, more or less.

TRACT No. 28

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the southeast shores of a small inlet of Watauga Lake, opposite the mouth of the Cobb Creek Embayment, and more particularly described as follows:

Beginning at a point (Coordinates: N. 728,438; E. 3,174,491) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

S. 80° 14' W., 159 feet;

S. 68° 26' W., 143 feet;

S. 21° 10' W., 212 feet to a point in the 1,980-foot contour on the east shore of a small inlet of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the said contour as it meanders in a general northeasterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

S. 14° 58' E., 120 feet to the point of beginning.

The tract as described above contains 1.4 acres, more or less.

TRACT No. 29

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the east shores of an inlet on the south side of Watauga Lake, approximately 1 mile downstream from the mouth of the Roan Creek Embayment of the lake, the said tract being bounded on the lakeward side by the 1,980-foot contour on the shores of the inlet and the main body of the lake, and on the landward side by a line described as follows:

Beginning at a point in the 1,980-foot contour on the south shore of Watauga Lake and in the US-TVA Purchase Boundary from which a point (Coordinates: N. 728,393; E. 3,173,124) in the 1,975-foot contour on the shore of the lake and in the US-TVA Purchase Boundary bears N. 13° 59' W. at a distance of approximately 10 feet.

From the initial point,

With the US-TVA Purchase Boundary,

S. 13° 59' E., approximately 500 feet to a point in the 1980-foot contour on the shore of an inlet of Watauga Lake.

The land as described above contains 2.4 acres, more or less.

TRACT No. 30

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the east shores of an inlet on the south side of Watauga Lake opposite the mouth of the Cobb Creek Embayment of the lake, the said tract being bounded on the lakeward side by the 1,980-foot contour on the shores of the inlet and on the landward side by a line described as follows:

Beginning at a point in the 1,980-foot contour on the east shore of an inlet of Watauga Lake and in the US-TVA Purchase Boundary from which a point (Coordinates: N. 727,680; E. 3,173,295) in the 1,975-foot contour on the shore of the inlet and in the US-TVA Purchase Boundary bears N. 11° 56' W. at a distance of approximately 15 feet.

From the initial point,

With the US-TVA Purchase Boundary,

S. 11° 56' E., approximately 430 feet to a point in the 1,980-foot contour on the shore of an inlet of Watauga Lake.

The land as described above contains 1.1 acres, more or less.

TRACT No. 35

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the south shores of Watauga Lake, at the mouth of an inlet and approximately 1¼ miles downstream from the mouth of the Roan Creek Embayment, and more particularly described as follows:

Beginning at a point (Coordinates: N. 728,666; E. 3,170,458) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 27° 44' E., approximately 640 feet to a point in the 1,980-foot contour on the southwest shore of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the 1,980-foot contour as it meanders in a general southeasterly direction to the mouth of an inlet of the lake and thence in a southwesterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour and with the US-TVA Purchase Boundary,

N. 32° 12' W., approximately 920 feet to a point at the top of a ridge;

N. 40° 25' W., 884 feet to the point of beginning.

The tract as described above contains 39.6 acres, more or less.

TRACT No. 36

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the south shores of Watauga Lake, approximately 2 miles downstream from the mouth of the Roan Creek Embayment of the lake, the said tract being bounded on the lakeward side by the 1,980-foot contour on the shores of the lake and embayments and inlets thereof, and on the landward side by a line described as follows:

Beginning at a point in the 1,980-foot contour on the southeast shore of Watauga Lake and in the US-TVA Purchase Boundary, the said point being the most northerly corner of the tract herein described.

From the initial point,

With the US-TVA Purchase Boundary,

S. 8° 13' E., approximately 1,830 feet;

Due south, 147 feet to a 2-inch pine tree (Coordinates: N. 727,567; E. 3,167,885);

S. 86° 58' W., 398 feet to a stake;

S. 88° 12' W., 575 feet to a 6-inch white pine tree;

N. 86° 16' W., 230 feet to a dead 6-inch ironwood tree;

N. 86° 39' W., 377 feet to a stake;

N. 4° 34' W., 1,015 feet;

N. 49° 37' W., 167 feet;

S. 22° 42' W., 352 feet to a 15-inch hickory tree;

S. 19° 15' W., 176 feet;

S. 22° 54' W., 337 feet to a 12-inch chestnut stump;

S. 46° 39' W., 480 feet to a pine stump;

S. 82° 48' W., 175 feet;

S. 3° 07' E., 165 feet;

S. 4° 39' W., 281 feet;

S. 80° 16' W., 20 feet;

S. 79° 51' W., 14 feet to a point in the center line of Dale Neely Branch;

With the center line of the branch as it meanders upstream approximately 310 feet to a stake (Coordinates: N. 726,836; E. 3,165,370);

Leaving the branch,

S. 87° 16' W., 398 feet to a stone;

N. 88° 39' W., 398 feet to a post;

N. 21° 02' W., 70 feet to a stone;

S. 34° 06' W., 228 feet;

S. 85° 10' W., 190 feet to a stone;

S. 3° 15' W., 1,074 feet to a 10-inch hickory tree at the top of a ridge;

With the top of the ridge as it meanders approximately along the following bearings and distances: S. 61° 30' W., 448 feet and N. 87° 32' W., 302 feet to a chestnut snag;

Leaving the top of the ridge,

S. 74° 15' W., 947 feet to a 16-inch maple pointer;

S. 78° 36' W., 310 feet to a 10-inch birch tree (Coordinates: N. 725,096; E. 3,162,261);

N. 2° 12' E., approximately 1,650 feet to a point in the 1,980-foot contour on the southeast shore of an inlet of the lake.

The tract as described above contains 176 acres, more or less.

TRACT No. 36A

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the south shores of Watauga Lake, approximately ½ mile downstream from State Highway No. 67 bridge across the lake, and more particularly described as follows:

Beginning at a stake (Coordinates: N. 726,821; E. 3,161,082) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 10° 57' W., 279 feet;

S. 71° 50' W., 199 feet;

S. 70° 31' W., 69 feet;

S. 72° 37' W., 291 feet;

S. 77° 05' W., 273 feet;

N. 26° W., approximately 675 feet to a point in the 1,980-foot contour on the southeast shore of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the said contour as it meanders in a northeasterly direction and thence in an easterly direction to the mouth of an inlet and thence in a southwesterly direction to a point in the US-TVA Purchase Boundary;

Leaving the contour with the US-TVA Purchase Boundary,

S. 89° 28' W., approximately 660 feet to a dead 20-inch chestnut tree;

N. 87° 41' W., 496 feet to the point of beginning.

The tract as described above contains 103 acres, more or less.

TRACT No. 36B

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the south shores of Watauga Lake, on the east side of and at the mouth of the Ward Branch Embayment of the lake and more particularly described as follows:

Beginning at a 25-inch maple tree (Coordinates: N. 727,119; E. 3,159,209) in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

S. 78° 21' W., approximately 520 feet to a point in the 1,980-foot contour on the south shore of Watauga Lake;

Leaving the US-TVA Purchase Boundary,

With the said contour as it meanders in an easterly direction to a point in the US-TVA Purchase Boundary,

Leaving the contour, with the US-TVA Purchase Boundary,

S. 9° E., approximately 100 feet to the point of beginning.

The tract as described above contains 1.0 acre, more or less.

TRACT No. 36C

A portion of an island formed by the 1,975-foot contour lying off the south shores of Watauga Lake, in the First Civil District of Carter County, State of Tennessee, immediately north of the mouth of the Ward Branch Embayment of the lake, the said portion being bounded on the lakeward side by the 1,975-foot contour and on the landward side by a line described as follows:

Beginning at a point (Coordinates: N. 727,189; E. 3,158,381) in the 1,975-foot contour on the south shore of the island and in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

N. 19° 40' W., 487 feet to a point;

N. 63° 06' E., 385 feet to a point in the 1,975-foot contour on the east shore of the island;

Leaving the US-TVA Purchase Boundary,

With the said contour as it meanders in a southerly direction and thence in a westerly direction to the point of beginning.

Except, therefrom, all land lying below the 1,980-foot contour.

The tract as described above contains 4.7 acres, more or less.

TRACT No. 37

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the south shores of Watauga Lake and on the northeast shores of the Little Stony Creek Embayment of the lake at the mouth of the said embayment, the said tract being bounded on the lakeward side by the 1,975-foot contour and on the landward side by a line described as follows:

Beginning at a point (Coordinates: N. 725,622; E. 3,157,825) in the 1,975-foot contour on the south shore of Watauga Lake and in the US-TVA Purchase Boundary.

From the initial point,

With the US-TVA Purchase Boundary,

S. 14° 27' W., approximately 350 feet to a pine stump;

S. 21° 33' W., 293 feet to a 4-inch dogwood tree;

S. 68° 31' W., 81 feet to a 20-inch maple tree;

S. 42° 07' W., 231 feet to a 10-inch poplar tree;

S. 31° 08' E., 155 feet to a 20-inch chestnut oak tree;

S. 11° 02' W., 411 feet to a chestnut stump at the top of a ridge;

With the top of the ridge as it meanders approximately along a bearing and distance of N. 62° 49' W., 425 feet to an 18-inch white oak tree (Coordinates: N. 724,428; E. 3,156,973);

Leaving the ridge,

S. 25° W., approximately 560 feet to a point in the 1,975-foot contour on the northeast shore of the Little Stony Creek Embayment of the lake.

Except, therefrom, all land lying below the 1,980-foot contour.

The tract as described above contains 52 acres, more or less.

TRACT No. 38

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the south and west shores of Watauga Lake extending from corner 2–55 at the top of Iron Mountain approximately 1 mile southwest of Watauga Dam in an easterly direction to the Little Stony Creek Embayment of the lake, the said tract being bounded on the lakeward side by the 1,975-foot contour on the shores of the Watauga Lake and embayments or inlets thereof, and on the landward side by a line described as follows:

Beginning at a point in the 1,975-foot contour on the west shore of the Little Stony Creek Embayment of the lake and in the US-TVA Purchase Boundary from which corner 3–57 (Coordinates: N. 723,515; E. 3,155,760) in the southwest right of way line of State Highway 67 and in the US-TVA Purchase Boundary bears S. 56° 07' W. at a distance of approximately 230 feet.

From the initial point,

With the US-TVA Purchase Boundary,

S. 56° 07' W., approximately 230 feet to the said corner;

With the southwest right of way line of State Highway 67, a line 150 feet southwest of and parallel to a 300-foot cubic spiral for a 3 degree and 45 minute curve to the left on the center line of the highway in a northwesterly direction approximately 75 feet;

With a line radial to the curve on the center line N. 63° 47' E., 50 feet;

With a line 100 feet southwest of and parallel to the 3 degree and 45 minute curve on the center line as it curves to the left in a northwesterly direction 151 feet;

Leaving the right of way line,

S. 83° 58' W., 67 feet;

N. 42° 58' E., 61 feet to a point in the said right of way line of the highway;

With the said right of way line, a line 100 feet southwest of and parallel to the 3 degree and 45 minute curve on the center line of the highway as it curves to the left in a northwesterly direction 213 feet;

With a line parallel to a 300-foot cubic spiral for the said curve as it curves to the left in a northwesterly direction 174 feet;

With a line radial to the spiral on the center line N. 42° 36' E., 25 feet;

With a line 75 feet southwest of and parallel to the 300-foot cubic spiral for the said curve as it curves to the left in a northwesterly direction 117 feet;

N. 48° 16' W., 649 feet to a point;

With a line 75 feet southwest of and parallel to a 200-foot cubic spiral for a 10 degree curve to the left on the center line of the highway in a northwesterly direction 187 feet;

With a line parallel to the said 10 degree curve to the left in a northwesterly direction 280 feet;

With a line parallel to a 200-foot cubic spiral for the said curve to the left in a westerly direction 187 feet;

S. 79° 34' W., 471 feet;

With a line at right angles to the center line of the highway S. 10° 26' E., 25 feet;

With a line 100 feet south of and parallel to a 240-foot cubic spiral for a 7 degree curve to the left on the center line of the highway in a westerly direction 225 feet;

With a line parallel to the said 7 degree curve as it curves to the left in a westerly direction 99 feet;

Leaving the right of way line,

S. 49° 18' E., 675 feet to an 18-inch black oak tree;

S. 30° 10' E., 263 feet;

S. 9° 17' E., 465 feet to an iron pin (Coordinates: N. 723,432; E. 3,154,219);

S. 89° 47' W., 1,297 feet;

S. 44° W., 2,630 feet to a stone;

S. 48° W., 96 feet to an iron pin;

S. 71° W., 1,943 feet to a stake in a pile of stones;

S. 78° W., 694 feet to a pile of stones;

N. 33° W., 339 feet to a pile of stones;

S. 61° W., 1,331 feet to U. S. F. S. Corner 280 (Coordinates: N. 720,314; E. 3,147,128);

S. 25° W., 1,830 feet to a stone;

S. 1° E., 740 feet to a stone;

N. 38° W., 69 feet to an auto axle;

S. 53° W., 335 feet to a locust post;

N. 25° W., 582 feet to a locust post;

N. 23° E., 133 feet to a locust post, U. S. F. S. Corner 15;

N. 87° W., 1,862 feet to a 15-inch black gum tree;

S. 80° W., 235 feet to a point in the 1,980-foot contour on the east shore of the Rat Branch Embayment of the lake;

Leaving the US-TVA Purchase Boundary,

S. 83° W., 38 feet to a point in the center line of Rat Branch;

With the center line of Rat Branch as it meanders upstream approximately 40 feet to a point in the US-TVA Purchase Boundary and in the southeast right of way line of State Highway 67;

With the US-TVA Purchase Boundary and the right of way, a line 75 feet southeast of and parallel to a 9 degree and 15 minute curve to the right on the center line of the highway and subsequently parallel to a 200-foot cubic spiral for the said curve in a general southwesterly direction a total distance of approximately 890 feet;

With a line at right angles to the center line of the highway S. 0° 08' E., 25 feet;

With a line 100 feet south of and parallel to the center line of the highway S. 89° 52' W., 215.81 feet;

With a line 100 feet south of and parallel to a 300-foot cubic spiral for a 4 degree curve to the right on the center line of the highway

and subsequently parallel to the 4 degree curve in a westerly direction a total distance of approximately 390 feet;

With a line radial to the 4 degree curve N. 8° 48′ E., 25 feet;

With a line 75 feet south of and parallel to a 300-foot cubic spiral for the 4 degree curve on the center line of the highway in a westerly direction approximately 310 feet;

With a line 75 feet south of and parallel to the center line of the highway N. 75° 12′ W., 8.50 feet;

With a line 75 feet south of and parallel to a 200-foot cubic spiral for a 9 degree curve to the left on the center line of the highway and thence parallel to the 9 degree curve and subsequently parallel to a 200-foot cubic spiral for the said curve in a westerly direction a total distance of approximately 560 feet;

With a line 75 feet south of and parallel to the center line of the highway S. 67° 44′ W., 169 feet to a point (Coordinates: N. 717,993; E. 3,141,383);

S. 34° 36′ W., 121 feet;

N. 75° 43′ W., 109 feet;

S. 67° 44′ W., 347 feet;

S. 52° 58′ W., 138 feet to a stake;

S. 27° 16′ W., 146 feet;

N. 61° 55′ W., 84 feet to a point in a line 25 feet east of and parallel to the center line of a county road;

With the line 25 feet east of and parallel to the center line of the road as it curves to the left in a southerly direction approximately 98 feet;

S. 61° 31′ E., 61 feet;

S. 40° 47′ W., 154 feet to a point in the center line of a county road;

N. 45° 12′ W., 110 feet, passing a stake at 10 feet;

Due south, 88 feet;

N. 31° 30′ W., 203 feet to a point in the southeast right of way line of State Highway 67;

With the said right of way line, a line 100 feet southeast of and parallel to the center line of the highway S. 67° 44′ W., 636 feet;

With a line 100 feet southeast of and parallel to a 280-foot cubic spiral for a 5 degree curve to the left on the center line of the highway in a southwesterly direction 267 feet;

With a line 100 feet southeast of and parallel to a 5 degree curve on the center line of the highway, as it curves to the left in a southwesterly direction approximately 282 feet;

With a line radial to the said curve N. 44° 40′ W., 25 feet;

With a line 75 feet southeast of and parallel to a 280-foot cubic spiral for the said 5 degree curve to the left in a southwesterly direction approximately 265 feet;

Leaving the said southeast right of way line,

N. 17° 21′ W., 91 feet, passing an 8-inch black oak tree at approximately 40 feet, to a point in the center line of State Highway 67;

With the center line of the highway in a northeasterly direction approximately 356 feet to a point in the west right of way line of a county road;

With the said west right of way line, a line 50 feet west of and parallel to the center line of the road N. 32° 22′ W., 24 feet;

With a line 50 feet west of and parallel to a 38 degree curve to the right on the center line of the road in a northerly direction approximately 280 feet;

N. 47° 38′ E., 114 feet;

S. 87° 00′ E., 28 feet;

With a line 30 feet northwest of and parallel to the center line of the road N. 47° 38′ E., 127 feet;

With a line radial to a 38 degree curve S. 42° 22′ E., 5 feet;

With a line 25 feet northwest of and parallel to the 38 degree curve to the right on the center line of the road in a northeasterly direction approximately 43 feet;

N. 61° 38′ E., 60.8 feet;

With a line 25 feet west of and parallel to a 55 degree curve to the left on the center line of the road in a northeasterly direction approximately 72 feet;

With a line radial to a 55 degree curve N. 85° 02′ W., 10 feet;

With a line 35 feet west of and parallel to the 55 degree curve to the left on the center line of the road in a northerly direction approximately 85 feet;

N. 60° 22′ W., 329.5 feet;

With a line 35 feet southwest of and parallel to the 55 degree curve to the right on the center line of the road in a northwesterly direction approximately 19 feet;

With a line 35 feet west of and parallel to the 55 degree curve to the right on the center line of the road in a northerly direction approximately 339 feet;

N. 86° 46′ E., 147 feet;

Leaving the right of way of the road,

S. 82° 22′ E., 61 feet;

N. 18° 14′ W., 32 feet;

N. 4° 28′ W., 285 feet to a point in the center line of a county road;

S. 75° 29′ E., 190 feet;

S. 26° 28′ E., 162 feet;

N. 61° 52′ E., 180 feet;

N. 37° 23′ E., 116 feet;

N. 19° 49′ E., 91 feet;

N. 10° 49′ W., 69 feet;

N. 43° 42′ W., 62 feet;

N. 19° 56′ W., 97 feet;

N. 30° 46′ E., 104 feet;

N. 48° 05′ W., 197 feet;

N. 46° 48′ W., 248 feet;

N. 38° 47′ W., 744 feet to a 12-inch oak tree;

N. 18° 08′ W., 530 feet to a point (Coordinates: N. 720,288; E. 3,139,102);

N. 68° 45′ W., 502 feet to a 12-inch hickory tree;

N. 62° 43′ W., 249 feet to a stone in the center line of a hollow;

With the center line of the hollow approximately along the following bearings and distances: N. 71° W. 590 feet and N. 55° W. 585 feet to a stone;

Leaving the center line of the hollow,

N. 40° 11′ W., 277 feet to a 12-inch pine tree;

N. 4° 20′ W., 569 feet;

N. 3° 38′ W., 791 feet to a stake (Coordinates: N. 722,693; E. 3,137,082);

S. 16° 55′ E., 392 feet to a point in the center line of Griffith Branch at a spring;

With the center line of the branch as it meanders downstream approximately 2,350 feet;

Leaving the branch,

N. 6° 05′ W., 24 feet to a post, U. S. F. S. Corner No. 55;

N. 6° 49′ W., 927 feet to a 4-inch sourwood tree;

N. 5° 31′ W., 301 feet to a locust post, U. S. F. S. Corner No. 41;

N. 61° 38′ E., 1,757 feet to a point (Coordinates: N. 723,262; E. 3,140,636);

Leaving the US-TVA Purchase Boundary,

With the boundary of the land proposed for transfer to the U. S. Forest Service,

Southerly, approximately 1,020 feet to a point in the 1,980-foot contour.

Westerly, approximately 35 feet to a point in the 1,975-foot contour.

Except, therefrom, all land lying below the 1,980-foot contour elevation.

Also except, therefrom, 8.9 acres, more or less, for a tract of land owned by P. F. Smith et ux, R. E. lying within the boundaries of the land herein described, approximately 170 feet east of the east shore of the Rat Branch Embayment of the lake, the said 8.9 acres being more particularly described as follows:

Beginning at a 6-inch black gum tree Corner No. 2–96 (Coordinates: N. 719,329; E. 3,144,796) in the US-TVA Purchase Boundary from which U. S. F. S. Corner No. 280 (US-TVA Corner No. 3–31) bears N. 67° 06′ E. at a distance of 2,532 feet;

From the initial point for the exception,

With the US-TVA Purchase Boundary,

S. 0° 21′ W., 200 feet to a 12-inch white oak tree;

S. 10° 31′ E. 214 feet to an 8-inch hickory tree;

S. 85° 57′ W., 1,042 feet;

N. 32° 23′ E., 256 feet to a stone;

N. 43° 37′ E., 439 feet to a point in the center line of a drain;

N. 31° E., 22 feet;

S. 76° 22′ E., 280 feet;

S. 89° 47′ E., 274 feet to the point of beginning for the exception.

Also except, therefrom, 2.1 acres, more or less, for a tract of land owned by P. F. Smith et ux, R. E. lying within the boundaries of the land herein described, immediately east of the mouth of the Rat Branch Embayment of the lake, the said 2.1 acres being more particularly described as follows:

Beginning at a stake, Corner No. 2–93 (Coordinates: N. 720,142; E. 3,144,121) in the US-TVA Purchase Boundary from which U. S. F. S. Corner No. 280 (US-TVA Corner No. 3–31) bears N. 86° 44′ E. at a distance of 3,012 feet;

From the initial point for the exception,

With the US-TVA Purchase Boundary,

S. 19° 45′ E., 346 feet to a pine stump;

S. 84° 24′ W., 297 feet;

S. 40° 51′ W., 98 feet to a point in the center line of a drain;

With the center line of the drain approximately along a bearing and distance of N. 84° 48′ W. 44 feet to a point in the east right of way line of State Highway 67;

With the said right of way line, a line 100 feet east of and parallel to a 300-foot cubic spiral for a 3 degree and 15 minute curve to the right on the center line of the road in a northerly direction approximately 43 feet;

N. 13° 07′ E., 71 feet;

With a line at right angles to the center line of the highway N. 76° 53′ W., 25 feet;

With a line 75 feet east of and parallel to the center line of the highway N. 13° 07′ E., 231 feet;

With a line 75 feet east of and parallel to a 180-foot cubic spiral for a 12 degree curve on the center line of the highway as it curves to the right approximately along a bearing and distance of N. 13° 32′ E., 61 feet;

Leaving the right of way,

N. 83° 52′ E., 220 feet to the point of beginning for the exception.

The land as described above contains 721 acres, more or less.

TRACT NO. 39

Two islands formed by the 1,975-foot contour lying in Watauga Lake, in the First Civil District of Carter County, State of Tennessee, the first island lying directly northeast of the mouth of the Little Stony Creek Embayment of the lake and having a length of approximately 700 feet, as measured in a straight line between its upstream and downstream tips, and an approximate maximum width of 350 feet, and the second island lying immediately east of the first described island and having a length of approximately 650 feet, as measured in a straight line between its upstream and downstream tips, and approximate maximum width of 250 feet.

Except, therefrom, all land lying below the 1980-foot contour.

The islands as described above contain 4.6 acres, more or less.

TRACT NO. 40

An island formed by the 1,980-foot contour lying in an embayment of Watauga Lake, in the First Civil District of Carter County, State of Tennessee, approximately ¾ mile northwest of State Highway 67 bridge across the lake, the said island having a length of approximately 150 feet, as measured in a straight line between its upstream and downstream tips and an approximate maximum width of 150 feet.

The island as described above contains 0.4 acre, more or less.

TRACT NO. 41

An island formed by the 1,980-foot contour lying in the Cobb Creek Embayment of Watauga Lake, in the Fifth Civil District of Johnson County, State of Tennessee, immediately southwest of the mouth of the Sink Branch Embayment, the said island having a length of approximately 330 feet, as measured in a straight line between its easterly and westerly tips, and an approximate maximum width of 140 feet.

The island as described above contains 0.5 acre, more or less.

TRACT NO. 42

An island formed by the 1,980-foot contour lying in Watauga Lake, in the Fifth Civil District of Johnson County, State of Tennessee, immediately east of the mouth of the Cobb Creek Embayment of the lake, the said island having a length of approximately 550 feet, as measured in a straight line between its northeasterly and southwesterly tips and an approximate maximum width of 250 feet.

The island as described above contains 1.8 acres, more or less.

TRACT NO. 43

A tract of land lying in the First Civil District of Carter County, State of Tennessee, on the north shores of Watauga Lake, approximately ⅝ mile east of Watauga Dam, the said tract being bounded on the lakeward side by the 1,975-foot contour and on the landward side by a line described as follows:

Beginning at a point on the 1,975-foot contour on the northwest shore of Watauga Lake, from which an angle iron in the 1,980-foot contour (Coordinates: N. 725,874; E. 3,143,999) bears N. 44° 18′ W at a distance of approximately 35 feet.

From the initial point,

N. 44° 18′ W., approximately 35 feet to the said angle iron in the 1,980-foot contour;

N. 44° 18′ W., 94 feet to an angle iron at a corner in the US-TVA Purchase Boundary;

With the US-TVA Purchase Boundary,

N. 58° E., approximately 1,225 feet to the 1,975-foot contour on the west shore of an embayment of the lake.

Except, therefrom, all land lying below the 1,980-foot contour.

The tract as described above contains 6.2 acres, more or less.

All of the tracts hereinabove described, namely, Tracts Nos. 1, 2, 2A, 3, 8, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 25A, 26, 27, 28, 29, 30, 35, 36, 36A, 36B, 36C, 37, 38, 39, 40, 41, 42, and 43, contain in the aggregate 3,667 acres, more or less.

Without limitation of or by any of the terms, provisions, conditions, covenants, exceptions, or reservations of the above-mentioned agreement between the Tennessee Valley Authority and the Department of Agriculture, the interests transferred to the Department of Agriculture in the above described lands are transferred subject to the following rights, the full possession, custody, and control of which were expressly retained by TVA, for itself, its successors and assigns under the terms of the above mentioned agreement:

(1) A perpetual easement and right of way, consisting of the right, at any time and from time to time, to construct, operate, maintain, repair, rebuild, and replace one or more transmission lines and appurtenances upon, over, across, and under the following described strip of land which lies within Tract No. 38, including the right to clear said strip and keep the same cleared, and to cut danger trees outside said strip:

(a) A strip of land 100 feet wide, lying 50 feet on each side of the surveyed base line for the location of the Watauga Hydro-Cranberry transmission line, the base line being described as follows: Beginning at survey station 61+78 where the base line crosses that course in the boundary line of Tract No. 38 which has the bearing and distance N. 61° 38′ E., 1,757 feet, said point being 15.8 feet east of U. S. F. S. corner No. 41; thence along the following bearings and distances:

S. 5° 55′ W., 2,395 feet to survey station 85+73.0;

S. 0° 55′ W., 1,822.8 feet to survey station 103+95.8;

S. 48° 11′ E., 804.2 feet to survey station 112+00.0;

S. 53° 03′ E., 787.7 feet to a point where there is an equation in stationing on the base line survey, survey station 119+87.7 on the line back of this point being equal to survey station 121+82.0 on the line ahead;

S. 64° 05′ E., 3,051.8 feet to survey station 152+33.8;

N. 29° 40′ E., 4,390.4 feet to survey station 196+24.2;

N. 74° 40′ E., 3,933.0 feet to survey station 235+57.2;

N. 57° 40′ E., 6,212.8 feet to survey station 297+70.0;

S. 59° 13′ E., 205 feet to survey station 299+75 at a point in that course of the boundary line of Tract No. 38 which has the bearing and distance S. 30° 10′ E., 263 feet, the said point being 97 feet south of the 18-inch black oak tree at the north end of the said course.

The transmission line crosses Tract No. 38 between the following listed survey stations:

61+78 and 62+50,
72+85 and 82+27,
113+45 and 113+60 (approximate),
116+40 (approximate) and 117+76,
182+02 and 186+83,
191+95 and 219+97,
233+70 and 299+75.

(2) A perpetual easement and right of way, consisting of the right, at any time and from time to time, to construct, operate, maintain, repair, rebuild and replace one or more electric power distribution lines and appurtenances on, over, across, and under a strip of land 30 feet wide lying 15 feet on each side of the center line of an existing electric power distribution line, the center line of the said strip being described as follows: Beginning at a point in the west boundary of Tract No. 25A and in the center line of the said power distribution line approximately 100 feet north of the southwest corner of the said Tract No. 25A; thence in a general northeasterly direction approximately 1,795 feet to a pole at the top of a ridge on a peninsula of the described tract; thence in a southeasterly direction approximately 415 feet to a point where the center line crosses the southwest boundary of Tract No. 25A; together with the right to clear said strip and keep it cleared, and the right to install and maintain anchors and to cut and remove danger trees outside said strip.

(3) A perpetual easement and right of way, consisting of the right to construct, operate, maintain, repair, rebuild and replace an existing electric power distribution line on, over, across, and under a strip of land of necessary width to insure safe operation of the electric power distribution line, the center line of the said strip being described as follows: Beginning at a point in the east boundary of Tract No. 37 and in the center line of the existing electric power distribution line at or near a 20-inch chestnut oak tree at a fence angle, and said point being N. 11° 02′ E., approximately 410 feet from a chestnut stump at the most southeasterly corner of Tract No. 37; thence in a general westerly direction approximately 2,650 feet to a point where the center line crosses the southwest boundary of Tract No. 38; together with the right to clear said strip and keep it cleared, and the right to install and maintain anchors and to cut and remove danger trees outside said strip.

The positions of corners and directions of lines are referred to the Tennessee Coordinate System. The contour elevation is based on MSL Datum as established by the USC & GS Southeastern Supplementary Adjustment of 1936.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 26, 1956.

[F. R. Doc. 56-8822; Filed, Oct. 26, 1956; 5:04 p. m.]

EXECUTIVE ORDER 10685

PROVIDING FOR THE ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by the Agricultural Trade Development and Assistance Act of 1954, as amended, and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The International Cooperation Administration is hereby designated as the Federal agency to which funds required for ocean freight costs authorized under Title II of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U. S. C. 1721–1724), may be transferred by the Commodity Credit Corporation.

SEC. 2. Sections 5 and 6 of Executive Order No. 10560 of September 9, 1954 (19 F. R. 5927), are hereby amended to read as follows:

"SEC. 5. *Reservation of functions to the President.* There are reserved to the President the functions conferred upon him by section 108 of the Act (with respect to making reports to Congress) and by the last sentence of section 203 of the Act (with respect to designating the Federal agency to which funds required for ocean freight costs may be transferred by the Commodity Credit Corporation).

"SEC. 6. *Definition.* As used in this order the term 'Act' means the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454), as amended, and includes, except as may be inappropriate, the provisions thereof amending other laws."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 27, 1956.

[F. R. Doc. 56-8825; Filed, Oct. 29, 1956; 10:56 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

Effective upon publication in the FEDERAL REGISTER, Part 29 is revised and amended to read as follows:

Sec.
29.1 Administration.
29.2 Exclusions from retirement coverage.
29.3 Evidence.
29.4 Applications.
29.5 Time for filing applications.
29.6 Disability retirement.
29.7 Effective date of retirement.
29.8 Computation of interest.
29.9 Military service.
29.10 Designation of beneficiary.
29.11 Designation of agent.
29.12 Disclosure of information.
29.13 Joint and survivorship annuities.
29.14 Making of voluntary contributions.
29.15 Purchase of additional annuity.
29.16 Appeals.
29.17 Exemption from automatic separation.
29.18 Reemployment of annuitants.
29.101 Basic records.

AUTHORITY: §§ 29.1 to 29.101 issued under sec. 16, 70 Stat. 758. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 29.1 *Administration.* (a) The Commission shall have charge of the adjudication of all claims arising under the retirement laws, and of all matters directly or indirectly concerned with such adjudication.

(b) In the adjudication of claims arising under the retirement laws, the Commission shall consider and take appropriate action on counterclaims filed by the Government as set-offs against amounts in the retirement fund.

§ 29.2 *Exclusions from retirement coverage.* (a) The following groups of employees in the executive branch of the Government are excluded from the Civil Service Retirement Act:

(1) Employees serving under appointments limited to one year or less.

(2) Part-time, when actually employed, or intermittent employees having no regular tour of duty.

(3) Employees whose salary, pay, or compensation on an annual basis is $12 a year or less.

(4) Member or patient employees in Government hospitals or homes.

(5) Employees paid on a contract or fee basis.

(6) Employees paid on a piecework basis, except those whose work schedule provides for regular or full-time service.

(7) Intermittent alien employees engaged on work outside the continental limits of the United States.

(8) Employees serving under temporary appointments pending establishment of registers, or pending final determination of eligibility for permanent appointment.

(9) Acting postmasters, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.

(10) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946 (Pub. Law 724, 79th Cong.).

(11) Employees serving under emergency-indefinite appointments not exceeding 5 years.

(12) United States citizens given "overseas limited appointments."

(13) Employees serving under nonpermanent appointments made pursuant to section 1 of Executive Order 10180 of November 13, 1950.

(14) Employees serving under nonpermanent appointments, designated as indefinite, made after January 23, 1955, the effective date of the repeal of Executive Order 10180.

(b) The exclusions in paragraph (a) of this section do not operate to deny retirement coverage in any case in which (1) employment in an excluded category follows employment subject to the act without a break in service or after a separation from service of three days or less, (2) the employee is granted competitive civil service status under legislation, Executive order, or the Civil Service Rules and Regulations, while he is serving in a position in the competitive service, or (3) the employee previously had a competitive civil service status and such status is restored to him by action of reinstatement.

(Sec. 2, 70 Stat. 745)

§ 29.3 *Evidence.* (a) Standard Form 2806 (Individual Retirement Record) shall be the basic record for action on all claims for annuity or refund, and those pertaining to deceased employees or annuitants.

(b) When loss or destruction or incompleteness of records in the Government offices concerned is shown, a request shall be made through the Commission to the General Accounting Office for such data as may be deemed necessary for a proper determination of the rights of the claimant. When the required information cannot be developed by any official record, inferior or secondary evidence then becomes admissible and should be requested.

§ 29.4 *Applications.* All applications under the Retirement Act shall be filed with the Commission and shall be made on such forms as may be prescribed by the Commission.

§ 29.5 *Time for filing applications.* (a) An application for annuity on account of age or optional retirement may be filed shortly before or at any time after the employee reaches the requisite retirement age. If the department contemplates reemployment, the application must be executed at least 60 days in advance of the separation date and submitted immediately to the Commission with a photo copy of Form 2806 or a complete résumé of the employee's service history, salary, and retirement deductions.

(b) An application for immediate or deferred annuity on account of voluntary or involuntary separation from the service should not be filed before the employee's separation nor more than 30 days prior to the commencing date of annuity.

(c) An application for retirement on account of disability must be filed by the employee with the Commission prior to his separation from the service or within 1 year thereafter. This time limitation may be waived by the Commission in the cases of employees who are found to have been mentally incompetent at date of separation or within 1 year thereafter, the application in each such case to be filed with the Commission within 1 year from the date of restoration of any such person to competency or the appointment of a fiduciary, whichever is the earlier. If application for retirement is submitted on an inappropriate form, or on an appropriate form inadequately or incompletely executed, such application may be accepted as an informal claim.

(d) An application by the department or other governmental agency for retirement of an employee for disability must be filed prior to the employee's separation from service.

(e) An application by or on behalf of a survivor of a deceased employee or annuitant may be filed at any time after the death of the employee or annuitant.

§ 29.6 *Disability retirement.* (a) When an applicant for retirement on account of total disability has established a prima facie case and no legal grounds for rejection exist, such applicant shall be ordered to appear for a medical examination before a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of the United States, or by other good and sufficient medical evidence, it may not be necessary to require another examination.

(b) Each disability annuitant who has not attained age 60 shall be examined annually under direction of the Commission. Where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, the Commission may waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired.

(c) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek an available position. In no case shall the annuity be paid beyond the end of the month preceding expiration of one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued at the end of the month preceding the date of such reemployment.

(d) If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

(e) Each disability annuitant who has not attained age 60 shall be required to report annually, in such detail as may be required by the Commission, his income from wages and self-employment. If an annuitant fails to submit such report, the Commission may suspend annuity payments until entitlement to continuance of annuity is satisfactorily established.

(f) Annuity shall be discontinued at the end of the month preceding expiration of one year after a determination that the income of the annuitant, from wages and self-employment, has in each of two succeeding calendar years equaled at least 80 percent of the current rate of compensation of the position from which he retired. In making such determination, income received before retirement, or for any calendar year before 1956, shall not be considered. If the annuitant is reemployed in the Government service within the one year, the annuity shall be discontinued at the end of the month preceding the date of such reemployment. If the annuitant had actual income as described herein, and the Commission's inability to make such determination timely was caused by the annuitant's failure to file report of income or by his filing a false, inaccurate, or incomplete report, the annuity shall be discontinued at the end of the twelfth month after the two-year income period.

§ 29.7 *Effective date of retirement.* (a) When an employee meets the requirements for age retirement on any day within a month, he will be subject to automatic separation at the end of that month and his annuity shall commence on the first day of the succeeding month. The head of the employing agency must notify each such employee regarding the fact of separation at least 60 days in advance thereof but, should the agency head fail, through error, to give timely notification, the employee may not be separated without his consent until the end of the month in which such 60-day notice expires.

(b) When an employee retires on account of disability, the annuity shall commence on the first day of the month following separation, or it may start the first day of the month after pay status is terminated and the employee meets the disability and service requirements.

(c) In cases of age retirement, optional retirement, or retirement because of involuntary separation after 25 years of service or after attaining age 50 with 20 years of service, the annuity shall commence on the first day of the month following separation, or it may start the first day of the month after pay status is terminated and the employee meets the age and service requirements.

(d) In cases of deferred retirement, the annuity shall commence on the first day of the month following attainment of age 62, or the first day of the month following separation, whichever is later.

(e) The annuity payable to a surviving widow or dependent widower of an employee who dies in service shall commence on the first day of the month following the month in which the employee dies. In the case of a deceased employee or annuitant, the annuity to a surviving dependent child shall commence on the first day of the month following the month in which the employee or annuitant dies. The annuity to a qualified designated survivor of a deceased annuitant shall commence on the first day of the month in which the annuitant dies.

§ 29.8 *Computation of interest.* (a) The computation of interest shall be on the basis of 30 days to the month. Interest will be computed for the actual calendar time involved in each case, but whenever applicable the rule of average will obtain.

(b) Interest shall be allowed on current deductions and deposits at the rate of 4 percent to December 31, 1947, and 3 percent thereafter, compounded annually, to December 31, 1956. However, if an employee, before completing 5 years' civilian service, becomes separated from service or is transferred to a position wherein he does not retain his retirement status, interest shall be allowed after December 31, 1956, at the rate of 3 percent, compounded annually, to date of final separation or transfer.

(c) Interest at the rate of 3 percent, compounded annually, shall be allowed on voluntary contribution during periods of employment and, after the employee has completed at least 5 years' civilian service during periods of separation until beginning date of annuity or death, whichever is earlier; for refund purposes, interest will terminate with the date of separation or of transfer to a position wherein the employee does not retain his retirement status.

(d) Interest at the rate of 4 percent to December 31, 1947, and at 3 percent thereafter, compounded annually, shall be charged on deposits from the midpoint of each service period for which deposit is involved, or from the date refund was paid, to the date of deposit or commencing date of annuity, whichever is earlier.

§ 29.9 *Military service.* (a) Periods of honorable active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States shall, after the employee has completed 5 years' civilian service, be credited under the retirement law. No credit for any military service shall be allowed if the employee is receiving retired pay awarded for reasons other than (1) service-connected disability incurred in combat with an enemy of the United States, (2) service-connected disability caused by an instrumentality of war and incurred in line of duty during an enlistment or employment as provided in Veterans Regulation 1 (a), part I, paragraph I, or (3) under Title III of the act of June 29, 1948, Public Law 810, 80th Congress.

(b) An applicant for annuity who is in receipt of retired pay which bars credit for his military service may elect to surrender such retired pay and to have his military service added to his period of civilian service for the purpose of obtaining a greater benefit in the form of annuity. Should it appear upon the adjudication of a claim for annuity that the employee will benefit from relinquishment of retired pay and inclusion of his military service, he shall be so advised and permitted to exercise the right of election.

(c) Military service performed by an individual after December 31, 1956 (other than military service covered by military leave with pay from a civilian position), shall be excluded from credit from and after the first day of the month in which the individual or his widow or his child becomes entitled, or upon application would be entitled, to monthly old-age or survivors benefits under section 202 of the Social Security Act based on such individual's wages or self-employment income.

§ 29.10 *Designation of beneficiary.* (a) The Designation of Beneficiary shall be in writing, signed and witnessed, and received in the Commission prior to the death of the designator.

(b) No change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by this section shall have any force or effect.

(c) A witness to a Designation of Beneficiary is ineligible to receive payment as a beneficiary.

(d) Any person, firm, corporation, or legal entity may be named as beneficiary.

(e) A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary, and this right cannot be waived or restricted.

§ 29.11 *Designation of agent.* In the case of a deceased employee or annuitant where no beneficiary has been named, but claim for lump-sum benefit is made by next of kin, and if there be more than one entitled thereto, it shall be permissible for the others to designate the one who makes the claim to act as agent to receive their distributive shares.

§ 29.12 *Disclosure of information.* (a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Commission, whether pending or adjudicated, will be deemed privileged and in confidence, and no disclosure thereof will be made except as provided herein.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone. The term "duly authorized representative" of a claimant shall mean any person who has satisfied the Commission of his authority to act.

(3) Where an individual contests the Commission's action in approving an employing agency's application for his retirement on disability and where the nature of the reported disability is physical (as distinguished from mental) and of a type concerning which the individual involved could be fully informed without the probability of such knowledge affecting him adversely he shall, upon written request, be furnished a summary of medical evidence which has been submitted to the Commission in his case.

(4) Where the nature of the disability is reported to be a mental condition or other condition of such a nature that a prudent physician would hesitate to inform an individual found to be suffering from such a condition of its exact nature and probable outcome, a complete summary of the medical evidence in his case, including copy of the resume of the reported behavior irregularities or manifestations of unsatisfactory service which is ordinarily furnished as background factual evidence to government medical facilities or psychiatrists or other physicians who conduct the official retirement medical examination, shall be made available for review only by a duly licensed physician designated in writing for that purpose by the individual concerned.

(5) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(6) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(7) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the Chairman, U. S. Civil Service Commission, requesting the same.

(8) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant, such documents will be produced in the court out of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(9) The address of a claimant as shown by the Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(10) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal, or other publicly recognized charitable or social-security administrative agency.

(11) Subject to the limitation regarding name or address of a beneficiary, all records or documents officially required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents, or other information as may be requested for such use.

(12) If the claimant gives his consent, the amount of annuity or refund paid to him, and the factors used in determining such payment, may be disclosed to any person who makes proper inquiry. An inquiry will be deemed proper if it is in writing and includes the name of the claimant and sufficient information to make positive identification of his records, except that the Commission may, in any case, waive the requirement that the inquiry be in writing. Upon receipt of a proper inquiry, the Commission will ask the claimant whether he consents to release of the information sought, and will then advise the inquirer of the decision of the claimant. A copy of any information released may be furnished to the claimant.

(b) Certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which may have been filed in a claim, shall, when no longer needed in the settlement of such claim, be returned to the persons entitled thereto upon written request therefor; and whenever papers so returned constitute part of the material and essential evidence in a claim, photo or other copies of the same, or of such parts thereof as may appear to possess evidential value, shall be retained in the case.

§ 29.13 *Joint and survivorship annuities.* (a) The option to receive joint and survivorship annuity may be exercised only by (1) a married employee retiring under any provision of the Civil Service Retirement Act, as amended, who may designate his or her wife or husband, or (2) an unmarried employee in good health retiring under any provision (except section 7) of the said act, who may designate a person having an insurable interest in him.

(b) Only a natural person may be designated as survivor annuitant under the joint and survivorship option. No more than one person may be named as survivor annuitant. The designation of a contingent survivor annuitant will not be accepted, and any such designation shall be null and void.

(c) Communication of the choice of option shall be made over the signature of the applicant on Standard Form 2801 for use in filing claim for annuity. Receipt of a communication as set forth in this paragraph shall constitute prima facie evidence of the existence of all the elements of an election. Whenever such prima facie evidence becomes conclusive by final adjudication of the claim by the Commission, an election shall have been made.

(d) In the event of death of the designated survivor annuitant or for other good cause shown prior to final adjudication of the claim by the Commission, a new survivor annuitant may be substituted or the employee may change his election of the type of annuity selected.

(e) In any case in which an election has been conclusively established pursuant to the regulations under this section, the election, including the designation of survivor annuitant, cannot be revoked or changed.

(f) The death of a designated survivor annuitant subsequent to the final adjudication of the claim shall not operate to cancel the election, and payments to the former employee shall continue as though the death had not occurred.

(g) Where an employee chooses the joint and survivorship plan, the annuity to the survivor annuitant shall commence on the first day of the month in which the retired employee's death occurs.

§ 29.14 *Making of voluntary contributions.* (a) The option to make voluntary contributions to the civil-service retirement and disability fund for the purchase of additional annuity shall be limited to those employees (1) serving within the purview of the Retirement Act or (2) whose applications for retirement are being adjudicated by the Commission, and shall be made on the form prescribed by the Commission.

(b) No voluntary contributions shall be made by an employee who has not deposited amounts covering all civilian service rendered by him since August 1, 1920.

(c) Each voluntary contribution shall be made in the amount of $25.00, or multiple thereof, by money-order, draft, or check made payable to the U. S. Civil Service Commission. Payment shall be forwarded to the United States Civil Service Commission, Washington 25, D. C. The total voluntary contributions may not exceed 10 percent of aggregate annual basic salary received since August 1, 1920.

(d) Voluntary contributions may be withdrawn only in case the employee (1) transfers to a position wherein he does not retain his status under the Retirement Act, (2) is separated from the service and files application for payment with the Commission at least 31 days before the earliest commencing date of any annuity for which he is eligible, or (3) dies.

(e) The Commission shall maintain the record and account of voluntary contributions of each employee exercising the option to make such contributions.

§ 29.15 *Purchase of additional annuity.* (a) Voluntary contributions may

be used to purchase only one of the following types of annuity:

(1) Life annuity; or

(2) Reduced annuity payable during the life of the employee and after his death one-half of such reduced annuity to be payable, to a survivor annuitant designated at time of retirement, during the life of such survivor.

(b) Any natural person may be designated as survivor annuitant under paragraph (a) (2) of this section.

(c) If the employee elects a life annuity at retirement, each $100 credited to his voluntary contribution account, including interest, will purchase additional annuity at the rate of $7 per annum, plus 20 cents for each full year, if any, he is over age 55 at date of retirement.

(d) If he elects to purchase a joint and survivorship annuity, each $100 credited to his voluntary contribution account, including interest, will purchase additional annuity at the rate of $7 per annum, plus 20 cents for each full year, if any, he is over age 55 at date of retirement, multiplied by the following percentage: 90 percent of such amount if the survivor annuitant is the same age or older than the annuitant, or is less than 5 years younger than the annuitant; 85 percent if the survivor annuitant is 5 but less than 10 years younger; 80 percent if the survivor annuitant is 10 but less than 15 years younger; 75 percent if the survivor annuitant is 15 but less than 20 years younger; 70 percent if the survivor annuitant is 20 but less than 25 years younger; 65 percent if the survivor annuitant is 25 but less than 30 years younger; and 60 percent if the survivor annuitant is 30 or more years younger.

§ 29.16 *Appeals.* (a) An appeal may be taken to the Commission, from the final action or order of the Retirement Division affecting the rights or interest of any person or of the United States under the civil-service retirement law, except as provided in this section.

(b) Appeals must be filed by a claimant or a duly accredited representative, but no appeal shall lie to the Commission's Board of Appeals and Review until action has been completed by the Retirement Division. An appeal taken in behalf of a claimant by or through a representative who is not recognized by the Commission, or whose recognition has been canceled, shall not be entertained.

(c) (1) Except as hereinafter ordered, the time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(2) In applications for disability retirement made by a department or establishment of the Government the time for filing an appeal shall be not later than 30 days from date of receipt of notice of final action or order.

(3) In cases of disability annuitants who are found upon medical examination to have recovered, the time allowed for filing an appeal shall be no later than 90 days from the date of final notice of proposed discontinuance of annuity.

(4) In simultaneously contested claims, where one is allowed and one rejected, the time allowed for the filing of an appeal shall be not later than 60 days from the date of receipt of the notice of the Commission's action by the claimant to whom the action is adverse. Upon the filing of an appeal all parties, other than the appellant, whose interest may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the receipt of such notice within which to file brief or argument in answer thereto before the papers are forwarded to the Board of Appeals and Review. The return of a registered letter unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(d) Each appeal shall show the name and post-office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) In proceedings before the Commission in which it shall be decided that a party has no right to appeal or that said appeal may not be entertained under the provisions of this section, such party may apply to the Commissioners for an order directing the Retirement Division to forward the record to the Board of Appeals and Review. Such application shall be in writing and shall fully and specifically set forth the grounds upon which the request is based. If upon consideration the application is granted, jurisdiction shall vest in the Board of Appeals and Review to dispose properly of the case.

(f) The mandate of the decision by the Board of Appeals and Review shall be carried into effect within 60 days from the date of the receipt of notice of the decision by the Retirement Division (except as hereinafter provided), unless the decision shall sooner be recalled. A proper explanation of the decision rendered shall be mailed to the appellant and/or his duly authorized representative by the Board of Appeals and Review.

(g) In any case involving conflicting claims of two or more parties wherein the time allowed for appeal is limited to 60 days, there shall be a stay of execution of the decision of the Board of Appeals and Review until the expiration of the period of 30 days within which a motion for reconsideration may be filed.

(h) No appeal will be considered by the Commission to review the decisions of the Secretary of the Interior prior to July 21, 1930, or of the Administrator of Veterans' Affairs prior to September 1, 1934, on civil-service retirement cases except where upon the basis of newly discovered material evidence, the case has been reconsidered by the Retirement Division. In the latter event, the provisions of this section shall apply.

§ 29.17 *Exemption from automatic separation.* (a) When a department or agency wishes to secure an exemption from automatic separation for one of its employees, other than a Presidential appointee, the head of such department or agency shall submit recommendation to that effect to the Commission.

(b) Such recommendation shall contain (1) a statement that the employee is willing to remain in service, (2) a recital of facts tending to establish that his retention would be in the public interest, (3) the period for which the exemption is desired, which period may not exceed one year, and (4) the reasons why the simpler method of retiring the employee and immediately reemploying him is not being used.

(c) Such recommendation shall be accompanied by a medical certificate showing the employee's physical fitness to perform his work.

(d) No exemption will be approved by the Commission after the automatic separation date applicable to the employee. For this reason, the recommendation should be forwarded to the Commission at least thirty days in advance of such separation date.

§ 29.18 *Reemployment of annuitants.* (a) The term "annuitant" shall mean a former employee who is receiving, or has met the legal requirements and is an applicant for, an annuity under the Civil Service Retirement Act based on his service.

(b) The provisions of this section shall not apply to any annuitant whose annuity was terminated prior to October 1, 1956 because of reemployment in a position wherein he acquired retirement coverage. Except as provided in paragraph (d) of this section, the provisions of this section shall not apply to an annuitant whose employment in an appointive or elective position began before October 1, 1956, unless he shall again be appointed or elected to such a position on or after that date.

(c) This paragraph shall apply to each annuitant (1) who retired for disability and is found before reaching age 60 to be recovered or restored to earning capacity, or (2) whose annuity is based on involuntary separation for reasons other than age or misconduct or delinquency. If such annuitant becomes employed on or after October 1, 1956 in an appointive or elective position wherein he is not excluded from retirement coverage by statute or by § 29.2, (i) his annuity shall be terminated at the end of the month preceding the month in which he becomes employed, (ii) retirement deductions shall be made from his salary, and (iii) his future annuity rights shall be determined under the law in effect at the date of his subsequent separation. If such annuitant becomes employed on or after October 1, 1956 in an appointive or elective position wherein he is excluded from retirement coverage by statute or by § 29.2, (a) his annuity shall be suspended from the first day of the month in which he becomes employed, (b) no retirement deductions shall be made from his salary, and (c) his annuity shall be resumed at the same rate from the first day of the month after the month in which his subsequent separation occurs.

(d) This paragraph shall apply to each annuitant who is not described in the first sentence of paragraph (c) of this section. If such annuitant becomes employed on or after October 1, 1956, in

an elective or appointive position, (1) his annuity shall continue, (2) no retirement deductions shall be made from his salary, and (3) there shall be deducted from his salary, except for lump-sum leave purposes, an amount equal to the annuity allocable to the period of actual employment. If such annuitant who becomes employed on or after October 1, 1956, or who was serving on July 31, 1956, serves on a full-time basis for at least a year in employment not excluded from coverage by section 2 (b) of the Civil Service Retirement Act, he shall, upon termination of employment, receive a supplemental annuity. Such supplemental annuity (i) shall be computed under the formula provided by the law in effect at the date of termination of employment, (ii) shall be based on all periods of full-time service performed after his retirement, with such periods considered as part of his total service, and (iii) shall be based on the average basic salary (before annuity deduction) received during such periods of full-time service.

§ 29.101 *Basic records.* Every Federal department, agency, corporation or branch, whether executive, legislative, or judicial, and the District of Columbia Government, having officers or employees subject to the Civil Service Retirement Act, shall initiate and maintain retirement accounts for such officers and employees as prescribed in "The Retirement Accounting Manual" issued by the Commission.

(Sec. 4, 70 Stat. 748)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8761; Filed, Oct. 29, 1956; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 32—FEDERAL LAND BANK OF SPOKANE

APPLICATION FEES; PAYABLE WITH APPLICATION

Effective ten days after the filing of this document with the Federal Register Division, § 32.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 32.1 *Application fees; payable with application.* (a) On each application for a partial release of mortgage security, a fee is charged as follows:

Application for partial release of mortgage security	$10.00

(b) No application fee or other fees are charged in connection with applications for new loans, or additional loans or for the division of existing loans.

(c) Each applicant will be required to pay actual cash outlays for abstract expenses, title insurance fees, notarial fees, recording fees, or other disbursements necessary for the completion of the transaction.

(Sec. 13 "ninth" 39 Stat. 372; 12 U. S. C. 781 "Ninth")

THE FEDERAL LAND BANK OF SPOKANE,
[SEAL] FRED A. KNUTSEN,
President.

[F. R. Doc. 56-8762; Filed, Oct. 29, 1956; 8:45 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[Administration Letter 374(440)]

PART 332—PROCESSING INITIAL LOANS

LOANS TO RESTRICTED INDIANS

Part 332, Title 6, Code of Federal Regulations, is amended to add a new § 332.16 prescribing the requirements for making loans to Indians who own land subject to restrictions, and to read as follows:

§ 332.16 *Real Estate loans to Indians who own land in trust or restricted status.* Farm Ownership loans for real estate improvements or farm enlargement may be made to individual Indians holding land in severalty subject to restrictions, provided the following requirements, in addition to those covering applicants in general, are met:

(a) The trust patents or patents or deeds containing restrictions against alienation under which the land offered as security is held are subject to statutes permitting the Indian, with the approval of the Secretary of the Interior, to give a valid and enforceable mortgage on the land.

(b) If the County Committee determines that the Indian is likely to qualify for a loan, the County Supervisor will obtain from the Area Director, Bureau of Indian Affairs, Department of the Interior, through the Superintendent or other officer in charge, required information, including a commitment of the Department of the Interior to approve the mortgage if the Indian's loan application is approved by the Farmers Home Administration.

(c) When the Indian's title is recorded solely in the records of the Department of the Interior, he will be required to furnish a certificate by an authorized officer of that Department showing the nature and condition of his title to the land as disclosed by such records.

(d) The Indian will be required by the County Supervisor to execute, in favor of the Farmers Home Administration, the Office of Indian Affairs Form 5-845, "Assignment of Income from Trust Property," amended by inserting in the first paragraph, line 3, between the words "loans" and "all" the following: "____ percent (____%) of."

(e) After execution of the mortgage by the borrower, but before it is recorded, the County Supervisor will mail it to the Area Director with a form of Certificate of Approval typed at the end of the mortgage, and will request that the Certificate be executed and notarized by the Area Director or other duly authorized official and the approved mortgage promptly returned to the County Supervisor, who will file it for record. No loan funds will be disbursed until the mortgage is filed for record and the loan in all other respects is properly closed.

(f) Any land purchased with loan funds will be acquired and held by the Indian in an unrestricted status.

(R. S. 161, sec. 41 (1), 60 Stat. 1066; 5 U. S. C. 22, 7 U. S. C. 1015 (1). Interprets and applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, sec. 3, 62 Stat. 534; 7 U. S. C. 1001 (a), 1005b)

Dated: October 24, 1956.

[SEAL] DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-8765; Filed, Oct. 29, 1956; 8:46 a. m.]

Subchapter D—Soil and Water Conservation Loans

[Administration Letter 374(440)]

PART 352—PROCESSING LOANS TO INDIVIDUALS

LOANS TO RESTRICTED INDIANS

Part 352, Title 6, Code of Federal Regulations is amended to add a new § 352.8 prescribing the requirements for making loans to Indians who own land subject to restrictions, and to read as follows:

§ 352.8 *Real Estate loans to Indians who own land in trust or restricted status.* Soil and Water Conservation loans for real estate improvements or farm enlargement may be made to individual Indians holding land in severalty subject to restrictions, provided the following requirements, in addition to those covering applicants in general, are met:

(a) The trust patents or patents or deeds containing restrictions against alienation under which the land offered as security is held are subject to statutes permitting the Indian, with the approval of the Secretary of the Interior, to give a valid and enforceable mortgage on the land.

(b) If the County Committee determines that the Indian is likely to qualify for a loan, the County Supervisor will obtain from the Area Director, Bureau of Indian Affairs, Department of the Interior, through the Superintendent or other officer in charge, required information, including a commitment of the Department of the Interior to approve the mortgage if the Indian's loan application is approved by the Farmers Home Administration.

(c) When the Indian's title is recorded solely in the records of the Department of the Interior, he will be required to furnish a certificate by an authorized officer of that Department showing the nature and condition of his title to the land as disclosed by such records.

(d) The Indian will be required by the County Supervisor to execute, in favor of the Farmers Home Administration, the Office of Indian Affairs Form 5-845, "Assignment of Income from Trust Property," amended by inserting in the first paragraph, line 3, between the words "loans" and "all" the following: "____ percent (____%) of."

(e) After execution of the mortgage by the borrower, but before it is recorded, the County Supervisor will mail it to the Area Director with a form of Certificate of Approval typed at the end of the mortgage, and will request that the Certificate be executed and notarized by the Area Director or other duly authorized official and the approved mortgage promptly returned to the County Supervisor, who will file it for record. No loan funds will be disbursed until the mortgage is filed for record and the loan in all other respects is properly closed.

(f) Any land purchased with loan funds will be acquired and held by the Indian in an unrestricted status.

(R. S. 161, sec. 1 (4), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590x-3 (a) (7). Interprets or applies sec. 1 (4), 68 Stat. 735; 16 U. S. C. 590x-2, 590x-3)

Dated: October 24, 1956.

[SEAL] DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-8766; Filed, Oct. 29, 1956; 8:46 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

ATCHISON, KANSAS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4440, 4796, 5031, and 6950 containing the specific requirements for the 1956-crop rye price support program are amended as follows:

Section 421.1983 (d) (1) is amended by adding to the list of basic support rates at designated terminal markets the following:

Terminal market:	Rate per bushel
Atchison, Kans.	$1.51

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec 401, 63 Stat. 1054; sec 306, 70 Stat. 206; 15 U. S. C. 714c, U. S. C. 1421)

Issued this 24th day of October 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-8780; Filed, Oct. 29, 1956; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6566]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL INFORMATION SERVICE

Subpart—*Acquiring confidential information unfairly:* § 13.1 *Acquiring confidential information unfairly.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1490 *Nature, in general.* Subpart—*Using misleading name*—Vendor: § 13.2380 *Government connection;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Henry R. Duryee et al., d. b. a. National Information Service, Arlington, Va., Docket 6566, Oct. 16, 1956]

In the Matter of Henry R. Duryee, Mildred Duryee, Milton Hoffman and Fay Hofman, Copartners, Trading and Doing Business as National Information Service

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging four individuals engaged in Arlington, Virginia, in securing and selling to their retailer customers information as to the current addresses, employers, etc., of delinquent debtors, with representing by means of their trade name and use of a Washington mailing address with which they had no connection, that their letters requesting information were sent by an agency of the U. S. Government; and through statements in letters sent to delinquent debtors that the information requested in accompanying questionnaires would be to the advantage of the person addressed, and that a check for money would be sent to him upon completion of a questionnaire—and an agreement between the parties containing a consent order to cease and desist.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist which became on October 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Henry R. Duryee, Mildred Duryee, Milton Hoffman and Fay Hoffman, copartners, trading and doing business under the name of National Information Service, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, any form, questionnaire or other material, printed or written, which represents, directly or by implication, that the purpose for which the information is requested is other than that of obtaining information concerning delinquent debtors.

2. Representing, or placing in the hands of others any means of representing, directly or by implication, that any sum of money will be sent in the form of a check or otherwise to the person from whom information is requested, unless the amount is clearly stated.

3. Using the name "National Information Service" or any other word or phrase of similar import or otherwise representing, directly or by implication, that requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 16, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-8763; Filed, Oct. 29, 1956; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1351]

[Arizona 011761]

ARIZONA

WITHDRAWING PUBLIC LANDS WITHIN COCONINO NATIONAL FOREST FOR USE OF BUREAU OF INDIAN AFFAIRS

By virtue of the authority vested in the President by sec. 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands within the Coconino National Forest in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Indian Affairs in connection with the administration of the affairs of the Navajo Indians:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 7 E.,
Sec. 9, S½SE¼SW¼;
Sec. 16, N½NE¼NE¼NW¼.

The areas described contain 25.13 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Acting Secretary of the Interior.

OCTOBER 23, 1956.

[F. R. Doc. 56-8760; Filed, Oct. 29, 1956; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 219]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
ANCHORAGE, ALASKA. Anchorage International Airport, 113'. SBRAZ-P-DTXV. ANC. Procedure No. 1. Amendment No. 5. Effective date: Approximately Nov. 24, 1956, or commissioning date of relocated ANC LFR. Supersedes Amendment 4, dated May 5, 1956. Major changes: (1) Relocation of Anchorage LFR and realinement of courses; (2) new format.	Delta Island Intersection	065—15	1,500	Nonstandard. W side of SW course: 183° outbound. 003° inbound. 1,500' within 10 miles.	800	314—2.4	T-dn C-dn S-dn 31 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 2.4 miles, climb to 1,500' on SW course (183°) Anchorage LFR within 20 miles. Alternate missed approach procedures when directed by ATC: (1) Climb to 1,500' proceeding direct to Anchorage LOM, thence on course of 244° outbound, 064° inbound within 20 miles. (2) Climb to 1,500' on NW course Anchorage LFR (305°) to hold at Susitna Intersection. (3) Climb to 2,500' on NW course Merrill LFR (326°) within 20 miles. CAUTION: 346' hill 1.6 miles SW of airport and 1.3 miles W of final approach between facility and airport.
	LOM	086—6.5	1,500								
	Merrill LFR	196—7	1,500								
	Turnagain Intersection (Intersection SW course Anchorage LFR and 302° bearing to ANC LOM); final.	003—4.5	800								
	Radar transition within 25 nautical miles of ASR station as directed by ATC.										
ANCHORAGE, ALASKA. Anchorage International Airport, 113'. SBRAZ-P-DTXV. ANC. Procedure No. 2. Amendment No. 5. Effective date: May 5, 1956. Major changes: Facility decommissioned.	PROCEDURE CANCELED ON DE-COMMISSIONING ANCHORAGE LFR LOCATED AT LATITUDE 61°11'50", LONGITUDE 149°51'39", APPROXIMATELY NOVEMBER 24, 1956.										

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
ANCHORAGE, ALASKA. Merrill Field, 139'. SBRAZ-P-DTXV. ANC. Procedure No. 1. Amendment No. 8. Effective date: Approximately November 24, 1956, or commissioning date of relocated ANC LFR. Supersedes Amendment 7, dated November 3, 1956. Major changes: (1) Relocation of Anchorage LFR and realinement of courses, (2) new format.	Delta Island Intersection	065—15	1,500	Nonstandard. W side of SW course: 183° outbound. 003° inbound. 1,500' within 10 miles.	800	006—6.2	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 6.2 miles, climb to 1,500' on NW course (305°) Anchorage LFR to Susitna Intersection. Alternate missed approach procedures when directed by ATC: (1) Climb to 1,500' proceeding direct to Anchorage LOM, thence on course of 244° outbound, 064° inbound within 20 miles. (2) Climb to 1,500' on NW course Anchorage LFR (305°) to hold at Susitna Intersection. (3) Climb to 2,500' on NW course Merrill LFR (326°) within 20 miles. CAUTION: Mountains 8 miles E. and TV tower 348' mean sea level 1 mile WNW of airport.
	LOM	086—6.5	1,500								
	Merrill LFR	196—7	1,500								
	Turnagain Intersection (Intersection SW course ANC LFR and 302° bearing to ANC LOM), final.	003—4.5	800								
	Radar transition within 25 nautical miles of ASR station as directed by ATC.										

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
ANCHORAGE, ALASKA. Anchorage International Airport, 114'. HW-JEL. Procedure No. 2. Amendment No. 2. Effective date: May 5, 1956. Major changes: Jewel Lake Radiobeacon de-commissioned.	PROCEDURE CANCELED ON DE-COMMISSIONING OF JEWEL LAKE RADIOBEACON PROPOSED DECEMBER 17, 1956.										

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
ROCK SPRINGS, WYO. Municipal, 6,752'. BVOR-RKS. Procedure No. 1. Amendment No. 2. Effective: November 24, 1956. Supersedes Amendment 1, dated January 18, 1954. Major changes: Distances now in nautical miles; speeds in knots; procedure turn limited to 10 miles; missed approach area limited to 20 miles.	RKS–LFR	203—1.0	9,200	N side of course: 081° outbound. 261° inbound. 9,200' within 10 miles.	8,700	261—2.1	T–dn C–d C–n S Runway 25 d n A–dn	300–1 1,000–1 1,000–2 1,000–1 1,000–2 1,000–2	300–1 1,000–1 1,000–2 1,000–1 1,000–2 1,000–2	*200–1½ 1,000–1½ 1,000–2 1,000–1½ 1,000–2 1,000–2	Within 2.1 miles, climb to 10,000' on 261° radial RKS–VOR within 20 miles. NOTE: *300–1 required for night takeoff on all runways except 7–25.
SEATTLE, WASH. Boeing Field, 17'. BVOR–DME–SEA. Jet aircraft. Procedure No. 1. Amendment No. 2. Effective date: November 24, 1956. Supersedes Amendment 1, dated May 5, 1956. Major changes: Change procedure turn to 280° outbound 135° inbound; add FM/DME fix; change distance FM/DME fix to airport; change bearing FM/DME fix to airport; reduce altitude over FM fix to 1,500'.	All directions		20,000	Teardrop type procedure: 280° outbound. 135° inbound. Start descent over station at ½ initial approach altitude, execute descending right turn within 20 miles. Complete turn on 135° inbound course. Minimum altitude 4,000'.	Over Harbor Island FM* 1,500	092—3.5 miles from Harbor Island FM*	All aircraft				Within 0 mile of Harbor Island FM/FIX turn right, climb to 2,000' outbound on 270° radial SEA–VOR. At 10 miles from VOR commence climb to 14,000' within 25 miles or as directed by ATC. *Or 8.2 miles from SEA–VOR/DME.
	From 15-mile fix to Harbor Island FM* (final).	135—6.8	1,500				T–dn C–dn A–dn	300–1 1,500–2 1,500–2	300–1 1,500–2 1,500–2	300–1 1,500–2 1,500–2	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
ANCHORAGE, ALASKA. Anchorage International Airport, 113'. ILS–I–ANC. LOM–AN. Combination ILS and ADF. Procedure No. 1. Amendment No. 4. Effective date: Approximately November 24, 1956, or commissioning date of relocated ANC LFR. Supersedes Amendment 3, dated May 5, 1956. Major changes: (1) Revise transition to conform with relocation of ANC LFR; (2) new format.	Anchorage LFR	LOM	266—6.5	1,500	S side of W course: 244° outbound. 064° inbound. 1,500' within 10 miles of LOM.	ILS 1,500 ADF 1,500 over LOM	1,500—4.8	320—0.6	T–dn C–dn	300–1 500–1	300–1 500–1	200–½ 500–1½	Within 4.8 miles after passing LOM (ADF), climb to 1,500' on SW course (183°) ANC LFR within 20 miles. Alternate missed approach procedure directed by ATC: (1) Climb to 1,500' on W course ILS (244° ADF) within 20 miles of LOM; (2) climb to 1,500' on NW course ANC LFR (308°) to hold at Susitna Intersection; (3) climb to 2,500' on NW course Merrill LFR (326°) within 20 miles.
	Merrill LFR	LOM	230—11	1,500					S–dn S–ILS	300–½	300–½	300–½	
	Delta Island Intersection	LOM	050—8.9	1,500					S–ADF	400–1	400–1	400–1	
	Susitna Intersection	LOM	149—10	1,500					A–dn ILS	600–2	600–2	600–2	
	Turnagain Intersection (Intersection SW course ANC LFR and 302° bearing to ANC LOM).	LOM	302—7.4	1,500					ADF	800–2	800–2	800–2	
	Radar transition within 25 nautical miles of ASR station as directed by ATC.												
ROCK SPRINGS, WYO. Municipal, 6,752'. ILS–RKS. Procedure No. 1. Amendment No. 8. Effective date: November 24, 1956. Supersedes Amendment 7, dated January 18, 1954. Major changes: distances now in nautical miles; speeds in knots; procedure turn area increased to 10 miles; takeoff (columns 11 and 12) changed to 300–1.	RKS–LFR	Outer marker	090—1.3	9,200	N side of E course: 074° outbound. 254° inbound. 9,200' within 10 miles of outer marker.	8,700	7,850—3.9	6,950—0.6	*T–dn C–d C–n *3 Runway 25 d n %A–dn	300–1 400–1 400–2 300–¾ 300–¾ 600–2	300–1 500–1 500–2 300–¾ 300–¾ 600–2	#200–½ 500–1½ 500–2 300–¾ 300–¾ 600–2	Climb to 10,000' on W course of RKS–LFR. NOTES: Provisions of inoperative ILS components not applicable; takeoff minimums of 300–1 and circling minimums apply when approach lights or slide slope inoperative. AIR CARRIER NOTE: sliding scale not authorized. #300–1 required for night takeoff on all runways except 7–25. %800–2 required if any regular component of the ILS is inoperative.
	Intersection E course RKS–ILS, W course RKS–LFR.	Outer marker	074—3.9	9,200									
	Point of Rocks FM	E course ILS	235—6.1	9,200									
	RKS–VOR	E course ILS	062—2.2	9,200									

5. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums								Missed approach procedure
		Runway No.	Condition	Precision approach			Surveillance approach			
				2 engines or less		More than 2 engines	2 engines or less		More than 2 engines	
				65 knots or less	Over 65 knots	Over 65 knots	65 knots or less	Over 65 knots	Over 65 knots	
1	2	3	4	5	6	7	8	9	10	11
ANCHORAGE, ALASKA. Anchorage International Airport, 113'. Procedure No. 1. Amendment No. 2. Effective date: Approximately November 24, 1956, or commissioning date of relocated ANC LFR. Supersedes Amendment 1, dated May 5, 1956. Major changes: Relocation of Anchorage LFR with realined courses.	All bearings are to the radar with sector azimuths progressing clockwise. Within 5 miles: 340-200—1, 400'. 200-300—2, 500'. 300-340—1, 400'. Within 8 miles: 340-200—1, 400'. 200-300—9, 000'. 300-340—1, 400'. Within 15 miles: 340-200—1, 500'. 200-300—9, 000'. 300-340—5, 000'. Within 20 miles: 340-200—1, 500'. 200-300—9, 000'. 300-340—5, 000'. Within 25 miles: 340-200—1, 500'. 200-300—9, 500'. 300-340—6, 500'.	All runways...	T-dn C-dn A-dn	--- --- ---	--- --- ---	--- --- ---	300-1 500-1 800-2	300-1 500-1 800-2	200-½ 500-1½ 800-2	Climb to 1,500' on SW course Anchorage LFR (183° outbound) within 20 miles. Alternate missed approach procedures when directed by ATC: (1) Climb to 1,500' proceeding direct to Anchorage LOM, thence on course of 244° outbound, 064° inbound within 20 miles. (2) Climb to 1,500' on NW course Anchorage LFR (305°) to hold at Susitna Intersection. (3) Climb to 2,500' on NW course Merrill LFR (326°) within 20 miles. *ASR approach on runway 24 not authorized due high terrain E. and ground clutter. CAUTION: Terrain 346' mean sea level 2 miles SSW of airport and 1.5 miles W of approach course to runway 31.
		24* 6, 31, 13	S-dn S-dn	--- ---	--- ---	--- ---	NA 400-1	NA 400-1	NA 400-1	

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8676; Filed, Oct. 29, 1956; 8:45 a. m.]

[Amdt. 9]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.12 *Green civil airway 2* is amended to read in part:

From Albany, N. Y., LFR; to Brainard INT, N. Y., southeastbound, MEA 4,000; northwestbound, MEA 3,000.

From Brainard INT, N. Y.; to Hartford, Conn., LFR; MEA 4,000.

From Hartford, Conn., LFR; to Moosup INT, Conn.; MEA 2,000.

From Moosup INT, Conn.; to North Scituate INT, R. I.; MEA 1,700.

Section 610.109 *Amber civil airway 9* is amended to read in part:

From Charleston, S. C., LFR; to Myrtle Beach, S. C., LF/RBN; MEA 1,300.

Section 610.267 *Red civil airway 67* is amended to read in part:

From Crestview, Fla., LFR; to Dothan, Ala., LFR; MEA 1,500.

Section 610.259 *Red civil airway 59* is amended to read in part:

From Gage, Okla., LFR; to Oklahoma City, Okla., LFR; MEA 3,700.

Section 610.271 *Red civil airway 71* is amended to read in part:

From Elkins INT, N. Mex.; to Lubbock, Tex., LFR; MEA 5,500.

Section 610.312 *Red civil airway 112* is added to read:

From Lee INT, Mass.; to Westfield, Mass., LFR; MEA 4,000.

Section 610.603 *Blue civil airway 3* is amended to read in part:

From Marianna INT, Fla.; to Dothan, Ala., LFR; MEA 1,500.

Section 610.610 *Blue civil airway 10* is amended to read in part:

From Richmond INT, Calif.; to Williams, Calif., LFR; MEA 5,000.

Section 610.1001 *Direct routes, U. S.* is amended to delete:

From Advance, Mo., LFR to Little Rock, Ark., LFR; MEA 1,700.

From Albany, Ga., LFR; to Alma, Ga., LFR; MEA 1,500.

From Albany, Ga., LFR; to Cross City, Fla., LFR; MEA 1,400.

From Columbia, S. C., LFR; to Savannah, Ga., LFR; MEA 1,700.

From Huntsville, Ala., VOR; to Muscle Shoals, Ala. VOR; MEA 2,000.

From Lubbock, Tex. VOR; to Tucumcari, N. Mex., VOR; MEA 7,000.

From San Antonio, Tex., LFR; to Smithville, Tex., LF/RBN; MEA 2,200.

From Chattanooga, Tenn., LFR; to Muscle Shoals, Ala., VOR; MEA 4,000.

From Asheville, N. C., LF/RBN; to Charlotte, N. C., LFR; MEA 6,500.

From El Dorado, Ark., LF/RBN; to Pine Bluff, Ark., LF/RBN; MEA 1,600.

From El Dorado, Ark., VOR; to Pine Bluff, Ark., VOR; MEA 1,600.

From El Dorado, Ark., VOR; to Little Rock, Ark., VOR; MEA 1,800.

From Flippin, Ark., VOR; to Little Rock, Ark., VOR; MEA 3,000.

From Greensboro, N. C., VOR; to Int. Tri-City VOR 105° rad. and N crs. Hickory LFR; MEA 6,500.

From Little Rock, Ark., LFR; to Springfield, Mo., LFR; MEA 3,000.

From Roswell, N. Mex., LFR; to Amarillo, Tex., LFR; MEA 5,600.

From Tri-City, Tenn., LFR; to Int. Tri-City, Tenn., VOR 105° rad. and N crs. Hickory, N. C., LFR; MEA 7,500.

From Tri-City, Tenn., VOR; to Int. Tri-City, Tenn., VOR 105° rad. and N crs. Hickory, N. C. LFR; MEA 7,500.

From Quitman, Tex., VOR; to Texarkana, Tex., VOR; MEA 1,700.

From Winston-Salem, N. C., LFR; to Int. Winston-Salem, VOR 286° rad. and N crs. Hickory LFR; MEA 6,500.

Section 610.1001 *Direct routes, U. S.* is amended to read in part:

From Little Rock, Ark., LFR; to Int. Little Rock LFR 074° brg. and N crs. Stuttgart LFR; MEA 1,500.

From Memphis, Tenn., LFR; to Int. Little Rock LFR 074° brg. and N crs. Stuttgart LFR; MEA 1,700.

Section 610.6001 *VOR civil airway 1* is amended to read in part:

From LaGrange INT, N. C.; to Cofield, N. C., VOR; MEA *4,000. *1,400—MOCA.

From Cofield, N. C., VOR; to Corapeake INT, Va.; MEA 1,300.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From Milwaukee, Wis., VOR via S alter.; to Sun Fish INT, Wis., via S alter.; MEA 2,300.

From Sun Fish INT, Wis., via S alter.; to Muskegon, Mich., VOR via S alter.; MEA 2,000.

From Syracuse, N. Y., VOR; to *Sherrill INT, N. Y.; MEA 3,000. *3,500—MEA.

From Sherrill INT, N. Y.; to Albany, N. Y., VOR; MEA 3,000.

From Syracuse, N. Y., VOR via S alter.; to Munnsville INT, N. Y., via S alter.; MEA 3,000.

From Munnsville INT, N. Y., via S alter.; to Albany, N. Y., VOR via S alter.; MEA 4,500.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From West Palm Beach, Fla., VOR; to Vero Beach, Fla., VOR; MEA 1,200.

From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6004 *VOR civil airway 4* is amended to read in part:

From Nunn INT, Colo., via N alter.; to *Gill INT, Colo., via N alter.; MEA **14,000. *14,000—MCA Gill INT, northwestbound.

Section 610.6005 *VOR civil airway 5* is amended to read in part:

From Orlando, Fla., VOR via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA 1,300.

Section 610.6006 *VOR civil airway 6* is amended by adding:

From Oakland, Calif., VOR via S alter.; to *Altamont INT, Calif., via S alter.; MEA *5,000—MCA Altamont INT, southwestbound.

From Altamont INT, Calif., via S alter.; to Sacramento, Calif., VOR via S alter.; MEA 4,000.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Ft. Myers, Fla., VOR via E alter.; to *LaBelle INT, Fla., via E alter.; MEA 1,300. *5,000—MRA.

From LaBelle INT, Fla., via E alter.; to Lakeland, Fla., VOR via E alter.; MEA *4,000. *1,300—MOCA.

From Wind Lake INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300. *3,000—MRA.

Section 610.6010 *VOR civil airway 10* is amended to delete:

From South Bend, Ind., VOR via N alter.; to Litchfield, Mich., VOR via N alter.; MEA 2,400.

Section 610.6010 *VOR civil airway 10* is amended to read in part:

From Naperville, Ill., VOR via N alter.; to Beacon INT (Lake Mich.) via N alter.; MEA 2,500.

From Beacon INT (Lake Mich.) via N alter.; to Neptune INT (Lake Mich.) via N alter.; MEA 2,000.

From Neptune INT (Lake Mich.) via N alter.; to South Bend, Ind., VOR via N alter.; MEA 2,300.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Mason City, Iowa, VOR via W alter.; to *Prior INT, Minn., via W alter.; MEA **3,400. *4,000—MRA. **2,000—MOCA.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Syracuse, N. Y., VOR; to *Sherrill INT, N. Y.; MEA 3,000. *3,500—MRA.

From Sherrill INT, N. Y.; to Albany, N. Y., VOR; MEA 3,000.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From Marianna, Fla., VOR via N alter.; to Calvary INT, Fla., via N alter.; MEA 1,500.

From Calvary INT, Fla., via N alter.; to *Quitman INT, Fla., via N alter.; MEA **2,500. *3,000—MRA. **1,500—MOCA.

From Quitman INT, Fla., via N alter.; to Greenville INT, Fla., via N alter.; MEA *3,500. *1,500—MOCA.

From Greenville INT, Fla., via N alter.; to Greenville, Fla., VOR via N alter.; MEA *3,000. *3,000—MRA. **1,500—MOCA.

From Genoa INT, Fla., via N alter.; to Albany, N. Y., VOR via S alter.; MEA 4,500.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From Redwood Falls, Minn., VOR via S alter.; to *Prior INT, Minn., via S alter.; MEA **4,000. *4,000—MRA. **2,300—MOCA.

From Prior INT, Minn., via S alter.; to Minneapolis, Minn., VOR via S alter.; MEA 2,500.

Section 610.6027 *VOR civil airway 27* is amended to read in part:

From Oakland, Calif., VOR via E alter.; to Point Reyes, Calif., VOR via E alter.; MEA 5,000.

Section 610.6029 *VOR civil airway 29* is amended to read in part:

From West Chester, Pa., VOR; to *Pottstown, Pa., VOR; MEA 2,000.

From Pottstown, Pa., VOR; to Allentown, Pa., VOR; MEA 2,500.

Section 610.6030 *VOR civil airway 30* is amended to read in part:

From Milwaukee, Wis., VOR via S alter.; to *New Berlin INT, Wis., via S alter.; MEA 2,300. *3,500—MRA.

From New Berlin INT, Wis., via S alter.; to Racine INT, Wis., via S alter.; MEA *3,000. *2,100—MOCA.

From Racine INT, Wis., via S alter.; to Fullman, Mich., VOR via S alter., MEA *3,000. *2,000—MOCA.

From Fullman, Mich., VOR; *LeRoy INT, Mich.; MEA 2,300. *2,500—MRA.

From LeRoy INT, Mich.; to Litchfield, Mich., VOR; MEA 2,200.

Section 610.6032 *VOR civil airway 32* is amended to read in part:

From Bonneville, Utah, VOR; to *Salt Lake City, Utah, VOR, westbound, MEA 10,000; eastbound, MEA 11,000. *12,000—MCA Salt Lake City VOR, eastbound.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From *Shrimp INT, Fla.; to Scallop INT, Fla.; MEA **4,000. *6,000—MRA. **1,000—MOCA.

From Scallop INT, Fla.; to Lobster INT, Fla.; MEA *6,000. *1,000—MOCA.

Section 610.6037 *VOR civil airway 37* is amended by adding:

From Pulaski, Va., VOR; to Marie INT, W. Va.; MEA 6,000.

Section 610.6037 *VOR civil airway 37* is amended to read in part:

From Turnpike INT, Pa.; to *Mercer INT, Pa.; MEA **4,000. *4,000—MRA. **3,000—MOCA.

From Mercer INT, Pa.; to *Hadley INT, Pa.; MEA **4,000. *4,000—MRA. **3,000—MOCA.

From Hadley INT, Pa.; to Erie, Pa., VOR; MEA *4,000. *3,000—MOCA.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6054 *VOR civil airway 54* is amended to read in part:

From Muscle Shoals, Ala., VOR; to *Tanner INT, Ala.; MEA 2,200. *4,500—MRA.
From Tanner INT, Ala.; to Huntsville, Ala., VOR; MEA 2,200.

Section 610.6055 *VOR civil airway 55* is amended to read in part:

From South Bend, Ind., VOR Keeler, Mich., VOR; to Keeler, Mich., VOR; MEA 2,000; Pullman, Mich., VOR; MEA 2,100.

Section 610.6062 *VOR civil airway 62* is amended to read in part:

From Anton Chico, N. Mex., VOR; to School INT, N. Mex.; MEA 8,000. (Deletes MRA at Ima INT.)

Section 610.6068 *VOR civil airway 68* is amended by adding:

From Junction, Tex., VOR via N alter.; to *Guadalupe INT, Tex., via N alter.; MEA **4,000. *4,000—MRA. **3,400—MOCA.
From Guadalupe INT, Tex., via N alter.; to *Fredericksburg INT, Tex., via N alter.; MEA **4,000. *4,000—MRA. **3,400—MOCA.
From Fredericksburg INT, Tex., via N alter.; to San Antonio, Tex., VOR via N alter.; MEA 3,000.

Section 610.6073 *VOR civil airway 73* is amended to delete:

From Tulsa, Okla., VOR; to Pawhuska INT, Okla.; MEA 2,200.
From Pawhuska INT, Okla.; to *Cambridge INT, Kans.; MEA 3,000. *3,000—MRA.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From Brady INT, Tex.; to *Kingsland INT, Tex.; MEA **7,500. *4,000—MRA. **3,100—MOCA.

Section 610.6077 *VOR civil airway 77* is amended to read in part:

From *Wichita, Kans., VOR; to Topeka, Kans., VOR; MEA 3,000. *3,000—MCA Wichita VOR, northeastbound.
From San Angelo, Tex., VOR via E alter.; to *Paint Rock INT, Tex., via E alter.; MEA 3,500. *6,000—MRA.
From Paint Rock INT, Tex., via E alter.; to Abilene, Tex., VOR via E alter.; MEA *6,000. *3,300—MOCA.

Section 610.6084 *VOR civil airway 84* is amended by adding:

From Wheeling, Ill., VOR; to *Papi INT, Ill.; MEA **2,500. *2,500—MRA. **2,000—MOCA.
From Papi INT, Ill.; to Pullman, Mich., VOR; MEA 2,000.

Section 610.6085 *VOR civil airway 85* is amended to read:

From Rock River, Wyo., VOR via W alter.; to *Casper, Wyo., VOR via W alter.; MEA 11,000. *9,500—MCA Casper VOR, southbound.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Tampa, Fla., VOR via E alter.; to *Hudson INT, Fla., via E alter.; MEA **1,500. *2,000—MRA. **1,300—MOCA.
From Hudson INT, Fla., via E alter.; to Cross City, Fla., VOR via E alter.; MEA *2,500. *1,200—MOCA.
From Cross City, Fla., VOR via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA 1,500.

Section 610.6100 *VOR civil airway 100* is added to read:

From North Platte, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *10,000. *4,300—MOCA.
From Sioux City, Iowa, VOR; to Alden INT, Iowa; MEA *7,000. *2,800—MOCA.
From Alden INT, Iowa; to Waterloo, Iowa, VOR; MEA *3,000. *2,300—MOCA.
From Waterloo, Iowa, VOR; to Polo, Ill., VOR; MEA *4,700. *3,100—MOCA.
From Wheeling, Ill., VOR; to *White Fish INT, Ill.; MEA 2,000. *3,500—MRA.
From White Fish INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.
From Keeler, Mich., VOR; to *LeRoy INT, Mich.; MEA **2,500. *2,500—MRA. **2,100—MOCA.
From LeRoy INT, Mich., to *Jackson INT, Mich.; MEA **5,200. *5,200—MRA. **2,300—MOCA.
From LeRoy INT, Mich., to *Jackson VOR; MEA *5,200. *2,400—MOCA.
From *LeRoy INT, Mich.; to Salem, Mich., VOR; MEA #2,500. *2,500—MRA. #Utilizing Jackson LF/RBN.

Section 610.6107 *VOR civil airway 107* is amended to read in part:

From Coalinga, Calif., VOR; to *Oakland, Calif., VOR; MEA 7,000. *2,500—MCA Oakland VOR, southeastbound.
From Larry INT, Calif.; to Mount Hamilton INT, Calif., northbound only; MEA 6,500.
From Mount Hamilton INT, Calif.; to Mount Day INT, Calif., northbound only; MEA 6,000.
From Mount Day INT, Calif.; to Mission INT, Calif., northbound only; MEA 5,000.
From Mission INT, Calif.; to Oakland, Calif., VOR northbound only; MEA 3,500.

Section 610.6116 *VOR civil airway 116* is amended to read in part:

From Naperville, Ill., VOR; to Beacon INT, Ill.; MEA 2,500.
From Beacon INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.
From Keeler, Mich., VOR; to *LeRoy INT, Mich.; MEA **2,500. *2,500—MRA. **2,100—MOCA.
From LeRoy INT, Mich.; to *Jackson INT, Mich.; MEA **5,200. *5,200—MRA. **2,300—MOCA.
From Jackson INT, Mich.; to Salem, Mich., VOR; MEA *5,200. *2,400—MOCA.
From *LeRoy INT, Mich.; to Salem, Mich., VOR; MEA #2,500. *2,500—MRA. #Utilizing Jackson LF/RBN.

Section 610.6126 *VOR civil airway 126* is amended to delete:

From Wilkes-Barre-Scranton, Pa., VOR; to Branchville INT, N. J.; MEA 3,500.
From Branchville INT; to Paterson INT, N. J.; MEA 3,000.

Section 610.6126 *VOR civil airway 126* is amended by adding:

From Wilkes-Barre, Pa., VOR; to Huguenot, N. Y., VOR; MEA 3,500.
From Huguenot, N. Y., VOR; to Wilton, Conn., VOR; MEA 2,700.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Amarillo, Tex., VOR; to Sayre, Okla., VOR; MEA 4,700. (Deletes MRA at McLean INT.)

Section 610.6146 *VOR civil airway 146* is amended by adding:

From Wilkes-Barre-Scranton, Pa., VOR; to Huguenot, N. Y., VOR; MEA 3,500.
From Huguenot, N. Y., VOR; to Newburg INT, N. Y.; MEA 2,500.
From Newburg INT, N. Y.; to Poughkeepsie, N. Y., VOR; MEA 3,000.

Section 610.6147 *VOR civil airway 147* is amended to delete:

From West Chester, Pa., VOR; to Allentown, Pa., VOR; MEA 2,500.

Section 610.6147 *VOR civil airway 147* is amended by adding:

From Philadelphia, Pa., ILS loc.; to Pottstown, Pa., VOR; MEA 2,000.
From Pottstown, Pa., VOR; to Allentown, Pa., VOR; MEA 2,500.

Section 610.6148 *VOR civil airway 148* is amended by adding:

From Denver, Colo., VOR; to Parker INT, Colo.; MEA 7,000.
From Parker INT, Colo.; to Kiowa, Colo., VOR; MEA 7,700.
From Kiowa, Colo., VOR; to Thurman, Colo., VOR; MEA 7,200.

Section 610.6150 *VOR civil airway 150* is amended by adding:

From San Francisco, Calif., TVOR; to Stinson Beach INT, Calif.; MEA 5,500.
From Stinson Beach INT, Calif.; to Richmond INT, Calif.; MEA 5,500.
From Richmond INT, Calif.; to Pinole INT, Calif.; MEA 3,500.
From Pinole INT, Calif.; to Sacramento, Calif., VOR; MEA 3,000.

Section 610.6152 *VOR civil airway 152* is amended to read in part:

From Tampa, Fla., VOR; to Katy INT, Fla.; MEA 1,500.
From Orlando, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 1,300.

Section 610.6158 *VOR civil Airway 158* is amended to delete:

From Alden INT, Iowa; to Waterloo, Iowa, VOR; MEA *3,000. *2,300—MOCA.

Section 610.6163 *VOR civil airway 163* is amended to delete:

From Waco, Tex., VOR; to Mill INT, Tex.; MEA *3,500. *2,500—MOCA.
From Mill INT, Tex.; to Mineral Wells, Tex., VOR; MEA *3,500. *2,400—MOCA.

Section 610.6163 *VOR civil airway 163* is amended by adding:

From San Antonio, Tex., VOR; to Spring Branch INT, Tex.; MEA *3,000. *2,600—MOCA.
From Spring Branch INT, Tex.; to *Kingsland INT, Tex.; MEA **4,000. *4,000—MRA. **2,800—MOCA.
From Kingsland INT, Tex.; to Lometa, Tex., VOR; MEA *4,000. *2,800—MOCA.
From Lometa, Tex., VOR; to *Mill INT, Tex.; MEA **5,000. *3,500—MRA. **2,800—MOCA.
From Mill INT, Tex.; to Mineral Wells, Tex., VOR; MEA *3,500. *2,400—MOCA.
From San Antonio, Tex., VOR via W alter.; to *Guadalupe INT, Tex., via W alter.; MEA 3,000. *4,000—MRA.
From Guadalupe INT, Tex., via W alter.; to *Fredericksburg INT, Tex., via W alter.; MEA 3,000. *4,000—MRA.
From Fredericksburg INT, Tex., via W alter.; to Lometa, Tex., VOR via W alter.; MEA *4,000. *3,100—MOCA.

Section 610.6170 *VOR civil airway 170* is amended by adding:

From Milwaukee, Wis., VOR; to Sun Fish INT (Lake Mich.); MEA 2,300.
From Sun Fish INT (Lake Mich.); to Pullman, Mich., VOR; MEA *2,700. *2,000—MOCA.
From Pullman, Mich., VOR; to Hickory INT, Mich.; MEA 3,000.
From Hickory INT, Mich.; to *Leslie INT, Mich.; MEA **3,500. *3,000—MRA. **3,000—MOCA.

From Leslie INT, Mich.; to Salem, Mich., VOR; MEA 2,500.

Section 610.6187 *VOR civil airway 187* is amended to read:

From Chicago Heights, Ill., VOR; to *Bull Head INT, Ill.; MEA 2,500. *2,500—MRA.
From Bull Head INT, Ill.; to *Papi INT, Ill.; MEA 2,500. *2,500—MRA.
From Papi INT, Ill.; to *Taylor INT, Wis.; MEA **4,500. *4,500—MCA Taylor INT, southbound. **2,000—MOCA.
From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.
From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.
From Chicago Heights, Ill., VOR via E alter.; to Beacon INT, Ill., via E alter.; MEA 2,000.
From Beacon INT, Ill., via E alter.; to White Fish INT, Ill., via E alter.; MEA 2,500.
From White Fish INT, Ill., via E alter.; to Taylor INT, Ill., via E alter.; MEA *3,500. *2,000—MRA.
From Taylor INT, Ill., via E alter.; to Racine INT, Wis., via E alter.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis., via E alter.; to *New Berlin INT, Wis., via E alter.; MEA **3,000. *3,500—MRA. **2,100—MOCA.
From New Berlin INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter.; MEA 2,300.

Section 610.6191 *VOR civil airway 191* is amended by adding:

From Chicago O'Hare, Ill., TVOR; to Taylor INT, Wis.; MEA *3,000. *2,100—MOCA.
From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.
From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

Section 610.6192 *VOR civil airway 192* is amended to read in part:

From Corona, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA *11,000. *9,000—MOCA. (Deletes MRA at Ima INT.)

Section 610.6214 *VOR civil airway 214* is amended to delete:

From Muskegon, Mich., VOR; to Saginaw, Mich., LF/RBN; MEA *4,000. *2,400—MOCA.

Section 610.6216 *VOR civil airway 216* is amended to read:

From Janesville, Wis., VOR; to *Wind Lake INT, Wis.; MEA **3,000. *3,000—MRA. **2,400—MOCA.
From Wind Lake INT, Wis.; to Sun Fish INT, Wis.; MEA* *3,500. *2,000—MOCA.
From Sun Fish INT, Wis.; to Muskegon, Mich., VOR; MEA 2,000.
From Muskegon, Mich., VOR; to Saginaw, Mich., LF/RBN; MEA *4,000. *2,400—MOCA.

Section 610.6218 *VOR civil airway 218* is amended to read:

From Sycamore INT, Ill.; to Naperville, Ill., VOR; MEA 2,000.
From Naperville, Ill., VOR; to Beacon INT, Ill.; MEA 2,500.
From Beacon INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.
From Keeler, Mich., VOR; to *Kalamazoo INT, Mich.; MEA 2,200. *2,500—MCA Kalamazoo INT, northeastbound.
From Kalamazoo INT, Mich.; to *Hickory INT, Mich.; MEA 3,000. *2,500—MCA Hickory INT, southwestbound.
From Hickory INT, Mich.; to Lansing, Mich., VOR; MEA 2,200.

From Lansing, Mich., VOR; to Flint INT, Mich.; MEA 2,400.

Section 610.6219 *VOR civil airway 219* is amended to read:

From Janesville, Wis., VOR; to *New Berlin INT, Wis.; MEA **3,500. *3,500—MRA. **2,400—MOCA.

Section 610.6220 *VOR civil airway 220* is amended to read in part:

From Roggen INT, Colo.; to Akron, Colo., VOR; MEA 7,000.

Section 610.6228 *VOR civil airway 228* is amended to read:

From Wheeling, Ill., VOR; to *Bull Head INT, Ill.; MEA 2,000. *2,500—MRA.
From Bull Head INT, Ill.; to South Bend, Ind., VOR; MEA 2,300.

Section 610.6249 *VOR civil airway 249* is added to read:

From Caldwell, N. J., VOR; to Huguenot, N. Y., VOR; MEA 3,000.

Section 610.6251 *VOR civil airway 251* is added to read:

From West Chester, Pa., VOR; to Pottstown, Pa., VOR; MEA 2,000.
From Pottstown, Pa., VOR; to Captain INT, Pa.; MEA 2,000.
From Captain INT, Pa.; to Caldwell, N. J., VOR; MEA 2,500.

Section 610.6252 *VOR civil airway 252* is added to read:

From Binghamton, N. Y., VOR; to Huguenot, N. Y., VOR; MEA 4,000.
From Huguenot, N. Y., VOR; to Paterson INT, N. J.; MEA 2,500.

Section 610.6254 *VOR civil airway 254* is added to read:

From Reinholds INT, Pa.; to Pottstown, Pa., VOR; MEA 2,000.
From Pottstown, Pa., VOR; to Columbus INT, N. J.; MEA 2,000.

Section 610.6256 *VOR civil airway 256* is added to read:

From Reinholds INT, Pa.; to Pottstown, Pa., VOR; MEA 2,000.
From Pottstown, Va., VOR; to Warrington INT, Pa.; MEA 2,000.

Section 610.6258 *VOR civil airway 258* is added to read:

From Charleston, W. Va., VOR; to Marie INT, W. Va.; MEA 6,000.
From Marie INT, W. Va.; to Rock Camp INT, W. Va.; MEA *7,000. *6,000—MOCA.
From Rock Camp INT, W. Va.; to Roanoke, Va., VOR; MEA 6,000.

Section 610.6260 *VOR civil airway 260* is added to read:

From Charleston, W. Va., VOR; to *Leonard INT, W. Va.; MEA 6,000. *9,000—MRA.
From Leonard INT, W. Va.; to *Greenbrier INT, W. Va.; MEA **9,000. *9,000—MRA. **6,000—MOCA.
From Greenbrier INT, W. Va.; to Roanoke, Va., VOR; MEA 6,000.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective November 15, 1956.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8679; Filed, Oct. 29, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR 1957 CROP OF EXTRA LONG STAPLE COTTON

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REVIEW OF QUOTAS

722.1429 Review of quotas.

AUTHORITY: §§ 722.1411 to 722.1429 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 343–347, 361–368, 373, 374, 377, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1343–1347, 1361–1368, 1373, 1374, 1377, 1388.

GENERAL

§ 722.1411 *Basis and purpose.* (a) The regulations contained in §§ 722.1411 to 722.1429 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) and govern the establishment of State, county, and farm acreage allotments for the 1957 crop of extra long staple cotton and the determination of the acreage planted to extra long staple cotton on individual farms in 1957. The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.1411 to 722.1429. Notice of proposed formulation of acreage allotment regulations for the 1957 crop of extra

long staple cotton was published in the FEDERAL REGISTER on September 6, 1956 (21 F. R. 6716) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the Agricultural Stabilization and Conservation State and County Committees may perform their assigned functions in an orderly manner and establish farm acreage allotments as early as possible prior to the holding of the extra long staple cotton referendum, it is essential that the regulations in §§ 722.1411 to 722.1429 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.1412 *Definitions.* As used in §§ 722.1411 to 722.1429 and in all forms and documents in connection therewith unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number.

(a) *Terms relating to administrative organization.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(2) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(3) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(4) "Director" means the Director, or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(5) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the State committee.

(6) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended. In Puerto Rico, the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the county committee.

(7) "Community committee" means the group of persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(8) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(b) *General terms.* (1) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(2) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of extra long staple cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to extra long staple cotton and must have continued until the end of the planting season for the area.

(3) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(4) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(c) *Terms relating to farms.* (1) "Farm" means all adjacent or nearby farm or rangeland under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm or rangeland which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(3) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(4) "Share tenant" means a person other than a share-cropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(5) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(6) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(7) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on a farm, is entitled to all or a share of the 1957 crop of extra long staple cotton produced thereon or of the proceeds thereof.

(8) "Farm acreage allotment" means an extra long staple cotton acreage allotment established for a farm under the regulations in this subpart. Farm acreage allotments are initially established on the basis of the data for farms as finally constituted for 1956; where there is a change in the land in a farm for 1957, the farm acreage allotment will be redetermined in accordance with § 722.1417 (h).

(9) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(10) "Old ELS cotton farm" means a farm located in a county designated in § 722.1416 (b) on which extra long staple cotton was planted in any one or more of the years 1954, 1955, and 1956.

(11) "New ELS cotton farm" means a farm located in a county designated in § 722.1416 (b) on which extra long staple cotton is to be planted in 1957 but on which no acreage was planted to extra long staple cotton in any of the years 1954, 1955, and 1956.

(12) "Small farm" means a farm for which an acreage allotment, exclusive of allocations to the farm from State and county reserves, for 1957 is 15 acres or less.

(13) "Normal yield" means the average yield per acre of extra long staple lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If, for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new ELS cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of extra long staple cotton.

(14) "Normal production" of any number of acres means the normal yield per acre of extra long staple lint cotton for the farm multiplied by such number of acres.

(15) "Actual production" of extra long staple cotton on the farm means the total number of pounds of extra long staple lint cotton determined to have been produced on the farm in 1957.

(16) "Actual yield" per acre means the number of pounds of extra long staple lint cotton determined by dividing the actual production of extra long staple cotton on the farm by the acreage planted to such cotton on the farm in 1957.

(17) "Acreage planted to extra long staple cotton". (i) *State.* The acreages of extra long staple cotton to be used in establishing State acreage allotments are as follows:

(*a*) *For 1951 and 1952.* The official planted acreages of extra long staple cotton, as determined by the Agricultural Marketing Service of the United States Department of Agriculture.

(*b*) *For 1953.* The measured acreages of extra long staple cotton for all farms in the State, as determined in accordance with official instructions issued by the Deputy Administrator.

(*c*) *For 1954 and 1955.* The measured acreages of extra long staple cotton for all farms in the State, as determined for purposes of the 1954 and 1955 extra long staple cotton marketing quota programs, and adjusted according to the provisions of subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(ii) *County.* The acreages of extra long staple cotton to be used in establishing county acreage allotments are as follows:

(*a*) *For 1951 and 1952.* The official planted acreages of extra long staple cotton as determined by the Agricultural Marketing Service of the United States Department of Agriculture.

(*b*) *For 1953.* The measured acreage of extra long staple cotton for all farms in the county, as determined in accordance with official instructions issued by the Deputy Administrator.

(*c*) *For 1954 and 1955.* The measured acreages of extra long staple cotton for all farms in the county, as determined for purposes of the 1954 and 1955 extra long staple cotton marketing quota programs and adjusted according to the provisions of subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(iii) *Farm. (1954, 1955, 1956)* For purposes of establishing farm acreage allotments for the 1957 crop of extra long staple cotton, the acreage planted to such cotton on a farm means the acreage of land planted to extra long staple cotton for the years 1954, 1955 and 1956, and which shall be determined as follows:

(*a*) *For 1954 and 1955.* The acreages of extra long staple cotton measured for purposes of the 1954 and 1955 extra long staple cotton marketing quota programs, and adjusted, as provided in subsections (g) (3), (i), and (m) (2) of section 344 of the act.

(*b*) *For 1956.* The acreage of extra long staple cotton measured for purposes of the 1956 marketing quota program, including any acreage not seeded to extra long staple cotton which is eligible for compensation as extra long staple cotton acreage reserve or conservation reserve under the Soil Bank Program and adjusted as provided in subsections (g) (3), (i), and (m) (2) of section 344 of the act. If a written request was filed by June 1, 1956, to preserve acreage history for extra long staple cotton for a farm for the year 1956 as provided in section 377 of the act, the entire 1956 allotment shall be considered to have been planted to extra long staple cotton.

(iv) *Farm. (1957)* For purposes of determining compliance with the farm acreage allotment, the acreage planted to extra long staple cotton on a farm in 1957 shall be the acreage of land seeded to extra long staple cotton on the farm in 1957, excluding any acreage in excess of the farm acreage allotment which (*a*) is destroyed by causes beyond the producer's control prior to the expiration of the period established under (*b*) of this subdivision for disposing of excess extra long staple cotton acreage, or (*b*) is disposed of not later than 20 days, or such longer period as is approved in writing by the county committee, in accordance with § 722.1425, after notice of the measured extra long staple cotton acreage is mailed to the farm operator.

(18) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (i) bearing orchards and vineyards (except the acreage of cropland therein), (ii) plowable non-crop open pasture, and (iii) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community. Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into under the conservation reserve program by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses under such contract.

§ 722.1413 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out these regulations. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§ 722.1414 *Extent of calculations and rule of fractions.* The acreages planted to extra long staple cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.1415 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed for the 1957 crop of extra long staple cotton is apportioned among the States (including Puerto Rico) on the basis of the average acreage planted to extra long staple cotton in each such State for the years 1951, 1952, 1953, 1954, and 1955 with adjustments in such acreages for abnormal weather conditions. Such adjustments for abnormal weather conditions are made in the acreages planted to extra long staple cotton in the States on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to extra long staple cotton in a State is the amount established by reference to available information and data as the net reduction of planted acreage in the State attributed solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed extra long staple cotton because of abnormal weather conditions. The acreage allotted to a State pursuant to this section is referred to herein as the "State acreage allotment". The State acreage allotment for each State for the 1957 crop of extra long staple cotton is as follows:

State:	*State acreage allotments*
Arizona	36,657
California	616
Florida	1,301
Georgia	135
New Mexico	17,522
Puerto Rico	3,143
Texas	29,983
United States, total	89,357

§ 722.1416 *Apportionment of State acreage allotment among counties.*—(a) *Establishment of State acreage reserve.* The State committee shall determine the percentage of the State acreage allotment which is needed for the purposes of subparagraphs (1) through (5) of paragraph (c) of this section and shall set aside a total State acreage reserve of not more than 10 percent of the State acreage allotment.

(b) *Computed county acreage allotments.* The State acreage allotment for the 1957 crop of extra long staple cotton, less the State acreage reserve established pursuant to paragraph (a) of this section shall be apportioned to the following counties designated pursuant to section 347 (a) of the act: Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwanee, Union, and Volusia Counties, Florida; Berrien, Cook, and Lanier Counties, Georgia; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; the North Area and the South Area in Puerto Rico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas. Such appor-

tionment is made on the basis of the acreage planted to extra long staple cotton in 1951, 1952, 1953, 1954 and 1955 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. Such adjustments for abnormal weather conditions are made in the acreages planted to extra long staple cotton in the county on the basis of recommendations of the State committees and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to extra long staple cotton in a county is the amount established by reference to available information and data as the net reduction of planted acreage in the county attributed solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed extra long staple cotton because of abnormal weather conditions. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment." The extra long staple cotton producing areas located in the northern part of Puerto Rico shall be considered as a county and the cotton producing areas located in the southern part of Puerto Rico shall be considered as a county.

(c) *Use of State acreage reserve.* The State acreage reserve established under paragraph (a) of this section shall be used by the State committee for any one or more of the purposes set forth in subparagraphs (1) through (5) of this paragraph.

(1) *To adjust computed county acreage allotments for trends in the acreage of extra long staple cotton.* A part or all of the State acreage reserve may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for trends in the acreage planted to extra long staple cotton in the counties during recent years (the period of years may include the year 1956 but shall not include the year 1949). Since extra long staple cotton allotments have been in effect for 3 years during the period 1951–1956, inclusive, only those areas of the State where the acreage increased rapidly from 1951 through 1953 on a permanent basis shall be considered in adjusting county allotments from the State reserve for trends in acreage. The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of extra long staple cotton.* A part or all of the State acreage reserve may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to extra long staple cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors; (i) abnormal weather conditions such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to extra long staple cotton production or are increasing the acreage in such cotton after having been out of production or having been on a reduced level of extra long staple cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted acreage of extra long staple cotton because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under subdivision (i) of this subparagraph for abnormal weather conditions the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage, if any, which is required from the State acreage reserve to supplement that part of the county acreage reserves established as provided for in subparagraphs (1) and (2) of § 722.1417 (e) to adjust indicated farm acreage allotments for old ELS cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.1417. The State committee shall determine the acreage, if any, to be made available to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1957 acreage allotments for new ELS cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new ELS cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new ELS cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new ELS cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.1417 (e) (3). Where it is determined by the State committee that the entire county acreage reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.1417 (e), the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage, if any, set aside by the county committee from the county acreage reserve for establishing acreage allotments for new ELS cotton farms. In determining the estimated acreage to be set aside for establishing acreage allotments for new ELS cotton farms on the basis of the factors set forth in § 722.1417 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing acreage allotments for new ELS cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new ELS cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State acreage reserve for making adjustments in farm acreage allotments to correct inequities and to prevent hardship and shall allocate such acreage to counties.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested producer of extra long staple cotton: (1) The amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3), (4), and (5) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county in which farm acreage allotments are to be established under § 722.1417 (c) that, because of different conditions pertaining to the production of extra long staple cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.1417 (j) shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.1417 *Apportionment of county acreage allotment—(a) Determination of method to be used in apportioning county acreage allotment among farms.* Section 344 (f) (2) of the act provides that the county acreage allotment, less the county acreage reserve, shall be allotted to farms by multiplying the adjusted cropland for each old ELS cotton farm by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to herein as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county acreage allotment, less the county acreage reserve, shall be apportioned to old ELS cotton farms on the basis of the acreage planted to such cotton on the farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting plantings (this method will be referred to herein as the "historical basis"). The county committee shall study these two methods of apportioning the county acreage allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm acreage allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.1416 (e) is amended to include the county acreage allotment established for each county, the Secretary will designate the basis on which farm acreage allotments are to be established in the county.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which may be used to adjust indicated farm acreage allotments for old ELS cotton farms determined under paragraph (c) or (d) of this section and to establish acreage allotments for new ELS cotton farms under paragraph (e) (3) of this section. Such reserves shall be published in an amendment to the regulations in this part.

(c) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the cropland basis.* If farm acreage allotments are to be determined in the county on the cropland basis, the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be used to determine indicated allotments for old ELS cotton farms as follows:

(1) *Determination of adjusted cropland.* The county committee shall determine an adjusted cropland acreage for each old ELS cotton farm by deducting from the cropland on the farm the sum of the following acreages:

(i) The 1956 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(ii) The 1956 acreage of tobacco for market (or the 1956 farm acreage allotment, if any, for the applicable type of tobacco if the 1956 acreage has not been determined);

(iii) The 1956 acreage of peanuts picked and threshed, as adjusted by the county committee for abnormal conditions affecting such acreage;

(iv) The 1956 wheat acreage for market (including the acreage of wheat for feeding to livestock for market). In States in the commercial wheat-producing area for 1957, if the 1956 wheat acreage on the farm was reduced substantially below the 1956 farm wheat acreage allotment because of adverse weather conditions, the acreage to be deducted shall be the 1957 wheat allotment for the farm (less the acreage determined by the county committee to be used on the farm for home use other than for feeding to livestock for market). In the counties designated in subdivision (vi) of this subparagraph, the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this subdivision exceeds the acreage deducted under subdivision (vi) of this subparagraph;

(v) The acreage planted to rice in 1956 for market (including the acreage of rice for feeding to livestock for market), plus the acreage of other riceland on the farm for which water is available and which is not used for the production of extra long staple cotton under the rotation system for the farm; and

(vi) In Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and in Imperial and Riverside Counties, California; and in Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the cotton-producing season (seeding to maturity).

(2) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (i) the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section) by (ii) the total of the adjusted cropland acreage determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (a) the available county acreage allotment remaining after maximum indicated farm acreage allotments, as defined in subparagraph (3) of this paragraph have been determined for such old ELS cotton farms by (b) the total of the adjusted cropland acreages determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph, which under the preceding factor were not affected by the maximum allotment provision. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor."

(3) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old ELS cotton farm under this paragraph by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that (i) the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to extra long staple cotton on the farm in any of the years 1954, 1955 and 1956.

(d) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1957 on the historical basis and the Deputy Administrator approves such recommendation, indicated allotments for old ELS cotton farms shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of all such allotment bases into the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section): *Provided*, That, if the county committee so elects, any such indicated farm acreage allotment shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section. For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to extra long staple cotton on the farm during each of the three years 1954, 1955 and 1956 (sum of the acreages divided by three), with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings. Adjustments for abnormal conditions affecting plantings will be made by the county committee on the basis of data and information available in the county office records or furnished by producers on the farm.

(e) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 15 acres or less.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments determined under paragraph (c) or (d) of this section to be 15 acres or less. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for simi-

lar farms in the community, taking into consideration for the farm the acreages planted to extra long staple cotton in 1954, 1955, and 1956; the land, labor, and equipment available for the production of such cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted to extra long staple cotton on the farm in 1957 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting or determining the requirements under subparagraphs (1), (3) and (4) of this paragraph, shall be used by the county committee to adjust indicated farm acreage allotments which are more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of extra long staple cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to such cotton on the farm in 1954, 1955, or 1956 as reflecting such factors and use such acreage as the basis for adjusting the indicated farm acreage allotment under this subparagraph. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage of extra long staple cotton which could be planted on the farm in 1957 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(3) *Acreage allotments for new ELS cotton farms*—(i) *Determination of acreage needed for establishing acreage allotments for new ELS cotton farms.* The county committee, with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new ELS cotton farms in the county. In counties where farm acreage allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new ELS cotton farms; and in counties where farm allotments are established on the historical basis, an estimate shall be made of the cropland on new ELS cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new ELS cotton farms. In determining the acreage from the county acreage reserve which is to be used for establishing acreage allotments for new ELS cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to subparagraph (4) of § 722.1416 (c) for establishing acreage allotments for new ELS cotton farms. The total acreage reserved for establishing allotments for new ELS cotton farms in the county, including any acreage allocated to the county for new ELS cotton farms from the State acreage reserve, shall not exceed 75 percent of the total of the farm acreage allotments which the county committee estimates will be determined for the same number of old ELS farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1954, 1955 and 1956.

(ii) *Eligibility of a new ELS cotton farm for a farm acreage allotment.* An acreage allotment for extra long staple cotton for a new ELS cotton farm may be established by the county committee if each of the following conditions is met:

(*a*) An application for an acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1957 (January 15, 1957, in Puerto Rico).

(*b*) The farm operator is largely dependent on income from the farm for his livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which an acreage allotment for extra long staple cotton is established for 1957.

(iii) *Establishment of acreage allotments for new ELS cotton farms.* If the applicant's farm is eligible for an acreage allotment for extra long staple cotton, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of such cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old ELS cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the acreage allotment requested by the applicant, and (*c*) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old ELS cotton farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1954, 1955 and 1956. The sum of the acreage allotments determined by the county committee for new ELS cotton farms shall not exceed the acreage reserves available for such farms in the county under this subparagraph. The acreage allotments for new ELS cotton farms shall be subject to review and approval by the State committee, as provided in § 722.1428. If the acreage planted to extra long staple cotton on a new ELS cotton farm is less than the cotton acreage allotment established for the farm pursuant to this subparagraph, such allotment shall be automatically reduced to the acreage planted to extra long staple cotton on the farm.

(4) *Adjustments in farm acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State acreage reserve to correct inequities in farm allotments and to prevent hardship. Such county and State reserves may be used by the county committee for making adjustments in farm acreage allotments to correct inequities and to prevent hardship for farms where abnormal changes in labor, equipment, or other facilities affecting production have been made which are peculiar to the farm or to a particular group of farms which are not reflected in the basic data for such farm(s) and which are not common to farms in general in the county. Such reserves may also be used for establishing and adjusting farm acreage allotments as provided in paragraph (h) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. In addition any allocation to the county from the State reserve which is made pursuant to § 722.1416 (c) (5) may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration for the farm the acreages planted to extra long staple cotton in 1954, 1955, and 1956 the land, labor, and equipment available for the production of such cotton, crop rotation practices, the soil and other physical facilities affecting the production of such cotton and abnormal conditions of production.

(f) *Use of acreage allocated to county from State acreage reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State acreage reserve for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old ELS cotton farms on the basis of the factors set forth in paragraph (e) (1) of this section for adjusting small farm allotments.

(g) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the acreage reserves provided for in paragraphs (e) and (f) of this section shall be subject to the approval of the State committee.

(h) *Allotments for late and reconstituted farms and correction of errors.* The acreage reserve provided for in paragraph (e) (4) of this section and in § 722.1416 (c) (5) shall be used by the county committee for the purposes specified therein and also for establishing allotments for old ELS cotton farms for which allotments were not established at the time allotments were originally established for old ELS cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to extra long staple cotton on the farm in 1954, 1955 and 1956, for correcting errors in farm acreage allotments, and for use in establishing acreage allotments for farms which are divided or combined for 1957. Where reconstitutions of farms are made for 1957 after farm acreage allotments for 1957 are established prior to the referendum, the extra long staple cotton acreage histories and the acreage allotments for all such reconstituted farms shall be established as provided in subparagraphs (1) and (2) of this paragraph. If a farm as constituted in 1956 consists in part of land owned by the Federal Government which for 1957 is covered by a lease prohibiting the production of extra long staple cotton on the basis of its being a price-supported crop in surplus supply, such Federally-owned land shall be reconstituted as a separate farm for 1957. Likewise, such Federally-owned land shall not be combined with any other land to constitute a farm for 1957.

(1) If land which was constituted as a single farm for the year 1956 is divided into two or more tracts for 1957:

(i) The acreages planted to extra long staple cotton on the farm in 1954, 1955 and 1956 (as defined in § 722.1412 (c) (17) and as shown in column (2), Cotton Table 2 of the county committee's farm cotton acreage record) shall be divided among the tracts in proportion to the acreage of cropland on each tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland on each tract in apportioning the extra long staple cotton acreage history among the tracts: *Provided*, That, if two or more tracts of land were combined for 1955 or for 1956 to form the single farm and the single farm is divided for 1957, the extra long staple cotton acreage history for any year in the farm base period prior to the combination which was contributed by each tract to the history for the single farm will be restored to such tract; and if any such tract is divided into two or more parts in connection with a reconstitution for 1957 the extra long staple cotton acreage history for such tract for any year in the farm base period prior to the combination shall be divided among such parts in proportion to the acreage of cropland in each such part, except that, upon agreement by the owners and operators and approval by the county committee, the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland in apportioning the extra long staple cotton acreage history for the tract among the parts.

(ii) In counties where farm acreage allotments are determined on the historical basis, if the acreage planted to extra long staple cotton in 1954, 1955 or 1956 is adjusted for abnormal conditions affecting plantings, as provided in paragraph (d) of this section, such adjusted acreage shall be divided among the tracts as follows:

(*a*) For any of the years 1954, 1955 and 1956 when the farm being divided was operated as a single farm, the cropland ratio determined under subdivision (i) of this subparagraph shall be used in apportioning such adjusted extra long staple cotton acreage among the tracts.

(*b*) In case the farm being divided was established by combining two or more tracts of land for 1955 or for 1956 each such tract shall be referred to herein as an "identical tract", and the adjusted extra long staple cotton acreage for 1954 (in case of a combination for 1955) or for 1954 and 1955 (in case of a combination for 1956) shall be divided among the identical tracts as follows:

(*1*) Where any such adjustment in the acreage planted to extra long staple cotton was made prior to the combination and the adjusted extra long staple cotton acreage for that year for the combined farm which was used in establishing the original 1957 farm acreage allotment is the same as when the combination was made, the adjusted extra long staple cotton acreage which was used for the identical tract in making the combination shall be reestablished for the tract for that year.

(*2*) Where any such adjustment in the acreage planted to extra long staple cotton was made prior to the combination and the adjusted extra long staple cotton acreage for that year for the combined farm which was used in establishing the original 1957 farm acreage allotment is less than when the combination was made, the adjustment for each identical tract in making the combination shall be reduced by the same percentage that the adjustment previously applicable for the combined farm was reduced.

(*3*) Where any such adjustment (upward) for any year for the combined farm which was used in establishing the original 1957 farm acreage allotment is larger than the adjustment in effect at the time the combination was made, the county committee shall determine the share of the increase in the adjustment which is to be assigned to each identical tract on the basis of the conditions obtaining on the tract which were the cause for the increase and shall add its share of such increase to the adjusted extra long staple cotton acreage determined for each such tract for that year prior to the combination.

(*4*) Where any such adjustment (upward) in the acreage planted to extra long staple cotton in a year perior to the combination was initially made in establishing the original 1957 farm acreage allotment, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and shall add its share of such increase to the planted extra long staple cotton acreage for each such tract for that year.

(*5*) If, in establishing the original 1957 farm acreage allotment for a farm which was established by combining two or more tracts of land for 1955 or for 1956, the acreage planted to extra long staple cotton on the combined farm was adjusted downward for abnormal conditions affecting plantings, as provided in paragraph (d) of this section, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and make a corresponding reduction in the acreage planted to extra long staple cotton on such tract for that year.

(*c*) Where an identical tract is divided, the adjusted extra long staple cotton acreage for that year for the identical tract shall be divided among the tracts thereof in proportion to the acreage of cropland on each such tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland, and sugarcane land may be excluded from the cropland on each tract in apportioning the adjusted extra long staple cotton acreage for the identical tract among the tracts thereof.

(iii) In counties where farm acreage allotments are determined on the cropland basis the 1957 farm acreage allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1956 extra long staple cotton acreage among the tracts pursuant to subdivision (i) of this subparagraph.

(iv) In counties where farm acreage allotments are determined on the historical basis the 1957 farm acreage allotment established for the single farm shall be apportioned among the tracks in proportion to the allotment bases determined for such tracts.

(v) The sum of the 1957 allotments established for the several tracts shall not exceed the 1957 acreage allotment initially established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*b*) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(2) If two or more tracts of land are combined and operated as a single farm in 1957 the allotment established for such single farm shall be the sum of the allotments established for such tracts, except that the allotment for such single farm shall not exceed the maximum farm allotment if such allotment limitation is in effect in the county: *Provided*, That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (i) adjusted by the county committee with the reserve

available to correct inequities and to prevent hardship and (ii) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(i) *Availability of reserves for inspection by interested producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve shall be available in the office of the county committee for examination by any interested producer.

(j) *Release and reapportionment of extra long staple cotton acreage allotments*—(1) *Conditions under which farm acreage allotments cannot be released.* The following farm acreage allotments shall not be released in whole or in part.

(i) Allotments for new ELS cotton farms.

(ii) The allotment for an old ELS cotton farm for which a Form MQ–31, "Request to Preserve Acreage History," has been filed in the county office for the purpose of preserving the 1957 extra long staple cotton acreage history as provided in paragraph (l) of this section.

(iii) The allotment for an old ELS cotton farm which is owned by the Federal Government and which was leased to the operator on condition that no land on the farm shall be planted to extra long staple cotton.

(iv) The allotment for any farm where such release is opposed by the owner or operator or the holder of a real estate lien on the farm.

(v) The allotment for any farm where the county committee determines that the farm is being acquired for governmental or other public purpose.

(2) *Allotments which may be released.* Except as provided otherwise in subparagraph (1) of this paragraph, any part of any 1957 farm acreage allotment for an old ELS cotton farm which will not be used in 1957 and which is voluntarily released to the county committee by the farm owner or operator by the applicable closing date shall be deducted from the farm acreage allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of extra long staple cotton, land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, and soil and other physical facilities affecting the production of such cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of extra long staple cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which extra long staple cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1416 (g). Any farm acreage allotment released for 1957 only shall, in determining future farm acreage allotments, be regarded as having been planted on the farm from which such allotment was released if extra long staple cotton was planted on such farm in at least one of the years in the three-year farm base period. Except as provided otherwise in subparagraph (1) of this paragraph, all or any part of any farm acreage allotment for an old ELS cotton farm may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm acreage allotments, the planting in 1957 of reapportioned acreage allotments shall not be considered. For the purpose of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted.

(k) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under § 722.1416 (g) may be used by the county committee for establishing and adjusting farm acreage allotments for new ELS cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of this section.

(l) *Request to preserve acreage history.* Any owner or operator of an old ELS cotton farm may file a Form MQ–31, "Request to Preserve Acreage History" with the county committee of the county in which the farm is located at any time after the allotment for the farm is established but not later than June 1, 1957, as provided in section 377 of the act. This action will preserve an acreage history for the year 1957 equal to the farm acreage allotment. If any part of the farm acreage allotment for 1957 has previously been released, the Form MQ–31 will apply only to the allotment remaining on the farm after the release. No release of acreage may be made with respect to a farm after a Form MQ–31 for the farm has been filed by the owner or operator thereof, even though such request on Form MQ–31 is later canceled by the person(s) filing such form. If a farm covered by a Form MQ–31 is later reconstituted for the year 1957, any reconstituted farm which contains a part or all of the farm originally covered by the Form MQ–31 and which is owned or operated by the owner or operator who filed the Form MQ–31 will be considered to be covered by such Form MQ–31. A request on Form MQ–31 does not apply to acreage released from other farms and reapportioned to the farm for which the Form MQ–31 is filed.

§ 722.1418 *Publicly-owned agricultural experiment stations*—(a) *Acreage allotments for farms operated by publicly-owned agricultural experiment station.* A farm acreage allotment shall be established pursuant to the provisions of § 722.1417 for a farm operated by a publicly-owned agricultural experiment station.

(b) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any extra long staple cotton of the 1957 crop which is grown, for experimental purposes only, on a farm operated by a publicly-owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to extra long staple cotton on a farm operated by a publicly-owned agricultural experiment station is in excess of the farm acreage allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (1) the acreage planted to extra long staple cotton on the farm in excess of the farm acreage allotment, or (2) the acreage planted to extra long staple cotton on the farm which is not for experimental purposes. Also the marketing penalty shall not apply to extra long staple cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly-owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the extra long staple cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1419 *Notice of farm acreage allotment and marketing quota.* Immediately after farm acreage allotments in a county or other local administrative area are established and approved by the State committee pursuant to § 722.1428 (a), the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new ELS cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established, a similar written notice showing "None" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown above, be interested in the above-designated commodity produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the extra long staple cotton produced in 1957 on the farm for which the notice is given. Insofar as practicable, the notice for each old ELS cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether extra long staple cotton farmers favor or oppose marketing quotas for the 1957 crop. Where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for in this section, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

§ 722.1420 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1957 crop of extra long staple cotton shall be the actual production of extra long staple lint cotton on the farm less the farm marketing excess.

§ 722.1421 *Amount of the farm marketing excess.* The farm marketing excess for the 1957 crop of extra long staple cotton shall be the normal production of the acreage of such cotton on the farm in excess of the farm acreage allotment: *Provided*, That, such farm marketing excess shall not be larger than the amount by which the actual production of extra long staple cotton on the farm exceeds the normal production of the farm acreage allotment if the producer establishes such actual production in accordance with regulations to be issued under this part by the Secretary.

§ 722.1422 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area. Either the copies of notices or the listing referred to in this section shall be maintained in the county office by the county office manager for the use of the chairman of the community committee..

§ 722.1423 *Successors - in - interest.* Any person who succeeds to the interest of a producer in a farm, or in a crop of extra long staple cotton, or in extra long staple cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of extra long staple cotton.

§ 722.1424 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and, except as specifically provided for in § 722.1417 (j) and (k), may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.1425 *Measurement of farms to determine compliance with allotments*—(a) *Premeasurement.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment if the farm operator requests such measurement and pays the cost thereof, as determined by the county committee, and any farm on which such measured acreage is the only acreage planted to extra long staple cotton shall be deemed to have an acreage not in excess of the farm acreage allotment.

(b) *Measurement after planting.* Measurement of the acreage planted to extra long staple cotton on each farm in the county shall be made under the general supervision of the county committee in accordance with the following provisions:

(1) The measurement of the farm shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. A reporter may be assisted in the measurement of a farm by another reporter, a community, county, or State committeeman, a State committee representative, the county office manager, any employee of the county office when authorized by the county office manager or by any employee of the U. S. Department of Agriculture when authorized by the Deputy Administrator. The reporter may request the operator or producer or his representative to designate all fields on the farm on which extra long staple cotton was planted in 1957 and otherwise to assist in measuring the farm. If so requested, the operator or producer or his representative shall so designate all fields planted to extra long staple cotton on the farm in 1957. The reporter may utilize any assistance from the operator or producer or his representative in measuring the farm.

(2) The county office manager shall have responsibility for assigning, in writing, insofar as practicable, the farms in the county to be measured by a reporter.

(3) A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will obtain and exhibit to the farm operator, producer, or owner his written assignment to measure the farm.

(4) Measurement may be made by identification of fields or parts of fields by use of a map or aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator, or by a combination of two or more of the foregoing methods. The pertinent data and information for the farm shall be entered by the reporter on the Form CSS–578, and on maps of aerial photographs where applicable, and filed in the county office. Computations of acreages shall be made by an employee in the county office from the data so obtained, and the use of a planimeter or rotometer in connection therewith is authorized.

(5) Measurements of whole fields made prior to the effective date of this § 722.1425 and in accordance with existing procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the acreage planted to extra long staple cotton in 1957 and the acreage of such cotton in excess of the 1957 farm acreage allotment.

(c) *Notice of measured acreage and disposition of excess acreage.* The county committee shall notify the farm operator by mail of the 1957 measured acreage of extra long staple cotton on the farm. If such acreage is in excess of the farm acreage allotment, the county committee shall also notify the farm operator that unless the acreage of extra long staple cotton on the farm is adjusted to the farm acreage allotment within the time established under this paragraph the farm marketing excess for the farm will be determined on the basis of the excess acreage and the normal yield for the farm. Notice so given shall constitute notice to each producer having an interest in the 1957 crop of extra long staple cotton produced on the farm. If producers on the farm do not dispose of the excess acreage of extra long staple cotton within 20 days after notice of the measured extra long staple cotton acreage is mailed to the farm operator as provided in this paragraph or within 20 days after notice of the remeasured extra long staple cotton acreage determined pursuant to paragraph (d) of this section is mailed to the farm operator, and a request in writing for additional time and a showing to the satisfaction of the county committee that circumstances beyond their control prevented the disposition of the excess acreage within the applicable 20-day period is filed with the county committee, the county committee may allow an additional period not to exceed 10 days for disposing of the excess acreage. No extra long staple cotton acreage shall be disposed of for purposes of adjusting the planted acreage of such cotton to the farm acreage allotment after any such cotton has been harvested from such planted acreage.

(d) *Remeasurement.* The county committee shall provide for the remeasurement, upon request by the farm operator, of the acreage planted to extra long staple cotton on the farm, but the operator shall be required to deposit with the treasurer of the county committee an amount equal to the estimated cost of such remeasurement and such deposit shall not be returned to the farm operator if the planted acreage is found upon

such remeasurement to be in excess of the farm acreage allotment. Where the farm operator requests an additional remeasurement of the acreage planted to extra long staple cotton on the farm, the county committeee shall provide for such remeasurement only if it finds, on the basis of evidence presented by the farm operator and other available information or data, that an error was probably made in the prior remeasurement.

(c) *Measurement of acreage disposed of.* If the excess acreage of extra long staple cotton on any farm is disposed of within the time allowed pursuant to paragraph (c) of this section and a producer on the farm requests that the acreage disposed of be measured and pays the estimated cost of measuring such acreage, the county committee shall provide for such measurement.

§ 722.1426 *Future effect of underplanting or overplanting farm acreage allotment*—(a) *Underplanting the farm acreage allotment.* For any farm on which extra long staple cotton is planted in 1957 and the acreage of such cotton in 1957 is less than the 1957 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to extra long staple cotton on the farm in 1957, and the additional acreage added to the extra long staple cotton acreage history for the farm shall be added to the extra long staple cotton acreage history for the county and State.

(b) *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in 1957 in excess of the farm acreage allotment for the 1957 crop of extra long staple cotton shall not be taken into account in establishing State, county, and farm acreage allotments for 1958 and subsequent crops of extra long staple cotton.

§ 722.1427 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving extra long staple cotton acreage allotments, all records pertaining to extra long staple cotton acreage allotments and marketing quotas.

§ 722.1428 *Approval of determinations and redelegation of authority by the State committee*—(a) *Approval of State acreage reserves, county acreage allotments, and county acreage reserves.* Determinations of State acreage reserves and county acreage allotments, as provided for in § 722.1416 (a) and § 722.1416 (e), and of county acreage reserves, as provided in § 722.1417 (b), shall be subject to review and approval by the Secretary.

(b) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may revise or require revision of any determinations made under §§ 722.1411 to 722.1425. All acreage allotments for both old and new ELS cotton farms shall be approved by the State committee, and no official notice of farm acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(c) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.1417 to 722.1428 (b), inclusive, may be redelegated by the State committee, subject to the approval of the Deputy Administrator.

REVIEW OF FARM ACREAGE ALLOTMENT

§ 722.1429 *Review of farm acreage allotment*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment established for his farm, or in the case of a new ELS cotton farm with the action of the county committee in refusing to establish a farm acreage allotment for such farm, may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.1419, have such allotment reviewed by a review committee composed of three farmers appointed by the Secretary pursuant to section 363 of the act. The review committee shall, upon proper application, review the action of the county committee. In all cases the review committee shall consider only such matters as, under the applicable provisions of the act and the regulations in this part, are required or permitted to be considered by the county committee establishing the allotment. Unless such application is made within 15 days, the original determination of the farm acreage allotment shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., the 26th day of October 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8815; Filed, Oct. 26, 1956; 3:42 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 664, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.771 (Lemon Regulation 664, 21 F. R. 8081) are hereby amended to read as follows:

(ii) District 2: 199,950 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 25, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8777; Filed, Oct. 29, 1956; 8:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 6—SPECIAL PROVISIONS APPLICABLE TO POTATOES AND ONIONS

REPORTS BY ONION SHIPPERS, MERCHANDISERS, PROCESSORS, AND DEALERS HOLDING OR CONTROLLING ONION FUTURES OPEN CONTRACTS OF SPECIFIED SIZE

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), and pursuant to notice published in the FEDERAL REGISTER on August 16, 1956 (21 F. R. 6142), additional regulations under the Commodity Exchange Act, as amended, comprising sections 6.16 to 6.19, inclusive, of Part 6, Chapter I, Title 17, Code of Federal Regulations (17 CFR 6.16–6.19), are hereby promulgated, and § 6.21 of the regulations (17 CFR 6.21) is hereby amended, to read as follows:

FORM 604

§ 6.16 *Shippers, merchandisers, processors, and dealers holding or controlling open contracts of specified size in onion futures to report weekly on Form 604.* Every person who is engaged in shipping, merchandising, processing, or dealing in onions or onion products and who holds or controls open contracts in any one onion future on any contract market which equal or exceed the amount fixed in § 6.21, shall report to the Commodity Exchange Authority on Form 604, which report shall be rendered as of the close of business on Friday of each week unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown.

§ 6.17 *Information shown in reports on Form 604.* Reports made by any person on Form 604 shall be prepared in accordance with the instructions appearing on Form 604 and shall contain the following information:

(a) The makeup of the cash-onion position held or controlled by such person showing the amount of

(1) Onions being raised or expected to be raised in the ensuing 12 months, including the acreage in each State,

(2) Inventory (stocks) of onions in storage (other than cold storage) and in cold storage,

(3) Onions in transit, by railroad (including cars on track), and by truck,

(4) Unfilled fixed-price purchase commitments,

(5) Unfilled fixed-price sales commitments,

(6) Onion products, including unfilled fixed-price purchase and sales commitments; and

(b) The amount of open contracts held or controlled by such person in all onion futures on all boards of trade (exchanges) in the United States and elsewhere.

§ 6.18 *Cash-onion position; how determined.* (a) In determining the cash-onion position of any person reporting on Form 604, such person shall use such standards and such conversion factors as are usual and common to the business in which he is engaged. If, in determining the cash-onion position of such person for hedging purposes, it be his practice regularly to exclude certain products, such products shall be excluded in reporting such cash-onion position on Form 604.

(b) Such person shall upon request furnish the Commodity Exchange Authority with detailed information concerning the kind and amount of each product included in computing his cash-onion position and the conversion factor used for each such product.

§ 6.19 *Time of filing reports on Form 604.* Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required on Form 604 shall be filed with the Commodity Exchange Authority not later than the next business day following the day covered by the report: *Provided*, That reports may be transmitted by mail in accordance with instructions furnished by the Commodity Exchange Authority. Reports received by mail will be considered duly filed if postmarked not later than midnight of the last day allowed for filing.

AMOUNT FIXED FOR REPORTING ON FORMS 603 AND 604

§ 6.21 *Amount fixed for reporting on Forms 603 and 604.* For the purpose of §§ 6.10, 6.14, and 6.16, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 603 and Form 604 is 25 carlots.

Sections 6.16 to 6.19, inclusive, and § 6.21, as amended, shall become effective December 1, 1956.

(Sec. 8a, 49 Stat. 1500; 7 U. S. C. 12a)

NOTE: The reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued: October 25, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8779; Filed, Oct. 29, 1956; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560 governing the operation of drawbridges across the Mississippi River and tributaries where constant attendance of draw tenders is not required is hereby amended prescribing regulations to permit closure of the draw to navigation of the Missouri Pacific Railroad Company bridge across the Black River at Paroquet, Arkansas, as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) *Lower Mississippi River.* * * *

(22) Black River, Ark.; Missouri Pacific Railroad Company bridge at Paroquet. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

* * * * * *

[Regs., October 9, 1956, 823.01 (Black River, Ark.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.219 is hereby prescribed establishing and governing the use of a Naval Aircraft Operating Area, comprising a simulated mine laying range in the Pacific Ocean adjacent to Tomales Point, California, as follows:

§ 204.219 *Naval Aircraft Operating Area, Pacific Ocean off Tomales Point, Calif.; Naval Air Station, Alameda*—(a) *The area.* The waters of the Pacific Ocean within the following boundaries: Beginning at latitude 38°13'36", longitude 122°59'51", thence to latitude 38°09'21", longitude 122°57'36", thence to latitude 38°08'50", longitude 122°59'11", thence to latitude 38°10'36", longitude 123°01'07", thence to latitude 38°13'09", longitude 123°01'07"; thence to the point of beginning. The area will be used by naval aircraft for simulated mine laying operations.

NOTE: This operating area is subject to review after a five-year period of use to determine the further need thereof.

(b) *The regulations.* (1) Operations are to be limited to daylight hours between 8:00 a. m. and 4:00 p. m., Monday through Friday, legal holidays excepted, and then only for periods when conditions permit surveillance of the entire area from shore stations and aircraft.

(2) No explosives will be used. During mine laying exercises small wooden markers will be dropped from the planes. The release of the markers will be stopped, if and when any surface craft may be endangered through such dropping operations.

(3) Radio communications will be maintained at all times with operating aircraft and red flags will be displayed at the shore stations during periods when markers are being dropped.

(4) From July 1 to September 15, both dates inclusive, operations will be limited to practice runs. No markers will be dropped during such period.

(5) A minimum of three days' notification will be made in local "Notice to Mariners" prior to the conduct of mine laying exercises. Telephone advice of scheduled operations will be given to such organizations as may request, in writing, that such advice be given.

(6) The regulations in this section shall be enforced by the Commandant, Twelfth Naval District, and such agencies as he may designate.

[Regs., October 16, 1956, 800.2121 (Pacific Ocean, Calif.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.440 governing the use, administration, and navigation of St. Marys Falls Canal and Locks, Michigan, is hereby amended redesignating paragraph (u), as paragraph (v), and prescribing an additional paragraph on the seasonal opening and closing of the locks to navigation, as follows:

§ 207.440 *St. Marys Falls Canal and Locks, Mich.; use, administration and navigation.* * * *

(u) The locks will be opened and closed to navigation each year as provided in subparagraphs (1) and (2) of this paragraph, except in emergency involving disaster to the vessels or other exceptional circumstances, as may be determined by the Division Engineer.

(1) *Opening date.* At least one lock will be placed in operation for the passage of vessels on April 1. Thereafter, additional locks will be placed in operation as traffic density demands.

(2) *Closing date.* The locks will be maintained in operation only for the passage of downbound vessels departing from a Lake Superior Port before midnight of December 14, and of upbound vessels passing Detour before midnight of December 15. Vessel owners are requested to report in advance to the Engineer in charge at Sault Ste. Marie, the name of vessel and time of departure from a Lake Superior Port on December 14, before midnight, and of vessels passing Detour on December 15 before midnight, which may necessitate the continued operation of a lock to permit passage of vessel.

(v) Masters or other persons refusing to comply with the regulations in this section or any orders given in pursuance thereof, or using profane, indecent, or abusive language, may, in the discretion of the District Engineer or his authorized agents, be denied the privileges of the locks or canal grounds.

[Regs., October 16, 1956, 800.221 (St. Marys River, Mich.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56-8759; Filed, Oct. 29, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-1033; Rules Amdt. 3-38]

PART 3—RADIO BROADCAST SERVICES

AVAILABILITY OF CHANNELS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of October 1956;

The Commission having under consideration amendment of § 3.607 (a) of its rules, which provides that television applications may be filed to construct television broadcast stations only on channels assigned in the Table of Assignments and only in the communities listed therein;

It appearing that the Commission recently amended § 1.378 (b) to provide for a 30-day "waiting period" before broadcast applications can receive Commission action; and that amendments to § 3.606 of the Commission's rules, the Table of Assignments of television broadcast stations, are normally made effective 30 days after Public Notice in the FEDERAL REGISTER, the amendment herein ordered would reduce the "double waiting period" of at least 60 days to a "single waiting period" of at least 30 days from the date of Public Notice of Commission action changing channel assignments to the date when final action upon an application for a changed channel can occur, and would therefore promote greater efficiency in Commission operations; and

It further appearing that the amendment herein ordered is procedural in nature, and therefore, compliance with the requirements of section 4 (a), (b) and (c) of the Administrative Procedure Act is not required;

It is ordered, That, pursuant to sections 4 (i), 5 (e) and 303 (r) of the Communications Act of 1934, as amended, § 3.607 (a) of the Commission's rules and regulations is amended, effective October 31, 1956, to read as follows:

§ 3.607 *Availability of channels.* (a) Subject to the provisions of paragraph (b) of this section, applications may be filed to construct television broadcast stations only on the channels assigned in the Table of Assignments (§ 3.606 (b)) and only in communities listed therein.

Applications which fail to comply with this requirement, whether or not accompanied by a petition to amend the Table, will not be accepted for filing: *Provided, however,* That applications specifying channels which accord with publicly announced Commission Orders changing the Table of Assignments will be accepted for filing even though such applications are tendered before the effective dates of such channel changes.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: October 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8771; Filed, Oct. 29, 1956; 8:47 a. m.]

[Docket No. 11453; FCC 56-1037]

[Rules Amdt. 9-5]

PART 9—AVIATION SERVICES

MISCELLANEOUS AMENDMENTS

1. This proceeding was initiated on July 13, 1955, by a Notice of Proposed Rule Making (FCC 55-774; 20 F. R. 5209) which contained the rules now under consideration. Specifically, it was proposed to amend Part 9 of the Commission's rules to provide for (a) the operation of aircraft radio altimeters, (b) the operation of radionavigation stations aboard aircraft for aeronautical radionavigation including azimuth, distance, voice communications, radar and related functions, and (c) the operation of airborne radar equipment in those radionavigation frequency bands listed in the Notice of Proposed Rule Making. The proposal is a step in the implementation of the program for an integrated common system of air navigation and traffic control described in the RTCA SC-31 report, which has been adopted as a guide plan.

2. Comments in this proceeding were received from Aeronautical Radio Inc., (ARINC), the American Merchant Marine Institute, Inc. (AMMI), and the Civil Aeronautics Administration (CAA).

3. In its original response to this proceeding, ARINC supported the proposed implementation of the frequency bands in question, but expressed concern over the impact of the proposed rules on "fleet licensing" if the proposed rules would result in a general modification of outstanding aircraft licenses. "Fleet licensing" involves a procedure employed by a number of the scheduled U. S. air carriers whereby a copy of the aircraft fleet license document is encased in plastic and affixed permanently to the aircraft frame as a means of preventing loss or damage to the license. In order to provide maximum operating flexibility, air carriers normally request authority to use all equipment appearing on the ARINC standard aircraft transmitter list, which includes airborne radar and altimeters, as well as other types of equipment intended for operation in the bands subject to this rulemaking. The use of any equipment so authorized, is limited to operation on frequencies specifically licensed by the Commission.

4. The relief requested by ARINC in regard to modification of fleet licenses appears reasonable, therefore, outstanding air carrier fleet licenses, valid on the effective date of this order, which include equipment capable of operating in the frequency bands made available by this proceeding, need not be modified immediately for the sole purpose of reflecting the additional frequency bands. Such licensees are permitted to operate in the new frequency bands for a period not exceeding the remainder of the term specified by the current instrument of authorization in force on the effective date of this order.

5. The American Merchant Marine Institute, Inc. objected to that portion of the Commission's proposal to make the frequency band 9320–9500 Mc. specifically available for airborne radar functions, on the basis that interference might be caused to marine radar operations. AMMI stated that, although the Atlantic City Table of Frequency Allocations makes the band 8500–9800 Mc. available to the radionavigation service, the operation of shipborne radar in merchant ships is confined within the band 9320–9500 Mc. The AMMI requested that airborne radar operations be limited to the 5250–5440 Mc. and the 9000–9300 Mc. bands.

6. Under date of September 9, 1955, ARINC entered comments in rebuttal to those filed by AMMI, discussed in the preceding paragraph. ARINC reaffirmed its support of the Commission's proposal, noting that AMMI, in asking that aviation operations be excluded from the band 9320–9500 Mc., in effect was requesting an allocation of frequencies which, in ARINC's view, is not germane to this proceeding. Additionally, ARINC noted that no technical justification had been produced by AMMI in support of the claim that harmful interference would in fact be caused to marine radionavigation, including shipboard radar.

7. The record fails to demonstrate that the sharing of the band 9320–9500 Mc. between marine and aviation radionavigation operations is not feasible; and in fact, AMMI concedes that "the extent of possible interference from aircraft is quite unknown." The anticipated operational use of airborne radar in relationship to ship radar stations is such that the possibility of harmful interference is considered unlikely. The Commission therefore feels that, in any event, consideration at this time of further frequency allocations or reallocations in the band 9000–9500 Mc. would be premature. AMMI's exceptions are therefore denied.

8. In response to the comments of the CAA, language, which clarifies the original intent of the proposed rule making, has been added.

9. In view of the foregoing: *It is ordered,* Pursuant to authority contained in sections 303 (b), 303 (c) and 303 (r) of the Communications Act of 1934, as amended, that, effective November 30, 1956, Part 9 of the Commission's rules is amended as set forth below; and

10. *It is further ordered,* That the proceedings in Docket No. 11453 are hereby terminated.

(Sec. 4, 48 Stat. 1086, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 24, 1956.

Released: October 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Change the Title of Subpart G, entitled "Aircraft Radio Stations", to read, "Aircraft Radio Stations and Radionavigation Stations Aboard Aircraft."

2. Add new paragraphs (l), (m) and (n) to § 9.312, as follows:

(l) 420–460 Mc.: Frequency band available for aircraft radio altimeter functions. The aeronautical radionavigation service will not be permitted to use the band 420–460 Mc. after February 15, 1958.

(m) (1) 960–1215 Mc.: The band 960–1215 Mc. is for distance measuring and other functions related to those performed in the band 1365–1660 Mc.

(2) 1300–1660 Mc.: The band 1300–1660 Mc. is intended for an integrated system of electronic aids to air navigation and traffic control.

(n).

Mc.	Mc.
5250–5440	9300–9320
9000–9300	9320–9500

These frequency bands are available for airborne radar functions subject to the condition that harmful interference is not caused to precision radar operations in the 9000–9180 Mc. band.

3. Add new paragraph (f) to § 9.511, as follows:

(f) (1) 960–1215 Mc.: The band 960–1215 Mc. is for distance measuring and other functions related to those performed in the band 1365–1660 Mc.

(2) 1300–1660 Mc.: The band 1300–1660 Mc. is intended for an integrated system of electronic aids to air navigation and traffic control.

[F. R. Doc. 56-8772; Filed, Oct. 29, 1956; 8:48 a. m.]

[Docket No. 11716; FCC 56-1034]

[Rules Amdt. 13-8.]

PART 13—COMMERCIAL RADIO OPERATORS

SPECIAL PRIVILEGES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of October 1956;

The Commission having under consideration amendment of its Commercial Radio Operator Rules (Part 13) by deleting § 13.62 (a) which contains certain special operating privileges with respect to stations in the experimental services; and

It appearing, that the Commission on May 23, 1956, adopted a Notice of Proposed Rule-Making in this matter which was published in the FEDERAL REGISTER on May 30, 1956, in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has expired; and

It further appearing that no objections or adverse comments with respect to the above-mentioned proposal have been received; and

It further appearing that the public interest, convenience, and necessity will be served by the amendment herein ordered and that authority therefor is contained in sections 4 (i), 303 (l), and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That effective December 1, 1956, Part 13 of the Commission's rules is amended without further proceedings by deleting the text of § 13.62 (a) and inserting the word "(Reserved)" in lieu thereof.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8773; Filed, Oct. 29, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR FRESH TOMATOES[1]

NOTICE OF PROPOSED RULE MAKING

On September 11, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 6862) regarding a proposed revision of the United States Standards for Fresh Tomatoes 7 CFR 51.1855–51.1876; 18 F. R. 7142), issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). Interested persons were allowed until October 15, 1956, to submit written data, views or arguments for consideration in connection with the proposed standards. In view of the nature of the comments and suggestions received from the tomato industry, it is deemed desirable to publish a new notice of proposed rule making in this connection, based upon a study of the written data, views or arguments received and other available information, for further consideration and the submission by any interested party of written data, views or arguments thereon.

All persons who desire to submit written data, views or arguments for consideration in connection with the presently proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., so that it will be received not later than 15 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.	
51.1855	U. S. No. 1.
51.1856	U. S. Combination.
51.1857	U. S. No. 2.
51.1858	U. S. No. 3.

UNCLASSIFIED

51.1859	Unclassified.

SIZE REQUIREMENTS

51.1860	Size requirements.

APPLICATION OF TOLERANCES

51.1861	Application of tolerances.

TYPES OF PACKS

51.1862	Types of packs.

IRREGULAR PACK

51.1863	Irregular Pack.

COLOR CLASSIFICATION

51.1864	Color classification.

DEFINITIONS

51.1865	Similar varietal characteristics.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.
51.1856 Mature.
51.1857 Soft.
51.1858 Clean.
51.1859 Well developed.
51.1870 Fairly well formed.
51.1871 Fairly smooth.
51.1872 Damage.
51.1873 Reasonably well formed.
51.1874 Slightly rough.
51.1875 Serious damage.
51.1876 Misshapen.
51.1877 Very serious damage.

AUTHORITY: §§ 51.1855 to 51.1877 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1855 *U. S. No. 1.* "U. S. No. 1" consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft, which are clean, well developed, fairly well formed, fairly smooth, and which are free from decay, freezing injury and sunscald, and free from damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing very serious damage, and including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided,* That not more than a total of 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

§ 51.1856 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 tomatoes: *Provided,* That at least 60 percent, by count, meet the requirements of U. S. No. 1 grade.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided,* That not more than a total of 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(b) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 tomatoes required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the required percentage.

§ 51.1857 *U. S. No. 2.* "U. S. No. 2" consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft, which are clean, well developed, reasonably well formed, which may be slightly rough, and which are free from decay, freezing injury and sunscald and free from serious damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective.

UNCLASSIFIED

§ 51.1859 *Unclassified.* "Unclassified" consists of tomatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE REQUIREMENTS

§ 51.1860 *Size requirements.* (a) Tomatoes when packed in Los Angeles type lugs or when packed in other types of containers, and the size is specified according to the size arrangements customarily used in Los Angeles type lugs, shall be within the ranges of diameters specified in Table 1, except when designated as "Irregular sizing."

TABLE I

Los Angeles type lug size arrangements	Minimum diameter	Maximum diameter
	Inches	*Inches*
4 x 4	3 5/16	3 15/16
4 x 5	3	3 19/16
5 x 5	2 14/16	3 6/16
5 x 6	2 14/16	3 3/16
6 x 6	2 8/16	2 15/16
6 x 7	2 4/16	2 10/16
7 x 7	2	2 6/16
7 x 8	1 14/16	2 1/16

(b) Size arrangements not listed in Table I but which meet the diameter requirements for one of the above Los Angeles type lug size arrangements may be certified as meeting the Los Angeles type lug size requirements for the specified size: *Provided,* That there shall not be a variation of more than 2 tomatoes in a layer between the two size arrangements, except that a variation of not more than 4 tomatoes in a layer shall be permitted in sizes smaller than 6 x 7. For example, a 4—4 x 6 offset pack has 24 tomatoes, per layer and should be sized in accordance with the diameter requirements for 5 x 5 which has 25 tomatoes per layer. A 4—5 x 9 diagonal pack has 40 or 41 tomatoes per layer and should be sized in accordance with the requirements for 6 x 7 which has 42 tomatoes per layer.

(c) In determining compliance with the above size arrangements the measurement for minimum diameter shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

(d) In lieu of specifying size according to the Los Angeles type lug size arrangements, the size of tomatoes in any type of container may be specified in terms of minimum diameter or in terms of minimum and maximum diameters expressed in whole inches, or whole inches and not less than thirty-second inch fractions thereof, in accordance with the facts, with reference to Los Angeles type lug size arrangements. Such minimum diameter, or minimum and maximum diameters, shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end.

(e) In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.1861 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grades:

(1) For packages which contain more than 5 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than one tomato which is soft, affected by decay or is otherwise seriously damaged, and one off-size specimen, may be permitted in any package.

TYPES OF PACKS

§ 51.1862 *Types of packs.* (a) The following terms may be used to describe types of packs of tomatoes in Los Angeles type lugs:

(1) *Straight Pack.* When specified as "Straight Pack", all layers in any lug shall have the same number of tomatoes: *Provided,* That when an offset or a diagonal arrangement of tomatoes is used, a variation of not more than one tomato shall be permitted in different layers. For example, in a 5 x 5 pack the tomatoes in each layer shall be packed 5 rows wide with 5 tomatoes in each row. In a 4—5 x 9 diagonal pack the tomatoes shall be packed alternately 4 x 5 to the row the short way of the lug with 9 such rows in the layer and with either 40 or 41 tomatoes in each layer. When designated as "Straight Square-Offset Pack" or "Straight Square-Diagonal Pack" the top layer shall be packed with a square arrangement and all lower layers with either an offset of a diagonal arrangement and there may be a variation of not more than one tomato between the top layer and any of the lower layers. Not more than one tomato shall be placed in a wrapper;

(2) *Extra Row Pack.* When specified as "Extra Row Pack", the lower layers shall not contain more than one additional row one way of the lug. For example, in a 5 x 5 pack, the tomatoes in the lower layers may be packed 5 x 6 but not 6 x 6 or 5 x 7. Not more than one tomato shall be placed in a wrapper;

(3) *"Bridge Pack".* When specified as "Bridge Pack", a part of one additional layer of tomatoes shall be packed in the lug and the remaining tomatoes in the lower layers shall not contain more than one additional row one way of the lug than is contained in the top layer. Not more than one tomato shall be placed in a wrapper;

(4) *"Double Wrap Pack".* When specified as "Double Wrap Pack", the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper; and,

(5) *"Double Wrap Bridge Pack".* When specified as "Double Wrap Bridge Pack", the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper: *Provided,* That part of one additional layer which may have either one or two tomatoes in a wrapper shall be packed in the lug.

IRREGULAR PACK

§ 51.1863 *Irregular Pack.* Lugs of tomatoes which are not packed in accordance with any of the methods of packing specified in § 51.1862 may be designated as "Irregular Pack".

COLOR CLASSIFICATION

§ 51.1864 *Color classification.* (a) The following terms may be used, when specified, in connection with the grade statement in describing the color of any lot of tomatoes which are characteristically red when ripe:

(1) *Turning.* "Turning" means that there is at least a definite break in color to yellow or pink at the blossom end but not more than one-half of the surface, in the aggregate, is yellow or pink;

(2) *Pink.* "Pink" means that more than one-half but not more than three-fourths of the surface, in the aggregate, shows pink or red color;

(3) *Hard ripe.* "Hard ripe" means that more than three-fourths of the surface, in the aggregate, shows pink or red color;

(4) *Firm ripe.* "Firm ripe" means that more than three-fourths of the surface, in the aggregate, shows red color characteristic of a reasonably well ripened tomato; and,

(5) *Ripe.* "Ripe" means that practically the entire surface shows a good shade of red color characteristic of a well ripened tomato.

(b) Incident to proper color classification, not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the color specified, including therein not more than 5 percent for tomatoes which are green in color, except that any lot of tomatoes which does not meet the requirements of any of the above color designations may be designated as "Mixed Color": *Provided,* That not more than 5 percent of the tomatoes are green in color.

DEFINITIONS

§ 51.1865 *Similar varietal characteristics.* "Similar varietal characteristics" means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft-fleshed, early maturing varieties are not mixed with firm-fleshed, mid-season or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

§ 51.1866 *Mature.* "Mature" means that the contents of two or more seed cavities have developed a jelly-like consistency and the seeds are well developed.

§ 51.1867 *Soft.* "Soft" means that the tomato yields readily to slight pressure.

§ 51.1868 *Clean.* "Clean" means that the tomato is practically free from dirt or other foreign material.

§ 51.1869 *Well developed.* "Well developed" means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue, and usually contain open spaces below the level of the stem scar, are not considered well developed.

§ 51.1870 *Fairly well formed.* "Fairly well formed" means that the tomato is not more than moderately kidney-shaped, lopsided, elongated, angular or otherwise deformed.

§ 51.1871 *Fairly smooth.* "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

§ 51.1872 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts and broken skins when not shallow or not well healed; or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a shallow, well healed cut one-half inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle three-eighths inch in diameter;

(b) Puffiness when the open space in one or more locules materially affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle one-half inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle three-eighths inch in diameter;

(e) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-eighth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2½ inches in diameter having individual radial cracks one-half inch in length and an aggregate length of all radial cracks of 1 inch measured from the edge of the stem scar, except that any lot of tomatoes which are at least turning may have growth cracks which are not well healed: *Provided,* That such cracks are not leaking;

(f) Hail injury when deep, rough, or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle three-eighths inch in diameter; and,

(g) Insect injury when the appearance, or the edible or shipping quality of the tomato is materially affected or when any insect is present in the fruit.

§ 51.1873 *Reasonably well formed.* "Reasonably well formed" means that the tomato is not decidedly kidney-shaped, lop-sided, elongated, angular or otherwise decidedly deformed.

§ 51.1874 *Slightly rough.* "Slightly rough" means that the tomato is not decidedly ridged or grooved.

§ 51.1875 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Cuts and broken skins when not shallow or not well healed, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a shallow, well healed cut one-half inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle one-half inch in diameter;

(b) Puffiness when the open space in one or more locules seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle three-fourths inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle five-eighths inch in diameter;

(e) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-eighth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2½ inches is diameter having individual radial cracks three-fourths inch in length and an aggregate length of all radial cracks of one and three-fourths inches, measured from the edge of the stem scar, except that any lot of tomatoes which are at least turning may have growth cracks which are not well healed: *Provided,* That such cracks are not leaking;

(f) Hail injury when deep, rough, or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle five-eighths inch in diameter; and,

(g) Insect injury when the appearance or the edible or shipping quality of the tomato is seriously affected or when any insect is present in the fruit.

§ 51.1876 *Misshapen.* "Misshapen" means that the tomato is decidedly kidney-shaped, lop-sided, elongated, angular or otherwise decidedly deformed: *Provided,* That the shape is not affected to an extent that the appearance or the edible quality of the tomato is very seriously affected.

§ 51.1877 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Cuts and broken skins when fresh, or when healed and extending through the tomato wall, or when the appearance of the tomato is very seriously affected;

(b) Puffiness when the open space in two or more locules very seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when channels extend into the locule, when the wall has been weakened to the extent that slight pressure will cause the tomato to leak, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle 1 inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle 1 inch in diameter;

(e) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-fourth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2½ inches in diameter having individual radial cracks 1 inch in length and an aggregate length of all radial cracks of 2⅞ inches, measured from the edge of the stem scar, except that any lot of tomatoes which are at least turning may have growth cracks which are not well healed: *Provided,* That such cracks are not leaking, are not more than one-eighth inch in depth and that individual radial cracks are not more than three-fourths inch in length;

(f) Hail injury when fresh or very deep, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle 1 inch in diameter; and,

(g) Insect injury when the appearance or the edible or the shipping quality of the tomato is very seriously affected or when any insect is present in the fruit.

Dated: October 25, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-8764; Filed, Oct. 29, 1956; 8:46 a. m.]

[7 CFR Part 971]

[Docket No. AO-175-A14]

HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Dayton, Ohio, on June 19-20, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 3902), upon proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 24, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 27, 1956 (21 F. R. 7801).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues relate to:

(1) A change in the classification of skim milk and butterfat disposed of in fluid cream;

(2) A change in the Class I price differential, revision of the supply-demand adjustment provision and advancing the date for announcing Class I prices;

(3) A change in the computation of class prices to provide prices on a hundredweight basis for milk of 3.5 percent butterfat content with appropriate butterfat differentials;

(4) A change in the provisions for the classification of milk transferred or diverted to nonpool plants;

(5) Revision in the months and amount of payments under the fall incentive payment plan; and

(6) A revision and reissuance of the entire order to add a number of new definitions, provide more specific provisions with respect to the accounting for milk and to incorporate a number of conforming and clarifying changes in the order language.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record of hearing:

(1) The provisions relating to classification of milk should be revised.

Producers proposed inclusion of skim milk and butterfat disposed of in sweet or sour cream in Class I milk and the redesignation of the present Class III milk classification as Class II milk. No testimony was presented in opposition to this proposal.

Fluid cream, sweet or sour, which is disposed of for fluid consumption in the marketing area must be made from milk which must meet the same inspection requirements as milk for fluid disposition. Fluid cream and cream mixtures provide a regular year-round market outlet for inspected milk similar to other Class I products. It is important and economically sound that they should contribute equally with other fluid milk products to the increased cost of obtaining the year-round supply of inspected milk for the market. In most neighboring markets under Federal orders, skim milk and butterfat disposed of as fluid cream is priced the same as other fluid milk products which must be made from inspected milk. Skim milk and butterfat used in mixtures which are not required to be made from inspected milk, such as, eggnog and aerated cream should be included in Class II milk.

It is concluded that skim milk and butterfat disposed of in products included in the present Class II classification should be included in Class I milk and the present Class III classification should be redesignated as Class II milk. Other changes should be made in the language in the class definitions so as to incorporate the terms provided by new definitions hereinafter discussed.

The references in the class definitions with respect to milk dumped or disposed of for livestock feeding should be clarified. Handlers, at times, have small quantities of milk, such as unusable returns from routes, which may be disposed of for livestock feed. Also, handlers at times, find is uneconomical to process or transport to processing plants small quantities of reserve supplies of skim milk and this milk may be disposed of by dumping down the sewer. Butterfat in such milk may be separated from the skim milk prior to dumping. The present dumpage provisions should specifically apply to skim milk only.

2. The supply-demand provisions of the order should be revised to reflect changes in the seasonal relationship of producer milk receipts to Class I sales. After January 1, 1958, the Class I price in each month should be based on the basic formula price for the preceding month. No change should be made in the Class I price differential added to the basic formula price.

Producers proposed that the Class I price differential which is added to the basic formula price be increased from $1.20 to $1.30 per hundredweight. They also proposed changing the base period ratios applied in the supply-demand adjuster to reflect 1955 seasonality relationships and levels and the elimination of supply-demand adjustments of less than 20 cents per hundredweight.

In support of the 10-cent increase in the Class I differential, producers argued that Dayton-Springfield blend prices were lower than those in surrounding Federal order markets and that producers were shifting to other markets, particularly to the Cincinnati, Ohio, market. The regulated Columbus, Ohio and Fort Wayne, Indiana markets also draw milk from the Dayton-Springfield milkshed.

The additional value above basic or manufacturing milk prices which must be paid to producers in the form of a blend or uniform price to get inspected milk produced and delivered to the market must be contributed primarily by that portion of the producer milk which is sold as fluid milk products for fluid consumption (Class I milk). Reserve supplies of milk over and above the fluid milk requirements must be priced at levels which reflect competitive prices for manufacturing milk or costs of alternative milk products for manufactured milk products such as ice cream, cottage cheese, condensed, evaporated milk and the like. Prices for milk in such usage as does not require inspected milk are at manufacturing levels in all the markets. Consequently, increases in blend or uniform prices to producers in a particular market with a given pattern of utilization must be derived from an increase in the Class I price. Because of the competitive relationship of the Dayton-Springfield market with these other regulated markets both in the procurement of milk and in the sales of fluid milk products, there must be a reasonable and "normal" alignment of Class I prices over a period of time among these markets which are affected by common or similar economic influences. It is not economically sound or appropriate under the standards of the act to approach the problem of price alignment from the viewpoint of blend prices paid to producers. To do so would mean that as more milk is attracted to a particular market and the proportion of producer milk used for fluid disposition decreases, further increases in Class I prices would be necessary to maintain the same blend price. It is apparent therefore, that proper price alignment between neighboring markets must be achieved by establishing the proper Class I differentials over the basic formula prices in each market. The resulting sales and production responses afford the tools for appraising the appropriateness of such alignment.

Given the goal of attracting an adequate supply of inspected milk to meet market sales including the necessary reserve, changes in sales-supply relationships in an individual market require adjustments in the basic or longer term alignment of prices to reflect these changed local conditions. It is only through such adjustments of Class I prices in the individual markets that available supplies of milk will be attracted through the orders to the various markets in accordance with their needs.

The basic formula price in the Dayton-Springfield order and those in orders in neighboring markets are very similar. The Class I differential which is added to basic formula prices is $1.20 per hundredweight as compared with $1.30 for the Cincinnati market and $1.10 for the Columbus market. This or similar differences in the annual level of the Class I price differentials have been maintained for several years and upon the basis of the evidence contained in this record, there is no reason to change this establishment relationship.

In each of these markets, a supply-demand adjustment factor has been incorporated in the orders to immediately and automatically reflect in Class I prices, changes in the supply-demand relationships in the local market. During 1955, the supply-demand adjuster reduced Class I prices under the Dayton-Springfield order an average of 5 cents per hundredweight while the adjuster in the Cincinnati order increased Class I prices about 10 cents per hundredweight. In Columbus, Class I prices were increased slightly more than 5 cents per

hundredweight. For the first five months of 1956, Class I prices in Dayton-Springfield were reduced by approximately 12 cents per hundredweight as compared with an addition of about 23 cents in Cincinnati and a reduction of 4 cents for Columbus. The differences in adjustments between the Cincinnati and Dayton-Springfield order prices has encouraged no doubt the shifting of some producers from supplying the Dayton-Springfield market to supplying the Cincinnati market. The resulting distribution of available supplies of milk among the markets, through the operation of the supply-demand adjusters, operates to improve supply-demand relationships in each market. The issue at this hearing is whether or not the Dayton-Springfield adjuster is operating effectively in forecasting the longer run conditions in the Dayton-Springfield marketing area.

Over the past several years, receipts of producer milk in the Dayton-Springfield marketing area have kept pace with increases in sales of fluid milk products. From 1952 to 1955 average monthly producer receipts increased 33 percent as compared with an increase of 28 percent in fluid milk sales. From 1953 to 1955 both receipts and sales increased 17.7 percent and from 1954 to 1955 both increased 10.6 percent. Average monthly producer receipts in 1955 were about 34 percent in excess of the milk disposed of in fluid milk products compared with about 27 percent in 1952 when receipts of producer milk were hardly adequate to fulfill such sales during the short production season. During the short production months of September through November in both 1954 and 1955 producer receipts were approximately 21 percent above Class I sales. During September of 1955, receipts were only 18 percent in excess of Class I sales (as redefined). These quantities of reserve supplies of milk are necessary in the market to equalize day to day and month to month variations between producer receipts and handlers' needs of milk for fluid milk products and the current annual level of producer receipts to sales should be maintained.

There has been a shift seasonally in deliveries of the annual supply of milk for this market. A relatively greater increase in production has occurred in the fall months than in the spring months which, in turn, has improved the month to month relationship of receipts to sales. The present base ratios contained in the supply-demand adjuster were incorporated in the order on the basis of a hearing held in January 1954 and necessarily were developed on the basis of marketwide data prior to that time. With the decided trend toward more even production and the tendency for the peak and low production periods to occur earlier in the year, the base ratios in the supply-demand adjuster have become obsolete.

During the first five months of 1956 Class I sales increased 10 percent above the corresponding period a year ago while receipts of milk from producers increased only 7 percent. Some part of the relatively smaller increase in producer receipts can be attributed to the trend toward more even production. However, the action of the present supply-demand adjustment which resulted in decreasing Class I prices an average of 10 cents per hundredweight during the first six months of this year, at the same time that fluid milk sales increased relatively faster than producer milk receipts, raises a further question as to the reliability of the base period ratios to reflect supply-demand conditions in the market.

The present base ratios in the supply-demand adjuster resulted in minus Class I adjustment in six spring and summer months and plus adjustments in three fall months of 1955 and minus adjustments in the first six months of 1956. The effect of a minus 10-cent adjustment in January and February of 1956 based on receipts-sales ratios during October through December conflicts with the fall incentive program of the order to encourage increased production during this latter period.

Based upon the above stated considerations, the base period ratios contained in a revised supply-demand adjuster should be established at the same average level as the ratios contained in the present order (between 75 and 76 percent). The seasonal pattern of base period ratios should be changed to reflect the more recent improved seasonal supply-demand relationships as set forth in the schedule below:

Month for which price is being computed	Months used to compute ratio	Base period ratio (percent)
January	October and November	81
February	November and December	81
March	December and January	79
April	January and February	77
May	February and March	76
June	March and April	74
July	April and May	69
August	May and June	64
September	June and July	69
October	July and August	74
November	August and September	80
December	September and October	81

In view of the seasonal characteristics of the previous supply-demand base period ratios, provision should be made to continue the present base period ratios for the remainder of this year. These ratios for November and December, 1956 are 76 and 78, respectively.

Producers also proposed that the supply-demand adjustment provisions be modified to eliminate price adjustments of less than 20 cents per hundredweight. This would be accomplished by providing no adjustment until the current supply-demand ratio varied from the base ratio by at least 6 percentage points. This would have the effect of doubling the present tolerance which is provided before prices are adjusted. The purpose of the supply-demand adjuster is to provide automatically, timely changes in Class I prices in accordance with indications of a change in the trend in the relationship of sales of fluid milk products to producer receipts without entailing the delay and expense associated with the public hearing procedure. It is essential that price changes be reflected as quickly as possible to bring about appropriate sales and production responses in accordance with changes in the market situation. The widening of the brackets to provide no price adjustment until the current ratio varies by 6 points from the base ratio would slow down and partly nullify the effectiveness of the supply-demand adjustment factor and therefore is denied.

Handlers proposed advancing the date for announcing the Class I price and butterfat differential by basing them on the previous month's basic formula price information. Similar changes have been made in recent revisions of several Federal orders. Class I prices would be known by both producers and handlers in advance of the delivery and sale of their milk. The total amount of money charged handlers and paid producers for milk over a period of a year would not be changed. Producers opposed a change on the basis that seasonal variations in basic formula prices would tend to cause discrepancies between the Dayton-Springfield uniform prices and the uniform prices for competing markets.

During the past two years, as the result of the price support program for dairy products, little change occurred from month to month in basic formula prices. Changes in uniform prices resulting from other factors, such as differences in the fall production incentive payment plans and supply-demand adjusters have been more important in causing such differences. For example, in 1955 between March and April the basic formula price varied 1 cent per hundredweight as compared with a variation of 10 cents in the "set aside" under the fall incentive program between the Dayton-Springfield and Cincinnati market. Likewise, from August to November 1955, the basic formula price changed about 1 cent while the supply-demand adjuster under the two orders accounted for a change of approximately 15 cents. Handlers' proposal should be adopted. However, in consideration of producers' testimony and exceptions, it is concluded that the effective date of this recommended change should be delayed until January 1, 1958.

The list of condenseries used in determining the basic formula price should be revised to include only those plants currently operating. Since the order was last drafted, operations have been terminated at five of the plants previously listed. The names of the plants listed for the following locations should be eliminated: Black Creek, Wisconsin; Berlin, Wisconsin; Jefferson, Wisconsin; Clifton, Wisconsin, and Greenville, Wisconsin.

3. Class prices for milk should be determined and announced by the market administrator on the basis of a hundredweight of milk containing 3.5 percent butterfat.

Changes were proposed in the order to provide for the application and announcement of class prices on a per hundredweight basis for milk of 3.5 percent butterfat content with appropriate adjustments of prices for milk of other tests by a butterfat differential. Under the present order, separate hundredweight prices are established for skim milk and butterfat in each class. In most markets, milk is priced on a hundredweight basis of a specified butterfat content. The proposed method of establishing prices would simplify the determination of prices for milk of a specified butterfat test and would facilitate comparisons of prices over a period of time and with other markets. The intent of the proposed change was not to alter the cost of milk to handlers as compared with the present method of computing prices.

In order to adopt this pricing method, prices should be announced for milk containing 3.5 percent butterfat with appropriate butterfat differentials. The average test of milk utilized in Class I, representing approximately three-fourths of the total market utilization, is only slightly above 3.5 percent. The present method of pricing Class I milk has the effect of applying a butterfat differential to Class I milk for each tenth of a percentage variation in the test of such milk equivalent to the Class I price per hundredweight for butterfat less the Class I price per hundredweight for skim milk, divided by 1000. During 1955, this was equal to .127 times the price of 92-score butter on the Chicago market. Handlers did not oppose producers' proposal for this change in the method of computing and announcing Class I prices for 3.5 percent milk; however, they proposed a butterfat differential of 0.130 times the price of butter. It is concluded that the ratio of 0.127 should be used.

There are wide differences in the butterfat and nonfat solids content among the various products included in Class II milk. Also, there is a more direct relationship between the open market prices of most of such manufactured products to prices either for butter or for nonfat dry milk, as the case may be, than is the case of most Class I milk products. It is concluded therefore, that the butterfat differential for Class II milk should result in maintining the same relative prices between butterfat and skim milk regardless of the butterfat test of the finished product. This can be accomplished through a butterfat differential determined by subtracting the value of a pound of skim milk from the value of a pound of butterfat computed under the butter-nonfat dry milk formula used in determining Class II prices for 3.5 percent milk, and dividing the remainder by 10.

Under the present order, butterfat used to produce butter is classified as Class III milk along with all other manufactured dairy products but a lower subclass III price applies to such butterfat. The present order is not specific with respect to the application of the transfer and allocation provisions of the order in determining the amount of butterfat to which the lower price will apply.

In the recommended decision, it was proposed to apply the lower price to handlers on butterfat used to produce butter through a credit entry in the computation of the value of milk. The rate of credit per hundredweight is equal to the difference between the regular Class III and the lower Class III price under the present order. This method of applying a lower price to butterfat assigned to butter manufacture eliminates the need for a third class of milk and will overcome complications in the application of the classification, transfer, and allocation provisions of the order.

The lower price in the form of a butter credit should be limited to the amount of butterfat in producer milk remaining in butter usage for the handler after the allocation of other source milk. In the case of butterfat which is transferred to other plants, it was previously recommended that the lower price be limited to that butterfat transferred in the form of fluid cream and used in butter production in such plants.

In their exceptions, certain handlers objected to limiting the butterfat credit to butterfat transferred in the form of cream. Some handlers engage in the manufacture of butter in their pool plants; others do not, but they transfer milk or cream to other plants for manufacture. Some pool plants are combination plants which in addition to the fluid milk operation also receive ungraded milk and cream for manufacturing operations. In order to provide equality in the application of the lower butterfat price among handlers conducting different types of operations, the butter credit should be allowed on butterfat in the form of both milk and cream which is transferred or diverted from a pool plant to other plants.

More specific language should be provided for determining the amount of butterfat on which the butter credit will be allowed. The allocation provisions should specify that butterfat from other source milk will be subtracted first from the Class II butterfat claimed by the handler as being used to produce butter. A handler who transfers or diverts milk or cream to a nonpool plant should not receive a credit on the basis of butter produced in such nonpool plant from ungraded milk or cream or from milk from other markets. The allocation provisions of the order preclude credit on this basis in pool plants.

Under the transfer provisions of the recommended order, it is recognized that the receipts of Grade A milk from farmers regularly associated with a nonpool plant should have prior claim on any Class I utilization at such plant.

For these reasons, it is reasonable to limit the butter credit on the butterfat transferred to a nonpool plant, to the extent of butterfat used to produce butter in such plant, after assigning to such butter use butterfat from sources other than that contained in receipts from the regular Grade A producers at such plant and receipts of butterfat transferred or diverted from pool plants under the Dayton-Springfield order. This method of applying the butter credit is necessary in order that pool plants which may manufacture butter will not be at a disadvantage in relation to handlers operating pool plants from which butterfat is transferred to nonpool plants.

The proposed method of determining the butter credit will provide equality in treatment of handlers in the determination of the amount of butterfat on which the butter credit will be allowed and at the same time safeguard the classified pricing plan of the order.

4. The provisions with respect to the transfer and diversions of milk from pool plants should be modified.

Transfer provisions are provided in the order to supplement the class definitions in the classification of milk disposed of from pool plants. The primary function of the provisions relating to the transfer of fluid milk products between pool plants is to remove any impediments to the movement of milk between such plants and at the same time assure that the producer milk in such plants is assigned to the available Class I utilization to the fullest extent possible. It is customary to transfer or divert bulk and packaged products between regulated plants in the Dayton-Springfield market. It is possible to carry out the intent of the classification procedure by providing for the transfer of such fluid milk products on an agreed-upon basis so long as producer milk is not displaced by other source milk in Class I in either handler's plant(s). It is concluded that the provisions for the classification of milk transferred or diverted between pool plants should be continued in the present form and in addition provision should be made that, if either or both handlers receive other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced utilization possible to producer milk in both plants.

The primary function of transfer and diversion provisions applying to milk transferred from pool plants to nonpool plants is to facilitate the disposal of reserve supplies of milk and at the same time return to producers a value for the milk in accordance with its usage. If transfer provisions are properly drawn, they will also serve to afford a degree of protection to the market against shortages caused by withdrawals of milk by other fluid milk markets and at the same time remove any price incentive for the handler to dump reserve supplies of milk on other markets for fluid disposition at surplus milk prices. The classification of milk transferred or diverted between fluid milk markets also affects the amount of necessary reserve supplies of milk associated with each market and, consequently, the method used for such classification affects relative returns among producers serving the markets.

Several proposals were made at the hearing to modify the transfer provision applying to milk moved to nonpool plants. One proposal would prohibit the diversion of milk directly from the producer's farm by the handler to a nonpool plant. Another proposal would change the method of classifying milk which is transferred or diverted to a nonpool plant. The question of diversion is dealt with under issue No. 6.

Under the present order, milk transferred or diverted to a nonpool plant is classified at the plant in the highest priced use remaining after subtracting in series, beginning with Class I milk, receipts of milk at the plant directly from dairy farmers who, the market administrator determines, constitute the regular source of supply for such plant.

In the Dayton-Springfield market, substantial quantities of milk are, at

times, transferred or diverted to nonpool plants. A substantial portion of such diversions are to plants located in or near the milkshed. Some of these plants are combination plants wherein both Grade A and ungraded milk are received and processed. At least one of these plants engages in substantial disposition of fluid milk to retail and wholesale outlets along with the production of manufactured products. All bottled milk and some bulk milk is disposed of from this plant as Grade A milk. A substantial portion of the total receipts at this plant is received from producers of ungraded milk. In the case of combination plants of this type, it is necessary for the market administrator to determine the total receipts and classification of all of the milk received in the plant. Under the provisions of the current order, the total receipts of milk received directly from dairy farmers (both Grade A and ungraded) are given prior claim on Class I disposition over the Dayton-Springfield milk transferred or diverted to such plant. This leaves the way open for receipts of ungraded milk from dairy farmers to be allocated to the Class I sales at such plant prior to the allocation of Grade A producer milk from the Dayton-Springfield market. Thus, the present order provisions permit the classification of Grade A milk from this market in the manufacturing classes even though such milk is disposed of as Grade A milk for fluid consumption. It is concluded, therefore, that the Class I sales, determined pursuant to the classification provisions of the order applied at the nonpool plant, which are assigned to the local dairy farmers at such plant should be limited to the receipts of milk from those farmers who hold permits to supply Grade A milk. Any additional Class I sales should be credited to the Grade A producer milk which is received from the regulated market.

In order to preclude undue administrative problems and expense in the application of the transfer provisions of the order, provision should be made that skim milk and butterfat transferred in the form of milk or skim milk in bulk to a nonpool plant located more than 100 miles from either Dayton or Springfield, whichever is nearest, should be Class I milk. More than adequate facilities for handling reserve supplies of milk are located within this designated area. Milk which is moved greater distances is used for fluid disposition (Class I).

At least one nonpool plant to which milk is transferred or diverted from the Dayton-Springfield market, milk is received from other markets which are regulated by other orders issued pursuant to the act. Milk also may be transferred to the same plant by more than one handler under the Dayton-Springfield order. The "net" Class I sales (the amount over and above the receipts of skim milk and butterfat in Grade A milk received from local dairy farmers at such plant) should not be used as a basis for duplicating the Class I classification of milk received from plants regulated by this and other orders. In the classification of milk transferred from the Dayton-Springfield pool plants, consideration should be given, therefore, to milk received at the nonpool plant which is classified as Class I milk for other handlers under this order and under the other orders. It is economically sound and reasonable that the amount of milk at such plant classified as Class I milk for any one regulated market be not less than that market's pro rata share of the "net" Class I sales in such nonpool plant. It is concluded, therefore, that milk which is transferred or diverted by Dayton-Springfield handlers to a nonpool plant should be classified as Class I milk to the extent of the "net" Class I disposition of such plant less receipts of milk at such plant classified as Class I milk during the month pursuant to another Federal order issued under the act; but, in no event should the amount of such milk classified as Class I milk pursuant to the Dayton-Springfield order be less than its pro rata share of such "net" Class I sales at the plant. The pro rata share should be based on the total receipts of milk at such nonpool plant during the month from all plants subject to the pricing and payment provisions of an order issued pursuant to the act. The adoption of this method of classifying milk will not conflict with the transfer provisions of the other orders presently involved, namely Fort Wayne, Indiana, and Lima and Columbus, Ohio. This method of classification will safeguard the primary functions of the transfer provisions of the Dayton-Springfield order. It will assure that transfers of milk to nonpool plants will be classified in accordance with the utilization of the milk. It will provide a degree of protection to the market against shortages caused by withdrawals of milk and at the same time remove any undue price incentive for the handler to dump reserve supplies of milk on other markets for fluid disposition at less than the order Class I prices. The proposed provision provides for equality of treatment of handlers both within the Dayton-Springfield market and in other nearby regulated markets in the classification of milk transferred to the same nonpool plant. Because under the present order all packaged fluid milk products disposed of to nonpool plants are classified as Class I milk, the same as such milk disposed of on a route, pursuant to the Class I milk definition, the transfer provisions need to apply only to fluid milk products in bulk transferred to nonpool plants. All transfers of fluid milk products to producer-handlers are Class I milk as provided by the present order.

5. The schedule for payments to producers under the fall production incentive payment plan should be modified.

Producers proposed adding the month of September to the months of October through December as the period for payments out of the producer-settlement fund to effectuate the fall production incentive program. They also proposed changing the distribution of these funds, set aside each year during the April–July period, from the present plan for equal amounts for each of the months of October, November and December, to 20 percent of the fund in September, 30 percent in each of the months of October and November, and 20 percent in December.

Distribution of the funds under the fall production incentive payment plan should provide encouragement for seasonal production more in accord with market needs than is provided at present. September has become one of the months when producer receipts are relatively short in relation to fluid milk sales. An inducement should be given to producers to produce more of their milk during September. The proposed change has been discussed widely among producers and has their support. September 1, 1957 was proposed as the effective date for the proposed change. All producers supplying the market would be given ample opportunity thereby to adjust their production in accordance with the proposed new payment period. Producers proposal should be adopted.

6. The entire order should be redrafted to add a number of new definitions, provide more specific provisions with respect to accounting for milk, and to incorporate a number of conforming and clarifying changes in the order language.

A number of changes should be made in the order to designate more clearly what milk and what persons would be subject to regulation and the application of the order provisions to them. This can best be done by providing a number of new definitions which set forth the categories of persons, plants, and milk products for the purpose of applying the other order provisions. New definitions should be added for "fluid milk plant", "pool plant", "nonpool plant", "route", "fluid milk product", "producer-handler", "producer milk" and the definitions of "producer", "handler", and "other source milk" should be modified accordingly.

The term "fluid milk plant" should include a bottling or distributing plant which is approved by the appropriate health authority for the processing or packaging of Grade A milk and other fluid products which are disposed of on routes in the marketing area. It should include also plants which supply milk to a distributing plant and the producers of such milk who hold dairy farm inspection permits or equivalent certification issued by the appropriate health authority in the marketing area to supply milk for fluid distribution.

The "pool plant" definition should include all fluid milk plants which are to be fully subject to regulation under the order and whose producer milk will participate in the marketwide pool. Provision should be made for the exclusion of fluid milk plants which would be subject to the classification and pricing provisions of another order issued pursuant to the act, if a lesser volume of fluid milk products classified as Class I milk is furnished from such plant for disposition in the Dayton-Springfield marketing area than in the marketing area regulated pursuant to such other order. Plants which dispose of fluid milk products in more than one marketing area should not be subject to duplicate regulation. It is reasonable and economically sound to regulate such a plant under the order in the market where the largest proportion of Class I sales are made.

"Producer-handler" should be defined to include any person who operates a dairy farm and a fluid milk plant from which milk is distributed on routes in the marketing area, but who receives no milk from other dairy farmers. Under the present provisions of the order, plants operated by producer-handlers are not subject to regulation and are not included under the marketwide pool. Producer-handlers, therefore, should continue to be exempt from all but the reporting provisions of the order. The operators of all fluid milk plants which are not pool plants, producer-handlers and operators of plants subject to another order, should be defined as a "handler" and should be required to file reports, as requested by the market administrator, in order to determine their status under the order.

A "nonpool plant" should be defined to include any milk manufacturing, processing or bottling plant other than a pool plant.

The inclusion of the foregoing definitions is necessary to clarify the order language and will assist in drafting other provisions of the order. The proposed new definitions will not extend the regulation to milk, persons or plants not now subject to the order.

The essential features of the present producer definition should not be changed. The term "producer" should include any person, except a producer-handler, who produces milk, under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, which is received at a pool plant or is diverted by the operator of a pool plant or a cooperative association to a nonpool plant on not more than one-third of the days of delivery during any month. The question of diversion is discussed later in this decision.

"Producer milk" should include that skim milk and butterfat contained in milk received from producers at a pool plant or diverted from a pool plant to another pool plant or a nonpool plant. In case of diversion to a nonpool plant, milk will lose its identity as producer milk after being diverted for more than one-third of the days of delivery during any month. It was proposed by the producers' association that the present producer definition be modified to exclude the deliveries of milk by a producer which are diverted by operators of pool plants to nonpool plants and to provide for such diversion by a cooperative association only in the case of an emergency.

Proponents allege that the advent of the farm bulk tank method of assembling milk and the consequent case of transferring milk to other markets and outlets make it extremely difficult for the cooperative association to maintain control over its members' milk supply for the market. It was alleged that milk may be temporarily transferred to other markets during periods of shortages or more favorable prices in competing markets and disrupt the orderly marketing of milk for the Dayton-Springfield market. It was further alleged that some handlers are abusing the privilege of diversion under the order. Producer milk is being diverted on a continuous basis to nonpool plants and it was alleged that this was being done at the expense of the market-wide pool. Considerable discussion on the record was had also on problems associated with bulk tank assembling of milk in connection with testing, weighing, accounting and fixing the responsibility for the receipt of such milk.

It was argued by proponents that it had been customary prior to bulk tank pickup, for handlers to receive all milk at their plants in the marketing area and such method of handling milk if continued would eliminate many of the problems with which they are concerned. As one means of encouraging this, producers supported the elimination of the privilege of diversion of milk directly from the farm to nonpool plants.

In this market, it has been customary to divert milk between pool plants. Such practice promotes efficiency in receiving and handling milk in the market and should be continued.

Efficiency in the marketing of milk can be accomplished also by permitting the diversion of reserve supplies of milk temporarily not needed in the market directly from the farm to manufacturing plants located in or near the production area. The privilege of diverting milk by operators of pool plants and the cooperative association to nonpool plants will tend to promote the orderly marketing of market reserves, particularly during the flush production months. It is concluded, therefore, that the provision of the order with respect to diversion to nonpool plants should be continued. The provisions with respect to the classification of milk which is transferred or diverted to nonpool plants should be modified as heretofore discussed. Also, some limitation should be placed on the length of time that milk may be delivered to nonpool plants and remain as producer milk in the marketwide pool, except during the "flush production" season. It is economically sound and reasonable to permit free diversion of seasonal reserves during the months of April through July, when market supplies of milk from producers are more than adequate to meet the needs for Class I utilization and the necessary reserve of pool plants. It is reasonable to permit the diversion of a producer's milk to a nonpool plant on not more than one-third of the days of delivery during other months and have such milk remain in the pool. Based on the receipts—Class I sales relationships in this market, it is concluded that if milk of a producer is moved to a nonpool plant more than one-third of the days of delivery, such producer's milk is not sufficiently associated with the market to participate under the regulation.

The order should be clarified with repect to the responsibility for the receipt of milk in the case of farm tank pick-up trucks which deliver milk to more than one plant. This should be accomplished by considering that all the milk on a truck is received at the first pool plant where any of the milk is withdrawn.

The record evidence is not sufficient to form an adequate basis for formulating formal provisions to deal with the other problems discussed in connection with farm bulk tank delivery of milk. Some of these concern the control of the milk of producer members by the cooperative association. Several are of such nature that they can be more appropriately handled by the industry itself through cooperation of the producers' association, handlers and haulers of milk. In those cases dealing with administrative matters in the application of the order, such determinations can be formulated more appropriately by the market administrator based on particular circumstances after soliciting, when necessary, views of the industry.

The definition of "other source milk" should be modified to clarify its meaning and to extend the definition to include all skim milk and butterfat utilized by the handler in his operations except milk received from producers, fluid milk products received from other pool plants and inventory of fluid milk products on hand at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which is not subject to the pricing provisions of the order during the month. It will include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It will include those manufactured products from a regulated plant's own production which are reprocessed or converted into another product during the same or a later month. By incorporating this definition of other source milk, the method of accounting for such milk by all handlers will follow identical accounting procedures whether or not the manufactured products which are reused in a handler's plant were converted from producer milk or purchased from outside sources. The skim milk and butterfat used to produce manufactured (Class II) products should be considered as disposed of when so utilized and therefore will not enter into the classification procedure again unless reused. Records of sales and stocks of manufactured products, however, must be maintained by the handler to facilitate the auditing program of the market administrator and substantiate current usage of such products. This change in the definition of other source milk will assure uniformity among handlers in the application of the allocation and pricing procedure of the order. Any other source milk, including that derived from manufactured products, will continue to be allocated first to the available Class II utilization. The new definition will continue to provide for the allocation of producer milk to Class I to the extent that such milk is available from current receipts or beginning inventory.

By incorporating the proposed new definitions and by making conforming changes in other order provisions, receipts of milk under the order will fall within four categories as follows:

(1) Producer milk;
(2) Milk from pool plants;
(3) Inventory of fluid milk products; and
(4) Other source milk.

The reporting and accounting provisions of the order should be changed to incorporate these terms.

Some handlers in the market produce condensed milk, nonfat dry milk and other manufactured milk products. Some of these products are reused in the pool plant where produced or are disposed of to other handlers. Operators of other pool plants may purchase some solids from outside sources. Condensed solids or nonfat dry milk may be used for reconstituting certain fluid milk products or to fortify skim milk drinks. Such solids are required by the health regulations to be made from Grade A milk and should be calssified as Class I milk when disposed of in a fluid milk product the same as all other skim milk in Class I milk. There appears to be no reason why one portion of the solids nonfat contained in Class I products should be classified differently from another portion in this market. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product, therefore, should be considered as an amount equal to the nonfat milk solids contained in such product plus the water content reasonably associated with such solids in the form of whole milk. To promote uniformity in the cost of milk among handlers and to effectuate the established principle of allocating current receipts of producer milk to Class I utilization to the fullest extent, the skim milk in other source milk in the form of a manufactured product must likewise be accounted for on the basis of the nonfat solids plus the water reasonably associated with such solids in the form of whole milk. The effect of this accounting procedure in conjunction with the change in the definition of other source milk will have no effect on the net classification of other source milk used in Class II milk. The marketwide effect of this change will be minor because it has been the practice under the present order to account for such solids allocated to Class I milk on a skim milk equivalent basis. It is desirable, however, that specific language be provided in the order for accounting for such products.

Handlers have inventories of milk and milk products on hand at the beginning and end of each month which must enter into the accounting for current receipts and utilization of producer milk. Inventory variations are now classified in Class II milk but the order is silent in this respect. Month-end inventories of fluid milk products whether in bulk or packaged form should continue to be classified as Class II milk. Manufactured milk products (Class II) will not be included in the fluid milk inventory accounting because the skim milk and butterfat used in such products are accounted for in the month that such products are manufactured.

Handlers frequently use other source milk in their operations. The inventory accounting procedure should provide for producer milk from inventory to have prior claim on Class I utilization over receipts of other source milk in the same manner as current receipts of producer milk. Because inventories of fluid milk items are to be accounted for at the end of the month in Class II milk, as a temporary classification, it is necessary, therefore, to provide a method for handling milk from inventory which is allocated to Class I milk in the current month but which the handler accounted for in Class II milk at the end of the preceding month. The higher use value of any fluid milk product from beginning inventory of producer milk which is used in Class I milk should be reflected in returns to producers. Such milk should be priced the same as a current receipt of producer milk. These goals may be accomplished through the accounting procedure by considering the opening inventory as a receipt in that month and subtracting such receipts, under the allocation procedure, in series, starting with Class II milk, following the subtraction of other source milk. To the extent that the opening inventory is allocated to Class I milk and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk in the previous month (after allocating allowable producer milk shrinkage and other source milk) a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month. This method of accounting for inventory will result in equality in the cost per hundredweight of milk among handlers and returns to producers irrespective of whether or not such milk is from opening inventory or is a current receipt.

To incorporate the additions and changes recommended herein, it is necessary to make clarifying and conforming changes in nearly every section of the order. The entire order, therefore, should be redrafted and reissued.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of September 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who during such representative period were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

MARKETING AGREEMENT AND ORDER, AS AMENDED

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 26th day of October 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

ORDER[1] AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

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971.94 Liquidation after suspension or termination.
971.95 Agents.
971.96 Separability of provisions.
971.97 Termination of obligations.

§ 971.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 971.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 971.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 971.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 971.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 971.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 971.6 *Dayton-Springfield, Ohio, marketing area.* "Dayton-Springfield, Ohio, marketing area" hereinafter called the "marketing area," means the cities of Dayton, Oakwood, and Springfield; the townships of Bath and Miami, in Greene County; the townships of Miami, Jefferson, Madison, Van Buren, Harrison, Butler, Mad River, and Washington, in Montgomery County; and German township in Clark County; all in the State of Ohio.

§ 971.7 *Fluid milk product.* "Fluid milk product" means milk, including reconstituted milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk).

§ 971.8 *Route.* "Route" means the operation of a plant store or a vehicle (including that operated by a vendor) through the means of which fluid milk products are disposed of to retail or wholesale stops in the marketing area other than to a plant which processes milk.

§ 971.9 *Fluid milk plant.* "Fluid milk plant" means: (a) A plant approved by the appropriate health authority for the processing or packaging of Grade A milk and from which a fluid milk product is disposed of during the month on a route(s) in the marketing area or (b) a plant from which milk is shipped during the month to a plant described in paragraph (a) of this section and which milk is produced under a dairy farm inspection permit or equivalent certification issued by the appropriate health authority in the marketing area for distribution as Grade A milk.

§ 971.10 *Pool plant.* "Pool plant" means a fluid milk plant other than: (a) A fluid milk plant which would be subject to the clasification and pricing provisions of another order issued pursuant to the act and a lesser volume of fluid milk products is disposed of from such plant as Class I milk in the Dayton-Springfield marketing area than in the marketing area regulated pursuant to such other order; and (b) a fluid milk plant operated by a producer-handler.

§ 971.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 971.12 *Producer.* "Producer" means any person, except producer-handler, who produces, under a dairy farm inspection permit or equivalent certification issued by the appropriate health authority in the marketing area, milk which is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association during the months of April through July and on not more than one-third of the days of delivery during any other month: *Provided,* That milk diverted pursuant to this section shall be deemed to have been received at a pool plant.

§ 971.13 *Handler.* "Handler" means any person in his capacity as the operator of one or more fluid milk plants or pool plants and any cooperative association with respect to producer milk di-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

verted to a nonpool plant pursuant to § 971.12.

§ 971.14 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a fluid milk plant pursuant to § 971.9 (a) but who receives no milk from other dairy farmers.

§ 971.15 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to another pool plant, or from a pool plant to a nonpool plant in accordance with the conditions set forth in § 971.12. With respect to milk caused by the operator of a pool plant to be delivered directly from the producer's farm to the pool plant of another handler, the handler to be considered as receiving such milk shall be determined by written agreement between the two handlers filed with the market administrator on or before the 5th day after the end of the first month during which it becomes effective, or in the absence of such an agreement, shall be determined by the market administrator. Milk delivered in a farm tank pick-up truck to more than one milk plant shall be deemed to have been received at the first pool plant where any of the milk is withdrawn from the tank truck.

§ 971.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from a pool plant, (2) inventory at the beginning of the month, or (3) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 971.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 971.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

§ 971.21 *Powers.* The market administrator shall have the power:

(a) To administer this part in accordance with its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations of the provisions of this part;

(c) To make rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 971.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 971.77, (1) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 971.78, which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclosed to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within two days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 971.30, or (2) payments pursuant to §§ 971.70, 971.71, 971.74 and 971.76;

(f) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any person upon whose utilization the classification of milk depends.

(h) On or before the 6th day of each month notify all handlers and publicly announce the minimum price for Class I milk pursuant to § 971.51 and the Class I butterfat differential pursuant to § 971.53 (a) both for the current month and the minimum price for Class II milk pursuant to § 971.52 and the Class II butterfat differential pursuant to § 971.53 (b) both for the preceding month.

(i) On or before the 12th day after the end of each month notify all handlers and publicly announce the uniform price computed pursuant to § 971.62 and the butterfat differentials computed to § 971.72 for such month.

(j) On or before the 12th day after the end of each month report to each cooperative association for such month with respect to each pool plant, the utilization on a pro rata basis of producer milk, payment for which is to be made to such cooperative association pursuant to § 971.70.

REPORTS, RECORDS AND FACILITIES

§ 971.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator for his pool plant(s):

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by inventories of fluid milk products on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may request.

§ 971.31 *Other reports.* (a) Each producer-handler and each handler who operates a fluid milk plant not a pool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 22nd day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for such month, which shall show (1) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and cooperative association, and (3) the nature and amount of the deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 971.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 971.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention

of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 971.40 *Basis of classification.* The skim milk and butterfat which are required to be reported pursuant to § 971.30 shall be classified each month by the market administrator in the classes set forth in § 971.41, subject to the provisions of §§ 971.42 through 971.46.

§ 971.41 *Classes of utilization.* Subject to the conditions set forth in § 971.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except that disposed of and used for livestock feed and skim milk dumped) and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of and used for livestock feed; and skim milk dumped; (3) contained in inventory of fluid milk products on hand at the end of the month; and (4) plant shrinkage as computed pursuant to § 971.45.

§ 971.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 971.43 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant, including transfers or diversions made by a cooperative association shall be classified:

(a) As Class I milk if transferred or diverted in the form of fluid milk products to the pool plant of another handler except as:

(1) Utilization in Class II milk is claimed by the operators of both plants in their reports submitted pursuant to § 971.30;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after first assigning to such class other source milk and beginning inventory of fluid milk products; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the maximum Class I utilization to the producer of skim milk and butterfat, respectively; milk at both plants, if either or both handlers have other source milk during the month;

(b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located 100 miles or more from the City Hall of Dayton or Springfield, Ohio, whichever is nearest;

(d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located less than 100 miles from the City Hall of Dayton or Springfield, Ohio, whichever is nearer, or in the form of cream in bulk to a nonpool plant, unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 971.30 and submits a statement which is signed by the handler and the buyer that such skim milk and butterfat was used in a product in Class II milk;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation;

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the act: *Provided,* That the amount subtracted pursuant to this subdivision shall be limited to such market's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the act;

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

(c) Other source milk caused by a cooperative association to be delivered from the plant of a person not a handler to the pool plant of a handler other than such cooperative association shall be considered as a transfer from the cooperative association to the handler if the cooperative association and the handler operating the pool plant to which such other source milk was caused by the cooperative association to be delivered both so indicate in their reports filed pursuant to § 971.30.

§ 971.44 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 971.45 *Shrinkage.* Subject to paragraph (a) of this section, the quantities of skim milk and butterfat, respectively, at each pool plant to be classified as Class II milk pursuant to § 971.41 (b) (4) shall be computed as follows:

(a) If the sum of the quantities of skim milk and butterfat, respectively, classified as Class I and Class II milk pursuant to § 971.41 (a) and (b) (1), (2), and (3) equals or exceeds the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 971.30, no skim milk or butterfat, respectively, shall be classified as Class II milk pursuant to § 971.41 (b) (4);

(b) Determine gross shrinkage of skim milk and butterfat, respectively, by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 971.41 (a) and (b) (1), (2), and (3) from the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 971.30;

(c) Prorate the quantities of gross shrinkage of skim milk and butterfat, respectively, which are not in excess of 2.5 percent of the sum of the quantities of skim milk and butterfat, respectively, used in the following computation, between:

(1) The skim milk and butterfat, respectively, contained in producer milk at such pool plant less the skim milk and butterfat, respectively, in fluid milk products transferred in bulk form to other pool plants;

(2) The skim milk and butterfat, respectively, in fluid milk products transferred in bulk to other pool plants, multiplied by .6;

(3) The skim milk and butterfat, respectively, in fluid milk products received in bulk from other pool plants, multiplied by .4; and

(4) The skim milk and butterfat, respectively, in other source milk received in the form of fluid milk products.

(d) The sum of the quantities of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section shall be classified as Class II milk.

§ 971.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 971.44 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 971.45 (c) (1) (2) and (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 971.43 (a);

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage."

(b) Butterfat shall be allocated in series in the same manner prescribed for skim milk in paragraph (a) of this section, except the subtraction to be made pursuant to subparagraph (2) shall be made starting with Class II butterfat used to produce butter.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 971.50 *Basic formula price.* The basic formula price shall be the highest of the prices per hundredweight as determined by the market administrator pursuant to paragraph (a), (b), or (c) of this section, rounded to the nearest tenth of a cent:

(a) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture:

Company and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed as follows:

(1) Multiply the Chicago butter price by 6;

(2) Add 2.4 times the arithmetical average of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange for the trading days that fall within such month as published by the Department;

(3) Divide by 7 and to the resulting amount add 30 percent; and

(4) Multiply the amount computed in subparagraph (3) of this paragraph by 3.5.

(c) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2; and

(2) From the simple average, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month, deduct 5.5 cents and multiply the result by 8.2.

§ 971.51 *Class I milk prices.* Subject to the provisions of § 971.53, the price to be paid by each handler f. o. b. his pool plant for producer milk which is classified as Class I milk during the month shall be computed by the market administrator as follows:

(a) Add $1.20 to the basic formula price for the month, except after January 1, 1958, the month immediately preceding shall be used, and add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less Class I transfers of fluid milk products between pool plants and less bulk sales of Class I milk in excess of 1,000 pounds during each month by each handler to nonpool plants) in the second and third months preceding by total receipts of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the current supply-demand percentage.

(2) Compute a net deviation percentage by subtracting from the current supply-demand percentage computed pursuant to subparagraph (1) of this paragraph, the base period ratio shown below:

Month for which price is being computed	Months used to compute ratio	Base period ratio (percent)
January	October and November	81
February	November and December	81
March	December and January	79
April	January and February	77
May	February and March	76
June	March and April	74
July	April and May	69
August	May and June	64
September	June and July	69
October	July and August	74
November	August and September	80
December	September and October	81

Provided, That for November and December 1956, the base period ratios shall be 76 and 78, respectively.

(3) Determine the amount of the supply-demand adjustment from the following schedule:

If net deviation percentage is—	*Supply-demand adjustment* is—
+12 or over	+38
+9 or +10	+28
+6 or +7	+20
+3 or +4	+10
+1 or −1	0
−3 or −4	−10
−6 or −7	−20
−9 or −10	−28
−12 or under	−38

When the difference from the base period Class I utilization percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 971.52 *Class II milk prices.* Subject to the provisions of § 971.53, the price to be paid by each handler f. o. b. his plant for producer milk which is classified as Class II milk during the month shall be computed by the market administrator as follows:

(a) Multiply the Chicago butter price by 4.2 for each of the months of March through August and by 4.27 for each of the other months of the year.

(b) Add the value of skim milk computed as follows: (1) Subtract 5.5 cents, from the arithmetic average of the carlot prices per pound of roller process nonfat dry milk solids for human consumption, at Chicago, as reported by the Department for the weeks ending within such month, (2) multiply the result by 8.2, and (3) subtract therefrom 20 cents for each of the months of March through August.

§ 971.53 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to §§ 971.51 and 971.52 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the month by 0.127, except that after January 1, 1958, the butter price for the immediately preceding month shall be used.

(b) *Class II price.* (1) Divide the value computed for butterfat pursuant to § 971.52 (a) by 3.5, (2) subtract the value computed for skim milk pursuant to § 971.52 (b), divided by 96.5, and (3) divide the remainder by 10.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 971.60 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 971.46 (a) (5) and the corresponding step of (b) by the applicable class prices;

(c) Subtract, for each hundredweight of butterfat in producer milk remaining in Class II milk and assigned to butterfat used to produce butter in a pool plant pursuant to § 971.46 (b) or is transferred or diverted from a pool plant to a nonpool plant in the form of fluid milk or cream and which butterfat is not in excess of the butterfat used to produce butter in such nonpool plant, less the receipts of butterfat at such plant from sources other than pool plants pursuant to this part and farmers who hold permits to supply Grade A milk, and who the market administrator determines constitute the regular source of supply for fluid milk products for such nonpool plant, the difference between the value computed for butterfat pursuant to § 971.52 (a) divided by .035 and the Chicago butter price multiplied by 120 less $5.00 for each of the months of March through August and less $3.60 for each of the other months of the year;

(d) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 971.46 (a) (3) and the corresponding step of § 971.46 (b), whichever is less; and

(e) Add or subtract, as the case may be, any amount necessary to correct any errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month which result in payments due the producer-settlement fund or the handler.

§ 971.61 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of the value of his milk for such month as computed in accordance with § 971.60 and of the amount by which such value is greater or less than the total amount required to be paid by such handler pursuant to § 971.70.

§ 971.62 *Computation of uniform prices.* For each month the market administrator shall compute the uniform price per hundredweight for producer milk, of 3.5 percent butterfat content, at pool plants as follows:

(a) Combine into one total the values computed pursuant to § 971.60 for all handlers, except those of handlers who failed to make payments required pursuant to §§ 971.70 through 971.74 for the preceding month;

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk for such month by 20 cents in April, 35 cents in May and June, and 30 cents in July;

(c) Add for the month of September 20 percent of the obligated balance in the producer-settlement fund pursuant to § 971.73 (b) on August 31, immediately preceding, add for each of the months of October and November 30 percent of the fund and add for the month of December the remaining 20 percent of the fund, except in 1956, add for each of the months of October, November and December an amount computed by dividing the total amount of the obligated balance in the producer-settlement fund pursuant to § 971.73 (b) on September 30, 1956 by three;

(d) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(e) Substract, if the weighted average butterfat test of all producer milk is greater than 3.5 percent, or add if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the difference between such weighted average butterfat test and 3.5 by the butterfat differential computed pursuant to § 971.72;

(f) Divide by the hundredweight of pooled milk; and

(g) Subtract not less than 4 cents nor more than 5 cents.

PAYMENTS

§ 971.70 *Time and method of final payment.* Each handler shall pay on or before the 17th day after the end of each month to each producer for all milk received from such producer during such month at not less than the uniform price computed pursuant to § 971.62, subject to the butterfat differential computed pursuant to § 971.72 and less the amount of the payment made pursuant to § 971.71: *Provided,* That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment shall be paid to such association on or before the 16th day after the end of such month.

§ 971.71 *Partial payments.* On or before the 27th day of each month each handler shall make payment to each producer, except as set forth in paragraph (b) of this section, for all milk received from such producer during the first 15 days of such month. Prices at which such payment shall be made shall be computed quarterly to be applicable to payments to be made in January through March, April through June, July through September, and October through December on the basis of the uniform price for the month immediately preceding the beginning of the quarter as follows:

If the uniform price for the preceding month is—	*Partial payment per hundredweight shall be—*
Under $1.00	$0.00
$1.00–$1.99	.50
$2.00–$2.99	1.00
$3.00–$3.99	2.00
$4.00–$4.99	3.00
$5.00–$5.99	4.00
$6.00–$6.99	5.00
$7.00 or over	6.00

Provided, That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment shall be paid to such association on or before the 26th day of such month.

§ 971.72 *Butterfat differential.* For each month the market administrator shall compute to the nearest one-tenth cent a butterfat differential by multiplying the Chicago butter price by 0.12.

§ 971.73 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" which shall function as follows:

(a) All payments made by handlers pursuant to § 971.74 shall be deposited in this fund, and all payments made to handlers pursuant to § 971.75 shall be made out of this fund: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler;

(b) All amounts subtracted pursuant to § 971.62 (b) shall be deposited in this fund and shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 971.62 (c); and

(c) The difference between the amount added pursuant to § 971.62 (d) and the total amounts resulting from the subtraction pursuant to § 971.62 (g) shall be deposited in, or withdrawn from, this fund, as the case may be to effectuate § 971.62 (d) and (g).

§ 971.74 *Payments to the producer-settlement fund.* On or before the 14th day after the end of each month, each handler shall pay to the market administrator the amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to § 971.70.

§ 971.75 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to § 971.70 is greater than the total value of the milk of such handler for such month: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 16th day after the end of any month, has not received full payment for such month from the market administrator pursuant to this section shall be deemed to be in violation of § 971.70 if he reduces his payments per

hundredweight thereunder by not more than the amount of the reduction in payment from the market administrator.

§ 971.76 *Adjustment of errors.* Whenever verification by the market administrator of the payment by a handler to a producer or to an association of producers, pursuant to § 971.70 or § 971.71, discloses payment of less than is required, the handler shall make up such payment not later than the time for making payment pursuant to § 971.70 or § 971.71 next following such disclosure.

§ 971.77 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 971.22 (c), each handler shall pay to the market administrator, on or before the 14th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(a) Producer milk (including such handler's own production); and

(b) Other source milk allocated to Class I milk pursuant to § 971.46 (a) (2).

§ 971.78 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 971.70, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may have been authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

MISCELLANEOUS PROVISIONS

§ 971.90 *Application of provisions.* Sections 971.50 through 971.94 shall not apply to a producer-handler.

§ 971.91 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 971.92.

§ 971.92 *Suspension or termination.* The Secretary may suspend or terminate this part of any provision of this part, whenever he finds that this part or any provisions of this part, obstructs, or does not tend to effectuate, the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 971.93 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

§ 971.94 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 971.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 971.96 *Separability of provisions.* If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of the part, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 971.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c (15) (a) of the act, a petition claiming such money.

[F. R. Doc. 56-8812; Filed, Oct. 29, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11779; FCC 56-1032]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

LUBBOCK, TEXAS

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on July 16, 1956 (FCC 56-677), and published in the FEDERAL REGISTER on July 20, 1956 (21 F. R. 5450), proposing that the educational reservation in Lubbock, Texas be changed from Channel 20 to Channel 5 in response to a petition of Texas Technological College.

2. Comments favoring the proposal were filed by the petitioner; the Joint Committee on Educational Television; William H. Evans, Chairman of the Board of Education of the Lubbock Independent School District; Texas Telecasting, Inc., licensee of Station KDUB-TV, Lubbock; and Bryant Radio and Television, Inc., licensee of Stations KCBD and KCBD-TV, Lubbock; and letters supporting the proposal were tendered by the Superintendent of the Lubbock Public Schools, the Mayor of Lubbock, the President of the Lubbock Ministerial Association, the Executive Vice President and General Manager of the Lubbock Chamber of Commerce and Board of City Development and the Chairman of the Texas Commission for Educational Television. Comments opposing the proposal were filed by McLendon Investment Corporation and C. L. Trigg. Other letters concerning the proposal were received.

3. Texas Technological College and others favoring the proposal urge that since there are two commercial VHF stations serving the needs of Lubbock, KDUB-TV and KCBD-TV, there is no need for an additional commercial television operation in the city, although there is a pronounced need for a non-commercial educational station; that Texas Technological College will construct and operate such a station if a VHF channel is reserved for that purpose; that an educational television station on a UHF channel would not be successful in Lubbock since the area is almost saturated with VHF-only sets; that if Channel 5 is reserved for educational use, petitioner will apply for the channel and will operate it as a non-commercial station; that the reservation of the channel will be of material assistance to petitioner in developing its proposed educational television service, for at least four reasons: (1) Greater eligibility for various awards, prizes, and charitable contributions, which might be seriously restricted if the College is the licensee of a commercial station, (2) greater availability of film programs to non-commercial stations, (3) greater flexibility in programming possible because no minimum number of hours of operation is required, and (4) the greater potentiality of legislative and individual support where future non-commercial operation is assured; that if the channel is reserved for educational use, the public schools in the area will cooperate with petitioner to expand their use of television as an educational medium; that petitioner needs an educational station of its own so that it may present regular educational programs to an extent which would not be possible through the use of presently available commercial facilities; that petitioner has been offered programming and technical assistance by Stations KDUB-TV and KCBD-TV; that petitioner should not be required to participate as an applicant for a commercial allocation in a comparative hearing, with the attendant expense, disruption of College scholastic activities and delay in obtaining a grant; and that a non-commercial educational station in Lubbock will fit into a pattern now being devised by the Texas Commission for Educational Television to cover the entire State of Texas.

4. Opponents of the proposal contend that three commercial VHF channels are needed so that the people in the area may receive programs originated by all three national networks; that a competing application has been filed by C. L. Trigg and that another application will be filed by McLendon Investment Corporation; that since the Commission's rules do not prohibit educational institutions from applying for commercial channels and, if successful, operating stations on a non-commercial basis, Texas Technological College is not prevented from filing for Channel 5; that the Commission should not by reserving Channel 5 for non-commercial educational use immunize petitioner from a hearing and foreclose the possibility of making a comparative choice among all of the applicants who may apply for the channel; that in the course of the allocations proceedings leading up to the Sixth Report and Order, neither Texas Technological College nor the JCET opposed the reservation of UHF Channel 20 in Lubbock for non-commercial educational use or asked for the reservation of a VHF channel; and that the Commission has in the past consistently denied petitions to make changes in the Table of Assignments where an application was on file for the channel requested to be changed.

5. Applications for Channel 5 in Lubbock were filed by Texas Technological College on August 13, 1956 (File No. BPCT-2183) and by C. L. Trigg on August 15, 1956 (File No. BPCT-2185). The application of petitioner contemplates a non-commercial operation. Simultaneously with the filing of its application, Texas Technological College filed a statement in the instant proceeding to the effect that it was not, by filing its application for Channel 5, "abandoning its interest in this proceeding or its belief that Channel 5 should be accorded an educational classification in the Table of Assignments for Lubbock."

6. When we issued our Notice of Proposed Rule Making in this proceeding, no application had been filed for a commercial station on Channel 5 in Lubbock. Since our Notice, however, a demand for this frequency has been demonstrated by the filing of such an application. It is thus apparent that, if we were to reserve the channel for non-commercial educational use, we would be foreclosing the possibility of making a comparative choice among the applicants—for both commercial and non-commercial operations—who may apply for the channel. The issue requiring resolution in this rule making proceeding is not whether a non-commercial educational station should or should not be permitted to operate on a VHF channel in Lubbock; indeed, an application for just such a station has already been filed by petitioner. The issue is whether the Commission should reserve Channel 5 in Lubbock so that only an applicant for a non-commercial educational station can apply. We believe that the public interest would be better served by retaining Channel 5 as an unreserved channel, so that all interested applicants, both commercial and educational, may have their proposals considered on comparative merits.

7. Our decision is buttressed by the fact that no genuine need has been demonstrated for the reservation of the channel for non-commercial educational use. In the Sixth Report and Order we emphasized that one of the chief reasons for our decision to reserve channels was because "the actual process of formulating plans and of enacting necessary legislation or making adequate financing available is one which will generally require more time for educational organizations than for commercial interest." Sixth Report and Order, paragraph 4. Yet here the educational organization does not require additional time to perfect its plans; it has already filed an application for the channel.

8. In view of the foregoing: *It is ordered,* That the petition filed by Texas Technological College on October 27, 1955, is denied, insofar as it requests that the educational reservation in Lubbock, Texas, be changed from Channel 20 to Channel 5, and the proceedings herein are terminated.

Adopted: October 24, 1956.

Released: October 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8774; Filed, Oct. 29, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 40]

DISTRICT DIRECTORS OF INTERNAL REVENUE

DELEGATION OF AUTHORITY WITH RESPECT TO CREDITS AND REFUNDS

Authority is hereby delegated to District Directors of Internal Revenue to make credits or refunds, within the applicable period of limitations, of overpayments in any amount, of any internal revenue tax, including allowable interest thereon, except in those cases requiring a report to the Joint Committee on Internal Revenue Taxation.

The above authority to make credits and refunds shall be exercised only after compliance with all requirements of existing procedures for review.

Date of issue: October 18, 1956.

Effective date: October 18, 1956.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

[F. R. Doc. 56-8776; Filed, Oct. 29, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 22, 1956.

The Corps of Engineers, U. S. Army has filed an application, Serial No. New Mexico 011409, for the withdrawal of the lands described below from the general mining and mineral leasing laws.

The applicant desires to maintain the integrity of the mission of the installation as a permanent military air base.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1251 Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 N., R. 3 E.,
Sec. 3, S½NW¼, Lots 3 and 4;
T. 10 N., R. 3 E.,
Sec. 34, SW¼;
Sec. 35, SE¼SW¼.

The area described aggregates 356.80 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 56-8761; Filed, Oct. 29, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PENNSYLVANIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Pennsylvania a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

Allegheny.	Greene.
Armstrong.	Jefferson.
Beaver.	Lawrence.
Butler.	Mercer.
Clarion.	Venango.
Crawford.	Warren.
Erie.	Washington.
Forest.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 24th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8767; Filed, Oct. 29, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11668, 11669; FCC 56-1022]

LAWRENCE A. REILLY ET AL.

ORDER AMENDING ISSUES

In re applications of Lawrence A. Reilly and James L. Spates, Groton, Connecticut, Docket No. 11668, File No. BP-10138, and The Thames Broadcasting Corporation, Bridgehampton, New York, Docket No. 11669, File No. BP-10146; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of October 1956;

The Commission having under consideration: (1) A motion to enlarge the issues herein filed by The Thames Broadcasting Corporation (Thames) on April 23, 1956; (2) an opposition thereto filed by Lawrence A. Reilly and James L. Spates (Spates) on May 10, 1956; a reply to opposition filed by Thames on May 17, 1956;

It appearing that Thames moves that the issues herein be enlarged to include an issue to determine whether Spates' proposed operation would comply with the Commission's engineering standards, with particular reference to providing a signal of 25 mv/m over the business and industrial areas of Groton, Connecticut;[1]

It further appearing that Thames by an engineering affidavit and exhibit, portraying Spates' proposed 25 mv/m contour, alleges that there are active industrial plants and business establishments which would be located outside the confines of the 25 mv/m contour of Spates' proposed operation;

It further appearing that, on the basis of the data submitted, Thames has made a sufficient showing to justify an enlargement of the issues to determine whether the requirements of the rules will be satisfied;

It is ordered, That the motion to enlarge the issues filed by The Thames Broadcasting Corporation is granted and that the issues in the above-entitled proceeding are enlarged to include the following issue:

To determine whether the transmitter location proposed by Lawrence A. Reilly and James L. Spates would comply with the requirements of § 3.188 (b) (1) of the Commission's rules.

Released: October 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8775; Filed, Oct. 29, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1148, etc.]

PHILLIPS PETROLEUM CO.

ORDER CONSOLIDATING PROCEEDINGS

In the matters of Phillips Petroleum Company, Docket No. G-1148 and Phillips Petroleum Company, Dockets No. G-3175, G-4333, G-6621, G-7773, G-8623, G-8695, G-8883, G-10359, G-10793, G-10883 and G-11125.

By order issued in Docket No. G-10883 on August 10, 1956, the Commission suspended certain proposed changes in rates filed by Phillips Petroleum Company (Applicant) for sales of gas to Panhandle Eastern Pipeline Company under Supplement No. 22 to Applicant's FPC Gas Rate Schedule No. 5. In its said order the Commission provided that a public hearing be held concerning the lawfulness of the proposed changes in rates thereby suspended. On September 4, 1956, Applicant filed a motion requesting that the proceedings in Docket No. G-10883 be consolidated for hearing with the proceedings in Dockets No. G-1148, et al.[2]

[1] Section 3.188 (b) (1) of the rules reads as follows: "3.188 *Location of transmitters.* • • • (b) The site selected should meet the following conditions: (1) A minimum field intensity of 25 to 50 mv/m will be obtained over the business or factory areas of the city."

[2] By orders heretofore issued on May 28, 1956, and July 25, 1956, the following proceedings were consolidated for the purpose of hearing: Dockets No G-1148, G-3175, G-4333, G-6621, G-7773, G-8623, G-8695, G-8883, G-10359 and G-10793.

By order issued September 25, 1956, in Docket No. G-11125, the Commission suspended certain proposed changes in rates filed by Applicant for sales of gas to Arkansas-Louisiana Gas Company under Supplement No. 19 to Applicant's FPC Gas Rate Schedule No. 31. In its said order the Commission provided that a public hearing be held concerning the lawfulness of the proposed changes in rates suspended by such order. No motion for consolidation was filed by Applicant in Docket No. G-11125.

It appears that those sales and deliveries of gas made by Applicant, which are in issue in Dockets Nos. G-10883 and G-11125, involve questions of law and fact interrelated with those inherent in the matters involved and the issues presented in Dockets Nos. G-1148, et al.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidated the proceedings in Dockets Nos. G-10883 and G-11125 with the proceedings in Dockets Nos. G-1148, et al., for the purpose of hearing.

The Commission orders:

(A) The proceedings in Dockets Nos. G-10883 and G-11125 be and they hereby are consolidated with the proceedings in Dockets Nos. G-1148, G-3175, G-4333, G-6621, G-7773, G-8623, G-8695, G-10793, G-8883 and G-10359 for the purpose of hearing.

(B) A hearing in the above-designated proceedings, as previously consolidated, was convened on July 26 and recessed on July 27, 1956. The said hearing is now scheduled to resume on October 30, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., and will concern the matters involved and the issues presented in each of the above-designated proceedings, including those hereby consolidated.

Issued: October 24, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8768; Filed, Oct. 29, 1956; 8:47 a. m.]

[Docket Nos. G-8376, G-8749]

L. M. JOHNSON AND PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 24, 1956.

Take notice that:

L. M. Johnson (Applicant), an individual, whose address is Box 594, Greensboro, North Carolina, filed on January 17, 1955, in Docket No. G-8376 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Phillips Petroleum Company (Applicant), a Delaware corporation with principal place of business in Bartlesville, Oklahoma, filed on April 11, 1955, in Docket No. G-8749, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

L. M. Johnson proposes to sell natural gas produced from Tract 70, Gallegos Canyon Unit, San Juan County, New Mexico, to El Paso Natural Gas Company, for transportation in interstate commerce for resale.

Phillips Petroleum Company proposes to sell natural gas produced from Caylor Lease, Lovington Pool, Lea County, New Mexico, to Otha H. Grimes. This application in Docket No. G-8749 was previously scheduled for hearing on October 16, 1956, in the consolidated proceedings of Charles H. Osmond, et al., Docket Nos. G-5524, et al., but was severed from said consolidated proceedings.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 29, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 12, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8769; Filed, Oct. 29, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 25, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32798: *Trailer-on-flat-car service—Erie Railroad Company.* Filed by the Erie Railroad Company. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars, from Chicago, Ill., and points grouped therewith, to stations in Ohio on the Erie Railroad.

Grounds for relief: Motor truck competition.

Tariff: Supplement 12 to Erie Railroad ICC 21047.

FSA No. 32799: *Cottonseed oil cake from Darlington, S. C., to Lynchburg, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cottonseed oil cake or oil cake meal and related articles, carloads, from Darlington, S. C., to Lynchburg, Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to Agent C. A. Spaninger's ICC 1551.

FSA No. 32800: *Clay from southern points to Marietta, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, carloads, from points in southern territory to Marietta, Ga.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 48 to Agent C. A. Spaninger's ICC 1491.

FSA No. 32801: *Various commodities between points in Texas.* Filed by Lee Douglass, Alternate Agent, for interested rail carriers. Rates on hardware mixture, less-than-carloads, lard, lard compounds, tallow, and related articles, carloads, and antimony metal, cakes, pigs or slabs, carloads, between points in Texas.

Grounds for relief: Intrastate rail competition.

Tariff: Supplement 31 to Agent J. F. Brown's ICC 865.

FSA No. 32803: *Superphosphate from Norfolk, Va., to Danville, Va.* Filed by the Southern Railway Company, for itself and on behalf of the Atlantic Coast Line Railroad Company. Rates on superphosphate, dry fertilizer compounds, and fertilizer material, carloads, from Norfolk, Va., to Danville, Va.

Grounds for relief: Intrastate rail carrier competition and circuity.

Tariff: Supplement 31 to Agent C. A. Spaninger's ICC 1267.

FSA No. 32804: *Cinders from Kenlite, Ky., to Illinois and Indiana.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cinders, shale, carloads, from Kenlite, Ky., to Robinson, Ill., Sullivan and Switz Ciyt, Ind.

Grounds for relief: Rail carrier and market competition, and circuity.

Tariff: Supplement 81 to Agent C. A. Spaninger's ICC 1469.

FSA No. 32805: *Zinc from the Southwest to Pennsylvania.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on zinc, pig, slab or spelter, and zinc anodes, carloads, from points in Arkansas, Oklahoma, and Texas, to McKees Rocks and Neville Island, Pa.

Grounds for relief: Competition with rail carriers and circuity.

Tariff: Supplement 118 to Agent Kratzmeir's ICC 4045.

FSA No. 32806: *Cocoanut oil from southern ports to central territory.* Filed by H. M. Engdahl and H. R. Hinsch, Agents, jointly, for interested rail carriers. Rates on imported cocoanut or copra oil, carloads, from Lake Charles, La., and Gulf ports east thereof, south Atlantic and Florida ports, to points in central territory.

Grounds for relief: Rail carrier and market competition, and to maintain port relations.

Tariff: Supplement 26 to Agent Engdahl's ICC 133.

FSA No. 32807: *Apples from the Northwest to Des Moines, Iowa.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on apples, fresh, carloads, from points in British Columbia, Idaho, Montanta, Oregon, and Washington, to Des Moines, Iowa.

Grounds for relief: Circuitous routes.

Tariff: Supplement 26 to Agent Prueter's ICC 1572.

FSA No. 32808: *Substitute service, motor-rail-motor—Pennsylvania Railroad.* Filed by the Long Transportation Company, for itself and on behalf of The Pennsylvania Railroad Company. Rates on freight loaded in highway truck trailers and transported on railroad flat cars, between Pittsburgh, Pa., and Kearny, N. J.

Grounds for relief—Motor truck competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32802: *Various commodities between points in Texas.* Filed by Lee Douglass, Alternate Agent, for interested rail carriers. Rates on hardware mixture, less-than-carloads, lard, lard compounds, tallow, and related articles, carloads, and antimony metal, cakes, pigs or slabs, carloads, between points in Texas.

Grounds for relief: Intrastate rail competition.

Tariff: Supplement 31 to Agent J. F. Brown's ICC 865.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8770; Filed, Oct. 29, 1956; 8:47 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 212

Washington, Wednesday, October 31, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3162

VETERANS DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our people have long honored those who served and fought in the armed forces of this Nation for the high principles which all Americans hold dear; and

WHEREAS, although this tradition of esteem is a continuing, living part of our thoughts and lives, it is appropriate that we should set aside one special day each year to express our gratitude and indebtedness to those who sacrificed so much, and to rededicate ourselves not only to the preservation of our heritage of freedom but also to the task of achieving an enduring peace with honor among all nations of the world; and

WHEREAS the Congress by an act approved June 1, 1954 (68 Stat. 168), expanded the significance of the observance of November 11, the anniversary of the ending of hostilities in World War I, which theretofore had been declared a legal holiday and observed as Armistice Day, by designating that date as Veterans Day in order to honor the veterans of all our wars:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon all our citizens to observe Sunday, November 11, 1956, as Veterans Day with appropriate ceremonies; and I direct that the flag of the United States be displayed on all public buildings on that day.

And on Veterans Day let us recall with solemn gratitude the courage and the sacrifices of our veterans, and let us reconsecrate ourselves to the preservation of our cherished freedom.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of October, in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 56-8880; Filed, Oct. 30, 1956; 11:23 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4000, 5560, 6743 and 8232 containing the specific requirements for the 1956-Crop Wheat Price Support Program are amended as follows:

Section 421.1643 (d) (2) is amended by changing the basic county support rate as follows:

1. Fremont County, Wyoming is increased from $1.75 per bushel to $1.80 per bushel.

2. Lewis and Clark County, Montana is increased from $1.78 per bushel to $1.80 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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Issued this 26th day of October 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-8821; Filed, Oct. 30, 1956; 8:52 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

TERMINATION OF AGREEMENTS

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 6162, as amended in 21 F. R. 6824, 6879, 7309, 7612, 7843, 8129, and 8131 are hereby further amended as indicated below:

Paragraph (f) is added to § 485.210 reading as follows:

(f) (1) In instances where an agreement for wheat has been filed on or before October 5, 1956, the producers who signed the agreement may terminate it by filing written notice of such termination with the county committee not later than October 5, 1956, or may not later than such date file, in conformity with all of the provisions of these regulations, a new agreement with the county committee which shall supersede the original agreement.

(2) In instances where an agreement for wheat has been filed on or before October 5, 1956 (including (i) those cases where an agreement is initially filed on or before such date and a new agreement is filed after such date pursuant to paragraph (d) of this section, and (ii) those cases where an agreement signed by the operator is filed on or before such date and an additional period of time is given pursuant to paragraph (e) of this section to obtain the signature of another person), and the farm is entitled to a 1957 allotment for a commodity other than wheat or to a 1957 Soil Bank corn base, the producers who signed the agreement may terminate it by filing written notice of such termination with the county committee not later than fifteen (15) days after the date of mailing by the county office of notice of the establishment of the last of the 1957 allotments for the farm (if Soil Bank corn bases are in effect they shall be considered as allotments for the purposes of this provision). The mailing of any revision, modification or correction, of whatever nature, of the first notice of the establishment of an allotment shall not operate to extend the time herein specified within which notice of termination must be filed. Termination of an agreement under this subparagraph shall not operate to release any producer from liability for the civil penalty (see § 485.228) for knowingly and wilfully grazing or harvesting any crop from any acreage, in violation of the agreement, prior to notice of such termination.

(Sec. 124, Public Law 540, 84th Cong.)

Issued at Washington, D. C., this 26th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8818; Filed, Oct. 30, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED BLACKBERRIES AND OTHER SIMILAR BERRIES SUCH AS BOYSENBERRIES, DEWBERRIES, AND LOGANBERRIES [1]

MISCELLANEOUS AMENDMENTS

On August 3, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 5806) regarding proposed amendments to United States Standards for Grades of Canned Blackberries and Other Similar Berries such as Boysenberries, Dewberries, and Loganberries (7 CFR 52.551 to 52.564; 18 F. R. 7940).

After consideration of all relevant matters presented, including the proposals in the aforesaid notice, the following amendments to said standards are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.), which amendments provide for changes in the recommended minimum drained weight requirements, and minor changes in the format of the effective grade standards.

1. In § 52.556 change Table No. 1 *Recommended Minimum Drained Weight, in Ounces, of Canned Berries;* to read:

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHT IN OUNCES OF CANNED BERRIES

Can size	Can dimensions (in inches)		Maximum capacity in water at 68° F. (in ounces)	Blackberries		Other berries	
	Diameter	Height		Extra heavy and heavy sirup	Light sirup and water	Extra heavy and heavy sirup	Light sirup and water
8 ounce	2 1/16	3 5/16	8.65	4 1/2	4 3/4	4 1/4	4 3/4
No. 303	3 1/16	4 5/16	16.85	8 1/2	9 1/4	7 3/4	8 1/4
No. 2	3 1/16	4 9/16	20.50	11	12	9 1/2	10
No. 10	6 3/16	7	109.45	62	66	55	60
No. 10 (heavy pack) [1]	6 3/16	7	109.45	----------	74	----------	70

[1] Canned berries in No. 10 containers (in water) may be certified with the additional statement "heavy pack," provided they meet a minimum drained weight requirement specified.

2. Change § 52.557 to read:

§ 52.557 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following factors are evaluated:

(1) *Factors not rated by score points.*

(i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size	20

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Factors—Continued	Points
Absence of defects	30
Character of fruit	30
Total score	100

(b) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

3. Change paragraph (d) of § 52.561 *Absence of defects,* to read:

(d) (*C*) *classification.* Canned berries that are fairly free from defects may be given a score of 21 to 23 points. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that harmless extraneous vegetable material may be present that does not seriously affect the appearance or edibility of the product; and that not more than 15 percent, by count, of the canned berries may be damaged.

4. Change § 52.563 to read:

§ 52.563 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned blackberries and other similar berries such as boysenberries, dewberries, and loganberries the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than four points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated this 26th day of October 1956 to become effective 30 days after publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-8797; Filed, Oct. 30, 1956; 8:47 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED PRUNES

Correction

In Federal Register Document 56-8600, published at page 8177 of the issue for Thursday, October 25, 1956, the official title under the signature of Frank E. Blood, appearing at the end of the document, should read "*Acting Deputy Administrator, Marketing Service.*"

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Peanuts-56)-1, Amdt. 2]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1956 CROP; PAYMENT OF PENALTY

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, to amend § 729.758 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (21 F. R. 3867, 6057) to revise the method of determining when marketing quota penalties become due and to incorporate a lien provision. Public notice of the intention to so amend said regulations was given in the FEDERAL REGISTER of September 28, 1956 (21 F. R. 7456).

Section 729.758 of the said regulations is hereby amended to read as follows:

§ 729.758 *Payment of penalty.* (a) A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to collection and payment at par. With respect to penalties which were due and unpaid on May 28, 1956, the person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of six percent per annum from such date until paid; with respect to other penalties the person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of six percent per annum from the date the penalty becomes due until the date of payment of such penalty. For purposes of this section such other penalties become due as follows:

(1) Within two calendar weeks following the week in which peanuts are marketed on an excess penalty card. If the buyer of such peanuts does not remit the penalty within this period interest shall begin to accrue on the Monday of the third calendar week following the week in which the peanuts were marketed;

(2) Two weeks from the date of written notice to the producer of the amount of any penalty owed by him including (i) penalties resulting from violation of a Form MQ-92 agreement, and (ii) penalties determined on the basis of normal yield (cases involving failure to account for disposition or false identification of peanuts).

(b) Until the amount of penalty due under this section is paid, a lien on the crop of peanuts with respect to which such penalty is incurred, and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest shall be in effect in favor of the United States.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 359, 52 Stat. 90, as amended; 7 U. S. C. 1359)

Done at Washington, D. C., this 26th day of 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8819; Filed, Oct. 30, 1956; 8:52 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 and to establish, pursuant to sections 202, 204 and 411 of the act, sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1956. This regulation also establishes pursuant to section 207 the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the requirements for the calendar year 1956 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act and to establish quotas and prorations, including the apportionment of portions thereof which certain countries are unable to fill, in accordance with the provisions of the act as amended, and to give effect to such quotas. In addition to the deficits in prorations to full duty countries found and apportioned in Amendment 5, it was found and determined in Amendment 6 that the Virgin Islands would be unable to fill its quota in excess of 12,000 short tons, raw value. This amendment reflects the full duty deficit and the Virgin Islands deficit, which is increased by this action by 89 tons to the total of 3,148, which is prorated to other domestic areas in § 811.83 (b).

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811, Amendment 6 (21 F. R. 8180). To permit areas for which larger quotas or prorations are hereby established to plan to market or to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effect date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.80, 811.81, 811.82, 811.83 (b), 811.84 (a), and 811.85 (a) and (b) (1) of Sugar Regulation 811, as amended (20 F. R. 9848; 21 F. R. 2805, 4653, 5709, 6009, 7206, 7843, 8180), are further amended as hereinafter set forth.

1. Section 811.80 is amended to read:

§ 811.80 *Sugar requirements, 1956.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 is hereby determined to be 8,775,000 short tons, raw value.

2. Section 811.81 is amended to read:

§ 811.81 *Basic quotas for domestic areas.* There are hereby established, pursuant to subsection (a) of section 202 of the act, for domestic sugar producing areas for the calendar year 1956 the following quotas:

Area:	Quotas in terms of short tons, raw value
Domestic beet sugar	1,903,593
Mainland cane sugar	585,754
Hawaii	1,062,390
Puerto Rico	1,110,865
Virgin Islands	15,148

3. Section 811.82 is amended to read:

§ 811.82 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1956, the following quotas:

Area:	Quotas in terms of Short tons, raw value
Republic of the Philippines	980,000
Cuba	2,992,560
Other foreign countries	124,690

4. Section 811.83 (b) is amended to read as follows:

§ 811.83 *Determination and proration of area deficits.* • • •

(b) *Proration of deficit in quota for the Virgin Islands.* The deficit in quota determined by paragraph (a) of this section amounting to 3,148 short tons, raw value, is hereby prorated, pursuant to section 204 (a) of the act to all other domestic areas, as follows:

Area:	Short tons, raw value
Domestic beet sugar	1,285
Mainland cane sugar	396
Hawaii	717
Puerto Rico	750
Total	3,148

5. Section 811.84 (a) is amended to read as follows:

§ 811.84 *Proration of quotas for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Prorations and apportionment of deficits.* Pursuant to section 202 (c) of the act the 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is prorated; pursuant to section 204 (b) it is found that El Salvador is unable to utilize any proration of such quota and Nicaragua is unable to utilize any proration in excess of 4,530 short tons, raw value, and resulting deficits are apportioned; and pursuant to section 411, adjustments are made and the following adjusted prorations are established;

Country:	Prorations as adjusted short tons, raw value
Dominican Republic	36,139
El Salvador	----
Haiti	3,498
Mexico	14,984
Nicaragua	4,530
Peru	59,305
Unspecified countries	6,234
Total	124,690

6. Section 811.85 (a) and (b) (1) is amended to read as follows:

§ 811.85 *Direct-consumption portion of quotas or prorations*—(a) *Domestic areas.* Pursuant to subsections (a), (b) and (c) of section 207 of the act the quotas established in § 811.81 for offshore domestic areas may be filled by direct-consumption sugar not exceeding the following quantity for each such area:

Area:	Short tons, raw value
Hawaii	29,908
Puerto Rico	129,635
Virgin Islands	0

Of the quantity for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.82 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	Direct-consumption sugar short tons, raw value
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	42,395

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. On October 23, 1956, an increase of 50,000 short tons, raw value, in sugar requirements was announced. This brought the total to 8,725,000 tons. Although this total provided a limited quantity for inventory adjustments associated with the changing pattern of distribution and an unsettled shipping situation, the quantities needed for such purposes appear to have been underestimated. After the close of the Exchange on October 24, the "spot" price of raw sugar, duty paid, New York, advanced from 6.25 cents per pound to 6.40 cents per pound and a sale was reported at 6.50 after the close of the market. It also appears that very little raw sugar available to East Coast refiners remains unsold, leaving a significant unfilled demand for sugar needed by certain refineries for November and December. For these reasons a further increase is needed at this time.

Accordingly, requirements for the year are further increased herein by 50,000 tons to a total of 8,775,000 tons.

Quotas. The 50,000 short tons, raw value, by which sugar requirements are increased by this amendment results in increases in the quotas for domestic areas of 27,500 tons and those of Cuba and other foreign countries of 22,500 tons. The increase for domestic areas is distributed to all domestic areas on the basis of their basic quotas as adjusted by prior increases. These changes are made in § 811.81. The increases amounting to 96 percent of 22,500 tons, or 21,600 tons, for Cuba and the balance of 900 tons for "Other foreign countries" are established in § 811.82 in accordance with section 202 (c) (1) of the act.

The Virgin Islands has only a small inventory of sugar which is unlikely to be shipped. Accordingly, the 3,148 tons by which its quota is increased in § 811.81 is determined to represent a deficit and is prorated to other domestic areas in § 811.83 (b), pursuant to section 204 (a) of the act. If shipping proves to be available, the sugar remaining in the Virgin Islands may be brought in pursuant to section 204 (c) of the act despite this action.

The increase in quota for "Other foreign countries" is prorated, 5 percent to "Unspecified countries" and the balance to the Dominican Republic, Haiti and Mexico, as provided for by sections 202 (c) (1) and 204 (b) of the act, the other specified countries being limited to their present total pursuant to section 411 of the act.

In § 811.85 (a) and (b) (1) the portions of the quotas that may be filled by direct-consumption sugar for Hawaii, Puerto Rico and "Other foreign countries" are increased by 175,762 and 306 short tons, raw value, respectively, as provided for in paragraphs (a), (b) and (h) (1) of section 207 of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Done at Washington, D. C., this 25th day of October, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8800; Filed, Oct. 30, 1956; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 91, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.391 (Valencia Orange Regulation 91, 21 F. R. 8080) are hereby amended to read as follows:

(ii) District 2: 785,400 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 26, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8795; Filed, Oct. 30, 1956; 8:47 a. m.]

PART 971—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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971.0 Findings and determinations.

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AUTHORITY: §§ 971.0 to 971.97 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 971.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than November 1, 1956. Any delay beyond that date in the effective date of this order amending the order, as amended, will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Dayton-Springfield, Ohio, marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on September 24, 1956, and the final decision having been issued by the Assistant Secretary of Agriculture on October 26, 1956. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective November 1, 1956, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who

are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by this order amending the order, as amended, which is marketed within the Dayton-Springfield, Ohio, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period September 1956, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 971.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 971.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 971.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 971.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 971.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 971.6 *Dayton-Springfield, Ohio, marketing area.* "Dayton-Springfield, Ohio, marketing area" hereinafter called the "marketing area," means the cities of Dayton, Oakwood, and Springfield; the townships of Bath and Miami, in Greene County; the townships of Miami, Jefferson, Madison, Van Buren, Harrison, Butler, Mad River, and Washington, in Montgomery County; and German township in Clark County; all in the State of Ohio.

§ 971.7 *Fluid milk product.* "Fluid milk product" means milk, including reconstituted milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk).

§ 971.8 *Route.* "Route" means the operation of a plant store or a vehicle (including that operated by a vendor) through the means of which fluid milk products are disposed of to retail or wholesale stops in the marketing area other than to a plant which processes milk.

§ 971.9 *Fluid milk plant.* "Fluid milk plant" means: (a) A plant approved by the appropriate health authority for the processing or packaging of Grade A milk and from which a fluid milk product is disposed of during the month on a route(s) in the marketing area or (b) a plant from which milk is shipped during the month to a plant described in paragraph (a) of this section and which milk is produced under a dairy farm inspection permit or equivalent certification issued by the appropriate health authority in the marketing area for distribution as Grade A milk.

§ 971.10 *Pool plant.* "Pool plant" means a fluid milk plant other than: (a) A fluid milk plant which would be subject to the clasification and pricing provisions of another order issued pursuant to the act and a lesser volume of fluid milk products is disposed of from such plant as Class I milk in the Dayton-Springfield marketing area than in the marketing area regulated pursuant to such other order; and (b) a fluid milk plant operated by a producer-handler.

§ 971.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 971.12 *Producer.* "Producer" means any person, except producer-handler, who produces, under a dairy farm inspection permit or equivalent certification issued by the appropriate health authority in the marketing area, milk which is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association during the months of April through July and on not more than one-third of the days of delivery during any other month: *Provided,* That milk diverted pursuant to this section shall be deemed to have been received at a pool plant.

§ 971.13 *Handler.* "Handler" means any person in his capacity as the operator of one or more fluid milk plants or pool plants and any cooperative association with respect to producer milk diverted to a nonpool plant pursuant to § 971.12.

§ 971.14 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a fluid milk plant pursuant to § 971.9 (a) but who receives no milk from other dairy farmers.

§ 971.15 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to another pool plant, or from a pool plant to a nonpool plant in accordance with the conditions set forth in § 971.12. With respect to milk caused by the operator of a pool plant to be delivered directly from the producer's farm to the pool plant of another handler, the handler to be considered as receiving such milk shall be determined by written agreement between the two handlers filed with the market administrator on or before the 5th day after the end of the first month during which it becomes effective, or in the absence of such an agreement, shall be determined by the market administrator. Milk delivered in a farm tank pick-up truck to more than one milk plant shall be deemed to have been received at the first pool plant where any of the milk is withdrawn from the tank truck.

§ 971.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from a pool plant, (2) inventory at the beginning of the month, or (3) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 971.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 971.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

§ 971.21 *Powers.* The market administrator shall have the power:

(a) To administer this part in accordance with its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations of the provisions of this part;

(c) To make rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 971.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 971.77, (1) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 971.78, which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclosed to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within two days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 971.30, or (2) payments pursuant to §§ 971.70, 971.71, 971.74 and 971.76;

(f) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any person upon whose utilization the classification of milk depends.

(h) On or before the 6th day of each month notify all handlers and publicly announce the minimum price for Class I milk pursuant to § 971.51 and the Class I butterfat differential pursuant to § 971.53 (a) both for the current month and the minimum price for Class II milk pursuant to § 971.52 and the Class II butterfat differential pursuant to § 971.53 (b) both for the preceding month.

(i) On or before the 12th day after the end of each month notify all handlers and publicly announce the uniform price computed pursuant to § 971.62 and the butterfat differentials computed to § 971.72 for such month.

(j) On or before the 12th day after the end of each month report to each cooperative association for such month with respect to each pool plant, the utilization on a pro rata basis of producer milk, payment for which is to be made to such cooperative association pursuant to § 971.70.

REPORTS, RECORDS AND FACILITIES

§ 971.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator for his pool plant(s):

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by inventories of fluid milk products on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may request.

§ 971.31 *Other reports.* (a) Each producer-handler and each handler who operates a fluid milk plant not a pool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 22nd day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for such month, which shall show (1) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and cooperative association, and (3) the nature and amount of the deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 971.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 971.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 971.40 *Basis of classification.* The skim milk and butterfat which are required to be reported pursuant to § 971.30 shall be classified each month by the market administrator in the classes set forth in § 971.41, subject to the provisions of §§ 971.42 through 971.46.

§ 971.41 *Classes of utilization.* Subject to the conditions set forth in § 971.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except that disposed of and used for livestock feed and skim milk dumped) and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of and used for livestock feed; and skim milk dumped; (3) contained in inventory of fluid milk products on hand at the end of the month; and (4) plant shrinkage as computed pursuant to § 971.45.

§ 971.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 971.43 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant, including transfers or diversions made by a cooperative association shall be classified:

(a) As Class I milk if transferred or diverted in the form of fluid milk products to the pool plant of another handler except as:

(1) Utilization in Class II milk is claimed by the operators of both plants in their reports submitted pursuant to § 971.30;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after first assigning to such class other source milk and beginning inventory of fluid milk products; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the maximum Class I utilization to the producer of skim milk and butterfat, respectively; milk at both plants, if either or both handlers have other source milk during the month;

(b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located 100 miles or more from the City Hall of Dayton or Springfield, Ohio, whichever is nearest;

(d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located less than 100 miles from the City Hall of Dayton or Springfield, Ohio, whichever is nearer, or in the form of cream in bulk to a nonpool plant, unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 971.30 and submits a statement which is signed by the handler and the buyer that such skim milk and butterfat was used in a product in Class II milk;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation;

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the act: *Provided,* That the amount subtracted pursuant to this subdivision shall be limited to such market's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the act;

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

(e) Other source milk caused by a cooperative association to be delivered from the plant of a person not a handler to the pool plant of a handler other than such cooperative association shall be considered as a transfer from the cooperative association to the handler if the cooperative association and the handler operating the pool plant to which such other source milk was caused by the cooperative association to be delivered both so indicate in their reports filed pursuant to § 971.30.

§ 971.44 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 971.45 *Shrinkage.* Subject to paragraph (a) of this section, the quantities of skim milk and butterfat, respectively, at each pool plant to be classified as Class II milk pursuant to § 971.41 (b) (4) shall be computed as follows:

(a) If the sum of the quantities of skim milk and butterfat, respectively, classified as Class I and Class II milk pursuant to § 971.41 (a) and (b) (1), (2), and (3) equals or exceeds the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 971.30, no skim milk or butterfat, respectively, shall be classified as Class II milk pursuant to § 971.41 (b) (4);

(b) Determine gross shrinkage of skim milk and butterfat, respectively, by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 971.41 (a) and (b) (1), (2), and (3) from the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 971.30;

(c) Prorate the quantities of gross shrinkage of skim milk and butterfat, respectively, which are not in excess of 2.5 percent of the sum of the quantities of skim milk and butterfat, respectively, used in the following computation, between:

(1) The skim milk and butterfat, respectively, contained in producer milk at such pool plant less the skim milk and butterfat, respectively, in fluid milk products transferred in bulk form to other pool plants;

(2) The skim milk and butterfat, respectively, in fluid milk products transferred in bulk to other pool plants, multiplied by .6;

(3) The skim milk and butterfat, respectively, in fluid milk products received in bulk from other pool plants, multiplied by .4; and

(4) The skim milk and butterfat, respectively, in other source milk received in the form of fluid milk products.

(d) The sum of the quantities of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section shall be classified as Class II milk.

§ 971.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 971.44 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 971.45 (c) (1) (2) and (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 971.43 (a);

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage."

(b) Butterfat shall be allocated in series in the same manner prescribed for skim milk in paragraph (a) of this section, except the subtraction to be made pursuant to subparagraph (2) shall be made starting with Class II butterfat used to produce butter.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 971.50 *Basic formula price.* The basic formula price shall be the highest of the prices per hundredweight as determined by the market administrator pursuant to paragraph (a), (b), or (c) of this section, rounded to the nearest tenth of a cent:

(a) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture:

Company and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed as follows:

(1) Multiply the Chicago butter price by 6;

(2) Add 2.4 times the arithmetical average of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange for the trading days that fall within such month as published by the Department;

(3) Divide by 7 and to the resulting amount add 30 percent; and

(4) Multiply the amount computed in subparagraph (3) of this paragraph by 3.5.

(c) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2; and

(2) From the simple average, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month, deduct 5.5 cents and multiply the result by 8.2.

§ 971.51 *Class I milk prices.* Subject to the provisions of § 971.53, the price to be paid by each handler f. o. b. his pool plant for producer milk which is classified as Class I milk during the month shall be computed by the market administrator as follows:

(a) Add $1.20 to the basic formula price for the month, except after January 1, 1958, the month immediately preceding shall be used, and add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less Class I transfers of fluid milk products between pool plants and less bulk sales of Class I milk in excess of 1,000 pounds during each month by each handler to nonpool plants) in the second and third months preceding by total receipts of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the current supply-demand percentage.

(2) Compute a net deviation percentage by subtracting from the current supply-demand percentage computed pursuant to subparagraph (1) of this paragraph, the base period ratio shown below:

Month for which price is being computed	Months used to compute ratio	Base period ratio (percent)
January	October and November	81
February	November and December	81
March	December and January	79
April	January and February	77
May	February and March	76
June	March and April	74
July	April and May	69
August	May and June	64
September	June and July	69
October	July and August	74
November	August and September	80
December	September and October	81

Provided, That for November and December 1956, the base period ratios shall be 76 and 78, respectively.

(3) Determine the amount of the supply-demand adjustment from the following schedule:

If net deviation percentage is—	Supply-demand adjustment is—
+12 or over	+38
+9 or +10	+28
+6 or +7	+20
+3 or +4	+10
+1 or −1	0
−3 or −4	−10
−6 or −7	−20
−9 or −10	−28
−12 or under	−38

When the difference from the base period Class I utilization percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 971.52 *Class II milk prices.* Subject to the provisions of § 971.53, the price to be paid by each handler f. o. b. his plant for producer milk which is classified as Class II milk during the month shall be computed by the market administrator as follows:

(a) Multiply the Chicago butter price by 4.2 for each of the months of March through August and by 4.27 for each of the other months of the year.

(b) Add the value of skim milk computed as follows: (1) Subtract 5.5 cents, from the arithmetic average of the carlot prices per pound of roller process nonfat dry milk solids for human consumption, at Chicago, as reported by the Department for the weeks ending within such month, (2) multiply the result by 8.2, and (3) subtract therefrom 20 cents for each of the months of March through August.

§ 971.53 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to §§ 971.51 and 971.52 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the month by 0.127, except that after January 1, 1958, the butter price for the immediately preceding month shall be used.

(b) *Class II price.* (1) Divide the value computed for butterfat pursuant to § 971.52 (a) by 3.5, (2) subtract the value computed for skim milk pursuant to § 971.52 (b), divided by 96.5, and (3) divide the remainder by 10.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 971.60 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 971.46 (a) (5) and the corresponding step of (b) by the applicable class prices;

(c) Subtract, for each hundredweight of butterfat in producer milk remaining in Class II milk and assigned to butterfat used to produce butter in a pool plant pursuant to § 971.46 (b) or is transferred or diverted from a pool plant to a nonpool plant in the form of fluid milk or cream and which butterfat is not in excess of the butterfat used to produce butter in such nonpool plant, less the receipts of butterfat at such plant from sources other than pool plants pursuant to this part and farmers who hold permits to supply Grade A milk, and who the market administrator determines constitute the regular source of supply for fluid milk products for such nonpool plant, the difference between the value computed for butterfat pursuant to § 971.52 (a) divided by .035 and the Chicago butter price multiplied by 120 less $5.00 for each of the months of March through August and less $3.60 for each of the other months of the year;

(d) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 971.46 (a) (3) and the corresponding step of § 971.46 (b), whichever is less; and

(e) Add or subtract, as the case may be, any amount necessary to correct any errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month which result in payments due the producer-settlement fund or the handler.

§ 971.61 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of the value of his milk for such month as computed in accordance with § 971.60 and of the amount by which such value is greater or less than the total amount required to be paid by such handler pursuant to § 971.70.

§ 971.62 *Computation of uniform prices.* For each month the market administrator shall compute the uniform price per hundredweight for producer milk, of 3.5 percent butterfat content, at pool plants as follows:

(a) Combine into one total the values computed pursuant to § 971.60 for all handlers, except those of handlers who failed to make payments required pursuant to §§ 971.70 through 971.74 for the preceding month;

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk for such month by 20 cents in April, 35 cents in May and June, and 30 cents in July;

(c) Add for the month of September 20 percent of the obligated balance in the producer-settlement fund pursuant to § 971.73 (b) on August 31, immediately preceding, add for each of the months of October and November 30 percent of the fund and add for the month of December the remaining 20 percent of the fund, except in 1956, add for each of the months of October, November and December an amount computed by dividing the total amount of the obligated balance in the producer-settlement fund pursuant to § 971.73 (b) on September 30, 1956 by three;

(d) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(e) Substract, if the weighted average butterfat test of all producer milk is greater than 3.5 percent, or add if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the difference between such weighted average butterfat test and 3.5 by the butterfat differential computed pursuant to § 971.72;

(f) Divide by the hundredweight of pooled milk; and

(g) Subtract not less than 4 cents nor more than 5 cents.

PAYMENTS

§ 971.70 *Time and method of final payment.* Each handler shall pay on or before the 17th day after the end of each month to each producer for all milk received from such producer during such month at not less than the uniform price computed pursuant to § 971.62, subject to the butterfat differential computed pursuant to § 971.72 and less the amount of the payment made pursuant to § 971.71: *Provided,* That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment shall be paid to such association on or before the 16th day after the end of such month.

§ 971.71 *Partial payments.* On or before the 27th day of each month each handler shall make payment to each producer, except as set forth in paragraph (b) of this section, for all milk received from such producer during the first 15 days of such month. Prices at which such payment shall be made shall be computed quarterly to be applicable to payments to be made in January through March, April through June, July through September, and October through December on the basis of the uniform price for the month immediately preceding the beginning of the quarter as follows:

If the uniform price for the preceding month is—	Partial payment per hundredweight shall be—
Under $1.00	$0.00
$1.00–$1.99	.50
$2.00–$2.99	1.00
$3.00–$3.99	2.00
$4.00–$4.99	3.00
$5.00–$5.99	4.00
$6.00–$6.99	5.00
$7.00 or over	6.00

Provided, That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment shall be paid to such association on or before the 26th day of such month.

§ 971.72 *Butterfat differential.* For each month the market administrator shall compute to the nearest one-tenth cent a butterfat differential by multiplying the Chicago butter price by 0.12.

§ 971.73 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" which shall function as follows:

(a) All payments made by handlers pursuant to § 971.74 shall be deposited in this fund, and all payments made to handlers pursuant to § 971.75 shall be made out of this fund: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler;

(b) All amounts subtracted pursuant to § 971.62 (b) shall be deposited in this fund and shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 971.62 (c); and

(c) The difference between the amount added pursuant to § 971.62 (d) and the total amounts resulting from the subtraction pursuant to § 971.62 (g) shall be deposited in, or withdrawn from, this fund, as the case may be to effectuate § 971.62 (d) and (g).

§ 971.74 *Payments to the producer-settlement fund.* On or before the 14th day after the end of each month, each handler shall pay to the market administrator the amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to § 971.70.

§ 971.75 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to § 971.70 is greater than the total value of the milk of such handler for such month: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 16th day after the end of any month, has not received full payment for such month from the market administrator pursuant to this section shall be deemed to be in violation of § 971.70 if he reduces his payments per hundredweight thereunder by not more than the amount of the reduction in payment from the market administrator.

§ 971.76 *Adjustment of errors.* Whenever verification by the market administrator of the payment by a handler to a producer or to an association of producers, pursuant to § 971.70 or § 971.71, discloses payment of less than is required, the handler shall make up such payment not later than the time for making payment pursuant to § 971.70 or § 971.71 next following such disclosure.

§ 971.77 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 971.22 (c), each handler shall pay to the market administrator, on or before the 14th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(a) Producer milk (including such handler's own production); and

(b) Other source milk allocated to Class I milk pursuant to § 971.46 (a) (2).

§ 971.78 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 971.70, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may have been authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

MISCELLANEOUS PROVISIONS

§ 971.90 *Application of provisions.* Sections 971.50 through 971.94 shall not apply to a producer-handler.

§ 971.91 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 971.92.

§ 971.92 *Suspension or termination.* The Secretary may suspend or terminate

this part of any provision of this part, whenever he finds that this part or any provisions of this part, obstructs, or does not tend to effectuate, the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 971.93 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments nceessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

§ 971.94 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 971.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 971.96 *Separability of provisions.* If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of the part, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 971.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wiliful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c (15) (a) of the act, a petition claiming such money.

Issued at Washington, D. C., this 29th day of October 1956, to be effective November 1, 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-8855; Filed, Oct. 30, 1956; 8:58 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION OF ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 975), regulating the handling of milk in the Cleveland, Ohio, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 975.61 (a) of the order will not tend to effectuate the declared policy of the act for the delivery periods of November and December 1956:

(1) The phrase "and add or subtract a 'supply-demand adjustment' computed as follows:" appearing immediately following the table of delivery periods and amounts appearing therein; and

(2) Subparagraph (1), (i), (ii) and (iii) thereof.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable unnecessary, and contrary to the public interest in that:

(1) The information on which this action is based is the record of a public hearing held at Cleveland, Ohio, October 10–12, 1956, at which evidence was received on proposed amendment of the provisions herein suspended;

(2) Time does not permit the detailed analysis of this record and public procedures incident to an appropriate amendment of the order to be effective for the delivery periods of November and December 1956;

(3) Request for temporary suspension of these provisions was made at the hearing by both producers and handlers of a substantial majority of the milk produced for this market, with no opposition to such request;

(4) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in the marketing area;

(5) The effect of this action will be to prevent a probable contra-seasonal price adjustment by assuring continuance through December 1956 of the zero supply-demand adjustment prevailing for August and September 1956 and maintained for October 1956, by a prior suspension action issued September 26, 1956, while the detailed analysis and public procedures required for appropriate amendment of the order based on the record of the October 10–12, 1956, hearing can be accomplished.

(6) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore good cause exists for making this order effective November 1, 1956.

It is therefore ordered, That the following provisions of § 975.61 (a) of the order be and hereby are suspended for the delivery periods of November and December 1956:

(1) The phrase "and add or subtract a 'supply-demand adjustment' computed as follows:" appearing immediately following the table of delivery periods and amounts appearing therein; and

(2) Subparagraph (1) (i), (ii) and (iii) thereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 26th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8850; Filed, Oct. 30, 1956; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6209]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

TEMPORARY RULES RELATING TO ELECTION TO TREAT TRADEMARK OR TRADE NAME EXPENDITURES AS DEFERRED EXPENSES TO BE DEDUCTED RATABLY OVER A PERIOD OF NOT LESS THAN 60 MONTHS

In order to prescribe temporary rules with respect to the election under section 177 of the Internal Revenue Code of 1954, as added by section 4 of Public Law 629 (84th Cong.), approved June 29, 1956, to treat trademark or trade name expenditures as deferred expenses to be deducted ratably over a period of not less than 60 months, Treasury Decision 6118 (19 F. R. 9896), approved December 30, 1954, as amended, is hereby further amended by adding at the end thereof the following new paragraph:

PAR. 26. *Trademark and trade name expenditures; election to treat such expenditures as deferred expenses; manner of making election.* Section 177 provides that a taxpayer may elect to treat any trademark or trade name expenditure, as defined in section 177 (b), paid or incurred during a taxable year beginning after December 31, 1955, as a deferred expense. Any expenditure so treated shall be allowed as a deduction ratably over a period (selected by the taxpayer) of not less than 60 months (beginning with the first month of the taxable year in which the expenditure is paid or incurred). A taxpayer who elects to so treat any trademark or trade name expenditure paid or incurred during a taxable year shall, within the time prescribed by law for filing his return (including extensions thereof) for that year, signify his election by attaching to the return a statement identifying the character and amount of the expenditures to which the election applies. The statement shall also specify the number of months (not less than 60) during which the expenditures are to be ratably deducted. An election, insofar as it applies to a particular expenditure, is irrevocable, but separate elections may be made with respect to other trademark or trade name expenditures.

Because this Treasury decision only prescribes the manner of making an election under section 177 of the 1954 Code, it is found unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 26, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8813; Filed, Oct. 30, 1956; 8:50 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

USE OF WAGE DETERMINATION; CORRECTION

On October 17, 1956, miscellaneous amendments to the Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (29 CFR Part 5) were published in the FEDERAL REGISTER (21 F. R. 7936). In amending § 5.4 (a) to include a parenthetical reference to the Federal Aid-Highway Act of 1956, the entire paragraph was republished in order to avoid the possibility of misunderstanding. However, the phrase "or the beginning of such construction", which was not intended to be affected by this amendment, was inadvertently omitted from the paragraph as republished.

As corrected, paragraph (a) of § 5.4, *Use of Wage Determinations*, of Title 29, Code of Federal Regulations, Part 5, should read as follows:

(a) If the proposed contract for which determination was sought has not been awarded or if under a contract subject to the National Housing Act construction has not begun within 90 calendar days from the date of the original wage determination, such determination shall be deemed obsolete and the Agency Head (in the case of the Federal-Aid Highway Act of 1956, the State Highway Department of each State) shall request a new wage determination before the award of such contract or the beginning of such construction, as the case may be.

Signed at Washington, D. C., this 26th day of October 1956.

STUART ROTHMAN,
Solicitor.

[F. R. Doc. 56-8816; Filed, Oct. 30, 1956; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 1, Amdt. 7]

REG. 6—MANGANESE REGULATION: DOMESTIC MANGANESE PURCHASE PROGRAM

PARTICIPATION IN AND DELIVERIES UNDER THE PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended, this regulation, as revised and amended, is further amended as follows:

1. Section 1 is amended to read as follows:

SECTION 1. *Basis and purpose.* The purpose of this regulation is to establish a program to encourage expansion of domestic production of manganese by providing a uniform price scale for domestic producers of metallurgical grade manganese ores and concentrates. This regulation interprets and implements the authority of the Administrator of General Services to purchase metallurgical grade manganese ores and concentrates, all of domestic origin, pursuant to Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended. In accordance with the program set forth herein, the General Services Administration will buy metallurgical grade manganese ores mined in the continental United States and concentrates produced in the continental United States from ores mined in the continental United States.

2. Paragraph (e) of section 2 is amended to read as follows:

(e) "Producer of ores" means any person who mines manganese ores.

3. The following paragraph (k) is added at the end of section 2:

(k) "Person" means a natural person, a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any group of persons as here defined whether organized or not and whether incorporated or not.

4. Section 4 is amended to read as follows:

SEC. 4. *Participation in the program.* (a) Any producer of ores or any operator of a manganese milling plant desiring to participate in the program shall apply in writing on or before June 30, 1958 to the nearest General Services Administration regional office for a certificate of participation. If the applicant is a producer of ores, such application shall identify all manganese mining properties in the continental United States in which the applicant has any interest or over which he has any control,

and shall provide full information concerning the nature and extent of such interest or control. The application shall be signed and a return address given. The regional office may request such additional information as may be necessary. A certificate of participation will be issued to each eligible applicant authorizing such applicant to make shipments of manganese ores and concentrates pursuant to the program.

(b) Producers of ores whose ores require milling but who do not operate milling plants may, if they hold certificates of participation, participate in the program to the extent of the ore produced by them as follows:

(1) by having such ore treated on a toll basis and selling the resulting manganese concentrates meeting specifications to the General Services Administration under the program; or

(2) by selling such ore to operators of milling plants who hold certificates of participation, in which event the resulting manganese concentrates meeting specifications may be sold by such operators to the General Services Administration under the program.

(c) (1) The General Services Administration will not accept from any producer of ores under the program more than 10,000 long dry tons of manganese ores or concentrates, or both, in any calendar year. Any producer of ores whose production of manganese ores or concentrates, or both, meeting the requirements of the program, exceeded 10,000 long dry tons in any of the calendar years 1952 through 1955 may not deliver manganese ores or concentrates under the program except from property acquired by such producer of ores subsequent to October 1, 1956. Manganese concentrates produced from ores sold to the operator of a manganese milling plant in accordance with this regulation shall not be considered as the production of the operator of the milling plant, but shall be considered as the production of the producer of such ores. Ores or concentrates may be purchased by one participant from another participant for blending and when so purchased any such ores shall be considered as the production of the participant who mined the ores and any such concentrates shall be considered as the production of the participant who mined the ores from which the concentrates were derived. No person shall offer hereunder manganese ores purchased from, or manganese concentrates produced from ores purchased from, a non-participant; *Provided, however*, That an operator of a manganese milling plant, with the prior approval of and upon terms prescribed by the General Services Administration, may offer manganese concentrates produced from tailings purchased from non-participants.

(2) If any manganese mining property owned or otherwise controlled by a producer of ores who is a participant in the program is sold or leased by such participant, the quantity of manganese ores and concentrates produced from such property which the purchaser or lessee may deliver under the program during the calendar year in which the sale or lease is made shall be limited to the quantity by which the seller or lessor agrees to reduce his delivery quota of 10,000 long dry tons for said calendar year, such agreement to be furnished in writing to the General Services Administration regional office which issued the seller's or lessor's certificate of participation; provided that the purchaser's or lessee's delivery quota shall in no event be increased beyond 10,000 long dry tons for said calendar year. The complete terms of any such purchase or lease shall be furnished in writing by any such purchaser or lessee to the General Services Administration regional office to which such purchaser or lessee applies for a certificate of participation or which has previously issued a certificate of participation to such purchaser or lessee. For the purpose of this section a lease of any such mining property shall be considered to include any transfer of the right to mine manganese from such property other than by sale of the property. Any manganese mining properties within the continental United States will be considered as properties of a single producer of ores hereunder if, through relationship, affiliation, common control or otherwise, the persons owning or otherwise controlling such properties are not, in the judgment of the Administrator, bona fide separate and independent miners of ore. Without in any way affecting any other rights which the Government may have, the Administrator may refuse to accept offers hereunder, may refuse to issue certificates of participation, or may revoke certificates of participation previously issued, if he determines that such action is necessary to enforce the delivery limitations specified in subparagraph (1) of this paragraph.

5. The following paragraphs are added at the end of section 7:

(d) Manganese ores or concentrates will be accepted under the program only if such ores have been mined in the continental United States and if such concentrates have been produced in the continental United States from ores mined in the continental United States.

(e) Each lot offered to the General Services Administration under the program shall be accompanied by a certificate executed by the person who mined the ores offered, or who mined the ores from which the concentrates offered were derived, disclosing the source of such ores.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093)

All other provisions of this regulation, as amended, shall remain in full force and effect.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 24, 1956.

FRANKLIN G. FLOETE,
Administrator of General Services.

[F. R. Doc. 56-8806; Filed, Oct. 30, 1956; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, paragraph (a) (1) (i) of § 6.7 is amended to read as follows:

§ 6.7 *Effective date of United States Government life insurance applied for pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951.* (a) • • •

(1) • • •

(i) As of any date within the 120-day period following separation from active service but in no event later than January 1, 1957: *Provided*, That if the application is for replacement of 5-year level premium term insurance which requires a physical examination report, and the effective date specified is more than 31 days after the date of the physical examination report, the applicant will be required to furnish a statement showing that he was in as good health on the effective date of the insurance as he was on the date of the physical examination report.

• • • • •

(Sec. 5, 65 Stat. 34; 38 U. S. C. 854)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interprets or applies secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, § 8.2, the headnotes of paragraphs (c) and (d), and the texts of paragraphs (c) (2) (i) and (3), and (d) (2) (i) are amended, and paragraph (c) (2) (iii) is added as follows:

§ 8.2 *Effective date.* • • •

(c) *Effective date of insurance applied for under section 620 of the National Service Life Insurance Act.* • • •

(2) • • •

(i) As of any date within the 120-day period following separation from active service but in no event later than January 1, 1957: *Provided*, That if the effective date specified is more than 31 days after the date of the physical examination report, the applicant will be required to furnish a statement showing that he was in as good health on the effective date of the insurance as he was on the date of the physical examination report.

• • • • •

(iii) Subdivisions (i) and (ii) of this subparagraph shall not apply to applications for insurance under section 620 of the act which are made on or after January 1, 1957.

(3) Subject to the limitations in subparagraph (1) of this paragraph, the effective date of such insurance may be established upon written request of the applicant as follows:

• • • • •

(d) *Effective date of insurance applied for under section 621 of the National Service Life Insurance Act, and section 5 of the Servicemen's Indemnity Act of 1951 (Pub. Law 23, 82d Cong.).* • • •

(2) • • •

(i) As of any date within the 120-day period following separation from active service but in no event later than January 1, 1957: *Provided*, That if the application is for replacement of 5-year level premium term insurance which requires a physical examination report, and the effective date specified is more than 31 days after the date of the physical examination report, the applicant will be required to furnish a statement showing that he was in as good health on the effective date of the insurance as he was on the date of the physical examination report.

• • • • •

(Secs. 5, 10, 65 Stat. 34, 36, 37; 38 U. S. C. 821, 822, 854)

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interprets or applies sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective October 31, 1956.

[SEAL] H. V. HICLEY,
Administrator of Veterans' Affairs.

[F. R. Doc. 56-8782; Filed, Oct. 30, 1956; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1352]

[109624]

CALIFORNIA

REVOKING EXECUTIVE ORDER NO. 1292 OF JANUARY 30, 1911, WHICH RESERVED RICHARDSON ROCK FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 1292 of January 30, 1911, which reserved for lighthouse purposes, Richardson Rock, an unsurveyed island situated in the Pacific Ocean, off the coast of California, in approximate latitude 34°6' North, longitude 120°31'6'' West from Greenwich is hereby revoked.

The island is subject to Executive Order No. 5326 of April 14, 1930, which withdrew all unreserved islands, rocks and pinnacles situated in the Pacific Ocean, off the coast of California, for classification and in aid of legislation.

FRED G. AANDAHL,
Acting Secretary of the Interior.

OCTOBER 25, 1956.

[F. R. Doc. 56-8787; Filed, Oct. 30, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Part 5]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U. S. C. 205), of a public hearing to be held,

On November 28, 1956, at 10 a. m., at Room 3313, Internal Revenue Building, Washington, D. C.

On December 5, 1956, at 10 a. m. at St. Francis Hotel, San Francisco, California,

at which times and places all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to the proposals, the substance of which is stated below, to amend Regulations No. 5 (27 CFR Part 5), relating to labeling and advertising of distilled spirits.

Written data, views or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., provided that they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. Material relating to each proposal shall be submitted separately and shall bear the number of the proposal to which it relates. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

Substance of proposals:

1. To amend article I (27 CFR 5.1) to add a definition of domestic distilled spirits which would include imported cordials or liqueurs rectified in the United States by the addition of sugar or sugar and water solution.

2. To amend section 21, class 2 (27 CFR 5.21 (b)) and other pertinent sections of the regulations to increase the maximum proof at which whisky may be withdrawn from the cistern room at the distillery to a specified proof not higher than 160°, e. g., 120° proof; or, in the alternative, if the hearing does not develop sufficient data to provide for the normal barreling of whisky at a higher proof, to amend section 21, class 2 (27 CFR 5.21 (b)) and other pertinent sections of the regulations so as to provide that not more than 1,000 barrels of whisky barreled by a single distiller for experimental purposes at not more than 160° proof may be labeled, when bottled, under the designations which would have been applicable if the product had been withdrawn at not exceeding 110° proof.

3. To amend section 21, class 2 (h) (27 CFR 5.21 (b) (8)) and other pertinent sections of the regulations to eliminate the class and type designations "blended rye whisky" (rye whisky—a blend), "blended bourbon whisky" (bourbon whisky—a blend), "blended corn whisky" (corn whisky—a blend), "blended wheat whisky" (wheat whisky—a blend), "blended malt whisky" (malt whisky—a blend), and "blended rye malt whisky" (rye malt whiskey—a blend), so that these products would be designated "blended whisky" (whisky—a blend); or to amend section 21, class 2 (h) (27 CFR 5.21 (b) (8)) and other pertinent sections of the regulations to eliminate the alternative designations "rye whisky—a blend", "bourbon whisky—a blend", "corn whisky—a blend", "wheat whisky—a blend", "malt whisky—a blend", and "rye malt whisky—a blend"; or to amend section 32 (a) (27 CFR 5.32 (a)) and other pertinent sections of the regulations to require the brand labels for these products to bear, in addition to the class and type designation, a statement disclosing the presence of neutral spirits, if contained therein, e. g., "a blend of straight rye whisky and grain neutral spirits."

4. To amend section 21, class 2 (n) (27 CFR 5.21 (b) (14)) and other pertinent sections of the regulations to eliminate the class and type designation "blended Scotch type whisky" (Scotch type whisky—a blend).

5. To amend the first sentence of section 21, class 4 (a) (27 CFR 5.21 (d) (1)) by deleting the word "whole"; or, in the alternative, to amend section 21, class 4 (a) (27 CFR 5.21 (d) (1)) to permit fruit brandy to be distilled from the same materials that may be used to produce standard fruit wine.

6. To amend section 21, class 6 (a) (27 CFR 5.21 (f) (1)) to set a minimum alcoholic content for cordials and liqueurs, e. g. 42 proof.

7. To amend section 21, class 6 (a) (27 CFR 5.21 (f) (1)) to delete the words "to which sugar or dextrose or both have been added in an amount not less than 2½ percent by weight of the finished product.", and insert in lieu thereof the words "containing sugar or dextrose or both in an amount not less than 2½ percent by weight of the finished product."

8. To amend section 21, class 7 (c) (27 CFR 5.21 (g) (3)) to permit the use of crushed cherry pits without requiring the word "imitation" to appear as a part of the designation.

9. To amend section 30 (b) (2) (27 CFR 5.30 (b) (2)) to provide that no application for permission to relabel bottled distilled spirits need be made in any case where there is added to the bottle, after removal from Customs custody or from the bottling premises, a strip, shoulder, or other label bearing the name or name and address of the wholesaler or retailer, preceded by such phrases as "bottled for," "selected for," "made for," or "imported for," and containing no references whatever to the characteristics of the product.

10. To amend the proviso at the end of section 30 (b) (1) (27 CFR 5.30 (b) (1)) to read: "*Provided*, That the assistant regional commissioners, Alcohol and Tobacco Tax, or the storekeeper-gauger, if any, assigned to the premises may, upon written application, permit additional labeling or relabeling of bottled distilled spirits with approved labels for purposes of compliance with the requirements of this section or of State law or for commercial reasons."

11. To amend section 32 (a) (27 CFR 5.32 (a)) and other pertinent sections of the regulations to require the country of origin to appear on the brand label of all imported distilled spirits, whether imported in bottles or bottled after importation; or, in the alternative, to amend section 32 (27 CFR 5.32) and other pertinent sections of the regulations to require this information to appear on the brand or back label.

12. To amend section 32 (a) (27 CFR 5.32 (a)) and other pertinent sections of the regulations to provide, in the case of blends of straight whiskies designated to show the predominant type, such as "bourbon a blend of straight whiskies", for statement of the percentage of the predominant type of straight whisky contained in the product and the percentage of other straight whiskies on the brand label, instead of on the back label as is now required.

13. To amend section 32 (a) (27 CFR 5.32 (a)) and section 35 (b) (2) (27 CFR 5.35 (b) (2)) to authorize the use of a legend such as "Imported by and bottled in the United States for (followed by the name and address of the importer)" on distilled spirits bottled in the United States for the importer, in lieu of showing the name and address of the domestic bottler, and to require this information to appear on the brand label.

14. To amend section 32 (a) (27 CFR 5.32 (a)) to provide that the information required by section 35 (b) (2) and (3) (27 CFR 5.35 (b) (2) and (3)) relative to domestic bottling of imported distilled spirits must appear on the brand label, instead of on the brand or back label as now required.

15. To amend section 35 (27 CFR 5.35) so as not to require the State of distillation to appear on the Government label if this information appears in direct conjunction with the class (and type, if any) on the brand label.

16. To amend section 35 (a) (1) (27 CFR 5.35 (a) (1)) to provide that where distilled spirits are bottled by or for the distiller thereof there may be stated in lieu of the phrase "bottled by," followed by the bottler's name (or trade name) and the address, the phrase "distilled by," followed by the name (or trade name) under which the particular spirits were distilled; or (except in the case of distilled spirits bottled in bond under the provisions of section 5243, Internal Revenue Code—1954) any other name shown on the distiller's permit (covering the premises where the particular spirits were distilled), (a) at the time the spirits were distilled, or (b) at the time the spirits are bottled, or (c) at some specified time in the past, e. g., two years, irrespective of the name under which they were actually distilled, and the address (or addresses) of such distiller.

17. To amend section 36 (27 CFR 5.36) to eliminate the use of fractional proof statements; or, in the alternative, to amend this section to require fractional proof statements to be written out, e. g., "Eighty and six-tenths proof."

18. To amend section 37 (a) (27 CFR 5.37 (a)) to permit the net contents to be stated in fluid ounces in the case of containers of less than a pint; in pints and fluid ounces in the case of containers of more than a pint, but less than a quart; and in quarts, pints and fluid ounces in the case of containers of more than a quart, but less than a gallon.

19. To amend section 37 (c) (27 CFR 5.37 (c)) to permit the net contents to be blown, etched, sand-blasted, marked by underglazed coloring, or otherwise permanently marked by any method approved by the Director, in the sides, front, or back of bottles.

20. To amend section 39 (a) (3) (27 CFR 5.39 (a) (3)) to permit the use on the labels of blended whiskey of an age and percentage statement for the straight whiskey in the product, in substantially the following form: "____% straight whisky (straight whiskies), ____ years (or more) old", in lieu of the statements "The straight whisky in this product is ____ years old; ____% straight whisky" or "The straight whiskies in this product are _____ years or more old; ____% straight whisky" which are now required.

21. To amend section 39 (a) (4) (27 CFR 5.39 (a) (4)) to authorize the use, on the labels of "blends of straight whiskies", of an age statement substantially the same as, though not identical with, the statement now required.

22. To amend section 39 (e) (5) (27 CFR 5.39 (e) (5)) so as not to require the word "brand" to appear as a part of a brand name containing the word "old", or other word denoting age, on labels of whiskies and brandies that are not required to bear an age statement, and on the labels of rum which has been aged for not less than 4 years.

23. To amend section 39 (e) (5) (27 CFR 5.39 (e) (5)) to permit general inconspicuous age, maturity, or other similar representations on labels of rum, if the rum has been aged for not less than 4 years, even though the label does not bear an age statement.

24. To amend section 39 (e) (5) (27 CFR 5.39 (e) (5)) to permit truthful references of a general and informative nature relating to methods of production involving storage as to certain products, such as neutral spirits and gin, which are not entitled to bear age statements, provided they have been stored in oak containers for some specified minimum period, e. g., three months.

25. To amend section 40 (g) (27 CFR 5.40 (g)) to delete the proviso at the end of such section.

26. To amend section 45 (27 CFR 5.45) to eliminate the present requirement that an "Affidavit for Release of Distilled Spirits, Wine, or Malt Beverages Under the Federal Alcohol Administration Act" be deposited with the appropriate Customs officer at the Port of Entry before bottled distilled spirits may be released from Customs custody.

27. To amend section 46 (27 CFR 5.46) and section 51 (27 CFR 5.51), and other pertinent sections of the regulations to extend the present requirement relative to age and origin certificates, presently applicable only to Scotch, Irish, and Canadian whiskies, and Cognac, so as to authorize the Director to require certificates of origin and identity for any other imported distilled spirits.

28. To amend section 64 (c) (27 CFR 5.64 (c)) to permit truthful statements of age in advertisements of products entitled to bear an age statement, even though the labels of the advertised products do not contain any age statement.

29. To amend section 64 (c) (27 CFR 5.64 (c)) to permit general inconspicuous age, maturity, or other similar representations in advertisements for rum, if the rum has been aged for not less than 4 years, even though an age statement does not appear on the labels of the advertised product or in the advertisement itself.

30. To amend section 64 (c) (27 CFR 5.64 (c)) to permit truthful references of a general and informative nature relating to methods of production involving storage in advertisements for certain products, such as neutral spirits and gin, which are not entitled to bear age statements, provided they have been stored in oak containers for some specified minimum period, e. g., three months.

31. To amend section 73 (a) (27 CFR 5.73 (a)) to provide for additional standards of fill for distilled spirits if sufficient need for any additional size containers is disclosed at the hearing.

[SEAL] DWIGHT E. AVIS,
Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.

[F. R. Doc. 56-8814; Filed, Oct. 30, 1956; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

OFFICIAL UNITED STATES STANDARDS FOR LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture, under the provisions of sections 203 and 205 of the Agricultural Marketing Act (7 U. S. C. 1622 and 1624), as amended by Public Law 272, 84th Congress, is considering amending the official United States standards for lamb, yearling mutton, and mutton carcasses (7 CFR 53.114 et seq.).

Some of the changes proposed would make modifications in the present interpretation of the standards for some of the grades. The other changes proposed would not alter the present interpretation of the standards but are designed to make the standards more precise and definitive and thereby facilitate their interpretation.

Changes which would affect the present interpretation of the standards are as follows: (a) In the Choice grade, a superior development of conformation (mid-point Choice or better) would be permitted to compensate for a deficiency of one-third of a grade of quality, and (b) some of the requirements for feathering, fat streaking in the inside flank muscles, overflow fat, firmness of flanks, and firmness of external fat would be revised for the Prime, Choice, and Good grades. In general, the requirements for these factors would be relaxed for the more mature lamb carcasses in the Prime and Choice grades but would be increased slightly for Good grade lamb carcasses. Corresponding changes also would be made in the standards for yearling mutton and mutton carcasses.

The following changes would be made primarily to clarify the interpretation of the standards: (a) Section 53.115 "Application of Standards" would be revised to indicate more clearly the relative importance of the factors used in evaluating conformation and quality, (b) certain references to quantity of external fat and of kidney and pelvic fat would be deleted, (c) color of inside flank muscles would be indicated more clearly as a factor considered in evaluating maturity, and (d) the manner in which a superior development of quality is permitted to compensate for a deficient development of conformation, and vice versa, would be clarified in each of the grades.

These changes were recommended to the Department by an industry-wide committee appointed by the National Wool Growers Association and reflect the results of several meetings with various segments of the industry during the last 18 months.

It is proposed to amend the standards for lamb, yearling mutton, and mutton carcasses to read as follows:

LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

§ 53.114 *Differentiation between lamb, yearling mutton, and mutton carcasses.* (a) Ovine carcasses are classified as lamb, yearling mutton, or mutton on the basis of differences that occur in the development of their muscular and skeletal systems.

(b) Lamb carcasses always have break joints on their front shanks and generally have narrow rib bones, a relatively narrow, compact forequarter, and a light red color and fine texture of lean. They usually have a considerable amount of red in the ribs and a somewhat smaller amount in the shanks.

(c) Yearling mutton carcasses may have either break joints or "spool" joints on their front shanks and generally have moderately wide rib bones, a slightly wide or "spready" appearance through the forequarter, and a slightly dark red color and slightly coarse texture of lean. They usually have only traces of red in the ribs and shanks.

(d) Mutton carcasses always have "spool" joints on their front shanks and generally have wide rib bones, a wide, "spready" forequarter, and a dark red color and coarse texture of lean. Ribs and shanks usually are devoid of red color.

§ 53.115 *Application of standards.* (a) Lamb, yearling mutton, and mutton carcasses are graded on a composite evaluation of two general grade factors—conformation and quality. These factors are concerned with the proportions of the various wholesale cuts and the proportions of meat and bone in the carcass and the quality of the lean, respectively.

(b) Conformation is the manner of formation of the carcass with particular reference to the relative development of the muscular and skeletal systems, although it is also influenced, to some extent, by the quantity and distribution of external finish. The conformation of a carcass is evaluated by averaging the conformation of its various component parts, giving consideration not only to the proportion of each cut to the carcass weight but also to the general desirability of the cut as compared with other cuts. Best conformation implies a high proportion of edible meat to bone and a high proportion of the weight of the carcass in the more demanded cuts and is indicated by a compact, blocky, plump, full, well-rounded appearance. Inferior conformation implies a low proportion of edible meat to bone and a low proportion of the weight of the carcass in the more demanded cuts and is indicated by a rangy, angular, thin, sunken appearance. External fat in excess of that normally left on retail cuts is not considered in evaluating conformation.

(c) Quality of the lean flesh is best evaluated from consideration of its color, texture, firmness, and marbling, as observed in a cut surface, in relation to the apparent maturity of the animal from which the carcass was produced. However, in grading carcasses or sides in which direct observation of these characteristics is not possible, the quality of the lean is evaluated indirectly from consideration of its color and firmness, the quantity of certain interior fat deposits, and the firmness of the external fat, all in relation to the apparent evidences of maturity. The interior fat deposits considered in this indirect evaluation of quality, in descending order of their importance, are as follows: (1) The fat intermingled within the lean between the ribs called "feathering", (2) the streaking of fat within and upon the inside flank muscles, and (3) the fat deposited over the inside of the ribs adjacent to the backbone called "overflow fat". Feathering and fat streaking in the inside flank muscles are each given much more consideration than overflow fat. Firmness of external fat which is superior or inferior to that specified as minimum for each grade is used to a limited extent as an indicator of quality.

(d) The standards for each grade of lamb specify two general levels of development of the quality-indicating characteristics described in paragraph (c) of this section, dependent upon the apparent evidences of maturity attained by the lamb at the time of slaughter. It is not intended, however, that these two maturity groups should cover the entire range of maturity within which lambs are marketed, but rather it is intended that these groups represent the extremes of maturity encountered and that there is an additional group which is intermediate in maturity between the two described whose grade requirements must be determined by interpolation. The standards for each grade of yearling mutton and mutton specify only one general level of development of the quality-indicating characteristics described, and these characteristics apply only to carcasses which are typical in maturity for their class. In order to qualify for a specific grade, yearling mutton or mutton carcasses with evidences of more advanced maturity than typical for their class are required to have a slightly greater development of these characteristics than described. Conversely, such carcasses with evidences of less maturity than typical for their class may qualify for a given grade with a slightly lesser development of these characteristics.

(e) Carcasses qualifying for any particular grade may vary with respect to the relative development of the various characteristics that contribute to their conformation and quality, and there will be carcasses which qualify for a particular grade in which the development of some of these individual grade factors will be typical of other grades. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only carcasses which have a relatively similar development of individual conformation and quality factors and which are also representative of the lower limit of each grade. However, examples of the extent to which superiority in quality may compensate for deficiencies in conformation, and vice versa, are indicated for each grade.

(f) The standards are intended to apply to all ovine carcasses without regard to the apparent sex condition of the animal at time of slaughter. However, carcasses which have thick, heavy necks and shoulders typical of uncastrated males are discounted in grade in accord with the extent to which these characteristics are developed. Such discounts may vary from less than half a grade in carcasses from young lambs in which such characteristics are barely noticeable to as much as two full grades in carcasses from mature rams in which such characteristics are very pronounced.

(g) The standards for lamb, yearling mutton, and mutton carcasses contained in §§ 53.116 through 53.118 together provide for grading carcasses within the full range of maturity of the ovine species. Although the grade standards for this full range of maturity are contained in three separate standards, it is the intent that the three standards be considered as a continuous series. Therefore, in determining the grade of a carcass which has a degree of maturity that is not typical of that specified in one of the three standards, it is necessary to interpolate between the standard for the kind of carcass (lamb, yearling mutton, or mutton) being graded and the standard

for the kind of carcass which is most closely adjacent to it in maturity.

§ 53.116 *Specifications for official United States standards for grades of lamb carcasses*—(a) *Prime.* (1) Carcasses possessing minimum qualifications for the Prime grade tend to be compact and blocky and tend to have plump, full legs; wide, thick backs; thick, full, smooth shoulders; and short, thick necks.

(2) Evidences of quality vary markedly with changes in maturity. Carcasses from young lambs that have red, narrow rib bones; red, moist, porous break joints; and a light pink color of inside flank muscles have a moderate amount of feathering between the ribs, a modest quantity of fat streaking in the inside flank muscles, and a small amount of overflow fat over the inside of the ribs adjacent to the backbone. The exterior finish is firm, and the flanks are full and firm.

(3 Carcasses from more mature lambs that have slightly wide, slightly red rib bones; slightly red but rather dry and hard break joints; and a dark pink color of inside flank muscles have moderately abundant and rather extensive feathering between the ribs, slightly abundant fat streaking in the inside flank muscles, and a moderate amount of overflow fat over the inside of the ribs adjacent to the backbone. The external finish is very firm, and the flanks are very full and firm.

(4) To qualify for the Prime grade a carcass must possess the minimum qualifications for quality regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) Carcasses possessing minimum qualifications for the Choice grade are slightly compact with slightly plump, full legs; slightly wide, thick backs; slightly wide, full shoulders; and slightly short, thick necks.

(2) Evidences of quality vary considerably with changes in maturity. Carcasses from young lambs that have red, narrow rib bones; red, moist, porous break joints; and a slightly dark pink color of inside flank muscles have a small amount of feathering between the ribs, a slight quantity of fat streaking in the inside flank muscles, and a slight amount of overflow fat over the inside of the ribs adjacent to the backbone. The exterior finish is moderately firm, and the flanks are slightly full and firm.

(3) Carcasses from more mature lambs that have slightly wide, slightly red rib bones; slightly red but rather dry and hard break joints; and a light red color of inside flank muscles have a moderate amount of feathering between the ribs, a small quantity of fat streaking in the inside flank muscles, and small amount of overflow fat over the inside of the ribs adjacent to the backbone. The external finish is firm, and the flanks are moderately full and firm.

(4) A carcass which has conformation equivalent to at least the mid-point of the Choice grade may have evidences of quality equivalent to the minimum for the upper third of the Good grade and remain eligible for Choice. Also, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(c) *Good.* (1) Carcasses possessing minimum qualifications for the Good grade are moderately rangy and slightly angular with slightly thin, tapering legs; slightly narrow, thin backs and shoulders; and moderately long, thin necks.

(2) Evidences of quality vary moderately with changes in maturity. Carcasses from young lambs that have red, narrow rib bones; red, moist, porous break joints; and a dark pink color of inside flank muscles have traces of feathering between the ribs but practically no fat streaking in the inside flank muscles and practically no overflow fat over the inside of the ribs adjacent to the backbone. The exterior finish is slightly firm, and the flanks are slightly thin and soft.

(3) Carcasses from more mature lambs that have slightly wide, slightly red rib bones; slightly red but rather dry and hard break joints; and a slightly dark red color of inside flank muscles have a slight amount of feathering between the ribs, traces of fat streaking in the inside flank muscles, and traces of overflow fat over the inside of the ribs adjacent to the backbone. The external finish is moderately firm, and the flanks are slightly full and firm.

(4) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good.

(d) *Utility.* (1) Carcasses possessing minimum qualifications for the Utility grade are very rangy and angular with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and long, thin necks. Hips and shoulder joints are plainly visible.

(2) Although evidences of quality vary slightly with changes in maturity the differences are so small as to make their separate descriptions impractical. There is practically no feathering between the ribs, no fat streaking in the inside flank muscles, and no overflow fat over the inside of the ribs adjacent to the backbone. The lean in the inside flank muscles and between the ribs is dark red in color. External finish is soft, and the flanks are soft and slightly watery.

(3) A carcass which has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility.

(e) *Cull.* Typical Cull grade carcasses are extremely rangy and angular and extremely thin-fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. Hips and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined, and the flesh is soft and watery and very dark red in color.

§ 53.117 *Specifications for official United States standards for grades of yearling mutton carcasses*—(a) *Prime.* (1) Carcasses possessing minimum qualifications for the Prime grade are compact and blocky and have plump, full legs; wide, thick backs; wide, full, smooth shoulders; and short, thick necks. They have extensive and abundant feathering between the ribs, moderately abundant streaking of fat in the inside flank muscles, slightly abundant overflow fat over the inside of the ribs adjacent to the backbone, and a light red color of inside flank muscles. The exterior finish is very firm, and the flanks are very full and firm.

(2) To qualify for the Prime grade a carcass must possess the minimum qualifications for quality regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime.

(3) Carcasses which are otherwise eligible for Prime grade but which have excessive, bunchy, or irregular distribution of external fat or excessive quantities of kidney and pelvic fat are not eligible for Prime.

(b) *Choice.* (1) Carcasses possessing minimum qualifications for the Choice grade are moderately compact with rather short, plump, full legs; moderately wide, thick backs; moderately wide, full shoulders; and rather short, thick necks. They have slightly abundant feathering between the ribs, a modest amount of fat streaking in the inside flank muscles, a modest amount of overflow fat over the inside of the ribs adjacent to the backbone, and a slightly dark red color of inside flank muscles. The exterior finish is firm, and the flanks are moderately full and firm.

(2) A carcass which has conformation equivalent to at least the mid-point of the Choice grade may have evidences of quality equivalent to the minimum for the upper third of the Good grade and remain eligible for Choice. Also, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(3) Carcasses which are otherwise eligible for Prime grade but which have excessive, bunchy, or irregular distribution of external fat or excessive quantities of kidney and pelvic fat are included in the Choice grade.

(c) *Good.* (1) Carcasses possessing minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; slightly narrow, thin backs; and slightly long, thin necks. They have a small amount of feathering between the ribs, a slight amount of fat streaking in the inside flank muscles, a slight amount of overflow fat over the inside of the ribs adjacent to the backbone, and a moderately dark red color of inside flank muscles. The exterior finish is moderately firm, and the flanks are slightly thick and full.

(2) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good.

(d) *Utility.* (1) Carcasses possessing minimum qualifications for the Utility grade are very rangy and angular with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and long, thin necks. Hips and shoulder joints are plainly visible. There is practically no feathering between the ribs, no fat streaking in the inside flank muscles, no overflow fat over the inside of the ribs adjacent to the backbone, and a dark red color of inside flank muscles. The exterior finish is moderately soft, and the flanks are soft and slightly watery.

(2) A carcass which has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility.

(e) *Cull.* Typical Cull grade carcasses are extremely rangy and angular and extremely thin-fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. The hips and shoulder joints, as well as the ribs and the bones of the spinal column, are clearly outlined, and the flesh is soft and watery and very dark red in color.

§ 53.118 *Specifications for official United States standards for grades of mutton carcasses*—(a) *Choice.* (1) Carcasses possessing minimum qualifications for the Choice grade are moderately compact with slightly plump, full legs; wide, thick backs; wide, full shoulders; and slightly short, thick necks. They have moderately abundant feathering between the ribs, a moderate amount of fat streaking in the inside flank muscles, a modest amount of overflow fat over the inside of the ribs adjacent to the backbone, and a dark red color of inside flank muscles. The exterior finish is moderately firm, and the flanks are moderately full and firm.

(2) A carcass which has conformation equivalent to at least the mid-point of the Choice grade may have evidences of quality equivalent to the minimum for the upper third of the Good grade and remain eligible for Choice. Also, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(3) Carcasses which are otherwise eligible for Choice grade but which have excessive, bunchy, or irregular distribution of external fat or excessive quantities of kidney and pelvic fat are not eligible for Choice.

(b) *Good.* (1) Carcasses possessing minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; slightly wide but slightly thin-fleshed backs and shoulders; and slightly long, thin necks. Hips and shoulder joints are visible. Such carcasses have a modest amount of feathering between the ribs, a slight amount of fat streaking in the inside flank muscles, a slight amount of overflow fat over the inside of the ribs adjacent to the backbone, and a dark red color of inside flank muscles. The exterior finish is moderately firm, and the flanks are slightly thick and full.

(2) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good.

(3) Carcasses which are otherwise eligible for Choice grade but which have excessive, bunchy, or irregular distribution of external fat or excessive quantities of kidney and pelvic fat are not eligible for Choice.

(b) *Good.* (1) Carcasses possessing minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; slightly wide but slightly thin-fleshed backs and shoulders; and slightly long, thin necks. Hips and shoulder joints are visible. There is practically no feathering between the ribs, no fat streaking in the inside flank muscles, a slight amount of fat streaking in the inside flank muscles, a slight amount of overflow fat over the inside of the ribs adjacent to the backbone, and a dark red color of inside flank muscles. The exterior finish is moderately firm, and the flanks are slightly thick and full.

(2) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good.

(3) Carcasses which are otherwise eligible for Choice grade but which have excessive, bunchy, or irregular distribution of external fat or excessive quantities of kidney and pelvic fat are not eligible for Choice.

(b) *Good.* (1) Carcasses possessing minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; slightly wide but slightly thin-fleshed backs and shoulders; and slightly long, thin necks. Hips and shoulder joints are visible. There are traces of feathering between the ribs, but practically no fat streaking in the inside flank muscles, practically no overflow fat over the inside of the ribs adjacent to the backbone, and a very dark red color of inside flank muscles. The exterior finish is slightly soft, and the flanks are soft and slightly watery.

(2) A carcass which has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum

for the upper third of the Cull grade and remain eligible for Utility.

(d) *Cull.* Typical Cull grade carcasses are extremely rangy and angular and extremely thin-fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. The hips and shoulder joints, as well as the ribs and the bones of the spinal column, are clearly outlined, and the flesh is soft and watery and very dark red in color.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., within 60 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of October 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8798; Filed, Oct. 30, 1956; 8:47 a. m.]

[7 CFR Part 922]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

FINDINGS AND DETERMINATIONS WITH RESPECT TO CONTINUANCE OF THE MARKETING AGREEMENT AND AMENDED ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 131 and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), notice was given in the FEDERAL REGISTER on September 5, 1956 (21 F. R. 6679), that a referendum would be conducted among the growers who, during the period February 1, 1955, through January 31, 1956 (which period was determined to be a representative period for purposes of such referendum), had been engaged, in the State of Arizona and that part of the State of California, south of the 37th Parallel, in the production of Valencia oranges for market to determine whether such growers favor continuance of the said marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period September 7 through September 24, 1956, both dates inclusive, it is hereby found and determined that the continuance of the said marketing agreement and order is favored by the requisite majority of such growers.

Done at Washington, D. C., this 25th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8796; Filed, Oct. 30, 1956; 8:47 a. m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket No. A016-A5]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U. S. C. 851 et seq.) and the rules of practice and procedure governing formulation of Marketing Agreements and Marketing Orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Chief of the Animal Inspection and Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, with respect to a proposed amendment to the marketing agreement and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 20th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. Testimony with respect to proposed amendments to the Marketing Agreement and to the Order, as amended, was received at a public hearing held at Kansas City, Missouri, July 23, 1956, pursuant to notice published in the FEDERAL REGISTER on June 23, 1956 (21 F. R. 4519).

The material issues presented on the record are whether clarifying amendments and supplemental provisions for the implementation and administration of existing provisions of the marketing agreement and order, with respect to the (1) wholesaler definition, (2) alternate members of the Control Agency, (3) reports and records, (4) transportation charges, (5) offers, bids and contracts of sale, (6) agents and distributional outlets, (7) unfair practices, (8) and (9) applicability of the order, (10) rules and regulations of the Control Agency, (11) compliance, (12) and (13) conforming changes and recodification, should be adopted.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

1. Paragraph (a) of § 131.8 should be changed by inserting the words "the storing of serum or virus marketed" in the definition of "wholesaler"; and paragraph (b) thereof should specify that the classification of wholesaler set forth therein is only applicable to State and Federal agencies or bona fide farmer cooperative associations.

Paragraph (a) requires a wholesaler classified under the paragraph to maintain stocks of serum or virus. The inserted phrase is for the purpose of making it clear that maintenance of stocks of the products includes the storing by such wholesaler of sufficient and immediately available stocks of serum or virus to meet current demand, and operating predominantly on the basis of buying serum or virus solely to fill current orders shall not constitute qualification.

At present the only wholesalers qualified under paragraph (b) are farmer cooperative associations and State agencies. The record discloses that governmental agencies and bona fide farmer cooperative associations perform beneficial distributional functions which effectuate the purposes of the act. The amendment makes it clear that any Federal or State agency or a farmer cooperative association may qualify as a wholesaler upon meeting the requirements of paragraph (b) and that such classification is limited to such agencies and associations. The amendment will not disqualify those presently qualified under the subsection. The provision is not intended to prevent any such agency or association from qualifying under the provisions of paragraph (a) if it desires to make application therefor and meets the standards set forth therein.

2. The marketing agreement and order should be amended to permit the Secretary to designate an individual to serve as an alternate for more than one member of the same group; retaining, however, the prohibition against two individuals from the same business unit, its agents, affiliates, subsidiaries or representatives, from serving as members of the Control Agency at the same time.

The Secretary is now required to select twelve members and twelve alternate members from various segments of the industry to serve on the Control Agency. Since the promulgation of the original marketing agreement and order the number of producers or manufacturers has decreased to the extent that there are not now sufficient producers in a specified group to select individual alternates for each member of such group, and the requirement of selecting twelve alternates should, therefore, be amended.

3. The provisions of the marketing agreement and order with respect to reports should be revised to eliminate certain unnecessary yearly reports, and provisions with respect to the keeping and maintaining of records and examination thereof should be provided for therein.

Under the provisions of the marketing agreement and order all handlers are required to report on March 15 of each year their dollar volume and their cubic centimeter volume of serum and virus marketed the previous year. Manufacturer and wholesaler handler assessments are based upon the reports of the dollar volume of marketings of serum and virus. Manufacturer handler reports on the cubic centimeter volume of serum marketings are necessary for the purpose of checking compliance by manufacturers with the serum reserve requirements of

the act and Order. As manufacturer handlers only are required to maintain serum reserves yearly reports from other handlers on the cubic centimeter volume of serum marketed are unnecessary. The proposed amendments with respect to reporting should be adopted to alleviate the burden of unnecessary yearly reports; however, necessity may arise from time to time for reports from some or all handlers on the cubic centimeter volume of serum or virus marketed, as well as other types of reports, for the purpose of administration and enforcement of the order. A provision requiring each handler to furnish such other information with respect to the production and marketing of serum and virus as the Secretary may request, therefore, should be placed in the Order.

The record discloses that some handlers have been filing reports based on marketings in domestic and foreign commerce while some have reported only on domestic marketings. The provisions should be clarified to specifically state that such reports should be based on domestic and foreign commerce marketings.

The proposal with respect to keeping and maintaining records and examination thereof by representatives of the Secretary should be adopted for the purpose of implementing the administration and enforcement of the marketing agreement and order.

4. The provision "All filed prices to dealers and wholesalers shall be on a delivered basis where the amount sold is 3,000 cc. of more" contained in § 131.51 should be deleted.

Since the advent of modified and inactivated virus and major shipments of immunizing agents has been on a par dose basis rather than on a cubic centimeter basis. As the provision is now impracticable and obsolete it should be deleted. The question of payment or nonpayment of shipping charges hereafter shall be a matter coming within the policy of the individual handler; however, it shall not be listed as a term of sale for the purpose of posting prices. Each handler shall apply the policy adopted in such a manner that purchasers under like conditions are treated the same as required under the unfair trade practice provisions of the marketing agreement and order.

5. Section 131.53 should be amended so as to prohibit each manufacturer and wholesaler handler from making any offers to sell, agreements or contracts to sell serum or virus at prices, discounts or terms of sale different from those set forth in his filed price list which is effective at the time any such offer, agreement or contract is made. Sealed bids made in response to a bona fide public invitation for the submission of such bids should be excepted from the effect of the provision.

The record discloses that private offers to sell, and agreements or contracts to sell serum or virus at prices different than the seller's effectively posted prices have been a disturbing element in the orderly marketing of serum or virus. Such an operation generally occurs in the early spring and fall and usually takes the form of a handler soliciting purchasers at a price lower than the currently posted prices and in the event of obtaining sufficient orders the handler will then post a new price list and make deliveries after the lower price has become effective. He will then inform purchasers that this is a temporary price cut and they should buy before the price goes up. Such practices tend to lower the price of the products generally to an uneconomic level, as the handler's immediate competitors will be forced to lower their prices to meet the competition or run the risk of losing their customers. A chain reaction of lowered prices over a wide area may occur as the scope of competition increases, resulting in uneconomic and disorderly marketing. Further, those manufacturers engaged in producing their required 40 percent reserve of serum for May 1 are thereby prevented from participating in the spring competition at the risk of losing their customers, and the fall market for their production is again subjected to such price cutting practices.

There is substantial factual evidence showing the adverse effect of private offers and agreements at undisclosed prices, however, there is not substantial evidence with respect to the submission of sealed bids at nonposted prices submitted in response to a bona fide public advertisement therefor. Under such circumstances there is no opportunity for individual handlers to negotiate privately. It appears that any adverse effect is occasioned by individual handlers submitting bids of undue and excessively low prices to obtain the business, and the proposal with respect to bidding would not guard against this. Further, a requirement of submitting sealed bids at only posted prices would create disorderly marketing conditions as handlers interested in submitting bids for a large order for future delivery would attempt to file the lowest price at the last minute available for it to become effective on the final date of submission of a bid. Under the recommended provision all handlers will have equal opportunity of submitting their bids without vying for the position of filing the last list price, and bidders will not be faced with the problem of a current list price which may have been inadvisedly filed under current market conditions. Other provisions of the order prohibit sales at less than reasonable market value, undue and excessive price fluctuations or the favoring of one member of a class over other members of the same class and such provisions may be utilized to curb bids at undue and excessively low prices.

6. The marketing agreement and order should be amended to give the Control Agency authority to require that manufacturer and wholesaler handlers list with it such handlers' agents and distributional outlets; and to provide that after the exercise of such authority a transfer of serum or virus to a person or outlet not so listed shall be considered to be a sale to such person or outlet.

The exercise of this authority is necessary to enable the Control Agency to check compliance on the part of handlers and to assist in the administration and enforcement of the Order. At present neither the Department nor the Control Agency has any means of readily knowing whether or not a person or business unit distributing serum or virus is operating independently as a handler or is a representative or distributional outlet of a manufacturer or wholesaler handler and are, therefore, handicapped in checking compliance. It is intended that the list to be filed contain all branches, all types of distributional outlets and all agents except personnel regularly employed by such handlers.

7. The unfair methods of competition and unfair trade practices provisions of the marketing agreement and order should be revised to clarify the prohibited practices and remove ambiguous language therefrom and to add a prohibition against selling serum and virus at less than reasonable market value.

The revision will facilitate the administration and enforcement of such provisions and will provide an additional measure for the prevention of marketing at uneconomic levels, thereby assisting in the effectuation of orderly marketing.

8 and 9. All handling of serum and virus is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce and the marketing agreement and order provisions should reflect this. Certain provisions with respect to the constitution of the Control Agency, the posting of prices, payment of assessments, reports and records should specify the class of handlers to which such provisions are applicable.

Interstate and intrastate marketings of serum and virus are so intermingled that a line of demarcation cannot be clearly drawn; that all manufacturers of serum and virus market their products in interstate or foreign commerce and approximately all wholesalers market their products in interstate commerce; that 90 percent or more of all serum and virus is marketed in foreign or interstate commerce; that intrastate transactions directly burden, obstruct, or affect interstate transactions; that intrastate handlers are in direct competition with interstate handlers for the same markets; that the intrastate price of the products directly affects the interstate price and that the emergency reserve of serum required by the act and order can be directly affected, burdened or obstructed by the practices of such handlers in competing for the same markets.

The marketing agreement and order does not specifically set forth the applicablity of its provisions to the various classifications of the trade, however, traditionally the provisions with respect to serving on the Control Agency, the payment of assessments for maintenance of the Control Agency, the posting of prices and the making of specified reports has been administered as applying to only manufacturer and wholesaler handlers. Each such provision should be amended to state clearly when it is applicable only to manufacturer and wholesaler handlers.

10. The authority of the Control Agency to make rules and regulations should be set forth in the language of the act authorizing such power.

11. The marketing agreement and order should contain a provision setting forth specifically that no person shall handle serum or virus except in conformity with the order and rules and regulations issued pursuant thereto. Such requirement is implicit in the present marketing agreement and order; however, it should be specifically set forth in order that no person should be misled by the absence of an express provision.

12 and 13. The marketing agreement and order should be recodified for purposes of continuity, relevancy in subject matter and clarity; and all necessary conforming changes should be made so that all provisions will be in harmony with the recommended amendments herein.

Rulings on proposed findings and conclusions. Briefs were filed by the Control Agency, the State of Florida and the American Serum Company. The Control Agency brief recommended the adoption of all proposed amendments. The State of Florida opposed the adoption of the proposed amendment contained in Proposal No. 5, with respect to sealed bids submitted in response to an advertisement for competitive bids. The American Serum Company opposed the adoption of Proposal No. 5. All proposed findings and conclusions contained in each of these briefs were carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the proposed findings and conclusions contained in the aforesaid briefs are inconsistent with the findings and conclusions contained herein such proposed findings and conclusions are denied.

General findings. Upon the basis of the evidence adduced at the hearing, and the record thereof, it is hereby found that:

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held;

(3) All handling of anti-hog-cholera serum and hog-cholera virus is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Recommended amendments to the marketing agreement and order, as amended. The following amendments to the marketing agreement and order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The regulatory provisions of the said agreement are identical with those contained in the following order.

The recommended amendments to the marketing agreement and order are contained in the following listed sections of the recodified marketing agreement and order: §§ 131.4–131.11 (definitions), 131.23, 131.28 (b), 131.48, 131.49, 131.51, 131.54, 131.71, 131.83 and 131.84. Minor editorial changes, which are not substantive in nature, have been made in the process of recodification.

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§ 131.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the anti-hog-cholera serum and hog-cholera virus marketing agreement act (7 U. S. C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (Part 132 of this chapter) a public hearing was held at Kansas City, Missouri, on July 23, 1956, upon a proposed marketing agreement and a proposed order regulating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence adduced at the hearing and the record thereof, it is found that:

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held;

(3) All handling of anti-hog-cholera serum and hog-cholera virus is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is therefore ordered that on and after the effective time hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and such terms and conditions are as follows:

DEFINITIONS

§ 131.1 *Secretary.* The Secretary of Agriculture of the United States.

§ 131.2 *Act.* Anti-hog-cholera Serum and Hog-cholera virus Marketing Agreement Act (49 Stat. 781; 7 U. S. C. 851 et seq.).

§ 131.3 *Person.* Individuel, partnership, corporation, association, or any other business unit.

§ 131.4 *Serum and virus*—(a) *Serum.* Anti-hog-cholera serum manufactured in compliance with standards and regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

(b) *Virus.* Virulent, modified, or inactivated hog-cholera virus, or any derivative or variation of hog-cholera virus, which is used alone or in connection with anti-hog-cholera serum to protect hogs against hog cholera, manufactured in compliance with regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

§ 131.5 *Handler.* Any person who is engaged in the handling of anti-hog-cholera serum or hog-cholera virus.

§ 131.6 *To handle.* To sell, to ship, or in any way put serum or virus into the channels of trade.

§ 131.7 *To market.* To consign or to sell or in any other manner transfer or convey title to, or any interest in, serum or virus, or to enter into any contract or arrangement to do or have done any of the said acts.

§ 131.8 *Wholesaler.* That class of buyers comprising (a) persons or agencies who do not administer serum or virus but are regularly engaged in purchasing and maintaining stocks of serum or virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the Control Agency on submitted evidence acceptable to said Control Agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the storing of serum or virus marketed, the absorbing of all expenses incidental to the advertising and selling of serum or virus, after receipt by them, to other trade groups, together with the providing of filed or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) any State or Federal Agency, or any farmer cooperative association who regularly purchases, for delivery within a definite period of time and pays for at seller's posted prices at time of delivery serum or virus in specified quantities adequate, in the opinion of the Control Agency, to justify such classification.

§ 131.9 *Dealer.* That class of buyers comprising veterinarians and other persons regularly engaged in administering serum or virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum or virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

§ 131.10 *Manufacturer or producer.* Any person who manufactures or produces and is engaged in the handling or distribution of serum or virus.

§ 131.11 *Distributor.* Any person who does not manufacture serum or virus, but is engaged in the handling or distribution of serum or virus.

§ 131.12 *Control agency.* The agency established pursuant to §§ 131.21 to 131.33.

§ 131.13 *Books and records.* Any books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, memoranda, or other data pertaining to the business of the person in question.

§ 131.14 *Subsidiary.* Any person, of or over whom or which a handler or an affiliate of a handler has, or several handlers collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

§ 131.15 *Affiliate.* Any person and/or subsidiary thereof, who or which has, either directly or indirectly, actual or legal control of or over a handler, whether by stock ownership or in any other manner.

§ 131.16 *Dollar volume.* The sum of money received from the total yearly sales of serum and virus less any credit allowed for returned serum and virus.

CONTROL AGENCY

§ 131.21 *Membership.* A control agency is hereby established consisting of 12 members, who shall hold office until their successors are selected and qualified.

§ 131.22 *Nominations.* The members and their respective alternates shall be selected by the Secretary annually at least 15 days prior to the termination of the term of office of their respective predecessors. Such selections shall be made by the Secretary from the respective nominees of groups hereinafter designated to make nominations. Nominations shall be made on December 1 of each year in the following manner: The handlers who are manufacturers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are manufacturers marketing their products principally through other channels, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through other channels may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates.

§ 131.23 *Selection.* Each of the 12 members of the Control Agency and their alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the nominees for membership and/or alternates who receive the highest numbers, successively, of votes cast by handlers entitled to vote for nominees in each group. The Secretary may designate an individual to serve as an alternate for more than one member of the same group. No two individuals from the same partnership, corporation, association, or any other business unit, including agents, affiliates, subsidiaries, and/or representatives thereof, shall be selected for membership in or serve as members of the control agency at the same time. The nominees in each instance shall be nominated by a vote of the handlers who are entitled under the provisions of this subpart to vote for such nominees. At any election of nominees each handler shall be entitled to cast one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and/or representatives for each of the members of the control agency and their respective alternates for whom he is entitled to vote.

§ 131.24 *Term of office.* Members of the control agency and their respective alternates, shall be selected annually for a term of one year beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any individual selected as a member of the control agency or an alternate shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

§ 131.25 *Vacancies.* To fill any vacancy occasioned by the removal, resignation, or disqualification of any member of the control agency or an alternate, a successor for his unexpired term shall be selected by the Secretary from nominees selected by the respective group of handlers in whose representation the vacancy has occurred, such nominees to be determined by the selection by the proper group as specified in § 131.22 two nominees for each vacancy to be filled and selected in the manner specified in § 131.23. Such selection of nominees shall be made within 30 days after such vacancy occurs. If a nomination is not made within such 30 days, the Secretary may select an individual to fill such vacancy.

§ 131.26 *Election of officers.* The members of the control agency shall select a chairman from their membership, and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The agency shall select such other officers and adopt such rules not inconsistent with the provisions of this subpart for the conduct of its business as it may deem advisable. The agency shall give to the Secretary or his designated agent the same notice of meetings of the control agency as is given to members of the agency and their alternates.

§ 131.27 *Compensation.* A reasonable compensation to be determined by the

control agency, to be paid to the Secretary of the control agency, and the expenses of the members of the control agency while engaged in the business of the control agency, shall be necessary expenses to be incurred by the control agency for its maintenance and functioning under this subpart.

§ 131.28 *Powers.* The control agency shall have power:

(a) To administer, as hereinafter specifically provided, the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart; and

(e) The control agency, subject to the disapproval of the Secretary, may select an executive committee of not more than four members who shall be empowered to act for the control agency in the routine administration of this subpart, at such times as the control agency is not meeting and cannot be conveniently convened for the purpose. Any and all acts of the executive committee shall be subject to the approval of the control agency, which shall take action with respect to any act of the executive committee at the next meeting of the control agency held immediately following any action by the executive committee.

§ 131.29 *Duties.* It shall be the duty of the control agency:

(a) To act as intermediary between the Secretary and any handler;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(e) To establish and/or foster any agency for the purpose of securing new or improved markets for the serum and virus industry through marketing research. The expenses of such expansion or improvement of markets through research shall be a necessary expense incurred by the control agency for its maintenance and functioning, and shall be defrayed by it from funds collected pursuant to §§ 131.41 through 131.45; and

(f) To make such disbursements as may be necessary to meet expenses necessarily incurred by the control agency for its maintenance and functioning under the provisions of this subpart.

§ 131.30 *Procedure.* (a) All decisions of the control agency except where otherwise specifically provided, shall be by a three-fourths (¾) vote of the members who have qualified by filing their written acceptance and who are eligible to vote.

(b) The control agency may provide for voting by its members by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the control agency.

(c) If a member of the control agency shall be a party in interest to any dispute or complaint, or a representative of such party in interest, he shall, for the purpose of the consideration of such dispute or complaint, be disqualified as a member of the control agency. Such disqualification, however, shall not be deemed to create a vacancy in the control agency.

(d) The alternate for each member of the control agency shall have the power to act in the place and stead of such member in his absence and/or in the event of his removal, resignation, or disqualification until a successor for such member's unexpired term has been selected.

§ 131.31 *Removal or suspension of members.* The members of the control agency (including alternates, successors, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control agency, shall be subject to removal or suspension by the Secretary at any time.

§ 131.32 *Disapproval of decisions by Secretary.* Each and every order, regulation, decision, determination, or other act of the control agency, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 131.33 *Funds.* All funds received by the control agency, pursuant to any provision of this subpart, shall be used solely for the purpose specified and shall be accounted for in the following manner:

(a) The Secretary shall require the control agency and its members, or alternates acting as members, to account for all receipts and disbursements.

(b) Upon the removal or expiration of the term of office of any member of the control agency, or of an alternate acting as a member, such member or alternate shall account for all receipts and disbursements, and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and/or claims vested in such member or alternate pursuant to this subpart.

(c) Any funds derived from assessments or any other source which have not been expended by the Control Agency at the end of a calendar year shall be carried over by the control agency, to be expended during the suceeding calendar year.

(d) Upon the termination or suspension of this subpart or of any provision thereof, the funds of the control agency shall be disposed of in the manner provided in § 131.113.

ASSESSMENTS

§ 131.41 *Handler assessment.* Each manufacturer and wholesaler handler shall pay the control agency, as provided in §§ 131.42 through 131.45, such handler's pro rata share, as may be approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the control agency during any period specified by the Secretary for the maintenance and functioning of the control agency, as set forth in this subpart.

§ 131.42 *Division of assessments.* (a) The pro rata share of the expenses of the control agency to be borne by handlers who are wholesalers shall be determined as follows: Multiply the number of wholesalers of record on December 31st of the preceding calendar year by 1/10 of one percent and then multiply the result thereof by the total expense of the control agency for the current year. The resulting sum shall be the pro rata share of the expenses of the control agency of handlers who are wholesalers, and shall be assessed as set forth in § 131.43: *Provided,* That the pro rata share so computed shall not exceed thirty-three and one-third percent (33⅓ percent) of the total expense of the control agency. In the event the pro rata share so computed exceeds thirty-three and one-third percent (33⅓ percent), the pro rata share of such handlers shall be adjusted to thirty-three and one-third percent of the total expense of the control agency.

(b) The pro rata share of the expenses of the control agency to be borne by handlers who are manufacturers shall be the balance remaining after deducting the pro rata share of the wholesaler handlers from the total expense of the control agency, and shall be assessed as set forth in § 131.45.

(c) The assessments of all handlers may be adjusted from time to time by the control agency, with approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings of the Secretary of estimated expenses or actual expenses of the control agency during the calendar year.

§ 131.43 *Method of wholesaler handler assessments.* (a) As his pro rata share of the expenses of the Control Agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the control agency a sum computed on the basis of the dollar volume of serum and virus marketed by such handler during the preceding calendar year at the following applicable rates:

(1) Ten thousand dollars, or less—$25.00;

(2) Over ten thousand dollars—at a rate per ten thousand dollars, or fraction thereof, to be fixed by the Secretary based upon the ratio between the dollar volume of marketings of each wholesaler handler whose marketings are in excess of ten thousand dollars and the total dollar volume of marketings of all wholesaler handlers whose marketings are in excess of ten thousand dollars.

(b) The pro rata share of all wholesaler handlers shall be obtained by assessing the first ten thousand dollars or less of the dollar volume of serum and virus marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary to be assessed shall be assessed in the manner set forth in paragraph (a) (2) of this section. If the total sum obtained by assessing the first ten thousand dollars, or less, of the dollar volume of serum and virus marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for ten thousand dollars, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The amount of each wholesaler handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. Such pro rata share shall be subject to the approval of the Secretary. The pro rata share of each wholesaler handler shall be paid as follows: $25.00 on or before January 15, of each year and the remaining sum, if any, within fifteen (15) days after being billed therefor. Such payments shall be made to the disinterested agency which shall transmit the total amount received to the control agency without disclosing the amount paid by each handler. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than $25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment.

§ 131.44 *Fee to accompany application for classification.* Each application for classification as a wholesaler shall be accompanied by a fee of twenty-five dollars ($25.00). If the application is rejected such fee shall be refunded to the applicant. If the application is approved the fee shall be retained and used for the maintenance and functioning of the control agency as such applicant's pro rata share of expenses of such agency for the year in which the application is approved.

§ 131.45 *Method of manufacturer handler assessments.* The pro rata share of expenses to be paid by each manufacturer handler shall be based upon such handler's percentage of the total dollar volume of serum and virus marketed by all such handlers during the preceding calendar year. The amount of each manufacturer handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. The pro rata share of each manufacturer handler shall be paid as follows: An amount equal to one-half of the previous year's assessment shall be due and payable on or before February 1 of each year, and the remaining balance assessed shall be due and payable on or before July 1 of each year. Such payments shall be made to the disinterested agency which shall transmit the amount received to the control agency without disclosing the amount paid by each handler.

REPORTS AND RECORDS

§ 131.48 *Reports.* (a) On or before March 15 of each year, each manufacturer and wholesaler handler shall furnish the Secretary, through a disinterested agency to be selected by the control agency and approved by the Secretary, a report, which shall be sworn to, setting forth the dollar volume of serum and virus marketed in domestic and foreign commerce by such handler during the preceding calendar year. On or before June 15 of each year, each manufacturer handler shall file a report with the Secretary, which shall be sworn to, setting forth the cubic centimeter volume of completed serum such handler had on hand May 1 of such year, and setting forth the cubic centimeter volume of serum marketed in domestic and foreign commerce by such handler during the preceding calendar year. Each handler shall furnish such other information with respect to the production and marketing of serum or virus as the Secretary may request.

(b) The disinterested agency shall make reports to the Secretary with respect to the marketings of serum and virus and collections of assessments under this subpart upon request therefor by the Secretary, and shall promptly transmit to the control agency all sums of money received by it from handlers in payment of assessments. The Secretary shall inform the agency concerning the total amount of the pro rata share of manufacturer handlers and the total amount of the pro rata share of wholesaler handlers of the expenses of the control agency.

§ 131.49 *Records.* Each handler shall keep and maintain for a period of two years accounts and records showing, to the extent that he is concerned therewith, the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus in sufficient detail as will enable the Secretary to ascertain and determine the extent to which such handler is complying with the terms and provisions of this subpart; and each handler shall, upon the request of a duly authorized representative of the Secretary, permit him at all reasonable times to have access to and copy such records. Any information furnished to or acquired by the Secretary or his representative pursuant to this paragraph shall be subject to the provisions of section 8 (d) (2) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608 (d) (2)).

FILING OF PRICES

§ 131.51 *Filing of price list.* Each manufacturer and wholesaler handler shall file with the Secretary and the control agency a separate list of his selling prices in the United States, including terms of sale and discounts, to each class of buyer defined in this subpart or under the provisions thereof, other than those specified in § 131.55. Each such handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this subpart.

§ 131.52 *Modification of price list.* The price list filed by a manufacturer or wholesaler handler may, subject to the limitations set forth in § 131.54, be modified at any time by such handler by filing a new or amended list of prices, including discounts and terms of sale, which shall only become effective when said new or amended list shall have been on file for three days in any office designated by the control agency: *Provided, however,* That in the event such list is mailed by registered letter or telegraphed to such office, it shall be deemed to have been filed either (a) at the time during usual business hours it is actually delivered in such office, or (b) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

§ 131.53 *Notification of new or amended price lists.* The control agency shall immediately upon receipt of any such new or amended price list, give written notice thereof to each of the handlers and to the Secretary. All price lists shall be made immediately available to the daily and trade press and to the consuming public by employing a means of communication at least as rapid as that used to notify the handlers and the Secretary.

§ 131.54 *Offers, contracts, sales.* Each manufacturer and wholesaler handler shall make no sales unless he has an effective price list, including discounts and terms of sale, as set forth in § 131.51, filed with the control agency. No manufacturer or wholesaler handler shall offer to sell, or enter into an agreement or contract to sell serum or virus, or in any manner sell serum or virus at prices, discounts, or terms of sale different from those set forth in his filed price list which is effective at the time any such offer, agreement, contract, sale, or delivery is made: *Provided, however,* That a sealed bid made in response to a bona fide public advertisement for the submission of sealed bids may be made at a price discount or term of sale different from those set forth in the bidder's current price list, but no deliveries shall be made except at the effective posted price at the time of such deliveries. No manufacturer or wholesaler handler shall file a new or amended price list until his most recently filed price list for any class of buyers becomes effective, and no such handler shall withdraw any filed price list prior to the effective date of such price list.

§ 131.55 *Filed prices not applicable to sales outside United States.* The provisions with respect to the filing of prices shall not apply to any sales made by any handler for delivery outside the United States.

§ 131.56 *Secretary may suspend and declare ineffective price lists.* If the Secretary has reason to believe, from economic data directly available to him or secured by him under the provisions of the act, that any price list, term of sale or discount, in whole or in part, is inequitable to consumers or handlers by reason of the fact that it may cause immediate injury by impeding the carrying out of this subpart or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemptions from the antitrust laws, he may suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation which shall be com-

pleted as soon as practicable, and he shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, discount, or term of sale, in whole or in part, to be ineffective if, after an investigation and an opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such price list, term of sale, or discount, in whole or in part, is inequitable as measured by the standards set up in this section.

UNFAIR PRACTICES

§ 131.71 *Unfair methods of competition and unfair trade practices.* The following are unfair methods of competition and unfair trade practices, and are prohibited:

(a) The payment or allowance of rebates, refunds, commissions or unearned discounts, either in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like conditions;

(b) Selling serum or virus at less than reasonable market value;

(c) The giving away or selling other products at less than reasonable market value to a purchaser or user of serum or virus, for the purpose or with the effect of influencing the sale of serum or virus;

(d) Maliciously enticing away the employees of competitors;

(e) Defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by any other false representation of character or conduct or of the serum or virus handled by them;

(f) The sale or offering for sale of any serum or virus by any false means or device;

(g) Shipping of serum or virus on consignment;

(h) Withholding from or inserting in an invoice information which makes the invoice, in whole or in part, a false record of the transaction covered by the invoice;

(i) The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement by means of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum or virus.

§ 131.72 *Distributor handlers advertising as manufacturers.* The use by handlers who are distributors of the words "Serum Company", "Serum Laboratories" or other equivalent words on letterheads, signs, advertising matter, and otherwise where such practice tends to mislead and deceive purchasers and consumers into belief that such distributor is a manufacturer, where in fact he is not, is prohibited.

SERUM RESERVE

§ 131.79 *Emergency reserve.* Each manufacturer who is a handler shall have available on May 1 of each year a supply of completed serum equivalent to not less than 40 percent of his previous year's sales.

MISCELLANEOUS PROVISIONS

§ 131.81 *Classes of buyers.* The control agency, subject to the disapproval of the Secretary, shall upon the basis of a written request supported by economic data sufficiently adequate to warrant a conclusion that such definition is neither unreasonable nor discriminatory, define all classes of buyers not defined in this subpart, and shall, subject to the disapproval of the Secretary, determine in specific cases whether any person who is a handler or who is about to become a handler comes within any class of buyers herein or hereafter defined, and shall compile, subject to the disapproval of the Secretary, lists of persons comprising each class of buyers, such lists and additions thereto to be filed immediately with the Secretary and distributed to the manufacturer and wholesaler handlers.

§ 131.82 *Uniform sales invoices.* The control agency, subject to the disapproval of the Secretary, may formulate and adopt uniform sales invoices for manufacturer and wholesaler handlers. After the adoption of such uniform sales invoices, all sales of serum or virus by such handlers to all classes of buyers shall be made in accordance with the terms of such invoices, and prices and terms of sale therein shall conform to the seller's filed prices and terms of sale, effective at the time of making sales covered by such invoices.

§ 131.83 *Agents and distributional outlets.* The control agency is authorized to require that each manufacturer and wholesaler handler file with such agency a list of his agents and distributional outlets for the marketing of serum or virus. Whenever the control agency by regulation requires that manufacturer and wholesaler handlers list with the control agency such handlers' agents and distributional outlets, any movement or transfer of serum or virus by a manufacturer or wholesaler handler to any person not listed with the control agency as such handler's agent or distributional outlet shall, for the purpose of this subpart, be considered to be a sale of serum or virus to such person.

§ 131.84 *Compliance.* No person shall handle serum or virus except in conformity with the provisions of this subpart and the rules and regulations issued pursuant thereto.

§ 131.85 *Duration of benefits, privileges, and immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall not extend or be construed to extend further than is necessary for the purpose of carrying out the provisions of this subpart and shall cease upon its termination except with respect to acts done under and during the existence of this subpart, and benefits, privileges, and immunities conferred by this subpart upon any party subject hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this subpart.

§ 131.86 *Agents; Secretary may designate.* The Secretary may by designation in writing name any person (not subject to this subpart), including any officer or employee of the Government or of the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 131.87 *Committees; Secretary may select.* The Secretary may select such committees to meet with or advise the control agency as he deems necessary for the proper functioning of the control agency under the provisions of this subpart. One such committee or its representative shall represent the interests of consumers. The expenses for the maintenance and functioning of the advisory committees may be included within the budget submitted to the Secretary for approval, pursuant to § 131.41, and may be met by the control agency from funds paid to it for the maintenance and functioning of the control agency.

§ 131.88 *No derogation or modification of rights of Secretary or of the United States.* Nothing contained in this subpart is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and/or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 131.89 *Liability of members and employees of control agency.* No member of the control agency nor any employee thereof shall be held responsible individually in any way whatsoever to any handler subject to this subpart or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty. The contractual obligations of the handlers under this subpart are several and not joint, and no handler shall be liable for the default of any other handler.

§ 131.90 *Separability of provisions.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, and/or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

AMENDMENTS

§ 131.101 *Who may propose.* Amendments to this part may, from time to time, be proposed by handlers subject hereto or by the control agency.

§ 131.102 *Notice and hearing.* After due notice and opportunity for hearing and upon determination by the Secretary that the proposed amendment has been incorporated in the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by the Secretary on the 2d day of December 1936, the Secretary shall amend this subpart in conformance with such amendment to the said marketing agreement, and such amendment shall become effective at such time as the Secretary may designate.

EFFECTIVE TIME AND TERMINATION

§ 131.111 *Effective time.* This subpart shall become effective at such time as the Secretary may determine the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by him on the 2d day of December 1936, has been executed by, all the handlers of seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing year and may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways specified.

§ 131.112 *Termination; how accomplished and when effective.* (a) The Secretary may at any time terminate this subpart as to all parties subject thereto by giving at least seven days' notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretary shall terminate this subpart at the end of the then current marketing period (December 31) whenever he finds that such termination is favored by all the handlers of not less than seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing period.

(c) This subpart shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 131.113 *Liquidation.* Upon the termination or suspension of this subpart or of any provisions thereof, the members of the control agency then functioning, or such other persons as the Secretary may from time to time designate, shall, if so ordered by the Secretary, liquidate the business of the control agency under this subpart, and dispose of all funds and property then in the possession or under the control of the control agency, together with claims for any funds which are unpaid or property not delivered at the time of such termination. The control agency or such other persons as the Secretary may designate (a) shall continue in such capacity until discharged by the Secretary (b) shall, from time to time, account for all receipts and disbursements and/or deliver all funds and property on hand, together with the books and records of the control agency, to such person or persons as the Secretary shall direct, and (c) shall, upon the request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such person or persons full title to all the funds, property, and/or claims vested in the control agency pursuant to this subpart. Any funds collected for expenses, pursuant to the provisions of this subpart, and held by the control agency or such person or persons, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the control agency or such person or persons, shall be returned to the contributing handlers in proportion to the contributions of each handler, or shall be expended by the control agency for a purpose not inconsistent with the provisions of this subpart and in a manner which the handlers shall determine by a three-fourths vote of such handlers. The control agency or such person or persons shall observe the procedure governing the actions of the control agency as established under the provisions of § 131.30. Any person to whom funds, property, and/or claims have been delivered by the control agency or its members upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, and/or claims as are imposed upon the members of the control agency.

Done at Washington, D. C., this 22d day of October 1956.

[SEAL] L. C. HEEMSTRA,
Acting Chief, Animal Inspection and Quarantine Branch.

[F. R. Doc. 56-8799; Filed, Oct. 30, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

DEFINITION OF TERMS UNDER SECURITIES ACT OF 1933

NOTICE OF EXTENSION OF TIME

The Securities and Exchange Commission has extended to December 3, 1956, the time for submitting written comments on the proposed revision of § 230.-133 (Rule 133) under the Securities Act of 1933.

Announcement of the proposed revision was published on October 2, 1956 in release No. 3698 (21 F. R. 7807). The effect of the proposed revision would be to reverse the so-called "no-sale theory" which has heretofore been applied to transactions involving the issuance of securities in connection with certain mergers, consolidations, reclassifications of securities and transfers of assets.

The extension has been granted at the request of certain persons who desire further time to consider the proposal.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

OCTOBER 23, 1956.

[F. R. Doc. 56-8793; Filed, Oct. 30, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

RUSSELL C. FLOM

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Russell C. Flom.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: October 3, 1956.
4. Title of position: Consultant.
5. Name of private employer: Marathon Corporation, Menasha, Wisconsin.

CARLTON HAYWARD,
Director of Personnel.

OCTOBER 26, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Marathon Corporation, Menasha, Wis.
First National Bank, Menasha, Wis.
Ladd & Flom (Partnership), Edgerton, Wis.
Green Bay Packer Football Corp., Green Bay, Wis.
Utica Creamery, Utica, Wis.

Dated: October 22, 1956.

RUSSELL C. FLOM.

[F. R. Doc. 56-8794; Filed, Oct. 30, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

KANSAS, OKLAHOMA, AND TEXAS; CONSENT TO GRAZE LAND DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 5205, 5685, 5959, 6879, 7611 and 7612, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

KANSAS

Counties	Period
Lyon, Montgomery, and Woodson Counties; Wolf River, Center, Union, Iowa, and Washington Townships in Doniphan County; Fancy Creek, Center, Mayday, Swede Creek, and Jackson Townships in Riley County; and Blue Valley, Spring Creek, Shannon, Clear Creek, Rock Creek, Lone Tree, Sherman, Mill Creek, Vienna, Grant and Lincoln Townships in Pottawatomie County.	Oct. 16, 1956–Dec. 31, 1956, inclusive.

OKLAHOMA

Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muscogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward Counties.	Oct. 16, 1956–Dec. 31, 1956, inclusive.

TEXAS

Angelina, Harris, Jasper, Montgomery, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, and Walker Counties.	Oct. 16, 1956–Dec. 31, 1956, inclusive.

Done at Washington, D. C., this 26th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8817; Filed, Oct. 30, 1956; 8:51 a. m.]

Commodity Stabilization Service

[Notice 2]

ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES EX-QUOTA

ENTRY FOR REFINING AND RETURN TO CUSTOMS' CUSTODY

Pursuant to the provisions of paragraph (b) of § 818.2, and on the basis of information before me, I do hereby determine and give public notice that sugar or liquid sugar may be brought or imported into the continental United States during the remainder of 1956 for the sole purpose of refining and return to Customs custody without interferring with the effective administration of the Sugar Act of 1948. Accordingly, notice is hereby given that during the period from the date of publication of this notice in the FEDERAL REGISTER through the close of business on December 31, 1956, sugar or liquid sugar may be brought or imported into the continental United States for the sole purpose of refining and return to Customs' custody without being charged against the applicable quota or allotment after acceptance by the Director of the Sugar Division or the Chief, Quota and Allotment Branch of the Sugar Division, Commodity Stabilization Service of the Department, of a bond pursuant to paragraph (c) of § 818.2 and the fulfillment of other applicable conditions specified in Part 818, except that the sugar not returned to Customs' custody may be held in inventory by the processor (principal under the bond) at its refinery or any other location at the close of business on December 31, 1956.

Issued at Washington, D. C., this 26th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8820; Filed, Oct. 30, 1956; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ADMINISTRATIVE OFFICER AND GENERAL SUPPLY OFFICER, AREA 2

REDELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS AND LEASES

OCTOBER 22, 1956.

Pursuant to authority delegated by Order No. 615 of the Director of the Bureau of Land Management, the following redelegations of authority are made in accordance with sections 1 (a), 1 (b), 1 (d), to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

AUTHORITY OF CERTAIN OFFICERS TO ENTER INTO CONTRACTS AND LEASES

SECTION 1. The area administrative officer is authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount,[1] and leases of space in real estate as provided in secs. 50 and 52 of Order No. 2509, and amendment No. 21, November 9, 1954, of the Secretary of the Interior.

SEC. 2. The area general supply officer is authorized to enter into such contracts when the amount in any such contract does not exceed $10,000.

NEAL D. NELSON,
Area Administrator.

[F. R. Doc. 56-8786; Filed, Oct. 30, 1956; 8:45 a. m.]

[1] Where the amount involved is in excess of $25,000 five working days advance notice to the Office of the Secretary is required in accordance with the Director's memorandum of August 26, 1956.

CIVIL AERONAUTICS BOARD

[Order E-10700; Docket No. 8170]

ELLIS AIR LINES

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

In the matter of the application of Ellis Air Lines under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of October 1956.

Ellis Air Lines (Ellis) on August 20, 1956, filed an application pursuant to section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Ellis a certificate of public convenience and necessity of indefinite duration authorizing air transportation of mail.

Section 401 (e) (4) of the act (effective July 20, 1956) provides:

(4) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that on such date it or its predecessor in interest was an air carrier, furnishing service within either the Territory of Hawaii or the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service within such Territory, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board shall, upon proof of such facts alone, issue a certificate or certificates of indefinite duration authorizing such applicant to engage in air transportation within such Territory between the same points and in the same manner and for each such class of traffic as temporarily authorized by such certificate or certificates as of the date of enactment of this paragraph.

Ellis has submitted proof that it is a citizen of the United States of America as defined by section 1 (13) of the act in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Ellis alleges that on the date of enactment of section 401 (e) (4) (July 20, 1956), it was an air carrier, furnishing

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

service within the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that air transportation of mail was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Ellis so operated on July 20, 1956.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (4) of the act, of a certificate of unlimited duration authorizing the services rendered by Ellis on July 20, 1956. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Ellis to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth as Appendix A.[2] After allowing interested persons a reasonable period within which to submit objections to the Board's order, Ellis' application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Ellis and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Ellis is a citizen of the United States of America as defined by section 1 (13) of the act.

2. On July 20, 1956, Ellis was an air carrier, furnishing service within the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service, and that air transportation of mail was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

Therefore, it is ordered, That:

1. Ellis is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth as Appendix A;

2. Ellis and any other interested person hving objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Ellis, the Mayor of each city served by Ellis on July 20, 1956 and on every certificated air carrier serving a point served by Ellis on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-8783; Filed, Oct. 30, 1956; 8:45 a. m.]

[2] Filed as part of the original document.

[Order E-10701; Docket No. 8225]

REEVE ALEUTIAN AIRWAYS, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

In the matter of the application of Reeve Aleutian Airways, Inc., under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of October 1956.

Reeve Aleutian Airways, Inc. (Reeve Aleutian) on September 19, 1956, filed an application, as amended, pursuant to section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Reeve Aleutian a certificate of public convenience and necessity of indefinite duration authorizing the air transportation of persons, property, and mail (a) over a regular route, between the terminal point Anchorage, the intermediate points King Salmon, Port Heiden, Cold Bay, Sarichef-Scotch Cap, Dutch Harbor, Umnak Island, Atka Island, Adak Island, Amchitka Island, Shemya Island, and the terminal point Attu Island, and (b) over an irregular route, between any and all points set forth above and the Pribilof Islands.

Section 401 (e) (4) of the act (effective July 20, 1956) provides:

(4) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that on such date it or its predecessor in interest was an air carrier, furnishing service within either the Territory of Hawaii or the Territory of Alaska (including sevice between Alaska and adjacent Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service within such Territory, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board shall, upon proof of such facts alone, issue a certificate or certificates of indefinite duration authorizing such applicant to engage in air transportation within such Territory between the same points and in the same manner and for each such class of traffic as temporarily authorized by such certificate or certificates as of the date of enactment of this paragraph.

Reeve Aleutian alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Reeve Aleutian in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Reeve Aleutian further alleges that on the date of enactment of section 401 (e) (4) (July 20, 1956), it was an air carrier, furnishing service within the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Reeve Aleutian so operated on July 20, 1956.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (4) of the act, of a certificate of unlimited duration authorizing the services rendered by Reeve Aleutian on July 20, 1956. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Reeve Aleutian to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth as Appendix A.[2] After allowing interested persons a reasonable period within which to submit objections to the Board's order, Reeve Aleutian's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Reeve Aleutian and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Reeve Aleutian is a citizen of the United States of America as defined by section 1 (13) of the act.

2. On July 20, 1956, Reeve Aleutian was an air carrier, furnishing service within the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that all such service between all points and for all classes of traffic, i. e., persons, property and mail, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

Therefore, it is ordered, That:

1. Reeve Aleutian is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth as Appendix A;

2. Reeve Aleutian and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Reeve Aleutian, the Mayor of each city served by Reeve Aleutian on July 20, 1956 and on every certificated air carrier serving a point served by Reeve Aleutian on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-8784; Filed, Oct. 30, 1953; 8:45 a. m.]

[Order E-10702; Docket No. 8166]

NORTHERN CONSOLIDATED AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

In the matter of the application of Northern Consolidated Airlines, Inc., under Section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of October 1956.

Northern Consolidated Airlines, Inc. (Northern Consolidated) on August 16, 1956, filed an application pursuant to section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Northern Consolidated a certificate of public convenience and necessity of indefinite duration authorizing (a) air transportation between the terminal point Bethel, the intermediate points Eek, Kwigillingok, Kipnuk, Tununak, and Mekoryuk and the terminal point Hooper Bay, with respect to persons and property, and with the exception of Eek, with respect to mail; (b) air transportation of persons, property and mail between the terminal point Fairbanks, the intermediate points Tanana, Kokrines, Ruby, Poorman, Galena and Koyukuk and the terminal point Nulato; and (c) air transportation of mail at Anchorage, Farewell and Platinum as set forth and described in paragraph A-3 of Northern Consolidated's present certificate of public convenience and necessity.

Section 401 (e) (4) of the act (effective July 20, 1956) provides:

(4) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that on such date it or its predecessor in interest was an air carrier, furnishing service within either the Territory of Hawaii or the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service within such Territory, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board shall, upon proof of such facts alone, issue a certificate or certificates of indefinite duration authorizing such applicant to engage in air transportation within such Territory between the same points and in the same manner and for each such class of traffic as temporarily authorized by such certificate or certificates as of the date of enactment of this paragraph.

Northern Consolidated alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Northern Consolidated in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Northern Consolidated further alleges that on the date of enactment of section 401 (e) (4) (July 20, 1956), it was an air carrier, furnishing service within the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that the service between the points and for the classes of traffic referred to above was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Northern Consolidated so operated on July 20, 1956.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e). (4) of the act, of a certificate of unlimited duration authorizing the services rendered by Northern Consolidated on July 20, 1956. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Northern Consolidated to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth as Appendix A.[2] After allowing interested persons a reasonable period within which to submit objections to the Board's order, Northern Consolidated's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Northern Consolidated and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Northern Consolidated is a citizen of the United States of America as defined by section 1 (13) of the act.

2. On July 20, 1956, Northern Consolidated was an air carrier, furnishing service within the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that (a) air transportation between the terminal point Bethel, the intermediate points Eek, Kwigillingok, Kipnuk, Tununak, and Mekoryuk, and the terminal point Hooper Bay, with respect to persons and property, and with the exception of Eek, with respect to mail; (b) air transportation of persons, property and mail between the terminal point Fairbanks, the intermediate points Tanana, Kokrines, Ruby, Poorman, Galena and Koyukuk, and the terminal point Nulato; and (c) air transportation of mail at Anchorage, Farewell and Platinum as set forth and described in paragraph A-3 of Northern Consolidated's present certificate of public convenience and necessity, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

Therefore, it is ordered, That:

1. Northern Consolidated is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth as Appendix A;

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

[2] Filed as part of the original document.

2. Northern Consolidated and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Northern Consolidated, the Mayor of each city affected by issuance of this order served by Northern Consolidated on July 20, 1956 and on every certificated air carrier serving a point served by Northern Consolidated on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-8785; Filed, Oct. 30, 1956; 8:45 a. m.]

[Order No. E-10703; Docket No. 8203]

ALASKA AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

In the matter of the application of Alaska Airlines, Inc., under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of October 1956.

Alaska Airlines, Inc. (Alaska) on September 7, 1956, filed an application pursuant to section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Alaska a certificate of public convenience and necessity of indefinite duration authorizing air transportation of mail (a) to and from Anchorage, McGrath and Moses Point as set forth and described in paragraph A-2 of Alaska's present certificate of public convenience and necessity, (b) between the terminal point Nome, the intermediate points Candle and Deering, and the terminal point Kotzebue, as described in paragraph A-12, and (c) between Nome and Gambell, as described in paragraph A-13 of Alaska's present certificate of public convenience and necessity.

Section 401 (e) (4) of the act (effective July 20, 1956) provides:

(4) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that on such date it or its predecessor in interest was an air carrier, furnishing service within either the Territory of Hawaii or the Territory of Alaska (including service between Alaska and adjacent Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service within such Territory, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board, the Board shall, upon proof of such facts alone, issue a certificate or certificates of indefinite duration authorizing such applicant to engage in air transportation within such Territory between the same points and in the same manner and for each such class of traffic as temporarily authorized by such certificate or certificates as of the date of enactment of this paragraph.

Alaska alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Alaska in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Alaska further alleges that on the date of enactment of section 401 (e) (4) (July 20, 1956), it was an air carrier, furnishing service within the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that the air transportation of mail at or between the points referred to above was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board. The various schedules and reports required to be filed with the Board by air carriers indicate that Alaska so operated on July 20, 1956.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (4) of the Act, of a certificate of unlimited duration authorizing the services rendered by Alaska on July 20, 1956. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Alaska to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth as Appendix A.[2] After allowing interested persons a reasonable period within which to submit objections to the Board's order, Alaska's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Alaska and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

On the basis of the foregoing, the Board finds that:

1. Alaska is a citizen of the United States of America as defined by section 1 (13) of the act.

2. On July 20, 1956, Alaska was an air carrier, furnishing service within the Territory of Alaska authorized by certificate of public convenience and necessity issued by the Civil Aeronautics Board to render such service within the Territory of Alaska, and that air transportation of mail (a) to and from Anchorage, McGrath and Moses Point as set forth and described in paragraph A-2 of Alaska's present certificate of public convenience and necessity, (b) between the terminal point Nome, the intermediate points Candle and Deering and the terminal point Kotzebue, as described in paragraph A-12, and (c) between Nome and Gambell, as described in paragraph A-13 of Alaska's present certificate of public convenience and necessity, was performed pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board.

Therefore, it is ordered, That:

1. Alaska is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth as Appendix A;

2. Alaska and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate, shall, within 15 days from the date of this order, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Alaska, the Mayor of each city served by Alaska on July 20, 1956, and on every certificated air carrier serving a point served by Alaska on that date;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-8786; Filed, Oct. 30, 1956; 8:45 a. m.]

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

[2] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. 4240 etc.]

R. LACY, INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an applica-

tion for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G–4240; R. Lacy, Inc.; Carthage, Panola County, Tex.; Texas Eastern Transmission Corporation.
G–4242; R. Lacy, Inc., Carthage, Panola County, Tex.; Texas Eastern Transmission Corporation.
G–4243; R. Lacy, Inc.; Carthage, Panola County, Tex.; Texas Gas Transmission Corporation.
G–4244; R. Lacy, Inc.; Woodlawn, Harrison County, Tex.; Mississippi River Fuel Corporation.
G–4246; R. Lacy, Inc.; Waskom, Harrison County, Tex.; Texas Eastern Transmission Corporation.
G–4247; R. Lacy, Inc.; Carthage, Panola County, Tex.; United Gas Pipe Line Company.
G–4248; R. Lacy, Inc.; Waskom, Harrison County, Tex.; Arkansas-Louisiana Gas Company.
G–4249; R. Lacy, Inc.; Carthage, Panola County, Tex.; Texas Gas Transmission Corporation.
G–4250; R. Lacy, Inc.; Waskom, Harrison County, Tex.; Arkansas-Louisiana Gas Company.
G–4251; R. Lacy, Inc.; Carthage, Panola County, Tex.; United Gas Pipe Line Company.
G–4252; R. Lacy, Inc.; Carthage, Panola County, Tex.; Tennessee Gas Transmission Company.

A public hearing will be held on the 26th day of November 1956, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

OCTOBER 25, 1956.

[F. R. Doc. 56–8789; Filed, Oct. 30, 1956; 8:45 a. m.]

[Docket No. G–9812]

GULF INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

The Commission, by order issued December 27, 1955, in this docket, instituted an investigation into and concerning the actual legitimate original cost of the property of Gulf Interstate Gas Company (Gulf Interstate), the proper and adequate rate or rates of depreciation for such property, the fair rate of return for Gulf Interstate, the proper account classification of costs by Gulf Interstate, and the lawfulness of the rates and charges demanded and collected by Gulf Interstate for the transportation of natural gas subject to the jurisdiction of the Commission, and any practices or contracts affecting or relating to such rates and charges.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the proceeding in this docket be set for hearing as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 6, 8, 9, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing shall be held commencing November 26, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D C., concerning the matters mentioned hereinbefore and stated fully in the aforesaid order issued herein on December 27, 1955.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 25, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8790; Filed, Oct. 30, 1956; 8:45 a. m.]

[Project No. 2216]

POWER AUTHORITY OF STATE OF NEW YORK

ORDER FIXING ORAL ARGUMENT

By application filed August 20, 1956, and an amendment filed September 19, 1956, the Power Authority of the State of New York (Power Authority), an agency of the State of New York, seeks a license under the Federal Power Act for a proposed hydroelectric project (Project No. 2216) to be located on the Niagara River in Niagara County, New York.

The Power Authority seeks authority to construct and operate project works necessary or convenient for the development and utilization of power from all the waters of the Niagara River which may be diverted for power purposes in the United States under the 1950 Treaty between the United States and Canada (United States Treaties and Other International Agreements).

The Senate of the United States on August 9, 1950 advised and consented to the ratification of the 1950 Treaty with the inclusion of the following reservation:

> The United States on its part expressly reserves the right to provide by act of Congress for redevelopment, for the public use and benefit, of the United States share of the waters of the Niagara River made available by the provisions of the Treaty, and no project for redevelopment of the United States share of such waters shall be undertaken until it be specifically authorized by Act of Congress (1 U. S. T. 694, 699).

We have issued this date an order granting petitions to intervene filed pursuant to the notice of application and the Commission's rules of practice and procedure.

The Power Authority and, apparently, certain of the Interveners take the position that the above-quoted reservation is invalid and is not legally a part of the 1950 Treaty with Canada, and that therefore the Commission has authority to issue a license for the proposed redevelopment. Other Interveners take the position that the reservation is valid and that the Commission is without authority to issue a license for the redevelopment proposed by the Power Authority.

The Commission finds: It is appropriate and in the public interest that the parties be given opportunity to present oral argument before the Commission respecting the question of the authority of the Commission to issue a license for the redevelopment proposed by the Power Authority.

The Commission orders:

(A) Oral argument be held on November 14, 1956, at 10:00 a. m., e. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., respecting the question of the authority of the Commission to issue a license for the redevelopment on the Niagara River proposed by the Power Authority of the State of New York.

(B) Any party to this proceeding desiring to participate in the oral argument shall advise the Secretary of the Commission on or before November 5, 1956, to that effect and shall state the amount of time they wish to have allotted to them for argument.

Issued: October 25, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–8791; Filed, Oct. 30, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3827]

GREAT SWEET GRASS OILS LIMITED

AMENDED ORDER FOR AND NOTICE OF HEARING

OCTOBER 24, 1956.

I. Great Sweet Grass Oils Limited (hereinafter called "Registrant"), a corporation organized and incorporated under the laws of the Province of Ontario, Dominion of Canada, registered its capital stock, $1 par value, with the American Stock Exchange on November 22, 1954, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 (hereinafter called "the act") and the rules and regulations adopted by the Commission thereunder and filed a duplicate original of Form 10 with the Commission on that date. The registration of such securities became effective on December 23, 1954, and such securities were admitted to trading on the American Stock Exchange on January 10, 1955.

II. On January 24, 1956, registrant filed with the Commission a current report on Form 8–K, pursuant to section 13 of the act, for the month of December, 1955. The Commission has reason to believe that the report so filed was false and misleading in the following regards:

1. In stating that registrant acquired assets from Depositors Mutual Oil Development Company, an Oklahoma corporation (hereinafter called "Depositors"), consisting of 9,470,000 barrels of proven oil reserves, 18,167 MCF proven gas reserves, 93,600,000 barrels of unproven oil reserves and 238,500 MCF of unproven gas reserves.

2. In stating that registrant acquired assets from Pitt Petroleums, Ltd., an Alberta Corporation, which included 155,351 barrels of probable additional oil.

III. On October 17, 1956, registrant filed with the Commission an amendment to its current report on Form 8–K referred to in paragraph II above. The Commission has reason to believe that the amendment so filed was false and misleading in the following regards:

1. In stating that registrant acquired assets from Depositors which included 8,216,000 barrels of net proved oil reserves classified as "undeveloped" and 16,495 MCF of net proved gas reserves classified as "undeveloped".

2. In representing that the fair value of the properties acquired from Depositors, including estimated values of unproven properties, was $6,562,500.

IV. On May 16, 1956, registrant filed with the Commission an annual report on Form 10–K, pursuant to section 13 of the act, for the fiscal year ended December 31, 1955. The Commission has reason to believe that the balance sheet included in such report for December 31, 1955, was false and misleading in valuing oil and gas properties to be acquired from Depositors at $6,597,500.

It is ordered, That a public hearing, pursuant to section 19 (a) (2) of the act, be held at 10:00 a. m., e. s. t., on Tuesday, November 13, 1956, in Room 193 at the offices of the Commission, 425 Second Street NW., Washington, D. C., to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of registrant on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder as set forth in paragraphs II and III above.

It is further ordered, That Mr. James G. Ewell is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the American Stock Exchange and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceedings should file with the Hearing Officer or the Secretary of the Commission on or before November 9, 1956, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56–8792; Filed, Oct. 30, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 26, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32809: *Scrap iron from Virginia to Washington and Coraopolis, Pa.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on scrap iron (not copper clad), carloads, from Norfolk and Richmond, Va., to Washington, Pa., and from Newport News and Roanoke, Va., to Coraopolis, Pa.

Grounds for relief: Circuitous routes.

Tariff Supplement 14 to Agent C. A. Spaninger's ICC 257.

FSA No. 32810: *Wrought iron and steel pipe to Missouri.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wrought iron or steel pipe and related articles, carloads, from points in official and western trunk line territories, to points in Missouri.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 89 to Agent Kratzmeir's ICC 4116.

FSA No. 32811: *Passenger fares from North Carolina to St. Louis, Mo.* Filed by A. J. Winkler, Agent, for interested rail carriers. Charges on one-way and round-trip first-class and coach fares, from Durham and Winston-Salem, N. C., to St. Louis, Mo.

Grounds for relief: Rail carrier competition.

FSA No. 32812: *Substitute service, motor-rail-motor—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., for interested rail and motor carriers. Rates on freight loaded in highway truck-trailers transported on railroad flat cars, between Chicago, East St. Louis, Ill., Indianapolis, Ind., and Cleveland, Ohio, on the one hand, and Kearny, N. J., and Philadelphia, Pa., on the other.

Grounds for relief: Motor truck competition.

FSA No. 32813: *Fertilizer from Canada to Illinois.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from points in Alberta and British Columbia, Canada, to points in Illinois.

Grounds for relief: Short-line distance formula, market competition, and circuity.

FSA No. 32814: *Aluminum from Louisiana to the East.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs and slabs, carloads, from Chalmette and New Orleans, La., to points in Maryland, New Jersey and Pennsylvania, and Washington, D. C.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 32 to Agent J. H. Marque's ICC 442 and one other tariff.

FSA No. 32815: *Liquefied chlorine gas from Evans City, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied chlorine gas, carloads, from Evans City, Ala., to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin.

Grounds for relief: Short-line distance formula, market and rail competition, and circuity.

Tariff: Supplement 235 to Agent C. A. Spaninger's ICC 1351.

FSA No. 32816: *Phosphate rock from Florida mines to Clare, Kans.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads, from mines in Florida to Clare, Kansas.

Grounds for relief: Short-line distance formula and circuity.

Tariff Supplement 17 to Agent C. A. Spaninger's ICC 1514.

FSA No. 32817: *Beans, lentils, and peas from Billings, Mont., to the East.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on vegetables, viz: dried beans, lentils, peas or split peas, in bulk or in bags, carloads, from Billings, Montana, to points in trunk-line territory.

9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the application of the Power Authority of the State of New York (Power Authority), an

8:46 a. m.]

Grounds for relief: Circuitous routes.

Tariff: Supplement 29 to Agent Prueter's ICC 1575.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8807; Filed, Oct. 30, 1956; 8:49 a. m.]

[Ex Parte No. 206]

FEDERAL BARGE LINES, INC., AND BALTIMORE STEAM PACKET CO.

INCREASED FREIGHT RATES, EASTERN AND WESTERN TERRITORIES, 1956

In the matter of petitions filed by the Federal Barge Lines, Inc., dated October 10, 1956, and of the Baltimore Steam Packet Company, dated October 11, 1956, for leave to intervene.

Present: Howard G. Freas, Chairman, Division 2, to whom the matters which are the subject of this order have been assigned for action thereon.

Upon consideration of petitions filed by the Federal Barge Lines, Inc., and the Baltimore Steam Packet Company, et al., for leave to intervene and for authority to increase their rates and charges, and which petitions are accompanied by verified statements in justification therefor; and good cause appearing therefor;

It is ordered, That the above petitioners be, and they are hereby, allowed to intervene with the right to file reply verified statements, to cross examine witnesses, and to be heard upon brief or oral argument, as provided in the order of October 1, 1956, entered in the above proceeding.

It is further ordered, That the verified statements accompanying the petitions be, and they are hereby, accepted for filing.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

Dated at Washington, D. C., this 23d day of October A. D. 1956.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8808; Filed, Oct. 30, 1956; 8:49 a. m.]

[Ex Parte No. 206]

CERTAIN RAILROADS

INCREASED FREIGHT RATES, EASTERN AND WESTERN TERRITORIES, 1956

In the matter of petitions dated October 1, 1956 and October 12, 1956, filed by certain railroads for leave to amend their petition filed on September 27, 1956, in the above proceeding.

Present: Howard G. Freas, Chairman, Division 2, to whom the matters which are the subject of this order have been assigned for action thereon.

Upon consideration of the petitions filed by certain respondent railroads in the above proceeding for leave to amend the petition of September 27, 1956, by changing the petitioners shown in Appendix I and changing certain of the provisions, limitations, and exceptions in Appendix III of the said petition, and good cause appearing therefor:

It is ordered, That the petitions for leave to amend be, and they are hereby, granted.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

Dated at Washington, D. C., this 23d day of October A. D. 1956.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8809; Filed, Oct. 30, 1956; 8:50 a. m.]

[Ex Parte No. 206]

ABC FREIGHT FORWARDING CORP. ET AL.

INCREASED FREIGHT RATES, EASTERN AND WESTERN TERRITORIES, 1956

In the matter of a petition filed by the ABC Freight Forwarding Corporation, et al., for leave to intervene dated October 15, 1956.

Present: Howard G. Freas, Chairman, Division 2, to whom the matters which are the subject of this order have been assigned for action thereon.

Upon consideration of a petition filed by the ABC Freight Forwarding Corporation and other freight forwarders for leave to intervene and for authority to increase rates and charges, and which petition is accompanied by a verified statement in justification therefor; and good cause appearing therefor:

It is ordered, That the petitioners be, and they are hereby, allowed to intervene with the right to file reply verified statements, to cross-examine witnesses, and to be heard upon brief or oral argument, as provided in the order of October 1, 1956, entered in the above proceeding.

It is further ordered, That the verified statement accompanying the petition be, and it is hereby, accepted for filing.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

Dated at Washington, D. C., this 23d day of October A. D. 1956.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8810; Filed, Oct. 30, 1956; 8:50 a. m.]

[Notice 136]

MOTOR CARRIER APPLICATIONS

OCTOBER 26, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 Sub 84, filed October 8, 1956, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's representative: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, transporting: *General commodities* except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and commodities requiring special equipment, serving the plant of Thiokol Chemical Corporation, located approximately 6 miles west of Corrine, Utah, as an off-route point in connection with applicant's authorized operations over U. S. Highways 191 and 30 between Brigham City and Tremonton, Utah. Applicant is authorized to conduct operations in Idaho, Montana, California, Utah, Oregon, Nevada, Colorado and New Mexico.

HEARING: December 5, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 665 Sub 53, filed August 24, 1956, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, 1505 Maiden Lane, Joplin, Mo. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 5, 1956, at the Kansan Hotel, Topeka, Kans., before Joint Board No. 52.

No. MC 730 Sub 83, filed August 14, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline Street, P. O. Box 958, Oakland, Calif. Applicant's representative: Earl J. Brooks, (same address as applicant). Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 4, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 313.

No. MC 827 Sub 5, filed June 25, 1956, WILLIAM T. FLEMING, MAUD E. FLEMING AND DOROTHY M. IVINS, EXECUTRICES, 2215-17 Hunting Park Ave., Philadelphia 40, Pa. Applicant's representative: Russell Wolfe, 1606 Philadelphia National Bank Bldg., Philadelphia 7, Pa. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: December 5, 1956, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Alfred B. Hurley.

No. MC 1150 Sub 18, filed September 11, 1956, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's representative: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural tractors, agricultural machinery and implements, other than hand*, and *parts* thereof, (1) from points in North Dakota to points in Montana, Wyoming, South Dakota, Nebraska, Kansas, and Oklahoma; (2) from points in South Dakota to points in North Dakota; and (3) from points in Nebraska to points in that portion of South Dakota on and north of U. S. Highway 14 and west of the Missouri River, and to points in that portion of North Dakota west and south of the Missouri River; and *animal feed* and *poultry feed*, (1) from points in Iowa and Nebraska to points in Montana, and to points in that portion of South Dakota on and north of U. S. Highway 14 and west of the Missouri River, and to points in that portion of North Dakota west and south of the Missouri River; and (2) from points in South Dakota to points in Montana, and to points in that portion of North Dakota west and south of the Missouri River. Applicant is authorized to conduct regular route operations in Iowa and South Dakota, and irregular route operations in North Dakota and South Dakota.

HEARING: December 13, 1956, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Examiner James H. Gaffney.

No. MC 1150 Sub 19, filed October 8, 1956, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's representative: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as defined by the Commission, (1) from Wibaux County, Mont., to points in North Dakota, on and south of U. S. Highway 10, and West of the Missouri River, extending to points in South Dakota on and west of U. S. Highway 281. Applicant is authorized to conduct operations in Nebraska, South Dakota, and Wyoming.

HEARING: December 4, 1956, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 124.

No. MC 1649 Sub 60, filed October 15, 1956; RAILWAY EXPRESS MOTOR TRANSPORT, INCORPORATED, 1003 North Meridian Street, Indianapolis, Ind. Applicant's representative: O. R. Livinghouse, 617 Bankers Trust Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, moving in express service, including *commodities of unusual value, Class A and B explosives, commodities in bulk*, and *those requiring special equipment*, but excluding household goods as defined by the Commission, (1) between junction Indiana Highways 135 and 45, and Bloomington, Ind., from junction Indiana Highways 135 and 45 over Indiana Highway 135 to junction Indiana Highway 46, thence over Indiana Highway 46 to Bloomington, and return over the same route, passing through and serving Nashville, Ind. and all intermediate points; and (2) between Stanford, Ind., and junction Indiana Highways 45 and 54, over Indiana Highway 45, serving no intermediate points. RESTRICTIONS: (a) The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service; (b) Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail, motor, or air; and (c) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations in Indiana.

HEARING: December 11, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 3566 Sub 38, filed July 13, 1956, GENERAL EXPRESSWAYS, INC., 221 W. Roosevelt Rd. Chicago 5, Ill. Applicant's representative: Floyd F. Shields, Title and Trust Bldg., Chicago 2, Ill. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 7, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 6934 Sub 1, filed June 13, 1956, WM. HARGENS, JR., Stickney, S. Dak. Applicant's representative: R. G. May, 316 Security Bank Bldg., Sioux Falls, S. Dak. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: December 17, 1956, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner James H. Gaffney.

No. MC 8540 Sub 31, filed September 20, 1956, HARWOOD TRUCKING, INC., P. O. Box 509, Marion, Ind. Applicant's representative: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including articles of unusual value*, but excluding Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Ohio, on the one hand, and, on the other, Chicago and Chicago Heights, Ill., by use of the Indiana East-West Toll Road and the Ohio Turnpike, for operating convenience only, serving no points on said route; but operations except from Cincinnati, Reading, and Columbus, Ohio must be conducted through Marion, Ind. Applicant is authorized to conduct irregular route operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, West Virginia, and Wisconsin, and regular route operations in Illinois, Indiana, and Ohio.

NOTE: Applicant states that the instant application merely seeks authority to operate over the Toll Road instead of operating through the key points authorized in Certificate No. MC 8540, dated August 14, 1944.

HEARING: December 4, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 9876 Sub 14, filed September 26, 1956, NATIONAL TRANSPORTATION COMPANY, a corporation, 251 State Street Ext., Bridgeport 5, Conn. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Springfield, Mass., and Boston, Mass., from Springfield over U. S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (2) between Hartford, Conn., and Boston, Mass., from Hartford over Connecticut Highway 15 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct regular route operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania, and irregular route operations in New York.

HEARING: December 4, 1956, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 22.

No. MC 10761 Sub 60, filed September 10, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Ave., Detroit 9, Mich. Applicant's representative: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 11, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 15318 Sub 31, filed October 11, 1956, KIMBEL LINES, INC., 3 South Park Avenue, Box 428, Cape Girardeau, Mo. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Morton, Ill., as an intermediate point in connection with applicant's authorized regular route operations between St. Louis, Mo., and Chicago, Ill. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Missouri and Tennessee.

HEARING: December 11, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 19553 Sub 15, filed October 15, 1956, KNOX MOTOR SERVICE, INC., P. O. Box 359, Rockford, Ill. Applicant's representative: Jack Goodman, 39 South LaSalle St., Chicago 3, Ill. For

filed by certain respondent railroads in erned by the Interstate Commerce Com- Alan Foss, First National Bank Building,

authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, including bulk liquids, assembled automobiles and heavy machinery requiring special equipment for handling, serving Morton, Ill. as an off-route point in connection with applicant's authorized regular route operations between Dixon, Ill. and Peoria, Ill. Applicant is authorized to conduct operations in Illinois, Iowa and Wisconsin.

HEARING: December 11, 1956, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 20109, J. M. TRANSPORTATION COMPANY, INC., 2927 South Juniper Street, Philadelphia, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. *REOPENED FOR ORAL HEARING.* In a petition filed February 7, 1956, J. M. TRANSPORTATION COMPANY, INC., which holds a Certificate in No. MC 20109 to operate in interstate or foreign commerce, over regular route transporting: *Beer* and *groceries*, between Philadelphia, Pa., and Swedesboro, N. J.; from Philadelphia across the Delaware River to Camden, N. J., thence over New Jersey Highway 45 to Woodbury, N. J., and thence over unnumbered highway to Swedesboro, and return over the same route. Service is authorized to and from the intermediate point of Camden, N. J., between Philadelphia, Pa., and New York, N. Y., as follows: From Philadelphia across the Delaware River to Camden, N. J., thence over U. S. Highway 30 to junction unnumbered highway, thence over unnumbered highway to Hammonton, N. J., thence over unnumbered highway to junction U. S. Highway 206, thence over U. S. Highway 206 to junction U. S. Highway 130, thence over U. S. Highway to junction U. S. Highway 1, and thence over U. S. Highway 1 to New York; from Philadelphia over U. S. Highway 1 to New York; from Philadelphia across the Delaware River to Camden, N. J., thence over U. S. Highway 130 to junction U. S. Highway 1, and thence over U. S. Highway 1 to New York; and return over these routes to Philadelphia. Service is authorized to and from the intermediate points of Hammonton, Trenton, New Brunswick, Newark, and Jersey City, N. J., requested that the Commission issue an order amending its Certificate and authorize the transportation of "empty beer containers". An order of the Commission, Division 1, dated May 3, 1956, modified Certificate No. MC 20109, dated March 20, 1941, to the extent of including specific authority to transport empty beer containers. Upon petition filed May 29, 1956 on behalf of Joint Northeastern Motor Carrier Association, (protestant) by their representative: Harry C. Maxwell, Lehigh Bldg., 106–108 S. Fourth Street, Philadelphia, Pa., for reconsideration of the Order of the Commission dated May 3, 1956, the Commission on October 1, 1956, entered an order reopening the proceeding for oral hearing and for such determination, action, or relief thereunder as the facts may warrant.

HEARING: December 7, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 20267 Sub 29, filed August 28, 1956, CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa. Applicant's representative: Delisi and Wick, 1211 Berger Building, Pittsburgh 19, Pa. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 6, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 22195 Sub 62, filed October 5, 1956, DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., 41st Street & Grange Avenue, P. O. Box 946, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from points in Wibaux County, Mont., to points in Wyoming, North Dakota, and South Dakota, (2) from Tioga, N. Dak., and points within five miles thereof, to points in Minnesota and South Dakota, (3) from Mandan, N. Dak., and points within five miles thereof, to points in Minnesota. Applicant is authorized to conduct operations in Minnesota, Iowa, North Dakota and South Dakota.

HEARING: December 11, 1956, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner James H. Gaffney.

No. MC 24379 Sub 21, filed June 20, 1956, LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit, Mich. Applicant's representatives: Edward G. Bazelon and Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 5, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 26739 Sub 17, filed August 21, 1956, WAGNER FREIGHT LINES, INCORPORATED, Transport Building, St. Joseph, Mo. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 12, 1956, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 160.

No. MC 27144 Sub 2, filed October 12, 1956, GEORGE MASSELINK AND FRANK MASSELINK, doing business as MASSELINK BROS. TRUCKING SERVICE, 910 12th St. NW., Grand Rapids 4, Mich. Applicant's representative: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, but excluding Class A and B explosives, between Grand Rapids, Mich., on the one hand, and, on the other, points within 60 miles thereof, but not including Lansing. RESTRICTIONS: The service by motor vehicle to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of The Chesapeake and Ohio Railway Company. Carrier shall not serve any point not a station on the rail line of the railroad. All shipments transported by carrier shall move on a through bill of lading involving in addition to the motor carrier movement by carrier, an immediately prior or subsequent movement by rail. All contractual arrangements between carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and when it is found to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, rail service. Applicant is authorized to conduct operations in Michigan.

NOTE: Any duplication of operating authority should be eliminated.

HEARING: December 13, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 28132 Sub 43, filed October 5, 1956, HVIDSTEN TRANSPORT, INC., 2821 Main Avenue, Fargo, N. Dak. Applicant's representative: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Wibaux County, Mont., to points in North Dakota, Minnesota, South Dakota, and Wyoming. Applicant is authorized to conduct operations in Minnesota, North Dakota, and Wisconsin.

HEARING: December 11, 1956, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner James H. Gaffney.

No. MC 30310 Sub 2, filed August 29, 1956, TROIANO EXPRESS CO., INC., 42 East Carl Street, Hicksville, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 6, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 31675 Sub 14, filed October 11, 1956, NORTHERN FREIGHT LINES, INC., 201 S. Prior Street, Gainesville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Dahlonega, Ga., and Gainesville, Ga., from Dahlonega over Georgia Highway 249 to junction Florida Highway 115, thence over Florida Highway 115 to junction Florida Highway 136, thence over Florida Highway 136 to Gainesville, and return over the same route, serving all intermediate points, including Murrayville, Ga. Applicant is authorized to conduct regular route operations in Georgia, and irregular route operations in Georgia and South Carolina.

HEARING: December 5, 1956, at the Peachtree-Seventh Bldg., 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 101.

No. MC 34870 Sub 4, filed August 14, 1956, ANTHONY H. SANTIAGO AND MARIO CECCHINI, doing business as BISON CITY CARTAGE CO., 500 Niagara Frontier Food Terminal, Buffalo, N. Y. Applicant's representative: Charles H. Trayford, 155 E. 40th St., New York 16, N. Y. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 4, 1956, at the State Office Building, 65 Court Street, Buffalo, N. Y., before Examiner Paul Coyle.

No. MC 35396 Sub 16, filed May 21, 1956, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, Box 429, Madisonville, Ky. Applicant's representative: Ernest A. Brooks II, 1310 Ambassador Building, St. Louis 1, Mo. Issues published in FEDERAL REGISTER of June 6, 1956.

HEARING: December 12, 1956, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 37473 Sub 17, filed October 8, 1956, DETROIT-PITTSBURGH MOTOR FREIGHT, INC., 5324 Grant Avenue, Cuyahoga Heights, Ohio. Mailing address: P. O. Box 392, Station D, Cleveland 27, Ohio. Applicant's representative: Taylor C. Burneson, 3510 Leveque Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, serving the site of the plant of General Motors Corporation, Chevrolet Division, in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with carrier's regular route operations between (a) Canton, Ohio, and Detroit, Mich., over U. S. Highway 62 and Ohio Highway 14, and (b) Canton, Ohio, and Pittsburgh, Pa., over Ohio Highway 8. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Michigan, New York, Ohio and Pennsylvania, and irregular route operations in Ohio, Pennsylvania and West Virginia.

HEARING: December 6, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 39420 Sub 3, filed October 5, 1956, WILLIAM A. PRINS, Rushmore, Minn. Applicant's representative: H. Lauren Lewis, Wilson Terminal Bldg., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed*, from Sioux City and Belmond, Iowa, to points in Rock, Nobles, Jackson and Murray Counties, Minn., and Sioux Falls, S. Dak. Applicant is authorized to conduct operations in Minnesota, Iowa and South Dakota.

HEARING: December 6, 1956, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Joint Board No. 147.

No. MC 40269 Sub 34, filed July 30, 1956, COOK TRUCK LINES, INC., 25 East Virginia St., Memphis, Tenn. Applicant's representative: James W. Wrape, Sterick Bldg., Memphis, Tenn. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 12, 1956, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 4.

No. MC 41002 Sub 13, filed July 27, 1956, THE VICTORY TRANSIT CORPORATION, P. O. Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 17, 1956, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 42329 Sub 127, filed October 4, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Euclid Division Plant, located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Cleveland, Akron, Canton, and Youngstown, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia.

HEARING: December 7, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 42329 Sub 128, filed October 11, 1956, HAYES FREIGHT LINES, INC., 628 E. Adams St., Springfield, Ill. Applicant's representative: Jack Goodman, 39 S. La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Chevrolet Division of General Motors Corporation located in Lordstown Township, Trumbull Co., Ohio, approximately six (6) miles southwest of Warren, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Cleveland, Akron, Canton, and Youngstown, Ohio and Wheeling, W. Va. Applicant is authorized to conduct operations in Michigan, Indiana, Ohio, Illinois, Kentucky, Tennessee, Missouri, and Pennsylvania.

HEARING: December 6, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 44592 Sub 17, filed September 4, 1956, MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 W. Main St., New Britain, Conn. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 7, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 44605 Sub 4, filed July 23, 1956, JOSEPH J. MILNE TRUCK LINE, INC., 205 W. First North, St. George, Utah. Applicant's representative: Wood R. Worsley, Suite 1501 Walker Bank Bldg., Salt Lake City 11, Utah. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 4, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 50307 Sub 18, filed June 5, 1956, INTERSTATE DRESS CARRIERS, INC., a corporation, 247 W. 35th Street, New York, N. Y. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. Issues published in FEDERAL REGISTER of June 20, 1956.

HEARING: December 18, 1956, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Alfred B. Hurley.

No. MC 52709 Sub 66, filed August 9, 1956, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver, Colo. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 4, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 54804 Sub 5, filed May 31, 1956, JOHN V. KUHN, doing business as KUHN TRUCK LINE, 146 West Fourth Street, P. O. Box 690, Dickinson, N. Dak. Issues published in FEDERAL REGISTER of June 20, 1956.

HEARING: December 10, 1956, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner James H. Gaffney.

No. MC 55873 Sub 23, filed October 12, 1956, GREAT AMERICAN TRANSPORT, INC., 347—23d Street, Detroit 16, Mich. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, other than small arms ammunition, household goods as defined by the Commission, and liquids in bulk, in tank trucks, serving Morton, Ill., as an off-route point in connection with applicant's authorized regular route operations between Pekin, Ill., and Kentland, Ind., over Illinois Highway 29 and U. S. Highway 24. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Michigan and Ohio, and irregular route operations in Illinois, Indiana and Michigan.

HEARING: December 11, 1956 in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 55896 Sub 4, filed August 29, 1956, RAY WILLIAMS FREIGHT LINES, INC., 13645 Haggerty at Schaefer, Dearborn, Mich. Applicant's representative: Rex Eames, 2606 Guardian Bldg., Detroit 26, Mich. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 7, 1956, in Room 852, U. S. Custom House, 610 South Canal

Street, Chicago, Ill., before Joint Board No. 149.

No. MC 58937 Sub 9, filed August 15, 1956, H. E. SWEZEY & SON MOTOR TRANSPORTATION, INC., North Country Road, Eastport, N. Y. Applicant's representative: William D. Traub, 60 E. 42nd St., New York 17, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956, and republished September 19, 1956.

HEARING: December 6, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 69116 Sub 29, filed October 11, 1956, SPECTOR FREIGHT SYSTEM, INC., 3100 S. Wolcott St., Chicago, Ill. Applicant's representative: Jack Goodman, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration, serving Morton, Ill., as an off-route point in connection with applicant's authorized regular routes, between Quincy, Ill., and New York, N. Y., and between Peoria, Ill., and Decatur, Ill., over U. S. Highways 24 and 150. Applicant is authorized to conduct operations in Missouri, Massachusetts, Indiana, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Illinois, Ohio, Maryland, Wisconsin and the District of Columbia.

HEARING: December 11, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 70203 Sub 32, filed October 4, 1956, INTERSTATE DISPATCH, INC., 3636 South Western Ave., Chicago, Ill. Applicant's representative: Ralph H. Haen, 620 Empire Building, Rockford, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Bloomington, Ill., and Rockford, Ill., over U. S. Highway 51, with no service to intermediate points other than service presently authorized on other routes. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Missouri, Ohio and Wisconsin.

HEARING: December 6, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 74762 Sub 11, filed September 20, 1956, TAMIAMI TRAIL TOURS, INC., 1010 East Lafayette Street, Tampa, Fla. Applicant's representative: A. Pickens Coles, First National Bank Building, Tampa 2, Fla. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) OVER IRREGULAR ROUTES: Between points in Pinellas County, Fla., on and south of Florida Highway 686, bounded on the east by junction Florida Highway 686 and the city limits of St. Petersburg, Fla., and on the west by Clearwater Bay, exclusive of Largo, Fla. NOTE: Applicant has authorized regular route authority to serve St. Petersburg, Gulfport, Pinellas Park and Pass-A-Grille, Fla., and their respective commercial zones; and (2) OVER A REGULAR ROUTE: Between Ashton, Fla., and junction Florida Highway 436 and U. S. Highway 92, from Ashton, via Narcoossee, over Florida Highway 15 to junction Florida Highway 15A, thence over Florida Highway 15A to junction Florida Highway 436 and U. S. Highway 92, and return over the same route, serving all intermediate points. Applicant is authorized to conduct regular and irregular route operations in Florida.

HEARING: December 5, 1956, at the U. S. Court Rooms, Tallahassee, Fla., before Joint Board No. 205.

No. MC 88454 Sub 1, filed June 21, 1956, GERALD G. QUIST, 720 6th Avenue, SW., Pipestone, Minn. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: December 17, 1956, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner James H. Gaffney.

No. MC 89693 Sub 26, filed October 12, 1956, J. D. HARMS, doing business as HARMS PACIFIC TRANSPORT, 14410 State Highway 2, Bellevue, Wash. Applicant's representative: George H. Hart, Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizers* and *fertilizer solutions*, in bulk, in tank vehicles, in seasonal operations between February and May and between August and November of each year, from Finley, Wash., and points within five (5) miles thereof, to points in Oregon in and east of Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg., and points in Idaho in and north of Idaho County, Idaho, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: December 7, 1956, in Room 400, U. S. Court House, 5th and Madison Streets, Seattle, Wash., before Joint Board No. 81.

No. MC 89693 Sub 27, filed October 12, 1956, J. D. HARMS, doing business as HARMS PACIFIC TRANSPORT, 14410 State Highway 2, Bellevue, Wash. Applicant's representative: George H. Hart, Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizers* and *fertilizer solutions*, in bulk, in tank vehicles, in seasonal operations between February and May and between August and November of each year, from Pasco, Wash., and points within five (5) miles thereof, to points in Oregon in and east of Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg., and points in Idaho in and north of Idaho County, Idaho, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: December 7, 1956, in Room 400, U. S. Court House, 5th and Madison Streets, Seattle, Wash., before Joint Board No. 81.

No. MC 103051 Sub 21, filed October 15, 1956, WALKER HAULING CO., INC., 624 Penn Ave. NE., Atlanta, Ga. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cottonseed oil, soybean oil* and *blends thereof*, in bulk, in tank vehicles, between Atlanta, Ga., on the one hand, and, on the other, Roanoke, Va., and Memphis, Tenn.

HEARING: December 7, 1956, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 103490 Sub 45, filed October 3, 1956, PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in Dutchess County, N. Y., on the one hand, and, on the other, points in Connecticut and Massachusetts. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New York, Pennsylvania and Rhode Island.

HEARING: December 13, 1956, at the Federal Building, Albany, N. Y., before Examiner Isadore Freidson.

No. MC 103516 Sub 5, filed August 21, 1956, THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, 140 Cedar Street, New York 6, N. Y. Applicant's representative: Richard E. Costello, 140 Cedar St., New York 6, N. Y. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 11, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 104340 Sub 126, filed August 21, 1956, LEAMAN TRANSPORTATION COMPANY, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz and Gerald L. Phelps, Munsey Building, Washington 4, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 13, 1956, at the Federal Building, Albany, N. Y., before Examiner Isadore Freidson.

No. MC 104683 Sub 20, filed June 22, 1956, L. L. MAJURE AND JO M. MAJURE, doing business as L. L. MAJURE, 1600 "B" Street, P. O. Box 1028, Meridian, Miss. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 7, 1956, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Allen W. Hagerty.

No. MC 105632, PETITION filed August 20, 1956, CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 W. Broad St., Savannah, Ga. Applicant's representative: Walter C. Scott, Jr., P. O. Box 642, Savannah, Ga. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 4, 1956, at the Peachtree-Seventh Building, 50 Seventh

Street NE., Atlanta, Ga., before Joint Board No. 157.

No. MC 107002 Sub 103, filed August 13, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue (P. O. Box 687), New Orelans, La. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 4, 1956, at the Jung Hotel, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 107500 Sub 13, filed October 4, 1956, BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Caterpillar Tractor Co. machinery parts warehouse located on U. S. Highway 150 northwest and immediately outside of Morton, Ill., as an off-route point in connection with applicant's authorized operations to and from Peoria, Ill. Applicant is authorized to conduct operations in Indiana, Illinois, Iowa, Missouri, Nebraska, Colorado, Wyoming and Montana.

HEARING: December 11, 1956, in Room 852 U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 108473 Sub 14, filed July 12, 1956, ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 12, 1956, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 186.

No. MC 108968 Sub 1, filed January 12, 1956, (amended January 13, 1956), WILLIAM R. WILFONG, CLARK H. HARBOURT AND ALBERT E. WATERS, doing business as COLUMBIA MOTOR EXPRESS, 2595 E. State St., Trenton, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. Issues published in FEDERAL REGISTER of January 25, 1956. (Transferred from No-Hearing to Hearing Docket.)

HEARING: December 6, 1956, at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 109422 Sub 1, filed June 29, 1956, CHARLES O'NEAL, Philip, S. Dak. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 14, 1956, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Examiner James H. Gaffney.

No. MC 109494 Sub 6, filed July 12, 1956, HERBERT BUSKIRK, 3333 Freemansburg Ave., Easton, Pa. Applicant's representative: A. E. Enoch, 556 Main St., Bethlehem, Pa. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: December 7, 1956, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Alfred B. Hurley.

No. MC 109637 Sub 33, filed March 8, 1956, GASOLINE TRANSPORT CO., 4107 Bells Lane, Louisville, Ky. Applicant's representative: Charles W. Dobbins, 310 W. Liberty St., Louisville, Ky. Issues published in FEDERAL REGISTER of March 21, 1956.

HEARING: December 10, 1956, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 109637 Sub 37, filed October 15, 1956, GASOLINE TRANSPORT CO., a Corporation, 4500 Bells Lane, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Hamilton County, Ohio, and points in Kentucky and Indiana. Applicant is authorized to conduct operations in Indiana, Kentucky, Ohio and Tennessee.

HEARING: December 5, 1956, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 208.

No. MC 110117 Sub 5, filed October 12, 1956, KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Paducah, Ky., to points in Illinois on and south of U. S. Highway 36. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: December 6, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 156.

No. MC 110325 Sub 13, filed October 8, 1956, TRANSCON LINES, a Corporation, 1206 South Maple Avenue, Los Angeles 15, Calif., Applicant's representative: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, grain, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment; and *Government-owned Compressed Gas Trailers*, loaded with compressed gas (other than liquefied petroleum gas) or empty, between Tulsa, Okla., and Chicago, Ill., from Tulsa over U. S. Highway 66 to junction U. S. Highway 60, six miles west of Vinita, Okla., thence over U. S. Highway 60 to Springfield, Mo., thence over U. S. Highway 65 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction U. S. Highway 36, thence over U. S. Highway 36 to Springfield, Ill., thence over U. S. Highway 66 to Chicago, and return over the same route, serving no intermediate points, and serving the termini for the purpose of joinder only, in connection with carrier's authorized regular route operations (a) between Kansas City, Mo., and Chicago and Harvey, Ill., and (b) carrier's leased operations between Kansas City, Mo., and Oklahoma City, Okla., via Tulsa, Okla. It is proposed that the authority applied for herein shall be limited in point of time to a period ending with the termination of carrier's presently held lease with Cain's Truck Lines (the expiration date of which is April 1, 1961) for any other reason than the exercise by carrier of its option to purchase the rights now leased from the above-named lessor. Applicant is authorized to conduct operations in Arizona, California, Illinois, Indiana, Kansas, Missouri, New Mexico and Oklahoma.

NOTE: In Certificate No. MC 110325 carrier is authorized to transport general commodities, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, over a regular route between Kingdom City, Mo., and Chicago, Ill., as specified therein. Any duplication of the proposed authority with present authority should be eliminated.

HEARING: December 11, 1956, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 251.

No. MC 110940 Sub 13, filed July 30, 1956, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 6, 1956, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 111069 Sub 13, filed July 23, 1956, COLDWAY CARRIERS, INC., State Highway #62, Clarksville, Ind. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: December 14, 1956, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 111069 Sub 14, filed July 26, 1956, COLDWAY CARRIERS, INC., State Highway #62, Clarksville, Ind. Applicant's representative: Ollie Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: December 14, 1956, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 111397 Sub 18, filed January 23, 1956, WADE E. DAVIS, doing business as DAVIS TRANSPORT, P. O. Box 539, 2812 Kentucky Ave., Paducah, Ky. Applicant's representative: C. W. Craig, Citizens Bank & Trust Co. Bldg., Paducah, Ky. Issues published in FEDERAL REGISTER of February 8, 1956, amended, and republished February 29, 1956.

HEARING: December 10, 1956, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 111432 Sub 1, filed August 27, 1956, FRANK J. SIBR & SONS, INC., 4155 South Emerald Avenue, Chicago 9, Ill. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 5, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 111470 Sub 1, filed May 18, 1956, GLOUCESTER TRUCKING, INC., 805 Cherry Street, Gloucester City, N. J. Applicant's representative: Isadore H. Schwartz, Lehigh Bldg., SW. Cor. 4th and Chestnut Sts., Philadelphia, Pa. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: December 4, 1956, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Alfred B. Hurley.

No. MC 111545 Sub 18, (Amended) filed May 28, 1956, HOME TRANSPORTATION COMPANY, INC., 334 S. Four Lane Highway, Route 3, Marietta, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: December 11, 1956, at the Peachtree-Seventh Bldg., 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 111981 Sub 2, filed September 19, 1956, ROBIDEAU'S EXPRESS, INC., 30 East Oregon Avenue, Philadelphia, Pa. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food products*, requiring refrigeration, such as fruits, vegetables, fruit juices, vegetable juices, meats, poultry, and prepared foods (fresh or preserved), between Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset and Warren Counties, N. J., points in Berks, Bucks, Carbon, Chester, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Philadelphia and Schuylkill Counties, Pa., those in Kent and New Castle Counties, Del., and those in Cecil, Harford and Kent Counties, Md. Applicant is authorized to conduct operations in Delaware, New Jersey and Pennsylvania.

HEARING: December 6, 1956, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Alfred B. Hurley.

No. MC 112188 Sub 1, filed October 11, 1956, GEORGE M. McBREEN, 1841 NW. 22d Avenue, Portland, Oreg. Applicant's representative: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Newspapers, motion picture film, theatre advertising matter, motion picture machine parts and accessories*, (1) between Portland, Oreg., on the one hand, and, on the other, Baker, Milton, Freewater, and Pendleton, Oreg., and Goldendale, Bingen, and White Salmon, Wash. and points within 10 miles of each. (2) *Newspapers* only, between Portland, Oreg. on the one hand, and on the other, Walla Walla, Wash.

HEARING: December 6, 1956, at the 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 112324 Sub 1, filed August 16, 1956, P. TOSCANO & SONS MOVING CO., INC., 2049 Utica Avenue, Brooklyn, N. Y. Applicant's representative: Morris Honig, 150 Broadway, New York, 38, N. Y. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 7, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 112617 Sub 19, filed March 12, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. Issues published in FEDERAL REGISTER of March 28, 1956.

HEARING: December 10, 1956, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 113265 Sub 1, filed October 11, 1956, ATLANTA-ASHEVILLE MOTOR EXPRESS, INC., 1010 North Avenue NW., Atlanta, Ga. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Rabun Gap, Ga., and Robbinsville, N. C., (1) from Rabun Gap over U. S. Highway 441 to Franklin, N. C., thence over North Carolina Highway 28 to Lauada, N. C., thence over U. S. Highway 19 to Topton, N. C., thence over U. S. Highway 129 to Robbinsville, and return over the same route, serving no intermediate points; and (2) from Rabun Gap over U. S. Highway 441 to Clarkesville, Ga., thence over Georgia Highway 115 to junction Georgia Highway 52, thence over Georgia Highway 52 to Dahlonega, Ga., thence over U. S. Highway 19 to Topton, N. C., thence over U. S. Highway 129 to Robbinsville, and return over the same route, serving Dahlonega, Ga., as an intermediate point. Applicant is authorized to conduct operations in Georgia and North Carolina.

HEARING: December 12, 1956, at the Peachtree-Seventh Bldg., 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 204.

No. MC 114091 Sub 6, filed September 15, 1955, clarifying amendment filed November 28, 1955, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 4204 Norbourne Blvd., Louisville, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Issues published in FEDERAL REGISTER of December 7, 1955, and republished December 29, 1955.

HEARING: December 10, 1956, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 114569 Sub 10, filed June 8, 1956, SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's representative: James W. Hager, Commerce Building (P. O. Box 432), Harrisburg, Pa. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: December 12, 1956, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Alfred B. Hurley.

No. MC 114966 Sub 1, filed September 27, 1956, ROBERT R. WILSON AND MARJORIE H. WILSON, a partnership, doing business as MOBILE HOMES TRANSPORT CO., Whitey's Trailer Court, Route 2, Jackson, S. C. Applicant's representative: Robert R. Odom, 120 Walnut St., Spartanburg, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles, in secondary movement, in truckaway service, between points in South Carolina, North Carolina and Georgia.

HEARING: December 11, 1956, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 130.

No. MC 115017 Sub 1, filed August 27, 1956, CALIFORNIA INTERCITY ARMORED CAR SERVICE, INC., 1224 W. Sixth Street, Los Angeles 17, Calif. Applicant's representative: Robert G. Irvin, 1224 West Sixth Street, Los Angeles 17, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin, currency* and *securities*, between Los Angeles, Calif., on the one hand, and, on the other, Phoenix, and points in Maricopa, Yuma, Pinal, Gila, Pima, Santa Cruz and Yavapai Counties, Ariz.

NOTE: Phoenix is in Maricopa County, Ariz.

HEARING: December 13, 1956, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 47.

No. MC 115355 Sub 2, filed October 15, 1956, FRANK TALBOT, doing business as DESERT OUTPOST, Vidal, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, in towaway service, from points on U. S. Highway 95 between Needles and Blythe, Calif., and points on unnumbered Metropolitan Aqueduct Highway between Desert Center, Calif., and Parker, Ariz., to Parker Ariz.

HEARING: December 11, 1956, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47.

No. MC 115399 Sub 1, filed October 10, 1956, J. J. GENTRY, 927 Southeast 7th Street, Grants Pass, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plywood*, from Merlin, Josephine County, Oreg., to points in California.

HEARING: December 5, 1956, at the 538 Pittock Block, Portland, Oreg., before Joint Board No. 11.

No. MC 115679 Sub 1, filed July 9, 1956, BILL SMITH, doing business as SMITH TRUCK LINE, Science Hill, Ky. Applicant's representative: Fritz Krueger, Alverson Building, Somerset, Ky. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: December 17, 1956, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 115830 Sub 3, filed July 30, 1956, BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 3d Avenue North, Billings, Mont. Applicant's representative: Franklin S. Longan, Suite 319 Securities Bldg., Billings, Mont. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 4, 1956, at the Council Chambers, City Hall, Billings, Mont., before Joint Board No. 123.

No. MC 115890 Sub 8, filed August 24, 1956, A & A TRUCKING, INC., Southwest Blvd. and Big Tree Road, Hamburg, N. Y. Mailing address: P. O. Box 477, Blasdell Branch, Buffalo 19, N. Y. Applicant's representative: Noel F. George, 44 E. Broad St., Columbus 15, Ohio. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 6, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 115941, filed April 19, 1956, WILLARD CALVERT AND OSCAR CALVERT, doing business as CALVERT BROS. TRANSFER, 102 Trumbo Ave., Morehead, Ky. Applicant's representative: Thomas R. Burns, Morehead, Ky. Issues published in FEDERAL REGISTER of May 2, 1956, amended, and republished July 4, 1956.

HEARING: December 19, 1956, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Examiner Allen W. Hagerty.

No. MC 115946 Sub 1, filed August 24, 1956, CHARLES C. GAY, doing business as GAY TRUCKING COMPANY, P. O. Box 4111, Port Wentworth, Ga. Applicant's representative: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 3, 1956, at the Peachtree-Seventh Bldg., 50 Seventh St. NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 115970, filed June 21, 1956, JAY LOGAN, 736 Skyline Drive, Lancaster, Pa. Applicant's representative: William S. Livengood, Jr., 25 South Front St., Harrisburg, Pa. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: December 14, 1956, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Alfred B. Hurley.

No. MC 116023, filed July 27, 1956, AA AUTO DELIVERY, INC., 144 Flatbush Ave., Brooklyn, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 3, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116101, filed August 1, 1956, EDWARD L. GROMAND, doing business as QUICK AIR FREIGHT, 948 West Mound Street, Columbus, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus, Ohio. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 5, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 116122, filed July 27, 1956, WALLACE PREZANT, doing business as BILL CASE TRAVEL COMPANY, 181 Seventh Ave., New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 3, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116126, filed July 27, 1956, HARMON SERVICE CORP., doing business as NATIONAL CAR TRAVEL, 1535 Undercliff Ave., Bronx, New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 3, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116134 Sub 1, filed August 8, 1956; H & M. TRUCKING CO., INC., 2135 Queens Chapel Road NE., Washington, D. C. Applicant's representatives: John C. Bradley and Homer S. Carpenter, 618 Perpetual Building, 1111 "E" Street NW., Washington 4, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 6, 1956, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 116135, filed July 27, 1956, NELSON RAPID SERVICE CORP., 15 Park Row, New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 3, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116136, filed July 27, 1956, AACON AUTO DELIVERY, INC., 1 Beekman Street, New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: December 3, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116149, filed August 7, 1956, GEORGE CAMERON AND RICHARD OLSKI, doing business as SP-DEE WHOLESALE FLOWER SERVICE, 25 Compton Ave., West Keansburg, N. J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad St., Newark 2, N. J. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 7, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116137, filed July 30, 1956, CLAYTON H. ZEIGLER, doing business as ZEIGLER'S STORAGE & TRANSFER, 137 West South Street, Carlisle, Pa. Applicant's representative: William D. Boswell, 800–806 Blackstone Building, 112 Market Street, Harrisburg, Pa. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: December 13, 1956, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Alfred B. Hurley.

No. MC 116166, filed August 16, 1956, FLUSHING TRUCKING CORP., 131–33 Avery Avenue, Flushing 55, N. Y. Applicant's representative: Dwyer W. Shugrue, 12 East 41st Street, New York 17, N. Y. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 10, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116170 Sub 1, filed September 21, 1956, SIOUX FREIGHTWAYS, INC., P. O. Box 533, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, processed and unprocessed for preservation, in containers, and in hermetically sealed containers, between points in Maine, Maryland, Massachusetts, New York, Pennsylvania, South Dakota, Iowa, Minnesota, Nebraska, and North Dakota.

HEARING: December 18, 1956, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner James H. Gaffney.

No. MC 116181, filed August 29, 1956, FRANK A. PECK, Nashville Road Ext., Bethel, Conn. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 10, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116200, filed September 12, 1956, UNITED PARCEL SERVICE OF NEW YORK, INC., 331 East 38th St., New York, N. Y. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington D. C. Issues published in FEDERAL REGISTER of September 19, 1956. *PRE-HEARING CONFERENCE:* December 4, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., with Examiner Gerald F. Colfer presiding.

No. MC 116233, filed October 3, 1956, C & T HAULAGE, INC., MD 25 and McCall Place, Newburgh, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tile*, and *tools, materials and supplies* (used and useful in manufacturing and installation of tile), between points in Orange County, N. Y. on the one hand, and, on the other, points in Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Maryland, Delaware, District of Columbia, Virginia, North Carolina, South Carolina, Georgia and Florida, and *skids* and *pallets* on return.

HEARING: December 14, 1956, at the New York Public Service Commission, 55 Elk Street, Albany, N. Y., before Examiner Isadore Freidson.

No. MC 116241, filed September 17, 1956, CLARE GIBBARD AND WENDELL GIBBARD, doing business as GIBBARD BROTHERS ELEVATOR, 505 W. Fourth St., Imlay City, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *Rough lumber* (more fully described in the application), (1) from Capac, Mich., to Flint, Mich., from Capac over Michigan Highway 21, through Imlay City, Lapeer and Davison, Mich., to Flint, serving no intermediate points, (2) from Flint, Mich., to Lansing, Mich., from Flint over U. S. Highway 10 to junction Michigan Highway 121, thence over Michigan Highway 121 to junction Michigan Highway 78, thence over Michigan Highway 78, through Swartz Creek, Mich., to Lansing, serving no intermediate points, (3) from Lansing, Mich., to Niles, Mich., from Lansing over Michigan Highway 78 to junction U. S. Highway 27 at Charlotte, Mich., thence continuing over U. S. Highway 27 to junction Michigan Highway 60 at Tekonsha, Mich., thence over Michigan Highway 60 to junction U. S. High-

ways 31 and 33 at Niles, serving no intermediate points, and (4) from Niles, Mich., to South Bend, Ind., from Niles over combined U. S. Highways 31 and 33 to South Bend, serving no intermediate points.

HEARING: December 12, 1956, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Joint Board No. 23.

No. MC 116245, filed October 8, 1956, HAROLD STEPHENS TRUCK LINES, INC., P. O. Box 907, Crescent City, Calif. For authority to operate as a *contract carrier*, over regular routes, transporting: *Lumber*, from Gold Beach, Oreg., and Brookings, Oreg., to Crescent City, Calif., over U. S. Highway 101.

HEARING: December 12, 1956, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 11.

No. MC 116250, filed October 11, 1956, L. E. BUTLER, 210 Swartz Street, Dunmore, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cinder blocks, concrete blocks, lintels, steel* and *iron*, from Scranton, Pa., to points in New York, New Jersey, Maryland, Delaware and Ohio, and *refused or returned commodities* specified in this application on return movement.

HEARING: December 4, 1956, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Alfred B. Hurley.

No. MC 116252, filed October 15, 1956, JACK C. STENGER, doing business as WHEELING PACKAGE DELIVERY, 12 Dorman Road, Wheeling, W. Va. Applicant's representative: Clarence I. Schafer, 1305 Eoff Street, Wheeling, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Merchandise, such as is dealt in by retail merchants and department stores*, in package and parcels weighing not in excess of 100 pounds, between Wheeling, W. Va., on the one hand, and, on the other, points located in Monroe, Belmont, Harrison and Jefferson Counties, Ohio.

HEARING: December 11, 1956, in the U. S. Court Room, New Federal Bldg., Wheeling, W. Va., before Joint Board No. 61.

No. MC 116253, filed October 15, 1956, RUEBEN C. ZIRBEL, Rural Route No. 1, Menasha, Wis. Applicant's representative: J. J. Keller & Associates, 145 West Wisconsin Avenue, Neenah, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal tallow*, inedible, in bulk, in tank vehicles, from Green Bay, Wis., to Chicago, Ill. and points in the Chicago, Ill., Commercial Zone as defined by the Commission.

HEARING: December 5, 1956, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17.

MOTOR CARRIERS OF PASSENGERS

No. MC 2353 Sub 5, filed August 10, 1956, MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore 24, Md. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 12, 1956, at Room 709, U. S. Appraisers' Stores Bldg., Gay & Lombard Streets, Baltimore, Md., before Joint Board No. 283.

No. MC 2353 Sub 6, filed August 10, 1956, MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore 24, Md. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 18, 1956, at the Office of the Interstate Commerce Commission, Washington D. C., before Joint Board No. 68.

No. MC 3647 Sub 200, filed May 14, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Issues published in FEDERAL REGISTER of May 30, 1956.

HEARING: December 3, 1956, at the U. S. Court Rooms, Trenton, N. J., before Examiner Alfred B. Hurley.

No. MC 110046 Sub 2, filed June 4, 1956, MOTOR TRANSPORTATION COMPANY, INC., 160 N. Laurel Street, Hazelton, Pa. Applicant's representatives: Elwood H. Jones, Esq., 136 N. Broad Street, West Hazelton, Pa., and Daniel H. Jenkins, Mears Bldg., Scranton, Pa. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: December 17, 1956, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Alfred B. Hurley.

No. MC 110595 Sub 2, filed October 9, 1956, COASTAL STAGES CORPORATION, 217 N. Converse St., Spartanburg, S. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *newspapers, express* and *mail*, in the same vehicle, (1) Between Andrews, S. C., and Camden, S. C., from Andrews over South Carolina Highway 41 to junction South Carolina Highway 527, thence over South Carolina Highway 527 to junction U. S. Highway 378, thence over U. S. Highway 378 to Sumter, S. C., thence over U. S. Highway 521 to Dalzell, S. C., thence to junction South Carolina Highways 526 and 44 over South Carolina Highway S–43–43; thence to junction of South Carolina Highway 526 and U. S. Highway 521 over South Carolina Highway 526, to Camden over U. S. Highway 521, and return over the same route, serving all intermediate points; (2) between Myrtle Beach, S. C., and Charleston, S. C., from Myrtle Beach to Georgetown, S. C., over U. S. Highway 17, thence over U. S. Highway 17 to junction South Carolina Highway 165, thence over South Carolina Highway 165 to junction South Carolina Highway 642, thence over South Carolina Highway 642 to junction U. S. Highway 52, thence over U. S. Highway 52 to Charleston, and return over the same route, serving all intermediate points, and the off-route points of Charleston Naval Base and Charleston Air Force Base; (3) between Junction U. S. Highway 521 and U. S. Highway 17A and Junction South Carolina Highway 41 and U. S. Highway 17A, from junction U. S. Highway 521 and U. S. Highway 17A to Andrews, S. C., over U. S. Highway 521, thence to junction South Carolina Highway 41 and U. S. Highway 17A over South Carolina Highway 41, and return over the same route, serving all intermediate points; (4) between junction South Carolina Highway 642 and U. S. Highway 52 and Junction U. S. Highways 176 and 17A, from junction South Carolina Highway 642 and U. S. Highway 52 over U. S. Highway 52 to junction U. S. Highway 176, thence over U. S. Highway 176 to junction U. S. Highway 52, and return over the same route, serving all intermediate points, and the off-route points of Charleston Naval Base and North Charleston, S. C.; (5) between Ten Mile Hill, S. C., and Charleston Air Force Base, S. C., from Ten Mile Hill over Airport Road to Municipal Airport and to and through Charleston Air Force Base, and return over the same route, serving all intermediate points; (6) between Moncks Corner, S. C., and St. Matthews, S. C., from Moncks Corner over South Carolina Highway 6 to St. Matthews, and return over the same route, serving all intermediate points and also serving the off-route point of Vance, S. C., as follows: from junction South Carolina Highways 6 and 121 to Vance, and return over the same route; (7) between Eutawville, S. C., and Holly Hill, S. C., from Eutawville over South Carolina Highway 453 to Holly Hill, and return over the same route, serving all intermediate points; and (8) between Orangeburg, S. C., and Junction South Carolina Highway 267 and U. S. Highway 601, from Orangeburg to Long Star, S. C. over South Carolina Highway 33, thence over South Carolina Highway 33 to junction South Carolina Highways 267 and 601, thence over South Carolina Highway 267, and return over the same route, serving all intermediate points.

HEARING: December 12, 1956, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 177.

No. MC 116096, filed July 11, 1956, LOREN C. BALL AND BARBARA JANE YOUNG, doing business as L. C. BALL TOURS, 5 W. Fourth St., Williamsport, Pa. Applicant's representative: O. William Vanderlin, 433 Market St., Williamsport, Pa. Issues published in FEDERAL REGISTER of Septembre 6, 1956.

HEARING: December 10, 1956, at the U. S. Court Rooms, Williamsport, Pa., before Examiner Alfred B. Hurley.

No. MC 116237, filed October 4, 1956, PENN-DEL INTERSTATE TRANSPORTATION CO., INC., 291 Broadway Suite 504, New York 7, N. Y. Applicant's representative: George H. Rosen, 291 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, and their baggage*, and *newspapers*, in the same vehicle with passengers, between Philadelphia, Pa., and Wilmington, Del., from Philadelphia International Airport, Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa.; thence over city streets to U. S. Highway 13; thence over U. S. Highway 13 to Wilmington, Del., and return over the same route; from Philadelphia International Airport, Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa.; thence over city streets to U. S. Highway 13; thence over U. S. Highway 13 to the intersection thereof with U. S. Highway Alternate 13; thence over U. S. Highway Alternate 13 to Wilmington, Del., and return over the same route; from Philadelphia International Airport, Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa.; thence over city streets to U. S. Highway Bypass 13; thence over U. S. Highway Bypass 13 to U. S. Highway 13; thence over U. S. Highway 13 to the intersection thereof with U. S. Highway Alternate 13; thence over U. S. Highway Alternate 13 to Wilmington, Del., and return over the same route; from Philadelphia International Airport, Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa.; thence over city streets to U. S. Highway Bypass 13; thence over U. S. Highway Bypass 13 to the intersection thereof with U. S. Highway 13; thence over U. S. Highway 13 to Wilmington, Del., and return over the same route; from Philadelphia International Airport, Philadelphia, Pa., via Tinicum Island Road to the intersection thereof with Pennsylvania Highway 291; thence over Pennsylvania Highway 291 to Chester, Pa.; thence over city streets to U. S. Highway 13 to the intersection thereof with U. S. Highway Alternate 13; thence over U. S. Highway Alternate 13 to Wilmington, Del., and return over the same route; from Philadelphia International Airport, Philadelphia, Pa., via Tinicum Island Road to the intersection thereof with Pennsylvania Highway 291; thence over Pennsylvania Highway 291 to Chester, Pa.; thence over city streets to U. S. Highway 13; thence over U. S. Highway 13 to Wilmington, Del., and return over the same route; from Philadelphia International Airport, Philadelphia, Pa., over Pennsylvania Highway 291 to the intersection thereof with Pennsylvania Highway 420; thence over Pennsylvania Highway 420 to the intersection thereof with U. S. Highway Bypass 13; thence over U. S. Highway Bypass 13 to Chester, Pa.; thence over city streets to U. S. Highway 13; thence over U. S. Highway 13 to Wilmington, Del., and return over the same route; from Philadelphia, International Airport, Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa.; thence over city streets to U. S. Highway 13; thence over U. S. Highway 13 to the intersection thereof with U. S. Highway 322; thence over U. S. Highway 322 to the intersection thereof with Pennsylvania Highway 261; thence over Pennsylvania Highway 261 to Delaware Highway 261; thence over Delaware Highway 261 to the intersection thereof with U. S. Highway 202; thence over U. S. Highway 202, to Wilmington, Del., and return over the same route; from Philadelphia International Airport, Philadelphia, Pa., over Pennsylvania Highway 291 to Pennsylvania Highway 420; thence over Pennsylvania Highway 420 to the intersection thereof with U. S. Highway Bypass 13 to Chester, Pa.; thence over city streets to U. S. Highway Bypass 13 to the intersection thereof with Pennsylvania Highway 322; thence over Pennsylvania Highway 322 to Delaware Highway 261; thence over Delaware Highway 261 to U. S. Highway 202; thence over U. S. Highway 202 to Wilmington, Del., and return over the same route. Serving Chester, Pa., and all intermediate points for interstate passengers only.

HEARING: December 18, 1956, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 66.

No. MC 116248, filed October 11, 1956, G. W. CONNER, doing business as CONNER BUSLINES, 1006 Pershing, Poplar Bluff, Mo. Applicant's representative: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Poplar Bluff, Mo. and Cairo, Ill., from Poplar Bluff over U. S. Highway 60 to Cairo, and return over the same route, serving all intermediate points.

HEARING: December 5, 1956, at the Desoto Hotel, St. Louis, Mo., before Joint Board No. 135.

BROKERAGE LICENSES

No. MC 12649, filed July 20, 1956, LOREN C. BALL AND BARBARA JANE BALL, doing business as L. C. BALL TOURS, 431 Market St., Williamsport, Pa. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 10, 1956, at the U. S. Court Rooms, Williamsport, Pa., before Joint Board No. 65.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

No. MC 114004 Sub 10, filed September 20, 1956, ARKANSAS TRUCKING CO., INC., Box 1715, 862 Baseline Road, Little Rock, Ark. Applicant's representative: Ed. E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in towaway service, from Walnut Ridge, Ark., and points within 15 miles thereof, to points in the United States, except Mt. Clemens, Detroit and Flint, Mich. Applicant is authorized to conduct operations to all points in the United States.

No. MC 116260, filed October 18, 1956, GEORGE PASHA, doing business as PASHA TRUCKAWAY & OVERSEAS CAR PROCESSING CO., Rt. 1, Box 541, Pleasanton, Calif. Applicant's representative: Frank Loughran, 155 Sansome St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used passenger automobiles*, non-government or non-military, in secondary movement, by the truckaway service, from Parks Air Force Base and Travis Air Force Base, Calif., to San Francisco and Oakland, Calif.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6411 (correction) published in the October 10, 1956, issue of the FEDERAL REGISTER on page 7754. The name of FRIGIDWAYS EQUIPMENT CORPORATION, P. O. Box 2503, Memphis, Tenn., was inadvertently omitted from the list of persons in control of the applicant.

No. MC–F 6426. Authority sought for control by BEKINS VAN & STORAGE CO. (CALIF. CORP.), 1335 South Figueroa Street, Los Angeles 15, Calif., of BEKINS VAN LINES CO., (NEBR. CORP.), 333 South Center Street, Hillside, Ill. (mail address P. O. Box 109, LaGrange, Ill.), and for acquisition by MILO W. BEKINS, H. B. HOLT and RUTH B. HOLT as individuals and as Tenants in Common, IDA RAINEY BEKINS and MILO W. BEKINS as executrix and executor of the estate of REED J. BEKINS, deceased, FLOYD R. BEKINS, FLOYD R. BEKINS and MILO W. BEKINS as trustees under declaration of trust, FLOYD R. BEKINS, trustor, MILO W. BEKINS and DOROTHY ELOISE BEKINS as trustees under declaration of trust, MILO W. BEKINS, trustor, IDA RAINEY BEKINS and MILO W. BEKINS as trustees under declaration of trust, REED J. BEKINS (deceased), trustor, IDA RAINEY BEKINS, FLOYD R. BEKINS, JR., KATHERINE BEKINS PALMER and M. B. HOLT, all of Los Angeles, of control of BEKINS VAN LINES CO., (NEBR. CORP.), through the acquisition by BEKINS VAN & STORAGE CO. (CALIF. CORP.). Applicant's representatives: R. Granville Curry, 631 Southern Bldg., Washington, D. C., and Lucien W. Shaw, 1335 South Figueroa Street, Los Angeles 15, Calif. Operating rights sought to be controlled: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, the District of Columbia, certain points in Nebraska, and certain points in Iowa, between Seattle, Tacoma, and Spokane, Wash., on the one hand, and, on the other, points in California, between points in Washington, on the one hand, and, on the other, points in Oregon and Idaho other than those within 50 miles of Spokane, between points in Oregon and those in Cowlitz, Clark, Skamania and Klickitat Counties, Wash., on the one hand, and, on the other, points in Idaho and California, and those in Washington except points in Washington within 50 miles of Portland, Oreg., between Portland, Oreg., on the one

hand, and, on the other, points in Montana, Utah, and Colorado, between points in Colorado, on the one hand, and, on the other, points in Kansas, Nebraska, Utah and Wyoming, between points in Essex County, Mass., on the one hand, and, on the other, points in Maine, New Hampshire and Vermont, and between points in Oregon, Washington, Idaho, Nevada, Montana, Wyoming, Utah and Colorado, except those between points in Washington within 50 miles of Portland, Oreg., on the one hand, and, on the other, Portland, and except those between points in Idaho within 50 miles of Spokane, Wash., on the one hand, and, on the other, Spokane. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6430. Authority sought for purchase by CHICAGO DUBUQUE MOTOR TRANSPORTATION COMPANY, 51 Main Street, Dubuque, Iowa, of a portion of the operating rights of JOHN M. SWEENEY, doing business as J. M. SWEENEY, 48 Main Street, Dubuque, Iowa, and for acquisition by A. A. BURGMEIER, E. G. GRASSEL and F. V. BURGMEIER, all of Dubuque, of control of such rights through the purchase. Applicants' representatives: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill., and Adolph Solie, 715 First National Bank Bldg., Madison 3, Wis. Operating rights sought to be transferred: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over regular routes between Dubuque, Iowa, and junction Wisconsin Highways 11 and 35, serving certain intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Fennimore, Wis., and Dubuque, Iowa, between junction U. S. Highway 61 and Wisconsin Highway 35 (approximately five miles northwest of Dubuque, Iowa) and junction Wisconsin Highway 35 and Wisconsin Highway 11, between Prairie du Chien, Wis., and Darlington and Lancaster, Wis., between Highland, Wis., and junction Wisconsin Highways 80 and 81, approximately four miles north of Cuba City, Wis., between Hollandale, Wis., and Belmont, Wis., between Darlington, Wis., and Jordan, Wis., between Argyle, Wis., and Hollandale, Wis., between Patch Grove, Wis., and Dubuque, Iowa, and between Patch Grove, Wis., and East Dubuque, Ill., serving certain intermediate and off-route points; five alternate routes for operating convenience only; *general commodities*, with no exceptions, between Lancaster, Wis., and Prairie du Chien, Wis., between Potosi, Wis., and junction Wisconsin Highway 35 and unnumbered highway south of Bloomington, Wis., and between junction Wisconsin Highway 35 and unnumbered highway north of Patch Grove, Wis., to North Andover, Wis. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Wisconsin and Minnesota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6431. Authority sought for control and merger by J. A. GARVEY TRANSPORTATION, INC., 20 Popes Hill Street, Boston, Mass., of the operating rights and property of OLD COLONY MOTOR LINES, INC., 1102 Broadway, Long Island City, N. Y., and for acquisition by JOHN A. GARVEY and THOMAS F. GARVEY, both of Boston, of control of such rights and property through the transaction. Applicant's representatives: John R. Mahoney, 43 Exchange Place, New York, N. Y., and Mary E. Kelley, 84 State Street, Boston, Mass. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between New York, N. Y., and Boston, Mass., serving certain intermediate and off-route points; alternate route for operating convenience only between New Haven, Conn., on the one hand, and, on the other, Boston, Mass.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points in Essex County, Mass., and those in Massachusetts within 25 miles of the State House, Boston, and between points in the New York, N. Y., Commercial Zone, as defined by the Commission. J. A. GARVEY TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Maine, Massachusetts, New Hampshire, Rhode Island, New York, Connecticut and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6432. Authority sought for purchase by BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa., of a portion of the operating rights of WILBUR H. JOHNS, 327 North Reservoir Street, Lancaster, Pa., and for acquisition by ROBERT C. BEATTY, also of Washington, of control of such rights through the purchase. Applicants' representative: William S. Yard, 200 Washington Trust Bldg., Washington, Pa. Operating rights sought to be transferred: *Prepared food products*, and *materials, equipment*, and *supplies* used in, or incidental to, the preparation, packing, and sale thereof, as a *contract carrier* over a regular route between Pittsburgh, Pa., and Antwerp, N. Y., serving certain intermediate and off-route points. Vendee is authorized to operate as a *contract carrier* in Pennsylvania, West Virginia, Maryland, Ohio, Kentucky, Indiana, New Jersey, Delaware, Illinois, New York, Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6434. Authority sought for purchase by DAKOTA FILM SERVICE, INC., Lake Benton, Minn., of the operating rights of H. P. FAULDS, Ivanhoe, Minn., and for acquisition by HENRY J. SCHUETTE, also of Lake Benton, and H. LAUREN LEWIS, Box 747, Sioux Falls, S. Dak., of control of such rights through the purchase. Applicants' representative: H. Lauren Lewis, P. O. Box 747, Sioux Falls, S. Dak. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Lincoln County, Minn., on the one hand, and, on the other, Sioux Falls, Gary, Brookings, and Watertown, S. Dak. Vendee is authorized to operate as a *common carrier* in South Dakota, Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6435. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., of the operating rights of MISSOURI-OKLAHOMA EXPRESS, INC., 1300 West 35th Street, Chicago, Ill., and for acquisition by SCRIBNER BIRLENBACH, also of Los Angeles, of control of such rights through the purchase. Applicants' representatives: Lee Reeder and W. E. Griffin, both of 1012 Baltimore Bldg., Kansas City 5, Mo., and Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, without exception, as a *common carrier* over a regular route between Tulsa, Okla., and Oklahoma City, Okla., serving all intermediate points; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, over regular routes between Ottawa, Kans., and Tulsa, Okla., between Independence, Kans., and junction unnumbered highway and U. S. Highway 166, and between Pawhuska, Okla., and Bartlesville, Okla., serving all intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Ottawa, Kans., and Kansas City, Mo., between Independence, Kans., and St. Louis, Mo., and between Coffeyville, Kans., and Independence, Kans., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Indiana, Oklahoma, New Mexico, Arizona, California and Texas. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6427. Authority sought for control by BORO BUSSES COMPANY, BORO BUSSES CORPORATION, BORO BUSSES, INC., and "BORO BUSES TOURS", all of Globe Court, Red Bank, N. J., of JERSEY SHORE BUS LINES, INC., 123 Main Street, Matawan, N. J., and for acquisition by DAVID W. RUSSELL, THOMAS P. DOREMUS, WILLIAM L. RUSSELL, JR., THEODORE D. PARSONS, MRS. ISABELLA O. QUINN and MRS. BESSIE RUSSELL, all of Red Bank, of control of JERSEY SHORE BUS LINES, INC., through the acquisition by BORO BUSSES COMPANY, BORO BUSSES CORPORATION, BORO BUSSES, INC., and "BORO BUSES TOURS." Applicants' representative: William L. Russell, Jr., 73 Broad Street, Red Bank, N. J. Operating rights sought to be controlled: *Passengers and their baggage*, in the same vehicle, as a *common carrier* over regular routes between Asbury Park, N. J., and Allentown, Pa., between the intersection of Butler and 13th Streets and the intersection of Northampton and Walnut Streets in Easton, Pa., between certain specified street intersections in New Brunswick, N. J., between the intersection of New Jersey Highway S28 and Old Bridge-New Brunswick Turnpike at the boundary line of the Boro of South River, and the intersection of Main Street and New Jersey Highway S28 in East Brunswick Township, between the intersection of Main and Broad Streets in the Boro of Eatontown and the Asbury Park Bus Terminal of Lake Avenue and Heck Street, between the Boro of Eatontown—Boro of Oceanport boundary line on Eatontown Boulevard and Long Branch, N. J., and between the Boro of West Long Branch—City of Long Branch boundary line on Broadway and the City of Long Branch—Boro of Deal boundary line on Norwood Avenue, serving certain intermediate points; alternate route for operating convenience only between the intersection of New Jersey Highways 28 and 29 and U. S. Highway 22 in Raritan Boro, N. J., and the intersection of Union and Thompson Avenues in Bound Brook Boro, N. J.; *passengers and their baggage*, in special operations, over irregular routes between Easton, Bethlehem, and Allentown, Pa., on the one hand, and, on the other, the Garden State Race Track, near Camden, N. J., and the Atlantic City Race Track, near Mays Landing, N. J., during the authorized racing seasons at such tracks. BORO BUSSES COMPANY is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. BORO BUSSES CORPORATION, BORO BUSSES, INC., and "BORO BUSES TOURS" hold no authority from this Commission but are affiliated with BORO BUSSES—ROLLO TRANSIT CORPORATION, Red Bank, N. J., authorized to operate as a *common carrier* in New Jersey. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6428. Authority sought for purchase by HORACE A. ILLING, doing business as HORACE A. ILLING BUS LINES, Sweet Home, Ark., of a portion of the operating rights and certain property of MISSOURI PACIFIC TRANSPORTATION COMPANY, 1600 Missouri Pacific Bldg., St. Louis, Mo. Applicants' representative: Horace A. Illing, Sweet Home, Ark. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Newport, Ark., and Batesville, Ark., between Corning, Ark., and Junction Arkansas Highway 147 and U. S. Highway 64, between Bald Knob, Ark., and Wynne, Ark., between Wynne, Ark., and Marianna, Ark., and between junction U. S. Highway 64 and Arkansas Highway 147 near Vincent, Ark., and West Memphis, Ark., serving all intermediate points; alternate route for operating convenience only between Bald Knob, Ark., and Batesville, Ark. HORACE A. ILLING, doing business as HORACE A. ILLING BUS LINES, holds temporary authority to operate in Texas, Mississippi and Arkansas. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6436. Authority sought for control by TRENTON TRANSIT, 132 Perry Street, Trenton, N. J., of TRENTON-PHILA. COACH CO., 132 Perry Street, Trenton, N. J. Applicant's representative: Harold S. Shertz, 811 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be controlled: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, as a *common carrier* over regular routes between Philadelphia, Pa., and Trenton, N. J., between junction U. S. Highway 1 and Township Road 339, near Morrisville, Pa., and Fallsington, Pa., between junction Township Road 337 and Pennsylvania State Road 09018 (Trenton Avenue), and junction Township Road 333 and Newportville Road, between junction U. S. Highway 1 and unnumbered road, 1¾ miles east of Oxford Valley, and junction unnumbered road and Pennsylvania State Road 09018 (Trenton Avenue), between junction U. S. Highway 1 and Pennsylvania State Road 09017, in Oxford Valley, Pa., and junction Township Road 333 and Pennsylvania State Road 09018, and between Fallsington, Pa., and junction Pennsylvania Highway 152 and Lincoln Highway (U. S. Highway 1) near Penndel, Pa., serving all intermediate points. TRENTON TRANSIT is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Massachusetts, Connecticut, Delaware, Maryland, Ohio, Rhode Island, Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–8811; Filed, Oct. 30, 1956; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JEAN AND PIERRE GOURIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Gourio, 29, rue des Volontaires, Paris 15, France, and Pierre Gourio, Villa Ker-Vert, Perros-Guirec (C–D–N), France, Claim No. 41478; to each an undivided one-half (½) interest in $36.52 in the Treasury of the United States, and all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license agreement, privilege and power and every right of whatsoever nature, including but not limited to all monies and amounts by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the work entitled La Classe en Francaise, by Eugene Gourio, as listed in Exhibit A of Vesting Order No. 3430 (9 F. R. 13768, November 17, 1944), to the extent owned by Anne Therese Marchetti Gourio, Jean Gourio and Pierre Gourio, immediately prior to the vesting thereof by Vesting Order No. 3430.

Executed at Washington, D. C., on October 23, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–8801; Filed, Oct. 30, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF P. KWAKKEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Mrs. P. Kwakkel, L. S. Claim No. 553, $117.39 in the Treasury of the United States.

Johan, Willemina and Herman Labberton, L. S. Claim No. 554, $587.00 in the Treasury of the United States.

Jo Tiong Lieng, L. S. Claim No. 579, $1,540.00 in the Treasury of the United States.

Petronella Lolkema, L. S. Claim No. 585, $4,793.14 in the Treasury of the United States.

Johann Middendorf, L. S. Claim No. 611, $7,822.01 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 23, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–8802; Filed, Oct. 30, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF LEONIE MOSCOW ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of in-

tention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Cash in the Treasury of the United States:

Leonie Moscow; Joseph Citroen; Bertha Cronheim; Guy and Lodewijk Aymes, L. S. Claim No. 324, $1,117.43.

Henri Dentz, L. S. Claim No. 364, $3,136.64.

Andre van Emden; Maurice, Nicolaas and Elisa Braadbaart; Gustaaf and Alfred Hen; Johanna van Duivenboden; Cato Heilbron; Albert Frank, L. S. Claim No. 403, $3,920.80.

Emanuel Hammelburg, L. S. Claim No. 464, $1,035.09.

Abraham Hamel, L. S. Claim No. 465, $1,117.43.

All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Leonie Moscow; Joseph Citroen; Bertha Cronheim; Guy and Lodewijk Aymes, L. S. Claim No. 324, Cities Service Power & Light Company 5½/52 Debenture No. 6317, in the principal amount of $1,000.

Henri Dentz, L. S. Claim No. 364, Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 3154, 2524, 9334, 12440 and 14231, in the principal amount of $1,000 each; Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 31, 32, 33, 34, 35, 8623, 11887, 11888, 16089 and 16090, in the principal amount of $500 each.

Andre van Emden; Maurice, Nicolaas and Elisa Braadbaart; Gustaaf and Alfred Hen; Johanna van Duivenboden; Cato Heilbron; Albert Frank, L. S. Claim No. 403, Cities Service Company 5/58 Bond No. 10192, in the principal amount of $1,000.

Emanuel Hammelburg, L. S. Claim No. 464, Southern Pacific Railroad Company 4/55 Bond No. 3151, in the principal amount of $500; Union Pacific Railroad Company 8½/71 Debenture No. 21125, in the principal amount of $1,000.

Abraham Hamel, L. S. Claim No. 465, Southern Railway Company 4/56 Bond No. 34075, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 23, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8803; Filed, Oct. 30, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MOZES (M. S.) VAS DIAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Mozes (M. S.) Vas Dias, L. S. Claim No. 769, $1,364.47 in the Treasury of the United States.

Salomon Davidson and Abraham Hayim, L. S. Claim No. 790, $3,121.02 in the Treasury of the United States.

Alexander Wertheim, L. S. Claim No. 799, $1,364.47 in the Treasury of the United States.

Elisabeth, Hartog and Alfred van Wien, L. S. Claim No. 804, $3,324.87 in the Treasury of the United States.

Joseph van der Woude, L. S. Claim No. 818, $4,093.41 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 23, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8804; Filed, Oct. 30, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF S. KATS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

S., Reina, Nico, Maurits and Lilly Kats; J. H. Jacobs; Levie and Everhard van Zuiden; D. and M. S. Wolff, L. S. Claim No. 178, Union Pacific Railroad Company 4/47 Bond No. 39858, in the principal amount of $1,000;

Paul Limburg and Kenneth Springborn, L. S. Claim No. 218, Cities Service Company 5/66 Debenture No. 19041, in the principal amount of $1,000; Cities Service Company 5/69 Debenture No. 20720, in the principal amount of $1,000.

Hanna Koperberg; Henry Samuel; Elisabeth Frank; Jacob Vis; Sara and Jacob Hartog; Jacob Bekkers; Sientje, Marcus, Jacob, Louis and Margarete van Blankenstein; Albert Hirsch, L. S. Claims No. 681, Cities Service Company 5/69 Debenture No. 44687, in the principal amount of $1,000.

Louise Polak; Jacques and Frederik Roeper, L. S. Claim No. 688, Cities Service Company 5/69 Debenture No. 41597, in the principal amount of $1,000.

Katharine Nathan, L. S. Claim No. 846, Southern Pacific Company 4½/69 Bond No. 32488, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 23, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8805; Filed, Oct. 30, 1956; 8:49 a. m.]

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INDEX AND TABULAR GUIDES

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 943—MILK IN NORTH TEXAS MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 943), regulating the handling of milk in the North Texas marketing area, hereinafter referred to as the "order", it is hereby found that:

(a) The provision of § 943.51 (a) (3) limiting the fixing of the supply-demand adjustment applicable to the Class I price at not less than 29 cents, to the period ending October 31, 1956, will not tend to effectuate the declared policy of the act during the months of November and December, 1956.

(b) Notice of proposed rule making, public procedure thereon, and 30 days prior notice to the effective date hereof are found to be impracticable, unnecessary and contrary to the public interest in that (1) the issuance of this suspension order is necessary to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; (2) unless this suspension order is effective for November and December 1956, there will occur a substantial drop in the Class I prices; (3) in view of the extreme drought conditions, such a drop in price would seriously curtail milk production; (4) this suspension order has been requested by a substantial majority of the producers whose milk is regulated by the order and has been concurred in by handlers of most of the milk regulated by the order; (5) this suspension order does not require of persons affected substantial or extensive preparation prior to its effective date; and (6) the time intervening between the date of this suspension order and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the following provision be and hereby is suspended for the months of November and December, 1956.

In § 943.51 (a) (3) the words "through October, 1956".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 26th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8851; Filed, Oct. 31, 1956; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (1) of § 6.302 is revoked and paragraph (d) (2) is amended as set out below.

§ 6.302 *Department of State* • • •

(d) *Office of the Assistant Secretary for Public Affairs* • • •

(2) Two Deputy Assistant Secretaries.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8873; Filed, Oct. 31, 1956; 8:54 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (4) of § 6.304 is revoked and paragraph (a) (17) is added as set out below.

§ 6.304 *Department of Defense.* (a) *Office of the Secretary.* • • •

(17) One Confidential Secretary to the Special Advisor to the Assistant Sec-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($3.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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retary of Defense, Research and Development.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8874; Filed, Oct. 31, 1956; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-377A]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

SPECIAL CIVIL AIR REGULATION; MECHANICAL WORK PERFORMED ON U. S. REGISTERED AIRCRAFT BY CERTAIN CANADIAN MECHANICS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of October 1956.

On November 13, 1951, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR-377 effective from November 13, 1951, to November 1, 1956, which permits maintenance, repair, and alteration operations on aircraft of United States registry to be performed in Canada by or under the direct supervision of a mechanic holding a certificate of competence and appropriate ratings issued by the Canadian Government subject to the condition that each operation performed is listed and certified by him in a manner and on a form prescribed by the Administrator and further provided that all such operations are performed in accordance with Part 18 of the Civil Air Regulations. The purpose of this Special Civil Air Regulation is to extend the provisions of SR-377 for an additional five-year period.

Under the Civil Aeronautics Act of 1938, as amended, foreign individuals who are directly in charge of inspection, maintenance, overhaul, or repair of aircraft, aircraft engines, propellers, or appliances are prohibited from serving as such in connection with any civil aircraft of United States registry used in air commerce unless properly certificated by the Administrator of Civil Aeronautics. As this prohibition also applies to work performed in foreign countries, Canadian mechanics fully authorized by the Canadian Department of Transport to serve in connection with transport aircraft would be required to possess appropriate United States mechanics certificates to serve in connection with such United States aircraft.

Section 1 (6) of the Civil Aeronautics Act of 1938, as amended, authorizes the Board to exclude a mechanic employed outside the United States from the definition of "airman" and thus from the necessity of holding a United States airman certificate. The Canadian Government presently recognizes the validity of United States airman certificates issued to mechanics in connection with work performed in the United States on Canadian aircraft.

Canadian mechanic certificate requirements as well as standards of maintenance, alteration, and repair are of a high caliber and compare favorably with those in force in the United States. The Canadian Department of Transport has urged that the present reciprocal arrangement with the United States be extended and the Administrator of Civil Aeronautics has advised the Board that such an arrangement would not adversely affect safety and also urges the extension of the present reciprocal arrangement.

Interested persons have been afforded an opportunity to participate in the making of this regulation (21 F. R. 6888), and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective November 1, 1956:

1. An individual holding a valid mechanic certificate of competence and appropriate ratings issued by the Canadian Government shall not be deemed an airman within the meaning of section 1 (6) of the Civil Aeronautics Act of 1938, as amended, with respect to inspection, maintenance, overhaul, or repair operations conducted in Canada in connection with aircraft of United States registry, and such individual, notwithstanding any contrary provisions of the Civil Air Regulations, may perform such operations in connection with United States aircraft in Canada: *Provided*, That, in the case of repair, alteration, and maintenance, each operation performed is listed and certified to by him in a manner and on a form prescribed by the Administrator: *And provided further*, That all such repairs, alterations, and maintenance operations shall be performed in conformance with the requirements of Part 18 of the Civil Air Regulations.

2. An aircraft, aircraft engine, or propeller on which any major repair or major alteration has been performed as authorized herein shall not be flown in air commerce until examined, inspected, and approved by a Canadian Department of Transport Inspector of Aircraft. Such approval shall be indicated in a manner and on a form prescribed by the Administrator.

3. This regulation supersedes Special Civil Air Regulation No. SR-377 and shall terminate November 1, 1961, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 1, 601, 602, 605, 610, 52 Stat. 977, 1007, 1008, 1010, 1012; 49 U. S. C. 401, 551, 552, 555, 560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-8875; Filed, Oct. 31, 1956; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54230]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE TOWING LAWS

OCTOBER 26, 1956.

Upon written recommendation in the interest of national defense by the Secretary of the Army, acting under the delegation of August 18, 1955 (20 F. R. 6361), of certain powers of the Secretary of Defense with respect to matters concerning the St. Lawrence Seaway Power Project or the St. Lawrence Seaway Navigation Project, and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and Revised Treasury Department Order No. 165, as amended (T. D.'s 53654 and 53966), I hereby waive compliance with sections 289, 292, 316, and 883, title 46, United States Code, to the extent necessary to permit any dredge, tug, scow, barge, or other vessel of Canadian registry or flag, whether or not Canadian-built, to be employed in dredging, towing, the transportation of merchandise or passengers, or any combination of such activities, in connection with the construction of the proposed high level Cornwall South Channel Bridge of the St. Lawrence Seaway Navigation Project in the general area of Massena and Rooseveltown, New York.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc. 56-8859; Filed, Oct. 31, 1956; 8:52 a. m.]

[T. D. 54231]

PART 22—DRAWBACK

SUBSTITUTED MERCHANDISE

Section 313 (b), Tariff Act of 1930, as amended, was further amended by section 2 of Public Law No. 1012 approved August 6, 1956 (T. D. 54181), to permit substitution also in the case of "printing papers, coated or uncoated" used in the manufacture or production of articles for exportation with benefit of drawback. To reflect this change, §§ 22.1 and 22.5 of the Customs Regulations are hereby amended as follows:

Footnote 1 appended to § 22.1 is amended by inserting in paragraph (b) thereof, after "linseed oil," wherever it appears the following: "or printing papers, coated or uncoated,".

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

Section 22.5 is amended by inserting after "linseed oil," wherever it appears the following: "or printing papers, coated or uncoated,".

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 25, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8860; Filed, Oct. 31, 1956; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 172—DISPOSITION OF SEIZED PERSONAL PROPERTY

MISCELLANEOUS AMENDMENTS

On August 31, 1956, a notice of proposed rule making with respect to regulations designated as Part 172 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (21 F. R. 6569). The purpose of the proposal was to prescribe the procedure relating to personal property seized by officers of the Internal Revenue Service as subject to forfeiture as being used, or intended to be used, as the case may be, to violate Federal laws. No data, views, or arguments pertaining thereto have been received within the period of 30 days from the date of publication of said notice in the FEDERAL REGISTER. Accordingly, the regulations so published are hereby adopted, except that the following amendments are made:

1. A second section, § 172.2, is added to Subpart A.

2. The period at the end of § 172.29 is stricken, and a semicolon is substituted therefor, followed by the following additional proviso: "*Provided further*, That cash, postal money orders, and certified or cashier's' or treasurers' checks may be furnished by claimants as collateral security in lieu of corporate sureties."

The regulations contained in this part shall be effective on the 31st day after the date of their publication in the FEDERAL REGISTER.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 26, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part shall, on their effective date, supersede Treasury Decision 5535 (26 CFR Part 171, Subpart E, 1949) and Treasury Decision 5066 (26 CFR Part 468, 1949).

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172.1 Procedures relating to personal property.
172.2 Forms prescribed.

Subpart B—Definitions

172.5 Meaning of terms.
172.6 Appraised value.
172.7 Assistant regional commissioner.
172.8 Carrier.
172.9 Commercial crimes.
172.10 Commissioner.
172.11 Contraband firearm.
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172.13 I. R. C.
172.14 Person.
172.15 Re-appraisal.
172.16 Recognized lien.
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172.18 Regional commissioner.
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Subpart C—Seizures and Forfeitures

172.25 Personal property subject to seizure.
172.26 Forfeiture of seized personal property.
172.27 Type and conditions of cost bond.
172.28 Corporate surety bonds.
172.29 Deposit of collateral.
172.30 Bond for return of seized perishable goods.

Subpart D—Remission or Mitigation of Forfeitures

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172.36 Interest claimed.
172.37 Form of the petition.
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172.50 Rate of compensation.

Subpart F—Administrative Sale of Personal Property

172.55 Alternative methods of sale.
172.56 All bids on unit basis.
172.57 Conditions of sale.
172.58 Terms of sale.
172.59 Sale of forfeited tobacco materials and products.
172.60 Purchaser entitled to bill of sale.
172.61 Sale on open, competitive bids.
172.62 Sale on sealed, competitive bids.

AUTHORITY: §§ 172.1 to 172.62 issued under sec. 7, 52 Stat. 1252, as amended, sec. 8, 53 Stat. 1293, as amended, sec. 1, 62 Stat. 761, as amended, sec. 7805, 68A Stat. 917; 15 U. S. C. 907, 49 U. S. C. 788, 18 U. S. C. 1261, 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parenthesis.

SUBPART A—SCOPE OF REGULATIONS

§ 172.1 *Procedures relating to personal property.* Regulations in this part shall relate to personal property seized by officers of the Internal Revenue Service as subject to forfeiture as being used, or intended to be used, as the case may be, to violate Federal laws.

§ 172.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, or necessary for its administration. Information called for shall be furnished in accordance with the instructions on the forms or issued with respect thereto.

SUBPART B—DEFINITIONS

§ 172.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 172.6 *Appraised value.* "Appraised value" shall mean the value placed upon seized property by qualified appraisers designated for the purpose of determining whether the property may be forfeited administratively.

§ 172.7 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the regional commissioner.

§ 172.8 *Carrier.* "Carrier" shall mean a vessel, vehicle or aircraft seized for having been used to transport, carry or conceal a contraband firearm.

§ 172.9 *Commercial crimes.* "Commercial crimes" shall be deemed to mean any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; offenses involving gambling or wagering; and attempting to commit, conspiring to comit, compounding or aiding, abetting, counselling, commanding, inducing or procuring the commission of any of the foregoing crimes.

§ 172.10 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 172.11 *Contraband firearm.* "Contraband firearm" shall mean a firearm with respect to which there has been committed a violation of the National Firearms Act (I. R. C., chapter 53) or any regulation issued thereunder.

§ 172.12 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 172.13 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 172.14 *Person.* "Person" shall mean and include an individual, trust, estate, partnership, association, company or a corporation.

§ 172.15 *Re-appraisal.* The term "re-appraisal" shall mean an up-to-date statutory appraisal to determine the present value of the property involved in a petition for remission or mitigation of forfeiture, made by qualified appraisers as required by the applicable statute at the specific request of the petitioner whose petition in regard to the property has been allowed and who, for reasonable cause, is not satisfied that the original, statutory appraisal represents the present value of the property.

§ 172.16 *Recognized lien.* The term "recognized lien", as used in administrative action on petitions for remission or mitigation of forfeitures, shall mean that present, recognizable interest which a petitioner has in the personal property or carrier petitioned for at the time of filing of the petition, or at the time of final administrative action on the petition if the said interest has been reduced since filing of the petition, but in either event shall not be considered to include any unearned finance charges, insurance from date of seizure, or attorneys' fees for collection.

§ 172.17 *Region.* "Region" shall mean the area designated by the Secretary, or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 172.18 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 172.19 *Supervisor in Charge.* "Supervisor in Charge" shall mean the Supervisor in Charge, Alcohol and Tobacco Tax, Internal Revenue Service, who is responsible to, and functions under the direction and supervision of, the Assistant Regional Commissioner, Alcohol and Tobacco Tax.

§ 172.20 *U. S. C.* "U. S. C." shall mean the United States Code of 1952.

SUBPART C—SEIZURES AND FORFEITURES

§ 172.25 *Personal property subject to seizure.* Personal property may be seized by duly authorized officers of the Internal Revenue Service for forfeiture to the United States when used or intended to be used, in violation of the internal revenue laws, and certain other laws of the United States which such officers are empowered to enforce, including title 18 U. S. C. chapters 59, 229 (liquor); title 27 U. S. C. section 206 (liquor); title 15 U. S. C. chapter 18 (firearms); title 49 U. S. C. chapter 11 (transportation et cetera of contraband firearms).

§ 172.26 *Forfeiture of seized personal property.* Personal property seized as subject to forfeiture under the internal revenue laws and appraised at a value of $1,000.00 or less, and any carrier appraised at $2,500.00 or less under the customs laws shall be forfeited to the United States in administrative or summary forfeiture proceedings, unless within 30 days from the date of the first advertisement of seizure as required by I. R. C., section 7325, or within 20 days from the date of first publication of notice of seizure of carriers as required by 19 U. S. C., section 1608, a claimant appears and files proper claim supported by a $250.00 cost bond, thereby removing the forfeiture status of the property or carrier in question to the jurisdiction of the Federal court for adjudication, in which event the seizure in question shall be referred to the United States Attorney for appropriate judicial forfeiture proceedings or other disposition.

§ 172.27 *Type and conditions of cost bond.* The cost bond delivered by a claimant to effect removal of the forfeiture status of the property or carrier claimed to the jurisdiction of the Federal court for adjudication shall be a corporate surety bond: *Provided, however,* That upon a showing to the satisfaction of the Supervisor in Charge that the claimant is unable to furnish a corporate surety bond such claimant may deliver a cost bond with individual sureties acceptable to the Supervisor in Charge; provided, further, that in lieu of a cost bond with corporate or individual sureties the claimant may deposit collateral as provided in § 172.29. The cost bond shall be conditioned that in the case of the condemnation of the property the obligors shall pay all costs and expenses of the proceedings to obtain such condemnation.

§ 172.28 *Corporate surety bonds.* Corporate surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356—Revised, and subject to such amendments as may be issued from time to time.

(61 Stat. 646, 68A Stat. 847; 6 U. S. C. 6, 26 U. S. C. 7101)

§ 172.29 *Deposit of collateral.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by claimants as collateral security in lieu of corporate sureties in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225): *Provided,* That United States Savings Bonds, Defense Savings Bonds and War Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate sureties; *Provided further,* That cash, postal money orders, and certified or cashiers' or treasurers' checks may be furnished by claimants as collateral security in lieu of corporate sureties.

(61 Stat. 646, 68A Stat. 847; 6 U. S. C. 15, 26 U. S. C. 7101)

§ 172.30 *Bond for return of seized perishable goods.* The proceedings to enforce forfeiture of perishable goods shall be in the nature of a proceeding in rem in the district court of the United States for the district wherein such seizure is made. Whenever such property is liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the owner thereof may apply to the Supervisor in Charge to examine it, and, if in the opinion of the Supervisor in Charge, it shall be necessary to sell such property to prevent waste or expense, the Supervisor in Charge shall appraise the property. Thereupon the owner shall have the property returned to him upon giving a corporate surety bond (see § 172.28) in an amount equal to the appraised value of the property, which bond shall be conditioned to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of the appraised value to the Supervisor in Charge, the United States Marshal, or otherwise, as may be ordered and directed by the court, which bond shall be filed by the Supervisor in Charge with the United States Attorney for the district in which the proceedings may be commenced. If the owner of such property neglects or refuses to give such bond within a reasonable time considering the condition of the property the Supervisor in Charge shall request the United States Marshal to proceed to sell the property at public sale as soon as practicable and to pay the proceeds of sale, less reasonable costs of the seizure and sale, to the court to abide its final order, decree, or judgment.

(68A Stat. 869, 870; 26 U. S. C. 7322, 7323, 7324)

SUBPART D—REMISSION OR MITIGATION OF FORFEITURES

§ 172.35 *Laws applicable.* Remission or mitigation of forfeitures shall be governed by the applicable customs laws.

(Sec. 613, 618, 46 Stat. 756, as amended, 757, as amended, sec. 4, 53 Stat. 1292, sec. 7327, 68A Stat. 871; 19 U. S. C. 1613, 1618, 49 U. S. C. 784, 26 U. S. C. 7327)

§ 172.36 *Interest claimed.* Any person claiming an interest in property seized by internal revenue officers as subject to administrative forfeiture may file a petition addressed to the Director, Alcohol and Tobacco Tax Division, for remission or mitigation of the forfeiture of such property.

§ 172.37 *Form of the petition.* There is no set or standardized form provided or required by the Department for use in filing a petition for remission or mitigation of forfeiture. However, it is preferable that the petition be typewritten on legal size paper; and it is necessary that the petition be executed under oath, prepared in triplicate and addressed to the Director, Alcohol and Tobacco Tax Division, and that all copies of original documents submitted as exhibits in support of allegations of the petition be certified as true and accurate copies of originals. Each copy of the petition must contain a complete set of exhibits.

§ 172.38 *Contents of the petition*—(a) *Description of property.* The petition should give such a description of the property and such facts of the seizure as will enable the officers of the Internal Revenue Service concerned to identify the property.

(b) *Statement regarding administrative forfeiture or sale.* If an executive proceeding for summary forfeiture is pending or has been consummated, the petition should state such fact and cite the sections of law under which forfeiture is sought or was accomplished; and if the property has been sold, the petition should also state the date and place of sale, and the gross amount of proceeds derived from the sale. If the property was acquired for official use in lieu of sale the petition should so state.

(c) *Statement regarding knowledge of seizure.* In the event the petition is filed for the restoration of the proceeds derived from sale of the property pursuant to summary forfeiture, it should also contain, or be supported by, satisfactory proof that the petitioner did not know of the seizure prior to the declaration or condemnation of forfeiture, and that he was in such circumstances as prevented him from knowing of the same. (See also § 172.39.)

(d) *Statement regarding judicial forfeiture or sale.* If a forfeiture proceeding is pending in court, or has resulted in forfeiture and sale of the property pursuant to court order, the petition should state the style of the case, and the sections of law cited as basis for forfeiture, the court, in which forfeiture is pending or in which the property was

ordered forfeited and sold, the docket number, and the fact either that the property has not yet been sold, if forfeited and sold, the date and place of sale and the gross amount received from sale. If the forfeited property was acquired for official use in lieu of sale the petition should so state.

(e) *Interest of petitioner.* The petition should state in clear and concise terms the nature and amount of the present, recognizable interest of the petitioner in the property to be forfeited, or which has been forfeited and sold or otherwise disposed of, and the facts relied upon to show that the forfeiture was incurred without willful negligence or without any intention upon the part of the petitioner to defraud the revenue or to violate the law, or such other mitigating circumstances as, in the opinion of the petitioner, would justify the remission or mitigation of the forfeiture.

(f) *Petitioner innocent party.* If the petitioner is not the one who in person committed the act which caused the seizure, the petition should state how the property came into the possession of such other person, and that the petitioner had no knowledge or reason to believe, if such be the fact, that the property would be used in violation of law. The petition should also state the investigation, if any, made of such other person, through principal Federal, State or local law enforcement officers having jurisdiction of the locality in which such other person acquired his right under any contract or agreement, of the locality in which such other person resided and of each locality in which the petitioner made any other inquiry as to the character or financial standing of such other person, prior to parting with the property, to determine whether such other person had either a record or a reputation, or both, as a violator of the laws of the United States or of any State relating, for instance, to intoxicating liquors (in the case of seizures for violation of Federal laws relating to liquor) or to commercial crimes (in the case of seizures of carriers or seizures for violation of internal revenue laws relating to wagering), and the information obtained from said investigation.

(g) *Documents supporting claim.* The petition should also be accompanied by copies, certified by the petitioner under oath as correct, of contracts, bills of sale, chattel mortgages, reports of investigators or credit reporting agencies, affidavits, and any other papers or documents that would tend to support the claims made in the petition.

(h) *Costs and expenses.* The petitioner shall undertake to pay all the costs and expenses incurred in seizing and storing the property, as well as the costs borne or to be borne by the United States, the taxes, if any, payable by the petitioner or imposed in respect of the property to which the petition relates, and, if the property has been sold, or is in the course of being sold, the expenses so incurred.

§ 172.39 *Time of filing petition.* A petition may be filed at any time prior to the sale or other disposition of the property involved pursuant to administrative forfeiture, but a petition in regard to property which has already been sold or otherwise disposed of pursuant to administrative forfeiture must be filed within three months from the date of sale, and must contain the proof defined in § 172.38 (c). Acquisition for official use is equivalent to sale so far as remission or mitigation of any forfeiture is concerned.

(49 Stat. 880; 40 U. S. C. 304k)

§ 172.40 *Place of filing.* The petition should be filed, originally and in triplicate, with the Supervisor in Charge for the State or other territorial jurisdiction in which the seizure was made.

§ 172.41 *Discontinuance of administrative proceedings.* If the petition covers property pending administrative forfeiture or disposition and is filed prior to the administrative sale of the property, or prior to retention of the property for official use, any further proceedings for forfeiture or disposition, as the case may be, will be discontinued.

§ 172.42 *Return of defective petition.* If the petition is defective in some correctible respect, the Supervisor in Charge will return all copies of it by letter to the petitioner for proper corrections, amendments, et cetera, or for the submission of a new petition supplying the deficiencies of the one returned, within a reasonable time in either event.

§ 172.43 *Types of final action.* The Director, Alcohol and Tobacco Tax Division, shall take final action on any petition filed pursuant to these regulations. Such final action shall consist either of the allowance or denial of a petition. Petitions allowed by the Director, Alcohol and Tobacco Tax Division, will fall generally into the following five classes on the basis of the terms and conditions of allowance:

(a) The property itself is returnable to the petitioner upon payment by him of all costs and storage charges; or

(b) The property is returnable to the petitioner provided he pays the difference between the recognized lien and the appraised value, plus all costs and storage charges, otherwise the property is sold, or acquired for official use by a governmental agency, pursuant to forfeiture, and the petitioner's recognized lien is paid as provided in § 172.44 or out of the proper appropriation of the receiving agency if the property was acquired for official use, less all costs and storage charges in either event; or

(c) The property, if a vehicle, is returnable to the petitioner provided he pays any difference between the amount of his recognized lien and the present appraised value, plus all costs and storage charges, subject, however, to the right of the Internal Revenue Service to pay the petitioner the amount of his recognized lien, less all costs and storage charges, and to acquire the vehicle for official use; or

(d) The property is returnable to the petitioner upon payment by him of a specified sum in mitigation, proposed by him, accepted by the Director, Alcohol and Tobacco Tax Division, and made a condition of allowance, or by the Director, Alcohol and Tobacco Tax Division, on his own initiative made a condition of allowance, in either event the petitioner to pay all costs and storage charges (plus the difference between the recognized lien and the appraised value when that condition is imposed); or

(e) The petitioner's lien is recognized in the amount as established, in the case wherein the property has been sold or acquired for official use, to be paid, less all costs and storage charges, in full, or pro tanto, in conformance with the applicable provisions of § 172.44, or out of the proper appropriation of the receiving agency if the property is acquired for official use.

§ 172.44 *Payment of liens.* In an allowed petition case wherein the petitioner does not elect to pay the difference between his recognized lien and the present appraised value, plus all costs and storage charges, thus necessitating sale of the property or carrier, pursuant to clearance for sale, the petitioner's recognized lien shall be paid as follows:

(a) If the property or carrier involved is forfeitable, or has been forfeited but not sold or otherwise disposed of, the property shall be sold pursuant to forfeiture, the petitioner's recognized lien thereafter to be paid on certification by the regional commissioner's office out of the proper appropriation, in full or pro tanto, to the extent of the gross proceeds of sale, less all costs and storage charges; or

(b) If the property or carrier has been sold, the petitioner's recognized lien shall be paid on certification by the regional commissioner's office out of the proper appropriation, in full or pro tanto, to the extent of the gross proceeds of sale, less all costs and storage charges.

§ 172.45 *Re-appraisal of property involved in an allowed petition.* In determining the nature and extent of the relief to be afforded a petitioner pursuant to allowance of his petition, the value of the property or carrier involved in the allowed petition shall be considered to mean the value placed on said property or carrier pursuant to official appraisal thereof by the qualified appraisers immediately following seizure; provided, however, that if the petitioner desires an up-to-date re-appraisal made of the property or carrier, after notification as to the terms of allowance of the petition, and makes written request therefor, undertaking in said request to pay, or to be liable for, the total costs of such re-appraisal, the property or carrier shall be re-appraised officially in the same manner in which the original appraisal was made, and the terms and conditions of allowance shall stand modified to the extent required by such re-appraisal.

SUBPART E—APPRAISER'S FEES

§ 172.50 *Rate of compensation.* Each appraiser shall receive compensation of $3.00 per day for the performance of his duties in appraising property or carriers seized by the Internal Revenue Service.

(68A Stat. 870; 26 U. S. C. 7325)

SUBPART F—ADMINISTRATIVE SALE OF PERSONAL PROPERTY

§ 172.55 *Alternative methods of sale.* When personal property or a carrier forfeited administratively has been cleared for administrative sale, the Supervisor in Charge shall give 10 days' notice of the sale of the said property or carrier by notice placed in a newspaper of general circulation published in the internal revenue collection district wherein the seizure was made. At the discretion of the Supervisor in Charge, based upon which method in his sound judgment is most advantageous to the best interests of the United States, the forfeited personal property or carrier may be advertised for sale, and sold, at public auction to the highest bidder on open, competitive bids, or to the highest bidder on sealed, competitive bids.

(68A Stat. 870; 26 U. S. C. 7325)

§ 172.56 *All bids on unit basis.* All competitive bids, whether sealed or otherwise, shall be on a unit basis, i. e. if a number of forfeited automobiles are advertised for sale at the same date, hour and place, whether or not in the same notice of sale, there shall be a separate, individual bid required as to each automobile, and it shall not be permissible to accept one blanket bid to cover the entire group of cars offered for sale.

§ 172.57 *Conditions of sale.* All personal property to be sold shall be offered for sale "as is" and without recourse against the United States. No guarantee or warranty, express or implied, shall be given or understood in respect of any forfeited seizure offered for sale.

§ 172.58 *Terms of sale.* The terms of sale shall be cash in the amount of the accepted bid.

§ 172.59 *Sale of forfeited tobacco materials and products.* All tobacco materials, tobacco products and cigarette papers and tubes, shall be sold at a price which will include the tax due and payable thereon; provided, however, that tobacco materials may be sold to the highest bidder, without regard to any tax, whether by sealed bid or otherwise, if such bidder is a manufacturer of tobacco products or a dealer in tobacco materials holding a permit to engage in such business, such materials to be accounted for in records required to be kept by him for internal revenue purposes. Written, timely notice shall be given by the Supervisor in Charge to the manufacturer of any forfeited tobacco product offered for sale.

§ 172.60 *Purchaser entitled to bill of sale.* Each purchaser of administratively forfeited property, including carriers, shall be entitled to receive a suitable and authentic bill of sale on a form to be provided for the purpose.

§ 172.61 *Sale on open, competitive bids.* If the personal property is to be sold at public auction to the highest bidder on open, competitive bids, the notice of sale shall so specify, and state the date, hour and place of sale.

§ 172.62 *Sale on sealed, competitive bids.* If the property is to be sold to the highest bidder on sealed, competitive bids, the notice of sale shall so specify, and shall state the date, hour and place of sale, and the date, hour and place before the sale when and where the property, including carriers, may be viewed by prospective sealed bidders, and necessary information obtained. All sealed bids must be filed with the Supervisor in Charge before the sale. No bids will be accepted after the sale starts. The United States reserves the right to reject any and all such bids, to declare "no sale", and to re-advertise the property for sale. At the appointed date, hour and place of sale, all sealed bids timely filed shall be opened in the presence of all bidders attending the sale, who shall have the privilege of inspecting the bids if they so desire.

[F. R. Doc. 56-8861; Filed, Oct. 31, 1956; 8:52 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DEFENSE PURPOSES

Part 13 of Title 45 CFR is hereby amended to read as follows:

Sec.
13.1 Definitions.
13.2 Basic policy.
13.3 Geographic scope.
13.4 Allocation of donable property.
13.5 Donations of personal property.
13.6 Certifications by state agencies and donees.
13.7 State agency agreements.
13.8 Terms and conditions of transfers or retransfers of donable property other than aircraft.
13.9 Terms and conditions of transfers or retransfers of aircraft.

AUTHORITY: §§ 13.1 to 13.9 issued under sec. 203, 63 Stat. 385, as amended, 70 Stat. 493; 40 U. S. C. 484.

§ 13.1 *Definitions.* (a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U. S. C. 471 et seq.). Terms defined in the act and not defined in this section, shall have in this part the meaning given to them in the act.

(b) "Accredited" means approval by a recognized accrediting board or association on a regional, state, or national level such as a State Board of Education or Health, a regional or national accrediting association for universities, colleges, or secondary schools, the American Hospital Association, etc.

(c) "Approved" means recognition and approval by the State Department of Education, State Department of Health, or other appropriate authority. With respect to an educational institution, such approval must relate to academic or instructional standards. An educational institution may be considered as approved if its credits are accepted unconditionally by accredited or State approved institutions, or if it meets the academic or instructional standards prescribed for public schools in the State.

(d) "Civil defense operational readiness" means that state of preparedness of civil defense organizations which will enable them to carry out their emergency functions.

(e) "Civil defense organizations" means the official agency designated, pursuant to State law, to be responsible for the civil defense program in such state or local political subdivisions thereof, and organizations or instrumentalities designated, pursuant to State law, as having the responsibility for a component part of a civil defense program. This term does not include a "State agency" as defined in paragraph (aa) of this section.

(f) "Civil defense reserve stock" means material, equipment and supplies which will be placed in storage in accordance with Federal Civil Defense Administration criteria and will be for use only in an enemy-caused disaster.

(g) "Civil defense training" means a program of training designed to teach civil defense personnel civil defense responsibilities, duties, and emergency assignments, or to develop operational skills in the performance of such duties.

(h) "Clinic" means an approved facility organized and operated for the primary purpose of providing outpatient health services and includes the customary related facilities such as laboratories, treatment rooms, etc.

(i) "College" means an approved or accredited institution of higher learning offering organized study courses and credits leading to the baccalaureate or higher degrees.

(j) "Department" means the Department of Health, Education, and Welfare.

(k) "Donable property" means surplus equipment, materials, books, or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to section 405 of the National Security Act of 1947, as amended, or in similar managment-type funds) except:

(1) Such property as may be specified from time to time by the Administrator of General Services;

(2) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring spécial handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(3) Property in the custody of an agency or an organizational unit thereof which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841);

(4) Property in trust funds.

(l) "Donated property" means equipment, materials, books and other personal property transferred to eligible institutions or organizations pursuant to the provisions of section 203 (j) of the act and implementing regulations.

(m) "Donee" means an eligible applicant who is a recipient of donable property.

(n) "Educational institutions" means an approved or accredited tax-supported or nonprofit school system, school, college or university.

(o) "Eligible applicant" means a civil defense organization as defined in paragraph (e) of this section or an approved or accredited tax-supported medical institution, hospital, clinic, health center, school, school system, college, university or nonprofit medical institution, hospital, clinic, health center, school, college or university.

(p) "Health Center" means an approved facility utilized by a health unit for the provision of public health services, including related facilities such as laboratories and clinics.

(q) "Hospital" means an approved or accredited institution providing health services primarily for in-patient medical or surgical care of the sick or injured and includes related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an "integral part" of the hospital. The term "hospital" does not include institutions whose primary purpose is the furnishing of domiciliary care.

(r) "Medical institution" means an approved or accredited institution, facility, entity or organization which has for its primary function the provision of medical services, or the promotion of health through the conduct of research, investigations, experiments, training and demonstrations, relating to causes, prevention, and methods of diagnosis and treatment of diseases or injuries; the term includes hospitals, clinics, research and health centers, laboratories, medical, dental, and nursing schools, and similar institutions, but does not include those primarily engaged in domiciliary care.

(s) "Motor vehicles" means any vehicles subject to State licensing for travel on highways.

(t) "Need" means the lack or inadequacy of anything usable and necessary by eligible applicants in the conduct of educational, public health, or civil defense activities.

(u) "Net proceeds" means the revenues realized by authorized disposal of donated personal property less (1) the certified expenses of the donee in initially acquiring the property, and (2) the authorized costs of disposal. The Secretary may under exceptional circumstances authorize additional deductions.

(v) "Nonprofit institution" used in connection with a medical institution, hospital, clinic, health center, school, college, or university means one which is operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101 (6) of the 1939 Internal Revenue Code, or section 501 (c) (3) of the 1954 Internal Revenue Code.

(w) "Personal property" means surplus property of any kind or any interest therein, except: Real property, records of the Federal Government and naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and merchant vessels of 1,500 gross tons or more subject to disposal by the United States Maritime Commission.

(x) "School" means an approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

(y) "Secretary" means the Secretary of Health, Education, and Welfare.

(z) "School system" means a group of approved or accredited tax-supported schools operated under one administrative organization.

(aa) "State agency" means the agency designated by State statute or executive order to make the certifications concerning and distribution of donable property to eligible applicants within the State as provided for in section 203 (j) of the act.

(bb) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a Territory or possession of the United States.

(cc) "Tax-supported institution" used in connection with a medical institution, hospital, clinic, health center, school, school system, college or university means one which receives a major portion of its financial support from moneys derived from State or local government revenues.

(dd) "University" means an approved or accredited institution for instruction and study in the higher branches of learning and which is empowered to confer degrees in special departments or colleges.

§ 13.2 *Basic policy.* It is the policy of the Department to strengthen and encourage the development and expansion of educational and public health programs and to promote a state of civil defense operational readiness by the equitable allocation among the States of donable property for educational, public health, and civil defense purposes, and the assuring thereafter of its maximum utilization for these purposes.

§ 13.3 *Geographic scope.* This part is applicable to donable personal property located, needed and usable within the continental United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

§ 13.4 *Allocation of donable property.* Allocation of donable property will be made on the basis of need and usability of the property. The following factors will be taken into consideration in effecting equitable allocation of property:

(a) Population;

(b) Areas or States in greatest need of the type of property to be allocated;

(c) Extraordinary health and educational needs occasioned by, or replacement of civil defense property damaged, destroyed or consumed as a result of, fire, flood, or other disaster;

(d) Civil defense training, operational readiness, and reserve stock needs;

(e) Location, condition, and economic transportability of property;

(f) The quantity of property of a given type which has already been received by or is potentially available to a State agency or an eligible applicant;

(g) The availability of funds to the State agency or eligible applicant to pick up and transport the property; in the case of State agencies, wherever appropriate, to warehouse, distribute, care for or handle the property; and in the case of civil defense organizations to handle, maintain or warehouse the property as required;

(h) The ability of State agencies to meet the transportation commitments;

(i) The ability of eligible applicants to accept the property.

§ 13.5 *Donations of personal property.* (a) Donations of personal property are authorized by the Administrator of General Services upon determination by the Department that the property applied for is usable and necessary for educational, public health, or civil defense purposes, including research for any such purpose. Property is allocated by the Department to State agencies on the basis of need and utilization. All applications for property shall be made by State agencies on Form HEW 135, "Application for Surplus Property—Federal Property and Administrative Services Act of 1949—as amended." Applications shall indicate that pickup will be made by or that shipment will be made to either a State agency or an eligible donee. In its application the State agency shall make the certifications as provided in § 13.6 (a) and shall agree to the terms and conditions as provided in § 13.7. When property is to be picked up by or shipped to a donee, in addition to the certifications made by the State agency as above provided, the donee shall make the certifications as provided in § 13.6 (b). The donee shall also indicate the purpose for which the property is being acquired, and shall agree to the applicable terms and conditions as provided in §§ 13.8 and 13.9. Prior to the release of property by the holding agency to a State agency or donee, the Department must certify that the State agency is eligible to receive the property in accordance with the act and regulations promulgated thereunder, and that the property is usable and needed. When property is distributed by a State agency to a donee, the donee shall make the certifications as provided in § 13.6 (b). The donee shall also indicate the purpose for which the property is being acquired, and shall agree to the applicable terms and conditions as provided in §§ 13.8 and 13.9. The certifications and agreements of a donee shall be made through its authorized representative. The State agency must make a finding that the donee is eligible and that the property is usable and needed by the donee.

(b) Donation of property other than aircraft shall be effective, and title shall pass from the United States of America to the donee, upon the taking of possession of the property by the donee and the execution by an authorized representative of the donee of either a Form HEW 135 or a warehouse issue sheet or other State agency document containing the same certifications, terms and conditions as are applicable and set forth on Form HEW 135. Title to aircraft shall pass from the United States of America to the donee upon execution and delivery of a Conditional Transfer Document containing the terms and conditions provided in § 13.9.

(c) Retransfers and reallocations of donable property to other donees or to other State agencies shall be subject to the applicable provisions set forth in §§ 13.6, 13.7, 13.8, and 13.9.

(d) No donable property will be allocated until the Secretary has determined that the State agency has conformed to minimum standards of operation prescribed by the Secretary for the disposal of surplus property.

(e) Donable property received in State agency warehouses shall be distributed promptly to eligible donees within the State, or shall be reallocated to another State agency by the Department. Property not distributed within a twelve-month period shall be reported to the Department for redisposal instructions.

(f) State agencies shall make such reports to the Department on the use, condition, and location of donated property and other pertinent matters as the Department may from time to time require.

§ 13.6 *Certifications by state agencies and donees.* (a) A State agency, in making application for donable surplus personal property, shall make a certification as follows:

(1) The State agency hereby certifies that:

(i) It is the agency of the State designated under State law and as such has legal authority within the meaning of section 203 (j) of the act, and the regulations of the Department, to receive surplus property for distribution within the State to eligible donees within the meaning of said act and regulations.

(ii) Such property is usable and needed for educational, public health, or civil defense purposes, including research for any such purpose, in the State.

(2) When such property is picked up by or shipped to a State agency, the State certifies that it has available adequate funds, facilities and personnel to effect accountability, warehousing, proper maintenance, and distribution of such property.

(3) When such property is distributed by a State agency to a donee, or when delivery is made direct from a holding agency to a donee, the State certifies that the donee who is acquiring the property is eligible within the meaning of the act, and the regulations of the Department, and that such property is usable and needed by the donee.

(b) A donee, when acquiring donable surplus personal property, shall certify as follows:

(1) It is a tax-supported or nonprofit and tax-exempt (under section 501 (c) (3) of the Internal Revenue Code of 1954, or section 101 (6) of the Internal Revenue Code of 1939) school system, school, college, university, medical institution, hospital, clinic or health center, or a civil defense organization designated pursuant to State law, within the meaning of the act, and the regulations of the Department.

(2) Such property is usable and necessary in the State for either educational, public health, or civil defense purposes, including research for any such purpose, is required for its own use to fill an existing need for one of such purposes, and is not being acquired for any other use or purpose, for use outside the State, or for sale.

(3) Funds are available to pay the costs of care and handling incident to donation, including packing, preparation for shipping, loading, and transporting such property.

§ 13.7 *State agency agreements.* With respect to property picked up by or shipped to State agencies, the State agency shall agree to the following:

(a) The right to possession only is granted and the State agrees to make prompt State-wide distribution of the same, on the basis of educational, public health, or civil defense usability and need, to donees eligible to acquire property under section 203 (j) of the act, and regulations of the Department, after such eligible donees have properly executed the certifications and appropriate agreements required by this part.

(b) Title to such property shall remain in the United States of America although the State shall have taken possession thereof, except where State licensing laws require that title pass in order that State licensing or registration of the property may be effected. Title to the property shall pass to the eligible donee when it executes the certifications and appropriate agreements required by this part and has taken possession of the property.

(c) The State further agrees that it will pay the cost of care, handling, and shipping incident to taking possession of such property and that during the time that title remains in the United States of America it will be responsible, as a bailee for mutual benefit, for such property from the time it is released to the State or to the transportation agent designated by the State; and that in the event of any loss of, or damage to any or all of the property, it will file such claim and/or institute and prosecute to conclusion such proceedings as may be necessary to recover, for the account of the United States of America, the fair value of any such property lost or damaged.

§ 13.8 *Terms and conditions of transfers or retransfers of donable property other than aircraft.* (a) Property acquired by a donee pursuant to this part, regardless of acquisition cost, shall be on an "as is, where is" basis without warranty of any kind.

(b) Property having a single item acquisition cost of $2500 or more, regardless of the purpose for which acquired, shall be subject to the following terms and conditions:

(1) Such property shall be used only for the educational, public health, or civil defense purpose for which acquired, including research for any such purpose, and for no other purpose.

(2) Donees shall make reports to the State agency on the use, condition, and location of such property and on other pertinent matters as may be required from time to time by the State agency, the Department, or the Federal Civil Defense Administration, as appropriate.

(c) Property donated for educational or public health purposes having a single item acquisition cost of $2,500 or more shall be subject to the terms and conditions of paragraphs (a) and (b) of this section and to the following additional terms and conditions:

(1) Such property shall be placed in use for the purpose for which acquired no later than twelve months after acquisition thereof. In the event such property is not placed in use within twelve months of receipt, the donee, within 30 days after the expiration of the twelve-month period, shall notify the Department in writing through the appropriate State agency. Title and right to the possession of such property not so placed in use within the above mentioned period shall at the option of the Department revert to the United States of America, and upon demand the donee shall release such property to such person as the Department or its designee shall direct.

(2) There shall be a period of restriction which will expire after such property has been used for the purpose for which acquired for a period of four years, except that the period of restriction on motor vehicles donated subsequent to June 3, 1955, will expire after a period of two years of such use.

(3) During the period of restriction the donee shall not sell, trade, lease, lend, bail, encumber, or otherwise dispose of such property or remove it for use outside of the State without prior written approval of the Department. Any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by the Department, shall be for the benefit and account of the United States of America and the net proceeds thereof shall be received and held in trust for the United States of America and shall be paid promptly to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with the receipt thereof will exceed such net proceeds.

(4) In the event such property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of during the period of restriction without prior approval, the donee, at the option of the Department, shall be liable to the United States of America for the proceeds of the disposal or for the fair market value of the property at the time of such disposal as determined by the Department.

(5) If during the period of restriction, property is no longer suitable, usable or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the Department through the appropriate State agency, and shall, as directed by the Department or State agency, either retransfer the property to such department or agency of the United States of America or such other donee as may be designated, or sell the property at public sale. Such public sale shall be for the benefit and account of the United States of America and the

net proceeds thereof shall be received and held in trust for the United States of America and shall be paid promptly to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with receipt thereof will exceed such net proceeds.

(6) At the option of the Department, the donee may abrogate the terms and conditions set forth in paragraphs (b) and (c) of this section by payment of an amount as determined by the Department.

(d) Property donated for civil defense purposes having a single item acquisition cost of $2500 or more shall be subject to the terms and conditions of paragraphs (a) and (b) of this section, and to the following additional terms and conditions:

(1) With respect to property donated for civil defense training purposes there shall be a period of restriction which will expire after such property has been used for such purpose for a period of four years, except that the period of restriction on motor vehicles will expire after a period of two years of such use.

(2) With respect to property donated for operational readiness or reserve stock purposes, there shall be a period of restriction which shall continue in full force and effect until released or otherwise terminated in writing by the Federal Civil Defense Administrator.

(3) In the event any donated property is used during the period of restriction for any purpose other than that for which the property was acquired, without prior written authorization by the Federal Civil Defense Administrator, all right, title and interest in and to the property, at the option of the Federal Civil Defense Administrator, shall revert to the United States of America.

(4) During the period of restriction the donee shall not sell, trade, lease, lend, bail, encumber, or otherwise dispose of such property or remove it for use outside the State without prior written approval of the Federal Civil Defense Administrator.

(5) If, during the period of restriction, property is no longer suitable, usable or further needed for the purpose for which acquired, the donee shall promptly notify the Federal Civil Defense Administrator through the appropriate State agency, and shall, as directed by the Federal Civil Defense Administrator or State agency, either retransfer the property to such department or agency of the United States of America or such other donee as may be designated, or sell the property at public sale.

(6) In the event such property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of during the period of restriction without prior approval, the donee, at the option of the Federal Civil Defense Administrator, shall be liable to the United States of America for the proceeds of the disposal or for the fair market value of the property at the time of such disposal as determined by the Federal Civil Defense Administrator.

(7) Property donated for purposes of civil defense reserve stock shall be stored in accordance with criteria made and approved by the Federal Civil Defense Administrator, and maintained in good operating condition by the donee acquiring title to such property.

§ 13.9 *Terms and conditions of transfers or retransfers of aircraft.* (a) Aircraft donated pursuant to this part, regardless of acquisition cost, shall be on an "as is, where is" basis without warranty of any kind.

(b) In addition, aircraft having an acquisition cost of $2,500 or more shall be donated subject to the following conditions:

(1) The donee shall apply to the Civil Aeronautics Administration for registration of the aircraft within 30 days of the receipt of a Conditional Transfer Document, and the donee's application for registration shall include an executed copy of the Conditional Transfer Document.

(2) The aircraft shall be placed in use for the purpose for which the aircraft was donated no later than twelve months after acquisition thereof.

(3) The aircraft shall be used only for the educational, public health or civil defense purpose for which acquired, including research for any such purpose, and for no other purpose.

(4) The aircraft shall not be sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of without the prior written approval of the Department in the case of aircraft donated for educational or public health purposes, or the Federal Civil Defense Administrator in the case of aircraft donated for civil defense purposes.

(5) In the event the donee does not place the aircraft in use within twelve months after acquisition thereof, or subsequent to placing the aircraft in use, the donee no longer requires the aircraft for the purpose for which acquired, the donee shall promptly notify, through the appropriate State agency, the Department in the case of aircraft donated for educational or public health purposes, or the Federal Civil Defense Administrator in the case of aircraft donated for civil defense purposes, and shall, as directed by the Department or the Federal Civil Defense Administrator, as appropriate:

(i) Convey the aircraft without cost, charge, or other expense to a department or agency of the United States of America; or

(ii) Convey the aircraft to another educational or public health institution or civil defense organization; or

(iii) Sell the aircraft at public sale for the benefit and account of the United States of America, and retain only the costs of conducting the sale, the "out-of-pocket" expenses incurred and paid by it in connection with the acquisition of the aircraft, and such portion of any rehabilitation costs as the Department or the Federal Civil Defense Administrator, as appropriate, may, in its or his discretion, authorize; or

(iv) Render the aircraft completely unfit and useless for any purpose except for the recovery of its basic material content, the same to be performed in a manner satisfactory to the Department or the Federal Civil Defense Administrator, as appropriate, and in such event the donee is authorized to dispose of the material content for scrap purposes and to retain the proceeds received therefrom.

(6) Donees shall make reports to the State agency on the use, condition, and location of the aircraft and on other pertinent matters as may be required from time to time by the State agency, the Department, or the Federal Civil Defense Administration, as appropriate.

(c) In the event of a breach by the donee of any of the conditions in paragraph (b) of this section, whether caused by the legal or other inability of the donee to perform these conditions, all right, title, and interest in and to the aircraft, its engines, appurtenances and accessories, including all accessions and improvements to the aircraft made by the donee, at the option of the Department in the case of aircraft donated for educational or public health purposes, or the Federal Civil Defense Administrator in the case of aircraft donated for civil defense purposes, shall revert to and become the property of the United States of America and the donee shall forfeit all of its right, title and interest in and to the aircraft, its engines, appurtenances and accessories, or, in the event of any such breach, at the option of the Department or the Federal Civil Defense Administrator, as appropriate, the Department or the Federal Civil Defense Administrator may demand immediate payment of, and the donee agrees promptly to pay to the United States of America, a sum, agreed upon between the Department and the donee at the time of the donation, as constituting liquidated damages for any such breach, and upon payment thereof pursuant to such demand the United States of America will execute to the donee an instrument releasing the donee from the observance and performance of the conditions contained in paragraph (b) of this section and assigning, transferring and releasing to the donee all such right, title, and interest as the United States of America may then have in and to the aircraft, its engines, appurtenances and accessories.

Dated: October 26, 1956.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 56-8847; Filed, Oct. 31, 1956; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11435; FCC 56-1038]

[Rules Amdt. 11-4]

PART 11—INDUSTRIAL RADIO SERVICES

MEMORANDUM OPINION AND ORDER

In the matter of amendment of § 11.251 of Part 11 of the Commission's rules and regulations.

1. By Report and Order of September 19, 1956, in the above-entitled proceeding (FCC 56-894—released September 21, 1956), the Commission adopted certain amendments to the rules which govern the Power Radio Service. These amendments, which are due to become effective on October 29, 1956, provide for the eligibility in the above Service of communications common carriers having requirements for radio in connection with the performance of construction and maintenance activities; in addition, the amendments make available for assignment to such common carriers (for Development Operation) a total of three frequency-pairs in the 450 Mc band.

2. The Commission has recently received a large number of timely-filed petitions and other documents seeking, inter alia, reconsideration of the above Report and Order. The Commission feels that, in view of the history and other circumstances of this proceeding, an order staying the previously-announced effective date would be in the public interest. Such an order would maintain the status quo of all interested parties and would completely foreclose the possibility of authorizations being issued—only to be subsequently nullified should the petitioners ultimately prevail. In important connection with the foregoing, the Commission expects to have the above petitions and other documents before it for consideration in the near future; in view thereof, the Commission believes that a stay of the above effective date can be here ordered without any serious impairment of rights conferred by the foregoing amendments.

3. In accordance with the foregoing, the Commission hereby orders, this 24th day of October 1956, that the effective date of its Report and Order in the above-entitled proceeding (FCC 56-894) be, and the same hereby is, stayed, pending disposition by the Commission of the several petitions and other documents seeking reconsideration of the said Report and Order.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: October 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-8862; Filed, Oct. 31, 1956; 8:52 a. m.]

[Rules Amdt. 11-5]

PART 11—INDUSTRIAL RADIO SERVICES

MISCELLANEOUS AMENDMENTS

The Commission having before it for consideration Part 11 of its rules; and

It appearing that certain sections of the said Part 11 are at variance with certain provisions of Part 2 of the said rules in the matter of frequencies available for assignment in Part 11; and

It further appearing that such variance arises by virtue of the Commission's having recently effected amendments to the said provisions of Part 2 (Docket No. 11550, 21 F. R. 2947); and

It further appearing that such variance should be eliminated and that the said sections of Part 11 should be amended to conform to the above recent amendments to Part 2; and

It further appearing that, because the subject amendments are only editorial in nature, they may be effected without the procedures prescribed by section 4 of the Administrative Procedure Act and may be made effective immediately; and

It further appearing that authority for the subject amendments and for the procedures here followed is contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and in section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 29th day of October 1956, That, effective October 29, 1956, Part 11 of the Commission's rules is hereby amended in the manner set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: October 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

Amend Part 11—Industrial Radio Services as follows: In § 11.253 (b) delete the frequency table and substitute the following:

Mc	*Mc*
890–940 [1]	6575–6875
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
2450–2500 [1]	16000–18000 [1]
2500–2700	26000–30000

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 915, 2450 and 18000 Mc.

In § 11.303 (b) delete the frequency table and substitute the following:

Mc	*Mc*
890–940 [1]	6575–6875
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
2450–2500 [1]	16000–18000 [1]
2500–2700	26000–30000

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 915, 2450 and 18000 Mc.

In § 11.353 (b) delete the frequency table and substitute the following:

Mc	*Mc*
890–940 [1]	6575–6875
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
2450–2500 [1]	16000–18000 [1]
2500–2700	26000–30000

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 915, 2450 and 18000 Mc.

In § 11.403 (b) delete the frequency table and substitute the following:

Mc	*Mc*
890–940 [1]	6575–6875
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
2450–2500 [1]	16000–18000 [1]
2500–2700	26000–30000

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 915, 2450 and 18000 Mc.

In § 11.453 (b) delete the frequency table and substitute the following:

Mc	*Mc*
890–940 [1]	6575–6875
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
2450–2500 [1]	16000–18000 [1]
2500–2700	26000–30000

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 915, 2450 and 18000 Mc.

In § 11.516 (b) delete the frequency table and substitute the following:

Mc	*Mc*
890–940 [1]	6575–6875
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
2450–2500 [1]	16000–18000 [1]
2500–2700	26000–30000

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 915, 2450 and 18000 Mc.

[F. R. Doc. 56-8863; Filed, Oct. 31, 1956; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-262-A2]

MILK IN TEXAS PANHANDLE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedures, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Amarillo, Texas, on October 22, 1956, pursuant to notice thereof issued October 12, 1956, and published in the FEDERAL REGISTER on October 17, 1956 (21 F. R. 7949).

The material issues of record are concerned with:

(1) Emergency pricing of Class I milk, and

(2) The need for immediate action by the Secretary with respect to Issue No. 1.

Findings and conclusions. The following findings and conclusions are based upon the evidence in the record of the hearing:

(1) The unfavorable production conditions which have prevailed in the milkshed of the Texas Panhandle marketing area for some time threaten to impair the maintenance of an adequate supply of milk for that market.

The Milk Production Report of the Crop Reporting Board of the United States Department of Agriculture, dated October 12, 1956, shows that virtually the entire milkshed suffers from conditions of extreme drought (under 35 percent of normal). This report further states that green feed is extremely short in an extensive area * * * including most of Kansas, Oklahoma and Texas and extending to New Mexico * * *. The same report further shows that dairy pasture feed conditions, as of October 1, in Oklahoma and Texas were only 22 percent of normal, the lowest of any of the states.

All of the counties in the production area have been declared drought disaster areas. Rainfall through September throughout the production area has been less than one-half of normal. This extreme deficit of rainfall, together with above normal temperatures, has caused widespread crop failures and loss of pastures to dairymen in the area. There is little, if any, pasture available at the present time. Normally, in the milkshed, winter wheat is pastured during the fall and winter months. There is no wheat pasture at the present time. Because of the extremely dry weather and the complete lack of moisture in the subsoil, much of the crop land has not been planted. One of the handlers testified that in the northern portion of the milkshed some wheat has been sown and that if there is adequate rainfall immediately there will be some pasture available there.

Many of the farmers in the area who normally produce their own silage find themselves with empty silos because the silage crops did too poorly to harvest and were abandoned for such limited foraging as they might afford. Even on irrigated land the production of milo, oats and similar crops are about one-third below the normal production of such crops on the same land.

The record also shows that the price of feeds, hay and roughage have increased very materially in recent months. Although the drought relief program has afforded some relief to dairymen, there has been a sizeable increase in the price of feeds since this program was made effective. Thus the net cost to the dairymen for feed is approaching the level that prevailed before the drought relief program was made effective.

Handlers opposed the increase in the Class I price to producers, although freely admitting the severity of the drought conditions and the need for relief to the farmers. They felt that relief should be granted through further increases in the drought relief subsidies rather than through an increase in the Class I price.

These conditions which prevail in the Texas Panhandle marketing area are general through the entire State of Texas. Other Texas markets have already been granted temporary relief through an amendment to the supply-demand adjustment factor in the North Texas milk marketing order. All of the marketing orders in Texas, with the exception of the order for the Texas Panhandle, are directly related to the North Texas order so that any adjustment of the supply-demand factor for the North Texas market adjusts Class I prices in these markets by a like amount.

The differentials provided in the Texas Panhandle marketing order were intended to place the Class I price in this market in a proper relationship to Class I prices in other Texas markets through August 1957. However, the drought relief afforded other Texas markets through the above mentioned adjustment of the supply-demand factor for the North Texas market has disturbed the intended relationship between the Texas Panhandle market and the Class I prices in other marketing areas in Texas. In order to restore and maintain this relationship and afford the Texas Panhandle producers the same drought relief given other Texas producers, the order should be amended to provide that any adjustment in the supply-demand factor in the North Texas marketing order shall be reflected by a like adjustment in the Class I price in the Texas Panhandle marketing area.

Since the pricing provisions of the Texas Panhandle order expire on August 31, 1957, it will be necessary in the near future to hold additional hearings to consider permanent alignment of prices in the Texas Panhandle with that of other Texas markets. Adjustment of the price, at the present time, by an amount equal to the adjustment in other Texas markets will grant poducers the immediate relief they need to ease the effects of the extreme drought conditions.

Unless such action is taken there is a likelihood that producers will find it necessary to severely reduce or completely disperse their herds. Such a development would result in a long time curtailment of the milk supply since it would take some time for producers to restore their foundation herds to the present size.

(2) The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity to file exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. It is, therefore, found that good cause exists for omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond November 1, 1956, in making the amendment effective would defeat its purpose. Accordingly, the time necessarily involved in the preparation, filing and publication of a recommended decision and exceptions thereto, would make such relief substantially ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as a result of this hearing. The record thoroughly demonstrates the need for emergency action as requested by the proponents at the hearing. No briefs were filed by interested parties within the time reserved for the filing of briefs.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of August 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Texas Panhandle marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who during such representative period were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents, entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Texas Panhandle Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Texas Panhandle Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 29th day of October 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Texas Panhandle Marketing Area

§ 911.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Amend § 911.51 (a) by adding thereto the following: *"Provided,* That such price shall be increased or decreased by a like amount, in any month in which the supply-demand adjustment computed pursuant to § 943.51 (a) (1), (2) and (3) of this chapter, regulating the handling of milk in the North Texas marketing area, increases or decreases the Class I price computed pursuant to § 943.51 (a) of this chapter."

[F. R. Doc. 56-8854; Filed, Oct. 31, 1956; 8:51 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 977]

[Docket No. AO-183-A5]

MILK IN PADUCAH, KENTUCKY, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the following findings and conclusions were formulated, was conducted at Paducah, Kentucky, July 2, 1956 (21 F. R. 3969).

The material issues considered in the record of the hearing related to the following:

1. Extension of the marketing area;
2. Diversion of milk to a nonpool plant in any month of the year;
3. Classification of transfers to a nonpool plant having Class I sales in the marketing area;
4. Time and method of payment for producer milk;
5. Location differentials to handlers and producers;
6. Changes in the definition of pool plants; and
7. Provisions for a quota-excess plan of distributing payments to producers.

A proposal in the notice of hearing to modify the shrinkage provision of the order was not supported at the hearing and for that reason this proposal will not be given any further consideration.

Findings and Conclusions. The following findings and conclusions on the material issues are based upon evidence in the record:

1. *Marketing area.* The Paducah marketing area should be expanded to include Ballard, Graves, and Marshall Counties.

These three are part of a group of eight counties collectively called the "Purchase Area". A number of handlers regulated under the Paducah order and the cooperative association of producers proposed that these 8 counties should be considered the marketing area of the order.

The population data available at the hearing included "Population Estimates for Kentucky Counties", June 30, 1955, Agricultural Experiment Station, University of Kentucky. These estimates showed that four counties in the "Purchase Area" increased in population from 1950 to 1955. These four are McCracken and the adjacent counties of Ballard, Graves, and Marshall. The principal reason for the growth in these counties was attributed to the installation of the atomic energy plant in McCracken County. The estimated net losses in population for the other four counties in the area were: Calloway—18 percent, Fulton—9 percent; Hickman—11 percent, and Carlisle—2 percent.

One of the largest handlers regulated under the order testified as to Class I pounds distributed by him in the eight counties during April 1956. Fifty-six percent of this handler's total sales in this area were sold within the present marketing area; and of the 44 percent sold in the seven counties proposed to be added, 81 percent was sold in the counties of Ballard, Marshall and Graves.

The presently unregulated handlers testified that they sold little or no milk in Marshall or Ballard Counties. One of these handlers testified that he sold a very small amount of milk in Marshall County and another testified that his sales in Marshall were less than one percent of producer receipts. The other two unregulated handlers did not sell any milk in Marshall County and not one of the four unregulated handlers testified as to any sales in Ballard County. Thus, it is obvious that regulated handlers have by far the major share of fluid distribution in these two counties.

Another regulated handler, who is also a relatively large handler, testified that he sold more fluid milk in Graves County where his processing plant is located than he did in McCracken County. In

fact, this handler testified that his percent of sales in the present market area was at times so low as to jeopardize his being pooled under the order. In order to qualify as a pool plant, 10 percent of receipts must be sold in the area. While it was impossible to determine accurately the comparative quantities of milk sold in Graves County by regulated and unregulated handlers, it is obvious that regulated handlers sell about half of the total.

The population changes within the "Purchase Area" and the relatively large amount of milk distributed by Paducah order handlers in these counties shows that the Counties of McCracken, Marshall, Ballard, and Graves are collectively a natural marketing area. On the other hand, unregulated handlers have the bulk of sales in the Counties of Hickman, Fulton, Carlisle, and Calloway. Because of this, it is determined that the market area should not be expanded to include these counties.

Of the four previously unregulated handlers selling in the 4-county marketing area, the one distributing mainly in Graves County will be fully regulated. The three others apparently sell less than 10 percent of their receipts in the marketing area and, therefore, will not be fully regulated. They would have the status of handlers operating nonpool distributing plants. The application of the order to such operations is described in more detail in topic No. 6 below.

2. *Diversion of milk.* The present diversion provision in the order recognizes that milk in excess of Class I needs during the seven months of surplus production should be moved to its best available market without uneconomic movement and handling. It is obviously wasteful to require that this surplus milk be physically received at the plant of a regulated handler and then transferred to a manufacturing outlet. The diversion privilege allows milk to be moved directly from the farm pickup routes to a manufacturing plant.

The Paducah Graded Milk Producers Association has proposed that this diversion provision should be amended to allow this producers association to divert surplus milk during the five months of lowest production, September through January. The Association, at various times during these five shorter production months, has been called upon by its member producers to market milk which could not be utilized by the Paducah handler who ordinarily markets the concerned members' milk. One of these instances was occasioned by a labor dispute at a regulated handler's plant. Other instances have been occasioned by normal producer receipts being in excess of a particular handler's immediate need in months other than February-August. All but three of the producers supplying handlers regulated under the Paducah order are members of the Association, and the Association has a contractual obligation to market the production of its members. It is concluded that the order should be amended to allow any qualified cooperative association to divert member milk during the months of September through January.

3. *Classification of transfers.* The producers' association proposed that milk transferred to a nonpool plant having Class I sales in the marketing area be classified as Class I to the extent of such sales. However, it was testified that there are no present instances of Class I sales in the marketing area by any nonpool plant ordinarily receiving surplus milk from regulated plants. The association is concerned, however, that such a condition might exist in the future.

The compensatory payment provisions of the order insure producers of Class I value for any milk which is diverted or transferred to a nonpool plant and reenters the marketing area as Class I milk. It is concluded, therefore, that this proposal should be denied.

4. *Time and method of payment.* The cooperative association representing all but three of the producers supplying handlers regulated under the order has proposed that the order be amended to permit handlers to deduct from payment to producers who are members of an association only such hauling charges or other amounts as are approved by the association in writing. There was no opposing testimony to this proposal.

The order presently provides that handlers must pay the cooperative association for milk received from member producers on written request from the association. Several order handlers follow the practice of forwarding information concerning deductions to the association. The association itemizes these deductions on the statement to producers and adjusts the payment due the association from these handlers by the appropriate amount. However, other order handlers have followed the practice of making the deductions themselves and forwarding to the association the net amount due for distribution to member producers.

The inconsistency between the two methods of handling deductions has caused some misunderstanding between producers delivering to the different handlers as well as some difficulty to the association in verifying the claimed deductions of the latter handlers.

To correct this inconsistency and to remove the possibility of misunderstanding between producers, it is concluded that this proposal should be adopted.

5. *Location differentials to handlers and producers.* Since this decision provides that the Paducah order marketing area be extended, it is necessary that the location differential to producers and to handlers also be considered. A producer proposal for this purpose was included in the notice of hearing.

The present order allows a location adjustment to handlers on milk shipped from distant supply plants to distributing plants and used for Class I purposes. It does not provide for an adjustment on packaged milk sold directly in the area from distant distributing plants. The order also provides that all milk delivered by producers at a distant supply plant be subject to the producer location adjustment.

The market area, as provided herein, is somewhat elongated and the plants of handlers to be regulated are widely dispersed within the market area. In order to have equitable pricing throughout the area it is necessary to have some other base for determining distance than the McCracken County Court House.

The cooperative association proposed that the distance used in computing supply plant location be measured from the edge of the market area. It testified, however, that it had no objection to using two or more fixed points to facilitate administration of the provision.

In view of the elongated character of the market area, the intermingling of routes of handlers with plants located in relatively widely separated communities, and ease of administration, multiple points for fixing location adjustments should be used. These points should be the County Court Houses in McCracken and Graves Counties, whichever is closer to the regulated plant.

It is further concluded that the differentials should be reduced to 7.5 cents for plants located between 40 and 50 miles, and an additional 1.5 cents for each additional 10 miles or fraction thereof that such plants may be distant from the nearest of these base points, via shortest hard surfaced road as determined by the market administrator. The 1.5-cent differential as established by this decision is the same as that prescribed in the Ozarks milk marketing order and is related to the cost of hauling milk by an efficient means under conditions similar to those in this market. The 7.5 cents is determined by multiplying 1.5 cents by the number of zones between either basing point and the 40-50 mile zone.

It is further determined that the location differentials as recommended in this decision should apply to packaged milk shipped to the marketing area for direct distribution as well as to bulk milk shipped by a supply plant to a distributing plant within the marketing area. Should a plant located more than 40 miles from either of the basing points as established in this decision ship packaged milk into the marketing area for direct distribution it should be allowed the same differential as bulk receiving plants receive to compensate for the additional cost of moving milk to market. Such a provision would tend to equalize cost among all handlers selling milk in the marketing area.

6. *Pool plant definitions.* One handler who distributes milk in the area as recommended to be expanded proposed that the pool plant standards be changed or, alternatively, that the provisions relating to unpriced milk be substantially altered. This potential handler operates a distributing plant, and his proposals were confined to that type of operation; he did not propose any change in the provisions relating to supply plant operations.

Under the present order, a distributor must sell 45 percent of his total supply on routes in order to qualify as a pool plant. Furthermore, at least 10 percent of his total supply must be sold on routes in the defined marketing area. A plant from which less than 10 percent is sold in the marketing area would still be a handler, but would not qualify as a pool plant. The operator of such a plant would be assessed compensatory payments on the quantities of milk sold in the marketing area at the rate of the difference between the Class I and Class II prices during the five months of March through July, and at the lesser rate of the difference between the Class I and the blend prices during the seven months of August through February.

It appears that the proponent handler will be selling substantially less than 10 percent of his supply in the extended marketing area. He proposed that all distributing plants be qualified as pool plants. However, it is clear that a city plant having more than 90 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market as a distributing plant. Such a plant is selling primarily to an unregulated market. It is not considered advisable to bring such a plant under full regulation in order to control the minor share of its business which is in the marketing area. Full regulation would not be necessary to accomplish the purposes of the order and might well place such a plant at a competitive disadvantage in relation to other dealers supplying the unregulated market.

His alternative proposal related to the rate of compensatory payment. He proposed that such payments reflect the smaller of (1) the amount, if any, by which his payments to all dairy farmers supplying Grade A milk were less than the utilization value at class prices of his total use of milk, or (2) the difference between the Class I and Class II prices on such volume of milk as is sold within the Paducah marketing area.

This proposal should be adopted. It would apply only to plant operators who qualify as handlers under the order and who are obligated to make regular reports thereunder. Under the modified payment provisions, such handlers would be required to file complete reports on their receipts and utilization of milk in the same fashion as operators of pool plants. Their Class I and Class II utilization would be valued at class prices and a "uniform blend price" would be computed for their Grade A shippers. If the nonpool plant paid each shipper as much or more than this computed uniform price, no compensatory payment would be assessed. However, the amounts of any underpayments would be cumulated, starting with the lowest rate of payment and proceeding until the volume of milk represented was equal to the volume sold as Class I in the marketing area, to determine the amount of the compensatory payment. The operator of the nonpool plant would have the alternative, each month, of computing his compensatory payment at the difference between the Class I and Class II prices only on the volume of milk sold as Class I within the marketing area. Under the conditions described at the hearing, it appears that the proponent handler and most of the other handlers who may be operators of nonpool distributing plants would use the first-described method of computing payments. All of them testified that they were paying their dairy farmers prices fully equivalent to those required under the order.

The producers cited findings from a previous decision of the Secretary to the effect that this type of compensatory payment would be impractical. However, these findings dealt, primarily, with unpriced milk received by regulated distributing plants from supply plant sources. Such sources would not qualify as handlers under the order, would not be making regular reports, would be widely scattered geographically, and might be comparatively numerous. Also, there were no nonpool distributing plants in prospect at the time of the previous findings. The more limited application of the technique which was explored at the hearing appears to be fully feasible and equitable.

7. *Quota excess plan.* One of the distributors whose plant would qualify as a pool plant in the extended marketing area proposed that, in the event of such extension, the order should include a quota-excess plan. This plan was proposed for the purpose of encouraging producers to minimize the seasonality of their milk production. It would replace the present level production plan of having substantial seasonal variation in the Class I differential.

This is primarily a problem in the distribution of returns to producers. Acceptance by producers is an essential element in any program for encouraging them to level out their production. In the circumstances, it is clear that such a substantial change should not be imposed on producers through an amendment to the order when the majority of them prefer the present system of seasonal changes in the Class I differential which has contributed greatly to more even seasonal production.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons concerning issues on which decision is herein recommended were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(d) All milk and milk products handled by handlers, as defined in this order, as amended, and as hereby proposed to be further amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler regulated by the order, as amended, and as hereby proposed to be further amended, as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all milk received during such delivery period from approved dairy farmers.

Recommended marketing agreement and order amending the order, as amended. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the following amended order.

1. Delete § 977.5 and substitute therefor the following:

§ 977.5 *Paducah, Kentucky, marketing area.* "Paducah, Kentucky, marketing area," hereinafter called the "marketing area" means all the territory within the boundaries of the Kentucky Counties of McCracken, Ballard, Marshall, and Graves.

2. In § 977.11 substitute a comma for the period after the words "for the account of a handler" and insert "or diverted by a cooperative association qualified pursuant to § 977.87 (b) to a nonpool plant on any day of any month."

3. Delete that part of § 977.53 previous to "Provided" and substitute therefor the following:

§ 977.53 *Location differentials to handlers.* For that milk which is received from producers at a plant located 40 miles or more from the nearest County Courthouse in either Graves or McCracken County, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 977.51 (a) shall be reduced according to the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from nearest County Court House (miles):	Rate (cents)
40 but less than 50	7.5
For each additional 10 miles or fraction thereof an additional	1.5

4. Delete § 977.62 and substitute therefor the following:

§ 977.62 *Handlers operating nonpool plants.* Each handler who operates a nonpool plant during a month shall, in lieu of the payments required pursuant to §§ 977.80 through 977.86, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computation of either paragraph (a) or paragraph (b) of this section, whichever is less:

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month multiplied by the difference between the price for Class I milk pursuant to § 977.51 and the price for Class II milk pursuant to § 977.51 (b).

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 977.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month: *Provided*, That if such handler has paid dairy farmers at more than one rate, the gross payments to approved dairy farmers shall be computed at the lowest rates paid for an equivalent volume of milk.

5. In § 977.80 change the period at the close of subparagraph (b) to a colon and add the following: "*Provided*, That the 'proper deductions' referred to in paragraph (a) (1) and (2) (iv) of this section shall be valid in the case of cooperative members only if authorized in writing by such cooperative."

6. Delete § 977.86 and substitute therefor the following:

§ 977.86 *Location differentials to producers.* In making payments for milk received from producers pursuant to § 977.80, the uniform price per hundredweight shall be reduced by the rate set forth in the following schedule according to the shortest hard surfaced highway distance, as determined by the market administrator, from the plant where the milk is received from producers or from which the milk is diverted, to the nearest County Courthouse in either Graves or McCracken County:

Distance from nearest County Courthouse (miles):	Rate (cents)
40 but less than 50	7.5
For each additional 10 miles or fraction thereof an additional	1.5

Issued at Washington, D. C., this 29th day of October 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8849; Filed, Oct. 31, 1956; 8:49 a. m.]

[7 CFR Part 1015]

[AO-281-RO-1]

CUCUMBERS GROWN IN FLORIDA

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER; CORRECTION

In F. R. Doc. 56-8339, appearing in the issue for Wednesday, October 17, 1956 on page 7957, and in F. R. Doc. 56-8340, appearing in the issue for Thursday, October 18, 1956 on page 7992, it was stated that the public hearing on a proposed marketing agreement and order regulating the handling of cucumbers grown in Florida, as continued, will be held in Fort Myers Exposition Hall, Fort Myers, Florida, beginning at 9:30 a. m., local time, November 5, 1956. The name of the hall should be corrected to read: Fort Myers Exhibition Hall, Fort Myers, Florida.

Dated: October 29, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8848; Filed, Oct. 31, 1956; 8:49 a. m.]

Commodity Stabilization Service

[7 CFR Part 811]

SUGAR REQUIREMENTS, QUOTAS, AND QUOTA DEFICITS FOR CALENDAR YEAR 1957

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority contained in the Sugar Act of 1948, as amended (7 U. S. C. 1100; Pub. Law 545, 84th Cong.), the Secretary of Agriculture is preparing to determine the sugar requirements and to establish sugar quotas for the calendar year 1957 (1) for the continental United States pursuant to sections 201 and 202 of the act, and (2) for local consumption in Hawaii and in Puerto Rico pursuant to sections 201 and 203 of the act. The Secretary is also preparing to determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area in 1957 and to reallot, pursuant to section 204, any quota deficit so determined.

Section 201 of the act provides that the Secretary of Agriculture shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. In making such determinations, the Secretary is directed to use as a basis the amount of sugar distributed for consumption during the 12 months ending October 31 of the preceding calendar year and to adjust such amount for any deficiency or surplus in inventories of sugar and for changes in consumption because of the changes in population and demand conditions. The Secretary is also directed to take into consideration certain standards with a view to providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry. The standards to be taken into consideration include those enumerated above and also the level and trend of consumer purchasing power and the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947-1949 as indicated by the Consumers Price Index as published by the Bureau of Labor Statistics of the Department of Labor.

Section 202 of the act provides the method by which the Secretary must establish quotas for domestic areas and foreign countries at different levels of total requirements.

Section 203 of the act provides that the Secretary also shall determine in accordance with such provisions of section 201 as he deems applicable, the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and shall establish quotas for local consumption in such areas equal to the amounts so determined.

Section 204 of the act provides that the Secretary shall from time to time determine whether in view of various factors specified in the act, any area will be unable to market the quota for such area. Section 204 further provides that upon a finding that any such area will be unable to market its quota, the deficit so determined shall be reallocated, in accordance with a stated formula.

A public hearing will be held in Washington, D. C., in the Departmental Auditorium, on Constitution Avenue, between Twelfth and Fourteenth Streets NW., on November 26, 1956, at 10:00 a. m., e. s. t., for the purpose of affording interested persons an opportunity to present orally any data, views, or arguments with respect to the determination of sugar requirements and the establishment of sugar quotas for the continental United States for the calendar year 1957. The principal matters for consideration at the hearing relate to (1) the manner of determining deficiencies or surpluses in inventories of sugar, (2) the effect upon requirements of various changes in demand conditions, (3) the effect of the prospective 1957 level and trend of consumer purchasing power, (4) the manner in which the relationship between the wholesale price of refined sugar and the general cost of living in the United States should be employed or considered, and (5) the relative importance of the foregoing factors in determining the sugar requirements for 1957.

Prior to the issuance of regulations setting forth the sugar requirements for the continental United States for the calendar year 1957 and the sugar quotas for 1957 for domestic and foreign areas, consideration will be given to any data, views, or arguments pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Sugar Division, Commmodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. Prior to the issuance of regulations setting forth (1) the sugar requirements for Hawaii and for Puerto Rico for the calendar year 1957 and the sugar quotas for 1957 for local consumption in such areas, and (2) the amount by which any area will be unable to market the quota for such area in 1957 and the reallotment of such deficit, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Sugar Division, Commodity Stabilization Service. Written data, views or arguments must be submitted in duplicate and must be received not later than December 6, 1956. Such data, views, or arguments submitted at the hearing will be accepted as a part of the record, but will not be copied into the transcript of the oral testimony given at the hearing. All such data, views or arguments will be available for examination at the office of the Hearing Clerk.

Issued at Washington, D. C., this 26th day of October 1956.

[SEAL] PRESTON RICHARDS,
Acting Administrator.

[F. R. Doc. 56-8852; Filed, Oct. 31, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO REGULATION A

The Securities and Exchange Commission anounced today that it will hold a public hearing in regard to the proposed amendments to Regulation A which were announced July 23, 1956, in Securities Act Release No. 3664. The hearing will be held on December 12, 1956, at 10:00 a. m. in Room 193 at the office of the Commission, 425 Second Street N.W., Washington, D. C. The proposed amendments would have the effect of making the general exemption from registration under the Securities Act of 1933 which is afforded by Regulation A available only to issuers and offerings meeting specified standards based either upon the existence of a record of net earnings on the part of the issuer or upon a limitation of the number of securities which might be issued pursuant to the exemption.

Any person interested in presenting his views on the proposed amendments at the public hearing should, not later than 5:30 p. m. on December 5, 1956, submit to the Commission, in writing, a statement of his intention to appear at the hearing, together with a written statement of his views, and should limit his request for time to make oral presentation so as to provide an opportunity for all interested persons to be heard.

The Commission has extended to November 15, 1956, the time within which other interested persons may submit their views and comments on the proposed amendments in writing to the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

OCTOBER 24, 1956.

[F. R. Doc. 56-8840; Filed, Oct. 31, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

DESCRIPTION OF CENTRAL AND FIELD AGENCIES

STATEMENT OF ORGANIZATION AND FUNCTIONS

Paragraph (e) of section 1 of the Statement of organization and functions of the Department of the Army, appearing at 15 F. R. 6693, October 3, 1950 and amended at 16 F. R. 8144, August 16, 1951, 19 F. R. 6349, October 1, 1954, 20 F. R. 691, February 1, 1955, 20 F. R. 1382, March 8, 1955, 20 F. R. 5238, July 21, 1955, 20 F. R. 7516, October 7, 1955, and 21 F. R. 557, January 25, 1956, is further amended by adding subparagraph (15) and revising subparagraph (23) as follows:

SECTION 1. *Description of central and field agencies.* • • •

(e) *Organization of Department of the Army.* • • •

(15) *Assistant Chief of Staff for Reserve Components.* (i) The Assistant Chief of Staff for Reserve Components is directly responsible for reserve affairs to the Chief of Staff. He is responsible for:

(*a*) Development and supervision of the Reserve Components Control Program.

(*b*) Initiation of, participation in, and monitoring of other policies and plans which affect the Reserve Components.

(*c*) Direct supervision and control of Chief, Army Reserve and ROTC Affairs.

(ii) The Reserve Components of the Army are the Army National Guard of the United States and the Army Reserve (10 U. S. C. 261).

(iii) This subparagraph does not affect the functions of the Chief of the National Guard Bureau (10 U. S. C. 264 (c)).

• • • • •

(23) *Chief, Army Reserve and ROTC Affairs.* The Chief, Army Reserve and ROTC Affairs, under the direct supervision and control of the Assistant Chief of Staff for Reserve Components, implements approved plans, policies, and programs pertaining to the Army Reserve and the Reserve Officers Training Corps.

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56-8826; Filed, Oct. 31, 1956; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 26]

FUNCTIONS RELATING TO SPECIFIC LEGISLATION

REDELEGATION OF AUTHORITY

OCTOBER 26, 1956.

Order 551, as amended, is further amended by adding a new section 363 under the heading Functions Relating to Specific Legislation, to read as follows:

SEC. 363. *Authority under act of September 3, 1954 (P. L. 776, 83d Congress, 2d Session, 68 Stat. 1191).* The taking of action with respect to those matters provided for in sections XI and XIV of said act. This authority does not include the issuance of patents.

W. BARTON GREENWOOD,
Acting Commissioner.

OCTOBER 26, 1956.

[F. R. Doc. 56-8822; Filed, Oct. 31, 1956; 8:45 a. m.]

[Aberdeen Area Office Redelegation Order 2, Amdt. 3]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATION OF AUTHORITY; CHEYENNE RIVER AGENCY

Order 2 (19 F. R. 8756), as amended (20 F. R. 6304; 21 F. R. 3973), is further amended as hereinafter indicated.

A new section and a new heading are added to Part 3 to read as follows:

FUNCTIONS RELATING TO SPECIFIC LEGISLATION

SEC. 3.363. *Authority under act approved September 3, 1954 Public Law 776, 83d Congress, 2d session, 68 Stat. 1191).* The taking of action with respect to those matters provided for in sections XI and XIV of said act. The authority conferred herein includes the taking of action with respect to those matters set forth in 25 CFR Part 241, provided that the authority delegated in this section shall not be deemed to enlarge the authority delegated in section 3.132 of this order with respect to the approval of mortgages and deeds of trust. This authority does not include the issuance of patents.

GLENN R. LANDBLOOM,
Acting Area Director.

Approved: October 26, 1956.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-8829; Filed, Oct. 31, 1956; 8:45 a. m.]

Bureau of Land Management

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LAND

OCTOBER 23, 1956.

Pursuant to Determination DA-448, Oregon, of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), it is ordered as follows:

1. The lands hereinafter described, so far as they are withdrawn and reserved for power purposes in Power Site Reserve No. 664 of December 12, 1917, are hereby restored to disposition under the public land laws, subject to the provisions of section 24, of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 4 E.,
Sec. 19: Lot 2, W½NE¼, SE¼NE¼, E½ NW¼.
212.33 acres.

2. The public lands are located along the Middle Santiam River about 7 miles upstream from its confluence with Quartzville Creek, in Linn County, Oregon. They are too rough for cultivation and are covered with a stand of old growth timber—Douglas fir, hemlock, and cedar. They are suited for timber production.

3. No application will be allowed under the homestead desert land, small tract, or other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. The lands described shall be subject to application by the State of Oregon for a period of 90 days from the date of this order for right-of-way for public highways or as a source of material for construction and maintenance of such highways in accordance with and subject to provisions of section 24, of the Federal Power Act, as amended.

5. Subject to any existing valid rights and the requirements of applicable laws, the lands described in Paragraph 1 are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on November 28, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 27, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on February 27, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been opened to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral leasing laws. The land is by this order opened to location under the United States mining laws without regard to the act of August 11, 1955, supra, beginning 10:00 a. m. on February 27, 1957.

6. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 1001 NE. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 56-8830; Filed, Oct. 31, 1956; 8:45 a. m.]

[W-042353]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 042353, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the United States mining laws but not including the mineral leasing laws.

The applicant desires the land for the protection and preservation of a petrified forest, an item of considerable local and national interest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

6TH PRINCIPAL MERIDIAN, WYOMING

SHOSHONE NATIONAL FOREST

Frontier Creek Petrified Forest

Commencing at Cougar Pass (at a point which will be approximately when surveyed the common corners of sections 10, 11, 14 and 15, T. 45 N., R. 107 W.) thence bearing east four miles, thence north four miles, thence west approximately one mile to the divide between Frontier Creek and Gentian Creek, which is also the county line between Park and Fremont Counties and the boundary between the South Absaroka Wilderness Area and the Stratified Primitive Area, thence southwesterly along the divide approximately five miles to Cougar Pass, the point of beginning.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-8831; Filed, Oct. 31, 1956; 8:45 a. m.]

[Idaho 06430]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 26, 1956.

The United States Department of Agriculture has filed an application, Serial No. Idaho 06430, for the withdrawal of the lands described below, from all forms of appropriation including the General Mining Laws, subject to existing valid claims, in accordance with provisions of Executive Order 10355 of May 26, 1952 (17 F. R. 4831). The applicant desires the land for use by the Forest Service as administrative sites and/or recreational areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

COEUR D'ALENE NATIONAL FOREST

Shoshone Creek Administrative Site:
T. 50 N., R. 4 E.,
Sec. 5, Lot 10, W½SE¼SE¼;
Sec. 8, Lot 1.
Total area includes 83.40 acres.

KANIKSU NATIONAL FOREST

Perkins Lake Recreational Area:
T. 62 N., R. 3 E.,
Sec. 4, Lots 4, 5;
Sec. 5, Lots 1, 5.
Total area includes 86.70 acres.
Brush Lake Recreational Area:
T. 64 N., R. 1 E.,
Sec. 21, Lot 1;
Sec. 22, Lot 1.
Total area includes 66.40 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 56-8832; Filed, Oct. 31, 1956; 8:46 a. m.]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 25, 1956.

Pursuant to determination of the Federal Power Commission, Docket No. DA-440, Oregon, issued October 4, 1955, and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

1. The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, and hereby restored to disposition under the applicable public land laws subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended; subject to the condition that in the event the said tract is required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees.

WILLAMETTE MERIDIAN, OREGON

T. 30 S., R. 2 W.,
Sec. 13: E½NE¼NE¼.
20 acres.

2. Pursuant to Public Law 426 (68 Stat. 270) the above land has been national forest land since June 22, 1956. It is situated within and is a part of the Umpqua National Forest. The land is located approximately twenty-one miles east of Canyonville, Oregon, and lies about 600 feet north of the right bank of the South Umpqua River, near its confluence with Jackson Creek.

3. The land is by this order restored from power site status subject to section 24, of the Federal Power Act as set out in paragraph 1 above, and to the laws, rules and regulations applicable to national forest lands only.

4. The land described shall be subject to application by the State of Oregon for a period of ninety-one days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for the construction and maintenance of such highways, in accordance with and subject to the provisions of the Federal Power Act, as amended, and the special stipulation in paragraph 1 above.

5. The land has been open to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 43 U. S. C. 621), and to applications and offers under the mineral leasing laws. The land is by this order opened to location under the United States Mining Laws without regard to the act of August 11, 1955, supra, beginning at 10 a. m. on January 26, 1957.

6. The land is under the administration of the United States Forest Service and inquiries concerning it should be addressed to the Forest Supervisor, Umpqua National Forest, Roseburg, Oregon.

ELTON M. HATTAN,
Acting State Supervisor.

OCTOBER 25, 1956.

[F. R. Doc. 56-8856; Filed, Oct. 31, 1956; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on July 12, 1956, that a major disaster occasioned by drought existed in the State of South Dakota.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following areas were determined on October 19, 1956, to be affected by the above-mentioned major disaster:

South Dakota: Clay County, Union County, Yankton County.
That portion of Lincoln and Turner Counties lying south of Highway 18.

Done at Washington, D. C., this 26th day of October 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-8853; Filed, Oct. 31, 1956; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

NORTH ATLANTIC WESTBOUND FREIGHT ASSN.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 5850-1, between the member lines of the North Atlantic Westbound Freight Association, modifies the basic conference agreement (No. 5850) by (1) changing the designation of Irish Free State to Eire, and eliminating the reference to Gulf ports of the United States from the scope of the conference; (2) adding a new provision governing the scheduling of sailings and agency arrangements of the member lines; (3) modifying present voting provision; (4) changing the withdrawal notice period required from one month to three months; and (5) providing that parties who furnish substantial and reliable evidence of ability and intention in good faith to institute and maintain a regular service in the trade covered by the conference are eligible for membership therein. Agreement No. 5850 presently covers the trade from Great Britain and Northern Ireland and Irish Free State to Eastern and Gulf ports of the United States of America.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: October 26, 1956.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-8878; Filed, Oct. 31, 1956; 8:54 a. m.]

ALASKA STEAMSHIP CO. AND GARRISON FAST FREIGHT, INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8173, between Alaska Steamship Company and Garrison Fast Freight, Inc., sets forth the arrangement of the parties with respect to the transportation of cargo in trailers and refrigerated trailer vans under through bills of lading of Garrison between Seattle, Washington, and inland points in Alaska, via Seward or Valdez, Alaska. Northbound the cargo will be picked up within the city limits of Seattle by Garrison and trucked to Alaska Steamship (shipside), Alaska Steamship will transport the cargo to Seward or Valdez where it will be delivered to Garrison which will deliver the cargo to inland points in Alaska. Southbound the cargo will be picked up at inland points in Alaska by Garrison and trucked to Alaska Steamship (shipside) at Seward or Valdez, Alaska Steamship will transport the cargo to Seattle and discharge it at shipside where it will be picked up and delivered in Seattle by Garrison.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime

Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: October 26, 1956.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-8879; Filed, Oct. 31, 1956; 8:55 a. m.]

Office of the Secretary

GEORGE L. WILSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 5, 1956, 21 F. R. 3030.

A. Deletions: Lehman Corporation, Oxford Paper Company.

B. Additions: Briggs & Stratton, General Motors, Long Island Lighting.

This statement is made as of October 20, 1956.

GEORGE L. WILSON.

OCTOBER 22, 1956.

[F. R. Doc. 56-8856; Filed, Oct. 31, 1956; 8:51 a. m.]

LEONARD G. LEA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 8, 1956, 21 F. R. 3943.

A. Deletions: No change.

B. Additions: No change.

This statement is made as of October 20, 1956.

LEONARD G. LEA.

OCTOBER 20, 1956.

[F. R. Doc. 56-8857; Filed, Oct. 31, 1956; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

SURPLUS PROPERTY UTILIZATION PROGRAM

Part 2 of the Statement of Organization and Delegations of Authority is hereby amended by adding at the end thereof, the following:

SEC. 2-248.10 *Organization.* There shall be in the Office of Field Administration, under the direction and supervision of the Director, Office of Field Administration, a Division of Surplus Property Utilization.

SEC. 2-248.20 *Assignment of responsibilities.* (a) The Chief of the Division of Surplus Property Utilization, under the direction and supervision of the Director, Office of Field Administration, shall be responsible for:

(1) Carrying out the functions, duties, and responsibilities vested in the Secretary of Health, Education, and Welfare by sections 203 (j), 203 (k) and 203 (n) of the Federal Property and Administrative Services Act of 1949, as amended, and by Federal Civil Defense Administration Delegation 5 (21 F. R. 6721) as the same may be amended from time to time, in conformance with the rules, regulations, and circulars issued by the Administrator of General Services and the rules, regulations, and circulars issued, and criteria established, by the Federal Civil Defense Administrator to the extent that they affect such functions, duties, and responsibilities (hereinafter called the Program) of the Secretary of Health, Education, and Welfare; and

(2) The organization, integration, coordination, evaluation, and direction of the Program.

(b) The Division, in carrying out the functions, duties, and responsibilities of the Secretary as set forth in (a) (1) above shall:

(1) Develop, with the approval of the Director of the Office of Field Administration, the policy and planning of all aspects of the Program;

(2) Maintain liaison with the General Services Administration, the Federal Civil Defense Administration, and other interested Federal and State agencies, instrumentalities, organizations, and representatives, in connection with all aspects of the Program;

(3) Develop and promulgate, with the approval of the Director of the Office of Field Administration, instructions and procedures relative to the operation of the Program;

(4) Make determinations and allocations for educational, pubic health, and civil defense purposes as authorized by section 203 (j) of the act and Federal Civil Defense Administration Delegation 5, and take such action as may be necessary in connection with the assignment, disposal, and utilization of surplus property for educational and public health purposes pursuant to section 203 (k) of the act, except that any action which is required to be taken by the Secretary shall be prepared and submitted for the Secretary's approval; and

(5) Prepare for submission by the Secretary to the Senate and to the House of Representatives the reports required to be made by section 203 (o) of the act.

SEC. 2-249.10 *Delegation of authority: Regional Directors—Real property.* (a) This delegation relates to the disposal and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203 (k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, except the Regional Director in Region VIII, with respect to such property located within his jurisdiction, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon where the acquisition and improvement cost of the property was $150,000 or less;

(2) To execute instruments in modification of previous transfers where the acquisition and improvement cost of the land and improvements thereon involved in the modification action was $150,000 or less;

(3) To execute all instruments with respect to land and improvements thereon where the acquisition and improvement cost exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

(4) To execute all instruments relating to the transfer of improvements for removal and use away from the site; and

(5) To execute all modifying or retransfer instruments affecting improvements originally disposed of for removal and use away from the site.

(b) The Regional Director of Region IX, with respect to property located within the States comprising Region VIII, shall exercise the authority as above delegated.

SEC. 2-249.20 *Delegation of authority: Regional Property Coordinators—Real property.* (a) In each region, except for Regions I and VIII, the representative of the program of disposal and utilization of surplus real and related personal property for educational and public health purposes contemplated by section 203 (k) of the Federal Property and Administrative Services Act of 1949, as amended, is the Regional Property Coordinator. The Regional Property Coordinators in Region II and Region IX shall serve as program representatives in Region I and Region VIII, respectively.

(b) Each Regional Property Coordinator, with respect to the disposal for educational and public health purposes of surplus real property and related personal property within his jurisdiction, is authorized:

(1) To request and accept assignments from Federal agencies of

(i) Improvements for removal and use away from the site; and

(ii) Land and improvements thereon where the acquisition and improvement cost of the property was $150,000 or less;

(2) Consistent with the policies and procedures set forth in applicable regulations of the Department, to make determinations incident to the disposal of assigned property described in (b) (1) (i) and (b) (1) (ii) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in (b) (1) (i) and (b) (1) (ii) above;

(4) To execute instruments of transfer relating to property described in (b) (1) (i) above;

(5) To execute instruments necessary to carry out actions incident or corollary to the health or educational transfer of property described in (b) (1) (ii) above;

(6) Except for execution of instruments of conveyance to the educational or health transferee, to take all action with respect to land and improvements thereon where the acquisition and improvement cost exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office; and

(7) Incident to the exercise of the authority hereinbefore provided, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

(c) From the foregoing delegation there is reserved to the Division of Surplus Property Utilization authority to request and accept assignments of property from Federal agencies whose disposal authority is exempted from the provisions of the Federal Property and Administrative Services Act of 1949, as amended, by section 602 (d) thereof.

(d) Each Regional Property Coordinator, with respect to property within his jurisdiction previously disposed of for educational and public health purposes, is authorized:

(1) Consistent with the policies and procedures set forth in applicable regulations of the Department, to make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of

(i) Improvements for removal and use away from the site; and

(ii) Land and improvements thereon where the acquisition and improvement cost of the property involved in the current action was $150,000 or less;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To take all action with respect to land and improvements thereon where the acquisition and improvement cost of the property involved in the current action exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

(5) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(6) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

SEC. 2-249.30 *Delegation of authority: Regional Property Coordinators—Personal property.* (a) In each region, except for Regions I and VIII, the representative of the program of donation of surplus personal property for educational, public health, and civil defense purposes contemplated by section 203 (j) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration Delegation 5, is the Regional Property Coordinator. The Regional Property Coordinators in Region II and Region IX shall serve as program representatives in Region I and Region VIII, respectively.

(b) Each Regional Property Coordinator, with respect to the allocation for donation for educational, public health, and civil defense purposes of surplus personal property located within his jurdisdiction, is authorized:

(1) To make determinations, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

(2) To allocate surplus personal property and to take all actions necessary to accomplish donation or transfer of property so allocated, consistent with the policies and procedures set forth in applicable regulations of the Department;

(3) To certify and assign individuals designated by State agencies as State representatives for the purpose of screening surplus personal property; and

(4) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(c) Each Regional Property Coordinator, with respect to personal property located within his jurisdiction and in the possession of State agencies for subsequent donation for educational, public health, and civil defense purposes, is authorized:

(1) To approve sales by State agencies (1) where the acquisition cost of the items listed for sale does not exceed $25,000 and (2) as the Division of Surplus Property Utilization specifically directs; and

(2) To approve destruction or abandonment of property in the custody of State agencies after a determination in writing that the property has no commercial value or that the cost of care and handling would exceed the estimated proceeds from its sale, except that where the acquisition cost of the property was more than $1,000 (estimated if not known), the determination must be approved by the Division of Surplus Property Utilization.

(d) Each Regional Property Coordinator, with respect to personal property located within his jurisdiction previously donated for educational and public health purposes, is authorized:

(1) To make determinations and take actions appropriate thereto, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(2) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph;

(3) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and to request refunds or payments; and

(4) To approve sales, destruction, or abandonment of such property by donees, subject to the same limitations as are set forth in (c) (1) and (c) (2) above.

(e) The authority herein delegated, or any part hereof, may, with the concurrence of the Regional Director, be redelegated in writing by the Regional Property Coordinator to Assistant Regional Property Coordinators or to his other operating or administrative assistants.

Dated: October 26, 1956.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 56-8846; Filed, Oct. 31, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11323, etc.; FCC 56M-1001]

B. J. PARRISH ET AL.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of B. J. Parrish, Pine Bluff, Arkansas, Docket No. 11323, File No. BP-8698; James S. Rivers, tr/as The Southeastern Broadcasting System, Macon, Georgia, Docket No. 11326, File No. BP-8747; James A. Noe (KNOE), Monroe, Louisiana, Docket No. 11327, File No. BP-9161; Radio Columbus, Inc. (WDAK), Columbus, Georgia, Docket No. 11328, File No. BP-9260; For construction permits.

It is ordered, This 26th day of October 1956, on the Examiner's own motion, that a hearing conference of all counsel in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., commencing at 1:30 p. m., Thursday, November 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-8864; Filed, Oct. 31, 1956 8:52 a. m.]

[Docket No. 11554; FCC 56-1031]

PERRY COUNTY BROADCASTING CO. (WWOW)

MEMORANDUM OPINION AND ORDER DESIGNATING MATTERS FOR ORAL ARGUMENT AND APPLICATION FOR HEARING ON STATED ISSUES

In re application of Claude P. Stephens and Frank L. Jones, d/b as Perry County Broadcasting Company (WWOW), Hazard, Kentucky, Docket No. 11554, File No. BP-9840; for construction permit.

1. The Commission has before it for consideration a "Protest and Petition for Other Relief" filed on September 28, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Mountain Broadcasting Service, Inc., (hereinafter referred to as WKIC) licensee of Station WKIC, Haz-

ard, Kentucky (1430kc, 1kw, Day), and directed to the Commission's action of August 29, 1956, in granting without hearing the above-captioned application of Claude P. Stephens and Frank L. Jones, d/b as Perry County Broadcasting Company, for a construction permit for a new standard broadcast station (WWOW) at Hazard, Kentucky, to operate on 1390 kilocycles with a power of 5 kilowatts, daytime only, File No. BP-9840; an opposition thereto filed by WWOW on October 8, 1956; and a reply therto filed by WKIC on October 15, 1956.

2. Mountain Broadcasting Service, Inc., claims to be a "party in interest" or "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the act, respectively, to have standing to file its protest and petition for reconsideration on the ground that it is an existing standard broadcast station in the city where the applicant proposes to operate and will suffer economic injury from the operation of a second station in the city because "any revenue obtained by the newly granted station will be at protestant's expense." The protestant also states that it "is prepared to introduce economic evidence at a hearing" to show that it will be economically injured by the grant in question "since there is not sufficient advertising revenue available to properly support two stations and permit said stations to operate in the public interest, convenience and necessity."

3. In support of its protest, WKIC points out that Frank L. Jones indicated in the above-captioned application that he had a 40 percent partnership equity, valued at $14,400, in the Dr. Pepper Bottling Company of Whitesburg, Kentucky, from February 1955, to the date of the application, June 1955; and WKIC has submitted affidavits from which it infers that questions arise as to whether Frank L. Jones had such an interest, and, if he did, whether the interest was worth $14,400. WKIC contends that "Had the facts as set forth in affidavits [submitted with the subject protest by WKIC] been before the Commission at the time the subject application was under consideration, the Commission would not have granted the application but would have set the application for hearing to determine the accuracy of the representations made by the applicant under oath to the Commission." Specifically, the protestant submitted as Exhibit 1, a copy of the sales agreement of February 23, 1955, whereby the Whitesburg Wholesale Company, Inc., sold the Dr. Pepper Bottling Company in Whitesburg, Kentucky, to Kenneth J. Crosthwait for $15,000, on terms of $2,000 cash and three promissory notes of 2, 5, and 6 thousand dollars payable in two years; Exhibit 3, an affidavit by W. E. Faulkner, attorney at law, Hazard, Kentucky, in which he set forth sections of the Kentucky Revised Statutes which require registration of limited partnerships and of persons doing business under an assumed name; Exhibit 4, an affidavit, dated September 24, 1956, by the President of the Whitesburg Wholesale Company, Inc., in which he stated that he has had no business relations with Frank L. Jones in collecting the notes due under the conditional sales agreement; that about 2 months ago he was informed by Jones that he was going to operate the Dr. Pepper plant for Kenneth J. Crosthwait; that Jim Bergdahl is presently operating the plant; that Mr. Bergdahl has informed the affiant that he has purchased the plant from Mr. Crosthwait; that Frank L. Jones has never "to affiant's knowledge," owned any part of the Dr. Pepper plant or claimed any ownership interest therein; and Exhibit 5, an affidavit by F. Byrd Hogg, Attorney at Law, Whitesburg, Kentucky, in which he stated that he has made a search of the official records in the Letcher County Clerk's Office, Whitesburg, Kentucky, and found nothing of record indicating any ownership by Frank L. Jones in the Dr. Pepper Bottling Company, Whitesburg, Kentucky, nor that Jones had complied with the Kentucky statutes requiring registration by persons doing business under an assumed name. The protestant urges that in view of the foregoing, questions arise as to whether Jones had a 40 percent interest in the Dr. Pepper Bottling Company as he indicated; whether, if the company sold for $15,000 in February 1955, a 40 percent interest therein is worth $14,400 in June 1955; whether there is a financial obligation outstanding against Frank L. Jones which is not reflected in his June 1955 balance sheet, whether there was a partnership from February to June in which Frank L. Jones had a 40 percent interest and which operated the Dr. Pepper Bottling Company, and, if so, why the partnership was not properly registered under Kentucky's fictitious name statute.

4. The protestant further requests oral argument upon the matters requested herein before denial or refusal thereof.

5. In its Opposition filed on October 9, 1956, the grantee states that the WKIC pleading is insufficient as a protest because "The entire pleading really consists of an expression of doubt on the part of WKIC as to whether or not Frank L. Jones had a 40 percent interest in the Dr. Pepper Bottling Company, and whether the value of that interest was $14,400"; that "Nowhere does the protestant go beyond the expression of doubt * * * nowhere does the protestant allege that Mr. Jones did not in fact have such interest or that the value thereof was otherwise than shown"; that the need for a hearing is obviated by the grantee's answers to questions raised by the protestant. Submitted with the grantee's Opposition is an affidavit by Frank L. Jones in which he states that he did have a 40 percent interest in the Dr. Pepper Bottling Company and that the reasonable value of that interest was $14,400. Mr. Jones states that by an oral agreement with Mr. Crosthwait on or about February 26, 1955, he acquired the 40 percent interest "upon the consideration that [Jones] devote his time and skill to the supervision of the business, for which he would receive and accept 40 percent of the profits or losses * * * that in the computation of said profits or losses the payments which Crosthwait was to make on the obligation dues on his indebtedness to the Whitesburg Wholesale Company, Inc., were not to be included"; and that he did devote time and skill to the business. Mr. Jones further states that he prepared his personal balance sheet for the WWOC application with the help of one William Kiger, an accountant and auditor, and that, because the Dr. Pepper Bottling Company was a going business with an exclusive nine-county franchise to produce and distribute a nationally advertised and promoted soft drink, Mr. Jones and Mr. Crosthwait estimated the reasonable value of the business to be $36,000, 40 percent of which would be $14,400, as indicated by Mr. Jones in his said balance sheet.

6. The grantee contends in its Opposition that "The fact that the estimated value of the business, $36,000, exceeded the price Mr. Crosthwait paid for it cannot be said to make the estimate unreasonable or incorrect"; that "Mr. Crosthwait would not have purchased the business unless he believed he was getting a good business property and a good deal on the purchase price"; that "one individual may see possibilities in a business overlooked by a present owner, and can thereby get a valuable property for a relatively low price." The grantee points out that it did not rely either on the interest Mr. Jones had in the bottling company or the value of the company to establish its financial qualifications; that in Exhibit 3 of its application, the financing plan showed that Mr. Jones would furnish $8,000 obtained from a bank loan, and the other partner would also furnish $8,000 plus any additional money needed by the grantee; that the 40 percent interest in the bottling company was in no way referred to as to be used, neither sold or pledged, in connection with the construction and operation of WWOW; that "WKIC must recognize this fact, for it does not allege that the Commission's finding that [the grantee] was financially qualified is incorrect or improper." The grantee states that the personal notes of Mr. Crosthwait on the bottling company were not shown on the balance sheet of Mr. Jones under his 40 percent "partnership equity" in the company because in the agreement between the two it was provided that Jones would assume no liability on the said notes; that the 40 percent interest was indicated in the balance sheet as a "partnership equity" to indicate that his holding was not stock but rather one that was an investment of time and skill and included a probability of profit or loss; that the WKIC reference to the Kentucky fictitious name statute has no place in the instant proceeding because the statute may not be extended to situations or parties not clearly within its provisions, and whether or not a certificate should have been filed in Letcher County, Kentucky is not here in issue; that the "question itself is moot, the business having been sold." The grantee states that "WKIC does not allege that any misrepresentation was attempted or intended * * * indeed it could not so allege [and] obviously, WKIC hopes only to delay the advent of competition and seeks to use 'questions' instead of statute-required facts showing the grant to be improper."

7. In its above-referenced Reply, the protestant contends that the explanations given by WWOW in its Opposition do not satisfactorily resolve the questions raised in the Protest with respect to the interest Mr. Jones claims to have had in the Dr. Pepper Bottling Company of Whitesburgh.

8. In view of the facts that the protestant is licensee of Station WKIC, Hazard, Kentucky, where WWOW proposes to operate; that the two stations, therefore, would be in direct competition for advertising revenues; and that WKIC has alleged that it would suffer economic injury as a result of the operation of Station WWOW, we find the protestant to be a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended. In re T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station 309 U. S. 470 (9 Pike and Fischer RR 2008). We find further that the protestant has specified with particularity, within the meaning of section 309 (c), the facts upon which it relies to show that the Commission grant was not in the public interest. In view of this finding, a question is raised as to the type of hearing which is required with respect to the protestant's issues. In this connection, section 309 (c) of the Communications Act of 1934, as amended, states as follows:

> The Commision shall, within thirty days of the filing of the protest, render a decision making findings as to the sufficiency of the protest in meeting the above requirements; and, where it so finds, shall designate the application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented.[1]

9. Two of the issues specified by the protestant, Issues (8) and (9), concern the ability of the Hazard, Kentucky, market area to provide sufficient revenues and financial support to permit either the existing or the authorized station to operate in the public interest. It is the protestant's position that "there is not sufficient advertising revenue available to properly support two radio stations and permit said stations to operate in the public interest, convenience and necessity." Accordingly, the protestant seems to contend that a determination of these "economic" issues are required because the alleged deterioration of the program services involved are public interest considerations. However, in this respect the protestant's statements are conjectural, speculative and stated as conclusions entirely unsupported by allegations of fact. No attempt is made to show in what manner protestant's "public service" programming will be altered by a grant of the instant application or in what respect that programming is superior to the service which will be rendered by the station in question. Similar assertions were rejected by the Commission in Voice of Cullman, 6 RR 161 (1949), where we pointed out that an initial economic injury sustained as a result of competition might be readily overcome by a resourceful licensee and that, in any event, degradation of program service was not a necessary consequence of economic injury since "quality of program service cannot be measured by cost alone." In refusing a hearing on economic issues in the Cullman case, the Commission stated:

> The public interest strongly favors competition in the broadcast industry. The whole scheme of regulation embolded in the Communications Act of 1934 is based upon the proposition that the governmental policies appropriate to the areas of free competition rather than those applicable in the public utility and common carrier fields will achieve the most satisfactory utilization of our available broadcast spectrum. This was explicitly recognized by the Court in the Sanders Bros. Case. [Excerpt from Sanders case omitted.]
>
> Petitioner attempts to circumvent the recognized purpose of the act by equating private with public interest. It argues that the establishment of another broadcast station in Cullman will cause WKUL's program service to deteriorate and thus the public interest will suffer. But this obviously does not follow since the public will be enjoying not only petitioner's service but a new service. What the public may lose at one point it will gain at another (Voice of Cullman, 6 RR 161, 169).

Very recently, the Commission reaffirmed the concepts of the Cullman case in WWSW, Inc., 14 RR 492. Consequently, the Commission is not convinced at this point that even if the protestant's "economic injury" facts were proven, grounds are presented for setting aside the grant in question. Accordingly, with respect to protestant's "economic injury" Issues 8 and 9, oral argument will be held as on demurrer.

10. The other Issues specified by the protestant relate to possible misrepresentations to the Commission by Frank L. Jones concerning his interest in the Dr. Pepper Bottling Company of Whitesburg, Kentucky. However, the protestant has not expressly alleged such misrepresentations but has simply submitted affidavits from which it concludes that had the contents thereof been known to the Commission at the time of the grant, the Commission would have looked into the accuracy of statements made by Mr. Jones in the above-captioned application. In the Commission's opinion, this portion of the subject protest leaves much to be desired in the way of specifying with particularity facts showing that the grant was improperly made or would otherwise not be in the public interest. However, since these matters are not of a frivolous or sham nature, or stated differently, since there is a not insubstantial "possibility that a hearing [may] reveal merit" in the protestant's position, the Commission is designating these issues for evidentiary hearing. Federal Broadcasting System, Inc. v. FCC, 13 Pike and Fischer RR 2094, 2098. But, for the reasons above, the Commission is not adopting the issues; and, therefore, the burden of proceeding with the introduction of evidence and the burden of proof on these issues shall be on the protestant. Furthermore, in making these findings, and by including these issues, we do not determine or imply that any or all of these issues, even if the facts with respect thereto are as alleged by the protestant, are such that they could result in a determination that the instant grant was improper, contrary to the public interest, or should be set aside.

11. A final question is presented as to whether we should stay the effective date of our grant of the above-captioned application. In this connection, section 309 (c) of the Communications Act provides that:

> Pending hearing and decision (of cases arising under this statute) the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."[2]

[1] Said provision was added to section 309 (c) of the Communications Act by an amendment thereto which became effective on January 20, 1956. The intent and purpose thereof is indicated in the language contained in the Senate Report on the Bill (H. R. 5614) to amend the act. The Report states that, "In the first place, this bill would amend section 309 (c) to make it perfectly clear that the Commission does have the authority to dispose of protests without holding a full evidentiary hearing where the Commission finds that the facts alleged in the protest, even if proven true, would not constitute grounds for setting aside the grant being protested. Thus, the amended section 309 (c) would permit the Commission to demur to any or all of the issues which the protestant has raised. This authority would be akin to the power traditionally exercised by the courts to dispose of appropriate cases by a summary judgment. The committee believes that such authority is necessary in order that unnecessary evidentiary hearings may be avoided, and to prevent protestants from employing the protest procedure merely as a means of keeping a competitive radio or television service off the air.

[2] The Senate Report on H. R. 5614 amending section 309 (c) (1 Pike and Fischer RR 10: 373) reads, in part, as follows:

> It must be recognized that there will be cases where protestants will plead facts to which the Commission cannot demur, although, on the basis of all the facts available, it is clear that the likelihood is extremely remote that the protested grant will ultimately have to be set aside. In such circumstances, the Commission should not be precluded from considering whether the public interest requires the protested authorization to remain in effect, but the Commission must affirmatively find and set forth reasons in its decisions as to why the public interest requires the grant to remain in effect.
>
> The Committee is well aware of the very real inconvenience to the public which would result if a grant is permitted to stay in effect and it is ultimately determined that the grant must be set aside and the service terminated. However, in exercising its limited discretion to continue a protested authorization in effect, the Commis-

12. We thus turn to the need for the service proposed by the instant grantee. We are of the opinion that when a town is served by only one local transmission facility, it is wholly reasonable to conclude, without probing further, that a definite need exists for a second medium of local expression. The listeners' opportunity to select among locally originated programs; the availability to civic authorities, public service organizations, and advertisers of more than one local radio medium; the stimulus of competition in local radio operations; and the diversification of standard broadcast operation in a given town—all, are among the conspicuous needs which remain unsatisfied in one-station communities. In re Donald F. Whitman, 13 Pike and Fischer RR 849; Coos County Broadcasters, 13 Pike and Fischer RR 625.

13. It is apparent from the foregoing that there is a need for the service in question and that the public interest would be served by the initiation of such service, barring countervailing considerations. We turn, therefore, to the other aspect of our judgment—an interlocutory determination of the merits of the protest and the "likelihood that the grant in question would ultimately have to be set aside"—for the limited purposes of deciding whether the grant in question should be stayed while oral argument is being held on the protest. While the protestant during the course of the evidentiary hearing will not be limited to proof of the specific facts alleged in the protest, those facts and the questions raised by the protestant concerning Frank L. Jones' partnership interest and participation in the Dr. Pepper Bottling Company do not, at this stage of the proceeding, convince us that there is any substantial likelihood that the grant here in question would ultimately have to be set aside.

14. On the basis of the facts before us and our findings in paragraphs 12 and 13, supra, we conclude that the public interest requires that the grant remain in effect; and, accordingly, the effective date of the Commission's action here in question will not be postponed to the effective date of the Commission's decision in the hearing ordered hereinafter.

15. In view of the foregoing, *it is ordered*, That an oral argument be held before the Commission, en banc, commencing at 10:30 a. m. on November 13, 1956, to determine whether the matters raised by the following two issues, assuming the facts in support of the two issues to be true, are grounds for setting aside the grant in question:

(1) To determine whether or not the Hazard, Kentucky market area will provide sufficient revenues to permit the proposed station to adequately operate in the public interest.

(2) To determine whether, because of the limited advertising potential of the Hazard, Kentucky, market, competition between the existing station and the proposed station may force one or both to fail for lack of financial support, with the result that the public interest of the area will be adversely affected.

The parties intending to participate in the oral argument shall file their appearances not later than November 5, 1956, and shall have until the date of oral argument to file briefs or memoranda of law.

It is further ordered, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues and such other issues as may be specified following the oral argument provided for above:

(1) To determine whether or not Frank L. Jones had a 40 percent interest in the Dr. Pepper Bottling Company of Whitesburg, Kentucky.

(2) To determine whether or not the value of Frank L. Jones' partnership equity in the Dr. Pepper Bottling Company was worth $14,400 on June 10, 1955.

(3) To determine whether or not Frank L. Jones' partnership equity in the Dr. Pepper Bottling Company was under financial obligation and, if so, why was this information omitted from the Jones "Balance Sheet."

(4) To determine whether or not there was a partnership operating the Dr. Pepper Bottling Company of Whitesburg, Kentucky, at the time specified in the application.

(5) To determine why the Dr. Pepper Bottling Company partnership did not register as required by the State of Kentucky fictitious name statute.

(6) To determine whether or not the subject applicant, in view of information obtained under the foregoing issue, is financially qualified to operate the proposed radio station.

(7) To determine whether or not the subject applicant has made full and accurate disclosure to the Commission concerning the business interests of its principals as required by the Commission's application form.

(8) To determine whether misrepresentations have been made to the Commission concerning the finances and business interests of the principals of the subject applicant.

(9) To determine what financial, business or other connection there may be between (a) this applicant, (b) Frank L. Jones and (c) Kenneth J. Crosthwait.

(10) To determine whether, in the light of the evidence adduced under the foregoing issues, the public interest, convenience and necessity will be served by the grant of the subject application.

It is further ordered, That:

(a) The appearances by the parties intending to participate in the evidentiary hearing shall be filed not later than November 5, 1956.

(b) The evidentiary hearing on the above issues is to commence at 10 a. m. on December 18, 1956, before an Examiner to be specified in a subsequent order.

(c) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

The burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on the protestant;

It is further ordered, That said evidentiary hearing shall begin as above-provided, whether or not a decision in said oral argument has been issued;

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceedings herein.

Adopted: October 24, 1956.

Released: October 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8865; Filed, Oct. 31, 1956; 8:52 a. m.]

[Docket Nos. 11763, 11764; FCC 56M-991]

J. E. WILLIS AND CRAWFORDSVILLE BROADCASTERS, INC.

MEMORANDUM OF PREHEARING CONFERENCE

In the matter of J. E. Willis, Lafayette, Indiana, Docket No. 11763, File No. BP-10253; Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana, Docket No. 11764, File No. BP-10460; for construction permits.

1. At a prehearing conference held October 18, 1956, the matters set forth below were covered.

2. It was agreed that each applicant in its showing on other services available to the area proposed to be served would furnish a statement to the effect that the Commission's Soil Conductivity Map had been employed as a basis for ascertaining soil conductivities only after the map's accuracy had been verified by a careful spot check of pertinent proofs of performance now on file with the Commission.

3. The Hearing Examiner ruled that in the event the facts establish that one of the proposals, because of interference received, would violate the terms of § 3.28 (c) of the Commission's rules, showings on need for service or directed at demonstrating the desirability of waiving the provisions of the rule need not be confined to technical evidence.

4. It was agreed that the exhibits of all participants would be numbered seriatim. Exhibit numbers are reserved as follows: 1–9 for J. E. Willis; 10–29 for Crawfordsville Broadcasters, Inc.; 30 and over for the Broadcast Bureau.

5. The following calendar for future steps in the proceeding was agreed upon:

November 5, 1956—Exchange of Exhibits.
November 13, 1956—Further Conference.
November 19, 1956—Date of Hearing.

Dated: October 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8866; Filed, Oct. 31, 1956; 8:53 a. m.]

[Docket Nos. 11763, 11764; FCC 56M-992]

J. E. WILLIS AND CRAWFORDSVILLE BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re applications of J. E. Willis, Lafayette, Indiana, Docket No. 11763, File No. BP-10253; Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana, Docket No. 11764, File No. BP-10460; for construction permits.

Pursuant to agreement of all participants: *It is ordered*, This 24th day of October 1956, that hearing in the above-entitled proceedings now scheduled for October 25, 1956, is continued to November 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8867; Filed, Oct. 31, 1956; 8:53 a. m.]

[Docket Nos. 11804, 11805; FCC 56M-997]

RADIO WAYNE COUNTY, INC., AND RADIO NEWARK, INC.

ORDER CONTINUING HEARING

In re application of Radio Wayne County, Inc., Newark, New York, Docket No. 11804, File No. BP-10316; Radio Newark, Inc., Newark, New York, Docket No. 11805, File No. BP-10527; for construction permits.

The Hearing Examiner having under consideration the Motion of Radio Newark, Inc., filed on October 25, 1956, requesting that the date for the informal engineering conference now scheduled for October 29, 1956, the date for the exchange of the preliminary drafts of the written affirmative cases of the applicants now scheduled for November 8, 1956, the date for the informal conference with Commission counsel thereon now scheduled for November 14, 1956, and the date for the further prehearing conference now scheduled for November 19, 1956, all be continued indefinitely; and

It appearing that the applicants are engaged in negotiations looking toward the possibility of a consolidation of their applications which would resolve their conflicts and eliminate the necessity of a hearing and that efforts are being made to conclude such negotiations as soon as possible; and

It further appearing that all other counsel have consented to the grant of the motion for continuance and have also waived the provisions of § 1.745 of the rules;

It is, therefore, ordered, This 26th day of October 1956, that the motion is granted and the dates of exchange of exhibits, the further prehearing conference and the commencement of the hearing BE and the same are hereby continued wtihout date in order to afford the applicants an opportunity to pursue the possibilities of consolidating their applications.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8868; Filed, Oct. 31, 1956; 8:53 a. m.]

[Docket Nos. 11818, 11819; FCC 56M-1000]

SEPIA BROADCASTING CO. AND RADIO PINE BLUFF

ORDER SETTING PRE-HEARING CONFERENCE

In re applications of Mrs. Mary Davis Barland and Mrs. Juanita L. Wilson d/b as Sepia Broadcasting Company, Little Rock, Arkansas, Docket No. 11818, File No. BP-10125; W. L. Kent tr/as Radio Pine Bluff, Pine Bluff, Arkansas; Docket No. 11819, File No. BP-10526; for construction permits.

It is ordered, This 26th day of October 1956, that all parties in the above-entitled proceeding, or their counsel, are directed to appear for a pre-hearing conference, pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10:00 a. m., November 7, 1956, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) The possibility of stipulating with respect to facts;

(4) Need, if any, for depositions;

(5) The date for the exchange of exhibits between the applicants, as required by § 1.841; and

(6) Such other matters as will be conducive to an expeditious conduct of the hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8869; Filed, Oct. 31, 1956; 8:53 a. m.]

[Docket No. 11834; FCC 56M-999]

SEACO, INC.

ORDER SETTING PRE-HEARING CONFERENCE

In the matter of Seaco, Inc., Orlando, Florida, Docket No. 11834; order to show cause why the licenses for special industrial radio stations KIK 385 and KC 7607 should not be revoked, or, in the alternative, why a cease and desist order should not be issued against the licensee of said stations.

It is ordered, This 26th day of October 1956, that all parties in the above-entitled proceeding, or their counsel, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 2:00 p. m., November 7, 1956, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) The possibility of stipulating with respect to facts;

(4) Need, if any, for depositions;

(5) The date for the exchange of exhibits; and

(6) Such other matters as will be conducive to an expeditious conduct of the hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 56-8870; Filed, Oct. 31, 1956; 8:53 a. m.]

[Docket Nos. 11854, 11855; FCC 56-1026]

DONALD LEWIS HATHAWAY AND CASPER MOUNTAIN TELEVISION CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Donald Lewis Hathaway, Casper, Wyoming, Docket No. 11854, File No. BPCT-2105; The Casper Mountain Television Corporation, Casper, Wyoming, Docket No. 11855, File No. BPCT-2130; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of October 1956;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 6 in Casper, Wyoming; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated June 28, 1956, of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objection to their applications, and were given an opportunity to reply; and

It further appearing that Donald Lewis Hathaway and The Casper Mountain Television Corporation having replied to the Commission's letters of June 28, 1956, and having amended their applications on August 27 and October 18, 1956, respectively, the Commission finds,

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12. We thus turn to the need for the service proposed by the instant grantee. We are of the opinion that when a town is served by only one local transmission facility, it is wholly reasonable to conclude, without probing further, that a definite need exists for a second medium of local expression. The listeners' opportunity to select among locally originated programs; the availability to civic authorities, public service organizations, and advertisers of more than one local radio medium; the stimulus of competition in local radio operations; and the diversification of standard broadcast operation in a given town—all, are among the conspicuous needs which remain unsatisfied in one-station communities. In re Donald F. Whitman, 13 Pike and Fischer RR 849; Coos County Broadcasters, 13 Pike and Fischer RR 625.

13. It is apparent from the foregoing that there is a need for the service in question and that the public interest would be served by the initiation of such service, barring countervailing considerations. We turn, therefore, to the other aspect of our judgment—an interlocutory determination of the merits of the protest and the "likelihood that the grant in question would ultimately have to be set aside"—for the limited purposes of deciding whether the grant in question should be stayed while oral argument is being held on the protest. While the protestant during the course of the evidentiary hearing will not be limited to proof of the specific facts alleged in the protest, those facts and the questions raised by the protestant concerning Frank L. Jones' partnership interest and participation in the Dr. Pepper Bottling Company do not, at this stage of the proceeding, convince us that there is any substantial likelihood that the grant here in question would ultimately have to be set aside.

14. On the basis of the facts before us and our findings in paragraphs 12 and 13, supra, we conclude that the public interest requires that the grant remain in effect; and, accordingly, the effective date of the Commission's action here in question will not be postponed to the effective date of the Commission's decision in the hearing ordered hereinafter.

15. In view of the foregoing, *it is ordered*, That an oral argument be held before the Commission, en banc, commencing at 10:30 a. m. on November 13, 1956, to determine whether the matters raised by the following two issues, assuming the facts in support of the two issues to be true, are grounds for setting aside the grant in question:

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sion would have to consider not only the need for the new service in question, but also the likelihood that the grant in question would ultimately have to be set aside. The Committee feels that these requirements will minimize the possibility of the public being deprived of a service on which it has come to rely. In any event, we do not believe that, to insure against the remote possibility that an operating service may have to be taken off the air, it is necessary or advisable to preclude any operation by a station pending a protest hearing regardless of any countervailing public interest considerations.

upon due consideration of the above-captioned applications, the amendments filed thereto and the replies to the above letters, that under Section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory, that Donald Lewis Hathaway and The Casper Mountain Television Corporation are legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, as follows:

To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 29, 1956.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8871; Filed, Oct. 31, 1956; 8:53 a. m.]

[Docket Nos. 11856, 11857; FCC 56-1030]

RADIO ORLANDO AND ORLANDO RADIO & TELEVISION BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Gordon Sherman and Melvin Feldman d/b as Radio Orlando, Orlando, Florida, Docket No. 11856, File No. BP-10339; Orlando Radio & Television Broadcasting Corporation, Orlando, Florida, Docket No. 11857, File No. BP-10671; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of October 1956;

The Commission having under consideration the above-captioned applications of Gordon Sherman and Melvin Feldman d/b as Radio Orlando and the Orlando Radio and Television Broadcasting Corporation, each for a construction permit for a new standard broadcast station to operate on 1270 kilocycles with a power of 5 kilowatts, daytime only, at Orlando, Florida;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 22, 1956, of the aforementioned interference and that the Commisison was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was received from each subject applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: October 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8872; Filed, Oct. 31, 1956; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7902]

CAPITAL GAINS PROCEEDING

NOTICE OF HEARING

In the matter of the proceeding instituted by the Board to determine for mail rate purposes the proper method of treating capital gains derived from retirement of property owned by subsidized air carriers.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, hereinafter called the act, that a hearing in the above-entitled proceeding will commence on November 14, 1956 at 10:00 a. m., e. s. t., in Room No. E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by the Board order instituting the proceeding herein, particular attention will be directed to the following matters:

1. Whether capital gains on subsidized air carriers' retired property shall be refunded annually to the Government? Shall retirement losses be offset against retirement gains carried forward from prior periods?

2. Whether capital gains on subsidized air carriers' retired property which are reinvested in other property shall be refunded in installments as an offset against subsidy and if so in how many installments over what period or periods of time?

3. Whether capital gains on subsidized air carriers' retired property shall be retained in whole or in part for reinvestment in other capital purposes and if so in what types of capital investments?

4. Whether capital gains on subsidized air carriers' retired property shall be retained for purposes other than operational in nature which are properly considered in individual mail rate proceedings under section 406 of the act?

For further details of the issues involved in this proceeding interested persons are referred to the Board order instituting this proceeding Order No. E-10171, adopted April 6, 1956, and the documents entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before November 14, 1956, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., October 26, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8876; Filed, Oct. 31, 1956; 8:54 a. m.]

[Docket No. 8261]

LINEAS AEREAS COSTARRICENSES, S. A.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 15, 1956, at 10:00 a. m., e. s. t., in Room 1032, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 29, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8877; Filed, Oct. 31, 1956; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1830]

BENGUET CONSOLIDATED, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 25, 1956.

In the matter of application by the Los Angeles Stock Exchange for Unlisted Trading Privileges in Benguet Consolidated, Incorporated, Capital Stock,

The above-named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 9, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-8841; Filed, Oct. 31, 1956; 8:48 a. m.]

[File No. 811-613]

PENN VALLEY CRUDE OIL CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

OCTOBER 26, 1956.

Notice is hereby given that Penn Valley Crude Oil Corporation ("Penn Valley"), a Delaware corporation and a closed-end, non-diversified, investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order declaring that the applicant has ceased to be an investment company under the act.

The application makes the following representation:

At a special meeting of the stockholders of Penn Valley Crude Oil Corporation held on December 19, 1952, more than the necessary two-thirds votes were cast for the dissolution of the corporation. Pursuant thereto, a certificate certifying that the dissolution was authorized in accordance with Delaware law, was executed and filed and on January 15, 1953 a Certificate of Dissolution was issued by the Secretary of State of the State of Delaware. Penn Valley was subsequently liquidated, all indebtedness was paid; Class A stockholders were paid the full liquidating preference of $12.00 per share, and the balance of assets remaining was made available, pro rata, to the holders of the Class B stock. In all, pro rata distributions totalling $1.57 per share of Class B stock were available for distribution, and a balance of $34,196.77, remains payable to share holders whose addresses are unknown or who have failed to claim their liquidation funds.

These funds have now been placed in the registry of the Delaware Court of Chancery in and for the County of New Castle, which has appointed Blaine T. Phillips of Wilmington, Delaware, as receiver in dissolution of Penn Valley. The receiver will hold such funds for distribution to the share holders entitled to receive them.

Section 8 (f) of the act provides in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 8, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-8842; Filed, Oct. 31, 1956; 8:48 a. m.]

[File No. 7-1831]

BENGUET CONSOLIDATED, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 25, 1956.

In the matter of application by the Midwest Stock Exchange for Unlisted Trading Privileges in Benguet Consolidated, Incorporated, Capital Stock.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 9, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-8843; Filed, Oct. 31, 1956; 8:48 a. m.]

[File No. 811-470]

JEFFERSON NATIONAL UNDERWRITERS, INC.

NOTICE OF MOTION TO TERMINATE REGISTRATION

OCTOBER 26, 1956.

Notice is hereby given that the Securities and Exchange Commission ("Commission"), on its own motion, is proposing under section 8 (f) of the Investment Company Act of 1940 ("act"), to declare by order that Jefferson National Underwriters, Inc. ("Jefferson"), a face-amount certificate company registered under the act, has ceased to be an investment company.

Jefferson was organized under the laws of Indiana on December 17, 1936. It registered under the act on August 14, 1942.

According to information contained in our files, Jefferson was merged with Ready Mixed Concrete Corporation of Indianapolis, Indiana in November 1951. All of the face-amount certificates have been matured and redeemed and all of the 865½ shares of outstanding capital stock of Jefferson held by twenty holders were surrendered to Jefferson for cancellation. Ready Mixed Concrete Corporation then issued 1731 shares pro rata to the previous shareholders of Jefferson.

Notice is further given that any interested person may not later than November 7, 1956 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as

provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8844; Filed, Oct. 31, 1956; 8:48 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

OCTOBER 25, 1956.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission had reason to believe that a current report for the month of December 1955, on Form 8-K, filed by the registrant with the Commission on January 24, 1956, was false and misleading in certain respects set forth in said order and that an annual report for the fiscal year ended December 31, 1955, filed by registrant with the Commission on Form 10-K on May 16, 1956, was false and misleading in certain respects set forth in said order.

III. On October 24, 1956, the Commission issued its amended order and notice of hearing under section 19 (a) (2) of the act, amending the order of October 19, 1956, to include among the issues to be considered at the hearing issues arising from the fact that the Commission had reason to believe that an amendment to the registrant's current report on Form 8-K, filed October 17, 1956, was false and misleading in the respects set forth in said amended order.

IV. On October 24, 1956, after the issuance of the amended order referred to in paragraph III, registrant filed with the Commission a request for withdrawal of its said Form 8-K as originally filed and as amended, and a request for the withdrawal of its said annual report on Form 10-K. Registrant filed concurrently with its said application for withdrawal of such reports, a revised Form 8-K report for the month of December 1955, and a revised Form 10-K report for its fiscal year ended December 31, 1955.

It appears to the Commission that said revised Form 8-K is ambiguous and misleading in that conflicting representations are made as to the amount of the reserves of oil and gas acquired and further it is impossible to determine from the statements in the body of the Form 8-K and the statements contained in the amended engineer's report included therein what reserves of oil and gas were acquired by the registrant from Depositors Mutual Oil Development Company, an Oklahoma corporation, in the transaction described by said amendment, and the said Amendment No. 3 is inconsistent and contradictory in its description of the amount of said oil and gas reserves. It also appears to the Commission that the said annual report on Form 10-K for the fiscal year ended December 31, 1955, filed on October 24, 1956, does not comply with the rules and regulations of the Commission with respect to the form and content of such reports.

V. It has been reported to the Commission that during the five business days, October 19 to October 25, inclusive, an aggregate of 341,200 shares of the capital stock of registrant were traded on the American Stock Exchange and that during said period the price of said stock decreased from 2¾ to 1⅜. During the week ending October 12, 1956, an aggregate of 36,100 shares of the capital stock of registrant were traded on the American Stock Exchange, the prices ranging from 3 7/16 to 3 3/16.

It has been reported to the Commission that during the period from October 18 through October 25, the circumstances above recited in this order, and others, gave rise to widespread confusion and uncertainty which has been reflected in newspaper articles, reports of investment advisers, and other financial information media.

VI. The Commission being of the opinon that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days from the date of this order.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8845; Filed, Oct. 31, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 29, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32818: *Canned goods from, to, and between points in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on canned or preserved foodstuffs and related articles, carloads, from, to, and between points in southern territory.

Grounds for relief: Short-line distance formula, circuity, grouping, and motor-truck competition.

Tariffs: Supplement 23 to Agent C. A. Spaninger's ICC 1525 and 3 other tariffs.

FSA No. 32819: *Scrap iron from, to, and between points in Central Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron and articles taking the same rates, carloads, from, to, and between points in central territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 140 to Agent Hinsch's ICC 4326.

FSA No. 32820: *Grain to Brownsville, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, carloads, from points in southwestern, western trunk-line, and mountain-Pacific territories, to Brownsville, Texas, for export to Mexico.

Grounds for relief: Rail carrier competition, grouping, and circuity.

Tariff: Supplement 140 to Agent Kratzmeir's ICC 3941.

FSA No. 32821: *Phosphate rock from Florida mines to Davis, Okla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads, from mines in Florida to Davis, Okla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 17 to Agent C. A. Spaninger's ICC 1514.

FSA No. 32822: *Phosphate rock from Florida mines to El Paso, Tex.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads, from mines in Florida, to El Paso, Texas.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 17 to Agent C. A. Spaninger's ICC 1514.

FSA No. 32823: *Cottonseed oil cake from Augusta, Ga., to Roanoke, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cottonseed oil cake or oil cake meal and related articles, carloads, from Augusta, Ga., to Roanoke, Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 5 to Agent C. A. Spaninger's ICC 1551.

FSA No. 32824: *Sugar returned to shipping points in the West.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sugar, carloads, returned to original shipping points, between points in southwestern, trans-continental, and western trunk-line territories.

Grounds for relief: Rail carrier competition and circuity.

Tariffs: Supplement 26 to Agent F. C. Kratzmeir's ICC 4088, and 4 other tariffs.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-8839; Filed, Oct. 31, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2451 etc.]

UNITED FUEL GAS CO. AND OHIO FUEL GAS CO.

ORDER GRANTING MOTION TO SEVER AND DISMISS

In the Matters of United Fuel Gas Company, Docket Nos. G-2451, G-5475 and The Ohio Fuel Gas Company, Docket No. G-2281.

The Commission by its order issued June 29, 1956, in Docket No. G-2281, determined, inter alia, the just and reasonable rates applicable to the wholesale sales of gas by The Ohio Fuel Gas Company (Ohio Fuel) and authorized the use of a contract demand (CD) form of rate for those sales beginning with the June 1956, billing month. That order also prescribed that the record in Docket No. G-2281 "be reopened for the purpose of taking additional evidence concerning the effect upon rate of return of Ohio Fuel of our approval of the application of the CD rate form to the sales to Ohio Fuel's resale customers."

Noting further that the same issue was present in the proceedings In the Matter of United Fuel Gas Company, et al., Docket Nos. G-2451 and G-5475, then scheduled for hearing, the order issued June 29, 1956, in Docket No. G-2281, consolidated that proceeding with the proceedings in Docket Nos. G-2451, et al., for the limited purpose set out above respecting rate of return.

At the consolidated hearing, evidence was offered on behalf of both United Fuel and Ohio Fuel on rate of return to be allowed in computing their costs of service for the future, including the claimed effect thereon of the approval of the CD form of rate for the jurisdictional sales of those companies.

Thereafter, the Commission, on October 19, 1956, issued an order in Docket Nos. G-2451 and G-5475 approving a limited settlement of those proceedings, based on the record before it and on the stipulation by the parties entered into on September 27, 1956, which stipulation included the basis for fixing United Fuel's rates for the future, including, for purposes of settlement of that case only, an allowance for an agreed upon 6¼ percent rate of return.

On October 5, 1956, prior to the aforementioned order approving the settlement with respect to United Fuel's rates, Ohio Fuel filed a motion requesting that Docket No. G-2281 be severed from these consolidated proceedings and that an order be entered "dismissing Docket No. G-2281 as a separate proceeding, insofar as it was reopened, pursuant to the order of June 29, 1956, for the purpose of taking additional rate of return evidence." In support of its motion to sever Ohio Fuel points out that the reason for the consolidation of these proceedings, which existed at the time of the issuance of the order of June 29, 1956, no longer exists by reason of the aforementioned stipulation (and of course by reason of the order issued October 19, 1956 approving the settlement of the proceedings in Docket Nos. G-2451 and G-5475).

In support of its motion to dismiss the proceedings in Docket No. G-2281, Ohio Fuel points to the aforementioned settlement with respect to United Fuel's rates and the 6¼ percent rate of return agreed to therein. Ohio Fuel also submitted with that motion the affidavit of the vice-president and chief financial officer of the Columbia Gas System, Inc., parent of Ohio Fuel, setting out that on October 3, 1956, Columbia accepted the lowest of three bids for the purchase of its $25,000,000 principal amount of debentures. The bid accepted carried a coupon rate of 4¾ percent and a price of 99.931. The cost of money on the accepted bid is 4.754 percent, exclusive of the expenses of issuing the debentures which are estimated at $126,680.

Answers to the motion were filed by the participants in the Docket No. G-2281 proceedings, Cincinnati Gas & Electric Company jointly with the City of Cincinnati, Ohio, the Dayton Power and Light Company, and the City of Lancaster, Ohio, wherein each respectively agrees to, concurs in, joins in, or states it has no objection to the motion.

The Commission takes administrative notice that there has been a progressive increase in the cost of debt capital to the Columbia System in the past two years, as further indicated by the cost of money on the aforementioned debentures, and that the earnings-price ratio on Columbia System common stock has been rising steadily. The Commission also takes administrative notice of the present conditions generally in the money market.

On the basis of the foregoing it is our view that Ohio Fuel's motion filed October 5, 1956, should be granted at this time, without prejudice to consideration in the future of the effect upon rate of return of Ohio Fuel of the application of the contract demand form of rate to Ohio Fuel's sales of natural gas for resale.

The Commission finds: Good cause exists for the granting of Ohio Fuel's motion to sever Docket No. G-2281 and to dismiss the proceedings in that separate docket, insofar as it was reopened pursuant to the order issued therein on June 29, 1956, as hereinafter ordered.

The Commission orders: The reopened proceedings at Docket No. G-2281, with respect to the limited matter there involved, hereby are severed from the proceedings at Docket Nos. G-2451 and G-5475, and such severed proceedings at Docket No. G-2281, hereby are dismissed, without prejudice to future consideration of the effect upon rate of return of Ohio Fuel of the application of a contract demand form of rate to Ohio Fuel's sales of natural gas for resale.

Issued: October 26, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8838; Filed, Oct. 31, 1956; 8:47 a. m.]

[Docket No. G-5524 etc.]

CHARLES H. OSMOND ET AL.

FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND GRANTING SEVERANCE

In the matters of Charles H. Osmond et al., Docket No. G-5524; J. A. Kimmey and Arnold Oil Well Service, Docket No. G-7030; Edwin L. Cox, Docket No. G-8333; Walter Kuhn et al., Docket No. G-8429; E. B. McFarlin and Ellen P. Ketchum, Docket No. G-8541; Amerada Petroleum Corporation, Docket No. G-8569; Jake L. Hamon, Docket No. G-8680; The Superior Oil Company, Docket No. G-8723; J. K. Wright, Jr., Docket No. G-8727; Sinclair Oil & Gas Company, Docket No. G-8733; Phillips Petroleum Company, Docket No. G-8749; Phillips Petroleum Company, Docket No. G-8750; Sinclair Oil & Gas Company, Docket No. G-8802; Phillips Petroleum Company, Docket No. G-8845; Oil Participations Incorporated, Docket No. G-8920; The North Central Texas Oil Company, Inc., Docket No. G-8999; Emil Mosbacher, Jr., Docket No. G-9004; Champlin Refining Company, Docket No. G-9055; Barbara B. Castleman, Receiver of the Estate of William P. Castleman, Jr., Docket No. G-9074; Shell Oil Company, Docket No. G-9090; Fred Turner, Jr., Docket No. G-9129; Texas Hydrocarbon Company, Docket No. G-9147; Texas Pacific Coal and Oil Company, Docket No. G-9261; Southern Union Gas Company, Docket No. G-9296; Robert Mosbacker, Docket No. G-9384; Skelly Oil Company, Docket No. G-9396; The Atlantic Refining Company, Docket No. G-9466; Midstates Oil Corporation, Docket No. G-9480; Winston L. Stokes, Docket No. G-9485; Amerada Petroleum Corporation, Docket No. G-9614; Amerada Petroleum Corporation, Docket No. G-9615.

The persons hereinabove captioned, hereinafter severally referred to as Applicant, filed, as hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing each Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications (application).

Each Applicant in each docket as hereinabove captioned proposes to sell natural gas in interstate commerce from production of certain units, leases or

acreage located as indicated below to the respective purchaser as indicated for resale:

Docket No., Date Filed; Applicant and Address; Source of Gas; Purchaser

G–5524; 11–23–54, 12–7–54; Charles H. Osmond, et al., 1302 Fort Worth National Bank Building, Fort Worth, Tex.; Kennelly Field, Colorado County, Tex.; Texas Eastern Transmission Corporation.

G–7030; 12–3–54; J. A. Kimmey and Arnold Oil Well Service, 501 Driscoll Building, Corpus Christi, Tex.; Blue Basin Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

G–8333; 1–7–55; Edwin L. Cox, 1217 Magnolia Building, Dallas, Tex.; Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Company.

G–8429; 2–1–55; Walter Kuhn, Operator, for himself and Harry M. McQuigg and Saturn Oil & Gas Company, Inc., Union National Bank Building, Wichita, Kans.; Sections 10 and 15, Township 33, Range 33, Seward County, Kans. (Hugoton Field); Panhandle Eastern Pipe Line Company.

G–8541; 3–4–55; E. B. McFarlin and Ellen P. Ketchum, Milan Building, San Antonio, Tex.; Ciara Couch Gas Field, Crockett County, Tex.; El Paso Natural Gas Company.

G–8569; 3–11–55; Amerada Petroleum Corporation, P. O. Box 2040, Tulsa 2, Okla.; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–8680; 3–28–55; Jake L. Hamon, 501 First National Bank Building, Dallas, Tex.; Headlee Field, Ector County, Tex.; El Paso Natural Gas Company.

G–8723 as amended 9–11–56; [1] 4–4–55; The Superior Oil Company, 930 Edison Building, Los Angeles, Calif.; Eumont Gas Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–8727; 4–6–55; J. K. Wright, Jr., P. O. Box 762, Jackson, Miss.; Pistol Ridge & Maxie Fields, Forrest and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–8733; 4–7–55; Sinclair Oil & Gas Company, P. O. Box 521, Tulsa, Okla.; Eumont Field, Lea County, N. Mex.; Permian Basin Pipeline Company.

G–8750; 4–11–55; Phillips Petroleum Company, Bartlesville, Okla.; University "C" Lease, Big Lake Field, Reagan County, Tex.; Texon Gas, Inc.

G–8802; 4–26–55; Sinclair Oil & Gas Company, P. O. Box 521, Tulsa, Okla.; Drumright Field, Creek County, Okla.; Cities Service Gas Company.

G–8845; 5–2–55; Phillips Petroleum Company, Bartlesville, Okla.; Kenneth "A" Lease, Permian Basin Area, Reagan County, Tex.; El Paso Natural Gas Company.

G–8920; 5–18–55; Oil Participations Incorporated, San Jacinto Building, Houston, Tex.; South Headlee Field, Ector and Midland Counties, Tex.; El Paso Natural Gas Company.

G–8999; 6–3–55; The North Central Texas Oil Company, Inc., 407 Commercial National Bank Building, Shreveport, La.; Keyes Field, Texas County, Okla.; Colorado Interstate Gas Company.

G–9004; 6–6–55; Emil Mosbacher, Jr.; Keyes Field, Texas County, Okla.; Colorado Interstate Gas Company.

G–9055; 6–20–55; Champlin Refining Company, 318 West Cherokee Avenue, Enid, Okla.; Dewell Gas Unit "B", Hugoton Field, Morton County, Kans.; Cities Service Gas Company.

G–9074; 6–27–55; Barbara B. Castleman, Receiver of the Estate of Wm. P. Castleman, Jr., 1112 Republic Bank Building, Dallas, Tex.; Headlee Field, Ector County, Tex.; El Paso Natural Gas Company.

G–9090; 6–30–55; Shell Oil Company, 50 West 50th St., New York 20, N. Y.; Elliott Gas Unit "C"–1, Hugoton Field, Haskell County, Kans.; Cities Service Gas Company.

G–9129; 7–11–55; Fred Turner, Jr., P. O. Box 910, Midland, Tex.; Northeast Noelke Field, Crockett County, Tex.; El Paso Natural Gas Company.

G–9147; 7–18–55; Texas Hydrocarbon Company, P. O. Box 1409, Tulsa, Okla.; Jameson Strawn Sand and Fuller Strawn Sand Fields, Coke, Mitchell and Sterling Counties, Tex.; El Paso Natural Gas Company.

G–9261; 8–26–55; Texas Pacific Coal and Oil Company, Fort Worth National Bank Building, Fort Worth, Tex.; Spraberry Field, Reagan County, Tex.; El Paso Natural Gas Company.

G–9296; 9–2–55; Southern Union Gas Company, Burt Building, Dallas, Tex.; Northeast Noelke Field, Crockett County, Tex.; El Paso Natural Gas Company.

G–9384; 9–21–55; Robert Mosbacher, Operator, 1640 Bank of Commerce Building, Houston, Tex.; Cabeza Creek Field, Goliad County, Tex.; United Gas Pipe Line Company.

G–9396; 9–26–55; Skelly Oil Company, Box 1650, Tulsa, Okla.; San Juan Basis Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

5–21–56; Truby Government No. 1–4 Lease, Section 4–25N–6W, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

G–9466; 10–10–55; The Atlantic Refining Company, P. O. Box 2819, Dallas, Tex.; Eumont Field, Lea County, N. Mex.; Phillips Petroleum Company.

G–9480; 10–13–55; Midstates Oil Corporation, Seventh Floor Midstates Building, Tulsa, Okla.; Greenwood Field, Caddo Parish, La.; United Gas Pipe Line Company.

G–9485; 10–14–55; Winston L. Stokes, P. O. Box 286, Lafayette, La.; Dry Creek Field, Beauregard Parish, La.; Trunkline Gas Company.

G–9614; [2] 11–2–55; Amerada Petroleum Corporation, P. O. Box 2040, Tulsa, Okla.; Federal "D" Lease, Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–9615; [2] 11–2–55; Amerada Petroleum Corporation, P. O. Box 2040, Tulsa, Okla.; WE "B" Tract 2 Lease, Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company.

Pursuant to due notice, a public hearing was held in Washington, D. C., on October 16, 1956, respecting the matters involved in and the issues presented by the application. No petition to intervene or protest to the granting of the application has been received. Staff Counsel moved orally at the hearing that Docket No. G–8749 be severed from this consolidated proceeding and that the intermediate decision procedure be omitted and the Commission render a decision herein pursuant to § 1.30 (c) (1) of the Commission's rules of practice and procedure.

The Commission finds:

(1) The hearing upon the application in the Matter of Phillips Petroleum Company in Docket No. G–8749, now set for hearing in this consolidated proceeding, should be severed therefrom and postponed to a date to be fixed by further notice for the reason that the consolidated notice does not state an accurate description of the source of gas involved in Docket No. G–8749.

(2) Applicant, an independent producer of natural gas, upon commencement of the sale authorized herein will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act.

(3) The sale of natural gas hereinbefore described, as more fully described in the application, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(4) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act, and the requirements, rules and regulations of the Commission thereunder.

(5) The sale of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(6) A request during the public hearing by Staff Counsel for omission of the intermediate decision procedure under § 1.30 (c) of the Commission's rules of practice and procedure, was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30 (c) (1) of said rules.

The Commission orders:

(A) The application In the Matter of Phillips Petroleum Company in Docket No. G–8749 be and the same hereby is severed from the instant proceeding and postponed to a date to be fixed by further notice for the reason stated in Finding (1) hereof.

(B) A certificate of public convenience and necessity be and the same hereby is issued, upon the terms and conditions of this order, authorizing the sale by Applicant of natural gas in interstate commerce for resale, together with the construction and operation of any facilities, subject to the jurisdiction of the Commission, used for the sale of natural gas in interstate commerce, as hereinbefore described and as more fully described in the application and exhibits in this proceeding.

(C) The certificate issued herein shall be deemed accepted and of full force and effect, unless refused in writing and under oath by Applicant within 30 days from issuance of this order.

(D) The certificate is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act, and the applicable rules, regulations and orders of the Commission.

(E) The grant of the certificate herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or of section 154 of the Commission's rules and regulations thereunder requiring the filing of rate schedules for the service herein authorized; and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objection relating to the operation of any price or related provision in the gas purchase contracts herein involved.

Issued: October 26, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8837; Filed, Oct. 31, 1956; 8:47 a. m.]

[1] Dedication of additional acreage in Eumont Gas Field.

[2] Dedication of additional acreage. See Docket No. G–4483.

[3] Commissioner Digby concurring subject to statement filed as part of original document.

[Docket No. G–11287]

SUN OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sun Oil Company (Sun) on September 18, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [4]

Notice of change dated September 10, 1956; United Fuel Gas Company; Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 38; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 26, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8833; Filed, Oct. 31, 1956; 8:46 a. m.]

[4] The stated effective date is the first day after the expiration of the required thirty days' notice, or the effective date proposed by Sun, if later.

[Docket No. G–11288]

SUN OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sun Oil Company (Sun) on September 18, 1956, tendered for filing proposed changes in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates are contained in the following designated filings which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [5]

Notice of change dated, September 10, 1956; Texas Gas Pipe Line Corporation; Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 41; November 1, 1956.

Notice of change, dated September 10, 1956; Texas Gas Pipe Line Corporation; Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 42; November 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 26, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–8834; Filed, Oct. 31, 1956; 8:46 a. m.]

[5] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Sun, if later.

[Docket No. G–11289]

ARKANSAS FUEL OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Arkansas Fuel Oil Corporation (Arkansas) on September 20, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation, and Effective Date [6]

Notice of Change Undated; United Gas Pipe Line Company; Supplement No. 4 to Arkansas' FPC Gas Rate Schedule No. 13; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957 and until such further

[6] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Arkansas, if later.

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time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 26, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8835; Filed, Oct. 31, 1956; 8:46 a. m.]

[Docket No. G-11290]

ARKANSAS FUEL OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Arkansas Fuel Oil Corporation (Arkansas) on September 20, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [2]

Notice of Change Undated; United Fuel Gas Company; Supplement No. 3 to Arkansas' FPC Gas Rate Schedule No. 49; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 26, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8836; Filed, Oct. 31, 1956; 8:46 a. m.]

[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Arkansas, if later.

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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 214

Washington, Friday, November 2, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (3) of § 6.314 is revoked, paragraph (a) (11) and (12) is amended and paragraph (a) (13) is added, as set out below.

§ 6.314 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* • • •

(11) One Congressional Liaison Officer.

(12) One Assistant Congressional Liaison Officer.

(13) One Assistant to the Under Secretary.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8893; Filed, Nov. 1, 1956; 8:48 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, these regulations are hereby made, prescribed, and published to be effective upon publication in the FEDERAL REGISTER, except the amendments to § 7.27 (a) and (b) substituting "or county office, including membership on a county governing body," for "or major county office", which shall be effective in each county beginning with the regular election in 1957. They supersede all previous regulations relating to the selection and functions of county and community committees which have been published in Part 7, Subtitle A, Title 7, CFR, as amended, and shall be in force and effect until amended or superseded by regulations hereafter made.

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7.1 Local or community committee.
7.2 County committee.

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7.3 Purpose.

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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OFFICES

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7.35 Custody.
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AUTHORITY: §§ 7.1 to 7.42 issued under sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interpret or apply sec. 8, 49 Stat. 1149, as amended; 16 U. S. C. 590h.

NAMES OF COMMITTEES

§ 7.1 *Local or community committee.* The local committee elected under the provisions of the regulations in this subpart shall be known as the Agricultural Stabilization and Conservation Community Committee, referred to in this subpart as the "community committee."

§ 7.2 *County committee.* The county committee elected under the provisions of the regulations in this subpart shall be known as the Agricultural Stabilization and Conservation County Committee, referred to in this subpart as the "county committee."

PURPOSE OF COMMITTEES

§ 7.3 *Purpose.* The purpose of the county committee shall be to direct the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Adjustment Act of 1938, the Sugar Act of 1948, the Soil Bank Act, and any amendments to such acts, and such other acts of Congress as the Secretary of Agriculture or the Congress may designate. This shall be done through community committeemen and other personnel responsible to the county committee, and in accordance with applicable laws, regulations, and official instructions. The county and community committees shall not engage in any other activity.

SELECTION OF COMMITTEES

§ 7.4 *Method.* County and community committees shall be elected by eligible voters in accordance with the provisions of the regulations in this subpart.

§ 7.5 *Who may vote for committeemen and delegates.* Any person who is of legal voting age and who has an interest in a farm as owner, tenant, or sharecropper and any person not of legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm shall be eligible to vote for committeemen and delegates in the community in which he has such an interest if:

(a) A payment or grant of conservation materials or services is or will be made with respect to the farm under the current agricultural conservation program or there is being carried out on the farm one or more of the current program practices approved for the State by the State Agricultural Stabilization and Conservation Committee, referred to in this subpart as the "State Committee";

(b) A marketing quota is currently established for the farm;

(c) Such person is eligible for a cooperator's loan or other price support;

(d) Such person is eligible for a payment under the Sugar Act Program;

(e) Such person is eligible for a payment under the National Wool Act Program; or

(f) Such person is eligible for a payment under the acreage or conservation reserve program carried out under the Soil Bank Act.

In any State having a community property law, the spouse of a person who is eligible to vote under the foregoing provisions shall also be eligible to vote.

§ 7.6 *Restrictions on voting.* Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community or in the county convention. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

§ 7.7 *Determination of elective areas.* Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in the Territory of Alaska shall be the area so designated by the State Committee. The boundaries of the communities shall be fixed by the State Committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties.

§ 7.8 *Calling of elections.* Each election of county or community committeemen shall be held on a date or within a period of time fixed by the State Committee which will afford full opportunity for participation therein by all persons eligible to vote: *Provided,* That such date or period of time shall fall between July 1 and December 30 each year. Each such election shall be held in accordance with detailed instructions issued by the Deputy Administrator, Production Adjustment, Commodity Stabilization Service (called "Deputy Administrator" in this subpart). If the number of eligible voters voting in any election of community committeemen is so small that the State Committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election.

§ 7.9 *County election boards.* In each county there shall be a county election board composed of the county agricultural extension agent, or in the absence of a county agricultural extension agent, the district agricultural extension agent, as chairman, the heads of the Soil Conservation Service and Farmers Home Administration offices in the county (if any), and the county head of each general farm organization operating in the county. It shall be the duty of the county election board to select for each community in the county a community election board composed of three farmers other than the incumbent community and county committeemen and to select replacements for members of such boards who resign, become ineligible, or are otherwise unable to serve. One of the members of the community election board shall be designated chairman by the county election board. The county election board shall also designate the place at which the county convention for the election of the county committee will be held.

§ 7.10 *Community election boards.* The community election board shall serve without compensation and shall be responsible for conducting the community committee election in accordance with instructions issued by the Deputy Administrator and shall serve as a nominating committee for the community when required.

§ 7.11 *Election of community committee and delegate to the county convention.* (a) The eligible voters in a community shall elect annually a community committee composed of three members and shall also elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his own choice. Except where there is only one community in the county, election as chairman and vice chairman of the community committee shall constitute, respectively, election as delegate and alternate delegate to the county convention. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

(b) In any county where there is only one community, the community committee shall be the county committee.

(c) The community committee shall select a secretary who may be the County Agricultural Extension Agent or an employee of the county committee.

§ 7.12 *Election of the county committee.* (a) The delegates elected pursuant to § 7.11 shall meet in a convention held before the close of the same calendar year in which they were elected to elect the county committee for the county. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. A county committee of three members shall be elected, with one elected as chairman, one elected as vice chairman, and one elected as regular member. At the same convention the delegates shall also elect first and second alternates to the county committee to

serve as acting members of the county committee in the order elected in the case of the temporary absence of a member, or to become a member of the county committee in the order elected in case of the resignation, disqualification, removal, or death of any member of the county committee. An acting member of the county committee shall have the same duties and authority as a member.

(b) The county committee shall select a secretary who may be the county office manager, other employee of the county committee, or the County Agricultural Extension Agent for the county. If the County Agricultural Extension Agent is not selected secretary to the county committee, he shall be ex officio a member of the county committee but shall not have the power to vote.

§ 7.13 *Tie votes.* Tie votes in community committee elections may, at the discretion of the community election board and with the consent of the contestants, be settled by lot. In the county convention, tie votes shall be broken by further balloting.

§ 7.14 *Vacancies.* (a) In case of a vacancy in the office of chairman of a county or community committee, the respective vice chairman shall become chairman; in case of a vacancy in the office of vice chairman, the respective third regular member shall become vice chairman; in case of a vacancy in the office of the third regular member, the respective first alternate shall become the third regular member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate: *Provided,* That when unanimously recommended by the three members of the county committee as constituted under this paragraph or as constituted under this paragraph and paragraph (c) of this section, and approved by the State Committee, the offices of chairman and vice chairman of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the county convention, the respective alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county committee and no alternate is available to fill the vacancy, the State Committee shall call a meeting of the delegates to the county convention to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of alternates, except as provided in § 7.28.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacancy, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

(e) In the event that a vacancy occurs in the panel of delegates to the county convention and the respective alternate is not available to fill the vacancy and a county convention has been called, a special election shall be held to fill such vacancies as exist in the panel of delegates and alternates.

ELIGIBILITY REQUIREMENTS

§ 7.15 *County committeemen, community committeemen, delegates, and community election board members.* To be eligible to hold office as a county committeeman, a community committeeman, a delegate, an alternate to any such office, or a member of a community election board, a person must:

(a) Be eligible to vote in the county in which the election is held if a candidate for county committeeman, and in the community in which the election is held if a candidate for community committeeman or delegate to the county convention or if being considered for appointment to the community election board;

(b) Be residing in the county in which the election is held if a candidate for county committeeman, and residing in the community in which the election is held if a candidate for community committeeman or delegate to the county convention or if being considered for appointment to the community election board: *Provided, however,* That in cases where a county or community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes;

(c) Not be, or not have been during the current calendar year, engaged in political activity as defined in § 7.27;

(d) Not have been removed or found by the State Committee to be subject to removal under the provisions of § 7.28, § 7.29, or § 7.30 as county committeeman, community committeeman, delegate to the county convention, or alternate to any such office, or as employee of any county office, or not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State Committee or the Deputy Administrator;

(e) Not be during his term of office a full-time employee of the U. S. Department of Agriculture;

(f) If the office is that of county committeeman, not be during his term of office a president, vice president, treasurer, or secretary of a county, State, or national unit of any general farm organization;

(g) If the office is that of county committeeman, not be during his term of office a sales agent or employee of the Federal Crop Insurance Corporation; and

(h) If the office is that of county committeeman, not be during his term of office a marketing quota review committeeman.

§ 7.16 *All other personnel.* (a) The county office manager or any other employee must not be, or not have been during the current calendar year, engaged in political activity as defined in § 7.27.

(b) The county office manager and other county office employees must not have been removed or found by the State Committee to be subject to removal under the provisions of § 7.28, § 7.29, or § 7.30 as county committeeman, community committeeman, delegate to the county convention, or alternate to any such office, or employee of any county office, or not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State Committee or the Deputy Administrator.

§ 7.17 *Dual office—*(a) *County Committee membership.* A member of the county committee may not be at the same time:

(1) A member of a community committee;

(2) A delegate to a county convention;

(3) The secretary to or the treasurer of a county committee;

(4) A member of the State Committee; or

(5) County office manager or any other county office employee.

(b) *Community committee membership.* A member of the community committee may not be at the same time:

(1) A member of a county committee;

(2) The secretary to or the treasurer of a county committee;

(3) A member of the State Committee; or

(4) County office manager.

(c) *Delegate to the county convention.* A delegate to the county convention may not be a member of the State Committee.

TERMS OF OFFICE

§ 7.18 *County and community committeemen.* The terms of office of county and community committeemen and alternates to such offices shall begin on the first day of the month next after their election. A term of office shall continue for 12 months or until a successor has been elected and qualified.

§ 7.19 *Delegates to the county convention.* The terms of office of delegates and alternates to the county convention shall begin immediately upon their election and shall continue for 12 months or until their respective successors have been elected and qualified.

DUTIES

§ 7.20 *County committee.* The county committee, subject to the general direction and supervision of the State Committee, and acting through community committeemen and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, the acreage and conservation reserve programs under the Soil Bank Act, and the sugar program formulated pursuant to the acts of Congress specified in § 7.3 and any other program assigned to it by the Secretary of Agriculture or the Congress. In so doing the committee shall:

(a) Submit to the State Committee an estimate of the amount of administrative funds required for each fiscal year;

(b) Enter into leasing agreements for such office space as needed in accordance with prescribed procedures;

(c) Employ the county office manager subject to standards and qualifications furnished by the State Committee to serve at the pleasure of the county committee, except that incumbent managers shall not be removed other than under the provisions of § 7.30, until all members of the county committee have been in office for at least 60 days.

(d) Fix the rate of compensation for all personnel in accordance with schedules or instructions approved by the Deputy Administrator;

(e) Direct the activities of the community committees elected in the county;

(f) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action under such instructions;

(g) Recommend to the State Committee needed changes in boundaries of communities;

(h) Make available to the public information concerning the objectives and operations of the programs administered through the county committee;

(i) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with instructions issued by the Deputy Administrator;

(j) Give public notice of the designation and boundaries of each community within the county not less than 30 days prior to the election of community committeemen and delegates;

(k) Direct the giving of notices in accordance with applicable regulations and instructions;

(l) Recommend to the State Committee desirable changes in or additions to existing programs;

(m) Conduct such hearings and investigations as the State Committee may request; and

(n) Perform such other duties as may be prescribed by the State Committee.

§ 7.21 *Chairman of the county committee.* The chairman of the county committee or the person acting in his stead shall preside at meetings of the county committee, certify such documents as may require his certification, and perform such other duties as may be prescribed by the State Committee.

§ 7.22 *Community committee.* The community committee shall:

(a) Assist the county committee in carrying out programs assigned to it.

(b) Inform farmers concerning the purposes and provisions of programs being administered in the county by the county committee;

(c) Assist in arranging for and conducting necessary community meetings; and

(d) Perform such other duties as may be assigned to it by the county office manager under the direction of the county committee.

§ 7.23 *Chairman of the community committee.* The chairman of the community committee or the person acting in his stead shall preside at meetings of the community committee, and perform such other duties as may be assigned to him by the county committee.

§ 7.24 *Delegate to the county convention.* The delegate shall meet with other delegates in a county convention within a period of time fixed by the State Committee and at the place designated by the county election board and elect county committeemen for the county.

§ 7.25 *County office manager.* The county office manager shall:

(a) Execute the policies established by the county committee and be responsible for the day-to-day operations of the county office;

(b) Employ the personnel of the county office in accordance with standards and qualifications furnished by the State Committee;

(c) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(d) Serve as temporary chairman of the convention to elect a county committee and as counsellor to the convention on election procedures; and

(e) Supervise, under the direction of the county committee, the activities of the community committees elected in the county.

PRIVATE BUSINESS ACTIVITY

§ 7.26 *All personnel.* No county committeeman, community committeeman, delegate, alternate to any such office, or any person employed in the county office shall at any time use such office or employment to promote any private business interest.

POLITICAL ACTIVITY

§ 7.27 *All personnel.* (a) No person who, during any calendar year, has held a Federal, State, or county office, including membership on a county governing body, filled by an election held pursuant to law shall be eligible during such calendar year to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or a member of a community election board, or to employment in any capacity.

(b) No person who, during any calendar year, has been a candidate for any Federal, State or county office, including membership on a county governing body, filled by an election held pursuant to law shall be eligible during such calendar year to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or a member of a community election board, or to employment in any capacity.

(c) No person who, during any calendar year, has been an officer or employee of any political party or political organization shall be eligible during such calendar year to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or a member of a community election board, or to employment in any capacity.

(d) The tenure of office of any county committeeman, community committeeman, delegate, alternate to any such office, or member of a community election board, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office or employment under the provisions of this section.

REMOVAL FROM OFFICE OR EMPLOYMENT

§ 7.28 *County and community committeemen and members of community election boards.* (a) Any member of a county or community committee or alternate to such office or any member of a community election board who becomes ineligible for office under the provisions of § 7.15 or § 7.27 or who fails to perform the duties of his office or who is incompetent or commits, or attempts or conspires to commit, fraud, shall be removed by the State Committee, or if it appears that he may be subject to such removal, he may be suspended by the State Committee pending an investigation. The State Committee may also suspend pending investigation or remove any county or community committeeman or alternate, if such action is determined by majority vote of the State Committee to be necessary for the success of any program administered by the county committee.

(b) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State Committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State Committee in such capacity shall, notwithstanding the provisions of § 7.39, have full authority to perform all duties regularly performed by a duly elected county committee.

§ 7.29 *Delegate to the county convention.* Any delegate or alternate to the county convention who becomes ineligible for office under the provisions of § 7.15 or § 7.27 or who fails to perform the duties of his office or who is incompetent or commits, or attempts or conspires to commit, fraud, shall be removed by the State Committee.

§ 7.30 *County office personnel.* Any county office manager or other employee who becomes ineligible for employment under the provisions of § 7.15 or § 7.27 or who fails to perform the duties of his employment or who is incompetent, or commits, or attempts or conspires to commit, fraud, shall be removed by the county committee. If the county committee fails to act promptly in any such case, the State Committee shall remove the person involved. The State Committee may also remove any county office employee, when in the opinion of the majority of the members of the State Committee the conduct of such person adversely affects the administration of the programs in the county and the

county committee has failed to act promptly in removing such person.

§ 7.31 *Right of appeal.* Any county or community committeeman, member of a community election board, delegate, or employee who is removed or who is found by the State Committee to be subject to such removal under the provisions of § 7.28, § 7.29 or § 7.30 from office or employment shall have the right of appeal to the State Committee for review of the facts, and if dissatisfied with the decision of the State Committee, to the Deputy Administrator in accordance with such procedure as he may prescribe.

LEAVE

§ 7.32 *Leave.* All employees of a county office who have a regular tour of duty established in advance, except temporary employees, shall be granted annual and sick leave with pay. A temporary employee, for the purposes of this section, is defined as one who serves during a continuous period of less than 90 days, on either a full-time or a part-time basis. Leave with pay shall not be granted to members of county or community committees.

(a) *Annual leave.* Leave of absence with pay shall not be granted until earned and shall be earned at the rate of one and one half days for each 20 days of service rendered. An employee may be credited on January 1 with any unused leave which he may have earned during, or carried over into, the preceding year: *Provided,* That in no case shall the amount of leave so credited exceed 15 days. The amount of leave so credited may be used by the employee in addition to the leave earned by him during the year.

(b) *Sick leave.* Leave of absence with pay because of illness shall be earned at the rate of one day for each 20 days of service rendered. Leave of absence with pay because of illness may at the discretion of the county office manager be granted prior to its having been earned in an amount not to exceed 12 days during any one calendar year. Any leave which has been advanced shall be deducted from sick leave which may be earned at a later date. An employee may be credited on January 1 with any unused sick leave which he may have earned during, or carried over into, the preceding year.

OFFICES

§ 7.33 *Location.* The office of the county committee shall be located in a place selected by the county committee subject to the approval of the State Committee. In selecting the location of the county office, consideration shall be given to convenience to farmers, accessibility to other Federal, State, and county agricultural agencies, adequacy of space, and economy of operations. The State Committee may authorize the combination of county offices with the approval of the county committee concerned, or if only a few farmers are involved and it is uneconomical to maintain separate county offices, the State Committee may order the combination of such offices with the prior approval of the Deputy Administrator.

§ 7.34 *Use of county office.* The space, clerical, mailing, or any other facility of the county office shall not be used in any way to support, assist, or oppose any political candidate or political party or for any private business interests or for any other purposes not authorized in § 7.3, except that such space and facilities may be used, on a reimbursable basis, by the county crop insurance agent designated by the Federal Crop Insurance Corporation in the performance of his duties as such agent.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

§ 7.35 *Custody.* All books, records, and documents used by the county committee in the administration of programs assigned to it by the Secretary of Agriculture or the Congress shall be the property of the Department of Agriculture and shall be maintained in good order in the county office.

§ 7.36 *Use.* The books, records, and documents referred to in this subpart shall be available for use:

(a) At all times to authorized representatives of the Secretary of Agriculture, State committeemen and their employees, county committeemen, community committeemen and employees of the county office in the performance of duties assigned to them under the regulations in this subpart;

(b) At any reasonable time to any program participant insofar as his interests under the programs administered by the county committee may be affected; and

(c) To any other person only in accordance with instructions issued by the Deputy Administrator.

MEETINGS

§ 7.37 *When.* Meetings of the county or community committee shall be called only when necessary to the successful administration of the programs.

§ 7.38 *Call and notice.* Meetings of the county committee or of any community committee may be called by the chairman or acting chairman of the county committee, the county office manager, or the State Committee. Meetings of the community committee may also be called by the chairman of the community committee. Each committee member shall be properly notified of any meeting of his committee.

§ 7.39 *Quorum.* The presence of at least two members or acting members of any committee shall be required to constitute a quorum for the transaction of business of such committee.

§ 7.40 *Records.* Minutes of all meetings of the county committee and of participating farmers shall be kept and retained for 5 years by the county committee.

IMPLEMENTING INSTRUCTIONS

§ 7.41 *Implementation.* The Deputy Administrator is authorized to issue instructions implementing these regulations.

SCOPE

§ 7.42 *Applicability.* The regulations in this subpart shall apply to continental United States and the Territory of Alaska.

Done at Washington, D. C., this 26th day of October 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8900; Filed, Nov. 1, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF RAISIN ADMINISTRATIVE COMMITTEE FOR 1956–57 CROP YEAR AND FIXING RATE OF ASSESSMENT

Pursuant to Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Raisin Administrative Committee, the administrative agency for program operations, has submitted for approval by the Secretary a proposed budget of expenses for the maintenance and functioning of the committee and the Raisin Advisory Board during the 1956–57 crop year and a proposed assessment rate for the said crop year. After consideration of all relevant information, including the supporting information submitted by the committee, it is hereby found and determined, and it is, therefore, ordered, that the budget of such expenses of the Raisin Administrative Committee, and the rate of assessment, for the crop year which began on September 1, 1956, shall be as follows:

§ 989.307 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1956–57 crop year*—(a) *Budget of expenses.* Expenses in the total amount of $84,159 are reasonable and likely to be incurred by the Raisin Administrative Committee for its maintenance and functioning and for the maintenance and functioning of the Raisin Advisory Board for the crop year beginning September 1, 1956, and ending August 31, 1957.

(b) *Rate of assessment.* Each handler shall pay to the Raisin Administrative Committee, in accordance with the provisions of §§ 989.79 and 989.80 of the amended marketing agreement and the amended order, an assessment at the rate of 54 cents per ton of free tonnage raisins acquired by him, and for each ton of reserve tonnage raisins sold to him by the committee, during the crop year beginning September 1, 1956, which assessment, at the rate specified, is hereby

fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making, or postpone the effective time of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The rate of assessment hereby fixed is applicable to raisins acquired by handlers during the current crop year; (2) handlers are now receiving deliveries of raisins from producers and which receipts are, by the terms of the amended marketing agreement and the amended order, subject to the assessment set forth hereinabove; (3) the Raisin Administrative Committee must be enabled to obtain assessment revenue promptly to defray expenses of administering the program; (4) compliance with the foregoing rules will require no advance preparation by raisin handlers. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 30, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 56-8897; Filed, Nov. 1, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 410—DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES, GLIDERS, ENGINES, AND PROPELLERS

Part 410 of the regulations of the Administrator is revised in its entirety to extend delegation option procedures to airplanes and gliders having less than 12,500 pounds maximum weight and small aircraft engines and propellers up to 1,000 cubic inches displacement. Provisions have been made for CAA participation in preliminary and final review of projects prior to certification.

Part 410 appeared as a notice of proposed rule making in 21 F. R. 5508–5510 on July 21, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument and consideration has been given all relevant data presented.

Part 410 is adopted to read as follows:

Subpart A—General

Sec.
410.1 Definition or terms.
410.2 Basis and purpose.

Subpart B—Delegation Option Authorization

410.11 Application.
410.12 Authorization.
410.13 Eligibility.
410.14 Designated manufacturer's certification representative (DMCR).
410.15 Duration.
410.16 Maintenance of eligibility.
410.17 Transfer.
410.18 Inspections.

Subpart C—Delegation Option Procedures

410.31 Limits of applicability.
410.32 Type certificates.
410.33 Production certificates.
410.34 Airworthiness certificates.
410.35 Certificates of airworthiness for export.
410.36 Service difficulties and noncompliance.
410.37 Maintenance, repair, and alteration of products.
410.38 Data and records.

AUTHORITY: §§ 410.1 to 410.38 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, as amended, sec. 310, 64 Stat. 1080; 49 U. S. C. 553, 460.

SUBPART A—GENERAL

§ 410.1 *Definition of terms.* As used in this part:

(a) "Administrator" shall mean Administrator of Civil Aeronautics.

(b) "CAA" shall mean Civil Aeronautics Administration.

(c) "DMCR" shall mean Designated Manufacturer's Certification Representative.

(d) "Product" shall mean an airplane, a glider, an aircraft engine, or propeller.

(e) "Secretary" shall mean Secretary of Commerce.

§ 410.2 *Basis and purpose.* (a) Section 603 of the Civil Aeronautics Act of 1938 (52 Stat. 1009; 49 U. S. C. 553) authorized the Civil Aeronautics Authority to conduct inspections and tests necessary to the issuance of type, production, and airworthiness certificates, and to issue such certificates. Section 7 of Reorganization Plan III of 1940 (54 Stat. 1233) transferred the functions to the Administrator. Section 2 of Reorganization Plan 5 of 1950 (15 F. R. 3174) transferred the functions to the Secretary. Section 3 of Department of Commerce Order 115 (15 F. R. 3195) retransferred the functions to the Administrator. Section 310 of the Civil Aeronautics Act of 1938 (60 Stat. 1070, 49 U. S. C. 460) authorized the Secretary to delegate the functions to properly qualified private persons. Amendment 7 to Department of Commerce Order 86 (16 F. R. 554) authorized the Administrator to exercise the powers vested in the Secretary by section 310 (a) of the Civil Aeronautics Act of 1938.

(b) Under delegation option procedures, type, production, and airworthiness certification of airplanes and gliders having maximum weight of less than 12,500 lbs., and type and production certification of piston engines of less than 1,000 cubic inches displacement and propellers for use on such engines, may be accomplished by manufacturers utilizing a DMCR. Standard procedures will be used by manufacturers who are not eligible to use, or do not elect to use, the delegation option procedures.

SUBPART B—DELEGATION OPTION AUTHORIZATION

§ 410.11 *Application.* Application for an authorization from the Administrator to use the delegation option procedures shall contain the information specified in appendix A[1] to this part, and shall be submitted to the CAA regional office for the region in which the manufacturer is located.

§ 410.12 *Authorization.* Upon receiving an application and finding that the applicant meets the eligibility requirements, the Administrator will issue an authorization to the applicant to use the delegation option procedures in accordance with the provisions of this part. A sample authorization is shown in appendix B[1] to this part.

§ 410.13 *Eligibility.* To be eligible for an authorization to use the delegation option procedure, the applicant shall:

(a) Hold a current type certificate under the same part of the Civil Air Regulations and a production certificate, issued to the applicant under the standard procedure,

(b) Employ a competent staff of engineering, flight test, production, and inspection personnel adequate to maintain compliance with the applicable certification requirements of Parts 1, 3, 4a, 5, 8, 13, and 14 of this title, and

(c) Have requested the appointment of an individual by the Administrator as a Designated Manufacturer's Certification Representative in accordance with § 410.14.

§ 410.14 *Designated manufacturer's certification representative (DMCR).* (a) A Designated Manufacturer's Certification Representative is an individual who:

(1) Holds a responsible position in a manufacturer's organization with respect to the design and manufacture of the pertinent product,

(2) Upon request by the manufacturer, has been issued a certificate by the Administrator, and has been listed on the delegation option authorization issued to the manufacturer.

(b) The Designated Manufacturer's Certification Representative may be replaced by another individual upon request by the holder of the delegation option procedure authorization and the listing of such replacing individual by the Administrator on the authorization.

(c) A DMCR will be furnished CAA forms, and instructions on the use thereof, under the delegation option procedures.

§ 410.15 *Duration.* An authorization to use the delegation option procedure shall remain in effect for 1 year unless suspended, canceled, or revoked by the Administrator. An authorization may be renewed upon application if the Administrator finds the record of the applicant to be satisfactory. (See § 410.16.) The holder of such authorization shall request the CAA to cancel it if he no longer desires to use the delegation option procedure.

§ 410.16 *Maintenance of eligibility.* The holder of an authorization to use the delegation option procedure shall continue to comply with the initial requirements for issuance. To be eligible

[1] Not filed with the Federal Register Division.

for renewal the holder must have a record over the previous year which shows he is competent, willing, and able to carry out the responsibilities delegated.

§ 410.17 *Transfer.* An authorization to use the delegation option procedure is not transferable.

§ 410.18 *Inspections.* At any time, upon request, the applicant for a delegation option procedure authorization or the holder of such authorization shall permit authorized employees of the Administrator to inspect his organization, facilities, product, and records.

SUBPART C—DELEGATION OPTION PROCEDURES

§ 410.31 *Limits of applicability.* (a) The delegation option procedures shall be applied only to products which are manufactured by the holder of a delegation option authorization, and which:

(1) Are eligible for certification under the type, production, and airworthiness requirements of Parts 1, 3, 4a, 5, 8, 13, or 14 of this title, and

(2) Are airplanes or gliders having a maximum weight of less than 12,500 pounds, or

(3) Are piston engines having a displacement of less than 1,000 cubic inches, or

(4) Are propellers designed for use on engines having a displacement of less than 1,000 cubic inches.

(b) Within the limitations prescribed in paragraph (a) of this section, the delegation option procedure may be applied to:

(1) Type certification,

(2) Changes in the type design of products for which the manufacturer holds or obtains a type certificate,

(3) The amendment of the production certificate held by the manufacturer, to include additional models or additional types for which he holds or obtains type certificates,

(4) The issuance of airworthiness certificates for airplanes and gliders of any type for which the manufacturer holds a type certificate and holds or is in the process of obtaining a production certificate. For this privilege to be continued, the production certificate shall be obtained within 6 months from the date of issuance of the type certificate.

(c) The delegation option procedures may be applied to one or more types as selected by the manufacturer, who shall notify the CAA of each model, and the first serial number of each model manufactured by him under the delegation option procedures. Other types or models may remain under the standard procedures.

§ 410.32 *Type certificates.* (a) When a manufacturer desires to obtain a type certificate for a new type under the delegation option procedures:

(1) The DMCR for such manufacturer shall submit to the CAA an Application for Type Certificate (Form ACA–312) together with a statement listing particular airworthiness requirements of this title by part and date, which the DMCR considers applicable, plus a three-view drawing, a description of the salient characteristics of the design, an outline of the method to be used to substantiate compliance, and an estimated time schedule involved. After reviewing the application, the CAA will notify the DMCR in an acceptance letter that the Administrator finds such requirements, or other specified requirements, applicable.

(2) The CAA will verify compliance with standards, rules, and regulations for unconventional designs and/or design features having a substantially significant effect on safety, and will determine that there are no apparent unairworthy features. An initial review will be made by the CAA of new type designs including discussions with the manufacturer concerning any unconventional design features, interpretations of the regulations, or means of determining compliance. Following this review the CAA will notify the manufacturer concerning the extent to which the CAA will verify compliance, and the extent to which the CAA will participate in test programs. Also, the CAA will counsel and advise manufacturers upon request or indicated need.

(3) After determining that the applicable airworthiness requirements are met, the DMCR shall request the Administrator to issue a type certificate. The request shall include a Statement of Compliance and the information prescribed in appendix C [1] to this part. The proposed specification and, if required by the applicable airworthiness requirements, a copy of the Airplane Flight Manual as approved by the DMCR, shall be transmitted with the request. If the results of his own participation in the process of determining compliance with the regulations have revealed no failure of compliance, the Administrator will issue the type certificate and publish the specification.

(b) Under these delegation option procedures, the manufacturer may change the type design for which he holds a type certificate, when the DMCR finds that the changes comply with the applicable airworthiness requirements. If such changes would alter the information in the specification or Airplane Flight Manual, the manufacturer shall promptly submit proposed specification revisions or Airplane Flight Manual revisions to the CAA.

(1) The DMCR shall furnish a statement to the CAA, briefly describing major changes to the type design and listing the particular airworthiness requirements of this title which the DMCR considers applicable. Upon receiving such a statement, the CAA will notify the DMCR that the Administrator finds such requirements, or other specified requirements applicable. The CAA will verify compliance as considered necessary and will counsel and advise manufacturers upon request or indicated need.

(c) As a part of determining compliance with the applicable airworthiness requirements, the DMCR shall conduct a type inspection and complete a Type Inspection Report (Form ACA–283), or applicable portions thereof, which he shall sign and include in the manufacturer's technical data file.

(d) The manufacturer or the DMCR may request the advice of the CAA concerning interpretation of the certification requirements in Parts 1, 3, 4a, 5, 8, 13, and 14 of this title. The DMCR shall request the advice of the CAA on any interpretation which requires application of the equivalent safety provisions contained in the certification requirements. CAA rulings will be confirmed in writing.

(e) The manufacturer shall prepare and maintain a technical data file for each product type under the delegation option procedure, in accordance with § 410.38 (a) (1). Authorized employees of the CAA shall have access to the file at any time. In the event the manufacturer goes out of business or no longer operates under the delegation option procedure the file becomes the property of the CAA.

§ 410.33 *Production certificates.* (a) When a manufacturer desires to list a new model or a new type certificate on his production certificate, the DMCR for such manufacturer shall, after finding that the manufacturer meets the production certificate requirements of Part 1 of this title with respect to the new model or type, submit a request therefor to the Administrator. (See § 410.31 (b) (4).) This request shall be accompanied by:

(1) A Statement of Compliance containing the information prescribed in appendix D [1] of this part, and,

(2) A properly executed application for an amendment to the manufacturer's production certificate (Form ACA–332).

Upon receipt of these documents the Administrator will add the new model designation and/or type certificate number to the production certificate and forward to the manufacturer an amended production limitation record.

(b) In determining that the manufacturer meets the applicable production certificate requirements, the DMCR shall, for each new model or type added to the production certificate under the delegation option procedure, conduct an inspection of the manufacturer's organization, facilities, methods, and procedures for manufacturing and controlling the quality and conformity of the product. The CAA shall be notified in advance of such inspections and will participate as considered necessary. The DMCR shall complete and sign a Manufacturing Inspection Report (Form ACA–314) for inclusion in the manufacturer's records.

(c) At least once each year while the manufacturer holds a delegation option procedure authorization, the DMCR shall conduct an inspection of the manufacturer's facilities, methods, and procedures. The CAA will participate as considered necessary.

(d) The manufacturer shall prepare and maintain a production certification file and make reports covering changes in organization and procedures and special processes, as required by the production certificate requirements of Part 1 of this title. He shall include such reports and inspection records for each model produced under the delegation option procedure in his records as specified in § 410.38 (a) (2).

§ 410.34 *Airworthiness certificates.* (a) A DMCR shall issue an airworthiness certificate for an airplane or glider manufactured under the delegation option procedure when he finds, on the basis of the inspection and production flight check, that the aircraft conforms to a type design for which the manufacturer holds a type certificate and is in a condition for safe operation.

(b) The DMCR may authorize other employees of the manufacturer to sign such airworthiness certificates for him, over his name and designee number: *Provided,* That:

(1) Such employees perform or are in direct charge of the inspections specified in paragraph (a) of this section, and

(2) Such employees have been listed on the manufacturer's application to use the delegation option procedures (see appendix A [1] to this part), or on amendments thereto.

(c) A DMCR shall issue and attach an approval tag, Form ACA–186, to each new engine or propeller manufactured under the delegation option procedure when he finds, on the basis of the inspection and operational tests, that the engine or propeller conforms to a type design for which the manufacturer holds a type certificate and is in condition for safe operation.

After the new model has been included on the Production Limitation Record, the production certification number shall be stamped on the engine or propeller identification data plate in lieu of the issuance of the approval tag, Form ACA–186.

§ 410.35 *Certification of airworthiness for export.* A certificate of airworthiness for export may be issued on the same basis as an airworthiness certificate, as specified in § 410.34.

§ 410.36 *Service difficulties and noncompliance.* Service difficulties and questions of compliance on articles produced under the delegation option procedure will be handled as follows:

(a) *Routine reports.* The CAA will collect information on service difficulties in accordance with standard procedures. Where service difficulties are deemed of sufficient importance, the CAA will forward copies of the reports to the manufacturer for his information and any action he deems appropriate. The CAA will not request replies or action on such reports, except as indicated in paragraph (b) of this section.

(b) *Serious defects.* If accidents or service difficulty reports indicate unsafe features or characteristics caused by defect in design or manufacture, the CAA will transmit such reports to the manufacturer with a request that it be informed of the results of his investigation and of the action, if any, taken or proposed by him (e. g., service bulletins, design changes, etc.). If the nature of the defect is of such importance that mandatory corrective action by the user of the product is necessary for safety, the CAA will require the manufacturer to submit the information necessary for the issuance of an airworthiness directive in accordance with the standard procedures.

(c) *Investigation of product or manufacturing facilities.* The manufacturer shall, at any time upon request, permit the CAA to inspect and test his product, and investigate his technical data files and manufacturing facilities when reports indicate that a serious defect exists, and when the CAA finds that:

(1) The manufacturer's investigation and action are deemed inadequate to correct the unsafe condition, or

(2) There is substantial evidence that products of the type may not, in fact, comply with the applicable airworthiness requirements.

Prior to conducting such an investigation, the CAA will communicate with the manufacturer, citing the evidence in the case, and, time permitting, will request the manufacturer to submit comments and any additional pertinent information.

(d) *Maintenance of files.* The manufacturer shall maintain a file of information on service difficulties received from all sources, which will be available to the CAA at all times.

(e) *Noncompliance.* When investigation is made by the CAA, and the findings indicate that a serious safety hazard exists because of the manufacturer's failure to comply with Parts 1, 3, 4a, 5, 8, 13, or 14 of this title, the CAA will take such action as is deemed necessary to require correction of the defect in existing models and to assure compliance in articles subsequently produced.

(f) *Revocation of delegation option authorization.* If the number or importance of established cases of noncompliance warrants, or if the manufacturer is found not to comply with the requirements of this part, the CAA may request the manufacturer to show cause why his privileges under the delegation option procedures should not be withdrawn. These privileges may be withdrawn until the manufacturer re-establishes his eligibility to the satisfaction of the Administrator.

(g) *Suspension and revocation of certificates.* Any action against type or production certificates held by the manufacturer will be processed in accordance with the standard procedures. (See § 408.26 of this chapter.)

§ 410.37 *Maintenance, repair, and alteration of products.* Aircraft, engines, and propellers manufactured under the delegation option procedures shall be maintained, repaired, and altered in accordance with Part 18 of this title and the following provisions:

(a) *Approval of major repairs and alterations performed by the manufacturer.* For types included under the manufacturer's delegation option authorization:

(1) The DMCR may, after finding that the major repair or alteration complies with the applicable requirements, approve such repair or alteration under the provisions of § 18.11 of this title.

(2) A completed Repair and Alteration Form (Form ACA–337) shall be furnished to the owner and a copy forwarded to the CAA in accordance with established procedures. Technical data covering the design change shall be included in the manufacturer's records. The Form ACA–337 shall contain a description of the repair or alteration and a statement that it was accomplished under the delegation option procedures.

(3) The DMCR may authorize other employees of the manufacturer to execute and sign Forms ACA–337 and make required logbook entries over his name and designee number: *Provided,* That:

(i) Such employees perform or are in direct charge of inspecting the repair or alteration, and

(ii) They have been listed on the manufacturer's application for the delegation option (see appendix A [1] to this part), or on amendments thereto.

(b) *Approval of major repairs and alterations performed by agencies other than the manufacturer.* Anyone performing a major repair or alteration to a product certificated under the delegation option procedure must either:

(1) Obtain the necessary technical data or advice from the manufacturer, or

(2) Conduct the technical investigations and tests necessary to demonstrate compliance with the applicable airworthiness requirements.

§ 410.38 *Data and records.* (a) A manufacturer shall maintain at his factory, for all models certificated under the delegation option procedures, current records containing the following:

(1) A technical data file for each type. This data shall include the type design drawings, specifications, and reports on tests prescribed by Parts 1, 3, 4a, 5, 8, 13, or 14 of this title, the original type inspection report (Form ACA–283), and amendments thereto. This file shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(2) A complete inspection record for each model produced according to serial number and data covering the processes and tests to which materials and parts are subjected. These records shall be retained for 2 years.

(3) The report required to be submitted with the original application for the production certificate and amendments thereto. This report shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(4) The factory inspection reports specified in § 410.33 (b) and (c). These factory inspection reports shall be retained for 2 years.

(5) A record of all major repairs and alterations performed under the delegation option procedure. This record shall be retained for the duration of the manufacturer's operation under the delegation option procedure.

(6) A record of all reported service difficulties. These records shall be retained for 2 years.

(b) The records and data specified in paragraph (a) of this section shall be:

(1) Made available, upon request, for examination at any time by authorized employees of the Administrator,

(2) Identified and transferred to the CAA in the event the manufacturer goes

[1] Not filed with the Federal Register Division.

out of business or no longer operates under the delegation option procedure.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8882; Filed, Nov. 1, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54232]

ADMEASUREMENT, DOCUMENTATION, AND ENTRY AND CLEARANCE OF VESSELS

The Bureau has recently undertaken an internal study of its marine activities with a view to determining what improvements may be made under existing statutes which might permit the administration of the functions more efficiently and with less burden upon the public. A number of the suggestions received have been approved for adoption. Some of those which have been approved cannot be adopted immediately because final procedures and forms are not yet sufficiently formulated. The following amendments are made to the Customs Regulations to give effect to certain of the suggestions received which can be adopted at this time.

PART 2—MEASUREMENT OF VESSELS

Section 2.12 of the regulations lists separately certain Bureau forms supplied to admeasurers. That section is hereby deleted since it no longer serves any useful purpose.

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, R. S. 4153, as amended, sec. 4, 28 Stat. 743, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 77, 79)

PART 3—DOCUMENTATION OF VESSELS

a. In order to provide for a combination of the form of application for an award of an official number and signal letters for a vessel and the form on which such award is made, § 3.13 of the Customs Regulations is amended as follows:

1. Paragraph (a) is amended by substituting the word "triplicate" for the word "duplicate" at the end of the third sentence and by substituting the word "quadruplicate" for the word "triplicate" at the end of the fourth sentence.

2. Paragraph (c) is amended by substituting the words "and one copy" for the word "only" in the first sentence; by substituting the words "two copies" for the words "one copy" in the second sentence; and by substituting the form number "1320" for "1321" in the third sentence. That paragraph is further amended by deleting the phrase "together with a copy of the application" at the end of the fifth and last sentence thereof.

The foregoing amendment shall become effective on January 1, 1957.

(R. S. 4177, as amended; 46 U. S. C. 45)

b. Since it appears that there is sufficient basis for regarding the issuance of a new document when all renewal spaces are filled as a mere renewal of license which may be effected upon the oath of the master alone when at a port other than the home port, § 3.18 is amended as follows:

1. Paragraph (a) is amended to read:

(a) Prior to the documentation or redocumentation of any vessel, except in case of redocumentation of a vessel at a port other than the home port upon change in trade or loss of marine document or when the renewal spaces are filled, there shall be filed an oath of ownership on customs Form 1258 if the vessel is owned by an individual, partnership, unincorporated company, association, or the United States; or on customs Form 1259 if the vessel is owned by a corporation.

2. Paragraph (d) is amended by adding the following at the end thereof and before the matter in parantheses: "Such an oath shall be taken for the renewal of a license even though it may be necessary to issue a new document because all renewal spaces are filled on the former document."

(R. S. 4214, as amended, 4325, as amended, 4328, as amended; 46 U. S. C. 103, 267, 270)

c. Section 3.65 of the Customs Regulations is amended as follows:

1. Paragraph (a) is amended by substituting the word "triplicate" for the word "duplicate" in the first sentence and that portion of the second sentence which precedes the colon is amended to read as follows: "The application may contain a request that signal letters be awarded and shall show the following on its face or on an attachment when suitable spaces are not provided on the form for such information:"

2. In order to correct an erroneous reference, paragraph (b) is amended by substituting "3.13 (c)" for "3.13 (d)" in the second sentence thereof.

This amendment shall become effective on January 1, 1957.

(Sec. 3, 68 Stat. 675; 50 U. S. C. 198)

(R. S. 161, secs. 2, 3, 23 Stat. 116, as amended, 119, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

a. In order to clarify further the present requirements for boarding vessels, § 4.1 (b) is amended to read as follows:

(b) Every vessel arriving within a customs collection district directly from a point outside the customs territory of the United States shall be boarded and shall be subject to such supervision while in port as the collector deems necessary. When he deems it desirable, the collector may detail customs officers to remain on board a vessel to secure the enforcement of this part. Except as provided in paragraph (a) of this section, boarding of a vessel arriving from another port in the United States with residue cargo, passengers, or baggage on board shall not be required unless preliminary entry is requested.

b. For the same reason, § 4.8 is amended to read as follows:

§ 4.8 *Preliminary entry.* If it is desired that any vessel having on board inward foreign cargo, passengers, or baggage shall discharge or take on cargo, passengers, or baggage before the vessel has been entered, preliminary entry shall be made by compliance with § 4.30 and execution by the master on customs Form 3255 of a certificate in lieu of the oath or affirmation prescribed by section 448 (a), Tariff Act of 1930.[15]

(Secs. 448, 486, 46 Stat. 714, 725, as amended; 19 U. S. C. 1448, 1486)

c. It has been concluded that the continued maintenance in the Bureau of a file of copies of certificates of payment of tonnage tax is no longer warranted. Hereafter, the record copies of such certificates will be maintained only in the issuing offices. Since the Bureau will no longer be able to verify payments in considering applications for refunds as in the past, it will be necessary that the facts be verified by the proper customs field officer and that applications for refunds which are based upon an assertion that more than five payments have been made at one rate during the tonnage year be supported by documentary evidence. Section 4.23 is accordingly amended as follows:

§ 4.23 *Certificate of payment.* Upon each payment of tonnage tax or light money, the collector of customs shall give to the master of the vessel a certificate on customs Form 1002. This certificate shall constitute the official evidence of such payment and shall be presented upon each entry during the tonnage year in order to establish the date of commencement of the tonnage year and to insure against overpayment. In the absence of such certificate, evidence of payment of tonnage tax shall be obtained from the collector of customs to whom the payment was made.

d. Section 4.24 is accordingly amended as follows:

1. Paragraph (a) is amended to read as follows:

(a) Each application for the refund of tonnage tax or light money shall be submitted to the collector of customs to whom the payment was made. After verification of the pertinent facts asserted in the claim, the application shall be forwarded for decision, with any necessary report or recommendation, to the Commissioner of Customs.

2. Paragraph (b) is amended by adding the following new sentence at the end of the first sentence thereof: "When the application for refund is based upon a claim that more than five payments of regular tax at either the 2-cent or the 6-cent rate have been made during a tonnage year, the application shall be supported by a statement from the collector at the port where the application is submitted and from the collector at each port at which any claimed payment was made verifying the facts and showing in each case whether refunds have been authorized."

3. Paragraph (d) is amended by adding the following sentence at the end thereof: "The records of payment of tonnage tax shall be clearly noted to show each refund authorized."

e. Under present requirements, a vessel proceeding from port to port in the United States to lade cargo for a foreign port must file at each port a manifest in duplicate of the cargo then on board. The duplicate copy of that manifest is certified and returned to the master or agent for filing at the final port of clearance as part of a cumulative manifest of all cargo on board. However, statistical reports are required and export controls are ordinarily applied only at the port of lading. It is believed, therefore, that the requirement for forwarding a certified copy of the manifest to the final port may be discontinued without impairing necessary controls. Accordingly, § 4.75 (b) is amended by deleting "except the final port," from the first sentence, by deleting the second, third, and fourth sentences, and by deleting "and 1375" from the fifth sentence.

(R. S. 4197, as amended; 46 U. S. C. 91)

f. Section 4.87 is amended as follows:

1. Paragraph (b) is amended by deleting "except the final port of departure from the United States," and "in duplicate" from the first sentence.

2. Paragraph (c) is amended by deleting the second and third sentences and by substituting the following: "Upon compliance with the applicable provisions of section 4.61 of these regulations, the collector shall execute subdivision 2 of Form 1385 and return one copy to the master, together with the vessel's document if on deposit."

3. Paragraph (d) is amended by substituting "the permit to proceed on customs Form 1385" for "the certified manifest" in the second sentence and by deleting "attached to such manifest" and "of the manifest" from the third sentence.

4. Paragraph (f) is amended by deleting the last sentence.

5. Paragraph (g) is deleted and paragraph (h) is redesignated as (g).

6. Redesignated paragraph (g) is amended by deleting "in duplicate" and "missing" from the first sentence and by deleting the entire second sentence.

(R. S. 4197, as amended, 4367, 4368; 46 U. S. C. 91, 313, 314)

g. In order to correct an erroneous reference, § 4.91 (a) is amended by substituting "4.81 (e)" for "4.81 (d)."

h. Vessels in ballast which have been cleared from an American port to a foreign port may, under present regulations, be diverted to another American port upon compliance with certain prescribed procedures. It is deemed advisable to extend the privilege to include vessels which have been cleared with cargo. Accordingly, § 4.91 (b) of the Customs Regulations is amended by deleting "in ballast" in the first sentence thereof and by amending that portion of the fifth sentence which is designated as (3) to read as follows: "(3) a certificate that when the vessel was cleared from the last previous port in the United States there were on board cargo and/or passengers for the ports named in the foreign clearance certificate only and that additional cargo or passengers (have) (have not) been taken on board or discharged since such clearance was granted (specifying the particulars if any passengers or cargo were taken on board or discharged)."

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 29, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8905; Filed, Nov. 1, 1956; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

COBALT PREPARATIONS INTENDED FOR USE BY MAN

Correction

In Federal Register Document 56-8725, appearing on page 8238 of the issue for October 27, 1956; the following changes should be made:

In § 3.48, the introductory text preceding paragraph (a) and subparagraph (2) of paragraph (b) should read as follows:

§ 3.48 *Cobalt preparations intended for use by man.* The present state of scientific knowledge concerning the use of cobalt salts as hemopoietic agents is limited, in that the mechanism of their action is not known and the possible deleterious effects of prolonged administration have not been fully determined. Serious toxic effects have been reported to be associated with such use of cobalt preparations, but there is a difference of opinion whether the cobalt preparations were causative agents in these injuries. In view of the limitations of the current state of scientific knowledge regarding cobalt and in the interest of public health protection, the Food and Drug Administration is adopting the following policies concerning cobalt preparations intended for use by man.

* * * * * * *

(b) * * *

(2) When used as directed in the labeling, the preparations supply not less than 100 milligrams of ferrous sulfate ($FeSO_4 \cdot 7H_2O$) or its equivalent in the form of other assimilable salts of iron, per 24-hour period.

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 57—RECRUITING POLICY FOR SECONDARY SCHOOLS

Sec.
57.1 Purpose.
57.2 Policy.

AUTHORITY: §§ 57.1 and 57.2 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

§ 57.1 *Purpose.* The purpose of this part is to provide the Military Departments with policy guidance for both active and reserve recruiting elements in dealing with secondary school authorities.

§ 57.2 *Policy.* (a) Students in secondary schools will be encouraged by recruiters to stay in school and graduate.

(b) Students enrolled in secondary schools will not be accepted for active duty enlistment without prior notice to the school and without parents' consent.

(c) When desired by local school authorities, joint arrangements with school authorities for in-school student time will be made by one representative selected by the military recruiting elements of the Military Departments in each community.

(d) Secondary schools are to be encouraged and given every assistance in teaching the vocational-career opportunities of the Armed Forces at the same time other occupational opportunities are taught in schools.

(e) All contacts with school authorities soliciting their cooperation on military career programs will be jointly arranged by the recruiting services to the greatest practical extent.

(f) The National Guard, Air National Guard and Coast Guard, as appropriate, will be encouraged to participate in this secondary school program.

HENRY A. DU FLON,
Deputy Assistant Secretary of Defense (Manpower, Personnel and Reserve).

OCTOBER 26, 1956.

[F. R. Doc. 56-8881; Filed, Nov. 1, 1956; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

ORDER OF REGIONAL BOARD DETERMINING EXCESSIVE PROFITS; CORRECTION

In paragraph 5 of Federal Register Document 56-8743, published on page 8240 of the issue for Saturday, October 27, 1956, "Article 2" and "2" should read "Article 3" and "3".

Dated: October 30, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-8896; Filed, Nov. 1, 1956; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

PART 35—PHILATELY

PART 46—RURAL SERVICE

MISCELLANEOUS AMENDMENTS

1. In § 13.5 *Correction of mailing lists* make the following changes:

a. Amend paragraph (b) (1) to read as follows:

(1) *Method of submission.* Typewritten or printed lists should be submitted to the post office which serves the addresses, on cards, one name and address to a card. Cards should be approximately the size and quality of a postal card. The owner of the list must place his name in the upper left corner of each card. Lists should be submitted by mail only, except in the case of local firms presenting large lists for correction.

b. Amend paragraph (e) to read as follows:

(e) *Postage on lists.* Typewritten lists are subject to postage at the first-class rate. Those prepared by stencil, mimeograph, printing, or similar process may be mailed at the third- or fourth-class rate depending on the weight. Postage for return of corrected lists is at the same rate chargeable for submission, as the changes do not affect the rate. Lists will not be returned until the necessary postage has been paid.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

2. In § 35.5 *Stamp booklet,* delete the last sentence.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

3. In § 46.2 *Delivery routes* amend paragraph (c) to read as follows:

(c) *Obstructions to travel.* Patrons and road supervisors or officials in charge of highways will be notified on POD Form 4024 of road conditions obstructing the delivery of mail. If repairs are not made promptly, the postmaster will report the facts to the district operations manager with his recommendation for a change in the route to withdraw it from impassable or unsuitable roads.

4. In § 46.5 *Rural boxes,* make the following changes:

a. Amend paragraphs (b) and (c) to read as follows:

(b) *Painting and identification.* The Department prefers that rural mail boxes and posts or supports be painted white, but they may be painted other colors if desired. It is not necessary that posts or supports and boxes be painted the same color. The name of the owner of each box must be inscribed in neat letters not less than 1 inch high on the side of the box that is visible to the carrier as he regularly approaches, or on the door if boxes are grouped. Advertising on boxes or supports is prohibited. The letters should be of a dark, contrasting color, such as black or red.

(c) *Posts and supports.* No special designs of posts or supports have been adopted. The use of supports intended to represent figures or mechanical objects is prohibited. Posts or other supports must be of neat design; may be of wood, metal, or concrete, of suitable strength and dimensions; and may be either round or square, plain or ornamental, with or without fixed or movable arm. A receptacle for newspapers, not restricted to any one paper, may be placed above or below the mail box or on the post or support of the mail box if it will not obstruct the view of the flag or present a hazard to the carrier. Any display of advertising on the outside of the receptacle is prohibited.

b. Amend paragraph (i) to read as follows:

(i) *Boxes that do not conform to regulations.* Rural carriers will report any boxes that do not conform to the regulations to postmasters who will send to the owners of these boxes POD Form 4056 requesting that the irregularities or defects be remedied.

(R. S. 161, 396, as amended, sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191, 192)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 56-8888; Filed, Nov. 1, 1956; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

WILDLIFE MANAGEMENT AREAS

CROSS REFERENCE: For order affecting the tabulation in § 17.5, see Title 43, Chapter I, Appendix, PLO 1353, *supra,* reserving public lands in connection with the Carey Lake Migratory Bird Management Area.

PART 17—LIST OF AREAS

ADMINISTRATIVE SITES AND EXPERIMENT STATIONS

CROSS REFERENCE: For order affecting the tabulation in § 17.8, see Title 43, Chapter I, Appendix, PLO 1354, *supra,* reserving public lands within the Siuslaw National Forest for use of the Forest Service as the Panther Creek Administrative Site.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1353]

[Idaho 04560]

IDAHO

RESERVING PUBLIC LANDS IN CONNECTION WITH CAREY LAKE MIGRATORY BIRD MANAGEMENT AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669-669i), and the act of March 10, 1934 as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661-666c), it is ordered as follows:

Subject to valid existing rights, the following described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Department of Fish and Game of the State of Idaho for wildlife purposes as a waterfowl feeding, nesting, and resting area in connection with the Carey Lake Migratory Bird Management Area, under such conditions as may be prescribed by the Secretary of the Interior:

BOISE MERIDIAN

T. 1 S., R. 21 E.,
Sec. 23, W½NE¼;
Sec. 24, W½SW¼;
Sec. 25, W½NW¼;
Sec. 26, E½NE¼.

The areas described aggregate 320 acres.

This order shall take precedence over but not otherwise affect the Departmental order of December 4, 1940, establishing Idaho Grazing District No. 5.

FRED G. AANDAHL,
Acting Secretary of the Interior.

OCTOBER 26, 1956.

[F. R. Doc. 56-8886; Filed, Nov. 1, 1956; 8:46 a. m.]

[Public Land Order 1354]

[Oregon 03566]

OREGON

RESERVING PUBLIC LANDS WITHIN SIUSLAW NATIONAL FOREST FOR USE OF FOREST SERVICE AS PANTHER CREEK ADMINISTRATIVE SITE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Siuslaw National Forest in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, or the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as the Panther Creek Administrative Site:

WILLAMETTE MERIDIAN

T. 15 S., R. 9 W.,
sec. 16, W½NE¼NW¼SE¼, W½NW¼SE¼, and SE¼NW¼SE¼.

The areas described aggregate 35 acres.

This order shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Acting Secretary of the Interior.

OCTOBER 26, 1956.

[F. R. Doc. 56-8887; Filed, Nov. 1, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

COMPUTATION OF TAXABLE INCOME

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under part I (sections 61, 62, and 63) and part IV (sections 141 through 145, inclusive) of subchapter B of chapter 1 of the Internal Revenue Code of 1954:

COMPUTATION OF TAXABLE INCOME

DEFINITION OF GROSS INCOME, ADJUSTED GROSS INCOME, AND TAXABLE INCOME

Sec.
1.61 Statutory provisions; gross income defined.
1.61-1 Gross income.
1.61-2 Compensation for services, including fees, commissions, and similar items.
1.61-3 Gross income derived from business.
1.61-4 Gross income of farmers.
1.61-5 Allocations by cooperative associations; tax treatment as to patrons.
1.61-6 Gains derived from dealings in property.
1.61-7 Interest.
1.61-8 Rents and royalties.
1.61-9 Dividends.
1.61-10 Alimony and separate maintenance payments; annuities; income from life insurance and endowment contracts.
1.61-11 Pensions.
1.61-12 Income from discharge of indebtedness.
1.61-13 Distributive share of partnership gross income; income in respect of a decedent; income from an interest in an estate or trust.
1.61-14 Miscellaneous items of gross income.
1.62 Statutory provisions; adjusted gross income defined.
1.62-1 Adjusted gross income.
1.63 Statutory provisions; taxable income defined.

STANDARD DEDUCTION FOR INDIVIDUALS

Sec.
1.141 Statutory provisions; standard deduction.
1.141-1 Standard deduction.
1.142 Statutory provisions; individuals not eligible for standard deduction.
1.142-1 Husband and wife.
1.142-2 Standard deduction not allowable.
1.143 Statutory provisions; determination of marital status.
1.143-1 Determination of marital status.
1.144 Statutory provisions; election of standard deduction.
1.144-1 Manner and effect of election to take the standard deduction.
1.144-2 Change of election to take, or not to take, the standard deduction.
1.145 Statutory provisions; cross reference.

COMPUTATION OF TAXABLE INCOME

DEFINITION OF GROSS INCOME, ADJUSTED GROSS INCOME, AND TAXABLE INCOME

§ 1.61 *Statutory provisions; gross income defined.*

SEC. 61. *Gross income defined.*—(a) *General definition.* Except as otherwise provided in this subtitle, gross income means all income from whatever source derived, including (but not limited to) the following items:
(1) Compensation for services, including fees, commissions, and similar items;
(2) Gross income derived from business;
(3) Gains derived from dealings in property;
(4) Interest;
(5) Rents;
(6) Royalties;
(7) Dividends;
(8) Alimony and separate maintenance payments;
(9) Annuities;
(10) Income from life insurance and endowment contracts;
(11) Pensions;
(12) Income from discharge of indebtedness;
(13) Distributive share of partnership gross income;
(14) Income in respect of a decedent; and
(15) Income from an interest in an estate or trust.
(b) *Cross references.* For items specifically included in gross income, see part II (sec. 71 and following). For items specifically excluded from gross income, see part III (sec. 101 and following).

§ 1.61-1 *Gross income.*—(a) *General definition.* Gross income means all income from whatever source derived, unless excluded by law. Gross income includes income realized in any form, whether in money, property, or services. Income may be realized, therefore, in the form of services, meals, accommodations, stock, or other property, as well as in cash. Section 61 lists the more common items of gross income for purposes of illustration. For purposes of further illustration, § 1.61-14 mentions several miscellaneous items of gross income not listed specifically in section 61. Gross income, however, is not limited to the items so enumerated.

(b) *Cross references.* Cross references to other provisions of the Internal Revenue Code are to be found throughout the regulations under section 61. The purpose of these cross references is to direct attention to the more common items which are included in or excluded from gross income entirely, or treated in some special manner. To the extent that another section of the Internal Revenue Code, or of the regulations thereunder, provides specific treatment for any item of income, such other provision shall apply notwithstanding section 61 and these regulations. The cross references do not cover all possible items.

(1) For examples of items specifically included in gross income, see sections 71 through 77.

(2) For examples of items specifically excluded from gross income, see sections 101 through 121.

(3) For general rules as to the taxable year for which an item is to be included in gross income, see section 451 and the regulations thereunder.

§ 1.61-2 *Compensation for services, including fees, commissions, and similar items.*—(a) *In general.* (1) Wages, salaries, commissions paid salesmen, compensation for services on the basis of a percentage of profits, commissions on insurance premiums, tips, bonuses (including Christmas bonuses), termination or severance pay, rewards, jury fees, marriage fees and other contributions received by a clergyman for services, pay of persons in the military or naval forces of the United States, retired pay of employees, pensions, and retirement allowances are income to the recipients unless excluded by law. Several special rules apply to members of the Armed Forces, Coast and Geodetic Survey, and Public Health Service of the United States; see paragraph (b) of this section.

(2) The Internal Revenue Code provides special rules including the following items in gross income:

(i) Distributions from employees' trusts, see sections 72, 402, and 403, and the regulations thereunder;

(ii) Compensation for child's services (in child's gross income), see section 73 and the regulations thereunder;

(iii) Prizes and awards, see section 74 and the regulations thereunder.

(3) Similarly, the Internal Revenue Code provides special rules excluding the following items from gross income in whole or in part:

(i) Gifts, see section 102 and the regulations thereunder;

(ii) Compensation for injuries or sickness, see section 104 and the regulations thereunder;

(iii) Amounts received under accident and health plans, see section 105 and the regulations thereunder;

(iv) Scholarship and fellowship grants, see section 117 and the regulations thereunder;

(v) Miscellaneous items, see section 121.

(b) *Members of the Armed Forces, Coast and Geodetic Survey, and Public Health Service.* Subsistence and uniform allowances granted commissioned officers, chief warrant officers, warrant officers, and enlisted personnel of the Armed Forces, Coast and Geodetic Sur-

vey, and Public Health Service of the United States, and amounts received by them as commutation of quarters, are to be excluded from gross income. Similarly, the value of quarters or subsistence furnished to such persons is to be excluded from gross income. For the exclusion from gross income of—

(1) Disability pensions, see section 104 (a) (4) and the regulations thereunder;

(2) Mustering-out payments, see section 113 and the regulations thereunder;

(3) Miscellaneous items, see section 121.

However, the per diem allowance in lieu of subsistence and the mileage allowance received by such persons while in a travel status or on temporary duty away from their permanent stations shall be included in their gross income.

(c) *Payment to charitable, etc., organization on behalf of person rendering services.* The value of services need not be included in gross income when rendered directly and gratuitously to an organization described in section 170 (c). Where, however, pursuant to an agreement or understanding, services are rendered to a person for the benefit of an organization described in section 170 (c) and an amount for such services is paid to such organization by the person to whom the services are rendered, the amount so paid constitutes income to the person performing the services.

(d) *Compensation paid other than in cash*—(1) *In general.* If services are paid for other than in money, the fair market value at the time of payment of the property or services taken in payment must be included in income. If the services were rendered at a stipulated price, such price will be presumed to be the fair market value of the compensation received, in the absence of evidence to the contrary.

(2) *Property transferred to employee; insurance premiums paid by employer.* Except as otherwise provided in section 421 and the regulations thereunder (relating to employee stock options), if property is transferred by an employer to an employee for an amount less than its fair market value, regardless of whether the transfer is in the form of a sale or exchange, the difference between the amount paid for the property and the amount of its fair market value at the time of the transfer is compensation and shall be included in the gross income of the employee. In computing the gain or loss from the subsequent sale of such property, its basis shall be the amount paid for the property increased by the amount of such difference included in gross income. Life insurance premiums paid by an employer on the lives of his employees, where the beneficiaries are designated by the employees, are generally part of the gross income of the employees. However, premiums paid by an employer on policies of group term life insurance covering the lives of his employees are not gross income to the employees, even if they designate the beneficiaries. For special rules relating to the exclusion of contributions by an employer to accident and health plans, see section 106 and the regulations thereunder.

(3) *Meals and living quarters.* The value of living quarters or meals which an employee receives in addition to his salary constitutes gross income unless they are furnished for the convenience of the employer and meet the conditions specified in section 119 and the regulations thereunder. For the treatment of rental value of parsonages or rental allowance paid to ministers, see section 107 and the regulations thereunder; for the treatment of statutory subsistence allowances received by police, see section 120 and the regulations thereunder.

(4) *Stock and notes transferred to employee.* If a corporation transfers its own stock to an employee as compensation for services, the fair market value of the stock at the time of transfer shall be included in the gross income of the employee. Notes or other evidences of indebtedness received in payment for services constitute income in the amount of their fair market value at the time of the transfer. A taxpayer receiving as compensation a note regarded as good for its face value at maturity, but not bearing interest, shall treat as income as of the time of receipt its fair discounted value computed at the prevailing rate. As payments are received on such a note, there shall be included in income that portion of each payment which represents the proportionate part of the discount originally taken on the entire note.

§ 1.61–3 *Gross income derived from business*—(a) *In general.* In a manufacturing, merchandising, or mining business, "gross income" means the total sales, less the cost of goods sold, plus any income from investments and from incidental or outside operations or sources. Gross income is determined without subtraction of depletion allowances based on a percentage of income, and without subtraction of selling expenses, losses, or other items not ordinarily used in computing cost of goods sold. The cost of goods sold should be determined in accordance with the method of accounting consistently used by the taxpayer.

(b) *State contracts.* The profit from a contract with a State or political subdivision thereof must be included in gross income. If warrants are issued by a city, town, or other political subdivision of a State, and are accepted by the contractor in payment for public work done, the fair market value of such warrants should be returned as income. If, upon conversion of the warrants into cash, the contractor does not receive and cannot recover the full value of the warrants so returned, he may deduct any loss sustained from his gross income for the year in which the warrants are so converted. If, however, he realizes more than the value of the warrants so returned, he must include the excess in his gross income for the year in which realized.

§ 1.61–4 *Gross income of farmers*—(a) *Farmers using the cash method of accounting.* A farmer using the cash receipts and disbursements method of accounting shall include in his gross income for the taxable year—

(1) The amount of cash and the value of merchandise or other property received during the taxable year from the sale of livestock and produce which he raised,

(2) The profits from the sale of any livestock or other items which were purchased,

(3) All amounts received from breeding fees, fees from rent of teams, machinery, or land, and other incidental farm income,

(4) All subsidy and conservation payments received which must be considered as income, and

(5) Gross income from all other sources.

The profit from the sale of livestock or other items which were purchased is to be ascertained by deducting the cost from the sales price in the year in which the sale occurs, except that in the case of the sale of purchased animals held for draft, breeding, or dairy purposes, the profits shall be the amount of any excess of the sales price over the amount representing the difference between the cost and the depreciation allowed or allowable (determined in accordance with the rules applicable under section 1016 (a) and the regulations thereunder).

Crop shares (whether or not considered rent under State law) shall be included in gross income as of the year in which the crop shares are reduced to money or the equivalent of money.

(b) *Farmers using an accrual method of accounting.* A farmer using an accrual method of accounting must use inventories to determine his gross income. His gross income on an accrual method is determined by adding the total of the following subparagraph (1) through (5) of this paragraph:

(1) The sales price of all livestock and other products held for sale and sold during the year,

(2) The inventory value of livestock and products on hand and not sold at the end of the year,

(3) All miscellaneous items of income, such as breeding fees, fees from the rent of teams, machinery, or land, or other incidental farm income,

(4) Any subsidy or conservation payments which must be considered as income, and

(5) Gross income from all other sources; and subtracting therefrom the total of the following subparagraphs ((6) and (7) of this paragraph):

(6) The inventory value of the livestock and products on hand and not sold at the beginning of the year, and

(7) The cost of any livestock or products purchased during the year (except livestock held for draft, dairy, or breeding purposes, unless included in inventory).

All livestock raised or purchased for sale shall be added in the inventory at their proper valuation determined in accordance with the method authorized and adopted for the purpose. Livestock acquired for draft, breeding, or dairy purposes and not for sale may be included in the inventory (see subparagraphs (2), (6), and (7) of this paragraph) instead of being treated as capital assets subject to depreciation, provided such practice is followed consistently from year to year by the taxpayer. When any livestock included in an inventory are sold, their cost must not be taken as an additional deduction in computing taxable income because such deduction is reflected in the inventory. See the regulations under section 471. Crop shares (whether or not considered rent under State law) shall be included in gross income as of the year in which the crop shares are reduced to money or the equivalent of money.

(c) *Special rules for certain receipts.* In the case of the sale of machinery, farm equipment, or any other property (except stock in trade of the taxpayer, or property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business), any excess of the proceeds of the sale over the adjusted basis of such property shall be included in the taxpayer's gross income for the taxable year in which such sale is made. See, however, section 453 and the regulations thereunder for special rules relating to certain installment sales. If farm produce is exchanged for merchandise, groceries, or the like, the market value of the article received in exchange is to be included in gross income. Proceeds of insurance, such as hail or fire insurance on growing crops, should be included in gross income to the extent of the amount received in cash or its equivalent for the crop injured or destroyed. If a farmer is engaged in producing crops which take more than a year from the time of planting to the time of gathering and disposing, the income therefrom may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be computed upon the crop method; but in any such cases, the entire cost of producing the crop must be taken as a deduction for the year in which the gross income from the crop is realized, and not earlier.

(d) *Definition of "farm".* As used in this section, the term "farm" embraces the farm in the ordinarily accepted sense, and includes stock, dairy, poultry, fruit, and truck farms; also plantations, ranches, and all land used for farming operations. All individuals, partnerships, or corporations that cultivate, operate, or manage farms for gain or profit, either as owners or tenants, are designated as farmers. However, a taxpayer who receives a rental fixed in money or money's worth for the use of farmland is not thereby a farmer. For rules applicable to persons cultivating or operating a farm for recreation or pleasure, see sections 162 and 165, and the regulations thereunder.

(e) *Cross references.* (1) For election to include Commodity Credit Corporation loans as income, see section 77 and regulations thereunder.

(2) For definition of gross income derived from farming for purposes of limiting deductibility of soil and water conservation expenditures, see section 175 and regulations thereunder.

(3) For definition of gross income from farming in connection with declarations of estimated income tax, see section 6073 and regulations thereunder.

§ 1.61–5 *Allocations by cooperative associations; tax treatment as to patrons*—(a) *In general.* Amounts allocated on the basis of the business done with or for a patron by a cooperative association, whether or not entitled to tax treatment under section 522, in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice or in some other manner disclosing to the patron the dollar amount allocated, shall be included in the computation of the gross income of such patron for the taxable year in which received to the extent prescribed in paragraph (b) of this section, regardless of whether the allocation is deemed, for the purpose of section 522, to be made at the close of a preceding taxable year of the cooperative association. The determination of the extent of taxability of such amounts is in no way dependent upon the method of accounting employed by the patron or upon the method, cash, accrual, or otherwise, upon which the taxable income of such patron is computed.

(b) *Extent of taxability.* (1) Amounts allocated to a patron on a patronage basis by a cooperative association with respect to products marketed for such patron, or with respect to supplies, equipment, or services, the cost of which was deductible by the patron under section 162 or section 212, shall be included in the computation of the gross income of such patron to the following extent:

(i) If the allocation is in cash, in the amount of cash received.

(ii) If the allocation is in merchandise, to the extent of the fair market value of such merchandise at the time of receipt by the patron.

(iii) If the allocation is in the form of capital stock, revolving fund certificates, certificates of indebtedness, letters of advice, retain certificates, or similar documents—

(*a*) To the extent of the face amount of such documents, if the allocation was made in fulfillment and satisfaction of a valid obligation of such association to the patron, which obligation was in existence prior to the receipt by the cooperative association of the amount allocated. For this purpose, it is immaterial whether such allocation was made within the time mentioned in § 1.522–3 (a) (2).

(*b*) To the extent of the face amount of such documents, if the allocation was made with respect to patronage of a year preceding the taxable year from amounts retained as "reasonable reserves" under § 1.522–3 (a).

(*c*) To the extent of the cash or merchandise received in redemption or satisfaction of such documents (except those which are negotiable instruments) at the time of receipt of such cash or merchandise by the patron, where such allocation was not made in pursuance of the valid obligation referred to in (*a*) of this subdivision, or from amounts retained as "reasonable reserves" referred to in (*b*) of this subdivision. Where, in such case, the documents allocated are negotiable instruments, such documents shall be includible in the income of the patron to the extent of their fair market value at the time of their receipt.

(2) Amounts which are allocated on a patronage basis by a cooperative association with respect to supplies, equipment, or services, the cost of which was not deductible by the patron under section 162 or section 212, are not includible in the computation of the gross income of such patron; however, in the case of such amounts which are allocated with respect to capital assets (as defined in section 1221) or property used in the trade or business within the meaning of section 1231, such amounts shall, to the extent set forth in subdivisions (i), (ii), and (iii) of subparagraph (1) of this paragraph, be taken into account in determining the cost or other basis of the assets or property purchased for the patron. For example, if a farmer purchased a tractor in 1955 from a cooperative association for use in his farming activities for $2,000 and in a later year (after $400 has been properly deducted as depreciation in computing taxable income) has $100 allocated to him on a patronage basis by reason of his purchase of the tractor, then such $100 is not included in his gross income, but in the year of receipt reduces his unrecovered cost or other basis of the tractor, determined in accordance with section 1016, to $1,500. All subsequent depreciation deductions shall be determined on the basis of such remaining cost and the remaining expected useful life of the tractor.

§ 1.61–6 *Gains derived from dealings in property*—(a) *In general.* Gain realized on the sale or exchange of property is included in gross income, unless excluded by law. For this purpose property includes both tangible items, like a building, and intangible items, like goodwill. Generally, the gain is the excess of the amount realized over the unrecovered cost or other basis for the property sold or exchanged. The specific rules for computing the amount of gain or loss are contained in section 1001 and the regulations thereunder. When a part of a larger property is sold, the cost or other basis of the entire property shall be equitably apportioned among the several parts, and the gain realized or loss sustained on the part of the entire property sold is the difference between the selling price and the cost or other basis allocated to such part. The sale of each part is treated as a separate transaction and gain or loss shall be computed separately on each part. Thus, gain or loss shall be determined at the time of sale of each part and not deferred until the entire property has been disposed of. This rule may be illustrated by the following examples:

Example (1). A, a dealer in real estate, acquires a 10-acre tract for $10,000, which he divides into 20 lots. The $10,000 cost must be equitably apportioned among the lots so that on the sale of each A can determine his taxable gain or deductible loss.

Example (2). B purchases for $25,000 property consisting of a used car lot and adjoining filling station. At the time, the fair market value of the filling station is $15,000 and the fair market value of the used car lot is $10,000. Five years later B sells the filling station for $20,000 at a time when $2,000 has been properly allowed as depreciation thereon. B's gain on this sale is

$7,000, since $7,000 is the amount by which the selling price of the filling station exceeds the portion of the cost equitably allocable to the filling station at the time of purchase reduced by the depreciation properly allowed.

(b) *Nontaxable exchanges.* Certain realized gains or losses on the sale or exchange of property are not "recognized", that is, are not included in or deducted from gross income at the time the transaction occurs. Gain or loss from such sales or exchanges is generally recognized at some later time. Examples of such sales or exchanges are the following:

(1) Certain formations, reorganizations, and liquidations of corporations, see sections 331, 333, 337, 351, 354, 355, and 361;

(2) Certain formations and distributions of partnerships, see sections 721 and 731;

(3) Exchange of certain property held for productive use or investment for property of like kind, see section 1031:

(4) A corporation's exchange of its stock for property, see section 1032;

(5) Certain involuntary conversions of property if replaced, see section 1033.

(6) Sale or exchange of residence if replaced, see section 1034;

(7) Certain exchanges of insurance policies and annuity contracts, see section 1035; and

(8) Certain exchanges of stock for stock in the same corporation, see section 1036.

(c) *Character of recognized gain.* Under subchapter P of the Internal Revenue Code, relating to capital gains and losses, certain gains derived from dealings in property are treated specially, and under certain circumstances the maximum rate of tax on such gains is 25 percent, as provided in section 1201. Generally, the property subject to this treatment is a "capital asset", or treated like a "capital asset". For definition of such assets, see sections 1221 and 1231, and the regulations thereunder. For some of the rules either granting or denying this special treatment, see the following sections and the regulations thereunder:

(1) Transactions between partner and partnership, section 707;

(2) Sale or exchange of property used in the trade or business and involuntary conversions, section 1231;

(3) Payment of bonds and other evidences of indebtedness, section 1232;

(4) Gains and losses from short sales, section 1233;

(5) Options to buy or sell, section 1234;

(6) Sale or exchange of patents, section 1235;

(7) Securities sold by dealers in securities, section 1236;

(8) Real property subdivided for sale, section 1237;

(9) Amortization in excess of depreciation, section 1238;

(10) Gain from sale of certain property between spouses or between an individual and a controlled corporation, section 1239;

(11) Taxability to employee of termination payments, section 1240.

§ 1.61–7 *Interests*—(a) *In general.* As a general rule, interest received by or credited to the taxpayer constitutes gross income and is fully taxable. Interest income includes interest on savings or other bank deposits; interest on coupon bonds; interest on an open account, a promissory note, a mortgage, or a corporate bond or debenture; the interest portion of a condemnation award; usurious interest (unless by State law it is automatically converted to a payment on the principal); interest on legacies; interest on life insurance proceeds held under an agreement to pay interest thereon; and interest on refunds of Federal taxes. For rules determining the taxable year in which interest, including interest accrued or constructively received, is included in gross income, see section 451 and the regulations thereunder. For the inclusion of interest in income for the purpose of the retirement income credit, see section 37 and the regulations thereunder. For credit of tax withheld at source on interest on tax-free covenant bonds, see section 32 and the regulations thereunder.

(b) *Interest on Government obligations*—(1) *Wholly tax-exempt interest.* Interest upon the obligations of a State, Territory, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia, is wholly exempt from tax. Interest on certain United States obligations issued before March 1, 1941, is exempt from tax to the extent provided in the acts of Congress authorizing the various issues. See section 103 and the regulations thereunder.

(2) *Partially tax-exempt interest.* Interest earned on certain United States obligations is partly tax exempt and partly taxable. For example, the interest on United States Treasury bonds issued before March 1, 1941, to the extent that the principal of such bonds exceeds $5,000, is exempt from normal tax but is subject to surtax. See sections 35 and 103, and the regulations thereunder.

(3) *Fully taxable interest.* In general, interest on United States obligations issued on or after March 1, 1941, and obligations issued by any agency or instrumentality of the United States after that date, is fully taxable; but, see section 103 and the regulations thereunder. A taxpayer using the cash receipts and disbursements method of accounting who owns United States savings bonds issued at a discount has an election as to when he will report the interest; see section 454 and the regulations thereunder.

(c) *Obligations bought at a discount; bonds bought when interest defaulted or accrued.* When notes, bonds, or other certificates of indebtedness are issued by a corporation or the Government at a discount and are later redeemed by the debtor at the face amount, the original discount is interest, except to the extent provided otherwise in section 1232 and the regulations thereunder. See also subparagraph (3) of paragraph (b) of this section for the rules relating to Government bonds. If a taxpayer purchases bonds when interest has been defaulted or when the interest has accrued but has not been paid, any interest which is in arrears but has accrued at the time of purchase is not income and is not taxable as interest if subsequently paid. Such payments are returns of capital which reduce the remaining cost basis. Interest which accrues after the date of purchase, however, is taxable interest income for the year in which received or accrued (depending on the method of accounting used by the taxpayer).

(d) *Bonds sold between interest dates; amounts received in excess of original issue discount; interest on life insurance.* When bonds are sold between interest dates, part of the sales price represents interest accrued to the date of the sale and must be reported as interest income. Amounts received in excess of the original issue discount upon the retirement or sale of a bond or other evidence of indebtedness may under some circumstances constitute capital gain instead of ordinary income. See section 1232 and the regulations thereunder. Interest payments on amounts payable as employees' death benefits (whether or not section 101 (b) applies thereto) and on the proceeds of life insurance policies payable by reason of the insured's death constitute gross income under some circumstances. See section 101 and the regulations thereunder for details. Where accrued interest on unwithdrawn insurance policy dividends is credited annually and is subject to withdrawal annually by the insured, such interest credits constitute taxable income to the insured as of the year of credit.

§ 1.61–8 *Rents and royalties*—(a) *In general.* Gross income includes rentals received or accrued for the occupancy of real estate or the use of personal property. For the inclusion of rents in income for the purpose of the retirement income credit, see section 37 and the regulations thereunder. Gross income includes royalties. Royalties may be received from books, stories, plays, copyrights, trademarks, formulas, patents, and from the exploitation of natural resources, such as coal, gas, oil, copper, or timber. Payments received as a result of the transfer of patent rights may under some circumstances constitute capital gain instead of ordinary income. See section 1235 and the regulations thereunder. Where land containing minerals is sold and the proceeds of the sale are based upon the amount of minerals produced, in most instances the payments constitute royalty income. For special rules for certain income from natural resources, see sections 611 to 632 and the regulations thereunder.

(b) *Advance rentals; cancellation payments.* Ordinarily, gross income includes advance rentals, which must be included in income for the year of receipt regardless of the period covered. Amounts received as deposits from lessees may, depending upon the facts and circumstances of the particular case, be considered as advance rentals in determining the gross income of lessors for the year of receipt. An amount received by a lessor from a lessee for cancelling a lease constitutes gross income for the year in which it is received, since it is essentially a substitute for rental payments. As to amounts received by a lessee for the cancellation of a lease, see section 1241 and the regulations thereunder.

(c) *Expenditures by lessee.* As a general rule, if a lessee pays any of the expenses of his lessor such payments are additional rental income of the lessor. If a lessee places improvements on real estate which constitute, in whole or in part, a substitute for rent, such improvements constitute rental income to the lessor. Whether or not improvements made by a lessee result in rental income to the lessor in a particular case depends upon the intention of the parties, which may be indicated either by the terms of the lease or by the surrounding circumstances. For the exclusion from gross income of income (other than rent) derived by a lessor of real property on the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by a lessee, see section 109 and the regulations thereunder. For the exclusion from gross income of a lessor corporation of certain of its income taxes on rental income paid by a lessee corporation under a lease entered into before January 1, 1954, see section 110 and the regulations thereunder.

§ 1.61–9 *Dividends*—(a) *In general.* Except as otherwise specifically provided, dividends are included in gross income under sections 61 and 301. As used in these sections, the term "dividend" means any distribution of property (as defined in section 317 (a)) made by a corporation to its shareholders either (1) out of its earnings and profits accumulated after February 28, 1913, or (2) out of its earnings and profits for the current taxable year without regard to the amount actually accumulated in the past. Generally, every distribution is made out of earnings and profits to the extent thereof. See section 316 and the regulations thereunder. For special rules relating to dividends of personal holding companies, see section 316 (b) (2). As to dividends from regulated investment companies, see sections 851 through 855. See section 116 for the exclusion from gross income of $50 of dividends received by an individual, except those from certain corporations. Furthermore, dividends may give rise to a credit against tax under section 34, relating to dividends received by individuals, and under section 37, relating to retirement income.

(b) *Dividends in kind; stock dividends; stock redemptions and sales.* Gross income includes dividends in property other than cash, as well as cash dividends. A distribution of stock, or rights to acquire stock, in the corporation making the distribution is not a dividend except under the circumstances described in section 305 (b). Generally, however, the distribution of stock, or rights to acquire stock, in a corporation other than the corporation making the distribution is a dividend. For circumstances under which the redemption of stock or its sale is treated as a dividend, see sections 302, 304, and 306.

(c) *Distributions, stock redemptions, and sales or exchanges of stock not treated as dividends.* Certain distributions by a corporation of its property (as defined in section 317 (a)) and of its stock or rights to acquire its stock, certain redemptions by a corporation of its own stock, and certain sales or exchanges of corporate stock are not taxed as dividends. For the treatment of distributions in excess of earnings and profits of the distributing corporation, see section 301. For the treatment of redemptions of stock, see sections 302, 306, and 341. For a special rule relating to redemptions to pay death taxes, see section 303. For the effect of complete or partial corporate liquidations, see sections 331 through 346. For the effect of corporate organizations, reorganizations, and divisions, see sections 351 through 358 (relating to the effects on shareholders and security holders), 367 and 368 (relating to definitions and scope of reorganizations), and 371 through 374 (relating to insolvency reorganizations).

(d) *Dividends on stock sold.* When stock is sold, and a dividend is both declared and paid after the sale, such dividend is not gross income to the seller. When stock is sold after the declaration of a dividend and after the date as of which the seller becomes entitled to the dividend, the dividend ordinarily is income to the seller. When stock is sold between the time of declaration and the time of payment of the dividend, and the sale takes place at such time that the purchaser becomes entitled to the dividend, the dividend ordinarily is income to him. The fact that the purchaser may have included the amount of the dividend in his purchase price in contemplation of receiving the dividend does not exempt him from tax. Nor can the purchaser deduct the added amount he advanced to the seller in anticipation of the dividend. That added amount is merely part of the purchase price of the stock. In some cases, however, the purchaser may be considered to be the recipient of the dividend even though he has not received the legal title to the stock itself and does not himself receive the dividend. For example, if the seller retains the legal title to the stock as trustee solely for the purpose of securing the payment of the purchase price, with the understanding that he is to apply the dividends received from time to time in reduction of the purchase price, the dividends are considered to be income to the purchaser.

§ 1.61–10 *Alimony and separate maintenance payments; annuities; income from life insurance and endowment contracts*—(a) *In general.* Alimony and separate maintenance payments, annuities, and income from life insurance and endowment contracts in general constitute gross income, unless excluded by law. Annuities paid by religious, charitable, and educational corporations are generally taxable to the same extent as other annuities. An annuity charged upon devised land is taxable to the donee-annuitant to the extent that it becomes payable out of the rents or other income of the land, whether or not it is a charge upon the income of the land.

(b) *Cross references.* For the detailed rules relating to—

(1) Alimony and separate maintenance payments, see section 71 and the regulations thereunder;

(2) Annuities, certain proceeds of endowment and life insurance contracts, see section 72 and the regulations thereunder;

(3) Life insurance proceeds paid by reason of death of insured, employees' death benefits, see section 101 and the regulations thereunder;

(4) Annuities paid by employees' trusts, see section 402 and the regulations thereunder;

(5) Annuities purchased for employee by employer, see section 403 and the regulations thereunder.

§ 1.61–11 *Pensions*—(a) *In general.* Pensions and retirement allowances paid either by the Government or by private persons constitute gross income unless excluded by law. Usually, where the taxpayer did not contribute to the cost of a pension and was not taxable on his employer's contributions, the full amount of the pension is to be included in his gross income. But see sections 72, 402, and 403, and the regulations thereunder. When amounts are received from other types of pensions, a portion of the payment may be excluded from gross income. Under some circumstances, amounts distributed from a pension plan in excess of the employee's contributions may constitute long-term capital gain, rather than ordinary income.

(b) *Cross references.* For the inclusion of pensions in income for the purpose of the retirement income credit, see section 37 and the regulations thereunder. Detailed rules concerning the extent to which pensions and retirement allowances are to be included in or excluded from gross income are contained in other sections of the Internal Revenue Code and the regulations thereunder. Amounts received as pensions or annuities under the Social Security Act or the Railroad Retirement Act are excluded from gross income. For other partial and total exclusions from gross income, see the following:

(1) Annuities in general, section 72 and the regulations thereunder;

(2) Employees' annuities, sections 402 and 403 and the regulations thereunder;

(3) References to other acts of Congress exempting veterans' pensions and railroad retirement annuities and pensions, section 121.

§ 1.61–12 *Income from discharge of indebtedness*—(a) *In general.* The discharge of indebtedness, in whole or in part, may result in the realization of income. If, for example, an individual performs services for a creditor, who in consideration thereof cancels the debt, the debtor realizes income in the amount of the debt as compensation for his services. A taxpayer may realize income by the payment or purchase of his obligations at less than their face value. In general, if a shareholder in a corporation which is indebted to him gratuitously forgives the debt, the transaction amounts to a contribution to the capital of the corporation.

(b) *Proceedings under Bankruptcy Act.* (1) Income is not realized by a taxpayer by virtue of the discharge, un-

der section 14 of the Bankruptcy Act (11 U. S. C. 32), of his indebtedness as the result of an adjudication in bankruptcy, or by virtue of an agreement among his creditors not consummated under any provision of the Bankruptcy Act, if immediately thereafter the taxpayer's liabilities exceed the value of his assets. Furthermore, unless one of the principal purposes of seeking a confirmation under the Bankruptcy Act is the avoidance of income tax, income is not realized by a taxpayer in the case of a cancellation or reduction of his indebtedness under—

(i) A plan of corporate reorganization confirmed under Chapter X of the Bankruptcy Act (11 U. S. C., c. 10);

(ii) An "arrangement" or a "real property arrangement" confirmed under Chapter XI or XII, respectively, of the Bankruptcy Act (11 U. S. C., c. 11, 12); or

(iii) A "wage earner's plan" confirmed under Chapter XIII of the Bankruptcy Act (11 U. S. C., c. 13).

(2) For adjustment of basis of certain property in the case of cancellation or reduction of indebtedness resulting from a proceeding under the Bankruptcy Act, see the regulations under section 1016.

(c) *Sale and purchase by corporation of its bonds.* (1) If bonds are issued by a corporation at their face value, the corporation realizes no gain or loss. If the corporation purchases any of such bonds at a price in excess of the issuing price or face value, the excess of the purchase price over the issuing price or face value is a deductible expense for the taxable year. If, however, the corporation purchases any of such bonds at a price less than the issuing price or face value, the excess of the issuing price or face value over the purchase price is income for the taxable year.

(2) If, subsequent to February 28, 1913, bonds are issued by a corporation at a premium, the net amount of such premium is income which should be prorated or amortized over the life of the bonds. If the corporation purchases any of such bonds at a price in excess of the issuing price minus any amount of premium already returned as income, the excess of the purchase price over the issuing price minus any amount of premium already returned as income (or over the face value plus any amount of premium not yet returned as income) is a deductible expense for the taxable year. If, however, the corporation purchases any of such bonds at a price less than the issuing price minus any amount of premium already returned as income, the excess of the issuing price, minus any amount of premium already returned as income (or of the face value plus any amount of premium not yet returned as income), over the purchase price is income for the taxable year.

(3) If bonds are issued by a corporation at a discount, the net amount of such discount is deductible and should be prorated or amortized over the life of the bonds. If the corporation purchases any of such bonds at a price in excess of the issuing price plus any amount of discount already deducted, the excess of the purchase price over the issuing price plus any amount of discount already deducted (or over the face value minus any amount of discount not yet deducted) is a deductible expense for the taxable year. If, however, the corporation purchases any of such bonds at a price less than the issuing price plus any amount of discount already deducted, the excess of the issuing price, plus any amount of discount already deducted (or of the face value minus any amount of discount not yet deducted), over the purchase price is income for the taxable year.

(4) If bonds were issued by a corporation prior to March 1, 1913, at a premium, the net amount of such premium was income for the year in which the bonds were issued and should not be prorated or amortized over the life of the bonds. If the corporation purchases any of such bonds at a price in excess of the face value of the bonds, the excess of the purchase price over the face value is a deductible expense for the taxable year. If, however, the corporation purchases any of such bonds at a price less than the face value, the excess of the face value over the purchase price is income for the taxable year.

(d) *Cross references.* For exclusion from gross income of—

(1) Income from discharge of indebtedness in certain cases, see sections 108 and 1017, and regulations thereunder;

(2) Forgiveness of Government payments to encourage exploration, development, and mining for defense purposes, see section 621 and regulations thereunder.

§ 1.61–13 *Distributive share of partnership gross income; income in respect of a decedent; income from an interest in an estate or trust*—(a) *In general.* A partner's distributive share of partnership gross income (under section 702 (c)) constitutes gross income to him. Income in respect of a decedent (under section 691) constitutes gross income to the recipient. Income from an interest in an estate or trust constitutes gross income under the detailed rules of sections 641 through 683. In many cases, these sections also determine who is to include in his gross income the income from an estate or trust.

(b) *Creation of sinking fund by corporation.* If a corporation, for the sole purpose of securing the payment of its bonds or other indebtedness, places property in trust or sets aside certain amounts in a sinking fund under the control of a trustee who may be authorized to invest and reinvest such sums from time to time, the property or fund thus set aside by the corporation and held by the trustee is an asset of the corporation, and any gain arising therefrom is income of the corporation and shall be included as such in its gross income.

§ 1.61–14 *Miscellaneous items of gross income*—(a) *In general.* In addition to the items enumerated in section 61 (a), there are many other kinds of gross income. For example, punitive damages such as treble damages under the antitrust laws and exemplary damages for fraud are gross income. Another person's payment of the taxpayer's income taxes constitutes gross income to the taxpayer unless excluded by law. Illegal gains constitute gross income. Treasure trove, to the extent of its value in United States currency, constitutes gross income for the taxable year in which it is reduced to undisputed possession.

(b) *Cross references.* (1) Prizes and awards, see section 74 and regulations thereunder;

(2) Damages for personal injury or sickness, see section 104 and the regulations thereunder;

(3) Income taxes paid by lessee corporation, see section 110 and regulations thereunder;

(4) Scholarships and fellowship grants, see section 117 and regulations thereunder;

(5) Miscellaneous exemptions under other Acts of Congress, see section 121;

(6) Tax-free covenant bonds, see section 1451 and regulations thereunder.

§ 1.62 *Statutory provisions; adjusted gross income defined.*

SEC. 62. *Adjusted gross income defined.* For purposes of this subtitle, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(1) *Trade and business deductions.* The deductions allowed by this chapter (other than by part VII of this subchapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(2) *Trade and business deductions of employees*—(A) *Reimbursed expenses.* The deductions allowed by part VI (sec. 161 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(B) *Expenses for travel away from home.* The deductions allowed by part VI (sec. 161 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(C) *Transportation expenses.* The deductions allowed by part VI (sec. 161 and following) which consist of expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(D) *Outside salesmen.* The deductions allowed by part VI (sec. 161 and following) which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer.

(3) *Long-term capital gains.* The deduction allowed by section 1202.

(4) *Losses from sale or exchange of property.* The deductions allowed by part VI (sec. 161 and following) as losses from the sale or exchange of property.

(5) *Deductions attributable to rents and royalties.* The deductions allowed by part VI (sec. 161 and following), by section 212 (relating to expenses for production of income), and by section 611 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(6) *Certain deductions of life tenants and income beneficiaries of property.* In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee of an estate, the deduction for depreciation allowed by section 167 and the deduction allowed by section 611.

Nothing in this section shall permit the same item to be deducted more than once.

§ 1.62–1 *Adjusted gross income.* (a) The term "adjusted gross income" means the gross income computed under section 61 minus such of the deductions allowed by chapter 1 as are specified in section 62. Adjusted gross income is used as the basis for the determination of the following:

(1) The optional tax if adjusted gross income is less than $5,000 (under section 3);

(2) The amount of the standard deduction (under section 141);

(3) The limitation on the amount of the deduction for charitable contributions (under section 170 (b) (1));

(4) The limitation on the amount of the deduction for medical and dental expenses (under section 213); and

(5) In certain cases, the limitation on the deduction for expenses of care of certain dependents (under section 214).

(b) Section 62 merely specifies which of the deductions provided in chapter 1 shall be allowed in computing adjusted gross income. It does not create any new deductions. The fact that a particular item may be specified in more than one of the paragraphs under section 62 does not permit the item to be twice deducted in computing either adjusted gross income or taxable income.

(c) The deductions specified in section 62 for the purpose of computing adjusted gross income are:

(1) Deductions allowable under chapter 1 (other than by part VII of subchapter B (sections 211 through 216)) which are attributable to a trade or business carried on by the taxpayer not consisting of services performed as an employee;

(2) Deductions allowable under part VI of subchapter B (sections 161 through 177) which consist of expenses paid or incurred in connection with the performance of services by the taxpayer as an employee under a reimbursement or other expense-allowance arrangement with his employer;

(3) Deductions allowable under part VI which constitute expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee;

(4) Transportation expenses paid or incurred by the taxpayer in connection with the performance by him of services as an employee (as defined in paragraph (g) of this section), allowable as a deduction under part VI;

(5) Deductions allowable by part VI which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer;

(6) The deduction for long-term capital gains allowed by section 1202;

(7) Deductions which are allowable under part VI as losses from the sale or exchange of property;

(8) Deductions allowable under part VI, section 212, and section 611 which are attributable to property held for the production of rents or royalties; and

(9) Deductions for depreciation and depletion allowable under sections 167 and 611 to a life tenant of property or to an income beneficiary of property held in trust or to an heir, legatee, or devisee of an estate.

(d) For the purpose of the deductions specified in section 62, the performance of personal services as an employee does not constitute the carrying on of a trade or business, except as otherwise expressly provided. The practice of a profession, not as an employee, is considered the conduct of a trade or business within the meaning of such section. To be deductible for the purposes of determining adjusted gross income, expenses must be those directly, and not those merely remotely, connected with the conduct of a trade or business. For example, taxes are deductible in arriving at adjusted gross income only if they constitute expenditures directly attributable to a trade or business or to property from which rents or royalties are derived. Thus, property taxes paid or incurred on real property used in a trade or business are deductible, but State taxes on net income are not deductible even though the taxpayer's income is derived from the conduct of a trade or business.

(e) Traveling expenses paid or incurred by an employee in connection with his employment while away from home which are deductible from gross income under part VI in computing taxable income may be deducted from gross income in computing adjusted gross income. Among the items included in traveling expenses are charges for transportation of persons or baggage, expenditures for meals and lodging, and payments for the use of sample rooms for the display of goods. See section 162 and the regulations thereunder.

(f) (1) Expenses paid or incurred by an employee which are deductible from gross income under part VI in computing taxable income and for which he is reimbursed by the employer under an express agreement for reimbursement or pursuant to an expense allowance arrangement may be deducted from gross income in computing adjusted gross income. Where an employee is reimbursed by his employer in an amount less than his total expense, and the reimbursement is intended to cover all types of deductible expenses, expenses other than those described in section 62 (2) (B), (C), and (D) are taken into account in computing adjusted gross income in an amount which bears the same ratio to the amount of the reimbursement as the total amount of deductible expenses computed without those described in section 62 (2) (B), (C), and (D) bears to the total amount of deductible expenses, including those described in section 62 (2) (B), (C), and (D).

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example: S, who is not a full-time outside salesman, received a salary of $20,000 and an expense allowance of $1,200 for the calendar year 1954. He expended $800 for travel, meals, and lodging while away from home, $500 for local transportation expenses and $300 for the entertainment of customers. His adjusted gross income is computed as follows:

Salary		$20,000
Expense allowance		1,200
Gross income		$21,200
Less:		
Travel, meals and lodging while away from home	$800	
Transportation expense	500	
Reimbursed expenses [1]	225	
	1,525	
Adjusted gross income		$19,675

[1] The amount of the reimbursement allocable to entertainment expenses is determined as follows:

Travel, meals, and lodging while away from home	$800
Transportation expense	500
Expenses deductible in arriving at adjusted gross income (whether or not reimbursed)	1,300
Entertainment expense	300
Total expenses	1,600
Deductible for adjusted gross income: 300/1,600×$1,200 (expense allowance)	225

(g) Transportation expenses paid or incurred by an employee in connection with performance by him of services for his employer are deductible from gross income under part VI in computing adjusted gross income. "Transportation", as used in section 62 (2) (C), is a narrower concept than "travel", as used in section 62 (2) (B), and does not include meals and lodging. The term "transportation expense" includes only the cost of transporting the employee from one place to another in the course of his employment, while he is not away from home in a travel status. Thus, transportation costs may include cab fares, bus fares, and the like, and also a pro rata share of the employee's expenses of operating his automobile, including gas, oil, and depreciation. All transportation expenses must be allowable expenses under part VI of subchapter B (section 161 and following) as ordinary and necessary expenses incurred during the taxable year in carrying on a trade or business as an employee. Transportation expenses do not include the cost of commuting to and from work; this cost

constitutes a personal, living, or family expense and is not deductible. (See section 262.)

(h) The expenses of an employee attributable to the trade or business carried on as an outside salesman which are allowed by part VI of subchapter B (section 161 and following) are deductible from gross income in computing adjusted gross income. An outside salesman is an individual who solicits business as a full-time salesman for his employer away from his employer's place of business. The term "outside salesman" does not include a taxpayer whose principal activities consist of service and delivery. For example, a bread driver-salesman or a milk driver-salesman would not be included within the definition. However, an outside salesman may perform incidental inside activities at his employer's place of business, such as writing up and transmitting orders and spending short periods at the employer's place of business to make and receive telephone calls, without losing his classification as an outside salesman.

§ 1.63 *Statutory provisions; taxable income defined.*

SEC. 63. *Taxable income defined*—(a) *General rule.* Except as provided in subsection (b), for purposes of this subtitle the term "taxable income" means gross income, minus the deductions allowed by this chapter, other than the standard deduction allowed by part IV (sec. 141 and following).

(b) *Individuals electing standard deduction.* In the case of an individual electing under section 144 to use the standard deduction provided in part IV (sec. 141 and following), for purposes of this subtitle the term "taxable income" means adjusted gross income, minus—

(1) Such standard deduction, and

(2) The deductions for personal exemptions provided in section 151.

STANDARD DEDUCTION FOR INDIVIDUALS

§ 1.141 *Statutory provisions; standard deduction.*

SEC. 141. *Standard deduction.* The standard deduction referred to in section 63 (b) (defining taxable income in case of individual electing standard deduction) shall be an amount equal to 10 percent of the adjusted gross income or $1,000, whichever is the lesser, except that in the case of a separate return by a married individual the standard deduction shall not exceed $500.

§ 1.141–1 *Standard deduction.* (a) The taxpayer may elect to take, in addition to the deductions from gross income allowable in computing adjusted gross income, a standard deduction in lieu of all nonbusiness deductions (that is, deductions other than those described in sections 62 and 151) and in lieu of certain credits allowable to the taxpayer had he not so elected. See section 36. Such credits are the credit provided by sections 33 and 901 for income tax paid to foreign countries or possessions of the United States, the credit provided by section 32 for tax paid at the source under section 1451 by the obligor on tax-free covenant bonds with respect to interest on such bonds, and the credit provided by section 35 with respect to interest on United States obligations and interest on obligations of instrumentalities of the United States.

(b) In the case of a joint return, there is only one adjusted gross income and only one standard deduction. For example, if a husband has an income of $15,000 and his spouse has an income of $12,000 for the taxable year for which they file a joint return, and they have no deductions allowable for the purpose of computing adjusted gross income, the adjusted gross income is $27,000, and the standard deduction is $1,000 (and not $2,000).

(c) In the case of taxpayers whose adjusted gross income is $5,000 or more, the standard deduction is $1,000 or 10 percent of adjusted gross income, whichever is the lesser, except that in the case of a separate return by a married individual the standard deduction is $500. For determination of marital status see § 1.143–1.

(d) In the case of taxpayers whose adjusted gross income is less than $5,000, the table provided in section 3 has incorporated a standard deduction of about 10 percent of the adjusted gross income upon which the tax is determined.

(e) An election to take the standard deduction may be made for a taxable year which is less than 12 months on account of the death of the taxpayer.

§ 1.142 *Statutory provisions; individuals not eligible for standard deduction.*

SEC. 142. *Individuals not eligible for standard deduction*—(a) *Husband and Wife.* The standard deduction shall not be allowed to a husband or wife if the tax of the other spouse is determined under section 1 on the basis of the taxable income computed without regard to the standard deduction.

(b) *Certain other taxpayers ineligible.* The standard deduction shall not be allowed in computing the taxable income of—

(1) A nonresident alien individual;

(2) A citizen of the United States entitled to the benefits of section 931 (relating to income from sources within possessions of the United States);

(3) An individual making a return under section 443 (a) (1) for a period of less than 12 months on account of a change in his annual accounting period; or

(4) An estate or trust, common trust fund, or partnership.

§ 1.142–1 *Husband and wife.* (a) In the case of husband and wife, if the tax of one spouse is determined under section 1 or 1201 on the basis of the taxable income computed without regard to the standard deduction, the other spouse may not elect to take the standard deduction. If a joint return is filed and election made thereon to take the standard deduction, such deduction shall be determined by reference to the aggregate adjusted gross income of both spouses. If Form 1040A is filed as a combined return, the standard deduction is allowed through the use of the tax table in section 3. See the regulations under section 6014, limiting the use of Form 1040A as a combined return to cases in which the aggregate adjusted gross income of the spouses is less than $5,000.

(b) If each spouse files a separate Form 1040, both must elect to take the standard deduction or both are denied the standard deduction. If one spouse files Form 1040 and does not elect to take the standard deduction, the other spouse may not elect to take the standard deduction and, hence, may not file Form 1040A as his or her return. Thus, if A and his wife B have adjusted gross incomes of $6,000 and $3,500, respectively, from wages subject to withholding and A files Form 1040 and does not elect thereon to take the standard deduction, B may not file Form 1040A but must file Form 1040, taking thereon only her actual allowable deductions and not the standard deduction. In such case, however, if both elect to take the standard deduction, A must file Form 1040, but B may file Form 1040A or, in the alternative, she may file Form 1040 and compute the tax under section 3. Under either alternative, effect is given to the standard deduction through the application of section 3.

(c) The restriction upon the right of a married person to elect the standard deduction in his separate return is applicable with respect to the taxable years of the husband and wife ending in the same calendar year, except that in the event of the death of one spouse the restriction is applicable with respect to the taxable year ended with death and the taxable year of the surviving spouse in which such death occurs. The restriction applies unless the spouses are legally separated under a decree of divorce or separate maintenance. For determination of marital status, see § 1.143–1.

§ 1.142–2 *Standard deduction not allowable.* The standard deduction is not allowable in the case of—

(a) A nonresident alien individual (including one who enters and leaves the United States at frequent intervals);

(b) A citizen of the United States entitled to the benefits of section 931;

(c) A taxable year of less than 12 months where such taxable year arises because of a change in accounting period under section 443 (a) (1); or

(d) An estate or trust, common trust fund, or partnership.

§ 1.143 *Statutory provisions; determination of marital status.*

SEC. 143. *Determination of marital status.* For purposes of this part—

(1) The determination of whether an individual is married shall be made as of the close of his taxable year; except that if his spouse dies during his taxable year such determination shall be made as of the time of such death; and

(2) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

§ 1.143–1 *Determination of marital status.* The determination of whether an individual is married shall be made as of the close of his taxable year unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and an individual shall be considered as married even though living apart from his spouse unless legally separated under a decree of divorce or separate maintenance. The provisions of this section may be illustrated by the following examples:

Example (1). Taxpayer A and his wife B both make their returns on a calendar year basis. In July 1954 they enter into a separation agreement and thereafter live apart, but no decree of divorce or separate maintenance is issued until March 1955. If A itemizes and claims his actual deductions on his return for the calendar year 1954, B may not elect the standard deduction on her return since B is considered as married to A (although permanently separated by agreement) on the last day of 1954.

Example (2). Taxpayer A makes his returns on the basis of a fiscal year ending June 30. His wife B makes her returns on the calendar year basis. A died in October 1954. In such case, since A and B were married as of the date of death, B may not elect the standard deduction for the calendar year 1954 if the income of A for the short taxable year ending with the date of his death is determined without regard to the standard deduction.

§ 1.144 *Statutory provisions; election of standard deduction.*

SEC. 144. *Election of standard deduction*—(a) *Method and effect of election.* (1) If the adjusted gross income shown on the return is $5,000 or more, the standard deduction shall be allowed if the taxpayer so elects in his return, and the Secretary or his delegate shall by regulations prescribe the manner of signifying such election in the return. If the adjusted gross income shown on the return is $5,000 or more, but the correct adjusted gross income is less than $5,000, then an election by the taxpayer under the preceding sentence to take the standard deduction shall be considered as his election to pay the tax imposed by section 3 (relating to tax based on tax table); and his failure to make under the preceding sentence an election to take the standard deduction shall be considered his election not to pay the tax imposed by section 3.

(2) If the adjusted gross income shown on the return is less than $5,000, the standard deduction shall be allowed only if the taxpayer elects, in the manner provided in section 4, to pay the tax imposed by section 3. If the adjusted gross income shown on the return is less than $5,000, but the correct adjusted gross income is $5,000 or more, then an election by the taxpayer to pay the tax imposed by section 3 shall be considered as his election to take the standard deduction; and his failure to elect to pay the tax imposed by section 3 shall be considered his election not to take the standard deduction.

(3) If the taxpayer on making his return fails to signify, in the manner provided by paragraph (1) or (2), his election to take the standard deduction or to pay the tax imposed by section 3, as the case may be, such failure shall be considered his election not to take the standard deduction.

(b) *Change of election.* Under regulations prescribed by the Secretary or his delegate, a change of an election for any taxable year to take, or not to take, the standard deduction, or to pay, or not to pay, the tax under section 3, may be made after the filing of the return for such year. If the spouse of the taxpayer filed a separate return for any taxable year corresponding, for purposes of section 142 (a), to the taxable year of the taxpayer, the change shall not be allowed unless, in accordance with such regulations—

(1) The spouse makes a change of election with respect to the standard deduction for the taxable year covered in such separate return, consistent with the change of election sought by the taxpayer, and

(2) The taxpayer and his spouse consent in writing to the assessment, within such period as may be agreed on with the Secretary or his delegate, of any deficiency, to the extent attributable to such change of election, even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

This subsection shall not apply if the tax liability of the taxpayer's spouse, for the taxable year corresponding (for purposes of section 142 (a)) to the taxable year of the taxpayer, has been compromised under section 7122.

§ 1.144–1 *Manner and effect of election to take the standard deduction.* The following rules are prescribed with respect to the manner of signifying an election by a taxpayer to take the standard deduction:

(a) A taxpayer whose adjusted gross income as shown by his return is $5,000 or more shall be allowed the standard deduction if he signifies on his return his election to take such deduction. Such taxpayer shall so signify on his return by claiming thereon the deduction in the amount provided for in section 141 instead of itemizing the deductions allowable in computing taxable income, other than those specified in sections 62 and 151. The amount to be claimed on the return by such taxpayer is $1,000 or 10 percent of the adjusted gross income, whichever is lesser (except that in the case of a separate return by a married individual with an adjusted gross income of $5,000 or more, the amount is $500). If in any case the adjusted gross income shown on the return of the taxpayer is $5,000 or more, but the correct adjusted gross income is less than $5,000, then:

(1) If the taxpayer has elected on his return to take the standard deduction, such election shall be deemed to be an election by the taxpayer to pay the tax imposed by section 3; and

(2) If the taxpayer has not so elected upon his return, it shall be deemed that the taxpayer has elected not to pay the tax under section 3.

(b) If the adjusted gross income shown on the return is less than $5,000, the standard deduction is allowable if the taxpayer elects to pay the tax imposed by section 3. As to the manner and effect of election to pay the tax under section 3, see § 1.4–2. In the case of a taxpayer who files Form 1040, he shall signify his election to pay the tax imposed by section 3 by showing on Form 1040 as his tax the amount computed by use of the tax table in section 3. In any case, however, in which adjusted gross income shown on the return is less than $5,000, but the correct adjusted gross income is in fact, $5,000 or more, then:

(1) If the taxpayer has elected to pay the tax imposed under section 3, it shall be deemed that he has elected to take the standard deduction; and

(2) If the taxpayer has not elected on his return to pay the tax under section 3, it shall be deemed that he has made an election not to take the standard deduction.

A taxpayer having adjusted gross income of less than $5,000, who does not elect to pay the tax imposed by section 3, may not take the standard deduction.

§ 1.144–2 *Change of election to take, or not to take, the standard deduction.* (a) A change of the election to take, or not to take, the standard deduction for any taxable year may be made before or after the time prescribed for filing the return for the taxable year. However, the period of time prescribed in section 6511 within which claim for credit or refund of tax must be made is not extended by the right to effect a change of election.

(b) If the spouse of the taxpayer filed a separate return for any taxable year that corresponds, for the purpose of section 142 (a), to the taxable year of the taxpayer, a change of election may not be made by the taxpayer unless: (1) The spouse makes a change of election in such separate return with respect to the standard deduction consistent with the change of election sought by the taxpayer, and (2) the taxpayer and his spouse file a consent in writing to the assessment, within such period of time as may be agreed upon, of any deficiency of either to the extent attributable to such change of election even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

(c) A change of election for any taxable year shall not be permitted if the tax liability of the taxpayer for the taxable year, or of the taxpayer's spouse for the taxable year corresponding, for the purpose of section 142 (a), to the taxable year of the taxpayer, has been comprised under the provisions of section 7122.

§ 1.145 *Statutory provisions; cross reference.*

SEC. 145 *Cross reference.* For disallowance of certain credits against the tax in the case of individuals electing the standard deduction, see section 36.

[F. R. Doc. 56–8906; Filed, Nov. 1, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 934, 996, 999]

[Docket Nos. AO–14–A24; AO–83–A20; AO–203–A6; AO–204–A6]

MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD AND WORCESTER, MASS., MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED AMENDMENTS TO ORDERS, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and proposed amendments to the orders, as amended, regulating the handling of milk in the Greater Boston,

Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the 7th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The basis of zoning plants and the level of zone differentials was an issue on which evidence was adduced at a previous public hearing held at Northampton, Worcester, Waltham, and Boston, Massachusetts, on April 18 through May 5, 1955. After reviewing the evidence introduced on the record of that hearing the Secretary concluded that: "Both producers and handlers have a substantial interest in this matter since Class I and blended prices at virtually all locations in the market would be changed somewhat and a new pattern of price relationships would emerge, with implications of relative permanency. Under these circumstances, it appears highly desirable that all segments of the industry cooperate in an effort to develop the best possible procedure for determining mileage distances in the zoning of country plants and to reflect generally in the zone differentials the actual differences in cost of transportation from the various locations. It is considered that six months should be a sufficient period for such cooperative effort by the industry before reopening the hearing for further testimony on this issue."

Following the issuance of this decision a committee of nine New England marketing specialists, affiliated with producer and handler interests and State universities was formed and made an extensive study of the problem. Following the release of their formal report it was concluded that a new hearing should be called to consider the matter rather than to reopen the previous hearing. The public hearing on the record of which the proposed marketing agreements and the proposed amending orders were formulated was called by the Agricultural Marketing Service, United States Department of Agriculture. The public hearing was held in Boston, Massachusetts on February 28 and 29, 1956 pursuant to a notice thereof duly published in the FEDERAL REGISTER (21 F. R. 949; F. R. Doc. 56–1059) on February 10, 1956.

The material issues considered at the hearing were:

1. Reconsideration of the basis of zoning country plants and the Class I and blended price zone differentials.

2. Revision of the basis for arriving at the New England adjustment percentage of per capita disposable income used in the computation of the New England basic Class I price.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Zoning of country plants and Class I and blended price zone differentials.* The procedure for ascertaining mileage distances in the zoning of country plants and for establishing zone differentials under the Boston, Merrimack Valley, Springfield, and Worcester, marketing orders should be revised to provide for the ascertainment of distances and zones for all plants on the basis of the shortest highway distance over paved, first class, all-weather roads, as determined by use of the State maps contained in Mileage Guide No. 6, issued by Household Goods Carrier's Bureau, Washington, D. C. Basic prices should continue to be computed at the 21st (201–210 mile) zone under the Boston order, and at the city under the secondary market orders. The Class I price and blended price differentials should be identical and should vary at the rate of 1.2 cents per hundredweight between nearby 10-mile zones and 1 cent per hundredweight between distant zones beyond the 21st zone, under both the Boston and secondary market orders. The city plant prices and the respective zone differentials for Boston and the secondary market orders should be established at the same level. The New England basic Class I price for the new 21st zone should be adjusted to maintain the present basic level of producer prices.

Under the present provisions of the Boston order the zoning of country plants has been on the basis of rail mileage to Boston from the railroad shipping point for the plant. Zoning under the secondary market orders has been based on highway distances over roads on which milk trucks are permitted to travel or by railroad mileage from the shipping point nearest the plant to the particular market (i. e., Lawrence, Springfield or Worcester), whichever is shorter. Variations in zone differentials under the Boston order reflect variations in freight rates for the movement of milk in tank cars. However, country plant zone Class I prices for the secondary markets are 4 cents lower than the comparable Boston prices for the same zones, which difference was intended to reflect the higher cost of moving milk in carloads in 40-quart cans rather than by tank car.

Both producers and handlers supported zoning on the basis of the shortest highway distance over paved, first class, all-weather roads. They would continue basic pricing at the 21st zone under the Boston order, and at the city under the secondary markets, and they supported the alignment of prices between markets. There was also general agreement for a 1.2-cent variation in differentials between nearby zones and a 1-cent variation between each zone beyond the 21st zone.

Under the present system of zoning the determination of the railroad mileage distance for any particular plant has been made by the Milk Agent of the Boston and Maine railroad. On request, he has determined the railroad shipping point for each plant, and has ascertained the rail mileage from such point to Boston. While it was apparently intended that rail mileages should ordinarily be computed by the route by which the milk actually moves it is obvious that for many plants this is not the case. A large percentage of the country plants in the Boston pool are zoned over routes that have been completely abandoned and as to which the tracks have been removed. In some situations railroad stations have been abandoned, and in other cases the shortest rail mileage is nevertheless based on roundabout routes of extreme length. Offrail plant zoning creates further problems, as selection of the "rail shipping point," which is used only for measurement purposes, is based on ambiguous, unsatisfactory standards and methods and becomes increasingly unrealistic when rail service near the plants is abandoned.

In earlier years rail transportation was used almost exclusively in the movement of milk from country to city plants in New England. More recently the importance of rail transportation has declined while the use of tank trucks has increased. In 1930 almost 93 percent of the milk receipts at Boston were by rail whereas by 1955 only slightly over 51 percent of the milk so moved. The decision of the railroads to compute mileage for rate purposes via routes which have been abandoned may reflect their desire to hold their milk business in the face of mounting truck competition. A similar conclusion may be drawn from the fact that in recent years the railroads have not put into effect tariff increases on milk permitted by the Interstate Commerce Commission. Both of these situations have undoubtedly been of substantial benefit to the milk industry, since they have tended to hold transportation rates down and the greater percentage of milk still moves to market by rail transportation.

The present method of determining zone locations and zone differentials has tended to create inequities between plants. Over the years irregularities have crept into the rail tariff with the result that, instead of graduating smoothly, as distance from the market increases, there are many irregular variations for which there seems to be no clear explanation. These conditions all tend to create competitive problems for handlers and inequities among individual producers. It is likely that new inequities will appear because of the prospective abandonment of additional portions of the railroad network in New England.

Following the issuance of the Secretary's decision (21 F. R. 6932; F. R. Doc. 55–7520) on issues considered at the amendment hearing of April 18–May 5, 1955, a committee of marketing specialists affiliated with producer and handler interests and State universities spent a considerable time studying the problem and the recommendations contained in their formal report, offered in evidence at the hearing, provide a satisfactory basis for revising the zoning and the zone differentials in the Boston and secondary market orders.

An important factor in the selection of the routes over which milk trucks actually travel in moving milk from country plant to city market is the convenience of the individual truckers. Two truckers picking up milk at the same country point may or may not elect to travel the same route. For this reason it would be impractical to use the route

over which the milk actually moves as a basis of zoning. While it is recognized that some roads, because of permanent or temporary restrictions, may not be available for trucking use it is evident that the status of any partiqular road, or part thereof, may and does change. It would be impractical to place on the market administrator the burden of keeping day-to-day check on road conditions in order to establish the zone for each plant. Moreover, it would be confusing to both handlers and producers to have sudden and unanticipated zone changes as a result of temporary changes in road conditions.

The committee has recommended that the State maps contained in Mileage Guide No. 6, issued by the Household Goods Carrier's Bureau be used for purposes of computing mileages and that specific rules be devised to eliminate insofar as possible the need for discretion on the part of the market administrator in the determination of distances. The recommended method would provide for the measurement of distance over roads designated on the Mileage Guide maps as paved, first class, all-weather roads, with such minimum use of second class roads as is necessary in order to reach the plant location. In the event that the maps do not clearly show the mileages between points on a road, such mileage would be obtained from the appropriate State authority on highway mileages. This procedure appears to be practical, promotes equity, and minimizes the discretionary element.

The committee's recommended method of determining distances from country plants to Boston should be adopted. For desirable uniformity, it should also become the single method for determination of distances under the secondary market orders, which now provide for use of the shorter of highway or rail distances. For all plants in the secondary markets, the highway distance has been found to be the shorter. In the Boston market, zoning on the basis of the recommended highway method will generally result in placing the country plant in a zone nearer to Boston than the present rail zone of the plant.

For reasons which are not now evident the present zone differentials as set forth under the Boston order, from their very beginning have reflected some irregularities in the variations between adjacent zones. Through the intervening years these irregularities have tended to become greater. The committee in its studies attempted to analyze and relate transportation charges by commercial truckers to some regular pattern. However, variations in truckers' methods of fixing rates, variations in mileage traveled between the same points by competing truckers, and difficulties in reconciling the quantities charged for with quantities actually shipped, all militate against any precise determination of variation in truck transportation rates. Nevertheless, it was possible to determine that the simple average of the variations in differentials over the zones from which milk moves, or is likely to move, to market by truck is approximately 1.4 cents.

The present zone differentials which are based on rail rates set forth under New England Joint Tariff M No. 7, reflect an average variation of one cent between zones 12 to 21 and of eight-tenths of a cent between zones 21 to 40. It is obvious that competition requires that rail and truck rates conform rather closely to each other, although the degree or effectiveness of competition may vary as between different locations.

While ideally the zone differentials should reflect actual difference in transportation costs it is evident that except in the case of rail movements data are not available to permit such ascertainment with a high degree of precision. It was the committee's conclusion that the variations existing in the nearer zones as compared to the more distant zones were such as to warrant a differentiation which would take this factor into account. The available data on rail and trucking costs support this conclusion.

As previously indicated, the present zone differentials reflect actual differences in rail transportation costs. Available data indicate that trucking rates are somewhat in excess of rail rates. It would be improper to establish zone differentials which do not reflect at least the differences in rail rates. On the other hand, since milk has moved satisfactorily under the present differentials and the railroads have indicated no unwillingness to continue transporting milk under the present rates, there appears to be no reason why the overall allowances should be increased. The primary intent of the proposed rezoning was to promote greater equity among plants and producers. While the revised basis of zoning tends to zone country plants nearer the market by from one to two zones, the physical locations of the plants have not changed and, hence, there is no logical reason why cost of transportation should be reduced thereby.

Preliminary discussions with representatives of railroads which transport milk in New England indicated that they were amenable to zoning on the basis of highway mileages and the smoothing of zone differentials and were willing to revise their rail tariff accordingly if their total revenue from milk would not be significantly affected thereby. Official notice is taken that this revision was made effective on September 1, 1956. Under the circumstances and for reasons stated above it is concluded that the zone differentials and prices should be constructed so as to permit an alignment of rail tariff and order provisions. The committee has recommended a zone variation rate of 1.2 cents for zones five to twenty-one and of one cent for the more distant zones. It has demonstrated that these rates and a Class I price level in the proposed highway zone 21 of 1.8 cents less than that applicable in the present rail zone 21 would neutralize changes in rail revenue in a typical month and at the same time give appropriate weight to variations between rail and trucking costs.

It is inevitable, of course, with the rezoning of plants on an entirely new basis, that producers at some plants will improve their relative position while others may be placed in a relatively less advantageous position. However, the rezoning procedure will tend to create greater equity as between plants and as between producer groups. But it does not follow that producers as a whole should necessarily receive greater returns for milk received at the same plants under otherwise unchanged conditions. The basic level of the Class I price was not an issue at the hearing and it is concluded that the application of a new zoning procedure should not be used as a mechanism for substantially increasing total returns to producers. Accordingly, it is proposed that offsetting adjustments should be made in the Class I pricing formula to maintain overall producer returns, insofar as is practical, at the same level. This can best be accomplished by adjusting the factor of $0.0561, by which the New England basic Class I price index is multiplied to obtain the Class I price, to $0.05592, so as to reflect the reduction of 1.8 cents, referred to above, in the base period price. Similar adjustments should also be made in the bracket prices and the New England basic Class I price, but, in order to eliminate fractions of a cent, these adjustments should be exactly two cents in each instance. This apparent reduction in the basic Class I price is more than offset by the effect of the considerable reduction in mileages from the pool plants to Boston, resulting from the change from rail basis to highway basis of measurement. For the typical month used in the committee's recomputation, all producers would have received an average increase of 0.8 cent per hundredweight, and the handlers' weighted average Class I price would have been increased by 1.1 cents per hundredweight by the above adjustments.

Under the secondary market orders, as under the Boston order, milk moves to market primarily in tanks. Hence, there is no justification for the continuation of zone differentials which reflect costs of can shipments. The zone differentials recommended for the Boston market are equally appropriate in the secondary markets.

The table of zone differentials should be extended indefinitely rather than terminate at the 45th zone as provided under the present order provisions. While there are presently no pool plants located beyond 450 highway miles from Boston, a plant so located should have assurance that in the pricing of its Class I milk due recognition is given to the added cost of moving milk from its actual location. The order provides that for the purpose of determining which zone Class I price applies, Class I milk shall be allocated in sequence in accordance with the nearness of the plants to market. Application of this principle means that under usual circumstances no milk from beyond the 25th zone is allocated to Class I milk insofar as pool handlers operating more than one pool plant are concerned. Hence, extension of the Class I zone differential schedule will ordinarily have no effect on the price handlers are required to pay for Class I milk disposed of in the marketing area.

Because the Class I zone differentials apply also to the blended price, the ex-

tension of this schedule would affect the distribution of returns to producers delivering to any plant located more than 450 miles from Boston if such a plant should come into the market. The pricing scheme set forth in the order is intended to assure an adequate but not excessive supply of milk for the fluid milk market. The supply-demand adjustment operates to reduce the price whenever the supply is excessive or to increase the price whenever supplies become short. It should be recognized that the milk is produced for a fluid market and accordingly producers should expect that the price they actually receive reflects the cost of moving such milk to the central market in fluid form. Unless this principle is preserved the most distant producers are subsidized by other producers in the market and the production pattern of the market and the effectiveness of the pricing formula itself are both adversely affected. However, all producers in the market should have assurance that, irrespective of the fact that a plant may be distant from Boston, the indefinite extension of the table of Class I differentials will not cause the Class I price for that plant to fall below the Class II price at such plant location. Likewise, the producers delivering to such a distant plant should have assurance that their blended price will also not be lower than such Class II price.

While the revised basis for zoning country plants will have some slight effect on the cost of Class II milk to handlers with country plants, and accordingly on producer returns for milk disposed of in Class II uses, no change is being made in the Class II differentials on the basis of this hearing. The Class II differentials are intended to reflect the variations in cost of moving milk to market in the form of fluid cream and nonfat dry milk powder, and accordingly are much smaller than the Class I differentials. Hence, the effect of the revised basis of zoning on handler costs or producer returns on Class II milk would be rather inconsequential. An extension of the Class II zone differential schedule beyond the 45th zone was not a consideration at this hearing.

In conjunction with the revision in the basis of zoning and the Class I zone differentials it is proposed that section 43 of the respective orders, which provides for automatic changes in the zone price differentials and other price factors, be deleted. The deletion of this provision at this time is not to be considered as a decision against the principle of automatic adjustments. The railroads have made an adjustment in tariff rates to conform with the schedule herinafter set forth. Such revision obviously should not revise the differentials herein provided. Furthermore, it is not clear at this time what impact future revisions in rail tariffs should have on the established zone differential. The matter of automatic adjustments to reflect changing transportation costs might more properly be a consideration at a later hearing.

2. *Revision of the computation of the New England adjustment percentage.* The statistical basis for arriving at the New England adjustment percentage of per capita disposable income in computing the New England basic Class I price should be revised.

The New England adjustment percentage which is used to adapt national per capita disposable income data to the New England area in the basic Class I price computation has been computed annually on the basis of State and regional figures on "per capita income payments to individual" published regularly in the August issue of the Commerce Department's Survey of Current Business. This series was discontinued by the Commerce Department with the publication of the 1953 data and in September 1955 a new series on Personal Income by States was initiated. Since the 1953 data on "per capita income payments to individual" was the latest published information by States the New England adjustment percentage computed from these data has continued to be used to adjust the national per capita income data in the basic Class I price computation. However, it is desirable that the most current data be used in order to reflect properly current New England conditions.

In announcing the new series the Commerce Department indicated that it included (1) modification of definitions in line with the personal income concept, (2) adjustment of the State series to conform statistically with the national estimates of personal income and (3) improvement of the statistical basis of the State estimates.

The new State personal income series constitute a major improvement in the data hitherto available. Had these data been available at the time of the public hearing held in January 1952, at which time the index of New England per capita disposable personal income was substituted for the department store sales index, it undoubtedly would have been used as the basis for computing the New England adjustment percentage. Comparison of data for the new series with similar data for the old series indicates that the New England area under the new series is in a somewhat more favorable position relative to the country as a whole, than under the old series. Because the New England adjustment percentage on the new basis is different from the old it is necessary, for statistical consistency, that the base of the index of New England per capita disposable income be corrected. Under the old series the base period (1951) national per capita disposable income was $1,527. Under the new series this figure is $1,534. It is concluded that the use of the new series on personal income represents a more satisfactory measure of consumer purchasing power than the new discontinued series on per capita income payments.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and orders, as amended, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable to persons in the respective classes of industrial and commercial activity, specified in a proposed marketing agreement and order upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas; and the minimum prices specified in the proposed marketing agreements and in the orders, as amended, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreements and orders. The following proposed orders, amending the orders as amended are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed amending orders:

Boston Order:

1. In § 904.41 (a) delete the words "Subject to § 904.43 (c)," and capitalize the word "subtract".

2. Delete § 904.42 and substitute the following:

§ 904.42 *Zone price differentials.* The prices determined pursuant to §§ 904.40, 904.41 and 904.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) Each city plant shall be in the "City Plant" zone.

(b) The zone location of each country plant shall be based upon its highway mileage distance to Boston as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Boston and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Boston, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Distance to Boston (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
Within 40	City plant	+54.0	+38.1
41 to 50	5	+19.2	+4.2
51 to 60	6	+18.0	+4.0
61 to 70	7	+16.8	+3.7
71 to 80	8	+15.6	+3.5
81 to 90	9	+14.4	+3.2
91 to 100	10	+13.2	+3.0
101 to 110	11	+12.0	+2.9
111 to 120	12	+10.8	+2.6
121 to 130	13	+9.6	+2.4
131 to 140	14	+8.4	+2.1
141 to 150	15	+7.2	+1.6
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+0.6
181 to 190	19	+2.4	+0.4
191 to 200	20	+1.2	+0.1
201 to 210	21	(1)	(1)
211 to 220	22	−1.0	−0.6
221 to 230	23	−2.0	−0.7
231 to 240	24	−3.0	−0.9
241 to 250	25	−4.0	−0.9
251 to 260	26	−5.0	−1.2
261 to 270	27	−6.0	−1.3
271 to 280	28	−7.0	−1.5
281 to 290	29	−8.0	−1.6
291 to 300	30	−9.0	−1.8
301 to 310	31	−10.0	−2.3
311 to 320	32	−11.0	−2.4
321 to 330	33	−12.0	−2.5
331 to 340	34	−13.0	−2.8
341 to 350	35	−14.0	−2.8
351 to 360	36	−15.0	−3.0
361 to 370	37	−16.0	−3.1
371 to 380	38	−17.0	−3.3
381 to 390	39	−18.0	−3.4
391 to 400	40	−19.0	−3.5
401 to 410	41	−20.0	−3.5
411 to 420	42	−21.0	−3.5
421 to 430	43	−22.0	−3.5
431 to 440	44	−23.0	−3.5
441 to 450	45	−24.0	−3.5
451 and over	46 and over	(2)	−3.5

[1] No differential.

[2] Class I and blended price differentials applicable to plants located more than 450 miles from Boston shall be obtained by extending the table at the rate of one cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

3. Delete § 904.43.

4. In § 904.47 (c) delete the words "by railway mileage distance" and substitute therefor the words "according to their zone locations".

5. Delete § 904.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 904.48 (e) and substitute the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In § 904.63 delete the words "Subject to § 904.43 (c)," and capitalize the word "subtract".

8. Delete the introductory text of § 904.64 preceding paragraph (a) and substitute therefor the following:

§ 904.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 904.61 (a) shall be subject to the differentials set forth in Column C of the table in § 904.42 and to further differentials as follows:

9. In § 904.65 (a) (2), (3), and (b) insert immediately following the word "zone" each time it appears the word "location".

Merrimack Valley:

1. § 934.25 (g), (h), and (i), delete the words "to the City Hall in Lawrence" and substitute therefor the words "to Lawrence according to their zone location".

2. In § 934.40 delete the figure "52" and substitute therefor the figure "54".

3. Delete § 934.42 and substitute the following:

§ 934.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 934.40, 934.41, and 934.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Lawrence as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Lawrence and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Lawrence, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Lawrence (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Lawrence shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

4. Delete § 934.43.

5. Delete § 934.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 934.48 (e) and substitute the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In the first sentence of § 934.64, delete the words "Class I price differentials applicable pursant to § 934.42" and substitute therefor the words "differentials set forth in Column C of the table in § 934.42,".

8. In § 934.65 (a) and (b) delete the words "location or zone" and substitute therefor the words "zone location".

9. In § 934.66 (a) delete the words "location or zone" and substitute therefor the words "zone location".

Springfield:

1. In § 996.25 (g), (h), and (i), insert immediately preceding the period the words "according to their zone locations".

2. In § 996.40 delete the figure "52" and substitute therefor the figure "54".

3. Delete § 996.42 and substitute the following:

§ 996.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 996.40, 996.41, and 996.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Springfield as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Springfield and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Springfield, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A	B	C	D
Distance to Springfield (miles)	Zone	Class I and blended price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Springfield shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

4. Delete § 996.43.

5. Delete § 996.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 996.48 (e) and substitute the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In the first sentence of § 996.64, delete the words "Class I price differentials applicable pursuant to § 996.42" and substitute therefor the words "differentials set forth in Column C of the table in § 996.42,".

8. In § 996.65 (a) and (b) delete the words "location or zone" and substitute therefor the words "zone location".

9. In § 996.66 (a) delete the words "location or zone" and substitute therefor the words "zone location".

Worcester:

1. In § 999.25 (g), (h), and (i), insert immediately preceding the period the words "according to their zone locations".

2. In § 999.40 delete the figure "52" and substitute therefor the figure "54".

3. Delete § 999.42 and substitute the following:

§ 999.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 999.40, 999.41, and 999.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Worcester as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Worcester and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Worcester, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A	B	C	D
Distance to Worcester (miles)	Zone	Class I and blended price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Worcester shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

4. Delete § 999.43.

5. Delete § 999.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 999.48 (e) and substitute the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In the first sentence of § 999.64, delete the words "Class I price differentials applicable pursuant to § 999.42" and substitute therefor the words "differentials set forth in Column C of the table in § 999.42,".

8. In § 999.65 (a) and (b) delete the words "location or zone" and substitute therefor the words "zone location".

9. In § 999.66 (a) delete the words "location or zone" and substitute therefor the words "zone location".

Issued at Washington, D. C., this 30th day of October, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-8898; Filed, Nov. 1, 1956; 8:49 a. m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO16-A6]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF EXTENSION OF TIME FOR FILING BRIEFS, PROPOSED FINDINGS AND CONCLUSIONS

Pursuant to the provisions of the Anti-hog-cholera serum and Hog-cholera virus Marketing Agreement Act (7 U. S. C. 851 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (9 CFR Part 132), notice is hereby given that the time for filing briefs, proposed findings and conclusions based upon the evidence received at the hearing on proposed amendments to the Marketing Agreement and Order, as amended, held at Kansas City, Missouri on July 24, 1956 (21 F. R. 4519), is hereby extended to January 2, 1957.

Done at Washington, D. C., this 30th day of October 1956.

[SEAL] L. C. HEEMSTRA, *Acting Chief, Animal Inspection and Quarantine Branch.*

[F. R. Doc. 56-8899; Filed, Nov. 1, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OHIO

DISASTER ASSISTANCE; DELINEATION OF AREA

Pursuant to Public Law 875, 81st Congress, the President determined on October 23, 1956, that a major disaster occasioned by excessive rainfall existed in the State of Ohio.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on October 23, 1956, to be affected by the above-mentioned major disaster:

Ohio: Ashtabula, Geauga, Lake, Mahoning, Portage, Stark, Trumbull, Wayne.

Done at Washington, D. C., this 30th day of October 1956.

[SEAL] E. L. PETERSON, *Acting Secretary.*

[F. R. Doc. 56-8901; Filed, Nov. 1, 1956; 8:49 a. m.]

CHIEF AND ACTING CHIEF, FOREST SERVICE

DELEGATION OF AUTHORITY FOR PROCUREMENT OF MANAGEMENT CONSULTING SERVICES BY CONTRACT

Pursuant to the authority vested in the Secretary of Agriculture by the Administrator, General Services Administration, under date of October 11, 1956 (21 F. R. 8035), authority is delegated to the Chief and Acting Chief, Forest Service to enter into contracts for management consulting services in connection with a special study of the cooperative forest fire control activities and operations of the Forest Service, without advertising in accordance with section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, 393; 41 U. S. C. 252.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled act and the delegation of authority of the Administrator, General Services Administration.

Done at Washington, D. C. this 30th day of October 1956.

[SEAL] E. L. PETERSON, *Acting Secretary.*

[F. R. Doc. 56-8902; Filed, Nov. 1, 1956; 8:50 a. m.]

MICHIGAN

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Michigan a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Michigan: Chippewa, Mackinac.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 30th day of October 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56–8903; Filed, Nov. 1, 1956; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS

NOTICE OF CONSIDERATION

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct the annual surveys covering 1956 listed below, under the Authority of Title 13, United States Code, section 181 approved August 31, 1954. These surveys are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from non-governmental or other governmental sources.

The establishments covered by these surveys directly employ about 17 million persons. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the Annual Survey of Manufactures which wil be conducted on a sample basis and which calls for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on products shipped, and the lumber and household furniture surveys which will also be conducted on a sample basis.

Annual survey of manufactures.
Stocks of wool (as of April 1, 1957).
Cotton and synthetic woven goods finished.
Knit cloth.
Woolen and worsted machinery activity.
Gloves and mittens.
Apparel.
Shoes and slippers.
Softwood plywood
Softwood veneer.
Red cedar shingles.
Lumber.
Household furniture and bedding products.
Paper and board—Detailed grade.
Inorganic chemicals and gases.
Refractories.
Pressed and blown glassware.
Steel mill products.
Aluminum foil converted.
Steel boilers.
Heating and cooking equipment.
Internal combustion engines.
Machine tools.
Metalworking machinery.
Tractors.
Farm machines and equipment.
Radios, televisions, and phonographs.
Mechanical stokers.
Refrigeration equipment.
Office, computing, and accounting machines.

The following list of surveys represent annual counterparts of monthly, quarterly, and semi-annual surveys. The content of these annual reports will be identical with that of the monthly, quarterly, and semi-annual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels and off-highway type trucks. However, there will be no duplication inasmuch as establishments that file the monthly, quarterly, and semi-annual reports during the year covered by the annual report will not need to submit annual reports on these products.

Flour milling products.
Confectionery products.
Cotton broad woven goods.
Synthetic broad woven goods.
Wool consumption and stocks.
Woolen and worsted fabrics.
Tire cord and tire fabrics.
Hardwood plywood (for sale).
Pulp, paper, and board.
Consumers of wood pulp.
Converted flexible packaging products.
Superphosphate.
Paint, varnish, and lacquer.
Clay construction products.
Asphalt and tar roofing and siding products.
Glass containers.
Nonferrous castings.
Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Commercial and home canning closures.
Metal cans.
Farm pumps.
Fans, blowers, and unit heaters.
Electric lamps.
Construction machinery (excavating and earthmoving).
Complete aircraft and aircraft engines.
Backlog of orders for aircraft companies.
Aircraft propellers.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census and will receive consideration.

Dated: October 29, 1956.

ROBERT W. BURGESS,
Director.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56–8883; Filed, Nov. 1, 1956; 8:45 a. m.]

Bureau of Foreign Commerce

COMPADIMEX, S. A., ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Compadimex, S. A., formerly Compadimex, S. P. R. L. (Compagnie d'Importation et d'Exportation), and Hendrik Frans Van der Zanden, all of 1 Pont de Meir "Union Building", Antwerp, Belgium, and Rene de Metz, 128 Bisschoppenhofiaan, Deurne (Antwerp), Belgium, Respondents; Case No. 220.

The respondents, Compadimex, S. P. R. L., Compadimex, S. A., Hendrik Frans Van der Zanden and Rene de Metz, hereinafter referred to as respondents, having been charged by the Agent in Charge, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with various counts of concealment of material facts with respect to borax and boric acid obtained by them from the United States and transshipment of such boric acid and borax to unauthorized destinations, after shipment from the United States under general licenses permitting Belgium as the place of ultimate destination and consumption, failed to appear in this proceeding, either by timely answer or demand for hearing. In accordance with the practice, this case was referred to the Compliance Commissioner. Subsequent to the time that the case was submitted to him, a letter from de Metz was received but this letter was insufficient to create an issue as to the charges. The Compliance Commissioner, thereafter, in due course, made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the evidence submitted in support of the charges, the letter from de Metz, and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Compadimex, S. P. R. L., was engaged in the import-export business in Antwerp, Belgium, Hendrik Frans Van der Zanden and Rene de Metz were its managing directors and all acts found to have been performed herein were performed by the directors on its behalf. Compadimex, S. P. R. L., has been succeeded by Compadimex, S. A., but the business and ownership are essentially as before. The name Compadimex is derived from Compagnie d'Importation et d'Exportation. Wherever the name Compadimex is used herein it includes also the respondents, Van der Zanden and de Metz, unless otherwise shown in the context.

2. Prior to the occurrence of the events hereinafter set forth, Compadimex had obtained a large quantity of borax from the United States and had transshipped it to Poland without authorization from the United States Department of Commerce. Following such transshipment, Van der Zanden was informed, on its behalf, by a United States Foreign Service officer that the United States export control laws and regulations forbade such unauthorized transshipment of goods exported from the United States to Belgium. He was informed also, at the same time, that a copy of the Comprehensive Export Schedule was available to him and his firm both at the Consulate General and the Chamber of Commerce in Antwerp, Belgium, for use in connection with any future business to be transacted with exporters in the United States.

3. Nevertheless, and following the aforementioned conduct, information and advice, Compadimex made four purchases of boric acid and borax from exporters in the United States for shipment to Antwerp, Belgium. These purchases aggregated 1450 metric tons of a value of approximately $93,500.

4. When making each of these purchases, Compadimex led its vendor to believe that it was the ultimate consignee and that Belgium was the country of ultimate destination. At the time of making each purchase, it failed to disclose that the true ultimate destination was Poland although prior to each purchase it had completed arrangements for the sale of the goods so purchased to its vendee in Poland.

5. The said boric acid and borax, so purchased by Compadimex, were exported from the United States by the vendors, for delivery to Compadimex at Antwerp, Belgium, and, when making said exportations, the vendors, relying on the belief that Compadimex was purchasing said boric acid and borax for use in and to be distributed in Belgium by Compadimex, executed and had authenticated Shipper's Export Declarations for said exportations in which they set forth and represented that the goods so exported were being shipped to Compadimex as purchaser and ultimate consignee for ultimate use in Belgium and that the exportations therefore were being made under General License, GRO. (A total of five such shipments was made between December 1953 and February 1954.)

6. After the said shipments arrived at Antwerp, Belgium, Compadimex caused them to be diverted and transshipped to Poland without first having obtained from the Department of Commerce authorization for such transshipments.

And, from the foregoing, I have concluded that respondents Compadimex, Hendrik Frans Van der Zanden and Rene de Metz:

A. Knowingly concealed material facts, and caused false statements to be made on export control documents, in violation of §§ 381.1 (b), 381.2 or 381.5 of export control regulations (15 CFR Part 381) in effect at the time of the transactions.

B. Participated in and caused exportations of commodities from the United States of America to destinations not previously authorized by a license granted by the BFC, in violation of §§ 370.2 (a), 371.4, and 384.9 of the export control regulations (15 CFR Parts 370, 371, 384) in effect at the time of the transactions.

C. Knowingly disposed of, diverted or caused to be diverted commodities to countries of ultimate destination other than those named in export control documents, after receiving notification of the prohibition against such diversions, in violation of §§ 381.1 (b) (3) and 381.4 (d), or §§ 381.3 and 381.6 of the export control regulations in effect at the time of the transactions.

D. Bought and sold or participated in exportations from the United States of America, knowing that with respect thereto a violation of the U. S. Export Control Law was about to occur, in violation of § 381.4 of the export control regulations in effect at the time of the transactions.

In his report the Compliance Commissioner said,

The violations herein were deliberate and followed a previous similar violation which had resulted in the receipt by respondents of clear and definite information that such conduct was in violation of United States export control laws and regulations. The commodities involved were of strategic nature and they were transshipped to an Iron Curtain country destination. Moreover, Van der Zanden, by his own written assertion, is in business for "commerce and not politics" and, in the letter in which he made that statement, invited offers of antibiotics for destinations other than Belgium, "for consumption in certain countries which" he preferred not to name and for which he knew an end-use statement was required, which he could not furnish.

It is, therefore, my recommendation that the respondents, and each of them, be denied export privileges so long as export controls are in effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. Henceforth, and for the duration of export controls, the respondents, Compadimex, S. P. R. L., Compadimex, S. A., Hendrik Frans Van der Zanden and Rene de Metz, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with the respondents, or (c) do any of the foregoing acts with respect to any commodity or exportation in which the respondents may have any interest of any kind or nature, direct or indirect.

Dated: October 30, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 56–8884; Filed, Nov. 1, 1956; 8:45 a. m.]

Office of the Secretary

TRANS-INTERNATIONAL FORWARDERS, INC.

APPEALS BOARD DECISION

In the matter of Trans-International Forwarders, Inc., 82 Beaver Street, New York 5, New York; Appeals Board Docket No. FC–38, B. F. C. Case No. 219.

This appeal is from an order of the Director of the Office of Export Supply, Bureau of Foreign Commerce, dated October 4, 1956, revoking export licenses and denying export privileges of the appellant. (FEDERAL REGISTER, Volume 21, page 7699, published October 9, 1956.)

The order denied appellant, a freight forwarding company, export privileges for two months commencing November 3, 1956, but provided automatic restoration of these privileges on November 17, 1956, conditioned upon appellant's compliance with the order and the export control law and regulations during the entire two-month period. In effect, therefore, the suspension is for eleven days, excluding Sundays and holidays.

Appellant, does not dispute the findings of fact or the legal basis supporting the order, but appeals solely on the ground that the period of suspension would cause an unjustifiable hardship.

Appeals Board review of the record shows that appellant, as forwarding agent for an American exporter, between the latter part of 1954 and the early part of 1955, negligently failed to place destination control notices on several bills of lading covering large shipments of boron materials licensed by the Bureau of Foreign Commerce for export to a consignee in West Germany who illegally transshipped the materials to Poland and Hong Kong. There was further transshipment to Communist China.

There is no claim or evidence that appellant participated in or even knew of the transshipments.

Appellant admittedly had been in business since 1951 and had established careless office procedures which led to the omission of the required destination control notice from the bills of lading in both these and many other instances during that time. Appellant claims that these procedures now have been corrected.

The Board notes, however, that the export control regulation requiring freight forwarders to place the destination control notice on bills of lading which they prepare for shipments of strategic commodities has been in effect since January 1951, has been widely publicized by the Bureau and the trade, and has the important purpose of deterring illegal transshipments of such American commodities. Also, the important public responsibilities of freight forwarders in export trade to aid compliance with the Export Control Act and regulations have existed and been recognized since 1948.

The Board has considered the evidence bearing on the nature and volume of appellant's business and the probable effects of the order thereon.

In view of the record, the Board finds that although appellant's offenses were not wilfully committed, they were serious and the denial of export privileges imposed by the Bureau is fair and just.

Therefore, it is ordered, That: The appeal be and hereby is denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

OCTOBER 26, 1956.

[F. R. Doc. 56-8885; Filed, Nov. 1, 1956; 8:46 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

EDWIN R. CHAPPELL

INFORMATION AS TO FINANCIAL INTEREST OF EMPLOYEE

In accordance with section 302 (c) of Executive Order 10647 dated November 28, 1955, I state that there has been no change in my financial interests as published in the FEDERAL REGISTER on April 27, 1956, (21 F. R. 2731).

Signed at Washington, D. C., this 30th day of October 1956.

EDWIN R. CHAPPELL,
Special Assistant to the Secretary.

[F. R. Doc. 56-8895; Filed, Nov. 1, 1956; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7480 et al.]

LIMA-DETROIT SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned for November 27, 1956, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 29, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8904; Filed, Nov. 1, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3522]

NEW JERSEY POWER & LIGHT CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING PROPOSED ISSUE AND SALE OF SHORT-TERM NOTES AND CAPITAL CONTRIBUTION BY PARENT

OCTOBER 29, 1956.

Notice is hereby given that New Jersey Power & Light Company ("NJP&L"), a public utility, and its parent General Public Utilities Corporation ("GPU"), a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal by NJP&L to issue and sell to banks short-term notes, and a proposal by GPU to make a cash capital contribution to NJP&L. Applicants-declarants designate sections 6 (b) and 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

NJP&L has outstanding $1,990,000 principal amount of short-term notes issued pursuant to the provisions of the first sentence of section 6 (b). NJP&L proposes to issue and sell, from time to time on or before June 30, 1957, to banks, unsecured short-term notes in an aggregate principal amount which, together with the $1,990,000 principal amount of short-term notes outstanding, will not exceed an aggregate of $4,800,000. The notes will bear interest at the prime rate for commercial borrowings in New York City on the respective dates of issuance, and will mature not more than nine months, exclusive of days of grace, from the dates of issuance. The proceeds from the proposed borrowings will be used to pay, in part, the cost of the company's current construction program, to pay at maturity its presently outstanding short-term notes, and to reimburse, in part, its treasury for construction expenditures made therefrom.

No definite arrangements have been negotiated with banks; but it is expected that the borrowings will be made from the following banks:

The National Union Bank, Dover, N. J.
Dover Trust Company, Dover, N. J.
The Morristown Trust Company, Morristown, N. J.
The First National Iron Bank of Morristown, Morristown, N. J.
Fidelity Union Trust Company, Newark, N. J.
The Chase Manhattan Bank, New York, N. Y.

NJP&L proposes to pay the unsecured short-term notes for the issuance of which authority is sought out of the proceeds of a long-term financing which it contemplates effecting during 1957, the exact timing and nature of which will depend on NJP&L's construction requirements, securities market conditions, and other factors.

GPU proposes, from time to time but not later than December 31, 1956, to make one or more cash capital contributions to NJP&L aggregating not to exceed $1,800,000. NJP&L proposes to credit each such capital contribution to its capital surplus account upon receipt thereof, and promptly thereafter to transfer such amount to the stated capital applicable to its no par value common stock. NJP&L will use the proceeds of the cash capital contributions to reimburse, in part, its treasury for construction expenditures made prior to January 1, 1956.

The application-declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 13, 1956, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant and permit to become effective the application-declaration, as filed or as it may be amended, pursuant to the provisions of Rule U-23 promulgated under the act, or the Commission may grant exemption from its Rules as provided by Rules U-20 (a) and U-100 thereof, or take such action as may be deemed appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-8890; Filed, Nov. 1, 1956; 8:47 a. m.]

[File No. 70-3513]

OHIO VALLEY ELECTRIC CORP. ET AL.

ORDER AUTHORIZING ISSUANCE AND ACQUISITION OF SUBORDINATED NOTES, ALTERATION OF RIGHTS AND PREPAYMENT OF PORTION OF OTHER OUTSTANDING NOTES

OCTOBER 29, 1956.

In the matter of Ohio Valley Electric Corporation, American Gas and Electric Company, The West Penn Electric Company, Ohio Edison Company, File No. 70-3513.

Ohio Valley Electric Corporation ("OVEC"), an exempt holding company and a public utility company, and its parent registered holding companies, American Gas and Electric Company, The West Penn Electric Company, and Ohio Edison Company, have filed a joint application-declaration and an amendment thereto pursuant to sections 6 (a) (2), 6 (b), 7 (e), 10, 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-43 promulgated thereunder regarding certain proposed transactions, which are summarized below:

Through the consummation of various proposals, incident to the organization and financing of the capital requirements of OVEC, heretofore authorized by the Commission (Holding Company Act Release Nos. 11578, 12077, 12752 and 12909) OVEC issued and now has outstanding the following securities:

First mortgage bonds, 3¾ percent, due 1982	$304,946,000
Bank notes, 3⅝ percent, due 1967	45,611,170
Interim notes (demand)	10,000,000
Common stock, $100 par	10,000,000
Total	370,557,170

OVEC's debt securities are held by institutional investors including several banks, and the common stock is held by certain holding and public utility companies ("Participating Companies"), including the above-named registered holding companies.

OVEC also obtained authority to issue and sell to the Participating Companies not in excess of $8,000,000 of Subordinated Notes which are subordinate to all of OVEC's other debt securities. The proceeds derived from the sale of the Subordinated Notes, none of which has been issued, together with other funds are to be applied to certain serial prepayments of OVEC's outstanding Bank Notes which are subject to semi-annual payments, in varying amounts fixed by formula, to commence on January 1, 1957. In this connection the Participating Companies are obligated to supply OVEC with a total of $400,000 on January 1, 1957, and $400,000 on each July 1 and January 1 thereafter up to and including July 1, 1966 (an aggregate of $8,000,000), such advances to be evidenced by Subordinated Notes of OVEC.

According to the present filing full scale operation of the facilities of OVEC commenced on March 13, 1956, several months in advance of the date originally contemplated, as the result of which OVEC had an earned surplus at June 30, 1956, of $1,102,222 that will not be required to be dedicated by OVEC or the Participating Companies to any specified purpose; it being anticipated that the initial obligation of $400,000 of the Participating Companies can be met with earnings of OVEC accruing during the six months period July 1 to December 31, 1956.

OVEC and the Participating Companies now propose to make an optional prepayment of Bank Notes and reduce the balance remaining at the maturity of that issue, the result of which will be to increase the Participating Companies' ultimate investment in OVEC, as evidenced by Subordinated Notes, to $9,102,000 from the originally authorized $8,000,000, and to reduce the bank-held notes by an amount equal to such proposed additional investment.

The holders of the Bank Notes have consented to waive the premium which would otherwise be payable under the optional prepayment privilege and have waived a provision requiring that prepayments be made only in multiples of $1,500,000.

To effectuate this program OVEC and the Participating Companies now propose the following transactions:

(i) OVEC will pay a cash dividend of $1,102,222 on its common stock, such amount being equal to its earned surplus as at June 30, 1956;

(ii) OVEC will issue and sell to the Participating Companies $1,102,000 principal amount of Subordinated Notes; and

(iii) OVEC will use the proceeds from such sale to prepay a like principal amount of its outstanding Bank Notes.

The Subordinated Notes will mature July 1, 1968, and will bear interest at the rate of 3⅝ percent per annum, subject to increase under certain circumstances to a rate not exceeding 4 percent. These terms are among those heretofore authorized by the Commission.

The record being incomplete with respect to the fees and expenses incurred, or to be incurred, and paid in connection with the proposed transactions our order herein will reserve jurisdiction over the payment of such fees and expenses.

The transactions proposed by OVEC have been expressly approved by The Public Utilities Commission of Ohio and it is represented that no other State Commission and no Federal regulatory agency other than this Commission has jurisdiction over any of the transactions proposed by the applicants-declarants herein.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that on adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith, subject to a reservation of jurisdiction in respect of the payment of fees and expenses:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject to the further condition that jurisdiction be, and the same hereby is, reserved in respect of the fees and expenses to be paid in connection with the proposed transactions.

It is further ordered, That the conditions and reservations of jurisdiction heretofore set forth in this Commission's orders issued on November 7, 1952 and July 27, 1953 in respect of prior acquisitions of securities of OVEC (Holding Company Act Release Nos. 11578 and 12077) are equally applicable to the proposed acquisition of subordinated notes of OVEC herein concerned.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-8891; Filed, Nov. 1, 1956; 8:47 a. m.]

[File No. 1-1493]

HUNT FOODS, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 29, 1956.

In the matter of Hunt Foods, Inc., Common Stock; File No. 1-1493.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

As the result of an exchange offer by Ohio Match Company which expired on August 15, 1956, there remained outstanding only 6,523½ shares in the names of 175 holders of record according to advices dated August 20, 1956, from the issuer. In the opinion of the applicant, further dealings therein on the Exchange are inadvisable and the stock was suspended from dealings thereon before the opening of the trading session on September 4, 1956.

Upon receipt of a request, on or before November 14, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the

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position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8889; Filed, Nov. 1, 1956; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

DIRECTOR, U. S. INFORMATION AGENCY

DELEGATION OF AUTHORITY TO NEGOTIATE FOR SERVICES OF ARCHITECTURAL AND ENGINEERING FIRMS; EXPANSION OF OVERSEAS RADIO FACILITIES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for the period ending June 30, 1957 to the Director of the United States Information Agency, to negotiate, without advertising, under section 302 (c) (4) of the act, contracts for the services of architectural and engineering firms in connection with the expansion of overseas radio facilities of the International Broadcasting Service authorized by the United States Information and Education Exchange Act of 1948 (62 Stat. 6; 22 U. S. C. 1431), and Reorganization Plan 8 dated August 1, 1953 (18 F. R. 4542).

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or employee of the United States Information Agency.

4. This delegation shall be effective as of the date hereof.

Dated: October 26, 1956.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 56-8892; Filed, Nov. 1, 1956; 8:47 a. m.]

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

FEDERAL MEDIATION AND CONCILIATION SERVICE

Effective upon publication in the FEDERAL REGISTER, paragraph (f) is added to § 6.346 as set out below.

§ 6.346 *Federal Mediation and Conciliation Service.* * * *

(f) One Special Representative.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-8930; Filed, Nov. 2, 1956; 8:50 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.302]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective as of the beginning of the first pay period following November 3, 1956:

1. Paragraph (a) is amended by the deletion of the following:

Cuddalore, India.

2. Paragraph (b) is amended by the deletion of the following:

Ecuador, all posts except Guayaquil, Pichilingue, Quevedo and Quito.
India, all posts except Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Cuddalore, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Simla, Trivandrum and Vellore.

3. Paragraph (a) is amended by the addition of the following:

Daule, Ecuador.

4. Paragraph (b) is amended by the addition of the following:

Ecuador, all posts except Daule, Guayaquil, Pichilingue, Quevedo and Quito.
India, all posts except Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Simla, Trivandrum and Vellore.

(Sec. 102, Part I, E. O. 10,000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

Dated: October 26, 1956.

For the Secretary of State.

I. W. CARPENTER, Jr., *Assistant Secretary-Controller.*

[F. R. Doc. 56-8926; Filed, Nov. 2, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 31]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

ENGINE POWER CALIBRATION

The following new § 4b.110–2 sets forth CAA policies relating to the procedures and methods to be used as a guide for conducting engine power calibration during type certification tests and establishing a calibrated power curve to be applied to the performance evaluation of transport category aircraft.

A new § 4b.110–2 is added to read as follows:

§ 4b.110–2 *Engine power calibration (CAA policies which apply to § 4b.110).* The performance of an airplane established in accordance with the requirements of §§ 4b.110 through 4b.125 and shown in the performance section of the Airplane Flight Manual should be reproducible by any airplane of a similar model having engines that deliver no more than 100 percent certificated rated power. This means that the power used to drive all accessories, other than those necessary to the functioning of the engine, should be deducted from the certificated rated or installed engine power, whichever is less. To assist in meeting these objectives, the engine power of all new type airplanes as defined by § 4b.11 (e) should be calibrated in accordance with paragraphs (a) through (c) of this section.

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Civil Aeronautics Board
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FEDERAL REGISTER

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(a) *Corrections to the calibrated power for engines producing power above the certificated ratings.* (1) The applicant should provide engine power output data obtained from dynamometer tests, or the equivalent thereof for all engines that are installed in the airplane which will be used in the power calibration flight tests. The data should be sufficiently complete to allow a direct comparison with the approved certificated ratings of the engines.

(2) If the dynamometer calibration data for any engine selected for the in-flight power calibration in accordance with the provisions of paragraph (b) of this section indicate that the power (based on standard atmospheric conditions for the engine) is higher than the certificated rating for the engine model, the calibrated power curve established as a result of flight tests in paragraphs (b) and (c) of this section should be corrected by applying the following power reduction: 100 percent of the power increment between the dynamometer calibration and the certificated engine rating at sea level, and 47 percent of the sea level power increment applied at an altitude of 20,000 feet with a lineal variation between these two points throughout the operating altitude range of the airplane. If the calibrated power curve established as a result of the flight tests represents an average power for more than one engine, it should be corrected by applying a power reduction equivalent to the average power difference between the dynamometer and the rated power for all engines used in the flight calibration tests. The application of other correction methods and values that will adjust the power data on the basis of the certificated rating of the engine throughout the operating altitude range of the airplane are acceptable if they can be substantiated.

(b) *Selection of engines for power calibration in flight.* With the exception of the critical inoperative engine, the number of engines which will be used as a basis for power calibration is left to the option of the applicant. However, the procedure specified in this paragraph should be followed to determine which engine(s) should be selected for establishing the basic calibrated power curve.

(1) The installed power of all engines should be compared in flight by means of calibrated torquemeters or other equivalent methods. If a calibrated power curve is to be established on the basis that all engine driven accessories will be in operation during flight, the comparison should be made under full accessory load conditions. If a separate calibrated power curve is to be established for application to those test configurations where certain accessories will not be in operation, the power of all engines may be compared when these accessories are in the appropriate idling or off position. In this case it will be necessary to provide data, indicating accessory load requirements for those flight configurations and the particular engine(s) from which the power is obtained.

(2) For two-engine aircraft it is only necessary to calibrate the engine which produces the lesser power determined by comparing the results of the torquemeter indications in accordance with subparagraph (1) of this paragraph for the most critical accessory load condition and taking into consideration the appropriate power reduction when the engine dynamometer test output is above the rated power for the engine. All performance data scheduled in the Airplane Flight Manual should be based on the calibrated power curve established for this engine. If the applicant desires to calibrate the power of both engines, only the all engine operating performance data should be based on a curve representing the average power for the two engines.

(3) When the applicant desires to calibrate the power of one engine for aircraft having more than two engines, the engine selected should be that which delivers the lowest power, determined by comparing the results similarly as in the case of the two-engine aircraft in subparagraph (2) of this paragraph. All performance data scheduled in the Airplane Flight Manual should be based on the calibrated power curve established for this engine. If the applicant desires to calibrate the power of two engines, the calibrated power curve should be based on values representing an average of the two engines delivering the lowest power.

(4) The procedure in subparagraph (3) of this paragraph should be followed if the applicant desires to calibrate the power of more than two engines, however, the Airplane Flight Manual performance data should be based upon an average calibrated power curve which has been derived from not more than the actual number of engines in operation corresponding to the test configuration for which performance is established. This procedure is not necessary, for example, in the case where the average power curve for two and three engines is substantially equal. However, the third engine may be calibrated to obtain additional data which will permit a more accurate fairing of the calibrated power curve.

(5) If the results of the flight tests indicate that the power of any engine selected in accordance with the provisions of this paragraph exceeds rated power after the application of the dynamometer correction specified in paragraph (a) of this section, the calibrated power curve for application to performance testing should be based upon not more than certificated rated power of the engine with the power to drive the accessories deducted.

(c) *Flight test procedure for calibrating engine power.* The engine calibration flight tests should be conducted in accordance with the provisions specified in this paragraph.

(1) The critical altitudes of the engine should be established for takeoff power and maximum continuous power providing these critical altitudes lie below the highest operating altitude desired for certification. Critical altitudes need not be determined above the maximum operating altitude of the airplane.

(2) For engine installations specifically designed to indicate power by means of torquemeters, the engine power calibration tests as well as all performance tests which are affected by power should be obtained with calibrated torquemeters.

(3) All engine adjustments such as ignition timing, valve clearances, air-fuel ratios, fuel flow rates, antidetonant injection flow rates, etc., should be maintained within approved limits for the engine. If any permanent changes are made to the engine or powerplant installation during the type certification tests, and such changes result in an engine power output less than that established in the calibrated power data, then all performance data should be corrected to this lower power.

(4) The engine power calibration tests should be conducted in an atmosphere which is free of any visible moisture.

(5) The engine power calibration tests should be conducted in the configurations that follow:

(i) *Takeoff power.*

Weight—maximum takeoff.
C. G. position—optional.
Wing flaps—takeoff position.
Landing gear—retracted.
Operating engine(s)—takeoff r. p. m. and manifold pressure or full throttle, mixture setting at normal position for takeoff power, carburetor air heat control at cold and cowl flaps in takeoff position (see § 4b.118–1 (d) (1)).
Critical inoperative engine—throttle closed on highest powered engine, propeller windmilling in takeoff pitch (may be feathered if automatic feathering device is installed), mixture setting at idle cut-off and cowl flaps in takeoff position (see § 4b.118–1 (d) (1)).

(ii) *Maximum continuous power.*

Weight—maximum takeoff.
C. G. position—optional.
Wing flaps—en route position.
Landing gear—retracted.
Operating engine(s)—maximum continuous r. p. m. and manifold pressure or full throttle, mixture setting at normal position, carburetor air heat control at cold and cowl flaps at CAA hot day cooling position.
Critical inoperative engine—throttle closed on highest powered engine, propeller feathered and cowl flaps in minimum drag position.

(6) *Test procedure and required data.* The engine power calibration tests should be conducted in a climbing attitude at the takeoff safety speed, V_2, with the use of takeoff power and at the en route climb speed with the use of maximum continuous power. The climbs should be started at the lowest practicable altitude and cover the altitude range desired for certification. During these tests the engine(s) should be operated within the approved limits for r. p. m., manifold pressures, temperatures, etc. The following data should be recorded

at reasonable time intervals for each power condition:

Pressure altitude.
Ambient air temperature.
Humidity.
Indicated airspeed.
Engine(s), r. p. m. and manifold pressure.
Torque pressure.
Cylinder head temperatures.
Carburetor air temperature.
Fuel flow rate.
Antidetonant injection flow rate.

In addition, a record should be made of the following items:

Fuel grade.
Wing flap position.
Landing gear position.
Cowl flap position.
Mixture setting.
Blower setting.
Accessory power loads and distribution.

(d) *Engine power checks.* A suitable means should be established by which engine power may be compared after overhauls with the original calibrated power data obtained as a result of the type certification tests.

This supplement shall become effective November 30, 1956.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8908; Filed, Nov. 2, 1956; 8:45 a. m.]

[Supp. 41]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EN ROUTE LIMITATIONS ON CERTAIN MULTIENGINE AIRCRAFT

The purpose of this supplement is (1) to establish en route limitations for the Cessna Model 310 and DeHavilland Dove Series 1A, 2A, 5A, and 6A; and (2) to delete the aircraft designations in the introductory paragraph of § 42.80-6 so that en route limitations may be added or changed without affecting the introductory paragraph.

The proposed rules were published on August 14, 1956, in 21 F. R. 6071-6072. All interested persons have been afforded an opportunity to submit written views, data or argument.

The introductory paragraph of § 42.80-6 is amended and the en route limitations for the Cessna Model 310 and DeHavilland Dove Series 1A, 2A, 5A, and 6A are established, by tables and charts, as follows:

§ 42.80-6 *En route limitations on multiengine aircraft with maximum allowable takeoff weight below 12,500 pounds (CAA rules which apply to § 42.80).* The following en route limitations data shall be used in determining compliance with § 42.80. These data are presented in tabular and graphic form by aircraft make and model. En route performance data on other aircraft weighing less than 12,500 pounds and operated under § 42.16 will be made available upon application to the Administrator.

TABLE 1—EN ROUTE LIMITATIONS

• • • • •

CESSNA MODEL 310—WITH ORIGINAL PROPELLER DIAMETER LIMITS OF 82 INCHES TO 84 INCHES

Weight in pounds	Terrain clearance [1] in feet and climb speed in m. p. h. (TIAS)	
	Feet	Miles per hour
4,600	6,300	102.0
4,500	6,900	101.8
4,250	8,250	101.4
4,000	9,600	101.0
3,750	10,950	100.6

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

NOTE: Inoperative propeller feathered.

DE HAVILLAND DOVE SERIES

Weight in pounds	Terrain clearance [1] in feet and climb speed in m. p. h. (TIAS)		
	M. p. h.	Feet	
		1A and 2A series	5A and 6A series
8,800	110	--------	5,600
8,500	108	6,600	6,600
8,000	105	8,300	8,300
7,500	102	9,900	9,900

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

NOTE: Inoperative propeller feathered.

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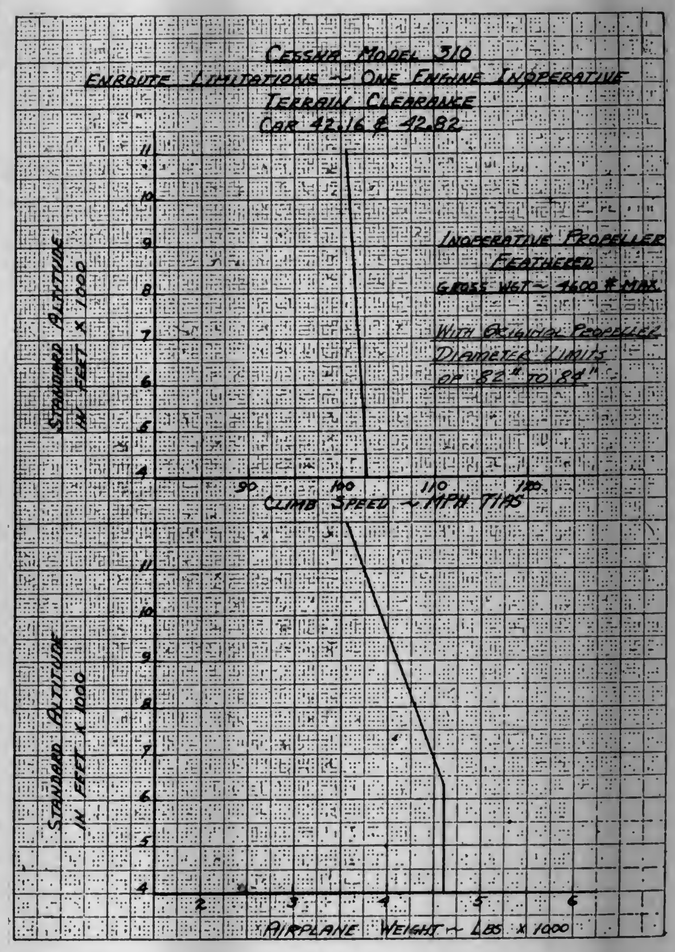

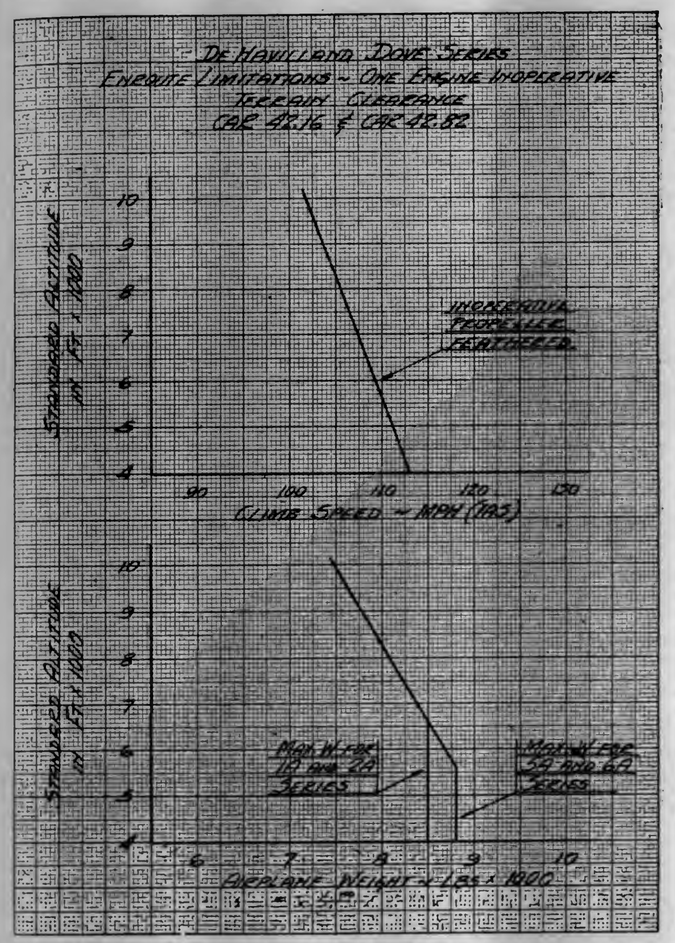

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, as amended, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective December 1, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8909; Filed, Nov. 2, 1956; 8:45 a. m.]

Subchapter B—Economic Regulations

[Reg. ER-212]

PART 224—ACCESS TO AIRCRAFT FOR SAFETY PURPOSES; FREE TRANSPORTATION FOR CERTAIN CAA EMPLOYEES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of August 1956.

Part 224 of the Economic Regulations presently requires air carriers to furnish access, during flight, to authorized personnel of the Board and the Civil Aeronautics Administration performing in-flight inspection duties and also requires air carriers to provide free transportation to certain personnel of the Civil Aeronautics Administration traveling in order to increase their familiarity with air traffic control and communication procedures. As presently drafted, Part 224 requires employees of each of these agencies seeking such access or free transportation to present appropriate requests therefor on individual forms prescribed by the agencies concerned. Part 233 of the Economic Regulations, which implements the provisions of section 405 (m) of the Civil Aeronautics Act by requesting air carriers to furnish free transportation to specified classes of Post Office Department employees, similarly empowers that agency to devise an appropriate form for use when requesting such transportation.

Various airlines have indicated to the Hoover Commission Task Force on Paper Management that they would prefer the use of a standard form by all the agencies in connection with such requests for access and free transportation. After studying the matter, the Bureau of the Budget has requested the Board to amend its Economic Regulations by prescribing a uniform procedure for the processing of such requests and by standardizing, to the maximum feasible extent, the governmental forms used in making such requests. The staff of the Board has consulted with all interested government agencies and ascertained that there is no objection to such action by any such body and also that it appears that such standardization would tend to minimize the paper work burden imposed upon air carriers complying with such governmental requests. By concurrent action, the Board has this date adopted a revised Part 233 to complement the instant revision.[1]

All of the amendments effectuated by this revision will serve to reduce the burden of complying with the present provisions of this rule and the carriers and governmental agencies affected by such amendments favor the granting of this relief. Other persons are not directly concerned with these rules; and because of the minimal nature of these changes, they are of little or no importance to the traveling public. For these reasons, the Board finds that notice and public procedures in connection with this revision are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 224 of the Economic Regulations (14 CFR Chapter 1) effective February 1, 1957, to read as follows:

Sec.
224.1 Safety inspectors.
224.2 Traffic control and communications personnel.
224.3 Requests for access to aircraft and free transportation.
224.4 Issuance of credentials and transportation request forms by the Civil Aeronautics administration.

AUTHORITY: §§ 224.1 to 224.4 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 403, 404, 601-610, 52 Stat. 992, as amended, 993, as amended, 1007-1002, as amended; 49 U. S. C. 483, 484, 551-560.

§ 224.1 *Safety inspectors.* Every air carrier shall carry, without charge, on any aircraft which it operates any duly authorized official or employee of the Board or of the Civil Aeronautics Administration who has been assigned to the duty of inspecting during flight such aircraft, its engines, propellers, appliances, route facilities, operational procedures or airman competency.

§ 224.2 *Traffic control and communications personnel.* Any air carrier may carry without charge on any aircraft which it operates any traffic controller or aircraft communicator of the Civil Aeronautics Administration (including supervising officers of such persons) for the purpose of more fully and adequately acquainting such persons with the problems affecting air traffic control and

[1] See F. R. Doc. 56-8950, *infra*.

ministrator.

communications: *Provided, however,* That the request for the free carriage hereby authorized shall not be made for the same individual upon any one air carrier more than once (round trips being regarded as one trip for this purpose) in each calendar year unless such request of the carrier is accompanied by a statement in writing by the Administrator of the Civil Aeronautics Administration or any person he may designate, setting forth the information required below, in which case it may be performed to the extent so requested. The requests referred to in this part shall set forth:

(a) The name or names of the persons to be carried, and

(b) A statement that such carriage will be for the sole purpose of indoctrinating and training such personnel in air traffic control and communications procedures and is necessary for the sound development of such control and procedures, and

(c) For each person named, the number of trips and the points between which or particular type of aircraft on which carriage is desired.

§ 224.3 *Requests for access to aircraft and free transportation.* Such access to aircraft and free air transportation shall be granted, to persons eligible under the provisions of this part, upon:

(a) Presentation to the appropriate agents of the air carrier of a certificate certifying the person presenting it as being entitled to such access or free air transportation signed by the Secretary of the Civil Aeronautics Board, or by the Administrator of the Civil Aeronautics Administration or any person he may designate, and signed also by the person presenting it; and

(b) Delivery to the appropriate agents of the air carrier in duplicate, of a "Request for Access to Aircraft or Free Transportation" on U. S. Government Standard Form No. 160, stating that the user thereof desires access to, or free air transportation upon, a certain aircraft of the air carrier from a named point of departure on a designated date and hour to a named destination.

(c) The air carrier shall insert the tariff value of the transportation to be furnished on each "Request for Access to Aircraft or Free Transportation," shall retain one copy of each such request, and on or before the 10th day of each month each air carrier shall forward one copy of all such requests received by it during the second preceding calendar month to the Secretary of the Civil Aeronautics Board, Washington 25, D. C.

§ 224.4 *Issuance of credentials and transportation request forms by the Civil Aeronautics Administration.* With regard to access to aircraft and free air travel by the persons described in §§ 224.1 and 224.2 the Civil Aeronautics Administration shall be responsible for: (a) The issuance of proper credentials for its eligible personnel and (b) the authorization of travel by such persons, subject to such rules and regulations as it may prescribe.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-8949; Filed, Nov. 2, 1956; 8:53 a. m.]

[Reg. ER-213]

PART 233—TRANSPORTATION OF MAIL: FREE TRAVEL FOR POSTAL EMPLOYEES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of August 1956.

Part 233 of the Economic Regulations, which implements the provisions of section 405 (m) of the Civil Aeronautics Act by requesting air carriers to furnish free transportation to specified classes of Post Office Department employees and such additional agents or officers as may be designated by the Postmaster General, empowers that agency to devise an appropriate form for use when requesting such transportation. In the same manner, Part 224 of the Economic Regulations authorizes the Civil Aeronautics Administration to prescribe its own form for use in making such transportation requests in connection with certain personnel seeking access to aircraft during flight and an additional class of personnel seeking free air transportation in order to study air traffic control and communication procedures. The Board has, in the past, also utilized a separate form and procedure in requesting such transportation.

Various airlines have indicated to the Hoover Commission Task Force on Paper Management that they would prefer the use of a standard form by all the agencies in connection with such requests for access and free transportation. After studying the matter, the Bureau of the Budget has requested the Board to amend its Economic Regulations by prescribing a uniform procedure for the processing of such requests and by standardizing to the maximum feasible extent, the governmental forms used in making such requests. The staff of the Board has consulted with all interested government agencies and ascertained that there is no objection to such action by any such body and also that it appears that such standardization would tend to minimize the paper work burden imposed upon air carriers complying with such governmental requests. By concurrent action, the Board has this date adopted a revised Part 224 to complement the instant revision.[1]

All of the amendments effectuated by this revision will serve to reduce the burden of complying with the presesnt provisions of this rule and the carriers and governmental agencies affected by such amendments favor the granting of this relief. Other persons are not directly concerned with these rules; and because of the minimal nature of these changes, they are of little or no importance to the traveling public. For these reasons, the Board finds that notice and public procedures in connection with this revision are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 233 of the Economic Regulations (14 CFR Chapter 1) effective February 1, 1957, to read as follows:

Sec.
233.1 Postal employees to be carried free.
233.2 Credentials and requests for free carriage.
233.3 Requests to be filed.
233.4 Issuance of credentials and transportation request forms by Post Office Department.

AUTHORITY: §§ 233.1 to 233.4 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485.

§ 233.1 *Postal employees to be carried free.* Every air carrier transporting the mails shall carry, on any flight that it operates and without charge therefor, the persons in charge of mails when on duty, and the following officers, agents and inspectors of the Post Office Department, when such persons are traveling on official business relating to the transportation of mail by aircraft and are duly accredited as provided in this part:

(a) The Postmaster General.

(b) The Deputy Postmaster General; the Assistant Postmaster General—Transportation; the Assistant Postmaster General—Operations; the Assistant Postmaster General—Facilities; the Assistant Postmaster General—Finance; and the Assistant Postmaster General—Personnel.

(c) The Executive Assistant to the Postmaster General; the Special Assistant to the Postmaster General; the Confidential Assistant to the Postmaster General; the Technical Assistant to the Assistant Postmaster General—Transportation; and the Confidential Assistant to the Assistant Postmaster General—Transportation.

(d) The Chief Post Office Inspector; the Assistant Chief Post Office Inspector; the Solicitor and the Associate Solicitors of the Post Office Department.

(e) The following officers and agents of the Bureau of Transportation, viz.: the Executive Director; the Director, Budget and Accounts; the Director and the Assistant Director, Division of Air Service; the Administrative Officers, Division of Air Service; the Director and Assistant Director, Division of International Service; the Director, Division of Employee Relations; the Regional Directors, Air Service; the General Superintendents, Postal Transportation Service; the District Superintendent and the Assistant District Superintendent, 13th Division (Alaska), Postal Transportation Service.

(f) The Executive Director and the Assistant Executive Director, Bureau of Post Office Operations; the Director, Division of Real Estate, Bureau of Facilities.

(g) Any inspector of the Post Office Department.

(h) Any additional agent or officer of the Post Office Department designated by the Postmaster General.

[1] See F. R. Doc. 56-8949, *supra.*

§ 233.2 *Credentials and requests for free carriage.* (a) Any person described in § 233.1 (a) to (f) shall be deemed to be duly accredited upon presentation to an air carrier of a certificate of the Postmaster General that the bearer is one of the persons so described and is entitled to free air transportation when traveling on official business relating to the transportation of mail by aircraft, and bearing the signature of the person so described.

(b) Any person described in § 233.1 (g) and (h) shall be deemed to be duly accredited upon presentation of proper credentials evidencing that he is an inspector, officer, employee, or agent of the Post Office Department, and upon presentation of a "Request for Access to Aircraft or Free Transportation" on U. S. Government Standard Form No. 160, executed in duplicate, stating (1) the points from and to which the person desires free air transportation, and (2) the official position of such traveler and that such travel is on official business relating to the transportation of mail aircraft.

§ 233.3 *Requests to be filed.* Each air carrier shall insert the tariff value of the transportation to be furnished on each "Request for Access to Aircraft or Free Transportation", shall retain one copy of such request, and on or before the 10th day of each month shall forward one copy of all such requests accepted by it during the second preceding calendar month to the Secretary of the Civil Aeronautics Board, Washington 25, D. C.

§ 233.4 *Issuance of credentials and transportation request forms by Post Office Department.* With regard to free air travel by the persons described in § 233.1, the Postmaster General shall be responsible for: (a) The issuance of proper credentials for its eligible personnel and (b) the authorization of travel by such persons, subject to such rules and regulations as he may prescribe.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-8950; Filed, Nov. 2, 1956; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREAS FOR 1957

Correction

In Federal Register Document 56-8712, published at page 8227 of the issue for Saturday, October 27, 1956, the following change should be made in the list of counties under the heading "Kansas" in § 721.802:

The first 23 counties in the list (Anderson through Washington) should remain under the heading "Kansas". The balance of the counties (Allen through Webster) should be carried under the heading "Kentucky".

[1023-Allotments-(Maryland Tobacco-57)-1]

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1957-58 MARKETING YEAR

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311-15) and is made for the purpose of amending § 727.816, paragraph (a), relating to determination of 1957 preliminary farm acreage allotments. Since Maryland tobacco growers will soon be making 1957 farming plans and cannot complete such plans until they are informed as to the 1957 tobacco acreage allotments for their farms, it is imperative that such allotments be determined as soon as possible. Therefore, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impractical and contrary to the public interest, and this amendment shall be effective upon the date of filing with the Director, Division of the Federal Register.

Section 727.816, paragraph (a), of the Maryland tobacco marketing quota regulations, 1957-58 Marketing Year (21 F. R. 6882) is amended to read:

(a) If the harvested acreage (as that term is explained in paragraph (b) of this section) of tobacco on the farm in each of the three years 1954-56 was less than 75 percent of the farm acreage allotment for each of such respective years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1952-56: *Provided,* That any 1957 preliminary allotment shall not exceed the 1956 farm acreage allotment or be less than 0.01 acre.

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interprets or applies Sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 30th day of October 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. L. PETERSON,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8945; Filed, Nov. 2, 1956; 8:52 a. m.]

PART 730—RICE

SUBPART—REGULATIONS FOR ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1957 CROP OF RICE

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AUTHORITY: §§ 730.810 to 730.834 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 353, 363, 52 Stat. 38, 61, 63, as amended, 70 Stat. 188; 7 U. S. C. 1301, 1353, 1363.

GENERAL

§ 730.810 *Basis and Purpose.* The regulations contained in §§ 730.810 to 730.834 inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm acreage allotments for the 1957 crop of rice. The purpose of the regulations in this subpart is to provide the procedure for apportioning in the States of California, Florida, North Carolina, Tennessee, and Texas, the 1957 State rice acreage allotments among rice producers in the State, and, in the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma, and South Carolina, in which the respective State committees have recommended that the State acreage allotments be apportioned on the basis of the past production of rice on farms and the acreage allotments previously established for farms in lieu of the past production of rice by producers and acreage allotments previously established for producers and for which the Secretary

has determined that such action would facilitate the effective administration of the act, the 1957 county rice acreage allotments among farms in the county. Prior to preparing the regulations in this subpart, public notice (21 F. R. 7025) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in this subpart which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 730.811 *Definitions.* As used in the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(b) "Secretary" means the Secretary of Agriculture of the United States or the officer of the Department acting in his stead pursuant to delegated authority.

(c) Committees. (1) "Community committee" means the group of persons elected within a community as the community committee pursuant to the regulations governing the selection and function of the Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means a group of persons designated in the State by the Secretary as the Agricultural Stabilization and Conservation county and community committees.

(d) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(e) "Old farm" means a farm on which rice was planted in one or more of the five years 1952 through 1956, including (1) any farm on which rice was planted only in 1955 or 1956 and for which no acreage allotment was determined for such year and (2) any farm on which all or any part of the 1956 farm rice acreage allotment was diverted from the production of rice under the 1956 acreage reserve or conservation reserve program even though there was no acreage actually planted to rice on the farm in 1956.

(f) "New farm" means a farm on which no rice was planted in 1952, 1953, 1954, 1955, or 1956, or was considered planted in 1956 because all or a part of the farm rice acreage allotment was diverted from the production of rice under the 1956 acreage reserve or conservation reserve program, but on which rice will be planted in 1957.

(g) "Producer" means any person engaged in the production of rice as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm; a tenant operating a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop or the proceeds thereof. For purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop or the proceeds thereof.

(h) "Old producer" means (1) a person engaged in the production of rice during one or more of the five years 1952 through 1956, including a person who was engaged in the production of rice in 1955 or 1956 on a farm for which no acreage allotment was determined for such year and (2) any person who in 1956 allocated his preliminary rice acreage allotment to a farm and all or a part of such farm rice acreage allotment was diverted from the production of rice under the 1956 acreage reserve or conservation reserve program.

(i) "New producer" means a person who was not engaged in the production of rice in any of the years 1952, 1953, 1954, 1955 or 1956, and was not considered as being engaged in the production of rice in 1956 by virtue of having an interest in a farm for which all or a part of the farm rice acreage allotment was diverted from the production of rice under the 1956 acreage reserve or conservation reserve program, but who will be engaged in the production of rice in 1957.

(j) "Engaged in the production of rice" means sharing in a predetermined and fixed portion of the rice crop, or the proceeds thereof, at the time of harvest by virtue of having contributed in the capacity of landlord, tenant, or sharecropper, the land, labor, water or equipment necessary for the production of the rice crop. Any person who shares in a rice crop by virtue of an assignment of the crop for furnishing equipment, seed, fertilizer, or supplies (other than irrigation water), or as security for cash or credit advanced or for furnishing labor only for a particular phase of production shall not be determined to be engaged in the production of rice. Any land owner and any producer who holds a lease or rental agreement, provided the land under lease or rental agreement meets the definition of "developed rice land," who requests the allocation of his preliminary rice acreage allotment to a farm for the purpose of (1) diverting an acreage from the production of rice under the acreage reserve or conservation reserve program or (2) requesting the preservation of his rice acreage allotment for history purposes shall be considered to be engaged in the production of rice.

(k) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953, and which was classified as cropland at the time of seeding, but excluding; (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable non-crop open pasture, and (3) any land which constitutes or will constitute if tillage is continued, a wind erosion hazard to the community. Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into under the conservation reserve program by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses under such contract.

(l) "Operator" means the person who, as landlord, or tenant, is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Person" means an individual, partnership, association, corporation, estate, trust or other business enterprise or legal entity and, whenever applicable, a State, a political subdivision of a State, the Federal Government or any agency thereof.

(n) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (1) any acreage of non-irrigated rice of three acres or less, (2) any acreage of sweet, glutenous, or candy rice commonly known as Mochi Comi, (3) any acreage of rice grown for experimental purposes only by or under contract to a publicly-owned agricultural experiment station, (4) any acreage planted to rice under a written contract which was or will be entered into and approved by the county and State committees prior to planting with the Fish and Wildlife Service for wildlife feed which was not or will not be harvested, and (5) any excess rice acreage which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the date established by the county committee with the approval of the State committee so that rice cannot be harvested therefrom.

(o) "Rice history acreage" means: (1) For 1952, 1953, 1954, the rice acreage on the farms; (2) for 1955 the acreage determined for the farm as provided by §§ 730.716 (a) and 730.724 (a) of the 1956 rice acreage allotment regulations issued by the Secretary (21 F. R. 73, 76); and (3) for 1956 the acreage determined for the farm as provided by §§ 730.816 (a) and 730.824 (a).

(p) "Developed rice land" means cropland on which rice has been produced in one or more of the years 1952 through 1956, together with any improved pasture land which is in regular rotation with rice and for which water and other irrigation facilities are readily available for the production of rice in 1957.

(q) "Producer State" means the States of California, Florida, North Carolina, Tennessee, and Texas in which 1957 farm rice acreage allotments are determined on the basis of past production of rice in the State by the producer on the farm and the acreage allotments previously established in the State for the producer.

(r) "Farm State" means the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma, and South Carolina in which 1957 farm rice acreage allotments are determined on the basis of past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for the producer.

§ 730.812 *Extent of calculations and rule of fractions.* All rice acreage allotments and other computations shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 39.051 would be 39.1 and 39.050 would be 39.0.

§ 730.813 *Forms and instructions.* The Director of the Grain Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as may be deemed necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this subpart. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 730.814 *Supervision, review, and approval by State committees.* State committees shall have over-all responsibility for the administration of the regulations herein in their respective States. All acreage allotments shall be reviewed by or on behalf of the State committee and the State committee may revise or require revision of any determination made under the regulations in this subpart. All acreage allotments for rice shall be approved by or on behalf of the State committee and no official notice thereof shall be mailed until such allotment has been approved by or on behalf of the State committee.

FARM ACREAGE ALLOTMENTS BASED ON PAST PRODUCTION OF RICE BY PRODUCERS

§ 730.815 *Report of producer data.* (a) In the producer States, to the extent that such information is not already available to the county committee, each old producer of rice shall furnish the county committee of the county in which the producer will be engaged in the production of rice in 1957 the names, addresses, and acreage shares of other persons having an interest in each rice crop in which the producer shared during the years 1952 through 1956, upon the request of the county committee.

(b) Information not so furnished shall be determined or appraised by the county committees on the basis of records in the county offices, available production and sales records, and other available information.

§ 730.816 *Determination of base acreages for old producers.* In the producer States, the State committee, with the assistance of the county committees, shall determine a base acreage of rice for each old producer, except for a person or irrigation company furnishing water for a share of the crop. This acreage shall be determined on the basis of past production of rice by the producer on farms in the State, taking into consideration the 1955 and 1956 rice acreage allotments established for the producer in the State; abnormal conditions affecting the producer's rice acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The past production of rice of any person or irrigation company furnishing water for a share of the rice crop shall be credited to other producers on the farm in the same proportion as they shared in the remainder of the rice corp. Each such base acreage determined shall be fair and reasonable in relation to the factors above when compared with the base acreages for other producers in the county. This base acreage shall be determined primarily on the basis of the producer's acreage shares of the rice history acreages on farms in the State during the years 1952 through 1956. Prior to determining such base acreages the county committees shall establish for each old producer a historical average acreage of rice and an adjusted average acreage of rice, where applicable, in accordance with paragraphs (a) and (b) of this section:

(a) *Historical average acreage.* The historical average acreage shall be the average of the producer's acreage shares of rice history acreages on farms in the State during the years 1952 through 1956, including in 1955 and 1956 the producer's released 1955 and 1956 preliminary rice allotment acreages adjusted for diversion credit. The producer's shares of the rice history acreages for each of the years 1952, 1953, and 1954 shall be that acreage which represents his proportionate share, based upon his interest in each rice crop produced on such farms during such years. The producer's shares of 1955 rice history acreages shall be his shares of the 1955 acreages determined for such farms under § 730.716 (a) of the 1956 farm rice acreage allotment regulations. The producer's shares of the 1956 rice history acreage determined for such farms shall be that acreage which represents his proportionate share of such acreages based upon his contribution to the allotments for such farms as established under § 730.719 (a) of the 1956 farm rice acreage allotment regulations. The 1956 rice history acreage for any farm shall be the rice acreage on the farm in 1956, not in excess of the 1956 farm rice acreage allotment, including any acreage of rice placed under the 1956 acreage reserve or conservation reserve program, plus the acreage diverted or considered diverted from the production of rice under the 1956 rice acreage allotment program, and shall be determined as follows: (1) If the farm rice acreage allotment established under § 730.719 (a) of the 1956 farm rice acreage allotment regulations, or where applicable, as increased under § 730.721, was knowingly exceeded, the rice history acreage for 1956 shall be the 1956 farm rice acreage allotment established under § 730.719 (a); (2) if the 1956 farm rice acreage allotment established under § 730.719 (a) of the 1956 farm rice acreage allotment regulations, or where applicable, as increased under § 730.721, was not knowingly exceeded and the 1956 rice acreage on the farm plus any acreage diverted from the production of rice under the acreage reserve or conservation reserve program was 90 per centum or more of such 1956 farm rice acreage allotment, the farm rice history acreage for 1956 shall be that acreage which is obtained by dividing the 1956 farm rice acreage allotment established under § 730.719 (a) by the 1956 State allotment proration factor determined under § 730.717 (a); or (3) if the 1956 rice acreage on the farm plus any acreage diverted from the production of rice under the acreage reserve or conservation program was less than 90 per centum of the 1956 farm rice acreage allotment established under § 730.719 (a) of the 1956 farm rice acreage allotment regulations, or where applicable, as increased under § 730.721, the 1956 rice history acreage for the farm shall be the smaller of (i) an acreage obtained by dividing the 1956 farm rice acreage allotment established under § 730.719 (a) of the 1956 rice acreage allotment regulations by the 1956 State allotment proration factor determined under § 730.717 (a), or (ii) an acreage obtained by multiplying the 1956 rice acreage on the farm plus any acreage diverted from the production of rice under the acreage reserve or conservation reserve program by a diversion credit factor. In such cases the diversion credit factor will be the reciprocal of a decimal fraction which is 90 per centum of the 1956 State allotment proration factor. The 1956 rice history acreage determined for a producer shall be his proportionate share of the 1956 rice history acreages determined under this paragraph for farms in which he contributed to the allotment for such farms as established under § 730.719 (a) of the 1956 farm rice acreage allotment regulations, plus the producer's released 1956 allotment acreage adjusted for diversion credit, which shall be that acreage which is obtained by dividing such released preliminary allotment acreage by the State allotment proration factor determined under § 730.717 (a) of the 1956 farm rice acreage allotment regulations.

(b) *Adjusted average acreage.* (1) The adjusted average acreage shall be obtained by eliminating from the period of years used in determining the historical average acreage the year or years

for which the county committee finds that rice history acreage was:

(i) Abnormally low due to excessive wet weather, flood, or drought;

(ii) Abnormally high because of failure of crops other than rice;

(iii) Not representative for 1957 because of a definitely established crop-rotation system being carried out on the farm;

(iv) Abnormally high or low because of variation in the supply of water available or other physical factors affecting the production of rice; or

(v) Not reliably reported or properly determined.

(2) When one or more of the years are eliminated in accordance with the provisions of subdivisions (i) through (v) of subparagraph (1) of this paragraph, the average of the years not so eliminated shall be considered as the adjusted average acreage. If all years in the applicable period are eliminated, the adjusted average acreage shall be zero.

(c) *1957 base acreage.* The 1957 base acreage for any old producer shall be the historical average acreage determined under paragraph (a) of this section or, if determined, the adjusted average acreage determined under paragraph (b) of this section: *Provided,* That the sum of each producer's pro rata shares of the adjusted base acreages of rice determined for farms on which the producer was engaged in the production of rice in 1956 may be adopted as the 1957 base acreage for such producer if the county committee determines that such base acreage adequately reflects past production of rice by the producer on farms in the State, taking into consideration the 1955 and 1956 preliminary rice acreage allotments established for the producer in the State; abnormal conditions affecting the producer's rice acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice, and that such base acreage will be fair and reasonable in relation to the factors above when compared with the base acreages established for other producers in the county. The 1956 adjusted base acreage for any farm shall be the 1956 rice history acreage for the farm determined under paragraph (a) of this section. If the acreage determined under paragraph (a) or (b) of this section is zero, the county committee shall appraise a base acreage for the producer which is fair and reasonable in relation to the factors above when compared with the base acreages determined for other producers in the county. If the historical average acreage is zero because rice was not planted during the period 1952 through 1955 and was planted in 1956 without an allotment, the appraised acreage shall not exceed the 1957 base acreage determined for a producer who was engaged in the production of rice in 1956 as a new producer.

§ 730.817 *Determination of preliminary acreage allotments for old producers and allocation to farms.* (a) The base acreages of rice determined for producers under § 730.816, adjusted pro rata to equal the State allotment minus a reserve established by the State committee of not to exceed 3 per centum of the State allotment for new producers and an appropriate reserve established by the State committee of not to exceed 5 per centum of the State allotment for appeals and corrections, missed producers, and adjustments under paragraph (b) of this section, shall be the preliminary rice acreage allotments for old producers. If, as a result of corrections, the total acreage allotted to producers in any State for which corrections are made is less than the total acreage originally allotted to such producers, such difference in acreage shall be added to the State reserve for appeals and corrections provided for in this paragraph without regard to the limitation thereon.

(b) The preliminary acreage allotment determined for any old producer under paragraph (a) of this section may be increased if the State committee, with the assistance of the county committee, determines that the allotment is small in relation to allotments established for other old producers in the county on the basis of the crop-rotation practices, the land, labor, water and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice during the years 1952 through 1956: *Provided,* That such increased allotments shall not exceed the allotments determined for other producers in the county which are similarly situated with respect to the factors set forth above. The acreage used in any State for increasing producers' preliminary allotments under this paragraph shall not exceed the acreage made available therefor under paragraph (a) of this section.

(c) The preliminary acreage allotment determined for any producer under paragraph (a) or (b) of this section may be increased if the State committee, with the assistance of the county committee, determines that such allotment for the producer is inadequate because of an insufficient State acreage allotment or because rice was not planted by the producer during all of the preceding five years, taking into consideration the producer's investment in equipment and other facilities for the production of rice and the acreage required to make such allotment for the producer an economic unit: *Provided,* That the total of such increases in allotments under this paragraph shall not exceed the acreage, if any, made available to the State from the national reserve provided for by section 353 (a) of the act.

(d) Each old producer desiring to have a rice acreage allotment established for a farm on which he will be engaged in the production of rice in 1957 shall file a request with the county committee for allocating his preliminary rice acreage allotment, as determined under paragraphs (a), (b), and (c) of this section, to such farm or farms. Each such request shall state the farm serial number, the total farmland acreage, cropland acreage, and developed rice land acreage on the farm, the name and address of the owner of the farm, if different from the applicant, the location of the farm, the estimated total acreage of rice to be planted on the farm in 1957, and, if known, the names of other persons who will have an interest in the 1957 rice acreage on the farm. No such request shall be considered unless the producer shows to the satisfaction of the county committee that (1) he will actually be engaged in the production of rice on the farm in 1957 by virtue of contributing in the capacity of landlord, tenant, or sharecropper, the land, labor, water, or equipment necessary for the production of the rice crop, or (2) he, as land owner or a producer who holds a lease or rental agreement, will be considered engaged in the production of rice on the farm in 1957 by virtue of having an interest in the allotment for the farm all or a part of which will be diverted from the production of rice under the 1957 acreage reserve or conservation reserve program.

(e) The State committee, with the assistance of the county committees, shall allocate the preliminary rice acreage allotment determined for the producer under paragraphs (a), (b), and (c) of this section to the farm or farms on which the producer will be engaged in the production of rice in 1957, and shall make such adjustments therein as are necessary to establish an allotment for the farm within its capabilities for producing rice consistent with practical farming operations, taking into consideration crop-rotation practices, the land, water and equipment available for the production of rice, the sizes of fields, the arrangement of levies and drainage facilities, the soil and other physical factors affecting the production of rice on the farm in 1957, and the acreage available for such adjustments: *Provided,* That the total acreage allocated to all farms for any producer shall not exceed the producer's 1957 preliminary rice acreage allotment determined under paragraphs (a), (b), and (c) of this section by more than 5 per centum or 5 acres, whichever is larger. Except as a reserve is available under paragraph (a) of this section, upward adjustments in allocated acreages under this paragraph shall be limited to the sum of the downward adjustments that are not released by the producer and reapportioned to another farm under § 730.821.

§ 730.818 *Determination of preliminary acreage allotments for new producers and allocation to farms.* In the producer States, the State committee, with the assistance of the county committees, shall determine for each eligible now producer a preliminary rice acreage allotment and allocate such allotments to farms in accordance with the provisions of this section.

(a) Each person desiring a preliminary rice acreage allotment as a new producer shall file an application therefor with the county committee not later than February 1, 1957. Each such application shall state the name, address, and age of the applicant; the applicant's past experience in the production of rice; the acreage allotment requested; the arrangements made for land and water; the equipment owned by the applicant or otherwise available for producing rice in 1957; the reason the applicant was not

engaged in the production of rice during the years 1952 through 1956; and whether 50 percent or more of his livelihood in 1957 is expected to be derived from his farming operations. To be eligible for a preliminary rice acreage allotment as a new producer, the applicant must have filed his application for an allotment on or before the date specified herein, and must establish to the satisfaction of the county committee that (1) he has had past rice-producing experience; (2) he has previously arranged for the land and water necessary for the production of rice in 1957; (3) he owns or has available for his use adequate equipment for producing rice in 1957; (4) he expects to derive 50 percent or more of his livelihood in 1957 from farming operations; and (5) he has not filed his application for the purpose of obtaining a preliminary rice acreage allotment as a new producer which would be used, if obtained, as a device to offset a reduction in the 1957 rice acreage for an old producer with whom he was previously associated in financing, producing, or marketing rice.

(b) Each person receiving a preliminary rice acreage allotment as a new producer who desires to have a rice crop acreage allotment established for the farm on which he will be engaged in the production of rice in 1957 shall file a request with the county committee for allocating his preliminary rice acreage allotment to such farm. Each such request shall state the farm serial number, the total farmland acreage, cropland acreage, and developed rice land acreage on the farm, the name and address of the owner of the farm, if different from the applicant, the location of the farm, the estimated total acreage of rice to be planted on the farm in 1957, and, if known, the names of other producers who will have an interest in the 1957 rice acreage on the farm. No such request shall be considered unless the producer shows to the satisfaction of the county committee that he will actually be engaged in the production of rice on the farm in 1957 by virtue of contributing in the capacity of landlord, tenant, or sharecropper, the land, labor, water or equipment necessary for the production of rice crop.

(c) The State committee, with the assistance of county committees, shall allocate the preliminary rice acreage allotments determined for new producers to the farm or farms on which such producers will be engaged in the production of rice in 1957, and shall make such adjustments therein as are necessary to establish an allotment for the farm within its capabilities for producing rice consistent with practical farming operations, taking into consideration crop-rotation practices, the land, labor, water and equipment available for the production of rice, the sizes of fields, the arrangement of levees and drainage facilities, the soil and other physical factors affecting the production of rice on the farm in 1957, and the acreage available for such adjustments: *Provided,* That the total acreage allocated to all farms for any new producer shall not exceed the producer's 1957 preliminary rice acreage allotment by more than 5 per centum or 5 acres, whichever is larger: *And provided further,* That the total acreage allocated to all farms for any new producer shall not exceed the smaller of (1) the producer's 1957 preliminary rice acreage allotment including the adjustment, if any, under this paragraph, or (2) the sum of the producer's shares in the acreages planted to rice by the new producer on all farms in which he has an interest in the acreage planted to rice. The sum of the upward adjustments in allocated acreages under this paragraph shall be limited to the sum of the downward adjustments that are not released by the producer for reapportionment to other farms under § 730.821. The acreage resulting from the reduction of new producer allotments under this section shall be transferred to the reserve available to the State committee for appeals and corrections, missed farms, and adjustments under § 730.817.

§ 730.819 *1957 acreage allotments for farms with producers having producer allotments and mailing of allotment notices.* (a) The sum of the preliminary rice acreage allotments determined for old producers and allocated to the farm under § 730.817, plus the sum of the preliminary rice acreage allotments determined for new producers and allocated to the farm under § 730.818, shall be the 1957 rice acreage allotment for the farm. The sum of all the farm acreage allotments so determined shall not exceed the State acreage allotment, minus the reserve for appeals, corrections, and missed producers plus any acreage made available to the State from the national reserve provided for by section 353 (a) of the act.

(b) Notice of the 1957 farm acreage allotment shall be mailed by the county committee to the operator of the farm, to each other producer on the farm who will have an interest in the 1957 crop, and to any other person who made known to the county committee that he intended to produce rice on such farm in 1957. Insofar as practicable all allotment notices in a county shall be mailed on the same date and in time to be received prior to the date on which the referendum to determine whether farmers favor or oppose rice marketing quotas will be held. A copy of each allotment notice approved shall be maintained for not less than thirty days in a conspicuous place in the county office and shall thereafter be permanently kept freely available for public inspection in the office of the county committee.

§ 730.820 *Right to appeal and application for review.* (a) Any producer in the producer States who is dissatisfied with his 1957 preliminary rice acreage allotment may, within 15 days after the date of mailing of the notice of such allotment, file an appeal to the county committee for reconsideration of such allotment. If the appellant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing the notice of the decision of the county committee. The decision of the State committee with respect to the producer's preliminary allotment shall be final.

(b) In the event marketing quotas are not applicable to the 1957 crop of rice, any person who as owner, operator, landlord, tenant, or sharecropper, is dissatisfied with his farm rice acreage allotment may file an appeal for reconsideration of such allotment. The appeal and the facts constituting the basis therefor must be submitted in writing and postmarked or delivered to the office of the county committee within 15 days after the mailing of the notice of allotment. If the appellant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing the notice of the decision of the county committee. If the appellant is dissatisfied with the decision of the State committee, he may within 15 days after the date of mailing of the notice of the decision of the State committee, request the Director of the Grain Division, Commodity Stabilization Service, to review his case, whose decision shall be final.

(c) In the event marketing quotas are applicable to the 1957 crop of rice, any producer who is dissatisfied with the farm rice acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm rice acreage allotment and marketing quota, file application to have such allotment reviewed by a review committee appointed by the Secretary. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the office of the county committee.

§ 730.821 *Reapportionment of producer's preliminary acreage allotments released voluntarily to county committee.* (a) In the producer States, a producer may, not later than the closing dates prescribed in this section, voluntarily release to the county committee all or any part of his 1957 preliminary rice acreage allotment on which rice will not be planted in 1957. Such released acreage shall be deducted from the preliminary allotment established for such producer and may be reapportioned by the county committee not later than the closing dates prescribed in this section to other producers (old or new) in the same county receiving allotments in amounts determined to be fair and reasonable on the basis of the production of rice by the producer during the years 1952 through 1956; the 1956 preliminary rice acreage allotment established for the producer; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing dates in each State for the release and reapportionment of producer preliminary rice acreage allotment are as follows:

State	Release	Reapportionment
California	Apr. 15, 1957	May 1, 1957
Florida	Mar. 1, 1957	Mar. 15, 1957
North Carolina	Mar. 1, 1957	Mar. 5, 1957
Tennessee	May 31, 1957	June 6, 1957
Texas	Feb. 22, 1957	Mar. 8, 1957

(b) Any part of a producer's preliminary allotment which is not assigned to a farm by reason of a field-size adjustment under § 730.817 (e) shall, upon request of the producer, be considered as released acreage under this paragraph. In considering producers to receive additional allotment from released acreage, preference shall be given to producers having small allotments. Any preliminary rice acreage allotment released for 1957 shall, in determining future preliminary rice acreage allotments, be regarded as having been planted by the producer releasing such preliminary allotment if rice was seeded by such producer in at least one of the five years immediately preceding the year for which the allotment is determined, and shall not be considered as having been planted by the producer to which such released acreage is reapportioned.

§ 730.822 *Succession of interest in producer States.* (a) If a producer voluntarily retires from the production of rice, dies, or is declared incompetent by a court of competent jurisdiction, his history of rice production shall be apportioned in whole or in part among the heirs, devisees, or members of his family according to the extent to which they may continue or have continued his farming operations if satisfactory proof of such relationship and succession of farming operations is furnished the county committee.

(b) If a producer voluntarily withdraws in whole or in part from the production of rice through the voluntary sale of rice land, all or such part of such producer's history of rice production as may be ascribed to such land shall pass to the purchaser if such transfer of rice history is approved by the State committee.

(c) If a producer voluntarily withdraws in whole from the production of rice through the voluntary sale of a leasehold of rice land of five or more years duration, all of such producer's history of rice production as may be ascribed to such land shall pass to the purchaser if (1) such sale includes all irrigation equipment and other permanently installed rice-producing facilities attached to such land, and (2) such transfer of rice history is approved by the State committee.

FARM ACREAGE ALLOTMENTS BASED ON PAST PRODUCTION OF RICE ON FARMS

§ 730.823 *Report on farm data.* (a) In the farm States, to the extent that such information is not already available to the county committee, the owner, operator, or any other person who will have an interest in the rice crop to be produced on the farm in 1957 shall furnish the county committee of the county in which the farm is located information requested by the county committee relative to changes in operations or control of the farm, size of the farm, or changes in the acreage of developed rice land on the farm.

(b) Information not so furnished shall be determined or appraised by the county committees on the basis of records in the county office, available production and sales records, and other available information.

§ 730.824 *Determination of base acreages for old farms.* In the farm States, the county committees shall determine for each old farm a base acreage of rice. This acreage shall be determined on the basis of past production of rice on the farm, taking into consideration the 1955 and 1956 rice acreage allotments established for the farm; abnormal conditions affecting the acreage of rice on the farm; land, labor, and equipment available for the production of rice on the farm; crop-rotation practices; and the soil and other physical factors affecting the production of rice on the farm. Each such base acreage determined shall be fair and reasonable in relation to the factors above when compared with the base acreages for other farms in the county which are similarly operated. This base acreage shall be determined primarily on the basis of the rice history acreages on the farm during the years 1952 through 1956. Prior to determining such base acreages the county committee shall establish for each old farm a historical average acreage of rice and an adjusted average acreage of rice, where applicable, in accordance with paragraphs (a) and (b) of this section:

(a) *Historical average acreage.* The historical average acreage shall be the average of the rice history acreages on the farm during the years 1952 through 1956, including in 1955 and 1956 the rice allotment acreage released adjusted for diversion credit. The rice history acreages for any farm during the years 1952 through 1954 shall be the rice acreages for the farm during such years. The 1955 rice history acreage for any farm shall be the 1955 acreage that was determined for such farms under § 730.724 (a) of the 1956 farm rice acreage allotment regulations. The 1956 rice history acreage for any farm shall be the rice acreage on the farm in 1956, not in excess of the 1956 farm rice acreage allotment including any acreage of rice placed under the 1956 acreage reserve or conservation reserve program, plus the acreage diverted or considered diverted from the production of rice under the 1956 rice acreage allotment program, and shall be determined as follows: (1) If the 1956 farm rice acreage allotment established under § 730.725 or § 730.726, as increased or decreased under § 730.730, was knowingly exceeded, the rice history acreage for 1956 shall be the 1956 farm rice acreage allotment established under § 730.725 or § 730.726; (2) if the 1956 farm rice acreage allotment established under § 730.725 or § 730.726, as increased or decreased under § 730.730, was not knowingly exceeded and the 1956 rice acreage on the farm plus any acreage diverted from the production of rice under the acreage reserve or conservation reserve program was 90 per centum or more of such 1956 farm rice acreage allotment, the farm rice history acreage for 1956 shall be that acreage which is obtained by dividing the 1956 farm rice acreage allotment established under § 730.725 or § 730.726, by the smaller of (i) the 1956 county allotment proration factor determined under § 730.725 (a) or (ii) 1.0000; or (3) if the 1956 rice acreage on the farm plus any acreage diverted from the production of rice under the 1956 acreage reserve or conservation reserve program was less than 90 per centum of the 1956 farm rice acreage allotment established under § 730.725 or § 730.726, as increased or decreased under § 730.730, the 1956 farm rice history acreage shall be the smaller of (i) an acreage obtained by dividing the 1956 farm rice acreage allotment established under § 730.725 or § 730.726 by the smaller of (*a*) the 1956 county allotment proration factor determined under § 730.725 or (*b*) 1.0000; or (ii) an acreage obtained by multiplying the 1956 rice acreage on the farm plus any acreage diverted from the production of rice under the 1956 acreage reserve or conservation reserve program by a diversion credit factor. In such cases the diversion credit factor will be the reciprocal of a decimal fraction which is 90 per centum of the 1956 county allotment proration factor as determined under § 730.725.

(b) *Adjusted average acreage.* (1) The adjusted average acreage shall be obtained by eliminating from the period of years used in determining the historical average acreage the year or years for which the county committee finds that the rice history acreage was:

(i) Abnormally low due to excessive wet weather, flood, or drought;

(ii) Abnormally high because of failure of crops other than rice;

(iii) Not representative for 1957 because of (*a*) a definitely established crop-rotation system being carried out on the farm, (*b*) a reduction in the acreage of developed rice land on the farm, (*c*) a reduction in the number of rice-producing tenants or other labor on the farm, or (*d*) unavailability of irrigation water;

(iv) Excessive for the farm on the basis of developed rice land, the soil, or other physical factors affecting the production of rice; or

(v) Not reliably reported or properly determined.

No year with zero rice acreage shall be eliminated under subdivision (iii) (*a*) of this subparagraph if it is determined by the county committee that such zero acreage resulted from the land becoming unsuitable for rice in such year due to continuous production of rice thereon in prior years.

(2) When one or more of the years are eliminated in accordance with the provisions of subdivisions (i) to (v) of subparagraph (1) of this paragraph, the average of the years not so eliminated shall be considered as the adjusted average acreage. If all years in the applicable period are eliminated, the adjusted average acreage shall be zero.

(c) *1957 base acreage.* The 1957 base acreage for any old farm shall be the historical average acreage determined under paragraph (a) of this section, or, if determined, the adjusted average acreage under paragraph (b) of this section: *Provided,* That the 1956 base acreage determined under § 730.724 (c) of the 1956 farm rice acreage allotment regulations, or where applicable, the 1956 adjusted base acreage may be adopted as the 1957 base acreage if the county committee determines that such base acreage adequately reflects past production of rice on the farm, taking into consideration the 1955 and 1956 rice acreage allotments established for the farm; abnormal conditions affecting the acreage of rice on the farm; land, labor and equipment available for the production of rice on the farm; crop-rotation practices; and the soil and other physical factors affecting the production of rice on the farm and that such base acreage will be fair and reasonable in relation to the factors above when compared with the base acreages established for other farms in the county which are similarly operated. The 1956 adjusted base acreage for any farm shall be the 1956 rice history acreage for the farm determined under paragraph (a) of this section. If the acreage determined under paragraph (a) or (b) of this section is zero, the county committee shall appraise a base acreage for the farm which is fair and reasonable in relation to the base acreages determined for other farms in the county which are similarly operated, taking into consideration the developed rice land, labor, water and equipment available for the production of rice, crop-rotation practices, and the soil and other physical factors affecting the production of rice on the farm. If the historical average acreage is zero because rice was not planted during the period 1952 through 1955 and was planted in 1956 without an allotment the appraised acreage shall not exceed the base acreage determined for a 1956 new farm which is similar with respect to the factors above on which rice was planted. The appraised base acreage for any such farm shall not be greater than an acreage determined by applying to the developed rice land on the farm the ratio of rice acreage to developed rice land in the community, or the ratio of rice acreage to developed rice land in the county if it is determined by the county committee that more equitable base acreages would result by using such ratios.

§ 730.825 *1957 acreage allotments for old farms.* (a) The base acreages of rice determined under § 730.824, adjusted pro rata to the county allotment minus an appropriate reserve established by the county committee with the approval of the State committee of not to exceed 5 per centum of the county allotment for appeals and corrections, missed farms, and adjustments under paragraph (b) of this section, shall be the acreage allotments for old farms. If, as a result of corrections, the total acreage allotted to farms in any county for which corrections are made is less than the total acreage originally alloted to such farms, such difference in acreage shall be added to the county reserve provided for in this paragraph without regard to the limitation thereon.

(b) The acreage allotment determined for any farm under paragraph (a) of this section may be increased if the county committee determined that the allotment is small in relation to allotments for other old farms in the county on the basis of the crop-rotation practices, the land, labor, water and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice, taking into consideration the acreage required for the economic operation of the farm and the acreage available for such increases: *Provided,* That such increased allotments shall not exceed the allotments determined for other farms which are similar with respect to the factors set forth above. The acreage used in any county for increasing allotments under this paragraph shall not exceed the acreage made available therefor under paragraph (a) of this section.

(c) The acreage allotment determined for any farm under paragraph (a) or (b) of this section may be increased if the county committee determines that such allotment is inadequate for the farm because of an insufficient county acreage allotment or because rice was not planted on the farm during all of the preceding five years, taking into consideration the land, labor, water, and equipment available for the production of rice and the acreage required for the economic operation of the farm: *Provided,* That the total of such increases in allotments under this paragraph shall not exceed the acreage made available to the county from the national reserve provided for by section 353 (a) of the act.

§ 730.826 *Determination of acreage allotments for new farms.* In the farm States, the county committees shall determine a 1957 rice acreage allotment for each eligible new farm for which an acreage allotment is requested in writing not later than February 1, 1957; except that in the State of Louisiana such application shall be filed not later than February 15, 1957. The rice acreage allotments for new farms shall be determined on the basis of tillable land suitable for the production of rice, labor, water and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice, and shall not exceed the allotments determined under § 730.825 for old farms which are similar with respect to such factors. The request for a new farm rice acreage allotment shall be made by the farm operator and shall contain a statement as to the location and identification of the farm, the acreage allotment requested for the farm, the acreage of tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available, reason why rice was not produced on the farm in any of the years 1952 through 1956, the rice-producing equipment owned by the applicant or otherwise available for his use in 1957, location and identification of other rice farms in which the owner or operator has an interest, the past experience of the applicant in producing rice, and whether 50 percent or more of his livelihood in 1957 is expected to be derived from farming operations on the farm: *Provided,* That to be eligible for a new farm rice acreage allotment (a) the land for which an allotment is requested must be well suited to the production of rice and for which water and other irrigation facilities are readily available for use on such land in 1957; (b) the applicant must establish to the satisfaction of the county committee that he owns or has available for his use in 1957 adequate rice-producing equipment and that he expects to derive 50 percent or more of his livelihood in 1957 from farming operations on this farm; and (c) the owner or the operator of the farm must not have an interest in the rice produced on any other farm in 1957. Subject to reserves available, the rice acreage allotment for any such farm shall not exceed the rice acreage allotment requested for the farm or the acreage determined by applying to the tillable acreage on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available for 1957 the ratio of rice acreage to developed rice land in the community or county (applicable only if there is developed rice land in the community or county), except that such ratio limitation shall not apply if it would result in an allotment which would be relatively small in relation to the allotments established for old rice farms which are similar with respect to such factors: *Provided,* That if the acreage planted to rice on the farm in 1957 is less than the allotment established under this section, the rice allotment for the farm shall be reduced to the acreage planted to rice on the farm, and the acreage resulting from such reductions in each county shall be transferred to the reserve available to the county committee for appeals and corrections, missed farms, and adjustments as provided under § 730.825. The sum of all such new farm rice acreage allotments in the State determined under this section shall not exceed the reserve for new farms established by the State committee which shall not exceed 3 per centum of the State rice acreage allotment.

§ 730.827 *Mailing of 1957 farm allotment notices.* Notice of the 1957 farm acreage allotment shall be mailed by the county committee to the operator of the farm and to each other producer on the farm who will have an interest in the 1957 rice crop. Insofar as practicable all allotment notices in the county shall be mailed on the same date and in time to be received prior to the date on which the referendum to determine whether farmers favor or oppose rice marketing quotas will be held. A copy of each allotment notice approved shall be maintained for not less than thirty days in a conspicuous place in the county office and shall thereafter be permanently kept freely available for public inspection in the office of the county committee.

§ 730.828 *Allotment for farms divided or combined*—(a) *Divisions.* If land operated as a single farm in 1956 will be operated in 1957 as two or more farms, the 1957 farm rice acreage allot-

ment determined for the entire farm shall be apportioned among the divided farms in the same proportion as the developed rice land for each such divided farm bears to the total developed rice land for the entire tract; except that the farm rice acreage allotment determined for the entire farm shall, if the farm to be divided for 1957 consists of two or more tracts which were separate and distinct farms before being combined for the 1955 or 1956 program year, be apportioned among the tracts in the same proportion that each contributed to the farm rice acreage allotment for the year for which combined. If, however, the county committee determines that this method would result in allotments not representative of the farming operations normally carried out on each part, an allotment may be determined for each part in the same manner as would have been done if such part had been a completely separate farm: *Provided*, That the sum of the allotments thus determined under this section for each part shall not exceed the allotment originally determined for the entire farm which is being divided.

(b) *Combinations.* If two or more farms, or parts thereof, for which 1957 rice acreage allotments are determined are combined and operated as a single farm in 1957, the 1957 allotment shall be the sum of the allotments determined for each of the units comprising the combination.

(c) *Division of farms involving government owned land.* If a farm, a part of which is owned by the Federal Government and under a restrictive lease to a producer, is to be divided for 1957 the rice acreage allotment attributed to or established for the government owned tract shall become frozen and shall not be available for apportionment to any other farm.

§ 730.829 *Right to appeal and application for review.* (a) In the event marketing quotas are not applicable to the 1957 crop of rice, any person who as owner, operator, landlord, tenant, or sharecropper, is dissatisfied with his farm rice acreage allotment may file an appeal for reconsideration of such allotment. The appeal and the facts constituting the basis therefor must be submitted in writing and postmarked or delivered to the office of the county committee within 15 days after the date of mailing of the notice of allotment. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing the notice of the decision of the county committee. If the appellant is dissatisfied with the decision of the State committee, he may within 15 days after the date of mailing of the notice of the decision of the State committee, request the Director of the Grain Division, Commodity Stabilization Service, to review his case, whose decision shall be final.

(b) In the event marketing quotas are applicable to the 1957 crop of rice, any producer who is dissatisfied with the farm rice acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm rice acreage allotment and marketing quota, file application to have such allotment reviewed by a review committee appointed by the Secretary. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the office of the county committee.

§ 730.830 *Reapportionment of farm acreage allotments released voluntarily to county committee.* (a) In the farm states, any part of any 1957 farm rice acreage allotment on which rice will not be planted in 1957 and which is voluntarily released by the owner or operator of the farm to the county committee not later than the closing dates prescribed in this section shall be deducted from the rice acreage allotment determined for such farm and may be reapportioned by the county committee not later than the closing dates prescribed in this section to other farms (old or new) in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of the production of rice on the farm during the years 1952 through 1956; the 1956 farm acreage allotment; abnormal conditions affecting acreage; land, labor, water and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing dates in each State for the release and reapportionment of farm rice acreage allotments are as follows:

State	Release	Reapportionment
Arkansas	May 1, 1957	May 10, 1957
Illinois	May 1, 1957	May 8, 1957
Louisiana	Apr. 26, 1957	May 3, 1957
Mississippi	Apr. 26, 1957	May 3, 1957
Missouri	May 1, 1957	May 8, 1957
Oklahoma	May 1, 1957	May 10, 1957
South Carolina	Apr. 1, 1957	Apr. 15, 1957

(b) In considering farms to receive additional allotments from released acreage, preference shall be given to farms having small allotments. Any rice acreage allotment released for 1957 shall, in determining future farm rice acreage allotments, be regarded as having been planted on the farm releasing such allotment of rice was seeded on such farm in at least one of the five years immediately preceding the year for which the allotment is determined, and shall not be considered as having been planted on the farm to which such released acreage is reapportioned.

MISCELLANEOUS

§ 730.821 *Request to preserve acreage history for the 1957 crop of rice.* If the acreage planted to rice on a farm in 1957 is less than the 1957 farm rice acreage allotment for such farm, except where the allotment is under-planted and the quantity of rice previously stored to avoid or postpone payment of the marketing quota penalty has been reduced because of such reduction in acreage, the entire farm acreage allotment established under §§ 730.819 and 730.825 shall be considered to have been planted for the purposes of establishing future State, county, and farm acreage allotments, provided the owner or operator of the farm files or has filed a request in writing for such preservation of rice history acreage on or before June 1, 1957.

§ 730.832 *Farm normal yields.* The normal yield for any farm for the 1957 crop of rice shall be the average yield per acre of rice for the farm during the period 1952 through 1956, adjusted for abnormal weather conditions and for trends in yields. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised taking into consideration abnormal weather conditions, trends in yields, the normal yield for the county, the yields, obtained on adjacent farms during such year, and the yield in years for which data are available. If on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm. If, on account of abnormally favorable weather conditions, the yield for any year of such period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm.

§ 730.833 *Redelegation of authority.* Any authority delegated to the State committee by §§ 730.810 to 730.834 may be redelegated by the State committee.

§ 730.834 *Applicability of regulations.* (a) Sections 730.810 to 730.834, inclusive, shall govern the establishment of farm and producer rice acreage allotments in connection with the marketing quota and price support programs for the 1957 crop of rice.

(b) The regulations in this subpart are contingent upon the proclamation of a national acreage allotment of rice for 1957 by the Secretary pursuant to section 353 of the Agricultural Adjustment Act of 1938, as amended.

NOTE: The reporting and record-keeping requirements contained herein have been approved by, and subsequent reporting record-keeping requirements will be subject to the approval of, the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 30th day of October 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. L. PETERSON,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8944; Filed, Nov. 2, 1956; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 911—MILK IN TEXAS PANHANDLE MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 911.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the aforesaid order effective at the earliest possible date. Any delay in the effective date will tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order, as amended, is known to handlers, the public hearing having been held on October 22, 1956, and the decision having been issued heretofore. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Texas Panhandle marketing area) or more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said markeing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Amend § 911.51 (a) by adding thereto the following: "*Provided:* That such price shall be increased or decreased by a like amount, in any month in which the supply-demand adjustment computed pursuant to § 943.51 (a) (1) (2) and (3), regulating the handling of milk in the North Texas marketing area, increases or decreases the Class I price computed pursuant to § 943.51 (a)."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 31st day of October 1956, to be effective on and after the first day of November 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-8942; Filed, Nov. 2, 1956; 8:52 a. m.]

[Navel Orange Reg. 89]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.389 *Navel Orange Regulation 89*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 1, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 4, 1956, and ending at 12:01 a. m., P. s. t., November 11, 1956, is hereby fixed as follows:

(i) District 1: 29,036 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 2, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9031; Filed, Nov. 2, 1956; 11:46 a. m.]

[Lemon Reg. 666]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.773 *Lemon Regulation 666*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 31, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 4, 1956, and ending at 12:01 a. m., P. s. t., November 11, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 173,910 cartons;

(iii) District 3: 21,390 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 1, 1956.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9016; Filed, Nov. 2, 1956; 8:55 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 14—MINIMUM STANDARDS OF OPERATION FOR STATE AGENCIES FOR SURPLUS PROPERTY

Part 14 of Title 45 CFR is hereby amended to read as follows:

Sec.
14.1 Definitions.
14.2 Basic policy.
14.3 Geographic scope.
14.4 Organization.
14.5 Plan of operation for health and educational donations.
14.6 Plan of operation for civil defense donation.
14.7 Books and records.
14.8 Service charges and funds.
14.9 Audits.
14.10 Handling of property.
14.11 Utilization and compliance responsibility.
14.12 Assistance to the Department.
14.13 Nonconformance.
14.14 Amendments.

AUTHORITY: §§ 14.1 to 14.14 issued under sec. 203, 63 Stat. 385, as amended; 40 U. S. C. 484.

§ 14.1 *Definitions.* (a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U. S. C. 471 et seq.). Terms defined in the act and not defined in this section shall have in this part the meaning given to them in the act.

(b) "Accredited screener" means a person who has been certified by the Department to visit specified installations and who has been issued an appropriate identification card for the purpose of inspecting and listing personal property for possible donation.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Donable property" means surplus equipment, materials, books or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to section 405 of the National Security Act of 1947, as amended, or in similar management-type funds) except:

(1) Such property as may be specified from time to time by the Administrator of General Services;

(2) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(3) Property in the custody of an agency or an organizational unit thereof which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841);

(4) Property in trust funds.

(e) "Need" means the lack or inadequacy of anything usable and necessary by eligible applicants in the conduct of health, educational, or civil defense activities.

(f) "Non-profit institution" used in connection with a medical institution, hospital, clinic, health center, or other health facility, or a school, college, university, or other educational facility, means one which is operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101 (6) of the 1939 Internal Revenue Code or section 501 (c) (3) of the 1954 Internal Revenue Code.

(g) "Overage" means the excess occurring upon the receipt of a larger number of a specific item or a larger number of items than either (1) requested on an "Application for Surplus Property" (Form HEW 135), or (2) listed on a shipping document.

(h) "Screening" means the act of reviewing and inspecting property which is surplus or which is expected to become surplus for the purpose of determining whether or not such property is usable and necessary for health, educational, or civil defense purposes.

(i) "Service charge" means the fee or charge made by a State Agency to the donee when distributing surplus property under section 203 (j) of the act.

(j) "Shortage" means the deficiency occurring upon the receipt of a smaller number of a specific item or a smaller number of items than either (1) requested on an "Application for Surplus Property" (Form HEW 135), or (2) listed on a shipping document.

(k) "State Agency" means the agency designated by State statute or executive order to make the certifications concerning and distribution of donable property to eligible applicants within the State as provided for in section 203 (j) of the act.

(l) "Tax-supported institution" used in connection with a medical institution, hospital, clinic, health center, school, school system, college or university, means one which receives a major portion of its financial support from moneys derived from State or local government revenues.

§ 14.2 *Basic policy.* It is the policy of the Department to strengthen and promote the improvement of operations of State Agencies so as to achieve maximum efficiency, responsibility and equity in the distribution and utilization of surplus property for health, educational and civil defense purposes.

§ 14.3 *Geographic scope.* This part is applicable to states within the continental United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

§ 14.4 *Organization.* (a) Each State Agency shall be administered under the direction and supervision of a chief executive officer who shall be responsible for carrying out all phases of the State's program in accordance with the approved plan submitted pursuant to § 14.5 and/or § 14.6.

(b) Each State Agency shall maintain a staff adequate to enable it to carry out the program as set forth in its approved plan of operation.

§ 14.5 *Plan of operation for health and educational donations.* (a) Each State Agency shall submit to the appropriate regional office of the Department two signed copies of its plan of operation for health and educational donations which conforms to the provisions of this part. Unless such plan is approved by the Department no allocations of donable property will be made to such State Agency under section 203 (j) (3) of the act. Notice of the Department's approval or disapproval of the plan, together with a statement of the respects in which it is deficient, in the event of disapproval, shall be given to the State Agency as soon after submission of such plan as practicable. No subsequent amendments to or modifications of approved plans shall be placed in effect without prior approval of the Department.

(b) The State Agency plan of operation for health and educational donations shall be supported by satisfactory evidence establishing its authority to:

(1) Acquire, warehouse, and distribute donable personal property to eligible tax-supported and non-profit educational and health institutions under section 203 (j) of the act; and

(2) Execute the certifications and agreements required by section 203 (j) of the act and the Federal Government.

(c) The evidence required by paragraph (b) of this section shall include copies of State Statutes or Executive Orders. Where express statutory authority does not exist or is ambiguous, or where the authority exists by virtue of Executive Order, the State Agency shall furnish the opinion of the State's Attorney General as to the existence of such authority.

(d) The State Agency plan of operation shall include, in the following order:

(1) The provisions and procedures for attaining fair and equitable distribution of surplus property to eligible health and educational institutions.

(2) Assurance that all warehousing and distributive functions are a direct part of the State Agency's operation and are under the direction and control of its chief executive officer.

(3) A schedule of service charges or an explanation of the method used in determining service charges, if such charges are made.

(4) Procedures for:

(i) Ascertaining the eligibility of an applicant and the authority of its representative to receive property on its behalf.

(ii) Determining the actual need and usability of donable property.

(iii) Screening surplus property at Federal installations by accredited screeners, when this function is contemplated.

(iv) Spot check inspections at educational and health institutions to determine that property donated to them is actually put to use in accordance with the donee's certification.

(v) Redistribution of donated property not being used.

(vi) Reporting surplus property that has been in the custody of the State Agency for over twelve months.

(5) Provisions for obtaining certification of eligibility from institutions in connection with each transfer of donable property.

(6) Provisions for obtaining certification by donee institutions of need and usability in connection with each transfer of property.

(e) The plan of operation shall be accompanied by samples of the State Agency forms used.

§ 14.6 *Plan of operation for civil defense donations.* (a) A State Agency, in order to become eligible to receive donable property for distribution for civil defense purposes, shall submit to the appropriate regional office of the Department, two signed copies of its plan of operation. The plan of operation shall include and be supported by all the documents, assurances, schedules, samples, provisions and procedures relative to its proposed operation for civil defense purposes as are required of other State Agencies by § 14.5 with respect to health and educational donations.

(b) In the case of a State Agency administering health and educational donations, under a plan previously submitted under § 14.5 and approved by the Department, which is also authorized under State law to perform the same functions respecting civil defense donations, such State Agency shall submit to the appropriate regional office of the Department two signed copies of a supplement its present plan of operation. This supplement shall be supported by the same type of evidence respecting the authority of the State Agency to carry out the civil defense functions as is required under paragraph (b) (1) and (2) of § 14.5 in connection with health and educational donations, and shall be accompanied by any additional amended or revised assurances, schedules, samples and procedures, as are necessary to adapt its activities and the plan previously submitted and approved to encompass the civil defense responsibilities. Where the provisions and procedures to be utilized in connection with civil defense functions are different from those described in the approved plan for health and educational activities, the supplement shall include a description of such differences. Where they are the same, a statement to that effect shall be included.

(c) No donable property will be allocated for civil defense purposes until the State Agency has submitted a plan or a supplement, as provided in paragraph (a) or (b) of this section, and such plan or supplement has been approved by the Department. Donable property allocated to a State Agency for health and educational purposes is not available and may not be distributed for civil defense purposes until the State Agency has complied with the provisions of this part and received the Department's approval, and unless the property has been allocated for civil defense purposes or for the three purposes of health, education and civil defense.

§ 14.7 *Books and records.* (a) The accounting system of the State Agency shall conform to generally accepted accounting principles and practices including an inventory record system which, in the absence of written approval by the State Auditor or other State official responsible for this phase of State fiscal policy, must be approved by the Department.

(b) Financial records and all other books and records of the State Agency shall be subject to inspection by authorized representatives of the Department. Annual financial statements (including a balance sheet and a statement of receipts and disbursements or income and expense) shall be furnished to or made available for inspection by the appropriate regional office of the Department.

(c) Each State Agency shall maintain accurate records of all donable property received and distributed. Records of distribution of all single items having an acquisition cost of $2,500 or more shall be kept separate from those of lesser amount.

(d) All single items or units of measure having a fair value of $35.00 or more, as determined by the State Agency, must be identified by the State serial number on the "Application for Surplus Property," Form HEW 135, under which the items were received, so long as the items are in the custody of the State Agency, and records must be kept to show ultimate delivery of the items to the eligible applicant.

(e) All official records and correspondence of the State Agency shall be kept for a minimum period of five years.

§ 14.8 *Service charges and funds.* (a) Service charges, as a whole, for handling donable surplus property shall be limited to the amount necessary to pay actual expenses of current operations and purchase necessary equipment, plus the accumulation and maintenance of a working capital reserve.

(b) A working capital reserve shall be computed, as of the end of the State Agency's fiscal year, as follows:

(1) Add together the following items of current assets:

(i) Cash on hand and in bank;

(ii) Accounts receivable;

(iii) Costs of acquiring surplus property inventory on hand.

(2) Deduct from the total of current assets:

(i) An appropriate allowance for uncollectible accounts receivable;

(ii) Liabilities, including any obligation represented by funds not accumulated from handling charges and which are to be returned eventually to the source from which they were derived.

(c) The working capital reserve shall not exceed an amount equivalent to the estimated cost of operation during one year in the immediate future. Under exceptional circumstances a larger reserve may be retained with the approval of the Department.

(d) Accounting records shall be maintained in such manner as to identify and separately account for funds accumulated from the assessment of service charges against donee institutions and organizations. Integrity of these funds shall be maintained, and they shall be used for promotion and extension of the program and shall not be available for other State purposes.

(e) The service charge assessed by a State Agency for the transfer of any single item of donable surplus property shall be reasonable in relation to the costs incident to the transfer.

(f) A State Agency shall accept payment of a service charge only in the form of a warrant, check, or other official instrument drawn or issued by an authorized representative of the donee institution or organization.

(g) Any funds accumulated by a State Agency from service charges against donee institutions and organizations, over and above the working capital reserve as provided for in this part, shall be refunded to donee institutions and organizations (1) on a pro rata basis (based upon total charges collected during the preceding fiscal year) or (2) reduced service charges during the current and the next ensuing fiscal year.

(h) When surplus property in the custody of a State Agency is sold for the benefit and account of the United States of America, the State Agency will be permitted to retain from the proceeds of the sale the costs of advertising and costs of preparation for sales (including transportation costs incurred in recovering property from institutions). Under exceptional circumstances, additional proceeds may be retained upon approval by the Department.

§ 14.9 *Audits.* The operations and financial affairs of the State Agency shall be audited by an appropriate State authority or by a recognized auditing firm. Such audits shall conform to State laws, rules and regulations, fiscal policies and practices, and to any applicable State limitations. An audit shall be made at least every two years by a recognized auditing firm, where State law or regulations do not, as a minimum, require biennial audits. Copies of the reports of the audits of the State Agencies shall be forwarded to or made available for review by the appropriate regional office of the Department.

§ 14.10 *Handling of property.* (a) Donable surplus property shall be inventoried immediately upon receipt, and any shortage or overage shall be reported within 30 days to the donor holding agency with a copy to the appropriate regional office of the Department.

(b) State Agencies shall maintain adequate provision for protecting property in their custody including reasonable protection against the hazards of fire, theft, vandalism and weather.

§ 14.11 *Utilization and compliance responsibility.* (a) Each State Agency shall assist the Department in effecting utilization and compliance by health and educational donees with the terms and conditions established for any single item of donated property having an acquisition cost of $2,500 or more.

(b) State Agencies shall take reasonable measures to assure that single items of personal property with an acquisition cost of less than $2,500 that are donated under the provisions of the act for health or educational purposes are actually used for such purposes.

(c) State Agencies shall make appropriate investigations of personal property donated for health and educational purposes and based upon the results of such investigations, take any action necessary to correct and prevent misuse of such property and to assure its utilization for the purposes for which it was donated.

(d) State Agencies shall report to the Department the circumstances pertaining to any known misuse of donated personal property, regardless of the purpose for which the donation was made.

§ 14.12 *Assistance to the Department.* Each State Agency shall cooperate with the Department by releasing property from its custody upon request, and will assist the Department in obtaining voluntary release by donee institutions of property needed for defense or emergency use.

§ 14.13 *Nonconformance.* If the Department determines that a State Agency is not operating in accordance with its previously approved plan of operation or this part, allocation of property to the State Agency may be suspended until the nonconformance is corrected to the satisfaction of the Department.

§ 14.14 *Amendments.* The Department reserves the right at any time to modify or amend this part. Upon issuance of amendments to this part requiring State Agencies to modify their operations, reasonable opportunity will be afforded the State Agencies to conform their operations to such amended standards.

Dated: October 26, 1956.

[SEAL] M. B. FOLSOM,
Secretary.

I concur in the foregoing regulation.

Dated: October 31, 1956.

VAL PETERSON,
Administrator of Federal Civil Defense.

[F. R. Doc. 56-8932; Filed, Nov. 1, 1956; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER, 31, 1953

SALES AND EXCHANGE OF COAL, TIMBER AND GAS OR OIL PROPERTIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under sections 272, 631, and 632 of chapter 1 of the Internal Revenue Code of 1954, and are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.
1.272 Statutory provisions; disposal of coal.
1.272-1 Expenditures relating to disposal of coal.

SALES AND EXCHANGES

1.631 Statutory provisions; gain or loss in the case of timber or coal.
1.631-1 Election to consider cutting as sale or exchange.

Sec.
1.631-2 Gain or loss upon the disposal of timber under cutting contract.
1.631-3 Gain or loss upon the disposal of coal with a retained economic interest.
1.632 Statutory provisions; sale of oil or gas properties.
1.632-1 Surtax on sale of oil or gas properties.

§ 1.272 *Statutory provisions; disposal of coal.*

SEC. 272. *Disposal of coal.* Where the disposal of coal is covered by section 631, no deduction shall be allowed for expenditures attributable to the making and administering of the contract under which such disposition occurs and to the preservation of the economic interest retained under such contract, except that if in any taxable year such expenditures plus the adjusted depletion basis of the coal disposed of in such taxable year exceed the amount realized under such contract, such excess, to the extent not availed of as a reduction of gain under section 1231, shall be a loss deductible under section 165 (a). This section shall not apply to any taxable year during which there is no income under the contract.

§ 1.272-1 *Expenditures relating to disposal of coal*—(a) *Introduction.* Section 272 provides special treatment for certain expenditures paid or incurred by a taxpayer in connection with a contract (hereafter sometimes referred to as a "coal royalty contract") for the disposal of coal the gain or loss from which is treated under section 631 (c) as a section 1231 gain or loss on the sale of coal. The expenditures covered by section 272 are those which are attributable to the making and administering of such a contract or to the preservation of the economic interest retained under the contract. For examples of such expenditures, see paragraph (d) of this section. For a taxable year in which gross royalty income is realized under the contract of disposal, such expenditures shall not be allowed as a deduction. Instead, they are to be added to the adjusted depletion basis of the coal disposed of in such taxable year in computing gain or loss under section 631 (c). However, where no gross royalty income is realized under the contract of disposal in a particular taxable year, such expenditures shall be treated without regard to section 272.

(b) *In general.* (1) Where the disposal of coal is covered by section 631 (c), the provisions of section 272 and this section shall be applicable for a taxable year in which there is income under the contract of disposal. (For purposes of section 272 and this section, the term "income" means gross amounts received or accrued which are royalties or bonuses in connection with a contract to which section 631 (c) applies.) All expenditures paid or incurred by the taxpayer during such taxable year which are attributable to the making and administering of the contract disposing of the coal and all expenditures paid or incurred during such taxable year in order to preserve the owner's economic interest retained under the contract shall be disallowed as deductions in computing taxable income for such taxable year. The sum of such expenditures and the adjusted depletion basis of the coal disposed of in such taxable year shall be used in determining the amount of gain or loss with respect to the disposal. See § 1.631-3. For special rule in case of loss, see paragraph (c) of this section. Section 272 and this section are not applicable to capital expenditures and such expenditures are not taken into account in computing gain or loss under section 631 (c) except to the extent they are properly part of the depletable basis of such coal.

(2) The expenditures covered under section 272 and this section are disallowed as a deduction only with respect to a taxable year in which income is realized under the coal royalty contract to which such expenditures are attributable. Where no income is realized under such contract in a taxable year, these expenditures shall be deducted as expenses for the production of income, as a business expense, or may be treated under section 266 (relating to taxes and carrying charges) if applicable.

(3) The provisions of section 272 and this section apply to a taxable year in which income from the disposal by the owner of coal held by him for more than six months is subject to the provisions of section 631 (c) even though the actual mining of coal under the coal royalty contract does not take place during such year. Where the right under the contract to mine coal for which advance payment has been made expires terminates, or is abandoned before such coal is mined, and § 1.631-3 (c) requires the owner to recompute his tax with respect to such payment the recomputation must be made without applying the provisions of section 272 and this section.

(c) *Losses.* If, in any taxable year, the expenditures referred to in section 272 and this section plus the adjusted depletion basis under section 612 of the coal disposed of during the taxable year exceed the amount realized under the contract during the taxable year, such excess shall be considered under section 1231 as a loss from the sale of property used in the trade or business and, to the extent not availed of as a reduction of gain under that section, shall be a loss deductible under section 165 (a) (relating to the deduction of losses generally).

(d) *Examples of expenditures.* (1) The expenditures referred to in section 272 include, but are not limited to, the following items attributable to the contract or property covered by the contract: ad valorem taxes imposed by State or local authorities, costs of fire protection, costs of insurance (other than liability insurance), costs incurred in administering the contract (including costs of bookkeeping and technical supervision), interest on loans, expenses of flood control, legal and technical expenses, and expenses of measuring and checking quantities of coal disposed of under the contract.

(2) Any expenditure referred to in this section which is applicable to more than one coal royalty contract shall be reasonably apportioned to each such contract. Furthermore, if an expenditure applies only in part to the making or administering of the contract or the preservation of the economic interest, then only such part shall be treated under section 272. The apportionment of the expenditure shall be made on a reasonable basis. For example, where a taxpayer has other income (such as income from oil or gas royalties, rentals, right of way fees, interest, or dividends) as well as income under section 631 (c), and where the salaries of some of its employees or other expenses relate to both classes of income, such expenses shall be allocated reasonably between the income subject to section 631 (c) and the other income. Where a taxpayer has more than one coal royalty contract, expenditures under this section relating to a contract from which no income has been received in the taxable year may not be allocated to income from another contract from which income has been received in the taxable year.

(3) The taxpayer may have expenses which are not attributable even partly to making and administering a coal royalty contract or to the preservation of the economic interest retained under the contract and, accordingly, are not included in the expenditures described in section 272. These include such items as ad valorem taxes imposed by State or local authorities on property not covered by the contract, salaries, wages, or other expenses entirely incident to the ownership and protection of such property and depreciation of improvements thereon, fire insurance on such property, charitable contributions, and similar expenses unrelated to the making or to the administering of coal royalty contracts or preserving the taxpayer's economic interest retained therein.

SALES AND EXCHANGES

§ 1.631 *Statutory provisions; gain or loss in the case of timber or coal.*

SEC. 631. *Gain or loss in the case of timber or coal*—(a) *Election to consider cutting as sale or exchange.* If the taxpayer so elects on his return for a taxable year, the cutting of timber (for sale or for use in the taxpayer's trade or business) during such year by the taxpayer who owns, or has a contract right to cut, such timber (providing he has owned such timber or has held such contract right for a period of more than 6 months before the beginning of such year) shall be considered as a sale or exchange of such timber cut during such year. If such election has been made, gain or loss to the taxpayer shall be recognized in an amount equal to the difference between the fair market value of such timber, and the adjusted basis for depletion of such timber in the hands of the taxpayer. Such fair market value shall be the fair market value as of the first day of the taxable year in which such timber is cut, and shall thereafter be considered as the cost of such cut timber to the taxpayer for all purposes for which such cost is a necessary factor. If a taxpayer makes an election under this subsection, such election shall apply with respect to all timber which is owned by the taxpayer or which the taxpayer has a contract right to cut and shall be binding on the taxpayer for the taxable year for which the election is made and for all subsequent years, unless the Secretary or his delegate, on showing of undue hardship, permits the taxpayer to revoke his election; such revocation, however, shall preclude any further elections under this subsection except with the consent of the Secretary or his delegate. For purposes of this subsection and subsection (b), the term "timber" includes evergreen trees which are more than

6 years old at the time severed from the roots and are sold for ornamental purposes.

(b) *Disposal of timber with a retained economic interest.* In the case of the disposal of timber held for more than 6 months before such disposal, by the owner thereof under any form or type of contract by virtue of which such owner retains an economic interest in such timber, the difference between the amount realized from the disposal of such timber and the adjusted depletion basis thereof, shall be considered as though it were a gain or loss, as the case may be, on the sale of such timber. In determining the gross income, the adjusted gross income, or the taxable income of the lessee, the deductions allowable with respect to rents and royalties shall be determined without regard to the provisions of this subsection. The date of disposal of such timber shall be deemed to be the date such timber is cut, but if payment is made to the owner under the contract before such timber is cut the owner may elect to treat the date of such payment as the date of disposal of such timber. For purposes of this subsection, the term "owner" means any person who owns an interest in such timber, including a sublessor and a holder of a contract to cut timber.

(c) *Disposal of coal with a retained economic interest.* In the case of the disposal of coal (including lignite), held for more than 6 months before such disposal, by the owner thereof under any form of contract by virtue of which such owner retains an economic interest in such coal, the difference between the amount realized from the disposal of such coal and the adjusted depletion basis thereof plus the deductions disallowed for the taxable year under section 272 shall be considered as though it were a gain or loss, as the case may be, on the sale of such coal. Such owner shall not be entitled to the allowance for percentage depletion provided in section 613 with respect to such coal. This subsection shall not apply to income realized by any owner as a co-adventurer, partner, or principal in the mining of such coal, and the word "owner" means any person who owns an economic interest in coal in place, including a sublessor. The date of disposal of such coal shall be deemed to be the date such coal is mined. In determining the gross income, the adjusted gross income, or the taxable income of the lessee, the deductions allowable with respect to rents and royalties shall be determined without regard to the provisions of this subsection. This subsection shall have no application, for purposes of applying subchapter G, relating to corporations used to avoid income tax on shareholders (including the determinations of the amount of the deductions under section 535 (b) (6) or section 545 (b) (5)).

§ 1.631–1 *Election to consider cutting as sale or exchange*—(a) *Effect of election.* (1) Section 631 (a) provides an election to certain taxpayers to treat the difference between the actual cost or other basis of certain timber cut during the taxable year and its fair market value as standing timber on the first day of such year as gain or loss from a sale or exchange under section 1231. Thereafter, any subsequent gain or loss shall be determined in accordance with paragraph (e) of this section.

(2) For the purposes of section 631 (a) and this section, timber shall be considered cut at the time when in the ordinary course of business the quantity of timber felled is first definitely determined.

(3) The election may be made with respect to any taxable year even though such election was not made with respect to a previous taxable year. If an election has been made under the provisions of section 631 (a), or corresponding provisions of prior internal revenue laws, such election shall be binding upon the taxpayer not only for the taxable year for which the election is made but also for all subsequent taxable years, unless the Commissioner on showing by the taxpayer of undue hardship permits the taxpayer to revoke his election for such subsequent taxable years. If the taxpayer has revoked a previous election, such revocation shall preclude any further elections unless the taxpayer obtains the consent of the Commissioner.

(4) Such election shall apply with respect to all timber which the taxpayer has owned, or has had a contract right to cut, for a period of more than six months prior to the beginning of the taxable year in which such timber is cut for sale or for use in the taxpayer's trade or business, irrespective of whether such timber or contract right was acquired before or after the election. However, timber which is not cut for sale or for use in the taxpayer's trade or business (for example, firewood cut for the taxpayer's own household consumption) shall not be considered to have been sold or exchanged upon the cutting thereof.

(b) *Who may make election.* (1) A taxpayer who has owned, or has held a contract right to cut, timber for a period of more than six months before the beginning of the taxable year may elect under section 631 (a) to consider the cutting of such timber during such year for sale or for use in the taxpayer's trade or business as a sale or exchange of the timber so cut. In order to have a "contract right to cut timber" within the meaning of this section and section 631 (a) a taxpayer must have a right under the contract to sell or to use the cut timber in his trade or business.

(2) For purposes of section 631 (a) and this section, the term "timber" includes evergreen trees which are more than six years old at the time severed from their roots and are sold for ornamental purposes, such as Christmas decorations. Section 631 (a) is not applicable to evergreen trees which are sold in a live state, whether or not for ornamental purposes. Tops and other parts of standing timber are not considered as evergreen trees within the meaning of section 631 (a). The term "evergreen trees" is used in its commonly accepted sense and includes pine, spruce, fir, hemlock, cedar, and other coniferous trees.

(c) *Manner of making election.* The election under section 631 (a) must be made by the taxpayer in his income tax return for the taxable year for which the election is applicable, and such return must be filed not later than the time prescribed by law for filing such return (including extensions thereof). The election in such return shall take the form of a computation under the provisions of section 631 (a) and section 1231.

(d) *Computation of gain or loss under the election.* (1) If the cutting of timber is considered as a sale or exchange pursuant to an election made under section 631 (a), gain or loss shall be recognized to the taxpayer in an amount equal to the difference between the adjusted basis for depletion in the hands of the taxpayer of the timber which has been cut during the taxable year and the fair market value of such timber as of the first day of the taxable year in which such timber is cut. The adjusted basis for depletion of the cut timber shall be based upon the number of units of timber cut during the taxable year which are considered to be sold or exchanged and upon the depletion unit of the timber in the timber account or accounts pertaining to the timber cut, and shall be computed in the same manner as is provided in section 611 and the regulations thereunder with respect to the computation of the allowance for depletion.

(2) The fair market value of the timber as of the first day of the taxable year in which such timber is cut shall be determined, subject to approval or revision by the district director upon examination of the taxpayer's return, by the taxpayer in the light of the most reliable and accurate information available with reference to the condition of the property as it existed at that date, regardless of all subsequent changes, such as changes in surrounding circumstances, methods of exploitation, degree of utilization, etc. The value sought will be the selling price, assuming a transfer between a willing seller and a willing buyer as of that particular day. Due consideration will be given to the factors and the principles involved in the determination of the fair market value of timber as described in the regulations under section 611.

(3) The fair market value as of the beginning of the taxable year of the standing timber cut during the year shall be considered to be the cost of such timber, in lieu of the actual cost or other basis of such timber, for all purposes for which such cost is a necessary factor. See paragraph (e) of this section.

(4) For any taxable year for which the cutting of timber is considered to be a sale or exchange of such timber under section 631 (a), the timber so cut shall be considered as properly used in the trade or business for the purposes of section 1231 along with other property of the taxpayer used in the trade or business as defined in section 1231 (b). Whether the gain or loss considered to have resulted from the cutting of the timber will be considered to be gain or loss resulting from the sale or exchange of capital assets held for more than six months depends upon the application of section 1231 to the taxpayer for the taxable year. See section 1231 and the regulations thereunder.

(e) *Computation of subsequent gain or loss.* (1) In case the products of the timber are sold after cutting, either in the form of logs or lumber or in the form of manufactured products, the income from such actual sales shall be considered ordinary income. When the election under section 631 (a) is in effect, the cost of standing timber cut during the taxable year is determined as if the taxpayer had purchased such timber on the first day of the taxable year. Thus, in determining the cost of the products so sold, the cost of the timber shall be the fair market value

on the first day of the taxable year in which the standing timber was cut, in lieu of the actual cost or other basis of such timber.

(2) This is also the rule in case the products of the timber cut during one taxable year, with respect to which an election has been made under section 631 (a), are sold during a subsequent taxable year, whether or not the election provided in section 631 (a) is applicable with respect to such subsequent year. If the products of the timber cut during a taxable year with respect to which an election under section 631 (a) was made were not sold during such year and are included in inventory at the close of such year, the fair market value as of the beginning of the year of the timber cut during the year shall be used in lieu of the actual cost of such timber in computing the closing inventory for such year and the opening inventory for the succeeding year. With respect to the costs applicable in the determination of the amount of such inventories, there shall be included the fair market value of the timber cut, the costs of cutting, logging, and all other expenses incident to the cost of converting the standing timber into the products in inventory. See section 471 and the regulations thereunder. The fact that the fair market value as of the first day of the taxable year in which the timber is cut is deemed to be the cost of such timber shall not preclude the taxpayer from computing its inventories upon the basis of cost or market, whichever is lower, if such is the method used by the taxpayer. Nor shall it preclude the taxpayer from computing its inventories under the last-in-first-out inventory method provided by section 472 if such section is applicable to, and has been elected by, the taxpayer.

§ 1.631–2 *Gain or loss upon the disposal of timber under cutting contract*—(a) *In general.* (1) If an owner disposes of timber held for more than six months before such disposal, under any from or type of contract whereby he retains an economic interest in such timber, the disposal shall be considered to be a sale of such timber. The difference between the amounts realized from disposal of such timber in any taxable year and the adjusted basis for depletion thereof shall be considered to be a gain or loss upon the sale of such timber for such year. Such adjusted basis shall be computed in the same manner as provided in section 611 and the regulations thereunder with respect to the allowance for depletion. See paragraph (e) (2) of this section for definition of "owner".

(2) In the case of such a disposal, the provisions of section 1231 apply and such timber shall be considered to be property used in the trade or business for the taxable year in which it is considered to have been sold, along with other property of the taxpayer used in the trade or business as defined in section 1231 (b).

(b) *Determination of date of disposal.* (1) For purposes of section 631 (b) and this section, the date of disposal of timber shall be deemed to be the date such timber is cut. However, if payment is made to the owner under the contract for timber before such timber is cut the owner may elect to treat the date of payment as the date of disposal of such timber. Such election shall be effective only for purposes of determining the holding period of such timber. Neither section 631 (b) nor the election thereunder has any effect on the time of reporting gain or loss. See subchapter E and the regulations thereunder. See paragraph (c) (2) of this section for the effect of exercising the election with respect to the payment for timber held for six months or less. See paragraph (d) of this section for the treatment of payments received in advance of cutting.

(2) For purposes of section 631 (b) and this section, the "date such timber is cut" means the date when in the ordinary course of business the quantity of timber felled is first definitely determined.

(c) *Manner and effect of election to treat date of payment as the date of disposal.* (1) The election to treat the date of payment as the date of disposal of timber shall be evidenced by a statement attached to the taxpayer's income tax return filed on or before the due date (including extensions thereof) for the taxable year in which the payment is received. The statement shall specify the advance payments which are subject to the election and shall identify the contract under which the payments are made. However, in no case shall the time for making the election under section 631 (b) expire before the close of the 90th day after the regulations adopted under section 631 are published in the FEDERAL REGISTER.

(2) Where the election to treat the date of payment as the date of disposal is made with respect to a payment made in advance of cutting, and such payment is made six months or less from the date the timber disposed of was acquired, section 631 (b) shall not apply to such payment, irrespective of the date such timber is cut, since the timber was not held for more than six months prior to disposal.

(d) *Payments received in advance of cutting.* (1) Where the conditions of paragraph (a) of this section are met, amounts received or accrued prior to cutting shall be treated under section 631 (b) as realized from the sale of timber if the contract of disposal provides that such amounts are to be applied as payment for timber subsequently cut. Such amounts will be so treated irrespective of whether or not an election has been made under paragraph (c) of this section to treat the date of payment as the date of disposal. For example, if no election has been made under paragraph (c), amounts received or accrued prior to cutting will be treated as realized from the sale of timber, provided the timber paid for is cut more than six months after the date of acquisition of such timber. Advance royalty payments or minimum royalty payments received or accrued by an owner of timber may qualify under this section where the contract of disposal grants the lessee the right to apply such royalties in payment of timber cut at a later time.

(2) However, if the right to cut timber under the contract expires, terminates, or is abandoned before the timber which has been paid for is cut, the taxpayer shall treat payments attributable to the uncut timber as ordinary income and not as received from the sale of timber under section 631 (b). Accordingly, the taxpayer shall recompute his tax liability for the taxable year in which such payments were received or accrued. The recomputation shall be made in the form of an amended return where necessary.

(3) (i) Bonuses received or accrued by an owner in connection with the grant of a contract of disposal shall be treated under section 631 (b) as amounts realized from the sale of timber to the extent attributable to timber held for more than six months.

(ii) The adjusted depletion basis attributable to the bonus shall be determined under the provisions of the regulations under section 612. This subdivision may be illustrated as follows:

Example. Taxpayer A has held timber having a depletion basis of $90,000 for two months when he enters into a contract of disposal with B. B pays A a bonus of $5,000 upon the execution of the contract and agrees to pay X dollars per unit of timber to A as the timber is cut. A does not exercise the election to treat the date of payment as the date of disposal. It is estimated that there are 50,000 units of timber subject to the contract and that the total estimated royalties to be paid to A will be $95,000. A must report the bonus in the taxable year it is received or accrued by him. The portion of the basis of the timber attributable to the bonus is determined by the following formula:

$$\frac{\text{Bonus}}{\text{Bonus} + \text{amount of expected royalties}} \times \text{Basis of timber} = \text{Basis attributable to bonus}$$

$$\frac{\$5{,}000}{\$100{,}000} \times \$90{,}000 = \$4{,}500$$

(iii) To the extent attributable to timber not held for more than six months, such bonuses shall be treated as ordinary income subject to depletion. In order to determine the amount of the bonus allocable to timber not held for more than six months, the bonus shall be apportioned ratably over the estimated number of units of timber covered by the contract of disposal. This subdivision may be illustrated as follows:

Example. Assume under the facts stated in the example in subdivision (ii) of this subparagraph that B cuts 10,000 units of timber that have been held by A for six months or less. The amount of the bonus (as well as the royalties) attributable to these units must be re-

ported as ordinary income subject to depletion. The amount of the bonus attributable to these units is determined by the following formula:

$$\frac{\text{Number of units cut held for six months or less}}{\text{Total units covered by the contract}} \times \text{Amount of bonus} = \text{Amount of bonus treated as ordinary income subject to depletion.}$$

$$\frac{10{,}000}{50{,}000} \times \$5{,}000 = \$1{,}000$$

The amount of the depletion attributable to the portion of the bonus received for timber held for six months or less is determined by the following formula:

$$\frac{\text{Amount of bonus attributable to timber held for six months or less}}{\text{Total bonus}} \times \text{Adjusted basis for depletion of bonus} = \text{Depletion allowance on timber held for six months or less.}$$

$$\frac{\$1{,}000}{\$5{,}000} \times \$4{,}500 = \$900$$

The amount of the bonus attributable to timber held for more than six months, and which is treated under section 631 (b) as realized from the sale of timber would be $4,000. The gain on such amount is $400 ($4,000−$3,600).

(iv) If the right to cut timber under the contract of disposal expires, terminates, or is abandoned before any timber is cut, the taxpayer shall treat the bonus received under such contract as ordinary income, not subject to depletion. Accordingly, the taxpayer shall recompute his tax liability for the taxable year in which such bonus was received. The recomputation shall be made in the form of an amended return where necessary.

(e) *Other rules for application of section.* (1) Amounts paid by the lessee for timber or the acquisition of timber cutting rights, whether designated as such or as a rental, royalty, or bonus, shall be treated as the cost of timber and constitute part of the lessee's depletable basis of the timber, irrespective of the treatment accorded such payments in the hands of the lessor.

(2) The provisions of section 631 (b) apply only to an owner of timber. An owner of timber means any person who owns an interest in timber, including a sublessor and a holder of a contract to cut timber. The interest required to be owned must include the right to cut timber for sale or for use.

(3) For purposes of section 631 (b) and this section, the term "timber" includes evergreen trees which are more than 6 years old at the time severed from their roots and are sold for ornamental purposes such as Christmas decorations. Tops and other parts of standing timber are not considered as evergreen trees within the meaning of section 631 (b). The term "evergreen trees" is used in its commonly accepted sense and includes pine, spruce, fir, hemlock, cedar, and other coniferous trees.

§ 1.631–3 *Gain or loss upon the disposal of coal with a retained economic interest*—(a) *In general.* (1) The provisions of section 631 (c) apply to an owner who disposes of coal (including lignite) held for more than 6 months before such disposal under any form or type of contract whereby he retains an economic interest in such coal. The difference between the amount realized from disposal of such coal in any taxable year, and the adjusted depletion basis thereof plus the deductions disallowed for the taxable year under section 272, shall be gain or loss upon the sale of such coal. See paragraph (b) (4) of this section for definition of "owner".

(2) In the case of such a disposal, such coal shall be property used in the trade or business, within the meaning of section 1231 (b), for the taxable year in which it is considered to have been sold. Whether gain or loss resulting from the disposal of the coal is long-term capital gain or ordinary loss depends upon the application of section 1231.

(b) *Rules for application of section.* (1) For purposes of section 631 (c) and this section, the date of disposal of such coal shall be deemed to be the date the coal is mined. If the coal has been held for more than 6 months on the date it is mined, it is immaterial that it had not been held for more than 6 months on the date of the contract. There shall be no allowance for percentage depletion provided in section 613 with respect to amounts which are considered to be realized from the sale of coal under section 631 (c).

(2) The term "adjusted depletion basis" as used in section 631 (c) and in this section means the basis for allowance of cost depletion provided in section 612 and the regulations thereunder, such "adjusted depletion basis" shall include exploration or development expenditures treated as deferred expenses under section 615 (b) or 616 (b), or corresponding provisions of prior income tax laws, and be reduced by adjustments under section 1016 (a) (9) and (10) relating to deductions of deferred expenses for exploration or development expenditures in the taxable year or any prior taxable years. The depletion unit of the coal disposed of shall be determined under the rules provided in the regulations under section 611 relating to cost depletion.

(3) (i) In determining the gross income, the adjusted gross income, or the taxable income of the lessee, the deductions allowable with respect to rents and royalties (except rents and royalties paid by a lessee with respect to coal disposed of by the lessee as an "owner" under section 631 (c)) shall be determined without regard to the provisions of section 631 (c). Thus, the amounts of rents and royalties paid or incurred by a lessee with respect to coal shall be excluded from the lessee's gross income from the property for the purpose of determining his percentage depletion without regard to the treatment of such rents or royalties in the hands of the recipient under this section. See section 613 and the regulations thereunder.

(ii) However, a lessee who is also a sublessor may dispose of coal as an "owner" under section 631 (c). Rents and royalties paid with respect to coal disposed of by such a lessee under section 631 (c) shall increase the adjusted depletion basis of the coal and are not otherwise deductible. For example, B is a sublessor of a coal lease; A is the lessor; and C is the sublessee. B pays A a royalty of 50 cents per ton. C pays B a royalty of 60 cents per ton. The amount realized by B under section 631 (c) is 60 cents per ton and will be reduced by the adjusted depletion basis of 50 cent per ton, leaving a gain of 10 cents per ton taxable under section 631 (c).

(4) (i) The provisions of this section apply only to an owner who has disposed of coal and retained an economic interest. For the purposes of section 631 (c) and this section, the word "owner" means any person who owns an economic interest in coal in place, including a sublessor thereof. A person who merely acquires an economic interest, such as a royalty interest, in return for contributing toward the development of a mine, or one who acquires such an interest in return for a sum of money paid to the owner of an operating interest, does not qualify under section 631 (c) since he has not disposed of coal under a contract retaining an economic interest. A successor to the interest of a person who has disposed of coal under a contract by virtue of which he retained an economic interest in such coal is also entitled to the benefits of this section. Such sections shall not apply with respect to any income realized by any owner as coadventurer, partner, or principal in the mining of such coal.

(ii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A has owned a seam of coal more than six months. A leases to B the right to mine all the coal in return for a royalty of 30 cents per ton. More than six months after the date of the above lease, B subleases to C who agrees to pay A the 30 cents per ton and to pay to B an additional royalty of 10 cents per ton. Both A and B shall treat their royalties under section 631 (c).

Example (2). Assume the same facts as in example (1) except that A dies leaving his royalty interest to D. D has an economic interest in the coal in place and qualifies for section 631 (c) treatment with respect to his share of the royalties since he is a successor in title to A.

Example (3). Assume the same facts as in example (1) except that E agrees to furnish C equipment for the development of the mine in return for 10 cents per ton on the coal mined by C. E has an economic interest since he must look solely to the extraction of the coal for the return of his investment. However, E has not made a disposal of coal under a contract wherein he retains an economic interest, and, therefore, does not qualify under section 631 (c). E is entitled to depletion on his royalties.

(c) *Payments received in advance of mining.* (1) Where the conditions of paragraph (a) of this section are met, amounts received prior to mining shall be treated under section 631 (c) as received from the sale of coal if the contract of disposal provides that such amounts are to be applied as payment for coal subsequently mined. For example, advance royalty payments or minimum royalty payments received by an owner of coal qualify under such section where the contract of disposal grants the lessee the right to apply such royalties in payment of coal mined at a later time. Thus, if A acquires coal rights on January 1, and on January 30 enters into a contract of disposal providing that mining shall begin July 2, and mining actually begins no earlier, any advance payments which A receives qualify under section 631 (c).

(2) However, if the right to mine coal under the contract expires, terminates, or is abandoned before the coal which has been paid for is mined, the taxpayer shall treat payments attributable to the unmined coal as ordinary income and not as received from the sale of coal under section 631 (c). Accordingly, the taxpayer shall recompute his tax liability for the taxable year in which such payments were received. The recomputation shall be made in the form of an amended return where necessary.

(3) Bonuses received or accrued by an owner in connection with the grant of a contract of disposal shall be treated under section 631 (c) as received from the sale of coal to the extent attributable to coal held for more than six months. The rules contained in § 1.631–2 (d) relating to bonuses in the case of contracts for the disposal of timber shall be equally applicable in the case of bonuses received for the grant of a contract of disposal of coal under this section.

(d) *Non-application of section.* Section 631 (c) and this section shall not affect the application of the provisions of subchapter G, relating to corporations used to avoid income tax on shareholders. See the regulations under sections 535 (b) (6) and 545 (b) (4).

§ 1.632 *Statutory provisions; sale of oil or gas properties.*

SEC. 632. *Sale of oil or gas properties.* In the case of a bona fide sale of any oil or gas property, or any interest therein, where the principal value of the property has been demonstrated by prospecting or exploration or discovery work done by the taxpayer, the portion of the surtax imposed by section 1 attributable to such sale shall not exceed 30 percent of the selling price of such property or interest.

§ 1.632–1 *Surtax on sale of oil or gas properties.* (a) If the taxpayer, by prospecting and locating claims or by exploring or discovering undeveloped claims, has demonstrated the principal value of oil or gas property, which prior to his efforts had a relatively minor value, the portion of the surtax imposed by section 1 (see section 1 (c)) attributable to a sale of such property, or of any interest of the taxpayer therein, shall not exceed 30 percent of the selling price of such property or such interest. Shares of stock in a corporation owning oil or gas property do not constitute an interest in such property. To determine the application of section 632 to a particular case, the taxpayer should first compute the surtax imposed by section 1 upon his entire taxable income, including the taxable income from any sale of such property or interest therein, without regard to section 632. The proportion of the surtax, so computed, indicated by the ratio which the taxpayer's taxable income from the sale of the property or interest therein, computed as prescribed in this section, bears to his total taxable income is the portion of the surtax attributable to such sale and, if it exceeds 30 percent of the selling price of such property or interest, such portion of the surtax shall be reduced to that amount.

(b) In determining the portion of the taxable income attributable to the sale of such oil or gas property or interest therein, the taxpayer shall allocate to the gross income derived from such sale, and to the gross income derived from all other sources, the expenses, losses, and other deductions properly appertaining thereto and shall apply any general expenses, losses, and deductions (which cannot properly be otherwise allocated) ratably to the gross income from all sources. The gross income derived from the sale of such oil or gas property or interest therein, less the deduction properly appertaining thereto and less its proportion of any general deductions, shall be the taxable income attributable to such sale. The taxpayer shall submit with his return a statement fully explaining the manner in which such expenses, losses, and deductions are allocated or apportioned.

[F. R. Doc. 56–8927; Filed, Nov. 2, 1956; 8:49 a. m.]

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NATURAL RESOURCES

Notice is hereby given that, pursuant to the Administrative Procedure Act, approved June 11, 1946, the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

In order to provide regulations under sections 611, 612, 613, 614, 615, 616, and 621 of the Internal Revenue Code of 1954, the following regulations are hereby prescribed:

NATURAL RESOURCES

DEDUCTIONS

Sec.
1.611 Statutory provisions; allowance of deduction for depletion.
1.611–1 Allowance of deduction for depletion.
1.611–2 Rules applicable to mines, oil and gas wells, and other natural deposits.
1.611–3 Rules applicable to timber.
1.611–4 Depletion as a factor in computing earnings and profits for dividend purposes.
1.611–5 Depreciation of improvements.
1.612 Statutory provisions; basis for cost depletion.
1.612–1 Basis for allowance of cost depletion.
1.612–2 Allowable capital additions in case of mines.
1.612–3 Depletion; treatment of bonus and advanced royalty.
1.612–4 Charges to capital and expense in case of oil and gas wells.
1.613 Statutory provisions; percentage depletion.
1.613–1 Percentage depletion; general rule.
1.613–2 Percentage depletion rates.
1.613–3 Gross income from the property.
1.613–4 Taxable income from the property.
1.613–5 Statement to be attached to return when depletion is claimed on percentage basis.
1.614 Statutory provisions; definition of property.
1.614–1 Definition of property.
1.614–2 Election to aggregate separate operating mineral interests.
1.614–3 Special rules as to aggregating nonoperating mineral interests.
1.614–4 Rules applicable to basis, holding period and abandonment losses where mineral interests have been aggregated.
1.615 Statutory provisions; exploration expenditures.
1.615–1 Discovery or exploration expenditures.
1.615–2 Deduction of exploration expenditures in the year paid or incurred.
1.615–3 Election to defer exploration expenditures.
1.615–4 Limitation of amount deductible.
1.615–5 Time for making election with respect to returns due prior to ninety days after adoption of regulations.
1.616 Statutory provisions; development expenditures.
1.616–1 Development expenditures.
1.616–2 Election to defer.
1.616–3 Time for making election with respect to returns due prior to ninety days after adoption of regulations.

EXCLUSIONS FROM GROSS INCOME

1.621 Statutory provisions; payments to encourage exploration, development, and mining for defense purposes.
1.621–1 Payments to encourage exploration, development, and mining for defense purposes.

NATURAL RESOURCES

DEDUCTIONS

§ 1.611 *Statutory provisions; allowance of deduction for depletion.*

SEC. 611. *Allowance of deduction for depletion*—(a) *General rule.* In the case of mines, oil and gas wells, other natural deposits, and timber, there shall be allowed as a deduction in computing taxable income a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such

reasonable allowance in all cases to be made under regulations prescribed by the Secretary or his delegate. For purposes of this part, the term "mines" includes deposits of waste or residue, the extraction of ores or minerals from which is treated as mining under section 613 (c). In any case in which it is ascertained as a result of operations or of development work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate (but not the basis for depletion) shall be revised and the allowance under this section for subsequent taxable years shall be based on such revised estimate.

(b) *Special rules*—(1) *Leases.* In the case of a lease, the deduction under this section shall be equitably apportioned between the lessor and lessee.

(2) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.

(3) *Property held in trust.* In the case of property held in trust, the deduction under this section shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

(4) *Property held by estate.* In the case of an estate, the deduction under this section shall be apportioned between the estate and the heirs, legatees, and devises on the basis of the income of the estate allocable to each.

(c) *Cross reference.* For other rules applicable to depreciation of improvements, see section 167.

§ 1.611–1 *Allowance of deduction for depletion*—(a) *Depletion of mines, oil and gas wells, other natural deposits, and timber; in general.* (1) Section 611 provides that there shall be allowed as a deduction in computing taxable income in the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion. In the case of standing timber, the depletion allowance shall be computed solely upon the adjusted basis of the property. In the case of other exhaustible natural resources the allowance for depletion shall be computed upon either the adjusted depletion basis of the property (see section 612, relating to cost depletion) or upon a percentage of gross income from the property (see section 613, relating to percentage depletion), whichever results in the greater allowance for depletion. In no case will depletion based upon discovery value be allowed.

(2) See § 1.611–5 for methods of depreciation relating to improvements connected with mineral or timber properties.

(3) See paragraph (d) of this section for definition of terms.

(b) *Economic interest.* (1) Annual depletion deductions are allowed only to the owner of an economic interest in mineral deposits or standing timber. An economic interest is possessed in every case in which the taxpayer has acquired by investment or otherwise a capital interest in mineral in place or standing timber and secures, by any form or legal relationship, income derived from the severance or sale of the mineral or timber, to which he must look for a return of his capital. But a person who has no capital interest in the mineral deposit or standing timber does not possess an economic interest merely because through a contractual relation he possesses a mere economic or pecuniary advantage derived from production. Thus, an agreement between the owner of an economic interest and another entitling the latter to purchase or process the product upon production or entitling the latter to compensation for extraction or cutting does not convey a depletable economic interest. Further, depletion deductions with respect to an economic interest of a corporation are allowed to the corporation and not to its shareholders.

(2) No depletion deduction shall be allowed the owner with respect to any timber or coal that such owner has disposed of under any form of contract by virtue of which he retains an economic interest in such timber or coal, if such disposal is considered a sale of timber or coal under section 631 (b) or (c).

(c) *Special rules*—(1) *In general.* For the purpose of the equitable apportionment of depletion among the several owners of economic interests in a mineral deposit or standing timber, if the value of any mineral or timber must be ascertained as of any specific date for the determination of the basis for depletion, the values of such several interests therein may be determined separately, but, when determined as of the same date, shall together never exceed the value at that date of the mineral or timber as a whole.

(2) *Leases.* In the case of a lease, the deduction for depletion under section 611 shall be equitably apportioned between the lessor and lessee. In the case of a lease or other contract providing for the sharing of economic interests in a mineral deposit or standing timber, such deduction shall be computed by each taxpayer by reference to the adjusted basis of his property determined in accordance with sections 611 and 612, or computed in accordance with section 613, if applicable, and the regulations thereunder.

(3) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the deduction for depletion under section 611 shall be computed as if the life tenant were the absolute owner of the property so that he will be entitled to the deduction during his life, and thereafter the deduction, if any, shall be allowed to the remainderman.

(4) *Property held in trust.* If property is held in trust, the allowable deduction for depletion is to be apportioned between the income beneficiaries and the trustee on the basis of the trust income allocable to each, unless the governing instrument (or local law) requires or permits the trustee to maintain a reserve for depletion in any amount. In the latter case, the deduction is first allocated to the trustee to the extent that income is set aside for a depletion reserve, and any part of the deduction in excess of the income set aside for the reserve shall be apportioned between the income beneficiaries and the trustee on the basis of the trust income (in excess of the income set aside for the reserve) allocable to each. For example:

(i) If under the trust instrument or local law the income of a trust computed without regard to depletion is to be distributed to a named beneficiary, the beneficiary is entitled to the deduction to the exclusion of the trustee.

(ii) If under the trust instrument or local law the income of a trust is to be distributed to a named beneficiary, but the trustee is directed to maintain a reserve for depletion in any amount, the deduction is allowed to the trustee (except to the extent that income set aside for the reserve is less than the allowable deduction). The same result would follow if the trustee sets aside income for a depletion reserve pursuant to discretionary authority to do so in the governing instrument.

No effect shall be given to any allocation of the depletion deduction which gives any beneficiary or the trustee a share of such deduction greater than his pro rata share of the trust income, irrespective of any provisions in the trust instrument, except as otherwise provided in this paragraph when the trust instrument or local law requires or permits the trustee to maintain a reserve for depletion.

(5) *Property held by estate.* In the case of property held by an estate, the deduction for depletion under section 611 shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of income of the estate which is allocable to each.

(d) *Definitions.* As used in this part, and the regulations thereunder, the term—

(1) "Property" means (i) in the case of minerals, each separate economic interest acquired in each mineral deposit in each separate tract or parcel of land or an aggregation of such mineral interests permitted under sections 614 (b) and (c); and (ii) in the case of timber, an economic interest in standing timber in each tract or block representing a separate timber account (see § 1.611–3 (d)). For purposes of the preceding sentence, waste or residue of prior mining is deemed to be a part of the mineral deposit from which it was extracted if the extraction of ores or minerals therefrom is treated as mining under section 613 (c) (3). When, in the regulations under this part, either the word "mineral" or "timber" precedes the word "property", such adjectives are used only to classify the type of "property" involved. For further explanation of the term "property" see section 614 and the regulations thereunder.

(2) "Fair market value" of a property is that amount which would induce a willing seller to sell and a willing buyer to purchase.

(3) "Mineral enterprise" is the mineral deposit or deposits and improvements, if any, used in mining or in the production of oil and gas, and only so much of the surface of the land as is necessary for purposes of mineral extraction. The value of the mineral enterprise is the combined value of its component parts.

(4) "Mineral deposit" refers to minerals in place in each separate tract or parcel of land. When a mineral enterprise is purchased as a unit the cost of any interest in the mineral deposit or deposits is that proportion of the total cost of the mineral enterprise which the value of the interest in the deposit or deposits bears to the value of the entire enterprise at the time of its acquisition.

(5) "Minerals" includes ores of the metals, coal, oil, gas, and all other natural metallic and nonmetallic deposits, except minerals derived from sea water, the air, or from similar inexhaustible sources. It includes but is not limited to all of the minerals and other natural deposits subject to depletion based upon a percentage of gross income from the property under section 613 and the regulations thereunder.

§ 1.611–2 *Rules applicable to mines, oil and gas wells, and other natural deposits*—(a) *Computation of cost depletion of mines, oil and gas wells, and other natural deposits.* (1) The basis upon which cost depletion is to be allowed in respect of any mineral property is the basis provided for in section 612 and the regulations thereunder. After the amount of such basis applicable to the mineral property has been determined for the beginning of the period for which a deduction for depletion must be computed, the deduction for cost depletion for that period shall be computed by dividing such basis by the number of units of mineral remaining as of the beginning of the period (see subparagraph (3) of this paragraph), and by multiplying the depletion unit, so determined, by the number of units of mineral sold within the period (see subparagraph (2) of this paragraph). In the selection of a unit of mineral for depletion, preference shall be given to the principal or customary unit or units paid for in the products sold, such as tons of ore, barrels of oil, or thousands of cubic feet of natural gas.

(2) As used in this paragraph, the phrase "number of units sold within the period"—

(i) In the case of a taxpayer reporting income on the cash receipts and disbursements method, includes units for which payments were received within the period although produced or sold prior to the period, and excludes units sold but not paid for in the period, and

(ii) In the case of a taxpayer reporting income on the accrual method, shall be determined from the taxpayer's inventories kept in physical quantities and consistently with his method of inventory accounting under section 471 or 472.

The phrase does not include units with respect to which depletion deductions were allowed or allowable prior to the taxable year.

(3) "The number of units of mineral remaining as of the beginning of the period" is the number of units of mineral remaining at the end of the period to be recovered from the property (including units recovered but not sold) plus the "number of units sold within the period" as defined in this paragraph.

(4) In the case of a natural gas well where the annual production is not metered and is not capable of being estimated with reasonable accuracy, the taxpayer may compute the cost depletion allowance in respect of such property for the taxable year by multiplying the adjusted basis of the property by a fraction, the numerator of which is equal to the decline in rock pressure during the taxable year and the denominator of which is equal to the expected total decline in rock pressure from the taxable year to the economic limit of production. Taxpayers computing depletion by this method must keep accurate records of periodical pressure determinations.

(5) The apportionment of the deduction among the several owners of economic interests in the mineral deposit or deposits will be made as provided in § 1.611–1 (c).

(b) *Depletion accounts of mineral property.* (1) Every taxpayer claiming and making a deduction for depletion of mineral property shall keep a separate account in which shall be accurately recorded the cost or other basis provided by section 1012, of such property together with subsequent allowable capital additions to each account and all the other adjustments required by section 1016.

(2) Mineral property accounts shall thereafter be credited annually with the amounts of the depletion computed in accordance with section 611 or 613 and the regulations thereunder; or the amounts of the depletion so computed shall be credited to depletion reserve accounts. No further deductions for cost depletion shall be allowed when the sum of the credits for depletion equals the cost or other basis of the property, plus allowable capital additions. However, depletion deductions may be allowable thereafter computed upon a percentage of gross income from the property. See section 613 and the regulations thereunder. In no event shall percentage depletion in excess of cost or other basis of the property be credited to the improvements account or the depreciation reserve account.

(c) *Determination of mineral contents of deposits.* (1) If it is necessary to estimate or determine with respect to any mineral deposit as of any specific date the total recoverable units (tons, pounds, ounces, barrels, thousands of cubic feet, or other measure) of mineral products reasonably known, or on good evidence believed, to have existed in place as of that date, the estimate or determination must be made according to the method current in the industry and in the light of the most accurate and reliable information obtainable. In the selection of a unit of estimate, preference shall be given to the principal unit (or units) paid for in the product marketed. The estimate of the recoverable units of the mineral products in the deposit for the purposes of valuation and depletion shall include as to both quantity and grade:

(i) The ores and minerals "insight," "blocked out," "developed," or "assured," in the usual or conventional meaning of these terms with respect to the type of the deposit, and

(ii) "Probable" or "prospective" ores or minerals (in the corresponding sense), that is, ores or minerals that are believed to exist on the basis of good evidence although not actually known to occur on the basis of existing development. Such "probable" or "prospective" ores or minerals may be estimated:

(*a*) As to quantity, only in case they are extensions of known deposits or are new bodies or masses whose existence is indicated by geological surveys or other evidence to a high degree of probability, and

(*b*) As to grade, only in accordance with the best indications available as to richness.

(2) If the number of recoverable units of mineral in the deposit has been previously estimated for the prior year or years, and if there has been no known change in the facts upon which the prior estimate was based, the number of recoverable units of mineral in the deposit as of the taxable year will be the number remaining from the prior estimate. However, in any case in which it is ascertained either by the taxpayer or the district director from any source such as operations or development work prior to the close of the taxable year that the remaining recoverable mineral units as of the taxable year are materially greater or less than the number remaining from the prior estimate, then the estimate of the remaining recoverable units shall be revised, and the annual cost depletion allowance with respect to the property for the taxable year and for subsequent taxable years will be based upon the revised estimate until a change in the facts requires another revision. Such revised estimate will not, however, change the adjusted basis for depletion.

(d) *Determination of fair market value of mineral properties, and improvements, if any.* (1) If the fair market value of the mineral property and improvements at a specified date is to be determined for the purpose of ascertaining the basis, such value must be determined, subject to approval or revision by the district director, by the owner of such property and improvements in the light of the conditions and circumstances known at that date, regardless of later discoveries or developments or subsequent improvements in methods of extraction and treatment of the mineral product. The district director will give due weight and consideration to any and all factors and evidence having a bearing on the market value, such as cost, actual sales and transfers of similar properties and improvements, bona fide offers, market value of stock or shares, royalties and rentals, valuation for local or State taxation, partnership accountings, records of litigation in which the value of the property and improvements was in question, the amount at which the property and improvements may have been inventoried or appraised in probate or similar proceedings, and disinterested appraisals by approved methods.

(2) If the fair market value must be ascertained as of a certain date, analytical appraisal methods of valuation, such as the present value method will not be used:

(i) If the value of a mineral property and improvements, if any, can be determined upon the basis of cost or com-

parative values and replacement value of equipment, or

(ii) If the fair market value can reasonably be determined by any other method.

(e) *Determination of the fair market value of mineral property by the present value method.* (1) To determine the fair market value of a mineral property and improvements by the present value method, the essential factors must be determined for each deposit. The essential factors in determining the fair market value of mineral deposits are:

(i) The total quantity of mineral in terms of the principal or customary unit (or units) paid for in the product marketed,

(ii) The quantity of mineral expected to be recovered during each operating period,

(iii) The average quality or grade of the mineral reserves,

(iv) The allocation of the total expected profit to the several processes or operations necessary for the preparation of the mineral for market,

(v) The probable operating life of the deposit in years,

(vi) The development cost,

(vii) The operating cost,

(viii) The total expected profit,

(ix) The rate at which this profit will be obtained, and

(x) The rate of interest commensurate with the risk for the particular deposit.

(2) If the deposit has been sufficiently developed the valuation factors specified in subparagraph (1) of this paragraph may be determined from past operating experience. In the application of factors derived from past experience, full allowance should be made for probable future variations in the rate of exhaustion, quality or grade of the mineral, percentage of recovery, cost of development, production, interest rate, and selling price of the product marketed during the expected operating life of the mineral deposit. Mineral deposits for which these factors cannot be determined with reasonable accuracy from past operating experience may also be valued by the present value method; but the factors must be deduced from concurrent evidence, such as the general type of the deposit, the characteristics of the district in which it occurs, the habit of the mineral deposits, the intensity of mineralization, the oil-gas ratio, the rate at which additional mineral has been disclosed by exploitation, the stage of the operating life of the deposit, and any other evidence tending to establish a reasonable estimate of the required factors.

(3) Mineral deposits of different grades, locations, and probable dates of extraction should be valued separately. The mineral content of a deposit shall be determined in accordance with paragraph (c) of this section. In estimating the average grade of the developed and prospective mineral, account should be taken of probable increases or decreases as indicated by the operating history. The rate of exhaustion of a mineral deposit should be determined with due regard to the limitations imposed by plant capacity, by the character of the deposit, by the ability to market the mineral product, by labor conditions, and by the operating program in force or reasonably to be expected for future operations. The operating life of a mineral deposit is that number of years necessary for the exhaustion of both the developed and prospective mineral content at the rate determined as above. The opening life of oil and gas wells is also influenced by the natural decline in pressure and flow, and by voluntary or enforced curtailment of production. The operating cost includes all current expense of producing, preparing, and marketing the mineral product sold (due consideration being given to taxes) exclusive of allowable capital additions, as described in §§ 1.612–2 and 1.612–4, and deductions for depreciation and depletion, but including cost of repairs. This cost of repairs is not to be confused with the depreciation deduction by which the cost of improvements is returned to the taxpayer free from tax. In general, no estimates of these factors will be approved by the district director which are not supported by the operating experience of the property or which are derived from different and arbitrarily selected periods.

(4) The value of each mineral deposit is measured by the expected gross income (the number of units of mineral recoverable in marketable form multiplied by the estimated market price per unit) less the estimated operating cost, reduced to a present value as of the date for which the valuation is made at the rate of interest commensurate with the risk for the operating life, and further reduced by the value at that date of the improvements and of the capital additions, if any, necessary to realize the profits. The degree of risk is generally lowest in cases where the factors of valuation are fully supported by the operating record of the mineral enterprise before the date for which the valuation is made; relatively higher risks attach to appraisals upon any other basis.

(f) *Revaluation of mineral property not allowed.* No revaluation of a mineral property whose value as of any specific date has been determined and approved will be made or allowed during the continuance of the ownership under which the value was so determined and approved, except in the case of misrepresentation or fraud or gross error as to any facts known on the date as of which the valuation was made. Revaluation on account of misrepresentation or fraud or such gross error will be made only with the written approval of the Commissioner.

(g) *Statement to be attached to return when valuation, depletion, or depreciation of mineral property or improvements are claimed.* (1) For the first taxable year for which a taxpayer asserts a value for any mineral property or improvement as of a specific date or claims a deduction for depletion, or depreciation, there shall be attached to the return of the taxpayer for such taxable year a statement setting forth the pertinent information required by this paragraph with respect to each such mineral property or improvement (including oil and gas properties or improvements). The required information shall be furnished in a single statement, shall be summarized, and shall be deemed a part of the income tax return to which it relates. After such first taxable year the taxpayer need attach to his return only on explanation of the changes, if any, in the information previously furnished. For example, when a taxpayer has filed adequate maps with the district director he may be relieved of filing further maps of the same area, if all additional information necessary for keeping the maps up-to-date is filed each year. In any case in which any of the information required by this paragraph has been previously filed by the taxpayer (including information furnished in accordance with corresponding provisions of prior regulations), such information need not be filed again but a statement should be attached to the return of the taxpayer indicating clearly when and in what form such information was previously filed.

(2) The information referred to in subparagraph (1) of this paragraph is as follows:

(i) An adequate map showing the name, description, location, date of surveys, and identification of the deposit or deposits;

(ii) A description of the character of the taxpayer's property, accompanied by a copy of the instrument or instruments by which it was acquired;

(iii) The date of acquisition of the property, the exact terms and dates of expiration of all leases involved and if terminated, the reasons therefor;

(iv) The cost of the mineral property and improvements, stating the amount paid to each vendor, with his name and address;

(v) The date as of which the mineral property and improvements are valued, if a valuation is necessary to establish the basis as provided by section 1012;

(vi) The value of the mineral property and improvements on that date with a statement of the precise method by which it was determined;

(vii) An allocation of the cost or value among the mineral property, improvements and the surface of the land for purposes other than mineral production;

(viii) The estimated number of units of each kind of mineral at the end of the taxable year, and also at the date of acquisition, if acquired during the taxable year or at the date as of which any valuation is made, together with an explanation of the method used in the estimation, the name and address of the person making the estimate, and an average analysis which will indicate the quality of the mineral valued, including the grade or gravity in the case of oil;

(ix) The number of units sold and the number of units for which payment was received or accrued during the year for which the return is made (in the case of newly developed oil and gas deposits it is desirable that this information be furnished by months);

(x) The gross amount received from the sale of mineral;

(xi) The amount of depreciation for the taxable year and the amount of cost depletion for the taxable year:

(xii) The amounts of depletion and depreciation, if any, stated separately, which for each and every prior year:

(a) Were allowed (see section 1016 (a) (2)),

(b) Were allowable, and

(c) Would have been allowable without reference to percentage or discovery depletion;

(xiii) The fractions (however measured) of gross production from the deposit or deposits to which the taxpayer and other persons are entitled togther with the names and addresses of such other persons; and

(xiv) Any other data which will be helpful in determining the reasonableness of the valuation asserted or of the deductions claimed.

(3) In the case of oil and gas properties the statements attached to the returns shall contain, in addition to the foregoing, the following information with respect to each property:

(i) The number of acres of producing oil or gas land and, if additional acreage is claimed to be proven, the amount of such acreage and the reasons for believing it to be proven;

(ii) The number of wells producing at the beginning and end of the taxable year;

(iii) The date of completion of each well finished during the taxable year;

(iv) The date of abandonment of each well abandoned during the taxable year;

(v) Maps showing the location of the tracts or leases and of the producing and abandoned wells, dry holes, and proven oil and gas lands (the maps should show depth, initial production, and date of completion of each well, etc., to the extent that these data are available);

(vi) The number of pay sands and average thickness of each pay sand or zone;

(vii) The average depth to the top of each of the different pay sands;

(viii) The annual production of the deposit or of the individual wells, if the latter information is available, from the beginning of its productivity to the end of the taxable year, the average number of wells producing during each year, and the initial daily production of each well (the extent to which oil or gas is used for fuel on the premises should be stated with reasonable accuracy);

(ix) All available data regarding change in operating conditions, such as unit operation, proration, flooding, use of air-gas lift, vacuum, shooting, and similar information, which have a direct effect on the production of the deposit; and

(x) Available geological information having a probable bearing on the oil and gas content; information with respect to edge water, water drive, bottom hold pressures, oil-gas ratio, porosity of reservoir rock, percentage of recovery, expected date of cessation of natural flow, decline in estimated potential, and characteristics similar to characteristics of other known fields.

(4) For rules relating to an additional statement to be attached to the return when the depletion deduction is computed upon a percentage of gross income from the property, see § 1.613–5.

§ 1.611–3 *Rules applicable to timber*—(a) *Capital recoverable through depletion allowance in case of timber.* In general, the capital remaining in any year recoverable through depletion allowances is the basis provided by section 612 and the regulations thereunder. For the method of determining fair market value and quantity of timber, see paragraphs (d), (e) and (f) of this section. For capitalization of carrying charges, see section 1016 (a) (1) (A). Amounts paid or incurred in connection with reforestation, including planting and preparation for planting or natural seeding (including planting for Christmas tree purposes), shall be capitalized and such amounts shall be recoverable through depletion allowances. The apportionment of deductions between the several owners of economic interests in standing timber will be made as provided in § 1.611–1 (c).

(b) *Computation of allowance for depletion of timber for taxable year.* (1) The depletion of timber takes place at the time timber is cut but the amount of depletion allowable with respect to timber that has been cut may be computed when, in the process of exploitation the quantity of cut timber is first accurately measured. However, the deduction for depletion in the case of timber shall be allowed in the taxable year in which the cut timber is sold and shall be based upon the number of units of timber sold during the year and the depletion unit of the timber account or accounts pertaining to such timber.

(2) The depletion unit of the timber for a given timber account in a given year shall be the quotient obtained by dividing (i) the basis provided by section 1012 and adjusted as provided by section 1016, of the timber on hand at the beginning of the year plus the cost of the number of units of timber acquired during the year plus proper additions to capital, by (ii) the total number of units of timber on hand in the given account at the beginning of the year plus the number of units acquired during the year plus (or minus) the number of units required to be added (or deducted) by way of correcting the estimate of the number of units remaining available in the account. The number of units of timber of a given timber account cut during any taxable year multiplied by the depletion unit of that timber account applicable to the year shall be the amount of depletion allowable as a deduction at the time such timber is sold. Such amount shall be charged to a depletion account which shall be credited as the timber, with respect to which the charge was made, is sold. Those taxpayers who keep their accounts on a monthly basis may at their option, keep their depletion accounts on such basis in which case the amount charged to the depletion account for a given month will be determined in the manner outlined for a given year. The total amount of the deduction for depletion in any taxable year shall be the sum of the amounts of depletion attributable to the cut timber sold during the year. For a description of timber accounts, see paragraphs (c) and (d) of this section.

(3) When a taxpayer has elected to treat the cutting of timber as a sale or exchange of such timber under the provisions of section 631 (a), he shall reduce the timber account containing such timber by an amount equal to the adjusted depletion basis of such timber. In computing any further gain or loss on such timber, see § 1.631–1 (e).

(c) *Timber depletion accounts on books.* (1) Every taxpayer claiming or expecting to claim a deduction for depletion of timber property shall keep accurate ledger accounts in which shall be recorded the cost or other basis provided by section 1012 of the property and land together with subsequent allowable capital additions in each account and all other adjustments provided by section 1016 and the regulations thereunder.

(2) In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. See paragraph (d) of this section. The timber accounts shall be credited each year with the amount of the charges to the depletion accounts computed in accordance with paragraph (b) of this section or the amount of the charges to the depletion accounts shall be credited to depletion reserve accounts. When the sum of the credits for depletion equals the cost or other basis of the property, plus subsequent allowable capital additions, no further deduction for depletion will be allowed.

(d) *Aggregating timber and land for purposes of valuation and accounting.* (1) With a view to logical and reasonable valuation of timber, the taxpayer shall include his timber in one or more accounts. In general, each such account shall include all of the taxpayer's timber which is located in one "block". A block may be an operation unit which includes all the taxpayer's timber which would logically go to a single given point of manufacture. In those cases in which the point of manufacture is at a considerable distance, or in which the logs or other products will probably be sold in a log or other market, the block may be a logging unit which includes all of the taxpayer's timber which would logically be removed by a single logging development. Blocks may also be established by geographical or political boundaries or by logical management areas. Timber acquired under cutting contracts should be carried in separate accounts and shall not constitute part of any block. In exceptional cases, provided there are good and substantial reasons, and subject to approval or revision by the district director on audit, the taxpayer may divide the timber in a given block into two or more accounts. For example, timber owned on February 28, 1913, and that purchased subsequently may be kept in separate accounts, or timber owned on February 28, 1913, and the timber purchased since that date in several distinct transactions may be kept in several distinct accounts. Individual tree species or groups of tree species may be carried in distinct ac-

counts, or special timber products may be carried in distinct accounts. Blocks may be divided into two or more accounts based on the character of the timber or its accessibility, or scattered tracts may be included in separate accounts. If such a division is made, a proper portion of the total value or cost, as the case may be, shall be allocated to each account.

(2) The timber accounts mentioned in subparagraph (1) of this paragraph shall not include any part of the value or cost, as the case may be, of the land. In a manner similar to that prescribed in subparagraph (1) of this paragraph, the land in a given "block" may be carried in a single land account or may be divided into two or more accounts on the basis of its character or accessibility. When such a division is made, a proper portion of the total value or cost, as the case may be, shall be allocated to each account.

(3) The total value or total cost, as the case may be, of land and timber shall be equitably allocated to the timber and land accounts, respectively. In cases in which immature timber growth is a factor, a reasonable portion of the total value or cost shall be allocated to such immature timber, and when the timber becomes merchantable such value or cost shall be recoverable through depletion allowances.

(4) Each of the several land and timber accounts carried on the books of the taxpayer shall be definitely described as to their location on the ground either by maps or by legal descriptions.

(5) For good and substantial reasons satisfactory to the district director, or as required by the district director on audit, the timber or the land accounts may be readjusted by dividing individual accounts, by combining two or more accounts, or by dividing and recombining accounts.

(e) *Determination of quantity of timber.* Each taxpayer claiming or expecting to claim a deduction for depletion is required to estimate with respect to each separate timber account the total units (feet board measure, log scale, cords, or other units) of timber reasonably known, or on good evidence believed, to have existed on the ground on March 1, 1913, or on the date of acquisition of the property, whichever date is applicable in determining the basis for cost depletion. This estimate shall state as nearly as possible the number of units which would have been found present by careful estimate made on the specified date with the object of determining 100 percent of the quantity of timber which the area covered by the specific account would have produced on that date if all of the merchantable timber had been cut and utilized in accordance with the standards of utilization prevailing in that region at that time. If subsequently during the ownership of the taxpayer making the return, as the result of the growth of the timber, of changes in standards of utilization, of losses not otherwise accounted for, of abandonment of timber, or of operations or development work, it is ascertained either by the taxpayer or the district director that there remain on the ground, available for utilization, more or less units of timber at the close of the taxable year (or at the close of the month if the taxpayer keeps his depletion accounts on a monthly basis) than remain in the timber account or accounts on the basis of the original estimate, then the original estimate (but not the basis for depletion) shall be revised. The depletion unit shall be changed when such revision has been made. The annual charge to the depletion account with respect to the property shall be computed by using such revised unit for the taxable year for which the revision is made and all subsequent taxable years until a change in facts requires another revision.

(f) *Determination of fair market value of timber property.* (1) If the fair market value of the property at a specified date is the basis for depletion deductions, such value shall be determined, subject to approval or revision by the district director upon audit, by the owner of the property in the light of the most reliable and accurate information available with reference to the condition of the property as it existed at that date, regardless of all subsequent changes, such as changes in surrounding circumstances, and methods of exploitation, in degree of utilization, etc. Such factors as the following will be given due consideration:

(i) Character and quality of the timber as determined by species, age, size, condition, etc.;

(ii) The quantity of timber per acre, the total quantity under consideration, and the location of the timber in question with reference to other timber;

(iii) Accessibility of the timber (location with reference to distance from a common carrier, the topography and other features of the ground upon which the timber stands and over which it must be transported in process of exploitation, the probable cost of exploitation and the climate and the state of industrial development of the locality); and

(iv) The freight rates by common carrier to important markets.

(2) The timber in each particular case will be valued on its own merits and not on the basis of general averages for regions; however, the value placed upon it, taking into consideration such factors as those mentioned above, will be consistent with that of other similar timber in the region. The district director will give weight and consideration to any and all facts and evidence having a bearing on the market value, such as cost, actual sales and transfers of similar properties, the margin between the cost of production and the price realized for timber products, market value of stock or shares, royalties and rentals, valuation for local or State taxation, partnership accountings, records of litigation in which the value of the property has been involved, the amount at which the property may have been inventoried or appraised in probate or similar proceedings, disinterested appraisals by approved methods, and other factors.

(g) *Revaluation of timber property not allowed.* No revaluation of a timber property whose value as of any specific date has been determined and approved will be made or allowed during the continuance of the ownership under which the value was so determined and approved, except in the case of misrepresentation or fraud or gross error as to any facts known on the date as of which the valuation was made. Revaluation on account of misrepresentation or fraud or such gross error will be made only with the written approval of the Commissioner. The depletion unit shall be revised when such a revaluation of a timber property has been made and the annual charge to the depletion account with respect to the property shall be computed by using such revised unit for the taxable year for which such revision is made and for all subsequent taxable years.

(h) *Information to be furnished by taxpayer claiming depletion of timber.* A taxpayer claiming a deduction for depletion of timber and for depreciation of plant and other improvements shall attach to his income tax return a filled-out Form T-Timber for the taxable year covered by the income tax return, including the following information:

(1) A map where necessary, to show clearly timber and land acquired, timber cut, and timber and land sold;

(2) Description of, cost of, and terms of purchase of timberland or timber, or cutting rights, including timber or timber rights acquired under any type of contract;

(3) Profit or loss from sale of land, or timber, or both;

(4) Description of timber with respect to which claim for loss, if any, is made;

(5) Record of timber cut;

(6) Changes in each timber account as a result of purchase, sale, cutting, re-estimate, or loss;

(7) Changes in improvements accounts as the result of additions to or deductions from capital and depreciation, and computation of profit or loss on sale or other disposition of such improvements;

(8) Operation data with respect to raw and finished material handled and inventoried;

(9) Statement as to application of the election under section 631 (a) and pertinent information in support of the fair market value claimed thereunder;

(10) Information with respect to land ownership and capital investment in timberland; and

(11) Any other data which will be helpful in determining the reasonableness of the depletion or depreciation deductions claimed in the return.

§ 1.611–4 *Depletion as a factor in computing earnings and profits for dividend purposes.* For rules with respect to computation of earnings and profits where depletion is a factor in the case of corporations, see § 1.312–6 (c) (1).

§ 1.611–5 *Depreciation of improvements*—(a) *In general.* Section 611 provides in the case of mines, oil and gas wells, other natural deposits, and timber that there shall be allowed as a deduction a reasonable allowance for depreciation of improvements. Such allowance shall inculde exhaustion, wear and tear, and obsolescence. The deduction allowed under section 611 shall be determined under the provisions of section 167 and the regulations thereunder. For purposes of section 167 the unit of production method is considered to be a reasonable method under section 167 (a), and therefore, not subject to the limitations prescribed by section 167 (b).

(b) *Special rules for mines, oil and gas wells, other natural deposits and timber.* (1) For principles governing the opportioning of depreciation allowances under sections 611 and 167 in the case of property held by one person for life with remainder to another or in the case of property held in trust or by an estate, see § 1.167 (g)–1.

(2) A reasonable allowance for depreciation on account of obsolescence or decay may be required in an appropriate case during periods when the improvement is not used in production or is used in producing at a rate below its normal capacity. This rule is applicable whether or not the taxpayer uses the unit of production method.

(3) See sections 615 and 616 and the regulations thereunder for special rules for treatment of allowances for depreciation of improvements with respect to the exploration and development of a mine or other natural deposit (other than oil or gas).

(4) In the case of operating oil or gas properties, the deduction for depreciation shall be allowed for those costs of improvements such as machinery, tools, equipment, pipes and similar items and the costs of installation which are not treated as a deductible expense under section 263 (c). See § 1.612–4.

(c) *Accounting and record keeping.* See § 1.167 (a)–7 for accounting and record keeping requirements for taxpayers claiming deductions under section 611 and this section.

§ 1.612 *Statutory provisions; basis for cost depletion.*

SEC. 612. *Basis for cost depletion.* Except as otherwise provided in this subchapter, the basis on which depletion is to be allowed in respect of any property shall be the adjusted basis provided in section 1011 for the purpose of determining the gain upon the sale or other disposition of such property.

§ 1.612–1 *Basis for allowance of cost depletion*—(a) *In general.* The basis upon which the deduction for cost depletion under section 611 is to be allowed in respect of any mineral or timber property is the adjusted basis provided in section 1011 for the purpose of determining gain upon the sale or other disposition of such property except as provided in paragraph (b) of this section. The adjusted basis of such property is the cost or other basis determined under section 1012, relating to the basis of property, adjusted as provided in section 1016, relating to adjustments to basis, and the regulations under such sections. In the case of the sale of a part of such property, the unrecovered basis thereof shall be distributed between the part sold and the part retained.

(b) *Special rules.* (1) The basis for cost depletion of mineral or timber property does not include:

(i) Amounts recoverable through depreciation deductions, through deferred expenses, and through deductions other than depletion, and

(ii) The residual value of land and improvements at the end of operations.

In the case of any mineral property the basis for cost depletion does not include amounts representing the cost or value of land for purposes other than mineral productions. Furthermore, in the case of certain mineral properties, such basis does not include exploration or development expenditures which are treated under section 615 (b) or 616 (b) as deferred expenses to be taken into account as deductions on a ratable basis as the units of minerals benefited thereby are produced and sold. However, there shall be included in the basis for cost depletion of oil and gas property the amounts of capitalized drilling and development costs which, as provided in § 1.612–4, are recoverable through depletion deductions. In the case of timber property, the basis for cost depletion does not include amounts representing the cost or value of land.

(2) Where a taxpayer elects to treat the cutting of timber as a sale or exchange of such timber, the basis for cost depletion shall be the fair market value of such timber as of the first day of the taxable year in which such timber is cut and such value shall be considered for such taxable year and all subsequent taxable years as the cost of such timber for all purposes for which such cost is a necessary factor. See section 631 (a).

(c) *Cross references.* In cases where the valuation, revaluation, or mineral content of deposits is a factor, see § 1.611–2 (c), (d), (e), and (f). In cases where the valuation, revaluation, or quantity of timber is a factor, see § 1.611–3 (e), (f), and (g). For definitions of the terms "property", "fair market value", "mineral enterprise", "mineral deposit", and "minerals", see § 1.611–1 (d). For rules with respect to treatment of depletion accounts on taxpayers' books, see § 1.611–2 (b) in the case of mineral property, and § 1.611–3 (c) in the case of timber property.

§ 1.612–2 *Allowable capital additions in case of mines*—(a) *In general.* Expenditures for improvements and for replacements, not including expenditures for ordinary and necessary maintenance and repairs, shall, ordinarily, be charged to capital account recoverable through depreciation deductions. Expenditures for equipment (including its installation and housing) and for replacements thereof, which are necessary to maintain the normal output solely because of the recession of the working faces of the mine and which—

(i) Do not increase the value of the mine, or

(ii) Do not decrease the cost of production of mineral units, or

(iii) Do not represent an amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made

shall be deducted as ordinary and necessary business expenses. In classifying expenditures as between those chargeable to capital account and those deductible as ordinary and necessary business expenses, the test to be applied is whether, under sound accounting practice, such expenditures should be charged against mineral produced during the taxable year or capitalized as chargeable to future production.

(b) *Special rules.* For special provisions applicable to treatment of expenditures for certain exploration and development costs (other than for the acquisition, restoration or betterment of improvements) with respect to minerals other than oil or gas, see sections 615 and 616 and the regulations thereunder.

§ 1.612–3 *Depletion; treatment of bonus and advanced royalty*—(a) *Bonus.* (1) If a bonus in addition to royalties is received upon the grant of an economic interest in a mineral deposit, or standing timber, there shall be allowed to the payee as a cost depletion deduction in respect of the bonus an amount equal to that proportion of his basis for depletion as provided in section 612 and § 1.612–1 which the amount of the bonus bears to the sum of the bonus and the royalties expected to be received. Such allowance shall be deducted from the payee's basis for depletion and the remainder of the basis is recoverable through depletion deductions as the royalties are thereafter received. (But see paragraph (c) of this section.) For example, a taxpayer leases mineral property to another reserving a one-eighth royalty and in addition receives a bonus of $10,000. Assuming that the taxpayer's basis with respect to the mineral property is $21,000 and that the royalties expected to be received are estimated to total $20,000, the depletion on the bonus would be $7,000

$$\left(\frac{\$21{,}000\ \text{(basis)} \times \$10{,}000\ \text{(bonus)}}{\$30{,}000\ \text{(bonus plus estimated royalties)}}\right)$$

The remaining $14,000 of basis will be recovered through depletion as the royalties are received.

(2) If the grant of an economic interest in a mineral deposit or standing timber with respect to which a bonus was received expires, terminates, or is abandoned before there has been any extraction of mineral or cutting of timber, the payee shall adjust his capital account by restoring thereto the depletion deduction taken on the bonus and a corresponding amount must be returned as income in the year of such expiration, termination or abandonment.

(3) In the case of the payor, payment of the bonus constitutes a capital investment made for the acquisition of an economic interest in a mineral deposit or standing timber recoverable through the depletion allowance. See § 1.613–2 (c) (5) (ii) in cases in which percentage depletion is used.

(b) *Advanced royalties.* (1) If the owner of an operating interest in a mineral deposit or standing timber is required to pay royalties on a specified number of units of such mineral or timber annually whether or not extracted or cut within the year, and may apply any amounts paid on account of units not extracted or cut within the year against the royalty on the mineral or

timber thereafter extracted or cut, the payee shall compute cost depletion on the number of units so paid for in advance of extraction or cutting and shall treat the amount so determined as an allowable deduction for depletion from the gross income of the year in which such payment or payments are made. No deduction for depletion by such payee shall be claimed or allowed in any subsequent year on account of the extraction or cutting in such year of any mineral or timber so paid for in advance and for which deduction has once been made. (But see paragraph (e) of this section.)

(2) If the right to extract minerals or to cut timber against which the advanced royalties may be applied expires, terminates or is abandoned before all such minerals or timber have been extracted or cut, the payee shall adjust his capital account by restoring thereto the depletion deductions made in prior years on account of any units of mineral or timber paid for in advance but not extracted or cut, and a corresponding amount must be returned as income for the year of such expiration, termination, or abandonment.

(3) The payor, at his option, may treat the advanced royalties so paid or accrued in connection with mineral property as follows:

(i) As deductions from gross income for the year the advanced royalties are paid or accrued; or

(ii) As deductions from gross income for the year the mineral product, in respect of which the advanced royalties were paid, is sold.

For an exception to this treatment when the payor is a sublessor of coal see § 1.631–3 (b) (3). Every taxpayer must make an election as to the treatment of all such advanced royalties in his return for the first taxable year in which such amounts are paid or accrued. A taxpayer will be considered to have made an election in accordance with the manner in which such items are treated in the return. A failure to deduct any such items for the year paid or accrued will constitute an election to have all such items treated in accordance with subdivision (ii) of this subparagraph. Any election made under this section is binding for the taxable year for which made and for all subsequent years, and the taxpayer must treat all advanced royalties pair or accrued in all subsequent years in the same manner. This paragraph does not grant a new election. Any taxpayer who made an election under § 39.23 (m)–10 (e) of Regulations 118 (26 CFR (1939) Part 39) or corresponding provisions of prior regulations is, by such election, bound with respect to treatment of such advanced royalties whether paid or accrued before or after December 31, 1953. See section 7807 (b) (2). For additional rules relating to elections in the case of partners and partnerships, see section 703 (b) and the regulations thereunder.

(4) The application of subparagraphs (2) and (3) of this paragraph may be illustrated by the following examples:

Example (1). B leased certain mineral lands from A under a lease in which A reserved a royalty of 10 cents a ton on minerals mined and sold by B. The lease also provided that B had to pay an annual minimum royalty of $10,000 representing the amount due on 100,000 tons of the particular mineral whether or not B mined and sold that amount. It was further provided that, if B did not mine and sell 100,000 tons in any year, he could mine and sell in any subsequent year the amount of mineral on which he had paid the royalty without the payment of any additional royalty. However, this right of recoupment was limited to minerals mined and sold in any later year in excess of the 100,000 tons represented by the $10,000 minimum royalty required to be paid for that later year. Assume that in 1956 B paid A the minimum royalty of $10,000, but mined and sold only 60,000 tons of the mineral and that in 1957 he abandoned the lease without any further production. Since the $10,000 represents royalties on 100,000 tons of mineral and only 60,000 tons were mined and sold, A must restore in 1957 to his capital account the depletion deductions taken in 1956 on $4,000 on account of the 40,000 tons paid for in advance but not mined and sold, and must also return the corresponding amount as income in 1957.

Example (2). Assume that B, under the lease in example (1), paid the $10,000 minimum royalty and mined no minerals in 1956 but that in 1957 B mined and sold 200,000 tons of mineral. If this is B's first such expenditure, B has an option, for the purpose of computing taxable income under section 63, to deduct in 1956 the $10,000 paid in that year although no mineral was mined, or to take the deduction in 1957 when the mineral, for which the $10,000 was paid in 1956, was mined and sold. (For treatment under percentage depletion see example in § 1.613–2 (c) (5) (iii).)

(c) *Delay rental.* (1) A delay rental is an amount paid for the privilege of deferring development of the property and which could have been avoided by abandonment of the lease, or by commencement of development operations, or by obtaining production.

(2) Since a delay rental is in the nature of rent it is ordinary income to the payee and not subject to depletion. The payor may at his election deduct such amount as an expense, or under section 266 and the regulations thereunder, charge it to depletable capital account.

(d) *Exception to paragraphs (a) and (b) of this section.* In lieu of the treatment provided for in paragraphs (a) and (b) of this section, the payees referred to therein may take as a depletion deduction in respect of any bonus or advanced royalty for the taxable year an amount computed on the basis of the percentage of gross income from the property as provided in section 613 and the regulations thereunder.

(e) *Cross reference.* In the case of bonuses and advanced royalties received in connection with a contract of disposal of timber or coal covered by sections 631 (b) and (c), respectively, see those sections and the regulations thereunder.

§ 1.612–4 *Charges to capital and to expense in case of oil and gas wells*—(a) *Option with respect to intangible drilling and development costs.* (1) In accordance with section 263 (c), the owner of an operating mineral interest may, at his option, deduct as expenses the intangible drilling and development costs incurred in the development of oil and gas deposits to the extent such costs are attributable to his share of the total of all operating mineral interests in the well. The phrase "operating mineral interest", as used in this section, means an operating mineral interest as defined in section 614 (b) (3) where such interest is in an oil or gas well. If any owner incurs a share of the total intangible drilling and development costs in excess of his share of the total of all operating mineral interests in the well, such excess must be capitalized and recovered through depletion.

(2) When more than one person owns an operating mineral interest in an oil or gas well, each owner's share of the total of such interests during the complete payout period shall be the share of the operating net income from the well that he is entitled to receive during the complete payout period. Therefore, each owner may, at his option, deduct a fraction of the total intangible drilling and development costs minus all such costs which are recoverable out of production payments, royalties, and net profits interests not in excess of the lesser of:

(i) Such intangible drilling and development costs incurred by him, or

(ii) His fractional share of the operating net income that he is entitled to receive during the complete payout period.

The "complete payout period" means the period ending when the operating net income from the well, after payment of all costs of operation, first equals all expenditures for drilling and development (tangible and intangible), minus all such expenditures which are recoverable out of production payments, royalties, and net profits interests. The "operating net income" is the total operating gross income from the well reduced by an amount equal to the costs of operating the well. Such operating costs shall not include tangible or intangible development costs, or any deduction based thereon. The "total operating gross income" is the gross income from the well excluding income attributable to royalty interests, production payments, and net profits interests.

(3) This option applies to all expenditures made by an operator for wages, fuel, repairs, hauling, supplies, etc., incident to and necessary for the drilling of wells and the preparation of wells for the production of oil or gas. Such expenditures have for convenience been termed intangible drilling and development costs. They include the cost to operators of any drilling or development work (excluding amounts payable only out of production or gross or net proceeds from production, which amounts are depletable income to the recipient, and amounts properly allocable to cost of depreciable improvements) done for them by contractors under any form of contract, including turnkey contracts. Examples of items to which this option applies are, all amounts paid for labor, fuel, repairs, hauling, and supplies, or any of them, which are used (i) in the drilling, shooting, and cleaning of wells; (ii) in such clearing of ground, draining, road making, surveying, and geological works as are necessary in preparation for the drilling of wells; and (iii) in the construction of such derricks, tanks, pipelines, and other physical structures as are necessary for the drilling of wells and the preparation of wells for the production of oil or gas. In general, this option applies only to expenditures for those drilling and developing items which in themselves do not have a salvage value. For the purpose of this option, labor, fuel, repairs, hauling, supplies, etc., are not considered as having a salvage value, even though used in connection with the installation of improvements which have a salvage value. Included in this option are all costs of drilling and development undertaken (directly or through a contract) by an owner of an operating interest whether incurred by him prior or subsequent to the formal grant or assignment to him of the operating interest (a leasehold interest, or other form of operating or working interest).

(4) The principles of this paragraph may be illustrated by the following examples in each of which it is assumed that the parties have elected to be treated as individuals under section 761:

Example (1). L, a lessee, assigns an undivided one-half of his interest in an oil and gas lease to O who obligates himself to drill, equip, and operate a well thereon at his own cost and expense with the right to take all of the oil and gas (after royalties and production payments) until complete payout; thereafter each party to assume his proportionate burden and receive his share of the oil and gas or the proceeds thereof. O has the whole operating interest throughout the complete payout period, and therefore, may expense the entire amount of the intangible drilling and development costs, provided he has properly exercised his option to do so.

Example (2). L, a lessee, assigns an undivided one-fourth of his interest in an oil and gas lease to O who obligates himself to drill, equip, and operate a well thereon at his own cost and expense with the right to take all of the oil and gas (after royalties and production payments) until O has been reimbursed, after meeting his operating costs, for one-half of all costs of development. Thereafter, each party will assume his proportionate burden and receive his share of the oil and gas or the proceeds thereof, so that L will thereafter pay three-fourths of the expenses and receive three-fourths of the operating net income from oil and gas, and O will pay one-fourth of the expenses and receive one-fourth of the operating net income from oil and gas. During the complete payout period O will receive a total of five-eighths of the operating net income (one-half plus one-fourth of one-half); Thus, O may expense five-eighths of his intangible drilling and development costs, provided he has properly exercised his option to do so.

Example (3). L, a lessee, assigns an undivided one-half of his interest in an oil and gas lease to O who obligates himself to drill and equip one well thereon, free of cost to L. L and O bear the production costs equally and share equally in the oil and gas distributable to this well from the beginning of production. Since O has only one-half of the operating net income during the complete payout period, he may deduct only one-half of the intangible drilling and development costs, provided he has properly exercised his option to do so.

Example (4). L, a lessee, agrees that if O will drill and equip one well on L's lease, free of cost to L, O shall take the gross production from the lease or the proceeds thereof, free of all production costs, until O has received his costs of drilling and equipping the well, plus six percent interest thereon. O has no part of the operating interest and therefore, cannot deduct any part of the intangible drilling and development costs. Such costs must be capitalized as O's cost of his production payment in exchange for which he agreed to drill and equip one well.

(b) *Recovery of optional items; if capitalized.* (1) Items recoverable through depletion: If the taxpayer charges to capital account such expenditures as fall within the option, the amounts so capitalized are recoverable through depletion insofar as they are not represented by improvements. For the purposes of this section the expenditures for clearing ground, draining, road making, surveying, geological work, excavation, grading and the drilling, shooting, and cleaning of wells, are considered not to be represented by improvements, and when charged to capital account are returnable through depletion.

(2) Items recoverable through depreciation: If the taxpayer charges such expenditures as fall within the option to capital account, the amounts so capitalized and not deducted as a loss are returnable through depreciation insofar as they are represented by improvements. Such expenditures are amounts paid for wages, fuel, repairs, hauling, supplies, etc., used in the installation of casing and equipment and in the construction on the premises of derricks and other physical structures.

(3) In the case of capitalized intangible drilling and development costs incured under a contract, such costs shall be allocated between the foregoing classes of items specified in subparagraphs (1) and (2) of this paragraph for the purpose of determining the depletion and depreciation allowances.

(4) Election with respect to cost of nonproductive wells: If the operator has exercised the option under paragraph (a) of this section to capitalize intangible drilling and development costs, then an election is accorded with respect to intangible drilling and development costs incurred in drilling a nonproductive well. Such costs incurred in drilling a nonproductive well may be deducted by the taxpayer as an ordinary loss provided a proper election is made by a clear statement in the return for the first taxable year beginning after December 31, 1942, in which such a nonproductive well is completed. Such election with respect to intangible drilling and development costs of nonproductive wells when made, shall be binding for all subsequent years. The absence of a clear indication in such return of an election to deduct as ordinary losses intangible drilling and development costs of nonproductive wells shall be deemed to be an election to recover such costs through depletion to the extent that they are not represented by improvements, and through depreciation to the extent that they are represented by improvements.

(c) *Nonoptional items distinguished*—(1) *Capital items.* The option with respect to intangible drilling and development costs does not apply to expenditures by which the taxpayer acquires improvements ordinarily considered as having a salvage value. Examples of such items are the costs of the actual materials in those structures which are constructed in the wells and on the premises, and the cost of drilling tools, pipe, casing, tubing, tanks, engines, boilers, machines, etc. The option does not apply to any expenditures for wages, fuel, repairs, hauling, supplies, etc., in connection with equipment, facilities, or structures, not incident to or necessary for the drilling of wells, such as structures for storing or treating oil or gas. These are capital items and are recoverable through depreciation except that when they are a part of the taxpayer's depletable basis the costs thereof are recoverable through depletion.

(2) *Expense items.* Expenditures which must be charged off as expense, regardless of the option provided by this section, are those for labor, fuel, repairs, hauling, supplies, etc., in connection with the operation of the wells and of other facilities on the premises for the production of oil or gas.

(d) *Effect of option and election.* This section does not grant a new option under paragraph (a) of this section or new election under paragraph (b) of this section. Any taxpayer who exercised an option or made an election under paragraph (b) of § 29.23 (m)–16 of Regulations 111 (26 CFR (1939) Part 29) or paragraph (a) or (b) of § 39.23 (m)–16 of Regulations 118 (26 CFR (1939) Part 39), is, by such option or election, bound with respect to all intangible drilling and development costs (whether made before January 1, 1954, or after December 31, 1953) in connection with oil and gas properties. See section 7807 (b) (2). Any taxpayer who has not made expenditures in any taxable year beginning after December 31, 1942, for the development of oil and gas deposits and prior to his first taxable year beginning after December 31, 1953, and ending after August 16, 1954, must exercise the option granted in paragraph (a) of this section with respect to intangible drilling and development costs in general in the return for the first taxable year in which the taxpayer pays or incurs such expenditures. In the case of a return filed for such first taxable year, the time for exercising the option under paragraph (a) of this section or the election under paragraph (b) of this section shall in no case expire before the close of the 90th day after the regulations adopted under section 612 are published in the FEDERAL REGISTER. For additional rules relating to elections in the case of partners and partnerships, see section 703 (b) and the regulations thereunder.

§ 1.613 *Statutory provisions; percentage depletion.*

SEC. 613. *Percentage depletion*—(a) *General rule.* In the case of the mines, wells, and other natural deposits listed in subsection (b), the allowance for depletion under section 611 shall be the percentage, specified in subsection (b), of the gross income from the property excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). In no case shall the allowance for depletion under section 611 be less than it would be if computed without reference to this section.

(b) *Percentage depletion rates.* The mines, wells, and other natural deposits, and the percentages, referred to in subsection (a) are as follows:

(1) 27½ percent—oil and gas wells.

(2) 23 percent—

(A) Sulfur and uranium; and

(B) If from deposits in the United States—anorthosite (to the extent that alumina and aluminum compounds are extracted therefrom), asbestos, bauxite, beryl, celestite, chromite, corundum, fluorspar, graphite, ilmenite, kyanite, mica, olivine, quartz crystals (radio grade), rutile, block steatite talc, and zircon, and ores of the following metals: antimony, bismuth, cadmium, cobalt, columbium, lead, lithium, manganese, mercury, nickel, platinum and platinum group metals, tantalum, thorium, tin, titanium, tungsten, vanadium, and zinc.

(3) 15 percent—ball clay, bentonite, china clay, sagger clay, metal mines (if paragraph (2) (B) does not apply), rock asphalt, and vermiculite.

(4) 10 percent—asbestos (if paragraph (2) (B) does not apply), brucite, coal, lignite, perlite, sodium chloride, and wollastonite.

(5) 5 percent—

(A) Brick and tile clay, gravel, mollusk shells (including clam shells and oyster shells), peat, pumice, sand, scoria, shale, and stone, except stone described in paragraph (6); and

(B) If from brine wells—bromine, calcium chloride, and magnesium chloride.

(6) 15 percent—all other minerals (including, but not limited to, aplite, barite, borax, calcium carbonates, refractory and fire clay, diatomaceous earth, dolomite, feldspar, fullers earth, garnet, gilsonite, granite, limestone, magnesite, magnesium carbonates, marble, phosphate rock, potash, quartzite, slate, soapstone, stone (used or sold for use by the mine owner or operator as dimension stone or ornamental stone), thenardite, tripoli, trona, and (if paragraph (2) (B) does not apply) bauxite, beryl, flake graphite, fluorspar, lepidolite, mica, spodumene, and talc, including pyrophyllite), except that, unless sold on bid in direct competition with a bona fide bid to sell a mineral listed in paragraph (3), the percentage shall be 5 percent for any such other mineral when used, or sold for use, by the mine owner or operator as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes. For purposes of this paragraph, the term "all other minerals" does not include—

(A) Soil, sod, dirt, turf, water, or mosses; or

(B) Minerals from sea water, the air, or similar inexhaustible sources.

(c) *Definition of gross income from property.* For purposes of this section—

(1) *Gross income from the property.* The term "gross income from the property" means, in the case of a property other than an oil or gas well, the gross income from mining.

(2) *Mining.* The term "mining" includes not merely the extraction of the ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products, and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles unless the Secretary or his delegate finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.

(3) *Extraction of the ores or minerals from the ground.* The term "extraction of the ores or minerals from the ground" includes the extraction by mine owners or operators of ores or minerals from the waste or residue of prior mining. The preceding sentence shall not apply to any such extraction of the mineral or ore by a purchaser of such waste or residue or of the rights to extract ores or minerals therefrom.

(4) *Ordinary treatment processes.* The term "ordinary treatment processes" includes the following:

(A) In the case of coal—cleaning, breaking, sizing, dust allaying, treating to prevent freezing, and loading for shipment;

(B) In the case of sulfur recovered by the Frasch process—pumping to vats, cooling, breaking, and loading for shipment;

(C) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, and sintering to bring to shipping grade and form, and loading for shipment;

(D) In the case of lead, zinc, copper, gold, silver, or fluorspar ores, potash and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including as an ordinary treatment process electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore, including the furnacing of quicksilver ores; and

(E) The pulverization of talc, the burning of magnesite, and the sintering and nodulizing of phosphate rock.

§ 1.613–1 *Percentage depletion; general rule.* In the case of a taxpayer computing the deduction for depletion under section 611 with respect to minerals on the basis of a percentage of gross income from the property, as defined in section 613 (c) and § 1.613–3, such deduction shall be the percentage of such gross income as specified in section 613 (b) and § 1.613–2. The deduction shall not exceed 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). Such taxable income shall be computed in accordance with § 1.613–4. In no case shall the deduction for depletion computed under this section be less than the deduction computed upon the cost or other basis of the property provided in section 612 and the regulations thereunder. The apportionment of the deduction between the several owners of economic interests in a mineral deposit will be made as provided in § 1.611–1 (c). For rules with respect to "gross income from the property", see § 1.613–3. For definitions of the terms "property", "mineral deposit", and "minerals", see § 1.611–1 (d). See § 1.613–3 (c) (7) for definition of the term "mining".

§ 1.613–2 *Percentage depletion rates*—(a) *In general.* Subject to the provisions of paragraph (b) of this section and as provided in section 613 (b), in the case of mines, wells, or other natural deposits, a taxpayer may deduct as an allowance for depletion under section 611 the percentages of gross income from the property as set forth in the following subparagraphs (1), (2), and (3) of this paragraph:

(1) *Without regard to situs of deposits.* The following rates are applicable to the minerals listed herein regardless of the situs of the deposits from which the minerals are produced:

(i) 27½ percent—Gas wells, oil wells.

(ii) 23 percent—Sulphur, uranium.

(iii) 15 percent—Ball clay, bentonite, china clay, metal mines,[1] sagger clay, rock asphalt, vermiculite.

(iv) 10 percent—Asbestos,[1] brucite, coal, lignite, perlite, sodium chloride, wollastonite.

(v) 5 percent—Brick and tile clay, gravel, mollusk shells (including clam shells and oyster shells), peat, pumice, sand, scoria, shale, stone (except dimension or ornamental stone).

If from brine wells—Bromine, calcium chloride, magnesium chloride.

(2) *Production from United States deposits.* A rate of 23 percent is applicable to the minerals listed below if produced from deposits within the United States:

Anorthosite.[1]	Ilmenite.
Asbestos.	Kyanite.
Bauxite.	Mica.
Beryl.	Olivine.
Celestite.	Quartz crystals (radio grade).
Chromite.	Rutile.
Corundum.	Block steatite talc.
Fluorspar.	Zircon.
Graphite.	

ores of the following metals [2]—

Antimony.	Platinum.
Bismuth.	Platinum group metals.
Cadmium.	Tantalum.
Cobalt.	Thorium.
Columbium.	Tin.
Lead.	Titanium.
Lithium.	Tungsten.
Manganese.	Vanadium.
Mercury.	Zinc.
Nickel.	

[1] The rate prescribed in this subparagraph does not apply except for the production of alumina and aluminum compounds.

[2] Applicable only to the extent such metals are produced.

(3) *Other minerals.* A rate of 15 percent is applicable to the minerals listed below regardless of the situs of the deposits from which the minerals are produced, provided the minerals are not used or sold for use by the mine owner or operator as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes. If, however, the minerals listed below are sold or used for the purposes described in the preceding sentence, a rate of 5 percent is applicable to any of such minerals unless sold on bid in direct competition with a bona fide bid to sell any of the minerals listed in subdivision (iii) of subparagraph (1) of this paragraph, in which case the rate is 15 percent. In addition, the provisions of this subparagraph are not applicable with respect to any of the minerals listed below if the rate prescribed in subparagraph (2) of this paragraph is applicable:

Aplite.	Calcium carbonates.
Barite.	Clay, refractory and fire.
Bauxite.[1]	Diatomaceous earth.
Bery.[1]	Dolomite.
Borax.	

[1] The provisions of this subparagraph are not applicable if the rate prescribed in subparagraph (2) of this paragraph is applicable.

[1] Not applicable if the rate prescribed in subparagraph (2) of this paragraph is applicable.

Feldspar.	Phosphate rock.
Flake graphite.[1]	Potash.
Fluorspar.[1]	Quartzite.
Fullers earth.	Slate.
Garnet.	Soapstone.
Gilsonite.	Spodumene.[1]
Granite.	Stone (dimension or ornamental).[2]
Lepidolite.[1]	Talc[1] (including pyrophyllite).
Limestone.	Thenardite.
Magnesite.	Tripoli.
Magnesium carbonates.	Trona.
Marble.	All other minerals.
Mica.[1]	

[1] The provisions of this subparagraph are not applicable if the rate prescribed in subparagraph (2) of this paragraph is applicable.

[2] The 15 percent rate is applicable only to stone used or sold for use by the mine owner or operator as dimension stone or ornamental stone.

(b) *Definition of terms.* (1) For purposes of this section the minerals indicated below shall have the following meanings:

(i) Clay, brick and tile—Clay of a type ordinarily used or sold for use in the manufacture of common brick, drain and roofing tile, sewer pipe, flower pots and kindred products.

(ii) Pumice—All pumice including pumicite.

(iii) Scoria—Only scoria produced from natural deposits.

(2) For purposes of this section, the term "United States" means the States, the Territories of Alaska and Hawaii, and the District of Columbia. See section 7701 (a) (9).

(3) For purposes of this section, the term "dimension stone" means blocks and slabs of natural stone cut to definite shapes and sizes, and subsequently used or sold for such uses as building stone (excluding rubble), monumental stone, paving blocks, curbing and flagging. For purposes of this section, "ornamental stone" means blocks and slabs of natural stone cut to definite shapes and sizes and subsequently used or sold for use for making ornaments or statues.

(4) For purposes of this section, the term "all other minerals" does not include (i) soil, sod, dirt, turf, water, or mosses; or (ii) minerals from sea water, the air, or similar inexhaustible sources. However, the term "all other minerals" is not limited in meaning to the minerals listed in section 613 (b), but includes all other minerals (except those to which a specific percentage rate applies under subparagraphs (1), (2), (3), (4), and (5) of section 613 (b)): For example, gypsum, novaculite, natural mineral pigments, quartz sand and quartz pebbles when used or sold for purposes dependent upon their chemical or refractory properties, graphite, and kyanite (if section 613 (b) (2) (B) does not apply), and anorthosite to the extent that alumina and aluminum compounds are not extracted therefrom. The 15 percent rate applies to such "all other minerals" when used or sold for use by the mine owner or operator for purposes other than as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes. When any such minerals are used or sold for use by the mine owner or operator as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes, the 5 percent rate applies except that, when sold for such use by the mine owner or operator on a bid in direct competition with a bona fide bid to sell a mineral listed in section 613 (b) (3), the 15 percent rate applies. For example, limestone sold on a bid in direct competition with a bona fide bid to sell rock asphalt for road building purposes may be entitled to a 15 percent rate. In every case the taxpayer must establish to the satisfaction of the district director that there was a bona fide bid to sell a mineral listed under section 613 (b) (3) by a person other than the taxpayer, and that the mineral sold by the taxpayer was sold on a bid in direct competition with such bona fide bid to sell such other material.

(c) *Rules for application of paragraph (a) of this section.* (1) In no case may the allowance for depletion computed upon the basis of a percentage of gross income from the property exceed 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). For rules relating to the computation of such taxable income, see § 1.613–4.

(2) In cases in which there are produced from a mineral property two or more minerals, each entitled to a different percentage depletion rate under section 613 (b) and this section, the percentage depletion allowance is the sum of the results obtained by applying the percentage applicable to each mineral to the "gross income from the property" attributable to such mineral. The sum so computed is subject to the limitation provided in section 613 (a) and § 1.613–1, that is, 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). Such taxable income (computed in accordance with § 1.613–4) is the total taxable income resulting from the sale of all minerals produced from the mineral property. The provisions of this subparagraph may be illustrated by the following example:

Example. Pyrite, an iron sulfide, may be sold for either its sulphur content or its iron content, or both. Sulphur is entitled to a percentage depletion deduction based on 23 percent of gross income from the property whereas the percentage depletion deduction for iron is based on 15 percent of such gross income. Therefore, in the case of a taxpayer who sells pyrite for both its sulphur and iron content, 23 percent of his gross income from sulphur plus 15 percent of his gross income from iron would be his maximum allowable percentage depletion deduction. However, this maximum deduction would be subject to the limitation provided for in section 613 (a), i. e., 50 percent of "taxable income from the property (computed without allowance for depletion)", such taxable income being the overall taxable income resulting from the sale of both minerals contained in the deposit.

$$\left(\frac{\text{100,000 bbls. sold}}{\text{1,000,000 bbls. estimated to be available}} \times \$200{,}000 \text{ bonus}\right)$$

the portion of the bonus allocable to the oil produced and sold during the year. However, in computing B's taxable income under section 63, the $20,000 attributable to the bonus payment shall not be either excluded or deducted from B's gross income computed under section 61. (See § 1.612–3 (a) (3).)

(3) The percentage rates set forth in this section are applicable only for taxable years beginning after December 31, 1953, and ending after August 16, 1954. See section 7851 (a) (1) (A). For percentage rates applicable to minerals for which percentage depletion is allowable for taxable years beginning before January 1, 1954, or ending before August 17, 1954, see § 39.23 (m)–5 of Regulations 118 (26 CFR (1939) Part 39).

(4) Percentage depletion is not allowable with respect to the income from a disposal of coal (including lignite) with a retained economic interest to the extent that such income is treated as from a sale of coal under section 631 (c) and the regulations thereunder. Rents or royalties paid or incurred by a taxpayer with respect to coal (including lignite) shall be excluded by such taxpayer in determining "gross income from the property" without regard to the treatment under section 631 (c) of such rents and royalties in the hands of the recipient.

(5) (i) In all cases there shall be excluded in determining the "gross income from the property" an amount equal to any rents or royalties (which are depletable income to the payee) which are paid or incurred by the taxpayer in respect of the property and are not otherwise excluded from "gross income from the property". The following example illustrates this rule:

Example. A leases coal bearing lands to B on condition that B will annually pay a royalty of 25 cents a ton on coal mined and sold by B. During the year 1956, B mines and sells f. o. b. mine 100,000 tons of coal for $600,000. In computing "gross income from the property" for the year 1956, B will exclude $25,000 (100,000 tons × $0.25) in computing his allowable percentage depletion deduction. B's allowable percentage depletion deduction (without reference to the limitation based on taxable income) for the year 1956 will be $57,500 (($600,000 − $25,000) × 10 percent).

(ii) If bonus payments have been paid in respect of the property in any taxable year or any prior taxable years, there shall be excluded in determining the "gross income from the property", an amount equal to that part of such payments which is allocable to the product sold during the taxable year. The following example illustrates this rule:

Example. In 1956, A leases oil bearing lands to B, receiving $200,000 as a bonus and reserving a royalty of one-eighth of the proceeds of all oil produced and sold. It is estimated at the time the lease is entered into that there are 1,000,000 barrels of oil recoverable. In 1956, B produces and sells 100,000 barrels for $240,000. In computing his "gross income from the property" for the year 1956, B will exclude $30,000 (⅛ of $240,000), the royalty paid to A and $20,000

(iii) If advanced royalties have been paid in respect of the property in any taxable year the amount excluded from "gross income from the property" for the current taxable year on account of such payment shall be an amount equal

to the deduction for such taxable year taken on account of such payment pursuant to § 1.612–3 (b) (3).

Example. If B in example (2) in § 1.612–3 (b) (4), elects to deduct in 1956 the $10,000 paid to A in that year, he must exclude the same amount from "gross income from the property" in 1956; however, if B elects to defer the deduction until 1957 when he mined and sold the mineral, he must exclude the $10,000 from "gross income from the property" in 1957.

§ 1.613–3 *Gross income from the property*—(a) *Oil and gas wells.* In the case of oil and gas wells, "gross income from the property", as used in section 613 (c) (1), means the amount for which the taxpayer sells the oil or gas in the immediate vicinity of the well. If the oil or gas is not sold on the premises but is manufactured or converted into a refined product prior to sale, or is transported from the premises prior to sale, the gross income from the property shall be assumed to be equivalent to the representative market or field price of the oil or gas before conversion or transportation.

(b) *Gross income from mining.* (1) The term "gross income from the property", as used in section 613 (c) (1), means, in the case of a property (other than an oil or gas property), gross income from mining. For the purposes of this paragraph, transportation which qualifies as "mining" will be referred to as "mining transportation" and transportation which does not qualify as "mining" will be referred to as "non-mining transportation". (See paragraph (c) (7) of this section for definition of the term "mining".)

(2) "Gross income from mining" is the portion of the taxpayer's gross income which is attributable to the extraction of the minerals from the mine, the application to the crude mineral product (see paragraph (c) (1) of this section) of ordinary treatment processes (see paragraph (d) of this section) and mining transportation.

(3) Examples of the application of the rule described in subparagraph (2) of this paragraph follow:

(i) If a taxpayer sells

(*a*) The crude mineral product without any transportation costs having been incurred, or

(*b*) The processed mineral product (see § 1.613–3 (c) (2)) without any transportation costs having been incurred, or

(c) The processed mineral product as to which only mining transportation costs have been incurred,

"gross income from mining" means the amount for which such mineral product was sold.

(ii) If a taxpayer sells—

(*a*) The crude mineral product as to which transportation costs have been incurred, or

(*b*) The manufactured product (see paragraph (c) (3) of this section) as to which no ordinary treatment processes were applied and no transportation costs were incurred, or

(c) The manufactured product as to which no ordinary treatment processes were applied and transportation costs were incurred,

"gross income from mining" means the market price (as of the date of the sale of the mineral product referred to in (*a*) of this subdivision and the manufactured products in (*b*) and (c) of this subdivision) of the untransported crude mineral product referred to in (*a*) of this subdivision, or the untransported crude mineral product used to produce the manufactured products referred to in (*b*) and (c) of this subdivision.

(iii) If a taxpayer sells—

(*a*) The processed mineral product as to which only non-mining transportation costs have been incurred, or

(*b*) The processed mineral product as to which both mining and non-mining transportation costs have been incurred, or

(c) The manufactured product as to which ordinary treatment processes have been applied and no transportation costs have been incurred, or

(*d*) The manufactured product as to which ordinary treatment processes have been applied and only mining transportation costs have been incurred, or

(*e*) The manufactured product as to which ordinary treatment processes have been applied and only non-mining transportation costs have been incurred, or

(*f*) The manufactured product as to which ordinary treatment processes have been applied and both mining and non-mining transportation costs have been incurred,

"gross income from mining" means the market price (as of the date of sale of the products referred to in (*a*) through (*f*), of this subdivision) of a processed mineral product obtained by applying to the crude mineral product the ordinary treatment processes actually applied and mining transportation costs actually incurred by the taxpayer to produce the particular mineral product described in (*a*), (*b*), (c), (*d*), (*e*), and (*f*) of this subdivision.

(4) The mineral product to which the market price (referred to in subdivisions (ii) and (iii) of subparagraph (3) of this paragraph) is applied is designated, herein, as the "gross income product". For the purpose of this paragraph the term "market price" means the price (as of the date the taxpayer actually sells his crude mineral product or processed mineral product or manufactured product, as the case may be) at which the gross income product is sold commercially in the vicinity of the taxpayer's mine. However, in no case shall the market price of the gross income product exceed the amount actually realized from the gross income product. If there are no such commercial sales in such area, then the market price of the gross income product (as of the date the taxpayer sells his crude mineral product or processed mineral product or manufactured product as the case may be) must be determined by the use of other appropriate methods with the objective of determining as accurately as practicable the price at which such gross income product would be sold if such commercial sales existed. Among such methods that may be appropriate, depending on the circumstances of each individual case, are the following:

(i) Comparison with the prices at which crude mineral products or processed mineral products similar to the taxpayer's gross income product are sold commercially in the vicinity of the taxpayer's mine with proper adjustment being made for material differences, if any, between the taxpayer's gross income product and the products sold commercially (such as differences in kind or grade or mineral content or ordinary treatment processes involved or transportation costs between mine and market or relative volume of sales).

(ii) Comparison with the prices at which crude mineral products or processed mineral products identical or similar to the taxpayer's gross income product are sold commercially in other areas, with proper adjustments being made for material differences, if any, between the taxpayer's gross income product and the products sold commercially (such as differences in kind or grade or mineral content or ordinary treatment processes involved or transportation costs between mine and market or relative volume of sales).

(iii) Computation based on the taxpayer's costs of producing the gross income product plus a rate of profit (determined to be appropriate) per unit of product, per dollar of cost, or per dollar of investment in mining. Such rate of profit may be ascertained:

(*a*) By comparison with the rate of profit currently realized on commercial sales of identical or similar crude mineral products or processed mineral product, or

(*b*) By comparison with the rate of profit currently realized by the taxpayer on sales of his products, or

(c) By comparison with a rate of profit ascertained by any other appropriate method.

In utilizing comparative prices for the determination of market prices, greater weight should be given to prices (*1*) of commercial sales made closest in time to the sale of the mineral product by the taxpayer, (2) of mineral products most nearly similar to the gross income product of the taxpayer, and (3) of mineral products sold commercially in areas closest to the mines of the taxpayer. In utilizing the taxpayer's costs of producing the gross income product in determining its market price, only costs actually incurred shall be taken into consideration. Such costs will usually be reflected on the books and records the taxpayer maintains for cost control and other ordinary business purposes. Certain deductions allowed for tax purposes in the nature of special incentives, such as that of accelerated amortization of emergency facilities under section 168, for exploration and development expenditures under sections 615 (a), and 616 (a), respectively, and similar deductions, would not ordinarily be taken into consideration in determining market prices as set out above.

(5) The rule with respect to manufactured products described in subparagraph (3) (ii) (*b*), and (c) and (iii) (c), (*d*), (*e*), and (*f*) and subparagraph (4) of this paragraph that the market price of the gross income product must be computed as of the date that such manufactured product is sold by the taxpayer shall not apply in cases where the taxpayer shows to the satisfaction of the Commissioner that it is impractical and unrealistic to require him to compute the market price of the gross income product as of the date he sells the end product. In such exceptional cases, the taxpayer may compute the market price as of the date he transports the gross income product from the premises of the mine to the manufacturing facilities. A taxpayer shall employ this method only so long as he can demonstrate his inability reasonably to compute the market price of his gross income product as of the date he sells the manufactured product and only to the extent that there results no distortion of the allowance for depletion. Any taxpayer employing this method must consistently compute cost depletion by using as the number of units of mineral sold, the same number of units used in the determination of the gross income product transported from the premises of the mine.

(6) To the return of a taxpayer computing gross income from mining under subparagraph (4) of this paragraph, there shall be attached a statement describing the gross income product involved and the method or methods employed by the taxpayer in determining the market price of the gross income product. Such statement shall include:

(i) If comparative prices were used—

(*a*) The prices so used, and

(*b*) Any adjustments that were made because of differences between taxpayer's gross income product and the mineral product used for comparison.

(ii) If costs were used—

(*a*) The costs so used,

(*b*) The rate of profit applied,

(c) The method used in determining the rate of profit, and

(*d*) Any comparative rates of profits used and the reasons for their use.

(iii) If any other method or combination of methods were employed, complete details and computations involved in using these methods, and

(iv) Any additional data necessary for a complete understanding of the method or methods employed and the computations involved in determining the market price.

(c) *Definitions of terms applicable to gross income from mining.* Where used in section 613 (c) and paragraphs (b) and (c) of this section, the term—

(1) "Crude mineral product" means the mineral in the form in which it emerges from the mine.

(2) "Processed mineral product" means the mineral product which is obtained by application to the crude mineral product of one or more of the ordinary treatment processes.

(3) "Manufactured product" means the product which is obtained by the application to the crude mineral product or processed mineral product of processes which are not ordinary treatment processes.

(4) "Mineral product" means the crude mineral product or processed mineral product.

(5) "Commercially marketable mineral product or products" means the mineral product or products sold by the taxpayer or used by him in his trade or business whether in the form of crude, or processed mineral product.

(6) "Mine owners or operators" refers to taxpayers who are engaged in mining as defined in subparagraph (7) of this paragraph. Where a taxpayer both engages in mining and applies to the crude mineral product or processed mineral product processes other than ordinary treatment processes, he is a "mine owner or operator" with respect to the extraction of minerals from the mine and the application to such minerals of ordinary treatment processes, but with respect to the application of other than ordinary treatment processes he is a manufacturer. Thus, the term "mine owners or operators" in the term "ordinary treatment processes normally applied by mine owners or operators" refers to the taxpayer in his capacity as an operator of a mine and not in his capacity as a manufacturer.

(7) "Mining" includes not only the extraction of ores or minerals (other than oil and gas) from the ground but also the ordinary treatment processes which are normally applied by mine owners or operators to the crude mineral product after extraction to obtain the commercially marketable mineral product or products. The term "mining" also includes so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which ordinary treatment processes are applied thereto as is not in excess of 50 miles, and, if the Commissioner finds that both the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills, the transportation over such greater distance. (See paragraph (e) of this section for filing of application to treat transportation in excess of 50 miles as mining.)

(8) "Extraction of ores or minerals from the ground" means not only the extraction of ores or minerals from a deposit, but also the extraction by mine owners or operators of ores or minerals from waste or residue of prior mining. The preceding sentence does not apply to any such extraction of ores or minerals by the purchaser of such waste or residue or the purchaser of the rights to extract ores or minerals from such waste or residue. The term "purchaser" does not apply to any person who acquires mineral property, including such waste or residue, in a tax-free exchange, such as a corporate reorganization, from a person who was entitled to a depletion allowance upon ores or minerals produced from such waste or residue. The term "purchaser" also does not apply to a lessee, upon the renewal of a mineral lease without an intervening lapse, if the lessee was entitled to a depletion allowance upon ores or minerals produced from such waste or residue before renewal of the lease. It is not necessary, for purposes of the preceding sentence, that the mineral lease contain an option for renewal. The term "purchaser" does include a person who acquires such waste or residue in a taxable transaction, even though such waste or residue is acquired merely as an incidental part of the entire mineral enterprise. It is immaterial whether the waste or residue result from the process of extraction from the ground or from application of the ordinary treatment processes provided for in paragraph (d) in this section. However, extraction of ores or minerals from waste or residue which results from processes which are not allowable as ordinary treatment processes is not treated as mining. For special rules with respect to certain corporate acquisitions referred to in section 381 (a), see section 381 (c) (18) and the regulations thereunder.

(d) *Ordinary treatment processes*—(1) *In general.* Section 613 (c) (2) provides as a general rule that the term "mining" includes not merely the extraction of ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators to obtain the commercially marketable mineral product or products and certain mining transportation described in paragraph (c) (7) of this section. In amplification of this general rule, section 613 (c) (4) lists a number of specific ores and minerals and certain designated processes which, when applied to such specific ores and minerals, may be treated as mining. In addition, that section also lists two general classes of ores or minerals and a number of processes which when applied thereto will also be treated as mining. These general classes are: (i) Minerals (including ores) customarily sold in the form of a crude mineral product and (ii) ores which are not customarily sold in the form of the crude mineral product. In the case of these two classes, the processes prescribed are generally descriptive of the types of processes normally applied by mine owners or operators in general as part of their mining operations for the purpose of separating the mineral or ore from waste or from other mineral or ore and to put the mineral or ore in condition suitable for shipment. Accordingly, in the case of any mineral or ore not specifically designated in section 613 (c) (4) the processes which may be treated as mining will depend on its classification and the form in which it is customarily sold. If the product sold is a mineral that is customarily sold in the form of a crude mineral product, the processes described in subparagraph (2) (iii) of this paragraph may be treated as mining, and if the product sold is an ore that is not customarily sold in the form of a crude mineral product, the processes described in subparagraph (2) (iv) of this paragraph may be treated as mining. In any case, where the product sold is a mineral that is not customarily sold in the form of a crude mineral product the term "ordinary treatment processes" which may be treated as mining refers only to processes of the type which mine owners or

operators, as a class, would normally or ordinarily apply as an incident of mining, as distinguished from manufacturing. In such case, the processes incident to mining are those processes applied for the purpose of separating a mineral or ore from waste or other minerals or ores and the conditioning thereof for shipment. For example, if the taxpayer is in an industry which customarily is engaged in mining, manufacturing, and the sale of only manufactured products, such as finished clay products, the only processes applied to the crude mineral product which may be treated as mining are those described in the preceding sentence since the products sold are classified as minerals not sold in the form of a crude mineral product.

(2) *Definition of ordinary treatment processes.* Where used in section 613 (c) and paragraphs (b) and (c) of this section, the term "ordinary treatment processes" means—

(i) In the case of coal—cleaning, breaking, sizing, dust allaying, treating to prevent freezing and loading for shipment;

(ii) In the case of sulfur recovered by the Frasch process—pumping to vats, cooling, breaking and loading for shipment;

(iii) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt and minerals which are customarily sold in the form of the crude mineral product—sorting, concentrating (or substantially equivalent processes or combination of processes used in the separation or extraction of the mineral or minerals from the ore) and sintering to bring to shipping grade and form and loading for shipment;

(iv) In the case of lead, zinc, copper, gold, silver or fluorspar ores, potash and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation, or by substantially equivalent processes or combination of processes used in the separation or extraction of the mineral or minerals from the ore;

(v) In the case of minerals to which subdivision (iv) of this subparagraph is not applicable—

(*a*) Any process applied for the purpose of separating the mineral or ore from waste or from other minerals or ores, and

(*b*) Any process necessary to put the ore or mineral in condition for shipment.

(vi) In addition to the processes described in subdivisions (iii), (iv), and (v) of this subparagraph, depending upon in which subdivision the particular mineral or ore named in this subdivision is included—

(*a*) The furnacing of quicksilver,

(*b*) The pulverization of talc,

(*c*) The burning of magnesite, and

(*d*) The sintering and nodulizing of phosphate rock.

(3) *Nonmining processes.* Unless a process is covered by the provisions of subparagraph (2) (i) through (vi) of this paragraph, such process shall not be treated as an ordinary treatment process. Such nonmining processes include electrolytic deposition, roasting, thermal or electric smelting, and refining. In addition, any process effecting a chemical change, the blending with other material, a thermal action including drying, and fine pulverization, pressing into shape or molding, is not included in the term "ordinary treatment processes" unless such process is:

(i) Otherwise provided for in subdivisions (i) through (vi) of subparagraph (2) of this paragraph; or

(ii) Necessary or incidental to the processes provided for in subdivisions (i) through (vi) of subparagraph (2) of this paragraph; or

(iii) Necessary to bring the ores or minerals into condition or form suitable for shipment (for example, the agglomeration of concentrates).

(4) *Definition of "concentration".* For the purpose of this paragraph, the terms "concentration" and "concentrating" mean the process of eliminating waste or of separating two or more minerals.

(5) *Definition of "loading for shipment".* The term "loading for shipment" shall not include the cost of containers, bags, or any similar items. The loading for shipment of a manufactured product is not an ordinary treatment process.

(e) *Application to treat, as mining, transportation in excess of 50 miles.* If a taxpayer desires to include in the computation of his gross income from mining transportation in excess of 50 miles from the point of extraction of the minerals from the ground, he shall file an original and one copy of an application for the inclusion of such greater distance with the Commissioner of Internal Revenue, Washington 25, D. C., attention of the Special Technical Services Division, Engineering and Valuation Branch. The application must include a statement setting forth in detail such facts concerning the physical and other requirements for the construction and operation of a plant, in which ordinary treatment processes are applied, at a place nearer to the point of extraction from the ground as are sufficient to apprise the Commissioner of the exact basis of the application. If the taxpayer's return is filed prior to receipt of notice of the Commissioner's action upon the application, a copy of such application shall be attached to the return. If, after an application is approved by the Commissioner, there is a material change in any of the facts relied upon in such application, a new application must be submitted by the taxpayer.

§ 1.613–4 *Taxable income from the property.* The term "taxable income from the property (computed without allowance for depletion)" as used in section 613 and this part, means "gross income from the property" as defined in section 613 (c) and § 1.613–3, less allowable deductions (excluding any deduction for depletion) which are attributable to the mineral property with respect to which depletion is claimed. These deductions include administrative and financial overhead, operating expenses, selling expenses, depreciation, taxes, losses sustained, etc. In the case of oil and gas properties, such deductions include intangible drilling and development costs deducted under section 263 (c) and § 1.612–4. In the case of a property other than an oil or gas property, such deductions include deductions which are attributable to processes and transportation treated as mining under section 613 (c) and § 1.613–3 (d) and amounts of exploration or development expenditures which are deducted for the taxable year under sections 615 and 616. Expenditures which may be attributable to both the mineral property upon which depletion is claimed and other activities shall be fairly apportioned. Furthermore, where a taxpayer has gross income from more than one mineral property, deductions not directly attributable to a specific mineral property shall be fairly apportioned among the several properties.

§ 1.613–5 *Statement to be attached to return when depletion is claimed on percentage basis.* (a) There shall be attached to the return of every taxpayer who claims percentage depletion under section 613 and the regulations thereunder, a statement containing the following information with respect to every property for which percentage depletion is allowable:

(1) All data necessary for the determination of the "gross income from the property", as defined in § 1.613–3, including—

(i) Amounts paid as rents or royalties including amounts which the recipient treats under section 631 (c),

(ii) Proportion and amount of bonus excluded, and

(iii) Amounts paid to holders of other interests in the mineral deposit.

(2) All additional data necessary for the determination of the "taxable income from the property (computed without the allowance for depletion)", as defined in § 1.613–4.

(b) All of the foregoing information shall be furnished in a single statement, should be summarized, and shall be deemed to be a part of the income tax return to which it relates.

§ 1.614 *Statutory provisions; definition of property.*

SEC. 614. *Definition of property*—(a) *General rule.* For the purpose of computing the depletion allowance in the case of mines, wells, and other natural deposits, the term "property" means each separate interest owned by the taxpayer in each mineral deposit in each separate tract or parcel of land.

(b) *Special rule as to operating mineral interests*—(1) *Election to aggregate separate interests.* If a taxpayer owns two or more separate operating mineral interests which constitute part or all of an operating unit, he may elect (for all purposes of this subtitle):

(A) To form one aggregation of, and to treat as one property, any two or more of such interests; and

(B) To treat as a separate property each such interest which he does not elect to include within the aggregation referred to in subparagraph (A).

For purposes of the preceding sentence, separate operating mineral interests which constitute part or all of an operating unit may be aggregated whether or not they are included in a single tract or parcel of land and whether or not they are included in

contiguous tracts or parcels. A taxpayer may not elect to form more than one aggregation of operating mineral interests within any one operating unit.

(2) *Manner and scope of election.* The election provided by paragraph (1) shall be made, for each operating mineral interest in accordance with regulations prescribed by the Secretary or his delegate, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1953, or the first taxable year in which any expenditure for exploration, development, or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. Such an election shall be binding upon the taxpayer for all subsequent taxable years, except that the Secretary or his delegate may consent to a different treatment of the interest with respect to which the election has been made.

(3) *Operating mineral interests defined.* For purposes of this subsection, the term "operating mineral interest" includes only an interest in respect of which the costs of production of the mineral are required to be taken into account by the taxpayer for purposes of computing the 50 percent limitation provided for in section 613, or would be so required if the mine, well, or other natural deposit were in the production stage.

(c) *Special rule as to nonoperating mineral interests*—(1) *Aggregation of separate interests.* If a taxpayer owns two or more separate nonoperating mineral interests in a single tract or parcel of land, or in two or more contiguous tracts or parcels of land, the Secretary or his delegate may, on showing of undue hardship, permit the taxpayer to treat (for all purposes of this subtitle) all such mineral interests as one property. If such permission is granted for any taxable year, the taxpayer shall treat such interests as one property for all subsequent taxable years unless the Secretary or his delegate consents to a different treatment.

(2) *Nonoperating mineral interests defined.* For purposes of this subsection, the term "nonoperating mineral interests" includes only interests which are not operating mineral interests within the meaning of subsection (b) (3).

§ 1.614–1 *Definition of property*—(a) *General rule.* (1) For purposes of subtitle A of the Internal Revenue Code of 1954, in the case of mines, wells, and other natural deposits, the term "property" means each separate interest owned by the taxpayer in each mineral deposit in each separate tract or parcel of land. For the purpose of this definition, tracts or parcels of land may be separated by conveyancing as well as geographically.

(2) The term "interest" means an economic interest in a mineral deposit. See § 1.611–1 (b). The term includes working or operating interests, royalties, overriding royalties, production payments and net profits interests.

(3) The term "separate tract or parcel of land" means an area (surface or subsurface) delineated by metes and bounds, lot and block description or otherwise. A separate tract or parcel of land does not include or encompass areas which are noncontiguous. Even though areas may be contiguous, they do not constitute a "separate tract or parcel of land" where they were assigned or leased to the taxpayer either by different persons or at different times. Contiguous areas received from a single owner or coowners at the same time form one separate tract or parcel of land although such areas constituted more than one separate tract or parcel of land in the hands of the former owner or coowners.

(4) The provisions of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer owns one tract of land under which lie three separate and distinct seams of coal. Therefore, the taxpayer owns three separate mineral interests each of which constitutes a separate property.

Example (2). Before January 1, 1954, a taxpayer conducted mining operations on eight tracts of land as a single unit. He acquired his interests in each of the eight tracts separately. Even if each tract of land contains part of the same mineral deposit, the taxpayer owns eight separate operating mineral interests, each of which constitutes a separate property.

Example (3). A taxpayer owns a tract of land under which lies one mineral deposit. The taxpayer operates a well on part of the tract and leases to another operator the mineral rights in the remainder retaining a royalty interest therein. The taxpayer thereafter owns two separate mineral interests, each of which constitutes a separate property.

Example (4). In 1954, a taxpayer acquires from a single owner, in a single deed, three noncontiguous tracts of mineral land for a single consideration. Even if each tract contains part of the same mineral deposit the taxpayer owns three separate mineral interests each of which constitutes a separate property.

Example (5). In 1954, taxpayer A simultaneously acquires two adjacent tracts of mineral land from two separate owners. The same mineral deposit underlies both tracts. Thereafter, taxpayer owns two separate mineral interests each of which constitutes a separate property.

Example (6). In 1955, taxpayer A, in example (5), simultaneously sells all the mineral land he acquired in 1954 to taxpayer B. Thereafter, taxpayer B owns one mineral interest which constitutes a separate property.

(b) *Separation of interests treated as "single property" under prior regulations.* Each separate mineral interest which in accordance with paragraph (a) of this section is a separate property shall be so treated, notwithstanding the fact that the taxpayer under § 23 (m)–1 (i) of Regulations 118 (26 CFR (1939) Part 39) and corresponding provisions of prior regulations may have treated more than one of such interests as a "single property." The basis of each such separate property must be established by a reasonable method. See, however, sections 614 (b) and (c) and §§ 1.614–2 and 1.614–3 for special rules relating to the election to aggregate separate mineral interests.

(c) *Waste or residue not separate deposit.* Waste or residue of prior mining, the extraction of ores or minerals from which is treated as mining under section 613 (c) (3), is not considered to be a separate mineral deposit but is a part of the mineral deposit from which it was extracted.

§ 1.614–2 *Election to aggregate separate operating mineral interests*—(a) *General rule.* A taxpayer who owns two or more separate operating mineral interests, which constitute part or all of an operating unit, may elect to form one aggregation of any two or more of such operating mineral interests and to treat such aggregation as one property. Any operating mineral interest which the taxpayer does not elect to be included within the aggregation shall be treated as a separate property. The aggregation of separate properties which results from exercising the election shall be considered as one property for all purposes of subtitle A of the Internal Revenue Code of 1954. Operating interests in different minerals which comprise part or all of the same operating unit may be included in the aggregation. It is not necessary for purposes of the aggregation that the separate operating mineral interests be included in a single tract or parcel of land or in contiguous tracts or parcels of land so long as such interests are included within the same operating unit. A taxpayer may not elect to form more than one aggregation of separate operating mineral interests within one operating unit. For definitions of "operating mineral interests" and "operating unit" see respectively paragraphs (b) and (c) of this section.

(b) *Operating mineral interest defined.* The term "operating mineral interest" means a separate mineral interest as described in section 614 (a), in respect of which the costs of production are required to be taken into account by the taxpayer for purposes of computing the limitation of 50 percent of the taxable income from the property in determining the deduction for percentage depletion computed under section 613, or such costs which would be so required to be taken into account if the mine, well, or other natural deposit were in the production stage. The term does not include royalty interests or similar interests, such as production payments or net profits interests. "Costs of production" for this purpose do not include intangible drilling and development costs, exploration expenditures under section 615, or development expenditures under section 616. Production taxes payable by holders of nonoperating interests are not considered costs of production for this purpose. A taxpayer may not aggregate operating mineral interests and nonoperating mineral interests such as royalty interests.

(c) *Operating unit defined.* The term "operating unit" refers to operating mineral interests operated together for the purpose of producing minerals. The presence of the following factors indicate that mineral interests are operated as a unit:

(1) Common field or operating personnel.

(2) Common supply and maintenance facilities.

(3) Common processing or treatment plants.

(4) Common storage facilities.

Operating mineral interests which are geographically widespread may not be treated as parts of the same operating unit merely because a single set of accounting records, a single executive organization, or a single sales force, is maintained by the taxpayer with respect to such interests, or merely because such minerals are all shipped to the same

manufacturing plant. The term refers to a producing unit, and not to an administrative or sales organization. Operating units may not be uniform in the natural resources industry or in a specific segment of the industry, such as the coal industry, oil and gas industry, and the like, or even in the operations of a particular taxpayer, since business reasons may dictate the formation of operating units that vary in size and content. The "operating units" for a particular taxpayer, therefore, must be determined on the basis of the factors set forth in this paragraph. An undeveloped operating mineral interest should be aggregated only with those interests with which it will be operated as a unit when it reaches the production stage. While a taxpayer may operate an operating mineral interest through an agent, a coowner may only aggregate his operating mineral interests that are actually operated as a unit. For example, if A owned and actually operated the entire working interest in Lease X and also owned an undivided fraction of Lease Y in which B owned the remaining interest and which B actually operated as a unit with Lease Z, A may not aggregate his interest in Lease X with his undivided interest in Lease Y, since they are not actually operated as a unit.

(d) *Manner and scope of election*—(1) *Election—when made.* The election to treat an operating mineral interest as part of an aggregation shall be made not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof), for whichever of the following taxable years is the later: (i) The first taxable year beginning after December 31, 1953 and ending after August 16, 1954, or (ii) the first taxable year in which any expenditure for exploration, development, or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. It is immaterial whether or not any proven deposit has been discovered with respect to such interest when such expenditures have been made. However, where expenditures for exploiting one mineral deposit result in the discovery of another mineral deposit, the election with respect to such other deposit shall be made for the taxable year in which it is discovered and not for the taxable year in which the expenditures were first made which resulted in the discovery of such other deposit. If a taxpayer fails to make the required election under this section with respect to a particular operating mineral interest on or before the time prescribed for the making of such election, such interest will be treated as a separate property and cannot be included in any aggregation within the operating unit of which it is a part unless the taxpayer obtains the consent of the Commissioner. However, where no aggregation has been made within the operating unit and another operating mineral interest is subsequently acquired, it may be aggregated with one of the existing separate properties within the operating unit but not more than one of them since they cannot be validly aggregated with each other. For purposes of this paragraph, the acquisition of an option to acquire an economic interest in minerals in place does not constitute the acquisition of a mineral interest. Thus, a taxpayer who makes expenditures for the exploration of minerals on a particular tract under an option to acquire an economic interest in minerals in place is not required to make an election with respect to such interest at that time. Furthermore, the election need not be made in the taxable year in which payments are made for the acquisition of a lease, such as the payment of a bonus, unless exploratory, development, or operation expenditures are made thereafter with respect to the property in that year.

(2) *Election—how made.* The election under this section must be made by a statement attached to the income tax return of the taxpayer for the first taxable year for which the election is made. This statement shall indicate that the taxpayer is making an aggregation of separate operating mineral interests within an operating unit and shall describe the separate operating mineral interests forming the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A description of the operating unit shall be made in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit. See paragraph (c) of this section. The taxpayer shall maintain adequate records and maps in support of the above information. In the event expenditures are first made on an operating mineral interest within an operating unit after an election with respect to the aggregation of interests in that operating unit has been made, the taxpayer shall furnish only information describing such operating mineral interest, its location in the operating unit, and whether it is to be included within the aggregation.

(3) *Election—when effective.* If a taxpayer has elected to aggregate an operating mineral interest, the date on which the aggregation becomes effective is the earliest date within the taxable year affected, on which the taxpayer incurred any expenditure for exploration, development or operation of such interest. The application of this rule may be illustrated by the following examples:

Example (1). In 1953, a taxpayer owned and operated mineral interests Nos. 1, 2, and 3. All three interests form one operating unit. The taxpayer, who reports his income on a calendar year basis, continued to own and operate these interests during the year 1954, and in his return for that year filed on April 15, 1955, elected to aggregate these three interests. As the result of this election, the aggregation was effective for all purposes of subtitle A of the Internal Revenue Code of 1954 as of January 1, 1954.

Example (2). Assume that the taxpayer described in example No. (1) on March 1, 1955, acquired operating mineral interest No. 4 which was also a part of the operating unit composed of operating mineral interests Nos. 1, 2, and 3, that he made his first expenditure for exploration with respect to operating mineral interest No. 4 on September 1, 1955, and that, in his return filed on April 15, 1956, he elected to aggregate operating mineral interest No. 4 with the aggregation consisting of Nos. 1, 2, and 3. As the result of that election, operating mineral interest No. 4 became a part of the aggregation for all purposes of subtitle A of the Internal Revenue Code of 1954 on September 1, 1955.

(4) *Election—binding effect.* A valid election made under this section shall be binding upon the taxpayer for the taxable year for which made and all subsequent taxable years unless consent to make a change is obtained from the Commissioner. Thus, in such a case a taxpayer can neither include within the aggregation a separate operating mineral interest which he had previously treated apart from such aggregation, nor exclude from the aggregation a separate operating mineral interest previously included therein unless consent to do so is obtained from the Commissioner. However, since an aggregation can only include those operating mineral interests which are a part of the same operating unit, in any case in which the taxpayer's operations have changed so that an operating mineral interest included in an aggregation is no longer a part of the operating unit, the taxpayer cannot continue the aggregation but must either (i) exercise the option under subdivision (iv) of subparagraph (5) of this paragraph, or (ii) obtain consent from the Commissioner to form a new aggregation or aggregations. However, consent to change the treatment of an operating mineral interest will not be granted where the reason for such change is due to tax consequences alone. Applications for consent shall be made in writing to the Commissioner of Internal Revenue, Attention: Special Technical Services Division, Engineering and Valuation Branch, Washington 25, D. C. The application must be accompanied by a statement furnishing the information required under subparagraph (2) of this paragraph, unless such information has been previously filed and is current.

(5) *Invalid aggregations*—(i) *In general.* In addition to aggregations which are invalid because of the failure to make timely elections, aggregations may be invalid in situations which may be divided into two general categories. The first category involves basic aggregations which were initially invalid or which become invalid because the facts and circumstances of the operations of the taxpayer have changed the operating unit or units. The second category involves invalid additions to aggregations which were made with respect to operating mineral interests which became subject to the election in years subsequent to the year in which the initial aggregation or aggregations were required to be made.

(ii) *Invalid basic aggregations.* The term "invalid basic aggregations" refers to those aggregations which were initially invalid or have become invalid because of changes in the operating unit or units of the taxpayer after the initial aggregations were made. Generally, such basic aggregations will be invalid because more than one aggregation has been formed in an operating unit or because operating mineral interests in two or more operating units have been aggregated. A basic aggregation may be invalid because both of these situations exist. During any year in which an invalid basic aggregation exists, all the operating mineral interests included in such aggregation shall be treated for all purposes as separate properties unless the taxpayer exercises the option provided for in subdivision (iv) of this subparagraph. Such basic invalid aggregations may be formed: (*a*) When the taxpayer made his elections for the first year for which section 614 (b) was effective, (b) in any year during which more than one operating mineral interest which is not part of any existing operating unit of the taxpayer becomes subject to the election, and (c) in any year during which the taxpayer's operating unit or units have changed. The following are examples of these three types of invalid basic aggregations:

Example (1). In 1953, taxpayer T owned six operating mineral interests, designated No. 1 through No. 6, and continued to own and operate such interests during 1954. He acquired no other operating mineral interest during such year. All six of these operating mineral interests form one operating unit. Since the first year in which section 614 (b) is effective is 1954, T must make his initial election to aggregate these operating mineral interests in his income tax return for that year. Assume that T elected to aggregate operating mineral interests Nos. 1 through 3 into one aggregation and Nos. 4 through 6 into another aggregation. Since T has formed two aggregations in one operating unit, they are invalid basic aggregations.

Example (2). Assume the same facts as in example (1) except that taxpayer X acquired these six operating mineral interests by purchase from T and commenced operations in 1958. X's initial elections under section 614 (b) would have to be made in his return for that year. If X elected to aggregate operating mineral interests Nos. 1, 2, and 3 into one aggregation and Nos. 4, 5, and 6 into another aggregation, he would have made invalid basic aggregations.

Example (3). Assume the same facts as in example (1) and assume, also, that, in his return for 1954, T correctly elected to aggregate all six operating mineral interests into one aggregation. Assume further, that all these operating mineral interests continued to be in one operating unit for the years 1954, 1955, and 1956 but that, because of changes in the facts and circumstances of T's operations, in 1957 operating mineral interests Nos. 1, 2, and 3 became a part of one operating unit and Nos. 4, 5, and 6 became a part of another operating unit. Because of the change in operating units of T, the basic aggregation that T made for 1954 became an invalid basic aggregation in 1957.

(iii) *Invalid additions.* The term "additions" refers to the additions that a taxpayer makes by electing to aggregate an operating mineral interest with an aggregation formed in a previous year. Such additions will be invalid either because the taxpayer elected to aggregate an operating mineral interest with an invalid basic aggregation or because he elected to aggregate an operating mineral interest which is part of one operating unit with an aggregation of operating mineral interests which is a part of another operating unit. An operating mineral interest which is invalidly added to a basic aggregation shall be treated for all purposes as a separate property (except additions to invalid basic aggregations when the taxpayer exercises the option provided for in subdivision (iv) of this subparagraph). The following are examples of invalid additions:

Example (1). In 1953, taxpayer T owned six operating mineral interests designated No. 1 through No. 6 and continued to own and operate such interests during 1954. He acquired no other operating mineral interests during that year. Nos. 1 through 3 formed one operating unit and Nos. 4 through 6 formed another operating unit. In his return for 1954, T incorrectly elected to aggregate all six operating mineral interests into one aggregation. In 1955, T acquires and commences development of operating mineral interest No. 7 which is correctly a part of the operating unit of which operating mineral interests Nos. 1, 2, and 3 are a part. T elects, for the year 1955 to aggregate operating mineral interest No. 7 with the invalid basic aggregation composed of Nos. 1 through 6. Since operating mineral interest No. 7 was aggregated with an invalid basic aggregation, T's election to aggregate No. 7 is an invalid addition.

Example (2). In 1953, taxpayer T owned nine operating mineral interests designated No. 1 through No. 9. During 1954, he continued to own and operate such interests and acquired no other operating mineral interest. Interests No. 1 through 3 form one operating unit, Nos. 4 through 6 form another operating unit, and Nos. 7 through 9 form a third operating unit. For the year 1954, T elected to aggregate operating mineral interests Nos. 1, 2, 3, and 4 into one aggregation, to treat Nos. 5 and 6 as separate properties, and to aggregate Nos. 7, 8, and 9 into another aggregation. Assume that in 1955 T acquired and commenced development of operating mineral interest No. 10 which was a part of the operating unit composed of Nos. 1, 2, and 3. Assume further that he elected to aggregate No. 10 with the aggregation composed of Nos. 7, 8, and 9. This would be an invalid addition since operating mineral interest No. 10 was not a part of the operating unit formed by Nos. 7, 8, and 9.

Example (3). Assume the same facts as in example (2) except that T elected in 1955 to aggregate No. 10 with the aggregation of Nos. 1 through 4. This would also be an invalid addition because the aggregation composed of Nos. 1 through 4 is an invalid basic aggregation since operating mineral interest No. 4 is not a part of the operating unit consisting of Nos. 1, 2, and 3.

(iv) *Optional treatment of invalid aggregations.* In lieu of having all his operating mineral interests which he included in invalid basic aggregations treated as separate properties under subdivision (ii) of this subparagraph, a taxpayer is hereby given an option to have his tax liability, for the years in which such invalid basic aggregations were in effect, recomputed on the basis of forming new aggregations, within the proper operating units, consisting of all the operating mineral interests included in such invalid basic aggregations. When a taxpayer exercises this option, he must add to the revised aggregations, within their proper operating units, all operating mineral interests which became subject to the election in a subsequent year and as to which the taxpayer has made an election to aggregate with an invalid basic aggregation. This option does not apply to operating mineral interests as to which the taxpayer has made no election to aggregate. Furthermore, where any operating mineral interest which has been invalidly aggregated is properly a part of an operating unit which contains other operating mineral interests as to which no election to aggregate has been made, such operating mineral interest must be treated as a separate property. This option does not apply to each individual invalid basic aggregation but must be exercised as to all such aggregations formed in any one year. Such option may be exercised, as to the earliest open taxable year as to which the validity of an aggregation has been questioned, and all open taxable years thereafter, at any time within which a refund can be paid or a deficiency assessed (under Chapter 66 of the Internal Revenue Code of 1954) based upon a change in the taxpayer's aggregation. This option shall be exercised by filing a statement to that effect with the return for the first year subject to the option, or with the district director with whom the returns for the years subject to the option have been filed. The exercise of such option shall have the same binding effect as if the original elections had been correctly made.

(v) *Examples of exercise of the option.* The following are examples of the application of the option described in subdivision (iv) of this subparagraph.

Example (1). (*a*) In 1953, taxpayer T owned six operating mineral interests, designated No. 1 through No. 6, and continued to own and operate such interests in the years 1954 through 1956. He had no other active operating mineral interest during these years. All six interests formed one operating unit. For the year 1954, T incorrectly elected to aggregate interests Nos. 1, 2, and 3 into one aggregation and Nos. 4, 5, and 6 into another aggregation. He computed his depletion deductions for the years 1954, 1955, and 1956 on the basis of these two aggregations. Upon audit in 1957, T's invalid basic aggregations were discovered. Since T made invalid basic aggregations for the year 1954, the depletion deductions for the years 1954, 1955, 1956, and future years must be computed on the basis of treating all six operating mineral interests as separate properties unless T exercises his option, in which event he may have his depletion allowances for 1954 and subsequent years determined on the basis of having elected for the year 1954 to aggregate all six operating mineral interests into one aggregation.

(*b*) Assume that in 1955, T commenced development of operating mineral interest No. 7 which was also a part of the operating unit formed by Nos. 1 through 6 and that T elected to aggregate No. 7 with either Nos. 1, 2, and 3 or Nos. 4, 5, and 6. In either event, this election would result in an invalid addition and under the rule in subdivision (iii) of this subparagraph, No. 7 must be treated as a separate property unless T exercises the option in which case operating mineral interest No. 7 must be treated as having been correctly aggregated in 1955 with an aggregation consisting of Nos. 1 through 6.

Example (2). (*a*) Assume the same facts as in example (1) (*a*) except that T elected for the year 1954 to form one aggregation consisting of operating mineral interests Nos. 1 and 2 and another aggregation consisting of Nos. 4 and 5. Upon audit, T's depletion deductions must be recomputed on the basis of six separate properties unless T exercises his option, in which event T's depletion allowance will be recomputed as if he had initially elected to aggregate Nos. 1, 2, 4, and 5 into one aggregation. In any event, operating mineral interests Nos. 3 and 6 will be treated as separate properties.

(*b*) Assume that, in 1955, T commenced development of operating mineral interest

No. 7 which was also a part of the operating unit formed by Nos. 1 through 6 and that T made no election to aggregate No. 7. Even though T exercised the option with respect to operating mineral interests Nos. 1, 2, 4, and 5, he must treat No. 7 as a separate property since he did not elect to aggregate No. 7 with any other operating mineral interest.

Example (3). (a) In 1953, taxpayer T owned twelve operating mineral interests, designated No. 1 through No. 12, and continued to own and operate such interests in the years 1954 through 1956. He had no other active operating mineral interests during these years. Operating mineral interests Nos. 1 through 6 formed operating unit A, Nos. 7, 8, and 9 formed operating unit B, and Nos. 10, 11, and 12 formed operating unit C. For the year 1954, T elected to aggregate interests Nos. 1, 2, 3, and 7 into one aggregation, Nos. 4, 5, 6, and 10 into another aggregation, and Nos. 11 and 12 into a third aggregation. Nos. 8 and 9 were treated as separate properties. The first two of these aggregations were invalid. Upon audit in 1957, T's two invalid basic aggregations consisting of Nos. 1, 2, 3, and 7 and Nos. 4, 5, 6, and 10 were discovered. Since T made invalid basic aggregations for the year 1954, the depletion deductions for the years 1954, 1955, and 1956, and future years must be computed on the basis of treating operating mineral interests Nos. 1, 2, 3, 4, 5, 6, 7, and 10 as separate properties unless T exercises his option, in which event he may have his depletion allowances for the year 1954 and subsequent years determined on the basis of having elected for the year 1954 to aggregate into one aggregation operating mineral interests Nos. 1 through 6 and into another aggregation Nos. 10, 11, and 12. Under this option mineral interest No. 7 would be treated as a separate property since T did not elect to aggregate two or more of the mineral interests in the operating unit of which it was a part. In any event, operating mineral interests Nos. 8 and 9 will be treated as separate properties.

(b) Assume that in 1955, T commenced development of operating mineral interests Nos. 13, 14, and 15 and that No. 13 was part of operating Unit A, No. 14 was part of operating Unit B, and No. 15 was part of operating unit C. Also assume that T elected to aggregate No. 13 with the invalid basic aggregation consisting of operating mineral interests Nos. 1, 2, 3, and 7; that he elected to agregate No. 14 with the valid basic aggregation consisting of Nos. 11 and 12; and that he elected to aggregate No. 15 with No. 8 These elections would all be invalid additions. The election to agregate No. 13 is invalid because it was aggregated with an invalid basic aggregation; the election to agregate No. 14 is invalid because it was not a part of the operatin unit C, and the election to aggregate No. 15 is invalid because it was not a part of operating unit B. Therefore, unless T exercises the option, operating mineral interests Nos. 13, 14, and 15 must be treated as separate properties. However, if T exercises the option as of the year 1955, operating mineral interest No. 13 will be treated as part of the aggregation consisting of Nos. 1 through 6, and No. 15 will be treated as part of the aggregation consisting of Nos. 10, 11, 12, and 15. Operating mineral interests Nos. 7, 8, 9, and 14 will be treated as separate properties.

Example (4). (a) In 1953, taxpayer T owned six operating mineral interests designated No. 1 through No. 6 and continued to own and operate such interests in the years 1954 through 1956. He had no other active operating mineral interest during these years. Nos. 1, 2, and 3 form one operating unit and Nos. 4, 5, and 6 another operating unit. For the year 1954, T incorrectly elected to aggregate all six operating mineral interests into one aggregation. Upon audit in 1957, T's invalid basic aggregation is discovered. Since T made an invalid basic aggregation for the year 1954, the depletion deductions for the years 1954, 1955, 1956, and future years must be computed on the basis of treating all six operating mineral interests as separate properties unless T exercises his option, in which event he may have his depletion allowances for the year 1954 and subsequent years determined on the basis of having elected for the year 1954 to aggregate operating mineral interests Nos. 1, 2, and 3 into one aggregation and Nos. 4, 5, and 6 into another agregation.

(b) Assume that, in 1955, T commenced development of operating mineral interest No. 7 which was a part of the operating unit consisting of Nos. 1, 2, and 3, and that he elected in that year to aggregate it with the invalid basic aggregation consisting of operating mineral interests Nos. 1 through 6. This election resulted in an invalid addition in 1955 because operating mineral interest No. 7 was aggregated with an invalid basic aggregation. Under the rule provided in subdivision (iii) of this subparagraph, No. 7 must be treated as a separate property. However, if T exercises the option for the years 1955, 1956, and future years operating mineral interest No. 7 will be treated as part of an aggregation consisting of Nos. 1, 2, 3, and 7.

Example (5). (a) Assume the same facts as in example (4) (a) except that T elected to aggregate operating mineral interest Nos. 1 through 4 and to treat Nos. 5 and 6 as separate properties. Upon audit, T's deductions for depletion for the years 1954, 1955, 1956, and future years must be computed on the basis of six separate properties unless he exercises his option, in which event he may have his depletion allowances for the year 1954 and subsequent years determined on the basis of having elected for the year 1954 to aggregate operating mineral interests Nos. 1, 2, and 3. Under this option, operating mineral interest No. 4 must be treated as a separate property since T did not elect to aggregate two or more mineral interests in the operating unit of which it was a part. In any event, operating mineral interests Nos. 5 and 6 will be treated as separate properties.

(b) Assume the same facts described in example (4) (b) but that operating mineral interest No. 7 formed a part of the operating unit consisting of Nos. 4, 5, and 6, and that T elected to aggregate No. 7 with No. 6. This is a valid aggregation since the aggregation of Nos. 6 and 7 creates only one aggregation in the operating unit comprised of Nos. 4, 5, 6, and 7. Under the rule provided in subdivision (ii) of this subparagraph, operating mineral interests Nos. 1, 2, 3, 4, and 5 must be treated as separate properties and Nos. 6 and 7 must be treated as an aggregation for the years 1955, 1956, and future years. If T exercises the option, Nos. 1, 2, and 3 will form one aggregation for the years 1954, 1955, 1956, and future years. Also, under the option, Nos. 6 and 7 will be treated as an aggregation for the years 1955 and 1956. Operating mineral interests Nos. 4 and 5 must be treated as separate properties for all years, because at the time the election to aggregate No. 4 was made invalidly, there was no other interest in the same operating unit as to which an election to aggregate was made.

Example (6). (a) Assume the same facts as in example (5) (a) except that T also elected to aggregate No. 5 with No. 6. Upon audit T's deductions for depletion for the years 1954 and following must be computed on the basis of four separate properties consisting of mineral interests Nos. 1, 2, 3, and 4 and an aggregation consisting of Nos. 5 and 6 unless T exercises the option, in which event he may have his depletion allowances for the year 1954 and subsequent years determined on the basis of an aggregation consisting of operating mineral interests Nos. 1, 2, and 3 and another aggregation consisting of Nos. 4, 5, and 6.

(b) Assume that, in 1955, T commenced exploration of operating mineral interests Nos. 7 and 8 and that No. 7 was a part of the operating unit composed of Nos. 1, 2, and 3 and that No. 8 was not a part of either that operating unit or the one consisting of Nos. 4, 5, and 6. Assume further that T elected in 1955 to aggregate operating mineral interest No. 8 with the aggregation consisting of Nos. 1, 2, 3, and 4 and that he did not elect to aggregate operating mineral interest No. 7. The election to aggregate No. 8 with operating mineral interests Nos. 1, 2, 3, and 4 resulted in an invalid addition and, therefore, under the rule provided for in subdivision (iii) of this subparagraph it must be treated as a separate property. This treatment is not changed by T's exercise of the option since operating mineral interest No. 8 is not part of either the operating unit consisting of Nos. 1, 2, 3, and 7 or the one consisting of Nos. 4, 5, and 6. Operating mineral interest No. 7 must be treated as a separate property since T made no election to aggregate it.

Example (7). (a) Assume the same facts as in example (4) (a) except that T elected to aggregate operating mineral interests Nos. 3 and 4 and to treat operating mineral interests Nos. 1, 2, 5, and 6 as separate properties. Upon audit, T must compute his deductions for depletion for 1954 and subsequent years on the basis of six separate properties. The option does not afford T any different treatment since the initial elections did not include two or more properties in the same operating unit.

(b) Assume that T, in 1955 commenced exploration of mineral interest No. 7 which is part of the operating unit consisting of operating mineral interests Nos. 1, 2, and 3 and that he elects to aggregate No. 7 with Nos. 3 and 4. This is an invalid addition and, therefore, under the rule provided in subdivision (iii) of this subparagraph operating mineral interest No. 7 must be treated as a separate property. The option does not afford T any different treatment since no new basic aggregations may be formed by its exercise.

Example (8). (a) Assume the same facts as in example (4) (a) except that T, elected to aggregate operating mineral interest No. 1 with No. 2, No. 3 with No. 4, and No. 5 with No. 6. Upon audit, T's deductions for depletion must be computed for 1954 and subsequent years on the basis of an aggregation consisting of Nos. 1 and 2, another aggregation consisting of Nos. 5 and 6 and treating Nos. 3 and 4 as separate properties unless he exercises his option, in which event he may have his depletion allowances for the year 1954 and subsequent years determined on the basis of two aggregations, one consisting of operating mineral interests Nos. 1, 2, and 3 and another consisting of Nos. 4, 5, and 6.

(b) Assume that T in 1955 commenced development of operating mineral interest No. 7 which is part of the operating unit consisting of operating mineral interests Nos. 1, 2, and 3 and that he elects to aggregate No. 7 with Nos. 3 and 4. This is an invalid addition and, therefore, under the rule provided in subdivision (iii) of this paragraph it must be treated as a separate property. However, if T exercises the option, operating mineral interest No. 7 will be treated as part of an aggregation consisting of Nos. 1, 2, 3, and 7.

Example (9). In 1953 taxpayer T owned twelve operating mineral interests, designated No. 1 through No. 12 and continued to own and operate such interests in the years 1954 through 1956. He had no other active operating mineral interests during these years. Operating mineral interests Nos. 1 through 4 form operating unit A, Nos. 5 through 8 form operating unit B, and Nos. 9 through 12 form operating unit C. For the year 1954, T elected to form the following aggregations: (a) Nos. 1 and 2, (b) Nos. 3, 9, and 10, (c) Nos. 4 and 11, (d) Nos. 5 and 6, and (e) Nos. 7 and 8. He treated operating mineral interest No. 12 as a separate property. All of these aggregations are invalid except aggregation (a) consisting of operating mineral interests Nos. 1 and 2. However, T computed his depletion deductions for the years 1954, 1955, and 1956 on the basis of these five aggregations. Upon audit in 1957 T's invalid aggregations were discovered. Since T made invalid basic aggregations for the year 1954, the depletion deductions for the years 1954, 1955, 1956, and subsequent years must be computed on the basis of treating operating mineral interests Nos. 3 through 12 as separate properties and Nos. 1 and 2 as a valid aggregation unless taxpayer T exercises his option, in which event he may have his depletion allowances for the year 1954 and subsequent years determined on the basis of having elected for the year 1954 to form the following aggregations: (a) Nos. 1 through 4, (b) Nos. 5 through 8, and (c) Nos. 9 through 11. Operating mineral interest No. 12 will be treated as a separate property in any event.

§ 1.614–3 *Special rules as to aggregating nonoperating mineral interests*—(a) *General rule.* A taxpayer who owns two or more separate nonoperating mineral interests, as that term is defined in paragraph (b) of this section, in a single tract or parcel of land, or in two or more contiguous tracts or parcels of land, may aggregate such interests and treat them as one property providing he obtains the consent of the Commissioner. Consent will be granted only if the taxpayer establishes that he will endure an undue hardship if such nonoperating mineral interests are not treated as one property. For example, such hardship may exist if it is impossible for the taxpayer to determine the boundaries, source, or costs of his acquisition of separate interests, or if a taxpayer who owns a single royalty, production payment, or net profits interest cannot determine the separate deposits from which his payments will be derived. In no event shall undue hardship be deemed to exist solely by reason of tax disadvantage. The treatment of such interests as one property shall be applicable for all purposes of subtitle A of the Internal Revenue Code of 1954. The taxpayer must include in the aggregation all such interests in such tracts or parcels of land. In no event may such interests in tracts or parcels of land which are not contiguous be treated as one property. The term "two or more contiguous tracts or parcels of land" means tracts or parcels of land which have common boundaries. Common boundaries include survey lines, public roads, or similar easements for the use of land without the existence of an intervening mineral right between the tracts or parcels of land. Tracts or parcels of land which touch only at a common corner are not contiguous.

(b) *Definition of nonoperating mineral interests.* For purposes of this section "nonoperating mineral interests" includes only those interests as described in section 614 (a), which are not operating mineral interests within the meaning of § 1.614–2 (a) (2).

(c) *Manner and scope of election*—(1) *Time for filing application for consent as to returns filed prior to publication of regulations.* In the case of an income tax return for any taxable year beginning after December 31, 1953 and ending after August 16, 1954, which has been filed prior to the publication of these regulations in the FEDERAL REGISTER, the application to aggregate separate nonoperating mineral interests must be filed with the Commissioner on or before the 90th day after such publication. If prior to the publication of these regulations an application has been filed, the taxpayer need file only a supplemental application containing such additional information as is necessary to comply with the requirements of subparagraph (3) of this paragraph.

(2) *Time for filing application for consent as to returns to be filed after publication of regulations.* In the case of income tax returns other than those described in subparagraph (1) of this paragraph, the application to treat separate nonoperating mineral interests within a single tract or parcel of land or within contiguous tracts or parcels of land shall be filed with the Commissioner either within 90 days after the beginning of the taxable year for which this treatment is desired, or 90 days after the acquisition of one of such nonoperating mineral interests, whichever is later.

(3) *Contents of application and returns under consent.* The application for consent to aggregate nonoperating mineral interests described in subparagraphs (1) and (2) of this paragraph shall include a complete statement of the facts upon which the taxpayer relies to show the undue hardship which would result if such an aggregation were not permitted. Such application shall also include a description of the nonoperating mineral interests within the tract or tracts involved. If the Commissioner grants consent under this section, a copy of the letter granting such consent shall be attached to the return for the first taxable year for which such consent applies, except in the case where the taxpayer has, pursuant to this section, already filed his income tax return for that year. Upon electing to aggregate separate nonoperating mineral interests the taxpayer shall be bound by such election unless he obtains consent of the Commissioner to apply a different treatment. Such consent to a different treatment shall not be granted solely by reason of tax disadvantages resulting from the use of the method of aggregation.

§ 1.614–4 *Rules applicable to basis, holding period and abandonment losses where mineral interests have been aggregated*—(a) *Basis of property resulting from aggregation*—(1) *General rule.* When a taxpayer has aggregated as one property two or more interests under section 614 (b) or (c), the unadjusted basis of such aggregated property shall be the sum of the unadjusted bases of the various mineral interests aggregated. The adjusted basis of the aggregated property on the date of aggregation shall be the unadjusted basis of the aggregated property, adjusted by the total of all adjustments to the bases of the several mineral interests aggregated as required by section 1016 to the date of aggregation. However, for determining gain or loss on the sale or exchange of any part of the aggregated property the adjusted basis of the aggregated property (from which the adjusted basis of the part is determined) shall not be reduced below zero.

(2) *Basis upon disposition of part of an aggregated property.* When a taxpayer has aggregated two or more separate mineral interests as one property, under section 614 (b) or (c), and thereafter sells, exchanges, or otherwise disposes of part of such property, the total adjusted basis of the property as of the date of sale, exchange, or other disposition must be apportioned to determine the adjusted basis of the part disposed of and the part retained for purposes of computing gain or loss, depletion, and for all other purposes of subtitle A of the Internal Revenue Code of 1954. Such adjusted basis shall be determined by apportioning the total adjusted basis of the property between the part of the property disposed of and the part retained in the same proportion as the fair market value of each part (as of the date of sale, exchange, or other disposition) bears to the total fair market value of the property as of such date. This rule also applies to cases in which a taxpayer after aggregating secures the consent of the Commissioner to treat such interests in a different manner.

(3) The application of the provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer owning three operating mineral interests, A, B, and C, within a single operating unit, properly elects to aggregate such properties for the year 1954 in his income tax return filed on April 15, 1955. The unadjusted bases and adjustments under section 1016 for depletion through December 31, 1953, in respect of such properties are as follows:

	Unadjusted basis	Adjustments under 1016
A	25,000	27,000
B	18,000	10,000
C	15,000	4,000
Total	58,000	41,000

The taxpayer has created an aggregated property for income tax purposes by virtue of the aggregation. The adjusted basis of this aggregated property as of the beginning of the taxable year, January 1, 1954, is $17,000 ($58,000 less $41,000).

Example (2). Assume the same facts in example (1), except that a portion of the aggregated property is sold on June 1, 1956, for $15,000. In order to determine the gain or loss from this sale as well as the basis of the retained property an apportionment must be made. The aggregated property had a fair market value of $25,000 on the date of sale. From January 1, 1954, through May 31, 1956, $10,000 of depletion has been allowed with respect to the aggregated property. In order to determine the adjusted basis of the portion sold, taxpayer will make the following apportionment:

he sold a portion of the aggregated property for $20,000, and that, as of January 1, 1956, the aggregated property at the time of sale had a fair market value of $24,000. The basis of the portion sold would be computed as follows:

$20,000 (FMV of portion sold) / $24,000 (FMV of aggregated property) × $18,000 (basis for gain) = $15,000 (basis of interest sold)

Taxpayer's gain would then be computed as follows:

$20,000 amount received for portion sold.
less: $15,000 basis of interest sold.
$5,000 gain on portion sold.

Example (3). Assume the same facts as in example (2), except that a portion of the aggregated property was sold for $5,000 and that the fair market value of the aggregated property at the time of sale was $10,000. The basis of the portion sold would be computed as follows:

$5,000 (FMV of portion sold) / $10,000 (FMV of aggregated property) × $12,000 (basis for loss) = $6,000 (basis of interest sold)

Taxpayer's loss then would be computed as follows:

$5,000 amount received for portion sold.
less: $6,000 basis of portion sold.
($1,000) loss on portion sold.

(5) *Aggregated mineral interests with transferred basis.* (i) Where a transferee, donee or grantee acquires mineral interests which have been aggregated by the transferor, donor or grantor, and where the bases of such mineral interests in the hands of such transferee, donee or grantee are determined in whole or in part with reference to the basis of the aggregated property in the hands of the transferor, donor or grantor, such transferee, donee or grantee (except a trust where the grantor is treated as the owner under section 671) is not bound by any election made by his transferor, donor or grantor. Such transferee, donee or grantee has a separate election under section 614 (b) relating to operating mineral interests, or may make a separate application for consent to aggregate under section 614 (c) relating to non-operating mineral interests.

(ii) A transferee, donee or grantee described in subdivision (i) of this subparagraph (excluding a trust where the grantor is treated as the owner under section 671) shall apportion the transferor's, donor's or grantor's basis among the mineral interests acquired in proportion to the relative fair market values at the date of such transfer.

(b) *Holding period of aggregated properties.* Where a taxpayer sells either a part or all of an aggregated property which includes part or all of an operating mineral interest which the taxpayer has held for six months or less the sales price and basis attributable to the interest sold must be apportioned in proportion to the relative fair market values as of the date of sale to determine the amount of income represented by the sale of property held for less than six months. The application of this rule may be illustrated by the following example:

Example. Taxpayer A owns operating mineral interests X, Y and Z. He acquired X and Y in 1953 but purchased and made development expenditures on Z on December 1, 1954. In his return for the year 1954, taxpayer A elects to aggregate X, Y and Z since they form one operating unit. On May 1, 1955, A sells the north half of the aggregated property which includes portions of X, Y and Z. The sales price of the north half was $80,000; the adjusted basis of the aggregated property at the date of sale was $20,000; and the fair market value of the aggregated property at the date of sale was $100,000. The basis applicable to the north half is computed as follows:

$80,000 (FMV of portion sold) / $100,000 (FMV of aggregated property) × $20,000 (basis of aggregated property) = $16,000 (basis of portion sold)

The total gain on the sale is $64,000 ($80,000 less $16,000). The gain attributable to the sale of the portion held for less than six months is computed as follows (assuming that the fair market value of the portion of Z included in the sale was $30,000):

$30,000 (FMV of portion of Z sold) / $80,000 (FMV of north half) × $16,000 (basis of north half) = $6,000 basis of portion of Z sold

The gain on portion of Z sold is $24,000 ($30,000 minus $6,000).

Where mineral interests acquired before March 1, 1913, are included in an aggregation under section 614 (b) or (c), the aggregated property has two bases, one for the determination of gain and another for the determination of loss upon the disposition of the whole or a part of the aggregated property. The basis of the aggregated property for the determination of gain shall be the sum of (a) the cost or other basis at the date of aggregation of those mineral interests acquired on or after March 1, 1913, plus (b) the greater of the cost of the interests acquired before March 1, 1913 (adjusted for the period before March 1, 1913), and the fair market value of such interests as of March 1, 1913, and such sum shall be adjusted as provided in section 1016 to the date of aggregation. The basis of the aggregated property for the determination of loss shall be the sum of (a) the cost of the mineral interests acquired before March 1, 1913, adjusted to the date of aggregation plus the adjusted basis of the mineral interests acquired on or after March 1, 1913. This subparagraph may be illustrated by the following examples:

Example (1). At the close of 1953 a taxpayer owned two operating mineral interests in the same operating unit. Operating mineral interest A was acquired by the taxpayer before March 1, 1913, and, as of December 31, 1953, its basis with reference to its fair market value on March 1, 1913, was $13,000 and its basis with reference to its cost was $7,000. The basis of operating mineral interest B, acquired after March 1, 1913, was $10,000 as of December 31, 1953. Assume that the taxpayer elected for the year 1954 to aggregate operating mineral interests A and B. The basis of the aggregated property as of January 1, 1954, for the purpose of determining gain would be $23,000 and for determining loss would be $17,000.

Example (2). Assume the same facts as in example (1) and further assume that during the years 1954 and 1955, taxpayer was allowed $5,000 of depletion on the aggregated property, that on January 1, 1956, he sold a portion of the aggregated property for $7,000 (adjusted basis of aggregated property) × $15,000 / $25,000 = $4,200 (adjusted basis of portion sold)

Therefore, the gain on this sale ($15,000–$4,200) of the portion sold is $10,800. The basis of the property retained is $2,800 ($7,000–$4,200).

Example (3). Assume the same facts as in example (2), except that instead of selling, the taxpayer subleased a portion of the aggregated property retaining a one-eighth royalty and receiving a bonus of $5,000. The basis of the royalty retained by the taxpayer will be computed as if the portion subleased had been sold. Thus, the basis of the royalty for purpose of computing cost depletion on the $5,000 bonus in accordance with § 1.612–3.

Example (4). Taxpayer owned and operated during 1953, mineral interests Nos. 1, 2, and 3. He owned no other operating interests during that year. The adjusted bases of these properties on January 1, 1954, were respectively $5,000, $10,000, and $15,000. The taxpayer operated these properties during the year 1954 and in addition, operated mineral interest No. 4 which he acquired on July 1, 1954, on which date he made the first exploration expenditure with respect thereto. He paid $20,000 for No. 4. In his return for the calendar year 1954, filed on April 15, 1955, taxpayer elected to aggregate all of these mineral interests which formed an operating unit. Taxpayer must compute cost depletion for the calendar year 1954 on the basis of an aggregated property with an adjusted basis of $30,000 for the period from January 1 to June 30, and with a basis of $50,000 (less depletion for the first six months) for the period July 1 to December 31. If applicable, the taxpayer must compute percentage depletion on the basis of gross income and taxable income from the aggregated property for the whole year, including the gross income from operating mineral interest No. 4 for the period from July 1 to December 31. If a portion of the aggregated property is sold during the first six months, its basis must be determined at the time of sale with an adjustment for depletion to the date of sale. If percentage depletion is applicable, it must be allocated on an equitable basis to determine the adjustment for depletion to the date of sale.

(4) *Basis for gain and loss where mineral interests acquired before March 1, 1913, are included in an aggregation.*

(c) *Abandonment and casualty losses.* In the case of mineral interests which are aggregated as one property, no losses resulting from abandonment are allowable until the aggregated property is abandoned or disposed of in its entirety. Casualty losses are allowable in accordance with the rules applicable to casualty losses in general. For rules applicable to losses in general, see section 165 and the regulations thereunder.

§ 1.615 *Statutory provisions; exploration expenditures.*

SEC. 615. *Exploration expenditures*—(a) *In general.* In the case of expenditures paid or incurred during the taxable year for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, and paid or incurred before the beginning of the development stage of the mine or deposit, there shall be allowed as a deduction in computing taxable income so much of such expenditure as does not exceed $100,000. This section shall apply only with respect to the amount of such expenditures which, but for this section, would not be allowable as a deduction for the taxable year. This section shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in section 167, but allowances for depreciation shall be considered, for purposes of this section, as expenditures paid or incurred. In no case shall this section apply with respect to amounts paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas.

(b) *Election of taxpayer.* If the taxpayer elects, in accordance with regulations prescribed by the Secretary or his delegate, to treat as deferred expenses any portion of the amount deductible for the taxable year under subsection (a), such portion shall not be deductible in the manner provided in subsection (a) but shall be deductible on a ratable basis as the units of produced ores or minerals discovered or explored by reason of such expenditures are sold. An election made under this subsection for any taxable year shall be binding for such year.

(c) *Limitation.* This section shall not apply to any amount paid or incurred in any taxable year if in any 4 preceding years a deduction or election under this section, or the corresponding provision of prior laws, has been allowed to, or exercised by—

(1) The taxpayer, or

(2) The individual or corporation who has transferred to the taxpayer any mineral property.

Paragraph (2) shall apply only if (A) the taxpayer was required to take into account under section 23 (ff) (3) of the Internal Revenue Code of 1939 the deduction allowed to or election exercised by such individual or corporation; (B) the taxpayer would be entitled under section 381 (c) (10) to deduct expenses deferred under this section had the distributor or transferor corporation elected to defer such expenses; or (C) the taxpayer acquired any mineral property under circumstances which make section 334 (b), 362 (a) and (b), 372 (a), 373 (b) (1), 723, 732, 1051, or 1082 apply to such transfer.

(d) *Adjusted basis of mine or deposit.* The amount of expenditures which are treated under subsection (b) as deferred expenses shall be taken into account in computing the adjusted basis of the mine or deposit, but such amounts, and the adjustments to basis provided in section 1016 (a) (10) shall be disregarded in determining the adjusted basis of the property for the purpose of computing a deduction for depletion under section 611.

§ 1.615–1 *Discovery or exploration expenditures*—(a) *General rule.* Section 615 prescribes rules for the treatment of expenditures for ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (other than oil or gas) paid or incurred by the taxpayer before the beginning of the development stage. Such expenditures hereafter in the regulations under section 615 will be referred to as exploration expenditures. Under section 615 (a), a taxpayer may, at his option, deduct exploration expenditures paid or incurred in an amount not to exceed $100,000 for any taxable year. Under section 615 (b) and § 1.615–2 he may elect to defer any part of such amount and deduct such part on a ratable basis as the minerals benefited by such expenditures are sold. In any taxable year in which the taxpayer does not treat exploration expenditures under either of these methods, they will be charged to depletable capital account. The option to deduct under section 615 (a), and the election to defer under section 615 (b), may be exercised in only four taxable years as provided in § 1.615–4.

(b) *Expenditures to which section 615 is not applicable.* (1) Section 615 is not applicable to expenditures which would be allowed as a deduction without regard to such section.

(2) Section 615 is not applicable to expenditures which are reflected in improvements subject to allowances for depreciation under sections 167 and 611. However, allowances for depreciation of such improvements which are used in the exploration of ores or minerals are considered exploration expenditures under section 615. If such improvements are used only in part for exploration during a taxable year an allocable portion of the allowance for depreciation shall be treated as an exploration expenditure.

(3) Expenditures paid or incurred by a taxpayer in consideration for the grant of an interest in the minerals or ores are not exploration expenditures but are a part of the cost of such interest and shall be recovered through depletion allowances. For example, taxpayer A owns mineral leases on unexplored mineral lands and agrees to convey an undivided one-fourth (¼) interest in such leases to taxpayer B provided B will pay all of the exploration expenditures for ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral which will be incurred before the beginning of the development stage. B may not deduct such amount under section 615, but shall treat such amount as part of the cost of his interest, recoverable through depletion.

(4) The provisions of section 615 do not apply to costs of exploration which are reflected in the amount which the taxpayer paid or incurred to acquire the property. Such provisions apply only to costs paid or incurred by the taxpayer for exploration undertaken directly or through contract by the taxpayer. See, however, sections 381 (a) and 381 (c) (10) for special rules with respect to deferred exploration expenditures in certain corporate acquisitions.

(c) *Rules for determining exploration expenditures.* (1) Exploration expenditures referred to in paragraph (a) of this section are those which are made before the existence of ores or minerals in commercially marketable quantities has been disclosed and before the development stage has begun. The time at which the development stage begins is a question of fact to be determined by the taxpayer's activity.

(2) Whether an expenditure is an exploration expenditure or a development expenditure will be determined with reference to the particular deposit with respect to which it is made. For example, a taxpayer who has developed ores in commercially marketable quantities on deposit X and then makes expenditures for the purpose of disclosing the extent of the ore or mineral in that same deposit has incurred development expenditures. However, where the taxpayer has begun the development stage with respect to deposit X and from the same shaft drives a crosscut for the purpose of discovering another mineral deposit, the expenditures therefor are exploration expenditures.

§ 1.615–2 *Deduction of exploration expenditures in the year paid or incurred*—(a) *General.* (1) Subject to the total limitation of $100,000, a taxpayer who has made exploration expenditures with respect to more than one deposit or mine, may deduct any portion of the expenditures attributable to each such mine or deposit. With respect to a particular deposit or mine the taxpayer may deduct a portion of the exploration expenditures under section 615 (a) and may defer and deduct the balance of such expenditures under section 615 (b). He must charge to capital account any amount in excess of $100,000 in any taxable year and he must charge to capital account whatever amount has not been deducted currently or deferred. For example, taxpayer A has three mineral deposits, X, Y, and Z. In the taxable year 1957 A pays exploration expenditures of $75,000 on each deposit. The total allowable deduction for exploration expenditures is $100,000. A deducts $50,-

000 and defers $25,000 with respect to deposit X. He deducts $25,000, and charges to capital account $50,000 with respect to deposit Y, and charges to capital account the entire $75,000 paid with respect to deposit Z. Thus, A has deducted or deferred $100,000 and capitalized the excess.

(b) *Manner and effect of claiming deduction under section 615 (a).* (1) A taxpayer claiming a deduction under section 615 (a) shall indicate clearly on his income tax return the amount of the deduction claimed under such section with respect to each mine or deposit. Such mine or deposit shall be identified by an adequate description. The taxpayer cannot change his deduction under section 615 (a) after the due date (including extensions thereof) for filing his income tax return.

§ 1.615–3 *Election to defer exploration expenditures*—(a) *General rule.* A taxpayer may defer any portion of the exploration expenditures made with respect to each mine or deposit, subject to the limitations of time and amount described in section 615 (c) and § 1.615–4. The amounts so deferred shall be deducted ratably as the units of the ores or minerals discovered or explored by reason of such expenditures are sold. For purposes of this section, the time that such minerals or ores are sold shall be determined by the application of the rules used for determining "gross income from mining" for purposes of computing percentage depletion. See § 1.613–3 (b) for such rules.

(b) *Effect and manner of making election.* (1) The election to defer exploration expenditures shall apply only to expenditures for the taxable year for which made. However, once made, the election shall be binding with respect to the expenditures for that taxable year. Thus, a taxpayer cannot revoke his election for any reason whatsoever.

(2) The election shall be made for each mine or deposit by a clear indication on the return, or by a statement filed with the district director with whom the return was filed, not later than the time prescribed by law for filing such return (including extensions thereof) for the taxable year to which such election is applicable.

(c) *Expenditures made by the owner who retains a non-operating mineral interest.* (1) A taxpayer who elects to defer exploration expenditures and thereafter transfers his interest in the mine or deposit, retaining an economic interest therein, shall deduct an amount attributable to such interest on a pro rata basis as the interest pays out. For example, a taxpayer who defers exploration expenditures and then leases his deposit, retaining a royalty interest therein, shall deduct the deferred expenditures ratably as he receives royalties. If the taxpayer receives a bonus or advanced royalties in connection with the transfer of his interest, he shall deduct deferred expenditures allocable to such bonus or advanced royalties in an amount which is in the same proportion to the total of such costs as the bonus or advanced royalties bears to the bonus and total royalties expected to be received. Also, in the case of a transfer of a mine or deposit by a taxpayer who retains a production payment therein, he shall deduct the exploration expenditures ratably over the payments expected to be received.

(2) Where a taxpayer receives an amount, in addition to retaining an economic interest, which amount is treated as from the sale or exchange of a capital asset or property treated under section 1231 (except coal to which section 631 (c) applies) the deferred exploration expenditures shall be allocated between the interest sold and the interest retained in proportion to the fair market values of each interest as of the date of sale. The amount allocated to the interest sold may not be deducted, but shall be a part of the basis of such interest.

(d) *Losses from abandonment.* In the case of an abandonment of the "property," as defined in section 614, upon which the deposit involved is located, the amount of deferred expenditures not yet deducted at such time may be allowed as a deduction under section 165, relating to losses.

(e) *Computaton of amount of deduction.* The amount of the deduction allowable during the taxable year is an amount A, which bears the same ratio to B (the total deferred exploration expenditures for a particular mine or deposit reduced by the amount of such expenditures deducted in prior taxable years) as C (the number of units of the ore or mineral benefited by such expenditures sold during the taxable year) bears to D (the number of units of ore or mineral benefited by such expenditures remaining as of the taxable year). For the purposes of this proportion, the "number of units of ore or mineral benefited by such expenditure remaining as of the taxable year" is the number of units of ore or mineral benefited by the deferred exploration expenditures remaining at the end of the year to be recovered from the mine or deposit (including units benefited by such expenditures recovered but not sold) plus the number of units benefited by such expenditures sold within the taxable year. The principles outlined in § 1.611–2 are applicable in estimating the number of units remaining as of the taxable year and the number of units sold during the taxable year. The estimate is subject to revision in accordance with that section in the event it is ascertained as the result of operations or development that the remaining units are materially greater or less than the number of units remaining from a prior estimate.

§ 1.615–4 *Limitation of amount deductible*—(a) *General.* In any taxable year a taxpayer may deduct or defer exploration expenditures, to which section 615 is applicable, in an amount not in excess of $100,000. The application of section 615 is limited to any four taxable years (including taxable years of less than 12 months). Such four taxable years need not be consecutive. In determining whether a taxpayer has made use of a taxable year, a year in which he makes an election to defer exploration expenditures shall count as one year. Any subsequent taxable year in which such deferred expenditures are deducted shall not be considered as a year used.

(b) *Transferee of mineral property.* (1) The taxpayer shall take into account for purposes of the 4-year limitation any year in which an individual or corporation, who has transferred any mineral property to him, has deducted or deferred exploration expenditures under section 615, or section 23 (ff) of the Internal Revenue Code of 1939, provided any of the following subdivisions of this subparagraph are applicable.

(i) The taxpayer under section 23 (ff) of the Internal Revenue Code of 1939 was required to take into account a taxable year in which his transferor was allowed the deduction or exercised the election to defer.

(ii) The taxpayer would be entitled under section 381 (c) (10) to deduct exploration expenditures if the transferor (or distributor) corporation had elected to defer such expenditures. For example, if the taxpayer acquired any mineral property in a transaction described in section 381 (a) (relating to the acquisition of assets through certain corporate liquidations and reoganizations) the years in which the transferor exercised the election to defer or deduct exploration expenditures shall count as a year towards computing the taxpayer's 4-year limitation. For a further limitation see section 381 (c) (10).

(iii) The taxpayer acquired any mineral property under circumstances which make applicable the following sections of the Internal Revenue Code:

(*a*) Section 334 (b), relating to the liquidation of a subsidiary where the basis of the property in the hands of the distributee is the same as it would be in the hands of the transferor.

(*b*) Sections 362 (a) and (b), relating to property acquired by a corporation as paid-in surplus or as a contribution to capital, or in connection with a transaction to which section 351 applies.

(*c*) Section 372 (a), relating to reorganization in certain receiverships and bankruptcy proceedings.

(*d*) Section 373 (b) (1), relating to property of a railroad corporation acquired in certain bankruptcy or receivership proceedings.

(*e*) Section 723, relating to property contributed to a partnership by a partner.

(*f*) Section 732, relating to the distribution of partnership property to a partner.

(*g*) Section 1051, relating to property acquired by a corporation that is a member of an affiliated group.

(*h*) Section 1082, relating to property acquired pursuant to a Securities Exchange Commission order.

(2) For purposes of subparagraph (1) of this paragraph it is immaterial whether or not a deduction has been allowed or an election has been made by the transferor with respect to the specific mineral property transferred.

(3) Where a mineral property is acquired under any circumstance except those described in subparagraph (1) of this paragraph, the taxpayer is not required to take into account the election

exercised by or deduction allowed to his transferor.

(4) The application of the provisions of paragraph (b) of this section may be illustrated by the following examples:

Example (1). Assume that a taxpayer who has never claimed the benefits of section 615 received in 1956 a mineral deposit from X corporation upon a distribution in complete liquidation of the latter under conditions which would make the provisions of section 334 (b) applicable in determining the basis of the property in the hands of the taxpayer, and that during the year 1955 X corporation expended $60,000 for exploration expenditures which X corporation elected to treat as deferred expenses. On the basis of these facts the taxpayer may deduct or defer for any three (not necessarily consecutive) subsequent taxable years exploration expenditures made in those years not to exceed $100,000 in any year.

Example (2). Assume the same facts stated in example (1) except that, prior to acquisition by the taxpayer of the deposit from corporation X in 1956, corporation X had acquired the deposit in 1954 in a similar distribution from Y Corporation which, in the years 1952 and 1953, deducted exploration costs paid in respect of an entirely different deposit in the amounts of $30,000 and $50,000 respectively. Under these circumstances, the taxpayer may deduct or defer exploration expenditures paid or incurred for only one taxable year in an amount not in excess of $100,000.

Example (3). In 1957 A and B transfer assets to a corporation under circumstances making section 351 applicable to such a transfer. Among the assets transferred by A is a mineral lease with respect to certain coal lands. A has deducted exploration expenditures under section 615 for the years 1954 and 1956 made with respect to open deposits not included in the transfer to the corporation. The corporation shall be charged with the two years previously used by A and shall have only two years in which to treat exploration expenditures under section 615.

Example (4). In 1956, A, B, and C form a partnership for the purpose of exploring for, developing, and producing uranium. A contributes to the partnership a uranium lease. A has individually made exploration expenditures with respect to other mineral properties not contributed to the partnership and which he has deducted under section 615 (a) for the years 1954 and 1955. B contributes a uranium lease to the partnership on which he made exploration expenditures in 1955 which he elected to defer under section 615 (b). The partnership under these circumstances will be allowed only one year in which to treat exploration expenditures under section 615.

§ 1.615–5 *Time for making election with respect to returns due prior to ninety days after adoption of regulations.* In the case of any taxable year beginning after December 31, 1953 and ending after August 16, 1954, the income tax return for which is due before the ninetieth day after the regulations adopted under section 615 are published in the FEDERAL REGISTER, the time for exercising any option or making any election under section 615 shall expire on the ninetieth day after such publication.

§ 1.616 *Statutory provisions; development expenditures.*

SEC. 616. *Development expenditures*—(a) *In general.* Except as provided in subsection (b), there shall be allowed as a deduction in computing taxable income all expenditures paid or incurred during the taxable year for the development of a mine or other natural deposit (other than an oil or gas well) if paid or incurred after the existence of ores or minerals in commercially marketable quantities has been disclosed. This section shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in section 167, but allowances for depreciation shall be considered, for purposes of this section, as expenditures.

(b) *Election of taxpayer.* At the election of the taxpayer, made in accordance with regulations prescribed by the Secretary or his delegate, expenditures described in subsection (a) paid or incurred during the taxable year shall be treated as deferred expenses and shall be deductible on a ratable basis as the units of produced ores or minerals benefited by such expenditures are sold. In the case of such expenditures paid or incurred during the development stage of the mine or deposit, the election shall apply only with respect to the excess of such expenditures during the taxable year over the net receipts during the taxable year from the ores or minerals produced from such mine or deposit. The election under this subsection, if made, must be for the total amount of such expenditures, or the total amount of such excess, as the case may be, with respect to the mine or deposit, and shall be binding for such taxable year.

(c) *Adjusted basis of mine or deposit.* The amount of expenditures which are treated under subsection (b) as deferred expenses shall be taken into account in computing the adjusted basis of the mine or deposit, except that such amount, and the adjustments to basis provided in section 1016 (a) (9), shall be disregarded in determining the adjusted basis of the property for the purpose of computing a deduction for depletion under section 611.

§ 1.616–1 *Development expenditures*—(a) *General rule.* Section 616 prescribes rules for treating expenditures paid or incurred by the taxpayer for the development of a mine or other natural deposit (other than an oil or gas well). Such expenditures hereafter in this section and § 1.616–2 will be referred to as development expenditures. Development expenditures under section 616 are those which are made after the existence of ores in commercially marketable quantities has been disclosed and the development operations have begun. Under section 616 (a), a taxpayer is allowed a deduction for development expenditures whether or not such expenditures are made in the development or production stage of the mine or deposit. Under section 616 (b), the taxpayer may elect to defer development expenditures made in the development or producing stage and to deduct such expenditures ratably as the minerals or ores benefited are sold. While the mine or deposit is in the development stage the election applies only to that portion of the development expenditures which is in excess of net receipts from the mine or deposit. See § 1.616–2 for rules with respect to the election to defer. It is not necessary that the taxpayer incur the development costs directly. He may engage a contractor to make the expenditures on his behalf.

(b) *Expenditures to which section 616 is not applicable.* (1) Section 616 is not applicable to development expenditures which are deductible for the taxable year under any other provision of the internal revenue laws.

(2) Section 616 is not applicable to expenditures which are reflected in improvements subject to allowances for depreciation under sections 167 and 611. However, allowances for depreciation of such improvements which are used in the development of ores or minerals are considered development expenditures under section 616. If such improvements are used only in part for development during a taxable year an allocable portion of the allowance for depreciation shall be treated as a development expenditure.

(3) Expenditures paid or incurred by a taxpayer in consideration for a grant of an interest in the minerals or ores are not development expenditures but are a part of the cost of such interest and shall be recovered through depletion allowances. For example, taxpayer A owns mineral leases on undeveloped mineral lands. A agrees to convey an undivided one-fourth (¼) interest in such leases to B, provided B will pay all of the development expenditures with respect to the deposits on these leases. B may not deduct such amount under section 616, but shall treat such amount as part of the cost of his interest, recoverable through depletion.

(4) The provisions of section 616 do not apply to costs of development which are reflected in the amount which the taxpayer paid or incurred to acquire the property. Such provisions apply only to costs paid or incurred by the taxpayer for development undertaken directly or through contract by the taxpayer. See, however, sections 381 (a) and 381 (c) (10) for special rules with respect to deferred development expenditures in certain corporate acquisitions.

(c) *Mine or deposit.* Section 616 has reference to expenditures made for the development of a mine or other natural deposit, whichever is the smaller unit. Within an aggregated property, as that term is defined in section 614 (b), or within a single tract or parcel of land, there may be more than one mine or deposit. Where a mine contains more than one natural deposit, the taxpayer may deduct the development expenditures under section 616 (a) made with respect to one of such deposits, and may defer under section 616 (b) the development expenditures made with respect to another of such deposits. Where there is more than one mine opening into a single deposit, the taxpayer may deduct the development expenditures under section 616 (a) made with respect to one of such mines, and may defer under section 616 (b) the development expenditures made with respect to another of such mines. The taxpayer must treat consistently all development expenditures with respect to each such mine or deposit in a taxable year. The taxpayer must make a separate determination of the units of minerals or ores benefited in a mine or deposit (regardless of the computation of the depletion allowance) in order that deferred expenditures with respect to such mine or deposit may be deducted on a ratable basis. See § 1.616–2 (h).

§ 1.616–2 *Election to defer*—(a) *General rule.* In lieu of taking a deduction under section 616 (a), in the taxable

year when the development expenditures are paid or incurred, a taxpayer may elect under section 616 (b) to treat such expenditures with respect to each mine or deposit as deferred expenses to be deducted ratably as the units of the produced ore or minerals benefited by such expenditures are sold. Section 616 (b) is applicable to expenditures paid or incurred both in the development and producing stage of the mine or deposit. However, in the case of expenditures made in the development stage, this election is applicable only to the excess of the amount of expenditures over the net receipts from the ore or minerals from such mine or deposit received or accrued during the development stage and in the same taxable year as the expenditures were paid or incurred. Such development expenditures not in excess of such net receipts shall be treated under section 616 (a).

(b) *Producing stage; definition of.* The mine or deposit will be considered to be in a producing stage when the major portion of the mineral production is obtained from workings other than those opened for the purpose of development, or when the principal activity of the mine is the production of developed ores or minerals rather than the development of additional ores or minerals for mining.

(c) *"Net receipts"; definition of.* The term "net receipts" means the amount of the sales price attributable to the crude ore or mineral, excluding from such sales price, the costs of transporting the ores or minerals from the mine and the costs of further processing, manufacturing, or marketing.

(d) *Determination of time of sale.* Section 616 (b) provides that the deferred expenditures shall be deducted on a pro rata basis as the ore or minerals benefited by such expenditures are sold. The time that minerals are sold shall be determined by the application of the rules used to determine "gross income from mining" from such ores or minerals for purposes of section 613. See § 1.613–3 (b).

(e) *Expenditures made by the owner who retains a nonoperating interest.* (1) A taxpayer who elects to defer development expenditures and thereafter transfers his interest in the mine or deposit, retaining an economic interest therein, shall deduct an amount attributable to such interest on a pro rata basis as the interest pays out. For example, a taxpayer who defers development expenditures and then leases his deposit, retaining a royalty interest therein, shall deduct the deferred expenditures ratably as he receives royalties. If the taxpayer receives a bonus or advanced royalties in connection with the transfer of his interest, he shall deduct deferred expenditures allocable to such bonus or advanced royalties in an amount which is in the same proportion to the total of such costs as the bonus or advanced royalties bears to the bonus and total royalties expected to be received. Also, in the case of a transfer of a mine or deposit by a taxpayer who retains a production payment therein, he may deduct the development expenditures ratably over the payments expected to be received.

(2) Where a taxpayer receives an amount, in addition to retaining an economic interest, which amount is treated as from the sale or exchange of a capital asset or property treated under section 1231 (except coal to which section 631 (c) applies) the deferred development expenditures shall be allocated between the interest sold and the interest retained in proportion to the fair market value of each interest as of the date of sale. The amount allocated to the interest sold may not be deducted, but shall be a part of the basis of such interest.

(f) *Losses from abandonment.* In the case of an abandonment of the "property," as defined in section 614, upon which the deposit involved is located, the amount of deferred expenditures not yet deducted at such time may be allowed as a deduction under section 165, relating to losses.

(g) *Effect of election.* (1) The election to defer development expenditures shall apply only to expenditures for the taxable year for which made. However, once made, the election shall be binding with respect to the expenditures for that taxable year. Thus, a taxpayer cannot revoke his election for any reason whatsoever.

(2) The election shall be made for each mine or deposit by a clear indication on the return or by a statement field with the district director with whom the return was filed, not later than the time prescribed by law for filing such return (including extensions thereof) for the taxable year to which such election is applicable.

(h) *Computation of amount of deductions.* The amount of the deduction allowable during the taxable year is an amount A, which bears the same ratio to B (the total deferred development expenditures for a particular mine or deposit reduced by the amount of such expenditures deducted in prior taxable years) as C (the number of units of the ore or mineral benefited by such expenditures sold during the taxable year) bears to D (the number of units of ore or mineral benefited by such expenditures remaining as of the taxable year). For the purposes of this proportion, the "number of units of ore or mineral benefited by such expenditure remaining as of the taxable year" is the number of units of ore or mineral benefited by the deferred development expenditures remaining at the end of the year to be recovered from the mine or deposit (including units benefited by such expenditures recovered but not sold) plus the number of units benefited by such expenditures sold within the taxable year. The principles outlined in § 1.611–2 are applicable in estimating the number of units remaining as of the taxable year and the number of units sold during the taxable year. The estimate is subject to revision in accordance with that section in the event it is ascertained as the result of operations or development that the remaining units are materially greater or less than the number of units remaining from a prior estimate.

§ 1.616–3 *Time for making election with respect to returns due prior to ninety days after adoption of regulations.* In the case of any taxable year beginning after December 31, 1953 and ending after August 16, 1954, the income tax return for which is due before the ninetieth day after the regulations adopted under section 616 are published in the FEDERAL REGISTER, the time for making any election under section 616 shall expire on the ninetieth day after such publication.

§ 1.621 *Statutory provisions; payments to encourage exploration, development, and mining for defense purposes.*

SEC. 621. *Payments to encourage exploration, development, and mining for defense purposes.* There shall not be included in gross income any amount paid to a taxpayer by the United States (or any agency or instrumentality thereof), whether by grant or loan, and whether or not repayable, for the encouragement of exploration, development, or mining of critical and strategic minerals or metals pursuant to or in connection with any undertaking approved by the United States (or any of its agencies or instrumentalities) and for which an accounting is made or required to be made to an appropriate governmental agency, or any forgiveness or discharge of any part of such amount. Any expenditures (other than expenditures made after the repayment of such grant or loan) attributable to such grant or loan shall not be deductible by the taxpayer as an expense nor increase the basis of the taxpayer's property either for determining gain or loss on sale, exchange, or other disposition or for computing depletion or depreciation, but on the repayment of any portion of any such grant or loan which has been expended in accordance with the terms thereof such deductions and such increase in basis shall to the extent of such repayment be allowed as if made at the time of such repayment.

§ 1.621–1 *Payments to encourage exploration, development, and mining for defense purposes*—(a) *General rule.* (1) Under section 621, a taxpayer shall exclude from gross income amounts which are paid to him:

(i) By the United States or by an agency or instrumentality of the United States,

(ii) As a grant, gift, bounty, bonus, premium, incentive, subsidy, loan, or advance,

(iii) For the encouragement or exploration for, or development or mining of, a critical and strategic mineral or metal,

(iv) Pursuant to or in connection with an undertaking by the taxpayer to explore for, or develop or produce, such mineral or metal and to expend or use any amounts so received for the purpose and in accordance with the terms and conditions upon which such amounts are paid, which undertaking has been approved by the United States or by an agency or instrumentality of the United States, and

(v) For which the taxpayer has accounted, or is required to account, to an appropriate agency of the United States Government for the expenditure or use thereof for the purpose and in accordance with the terms and conditions upon which such amounts are paid.

In order for section 621 to apply, such amount must qualify under each of the foregoing subdivisions. Under section 621, there shall also be excluded from gross income any income attributable to the forgiveness or discharge of any indebtedness arising from amounts to which such section applies.

(2) Section 621 is applicable whether or not the payee is obligated to repay to the United States any portion or all of the amount so received. However, such section is not applicable to any loan or advance for the repayment of which the borrower's liability is unconditional and legally enforceable.

(3) Except as provided in paragraph (d) of this section any expenditure attributable to an amount received by a taxpayer to which section 621 applies shall not be deductible by the taxpayer as an expense under subtitle A of the Internal Revenue Code of 1954, nor shall any such expenditure increase the basis of the taxpayer's property either for determining gain or loss on sale, exchange, or other disposition, or for computing depletion or depreciation (including amortization under section 168).

(b) *Allowance as part of purchase price.* (1) Section 621 is not applicable to any part of the purchase price of a critical and strategic mineral or metal which amount is received, whether before, on, or after delivery from the United States or any agency or instrumentality thereof, and irrespective of whether such purchase price is below, at, or above the currently prevailing market price.

(2) However, a payment of a separate and specific amount for the encouragement of exploration for, or development or mining of, a critical and strategic mineral or metal shall not be considered to be a part of the purchase price of such mineral or metal merely because such payment is added to, or included with, the payment of such purchase price.

(c) *Payments for expenditures previously deducted or capitalized.* (1) Where amounts described in section 621 and this section are paid to a taxpayer in reimbursement for expenditures previously allowed as a deduction, the taxpayer shall include in gross income that portion of such amounts which is equivalent to the deduction for such expenditures allowed to the taxpayer and which deduction resulted in a reduction for any taxable year of the taxpayer's taxes under subtitle A of the Internal Revenue Code of 1954 (other than chapter 2, relating to tax on self-employment income), or prior income, war-profits, or excess-profits tax laws.

(2) Where amounts described in section 621 and this section are paid to the taxpayer in reimbursement for expenditures which have been deferred under sections 615 and 616 (relating to exploration and development expenditures) the taxpayer shall include in gross income that portion of such amounts which is equivalent to any deduction for such expenditures allowed to the taxpayer and which deduction resulted in a reduction for any taxable year of the taxpayer's taxes under subtitle A of the Internal Revenue Code of 1954 (other than chapter 2, relating to tax on self-employment income), or prior income, war-profits, or excess-profits tax laws. The portion of such amounts, equivalent to expenditures which are reflected in the adjusted basis of the assets to which charged, shall be excluded from gross income, and such adjusted basis shall be decreased by the amount of such exclusion.

(3) Where amounts described in section 621 and this section are paid to the taxpayer in reimbursement for expenditures which have been charged to capital account (either to a depletable or depreciable account), there shall be included in the taxpayer's gross income that portion of such amounts which is equivalent to such capital expenditures that have been recovered through cost depletion or depreciation deductions and which deductions have resulted in a reduction of the taxpayer's taxes for any taxable year under subtitle A of the Internal Revenue Code of 1954 (other than chapter 2, relating to tax on self-employment income), or prior income, war-profits, or excess-profits tax laws. The portion of such amounts which is equivalent to the expenditures which are reflected in the adjusted basis of the asset to which charged shall be excluded from gross income. The adjusted basis of such assets shall be reduced by the amount of such exclusion from gross income.

(4) Where amounts described in section 621 and this section are paid to the taxpayer in reimbursement for expenditures which have been charged to a depletable capital account, such amounts shall be excluded to the extent such expenditures are recovered through depletion deductions computed under section 613 (relating to percentage depletion).

(5) The amount of reimbursed expenditures charged to an account (depletable or depreciable) and recovered through depletion or depreciation deductions for any taxable year shall be that proportion of the total deductions allowed with respect to such account that such reimbursed expenditures bear to the total amount in the account. For example, in 1956 A incurs exploration expenditures of $12,000 which he charges to a depletable capital account. This brings the total amount in this account to $36,000 which is the adjusted basis of the property on January 1, 1957. In 1957, A is allowed a deduction for cost depletion of $9,000 which resulted in a reduction of A's income taxes. One-third of this deduction is attributable to the $12,000 of exploration expenditures since they were a third of the total in the capital account on January 1, 1957. Therefore, on January 1, 1958, these exploration expenditures make up $9,000 of the remaining $27,000 in the account. If on January 1, 1958, A receives $12,000, which qualifies under section 621, in reimbursement for these exploration expenditures, he must report $3,000 as income and reduce the capital account by $9,000.

(d) *Definition.* As used in section 621 and this section, the term "critical and strategic minerals or metals" means minerals and metals which are considered by those departments, agencies, and instrumentalities of the United States charged with the encouragement of exploration for, and development and mining of, critical and strategic minerals and metals, to constitute critical and strategic minerals and metals for defense purposes. See, for example, section 7 of Order–1 of the Defense Minerals Exploration Administration, as amended March 23, 1954, 19 F. R. 1563.

(e) *Repayments of amounts excluded under section 621.* Upon the repayment by the taxpayer of any portion of any amount to which section 621 applies and which portion has been expended for the purpose and in accordance with the terms and conditions upon which it was paid to the taxpayer, any expenditures attributable to such amount made by the taxpayer shall be treated as if such expenditures had been made at the time of such repayment. Such expenditures shall to the extent of the repayment be expensed or capitalized, as the case may be, in the order in which they were actually made or in such other manner as may be adopted by the taxpayer with the approval of the Commissioner.

[F. R, Doc. 56–8928; Filed, Nov. 2, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 908, 918]

[Docket No. AO–243–A3, AO–219–A7]

MILK IN CENTRAL ARKANSAS AND MEMPHIS, TENNESSEE, MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreements and the orders, as amended, regulating the handling of milk in the Central Arkansas and Memphis, Tennessee, marketing areas. Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the tenth day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at Memphis, Tennessee, on September 5, 1956 (21 F. R. 6489). The material issues of record related to:

1. Whether the proponent should be granted an out-of-area Class I price on all milk disposed of in the Memphis, Tennessee, marketing area (Federal Order No. 18) when the proponent's milk plant is regulated pursuant to Order No. 8 (Central Arkansas).

2. Whether, as an alternative to Issue No. 1, a provision should be adopted to regulate the proponent's milk plant under Order No. 18 (Memphis) so long as at least 40 percent of the total Class I sales distributed from such plant in both the Memphis and Central Arkansas marketing areas, are distributed in the Memphis marketing area.

Findings and conclusions: The following findings and conclusions on the material issues, are based on the evidence introduced at the hearing, and the record thereof:

1. An out-of-area price on all Class I milk disposed of in the Memphis, Tennessee, marketing area should not be adopted.

In this connection, it should be noted that the proposal discussed under this issue is in support of proposal No. 3 in the notice of hearing. Proposals 1 and 2 in the notice of hearing were not supported with testimony at the hearing.

A handler regulated under Order No. 8 (Central Arkansas) since June 1956, requested a special price on Class I milk disposed of in the Memphis, Tennessee, marketing area. The purpose of the special price would be to permit the proponent's plant to receive milk for distribution for fluid purposes at prices which it considers to be competitive with prices paid for milk by handlers regulated under Order No. 18 (Memphis) in the distribution of Class I milk in the Memphis area.

The proponent's plant was regulated under Order No. 18 (Memphis) from June 1954 to June 1956. During this time, the order entitled the plant to a location differential of 28 cents per hundredweight on all producer milk. The effect of certain other order provisions limited the application of this location differential to that portion of the proponent's milk distributed in the Memphis marketing area, and in certain areas outside the Memphis and Central Arkansas marketing areas. The plant is located approximately 150 miles from the Memphis area. The location differential is designed to afford all plants regulated under the Memphis order the opportunity to reduce the costs of moving milk to the Memphis market by an amount equivalent to existing transportation costs, thereby making uniform the prices to be paid at plants primarily associated with and regulated under the Memphis order. A decrease of approximately three percent in this handler's Class I sales in the Memphis area resulted in his becoming subject to Order No. 8 (Central Arkansas). This was in accordance with a provision in each order that determines which order regulates producer prices at this plant. The determination is based on the relative volume of Class I sales over the most recent six-month period. As a result of this provision, the Memphis Class I location differential has been no longer available to proponent's plant. The purpose of this proposal is to restore his opportunity to deduct location differentials for Memphis delivered milk, despite the change in relative volumes of sales between the Memphis and Central Arkansas marketing areas.

The proponent testified that although Federal orders must be uniformly applied to all who are regulated by them, his situation is unique, and entitles him to special provision. But, in the Central Arkansas market his position is essentially the same as that of other handlers. There are other handlers regulated under Order No. 8 (Central Arkansas) who distribute as much as 45 percent of their Class I sales outside the marketing area, and who compete with the proponent for Class I sales as far as, and including a portion of, the Memphis marketing area.

The Central Arkansas area has had to import substantial quantities of other source milk in order to meet the demand for Class I milk in the Central Arkansas area. The proponent competes for producer milk with other Central Arkansas handlers. Any special price for a portion of his out-of-area sales would be a serious infraction of uniform pricing, which is the basic principle of Federal milk orders.

Under existing deficit production conditions the entire Central Arkansas market would be affected by a special price for Class I sales outside the marketing area, whether by the proponent or by any handler regulated under Order No. 8. Producer returns would tend to be forced downward by the amount of the special price. The minimum price level presently established by regulation would be reduced, possibly requiring subsequent action to restore or increase the former price level. This would result in a Class I price in the Central Arkansas area higher than necessary to provide for an adequate, dependable supply of producer milk.

Even if production conditions were such that supplies of producer milk were more than ample for fluid requirements, plus a necessary reserve, a special out-of-area price for Class I sales would not be justified. Instead, there would be grounds for lower prices, but lower prices on all Class I milk whether inside or outside the marketing area.

2. An alternative proposal by the proponent, i. e., that the order should be amended to provide that a handler selling Class I milk under both Orders No. 8 (Central Arkansas) and No. 18 (Memphis) shall be regulated under Order No. 18 so long as at least 40 percent of his Class I sales in the two marketing areas are within the Memphis, Tennessee, marketing area, should not be adopted.

The proponent maintains that since he was in a competitive position in both markets when he was under the Memphis order, he should continue under that order so long as a substantial portion of his Class I business is in that area. He argues that a slight change in his relative sales in the two areas should not be allowed to change this competitive position, because it disturbs not only his business, but also the price stability of both markets.

In justifying the proposal, the proponent testified that in developing Class I sales in the Memphis and Central Arkansas marketing areas, his firm relied on its ability to purchase milk on a competitive basis with handlers in both areas.

This proposal, if adopted, would allow the proponent to qualify as a regulated handler under the Memphis order, even though a larger volume of Class I sales may be distributed under another Federal order. As a handler regulated by the Memphis order, he would be entitled to the location differential provided for in that order on all Class I sales. On such sales inside the Central Arkansas marketing area, the proponent would pay into that pool the difference between the Memphis Class I price at the location of his plant, and the prevailing Central Arkansas Class I price. On the remainder of his Class I sales sold in competition with handlers regulated under the Central Arkansas order, the proponent would enjoy a lower producer price than they.

Obviously, it would be more advantageous to this handler to operate under the Memphis order than under the Central Arkansas order. However, there is no justification for determining the applicability of a Federal order to a handler who qualifies under more than one on any basis other than that of determining the market in which the largest volume of his Class I sales is distributed.

It is concluded that the method now provided for in both orders is the most equitable manner of determining the applicability of a Federal order for all handlers. The order should not be amended in this respect at this time.

Rulings on proposed findings and conclusions. A number of briefs were filed which contained statement of fact, proposed findings and conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Issued at Washington, D. C., this 31st day of October 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8943; Filed, Nov. 2, 1956; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 9]

PUBLIC RECORDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C., Attention: Director, Division of Civilian Application, within 15 days after publication of this in the FEDERAL REGISTER.

Sec.
9.1 Scope.
9.2 Definitions.
9.3 Inclusion.
9.4 Exceptions.
9.5 Location.
9.6 Copies.
9.7 Production or disclosure.

AUTHORITY: §§ 9.1 to 9.7 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201.

§ 9.1 *Scope.* This part prescribes the rules governing the Atomic Energy Commission's public records which relate to any proceeding subject to Part 2 and Part 25 of this chapter.

§ 9.2 *Definitions.* As used in this part:

(a) "Public records" means those documents in the custody of the AEC which are available for public inspection.

(b) "Filings" means:

(1) Applications or other documents seeking Commission action, notices, orders, motions, answers, replies, objections, stipulations, exceptions, proofs of service, briefs, transcripts of hearings, exhibits received in evidence, decisions, licenses, permits, rules, and regulations.

(2) Exhibits, attachments and appendices to, amendments and corrections of, supplements to, and transmittals and withdrawals of any of the foregoing.

(c) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration or other establishment in the executive branch of the Government.

(d) "Commission" means the commission of five members or a quorum thereof sitting as a body, as provided by section 21 of the Atomic Energy Act of 1954.

(e) "AEC" means the agency established by the Atomic Energy Act of 1954, comprising the members of the Commission and all officers, employees, and representatives authorized to act in the case or matter whether clothed with final authority or not.

(f) "AEC personnel" means employee, consultants, and members of advisory boards of the AEC.

§ 9.3 *Inclusions.* Except as excluded by § 2.403 of this chapter, the following matters are included in the public records:

(a) All filings in proceedings.

(b) All correspondence or portions of correspondence to and from AEC regarding the issuance, amendment, transfer, renewal, modification, suspension, or revocation of a license or permit or regarding a rule-making proceeding subject to Part 2 of this Title.

(c) All correspondence or portions of correspondence to and from AEC as to the interpretation or applicability of any statute, rule, regulation, order, license, or permit; and letters of opinion as to such matters signed by the General Counsel.

(d) All filings in court proceedings to which the AEC is a party and all correspondence with the courts or clerks of court.

§ 9.4 *Exceptions.* The following are not included in the public records:

(a) Documents withheld in accordance with the provisions of § 2.790 (b) and (c) of this chapter.

(b) Documents relating to personnel matters and medical and other personal information, which, under general governmental personnel practices, are not normally made public.

(c) Intra-agency and inter-agency communications, including memoranda, reports, correspondence, and staff papers prepared by members of the Commission, AEC personnel, or by any other Government agency for use within the AEC or within the executive branch of the Government.

(d) Transcript or other records of Commission meetings except those Commission meetings which constitute public hearings.

(e) Correspondence between the AEC and any foreign government.

(f) Records and reports of investigations.

(g) Documents classified as Restricted Data under the Atomic Energy Act of 1954 or classified under Executive Order No. 10501, except that documents classified as Restricted Data which would otherwise be public records defined in § 9.3 and not excepted by this subpart will be made available in accordance with Part 25 of this chapter or will be made available to members of Congress upon authorization by the Commission.

(h) Correspondence received in confidence by the AEC relating to an alleged or possible violation of any statute, rule, regulation, order, license or permit.

(i) Correspondence with members of Congress or congressional committees, unless and until such correspondence is released by the member of Congress or congressional committee concerned.

(j) Any other document involving matters of internal agency management.

§ 9.5 *Location.* Public records normally will be made available for inspection in the Public Document Room located at 1717 H Street NW., Washington, D. C.

§ 9.6 *Copies.* Copies of public records, not available elsewhere, will be made available upon request and payment of any charges for reproduction.

§ 9.7 *Production or disclosure.* (a) AEC personnel shall not produce or disclose the contents of any material that falls within the scope of § 9.4 except as provided in paragraph (b) of this section.

(b) AEC personnel served with the subpoena requiring the production or disclosure of any material that falls within the scope of § 9.4 shall appear in response thereto and shall respectfully decline to produce or disclose the material called for, basing refusal upon this rule: *Provided, however,* That the Commission or the General Manager may authorize the production or disclosure of any material that falls within the scope of § 9.4 if it is deemed that such disclosure is not contrary to the public interest. Any person who is served with such a subpoena shall promptly advise the AEC thereof and of any relevant facts and the Commission or the General Manager will give such instructions as it is deemed advisable.

Dated at Washington, D. C., this 31st day of October 1956.

For the Atomic Energy Commission.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 56-8948; Filed, Nov. 1, 1956; 12:34 p. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MARTIN LIVESTOCK SALES, MARTIN, SOUTH DAKOTA, ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Martin Livestock Sales, Martin, S. Dak.

Sig-Faircloth and Son Livestock Commission Company, Breckenridge, Tex.

Sig Faircloth Livestock Commission, Eastland, Tex.

Mineral Wells Livestock Auction, Mineral Wells, Tex.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested

person who desires to do so may submit within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 31st day of October 1956.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-8907; Filed, Nov. 2, 1956; 8:45 a. m.]

Commodity Stabilization Service

UPLAND COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1957 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of upland cotton produced in 1957.

A referendum of the farmers who were engaged in the production of upland cotton in the calendar year 1956 will be held on December 11, 1956, pursuant to the provisions of the act and the Regulations Governing the Holding of Referenda on Marketing Quotas (21 F. R. 3960) as amended, to determine whether such farmers are in favor of or opposed to the 1957 quota. If two-thirds or more of the cotton farmers voting in the upland cotton referendum favor the quota, such quota will be in effect for the 1957 upland cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1957 upland cotton crop; however, farm acreage allotments established for such crop pursuant to the Agricultural Adjustment Act of 1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

Notice of the proposed holding of a referendum for the 1957 crop of upland cotton was published in the FEDERAL REGISTER of July 7, 1956 (21 F. R. 5063) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted in response to such notice have been duly considered. In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of October 1956.

[SEAL] E. L. PETERSON,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8946; Filed, Nov. 2, 1956; 8:53 a. m.]

EXTRA LONG STAPLE COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1957 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of extra long staple cotton produced in 1957.

A referendum of the farmers who were engaged in the production of extra long staple cotton in the calendar year 1956 will be held on December 11, 1956, pursuant to the provisions of the act and the Regulations Governing the Holding of Referenda on Marketing Quotas (21 F. R. 3960), as amended, to determine whether such farmers are in favor of or opposed to the 1957 quota. If two-thirds or more of the cotton farmers voting in the extra long staple cotton referendum favor the quota, such quota will be in effect for the 1957 extra long staple cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1957 extra long staple cotton crop; however, farm acreage allotments established for such crop pursuant to the Agricultural Adjustment Act of 1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

Notice of the proposed holding of a referendum for the 1957 crop of extra long staple cotton was published in the FEDERAL REGISTER of September 6, 1956 (21 F. R. 6716) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted in response to such notice have been duly considered. In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of Octobef 1956.

[SEAL] E. L. PETERSON,
Acting Secretary of Agriculture.

[F. R. Doc. 56-8947; Filed, Nov. 2, 1956; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

HANS WOLFF EXPORT-IMPORT

ORDER MODIFYING DENIAL ORDER BY VACATING SO MUCH THEREOF AS APPLIES TO HANS WOLFF

In the matter of: Hans Wolff, doing business as Hans Wolff Export-Import, Nussbaumallee 33 W., Berlin-Charlottenburg 9, Federal Republic of Germany; respondent.

An order having heretofore been made on June 25, 1956, (21 F. R. 4936), temporarily revoking export licenses and denying export privileges of Richard Fleschner and Hans Wolff, both of the Federal Republic of Germany; and

Hans Wolff having applied for a modification of said order to the effect that the same shall be vacated as to him; and

Said application having been referred to the Compliance Commissioner, who has considered the same, together with additional supporting evidence and arguments submitted by respondent Wolff, and has filed his recommendation herein; it is now, after consideration of the entire record of said application and the recommendation of the Compliance Commissioner,

It is ordered, That the application of Hans Wolff be, and the same hereby is, granted, but without prejudice to such action as may be taken following consideration of the charges of violation presently pending against him; and

It is further ordered, That said order of June 25, 1956, be, and the same hereby is, amended by deleting therefrom the name Hans Wolff and all references therein to him except to the extent that paragraphs (2), (3) and (5) of the said order shall continue to apply to respondent Wolff insofar as he may be a person brought within the scope of said order as a person related to respondent Fleschner by the provisions of said paragraphs and, except as so modified, said order shall be and continue to remain in full force and effect against respondent Richard Fleschner.

Dated: October 31, 1956.

JOHN C. BORTON,
Director, Office of Export Supply.

[F. R. Doc. 56-8931; Filed, Nov. 2, 1956; 8:50 a. m.]

Federal Maritime Board

MITSUBISHI SHIPPING CO., LTD., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Agreement No. 8149, between Mitsubishi Shipping Co., Ltd., and Waterman Steamship Corporation, covers the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transhipment at specified U. S. Pacific Coast ports. This agreement upon approval will supersede and cancel in part Agreement No. 8024, between Kokusai Line (Iino Kaiun Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd.) and Waterman in the same trade.

(2) Agreement No. 8152, between Mitsubishi Shipping Co., Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from the Far East to Puerto Rico, with transhipment at New York, N. Y. This agreement, upon approval, will supersede and cancel in part Agreement No. 8027, between Kokusai Line (Iino Kaiun Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd.) and Alcoa in the same trade.

(3) Agreement No. 8154, between Mitsubishi Shipping Co., Ltd. and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transhipment at specified U. S. Pacific Coast ports. This agreement upon approval, will supersede and cancel in part Agreement No. 8026, between Kokusai Line (Iino Kaiun Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd.) and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., in the same trade.

(4) Agreement No. 8157, between Mitsubishi Shipping Co., Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from the Far East to the Virgin Islands, with transhipment at New York, N. Y. This agreement, upon approval, will supersede and cancel in part Agreement No. 8028, between Kokusai Line (Iino Kaiun Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd.) and Alcoa in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 31, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-8932; Filed, Nov. 2, 1956; 8:50 a. m.]

LUSK SHIPPING CO. AND CALDWELL SHIPPING CO.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8167 between Lusk Shipping Company, New Orleans, and Caldwell Shipping Company, Jacksonville, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 31, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-8955; Filed, Nov. 2, 1956; 8:54 a. m.]

IINO KAIUN KAISHA, LTD., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Agreement No. 8151, between Iino Kaiun Kaisha, Ltd., and Waterman Steamship Corporation, covers the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transhipment at specified U. S. Pacific Coast ports. This agreement, upon approval, will supersede and cancel in part Agreement No. 8024, between Kokusai Line (Iino Kaiun Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd.) and Waterman in the same trade.

(2) Agreement No. 8153, between Iino Kaiun Kaisha, Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from the Far East to Puerto Rico, with transhipment at New York, N. Y. This agreement, upon approval, will supersede and cancel in part Agreement No. 8027, between Kokusai Line (Iino Kaiun Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd.) and Alcoa in the same trade.

(3) Agreement No. 8156, between Iino Kaiun Kaisha, Ltd., and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transhipment at specified U. S. Pacific Coast ports. This agreement, upon approval, will supersede and cancel in part Agreement No. 8026, between Kokusai Line (Iino Kaiun Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd.) and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., in the same trade.

(4) Agreement No. 8158, between Iino Kaiun Kaisha, Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from the Far East to the Virgin Islands, with transhipment at New York, N. Y. This agreement, upon approval, will supersede and cancel in part Agreement No. 8028, between Kokusai Line (Iino Kaiun Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd.) and Alcoa in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 31, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-8956; Filed, Nov. 2, 1956; 8:54 a. m.]

MEMBER LINES OF ATLANTIC (PASSENGER) CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7840-28, between the member lines of the Atlantic (Passenger) Conference, modifies the basic conference agreement (No. 7840) by changing the days for general meetings of the conference members from the first to the second Thursday of March and October of each year.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 31, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-8957; Filed, Nov. 2, 1956; 8:54 a. m.]

THREE BAYS LINE AND PACIFIC STEAM NAVIGATION CO.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8148, between Three Bays Line and The Pacific Steam Navigation Company, covers the transportation of cargo under through bills of lading from Atlantic and Gulf ports of the United States to ports on the West Coast of South America, with transshipment at Cristobal or Balboa, Canal Zone.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 31, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-8958; Filed, Nov. 2, 1956; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8165]

ALASKA COASTAL AIRLINES

NOTICE OF HEARING ON APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

In the matter of the application of Alaska Coastal Airlines under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 13, 1956, at 10:30 a. m., e. s. t., in Room 1512, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., October 30, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-8951; Filed, Nov. 2, 1956; 8:53 a. m.]

[Docket No. 8164]

CORDOVA AIRLINES, INC.

NOTICE OF HEARING ON APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

In the matter of an application of Cordova Airlines, Inc. under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 13, 1956, at 11:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., October 30, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-8952; Filed, Nov. 2, 1956; 8:53 a. m.]

[Docket No. 8167]

WIEN ALASKA AIRLINES, INC.

NOTICE OF HEARING ON APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

In the matter of the application of Wien Alaska Airlines, Inc. under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 13, 1956, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 30, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-8953; Filed, Nov. 2, 1956; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 19, 1956.

The order of the Assistant Commissioner of Reclamation of April 13, 1955, concurred in by the Director, Bureau of Land Management on October 20, 1955, withdrawing 6,132.49 acres in Townships 46 and 47 N., R. 92 W., T. 46 N., R. 93 W., T. 45 N., R. 94 W., and T. 46 N., R. 94 W., Sixth Principal Meridian, Wyoming, and which appeared at pages 8053-4 of the FEDERAL REGISTER for October 26, 1955, as Federal Register Document 55-8621 is hereby amended to the extent necessary to provide that, as to Farm Units A, B, and C, comprising land in secs. 32, 33, and 34, T. 47 N., R. 92 W., and secs. 3 and 4, T. 46 N., R. 92 W., 6th Principal Meridian, Wyoming lying in the Slick Creek oil and gas field, north of the Main Canal No. 2 for the Hanover-Bluff Unit, Missouri River Basin Project, Wyoming, no irrigation development shall be permitted during the economic life of the said Slick Creek oil and gas field.

FLOYD E. DOMINY, *Acting Assistant Commissioner.*

[68710]

OCTOBER 31, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY, *Director, Bureau of Land Management.*

[F. R. Doc. 56-8894; Filed, Nov. 2, 1956; 8:45 a. m.]

National Park Service

[Region 2 Order 3, Amdt. 3]

SUPERINTENDENTS, REGION 2

DELEGATION OF AUTHORITY WITH RESPECT TO REGULARLY SCHEDULED OVERTIME

OCTOBER 16, 1956.

A new subsection (g) is hereby added to section 1; a new subsection (h) is hereby added to section 2; and a new subsection (n) is hereby added to section 3 of Order No. 3, issued February 17, 1956 (21 F. R. 1494), reading as follows:

Sec. 1 (g); Sec. 2 (h); Sec. 3 (n). Approval of regularly scheduled overtime in excess of 30 days.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., Sec. 2)

[SEAL] M. H. HARVEY, *Acting Regional Director, Region Two.*

[F. R. Doc. 56-8910; Filed, Nov. 2, 1956; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11303]

EDWIN M. JONES OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

In the matter of Henrietta Yerger Jones d/b/a Edwin M. Jones Oil Company, Docket No. G-11303. Henrietta Yerger Jones, d/b/a Edwin M. Jones Oil Company (Jones), on September 27, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of Change, dated September 5, 1956; Texas Eastern Transmission Corporation; Supplement No. 8 to Jones' FPC Gas Rate Schedule No. 1; November 1, 1956.

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Jones, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 29, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8911; Filed, Nov. 2, 1956; 8:45 a. m.]

[Docket No. G-11305]

ROBERT MOSBACHER, ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Robert Mosbacher (Operator) et al. (Mosbacher), on September 27, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchase; Rate Schedule Designation; and Effective Date [2]

Notice of Change, dated September 24, 1956; Texas Eastern Transmission Corporation; Supplement No. 2 to Mosbacher's FPC Gas Rate Schedule No. 2; November 1, 1956.

[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after the expiration of the required thirty days notice, or the effective date proposed by Mosbacher, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 29, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8912; Filed, Nov. 2, 1956; 8:46 a. m.]

[Docket No. G-11307]

SHELL OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Shell Oil Company (Shell), on September 27, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [3]

Notice of Change, dated September 21, 1956; Texas Eastern Transmission Corporation; Supplement No. 16 to Shell's FPC Gas Rate Schedule No. 10; November 1, 1956.

[3] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Shell, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 29, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8913; Filed, Nov. 2, 1956; 8:46 a. m.]

[Docket No. G-11308]

SALT DOME PRODUCTION CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Salt Dome Production Company (Salt Dome), on September 27, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [4]

Notice of Change, dated September 27, 1956; Texas Eastern Transmission Corporation; Supplement No. 10 to Salt Dome's FPC Gas Rate Schedule No. 3; November 1, 1956.

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Salt Dome, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 29, 1956.

By the Commission.[1]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8914; Filed, Nov. 2, 1956; 8:46 a. m.]

[Docket No. E-6711]

EMPIRE DISTRICT ELECTRIC CO.

ORDER INSTITUTING AN INVESTIGATION

The Table Rock project, under construction by the United States, is located on the White River at river mile 528.8 and it is our understanding that closure of the dam is scheduled for December 1956. The Ozark Beach hydroelectric project, owned and operated by Empire District Electric Company, is located on the White River at river mile 506.1.

Pursuant to the provisions of section 10 (f) of the Federal Power Act we are required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by upstream improvements constructed by the United States. Preliminary studies indicate that the Ozark Beach project may be directly benefited by reason of the construction and operation by the United States of its upstream Table Rock project.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether the Ozark Beach project located downstream from the above designated headwater improvement constructed by the United States is directly benefited by the construction and operation of such upstream improvement of the United States, and if it so finds, to determine the equitable proportion of the annual charges to be paid by the owner of the project so benefited for interest, maintenance and depreciation on such upstream improvement constructed by the United States.

Issued: October 29, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8915; Filed, Nov. 2, 1956; 8:46 a. m.]

[Docket No. G-10383]

CARTER OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 29, 1956.

Take notice that The Carter Oil Company (Applicant), a West Virginia corporation whose address is Tulsa, Oklahoma, filed on May 10, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces gas from the Mocane Field, Beaver County, Oklahoma, which it proposes to sell to Colorado Interstate Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 26, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 12, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8916; Filed, Nov. 2, 1956; 8:46 a. m.]

[Docket No. G-11294]

ARKANSAS LOUISIANA GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

On September 20, 1956, and September 24, 1956, Arkansas Louisiana Gas Company (Arkansas) submitted for filing proposed changes in its presently effective Rate Schedules XFS-6 and XFS-2 providing for the sale of natural gas to Texas Eastern Transmission Corporation. The proposed changes, which constitute increased rates and charges, are contained in Second Revised Sheet No. 108 to Arkansas' FPC Gas Tariff, Original Volume No. 2 (Rate Schedule XFS-6) and in Supplement No. 5 to Arkansas' FPC Gas Rate Schedule No. XFS-2, and are proposed to become effective on November 1, 1956.

Each of the said filings propose to effectuate periodic rate increases for sales of natural gas to the purchaser.

The increased rates and charges proposed in each of said filings have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges, and that Second Revised Sheet No. 108 to Arkansas' FPC Gas Tariff, Original Volume No. 2, and Supplement No. 5 to Arkansas' FPC Gas Rate Schedule No. XFS-2, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges; and, pending such hearing and decision thereon, the above designated Second Revised Sheet No. 108 to Arkansas' FPC Gas Tariff, Original Volume No. 2, and Supplement No. 5 to Arkansas' FPC Gas Rate Schedule No. XFS-2 be and the same hereby are suspended and the use thereof deferred until April 1, 1957, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Revised Sheet nor the Supplement hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 29, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8917; Filed, Nov. 2, 1956; 8:46 a. m.]

[Docket No. G-11302]

VAN M. LEWIS

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Van M. Lewis (Lewis), on September 27, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[2]

Notice of Change, dated September 5, 1956; Texas Eastern Transmission Corporation; Supplement No. 8 to Lewis' FPC Gas Rate Schedule No. 1; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 29, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8918; Filed, Nov. 2, 1956; 8:47 a. m.]

[Docket No. G-9278]

ALFRED C. GLASSELL, JR., ET AL.

ORDER AMENDING ORDER INSTITUTING INVESTIGATION

In the matter of Alfred C. Glassell, Jr., individually, and as Co-Trustee for Alfred Glassell Comegys Trust, William McLloyd Comegys III Trust, Anne Bernard Crichton Trust, Kate Curry Crichton Trust, Janie Curry Lee Trust, Joanna Lee Trust, Alfred McIntyre Stringfellow Trust and Charles Stringfellow III Trust; H. B. Langford; City National Bank of Houston, Texas, as Trustee for the Alfred Glassell Comegys Trust, William McLloyd Comegys III Trust, Anne Bernard Crichton Trust, Kate Curry Crichton Trust, Janie Curry Lee Trust, Joanna Lee Trust, Alfred McIntyre Stringfellow Trust and Charles Stringfellow III Trust; Docket No. G-9278.

On January 27, 1956, the Commission issued in this proceeding its order instituting an investigation of Respondent, Alfred C. Glassell, Jr., under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by the said Respondent, any of the rates, charges or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

From the records of the Commission it appears that Alfred C. Glassell, Jr. et al., filed with the Commission a contract, dated May 1, 1954, for the sale of natural gas in interstate commerce to Tennessee Gas Transmission Company, which contract has heretofore been designated by the Commission as FPC Gas Rate Schedule No. 1 of Alfred C. Glassell, Jr., et al. The other signatory party sellers to the contract are Alfred C. Glassell, Jr., as Co-Trustee for Alfred Glassell Comegys Trust, William McLloyd Comegys III Trust, Anne Bernard Crichton Trust, Kate Curry Crichton Trust, Janie Curry Lee Trust, Joanna Lee Trust, Alfred McIntyre Stringfellow Trust and Charles Stringfellow III Trust; H. B. Langford; City National Bank of Houston, Texas, as Trustee for the Alfred Glassell Comegys Trust, William McLloyd Comegys III Trust, Anne Bernard Crichton Trust, Kate Curry Crichton Trust, Janie Curry Lee Trust, Joanna Lee Trust, Alfred McIntyre Stringfellow Trust and Charles Stringfellow III Trust.

It appears appropriate in the premises, in order to effectuate the purposes of the Natural Gas Act, that all signatory party sellers to the aforesaid contract be made respondents in the proceeding heretofore instituted in Docket No. G-9278.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the order instituting investigation of Respondent, Alfred C. Glassell, Jr., issued in this proceeding on January 27, 1956, be amended as hereinafter ordered.

The Commission orders:

(A) Paragraphs (A) and (B) as set forth at page 3 of the Order Instituting Investigation issued in this proceeding on January 27, 1956 be and the same are hereby amended to read as follows:

"(A) An investigation of respondents, Alfred C. Glassell, Jr., individually and as Co-Trustee for Alfred Glassell Comegys Trust, William McLloyd Comegys III Trust, Anne Bernard Crichton Trust, Kate Curry Crichton Trust, Janie Curry Lee Trust, Joanna Lee Trust, Alfred McIntyre Stringfellow Trust and Charles Stringfellow III Trust; H. B. Langford; City National Bank of Houston, Texas, as Trustee for the Alfred Glassell Comegys Trust, William McLloyd Comegys III Trust, Anne Bernard Crichton Trust, Kate Curry Crichton Trust, Janie Curry Lee Trust, Joanna Lee Trust, Alfred McIntyre Stringfellow Trust and Charles Stringfellow III Trust, be and it hereby is instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by the said respondents, any of the rates, charges or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

"(B) If the Commission, after a hearing has been had, shall find that any of the said respondents' rates, charges, classifications, rules, regulations, practices, or contracts subject to the jurisdiction of the Commission are unjust, unreasonable, unduly discriminatory, or preferential, the Commission will thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force."

[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Lewis, if later.

(B) Except as hereinabove specifically amended, the order issued herein on January 27, 1956, shall remain in full force and effect.

Issued: October 29, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8919; Filed, Nov. 2, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2733]

SUNSET INTERNATIONAL PETROLEUM CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 30, 1956.

In the matter of International Mining Corporation, Common Stock (Name changed to "Sunset International Petroleum Corporation"); File No. 1-2733.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Effective August 31, 1956, International Mining Corporation merged Sunset Oil Company and changed its name to Sunset International Petroleum Corporation. The applicant Exchange determined on July 19, 1956, that the Company as survivor to the merger would not meet its standards for original listing. Dealings in the subject stock were accordingly suspended before the opening of the trading session on September 4, 1956.

The Commission's records show that registration of the subject issue became effective on the American Stock Exchange on August 21, 1956, and that the issue became admitted to trading on said Exchange on September 4, 1956, as Sunset International Petroleum Corporation common stock.

Upon receipt of a request, on or before November 16, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8920; Filed, Nov. 2, 1956; 8:47 a. m.]

[1] Commissioner Digby dissenting.

[File No. 1-499]

CONSOLIDATED LIQUIDATING CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 30, 1956.

In the matter of Consolidated Liquidating Corporation, Common Stock; File No. 1-499.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Los Angeles Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Consolidated Liquidating Corporation has substantially completed the process of liquidation. Over 98 percent of the liquidating distributions to stock holders have been completed. The Corporation has filed a Petition for Judicial Supervision of Winding Up Proceedings in the Superior Court of the State of California in and for the County of Los Angeles, case No. 653902. The Corporation believes it is no longer in the public interest to maintain a public market in its stock. The Los Angeles Stock Exchange has no objection to withdrawal from listing.

Upon receipt of a request, on or before November 20, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8921; Filed, Nov. 2, 1956; 8:47 a. m.]

[File No. 70-3525]

STANDARD SHARES, INC.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSED CASH DISTRIBUTION OUT OF CAPITAL SURPLUS

OCTOBER 30, 1956.

Notice is hereby given that Standard Shares, Inc. ("Standard Shares"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Declarant has stated that section 12 of the act and Rule U-46 promulgated thereunder are applicable to the proposed transaction. All persons are referred to the declaration for a statement of the transaction therein proposed which may be summarized as follows.

Standard Shares proposes to make a cash distribution of $0.40 per share, payable December 28, 1956, to stockholders of record December 7, 1956, in part out of earned surplus to the full extent thereof which at September 30, 1956, amounted to $359,786 and the balance out of capital surplus as of December 31, 1956, and which as of September 30, 1956, was $21,751,384, to each holder of its outstanding 1,430,000 shares of common stock. The only outstanding obligation of Standard Shares senior to the common stock is a promissory note in the amount of $1,250,000 which matures on July 30, 1957. The Hanover Bank, the holder of the note, has consented to the proposed distribution. Standard Shares states it has sufficient marketable securities to enable it to raise any balance of cash required to pay the note when it becomes due.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed cash distribution. The fees and expenses to be incurred in connection with said distribution are estimated not to exceed $1,500, including counsel fees, not in excess of $500.

Notice is further given that any interested person may, not later than November 15, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may take such action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8922; Filed, Nov. 2, 1956; 8:47 a. m.]

[File No. 70-3500]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

NOTICE OF FILING OF AMENDED APPLICATION-DECLARATION AND ORDER MAKING PROXY MATERIAL EFFECTIVE

OCTOBER 30, 1956.

Notice is hereby given that Blackstone Valley Gas and Electric Company ("Blackstone"), a public utility subsidiary of Eastern Utilities Associates, a registered holding company, has filed an amended application-declaration pursuant to sections 6 (b) and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-50 (a) (5), U-62 and U-100 promulgated under the act in respect of an exemption from the competitive bidding requirements of Rule U-50 of the proposed issue and sale of 25,000 shares of new preferred stock.

All interested persons are referred to the application-declaration for a statement of the transactions therein proposed, which, together with certain related matters, are summarized as follows:

By order issued September 5, 1956, the Commission approved a proposal by Blackstone to authorize, issue, and sell, pursuant to the competitive requirements of Rule U-50, 25,000 shares of a new series of $100 par value, cumulative preferred stock. Pursuant to said order, Blackstone publicly invited bids to be submitted on September 11, 1956. Three groups qualified, but no bids were received. The date for receiving bids was postponed to October 11, 1956; and, upon further consideration, the invitation for bids was withdrawn.

Subsequently, the Commission, upon the request of Blackstone, informally authorized the company to negotiate with underwriters either for a public offering or a private placement of its new preferred stock, subject to the condition that any proposal resulting from such negotiations be submitted to the Commission for approval. Pursuant to that authorization, negotiations were undertaken with the following underwriting groups for the purchase of the 25,000 shares of new preferred stock:

Kidder, Peabody & Co., Salomon Bros. & Hutzler, Wood Struthers & Co., Eastman Dillon, Union Securities & Co., Estebrook & Co., The First Boston Corporation, G. M. Walker & Co.

Two of the groups advised that they were not interested. After consideration of the terms indicated by the other groups, the company has determined that the one submitted by the Salomon Bros. & Hutzler group provided the best basis for negotiation, i. e., a price to yield 5.10 percent to 5.15 percent to the public at not less than par to the company, with a dividend expressed in multiples of 0.04 percent, and an underwriting compensation of $1.75 per share.

Blackstone proposes to negotiate a definitive agreement with the Salmon Bros. & Hutzler group for the sale of the new preferred stock.

Blackstone proposes, at a meeting of its stockholders to be held November 13, 1956, to procure authorization to create, issue and sell the new preferred stock upon the new terms and conditions, and has submitted, as a part of the amended application-declaration herein, the proposed proxy solicitation material, and requests acceleration of the effectiveness of the declaration under Rule U-62 so that the proxy material may be promptly mailed to stockholders.

Notice is further given that any interested person may not later than November 14, 1956 request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant and permit to become effective the amended application-declaration, as filed or as it may be amended, pursuant to the provisions of Rule U-23 promulgated under the act, or the Commission may grant exemption from its rules pursuant to Rules U-20 (a) and U-100 thereof, or take such action as it may deem appropriate.

It appearing to the Commission that Blackstone's proxy solicitation material is in appropriate form and that the declaration with respect thereto pursuant to section 12 (e) of the act and Rule U-62 promulgated thereunder should become effective forthwith:

It is ordered, That Blackstone's declaration regarding the proxy solicitation material, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8923; Filed, Nov. 2, 1956; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 19-7]

CERTAIN EXPANSION BRACELETS AND PARTS THEREOF

COMPLAINTS RECEIVED

OCTOBER 30, 1956.

The United States Tariff Commission hereby gives notice of the receipt, on October 23, 1956, of two complaints under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337) filed by Speidel Corporation, 70 Ship Street, Providence, Rhode Island, alleging unfair methods of competition and unfair acts in the importation and sale of certain foreign expansion bracelets and parts thereof.

In accordance with the provisions of § 203.3 of the rules of practice and procedure of the Commission (19 CFR 203.3) the Commission has initiated a preliminary inquiry into the allegations of these complaints to determine (a) whether the institution of an investigation under section 337, above, is warranted, and (b) whether the issuance of a temporary order of exclusion from entry under section 337 (f) of the Tariff Act of 1930 (19 U. S. C. 1337 (f)) is warranted.

A copy of the complaints (not including confidential information is available for public inspection at the offices of the United States Tariff Commission located at Eighth and E Streets, NW., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Custom House.

Persons desiring to submit information either in favor of or opposed to the institution of an investigation may do so by submitting their views in writing to the Secretary, United States Tariff Commission, Washington 25, D. C. Fifteen copies of any such submission are required.

By order of the Commission.

[SEAL] DON N. BENT, *Secretary.*

[F. R. Doc. 56-8929; Filed, Nov. 2, 1956; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR THE BENEFIT OF JACQUES AND SALOMON GROOTKERK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Jacques and Salomon Grootkerk, L. S. Claim No. 857, Cities Service Company 5/58 Debenture No. 14812, in the principal amount of $1,000.

Gerrit van Gelderen, L. S. Claim No. 859, Union Pacific Railroad Company 4/47 Bond No. 87370, in the principal amount of $1,000.

Eduard Goldsmit; Heyman Musaph; R. van Pimontal; D. Israels; L. H. van Kleef, L. S. Claim No. 862, Southern Pacific Company 4½/81 Bond No. 12286, in the principal amount of $1,000; Southern Pacific Company 4½/69 Bond Nos. 43691 and 55559, in the principal amount of $1,000 each.

Ina Grandia; Elisabeth Philips; Fanny Speyer; Sophia Jacobs, L. S. Claim No. 864, Kansas City Southern Railway Company 3/50 Bond No. 5772, in the principal amount of $1,000; Southern Pacific Company 4/49 Bond No. 15488, in the principal amount of $1,000; Southern Pacific Railroad Company 4/55 Bond No. 4693, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8933; Filed, Nov. 2, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF JULIE GOLDSMIT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Julie Goldsmit, Judith Boas, Antonia and Henri Goldsmit, Elenora Oesterman, Jansje Erwteman, Rebecca and Meijer de Haas, L. S. Claim No. 412, Sothern Pacific Company 4/49 Bond No. 12090, in the principal amount of $1,000.

Mrs. G. Leeser, L. S. Claim No. 560, Southern Pacific Company 4½/69 Bond No. 29800, in the principal amount of $1,000.

Adrianus, Jan and Frederik van Loghum Slaterus, L. S. Claim No. 584, Southern Pacific Company 4½/81 Bond No. 28506 in the principal amount of $1,000.

Louisa Stichting, L. S. Claim No. 588, Central Pacific Railway Company 4/49 Bond No. 77471, in the principal amount of $1,000; Atchison, Topeka & Santa Fe Railway 4/95 Bond No. 7445, in the principal amount of $1,000; Union Pacific Railroad Company 4/47 Bond No. 39912, in the principal amount of $1,000.

Henriette Mathieu, L. S. Claim No. 595, Kansas City Southern Railway 3/50 Bond No. 5652, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8934; Filed, Nov. 2, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF CLARA AND HENRI DE VRIES ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

Mrs. Clara and Henri de Vries and Mrs. Henny van Messel, L. S. Claim No. 190, $1,117.43 in the Treasury of the United States.

Anna Strauss, Hertha Frankenhuis, Martha and Leo de Vries and Eduard van Dantzig, L. S. Claim No. 196, $1,117.43 in the Treasury of the United States.

Mrs. R. Cohen, L. S. Claim No. 331, $1,681.07 in the Treasury of the United States.

Mrs. Hilda Sternberg, L. S. Claim No. 751, $7,230.05 in the Treasury of the United States.

Betsy and Marry Stoppelman, L. S. Claim No. 756, $2,728.94 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8935; Filed, Nov. 2, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF CORNELIS JANSSEN ET AL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Cornelis and Adriana Janssen, Louis van Latensteyn and Jan Weygerse, L. S. Claim No. 505, Atchison Topeka and Santa Fe Railway Company 4/95 Bond No. 74733, in the principal amount of $1,000; Cities Service Company 5/66 Debenture No. 17921, in the principal amount of $1,000; Kansas City Southern Railway Company 3/50 Bond Nos. 2423 and 22973, in the principal amount of $1,000 each; Missouri-Kansas-Texas Railway Company 5/67 Bond Nos. 3854 and 3855, in the principal amount of $500 each.

P. J. A. Just de la Paisieres, L. S. Claim No. 516, Cities Service Company 5/58 Debenture No. 21470, in the principal amount of $1,000; Cities Service Company 5/69 Debenture No. 16495, in the principal amount of $1,000.

Dirk van Keulen, L. S. Claim No. 532, Atchison Topeka & Santa Fe Railway Company 4/95 Bond No. 5257, in the principal amount of $500.

Aagje van der Lande, L. S. Claim No. 555, Cities Service Company 5/66 Bond No. 1662, in the principal amount of $500.

Nicolaas Lebret and Cornelia Goedhart, L. S. Claim No. 557, Central Pacific Railway Company 4/49 Bond No. 10808, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8936; Filed, Nov. 2, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF GEERTRUIDA FELIX ET. AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Geertruida Felix, Gerarda van Schermbeek and Margaretha van Eupen, L. S. Claim No. 348, Cities Service Company 5/66 Debenture Nos. 7228, 7229 and 11074, in the principal amount of $1,000 each; Cities Service Company 5/66 Debenture No. 2302, in the principal amount of $500; Cities Service Company 5/69 Debenture No. 29969, in the principal amount of $1,000.

Elisabeth, Jacob and Thomas Doyer, Hermance van der Velde, and Geertruida Klaas, L. S. Claim No. 367, Union Pacific Railroad Company 4/2008 Bond No. 53300, in the principal amount of $1,000; Cities Service Company 5/66 Debenture No. 4906, in the principal amount of $1,000.

Gerard van der Flier, L. S. Claim No. 399, Southern Pacific Company 5/49 Bond No. 3920, in the principal amount of $500.

Cornelia Ephraim, L. S. Claim No. 389, Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 8272, in the principal amount of $500.

Wilhelm Franck, L. S. Claim No. 401, Cities Service Company 5/66 Bond No. 1724, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8937; Filed, Nov. 2, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF H. JURGENS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Mrs. H. Jurgens; L. F., B. and Miss L. M. Cohen, L. S. Claim No. 30, $1,176.24.

Mathilda Visser and Elisabeth Erdmann, L. S. Claim No. 35, $1,176.24.

Charlotte, Evert, Emmanuel, Samuel, Nico and Henri Vles; Rozet Jaray; Henriette, Sara and Johanna Polak; Sara Jourden; Henriette Hirsch; Hesther Luchsinger; Isidora Reuder; Marianne Hendrix; Willy and Johanna Spijer; Henriette Vos; Flora Ekker, L. S. Claim No. 60, $8,392.60.

Elisabeth, Pauline, Robert and Eduard Jacobson, L. S. Claim No. 105, $3,802.24.

Sara Zoest; Cornelis, Anton and Gerard van Egmond; Sara van der Laan, L. S. Claim No. 821, $5,270.50.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. H. Jurgens; L. F., B. and Miss L. M. Cohen, L. S. Claim No. 30, Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 3437, in the principal amount of $500.

Mathilda Visser and Elizabeth Erdmann, L. S. Claim No., 35, International Hydro-Electric System 6/44 Debenture No. 23897, in the principal amount of $1,000.

Charlotte, Evert, Emmanuel, Samuel, Nico and Henri Vles; Rozet Jaray; Henriette, Sara and Johanna Polak; Sara Jourden; Henriette Hirsch; Hesther Luchsinger; Isidora Reuder; Marianne Hendrix; Willy and Johanna Spijer; Henriette Vos; Flora Ekker, L. S. Claim No. 60, Cities Service Company 5/58 Bond No. 37515, in the principal amount of $1,000; International Hydro-Electric System 6/44 Debenture Nos. 17853 and 17789, in the principal amount of $1,000 each; International Power Securities Corporation 6½/55 Bond No. 1947, in the principal amount of $1,000; Missouri-Kansas-Texas Railway Company 4/90 Bond No. 12595, in the principal amount of $1,000.

Elizabeth, Pauline, Robert and Eduard Jacobson, L. S. Claim No. 105, The Cuba Company 6/55 Bond No. 2592, in the principal amount of $1,000; International Hydro-Electric System 6/44 Debenture No. 29861, in the principal amount of $1,000; Southern Pacific Company 4½/69 Bond No. 31676, in the principal amount of $1,000.

Sara Zoest; Cornelis, Anton and Gerard van Egmond; Sara van der Laan, L. S. Claim No. 821, Panhandle Eastern Pipeline Company 4/52 Bond Nos. A. A. M. 6704, A. A. M. 6705, A. A. M. 6706 and A. A. M. 6707, in the principal amount of $1,000 each; Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 14295 and 14296, in the principal amount of $500 each; Southern Railway Company 4/56 Bond No. 30793, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8939; Filed, Nov. 2, 1956; 8:52 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF SUZE PIEREN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Suze, Johanna, Adriana and Dirk Pieren, L. S. Claim No. 36, $1,117.43.

Mrs. E. D. Fuchs, L. S. Claim No. 44, $2,367.50.

I. van Blankenstein, L. S. Claim No. 52, $1,117.43.

John Smalhout, L. S. Claim No. 57, $3,729.86.

Lion Cohen, L. S. Claim No. 61, $1,480.00.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Suze, Johanna, Adriana and Dirk Pieren, L. S. Claim No. 36, Cities Service Company 5/69 Debenture No. 37378, in the principal amount of $1,000; Havana Electric Railway Company 5/52 Bond Nos. 9151 and 9152, in the principal amount of $1,000 each; Cities Service Company 5/50 Debenture No. 70910, in the principal amount of $1,000.

Mrs. E. D. Fuchs, L. S. Claim No. 44, Cities Service Company 5/58 Debenture No. 7501, in the principal amount of $1,000; Northern Pacific Railway Company 4/97 Bond No. 41693, in the principal amount of $1,000; Southern Pacific Company 4½/69 Bond No. 37397, in the principal amount of $1,000.

I. van Blankenstein, L. S. Claim No. 52, Cities Service Company 5/58 Debenture No. 15526, in the principal amount of $1,000; Cities Service Power & Light Company 5½/52 Debenture No. 26348, in the principal amount of $1,000.

John Smalhout, L. S. Claim No. 57, Cities Service Company 5/66 Debenture No. 6250, in the principal amount of $1,000; The Cuba Company 6/55 Debenture No. 3884, in the principal amount of $1,000; Havana Electric Railway Company 5/52 Bond No. 8669, in the principal amount of $1,000; Louisville & Nashville Railroad Company; Southeast & St. Louis Division 3/80 Bond No. 787, in the principal amount of $1,000.

Lion Cohen, L. S. Claim No. 61, Cities Service Company 5/58 Debenture No. 37936, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8938; Filed, Nov. 2, 1956; 8:51 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF HELENA VAN LEER-DE JONGH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Helena van Leer-de Jongh, L. S. Claim No. 515, $392.08.

Salomon Kats, L. S. Claim No. 527, $1,568.32.

Adrienne van Nierop, L. S. Claim No. 622, $3,920.80.

Margaretha, Louise, Elsa, Anthonia, and Anton van Raalte; Elsa Mendes; Jenny de Jong; Benthe Kyhn; Antoninette Wiener; Eduard and Franz van Leer; Eduard Alfred van Leer, L. S. Claim No. 673, $2,626.94.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Helena van Leer-de Jongh, L. S. Claim No. 515, International Hydro-Electric System 6/44 Debenture No. 24778, in the principal amount of $1,000; International Power Securities Corporation 6½/55 Bond No. 1879, in the principal amount of $1,000; Missouri-Kansas-Texas Railway Company 4/90 Bond No. 24598, in the principal amount of $1,000.

Salomon Kats, L. S. Claim No. 527, Cities Service Company 5/58 Debenture No. 12442, in the principal amount of $1,000.

Adrienne van Nierop, L. S. Claim No. 622, Louisville & Jeffersonville Bridge & Railroad Company 4/45 Bond Nos. 970, 1814 and 2429, in the principal amount of $1,000 each; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 15285, in the principal amount of $1,000.

Margaretha, Louise, Elsa, Anthonia, and Anton van Raalte; Elsa Mendes; Jenny de Jong; Benthe Kyhn; Antoninette Wiener; Eduard and Frans van Leer; Eduard Alfred van Leer, L. S. Claim No. 673, International Power Securities Corporation 6½/55 Bond No. 9176, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8940; Filed, Nov. 2, 1956; 8:52 a. m.]

[Vesting Order 11207, Amdt.]

LEO AND OSCAR WIESNER

In re: Interests in real property, property insurance policies, and claims owned by Leo Wiesner and Oscar Wiesner, also known as Oskar Wiesner.

Vesting Order 11207 is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to said Vesting Order and by reference made a part thereof, the description of Parcel 1 and substituting therefor the following description:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe and State of New York, being Lot No. 96 on the Franklin Tract, as alloted and laid down by Stebbins and Cuyler on the map of the Franklin Tract, which map is deposited in the County Clerk's Office, bounded as follows: South on Andrews Street; east on an alley; west on Lot 97 on which formerly stood the school house, District No. 10; thence northerly by said Lot 97, 100 feet to Lot 98; thence easterly by said Lot 98, 39 feet to the alley; thence southerly on said alley, 100 feet to Andrews Street; thence westerly on the north line of Andrews Street about 39 feet to the place of beginning.

All other provisions of Vesting Order 11207, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby. ratified and confirmed.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property, Department of Justice.

[F. R. Doc. 56-8941; Filed, Nov. 2, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 31, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32825: *Paper from Pacific Coast to Southern Points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on paper and paper articles, carloads, from Pacific coast points to Jackson, Miss., Memphis, Tenn., and New Orleans, La.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 41 to Agent Prueter's ICC 1574.

FSA No. 32826: *Perlite rock from Grants, N. Mex., to Official Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on rock, perlite, broken, crushed or ground, dried or not dried, not expanded, carloads, from Grants, New Mexico, to points in official territory.

Grounds for relief: Rail carrier and market competition, and circuity.

Tariff: Supplement 41 to Agent Prueter's ICC 1574.

FSA No. 32827: *Benzol from Marshall, Ill., to Wichita, Kans.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on benzol (benzene), tank-car loads, from Marshall, Ill., to Wichita, Kans.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 21 to Agent Prueter's ICC A-3902.

FSA No. 32828: *Petroleum products from Mandan, N. Dak., to Minnesota.* Filed by the Northern Pacific Railway Company, for itself and one other rail carrier. Rates on petroleum residual fuel oil, distillate fuel oil, and liquefied petroleum gas, tank-car loads, from Mandan, N. Dak., to points in Minnesota on the Minnesota Western Railway.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Northern Pacific Railway ICC 9908.

FSA No. 32829: *Lumber from Memphis, Tenn., to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lauan lumber and related articles, carloads, from Memphis, Tenn., to New Orleans, La.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32830: *Scrap Paper from St. Louis, Mo., to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper, scrap or waste, carloads, from St. Louis, Mo., to New Orleans, La.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32831: *Trailer-on-flat-car service—New York, New Haven and Hartford R. R.* Filed by The New York, New Haven and Hartford Railroad Company, for itself and other rail carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars, between points in Indiana, New York, and Pennsylvania, on the one hand, and points on the New York, New Haven and Hartford Railroad, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to N. Y. N. H. & H. R. R. ICC 4394.

FSA No. 32832: *Fresh meats and packing-house products to the South.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fresh meats and packinghouse products, carloads, from points in Illinois and western trunk-line territories, to points in southern territory.

Grounds for relief: Motor-truck competition.

Tariffs: Agent Prueter's ICC A-3911 and one other tariff.

FSA No. 32833: *Peanuts from the South to Official and Illinois Territories.* Filed by O. W. South, Jr., for interested rail carriers. Rates on peanuts, shelled, carloads, from points in Alabama, Florida, Georgia, and Tennessee, to points in Illinois and official territories.

Grounds for relief: Short-line distance formula, circuity, and motor-truck competition.

Tariff: Supplement 203 to Agent C. A. Spaninger's ICC 887.

FSA No. 32834: *Lime from White Stone, Texas, to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lime, carloads, from White Stone, Texas, to points in Arkansas, Louisiana, New Mexico, and Oklahoma.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 37 to Agent Kratzmeir's ICC 4021.

FSA No. 32835: *Salt Cake from Hopewell, Va., to Florida.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on salt cake (crude sulphate of soda), carloads, from Hopewell, Va., to Jacksonville, South Jacksonville, East Port, and Eastport Jct., Fla.

Grounds for relief: Rail carrier and market competition, and circuity.

Tariff: Supplement 12 to Agent C. A. Spaninger's ICC 1538.

FSA No. 32836: *Wallboard from Central Territory to Kansas and Missouri.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on building, wall or insulating boards, viz: fibreboard, pulpboard, or strawboard, carloads, from points in central territory to points in Kansas and Missouri.

Grounds for relief: Circuitous routes.

Tariff: Supplement 144 to Agent Hinsch's ICC 4238.

FSA No. 32837: *Iron and steel articles From St. Louis, Mo., and related points to Twin Cities.* Filed by J. G. Hartman, Agent, for the Federal Barge Lines and interested rail carrier. Rates on iron and steel articles, viz: plate, sheets, tin plate, terne plate, and tin mill black plate, from Granite City, Ill., East St. Louis, Ill., and St. Louis, Mo., to Minneapolis, Minnesota Transfer, and St. Paul, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Agent Hartman's ICC A-99.

FSA No. 32838: *Scrap iron and steel from Michigan and Ohio to Official Territory.* Filed by the Detroit, Toledo and Ironton Railroad Company, for itself and other interested rail carriers. Rates on billets, scrap iron and steel, and articles taking the same rates, carloads, from points in Michigan and Ohio on the Detroit, Toledo and Ironton Railroad, to points in official territory.

Grounds for relief: Circuitous routes.

Tariff: Detroit, Toledo and Ironton Railroad ICC 775.

FSA No. 32839: *Merchandise from Cincinnati, Ohio, to Florida.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads, from Cincinnati, Ohio, to points in Florida.

Grounds for relief: Circuitous routes.

Tariff: Supplement 55 to Agent C. A. Spaninger's ICC 1458.

FSA No. 32840: *Cement from Lone Star, Va., to Charlotte, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cement, carloads, from Lone Star, Va., to Charlotte, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 66 to Agent C. A. Spaninger's ICC 1447.

FSA No. 32841: *Petroleum oil from Petrolia, Pa., to Houston, Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum oil, noibn, tank-car loads, from Petrolia, Pa., to Houston, Texas.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 10 to Agent Kratzmeir's ICC 4188.

FSA No. 32842: *Crude rubber from Louisiana to Lake Zurich, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber, artificial, synthetic or neoprene, crude, carloads, from Baton Rouge and North Baton Rouge, La., to Lake Zurich, Ill.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 203 to Agent J. H. Marque's ICC 417.

FSA No. 32843: *Bottle caps from Lancaster, Pa., to Jacksonville, Fla.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on caps, for bottles, cans, or jars, metal, with or without cork or paper lining, carloads, from Lancaster, Pa., to Jacksonville and South Jacksonville, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 26 to Agent C. W. Boin's ICC A-1079.

FSA No. 32844: *Fertilizer between points in Illinois Territory.*. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, dry, carloads, between points in Illinois Freight Association territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 11 to Agent Raasch's ICC 857.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-8925; Filed, Nov. 2, 1956; 8:48 a. m.]

GARMENT HANGERS; BALTIMORE TO NORTH CAROLINA

RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 29th day of October A. D. 1956.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of wire garment hangers, minimum 25,000 pounds, from Baltimore, Md. to certain points in North Carolina, as set forth in:

Motor Carriers Traffic Association, Inc., Agent: In Supplement No. 56 to MF-I. C. C. No. 444; on page 12 thereof, Index 17830;

Southern Motor Carriers Rate Conference, Agent: In Supplement No. 75 to MF-I. C. C. No. 804; on pages 47 and 48 thereof, Indices 24192, 24192.1, 24192.2, 24192.3, 24192.5, 24192.6, 24192.7, 24192.8, 24192.9, 24193.1, 24193.4, 24193.5, 24193.7 and 24193.8;

or as the same may be amended or reissued.

It appearing that upon consideration of the tariff schedules and protest thereto, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-8924; Filed, Nov. 2, 1956; 8:48 a. m.]

ter's ICC 1574.

and one other tariff.

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10686

AMENDMENT OF EXECUTIVE ORDER NO. 10154,[1] DESIGNATING CERTAIN OFFICERS OF THE POST OFFICE DEPARTMENT TO ACT AS POSTMASTER GENERAL

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and as President of the United States, it is ordered that Executive Order No. 10154 of August 22, 1950 (3 CFR, 1950 Supp., p. 115), entitled "Designation of Certain Officers of the Post Office Department To Act as Postmaster General", as amended by Executive Order No. 10558 of September 8, 1954 (3 CFR, 1954 Supp., p. 70), be, and it is hereby further amended by adding to the list of officers contained therein at the end thereof the following:

"6. General Counsel of the Post Office Department."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 1, 1956.

[F. R. Doc. 56-9071; Filed, Nov. 2, 1956; 5:03 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (3) is added to § 6.114 as set out below.

§ 6.114 *Department of Health, Education, and Welfare*—(a) *St. Elizabeths Hospital.* • • •

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving twelve weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

[1] 15 F. R. 5653; 3 CFR, 1950 Supp., p. 115.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8985; Filed, Nov. 5, 1956; 8:50 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (10) is added to § 6.302 as set out below.

§ 6.302 *Department of State.* • • •

(d) *Office of the Assistant Secretary for Public Affairs.* • • •

(10) One Private Secretary to the Deputy Assistant Secretary (Domestic Affairs).

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-8986; Filed, Nov. 5, 1956; 8:50 a. m.]

PART 37—GROUP LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, § 37.3 (e) is revoked, and §§ 37.3 (c) and (d), 37.5 (d) and (e), 37.7 (b) and 37.10 (a) and (f) are amended as set out below.

§ 37.3 *Effective dates of insurance coverage.* • • •

(c) (1) An employee appointed, or transferred from a position wherein he is not insured, shall be insured at the time he actually enters on duty on his first day in a pay status unless on or before that day he files with his employing office a "Waiver of Life Insurance Coverage", or had previously filed such waiver which remains uncancelled.

(2) An employee transferring from a position wherein he is insured to another

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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position wherein he is not excluded from coverage shall be insured at the beginning of the effective date of his transfer unless on or before that day he files a "Waiver of Life Insurance Coverage" with his new employing office.

(d) An employee who returns to duty and is in a pay status after a period of more than 12 months of continuous nonpay status shall be insured at the time he actually enters on duty on his first day in a pay status, unless on or before that day he files with his employing office a "Waiver of Life Insurance Coverage", or had previously filed such waiver which remains uncancelled.

§ 37.5 *Cessation and conversion of insurance coverage.* • • •

(d) (1) The insurance of an insured employee who is separated from the service and is entitled to retirement on immediate annuity after 15 years of creditable service or for disability shall be continued or reinstated without cost to him if he is eligible for life insurance as a retired employee in accordance with the provisions of § 37.7, provided he has not exercised his right of conversion under paragraph (g) of this section.

(2) The life insurance of an insured employee who is separated from the service or completes 12 months of continuous nonpay status, and who is receiving benefits under the Federal Employees' Compensation Act because of disease or injury to himself and is held by the Department of Labor to be unable to return to duty, shall be continued or reinstated without cost to him provided he has not, on or after May 28, 1956, exercised his right of conversion under paragraph (g) of this section. Such continued or reinstated insurance shall cease, with no 31-day extension of life insurance coverage and no right of conversion, upon termination of the employee's benefits under the Federal Employees' Compensation Act or upon a finding by the Department of Labor that he is able to return to duty.

(e) Except as provided in paragraphs (d) and (f) of this section, the insurance of an insured employee in a nonpay status shall continue in force without cost to the employee, and shall cease, subject to a 31-day extension of life insurance coverage, at the end of 12 months of continuous nonpay status notwithstanding that such nonpay status may have begun prior to the effective date provided for in § 37.3 (a).

§ 37.7 *Retired employees.* • • •

(b) An immediate annuity is one which begins to accrue not later than one month after the date the insurance would otherwise cease.

§ 37.10 *Designation of beneficiary.* (a) The designation of beneficiary shall be in writing, signed, and witnessed, and received in the employing office (or, in the case of (1) a retired employee and (2) an employee whose insurance is continued while he is receiving benefits under the Federal Employees' Compensation Act because of disease or injury to himself and who is held by the Department of Labor to be unable to return to duty, in the Civil Service Commission) prior to the death of the designator.

• • • • • •

(f) A designation of beneficiary is automatically cancelled (1) on the day the employee transfers to another agency, (2) on the day the employee retires, (3) on the day the employee becomes eligible for continuance of life insurance because he is in receipt of benefits under the Federal Employees' Compensation Act, or (4) 31 days after the employee ceases to be insured.

2. Effective January 1, 1957, §§ 37.2 (a) (3) and 37.5 (f) are amended as set out below.

§ 37.2 *Exclusions.* (a) Employees in the following groups shall be excluded from the application of this part:

• • • • • •

(3) Members of the uniformed services as defined in section 102 of the Servicemen's and Veterans' Survivor Benefits Act, approved August 1, 1956.

§ 37.5 *Cessation and conversion of insurance coverage.* • • •

(f) The insurance of an insured employee who enters on active duty or active duty for training as a member of a uniformed service shall cease, subject to a 31-day extension of life insurance coverage, on the day preceding his entrance on such duty, unless the period of such duty is covered by military leave with pay from his civilian position. The terms "active duty", "active duty for training", and "member of a uniformed service" shall have the meanings assigned to them by section 102 of the Servicemen's and Veterans' Survivor Benefits Act, approved August 1, 1956. This cessation of insurance coverage does not operate with respect to insurance granted prior to January 1, 1957 to Commissioned officers of the Coast and Geodetic Survey or of the Regular or Reserve Corps of the Public Health Service.

(Sec. 11, 68 Stat. 742; 5 U. S. C. 2100)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–8996; Filed, Nov. 5, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 857.9]

PART 857—SUGARCANE, PUERTO RICO

1956–57 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 857.9 *Proportionate shares for sugarcane farms in Puerto Rico for the 1956–57 crop*—(a) *Farm proportionate share.* The proportionate share for each farm in Puerto Rico for the 1956–57 crop shall be the amount of sugar, raw value, commercially recoverable from the sugarcane grown thereon and marketed (or processed by the producer) during the 1956–57 crop season for the extraction of sugar or liquid sugar.

(b) *Share tenant and sharecropper protection and compliance with other conditions for payment.* Notwithstanding the establishment of a proportionate share for each farm under paragraph (a) of this section, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1956–57 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the Director of the Agricultural Stabilization and Conservation Caribbean Area Office (referred to in this section as "Director"). In considering such approval, the Director shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect; and

(3) That such producer has met all other requirements of the act and the determinations issued pursuant thereto, with respect to child labor, wage rates, and, in the case of a processor-producer, prices paid for sugarcane, as determined by the Director.

(c) *Filing application for payments.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1956–57 crop season shall be made on Form SU–150 by the producer of the sugarcane or his legal representative who must sign and file the form with the Agricultural Stabilization and Conservation Caribbean Area Office (referred to in this section as "Area Office") at San Juan, P. R., or with a representative of such office no later than June 30, 1959. The form shall be made available for signing at the Area Office, a District ASC Office, the producer's farm, or such other place and time as designated by the Area Office and the producer shall be notified of the time and place by such office.

(d) *Determination of eligibility and basis for payment and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof shall be determined by the Area Office. Determinations by the Area Office shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case. Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request such office in writing to reconsider such determination. The Area Office shall notify the producer of its decision in writing. If the producer is dissatisfied with the decision of the Area Office, he may, within 30 days after the date of mailing of the decision to him, appeal in writing to the Secretary to review the decision of the Area Office. The decision of the Secretary shall be final.

(e) *Obtaining information regarding eligibility for payment.* For the purposes of obtaining information, where necessary, to assist the Area Office in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or for the purposes of assisting, where necessary, the Area Office or the Secretary in reviewing, upon appeal, any such determination by the Area Office, any employees of the District Office designated by the Director to be qualified to carry out the duty of ascertaining such information, or any employees of the Area Office who are determined by the Director to be qualified to perform such duties shall visit any farm with respect to which application for such payment is made and enter thereon if such entry will facilitate the acquisition of the required information. Where measurement by an employee of the District or Area Office is required to ascertain the extent of sugarcane acreage growing, harvested, abandoned, or otherwise disposed of on any farm with respect to which application is made for any payment authorized under Title III of the act, the employee, designated as provided in this paragraph, of the District or Area Office, as the case may be, shall measure such acreage by identification of fields or parts of fields by use of a map, aerial photography, or by use of a steel or metallic tape or by a combination of these methods. Measurements of any sugarcane acreage, remeasurements, rechecks and spot checks thereof may be made by any employee of the District or Area Office determined by the Director to be qualified to perform such duties. If the operator or his representative of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the Area Office from obtaining information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis for any such payment or the amount thereof, and until such farm operator or his representative permits such information to be obtained, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met.

(f) *Transfer of sugarcane production records.* To provide an opportunity for records to be made and preserved in the Area Office of the transfer of sugarcane production records from one parcel of land to another for possible use in establishing restrictive proportionate shares under future programs, the following procedures are made available. The sugarcane production record for any parcel of land which is to be utilized for purposes other than the production of sugarcane for sugar shall, upon written application by the owner to the Agricultural Stabilization and Conservation Caribbean Area Committee (referred to in this section as "Committee") be transferred to any other parcel or parcels of land owned by such applicant in Puerto Rico, if such Committee finds that the transfer of the production record will encourage a wise use of land resources, foster greater diversification of agricultural production and promote the conservation of soil and water resources in Puerto Rico, and the Committee determines that such transfer of production records is in the public interest and will facilitate the sale or rental of the land for other production purposes. The production record for any land removed from sugarcane production because of transfer by sale, lease or donation to any Federal, Commonwealth, or any other agency or entity having the right of eminent domain, shall, upon application to the Committee within five years from the date of such transfer and upon approval by the Committee, be added to the production record, if any, for other land owned, purchased, or leased by the owner of the land so transferred.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 301 (b) of the act provides as a condition for payment to producers, that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary pursuant to section 302 (b) of the act. For Puerto Rico, the term "proportionate share" means the individual farm's share of the total quantity of sugar required to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary, for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

To comply with the foregoing requirements of the act, the proportionate share for any farm may be filled only by sugar produced from sugarcane grown on that farm. Sugarcane grown on one farm may not be marketed for the production of sugar within the proportionate share for another farm.

Section 302 (2) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) for sugar or liquid sugar, not in excess of the farm proportionate share.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions. Section 302 (b) also provides that for purposes of establishing proportionate shares and in order to encourage wise use of land resources, foster greater diversification of agricultural production, and promote the conservation of soil and water resources in Puerto Rico, the Secretary, on application by any owner of a farm in Puerto Rico, is authorized whenever he determines it to be in the public interest and to facilitate the sale or rental of land for other productive purposes, to transfer the sugarcane production record for any parcel or parcels of land in Puerto Rico owned by the applicant to any other parcel or parcels of land owned by such applicant in Puerto Rico.

General. Restrictive proportionate shares determined on the basis of the factors "past production" and "ability to produce" are only required in any area when the indicated sugar supply will be greater than the quantities needed to fill the quota and provide a normal carryover inventory for such area.

Restrictions on the marketings of Puerto Rican sugarcane were in effect during the last four years, beginning with the 1952–53 crop. Carryover stocks into 1953 totalled approximately 250,000 tons of sugar. Production restrictions, an increase in the quota for the Island, the proration of deficits from other domestic areas, the sale of sugar in the world market and for use under foreign assistance programs of the U. S. Government, and other factors reduced carryover stocks to about 133,000 tons by January 1, 1956.

Public hearing. An informal public hearing was held in Santurce, Puerto Rico, on April 25, 1956, for the purpose of receiving information and recommendations for use in establishing farm proportionate shares for the 1956–57 crop. At that time it was estimated that the 1955–56 crop, then being harvested, would result in the production of an amount of sugar about equal to the total of the Island's 1956 quotas effective at that time, namely, 1,180,000 tons. It was, therefore, assumed that the carryover into 1957 would be about the same as the carryover into 1956 and that restrictions would be necessary to keep supplies in line with quota outlets and carryover requirements. Accordingly, representatives of the Department at the hearing submitted a proposal for implementing restrictive proportionate shares for the 1956–57 crop. There was general concurrence with the method suggested by the Department.

Situation indicated for 1957. Production for the 1955–56 crop was 1,152,000 tons, or about 28,000 tons less than the sum of the mainland and local marketing quotas effective at the time of the hearing. Moreover, under recent amendments to the Sugar Act which provide that domestic sugar-producing areas share in increases in United States sugar requirements, the mainland quota for Puerto Rico was increased by 31,615 tons. Assuming that marketings in 1956 will equal the 1956 quotas, the carryover of sugar on January 1, 1957, will be about 70,000 tons. Such an inventory may be considered to be lower than normal in light of the probable marketing outlets in 1957 and other contingencies. Another significant factor which must be considered is the effect on 1956–57 crop production of the hurricane which struck Puerto Rico on August 12, 1956. Damage to the sugarcane crop is now estimated to be between 70,000 and 90,000 tons of sugar.

Based upon reliable estimates, the probable production of 1956–57 crop sugar would not exceed 1,200,000 tons if all of the sugarcane (about 370,000 acres) in the fields were processed into sugar. While this production together with the carryover would be adequate to meet the quotas for 1957, the resultant carryover into 1958 will not be excessive. In view of this situation, it has been recommended unanimously by organizations and agencies directly affected that marketing restrictions be removed for the 1956–57 crop.

Determination. This determination provides that the proportionate share for each farm in Puerto Rico for the 1956–57 crop shall be the quantity of sugar commercially recoverable from the sugarcane grown thereon and marketed for the extraction of sugar during the 1956–57 crop year. Thus it will permit the marketing of all of the sugarcane on each farm and should enable the area to meet its marketing quotas and provide some increase in the carryover inventory.

Production restrictions in Puerto Rico, which were first instituted for the 1952–53 crop under the Sugar Act of 1948, as amended, were made necessary because of excessive carryover stocks. Proportionate shares were established by giving appropriate weightings to "past production" and "ability to produce" as measured by production during a five-year period, called the "base period". Producers having a record of production during only a part of the base period were, therefore, reduced by a greater percentage from the base period average than those having records of production during all of the years of the base period. Furthermore, producers who increased their production of sugar sharply in the last year or two of the base period were reduced to a greater extent from such production levels than were the producers who maintained their production at relatively average levels. Provision was made for making some allowances in establishing proportionate shares for new farms on which sugarcane was planted prior to the announcement of the hearing on restrictions for the 1952–53 crop.

While this determination permits the marketing of all of the sugarcane from each farm for the 1956–57 crop, producers are urged to exercise caution in planting. Marketing restrictions must continue under the law so that excessive production would not only require tight production controls in the future but would also bring large costs for carrying burdensome sugar stocks and unharvested sugarcane in the fields. The Sugar Act requires restrictive proportionate shares if supplies are not kept within reasonable limits. Thus, the planting of large new areas to sugarcane could result in substantial quantities of unharvested cane being carried-over in the fields in a year when production restrictions are necessary.

Since this determination provides for unrestricted marketings of sugarcane from the 1956–57 crop, many of the provisions included in previous restrictive determinations are not needed.

New provisions included in this determination relate to such procedural matters as appeals from the determination of compliance with conditions for payment, filing of applications for payment by a specified closing date, and the right of entry on farms to permit the measurement and verification of acreages, to estimate potential sugarcane production and to obtain information pertaining to facts constituting the basis for payments and the amounts thereof. In addition, a provision has been included which authorizes the transfer of sugarcane production records in the Area Office upon appropriate application by the producers concerned, where land is acquired by an agency having the right of eminent domain or where a producer makes application for such transfer in accordance with a recent amendment to the Sugar Act. Its inclusion places producers on notice of the requirement for making written application for the transfer of production records, and to afford an opportunity for a record of such transfer to be made and maintained in the Area Office.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301 (b), 302, 305, 306, 61 Stat. 929, 930, 932; 7 U. S. C. 1131, 1132, 1135, 1136. Secs. 13, 14, Pub. Law 545, 84th Cong.)

Issued this 31st day of October 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 56–8973; Filed, Nov. 5, 1956; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

CONTINUANCE IN EFFECT OF REGULATIONS

CROSS REFERENCE: For reorganization of fish and wildlife activities, general procedures, effective date of establishment of the United States Fish and Wildlife Service, and continuance in effect of all laws and regulations now in effect, see Federal Register Document 56–9072, under Department of the Interior, Office of the Secretary, in the Notices Section of this issue, *infra*.

TITLE 25—INDIANS

Chapter III—Indian Claims Commission

REVISION OF CHAPTER

Chapter III of Title 25, consisting of Part 503, is amended to read as follows:

PART 503—GENERAL RULES OF PROCEDURE

Sec.
503.1 Petitioners.
503.2 Commencement of action.
503.3 Service of petition.
503.4 Service and filing of other papers.
503.5 Time.
503.6 Pleadings allowed, form of motions.
503.7 General rules of pleading.
503.8 Capacity.
503.9 Form of pleadings.
503.10 Signing of pleadings.
503.11 Defenses and objections.
503.12 Counterclaim, cross-claim and set-off.
503.13 Amended and supplemental pleadings.
503.14 Interrogatories to parties and depositions pending action.
503.15 Depositions to perpetuate testimony.
503.16 Persons before whom depositions may be taken.
503.17 Depositions upon oral examination.
503.18 Depositions of witnesses upon written interrogatories.
503.19 Effect of errors and irregularities in depositions.
503.20 Calls on departments or agencies of the Government.
503.21 Documentary evidence.
503.22 Hearings.
503.23 Evidence.
503.24 Subpoena.
503.25 Proposed findings of fact; submitted to Commissioner or examiner.
503.26 Report.
503.27 [Reserved]
503.28 Briefs.
503.29 Reply brief.
503.30 Trial calendar.
503.31 Evidence in other cases.
503.32 Stipulations.
503.33 Motions for rehearing and for amendment of findings.
503.34 Claims filed by attorney.
503.34a Attorney's contracts to be filed.
503.34b Attorney's fees and expenses.
503.35 Attorneys to register.
503.36 Attorney's death or incapacitation.
503.37 Attorney's qualification.
503.38 Disbarment and suspension.
503.39 Clerk, docket and journal.
503.40 Seal.

AUTHORITY: §§ 503.1 to 503.40 issued under sec. 9, 60 Stat. 1051; 25 U. S. C. 70h.

§ 503.1 *Petitioners.* (a) Claims within the jurisdiction of the Indian Claims Commission of the United States (60 Stat. 1049), hereafter referred to in this part as the Commission, may be presented by any Indian tribe, band or other identifiable group of Indians.

(b) Claims by Indian tribes, bands or groups which have tribal organizations recognized by the Secretary of the Interior as having authority to represent such tribe, band or group shall be filed and presented by the duly appointed or elected officers of such organization, except as provided in paragraph (c) of this section.

(c) Where by virtue of fraud, collusion or laches on the part of a recognized tribal organization a claim has not been presented (or has not been included as part of a presented claim), any member of such tribe, band or group may file claim on behalf of all the other members of such tribe, band or group upon complying with the provisions of § 503.8 (a).

(d) Claims on behalf of any unorganized tribe, band or other identifiable group may be filed by any member of such tribe, band or identifiable group as the representative of all its members.

§ 503.2 *Commencement of action.* (a) A claim shall be commenced by the filing of a petition with the Commission.

(b) Twenty printed copies of each petition shall be filed. The Commission on motion accompanying a typewritten petition assigning good and sufficient cause, may waive or postpone printing of the petition. When printing of the petition is waived 8 legible typewritten copies thereof shall be filed.

§ 503.3 *Service of petition.* Service shall be made upon the United States as follows:

By sending 15 copies of the printed petition or 4 copies of the typed petition by registered mail (return receipt requested) to the Attorney General of the United States at Washington 25, D. C. Service by mail is complete upon mailing. The return receipt shall be delivered to the Clerk of the Commission to be filed in the case.

§ 503.4 *Service and filing of other papers*—(a) *Service*—(1) *When required.* Every order required by its terms to be served, every pleading subsequent to the original petition, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar papers shall be served upon each of the parties affected thereby, but no service need be made on parties in default for failure to appear, except that pleadings asserting new or additional claims for relief shall be served in the manner provided for service in § 503.3.

(2) *How made.* Whenever under the rules in this part service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney of record (provided for in this paragraph) unless service upon the party himself is ordered by the Commission. Service upon the attorney of record or upon a party shall be made by delivering a copy to him or by mailing it to him at his address registered with the Clerk as required by § 503.35. Delivery of a copy within the provisions of this section means: Handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.

(b) *Proof of service*—(1) *File before taking action.* Proof of service of papers required or permitted to be served, other than those for which a method of proof is prescribed by the Federal rules of civil procedure, shall be filed before action is to be taken thereon.

(2) *Form of.* The proof shall show the time and manner of service, and may be by written acknowledgment of service, by affidavit of the person making service, by certificate of a member of the bar of this Commission, or by other proof satisfactory to the Commission.

(3) *Failure to make.* Failure to make proof of service will not affect the validity thereof. The Commission may at any time allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

(c) *Filing.* All papers after the petition required to be served upon a party shall be filed with the Commission either before service or within a reasonable time thereafter.

(d) *Filing with the Commission defined.* The filing of pleadings and other papers with the Commission as required by the rules in this part shall be made by filing them with the Clerk of the Commission, except that a Commissioner or Examiner when a claim is being heard by him may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the Clerk.

§ 503.5 *Time*—(a) *Computation.* In computing any period of time prescribed or allowed by the rules in this part by order of Commission, Commissioner or Examiner or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day upon which the Commission is open for business. Legal holidays in the District of Columbia are as follows:

1st day of January, New Year's Day;
Day of the inauguration of the President in every fourth year, January 20;
22d day of February, Washington's Birthday;
30th day of May, Decoration Day;
4th day of July, Independence Day;
First Monday in September, Labor's Holiday;
11th day of November, Veterans Day;
Any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving (Thanksgiving, generally the fourth Thursday in November);
25th day of December, Christmas Day.

(Code of Law for the District of Columbia, sec. 1389, 31 Stat. 1405.)

When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

(b) *Enlargement.* When by the rules in this part or by a notice given thereunder or by order of the Commission an act is required or allowed to be done at or within a specified time, the Commission, or a Commissioner or Examiner in a case being heard by him, or by stipulation of the parties, for cause shown may at any time in its or his discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

(c) *For motions; affidavits.* A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by the rules in this part or by order of the Commission. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion; opposing affidavits may be served not later than 1 day before the hearing, unless the Commission permits them to be served at some other time.

(d) *Additional time after service by mail.* Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.

§ 503.6 *Pleadings allowed, form of motions*—(a) *Pleadings.* There shall be a petition and an answer; and there shall be a reply to a counterclaim denominated as such. No other pleading shall be allowed, except that the Commission may order a reply to an answer.

(b) *Motions and other papers.* (1) An application to the Commission for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.

(2) The rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by the rules in this part.

(c) *Demurrers, pleas, etc.* Demurrers, pleas, and exceptions for insufficiency of a pleading shall not be used.

§ 503.7 *General rules of pleading*—(a) *Pleading to be concise and direct; consistency.* (1) Each averment of a pleading shall be simple, concise and direct. No technical forms of pleading or motions are required. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided.

(2) A party may set forth two or more statements of a claim or defense alternatively or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them, if made independently, would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has, regardless of consistency and regardless of the nature of the grounds on which they are based. All statements shall be made subject to the obligations set forth in § 503.10 (b).

(b) *Statement of petition.* A petition shall state with particularity. (1) Any action on the claim previously taken by Congress or by any department of the Government or in any judicial proceeding and whether the claim or any part thereof is included in any suit pending in the Court of Claims or in the Supreme Court of the United States or whether the same has been filed in the Court of Claims under any legislation in effect on the date of the approval of the Indian Claims Commission Act.

(2) If the claim or defense is founded upon an act of Congress or upon the regulation of an executive department or independent establishment, the act and the section thereof on which the pleader relies shall be specified and the particular regulation of the department or independent establishment stated, and a copy of such regulation attached to the petition.

(3) If the claim or defense is founded on a contract or treaty with the United States or an Executive order of the President, the substance of the same shall be set forth in the petition; if in writing, the original or a copy thereof shall be annexed thereto. All parts immaterial to the claim or defense or to the relief sought may be omitted.

(c) *Construction of pleadings.* All pleadings shall be so construed as to do substantial justice.

§ 503.8 *Capacity.* (a) Petitions filed by any tribal organization recognized by the Secretary of the Interior as having authority to represent a tribe, band or group need not aver the capacity of such organization to sue except to the extent required to show the jurisdiction of the Commission. When the United States desires to raise an issue as to the capacity of such a recognized tribal organization to sue, it shall do so by specific negative averments, which shall include supporting particulars.

(b) If a petition is filed by one or more members of a tribe, band or other identifiable group having a tribal organization which is recognized by the Secretary of the Interior because the tribal organization has failed or refused to take any action authorized by the act, the petition shall be verified and shall aver that the petitioner is a member of the tribe, band or group. The petitioner shall also set forth with particularity the efforts of the petitioner to secure from the duly constituted and recognized officers of said tribal organization such action as he desires and the reasons for his failure to obtain such action (such as fraud, collusion or laches) or the reasons for not making such effort.

(c) Petitions filed by one or more members on behalf of an unorganized tribe, band or other identifiable group shall be verified and shall aver (1) that the petition or petitioners are members of the tribe, band or group (2) a description of the unorganized tribe, band or group of sufficient comprehension to identify the tribe, band or group on whose behalf the petition is filed.

§ 503.9 *Form of pleadings*—(a) *Caption; names of parties.* Every pleading shall contain a caption setting forth the name of the Commission, and the title of the action, and a designation as in § 503.6 (a). A petition filed on behalf of a tribal organization under the provisions of § 503.1 (b) shall be commenced in the name of such tribe, band or group. A petition filed on behalf of an organized tribe, band or group under the provisions of § 503.1 (c), or an unorganized group under § 503.1 (d), shall be in the name of the member or members filing the same on the relation of the tribe, band or group. In the petition, the title of the action shall include the names of all the parties, but in other pleadings it shall be unnecessary to name more than one of the petitioners.

(b) *Paragraphs; separate statements.* All averments of claims or defenses shall be made in numbered paragraphs, the contents of each of which shall be limited as far as possible to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

(c) *Adoption by reference; exhibits.* Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

§ 503.10 *Signing of pleadings*—(a) *Petitioner.* Every pleading of a party other than the United States represented by an attorney shall be signed by the attorney of record, designated under § 503.35 in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign its pleading and state its address.

(b) *Effect of.* The signature of an attorney constitutes a certificate by him that he has read the pleadings; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.

§ 503.11 *Defenses and objections*—(a) *When presented.* The United States shall serve its answer to the petition except a demand for a counterclaim or set-off, within 60 days after service on the Attorney General as provided in this part. The service of any motion permitted under this section alters this period of time as follows, unless a different time is fixed by order of the Commission: (1) If the Commission denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within 30 days after notice of the Commission's action or before the expiration of 60 days from the service of the petition, whichever is latest; (2) if the Commission grants a motion for a more definite statement the responsive pleading shall be served within 60 days after the service of the more definite statement.

(b) *How presented.* Every defense to a claim for relief in any pleading, except a counterclaim or set-off by the United

States, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) insufficiency of service, (4) failure to state a claim upon which relief can be granted. A motion making any of these defenses shall be made before pleading if a further pleading is permitted. No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion. If a pleading sets forth a claim for relief to which the adverse party is not required to serve a responsive pleading, it may assert at the trial any defense in law or fact to that claim for relief. If, on a motion asserting the defense numbered (4) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the Commission, the motion shall be treated as one for summary judgment and disposed of, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion.

(c) *Motion for judgment on the pleadings.* After the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the Commission, the motion shall be treated as one for summary judgment and disposed of, and all parties shall be given a reasonable opportunity to present all material pertinent to such a motion.

(d) *Preliminary hearings.* The defenses specifically enumerated as subparagraphs (1) through (4) in paragraph (b) of this section, whether made in a pleading or by motion, and the motion for judgment mentioned in paragraph (c) of this section shall be heard and determined before trial on application of any party, unless the Commission orders that the hearing and determination thereof be deferred until the trial. Any pleading which includes any of the defenses enumerated in paragraph (b) of this section shall be accompanied by the statement of points and authorities required by § 503.22 (a) (1).

(e) *Motion for more definite statement.* If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, it may move for a more definite statement before interposing its responsive pleading. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the Commission is not obeyed within 10 days after notice of the order or within such other time as the Commission may fix, the Commission may strike the pleading to which the motion was directed or make such order as it deems just.

(f) *Motion to strike.* Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by this part, upon motion made by a party within 20 days after the service of the pleading upon it or upon the Commission's own initiative at any time, the Commission may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.

(g) *Consolidation of motions.* A party who makes a motion under this section may join with it the other motions provided for in this section and then available to it. If a party makes a motion under this section and does not include therein all defenses and objections then available to it which this section permits to be raised by motion, it shall not thereafter make a motion based on any of the defenses or objections so omitted, except as provided in paragraph (h) of this section.

(h) *Waiver of defenses.* The United States waives all defenses and objections which it does not present either by motion as hereinbefore provided in this section or, if it has made no motion, in its answer or reply, except (1) that the defense of failure to state a claim upon which relief can be granted, and the objection of failure to state a defense to a claim may also be made by a later pleading, if one is permitted, or by motion for judgment on the pleading or at the trial on the merits, and except (2) that whenever it appears by suggestion of the parties or otherwise that the Commission lacks jurisdiction of the subject matter, the Commission shall dismiss the action. The objection or defense, if made at the trial, shall be disposed of as provided in § 503.13 (b) in the light of any evidence that may have been received.

(i) *Default by United States.* Unless the Attorney General shall within 60 days after the service of the petition serve a defensive pleading upon the petitioner, if the time is not extended by order of the Commission, or consent of the parties, the Commission may, on motion of the petitioner and after notice to the Attorney General, have the Clerk note on the docket that no answer has been filed and the Commission shall hear the petitioner's evidence and such facts as the Investigation Division of the Commission may assemble, before making its final determination.

§ 503.12 *Counterclaim, cross-claim and set-off*—(a) *Set-offs.* If, after a preliminary hearing under § 503.22 (f) it is determined that the United States is liable to the petitioner in any amount, the United States shall, within 60 days after the entry of the final order determining that right, unless extended by the Commission, amend its answer by setting forth the amount of any set-offs, counter-claims or any other demands against the petitioner authorized by the act.

(b) *Omitted counterclaim or set-off.* When the United States fails to set up a counterclaim or set-off, through oversight, inadvertence, or excusable neglect, or when justice requires, it may by leave of the Commission set up the counterclaim or set-off by amendment.

(c) *Answer to counterclaim or set-off.* Within 40 days after the filing of a set-off or counterclaim or other demand by the defendant, the petitioner or his attorney shall serve a reply thereto.

§ 503.13 *Amended and supplemental pleadings*—(a) *Amendments.* (1) A party may amend its pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been set for hearing, it may so amend it at any time within 20 days after it is served. Otherwise a party may amend its pleading only by leave of the Commission or by written consent of the adverse party; and leave shall be freely given when justice so requires. A party shall plead in response to an amended pleading within the time allowed for responding to an original pleading, unless the Commission otherwise orders.

(2) Amended petitions shall be printed and the same number filed as in the case of original petitions, unless printing is waived by the Commission. Where the amendments are slight and can be understood without a reprint of the entire petition they may either be interlined in the existing petition or printed pasters may be attached to the original petition.

Where a petition is amended in accordance with that portion of this section which permits interlineations or printed pasters to be attached to the original petition, the Clerk shall endorse on its face the fact that it is an amended petition and also the date of the amendment or amendments and such amended petition shall be verified when required by § 503.8.

(b) *Amendments to conform to the evidence.* When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure to so amend does not affect the result of the trial of these issues. If evidence not within the issues made by the pleadings is offered at a hearing held by a Commissioner or an Examiner, upon objection such evidence shall be rejected; whereupon the party may make an offer of proof. Upon motion to amend the pleading the Commission shall after notice to the adverse party allow the pleading to be amended to conform to the offered evidence and shall do so freely when the presentation of the merits of the claim or defense will be subserved thereby and the objecting party fails to satisfy the Commission that the amendment of the pleading and the admission of such evidence would prejudice it in maintaining its claim or defense. The Commission may grant a continuance to enable the objecting party to meet such evidence.

(c) *Relation back of amendments.* Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading.

§ 503.14 *Interrogatories to parties and depositions pending action*—(a) *Interrogatories to parties.* (1) Any party may serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is the United States, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served after commencement of the action and without leave of the Commission. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall serve a copy of the answers on the party submitting the interrogatories within 15 days after the service of the interrogatories, unless the Commission, on motion and notice and for good cause shown, enlarges or shortens the time. Within 10 days after service of interrogatories a party may serve written objections thereto together with a notice of hearing the objections at the earliest practicable time. Answers to interrogatories to which objection is made shall be deferred until the objections are determined.

(2) Interrogatories may relate to any matters which can be inquired into under paragraph (c) of this section, and the answers may be used to the same extent as provided in paragraph (e) of this section for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered. The number of interrogatories or of sets of interrogatories to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment, or oppression.

(b) *When depositions may be taken.* Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. After service of the petition the deposition may be taken without leave of the Commission, except that leave, granted with or without notice, must be obtained if notice of the taking is served by the petitioner within 20 days after service of the petition. The attendance of witnesses may be compelled by the use of subpoena as provided in § 503.24 (a) (1). Depositions shall be taken only in accordance with the rules in this part.

(c) *Scope of examination.* Unless otherwise ordered by the Commission, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.

(d) *Examination and cross-examination.* Examination and cross-examination of deponents may proceed as permitted at the hearings under the provisions of § 503.23.

(e) *Use of depositions.* At a hearing before the Commission, a Commissioner or Examiner or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the Commission, Commissioner or Examiner finds: (i) that the witness is dead; or (ii) that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (v) upon application and notice, but such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(3) If only a part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

(f) *Objections to admissibility.* Subject to the provisions of § 503.19 (c), objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(g) *Effect of taking or using depositions.* A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition. At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

§ 503.15 *Depositions to perpetuate testimony.* Depositions taken under the provisions of section 13 (a) of the act creating the Commission shall be taken pursuant to the notices provided for in this part, which shall be given to the Attorney General of the United States, and if a petition has been filed, to the attorney of record for the petitioner, of which the aged or invalid Indians whose depositions are to be taken are members, provided that the Commission may, if it deems it necessary, authorize the taking of such depositions on shorter notice than that provided for in this part. Depositions of such aged or invalid Indians may be used in any case in which the same may be material.

§ 503.16 *Persons before whom depositions may be taken*—(a) *Within the United States.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, or before a person appointed by the Commission. A person so appointed has power to administer oaths and take testimony.

(b) *Disqualification for interest.* No deposition shall be taken before a person who is directly or indirectly interested in the outcome of the claim.

§ 503.17 *Depositions upon oral examination*—(a) *Notice of examination; time and place.* A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general descrption sufficient to identify him or the particular class or group to which he belongs. On motion of any party upon whom the notice is served, the Commission may for cause shown enlarge or shorten the time.

(b) *Witnesses by other party.* When depositions are taken on notice, as provided in this part, if both parties are present or represented at the time and place specified in the notice, either party may, after the examination of the witnesses summoned under the notice, be entitled to summon and examine other witnesses; but in such case one day's notice shall be given to the adverse party or its attorney there present, unless such notice is waived.

(c) *Record of examinations; oath; objections.* The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

(d) *Interpreter.* If a witness is in need of an interpreter the interpreter shall be sworn to well and truly translate all questions asked and answers given.

(e) *Submission to witness; changes; signing.* When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness. If the witness refuses to sign the deposition, the officer shall sign it and state on the record the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under § 503.19 (d) the Commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f) *Certification and filing by officer; copies; notice of filing.* (1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly file it with the Commission or send it by registered mail to the Clerk thereof for filing.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 503.18 *Depositions of witnesses upon written interrogatories*—(a) *Serving interrogatories; notice.* A party desiring to take the deposition of any person upon written interrogatories shall serve them upon every other party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 10 days thereafter, a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within 5 days thereafter, the latter may serve redirect interrogatories upon a party who has served cross-interrogatories. Within 3 days after being served with redirect interrogatories, a party may serve recross interrogatories upon the party proposing to take the deposition.

(b) *Officer to take responses and prepare record.* A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by § 503.17 (c), (d) and (e) to take the testimony of the witness in response to the interrogatories and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the interrogatories received by him.

(c) *Notice of filing.* When the deposition is filed, the party taking it shall promptly give notice thereof to all other parties.

§ 503.19 *Effect of errors and irregularities in depositions*—(a) *As to notice.* All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(b) *As to disqualification of officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) *As to taking of deposition.* (1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(3) Objections to the form of written interrogatories submitted under § 503.18 are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other interrogatories and within 3 days after service of the last interrogatories authorized. Answers to interrogatories to which objection is made shall be deferred until the objections are determined.

(d) *As to completion and return of deposition.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under §§ 503.17 and 503.18 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

§ 503.20 *Calls on departments or agencies of the Government.* (a) A call will be made on any department or agency of the Government on motion of any party upon the approval of the Commission.

(b) The motion shall show with particularity what is sought to be proved by the papers or information desired, and how or in what respect they are relevant and material to the issues of the case.

(c) Motions for calls upon any department or agency of the Government shall be filed in the Clerk's office. If no objection is filed with the Clerk within 10 days after the motion has been served on the Attorney General, the motion will be presented to and acted upon by the Chief Commissioner or a Commissioner acting in his stead, as in the case of other motions.

(d) The Attorney General may offer in evidence duly certified information and papers from any department or agency of the Government without calling for the same under the provisions of paragraph (a) of this section.

(e) All information and papers furnished by any department or agency of the Government in response to a call or offered in evidence by the Attorney General shall be subject to objection by either party; but as to duly certified copies furnished on call or offered by the Attorney General, neither party will be required to produce the originals of such papers or prove their execution.

(f) Since, under the provisions of the second paragraph of section 14, Public Law 726, 79th Cong. (Sec. 14, 60 Stat. 1052; 25 U. S. C. 70m), the officers, departments and courts of the United States and committees of each House of Congress, are required, upon written request, to furnish the attorneys for claimants certified copies of official letters, papers, documents, maps or records in their or its possession, no call for such documentary evidence will be made by the Commission on any such officers, departments, courts or commissions, unless the claimant, or the attorney for a claimant, is unable to obtain the same, and then only upon motion therefor made in conformity with this section.

§ 503.21 *Documentary evidence.* (a) At any hearing held under the rules in this part, any official letter, paper, document, map or record in the possession of any officer or department or court of the United States, or committee of Congress (or a certified copy thereof), may be used in evidence insofar as the same is relevant or material.

(b) Original depositions or original transcripts of other testimony of record (or certified copies of either) in any suit or proceeding in any court of the United States to which an Indian or Indian tribe or group was a party may be used in evidence insofar as relevant and material.

(c) Objections to the competency, relevancy and materiality of any evidence hereunder shall be made at the time it is offered in evidence.

§ 503.22 *Hearings*—(a) *Motions.* (1) With each motion there shall be filed and served a separate paper stating the specific points of law and authorities to support the motion. Such statement shall be additional to a statement of grounds in the motion itself, and shall be entered on the docket but shall not be a part of the record. A statement of opposing points and authorities shall be similarly filed, noted and served within 10 days or such further time as the Commission may grant or the parties agree upon. If not filed within the prescribed time, the Commission may treat the motion as conceded. If so filed, the motion shall be treated as submitted unless the Commission directs or either party requests an oral hearing.

(2) *Nonappearance of parties.* If at the time set for hearing there be no appearance for the moving party, the Commission may treat the motion as submitted or waived, or continue or strike it from the motion calendar. If there be no appearance for the opposing side, it may be treated as submitted or conceded.

(b) *Assignment of case.* When a claim is at issue the same shall be heard by the Commission; *Provided, however,* The Commission may assign it to a Commissioner or an examiner to take all or part of the evidence. When a Commissioner or an examiner takes only a part of the evidence in a case §§ 503.25 and 503.26 shall not apply, but the evidence so taken shall be filed with the Clerk and become part of the evidence in the case.

(c) *Authority of Commissioner or Examiner.* When a claim has been assigned to a Commissioner or to an examiner to take evidence, such Commissioner or examiner shall act in the name of the Commission and all rulings and orders made and directions given by such Commissioner or examiner shall have the same force and effect as though made by the Commission, but any party feeling himself aggrieved by any ruling or order made or direction given may have such order or direction reviewed by the Commission by motion to review filed within a reasonable time thereafter, and prior to the final determination of the case by the Commission.

(d) *Evidence.* The Commission, the Commissioner or the Examiner shall rule on the competency, materiality and relevancy of all evidence offered.

(e) *Pre-trial procedure; formulating issues.* In any proceeding the Commission may in its discretion direct the attorneys for the parties to appear before it or a Commissioner designated for that purpose for a conference to consider:

(1) The simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the action.

If the proceeding has been assigned to a Commissioner or Examiner he shall be present. The Commissioner shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by admissions or agreements of counsel; and such order when entered controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

(f) *On merits.* (1) In every case, unless otherwise ordered, the hearing before the Commission, a Commissioner or an Examiner in the first instance shall be limited to the issue of fact and law relating to the right of the plaintiff to recover.

(2) The burden of going forward with its proof shall be on the petitioner and the defendant shall not be required to produce any evidence until the petitioner has closed its proof. When hearings are being held in any place other than the District of Columbia, the defendant, may, if it so desires, take the testimony of any witness available at the time and place. If the hearing at any other place than the District of Columbia is on the part of the defendant, the petitioner may, at the same time and place, produce evidence in rebuttal of any evidence theretofore or then being produced.

(3) When the Commissioner or the Examiner has reason to believe that there are other material witnesses and evidence which have not been procured by either party, he may, after reasonable notice to the parties, summon and examine such witnesses and procure such evidence and consider the same in connection with the proof submitted by the parties. When the Commissioner or the Examiner has reason to believe that the case is being unnecessarily delayed by the failure of either or both parties to produce witnesses, he may fix a reasonable time in which said party delaying the same must close the testimony.

(g) *Swearing witnesses.* Witnesses shall be sworn or affirmed by the Commissioner or Examiner. When testimony is taken orally before a Commissioner or Examiner at a hearing, it shall not be necessary for the witness to sign the same.

(h) *Date and place.* When a claim has been assigned for hearing, the Commission, the Commissioner or the Examiner shall notify the interested parties to produce before it or him witnesses or evidence within such reasonable time and at such place as it or he may designate.

(i) *Reporter.* At all hearings, whether before the Commission, a Commissioner or an Examiner, the testimony shall be taken by a disinterested reporter named by the Commission, a Commissioner or an Examiner, as the case may be, who shall take the testimony and transcribe the same. The reporter shall be sworn by a member of the Commission or an Examiner to well and truly take down and transcribe the questions propounded to and the answers given by the witnesses, and to do all other things required of him by the Commission, a Commissioner or an Examiner. A reporter who is in the regular employ of the Commission shall take the oath required by section 4 of the act creating the Commission and the oath prescribed in this paragraph and need not thereafter take the latter oath, but reporters selected for a particular case must be sworn as herein provided in this paragraph.

§ 503.23 *Evidence*—(a) *Form and admissibility.* In all hearings, the testimony of witnesses shall be taken orally in open court, unless otherwise provided by the rules in this part. All evidence shall be admitted which is admissible under the statutes of the United States or under the rules of evidence heretofore applied in the courts of the United States on the hearing of suits in equity, or under the rules of evidence at common law. In any case, the statute or rule which favors the reception of the evidence governs and the evidence shall be presented according to the most covenient method prescribed in any of the statutes or rules to which reference is made in this part. The competency of a witness to testify shall be determined in like manner.

(b) *Record of excluded evidence.* If an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, except that upon request the evidence shall be reported in full, unless it clearly appears that the evidence is not admissible on any ground or that the evidence of the witness is privileged.

(c) *Affirmation in lieu of oath.* Whenever under the rules in this part an oath is required to be taken, a solemn affirmation may be accepted in lieu thereof.

(d) *Rulings; exceptions unnecessary.* The Commission or person presiding at any hearing shall rule on the competency, relevancy and materiality of all evidence offered. Formal exceptions to rulings or orders are unnecessary.

(e) *Documentary evidence.* (1) When at any hearing documentary evidence is offered and objection is made thereto the Commission, Commissioner, or Examiner conducting the hearing, shall rule upon the same and, if the ruling is adverse to the party offering said evidence, the document may be marked for identification and added to the record.

(2) All documentary evidence (including excerpts from documents) which is to be offered on any question before the Commission shall be filed with the Clerk and copies thereof delivered by mail, or otherwise, to the opposing parties at least 30 days in advance of the day on which such evidence is to be used in order to permit study, cross-examination and rebuttal evidence. Each party shall have 20 days after the filing of such documentary evidence with the Clerk within which to file with the Clerk and deliver to the opposing parties countervailing or rebuttal evidence.

(3) When portions only of a document are to be relied upon, the offering party shall prepare, file and deliver, as provided in subparagraph (2) of this paragraph, the pertinent excerpts, adequately identified as to source and place where source is located, and only such excerpts will be received in the record. When excerpts from a document not available within the District of Columbia are relied upon the entire document shall be filed with the excerpt for examination by the opposing party.

(4) Accompanying the documents and excerpts of documents filed with the Clerk shall be a list thereof identifying the same and showing the title of the cause in which they are filed.

Such documents shall be, by the Clerk, kept separate from the other files in the case and shall not become part of the record in any case until admitted therein by the Commission. Documents not offered in evidence by any party shall at the close of the evidence be returned to the party filing the same, unless the Commission shall order their retention by the Clerk. The Clerk shall stamp on

such list the date the documents were received and also note thereon the documents which were returned.

(5) Documentary evidence not filed and delivered in advance in accordance with subparagraphs (2) and (3) of this paragraph shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(6) That the authenticity of all documents filed in advance in a proceeding in which such filing is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 503.24 *Subpoena—(a) For attendance of witnesses; form; issuance; fees.* (1) Every subpoena shall be issued in the name of the Commission and shall be signed by the Clerk under the seal of the Commission. Every subpoena shall state the title of the claim and the number and shall command each person to whom it is directed to attend and give testimony at a time and place therein specified. The Clerk shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it, who shall fill it in before service.

(2) The fees and mileage of witnesses shall be such as are now or may hereafter be prescribed by statute, for like service in the District Courts of the United States, and shall be paid by the party at whose instance the witnesses appear.

(b) *For production of documentary evidence.* A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein; but the Commission, upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable and oppressive, or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(c) *Service.* (1) A subpoena may be served by any person who is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States, fees and mileage need not be tendered.

(2) The fees and mileage shall be the same as allowed by law for service of subpoenas issued by United States District Courts, which shall be paid by the party requesting the service.

(d) *Return.* The person serving the process shall make proof of service thereon to the Commission promptly and in any event within the time during which the person served must respond to the process. If service is made by a person other than a United States Marshal or his deputy, he shall make affidavit thereof. Failure to make proof of service does not affect the validity of the service.

§ 503.25 *Proposed findings of fact; submitted to Commissioner or Examiner.* Upon the closing of proof by the parties in any case heard by a Commissioner or an Examiner, the petitioner shall, unless otherwise directed by the Commission, a Commissioner or an Examiner, have 30 days from the filing of the transcript within which to file proposed findings of fact and the defendant shall have 30 days after the service of petitioner's proposed findings of fact to file its objections to petitioner's proposed findings of fact and its own proposed findings of fact, and the petitioner shall have 20 days after the service of the defendant's proposed findings of fact within which to file its objections thereto, but such requested findings of fact or objections to proposed findings need not be printed. Such proposed findings shall, upon the filing of the report, be filed with the original record in the case for consideration of the Commission in connection with any requested findings of fact which may be submitted under § 503.28.

§ 503.26 *Report.* When a case has been referred to a Commissioner or Examiner and proof has been closed by both parties, the Commissioner or Examiner shall proceed to ascertain the facts, including ultimate facts, considered by him to be established by the evidence, and make a report of his findings to the Commission within a reasonable time.

§ 503.27 [Reserved.]

§ 503.28 *Briefs—(a) Petitioner.* (1) The petitioner shall, within 40 days after the closing of proof in cases heard by the Commission, or within a like time from the filing of the report required of a Commissioner or examiner by § 503.26, file its request for findings of fact and brief, which findings of fact and brief shall be printed and 25 copies thereof shall be filed with the Clerk and 10 copies thereof served on the Attorney General.

(2) The petitioner's brief shall begin with a clear statement of the case and may include in the statement references to parts of the record. It shall present and discuss in its original brief all propositions upon which it relies for a recovery.

(b) *Defendant.* Within 40 days from the filing of petitioner's brief (or if none has been filed within the time on which it should have been filed under paragraph (a) (1) of this section) the defendant shall file with the Clerk 25 printed copies of its request for findings of fact and brief and serve 10 copies thereof on the petitioner's attorney of record, or if the petitioner has no attorney of record the same shall be mailed to any petitioner or to any one member of a group of petitioners, at its or his known address.

§ 503.29 *Reply brief.* (a) Petitioner may file a printed reply brief within 20 days after the filing of defendant's brief, unless the time is extended by order of the Commission, and no brief shall be received after the prescribed time except upon order of the Commission for cause shown; nor shall any briefs other than those described in § 503.28 and this section be received at any time except upon such order.

(b) Statements of fact or propositions of law presented in defendant's brief as matters of defense, and not properly within the scope of petitioner's original brief, may be discussed by petitioner in a reply brief, but matters within the proper scope of petitioner's original brief shall not again be discussed in a reply brief.

(c) After a cause has been submitted, any stipulation or additional authorities which counsel desires to call to the attention of the Commission shall by leave of the Commission be submitted by appropriate supplemental memorandum of at least 8 copies filed with the Clerk of the Commission, and not by letter. The Clerk shall serve a copy upon opposing counsel.

Supplemental or reply briefs shall be permitted only in accordance with the rules in this part.

§ 503.30 *Trial calendar.* (a) The Commission shall dispose of (1) all motions or other pleadings containing the defenses enumerated in § 503.11 (b) and all other motions or requests for action by the Commission, (2) all exceptions to the report of a Commissioner or Examiner, (3) all motions for rehearing and amendments of findings.

(b) Said matters when ordered by the Commission shall be placed on a trial calendar by the Clerk and a copy of said trial calendar mailed to the attorneys of record interested therein in sufficient time to permit the attorneys of record to appear before the Commission on the date and place appointed for the hearing.

(c) All matters shall be calendared for hearing as follows:

(1) Motions and pleadings containing the defenses enumerated in § 503.11 (b) when the opposing points and authorities have been filed as required by § 503.22 (a) (1).

(2) All other motions or requests for action by the Commission upon the filing of a responsive pleading as provided for in this part.

(3) All exceptions to the report of a Commissioner or Examiner when the briefs have been filed as provided in §§ 503.28 and 503.29.

(4) Motions for rehearing and amendments of findings when the briefs have been filed as provided in § 503.39.

(d) *Non-appearance of parties.* If at the time set for hearing there be no appearance for the moving party, the Commission may treat the motion as submitted or waived, or, for good cause shown, continue or strike it from the motion calendar. If there be no appearance for the opposing side, it may be treated as conceded.

§ 503.31 *Evidence in other cases—(a) Documents.* Any information or papers duly certified from any department or agency of the Government and filed in any case may, by leave of the Commission, a Commissioner or an Examiner in a case being heard by him, on motion made therefor, be used and applied in any other pending cause to which the same may be applicable or pertinent.

(b) *Depositions.* The deposition of a witness, subjected to cross-examination, on file in a case may be used by leave of the Commission in another case, notice of the purpose to use it being given the adverse party; or if the Commission desires the benefit of evidence appearing in another case it may, by appropriate order and upon reasonable notice to the parties and an opportunity to them to be heard, consider the same.

§ 503.32 *Stipulations.* All stipulations shall be signed on behalf of the petitioner by the attorney of record, and on behalf of the United States by the Attorney General or Assistant Attorney General, unless made at a hearing or other proceeding before the Commission, a Commissioner or an Examiner by the attorney representing the United States and recorded by the reporter.

§ 503.33 *Motions for rehearing and for amendment of findings.* (a) Whenever either party desires to question the correctness or the sufficiency of the Commission's conclusions on its findings of fact or to amend the same, the complaining party shall file a motion which shall be known as a motion for a rehearing. All grounds relied upon for any or all of said objections shall be included in one motion. After the Commission has announced its decision upon such motion no other motion for a rehearing shall be filed by the same party unless by leave of the Commission. Motions for a rehearing shall be filed within 30 days from the time the final determination of the Commission is filed with the Clerk.

(b) A motion for hearing shall be founded upon one or more of the following grounds: First, error of fact; second, error of law; and, third, newly discovered evidence.

(1) A motion founded upon an error of fact shall specify with minuteness the fact or facts which are regarded as erroneously found or erroneously omitted to be found by the Commission, with full references to the evidence which is relied upon to support the motion.

(2) A motion founded upon error of law shall specify with like minuteness the points upon which the Commission is supposed to have erred, with references to the authorities relied upon to support the motion.

(3) A motion by either plaintiff or defendant upon the ground of newly discovered evidence shall not be entertained unless it appears therein that the newly discovered evidence came to the knowledge of such party, its attorneys of record, or counsel, after the hearing and before the motion was made; that it was not for want of due diligence that it did not sooner come to its knowledge; that it is so material that it would probably produce a different determination if the rehearing were granted; and that it is not cumulative.

Such motion shall be accompanied by the affidavit of the party or the attorney of record, setting forth:

(i) The facts in detail which the party expects to be able to prove, and whether the same are to be proved by witnesses or by documentary evidence.

(ii) The name, occupation, and residence of each and every witness whom it is proposed to call to prove said facts.

(iii) That the said facts were unknown to either the party or the attorney of record, and, if other counsel was employed at the hearing, were unknown to such counsel until after the close of the hearing.

(iv) The reason why the party, the attorney of record, or counsel, could not have discovered said evidence before the hearing by the exercise of due diligence.

(c) A motion for a rehearing shall also be accompanied by the brief of the moving party, a copy of which shall be served upon the opposing party, who may file its brief in response thereto within 15 days, unless the time is extended by the Commission.

(d) All motions for rehearing or for amendment of findings, and briefs thereon, and briefs in reply to such motions, exceeding ten typewritten pages in length, shall be printed before presentation for filing in the Clerk's office, unless by order of the Commission first obtained the time for printing is extended.

§ 503.34 *Claims filed by attorney.* Claims may be filed on behalf of a claimant by an attorney or firm of attorneys retained for that purpose under the provisions of section 15 of the act creating the Commission. Where a claimant has retained more than one attorney or more than one firm of attorneys, only one of said attorneys shall be designated individually as the attorney of record. All pleadings, notices or other papers required by these rules or by orders of the Commission to be served upon a claimant, shall be sent to such attorney of record at the address designated by him, and service upon him shall be deemed to be service upon the claimant.

§ 503.34a *Attorney's contracts to be filed.* (a) There shall be filed with the Clerk a certified copy of the contract under which the attorney, or attorneys, representing a claimant may act. It shall not be necessary to file more than one contract even though the attorney, or attorneys, representing a claimant files more than one petition for the same claimant.

(b) The Clerk shall keep in a file, separate from the petition, all contracts filed pursuant hereto; they shall be consecutively numbered, show the date filed, and the Clerk shall endorse thereon the docket numbers of the cases to which they apply. The Clerk shall also note on the appearance docket the number of the contract of the attorney, or attorneys, representing the claimant. The Clerk shall prepare and maintain an index, alphabetically arranged, of all contracts filed with him.

§ 503.34b *Attorney's fees and expenses.* (a) All applications of attorneys for Indian claimants for fees or reimbursable expenses shall be by petition prepared in clear typewritten or reproduced form. The petition for reimbursable expenses shall be itemized showing time, place, purpose and amount of each item incurred or paid by the applicants, and as to items paid by or on behalf of the applicants there shall be filed with the petition, receipts or other evidences of payment. The petition for reimbursable expenses shall be verified by affidavit of an applicant stating that the allegations of the petition are true to the best of the knowledge and belief of the affiant, and that no part of any of the items set forth in the petition has been paid by the Indian claimant, or on its behalf, by any officer or agency of the United States, except as shown in the petition.

(b) An original and seven copies of such petitions shall be filed with the Clerk of the Commission and four copies thereof shall be served upon the Attorney General in the manner provided by § 503.3 but the vouchers covering payments referred to above need be filed only with the original petition. Upon receipt of such petitions, the Clerk shall mail two copies thereof to the Commissioner of Indian Affairs.

(c) Notice of hearing on such petitions shall be given by the Clerk to the Attorney General, to the chief or other head officer of the claimant, if there be one, otherwise to the claimant in care of the agency superintendent under whose jurisdiction the claimant may be, to the Commissioner of Indian Affairs, to the attorney of record for claimant, and to such agency superintendent. The notice of hearing sent to the claimant shall be accompanied by a copy of the petition, or petitions, as the case may be.

§ 503.35 *Attorneys to register.* An attorney of record, on appearing in a case, shall register with the Clerk of the Commission his name and post office address or the designation as such and his post office address may be shown at the end of the petition.

§ 503.36 *Attorney's death or incapacitation.* If the attorney of record dies or is incapacitated, a suggestion of his death or incapacity shall be made and a motion to substitute any other attorney shall be made by plaintiff or an attorney authorized by it.

§ 503.37 *Attorney's qualification.* Any person of good moral character who has been admitted to practice in the Supreme Court of the United States or in any other Federal court, or in the highest court of any State or Territory, and is in good standing therein, may practice as an attorney before the Commission.

§ 503.38 *Disbarment and suspension.* Where it is shown to the Commission that any member of the bar representing a party before the Commission has been disbarred or suspended from practice in the Supreme Court of the United States or in any other Federal court, or in any court of record of any State or Territory, he shall be forthwith suspended from practice before this Commission; and unless, upon notice mailed to him at the address shown in the Clerk's records and to the clerk of any of the courts men-

tioned in which he shall have been disbarred, or suspended, he shows good cause to the contrary within 30 days, he shall be barred from appearing before the Commission as attorney for any claimant.

§ 503.39 *Clerk, docket and journal.* (a) The administrative officer of the Commission, unless one is otherwise designated, shall be the clerk who shall receive and file all pleadings, reports, orders, briefs, documents and other papers, and shall keep all records connected with all claims filed with the Commission. He shall also perform such other duties as the Commission may from time to time prescribe.

(b) The Clerk shall, after filing, promptly mail or deliver to the party not filing the same, the required number of copies of all pleadings, motions, briefs, notices, or other papers, not required to be served by a party, and shall note on the docket the date the same were so mailed or delivered.

(c) The Clerk shall be custodian of the seal of the Commission and shall affix the same to all papers, subpoenas, or insruments that he is now or may hereafter be required to sign or certify in his official capacity. He shall authenticate all papers where an authentication is required, under his hand and the seal of the Commission.

(d) It shall be the duty of the Clerk to keep an appearance docket in which there shall be separately entered the title of each claim, the names of the attorneys filing the same and the designated attorney of record; and there shall be entered thereon, on the date received, each pleading, motion, demurrer, brief, and other paper filed in a cause. Following each entry showing the filing of a paper required to be recorded in the Journal of the Commission, there shall be shown the volume number of the Journal, and the page thereof in which the paper is recorded.

(e) (1) The Clerk shall keep a journal in which shall be recorded in each cause all orders (except orders setting claims, motions and objections down for hearing, and orders changing time to plead, filing of proposed findings of fact and objections thereto, and briefs) made by the Commission or a Commissioner, the final determination of each claim, including the way each Commissioner voted thereon, but the Commission's findings of fact need not be recorded as part of an interlocutory or final order.

(2) The instrument or instruments by which employees of the Commission are designated by the Chief Commissioner for the purpose of administering oaths and examining witnesses shall be recorded in the journal.

(3) The journal shall be approved by the Commission, or any two members thereof.

§ 503.40 *Seal.* The Commission shall have an official seal, around the border of which shall be the name: "Indian Claims Commission", and in the center shall be the words: "Official Seal".

[SEAL] EDGAR E. WITT,
Chief Commissioner.
LOUIS J. O'MARR,
Associate Commissioner.
WM. M. HOLT,
Associate Commissioner.

[F. R. Doc. 56-8972; Filed, Nov. 5, 1956; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

ORDER STAYING EFFECTIVENESS OF ORDER ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY FOR RICOTTA CHEESE AND PART-SKIM RICOTTA CHEESE

In the matter of establishing definitions and standards of identity for ricotta cheese and part-skim ricotta cheese:

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, 68 Stat. 54, 55; 21 U. S. C. 341, 371), the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), promulgated an order on August 1, 1956 (21 F. R. 5747), which, among other things, fixed and established definitions and standards of identity for ricotta cheese and part-skim ricotta cheese (21 CFR 19.532, 19.533). A period of 30 days was permitted for the filing of objections to the order. Within the time-limit specified, the following objections were filed:

Aiello Dairy Farms, Inc., of Brooklyn, New York, filed a statement showing that it would be adversely affected by reason of the standards not providing for the addition of vitamin D to ricotta cheese and part-skim ricotta cheese, objected to the order, and requested a public hearing on objection to the failure of the order to make vitamin D an optional ingredient of ricotta cheese and part-skim ricotta cheese.

The following listed firms filed objections, requesting a hearing, and showing that they imported cheeses under the name "ricotta" or cheeses that they believe would be required to comply with the standard for ricotta cheese or part-skim ricotta cheese, and that they would be adversely affected by the order, since the cheeses imported by them would not comply with its provisions:

Moscahlades Brothers, Inc., 243 South Street, New York 2, N. Y.
Makris Brothers, Inc., 458 Pearl Street, New York 7, N. Y.
Lekas and Drivas, 19–21 Roosevelt Street, New York 2, N. Y.
G. Nino Bragelli, 100 Hudson Street, New York 13, N. Y.
The Ambrolla Company, Inc., 42 Hudson Street, New York 13, N. Y.
L. Della Cella Company, 100 Hudson Street, New York 13, N. Y.
C. L. Esposito, 105 Hudson Street, New York 13, N. Y.
Cerruti and Cominelli, 99 Hudson Street, New York 13, N. Y.
Fontana-Hollywood Corporation, 468 Greenwich Street, New York 13, N. Y.

Now, therefore, it is ordered, That the order establishing definitions and standards of identity for ricotta cheese and part-skim ricotta cheese (21 F. R. 5747) be stayed in its entirety.

In accordance with the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act, the Commissioner will, as soon as practicable, announce a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919; 21 U. S. C. 341, 371)

Dated: October 30, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8971; Filed, Nov. 5, 1956; 8:47 a. m.]

Subchapter C—Drugs

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of chlortetracycline, tetracycline, and chlortetracycline- or tetracycline-containing drugs (21 CFR 146c.204, 146c.207; 21 F. R. 609, 1174) are amended as indicated below:

1. Section 146c.204 *Chlortetracycline capsules* * * * is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by inserting after the word "sulfonamides" the following new words: ", analgesic substances, antihistaminics, and caffeine".

b. Paragraph (c) *Labeling* is amended by changing subparagraph (1) (iii) to read as follows:

(iii) If the batch contains, in addition to chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such ingredient in each capsule;

c. Paragraph (c) (1) (iv) is amended by inserting the following words immediately after the words "vitamin substances": "or analgesic substances, antihistaminics, or caffeine:".

d. Paragraph (c) (3) is changed to read:

(3) On the label and labeling, if it contains, in addition to chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, one or more of the active ingredients specified in paragraph (a) of this section, after the name "chlortetracycline hydrochloride capsules" or "tetracycline hydrochloride capsules" or "tetracycline capsules," wherever it appears, the words "with ---------- (the blank being filled in with the common or usual name of each other ingredient)," in juxtaposition with such name.

2. Section 146c.207 is amended to read as follows:

§ 146c.207 *Chlortetracycline hydrochloride tablets; tetracycline hydrochloride tablets; tetracycline tablets.* Chlortetracycline hydrochloride tablets, tetracycline hydrochloride tablets, and tetracycline tablets are tablets that conform to all requiremnets and are subject to all procedures prescribed by § 146c.204 for chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, and tetracycline capsules, except that the average moisture content of the tablets is not more than 3.0 percent, and the expiration date is not more than 48 months.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: October 30, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8969; Filed, Nov. 5, 1956; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

MISCELLANEOUS AMENDMENTS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (b) *Confidential information* of § 242.14 *Evidence* is revoked.

2. Section 242.17 *Decision of special inquiry officer* is amended by adding paragraph (c) to read as follows:

(c) *Use of non-record information.* In determining an application for discretionary relief from deportation in proceedings under this part, the special inquiry officer may consider and rely upon information not contained in the record only when the Commissioner has determined that it is in the interest of national security and safety to do so.

3. Section 244.3 *Use of confidential information* is revoked.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: September 11, 1956.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 56-8974; Filed, Nov. 5, 1956; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-1040]

PART 12—AMATEUR RADIO SERVICE

SPECIAL PERMISSION FOR U. S. AMATEURS TO RELAY SPECIAL GOODWILL MESSAGE FROM GREECE TO OLYMPIC AUTHORITIES IN AUSTRALIA

OCTOBER 31, 1956.

The Commission has been advised that the Australian and Greek Administrations are endeavoring to arrange for radio amateurs to handle a special international goodwill message from Greece to the Olympic authorities in Melbourne, originating November 17, 1956.

In view of the special nature of this event, the Commission is announcing that any radio amateur currently licensed by the Commission, who wishes to do so, may participate in the relaying of this Olympic goodwill message on or about November 17, 1956. For such purpose, U. S. amateurs may communicate with amateur stations of other countries to receive or transmit a message of the nature indicated.

It is emphasized that the permission granted applies solely to the described occasion and may not be assumed for any other purpose and for any other use. This special permission in no way alters the general provisions set forth in Appendix 2 of the Commission's Amateur Rules (Part 12) prohibiting the international exchange of third party messages by amateur stations unless so permitted by special arrangements between the countries involved.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: October 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8995; Filed, Nov. 5, 1956; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1017]

[AO-283]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 130 AND ORDER NO. 117

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of onions grown in certain designated counties in Idaho and in Malheur County, Oregon, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the twentieth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "proposed order") were formulated, was held at Caldwell, Idaho, on June 20–21, 1956, pursuant to notice thereof which was published May 29, 1956, in the FEDERAL REGISTER (21 F. R. 3653). Such notice sets forth a proposed marketing agreement and order sponsored by producers and handlers of onions in certain designated counties of Idaho and Mal-

heur County, Oregon, as represented by the Southwestern Idaho Onion Growers Association and the Malheur County Onion Growers Association.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The definition of the commodity and determination of the production area to be affected by the proposed order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the proposed order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority to incur expenses and to levy assessments on onions handled;

(d) The authority for the establishment of onion marketing research and development projects;

(e) The authority for limiting the grade, size, and quality of onions which may be handled under the proposed order;

(f) The method for fixing the size, capacity, weight, dimensions, or pack, of the containers which may be used in the packaging or handling of onions;

(g) The authority for the institution of so-called shipping holidays with respect to the handling of onions;

(h) The authority for establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity with respect to the onions that may be handled;

(i) The authority for establishing special regulations applicable to the handling of onions for specified purposes or to specified outlets under special regulations that are modifications of, or amendments to, grade, size, and quality regulations;

(j) The authority for the inspection and certification of onions handled pursuant to the proposed order;

(k) The establishment of reporting requirements for handlers;

(l) The requirement of compliance with all provisions of the proposed order and with regulations issued pursuant thereto; and

(m) Additional terms and conditions as set forth in §§ 1017.70 through 1017.73 and §§ 1017.82 through 1017.91 as published in the FEDERAL REGISTER (21 F. R. 3653) on May 29, 1956, which are common to marketing agreements and marketing orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The major portion of the onions grown in the designated counties of Idaho and in Malheur County, Oregon, comprising the "production area" as set forth in the proposed order, enter fresh market channels, with the bulk of such movement going to destinations outside of the production area. Approximately 5,000 to 6,000 carloads of onions are shipped from this area each season between late July and early April.

Onion production from Malheur County, Oregon, in 1955, was 2,700,000 50-pound sacks; and in 1954 it was 3,224,000 50-pound sacks. Idaho production, which is practically all confined to the designated counties of Idaho in the production area of the proposed order, was 2,080,000 50-pound sacks in 1955; and 2,350,000 50-pound sacks in 1954.

The distribution of onions from the production area, also referred to herein as the Idaho-Eastern Oregon production area, is very widespread. For example, Exhibit No. 10, "Carlot Unloads of Certain Fruits and Vegetables in 100 United States Cities and 5 Canadian Cities for Calendar Year 1955," shows unloads of Idaho onions in 94 U. S. cities and in 5 Canadian cities. Also, unloads of Oregon onions, including onions grown in Malheur County, are listed for 92 U. S. cities and for 4 Canadian cities. The largest number of unloads in the order of volume were made in Los Angeles, New York, Chicago, Philadelphia, Seattle, Detroit, Boston, Cincinnati, Baltimore, and Pittsburgh. While the principal markets range generally east of the Rocky Mountains, through the midwestern, eastern, and southern parts of the United States, a substantial quantity of such onions moves to markets on the west coast. The usual trading areas in such onions outside of the continental United States are Canada, Alaska, Hawaii, the Philippines, Mexico, and Cuba.

The chief competition to such onions is from onions produced in Colorado, Utah, and Washington. These States also produce sweet Spanish onions—the same variety which is mainly grown in the Idaho-Eastern Oregon production area—as a major portion of their onion crops. Additional competition is felt from the northern Texas and California onion deals in years of carry-overs in such States. Also, whenever the eastern States, such as New York, have unusually large onion crops, some competition is present. As a consequence of excessive supplies of onions generally, prices received for Idaho-Eastern Oregon onions, as well as for other onions, tend to be depressed.

Local markets, in the States included in the production area, such as those in Portland, Oregon, and Boise, Idaho, receive onions from the Idaho portion, as well as from the Malheur County, Oregon, portion of the production area. Also, there is a direct relationship between prices received for onions grown in the Idaho-Eastern Oregon production area which are marketed within the production area and for those marketed outside the production area. The sale or transportation of onions grown in the Idaho-Eastern Oregon production area exerts a direct influence upon the sale and transportation of onions from other producing areas. While the major portions of the market for onions produced in this production area lie outside of the production area, markets within the production area provide opportunities for producers and shippers to affect sales there the same as markets outside of the production area. If onions marketed within the production area, or in portions of the States of Idaho or Oregon outside the area, are not subject to regulations under the proposed order and are selling at depressed prices, buyers would take advantage of the depressed situation in the States of the production area by offering similar low prices for onions for shipment to outside markets. Factors which influence the onion market within the production area are soon reflected in prices for onions at terminal markets; and, in turn, factors influencing prices in receiving markets are soon reflected in the production area. Prices for onions in Chicago, for example, affect prices of onions in Ontario, Oregon, and in Boise, Idaho (within the production area), and the reverse is also true. Therefore, the movement and sale of onions grown in the Idaho-Eastern Oregon production area, whether to a market within or outside of the production area, affects prices for all onions grown in such production area.

Production area onions that are shipped to a market within the production area are sometimes diverted to markets outside of the production area and vice versa. It is not always known at the time when onions are first shipped whether such onions will be marketed within the production area or at a point outside. Handlers generally have ready access to market price information; and on very short notice the shipper could promptly divert onions moving to a particular market (whether within or outside the production area) to some other market which offers a better return. Such diversions are common in the onion trade.

Onions grown in any portion of such production area and marketed or transported in either Idaho or Oregon at any given time compete with, and directly affect the price of, other onions from other portions of the production area similarly marketed at such time. For example, onions grown in the Idaho portion of the production area and sold within the State of Idaho are directly in competition with onions grown in Malheur County, Oregon, which are also sold in Idaho. Similarly, Malheur County onions sold within the State of Oregon directly compete with onions grown in the Idaho portion of the production area which are also sold in Oregon. It is essential, therefore, that the sale of all onions grown in the production area which are marketed within either of the States comprising a portion of such area be subject to regulation under the proposed order to effectuate the declared policy of the act.

As a consequence of the interdependence of the markets for onions, as indicated above, it is hereby found that all sale and movement of such onions grown in the production area are either in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce. Therefore, all such movement and sale of onions grown in the production area should be subject to the authority of the act and of the proposed order.

(2) Prices for onions grown in Idaho-Eastern Oregon have fluctuated rather widely during the past several years, reflecting certain marketing conditions that have adversely affected producers' returns.

During the past ten years, from 1946 through 1955, the average farm price received for onions in the production area has exceeded the Idaho and Malheur County, Oregon, parity equivalent price in only three years. The average farm prices paid to growers in the production area per 50-lb. sack, during this ten year period, were consecutively as follows: $0.50, $1.41, $0.75, $0.91, $0.41, $0.99, $1.53, $0.33, $0.70, and $1.04. In 1950, and again in 1953, prices received by producers in this area were so low that they failed to return growing costs and many producers sustained losses which seriously jeopardized their financing of the following year's operation.

The following are the three major varieties of onions produced in the Idaho-Eastern Oregon production area: the yellow Sweet Spanish variety which accounts for the largest part of the crop; the white Sweet Spanish variety; and the white Globe variety. There are also several hybrid strains which fall within these varieties. More than half of the yellow Sweet Spanish are usually moved in jumbo sizes, that is, over three inches in diameter, and the balance are moved as mediums, between one and one half and three inches. Of the white Sweet Spanish variety, a smaller percentage moves as jumbos, and over half of this variety moves in sizes within the medium range. There is usually a price premium paid for the jumbo sizes, particularly for the yellow Sweet Spanish. But this varies from season to season in relation to the percentage of jumbos in a particular crop that is being marketed; e. g., when the supply of jumbos exceeds customers' orders for both jumbos and medium sizes the price premium for jumbos may be reduced. Producers' prices for the white Sweet Spanish variety are usually above the prices for the yellow Sweet Spanish variety.

It has been the practice of some producers and shippers in the production area to ship to fresh market any grades or sizes the trade would take. For instance, in periods of low prices when only top quality onions were shipped and acceptable, the poorer grades and sizes were accumulated on the warehouse floors. As soon as the prices improved, the poorer grades and sizes would be shipped to market in the expectation that such onions would command some of the improved prices. However, the availability or sale of such poor quality onions in competition with good quality onions in the terminal markets brought low prices returning little, if anything, to the producer and depressed the prices for the better quality onions.

Compulsory inspection of onions is a requirement of the State of Oregon. This State requires that onions shipped to market must grade a minimum of 85 percent U. S. No. 1 quality. Idaho does not require inspection of onions and has no minimum grade requirement. The result of this situation is that onions produced in Malheur County, Oregon, which do not meet the Oregon minimum grade requirements because of excessive decay are sometimes transported to Idaho where they are packed and shipped to market. The shipment to market of onions with excessive decay is one of the practices which has a depressing effect on the market prices for onions grown in the production area and which could be corrected by the proposed order.

Medium size onions in the yellow Sweet Spanish variety are quite often in excess supply both in terminal markets and in the production area as they are in direct competition with onions from other late producing areas. A substantial price disadvantage prevails at most times for the medium size onions of this variety. It is especially important that the lower grades in this size of this variety be kept off the market in most years when the possibility of any net profit is remote.

Onions of lower grades include misshapen onions, seeders, doubles, splits, and lots containing excessive invisible decay, such as neck rot. It is a fact that shipment to market of such poor quality onions returns the producer very little. At the same time such poor quality onions displace good quality onions and adversely affect the price of better quality onions, especially since the demand for onions is relatively inelastic, that is, the demand for onions remains approximately the same regardless of price.

Witnesses stated that the shipment of very poor quality onions, including culls, i. e., seriously damaged onions which are normally dumped or given away for stock feed, is never in the interest of the producer or the consumer. Such onions do not give consumers proper value for their expenditures because of the large amount of waste and the time consumed in preparing them. Even when the seasonal average price is above parity it is not in the public interest to ship poor quality onions.

The record shows that efforts have been made by some individual producers and handlers, to market only good quality onions; but such limited efforts have not raised producers' prices appreciably because of the large quantity of poorer grades and sizes of onions generally marketed.

By having authority in the proposed order to regulate by grades, sizes, and quality, it will be possible to remove the lower grades, estimated at 15 to 20 percent of the average annual crop, and to permit the marketing of only the better quality onions, thereby establishing a reputation in the trade for consistently good quality onions from the production area. The withholding of poor grades and qualities, and undesirable sizes, of onions from markets also reduces the available supply of such onions. By reducing the quantity being marketed, as well as eliminating such grades, qualities, and sizes of onions which generally cause discounts from average price, producers' prices for onions should thereby be improved.

At times, especially during harvest, more onions are often graded and loaded into cars than can be sold at going prices; and these unsold cars, referred to as "rollers," are generally shipped to markets. This practice results in glutted supplies in markets, causing unduly depressed prices and extremely low returns to producers for their onions. It would be desirable, under such conditions, to stop all grading, packing, and loading in the production area for a few days, as specified in the "shipping holiday" provisions of the proposed order, so that onion supplies may become adjusted to demand.

The need for a marketing agreement and order program, such as the proposed order, to eliminate certain price depressing practices with respect to onions grown in the production area is clearly established in the record. The establishment of more orderly marketing conditions as may be brought about by marketing agreement and order regulations will tend to establish parity prices to producers for onions grown in the production area. Also, the exercise of the authority in the proposed order with respect to the establishment and maintenance in effect of minimum standards of quality, in terms of grades and sizes, together with grading and inspection requirements, when prices are above the parity level would tend to effectuate such orderly marketing of production area onions as will be in the public interest.

(3) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

The term "onions" should be defined to specify the commodity covered by the proposed order and with respect to which the terms and provisions of the proposed order are applicable. The term "onions" has a specific meaning to all producers of the commodity in the Idaho-Eastern Oregon production area, and to sales managers and to other parties who purchase, ship, and distribute onions to, or in the receiving markets. Such term is so defined as to include all varieties of onions which are grown, as well as those which may be grown, within the production area. It includes such varieties as: Yellow and white Sweet Spanish; red, white, and yellow Globe; all hybrids; and all other varieties and variations of such varieties or any other variety that may be developed and produced at a later date within the production area.

A definition for the term "production area" should be incorporated in the proposed order so as to fix the area in which onions must be grown before the handling thereof is subject to regulation under the proposed order. Such term should be defined to include all territory within the boundaries of Malheur County, Oregon, and all territory in the State of Idaho that is within the boundaries of the counties south and southeast

ceedings to formulate marketing agree- Hearing Clerk, Room 112, Administra- designated counties of Idaho and

of the southern boundary of Idaho County. While commercial onion production within this production area is concentrated mostly in Southwestern Idaho and in Malheur County, Oregon, there is some commercial production in the Twin Falls area of Idaho. Also, onion production may be developed in any other part of the production area where growing conditions are suitable and economic conditions warrant. This is particularly true in that additional land is being brought under irrigation each year. The same varieties of onions are grown in Malheur County, Oregon, as are grown in the Idaho portion of the production area; and the onion markets for both portions are the same. To exclude any portion of the production area, as defined, would tend to defeat the purpose of the proposed order in that poor quality onions from a section outside the area could then be marketed free from regulations and thereby depress the price of the regulated onions. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the production area, therefore, should be defined as hereinafter set forth.

(4) The term "handler" should be defined as being synonymous with "shipper" and to identify the persons who handle onions in the manner described and set forth in the definition of "handle," because such persons are to be subject to the proposed order and regulations authorized thereunder. A handler should include any individual, partnership, corporation, association, or any other business unit which handles onions. Such persons are responsible for the grade, size, quality, and maturity of the onions delivered to transportation agencies or which are transported to market or sold; and such persons should therefore be considered as handlers. However, common or contract carriers of onions they do not own should not be considered as handlers, even though they transport onions, for the reason that these agencies transport onions for a monetary consideration and do not have a proprietary or agency interest in the commodity or any control over the grade, size, and quality thereof.

The definition of the term "handler" should apply to any person, including a producer, when such person performs any handling activities within the scope of the term "handle." It should include not only the first handler, but each succeeding handler who performs any such handling activities, so as to assure that all such handling of onions will be in accordance with the proposed order and regulations thereunder. With respect to handlers who conduct their businesses other than as individuals (e. g., firms that have sales managers or packing house managers), any handling activities engaged in by employees or officers of such handlers should be construed as handling caused by the principal company, as "handler". Hence, the term "handler" would cover the owner of a firm, even though such person does not personally sell or transport the onions. Such term should also include, in addition to the owner and officers, any other individuals of a firm handling onions who, in a supervisory capacity, are directly responsible for, and consequently cause, the sale or transportation of the commodity. Therefore, a handler would mean any person (except a common or contract carrier of onions owned by another person) who handles onions or causes onions to be handled. In other words, the term "handler" should include not only persons who themselves sell or transport onions, but also those persons who, although they do not themselves sell or transport onions, nevertheless cause their sale or transportation. All persons coming within the meaning of such term should be responsible for complying with the obligations imposed by or pursuant to the proposed order so as to assure that all onions will be properly handled.

"Handle" and "ship" are synonyms. The term "handle" should be defined in the proposed order to determine the particular phases of onion marketing, including selling and transporting activities, which place the onions in commerce within the production area or between the production area and any point outside thereof. Handling (transporting or selling) of onions under the proposed order would begin after the harvest of onions and after they have been lifted and are on top of the ground, and include each of the successive selling or transporting activities with respect to such onions. The term "handle" should not be limited to any one action or function, but should include any and all such activities and functions. It is desirable and appropriate that the definition of "handle" should include each of the activities to the extent covered thereby so that each person who performs, or causes to be performed, any such activity with respect to onions would be responsible for seeing to it that the onions are handled in accordance with the proposed order.

The record shows that approximately ten percent of the onions grown in the production area are graded and packed in the field during the harvest season and are moved directly from the field where grown to markets within the production area and to markets outside thereof by the producers. Each such movement is a handling activity and, as such, makes the applicable producer a handler under the proposed order and subject to any rules and regulations pursuant thereto. Onions that are not so disposed of are generally hauled within the production area to storage or to a packing house for grading and packing. Such onions have not as yet been prepared for marekt by grading and packing and should, for that reason, be exempted from regulation at that time. After they are graded and packed, however, such onions should be handled in conformity to the proposed order, and each handler should be responsible for complying with the regulations thereunder. In other words, each person who is responsible for transporting or selling onions, and is not exempted under the proposed order, would have the responsibility for seeing to it that such onions are of the proper grade, size, and quality at the time of handling and have been inspected prior thereto.

Prior to placing onions in the channels of commerce, i. e., selling or transporting the onions, they are usually graded and packed. If the person handling the onions does not grade and pack such onions himself, it should be his responsibility to assure himself that the onions meet the grade, size, and quality regulations in effect.

Compliance with regulations which are authorized by the proposed order can readily be determined by the person who is grading or preparing such onions for market. The primary responsibility for the grade, size, and quality of the onions in any given unit, or any given lot, should rest with the person responsible for transporting or selling such onions, i. e., placing them in the channels of commerce. In most cases, such person will be the one who graded, or at least was responsible for grading or preparing, such onions for market. Of course, all subsequent handlers of such onions should also have the resporisibility for the grade, size, and quality thereof at the time such persons handle the onions.

Some production area onions find outlets other than in fresh market channels, these being for the most part for commercial dehydration into dehydrated onion products. It was testified at the hearing that onions shipped to commercial dehydrators for dehydrating into dehydrated onion products should be excluded from regulation under the proposed order, except for safeguards. Onions sold to commercial dehydrators for processing into dehydrated onion products are an additional source of revenue to the producers and could well increase the over-all return for the onion crop grown in the production area. Since nearly all dehydration of production area onion is carried on in the production area, fairly close supervision of the movement and sale of such onions could be maintained by the committee without undue inconvenience or hardship. However, the committee should have the requisite authority to institute, with the approval of the Secretary, such safeguards as may be necessary to protect the fresh onion market from diversions thereto of onions which do not conform to those being handled in accordance with then current limitation of shipment regulations. Therefore, onions that are transported or sold under then effective safeguards either to commercial dehydrators for processing by such dehydrators into dehydrated onion products, or for canning or freezing, should not be considered as onions "handled," as such term is defined in the proposed order.

With the exception of the activities which are thus specifically exempted, all transportation and sales from the time the onions are harvested until they are disposed of within the production area by a person in his capacity as a retailer, or transported or sold to points outside the production area, should therefore be included within the definition of the term "handle."

(5) (a) The definition of "Secretary" in the proposed order should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by the law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed order is to be operative, and makes it unnecessary to refer to such citations thereafter.

The definition of "person" follows the definition of that term as set forth in the act, and will ensure that it will have the same meaning as used in the act.

A definition of "grading" should be included in the proposed order so as to identify those operations by which field-run onions are sorted or separated so that the onions which are to go to consumer markets will be separated from those which are considered generally unmarketable or marketable in different outlets. Grading is an operation which is common and customary to practically all onion marketing in the production area. The grading operation is usually a combination of mechanical and hand operations. A machine, called a grader, is usually used. The machine or grader usually is a combination of elevators, chains, and eliminators which sift the dirt from the onions. It is so set or arranged that the small or under-size onions drop through, and run off the the grader, usually at the side, on to a moving belt or rollers so that they can be run into a sack or other type of container. Onions which do not drop through the sizing equipment continue on through the machine to the picking table where men or women perform the hand work of picking out the poor quality or undesirable quality from the marketable onions. The onions are also separated, at this time, into grades such as U. S. No. 1 or U. S. No. 2. This is an operation by which the practiced eye examines the onions as they move along the belt or rollers, and the grader hand picks out of the onions as they move along, those onions which are below the quality permitted or desired in the various grades being packed.

There are variations in this process of grading, but the essential feature of the operation is the separation or sorting of field-run onions so that the onions which are not to go to market are removed from the onions which are going to market. The grading operation is closely tied in as part of the process of preparing the onions for market, and serves a specific purpose of making the onions more acceptable to the buyer. Grading is synonymous with "prepare for market."

Definitions of "grade" and "size" are incorporated in the proposed order to enable persons affected thereby to determine the extent, and application, of grade and size limitations thereunder. "Grade" is defined as any one or more of the established grades of onions as defined and set forth in the "United States Standards for Northern Grown Onions," issued by the United States Department of Agriculture, effective July 31, 1944, which standards were published in the FEDERAL REGISTER (21 F. R. 6251).

It was testified that in order to provide needed flexibility in prescribing grade requirement limitations, the definition of "grade" should not be restricted solely to the grades set forth in the foregoing United States Standards. Grades that are elsewhere described, such as in the "Oregon Standards for Onions and Onion Sets, 1940" and "Oregon Standards for Yellow Globe Danver Type Onions 1949," which are now in effect, or in future United States or Oregon or Idaho onion standards, or amendments thereto, or modifications or variations based thereon should also be available for use in describing grades of onions permitted to be handled under the proposed order.

The committee (herein described as the Idaho-Eastern Oregon Onion Committee) should have authority to recommend regulations by grade, in terms of one or more grades specified in the onion standards or based upon modifications or variations of grades set forth in such standards; and the Secretary should have comparable latitude in issuing grade regulations. For example, the committee may recommend that regulations be issued to limit shipments of onions to those meeting a certain percentage of U. S. No. 1 quality. In this connection, references to sales of production area onions are at times in terms of 85 percent U. S. No. 1 quality. Also, the regulations might specify that shipments must meet a certain grade except for particular modifications for certain defects. The United States Standards and Oregon Standards for onions provide appropriate and commonly accepted bases for determining grades and they have been used as such for a number of years.

It is a common practice in the industry to refer to production area onions by size. "Size" should be defined in the proposed order as any of the sizes recognized by the trade or set forth in any United States, or Oregon or Idaho, Standards for onions, and as such standards may be modified or amended. Examples of sizes recognized by the trade are: "medium" size and "large" or "jumbo" size. Medium size onions, as recognized by the onion industry in the production area, refers to onions that range from a minimum diameter of 1½ inches or 2 inches to a 3 inch maximum diameter. Large or jumbo size onions are referred to as onions that have a diameter of not less than 3 inches. The diameter of the onion is measured as the greatest dimension at right angles to a straight line running from the stem to the root of the onion. Here, too, flexibility should be afforded in fixing the sizes of production area onions that may be handled whenever limitation of shipment regulations are in effect. Hence, the term "size" should be so defined as to enable the achievement of that goal.

"Producer" should be defined to indicate specifically those persons who have the right to vote for the producer nominees for membership on the committee. It is also desirable to define "producer" so that such persons may be distinguished from those who are defined as "handlers." The term "producer" should be defined to mean any person (i. e., individual, partnership, corporation, association, or any other business unit) who is engaged in a proprietary capacity in the production of onions within the production area and who is producing such onions for market. The term "producer" should include any individual who owns and farms land resulting in his ownership of onions produced thereon. A tenant or a landlord who rents a farm and owns all or a portion of the onions produced on the farm should be classified as a "producer." The term "producer" includes persons owning land which they do not farm but, as rental for such land, obtain the ownership of a portion of the onions produced thereon. The term "producer" should be limited to those who have an ownership interest in the onions produced. It should not include laborers or others who perform work for a fee or for hire in producing onions or persons who rent their farms for cash, for the reason that none of such persons has title to the onions thus produced.

"Committee" should be defined to mean the Idaho-Eastern Oregon Onion Committee, established pursuant to § 1017.20 of the proposed order. Such an administrative agency is authorized by section 8c (7) (C) of the act. This section of the act empowers the Secretary of Agriculture to select or provide a method of selecting an agency or agencies to administer a marketing order pursuant to the act. This definition identifies the agency which will be utilized by the Secretary in this particular case.

"Fiscal period" should be defined as set forth in the notice of hearing. It means a period of time beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee. No definite dates are set forth for such purpose in the proposed order so that the committee will have flexibility in its recommendations as to the beginning and ending dates of a particular fiscal period in the light of any changes in the production and shipping season that may take place in the future. At present, onion harvest and marketing generally start in August, with the shipping season extending into March and April of the following year. In the future, through the development of better strains and new varieties of onions, the harvest and shipment thereof may start earlier than August. Also, through improved and better storage facilities it may be possible to extend the shipping season to a date beyond April. The date marking the end of one fiscal period and the beginning of the next such period should fall at a time of little or no activity in the marketing of the then current onion crop and should allow sufficient time for the committee to organize and be prepared to function prior to the start of the next marketing season.

The term "variety" or "varieties" should be defined to include all classifications of onions which are commonly recognized by the trade and officially recognized by the United States Department of Agriculture. The common classifications of onions grown in the production area and usually recognized by growers and also by sellers and the buying trade are: white Sweet Spanish, white Globe, yellow Sweet Spanish, both open pollinated and hybrid strains, and yellow Globe and Southport Red Globe onions. Recognition of distinctions as between these varieties is common throughout the growing area and throughout the trade. Different prices are quoted at times for the different varieties of onions. Regulation may be desirable at different times for different varieties. It may be desirable, in proper situations, to have regulations in effect on the yellow Sweet Spanish onions with a different or no regulation applicable to the white Sweet Spanish onions, and possibly no regulation on any of the other varieties.

The definition makes distinctions between the red, yellow, and white varieties, for example, and serves as a basis for different regulations among the varieties. The definition of variety should also include any new classifications of onion varieties which are officially recognied by the United States Department of Agriculture.

"Export" should be defined in the proposed order as any shipment of onions beyond the boundaries of the continental United States. Shipments of onions to points outside of the continental United States whether such shipments are to a foreign country or elsewhere, are generally made, but the onions may be of different grades, sizes, or qualities than those shipped to domestic markets. This results from different market demands as between domestic and other markets. Further, different foreign markets may demand different grades, sizes, or qualities of onions. Different or special regulations, or even no regulations, could, therefore, be made effective when warranted, with respect to such shipments out of the United States.

"District" should be defined as set forth in the proposed order to provide a basis for the nomination and selection of committee members. The districts (i. e., the geographical divisions of the production areas as established and as set forth in the proposed order represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

The term "pack" is commonly used throughout the onion trade and refers to a combination of factors relating to grade, size, type of container, and quantity of onions. For example, "85% U. S. No. 1 quality, 3 inches min., 50-lb. sacks," is considered by the onion trade as a specific pack. It was testified that the term "pack" should be defined in the proposed order as follows: "Pack" means a quantity of onions in any type of container and which falls within specific weight limits or within specific grade or size limits, or both, recommended by the committee and approved by the Secretary.

Under certain circumstances it may be desirable to regulate shipments of onions on the basis of the quantity of onions of particular grades and sizes which may be packed in containers; and the term "pack" will, by its definition enable the establishment of this type of regulation. Hence, the committee would be able to recommend, for example, that onions shipped in so-called consumer size containers of 5, 10, or 15 pounds, should be limited to a minimum size and a maximum size of a particular grade or quality of onions. It may also be desirable, in order to effectuate the declared policy of the act, to permit the shipment of 50-pound sacks of onions when the size limitation does not prescribe a maximum size. The shipping of large size onions in 50-pound sacks is customary in the onion trade and authority for such differentiation in regulations should be included in the proposed order.

The term "container" should be defined in the proposed order to mean a sack, box, bag, crate, hamper, basket, carton, package, or any other type of receptacle used in the packaging, or transportation, sale, shipment, or other handling of onions. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles in which onions are sold or move to market for which different regulation could be applicable.

(b) The proposed order should provide for the selection by the Secretary of an administrative committee, called the Idaho-Eastern Oregon Onion Committee, which shall have the responsibility for local administration of the proposed order. The act provides that marketing agreement and order programs be administered locally by agencies which are selected by the Secretary. The record shows that such a local administrative agency should be established which will be representative of the onion industry and responsible in the administration of the program. This committee should consist of ten members, with a like number of alternates, to provide adequate industry representation on the committee, and be authorized to recommend marketing regulations and to take care of other administrative responsibilities.

In order to assure that such committee will represent the onion industry in the production area, six of the ten members should be producers and four should be handlers. Although this is primarily a producers' program, restrictions under the proposed order will be at the handler level; and it is proper for handlers to have representation on the committee. The division of six producers and four handlers gives the majority membership to the producers. Handlers are usually closer to the marketing situation, and their advice and counsel should be available to the committee.

Provision should be made in the proposed order for an alternate for each member of the committee. Circumstances may arise when a member or members may be unable to attend particular meetings of the committee; and positions may become vacant because of resignations or for other reasons. In such situations it is desirable for an alternate to be available to serve in lieu of the absent member so that there will be no interruption of committee operations and to assure producers and handlers in all districts of the production area representation in the conduct of all committee business. Also, alternates could relieve members by performing other assigned tasks necessary for administration of the program. In order that the interests of all producers and handlers would be adequately considered at all times in the administration of the proposed order such alternates should have the same qualifications as members.

Seven of the ten members of the committee should constitute a quorum and seven concurring votes should be required to pass any motion or approve any committee action. Because of the importance of committee actions relative to operations under the proposed order, something more than a simple majority for concurrence should be required. This would result in greater assurance that action taken by the committee will reflect industry support (e. g., that of producers and handlers) than would otherwise be the case if approval of action was merely by a simple majority which could well be only by the producer members. Therefore, at least one handler member's concurrence in any such action should be provided.

The committee should be authorized to vote by telephone, telegraph, or other means of communication when the matter to be considered is of a routine nature and it would be unreasonable to call an assembled meeting, or when rapid action is necessary because of an emergency. Votes cast at other than an assembled meeting should always be confirmed promptly in writing so that the committee will have on file a record of the voting on all committee actions taken by this means. In case of an assembled meeting, however, all votes should be cast in person. This would insure that a person voting on a motion or any committee action will have had an opportunity to participate in the committee's deliberations, so as to hear both sides of the question before he casts his ballot. This will preclude the obtaining of telephone or other types of votes from members or alternates who did not participate in the assembled meeting deliberations.

The proposed order should provide that each committee producer member, and each alternate, selected to represent producers, should be an individual who is a producer, or an officer or employee of a producer, of onions in the district for which selected. A person with such qualifications should be intimately acquainted with the problems of producing or marketing onions grown in such district and should be able adequately to represent his district in committee deliberations. Also, each handler member and each alternate selected to represent handlers, should be an individual who is a handler of onions, or an officer or employee of a handler engaged in the handling of onions, in the portion of the production area of the particular State for which selected. Since some handlers handle onions in each of the districts in the production area, it is impractical to limit handler members to any one district or State. For this reason, the selection of one handler member from each of the two States and two handler members, from the production area at large, should give fair and adequate handler representation on the committee. For the same reason, the handler alternate members should be similarly selected. The geographical basis set forth in the proposed order for the selection of the committee membership is related to the acreage and production of onions within the production area so that such selection provides a practical and adequate basis for committee representation.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed promptly after notification of appointment so that the composition of the committee will not be unduly delayed. This requirement is also necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to indicate his willingness and intention to serve on the committee.

The term of office of committee members and alternates under the proposed program should be for two years beginning on the first day of June and continuing until May 31. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for two years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of a marketing season and hence allow adequate time for the committee to organize and start operating.

Provision is made in the proposed order for staggered terms of office of committee members and alternates. Under this provision one-half of the committee in office on May 31 of each year will continue in office until the next year. The establishment of such staggered terms will provide for more efficient administration of the program in that members and alternates constituting the new half of the committee membership will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the proposed order; and continuity will furnish an essential ingredient in the successful administration of the marketing program. However, the terms of office of one-half of the initial committee members and alternates should be from the time of appointment until the following May 31 and of the other half from the time of appointment until the second following May 31. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act because such powers are authorized to be granted by the enabling statutory authority. They are common to marketing agreements and marketing orders operating under the act and necessary so that an agency of the character set forth in the proposed order can function.

The duties set forth in the proposed order for the committee are generally similar to those specified for administrative agencies under other marketing agreements and marketing orders of this character. These duties should enable the committee, and its members and alternates, to undertake and perform such activities as may be necessary for the committee to carry out its prescribed responsibilities. Such committee duties are necessary for the discharge of this administrative agency's responsibilities. It should be recognized, however, that specified duties are not necessarily all inclusive, in that there may be other duties which are incidental to and not inconsistent with the terms and conditions of the proposed order which the committee may need to perform in connection with its operations thereunder.

It is appropriate that the members and alternates of the Idaho-Eastern Oregon Onion Committee may receive compensation for the time spent in attending committee meetings. The proposed order authorizes a maximum of $10.00 per day for this purpose, since the time so spent is usually at financial sacrifice to their personal businesses. While the payment of an amount not to exceed $10.00 per day will not in most cases fully compensate for the time such members and alternates spend away from their personal businesses, there are producers and handlers in the production area who are willing to represent the industry by serving on the committee regardless of the personal sacrifice involved. The proposed order should also provide for reimbursement of actual out-of-pocket reasonable expenses incurred on committee business since it would be unfair to request the members and alternates to pay for such expenses incurred in the interest of all onion producers and handlers in the production area.

In order for an alternate to adequately represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings, along with the member so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practical of producer and handler attitudes toward a proposed regulation or other matter. Therefore, the proposed order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings, notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The same compensation and reimbursement that is available to members should also be made available to alternate members when they are so requested to attend such meetings as alternates.

Districts are established in the proposed order to provide a geographical basis for the selection of committee producer members. For this purpose, the production area has been divided into six districts, three in Malheur County, Oregon, and three in the Idaho portion of the production area. This is a usual division of the onion industry in the respective State portions of the production area. The six districts set forth in the proposed order are commonly referred to by onion producers and handlers in connection with their deliberations on local onion problems. The establishment of districts in terms of these commonly accepted divisions also reflects generally recognized geographical divisions of the production area at the present time. Although acreage devoted to onions is not the same in each district it is believed that, for the foregoing reasons, the division of the production area into the six districts, as set forth in the proposed order, provides the most equitable and appropriate basis for the selection of producer members on the committee. In addition, the groupings of three districts each for the Oregon and Idaho portions of the production area are appropriately designated for the selection of individual handler members to represent such groups. A provision for redistricting is necessary so as to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. The shifts or other changes which may take place in the future in the development of new acreage within the production area cannot be foreseen at the present time. Therefore, it is desirable to provide flexibility of operation so that if it should be in the best interests of the administration of the proposed order to change the boundaries of some districts or to change the representation of some districts, the committee may so recommend, and the Secretary take, such action.

The guides and limitations set forth in the proposed order which the committee and the Secretary should keep in mind in considering redistricting are appropriate and desirable points of reference that relate directly to the welfare of onion producers and handlers in the pro-

duction area. The committee's recommendation for redistricting, or reapportionment of membership, should be made sufficiently well in advance of the time when any such change would affect membership on the committee so that changes can be properly effected by the Secretary and with the least possible inconvenience to all concerned.

It is recognized that the Secretary has the legal authority and responsibility for the selection of the members and alternates on the committee. It is also recognized that the industry bears a heavy responsibility for recommending appropriate nominees to the Secretary so that he may make his selection from such nominees or other eligible persons. The proposed order should provide a means so that the views of the industry can be made known to the Secretary with respect to its recommended selection of members and alternates.

The provisions for presenting nominees to the Secretary for membership on the committee, as outlined in the proposed order, are proper. A separate meeting or meetings of producers and handlers should be held in each district, or each State, as the case may be, to nominate the members and alternates who may be selected to serve on the committee. This would provide a suitable means whereby the views of the industry could be made known. Nomination meetings for members and alternates to serve on the committee should be called by the then current committee, except with respect to the selection of the initial committee membership. Since the membership of the committee will not have been selected by the time the proposed order becomes effective, the Secretary should have the authority to call such initial meetings. The responsibility for calling subsequent nomination meetings should rest with the committee as one of its administrative duties. The committee may work with other organizations or agencies, such as the field office of the Fruit and Vegetable Division of the United States Department of Agriculture or grower and shipper associations, in conducting such nomination meetings. These meetings could, for example, be held at the same time when the associations are conducting their annual or other meetings. This timing could tend to assure maximum attendance of onion producers and handlers.

The committee should be required to hold such meetings for the nomination of successor members and alternates not later than April 1 of each year. Inasmuch as the term of office for committee members and alternates begins June 1 and ends on May 31, these nomination meetings should be held in sufficient time to assure that nominatoins for such members and alternates will be before the Secretary well in advance of the time for him to select members and alternates prior to the beginning of each new term of office. Nominee lists should be supplied to the Secretary in the manner and form prescribed by him so that the Secretary may obtain full and complete reports on nomination meetings.

The proposed order provides that only producers shall participate in designating nominees for producer members and alternates and only handlers shall participate in designating nominees for handler members and their alternates. This is necessary to insure that the interests of each group are properly safeguarded and that the nominees truly reflect the choices of each group. If a person is both a producer and a handler he may vote either as a producer or as a handler by selecting the group with which he wishes to participate. Such persons may not vote both as a producer and a handler because to do so would enable him to participate in nominations to a greater degree than persons who are only producers or only handlers.

Each producer and handler should be limited to one vote on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates regardless of the number of districts in which he produces or handles onions. Voting on any other basis would not provide equitable participaiton or representation. If a producer or handler could cast more than one vote by reason of operating in more than one district, such producer or handler would have an advantage in selecting nominees over producers or handlers operating in only one district. Also, if more than one vote was permitted, large producers or handlers could dominate the elections by means of their partners, agents, subsidiaries, affiliates, and representatives, and nominate the producers and handlers not favored by a majority of producers or of handlers.

An eligible producer or handler's privilege of casting only one vote should, however, be construed to mean that one vote may be cast for each applicable position to be filled.

A producer who operates in more than one district should be permitted to select from among the districts in which he produces onions the district in which he will vote. He will thus be able to cast his vote for nominees for a committee member and alternate where he believes his best interest lies. Similarly, a handler who operates both in Malheur County, Oregon, and in the Idaho portion of the production area, should be permitted to select either one of such portions of the production area in which to cast his votes for committee handler members and alternates. In addition, such handler should also be entitled to cast one vote for nominees to serve on the committee as handler member, or alternate, from the production area-at-large.

In order that there will be an administrative agency in existence at all times to administer the proposed order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection should, of course, be on the basis of the representation provided in the proposed order so that the composition of the committee will at all times continue as prescribed therein.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies that occur during a term of office without regard to nominations, if the names of nominees to fill any such vacancy are not submitted to the Secretary within 30 days after such vacancy occurs. This is necessary in order to insure that all portions of the production area are adequately represented in the conduct of committee business.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it incident to the proper administration of the proposed order. Authorized expenses should include such items as salaries for the committee manager, clerical help and field personnel, office equipment, supplies and maintenance, and expenses and compensation for committee members. Expenses may also include the initiation and carrying on of such authorized marketing research and development projects as are designed to assist, improve or promote the marketing, distribution and consumption of onions. However, such expenses should not be used for other industry programs such as advertising.

Expenses incurred by the committee in operating the proposed order must, under the act, be borne by handlers. The most practical way of distributing the costs of the program among handlers is to require each handler who first handles onions to pay his pro rata share of such expenses on the basis of the ratio of his total onion shipments inspected under the proposed order, as the first handler thereof, to the total of such onion shipments by all such handlers, during a particular fiscal period. According to the record, a large percentage of production area onions are inspected by the Federal-State Inspection Service serving that area and, in most cases, the person who first shipped the onions also applied for inspection; and generally such person is the only handler of the onions. In addition, such person is the one who started the commodity on its way to commercial fresh market channels. Therefore, such person, i. e., the first handler, should be the person who is to pay the assessment. For onions which are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the onions and should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on onions that are handled more than once; and handlers will be able to arrange their operations accordingly.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the proposed order for such period. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover authorized expenses incurred by the committee.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis, such as a container, carload, truckload, or other quantity measurement.

Each handler, therefore, who ships onions as the first handler thereof should pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the program's expenses, so that the committee may have adequate funds to carry on its operations on a current basis.

Should developments indicate that assessments collected, or to be collected, during any fiscal period will not provide sufficient income to cover committee expenses, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment to balance necessary committee expenses and revenue. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve an amended budget and, if he finds that the then current rate of assessment is insufficient to cover committee administration of the proposed order, he should be authorized to increase the rate of assessment. Such increased rate should apply to all inspected onions handled under the proposed order, including those previously handled, by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Handlers should be entitled to a proportionate refund of any excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season. However, if a handler should demand payment of any such credit, the proportionate refund should be paid to him.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the proposed order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate of the committee, he should similarly be required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to such successor as the Secretary may designate. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the successor the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

If the committee were to recommend that the operation of the proposed order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period with respect to the committee's records, funds, and other property. This provides a feasible means whereby the committee's business affairs may be taken care of during periods of relative inactivity with a minimum of expense and inconvenience to the industry and to the Secretary.

When the committee is required to wind up its affairs, upon termination of the proposed order, considerable expenses may be involved in the liquidation process. It is appropriate, therefore, in order to meet the expenses of such liquidation that some of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of such liquidation in the event the proposed order is terminated and would, to the extent practical, spread the cost of liquidation on an equitable basis among handlers during the entire period the program is in effect. However, any funds not required for such liquidation should, to the extent practical, be returned on a pro rata basis to all persons who contributed to the reserve.

(d) It was testified that the onion industry wishes to avail itself of the opportunity granted by recent amendments to the act which permit the establishment or provisions for establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions. Such authorization should be included in the proposed order.

Through the medium of research investigation, the committee could be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and other factors with respect to onions which would be of value in determining what regulations could be established, in accordance with the act and the proposed order, for the benefit of the onion industry in the production area. As the committee becomes more aware of the value and need for marketing research and development, other projects will undoubtedly be initiated, the need for which may not have been foreseen during the course of the hearing.

The committee should be empowered to engage in such projects (except advertising projects which are not permitted by the act), to spend assessment funds for them, and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by the lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies, such as State universities, and public and private agencies.

Prior to engaging in any such activities, the committee should of course submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for onions, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of onion shipments by grade, size, or quality, or any combination thereof, as authorized in the proposed order, provides a means of carrying out such policy.

The procedures and methods which are outlined in the proposed order for the development of marketing policies provide a practical basis for the committee to obtain appropriate and adequate information relating to onion marketing problems. As a prerequisite to making recommendations with respect to limitations of shipments in accordance with the proposed order, the committee should be required to consider and develop a marketing policy for the handling of onions.

A marketing policy should set forth the over-all plan of the committee for the orderly marketing of onions grown in the production area during the ensuing season, including, to the extent practical, the kinds of regulations that may be desirable. Such marketing policy should be made available to the Secretary and to producers and handlers prior to the beginning of each marketing season. It would thus enable growers and handlers to plan their operations in the light of the committee's marketing policy and the kinds of regulations that may become effective under the proposed order. It would also provide the Secretary with helpful information which should facilitate his consideration and appraisal of the recommendations of the committee for marketing regulations.

The factors set forth in the proposed order which the committee should take

into consideration in developing its marketing policy are the factors usually taken into account by growers and handlers in their day-to-day, as well as seasonal, evaluations of the market outlook with respect to onions and provide a practical basis for the committee to obtain appropriate and adequate information relating to onion marketing problems.

In order that the Secretary may effectively carry out his responsibilities in connection with the proposed order, the committee should prepare, and submit to the Secretary, a report on its proposed marketing policy and, as thereafter warranted, amendments thereto, relating to the marketing of onions during such season.

Under certain conditions, the committee may be able to indicate, in its marketing policy, that it intends to recommend such regulations as may be necessary to prevent onions of certain qualities and sizes from entering fresh market channels. The marketing policy could also indicate such limitations as would regulate the grade and size of onions so as to bring to producers improved returns consistent with supply and demand, and to protect the interest of consumers by supplying a better quality and size of onions. In developing a marketing policy, the committee should investigate and give consideration to the then current, as well as anticipated, market prices of onions, including prices by variety, grade, size, and quality for different packs and for different types of containers, and to the volume of onions expected to be sold; also estimates by districts, in the production area, of the available supply of onions by varieties, and by grade, size, and quality; estimated shipments from competing areas; estimated supplies of competing commodities; and estimated harvesting and marketing costs for onions grown in the production area. The committee should, in addition, take into consideration the volume of onions moving from competing areas in determining to what extent regulations should be imposed and to what extent the market may react if the quantity of production area onions that is permitted to be handled is reduced by grade, size, and quality regulations. Also, other factors which may have an influence on the market price for onions, such as the trend and level of consumer income, should be considered by the committee.

The committee's marketing policy should be written in report form and should include not only the committee's proposals for the marketing season and why it has arrived at such conclusions, but also appropriate statistical data and other facts which it considered in arriving at the recommendations. Such report should be as complete as possible so that the Secretary and the industry may know what considerations were involved in the preparation of the marketing policy.

The initial marketing policy forwarded at the beginning of each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with recommendations for regulations. This should give all interested parties the maximum notice of probable regulations. Reports on marketing policies recommended by the committee should be submitted to the Secretary and made available to producers and handlers in the production area as a means of keeping them informed.

It is essential that the committee should be able to change its marketing policy as conditions and facts may warrant. This flexibility should tend to assure that the marketing policy for a particular season will be as up-to-date as possible. Onions are sensitive to weather conditions. If cold or wet weather, or both, should adversely affect the supply or quality of onions, the committee should be in a position to evaluate such facts as they may affect the supply and, in turn, the prices which growers may receive for their onion crop. If the committee finds it desirable and necessary to change its marketing policy, a revised or new marketing policy and report should be prepared by the committee and made available to producers and handlers and the Secretary. The committee should give the same publicity to each revised or new policy report as is given with respect to each initial report for a marketing season.

The Idaho-Eastern Oregon Onion Committee should, as the local administrative agency under the proposed order, be authorized to recommend such grade, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the proposed order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the proposed marketing program that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations, for promoting more orderly marketing conditions and increased growers' returns for production area onions. The committee should, therefore, have authority to recommend such regulations as are authorized by the proposed order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the suspension or termination of such regulations, as the situation warrants.

The proposed order authorizes the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which are necessary for the improvement of growers' returns and for the development of more orderly marketing conditions for production area onions. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation.

The grade, size, and quality of onions which are shipped at any particular time have a direct effect on returns to growers. It is a fact that poorer grades, and less desirable sizes, of onions marketed return lower prices than do better grades and sizes. It was testified that in some years the price generally received for U. S. No. 2 grade onions was only slightly more than the cost of packing, with little or no return to the grower to cover his costs of production and harvesting. A restriction, under the proposed order, of the shipment of onions of such low grade could result in higher returns for the better grades marketed by eliminating the price depressing effect of poor quality onions.

Excessive supplies of medium size onions of the yellow Sweet Spanish variety are quite often difficult to dispose of at a profitable return to the growers, especially because of the usual higher price differential in favor of the larger sizes. It would, therefore, be necessary that the lower grades and smaller size of this variety be kept off the market under such circumstances. Since size is such an important price factor in the marketing of onions, it is proper that the proposed order should include authority for the issuance of minimum size, maximum size, or a combination of both, when setting up regulations for the handling of onions.

Barring unforseen decreases in onion production, there is generally a sufficient volume of onions harvested in the production area so that the shipment of only the better grades, sizes, and qualities of onions to the fresh market could fill market demands. It is important, therefore, that the proposed order should provide authority for the committee to recommend, and the Secretary to issue, regulations governing the handling of onions so that only such grades, sizes, and qualities of onions may be shipped as could improve growers' returns and, at the same time, make available to consumers acceptable quality onions. Maturity is a factor of grade and, as such, would be included within the authority to regulate by grades. Due to the fact that conditions such as price, supply, and demand vary greatly with different varieties of onions, the authority should be flexible in order to permit different grade and size regulations by different varieties and also during any period.

It was testified at the hearing that onions produced in the production area are grown either from seed or as so-called transplanted onions. The latter onions are initially grown from seed for several months and later transplanted. Such transplanting usually occurs in the production area during the early spring about the same time as onion seeds are planted. The transplanted onions thus have an earlier harvesting time than onions grown from seed without subsequent transplanting. Generally, transplanted onions are marketed immediately after harvesting. This occurs during July and August and takes place much earlier than the harvest time of the bulk of production area onions. Most of these transplants contain a large percentage of seedstems or seeders (i. e., onions containing a seed stalk); and certain of these defects in any lot of onions to be inspected and certified under the United States Standards for Northern Grown Onions could prevent the onions from meeting the requirements of the U. S. grades. However, such condition does not adversely affect the demand for these onions when they are moved promptly into the market for fresh use following the harvest. Such onions usually command a premium price. It is, therefore, appropriate for the proposed order to contain authority whereby onions of such qualities could be permitted to be handled under a qualified grade and size requirement consonant with the supply and market demand. Hence, since the earliest shipments of onions during a marketing season nearly always are comprised of transplanted onions only, the initial regulation for the season, if one is to be made effective, could well be fixed at a level that would authorize the shipment of such grades, sizes, and qualities as could meet the market needs. As the season progresses, and the bulk of the onions grown directly from seed planted in the production area become available for marketing, the regulation could be amended, or terminated, as the situation may warrant, and be replaced by an amendment to the regulation or by a new regulation. In this way the degree and extent of regulation for a particular period of the marketing season could be so established as to tend to effectuate the declared policy of the act with respect to production area onions. Similarly, during remaining portions of the season, situations could arise which may require further consideration, and issuance if necessary, of additional amendments or new regulations. The proposed order should contain the requisite authority to accomplish these ends.

Adverse weather conditions may occur during a crop year in one portion of the production area and not in other portions of such area. This possibility is particularly true with respect to such hazards as hail, wind, and violent rain storms, all of which are beyond the control or reasonable expectation of onion growers. Because of these circumstances, and in order to provide equity among producers and handlers, authority should be provided in the proposed order to permit regulation in any or all portions of the production area, as well as differently for different portions of the production area, of onions handled thereunder. It is contemplated, however, that notwithstanding any relaxation of regulations for an adversely affected portion of the production area onions of the best quality available would be handled. The authority for such different regulations for onions grown in different portions of the production area would, and it was so urged at the hearing, adequately protect the equities of individual producers whose onions were damaged as a result of the adverse weather conditions. For this reason, it was not considered necessary that the proposed order contain any special provisions for granting exemptions to producers or handlers in hardship cases.

The proposed order should contain authority to regulate differently for different packs. This would assist the onion industry in the production area in its merchandising efforts to provide the most acceptable packs to enhance its reputation in the trade. It is a usual practice in the production area to prepare specific packs of onions for market. One such common pack is referred to as: 85% U. S. No. 1, 3 inch min., 50-lb. sacks. The onions in this pack are generally large, and packed to a minimum size with no maximum size limitation. Onions packed in the smaller, so-called consumer size packages such as those containing 5, 10, or 15 pounds are usually limited to onions ranging in size from 2 to 3 inches in diameter of a particular grade and quality. Onions sold for export shipment are sometimes packed in different containers and may be of different sizes and grades than onions shipped to the domestic trade.

Under certain circumstances it may be desirable to regulate shipments of onions differently for containers of different capacities on the basis of the particular grades and sizes which may be packed in such containers. Authority for such flexibility in regulations, included in the proposed order, would tend to effectuate the declared policy of the act.

In connection with the small size packages, it was testified at the hearing that a grade tolerance for defects which may be appropriate for the 50-lb. pack could present a problem when applied to a smaller container, in that only one defective onion in the smaller pack could cause the whole package to fail to meet grade requirements. Thus, the authority to regulate by packs could be used to modify the tolerances that would otherwise be applicable to a particular grade so as to facilitate the packing of the smaller containers which could meet grade and size requirements.

Small shipments, such as sales or shipments of one or a few bags of onions to friends or tourists, could present real operating problems if inspection thereof should be required. Moreover, if each such shipment had to comply with grade, size, and quality regulations, and assessments had to be paid with respect thereto, the cost of administrative supervision involved in enforcement could outweigh the advantages of required compliance. It may, therefore, be desirable to exempt such small or nuisance shipments from meeting grade, size, or quality requirements, or from mandatory inspection, or assessments, or any combination thereof, which could otherwise become unduly burdensome on handlers and producers. The committee should be authorized to recommend, and the Secretary to specify, minimum quantities which would be exempt from inspection, assessment, or grade and size regulations, or any combination thereof under the proposed order. Such authority would provide flexibility in administration and should be used in a practical manner to meet local needs and conditions. However, minimum quantity shipments exempted from regulations should not be of sufficient volume to adversely influence the market; and, in this connection, reports of such shipments by handlers could be of assistance to the committee and the Secretary.

(f) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of onions. Although the bulk of the onion shipments from the production area are now made in 50-lb. capacity mesh bags (or 85 to 90-pound capacity burlap bags in the case of shipments to processors and repackers), some shipments are made in smaller packages of 5, 10, 15, and 25-pound capacities. It is also probable that new types and different sizes of containers may be developed, some of which may or may not be desirable from the standpoint of grower returns, for the packaging of production area onions. It was testified that certain practices could develop in connection with the use of such containers which would adversely affect growers' returns. An example of such practices is the packaging of 4½ pounds of onions to sell in competition with 5-pound packages at a lower price. The lower priced pack which the receiver or consumer does not perceive to be of a lesser quantity would tend to pull down the price of the 5-pound package. It was testified that there is the practice in the production area to pack 51 or 52 pounds of onions in a 50-pound capacity bag to allow for possible shrinkage. If a shipper were to pack 55 pounds in such a container and sell it without an increased price in order to gain an advantage over his competitors, such a practice could well be at the expense of the growers. The exercise of the authority to regulate containers would enable the committee and the Secretary to correct or preclude any such abuses which may develop and to prohibit the use of any undesirable or deceptive containers. This authority, however, should not be used to close the door on experimenting with new containers or to prevent the commercial use of any new or superior containers which may be developed.

(g) There are times, especially during harvest, when more onions are graded and loaded into cars than can be sold. in the main, these unsold cars are shipped as "rollers" (i. e., cars in transit that have not been sold and which are usually consigned to the shipper). Only a few days of heavy shipments of such rollers, accompanied by slow movement on the consuming end, results in glutted markets and depressed prices for production area onions. As a consequence, the market becomes demoralized and prices often drop below the cost of production, harvesting, and packing. Without some curtailment of shipments that bring supplies more in line with demand, there is little recovery from this condition. Past experience has proven that a substantial curtailment of loadings has

been necessary in the past to prevent the market from being demoralized. Such curtailment of loadings has been accomplished by the use of a minimum grade and size regulation. Such regulation has been effective in preventing the shipment of onions of poor quality and undesirable size, and has tended to improve the returns to growers. Such regulation has also been effective in preventing the shipment of onions of poor quality and undesirable size, and has tended to improve the returns to growers. Such regulation has also been effective in preventing the shipment of onions of poor quality and undesirable size, and has tended to improve the returns to growers. Such regulation has also been effective in preventing the shipment of onions of poor quality and undesirable size, and has tended to improve the returns to growers.

(h) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, the time, manner, and methods of inspection, and the certification thereof, of onions handled under the proposed order. Such authority would be necessary to assure that the grade, size, quality, and pack of onions handled under the proposed order would be in accordance with the requirements specified in the order or in any regulation issued pursuant thereto. Such authority would also be necessary to assure that the onions handled would be adequately inspected and certified, and that the costs of such inspection and certification would be reasonable.

(i) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, reasonable assessments upon handlers of onions to provide funds for the administration of the proposed order. Such authority would provide for the collection of assessments from handlers in an equitable manner and would provide that the assessments would be used only for the purposes authorized by the proposed order. Such authority would also provide for the refund of assessments paid in excess of the amount actually required for such purposes.

(j) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, reasonable reserve funds to be carried over from one season to another. Such authority would provide that the carryover of funds would be limited to the amount reasonably needed to meet the following season's expenses and to avoid the necessity of levying excessive assessments during the early part of the season.

(k) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, reasonable rates of assessment to be paid by handlers. Such authority would provide that the rate of assessment would be applied uniformly to all handlers on the basis of the quantity of onions handled by them.

(l) It is also important that the proposed order should provide authority for the committee to employ such persons as may be necessary to administer the proposed order, and to delegate to the committee such powers and duties as may be necessary to carry out the proposed order. Such authority would provide that the committee would be responsible for the performance of its duties and functions.

(m) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, such reasonable procedures as may be necessary to carry out the proposed order. Such authority would provide that the committee would be responsible for the performance of its duties and functions.

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(v) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, such reasonable procedures as may be necessary to carry out the proposed order. Such authority would provide that the committee would be responsible for the performance of its duties and functions.

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(x) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, such reasonable procedures as may be necessary to carry out the proposed order. Such authority would provide that the committee would be responsible for the performance of its duties and functions.

(y) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, such reasonable procedures as may be necessary to carry out the proposed order. Such authority would provide that the committee would be responsible for the performance of its duties and functions.

(z) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, such reasonable procedures as may be necessary to carry out the proposed order. Such authority would provide that the committee would be responsible for the performance of its duties and functions.

resulted in fairly rapid market stabilization, and often in some market recovery.

It was testified at the hearing that the most practical approach to this problem, when the market is glutted, would be the establishment of a so-called "shipping holiday" which would completely stop additional shipments of onions from the production area for a short period of time. In practial effect, this would mean that the grading and packing sheds would be shut down; and grading, packing, loading, and billing would be temporarily discontinued. Such a holiday would permit the removal from the production area of all onions that were already loaded and billed, as well as facilitate the acceptance in the fresh market of unsold rollers. Since the purpose of a shipping holiday is to facilitate the disposition of production area onions that are already in the current of commerce and to prohibit the movement of additional quantities of unsold onions into fresh market channels until such disposition, any onions that had already been loaded and billed prior to the beginning of such holiday would in effect have already been placed in such channels. Therefore, all such loaded and billed onions should be permitted to be handled if they meet the then current applicable grade, size, and other requirements in effect under the proposed order.

The cleaning up of the local supplies and the rollers could thus tend to reduce the quantities of unsold onions to manageable proportions. The shipping holiday would thus restore confidence on the part of buyers and receivers that the glutted condition was over and tend to minimize serious losses to producers.

It was proposed that shipping holidays should be in effect either under glutted conditions, such as were experienced in the past, or on Saturdays and Sundays (over week-ends) so as to eliminate the preparation for market and loading of onions during such periods when receivers and other buyers in the terminal markets are not open for business. Most of the terminal markets are now operating on a five day week, while onion shippers in the production area are still working on a six, and sometimes on a seven, day week. A shipper in the production area is unable to contact many customers on a Saturday, and if he continues to grade, pack and load onions during the week-end, he finds himself on Monday morning with most of the week-end's loadings to sell in addition to those he will load on Monday. This causes a depressing effect on the market price for onions. The proposed order, therefore, should contain authority for shipping holidays in such circumstances and during such periods.

The proposed order should authorize shipping holidays to be declared by the Secretary pursuant to committee recommendations or other available information during week-ends or any other part of the week whenever circumstances warrant. Since a shipping holiday would thus stop the grading and packaging, as well as the loading and billing operations, only those shipments of onions that were already billed not later than the beginning of such holiday would be permitted. During the shipping holiday, however, there should not be any restriction against the sale of onions for future shipment or delivery. Neither should the prohibitions of the shipping holiday apply to any activity that is specifically excluded from the definition of the term "handle".

In order to prevent excessive shipments immediately following the holiday, and to encourage more orderly marketing, the proposed order should prohibit the shipment during, as well as after, the shipping holiday of any onions which were graded, packed, or loaded during the holiday period. This is necessary in order to prevent the accumulation in the production area of onion supplies during the holiday which could be dumped on the market immediately after the holiday thereby tending to minimize the benefits thereof.

The production area grows a large crop of onions which should be moved, to the extent practical, in an orderly fashion during its regular marketing period and while the onions are still in good condition. Hence, as a safeguard for the protection of production area growers and handlers from undue competition from other onion producing sections, as well as to achieve the orderly movement of the crop in good condition, the period of a shipping holiday should not exceed 96 consecutive hours; and there should be a period of not less than 72 hours, between holidays, in which shipments can be made. A 96-hour period would not only aid greatly in cleaning up unsold, rolling cars and in establishing confidence among the trade, but it also would be short enough to avoid causing deterioration to such onions as were graded and packed, but not billed, at the time the holiday became effective. The 72-hour period would be conveniently available for the shipment of such onions.

(h) It is not in the public interest to drop all regulations when the seasonal average price of onions exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, in terms of grades or sizes, or both, and such grading and inspection requirements, during any and all periods when the seasonal average price for onions may be above parity, as will effectuate such orderly marketing of production area onions as will be in the public interest. Some onions do not give consumer satisfaction because they are unacceptable in the market place. Consumers do not receive proper value for their expenditures for such onions, and even when prices are above parity it is not in the public interest, either of the producers or consumers, to permit shipments of certain off-quality, lower grades, and discounted sizes of onions. Such shipments displace good quality onions and could destroy the reputation of the production area for quality onions, thereby adversely affecting growers' returns. The proposed order should, therefore, contain authority for the establishment of such minimum standards of quality and maturity as will effectuate such orderly marketing of production area onions as will be in the public interest. It is necessary that such authority should include grading and inspection requirements so that compliance with such minimum standards may be determined whenever such regulations are in effect.

(i) The Secretary, upon the basis of recommendations and information submitted by the committee or upon the basis of other available information, should be authorized to establish special regulations, or to modify, suspend, or terminate, grade, size, quality, and other applicable regulations with respect to the handling of onions, to facilitate shipments of onions for purposes other than disposition in normal domestic fresh market channels.

Onions moving to, or sold in, certain outlets, such as those specified in § 1017.53 of the proposed order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, maturities, packs, or containers, than those required by the domestic fresh onion trade. The proposed order should provide authority for the committee and the Secretary to give appropriate consideration to the handling of onions for such outlets so that full opportunity may be taken, under relevant provisions of this program, to promote the tendency to increase total returns to onion producers in the production area.

Some export markets accept certain grades and sizes which normally are discounted in domestic markets. It should be provided that special regulations, or a modification, suspension, or termination of existing regulations, should be applied to the shipment of onions for export so that this demand can be met. This would result in augmented income for the total onion crop thereby tending to effectuate the declared policy of the act.

Shipments of onions for relief and other charitable purposes should also be given special consideration. Such shipments are intended for special outlets and are usually by way of donation to people in need, or in a disaster area, and, therefore, should be permitted to be made without limitation. Such shipments do not compete with fresh market shipments.

It is the practice in the production area to feed onions to livestock, mainly sheep, and this use provides a salvage outlet for culls and off-grades and off-sizes of onions. The movement of such onions to livestock feeders within the production area for feeding to livestock should be permitted without restrictions since the committee would be able to maintain control and supervision of such movement conveniently and without any appreciable cost. Moreover, the value of such onions is too low to bear the cost of inspection and assessments. It would not be practical, however, to permit such free movement to points outside the production area unless some adequate supervision was imposed to assure that onions shipped for livestock feed were so used. Such supervision should be affected through the use of Certificates of Privilege, as hereinafter described. Similarly, since the shipment of onions for plant-

ing does not compete with commercial shipments for fresh market use, such handling also should be permitted to be made without restrictions but under proper safeguards.

The committee and the Secretary should have authority to give special consideration to onions which move to processing or other outlets. Shipments of onions for canning and freezing are exempted from regulation by the act, and shipments for dehydration are specifically exempted from regulation by the proposed order; however, it was testified at the hearing that shipments of onions for canning, freezing, or dehydration should be subject to reasonable and appropriate safeguards to assure that no improper diversion of such onions to fresh market channels will be made. The sole purpose of such safeguards for canning and freezing should be to assure the committee by means of reports or similar informational requirements that the onions shipped to such exempted outlets are, in fact, used as intended. No other regulation or restriction, such as is authorized for onions going to fresh market, is implied or intended.

The requirement in the proposed order that the Secretary shall notify the committee of each regulation and each modification, suspension, and termination thereof is appropriate and necessary to enable the committee to be informed of such actions. The committee's obligation to give reasonable notice by such means as it deems adequate, to inform producers and handlers of regulatory orders, with respect to the handling of onions, issued by the Secretary, is also appropriate and necessary for proper and efficient administration of the proposed order.

The authority for issuing special regulations or modifying, suspending, or terminating grade, size, quality, assessment, or inspection regulations with respect to shipments for special purposes should be accompanied by the additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to the provisions of such regulations. Such safeguards may be recommended by the committee and, upon approval by the Secretary, administered by the committee. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental to the proper and efficient administration of the proposed order. Such safeguards for special shipments under § 1017.53 may include requirements for: (1) Inspection so that the committee and the Secretary may be fully informed and have an accurate record of the grade, size, and quality of onions shipped to special outlets; (2) applications to make such special shipments; (3) payments of assessment in connection with such shipments; (4) reports by handlers on the number of such shipments and the amounts shipped; and (5) assurances by handlers, receivers, and processors that the onions are to be used for the purpose designated.

In order to maintain appropriate identification of shipments of onions to special outlets, such safeguards could require the prior application for, and issuance of, certificates of privilege to handlers of such onions. Certificates of privilege issued by the committee would serve not only as the authority for a handler to make such shipments but also as a means of identifying specific shipments. Such certificates of privilege should be issued in accordance with rules and regulations to be established, or approved, by the Secretary on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner which can be made known to all handlers and at all times be under the supervision of the Secretary. The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the proposed order which should include the authority to rescind or deny certificates upon evidence satisfactory to it that a handler to whom a certificate of privilege has been issued has handled onions contrary to the provisions of the certificate. If the committee rescinds or denies a certificate of privilege, such action should be in terms of a specified period of time. Handlers affected by the denial of a certificate or the rescinding of such a certificate should have the right of appeal to the committee for a reconsideration.

In order that the Secretary may retain all rights necessary to carry out the declared policy of the act, he should have the right to modify, change, alter, or rescind any safeguards prescribed as well as any certificates of privilege issued by the committee. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain records relevant to safeguards and to certificates of privilege and should submit reports thereon to the Secretary when requested in order to supply pertinent information needed by him to discharge his duties under the act and the proposed order.

(j) Inspection of onions grown in the production area by the Federal-State Inspection Service is a common and usual practice for the purpose of determining officially the grade, size and quality of such onions. The Federal-State Inspection Service has operated in Idaho and eastern Oregon for many years. Under the State law in Oregon, all shipments of onions, including those grown in Malheur County, are required to be inspected, and during the past several years shipments of Malheur County onions have been so inspected. Although the State of Idaho does not make it mandatory that Idaho onions be inspected prior to shipment, approximately 80 percent of all such onion shipments have, in fact, been inspected for grade, size, and condition by the Federal-State Inspection Service at the request of the shippers.

Onion producers and handlers throughout the production area are well acquainted with the Federal-State Inspection Service and with the inspections which it offers on shipments of onions. Also, such inspection service is available throughout the entire production area and can be given at all points within the production area upon reasonable notice prior to shipment of the onions to be inspected.

Provision should be made in the proposed order for the inspection by the Federal-State Inspection Service, or by such other inspection service as the Secretary may approve, of onions grown in the production area whenever the handling of onions is regulated under the proposed order. In order to assure that onions will not be shipped without prior inspection in the event the Federal-State Inspection Service is not available to furnish the service, the Secretary should be authorized to designate an appropriate inspection service to perform the inspection. Thus, there should always be an authoritative means of establishing the grade, size, and quality of onion shipments.

Responsibility for obtaining inspection should fall on each person who handles onions. In this way, not only will the handler who first ships or handles onions be required to obtain inspection thereof, but also no subsequent handler may handle onions unless a properly issued inspection certificate, valid pursuant to the terms of the proposed order and applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments is inspected. Even if a handler should receive onions which have not been inspected, he should be responsible for having them inspected prior to his handling them.

Whenever any onions which have been inspected are later dumped from the containers in which they were inspected, such onions lose their identity insofar as the original inspection certificate issued for them is concerned. When any such onions should thereafter be repacked, regraded, or resorted, such onions take on a new identity; and any handling of such onions should comply with regulations issued under the proposed order. Hence, inspection of such onions should be required, as in the case of any other handling of onions, so as to effectuate the declared policy of the act and as a means of effecting compliance. The proposed order should, therefore, provide that any person who handles onions grown in the production area after they have been repacked, regraded, or resorted shall not handle such onions unless they were inspected prior to handling. Such inspection of repacked, regraded, or resorted onions is necessary so that the shipper thereof, as well as subsequent handlers, and the committee may determine if such shipments comply with the regulations then in effect and applicable thereto.

Although it is the general practice in the production area to load and ship onions promptly after inspection, which practice tends to preserve the identity of the inspected onions, there are instances

when onions are inspected in a warehouse, for example, toward the end of a day and are loaded and shipped at a later time. It would be appropriate, in these circumstances, if the identity of these onions is to be preserved for later shipment of the lot, for such inspected onions to be properly identified by means of a seal, tag, or other identification on the individual containers, or master containers. The committee, with the approval of the Secretary, should be authorized by the proposed order to prescribe appropriate rules and regulations in that regard, and to procure and furnish such seals, tags, and other identification. This would enable a shipper to obtain inspection of onions in such unusual circumstances and thereafter ship them, within permitted time limits, without another inspection.

In view of the perishable nature of onions and their susceptibility to fairly rapid deterioration under certain conditions, the committee, with the approval of the Secretary, should be authorized to fix the length of time inspection certificates may be valid insofar as the requirements of the proposed order are concerned. This will assure, to the extent practical, that an inspection certificate properly reflects the grade, size, and quality of a particular lot of inspected onions at the time it is handled.

In order that the committee may carry out its duties under the order to determine that specific shipments of onions have been properly inspected and certified and also comply with other applicable regulations, it is necessary that the committee be supplied with appropriate evidence of each such shipment in the form of an inspection certificate.

(k) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the proposed order. It is difficult to anticipate every type of report or kind of information which the committee may require, but it should have the authority to request reports and information as needed, of the type set forth in the proposed order, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

Any reports and records submitted for committee use by handlers should remain under protective classification and be disclosed to none other than persons authorized by the Secretary.

Any reported information released to the industry should be on a composite basis, and no such release of information should disclose either the identity of handlers or their operations.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain complete records on their receipts, handling, and dispositions of onions for not less than two succeeding years.

(l) Except as provided in the proposed order, no handler should be permitted to handle onions the handling of which is prohibited pursuant to the proposed order; and no handler should be permitted to handle onions except in conformity with the proposed order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler, could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(m) The provisions of §§ 1017.70 through 1017.73 and §§ 1017.82 through 1017.91 as published in the FEDERAL REGISTER of May 29, 1956 (21 F. R. 3653), are common to marketing agreements and marketing orders now operating. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the proposed order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the act. The substance of such provisions should, therefore, be included in the proposed order.

General findings. Upon the basis of the evidence introduced in the hearing and record thereof, it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish as prices to the producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The said marketing agreement and order authorize regulation of the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of onions grown in the production area; and

(5) All handling of onions grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Ruling on proposed findings and conclusions. Interested parties were allowed until June 29, 1956 to file briefs with respect to findings of fact and conclusions based on evidence introduced at the hearing. No such brief was filed, hence no ruling is necessary.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

DEFINITIONS

§ 1017.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1017.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047).

§ 1017.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1017.4 *Production area.* "Production area" means all territory included within the boundaries of the County of Malheur in Oregon, and all counties south and southeast of the southern boundary of Idaho County in the State of Idaho.

§ 1017.5 *Onions.* "Onions" means all varieties of onions grown, or which may be grown, within the production area.

§ 1017.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of onions owned by another person) who handles onions.

§ 1017.7 *Handle.* "Handle" is synonymous with "ship" and means to sell or transport onions, or cause onions to be sold or transported, within the production area or between the production area and any point outside thereof. Except as otherwise provided in §§ 1017.56 and 1017.65, this definition of "handle" shall not be applicable to onions that are transported within the production area for grading or storing therein, or to onions that are transported or sold to

commercial dehydrators for processing by such dehydrators into dehydrated onion products.

§ 1017.8 *Grading.* "Grading" is synonymous with "prepare for market" and means the sorting or separation of onions into grades and sizes for market purposes.

§ 1017.9 *Grade and size.* "Grade" means any of the officially established grades of onions, and "size" means any of the officially established sizes of onions, as set forth in:

(a) The United States Standards for Northern Grown Onions (21 F. R. 6251), or amendments thereto, or modifications thereof, or variations based thereon; and

(b) Any other United States Standards, or State of Idaho or Oregon Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon.

The term "size" also includes any of the sizes recognized by the onion trade in the production area.

§ 1017.10 *Producer.* "Producer" means any person engaged in the production of onions for market.

§ 1017.11 *Committee.* "Committee" means the Idaho-Eastern Oregon Onion Committee established pursuant to § 1017.20.

§ 1017.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 1017.13 *Variety or varieties.* "Variety" or "varieties" means and includes all classifications of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1017.14 *Export.* "Export" means shipment of onions beyond the boundaries of continental United States.

§ 1017.15 *District.* "District" means each of the geographical divisions of the production area initially established or as reestablished pursuant to § 1017.27.

§ 1017.16 *Pack.* "Pack" means a quantity of onions in any type of container and which falls within specific weight limits or within specific grade or size limits, or both, as may be recommended by the committee and approved by the Secretary.

§ 1017.17 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, or any other type of receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

ADMINISTRATIVE COMMITTEE

§ 1017.20 *Establishment and membership.* (a) The Idaho-Eastern Oregon Onion Committee consisting of ten members, of whom six shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or inability to act, and shall perform other duties as assigned. In the event of the death, removal, resignation or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1017.21 *Procedure.* (a) Seven members of the committee shall be necessary to constitute a quorum and seven concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for voting by telephone, telegraph, or other means of communication and any such vote shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 1017.22 *Selection.* The Secretary shall select the producer and handler members and alternates from the nominee lists submitted pursuant to this part or from among other eligible persons.

(a) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer, or an officer or employee of a producer, in the district for which selected.

(b) Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler, or an officer or employee of a handler in the portion of the production area for which selected.

(c) The Secretary shall select one producer member of the committee, and alternate, from each of the districts established, or reestablished, pursuant to § 1017.27. The Secretary shall also select one handler member of the committee, and his alternate, from the Idaho portion of the production area and one member and his alternate from Malheur County, Oregon, and two handler members, and their respective alternates, from the production area-at-large.

(d) Each person selected by the Secretary as a committee member or alternate shall qualify by filing a written acceptance promptly with the Secretary.

§ 1017.23 *Term of office.* (a) The term of office of committee members and alternates shall be for two years beginning on the first day of June and continuing through May 31. The terms of office of members and alternates shall be so determined that one-half of the total committe membership shall terminate each May 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1017.24 *Powers.* The committee shall have the folowing powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1017.25 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal period, or as soon thereafter as practicable, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to onions, and to engage in such research and service activities which relate to the handling or marketing of onions as may be approved by the Secretary;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its proposed expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request; and the report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information, with other onion marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

§ 1017.26 *Expenses and compensation.* Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and in addition, may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or

portion thereof, spent in attending to committee business: *Provided*, That at its discretion the committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 1017.27 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1 (Emmett, Payette, Weiser Area): All territory within the boundaries of Washington, Payette and Gem Counties, in Idaho.

District No. 2 (Oregon Slope): All territory within a boundary following the Snake River northwesterly from its junction with the Malheur River, to the west line of Range 46E; thence south along said west line to the south line of Township 17S, and thence east along said south line to its junction with the Malheur River, and thence northeasterly along the Malheur River to the junction with the Snake River, the point of beginning.

District No. 3 (Ontario, Vale, Jamieson, Brogan): All territory within a boundary starting at the junction of the Malheur River with the Snake River and extending southwestward along the Malheur River to its junction with the south line of Township 17S, E. W. M.; thence westward along this line to its junction with the west line of Range 46E; thence north along this line to its junction with the Snake River; thence northwest along the Snake River to its junction with the north boundary of Malheur County; thence west along the north boundary of Malheur County to the west boundary of the county; thence south along the west boundary of Malheur County to its intersection with the south line of Township 20S; thence east along this line to its junction with the Hyline Canal and Siphon; thence northeast along the Hyline Canal to its intersection with Highway 20; thence east along Highway 20 to Cairo Junction; thence south ⅛ mile to the junction of Highway 20 to Oregon Avenue; thence east along Oregon Avenue to its termination at the Snake River; thence north along the Snake River to its junction with the Malheur River, the point of beginning.

District No. 4 (Nyssa-Adrian): All the area of Malheur County, Oregon, south of District No. 3.

District No. 5 (Parma, Wilder, Nampa, and Notus Area): Canyon County, Idaho.

District No. 6 (Homedale, Marsing, Meredian, Melba, Mountain Home, Glenns Ferry and Twin Falls Area): All counties in the Idaho portion of the production area not included within Districts Nos. 1 and 5.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation, the committee shall give consideration to: (1) The relative importance of new producing sections; (2) changes in the relative position of existing districts with respect to onion production; (3) the geographic location of areas of production as they would affect the efficiency of administering this part; (4) other relevant factors: *Provided, further*, That there shall be no change in the total number of committee members or in the total number of districts.

§ 1017.28 *Nominations.* Nominations from which the Secretary may select the members of the Idaho-Eastern Oregon Onion Committee and their respective alternates may be made in the following manner:

(a) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, one or more meetings of producers and of handlers in each of the districts, or portions of the production area, in which the then current terms of office will expire the following May 31;

(b) In arranging for such meetings the committee may, if it deems desirable, cooperate with existing organizations and agencies and may combine its meetings with others;

(c) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal period;

(d) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(e) Each person who is both a handler and a producer may vote either as a handler or as a producer and may select the group in which he will vote; and

(f) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his partners, agents, subsidiaries, affiliates and representatives, in designating nominees for committee members and alternates. In the event a person is a producer engaged in producing onions in more than one district, such person shall select the district within which he may participate as aforesaid in designating nominees. Similarly, a person who is a handler both in Malheur County, Oregon, and in the Idaho portion of the production area, may select either Malheur County or the Idaho portion of the production area in which to cast his vote for the applicable committee handler member and alternate. Each such handler shall also be entitled to cast his vote for the committee member and alternate to represent the production area-at-large. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit such voter to cast one vote for each member and alternate position to be filled in the respective district or portion of the production area, as the case may be, in which he elects to vote.

§ 1017.29 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 1017.28, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 1017.30 *Vacancies.* To fill any vacancy occasioned by the failure of any person, selected as a committee member or alternate, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 1017.28, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district or portion of the production area, as the case may be, that is involved, or from other eligible persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 1017.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of such handler's onion shipments inspected pursuant to this part that are handled by him as the first handler thereof during a fiscal period, and the total quantity of such onions handled by all handlers as first handlers thereof during the same period.

§ 1017.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee shall recommend to the Secretary a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report thereon showing the basis for its calculations and recommended rate.

§ 1017.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 1017.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who handles onions as the first handler thereof which are inspected pursuant to this part shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all onion shipments inspected pursuant to this part during such fiscal period.

§ 1017.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including, but not being limited to, books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in each such successor, agency, or person as may be designated by the Secretary the right to all of such property and funds and all claims vested in such person.

(c) The committtee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, and any other committee property during periods of suspension of this part, or during any periods when regulations are not in effect; and, if the Secretary determines such action appropriate, he may direct that such person or persons shall so act as trustee or trustees.

§ 1017.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as provided in this section. Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him. However, the Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee, *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall, to the extent practical, be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1017.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions.

REGULATION

§ 1017.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of onions. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for onions. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for onions, including prices by variety, grade, size, and quality, and by different packs;

(2) Supply of onions by grade, size, quality, and variety in the production area and in other onion producing sections;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for onions;

(5) Orderly marketing of onions as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy; and the committee shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare an amended or revised marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 1017.51 *Recommendations for regulations.* The committee shall recommend regulations to the Secretary whenever it finds that such regulations as provided in § 1017.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of onions for the purposes authorized in § 1017.53. The committee may also recommend amendment, modification, termination, or suspension of any regulation issued under this part.

§ 1017.52 *Issuance of regulations.* (a) Except as otherwise provided in this part, the Secretary shall limit the shipment of onions by any one or more of the methods hereinafter set forth whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, or qualities of any or all varieties of onions, or combinations thereof, during any period or periods;

(2) Regulate the handling of particular grades, sizes, or qualities, of onions differently, for different varieties, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period or periods;

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of onions;

(4) Regulate the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(5) Limit the shipment of the total quantity of onions by prohibiting the handling thereof during a specified period or periods. No regulation issued pursuant to this subparagraph shall be effective for more than 96 consecutive hours: *Provided*, That not less than 72 consecutive hours shall elapse between the termination of any such period of prohibition and the beginning of the next such period.

(b) In the event the handling of onions is regulated pursuant to paragraph (a) (5) of this section, no handler shall handle any onions which were prepared for market or loaded during the effective period of such regulation. However, during any such period, no such regulation shall be deemed to limit the right of any person to sell or contract to sell onions for future shipment or delivery.

(c) The Secretary may amend any regulation issued under this part whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation or amendment thereof whenever he finds that such regulation or amendment obstructs or no longer tends to effectuate the declared policy of the act.

§ 1017.53 *Handling for specified purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary shall issue special regulations, or modify, suspend, or terminate requirements in effect pursuant to §§ 1017.42, 1017.52, 1017.60, or any combination thereof, in order to facilitate the handling of onions for the following purposes whenever he finds that to do so will tend to effectuate the declared policy of the act:

(a) Shipments of onions for export;

(b) Shipments of onions for relief or to charitable institutions;

(c) Shipments of onions for livestock feed;

(d) Shipments of onions for planting; and

(e) Shipments of onions for other purposes which may be specified.

§ 1017.54 *Minimum quantities.* The committee, with the approval of the Secretary, may establish minimum quantities below which onion shipments will be free from the requirements in, or pursuant to, §§ 1017.42, 1017.52, 1017.53, 1017.60, or any combination thereof.

§ 1017.55 *Notification of regulations.* The Secretary shall notify the committee of each regulation issued, and of each amendment, modification, suspension, or

termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1017.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent onions shipped,

(1) Pursuant to § 1017.53 or § 1017.54; or

(2) To commercial dehydrators for processing by such dehydrators into dehydrated onion products,

from entering channels of trade for other than the purpose authorized therefor.

(b) The committee, with the approval of the Secretary, may also prescribe rules and regulations governing the issuance, and the contents, of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall first file applications with the committee to ship such onions;

(2) Handlers shall obtain inspection provided by § 1017.60, or pay the pro rata share of expenses provided by § 1017.42, or both, in connection with such onions; and

(3) Handlers shall obtain Certificates of Privilege from the committee prior to effecting the particular onion shipment.

(c) The committee may rescind any Certificate of Privilege, or refuse to issue any Certificate of Privilege to any handler if proof is obtained that onions shipped by him for the purposes stated in the Certificate of Privilege were handled contrary to the provisions of this part.

(d) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of onions covered by such applications, the number of such applications denied and certificates granted, the quantity of onions handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1017.60 *Inspection and certification.* (a) During any period in which shipments of onions are regulated pursuant to this subpart, no handler shall handle onions unless such onions are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to §§ 1017.53, 1017.54, or both.

(b) Regrading, resorting, or repacking any lot of onions shall invalidate prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship onions after they have been regraded, resorted, repacked or in any other way further prepared for market, unless such onions are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Upon recommendation of the committee, and approval of the Secretary, all onions that are required to be inspected and certified in accordance with this section, shall be identified by appropriate seals, stamps, tags, or other identification to be furnished by the committee and affixed to the containers by the handler under the direction and supervision of the Federal-State, or Federal inspector, or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When onions are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

REPORTS

§ 1017.65 *Reports.* Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of onions received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such onions; and (4) identification of the inspection certificates relating to the onions which were handled pursuant to §§ 1017.53 and 1017.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the onions received, and of onions disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

EFFECTIVE TIME AND TERMINATION

§ 1017.70 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1017.71 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production for market of onions: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such onions produced for market, but such termination shall be effective only if announced on or before May 31 of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1017.72 *Proceeding after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession, or under control, of the committee, including claims for any funds unpaid and property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1017.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart; (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

MISCELLANEOUS PROVISIONS

§ 1017.81 *Compliance.* No handler shall handle onions the handling of which has been prohibited or otherwise limited by the Secretary in accordance with provisions of this part; and no handler shall handle onions except in conformity to the provisions of this part.

§ 1017.82 *Right of the Secretary.* The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1017.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1017.84 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1017.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1017.86 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 1017.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1017.88 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1017.89 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1017.90 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1017.91 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of onions in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Dated: November 1, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-9019; Filed, Nov. 5, 1956; 8:56 a. m.]

[1] Applicable only to the proposed marketing agreement.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES

NOTICE OF PROPOSALS TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN TYPES OF ORANGE JUICE

In the matter of adopting definitions and standards of identity for orange juice, fresh orange juice; stabilized orange juice, processed orange juice; and reconstituted orange juice:

Notice is hereby given that a petition has been filed by Kraft Foods Company, Chicago, Illinois, proposing the adoption of definitions and standards of identity for the above-named foods. Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U. S. C. 341, 371), and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996; 21 F. R. 6581), the Commissioner of Food and Drugs invites all interested persons to submit their views in writing regarding the proposals of the above-named petitioner as published in this notice. Views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Washington 25, D. C., and should be posted prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that the following definitions and standards of identity to be adopted.

§ 27.— *Orange juice, fresh orange juice; identity.* (a) Orange juice, fresh orange juice is the unfermented, unconcentrated juice obtained from mature fruit of the sweet orange group (Citrus sinensis) and mandarin group (Citrus reticulata), except tangerines. It is prepared without treatment of any kind, except that seeds, pips, pulp, and objectionable peel oil may be removed therefrom.

(b) Orange juice, fresh orange juice obtained from oranges grown in a single State may be designated "_____ orange juice" or "Fresh _____ orange juice," the blank being filled in with the name of such State.

(c) The label of orange juice, fresh orange juice shall bear a conspicuous statement of the date on which it was extracted.

§ 27.— *Stabilized orange juice, processed orange juice; identity.* (a) Stabilized orange juice, processed orange juice is orange juice, fresh orange juice that has been treated by the use of heat or exposure to ultraviolet or other light rays to reduce enzymatic and bacterial action and the growth of yeasts and molds, but is not processed so as to prevent spoilage.

(b) Stabilized orange juice, processed orange juice prepared from the juice of oranges grown in a single State may be designated "Stabilized _____ orange juice" or "Processed _____ orange juice," the blank being filled in with the name of such State.

§ 27.— *Reconstituted orange juice; identity.* (a) Reconstituted orange juice is the food prepared by mixing water with concentrated orange juice or with a mixture of concentrated orange juice and orange juice, fresh orange juice or stabilized orange juice, processed orange juice or both. Orange pulp and orange peel oil may be added. The Brix value of reconstituted orange juice is not less than 11.3°.

(b) For the purpose of this section, concentrated orange juice means stabilized orange juice, processed orange juice from which a portion of the moisture has been evaporated. Orange pulp, orange peel oil, orange juice, fresh orange juice and stabilized orange juice, processed orange juice may be added. It may be frozen.

(c) Reconstituted orange juice prepared from the juice or concentrated juice of oranges grown in a single State may be designated "Reconstituted _____ orange juice," the blank being filled in with the name of such State.

Dated: October 30, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8970; Filed, Nov. 5, 1956; 8:47 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF PROPOSAL TO ESTABLISH TOLERANCES FOR RESIDUES OF MINERAL OIL IN OR ON SHELLED CORN AND GRAIN SORGHUM

The U. S. Department of Agriculture has requested that action be taken to establish tolerances for mineral oil as specified, to permit its use on shelled corn and grain sorghum to prevent infestation of these feed grains by the Indian-meal moth and related species. The Department recommends that mineral oil be applied, without dilution, as a spray to the surface layer of grain in bins at the rate of 2 quarts per 100 square feet, or 5 quarts per circular 3,300-bushel bin. This procedure has been used by the Department of Agriculture on CCC-owned shelled corn.

The U. S. Department of Agriculture states that the residues of mineral oil resulting from this treatment do not exceed 50 parts per million for each treatment. Since the oil does not evaporate and grain may be treated as many as four times during the storage period, a tolerance of 200 parts per million is requested. Such residues on the grain will not involve a hazard to animals or to man.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b) and (e), 68 Stat. 514; 21 U. S. C. 346a (b) and (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), it is proposed by the Commissioner of Food and Drugs on his own initiative that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended by adding the following new section:

§ 120.— *Tolerances for residues of mineral oil.* (a) For the purposes of this regulation, mineral oil is defined as the refined petroleum fraction having the following characteristics:

(1) Minimum flashpoint of 300° F.

(2) Gravity of 27 to 34 by the American Petroleum Institute standard method.

(3) Pour point of 30° F. maximum.

(4) Color 2 maximum by standards of the American Society for Testing Materials.

(5) Boiling point between 480° F. and 960° F.

(6) Viscosity at 100° F. of 100 to 200 seconds Saybolt.

(7) Unsulfonated residue of 90-percent minimum.

(8) No sulfur compounds according to the United States Pharmacopeia test under Liquid Petrolatum.

(b) Tolerances of 200 parts per million for residues of mineral oil as specified in paragraph (a) of this section are established in or on the following grains, from postharvest application: Shelled corn, grain sorghum.

A person who has registered or who has submitted an application for the registration of an economic poison consisting of mineral oil under the Federal Insecticide, Fungicide, and Rodenticide Act may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of his notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All comments shall be filed in quintuplicate.

Dated: October 31, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8988; Filed, Nov. 5, 1956; 8:50 a. m.]

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 130.101 (b); 21 F. R. 5576, 5582) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale,* by adding the following new subparagraph (15):

(15) Sodium monofluorophosphate (Na_2PO_3F) preparations meeting all the following conditions:

(i) The sodium monofluorophosphate is prepared with other components in an aqueous solution suitable for household use as a dentifrice, and containing no drug limited to prescribtion sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium monofluorophosphate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 60 milligrams of sodium monofluorophosphate per milliliter and is packaged to contain not more than 3.6 grams of sodium monofluorophosphate per retail package.

(v) The preparation is labeled with adequate directions for use only as a dentifrice by adults and children 6 years of age and over, and includes instructions to rinse the mouth thoroughly after brushing the teeth.

(vi) The labeling bears, in juxtaposition with the directions for use, a clear warning statement against use by children under 6 years of age.

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by a new-drug application to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 130.101 (b) (21 CFR 130.101 (b); 21 F. R. 5577), a petition has been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c))

Dated: October 31, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-8989; Filed, Nov. 5, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

[Survey Order 214]

CERTAIN OFFICIALS AND EMPLOYEES

AMENDED AND REVISED REDELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS

Under authority given to heads of bureaus by the Secretary of the Interior in section 50, Order 2509, as amended (17 F. R. 6793 and 19 F. R. 433), redelegation of authority to officials and employees of the Geological Survey is hereby made, to become effective December 1, 1956, in accordance with the terms and conditions set forth in the following paragraph. Existing authorizations to act as contracting officers will continue in full force and effect through November 30, 1956.

The redelegation hereby made is of authority, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract, to issue change orders and extra work orders pursuant to the contract, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. This authority is redelegated under four categories depending upon the amount involved, as follows:

(1) Irrespective of the amount involved, to the Executive Officer.

(2) With respect to contracts not exceeding $25,000 in amount, to the Chief, Branch of Service and Supply; and to the Procurement Officer.

(3) With respect to contracts not exceeding $5,000 in amount, to Assistant Procurement Officer; Management Officers at Denver, Colorado; Menlo Park, California; and Fairbanks, Alaska; Region Engineer, Pacific Region, Topographic Division.

(4) With respect to contracts not exceeding $1,000 in amount, to Region Engineers, Atlantic, Central and Rocky Mountain Regions, Topographic Division; District Engineers, District Geologists, District Chemists, Chief, Equipment and Development Laboratory, and other heads of field offices, Water Resources Division; and Regional Supervisors, Regional Engineers, and Regional Geologists, in the Conservation Division.

This order supersedes Survey Order 214 (17 F. R. 1228) and Amendment No. 1 thereto (19 F. R. 3483).

Dated: October 31, 1956.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 56-8962; Filed, Nov. 5, 1956; 8:45 a. m.]

Office of the Secretary

[69322]

OREGON

EXCHANGING ADMINISTRATIVE JURISDICTION OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND NATIONAL FOREST LANDS

Correction

In Federal Register Document 56-5018, published at page 4525 in the issue for June 23, 1956, the following changes should be made in the land descriptions under paragraph (2):

1. Under Josephine County, first column, page 4529, the description for sec. 13 of T. 35 S., R. 10 W., should read: "Sec. 13, E½E½, NW¼NE¼, NE¼ NW¼, NE¼NW¼."

2. Under Coos County, middle column, page 4530, the description for sec. 3 of T. 32 S., R. 10 W., should read: "Sec. 3, lots 2, 3, 4, S½NW¼, N½SW¼, SE¼ SW¼, SE¼."

UNITED STATES FISH AND WILDLIFE SERVICE

REORGANIZATION OF FISH AND WILDLIFE ACTIVITIES, GENERAL PROCEDURES, AND EFFECTIVE DATE OF ESTABLISHMENT

In accordance with the authority vested in the Secretary of the Interior pursuant to section 3, subsection (f) of the Fish and Wildlife Act of 1956 (70 Stat. 1119), the reorganization prescribed by such Act is hereby declared to be effective as of the close of business November 5, 1956.

The United States Fish and Wildlife Service, as prescribed by such Act, consists of a "Bureau of Commercial Fisheries" and a "Bureau of Sport Fisheries and Wildlife." The United States Fish and Wildlife Service succeeds to and replaces the Fish and Wildlife Service of the Department of the Interior.

The functions of the United States Fish and Wildlife Service will be administered under the supervision of the Commissioner of Fish and Wildlife, who will be subject to the supervision of the Assistant Secretary for Fish and Wildlife.

The Bureau of Commercial Fisheries, under a Director, will be responsible for matters relating primarily to commercial fisheries, whales, seals, and sea-lions, and related matters. The Bureau of Sport Fisheries and Wildlife, under a Director, will be responsible for matters relating primarily to migratory birds, game management, wildlife refuges, sport fisheries, sea mammals (except whales, seals and sea-lions), and related matters. Until the positions of Assistant Secretary for Fish and Wildlife and Commissioner of Fish and Wildlife are filled, the Directors will report directly to the Secretary.

All funds, positions, personnel, records, and other properties of, or assigned to, the Fish and Wildlife Service are transferred to the United States Fish and Wildlife Service, effective as of the time of its establishment, and the positions so transferred shall be positions in the United States Fish and Wildlife Service. Until further notice, each officer or employee is directed to continue to discharge the duties of, and is empowered to continue to exercise the authority previously vested in, such person or in the transferred position which he may hold.

The authority now vested in the Director, Fish and Wildlife Service, expressly, or as the head of a bureau, is hereby and until further notice delegated severally to the Director, Bureau of Commercial Fisheries and the Director, Bureau of Sport Fisheries and Wildlife to the extent that such authority relates to any matter which is the responsibility of the bureau, including any administrative matter. Such authority may not be redelegated.

Section 3, subsection (e) of the Fish and Wildlife Act of 1956, provides: "Except as changed by the terms of this Act or by subsequent laws or regulations, all laws and regulations now in effect relating to matters heretofore administered by the Department of the Interior through the former Fish and Wildlife Service as heretofore existing, shall remain in effect."

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 3, 1956.

[F. R. Doc. 56-9072; Filed, Nov. 5, 1956; 10:29 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-33]

MARUBENI-IIDA CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission has issued the facility export license the terms and conditions of which are set forth below to Marubeni-Iida Co., New York, New York. In accordance with the procedure set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon receipt of a request therefor from the applicant or an intervenor within 30 days after filing of this notice with the FEDERAL REGISTER. A copy of the license and the appendix to the license are available at the Public Document Room, 1717 H Street NW., Washington, D. C.

No. XR-1

EXPORT LICENSE

1. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses Marubeni-Iida

Co. (New York), Inc., 39 Broadway, New York 6, New York, pursuant to section 104c of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to export as a utilization facility the Homogeneous Solution Type Nuclear Research Reactor described in Marubeni-Iida's application dated September 13, 1956, to the Japan Atomic Energy Research Institute, 1-1 Tamara-Cho, Minato ku, Tokyo, Japan.

2. The license is subject to the following conditions:

(a) The licensee shall not export any of the parts of the reactor until 35 days after the date of issuance of the license, except that those parts listed in the appendix to the license may be exported upon issuance of the license.

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

(c) The license is subject to the right of recapture or control reserved by Section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all rules and regulations of the United States Atomic Energy Commission.

3. This license is effective as of the date of issuance and shall expire on August 31, 1957, unless sooner terminated.

Dated at Washington, D. C., this 2d day of November 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 56-9051; Filed, Nov. 2, 1956; 4:47 p. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HAROLD LARSEN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Harold Larsen.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: October 11, 1956.
4. Title of position: Consultant.
5. Name of private employer: International Nickel Co., Inc., 67 Wall Street, New York, N. Y.

CARLTON HAYWARD,
Director of Personnel.

OCTOBER 31, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The International Nickel Company, Inc.
Bank deposits.

Dated: October 30, 1956.

HAROLD LARSEN.

[F. R. Doc. 56-8959; Filed, Nov. 5, 1956; 8:45 a. m.]

ROBERT DE S. COUCH

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 1, 1956, 21 F. R. 3728.

A. Deletions: General Foods Corporation, Gerber Products Company, Pyramid Electric Company, Standard Uranium.

B. Additions: General Motors.

This statement is made as of October 20, 1956.

Dated: October 26, 1956.

ROBERT DE S. COUCH.

[F. R. Doc. 56-8960; Filed, Nov. 5, 1956; 8:45 a. m.]

GEORGE E. LAWRENCE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 22, 1956, 21 F. R. 3393.

A. Deletions: No changes.

B. Additions: No changes.

This statement is made as of October 30, 1956.

GEORGE E. LAWRENCE.

Dated: October 30, 1956.

[F. R. Doc. 56-8961; Filed, Nov. 5, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11554; FCC 56M-1006]

PERRY COUNTY BROADCASTING CO. (WWOW)

ORDER SCHEDULING HEARING

In re application of Claude P. Stephens and Frank L. Jones, d/b as Perry County Broadcasting Company (WWOW), Hazard, Kentucky, Docket No. 11554, File No. BP-9840; for construction permit.

It is ordered, This 30th day of October 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is scheduled to commence on December 18, 1956, in Washington, D. C.

Released: October 31, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8990; Filed, Nov. 5, 1956; 8:51 a. m.]

[Docket No. 11820; FCC 56M-1005]

WAYNE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of T. O. Collins & Herman Morris, d/b as Wayne Broadcasting Company, Jesup, Georgia, Docket No. 11820, File No. BP-10375; for construction permit for new standard broadcast station.

It is ordered, This 30th day of October 1956, by the Hearing Examiner, on his own motion, that, in view of the pendency of the petition filed on October 29, 1956, by T. O. Collins and Herman Morris, d/b as Wayne Broadcasting Company, requesting that its application in the above-entitled proceeding be dismissed without prejudice, the pre-hearing conference in the said proceeding, now scheduled to be held on November 1, 1956, and the hearing therein now scheduled to be held on November 15, 1956, be, and they are hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8991; Filed, Nov. 5, 1956; 8:51 a. m.]

[Docket No. 11821; FCC 56-1051]

GOOD MUSIC STATION, INC., AND RKO TELERADIO PICTURES, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING MATTER FOR HEARING

In the matter of The Good Music Station, Inc., (assignor), and RKO Teleradio Pictures, Inc., (assignee), Docket No. 11821, File Nos. BAPL-114, BALH-236; for assignment of license and construction permit of station WGMS, Bethesda, Maryland and license of Station WGMS-FM, Washington, D. C.

1. The Commission has before it for consideration (a) the Commission's Memorandum Opinion and Order released September 13, 1956 (FCC 56-870, Mimeo No. 35755), designating the above-entitled applications for oral argument, postponing the grant of the applications, and ordering that reassignment of the licenses and construction permit to the assignor be effected by October 12, 1956; (b) motions to vacate the Order postponing the effective date of grant, filed by Assignee on September 28, 1956, and by Assignor on October 1, 1956; (c) the Commission's Order released October 12, 1956 (FCC 56-980, Mimeo No. 36667), extending the date of reassignment from October 12, 1956, to November 13, 1956;

(d) opposition to the motions to vacate, filed on October 9, 1956, by Lawrence M. C. Smith (Protestant); (e) reply to Protestant's opposition, filed on October 15, 1956, by Assignor; (f) the Order of the United States Court of Appeals for the District of Columbia Circuit dated October 25, 1956; and (g) the transcript of oral argument and the briefs of the parties filed pursuant to Commission order.

2. The Commission proposes first to consider what disposition is to be made of the protest in the light of the facts alleged and the oral argument held October 1, 1956. Careful consideration of these matters satisfies us that certain of the facts alleged, if proven, could provide grounds for setting aside the grant and that an evidentiary hearing is necessary to a resolution of the matters. In a subsequent order the issues to be heard will be specified, and at that time the Commission will decide which, if any, of protestant's issues should be heard, whether any of them need to be redrafted, and whether any further issues need be prescribed. Other details of the evidentiary hearing will also be described in that order.

3. The next problem to be considered is whether the grant of the assignment should be stayed thus requiring reversion of the construction permits and licenses to the assignor or whether, in response to pleadings filed, the assignee should be permitted to continue operation of the stations. The fact situation involved in this proceeding has been stated in the Commission's Memorandum Opinion and Order released September 13, 1956. In brief, the above-entitled applications were granted by the Commission without a hearing on July 18, 1956; a protest of the grant was filed on August 7, 1956, by Lawrence M. C. Smith; and, on September 13, 1956, the said applications were designated for oral argument on the question whether, if the facts alleged in the protest were to be proven, grounds would exist for setting aside the grant of the applications. The Order of Designation also stated that "No facts or arguments are set forth in the oppositions to the instant protest to show either that the grant of the above-entitled applications is necessary to the maintenance of the existing service provided by Station WGMS and WGMS-FM, or that the public interest requires that the grant remain in effect pending determination of the questions raised by the protest. Nor are we able, on the basis of the facts before us, to conclude that we would be warranted in denying a stay in this case. Accordingly, the effective date of the grant must be postponed until a final determination is reached after the oral argument ordered herein." The applicants were, accordingly, ordered to effect a reassignment of the licenses and construction permit to the assignor by October 12, 1956.

4. On October 12, 1956, a motion to vacate the order postponing the effective date of grant having been filed by both the assignor and the assignee, the Commission extended the date for effecting reassignment from October 12, 1956, to November 13, 1956, for the reason that all pleadings relating to the motions to vacate had not been received and time was required for their study. The protestant thereupon filed an appeal in the United States Court of Appeals for the District of Columbia Circuit, from the Commission's actions postponing until October 12, 1956, and then November 13, 1956, the date upon which the reversion of WGMS and WGMS-FM to the assignor was to be consummated. As a result of this Appeal, the Court ordered on October 25, 1956 that the Commission "• • • cause reassignment of the license and construction permit for those stations [WGMS and WGMS-FM] to be effectuated within seven days unless within that time the Commission in some other manner complies with the pertinent provisions of section 309 (c) • • •" The Court's mandate thus makes it clear that compliance with other pertinent provisions of section 309 (c) of the act may be an acceptable alternative to reassignment of the authorizations of stations WGMS and WGMS-FM.

5. The applicable portion of section 309 (c) of the act which sets forth alternative courses of action for the Commission on the question of reassignment states as follows:

• • • pending hearing and decision [of cases arising under this statute] the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

6. We are of the opinion that those facts stated in the pleadings before us are sufficient to raise a question as to whether the public interest requires that the grant of the above-stated applications remain in effect. The first question before us, however, is whether the motions to vacate are procedurally acceptable. As indicated in paragraph 3, supra, neither assignor nor assignee, in their oppositions to the protest, set forth any facts or reasons as to why the authorizations here in question should not be stayed.[1] The protestant argues that any opposition to a stay of the effective date of grant must be filed within the ten-day period allowed for filing oppositions to the protest; that the present motions to vacate were filed after such period; and that they are, therefore, not timely filed. In addition, protestant asserts that the said motions to vacate are unsupported by evidence that lateness was caused by newly discovered evidence or by circumstances beyond the control of the assignor or assignee and that they should, therefore, be denied.

7. Pleadings, such as the instant motions to vacate, which are directed to Commission actions affecting adversely the interests of the pleader are governed by section 405 of the act, which section states in pertinent part as follows:

After a decision, order, or requirement has been made by the Commission in any proceeding, any party thereto, or any other person aggrieved or whose interests are adversely affected thereby, may petition for rehearing • • •. Petitions for rehearing must be filed within 30 days from the date upon which public notice is given of any decision, order, or requirement complained of • • •. Rehearings shall be governed by such general rules as the Commission may establish except that no evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding shall be taken on any rehearing.

Section 405 of the act thus makes it clear than any person "aggrieved or whose interests have been adversely affected" may petition within 30 days for rehearing or reconsideration of any Commission "decision, order, or requirement." Moreover, the Commission has in previous cases exercised its authority to reconsider determinations made in protest cases. [O. R. Mitchell Motors, 14 Pike & Fischer, RR 472; WHEC, Inc., 9 Pike & Fischer, RR 174a, rev'd on other grounds, sub nom. Federal Broadcasting System, Inc., v. Federal Communications Commission, 96 U. S. App. D. C. 260, 225, F. 2d 560, cert. den. 350 U. S. 923.] In the present case, assignor and assignee filed their motions to vacate well within the 30-day period allowed by the act. The fact that the pleadings involved were denominated "Motions to Vacate" rather than "Petitions for Reconsideration" is of no effect since it is evident that they sought reconsideration of the Commission's previous order staying the effectiveness of the grant of the assignment applications.

8. The sole remaining procedural question is that posed by protestant's argument that the applicants make no claim that their motions are based on newly discovered evidence or are otherwise justified by circumstances beyond their control. It is not clear whether protestant relates this argument to section 309 (c) of the act and § 1.730 of the Commission's rules or to section 405 of the act. Since, however, the motions to vacate are clearly governed by section 405 of the act (see paragraph 7, supra), we need only to consider protestant's argument as it applies thereto. Here, again, the language of the act is clear, permitting the Commission to consider not only newly discovered evidence, but also evidence which has become available since the original taking of evidence or evidence which the Commission believes should have been taken in the original proceeding. In the present case, assignor alleged, in reply to protestant's opposition to the motion to vacate, that the facts stated in such motion became apparent only after oppositions to the protest had been filed. Even if this allegation be discounted, however, it is apparent that the factors presented in the motions to vacate may impinge upon the public interest and, as such, should have been taken cognizance of by the Commission in its original examination of the protest. Such factors are, therefore, a proper subject for consideration by the Commission at this time, under the provisions of section 405 of the act (see

[1] The protest requested that the Commission "• • • stay the effectiveness of its grant made July 18, 1956, or rescind the grant."

paragraph 7, supra) even though it be assumed arguendo that they may have been in the possession of the assignor, though not before the Commission, at the time opposition to the protest was filed.

9. The Commission has reconsidered its conclusion that the public interest does not require that the grant of the assignment application remain in effect pending determination of the protest proceeding. The provisions of section 309 (c) which require the public interest finding may be applied in light of what is involved in the application being protested. The instant matter involves assignment of construction permits and licenses from one owner to another owner. We believe that where such an assignment takes place, this action may be an indication that the assignor is no longer willing to assume his responsibilities as a station licensee by the continued operation of said stations and that he desires to relieve himself of further efforts in these directions by effecting a transfer of license. The public interest requires that operation of already licensed stations should be continued by persons who are actively and genuinely interested in providing service, in serving the public, and in doing these in the light of the responsibilities imposed on licensees of this Commission by the Communications Act. A majority of the owners of the assignor of WGMS and WGMS-FM have by the sale of the stations shown their unwillingness to bear the burden of continued operation in the public interest. The pleadings indicate that this reluctance is of a continuing nature, for the assignor has stated in the motion to vacate and in the reply to the opposition thereto that if required to resume operation of the station it would not do so in accordance with its earlier representations to the Commission made prior to the assignment. Indeed, assignor will not broadcast both a network and a good music format, as promised by the assignee, but will discontinue the good music format altogether and limit itself entirely to a network type operation on both stations. On the other hand, RKO Teleradio has demonstrated that it is desirous of assuming these responsibilities. Moreover, in the instant case the charges made by the protestant have been directed primarily against the assignor rather than toward the qualifications of the assignee; protestants' charges of fraud are based upon allegations that the majority stockholders, in control of the corporation, breached their fiduciary relationship with a minority stockholder. In view of the foregoing facts the Commission believes that in this case involving the assignment of construction permits and licenses the public interest requires that the grant remain in effect and that operation of the stations be continued by RKO Teleradio pending determination by the Commission of the protest proceeding.

Accordingly, it is ordered, This 31st day of October 1956, that the Motions to Vacate are granted; that in accordance with the Order of the Court of Appeals those portions of the Commission's Memorandum Opinion and Order of September 13, 1956 and Order of October 12, 1956, which delayed reassignment to the assignor are set aside; that so much of the aforesaid September 13, 1956, Memorandum Opinion and Order as postponed the effective date of the grant of the assignment application pending decision in the hearing on the protest is set aside; that the assignee herein is authorized to continue operation of the facilities in question pending the Commission's decision after hearing; and that an evidentiary hearing on the protest will be held upon issues and at a time and place to be specified in a subsequent order.

Released: November 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8992; Filed, Nov. 5, 1956; 8:51 a. m.]

[Docket Nos. 11854, 11855; FCC 56M-1007]

DONALD LEWIS HATHAWAY AND CASPER MOUNTAIN TELEVISION CORP.

ORDER SCHEDULING HEARING

In re applications of Donald Lewis Hathaway, Casper, Wyoming, Docket No. 11854, File No. BPCT-2105; The Casper Mountain Television Corporation, Casper, Wyoming, Docket No. 11855, File No. BPCT-2130; for construction permits for new television stations.

It is ordered, this 30th day of October 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1957, in Washington, D. C.

Released: October 31, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8993; Filed, Nov. 5, 1956; 8:51 a. m.]

[Docket Nos. 11856, 11857; FCC 56M-1008]

RADIO ORLANDO AND ORLANDO RADIO & TELEVISION BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Gordon Sherman and Melvin Feldman, d/b as Radio Orlando, Orlando, Florida, Docket No. 11856, File No. BP-10339; Orlando Radio & Television Broadcasting Corporation, Orlando, Florida, Docket No. 11857, File No. BP-10671; for construction permits.

It is ordered, This 30th day of October 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1957, in Washington, D. C.

Released: October 31, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-8994; Filed, Nov. 5, 1956; 8:52 a. m.]

[3] Statements concurring in part and dissenting in part of Commissioners Hyde, Bartley, and Lee and the dissenting statement of Commissioner Doerfer are filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. G-11336]

SHELL OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Shell Oil Company (Shell) on October 1, 1956, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated September 21, 1956; Texas Gas Pipe Line Corporation; Supplement No. 5 to Shell's FPC Gas Rate Schedule No. 29; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Shell if later.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8997; Filed, Nov. 5, 1956; 8:52 a. m.]

[Docket No. G-11337]

CONTINENTAL OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Continental Oil Company (Continental) on October 1, 1956, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, undated; Mississippi River Fuel Corporation; Supplement No. 5 to Continental's FPC Gas Rate Schedule No. 113; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended insofar as it pertains to a proposed rate increase, and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase, and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 30, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8998; Filed, Nov. 5, 1956; 8:52 a. m.]

[Docket No. G-11357]

TIDEWATER OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Tidewater Oil Company (Tidewater), on October 1, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [3]

Notice of change, dated September 26, 1956; United Fuel Gas Company; Supplement No. 6 to Tidewater's FPC Gas Rate Schedule No. 24; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8999; Filed, Nov. 5, 1956; 8:52 a. m.]

[Docket No. G-11359]

CARTER-JONES DRILLING CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Carter-Jones Drilling Company (Operator) et al. (Carter-Jones), on September 28, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [4]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 2 to Carter-Jones' FPC Gas Rate Schedule No. 5; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearing concerning the lawfulness of said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Tidewater, if later.

[4] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Carter-Jones, if later.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9000; Filed, Nov. 5, 1956; 8:52 a. m.]

[Docket No. G-11365]

ATLANTIC REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

The Atlantic Refining Company (Atlantic) on September 24, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[2]

Notice of change dated September 21, 1956; Texas Eastern Transmission Corporation; Supplement No. 11 to Atlantic's FPC Gas Rate Schedule No. 142; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9001; Filed, Nov. 5, 1956; 8:53 a. m.]

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[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Atlantic, if later.

[Docket No. G-11331]

STANOLIND OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Stanolind Oil and Gas Company (Stanolind) on October 1, 1956, tendered for filing a proposed change in its rate schedule presently effective, subject to refund, for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[3]

Notice of change, dated September 26, 1956; United Fuel Gas Company; Supplement No. 5 to Stanolind's FPC Gas Rate Schedule No. 78; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9002; Filed, Nov. 5, 1956; 8:53 a. m.]

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[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Stanolind if later.

[Docket No. G-11332]

PAN AMERICAN PRODUCTION CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Pan American Production Company (Pan American) (Operator), et al., on October 2, 1956, tendered for filing proposed change in its rate schedule presently effective, subject to refund, for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[4]

Notice of change, undated; United Fuel Gas Company; Supplement No 4 to Pan American's FPC Gas Rate Schedule No 2; November 2, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Pan American if later.

and the same hereby is suspended and the use thereof deferred until April 2, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9003; Filed, Nov. 5, 1956; 8:53 a. m.]

[Docket No. G-11333]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

The Texas Company (Texas Company) on October 8, 1956, tendered for filing a proposed change in its rate schedule presently effective, subject to refund, for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[2]

Notice of change, undated; United Gas Pipe Line Company; Supplement No. 4 to Texas Company's FPC Gas Rate Schedule No. 102; November 8, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 8, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9004; Filed, Nov. 5, 1956; 8:53 a. m.]

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[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Texas Company, if later.

[Docket No. G-11334]

SOUTHERN PRODUCTION CO., INC.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Southern Production Company, Inc. (Southern Production) on October 10, 1956, tendered for filing a proposed change in its rate schedule presently effective, subject to refund, for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[3]

Notice of change, dated October 5, 1956; Southern Natural Gas Company; Supplement No. 5 to Southern Production's FPC Gas Rate Schedule No. 3; December 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9005; Filed, Nov. 5, 1956; 8:53 a. m.]

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[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Southern Production if later.

[Docket No. G-11335]

GULF REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Gulf Refining Company (Gulf) on October 11, 1956, tendered for filing a proposed change in its rate schedule presently effective, subject to refund, for sales subject to the jurisdiction of the Commission.. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[4]

Notice of change, dated October 4, 1956; Hassie Hunt Trust; Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 13; November 11, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said pro-

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Gulf if later.

posed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9006; Filed, Nov. 5, 1956; 8:53 a. m.]

[Docket No. G-2725 etc.]

J. W. MADDEN, JR., ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

OCTOBER 30, 1956.

In the matters of J. W. Madden, Jr., et al., Docket Nos. G-2725, et al.; Sohio Petroleum Company, Docket No. G-5929.

Notice is hereby given that the application of Sohio Petroleum Company in Docket No. G-5929 in the above consolidated proceedings, scheduled for hearing on November 19, 1956, at 9:30 a. m., is hereby severed therefrom and continued for a hearing to be held upon a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9007; Filed, Nov. 5, 1956; 8:54 a. m.]

[Docket No. G-11301]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Humble Oil & Refining Company (Humble), on September 27, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [2]

Notice of change dated September 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 11 to Humble's FPC Gas Rate Schedule No. 15; November 1, 1956.

[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Humble if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9008; Filed, Nov. 5, 1956; 8:54 a. m.]

[Docket No. G-11304]

NANCY LEWIS & JAMES R. WELSH

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Nancy Lewis & James R. Welsh (Welsh), on September 27, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [3]

Notice of change dated September 5, 1956; Texas Eastern Transmission Corporation; Supplement No. 8 to Welsh's FPC Gas Rate Schedule No. 1; November 1, 1956.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Welsh, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9009; Filed, Nov. 5, 1956; 8:54 a. m.]

[Docket No. G-11306]

ROBERT MOSBACHER ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Robert Mosbacher (Operator) et al., (Mosbacher) on September 27, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [4]

Notice of change dated September 24, 1956; Texas Eastern Transmission Corporation; Supplement No. 4 to Mosbacher's FPC Gas Rate Schedule No. 3; November 1, 1956.

[4] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Mosbacher, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9010; Filed, Nov. 5, 1956; 8:54 a. m.]

[Docket No. G-11309]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Phillips Petroleum Company (Phillips) on September 20, 1956 tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [2]

Notice of change dated September 19, 1956; Texas Eastern Transmission Corporation; Supplement No. 10 to Phillips FPC Gas Rate Schedule No. 2A; November 1, 1956.

[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Shell, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commisison orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9011; Filed, Nov. 5, 1956; 8:54 a. m.]

[Docket No. G-11310]

PAUL H. PEWITT

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Paul H. Pewitt (Pewitt) on September 20, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [3]

Notice of change dated September 18, 1956; Texas Eastern Transmission Corporation; Supplement No. 6 to Pewitt's FPC Gas Rate Schedule No. 3; November 1, 1956.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Pewitt, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9012; Filed, Nov. 5, 1956; 8:54 a. m.]

[Docket No. G-11311]

ARKANSAS FUEL OIL CORP. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Arkansas Fuel Oil Corporation (Operator) et al. (Arkansas), on September 20, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [4]

Notice of change undated; Texas Eastern Transmission Corporation; Supplement No. 5

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Arkansas, if later.

to Arkansas' FPC Gas Rate Schedule No. 50; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9013; Filed, Nov. 5, 1956; 8:55 a. m.]

[Docket No. G-11312]

ATLANTIC REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

The Atlantic Refining Company (Atlantic) on September 24, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[2]

Notice of change dated September 20, 1956; Texas Eastern Transmission Corporation; Supplement No. 8 to Atlantic's FPC Gas Rate Schedule No. 141; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9014; Filed, Nov. 5, 1956; 8:55 a. m.]

[Docket No. G-11326]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Phillips Petroleum Company (Phillips), on September 24, 1956, tendered for filing a proposed change in one of its presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[2]

Notice of change dated September 19, 1956; Texas Gas Pipe Line Corporation; Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 145; November 1, 1956.

The increased rate and charge proposed in the above-designated filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the said proposed increased rate and charge and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: October 30, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9015; Filed, Nov. 5, 1956; 8:55 a. m.]

[Docket No. G-11327]

ARKANSAS FUEL OIL CORP. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On September 20, 1956 Arkansas Fuel Oil Corporation, et al. (Arkansas Fuel) submitted for filing a proposed change in its rate schedule presently in effect for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[2]

Notice of change undated; Texas Eastern Transmission Corporation; Supplement No. 3 to Arkansas Fuel's FPC Gas Rate Schedule No. 48; November 1, 1956.

By order issued September 23, 1955 in Docket No. G-9386 a prior increase under the same rate schedule was suspended and its use deferred until April 1, 1957 and until made effective in the manner prescribed by the Natural Gas Act. The increase in Docket No. G-9386 has not been made effective.

The increased rate and charge proposed in Supplement No. 3 has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9016; Filed, Nov. 5, 1956; 8:55 a. m.]

[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Atlantic, if later.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant, if later.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Arkansas Fuel, if later.

[3] Commissioner Digby dissenting.

[Docket No. G-11330]

STANOLIND OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Stanolind Oil and Gas Company (Stanolind) on September 28, 1956, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 27, 1956; H. L. Hunt; Supplement No. 8 to Stanolind's FPC Gas Rate Schedule No. 88; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 30, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9017; Filed, Nov. 5, 1956; 8:55 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Stanolind if later.

[Docket No. G-6452 etc.]

HUGH K. HADDOX ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G-6452; Hugh K. Haddox; Grant Field, Elk County, Pa.; The Manufacturers Light and Heat Company.

G-7317; A. F. Morris, Trustee for SPB & M; Carroll District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-7318; A. F. Morris, Trustee for SPB & M; Union and Carroll Districts, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-7319; Morris and Adkin; McComas District, Cabell County, W. Va.; South Penn Natural Gas Company.

G-7320; Six Mile Gas Company; Sheridan District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-5998; Rowan & Hope—Operators; Henze, DeWitt County, Tex.; Texas Eastern Transmission Corporation.

A public hearing will be held on the 28th day of November, 1956, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concern-

ing the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

OCTOBER 30, 1956.

[F. R. Doc. 56-8963; Filed, Nov. 5, 1956; 8:45 a. m.]

[Docket No. G-9540]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 30, 1956.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in the El Paso Natural Gas Company Building, El Paso, Texas, filed an application on October 24, 1955, subsequently amended, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain additional facilities which will enable Applicant to deliver and sell to Southern Union Gas Company, for resale by said company to the White Sands Proving Grounds, Holloman Air Force Base, and the Town of Alamogordo, New Mexico, volumes of natural gas of up to 8,725 Mcf per day, subject to the jurisdiction of the Commission, all as more fully described in the application as amended, which is on file with the Commission and open to public inspection.

Applicant states that it has been advised by Southern Union Gas Company that the load requirements have steadily increased in the service area in and around White Sands Proving Grounds, Holloman Air Force Base, and the Town of Alamogordo, New Mexico, wherein the demands for gas will exceed the designed capacity of Applicant's existing system serving said communities.

Applicant states that the estimated total cost of the facilities proposed to be constructed is $272,000, and that it proposes to commence construction of the facilities as soon as a certificate of public convenience and necessity therefor is granted, and to complete construction at the earliest practicable date.

This matter should be disposed of as promptly as possible and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, December 12, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said application as amended: *Provided*, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 26, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8964; Filed, Nov. 5, 1956; 8:46 a. m.]

[Docket Nos. G-10500, G-10522]

EL PASO NATURAL GAS CO. AND NEVADA NATURAL GAS PIPE LINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 30, 1956.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation with its principal place of business in the El Paso Natural Gas Company Building, El Paso, Texas, on May 31, 1956, filed, pursuant to section 7 of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing it (1) to acquire by purchase from its customer, Nevada Natural Gas Pipe Line Co. (Nevada), certain pipeline facilities; (2) to lease from Nevada, maintain and operate certain pipeline facilities; (3) to construct and place in operation certain additional pipeline and metering facilities; and (4) to consolidate all metering facilities serving Nevada; all as more fully described in El Paso's application as supplemented, which is on file with the Commission and is open to public inspection.

Nevada Natural Gas Pipe Line Co. (Nevada), a Nevada corporation with its principal place of business at 203 East Charleston Boulevard, Las Vegas, Clark County, Nevada, on June 5, 1956, filed, pursuant to section 7 of the Natural Gas Act, an application for authority to do the things necessary to effectuate the proposals set forth in El Paso's application, namely, (1) to sell and transfer certain pipeline facilities to El Paso; (2) to terminate an approximately 114 miles of loop line at a point 5.57 miles northerly from a point of connection with El Paso's 30-inch O. D. transmission line near Topok, Arizona; and (3) to lease to El Paso certain other pipeline facilities, all as more fully described in Nevada's application as supplemented, which is on file with the Commission and is open to public inspection.

These interrelated matters should be disposed of as promptly as possible and to that end the above-captioned dockets are hereby consolidated for all purposes.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, December 12, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said applications, as supplemented: *Provided, however*, That the Commission, after a non-contested hearing, may dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for the Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 26, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8965; Filed, Nov. 5, 1956; 8:46 a. m.]

[Docket No. G-10737]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 30, 1956.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on July 12, 1956, as amended September 13, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of the existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and to sell and deliver natural gas in interstate commerce under its G-J Rate Schedule, FPC Gas Tariff, First Revised Volume No. 1 to The Mobile County Gas District, Mobile County, Alabama (Mobile), for resale and distribution by Mobile via its proposed distribution systems hereinafter described in the communities of Citronelle, Chunchula, Semmes, Three Notches, Theodore, Dog River, Grand Bay, North Bayou la Batre, South Bayou la Batre, Coden and Farm Tap customers located along Mobile's proposed transmission line.

The facilities proposed to be constructed and operated by Applicant at an estimated cost of $16,546 which will be financed by Applicant out of its current working funds consist of a 4-inch line tap, meter station and appurtenant facilities located approximately 0.7 mile north of Semmes, Lamar County, Alabama, on Applicant's 20 inch Baxterville Gas Field—Mobile transmission line.

The estimated annual gas requirements and peak day gas requirements for the foregoing project for the first 3 years of operation in Mcf at 14.9 psia is as follows:

Year	Annual	Peak day
First	156,330	1,563
Second	217,354	2,173
Third	285,883	2,859

Mobile proposes to construct, own and operate at an estimated total cost of approximately $3,000,000 which it proposes to raise through the sale of revenue bonds (1) approximately 25.6 miles of 4½-inch high-pressure lateral transmission line extending in a general Southerly direction from the community of Citronelle situated at the northernmost end of the proposed system through Chunchula to a point of cross connection (tap) with Applicant's 20-inch Baxterville Gas Field—Mobile transmission line, thence continuing in the same general direction approximately 29.7 miles of 8⅝-inch high-pressure lateral transmission line through Semmes, Wheelerville, North Bayou la Batre, South Bayou la Batre to Coden, (2) approximately 4.2 miles of 4½-inch side lateral transmission line extending from aforesaid 8⅝-inch line to Three Notches, (3) approximately 9.3 miles of 6⅝-inch side lateral transmission line extending from aforesaid 8⅝-inch line through Theodore to Dog River, (4) approximately 7.2 miles of 4½-inch side lateral transmission line extending from aforesaid 8⅝-inch line to Grand Bay, (5) distribution systems in the communities of Citronelle, Chunchula, Semmes, Three Notches, Theodore, Dog River, Grand Bay, North Bayou la Batre, South Bayou la Batre and Coden, together with the necessary regulating and metering stations at the taps for each distribution system, and (6) various taps to serve customers located along the aforesaid transmission lines.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, November 29, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the isues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-8966; Filed, Nov. 5, 1956; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy 4, Notifications 38, 53, Rescission of Amdt.]

PLACEMENT OF PROCUREMENT WITH THE TEXTILE INDUSTRY AND THE APPAREL INDUSTRY

RESCISSION OF EXEMPTION OF GENERAL SERVICES ADMINISTRATION

NOVEMBER 1, 1956.

Upon request of the Administrator of the General Services Administration, the Director of the Office of Defense Mobilization has approved the following:

That amendment dated September 2, 1952, to Notification 38 (17 F. R. 4993) and amendment dated September 2, 1952, to Notification 53 (17 F. R. 6675) exempting the General Services Administration from provisions of these notifications are hereby rescinded.

OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 56-8987; Filed, Nov. 5, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File. No. 70-2945 etc.]

OHIO VALLEY ELECTRIC CORP. ET AL.

SECOND SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

OCTOBER 31, 1956.

In the matter of Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation et al.; File Nos. 70-2945, 70-3106, 70-3320 and 70-3368.

The Commission on November 7, 1952, issued its Findings and Opinion and Order (Holding Company Act Release No. 11578) granting and permitting to become effective a joint application-declaration, filed pursuant to sections 6, 7, 9, 10 and 13 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-90, U-91 and U-100 thereof, by American Gas and Electric Company ("American Gas"), a registered holding company, and its subsidiary service company, American Gas and Electric Service Corporation ("Service Corporation"); The West Penn Electric Company ("West Penn Electric"), a registered holding company; Ohio Edison Company ("Ohio Edison"), a public utility company and a registered holding company; The Cincinnati Gas & Electric Company, a public utility company and an exempt holding company; Louisville Gas and Electric Company, a public utility company and an exempt holding company; Kentucky Utilities Company, a public utility company and an exempt holding company; Ohio Valley Electric Corporation ("OVEC") and Indiana-Kentucky Electric Corporation ("IKEC"), the latter two companies then being new utility companies organized for the purpose of providing power for an atomic energy installation to be located at or near Portsmouth, Ohio.

This order was issued in respect of a program involving (1) the issuance and sale by IKEC of not in excess of 100,000 shares of its common stock, without par value, and the acquisition thereof by OVEC at a price of $200 per share, (2) the issuance and sale by OVEC of not in excess of 200,000 shares of common stock, $100 par value, and the acquisition thereof at par by the above-named companies (excluding Service Corporation) and four utility companies not subject to the act, and (3) the extension to OVEC and IKEC of certain services to be rendered by Service Corporation.

The Commission, on July 27, 1953, issued its Memorandum Opinion and Order (Holding Company Act Release No. 12077) granting and permitting to become effective a joint application-declaration filed pursuant to sections 6, 7, 9, 12 (f) and 12 (g) of the act and various Rules thereunder including U-50 and U-100 filed by the above-named companies (excluding Service Corporation) and three public utility subsidiaries of American Gas, i. e., Appalachian Electric Power Company ("Appalachian"), The Ohio Power Company ("Ohio Power"), and Indiana & Michigan Electric Company ("Indiana & Michigan"), and three public utility subsidiaries of West Penn Electric, i. e., Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("Potomac Edison") and West Penn Power Company ("West Penn Power"), and a public utility subsidiary of Ohio Edison, i. e., Pennsylvania Power Company.

The Memorandum Opinion and Order of July 27, 1953, was issued in respect of proposals relating to (1) the issuance and sale by IKEC of not in excess of $230,000,000 principal amount of First Mortgage Bonds and the acquisition thereof by OVEC; (2) the issuance by OVEC of not in excess of $360,000,000 principal amount of First Mortgage and Collateral Trust Bonds and the sale thereof to 39 institutional investors; (3) the issuance by OVEC of not in excess of $60,000,000 principal amount of unsecured notes and the sale thereof to financial institutions, including 12 banks; (4) the issuance by OVEC of not in excess of $8,000,000 principal amount of "Subordinated Notes" and the acquisition thereof by the companies identified in the preceding paragraph and four public utility companies not subject to the act; and (5) the execution by the several applicant-declarant companies of certain contracts and agreements relating to the financing and operation of the project.

The Commission on December 21, 1954, issued its Order (Holding Company Act

Release No. 12752) granting and permitting to become effective an application-declaration pursuant to sections 6 (a) (2) and 7 of the act by OVEC regarding a reduction in the rate of interest on the notes, issued and to be issued, and on the subordinated notes to be issued.

The Commission on May 25, 1955, issued its Memorandum Opinion and Order (Holding Company Act Release No. 12909) granting and permitting to become effective an application-declaration filed by OVEC; American Gas and its three public utility subsidiaries, Appalachian, Ohio Power, and Indiana & Michigan; West Penn Electric and three of its public utility subsidiaries, Monongahela, Potomac Edison, and West Penn Power; Ohio Edison and its subsidiary, Pennsylvania Power Company; The Cincinnati Gas & Electric Company; Kentucky Utilities Company; and Louisville Gas and Electric Company; pursuant to sections 6 (a) (2), 6 (b), 7 (e) and 12 (f) of the act and Rule U-43 promulgated thereunder.

Said application-declaration was in respect of (1) the issuance and sale for cash of $10,000,000 principal amount of notes ("Interim Debt") due 90 days after demand to 12 of the 14 institutions then owning OVEC's outstanding notes due 1967; and (2) the amendment of the agreements underlying all of the presently outstanding debt securities of OVEC so as to permit the participating companies to reduce their commitments to supply equity capital to OVEC from $20,000,000 to $10,000,000 so long as such interim debt should remain outstanding.

The Commission, in said orders of November 7, 1952, July 27, 1953, December 21, 1954, and May 25, 1955, having reserved jurisdiction to pass upon all fees and expenses, including legal fees, in connection with the proposed transactions; the Commission having on December 29, 1954, issued its order (Holding Company Act Release No. 12764) releasing jurisdiction over fees and expenses incurred up to and including December 31, 1953, but having reserved jurisdiction as to fees and expenses incurred and to be incurred subsequent to December 31, 1953, and over the allocation of fees and expenses as between OVEC and IKEC; amendments to the applications-declarations having been filed relating to fees and expenses incurred from January 1, 1954, to and including June 30, 1955, in respect of the various transactions outlined above, including fees and expenses attributed to services rendered in connection with transactions which it is stated were not subject to the Commission's jurisdiction.

The claimants for fees and expenses, the interests represented, other costs incurred, and the total amounts involved, and the allocation thereof, except as between OVEC and IKEC, are reflected in the following tabulation:

Claimants	Fees and expenses admitted to be subject to Commission's jurisdiction	Fees payable by OVEC and IKEC to such firms but claimed not to be subject to Commission's jurisdiction	Total
Simpson Thacher & Bartlett, counsel for:			
OVEC and IKEC	$55,390.27	$74,000.00	$129,390.27
American Gas	1,500.00		1,500.00
Appalachian	1,000.00		1,000.00
Indiana & Michigan	1,000.00		1,000.00
Ohio Power	1,500.00		1,500.00
Eagleson & Laylin, Ohio counsel for OVEC and IKEC	4,377.17	10,505.00	14,882.17
Middleton, Seelbach, Wolford, Willis & Cochran, Kentucky counsel for OVEC and IKEC	5,188.26	10,000.00	15,188.26
Barnes, Hickam, Pantzer & Boyd, Indiana counsel for OVEC and IKEC	4,674.32	10,600.00	15,274.32
Willkie Owen Farr Gallagher & Walton, special counsel for bond purchasers, to be allocated between OVEC and IKEC	33,180.74		33,180.74
White & Case, special counsel for participants under bank credit agreement, to be allocated between OVEC and IKEC	17,500.00		17,500.00
Davis Polk Wardwell, Sunderland & Kiendl, counsel for 2 participants under bank credit agreement, to be allocated between OVEC and IKEC	1,750.00		1,750.00
Milbank, Tweed, Hope & Hadley, counsel for the Chase Manhattan Bank, trustee, to be allocated between OVEC and IKEC	2,350.00	2,600.00	4,950.00
Sullivan & Cromwell, counsel for Monongahela, Potomac, Edison, West Penn Electric, West Penn Power	1,550.00		1,550.00
Winthrop, Stimson, Putnam & Roberts, counsel for Ohio Edison, Pennsylvania Power Co	100.00		100.00
McClintic, James, Wise & Darlisman, counsel for Appalachian	320.91		320.91
Woods, Rogers, Muse & Walker, counsel for Appalachian	1,000.00		1,000.00
Total legal fees and expenses	132,381.67	107,705.00	240,086.67
The First Boston Corp. financial adviser to OVEC and IKEC	[1] 3,000.00		
The Chase Manhattan Bank, trustee under indentures of OVEC and IKEC	26,816.53		
Printing costs, OVEC and IKEC	9,123.63		
U. S. documentary tax stamps, OVEC and IKEC	315,150.00		
Statutory fees payable to State of Indiana by IKEC	266,250.00		
Miscellaneous, OVEC and IKEC	596.53		
Total, including all legal fees and expenses above	753,318.36		

[1] Represents estimated out-of-pocket costs.

The Commission having considered the record made in respect of the above fees and expenses and observing no basis for making adverse findings as to the reasonableness of the amounts set forth above and therefore deeming it unnecessary to segregate for consideration and determination specific transactions and related fees which are subject to the Commission's jurisdiction:

It is therefore ordered, That the jurisdiction heretofore reserved in the Commission's orders of November 7, 1952, July 27, 1953, December 21, 1954, and May 25, 1955, with respect to the reasonableness of the fees and expenses incurred between January 1, 1954, and June 30, 1955, as described above, be and the same hereby is released forthwith.

It is further ordered, That the jurisdiction heretofore reserved in respect of the allocation of the fees and expenses as between OVEC and IKEC and in respect of fees and expenses incurred and to be incurred for services rendered subsequent to June 30, 1955, be and the same hereby is continued.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8967; Filed, Nov. 5, 1956; 8:46 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS LTD.

SECOND AMENDED ORDER AND NOTICE OF HEARING

OCTOBER 31, 1956.

I. Great Sweet Grass Oils Limited (hereinafter called "Registrant"), a corporation organized and incorporated under the laws of the Province of Ontario, Dominion of Canada, registered its capital stock, $1 par value, with the American Stock Exchange on November 22, 1954, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 (hereinafter called "the act") and the rules and regulations adopted by the Commission thereunder and filed a duplicate original of Form 10 with the Commission on that date. The registration of such securities became effective on December 23, 1954, and such securities were admitted to trading on the American Stock Exchange on January 10, 1955.

II. On January 24, 1956, registrant filed with the Commission a current report on Form 8-K, pursuant to section 13 of the act, for the month of December 1955. On October 17, 1956, registrant filed with the Commission amendment No. 2 to said Form 8-K. On October 24, 1956, registrant filed with the Commission a request to withdraw said Form 8-K, as amended, and concurrently therewith registrant filed amendment No. 3 to said Form 8-K as a current report for the month of December 1955. The Commission has reason to believe that the Form 8-K and amendments so filed were false and misleading in the following regards:

1. In stating in the original Form 8-K that registrant acquired assets from Depositors Mutual Oil Development Company, an Oklahoma corporation (hereinafter called "Depositors"), consisting of 9,470,000 barrels of proven oil reserves, 18,167 MCF proven gas reserves, 93,600,000 barrels of unproven oil reserves and 238,500 MCF of unproven gas reserves.

2. In stating in the original Form 8-K that registrant acquired assets from Pitt Petroleums, Ltd., an Alberta corporation, which included 155,351 barrels of probable additional oil.

3. In stating in amendment No. 2 that registrant acquired assets from Depositors which included 8,216,000 barrels of net proved oil reserves classified as "undeveloped" and 16,495 MCF of net proved gas reserves classified as "undeveloped."

4. In representing in amendment No. 2 that the fair value of the properties acquired from Depositors, including estimated values of unproven properties, was $6,562,500.

5. In omitting to state in amendment No. 3 on registrant's own responsibility any amount of oil and gas reserves acquired from Depositors but in attaching as an exhibit to said amendment No. 3 geological reports which are ambiguous and conflicting as to the amount of oil and gas reserves acquired from Depositors.

6. In representing that the assets of Depositors were acquired by registrant as a result of arms-length bargaining and that there was no material relationship between registrant, its officers, directors or associates and Depositors, its officers, directors or associates.

7. In representing that the issuance and sale of 1,750,000 shares of registrant's capital stock to Depositors for its assets was an exempt transaction under the Securities Act of 1933 and not required to be registered thereunder.

8. In representing that Depositors had operated the oil and gas properties acquired by registrant and in not disclosing that Depositors was organized for the purpose of acting as a conduit of the properties from Jordan Petroleum Company, an Oklahoma corporation, and others to registrant and that registrant and stockholders of Depositors intended to make a public distribution of registrant's shares issued to Depositors for its assets.

III. On May 16, 1956, registrant filed with the Commission an annual report on Form 10-K, pursuant to section 13 of the act, for the fiscal year ended December 31, 1955. On June 25, 1956, registrant filed an amendment to said Form 10-K. On October 24, 1956, registrant filed with the Commission a request for withdrawal of said Form 10-K and concurrently therewith filed a revised Form 10-K for its fiscal year ended December 31, 1955. The Commission has reason to believe that said Forms 10-K, as originally filed, as amended and as revised, were false and misleading and did not comply with the rules and regulations of the Commission with respect to the form and content of such reports in the following particulars:

1. The balance sheet included in the original Form 10-K falsely represented the value of the oil and gas properties to be acquired from Depositors as being $6,597,500.

2. The balance sheet included in the revised Form 10-K contains as an asset the oil and gas properties acquired from Depositors at a figure of $6,597,500 but a note to the balance sheet states that this figure is not intended to reflect the value of the properties acquired.

3. The financial statements included in the revised Form 10-K were incomplete and were not certified by manual signature of an independent public accountant as required by Rule 2-02 of Regulation S-X.

4. The amendment filed on June 25, 1956, and the revised Form 10-K filed on October 24, 1956, falsely represented that at the time of acquisition of the assets of Depositors there was no relationship between registrant, its officers or directors and Depositors, its officers or directors and that the determination of the fair value of such assets and the price paid therefor resulted through arms-length bargaining between the management and the respective companies.

5. The amendment filed on June 25, 1956, represented that J. P. Cannon & Co. Limited, members of the Toronto Stock Exchange, on December 31, 1955, held 2,218,638 shares of record whereas the revised Form 10-K filed on October 24, 1956, represented that said J. P. Cannon & Co. Limited owned 4,218,638 shares of record on December 31, 1955.

It is ordered, That a public hearing, pursuant to section 19 (a) (2) of the act, be held at 10:00 a. m., e. s. t., on Tuesday, November 13, 1956, in Room 193 at the offices of the Commission, 425 Second Street NW., Washington, D. C., to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of registrant on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder as set forth in paragraphs II and III above and further to rule upon the request for withdrawal of the documents specified in such request filed on October 24, 1956.

It is further ordered, That Mr. James G. Ewell is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the American Stock Exchange and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceedings should file with the Hearing Officer or the Secretary of the Commission on or before November 9, 1956, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-8968; Filed, Nov. 5, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR THE BENEFIT OF A. H. A. VAN EMBDEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

A. H. A. van Embden, L. S. Claim No. 2, $1,509.51.

A. Menko and P. E. Warendorf, L. S. Claim No. 12, $2,100.00.

Miss J. and L. H. Boas, L. S. Claim No. 16, $1,480.00.

Nico de Vries and Marianne Frank, L. S. Claim No. 21, $1,960.40.

Elisabeth Fellner, L. S. Claim No. 233, $1,656.86.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

A. H. A. van Embden, L. S. Claim No. 2, Atchison, Topeka and Santa Fe Railway Company 4/95 Bond Nos. 5610 and 9545, in the principal amount of $1,000 each; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 4854, in the principal amount of $500.

A. Menko and P. E. Warendorf, L. S. Claim No. 12, Atchison, Topeka and Santa Fe Railway Company 4/95 Bond Nos. 111766 and 101144, in the principal amount of $1,000 each; Delaware & Hudson Company 4/43 Bond No. 587, in the principal amount of $1,000.

Miss J. and L. H. Boas, L S. Claim No. 16, Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 44412, in the principal amount of $500.

Nico de Vries and Marianne Frank, L. S. Claim No. 21, Central Pacific Railway Company 4/49 Bond No. 59867, in the principal amount of $1,000; Missouri-Kansas-Texas Railway Company 4/90 Bond Nos. 628 and 32789, in the principal amount of $1,000 each; Norfolk & Western Railway Company 4/96 Bond No. 34546, in the principal amount of $1,000; Cities Service Power & Light Company 5-1/2/49 Bond No. 1777, in the principal amount of $1,000.

Elisabeth Fellner, L. S. Claim No. 233, Cities Service Company 5/69 Debenture No. 39775, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-8976; Filed, Nov. 5, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF MARIA JURGENS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Maria Jurgens, L. S. Claim No. 87, $1,117.43.

Mrs. Cato Hamburger, L. S. Claim No. 90, $6,620.11.

Hendrick, Jan, Wilhelmina and Jan R. Asser; Lucia Stanley; Johanna van Dijk; Wilhelmine Parker; Adelheid Ferrier; Frank, Johanna, Paul, Alfred, and Willem Furnee; Elisabeth Fuchs, L. S. Claim No. 93, $8,316.02.

Frits, Johan and Paula Cohen; Louise Bouwman-Cohen, L. S. Claim No. 328, $873.08.

Sophie Susan, L. S. Claim No. 757, $535.20.

(All right, title, and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 1097, October 3, 1951) in and to):

Maria Jurgens, L. S. Claim No. 87, Southern Pacific Company 4/49 Bond No. 2412, in the principal amount of $500.

Mrs. Cato Hamburger, L. S. Claim No. 90, Dallas and Waco Railway Company 5/40 Bond No. 564, in the principal amount of $1,000.

Hendrik, Jan Wilhelmina, and Jan R. Asser; Lucia Stanley; Johanna van Dijk; Wilhelmine Parker; Adelheid Ferrier; Frank Johanna, Paul, Alfred and Willem Furnee; Elisabeth Fuchs, L. S. Claim No. 93, Southern Pacific Company 4½/69 Bond No. 30487, in the principal amount of $1,000; Winston-Salem Southbound Railway Co. 4/60 Bond Nos. 1853 and 1854, in the principal amount of $1,000 each.

Sophie Susan, L. S. Claim No. 757, Philippine Railway Company 4/37 Bond Nos. 1549 and 6497, in the principal amount of $1,000 each.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8977; Filed, Nov. 5, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF ANNA DE LEEUW ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Mrs. Anna, Mrs. Rachel, Hugo, Dr. Karel and Anna de Leeuw, and Mrs. Marie Schultsz, L. S. Claim No. 130, $4,459.83.

Isaac Viool, L. S. Claim No. 776, $5,948.14.

Abraham Wijnberg, L. S. Claim No. 805, $14,592.69.

Ephraim, Hanna and Jonathan Jacobson; Ada Ichenhäuser-Jacobson; Betty Prins; Esther van Son; Flora van der Hoek-Tabakspinder; Louise Flesseman-Jacobson; Carolina van der Heijden; Betty van Dijk-van der Heijden; Adelheid de Swaan-van der Heijden; Julius Hausdorff; Lea Pakter; Dina Cohen-Hes; Alida Hes-Oosterhof; Eva and Josephina Oppenheimer-Jacobson; Johanna Roet-Prins; Geertruida Hammelburg-van der Heijden; Doreen Wylde-Jacobson, L. S. Claim No. 844, $1,681.07.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Louise Cohen; Etty Veterman; Regina, Kitty and Lodewijk de Hoop; Abraham, Suzanna and Mary de Vries; Mietje van Dam; Andre and Mattheus Davidson; Jack (Costa Rica) Salomons; Jack (Mexico) Salomons; Johanna Garf; Magda, Frederika, Jack van Cleeff; Jack Felix van Cleeff; Eliazar and Simon Monasch; Rozaline Ras; Charles Polak; Nathan Neter, L. S. Claim No. 66, Cities Service Company 5/58 Debenture No. 33747, in the principal amount of $1,000.

Mrs. Anna, Mrs. Rachel, Hugo, Dr. Karel and Anna de Leeuw, and Mrs. Marie Schultsz, L. S. Claim No. 130, Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 12507, in the principal amount of $1,000; Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 7666, 15038 and 16061, in the principal amount of $500 each.

Isaac Viool, L. S. Claim No. 776, International Hydro-Electric System 6/44 Debenture Nos. 1644, 7458 and 24014, in the principal amount of $1,000 each.

Abraham Wijnberg, L. S. Claim No. 805, Cities Service Company 5/66 Debenture No. 3219, in the principal amount of $1,000; Southern Pacific Company 4/49 Bond No. 4614, in the principal amount of $500.

Ephraim, Hanna and Jonathan Jacobson; Ada Ichenhäuser-Jacobson; Betty Prins; Esther van Son; Flora van der Hoek-Tabakspinder; Louise Flesseman-Jacobson; Carolina van der Heijden; Betty van Dijk-van der Heijden; Adelheid de Swaan-van der Heijden; Julius Hausdorff; Lea Pakter; Dina Cohen-Hes; Alida Hes-Oosterhof; Eva and Josephina Oppenheimer-Jacobson; Johanna Roet-Prins; Geertruida Hammelburg-van der Heijden; Doreen Wylde-Jacobson, L. S. Claim No. 844, Southern Pacific Railroad Company 4/55 Bond No. 57839, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8978; Filed, Nov. 5, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF A. G. GERRITSEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Miss A. G. Gerritsen, L. S. Claim No. 426, Cities Service Company 5/66 Debenture No. 19067, in the principal amount of $1,000.

Johannes Hagt, L. S. Claim No. 456, Southern Pacific Company 4/49 Bond No. 13763, in the principal amount of $1,000.

Donald David Hamburger, L. S. Claim No. 461, Southern Pacific Company 4/49 Bond No. 695, in the principal amount of $1,000.

Gerardus Hutjens, L. S. Claim No. 497, Cities Service Company 5/66 Debenture Nos. 16832 and 18959, in the principal amount of $1,000 each.

Adriana Janssen, L. S. Claim No. 503, Union Pacific Railroad Company 4/47 Bond No. 85983, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8979; Filed, Nov. 5, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF NICO NACHTEGALL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Nico Nachtegall, L. S. Claim No. 117, $8,186.82 in the Treasury of the United States.

Mrs. Eva de Jong, L. S. Claim No. 309, $743.31 in the Treasury of the United States.

Herman van Norden, L. S. Claim No. 627, $9,551.29 in the Treasury of the United States.

Hartog Beem, Emalia Hes, Simon, Sophie and Eva Toncman, Kaatje Mendels, Simon Spiegel and Flora van Essen, L. S. Claim No. 740, $1,117.43 in the Treasury of the United States.

Klaartje Reens and Nathan de Vries, L. S. Claim No. 840, $784.16 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8980; Filed, Nov. 5, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF LEONARD FRANK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Leonard Frank, L. S. Claim No. 114, $1,480.00.

Maria van Leeuwen and Alexander van Leeeuwen, L. S. Claim No. 185, $4,704.96.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Johanna de Jong and Roosje Polak, L. S. Claim No. 783, Cities Service Company 5/58 Debenture Nos. 9340 and 40007, in the principal amount of $1,000 each.

Eduard, Klaartje and Samuel Prins; Eduard and Maurits Walg; Kaatje van de Linde; Hendrika and David Godschalk; Amalia van der Wijk; Hendrika Cohen; Mieke de la Penha; Sara Dallmann; Nico, Alfred and Julia van Dien; Selma Coenen; Julia Gazan; Esther Duynhouwer; Sara Meyer; Stijntje Granaat; Albert Hopfenmaier; Babette Stark; Helene, Margarete, Isak, Nathalie and Trude Aufseeser; Lotte Ansbacher, L. S. Claim No. 791, Cities Service Company 5/58 Debenture No. 11158, in the principal amount of $1,000.

Henri Weyl, L. S. Claim No. 803, Cities Service Company 5/69 Debenture Nos. 40653 and 40654, in the principal amount of $1,000 each.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8981; Filed, Nov. 5, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF BERTHA MENKO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Bertha, Arthur, Ann, Beryl and Maarten Menko, and Henriette Robles, L. S. Claim No. 602, Southern Pacific Railroad Company 4/55 Bond No. 91745, in the principal amount of $1,000.

Louis, Berthold and Herman Gersons, Marcus Meyers, Nanny van der Wal-Stibbe, Eduard Stibbe and Toni van Moppes, L. S. Claim No. 609, Union Pacific Railroad Company 4/47 Bond No. 38242, in the principal amount of $1,000.

Frederika and Alice Muller, L. S. Claim No. 619, International Hydro-Electric System 6/44 Debenture No. 1005, in the principal amount of $1,000.

Elise, Bettina, Henriette and Eva van der Voort, L. S. Claim No. 636, Cities Service Company 5/69 Debenture No. 42469, in the principal amount of $1,000.

Marie Cohen; Sara Drukker; Sophie, Joseph and Clara Veerman; Louis Katan; Maurits and Mozes Kan; Huberta Kuyper; Micheline Dauppe; Meyer, Leon, Elisabeth, Sientje van Gelderen; Philip (Maryland, U. S. A.) van Gelderen; Philip (Belgium) van Gelderen; Roosje Kats; Israel, Carlo and Clara van Praag; Aron Cats; Bernard Thembens, L. S. Claim No. 838, Southern Pacific-San Francisco Terminal 4/50 Bond No. 12366, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8982; Filed, Nov. 5, 1956; 8:49 a. m.]

DONATO NOTARGIACOMO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Donato Notargiacomo, Filomena Notargiacomo, Potenza, Italy, Catarina Notargiacomo, Gerardo Notargiacomo, Pasquale Notargiacomo, Gennaro de Benedictis, Naples, Italy, Claim No. 58260, Cash in the Treasury of the United States as follows:

$402.90 to Donato Notargiacomo.

$100.72 to each Filomena, Catarina, Gerardo and Pasquale Notargiacomo and Gennaro de Benedictis.

Vesting Order No. 1920.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8983; Filed, Nov. 5, 1956; 8:49 a. m.]

PAULA HETTERICH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paula Hetterich, Aschaffenburg on the Main, Germany, Claim No. 37570, $671.00 in the Treasury of the United States.

Vesting Order 5084.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-8984; Filed, Nov. 5, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 1, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32845: *Copper, lead, or zinc in official territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on copper, lead or zinc, dust or fume, baghouse, and lead base alloy scrap, carloads from, to, and between points in official territory.

Grounds for relief: Short line distance formula, circuity and grouping.

Tariff: Supplement 41 to Agent Boin's tariff I. C. C. A-1059.

FSA No. 32846: *Commodity column rates in Illinois territory.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on commodities assigned

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commodity column rates (made percentages of docket 15879) rates between points in Illinois freight association territory.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Agent Raasch's tariff I. C. C. 864.

FSA No. 32847: *Scrap iron and steel from Virginian Railway points.* Filed by The Virginian Railway Company, for itself, and interested rail carriers. Rates on scrap iron and steel and related articles, carloads from points in Virginia and West Virginia on the Virginian Railway to Fairmont, W. Va., Connellsville, Johnstown, and Uniontown, Pa.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32848: *Aluminum oxide from Chicago, Ill., to Niagara Falls, Ontario.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on aluminum oxide fines, carloads from Chicago, Ill., points in the Chicago switching district, and related points to Niagara Falls, Ont., Canada.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 43 to Baltimore & Ohio Railroad tariff's I. C. C. No. 24271 and other issues listed in appendix A to the application.

FSA No. 32849: *Commodity rates from and to Price, Miss.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on all commodities, except coal and coke, carloads and less-than-carload between Price, Miss., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail carrier competition, circuity and grouping.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-8975; Filed, Nov. 5, 1956; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 217

Washington, Wednesday, November 7, 1956

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

[Gen. Regs. No. 97—Rev., Supp. No. 3—Rev.]

PART 8—BILLS OF LADING FOR TRANSPORTATION OF GOVERNMENT PROPERTY.

DESTINATION STORAGE-IN-TRANSIT OF HOUSEHOLD GOODS TRANSPORTED BY MOTOR CARRIERS OR FREIGHT FORWARDERS FOR ACCOUNT OF THE DEPARTMENT OF DEFENSE

Section 8.10 is rescinded and the following is substituted in lieu thereof:

§ 8.10 *Destination storage-in-transit of household goods transported by motor carriers or freight forwarders for account of the Department of Defense.* (a) The term "carrier" as used herein means "motor carrier" or "freight forwarder" which has been duly authorized, under certificate or permit, to operate as such in intrastate or interstate commerce.

(b) The payment of transportation charges from the point of shipment to the destination storage point on shipments of household goods forwarded for account of the Department of the Army, the Department of the Navy (including the Marine Corps), or the Department of the Air Force, and stored in transit for account of the carrier for ultimate delivery to the consignee or owner may be made upon completion of the transportation to the carrier's destination storage point and prior to ultimate delivery to the consignee, provided the carrier hauling the shipment to the destination storage point certifies on the covering Government bill of lading over the signature of its duly authorized representative—

(1) That the described household goods were placed in the carrier's storage warehouse at _____
(Destination warehouse)
on _____;
(Date)

(2) That it will be permitted to remain there for a period of _____
(Number of days)
or such shorter period as may meet the consignee's or owner's demands;

(3) That the carrier hauling the shipment to the destination storage point assumes full carrier liability for the shipment during such storage and until delivery to the consignee or owner within the designated storage period. (In the event space on the Government bill of lading is not available this certificate with appropriate reference to the Government bill of lading number may be made on plain paper and securely attached to said bill of lading.)

(c) When transportation charges have been paid as authorized in paragraph (b) of this section, the payment of accessorial charges, if any, accruing against the shipment after delivery into storage may be made upon presentation by the carrier of a claim therefor on Standard Form No. 1113, which should bear the same bill number as the carrier's original bill for transportation charges but carrying a letter suffix (Example—No. 12345-*A*). The claims for accessorial charges must identify the bill of lading covering the transportation service, show the basis for the accessorial charges claimed, and be supported by a statement of the following information signed by the consignee, showing—

(1) The accessorial services ordered and furnished;

(2) Receipt of the shipment by the consignee or owner; and

(3) Loss or damage to the shipment, if any.

(d) Transportation charges from point of shipment to the carrier's destination storage point applicable to a shipment in carrier's destination storage on and after October 23, 1956, may be paid upon presentation of the original Government bill of lading to which is securely attached a certificate as required by paragraph (b) of this section. Such certificate may be made on plain paper and must refer to the Government bill of lading it covers.

(e) This section relates only to shipments of household goods for the Department of Defense and has no relation to any other commodity.

(Sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interprets or applies sec. 309, 42 Stat. 25; 31 U. S. C. 49)

[SEAL] JOSEPH CAMPBELL, *Comptroller General of the United States.*

[F. R. Doc. 56-9045; Filed, Nov. 6, 1956; 8:49 a. m.]

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FEDERAL REGISTER

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PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (6) of § 6.302 is added as set out below.

§ 6.302 *Department of State.* • • •

(h) *Bureau of Near Eastern, South Asian, and African Affairs.* • • •

(6) One Deputy Assistant Secretary (Africa).

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–9050; Filed, Nov. 6, 1956; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[Amdt. 1]

PART 472—WOOL

SUBPART—TERMS OF SALE OF WOOL OWNED BY COMMODITY CREDIT CORPORATION (INCLUDING SALES BY COMPETITIVE BIDS)

COMMERCE REGULATIONS AS TO EXPORT

The document restating certain basic terms and conditions of sale, including sales by competitive bids, of wool acquired by Commodity Credit Corporation in connection with its wool price support programs (20 F. R. 8245), is amended by adding a new section at the end of the subpart, to read as follows:

§ 472.548 *Commerce regulations as to export.* The Bureau of Foreign Commerce, U. S. Department of Commerce, pursuant to regulations (15 CFR Parts 368–399) issued under the Export Control Act of 1949 (63 Stat. 7, as amended; 50 U. S. C. App. 2021–2032), prohibits the exportation or re-exportation by anyone of wool purchased pursuant to this subpart, to Macao, Hong Kong, the Soviet Bloc, or Communist-controlled areas of the Far East, including Communist China, North Korea and Communist-controlled areas of Viet Nam and Laos, except under license issued by the Bureau of Foreign Commerce. In order to assure compliance with those export control regulations, exporters should be thoroughly familiar with: (a) The prohibitions in the Comprehensive Export Schedule of the U. S. Department of Commerce, 15 CFR 371.4 and 371.8, as amended (21 F. R. 6952), and as they may be further amended or supplemented, against sale or resale for re-export of such wool, or any part thereof, without express Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, or a Communist-controlled area of the Far East, including Communist China, North Korea and Communist-controlled areas of Viet Nam and Laos; and (b) the sanction of denial of future United States export privileges that may be imposed against any foreign purchaser for violation of the Commerce Department regulations.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, 63 Stat. 7, as amended; 15 U. S. C. 714c, 50 U. S. C. App. 2021–2032)

Issued this 1st day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56–9033; Filed, Nov. 6, 1956; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 2]

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR 1953 AND SUCCEEDING CROP YEARS

CO-INSURANCE

The above identified regulations, as amended (17 F. R. 10531; 18 F. R. 3632, 6989; 19 F. R. 5602; 20 F. R. 5255; 21 F. R. 7312), are hereby amended, effective beginning with the 1957 crop year, by adding a § 416.11 to read as follows:

§ 416.11 *Co-insurance.* Notwithstanding any other provisions of this subpart to the contrary, the Manager of the Corporation is authorized, in counties designated by him, to permit insureds to elect a percentage, which in no case shall be less than 50 percent, of the maximum protection available, in which event the amount of premium (subject to section 13 (d) of the policy as amended) and any indemnity payable under the contract shall be adjusted accordingly. For the first crop year of a contract the election must be made in writing at the time the application for insurance is filed. For any subsequent crop year of a contract, an election may be made, changed, or rescinded by notifying the county office in writing on or before the cancellation date for the crop year the change is to become effective. In counties designated for such co-insurance the percentage(s) established by the Manager will be shown on the county actuarial table on file in the county office.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 509, 52 Stat. 73, 75, as amended; 7 U. S. C. 1507, 1509)

Adopted by the Board of Directors on October 31, 1956.

[SEAL] F. N. MCCARTNEY,
Secretary, Federal Crop Insurance Corporation.

Approved: November 2, 1956.

E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56–9067; Filed, Nov. 6, 1956; 8:52 a. m.]

[Amdt. 5]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR 1954 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above identified regulations, as amended (18 F. R. 5703; 19 F. R. 469, 5602; 20 F. R. 5625, 7983; 21 F. R. 1002, 2123, 7312), are hereby amended, effective beginning with the 1957 crop year as follows:

1. Paragraph (c) of § 417.4, as amended, is amended by establishing May 15 as the closing date for accepting applications for Type 32 tobacco.

2. Section 5, as amended, of the policy shown in § 417.8 is amended by establishing as the final date that insurance shall remain in effect for Type 32 tobacco, the August 31 immediately following the calendar year in which the crop was planted.

3. Section 12, as amended, of the policy shown in § 417.8 is amended by establishing, as the final date for filing a statement in proof of loss for Type 32 tobacco, the September 30 immediately following the calendar year in which the crop was planted.

4. Subsection (a) of section 20, as amended, of the policy shown in § 417.8 is amended to read as follows:

(a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until cancelled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the applicable cancellation date shown in Section 26 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That if 60 days after such cancellation date any amount due the Corporation, except the premium due on the crop planted in the preceding calendar year in the case of Type 32 tobacco, remains unpaid or the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the following crop year's premium, the contract shall terminate as if cancelled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation or any request that arrangements be made for the payment of a premium to the insured's last known address and mailing shall constitute notice to the insured.

5. The first sentence of subsection (g) of Section 25, as amended, of the policy

shown in § 417.8 is amended to read as follows:

"Market price" for a crop year in the case of tobacco Types 11, 12, 13, 14, 21, 22, 23, 31, 32, 35, 36, and 37 means the average auction price for the applicable type (less warehouse charges) in the belt or area, as determined by the Corporation.

6. Section 26, as amended, of the policy shown in § 417.8 is amended by establishing a cancellation date of March 15 for Type 32 tobacco.

7. Section 26, as amended, of the policy shown in § 417.8 is further amended by establishing a discount date for Type 32 tobacco which shall be the August 31 immediately following the calendar year in which the crop was planted.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on October 31, 1956.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 2, 1956.

E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56–9065; Filed, Nov. 6, 1956; 8:53 a. m.]

[Amdt. 2]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR 1956 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above identified regulations, as amended (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473, 5883, 6858, 7314, 7787), are hereby amended, effective beginning with the 1957 crop year, as follows:

1. § 420.3 is amended to read as follows:

§ 420.3 *Application for insurance.* Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, tenant, or sharecropper in all insurable crops in the county. For any crop year applications shall be submitted to the county office on or before the applicable closing date set forth below which follows the cancellation date for such crop year:

State and County:	*Closing (date)*
Colorado	Dec. 31.
Illinois	Apr. 30.
Indiana	Do.
Iowa:	
Delaware	Mar. 31.
Emmett	Do.
Howard	Do.
Humboldt	Do.
Ida	Do.
Tama	Do.
All other counties	Apr. 30.
Kansas	Sept. 30.
Michigan:	
Gratiot	Mar. 31.
Jackson	Do.
All other counties	Apr. 30.
Minnesota:	
Dodge	Apr. 30.
Faribault	Do.
Nicollet	Do.
All other counties	Mar. 31.
Missouri	Apr. 30.
Nebraska:	
Antelope	Mar. 31.
All other counties	Apr. 30.
Ohio	Do.
Oregon	Nov. 30.
Pennsylvania:	
Lebanon	Apr. 30.
All other counties	Mar. 31.
South Dakota:	
Clay	Apr. 30.
All other counties	Mar. 31.
Wyoming	Dec. 31.
All other States	Mar. 31.

2. Section 12 of the policy shown in § 420.8 is amended to read as follows:

12. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until cancelled by either the insured or the Corporation. Cancellation may be made for any crop year by either party giving written notice to the other party on or before the applicable cancellation date occurring (1) in the same calendar year in which the insurable crops are normally harvested for such crop year for all counties with a cancellation date between January 1 and March 1, or (2) in the calendar year preceding the year in which the insurable crops are normally harvested for such crop year for all other counties: *Provided, however,* That the contract shall terminate as if cancelled by the Corporation prior to such cancellation date (1) if by a termination date shown in the attached rider following such cancellation date for all counties with a cancellation date between January 1 and March 1, any amount due the Corporation under this contract remains unpaid, or (2) if by such cancellation date for all other counties any amount due the Corporation under this contract, except the premium due on the crop harvested or to be harvested in the calendar year in which the cancellation date occurs, remains unpaid. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on October 31, 1956.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 2, 1956.

E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56–9066; Filed, Nov. 6, 1956; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 938—BEURRE HARDY PEARS GROWN IN CALIFORNIA

ORDER TERMINATING CERTAIN PROVISIONS

Notice was published in the FEDERAL REGISTER issue of June 21, 1955 (20 F. R. 4328), that the Department was giving consideration to the proposed termination of Marketing Agreement No. 87, as amended, and Order No. 38, as amended (7 CFR Part 938), regulating the handling of Beurre Hardy pears grown in California (hereinafter referred to respectively as the "marketing agreement" and "order"), effective under the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). The marketing agreement and order, which became effective on June 20, 1939, have been inoperative since the 1941–42 season.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, it is hereby found and determined that the provisions of the marketing agreement and order do not tend to effectuate the declared policy of the act.

It is, therefore, ordered, That the marketing agreement and order regulating the handling of Beurre Hardy pears grown in California be, and they are hereby terminated, effective at 12:01 a. m., e. s. t., November 15, 1956, pursuant to section 8c (16) (A) of the aforementioned act and the applicable provisions of the marketing agreement and order.

It is further ordered, That the members of the Control Committee, established pursuant to the marketing agreement and order as the agency to administer the provisions thereof, be, and they hereby are, discharged from any obligation to serve as joint trustees, pursuant to section 11 (c) of the marketing agreement and § 938.11 (c) of the order and from any and all further obligations thereunder, since the said committee has liquidated its affairs and has, upon instructions of the Fruit and Vegetable Division, Agricultural Marketing Service, delivered its books and records to a representative of said Division. Such discharge shall become effective at the time of the termination of the marketing agreement and order.

It is further found and determined that good cause exists for making this order effective less than 30 days after publication in the FEDERAL REGISTER for the reason that this order relieves restrictions.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Done at Washington, D. C., this 2d day of November 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56–9032; Filed, Nov. 6, 1956; 8:47 a. m.]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 945.302 *Limitation of shipments*—(a) *Findings.* (1) Notice of rule making regarding proposed limitation of shipments, to be made effective under Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), hereinafter referred to as Order No. 45, regulating the handling of tomatoes grown in Florida, was published in the FEDERAL REGISTER October 23, 1956 (21 F. R. 8109). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001, et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient because the handling of tomatoes grown in the production area will have begun by the effective date of this section; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of tomatoes in the manner set forth below on and after the effective date of this section; (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date; (iv) reasonable time is permitted under the circumstances for such preparation; (v) the Florida Tomato Committee held an open meeting on October 17, 1956, after giving due notice thereof, to consider supply and market conditions for Florida tomatoes and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such tomatoes; and (vi) notice has been given of the proposed limitation of shipments by publication thereof in the FEDERAL REGISTER of October 23, 1956 (21 F. R. 8109).

(b) *Order.* During the period from November 12, 1956 through June 30, 1957, the following regulations shall be effective with respect to tomatoes grown in the production area defined in § 945.4 of Order No. 45:

(1) No person shall handle for shipment outside the production area any mature green tomatoes 1⅞ inches diameter or larger:

(i) Unless they are packed within one of the following ranges of diameter (expressed in terms of minimum and maximum):

Size arrangements:	*Diameter (inches)*
7 x 8	1⅞ to 2⅛, inclusive.
7 x 7	Over 2⅛ to 2²⁄₃₂, inclusive.
6 x 7	Over 2²⁄₃₂ to 2¹⁷⁄₃₂, inclusive.

(ii) Such mature green tomatoes shall be packed separately for each size range;

(iii) To allow for variations incident to proper sizing not more than a total of ten (10) percent, by count, of the mature green tomatoes in any lot may be smaller than the specified minimum diameter or larger than the specified maximum diameter;

(iv) Tomatoes smaller than 1⅞ inches diameter and larger than 2¹⁷⁄₃₂ inches diameter may be shipped without regard to the aforesaid pack requirements;

(v) The requirements of this paragraph shall be applicable only to mature green tomatoes and they shall not be applicable to "pink" tomatoes and tomatoes having a greater degree of maturity;

(vi) For purposes of this section, mature green tomatoes are deemed to be tomatoes generally showing a slight break in the ground color to a whitish-green color over the shoulders; the contents of the seed cavities will be slightly moist and of a jelly or glue-like consistency, the seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; and the contents of two or more locules must have a jelly-like consistency and well developed seeds;

(vii) For purposes of this section, "pink" tomatoes are deemed to be tomatoes usually hard or firm to feel; which are turning in color, with most of the surface of the fruit ranging from green to yellow, but showing some pink or yellow at the blossom end; and

(viii) For purposes of this section, any lot of tomatoes containing more than ten (10) percent of mature green tomatoes shall be classified as mature green tomatoes.

(2) No person shall handle for shipment outside the production area any tomatoes packed in the following containers:

(i) Unless the net weight of such tomatoes in each such container does not exceed the maximum net weight set forth for each such container:

Container usual description	Carrier container No.	Inside dimensions (inches)	Cubic contents (inches)	Maximum net weight of tomatoes (pounds)
60-pound field box	None	11 x 11 x 22¼	2,662	62
60-pound wire-bound crate	4015	11¹³⁄₁₆ x 11¹³⁄₁₆ x 18¾	2,672	62
60-pound tomato lug (corrugated)	[1] 23104	19½ x 13¾ x 12¼	3,283	62
50-pound duo pack	[1] 50	11 x 10¾ x 19	2,247	51⅝
50-pound full telescope	None	10¼ x 10¾ x 18⅝	2,083	51⅝
40-pound 2-piece cardboard box	1915	10 x 9 x 19⅞	1,728	41⅓
40-pound ½ RSC vent stitliner	7007	12½ x 8 x 18⅜	1,822	41⅓
40-pound bulge pack tomato box	[1] SJ 27	10 x 8⅞ x 19¾	1,753	41⅓
24-pound tomato lug box	1040	6½ x 13½ x 15⅞	1,353	35.12

[1] Manufacturer's number.

(ii) To allow for variations incident to proper packing, not more than a total of ten percent of the aforesaid containers in any lot, by count, may exceed the specified maximum net weight set forth above for each such container.

(3) No person shall handle for shipment outside the production area any tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 945.60.

(4) For purposes of this section, § 945.140, relating to truck shipments of tomatoes grown in Florida, issued May 2, 1956, and effective May 5, 1956 (21 F. R. 3000), shall continue in effect. The said rule is as follows:

§ 945.140 *Truck shipments.* In case of the transportation by truck outside of the production area of any tomatoes which are required to be inspected and certified as complying with any applicable requirements under this part, such tomatoes shall be accompanied by, and made available for examination at any time upon request, a copy of the appropriate inspection certificate or a copy of the appropriate transfer clearance receipt (Form FV–418) issued by the Federal-State Inspection Service, the official inspection agency for this program, showing that such tomatoes have been so inspected and certified.

(5) For purposes of this section, each person subject thereto may handle, pursuant to § 945.53, up to, but not to exceed 300 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 300 pounds of tomatoes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 2, 1956.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 56–9062; Filed, Nov. 6, 1956; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6584]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JU-EL MANUFACTURING CO., INC., ET AL

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Ju-El Manufacturing Company, Inc., et al., New York, N. Y., Docket 6584, Oct. 23, 1956]

In the Matter of Ju-El Manufacturing Company, Inc., a Corporation, and Joseph Kamhi, Ralph Kamhi, and Julius Kamhi, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate manufacturer of wool products in New York City and its officers with violating the Wool Products Labeling Act through labeling as "100% WOOL Exclusive of Ornamentation" skirts which contained a large per cent of other fibers, failing to label certain products as required, and using to promote sales, samples of its products that were not labeled to show fiber content—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on October 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Ju-El Manufacturing Company, Inc., a corporation, and its officers, and Joseph Kamhi, Ralph Kamhi, and Julius Kamhi, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' skirts or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

a. The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

b. The maximum percentage of the total weight of such wool products, of any non-fibrous loading, filling, or adulterating matter;

c. The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to stamp, tag or label samples, swatches or specimens of wool products, which are used to promote or effect sales of such wool products in commerce with the information required under paragraph 2 hereof, as provided by § 300.22 (Rule 22), of the rules and regulations promulgated under the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 23, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56–9027; Filed, Nov. 6, 1956; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6210]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

COMMON NONTAXABLE EXCHANGES

On May 29, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, under sections 1031 (exchange of property held for productive use or investment), 1032 (exchange of stock for property), and 1036 (stock for stock of same corporation) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 3650). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

COMMON NONTAXABLE EXCHANGES

Sec.
1.1031 (a) Statutory provisions; exchange of property held for productive use or investment; nonrecognition of gain or loss from exchanges solely in kind.
1.1031 (a)–1 Property held for productive use in trade or business or for investment.
1.1031 (b) Statutory provisions; exchange of property held for productive use or investment; gain from exchanges not solely in kind.
1.1031 (b)–1 Receipt of other property or money in tax-free exchange.
1.1031 (c) Statutory provisions; exchange of property held for productive use or investment; loss from exchanges not solely in kind.
1.1031 (c)–1 Nonrecognition of loss.
1.1031 (d) Statutory provisions; exchange of property held for productive use or investment; basis.
1.1031 (d)–1 Property acquired upon a tax-free exchange.
1.1031 (d)–2 Treatment of assumption of liabilities.
1.1032 Statutory provisions; exchange of stock for property.
1.1032–1 Disposition by a corporation of its own capital stock.
1.1036 Statutory provisions; stock for stock of same corporation.
1.1036–1 Stock for stock of the same corporation.

AUTHORITY: §§ 1.1031 (a) to 1.1036–1, incl., issued under sec. 7805, I. R. C. 1954; 68A Stat. 917; 26 U. S. C. 7805.

COMMON NONTAXABLE EXCHANGES

§ 1.1031 (a) *Statutory provisions; exchange of property held for productive use or investment; nonrecognition of gain or loss from exchanges solely in kind.*

SEC. 1031. *Exchange of property held for productive use or investment—(a) Nonrecognition of gain or loss from exchanges solely in kind.* No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

§ 1.1031 (a)–1 *Property held for productive use in trade or business or for investment.* (a) Section 1031 (a) provides an exception from the general rule requiring the recognition of gain or loss upon the sale or exchange of property. See section 1002 and the regulations thereunder. Under section 1031 (a), no gain or loss is recognized if property held for productive use in trade or business or for investment is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment. Under section 1031 (a), property held for productive use in trade or business may be exchanged for property held for investment. Similarly, property held for investment may be exchanged for property held for productive use in trade or business. However, section 1031 (a) provides that property held for productive use in trade or business or for investment does not include stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest. A transfer is not within the provisions of section 1031 (a) if as part of the consideration the taxpayer receives money or property which does not meet the requirements of section 1031 (a), but the transfer, if otherwise qualified, will be within the provisions of section 1031 (b). Similarly, a transfer is not within the provisions of section 1031 (a) if as part of the consideration the other party to the exchange assumes a liability of the taxpayer (or acquires property from the taxpayer that is subject to a liability), but the transfer, if otherwise qualified, will be within the provisions of section 1031 (b). A transfer of property meeting the requirements of section 1031 (a) may be within the provisions of section 1031 (a) even though the taxpayer transfers in addition property not meeting the requirements of section 1031 (a) or money. However, the nonrecognition treatment provided by section 1031 (a) does not apply to the property transferred which does not meet the requirements of section 1031 (a).

(b) As used in section 1031 (a), the words "like kind" have reference to the nature or character of the property and not to its grade or quality. One kind or class of property may not, under that section, be exchanged for property of a different kind or class. The fact that any real estate involved is improved or unimproved is not material, for that fact relates only to the grade or quality of the property and not to its kind or class. Unproductive real estate held by one other than a dealer for future use or future realization of the increment in value is held for investment and not primarily for sale.

(c) No gain or loss is recognized if (1) a taxpayer exchanges property held for productive use in his trade or business, together with cash, for other property of like kind for the same use, such as a truck for a new truck or a passenger automobile for a new passenger automobile to be used for a like purpose, or (2) a taxpayer who is not a dealer in real estate exchanges city real estate for a ranch or farm, or exchanges a leasehold of a fee with 30 years or more to run for real estate, or exchanges improved real estate for unimproved real estate, or (3) a taxpayer exchanges investment property and cash for investment property of a like kind.

(d) Gain or loss is recognized if, for instance, a taxpayer exchanges (1) Treasury bonds maturing March 15, 1958, for Treasury bonds maturing December 15, 1968, or (2) a real estate mortgage for consolidated farm loan bonds.

§ 1.1031 (b) *Statutory provisions; exchange of property held for productive use or investment; gain from exchanges not solely in kind.*

SEC. 1031. *Exchange of property held for productive use or investment.* • • •

(b) *Gain from exchanges not solely in kind.* If an exchange would be within the provisions of subsection (a), of section 1035 (a), or of section 1036 (a), if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

§ 1.1031 (b)–1 *Receipt of other property or money in tax-free exchange.* (a) If the taxpayer receives other property (in addition to property permitted to be received without recognition of gain) or money (1) in an exchange described in section 1031 (a) of property held for investment or productive use in trade or business for property of like kind to be held either for productive use or for investment, or (2) in an exchange described in section 1035 (a) of insurance policies or annuity contracts, or (3) in an exchange described in section 1036 (a) of common stock for common stock, or preferred stock for preferred stock, in the same corporation and not in connection with a corporate reorganization, then—

(i) The gain, if any, to the taxpayer will be recognized in an amount not in excess of the sum of the money and the fair market value of the other property, but

(ii) The loss, if any, to the taxpayer from such an exchange will not be recognized to any extent (see section 1031 (c)).

(b) The application of this section may be illustrated by the following example:

Example. A, who is not a dealer in real estate, in 1954 exchanges real estate held for investment, which he purchased in 1940 for $5,000, for other real estate (to be held for productive use in trade or business) which has a fair market value of $6,000, and $2,000 in cash. The gain from the transaction is $3,000, but is recognized only to the extent of the cash received of $2,000.

(c) Consideration received in the form of an assumption of liabilities (or a transfer subject to a liability) is to be treated as "other property or money" for the purposes of section 1031 (b). Where, on an exchange described in section 1031 (b), each party to the exchange either assumes a liability of the other party or acquires property subject to a liability, then, in determining the amount of "other property or money" for purposes of section 1031 (b), consideration given in the form of an assumption of liabilities (or a receipt of property subject to a liability) shall be offset against consideration received in the form of an assumption of liabilities (or a transfer subject to a liability). See § 1.1031 (d)–2, examples (1) and (2).

§ 1.1031 (c) *Statutory provisions; exchange of property held for productive use or investment; loss from exchanges not solely in kind.*

SEC. 1031. *Exchange of property held for productive use or investment.* • • •

(c) *Loss from exchanges not solely in kind.* If an exchange would be within the provisions of subsection (a), of section 1035 (a), or of section 1036 (a), if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

§ 1.1031 (c)–1 *Nonrecognition of loss.* Section 1031 (c) provides that a loss shall not be recognized from an exchange of property described in sections 1031 (a), 1035 (a), or 1036 (a) where there is received in the exchange other property or money in addition to property permitted to be received without recognition of gain or loss.

§ 1.1031 (d) *Statutory provisions; exchange of property held for productive use or investment; basis.*

SEC. 1031. *Exchange of property held for productive use or investment.* • • •

(d) *Basis.* If property was acquired on an exchange described in this section, section 1035 (a), or section 1036 (a), then the basis shall be the same as that of the property exchanged decreased in the amount of any money received by the taxpayer and increased in the amount of gain to the taxpayer that was recognized on such exchange. If the property so acquired consisted in part of the type of property permitted by this section, section 1035 (a), or section 1036 (a), to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. For purposes of this section, section 1035 (a), and section 1036 (a), where as part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall be considered as money received by the taxpayer on the exchange.

§ 1.1031 (d)–1 *Property acquired upon a tax-free exchange.* (a) If, in an exchange of property solely of the type described in section 1031, section 1035 (a), or section 1036 (a), no part of the gain or loss was recognized under the law applicable to the year in which the exchange was made, the basis of the property acquired is the same as the basis of the property transferred by the taxpayer with proper adjustments to the date of the exchange.

(b) If, in an exchange of properties of the type indicated in section 1031, section 1035 (a), or section 1036 (a), gain to the taxpayer was recognized under the provisions of section 1031 (b) or a similar provision of a prior revenue law, on account of the receipt of money in the transaction, the basis of the property acquired is the basis of the property transferred (adjusted to the date of the exchange), decreased by the amount of money received and increased by the amount of gain recognized on the exchange. The application of this paragraph may be illustrated by the following example:

Example. A, an individual in the moving and storage business, in 1954 transfers one of his moving trucks with an adjusted basis in his hands of $2,500 to B in exchange for a truck (to be used in A's business) with a fair market value of $2,400 and $200 in cash.

A realizes a gain of $100 upon the exchange, all of which is recognized under section 1031 (b). The basis of the truck acquired by A is determined as follows:

Adjusted basis of A's former truck	$2,500
Less: Amount of money received	200
Difference	2,300
Plus: Amount of gain recognized	100
Basis of truck acquired by A	2,400

(c) If, upon an exchange of properties of the type described in section 1031, section 1035 (a), or section 1036 (a), the taxpayer received other property (not permitted to be received without the recognition of gain) and gain from the transaction was recognized as required under section 1031 (b), or a similar provision of a prior revenue law, the basis (adjusted to the date of the exchange) of the property transferred by the taxpayer, decreased by the amount of any money received and increased by the amount of gain recognized, must be allocated to and is the basis of the properties (other than money) received on the exchange. For the purpose of the allocation of the basis to the properties received, there must be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. The application of this paragraph may be illustrated by the following example:

Example. A, who is not a dealer in real estate, in 1954 transfers real estate held for investment which he purchased in 1940 for $10,000 in exchange for other real estate (to be held for investment) which has a fair market value of $9,000, an automobile which has a fair market value of $2,000, and $1,500 in cash. A realizes a gain of $2,500, all of which is recognized under section 1031 (b). The basis of the property received in exchange is the basis of the real estate A transfers ($10,000) decreased by the amount of money received ($1,500) and increased in the amount of gain that was recognized ($2,500), which results in a basis for the property received of $11,000. This basis of $11,000 is allocated between the automobile and the real estate received by A, the basis of the automobile being its fair market value at the date of the exchange, $2,000, and the basis of the real estate received being the remainder, $9,000.

(d) Section 1031 (c) and, with respect to section 1031 and section 1036 (a), similar provisions of prior revenue laws provide that no loss may be recognized on an exchange of properties of a type described in section 1031, section 1035 (a), or section 1036 (a), although the taxpayer receives other property or money from the transaction. However, the basis of the property or properties (other than money) received by the taxpayer is the basis (adjusted to the date of the exchange) of the property transferred, decreased by the amount of money received. This basis must be allocated to the properties received, and for this purpose there must be allocated to such other property an amount of such basis equivalent to its fair market value at the date of the exchange.

§ 1.1031 (d)-2 *Treatment of assumption of liabilities.* For the purposes of section 1031 (d), the amount of any liabilities of the taxpayer assumed by the other party to the exchange (or of any liabilities to which the property exchanged by the taxpayer is subject) is to be treated as money received by the taxpayer upon the exchange, whether or not the assumption resulted in a recognition of gain or loss to the taxpayer under the law applicable to the year in which the exchange was made. The application of this section may be illustrated by the following examples:

Example (1). B, an individual, owns an apartment house which has an adjusted basis in his hands of $500,000, but which is subject to a mortgage of $150,000. On September 1, 1954, he transfers the apartment house to C, receiving in exchange therefor $50,000 in cash and another apartment house with a fair market value on that date of $600,000. The transfer to C is made subject to the $150,000 mortgage. B realizes a gain of $300,000 on the exchange, computed as follows:

Value of property received	$600,000
Cash	50,000
Liabilities subject to which old property was transferred	150,000
Total consideration received	800,000
Less: Adjusted basis of property transferred	500,000
Gain realized	300,000

Under section 1031 (b), $200,000 of the $300,000 gain is recognized. The basis of the apartment house acquired by B upon the exchange is $500,000, computed as follows:

Adjusted basis of property transferred		$500,000
Less: Amount of money received: Cash	$50,000	
Amount of liabilities subject to which property was transferred	150,000	
		200,000
Difference		300,000
Plus: Amount of gain recognized upon the exchange		200,000
Basis of property acquired upon the exchange		500,000

Example (2). (a) D, an individual, owns an apartment house. On December 1, 1955, the apartment house owned by D has an adjusted basis in his hands of $100,000, a fair market value of $220,000, but is subject to a mortgage of $80,000. E, an individual, also owns an apartment house. On December 1, 1955, the apartment house owned by E has an adjusted basis of $175,000, a fair market value of $250,000, but is subject to a mortgage of $150,000. On December 1, 1955, D transfers his apartment house to E, receiving in exchange therefor $40,000 in cash and the apartment house owned by E. Each apartment house is transferred subject to the mortgage on it.

(b) D realizes a gain of $120,000 on the exchange, computed as follows:

Value of property received		$250,000
Cash		40,000
Liabilities subject to which old property was transferred		80,000
Total consideration received		370,000
Less: Adjusted basis of property transferred	$100,000	
Liabilities to which new property is subject	150,000	
		250,000
Gain realized		120,000

For purposes of section 1031 (b), the amount of "other property or money" received by D is $40,000. (Consideration received by D in the form of a transfer subject to a liability of $80,000 is offset by consideration given in the form of a receipt of property subject to a $150,000 liability. Thus, only the consideration received in the form of cash, $40,000, is treated as "other property or money" for purposes of section 1031 (b).) Accordingly, under section 1031 (b), $40,000 of the $120,000 gain is recognized. The basis of the apartment house acquired by D is $170,000, computed as follows:

Adjusted basis of property transferred		$100,000
Liabilities to which new property is subject		150,000
Total		250,000
Less: Amount of money received: Cash	$40,000	
Amount of liabilities subject to which property was transferred	80,000	
		120,000
Difference		130,000
Plus: Amount of gain recognized upon the exchange		40,000
Basis of property acquired upon the exchange		170,000

(c) E realizes a gain of $75,000 on the exchange, computed as follows:

Value of property received		$220,000
Liabilities subject to which old property was transferred		150,000
Total consideration received		370,000
Less: Adjusted basis of property transferred	$175,000	
Cash	40,000	
Liabilities to which new property is subject	80,000	
		295,000
Gain realized		75,000

For purposes of section 1031 (b), the amount of "other property or money" received by E is $30,000. (Consideration received by E in the form of a transfer subject to a liability of $150,000 is offset by consideration given in the form of a receipt of property subject to an $80,000 liability and by the $40,000 cash paid by E. Although consideration received in the form of cash or other property is not offset by consideration given in the form of an assumption of liabilities or a receipt of property subject to a liability, consideration given in the form of cash or other property is offset against consideration received in the form of an assumption of liabilities or a transfer of property subject to a liability.) Accordingly, under section 1031 (b), $30,000 of the $75,000 gain is recognized. The basis of the apartment house acquired by E is $175,000, computed as follows:

Adjusted basis of property transferred		$175,000
Cash		40,000
Liabilities to which new property is subject		80,000
Total		295,000
Less: Amount of money received; Amount of liabilities subject to which property was transferred	$150,000	
		150,000
Difference		145,000
Plus: Amount of gain recognized upon the exchange		30,000
Basis of property acquired upon the exchange		175,000

§ 1.1032 *Statutory provisions; exchange of stock for property.*

SEC. 1032. *Exchange of stock for property.*—(a) *Nonrecognition of gain or loss.* No gain or loss shall be recognized to a corporation on the receipt of money or other property in exchange for stock (including treasury stock) of such corporation.

(b) *Basis.* For basis of property acquired by a corporation in certain exchanges for its stock, see section 362.

§ 1.1032-1 *Disposition by a corporation of its own capital stock.* (a) The disposition by a corporation of shares of its own stock (including treasury stock) for money or other property does not give rise to taxable gain or deductible loss to the corporation regardless of the nature of the transaction or the facts and circumstances involved. For example, the receipt by a corporation of the subscription price of shares of its stock upon their original issuance gives rise to neither taxable gain nor deductible loss, whether the subscription or issue price be equal to, in excess of, or less than, the par or stated value of such stock. Also, the exchange or sale by a corporation of its own shares for money or other property does not result in taxable gain or deductible loss, even though the corporation deals in such shares as it might in the shares of another corporation. A transfer by a corporation of shares of its own stock (including treasury stock) as compensation for services is considered, for purposes of section 1032 (a), as a disposition by the corporation of such shares for money or other property.

(b) Section 1032 (a) does not apply to the acquisition by a corporation of shares of its own stock except where the corporation acquires such shares in exchange for shares of its own stock (including treasury stock). See § 1.311-1 (e) relating to treatment of acquisitions of a corporation's own stock. Section 1032 (a) also does not relate to the tax treatment of the recipient of a corporation's stock.

(c) Where a corporation acquires shares of its own stock in exchange for shares of its own stock (including treasury stock) the transaction may qualify not only under section 1032 (a), but also under section 368 (a) (1) (E) (recapitalization) or section 305 (a) (distribution of stock and stock rights).

(d) For basis of property acquired by a corporation in connection with a transaction to which section 351 applies or in connection with a reorganization, see section 362. For basis of property acquired by a corporation in a transaction to which section 1032 applies but which does not qualify under any other nonrecognition provision, see section 1012.

§ 1.1036 *Statutory provisions; stock for stock of same corporation.*

SEC. 1036. *Stock for stock of same corporation.*—(a) *General rule.* No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporaton is exchanged solely for preferred stock in the same corporation.

(b) *Cross references.* (1) For rules relating to recognition of gain or loss where an exchange is not solely in kind, see subsections (b) and (c) of section 1031.

(2) For rules relating to the basis of property acquired in an exchange described in subsection (a), see subsection (d) of section 1031.

§ 1.1036-1 *Stock for stock of the same corporation.* (a) Section 1036 permits the exchange, without the recognition of gain or loss, of common stock for common stock, or of preferred stock for preferred stock, in the same corporation. Section 1036 applies even though voting stock is exchanged for nonvoting stock or nonvoting stock is exchanged for voting stock. It is not limited to an exchange between two individual stockholders; it includes a transaction between a stockholder and the corporation. However, a transaction between a stockholder and the corporation may qualify not only under section 1036 (a), but also under section 368 (a) (1) (E) (recapitalization) or section 305 (a) (distribution of stock and stock rights). The provisions of section 1036 (a) do not apply if stock is exchanged for bonds, or preferred stock is exchanged for common stock, or common stock is exchanged for preferred stock, or common stock in one corporation is exchanged for common stock in another corporation. See § 1.301-1 (l) for certain transactions treated as distributions under section 301. See § 1.368-2 (e) for certain transactions treated as distributions under section 305 (b) (1).

(b) For rules relating to recognition of gain or loss where an exchange is not wholly in kind, see subsections (b) and (c) of section 1031. For rules relating to the basis of property acquired in an exchange described in paragraph (a) of this section, see subsection (d) of section 1031.

(c) A transfer is not within the provisions of section 1036 (a) if as part of the consideration the other party to the exchange assumes a liability of the taxpayer (or if the property transferred is subject to a liability), but the transfer, if otherwise qualified, will be within the provisions of section 1031 (b).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 2, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9070; Filed, Nov. 6, 1956; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11792; FCC 56-1065]

[Rules Amdt. 3-39]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATION; NACOGDOCHES-TYLER, TEX., CHARLES, LA.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on July 24, 1956 (FCC 56-741), and published in the FEDERAL REGISTER on July 27, 1956 (21 F. R. 5653), proposing to assign Channel 19 to Nacogdoches, Texas in response to a petition filed by Mr. Lee Scarborough. The proposal is summarized as follows:

City	Channel No.	
	Present	Proposed
Nacogdoches, Tex.	40+	19-, 40+
Tyler, Tex.	7, 19-, 72	7, 61+, 72
Lake Charles, La.	7-, [1]19, 25, 60+	[1] 7-, 25, 60+, [2]66

[1] Another request for rule making which would result in other changes in the allocations for Lake Charles is pending before the Commission. The instant decision does not affect that proposal.

2. In support of his petition Mr. Scarborough urges that Nacogdoches has no television station; that it depends upon stations in Lufkin and Tyler for service; and that he and others have considered operating a station on Channel 40 assigned to Nacogdoches but have considered it impractical at this time. It is urged that the channel requested is to be preferred over Channel 40 because it is technically superior, would provide better transmission and reception and because many receivers in the area are capable of receiving Channel 19, a station having operated on that channel in Tyler for several months. Petitioner further urges that the proposed assignments will comply with separation rules, and that he will file an application for Channel 19 if the instant proposal is granted.

3. The Louisiana Educational Television Commission opposes the request insofar as it substitutes Channel 66 for Channel 19 as the educational reservation in Lake Charles. The Louisiana Commission submits that it has received substantial appropriations from the State Legislature for studies and long-range plans looking toward state-wide educational television, including the use of facilities at Lake Charles. It urges that Channel 19 at Lake Charles be left undisturbed in view of the technical superiority it has over the proposed Channel 66. Petitioner, in his reply to the Louisiana Commission, states that he wishes to cooperate with that body and offered an alternative proposal designed to retain a low UHF channel in Lake Charles.[2] He suggests that this may be accomplished by the following:

City	Channel No.	
	Delete	Add
Lake Charles, La.	[2]19	[2]14
Crowley, La.	21+	(3)
De Ridder, La.	14	70

[2] Petitioner did not propose a substitute assignment for Crowley. However, Channel 76 may be assigned to replace Channel 21.

4. We are of the view that the changes proposed by the petitioner should be adopted since they would represent a more effective use of available facilities and would result in an early establishment of additional television service to the Nacogdoches area. We are further

[2] This alternative proposal was submitted in Supplemental Comments filed after the closing date. We are, however, considering these comments herein.

of the view that the alternative proposal of Mr. Scarborough is meritorious since it would retain a low UHF channel in Lake Charles for which some interest has been evidenced by educational interests.

5. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered,* That effective December 10, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	*Channel No.*
Crowley, La.	76.
De Ridder, La.	70.
Lake Charles, La.	7−, *14, 25, 60+.
Nacogdoches, Tex.	19−, 40+.
Tyler, Tex.	7, 61+, 72.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: November 1, 1956.

Released: November 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9052; Filed, Nov. 6, 1956; 8:50 a. m.]

[FCC 56-1069]

[Rules Amdt. 21-3]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

RURAL SUBSCRIBER, INTER-OFFICE AND CENTRAL OFFICE STATIONS AT TEMPORARY FIXED LOCATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of November 1956;

The Commission having under consideration the problem of providing for authorization of common carrier radio facilities for use in bridging temporary breaks in toll telephone circuits and for use in providing temporary circuits of short duration; and

It appearing that, operation of such radio facilities was heretofore authorized under the provisions of Part 5 of the Commission's rules pertaining to Experimental Radio Services; and

It further appearing that, in advertently, provision was not made in Part 21 of the Commission's rules to provide for such operation on a regularized basis; and

It further appearing that, it is necessary and desirable to provide for continued operation of such facilities after November 1, 1956, the date upon which the Experimental authorizations expire by the terms of their licenses; and

It further appearing that, because of the time elements involved, it is impracticable and contrary to the public interest to deal with this matter through Notice of Proposed Rule-Making; and

It further appearing that, the rule changes specified herein are all in the nature of recognizing exemptions or relieving restrictions and that the immediate effectiveness of such rules will serve the public interest;

It is ordered, That, the changes in Part 21 of the Commission's rules set forth below are adopted, effective November 1, 1956.

The action taken herein is pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and sections 4 (a) and (c) of the Administrative Procedure Act.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 49 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Delete § 21.610 in its entirety and substitute the following:

§ 21.610 *Rural subscriber, inter-office, and central office stations at temporary fixed locations.* (a) Authorizations may be issued upon proper application for the use of frequencies listed in § 21.601 (a) by rural subscriber stations, inter-office stations, and central office stations for rendition of rural radio service at temporary locations under the following conditions:

(1) When a fixed station is to remain at a single location for less than six months and the location is considered to be temporary.

(2) When a fixed station authorized to operate at temporary locations is to remain at a single location for more than six months, applications (FCC Forms 401 and 403) for station authorization to specify the permanent location shall be filed within thirty days prior to expiration of the six-month period.

(3) The station shall be used only for rendition of communication service to remote points where the provision of wire telephone facilities is not practicable, or for restoration of communication service disrupted by storms, floods, earthquakes, or other emergencies.

(4) The antenna height employed at any location shall not exceed the criteria set forth in § 17.3 of this chapter unless, in each instance, authorization for use of a specific maximum antenna height has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall be accompanied by FCC Form 401-A completed in triplicate.

(b) Applications for authorizations to operate rural subscriber stations, inter-office stations, and central office stations at temporary locations under the provisions of this section shall be made upon FCC Form 401, and may be accompanied by completed FCC Form 403 for simultaneous consideration, provided the equipment to be used is of "packaged" design. Blanket applications may be submitted for the required number of rural subscriber, inter-office and central office transmitters.

[F. R. Doc. 56-9053; Filed, Nov. 6, 1956; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 915]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of October A. D. 1956.

It appearing that the number of freight cars available for the movement of box car freight in the States of Oregon, California, Arizona, Idaho, Utah and Nevada, has seriously decreased recently; that at present the supply is insufficient to move such freight traffic of carriers serving those States; that there are certain SFRD, PFE and WP refrigerator cars in that territory not suitable for transporting commodities requiring protective service and that such cars are suitable for transporting other freight; in the opinion of the Commission an emergency exists requiring immediate action in Oregon, California, Arizona, Idaho, Utah and Nevada. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.915 *Substitution of refrigerator cars for box cars.* (a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting carload freight from origins in the States of Oregon, California, Arizona, Idaho, Utah or Nevada, and destined to points in the States of Oregon, California, Arizona, Idaho, Utah or Nevada, may, at their option, furnish and transport not more than three (3) refrigerator cars of SFRD, PFE or WP ownership, not suitable for transporting commodities requiring protective service, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car:

(i) Two (2) refrigerator cars not suitable for transporting commodities requiring protective service may be furnished in lieu of one (1) box car ordered of a length of 40' 7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars not suitable for transporting commodities

requiring protective service may be furnished in lieu of one (1) box car ordered of a length of over 40' 7", but not over 50' 7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 7:00 a. m., November 3, 1956.

(d) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1956, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agents, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the FEDERAL REGISTER.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9028; Filed, Nov. 6, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO-243-A4]

HANDLING OF MILK IN CENTRAL ARKANSAS MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Notice is hereby given that the hearing on proposed amendments to the tentative marketing agreement and to the order, as amended regulating the handling of milk in the Central Arkansas marketing area originally scheduled to begin at 10 a. m., c. s. t., November 13, 1956 (21 F. R. 8193), in the Hearing Room, Fish and Game Building, State Capitol Grounds, Little Rock, Arkansas, is hereby postponed until November 15, 1956. The time and place remain the same.

Done at Washington, D. C., this 2d day of November 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-9063; Filed, Nov. 6, 1956; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11793; FCC 56-1064]

TELEVISION BROADCAST STATIONS; HOBBS, N. MEX., MONAHANS, TEX.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Hobbs, New Mexico—Monahans, Texas).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued on July 24, 1956 (FCC 56-742), and published in the FEDERAL REGISTER on July 27, 1956 (21 F. R. 5653), proposing to assign Channel 9 to Nadine, New Mexico by substituting Channel 35 for Channel 9 in Monahans, Texas, in response to a petition filed by Video Independent Theatres, Inc. Subsequently, petitioner amended its proposal to provide that Channel 9 be allocated to Hobbs, New Mexico, instead of Nadine.

2. Comments and reply comments were filed by Video Independent Theatres, Inc., Monahans Broadcasters, Inc., The Monahans Chamber of Commerce, and Hobbs Television Company.[1]

3. In support of its request, Video urges that the proposed changes may be made in conformance with the rules; that there are no applications on file for either the Hobbs-Nadine area or Monahans; that Lea County, in which Hobbs and Nadine are located, is more populous and more active economically than Ward County, in which Monahans is located; and that it will file an application to operate a low-power VHF facility in the event the proposal is adopted.

4. Monahans Broadcasters and the Monahans Chamber of Commerce oppose the substitution of Channel 35 for Channel 9 in Monahans. They submit that this community is a fast-growing and important trade, industrial, educational, recreational and cultural center; that the proposed use of the channel for a low-power facility contravenes the objective of the Sixth Report to assign VHF for wide-area use; that a UHF assignment is available to the area; which will suffice for the limited coverage contemplated by petitioner; and that petitioner has made no showing why the proposal would be in the public interest. They further asserted that interested parties would soon file an application to use Channel 9 at Monahans.[2]

5. Hobbs Television Company, operator of a community antenna system in Hobbs, urges that, if Channel 9 is moved to the Hobbs-Nadine area, it be allocated to the larger city, Hobbs, which allocation would be in accordance with the mileage separation provisions of the Commission's rules (§ 3.611, as amended on July 19, 1956). Hobbs Television, however, does not support petitioner's request that Channel 9 be moved to the Hobbs-Nadine area, although it asserts that, based upon representative statistical data evidencing market city and county growth in recent years, Hobbs should have a VHF station of its own. Hobbs Television submits that a VHF channel other than Channel 9 would better serve the needs of the Hobbs-Nadine area, because the utilization of that channel in the area would cause adjacent channel interference to the Channel 8 operation at Roswell, New Mexico, only 59½ miles from Hobbs. In this connection Hobbs Television contends that home viewers in the Hobbs-Nadine area will be unable, without elaborate installations, to receive Channel 8 from Roswell if Channel 9 operates in Hobbs, and that no additional service would be provided in this interference area but only a substitution of one service for another. Hobbs Television states that the only other VHF channel which could be assigned to Hobbs is Channel 3, presently a noncommercial educational reservation in Roswell, and advises that it is conducting an investigation to determine whether it should request the reassignment of Channel 3 from Roswell to Hobbs.

6. We are here presented with a request to move Channel 9 from Monahans to the Hobbs-Nadine area. While Hobbs is a somewhat larger community than Monahans, a careful review of all the relevant material submitted convinces us that the retention of Channel 9 at Monahans, is to be preferred to its removal to Nadine or Hobbs. Channel 9 was assigned to Monahans by the Sixth Report and Order issued in 1952. At the time the Commission issued its Notice of Proposed Rule Making in this proceeding, no application had been filed for Channel 9 in Monahans. Since our Notice,

[1] A reply comment was filed by KMPS Broadcasting Company on October 11, 1956, seven days after the expiration date for filing such comments. On October 15, 1956, Video Independent Theatres, Inc. moved to dismiss the KMPS reply comments. Since KMPS advanced no reasons why its reply comments could not have been filed within the time limit prescribed by the Commission, the motion to dismiss the KMPS reply comments is hereby granted.

[2] An application for Channel 9 at Monahans was filed by KMPS Broadcasting Company on October 3, 1956 (File Number BPCT-2213).

however, a demand for this frequency has been demonstrated by the filing of such an application. The assignment of Channel 9 to Monahans would moreover represent a more effective utilization of available facilities. Thus we believe that Channel 9 should be retained in Montana where it was assigned by the Sixth Report.

7. In view of the foregoing: *It is ordered*, That the petition of Video Independent Theatres, Inc. is denied.

Adopted: November 1, 1956.

Released: November 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9054; Filed, Nov. 6, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11798; FCC 56-1066]

TELEVISION BROADCAST STATIONS; BOZEMAN-HELENA-BUTTE, MONT.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Bozeman-Helena-Butte, Mont.).

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On July 25, 1956, the Commission issued a Notice of Proposed Rule Making in this matter proposing to amend the Table of Television Assignments so as to shift Channel 12 from Helena, Montana, to Bozeman, Montana, or, alternatively, to shift the educational reservation in Bozeman from VHF Channel 9 to UHF Channel 22.

3. Upon its review of the comments submitted by interested parties and further consideration of this matter, the Commission believes that further rule making should be initiated in this proceeding to consider an alternative means by which a VHF channel might be assigned to Bozeman. Three VHF channels are assigned to Butte, Montana; Channels 4 and 6 and Channel 7 reserved for educational use. Station KXLF-TV is presently operating on Channel 6, but its authorization was modified on July 18, 1956, to specify operation on Channel 4. Channel 6 is therefore available for reassignment. The Commission believes that consideration should be given in this proceeding to a proposal to obtain a VHF channel for Bozeman by shifting Channel 6 from Butte as follows:

City	Channel No.	
	Delete	Add
Butte, Mont.	6+	28
Bozeman, Mont.		6+

4. Any interested party who is of the opinion that the amendments proposed herein should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 10, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 1, 1956.

Released: November 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9055; Filed, Nov. 6, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11860; FCC 56-1063]

TELEVISION BROADCAST STATIONS; JOHNSTOWN AND ALTOONA, PA.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, Rules Governing Television Broadcast Stations (Johnstown and Altoona, Pennsylvania).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition, filed September 27, 1956, by Rivoli Realty Company, permittee of television Station WARD-TV, operating on Channel 56 in Johnstown, Pennsylvania, for rule making to amend § 3.606, Table of Assignments, Television Broadcast Stations, so as to shift Channel 19 from Altoona, Pennsylvania, to Johnston and to shift Channel 56 from Johnstown to Altoona. Petitioner also requests that the Commission issue an Order to Show Cause why its authorization for operation of Station WARD-TV should not be modified to specify operation on Channel 19 in lieu of Channel 56.

3. At present, Channels 10, 19 and 25 are allocated to Altoona and Channels 6 and 56 are assigned to Johnston. Stations are in operation on Channel 10 in Altoona and on both of the Johnstown channels, but no applications have ever been filed for either Channel 19 or 25 in Altoona.

4. Petitioner asserts that is desires to operate its Station WARD-TV on a lower UHF channel, in order that it may be able to serve a larger area, and in order to improve its economic position, confronted as it is with a competing VHF station in the Johnstown market. An engineering affidavit appended to the petition submits that the channel changes proposed by petitioner can be made in full compliance with the Commission's mileage separation rules. Finally, petitioner alleges that since Altoona, a smaller market than Johnstown, now has two unapplied for UHF channels, the mandate of section 307 (b) of the Communications Act requires that one of these channels be transferred to Johnstown.

5. While the Commission deems it appropriate to institute a rule making proceeding looking toward the removal of Channel 19 from Altoona and its reallocation to Johnstown, we see no need (and none has been demonstrated to us) to disturb the present allocation of Channel 56 to Johnstown. This is especially true since, if only Channel 19 is reallocated, there will still be an unapplied for channel on a low UHF frequency (Channel 25) in Altoona. Accordingly, we propose the following channel change:

City	Channel No.	
	Present	Proposed
Altoona, Pa.	10-, 19+, 25-	10-, 25-
Johnstown, Pa.	6, 56-	6, 19+, 56-

In utilizing Channel 19 in Johnstown, the transmitter will have to be located so as to meet the minimum spacing and coverage requirements of the rules.

6. The Commission is of the view that rule making proceedings should be instituted in this matter so that all interested parties may submit their views and relevant data to the Commission.

7. Petitioner requests that it be directed in this proceeding to show cause why its authorization for Station WARD-TV should not be modified to specify operation on Channel 19 instead of Channel 56. Since we are not proposing to disturb the allocation of Channel 56 to Johnstown, there is no necessity for modifying the outstanding authorization of Rivoli Realty Company in this proceeding in order to accomplish the change in allocation, and petitioner's request for a show cause order is denied.

8. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

9. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 10, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

10. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 1, 1956.

Released: November 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9056; Filed, Nov. 6, 1956; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11861; FCC 56-1067]

TELEVISION BROADCAST STATIONS; AGUADILLA, P. R.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, Rules Governing Television Broadcast Stations (Aguadilla, Puerto Rico).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed October 4, 1956, by Hector Reichard, for rule making to amend § 3.606, Table of Assignments, Television Broadcast Stations, so as to shift Channel 13 from Arecibo to Aguadilla, Puerto Rico.

3. In support of its request, petitioner asserts that the residents of the Aguadilla area are desirous of obtaining a local television service; that because of terrain factors, a local channel is needed to render adequate television service to Aguadilla, a city of 18,276 persons, and to the surrounding area; that the proposed assignment conforms with the Commission's Rules and Regulations; and that, if Channel 13 is allocated to Aguadilla, petitioner will apply for a station on that channel.

4. Channel 13 is presently assigned to Arecibo, a city of 28,659 persons approximately 28 miles from Aguadilla.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 10, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f), (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

8. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: November 1, 1956.

Released: November 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9057; Filed, Nov. 6, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T. D. 54234]

[Treasury Dept. Order 165, Revised, Amdt. 2]

COMMISSIONER OF CUSTOMS

DELEGATION OF AUTHORITY TO TAKE FINAL ACTION IN CERTAIN PENALTY AND LIQUIDATED DAMAGES CASES

OCTOBER 29, 1956.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp. Ch. III), it is hereby ordered that subparagraph (h) of Treasury Department Order No. 165, Revised, issued on November 2, 1954 (T. D. 53654; 19 F. R. 7241), as amended December 5, 1955 (T. D. 53966; 20 F. R. 9320), is further amended to read as follows:

(h) No decision with respect to any claim (including claim for liquidated damages), fine, or penalty (including forfeiture) in excess of $20,000 shall be made without the approval of the Secretary of the Treasury, except that such approval shall not be required with respect to any claim (including claim for liquidated damages), fine, or penalty (including forfeiture) incurred or arising under:

(1) Section 3114, Revised Statutes, as amended (19 U. S. C. 257), for failure to report, make entry, and pay duties on certain equipments and repairs for certain vessels;

(2) Section 432, Tariff Act of 1930 (19 U. S. C. 1432), for omitting from the vessel manifest any articles to be retained on board as sea stores, ship's stores, or bunker coal or bunker oil, or for landing any such articles without the required permit;

(3) Section 453, Tariff Act of 1930 (19 U. S. C. 1453), for lading or unlading merchandise or baggage valued at $500 or more without obtaining the required license or permit;

(4) Section 460, Tariff Act of 1930, as amended (19 U. S. C. 1460), for failure to report or to file a manifest as required by section 459, Tariff Act of 1930, as amended (19 U. S. C. 1459) in the following cases:

(i) Violations due to ignorance of the reporting requirements or to inadvertence and either no merchandise, or only typical personal or souvenir merchandise which would have been free of duty, if entered, is carried on the vessel or vehicle, or

(ii) Where the violation is the first offense, although not due to ignorance or inadvertence, and no intended commercial use or threat to the revenue is involved;

(5) Section 584, Tariff Act of 1930, as amended (19 U. S. C. 1584), for having on board, or unlading from, a vessel or vehicle, any merchandise which is not included or described in the manifest or does not agree therewith;

(6) Section 8 or 204 (b), Anti-Smuggling Act, approved August 5, 1935 (19 U. S. C. 1708, 1584), for failure of a vessel not exceeding 500 net tons importing spirits, wines, or other alcoholic liquors to have the certificate required by section 7 of the Anti-Smuggling Act (19 U. S. C. 1707);

(7) Section 585, Tariff Act of 1930, as amended (19 U. S. C. 1585), in respect of any vessel or vehicle which departs or attempts to depart from any collection district without making the required report or entry, or unlades any merchandise before such report or entry;

(8) Section 592, Tariff Act of 1930 (19 U. S. C. 1592), if the Commissioner finds that the decision is in accordance with an established policy of mitigation or remission which has been approved by the Secretary in a factually similar case;

(9) The act of February 24, 1915 (46 U. S. C. 14, for false oath to obtain a register for a wrecked vessel;

(10) Section 4143, Revised Statutes (46 U. S. C. 21), for false oath as to ownership by owner to obtain registry of vessel;

(11) Section 4163, Revised Statutes (46 U. S. C. 33), for false oath by agent or attorney to obtain registry of a vessel;

(12) Section 4177, Revised Statutes, as amended (46 U. S. C. 45), in respect of documented vessels failing to have the required number permanently marked;

(13) Section 4179, Revised Statutes (46 U. S. C. 50), for changing, or engaging in deceptive practices with respect to, the name of a documented vessel;

(14) Section 4189, Revised Statutes, as amended (46 U. S. C. 60), in respect of any vessel for which any certificate of registry, enrollment or license, or other record or document granted in lieu thereof is knowingly and fradulently obtained or used;

(15) Section 4153, Revised Statutes, as amended (46 U. S. C. 77), in respect of documented vessels for failing to have the number denoting net tonnage permanently marked;

(16) Section 4339, Revised Statutes (46 U. S. C. 272), for refusal to take, or for taking falsely, the required oath with respect to equipment and repairs for vessels;

(17) Section 4337, Revised Statutes (46 U. S. C. 278), in respect of vessels proceeding on a foreign voyage while enrolled and licensed or licensed;

(18) Section 1 of the act of May 28, 1906 (46 U. S. C. 292), in respect of foreign-built dredges engaging in dredging in the United States;

(19) Section 4365, Revised Statutes (46 U. S. C. 311), in respect of vessels licensed for the fisheries and found within three leagues of the coast with foreign merchandise exceeding $500 in value on board without having the permission to touch and trade at foreign ports required by section 4364, Revised Statutes (46 U. S. C. 310);

(20) Section 4370, Revised Statutes, as amended (46 U. S. C. 316 (a) and (d)), in respect of any vessel employed in towing in violation of subsection (a) of that section, as amended, or of any foreign vessel engaging in salvaging operations not excepted or authorized by subsection (d) of that section, as amended;

(21) Section 7, act of June 19, 1886, as amended (46 U. S. C. 319), in respect of certain vessels trading coastwise, or engaged in the fishery, without a valid document and in respect of such vessels having on board foreign merchandise or taxable alcoholic liquors on which the duties or taxes have not been paid or secured to be paid;

(22) Section 4377, Revised Statutes, as amended (46 U. S. C. 325), in respect only of licensed vessels employed in any other trade than that for which licensed, found with a forged or altered license or one granted for any other vessel, or found with any foreign merchandise or taxable alcoholic liquors on board on which the duties or taxes have not been paid or secured to be paid;

(23) Section 4240, Revised Statutes (46 U. S. C. 723), in respect of any vessel transporting to a foreign port any property taken from a wreck within United States jurisdiction off the coast of Florida;

(24) Section 27, Merchant Marine Act, 1920, as amended (46 U. S. C. 883), in respect of merchandise transported coastwise in a vessel ineligible under that section to engage in such transportation;

(25) Bonds taken pursuant to section 308, Tariff Act of 1930, as amended (19 U. S. C. 1308), if the Commissioner is satisfied that the importation was properly entered under section 308 and there was no intent to defraud the revenue or delay the payment of duty;

(26) Bonds taken pursuant to section 304, Tariff Act of 1930, as amended (19 U. S. C. 1304); if the marking duty due under section 304 of the tariff act has been deposited and the Commissioner is satisfied that the importer was not guilty of negligence or bad faith in permitting the not-properly-marked articles to be distributed, has been diligent in attempting to secure compliance with the marking requirements, and has attempted by all reasonable means to effect redelivery;

(27) Bonds taken pursuant to section 551, Tariff Act of 1930, as amended (19 U. S. C. 1551), if the Commissioner is satisfied that all the merchandise in respect of which the claim for liquidated damages was incurred has actually been exported or destroyed and that any failure to obtain customs supervision was without intent to evade any law or regulation;

(28) Bonds taken pursuant to section 565, Tariff Act of 1930 (19 U. S. C. 1565);

(29) Bonds taken pursuant to section 1 (par. 1101), Tariff Act of 1930, as amended (19 U. S. C. 1001, par. 1101), if no loss of revenue is involved; and

(30) Any bond for failure to make entry and deposit estimated duties and taxes or for failure to produce required documents within the time required by the law or regulation, if the Commissioner is satisfied that such failure was not due to any purpose to evade any law or regulation.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9035; Filed, Nov. 6, 1956; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Power Site Cancellation No. 115]

INDIAN CREEK, CALIFORNIA

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 C. F. R. 4.623; 12 F. R. 4025), Power Site Classification No. 425, approved June 24, 1952, is hereby cancelled insofar as and to the extent that it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 26 N., R. 9 E.,
Sec. 13, NE¼SE¼.

The area described aggregates 40 acres.

Date: October 31, 1956.

R. H. LYDDAN,
Acting Director.

[F. R. Doc. 56-9021; Filed, Nov. 6, 1956; 8:45 a. m.]

[Power Site Cancellation No. 107]

WHITEWATER RIVER, CALIFORNIA

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 256, approved June 28, 1930, is hereby canceled.

The lands involved are described as follows:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 2 E.,
Sec. 23 (unsurveyed), E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 26, NW¼ and W½SW¼;
Sec. 27 (unsurveyed), SE¼NE¼ and E½SE¼;
Sec. 34, NE¼NE¼.

T. 2 S., R. 2 E.,
Sec. 12, W½NE¼, SE¼NE¼, NE¼NW¼, and E½SE¼.

T. 2 S., R. 3 E.,
Sec. 4, SW¼ and SW¼SE¼;
Sec. 5, NW¼SW¼;
Sec. 6, lots 3, 4, SW¼NE¼, SE¼NW¼, and N½SE¼;
Sec. 9, NE¼, NE¼NW¼, NW¼SW¼, and SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, W½NE¼ and NW¼SW¼;
Sec. 21, SW¼NE¼;
Sec. 22, E½NE¼, NE¼NW¼, and E½SE¼SE¼;
Sec. 23, SW¼SW¼;
Sec. 26, W½NW¼, N½SW¼, and SE¼SW¼;
Sec. 34, NE¼NE¼;
Sec. 35, SW¼NE¼.

T. 3 S., R. 3 E.,
Sec. 2, W½SE¼ and SE¼SE¼;
Sec. 12, N½SW¼ and SE¼;
Sec. 13, SW¼SW¼;
Sec. 14, E½E½;
Sec. 23, NE¼NE¼;
Sec. 24, N½NE¼.

The area described aggregates approximately 3,066 acres.

Dated: October 31, 1956.

R. H. LYDDAN,
Acting Director.

[F. R. Doc. 56-9022; Filed, Nov. 6, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHIEF OF U. S. WAREHOUSE ACT BRANCH AND CHIEF OF FREIGHT RATE SERVICE BRANCH

DELEGATION OF AUTHORITY

Pursuant to authority (21 F. R. 304) delegated to the Director of the Special Services Division, it is hereby ordered as follows:

The Chief of the U. S. Warehouse Act Branch is authorized to perform all the duties and to exercise all the functions and powers in connection with the administration of the U. S. Warehouse Act (7 U. S. C. 241-273) except the issuance and amendment of rules and regulations, the suspension of licenses temporarily without hearing under section 25 or 9 of the act (7 U. S. C. 246, 248) and the performance of functions reserved to the Judicial Officer of the Department of Agriculture (19 F. R. 76).

The Chief of the Freight Rate Service Branch is authorized to take all actions necessary in connection with proceedings under section 201 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291) and section 203 (j) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 (j)) when participation therein on behalf of the Secretary is authorized by the Director, and otherwise to perform all the duties and to exercise all the functions and powers in connection with the administration of said sections.

Each of said Chiefs may delegate any authority conferred upon him hereby to such officers or employees of the respective Branch as he deems appropriate. No delegation made herein shall preclude the Director from performing any of the duties or exercising any of the functions or powers delegated hereby. The delegations made hereby are subject at all times to withdrawal or amendment by the Director.

All actions taken by the Chief of the U. S. Warehouse Act Branch or his delegatees in connection with the administration of the U. S. Warehouse Act and by the Chief of the Freight Rate Service Branch or his delegatees in connection with the administration of section 201 of the Agricultural Adjustment Act of 1938 and section 203 (j) of the Agricultural Marketing Act of 1946, between January 11, 1956, and the date of issuance of this order are hereby affirmed and ratified.

Done at Washington, D. C., this 30th day of October 1956.

[SEAL] GEORGE A. DICE,
Director,
Special Services Division.

[F. R. Doc. 56-9064; Filed, Nov. 6, 1956; 8:52 a. m.]

Office of the Secretary

MONTANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Montana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Montana: Dawson, Garfield, McCone, Prairie, Richland, Roosevelt.

The areas south of United States Highway No. 2 in Phillips and Valley Counties.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 2d day of November 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-9069; Filed, Nov. 6, 1956; 8:54 a. m.]

NEBRASKA AND UTAH

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 19, 1956, that a major disaster occasioned by drought existed in the State of Nebraska; and the President determined on June 15, 1956, that a major disaster occasioned by drought existed in the State of Utah.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on October 26, 1956, to be affected by the above-mentioned major disasters:

Nebraska: Butler, Clay, Colfax, Nance, Polk, Sarpy.

Utah: Carbon, Grand, Juab, Sanpete.

Done at Washington, D. C., this 2d day of November 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-9068; Filed, Nov. 6, 1956; 8:53 a. m.]

SOUTH DAKOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of South Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

South Dakota: Clay, Lincoln, Turner, Union, Yankton.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 2d day of November 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-9034; Filed, Nov. 6, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ROBERT D. JAMES

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Robert D. James.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: October 10, 1956.

4. Title of position: Consultant.

5. Name of private employer: American Box Board Company, Grand Rapids 2, Michigan.

November 1, 1956.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Box Board Co.
American Box Board Stock Bonus Plan.
American Box Board Co. Retirement Trust.
Bank deposits.

Dated: October 30, 1956.

ROBERT D. JAMES.

[F. R. Doc. 56-9061; Filed, Nov. 6, 1956; 8:52 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[General Order 56 (Rev.), Amdt. 1]

ASSIGNMENT OF FUNCTIONS UNDER TITLE V OF AGRICULTURAL ACT OF 1949, AS AMENDED AND MIGRANT LABOR AGREEMENT OF 1951, AS AMENDED

Paragraph 1 (a) of General Order 56 (Revised November 30, 1955) is hereby amended to read as follows:

(a) Rendering final determinations pursuant to paragraph 2 (e) of Article 7 and paragraphs (e) and (f) of Article 30 of the Migrant Labor Agreement of 1951, as amended, which function shall be performed by David E. Christian, Office of the Secretary, or, in his absence or other inability to perform this function, by Alfred G. Albert, Office of the Solicitor, who in connection with the performance of such function shall be directly responsible to the Secretary of Labor; and

ARTHUR LARSON,
Acting Secretary of Labor.

OCTOBER 19, 1956.

[F. R. Doc. 56-9046; Filed, Nov. 6, 1956; 8:49 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum

wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Athens Garment Co., Athens, Ala.; effective 10–24–56 to 10–23–57; 10 learners (work shirts).

Baumel Dress Co., Grant Street and Willow Avenue, Olyphant, Pa.; effective 10–23–56 to 10–22–57 (ladies' and children's dresses).

Cluett, Peabody & Co., Inc., Shamokin, Pa.; effective 11–4–56 to 11–3–57 (sport shirts).

Eureka Pants Mfg. Co., Shelbyville, Tenn.; effective 10–27–56 to 10–26–57 (work pants and shirts).

Fly Manufacturing Co., Shelbyville, Tenn.; effective 10–27–56 to 10–26–57 (work pants, overalls and jackets).

Hammond Garment Manufacturing Co., Inc., Hammond, La.; effective 10–22–56 to 10–21–57; 10 learners (sport shirts).

Locust Dale Manufacturing Co., Locust Dale, Pa.; effective 10–22–56 to 10–21–57; 5 learners (ladies' dresses).

Lucky Star Industries, Inc., Baldwyn, Miss.; effective 10–18–56 to 10–17–57; 10 percent of factory production workers engaged in the manufacture of children's pedal pushers and shorts (children's play clothes).

Lucky Star Industries, Inc., Baldwyn, Miss.; effective 10–18–56 to 10–17–57; 10 percent of factory production workers engaged in the manufacture of boys' pants (children's play clothes).

M & S Boys Pants, Inc., 108–63 50th Avenue, Corona, Long Island, N. Y.; effective 10–18–56 to 4–17–57; 2 learners (boys' pants).

Metric Shirt Corp., Belton, S. C.; effective 10–17–56 to 10–16–57 (men's dress and sport shirts).

Charles Meyers & Co., First and Harrison Streets, Belleville, Ill.; effective 11–1–56 to 10–31–57 (men's trousers).

Monroe Trouser Manufacturing Co., Inc., Smithville, Miss.; effective 11–1–56 to 10–31–57 (men's and boys' trousers).

Nettleton Garment Co., Inc., Nettleton, Miss.; effective 10–18–56 to 10–17–57 (men's and boys' pants).

Princess Peggy, Inc., Chillicothe, Ill.; effective 10–28–56 to 10–27–57 (women's house dresses).

Princess Peggy, Inc., 1001 South Adams Street, Peoria, Ill.; effective 10–27–56 to 10–26–57 (Women's house dresses).

Rice-Stix Factory No. 10, Bonne Terre, Mo.; effective 10–31–56 to 10–30–57 (sport shirts).

Rutherford Garment Co., Rutherford, Tenn.; effective 10–19–56 to 10–18–57 (Men's and boys' wool and cotton jackets).

Shamokin Dress Co., 1012 North Shamokin Street, Shamokin, Pa.; effective 10–29–56 to 10–28–57 (women's and girl's dresses).

Weldon Manufacturing Co., 1307 Park Avenue, Williamsport, Pa.; effective 10–17–56 to 10–16–57 (men's pajamas, sport shirts).

Williamson-Dickie Manufacturing Co., McAllen, Tex.; effective 10–17–56 to 10–16–57 (work clothes, pants, casual slacks).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill.; effective 10–18–56 to 4–17–57; 25 learners (men's and boys' twill pants).

Blue Bell, Inc., 450 East Barnes Street, Bushnell, Ill.; effective 10–22–56 to 4–21–57; 25 learners (men's and boys' cotton twill pants).

Joseph Cohen Co., Alpharetta, Ga.; effective 10–22–56 to 4–21–57; 50 learners (boys' slacks).

E & W Manufacturing Co. of Canton, Canton, Miss.; effective 10–17–56 to 4–16–57; 70 learners (men's sport and dress shirts).

Elizabethtown Manufacturing Co., Elizabethtown, N. C.; effective 10–16–56 to 4–15–57; 30 learners (cotton dresses).

Glenridge Trouser Corp., Tipton, Miss.; effective 10–22–56 to 4–21–57; 30 learners (men's single dress trousers).

Windon Manufacturing Co., Inc., Winona, Miss.; effective 10–15–56 to 4–14–57; 100 learners (men's and boys' sport shirts).

Yvonne of Texas, 512 South Chad, San Angelo, Tex.; effective 10–16–56 to 4–15–57; 10 learners (ladies' shirts and blouses).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

Bayuk Cigars, Inc., Ninth and Columbia Avenue, Philadelphia, Pa.; effective 10–20–56 to 10–19–57; ten percent of factory production workers engaged in each occupation listed; cigar machine operating, stripping, packing cigars (retailing for more than 6 cents), packing cigars (retailing for 6 cents or less).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Craig Glove Co., Boonville Rd., Lynchburg, Tenn.; effective 10–18–56 to 10–17–57; 10 learners for normal labor turnover purposes (dress gloves).

Florida Knitting Mills, Inc., 200 North Coburn Avenue, Orlando, Fla.; effective 10–18–56 to 4–17–57; 20 learners for plant expansion purposes (gloves and mittens).

Lambert Manufacturing Co., Kirksville, Mo.; effective 10–17–56 to 10–16–57; 10 learners for normal labor turnover purposes (cotton work gloves).

Lambert Manufacturing Co., Kirksville, Mo.; effective 10–17–56 to 4–16–57; 5 learners for plant expansion purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Charles H. Bacon Co., Loudon, Tenn.; effective 10–22–56 to 4–21–57; 25 learners for plant expansion purposes (full fashioned, seamless).

Stanly Knitting Mills, Inc., Oakboro, N. C.; effective 10–15–56 to 4–14–57; 18 learners for plant expansion purposes (full-fashioned).

Triumph Hosiery Mills, Inc., State and Chestnut Streets, York, Pa.; effective 10–17–56 to 10–16–57; 5 percent of factory production workers for normal labor turnover purposes (full-fashioned).

Wrenn Hosiery Co., 115 Liberty Drive, Thomasville, N. C.; effective 10–15–56 to 9–12–57; 5 percent of factory production workers for normal labor turnover purposes (seamless). (replacement certificate).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Northern Ohio Telephone Co., Ashland, Ohio; effective 10–22–56 to 4–7–57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Ainsbrooke Co., Inc., Olney, Ill.; effective 10–22–56 to 4–21–57; 10 learners for plant expansion purposes (men's undershorts).

Athens Lingerie Corp., Athens, Ala.; effective 10–21–56 to 10–20–57; 5 percent of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Haleyville Textile Mills, Inc., Plant No. 2, Hartselle, Ala.; effective 10–15–56 to 4–14–57; 15 learners for plant expansion purposes (undergarments and sleepwear).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10–18–56 to 2–28–57; 5 learners for normal labor turnover purposes (swim trunks) (replacement certificate).

Shadowline, Inc., San Luis Obispo, Calif.; effective 10–22–56 to 4–21–57; 30 learners for plant expansion purposes (ladies' panties, flannelette gowns).

Society Lingerie Co., 115 York Street, Michigan City, Ind.; effective 10–18–56 to 2–28–57; 5 learners for normal labor turnover purposes (slips, petticoats, panties, etc.) (replacement certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

ABC Headwear Co., 217 Paterson Street, Paterson, N. J.; effective 10–22–56 to 4–21–57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of 5 learners for normal labor turnover purposes (shop caps).

Andrea Lee Fashions, Ltd., 85 Fifth Avenue, New York, N. Y.; effective 10–22–56 to 4–21–57; not less than 85 cents per hour for a maximum of 240 hours, for the occupations of hand sewing and finishing operations involving hand sewing; authorizing the employment of 10 learners for expansion purposes (Army uniforms).

Concord Heel Co., 42 Phoenix Row, Haverhill, Mass.; effective 10–20–56 to 4–19–57; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 80 hours of the 320-hour learning period, for the occupation of heel builder; authorizing the employment of 4 learners for normal labor turnover purposes (heels).

Dust Proof Mattress Cover Co., Inc., Ellwood City, Pa.; effective 10–22–56 to 4–21–57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 5 learners for normal labor turnover purposes (mattress covers, pillow covers).

Goodman Industries, Inc., 104 Greene Street, New York, N. Y.; effective 10–22–56 to 4–21–57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (cloth headwear, caps, hats, etc.).

Harman Sportswear, Inc., Cave Spring, Ga.; effective 10–22–56 to 4–21–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 20 learners for expansion purposes (dress pants and shirts).

Hickey-Freeman Co., 109 East Bank Street, Albion, N. Y.; effective 10–19–56 to 4–18–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of finishing operations involving hand sewing; authorizing the employment of 2 learners for normal labor turnover purposes (suits, overcoats, topcoats).

Hickey-Freeman Co., 11 Lehigh Avenue, Batavia, N. Y.; effective 10–18–56 to 4–17–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of machine sewing; authorizing the employment of 2 learners for normal labor turnover purposes (suits, overcoats, topcoats, etc.).

Hickey-Freeman Co., Lucretia Avenue, Hornell, N. Y.; effective 10–18–56 to 4–17–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of hand sewing and finishing operations involving hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes (suits, overcoats, topcoats, etc.).

Hickey-Freeman Co., 43 Lake Street, LeRoy, N. Y.; effective 10–19–56 to 4–18–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of hand sewing and finishing operations involving hand sewing; authorizing the employment of 4 learners for normal labor turnover purposes (suits, overcoats, topcoats, etc.).

Hickey-Freeman Co., 106 Main Street, Mount Morris, N. Y.; effective 10–18–56 to 4–17–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of hand sewing; authorizing the employment of 2 learners for normal labor turnover purposes (suits, overcoats, topcoats, etc.).

Howard Stores Corp., 40 Flatbush Avenue Extended, Brooklyn, N. Y.; effective 10–22–56 to 4–21–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's suits, overcoats, topcoats, etc.).

Palm Beach Co., 522 West Baxter Avenue, Knoxville, Tenn.; effective 10–18–56 to 4–17–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, hand sewing and final pressing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's summer suits).

Palm Beach Co., Talladega, Ala.; effective 10–22–56 to 4–21–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's summer wash pants, suit pants, etc.)

Weber Lifelike Fly Co., 133 West Ellis Street, Stevens Point, Wis.; effective 10–19–56 to 4–18–57; not less than 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of fly and lure tier; not less than 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 80 hours of the 320-hour learning period, for the occupations of fly and lure painter, snelled hook tier and wrapper, leader tier and roller, coiling machine operator, leader solderer, weedless hook, spinner and lure assembler, and molding machine operator helper; authorizing the employment of 10 percent of factory production workers for normal labor turnover purposes (flies, lures and snelled hooks).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number or proportion of learners authorized to be employed, are as indicated:

Barry Corp., 263 Carpenter Road, Hato Rey, P. R.; effective 10–8–56 to 3–16–57; not less than 51 cents per hour for the first 240 hours and 59 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 10 learners for normal labor turnover purposes (fabric gloves) (replacement certificate).

Caguas Accessories, Inc., 106 Padial Street, Caguas, P. R.; effective 10–15–56 to 4–14–57; not less than 51 cents per hour for the first 240 hours and 59 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine stitching and laying off; authorizing the employment of 20 learners for expansion purposes (fabric gloves).

Caribe General Electric, Inc., Palmer, P. R.; effective 10–8–56 to 4–7–57; not less than 53 cents per hour for the first 240 hours and 62 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of press operator, molder and welder; not less than 53 cents per hour for a maximum of 240 hours, for the occupations of assembly, plastic finishers and platers; authorizing the employment of 50 learners for expansion purposes (industrial and residential circuit breakers).

Caribe Knitting Mills, Inc., Juncos, P. R.; effective 10–8–56 to 12–10–56; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of knitting; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of finishing (machine seaming); authorizing the employment of 30 learners for expansion purposes (sweaters) (replacement certificate).

Chance Manufacturing Co., Hato Tejas, Bayamon, P. R.; effective 10–8–56 to 1–25–57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 10 learners for expansion purposes (women's and children's shorts and pedal pushers and women's cotton halters) (replacement certificate).

Dana Bra, Inc., 169 Quisquaya, Hato Rey, P. R.; effective 9–5–56 to 3–4–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 40 learners for expansion purposes (brassieres).

Debmar Corp., Canovanas, P. R.; effective 10–8–56 to 4–7–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 49 learners for expansion purposes (brassieres).

Dee Originals, Ltd., Ponce-Peñuelas Road, Ponce, P. R.; effective 8–13–56 to 2–12–57; not less than 50 cents per hour for the first 240 hours and 55 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of slip stitcher, hand roller, sewing machine operator, presser and cutter; authorizing the employment of 36 learners for expansion purposes (men's ties).

Edro Corp., Anasco, P. R.; effective 10–8–56 to 2–28–57; not less than 51 cents per hour for the first 240 hours and 59 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine stitching, cutting and laying off; authorizing the employment of 50 learners for expansion purposes (fabric gloves) (replacement certificate).

El Dorado Import & Export, Inc., 106 Padial Street, Caguas, P. R.; effective 10–8–56 to 1–26–57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operating, cutting, embroidery; authorizing the employment of 10 learners for normal labor turnover purposes (women's wool jersey hats) (replacement certificate).

Fajardo Knitting Mills, Inc., Igualdad Street, Fajardo, P. R.; effective 10–8–56 to 11–20–56; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of knitting; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of finishing operations involving hand sewing; authorizing the employment of 20 learners for expansion purposes (sweaters) (replacement certificate).

Finetex, Inc., Gurabo, P. R.; effective 10–8–56 to 12–24–56; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of knitting; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period for the occupations of machine stitching, hand-sewing operations and machine pressing; authorizing the employment of 26 learners for expansion purposes (sweaters) (replacement certificate).

Finrico, Inc., Cayey, P. R.; effective 10–8–56 to 2–28–57; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of machine stitching and pressing; authorizing the employment of 15 learners for expansion purposes (sweaters) (replacement certificate).

Glamourette Fashion Mills, Inc., Quebradillas, P. R.; effective 10–8–56 to 1–22–57; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period for the occupations of knitting, topping and looping; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period; for the occupations of seaming and mending; authorizing the employment of 40 learners for expansion purposes (sweaters) (replacement certificate).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 10–8–56 to 1–23–57; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240

hours of the 480-hour learning period, for the occupation of looping; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of seaming; authorizing the employment of 50 learners for expansion purposes (brassieres) (replacement certificate).

Knitco, Inc., Toa Alta, P. R.; effective 10–8–56 to 12–10–56; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting, topping, and looping; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of machine stitching and pressing; authorizing the employment of 20 learners for expansion purposes (sweaters) (replacement certificate).

La Industrial Cialena, Ciales, P. R.; effective 10–8–56 to 12–17–56; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period for the occupation of sewing machine operator; authorizing the employment of 5 learners for expansion purposes (curtains) (replacement certificate).

Reina Manufacturing Co., Puerto Nuevo, P. R.; effective 10–8–56 to 1–25–57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 10 learners for expansion purposes (women's and children's shorts and pedal pushers and women's cotton halters) (replacement certificate).

Rico Glove Corp., Cayey, P. R.; effective 10–8–56 to 10–24–56; not less than 51 cents per hour for the first 240 hours and 59 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 40 learners for expansion purposes (fabric and leather gloves) (replacement certificate).

Rico Glove Corp., Cayey, P. R.; effective 10–25–56 to 4–24–57; not less than 51 cents per hour for the first 240 hours and 59 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of machine stitching; authorizing the employment of 50 learners for expansion purposes (fabric and leather gloves).

Rio Grande Manufacturing Corp., Rio Grande, P. R.; effective 9–10–56 to 3–9–57; not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operator, cutting, and final pressing; authorizing the employment of 75 learners for expansion purposes (men's shorts).

San Juan Glove Corp., Carolina Street, Hato Rey, P. R.; effective 10–8–56 to 1–26–57; not less than 51 cents per hour for the first 240 hours and 59 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 18 learners for normal labor turnover purposes (fabric and leather gloves) (replacement certificate).

Senorita Hosiery Mills, Inc., Gurabo, P. R.; effective 10–15–56 to 10–14–57; not less than 53 cents per hour for the first 480 hours and 58 cents per hour for the remaining 480 hours of the 960-hour learning period, for the occupations of knitting, seaming and mending; not less than 53 cents per hour for a maximum of 240 hours for the occupation of examining; authorizing the employment of 6 learners for normal labor turnover purposes (full-fashioned).

Standard Products Co., Inc., 461 Francia Street, Hato Rey, P. R.; effective 9–24–56 to 3–23–57; not less than 53 cents per hour for the first 240 hours and 62 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine winding, coil processing, stacking, saw operating, testing, finishing, and press operating; authorizing the employment of 40 learners for expansion purposes (assembly of transformers).

Superior Products, Inc., Cidra, P. R.; effective 10–8–56 to 12–12–56; not less than 42 cents per hour for the first 240 hours and 49 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operator and double needle operator; authorizing the employment of 20 learners for expansion purposes (slip straps) (replacement certificate).

Texco, Santa Isabel, P. R.; effective 10–8–56 to 3–5–57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of machine operator; authorizing the employment of 45 learners for expansion purposes (embroidery on nylon and cotton lace).

Uniforms, Inc., Cayey, P. R.; effective 10–8–56 to 1–22–57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period for the occupation of sewing machine operator; authorizing the employment of 40 learners for expansion purposes (nurses' and maids' uniforms). (Replacement certificate).

Warner Bros. Co. of Puerto Rico, Inc., Guaynabo, P. R.; effective 9–10–56 to 9–9–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 23 learners for normal labor turnover purposes (brassieres).

Weller Electric Corp., Luquillo, P. R.; effective 10–15–56 to 4–14–57; not less than 57 cents per hour for the first 240 hours and 66 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine operator and assembly; authorizing the employment of 6 learners for normal labor turnover purposes (electric sanders).

Western Manufacturing Corp. of Puerto Rico, Gurabo, P. R.; effective 10–8–56 to 4–7–57; not less than 40 cents per hour for the first 160 hours and 45 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of lacer; not less than 40 cents per hour for a maximum of 160 hours for the occupations of setup, sprayer and clicker; authorizing the employment of 33 learners for expansion purposes (ladies' leather purses).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Lodi Academy, 1215 South Garfield Street, Lodi, Calif.; effective 10–15–56 to 8–31–57; printing industry: not less than 80 cents per hour for the first 500 hours and 85 cents per hour for the remaining 500 hours of the 1,000-hour learning period, for the occupations of compositor, pressman, and related skilled and semi-skilled occupations; authorizing the employment of 4 student-workers.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Parts 522 and 527.

Signed at Washington, D. C. this 26th day of October 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56–9026; Filed, Nov. 6, 1956; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F–38]

GLENN L. MARTIN CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on October 26, 1956, The Glenn L. Martin Company, Baltimore, Maryland, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate a critical experiment facility at Middle River, Maryland. A copy of the application is available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 30th day of October 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 56–9020; Filed, Nov. 6, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11673, 11674; FCC 56M–1011]

MISSISSIPPI BROADCASTING CO. (WCOC–TV) AND LAUREL TELEVISION CO., INC.

ORDER CONTINUING HEARING

In re applications of Mississippi Broadcasting Company (WCOC–TV) Pachuta, Mississippi, Docket No. 11673, File No. BMPCT–3213; for modification of construction permit. Laurel Television Company, Inc., Laurel, Mississippi, Docket No. 11674, File No. BPCT–2031; for television construction permit, (Channel 7).

On the oral request of counsel for the applicants, and without objection by counsel for the Broadcast Bureau; *It is ordered*, This 1st day of November 1956, that the hearing now scheduled for November 5, 1956, is continued to Monday, November 26, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–9058; Filed, Nov. 6, 1956; 8:51 a. m.]

[Docket No. 11742; FCC 56M–1013]

WGLI, INC.

ORDER CONTINUING HEARING

In re application of WGLI, Incorporated, Babylon, New York, Docket No. 11742, File No. BP–10276; for construction permit.

It is ordered, This 1st day of November 1956, that because of the illness of the Examiner assigned to preside in the above-entitled proceeding, the hearing in the matter which is presently scheduled for November 2, 1956, at 2:00 p. m., is continued to November 9, 1956, at 2:00 p. m. in the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–9060; Filed, Nov. 6, 1956; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 38]

MCALLISTER SUBSTATION (I–MONT–420)

TRANSFER OF PROPERTY FROM UNITED STATES TO MONTANA

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated September 13, 1956, that property known as McAllister Substation (I–Mont–420), Madison County, Montana, and more particularly described in said deed, has been transferred from the United States to the State of Montana.

2. The above-described property is transferred to the State of Montana for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

OCTOBER 31, 1956.

[F. R. Doc. 56–9047; Filed, Nov. 6, 1956; 8:50 a. m.]

[Docket Nos. 11825, 11826; FCC 56M–1012]

VICTORIA TELEVISION CO. AND ALKEK TELEVISION CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of O. L. Nelms d/b as Victoria Television Company, Victoria, Texas, Docket No. 11825, File No. BPCT–2084; Albert B. Alkek d/b as Alkek Television Company, Victoria, Texas, Docket No. 11826, File No. BPCT–2109; for construction permits for new television stations.

It is ordered, This 1st day of November 1956, that because of the illness of the Examiner assigned to preside in the above-entitled proceeding, the pre-hearing conference in the matter, which is presently scheduled for November 2, 1956, at 10:00 a. m., is continued to November 9, 1956, at 10:00 a. m. in the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–9049; Filed, Nov. 6, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1832]

NORTHROP AIRCRAFT, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 1, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for Unlisted Trading Privileges in Northrop Aircraft, Inc. Common Stock.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York, Los Angeles and San Francisco Stock Exchanges.

Upon receipt of a request, on or before November 20, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56–9049; Filed, Nov. 6, 1956; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 3)]

REGIONAL DIRECTORS

DELEGATION RELATING TO FINANCIAL ASSISTANCE INCLUDING DISASTER LOANS, PROCUREMENT AND TECHNICAL ASSISTANCE, AND ADMINISTRATION

I. Pursuant to the authority vested in the Administrator by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631 (Supp. II, 1952), as amended, 69 Stat. 547, 15 U. S. C. 631 (Supp. III, 1952), and Reorganization Plan No. 2 of 1954, dated April 29, 1954, effective June 30, 1954 (83d Cong., 2d Sess.) relating to the transfer of functions from the Reconstruction Finance Corporation to the Small Business Administration in connection with loans made by said Reconstruction Finance Corporation to victims of floods or other catastrophes, there is hereby delegated to each Regional Director within his region the authority:

A. *General.* To carry out all functions listed in section 202 of SBA–100, Administrative Manual.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA–500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000 and

b. Participation loans in an amount not exceeding $100,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of $50,000.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

Wendell B. Barnes, Administrator
By ----------
(Regional Director)

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Committee, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

9. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized

herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

12. To establish Disaster Field Offices upon receipt of advice of the designation of a disaster area and to advise on the making of disaster loans, to appoint as a processing representative any bank in the disaster area, and to close Disaster Field Offices when no longer advisable to maintain such offices.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To sell, lease or sublease, and enter into contracts for the sale, lease or sublease of any real estate, chattels, or interests therein, now or hereafter held by the Small Business Administration or its Administrator; and to assign leases and subleases of any real estate, chattels or interests therein, now or hereafter held by the Small Business Administration or its Administrator.

15. To assign and transfer without representation, recourse or warranty, modify, surrender, satisfy, discharge, release, subordinate, and cancel, in whole or in part, judgments and judgment liens when approved by the United States Attorney; also without approval: notes, claims, bonds, real estate mortgages, contracts for the sale of real or personal property, deeds of trust, deeds to secure debt, chattel mortgages, beneficial interests under trust instruments, tax liens, tax subrogations, policies of insurance or rights thereunder, patents and assignments of patents, patent applications, licenses, trade-marks, trade names, copyrights, shoprights, and any other liens, rights, charges on, or interests in or to real or personal property now or hereafter held by the Small Business Administration or its Administrator and to assent to the assignment and transfer, modification, surrender, satisfaction, discharge, release, subordination and cancellation, in whole or in part, of the same.

16. To assign, indorse, transfer and deliver, without representation, recourse or warranty, notes, bonds, debentures, evidence of indebtedness, stock certificates, scrip, warrants, voting trust certificates, certificates of deposit for money or security, and other instruments of similar or like nature now or hereafter held by, issued to or registered in the name of the Small Business Administration or its Administrator; and, when approved by the United States Attorney, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials, representing claims allowed against or interests in receivership, bankruptcy or other estates; proofs of claim in bankruptcy, receivership or decedents' estates.

17. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

18. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

20. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

21. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

22. To covenant, not to sue, and otherwise agree not to enforce the liability of obligations.

23. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quitclaim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

24. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

25. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

26. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

27. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

28. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Busines Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

PROCUREMENT AND TECHNICAL ASSISTANCE

29. To make a determination that an individual firm, together with its affiliates is a "small business" in accordance with SBA standards.

30. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

31. To deny an application for a Certificate of Competency when the Regional Director agrees with an adverse survey report as to production or an adverse survey report as to credit only, unless application for an SBA loan is being filed.

ADMINISTRATIVE

32. To approve (a) annual and sick leave, and (b) overtime for the employees of the Region, and to approve annual leave not in excess of three days and sick leave for himself.

33. To authorize or approve (a) travel, within the regional boundaries, of all employees of the Region, except travel where actual subsistence expenses are requested, (b) travel to relocation sites and other travel in connection with ODM (including RMC) functions of SBA, and (c) to issue and sign travel authorizations for other travel outside the Region approved by the Washington Office.

34. To certify to the Controller for payment, employee suggestion awards, for suggestions put into effect in the Region, in an amount not to exceed $100 for each award.

35. To administer oaths of office.

36. To approve leave without pay, not in excess of 30 days, for employees under your supervision.

37. To advertise regarding the public sale of collateral in connection with the liquidation of loans.

38. To make emergency purchases not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes.

39. To (a) obligate SBA to reimburse GSA for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials, in connection with the establishment of disaster loan offices.

C. *Correspondence.* To sign all correspondence, including Congressional correspondence relating to the functions of the Regional Office, except communications involving new policy matters which shall be referred to the appropriate Washington Office for clearance.

II. The specific authority delegated in Items I B 2, 3 limited to the approval or declination of disaster loans not in excess of $20,000), 10, 27, 28, 29, 30, 32 (a), and 35 may be redelegated. The specific authority delegated in Items I B 1, 4 through 9, 11 through 26, 31, 32 (b), 33, 34, 36, 37, 38 and 39 may not be redelegated, except that the authority delegated in Item I B 38 may be delegated to the Branch Offices located in Honolulu, Puerto Rico and Alaska. The signing of correspondence, other than Congressional corespondence, may be redelegated to employees of the Regional Office and the Branch Office(s). The signing of Congressional correspondence may be redelegated only to Branch Managers.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Regional Director.

IV. All previous authority delegated by the Administrator to each Regional Director, except Delegation of Authority No. 31, dated May 19, 1955, to the Kansas City Regional Director, and Delegation of Authority No. 32, dated July 19, 1956, to the New York Regional Director is hereby rescinded without prejudice to actions taken under all such Delegations of Authority prior to the date hereof.

Dated: October 19, 1956.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 56-9030; Filed, Nov. 6, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SOPHIE KAVALEFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Sophie Kavaleff Pakila, Finland, Claim No. 62699, Vesting Order No. 10970; thirty (30) United States of Mexico Redeemable Internal Loan of 1895, 5% Bonds, of 1000 pesos face value each, in bearer form, bearing the numbers G102950, J135567, J136765, J137412, J138582/3, J133949, J134002, J135698, J136670, J137072, J138220, J138571, J138678, O212329, LL172459, LL173080, LL173091, LL173432, LL173598, LL174510, LL177689, LL180679, LL181159, LL175178, LL174266, LL173137, G101244, LL172640, LL172642, each with 7/1/55 and SCA, together with a coupon sheet detached from each of the said thirty (30) bonds, each sheet containing coupons numbered 1 to 14 due respectively 7/1/43 through 1/1/50, located at the Federal Reserve Bank of New York, New York, New York. $250.85 in the Treasury of the United States.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9036; Filed, Nov. 6, 1956; 8:47 a. m.]

GIANCARLO DE LA FELD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Giancarlo de la Feld, Naples, Italy, Claim No. 35296, Vesting Order No. 2753; all right, title, interest and claim of any kind or character whatsoever of Giancarlo de la Feld in and to trusts established pursuant to Subdivision 22 of Article 4 of the Will of Richard Delafield, deceased, presently in the process of administration by the Chase Manhattan Bank, successor to the Chase National Bank of New York, as trustee, acting under the judicial supervision of the Surrogate's Court, Orange County, New York.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9037; Filed, Nov. 6, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF LUCIE DE LEEUW ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Miss Lucie de Leeuw, L. S. Claim No. 184, $1,256.25.

Mrs. Emmy Gomperts-Teixeira de Mattos, L. S. Claim No. 189, $5,457.88.

Manfred Carsch, Ingeborg Rechmann, Herman Mansfeld, Carolina Frank, Jeannette

Asscher, Johanna Elze, Judith de Leeuw (now Mrs. Rosenbluth), L. S. Claim No. 194, $784.16.

Dr. J. E. Minkenhof, L. S. Claim No. 214, $1,681.07.

Sophie Rapp-Nathan, L. S. Claim No. 219, $3,362.14.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Miss Lucie de Leeuw, L. S. Claim No. 184, Brooklyn Edison Company 3¼/66 Bond No. 485, in the principal amount of $1,000; Cities Service Company 5/69 Bond No. 35713, in the principal amount of $1,000; Missouri-Kansas-Texas Railroad Company 4/62 Bond No. 841, in the principal amount of $250; Southern California Edison Company 3¾/60 Bond Nos. 4943 and 4944, in the principal amount of $1,000 each.

Mrs. Emmy Gomperts-Teixeira de Mattos, L. S. Claim No. 189, Cities Service Company 5/66 Debenture Nos. 13008 and 9105, in the principal amount of $1,000 each; Missouri-Kansas-Texas Railway Company 4/90 Bond Nos. 7392 and 10250, in the principal amount of $1,000 each; Missouri-Kansas-Texas Railroad Company 5/67 Bond No. 46839, in the principal amount of $1,000.

Manfred Carsch, Ingeborg Rechmann, Herman Mansfeld, Carolina Frank, Jeannette Asscher, Johanna Elze, Judith de Leeuw (now Mrs. Rosenbluth), L. S. Claim No. 194, Southern Pacific Company 4/49 Bond No. 8148, in the principal amount of $1,000.

Dr. J. E. Minkenhof, L. S. Claim No. 214, Southern Pacific Company 4/49 Bond No. 177, in the principal amount of $500.

Sophie Rapp-Nathan, L. S. Claim No. 219, Southern Railway Company 4/56 Bond No. 35348, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9038; Filed, Nov. 6, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF REBECCA FRIDSCHOLL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Rebecca Fridscholl, L. S. Claim No. 260, $267.60.

Charlotte Deen, L. S. Claim No. 363, $535.20.

Isaac van Kollem, L. S. Claim No. 538, $1,338.00.

Isidore Löwenbach, L. S. Claim No. 589, $267.60.

Salomon Muhlbaum, L. S. Claim No. 617, $802.80.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Rebecca Fridscholl, L. S. Claim No. 260, Philippine Railway Company 4/37 Bond No. 4681, in the principal amount of $1,000.

Charlotte Deen, L. S. Claim No. 363, Philippine Railway Company 4/37 Bond Nos. 3461 and 6313, in the principal amount of $1,000 each.

Isaac van Kollem, L. S. Claim No. 538, Philippine Railway Company 4/37 Bond Nos. 6543, 7470, 7478, 7480 and 8422, in the principal amount of $1,000 each.

Isidore Löwenbach, L. S. Claim No. 589, Philippine Railway Company 4/37 Bond No. 8036, in the principal amount of $1,000.

Salomon Muhlbaum, L. S. Claim No. 617, Philippine Railway Company 4/37 Bond Nos. 2103, 5285 and 8438, in the principal amount of $1,000 each.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9039; Filed, Nov. 6, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF ROOSJE NORDEN ET AL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Roosje Norden, L. S. Claim No. 84, $2,465.23.

Maurits Sjouwerman, L. S. Claim No. 107, $3,366.15.

Benjamin, Henriette and Esther Mossel, L. S. Claim No. 113, $506.83.

Studiefonds Frenkel-Serphos, L. S. Claim No. 115, $1,117.43.

Benjamin Godschalk, L. S. Claim No. 128, $500.00.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Roosje Norden, L. S. Claim No. 84, Cities Service Company 5/69 Debenture No. 40271, in the principal amount of $1,000; Southern Pacific Company 4½/69 Bond No. 60757, in the principal amount of $1,000.

Maurits Sjouwerman, L. S. Claim No. 107, Kansas City Southern Railway Company 3/50 Bond No. 11497, in the principal amount of $1,000; Missouri-Kansas-Texas Railway Company 4/90 Bond No. 9923, in the principal amount of $1,000; Missouri-Kansas-Texas Railway Company 4/90 Bond Nos. 37340 and 38471, in the principal amount of $500 each.

Benjamin, Henriette and Esther Mossel, L. S. Claim No. 113, Kansas City Southern Railway Company 5/50 Bond No. 14537, in the principal amount of $1,000; Chicago & Erie Railroad Company 5/82 Bond Nos. 2162 and 9064, in the principal amount of $1,000 each; Norfolk & Western Railway Company 4/96 Bond No. 21213, in the principal amount of $1,000.

Studiefonds Frenkel-Serphos, L. S. Claim No. 115, Kansas City Southern Railway Company 3/50 Bond No. 10723, in the principal amount of $1,000.

Benjamin Godschalk, L. S. Claim No. 128, Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 1853 and 14730, in the principal amount of $1,000 each; Southern Pacific Company 4/49 Bond No. 565, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9040; Filed, Nov. 6, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF NELLY SCHUSTER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Nelly Schuster; Eugenie Wolfinson; Johannes Monachinoff "pro se" and as guardian of his children, Helene, Alexander, Lore and Sonja Monachinoff, L. S. Claim No. 718, $1,568.32.

Cato and Annie Haagens; Erica, Siebert and Euphemia Simons; Robert, Benno and Karel Levinsson; and Heske Hurts, L. S. Claim No. 723, $1,117.43.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Israel Polak, L. S. Claim No. 657, Southern Pacific Company 4½/69 Bond No. 58873, in the principal amount of $1,000.

Nannette and Adrienne van Nierop; Hendrik, Hartogh; Henriette Bour; Erica, Siebert and Euphemia Simons; Cato and Anna Haagens, L. S. Claim No. 725, Missouri-Kansas-Texas Railroad Company 5/62 Bond Nos. 30865, 30866, and 30867, in the principal amount of $1,000 each.

Tonie Soep; Catharina Polak; Josette Wolf; Helene and Josephine Weisz; and Catharina van der Sluis, L. S. Claim No. 735, Missouri-Kansas-Texas Railroad Company 4/62 Bond No. 1308, in the principal amount of $500; Missouri-Kansas-Texas Railroad Company 5/62 Bond No. 2573, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9041; Filed, Nov. 6, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF SALOMON ZWARTZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Salomon and Regina Zwartz; Helga Hoffman-Zwartz; Rosa Spanjaard-Cohen; Kitty Spanjaard; Anette Meijerson; Abraham Snuyf, L. S. Claim No. 247, $1,300.00.

Henriette da Silva; Rudolf Cohen; Ina Hesp, L. S. Claim No. 252, $392.08.

Nelly Philips, L. S. Claim No. 308, $2,314.47.

Julia Bouvrie-Otminghuijs, L. S. Claim No. 637, $392.08.

Dr. Theodore Philips; Elisabeth Philips-Levie; Dr. Maurits Boas; Bertha de Vries-Boas, L. S. Claim No. 644, $784.16.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Salomon and Regina Zwartz; Helga Hoffman-Zwartz; Rosa Spanjaard-Cohen; Kitty Spanjaard; Anette Meijerson; Abraham Snuyf, L. S. Claim No. 247, Norfolk and Western Railway Company 4/96 Bond No. 27928, in the principal amount of $1,000.

Henriette da Silva; Rudolf Cohen; Ina Hesp, L. S. Claim No. 252, Missouri-Kansas-Texas Railroad Company 5/67 Bond No. 6052, in the principal amount of $100.

Nelly Philips, L. S. Claim No. 308, Missouri-Kansas-Texas Railroad Company 4/62 Bond No. 487, in the principal amount of $250; Missouri-Kansas-Texas Railroad Company 5/62 Bond No. 1131, in the principal amount of $250.

Julia Bouvrie-Otminghuijs, L. S. Claim No. 637, Kansas City Southern Railway Company 3/50 Bond No. 80, in the principal amount of $1,000.

Dr. Theodore Philips; Elisabeth Philips-Levie; Dr. Maurits Boas; Bertha de Vries-Boas, L. S. Claim No. 644, Cities Service Company 5/69 Debenture No. 41666, in the principal amount of $1,000.

Netherlands Embassy Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9043; Filed, Nov. 6, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF M. G. SJOUWERMAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

M. G. Sjouwerman, L. S. Claim No. 135, International Hydro-Electric System 6/44 Debenture Nos. 24481 and 26798, in the principal amount of $1,000 each; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 9335, in the principal amount of $1,000; Southern Pacific Company 4½/69 Bond No. 52369, in the principal amount of $1,000.

$697.50 in the Treasury of the United States:

Isaac and Samuel van Abbe; Sara Vaz Dias; Max Kogel; Samuel, Bloeme, Wolf and Johanna Blom; Germaine, Robert and Jos. Chumaceiro; Henny Dresden; Clara Israels; Jack Konijn, L. S. Claim No. 140, Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 13006 and 13007, in the principal amount of $500 each.

Joseph Leons, L. S. Claim No. 144, Southern Pacific Company 4½/69 Bond Nos. 13245 and 33634, in the principal amount of $1,000 each; Southern Pacific Company 4½/81 Bond Nos. 12245 and 37841, in the principal amount of $1,000 each.

Arthur Marx, L. S. Claim No. 164, Southern Pacific Railroad Company 4/55 Bond Nos. 39530, 105175 and 16697, in the principal amount of $1,000 each.

Hermine Loude (Loeté), L. S. Claim No. 162, Central Pacific Railway Company 4/49 Bond No. 85166, in the principal amount of $1,000; Central Pacific Railway Company 4/49 Bond No. 15249, in the principal amount of $500; Norfolk & Western Railway Company 4/96 Bond No. 31643, in the principal amount of $1,000; Norfolk & Western Railway Company 4/96 Bond No. 4577, in the principal amount of $500; Southern Pacific Railroad Company 4/55 Bond No. 33393, in the principal amount of $1,000; Union Pacific Railroad Company 4/47 Bond No. 3855, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9044; Filed, Nov. 6, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF E. J. GOMPERTS-TEIXEIRA DE MATTOS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Mrs. E. J. Gomperts-Teixeira de Mattos, L. S. Claim No. 123, $4,093.41.

Mrs. E. Moerel, L. S. Claim No. 132, $8,706.36.

Mrs. Mietje Jessurum-Vorst, L. S. Claim No. 136, $1,020.00.

David Sluizer, L. S. Claim No. 137, $1,176.24.

Dr. Frederik Hijmans, L. S. Claim No. 143, $1,681.07.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. E. J. Gomperts-Teixeira de Mattos, L. S. Claim No. 123, Missouri-Kansas-Texas Railway Company 4/90 Bond Nos. 2708 and 27583, in the principal amount of $1,000 each; Kansas City Southern Railway Company 3/50 Bond No. 15607, in the principal amount of $1,000.

Mrs. E. Moerel, L. S. Claim No. 132, Southern California Edison Company 3 3/4/60 Bond Nos. 41619 and 41620, in the principal amount of $1,000; Union Pacific Railroad Company 4/47 Bond No. 13366, in the principal amount of $500.

Mrs. Mietje Jessurum-Vorst, L. S. Claim No. 136, Southern Pacific Company 4/49 Bond No. 22878, in the principal amount of $1,000.

David Sluizer, L. S. Claim No. 137, Central Pacific Railway Company 4/49 Bond No. 33081, in the principal amount of $1,000; Cities Service Company 5/69 Debenture No. 43105, in the principal amount of $1,000; Missouri-Kansas-Texas Railway Company 4/90 Bond Nos. 6200, 15304, 21097, 28315, 32749, and 33194, in the principal amount of $1,000 each; Southern Pacific Company 4/49 Bond No. 18971, in the principal amount of $1,000; Southern Pacific Railroad Company 4/55 Bond Nos. 7682, 7784, 72727, in the principal amount of $1,000 each; Southern Railway Company 4/56 Bond Nos. 23141, 35049, 37995, 38295, 40108 and 55193, in the principal amount of $1,000 each, Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 12666, 13181 and 14726, in the principal amount of $1,000 each.

Dr. Frederik Hijmans, L. S. Claim No. 143, Kansas City Southern Railway Company 3/50 Bond No. 3139, in the principal amount of $1,000; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 882, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9042; Filed, Nov. 6, 1956; 8:49 a. m.]

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THE NATIONAL ARCHIVES

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VOLUME 21 NUMBER 218

Washington, Thursday, November 8, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 CCC Tung Bulletin, 721 (Tung Nuts 56)-1]

PART 443—OILSEEDS

SUBPART—1956 CROP TUNG NUT PRICE SUPPORT PROGRAM

This bulletin contains the regulations applicable to the 1956 crop Tung Nut Price Support Program under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as "CCC" and "CSS", respectively).

Sec.

443.1261 Administration.
443.1262 Availability.
443.1263 Methods of price support.
443.1264 Eligible producer.
443.1265 Eligible tung nuts and tung oil.
443.1266 Disbursement of loans.
443.1267 Approved lending agencies.
443.1268 Approved storage facilities.
443.1269 Maturity date of loans and period notification to sell under purchase agreement.
443.1270 Applicable forms.
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443.1279 Transfer of producer's right or equity.
443.1280 Release of tung oil under loan.
443.1281 Liquidation of the loan and delivery under purchase agreement.
443.1282 Purchase of notes.
443.1283 Storage and handling charges.
443.1284 Support prices.
443.1285 CSS Commodity Office.

AUTHORITY: §§ 443.1261 to 443.1285 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C., 714B. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. 714c, 7 U. S. C. 1446, 1421.

§ 443.1261 *Administration.* (a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC, or the Vice President, CCC, who is Deputy Administrator for Price Support, CSS. In the field, the program will be carried out by the Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and County Committees) and the Dallas CSS Commodity Office.

(b) It will be the responsibility of the State Committee in each State to carry out the provisions of the 1956 tung nut price support program in such a manner that price support will be available to all eligible producers of tung nuts.

(c) Forms will be distributed through the offices of State and County Committees. All documents in connection with warehouse storage loans on tung oil and purchase agreements on tung nuts and tung oil will be approved by the County Committee which will retain copies of all such documents. The County Committee may authorize the county office manager to prepare and approve purchase agreement and loan documents on behalf of the Committee.

(d) State and County Committees and the Commodity Office do not have authority to modify or waive any of the provisions of this bulletin or any amendments or supplements hereto.

§ 443.1262 *Availability* — (a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1, 1956, through January 31, 1957. Loans and purchase agreements covering tung oil will be available from November 1, 1956, through June 30, 1957.

(c) *Where to apply.* Application for price support should be made through the office of the County Committee which keeps the farm program records for the farm.

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and nonrecourse loans on eligible tung oil stored in approved storage facilities.

§ 443.1264 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, estate, or other legal entity producing tung nuts of the 1956 crop as landowner, landlord, tenant, or share-cropper. The beneficial interest in the tung nuts tendered for purchase under a purchase agreement, and in the tung nuts and the resultant tung oil tendered for a loan or for purchase under a purchase agreement, must be in the producer making such tender, and must have always been in him or in him and a former producer whom he succeeded either as landowner, landlord, tenant, or share-cropper before the tung nuts were harvested. Any eligible producer or group of eligible producers may designate in writing, on the form or forms approved by CCC, an agent to act on the producers' behalf or on the joint behalf of a group of producers in obtaining price support under this program.

(b) Any cooperative association of producers (hereinafter called "co-operative") which normally handles or crushes tung nuts delivered to it by eligible producers or markets tung oil delivered to it by eligible producers shall also be considered an eligible producer with respect to the oil produced from 1956 crop tung nuts delivered to it by eligible producers or with respect to eligible tung oil delivered to it by eligible producers provided all the following requirements are met:

(1) The beneficial interest in the tung oil and the tung nuts from which such tung oil was extracted is and always has been in the eligible producers who deliver the tung nuts or tung oil to the cooperative or in such producers and former producers whom such producers succeeded either as landowner, landlord, tenant, or sharecropper, before the tung nuts were harvested;

(2) The major part of the tung oil handled or marketed by the cooperative is extracted from tung nuts grown by members who are eligible producers;

(3) The producers share proportionately in the proceeds from marketings according to the quantity and quality of tung nuts or tung oil each delivers to the cooperative;

(4) The cooperative has the legal right to pledge the tung oil as security for a loan as well as the authority to sell such tung oil under purchase agreements;

(5) The cooperative shall maintain a record showing separately (i) the total quantity of tung oil processed by it from 1956 crop tung nuts obtained from all sources, (ii) the total quantity of tung oil obtained from all sources, (iii) the total quantity of tung oil processed by it from 1956 crop tung nuts obtained from all eligible producers, (iv) the total quantity of tung oil obtained from all eligible producers, (v) the total quantity of tung oil processed from 1956 crop tung nuts obtained from eligible producer-members, and (vi) the total quantity of tung oil obtained from eligible producer-members. The cooperative shall make its records available to CCC for inspection at all reasonable times through June 1959.

§ 443.1265 *Eligible tung nuts and tung oil*—(a) *Tung nuts.* Tung nuts must be from the 1956 crop, and must be matured, air dried with hard hulls dark in color and suitable for milling.

(b) *Tung oil.* Tung oil must have been extracted from 1956 crop tung nuts and must meet Interim Federal Specification TT–O–00395a (Agr–ARS) dated June 15, 1956 (hereinafter referred to as Federal Specifications). The eligibility of tung oil delivered under this program must be evidenced by a certification, signed by the producer or an agent designated as provided in § 443.1270 (f) or in the case of a cooperative by an authorized officer thereof, in the form prescribed in § 443.1270 (d) or (e), whichever form is appropriate.

§ 443.1266 *Disbursement of loans.* Disbursement of loans on tung oil will be made by approved lending agencies or by sight drafts drawn on CCC by the ASC County Office. Disbursements shall not be made later than 15 days after the final date of the availability of loans, unless authorized by the Executive Vice President, CCC, or the Vice President, CCC who is the Deputy Administrator for Price Support, CSS. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the tung oil is not in existence and in good condition at the time of disbursement, the loan proceeds shall be refused or promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer

copper-base ingots and other crude forms ---------- 8567

ments) ---------- 8621–8624

shall be personally liable for repayment of the amount of such excess.

§ 443.1267 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency agreement on CCC Form 322 (4–22–54) and CCC Form 322–1 (6–22–56) or other form prescribed by CCC.

§ 443.1268 *Approved storage facilities.* Approved facilities shall consist of storage facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on Commodity Credit Corporation Form 77 (Revised November 1956) for the 1956 crop has been entered into with CCC through the Dallas CSS Commodity Office. The names of owners or operators of approved facilities may be obtained from the Dallas CSS Commodity Office and State and County ASC Offices.

§ 443.1269 *Maturity date of loans and period of notification to sell under purchase agreement.* (a) Loans on tung oil mature on October 31, 1957, or on such earlier date as may be determined by CCC.

(b) Producers who elect to sell tung nuts under a purchase agreement must notify the County Committee of their intentions within the 30-day period ending March 31, 1957, or ending on such earlier date as may be determined by CCC. Producers who elect to sell tung oil under a purchase agreement must notify the County Committee of their intentions within the 30-day period ending October 31, 1957, or ending on such earlier date as may be determined by CCC.

§ 443.1270 *Applicable forms.* The approved forms consist of the purchase agreement forms, loan forms, and such other forms and documents as may be required, which together with the provisions of this bulletin, and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Note and loan agreements must have State documentary and revenue stamps affixed thereto when required by law. Purchase agreement or loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement, Commodity Purchase Form 1; Delivery Instructions, Commodity Purchase Form 3; Purchase Agreement Settlement, Commodity Purchase Form 4; Lien Waiver for Purchase, Commodity Purchase Form 5; and other applicable forms prescribed in paragraph (c) of this section.

(b) *Loan documents.* Loan forms shall consist of the Producer's Note and Loan Agreement, Commodity Form B, and other applicable forms prescribed in paragraph (c) of this section.

(c) *Other forms.* Warehouse receipts, chemical analysis certificates issued by approved chemists, certification of eligibility of tung oil, producer's designation of agent, and such other forms as may be prescribed by CCC.

(d) *Producer's certification of eligibility of tung oil.* Before a loan is made on tung oil to a producer, other than a cooperative, or before delivery of tung oil from such producer under a purchase agreement can be accepted by the County Committee, the producer, or his agent designated as provided in paragraph (f) of this section, must sign a statement in substantially the following form:

I hereby certify:

(1) That the -------- pounds of tung oil located in ----------
(Name of storage facility)
at ---------- which I am
(Address)
pledging to CCC as collateral for loan or am tendering for delivery to CCC under purchase agreement was delivered to me as oil processed for my account by ----------
(Name of plant)
out of -------- pounds of 1956 crop tung nuts produced by me which I delivered to such plant for toll processing;

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me or in me and a former producer whom I succeeded either as landowner, landlord, tenant or share-cropper, before such tung nuts were harvested.

(Signature) ----------
(Producer)
By ----------
(Agent)

(Date)

(e) *Cooperative's certification of eligibility of tung oil.* Before a loan is made to a cooperative or delivery of tung oil from such cooperative under a purchase agreement can be accepted by the County Committee, the manager or the official empowered to sign contracts for or on behalf of the cooperative must sign a statement in substantially the following form:

I hereby certify:

(1) That -------- pounds of tung oil which are being pledged to CCC as collateral for a loan, or are being tendered for delivery to CCC under purchase agreement were processed from -------- pounds of eligible 1956 crop tung nuts which were delivered by eligible producers to tung mills in quantities as follows:

(1) Name and address of tung mill	(2) 1956 crop tung nuts delivered for crushing (pounds)	(3) Tung oil crushed from tung nuts in column 2 (pounds)

and that such tung oil is presently stored at these mill locations unless otherwise noted below:

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in such producers or in such producers and former producers whom such producers succeeded, either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested.

(Date)

(Name of Cooperative)
By ---------- Title ----------

(f) *Designation of agent by a producer or group of producers.* A single eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event the producer or group of producers shall execute a form substantially equivalent to CCC Tung Nut Form 1 (1956) for purchase agreements or to CCC Tung Nut Form 1–A (1956) for loans. A copy of each designation of agent signed by the producer(s) and indicating the maximum quantity of eligible tung nuts which the producer (or each producer in the case of a group) will produce on the producer's own farm, and on which price support is desired, must be delivered to the county committee before any purchase agreement or loan documents filed by the agent on behalf of such producer(s) are approved by the county committee. A separate certification of eligibility must be executed for or on behalf of each producer.

No. --------

U. S. Department of Agriculture
CCC Tung Nut Form 1 (1956)

PRODUCERS DESIGNATION OF AGENT

PURCHASE AGREEMENT

1956 Tung Nut Price Support Program

I (we) the undersigned eligible tung nut producer(s) hereby appoint ----------,
(Name)
---------- my (our) agent
(Address)
with full authority to act for me (us) and in my (our) name and stead in obtaining price support under the 1956 crop tung nut price support program of the Commodity Credit Corporation, which is administered through State and County ASC Committee of the United States Department of Agriculture. In exercising such authority the above named person is empowered to execute all applicable purchase agreement documents, to notify Commodity Credit Corporation of my (our) intention to sell tung nuts or tung oil, to pool my (our) tung nuts or tung oil with tung nuts or tung oil owned by other eligible producers and to warehouse such tung nuts or tung oil at my (our) pro rata expense, and to sell and deliver such pooled tung nuts or tung oil to Commodity Credit Corporation, to make joint settlement and receive payment on my (our) behalf for tung nuts or tung oil so sold and delivered, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally. This appointment shall continue in effect until it is revoked in writing and a signed copy of the revocation is delivered to Commodity Credit Corporation through the ASC County Committee. The approximate quantity of tung nuts of the 1956 crop produced on my (our) farm(s) is indicated below.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this --------
day of ---------- 195-----.

In presence of:

---------- Witness	---------- Signature	---------- (Tons)
---------- Witness	---------- Signature	---------- (Tons)
---------- Witness	---------- Signature	---------- (Tons)

No. --------

U. S. Department of Agriculture
CCC Tung Nut Form 1–A (1956)

PRODUCERS DESIGNATION OF AGENT

TUNG OIL LOAN

1956 Tung Nut Price Support Program

I (we) the undersigned eligible tung nut producer(s) hereby appoint ----------,
(Name)
---------- my (our)
(Address)
agent with full authority to act for me (us) and in my (our) name and stead in obtaining price support under the 1956 crop tung nut price support program of the Commodity Credit Corporation which is administered through State and County ASC Committees of the United States Department of Agriculture. In exercising such authority the above-named person is empowered to execute all loan documents, to pool my (our) tung oil with tung oil owned by other eligible producers, to pledge to CCC as security for loan(s) warehouse receipts representing such pooled oil, to receive the proceeds of such loan(s) on my (our) behalf, to distribute all of such proceeds pro rata among me (us) and any other producers in accordance with the respective producer's interest in the pooled oil under loan, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally, including but not limited to the authority to redeem pooled oil under loan in accordance with instructions from me (us) and other producers having an interest in such oil. This appointment shall continue in effect until revoked in writing and a signed copy thereof delivered to Commodity Credit Corporation through the ASC County Committee. The approximate quantity of tung oil crushed from tung nuts of the 1956 crop produced on my (our) farms is indicated below.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this --------
day of ----------, 195-----.

In presence of:

---------- Witness	---------- Signature	---------- Pounds
---------- Witness	---------- Signature	---------- Pound
---------- Witness	---------- Signature	---------- Pounds

(g) *Warehouse receipts.* Warehouse receipts representing tung oil in approved warehouse storage to be placed under loan or to be delivered under a purchase agreement, must meet all the following requirements:

(1) Must be issued in the name of the producer, (in case of a cooperative, in the name of the producer delivering tung nuts or tung oil to it) show storage location, describe the quantity and quality of tung oil delivered to the warehouseman, be signed by the warehouseman and be properly endorsed in blank by the producer so as to vest title in the holder.

(2) Must guarantee that when delivered out by the warehouse, the oil will meet Federal Specifications.

(3) Must contain the warehouseman's statement that the oil is insured as required in § 443.1276. If such insurance was not effective as of the date of deposit of the tung oil in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the oil is in the warehouse and undamaged.

(4) Must show the date of issue.

(5) Must carry an endorsement in substantially the following form:

Warehouse charges through October 31, 1957, on the tung oil represented by this warehouse receipt have been paid or otherwise provided for and the warehouseman has no lien upon such tung oil for such charges.

(6) Must contain such other terms and conditions as CCC may require in tung oil storage agreement with approved warehouseman.

§ 443.1271 *Personal liability of the producer.* Any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer, will render the producer or agent subject to criminal prosecution under Federal Law and liable for any damages suffered by CCC as a result of purchase of the commodity, for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

§ 443.1272 *Determination of quantity*—(a) *Tung nuts.* The quantity of tung nuts delivered under purchase agreement shall be determined on the basis of net weight at point of delivery to CCC. The net weight is the gross scale weight less foreign material and bags.

(b) *Tung oil.* Where the tung oil pledged to secure a loan or tendered under a purchase agreement is represented by warehouse receipts issued by approved warehouses, the determination of quantity for purposes of settlement with the producer shall be based on the net weight specified on such warehouse receipts. Where tung oil tendered under a purchase agreement is not stored in an approved warehouse, the quantity of such tung oil shall be determined on the basis of approved scale weight at destination.

§ 443.1273 *Determination of quality.* (a) The determination of the oil content of the tung nuts and the quality of tung oil not stored in approved warehouses which is delivered under purchase agreement shall be made on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture. The samples shall be analyzed by chemists approved by the Department of Agriculture (hereinafter referred to as "approved chemists"). The oil content of the tung nuts shall be determined on the basis of a sample drawn as of the time of delivery of the tung nuts to CCC. The time of determining the quality of the tung oil and evidence of such quality shall be as provided in § 443.1281 (b) (5). The cost of sampling and analysis shall be borne by the producer.

(b) In the case of tung oil stored in approved warehouses where appropriate warehouse receipts are delivered to CCC in connection with a purchase agreement or a loan on such tung oil, the quality of such tung oil for the purposes of settlement with the producer shall be the quality shown on the warehouse receipts.

§ 443.1274 *Liens.* If there are any liens or encumbrances on the tung nuts or tung oil, waivers acceptable to the county committee must be obtained.

§ 443.1275 *Service charges.* Producers shall pay to the county committee service charges on the quantity of the commodity placed under loan or specified in the purchase agreement, computed at the following rates:

	Rates	Minimum charges
Tung oil	6 cents per hundredweight	$1.50
Tung nuts	18 cents per ton	1.50

No service charges will be refunded.

§ 443.1276 *Insurance.* Tung oil tendered for loan or under purchase agreement which is stored in an approved warehouse on a commingled basis must be insured by the warehouseman for not less than the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, tornado, and such other hazards as are normally insured against by the warehouseman or required by statute.

§ 443.1277 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are past due or are payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, such producer must designate CCC or the lending agency holding such note as the payee of the proceeds of the purchase or loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. In the case of a cooperative, the cooperative must designate CCC, or the lending agency holding the note evidencing a loan on farm storage facilities or mobile drying equipment, as the payee of the proceeds of the purchase or loan to the extent of any such indebtedness or installments due by any individual producer who delivered to the cooperative tung oil or the tung nuts from which was processed the oil constituting the basis for the loan or the purchase agreement. For purposes of this provision the cooperative must deliver to the county committee a list of the individual producers who delivered the tung oil or the tung nuts to the cooperative together with the quantity of oil processed for each producer. The county committee will furnish the cooperative with the names of such producers which appear on the county debt register and the amount of their indebtedness.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after payment of service charges and claims of prior lienholders.

approved chemists, certification of eligibility of tung oil, producer's designation

By ---------- Title ----------
(Name of Cooperative)

Witness

No. --------

(4) Must show the date of issue.

quality shown on the warehouse receipts.

lienholders.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 443.1278 *Interest rate.* Loans shall bear interest at the rate of 3.5 percent per annum from the date of disbursement to the date of repayment.

§ 443.1279 *Transfer of producer's right or equity*—(a) *Loans.* The right of a producer to transfer either his right to redeem the tung oil under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 443.1280 *Release of tung oil under loan.* A producer may at any time on or before maturity obtain release of the tung oil under loan by paying to the holder of the note and loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Partial release prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released. However, the quantity to be released must be equal to the quantity covered by one or more warehouse receipts.

§ 443.1281 *Liquidation of the loans and delivery under purchase agreement*—(a) *Liquidation of the loan.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the tung oil to satisfy the loan in accordance with the provisions of the note and loan agreement and this section. If tung oil is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat pooled tung oil as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled tung oil is disposed of under such policies at prices less than the current domestic price for such commodity. Any payment due the producer as a result of the sale of the commodity, or out of the proceeds of insurance on the commodity, or any ratable share resulting from the liquidation of a pool, will be made by the Dallas CSS Commodity Office and shall be payable only to the producer or his agent without right of assignment by him.

(b) *Delivery and payment under purchase agreement.* (1) A producer who signs a purchase agreement, Commodity Purchase Form 1, will not be obligated to sell any specified quantity of tung nuts or tung oil to CCC but shall have the option subject to sub-paragraphs (4) and (5) of this paragraph of delivering to CCC at the support price any quantity of tung nuts or tung oil within the maximum specified in the purchase agreement executed by him.

(2) A producer who has signed a purchase agreement in terms of tung nuts may, at his option, deliver in lieu of tung nuts not in excess of the quantity of eligible tung oil which has been processed from such tung nuts; provided that such tung oil shall be delivered in accordance with sub-paragraph (4) or (5) of this paragraph whichever is applicable.

(3) Eligible tung nuts will be purchased on the basis of the net weight and the oil content as shown by a chemical analysis. CCC will not accept delivery until a determination of eligibility has been made and a sample for chemical analysis has been drawn. The producer shall deliver tung nuts to CCC in accordance with instructions issued by the county committee on or after March 31, 1957. If the producer is required by such instructions to make delivery to a point more distant from the farm than his usual milling point, CCC will pay the difference, if any, between the cost of transportation from the farm to the designated delivery point and the cost of transportation from the farm to the usual milling point but not in excess of an amount which the county committee determines is a reasonable difference in cost for such services. The producer must complete delivery of tung nuts within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(4) In the case of tung oil stored in approved storage facilities, the producer must, not later than the day following the final date of the 30-day notification period prescribed in § 443.1269 (b), or during such period of time thereafter as may be specified by CCC, submit to the county committee warehouse receipts issued in the form prescribed in § 443.1270 (g). The total quantity of oil represented by such warehouse receipts shall not exceed the quantity shown on Commodity Purchase Form 1. CCC will not accept delivery of less than the total quantity of tung oil covered by a warehouse receipt. The certification of the eligibility of tung oil, as provided in § 443.1270 (d) or (e), whichever is applicable, must accompany the warehouse receipt.

(5) In the case of tung oil stored in storage facilities which have not been approved, delivery will be accepted only f. o. b. tank cars at the producer's usual milling point or at other locations approved by CCC. The county committee will on or after the final date of the 30-day notification period prescribed in § 443.1269 (b), issue delivery instructions to the producer. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering each tank car offered showing that oil meets Federal specifications; or if it is found by the county committee that a submission of these analyses certificates on tank car lots would cause undue delay in shipment, the producer may (i) submit evidence that a sample of each car lot of oil has been properly drawn and submitted to an approved chemist for analysis, provided that the producer (*a*) waives his right of appeal of the findings of the approved chemist, (b) agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account, and (c) agrees further that if the tung oil does not meet Federal specifications the car shall be rejected with all freight, demurrage, and handling charges reverting to the account of the producer; or, (ii) the producer may submit chemical analysis certificates (issued by an approved chemist) showing that the tung oil offered meets Federal specifications and is stored in sealed identity preserved tanks, provided that the producer agrees to have such tung oil check-loaded by a representative of CCC into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f. o. b. tank cars. The producer must submit a certification of the eligibility of tung oil, as provided in § 443.1270 (d) or (e), whichever is applicable, and complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. Notwithstanding the above provisions of this section, delivery of less than tank car lots may be accepted by CCC f. o. b. tank truck or other conveyance in those cases where the Dallas CSS Commodity Office determines that such action is in the interest of CCC. The tung nuts or tung oil will be purchased by CCC at the applicable support rate and payment will be made by sight drafts drawn on CCC by the ASC county office.

§ 443.1282 *Purchase of notes.* The county committee, acting on behalf of CCC, will purchase from approved lending agencies notes evidencing approved loans which are secured by warehouse receipts issued by approved warehouses. The purchase price will be the principal sums remaining due on such notes, plus interest computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the county office where the loan documents were approved.

§ 443.1283 *Storage and handling charges*—(a) *Tung nuts.* CCC will not pay or assume any of the costs of transportation (except as provided in § 443.1281 (b) (3)), storage, cleaning, insurance premiums, bags and bagging, sampling, testing and analysis reports, and tagging accruing prior to delivery of the tung nuts to CCC under a purchase agreement, nor will CCC assume the cost of handling or processing expenses which are necessary to prepare the tung nuts to meet eligibility requirements.

(b) *Tung oil.* CCC will not pay or assume the cost of transportation, sampling, insurance, testing and analysis accruing on the tung oil prior to delivery under a purchase agreement or prior to the maturity date of the loan on tung oil placed under loan, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. Storage charges on tung oil stored in approved warehouses shall be paid by the producer through October 31, 1957. Storage charges accruing on such tung oil after such date will be for the account of CCC. All storage charges on tung oil stored in unapproved warehouses shall be for the account of the producer.

(c) *Unexpired storage time and services.* CCC and any subsequent holder of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer became entitled under any contract between the producer and the warehouseman.

§ 443.1284 *Support prices*—(a) *Tung nuts.* The support price for tung nuts containing 18.5 percent oil (original moisture basis) shall be $53.76 per ton in all areas. This price shall be adjusted upward or downward by 30 cents per ton for each variation of 1/10 of 1 percent oil from the base of 18.5 percent oil content (original moisture basis) on the basis of chemical analysis certificates issued by an approved chemist.

(b) *Tung oil.* The equivalent price for eligible tung oil will be 21.0 cents per pound in all areas.

§ 443.1285 *CSS Commodity Office.* The Dallas CSS Commodity Office will serve the tung area and the States served by it are shown below:

Address and States
500 South Ervay Street, Dallas 1, Tex.: Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

Issued this 2d day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-9156; Filed, Nov. 7, 1956; 6:57 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE FRINGED BEETLE

REVISION OF QUARANTINE AND REGULATIONS

On August 23, 1956, there was published in the FEDERAL REGISTER (21 F. R. 6333) a notice of the proposed revision of notice of quarantine No. 72 relating to the white-fringed beetle and of the regulations supplemental to said quarantine (7 CFR 301.72, 301.72-1 et seq.). After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and sections 1 and 3 of the Insect Pest Act (7 U. S. C. 141, 143), the aforesaid quarantine and regulations are hereby revised to read as follows:

QUARANTINE

Sec.
301.72 Notice of quarantine.

REGULATIONS

Sec.
301.72-1 Definitions.
301.72-2 Designation of regulated areas.
301.72-3 Regulated articles.
301.72-4 Conditions governing interstate movement of certain regulated articles.
301.72-5 Conditions governing the issuance of certificates and limited permits.
301.72-6 Assembly of articles for inspection.
301.72-7 Cancellation of certificates and limited permits.
301.72-8 Inspection of shipments en route.
301.72-9 Disinfecting vehicles, machinery, and other articles.
301.72-10 Shipments for experimental and scientific purposes.
301.72-11 Nonliability of Department.

AUTHORITY: §§ 301.72 to 301.72-11 issued under sec. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after the public hearing required thereby, the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee have been and hereby are continued to be quarantined to prevent the spread of introduced species of the genus Graphognathus, commonly known as white-fringed beetles, dangerous insects of foreign origin notoriously injurious to cultivated crops and not heretofore widely prevalent or distributed within and throughout the United States, and under the authority conferred by the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), supplemental regulations are hereinafter prescribed (§§ 301.72-1 to 301.72-11) governing the movement of white-fringed beetles and carriers thereof. Hereafter (a) live white-fringed beetles in any stage of development, (b) forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots; (c) soil, compost, manure, peat, muck, clay, sand, or gravel, independent of or in connection with nursery stock, plants, plant products, or other products or articles; (d) grass sod; plant crowns or roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; potatoes (Irish) when freshly harvested; peanuts in shells, peanut shells and peanut hay; (e) uncleaned grass, grain and legume seed; hay (other than peanut hay), straw, seed cotton and cottonseed; (f) scrap metal and junk; brick, tile, stone; concrete slabs, pipes, and building blocks; and cinders; (g) forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties; (h) railway cars, trucks, and other means of conveyance; construction and maintenance equipment; containers; and other articles of any character whatsoever which by reason of infestation or exposure constitute a hazard of spreading white-fringed beetles as determined in accordance with the supplemental regulations §§ 301.72-1 to 301.72-11, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State, Territory, or District of the United States, in manner or method or under conditions other than those prescribed in the supplemental regulations, as from time to time amended: *Provided*, That the requirements of this quarantine and of the supplemental regulations, except as otherwise provided in the regulations, are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as, in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of white-fringed beetles, except that such limitation is further conditioned upon the affected State's providing for and enforcing control of the movement within such State of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon the State's enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, shall be deemed adequate to prevent the spread therefrom within such State of the infestations of said insects: *Provided, further*, That whenever the Chief of the Plant Pest Control Branch shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the supplemental regulations apply, except live white-fringed beetles in any stage of development, making it safe to modify, by making less stringent, the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof and for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

§ 301.72-1 *Definitions.* For the purpose of the regulations in this subpart the following terms shall be construed, respectively, to mean:

(a) *White-fringed beetle.* Species of the genus Graphognathus, in any stage of development.

(b) *Infestation.* The presence of white-fringed beetles.

(c) *Regulated areas.* The counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.72-2 as regulated areas.

(d) *Nursery stock.* Forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots,

(e) *Regulated articles.* Products or articles of any character whatsoever, the movement of which is regulated by this quarantine (§ 301.72) and regulations supplemental thereto (§§ 301.72–1 to 301.72–11).

(f) *Inspector.* An inspector of the United States Department of Agriculture.

(g) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly, from a regulated area. "Movement" and "move" shall be construed accordingly.

(h) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(i) *Master certificate.* A document, indicating the quantity and nature of the articles covered thereby, issued by an inspector for use with bulk or lot shipments of regulated articles by rail, boat, or road vehicle, authorizing their movement.

(j) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(k) *Dealer-carrier agreement.* A document, constituting an agreement to comply with stipulated quarantine conditions, executed by persons engaged in purchasing, handling, processing, utilizing, or moving regulated articles.

(l) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of the provisions thereof by the Chief of the Plant Pest Control Branch, Agricultural Research Service.

(m) *Interstate.* From one State, Territory, or District of the United States into or through another.

§ 301.72–2 *Designation of regulated areas.* The Chief of the Plant Pest Control Branch, shall, from time to time, in administrative instructions promulgated by him, list the counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, or parts thereof, in the quarantined States, in which infestation of the white-fringed beetle has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such counties, parishes, cities, sections, townships, militia districts, and other civil divisions, or parts thereof, as constituting the regulated areas. Any civil division, or part thereof, so designated shall continue in a regulated status until the Chief of the Plant Pest Control Branch shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the white-fringed beetle therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as a regulated area.

§ 301.72–3 *Regulated articles.* (a) *White-fringed beetles; removal prohibited, exception.* The removal from any State or Territory to any other State or Territory or the District of Columbia, or from said District to any State or Territory, of live white-fringed beetles, except for scientific purposes, is prohibited by the Insect Pest Act (7 U. S. C. 141). Provisions for the removal of live white-fringed beetles, for scientific purposes, are set forth in § 301.72–10.

(b) *Other regulated articles; movement regulated.* Unless exempted by administrative instructions issued by the Chief of the Plant Pest Control Branch, the movement from any regulated area of any of the following is permitted only under the conditions provided in the regulations in this subpart:

(1) Forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots.

(2) Soil, compost, manure, peat, muck, clay, sand, or gravel, independent of or in connection with nursery stock, plants, plant products, or other products or articles, except that the movement of processed sand and gravel is not regulated.

(3) Grass sod; plant crowns or roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; potatoes (Irish) when freshly harvested; peanuts in shells, peanut shells and peanut hay.

(4) Uncleaned grass, grain and legume seed; hay (other than peanut hay), straw, seed cotton and cottonseed.

(5) Scrap metal and junk; brick, tile, stone; concrete slabs, pipes, and building blocks; and cinders.

(6) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(7) Other articles of any character whatsoever that might present a hazard of spread of white-fringed beetles.

§ 301.72–4 *Conditions governing interstate movement of certain regulated articles.* (a) *Certificate or limited permit required.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.72–10, regulated articles designated in § 301.72–3 (b) shall not be moved from any regulated area into or through any point outside thereof unless accompanied by a valid certificate or limited permit issued under § 301.72–5. In issuing such administrative instructions, the Chief of the Plant Pest Control Branch will designate the regulated articles to be exempt from the requirements of the regulations supplemental to the quarantine and set forth any special conditions which qualify certain articles for such exemption.

(b) *Use of certificates on shipments.* Unless exempted by administrative instructions, and except as provided in § 301.72–5 (b) for movement of noncertified shipments under limited permits to designated destinations for processing, every container of regulated articles moved from any regulated area shall have securely attached to the outside thereof a certificate issued in compliance with the regulations in this subpart. However, in the case of carload or less-than-carload shipments by freight, express, or truck, either in containers or in bulk, a single master certificate shall be attached to the waybill or invoice. In the case of less-than-carload shipments by freight or express, an additional certificate shall be attached to one of the containers.

(c) *Articles originating outside the regulated areas.* No certificates or limited permits are required for the movement of regulated articles designated in § 301.72–3 (b) which originate outside any regulated area and are moved through or reshipped from any regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles have been protected while in the regulated area, in a manner satisfactory to the inspector.

(d) *Protecting certified articles.* Subsequent to certification as provided in § 301.72–3 (b), regulated articles must be loaded, handled, and shipped only under such protection and safeguards against infestation as are required by the inspector.

§ 301.72–5 *Conditions governing the issuance of certificates and limited permits.* (a) *Certificates.* Certificates may be issued for the movement from a regulated area of the regulated articles designated in § 301.72–3 (b) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement from a regulated area of noncertified regulated articles designated in § 301.72–3 (b) to such destinations and consignees as may be authorized and designated by the Plant Pest Control Branch for processing or other safe handling. As conditions of such authorization and designations, persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Plant Pest Control Branch to maintain such safeguards against the establishment and spread of infestation and to comply with such conditions as to maintenance of identity, handling, or subsequent movement of such articles, and to the cleaning or treatment of railway cars, trucks, and other means of conveyance, and containers used in the transportation of such articles, as may be required by the inspector.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person or firm engaged in producing, purchasing, assembling, exchanging, processing, or transporting such regulated articles originating or stored in regulated areas, may be required to sign a dealer-carrier agreement stipulating that he will carry out any and all conditions, treatments, precautions, and sanitary measures which are deemed necessary by the inspector, including segregation and maintenance of identity, under supervision of the inspector, of all regulated articles.

§ 301.72–6 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles designated in § 301.72–3 (b) shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

§ 301.72–7 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or canceled and further certificates or permits for such articles refused by the inspector whenever he determines the further use of such certificates or permits might result in the dissemination of white-fringed beetles.

§ 301.72–8 *Inspection of shipments en route.* Any vehicle, boat, ship, vessel, receptacle, or any other means of transportation, moving interstate which an inspector has probable cause to believe carries or contains any white-fringed beetles, the transportation of which is illegal, or any other regulated article controlled by § 301.72 and the regulations in this subpart shall be subject to inspection by the inspector.

§ 301.72–9 *Disinfesting vehicles, machinery, and other articles.* When in the judgment of the inspector a hazard of spread of white-fringed beetles is involved, thorough cleaning, disinfesting, or other sanitary treatments of railway cars, trucks, other vehicles, machinery, implements, and other articles, will be required by the inspector before they may be moved to points outside the regulated areas.

§ 301.72–10 *Shipments for experimental and scientific purposes.* Live white-fringed beetles may be removed from any State or Territory to any other State or Territory or the District of Columbia, or from said District to any State or Territory, and other articles subject to the requirements of the regulations in this subpart may be moved interstate from any regulated area, for experimental or other scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Plant Pest Control Branch. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag from the Plant Pest Control Branch.

§ 301.72–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the regulations in this subpart, or for the chemical or mechanical injury of any commodity treated under the regulations in this subpart, other than for the services of the inspector.

This revision authorizes the Chief of the Plant Pest Control Branch to publish, from time to time, in administrative instructions a list of the minor civil divisions or parts thereof, in quarantined States, in which infestation of the white-fringed beetle has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested districts, and to designate such civil divisions or parts thereof as regulated areas. Civil divisions or parts thereof so designated will continue in a regulated status until the Chief of the Plant Pest Control Branch has determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the infestation therein or that regulation of such areas is not otherwise necessary for quarantine enforcement purposes, and has issued administrative instructions revoking the designation of such civil divisions or parts thereof as regulated areas.

The revision also makes the provisions of these regulations conform as closely as possible in phraseology with similar domestic plant quarantine regulations and makes numerous clarifying changes. Insofar as the revision relates to matters of internal management or makes formal changes, it should be made effective promptly to facilitate enforcement of the white-fringed beetle quarantine and regulations, and insofar as it imposes stricter requirements than heretofore have been enforced, it should be made effective promptly in order to prevent the spread of white-fringed beetles. In these respects good cause is found under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) for making the revision effective less than 30 days after publication in the FEDERAL REGISTER. Insofar as the revision relieves restrictions, it may be made effective less than 30 days after such publication under section 4 (c) of said act.

The foregoing quarantine and regulations shall be effective on and after November 8, 1956, on which date they shall supersede the quarantine and regulations effective March 17, 1949, as amended, effective May 10, 1951, July 5, 1952, September 29, 1953, and April 14, 1955 (7 CFR 301.72; 301.72–1 et seq.).

Done at Washington, D. C., this 5th day of November 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56–9155; Filed, Nov. 7, 1956; 8:57 a. m.]

[P. P. C. 485, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM CERTIFICATION REQUIREMENTS

On August 23, 1956, there was published in the FEDERAL REGISTER (21 F. R. 6336), a notice of rule making setting forth proposed administrative instructions exempting certain articles from requirements of the regulations supplemental to White-Fringed Beetle Quarantine No. 72 (7 CFR 301.72[1]). After due consideration of all matters presented, and pursuant to the authority conferred on him by the second proviso of the white-fringed beetle quarantine (Notice of Quarantine No. 72, 7 CFR 301.72), under section 8 of the Plant Quarantine Act of 1912 (7 U. S. C. 161), the Chief of the Plant Pest Control Branch hereby issues revised administrative instructions exempting certain regulated articles from the certification and permit requirements of §§ 301.72–4 and 301.72–5 of the regulations supplemental to the said notice of quarantine (7 CFR 301.72–4, 301.72–5[1]), such administrative instructions to appear as § 301.72a in Title 7, Code of Federal Regulations, as follows:

§ 301.72a *Administrative instructions exempting certain articles from requirements of regulations.* The Chief of the Plant Pest Control Branch has found that facts exist as to the pest risk involved in the movement of the following regulated articles making it safe to modify, by making less stringent, the requirements of the regulations supplemental to the white-fringed beetle quarantine as follows:

(a) The movement of the following articles, when they are free of soil, or when they have not been exposed to infestation, or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector, is hereby exempted from the certification and permit requirements of §§ 301.72–4 and 301.72–5 of the regulations supplemental to the white-fringed beetle quarantine:

(1) Hay and straw, except that peanut hay is not exempt.

(2) Uncleaned grass, grain, and legume seed.

(3) Seed cotton and cottonseed.

(4) Potatoes (Irish) when freshly harvested, grown in the regulated areas in Baldwin or Escambia Counties, Alabama; or Escambia County, Florida.

(b) The movement of the following articles, when they meet the requirements of paragraph (a) of this section or when the storage yards or premises and environs thereof have been surface treated with an insecticide, at dosages administratively approved and at intervals prescribed by the inspector, is hereby exempted from the certification and permit requirements of §§ 301.72–4 and 301.72–5 of the regulations supplemental to the white-fringed beetle quarantine:

(1) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

[1] See F. R. Document 56–9155, *supra.*

revoking the designation of such civil division, or part thereof, as a regulated area.

with the regulations in this subpart. However, in the case of carload or less-than-carload shipments by freight, ex-

regulated articles, any person or firm engaged in producing, purchasing, assembling, exchanging, processing, or

(2) Brick, tile, stone; concrete slabs, pipe, building blocks; and cinders.

These amended administrative instructions shall be effective on November 8 1956, and on that date shall supersede P. P. C. 485, as revised effective May 20, 1954 (7 CFR 301.72a).

This amendment exempts the same articles as heretofore, but provides a less stringent condition for the exemption of forest products, brick, tile, stone, concrete slabs, pipe, and building blocks, and cinders and also relieves restrictions in other respects. It may therefore be made effective under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 1st day of November 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-9153; Filed, Nov. 7, 1956; 8:57 a. m.]

[P. P. C. 618]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREAS

On August 23, 1956, there was published in the FEDERAL REGISTER (21 F. R. 6336) a notice of rule making setting forth proposed administrative instructions, under a proposed amendment of the white-fringed beetle quarantine and supplemental regulations, listing counties, parishes, cities, sections, townships, militia districts, and other minor civil divisions, and parts thereof, in the quarantined States, in which infestation of the white-fringed beetle has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, thereby proposing to designate such counties, and other civil divisions, and parts thereof, as white-fringed beetle regulated areas within the meaning of the provisions in this subpart. After due consideration of all matters presented pursuant to the notice of rule making and pursuant to § 301.72–2 of the regulations supplemental to the white-fringed beetle quarantine, as amended (7 CFR 301.72–2 [1]), under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), administrative instructions are hereby issued as follows:

§ 301.72–2a *Administrative instructions designating regulated areas under the white-fringed beetle quarantine and regulations.* Infestations of white-fringed beetles have been determined to exist, in the quarantined States, in the respective counties, parishes, cities, sections, townships, militia districts, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated as white-fringed beetle regulated areas within the meaning of the provisions in this subpart:

ALABAMA

Baldwin County. S½ T. 3 S., Rs. 3 and 4 E.; SE¼ T. 3 S., R. 2 E.; Tps. 4 and 5 S., Rs. 3 and 4 E.; E½ Tps. 4 and 5 S., R. 2 E.; Tps. 6 and 7 S., R. 4 E.; E½ T. 7 S., R. 3 E.; E½ and secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 6 S., R. 3 E.; secs. 1, 2, 3, 10, 11, and 12, T. 6 S., R. 2 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 6 and 7, T. 8 S., R. 4 E.; S½ T. 7 S., R. 5 E.; and T. 7 S., R. 6 E.

Clarke County. N½ T. 8 N., R. 3 E., and S½ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

Coffee County. That part of the county lying south of the South line of T. 6 N.

Conecuh County. T. 5 N., Rs. 9, 10, 11, 12, 13, and 14 E.; T. 6 N., Rs. 10, 11, 12, and 13 E.; and those parts of T. 4 N., R. 7 E., T. 5 N., Rs. 7 and 8 E., T. 6 N., Rs. 8 and 9 E., Tps. 7 and 8 N., R. 9 E., and Tps. 7, 8, and 9 N., R. 10 E., lying in Conecuh County.

Covington County. All of Covington County.

Crenshaw County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Dale County. Secs. 25 and 36, T. 4 N., R. 25 E.; secs. 28, 29, 30, T. 4 N., R. 26 E.

Dallas County. Tps. 13, 14, 15, 16, and 17 N., Rs. 10 and 11 E.; the N½ of T. 15 N., Rs. 6, 7, 8, and 9 E.; T. 16 N., Rs. 7, 8, and 9 E.

Escambia County. Tps. 1, 2, and 3 N., Rs. 6, 7, and 8 E; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama State line.

Geneva County. All of Geneva County.

Houston County. All of Houston County west of west line of R. 28 E.

Jefferson County. Secs. 17, 18, 19, and 20, T. 18 S., R. 3 W., and that area included within the corporate limits of the city of Birmingham.

Lowndes County. All of T. 14 N., R. 12 E.

Marengo County. Secs. 28, 29, 30, 31, 32, and 33, T. 16 N., R. 3 E.; and secs. 4, 5, 6, 7, 8, and 9, T. 15 N., R. 3 E.

Mobile County. All of Mobile County.

Monroe County. All of Monroe County.

Montgomery County. Tps. 16 and 17 N., Rs. 17, 18, and 19 E.; and that part of T. 18 N., R. 18 E., lying in Montgomery County.

Wilcox County. N½ T. 10 N., Rs. 6, 7, 8, 9, 10, and 11 E.; T. 11 N., Rs. 8, 9, 10, and 11 E.; T. 12 N., Rs. 9 and 10 E.; that part of T. 12 N., R. 8 E., lying south of the Alabama River; and those portions of T. 13 N., Rs. 8 and 9 E., lying east of the Alabama River and south of Pine Barren Creek.

FLORIDA

Escambia County. All of Escambia County.

Holmes County. S⅔ T. 6 N., R. 15 W., except secs. 18, 19, 30, and 31; NE¼ and secs. 22, 23, and 24, T. 5 N., R. 15 W., including all of the town of Smyrna; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; and E½ of Tps. 4, 5, 6, and 7 N., R. 18 W.

Jackson County. All of Jackson County east of Cowarts Creek and the Chipola River.

Okaloosa County. That part of the county lying north of the south line of T. 2 N.

Santa Rosa County. All of Santa Rosa County.

Walton County. That part of the county lying north of the south line of T. 3 N.

GEORGIA

Baldwin County. That area included within the corporate limits of the city of Milledgeville, and an area one mile wide beginning at the north corporate limits of Milledgeville extending northerly along U. S. Highway No. 441 with said highway as a center line for a distance of one mile.

Ben Hill County. That area included within a circle having a 2-mile radius and center at the Ben Hill County Courthouse in Fitzgerald, including all of the city of Fitzgerald.

Berrien County. That area included within the corporate limits of the city of Nashville.

Bibb County. That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard; and that portion of the Georgia Militia District of Rutland lying east of a line beginning at the point where U. S. Highway No. 41 crosses the north boundary of said militia district (Tobesofkee Creek) and running southward along said highway to its junction with Hartley Bridge Road and thence southwestward along said road to the west boundary line of said militia district.

Bleckley County. That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a boundary beginning at the intersection of Georgia State Highway 112 and the Bleckley-Twiggs County line, thence northeast along said county line to the intersection of the Bleckley, Twiggs, Wilkinson, and Laurens County lines, thence southeast for a distance of 1 mile along the Bleckley-Laurens County line, and thence northwest to the point of beginning.

Bulloch County. That area included within a circle having a 2-mile radius and center at the Bulloch County Courthouse in Statesboro, including all of the city of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

Burke County. That area, comprising parts of Georgia Militia Districts numbers 60 and 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, including all of the city of Waynesboro.

Candler County. That area included within a circle having a 1¼-mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the city of Metter.

Coffee County. That area included within the corporate limits of the city of Douglas; an area 2 miles wide beginning at the north corporate limits of the city of Douglas and extending northward along U. S. Highway No. 441 with said highway as a centerline to and bounded on the north by Seventeen Mile Creek; that area included within a circle having a 2-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose; and an area 3 miles wide beginning at a line projected due east and due west from a point on the Georgia and Florida Railroad 1 mile northwest of the railroad depot in Broxton, and extending northwesterly with said railroad as a centerline to and bounded on the north by Georgia State Highway 107.

[1] See F. R. Document 56–9155, *supra.*

Crawford County. That area included within a circle having a 1½-mile radius and center at the intersection in Roberta of U. S. Highway No. 80 and Georgia State Highway 7, including all of the city of Roberta and the town of Knoxville.

Crisp County. That area included within the corporate limits of the city of Cordele.

Dodge County. That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District, and land lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman.

Emanuel County. That area included within a circle having a 1½-mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Fulton County. That area included within the corporate limits of the city of East Point.

Greene County. That area included within the corporate limits of the city of Greensboro.

Houston County. That area included within the lower Fifth Georgia Militia District, including all of the city of Warner Robins and all of Robins Air Force Base; an area 2 miles wide beginning north of Perry and bounded on the north by Mossy Creek and extending southward along U. S. Highway No. 41 with said highway as a centerline to and bounded on the south by Georgia State Highway 26, including all of the city of Perry; and an area 2 miles wide beginning north of Clinchfield and bounded on the north by Big Indian Creek and extending southwesterly along the Southern Railway with said railway as a centerline to and bounded on the south by Burnham Branch southwest of Grovania, including all of the communities of Clinchfield and Grovania.

Irwin County. That area included within a circle having a ½-mile radius and center at the intersection in Irwinville of Georgia State Highway 32 and the Jefferson Davis Memorial State Park Road; that area included within a circle having a 2-mile radius and center at the Irwin County Courthouse at Ocilla, including all of the city of Ocilla; an area 1 mile wide bounded on the south and east by the Irwin-Coffee County line and extending northwesterly along the Atlanta, Birmingham and Coast Railroad with said railroad as a centerline for a distance of 1¼ miles beyond the Atlanta, Birmingham and Coast Railroad depot in Wray; and an area 2 miles wide beginning at the Atlanta, Birmingham and Coast Railroad in Georgia Militia District No. 1661 and extending southeasterly along Georgia State Highway 32 with said highway as a centerline to the east boundary of said militia district.

Jasper County. That area included within Georgia Militia Districts numbers 262, 289, and 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

Jefferson County. That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

Johnson County. That area included within the corporate limits of the city of Wrightsville; and an area 1 mile wide beginning at the west corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a center line to the Ohoopee River.

Laurens County. Those portions of the Georgia Militia Districts of Dublin, Dudley, and Harvard included within an area 2 miles wide beginning at the west corporate limits of Dublin and extending northwesterly along the Macon, Dublin and Savannah Railroad with said railroad as a center line to the Laurens-Wilkinson and Laurens-Bleckley County lines, including all of the towns of Dudley and Montrose and that portion of Allentown lying in Laurens County; that area included within the corporate limits of the city of Dublin; an area 2 miles wide beginning at the north corporate limits of Dublin and extending northward along Georgia State Highway 29 with said highway as a center line for a distance of 3 miles; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

Macon County. That area lying east of Flint River including the cities of Marshallville and Montezuma; and that area included within the corporate limits of Oglethorpe.

Monroe County. That area included within the corporate limits of the city of Forsyth.

Montgomery County. That area bounded on the east by the Montgomery-Toombs County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the city of Mount Vernon and the town of Ailey.

Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale.

Peach County. That area included within the Georgia Militia District of Fort Valley, including all of the city of Fort Valley; and that area included within the corporate limits of the town of Byron.

Putnam County. That area included within the Georgia Militia District of Ashbank.

Richmond County. That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmsted and on the west by the Berkman Road and a line extended due north from the point of intersection of the Berkman and Washington Roads.

Screven County. That area included within a circle having a 2-mile radius and center at the Screven County Courthouse in Sylvania, including all of the city of Sylvania.

Sumter County. That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the east corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a center line to Mill Creek.

Taylor County. That area included in the Georgia Militia District of Reynolds, including all of the town of Reynolds; and that area included within a circle having a 2½-mile radius and center at Taylor County Courthouse in Butler, including all of the town of Butler.

Toombs County. That area bounded on the east by the east boundaries of the Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line, and on the north by Swift Creek, including all of the city of Vidalia.

Treutlen County. That area included within the corporate limits of the city of Soperton; and an area 1 mile wide beginning at the south corporate limits of Soperton and extending southeasterly along Georgia State Highway 29 with said highway as a center line to the Treutlen-Montgomery County line.

Turner County. That area bounded on the east by a line parallel to and ½ mile east of the Sycamore town limits, on the south by a line parallel to and ½ mile south of the Sycamore town limits, on the west by a line parallel to and ½ mile west of the Sycamore town limits, on the north by a line parallel to and ½ mile north of the Sycamore town limits, and the projections of such lines to their intersections, including all of the town of Sycamore; and that part of the Georgia Militia District of Clements included within a circle having a ¾-mile radius and center at the Bethel School.

Twiggs County. That portion of the Georgia Militia District of Higgsville bounded on the east by the Twiggs-Wilkinson County line, on the south by the Twiggs-Bleckley County line, on the north by a line parallel to and 3½ miles north of the Twiggs-Bleckley County line, on the west by a line parallel to and 1 mile west of the Twiggs-Wilkinson County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Twiggs County.

Washington County. That area included within a circle having a 5-mile radius and center at the Washington County Courthouse in Sandersville, including all of the city of Sandersville and the city of Tennille.

Wheeler County. That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County. That portion of the Georgia Militia District of Turkey Creek bounded on the west by the Wilkinson-Twiggs County line, on the south by the Wilkinson-Laurens County line, on the east by a line parallel to and 1¾ miles east of the Wilkinson-Twiggs County line, on the north by a line parallel to and 3½ miles north of the Wilkinson-Laurens County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Wilkinson County.

LOUISIANA

East Baton Rouge Parish. T. 7 S., Rs. 1 and 2 E.

Jefferson Parish. That part lying north of the township line between Tps. 14 and 15 S.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Plaquemines Parish. That part lying north of the township lines between Tps. 15 and 16 S.

Saint Bernard Parish. All of Saint Bernard Parish.

Saint Tammany Parish. Secs. 38, 39, and 40, T. 7 S., R. 11 E.; secs. 40 and 41, T. 8 S., R. 11 E.; and that area lying south of the north line of T. 10 N.

Tangipahoa Parish. Secs. 26, 27, 28, 33, 34, and 35, T. 5 S., R. 7 E.; secs. 2, 3, 4, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 35, and 36, T. 6 S., R. 7 E.; secs. 19, 30, and 31, T. 6 S., R. 8 E., including all of the town of Hammond; secs. 32, 33, and 50, T. 3 S., R. 7 E.; and secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

Washington Parish. All of Tps. 1, 2, 3, and 4 S., R. 14 E.; E⅔ Tps. 3 and 4 S., R. 13 E.; E½ Tps. 1 and 2 S., R. 13 E.; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 10, 14, 15, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E.

MISSISSIPPI

Attala County. Secs. 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 14 N., R. 7 E.; secs. 19, 30, and 31, T. 14 N., R. 8 E.; sec. 6, T. 13 N., R. 8 E.; secs. 1 and 2, T. 13 N., R. 7 E.

Clarke County. Secs. 4, 5, 6, 7, 8, and 9, T. 2 N., R. 14 E.; secs. 4, 5, 8, and 9, T. 4 N., R. 15 E.; secs. 6, 7, and 18, T. 2 N., R. 16 E.; sec. 31, T. 3 N., R. 16 E.; secs. 34, 35, and 36, T. 3 N., R. 15 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 2 N., R. 15 E.; W½ T. 1 N., R. 14 E.; and W½ T. 10 N., R. 9 W.

Copiah County. Secs. 32, 33, 34, 35, and 36, T. 1 N., R. 2 W.; secs. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, T. 10 N., R. 8 E.

Covington County. All of Covington County.

Forrest County. All of Forrest County.

George County. Secs. 27, 28, 29, 32, 33, 34, 35, and 36, T. 1 S., R. 6 W., including all of the town of Lucedale; N½ T. 2 S., R. 6 W.,

[1] See F. R. Document 56-9155, *supra*.

except secs. 6, 7, and 18; secs. 5, 6, 7, 8, 17, and 18, T. 2 S., R. 5 W.; and that part of secs. 31 and 32, T. 1 S., R. 5 W., lying south of Mississippi State Highway 15.

Greene County. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 2 N., R. 8 W.

Hancock County. All of Hancock County.

Harrison County. All of Harrison County.

Hinds County. Secs. 2, 3, 4, 9, 10, and 11, T. 7 N., R. 1 W.; E⅚ T. 6 N., R. 3 W.; W½ T. 6 N., R. 2 W.; and that area within the corporate limits of Jackson.

Jackson County. All of Jackson County.

Jasper County. T. 3 N., R. 10 E.; W⅔ T. 2 N., R. 10 E.; secs. 3, 4, 5, 6, 32, 33, and 34, T. 1 N., R. 10 E.; secs. 1, 2, and 3, T. 10 N., R. 13 W.; T. 1 N., R. 13 E.; that portion of T. 10 N., R. 9 W., and the E⅔ T. 10 N., R. 10 W., lying in Jasper County.

Jefferson Davis County. All of Jefferson Davis County.

Jones County. All of Jones County.

Lamar County. All of Lamar County.

Lauderdale County. Secs. 1, 12, 13, 14, 22, 23, 24, 26, 27, 34, and 35, T. 6 N., R. 15 E.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 6 N., R. 16 E.; sec. 31, T. 7 N., R. 16 E.; and sec. 36, T. 7 N., R. 15 E., including all of the town of Meridian

Lawrence County. That part lying east of Pearl River.

Leake County. Secs. 31 and 32, T. 11 N., R. 8 E.; secs. 34, 35, and 36, T. 11 N., R. 7 E.; W½ T. 10 N., R. 8 E.; and E½ T. 10 N., R. 7 E.; and T. 9 N., R. 8 E.

Lincoln County. T. 7 N., R. 8 E.; and E½ T. 7 N., R. 7 E.

Marion County. N½ T. 3 N., Rs. 17, 18, and 19 W.; T. 4 N., Rs. 17, 18, and 19 W.; T. 5 N., R. 17 W.; and all of T. 5 N., Rs. 18 and 19 W., in Marion County.

Pearl River County. All of Pearl River County.

Perry County. S⅔ T. 3 N., Rs. 9, 10, and 11 W.; T. 2 N., R. 9 W.; secs. 5 and 6, T. 4 N., R. 9 W.; secs. 1 and 2, T. 4 N., R. 10 W.; secs. 25, 26, 35, and 36, T. 5 N., R. 10 W.; secs. 29, 30, 31, and 32, T. 5 N., R. 9 W.

Pike County. Secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 3 N., R. 8 E.; secs. 31 and 32, T. 4 N., R. 8 E., and secs. 34, 35, and 36, T. 4 N., R. 7 E.

Rankin County. T. 3 N., Rs. 2 and 3 E.; T. 4 N., Rs. 1 and 2 E., Tps. 5 and 6 N., Rs. 1 and 2 E.

Scott County. W⅔ T. 8 N., R. 8 E.; and secs. 3, 4, 5, and 6, T. 7 N., R. 8 E.

Simpson County. Tps. 9 and 10 N., Rs. 17, 18, and 19 W.; T. 1 N., Rs. 4, 5, and 6 E.; T. 2 N., Rs. 3, 4, and 5 E.

Stone County. All of Stone County.

Walthall County. Secs. 23, 24, 25, 26, 35, and 36, T. 2 N., R. 10 E.; N½ T. 1 N., R. 11 E., N½ T. 1 N., R. 12 E.; S½ T. 2 N., R. 11 E.; S½ T. 2 N., R. 12 E.

Warren County. All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE. corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

Wayne County. Secs. 19, 20, 29, 30, 31, and 32, T. 7 N., R. 5 W.; secs. 24, 25, and 36, T. 7 N., R. 6 W.; secs. 6, 7, and 18, T 8 N., R. 6 W.; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 7 W.

NORTH CAROLINA

Anson County. An area 2 miles wide beginning at the Anson-Union County line and extending easterly along the Seaboard Air Line Railroad with said railroad as a center line to a due north-south line projected through the point of intersection of said railroad with the east corporate limits of Polkton, including all of the towns of Peachland and Polkton.

Brunswick County. All of Eagles Island.

Cumberland County. That area included within a circle having a 4½-mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U. S. Highway No. 117 with said highway as a center line for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U. S. Highway No. 15–A with said highway as a centerline for a distance of 5 miles.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1½ miles south of the Atlantic Coast Line Railroad depot in Pollocksville, and extending southerly with said railroad as a centerline for a distance of 3 miles.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

New Hanover County. That area included within the corporate limits of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the Sunset Park-Winter Park Road.

Onslow County. That area 3½ miles wide extending along U. S. Highway 17 with said highway as a centerline from Southwest Creek on the south to Starky Creek on the north, including all of the city of Jacksonville; and all of that portion of Onslow County included within the boundaries of the Camp Lejeune Marine Base.

Pender County. All of that portion of Pender County lying west of a line parallel to and 8 miles west of the Pender-Onslow County line.

Union County. An area 2 miles wide beginning at a line projected due north and due south from a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a centerline to the Union-Anson County line, including all of the town of Marshville.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U. S. Highway No. 15–A and the Norfolk Southern Railway, approximately 1½ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U. S. Highway No. 15–A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

Wayne County. All of Goldsboro Township, including all of the city of Goldsboro; an area 2 miles wide beginning at the west boundary of Goldsboro Township and extending northwesterly along U. S. Highway No. 70 with said highway as a center line to the Wayne-Johnston County line; an area 2 miles wide beginning at the north boundary of Goldsboro Township and extending northerly along the Atlantic Coast Line Railroad with said railroad as a center line to the Wayne-Wilson County line, including all of the towns of Pikeville and Fremont; and an area bounded on the north by the Atlantic and East Carolina Railway, on the west by Stony Creek, on the south by the Neuse River, and on the east by a line beginning at the junction of U. S. Highway No. 70 and North Carolina State Highway 111 and extended due north and due south to its intersections with the north and south boundaries, including all of Seymour Johnson Field.

SOUTH CAROLINA

Beaufort County. That area bounded on the east by Wimbee Creek and Bull River, on the south by Whale Branch and the Coosaw River, on the west by Haulover Creek, and on the north by a line parallel to and one-half mile north of the Seaboard Air Line Railroad between Wimbee and Haulover Creeks.

Fairfield County. That area included within a circle having a 2-mile radius and center at the intersection of South Carolina State Highways 22 and 227, approximately 5½ miles northwest of the city of Winnsboro.

TENNESSEE

Hamilton County. That area included within a circle having a ½-mile radius and center at the office of the Shell Oil Corporation bulk plant located on Jersey Pike Road.

Hardeman County. That area included within a circle having a 3-mile radius and center at the courthouse in Bolivar.

Shelby County. All of Shelby County.

Tipton County. That area within the corporate limits of the town of Mason and that area within a ½-mile radius on the east, north, and west, and to the Shelby County line on the south with the center at E. L. Reed homeplace.

These administrative instructions shall became effective November 8, 1956.

The instructions list the localities that are regulated under a revision of the white-fringed beetle notice of quarantine and supplemental regulations that is to become effective as soon as possible. They add to the regulated areas for the first time part of Dale county, Alabama; and parts of Copiah, Lincoln, Pike, Scott, and Walthall counties, Mississippi; and increase the size of the regulated areas in Geneva, Houston, and Mobile counties, Alabama; Jackson county, Florida; Hinds, Leake and Marion counties, Mississippi; and Shelby and Tipton counties, Tennessee. Fourteen sections in Iberia Parish, Louisiana are removed from the regulated areas.

The regulations and instructions must be made concurrently effective in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 316; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 1st day of November 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-9154; Filed, Nov. 7, 1956; 8:57 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 18[1]]

PART 371—GENERAL LICENSES

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 371.13 *General licenses Ship Stores, Plane Stores, Crew, and Registered Carrier Stores* paragraphs (a) (1) *Scope* and (b) (1) *Scope* are amended to read as follows:

(a) *General license Ship Stores*—(1) *Scope.* A general license designated SHIP STORES is hereby established authorizing, subject to the provisions set forth below, the exportation on vessels of foreign registry departing from the United States, of usual and reasonable kinds and quantities of the indicated commodities provided such commodities are not intended for unlading in a foreign country and are not exported under a Bill of Lading as cargo.

(i) The following commodities may be exported, subject to the conditions set forth in subparagraph (2) of this paragraph, for use or consumption on board a vessel of any registry, except a vessel registered in Communist China or North Korea, or a vessel controlled by or under charter to Communist China or North Korea or a national of Communist China or North Korea, during the outgoing and any immediate return voyage:

(*a*) Bunker fuel,

(*b*) Deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements,

(*c*) Medical and surgical supplies,

(*d*) Food stores,

(*e*) Slop chest articles, and

(*f*) Saloon stores or supplies.

(ii) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except a vessel registered in a Subgroup A country, or a vessel controlled by or under charter to a Subgroup A country or a national of a Subgroup A country.

(b) *General License Plane Stores*—(1) *Scope.* A general license designated Plane Stores is hereby established authorizing, subject to the provisions set forth in this section, the exportation on aircraft of foreign registry departing from the United States, of usual and reasonable kinds and quantities of the indicated commodities provided such commodities are not intended for unlading in a foreign country and are not exported under a Bill of Lading as cargo.

(i) The following commodities may be exported, subject to the conditions set forth in subparagraph (2) of this paragraph, for use or consumption on board an aircraft of any registry, except an aircraft registered in Communist China or North Korea, or controlled by or under charter to Communist China or North Korea or a national of Communist China or North Korea, during the outgoing and any immediate return voyage:

(*a*) Fuel,

(*b*) Deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements,

(*c*) Medical and surgical supplies,

(*d*) Food stores,

(*e*) Slop chest articles, and

(*f*) Saloon stores or supplies.

(ii) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except an aircraft registered in a Subgroup A country, or an aircraft controlled by or under charter to a Subgroup A country or a national of a Subgroup A country.

2. Section 380.5 *Amendments to licenses issued for the exportation of refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms* is revoked.

This amendment shall become effective as of November 1, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-9132; Filed, Nov. 7, 1956; 8:54 a. m.]

[1] This amendment was published in Current Export Bulletin No. 773, dated November 1, 1956.

[8th Gen. Rev. of Export Regs., Amdt. 19]

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

TABLE OF COMPLIANCE ORDERS

Section 382.51 *Supplement 1; table of compliance orders currently in effect denying export privileges,* paragraph (b) *Table of compliance orders* is amended in the following particulars:

1. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
A. C. I., S. A., a/k/a Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland.	10-4-56	12-2-56	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 7703, 10-9-56.
Americauto, 44 rue Brunel, Paris, France.	10-4-56	12-2-56	do	21 F. R. 7703, 10-9-56.
Anderson & Co., Waterbergstrasse 10, Bremen 23, Germany.	11-3-56	12-3-56 (5-3-57).[1]	do	21 F. R. 7699, 10-9-56.
Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland.	10-4-56	12-2-56	do	21 F. R. 7703, 10-9-56.
Automotive Equipment Supply Corporation, 8-10 Bridge St., New York, N. Y., and Levallois-Perret (Seine), France.	10-4-56	12-2-56	do	21 F. R. 7703, 10-9-56.
Bensa, Jacques d/b/a Americauto, 44 rue Brunel, Paris, France.	10-4-56	12-2-56	do	21 F. R. 7703, 10-9-56.
Condor Industries, Inc., 125 Cedar St., New York 6, N. Y.	10-4-56	10-3-57 (Duration).[1]	do	21 F. R. 7699, 10-9-56.
Essex International Corporation, 120 Liberty St., New York 6, N. Y.	10-4-56	10-3-57 (Duration).[1]	do	21 F. R. 7699, 10-9-56.
Imex-Auto, S. A. R. L. 86 rue du President Wilson, Levallois-Perret (Seine), France.	10-4-56	12-2-56	do	21 F. R. 7703, 10-9-56.
Mussman, George, 8-10 Bridge St., New York, N. Y., and Levallois-Perret (Seine), France.	10-4-56	12-2-56	do	21 F. R. 7703, 10-9-56.
Schonfeld, Fred W., 125 Cedar St. and 120 Liberty St., New York 6, N. Y.	10-4-56	10-3-57 (Duration).[1]	do	21 F. R. 7699, 10-9-56.
South Sea Trading Co., Ltd., 314 China Bldg., Hong Kong.	10-4-56	Duration	do	21 F. R. 7699, 10-9-56.
Trans-International Forwarders, Inc., 82 Beaver St., New York 5, N. Y.	11-3-56	11-17-56 (1-3-57).[1]	do	21 F. R. 7699, 10-9-56.
United States Navigation Co., Inc., 17 Battery Pl., New York 4, N. Y.	(10-4-56)	(2-4-57)[1]	General and validated licenses, all commodities, any destination, also exports to Canada. (No actual period of suspension. On probation from 10-4-56 to 2-4-57).	21 F. R. 7699, 10-9-56.

[1] This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

2. The following entries are amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
KESCO, G. m. b. H., Mainluststrasse 8, Frankfurt, Germany.	3-29-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 2093, 4-2-55. 21 F. R. 7699, 10-9-56.
Kessler, Hans Jr., Kessler, Hans Sr., Mainluststrasse 8, Frankfurt, Germany.	3-29-55	Duration	do	20 F. R. 2093, 4-2-55. 21 F. R. 7699, 10-9-56.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-9133; Filed, Nov. 7, 1956; 8:54 a. m.]

[8th Gen. Rev. of Export Regs., Amdt. P. L. 5[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c. (report counter current solvent extractors and bowl-type centrifuges in 775360):				
919080	Electroplotters [1] [2]	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for electroplotters [1] [2]	----------	SATE	25	RO
919080	Infra-red light equipment for testing fluorescense in minerals.[1]	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for infra-red equipment for testing fluorescence in minerals.[1]	----------	SATE	25	RO
919080	Ballistic film analyzer and recorder units [1]	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for ballistic film analyzer and recorder units.[1]	----------	SATE	25	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective Dec. 17, 1956.
[2] This commodity may be exported under the Foreign Distribution Licensing procedure (see Part 378 of this subchapter).

This part of the amendment shall become effective as of November 8, 1956.

2. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Tires, tire casings and inner tubes, new and used (report scrap tires, solid and pneumatic, scrap tire casings and scrap inner tubes, cut or uncut, under 201200):				
	Pneumatic tires and tire casings[3]				
206000	Truck and bus tires and tire casings: (a) All sizes, combat or run-flat construction; (b) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 700 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (f) all tubeless tire sizes 7-17.5, 7-21, 7-22.5, 8-16, 8-17.5, and 8-21 in 6-ply rating and over; (g) tubeless tire size 8-22.5 in 8-ply rating and over; (h) all tubeless tire sizes 10-21 and 10-22.5 in 10-ply rating and over; and (i) all tubeless tire sizes 12-21, 13-21, and 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply.) [3] [22]	No.	RUBR 10	100	RO
206430	Off-the-road tires and tire casings (except farm tractor and implement): (a) All sizes, combat or run-flat construction; (b) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 700 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (f) size 1600 x 21 and over of 36-ply rating and over; (g) all tubeless tire sizes 7-17.5, 7-21, 7-22.5, 8-16, 8-17.5, and 8-21 in 6-ply rating and over; (h) tubeless tire size 8-22.5 in 8-ply rating and over; (i) all tubeless tire sizes 10-22 and 10-22.5 in 10-ply rating and over; and (j) all tubeless tire sizes 12-21, 13-21, and 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply.) [3] [22]	No.	RUBR 10	100	RO
	Power-driven metalworking machine tools (non-portable), and parts:				
744340	Parts, n. e. c., specially fabricated for metalworking machine tools included on the Positive List under Schedule B Nos. 740005 through 744319 for which validated license is required to both R and O country destinations. (Specify type and model of machine tool for which parts are fabricated.) (1)[4]	----------	TOOL 1	500	RO
744340	Parts, n. e. c., specially fabricated for metalworking machine tools included on the Positive List under Schedule B Nos. 743910, 744100, and 744319 for which validated license is required to R country destinations only. (Specify type and model of machine tools for which parts are fabricated.) (2)[4]	----------	TOOL 1	500	R
801100	Toluene or toluol (all grades)[5]	Lb.	COTA	100	R

[1] The GLV dollar-value limit is increased.
[4] The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this subchapter).
[22] The commodity coverage is increased, effective Nov. 8, 1956.
[3] The added commodity may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter); and, effective Dec. 17, 1956, is subject to the IC/DV procedure (see § 373.2 of this subchapter).

This part of the amendment shall become effective as of November 1, 1956, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 above which were on dock for lading, on lighter, laden aboard and exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., November 8, 1956, may be exported under the previous general license provisions up to and including December 3, 1956. Any such shipment not laden aboard the exporting carrier on or before December 3, 1956, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-9134; Filed, Nov. 7, 1956; 8:54 a. m.]

[1] This amendment was published in Current Export Bulletin No. 773, dated November 1, 1956.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 26 to Revision of May 10, 1949]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the Regulations of the Civil Aeronautics Administration as follows:

Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 *Project costs.* • • •

(c) *United States share of project costs.* • • •

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	61.00
California	54.17
Colorado	53.28
Idaho	55.71
Montana	53.31
Nevada	62.50
New Mexico	56.43
Oregon	55.96
South Dakota	52.95
Utah	62.29
Washington	51.72
Wyoming	57.19

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable projects costs other than costs of installing high intensity runway lighting on runways designated as instrument landing runways.

(Secs. 1-15, 60 Stat. 170-178, as amended; 49 U. S. C. 1101-1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9074; Filed, Nov. 7, 1956; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

FORMS FOR REGISTRATION STATEMENTS

On August 2, 1956, the Securities and Exchange Commission invited comments and suggestions on a proposed revision of Form S-4 (§ 239.14) under the Securities Act of 1933. This form is used for registration under that Act of securities of closed-end management investment companies which are registered under the Investment Company Act of 1940 on Form N-8B-1 (§ 274.11). The Commission has considered all of the comments and suggestions received and has adopted the revised form with certain minor modifications.

A registration statement on Form S-4 consists largely of certain of the information and documents which would be required in a registration statement under the Investment Company Act of 1940, if such a statement were currently being filed. Registrants on this form are thus permitted to base their registration statements under the 1933 Act in large part upon the information and documents filed with the Commission in the original registration statement under the 1940 Act and subsequent reports filed thereunder. This is supplemented by information and documents required for registration under the 1933 Act which have not been previously furnished under the 1940 Act.

Form S-4 has been revised at this time to bring it into line with the revised Form N-8B-1.

The Commission has also amended Instruction 1 to Item 12 (a) of Form N-8B-1 (§ 274.11) and Instruction 1 to Item 5 (a) of Form N-30A-1 (§ 274.101) so that, in computing the ratios called for by these items, the average value of securities for which market quotations are not available may be computed at quarterly intervals, instead of monthly as required in the case of securities for which such quotations are available. The text of the amended instruction reads as follows:

Instructions 1. The average value of total net assets shall be computed upon the basis of the value of total net assets as of the end of each month, except that the average value of securities for which market quotations are not available may be based upon the value of such securities as of the end of the preceding quarter.

The Commission finds that such amendment operates to relieve a previously existing restriction and that notice and procedure pursuant to the Administrative Procedure Act are not necessary.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19 (a) thereof, and the Investment Company Act of 1940, particularly sections 8 and 38 thereof, and shall become effective November 29, 1956.

(Sec. 19, 48 Stat. 85 as amended; sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 80a-37)

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

OCTOBER 29, 1956.

Form S-4

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

(Exact name of registrant as specified in charter)

(Address of principal executive offices)

(Name and address of agent for service)

Approximate date of commencement of proposed sale to the public ----------

CALCULATION OF REGISTRATION FEE

Title of securities being registered	Amount being registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form S-4.* Form S-4 shall be used for registration under the Securities Act of 1933 of securities of all closed-end management investment companies registered under the Investment Company Act of 1940 on Form N-8B-1.

B. *Application of General Rules and Regulations.* Attention is directed to the General Rules and Regulations under the Act, particularly those comprising Regulation C. That regulation contains general requirements regarding the preparation and filing of the registration statement.

C. *Documents Comprising Registration Statement.* The registration statement shall consist of the facing sheet of the form, the prospectus containing the information specified in Part I, the information called for by Part II, the undertaking to file reports, the required signatures, consents of experts, financial statements and exhibits and any other prospectus, information, undertaking or documents which are required or which the registrant may file as a part of the registration statement.

D. *Form and Content of Prospectus.* (a) The purpose of the prospectus is to inform investors. Hence, the information set forth in the prospectus should be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language. The prospectus shall contain the information called for by all of the items of Part I of the form, except that no reference need be made to inapplicable items, and negative answers to any item may be omitted.

(b) Unless clearly indicated otherwise, information set forth in any part of the prospectus need not be duplicated elsewhere in the prospectus. Where it is deemed necessary or desirable to call attention to such information in more than one part of the prospectus, this may be accomplished by appropriate cross reference. In lieu of restating information in the form of notes to the financial statements, references should be made to other parts of the prospectus where such information is set forth.

E. *Cross Reference Sheet.* The cross reference sheet required by Rule 404 (c) shall show the location in the prospectus of the information called for by the items of Part I of this form and by the items of Form N-8B-1 enumerated in Item 5 of this form.

F. *Preparation of Part II.* Part II of the registration statement shall contain the numbers and captions of the items in Part II of the form, but the text of the items may be omitted provided the answers are so prepared as to indicate to the reader the coverage of the items without the necessity of referring to the text of the items or the instructions thereto. If the information required by any item of Part II is completely disclosed in the prospectus, reference may be made to the specific page or caption of the prospectus which contains such information.

PART I. INFORMATION REQUIRED IN PROSPECTUS

Item 1. Distribution Spread. The information called for by the following table shall be given, in substantially the tabular form indicated, on the outside front cover page of the prospectus as to all securities being registered which are to be offered for cash (estimate, if necessary).

	Price to public	Underwriting discounts and commissions	Proceeds to registrant or other persons
Per unit	-------	----------	----------
Total	-------	----------	----------

Instructions. 1. The term "commissions" has the meaning given in paragraph (17) of

[1] This amendment was published in Current Export Bulletin No. 773, dated November 1, 1956.

Schedule A of the Act. Only commissions paid by the registrant or selling security holders in cash are to be included in the table. Commissions paid by other persons, and other considerations to the underwriters, shall be set forth following the table with a reference thereto in the second column of the table. Any finder's fees or similar payments shall be appropriately disclosed.

2. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained. In addition, if the securities are to be offered at the market, or if the offering price is to be determined by a formula related to market prices, indicate the market involved and the market price as of the latest practicable date.

3. If any of the securities being registered are to be offered for the account of security holders, the name of each holder, the amount held by him and the amount offered for his account should be stated either on the first page of the prospectus or elsewhere in the prospectus with an appropriate cross-reference on the first page.

Item 2. Plan of Distribution. (a) If the securities being registered are to be offered through underwriters, give the names of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship to the registrant and state the nature of the relationship. State briefly the nature of the underwriters' obligation to take the securities.

Instructions. All that is required as to the nature of the underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all of the securities if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such securities as they may sell to the public. Conditions precedent to the underwriters' taking the securities, including "market outs", need not be described except in the case of an agency or "best efforts" arrangements.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities.

Instruction. If any dealers are to act in the capacity of sub-underwriters and are to be allowed or paid any additional discounts or commissions for acting in such capacity, a general statement to that effect will suffice without giving the additional amounts to be so paid.

(c) Outline briefly the plan of distribution of any securities being registered which are to be offered otherwise than through underwriters.

Item 3. Use of Proceeds to Registrant. State the principal purposes for which the net proceeds to the registrant from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose.

Instructions. 1. Details of proposed expenditures are not to be given. If any substantial portion of the proceeds has not been allocated for particular purposes, a statement to that effect shall be made together with a statement of the amount of proceeds not so allocated.

2. If any material part of the proceeds is to be used to discharge a loan, the item is to be answered as to the use of the proceeds of the loan if the loan was made within one year; otherwise, it will suffice to state that the proceeds are to be used to discharge the indebtedness created by the loan.

3. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe the assets and give the names of the persons from whom they are to be acquired. State the cost of the assets to the registrant and the principle followed in determining such cost.

Item 4. Sales Otherwise than for Cash. If any of the securities being registered are to be offered otherwise than for cash, state briefly the general purposes of the distribution, the basis upon which the securities are to be offered, the amount of compensation and other expenses of distribution, and by whom they are to be borne.

Instruction. If the distribution is to be made pursuant to a plan of acquisition, reorganization, readjustment or succession, describe briefly the general effect of the plan and state when it became or is to become operative. As to any material amount of assets to be acquired under the plan, furnish information corresponding to that required by Instruction 3 to Item 3.

Item 5. Information Required by Items of Form N–8B–1. The prospectus shall contain the information which would be required by the following items of Form N–8B–1 if a registration statement on that form were currently being filed:

Items 1, 2, 3, 4, 5, 8 and 9;
Item 10, as of a date within 90 days;
Item 11;
Item 12, but see Item 6 (d) (2) below;
Item 13 as to persons controlling the registrant;
Item 14, 16, 17, 18, 21 (a), 22 and 25;
Items 26, 27 or 28 as to securities being registered.

Instruction. Subject to Rule 407, the information called for by the foregoing items of Form N–8B–1 shall be given as of the effective date of the registration statement on this form.

Item 6. Financial Statements. The prospectus shall contain the following financial statements:

(a) The statements which would be required by Form N–8B–1 if a registration statement on that form were currently being filed.

(b) If any balance sheet or statement of assets and liabilities filed pursuant to (a) is not as of a date within 90 days prior to the date of filing the registration statement on this form, there shall also be included in the prospectus a corresponding balance sheet or statement of assets and liabilities as of a date within 90 days prior to the date of filing and the related statements prescribed by Article 6 of Regulation S–X from the close of the latest fiscal year for which such statements are included pursuant to (a) up to the date of the balance sheet or statement of assets and liabilities required by this paragraph. The statements required by this paragraph need not be certified, but if they are certified, the balance sheet or statement of assets and liabilities as of the end of the last fiscal year, may be omitted.

(c) Notwithstanding paragraphs (a) and (b) above, the following may be omitted from the prospectus:

(1) The statements of any subsidiary which is not a majority-owned subsidiary;

(2) All schedules in support of the most recent balance sheet or statement of assets and liabilities filed except the following: Schedule I; columns A, E, F and G of Schedule II; and columns A, B, C and D of Schedule III, omitting the information called for by paragraph (b) of footnote 1 to column A;

(3) The historical financial information called for by Part E of the Instructions as to Financial Statements in Form N–8B–1;

(d) If the registrant has only one class of outstanding capital securities, then it may, at its option, furnish all financial statements specified in (a) and (b) above in Part II of the registration statement and include only the following statements in the prospectus:

(1) A Statement of Assets and Liabilities in which the details of Schedules I, II, and III prescribed by (b) and (c) above may be substituted for the summaries of these items as prescribed by Rule 6–03 of Regulation S–X. If this option is elected, the statement required by Rule 6–09 may be omitted from the prospectus.

(2) An Income Statement for the latest fiscal year in the form specified by Rule 6–04 of Regulation S–X, including, on the same page, the items specified by caption 5 of Rule 6–05 and caption 2 of Rule 6–06. The information required by Item 12 (a) of Form N–8B–1 may be furnished as a part of this statement.

(3) Statement of Changes in Net Assets for the three full fiscal years prior to the date of filing (or for the life of the registrant, if less) as prescribed by Rule 6–08.

Except that the statement prescribed by (2) above is required for only one fiscal year and an interim period, if any, to within 90 days of filing, the instructions as to dates and certification prescribed in (a) and (b) above shall be applicable to the optional statements permitted by this paragraph (d).

PART II. INFORMATION NOT REQUIRED IN PROSPECTUS

Item 7. Marketing Arrangements. Briefly describe any arrangement known to the registrant or to any person named in answer to Item 2, or to any person specified in Item 14 (a) or (b) of Form N–8B–1, made for any of the following purposes:

(a) To limit or restrict the sale of other securities of the same class as those to be offered for the period of distribution.

(b) To stabilize the market for any of the securities to be offered.

(c) For withholding commissions, or otherwise to hold each underwriter or dealer responsible for the distribution of his participation.

Instruction. If the answer to this item is contained in an exhibit, the item may be answered by cross-reference to the relevant paragraphs of the exhibit.

Item 8. Other Expenses of Issuance and Distribution. Furnish a reasonably itemized statement of all expenses in connection with the issuance and distribution of the securities being registered, other than underwriting discounts and commissions. If any of the securities being registered are to be offered for the account of security holders, indicate the portion of such expenses to be borne by such security holders.

Instruction. Insofar as practicable, registration fees, Federal taxes, State taxes and fees, trustees' and transfer agents' fees, cost of printing and engraving, and legal, accounting and engineering fees shall be separately itemized. The information may be given as subject to future contingencies. If the amounts of any items are not known, estimates designated as such shall be given.

Item 9. Indemnification of Directors and Officers. State the general effect of any charter provision, by law, contract, arrangement or statute under which any director or officer of the registrant is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

Item 10. Financial Statements and Exhibits. List all financial statements and exhibits filed as a part of the registration statement.

(a) Financial statements, indicating those included in the prospectus.

(b) Exhibits.

UNDERTAKINGS

A. The following undertaking shall be included in every registration statement:

"Subject to the terms and conditions of Section 15 (d) of the Securities Exchange Act of 1934, the undersigned registrant hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in that section."

B. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities being registered are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public:

"The undersigned registrant hereby undertakes to supplement the prospectus, after the expiration of the subscription period, to set forth the results of the subscription offer, the transactions by the underwriters during the subscription period, the amount of unsubscribed securities to be purchased by the underwriters and the terms of any subsequent reoffering thereof. If any public offering by the underwriters is to be made on terms differing from those set forth on the cover page of the prospectus, a post-effective amendment will be filed to set forth the terms of such offering."

SIGNATURES

Pursuant to the requirement of the Securities Act of 1933, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ----------, and State of ----------, on the ---------- day of ----------, 19 ----.

(Registrant)

By ----------
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

Instructions. 1. The registration statement shall be signed by the registrant, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and by at least the majority of the board of directors or persons performing similar functions. If the registrant is a foreign person, the registration statement shall also be signed by its authorized representative in the United States.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

INSTRUCTIONS AS TO EXHIBITS

Subject to the rules regarding incorporation by the reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for by Item 10 (b).

1. Copies of all exhibits which would be required by Form N–8B–1 if a registration statement on that form were currently being filed.

2. A specimen or copy of each security being registered.

3. A copy of each underwriting contract with a principal underwriter, each syndicate agreement and each purchase, sub-underwriting or selling group agreement or letter pursuant to which the securities being registered are to be distributed or, if the terms of such documents are not determined, the proposed forms thereof.

4. An opinion of counsel as to the legality of the securities being registered, indicating whether they will when sold be legally issued, fully paid and non-assessable.

5. All financial statements omitted from the prospectus pursuant to Item 6 (c) or (d).

[F. R. Doc. 56–9048; Filed, Nov. 7, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54238]

PART 31—CUSTOMHOUSE BROKERS

By an order of the Secretary of the Treasury dated January 9, 1953 (31 CFR 14.1 to 14.5; 18 F. R. 225), the powers, functions, and duties theretofore exercised and performed by the Committee on Practice and the Attorney for the Government under Part 11 of Title 31, Code of Federal Regulations (relating to customhouse brokers), were conferred upon and assigned to the Commissioner of Customs.

In pursuance of that order, the Customs Regulations are amended by adding a new Part 31 reading as follows:

Sec.
31.1 Scope of part.
31.2 Licenses for customhouse brokers required.
31.3 Definitions.
31.4 Application for license; investigation and examination.
31.5 Issuance or denial of license.
31.6 Other representation by customhouse brokers.
31.7 Licenses for more than one customs district.
31.8 License, when not required.
31.9 Books and papers.
31.10 Other duties and obligations of customhouse brokers.
31.11 Revocation or suspension of licenses.
31.12 Cancelation of licenses.
31.13 Licenses issued under prior acts of Congress.
31.14 Appeal from the Secretary's decision.
31.15 Records of the Commissioner.

AUTHORITY: §§ 31.1 to 31.15 issued under R. S. 161, 251, secs. 624, 641, 46 Stat. 759, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 1641.

§ 31.1 *Scope of part.* This part sets forth regulations providing for the licensing as customhouse brokers of persons, including individuals, corporations, partnerships, and associations, desiring to transact business as customhouse brokers, the procedure for applying for licenses, and the qualifications required of the applicants. The regulations also prescribe the duties and responsibilities of customhouse brokers, the grounds for revocation or suspension of the licenses, and the procedures for such revocation or suspension.

§ 31.2 *Licenses for customhouse brokers required.* (a) No person shall transact the business of a customhouse broker unless he has first been granted a license in accordance with the provisions of section 641, Tariff Act of 1930, as amended.[1] A license to transact business as a customhouse broker may be granted by the Commissioner of Customs upon application submitted therefor, in accordance with the regulations in this part.

(b) No representative of the Treasury Department shall recognize or deal with any person transacting the business of a customhouse broker, or any employee, officer, or agent thereof, unless such person is licensed as a customhouse broker in accordance with the provisions of this part.

§ 31.3 *Definitions.* When used in the regulations in this part, the following terms shall have the meanings respectively indicated:

(a) "Customhouse broker" includes any person who, acting on behalf of others, transacts customs business not limited to a kind described in § 31.8.

(b) "Treasury Department or any representative thereof" includes any division, branch, bureau, office, or unit of the Treasury Department, whether in Washington or in the field, and any officer or employee of any such division, branch, bureau, office or unit.

(c) "Commissioner" means the Commissioner of Customs.

(d) "Person" includes individuals, corporations, partnerships, and associations.

(e) "Books and papers" includes all books, accounts, records, papers, documents, and correspondence of a customhouse broker relating to his customs business.

§ 31.4 *Application for license; investigation and examination—(a) Application to Commissioner.* A person desiring to engage in the business of a customhouse broker shall submit to the collector of customs of the district in which the applicant intends to operate an application in duplicate, addressed to the Commissioner, stating his qualifications for a license. The application shall be under oath and executed on customs Form 3123 (individual), customs Form 3125 (partnership), customs Form 3127 (corporation), or customs Form 3129 (association), whichever is appropriate, and shall be accompanied by the fee of $100 prescribed by § 24.12 of this chapter. If the applicant is an individual who proposes to operate under a trade or fictitious name, evidence of the applicant's authority so to conduct business must accompany his application.

[1] (a) *Regulations for licensing.* The Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships, and may require as a condition to the granting of any license, the showing of such facts as he may deem advisable as to the qualifications of the applicant to render valuable service to importers and exporters. No such license shall be granted to any corporation, association, or partnership unless licenses as customhouse brokers have been issued to at least two of the officers of such corporation or association, or two of the members of such partnership, and such licenses are in force. Any license granted to any such corporation, association, or partnership shall be deemed revoked if for any continuous period of more than sixty days after the issuance of such license there are not at least two officers of such corporation or association or two members of such partnership who are qualified to transact business as customhouse brokers. Except as provided in subdivision (c) of this section, no person shall transact business

(b) *Posting application.* As soon as possible after an application has been filed, the collector of customs shall cause to be posted conspicuously in the customhouse at the headquarters port for the district and at the port where the applicant proposes to maintain his principal office the name and address of the applicant and, if the applicant is a corporation, an association, or a partnership, the names of the licensed officers or members thereof.

(c) *Examination of applicant.* The collector of customs shall notify the applicant, if an individual, to appear before a committee of examiners at a specified time and place in the customs district in which the applicant proposes to do business. The committee of examiners shall consist of not less than three nor more than five members designated as such by the Commissioner.

(d) *Purpose of examination.* The examination shall have for its purpose a determination of the applicant's knowledge of customs and related law and procedure and his fitness to render valuable service to importers and exporters. The Commissioner may from time to time furnish lists of suggestions for the guidance of committees of examiners in conducting such examinations. The examination may, at the option of the committee, be oral or written, but if oral shall be stenographically reported and transcribed, and in either case shall be transmitted forthwith to the collector of customs, with the report and recommendation of the committee of examiners.

(e) *Investigation of applicant*—(1) *Individual.* Upon the applicant's obtaining a satisfactory grade on the examination, his application shall be referred by the collector of customs to the supervising customs agent in charge of the district for investigation, report, and recommendation.

(2) *Corporation, association, or partnership.* Each application shall be referred by the collector of customs to the supervising customs agent in charge of the district for investigation, report, and recommendation.

(3) The investigation shall seek information relevant to the question whether the application should be granted and shall cover, but need not be limited to, (i) the correctness of the statements made in the application, (ii) the business integrity of the applicant, and (iii) when the applicant is an individual (including an officer of a corporation or association or a member of a partnership), the character and reputation of the applicant.

(4) The investigating agent shall return the application with his report and recommendation to the collector of customs who requested it. The collector shall forward them to the Commissioner, accompanied by the report and recommendation of the committee of examiners, if any. If he so desires, the collector may also submit his independent recommendation.

(f) *Additional investigation or examination.* The Commissioner shall endeavor to ascertain, without undue expense or inconvenience to the applicant, all facts deemed necessary to pass upon the application, and may require additional investigation to be conducted. In the event, however, that the Commissioner is not satisfied by the information received, he may require the applicant (or, in the case of a corporation, association, or partnership, one or more of its officers or members) to appear in person before the Commissioner or before one or more representatives of the Commissioner, for the purpose of undergoing additional written or oral examination into the applicant's qualifications for a license.

§ 31.5 *Issuance or denial of license*—(a) *Issuance if applicant qualified.* If he finds that the applicant is qualified, the Commissioner will issue a license in such standard form as he shall have prescribed. The license shall be forwarded to the appropriate collector, who shall deliver it to the licensee after making a record thereof in a roster of licensed brokers which shall be maintained in the customhouse in such manner that it will be readily accessible to the proper customs officers and employees. The license for an individual who is an officer of a corporation or association or a member of a partnership will be issued in the name of the individual licensee, and not in his capacity as officer or member of the organization with which he is connected.

(b) *Denial of license.* (1) If the applicant fails to obtain a satisfactory grade on the examination, notice of denial shall be given by the collector to the applicant.

(2) At the request of the applicant, the Commissioner may allow a further opportunity to the applicant to present information or arguments in support of his application either by personal appearance or in writing, or both, in the discretion of the Commissioner.

(3) If the Commissioner determines that the application for license should be denied for any reason, notice of denial shall be given by the Commissioner to the applicant and to the collector of the district in which the applicant proposed to do business.

(c) *Grounds for denial of license.* The causes sufficient to justify denial of an application for a license shall include, but shall not be limited to, (1) any cause which would justify suspension or revocation of the license of a licensed customhouse broker under the provisions of § 31.11; (2) a failure to establish the business integrity and character of the applicant; (3) any gross misstatement of pertinent facts in the application; (4) any conduct which would be deemed grossly unfair in commercial transactions by accepted standards; (5) a bad reputation imputing to an applicant conduct of any of the foregoing types or of a criminal, dishonest, or unethical kind; (6) the minority of the applicant; or (7) a failure to establish sufficient knowledge by the applicant of customs and related law and procedures and fitness to render valuable service to importers and exporters. In the case of a corporation, association, or partnership, the application will be denied by the Commissioner unless it appears that the officers or members who are licensed customhouse brokers are to exercise responsible supervision and control of the transaction of the customs business of such corporation, association, or partnership. An individual who is unable for any reason to take the oath of allegiance and to support the Constitution of the United States shall not be licensed. An alien undergoing naturalization is ineligible to receive a license until he has received his final naturalization certificate. An officer or employee of the United States is ineligible to receive a license.

(d) *Review.* A decision of the Commissioner denying a license, upon the written request of the applicant, will be submitted to the Secretary of the Treasury for such review as the Secretary shall deem appropriate.

§ 31.6 *Other representation by customhouse brokers.* A customhouse broker requires no further license or enrollment for the representation, within the customs districts in which he is licensed, at the office of the Regional Commissioner of Internal Revenue, or at the seat of the Government, of any person for whom he has acted as customhouse broker in respect of any matters relating specifically to the importation or exportation of merchandise under customs or internal-revenue laws.

§ 31.7 *Licenses for more than one customs district.* Separate licenses shall be required if the licensee desires to transact customs business in more than one customs district. However, a licensee having a license in force in one district may on application to the Commissioner be granted a license to transact business in another district without further examination, provided it appears on investigation that the licensee is prepared and qualified to render efficient service in such other district. Licenses may be granted to partnerships with two licensed members, and to corporations and associations with two licensed officers, whether or not such members or officers are licensed in the district for which the partnership, corporation, or association license is granted.

§ 31.8 *License, when not required*—(a) *Dealing for one's own account.* An importer or exporter transacting customs business solely on his own account and in no sense on behalf of another is not required to be licensed, nor are his authorized regular employees or officers who act only for him in the transaction of such business.

(b) *Transportation in bond by common carrier.* A common carrier transporting merchandise for another may make entry for such merchandise for transportation in bond without being licensed as a customhouse broker.

(c) *Agents employed by one or more vessels.* A resident agent employed by one or more vessels or lines of vessels is not required to be licensed as a customhouse broker in order merely to enter or clear vessels consigned to him by a principal. Proof of the agency must be filed with the collector.

(d) *Employees of licensed brokers.* An employee of a customhouse broker is not required to be licensed in order to act solely for his employer, but in order that such employee may sign customs documents on behalf of his employer the broker must file with the collector a power of attorney for that purpose. Each broker shall file with the collector, at each port where the business is to be transacted an authorization specifically naming each employee who may properly act for him. A broker must promptly give notice of any change in the authority of any such employee and must exercise such supervision of his employees as will insure proper conduct on the part of the employees in the transaction of customs business. Each broker will be held strictly responsible for the acts or omissions of his employees within the scope of their employment, and for acts or omissions of such employees which, in the exercise of reasonable care and diligence, the broker should have foreseen. Every attorney in fact acting for a customhouse broker must be a resident of the United States.

§ 31.9 *Books and papers.*[3] (a) Each customhouse broker shall maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all his financial transactions as a customhouse broker. He shall keep and maintain on file a copy of each entry made by him, and copies of all his correspondence and other papers relating to his customs business.

(b) Except as provided for in paragraph (c) of this section, each customhouse broker shall keep on customs Form 3079 (Record of Transactions of Licensed Customhouse Broker), in accordance with the instructions printed thereon, records of all customs business transacted by him in behalf of his clients. If a transaction has been handled only in part by the broker, he need fill in only the appropriate part of his customs Form 3079. Records on customs Form 3079 shall be in addition to, and not in lieu of, the regular records of account required by paragraph (a) of this section to be kept and maintained.

(c) If the data prescribed to be recorded on customs Form 3079 are disclosed in other records regularly kept and maintained by a customhouse broker in a systematic, convenient, and readily available form which will permit an effective inspection thereof by duly accredited agents of the United States, such broker may, by notice in writing from the collector for the district, be exempted from the requirements of paragraph (b) of this section. Such notice of exemption shall be issued only if (1) a broker makes written application therefor to the collector, setting forth the facts as to the records he keeps and agreeing that if the exemption is granted he will not change his system of records or his manner of keeping and maintaining them without notification to and prior approval by the said collector and (2) the collector and the supervising customs agent for the district are satisfied that the records are and will be kept and maintained by the broker in conformity with the conditions above stated.

(d) Whenever it shall appear to the satisfaction of the collector, upon investigation by a duly accredited agent of the United States, that a broker to whom an exemption has been granted as provided for in paragraph (c) of this section is not keeping and maintaining records in conformity with the requirements of the said paragraph (c), the exemption of such broker shall be revoked by notice in writing from the collector, and such broker shall thereafter keep and maintain records on customs Form 3079 as above stated.

(e) All the books and papers required by the foregoing provisions of this section shall be kept on file for at least 5 years and maintained in such manner that they may readily be examined. Any or all such books and papers shall be made available to duly accredited agents of the United States on demand therefor within 5 years after their preparation or receipt by the broker, or within any longer period of time during which they remain in the possession of the broker. Each customhouse broker shall advise the Commissioner and the collector at the headquarters port in each district in which his license is held of each change of his business address. The broker shall also furnish such additional information regarding his activities as a customhouse broker as such agents may require.

(f) The supervising customs agent in charge of the agency district, or a customs agent designated by him, shall make such inspection of the books and papers required by this part to be kept and maintained by a customhouse broker as may be necessary to enable the supervising customs agent, the collector of customs, and other proper officials of the Treasury Department to determine whether or not the broker is complying

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as a customhouse broker without a license granted in accordance with the provisions of this subdivision, but nothing in this section shall be construed to authorize the requiring of a license in the case of any person transacting at a customhouse business pertaining to his own importations.

(b) *Revocation or suspension.* The collector or chief officer of the customs may at any time, for good and sufficient reasons, serve notice in writing upon any customhouse broker so licensed to show cause why said license shall not be revoked or suspended, which notice shall be in the form of a statement specifically setting forth the ground of complaint. The collector or chief officer of customs shall within ten days thereafter notify the customhouse broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings, including the proof of the charges and the answer thereto, shall be presented, with the right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record of the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke or suspend the license of any customhouse broker shown to be incompetent, disreputable, or who has refused to comply with the rules and regulations issued under this section, or who has, with intent to defraud, in any manner willfully and knowingly deceived, misled, or threatened any importer, exporter, claimant, or client, or prospective importer, exporter, claimant, or client, by word, circular, letter or by advertisement.

An appeal may be taken by any licensed customhouse broker from any order of the Secretary of the Treasury suspending or revoking a license. Such appeal shall be taken by filing, in the circuit court of appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, within sixty days after the entry of such order, a written petition praying that the order of the Secretary of the Treasury be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon the Secretary of the Treasury, or upon any officer designated by him for that purpose, and thereupon the Secretary of the Treasury shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript, such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Secretary of the Treasury shall be considered by the court unless such objection shall have been urged before the collector or chief officer of customs or unless there were reasonable grounds for failure so to do. The finding of the Secretary of the Treasury as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the Court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the collector or chief officer of customs, the court may order such additional evidence to be taken before the collector or chief officer of customs and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary of the Treasury may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Secretary of the Treasury shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254, title 28 of the United States Code. The commencement of proceedings under this subsection shall, unless specifically ordered by the court, operate as a stay of the Secretary of the Treasury's order.

(c) *Prior licenses.* Licenses issued under the Act of June 10, 1910 (36 Stat. 454; U. S. C., title 19, sec. 415), or under the provisions of subdivision (a) of this section prior to the effective date of this amendment, shall continue in force and effect, subject to suspension and revocation as provided in subdivision (b) of this section.

(d) *Regulations by Secretary.* The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section, including rules and regulations requiring the keeping of books, accounts, and records by customhouse brokers, and the inspection thereof, and of their papers, documents, and correspondence by, and the furnishing by them of information relating to their business to, any duly accredited agent of the United States. (Tariff Act of 1930, sec. 641, as amended; 19 U. S. C. 1641.)

[3] See section 641 (d) in footnote 1.

with the requirements of this section. Furthermore, the supervising customs agent, or any duly accredited agent of the United States designated by him, may at any time, for the purpose of protecting importers or the revenue of the United States, inspect such books and papers to obtain information regarding specific customs transactions.

(g) The agent making any investigation contemplated by paragraph (f) of this section shall report his findings in full to the Commissioner and the collector.

(h) The books and papers referred to in this section and pertaining to the business of the clients serviced by the broker shall be considered confidential and the broker shall not disclose their contents or any information connected therewith to any persons other than such clients and duly accredited agents of the United States except on subpoena by a court of competent jurisdiction.

§ 31.10 *Other duties and obligations of customhouse brokers.* (a) No customhouse broker shall permit his license or his name to be used by or for any unlicensed person, or by or for any broker whose license is under suspension, in the solicitation, promotion, or performance of any customs business or transaction.

(b) (1) No customhouse broker shall accept or retain employment from or with an unlicensed employer to transact customs business for others than the employer in such manner that the fees or other benefits resulting from the services rendered by the broker for others inure to the benefit of the unlicensed employer, except that a customhouse broker may compensate a freight forwarder for services rendered in obtaining brokerage business, provided that

(i) The importer shall be notified in advance by the forwarder or broker of the name of the customhouse broker selected by the forwarder for the handling of his customs transactions;

(ii) If the fees and charges for such brokerage services are to be collected by or through the forwarder, the customhouse broker shall transmit directly to the importer a true copy of his bill of charges as rendered to the forwarder;

(iii) No part of the agreement of compensation between the customhouse broker and the forwarder, nor any action taken pursuant thereto, shall forbid or prevent direct communication between the importer and the customhouse broker; and

(iv) In making such agreement and in all actions taken pursuant thereto, the customhouse broker shall be subject to all other provisions of these regulations and any amendments thereto.

(2) Where a customhouse broker is employed for the transaction of customs business by an unlicensed employer who is not the actual importer, a copy of the statement of charges made by the customhouse broker must be transmitted to the actual importer by the customhouse broker.

(c) No customhouse broker shall knowingly and directly or indirectly (1) accept employment to effect a customs transaction as associate, correspondent, officer, employee, agent, or subagent from any person whose application for a license as a customhouse broker shall at any time have been denied for a cause involving moral turpitude, or whose license shall have been revoked for any cause, or whose license is under suspension, or who is notoriously disreputable, or (2) assist the furtherance of any customs business or transaction of such person, or (3) employ, or accept such assistance from, any such person, or (4) share fees with any such person, or (5) permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the promotion, control, or direction of the business of the broker: *Provided*, That nothing herein shall be deemed to prohibit any customhouse broker from acting as a customhouse broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have been denied a license as a customhouse broker or had his license revoked or suspended, or may be disreputable.

(d) No customhouse broker shall act in behalf of any person, or attempt to represent any person, in respect of any protest or appeal for reappraisement, unless he shall previously have been specifically or generally authorized to do so by such person.

(e) No customhouse broker shall knowingly use false or misleading representations to procure employment in any customs matter, nor shall he represent to a client or prospective client that he can obtain extraordinary favors from the Treasury Department or any representative thereof.

(f) No customhouse broker shall represent a client before the Treasury Department or any representative thereof in any matter to which the broker, as officer or employee, gave personal consideration, or as to the facts of which he gained knowledge, while in the Government service.

(g) No customhouse broker shall knowingly (1) assist a person who has been employed by a client in a matter pending before the Treasury Department or any representative thereof to which matter such person gave personal consideration or gained personal knowledge of the facts or issues thereof while in the Government service, or (2) accept assistance in any such matter from any such person, or (3) share fees in any such matter with any such person.

(h) No customhouse broker shall suggest to a client or a prospective client a plan known to be illegal for evading payment of any duty, tax, or other debt or obligation owing to the Government.

(i) Each customhouse broker who knows that a client has not complied with the law or has made any error in, or omission from, any document, affidavit, or other paper which the law requires such client to execute shall advise his client promptly of the fact of such noncompliance, error, or omission.

(j) Each customhouse broker shall exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any customs business; and no customhouse broker shall knowingly impart to a client false information relative to any such business when such false information is or might be detrimental to the interests of the Government, the client, or any other person.

(k) No customhouse broker shall withhold information relative to any customs business from a client who is entitled to the information.

(l) Each customhouse broker shall promptly pay over to the Government when due all sums received for the payment of any duty, tax, or other debt or obligation owing to the Government, and shall promptly account to clients for funds received for them from the Government, or received from a client in excess of the governmental or other charges properly payable in respect of the client's customs business.

(m) No customhouse broker shall endorse or accept without authority of his client any Government draft, check, or warrant drawn to the order of such client.

(n) No customhouse broker who has recommended to his client an attorney shall demand of, or accept from, such attorney any fee or remuneration by reason of such recommendation without the knowledge and consent of the client.

(o) No customhouse broker shall file or procure or assist in the filing of any claim, or of any document, affidavit, or other paper, known by such broker to be false, nor shall knowingly give, or solicit or procure the giving of, any false or misleading information or testimony in any matter pending before the Treasury Department or any representative thereof.

(p) Each customhouse broker shall exercise due diligence in answering correspondence, in making financial settlements, and in preparing, or assisting in the preparation and filing of, documents relating to any matter handled by him as a customhouse broker.

(q) No customhouse broker shall procure, or attempt to procure, directly or indirectly, information from Government records or other Government sources of any kind to which access is not granted by proper authority.

(r) No customhouse broker shall attempt to influence the conduct of any representative of the Treasury Department in any matter pending before the Treasury Department or any representative thereof by the use of a threat, false accusation, duress, or the offer of any special inducement or promise of advantage, or by bestowing any gift or favor or other thing of value.

(s) No customhouse broker shall refuse access to, conceal, remove, or destroy the whole or any part of any book, paper, or other record, relating to his transactions as a customhouse broker, which is being sought, or which the broker has reasonable grounds to believe may be sought, by the Treasury Department or any representative thereof, or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by such Department or representative to procure such information.

(t) Every licensed officer or member of a corporation, association, or partnership, which is licensed as a customhouse broker, shall exercise responsible supervision and control over the transaction of the customhouse business of such corporation, association, or partnership.

(u) A customhouse broker who is authorized by State law to transact business under a fictitious or trade name, and who proposes to so operate, shall submit evidence of his authority so to do and receive the approval of the Commissioner before he uses such name, and, when signing customs documents, shall affix his own name in conjunction with each signature of the fictitious or trade name.

§ 31.11 *Revocation or suspension of licenses.* (a) Failure or refusal to comply with the duties, obligations, or requirements specified in § 31.10 or elsewhere in this part relating to customhouse brokers may be deemed grounds for suspension or revocation of the license of a customhouse broker, but such duties, obligations, or requirements are not to be considered as exclusive, as conduct not within the purview of any specification of this part may be deemed to be conduct warranting the suspension or revocation of a license under the authority of section 641 (b), Tariff Act of 1930, as amended.[3]

(b) A proceeding for the revocation or suspension of a customhouse broker's license shall be governed by the following rules, subject to the Tariff Act of 1930, as amended, and the Administrative Procedure Act (5 U. S. C. 1001–1011):

(1) *Inability of collector to act.* In the case of sickness or necessary absence of the collector which prevents him from acting as provided for in this section, the assistant collector shall be deemed the chief officer of the customs referred to in amended section 641 (b), Tariff Act of 1930, and shall perform the duties of the collector prescribed in this section.

(2) *Investigation.* Every complaint or charge against any customhouse broker filed with a collector or other customs officer shall forthwith be forwarded for investigation to the supervising customs agent in charge of the district in which the broker is located. The supervising customs agent shall make his report and transmit it, with recommendation, to the collector of the appropriate district for such action as may be necessary, and shall also transmit a copy thereof to the Commissioner.

(3) *Abatement of charges.* If the collector determines that there is not sufficient evidence to prefer charges, he shall report all the facts to the Commissioner.

(4) *Institution of proceedings.* If the collector determines that there is sufficient evidence to prefer charges, he shall institute and conduct, subject to the applicable provisions of this section, a proceeding pursuant to amended section 641 (b), Tariff Act of 1930.

(5) *Drafting of notice.* The collector may request the Commissioner to assist in the preparation of the statement of charges to be served upon the accused broker. If the statement is prepared in the field, it shall be submitted to the Commissioner for review before being made the basis of action.

(6) *Opportunity to avoid proceeding.* The collector, before a proceeding is instituted, shall give to the accused broker a preliminary notice in writing that:

(i) Transmits a copy of the proposed statement of charges, or a specification of the substance thereof;

(ii) Cites sections 5 (b) and 9 (b) of the Administrative Procedure Act (5 U. S. C. 1004 (b) and 1008 (b));

(iii) Calls upon the accused broker to show cause, if he so desires, why the proceeding should not be instituted;

(iv) Informs the accused broker that the notice affords him opportunity to make submissions and demonstrations of the character contemplated by the cited statutory provisions;

(v) Invites any negotiation that the accused broker deems it desirable to enter into; and

(vi) Specifies a reasonable time for response to that notice: *Provided*, That, if prior to service of the statement of charges, the collector determines that the case is one where such preliminary notice would be improper and unnecessary, he shall incorporate his findings and his reasons therefor in the statement of charges, and the statement of charges shall be served without first giving such preliminary notice.

(7) *Service of statement of charges.* Notice of the charges, signed by the collector, shall be served upon the accused customhouse broker in the following manner:

(i) If an individual:

(*a*) By delivery to the accused broker personally, or

(*b*) By registered mail, with demand for a return card signed solely by the addressee.

(ii) If a corporation, association, or partnership:

(*a*) By delivery to any officer of such corporation or association, or member of such partnership, or

(*b*) By registered mail addressed to any such officer or member, with demand for a return card signed solely by the addressee: *Provided*, That, if a customhouse broker shall have signed and filed with the Commissioner his written consent to be served in some other manner, it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service.

(8) *Content of statement of charges.* The notice of charges shall state the place where and time within which the accused may file in duplicate his verified answer, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the collector, giving a plain and concise, but not necessarily detailed, description of the facts which it is claimed constitute grounds for suspension or revocation of license. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute grounds for suspension or revocation of license may be alleged in the statement of charges in a single count in the alternative. If, in order to prepare his defense, the accused desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the collector asking that the statement or charges be made more specific, setting forth in such motion in what specific respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the collector such information is reasonably necessary to enable the accused to prepare his defense, the collector shall furnish the accused with an amended statement of charges giving the needed information.

(9) *Service of other papers.* After notice of the charges has been duly served, all other papers in the case, including notice of the time and place of the hearing, shall be served by:

(i) Delivering the same to the accused personally if an individual; or if a corporation, association, or partnership, to any officer or member thereof; or

(ii) Leaving them at the office of the accused, or of such officer or member, with his clerk or with a person in charge thereof; or

(iii) Depositing them in a United States post office or post-office box, enclosed in a sealed envelope, plainly addressed to such accused, or to such member or officer, at the address under which the accused is licensed or at the last know address of the accused, or such member or officer.

(iv) When the accused, whether an individual, corporation, association, or partnership, is represented by an attorney, by service upon the attorney in the manner provided for in subdivision (i), (ii), or (iii) of this subparagraph for service on the accused personally.

(10) *Copies filed with Commissioner.* Copies of all papers in the case, including the notice of charges, and each notice of the time and place of any hearing, shall be sent promptly by the collector to the Commissioner.

(11) *Hearing.* The hearing shall be before the collector or other chief officer of the customs, who shall provide a competent reporter to make the record of the hearing. If a competent reporter is not available to the collector, he shall request the Commissioner to furnish one for the hearing or to permit the use of available appropriated funds to hire the services of a reporter. The Commissioner shall designate an officer to represent the Government at the hearing and to participate in the presentation of testimony. The collector may designate a member of his staff to assist in the proceedings. The accused or his attorney shall have the right to examine all exhibits introduced at the hearing. Pursuant to order of the collector giving due notice to the parties, depositions upon oral or written interrogatories may be taken by either party for use at the hearing before any officer duly authorized to administer oaths for general purposes or in customs matters.

(12) *Submittals.* After conclusion of the reception of the evidence, the collec-

[3] See section 641 (d) in footnote 1.

[3] See the first paragraph of section 641 (b) in footnote 1.

tor shall by rule afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor as contemplated by section 8 (b) of the Administrative Procedure Act (5 U. S. C. 1007 (b)).

(13) *Decision by the collector.* After compliance with subparagraph (12) of this paragraph the collector shall make his recommended decision in the case and certify the entire record to the Secretary of the Treasury. The collector shall recommend to the Secretary the dismissal of the charges when in his opinion the charges have not been proved. The collector shall recommend to the Secretary that the license be suspended or revoked if in the opinion of the collector such action is warranted by the record. The collector's decision shall conform with the requirements of section 8 of the Administrative Procedure Act (5 U. S. C. 1007).

(14) *Decision by Secretary of the Treasury.* Upon receipt of the record, the Secretary of the Treasury will afford the parties a reasonable opportunity to make such additional submittals as may then be required by section 8 (b) of the Administrative Procedure Act (5 U. S. C. 1007 (b)) and by the circumstances of the case. Thereafter the Secretary will make his decision.

(15) *Dismissal subject to new proceedings.* If the evidence at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, the Secretary may instruct the collector to file appropriate charges as a basis for new proceedings.

(16) *Immaterial mistakes.* The deciding officer shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place, or the ownership of any property, a failure to prove immaterial allegations in the description of the accused's conduct, or any other immaterial mistake in the statement of charges.

(17) *Proof, partial.* If the deciding officer finds that a part of the charges in the statement of charges is not sufficiently proved but that the residue thereof is so proved, he may base his decision on any facts established by the evidence which are grounds for suspension or revocation of the license and which are substantially charged by the said residue of the statement of charges.

(18) *Default.* No decision by default shall be made against an accused broker except upon evidence submitted on behalf of the Government.

(19) *Notice of suspension or revocation.* If the Secretary of the Treasury in the exercise of his discretion issues his order of suspension or revocation of the license of the accused, notice thereof shall be given by the Commissioner to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Commissioner may determine. Except as provided for on appeal pursuant to section 641 (b), Tariff Act of 1930, as amended, such person will not thereafter be recognized as a customhouse broker during the period of suspension or revocation of his license.

(20) *Reopening.* Any customhouse broker who has been suspended or whose license has been revoked may make written application to the collector to have the order of suspension or revocation set aside or modified upon the ground (i) of newly discovered evidence, or (ii) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every such application shall be filed with the collector in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the collector after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, he shall so recommend to the Secretary, who may order the taking of additional testimony before the collector. The collector shall set a time and place for such hearing, and give due notice thereof to the applicant. The procedures governing the hearing and decision will be the same as those governing the original proceeding.

(21) *Notice of reinstatement.* In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or revocation, notice thereof shall be given to all those to whom notice of the original order of suspension or revocation was sent.

(22) *Saving provision.* Any proceeding for revocation or suspension of a license instituted prior to the effective date of this section shall be governed by the provisions of 31 CFR 11.10 in force at the time the proceeding was instituted: *Provided, however,* That if in the course of the proceeding there is taken any action that is authorized by the provisions of 31 CFR 11.10 governing the proceedings, but is not authorized by this section or any intervening amendment of 31 CFR 11.10, said action shall not constitute grounds for disturbing any order thereafter made in the proceeding, unless (i) it is shown that the action was in derogation of substantive rights and not merely porcedural rights; and (ii) upon occurrence of the action the respondent made timely objection supported by his reasons and the objection was overruled: *Provided further,* That adherence may be had to this section pursuant to stipulation of the parties.

§ 31.12 *Cancellation of licenses.* (a) Any corporation, association, or partnership which is licensed as a customhouse broker shall immediately notify the collector of each district in which it is licensed to transact business in the event it ceases to have at least two officers or members who are licensed individually as customhouse brokers and who exercise responsible supervision and control of the transaction of the customs business of the licensed organization. Collectors shall report to the Commissioner all cases wherein the required number of officers or members of any licensed corporation, association, or partnership have ceased to be qualified as customhouse brokers and the deficiency has continued for more than 60 days. The Commissioner, in such cases, will notify the corporation, association, or partnership that its license has been revoked in accordance with the requirement of section 641 (a), Tariff Act of 1930, as amended.[4] A copy of such notice shall be sent by the Commissioner to the collector.

(b) A customhouse broker's license may be canceled upon written application to the Commissioner and surrender of the license certificate, but before granting the request, inquiry shall be made by the Commissioner to ascertain whether it has been made in order to evade proceedings for revocation or suspension of the license, in which event the request shall be denied, unless the Secretary of the Treasury shall otherwise order.

§ 31.13 *Licenses issued under prior acts of Congress.* Licenses issued under prior acts of Congress shall continue in force and effect in accordance with the provisions of section 641 (c), Tariff Act of 1930, as amended.[5]

§ 31.14 *Appeal from the Secretary's decision.* An appeal from any order of the Secretary of the Treasury suspending or revoking a license may be taken by any customhouse broker in accordance with the provisions of section 641 (b), Tariff Act of 1930, as amended.[6]

§ 31.15 *Records of the Commissioner*—(a) *Maintenance.* The Commissioner will keep such rosters and other records as may be necessary to perform his functions under this part.

(b) *Availability.* (1) The Commissioner, on request, will furnish information to any person as to whether any specified person is a customhouse broker.

(2) There are available to public inspection at the office of the Commissioner:

(i) The roster of all persons licensed as customhouse brokers pursuant to amended section 641, Tariff Act of 1930.

(ii) The final opinion or order in the adjudication of any case in which revocation of any license was sought, provided the licensee (or former licensee) expressly consents to publication.

(3) Matters of official record pertaining to the licensing of customhouse brokers, to persons properly and directly concerned.

(4) The official records pertaining to the revocation (or the proposed revocation) of any license, and to the investigation of any applicant therefor, constitute confidential information, except as provided for in paragraph (b) (2) and (3) of this section. These records are held confidential for these good causes:

(i) Publication is capable of injuring a licensee or former licensee without furthering the public interest.

(ii) Much of the information is elicited without the aid of the subpoena power on the assurance that the sources will be protected.

Treasury Department Circular 559 (1 F. R. 249) and supplements (6 F. R. 5428, 13 F. R. 3937) and §§ 11.1 to 11.14, inclusive, Title 31, Code of Federal Regulations, are superseded, except as indicated in § 31.11 (b) (22) above, by the foregoing.

A notice of proposed rule making was published in the FEDERAL REGISTER of September 13, 1955 (20 F. R. 6707). After full consideration of the data and views submitted, the above regulations have been adopted. These regulations shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 29, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9136; Filed, Nov. 7, 1956; 8:55 a. m.]

[4] See the third sentence of section 641 (a) in footnote 1.

[5] See section 641 (c) in footnote 1.

[6] See the second paragraph of section 641 (b) in footnote 1.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.303]

PART 51—PASSPORTS

INVALIDATION OF CERTAIN PASSPORTS OF THE UNITED STATES FOR TRAVEL TO OR IN EGYPT, ISRAEL, JORDAN, AND SYRIA

Pursuant to the authority vested in me by sections 124 and 126 of Executive Order No. 7856, issued on March 31, 1938 (3 F. R. 681, 687; 22 CFR 51.75 and 51.77) under authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887, 22 U. S. C. 211a), all outstanding passports of the United States are hereby declared invalid for travel to or in Egypt, Israel, Jordan, and Syria, excepting only those passports the holders of which are presently within Egypt, Israel, Jordan, and Syria and the passports of officers and employees of the United States and members of their households en route to or stationed in one of these countries. The passports of persons, other than officers and employees of the United States, who depart from Egypt, Israel, Jordan, or Syria shall become invalid for further travel to or in Egypt, Israel, Jordan, and Syria when the holders thereof enter any country other than Aden, Bahrein, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Muscat and Oman, Saudi Arabia, Syria, Yemen. Passports hereby invalidated for travel to or in Egypt, Israel, Jordan, and Syria shall remain invalid for such travel unless specifically endorsed under authority of the Department of State as being valid for such travel or until this order is revoked.

(Sec. 1, 44 Stat. 887; 22 U. S. C. 211a)

Dated: November 2, 1956.

For the Acting Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 56-9163; Filed, Nov. 6, 1956; 4:18 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 11—CUSTOMHOUSE BROKERS

SUPERSEDURE OF PART

EDITORIAL NOTE: Subtitle A—Office of the Secretary of the Treasury is amended as follows: Sections 11.1 through 11.14 which constitute Part 11, Customhouse Brokers, are superseded by Title 19, Chapter I, Part 31, *supra*.

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

Sec.
56.1 General information.
56.1-1 Purpose.
56.1-2 Scope.
56.1-3 Definition of terms used in this part.
56.1-4 Administration.
56.2 Determination of eligibility and identification of dependents.
56.2-1 Determination of dependents' eligibility.
56.2-2 Identification of dependents.
56.3 Determination of sources from which eligible dependents receive medical care.
56.3-1 Among uniformed service facilities.
56.3-2 Between civilian medical facilities and uniformed service facilities.
56.3-3 Emergency care.
56.4 Medical care for dependents at medica facilities of the uniformed services.
56.4-1 Authority for providing medical care to dependents.
56.4-2 Facilities available.
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56.4-5 Dental care.
56.4-6 Admission of dependents for medical care.
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56.5 Medical care in civilian facilities.
56.5-1 Eligibility for civilian medical care.
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56.5-3 Terms of reference and rules for the provision of authorized medical care from civilian sources.
56.5-4 Medical care not authorized.
56.5-5 Admission of dependents for medical care to civilian sources.
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56.5-8 Hospitalization beyond period of 365 days.
56.5-9 Government liability for payment of civilian medical care costs.
56.6 Medical care in medical facilities not otherwise provided for.
56.7 Medical care for members of the uniformed services.
56.8 Medical care for retired members of the uniformed services.
56.8-1 Retired members eligible for care.
56.8-2 Ration allowance for retired enlisted members.
56.8-3 Charges for officers' subsistence.
56.9 Budgeting and accounting for medical and dental care furnished in facilities of the uniformed services.
56.10 Implementation.
56.11 Effective date.

AUTHORITY: §§ 56.1 to 56.11 issued under 70 Stat. 250.

§ 56.1 *General information.*

§ 56.1-1 *Purpose.* The purpose of this part is to prescribe policy for administering the Dependents' Medical Care Act.

§ 56.1-2 *Scope.* This part is applicable to the uniformed services.

§ 56.1-3 *Definition of terms used in this part.* (a) "Uniformed services" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(b) "Member of a uniformed service" means a person appointed, enlisted, inducted or called, ordered or conscripted in a uniformed service who is serving on active duty or active duty for training pursuant to a call or order that does not specify a period of thirty days or less.

(c) "Retired member of a uniformed service" means a member or former member of a uniformed service who is entitled to retired, retirement, or retainer or equivalent pay as a result of service in a uniformed service, other than a member or former member entitled to retired or retirement pay under Title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 who has served less than eight years on full time duty in active military service other than active duty for training.

(d) "Dependent" means any person who bears to a member or retired member of a uniformed service, or to a person who died while a member or retired member of a uniformed service, any of the following relationships:

(1) The lawful wife;

(2) The unremarried widow;

(3) The lawful husband, if he is in fact dependent on the member or retired member for over one-half of his support;

(4) The unremarried widower, if he was in fact dependent upon the member or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity;

(5) An unmarried legitimate child (including an adopted child or stepchild), if such child has not passed his twenty-first birthday;

(6) A parent or parent-in-law, if the said parent or parent-in-law is, or was at the time of the member's or retired member's death, in fact dependent on the said member or retired member for over one-half of his support and is, or was at the time of the member's or retired member's death, actually residing in the household of the said member or retired member; or

(7) An unmarried legitimate child (including an adopted child or stepchild) who (i) has passed his twenty-first birthday, if the child is incapable of self-support because of a mental or phys-

ical incapacity that existed prior to his reaching the age of twenty-one and is, or was at the time of the member's or retired member's death, in fact dependent on him for over one-half of his support, or (ii) has not passed his twenty-third birthday and is enrolled in a full-time course of study in an institution of higher learning as approved by the Secretary of Defense or Secretary of Health, Education and Welfare and is, or was at the time of the member's or the retired member's death, in fact dependent on him for over one-half of his support.

(e) "Dependents eligible for civilian medical care" means the lawful wife or the dependent lawful husband (spouses) and children who are dependents of members of the uniformed services.

(f) "Secretary of a uniformed service" means the Secretary of the Army, Navy (for the Navy and Marine Corps), or Air Force, or for the other uniformed services (Coast Guard, Public Health Service, Coast and Geodetic Survey), the Secretary of Health, Education and Welfare. The latter may delegate his duties and responsibilities in relation to dependent medical care to The Surgeon General of the Public Health Service.

(g) "Continental United States" means the 48 States and the District of Columbia.

(h) "Executive agent" means the party who acts for the uniformed services in negotiating and administering contracts for medical (physicians) and hospital services under the policy guidance of the Department of Defense.

(i) "Contractor" means the legal entity with which the Government enters into a contract for the purpose of implementing the Dependents' Medical Care Act, such as a state medical society, an insurance company, Blue Shield or Blue Cross.

(j) Miscellaneous medical and technical terminology:

(1) "Diagnosis": A determination of the existence and nature, or absence, of disease or injury by history with physical and mental findings, including physical examinations and the utilization of medically accepted diagnostic procedures, e. g., laboratory tests and pathology and X-ray examinations.

(2) "Outpatient care": The medical services which are normally performed in the home, a physician's office, or the outpatient department of a hospital, clinic or dispensary.

(3) "Maternity and infant care": Medical and surgical care for the mother incident to pregnancy including prenatal care, delivery, postnatal care, including care of the infant, and treatment of complications of pregnancy. An infant 60 days of age or under is entitled to newborn infant care from civilian sources other than in a hospital, in accordance with § 56.5–3d (2) (c).

(4) "Domiciliary care": Care which is normally given in a nursing home, convalescent home, or similar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for an acute medical or surgical condition. It includes but is not limited to nursing care required as a result of old age or chronic disease.

(5) "Elective medical and surgical treatment": Medical or surgical care that is desired or requested by the patient which, in the opinion of cognizant medical authority is not medically indicated; e. g., surgery solely for cosmetic purposes.

(6) "Chronic disease": This term shall be construed to include non-acute conditions and disabilities in which the prognosis indicates long continued duration of the ailment.

(7) "Nervous and mental disorders": This term means those conditions classified as neuroses, psychoneuroses, psychopathies, or psychoses.

(8) "Dental care as a necessary adjunct to medical or surgical treatment": Dental care determined by the cognizant physician and dentist to be required for the proper treatment of a medical or surgical condition.

(9) "Adjuncts to medical care": Prosthetic devices and prosthetic appliances such as hearing aids, spectacles, orthopedic footwear, and similar medical supports, or aids.

(10) "Adjuncts to dental care": Removable or fixed prosthetic or fixed prosthodontic restorations and similar dental supports or aids.

§ 56.1–4 *Administration.* (a) The Secretary of Defense has jurisdiction over the Army, Navy, Air Force, Marine Corps, and the Coast Guard when operating as a service with the Navy.

(b) The Secretary of Health, Education, and Welfare has jurisdiction over the Public Health Service and for medical care purposes over the Coast and Geodetic Survey, and the Coast Guard when not in service with the Navy.

§ 56.2 *Determination of eligibility and identification of dependents.*

§ 56.2–1 *Determination of dependents' eligibility.* (a) The uniformed services will require dependents (or their sponsors) who request medical care to furnish proof of their eligibility for such care. In order to develop uniformity in the criteria utilized by the uniformed services to determine dependents eligible for medical care, the uniformed services will utilize, as soon as practicable, DD Form 1171,[1] "Application For Dependents Authorization For Medical Care By Active Duty or Retired Member," and DD Form 1172,[1] "Application For Dependents Authorization For Medical Care Card (By Survivor of Deceased Member of Uniformed Services or Agent Acting on Their Behalf,)" as appropriate. Implementation and use of these forms shall be completed not later than 30 June 1957. Pending use of these DD forms, existing procedures for determining dependents' eligibility for medical care, employed by the respective services, will be continued. Modifications of DD Form 1171, 1172 and 1173 [1] below may be made subject to the aproval of the Office, Secretary of Defense.

(b) The Secretaries of the uniformed services and their designees are hereby authorized to make determinations of dependency for purposes of this part.

§ 56.2–2 *Identification of dependents.* (a) Upon an affirmative determination by the Secretary of a uniformed service or his designee that a dependent is eligible for medical care, such dependent will be issued a "Dependents' Authorization for Medical Care" card, DD Form 1173. The DD Form 1173 will serve as the primary means of identifying dependents eligible for medical care.

(b) The administrative provisions governing the application for the DD Form 1173 and its issuance to dependents of members and dependents of retired members of the uniformed services and dependents of persons who died while a member or a retired member of a uniformed service will be as prescribed by the Secretary of the uniformed service concerned. However, such regulations for active duty members with dependents will include but not be limited to provisions for the following:

(1) *Issuance.* Application for, and issuance of, DD Form 1173 will be accomplished at the following times:

(i) Upon entry on active duty for a period in excess of 30 days.

(ii) Upon re-enlistment.

(iii) Upon change in dependency status stated on current authorization card.

(iv) Upon certification of loss.

(v) Upon retirement or death.

(2) *Surrender.* The DD Form 1173 shall be surrendered:

(i) Whenever a new card is issued except to replace loss.

(ii) Upon expiration date.

(iii) Whenever one or more of the listed dependents becomes ineligible.

(iv) Upon death, retirement or release of member to inactive duty.

(3) *Expiration date.* The DD Form 1173 shall be effective for a maximum period of two years from issuance date. In those instances in which the sponsor's status, (which permits his dependents eligibility for medical care) will change in less than two years, the expiration date will be modified accordingly.

(4) *Dependents listed.* All dependents entitled to medical care who claim entitlement through the same sponsor will be listed on the DD Form 1173.

(5) *Family groups.* One card will be issued to a family group and will ordinarily be provided the principal dependent, member, retired member, parent, or guardian as appropriate. However, in those instances in which this requirement will, as determined by the issuing authority, result in hardship, duplicate cards may be issued. A Secretary of a uniformed service may authorize the use of the card for other purposes.

(6) *Entitlement to care in civilian facilities.* All DD Forms 1173 will contain an appropriate notation as to those dependents who have entitlement to medical care at both medical facilities of the uniformed services and civilian medical facilities.

(c) The original issuance and use of the DD Form 1173 will be accomplished by all the uniformed services as soon as practicable, but in no event later than 30 June 1957.

[1] Filed as part of the original document.

§ 56.3 *Determination of sources from which eligible dependents receive medical care.*

§ 56.3–1 *Among uniformed services facilities.* Normally, a dependent requesting care at a uniformed services facility will be expected to use the facilities servicing the area in which the dependent resides.

§ 56.3–2 *Between civilian medical facilities and uniformed services facilities within continental United States, Alaska, Hawaii, and Puerto Rico.* (a) Dependents eligible for civilian medical care who are not residing with their sponsors shall have free choice between uniformed services medical facilities and civilian medical facilities.

(b) Outpatient medical care at Government expense for dependents eligible for civilian medical care is not authorized from civilian sources, except that certain specified treatment for such dependents who are not hospitalized, will be authorized when in accordance with §§ 56.5–2 (f), 56.5–3 (d) (1) (2) and (3) or 56.5–6 (c),

(c) Dependents eligible for civilian medical care who reside with their sponsors shall have free choice between uniformed services medical facilities and civilian medical facilities except that the Secretary of a uniformed service with the approval of the Secretary of Defense or the Secretary, Health, Education and Welfare, as appropriate, may require such dependents in a prescribed area to seek medical care in a uniformed services medical facility if he finds that:

(1) The uniformed services medical facility is adequate to care for the dependents of the members assigned to that area, and

(2) The use of civilian medical facilities by the dependents in that area has affected adversely the optimum economic utilization of the uniformed services medical facility.

(d) When necessary restrictions on freedom of choice for a particular medical facility are imposed, the Secretary of a uniformed service may prescribe a local geographic area which the medical facility concerned shall serve normally. In determining the boundaries of the geographic area, consideration shall be given to normal commuting time, distance, and unusual geographic and transportation factors such as toll bridges or ferries which would increase unreasonably the time and expense of travel. It shall be the responsibility of the Secretary of a uniformed service, when imposing necessary restrictions upon the freedom of choice of a dependent, to ensure liaison and coordination among all uniformed services and civilian medical facilities in and adjacent to the geographical area in which restrictions have been imposed. When any restrictions on freedom of choice have been imposed or removed, the Executive Agent shall be so advised.

§ 56.3–3 *Emergency care.* Any restrictions on freedom of choice shall be waived when circumstances indicate that it was necessary for the eligible dependent to obtain authorized medical care from civilian facilities due to a bona fide emergency; e. g., serious injury following an accident or illness of sudden onset requiring immediate treatment at the nearest available medical facility to preserve life, health, or to prevent undue suffering.

§ 56.4 *Medical care for dependents at medical facilities of the uniformed services.*

§ 56.4–1 *Authority for providing medical care to dependents.* Whenever requested, medical care shall be given dependents of members and dependents of retired members of the uniformed services, and dependents of persons who died while a member or a retired member of a uniformed service, in medical facilities of the uniformed services subject to the availability of space and facilities, and the capabilities of the professional staff. Determinations made by the medical officer in charge of the medical facility, or by his designee, as to availability of space, facilities, and the capabilities of the professional staff, shall be conclusive. The furnishing of medical care to dependents shall not interfere with the primary mission of those facilities.

§ 56.4–2 *Facilities available.* In making the determination of the availability of medical facilities at a specific location, the following criteria shall be applied:

(a) Mission of the uniformed services medical facility.

(b) Adequacy of professional care available for diagnosis and treatment.

(c) Maximum number of patients who can be treated without sacrificing high professional medical standards.

(d) Optimum utilization of facilities of the uniformed services.

§ 56.4–3 *Medical care authorized.* (a) Medical care of dependents in the facilities of the uniformed services shall be limited to the following:

(1) Diagnosis.

(2) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases.

(3) Treatment of surgical conditions.

(4) Treatment of contagious diseases.

(5) Immunization.

(6) Obstetrical and infant care.

(b) Treatment may be provided for acute emergencies of any nature which are a threat to the life, health, or well-being of the patient including acute emotional disorders. Hospitalization is authorized at Government expense for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition also qualifies for care under § 56.4–3 (a) (1), (2), (3), (4), or (6). With special exceptions as authorized by the Surgeon General of a uniformed service, additional care in a hospital of the uniformed services on a space available basis may be provided in accordance with § 56.4–4 (b).

(c) When a hospitalized patient requires care beyond the capabilities of the medical facility the procurement from civilian sources of the necessary supplemental material, and professional and personal services required for the proper care and treatment of the patient in a medical facility of a uniformed service is authorized. This authorization applies after the admission of a patient when the patient's condition so requires.

§ 56.4–4 *Medical care not authorized.* Dependents shall not be provided:

(a) Hospitalization at medical facilities of the uniformed services for the following:

(1) Chronic diseases. (See §§ 56.1–3 (j) (6) and 56.4–3 (a) (2).)

(2) Nervous and mental disorders. (See § 56.1–3 (j) (7).)

(3) Elective medical and surgical treatments. (See § 56.1–3 (j) (5).)

(4) Domiciliary Care. (See § 56.1–3 (j) (4).)

(b) However, in special and unusual cases, exceptions may be made by a Surgeon General of the uniformed services and hospitalization may be provided for such disorders or diseases as set forth in paragraph (a) (1) and (2) of this section. In no instance, may the period of hospitalization exceed 12 months.

(c) Artificial limbs, artificial eyes, hearing aids, orthopedic footwear and spectacles, except that outside the continental limits of the United States and at remote stations within the continental limits of the United States, as designated by the Secretary of the uniformed service concerned and approved by the Secretary of Defense where adequate civilian facilities are not available, those items, if available from Government stocks, may be provided to dependents at invoice cost to the Government.

(d) Ambulance service, except in acute emergency as determined by the medical officer in charge.

(e) Home calls, except in special cases where it is determined by the cognizant medical authority to be medically necessary.

§ 56.4–5 *Dental care.* (a) Dental care for dependents is not authorized except:

(1) Emergency dental care to relieve pain and suffering, but not to include any permanent restorative dentistry or dental prosthesis;

(2) Dental care as a necessary adjunct to medical or surgical treatment (See § 56.1–3 (j) (8); and

(3) Outside continental United States, and in remote areas within continental United States as designated by the Secretary of a uniformed service and approved by the Secretary of Defense where adequate civilian dental facilities are not available.

§ 56.4–6 *Admission of dependents for medical care.* (a) As indicated in § 56.2–2, the DD Form 1173 will serve as the primary means of identifying dependents eligible for medical care. However, pending use of DD Form 1173, existing methods and procedures for identifying dependents eligible for medical care may be continued within each of the respective services with such immediate modifications of established procedures as are required to permit all eligible dependents access to medical care.

(b) Procedures for admission of dependents requesting medical care at uni-

formed services medical facilities prior to 1 July 1957 will be as currently established by the admitting facility.

(c) Procedures for admission of dependents requesting medical care at uniformed services medical facilities after 30 June 1957 will be as follows:

(1) Identification will be by means of a DD Form 1173. Uniformed services medical facilities may prescribe such additional local procedures as necessary. However, these procedures should not complicate, delay or preclude treatment of an eligible dependent nor discriminate against the dependent of members of other services.

(2) Under emergency conditions and similar circumstances, the admitting authority may waive the requirement of producing DD Form 1173. However, in each such instance at uniformed services medical facilities certification will be required attesting to the dependent's eligibility for medical care. This certification will be executed by either the dependent, the member, retired member, parent or guardian as appropriate.

§ 56.4–7 *Cross-utilization of service medical facilities.* To provide effective cross-utilization of medical facilities of the uniformed services, eligible dependents, regardless of service affiliation, shall be given equal opportunity for medical care. Commanders of medical facilities of the uniformed services will establish the necessary coordination with each other in those areas where their medical service areas are in proximity to ensure optimum utilization of all facilities concerned. In addition, commanders of uniformed services hospitals will establish necessary liaison and coordination with the representatives of the local medical society and the civilian hospital facilities as appropriate, to ensure to the maximum extent possible, the smooth referral of excess dependent patient loads to civilian medical facilities when such referrals appear desirable.

§ 56.4–8 *Charges for dependent medical care.* When medical care is provided dependents in facilities of the uniformed services, the patient shall pay the following charges:

(a) *Inpatient care.* The per diem rate of charge for inpatient care provided dependents is $1.75 which includes cost of subsistence.

(b) *Outpatient care.* As a restraint on excessive demands for medical care, uniform minimal charges may be imposed for outpatient care only after a special finding by the Secretary of Defense after consultation with the Secretary of Health, Education and Welfare that such charges are necessary. The Secretaries of the uniformed services shall have continuing responsibility for determining the nature and extent of possible abuses of outpatient care in uniformed services medical facilities and shall so advise the Secretary of Defense when their findings are in the affirmative.

§ 56.5 *Medical care in civilian facilities.*

§ 56.5–1 *Eligibility for civilian medical care.* Under the provisions of this section, wives, dependent husbands and children who are dependents of members of the uniformed services are eligible to receive at Government expense specified medical care in civilian hospitals and from civilian physicians and surgeons.

§ 56.5–2 *Medical and hospital care authorized from civilian sources.* Medical and surgical care from civilian sources is authorized for spouses and children who are dependents of members of the uniformed services for the following:

(a) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases only during hospitalization except as otherwise provided in this part.

(b) Treatment of surgical conditions only during hospitalization except as otherwise provided in this part.

(c) Treatment of contagious diseases during hospitalization.

(d) Complete obstetrical and maternity care.

(e) Three hundred sixty-five days' hospitalization in semi-private accommodations for each admission, including all necessary services and supplies furnished by the hospital during hospitalization.

(f) Services required of a physician or surgeon prior to and following hospitalization for a bodily injury or surgical operation.

(g) Treatment in a hospital of acute emergencies of any nature which are a threat to the life, health, or well-being of the patient including acute emotional disorders. Hospitalization is authorized at Government expense for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition also qualifies for care under paragraph (a), (b), (c), or (d) of this section. With special exceptions as authorized by the Surgeon General of a uniformed service, additional care in a hospital of the uniformed services on a space available basis may be provided in accordance with § 56.4–4 (b). In such cases, transfer to a uniformed service hospital at Government expense is authorized.

(h) Diagnostic tests and procedures including laboratory tests and pathology and X-ray examinations, when ordered by the attending physician, only during hospitalization, except as otherwise provided in this part.

(i) Dental care which is a necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital inpatient. Such dental care shall not include removable or fixed prosthodontic restorations.

§ 56.5–3 *Terms of reference and rules for the provision of authorized medical care from civilian sources*—(a) *Applicable terms*—(1) *Hospital.* The word "hospital" shall mean only an institution which is operated in accordance with the laws of the jurisdiction in which it is located pertaining to institutions identified as hospitals, is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of staff physicians or surgeons, and continuously provides 24-hour nursing service by registered graduate nurses. It shall specifically exclude any institution which is primarily a place of rest, a place for the aged, a place for the treatment of drug addiction or alcoholism, a nursing home, a convalescent home, or a facility operated by the Federal Government or any agency thereof. If the experience of the Executive Agent indicates that the care provided in a hospital is substandard, or charges of a hospital are excessive, Government approval of its use in the future may be withdrawn and payment of charges by the Government denied for patients admitted subsequent to the withdrawal of approval unless the case is certified as an emergency by the attending physician or surgeon.

(2) *Semi-private accommodations.* The term "semi-private accommodations" signifies the presence of 2, 3, or 4 beds in a room in which a patient is hospitalized. Private accommodations means one bed in a room.

(3) *Necessary services and supplies.* Those services and supplies ordered by the attending physician which are customarily provided and charged for by the hospital.

(4) *Physician or surgeon.* A person who is legally qualified to prescribe and administer all drugs and to perform all surgical procedures.

(5) *Local schedule of allowances.* Professional fees for payment of physician's services applicable to a local area negotiated with the physicians' representatives and approved by the Executive Agent for the Department of Defense and Department of Health, Education and Welfare.

(b) *Hospital care.* (1) Hospital care under this section is defined as inpatient care for 18 consecutive hours or more, except for shorter periods of hospitalization for surgical procedures, treatment of fractures or other bodily injuries, or in instances in which death occurs in a lesser period of time.

(2) Hospital care shall include board and room and necessary services and supplies up to a maximum of 365 days for each admission.

(c) *Nursing care.* If, while receiving authorized hospital care, private-duty nursing care is required for proper care and treatment, and if the patient's attending physician certifies to such a requirement, a portion of the cost will be borne by the Government in accordance with § 56.5–6 (d).

(d) *Professional services*—(1) *Professional services related to hospitalization.* (i) The payment of physicians' fees according to the local schedules of allowances, including those of necessary consultants, for treatment of medical and surgical conditions during a period of hospitalization is authorized. The attending physician shall certify as to the requirement for a consultant's services.

(ii) All diagnostic and therapeutic tests and procedures authorized by the attending physician and accomplished during a period of hospitalization are authorized for payments by the Government.

(iii) The approved local schedules of allowances payable to a physician or surgeon for treatment in a hospital of a bodily injury or for a surgical procedure shall include pre-hospitalization care and normal after-care following a period of hospitalization.

(iv) Although the Dependents' Medical Care Acts provides primarily for professional services during hospitalization and does not permit "medical care normally considered to be outpatient care" at Government expense, certain limited benefits are authorized as indicated elsewhere in this section, and below:

(*a*) Payment is authorized in an amount not to exceed $75 at Government expense for necessary diagnostic tests and procedures performed or authorized by the attending physician prior to hospitalization for the same bodily injury or surgical procedure for which hospitalized.

(*b*) Payment is authorized in an amount not to exceed $50 at Government expense for necessary tests and procedures performed or authorized by the attending physician for proper aftercare of the same bodily injury or surgical procedure for which hospitalized.

(*c*) The monetary limitations in (*a*) and (*b*) above are intended only to define the liability of the Government under the stated conditions and in no way modify, alter, or affect the fees for individual procedures contained in the local schedules of allowances, nor do they restrict the physician in the performance or authorization of necessary tests or procedures.

(*d*) The monetary limitations in (*a*) and (*b*) above may be exceeded only in special and extraordinary cases provided that the physician authorizing the tests and procedures, the charges for which exceed the amounts specified above, submits a special report which shall be reviewed by a contractor's physician review board. This board will make appropriate recommendations to the Executive Agent who may authorize such additional payments.

(*e*) If the physician initially responsible for care of a patient for a condition for which the patient is hospitalized terminates his professional care prior to or upon hospitalization, and does not continue to provide professional care in the hospital because the care of the patient is transferred to another physician, he shall be authorized the fee for a single professional visit prior to hospitalization in accordance with the local schedule of allowances. This subparagraph does not apply to subparagraph (2) of this paragraph.

(2) *Obstetrical and maternity services.* (i) Complete obstetrical and maternity services shall include prenatal care, delivery, and postnatal care in a hospital, office, or home. Payments for prenatal care, delivery, and post-partum care shall be made to the physician performing the respective service in accordance with the local schedule of allowances.

Allowances are authorized for laboratory tests, pathology or radiology examinations, and other procedures performed or authorized by the attending physician in the management of the pregnancy. In instances of home or office confinements, payments are not authorized for the purchase or rental of beds, bassinets, or similar equipment, nor for services of private duty nurses. (See § 56.5–6 (f).)

(ii) If a consultant's services are required for proper care and treatment of the patient and the attending physician certifies as to the requirement, such care is authorized.

(iii) Necessary or required infant care shall be provided during the period of hospitalization following delivery. If the infant requires further hospitalization following delivery, such care is authorized as a continuation of the original admission. As a part of complete maternity service, newborn infant care outside of a hospital, including immunization, is also authorized at Government expense for a maximum period of 60 days following delivery but not to exceed a total of two (2) visits by a physician or to a physician after discharge from the hospital.

(3) *Other professional services.* The authorized payments for the treatment of bodily injuries when a patient is not hospitalized, including diagnostic and therapeutic tests and procedures authorized by the attending physician, are limited to treatment of fractures, dislocations, lacerations and other wounds as prescribed in the local schedules of allowances. (See § 56.5–6 (e).)

§ 56.5–4 *Medical care not authorized.* Medical care specified in this section shall not be authorized for any of the following:

(a) Chronic diseases. (See §§ 56.1–3 (j) (6) and 56.5–2 (a).)

(b) Nervous and mental disorders. (See § 56.1–3 (j) (7).)

(c) Elective medical and surgical treatment. (See § 56.1–3 (j) (5).)

(d) Domiciliary care. (See § 56.1–3 (j) (4).)

(e) Treatments or procedures normally considered to be outpatient care.

(f) Ambulance service, except as provided in §§ 56.5–8, 56.5–5 (d) and 56.5–2 (g).

§ 56.5–5 *Admission of dependents for medical care to civilian sources.* Dependents requesting medical care from civilian sources will be required to observe the following procedures:

(a) Prior to 1 July 1957, identification will be established by the best available means including the DD Form 720, "Dependent's Identification Card," and such other means of identification currently provided by the uniformed services. In addition, dependents or their parent, sponsor or guardian, as appropriate, will be required to execute a certification form to be prescribed by the Executive Agent and made available to the source of medical care. This form will serve the purpose of assisting both in the identification of dependents and the ultimate billing made by civilian physicians, surgeons, and civilian medical facilities. In developing this form, the Executive Agent will insure that it will include appropriate provision for:

(1) Identification of the patient.

(2) Identification of sponsor member or uniformed service on active duty.

(3) Certification of the dependent, accompanying parent, member or acting guardian as to the eligibility of the dependent for car under P. L. 569—84th Congress.

(4) Diagnoses, medical services furnished and charges.

(5) Certification by the source of medical care that services were provided in accordance with P. L. 569—84th Congress.

(b) *After 30 June 1957.* Identification will be by means of the DD Form—1173 and, in addition, execution of the form described in paragraph (a) of this section will also be required.

(2) Under emergency conditions and similar circumstances, the admitting authority may waive the requirement of producing a DD Form—1173. However, in each instance of this nature, the form prescribed by the Executive Agent and referred to in paragraph (a) of this section will be executed.

(c) In cases of spouses and children receiving treatment in a civilian medical facility at Government expense at the time of release of a member from active duty, the Government's responsibility ceases as of the date of notification of the hospital that the dependent's eligibility for medical care has terminated or the normal expiration date on the DD Form—1173, which ever is earlier.

(d) Spouses and children of members of the uniformed services receiving treatment in a civilian medical facility at Government expense at the time of death of the member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services medical facility as soon as the physical condition of the patient permits. If such a transfer is made, it will be accomplished at Government expense. The cost of medical care for the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in § 56.5–6, but not after the date on which feasible arrangements for transfer have been made.

§ 56.5–6 *Charges.* (a) When the entire period of hospitalization has been in other than private accommodations, the patient shall pay to the hospital the greater of subparagraph (1) or (2) of this paragraph.

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the per diem rate established in § 56.4–8 (a).

(b) If hospital care in a private room is obtained by the patient because it is required for the proper care and treatment, and if the patient's attending physician so certifies, the amount of private room charges less the patient's payment set forth below will be paid by the Government. The patient will be required to pay to the hospital the greater of subparagraph (1) or (2) in addition to subparagraph (3) of this paragraph.

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospital-

ization by the per diem rate established in § 56.4–8 (a).

(3) 25% of the difference between private room charges and weighted average cost of semi-private room charges.

(c) If hospital care in a private room is provided at the specific request or desire of the patient or of the sponsor, the patient will be required to pay to the hospital the greater of subparagraph (1) or (2), and in addition subparagraph (3) of this paragraph.

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the established per diem rate.

(3) The difference between private room charges and weighted average cost of semi-private room charges.

(d) If while receiving authorized hospital care, private-duty nursing care is required for proper care and treatment, and if the patient's attending physician so certifies, 75 per cent of the charges in excess of $100.00 for such private-duty nursing care will be paid by the Government.

(e) When a patient is treated for injury other than as an inpatient in a hospital in accordance with § 56.5–3 (d) (3), the payments made shall be in accordance with the local schedules of allowances. Payments not to exceed a maximum of $75.00, except as provided for under § 56.5–3 (d) (1) (iv) (*d*), are also authorized for laboratory tests, pathology and radiology examinations provided they are procedures performed by or authorized by the attending physician or surgeon. Payment of charges is also authorized for use of hospital outpatient facilities required for the treatment of the injury, e. g., a cast room. The patient shall pay the first $15.00 of the total charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident shall be considered as one injury for payment of the maximum required fee ($15.00) by the patient. The Government shall pay for all costs in excess of $15.00 as authorized in the local schedules of allowances or as provided for in normal hospital rates for use of their outpatient facilities. However, payment by the Government for laboratory tests and pathology and radiology examination shall not exceed the $75.00 maximum, except as provided for under § 56.5–3 (d) (1) (iv) (*d*).

(f) All admissions to a hospital of an obstetrical patient as an inpatient for care required in direct connection with the pregnancy, including direct complications thereof, rendered during the period of pregnancy up to and including delivery and postpartum inpatient care following delivery, or immediate postpartum inpatient care for patients delivered outside the hospital, shall be considered as one admission for the purpose of determining charges to the dependent. Admission for a non-obstetrical diagnosis in the course of a pregnancy would require the patient to pay the charges for a separate admission. Patients who are delivered in a home or office shall pay the first $15.00 of charges in connection with the delivery, if not subsequently hospitalized.

(g) When a patient who is in an inpatient status is transferred to another hospital to obtain as an inpatient necessary treatment not available in the first hospital and no break in hospitalization occurs except for time in transit, it shall be considered one admission for the purpose of payment of charges by the patient in accordance with this section.

§ 56.5–7 *Administration.* (a) The Secretary of the Army, acting as Executive Agent for the Secretary of Defense, shall contract for medical care within the continental United States, Alaska, Hawaii and Puerto Rico in accordance with the Armed Services Procurement Regulations with authority to redelegate such responsibilities within the Department of the Army. The Department of the Army personnel authorization and funds will be increased by the Office of the Secretary of Defense, upon justification, to provide for the personnel required for the dependent medical care program and to carry out the responsibilities of the Executive Agent. The Secretary of the Army shall be responsible for the provision of personnel, space, equipment, facilities and supplies, including related budgeting, funding, administrative control of funds, facility control, training, manpower control and utilization, personnel administration, security administration and other administrative provisions and services necessary to carry out assigned missions as Executive Agent. The Executive Agent's authority does not extend to the conduct of the medical care program in medical facilities of the uniformed services.

(b) The Executive Agent shall be responsible within the continental United States, Alaska, Hawaii and Puerto Rico for the following:

(1) Preparation of the terms and placement of the contract or contracts to be established to include but not limited to:

(i) Local schedules of allowances to be used in full payment of bills presented by physicians and surgeons.

(ii) A provision for review and, if necessary, an adjustment of administrative payments not later than 120 days after the first year the plan or plans have been in effect and each year thereafter.

(iii) Determination of administrative responsibilities of the contractors and methods of determining administrative costs.

(iv) Adequate billing procedures covering bills transmitted from the physicians or the treatment facility either either directly to the Government, through a contractor, or by other arrangement, as applicable.

(2) Administration of the contract: (i) Liaison activities with the contractor.

(ii) Payment of bills.

(iii) The development of any budgetary information required by the uniformed services as prescribed by the Joint Regulations.

(iv) Audit.

(v) Preparation of such statistical information as may be necessary including that for the annual report of the Secretary of Defense to Congress.

(vi) The Executive Agent's responsibility shall not include as a matter of routine a detailed supervision of civilian medical procedures or a detailed inspection of civilian medical facilities.

(vii) The Executive Agent shall be responsible for the processing of complaints with reference to civilian medical care and hospitalization.

(viii) Contractors shall have detailed responsibility for resolving medical disputes through local grievance committees composed of civilian physicians.

(c) Care in civilian facilities outside continental United States, Alaska, Hawaii and Puerto Rico:

(1) In areas other than the continental United States, Alaska, Hawaii and Puerto Rico in which medical facilities of the uniformed services are either nonexistent or incapable of providing adequate medical care for the spouses and children who are dependents of active duty members of the uniformed services residing in the area, authorized medical care as defined in this part may be provided from acceptable local sources.

(2) The Secretary of a uniformed service is authorized, with authority to redelegate such responsibilities as appropriate, to contract or provide for payment for authorized medical care in such areas. The responsibilities of the uniformed services, where appropriate, shall be the same as those listed for the Executive Agent in paragraph (b) of this section.

(d) A Secretary of a uniformed service shall be responsible for the following:

(1) Initial eligibity determinations and means of identification of the dependent for medical care as prescribed in this directive in §§ 56.2–1—56.2–2.

(2) Budgeting and funding for that portion of the total cost including administrative expenses which is properly attributable to his service.

(3) Reimbursement in accordance with cross-servicing agreements for care contracted by one service for dependents of another service. Any amounts received through such reimbursement shall be deposited to the credit of the appropriation supporting such contracts for medical care.

(4) Furnishing such information as required by the Executive Agent for the performance of his duties, including such data as the Executive Agent may require on dependent medical care from sources overseas other than uniformed services facilities.

§ 56.5–8 *Hospitalization beyond period of 365 days.* When a spouse or child, who is a dependent, requires a period of hospitalization in excess of 365 days, the attending physician shall notify the contractor who shall forward a copy of this notification to the Commanding Officer of the patient's sponsor. This notification normally will be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a hospital of the uniformed service if this is determined to be feasible. If such a transfer is made it will be accomplished at Government expense. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized subject to the joint regulations.

§ 56.5–9 *Government liability for payment of civilian medical care costs.* As prescribed in § 56.2, the uniformed services shall provide dependents with means of identification. When spouses and children of members of the uniformed services are provided civilian medical care, it is expected that the attending physician and medical facility will use reasonable care and precaution in identifying them. When medical care has been provided in good faith by the attending physician and medical facility and it is subsequently determined that the persons concerned were not in fact entitled to medical care at Government expense under P. L. 569, collection and other legal action shall be taken only against the sponsor or individual who was not entitled to the medical care. Where fraud is involved, the matter may be referred to the Attorney General of the United States with recommendation for prosecution.

§ 56.6 *Medical care in medical facilities not otherwise provided for.* (a) When dependents eligible for civilian medical care receive medical care authorized by this part, on an emergency basis, in a medical facility which is not included in the definition of a hospital as provided for in § 56.5–3 (a) (1) or is not a uniformed services medical facility, the dependent will pay the charges listed in § 56.5–6 and the Government will pay the difference between the amount payable by the dependent and the reimbursable cost. Payments by the Government for such care rendered in Federal medical facilities other than those of a uniformed service will be on a reimbursable basis between the Executive Agent and the Department or agency concerned. This section does not apply to § 56.6–1 (c).

(b) When dependents receive medical care authorized by this part in the governmental facilities of a foreign government (not civilian), the dependent will pay the charges listed in § 56.5–6 and the difference between the total cost and the amount paid by the dependent will be paid by the United States Government. In instances where a reciprocal agreement between a foreign government and the United States is in effect, which provides for no charge or a lesser charge to the dependent that those listed in § 56.5–6, such charges, if any, under the reciprocal agreement shall prevail.

(c) This part does not affect dependents' medical care furnished under the provisions of section 105 of Public Law 153, 83rd Congress, as amended by section 107 of Public Law 453, 83rd Congress, which authorizes medical and dental care for eligible dependents of military personnel in Canal Zone Government medical facilities.

§ 56.7 *Medical care for members of the uniformed services.* Persons in the uniformed services on active duty or active duty for training are entitled to and shall be provided medical and dental care and adjuncts thereto. Under ordinary circumstances such members will receive medical care at the medical facility of the uniformed service which serves the organization to which the member is assigned. A member who is away from his duty station or is on duty where there is no medical facility of his own service available, may receive care at the nearest available medical facility of the uniformed services. Commissioned officers and warrant officers on active duty or active duty for training shall pay an amount equal to the portion of the charge established under § 56.4–8 (a) that is attributable to subsistence when hospitalized in a medical facility of the uniformed services. Nothing in this part shall affect the existing provision for providing medical care to members of the uniformed services through civilian or other sources.

§ 56.8 *Medical care for retired members of the uniformed services.*

§ 56.8–1 *Retired members eligible for care.* Retired members shall be furnished required medical and dental care and adjuncts thereto to the same extent as provided for active duty members in any medical facility of a uniformed service, subject to mission requirements and the availability of space, facilities and capabilities of the medical staff as determined by the cognizant medical authority in charge of the medical facility. Nothing in this part is intended to change or modify the provisions of Executive Order 10122, 14 April 1950, as amended by Executive Order 10400, 27 September 1952.

§ 56.8–2 *Ration allowance for retired enlisted members.* Retired enlisted personnel, including members of the Fleet Reserve, and the Fleet Marine Corps Reserve, shall not be charged for subsistence when hospitalized in a medical facility of a uniformed service.

§ 56.8–3 *Charges for officers' subsistence.* Retired commissioned officers and retired warrant officers shall pay an amount equal to the portion of the charge established under § 56.4–8a that is attributable to subsistence when hospitalized in a medical facility of the uniformed services.

§ 56.9 *Budgeting and accounting for medical and dental care furnished in facilities of the uniformed services.* The Secretaries of the uniformed services shall budget for supporting the maintenance and operation and/or subsistence of their service medical facilities for the medical and dental care of their members, retired members and dependents furnished in the medical facilities of their respective service. The Secretaries of the uniformed services shall also budget for reimbursement for the medical and dental care of their members, retired members and dependents receiving inpatient care in facilities of another uniformed service. Reimbursement shall be made between departments (Army, Navy, Air Force, and United States Public Health Service) for inpatient care furnished by one service for members, retired members, and dependents of another service at rates to be prescribed by the Bureau of the Budget to reflect the average cost of providing such care. Any amounts received through reimbursements or through local collection for subsistence and/or medical care in facilities of the uniformed services shall be deposited to the credit of the appropriation(s) supporting the operation and maintenance of the service medical facility furnishing care.

§ 56.10 *Implementation.* Joint implementation in accordance with this part, covering care of dependents, shall be accomplished as appropriate by the uniformed services.

§ 56.11 *Effective date.* This part is effective for planning purposes immediately and for implementation on 7 December 1956.

C. E. WILSON,
Secretary of Defense.
MARION B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 56–9139; Filed, Nov. 7, 1956; 8:56 a. m.]

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 518—RECORDS AND REPORTS

RELEASE OF INFORMATION AND RECORDS FROM ARMY FILES

Sections 518.1 through 518.4 are revised to read as follows:

Sec.
518.1 Introductory.
518.2 General principles and procedures.
518.3 Information obtainable by members of the general public.
518.4 Information obtainable by persons properly and directly concerned.

AUTHORITY: §§ 518.1 to 518.4 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 60 Stat. 238, 62 Stat. 697, 977, 64 Stat. 159, 583; 5 U. S. C. 1002, 18 U. S. C. 283, 641, 793, 795, 797, 1905, 28 U. S. C. 2507, 44 U. S. C. 396.

§ 518.1 *Introductory*—(a) *Authority to release records or their contents.* The Secretary of the Army has charge and control of all records and papers of the Army. It is his responsibility to insure that these documents, and the information contained therein, are utilized in a manner to serve best the public interest. The release of information therefrom outside of the Army Establishment is a matter to be determined by the Secretary or by persons authorized to act in his behalf. No subordinate in the Army Establishment has authority to release any original records, copies, extracts, or summaries thereof, or any information therefrom, except as provided in §§ 518.1–518.4 and the regulations cited therein.

(b) *Scope*—(1) *Source of request.* Sections 518.1–518.4 apply only to requests from individuals in the executive agencies of the Federal Government whose official duties do not entitle them to secure the records; from members of

the public; from private companies and organizations; and from agencies of State and local Governments.

(2) *Nature of records.* Sections 518.1–518.4 set forth certain basic principles which apply to all types of Army records.

(3) *Release of the contents of records.* As used in §§ 518.1–518.4, the authority to release records includes authority to release summaries, extracts or copies of such records or to permit an examination of such records.

(c) *Definitions*—(1) *Secretary of the Army.* This term refers to the Secretary or any individual to whom authority to act has been delegated.

(2) *Request.* This term applies to requests for copies of records as well as requests for information therefrom.

(3) *Army records.* All records, papers, and files of the Army Establishment as well as the contents of such records.

(4) *Safeguarded records.* This term is used to cover two different types of records, each of which must be protected:

(i) Classified information relating to the national defense. This material falls within the meaning of Executive Order 10501, 5 November 1953 (18 F. R. 7049), and is covered by §§ 505.1–505.16 of this subchapter.

(ii) Information which may be privileged in nature does not relate necessarily to the national defense. Examples are: communications between attorney and client and doctor and patient; exchange of opinions between officials; reports from subordinates to seniors; and other material described in § 518.2 (d).

(d) *General policy.* (1) As a general policy, records of the Army Establishment may be released in accordance with §§ 518.1–518.4 when such release is consistent with security requirements and the public interest. In fact, certain missions of the Army require the release of information or records to members of the public or to specific individuals or agencies. Such information, and other information which is not safeguarded within the meaning of paragraph (c) (4) of this section, may be released upon request, provided that the request is not so burdensome as to interfere materially with the operations of the Army Establishment.

(2) When a request for safeguarded records is received, the Secretary or the officers designated by him, will determine whether the applicant is properly and directly concerned and whether release of the information would be compatible with the public interest. The determinations will take into account the nature of the information sought and the use to be made of it by the applicant. If a decision is made to release the record, an exception will be made under the provisions of § 518.2 (d) (3).

(3) The Bureau of the Budget has directed that a charge be imposed for conducting a search and preparing copies of records in accordance with the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U. S. C. 140). Exceptions are made if an individual or agency is entitled to a copy under pertinent provisions.

§ 518.2 *General principles and procedures.*—(a) *Preparation of requests for Army records.* (1) Requests will be directed as follows:

(i) *Medical records.* (a) Requests involving medical records of former personnel will be directed to the Commanding Officer, Army Records Center, TAGO, 9700 Page Boulevard, St. Louis 14, Missouri.

(b) Requests for medical records of all other military personnel will be directed to the medical treatment facility where they are maintained, if known. If the medical facility is not known, the request will be directed to The Adjutant General, Department of the Army, Washington 25, D. C. (Attn: AGPE).

(ii) *Legal records and labor matters.* Requests for the following records will be forwarded to The Judge Advocate General, Department of the Army, Washington 25, D. C.:

(a) Requests involving title records, abstracts of title, condemnation proceedings, transfers, maps and surveys, leases, licenses and permits, and records concerning political jurisdiction over real property under the control and administration of the Secretary of the Army (ATTN: Chief, Lands Division).

(b) Requests involving papers relating to labor disputes (ATTN: Chief, Procurement Law Division).

(c) Requests involving records of trial by general court-martial and by special court-martial, wherein a punitive discharge was imposed (ATTN: Chief, Military Justice Division).

(iii) *Civil works program.* Requests involving papers relating to river and flood control works of the Department of the Army, other than those included in subparagraph (1) (ii) of this paragraph, will be directed to the appropriate division or district office of the Corps of Engineers, if known; otherwise, to the Chief of Engineers, Department of the Army, Washington 25, D. C.

(iv) *Civilian personnel records.* Requests involving personnel records of civilian employees, other than those pertaining to former employees, will be directed to the installation at which the individual is employed. Requests involving personnel records of former civilian employees will be directed to the Chief, Federal Records Center, GSA, 1724 Locust Street, St. Louis 3, Missouri.

(v) *Procurement matters.* Requests for material relating to procurement activities will be forwarded to the contracting officer or to the appropriate office of the technical service.

(vi) *Military personnel records and other requests.* Requests for records of military personnel (otherwise not provided for in this paragraph), requests for documentary materials seized by the military forces during operations, and all other unspecified requests, will be directed to The Adjutant General, Department of the Army, Washington 25, D. C.

(2) *Contents of requests.* All requests will include the following information:

(i) A detailed description of the papers to which the request relates so as to afford a ready identification thereof.

(ii) If the request is made by an individual acting in a representative capacity on behalf of another individual or organization, the representative will provide a written authorization from the individual or agency concerned.

(iii) If the request relates to information or papers, the release of which is limited to persons properly and directly concerned (see § 518.4) the request will contain a statement which reflects that concern.

(b) *Personal examination of records.* (1) It is not feasible, in view of the large number of agencies and the wide variety of papers in the Army Establishment, to establish by general rule the places at which access may be granted to particular documents. However, when authority to examine records is granted, the examination normally will be permitted at the place where the papers are maintained or stored, during regular business hours, and under such circumstances and procedures as are deemed appropriate by the custodian.

(2) Army records will not be permitted to leave the possession of the authorized custodian thereof, except with the authority, in each instance, of the custodian. Copies, summaries, or extracts of the records may be released, however, in accordance with the provisions of §§ 518.1–518.4.

(c) *Burdensome requests for information or copies.* Requests will not be approved if compliance therewith would interfere materially with the operations of the Army Establishment.

(d) *General restrictions on release.* (1) Requests relating to the types of records set forth below will not be approved unless an exception is made in the manner set forth in subparagraph (3) of this paragraph or in the manner prescribed by other regulations which relates to specific types of records:

(i) Material which is protected by statute or regulation (e. g., information which is secured by Government officials which involves the "know-how" process of a contractor or other confidential information).

(ii) Loyalty or security proceedings against specific individuals, the investigative procedures involved therein, and the other types of information which are outlined in Executive orders 9835, March 21, 1947 and 10450, April 27, 1953, and the Memorandum by the President, March 13, 1948 (13 F. R. 1359).

(iii) State secrets, or material which would embarrass the United States in its relations with a foreign power.

(iv) Information relating to the national defense which is classified under §§ 505.1–505.16 of this subchapter.

(v) Counterintelligence material developed by military investigative agencies or by agencies outside of the Defense Department.

(vi) Information which relates to Army, Navy, or Air Force installations or equipment, the unauthorized release of which is prohibited by the statutes.

(vii) Material received by the Army pursuant to a licensing agreement, the unauthorized disclosure of which would violate a legal obligation to the licensor.

(viii) Information of the following nature: Material which discloses the investigative techniques of the Federal

Government or the identity of confidential informants; material received in confidence by representatives of the Army Establishment.

(ix) Information which aids in the prosecution of, or support of, a claim against the United States.

(x) Reports by military personnel or civilian employees to superiors; proceedings before courts-martial, boards of officers, boards of inquiry, and courts of inquiry; and reports as to particular incidents and transactions (such as reports by claim officers and reports of survey); matters relating solely to the internal management, administration, and operation of the Army Establishment; and material relating to the performance of assigned duties by military personnel and civilian employees.

(xi) Rumors and unsubstantiated allegations prejudicial to the character, standing, or efficiency of an individual. Included in this category are reports of suspected criminal conduct or fraudulent activities on the part of military personnel or civilian employees of the Army Establishment, or private individuals or agencies who deal with the Army Establishment. This limitation will not apply if the allegations have been made the basis of formal charges in a military or civil court against the individuals or agencies.

(xii) Personnel records containing entries which are confidential in nature, the release of which would affect the morale, efficiency, or discipline of members of the Army Establishment.

(2) The limitations set forth in subparagraph (1) of this paragraph are applicable even though a safeguarding symbol may not have been placed upon the records.

(3) The Secretary, or the officers named in paragraphs (f) and (g) of this section, may make an exception and permit the release of the records enumerated in subparagraph (1) of this paragraph. The factors outlined in § 518.1 (d) (2) will be considered when an exception is made.

(e) *Declassification.* If it appears that information from, access to, or copies of safeguarded papers are of vital importance to a party requesting them and that the granting of the request would be appropriate but for the use of the safeguarding symbol, the removal of the symbol will be considered for the whole document or portions thereof.

(f) *Delegation of authority.* Authority is hereby delegated to the officers named below to take action upon behalf of the Secretary of the Army in accordance with the stated procedures. However, the named officers will coordinate all matters which have public relations aspects with the Chief of Public Information or with the appropriate public information officer.

(1) The Adjutant General is authorized, in his discretion, to take action upon all requests set forth in paragraph (a) (1) (i) (a) and (vi) of this section and where necessary to make an exception in the public interest in accordance with paragraph (d) (3) of this section.

(2) The Surgeon General and the commanding officer of any medical treatment facility are authorized, in their discretion, to take action upon all requests set forth in paragraph (a) (1) (i) (b) of this section. These officers may, subject to the restrictions set forth in § 518.4 (c) (2), furnish access to papers which are not safeguarded and are within the categories covered by § 518.4 (c) (1) (v) through (vii). The records of former military personnel are excluded. If an exception is to be considered, the request will be processed under paragraph (g) of this section.

(3) The Judge Advocate General is authorized, in his discretion, to take action upon all requests set forth in paragraph (a) (1) (ii) of this section, and where necessary to make an exception in the public interest in accordance with paragraph (d) (3) of this section.

(4) The Chief of Engineers is authorized, in his discretion, to take action upon all requests set forth in paragraph (a) (1) (iii) of this section. If an exception is to be considered the request will be processed under paragraph (g) of this section.

(5) The heads of administrative and technical services in their discretion are authorized to take action upon all requests set forth in § 518.4 (a) (2). If an exception is to be considered, the request will be processed under paragraph (g) of this section.

(6) Any authority herein delegated to The Adjutant General may be redelegated by him to the commanders of any Army, to any major overseas commander, or to the heads of administrative and technical services with regard to specified categories of papers and records which are maintained or stored by an agency or agencies under the jurisdiction of the commander or head of the service concerned. Any authority herein delegated to the Chief of Engineers or heads of other administrative or technical services may be redelegated to senior commanders with regard to specified categories of papers and records which are maintained or stored by an agency or agencies under the district or division office.

(g) *Reference to The Judge Advocate General.* Questions of legal interpretations with regard to the release of information which may arise under §§ 518.1–518.4 or in matters which arise from litigation, will be referred to The Judge Advocate General (e. g. whether information would aid in the prosecution or support of claims against the United States; whether parties requesting certain information are properly and directly concerned therewith; whether certain privileged records may be released without the consent of the individual concerned).

§ 518.3 *Information obtainable by members of the general public.*—(a) *Authority to release or furnish access material to members of the general public.* The commander of a unit, head of an administrative or technical service, head of an agency or office concerned, may furnish access to, or copies of, unclassified regulations, publications, rules, orders, and decisions, except those which fall within the limitations set forth in § 518.2 (d).

(b) *Categories.* The following categories of records are illustrative of the type which can be released by the aforesaid officers without referring the request to the Department of the Army.

(1) Army regulations, special regulations, readjustment regulations, mobilization regulations, Joint Army-Air Force adjustment regulations, general orders, bulletins, Department of the Army pamphlets, procurement regulations, procurement circulars, Armed Services procurement regulations, instructions issued by the administrative or technical services, Army renegotiation manual, renegotiation manuals, and standard forms of bids, acceptances, contracts, and leases.

(2) Final decisions by Boards of Review created under the Uniform Code of Military Justice, Decisions of the Armed Services Board of Contract Appeals and of the War Contract Hardship Claims Board.

(3) Rules, orders, and opinions in the adjudication of cases of general public interest which may be cited as precedents; regulations concerning river and harbor and flood control activities; regulations governing navigable inland and coastal waters; and courts-martial orders.

(4) Historical data.

§ 518.4 *Information obtainable by persons properly and directly concerned.*—(a) *General.*—(1) *Medical records.* Nothing in §§ 518.1–518.4 will be construed to limit the recognized authority of the commanding officer of a medical treatment facility to release to the following individuals:

(i) Information of the condition of sick and injured patients may be released to the relatives of such patients, in order to allay their anxiety.

(ii) Information that the patient's condition has reached a critical stage may be released to the nearest known relative or the person designated by the patient to be informed in case of an emergency.

(iii) Information that a diagnosis of psychosis has been made may be released to the nearest known relative or the person designated by the patient.

(iv) Information to local officials with respect to all births, deaths, and cases of communicable diseases where such reports are required by pertinent local laws.

(2) *Procurement information.* Contracting officer may, in accordance with ordinary commercial practices, furnish Department of the Army contractors, subcontractors, their assignees and sureties, access to contracts or other papers pertinent to that relationship or reasonably necessary in the furtherance of the work or the furnishing of the supplies or services being obtained. However, the following limitations will apply:

(i) If safeguarded defense information is involved, the provisions of §§ 505.1–505.16 of this subchapter will be observed.

(ii) In the absence of a contractual obligation to release information or if the data is not a type which is disseminated in the course of normal working relationship, contracting officials will not

permit access to information which aids or supports a claim against the United States.

(*a*) Pertinent regulations of the Department of the Army, which implement the provisions of the Contract Settlement Act of 1944, permit exceptions to be made, however, and authorize a contracting officer, in the proper performance of official duties, to furnish information which aids or supports a claim against the United States (e. g., giving certain advice, aid, and assistance to war contractors, subcontractors, their assignees and sureties, in preparing contract termination claims. Contract Settlement Act of 1944 (58 Stat. 649, 699; 41 U. S. C. 101 et seq., 120 (f))). Other requests will be processed in accordance with § 518.2 (g).

(*b*) The Department of the Army has no objection to the release of information to stockholders on the financial operations of corporations holding Department of the Army contracts when access to books and records containing such information is permitted by State law. However, no safeguarded information may be divulged to unauthorized persons concerning the national defense or the terms of Department of the Army contracts, or rate of or processes of production of military equipment or specific war items.

(3) *Board proceedings.* The precise nature of allegations and the evidence adduced in support thereof, may be released to respondents before boards of officers and boards of inquiry. Certain other individuals and agencies will be considered also to have a proper concern in a board proceeding if they have a direct financial interest in the proceedings (e. g., a surety company which may be obliged to indemnify the Government for a loss of the funds which are involved). Requests of this nature will be processed under § 518.2 (g).

(4) *Claims files.* A claims officer, judge advocate, or other officer who is concerned officially with the disposition of claims arising out of the operation of the Army Establishment, may permit a claimant or his authorized representative to examine papers submitted by the claimant. However, in the absence of pertinent regulations, a claimant or the authorized representatives of the claimant will not be furnished information from, access to, or copies of other papers of record concerning the claim without the prior approval of The Judge Advocate General. The provisions of §§ 518.1–518.4 do not preclude authorized personnel from advising claimants as to the proper form and method of filing a claim after a claimant has manifested an intention to file a claim against the United States. Furthermore, if the claim is complex in nature, the officer may aid in the completion of the required forms.

(5) *Statement of military service.* The Department of the Army is required by statute to provide certain information relating to the service of any individual to that individual or his legal representatives. (Sec. 601 of the Soldiers and Sailors Civil Relief Act of 1940, as amended; 50 U. S. C. App. 581.)

(b) *Release of certain information in proper discharge of official duties.* Information which is released in accordance with the provisions of §§ 518.1–518.4 is considered to be a release in the proper discharge of official duties within the meaning of Title 18, United States Code, Section 283, as amended by subsection 2 (b), act of 28 June 1949 (63 Stat. 280).

(c) *Release of certain papers by The Adjutant General, The Surgeon General, or the commanding officer of a medical treatment facility.* (1) The Surgeon General or the commanding officer of any medical treatment facility may release information from unclassified papers within any of the categories set forth in subdivisions (v) through (vii) of this subparagraph. The Adjutant General may release information from papers which are not safeguarded and are within any of the categories set forth in subdivisions (i) through (vii) of this subparagraph. Any releases effected under this paragraph are subject to the limitations set forth in subparagraph (2) of this paragraph.

(i) Papers relative to applications for, designation of beneficiaries under, and allotments in payment of premiums for, National Service Life Insurance are the proper and direct concern of the applicant or insured. In the event of his death or insanity, the beneficiaries designated in the policies, or the next of kin, are considered to have a direct and proper concern in these records, and may receive information from the aforesaid records.

(ii) Papers recording the death of a member of the military service, a dependent, or a civilian employee are the proper and direct concern of his next of kin, his life insurance carrier, and legal representative.

(iii) "TAG 201 files" relating to a member or former member of the military service are the proper and direct concern of the individual to whom they pertain, his authorized agent, and legal representative. However, information or data compiled from such personnel records will be furnished only at the discretion of The Adjutant General. Paragraph (a) (5) of this section discusses certain records which normally are released to members, or former members of the Army. In addition, access to "TAG 201 files" relating to a member of the military service on active duty may be furnished to the individual to whom they pertain, his authorized agent, and legal representative. Examination of these records will be permitted only in the Personnel Records Branch, Office of The Adjutant General, The Pentagon, Washington 25, D. C.

(iv) Papers relating to the pay and allowances or allotments of a member of the military service or the pay of a civilian employee, including a former member of the military service or a civilian employee, are the proper and direct concern of, and access thereto may be furnished to, the individual to whom they pertain, and to his authorized representatives, and next of kin.

(v) Medical records relating to present or former military personnel, civilian employees, or patients in a medical treatment facility of the Army Establishment, are the proper and direct concern of the individual to whom they pertain, and may be released to him. In the event he has been adjudged insane or is dead, the records are the proper and direct concern of the next of kin or legal representative, and may be released to them. However, if the information might prove injurious to the physical or mental health of the patient, the information will not be released to the individual concerned. In such a contingency, the information will be released only to his next of kin and legal representatives.

(vi) Medical records may be furnished to a Federal or State hospital or penal institution when the individual to whom they pertain is a patient or inmate therein. If the patient or his legal representative consents, the medical records of the patient may be released to a registered civilian physician.

(vii) Copies of medical records, or information therefrom, may be furnished to authorized representatives of the National Academy of Sciences, National Research Council, or any other accredited agency, when engaged in cooperative studies undertaken at the specific request of, or with the consent of, The Surgeon General.

(2) Information released to third persons under the provisions of subparagraphs (1) (v), (vi), and (vii) of this paragraph will be accomplished by a statement to the effect that the information is released upon condition that it will not be disclosed to other persons, except in accordance with the accepted limitations which relate to privileged communications between doctor and patient.

[AR 345-20, 9 March 1956]

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56-9073; Filed, Nov. 7, 1956; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 55—GRANTS FOR WATER POLLUTION CONTROL

SUBPART B—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Notice of proposed rule making and public rule making procedures have been omitted in the issuance of the following amendment of this part which relates solely to grants.

1. Subpart B is hereby added as set forth below.

Sec.
55.21 Definitions.
55.22 Allotments to States.
55.23 Availability of allotments.
55.24 Applications for grants.
55.25 Grant limitations.
55.26 Assurances from applicant.
55.27 Determining the desirability of projects.
55.28 Criteria for considering propriety of Federal aid.
55.29 Payments.
55.30 Expenditure of funds.

AUTHORITY: §§ 55.21 to 55.30, issued under sec. 10, 70 Stat. 506; 33 U. S. C. 466e. Interpret or apply sec. 6, 70 Stat. 502; 33 U. S. C. 466l.

§ 55.21 *Definitions.* All terms used in this subpart which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given to them in such act. As used in this subpart, the following terms shall have the meaning indicated herein below:

(a) "Federal act" means the Federal Water Pollution Control Act (33 U. S. C. 466 et seq.).

(b) "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "State Water Pollution Control Agency" means the State health authority, except that in the case of any State in which there is a single State agency, other than the State health authority, charged with the responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate agency" means an agency of two or more states established by or pursuant to an agreement or compact approved by the Congress, or any agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico and the Virgin Islands.

(g) "Fiscal year" means a twelve-month period beginning on July 1.

(h) "Population" means the official population figures of the latest decennial census for which figures are available as certified by the Secretary of Commerce.

(i) "Per capita income" means the average of the per capita income of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except that in the absence of such satisfactory data, the per capita income of Alaska shall be deemed to equal the average per capita income of all the States in the continental United States and the per capita incomes of (1) Puerto Rico and (2) the Virgin Islands shall be deemed to equal the per capita income of the State having the lowest per capita income in the continental United States.

(j) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(k) "Intermunicipal agency" means an agency of two or more municipalities having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(l) "Treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary interceptor sewers, outfall sewers, pumping, power, and other equipment and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(m) "Applicant" means any State, municipality, intermunicipal or interstate agency which files an application for a grant of Federal funds under section 6 of the Federal act.

§ 55.22 *Allotments to States.* The funds appropriated for any fiscal year for expenditures for grants for construction of treatment works shall be allotted as soon as practicable as follows:

(a) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and

(b) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sums of such quotients for all the States.

§ 55.23 *Availability of allotments.* The allotment of a State shall be available, in accordance with the provisions of this subpart, only for payments to meet the cost of construction of treatment works in such State for which Federal grants have been approved by the Surgeon General.

§ 55.24 *Applications for grants.* Applications for grants for the construction of treatment works shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

§ 55.25 *Grant limitations.* (a) Grants under this subpart shall be subject to the following limitations:

(1) No grant shall be made for any work for which a contract was let prior to July 31, 1956.

(2) To be eligible for a grant, a project must result in an operable treatment works which treats or stabilizes sewage or industrial wastes of a liquid nature in order to abate, control, or prevent water pollution.

(3) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Surgeon General and unless such project is included in a comprehensive program developed pursuant to the Federal act.

(4) No grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Surgeon General or in an amount exceeding $250,000, whichever is the smaller: *Provided,* That the grantee agrees to pay the remaining cost.

(5) No grant shall be made until the Applicant has made provision satisfactory to the Surgeon General for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof.

(6) No grant shall be made unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 of the Federal act and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

(b) At least 50 per centum of the funds appropriated for such grants for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under.

§ 55.26 *Assurances from applicant.* No grant shall be made until the Surgeon General has received assurances from the Applicant:

(a) That actual construction work will be performed by the lump sum (fixed price) or unit price contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid;

(b) That the project will not be advertised or placed on the market for bidding until the final plans and specifications have been approved by the Surgeon General and the appropriate State agency, and the Applicant has been so notified;

(c) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty percentum (50 percent) of the contract price, and to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance;

(d) That any change or changes in the contract which make any major alteration in the work required by the plans and specifications, or which raise the cost of the project above the latest estimate approved by the Surgeon General, will be submitted to the Surgeon General for prior approval;

(e) That the construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, Territorial and local laws and ordinances;

(f) That the construction contract will provide that the representatives of the Public Health Service and the State will have access to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;

(g) That the Applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms with the approved plans and specifications;

(h) That adequate accounting and fiscal records shall be maintained to reflect the receipt and expenditure of funds for the purpose of this project and all funds, however provided for the payment of the cost of the project, shall be deposited, promptly upon receipt thereof, in a separate construction account or accounts and these funds shall be expended only for costs of the project;

(i) That the declarations, assurances, representations and statements made by the Applicant in the application, and all

documents, amendments and communications filed with the Public Health Service by the Applicant in support of its request for a grant, will be fulfilled;

(j) That the Applicant will submit to the Surgeon General such documents and information as he may require;

(k) That the construction contract will require the contractor to comply with the regulations of the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, 40 U. S. C. 276 (c), and any amendments or modifications thereto, to cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and to be responsible for the submission of affidavits required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof;

(l) That the Applicant will demonstrate to the satisfaction of the Surgeon General his ability to pay the remaining cost of the project;

(m) That the Applicant has or will have prior to awarding of the construction contract, a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, as the Surgeon General finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project; and

(n) The Applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Surgeon General.

Provided, That none of these Assurances except paragraphs (a) through (d) required under this section may be waived by the Surgeon General. Paragraphs (a) through (d) may be waived in whole or in part (and subject to such conditions as he deems necessary) if the Surgeon General finds that the purpose of such Assurance is fulfilled.

§ 55.27 *Determining the desirability of projects.* In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, the Surgeon General shall give consideration to the following:

(a) The relation of the estimated cost of the project, including operation and maintenance, to the public interest and to the necessity for the project;

(b) The propriety of Federal aid in construction of the project;

(c) The public benefits to be derived by the construction of the project;

(d) The related projects requiring completion before full benefit can be derived from the project for which the application is made and the degree to which the completion of the related projects in the near future is reasonably assured;

(e) The feasibility of utilizing available facilities; and

(f) The probability that the project will be constructed and put into operation within a reasonable time.

§ 55.28 *Criteria for considering propriety of Federal aid.* The propriety of Federal aid pursuant to section 6 (c) of the act will be determined by the Surgeon General on the basis of one or more of the following criteria:

(a) *Interstate, coastal and Great Lakes waters.* Whether the project is required to control pollution of interstate waters, coastal waters or waters of the Great Lakes (including tributaries of such waters contributing materially to the pollution of such waters), and such pollution is inimical to public water supplies propagation of fish and aquatic life and wildlife, recreational purposes, or agricultural, industrial, or other legitimate water uses.

(b) *International treaty obligations.* Whether the project is required to control pollution in meeting international treaty obligations or agreements.

(c) *Federal impact.* Whether the project involves a pollution problem substantially and adversely affected by (1) Federal installations contributing to the total municipal waste loadings; (2) a water use requirement involving national defense; (3) a Federal water resource development; or (4) an influx of population to carry out Federal activities.

(d) *Public health necessity.* Whether the project involves treatment works required to abate a serious public health hazard.

(e) *Financial burden.* Whether the municipality can demonstrate that the construction of needed sewage treatment works involves an extraordinary and excessive financial burden in relation to its economic resources.

§ 55.29 *Payments.* (a) Installment payments of the grant shall be made at the request of the Applicant, shall be based on the cost of the work performed, materials and equipment furnished, and services rendered in connection with an approved project, and shall be made as follows:

(1) A first installment when not less than 25 percent of the construction of the project is completed;

(2) A second installment when not less than 50 percent of the construction of the project is completed;

(3) A third installment when not less than 75 percent of the construction of the project is completed; and

(4) A fourth installment when the project is completed and final inspection by a representative of the Public Health Service is made.

(b) Upon written request and a showing of necessity by the Applicant, the Surgeon General may adopt a different schedule of payments.

(c) The total grant payments for any project shall not exceed the amount of the approved grant or 30 per centum of the actual reasonable cost thereof as determined by the Surgeon General at completion of construction of the treatment works, whichever is the smaller.

§ 55.30 *Expenditure of funds.* Amounts paid to an Applicant shall be expended solely for the carrying out of the purposes for which the grant was approved.

2. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 5, 1956.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: November 2, 1956.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 56-9137; Filed, Nov. 7, 1956; 8:55 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

STATEMENT OF POLICY

Clarence G. Morse, Maritime Administrator, Department of Commerce, has announced that, effective November 5, 1956, all publicly announced policies of the Maritime Administration, as outlined in press releases of July 11, 1952, October 12, 1953, November 9, 1955, and January 23, 1956, governing applications filed pursuant to secions 9 and/or 37 of the Shipping Act, 1916, as amended, are terminated.

Effective simultaneously with the above termination, the following are hereby established as the general foreign transfer policy, terms and conditions of the Maritime Administration with respect to all vessels of 3,000 gross tons and over. The Maritime Administrator, however, reserves the right, without public notice, to modify or rescind any of the policy, terms or conditions listed if, in his judgment, circumstances warrant. Only those written approvals valid as of the effective date of this announcement will be honored strictly in accordance with their terms.

APPENDIX

I. TRANSFER OF U. S. PRIVATELY OWNED VESSELS TO FOREIGN OWNERSHIP AND/OR REGISTRY

A. *General conditions.* Each application will be considered on its individual merits on the basis of the type, size, speed, general condition and age of the vessel, acceptability of the foreign buyer and country of registry, and each will be evaluated from the standpoint of the need for retention of the vessel involved under the U. S. flag or U. S. ownership for purposes of (1) National Defense; (2) maintenance of an adequate American merchant marine; (3) foreign policy of the United States; and (4) the National interest.

No U. S. flag so-called "war-built" vessel, such as Liberty and Victory type dry cargoes, T-2 type tankers, will be approved for transfer to foreign ownership and registry unless the American owner thereof undertakes a replacement program (hereinafter referred to as "Trade-Out-And-Build"), except as to those American flag vessels which, by reason of a marine casualty, are abandoned to alien underwriters.

Over-age U. S. flag vessels (20 years of age and over, excepting those of special design or those vessels the useful life of which shall have been extended by jumboizing or modernization) shall be considered as obsolete and not needed to meet the commercial requirements of the American merchant marine. Transfer of over-age vessels may be approved for transfer to foreign ownership and registry without a replacement program, provided the vessel is not needed for purposes of National Defense.

B. *"Trade-out-and-build" programs.* Transfer to foreign ownership and/or registry of U. S. flag "war-built" vessels, such as the Liberty and Victory type (AP2's only) dry cargo vessels and T-2 type tankers will be approved only if the United States owner thereof undertakes to replace the vessels to be transferred by the construction of a new vessel for U. S. flag documentation and operation, said vessel to be of size, type, design, speed and carrying capacity acceptable to the Maritime Administrator.

The number of U. S. flag vessels to be transferred foreign will be determined by the Maritime Administrator on a case-by-case basis, using wherever practicable "equivalent utility value," substantially in accord with the following formula:

New ship construction	*Transfer Foreign*
(1) One new vessel of 46,000 dwt or of a smaller size satisfactory to the Maritime Administrator.	Not exceeding: 2 U. S. flag T-2 type tankers; or 3 Victory type vessels (AP2's); or 4 U. S. flag Liberty dry cargo vessels.
(2) One new vessel in excess of 46,000 dwt.	Additional U. S. flag vessels (Liberty and Victory type (AP2's) dry cargo and T-2 types). For example: three T-2's for each new vessel of 65,000 dwt; four T-2's for new vessels of 100,000 dwt.

NOTE: Transfers to foreign ownership and/or registry of the above types of U. S. flag vessels will NOT be approved in conjunction with construction programs involving jumboizing, modernization, or other types of conversion, of existing U. S. flag merchant ships.

Other criteria and conditions. The above formulas are not to be construed as a binding commitment upon the Maritime Administrator but, as stated, each "trade-out-and-build" application will be considered on its individual merits and upon the circumstances existing at the time of submission of each such application. Each applicant will be required to submit within three months of the date of approval in principle: (a) evidence of financial ability to undertake the new vessel construction; (b) evidence of citizenship; and (c) executed copies of the construction contract, together with plans and specifications. In addition, the requirement will be made that the construction contract for the new vessel may not be assigned to others without the prior approval of the Maritime Administrator and (unless prevented by causes determined by the Maritime Administrator to be reasonably beyond the control of applicant) that the new vessel shall be completed and documented under United States laws within 24 months of the date of the construction contract or such other time as may be approved by the Maritime Administrator.

The individual or corporation which applies for transfer of U. S. flag vessels to foreign ownership and registry, in conjunction with "trade-out-and-build" programs, and which commits itself to construct a new vessel is required to be the owner, or parent or U. S. subsidiary or related company of the owner, of U. S. flag vessel(s).

In the event the new vessel is not constructed and documented under United States laws by the applicant or any U. S. subsidiary or affiliate of the applicant within the time limit prescribed, said corporation and the principal U. S. citizen stockholders thereof, jointly and severally, shall pay to the United States, as liquidated damages and not as a penalty, for the new vessel agreed to be constructed which is not constructed, a sum which, at the time of formalization of the approval, shall represent the difference between the United States and foreign market values of the vessels which are transferred.

The owner of a vessel transferred to foreign registry and flag under the above "trade-out-and-build" program is to be either: (a) a United States citizen within the meaning of section 2 of the Shipping Act, 1916, as amended, or (b) a corporation organized under the laws of either the United States, Liberia, Panama or Honduras, all or a majority of the stock in which said corporation shall be owned by a citizen or citizens of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended. The registry and flag of the vessel transferred shall be either Liberian, Panamanian or Honduran.

The above "trade-out-and-build" policy does not preclude the availability of construction differential subsidy, Title XI mortgage insurance, accelerated amortization or other forms of government assistance, each to be considered on its merits and in accord with the laws and regulations on the subject.

C. *Transfers to foreign ownership and/or registry (without vessel replacement)*—(1) *For operation.* Under this category are "over-age" vessels as hereinbefore defined; vessels which are now under foreign registry and owned by U. S. citizens; or such vessels which, because of their small carrying capacity, type, size and condition, may be determined as not of an adequate type for retention under the United States flag (i. e., within the range of 3000 to 5000 gross tons). All applications involving vessels in these categories will be scrutinized on the basis of the individual merits of each and may be approved for transfer to foreign ownership and/or registry, provided determination is made that the vessel is not needed for retention under U. S. flag or United States ownership from the standpoint of National Defense; maintenance of an adequate merchant marine; foreign policy of the United States and National interest. There is no limitation as to the nationality of the foreign buyer or country of registry of vessels in this category, except that the foreign buyer and country of registry must be acceptable to the Maritime Administrator.

In this category also, would be those vessels which have been declared a constructive total loss because of a marine casualty and which have been abandoned to insurance underwriters, the majority or all of whom may be noncitizens of the United States. The Maritime Administration's approval is required before such vessels may be abandoned to alien underwriters. Such approval will not generally be withheld, provided evidence of a nature satisfactory to the Maritime Administrator of the asserted constructive total loss is submitted to the Maritime Administration and provided also the alien underwriters will not resell the vessel, either for operation or for scrapping, to other alien interests without the Maritime Administration's approval as to the foreign buyer.

(2) *For scrapping.* U. S. privately owned vessels which are considered unnecessary, because of obsolescence, for further United States flag operation will, in most cases, be approved for sale to foreign corporations for scrapping abroad without restriction as to the nationality of the foreign buyer, if said buyer is acceptable to the Maritime Administrator.

II. NEW SHIP CONSTRUCTION BY UNITED STATES SHIPYARD FOR FOREIGN FLAG OWNERSHIP AND/OR REGISTRY

During periods of National Emergency, United States shipyards are required to obtain the prior approval of the Maritime Administration before (a) entering into a contract to construct a vessel for a corporation which is not a citizen of the United States as defined in section 2 of the Shipping Act, 1916, as amended; (b) delivering the completed vessel to a foreign corporation; (c) documentation of the vessel under foreign registry, and (d) departure of the vessel from a United States port.

As a general rule, there will be no limitation as to the nationality of such corporation, nor as to the nationality of its stock ownership, other than to require that such foreign contractor must be acceptable to the Maritime Administrator.

III. CONDITIONS OF APPROVAL OF TRANSFERS TO FOREIGN OWNERSHIP AND/OR REGISTRY

A. *United States privately owned vessels of 3,000 gross tons and over, regardless of type or age.* The following terms and conditions shall be applicable to all transactions requiring the Maritime Administration's approval, pursuant to sections 9 and/or 37 of the Shipping Act, 1916, as amended, of transfers to foreign ownership and/or registry, for operation, of all vessels of 3,000 gross tons and over, and shall be in effect for the remaining period of the 20-year life of the vessel, or for the duration of the National Emergency as proclaimed by the President on December 16, 1950, whichever is the longer period, EXCEPT as to those vessels the economic life of which may have been extended by reason of conversion or jumboizing. (In the latter case the period will be extended another five years or such other period of time as may be approved by the Maritime Administrator.) The conditions are stated hereunder:

1. *Ownership.* Without the prior written approval of the Maritime Administration, there shall be neither transfer of ownership, nor change in the registry of the vessel transferred, nor shall there be any transfer of stock interest in the foreign corporate buyer to persons not citizens of the United States (within the meaning of section 2 of the Shipping Act, 1916, as amended), except such transfers of stock or change of ownership which result by reason of the death of any stockholder or owner. Notification of any change, occurring by reason of death, shall be filed with the Maritime Administration within 60 days of the date of the transfer of stock or change of ownership.

2. *Availability.* That the ship, whether owned by the foreign corporate buyer, or any subsequent transferee, shall, if requested by the United States or any qualified department or agency thereof, be sold or chartered to the United States on the same terms and conditions upon which a vessel owned by a citizen of the United States could be requisitioned for purchase or charter as provided in section 902, Merchant Marine Act, 1936, as amended, unless said vessel is lost or scrapped. However, if the transfer of flag is to a country that is a signator of the North Atlantic Pact (NATO), the Administrator will consider this condition satisfied if the vessel upon request is made available to a NATO country within the terms of the Pact.

3. *Trade.* That the vessel shall not engage in trade prohibited to U. S. flag vessels under Department of Commerce Transportation Orders T-1 and T-2, or any modification thereof, unless earlier terminated.

4. *Default.* In the event of default under conditions 1 or 2 or 3, the vessel approved

tion within a reasonable time.

approved.

have been extended by jumbolzing or mod-

for transfer shall be subject to the penalties imposed for violation of conditions of approval as provided in section 41 of the Shipping Act, 1916, as amended (46 U. S. C. 839).

Pursuant to the provisions of section 38 of the Shipping Act, 1916, as amended (46 U. S. C. 836) the Maritime Administrator may mitigate any forfeiture. To secure the payment of the sum of money required for any such mitigation the foreign corporate contractor shall agree, in a contract in form satisfactory to the General Counsel, to the above prescribed conditions and shall agree to provide, and shall provide, a United States commercial surety bond in the principal amount of $50,000 to $250,000 depending on the vessel (in the case of foreign corporations owned or controlled by foreign citizens), or the agreement of the foreign corporate buyer and its principal U. S. citizen stockholders (if the foreign corporate buyer is owned or controlled by United States citizens) in like amount to secure the payment as aforesaid, or other security satisfactory to the Maritime Administrator; *Provided further*, That in the event of any mitigation of the forfeiture the foreign corporate buyer, as part of such mitigation, will enter into a new agreement containing substantially the same conditions as above covering the said vessel approved for transfer, for the remaining period of the original agreement.

B. *New ship construction for foreign flag ownership and/or registry.* The following conditions will be applicable to all approvals granted of applications involving the construction of new vessels in the United States for foreign flag ownership and/or registry. Such terms and conditions shall be effective only for the duration of the National Emergency as proclaimed by the President on December 16, 1950:

1. *Ownership.* Without the prior written approval of the Maritime Administration, there shall be neither transfer of ownership, nor change in the registry of the vessel transferred, nor shall there be any transfer of stock interest in the foreign corporate contractor to persons not citizens of the United States (within the meaning of Section 2 of the Shipping Act, 1916, as amended), except such transfers of stock or change of ownership which result by reason of the death of any stockholder or owner. Notification of any change, occurring by reason of death, shall be filed with the Maritime Administration within 60 days of the date of the transfer of stock or change of ownership.

2. *Availability.* That the ship, whether owned by the foreign corporate contractor, or any subsequent transferee, shall, if requested by the United States or any qualified department or agency thereof, be sold or chartered to the United States on the same terms and conditions upon which a vessel owned by a citizen of the United States could be requisitioned for purchase or charter as provided in section 902, Merchant Marine Act, 1936, as amended, unless said vessel is lost or scrapped. However, if the transfer of flag is to a country that is a signator of the North Atlantic Pact (NATO), the Administrator will consider this condition satisfied if the vessel upon request is made available to a NATO country within the terms of the Pact.

3. *Trade.* That the vessel shall not engage in trade prohibited to U. S. flag vessels under Department of Commerce Transportation Orders T–1 and T–2, or any modification thereof, unless earlier terminated.

4. *Default.* In the event of default under conditions 1 or 2, the vessel approved for transfer shall be subject to the penalties imposed for violation of conditions of approval as provided in section 41 of the Shipping Act, 1916, as amended (46 U. S. C. 839).

Pursuant to the provisions of section 38 of the Shipping Act, 1916, as amended (46 U. S. C. 836) the Maritime Administrator may mitigate any forfeiture. To secure the payment of the sum of money required for any such mitigation the foreign corporate contractor shall agree, in a contract in form satisfactory to the General Counsel, to the above prescribed conditions and shall agree to provide, and shall provide, a United States commercial surety bond in the principal amount of $50,000 to $250,000 depending on the vessel (in the case of foreign corporations owned or controlled by foreign citizens), or the agreement of the foreign corporate contractor and its principal U. S. citizen stockholders (if the foreign corporate contractor is owned or controlled by U. S. citizens) in like amount to secure the payment as aforesaid, or other security satisfactory to the Maritime Administrator; *Provided further*, that in the event of any mitigation of the forfeiture the foreign corporate contractor, as part of such mitigation, will enter into a new agreement containing substantially the same conditions as above covering the said vessel approved for transfer, for the remaining period of the original agreement.

C. *Sales to aliens for scrapping abroad.* The following terms and conditions shall apply to United States privately owned vessels of 3,000 gross tons and over which are sold to foreign buyers for scrapping abroad:

1. *Time within which to be scrapped.* Within a period of 18 months from the date of approval (of the sale), the hull of said vessel shall be completely scrapped, dismantled, dismembered, or destroyed in such manner and to such extent as to prevent the further use thereof, or any part thereof, as a vessel, barge, steamship or any other means of transportation whatsoever;

2. *Ownership and distribution of scrap material.* Neither said vessel nor any interest therein shall be sold to nationals of, or to any person (not a citizen of the United States) residing in Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, or Communist China; nor shall the scrap resulting from the demolition of the hull of the ship, or the engines, machinery or major items of equipment, be sold to, or utilized by, any such person, or be exported to destinations in any of such countries; nor shall the engines, machinery or major items of equipment be exported to destinations within the United States;

3. *Default.* In the event of any default under 1 and/or 2 above, to pay to the Maritime Administration, Department of Commerce, without prejudice to any other rights which the United States may have, as liquidated damages and not as a penalty, the sum of $---------- (not less than $25,000, depending upon the size, type, etc. of the vessel involved), said payment to be secured by a surety company bond or other surety satisfactory to the Maritime Administration;

4. *Evidence of scrapping and destination of scrap materials.* As proof of the ultimate scrapping of the vessel (hull only) and disposal or utilization of the resultant scrap, the engines, machinery and major items of equipment in the manner above set forth, if and when effected, there shall be filed with the Maritime Administration a Certificate or other evidence satisfactory to its General Counsel, duly attested and authenticated by a United States Consul.

All contracts and/or forms of surety thereunder, embracing the above conditions, shall be in all respects satisfactory to the Maritime Administration.

Dated: November 5, 1956.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 56-9131; Filed, Nov. 6, 1956; 1:12 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

CERTAIN EDITORIAL CHANGES

The Commission having under consideration the desirability of making certain editorial changes in Appendix A to Parts 31 and 33 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature in that they involve merely the publication in the FEDERAL REGISTER of interpretations made by the Chief Accountant pursuant to authority delegated to him by the Commission, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments are already in effect; and

It further appearing that the amendments republished herein are issued pursuant to authority contained in sections 4 (i) and 220 of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 5th day of November 1956, that, effective November 8, 1956, Appendix A to Parts 31 and 33 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply Sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

Released: November 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

I. Part 31, Appendix A, is amended as follows:

1. Cancel Case 18 and substitute Case 18–R–1 as follows:

Case 18–R–1 (Cancels Case 18)

FEBRUARY 14, 1952.

Question: Under arrangements with another party, sometimes the United States Government, a telephone company agrees, or is obliged, to remove, relocate, rearrange, reroute, or otherwise make changes in telephone property, other than for the purpose of rendering telephone service to the other party, for which the company is reimbursed for all or a portion of the costs incurred. What is the proper accounting for such property changes and the reimbursements received from the other parties?

Answer: The cost of plant retirements should be accounted for in accordance with the rules applicable thereto. The cost of new plant should be included in the appropriate plant accounts at actual cost of construction. The reimbursement received shall be accounted for (a) by crediting operation and maintenance expenses to the extent of actual expenses occasioned by the plant changes and (b) by crediting the remainder to the reserve for depreciation, unless contractual terms definitely characterize residual or specific amounts as applicable to the cost of replacement. In the latter event, appropriate credits should be entered in the plant accounts.

2. Insert Cases 24–R–1 and 25 as follows:

Case 24–R–1 (Cancels Case 24)

NOVEMBER 28, 1952.

STATEMENT OF FACTS

Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations includes the following instruction in § 31.01–5, *Delayed items:*

(b) If the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort those accounts, the company shall distribute to earned surplus so much of the amount as affects the operations of prior years. The company shall file with this Commission the full particulars concerning each such item, including the accounts and years which would have been affected had the item not been delayed.

Question: What is the intent as to the time and manner of filing the required information concerning delayed items?

Answer: Full particulars concerning each delayed item should be shown in the appropriate schedule of Annual Report Form M in the manner prescribed therein.

Case 25

STATEMENT OF FACTS

OCTOBER 18, 1955.

Two telephone companies operate adjoining exchanges. An agreement between the companies is reached whereby the subscribers in an area which includes one or more exchanges of each company are given extended area service whereby all subscribers in the area have a service which permits local calls to any other subscriber of either company in that area. Each company bills its own customers in accordance with its own tariff. In certain situations, the expenses incurred by one of the companies in rendering the extended area service may be disproportionate due to differences in the amount of facilities furnished or operating functions performed in connection with the service. In such cases, payments to the one company by the other may be agreed upon as an adjustment therefor. The amount of such payments may be determined in various ways but is usually based on the relative facilities furnished by each company, the labor and other services performed by each, the number of customers in the exchange of each company, or a combination of those bases. However, in some cases the payments are intended to cover a variety of costs, e. g., operating service, maintenance on plant, supervision, related social security taxes, relief and pensions, depreciation, house service, return on investment, etc.

Question: What is the proper accounting for the amounts billed to its customers by each company and for the payments by one company to another under arrangements for rendering extended area service?

Answer: The amounts billed by each company to its customers shall be credited by it to account 500, "Subscribers station revenues," (account 3010, "Local service revenues," for Class C companies). The company receiving the payments from another company shall credit the amounts received to for Class C companies). However, where the account 506, "Other local service revenues," (account 3010, "Local service revenues," for Class C companies). The company making the payment shall charge the amount of the payments to account 675, "Other expenses," (account 4190, "Other operation expenses," agreement between the companies specifically provides for a division of revenues, the accounting shall be on that basis.

II. Part 33, Appendix A, is amended as follows:

1. Cancel Case 18 and substitute Case 18–R–1 as follows:

Case 18–R–1 (Cancels Case 18)

FEBRUARY 14, 1952.

Question: Under arrangements with another party, sometimes the United States Government, a telephone company agrees, or is obliged, to remove, relocate, rearrange, reroute, or otherwise make changes in telephone property, other than for the purpose of rendering telephone service to the other party, for which the company is reimbursed for all or a portion of the costs incurred. What is the proper accounting for such property changes and the reimbursements received from the other parties?

Answer: The cost of plant retirements should be accounted for in accordance with the rules applicable thereto. The cost of new plant should be included in the appropriate plant accounts at actual cost of construction. The reimbursement received shall be accounted for (a) by crediting operation and maintenance expenses to the extent of actual expenses occasioned by the plant changes and (b) by crediting the remainder to the reserve for depreciation, unless contractual terms definitely characterize residual or specific amounts as applicable to the cost of replacement. In the latter event, appropriate credits should be entered in the plant accounts.

2. Insert Cases 24–R–1 and 25 as follows:

Case 24–R–1 (Cancels Case 24)

NOVEMBER 28, 1952.

STATEMENT OF FACTS

Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations includes the following instruction in § 31.01–5, *Delayed items:*

(b) If the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort those accounts, the company shall distribute to earned surplus so much of the amount as affects the operations of prior years. The company shall file with this Commission the full particulars concerning each such item, including the accounts and years which would have been affected had the item not been delayed.

Question: What is the intent as to the time and manner of filing the required information concerning delayed items?

Answer: Full particulars concerning each delayed item should be shown in the appropriate schedule of Annual Report Form M in the manner prescribed therein.

Case 25

OCTOBER 18, 1955.

STATEMENT OF FACTS

Two telephone companies operate adjoining exchanges. An agreement between the companies is reached whereby the subscribers in an area which includes one or more exchanges of each company are given extended area service whereby all subscribers in the area have a service which permits local calls to any other subscriber of either company in that area. Each company bills its own customers in accordance with its own tariff. In certain situations, the expenses incurred by one of the companies in rendering the extended area service may be disproportionate due to differences in the amount of facilities furnished or operating functions performed in connection with the service. In such cases, payments to the one company by the other may be agreed upon as an adjustment therefor. The amount of such payments may be determined in various ways but is usually based on the relative facilities furnished by each company, the labor and other services performed by each, the number of customers in the exchange of each company, or a combination of those bases. However, in some cases the payments are intended to cover a variety of costs, e. g., operating service, maintenance on plant, supervision, related social security taxes, relief and pensions, depreciation, house service, return on investment, etc.

Question: What is the proper accounting for the amounts billed to its customers by each company and for the payments by one company to another under arrangements for rendering extended area service?

Answer: The amounts billed by each company to its customers shall be credited by it to account 500, "Subscribers station revenues," (account 3010, "Local service revenues," for Class C companies). The company receiving the payments from another company shall credit the amounts received to account 506, "Other local service revenues," (account 3010, "Local service revenues," for Class C companies). The company making the payment shall charge the amount of the payments to account 675, "Other expenses," (account 4190, "Other operation expenses," for Class C companies). However, where the agreement between the companies specifically provides for a division of revenues, the accounting shall be on that basis.

[F. R. Doc. 56-9149; Filed, Nov. 7, 1956; 8:57 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

Correction

In the first cross reference appearing on page 8396 of the FEDERAL REGISTER of November 2, 1956, "§ 17.5" in the second line should be changed to read "§ 17.7."

The second cross reference pertaining to the tabulation in § 17.8 should be deleted.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 994]

PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO ADMINISTRATIVE RULES AND REGULATIONS

Notice is hereby given that the Department is considering the issuance of administrative rules and regulations herein set forth, pursuant to the provisions of Marketing Agreement No. 111 and Order No. 94 regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR Part 994), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The Pecan Administrative Committee, the administrative agency for the agreement and order, at its meeting on October 10, 1956, recommended that the Department issue the Administrative Rules and Regulations, herein proposed.

Interested persons who desire to submit written data, views, or arguments, for consideration in connection with the proposals should file them with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than the close of business on the thirtieth day after publication of this notice in the FEDERAL REGISTER.

The pecan marketing order was issued in recodified form and published in the FEDERAL REGISTER on October 6, 1955. The administrative rules and regulations herein proposed contain references to various sections as renumbered in the recodified document and are as follows:

SUBPART—ADMINISTRATIVE RULES AND REGULATIONS

ELECTION OF NOMINEES TO PECAN ADMINISTRATIVE COMMITTEE AND HANDLERS ADVISORY COUNCIL

Sec.
994.433 Nomination elections.

ASSESSMENTS AND REFUNDS

994.462 Time of payment of assessments.
994.464 Time of refunds.

INSPECTION

994.475 Inspection.

EXEMPTIONS

994.476 Quantity exemption.
994.477 Pecans for shelling or processing outside the production area.

BOOKS AND RECORDS

994.480 Information to be shown in handlers records.
994.481 Reports of shipments by handlers.

AUTHORITY: §§ 994.433 to 994.481 issued pursuant to sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 994.433 *Nomination elections.* In addition to the procedure prescribed in §§ 994.33 and 994.48, the Secretary, through his authorized representative, shall, at least 15 days before the nomination election for a particular district is to be held, mail to each grower of record in that district or to each handler of record in that district, as the case may be, notice of the time and place of the nomination meeting and a ballot form for the use of such grower or handler in voting by mail in the event he elects not to attend the meeting and cast his ballot personally. In giving adequate notice of each such meeting to growers and handlers in the respective districts, as required in §§ 994.33 and 994.48, the Secretary shall include information as to where ballot forms may be obtained. Such ballot forms shall provide separately for voting for each position to be filled and shall contain a blank space in which the voter may indicate his choice for that position. Each mail ballot shall be accompanied by a return addressed envelope. Ballots signed by voters in the particular district, in which the election is being held, and received by the representative of the Secretary prior to the counting of the votes at any meeting will be considered the same as ballots which are cast personally at the meeting. The person receiving the highest number of votes for any position shall be the nominee.

ASSESSMENTS AND REFUNDS

§ 994.462 *Time of payment of assessments.* Each handler shall pay assessments due the Committee promptly upon request by the Committee. Such requests may be made weekly, or in the case of handlers with no fixed place of business in the area or for other reasons, requests may be made at the time of inspection.

§ 994.464 *Time of refunds.* The Committee shall determine the amount of any excess assessments due each handler and shall notify him of the amount credited to his account within three months after the close of each fiscal period. After such notification any handler may request a refund of the net amount due him at the time of such request. Amounts which are due handlers as refunds for a fiscal period and which, after reasonable effort by the Committee have not been distributed, or have not been used in paying assessments for the next fiscal period shall, after one year following the end of the fiscal period for which such assessment funds were collected, be transferred to current receipts as "miscellaneous income": *Provided,* That if any person to whom such a refund is due requests the Committee for same, it shall be paid to him out of such current receipts.

INSPECTION

§ 994.475 *Inspection*—(a) *Procedure.* Each handler who desires to have pecans inspected as required in § 994.75, shall communicate with the Federal-State or Federal Inspection Service and have such inspection made and a certificate issued, at his own expense. If a handler is unable to locate an inspector, the Pecan Administrative Committee, Albany, Georgia, shall at his request furnish any assistance practicable in locating one.

(b) *Seals and stamps.* The Pecan Administrative Committee shall furnish to the inspection agency all necessary seals and stamps and shall keep records containing adequate information as to the serial numbers of all seals and stamps issued to the inspection agency. The Committee shall arrange with the inspection agency to keep records of the serial numbers of seals distributed to individual inspectors and to record on each inspection certificate the series range and the number of seals used on the pecans covered by such certificate.

EXEMPTIONS

§ 994.476 *Quantity exemption.* Except pecans handled in accordance with provisions of § 994.477, the total quantity of unshelled pecans which may be handled by any handler to any one person during any one day exempt from inspection and certification, and assessment, is 105 pounds.

§ 994.477 *Pecans for shelling or processing outside the production area*—(a) *General.* The Committee shall authorize shipments of unshelled pecans for shelling or processing outside the area, without regard to grade and size regulations and without regard to inspection and certification requirements, only to shellers, processors, or broker-distributors, who sign an agreement with the Committee insuring that all receipts of such pecans will be disposed of in accordance with the Committee requirements and who agree to make specified reports required by the Committee pertaining to such receipts and to meet the Committee's requirements in other respects.

(b) *Authorized shellers, processors, or broker-distributors.* The Pecan Administrative Committee shall mail or deliver to all shellers, processors, and broker-distributors outside the production area who are known to be interested in receiving unshelled pecans from the area, an agreement form (P. A. C. Form 2) to shellers and processors, and an agreement form (P. A. C. Form 3) to broker-distributors. To be approved to receive uninspected pecans, shellers and processors shall have adequate facilities for shelling or processing pecans, and by executing the applicable agreement must: (1) agree to maintain accurate records in regard to pecans received from the area; (2) make their records and plant facilities available to the Committee or the Secretary of Agriculture for inspection; (3) submit such reports of receipts and disposition of such pecans to the Committee as it requires; and (4) to comply with all Committee requirements which affect them. Similar requirements for eligibility shall apply to broker-distributors, except that instead of having adequate facilities for shelling

or processing pecans, they must be engaged in, or about to become engaged in, the business of distributing pecans. Each such sheller, processor, or broker-distributor who enters into the required agreement with the Committee shall be notified by the Committee that he has been approved as an authorized receiver of uninspected pecans shipped from the area, and shall be assigned an agreement number by the Committee; *Provided,* That the Committee may refuse to approve as an authorized receiver of uninspected pecans any person whom it appears may not reasonably be expected to comply with the aforementioned requirements. Such approval may be terminated at any time by the Committee for good cause.

(c) *Instructions to handlers.* The Committee shall furnish all known handlers in the area a list of shellers, processors, and broker-distributors outside the area who have been authorized by the Committee to receive uninspected pecans shipped from the area, together with the agreement number assigned to each such receiver by the Committee, and shall keep handlers currently informed of any deletions or additions to the list of approved receivers. The Committee shall also furnish or make available to handlers desiring to make shipments of uninspected pecans to points outside the area a supply of P. A. C. Form 1, each consisting of an original, one pink copy, and three yellow copies. Promptly upon each shipment, the handler shall complete and mail or deliver the original of such form to the Committee and mail or deliver the three yellow copies so completed to the person outside the area to whom the pecans are shipped. P. A. C. Form 1 shall show the name and address of the shipper, quantity, type of pecans, date of shipment, number and type of containers, shipping point, car initials and numbers, or truck license number, name and address of person to whom the shipment is made, and such receiver's agreement number assigned by the Committee. Except as authorized pursuant to § 994.76, no person shall ship or cause to be shipped unshelled pecans, which have not been inspected and certified as meeting order requirements, to any person outside the area who has not been authorized by the Committee to receive such pecans.

(d) *Instructions to shellers, processors, and broker-distributors.* Anyone receiving uninspected pecans shipped outside the five-State area shall, within three days after receipt of shipment, report to the Committee using the first yellow copy of P. A. C. Form 1 pertaining to such shipment. If any such pecans are distributed as unshelled pecans, they must be inspected and certified as meeting the then applicable grade and size requirements and a copy of the certificate and the assessment applicable to such quantity must be sent or delivered to the Committee. Promptly after shelling, or inspection and certification for inshell sale, a report of disposition shall be made to the Committee using the second yellow copy of P. A. C. Form 1. The third copy shall be retained in the files of the sheller or processor. In the event that a broker-distributor or a sheller or processor resells uninspected pecans received from the five-State area under a P. A. C. Form 1, he shall execute a new P. A. C. Form 1 in the manner described in paragraph (c) of this section and shall show on such new form the serial number of the P. A. C. Form 1 under which the shipment was received from the area. The Committee shall make a supply of forms available to persons outside the area for such use.

BOOKS AND RECORDS

§ 994.480 *Information to be shown in handlers records.* Each handler shall maintain records showing the following information with respect to his shipments of unshelled pecans to destinations outside the five-State area: (1) quantity shipped, (2) variety or type, (3) date of shipment, (4) receiver or destination, and (5) inspection certificate number or P. A. C. Form 1 number.

§ 994.481 *Reports of shipments by handlers.* Information required under § 994.81 (a) (other than shipments under P. A. C. Form 1) may be furnished in a daily report or in the form of a copy of the Inspection Certificate covering such pecans or a copy of the handlers invoice covering the shipment of such pecans.

It is also contemplated, that existing §§ 994.201, and 994.401 (7 CFR 994.201, and 994.401) which set forth requirements regarding nomination elections and exemptions will be superseded since requirements in those regards will be contained in the administrative rules and regulations which are proposed to be adopetd.

Dated: November 5, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-9152; Filed, Nov. 7, 1956; 8:57 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 202]

FLOUR AND RELATED PRODUCTS INDUSTRY

PREVAILING MINIMUM WAGES

This matter is before the Department pursuant to the act of June 20, 1936 (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.), known as the Walsh-Healey Public Contracts Act.

The flour and related products industry, for the purpose of this hearing, is defined as the milling of flour or meal from grain and the blending or other preparation of flour and dry flour mixes. Examples of products of the industry are flours made from wheat (white, durum, granular, wholewheat), rye, buckwheat, and corn, including blended, phosphated, bromated, self-rising, and other prepared flour and dry flour mixes; semolina and farina; cornmeal; corn grits, hominy, and flakes; and offals. The definition of this industry does not include flour and other products manufactured from rice, soybeans, and potatoes; those cereal preparations of the type generally called breakfast foods (except corn grits and hominy), baby foods, and coffee substitutes; and dry and prepared animal feeds, (except offals which are included).

Now, therefore, notice is hereby given that a public hearing will be held on the 5th day of December 1956, beginning at 10 a. m. in Room 1214, United States Department of Labor Building, Fourteenth and Constitution Avenue, NW., Washington, D. C., before the Secretary of Labor or a duly assigned Hearing Examiner, at which hearing all interested parties may appear and submit data, views and arguments (1) as to the propriety of the proposed definition of the industry; (2) as to what are the prevailing minimum wages in the industry; (3) as to whether a single determination is appropriate for all the products of the industry; (4) as to whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; (5) as to whether there should be included in any determination for this industry provision for the employment of learners, probationary workers, beginners or apprentices at subminimum rates and on what terms or limitations, if any, such employment should be permitted. Employment, wage, and Government procurement data have been prepared in the Department of Labor for consideration at the hearing and will be made available to interested parties upon request.

Persons intending to appear are requested to notify the Administrator of the Wage and Hour and Public Contracts Divisions, of their intention in advance of the hearing.

Written statements of position or argument may be filed with the Administrator at any time prior to the date of the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements as contain factual matter shall be sworn to and will be offered in evidence at the hearing. If objection is made to any such offer, the statement will be received in evidence subject to the objection which will be considered to affect the weight rather than the admissibility of the statement.

The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness: (1) The identity of any product not now included in the definition of the industry which should be included and of any products now included which should not be included; (2) the number of workers covered in the presentation; (3) the number and location of establishments in the industry; (4) the minimum rates paid and the number of workers receiving such rates and the occupations in which they are employed; (5) the minimum wages paid to apprentices, learners, probationary workers, or beginners; the scale of wages paid during the apprenticeship, learning or probationary period; the length

addition to the procedure prescribed in Federal Inspection Service and have such of having adequate facilities for shelling

of such periods; the number of workers receiving such wages and the occupations in which they are employed; and (6) the extent to which there is competition in this industry between plants in different geographical areas.

To the extent possible, data should be submitted in such manner as to permit evaluation thereof on a plant by plant basis.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C (41 CFR Part 203).

Signed at Washington, D. C., this 3d day of November 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-9151; Filed, Nov. 7, 1956; 8:57 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

NOTICE OF PROPOSED RULE MAKING

The following proposed rules are designed to carry out the Commission's responsibility under section 181 of the Atomic Energy Act of 1954 (68 Stat. 953) to provide "such parallel procedures as will effectively safeguard and prevent disclosure of Restricted Data * * * to unauthorized persons with minimum impairment of the procedural rights which would be available if Restricted Data * * * were not involved." Discharge of this responsibility requires the framing of novel procedures; and a delicate balancing of the need to provide adequate protection for Restricted Data in relation to the importance of providing access for parties and the public to the records of administrative proceedings before the Commission and information relating thereto.

Because there may be a need in pending proceedings for rules dealing with the subjects covered by these proposed regulations it is anticipated that rules establishing "parallel procedures" will be put into effect shortly after expiration of the 15-day period of notice provided herein. The Commission will, however, continue its study of the problems involved in the rules with a view to making such further changes as may from time to time appear to be desirable. In addition to submitting comments within the 15 days after publication of this notice, members of the bar and others are invited also to subject these rules and the manner of their administration to extended study and to submit any further comments and suggestions they may have to the Commission.

Notice is hereby given that adoption of the following amendments to Part 2, 10 CFR is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendments should send them to the U. S. Atomic Energy Commission, Washington 25, D. C., Attention: General Counsel, within 15 days after publication of this notice in the FEDERAL REGISTER.

1. The following paragraph is added to § 2.790:

(d) Matters of official record in any proceedings subject to this part, which are classified as Restricted Data and are within a category specified in Appendix "A", Part 25 of the regulations in this chapter, will be made available for inspection by access permittees in accordance with the regulations in Parts 25 and 95 of this chapter.

2. The following subpart is added:

SUBPART H—SPECIAL PROCEDURES APPLICABLE TO ADJUDICATORY PROCEEDINGS INVOLVING RESTRICTED DATA

Sec.
2.800 Purpose.
2.801 Scope.
2.802 Definitions.
2.803 Protection of Restricted Data in proceedings under this subpart.
2.804 Classification assistance.
2.805 Access to Restricted Data for parties—security clearances.
2.806 Obligations of parties to avoid introduction of Restricted Data.
2.807 Notice of intent to introduce Restricted Data.
2.808 Contents of notice of intent to introduce Restricted Data.
2.809 Rearrangement or suspension of proceedings.
2.810 Unclassified statements required.
2.811 Admissibility of Restricted Data.
2.812 Weight to be attached to classified evidence.
2.813 Review of Restricted Data received in evidence.
2.814 Access under Part 25 of this chapter not affected.

AUTHORITY: §§ 2.800 to 2.814 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201, and sec. 181, 68 Stat. 953; 42 U. S. C. 2231. For the purposes of sec. 223, 68 Stat. 958; 42 U. S. C. 2273. §§ 2.803, 2.805 (g) and 2.805 (h) issued under sec. 1611, 68 Stat. 948, 42 U. S. C. 2201.

§ 2.800 *Purpose.* The regulations in this subpart are issued pursuant to section 181 of the Atomic Energy Act of 1954 (68 Stat. 919) to provide such parallel procedures in adjudicatory proceedings subject to this part as will effectively safeguard and prevent disclosure of Restricted Data to persons not authorized to receive it, with minimum impairment of the procedural rights which would otherwise be available to the parties if such information were not involved.[1]

§ 2.801 *Scope.* The provisions of this subpart apply to all proceedings under this part involving adjudication as that term is used in the Administrative Procedure Act, except that §§ 2.807 to 2.813, inclusive, apply to such proceedings only upon the service of a notice of hearing pursuant to § 2.735.

§ 2.802 *Definitions.* As used in this subpart,

(a) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(b) "Interested party" means a party having an interest in the issue or issues to which particular Restricted Data is relevant. Normally the interest of a party in an issue may be determined by examination of the notice of hearing, the answers and replies;

(c) The phrase "introduced into a proceeding" refers to the introduction or incorporation of testimony or documentary matter into any part of the official record of a proceeding subject to this subpart;

(d) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing;

(e) "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142.

§ 2.803 *Protection of Restricted Data in proceedings under this subpart.* Restricted Data which becomes involved in any proceeding subject to this subpart shall be safeguarded in accordance with all applicable provisions of laws of the United States and rules, regulations or orders of any Government agency.

§ 2.804 *Classification assistance.* Upon request of any party or of the presiding officer, AEC will designate a representative to advise and assist the presiding officer and the parties with respect to security classification of information and the safeguards to be observed.

§ 2.805 *Access to Restricted Data for parties—Security clearances.*—(a) *Access to Restricted Data introduced into proceedings.* (1) Restricted Data which is within a category specified in Appendix "A", Part 25 of the regulations in this chapter, and which is introduced into a proceeding subject to this subpart, will be made available to any party to the proceeding who has an appropriate security clearance, to appropriately cleared counsel for a party, and to such other appropriately cleared individuals (including employees of a party) as a party intends to use in connection with the preparation or presentation of his case.

(2) Other Restricted Data introduced into a proceeding subject to this subpart will be made available to any interested party having an appropriate security clearance; to appropriately cleared counsel for an interested party; and to such additional appropriately cleared persons (including employees of a party) as the AEC or the presiding officer determines are needed by such interested party for adequate preparation or presentation of his case. Where the interest of the party will not be prejudiced, action upon an application for access under this subparagraph may be postponed until after a notice of hearing, answers and replies have been served pursuant to §§ 2.735 to 2.737, inclusive.

(3) Any party desiring access to Restricted Data introduced into the record of a proceeding subject to this subpart should submit an application for order granting access pursuant to this section.

(b) *Access to Restricted Data not introduced into proceedings.* (1) Upon application showing that access to Restricted Data may be required for the preparation of a party's case, and except as provided in paragraph (h) of this section, the AEC (or the presiding officer if one has been appointed) will issue an order granting access to such Restricted Data to the party upon his obtaining an appropriate security clearance, to appropriately cleared counsel for the party and to such other appropriately cleared individuals as may be needed by the party for the preparation of his case.

(2) Where the interest of the party applying for access will not be prejudiced, the AEC or presiding officer may postpone action upon an application pursuant to this paragraph until after a notice of hearing, answers and replies have been served pursuant to §§ 2.735 to 2.737.

(c) The AEC will process requests for appropriate security clearances in reasonable numbers pursuant to this section. No charge will be made by the AEC for costs of security clearance pursuant to this section.

(d) The presiding officer may certify to the Commission for its consideration and determination any questions relating to access to Restricted Data arising under this section. Notwithstanding the provisions of § 2.748, any party affected by a determination or order of the AEC or the presiding officer under this section respecting access to or the safeguarding of Restricted Data, may appeal forthwith to the Commission from such determination or order. The filing by AEC of an appeal from an order of a presiding officer granting access to Restricted Data shall stay such order pending determination of such appeal by the Commission.

(e) Applications under this section for orders granting access to Restricted Data within a category specified in Appendix "A", Part 25 of this chapter, will normally be acted upon by the presiding officer, if one has been appointed, or by the General Manager. Applications for orders granting access to Restricted Data which is not within such a category will be acted upon by the Commission.

(f) To the extent practicable, each application for order granting access under this section shall describe the subjects of Restricted Data to which access is desired and the level of classification (e. g. confidential, secret) of such information; the reasons why access to such information is requested; the names of individuals for whom clearances are requested; and the reasons why security clearances will be requested for such individuals.

(g) Upon the conclusion of a proceeding, the AEC will terminate all orders issued in the proceeding for access to Restricted Data and all security clearances granted pursuant to such orders; and may issue such orders requiring the disposal of classified matter received pursuant to such access orders or requiring the observance of other procedures to safeguard such classified matter as it deems necessary to protect Restricted Data.

(h) There may be incorporated in any order issued pursuant to this section such requirements, conditions and limitations as are deemed necessary to protect Restricted Data.

(i) The Commission may refuse to grant access to Restricted Data which is not within a category specified in Appendix "A" to Part 25 of this chapter upon a determination that the granting of such access will be inimical to the common defense and security.

NOTE. Procedures for granting security clearances are not contained in this part. Criteria, procedures and methods for resolving questions concerning the eligibility of an individual for security clearance are contained in Part 4 of this chapter.

§ 2.806 *Obligation of parties to avoid introduction of Restricted Data.* It shall be the obligation of all parties in a proceeding subject to this subpart to avoid, insofar as is practicable, the introduction of Restricted Data into the proceeding. This obligation shall rest upon each party whether or not all other parties have appropriate security clearances.

§ 2.807 *Notice of intent to introduce Restricted Data.* (a) If, at the time of service of a notice of formal hearing pursuant to § 2.735, it appears to the AEC that it will be impracticable for the AEC to avoid the introduction of Restricted Data into the proceeding, the AEC will include in the notice of hearing a notice of intent to introduce Restricted Data.

(b) If, at the time of service of an answer pursuant to § 2.736, it appears to the party serving the answer that it will be impracticable for the party to avoid the introduction of Restricted Data into the proceeding, the party shall include in the answer a notice of intent to introduce Restricted Data into the proceeding.

(c) If, at any later stage of a proceeding subject to this subpart, it appears to any party that it will be impracticable for the party to avoid the introduction of Restricted Data into the proceeding, the party shall give prompt notice of intent to introduce Restricted Data into the proceeding.

(d) Restricted Data shall not be introduced into a proceeding after the service of a notice of hearing unless a notice of intent has been served and filed in accordance with § 2.808 except that in the discretion of the presiding officer Restricted Data may be introduced without the service and filing of such notice where it is clear that no party will be prejudiced by such introduction.

§ 2.808 *Contents of notice of intent to introduce Restricted Data.* (a) A notice of intent to introduce Restricted Data shall be filed with the AEC and copies served upon all parties to the proceeding. Such notice shall be unclassified and, to the extent consistent with classification requirements, shall contain the following information:

(1) The subject matter of the Restricted Data which it is anticipated will be involved;

(2) The level of classification of such information (e. g., confidential, secret);

(3) The stage of the proceeding at which he anticipates a need to introduce such information; and

(4) The relevance and materiality of such information.

(b) In the discretion of the presiding officer, such notice, when required by § 2.807 (c), may be given orally.

§ 2.809 *Rearrangement or suspension of proceedings.* In any proceeding where a party gives notice of intent to introduce Restricted Data, and the presiding officer determines that any other interested party does not have appropriate security clearances, the presiding officer may in his discretion:

(a) Rearrange the normal order of the proceeding in such a manner as to give such interested parties opportunity to obtain appropriate security clearances with minimum delay in completion of the proceeding; or

(b) Suspend the proceeding or any portion thereof until all interested parties have had opportunity to obtain appropriate security clearances: *Provided,* That no proceeding shall be suspended for such reason for more than 100 days except with the consent of all parties or upon a determination by the presiding officer that further suspension of the proceeding would not be contrary to the public interest; or

(c) Take such other action as he determines to be appropriate.

§ 2.810 *Unclassified statements required.* (a) Whenever Restricted Data is offered in evidence at a formal hearing, the party offering such information shall submit to the presiding officer and to all parties to the proceeding an unclassified statement setting forth the information contained in the classified matter as accurately and completely as possible.

(b) In accordance with such procedures as may be agreed upon between the parties or prescribed by the presiding officer, and after notice to all parties and opportunity to be heard thereon, the presiding officer shall determine whether the unclassified statement or any portion thereof, together with any appropriate modifications suggested by any party, may be substituted for the classified matter or any portion thereof without prejudice to the interest of any party or to the public interest.

(c) If the presiding officer determines that the unclassified statement, together with such unclassified modifications as he finds are necessary or appropriate to protect the interest of other parties and the public interest, adequately sets forth the relevant and material information contained in the classified matter, he shall direct that the classified matter be excluded from the record of the proceeding and such determination will be considered by the Commission as a part of the decision in the case where appro-

[1] Parallel procedures applicable to classified information other than Restricted Data are under consideration.

priate exceptions are filed to the presiding officer's determination.

(d) If the presiding officer determines that an unclassified statement does not adequately present the relevant and material information contained in the classified matter, he shall include his reasons therefor in his determination. Said determination shall be included as a part of the record and will be considered by the Commission in reviewing the case.

(e) The presiding officer may in his discretion postpone all or part of the procedures established in this section until the reception of evidence has been completed: *Provided*, That service of the statement required in paragraph (a) shall not be postponed where any party does not have access to the Restricted Data.

§ 2.811 *Admissibility of restricted data.* Presiding officers shall not receive any Restricted Data in evidence unless:

(a) The relevance, materiality and competence of such information is clearly established; and

(b) The exclusion of such information would prejudice the interests of a party or the public interest.

§ 2.812 *Weight to be attached to classified evidence.* In considering the weight and effect of any Restricted Data received in evidence to which an interested party has not had opportunity to receive access, the presiding officer and the Commission shall give to such evidence such weight as, under the circumstances, is appropriate, taking into consideration any lack of opportunity for such parties to rebut or impeach the evidence.

§ 2.813 *Review of Restricted Data received in evidence.* At the close of the reception of evidence, the presiding officer shall review the record and shall direct that any Restricted Data therein be expunged from the record where such expunction would not prejudice the interests of a party or the public interest. Such directions by the presiding officer will be considered by the Commission in reviewing the case where appropriate exceptions are filed to the directions.

§ 2.814 *Access under Part 25 of this chapter not affected.* Nothing contained in this subpart or any order issued pursuant hereto shall be deemed to abridge access to Restricted Data to which any person may be entitled under the regulations in Part 25 of this chapter.

Dated at Washington, D. C., this 5th day of November 1956.

For the Atomic Energy Commission.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 56-9148; Filed, Nov. 6, 1956; 4:00 p. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[426.8311]

RIFLE BARRELS IMPORTED ASSEMBLED WITH RIFLE ACTIONS SEPARATELY CLASSIFIABLE

TARIFF CLASSIFICATION

NOVEMBER 1, 1956.

The Bureau, after consideration of the data submitted as a result of its notice published in the FEDERAL REGISTER dated April 26, 1956 (21 F. R. 2965) that the tariff classification of rifle barrels imported assembled in rifle actions was under review, has ruled that barrels imported assembled with rifle actions by means of threads and not by welding or fusing are classifiable under the provision for barrels for rifles, further advanced in manufacture than rough bored only, in paragraph 365, Tariff Act of 1930, as modified, with duty at the rate of $2 each and 25 percent ad valorem, rather than under the provision for parts of rifles in the same paragraph with duty at the rate of 26 percent ad valorem. The rifle actions are dutiable under the provision for all parts of rifles in paragraph 365 in harmony with existing practice.

As this decision results in the assessment of duty at a rate of duty higher than that which has heretofore been assessed under a uniform practice, it shall be applied only to such merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 56-9135; Filed, Nov. 7, 1956; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 567, Amdt. 2]

SUPERINTENDENTS OR OFFICERS IN CHARGE OF DESIGNATED AGENCIES OR FIELD OFFICES

DELEGATIONS OF AUTHORITY WITH RESPECT TO COMMITMENT OF INSANE INDIANS

NOVEMBER 1, 1956.

Bureau Order 567 (20 F. R. 314), as amended (21 F. R. 545), is further amended as hereinafter indicated.

A new heading and a new section are added under Part 2 to read as follows:

FUNCTIONS RELATING TO WELFARE MATTERS

SEC. 2.253 *Commitment of insane Indians.* The Superintendent or other officer in charge, Cherokee Agency, may commit insane Indians to State hospitals or institutions, pursuant to the provisions of 25 CFR 86.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 56-9076; Filed, Nov. 7, 1956; 8:45 a. m.]

Bureau of Land Management

[Document No. 143]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 31, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-012759, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for use as Forest Administrative sites.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 11 E.,
Sec. 21: N½N½SW¼NW¼, NW¼NW¼.
T. 14 N., R. 11 E.,
Sec. 20: NE¼NE¼;
Sec. 21: SE¼NW¼.

The area described totals 130 acres in the Coconino National Forest.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 56-9077; Filed, Nov. 7, 1956; 8:45 a. m.]

ARIZONA

ORDER PROVIDING FOR OPENING AND CLASSIFICATION OF PUBLIC LANDS; AMENDMENT

Effective October 31, 1956, the land description under paragraph 1 of Federal Register Document No. 142 appearing on page 8219 of the issue for October 26, 1956, is hereby amended to read as follows:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 2 W.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½ (all);
Sec. 3: Lots 1, 2, 3, 4, SE¼;
Sec. 11: W½NE¼;
Sec. 12: NE¼NW¼, S½NW¼, NE¼, S½.
T. 5 N., R. 2 W.,
Sec. 27: SW¼;
Sec. 28: all.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

[F. R. Doc. 56-9078; Filed, Nov. 7, 1956; 8:46 a. m.]

[Idaho 06741]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 1, 1956.

The United States Department of Agriculture has filed an application, Serial No. Idaho 06741, for the withdrawal of the lands described below, from all forms of appropriation including the General Mining Laws, subject to existing valid claims, in accordance with provisions of Executive Order 10355 of May 26, 1952 (17 F. R. 4831). The applicant desires the land for use by the Forest Service as Administrative Sites and/or recreational areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

BOISE NATIONAL FOREST

Tincup Creek Campground Recreation Area:
T. 5 N., R. 7 E.,
Sec. 1, Lots 12 and 13;
Sec. 2, Lot 9.
Total area includes 106.41 acres.
North Fork Boise River Campground No. 2 Recreation Area:
T. 5 N., R. 7 E.,
Sec. 2, Lot 15.
Total area includes 24.84 acres.
North Fork Boise River Campground Recreation Area:
T. 5 N., R. 7 E.,
Sec. 2, Lot 11.
Total area includes 43.18 acres.
Rabbit Creek Campground Recreation Area:
T. 5 N., R. 7 E.,
Sec. 3, Lot 13;
Sec. 10, Lot 2.
Total area includes 64.51 acres.
Rabbit Creek Recreation Area:
T. 5 N., R. 7 E.,
Sec. 3, Lot 14;
Sec. 10, Lot 1.
Total area includes 45.50 acres.
Six Mile Campground Recreation Area:
T. 11 N., R. 5 E.,
Sec. 9, W½W½SW¼SE¼, E½E½SE¼SW¼.
Total area includes 20 acres.

TARGHEE NATIONAL FOREST

Booth Canyon Recreation Area:
T. 1 S., R. 45 E.,
Sec. 25, E½.
Total area includes 360 acres.
Sheridan Creek Public Service Site:
T. 14 N., R. 41 E.,
Sec. 31, SW¼SE¼.
T. 13 N., R. 41 E.,
Sec. 6, Lots 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼.
Total area includes 437.19 acres.

MICHAEL T. SOLAN,
Acting State Supervisor.

[F. R. Doc. 56-9079; Filed, Nov. 7, 1956; 8:46 a. m.]

[Classification No. 43]

NEW MEXICO

SMALL TRACT CLASSIFICATION

NOVEMBER 2, 1956.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 80 acres in San Juan County, New Mexico, as suitable for lease and sale for business or residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 15 W.,
Sec. 12, N½NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately one mile north of Kirtland, New Mexico, and the new U. S. Highway No. 550 will traverse the area. The topography is slightly undulating to moderately rolling, the elevation is 5100 feet and the average yearly rainfall is 8 inches. The soils are sandy loam in texture. The average yearly temperature is 52° with temperature extreme of about 0° to 100°. Kirtland would provide adequate education facilities and some religious and shopping facilities. Farmington, which is twelve miles to the east, would provide medical and more shopping facilities. Water can be obtained by drilling wells, and other utilities can be supplied from nearby lines. Access can be gained from the new highway which traverses the area from southeast to northwest. Oil and gas are the only known minerals.

4. The lands will be leased in tracts of 5 acres each (660' x 330') with the longer dimensions extending north and south. The lands will be subject to all existing rights-of-way and to rights-of-way 50 feet in width along the north and south boundaries of each tract for roads and utilities. The appraised value of tracts with highway frontage is $375 per tract and the appraised value for tracts not fronting the highway is $125 per tract, as per schedule below. No structure shall be placed on the land nearer than 10 feet from the above mentioned rights-of-way.

Tract No.	Description of tract	Advance rental 3 years		Appraised value
		Business	Residence	
1	W½NW¼NW¼NW¼	$60.00	$56.25	$375.00
2	E½NW¼NW¼NW¼	60.00	56.25	375.00
3	W½NE¼NW¼NW¼	60.00	56.25	375.00
4	E½NE¼NW¼NW¼	60.00	56.25	375.00
5	W½NW¼NE¼NW¼	60.00	30.00	125.00
6	E½NW¼NE¼NW¼	60.00	30.00	125.00
7	W½NE¼NE¼NW¼	60.00	30.00	125.00
8	E½NE¼NE¼NW¼	60.00	30.00	125.00
9	E½SE¼NE¼NW¼	60.00	56.25	375.00
10	W½SE¼NE¼NW¼	60.00	56.25	375.00
11	E½SW¼NE¼NW¼	60.00	56.25	375.00
12	W½SW¼NE¼NW¼	60.00	56.25	375.00
13	E½SE¼NW¼NW¼	60.00	56.25	375.00
14	W½SE¼NW¼NW¼	60.00	30.00	125.00
15	E½SW¼NW¼NW¼	60.00	30.00	125.00
16	W½SW¼NW¼NW¼	60.00	30.00	125.00

[1] Under application from an individual having statutory preference.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in Paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards: The home must be suitable for year-round use, on a permanent foundation with a minimum of 600 sq. ft. of floor space, divided into at least three rooms. The improvements shall be neat appearing and constructed in a workmanlike manner with attractive properly finished materials. The house shall contain running water and modern plumb-

ing and shall have adequate sewage and sanitary facilities.

7. Applicants must file, in duplicate, with the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico, application form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to November 30, 1955 will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after November 30, 1955, and prior to 10:00 a. m. December 8, 1956 will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after November 30, 1955 and prior to 10:00 a. m. March 9, 1957, will be considered as simultaneously filed at that time. All other valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 1251, Santa Fe, New Mexico.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 56–9080; Filed, Nov. 7, 1956; 8:46 a. m.]

NEW MEXICO

SMALL TRACT CLASSIFICATION

NOVEMBER 2, 1956.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 90 acres in San Juan County, New Mexico, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 13 W.,
Sec. 6, NE¼NE¼NE¼, W½NE¼NE¼, W½SE¼NE¼, E½SW¼NE¼.
T. 30 N., R. 13 W.,
Sec. 31, E½SE¼SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 4 miles west of Farmington. Paved State Highway No. 70 traverses the center of the tract north and south. The topography includes La Plata River bottom, first terrace bottom lands and steep gravelly hills. The soils are sandy loam to sand in texture. Elevation of the lands is 5,300 feet to 5,350 feet. Annual precipitation is 8 inches and the average yearly temperature is 52°. The City of Farmington provides adequate religious, medical, educational, recreational and shopping facilities. Electric transmission power and telephone lines traverse the tract. Domestic water supply can be obtained by drilling wells. There are no indications of metalliferous minerals.

4. The lands will be leased in tracts of 5 acres each (660' x 330') with the longer dimensions extending east and west. The lands will be subject to all existing rights-of-way and to rights-of-way 33 feet in width as per schedule below:

Description of tract	Right-of-way location	Appraised value	Advance rental 3 years
T. 29 N., R. 13 W.:			
Sec. 6, N½NE¼NE¼NE¼		$375.00	$56.25
Sec. 6, S½NE¼NE¼NE¼		310.00	46.50
Sec. 6, N½NW¼NE¼NE¼	33' along S. boundary	180.00	30.00
Sec. 6, S½NW¼NE¼NE¼	33' along N. boundary	245.00	36.75
Sec. 6, N½SW¼NE¼NE¼		245.00	36.75
Sec. 6, S½SW¼NE¼NE¼		245.00	36.75
Sec. 6, N½NE¼SW¼NE¼		115.00	30.00
Sec. 6, S½NE¼SW¼NE¼		115.00	30.00
Sec. 6, N½NW¼SE¼NE¼	33' along S. boundary	245.00	36.75
Sec. 6, S½NW¼SE¼NE¼	33' along N. boundary	245.00	36.75
Sec. 6, N½SE¼SW¼NE¼	33' along S. boundary	115.00	30.00
Sec. 6, S½SE¼SW¼NE¼	33' along N. boundary	180.00	30.00
Sec. 6, N½SW¼SE¼NE¼		310.00	46.50
Sec. 6, S½SW¼SE¼NE¼		310.00	46.50
T. 30 N., R. 13 W.:			
Sec. 31, N¼NE¼SE¼SE¼		180.00	30.00
Sec. 31, S½NE¼SE¼SE¼		310.00	46.50
Sec. 31, N½SE¼SE¼SE¼		310.00	46.50
Sec. 31, S½SE¼SE¼SE¼		310.00	46.50

[1] Under application from an individual having statutory preference.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in Paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards: The house must be suitable for year-round use, and be constructed on a permanent foundation with a minimum of 600 square feet of floor space divided into at least 3 rooms. The improvements shall be neat appearing and constructed in a workmanlike manner with attractive properly finished materials. The house shall contain adequate sewage and sanitary facilities.

7. Applicants must file, in duplicate, with the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be acompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to February 23, 1956 will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after February 23, 1956, and prior to 10:00 a. m. December 8, 1956 will be considered as simultaneously filed at that time. All valid applicaions from persons entitled to veteran's preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after February 23, 1956 and prior to 10:00 a. m., March 9, 1957 will be considered as simultaneously filed at that time. All other valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 1251, Santa Fe, New Mexico.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 56–9081; Filed, Nov. 7, 1956; 8:46 a. m.]

Bureau of Mines

[Regional Administrative Order No. 4C]

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS AND TO SIGN PURCHASE ORDERS

1. In accordance with the provisions of paragraph 205.2.4A (4) of the Bureau of Mines Manual, the following officials of the Bureau of Mines, Region IV may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or service, including maintenance and repairs when in conformity with applicable regulations and statutory requirements except that contracts and purchase orders in the following categories require approval by the Director of the Bureau of Mines or the Regional Director, Region IV (see subparagraph 205.2.4A (1)):

(a) Any for more than $500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services over $100.
(f) Construction.
(g) Alteration and repairs to buildings in excess of $500.
(h) Drilling.
(i) Working fund agreements with other government agencies.
(j) Cooperative agreements on research programs.

Chief, Division of Administration, Region IV; Chief, Division of Petroleum Technology, Region IV; Chief, Division of Mineral Technology, Region IV; Administrative Assistant, Regional Office, Region IV; Administrative Assistant Petroleum Experiment Station, Region IV; Administrative Assistant, Mississippi Valley Experiment Station, Region IV; Chief, Dallas Field Office, Division of Petroleum Technology, Region IV.

2. *Change Orders and Extra Work Orders.* With respect to any contract (including contracts approved by the Director, Bureau of Mines, or the Regional Director, Region IV), the following officials may, up to $500, issue change orders and extra work orders pursuant to the contract; enter into any modifications and amendments of the contract which are legally permissible and terminate the contract, if such action is legally authorized:

Chief, Division of Administration, Region IV; Chief, Division of Petroleum Technology, Region IV; Chief, Division of Mineral Technology, Region IV.

3. Authorities delegated by this order may not be redelegated without the prior approval of the Regional Director, Region IV and publication of the redelegation in the FEDERAL REGISTER.

4. * * *.

5. The delegations contained herein supersede those in Bureau of Mines, Region IV Administrative Order 4B which is hereby rescinded.

HAROLD M. SMITH,
Regional Director,
Region IV.

Approved:

THOS. H. MILLER,
Acting Director.

[F. R. Doc. 56–9082; Filed, Nov. 7, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR THE BENEFIT OF BETTY JESSURUN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Betty Jessurun, L. S. Claim No. 745, $784.16 in the Treasury of the United States.

J. Velleman, L. S. Claim No. 772, $392.08 in the Treasury of the United States.

Mrs. Henriette Rijpma, L. S. Claim No. 793, $1,509.51 in the Treasury of the United States.

Martinus Wertheim, L. S. Claim No. 801, $1,364.47 in the Treasury of the United States.

Henriette and Eduard van Cleeff; Mrs. Elisabeth van Cleeff, L. S. Claim No. 834, $1,205.00 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–9140; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF "BERG" STICHTING, AMSTERDAM ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

"Berg" Stichting, Amsterdam, Vereeniging "Pro Juventute", Amsterdam, L. S. Claim No. 134, $1,117.43.

Gretel Bertha Mossel (Mrs. Nicolaas Jacobus de Graaff), L. S. Claim No. 152, $1,117.43.

Jacqueline van Witsen, L. S. Claim No. 177, $1,380.00.

Clara Schuster; Florence Schiff; Margaret Golding; Bertha Flesch; Onno and Jan Jitta, L. S. Claim No. 240, $1,350.00.

Frederike and Dr. Otto Abas, L. S. Claim No. 286, $1,117.43.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

"Berg" Stichting, Amsterdam, Vereeniging "Pro Juventute", Amsterdam, L. S. Claim No. 134, Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 8439, 8467 and 10382, in the principal amount of $1,000 each; Southern Railway Company 4/56 Bond No. 30653, in the principal amount of $1,000.

Gretel Bertha Mossel (Mrs. Nicolaas Jacobus de Graaff), L. S. Claim No. 152, Southern Railway Company 4/56 Bond No. 5049, in the principal amount of $1,000.

Jacqueline van Witsen, L. S. Claim No. 177, Southern Pacific Railroad Company 4/55 Bond No. 130164, in the principal amount of $1,000.

Clara Schuster; Florence Schiff; Margaret Golding; Bertha Flesch; Onno and Jan Jitta, L. S. Claim No. 240, Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 9856, 2554 and 11226, in the principal amount of $1,000 each; New York Central Railroad Company 4½/2013 Bond No. 60757, in the principal amount of $1,000.

Frederike and Dr. Otto Abas, L. S. Claim No. 286, International Mercantile Marine Company Ltd. 6/41 Bond No. 30263, in the principal amount of $1,000; Southern Railway 4/56 Bond No. 32889, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56–9141; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF MARINUS KLEIN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Marinus Klein, L. S. Claim No. 536, $1,383.81 in the Treasury of the United States, and North American Trust Shares 1956, Distribution Type, Ctf. No. DD40022 (exchanged for Ctf. No. DD7222) for 100 shares, presently in custody of the Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Menso van Sijll, L. C. Claim No. 721, $1,117.43 in the Treasury of the United States.

the tract north and south. The topogra-

required by those instructions. Copies

of paragraph 205.2.4A (4) of the Bureau

Gerda, Aaltje and Tj. Smits, Mrs. E. Drijver and Mrs. M. Roos, L. S. Claim No. 729, $19,494.66 in the Treasury of the United States.

Roelina Tonckens, L. S. Claim No. 766, $231.60 in the Treasury of the United States.

Suzette Bourlier, L. S. Claim No. 837, $2,052.93 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9142; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF HEIS WATERMAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Prof. Dr. Ir. Hein Waterman, L. S. Claim No. 246, $1,540.00 in the Treasury of the United States.

Karel, Samuel and Elisa Edersheim, L. S. Claim No. 374, $1,631.07 in the Treasury of the United States.

S. M. van den Bergh, H. E. Ligtenstein, and J. Gompen, L. S. Claim No. 375, $392.08 in the Treasury of the United States.

Maurits Franken, L. S. Claim No. 410, $392.08 in the Treasury of the United States.

Joseph and Henri Spier, L. S. Claim No. 741, $3,599.78 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9143; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF NANETTE VAN BAREN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Emilie and Aalrik Meursing; Ida Zeehuisen; Johanna Dekhuysen; Cornelia Land; Jan Engelkens; Johanna Hoog, Grada Hoxel; Aaldrik, Dirk and Johannes Stikker; Anna van Dijk; Wessel Houwing; Johanna Roorda; Rudolph, Nicholaas, Polly and Alberdina Meurer; Marie de Nies; Tjapko, Jantje, Detmer and Diebolt Detmers; Ida Wolthuis; Reint and Reina Meyer; Frouwina Bosman; Eppo (Holwerd, Holland) Eppens; Jan, Anje and Peterdina Eppens; Eppo (Noordbroek, Holland) Eppens; Ida and Frouweina Roelofs; Gezine Roelfsema; Richte Dallinga; Frouwina Poppens; Reina Germs; Jantje Evers; Frouwe Lindenberg, L. S. Claim No. 608, $1,460.00 in the Treasury of the United States.

Johanna Nagels, L. S. Claim No. 620, $1,540.00 in the Treasury of the United States.

Johannes van Noort, L. S. Claim No. 624, $8,186.82 in the Treasury of the United States.

Ada Spiering, L. S. Claim No. 743, $1,117.43 in the Treasury of the United States.

Ada Spiering, L. S. Claim No. 744, $1,887.43 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9145; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF HENRIETTE ROSA SPIJER-SOUGET ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Henriette Rosa Spijer-Souget, and Max Souget, L. S. Claim No. 170, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 125036, in the principal amount of $1,000; Union Pacific Railroad Company 4/47 Bond No. 41927, in the principal amount of $1,000.

Studiefonds Frenkel-Serphos, L. S. Claim No. 414, Kansas City Southern Railway Company 3/50 Bond No. 10525, in the principal amount of $1,000.

Samuel and Geertruida Rozenberg; Marie van de Rijn; Marie van der Meer; Edith Cohen, L. S. Claim No. 704, Cities Service Company 5/69 Debenture No. 39777, in the principal amount of $1,000.

Christine van der Horst; Rebekka Drielsma; Betje, Joseph, Martha and Hessel Turksma; Eliezar de Groot; Samuel, Mozes and Lazarus van Gelder; Esther Pront; Jacob Velleman; Geertje Wijnberg; Aaltje Muller, L. S. Claim No. 768, Louisville & Nashville Railroad Company, Southeast and St. Louis Division 3/80 Bond No. 1569, in the principal amount of $1,000.

Philip, Louise, Samuel and Louis Hartz, L. S. Claim No. 858, Cities Service Company 5/66 Debenture No. 16523, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9146; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF EMILIE MEURSING ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Nanette and Benedictus van Baren; Elisabeth van Moppes; Simon and Levie Stork; Elisabeth van Gelderen; Gonda Gera; Martha Ruinen; Betje de Vries; Jakob Smit; Catherina Caneel; Johanna, Philip, Salomon, Jacques and Jeanne Polak; Alice de Groot; Martha van Esso; Mozes, Simon and Hans de Beer; Hanna, Meijer, Hendrika and Margaretha Mendels; Nathan Cohen; Annie Luberti; Joke Stork; Aron Witteboon; Meijer and Nathan Englander; Mozes and Nathan Easel; Evalina Witjas; Neeltje v. d. Kogel; Abraham Braadbaart; Rachel van Dedem; Debora, Marcus and Benjamin Knap; Dolly Denth; Esther Wareman; Leo Friedberg; Judith Mechanicus; Rosina van Tijn; Esther Coster; Eva Bonnewit; Charles, Cornelis and Isaak Fresco; Greta Zukerman; Elisabeth Carakehain-Coulaksizoglon; Wilhelmina Wiedeman; Agnita W. v. d. Wiel, L. S. Claim No. 851, Cities Service Company 5/69 Debenture No. 47307, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9144; Filed, Nov. 7, 1956; 8:56 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF SAMUEL DRUKKER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Dr. Samuel Drukker, Mrs. Jantina Drukker and Philippus Drukker Jr., L. S. Claim No. 98, $1,013.67.

Mrs. Anna Krings, L. S. Claim No. 146, $392.08.

E. Stibbe, Mrs. C. de Heer, L. de Heer, J. de Heer Jr., J. de Heer Sr., G. Meyer, Mrs. C. Benninga and Mrs. A. Budding, L. S. Claim No. 147, $1,788.08.

Jeanne de Flines, L. S. Claim No. 400, $3,362.14.

Celine and Edro Polak, Jacoba Goudsmit and Sonja Talsma, L. S. Claim No. 655, $392.08.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Dr. Samuel Drukker, Mrs. Jantina Drukker and Philippus Drukker Jr., L. S. Claim No. 98, Louisville & Nashville Railroad Company, Southeast & St. Louis Division, 3/80 Bond No. 2136, in the principal amount of $1,000; Southern Pacific Company 4/49 Bond No. 11886, in the principal amount of $1,000.

Mrs. Anna Krings, L. S. Claim No. 146, Southern Pacific Company—San Francisco Terminal 4/50 Bond Nos. 13700, 12019 and 12020, in the principal amount of $500 each.

E. Stibbe, Mrs. C. de Heer, L. de Heer, J. de Heer Jr., J. de Heer Sr., G. Meyer, Mrs. C. Benninga and Mrs. A. Budding, L. S. Claim No. 147, Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 13562, in the principal amount of $500; Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 12265, 8389, 13053, 13054 and 13559, in the principal amount of $500 each; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 11959, in the principal amount of $100.

Jeanne de Flines, L. S. Claim No. 400, Hudson & Manhattan Railroad Company 5/57 Bond No. 20034, in the principal amount of $1,000; Louisville & Nashville Railroad Company, Southeast & St. Louis Division, 3/80 Bond No. 1046, in the principal amount of $1,000; Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 910 and 1161, in the principal amount of $500 each.

Celine and Edró Polak, Jacoba Goudsmit and Sonja Talsma, L. S. Claim No. 655, Cities Service Company 5/69 Debenture No. 48114, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9147; Filed, Nov. 7, 1956; 8:56 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Michael Berkowitz Co., Inc., Waynesburg, Pa.; effective 11-12-56 to 11-11-57 (ladies' cotton flannel pajamas).

J. R. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La.; effective 10-26-56 to 10-25-57 (sport shirts).

Carbondale Children's Dress Co., 30 Seventh Avenue, Carbondale, Pa.; effective 10-26-56 to 10-25-57 (children's and girls' dresses).

Cater Frock Co., New Braunfels, Tex.; effective 11-9-56 to 11-8-57 (children's dresses).

Harrisburg Children's Dress Co., 14th and Howard Streets, Harrisburg, Pa.; effective 10-26-56 to 10-25-57 (children's and girls' dresses and playclothes).

Joyner-Fields, Inc., Sherman, Miss.; effective 11-3-56 to 11-2-57 (sport shirts).

Kamp Togs, Inc., Pleasant Hill, Ill., effective 10-26-56 to 10-25-57; 5 learners (boys' and girls' sportswear).

Kinoca Shirt Co., 501 North East Street, Kinston, N. C.; effective 10-26-56 to 10-25-57 (ladies' blouses).

Lee Mar Shirt Co., Pulaski, Tenn.; effective 10-29-56 to 10-28-57 (sport shirts).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn.; effective 11-5-56 to 11-4-57 (men's dress and sport shirts).

McEwen Manufacturing Co., McEwen, Tenn.; effective 11-6-56 to 11-5-57 (overalls, dungarees and playsuits).

McMinnville Garment Co., McMinnville, Tenn.; effective 11-8-56 to 11-7-57 (cotton tropical shorts).

Milan Shirt Manufacturing Co., Milan, Tenn.; effective 11-4-56 to 11-3-57 (cotton work shirts).

Penn Children's Dress Co., 831 Lackawanna Avenue, Mayfield, Pa.; effective 10-26-56 to 10-25-57 (children's and girls' dresses, playclothes).

Roberts Manufacturing Co., 304 South First Street, Ponca City, Okla.; effective 10-30-56 to 5-13-57 (denim and twill jeans) (replacement certificate).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 10-30-56 to 10-29-57 (men's and boys' woven sport shirts).

Salant & Salant, Inc., First Street, Lexington, Tenn.; effective 11-9-56 to 11-8-57 (cotton work shirts).

Salant & Salant, Inc., Pine Street, Lexington, Tenn.; effective 11-8-56 to 11-5-57 (men's cotton work shirts).

Salant & Salant, Inc., Obion, Tenn.; effective 11-9-56 to 11-8-57 (boys' cotton work shirts).

Salant & Salant, Inc., Washington Street, Paris, Tenn.; effective 11-9-56 to 11-8-57 (men's and boys' cotton work shirts).

Salant & Salant, Inc., Tennessee Avenue, Parsons, Tenn.; effective 11-8-56 to 11-7-57 (cotton work pants).

Salant & Salant, Inc., Troy, Tenn.; effective 11-7-56 to 11-6-57 (cotton work shirts).

Salant & Salant, Inc., South First Street, Union City, Tenn.; effective 11-13-56 to 11-12-57 (men's cotton work pants shorts).

Sesser Garment Co., Sesser, Ill.; effective 10-23-56 to 10-22-57; 4 learners (dresses and sportswear).

Shreveport Garment Manufacturers, 410-420 Commerce Street, Shreveport, La.; effective 10-23-56 to 10-22-57; 10 learners (dungarees).

Shroyer Dress Co., 315 North Water Street, Selinsgrove, Pa.; effective 10-29-56 to 10-28-57; 10 learners (dresses).

The following learner certificates were issued for expansion purposes. The number of learners authorized is indicated.

Adel Manufacturing Co., Fifth Street, Adel, Ga.; effective 10-30-56 to 4-29-57; 35 learners (men's and boys' sport shirts).

Michael Berkowitz Co., Inc., Waynesburg, Pa.; effective 10-29-56 to 4-28-57; 10 learners (ladies' cotton flannel pajamas).

Blue Bell, Inc., Plant No. 2, Prentiss Co., Booneville, Miss.; effective 10-25-56 to 4-24-57; 60 learners (men's and boys' shirts).

The Dantan Co., Inc., Dumas, Ark.; effective 10-24-56 to 4-23-57; 20 learners (ladies' shorts, bermuda, blouses, etc.).

Fairmont Manufacturing Co., Inc., Fairmont, N. C.; effective 10-23-56 to 4-22-57; 5 learners (ladies' woven cotton night wear).

Edna Howard, Inc., 3020 North 29th Drive, Phoenix, Ariz.; effective 10-29-56 to 4-28-57; 60 learners (ladies' dresses).

International Latex Corp., Newnan, Ga.; effective 10-23-56 to 4-22-57; 150 learners (brassieres).

Jersey Shore Sylvania Manufacturing Co., Banks Avenue, Jersey Shore, Pa.; effective 10-24-56 to 4-23-57; 25 learners (women's sportswear).

Montgomery Sylvania Manufacturing Co., 22 East Houston Avenue, Montgomery, Pa.; effective 10-24-56 to 4-23-57; 25 learners (women's sportswear).

Prairie Manufacturing Co., East Prairie, Mo.; effective 10-25-56 to 4-24-57; 30 learners (men's and boys' semi-dress pants).

Ray Lee, Inc., 1405 Warford Avenue, Memphis, Tenn.; effective 10-23-56 to 1-9-57; 40 learners (ladies' cotton sportswear) (supplemental certificate).

Roberts Manufacturing Co., 304 South First Street, Ponca City, Okla.; effective 10-30-56 to 4-29-57; 20 learners (denim and twill jeans).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Wells Lamont Corp., Hugo, Okla.; effective 11-1-56 to 10-31-57; 10 learners for normal labor turnover purposes (gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Merrimac Knitting Mills, Inc., 235 Central Street, Franklin, N. H.; effective 10–23–56 to 4–22–57; 15 learners for expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Dothan Manufacturing Co., Dothan, Ala.; effective 10–24–56 to 10–23–57; 5 percent of factory production workers for normal labor turnover purposes (men's shorts and pajamas).

Rowan Manufacturing Corp., 120 East Fisher Street, Salisbury, N. C.; effective 10–26–56 to 10–25–57; 5 learners for normal labor turnover purposes (swimwear).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 10–30–56 to 10–29–57; 5 percent of factory production workers engaged in the manufacture of men's and boys' underwear for normal labor turnover purposes (men's and boys' woven sport shirts).

Royal Manufacturing Co., Inc., Crawfordville, Ga.; effective 10–28–56 to 10–27–57; 5 learners for normal labor turnover purposes (men's and boys' cotton shorts).

Swing Tyme, Inc., 202 East Liberty Street, Schuylkill Haven, Pa.; effective 10–25–56 to 10–24–57; 5 learners for normal labor turnover purposes (slips, pajamas, negligees, etc.).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated.

Cumberland Clothing Co., Inc., Third and Pear Streets, Vineland, N. J.; effective 10–29–56 to 4–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's sack and sport coats).

Decoratone Frame Manufacturing & Sales, Inc., 5710 Melrose Avenue, Los Angeles, Calif.; effective 10–29–56 to 4–28–57; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period for the occupation of picture frame maker; authorizing the employment of 2 learners for normal labor turnover purposes (picture frames and framed pictures).

Hickey-Freeman Co., 13 East Center Street, Medina, N. Y.; effective 10–18–56 to 4–17–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of hand sewing and finishing operations involving hand sewing; authorizing the employment of 4 learners for normal labor turnover purposes (suits, overcoats, topcoats, etc.).

Hickey-Freeman Co., 709 Bleeker Street, Utica, N. Y.; effective 10–29–56 to 4–28–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of hand sewer and finishing operations involving hand sewing; authorizing the employment of 5 learners for expansion purposes (suits, overcoats, topcoats, etc.) (supplemental certificate).

Levine Brothers, 1422 Grand Street, Hoboken, N. J.; effective 10–29–56 to 4–28–57; not less than 65 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of 5 learners for normal labor turnover purposes (shop caps, baseball caps).

Magic Snell Tackle Co., 45 Niagara Street, Canandaigua, N. Y.; effective 10–29–56 to 4–28–57; not less than 80 cents per hour for the first 40 hours, 85 cents per hour for the next 80 hours, 90 cents per hour for the next 80 hours, and 95 cents per hour for the remaining 120 hours of the 320-hour learning period, for the occupation of winder and solderer; authorizing the employment of 4 learners for normal labor turnover purposes (fishing tackle and parts).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Fairfield Manufacturing Co., Inc., Carpenter Road and Carolina Street, Hato Rey, P. R.; effective 10–16–56 to 3–14–57; not less than 50 cents per hour for the first 240 hours and 57 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of assemblers, welders, plater, rackers and dippers; not less than 50 cents per hour for a maximum of 240 hours, for the occupations of box making and packing; authorizing the employment of 62 learners for expansion purposes (drapery pleater hooks) (replacement certificate).

Glamourette Fashion Mills, Inc., Quebradillas, P. R.; effective 10–15–56 to 1–22–57; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting, topping, and looping; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of machine stitching, pressing, hand sewing, and finishers doing work involving hand sewing; not less than 58 cents per hour for a maximum of 240 hours, for the occupation of winder; authorizing the employment of 40 learners for expansion purposes (sweaters) (replacement certificate).

Somtex Knitting Mills, Inc., Yauco, P. R.; effective 10–8–56 to 8–8–7; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitter, looper and topper; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of machine stitching and pressing; not less than 58 cents per hour for a maximum of 240 hours, for the occupation of winding; authorizing the employment of 12 learners for normal labor turnover purposes (sweaters) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 30th day of October 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56–9083; Filed, Nov. 7, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11858, 11859; FCC 56–1052]

KEN-SELL, INC. AND FLORIDA KEYS BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ken-Sell, Inc., Key West, Florida, Docket No. 11858, File No. BP–10242; Florida Keys Broadcasting Corporation, Key West, Florida, Docket No. 11859, File No. BP–10603; for construction permits.

At a session of the Federal Communications Commission held at its offices at Washington, D. C., on the 31st day of October 1956;

The Commission having under consideration the above-captioned applications of Ken-Sell, Inc., and Florida Keys Broadcasting Corporation, each for a construction permit for a new standard broadcast station to operate on 1500 kilocycles with a power of 250 watts, directional antenna, unlimited time, at Key West, Florida;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; that the proposed operation of Ken-Sell, Inc., would cause nighttime interference to Station WTOP, Washington, D. C., (1500 kc, 50 kw, DA–2, U); that it has not yet been determined whether the proposed antenna system of Ken-Sell, Inc., would constitute a hazard to air navigation; that the proposed antenna site of Ken-Sell, Inc., might not be satisfactory; and that the proposed directional antenna system of Ken-Sell, Inc., may not meet the minimum efficiency requirements of the Commission's Technical Standards; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated May 21, 1956, and August 22, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that by letter of September 17, 1956, counsel on behalf of Station WTOP requested that the application of Ken-Sell, Inc., be designated for hearing; and

It further appearing that by amendment filed July 16, 1956, Ken-Sell, Inc., specified a greater separation between the proposed antenna towers and stated that no serious directional antenna pattern distortion was expected due to man-made structures in the vicinity of the proposed site, but that it still appears that the proposed directional antenna may not meet the minimum efficiency requirements of the Commission's Technical Standards and that Ken-Sell, Inc., has not indicated contemplated corrective action to preclude possible antenna pattern distortion which may be caused by nearby man-made structures; and

It further appearing that area and population data filed by Ken-Sell, Inc., on September 21, 1956, indicates that its proposed operation would not be in compliance with § 3.28 (c) of the Commission's Rules due to excessive population loss which would result from interference caused by Station WTOP; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Ken-Sell, Inc., would cause interference to Station WTOP, Washington, D. C., or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed antenna system of Ken-Sell, Inc., would constitute a hazard to air navigation.

4. To determine whether the proposed directional antenna array of Ken-Sell, Inc., would meet the minimum efficiency requirements of the Commission's Technical Standards.

5. To determine whether the proposed directional antenna of Ken-Sell, Inc., can be constructed, adjusted, and maintained as proposed, with special consideration to whether sufficient area is available for the installation of a satisfactory ground system, and what adverse effects, if any, would result from man-made structures in the area acting as parasitic radiators.

6. To determine whether, because of the interference received, the proposal of Ken-Sell, Inc., would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

7. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That The Washington Post Company, licensee of Station WTOP, is made a party to the proceeding.

Released: November 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–9150; Filed, Nov. 7, 1956; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–4994, etc.]

A. O. PHILLIPS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above as follows:

Docket No.; Name; Gas Field; and Purchaser

G–4994; A. O. Phillips; South Cottonwood Creek, DeWitt County, Tex.; Texas Eastern Transmission Corporation.

G–6061; United States Smelting, Refining and Mining Company; Driver-Spraberry, Midland County, Tex.; Texas Natural Gasoline Corporation, Goldsmith, Ector County, Tex.; Phillips Petroleum Company, North Blanco, San Juan County, N. Mex.; El Paso Natural Gas Company.

G–6062; Westbrook Oil Corporation; Kuhlman, Harris County, Tex.; Tennessee Gas Transmission Company.

G–6076; The Sharples Oil Corporation; Worland, Bighorn and Washakie Counties, Wyo.; Montana Dakota Utilities Company.

G–6080; The Sharples Oil Corporation, The Sharples Oil Corporation as attorney-in-fact for others; Spraberry, Reagan County, Tex.; El Paso Natural Gas Company.

G–6082; The Sharples Oil Corporation, The Sharples Oil Corporation as attorney-in-fact for others; Pegasus, Midland and Upton Counties, Tex.; El Paso Natural Gas Company.

G–6083; Pubco Development, Inc. (N. Sy.); Twin Mounds, Aztec-Picture Cliffs, Kutz Canyon and Blanco, San Juan and Rio Arriba Counties, N. Mex.; El Paso Natural Gas Company and Southern Union Gathering Company, Dogie Canyon and Largo Canyon, Rio Arriba Counties, N. Mex.; El Paso Natural Gas Company.

G–6085; J. S. Rushing; Ada, Webster and Belnville Parishes, La.; Arkansas-Louisiana Gas Company.

G–6086; Hugoton Plains Gas and Oil Company; Guymon-Hugoton, Texas County, Okla.; Southwestern Public Service Company; Kansas-Hugoton, Steward and Stevens Counties, Kans.; Northern Natural Gas Company.

G–6087; Cresent Drilling Company, Inc.; Haynesville, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G–6092; Slick-Moorman Oil Company; South Caesar, Bee County, Tex.; United Gas Pipe Line Company.

G–6093; Slick-Moorman Oil Company; Yoward, Bee County, Tex.; Wilcox Trend Gathering System, Inc.

G–6094; Slick-Moorman Oil Company; Kelly-Snyder, Scurry County, Tex.; Fullerton Oil Company.

G–6095; Slick-Moorman Oil Company; Burnell and North Pettus, Bee and Karnes Counties, Tex.; United Gas Pipe Line Company.

G–6096; Pacific Western Oil Corporation; Dollarhide, Andrews County, Tex.; El Paso Natural Gas Company.

G–6097; Stephens Production Company; Spiro, Le Flore County, Okla.; Brent, Gans and Tidwell, Sequoyah County, Okla.; Messard, Bloomer, Ewing and Beverley, Sebastian County, Ark.; Cecil, Vesta, Beverly and Ozark, Franklin County, Ark.; Greenwood Junction, Ruby, Alma, Kibler, Williams and Section 10, Crawford County, Ark.; Fort Smith Gas Corporation.

G–7272; Penn-Ohio Gas Company, Hiawatha Oil & Gas Co., Benedum-Trees Oil Company, Bentex Oil Corporation; Driftwood, Cameron County, Pa.; New York State Natural Gas Corporation.

G–7273; Penn-Ohio Gas Company and Hiawatha Oil & Gas Co., Bentex Oil Corporation and Plymouth Oil Company; Longhorn, East Longhorn, South Longhorn, Sweden, Southland and Atlee, Duval County, Tex.; Provident Investment Corporation.

G–7275; Penn-Ohio Gas Company; Union Dist., Harrison County, W. Va.; Hope Natural Gas Company.

A public hearing will be held on the 21st day of November 1956, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

NOVEMBER 1, 1956.

[F. R. Doc. 56-9092; Filed, Nov. 7, 1956; 8:48 a. m.]

[Docket No. G-9607]

JOHN L. ABERCROMBIE, ET AL.

ORDER TERMINATING PROCEEDING

By order issued November 2, 1955, in the above-entitled proceeding, certain changes proposed by John L. Abercrombie, et al. (Abercrombie), in Supplement No. 1 to his FPC Gas Rate Schedule No. 1 were suspended and the use thereof deferred pursuant to the provisions of section 4 (e) of the Natural Gas Act.

On September 17, 1956, The Texas Company filed a request for consolidation of filings by operator pursuant to § 154.91 (b) of the Commission's regulations under the Natural Gas Act. Reference to this document and Abercrombie's rate filings show that Abercrombie ratified a gas-sales contract dated September 10, 1952, between The Texas Company and United Fuel Gas Company, and that The Texas Company is the operator of the producing properties in which Abercrombie's own minority interests. Under these circumstances the request by The Texas Company is appropriate, and will be acted upon by separate orders issued in Docket No. G-9609. Since Abercrombie's interests in the sale to United Fuel Gas Company are adequately represented by The Texas Company through its rate filings and in the proceeding in Docket No. G-9609, this proceeding in Docket No. G-9607 should be terminated and withdrawal of Abercrombie's rate filings should be permitted.

The Commission orders: This proceeding be and is hereby terminated for the reasons stated above, and withdrawal of Abercrombie's FPC Gas Rate Schedule No. 1 and Supplement No. 1 thereto be and is hereby permitted.

Issued: November 1, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9087; Filed, Nov. 7, 1956; 8:48 a. m.]

[Docket No. G-9609]

TEXAS CO. ET AL.

ORDER AMENDING ORDER SUSPENDING PROPOSED CHANGES IN RATES

By order issued November 2, 1955, in this proceeding, certain changes, proposed by The Texas Company (Texaco) in its Supplement No. 1 to its FPC Gas Rate Schedule No. 6 were suspended and the use thereof deferred pursuant to the provisions of section 4 (e) of the Natural Gas Act. Texaco's Rate Schedule No. 6, consisting of a contract dated September 10, 1952, with United Fuel Gas Company, then showed Texaco as the only party seller.

On September 17, 1956, Texaco filed a request for consolidation of filings by operator pursuant to § 154.91 (b) of the Commission's regulations under the Natural Gas Act. This filing showed that Texaco was the operator and owner of the majority of the working interests in the Erath Unit. Erath Field, Vermilion Parish, Louisiana, from which natural gas is sold under the contract of September 10, 1952. Seventy-two separate owners of working interest in the Erath Unit have ratified the September 10, 1952, contract, as shown by the John L. Abercrombie, et al. FPC Gas Rate Schedule No. 1. A proposed change in this latter rate schedule was suspended by an order issued November 2, 1955, in Docket No. G-9607. Texaco's filing of September 17 lists all the owners of working interests and their percentage ownership, which, together with Texaco, total 53.64223 percent of the Erath Unit.

Texaco requests (a) that its FPC Gas Rate Schedule No. 6 be regarded as an operator filing on behalf of and as agent for the several minority owners mentioned above; (b) that the suspension order of November 2, 1955, in this proceeding be amended to include said minority owners, and (c) that concurrently therewith, the proceedings in Docket No. G-9607 be terminated.

The Commission finds: The action requested by Texaco is reasonable and consistent with efficient administration of the Natural Gas Act and should be granted as hereinafter provided. Accordingly, a separate order terminating the proceeding in Docket No. G-9607 will be issued.

The Commission orders: The first-mentioned order issued November 2, 1955, in Docket No. G-9609 be and is hereby amended as follows: (a) the title of the proceeding is amended to read, "In the Matter of The Texas Company (Operator) et al.", and (b) the first paragraph of the order is amended to read, "The Texas Company (Applicant) on behalf of itself as operator and on behalf of John L. Abercrombie and others, non-operators, on October 3, 1955, tendered * * * (et cetera)."

Issued: November 1, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9088; Filed, Nov. 7, 1956; 8:48 a. m.]

[Docket No. G-10078 etc.]

SUPERIOR OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 1, 1956.

In the matters of The Superior Oil Company, Docket No. G-10078; The Superior Oil Company, Docket No. G-10079; The Superior Oil Company, Docket No. G-10080; The Superior Oil Company, Docket No. G-10081; The Superior Oil Company, Docket No. G-10082; The Atlantic Refining Company, Docket No. G-10086; Gulf Oil Corporation, Docket No. G-10127; Gulf Oil Corporation, Docket No. G-10128; Gulf Oil Corporation, Docket No. G-10129; Shell Oil Company, Docket No. G-10209; Shell Oil Company, Docket No. G-10210; Shell Oil Company, Docket No. G-10211; Shell Oil Company, Docket No. G-10212; Delhi-Taylor Oil Corporation, Docket No. G-10263; The Atlantic Refining Company, Docket No. G-10369; Delhi-Taylor Oil Corporation, Docket No. G-10901; Mayfair Minerals, Inc., Docket No. G-10905; C. G. Glasscock-Tidelands Oil Company, Docket No. G-10948; C. G. Glasscock-Tidelands Oil Company, Docket No. G-10949; C. C. Dauchy d/b/a Milam Drilling Company, Docket No. G-10952; Richard B. Lack, Docket No. G-10953; Clark Fuel Producing Company, Docket No. G-10977; Mrs. Mae Lusk and Charles M. Lusk, Docket No. G-11010; Colorado Oil and Gas Corporation, Docket No. G-11021; W. U. Paul, Docket No. G-11030; The Atlantic Refining Company, Docket No. G-11041; Clay Johnson, Jr., Docket No. G-11043; C. G. Glasscock-Tidelands Oil Company, Pontiac Refining Corp., Docket No. G-11048; B. F. Ussery d/b/a Melba Production Company, Docket No. G-11062; Christie, Mitchell and Mitchell Co., Docket No. G-11065; South Hutchins Producers, Inc., Docket No. G-11066; Texlamex Corporation, Docket No. G-11067; P. H. Welder, Docket No. G-11091; Cities Service Production Company, Docket No. G-11092; C. E. Starrett, Docket No. G-11105; J. Ray McDermott & Co., Inc., and as Agent for W. C. McBride, Inc., Docket No. G-11156; Shell Oil Company, Docket No. G-11171; Shell Oil Company, Docket No. G-11172; The Atlantic Refining Company, Docket No. G-11186; Seaboard Oil Company, Docket No. G-11213; North Withers Producers, Inc., Docket No. G-11218; Blair-Vreeland, Docket No. G-11239; Johnson & McCurdy, Docket No. G-11262; G. H. Vaughn, Jr., Docket No. G-11272.

Take notice that the persons captioned above, hereinafter jointly and severally referred to as Applicant, filed, as hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing each Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in each application which is on file with the Commission and open for public inspection.

Each Applicant in each docket as hereinafter indicated proposes to sell natural gas in interstate commerce from production of certain units, leases or acreage located as hereinafter indicated to Coastal Transmission Corporation for resale.

Docket Nos.; Dates Filed; Applicants and Addresses; and Sources of Gas

G-10078; 3-9-56, 8-29-56;[1] The Superior Oil Company, 400 Oil & Gas Building, Houston 2, Tex.; Algoa Field, Galveston County, Tex.

G-10079; 3-9-56, 8-29-56;[1] The Superior Oil Company, 400 Oil & Gas Building, Houston 2, Tex.; South Alvin Field, Brazoria County, Tex.

G-10080; 3-9-56, 8-29-56;[1] The Superior Oil Company, 400 Oil & Gas Building, Houston 2, Tex.; Monte Christo Field, Hidalgo County, Tex.

G-10081; 3-9-56, 8-29-56;[1] The Superior Oil Company, 400 Oil & Gas Building, Houston 2, Tex.; North Monte Christo Field, Hidalgo County, Tex.

G-10082; 3-9-56, 8-29-56;[1] The Superior Oil Company, 400 Oil & Gas Building, Houston 2, Tex.; Oblate Field, Hidalgo County, Tex.

G-10086; 3-12-56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; East Corpus Christi Bay Field, Nueces County, Tex.

G-10127; 3-20-56; Gulf Oil Corporation, P. O. Box 1166, Pittsburgh 30, Pa.; East Mustang Island Field, Nueces County, Tex.

G-10128; 3-20-56; Gulf Oil Corporation, P. O. Box 1166, Pittsburgh 30, Pa.; East Corpus Christi Bay Field, Nueces County, Tex.

G-10129; 3-20-56; Gulf Oil Corporation, P. O. Box 1166, Pittsburgh 30, Pa.; Lochridge Field, Brazoria County, Tex.

G-10209; 4-6-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; Kain Field, Matagorda County, Tex.

G-10210; 4-6-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; East White Point Field, San Patricio County, Tex.

G-10211; 4-6-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; Monte Christo Field, Hidalgo County, Tex.

G-10212; 4-6-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; Lochridge Field, Brazoria County, Tex.

G-10263; 4-16-56; Delhi-Taylor Oil Corporation, 8th Floor, Corrigan Tower, Dallas 1, Tex.; Yzaguirre, Garcia and Cortez Fields, Starr County; South McAllen Field, Hidalgo County; and McGill Field, Kenedy County; all in Texas.

G-10369; 5-8-56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; McGill Ranch Field, Kenedy County, Tex.

G-10901; 8-13-56; Delhi-Taylor Oil Corporation, 8th Floor, Corrigan Towers, Dallas 1, Tex.; Bay Natchez Field, Assumption and Iberville Parishes, La.

G-10905; 8-13-56; Mayfair Minerals, Inc., P. O. Box 991, McAllen, Tex.; South McAllen Field, Hidalgo County, Tex.

G-10948; 8-20-56; C. G. Glasscock-Tidelands Oil Company, 1601 Wilson Tower, Corpus Christi, Tex.; La Reforma Field, Starr and Hidalgo Counties, Tex.

G-10949; 8-20-56; C. G. Glasscock-Tidelands Oil Company, 1601 Wilson Tower, Corpus Christi, Tex.; Flores Field, Starr and Hidalgo Counties, Tex.

G-10952; 8-20-56; C. C. Dauchy d/b/a Milam Drilling Company, 1614 Alamo National Building, San Antonio, Tex.; Borosa Field, Starr County, Tex.

G-10953; 8-20-56 Richard B. Lack, 1614 Alamo National Building, San Antonio, Tex.; Borosa Field, Starr County, Tex.

G-10977; 8-27-56; Clark Fuel Producing Company, P. O. Box 473, Mission, Tex.; South Kelsey Field and Northeast Starr County Field, Starr County, Tex.

G-11010; 9-4-56; Mrs. Mae Lusk and Charles M. Lusk, No. 11 U-Tote'm Lane, Houston, Tex.; Lochridge Field, Brazoria County, Tex.

G-11021; 9-4-56; Colorado Oil and Gas Corporation, P. O. Box 749, Denver 1, Colo.; Cayo del-Oso Field, Nueces County, Tex.

G-11030; 9-6-56; W. U. Paul, 1122 First City National Bank Building, Houston, Tex.; Cameron Field and Borosa Field, Starr County, Tex.

[1] Amended applications.

G-11041; 9-10-56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; East Aransas Pass Field, Aransas County, Tex.

G-11043; 9-10-56; Clay Johnson, Jr., Suite 1703 Fair Building, Fort Worth 2, Tex.; Lochridge Field, Brazoria County, Tex.

G-11048; 9-10-56; C. G. Glasscock-Tidelands Oil Company, 1601 Wilson Tower and Pontiac Refining Corp., P. O. Box 1581, Corpus Christi, Tex.; West Fulton Beach Field, Aransas County, Tex.

G-11062; 9-11-56; B. F. Ussery d/b/a Melba Production Company, 616 Wilson Building, Corpus Christi, Tex.; South Driscoll Field, Nueces County, Tex.

G-11065; 9-11-56; Christie, Mitchell and Mitchell Co., 12th floor, Houston Club Building, Houston 2, Tex.; Palacios Field, Matagorda County, Tex.

G-11066; 9-12-56; South Hutchins Producers, Inc., 12th floor Fort Worth National Bank Building, Fort Worth, Tex.; South Hutchins Field, Wharton County, Tex.

G-11067; 9-12-56; Texlamex Corporation, 12th floor, Fort Worth National Bank Building, Fort Worth, Tex.; Blind Pass Field, Aransas County, Tex.

G-11091; 9-17-56; P. H. Welder, P. O. Box 604, Victoria, Tex.; McCook Field, Hidalgo County, Tex.

G-11092; 9-17-56; Cities Service Production Company, Cities Service Building, Bartlesville, Okla.; Bay Natches Field, Assumption and Iberville Parishes, La.

G-11105; 9-18-56; C. E. Starrett, Refugio, Tex.; Old Refugio Field, Refugio County, Tex.

G-11156; 9-28-56; J. Ray McDermott & Co., Inc., and W. C. McBride, Inc., 14th floor, Houston Club Building, Houston 2, Tex.; East Aransas Pass Field, Aransas County, Tex.

G-11171; 10-1-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; Mystic Bayou Field, St. Martin Parish, La.

G-11172; 10-1-56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; Oblate Field, Hidalgo County, Tex.

G-11186; 10-5-56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; Palacios Field, Matagorda County, Tex.

G-11213; 10-8-56; Seaboard Oil Company, Continental Building, Dallas, Tex.; South Clara Driscoll Field, Nueces County, Tex.

G-11218; 10-8-56; North Withers Producers, Inc., 12th floor, Fort Worth National Bank Building, Fort Worth, Tex.; North Withers Field, Wharton County, Tex.

G-11239; 10-15-56; Blair-Vreeland, P. O. Box 2413, Corpus Christi, Tex.; Hinde Field, Los Magueyes Area, Starr County, Tex.

G-11262; 10-19-56; Johnson & McCurdy, Suite 1703 Fair Building, Fort Worth 2, Tex.; Lochridge Field, Brazoria County, Tex.

G-11272; 10-22-56; G. H. Vaughn, Jr. and Texas Calgary Company, 1120 Mercantile Securities Building, Dallas 1, Tex.; Angelita North Field, San Patricio County, Tex.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, November 29, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 19, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9089; Filed, Nov. 7, 1956; 8:48 a. m.]

[Docket No. G-10524]

MICHIGAN WISCONSIN PIPE LINE CO.

ORDER GRANTING CONTINUANCE OF HEARING

On October 24, 1956, Commission Staff filed a motion for a continuance of the date of hearing in this proceeding. In support of its motion, Commission Staff states that the continuance is requested to enable it to complete a field investigation of the operations, books and records of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and to prepare testimony and exhibits as might be deemed necessary.

The motion further points out that this proceeding was initiated by filing made by Michigan Wisconsin on May 15, 1956, for an increase in rates and charges. The proposed increases were suspended by Commission order issued June 7, 1956, until November 15, 1956. In the interval since the suspension of the proposed increase, hearings in this proceeding have progressed through completion of cross-examination of the company's witnesses, but unavailability of Commission Staff personnel has prevented accomplishment of the necessary field investigation prior to this time.

Concurrences in the Staff's motion were filed by the Public Service Commission of Wisconsin on October 31, 1956, and by the City of Detroit, Michigan, on November 1, 1956. Answer to that motion was also filed by Michigan Wisconsin on November 1, 1956.

The Commission finds: Good cause has been shown to justify a continuance of hearing in these proceedings as hereinafter ordered for the purposes stated in the Staff's motion.

The Commission orders: The hearing in this proceeding hereby is continued to reconvene on January 7, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Commission, 441 G Street NW., Washington, D. C.

Issued: November 1, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9090; Filed, Nov. 7, 1956; 8:48 a. m.]

in its Supplement No. 1 to its FPC Gas Rate Schedule No. 6 were suspended and

perior Oil Company, Docket No. G–10079; The Superior Oil Company,

[1] Amended applications.

[Docket No. G–10886]

TEXAS GAS TRANSMISSION CORP.

NOTICE SETTING DATE OF HEARING

NOVEMBER 2, 1956.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application in the above-entitled matter: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Due notice of the application filed herein has been published in the FEDERAL REGISTER on September 18, 1956 (21 F. R. 7011–12). No protests or petitions to intervene have been received.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9084; Filed, Nov. 7, 1956; 8:47 a. m.]

[Project No. 2219]

GARKANE POWER ASSOCIATION, INC.

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 2, 1956.

Public notice is hereby given that Garkane Power Association, Inc. of Richfield, Utah, has filed an application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed Project No. 2219 located on the East and West Forks of Boulder Creek, a tributary of Escalante River, in Garfield County, Utah, affecting lands of the United States within the Dixie National Forest, and consisting of initial development located on the East Fork of Boulder Creek composed of: an earth fill dam 25 feet in height with an ogee concrete spillway 34 feet long; 22,200 feet of 34 to 30-inch steel penstock; a powerhouse containing two 1,975 h. p. impulse turbines operating under a static head of 1,527 feet connected to two 1,400 Kw generators, with provisions for an additional unit; switchyard; a transmission line extending about 19 miles to a substation at Escalante and other appurtenant facilities; and future development composed of: a rock fill dam 10 feet high and 50 feet long on West Fork of Boulder Creek diverting the flow through a 24-inch steel pipe to the East Fork Boulder Creek Reservoir.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is December 3, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9086; Filed, Nov. 7, 1956; 8:47 a. m.]

[Docket No. G–10946, etc.]

GULF REFINING CO. ET AL.

NOTICE SETTING DATE OF HEARING

NOVEMBER 2, 1956.

In the matters of Gulf Refining Company, Docket No. G–10946; H. L. Hawkins, H. L. Hawkins, Jr., Louis J. Roussel, Frank S. Kelly, Jr., Docket No. G–11031; Benedum-Trees Oil Company, Docket No. G–11056.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the respective applications in the above-entitled matters: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Due notice of the applications filed herein has been published in the FEDERAL REGISTER on October 25, 1956 (21 F. R. 8202–03). No protests or petitions to intervene have been received.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9085; Filed, Nov. 7, 1956; 8:47 a. m.]

[Project No. 2222]

DAIRYLAND POWER COOPERATIVE

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

NOVEMBER 1, 1956.

Public notice is hereby given that Dairyland Power Cooperative, of La Crosse, Wisconsin, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a preliminary permit for proposed water-power Project No. 2222, to be located on the Chippewa River in Buffalo, Dunn, Eau Claire, and Pepin Counties, Wisconsin, and to consist of: (1) Mile 4.2 Site, a dam comprised of a concrete gated spillway section, a powerhouse section and earth embankment sections; a reservoir with normal water surface at elevation 705.0 feet; a powerhouse with a proposed installation of 45,000 kilowatts; and appurtenant mechanical and electrical facilities; Mile 18.5 Site, a dam comprised of a concrete gated spillway section, a powerhouse section and earth embankment sections; a reservoir with normal water surface at elevation 732.0 feet; a powerhouse with a proposed installation of 45,000 kilowatts; and appurtenant mechanical and electrical facilities; and Mile 29.6 Site, a dam comprised of a concrete gated spillway section, a powerhouse section, and earth embankment sections, a reservoir with normal water surface at elevation 755.0 feet and an area of about 14,000 acres; a powerhouse with a proposed installation of 45,000 kilowatts; and appurtenant mechanical and electrical facilities. Applicant proposes also to study an alternative plan at this site with the pool elevation at 763.0 feet. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is December 6, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9091; Filed, Nov. 7, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 137]

MOTOR CARRIER APPLICATIONS

NOVEMBER 2, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 954 Sub 49, filed October 16, 1956, MID-STATES FREIGHT LINES, INC., 5200 S. Pulaski Road, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 S. LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, Class A and B explosives, inflammables, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, serving the site of the Ford Motor Company plant

located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio over U. S. Highways 41 and 6. Applicant is authorized to conduct operations in Kansas, Missouri, Iowa, Indiana, Illinois, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, and Rhode Island.

HEARING: December 13, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 1124 Sub 132, filed July 2, 1956, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Ave., Houston, Tex. Applicant's representative: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 28, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 1124 Sub 133, filed October 1, 1956, HERRIN TRANSPORTATION COMPANY, a corporation, 2300 Walker Avenue, Houston, Tex. Applicant's representative: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Dallas, Tex., and Shreveport, La., over U. S. Highway 80, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular-route operations between (1) Houston, Tex., and Shreveport, La., (2) Lake Charles, La., and Shreveport, La., (3) Galveston and Fort Worth, Tex., and (4) alternate-route operations between Dallas and Athens, Tex. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Tennessee and Texas.

NOTE: In Certificate No. MC 1124 Sub 104, applicant is authorized to transport *explosives*, over an alternate route between Dallas, Tex., and Shreveport, La., over U. S. Highway 80, serving no intermediate points. In Certificate No. MC 1124 Sub 80, applicant is authorized to transport *empty vehicles* used in operations otherwise authorized, over a regular route, between Dallas, Tex., and Shreveport, La., over U. S. Highway 80.

HEARING: January 28, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32.

No. MC 1441 Sub 14, filed August 9, 1956, MERRILL MOTOR LINE, INC., 2520 N. E. 35th St., Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: January 25, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 1649 Sub 59, filed September 19, 1956, RAILWAY EXPRESS MOTOR TRANSPORT, INCORPORATED, 1003 N. Meridian St., Indianapolis, Ind. Applicant's representative: O. R. Livinghouse, 617 Bankers Trust Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, moving in express service, between Covington, Ind. and the Indiana-Illinois State line over U. S. Highway 136, serving all intermediate points. Applicant is authorized to conduct operations in Indiana.

HEARING: December 18, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 1713 Sub 2, filed October 15, 1956, DORSEY OWINGS, Simpsonville, Md. Applicant's representative: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Paper waste* in mechanical bales, from Baltimore, Md., and Washington, D. C., to Richmond and Hopewell, Va., and (2) *rags*, from Richmond, Va., to Baltimore, Md. Applicant is authorized to conduct operations in Maryland, Pennsylvania, West Virginia and the District of Columbia.

NOTE: Any duplication with present authority should be eliminated.

HEARING: December 12, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 2202 Sub 150, filed August 31, 1956, ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. Issues published in the FEDERAL REGISTER of September 19, 1956.

HEARING: December 13, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 4405 Sub 284, filed October 11, 1956, DEALER TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, in initial movements, in truckaway service, from Selma, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 14, 1956, at Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 8681 Sub 51, filed July 30, 1956, WESTERN AUTO TRANSPORTS, INC., 430 S. Navajo St., Denver 9, Colo. Applicant's representative; Louis E. Smith, 1800 N. Meridian St., Indianapolis 2, Ind. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: January 11, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 10761 Sub 61, filed September 10, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Ave., Detroit 9, Mich. Applicant's representative: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 14, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 10928 Sub 31, filed August 29, 1956, SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Blvd., Dallas, Tex. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Bldg., Dallas 1, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Owentown, Tex., located approximately five (5) miles from Tyler, Tex., as an off-route point in connection with applicant's authorized regular route operations to and from Tyler, Tex. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: January 31, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 11185 Sub 99, filed August 28, 1956, J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's representative: Wrape and Hernly, Sterick Bldg., Memphis 3, Tenn. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 7, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 11910 Sub 11, filed October 16, 1956, ST. LOUIS-NASHVILLE FREIGHT LINES, INC., 1313 N. 13th St., St. Louis 6, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including household goods as defined by the Commission and commodities requiring special equipment*, but excluding commodities of unusual value, Class A and B explosives, inflammable articles, livestock, and commodities in bulk, between Evansville, Ind., and the Alcoa Warrick Plant near Yankeetown, Ind., from Evansville over Indiana Highway 66 to the Alcoa Warrick Plant and return over the same route serving no intermediate points. Applicant is authorized to conduct operations in Indiana and Illinois.

HEARING: December 20, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 13087 Sub 13, filed July 26, 1956, FRED J. STOCKBERGER, doing business as STOCKBERGER TRANSFER & STORAGE, 524 Second St., S. W., Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: January 14, 1956, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 17226 Sub 11, filed August 14, 1956, FRUIT BELT MOTOR SERVICE, INC., 3909 W. Harrison St., Chicago 24, Ill. Applicant's representative: Eugene L. Cohn, No. 1 N. LaSalle St., Chicago 2, Ill. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: January 14, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 20783 Sub 32, filed August 16, 1956, TOMPKINS MOTOR LINES, INC.,

1000 Third Ave., North, Nashville, Tenn. Applicant's representative: James Clarence Evans, Third National Bank Bldg., Nashville 3, Tenn. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 18, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 20783 Sub 33, filed October 12, 1956, TOMPKINS MOTOR LINES, INC., 1000 Third Avenue, North, Nashville, Tenn. Applicant's representative: James Clarence Evans, Third National Bank Building, Nashville 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Citrus products*, and *citrus products when combined with other fruits and/or vegetables or products of other fruits and/or vegetables*, not frozen, in refrigerated equipment, from points in Florida to Atlanta, Ga., and Chattanooga and Nashville, Tenn. Applicant is authorized to conduct operations in Alabama, North Carolina, South Carolina, Florida, Georgia and Tennessee.

HEARING: January 28, 1957, at the U. S. Court Rooms, Tampa, Fla., before Joint Board No. 102.

No. MC 23986 Sub 10, filed August 27, 1956, BLAIR TRANSIT COMPANY, 142 Davenport St., Saginaw, Mich. Applicant's representative: Carl H. Smith, Sr., 210–14 Phoenix Bldg., Bay City, Mich. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 14, 1956, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 26739 Sub 18, filed August 21, 1956, WAGNER FREIGHT LINES, INCORPORATED, Transport Building, St. Joseph, Mo. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, N. W., Washington 6, D. C. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 14, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 28439 Sub 68, filed August 15, 1956, DAILY MOTOR EXPRESS, INC., Pitt & Penn Streets, Carlisle, Pa. Applicant's representative: James E. Wilson, Continental Bldg., 14th Street at K Northwest, Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 13, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 28813 Sub 18, filed September 4, 1956, MOTOR EXPRESS, INC. OF INDIANA, 701 Illinois Bldg., Indianapolis, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: December 19, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 30319 Sub 74, filed September 4, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 N. San Jacinto St., P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 18, 1957, at the Federal Office Bldg., Franklin & Fannin St., Houston, Tex., before Joint Board No. 77.

No. MC 31395 Sub 6, filed October 10, 1956, G & W TRUCK LINE, INC., 202 South Washington St., Wichita, Kans. Applicant's representative: J. Wm. Townsend, 204–206 Central Bldg., Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages* and *advertising matter*, from Kansas City, Mo., to points in Kansas, Nebraska, Colorado, and Oklahoma, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations in Illinois, Missouri, Nebraska, and Kansas.

HEARING: January 15, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 31600 Sub 413, filed September 13, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary St., Waltham 24, Mass. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: December 7, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 43038 Sub 400, filed July 2, 1956, COMMERCIAL CARRIERS, INC., 3399 E. McNichols Road, Detroit 12, Mich. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: January 18, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 98.

No. MC 45656 Sub 7, filed August 21, 1956, ANDERSON TRUCK LINE, INC., 115 Powell Avenue, Lenoir, N. C. Applicant's representative: A. W. Flynn, Jr., 201–204 Jefferson Building, Greensboro, N. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 11, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner C. Evans Brooks.

No. MC 52405 Sub 3, filed August 16, 1956, SCOTT BROS., INCORPORATED, 1000 South Broad St., Philadelphia 46, Pa. Applicant's representative: Gilbert Nurick, Commerce Building, P. O. Box 432, Harrisburg, Pa. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 14, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 52460 Sub 35, filed August 1, 1956, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 7, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 52657 Sub 491, filed July 23, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 West Doty Street, Madison, Wis. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: January 17, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 52657 Sub 492, filed July 23, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 West Doty Street, Madison 3, Wis. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: January 17, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 59317 Sub 5, filed June 4, 1956, E. C. BISON, 211 West Third St., North, Newton, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: January 3, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 60076 Sub 15, filed July 20, 1956, VERN F. WARNER, CLIFFORD V. WARNER, AND KEITH D. WARNER, doing business as V. F. WARNER AND SONS, 104 West Charles Street, Champaign, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: January 16, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 68909 Sub 48, filed October 19, 1956, DECATUR CARTAGE CO., a Corporation, 1934 S. Wentworth Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General comomdities*, except livestock, Class A and B explosives, inflammables, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, serving the site of the Ford Motor Company plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio, over U. S. Highway 20. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri and Ohio.

HEARING: December 13, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 70451 Sub. 183, filed June 7, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. Issues published in FEDERAL REGISTER of June 20, 1956.

HEARING: January 17, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Donald R. Sutherland.

No. MC 70470 Sub 5, filed August 28, 1956, FILM TRANSPORT CO., 1112 Capitol Ave., Omaha, Nebr. Applicant's representative: C. A. Ross, 1004–05 Trust Bldg., Lincoln 8, Nebr. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 14, 1956, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 138.

No. MC 71827 Sub 3, filed August 16, 1956, I. E. RIDDLE, doing business as RIDDLE TRUCK LINE, 432 North 1st West, Cedar City, Utah. Applicant's representative: Macoy A. McMurray, Newhouse Bldg., Salt Lake City 11, Utah. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 11, 1956, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 75527 Sub 17, filed October 19, 1956, LAHN TRANSPORTATION, a Corporation, P. O. Box 17, Bridgeton, N. J. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Returned glassware*, from points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia, to Bridgeton and Salem, N. J. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia.

HEARING: December 11, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 79695 Sub 16, filed October 11, 1956, STEEL TRANSPORTATION COMPANY, INC., 400 Cline Ave., East Chicago, Ind. Applicant's representative: Robert W. Loser, 317 Chamber of Commerce Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, from Aurora, Ind., to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, Iowa, Ohio, and Wisconsin.

HEARING: December 19, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 80430 Sub 84, filed October 16, 1956, GATEWAY TRANSPORTATION CO., 2130 South Ave., LaCrosse, Wis. Applicant's representative: Carl L. Steiner, 39 S. LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, Class A and B explosives, inflammables, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, serving the site of the Ford Motor Company plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Toledo, Ohio and Cleveland, Ohio over Ohio Highways 2 and 254 and U. S. Highway 6. Applicant is authorized to conduct operations in Illinois, Missouri, Iowa, Minnesota, Wisconsin, Ohio and Michigan.

HEARING: December 13, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 89723 Sub 17, filed October 18, 1956, MISSOURI PACIFIC FREIGHT TRANSPORT COMPANY, a Corporation, 1218 Olive Street, St. Louis 3, Mo. Applicant's representative: Walter G. Treanor, Missouri Pacific Railroad Company, Missouri Pacific Building, St. Louis 3, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives* (covered by rail or express tariffs), (a) between Wichita, Kans., and the junction of Kansas Highways 14 and 4, approximately 3 miles west of Geneseo, Kans., from Wichita, over Kansas Highway 96 to junction Kansas Highway 14, thence over Kansas Highway 14 to junction Kansas Highway 4, approximately 3 miles west of Geneseo, and return over the same route; and (b) between Haven, Kans., and Hutchinson, Kans., over unnumbered county roads, serving all points on the line of the Missouri Pacific Railroad Company between the above-specified origins and destinations. RESTRICTION: Proposed operations to be limited to traffic which has had a prior or will have a subsequent movement by railroad. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Nebraska and Tennessee.

HEARING: December 13, 1956, at the Kansan Hotel, Topeka, Kans., before Joint Board No. 52.

No. MC 92722 Sub 10, filed June 14, 1956, ROBERT R. WALKER, INC., 1818 W. Sample St., P. O. Box 206, South Bend, Ind. Applicant's representative: Wilmer A. Hill, Transportation Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: January 10, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 92983 Sub 172, filed July 20, 1956, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: January 16, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 92983 Sub 179, filed September 21, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paint* and *paint materials*, in bulk, in tank vehicles, from Houston, Tex., to Kansas City, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Minnesota, Missouri and Texas.

HEARING: January 16, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 93980 Sub 25, filed July 20, 1956, VANCE TRUCKING COMPANY, INCORPORATED, Dabney Drive, Box 336, Henderson, N. C. Applicant's representative: James E. Wilson, Continental Building, Fourteenth at K Northwest, Washington 5, D. C. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: January 9, 1957, at the North Carolina Utilities Commission State Library Building, Morgan Street, Raleigh, N. C., before Examiner C. Evans Brooks.

No. MC 95540 Sub 273, filed July 27, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: January 24, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 95540 Sub 274, filed July 31, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: January 4, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Edward Kobernusz.

No. MC 95540 Sub 275, filed August 13, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: January 9, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 95540 Sub 276, filed September 17, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, (P. O. Box 785) Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 9, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 95540 Sub 277, filed October 15, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Illinois, on and west of U. S. Highway 51 and on and north of U. S. Highway 40.

HEARING: January 9, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 95649 Sub 1, filed August 8, 1956, NED A. BEEMAN, Laceyville, Pa. Applicant's representative: Paul H. Price, 609 Scranton Lackawanna Trust Building, Scranton, Pa. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 13, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 99580 Sub 1, filed August 31, 1956, GERALD H. BOSTWICK, doing business as BUTTE DILLON FREIGHT LINES, 710 South Pacific Street, Dillon, Mont. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 14, 1956, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 83.

No. MC 97998 Sub 2, filed June 20, 1956, REFRIGERATED TRANSPORT, INC.,

tember 19, 1956.

Stephens, 121 West Doty Street, Madison, 1956.

Room 255, New Post Office Building, Co-

318 Cadiz St., Dallas, Tex. Applicant's representative: Carl L. Phinney, First National Bank Bldg., Dallas 9, Tex. Issues published in FEDERAL REGISTER of July 25, 1956.

HEARING: January 23, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 101280 Sub 9, filed August 13, 1956, FRANCIS BLACK, 1201 S. Central, Paris, Ill. Applicant's representative: Mack Stephenson, 208 East Adams St., Springfield, Ill. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 103993 Sub 74, filed August 1, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: January 28, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 103993 Sub 75, filed August 30, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's representative: John E. Lesow, 632 Illinois Bldg., 17 W. Market Street, Indianapolis 4, Ind. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 11, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Richard Yardley.

No. MC 104347 Sub 120, filed October 11, 1956, LEAMAN TRANSPORTATION CORPORATION, 520 E. Lancaster Ave., Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum oil additives*, in bulk, in tank vehicles, from Bristol, Pa., to points in Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Virginia.

HEARING: December 10, 1956, at the Office of the Interstate Commerce Commission, before Examiner Harold P. Boss.

No. MC 106200 Sub 5, filed August 7, 1956, HOFFMAN TRANSFER, INC., 12204 East 47th Street, Independence, Mo. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 8, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 106379 Sub 29, filed June 25, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street, Houston, Tex. Applicant's representative: Joe G. Fender, Melrose Bldg., Houston 2, Tex. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: January 16, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Joint Board No. 246.

No. MC 106398 Sub 70, filed September 28, 1956, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Rd., (P. O. Box 8096 Dawson Station), Tulsa 15, Okla. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway service, from the plant site of Guerdon Industries, Inc., located approximately one-half mile north of the city limits of Lake City, Fla., on U. S. Highway 41 to points in the United States, (2) *House trailer undercarriages, or component parts of such undercarriages*, from points in the United States to points in Florida. Applicant is authorized to conduct operations in Kansas, Utah, Oklahoma, Indiana, California, Texas, Florida, Arizona, Georgia, Illinois, Colorado, Missouri, Idaho, New York, Maryland, Pennsylvania, Virginia, Wisconsin, New Jersey, Minnesota and the District of Columbia.

HEARING: January 11, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Richard Yardley.

No. MC 106644 Sub 32, filed August 3, 1956, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place, N. E., Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Bldg., Atlanta 5, Ga. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 13, 1956, at the Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 107012 Sub 22, filed October 26, 1956, NORTH AMERICAN VAN LINES, INC., P. O. Box 988 Fort Wayne, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uncrated pianos* and *musical instruments and parts thereof* when transported in connection therewith, from Corinth, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, *damaged or defective pianos and musical instruments*, on return.

HEARING: December 7, 1956, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 107064 Sub 13, filed July 13, 1956, FERGUSON-STEERE MOTOR COMPANY, a corporation, P. O. Box 285, Albuquerque, N. Mex. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Bldg., Dallas 1, Tex. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: January 31, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 33.

No. MC 107107 Sub 80 (amended October 3, 1956, and further amended October 12, 1956), published on page 7359, issue of September 26, 1956, filed September 11, 1956, ALTERMAN TRANSPORT LINES, INC., Office: 2424 N. W. 46th St., Mailing: P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Illinois, Indiana, Kansas, South Dakota, Ohio, Arkansas, Louisiana, Michigan, Oklahoma, and points in Texas on and east of U. S. Highway 281.

HEARING: January 14, 1957, at the Angebilt Hotel, Orlando, Fla., before Examiner Richard Yardley.

No. MC 107107 Sub 81, filed September 11, 1956, ALTERMAN TRANSPORT LINES, INC., Office Address: 242 N. W. 46th St.; Mailing Address: P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida to points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

HEARING: January 14, 1957, at the Angebilt Hotel, Orlando, Fla., before Examiner Richard Yardley.

No. MC 107227 Sub 41, filed October 22, 1956, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's representative: Reginald L. Vaughan, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used luggage trailers* designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, from points in Arizona, California, Nevada, Oregon, and Washington to points in the District of Columbia and Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: December 13, 1956, at Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107272 Sub 12, filed October 12, 1956, MONKEM COMPANY, INC., 601 North High St., Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Bldg., P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ammonium nitrate fertilizer, fertilizer compounds* (manufactured), dry in bags, from the site of the Spencer Chemical Company Plant at or near Military Kans., to points in Illinois, Indiana, Ohio, Kentucky, Mississippi, Tennessee, Louisiana and Alabama. Applicant is authorized to conduct operations in Kansas, Missouri, Oklahoma, Arkansas, Nebraska and Iowa.

HEARING: January 15, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 107403 Sub 220, filed August 23, 1956, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's representative: Paul F.

Barnes, 811-19 Lewis Tower Building, Philadelphia 2, Pa. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 10, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 107409 Sub 10 (amended), filed July 5, 1956, RATLIFF AND RATLIFF, INC., P. O. Box 399, Wadesboro, N. C. Applicant's representative: Vaughn S. Winborne, Security Bank Bldg., Raleigh, N. C. Issues published in FEDERAL REGISTERS of July 25, 1956 and August 8, 1956.

HEARING: January 31, 1957, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 107477 Sub 6, filed August 13, 1956, AUTO EXPRESS, INC., Route 1, Box 812, Dinsmore, Fla. Applicant's representative: Dan R. Schwartz, Suite 713 Professional Building, Jacksonville 2, Fla. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: January 18, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner C. Evans Brooks.

No. MC 107496 Sub 82, filed August 10, 1956, RUAN TRANSPORT CORPORATION, 408 S. E. 30th St., Des Moines, Iowa. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 16, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 107515 Sub 230, filed June 1, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. Issues published in FEDERAL REGISTER of June 27, 1956.

HEARING: January 18, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 107515 Sub 237, filed September 26, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods;* (2) *citrus products*, unfrozen, requiring refrigeration and transported in vehicles equipped with mechanical refrigeration, from points in Georgia, Alabama and Florida to points in Colorado. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia and Wisconsin.

HEARING: January 17, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 108228 Sub 9, filed May 11, 1956, ADAMS AND COMPANY, A Florida Corporation, U. S. Highway #92 at West City Limits, Lakeland, Fla. Applicant's representative: Wm. Reece Smith, Jr., First National Bank Building, P. O. Box 3239, Tampa 1, Fla. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: January 21, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Richard Yardley.

No. MC 108461 Sub 47, filed July 16, 1956, WHITFIELD TRANSPORTATION, INC., 200 W. Amador, P. O. Box 1350, Las Cruces, N. Mex. Applicant's representatives: Frank Owen, III, and Truman A. Stockton, Jr., 13th Floor Bassett Tower, El Paso, Tex. Issues published in FEDERAL REGISTER of September 5, 1956.

HEARING: January 10, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Examiner Gerald F. Colfer.

No. MC 108543 Sub 5, filed June 4, 1956, G. C. HINRICHS, doing business as HINRICHS TRUCK LINE, 723 Seventh St., Ida Grove, Iowa. Applicant's representative: William A. Landau, 1307 E. Walnut St., Des Moines 16, Iowa. Issues published in FEDERAL REGISTER of June 20, 1956.

HEARING: January 7, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 109397 Sub 16, filed August 9, 1956, TRI-STATE WAREHOUSING AND DISTRIBUTING CO., 315 E 7th Street, P. O. Box 113, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Building, Joplin, Mo. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 10, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 109451 Sub 61, (Amended) filed August 31, 1956, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's representative: Maurice Bishop, 325 Frank Nelson Bldg., Birmingham, Ala. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: December 18, 1956, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 109465 Sub 7, filed July 3, 1956, GREAT LAKES SOLVENTS, INC., 2530 West Bloomingdale Ave., Chicago 47, Ill. Applicant's representative: Floyd F. Shields, Title and Trust Bldg., Chicago 2, Ill. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: January 8, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 110157 Sub 10, filed August 6, 1956, C. M. LANG AND C. R. GIVENS, doing business as LANG TRANSIT COMPANY, P. O. Box 1625, 2504 Texas Ave., Lubbock, Tex. Applicant's representative: W. D. Benson, Jr., Suite 1105, Great Plains Life Building, Lubbock, Tex. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 7, 1957, at the Herring Hotel, Amarillo, Tex., before Joint Board No. 77.

No. MC 110388 Sub 2, UNION PACIFIC MOTOR FREIGHT COMPANY, a corporation, 1416 Dodge Street, Omaha, Nebr. Applicant's representative: W. R. Rouse, Vice President and Western General Counsel, U. P. R. R. Co., 1416 Dodge Street, Omaha, Nebr. PETITION FOR MODIFICATION OF KEY POINT RESTRICTIONS. Petitioner was issued a Certificate (corrected) dated December 21, 1949, to transport, *General commodities*, except household goods, as defined by the Commission, petroleum products in bulk, in tank trucks, livestock (other than individual animals moving in express service), and commodities which because of their size or weight require the use of special equipment, over regular routes, between Kansas City, Mo., and Cheyenne, Wyo.; between St. Joseph, Mo., and Junction City, Kans.; between Bonner Springs, Kans., and Leavenworth, Kans.; between St. Marys, Kans., and junction Kansas Highway 99 and U. S. Highway 36; between Manhattan, Kans., and Marysville, Kans.; between Cloburne, Kans., and junction unnumbered highway and U. S. Highway 77; between Manhattan, Kans., and Beloit, Kans., between Junction City, Kans., and Clay Center, Kans.; between McPherson, Kans., and Concordia, Kans.; between junction Kansas Highway 41 and U. S. Highway 81 and junction unnumbered highway and U. S. Highway 24; between junction unnumbered highway and U. S. Highway 81 and Colby, Kans.; between Plainville, Kans., and Hays, Kans.; between junction U. S. Highways 83 and 24 and Oakley, Kans.; between junction U. S. Highway 24 and unnumbered highway and junction U. S. Highway 82 and unnumbered highways; between Denver, Colo., and Fort Collins, Colo.; between Brighton, Colo., and Boulder, Colo.; between Lupton, Colo., and Puritan, Colo.; between Platteville, Colo., and junction Colorado Highways 66 and 185; between junction Colorado Highway 60 and U. S. Highway 85 and junction Colorado Highway 60 and 185; between junction Colorado Highway 66 and unnumbered highway and junction said unnumbered highway and Colorado Highway 52; between Julesburg, Colo., and junction U. S. Highway 34 and Colorado Highway 185; between junction U. S. Highway 34 and Colorado Highway 144 and junction Colorado Highway 144 and U. S. Highway 6; between junction U. S. Highway 6 and Colorado Highway 71 and Snyder, Colo., and return over these routes. Service is authorized to and from all intermediate points on the above routes and all off-route points in Colorado and Kansas, which are rail stations on the rail lines of the Union Pacific Railroad Company. The service authorized is subject to the following restrictions, among others: The service by motor vehicle to be performed by Union Pacific Motor Freight Company shall be limited to service which is auxiliary to, or supplemental of, the train service of Union Pacific Railroad Company. Union Pacific Motor Freight Company shall not serve any point not a station on the rail lines of Union Pacific Railroad Company. No shipment shall be transported by Union Pacific Motor Freight Company between any of the following points, or through, or to, or from more than one of said points: Kansas City, Mo.-Kans., St. Joseph, Mo., Salina, Oakley, Marysville, Topeka, Manhattan-Junction City, and Plainville-Hays, Kans., Denver, Greeley, Cheyenne Wells, and Sterling, Colo., and Cheyenne, Wyo. By petition, the Certifi-

cate holder seeks amendment of the last restriction so as to read as follows: No shipment shall be transported by Union Pacific Motor Freight Company between any of the following points, or through, or to, or from more than one of said points: Kansas City, Mo.-Kans., Marysville, Kans., Salina, Kans., Denver, Colo., also, the key point of Manhattan, Kans., on traffic from Kansas City, Mo., or beyond; the key points of Hays-Plainville, Kans. (considered as one), Julesburg, Colo., and Cheyenne, Wyo., on traffic from Denver, Colo., or beyond. And eliminate the following stations as key points: St. Joseph, Mo., Topeka, Kans., Manhattan-Junction City, Kans. (except the key point of Manhattan, Kans., on traffic from Kansas City, Mo., or beyond), Oakley, Kans., Hays-Plainville, Kans. (except on traffic from Denver, Colo., or beyond), Cheyenne Wells, Colo., Greeley, Colo., Sterling, Colo., Cheyenne, Wyo. (except on traffic from Denver, Colo., or beyond).

HEARING: January 21, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Donald R. Sutherland.

No. MC 110388 Sub 3, UNION PACIFIC MOTOR FREIGHT COMPANY, a corporation, 1416 Dodge Street, Omaha, Nebr. Applicant's representative: W. R. Rouse, Vice President and General Counsel, U. P. RR C., 1416 Dodge Street, Omaha, Nebr. PETITION FOR MODIFICATION OF KEY POINT RESTRICTIONS. Petitioner was issued a Certificate dated May 10, 1950, to transport *Dangerous explosives* and *general commodities* except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than refrigeration, and those injurious or contaminating to other lading, between Council Bluffs, Iowa and Denver, Colo.; between Omaha, Nebr., and Clarks, Nebr.; between Hastings, Nebr., and Loup City, Nebr.; between Ogallala, Nebr., and Scottsbluff, Nebr.; between Columbus, Nebr., and Spaulding, Nebr.; between Grand Island, Nebr., and junction Nebraska Highways 2 and 10; between Lincoln, Nebr., and junction U. S. Highways 6 and 275 west of Omaha, Nebr.; between Fullerton, Nebr., and Central City, Nebr.; between Kearney, Nebr., and Stapleton, Nebr.; between North Platte, Nebr., and Stapleton, Nebr.; between Hastings, Nebr., and Marysville, Kans.; between Hastings, Nebr., and Glenvil, Nebr.; between Marysville, Kans., and Lincoln, Nebr.; between Kimball, Nebr., and Cheyenne, Wyo.; between Kearney, Nebr., and Loup City, Nebr. Service is authorized to, or restricted against various intermediate and off-route points, shown in the Certificate. The service authorized is subject to the following restrictions, among others:

The service to be performed by the Union Pacific Motor Freight Company shall be limited to service which is auxiliary to, or supplemental of, the rail service of the Union Pacific Railroad Company.

Union Pacific Motor Freight Company shall not render any service to, or from, or interchange traffic at, any point not a station on the lines of the Union Pacific Railroad Company.

No shipment shall be transported by the Union Pacific Motor Freight Company between any two of the following points, or through, or to, or from, more than one of the said points: Omaha, Grand Island, and North Platte, Nebr., Sterling and Denver, Colo., Cheyenne, Wyo., and Marysville, Kans.

By petition, the Certificate holder seeks amendment of the last restriction so as to read as follows:

No shipment shall be transported by Union Pacific Motor Freight Company between any two of the following points, or through, or to, or from, more than one of said points: Omaha, Nebr., Grand Island, Nebr., North Platte, Nebr., Marysville, Kans., Denver, Colo., and Julesburg, Colo., on traffic from Denver, Colo., or beyond; the key point of Cheyenne, Wyo., on traffic from North Platte, Nebr., or beyond. And eliminate the following stations as key points: Sterling, Colo., Cheyenne, Wyo. (except on traffic from Denver, Colo., or beyond, and on traffic from North Platte, Nebr., or beyond).

HEARING: January 21, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Donald R. Sutherland.

No. MC 110416 Sub 7, filed October 19, 1956, K. W. CASADY, doing business as CASADY TRUCK LINE, Grimes, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, and *farm tractors*, between Des Moines, Iowa and points within one mile thereof, and points in Missouri on and west of U. S. Highway 63.

HEARING: December 7, 1956, at the Federal Office Bldg., 5th & Court Aves., Des Moines, Iowa, before Joint Board No. 137.

No. MC 110698 Sub 79, filed August 27, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, (J. ARCHIE CANNON, JR., SUCCESSOR TRUSTEE), P. O. Box 457, Winston Rd., Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 19, 1956, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 110923 Sub 1, filed August 16, 1956, ALBERT LIVEK, doing business as AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, Ill. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 8, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 111472 Sub 36, filed June 25, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: January 9, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 111472 Sub 37, filed August 17, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 9, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 111545 Sub 19, filed August 7, 1956, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route 3, Marietta, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 9, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Richard Yardley.

No. MC 111812 Sub 28 (amended), filed May 31, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. Issues published in FEDERAL REGISTER of June 13, 1956, and republished July 18, 1956.

HEARING: January 18, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Donald R. Sutherland.

No. MC 112020 Sub 20, filed August 8, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 29, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 112020 Sub 21, filed August 8, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 30, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 112055 Sub. 3, filed July 17, 1956, ILL.-PAC. COAST TRANSPORTATION CO., 1601 Market St., Madison, Ill. Applicant's representative: Harry C. Ames, Jr., Transportation Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of August 1, 1956, and republished August 22, 1956.

HEARING: January 3, 1957, at the DeSota Hotel, St. Louis, Mo., before Examiner Harold W. Angle.

No. MC 112948 Sub 3, filed July 2, 1956, HUMBERTO SAENZ, doing business as SAENZ INTERNATIONAL TRUCKING COMPANY, 66 Central Park Drive, Brownsville, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, including *those of unusual value, commodities in bulk* excepting liquids, and *commodities requiring special equipment*, but excluding Class A and B explosives, household goods as defined by the Commission, and liquids in bulk, in

foreign commerce only, between the port of entry on the International Boundary line between the United States and Mexico at or near Brownsville, Tex., on the one hand, and, on the other, Brownsville, Tex.

HEARING: January 21, 1957, at the Stephen F. Austin Hotel, Austin, Tex., before Joint Board No. 294.

No. MC 113168 Sub 4, filed August 22, 1956, PARK TRUCKING AND SUPPLY, INC., 9341 Franklin Avenue, Franklin Park, Ill. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Issues published in FEDERAL REGISTER of September 17, 1956.

HEARING: January 3, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 113533 Sub 6, filed September 4, 1956, L. B. VINCENT GARDELLA, doing business as GARDELLA'S REFRIGERATED EXPRESS, 1951 E. Ferry Street, Detroit 11, Mich. Applicant's representative: Clark, Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Detroit, Bay City, Benton Harbor, Flint, Grand Rapids, Saginaw and Williamson, Mich., to points in New York, Maryland, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Kentucky, Missouri, Maine and Virginia. Applicant is authorized to conduct operations in Massachusetts, Michigan, New York and Pennsylvania.

HEARING: January 3, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Edward Kobernusz.

No. MC 113533 Sub 9, filed October 31, 1956, L. B. VINCENT GARDELLA, doing business as GARDELLA'S REFRIGERATED EXPRESS, 1951 E. Ferry, Detroit, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods, meats, meat products*, and *meat byproducts*, from points in Westchester, Nassau, Bronx, Kings, and Queens Counties, N. Y., to points in Michigan, Indiana, Illinois, Ohio, Kentucky, and Missouri. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Rhode Island.

HEARING: December 6, 1956, at 346 Broadway, New York, N. Y., before Examiner Leo W. Cunningham.

No. MC 114045 Sub 33, filed August 20, 1956, R. L. MOORE AND JAMES T. MOORE, doing business as TRANSCOLD EXPRESS, 3119 Swiss Avenue, P. O. Box 5842, Dallas, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 25, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 114045 Sub 35, filed September 18, 1956, R. L. MOORE AND JAMES T. MOORE, doing business as TRANSCOLD EXPRESS, 3119 Swiss Avenue, Dallas, Tex. Applicant's Representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Atlanta, Ga., and Birmingham, Ala., to points in Texas. Applicant is authorized to conduct operations in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: January 24, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 114220 Sub 1, filed March 26, 1956, INTERSTATE TRAILER TRANSPORT, INC., 506 East Euclid, Des Moines, Iowa. Applicant's representative: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. Issues published in FEDERAL REGISTER of May 16, 1956 and republished June 27, 1956.

HEARING: January 4, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 114360 Sub 3, filed October 15, 1956, SOUTHERN EXPRESS CO., a corporation, 3333 S. Cicero Ave., Cicero, Ill. Applicant's representative: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Chevrolet Division, General Motors Corporation, located approximately 6 miles southwest of Warren (Lordstown Township, Trumbull County), Ohio, as an off-route point in connection with applicant's authorized regular route (leased) operations[1] between (1) Chicago, Ill., and Youngstown, Ohio; (2) Warren, Ohio and Salem, Ohio; and (3) Warren, Ohio, and Akron, Ohio. Applicant is authorized to conduct operations in Indiana.

HEARING: December 18, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 114816 Sub 2, filed July 27, 1956, AMERICAN HIGHWAY CARRIERS, INC., 1916 South California Avenue, Chicago, Ill. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: January 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 114897 Sub 23, filed July 23, 1956, WHITFIELD TANK LINES, INC., 240 W. Amador, Las Cruces, N. Mex. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: January 9, 1957, at the Hotel Paso Del Norte, El Paso, Texas, before Examiner Gerald F. Colfer.

No. MC 115036 Sub 3, filed October 3, 1956, VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P. O. Box 2028, Kansas City 42, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay* and *clay products*, and *fittings* therefor, from Pittsburg, Kans. to points in Oklahoma, Arkansas, New Mexico, Texas, Colorado, and South Dakota; *returned shipments of the above-indicated commodities* on return; *materials and supplies used in the manufacture of clay products* from points in Kansas, Missouri, Oklahoma, Arkansas, South Dakota, New Mexico, Texas, and Nebraska to Pittsburg, Kans. Applicant is authorized to transport clay and clay products from Pittsburg, Kans. to points in Missouri and Nebraska.

HEARING: January 9, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 115162 Sub 10, filed June 21, 1956, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's representative: Hugh R. Williams, 2284 West Fairview, Montgomery, Ala. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: January 24, 1957, at the U. S. Court Rooms, Montgomery, Ala., before Examiner C. Evans Brooks.

No. MC 115162 Sub 11, filed June 21, 1956, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's representative: Hugh R. Williams, 2284 West Fairview Avenue, P. O. Box 869, Montgomery, Ala. Issues published in FEDERAL REGISTER of July 11, 1956.

HEARING: January 24, 1957, at the U. S. Court Rooms, Montgomery, Ala., before Examiner C. Evans Brooks.

No. MC 115890 Sub 7, filed August 24, 1956, A & A TRUCKING, INC., Southwest Blvd. and Big Tree Road, Hamburg, N. Y. Mailing address: P. O. Box 477, Blasdell Branch, Buffalo 19, N. Y. Applicant's representative: Noel F. George, 44 E. Broad St., Columbus 15, Ohio. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 19, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 115956, filed April 26, 1956, L. A. WHITE, doing business as WHITE TRANSFER CO., 714 Reed Street, Biltmore, N. C. Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: January 14, 1957, at the Battery Park Hotel, Asheville, N. C., before Examiner C. Evans Brooks.

No. MC 116059, filed June 20, 1956, RAYMOND BROWN and BERNARD FRIEDMAN, doing business as BROWN BROTHERS CARTAGE SERVICE, 2900–2908 Taylor Street, Chicago, Ill. Applicant's representative: Edward G. Baselon, 39 S. La Salle Street, Chicago 3, Ill.

[1] This application covers extension operating rights in Certificate MC 105801, June 20, 1949, in name of I. H. Langenderfer and M. M. Langenderfer, partnership, dba Southern Express, Chicago, Ill., which authority is leased by applicant pursuant to MC-FC 31512 approved December 19, 1947, to expire December 19, 1957. Certificate, if and when issued, will be issued to lessee and will expire with termination of lease.

Issues published in FEDERAL REGISTER of July 4, 1956.

HEARING: January 7, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 116102, filed July 16, 1956, FRED GORDON EDWARDS, doing business as EDWARDS TRUCKING, P. O. Box 54, Hemingway, S. C. Applicant's representative: Jerome P. Askins, Jr., Hemingway, S. C. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: January 16, 1957, at the U. S. Court Rooms, Columbia, S. C., before Examiner C. Evans Brooks.

No. MC 116048, (amended) filed June 13, 1956, MANGUM TRUCKING COMPANY, INC., Route No. 3, Box 455, Charlotte, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, other than plywoods, veneers, built up woods and flooring, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Florida.

HEARING: January 30, 1957, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 116067, filed June 22, 1956, NEBRASKA SHORT LINE CARRIERS, INC., 901 South 13th Street, Lincoln, Nebr. Applicant's representative: J. Max Harding, 901 South 13th Street, Lincoln, Nebr. Issues published in FEDERAL REGISTER of July 18, 1956.

HEARING: January 23, 1957, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Donald R. Sutherland.

No. MC 116077 Sub 9, filed August 9, 1956, ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's representative: Looney, Clark & Moorhead, Brown Building, Austin 1, Tex. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 17, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Gerald F. Colfer.

No. MC 116097, filed July 11, 1956, NATIONAL BOAT TRANSPORT, INC., P. O. Box 14287, Houston 2, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Bldg., Austin, Tex. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: January 14, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Gerald F. Colfer.

No. MC 116116, filed July 20, 1956, FOOD EXPRESS, INC., 103 West College Avenue, Appleton, Wis. Applicant's representative: David B. Bliss, Zuelke Building., Appleton, Wis. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 21, 1957, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Edward Kobernusz.

No. MC 116125, filed July 24, 1956, JAMES M. CRAIN, doing business as JIM CRAIN'S HOUSE TRAILER REPAIR, Taylors, S. C. Applicant's representative: William P. Donelan, 500 Security Federal Building, 1233 Washington Street, Columbia, S. C. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: January 15, 1957, at the U. S. Court Rooms, Columbia, S. C., before Examiner C. Evans Brooks.

No. MC 116143, filed August 2, 1956, MELVIN CADLE, R. R. 7, Lafayette, Ind. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 18, 1956, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 116148, filed August 6, 1956, HARRY D. WOLF, Box 52, New Bloomfield, Pa. Applicant's representative: Andrew Wilson Green, 603 North Front Street, Harrisburg, Pa. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 10, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 116161, filed August 13, 1956, LESLIE C. TESCH, 405 South Market Street, Brenham, Tex. Applicant's representative: Albert G. Walker, 202 Capital National Bank Building, Austin, Tex. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 22, 1957, at the Stephen F. Austin Hotel, Austin, Tex., before Examiner Gerald F. Colfer.

No. MC 116162, filed August 13, 1956, I. D. WALKER AND E. F. MIXSON, doing business as I. D. WALKER AND SONS, P. O. Box 772, Belle Glade, Fla. Applicant's representative: John T. Bond, 1392 Northwest 36th Street, Miami 40, Fla. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 30, 1957, at the Shoremede Hotel, Miami Beach, Fla., before Examiner Richard Yardley.

No. MC 116164, filed August 16, 1956, ARROW TRANSPORTATION, a Corporation, 831 East Broadway, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pipe, pipe arches*, and *pipe sections*, plain or bituminous coated, *corrugated metal flumes, corrugated or plain metal sheets curved sectional multi-plates, welded or wrought iron, water control headgates* and *highway guard rails*, between Des Moines, Iowa, on the one hand, and, on the other, points in Kansas, Missouri, Nebraska and South Dakota. Issues published in FEDERAL REGISTER of September 6, 1956, and amended September 24, 1956.

HEARING: January 15, 1957, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 116169, filed August 20, 1956, N. J. BRASHEAR AND NEAN T. BRASHEAR, doing business as NATIONAL OIL & SUPPLY COMPANY, 2351 North Franklin, Springfield, Mo. Applicant's representative: Joseph N. Brown, Suite 215–16 Holland Bldg., Springfield, Mo. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 9, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116170, filed August 20, 1956, SIOUX FREIGHTWAYS, INC., P. O. Box 533, Sioux Falls, S. Dak. Applicant's representative: H. Lauren Lewis, Wilson Terminal Bldg., P. O. Box 707, Sioux Falls, S. Dak. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 18, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 116174, filed August 22, 1956, FINIS CHAFEN, doing business as CHAFEN BODY WORKS, 1015 South 10th Street, St. Joseph, Mo. Applicant's representative: Richard D. Duncan, 1012 Baltimore Building, Kansas City 5, Mo. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 11, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116178, filed August 23, 1956, ERVIN DAVIS, 1326 Washington Ave., Kansas City, Mo. Applicant's representative: Richard D. Duncan, 1012 Baltimore Bldg., Kansas City 5, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Damaged, disabled, or wrecked vehicles* from points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma to Kansas City, Mo. for repair.

HEARING: January 11, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116186, filed August 31, 1956, SHUM & MOORE TRUCKING, INC., 2043 Guereville Road, Santa Rosa, Calif. Applicant's representative: Bertram S. Silver, 100 Bush St., San Francisco 4, Calif. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 12, 1956, in Room 59, Federal Office Bldg., San Francisco, Calif., before Joint Board No. 11.

No. MC 116194, filed September 6, 1956, UNION SUPPLY COMPANY, a corporation, 5460 Colorado Boulevard, Denver 16, Colo. Applicant's representative: John W. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: December 13, 1956, at the New Custom House, Denver, Colo., before Joint Board No. 126.

No. MC 116205, filed September 13, 1956, ROBERT L. JENKINS, doing business as BOB JENKINS TRUCK LINE, 500 Diagonal Ave., Charles City, Iowa. Applicant's representative: Erwin Larson, Charles City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery, including tractors*, between Charles City, Iowa, on the one hand, and points in Texas, Louisiana, Georgia, and Alabama, on the other.

HEARING: January 4, 1957, at the Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 116219, filed September 22, 1956, S and S TRUCK LINES, INC., 618 Live Stock Exchange Building, Kansas City, Mo. Applicant's representative: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cottonseed meal, cottonseed cake, cottonseed hulls, soybean meal*, and *soybean cake*, from points in Alabama, Mississippi, Louisiana, Tennessee, Arkansas, Texas, New Mexico and Oklahoma, to points in Illinois, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Texas, Nebraska, North Dakota, and South Dakota; points in Colorado, Wyoming and Montana east of the Rocky Mountains; and points in Oklahoma north of State Highway No. 1.

HEARING: January 17, 1957, at the Hotel Pickwick, Kansas, City, Mo., before Examiner Harold W. Angle.

No. MC 116217, filed September 20, 1956, E. J. WEIS, JR., doing business as GRAINBELT DISTRIBUTING COMPANY, 901 Second Avenue, S. W., Cedar Rapids, Iowa. Applicant's representative: D. C. Nolan, Suite 405 Iowa State Bank Building, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages* and *empty malt beverage containers*, between Cedar Rapids, Iowa and Minneapolis and St. Paul, Minn., Chicago, Ill., Milwaukee, Wis. and Omaha, Nebr.

HEARING: January 14, 1957, at the Federal Office Building, 5th & Court Avenues, Des, Moines, Iowa, before Examiner Donald R. Sutherland.

No. MC 116243, filed October 8, 1956, DAN MYERS, doing business as DAN MYER MOTOR, 1407 Frederick Street, St. Joseph, Mo. Applicant's representative: Carll V. Kretsinger, 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, between points in Missouri, Kansas, Nebraska, Iowa and Illinois.

HEARING: January 11, 1957, at the Hotel Pickwick, Kansas, City, Mo., before Examiner Harold W. Angle.

No. MC 116261, filed October 18, 1956, WIEDNER DISTRIBUTING COMPANY OF WISCONSIN, a Corporation, 41 High Street (P. O. Box 158), Oshkosh, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper napkins, facial and toilet tissue*, and *sanitary pads*, from Neenah, Wis., to Cedar Rapids, Iowa.

HEARING: December 11, 1956, at the Wisconsin Public Service, Commission, Madison, Wis., before Joint Board No. 111.

REVISIONS AND CORRECTIONS

No. MC 52947 Sub 24, (corrected) filed August 9, 1956, PINSON TRANSFER COMPANY, INC., 119—20th Street, Huntington, W. Va., published September 26, 1956 and republished October 24, 1956. Applicant's representatives: Robert H. Kinker and Harry McChesney, Jr., 711 McClure Bldg., Frankfort, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Huntington, W. Va., and Cincinnati, Ohio, over U. S. Highway 52, as an alternate route, for operating convenience only. Applicant is authorized to conduct operations in Kentucky, Ohio, Virginia, and West Virginia.

HEARING: Remains as assigned November 30, 1956, at the U. S. Court House, Charleston, W. Va., before Joint Board No. 62.

No. MC 66562 Sub 1304 (Revision), filed August 3, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, (same address as above), issues published in FEDERAL REGISTER of August 29, 1956, and assigned for hearing in issue of October 17, 1956. A notation contained in the statement attached to the application was appended to the original notice of filing, said "Note" read: "Applicant states interchange with rail and air express service will be made at Washington, D. C." Letter dated October 25, 1956 from applicant's representative advises: "While that is true with regard to traffic that has an immediately prior or an immediately subsequent movement by rail or air, there is some traffic moving over this route which originates in the District of Columbia and is destined to a point in the State of Maryland, or vice versa, which would be interstate in character and have its entire movement local to the route".

MOTOR CARRIERS OF PASSENGERS

No. MC 2835 Sub 28, ADIRONDACK TRANSIT LINES, INC., EXTENSION-NEW YORK HIGHWAY 32, (Kingston, N. Y.). Applicant's representative: Martin J. Kelly, Jr., 70 Pine St., New York 5, N. Y. REOPENED FOR FURTHER HEARING, solely for the purpose of receiving evidence from the parties pertaining to the need for service at Cairo, N. Y., in the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers.

FURTHER HEARING: December 10, 1956, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 8500 Sub 7, filed May 31, 1956, TENNESSEE COACH COMPANY, a corporation, 710 Sevier Ave., Knoxville, Tenn. Issues published in FEDERAL REGISTER of June 13, 1956.

HEARING: February 5, 1957, at the U. S. Court Rooms, Knoxville, Tenn., before Joint Board No. 279.

No. MC 116157, filed August 10, 1956, FRED SHANHOLTZ, doing business as MIDDLE RIVER BUS COMPANY, 2037 Tred Avon Road, Baltimore 21, Md. Applicant's representative: John N. Maguire, 825 Eastern Avenue, Essex 21, Md. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 11, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 38791 Sub 19, filed October 18, 1956, TUOHY TRUCKING CORPORATION, 733 Highway 17, Carlstadt, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, between New York, N. Y., on the one hand, and, on the other, points in Burlington and Ocean Counties, N. J., limited to transportation for and on behalf of The Grand Union Company, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in New York, Connecticut, New Jersey, and Pennsylvania.

No. MC 52746 Sub 48, filed October 1, 1956, KNAUS TRUCK LINES, INC., 201 West 21st Street, Kansas City, Mo. Applicant's representative: Walter V. Huston, 4105 Main St., Kansas City 11, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Kans., and Wichita, Kans., from Kansas City over the Kansas Turnpike to Wichita, and return over the same route, serving the intermediate points of Topeka and Emporia, Kans.

NOTE: Applicant serves such intermediate points in connection with its existing Kansas City-Wichita operations, under authority granted in MC 52746 Sub 42.

Applicant is authorized to conduct operations in Illinois, Kansas, Iowa, Colorado, Indiana, and Missouri.

No. MC 115217 Sub 1, filed October 1, 1956, ANTHONY DeGROSA, doing business as DeGROSA TRUCKING CO., 206 Park St., Moonachie, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Rubber articles*, from Middletown, N. Y. to Trenton and Flemington, N. J., points in Hudson, Bergen, Passaic, Essex, and Union Counties, N. J., Bristol, Philadelphia and Allentown, Pa., and New York, N. Y., (2) *Commodities used in the manufacture of rubber articles*, from the above-specified destination points to Middletown, N. Y. RESTRICTION: The service above is restricted to traffic moving to or from the plant site of the Delford Rubber Company, Middletown, N. Y. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

MOTOR CARRIERS OF PASSENGERS

No. MC 1510 Sub 56, filed October 22, 1956, SOUTHWESTERN GREYHOUND LINES, INC., 210 E. Ninth St., Fort Worth, Tex. Applicant's representative: L. C. Major, 2001 Massachusetts Ave., NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, between junction U. S. Highway 66 and Oklahoma Northeastern Turnpike (which will be officially designated as Will Rogers Turnpike) east of Tulsa, Okla. and Joplin, Mo., from the

junction of U. S. Highway 66 and Oklahoma Northeastern Turnpike (Will Rogers Turnpike) over Oklahoma Northeastern Turnpike (Will Rogers Turnpike) to the Oklahoma-Missouri State line, southwest of Joplin, Mo., thence over Missouri Dual Highway to junction Missouri Highway 43, thence over Missouri Highway 43 to Joplin; (also over interchange or access routes from the Oklahoma Northeastern Turnpike (Will Rogers Turnpike) to Claremore, Vinita, Afton, and Miami, Okla.), and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

No. MC 13300 Sub 58, filed October 29, 1956, CAROLINA COACH COMPANY, 1201 South Blount St., Raleigh, N. C. Applicant's representative: Robert E. Quirk, Investment Bldg., Washington 5, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between Garysburg, N. C. and junction U. S. Highway 301 and North Carolina Highway 48, from Garysburg, over U. S. Highway 301 to the junction of U. S. Highway 301 and North Carolina Highway 48, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Maryland, Pennsylvania, and Delaware.

APPLICATIONS UNDER SECTIONS 5 AND 210 a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6433. Authority sought for purchase by L. L. BROOKS TRUCKING CONTRACTOR, INC., Box 1533, Odessa, Texas, of the operating rights and certain property of G. E. GRONINGER, JIM KING and CECIL R. WILLIAMS, doing business as G–K TRUCKING COMPANY, 903 West Brown, P. O. Box 1381, Pampa, Texas, and for acquisition by U. L. BROOKS and MARGARET P. BROOKS, both of Box 1236, Amarillo, Texas, of control of such rights and property through the purchase. Applicants' representative: Max G. Morgan, 450 American National Bldg., Oklahoma City, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, petroleum, and their products and by-products, and *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier* over irregular routes between points in Texas, on the one hand, and, on the other, points in Kansas and Oklahoma; *machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Texas, Oklahoma, Kansas and Colorado; *such commodities* as require the use of special equipment by reason of size or weight other than those specified above, between points in Texas, Oklahoma and Colorado; *livestock feed and grain*, from points in Oklahoma and Kansas to points in the Panhandle of Texas; livestock, between points in Oklahoma, Kansas, and the Panhandle of Texas; *machinery, materials, supplies*, and *equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Kansas, Oklahoma and Texas; *oil field equipment and supplies*, between the railhead at Pampa, Tex., and sites of projects for the discovery, development, or production of natural gas or petroleum in Texas within 175 miles of Pampa, Tex., other than those within five miles of Amarillo, Tex. Vendee is authorized to operate as a *common carrier* in New Mexico and Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6437. Authority sought for purchase by FOGARTY BROS. TRANSFER, INC., 1103 Cumberland Avenue, Tampa, Fla., of the operating rights of AETNA VAN LINES, INC., 411 South 12th Street, Tampa, Fla., and for acquisition by J. E. FOGARTY, also of Tampa, of control of such rights through the purchase. Applicants' representative: Edgar Watkins, Munsey Bldg., Washington 4, D. C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between points in Iowa, Kansas, Nebraska, Missouri, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Maryland, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, South Carolina, North Carolina, Virginia, Tennessee, Alabama, Kentucky, West Virginia, Ohio, Indiana, Illinois, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Kansas, Maine, Massachusetts, Missouri, New Hampshire, Oklahoma, Rhode Island, Texas, Mississippi, Vermont, Michigan, Wisconsin, Arkansas and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6438. Authority sought for purchase by CLARK TRANSPORT COMPANY, Junction Hi-Way 30–83, P. O. Box 295, Chicago Heights, Ill., of the operating rights and certain property of MAUGHAN TRANSPORT, INC., 2303 Third Avenue North, Fargo, N. Dak., and for acquisition by JAMES P. CLARK and CECILIA A. CLARK, both of Olympia Fields, Ill., and EUGENE C. CLARK, Steger, Ill., of control of such rights and property through the purchase. Applicants' representative: Edmund M. Brady, 2150 Guardian Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *Automobiles, trucks*, and *trailers*, new or used, in truckaway and driveaway service, as a *common carrier* over regular routes between Duluth, Minn., and Fargo, N. Dak., serving no intermediate points; *automobiles, trucks*, and *trailers*, in truckaway and driveaway service from St. Paul, Minn., to Fargo and Grand Forks, N. Dak., and from Duluth, Minn., to Grand Forks, N. Dak., serving certain intermediate points; *automobiles, trucks*, and *trailers*, in truckaway service, over irregular routes from Duluth, St. Paul, and Minneapolis, Minn., to points in North Dakota other than Fargo and Grand Forks; *automobiles, trucks*, and *trailers*, new or used, in driveaway service, from Fargo, N. Dak., to points in North Dakota; *automobiles, trucks*, and *trailers*, in truckaway and driveaway service from St. Paul; Minneapolis, and Duluth, Minn., and Fargo, N. Dak., to Billings and Lewistown, Mont.; *automobiles, trucks*, and *trailers*, in truckaway and driveaway service, restricted to secondary movements from Minneapolis, St. Paul and Duluth, Minn., and Fargo, N. Dak., to Anaconda, Mont.; *new automobiles*, restricted to initial movements, in truckaway service, from places of manufacture or assembly in Wayne and Washtenaw Counties, Mich., to points in North Dakota; *new and used automobiles*, in secondary movements, in truckaway service, between points in Minnesota, on the one hand, and, on the other, points in North Dakota and Montana (except from Minneapolis, Duluth, Brainerd, and Hibbing, Minn., to points in Montana east of the Continental Divide other than Helena, Butte, Dillon, and Sidney), and between points in North Dakota, on the one hand, and, on the other, points in Montana. Vendee is authorized to operate as a *common carrier* in all states in the United States, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6439. Authority sought for purchase by HELM'S EXPRESS, INC., Box 268, Pittsburgh 20, Pa., of the operating rights of ROULSTON FREIGHT LINES, INC. (WILLIAM BIEDERMAN, TRUSTEE), 280 Broadway, New York, N. Y., and for acquisition by HARRY M. WERKSMAN, also of Pittsburgh, of control of such rights through the purchase. Applicant's representatives: Samual P. Delisi, 1211 Berger Bldg., Pittsburgh 19, Pa., Samual Masia, 320 Broadway, New York, N. Y., and William Biederman, 280 Broadway, New York, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between New York, N. Y., and Glens Falls, N. Y., between New York, N. Y., and South Manchester, Conn., and between New York, N. Y., and Newark, N. J., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Ohio and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6440. Authority sought for purchase by K & A TRUCK LINES, INC., 113 Thirteenth Street, Bettendorf, Iowa, of the operating rights of G. C. HINRICHS, doing business as HINRICHS TRUCK LINES, Ida Grove, Iowa, and for acquisition by GEORGE H. KINCADE, DOROTHY L. KINCADE, CHARLES ALLUM and ROSE ALLUM, all of Bettendorf, of control of such rights through the purchase. Applicants' representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Operating rights sought to be transferred: *Agricultural implements, agricultural machinery, agricultural machinery parts, petroleum products*, in containers, *animal and poultry feed, fertilizer, livestock, grain, seeds, popcorn, hides, inedible animal fats, grain elevators and harrows and parts thereof, reinforcing rods, structural steel*, and *steel pipe*, as a *common carrier* over irregular routes, from, to or between points and areas, varying with the commodity transported, in Iowa, Illinois, Minnesota, Nebraska, South Dakota, and Colorado. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Missouri, Nebraska, Wisconsin and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6441. Authority sought for purchase by ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo., of the operating rights and property of L. F. MILLER and F. D. MILLER, doing business as MILLER & MILLER MOTOR FREIGHT LINES, 520–6th Street, Wichita Falls, Texas, and for acquisition by CHAS. E. HILLIKER, H. STODDARD WHITE and MURRAY M. DICKSON, all of Denver, of control of such rights and property through the purchase. Applicants' representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver 3, Colo. Operating rights sought to be transferred: *General commodities*, without exception, as a *common carrier* over regular routes between Amarillo, Tex., and Dallas, Tex., between Wichita Falls, Tex., and Lubbock, Tex., and between Childress, Tex., and Paducah, Tex., serving certain intermediate points; *general commodities*, with certain exceptions including household goods and liquids in bulk, between Wichita Falls, Tex., and Dickens, Tex., between Jacksboro, Tex., and the Texas-Oklahoma State line, between Quanah, Tex., and Benjamin, Tex., between Paducah, Tex., and Guthrie, Tex., between Fort Worth, Tex., and Rhome, Tex., and between certain other specified points in Texas, serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over regular routes including routes between Wichita Falls, Tex., and Stamford, and Vernon, Tex., between Amarillo, Tex., and Plainview, Tex., between Memphis, Tex., and Hollis, Okla., between Altus, Okla., and Quanah, Tex., between Dimmitt, Tex., and Petersburg and Hereford, Tex., and between Vernon, Tex., and Lone Wolf, Okla., serving certain intermediate and off-route points; alternate route for operating convenience only between Dallas, Tex., and Fort Worth, Tex.; *Class A and B explosives*, over regular routes including routes between Wichita Falls, Tex., and Lubbock, Dickens, Vernon, and Stamford, Tex., between Childress, Tex., and Paducah, Tex., between Amarillo, Tex., and Dallas, Tex., between Fort Worth, Tex., and Rhome, Tex., between Paducah, Tex., and Guthrie, Tex., between Jacksboro, Tex., and the Texas-Oklahoma State line, and between Vernon, Tex., and Lone Wolf, Okla. Vendee is authorized to operate as a *common carrier* in California, Wyoming, Colorado, Arizona, New Mexico, Illinois, Iowa, Nebraska, Kansas, Missouri and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6443. Authority sought for purchase by WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa., of a portion of the operating rights and certain property of POTTSTOWN MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa., and for acquisition by WINFIELD A. WEST, also of Boyertown, of control of such rights and property through the purchase. Applicants' representative: Jacob Polin, P. O. Box 317, Bala-Cynwyd, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Pottstown, Pa., and Philadelphia, Pa., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between points in Reading, Pa., and those within ten miles thereof. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, Indiana, Illinois, Michigan, Vermont and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 56–9029; Filed, Nov. 7, 1956; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 5, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32850: *Commodities eastbound over D. & R. G. W. R. R.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dried beans, butter, eggs, frozen foods, fresh fruits and vegetables, frozen poultry, and ordinary livestock, carloads from points in Idaho, Montana, Oregon, Utah, and Washington to points in official, southern, southwestern and western trunk-line territories.

Grounds for relief: Rail carrier competition, circuity, and rates and routes published pursuant to the decision in Docket 30297.

Tariff: Supplement 60 to Agent Prueter's I. C. C. 1534 and other issues listed in exhibit 1 of the application.

FSA No. 32851: *Furniture from the southwest to Colorado and Wyoming.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on furniture, furniture parts and spring assemblies, carloads from points in the Southwest to Colorado Springs, Denver, Greeley, Pueblo, Trinidad, Colo., and Cheyenne, Wyo.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 82 to Agent Kratzmeir's I. C. C. 4136.

FSA No. 32852: *Phosphate rock from Florida to Central and Illinois Territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads from Florida mines to points in central and Illinois territories.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 18 to Agent Spaninger's I. C. C. 1514.

FSA No. 32853: *Potash from Calvert, Ky., to Official Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on potassium (potash), caustic, tankcar loads from Calvert, Ky., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 236 to Agent Spaninger's I. C. C. 1351 and two other tariffs.

FSA No. 32854: *Titanium dioxide from Savannah and Port Wentworth, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on titanium dioxide, carloads from Savannah and Port Wentworth, Ga., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 236 to Agent Spaninger's I. C. C. 1351; Supplement 6 to Agent Spaninger's I. C. C. 1539.

FSA No. 32855: *Barium carbonate from Cartersville, Ga., to St. Louis and East St. Louis.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barium carbonate, carloads from Cartersville, Ga., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 236 to Agent Spaninger's I. C. C. 1351.

FSA No. 32856: *Cativo veneer from Pensacola, Fla., to Savannah, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cativo veneer, carloads from Pensacola, Fla., to Savannah, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 61 to Agent Spaninger's I. C. C. 1356.

FSA No. 32857: *Lumber from West Virginia to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber, carloads from points in West Virginia to Greensboro, Mt. Airy, Ramseur, and Siler City, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 135 to Agent Spaninger's I. C. C. 1297.

FSA No. 32858: *Phosphate of sodium from Morrisville, Pa., to Natchez, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on disodium phosphate, tri-sodium phosphate, or phosphate of sodium (soda), carloads from Morrisville, Pa., to Natchez, Miss.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32859: *Sugar from Florida ports to Indiana and Kentucky.* Filed by H. M. Engdahl, Agent, for interested rail carriers. Rates on sugar, carloads from South Florida ports to Louisville, Ky., Evansville and New Albany, Ind.

Grounds for relief: Circuitous routes.

Tariff: Supplement 90 to Agent Engdahl's I. C. C. 126.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9093; Filed, Nov. 7, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3523]

BOTTLED GAS CORPORATION OF VIRGINIA, AND COMMONWEALTH NATURAL GAS CORP.

ORDER GRANTING APPLICATION REGARDING THE ACQUISITION BY SUBSIDIARY OF OUTSTANDING STOCK OF GAS UTILITY

NOVEMBER 2, 1956.

Commonwealth Natural Gas Corporation ("Commonwealth"), an exempt holding company, and its wholly owned non-utility subsidiary, Bottled Gas Corporation of Virginia ("Bottled Gas"), have filed a joint application with this Commission pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act"), regarding certain proposed transactions which are summarized as follows:

Bottled Gas now owns 9 out of the 200 outstanding shares of the capital stock of Henrico Gas Service Corporation ("Henrico"), and under contract with Henrico operates Henrico's business. Henrico owns a small tract of land and propane gas storage facilities near Richmond, Virginia, and an underground distribution system which supplies propane gas from its storage tanks to the tenants of Lewis Gardens, a multiple dwelling housing project. Its propane gas supply is furnished by Bottled Gas. The stockholders of Henrico, other than Bottled Gas, a number of whom are officers or directors of either Commonwealth or Bottled Gas or both approached Commonwealth and Bottled Gas with a proposal to sell all of their stock of Henrico to Bottled Gas at an aggregate price of 191/200ths of $60,000 plus the net retained earnings of Henrico from November 30, 1955 to the end of the month prior to the date of closing.

Since the operations of Henrico are in the area served by Bottled Gas, savings can be obtained by the elimination of the two sets of officers, books, records, etc. Also since the price of the stock in relation to the earnings of Henrico seems reasonable, Commonwealth considers the acquisition of Henrico stock to be advantageous and accordingly has authorized its subsidiary, Bottled Gas to contract with the stockholders of Henrico to acquire all of its outstanding stock.

No State or Federal Commission other than this Commission has jurisdiction over the proposed transaction.

The application states that the estimated fees and expenses in connection with the acquisition aggregate $1,000 including $500 for legal fees and $350 for accounting fees.

Notice of said filing having been duly given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13290) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the application should be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9094; Filed, Nov. 7, 1956; 8:49 a. m.]

[File No. 31-637]

FORD MOTOR CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

NOVEMBER 2, 1956.

Notice is hereby given that Ford Motor Company ("FMC") has filed with this Commission an application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") requesting, on behalf of itself and its wholly owned subsidiary, Henry Ford and Son, Incorporated ("HFS"), an exemption from the provisions of the act applicable to them as a holding company and as a subsidiary thereof.

The application which is on file in the offices of the Commission may be summarized as follows:

FMC, a Delaware corporation, is principally engaged in the manufacture, assembly and sale in the United States of automobiles and trucks and related parts and accessories. It has a number of direct and indirect subsidiaries in the United States and various foreign countries. As at December 31, 1955, FMC and its consolidated subsidiaries reported total consolidated assets of approximately $2,585,000,000 and, for the year 1955, reported consolidated net sales totaling approximately $5,594,000,000.

HFS is a New York corporation having outstanding only common capital stock, all of which is owned by FMC. HFS owns and operates an electric generating plant situated on Green Island, New York, at the junction of the Mohawk and Hudson Rivers. HFS sells substantially all the electric energy generated by this plant to FMC, which company consumes a major portion thereof at its manufacturing plant situated on Green Island. A minor portion of the energy is resold each year by FMC, as surplus power, to Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company rendering electric service in the State of New York.

Electric energy is sold by HFS to FMC at a price so fixed as to yield a return to HFS equal to its expenses and depreciation on the generating plant, resulting in no profit or loss to HFS. During the years 1951 through 1955 the energy generated by the plant ranged between 27.8 and 39.0 million KWH per annum, and the amounts paid by FMC for such energy ranged from $135,211 to $153,282 per annum.

The electric energy resold by FMC to Niagara Mohawk during the period ranged between 5.7 to 9.6 million KWH per annum, and represented from 20.7 percent to 30.4 percent of the energy generated in these years by HFS. FMC received in payment for energy sold to Niagara Mohawk amounts ranging from $11,737 to $21,926 annually during this period.

The application states that HFS is the only subsidiary company of FMC which might be considered a public utility company within the meaning of the act.

Notice is further given that any interested person may, not later than November 19, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application may be granted or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9095; Filed, Nov. 7, 1956; 8:49 a. m.]

[File No. 70-3510]

COLUMBIA GAS SYSTEM, INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

NOVEMBER 2, 1956.

The Commission on September 26, 1956 having issued its order herein, pursuant to section 7 of the Public Utility Holding Company Act and Rule U-50 thereunder, authorizing The Columbia Gas System, Inc. ("Columbia") to issue and sell $25,000,000 principal amount of debentures; and

The Commission having in said order reserved jurisdiction with respect to all legal, engineering, and accounting fees and expenses to be paid in the matter; and

Columbia by amendments filed herein having supplied further data with respect to said fees and expenses, which may be summarized as follows:

To be paid by Columbia:	
Cravath, Swaine & Moore, legal fees	$15,000
Arthur Andersen & Co., accounting fees ($17,600) and expenses ($2,400)	20,000
Ralph E. Davis, engineering fees and expenses	5,000
Blue sky filing fees and expenses, not exceeding	1,500
To be paid by successful bidders:	
Shearman & Sterling & Wright, legal fees	12,500
Shearman & Sterling & Wright, expenses (estimated)	200

And the Commission having examined the evidence submitted with respect to the aforesaid fees and expenses, and on the basis thereof finding that the amounts proposed to be paid are not unreasonable and that it is appropriate in the public interest to release jurisdiction with respect thereto:

It is ordered, That jurisdiction heretofore reserved with respect to the payment of the aforesaid fees and expenses be, and hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9096; Filed, Nov. 7, 1956; 8:49 a. m.]

[File No. 70-3518]

NATURAL GAS COMPANY OF WEST VIRGINIA, AND COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING SALE OF CERTAIN UTILITY ASSETS BY SUBSIDIARY TO ASSOCIATE COMPANY IN FURTHERANCE OF SYSTEM'S PROPERTY REALIGNMENT PROGRAM

NOVEMBER 2, 1956.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary Natural Gas Company of West Virginia ("Natural Gas"), a public utility company doing business in Ohio, have filed a declaration and an amendment thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 thereunder, regarding the following proposed transaction:

Natural Gas will sell and convey the following utility assets to The Manufacturers Light and Heat Company ("Manufacturers"), also a wholly owned public utility subsidiary of Columbia, whose operations adjoin those of Natural Gas on the east:

(a) The McFarland Gas Production Field, located in Madison and St. Clair Townships, Columbiana County, Ohio, comprising 25 operating wells and the associated well lines, field gathering lines, measuring and regulating equipment and drilling equipment, and approximately 7,000 feet of six-inch and 3,800 feet, of eight-inch transmission lines; and

(b) Approximately 5.4 miles of eight-inch pipeline in Pultney and Pease Townships, Belmont County, Ohio, together with the measuring station, meter and services associated therewith.

The facilities to be sold constitute only a minor part of the utility assets of Natural Gas. They are located in the Ohio-Pennsylvania border area and are already integrated with Manufacturers' eastern Ohio operations.

The proposed conveyance constitutes an intermediate step in Columbia's system-wide property realignment program, whose ultimate objective is to transfer to a single operating company all production and interstate transmission properties subject to the jurisdiction of the Federal Power Commission, and to consolidate the distribution facilities within each State in a single company subject to the appropriate State commission.

Natural Gas will sell and Manufacturers will record the said properties at the book value (original cost) less the book reserves for depreciation and depletion applicable thereto. At June 30, 1956 such net amount was stated to be $127,955. Manufacturers will pay for the properties with cash from its general funds.

The Public Utilities Commission of Ohio has approved the sale of the properties by Natural Gas and the acquisition by Manufacturers. The acquisition by Manufacturers is exempt from the requirements of Section 10 by the provisions of section 9 (b) (1) of the act.

The Federal Power Commission has authorized Natural Gas to abandon wholesale service through the certificated facilities and has issued a certificate of public convenience and necessity authorizing Manufacturers to acquire and operate such facilities.

The fees and expenses to the incurred by the declarants in connection with the proposed transaction are stated to aggregate $2,080, including $425 for counsel fees.

Due notice having been given of the filing of said declaration (Holding Company Act Release No. 13277), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9097; Filed, Nov. 7, 1956; 8:49 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 2, 1956.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited, File No. 1-3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 25, 1956, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices for a period of 10 days from the date of said order. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December, 1955 and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto were false and misleading in additional respects, including the following:

1. In omitting to state in the last filed Form 8-K report on registrant's own responsibility any amount of oil and gas

reserves acquired from Depositors Mutual Oil Development Company (hereinafter called "Depositors") but in attaching as an exhibit geological reports which are ambiguous and conflicting as to the amount of oil and gas reserves acquired from Depositors.

2. In representing that the assets of Depositors were acquired by registrant through arms-length bargaining and that there was no material relationship between registrant and Depositors.

3. In representing that the issuance and sale of 1,750,000 shares of registrant's Capital Stock to Depositors for its assets was an exempt transaction under the Securities Act of 1933 and not required to be registered thereunder.

4. In failing to disclose the purpose for which Depositors was organized and that registrant and Depositors intended to make a public distribution of registrant's shares issued to Depositors for its assets.

III. On October 31, 1956, the staff of the Commission sent telegrams to Samuel Oiglen, Morris Black and Sidney Chalu, principal officers and directors of registrant, inviting them to meet with the staff at 10:00 a. m., Friday, November 2, 1956, to furnish information in connection with the suspension of trading of registrant's Capital Stock and also to furnish information regarding statements made in the filed reports specified in the orders referred to in paragraph II above. The staff was advised on November 1, 1956, that these officers and directors were unable to confer with the staff as requested.

IV. No explanations have been supplied, either as to the questions raised in said original and first amended orders and notices of hearing under section 19 (a) (2) of the act, or as to the additional questions raised by said second amended order under said section 19 (a) (2), which would dispel any of the confusion and uncertainty with respect to the registrant and its affairs which existed on October 25, 1956, but, on the contrary, this condition has been intensified by the additional and serious questions raised by said second amended order of October 31, 1956. Under these conditions, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment as to the value of registrant's securities, or for trading in such securities to be conducted in an orderly and equitable manner.

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days from November 5, 1956, to November 14, 1956, inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9098; Filed, Nov. 7, 1956; 8:50 a. m.]

[File No. 1-3679]

KROY OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 2, 1956.

In the matter of trading on the American Stock Exchange in the 20¢ par value Capital Stock of Kroy Oils Limited; File No. 1-3679.

I. The 20 cent par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission is issuing concurrently herewith an order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order.

III. It has been reported to the Commission the following: that during the trading week of October 15 to October 19, 1956, an aggregate of 44,500 shares of registrant's Capital Stock were traded on the exchange at prices fluctuating between 2 1/16 and 1 7/8; that during the trading week of October 22 to October 26, 1956, an aggregate of 165,500 shares of registrant's Capital Stock were traded on the exchange at prices fluctuating between 1 7/8 and 1; and that during the period from October 29 to November 1, 1956, inclusive, an aggregate of 74,300 shares of said stock were traded on the exchange at prices fluctuating between 1 5/16 and 1 3/16.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (c) (4) of the act, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days from November 5, 1956, to November 14, 1956, inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9099; Filed, Nov. 7, 1956; 8:50 a. m.]

[File No. 1-3679]

KROY OILS, LTD.

ORDER AND NOTICE OF HEARING

NOVEMBER 2, 1956.

I. Kroy Oils Limited (hereinafter called "registrant"), a corporation organized under the laws of the Province of Alberta, Dominion of Canada, registered its common stock, no par value, with the American Stock Exchange on June 20, 1952, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 (hereinafter called "the act") and the rules and regulations adopted by the Commission thereunder and filed a duplicate original of Form 10 with the Commission on that date. The registration of such securities became effective on July 20, 1952, and such securities were admitted to trading on the American Stock Exchange on August 25, 1952. On September 26, 1952, registrant registered its common stock, par value 20 cents, in lieu of the previously registered no par value common stock. Such registration of the common stock, 20 cents par value, became effective October 31, 1952.

II. On June 11, 1956, registrant filed with the Commission a current report on Form 8-K pursuant to section 13 of the act, for the month of May 1956. The Commission has reason to believe that the Form 8-K was false and misleading and did not comply with the rules and regulations of the Commission with respect to the form and content of such reports in the following particulars:

1. In stating that registrant acquired assets from Coronet Development Corporation, an Oklahoma corporation (hereinafter called "Coronet"), consisting of 3,236,900 barrels of estimated proven developed reserves and 4,111,200 barrels of estimated proven undrilled reserves.

2. In stating that the 1,500,000 shares of capital stock of the registrant issued for the acquisition of the Coronet properties had a value of approximately $2.50 per share and in attaching to said Form 8-K an engineer's report which set out the value of the oil leases acquired from Coronet at $5,777,500 allowing $1.00 per barrel for proven developed reserves and 50 cents per barrel for proven undrilled reserves.

3. In representing that at the time of acquisition of the assets from Coronet there was no material relationship between Coronet and registrant or its affiliate or any of its directors or officers or any associate of any director or officer of registrant.

4. In representing that the issuance and sale of 1,500,000 shares of registrant's capital stock to Coronet for its assets was an exempt transaction under the Securities Act of 1933 and not required to be registered thereunder.

5. In representing that the issuance and sale of 69,002 shares of registrant's capital stock to Great Sweet Grass Oils Limited, an Ontario corporation, was an exempt transaction under the Securities Act of 1933 and not required to be registered thereunder.

6. In omitting to state that registrant, stockholders of Coronet and Great Sweet Grass Oils Limited intended to make a public distribution of registrant's shares issued to Coronet and to Great Sweet Grass Oils Limited.

7. In omitting to file financial statements of Coronet as required by the Commission's rules and regulations.

It is ordered, That a public hearing, pursuant to section 19 (a) (2) of the act, be held at 10:00 a. m., e. s. t., on Tuesday, November 20, 1956, in Room 193 at the offices of the Commission, 425 Second Street NW., Washington, D. C., to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of registrant on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder as set forth in paragraph I above.

It is further ordered, That Mr. James C. Ewell is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the American Stock Exchange and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceedings should file with the Hearing Officer or the Secretary of the Commission on or before November 16, 1956, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9100; Filed, Nov. 7, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 9, 1955 (14 A. D. 446), authorizing the Market Agencies at the Union Stock Yards, Ogden, Utah, to assess the current rates and charges to and including June 19, 1957, unless changed by further order before the latter date. On April 9, 1956, an order was issued modifying the order of June 9, 1955, to authorize the assessment of certain rates and charges for sales of sheep at auction (15 A. D. 381).

On October 12, 1956, a petition was filed by J. E. Manning, owner of the Ogden Livestock Auction Company, one of the market agencies at the Union Stock Yards, Ogden, Utah, requesting that the current rates and charges be further modified to authorize the assessment of certain rates and charges for sales of cattle "at Special Sales at a time other than that of the regular Auction." The proposed rates and charges are as follows:

	Per head
Dairy cows (sold for milking purposes)	$5.00
Dairy bulls for breeding purposes	5.00
Registered cows	5.00
Registered bulls	5.00
Registered or dairy yearlings	2.50

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 2d day of November 1956.

[SEAL] H. E. REED, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 56-9101; Filed, Nov. 7, 1956; 8:50 a. m.]

Rural Electrification Administration

[Administrative Order 5545]

KANSAS

LOAN ANNOUNCEMENT

OCTOBER 1, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 41H Wilson	$515,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-9102; Filed, Nov. 7, 1956; 8:50 a. m.]

[Administrative Order 5546]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 1, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 96AA Victoria	$460,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-9103; Filed, Nov. 7, 1956; 8:50 a. m.]

[Administrative Order 5547]

WISCONSIN

LOAN ANNOUNCEMENT

OCTOBER 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 60R Waushara	$309,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-9104; Filed, Nov. 7, 1956; 8:50 a. m.]

[Administrative Order 5548]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 62S Bailey	$700,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-9105; Filed, Nov. 7, 1956; 8:50 a. m.]

[Administrative Order 5549]

ALABAMA

AMENDMENT OF LOAN ANNOUNCEMENT

OCTOBER 4, 1956.

I hereby amend Administrative Order No. 3468, dated September 26, 1951, by correcting paragraph (a) appearing therein as follows:

(a) Administrative Order No. 1181, dated November 26, 1946, by changing the project designation appearing therein as "Alabama 23G Pike" in the amount of $760,000 to read "Alabama 23G Pike" in the amount of $456,220.97 and "Alabama 44 Covington (Alabama 23G Pike)" in the amount of $303,779.03.

to read:

(a) Administrative Order No. 1181, dated November 26, 1946, by changing the project designation appearing therein as "Alabama 23G Pike" in the amount of $760,000 to read "Alabama 23G Pike" in the amount of $456,238.97 and "Alabama 44 Covington (Alabama 23G Pike)" in the amount of $303,761.03.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-9106; Filed, Nov. 7, 1956; 8:50 a. m.]

[Administrative Order 5550]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 30L Steele	$50,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9107; Filed, Nov. 7, 1956; 8:50 a. m.]

[Administrative Order 5551]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 124M Schleicher	$445,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9108; Filed, Nov. 7, 1956; 8:50 a. m.]

[Administrative Order 5552]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 69AA Erath	$450,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9109; Filed, Nov. 7, 1956; 8:51 a. m.]

[Administrative Order 5553]

MISSISSIPPI

AMENDMENT OF LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

I hereby amend:

(a) Administrative Order No. 1108, dated July 24, 1946, by reducing the allocation of $740,000 therein made for "Mississippi 17F Pontotoc" by $69,858.28 so that the reduced allocation shall be $670,141.72.

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 56-9110; Filed, Nov. 7, 1956; 8:51 a. m.]

[Administrative Order 5554]

OKLAHOMA

LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 35K Haskell	$820,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 56-9111; Filed, Nov. 7, 1956; 8:51 a. m.]

[Administrative Order 5555]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 98N Young	$535,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 56-9112; Filed, Nov. 7, 1956; 8:51 a. m.]

[Administrative Order 5556]

MINNESOTA

LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 85P Todd	$280,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 56-9113; Filed, Nov. 7, 1956; 8:51 a. m.]

[Administrative Order 5557]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 22H Bottineau	$235,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 56-9114; Filed, Nov. 7, 1956; 8:51 a. m.]

[Administrative Order 5558]

MINNESOTA

LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 74T Norman	$90,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 56-9115; Filed, Nov. 7, 1956; 8:51 a. m.]

[Administrative Order 5559]

IDAHO

LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 21K Camas	$15,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 56-9116; Filed, Nov. 7, 1956; 8:51 a. m.]

[Administrative Order 5560]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 71L Clay	$505,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 56-9117; Filed, Nov. 7, 1956; 8:52 a. m.]

[Administrative Order 5561]

GEORGIA

LOAN ANNOUNCEMENT

OCTOBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 92T Brantley	$100,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-9118; Filed, Nov. 7, 1956; 8:52 a. m.]

[Administrative Order 5562]

MARYLAND

LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Maryland 7 AC Caroline	$755,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9119; Filed, Nov. 7, 1956; 8:52 a. m.]

[Administrative Order 5563]

COLORADO

LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 14 "U" Alamosa	$515,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9120; Filed, Nov. 7, 1956; 8:52 a. m.]

[Administrative Order 5564]

WISCONSIN

LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 51K St. Croix	$470,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9121; Filed, Nov. 7, 1956; 8:52 a. m.]

[Administrative Order 5565]

GEORGIA

LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 84S Cobb	$425,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9122; Filed, Nov. 7, 1956; 8:52 a. m.]

[Administrative Order 5566]

MICHIGAN

LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 42R Mason	$225,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9123; Filed, Nov. 7, 1956; 8:52 a. m.]

[Administrative Order 5567]

FLORIDA

LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 15Z Lafayette	$100,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9124; Filed, Nov. 7, 1956; 8:53 a. m.]

[Administrative Order 5568]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 125M Jasper	$326,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-9125; Filed, Nov. 7, 1956; 8:53 a. m.]

[Administrative Order 5569]

WYOMING

LOAN ANNOUNCEMENT

OCTOBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

UNIVERSITY OF MICHIGAN

[F. R. Doc. 56-9107; Filed, Nov. 7, 1956; 8:50 a. m.]

[F. R. Doc. 56-9111; Filed, Nov. 7, 1956; 8:51 a. m.]

Loan designation: Amount
Wyoming 5 M Big Horn---------- $90,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-9126; Filed, Nov. 7, 1956; 8:53 a. m.]

[Administrative Order 5570]

MISSOURI

LOAN ANNOUNCEMENT

OCTOBER 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Missouri 31U Mississippi-------- $350,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-9127; Filed, Nov. 7, 1956; 8:53 a. m.]

[Administrative Order 5571]

MINNESOTA-NORTH DAKOTA

AMENDMENT OF LOAN ANNOUNCEMENT

OCTOBER 25, 1956.

Inasmuch as (1) Border Counties Power Cooperative, Incorporated has transferred all of its properties and assets to Minnkota Power Cooperative, Inc., and Minnkota Power Cooperative, Inc., has assumed all of the indebtedness of Border Counties Power Cooperative, Incorporated to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Border Counties Power Cooperative, Incorporated with the consent of United States of America, has assigned to Minnkota Power Cooperative, Inc., and Minnkota Power Cooperative, Inc., has accepted the assignment of certain rights and obligations of Border Counties Power Cooperative, Incorporated arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 578, dated April 25, 1941, by changing the project designation appearing therein as "Minnesota 1-0099G1 Lake of the Woods" in the amount of $50,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 1-0099G1 Lake of the Woods)";

(b) Administrative Order No. 609, dated July 23, 1941, by changing the project designation appearing therein as "Minnesota 2099G2 Lake of the Woods" in the amount of $175,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 2099G2 Lake of the Woods)";

(c) Administrative Order No. 960, dated September 19, 1945, by changing the project designation appearing therein as "Minnesota 99C Lake of the Woods" in the amount of $150,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99C Lake of the Woods)";

(d) Administrative Order No. 997, dated December 14, 1945, by changing the project designation appearing therein as "Minnesota 99D Lake of the Woods" in the amount of $70,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99D Lake of the Woods)";

(e) Administrative Order No. 1175, dated November 13, 1946, by changing the project designation appearing therein as "Minnesota 99E Lake of the Woods" in the amount of $655,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99E Lake of the Woods)";

(f) Administrative Order No. 1318, dated August 18, 1947, by changing the project designation appearing therein as "Minnesota 99F Lake of the Woods" in the amount of $125,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99F Lake of the Woods)";

(g) Administrative Order No. 1604, dated September 20, 1948, by changing the project designation appearing therein as "Minnesota 99G Lake of the Woods" in the amount of $125,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99G Lake of the Woods)";

(h) Administrative Order No. 2000, dated April 12, 1949, by changing the project designation appearing therein as "Minnesota 99H Lake of the Woods" in the amount of $190,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99H Lake of the Woods)";

(i) Administrative Order No. 2904, dated June 30, 1950, by changing the project designation appearing therein as "Minnesota 99K Lake of the Woods" in the amount of $311,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99K Lake of the Woods)";

(j) Administrative Order No. 1290, dated May 28, 1947, as amended by Administrative Order No. 3220, dated April 17, 1951, by changing the project designation appearing therein as "Minnesota 99 Lake of the Woods (Minnesota 79N Big Stone)" in the amount of $9,180.80 to read "North Dakota 20TP4 Grand Forks (Minnesota 99 Lake of the Woods [Minnesota 79N Big Stone])";

(k) Administrative Order No. 3983, dated January 30, 1953, by changing the project designation appearing therein as "Minnesota 99L Lake of the Woods" in the amount of $764,000 to read "North Dakota 20TP4 Grand Forks (Minnesota 99L Lake of the Woods)" in the amount of $346,649.58 and "North Dakota 20TA1 Grand Forks (Minnesota 99L Lake of the Woods)" in the amount of $417,350.42; and

(l) Administrative Order No. 4946, dated April 19, 1955, by changing the project designation appearing therein as "Minnesota 99M Lake of the Woods" in the amount of $407,000 to read "North Dakota 20TA1 Grand Forks (Minnesota 99M Lake of the Woods).

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-9128; Filed, Nov. 7, 1956; 8:53 a. m.]

[Administrative Order 5572]

LOUISIANA

LOAN ANNOUNCEMENT

OCTOBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Louisiana 18T Beauregard ------ $500,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-9129; Filed, Nov. 7, 1956; 8:53 a. m.]

[Administrative Order 5573]

OKLAHOMA

LOAN ANNOUNCEMENT

OCTOBER 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Oklahoma 1 V Kingfisher------- $50,000

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 56-9130; Filed, Nov. 7, 1956; 8:54 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 219

Washington, Friday, November 9, 1956

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 58—APPOINTMENT OF DOCTORS OF OSTEOPATHY AS MEDICAL OFFICERS

Sec.
58.1 Purpose.
58.2 Policy.

AUTHORITY: §§ 58.1 and 58.2 issued under 70 Stat. 608.

§ 58.1 *Purpose.* The purpose of this part is to implement the provisions of Public Law 763, 84th Congress (70 Stat. 608), relating to the appointment of doctors of osteopathy as medical officers.

§ 58.2 *Policy.* In the interest of obtaining maximum uniformity, the following criteria are established for the appointment of doctors of osteopathy as medical officers:

(a) To be eligible for appointment as Medical Corps officers in the Army and Navy or designated as medical officers in the Air Force, a doctor of osteopathy must:

(1) Be a citizen of the United States;

(2) Be a graduate of a college of osteopathy whose graduates are eligible for licensure to practice medicine or surgery in a majority of the States, and be licensed to practice medicine, surgery, or osteopathy in one of the States or Territories of the United States or in the District of Columbia;

(3) Possess such qualifications as the Secretary concerned may prescribe for his service, after considering the recommendations for such appointment by the Surgeon General of the Army or the Air Force or the Chief of the Bureau of Medicine and Surgery of the Navy;

(4) Have completed a minimum of (3) years college work prior to entrance into a college of osteopathy;

(5) Have completed a four-year course with a degree of Doctor of Osteopathy from a school of osteopathy approved by the American Osteopathic Association; and

(6) Have had subsequent to graduation from an approved school of osteopathy 12 months or more of intern or residency training approved by the American Osteopathic Association.

E. H. CUSHING, M. D.,
Deputy Assistant Secretary of Defense (Health and Medical).

[F. R. Doc. 56-9157; Filed, Nov. 8, 1956; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 245—BEER

On July 21, 1956, a notice of proposed rule making to revise and reissue 26 CFR Part 245 to effect administrative decisions modernizing and simplifying such regulations, was published in the FEDERAL REGISTER (21 F. R. 5487). After consideration of all relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted subject to the changes set forth below:

PARAGRAPH 1. The third sentence of § 245.12 is stricken and the following two sentences are inserted in lieu thereof: "If the brewer desires to use the brewery for other purposes, not involving the production of alcoholic beverages, which (a) require the use of by-products or wastage from the production of beer, or utilize buildings, rooms, areas or equipment not fully employed in the production or bottling of beer, (b) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the plant, (c) are in the public interest because of emergency conditions, or (d) involve experiments or research projects related to equipment, materials, processes, products, by-products, or wastage of the brewery, he may submit an application so to do to the Director, Alcohol and Tobacco Tax Division, through the assistant regional commissioner. The Director, Alcohol and Tobacco Tax Divi-

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sion, will approve such application where he finds that such use will not jeopardize the revenue, impede the effective administration of this part, and is not contrary to the specific provisions of law."

PAR. 2. The proviso of § 245.13 is amended to read: "*Provided*, That such beer, if it is undelivered, repossessed from a purchaser, or removed from the market by the brewer before transfer of title thereto to any other person may be held temporarily pending disposition as provided in §§ 245.155, 245.156, and 245.158."

PAR. 3. The next-to-last sentence of § 245.66 is amended to read: "Plats shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the ditto process, the ozalid process, or by lithoprint if such reproductions are clear and distinct."

PAR. 4. The first sentence of § 245.156 is amended to read: "Beer on which the tax has been determined or paid, and which is repossessed from the purchaser thereof, may be returned to the brewery bottling house (if bottled beer), or other portion of the brewery (if keg beer), and held in temporary storage pending its destruction, reconditioning, use as material, or consumption in the brewery."

PAR. 5. Immediately following the last sentence of § 245.225, a new sentence is added to read: "Except as provided in the first proviso of § 245.116, all entries in the records required by this part shall be made not later than the close of the business day next succeeding the day on which the transactions occur: *Provided*, That when the last day for making such entries falls on Saturday, Sunday, or a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located), such entries shall be considered timely if they are made on the next succeeding day which is not a Saturday, Sunday, or a legal holiday (of the particular State or District of Columbia wherein the brewery is located)."

PAR. 6. The second and third sentences of § 245.229 are amended to read: "The original and two copies of the return shall be transmitted to the district director who will indicate thereon receipt of the remittance, retain the original, and forward to the assistant regional commissioner and the brewer the duplicate and triplicate copies, respectively. The brewer shall file the copy returned to him as a part of his records at the brewery."

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 6, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part shall supersede the 1955 edition of 26 CFR Part 245 (19 F. R. 9874).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

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AUTHORITY: §§ 245.1 to 245.232 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 245.1 *Beer.* The regulations in this part relate to beer and cereal beverages and cover the location, construction, equipment, and operations of breweries and the qualification of such establishments including the ownership, control, and management thereof.

§ 245.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 245.5 *Meaning of terms.* When used in this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this subpart, as follows:

Assistant regional commissioner. "Assistant regional commissioner" shall mean an assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Beer. "Beer" shall mean beer, ale, porter, stout and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

(68A Stat. 612; 26 U. S. C. 5052)

Bottle and bottling. "Bottle" shall mean a bottle, can, or similar container, and "bottling" shall mean the filling of bottles, cans, and similar containers.

(68A Stat. 676; 26 U. S. C. 5416)

Brewer. "Brewer" shall mean every person who brews or produces beer for sale.

(68A Stat. 617; 26 U. S. C. 5092)

Brewery. "Brewery" shall mean the land and buildings described as such in the brewer's notice on Form 27–C, where beer is to be produced and bottled. "Brewery bottling house" shall mean that portion of the brewery set apart by the brewer, and so described on Form 27–C, where beer is to be bottled.

(68A Stat. 674, 675; 26 U. S. C. 5402, 5411)

Brewing. "Brewing" shall mean the production of beer for sale.

Business day. "Business day" shall mean the 24-hour cycle of operations in effect at the brewery, which, if other than the calendar day, is subject to the approval of the assistant regional commissioner. The business day, having been once established, shall be applicable to all records and operations of the brewery, and shall not be changed without approval of the assistant regional commissioner.

Cereal beverage. "Cereal beverage" shall mean malt beverage, either fermented or unfermented, which contains, when ready for consumption, less than one-half of 1 percent of alcohol by volume.

Commissioner. "Commissioner" shall mean the Commissioner of Internal Revenue.

Director, Alcohol and Tobacco Tax Division. "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

District director. "District director" shall mean a district director of internal revenue.

Gallon. "Gallon" shall mean the liquid measure containing 231 cubic inches.

(68A Stat. 612; 26 U. S. C. 5052)

Includes and including. "Includes" and "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

Inclusive language. Words in the plural form shall include the singular and vice versa, and words in the masculine gender shall include the feminine as well as individuals, trusts, estates, partnerships, associations, companies, corporations, and other legal entities.

I. R. C. "I. R. C." shall mean the Internal Revenue Code of 1954.

Person. "Person" shall mean and include an individual, a trust, estate, partnership, association, company, and corporation.

(68A Stat. 911; 26 U. S. C. 7701)

Region. "Region" shall mean an internal revenue region.

Regional commissioner. "Regional commissioner" shall mean the regional commissioner in each of the internal revenue regions.

U. S. C. "U. S. C." shall mean the United States Code.

SUBPART C—LOCATION AND USE OF BREWERY

§ 245.10 *Restrictions.* A brewery may not be established or operated in any dwelling house or on board any vessel or boat; or in any building or on any premises where the revenue will be jeopardized or the effective administration of this part will be hindered.

§ 245.11 *Continuity of brewery.* The continuity of the brewery must be unbroken except where separated by public passageways, streets, highways, waterways, or carrier rights-of-way, or partitions. If parts of the brewery are separated they must abut on the dividing medium and be adjacent to each other: *Provided,* That where loading facilities under the control of a brewer are located away from the brewery but within reasonable proximity thereto, such facilities may be approved by the assistant regional commissioner as a part of such brewery if the revenue will not be jeopardized thereby.

§ 245.12 *Use of brewery.* The brewery shall be used exclusively, except as provided herein, for the purposes of producing and packaging or bottling beer, cereal beverages, soft drinks and other nonalcoholic beverages, vitamins, ice, malt, malt sirup, and other by-products; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such operations. All bottling shall be conducted in the brewery bottling house. If the brewer desires to use the brewery for other purposes, not involving the production of alcoholic beverages, which (a) require the use of by-products or wastage from the production of beer, or utilize buildings, rooms, areas, or equipment not fully employed in the production or bottling of beer, (b) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the plant, (c) are in the public interest because of emergency conditions, or (d) involve experiments or research projects related to equipment, materials, processes, products, by-products, or wastage of the brewery, he may submit an application so to do to the Director, Alcohol and Tobacco Tax Division, through the assistant regional commissioner. The Director, Alcohol and Tobacco Tax Division, will approve such application where he finds that such use will not jeopardize the revenue, will not impede the effective administration of this part, and is not contrary to the specific provisions of law.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.13 *Storage of beer on which the tax has been paid or determined.* Beer on which the tax has been paid or determined may not be stored in the brewery: *Provided,* That such beer, if it is undelivered, repossessed from a purchaser, or removed from the market by the brewer before transfer of title thereto to any other person may be held temporarily pending disposition as provided in §§ 245.155, 245.156, and 245.158.

(68A Stat. 613, 675; 26 U. S. C. 5057, 5411)

SUBPART D—CONSTRUCTION

§ 245.15 *Brewery buildings.* Brewery buildings shall be so arranged and constructed as to afford adequate protection to the revenue and facilitate inspection by internal revenue officers.

§ 245.16 *Division of brewery.* The brewer shall designate the use of each building, cellar, room, or other division of the brewery where wort or beer is kept or handled by placing a plain and durable sign or legend (descriptive of its use) on or near the entrance thereto. If more than one building, room, etc., is used for the same purpose, alphabetical or numerical designations shall be used to further identify such divisions.

§ 245.17 *Empty container storage room.* If empty barrels, kegs, bottles, other containers, or other supplies are stored in the brewery, they must be so stored as to be completely segregated from filled containers.

§ 245.18 *Government cabinet.* The brewer shall provide a suitable cabinet for use in safeguarding Government property. Each such cabinet is subject to approval by the assistant regional commissioner.

PIPELINE TRANSFERS TO BOTTLING HOUSE

§ 245.19 *General.* All beer and cereal beverage transferred to the brewery bottling house must pass through authorized pipelines which must be fixed, unbroken, and of permanent character and be exposed to view throughout the entire length; no opening will be permitted therein except as provided in §§ 245.20 and 245.35.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.20 *Facilities for cleaning pipeline.* Where it is desired to clean the beer line to the brewery bottling house by the use of brush, ball, or similar de-

vice, a return line approved by the assistant regional commissioner must be provided. Petcocks not larger than one-eighth inch may be installed in pipelines to facilitate draining and cleaning.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART E—EQUIPMENT

§ 245.25 *Tanks and vats.* Each stationary tank, vat, cask, or other container used, or intended for use, as a receptacle for wort or beer shall be durably marked to show its designated use or uses, serial number, and capacity, and be equipped with a suitable measuring device: *Provided*, That in lieu of equipping each tank or container with an individual measuring device, the brewer may provide meters or other suitable portable devices.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART F—BEER METERS

§ 245.30 *Meters required.* Brewers shall be required to provide, at their own expense, approved meters for measuring beer to be packaged or transferred to the brewery bottling house, which meters shall be accessible to internal revenue officers at all hours during which the brewery is operating.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.31 *Notice of meter shipment.* On the date a meter is shipped to a brewery, the manufacturer shall so advise the assistant regional commissioner of the region wherein the brewery is located, stating the date of shipment and the manufacturer's serial number of the meter. The brewer shall notify the assistant regional commissioner when a meter has been received from a manufacturer or from another brewer and is ready for installation. The meter must not be used until it has been tested by an inspector and installed under his supervision. The manufacturer's or internal revenue seals on the meter must remain intact until removed by an inspector.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.32 *Location and installation.* Racking room and bottling meters shall be installed so that all beer to be racked or bottled, as the case may be, passes through the respective meters. The meters must be installed in appropriate locations in such manner that they are adequately secured and readily accessible to internal revenue officers for tests, adjustments, and inspections.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.33 *Strainers.* In order to protect meters from injury from foreign matter, a strainer must be placed in the pipeline ahead of each meter. In order that the strainer may be dismantled for cleaning without Government supervision, it shall not be located in the brewery bottling house.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.34 *Tests, repairs, and adjustments.* When necessary in the opinion of the assistant regional commissioner, he will assign an inspector to test a meter or supervise its dismantling and reassembling for the purpose of cleaning or repair. If a defective meter cannot be repaired without delay, its use must be discontinued. If a replacement meter is not installed immediately, the inspector will, on removal of the meter, cause the open beer line to be closed and secured. When the repairs are completed or a new meter is installed, the inspector will test the repaired or newly installed meter. Whenever a meter is tested a copy of the meter test report will be given to the brewer. If the continuous counter of the meter is advanced with water during the test, a report thereof will be made on Form 138. One copy thereof will be given to the brewer, one will be filed in the Government cabinet and one forwarded to the assistant regional commissioner. The use of any meter must be discontinued whenever it is not functioning properly or recording accurately.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.35 *Facilities for meter tests.* The brewer shall provide adequate facilities for master meter tests of all regularly installed meters. The pipelines to all meters will contain removable sections or other facilities, properly secured, to permit the installation of the master meter close to, and in series with, the brewer's meter. The pipelines will also contain an arrangement of valves and by-pass lines for inserting the Government meter and making the test without interfering with pumping operations, unless the brewer elects to stop operations for the meter tests in lieu of making such installations. All such installations must conform with the requirements of § 245.32.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART G—NOTICES

§ 245.40 *Notice on Form 27–C.* Every person shall, before commencing the business of a brewer, give notice of his intention on Form 27–C, in triplicate, to the assistant regional commissioner. Every brewer continuing business shall, as provided in § 245.44, give notice on Form 27–C, in triplicate, to the assistant regional commissioner. The notices shall be numbered serially, commencing with "1" for the original, and continuing in sequence for all amended, supplemental, or superseding notices thereafter filed. All data, written statements, affidavits, and other documents submitted in support of the notice shall be deemed to be a part thereof.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.41 *Data for notice.* Form 27–C shall include the following information:

(a) The serial number.

(b) The purpose stated as (1) to give notice of the brewer's intention to engage in the business of brewing; or (2) to give notice of the brewer's intention to continue business under a new bond; or (3) to amend or supplement previously furnished information as set forth in items ———, ———, and ———.

(c) Name of brewer.

(d) Business address of brewer.

(e) Address of brewery affected by the notice (if other than the business address).

(f) Character of brewer, i. e., sole proprietorship, partnership, corporation, or other, supported by copies, in triplicate, of articles and amended articles of incorporation (and including the certificate of incorporation), partnership, or association, etc.

(g) Description of brewery, including (1) each tract of land comprising the brewery, (2) that portion of the land occupied by the brewery bottling house, and (3) description of brewery buildings, referring to each building by its designated number or letter and giving the approximate ground dimensions and the purposes for which ordinarily used. Description of land shall be by courses and distances, in feet and hundredths thereof or inches, with the particularity required in conveyances of real estate.

(h) A list of mash tubs, brewkettles, fermenting tanks, storage tanks, and similar tanks to be used in the production of beer, showing the quantity (number) of each type; their capacities in barrels; and the designated number or letter of the building in which located.

(i) A list of tanks and bottling lines in the bottling house, showing the quantity (number) of each type and, if applicable, their capacities in barrels. Bottling lines shall be listed separately as to use and serial number.

(j) A list of the trade names which the brewer is using or intends to use in doing business or in packaging or bottling, and the offices where such names are registered, supported by copies, in triplicate, of any certificates or other documents filed or issued in respect to such names.

(k) The name and address of the owner of the fee and of any mortgagee or other encumbrancer of the land, buildings, or equipment comprising the brewery.

(l) A statement setting forth the authorized, the issued, the classifications, and the par value of the capital stock or other evidence of ownership of a corporate brewer, or, in the case of an individual owner or partnership, a statement giving the name of every person interested in the brewery, whether such interest appears in the name of the interested party or in the name of another for him.

(m) A list of the names and addresses of all stockholders and other persons having an interest of not less than 10 percent in the corporation or similar legal entity and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him; also, a list of officers and directors.

(n) The date of the notice and name and signature of the brewer. The name of the brewer, if an individual, must be typed or written, preceded by the trade name, if any, and followed either by the signature of the brewer and the words "sole owner", or by the signature of a duly empowered attorney in fact and his title as such. In case of a partnership, the trade name of the firm shall be typed or written, followed by the word "By" and the signatures of all partners, or of any partner duly authorized to sign in behalf of the firm, or of a duly empowered attorney in fact. If a corporation, the form will be executed in the corporate name immediately followed by the signature and title of the person duly authorized to act in its behalf. If the brewer is any other entity, the notice shall be signed by such person or persons as are duly authorized and empowered so to do.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.42 *Powers of attorney.* The brewer shall execute and file with the assistant regional commissioner a Form 1534, in triplicate, in accordance with the instructions on the form, for every person who is authorized to sign or act on behalf of the brewer.

§ 245.43 *Additional information.* The assistant regional commissioner may at any time require the brewer to furnish as a part of the notice such additional information as is necessary to protect and insure collection of the revenue.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.44 *Supplemental and superseding notices.* The brewer shall file an amended or supplemental Form 27–C, as provided in Subpart L of this part, covering changes in items of information recorded on the active Forms 27–C on file. Such amended or supplemental notices may be in skeleton form. The brewer shall file a new and complete notice, superseding those previously filed, once every 4 years, to be effective on the effective date of renewal of the brewer's bond as provided in § 245.45. Where a brewer files a new bond before expiration of the usual 4-year period, as provided in § 245.49, the assistant regional commissioner may require the filing of a new and complete notice, superseding those previously filed, to be effective on the effective date of the new bond, or he may postpone the filing of such new notice until such time as the new bond is renewed or superseded.

SUBPART H—BONDS AND CONSENTS OF SURETY

§ 245.45 *General.* Every person intending to commence or continue the business of a brewer shall, in connection with filing his notice, Form 27–C, file a bond, Form 1566, in triplicate, in accordance with the provisions of this subpart. Consents of surety to a change in the terms of any bond filed under this part shall be manifested on Form 1533 by the principal and by the surety on the bond with the same formality and proof of authorization as required for the execution of the bond. Once every 4 years, or, as provided in § 245.49, the brewer shall execute and file with the assistant regional commissioner a new bond prepared in accordance with the provisions of this subpart. No person shall continue or commence the business of a brewer until he receives notice from the assistant regional commissioner of the approval of the bond or consent of surety required by this part.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.46 *Penal sum of bond.* The penal sum of the brewer's bond shall be equal to the maximum amount of tax which, in the opinion of the assistant regional commissioner, the brewer may become liable to pay during any one calendar month on beer (a) removed for transfer to the brewery from other breweries owned by him, (b) removed without payment of tax for export or use as supplies on vessels and aircraft, and (c) sold, or removed for consumption or sale, calculated at the rate of tax prescribed by law: *Provided*, That the penal sum of any such bond (or the total penal sums where original and strenthening bonds are filed) shall not exceed $150,000 nor be less than $1,000.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.47 *Conditions of bond.* The brewer's bond shall be conditioned that the brewer shall pay, or cause to be paid, to the United States according to the laws of the United States and this part, the taxes, including penalties and interest, for which the brewer shall become liable, on all beer, including all beer removed for transfer to the brewery from other breweries owned by the brewer, and all beer removed free of tax for export or removed for use as supplies on vessels or aircraft, which is not exported or otherwise accounted for, and shall in all respects comply without fraud or evasion with all requirements of law and this part relating to the production and sale of beer. The bond, Form 1566, may be drawn in such manner that if beer is not to be transferred to the brewery from other breweries owned by the brewer or withdrawn for export or for use as supplies on vessels or aircraft, either or both of those provisions may, at the time of execution of the bond, be stricken.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.48 *Strengthening bonds.* In all cases where the penal sum of the bond on file and in effect is not sufficient, computed as prescribed by this part, the principal may give a strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such strengthening bonds, being filed to increase the bond liability of the principal and the surety, are in no sense substitute bonds, and the assistant regional commissioner will refuse to approve any strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Strengthening Bond".

§ 245.49 *New bond.* A new bond may be required at any time in the discretion of the assistant regional commissioner. A new bond shall be required immediately in the case of the insolvency of a surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing, or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When the interests of the Government so demand, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.50 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in this subpart. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by obligors at the time of execution, "Superseding Bond".

§ 245.51 *Surety or security.* Bonds required by this part shall be given with corporate surety or collateral security.

(61 Stat. 646; 6 U. S. C. 6, 15)

§ 245.52 *Corporate surety.* Surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356—Revised, and subject to such amendments as may be issued from time to time.

(61 Stat. 646; 6 U. S. C. 6)

§ 245.53 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms on the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356—Revised. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 245.54 *Powers of attorney to execute bonds.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds or consent to a change in the terms of a bond on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, assistant regional commissioners.

§ 245.55 *Deposit of collateral security in lieu of corporate surety.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of corporate sureties in accordance with the provisions of 31 CFR Part 225: *Provided*, That United States Savings, Defense Savings, and

vice, a return line approved by the assistant regional commissioner must be provided. Petcocks not larger than one-eighth inch may be installed in pipelines to facilitate draining and cleaning.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART E—EQUIPMENT

§ 245.25 *Tanks and vats.* Each stationary tank, vat, cask, or other container used, or intended for use, as a receptacle for wort or beer shall be durably marked to show its designated use or uses, serial number, and capacity, and be equipped with a suitable measuring device: *Provided*, That in lieu of equipping each tank or container with an individual measuring device, the brewer may provide meters or other suitable portable devices.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART F—BEER METERS

§ 245.30 *Meters required.* Brewers shall be required to provide, at their own expense, approved meters for measuring beer to be packaged or transferred to the brewery bottling house, which meters shall be accessible to internal revenue officers at all hours during which the brewery is operating.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.31 *Notice of meter shipment.* On the date a meter is shipped to a brewery, the manufacturer shall so advise the assistant regional commissioner of the region wherein the brewery is located, stating the date of shipment and the manufacturer's serial number of the meter. The brewer shall notify the assistant regional commissioner when a meter has been received from a manufacturer or from another brewer and is ready for installation. The meter must not be used until it has been tested by an inspector and installed under his supervision. The manufacturer's or internal revenue seals on the meter must remain intact until removed by an inspector.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.32 *Location and installation.* Racking room and bottling meters shall be installed so that all beer to be racked or bottled, as the case may be, passes through the respective meters. The meters must be installed in appropriate locations in such manner that they are adequately secured and readily accessible to internal revenue officers for tests, adjustments, and inspections.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.33 *Strainers.* In order to protect meters from injury from foreign matter, a strainer must be placed in the pipeline ahead of each meter. In order that the strainer may be dismantled for cleaning without Government supervision, it shall not be located in the brewery bottling house.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.34 *Tests, repairs, and adjustments.* When necessary in the opinion of the assistant regional commissioner, he will assign an inspector to test a meter or supervise its dismantling and reassembling for the purpose of cleaning or repair. If a defective meter cannot be repaired without delay, its use must be discontinued. If a replacement meter is not installed immediately, the inspector will, on removal of the meter, cause the open beer line to be closed and secured. When the repairs are completed or a new meter is installed, the inspector will test the repaired or newly installed meter. Whenever a meter is tested a copy of the meter test report will be given to the brewer. If the continuous counter of the meter is advanced with water during the test, a report thereof will be made on Form 138. One copy thereof will be given to the brewer, one will be filed in the Government cabinet and one forwarded to the assistant regional commissioner. The use of any meter must be discontinued whenever it is not functioning properly or recording accurately.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.35 *Facilities for meter tests.* The brewer shall provide adequate facilities for master meter tests of all regularly installed meters. The pipelines to all meters will contain removable sections or other facilities, properly secured, to permit the installation of the master meter close to, and in series with, the brewer's meter. The pipelines will also contain an arrangement of valves and by-pass lines for inserting the Government meter and making the test without interfering with pumping operations, unless the brewer elects to stop operations for the meter tests in lieu of making such installations. All such installations must conform with the requirements of § 245.32.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART G—NOTICES

§ 245.40 *Notice on Form 27–C.* Every person shall, before commencing the business of a brewer, give notice of his intention on Form 27–C, in triplicate, to the assistant regional commissioner. Every brewer continuing business shall, as provided in § 245.44, give notice on Form 27–C, in triplicate, to the assistant regional commissioner. The notices shall be numbered serially, commencing with "1" for the original, and continuing in sequence for all amended, supplemental, or superseding notices thereafter filed. All data, written statements, affidavits, and other documents submitted in support of the notice shall be deemed to be a part thereof.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.41 *Data for notice.* Form 27–C shall include the following information:

(a) The serial number.

(b) The purpose stated as (1) to give notice of the brewer's intention to engage in the business of brewing; or (2) to give notice of the brewer's intention to continue business under a new bond; or (3) to amend or supplement previously furnished information as set forth in items _____, _____, and _____.

(c) Name of brewer.

(d) Business address of brewer.

(e) Address of brewery affected by the notice (if other than the business address).

(f) Character of brewer, i. e., sole proprietorship, partnership, corporation, or other, supported by copies, in triplicate, of articles and amended articles of incorporation (and including the certificate of incorporation), partnership, or association, etc.

(g) Description of brewery, including (1) each tract of land comprising the brewery, (2) that portion of the land occupied by the brewery bottling house, and (3) description of brewery buildings, referring to each building by its designated number or letter and giving the approximate ground dimensions and the purposes for which ordinarily used. Description of land shall be by courses and distances, in feet and hundredths thereof or inches, with the particularity required in conveyances of real estate.

(h) A list of mash tubs, brewkettles, fermenting tanks, storage tanks, and similar tanks to be used in the production of beer, showing the quantity (number) of each type; their capacities in barrels; and the designated number or letter of the building in which located.

(i) A list of tanks and bottling lines in the bottling house, showing the quantity (number) of each type and, if applicable, their capacities in barrels. Bottling lines shall be listed separately as to use and serial number.

(j) A list of the trade names which the brewer is using or intends to use in doing business or in packaging or bottling, and the offices where such names are registered, supported by copies, in triplicate, of any certificates or other documents filed or issued in respect to such names.

(k) The name and address of the owner of the fee and of any mortgagee or other encumbrancer of the land, buildings, or equipment comprising the brewery.

(l) A statement setting forth the authorized, the issued, the classifications, and the par value of the capital stock or other evidence of ownership of a corporate brewer, or, in the case of an individual owner or partnership, a statement giving the name of every person interested in the brewery, whether such interest appears in the name of the interested party or in the name of another for him.

(m) A list of the names and addresses of all stockholders and other persons having an interest of not less than 10 percent in the corporation or similar legal entity and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him; also, a list of officers and directors.

(n) The date of the notice and name and signature of the brewer. The name of the brewer, if an individual, must be typed or written, preceded by the trade name, if any, and followed either by the signature of the brewer and the words "sole owner", or by the signature of a duly empowered attorney in fact and his title as such. In case of a partnership, the trade name of the firm shall be typed or written, followed by the word "By" and the signatures of all partners, or of any partner duly authorized to sign in behalf of the firm, or of a duly empowered attorney in fact. If a corporation, the form will be executed in the corporate name immediately followed by the signature and title of the person duly authorized to act in its behalf. If the brewer is any other entity, the notice shall be signed by such person or persons as are duly authorized and empowered so to do.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.42 *Powers of attorney.* The brewer shall execute and file with the assistant regional commissioner a Form 1534, in triplicate, in accordance with the instructions on the form, for every person who is authorized to sign or act on behalf of the brewer.

§ 245.43 *Additional information.* The assistant regional commissioner may at any time require the brewer to furnish as a part of the notice such additional information as is necessary to protect and insure collection of the revenue.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.44 *Supplemental and superseding notices.* The brewer shall file an amended or supplemental Form 27–C, as provided in Subpart L of this part, covering changes in items of information recorded on the active Forms 27–C on file. Such amended or supplemental notices may be in skeleton form. The brewer shall file a new and complete notice, superseding those previously filed, once every 4 years, to be effective on the effective date of renewal of the brewer's bond as provided in § 245.45. Where a brewer files a new bond before expiration of the usual 4-year period, as provided in § 245.49, the assistant regional commissioner may require the filing of a new and complete notice, superseding those previously filed, to be effective on the effective date of the new bond, or he may postpone the filing of such new notice until such time as the new bond is renewed or superseded.

SUBPART H—BONDS AND CONSENTS OF SURETY

§ 245.45 *General.* Every person intending to commence or continue the business of a brewer shall, in connection with filing his notice, Form 27–C, file a bond, Form 1566, in triplicate, in accordance with the provisions of this subpart. Consents of surety to a change in the terms of any bond filed under this part shall be manifested on Form 1533 by the principal and by the surety on the bond with the same formality and proof of authorization as required for the execution of the bond. Once every 4 years, or, as provided in § 245.49, the brewer shall execute and file with the assistant regional commissioner a new bond prepared in accordance with the provisions of this subpart. No person shall continue or commence the business of a brewer until he receives notice from the assistant regional commissioner of the approval of the bond or consent of surety required by this part.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.46 *Penal sum of bond.* The penal sum of the brewer's bond shall be equal to the maximum amount of tax which, in the opinion of the assistant regional commissioner, the brewer may become liable to pay during any one calendar month on beer (a) removed for transfer to the brewery from other breweries owned by him, (b) removed without payment of tax for export or use as supplies on vessels and aircraft, and (c) sold, or removed for consumption or sale, calculated at the rate of tax prescribed by law: *Provided*, That the penal sum of any such bond (or the total penal sums where original and strenthening bonds are filed) shall not exceed $150,000 nor be less than $1,000.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.47 *Conditions of bond.* The brewer's bond shall be conditioned that the brewer shall pay, or cause to be paid, to the United States according to the laws of the United States and this part, the taxes, including penalties and interest, for which the brewer shall become liable, on all beer, including all beer removed for transfer to the brewery from other breweries owned by the brewer, and all beer removed free of tax for export or removed for use as supplies on vessels or aircraft, which is not exported or otherwise accounted for, and shall in all respects comply without fraud or evasion with all requirements of law and this part relating to the production and sale of beer. The bond, Form 1566, may be drawn in such manner that if beer is not to be transferred to the brewery from other breweries owned by the brewer or withdrawn for export or for use as supplies on vessels or aircraft, either or both of those provisions may, at the time of execution of the bond, be stricken.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.48 *Strengthening bonds.* In all cases where the penal sum of the bond on file and in effect is not sufficient, computed as prescribed by this part, the principal may give a strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such strengthening bonds, being filed to increase the bond liability of the principal and the surety, are in no sense substitute bonds, and the assistant regional commissioner will refuse to approve any strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Strengthening Bond".

§ 245.49 *New bond.* A new bond may be required at any time in the discretion of the assistant regional commissioner. A new bond shall be required immediately in the case of the insolvency of a surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing, or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When the interests of the Government so demand, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.50 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in this subpart. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by obligors at the time of execution, "Superseding Bond".

§ 245.51 *Surety or security.* Bonds required by this part shall be given with corporate surety or collateral security.

(61 Stat. 646; 6 U. S. C. 6, 15)

§ 245.52 *Corporate surety.* Surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356—Revised, and subject to such amendments as may be issued from time to time.

(61 Stat. 646; 6 U. S. C. 6)

§ 245.53 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms on the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356—Revised. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 245.54 *Powers of attorney to execute bonds.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds or consent to a change in the terms of a bond on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, assistant regional commissioners.

§ 245.55 *Deposit of collateral security in lieu of corporate surety.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of corporate sureties in accordance with the provisions of 31 CFR Part 225: *Provided*, That United States Savings, Defense Savings, and

War Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate sureties.

(61 Stat. 646, 68A Stat. 674; 6 U. S. C. 15, 26 U. S. C. 5401)

§ 245.56 *Disapproval of bonds or consents of surety.* Bonds or consents of surety submitted by an individual, firm, partnership, corporation, or association in respect to the business of a brewer may be disapproved if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of such business of the individual, firm, partnership, corporation, or association giving the same, shall have been previously convicted in a court of competent jurisdiction of:

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of distilled spirits, wines, or beer, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association on payment of penalties or otherwise; or

(b) Any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, beer, or other intoxicating liquor.

(68A Stat. 680; 26 U. S. C. 5551)

§ 245.57 *Appeal to Director, Alcohol and Tobacco Tax Division.* Where a bond or consent of surety is disapproved by the assistant regional commissioner, the person giving the bond may appeal from such disapproval to the Director, Alcohol and Tobacco Tax Division, who will grant a hearing in the matter if such is requested by the applicant or brewer.

(68A Stat. 680; 26 U. S. C. 5551)

§ 245.58 *Termination of surety's liability under bond.* The liability of a surety on any bond required by this part shall be terminated only as to liability arising on and after the date of approval of a superseding bond; or the date of approval of the discontinuance of the business of the brewer giving the bond; or pursuant to the giving of notice by the surety as provided in § 245.59.

§ 245.59 *Notice by surety for relief from liability under bond.* A surety may at any time, in writing, notify the principal and the assistant regional commissioner with whom the bond is filed, that he desires after a date named (which shall be at least 60 days after the date of service of such notice on the principal) to be relieved of any liability under the bond which is incurred by the principal after the date named in the notice. The copy of the notice filed by the surety with the assistant regional commissioner must be accompanied by proof of service of the notice on the principal. The notice must be executed for the surety by a duly authorized officer thereof. Unless withdrawn, in writing, before such date, the notice shall become effective on the date named therein. The surety on the bond shall remain liable under the bond in respect to any liability incurred by the principal while the bond is in force and effect.

§ 245.60 *Notice of bond termination.* On termination of the surety's liability under the bond, as provided in § 245.58, the assistant regional commissioner will notify the principal and sureties on Form 1490, where a superseding bond has been filed and approved, or Form 1491, where the principal has discontinued the business of brewing.

§ 245.61 *Release of collateral security.* Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of 31 CFR Part 225. When the assistant regional commissioner who has accepted such security determines that there is no outstanding liability against the bond and that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released, which date or dates ordinarily will be not less than six months from the date of such termination. At any time prior to the release of such security the assistant regional commissioner may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(61 Stat. 646; 6 U. S. C. 15)

SUBPART I—PLATS

§ 245.65 *Requirements.* Every person intending to engage in the business of a brewer must submit to the assistant regional commissioner as a part of his notice, Form 27–C, an accurate plat of the brewery, in triplicate, conforming to the requirements of this subpart.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.66 *Preparation.* Every plat shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification, and shall show the cardinal points of the compass. The minimum scale of any plat shall be not less than $\frac{1}{50}$ inch per foot. Each sheet of the plat shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. The dimensions of plat sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the ditto process, the ozalid process, or by lithoprint if such reproductions are clear and distinct. The Director, Alcohol and Tobacco Tax Division, may approve other materials and methods which he finds are equally acceptable.

§ 245.67 *Depiction of brewery.* The plat must show, in a manner reflecting the brewer's description on Form 27–C, the outer boundaries of the brewery and of the portion thereof comprising the brewery bottling house. The plat must also contain an accurate depiction of all brewery buildings and any driveway, public passageway, street, highway, waterway, or carrier right-of-way adjacent thereto or connecting therewith. The brewery bottling house must be plainly distinguished from the other portions of the brewery. If the parts of the brewery are separated as provided in § 245.11, the different parts will be depicted individually. If two or more buildings are used, the designated name or use of each (including its alphabetical or numerical designation, if any) will be indicated and all connecting pipelines used for the conveyance of beer between the same will be depicted. All pipelines and other connections for the conveyance of beer between the brewery bottling house and other areas of the brewery, or between the brewery and other premises must be indicated on the plat and identified as to use. The conduit or pipeline used for the transfer of beer to the brewery bottling house shall be shown in red, and the location of meters shall also be shown. The direction of flow of beer through pipelines must be indicated by arrows.

§ 245.68 *Certificate of accuracy.* The plat shall bear a certificate of accuracy in the lower right-hand corner of each sheet signed by the brewer, the draftsman, and the assistant regional commissioner, substantially in the following form:

(Name of brewer)

(Address)

Approved:

(Date)

(Assistant Regional Commissioner)

Accuracy certified by:

(Name and capacity—for the brewer)

(Draftsman)

Sheet No. ---

---, 19--
(Date)

§ 245.69 *Revised plats.* A revised sheet of a plat shall bear the same number as the sheet superseded, but will be given a new date. Any additional sheet shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of all sheets in proper sequence.

SUBPART J—APPROVAL OF DOCUMENTS

§ 245.70 *Examination of documents.* All documents required by this part, of persons intending to qualify as brewers, are subject to examination by the assistant regional commissioner to determine whether they have been properly executed. Such examination may include an inspection of the brewery to determine whether it is properly described and depicted in the notice and plat. Where discrepancies are found in the documents, the inaccurate or incomplete documents shall be returned to the brewer for correction. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not show compliance with this part, action thereon shall be held in abeyance until the omission, or material errors or discrepancies, have been rectified and there has been full compliance with all requirements. Operation of the brewery shall not be commenced until the documents required by this part have been approved by the assistant regional commissioner.

§ 245.71 *Return of documents to brewer or applicant.* On approval of the documents the assistant regional commissioner shall forward one copy of the bond, notice, plat, and other documents to the brewer. The brewer shall file such approved documents on the premises, available for inspection by internal revenue officers. If the bond or consent of surety is disapproved by the assistant regional commissioner, all copies thereof and of the other documents shall be returned to the applicant or the brewer.

SUBPART K—SPECIAL TAXES

§ 245.75 *Special tax.* Brewers are required to pay, within the calendar month in which they commence operations, the special tax required by section 5091, I. R. C. Special taxes shall become due on the first day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case, the tax is reckoned for 1 year, and in the latter, it is reckoned proportionately from the first day of the month in which the liability to special tax commenced, to and including the 30th day of June following.

(68A Stat. 624; 26 U. S. C. 5142)

§ 245.76 *Special tax return.* Every person liable to special tax shall render his return on Form 11 with remittance to the district director of the district in which the business is carried on, at such time within the calendar month in which the special tax liability commences as will enable the district director to receive such return and remittance not later than the last day of such month.

(68A Stat. 624; 26 U. S. C. 5143)

§ 245.77 *Execution of Form 11.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by any one of the partners; the return of a corporation shall be signed by any officer. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney in fact, his signature should be preceded by the name of the principal and be followed by his title. A return signed by a person as agent will not be accepted unless there is filed with the district director a power of attorney authorizing the agent to perform such act. Form 11 must contain or be verified by a written declaration that it has been executed under penalties of perjury.

(68A Stat. 748, 749, 757, 846; 26 U. S. C. 6061, 6065, 6151, 7011)

§ 245.78 *Wholesale and retail special tax exemption.* A brewer is not required to pay special tax as a wholesale or retail dealer in beer if he sells only in hogsheads, barrels, or kegs, whether at the place of production or elsewhere, beer produced by him or purchased and procured by him in his own hogsheads, barrels, or kegs from another brewer, but the quantity of beer so purchased shall be included in calculating the liability to brewers' special tax of both the brewer who manufacturers and sells the same and the brewer who purchases the same.

(68A Stat. 619; 26 U. S. C. 5113)

§ 245.79 *Sale of bottled beer.* The special tax liability as brewer does not include the sale of beer in bottles, or the sale of beer produced by other brewers which is not in his own barrels. Brewers who sell such products are required to pay special tax as wholesale or retail dealers in beer, or both, according to the quantities sold.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 245.80 *Wholesale dealer in beer.* Except as provided in Part 194 of this chapter, every person who sells, or offers for sale, beer in quantities of 5 gallons or more, to the same person at the same time, and who does not deal in distilled spirits or wines at wholesale, shall be regarded as a wholesale dealer in beer.

(68A Stat. 618; 26 U. S. C. 5112)

§ 245.81 *Retail dealer in beer.* Except as provided in Part 194 of this chapter, every person who sells, or offers for sale, beer in quantities of less than 5 gallons to the same person at the same time, and does not deal in distilled spirits or wines, shall be regarded as a retail dealer in beer.

(68A Stat. 621; 26 U. S. C. 5122)

§ 245.82 *Posting special tax stamp.* All stamps denoting payment of special tax shall be posted conspicuously in the place of business of the taxpayer.

(68A Stat. 831; 26 U. S. C. 6806)

§ 245.83 *Sale at purchaser's place of business.* Wholesale and retail dealers in beer who have paid special tax as such may, without incurring liability for additional special tax, sell beer to wholesale and retail dealers in beer or liquors at the purchaser's place of business.

(68A Stat. 621; 26 U. S. C. 5123)

§ 245.84 *Each place of business taxable.* Liability to special tax is incurred by a brewer at each and every place of business where he carries on any occupation subject to such tax: *Provided*, That by place of business is meant the entire office, plant or area of the business in any one location under the same proprietorship, and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed sufficient separation to require additional special tax, if the various divisions of the premises are otherwise contiguous.

(68A Stat. 624; 26 U. S. C. 5144)

SUBPART L—CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES, AND EQUIPMENT

§ 245.85 *Amended or supplemental notices.* Where there is a change in any of the items of information reported on active Forms 27–C, the brewer shall immediately, except as provided in this subpart, submit to the assistant regional commissioner an amended or supplemental notice on Form 27–C, in triplicate, setting forth the new information. Items which remain unchanged shall be marked "No change since Form 27–C, Serial No. ------". Where there are changes in the items of information required by § 245.41 (h), (i), or (j), amended or supplemental notices shall be submitted within 30 days after completion of the change. The assistant regional commissioner may require the immediate filing of an amended Form 27–C and plat if the accuracy of existing documents has been materially affected by any change.

CHANGES IN PROPRIETORSHIP

§ 245.86 *Nonfiduciary successor.* If a change in proprietorship of the brewery is brought about otherwise than by appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new brewery, except that he may adopt the plat of the predecessor, as provided in this subpart. Such new proprietor must file a new notice and bond in his own name.

§ 245.87 *Fiduciary.* If the brewery is to be operated by an administrator, executor, receiver, trustee, assignee, or other fiduciary, the fiduciary may, in lieu of filing a new notice, bond, and plat, file an amended or supplemental notice, furnish a consent of surety extending the terms of his predecessor's bond, and adopt the plat of such predecessor. The fiduciary must also furnish certified copies, in triplicate, of the court order or other pertinent documents, showing his qualifications as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the order, or the date specified therein, for him to assume control. If the fiduciary was not appointed by the court, the date of his appointment must coincide with the effective date of the qualifying documents filed by him.

§ 245.88 *Change in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship.

Likewise, except as provided in § 245.89, the death, bankruptcy, or adjudicated insolvency of one or more of the partners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change occurs, the successor must qualify in the same manner as a new applicant, except that the successor may adopt the plat of the predecessor as provided in § 245.92.

§ 245.89 *Exception, change in partnership.* Where, under the laws of the particular State, the partnership is not terminated on the death or insolvency of a partner, but continues until the termination of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the brewery for such purpose under the prior qualification of the partnership, and the bond already on file will be considered sufficient, provided a consent of surety, wherein the surety and the surviving partner agree to remain liable on the bond, is filed. If such surviving partner acquires the business on completion of the settlement of the partnership, he must qualify in his own name from the date of acquisition and give a new notice on Form 27–C and a new bond on Form 1566. The same rule shall apply where there is more than one surviving partner.

§ 245.90 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of capital stock of a corporation operating a brewery does not constitute a change in the proprietorship of the brewery. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the brewer must give notice thereof on Form 27–C, in triplicate, to the assistant regional commissioner within 30 days of such change.

§ 245.91 *Reincorporation.* Where a corporation operating a brewery is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as the new proprietor of a brewery, except that the new corporation may adopt the plat of the predecessor.

§ 245.92 *Plats.* The adoption by a successor of the plat of his predecessor shall be in the form of a certificate, in triplicate, to be made a part of the notice, in which shall be set forth the name of the predecessor, the address of the brewery, a description of the brewery, the number of each page comprising the plat covered by such certificate, and a statement that the brewery, including the buildings, connecting pipelines, and meters is correctly described and depicted on such plat.

(68A Stat. 674; 26 U. S. C. 5401)

§ 245.93 *Approval required.* Operations shall not be commenced by the successor until the qualifying documents required by the provisions of this subpart have been approved.

(68A Stat. 678; 26 U. S. C. 5551)

§ 245.94 *Transfer of business.* When a brewer's business, including the beer on hand, is transferred to a successor, the beer may be transferred without payment of tax and shall be accounted for by the successor brewer.

CHANGES IN LOCATION AND PREMISES

§ 245.95 *Change in location.* Where there is a change in the location of the brewery, the brewer must file an amended Form 27–C and a new plat and bond, except that in lieu of filing a new bond, Form 1566, the brewer may furnish a consent of surety, Form 1533, in accordance with § 245.45 extending the terms of the bond given for the former location to cover operation of the brewery at the new location. The new location may not be used for the business of brewing until the documents required by this part are approved by the assistant regional commissioner.

(68A Stat. 594, 616, 619, 624, 674, 846; 26 U. S. C. 4905, 5091, 5113, 5144, 5401, 7011)

§ 245.96 *Changes in premises.* Where the brewery (or brewery bottling house) is to be extended or curtailed, the brewer must file with the assistant regional commissioner an amended Form 27–C and amended plat. The additional facilities covered by an extension may not be used for the proposed purposes, and the portion to be excluded by a curtailment may not be used for other than the previously approved purposes, prior to approval of Form 27–C.

(68A Stat. 674; 26 U. S. C. 5401)

SPECIAL TAX STAMPS

§ 245.97 *Change in name; amended Form 11.* Where there is a change in the corporate name or firm name, or in the trade name, or names, the brewer must, within 30 days after such change is made, file with the district director of internal revenue an additional return on Form 11, covering the new corporate name, firm name, or trade name or names, as the case may be. The special tax stamp, or stamps, must be forwarded to the district director for appropriate notation with respect to such change.

(68A Stat. 846; 26 U. S. C. 7011)

§ 245.98 *Liability; change in proprietorship.* Where there is a change in proprietorship of the brewery, the successor must procure the required special tax stamps: *Provided*, That persons having right of succession as provided in § 245.99, may carry on the business for the remainder of the period for which the special tax was paid, if, within 30 days after the date on which such successor begins to carry on the business, a return on Form 11 showing the basis of the succession is filed with the district director. The person so succeeding to a business for which special tax has been paid and who fails to register such succession as provided in this subpart, is liable for special tax computed from the first day of the calendar month in which he began to carry on such business.

(68A Stat. 624, 846; 26 U. S. C. 5144, 7011)

§ 245.99 *Persons having right of succession.* Under the conditions indicated in § 245.98, the persons having right of succession are as follows:

(a) *Death.* The widowed spouse or child, or executor, administrator, or other legal representative of the taxpayer.

(b) *Husband and wife.* A husband or wife succeeding to the business of his or her spouse (living).

(c) *Insolvency.* A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(d) *Withdrawal from firm.* The partner or partners remaining after death or withdrawal of a member.

(68A Stat. 624; 26 U. S. C. 5144)

§ 245.100 *Liability; change in location.* Where there is a change in location, the brewer must, within 30 days after such change is made, file with the district director an amended return on Form 11 covering the new location of the brewery; otherwise, new special tax stamps must be purchased. The special tax stamp, or stamps, must be forwarded to the district director for endorsement of the change in location.

(68A Stat. 594, 624, 846; 26 U. S. C. 4905, 5144, 7011)

SUBPART M—NOTICE OF DISCONTINUANCE OF BUSINESS

§ 245.105 *Form of notice.* Where a brewer desires to discontinue business permanently, he will file with the assistant regional commissioner notice thereof on Form 27–C, in triplicate, stating therein the purpose, "Discontinuance of business," and giving the date of the discontinuance. The assistant regional commissioner will, when operations have been properly completed, note his approval on the notice, retain one copy and forward one copy to the Director, Alcohol and Tobacco Tax Division, and one copy to the brewer.

SUBPART N—TAX ON BEER

§ 245.110 *Rate of tax.* All beer brewed or produced and sold, or removed for consumption or sale, is subject to the tax prescribed by section 5051, I. R. C., for every barrel containing not more than 31 gallons, and at a like rate for any other quantity, or for the fractional parts of a barrel authorized and defined by law.

(68A Stat. 611; 26 U. S. C. 5051)

§ 245.111 *Persons liable for tax.* The tax imposed by law on beer (including beer purchased or procured by one brewer from another) shall be paid by the owner, agent, or superintendent of the brewery in which the beer is made: *Provided*, That the tax on beer transferred to a brewery from other breweries owned by the same brewer shall be paid by the owner or his agent or superintendent at the brewery from which the beer is sold or removed for consumption or sale.

(68A Stat. 613, 675; 26 U. S. C. 5054, 5413, 5414)

§ 245.112 *Method of taxpayment.* The tax on beer shall be paid by return on Form 2034, as provided in §§ 245.227 to 245.229. The tax shall be paid by remittance to the district director at the time the tax return is rendered and the remittance shall be in cash, or by check or money order made payable to the

"Internal Revenue Service". In paying the tax a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 614, 777, 778; 26 U. S. C. 5061, 6311, 6313)

§ 245.113 *Determination of tax on keg beer.* In determining the tax on beer removed in kegs, a barrel shall be regarded as being a quantity of not more than 31 gallons. The authorized fractional parts of a barrel are halves, thirds, quarters, sixths, and eighths. Any keg containing one-eighth or less will be accounted and taxpaid as one-eighth; if more than one-eighth and not more than one-sixth, as one-sixth; if more than one-sixth and not more than one-fourth, as one-fourth; if more than one-fourth and not more than one-third, as one-third; if more than one-third and not more than one-half, as one-half; if more than one-half and not more than one barrel, as one barrel; and if more than one barrel and not more than 63 gallons, as two barrels or a hogshead. The provisions of this section requiring the accounting and tax payment of kegs at the next higher quantity shall not apply where the excess quantity of beer in any such container over the standard quantity does not exceed two percent by volume. The quantities of keg beer removed subject to tax shall be computed to 5 decimal places. The sum of the quantities so computed for any one day will be reduced to 3 decimal places by dropping the numerals in the 4th and 5th decimal places and the tax shall be calculated and paid on such reduced sum.

(68A Stat. 611; 26 U. S. C. 5051)

§ 245.114 *Determination of tax on bottled beer.* The quantities of bottled beer removed subject to tax shall be computed to 5 decimal places in accordance with the table and instructions in § 245.115. The sum of the quantities so computed for any one day will be reduced to 3 decimal places by dropping the numerals in the 4th and 5th decimal places and the tax shall be calculated and paid on such reduced sum.

(68A Stat. 611; 26 U. S. C. 5051)

§ 245.115 *Tax computations for bottled beer.* Barrel equivalents for various case sizes are as follows:

Number of bottles per case	Fluid contents (ounces) of each bottle	Barrel equivalent
4	64	0.06452
6	64	.09677
12	6	.01815
12	7	.02117
12	8	.02419
12	12	.03629
12	14	.04234
12	30	.09073
12	32	.09677
24	6	.03629
24	7	.04234
24	8	.04839
24	9	.05444
24	10	.06048
24	11	.06653
24	12	.07258
24	13	.07863
24	14	.08468
24	15	.09073
24	16	.09677
36	6	.05444
36	7	.06351
36	8	.07258
48	12	.14516
50	12	.15120

Since the determination of tax liability is based upon a count of cases of bottles, various sized bottles may not be indiscriminately mixed in a case. This shall not be construed as prohibiting cases or bottles of sizes other than those listed in the above table or cases which contain bottles of more than one size where such cases are uniformly filled with a specific number of bottles of each size: *Provided*, That if beer is to be removed in cases or bottles of sizes other than those listed in the above table, the brewer will notify the assistant regional commissioner in advance and request to be advised of the fractional barrel equivalent applicable to the proposed container.

§ 245.116 *Time of tax determination and payment.* The tax on beer shall be determined on sale or removal for consumption or sale. Except as provided in § 245.117, a brewer shall file the tax return with remittance not later than the close of the business day next succeeding that on which the beer was sold or removed for consumption or sale: *Provided*, That where the brewer has deposited with the district director an additional remittance equal to, or greater than, the maximum tax liability to be incurred during any one business day, the tax return may be filed not later than the close of the second business day next succeeding the day on which the beer was sold or removed for consumption or sale. If the tax liability for any one business day exceeds the additional remittance deposited, a return covering such liability filed later than the close of the business day next succeeding that on which the beer was sold or removed for consumption or sale will not be considered as having been timely filed, and further, the brewer will not be permitted to resume deferring the filing of his returns to the second business day unless the amount of the deposit has been appropriately increased. In no event will the filing of the return be delayed for more than one additional day because of the advance deposit. In any case in which the tax return is authorized to be filed not later than the close of the second business day next succeeding the day on which the beer was sold or removed for consumption or sale, entries in records and reports shall be made not later than the expiration of such time: *And provided further*, That when the last day for filing a tax return and remittance falls on Saturday or Sunday, or on a legal holiday (of the particular State or of the District of Columbia wherein the return is required to be filed), the performance of such acts shall be considered timely if they are performed on the next succeeding day which is not a Saturday, Sunday, or legal holiday (of the particular State or of the District of Columbia wherein the return is required to be filed): *And provided further*, That where the return and remittance are delivered by United States mail to the office of the district director, the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery.

(68A Stat. 613, 614, 896; 26 U. S. C. 5055, 5061, 7503)

§ 245.117 *Handling of a day's gross tax liability of less than $100.* Notwithstanding the provision of § 245.116 regarding the filing of tax returns daily, a return need not be prepared (nor the remittance of tax made) until the total gross tax (for one or more days) reaches $100, when Form 2034 (with remittance) will be prepared and filed. Before the close of the first business day following the last day of each month, Form 2034 will be prepared and filed with remittance covering the last day or days of the next preceding month even though the amount of tax due is less than $100.

(68A Stat. 614, 675, 681; 26 U. S. C. 5061, 5415, 5555)

§ 245.118 *Evasion of or failure to pay tax.* Penalties are provided in sections 5671, 5673, and 5684 of title 26 of the United States Code, for evasion or failure to pay the tax on beer.

(68A Stat. 696, 699; 26 U. S. C. 5671, 5673, 5684)

SUBPART O—MARKS, BRANDS, AND LABELS

§ 245.125 *Barrels and cases.* The brewer's name or trade name and the place of production must be embossed on, indented in, or otherwise permanently marked on (subject to the approval of the assistant regional commissioner) each metal barrel or keg of beer. The same information must be branded by burning on the side, across the staves, and extending over 60 percent, or more, of the circumference, of each wooden barrel or keg. Such branding must be of sufficient depth and size so that it may not be effaced without leaving traces of scraping or other erasure. The brewer's name or trade name and place of production (city and State) must be shown on each case or other shipping container for bottled beer. No statement concerning payment of internal revenue tax shall appear on such shipping container.

(68A Stat. 675; 26 U. S. C. 5412)

§ 245.126 *Bottles.* Where beer is bottled in the brewery bottling house, the bottle shall show by label or otherwise the name or trade name, the place of production (city and State), the net contents of the container and the nature of the product, such as beer, lager beer, ale, stout, etc. No statement as to payment of internal revenue taxes shall be shown. The labels used by the brewer must be covered by certificates of label approval where required by 27 CFR Part 7. The statement of net contents shall indicate exactly the volume of beer within the bottle except for such variations in measuring as may occur in filling

conducted in compliance with good commercial practice.

(68A Stat. 675; 26 U. S. C. 5412)

MORE THAN ONE BREWERY OWNED BY THE SAME PERSON

§ 245.127 *Barrels or kegs.* Where two or more breweries are owned and operated by the same person, firm, or corporation, barrels or kegs with the name of the brewer and the location of one or more of such breweries branded, embossed, or otherwise permanently marked thereon or indented therein may be used for the removal of beer subject to tax or for export from all such breweries: *Provided*, That whenever a barrel or keg so branded is filled with beer for such removal, the location (city and State) of the brewery at which the beer was produced, shall be marked on the bung or shown on a label securely affixed to the container. If more than one such brewery is located in the same city, such bung or label shall show the location by street number, city and State.

(68A Stat. 675; 26 U. S. C. 5412)

§ 245.128 *Cases.* The place of production (city and State) must be shown on each case: *Provided*, That where two or more breweries are owned and operated by the same person, firm, or corporation the cases may show the addresses (city and State) of all of such breweries and be used interchangeably.

§ 245.129 *Rebranding barrels or kegs.* No barrel or keg which bears the name of more than one brewer may be used as a container for beer: *Provided*, That where barrels or kegs are purchased by one brewer from another or obtained by other legitimate means, and after the assistant regional commissioner has been notified of the proposed action, the brands on such wooden barrels or kegs may be scraped and the barrels or kegs rebranded by the purchasing brewer, and in the case of metal barrels or kegs, the original marks may be covered by a metal plate so welded to the barrel as to become an integral part thereof, and the required marks may be embossed on, or indented in, such metal plates. The successor to a brewer who has discontinued business may place additional marks and brands on the barrels and kegs, in accordance with § 245.125, which indicate the successorship without removing the marks and brands of the predecessor.

(68A Stat. 675; 26 U. S. C. 5412)

§ 245.130 *Tanks, vehicles, and vessels.* Each tank, tank car, tank truck, tank ship, barge, or deep tank of a vessel, used for transferring beer from one brewery to another brewery belonging to the same brewer, as provided in § 245.141, must be plainly and durably marked with the brewer's name, the address of the brewery from which the beer was removed, the address of the brewery to which transferred, the date of shipment, and the quantity transferred (expressed in barrels). The marks may be placed on a suitable label securely affixed to the route board of such containers.

(68A Stat. 675; 26 U. S. C. 5414)

SUBPART P—REMOVAL OF BREWER'S YEAST AND OTHER ARTICLES

§ 245.135 *Containers and records.* Brewer's yeast, in liquid or solid form containing not less than 10 percent solids (as determined by the methods of analysis of the American Society of Brewing Chemists), may be removed from the brewery in barrels, tank trucks, or other suitable containers, or by pipeline. If removed in containers, the containers must bear labels giving the name and location of the brewery, and the words "Brewer's Yeast". If removed by pipeline, the pipeline will be indicated on the plat and described in the Form 27–C, and the premises receiving the product will be subject to inspection by internal revenue officers during ordinary business hours. The brewer must keep records open for inspection by internal revenue officers showing the quantity and date of removal, and the name and address of the consignee. Brewer's yeast may be removed for sale to other brewers for use in the production of beer and to other concerns for the preparation of stock foods and medicinal products, or for any other legitimate purposes.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.136 *Malt sirup.* Records shall be kept by the brewer of all malt and malt sirup removed from the brewery. Such records must show the quantity of each lot removed, together with the name and address of the person to whom shipped or delivered. The records must be available for inspection by internal revenue officers.

(68A Stat. 675; 26 U. S. C. 5411)

SUBPART Q—TRANSFERS TO ANOTHER BREWERY OF SAME OWNERSHIP

§ 245.140 *General.* In accordance with the provisions of this part, beer may be removed from one brewery for transfer to another brewery belonging to the same brewer, without payment of tax, and may be mingled with the beer of the second brewery.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.141 *Kinds of containers.* Beer may be transferred without payment of tax from one brewery to another brewery belonging to the same brewer (a) in bottles and cases; (b) in the brewer's hogsheads, barrels, or kegs; or (c) in tanks, tank cars, tank trucks, tank ships, barges, or deep tanks of vessels subject to such limitations and conditions as may be imposed by the assistant regional commissioner. All such containers shall be marked, branded, or labeled as provided in §§ 245.125 to 245.130.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.142 *Determination of quantity transferred.* The quantity of beer shipped will be determined by the brewer at the time of removal from the consignor brewery and the quantity received will be determined at the time of receipt at the consignee brewery. Before any beer is transferred by tank, tank car, tank truck, tank ship, barge, or deep tanks of vessels, the brewer must satisfy the assistant regional commissioner(s) that both the shipping and receiving breweries are so equipped that the quantities to be shipped and delivered in such bulk conveyances can be accurately determined.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.143 *Losses in transit.* The brewer is liable under the bond of the brewery to which the beer is transferred for the tax on beer lost in transit. Such liability may be remitted if such beer is lost other than by theft.

(a) *Losses allowable without claim.* Where such loss does not exceed 1 percent of the quantity shipped, application for allowance of the loss or report of loss will not be required provided there are no circumstances indicating that the beer lost, or any part thereof, was stolen or otherwise diverted to an unlawful purpose.

(b) *Losses requiring claim.* Where such loss exceeds 1 percent of the quantity shipped, the brewer shall submit an application under the penalties of perjury for remission of the tax on the entire loss to the assistant regional commissioner of the region in which the receiving brewery is located. Such application shall be prepared and submitted in accordance with the provisions of § 245.148.

(c) *Losses requiring immediate report.* A loss by fire or other casualty, or any other unusual loss, including a loss by theft, must be reported to the assistant regional commissioner immediately it becomes known.

(68A Stat. 613, 675; 26 U. S. C. 5057, 5414)

§ 245.144 *Mingling.* Beer transferred without payment of tax from one brewery to another brewery belonging to the same brewer may be mingled with beer of the receiving brewery: *Provided*, That (a) beer transferred in hogsheads, barrels, or kegs must be received in the racking room or keg beer storage room of the receiving brewery; (b) bottled beer must be received in the brewery bottling house; and (c) bulk beer transferred in tanks, vehicles, or vessels must be received in brewery tanks not located in the bottling department: *And provided further*, That such beer having been so received and accounted for in the records of the consignee brewery may be handled thereafter in accordance with the requirements of this part relating to beer produced in such brewery.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.145 *Report of transfers between breweries.* When beer is transferred without payment of tax from one brewery to another brewery belonging to the same brewer, the consignor brewery shall render noitce thereof on the day of shipment on Form 2035 as provided in §§ 245.146 and 245.147. The quantity transferred shall be reflected in the daily records and the total thereof reported on Form 103 of the shipping brewery. Similarly, the quantity received shall be reported in the records and on Form 103 of the receiving brewery. Any discrepancy between the quantity shipped and the quantity received shall be reported on Form 2035 in accordance with §§ 245.146 and 245.147.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.146 *Transfers in same region.* When beer is transferred from one brewery to another brewery belonging to the same brewer and located in the same region, the brewer shall prepare Form 2035, in quadruplicate, and forward, on the day of shipment, two copies to the receiving brewery. One of the remaining copies will be retained in the files of the shipping brewery and the other will be forwarded to the assistant regional commissioner with Form 103 for the month. When the beer is received, the receiving brewery will enter on the two copies of Form 2035 the actual quantity received and any discrepancy between the quantities shipped and received. One copy of the form will be forwarded to the assistant regional commissioner with Form 103 for the month and the other copy retained in the files of the receiving brewery.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.147 *Transfers to other regions.* When beer is transferred to a brewery located in another region, the brewer shall prepare Form 2035, in quintuplicate, and forward, on the day of shipment, three copies to the receiving brewery. One of the remaining copies will be retained in the files of the shipping brewery and the other will be forwarded to the assistant regional commissioner with Form 103 for the month. When the beer is received, the receiving brewery will enter on the three copies of Form 2035 the actual quantity received and any discrepancy between the quantities shipped and received. Two copies of the form will be attached to Form 103 when that form is forwarded to the assistant regional commissioner of the receiving region and the other retained in the files of the brewery. On receipt of the Forms 2035 showing the actual quantity received, the assistant regional commissioner of the receiving region will complete the forms and forward one of them to the assistant regional commissioner of the shipping region.

(68A Stat. 675; 26 U. S. C. 5414)

§ 245.148 *Application for remission of tax.* Application for remission of tax on beer lost in transit between breweries of the same ownership shall be prepared by the brewer or his duly authorized agent and submitted with Form 103 of the receiving brewery for the month in which the shipment is received. Where the loss is by casualty, the application shall be submitted with the Form 103 for the month in which the loss is discovered. Where, for valid reason, the required application cannot be submitted with such report, a statement shall be attached to the monthly report setting forth the reason why the application cannot be filed at that time and specifying when it will be filed. No claim shall be allowed unless such application is filed with the assistant regional commissioner within 6 months after the date of loss. The application shall set out:

(a) The date and serial number of the shipment (as shown on the transfer paper).

(b) The quantity of beer lost (number and size of packages and their equivalent in barrels).

(c) The percent of loss.

(d) The specific cause of the loss.

(e) The nature of the loss (leakage, breakage, casualty, etc.).

(f) Full information as to whether the applicant has been indemnified by insurance or otherwise in respect of the tax or has any claim for indemnification. Full details shall be furnished on losses due to casualty or accident, supported if possible, by statements of the carrier or other parties having personal knowledge of the loss.

(68A Stat. 613, 675; 26 U. S. C. 5057, 5414)

SUBPART R—REMOVAL OF BEER UNFIT FOR BEVERAGE USE

§ 245.150 *Removal of sour or damaged beer.* When beer has become sour or damaged, so as to be incapable of use as such, brewer may remove such beer from his brewery without payment of tax, for manufacturing purposes, in accordance with the provisions of this subpart.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.151 *Packages.* A brewer may remove sour or damaged beer in casks, or other packages, containing not less than one barrel each and unlike those ordinarily used for packaging beer. The nature of the contents shall be marked on such casks or other packages.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.152 *Application.* Before removing sour or damaged beer, the brewer shall apply to the assistant regional commissioner for permission to make such removal, stating the quantity, type, condition, and proposed disposition of the beer. The assistant regional commissioner, before granting permission for removal, may assign an inspector to inspect and identify the spoiled beer and to secure samples thereof for submission to the Government chemist. If the chemist's report of analysis shows the beer to be unsuitable for use as such, the assistant regional commissioner will notify the brewer in writing that it may be removed. The assistant regional commissioner may authorize such removal without inspection and sampling where he is satisfied that the revenue will not be jeopardized thereby.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.153 *Entry on Form 103.* Sour or damaged beer shall be removed from the brewery without passing through the meter and racking machine. Appropriate entry therefor must be made in both the brewer's daily records and in the "Beer Summary" on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART S—BEER RETURNED TO BREWERY

§ 245.155 *Storage of undelivered beer.* Undelivered beer returned to the brewery may be held in storage pending its removal again for sale. Such beer must be kept completely segregated from all other beer and be immediately accessible for examination by internal revenue officers. Undelivered beer must be the first of its kind, type, and container size removed: *Provided*, That beer in barrels and kegs may be held for not more than 5 days for refrigeration, after which it must be the first of its kind, type, and container size removed. Entry will not be made on Form 2051 (if maintained) for such beer while in storage. However, the brewer must show in his records the quantity of such beer returned to the brewery each day and the quantity remaining on hand. Such records must be supported by credits against loading slips or other papers.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.156 *Temporary storage of repossessed beer.* Beer on which the tax has been determined or paid, and which is repossessed from the purchaser thereof, may be returned to the brewery bottling house (if bottled beer), or other portion of the brewery (if keg beer) and held in temporary storage pending its destruction, reconditioning, use as material, or consumption in the brewery. Such beer shall be completely segregated from all other beer, shall be identified as repossessed beer, and shall be immediately accessible for examination by internal revenue officers. No refund, credit, or remission of tax will be allowed on such beer, and such beer, after reconditioning, shall again be subject to the tax imposed by law. The brewer's daily records must reflect the receipt and disposition of repossessed beer and special entries must be made in the "Beer Summary" on Form 103.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.157 *Recasing or relabeling.* A brewer receiving bottled beer on which the tax has been paid or determined, for recasing or relabeling in the brewery bottling house, shall submit a statement to the assistant regional commissioner, showing the approximate quantity of beer and the date of receipt for recasing or relabeling. The beer must be recased or relabeled promptly after receipt at the brewery bottling house, shall be kept apart from all other beer, and must be immediately removed from the bottling house after completion of the recasing or relabeling. If a brewer desires to hold small quantities of beer returned for recasing or relabeling until a sufficient quantity has been accumulated for economical handling, or if it is not otherwise feasible to recase or relabel returned beer immediately, such beer shall not be stored in the brewery. The quantity of beer so received and disposed of shall not be entered on Form 103 but the brewer's daily records shall reflect such transactions. A copy of the statement shall be filed at the brewery.

(68A Stat. 675; 26 U. S. C. 5411)

§ 245.158 *Beer removed from market.* Beer on which the tax has been paid or determined, which is removed from the market before transfer of title thereto to any other person, may be returned to the brewery for destruction, reconditioning, or use as brewing material. All such beer received at the brewery may be stored temporarily therein pending its disposition but must be completely segregated from all other beer, be identified as beer removed from the market without transfer of title, and be immediately accessible for inspection by internal revenue officers. The destruction, reconditioning,

and use as material, of the beer, may be effected only in accordance with the provisions of §§ 245.161 and 245.162. The brewer's daily records and Form 103 shall properly reflect the receipt and disposition of such beer, and the balling thereof if used as material.

(68A Stat. 675; 26 U. S. C. 5411, 5415)

SUBPART T—REFUND AND CREDIT OF TAX OR RELIEF FROM LIABILITY

§ 245.160 *Beer returned for reconditioning, use as material, or destruction.* The tax paid by a brewer on beer produced by him in the United States may be refunded or credited to him (without interest), or, if the tax has not been paid, he may be relieved of liability therefor, if such beer is removed from the market before the transfer of title thereto to any other person, and such beer is returned to the brewery for reconditioning, for use as material, or is destroyed, as required by this part. Such beer may be returned to the brewery and held in temporary storage as provided in § 245.158. The destruction of such beer or its reconditioning or use as material, may be effected only in accordance with the provisions of §§ 245.161 and 245.162.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.161 *Brewer's application; beer removed from market.* When a brewer possesses returned taxpaid beer (or beer on which the tax has been determined) in his brewery or elsewhere, which he desires to destroy, recondition, or use as material, and such beer was removed from the market by the brewer before transfer of title thereto to any other person, he shall make written application, in triplicate, to the assistant regional commissioner for permission so to do: *Provided*, That such application may be submitted directly to an inspector at the brewery who may thereupon supervise the destruction or removal of the beer from its containers for reconditioning or use as material. The application shall contain or be verified by a written declaration that it is made under the penalties of perjury and shall set forth the following information:

(a) The number and sizes of kegs and their total equivalent in barrels; or if in cases, the number of cases, the number and size in ounces of the bottles comprising the cases and the equivalent in barrels of the total contents of the cases.

(b) The date on which the beer was removed from the market.

(c) A statement that the tax on the beer has been fully paid or determined and that title to the beer has never passed to any other person.

(d) A notation with respect to each item or lot indicating whether the beer is to be destroyed, or whether it is to be returned for reconditioning or for use as brewing material.

(e) If to be destroyed, the location at which the brewer desires to accomplish destruction and, if not at the brewery, the reason for destruction elsewhere.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.162 *Assignment of inspector.* On receipt of the brewer's application, the assistant regional commissioner will assign an inspector to verify the statements therein and to witness the destruction of the beer or its removal from containers for reconditioning or use as material, unless the assistant regional commissioner determines that such supervision is unwarranted because of the small quantity of beer involved and such action will not jeopardize the revenue. In such case he shall approve the application without the assignment of an inspector. Special assignment of an inspector will not be made unless it is essential to return the beer for immediate reconditioning. If the brewer desires to destroy such beer at some place other than the brewery and such place is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.163 *Beer lost or destroyed by fire, casualty, or act of God.* In accordance with the provisions of this part the tax paid by any brewer on beer produced in the United States may be refunded or credited (without interest), or, if the tax has not been paid, the liability may be remitted, if such beer is lost other than by theft, or is destroyed by fire, casualty, or act of God, before transfer of title thereto to any other person. A brewer who sustains such loss and desires to file a claim for refund, credit, or remission of tax, shall, on learning of such loss, immediately notify the assistant regional commissioner of the nature, cause, and extent of the loss, and the place where such loss occurred. Statements of witnesses or other supporting documents should be furnished, if available. When such notice, and supporting documents where furnished, are received by the assistant regional commissioner, he will examine the reasons for the described loss and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary for use in connection with the claim when it is submitted. The tax liability on excessive losses of beer from transfers between breweries of the same ownership may be remitted as provided in § 245.143.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.164 *Claims for refund of tax.* A claim for refund of tax paid on beer removed from the market by the brewer before the transfer of title thereto to any other person, which beer has been returned to the brewery for reconditioning or for use as material, or destroyed, as provided in this part, will be made on Form 843. A claim for refund of tax paid on beer lost, other than by theft, or destroyed by fire, casualty, or act of God, before the transfer of title thereto to any other person, will also be filed on Form 843. Any such claim must be filed with the assistant regional commissioner having jurisdiction over the region in which the tax was paid, within 6 months after the date of such removal from the market, loss, or destruction by fire, casualty, or act of God. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(68A Stat. 613; 26 U. S. C. 5057)

§ 245.165 *Claims for allowance of credit for tax.* In lieu of filing a claim for refund of tax as provided in § 245.164, a brewer, under the circumstances enumerated in that section, may file with the assistant regional commissioner having jurisdiction over the region in which the tax was paid, a claim for allowance of credit for the tax paid. Any such claim shall be prepared in triplicate, be on the brewer's letterhead, and shall contain or be verified by a written declaration that it is made under the penalties of perjury. When feasible so to do, the claim should be made a part of the brewer's application (§ 245.161) or notification (§ 245.163). Where the claim concerns beer destroyed or returned to the brewery for reconditioning or for use as material, the claim shall contain the pertinent details in connection with the transaction and, if not combined therewith, shall make specific reference to the application filed pursuant to § 245.161. Where the claim concerns beer lost, other than by theft, or destroyed by fire, casualty, or act of God, the claim must likewise recite the pertinent details in connection with the loss or destruction and, if not combined therewith, make specific reference to the written notification to the assistant regional commissioner required by § 245.163. All such claims shall include a statement of the brewer's reasons for believing that the credit should be allowed. The brewer may not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the credit or any part thereof is received from the assistant regional commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date of removal from the market, loss, or destruction by fire, casualty, or act of God. A claim will not be allowed if filed after the prescribed time or if the brewer was indemnified by insurance or otherwise in respect of the tax.

(68A Stat. 613; 26 U. S. C. 5057)

SUBPART U—EXPORTATION

§ 245.170 *General.* An exportation is a severance of goods from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made, and it assumes an export character only when destined for use in a foreign country. Evidence of exportation, as provided in § 245.174, is required. In every case where a shipment is made, which is not a bona fide exportation, the tax due thereon will be assessed.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.171 *Exportation of taxpaid beer.* When beer brewed or produced in the United States is exported or used as supplies on the vessels and aircraft described in section 309 of the Tariff Act of 1930, as amended (19 U. S. C. 1309), the brewer thereof shall be allowed a drawback, in accordance with the provisions of Part 252 of this chapter, equal in amount to the tax found to have been paid on such beer.

(68A Stat. 613; 26 U. S. C. 5056)

§ 245.172 *Exportation without payment of tax.* Beer may be removed from a brewery, without payment of tax, for export to a foreign country. The provisions of this part and the forms prescribed in respect to the removal of beer without payment of tax for exportation to foreign countries, apply to like removals and shipments to Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Panama Canal Zone. Beer removed from a brewery for shipment to Hawaii, Alaska, Kingman Reef, the Midway Islands, or Wake Island must be taxpaid in the same manner as beer sold or removed for consumption or sale in the United States.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.173 *Foreign-trade zones.* Beer may be removed from a brewery without payment of tax for deposit in a foreign-trade zone and taxpaid beer, brewed or produced in the United States, may be so deposited with benefit of drawback, in accordance with the provisions of Part 253 of this chapter.

(48 Stat. 999, 68A Stat. 612, 613; 19 U. S. C. 81c, 26 U. S. C. 5053, 5056)

§ 245.174 *Evidence of exportation.* Exportation of beer may be evidenced by (a) a copy of the export bill of lading executed, as described in § 245.181, by the export carrier, or (b) a certificate by the agent or representative of the export carrier, or by a proper United States customs officer showing that the beer has been laden for export, or (c) a certificate signed by the port transportation officer or the commanding officer of a supply base showing that the beer will be delivered only for consumption or use by the Armed Forces of the United States outside the jurisdiction of the internal revenue laws of the United States: *Provided*, That where the evidence of exportation described above is not furnished, or where deemed necessary to protect the revenue, the assistant regional commissioner may require the submission of other evidence of exportation as provided in § 245.188.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.175 *Removal for exportation.* Beer to be exported pursuant to Form 1689 may be removed only for immediate exportation and may not be returned to a brewery unless authorized under the provisions of § 245.182.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.176 *Marks on containers.* In addition to the marks and brands prescribed in §§ 245.125 and 245.127 each keg, barrel, case, crate, or other package containing beer to be exported under the provisions of this part, without the payment of tax, must plainly and legibly show the words: "Beer for Export Without Payment of Tax", in letters and figures of not less than three-fourths of an inch in height.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.177 *Consignment to collector of customs.* Every shipping container of beer destined for foreign countries or the insular possessions beyond the territorial waters of the United States must be consigned to the collector of customs at the port of exportation, and the brewer should notify his agent of such shipment. Where such containers are destined for contiguous foreign territory the shipments shall be consigned to the foreign consignee at destination and must be marked in care of the collector or deputy collector of customs at the border port of exit: *Provided*, That beer removed for export and intended for the use of, or consumption by, the Armed Services of the United States will be consigned to the commanding officer or supply officer at the supply base or other place of delivery, as provided in § 245.179.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.178 *Notice, Form 1689.* The brewer shall prepare notice on Form 1689, in quadruplicate, for each withdrawal of beer intended for export without payment of tax. Each Form 1689 shall be given a serial number and the details shall be filled in completely and legibly by the brewer in accordance with the instructions on the form. The name or number of the vessel or vehicle on which the shipment will be carried from the exterior limits of the United States, if unknown to the brewer, will be filled in by the agent of the brewer at the port of exportation, who will sign the request for customs inspection as the agent for the exporter. On removing beer for export, the brewer shall file two copies of the notice with the collector of customs of the port of exportation, or of the border port through which a shipment is made to contiguous foreign territory, file one copy with the assistant regional commissioner of the region in which the brewery is located, and retain one copy in the files at the brewery. If the place of production is located at some place other than the port of exportation, and the shipment is to be exported by vessel immediately, the brewer shall forward two copies of the Form 1689 to his agent at the port of exportation. The two copies of the Form 1689 must reach the agent in sufficient time for him to file them with the collector of customs of the port at least six hours prior to lading. The agent shall see that the name of the exporting vessel is properly entered in the Form 1689 giving the location of the pier where it will be laden, and shall subscribe his name as agent for the exporter.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.179 *Shipment to Armed Services.* On removing beer without payment of tax for export to the Armed Services of the United States, the brewer shall consign the shipment to the commanding officer or supply officer at the supply base or other place of delivery. One copy of the notice on Form 1689 shall be transmitted to such officer and one copy shall be sent to the assistant regional commissioner of the region from which the beer is shipped. Form 1689 will be modified to show that the beer is consigned to a commanding officer or supply officer of the Armed Services of the United States and the location of the supply base or place of delivery. When the beer is received, the officer to whom consigned, or other authorized supply officer, at the supply base or other place of delivery, will, in the space designated "Certificate of Inspection and Lading," on Form 1689, receipt for the number of cases received, and state that "The beer will be shipped or delivered only for consumption or use outside the jurisdiction of the internal revenue laws of the United States." The commanding officer or supply officer will return the Form 1689 direct to the assistant regional commissioner who will credit the brewer's export account for the quantity of beer receipted for on Form 1689.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.180 *Change in consignee.* Where a change of consignee is desired after removal of the beer, the brewer shall notify the appropriate collector of customs and forward a copy of such notification to the appropriate assistant regional commissioner.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.181 *Delivery to carrier.* The brewer, on removal of beer for export without payment of tax, will deliver such beer either to the carrier or directly for customs inspection. If the place of production is located at the port of exportation, he will deliver the beer directly for customs inspection and supervision of lading, and will promptly forward a copy of the export bill of lading to the assistant regional commissioner. If the place of production is located elsewhere than at the port of exportation, he will deliver the beer to the carrier for transportation to the port of exportation and promptly forward one copy of the bill of lading covering such transportation to the assistant regional commissioner of the region from which the beer was shipped. After the beer has been delivered to the export carrier, the brewer, or his agent, will forward a copy of the export bill of lading to the assistant regional commissioner of the region from which the beer was shipped. The export bill of lading will not be accepted as evidence of exportation unless it has been executed by the export carrier to show that the beer has been accepted by such carrier for delivery to a foreign destination.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.182 *Return of beer.* Beer removed for export without payment of tax may be returned to the brewery from which removed if lading of the beer is delayed more than the period provided in § 245.185 or where the brewer has other good cause for such return. The brewer will request the collector of customs to release the beer for return to the brewery and, on such release, the collector of customs will endorse his approval of the action taken, on both copies of Form 1689 covering the beer, and return the forms to the brewer. On return of the beer to

the brewery, the brewer will record the quantity in his daily records, mark the two copies of Form 1689 returned by the collector of customs, "Cancelled—returned to brewery," and forward one copy to the assistant regional commissioner. The total quantity of beer involved in all export shipments returned during any calendar month shall be reported as a special entry on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.183 *Exportation through border port.* In case of exportation through a border port to contiguous foreign territory, the bill of lading will cover transportation to the foreign destination and must show the routing, particularly the carrier which will deliver the shipment of beer for customs inspection at the border; and must also show that the beer was sent in care of the collector of customs or a deputy collector of customs at the border port: *Provided*, That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the place of production to the border port and from the border port to the foreign destination will be procured. A copy of the through bill of lading, or copies of the separate bills of lading, as the case may be, will be transmitted by the brewer or his agent immediately to the assistant regional commissioner of the region from which the beer was shipped. Where a copy of a separate bill of lading covering the shipment from the border port to the foreign destination, and executed by the export carrier, is not obtainable, the brewer may procure a certificate by an agent of such carrier, as described in § 245.184, and transmit such certificate to the assistant regional commissioner.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.184 *Certificate by export carrier.* A certificate, executed under the penalties of perjury, by an agent or representative of the export carrier, may be furnished by a brewer as evidence of exportation. The certificate must contain a description of the shipment, including the serial number of the Form 1689, the name of the exporter, the name of the consignee, the date received, the place where received by such carrier, and the name of the carrier from which received.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.185 *Delay in lading.* If beer to be exported without payment of tax arrives at the port of exportation before the vessel is prepared to receive it, such beer may remain in the custody of the transportation company, with the consent of such company, for a period of not more than 30 days until released by permit issued by the collector of customs. Storage elsewhere for like cause and not exceeding the same period must be with the approval of the collector of customs. In the event of any further delay, the facts shall be reported to the assistant regional commissioner of the region from which the shipment was made. If further delay is not approved by the assistant regional commissioner, he will request the collector of customs to release the beer for immediate return to the brewery from which removed. Such return shall be in accordance with the provisions of § 245.182, insofar as applicable.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.186 *Examination by customs officer.* The collector of customs with whom the Form 1689 has been filed shall fill in on each copy of such form the order for inspection and lading. The customs officer shall carefully examine the packages of the beer described in the form. He shall examine the contents of such packages as are found broken or tampered with, or which he is led to suspect do not contain the beer originally packed therein, and make a special report thereon. The customs officer shall note in his report any deficiency in quantity or discrepancy between the article inspected and that described in the form. After having complied with the order of inspection and after the beer has been duly laden on board the exporting vessel or car, the customs officer shall complete and sign the certificate of inspection and lading on each copy of the Form 1689. If the customs officer discovers any evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, he shall detain the goods and notify the collector of customs, who shall inform the assistant regional commissioner of the region in which the port is located. The assistant regional commissioner shall take appropriate action to dispose of the matter in accordance with the provisions of § 245.187.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.187 *Losses in transit.* Where a large or unusual loss in transit is reported, the assistant regional commissioner will cause an immediate investigation to be made. Unless it is found that such loss resulted from fraud by the brewer or theft, it will be allowed as provided in § 245.192. Where the investigation discloses evidence that the loss resulted from theft or from fraud by the brewer, the assistant regional commissioner will propose an assessment against the brewer as provided in § 245.193.

(68A Stat. 611, 612; 26 U. S. C. 5051, 5053)

§ 245.188 *Other evidence of exportation required.* Where the data submitted as evidence of exportation are not satisfactory to the assistant regional commissioner, or where evidence of exportation as prescribed in § 245.174 is not filed, the assistant regional commissioner of the region from which the beer was shipped will require the brewer to furnish other evidence of exportation or proof of loss on land or at sea, as provided in §§ 245.189 and 245.190.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.189 *Application for relief.* When a brewer, from causes beyond his control, is unable to furnish the evidence of exportation required by § 245.174 within 90 days, he may file an application for relief setting forth the reasons why such evidence cannot be obtained. The application must recite the facts connected with the exportation, showing the date of the shipment, the serial number of the Form 1689, the kind and quantity of the beer shipped, the name of the consignee, the name of the port to which shipment was made, and the name of the export carrier. The application shall also show that failure to furnish the required evidence of exportation was not due to any lack of diligence on the part of the applicant or his agents, and that he is unable to produce any better evidence than that submitted with his application.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.190 *Evidence to support application.* Each application for relief shall be supported by such collateral evidence as the brewer is able to submit. The evidence may consist of original or verified copies of letters from consignees acknowledging receipt of the shipment; the sales accounts and payments for the shipments; copies of delivering carriers' bills whereon consignees have acknowledged receipt of shipments; affidavits of insurance companies, masters of vessels, railroad officials, and other having knowledge of losses on land or sea after exportation; or any other competent evidence the brewer is able to obtain. Letters and documents in a foreign language must be accompanied by sworn translations and when the letters fail to identify sufficiently the goods the original sales account must be produced.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.191 *Assistant regional commissioner's action on application.* The assistant regional commissioner receiving such application and evidence shall examine same and endorse thereon his approval or disapproval and, if satisfied as to its validity, will enter proper credit in the export account.

(68A Stat. 612; 26 U. S. C. 5053)

§ 245.192 *Assistant regional commissioner's account.* The assistant regional commissioner will keep an account of all beer removed by a brewer for export without payment of tax. The brewer will be charged with the internal revenue tax at the rate imposed by law on beer for each lot of beer so removed. Credit will be given on beer for which satisfactory evidence of export is filed with the assistant regional commissioner and for losses of beer in transit where there is no evidence that such losses resulted from fraud by the brewer or theft.

(68A Stat. 611, 612; 26 U. S. C. 5051, 5053)

§ 245.193 *Tax assessed.* If losses which occur in transit are due to fraud by the brewer or theft, or if evidence of exportation or proof of loss on land or at sea, satisfactory to the assistant regional commissioner, is not furnished within a reasonable time (not to exceed 6 months), an assessment shall be made against the brewer in a sufficient amount to cover the tax on the quantity of beer not satisfactorily accounted for.

(68A Stat. 611, 612; 26 U. S. C. 5051, 5053)

§ 245.194 *Brewer's report.* The brewer's records shall reflect the quantity of beer removed for export without payment of tax, and he shall report the total quantity of beer so removed on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART V—SUPPLIES FOR VESSELS AND AIRCRAFT

§ 245.195 *General.* Subject to the applicable provisions of this subpart, beer may be removed from breweries without payment of tax for use as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantially reciprocal privileges in respect to aircraft registered in the United States.

(46 Stat. 690 as amended; 68A Stat. 612; 19 U. S. C. 1309, 26 U. S. C. 5053)

§ 245.196 *Vessels employed in the fisheries.* Beer may be withdrawn free of tax under the provisions of paragraphs (b) and (e) of § 245.195 relating to vessels employed in the fisheries, only for use on vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over if the collector of customs is satisfied, by reason of the quantity requested in the light of (1) whether the vessel is employed in substantially continuous fishing activities, and (2) the vessel's complement, that none of the withdrawn beer is intended to be removed from the vessel in, or otherwise returned to, the United States. Such shipment and lading shall be conditioned on compliance with the applicable provisions of this subpart. Lading of such beer for use on such vessels shall be subject to approval by the collector of customs of a special written application, in duplicate, on customs Form 5125, of the exporter and designation by the applicant in part 1 of the notice, Form 1689, that the beer is to be laden for use as supplies on a vessel employed in the fisheries. The original application on customs Form 5125, after approval, shall be marked with the withdrawal number (brewer's serial number on Form 1689) and date thereof and shall be returned by the collector of customs to the exporter for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the exporter or the vessel's master to the collector of customs within 24 hours (excluding any period during which the customhouse is not open for general customs business), after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the beer until the collector of customs is satisfied that it has been consumed on board, or landed under customs supervision, and takes up the authorization. The approval of customs Form 5125 shall be subject to the further condition that any such withdrawn beer remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector for the port or place of arrival shall deem necessary. When such beer has been accounted for to the satisfaction of the collector of customs, he shall so certify on the completed customs Form 5125 taken up from the exporter or the vessel's master and forward the form to the assistant regional commissioner for the region in which the brewery from which the beer was withdrawn is located. In the event of a failure on the part of the exporter or the master of the vessel to comply with the conditions of the withdrawal, or on receipt of evidence that the beer was not lawfully used as supplies on the vessel, the collector of customs will advise the assistant regional commissioner for the region in which the brewery from which the beer was withdrawn is located of all the facts in the case for determination of any liability incurred. Assessment of tax liability found to have been incurred will be made against the brewer

(46 Stat. 690 as amended; 68A Stat. 612; 19 U. S. C. 1309, 26 U. S. C. 5053)

§ 245.197 *Reciprocating foreign countries.* The Director, Alcohol and Tobacco Tax Division, will advise assistant regional commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Where a brewer proposes to withdraw beer without payment of tax for use on aircraft of other foreign countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the brewer must first establish to the satisfaction of the assistant regional commissioner the right of such withdrawal. In appropriate cases, the brewer should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

§ 245.198 *Procedure applicable.* The removal, shipment, examination by customs officers, and evidence of lading on vessels and aircraft, of beer from a brewery for use as supplies will, so far as applicable, follow the procedure of Subpart U of this part, concerning the exportation, without payment of tax, of beer.

(46 Stat. 690, as amended; 68A Stat. 612; 19 U. S. C. 1309, 26 U. S. C. 5053)

§ 245.199 *Form 1689.* Notice will be filed on Form 1689, for the removal of beer without payment of tax from a brewery for use as supplies on vessels and aircraft.

(46 Stat. 690, as amended; 68A Stat. 612; 19 U. S. C. 1309, 26 U. S. C. 5053)

§ 245.200 *Evidence of lading for use.* When beer has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted promptly to the assistant regional commissioner a statement of the master or other officer of the vessel or aircraft on which the beer was laden, having knowledge of the facts, showing that the beer has been laden and will be used on board the vessel or aircraft, and that no portion thereof has been or will be unladen in the United States or any of its territories or possessions: *Provided*, That such statement will not be required, in the case of any shipment, where the beer has been laden on vessels of war, or, in cases other than supplies on vessels employed in the fisheries, where the amount of tax on the beer does not exceed $200. Such statement shall be signed by the master or other officer having knowledge of the facts and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct." In the case of beer for use as supplies on vessels employed in the fisheries, compliance with the provisions of § 245.196 is required. On receipt of a satisfactory statement (if required) and the original of customs Form 5125, bearing final certification by the collector of customs as to proper accounting of the beer (if required), the assistant regional commissioner will enter proper credit in the export account. In the case of beer laden on vessels of war, or in cases other than supplies on vessels employed in the fisheries, where the amount of the tax on the beer does not exceed $200, credit will be given at the time of receipt of the certificate of inspection and lading executed by the inspector of customs, as provided in § 245.186.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART W—BEER PROCURED FROM ANOTHER BREWER

§ 245.205 *Notice to assistant regional commissioner.* On written notice to the assistant regional commissioner of his intention so to do, a brewer may obtain from another brewer beer finished and ready for sale. The brewer who procures such beer may furnish his own barrels and kegs, branded with his name and the place where his brewery is situated, to be filled with the beer so procured, and to be so removed. The tax on such beer shall be paid by the producing brewer as provided in Subpart N.

(68A Stat. 675; 26 U. S. C. 5413)

§ 245.206 *Producer's entries on Form 103.* The producer of the beer will show in red ink in a footnote on Form 103, or on an attachment thereto, for the month in which the beer is removed, the quantity involved and the name and address of the receiving brewer.

(68A Stat. 675; 26 U. S. C. 5413)

§ 245.207 *Receiving brewer's entries on Form 103.* The receiving brewer will show in a footnote on Form 103, or on an attachment thereto, for the month in which the beer is received, the quantity received and the name and address of the producing brewer. When the beer thus acquired, or any portion thereof, is disposed of, the receiving brewer will make appropriate entries in a footnote on Form 103, or on an attachment thereto, in red ink and in the following form:

Sold, in addition to the above, ---------- barrels of beer received from ----------

---------- ---------- ----------
(Name of brewer) (City) (State)

The transactions will not otherwise be taken into account on Form 103 of the receiving brewer. The details of each such transaction will be entered in the daily sales record of each of the brewers.

(68A Stat. 675; 26 U. S. C. 5413)

§ 245.208 *Form of notice.* A brewer who intends to procure beer from another brewer will furnish a notice of such intent to the assistant regional commissioner of the region in which the receiving brewery is located. If the brewer from whom the beer is procured is located in another region, an additional copy of the notice will be prepared and sent to the assistant regional commissioner of the region in which the producing brewer is located. Such notices shall be filed with the respective assistant regional commissioners sufficiently in advance to insure the receipt of the notices before such beer is removed from the producing brewery. The form of such notice should be as follows:

---------- ----------, 19--.
(City) (State)

To the Assistant Regional Commissioner
(Alcohol and Tobacco Tax), ----------
Region, Internal Revenue Service:

SIR: You are hereby notified that I intend to procure not more than ---------- barrels of beer from ----------

----
(Name of brewer, city and State)

brewer, and that I intend to furnish my own barrels and kegs, branded with my name, for the reception of such beer, said barrels and kegs to be delivered from the premises of said brewer ---------- 19--, and from time to time until ----------, 19--.

(Brewer)

(68A Stat. 675; 26 U. S. C. 5413)

SUBPART X—CEREAL BEVERAGE

§ 245.210 *Beer removed to contiguous alcohol plants.* Beer may be conveyed by pipeline without taxpayment from the brewery to an industrial alcohol plant contiguous to the brewery. The storekeeper-gauger assigned to supervise the operations of the industrial alcohol plant will also supervise the removal of the beer from the brewery to such industrial alcohol plant and the transfer of any residue, which is to be used in making cereal beverage, from the alcohol plant to the brewery. The quantity of beer conveyed to a contiguous alcohol plant shall be included in the brewer's daily records of both production and removals. If any residue is returned from the alcohol plant to the brewery, the brewer's daily records of cereal beverage transactions shall reflect the quantity thereof. The totals of the various quantities involved shall be appropriately reported on Form 103.

(68A Stat. 658, 675; 26 U. S. C. 5309, 5412)

§ 245.211 *Production and removal of cereal beverage.* Brewers who produce cereal beverage may remove such beverage in packages or bottles without payment of tax. The method of production must be such that the alcohol content of the product will not increase while in the original container after being removed from the brewery. Cereal beverage must be kept separate from beer and when it is to be packaged or bottled must pass through the appropriate beer meters. Beer kegs or barrels may be used for packaging cereal beverage if the sides are durably painted at each end with a white stripe not less than four inches in width and the heads are durably painted in a solid color, with conspicuous lettering in a contrasting color reading: "Nontaxable under section 5051 I. R. C." The word "nontaxable" shall be not less than one inch high and of proportionate width, the remaining words shall be not less than one-half inch high and of proportionate width. The name or trade name and the address of the brewer must also be legibly marked on the package. Bottle labels shall show the name or trade name and address of the brewer, the distinctive name of the beverage, if any, and the legend "Nontaxable under section 5051 I. R. C." Other information, which is not inconsistent with the requirements of this section, may be shown on such labels. Cases or other shipping containers shall be marked to show the nature of the product contained therein, and the name or trade name and address of the brewer.

(68A Stat. 675, 680; 26 U. S. C. 5411, 5552)

SUBPART Y—REMOVALS FOR ANALYSIS

§ 245.215 *Analytical purposes.* A brewer may remove beer, without payment of the tax thereon, to a laboratory for analytical purposes to determine the character or quality of the product. The brewer shall make daily entries in his records of all such removals showing the person to whom such beer was delivered, the location where delivered, the means of delivery, and the purpose of the analysis. The total quantity removed each month shall be reported on Form 103.

(68A Stat. 612; 26 U. S. C. 5053)

SUBPART Z—MISCELLANEOUS PROVISIONS

§ 245.220 *Officer's right of entry and examination.* An internal revenue officer may enter, in the daytime, a brewery or any place where beer is stored, and when such premises are open at night, he may enter them while so open, in the performance of his official duties. Internal revenue officers will make inspections at such frequency and with such thoroughness as necessary to determine that operations are being conducted in accordance with the law and this part. The owner of any building or place where beer is produced, made, or kept, or person having the agency or superintendence of such premises, who refuses to admit an internal revenue officer acting under the authority of section 7606, I. R. C., or refuses to permit him to examine such beer, shall, for every such refusal, forfeit $500.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

VARIATIONS FROM REQUIREMENTS

§ 245.221 *Exceptions to construction, equipment, and methods requirements.* The Director, Alcohol and Tobacco Tax Division, may approve details of construction, equipment, and methods in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction, equipment, and methods (a) will afford the security and protection to the revenue intended by the specifications prescribed in this part, (b) will not hinder the effective administration of this part, and (c) will not be contrary to any provision of law. Where it is proposed to substitute construction, equipment, and methods for those for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 245.222. Breweries heretofore established may continue to operate if the present construction and equipment afford adequate security and protection to the revenue. The Director, Alcohol and Tobacco Tax Division, or assistant regional commissioner may at any time require the brewer to conform construction, equipment, or methods of operation to the requirements of this part, if necessary to protect the revenue.

(68A Stat. 680; 26 U. S. C. 5552)

§ 245.222 *Application.* A brewer who proposes to employ methods of operation or construction or to install equipment, other than as provided in this part, shall submit a letterhead application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall also be submitted. The assistant regional commissioner will make such inquiry as is necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

(68A Stat. 681; 26 U. S. C. 5556)

SUBPART AA—RECORDS, REPORTS, AND RETURNS

§ 245.225 *Records.* The brewer shall maintain, at his brewery, daily records which will accurately and clearly reflect by quantity the following:

(a) Each kind of material received and used in the production of beer and cereal beverage.

(b) Beer and cereal beverage produced (including water added after production is ascertained).

(c) Beer and cereal beverage transferred to bottling house and racking room and any returned therefrom.

(d) Beer and cereal beverage bottled and racked.

(e) Beer and cereal beverage removed from the brewery.

(f) Beer consumed at the brewery.

(g) Beer returned to the brewery.

(h) Beer recased or relabeled.

(i) Beer reconditioned, used as material, or destroyed.

(j) Beer received from other breweries.

(k) Brewing materials, beer and cereal beverage in process, and finished beer and cereal beverage on hand.

(l) Beer and cereal beverage lost due to breakage, casualty, or other unusual cause.

The brewer shall also maintain a record reflecting shortages and overages of beer and cereal beverage disclosed by physical inventories taken at least once each calendar month; and he shall maintain a record of the ballings of the wort produced, and of the ballings and the alcohol content of beer and cereal beverage transferred (1) to the bottling house, (2) to the racking room, and (3) between breweries in bulk conveyances. The records reflecting ballings and alcohol content need not be consolidated and averaged daily unless the brewer desires. The brewer's records shall include all supplemental and auxiliary records of individual operations and transactions of the brewery needed for compilation purposes and for verification by internal revenue officers. The daily totals of transactions and operations of the brewery shall be recorded on Form 2051 unless alternate records showing the information required thereby are used by the brewer as provided herein. Specimen copies of Form 2051 will be furnished brewers by assistant regional commissioners. Form 2051, if maintained, will be provided by brewers at their own expense. Assistant regional commissioners may authorize brewers to modify Form 2051 to adapt its use to tabulating or other mechanical equipment, or to the brewer's special operations, or to provide additional information, where such modifications are not inconsistent with the general requirements of accuracy and clarity. Where a brewer's records show the required information in any other form of record or combination of records, the brewer may use such records in lieu of maintaining Form 2051. The Director, Alcohol and Tobacco Tax Division, may require the maintenance of Form 2051 by any brewer when the interests of the United States so demand. Except as provided in the first proviso of § 245.116, all entries in the records required by this part shall be made not later than the close of the business day next succeeding the day on which the transactions occur: *Provided*, That when the last day for making such entries falls on Saturday, Sunday, or a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located), such entries shall be considered timely if they are made on the next succeeding day which is not a Saturday, Sunday, or a legal holiday (of the particular State or District of Columbia wherein the brewery is located).

(68A Stat. 675, 681, 896; 26 U. S. C. 5415, 5555, 7503)

§ 245.226 *Form 103.* A monthly report containing a summary of brewery operations shall be prepared by each brewer on Form 103. Such monthly report shall be prepared in duplicate and each copy signed by the brewer or his duly authorized agent. The original shall be forwarded to the assistant regional commissioner not later than the tenth day of the month succeeding that for which rendered. The duplicate copy will be retained by the brewer and filed at the brewery.

(68A Stat. 675, 681; 26 U. S. C. 5415, 5555)

§ 245.227 *Beer tax return, Form 2034.* The quantities of keg and bottled beer sold or removed for a taxable purpose and the aggregate quantity thereof must be reported in the tax return, Form 2034, prepared in triplicate. All entries in the return must be fully supported by accurate and complete records.

(68A Stat. 614, 681; 26 U. S. C. 5061, 5555)

§ 245.228 *Period for which return is filed.* A tax return on Form 2034 is required for each day on which beer is sold or removed for a taxable purpose: *Provided*, That where the gross tax liability for any one day is less than $100, the preparation of the tax return and the payment of the tax due may be delayed until such day as the total gross tax liability (for one or more days) reaches $100: *And provided further*, That where such gross tax liability is less than $100 at the close of the last business day of a calendar month, the tax return shall be prepared and transmitted to the district director (together with a remittance for the net tax then due).

(68A Stat. 614, 675, 681; 26 U. S. C. 5061, 5415, 5555)

§ 245.229 *Time and place of filing.* A tax return on Form 2034 must be rendered not later than the close of the business day next succeeding the period for which such return is rendered except as provided in § 245.116. The original and two copies of the return shall be transmitted to the district director who will indicate thereon receipt of the remittance, retain the original, and forward to the assistant regional commissioner and the brewer the duplicate and triplicate copies, respectively. The brewer shall file the copy returned to him as a part of his records at the brewery.

(68A Stat. 614, 675, 681; 26 U. S. C. 5061, 5415, 5555)

§ 245.230 *Disposition of unsalable beer in bottling house.* A brewer having in his bottling house, unsalable beer which has never been removed from the brewery, may destroy, recondition, or use such beer as material. The brewer shall report the quantity of such beer destroyed, reconditioned, or used as material, in his daily records and on Form 103. If the unsalable beer consists of first runs, dirty beer, leaking bottles, or other rejects from the bottling line, such beer may be destroyed without being included in bottling house production, and, when so destroyed, shall be so reported in the brewer's daily records and on Form 103. When such reject bottled beer is to be consumed at the brewery or sold to brewery employees, or is cased or otherwise accumulated pending other disposition, the quantity thereof must be included in bottling house production and be so reported in the brewer's daily records and on Form 103.

(68A Stat. 675, 681; 26 U. S. C. 5411, 5415, 5555)

§ 245.231 *Verification.* All records, reports, returns, and forms which require a signature shall contain or be verified by a written declaration that they are made under penalties of perjury.

(68A Stat. 748, 749; 26 U. S. C. 6061, 6065)

§ 245.232 *Retention of records.* A brewer shall retain all records required by this part at the brewery for a period of not less than two years. Such records shall be readily available during the brewer's regular business hours for examination and taking abstracts therefrom by internal revenue officers.

(68A Stat. 675; 26 U. S. C. 5415)

[F. R. Doc. 56-9246; Filed, Nov. 8, 1956; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

PART 19—FEES AND CHARGES ON LOANS

In order to reflect the current revisions of the "Federal Land Bank Manual" and the "National Farm Loan Association Manual", Parts 10, 11, and 19 of Title 6 of the Code of Federal Regulations are hereby revised in conformity with such manuals to read as follows:

PART 10—FEDERAL LAND BANKS GENERALLY

ELIGIBILITY OF APPLICANTS

Sec.
10.1 Eligible persons.
10.2 Farming operations.
10.3 Farming corporations with other operations.
10.4 Farming corporations generally.
10.5 Joint owners.
10.6 Fiduciaries.

ELEGIBILITY OF PURPOSES

10.7 Statutory provisions.
10.8 General agricultural purposes.
10.9 Other requirements of owner.

SECURITY AND BASIS FOR LOANS

10.11 Security standards.
10.12 Normal agricultural value.
10.13 Basis of loan and appraisal.

AMOUNT LOANABLE

10.34 Computing amount loanable to applicant.

INSURANCE REQUIREMENTS AND APPLICATION OF LOSS PROCEEDS

10.40 Insurance.

actions shall reflect the quantity thereof. under the authority of section 7606, room and any returned therefrom.

INTEREST RATES

Sec.
10.41 Interest rates on loans through associations.
10.42 Special interest rates.

FUTURE PAYMENT FUNDS

10.47 Held for subsequent credit upon indebtedness.
10.48 Future payment funds (effective January 1, 1954).

RETIREMENT OF STOCK

10.53 General policy.

DEFERMENTS

10.59 New and outstanding loans.

MINERAL RIGHTS

10.64 Holding mineral rights for more than 5 years.

BONDS

10.119 Method of calling consolidated Federal farm loan bonds.
10.120 Call for less than entire issue of consolidated Federal farm loan bonds.
10.120a Exchanges and assignments of consolidated bonds.
10.120b Basis of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.
10.120c Claims and proof for lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.
10.121 Lost or stolen bonds and coupons issued by a bank individually.
10.122 Owner of lost bond to file bond of indemnity.

AUTHORITY: §§ 10.1 to 10.122 issued under sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665.

NOTE: Where the word "bank" appears alone, it refers to a Federal land bank; the word "association" refers to a national farm loan association; the word "Administration" refers to the Farm Credit Administration.

ELIGIBILITY OF APPLICANTS

§ 10.1 *Eligible persons.* An eligible person as used in section 12 Sixth of the Federal Farm Loan Act (12 U. S. C. 771 Sixth) is one who is engaged, or shortly to become engaged, in farming operations or who derives the principal part of his income from farming operations.

§ 10.2 *Farming operations.* A person will be deemed to be engaged in farming operations if, in the capacity of owner, lessee, or tenant of a farm, he actively participates personally or through an agent to a substantial degree in the management and conduct of the farming operations on any farm land.

§ 10.3 *Farming corporations with other operations.* The term "person" includes farming corporations. Loans may be made to corporations engaged in farming operations but, if the corporation engages in any secondary operations not strictly incidental to farming operations, such secondary operations may constitute only a minor part of the corporation's activities.

§ 10.4 *Farming corporations generally.* In any case where a loan to a corporation engaged in farming operations is otherwise authorized and eligible, the permission of the Administration is given to make the loan, notwithstanding all the stock of the corporation is not owned by individuals themselves personally actually engaged in farming operations on the farm to be mortgaged as security for the loan, if at least 75 percent in value and number of shares of the stock of the corporation is owned by individuals personally actually so engaged.

§ 10.5 *Joint owners.* An application offering jointly held property as security may be accepted if it is signed by one or more of the joint owners, on behalf of all of the joint owners, provided it is understood that all of the owners will join in a mortgage if a loan is approved.

§ 10.6 *Fiduciaries.* Loans may be made to an executor, administrator, trustee, or guardian if (a) the fiduciary, as such, or the beneficiary or ward is engaged, or shortly to become engaged, in farming operations, or derives the principal part of his income from farming operations; (b) a valid lien can or will be given on the property on which the loan is sought; and (c) an individual sufficiently interested to do so, can and will incur personal liability for the loan.

ELIGIBILITY FOR PURPOSES

§ 10.7 *Statutory provisions.* The statutory provision as to the purposes for which loans may be made is as follows (12 U. S. C. 771 Fourth):

Such loans may be made for general agricultural purposes and other requirements of the owner of the land mortgaged, under rules and regulations of the Farm Credit Administration.

While many of them might be placed in either category, the recognized purposes are as hereafter listed under the headings "General agricultural purposes" and "Other requirements of the owner."

§ 10.8 *General agricultural purposes.* (a) Purchase and improvement of farm real estate;

(b) Purchase of livestock, equipment, and supplies;

(c) Payment of farm operating expenses, including taxes and insurance;

(d) Provide a home for use in connection with farm operation;

(e) Removal of a lien from farm land;

(f) Refinance indebtedness incurred for any of the foregoing purposes or reimburse applicant for amounts spent out of his own funds for such purposes.

§ 10.9 *Other requirements of owner.* (a) Provide a home for the owner or his family;

(b) Pay family living expenses, including premiums on life insurance, educational, medical, and funeral expenses;

(c) Provide facilities for processing, storage, and marketing of farm products, and the handling of farm equipment and supplies, even though not located on the mortgaged farm;

(d) Discharge any bona fide liability of the owner, including income and other taxes, judgments, liens, liability as endorser or surety for the debt of another, etc.;

(e) If the owner is personally actually engaged in farming operations or receives the principal part of his income from farming operations, assist him or other family members in establishing and maintaining themselves, together or separately, on or off the farm.

SECURITY AND BASIS FOR LOANS

§ 10.11 *Security standards.* To be acceptable security for a loan, a property must meet each of the following minimum standards:

(a) It must be sufficiently desirable to be readily salable or rentable under normal agricultural conditions.

(b) It must be sufficiently durable to maintain satisfactory production during the loan term specified.

(c) It must have sufficient stability of value to assure that, on a loan that would be proper to a typical owner of the property, the bank could recover its investment if unforeseen difficulties should result in acquirement of the property.

(d) It must be capable of producing, under typical operation, sufficient normal agricultural earnings to pay farm operating expenses, including taxes and other fixed charges, maintain the property, and meet family living expenses and installments on a loan that would be proper to a typical operator; provided that, where income from dependable sources other than farm earnings is available to a typical operator, such income may be relied upon to meet loan installments and family living expenses including that part of the taxes, insurance, and maintenance costs chargeable to the dwelling.

§ 10.12 *Normal agricultural value.* The normal agricultural value of a farm is the amount a typical purchaser would, under usual conditions, be willing to pay and be justified in paying for the property for customary agricultural uses, including farm home advantages, with the expectation of receiving normal net earnings from the farm and from other dependable sources.

§ 10.13 *Basis of loan and appraisal.* The normal agricultural value of a farm shall be the basis for a loan. In making the appraisal the net earnings of the farm shall be determined by using normal commodity prices and the related level of farm operating costs. Normal prices and related costs shall be determined on the basis of the long-term economic outlook and be approved by the Administration. Likewise, the net earnings from other dependable sources shall be on a normal level that reflects the same long-term economic outlook.

AMOUNT LOANABLE

§ 10.34 *Computing amount loanable to applicant*—(a) *Statutory authority.* "The amount of loans to any one borrower shall in no case exceed a maximum of $200,000" (12 U. S. C. 771 Seventh).

(b) *Individuals.* (1) In determining the amount loanable to an individual applicant, within such $200,000 limitation, there shall be charged against his borrowing capacity, except as otherwise provided herein, the total unpaid principal of all indebtedness to any bank of the system which is secured by property presently owned or being acquired by the applicant, or for which the applicant is personally liable.

(2) Indebtedness secured by property owned by two or more persons shall be prorated against the borrowing capacity of each in accordance with their interest

in the property, whether or not all of such persons assume personal liability for the loan.

(3) The amount of any loan to a corporation engaged in farming operations shall be charged against the individual borrowing capacity of the stockholders in the proportion that the stock owned by each bears to the total stock of the corporation, whether or not all of the stockholders assume personal liability for the loan to the corporation.

(4) The following shall not be charged against the borrowing capacity of the applicant:

(i) Indebtedness in connection with which no association or bank stock has been issued;

(ii) Indebtedness which is secured by property the applicant no longer owns and which has been assumed with the permission of the bank by a subsequent owner of the property;

(iii) Indebtedness which is secured by property the applicant no longer owns and for which liability was incurred otherwise than by agreement with the bank;

(iv) Indebtedness which is secured by property in which the applicant has not had any ownership interest other than an interest of dower or curtesy since the liability was incurred (but see third paragraph of section 10.34 (b)); and

(v) Indebtedness which is secured by property in which the applicant has only a partial interest acquired by inheritance and for which indebtedness the applicant has not assumed payment by agreement with the bank.

(c) *Joint owners.* The amount of loan on the security of property owned by two or more indivduals may not be such as will cause the amount chargeable against the borrowing capacity of any such individual to exceed $200,000; nor may a loan on any one security exceed $200,000.

(d) *Farming corporations.* In determining the amount loanable to a corporation engaged in farming operations, within such $200,000 limitations, there shall be charged against the borrowing capacity of the applicant corporation, any amounts which are chargeable against the borrowing capacity of any other farming corporation which is a subsidiary of, or affiliated (either directly or through substantial identity of stock ownership) with, the applicant corporation (12 U. S. C. 771 Sixth). A substantial identity of stock ownership shall be deemed to exist if a substantial amount of the stock in each corporation is owned by the same individual or group of individuals. The amount of loan to the corporation may not be such as will cause the amount chargeable against the borrowing capacity of any stockholder to exceed $200,000.

INSURANCE REQUIREMENTS AND APPLICATION OF LOSS PROCEEDS

§ 10.40 *Insurance*—(a) *General requirements.* (1) Insurance on buildings shall be required against such risks and in such amounts as the bank may determine to be necessary for adequate protection of the interests of the bank and the endorsing association, and shall afford the same protection provided under the New York standard mortgage clause.

(2) Insurance requirements on existing loans may be reduced or discontinued upon the request of the borrower or on the initiative of the bank or association when such action is not prejudicial to the interest of the bank and the association.

(3) A bank may delegate to associations full or limited authority with respect to the determination of insurance requirements.

(b) *Application of loss proceeds.* (1) The bank may, in its discretion, permit individual losses not in excess of an amount fixed by the bank with due regard to adequate protection of the mortgagee to be paid directly to the mortgagor for use in the prompt reconstruction of the buildings destroyed.

(2) At the option of a mortgagor and subject to the provisions of these regulations any sum received in settlement of a loss covered by insurance required by these regulations may be used to pay for the reconstruction of the buildings involved. Upon giving notice of the exercise of such option or within 30 days thereafter, unless such time for good cause be extended, the mortgagor shall furnish information in such form as shall be satisfactory covering the plans of the mortgagor for the reconstruction of the building involved in sound and serviceable form and condition, at least equal to that which existed immediately prior to the loss. Within said 30 days the mortgagor shall also furnish satisfactory assurance that such reconstruction will be completed within a reasonable time, and that there will be no unsatisfied liens for labor, materials, and/or other expenses that will have priority over the mortgage when such reconstruction shall have been completed or when the said sum received shall have been paid to or for the account of the mortgagor. If the mortgagor desires to use the insurance money in whole or in part in order to replace the building involved with an insurable building of a less expensive type, or to substitute any other insurable building, the funds may be used for such purpose provided the bank or association is satisfied that the proposed building will be suitable and adequate to the agricultural needs of the farm.

(3) If the mortgagor fails or refuses to exercise his option in accordance with these regulations, or to comply with all of the conditions of these regulations with respect thereto, or if the mortgage be in process of foreclosure, or if the mortgagor be in default in such manner that the mortgage is subject to foreclosure, the sum received may be retained for application upon the indebtedness secured by such mortgage or as collateral security therefor. Any portion of the sum received which is not used for reconstruction may also be retained for application upon the indebtedness or as collateral security therefor.

INTEREST RATES

§ 10.41 *Interest rates on loans through associations.* Notwithstanding such loan interest rates may exceed by more than 1 percent per annum the interest rate on the Federal farm loan bonds of the last series issued prior to the making of any such loans, approval is given to an interest rate of 4 percent per annum on loans made by banks through associations generally, except that higher interest rates are approved for the following banks as indicated:

Federal land bank:	*Interest rate (percent)*
Springfield	5
Baltimore	5
Columbia	5
New Orleans	4½
St. Louis	4½
St. Paul	4½
Berkeley	4½
Spokane	4½

§ 10.42 *Special interest rates.* Approval is given to an interest rate one-half of 1 percent per annum in excess of the interest rate provided in the preceding section for bank loans through associations secured by first mortgages on the following farm property in the continental United States:

(a) Land that is employed primarily in the production of naval stores as defined by section 2 of the Naval Stores Act (Sec. 2, 42 Stat. 1435; 7 U. S. C. 92);

(b) Land used for the raising of livestock, in estimating the earning power and in establishing the value of which leases or permits for the use of other lands were taken into consideration and were a factor in determining the amount of the loan; and

(c) Land, a substantial part of the earnings from which is derived from orchard crops.

FUTURE PAYMENT FUNDS

§ 10.47 *Held for subsequent credit upon indebtedness.* Future payment funds shall be held for subsequent credit upon indebtedness to the bank except in cases of unusual circumstances where the release of the funds is justified.

§ 10.48 *Future payment funds (effective January 1, 1954).* Future payment funds accepted prior to January 1, 1954, for subsequent credit upon indebtedness to the bank shall continue to be held under such terms and conditions as were agreed upon at the time of their acceptance. As to future payment funds accepted on or after January 1, 1954, the agreement with the borrower shall specify the rate of interest to be allowed on such funds at a rate determined by the board of directors of the bank, and such agreement shall include and be consistent with the terms and conditions prescribed by statute for such funds (12 U. S. C. 781 Eighteenth). The form of such agreement, its conformity with the terms and conditions prescribed by statute, and the procedure for making it effective with the borrower shall have the approval of the district general counsel.

RETIREMENT OF STOCK

§ 10.53 *General policy.* It is the general policy of the Administration that the bank stock issued in connection with a loan made through an association shall not be retired in whole or in part until the loan has been paid in full except in

individual cases where unusual circumstances are involved. Within the limitations and restrictions of section 7 (12 U. S. C. 722) and section 14 (12 U. S. C. 791 Fourth) of the Federal Farm Loan Act and applicable regulations of the Administration, and subject to authorization being given by the bank's board of directors by appropriate resolution, the Administration approves, under section 7 of the Federal Farm Loan Act (12 U. S. C. 721), the retirement of bank stock held as collateral for the payment of a loan, in the following cases or circumstances:

(a) Where the amount of bank stock held as security for a loan is substantially in excess of 5 percent of the unpaid balance of the loan and the bank determines that retirement of the excess stock is advisable;

(b) If the terms and conditions under which a bank holds future payment funds so permit, then, when the amount of stock and the future payment funds held in connection with a loan are sufficient to pay off the loan in full, they may be so applied and the stock may be retired for that purpose;

(c) When the amount of bank stock held as security for a loan is sufficient to complete payment of the loan, the bank may retire its stock and, with the consent of the association, credit an amount equal to the par value thereof as a last payment on the retiring borrower's loan;

(d) When a loan is called for foreclosure, or when a loan has been declared due and payable for the purpose of accepting deed, the bank may retire the related stock and apply the proceeds to the indebtedness concurrently with the transfer of the loan to the loans called for foreclosure account or at any time thereafter, not later than the date of recording the acquisition of the underlying security on the books of the bank;

(e) Where the mortgaged security for a land bank loan is transferred and the present owner thereof assumes the mortgage indebtedness, but either fails to acquire ownership of the stock interest on such loan or does not qualify for membership in the association endorsing the loan;

(f) The bank stock may be retired so that the proceeds thereof may be applied to the related bank loan in any case where the bank finds that there is not sufficient equity in the security or probability of recovery from the borrower to justify further expenditure in connection therewith.

DEFERMENTS

§ 10.59 *New and outstanding loans—*(a) *Statutory authority.* The statutory provision as to deferments is as follows (12 U. S. C. 781 Nineteenth):

> To permit any borrower to defer payment of the principal portions of installments on his loan in order that he may pay, in whole or in part, any indebtedness which is secured by a lien junior to the lien of the bank upon the farm land mortgaged to secure his loan. Such a deferment may be permitted for other purposes for a period not exceeding 5 years under regulations prescribed by the Farm Credit Administration.

(b) *New loans.* Deferments may be granted as a part of making a loan and the original amortization plan may be drawn accordingly. However, no deferment shall be granted or promised when a loan is made which would have the effect of extending the period of repayment for more than 40 years or for more than the maximum term for which the land bank appraiser states the security is suitable.

(c) *Outstanding loans.* The total period of deferment for purposes other than to pay off a junior lien shall not exceed 5 years during the life of the loan, although the deferment may be for a longer period if the purpose is to pay off a junior lien. Only in exceptional cases should deferments be granted which would extend the repayment of the term for more than 40 years from its making or beyond the term for which the land bank appraiser stated the security is suitable. Deferments exceeding the limitations indicated herein may be granted in certain circumstances when necessary to work out a delinquency situation.

MINERAL RIGHTS

§ 10.64 *Holding mineral rights for more than 5 years.* In cases where, in connection with a sale of bank-owned real estate, the bank has retained royalty or other rights in or to minerals, and desires to hold such rights for a period in excess of 5 years, it is not considered that the bank has both "title and possession" of real estate within the meaning of section 13 Fourth (b) of the Federal Farm Loan Act (12 U. S. C. 781 Fourth (b)). However, retention of such minerals and mineral rights for periods in excess of 5 years, when in the bank's opinion it is in the bank's interest to do so, has the approval of the Administration.

BONDS

§ 10.119 *Method of calling consolidated Federal farm loan bonds.* When any Federal land bank shall desire to call for redemption any consolidated Federal farm loan bonds outstanding on its behalf, it shall, pursuant to appropriate authorization of the 12 Federal land banks, file with the Administration, at least 20 days prior to the date on which the call is to become effective, a certified copy of a resolution of its board of directors authorizing such call. The Administration shall, at least 15 days prior to the date on which the call is to become effective, approve or disapprove the call and, if the call is approved, shall cause formal notice thereof to be published, at least 15 days prior to the effective date of the call, in the FEDERAL REGISTER and through any other facilities that the Administration may elect. Such notice shall describe the bonds so called for redemption and shall designate the place or places where and the date on and after which they will be payable. Approval of the call and publication of notice as herein required shall be deemed a complete call. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

§ 10.120 *Call for less than entire issue of consolidated Federal farm loan bonds.* In any case in which it is desired to call for redemption less than all of the outstanding bonds of any issue or issues, the bonds to be so called shall be selected in such manner as the Administration shall prescribe.

§ 10.120a *Exchanges and assignments of consolidated bonds.* Consolidated bonds issued by the 12 Federal land banks may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchanges and transfers of United States bonds.

§ 10.120b *Basis of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.* The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities, and the regulations of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of United States securities, so far as such statutes and regulations may be applicable, and as modified to relate to consolidated Federal farm loan bonds, and coupons of such bonds, shall govern the granting of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated Federal farm loan bonds, and mutilated or defaced coupons of such bonds.

§ 10.120c *Claims and proof for lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.* Claims shall be presented, and proof shall be made, by applicants for relief on account of the loss, theft, destruction, mutilation, or defacement of consolidated Federal farm loan bonds, and the mutilation or defacement of coupons of such bonds, in accordance with the statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, with respect to securities of the United States, and coupons of such securities.

§ 10.121 *Lost or stolen bonds and coupons issued by a bank individually.* Whenever it appears by clear and satisfactory evidence that any interest-bearing bond or any coupon thereof issued by any Federal land bank has, without bad faith on the part of the owner, been lost, stolen, or destroyed, and is not lawfully held by any person as his own property, or has been so mutilated or defaced as to impair its value to the owner, and is identified by number and description, the bank of issue may make payment (upon approval of the proofs of loss, etc., bonds of indemnity and related papers filed with the banks of issue in such cases, detailed information as to which has been furnished the banks) without requiring the issuance of any new bonds for record purposes.

§ 10.122 *Owner of lost bond to file bond of indemnity.* The owner of any such lost, stolen, or destroyed bond or coupon shall file with the bank of issue a bond of indemnity in a penal sum equal to the face amount of the bond or coupon, plus an amount sufficient to protect the bank from any loss on account of interest which may be payable on such lost, stolen, or destroyed bond. A corporate surety to be approved by the bank of issue shall be required for the bond of indemnity when the penal sum exceeds $50.

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

CLASSIFICATION OF ASSOCIATIONS

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11.163 Classification.

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11.1011 Action by members.
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11.1014 Action by directors.
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11.1017 Completing liquidation.
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INVOLUNTARY LIQUIDATION OF ASSOCIATIONS

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AUTHORITY: §§ 11.163 to 11.1079 issued under sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665.

NOTE: Where the word "bank" appears alone, it refers to a Federal land bank; the word "association" refers to a national farm loan association; the word "Administration" refers to the Farm Credit Administration.

CLASSIFICATION OF ASSOCIATIONS

§ 11.163 *Classification.* The banks shall make such review of the financial condition of national farm loan associations as is necessary to ascertain when the capital stock of an association becomes impaired. The stock of an association shall be considered impaired, and the association shall be classified as "impaired," if the total of its liabilities (including estimated losses on contingent liabilities) and capital stock is in excess of its total assets and such excess may not reasonably be regarded, under all circumstances, as negligible in amount or percentage, as apparent rather than real, or as temporary only.

CONSOLIDATION OF ASSOCIATIONS

§ 11.1010 *Action by directors.* The board of directors of each association to be consolidated shall take appropriate action to authorize the execution of a consolidation agreement and articles of association for each association to be created as a result of the agreement. The board may designate one or more of its members to serve with representatives of each of the boards of the other associations involved as an organization committee for the formation of the new association or associations. Each board of directors, or the representatives of each association on the organization committee pursuant to authority by the association board of directors, shall execute on behalf of such associations the agreement of consolidation and articles of association on forms prescribed by the Administration. Also, they shall appoint not less than five nor more than seven qualified persons to serve as directors for each association to be created as a result of the agreement. Such persons will constitute the board of directors for the period intervening from the date of organization to the date fixed in the bylaws for the first annual meeting of stockholders or until their successors are elected and have qualified.

§ 11.1011 *Action by members.* Meetings of association members shall be called in accordance with the provisions of the bylaws of the association. Notices of the meetings, containing a brief statement of the proposal, shall be mailed to each stockholder of record. A favorable vote of a majority of the members present and voting at each separate meeting shall be necessary for the approval of the proposed consolidation, and such members shall adopt resolutions ratifying and approving the execution of the agreement of the consolidation and articles of association in the name of the association. The secretary-treasurer shall certify to the action taken at the meetings of members, and his certificate shall set out the resolution adopted by the members ratifying the execution of the consolidation agreement.

§ 11.1012 *Completing consolidation.* Upon completion of the association action, one set of organization papers for each association being organized, with the bank's recommendation, and a financial statement for each constituent association and a tentative financial statement for each consolidated association being created as a result of the agreement, shall be submitted to the Farm Credit Administration for consideration. Upon approval by the Administration, notice of such approval and the effective date of the consolidation will be sent to the bank and each consolidated association, and a charter will be issued to the new association or associations which will be forwarded to the association or associations through the bank. Upon receipt of the approval notice, the bank should provide assistance in transferring all assets in accordance with the consolidation agreement, setting up the new books and establishing such other procedures as may be found necessary. The transfer of assets should be made the day following the effective date of the consolidation, if possible. The secretary-treasurer of each new association should take appropriate action to effect changes in stock issues, and should notify promptly each of the members that the consolidation has been approved. The charters of the constituent associations should be surrendered and sent to the Administration for cancellation. The Administration should be notified by the bank of the completion of the consolidation upon the issuance of new bank stock to the new association or associations in exchange for the stock held by the constituent associations.

§ 11.1013 *Legal reserve.* The legal reserve requirement for the new association or associations at the time of completion of the consolidation shall be the total of the unimpaired legal reserves of the constituent associations.

VOLUNTARY LIQUIDATION OF ASSOCIATIONS

§ 11.1014 *Action by directors.* The board of directors of any association desiring to enter into voluntary liquidation shall develop a complete plan of liquidation setting forth in detail the reasons why it is considered advisable for the benefit and best interests of the association members that the association should be liquidated, containing a current financial statement of the association, and specifically providing:

(a) That the association should be liquidated and its charter canceled;

(b) That all liabilities of the association, including contingent liabilities incurred by the association by reason of its endorsement of mortgages, shall be paid in full, or the payment thereof provided for to the satisfaction of the Administration;

(c) That the amount of contingent liabilities shall be mutually agreed upon by the association and the Federal land bank, but in the event such agreement cannot be reached, the amount of such liabilities shall then be determined by the Administration;

(d) In the event the association does not have sufficient assets to pay all its liabilities without creating an impairment of its capital stock, the manner in which the necessary funds will be raised; (In this connection an association may by unanimous action of its members levy an assessment on the members in proportion to the amount of stock held by each to raise the required funds, or it may accept voluntary contributions from its members for the purpose of restoring the stock to an unimpaired condition after making provision for all liabilities of the association.)

(e) That funds in an amount equal to the net legal reserve of the association after provision for all its liabilities shall be transferred to the bank of the district:

(f) That the remaining assets of the association, other than its capital stock in the Federal land bank, shall be distributed among its stockholders, or their successors in interest, of record on the books of the association as of the effective date of liquidation, pro rata according to their respective shareholdings;

(g) That the plan of liquidation shall not become effective until consent, in writing, is obtained from the Administration; and

(h) That the effective date of liquidation shall be the date specified by the Administration in the written consent to liquidation.

A copy of such plan shall be submitted to the stockholders of the association as provided in § 11.1015.

§ 11.1015 *Action by members.* A special meeting of the association members shall be called. Notice of the meeting shall be mailed to each stockholder of record at least 20 days prior to the date of such meeting, and shall contain a full statement of the voluntary liquidation proposal or shall have incorporated in it by reference and attached thereto a complete copy of the plan of liquidation developed by the directors of the association. A favorable vote of at least two-thirds of the stockholders of the association, at the special meeting called as herein provided, shall be necessary for the approval of the proposed liquidation. Such approval shall be evidenced by a resolution of the stockholders approving in its entirety the plan of liquidation developed by the directors and authorizing and instructing the officers of the association to do all things necessary to carry into effect the liquidation and render the plan of liquidation effective. The secretary-treasurer shall certify to the action taken at the meeting of the stockholders, and his certificate shall set out the resolution adopted by the stockholders authorizing the liquidation of the association and the fact that the number of stockholders voting for the motion in the assembled meeting constituted at least two-thirds of the stockholders of record of the association on the date of the meeting.

§ 11.1016 *Procedure for obtaining consent of Administration.* Upon completion of the stockholder action, two certified true copies of the resolution and two copies of the plan, together with the charter of the association, should be forwarded to the bank. The association shall be examined by a farm credit examiner as soon as possible following receipt by the bank of the liquidation plan. After the examination is made, the bank should forward to the Administration one copy of the resolution and plan, together with the charter of the association, and its recommendations in the matter with the supporting reasons for such recommendations. If the Administration consents to the plan, notices of such consent, setting forth the effective date of the liquidation and any other requirements of the Administration, will be sent to the bank and to the association.

§ 11.1017 *Completing liquidation.* Upon receipt of notice of consent from the Administration, the association shall immediately take the necessary action to liquidate its affairs, as required by the plan of liquidation and the consent thereto. When the necessary action has been completed, evidence thereof in the form required by the Administration in its written consent to the liquidation shall be transmitted to the bank and, if the bank is satisfied that all requirements of the plan have been carried out, such evidence shall be forwarded to the Administration. If the Administration is satisfied that all liquidation steps have properly been taken, it will advise the bank, and the bank upon receipt of such advice shall cancel the stock held by the association in the bank and thereupon issue its stock to the borrowers through the association pursuant to the provisions of 12 U. S. C. 966. The Administration should be notified when the cancellation and reissuance of stock have been completed by the bank.

§ 11.1018 *Disposition of association records.* Upon completion of liquidation, the books and records of the association shall be forwarded to the office of the resident farm credit examiner for final examination: *Provided, however,* That upon the written request of the secretary-treasurer of the association, such final examination shall be made at the association's office prior to the release of the books and records by the association. Upon completion of the examination, the books and records will be forwarded to the Administration by the resident farm credit examiner.

INVOLUNTARY LIQUIDATION OF ASSOCIATIONS

§ 11.1019 *Method of liquidation.* Any association may be liquidated by the retirement by a bank, with the approval of the Administration, of all the stock held by the association in the bank and the retirement of the corresponding shares of stock in the association. In the absence of special circumstances, approval will not be given to a liquidation by this method unless the association has less than 10 members and it appears to the satisfaction of the Administration that the association cannot or will not function and that its continuance will not serve a useful purpose.

§ 11.1020 *Action by bank.* The board of directors of the bank shall adopt a resolution requesting approval of the Administration to pay off at par and retire all stock held by the association in the bank. The resolution should specifically state that, in the judgment of the board, it is advisable for the benefit and best interests of the association members and those engaged in agriculture in the territory of such association that all stock held by the association in the bank and all corresponding shares of stock in the association held by borrowers through it should be retired and the association liquidated. In the event an association is unable to pay its indebtedness in full, the resolution should further state the consideration the bank has given to the enforcement of the liability of the stockholders for the payment of the association's debts and the conclusion reached.

§ 11.1021 *Certification by officer of bank.* The appropriate bank officer shall certify to the action taken at the meeting of the board of directors, and his certificate shall set out the resolution adopted by the board.

§ 11.1022 *Approval by Administration.* Upon completion of the board's action, a certified copy of the resolution, accompanied by a detailed statement of facts concerning the condition, operations, and prospects of the association, should be forwarded to the Administration. Upon approval or disapproval of the bank's request by the Administration, notice of such decision will be sent to the bank. Upon receipt of approval notice, the bank shall take the necessary action to pay off at par and retire the stock held by the association in the bank, and when such action has been completed, the bank shall notify the Administration.

§ 11.1023 *Distribution of assets; completing liquidation.* The Administration will advise the association of the retirement by the bank of its stock. Upon receipt of this information the association shall have recorded on its books the retirement of the corresponding stock of the association held by the borrowers; determine by agreement with the bank of the amount of contingent liabilities incurred by the association on account of endorsed mortgages and include such amount in the liabilities of the association; apply all assets of the association to the extent necessary to the payment of its liabilities; distribute any remaining assets to its stockholders, or their successors in interest, of record on the books of the association as of the effective date of liquidation, pro rata according to their respective shareholdings; and return the charter of the association to the bank for transmittal to the Administration for cancellation.

§ 11.1024 *Examination; disposition of books and records.* Upon completion of liquidation the books and records of the association shall be forwarded to the office of the resident farm credit examiner for final examination: *Provided, however,* That upon the written request of the secretary-treasurer of the association, such final examination shall be made at the association's office prior to the release of the books and records by the association. Upon completion of the examination, the books and records will be forwarded to the Administration by the resident farm credit examiner.

ELIGIBLE MEMBERS

§ 11.1035 *Eligibility determined by location of land.* A farm owner shall be eligible to membership in the national farm loan association within whose chartered territory any part of the land to be mortgaged is located, regardless of the applicant's place of residence. If the farm to be mortgaged lies within the territory of two or more associations, the applicant shall be eligible to join any one of the associations, but if the lands to be mortgaged are not adjoining, they will be treated as a single farm for loan purposes only if the separate units are under common management and are in such proximity to each other as to constitute practically one operative agricultural unit.

§ 11.1036 *Husband or wife as sole owner.* When husband and wife both sign a mortgage but one or the other is sole owner, only the one in whose name the title stands is eligible to membership in the association.

§ 11.1037 *Joint owners.* In cases of joint ownership, each owner who assumes personal liability for a loan must be elected to membership in the association through which the loan is made and the association stock must be issued jointly to all such owners.

§ 11.1038 *Farming corporations.* A corporation engaged in farming operations which obtains or properly assumes a loan should be elected to membership and the association stock issued in its name. The corporation must authorize, by power of attorney, one of its shareholders to act for it in all association matters. The person so authorized to act for the corporation may be elected a director of the association, provided he is a bona fide resident of the territory within which the association is authorized to do business. The power of attorney referred to should be so drawn that it will continue in full force and effect until the association has received another power of attorney to supersede the old one or until the old power has been revoked.

§ 11.1039 *Voting by proxy.* Voting by proxy shall not be permitted at stockholders' meetings of associations unless the proxy holder is (a) the person authorized to act for a farming corporation owning the stock, (b) a joint owner of the stock, or (c) the husband or wife of the owner of the stock. In the latter case, said husband or wife shall not be eligible to any office in the association.

CONDUCT OF EMPLOYEES

§ 11.1073 *Prohibition against fee splitting.* No officer, director, or employee of a national farm loan association shall receive, directly or indirectly, any part of any fee, commission, or other consideration paid to any other person for or in connection with abstracts prepared for applicants for loans, insurance on security for such loans, the sale of farms mortgaged to a land bank, or any services performed on behalf of applicants for loans or borrowers from a land bank.

§ 11.1074 *Prohibition against officers, directors, and employees acquiring certain stock or claims based thereon.* No officer, director, or employee of a national farm loan association shall acquire any interest in the stock of such association or any other such association, or in any claim arising from the retirement of such stock, by voluntary transfer or assignment, except such interests as he may acquire in connection with the transfer to him of land mortgaged to a Federal land bank.

§ 11.1075 *Prohibition against secretary-treasurers making farm loans for any other company or agency.* Section 7 of the Federal Farm Loan Act, as amended (12 U. S. C. 714), in describing the powers and duties of secretary-treasurers of national farm loan associations, provides in part:

> No such secretary-treasurer shall engage in the making of land mortgage loans eligible at a Federal land bank through or for any other land mortgage company or agency, and the making of any such loan by any secretary-treasurer shall forthwith work a forfeiture of his office.

§ 11.1076 *Administrative interpretation of provision.* This provision is construed by the Administration as prohibiting a secretary-treasurer from participating in, or having a part in, the making of land mortgage loans through or for any land mortgage company or agency whose business consists, in whole or in part, in making land mortgage loans, where the applicant, the security, and the purpose or purposes are eligible at a Federal land bank for a loan in any amount or where any proceeds of the loan are to be used to pay a Federal land bank loan.

§ 11.1077 *Secretary-treasurer should not divert to other agencies business acceptable to land bank.* The secretary-treasurer, as the principal administrative officer of the association, holds a position of trust. He should not divert to other lending agencies business which would be acceptable to the land bank. It is the duty of the board of directors of every national farm loan association to enforce compliance with this provision of the law.

§ 11.1078 *Political activity of employees.* Employees of national farm loan associations are expected to so conduct themselves as to avoid criticism on the grounds of political activities. It is imperative that the services of association employees be rendered impartially and not be influenced by political considerations. No individual shall be eligible to become or be a salaried officer or employee of a national farm loan association if he is or becomes a candidate for or is elected or appointed to any remunerative public office, unless prior to his employment or as a condition to his continued employment the board of directors of the association, after a full consideration of all the facts involved, shall find that such candidacy or the holding of such public office would not in any manner adversely affect the best interests of the borrowers or the operations and public relations of the association and the bank, and said finding is approved by the Federal land bank of the district. Any individual who is or becomes ineligible for employment by a national farm loan association by reason of the foregoing provision shall not be paid any compensation for services rendered to the association during the period of such ineligibility.

§ 11.1079 *Other restrictions on activities.* The secretary-treasurer and other employees of a national farm loan association shall not accept any fee, commission, gratuity, or compensation in any form from any other lending agency in connection with a land mortgage loan made by it even though the loan would not be eligible at a Federal land bank. Officers and employees of the banks and corporations under the supervision of the Administration who are employed on a full-time basis are required to devote their full business time to the duties assigned them in connection with the activities and operations of the organizations in which they are employed. They are also expected to refrain from accepting employment or compensation for activities, even for services rendered outside of business hours, which might embarrass the Administration or cast reflection upon their ability to take an unbiased and impartial view of its problems.

PART 19—FEES AND CHARGES ON LOANS

BANK FEES

Sec.
19.67 Applications.
19.68 Applications on specialized farms.
19.69 Appraisals.
19.70 Additional and refunding loans.
19.71 Divisions of loans.
19.72 Nonresident investigations.
19.73 Partial releases.
19.74 Release of personal liability.
19.75 Forbearance agreements.
19.76 Reamortizations.
19.77 Reinstatement of loans.

ASSOCIATION FEES

19.78 Applications.
19.79 Closed loans.
19.80 Additional and refunding loans.

AUTHORITY: §§ 19.67 to 19.80 issued under secs. 11 "Third", 13 "Ninth", 39 Stat. 369, 372, as amended; 12 U. S. C. 761 "Third", 781 "Ninth".

NOTE: Where the word "bank" appears alone, it refers to a Federal land bank; the word "association" refers to a national farm loan association; the word "Administration" refers to the Farm Credit Administration.

BANK FEES

§ 19.67 *Applications.* The banks may collect an application fee of not to exceed $10 on each application, except that in cases wherein the association application fee exceeds $5 the bank's application fee shall be limited to the difference between such association fee and $15.

§ 19.68 *Applications on specialized farms.* In the case of applications for loans (or increased loans or divisions of loans) on specialized farms of certain types, such as turpentine farms, timber farms, ranches, and orchards, where appraisal costs are unusually high, the banks may establish, subject to the approval of the Administration, special additional fees in recognition of the higher costs of appraisal of such property.

§ 19.69 *Appraisals.* The fee deposits authorized by these regulations should be retained by the bank if an appraisal is made of the property, but in any such case where an appraisal is not made, the fee should be refunded in its entirety to the applicant. Where a reappraisal is required because of delay of the appli-

cant or is made at his request, the applicant may be required to pay a second fee.

§ 19.70 *Additional and refunding loans.* In connection with applications for additional or refunding loans, whether or not additional security is offered, the bank may require that a fee of not more than $10 be submitted with the application.

§ 19.71 *Divisions of loans.* A fee of $5 may be charged in connection with each application for the division of an existing loan.

§ 19.72 *Nonresident investigations.* Where, in connection with an application for a new loan, an increased loan, or the division of an existing loan, it appears necessary for the bank to make a nonresident personal investigation, the applicant may be required to pay a fee of $7.50, such fee to be refunded in its entirety to the applicant if the investigation is not made.

§ 19.73 *Partial releases.* In connection with applications for a partial release of the mortgaged security, the bank may charge reasonable fees not exceeding the actual cost of appraisal by a land bank appraiser and determination of title. For cases involving appraisal, the fees charged may be based on estimated average cost of appraisal and determination of title so long as, in the aggregate, the fees collected for such cases do not exceed such actual cost. For cases not involving appraisal, the fees charged may be based on estimated average cost of determination of title so long as, in the aggregate, the fees collected for such cases do not exceed such actual cost. In any case, though, the fee charged may be in the amount of the actual cost of appraisal and determination of title involved in the particular case.

§ 19.74 *Release of personal liability.* Where, upon transfer of title to the mortgaged property, an application is made for release from personal liability, the bank may require a fee of $10 in connection with each application, such fee to be refunded in its entirety to the applicant in the event an appraisal of the property is not made.

§ 19.75 *Forbearance agreements.* No fees may be charged in connection with forbearance agreements but borrowers may be charged with direct outlays for determination of title including filing or notarial expense.

§ 19.76 *Reamortizations.* An amount not to exceed actual costs, such as abstract, notarial, recording and necessary incidental items, incurred in connection with a reamortization, may be charged the borrower.

§ 19.77 *Reinstatement of loans.* When a bank has instituted foreclosure or has taken necessary steps preliminary to foreclosure, it may require a borrower who wishes to reinstate such defaulted loan to reimburse it for any items of actual expense which it legally could include in its foreclosure fee; but no fee may be charged upon a reinstatement for any items of expense which legally could not be included in the foreclosure fee (such as purely collection costs), even though the amount of such outside items is less than the charges which could lawfully be imposed were the foreclosure to be completed.

ASSOCIATION FEES

§ 19.78 *Applications.* Associations may collect an association application fee of not more than $5 in connection with each application, except that in cases wherein the appraisal is made by association personnel acting as the bank designee, an application fee of not more than $15 may be collected: *Provided, however,* That the amount of any such fee shall not exceed 1 percent of the amount of the loan applied for. If the property offered as security is subject to any outstanding mortgage loan or loans held by the bank, regardless of the amount stated in the application, the application fee shall be based on an amount applied for which includes the unmatured principal, as of the date of the application, of such outstanding mortgage loan or loans. The application fee may be collected at the time the application is filled. It may be retained by the association regardless of whether the loan is rejected or closed as a new, additional, or refunding bank loan: *Provided, however,* That if no association investigation or appraisal by association personnel as designee is made after a fee provided for in this section has been collected, the amount of such fee shall be refunded.

§ 19.79 *Closed loans.* Except as hereinafter provided when a bank loan is closed, associations may collect a closed loan fee in an amount which, when added to the association application fee already collected, will equal but not exceed 1 percent of the amount of the bank loan closed.

§ 19.80 *Additional and refunding loans.* Where, upon the basis of an application in which there is offered as security property which is mortgaged in whole or in part to a bank, a loan is closed through an association which endorsed the outstanding bank loan, the association may, whether the transaction is completed by way of a supplemental loan or a rewriting of the outstanding loan, collect a closed loan fee, which when added to the association application fee already collected will not exceed 1 percent of the amount which represents other than unmatured principal of the outstanding bank loan as of the date of the application. Where, upon the basis of such an application, a bank loan is closed through a different association than that which endorsed the outstanding loan, the association may collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount for which it endorses the bank loan or purchase money mortgage.

[SEAL] R. E. NOWLAN,
Acting Director,
Land Bank Service.

[F. R. Doc. 56-9164; Filed, Nov. 8, 1956; 8:46 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[Amdt. 2]

PART 472—WOOL

SUBPART A—1956 INCENTIVE PAYMENT PROGRAM FOR SHORN WOOL

SUBPART B—1956 PAYMENT PROGRAM FOR UNSHORN LAMBS (PULLED WOOL)

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1956 Incentive Payment Program for Shorn Wool and the 1956 Payment Program for Unshorn Lambs (Pulled Wool), as amended (21 F. R. 1877, 5311), are further amended as follows:

1. In § 472.708, the last sentence of paragraph (a) is deleted and the following is substituted therefor: "Applications by producers located in Alaska shall be filed with the Alaska ASC State Office, University of Alaska, Box B, College, Alaska, and applications filed by producers located in Hawaii shall be filed with the Hawaiian Area ASC Office, 303 Dillingham Building, Honolulu 13, Territory of Hawaii."

2. In § 472.718, paragraph (a) is deleted and the following is substituted therefor:

§ 472.718 *Death, incompetency, or other disability—*(a) *Death, disappearance, or incompetency.* (1) Except as provided in paragraph (b) of this section, in case any person who is entitled to a payment under this subpart dies, disappears, or is declared incompetent, before receiving such payment, whether before or after making application therefor, payment may be made upon proper application, without regard to claims of creditors other than the United States, in accordance with the regulations contained in 7 CFR Part 1108, Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to Commodity Credit Corporation. The reference in 7 CFR 1108.7 to Standard Form 1055 shall be deemed to be a reference to Standard Form 1055—Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

(2) In case any person entitled to payment under this subpart dies, disappears, or is declared incompetent before applying for payment and therefore the application is made by a person listed in 7 CFR Part 1108 in the order of precedence, such application shall be made on CCC Wool Form 55 and, if necessary, 55–1 and 56–1 and shall also include Standard Form 1055—Revised. The application shall be filed with the ASC county office serving the county which includes the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared or was declared incompetent.

(3) When CCC Wool Form 55 is part of an application described in subparagraph (2) of this paragraph and refers to delivery of wool by, or sale of wool for the account of, the applicants; or states that they ranged, pastured, or fed sheep and lambs; or that they purchased, owned, or had beneficial interest in, wool; or that they agreed as to the weight of animals in certain cases; or the marketing agency states therein that it has not furnished sales documents to any person other than the applicants and that as agent for the applicants it complied with the program; or when it is stated in CCC Wool Form 55–1 and 56–1 that the applicants purchased unshorn lambs, in all those statements the words "the applicants" or "the undersigned" shall be deemed to refer to the applicants; or, to the best of the knowledge, information and belief of the applicant or marketing agency making the statement, to the person that died, disappeared or was declared incompetent; or to both. The reference in section A of CCC Wool Form 55 to the headquarters of applicant's farm, ranch or feed lot shall be deemed to refer to the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared, or was declared incompetent. The statements in section D (b), (c), (d), and (e) of CCC Wool Form 55 about shearing the wool and ownership of the wool and lambs and in section F (2) about marketing in a particular marketing year shall be deemed to be made to the best of the knowledge, information, and belief of the applicants.

3. In § 472.756, the last sentence of paragraph (a) is deleted and the following is substituted therefor: "Applications by producers located in Alaska shall be filed with the Alaska ASC State Office, University of Alaska, Box B, College, Alaska, and applications filed by producers located in Hawaii shall be filed with the Hawaiian Area ASC Office, 303 Dillingham Building, Honolulu 13, Territory of Hawaii."

4. In § 472.765, paragraph (a) is deleted and the following is substituted therefor:

§ 472.765 *Death, incompetency, or other disability—*(a) *Death, disappearance, or incompetency.* (1) Except as provided in paragraph (b) of this section, in case any person who is entitled to a payment under this subpart dies, disappears, or is declared incompetent, before receiving such payment, whether before or after making application therefor, payment may be made, upon proper application, without regard to claims of creditors other than the United States, in accordance with the regulations contained in 7 CFR Part 1108, Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to Commodity Credit Corporation. The reference in 7 CFR 1108.7 to Standard Form 1055 shall be deemed to be a reference to Standard Form 1055—Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

(2) In case any person entitled to payment under this subpart dies, disappears or is declared incompetent before applying for payment and therefore the application is made by a person listed in 7 CFR Part 1108 in the order of precedence, such application shall be made on CCC Wool Form 56, and if necessary, 55–1 and 56–1 and shall also include Standard Form 1055—Revised. The application shall be filed with the ASC county office serving the county which includes the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared, or was declared incompetent.

(3) When CCC Wool Form 56 or CCC Wool Form 55–1 and 56–1 is part of an application described in subparagraph (2) of this paragraph and states that the applicants ranged, pastured, or fed sheep and lambs; purchased unshorn lambs; or owned such lambs for not less than 30 days, the words "the applicants" or "the undersigned" shall be deemed to refer to the applicants; or, to the best of their knowledge, information, and belief, to the person that died, disappeared, or was declared incompetent; or to both. The reference in section A of CCC Wool Form 56 to the headquarters of applicant's farm, ranch, or feed lot shall be deemed to refer to the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared, or was declared incompetent. The statements in section D (c) and (e) of CCC Wool Form 56 about shearing the animals and purchases of unshorn lambs shall be deemed to be made to the best of the knowledge, information, and belief of the applicants.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446)

Issued this 5th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture and President, Commodity Credit Corporation.

[F. R. Doc. 56-9226; Filed, Nov. 8, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Amdt. 4]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA—1956 CROP

AMENDMENT OF ELIGIBILITY FOR PAYMENT REQUIREMENTS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, paragraph (1) of § 850.30 of the Determination of Proportionate Shares for the Domestic Beet Sugar Producing Area—1956 Crop, issued September 21, 1955 (20 F. R. 7159), as amended November 30, 1955 (20 F. R. 8772), February 11, 1956 (21 F. R. 986), and May 25, 1956 (21 F. R. 3670), is hereby amended to read as follows:

(1) *Eligibility for payment under the act.* For any producer of 1956-crop sugar beets on the farm to be eligible for payment under the act, the acreage of sugar beets grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugar beets grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugar beets were sold by him, or were processed by or for him, for the extraction of sugar or liquid sugar for livestock feed, or the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Also, the requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugar beets marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugar beets. In addition, the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of the processor-producer (a producer who is also a processor), prices paid for sugar beets, shall have been met.

Statement of bases and considerations. Pursuant to the amendment to section 301 (b) of the act by Public Law 545, 84th Congress, approved May 29, 1956, and effective January 1, 1956, regarding sugar for livestock feed, this amendment

establishes the procedure under which sugar beets may be marketed for the extraction of sugar for livestock feed or for the production of livestock feed from an acreage in excess of the proportionate share for the farm without disqualifying the producer for payment. Since sugar beet producers who are not processor-producers do not control the processing of sugar beets, the responsibility of such producers regarding the disposition of sugar beets from excess acreage for such use will be considered as having been fulfilled upon the submission of satisfactory evidence that such sugar beets were sold by them and purchased by the processor for the extraction of sugar for livestock feed or for the production of livestock feed. This amendment also provides that the child-labor requirements of the act shall not be applicable with respect to sugar beets from such excess acreage which are used for such purpose, if appropriate proof is submitted.

Accordingly, I hereby find and conclude that the aforestated amendment to the determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; secs. 13, 14, Pub. Law 545, 84th Cong.; 7 U. S. C. 1131, 1132)

Issued this 5th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9224; Filed, Nov. 8, 1956; 8:52 a. m.]

[Sugar Determination 855.3, Revised, Amdt. 1]

PART 855—MAINLAND CANE SUGAR AREA—1956 CROP

AMENDMENT OF ELIGIBILITY FOR PAYMENT REQUIREMENTS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, paragraph (b) of § 855.3 of the Determination of Proportionate Shares for the Mainland Cane Sugar Area—1956 Crop, Revised, issued July 9, 1956 (21 F. R. 5211), is hereby amended to read as follows:

(b) *Eligibility for payment under the act.* The eligibility of any producer of sugarcane for payment under the act shall be subject to the following conditions:

(1) The acreage of sugarcane grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugarcane grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugarcane was sold by him, or was processed by or for him, for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose.

(2) The number of share tenants or sharecroppers engaged in the production of sugarcane of the 1956 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval, the State Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(3) The producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect;

(4) The producer shall have met the requirements of the act with respect to child labor, except that such requirements shall not be applicable to any sugarcane marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugarcane. In addition, the producer shall have met the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugarcane.

Statement of bases and considerations. Pursuant to the amendment to section 301 (b) of the act by Public Law 545, 84th Congress, approved May 29, 1956, and effective January 1, 1956, regarding sugar for livestock feed, this amendment establishes the procedure under which sugarcane may be marketed for the extraction of sugar for livestock feed or for the production of livestock feed from an acreage in excess of the proportionate share for the farm without disqualifying the producer for payment. Since the sugarcane producers who are not processor-producers do not control the processing of sugarcane, the responsibility of such producers regarding the disposition of sugarcane from excess acreage for such use will be considered as having been fulfilled upon the submission of satisfactory evidence that sugarcane was sold by them and purchased by the processor for the extraction of sugar for livestock feed or for the production of livestock feed. This determination also provides that the child-labor requirements of the act shall not be applicable with respect to sugarcane from such excess acreage which is used for such purpose.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended, secs. 13, 14, Pub. Law 545, 84th Cong.; 7 U. S. C. 1131, 1132)

Issued this 5th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9225; Filed, Nov. 8, 1956; 8:52 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 863.9, Amdt. 1]

PART 863—SUGARCANE; FLORIDA

FAIR AND REASONABLE WAGE RATES; JULY 1, 1956–JUNE 30, 1957

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), the determination of fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period of July 1, 1956 through June 30, 1957 issued July 9, 1956 as Part 863, § 863.9 (21 F. R. 5213) is hereby amended by changing the designation of § 863.9 (b) to (c), and (c) to (d), and substituting in lieu thereof a new (b) as follows:

§ 863.9 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1956 through June 30, 1957.* • • •

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm in the production, cultivation, or harvesting of sugarcane grown on the farm for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugarcane grown on acreage in excess of the proportionate share for the farm, which is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the committee that the work performed was related solely to such sugarcane.

Statement of bases and considerations. This amendment provides that the wage requirements applicable to sugarcane grown for the extraction of sugar or liquid sugar, are not applicable to sugarcane grown in excess of the proportionate share for the farm, if it is established to the satisfaction of the County ASC Committee that such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. During the last two or three years quantities of non-quota sugar have been imported into the United States for use as livestock feed. This sugar has been marketed at price levels substantially below the price levels which prevailed for quota sugar. The use of sugar for livestock feed is a further development to find alternative uses for sugar. Section 212 of the act specifies that the quota provisions of Title II are not applicable to sugar imported or produced in the United States for this purpose.

In view of the acreage restrictions in effect for domestic sugar-producing areas in recent years, some domestic producers appeared to be interested in the production of sugar for livestock feed or for the production of livestock feed so as to cushion the impact of restrictions whenever it became necessary to reduce production and to allow domestic areas to participate in the market for livestock feed with foreign areas. Recently, section 301 (b) of the Sugar Act of 1948 was amended to permit producers to market (or process) sugarcane in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from sugarcane in excess of the proportionate share for the farm is not eligible for Sugar Act payments. Prior to this amendment, the wage requirements were applicable to all sugarcane grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar in order to qualify for a Sugar Act payment.

Since the act now permits the producer to market sugarcane in excess of the proportionate share for the farm and remain eligible for a Sugar Act payment with respect to sugarcane within the proportionate share, and as no Sugar Act payment is made with respect to such excess sugarcane, it is determined that the wage provisions, as a condition for payment, shall not apply to persons engaged in the production, cultivation, or harvesting of such excess sugarcane. To assure, however, that the wage requirements of the determination will apply to all persons engaged in the production, cultivation, or harvesting of sugarcane, other than excess sugarcane for the production of sugar for livestock feed or production of livestock feed, it is required that a producer, to be exempt from the requirements of the determination must furnish proof that the work performed related solely to sugarcane marketed (or processed) for the production of sugar for livestock feed or the production of livestock feed.

Accordingly, I hereby find and conclude that the foregoing amendment to the wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 5th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9228; Filed, Nov. 8, 1956; 8:52 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 871.9, Amdt. 1]

PART 871—SUGAR BEETS

FAIR AND REASONABLE PRICES FOR 1956 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act") the determination of fair and reasonable prices for sugar beets of the 1956 crop, issued July 9, 1956 as Part 871 § 871.9 (21 F. R. 5215) is hereby amended by changing the designation of § 871.9 (b) to (c) and substituting in lieu thereof a new (b) as follows:

§ 871.9 *Fair and reasonable prices for the 1956 crop of sugar beets.* • • •

(b) The requirements of this section are applicable to all sugar beets grown by a producer and processed by the processor for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply with respect to sugar beets grown on acreage in excess of the proportionate share for the farm if such sugar beets are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed.

Statement of bases and considerations. This amendment provides that the fair price requirements of the determination are applicable to sugar beets grown for the extraction of sugar or liquid sugar, but are not applicable to sugar beets grown in excess of the proportionate share for the farm, if such sugar beets are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. During the last two or three years quantities of non-quota raw sugar have been imported into the United States for use as livestock feed. This sugar has been marketed at price levels substantially below the price levels which prevailed for quota sugars. The use of sugar for livestock feed is a further development to find alternative uses for sugar. Section 212 of the act specifies that the quota provisions of Title II are not applicable to sugar imported into or produced in the United States for this purpose.

In view of the acreage restrictions in effect for domestic sugar-producing areas in recent years, some domestic producers appeared to be interested in the production of sugar for livestock feed or for the production of livestock feed so as to cushion the impact of restrictions whenever it became necessary to reduce production and to allow domestic areas to participate in the market for livestock feed with foreign areas. Recently, section 301 (b) of the act was amended to permit producers to market (or process) sugar beets in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from these excess sugar beets are not eligible for a Sugar Act payment. Prior to this amendment to the act the fair price requirements were applicable to all sugar beets delivered by producers and processed for the extraction of sugar or liquid sugar, including sugar beets produced on acreage in excess of the proportionate share for the farm.

The producer is relieved from compliance with the conditions for a Sugar Act payment with respect to sugar beets in excess of the proportionate share for the farm which are marketed (or processed) for the extraction of sugar for livestock feed or for the production of livestock feed, without causing such producer to become ineligible for payment with respect to sugar beets marketed from the acreage within the proportionate share for the farm. In view of the foregoing, it has been determined that with respect to any sugar beets in excess of the proportionate share for the farm of a producer who marketed such sugar beets for the extraction of sugar for livestock feed or for the production of livestock feed, the fair price condition shall not be applicable. The determination remains unchanged in all other respects.

Accordingly, I hereby find and conclude that the foregoing amendment to the determination will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 5th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9227; Filed, Nov. 8, 1956; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 90]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.390 *Navel Orange Regulation 90*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held

an open meeting on November 1, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 11, 1956, and ending at 12:01 a. m., P. s. t., July 7, 1957, no handler shall handle any Navel oranges, grown in District 1, in District 3, or in District 4, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.31 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 6, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9219; Filed, Nov. 8, 1956; 8:51 a. m.]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA; AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956–1957 FISCAL PERIOD

On October 18, 1956, notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 7992) regarding the expenses and rate of assessment for the 1956–1957 fiscal period under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 955.210 *Expenses and rate of assessment for the 1956–1957 fiscal period.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal period beginning August 1, 1956, will amount to $22,500.00; and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and one-half cents ($0.015) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

(c) The provisions of this section shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 5, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-9220; Filed, Nov. 8, 1956; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6535]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NIKIDES & LAKIS

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition:* Fur Products Labeling Act; § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1680 *Manufacture or preparation.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Nikides & Lakis, New York, N. Y., Docket 6535, Oct. 23, 1956]

In the Matter of Stergios Nikides, and John Lakis, Individually and as Copartners Trading as Nikides & Lakis

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a New York furrier with false invoicing in violation of the Fur Products Labeling Act, through failing to show on invoices when its fur products contained bleached or artificially colored fur—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision, including order to cease and desist which became, on October 23, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Stergios Nikides and John Lakis, individually and as copartners trading as Nikides & Lakis; or trading under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "Fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product;

B. Falsely and deceptively invoicing fur products as being made of "natural" furs when they are in fact bleached, dyed, or otherwise artificially colored.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Stergios Nikides and John Lakis, individually and as copartners trading as Nikides & Lakis, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 23, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-9247; Filed, Nov. 8, 1956; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54239]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

CRUDE PETROLEUM IMPORTED BY PIPELINE IN BULK; INVOICE REQUIREMENTS AND EXEMPTIONS

An exemption from special customs and commercial invoices for crude petroleum imported by pipeline is provided for in § 8.15 (c) (31) of the Customs Regulations because no duties based upon or regulated by the value of the oil are involved and the import tax is assessed on the exact quantity imported as determined by customs. There is no significant difference generally in the case of crude petroleum imported in bulk. Section 8.15 (c) (31) of the Customs Regulations is hereby amended by adding after the word "pipeline" the words "or in bulk".

(Secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U. S. C. 1484, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 1, 1956.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9243; Filed, Nov. 8, 1956; 8:53 a. m.]

[T. D. 54240]

PART 26—DISCLOSURE OF INFORMATION

DISCLOSURE OF INFORMATION IN FINE, PENALTY, AND FORFEITURE CASES

In order to make available to the public information concerning closed fine, penalty, and forfeiture cases arising under the customs and navigation laws administered by the Customs Service and which was the subject of Bureau of Customs Collectors Circular No. 31, dated September 27, 1956, § 26.3 (b) of the Customs Regulations is amended by substituting "public" for "press" and by substituting "customs and navigation laws" for "customs laws" in the second sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 2, 1956.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9244; Filed, Nov. 8, 1956; 8:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration

PART 202—OCEAN SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

The regulations contained in Part 202, Chapter II, Title 22 of the Code of Federal Regulations are hereby amended to read as follows, effective October 15, 1956.

Sec.
202.1 Definition of terms.
202.2 Shipments eligible for payment of ocean freight charges.
202.3 Applications for payment or reimbursement of ocean freight charges.
202.4 Manner of payment of ocean freight charges.
202.5 Refund by agencies.
202.6 Saving clause.

AUTHORITY: §§ 202.1 to 202.6 issued under sec. 521, 68 Stat. 855; 22 U. S. C. 1781. Interpret or apply secs. 409, 525, 68 Stat. 845, 856; 22 U. S. C. 1928, 1785. E. O. 10575, 19 F. R. 7249, 3 CFR, 1954 Supp. E. O. 10610, 20 F. R. 3179.

§ 202.1 *Definition of terms.* For the purposes of this part:

(a) "The Director" means the Director of the International Cooperation Administration.

(b) "The Committee" means the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration.

(c) "Supplies" means relief and rehabilitation supplies shipped in support of programs registered with the Committee as well as administrative supplies and equipment shipped in support of such programs. In no case shall such supplies include items for the personal use of representatives of the registered agncy.

(d) "Agency" or "agencies" means the American Red Cross and any United States voluntary nonprofit relief agency registered with, and approved by, the Committee.

(e) "Duty free" means exempt from all customs duties, and other duties, tolls, and taxes of any kind.

§ 202.2 *Shipments eligible for payment of ocean freight charges.* The Director, in order to further the efficient use of United States voluntary contributions for relief in nations or areas designated by him from time to time, may pay ocean freight charges from United States ports to initial foreign ports of entry of such nations or areas on shipments by agencies of supplies donated to, or purchased by, such agencies.

§ 202.3 *Applications for payment or reimbursement of ocean freight charges.* Any agency may make application for payment or reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within foreign nations and areas designated by the Director pursuant to § 202.2, provided:

(a) An agreement for duty-free entry and defrayment of inland transportation costs of relief supplies within the scope of the regulations in this part has been concluded between the United States and the recipient country, or in the case of supplies of surplus agricultural commodities made available pursuant to the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress), as amended, the agency concerned has submitted evidence satisfactory to the Committee that the recipient country in fact accords duty-free entry and defrays the inland transportation costs of the commodities.

(b) The general program and projects, by countries of operation of the agency, and the supplies in support thereof, have been approved by the Committee and by the recipient country.

§ 202.4 *Manner of payment of ocean freight charges.* By means of an equitable apportionment of the funds available for this purpose the Director will pay or reimburse agencies for ocean freight on shipments made in conformity with the regulations in this part: *Provided*, That application for such payment or reimbursement is submitted to the Director of the International Cooperation Administration, Attention: Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, Washington 25, D. C., within forty-five days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement, or unit basis, and free of any other charges.

§ 202.5 *Refund by agencies.* Any agency to or for whom ocean freight charges have been paid or reimbursed under this part will refund promptly to the Director upon demand the entire amount, or any lesser amount specified, of ocean freight charges paid or reimbursed, and to the recipient country upon demand the entire amount, or any lesser amount specified, of inland transportation costs paid or reimbursed, (a) whenever the Director determines that the payments or reimbursements were improper as being in violation of any of the provisions of the Mutual Security Act of 1954 (Public Law 665, 83d Congress), any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the International Cooperation Administration, or (b) unless such agency files, within ninety days after reimbursement has been made, a certificate stating that all supplies for which such reimbursement was made have been accorded duty free status by the recipient country.

§ 202.6 *Saving clause.* The Director may waive, withdraw, or amend at any time or from time to time any or all of the provisions of the regulations in this part.

JOHN B. HOLLISTER,
Director, International Cooperation Administration.

NOVEMBER 1, 1956.

[F. R. Doc. 56-9165; Filed, Nov. 8, 1956; 8:46 a. m.]

any sugarcane grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugarcane was sold by him, or was processed by or for him, for the extraction of sugar or liquid sugar for livestock feed

tion of sugar for livestock feed or for the production of livestock feed. This determination also provides that the child-labor requirements of the act shall not be applicable with respect to sugarcane from such excess acreage which is used for such purpose.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

unction of sugar or liquid sugar for livestock feed or for the production of livestock feed. During the last two or three years quantities of non-quota sugar have been imported into the United States for use as livestock feed. This sugar has been marketed at price levels substantially below the price levels which prevailed for quota sugar. The use of sugar for livestock feed is a further development to find alternative uses for sugar. Section 212 of the act speci-

Acting Secretary of Agriculture.

[F. R. Doc. 56-9228; Filed, Nov. 8, 1956; 8:52 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 871.9, Amdt. 1]

PART 871—SUGAR BEETS

FAIR AND REASONABLE PRICES FOR 1956 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as

ments were applicable to all sugar beets delivered by producers and processed for the extraction of sugar or liquid sugar, including sugar beets produced on acreage in excess of the proportionate share for the farm.

The producer is relieved from compliance with the conditions for a Sugar Act payment with respect to sugar beets in excess of the proportionate share for the farm which are marketed (or processed) for the extraction of sugar for livestock feed or for the production of

time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held

an open meeting on November 1, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 11, 1956, and ending at 12:01 a. m., P. s. t., July 7, 1957, no handler shall handle any Navel oranges, grown in District 1, in District 3, or in District 4, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.31 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 6, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9219; Filed, Nov. 8, 1956; 8:51 a. m.]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA; AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956–1957 FISCAL PERIOD

On October 18, 1956, notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 7992) regarding the expenses and rate of assessment for the 1956–1957 fiscal period under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 955.210 *Expenses and rate of assessment for the 1956–1957 fiscal period.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal period beginning August 1, 1956, will amount to $22,500.00; and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and one-half cents ($0.015) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

(c) The provisions of this section shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 5, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-9220; Filed, Nov. 8, 1956; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6535]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NIKIDES & LAKIS

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition:* Fur Products Labeling Act; § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1680 *Manufacture or preparation.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Nikides & Lakis, New York, N. Y., Docket 6535, Oct. 23, 1956]

In the Matter of Stergios Nikides, and John Lakis, Individually and as Copartners Trading as Nikides & Lakis

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a New York furrier with false invoicing in violation of the Fur Products Labeling Act, through failing to show on invoices when its fur products contained bleached or artificially colored fur—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision, including order to cease and desist which became, on October 23, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Stergios Nikides and John Lakis, individually and as copartners trading as Nikides & Lakis; or trading under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "Fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product;

B. Falsely and deceptively invoicing fur products as being made of "natural" furs when they are in fact bleached, dyed, or otherwise artificially colored.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Stergios Nikides and John Lakis, individually and as copartners trading as Nikides & Lakis, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing set-

ting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 23, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-9247; Filed, Nov. 8, 1956; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54239]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

CRUDE PETROLEUM IMPORTED BY PIPELINE IN BULK; INVOICE REQUIREMENTS AND EXEMPTIONS

An exemption from special customs and commercial invoices for crude petroleum imported by pipeline is provided for in § 8.15 (c) (31) of the Customs Regulations because no duties based upon or regulated by the value of the oil are involved and the import tax is assessed on the exact quantity imported as determined by customs. There is no significant difference generally in the case of crude petroleum imported in bulk. Section 8.15 (c) (31) of the Customs Regulations is hereby amended by adding after the word "pipeline" the words "or in bulk".

(Secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U. S. C. 1484, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 1, 1956.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9243; Filed, Nov. 8, 1956; 8:53 a. m.]

[T. D. 54240]

PART 26—DISCLOSURE OF INFORMATION

DISCLOSURE OF INFORMATION IN FINE, PENALTY, AND FORFEITURE CASES

In order to make available to the public information concerning closed fine, penalty, and forfeiture cases arising under the customs and navigation laws administered by the Customs Service and which was the subject of Bureau of Customs Collectors Circular No. 31, dated September 27, 1956, § 26.3 (b) of the Customs Regulations is amended by substituting "public" for "press" and by substituting "customs and navigation laws" for "customs laws" in the second sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 2, 1956.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9244; Filed, Nov. 8, 1956; 8:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration

PART 202—OCEAN SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

The regulations contained in Part 202, Chapter II, Title 22 of the Code of Federal Regulations are hereby amended to read as follows, effective October 15, 1956.

Sec.
202.1 Definition of terms.
202.2 Shipments eligible for payment of ocean freight charges.
202.3 Applications for payment or reimbursement of ocean freight charges.
202.4 Manner of payment of ocean freight charges.
202.5 Refund by agencies.
202.6 Saving clause.

AUTHORITY: §§ 202.1 to 202.6 issued under sec. 521, 68 Stat. 855; 22 U. S. C. 1781. Interpret or apply secs. 409, 525, 68 Stat. 845, 856; 22 U. S. C. 1928, 1785. E. O. 10575, 19 F. R. 7249, 3 CFR, 1954 Supp. E. O. 10610, 20 F. R. 3179.

§ 202.1 *Definition of terms.* For the purposes of this part:

(a) "The Director" means the Director of the International Cooperation Administration.

(b) "The Committee" means the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration.

(c) "Supplies" means relief and rehabilitation supplies shipped in support of programs registered with the Committee as well as administrative supplies and equipment shipped in support of such programs. In no case shall such supplies include items for the personal use of representatives of the registered agncy.

(d) "Agency" or "agencies" means the American Red Cross and any United States voluntary nonprofit relief agency registered with, and approved by, the Committee.

(e) "Duty free" means exempt from all customs duties, and other duties, tolls, and taxes of any kind.

§ 202.2 *Shipments eligible for payment of ocean freight charges.* The Director, in order to further the efficient use of United States voluntary contributions for relief in nations or areas designated by him from time to time, may pay ocean freight charges from United States ports to initial foreign ports of entry of such nations or areas on shipments by agencies of supplies donated to, or purchased by, such agencies.

§ 202.3 *Applications for payment or reimbursement of ocean freight charges.* Any agency may make application for payment or reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within foreign nations and areas designated by the Director pursuant to § 202.2, provided:

(a) An agreement for duty-free entry and defrayment of inland transportation costs of relief supplies within the scope of the regulations in this part has been concluded between the United States and the recipient country, or in the case of supplies of surplus agricultural commodities made available pursuant to the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress), as amended, the agency concerned has submitted evidence satisfactory to the Committee that the recipient country in fact accords duty-free entry and defrays the inland transportation costs of the commodities.

(b) The general program and projects, by countries of operation of the agency, and the supplies in support thereof, have been approved by the Committee and by the recipient country.

§ 202.4 *Manner of payment of ocean freight charges.* By means of an equitable apportionment of the funds available for this purpose the Director will pay or reimburse agencies for ocean freight on shipments made in conformity with the regulations in this part: *Provided*, That application for such payment or reimbursement is submitted to the Director of the International Cooperation Administration, Attention: Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, Washington 25, D. C., within forty-five days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement, or unit basis, and free of any other charges.

§ 202.5 *Refund by agencies.* Any agency to or for whom ocean freight charges have been paid or reimbursed under this part will refund promptly to the Director upon demand the entire amount, or any lesser amount specified, of ocean freight charges paid or reimbursed, and to the recipient country upon demand the entire amount, or any lesser amount specified, of inland transportation costs paid or reimbursed, (a) whenever the Director determines that the payments or reimbursements were improper as being in violation of any of the provisions of the Mutual Security Act of 1954 (Public Law 665, 83d Congress), any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the International Cooperation Administration, or (b) unless such agency files, within ninety days after reimbursement has been made, a certificate stating that all supplies for which such reimbursement was made have been accorded duty free status by the recipient country.

§ 202.6 *Saving clause.* The Director may waive, withdraw, or amend at any time or from time to time any or all of the provisions of the regulations in this part.

JOHN B. HOLLISTER,
Director, International Cooperation Administration.

NOVEMBER 1, 1956.

[F. R. Doc. 56-9165; Filed, Nov. 8, 1956; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

REGULATIONS PERTAINING TO CERTAIN INDUSTRIES IN PUERTO RICO

On August 17, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 466 (21 F. R. 6198) appointed, convened, and gave notice of the hearings of Industry Committee No. 24–A for the Metal, Machinery, Transportation Equipment, and Allied Products Industry in Puerto Rico, Industry Committee No. 24–B for the Plastic Products Industry in Puerto Rico, and Industry Committee No. 24–C for the Electrical, Instrument, and Related Products Industry in Puerto Rico. Each committee was directed to recommend the minimum rate or rates to be paid under section 6 (c) of the act to employees in its industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, each committee filed with the Administrator a report containing its findings with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45–A of the Secretary (15 F. R. 3290), (1) the recommendations of these committees are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective November 25, 1956, Parts 711, 712, and 713 of Title 29, Code of Federal Regulations, are hereby amended to read as follows:

PART 711—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
711.1 Definition of the industry.
711.2 Wage rates.
711.3 Notices.

AUTHORITY: §§ 711.1 to 711.3 issued under section 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply section 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 711.1 *Definition of the industry.* The electrical, instrument, and related products industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture, assembly, and repair of machinery, apparatus, equipment and supplies for the generation, storage, transmission, transformation and utilization of electrical energy; and the manufacture, assembly, and repair of instruments, apparatus, and equipment for scientific, professional, industrial measurement, photographic, musical and horological purposes: *Provided, however,* That the definition shall not include (a) industrial and commercial machinery powered by electric motors; (b) measuring-and-dispending pumps; and (c) any activity included in the clay and clay products industry, the jewel cutting and polishing industry, or the stone, glass, and related products industry, as defined in the wage orders for those industries in Puerto Rico.

§ 711.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the electrical, instrument, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the shaver, storage battery, drafting machine, electrical terminal and connector, and television antenna and lead-in cable classification, which is defined as the manufacture of electric shavers; storage batteries and parts, except carbon-type dry cell batteries; mechanical drafting machines; solderless electric terminals and connectors; and television antennas and lead-in cables.

(b) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the radio and television components classification, which is defined as the manufacture of parts and components for radio and television equipment and apparatus (except tubes and tube parts, transistors, and rectifiers), including, but without limitation, capacitors, coils and coil forms, hermetic seals, condensers; transformers, crystal units, and resistors.

(c) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the resistance-type household appliance classification, which is defined as the manufacture of household electrical appliances of the resistant type and parts therefor, used for heating, cooking, and other purposes (except illumination), including, but without limitation, electric ranges, stoves, hotplates, cooking casseroles, roasters, toasters, heaters, irons, and percolators.

(d) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the lens classification, which is defined as the grinding and manufacture of optical and ophthalmic lenses and prisms.

(e) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the thermometer classification, which is defined as the manufacture of glass thermometers and hydrometers.

(f) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the electrical, instrument, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification, which is defined to include all products and activities of the electrical, instrument, and related products industry in Puerto Rico as defined in § 711.1, except the products and activities included in the shaver, storage battery, drafting machine, electrical terminal and connector, and television antenna and lead-in cable classification, the radio and television components classification, the resistance-type household appliance classification, the lens classification, and the thermometer classification.

§ 711.3 *Notices.* Every employer subject to the provisions of § 711.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 711.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

PART 712—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
712.1 Definition of the industry.
712.2 Wage rates.
712.3 Notices.

AUTHORITY: §§ 712.1 to 712.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply section 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 712.1 *Definition of the industry.* The metal, machinery, transportation equipment, and allied products industry in Puerto Rico, to which this part shall apply, is defined as follows: The mining and other extraction of metal ore and the processing of such ore into metal; the manufacture (including repair) of any product or part made wholly or chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment, and ordnance: *Provided, however,* That the definition shall not include (a) the production of any basic material other than metal even when incident to the production of a product within this definition; (b) the processing of any basic material other than metal except when done by an establishment producing from such materials a product of this industry or subassembly of such product; (c) the manufacture of metal bobby pins, hair clips, hair curlers, and hair wavers; and (d) any activity included within the button, buckle, and jewelry industry, or the electrical, instrument, and related products industry, as defined in the wage orders for these industries in Puerto Rico.

§ 712.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the primary metal products, machinery, transportation equipment, and ball point pen classification, which is defined as the mining and other extraction of metal ore and the processing of such ore into metal; the smelting, refining, rolling, drawing, and alloying of metals; the manufacture of metal castings and forgings; the manufacture of structural steel, ornamental iron work, boiler shop products, sheet metal products, metal shipping barrels, drums, kegs, and pails, safes and vaults, nuts, bolts, washers and rivets, screw machine products, and ordnance and accessories; the manufacture of industrial, commercial, and service industry machinery and equipment; the manufacture of transportation equipment, parts, and supplies, including the building and repairing of ocean-going ships when performed in drydocks or shipyards; and the manufacture of ball point pens and parts for ball point pens.

(b) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act by every employer to each of his employees in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the fabricated wire products, steel spring, and slide fastener classification, which is defined as the drawing of wire and rod and the fabrication of wire and wire products including, but without limitation, nails, brads, spikes, staples, chain, fencing, bare wire rope and cable, barbed wire, bale ties, and garment hangers; the manufacture of steel springs; and the manufacture of slide fasteners.

(c) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification, which is defined as the manufacture of tin cans and other tinware, cutlery, hand tools and general hardware, and metal doors, sash, frames, molding, and trim; metal stamping, coating and engraving; the manufacture of small home craftsmen's equipment, small office devices, and household cleaning, polishing, and heating equipment; the manufacture of collapsible tubes, metal foil, silverware and plated ware, metal toys, sporting and athletic goods, pens, pencils, and other office and artists materials, except ball point pens and parts, and notions; and all products and activities in the metal, machinery, transportation equipment, and allied products industry except the products and activities included within the primary metal products, machinery, transportation equipment, and ball point pen classification, and the fabricated wire products, steel spring, and slide fastener classification.

§ 712.3 *Notices.* Every employer subject to the provisions of § 712.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 712.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

PART 713—PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
713.1 Definition of the industry.
713.2 Wage rates.
713.3 Notices.

AUTHORITY: §§ 713.1 to 713.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply section 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 713.1 *Definition of the industry.* The plastic products industry in Puerto Rico, to which this part shall apply, is defined as follows: The molding, extrusion, lamination, other forming, and the fabrication of plastic products: *Provided, however,* That the definition shall not include (a) the manufacture of primary plastic material such as sheets, rods, tubes, granules, powders, and liquids, and other products of the chemical, petroleum, rubber, and related products industry in Puerto Rico; (b) the manufacture of buttons, buckles, jewelry (including rosaries), and jewelry findings (including beads); (c) the manufacture from pliable plastics in sheet or film form of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in nature; (d) the manufacture from plastic materials of footwear and cut stock and findings for footwear; (e) the manufacture of apparel, apparel furnishings and accessories, and miscellaneous fabricated textile products made from pliable plastics in sheet or film form; and (f) any activity included in the leather, leather goods, and related products industry, as defined in the wage order for that industry in Puerto Rico.

§ 713.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the sprayer and vaporizer classification which is defined as the manufacture of plastic sprayers, vaporizers, and atomizers.

(b) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the dinnerware and phonograph records classification, which is defined as the manufacture of plastic dinnerware and phonograph records.

(c) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act by every employer to each of his employees in the plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the wall tile classification, which is defined as the manufacture of plastic wall tile.

(d) Wages at a rate of not less than 63 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the plastic products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification, which is defined as the amnufacture of all products included in the plastic products industry except products and activities included in the sprayer and vaporizer classification, the manufacture of all products intion, the dinnerware and phonograph records classification, and the wall tile classification, as defined herein.

§ 713.3 *Notices.* Every employer subject to the provisions of § 713.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 713.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 6th day of November 1956.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 56-9255; Filed, Nov. 8, 1956; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 56-42]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

SUBSISTENCE AND RATIONS

By virtue of the authority contained in section 280, Title 10, U. S. Code, and the act of October 12, 1949, as amended (63 Stat. 802), and Title 14, U. S. Code, the following amendment is hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

Paragraphs (b) and (c) of § 8.7110 are hereby amended to read as follows:

§ 8.7110 *Subsistence and rations.*

• • •

(b) Officers and enlisted personnel while serving on inactive duty training without pay for periods of eight or more hours in any one calendar day shall be

entitled to a ration in kind or a portion thereof.

(c) Enlisted personnel while serving on inactive duty training with pay for periods of eight or more hours in any one calendar day shall be entitled to a ration in kind or a portion thereof.

(Sec. 204, 55 Stat. 11; 14 U. S. C. 304)

Approved: October 10, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

Concurred in: October 19, 1956.

ALBERT PRATT,
Acting Secretary of the Navy.

[F. R. Doc. 56-9242, Filed, Nov. 8, 1956; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 5—COMMITTEE ON WAIVERS AND FORFEITURES AND FIELD COMMITTEES ON WAIVERS

MISCELLANEOUS AMEDMENTS

1. In Part 5, the headnote is amended to read as above.

2. In § 5.0, paragraphs (a) and (c) are amended to read as follows:

§ 5.0 *Overpayments that may be considered.* (a) The Committee on Waivers and Forfeitures and the field Committees on Waivers including the Committees on Waivers in the Veterans Benefits Office, District of Columbia, have jurisdiction to determine whether there will be a waiver of recovery of overpayments, any indebtedness of the kind specified in paragraph (d) of this section, and erroneous payments (hereinafter referred to as overpayments) under the General Law, the acts providing for service pension, the War Risk Insurance Act, the Vocational Rehabilitation Act, the World War Veterans' Act, 1924, Public Law 2, 73d Congress, including World War I emergency officers' retirement pay thereunder, Public Laws 78, 141, and 484, of the 73d Congress, Public Law 746, 76th Congress, the National Service Life Insurance Act of 1940, the Servicemen's Readjustment Act of 1944, Public Law 28, 82d Congress, Title II of Public Law 550, 82d Congress; Public Law 634, 84th Congress, Public Law 881, 84th Congress; or under an amendment of any of those statutory provisions; where such overpayments are submitted by the finance activity for consideration under the statutory provisions cited in § 5.1; except (1) those cases that are under the jurisdiction of the Loan Guaranty Committees on Waivers and Compromises, §§ 36.4381 and 36.4382 of this chapter; (2) those cases in which an overpayment of compensation or pension is made to a person because of his having entered on active duty; (3) readjustment allowance paid under Title V of the Servicemen's Readjustment Act of 1944 during the lifetime of the veteran; (4) National Service life insurance overpayments resulting from an authorized change in option; (5) World War I adjusted compensation overpayments; (6) and those cases in which there is not in effect an award of benefits other than insurance and the overpayment resulted from payment to an insured under a United States Government life insurance or a National Service life insurance contract.

• • • • •

(c) In any case where the provisions of secion 266 of the Veterans' Readjustment Assistance Act of 1952 (Pub. Law 550, 82d Cong.) or section 506 of the War Orphans' Educational Assistance Act of 1956 (Pub. Law 634, 84th Cong.) are applicable the liability of the educational institution or training establishment will be determined according to the provisions of § 21.2304 of this chapter. These committees have jurisdiction to consider all overpayments of education and training allowance and educational assistance allowance and are authorized to determine under section 271 of the Readjustment Assistance Act of 1952 or section 511 of the War Orphans' Educational Assistance Act of 1956, as the case may be, whether recovery of the overpayment or any part thereof, may be waived as to the veteran or eligible person, as the case may be. The finance activity in submitting such cases for consideration and the Committee on Waivers or the Committee on Waivers and Forfeitures in its decision will be guided by established procedure and policy in regard to overpayments. As to the liability of the educational institution or training establishment, a field Committee on Waivers may make a determination irrespective of amount, subject to the procedure and principles prescribed by § 21.2304 of this chapter.

3. In § 5.1, paragraph (a) is amended to read as follows:

§ 5.1 *Legislation authorizing relief.* (a) The legislation under which relief from overpayments may be granted provides that there shall be no recovery of payments from any person who in the judgment of the Administrator is without fault on his part and where in the judgment of the Administrator such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience (sec. 28, World War Veterans' Act, 1924, as amended, 38 U. S. C. 453). (See also sec. 4, Pub. Law 323, 71st Cong., as preserved and continued by Pub. Law 536, 71st Cong., 38 U. S. C. 33; sec. 7, Pub. Law 2, 73d Cong., 38 U. S. C. 707; Pub. Law 324, 76th Cong., 38 U. S. C. 36; sec. 609, Pub. Law 801 76th Cong. 38 U. S. C. 809; sec. 1, Pub. Law 866, 76th Cong., 38 U. S. C. 507a; sec. 1, Pub. Law 144, 78th Cong., 38 U. S. C. 727; sec. 1500, Pub. Law 346, 78th Cong., 38 U. S. C. 697; sec. 1 (G), Pub. Law 662, 79th Cong., 38 U. S. C. 739; sec. 7, Pub. Law 610, 81st Cong., 38 U. S. C. ch. 12A, as limited by Pub. Law 149, 83d Cong.; sec. 271, Pub. Law 550, 82d Cong., 38 U. S. C. 981; sec. 511, Pub. Law 634, 84th Cong., and sec. 209 (f), Pub. Law 881, 84th Cong.)

4. Section 5.2 is revised to read as follows:

§ 5.2 *Scope of decisions.* The jurisdiction of Committees on Waivers, including the Committee on Waivers and Forfeitures, is limited to consideration of waiver or nonwaiver and to questions of liability on the part of educational institutions or training establishments as provided in § 5.0 (b) and (c). A decision of nonwaiver by a committee leaves to the finance or accounting officers the manner of recovery or collection. It is within the discretion of such committees to waive recovery as to certain persons and decline to waive recovery as to certain other persons whose claims are based on the same veteran's service. It is also within the discretion of the committees to waive or decline to waive recovery from specific benefits or sources, except that a committee shall not waive recovery out of insurance of an indebtedness sceured thereby, i. e., an insurance overpayment or illegal payment made to the insured, although in appropriate cases it is proper to waive recovery of any or all of such indebtedness out of benefits other than insurance benefits then or thereafter payable to the insured.

5. Section 5.4 is revised to read as follows:

§ 5.4 *Jurisdiction.* The Committee on Waivers and Forfeitures has exclusive jurisdiction to consider questions of forfeiture relating to the submission of false or fraudulent evidence, or mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies. (See sec. 504, World War Veterans' Act, 1924, as amended, 38 U. S. C. 555, as preserved and continued by sec. 11, Pub. Law 2, 73d Cong., 38 U. S. C. 711; sec. 15, Pub. Law 2, 73d Cong., 38 U. S. C. 715; sec. 9, Pub. Law 304, 75th Cong., 38 U. S. C. 510; sec. 4, Pub. Law 144, 78th Cong., 38 U. S. C. 728; sec. 1500, Pub. Law 346, 78th Cong., 38 U. S. C. 697; sec. 9, Pub. Law 23, 82d Cong., 38 U. S. C. 858; sec. 270, Pub. Law 550, 82d Cong., 38 U. S. C. 980; sec. 510, Pub. Law 634, 84th Cong., and sec. 501 (n), Pub. Law 881, 84th Cong.) This jurisdiction does not include questions of forfeiture under the National Service Life Insurance Act of 1940 (Pub. Law 801, 76th Cong.), as amended, or under Title V of the Servicemen's Readjustment Act of 1944, as amended. The field Committees on Waivers have no jurisdiction over forfeiture questions.

6. In § 5.5 the introductory paragraph immediately preceding paragraph (a) is amended to read as follows:

§ 5.5 *When forfeiture questions arise.* When an employee of the Veterans Administration discovers what is thought to be a false or fraudulent affidavit, declaration, certificate, statement, voucher, paper, or writing purporting to be such, concerning any claim or the approval of any claim for compensation, maintenance and support allowance, pension, World War I emergency officers' retirement pay, burial allowance, gratuitous indemnity under the Servicemen's Indemnity Act of 1951, hospital or domiciliary care, subsistence allowance, benefits under the Servicemen's Readjustment Act of 1944, as amended, except Title V thereof, benefits under Title II or III of the Veterans' Readjustment Assistance Act of 1952, benefits under the War Orphans' Educational Assistance Act of 1956, or benefits under Title II of the Servicemen's and Veterans' Survivor Benefits Act; or discovers evidence tending to show that any person who might be entitled to benefits under laws administered by the Veterans Administration, including gratuitous indemnity under the Servicemen's Indemnity Act of 1951, benefits under Title II or III of the Veterans' Readjustment Assistance Act of 1952, benefits under the War Orphans' Educational Assistance Act of 1956, and benefits under Title II of the Servicemen's and Veterans' Survivor Benefits Act, has been guilty under section 4 of Public Law 144, 78th Congress, of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies, such employee shall refer the case through channels to:

7. In § 5.6, paragraph (a) is amended to read as follows:

§ 5.6 *Actions preliminary to submissions.* (a) Where the question relates to what is thought to be false or fraudulent evidence, it shall be the duty of the official designated in § 5.5 to review the alleged false or fraudulent evidence and authorize an investigation when in his opinion there is reasonable assumption that such evidence is fraudulent, and when in his opinion any prior investigation is inadequate. Where the question involved is one of possible guilt of an offense mentioned in section 4, Public Law 144, 78th Congress, such official shall not request an investigation but shall refer the folder or folders to the Committee on Waivers and Forfeitures for development, with a letter or memorandum stating the known facts. However, the Manager, Veterans Administration Regional Office, Republic of the Philippines, may authorize an investigation in the Philippines for the purpose of procuring evidence of an offense named in said section 4, Public Law 144, as well as in those cases involving what is thought to be false or fraudulent evidence; and may also as to the latter class, suspend or in death cases recommend suspension of payments if warranted by the circumstances.

8. Section 5.7 is revised to read as follows:

§ 5.7 *Submission of forfeiture questions.* (a) When an investigation has been completed or the evidence considered as provided in § 5.6 (a) and (b), the appropriate official designated in § 5.5 shall determine whether a submission to the Committee on Waivers and Forfeitures is warranted; and, if he determines that it is, shall forward the evidence and the folder or folders to said committee for a decision as to whether there is a forfeiture of rights under the statutory provisions specified in § 5.4. A submission may also be made to the Committee on Waivers and Forfeitures by the director of a service (or the Chairman, Board of Veterans Appeals, the Chief Medical Director, or the General Counsel) for the office concerned if the facts warrant. Prior to the submission of the folder or folders to the Committee on Waivers and Forfeitures for consideration of what is thought to be false or fraudulent evidence, payments shall be suspended as of the date of last payment, pending final action by that committee. Where the question is one of possible guilt of one of the offenses mentioned in section 4, Public Law 144, 78th Congress, payments in an active case shall not be suspended prior to a declaration of forfeiture.

(b) In view of the drastic nature of the provisions for forfeiture prescribed by section 504, World War Veterans' Act, 1924, as amended; by section 15, Public Law 2, 73d Congress; by section 9, Public Law 304, 75th Congress; by section 1500, Public Law 346, 78th Congress; by section 270, Public Law 550, 82d Congress; by section 510, Public Law 634, 84th Congress, and by section 501 (n), Public Law 881, 84th Congress, it is the duty of the Veterans Administration to apply them only in those cases wherein it is established beyond a reasonable doubt that fraud has been committed. In submitting cases for consideration as to forfeiture, it shall be the duty of the official designated in § 5.5 or paragraph (a) of this section to specify the nature of the fraud charged or suspected and to point out the documentary evidence upon which the charge is based. While the adequacy of evidence is in any case for the final determination of the Committee on Waivers and Forfeitures, cases should not be submitted on issues that are trivial or that do not fall within the purview of the statutory forfeiture provisions, or where the evidence is clearly insufficient to support the charge, or the file fails to show that the person charged has been afforded opportunity, when possible, for explanation or defense. In connection with the foregoing, it is to be borne in mind that the statutes relating to fraud are without retroactive application. The first statute prescribing forfeiture of rights as penalty for fraudulent claims was the act of August 9, 1921, which amended the War Risk Insurance Act.

9. Section 5.9 is revised to read as follows:

§ 5.9 *Decisions and actions pursuant thereto.* (a) When it is determined that a forfeiture is in order, the Committee on Waivers and Forfeitures shall render a decision to that effect. In cases involving section 4, Public Law 144, 78th Congress, a declaration of forfeiture must be approved by the Director, Compensation and Pension Service, and by the General Counsel. The decision shall be final unless appeal therefrom to the Administrator of Veterans' Affairs is made in accordance with existing appeals regulations and procedure. In any case where there has been a forfeiture of rights, the claims folder and the R & E folder shall be retained in the Veterans Benefits Office, District of Columbia, during the lifetime of the person whose rights are forfeited, except that in the event entitlement to Veterans Administration benefits is claimed on the basis of service in the Armed Forces subsequent to the commission of the offense on which forfeiture determination was based, veterans records will, upon request, be permanently transferred to the regional office of jurisdiction. It is the duty of the division having jurisdiction over the benefits affected by the forfeiture to discontinue payments by stop-payment notice as of the proper definite date, i. e., the date of the commission of the offense, or in section 4, Public Law 144, 78th Congress cases, the date of the decision of forfeiture, or where appropriate, date of last payment.

(b) When it is determined by the Committee on Waivers and Forfeitures that the evidence presented is insufficient to justify a forfeiture of rights, said committee shall render a decision to that effect, which decision shall be final, subject to an administrative appeal by the director of a service or the General Counsel. Any such appeal must be filed within 1 year from the date of the decision of the Committee on Waivers and Forfeitures.

10. In § 5.10, the headnote and paragraphs (a), that portion of (b) preceding subparagraph (1), (c) and (e) are amended to read as follows:

§ 5.10 *Committee on Waivers and Forfeitures.* (a) The committee is established in central office under a chairman and section chairmen. The chairman is responsible to the Director, Compensation and Pension Service.

(b) The committee has original jurisdiction to consider:

• • • • •

(c) The chairman of the committee is authorized by the Administrator to certify waivers of recovery of overpayments or of collection of indebtedness specified in § 5.0 (a), (b), (c), and (d). The section chairmen are authorized to perform this function in the absence of the chairman, or when directed by him.

• • • • • •

(e) Three members of the committee, including the chairman or a section chairman, must concur in a forfeiture decision. These three members will be the same group to whom a case was assigned for consideration, hearing and decision. In case of nonconcurrence by any one member, the case will be assigned to the entire committee for majority decision after full and impartial consideration. A decision shall, in other than section 4, Public Law 144, 78th Congress, cases, be final. In the excepted cases, a declaration of forfeiture shall be subject to the approval or disapproval of the Director, Compensation and Pension Service, and the General Counsel. Except as to the determinations specified in § 5.13 (b), all declarations of forfeiture shall be subject to an appeal to the Board of Veterans Appeals in accordance with existing appeals regulations and procedure. The committee shall render a final decision on any request for an administrative review of a determination that an educational institution or training establishment is liable under section 7, Public Law 610, 81st Congress, section 266, Public Law 550, 82d Congress, or section 506, Public Law 634, 84th Congress, for an overpayment of subsistence allowance, educational and training allowance, or educational assistance allowance; and any such decision shall be valid if it is concurred in and

signed by any two members of the specially constituted review section that is designated in § 5.13 (b).

11. In § 5.11 paragraph (a) is amended to read as follows:

§ 5.11 *Committees on Waivers in field offices.* (a) In each district office and regional office there is established a field Committee on Waivers, consisting of three members designated from among the employees of that field office, whose service on the committee is in addition to their regular duties. In the Veterans Benefits Office, District of Columbia, there are established two field Committees on Waivers, of three members each, whose service on the committee is in addition to their regular duties as employees of the Veterans Benefits Office. No authorized certifying officer of the finance activity shall serve as a member of any of these committees. The Manager of the field office shall designate the members of the committee. In regional offices, the committee shall function directly under, and be administratively responsible to, the adjudication officer, in district offices, the committee shall function directly under, and be administratively responsible to, the Director, Claims Service. In the Veterans Benefits Office, District of Columbia, the two committees shall function directly under, and be administratively responsible to, the Chief, Veterans Claims Division, and the Chief, Dependents Claims Division, respectively. If the Manager of the field office considers that a larger committee is necessary because of unusual conditions, he may appoint additional members for the period during which such conditions prevail, but the membership of the committee shall not exceed seven. Questions of the jurisdiction of the committee and the assignment of cases to its members shall be determined by the chairman. The Manager of the field office shall report to the Chairman, Committee on Waivers and Forfeitures, the name of each person designated as a member of the Committee on Waivers and the name of each person appointed as chairman or section chairman.

12. Section 5.12 is revised to read as follows:

§ 5.12 *Jurisdiction of committees in field offices.* (a) Where the amount involved is not more than $800 and the case is properly before the committee under applicable Veterans Administration regulations and administrative issues, the field Committee on Waivers has authority to render a decision on an overpayment or other indebtedness. Such decision is final, subject however, to the right of the committee to reverse or modify its own decisions upon the receipt of new and material evidence or upon a showing of clear and unmistakable error; and subject further to the administrative review jurisdiction of the Committee on Waivers and Forfeitures when a request for administrative review is duly filed and except as to determinations under paragraph (c) of this section to an appeal to the Board of Veterans Appeals by a veteran or his dependent, or one so claiming, pursuant to established appeal procedure. No Committee on Waivers is authorized to reverse or modify a decision rendered by a Committee on Waivers of another field office or by the Committee on Waivers and Forfeitures.

(b) Except as to the cases referred to in paragraph (c) of this section, where the amount of the overpayment or other indebtedness is more than $800, it shall be referred by the Committee on Waivers to the Committee on Waivers and Forfeitures, without rendering a decision, but such Committee on Waivers shall furnish a brief setting forth a complete statement of facts and its recommendations as to the decision, with reasons supporting the recommendations.

(c) Determinations as to the liability of educational institutions or training establishments under section 7, Public Law 610, 81st Congress, section 266, Public Law 550, 82d Congress, or section 506, Public Law 634, 84th Congress, shall be made by the field Committees on Waivers where the question has been properly submitted regardless of whether the amount of the overpayment is more than $800, but where the amount is more than $2,500 there must be an administrative review as prescribed by §§ 21.113 and 21.2304 of this chapter.

13. In § 5.13, the introductory paragraph and paragraphs (a), (b), (b) (1), (b) (1) (iv), and (b) (2) are amended to read as follows:

§ 5.13 *Administrative reviews.* The Committee on Waivers and Forfeitures has authority to make administrative reviews of decisions of Committees on Waivers.

(a) Except as provided in paragraph (b) of this section, a request for an administrative review of a decision of a Committee on Waivers may be made by (1) the claimant, his guardian, his agent duly authorized over the claimant's signature, or (2) on the part of the Veterans Administration, by the Manager of the field office. The request must be in writing and, unless the committee extends the time, shall be presented within 60 days from receipt of notice of the field committee's action. An additional period of 30 days may be granted when, in the committee's judgment, exceptional circumstances justify. The committee may make an administrative review, on its own motion, of any decision of a field Committee on Waivers. A decision rendered upon administrative review by the Committee on Waivers and Forfeiture shall be subject to the right of any chief director or service director concerned or the General Counsel to appeal to the Administrator of Veterans' Affairs within 1 year from the date thereof with decisions to be made by the Board of Veterans Appeals.

(b) The Committee on Waivers and Forfeitures has authority to act for the Administrator of Veterans' Affairs in making administrative reviews of determinations by a Committee on Waivers that an educational institution or training establishment is, or is not, liable under section 7, Public Law 610, 81st Congress, as limited by Public Law 149, 83d Congress, section 266, Public Law 550, 82d Congress, or section 506, Public Law 634, 84th Congress, for an overpayment to a veteran or to a dependent of a veteran.

(1) There is established in the Committee on Waivers and Forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the Chairman, Committee on Waivers and Forfeitures, one by the Director, Vocational Rehabilitation and Education Service, and one by the General Counsel. This section will function under the jurisdiction of the Chairman of the Committee on Waivers and Forfeitures who will preside over the meetings of said section or will designate one member to preside in his stead to be known as a section chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted herein will have jurisdiction to conduct administrative reviews of decisions of the field Committee on Waivers in: • • •

(iv) Any case in which the Committee on Waivers and Forfeitures determines on its own motion that an administrative review is warranted.

• • • • •

(2) The review section will notify the Veterans Administration field office of original jurisdiction and the school or training establishment of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the field Committee on Waivers in any case where the review section of the Committee on Waivers and Forfeitures reverses a finding made by the field committee that the school or training establishment was liable.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 28, 504, 43 Stat. 615, 629, as amended, sec. 4, 46 Stat. 529, as amended, secs. 11, 15, 48 Stat. 10, 11, sec. 9, 50 Stat, 662, sec. 1, 53 Stat. 1252, secs. 1, 609, 54 Stat. 1193, 1013, secs. 1, 4, 57 Stat. 554, 555, sec. 1500, 58 Stat. 300, sec. 1, 60 Stat. 908, sec. 9, 65 Stat. 35, Vet. Reg. 1 (a), Part VIII, as amended, secs. 270, 271, 66 Stat. 681, 67 Stat. 192; secs. 510, 511, 70 Stat. 422, secs. 209, 501, 70 Stat. 857; 38 U. S. C. 33, 36, 453, 507a, 510, 555, 697, 715, 717 note, 727, 728, 739, 809, 858, 980, 981, ch. 12A)

This regulation is effective November 9, 1956.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 56-9241; Filed, Nov. 8, 1956; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1355]

[Nevada 016774]

NEVADA

RESERVING LANDS WITHIN NEVADA NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE AND RECREATIONAL AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Nevada National Forest in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreational areas as indicated.

MOUNT DIABLO MERIDIAN

Kyle Canyon Ranger Station Administrative Site:
T. 19 S., R. 57 E.,
Sec. 32, N½ lot 3 and N½ lot 4.
The areas described aggregate 44.98 acres.
Dog Springs Administrative Site:
T. 17 N., R. 69 E., unsurveyed,
Sec. 32, NE¼NE¼.
The area described contains 40 acres.
Snake Creek Pasture Administrative Site:
T. 12 N., R. 69 E., unsurveyed,
Sec. 8, NE¼NE¼NW¼NW¼.
The area described contains 2.5 acres.
Baker Creek Administrative Site:
T. 13 N., R. 69 E.,
Sec. 14, SE¼SE¼, unsurveyed.
The area described contains 40 acres.
Murphy Wash Pasture Administrative Site:
T. 11 N., R. 68 E.,
Sec. 25, SE¼SE¼NW¼NW¼, unsurveyed.
The area described contains 2.5 acres.
Cedar Cabin Pasture Administrative Site:
T. 11 N., R. 69 E., unsurveyed,
Sec. 28, NW¼NE¼NE¼NE¼.
The area described contains 2.5 acres.
Berry Creek Administrative Site:
T. 17 N., R. 65 E., part surveyed.
Sec. 4, SW¼SW¼SW¼;
Sec. 5, SE¼SE¼;
Sec. 9, NW¼NW¼NW¼.
The areas described aggregate 60 acres.
Cave Creek Pasture Administrative Site:
T. 15 N., R. 65 E.,
Sec. 10, N½SE¼NW¼.
The area described contains 20 acres.
North Creek Pasture Administrative Site:
T. 19 N., R. 65 E.,
Sec. 4, S½SW¼SE¼, unsurveyed.
The area described contains 20 acres.
Ellison Ranger Station Administrative Site:
T. 14 N., R. 59 E.,
Sec. 28, W½SW¼SW¼SE¼.
The area described contains 5 acres.
Camp Bonanza Boy Scout Recreation Area:
T. 18 S., R. 55 E.,
Sec. 13, S½SE¼;
Sec. 24, N½NE¼.
The areas described aggregate 160 acres.
Lee Canyon Recreation Area:
T. 19 S., R. 56 E.,
Sec. 2, lot 7;
Sec. 3, lot 9 and SW¼SE¼;
Sec. 10, lots 1 and 2;
Sec. 15, lots 1, 2, and Tract 57.
The areas described aggregate 203.6 acres.
Deer Creek Recreation Area:
T. 19 S., R. 57 E.,
Sec. 7, S½ lot 8, lot 9, SE¼ lot 10, and N½ lot 11;
Sec. 8, SW¼ lot 5, NW¼ lot 12, W½ lot 9, lots 10 and 15.
The areas described aggregate 196.09 acres.
Kyle Canyon Recreation Area:
T. 19 S., R. 57 E.,
Sec. 29, S½SE¼, S½N½SE¼, E½SE¼SW¼, and SE¼NE¼SW¼;
Sec. 32, N½ lot 1 and N½ lot 2.
The areas described aggregate 195.07 acres.
Kyle Canyon Campground Recreation Area:
T. 19 S., R. 56 E.,
Sec. 36, lots 1, 4, SW¼NE¼NE¼, SW¼NE¼, NE¼SW¼NW¼, and SE¼NW¼.
T. 19 S., R. 57 E.,
Sec. 31, W½ lot 7, lots 8, 9, 11, and 12.
The areas described aggregate 353.17 acres.
Lehman Creek Recreation Area:
T. 13 N., R. 69 E.,
Sec. 8, E½SE¼NW¼ and W½SW¼NE¼, unsurveyed.
The areas described aggregate 40 acres.
Sagehen Recreation Area:
T. 16 N., R. 64 E., part surveyed;
Sec. 1, S½SW¼SE¼;
Sec. 12, N½NW¼NE¼.
The areas described aggregate 40 acres.
Ward Mountain Recreation Area:
T. 16 N., R. 62 E.,
Sec. 35, SE¼NW¼NW¼, SE¼NE¼NW¼, NW¼SE¼NW¼, and NE¼SW¼NW¼.
The areas described aggregate 40 acres.
Duck Creek Recreation Area:
T. 16 N., R. 65 E.,
Sec. 17, SW¼NE¼ and the unpatented portion of SE¼NW¼.
The areas described aggregate approximately 50 acres.
Cleve Creek Recreation Area:
T. 16 N., R. 66 E.,
Sec. 28, E½NW¼SW¼, S½NE¼SW¼, and N½SE¼SW¼, unsurveyed.
The areas described aggregate 60 acres.
Bird Creek Recreation Area:
T. 18 N., R. 65 E., part surveyed;
Sec. 3, W½NE¼, N½NW¼, and N½SE¼NW¼;
Sec. 4, NE¼NE¼NE¼.
T. 19 N., R. 65 E., part surveyed;
Sec. 33, SE¼SE¼SE¼;
Sec. 34, S½S½SW¼.
The areas described aggregate 240 acres.
Berry Creek Recreation Area:
T. 17 N., R. 65 E., part surveyed;
Sec. 10, S½S½SE¼;
Sec. 15, W½NE¼NE¼, NW¼NE¼, E½SW¼NW¼, and W½SE¼NE¼.
The areas described aggregate 140 acres.
Timber Creek Recreation Area:
T. 18 N., R. 65 E., part surveyed;
Sec. 26, S½NW¼ and S½SW¼NE¼.
The areas described aggregate 100 acres.
East Creek Recreation Area:
T. 19 N., R. 65 E.,
Sec. 22, S½NW¼SW¼, S½NE¼SW¼, N½SE¼, N½N½SW¼SW¼SW¼, and N½N½NW¼SE¼SW¼, unsurveyed.
The areas described aggregate 135 acres.
Kalamazoo Recreation Area No. 1:
T. 20 N., R. 66 E.,
Sec. 29, S½SW¼SE¼ and SW¼SE¼SE¼;
Sec. 32, N½NE¼NW¼NE¼ and N½NW¼NE¼NE¼.
The areas described aggregate 40 acres.
Kalamazoo Recreation Area No. 2:
T. 20 N., R. 66 E.,
Sec. 30, S½S½NE¼SW¼, S½S½NW¼SE¼, N½SE¼SW¼, and N½SW¼SE¼.
The areas described aggregate 60 acres.
Boy Scout Organization Camp Recreation Area:
T. 16 N., R. 65 E.,
Sec. 7, lot 4 and SE¼SW¼;
Sec. 18, lot 1 and NE¼NW¼.
The areas described aggregate 116.39 acres.
Ward Mountain Winter Sports Recreation Area:
T. 15 N., R. 63 E.,
Sec. 6, lots 2, 3, 4, 5, SW¼NE¼, and SE¼NW¼.
T. 16 N., R. 63 E.,
Sec. 31, SW¼SE¼SE¼ and SE¼SW¼SE¼.
The areas described aggregate 279.64 acres.
White River Recreation Area No. 1:
T. 12 N., R. 59 E., unsurveyed;
Sec. 1, SW¼NW¼NW¼ and N½NW¼SW¼NW¼;
Sec. 2, SE¼NE¼NE¼ and N½NE¼SE¼NW¼.
The areas described aggregate 30 acres.
White River Recreation Area No. 2:
T. 13 N., R. 59 E.,
Sec. 34, W½NE¼SE¼SW¼ and E½NW¼SE¼SW¼.
The areas described aggregate 10 acres.
White River Recreation Area No. 3:
T. 13 N., R. 59 E.,
Sec. 33, S½NW¼NW¼SE¼ and N½SW¼NW¼SE¼.
The areas described aggregate 10 acres.
Currant Creek Recreation Area:
T. 11 N., R. 59 E.,
Sec. 16, SW¼SW¼NW¼NW¼ and W½NW¼SW¼NW¼;
Sec. 17, NE¼SE¼NE¼.
The areas described aggregate 17.5 acres.

This order shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

NOVEMBER 5, 1956.

[F. R. Doc. 56-9159; Filed, Nov. 8, 1956; 8:45 a. m.]

[Public Land Order 1356]

[Washington 0911]

WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH CHIEF JOSEPH DAM PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Washington are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the Chief Joseph Dam Project, under the supervision of the Department of the Army as authorized by the Rivers and Harbors Act of July 24, 1946 (60 Stat. 634): *Provided*, That the lands may be used for grazing purposes under the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315 et seq.), at such times and in such manner as may be agreed upon by the Secretary of the Army and the Secretary of the Interior:

WILLAMETTE MERIDIAN

T. 29 N., R. 26 E.,
Sec. 3, Lots 3, 4, and 5.
T. 30 N., R. 26 E.,
Sec. 24, Lot 6;
Sec. 25, Lots 3 and 4;
Sec. 34, Lot 4;
Sec. 35, Lots 4, 5, 6 and 7.

T. 30 N., R. 27 E.,
Sec. 19, Lot 7;
Sec. 20, Lot 5;
Sec. 27, Lot 4;
Sec. 28, Lots 2, 3, 4, 5 and 6;
Sec. 29, Lots 1 and 2;
Sec. 34, Lots 3, 4, 5 and 6;
Sec. 35, Lot 5.
T. 30 N., 28 E.,
Sec. 9, Lot 2;
Sec. 13, Lot 2;
Sec. 14, Lots 1, 2, 3, and NW¼SE¼;
Sec. 17, Lots 1 and 2;
Sec. 20, Lots 1, 2, 3, and 4;
Sec. 21, NW¼NW¼;
Sec. 29, Lots 1, 2, 3 and 4;
Sec. 31, Lots 7, 8 and 9;
Sec. 32, Lots 1, 2 and 3.
T. 30 N., R. 29 E.,
Sec. 7, Lots 7 and 9.
T. 31 N., R. 30 E.,
Sec. 31, Lot 7.

The areas described aggregate 1,816.54 acres.

The reservation made by this order shall be subject to existing withdrawals for power purposes so far as they affect any of the lands.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

NOVEMBER 5, 1956.

[F. R. Doc. 56-9160; Filed, Nov. 8, 1956; 8:45 a. m.]

[Public Land Order 1357]

SOUTH DAKOTA AND WYOMING

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas as indicated:

SOUTH DAKOTA

Montana 021270 (S. D.)

BLACK HILLS PRINCIPAL MERIDIAN

Black Hills National Forest

Spring Creek Recreation Area:
T. 2 S., R. 4 E.,
Sec. 17, SW¼SW¼ and S½S½SE¼;
Sec. 20, N½N½;
Sec. 21, S½NW¼NW¼ and N½SW¼NW¼.
The areas described aggregate 280 acres.

WYOMING

Wyoming 035477

SIXTH PRINCIPAL MERIDIAN

Teton National Forest

Huckleberry Mountain Administrative Site:
T. 48 N., R. 114 W.,
Sec. 31, NW¼NW¼.
T. 48 N., R. 115 W.,
Sec. 36, NE¼NE¼.
The areas described aggregate 80 acres.

Munger Mountain Administrative Site:
T. 39 N., R. 116 W.,
Sec. 17, E½SE¼.
The area described contains 80 acres.
Bryan Flat Game Enclosure Administrative Site:
T. 39 N., R. 115 W.,
Sec. 33, E½SW¼ and NW¼SW¼.
The areas described aggregate 120 acres.
Four Mile Meadows Recreation Area:
T. 45 N., R. 112 W.,
Sec. 35, E½NW¼ and W½NE¼.
The areas described aggregate 160 acres.
Crystal Creek Recreation Area:
T. 42 N., R. 113 W.,
Sec. 8, S½SE¼.
The area described contains 80 acres.
Jack Pine Recreation Area:
T. 39 N., R. 113 W.,
Sec. 20, W½SE¼ and E½SW¼.
The areas described aggregate 160 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

NOVEMBER 5, 1956.

[F. R. Doc. 56-9161; Filed, Nov. 8, 1956; 8:46 a. m.]

[Public Land Order 1358]

IDAHO

RESERVING LANDS WITHIN PAYETTE NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND PUBLIC SERVICE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Payette National Forest in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative and public service sites as indicated:

[Idaho 05154]

BOISE MERIDIAN

Mountain Sheep Administrative Site:
T. 23 N. R 8 E., unsurveyed,
Sec. 7, NE¼NE¼, NW¼NE¼, E½SW¼NE¼, SE¼NE¼, N½NE¼SE¼, and the unpatented portions of NW¼SW¼NE¼, NE¼NW¼SE¼.
The areas described aggregate approximately 180 acres.
Cougar Basin Administrative Site:
T. 20 N., R. 10 E., unsurveyed,
Sec. 19, SE¼SE¼.
The area described contains 40 acres.
Chamberlain Basin Administrative Site:
T. 24 N., R. 10 E., unsurveyed,
Sec. 23, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 24, SW¼NE¼, NW¼NW¼, S½NW¼, N½S½, SW¼SW¼, the unpatented portions of N½NE¼, SE¼NE¼, NE¼NW¼, the unwithdrawn portions of the SE¼SW¼, S½SE¼;
Sec. 25, NW¼NW¼, the unpatented and unwithdrawn portions of the N½NE¼, NE¼NW¼;
Sec. 26, N½N½.
The areas described aggregate approximately 840 acres.

[Idaho 05883]

Red Top Meadow Public Service Site:
T. 23 N., R. 9 E., unsurveyed,
Sec. 1, SE¼SE¼;
Sec. 12, N½NE¼.
The areas described aggregate 120 acres.
Moose Meadows Public Service Site:
T. 23 N., R. 11 E., unsurveyed,
Sec. 28, NW¼.
The area described contains 160 acres.
Dillinger Meadow Public Service Site:
T. 25 N., R. 10 E., unsurveyed,
Sec. 24, SW¼.
The area described contains 160 acres.
Meadow of Doubt Public Service Site:
T. 24 N., R. 11 E., unsurveyed,
Sec. 6, N½NW¼.
The area described contains 80 acres.
Whitebird Meadow Public Service Site:
T. 25 N., R. 10 E., unsurveyed,
Sec. 11, SE¼SE¼.
The area described contains 40 acres.
Cottonwood Lower Meadow Public Service Site:
T. 23 N., R. 13 E., unsurveyed,
Sec. 28, N½NW¼, N½NE¼.
The areas described aggregate 160 acres.
Cottonwood Middle Meadow Public Service Site:
T. 23 N., R. 13 E., unsurveyed,
Sec. 31, SE¼SE¼;
Sec. 32, W½SW¼.
The areas described aggregate 120 acres.
Coyote Spring Public Service Site:
T. 22 N., R. 13 E., unsurveyed,
Sec. 22, NW¼NE¼, NE¼NW¼.
The areas described aggregate 80 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

NOVEMBER 5, 1956.

[F. R. Doc. 56-9162; Filed, Nov. 8, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

CHARGES; FORT HALL IRRIGATION PROJECT, FORT HALL INDIAN RESERVATION, IDAHO

OPERATION AND MAINTENANCE CHARGES

NOVEMBER 2, 1956.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U. S. C. 1001), and pursuant to the acts of August 11, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon, by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F. R. 3456-3457), a notice is hereby given of intention to modify § 130.32 *Charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited by the irrigation systems on the Fort Hall Irrigation Project, Fort Hall Indian Reservation, Idaho, as follows:

To establish a basic water charge for the Minor Units, Fort Hall Project, of $1.25 per acre per annum. The basic water charge for the Fort Hall Unit is to remain at $3.25 per acre per annum.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PERRY SKARRA,
Acting Area Director.

[F. R. Doc. 56-9229; Filed, Nov. 8, 1956; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 937]

[Docket No. AO-289]

MILK IN BATTLE CREEK-KALAMAZOO, MICH., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF MILK IN THE BATTLE CREEK-KALAMAZOO, MICHIGAN, MARKETING AREA

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the opening of a public hearing to be held in Room 401, Kalamazoo County Court House, Corner Ross Street and Michigan Avenue, Kalamazoo, Michigan, beginning at 10:00 a. m., e. s. t., on November 26, 1956. The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Battle Creek-Kalamazoo, Michigan, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in such marketing area.

The hearing on the proposed marketing agreement and proposed order is to determine whether, (1) the handling of milk in the area proposed to be regulated is in the current of interstate commerce or directly burdens, obstructs, or effects interstate commerce, (2) the issuance of a marketing agreement or order regulating the handling of milk in the area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. The proposals set forth below have not received the approval of the Secretary of Agriculture and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Proposal No. 1: The following marketing agreement and order has been proposed by Kalamazoo Milk Producers Cooperative, Inc., and the Michigan Milk Producers' Association:

DEFINITIONS

§ 937.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 937.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 937.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 937.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 937.5 *Battle Creek-Kalamazoo, Michigan, marketing area.* "Battle Creek-Kalamazoo, Michigan, marketing area" means Gun Plain and Otsego Townships in Alegan County; all of Kalamazoo County; all of Calhoun County; Sherwood and Union Townships in Branch County; Bellevue and Kalamo Townships in Eaton County; Assyria, Baltimore and Johnstown Townships in Barry County; and Lockport Township in St. Joseph County, and all incorporated municipalities within the above defined area.

§ 937.6 *Pool plant.* "Pool plant" means a plant (except one which is exempted pursuant to § 937.101) from which either (a) 20 percent or more of the total milk received at such plant during the month is disposed of in the marketing area as Class I other than to another pool plant: *Provided*, That the total quantity distributed on all routes operated inside or outside the marketing area is equal to 50 percent or more of producer receipts, or (b) 20 percent or more of the total milk received from dairy farmers at such plant during the month is moved to a pool plant(s) as described in paragraph (a) of this section.

§ 937.7 *Handler.* "Handler" means:
(a) A person who operates a pool plant or a plant in which milk is pasteurized or packaged and from which Class I milk is disposed of in the marketing area.
(b) A cooperative association with respect to milk customarily received by a handler as described under paragraph (a) of this section, which is diverted to a non-handler for the account of the association.

§ 937.8 *Producer.* "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, or to any other plant by diversion from a pool plant for the account of a handler.

§ 937.9 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 937.10 *Other source milk.* "Other source milk" means all skim milk and butterfat in any form received at a handler's plant other than from producers or from a pool plant.

§ 937.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which the Secretary determines:
(a) Is qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";
(b) Has full authority in the sale of milk of its members; and
(c) Is engaged in making collective sales on marketing milk or its products for its members.

§ 937.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 937.70.

§ 937.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1957.

§ 937.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

MARKET ADMINISTRATOR

§ 937.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 937.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:
(a) To administer its terms and provisions;
(b) To receive, investigate, and report to the Secretary complaints of violation;
(c) To make rules and regulations to effectuate its terms and provisions; and
(d) To recommend amendments to the Secretary.

§ 937.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:
(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
(c) Obtain a bond in a reasonable amount and with reasonable surety

thereon covering each emyployee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 937.85:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 937.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 937.30 and 937.31 or (2) payments to §§ 937.80 and 937.83;

(g) Calculate a base for each producer in accordance with § 937.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records, to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th working day of each month, the minimum class prices for the preceding month computed pursuant to §§ 937.51 and 937.52, and the handler butterfat differential computed pursuant to § 937.53, and

(2) On or before the 11th day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 937.63, 937.64, and 937.65, and the producer butterfat differential computed pursuant to § 937.81.

REPORTS, RECORDS AND FACILITIES

§ 937.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler who operates a pool plant shall report to the market administrator, for the preceding month, in the detail and on forms prescribed by the market administrator, the receipts at his pool plant from each of the following sources and the quantities of butterfat and skim milk contained in such receipts; the utilization of such receipts; and such other information with respect to such receipts and utilization as the market administrator may prescribe;

(a) All producer milk received, including diverted producer milk;

(b) All skim milk and butterfat in any form received from each other handler; and

(c) All other source milk received except any nonfluid milk product which is disposed of in the same form as received.

§ 937.31 *Other reports.* (a) Each producer-handler and each handler who does not operate a pool plant shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer, or to a cooperative association;

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 937.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 937.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 937.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant (a) in milk from producers or from a cooperative association, (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 937.30, shall be classified (separately as skim milk and butterfat), in the classes set forth in § 937.41.

§ 937.41 *Classes of utilization.* Subject to the conditions set forth in §§ 937.42 and 937.43 the classes of utilization shall be as follows:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, half and half, sweet or sour cream, eggnog, and (2) not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat, (1) used to produce ice cream, ice cream mix, or cottage cheese, whole or skimmed condensed or evaporated milk (sweetened or unsweetened) in bulk or in hermetically sealed cans, cheese, dried whole milk, nonfat dry milk solids, or butter; (2) in actual shrinkage of skim milk and butterfat in milk received from producers, but not to exceed 2 percent of such receipts; (3) in actual shrinkage in other source milk; and (4) in skim milk authorized by the market administrator to be dumped or accounted for as disposed of as livestock feed.

§ 937.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and in other source milk.

(b) Shrinkage on producer milk shall be computed on that quantity of milk received directly from producers. Shrinkage shall be computed on diverted producer milk at the plant receiving such milk.

§ 937.43 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to another pool plant in the form of milk, skim milk or cream shall be Class I utilization unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 937.30: *Provided,* That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant of the transferee handler after allocating other source milk in such plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a handler described in § 937.101 or to a plant not a pool plant shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the operator of the pool plant in his report submitted pursuant to § 937.30.

(2) The operator of such nonpool plant in the month of such movement had actually used an equivalent amount of skim milk and butterfat in Class II or moved such amount to another nonpool plant which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of such Class II utilization.

§ 937.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 937.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II utilization for each handler.

§ 937.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class I utilization, the pounds of butterfat shrinkage allowed pursuant to § 937.41 (b) (2);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the pounds of butterfat remaining in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 937.43 (a);

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(e) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest priced utilization.

§ 937.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 937.46.

MINIMUM PRICES

§ 937.50 *Basic formula price.* The basic formula price to be used in determining the price for hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.:

Present Operator and Location

Borden Company, Mt. Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraph (1) and (2) of this paragraph;

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A. deduct 5.5 cents and then multiply by 8.2.

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Carnation Milk Co., Sparta, Mich.
Pet Milk Company, Wayland, Mich.
M & R Dietetics Co., Sturgis, Mich.

§ 937.51 *Class I milk price.* (a) The minimum price per hundredweight to be paid by each handler f. o. b. his pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall be the basic formula price plus $1.35 in the months of January, February, March and July; $1.25 in April; $1.20 in May and June; $1.50 in August; $1.60 in September; $1.65 in October and November, and $1.55 in December.

§ 937.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler f. o. b. his pool plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization shall be the price per hundredweight computed pursuant to § 937.50 (c).

§ 937.53 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent there shall be added to the prices of milk for each class as computed pursuant to §§ 937.51 and 937.52, for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the producer butterfat differential, determined pursuant to § 937.81.

DETERMINATION OF UNIFORM PRICE

§ 937.60 *Handler operating a plant which is not a pool plant.* Each handler who operates a plant which is not a pool plant during the month shall pay to the market administrator for the producer equalization fund, on or before the 25th day after the end of such month any amount resulting from the following computation:

(a) Compute an amount equal to the net pool obligation which would be computed pursuant to § 937.61 for milk received from dairy farmers at such plant for such month if such handler operated a pool plant;

(b) Deduct the gross payments, inclusive of any premiums but exclusive of deductions, made by the handler to dairy farmers for milk received at such plant during such month;

(c) Divide the remainder, if any, by the number of hundredweights of milk received from dairy farmers and utilized for Class I purposes: *Provided,* That in no event shall the resulting amount per hundredweight exceed the difference between the Class I and Class II prices; and

(d) Multiply the amount per hundredweight determined pursuant to paragraph (c) of this section by the number of hundredweights of Class I milk disposed of from such plant in the marketing area.

§ 937.61 *Computation of value of producer milk for each handler.* The value of producer milk received during the month by each handler who operates a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable class price (including that provided in § 937.102), adjusted pursuant to § 937.53, the total combined hundredweight of skim milk and butterfat received from producers allocated to each class pursuant to §§ 937.46 and 937.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources add an amount computed by multiplying any such excess utilization classified pursuant to § 937.46 (e) and § 937.47 by the applicable class prices.

§ 937.62 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 937.61, adjusted by any charges or credits pursuant to § 937.90 (a) and (b).

(b) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is more than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 937.81 multiplied by 10.

(c) Adding not less than one-half of the unobligated balance in the producer equalization.

§ 937.63 *Uniform price.* For each month the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 937.62 by the hundredweight of milk received from producers represented by the values included in § 937.62 (a); and

(b) Subtracting not less than 6 cents or more than 7 cents.

§ 937.64 *Excess milk price.* For each month the excess milk price shall be the

producer-handler and each handler who

half, sweet or sour cream, eggnog, and

and butterfat in each class. For each

price of Class II utilization determined pursuant to § 937.52, rounded off to the nearest full cent.

§ 937.65 *Computation of the base milk price.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 937.70 (b) by the excess milk price for the month:

(b) Multiply the total amount of milk to be paid for at the uniform price by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 937.62.

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 937.70 (b); and

(e) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants described in § 937.6.

§ 937.66 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 937.80, 937.83, 937.85, 937.86, and 937.90.

BASE RULES

§ 937.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1, through December 31, inclusive, shall have a base computed by the market administrator to be applicable, subject to paragraph (c) of this section, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such period: *Provided,* That a producer who had a base previous to August 1, and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base by reason of having delivered less than 3 full months shall be paid, until such time as he has been a producer 3 full months, the uniform price in each of the months of August through December and in other months the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first 3 full months' delivery a base shall be established in the following manner: Multiply the total deliveries in the months of August through December by 0.8, in January and February by 0.75, in March by 0.7, in April and July by 0.6, and in May and June by 0.4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to paragraph (b) of this section once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

(d) From the effective date of the subpart until bases are established pursuant to this section, all milk delivered by producers shall be considered to be base milk.

§ 937.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period and upon death may be transferred to a member or members of the deceased producer's immediate family.

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the bases may be transferred as specified in writing to the market administrator.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

PAYMENT FOR MILK

§ 937.80 *Time and method of payment.* Except as provided in paragraph (b) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer: the uniform price as provided in § 937.70 (b), or the base price for base milk and for milk to be paid for at the base price pursuant to § 937.70 (b) and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 937.70 (b) adjusted by the butterfat differential pursuant to § 937.81: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 937.84 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the Association, each handler shall pay to the cooperative association on or before the 15th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members less amounts owing by each member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 937.81 *Producer butterfat differential.* In making payments pursuant to § 937.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential or 7 cents when the average price of butter as described in § 937.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5 cents variance in such price of butter below 64.99 cents.

§ 937.82 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 937.83 and out of which he shall make all payments pursuant to § 937.84.

§ 937.83 *Payments to the producer-equalization fund.* (a) On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 937.61 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 937.80.

(b) On or before the 25th day after the end of each month each handler who is required to make payment pursuant to § 937.60 shall pay such amount to the market administrator.

§ 937.84 *Payments out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 937.61 is less than the total minimum amount required to be paid by him pursuant to § 937.80, less any unpaid obligations of such handler to the market administrator pursuant to § 937.83: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 937.85 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 13th day after the end of each month four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of milk from producers and to other source milk which is sold in the marketing area as Class I.

§ 937.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 937.80 for milk received from each producer, at a plant not operated by a cooperative association of which such producer is a member, shall deduct seven cents per hundredweight or such amount not exceeding seven cents per hundredweight as the Secretary may prescribe, with respect to all such milk received during the month and on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such monies shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 937.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 937.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator, or;

(c) To any producer or cooperative association from such handler, the market administrator shall notify such handler promptly of any such amount due; and payment thereof shall be made on or before the next date, following the 5th day after such notice, for making payment set forth in the provision under which such error occurred.

§ 937.91 *Overdue accounts.* Any unpaid obligations of a handler or of the market administrator pursuant to §§ 937.83, 937.85, 937.86, and 937.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 937.100 *Milk caused to be delivered by cooperative associations.* Milk referred to in this subpart as received from producers by a handler shall include milk of producers caused to be delivered to such handlers by a cooperative association.

§ 937.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the delivery period on a route(s) operating wholly or partly within the marketing area.

§ 937.102 *Milk subject to other Federal orders.* Class I milk sold by a handler within the marketing area of another Federal Order shall be computed pursuant to § 937.61 at no less than the Class I price applicable in the area where sold. *Provided,* That this section shall not be effective unless there is a corresponding provision in the Federal Order regulating prices in the other area.

§ 937.103 *Producer-handler.* A producer-handler shall be exempt from all provisions of this subpart except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

TERMINATIONS OF OBLIGATIONS

§ 937.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files pursuant to section 8 (c) (15) (a) of the act, a petition claiming such money.

Proposed by Ashley Dairy Company, Battle Creek, Michigan:

Proposal No. 2: That sweet cream and sour cream be in Class II instead of Class I.

Proposal No. 3: That a processor of milk be permitted to process milk for themselves or another dairy, and the same milk sold outside the designated area, this milk not to be controlled by Federal pricing.

Proposal No. 4: No reports should be required from any dairies before the tenth of each month.

Proposal No. 5: Pricing should not vary to the farmer according to the amount of surplus on the market.

Proposed by Dutch Maid Dairy Farms, Kalamazoo, Michigan:

Proposal No. 6: That Watervliet Township in Berrien County be included in the marketing area.

Proposed by Constantine Cooperative Creamery Company:

Proposal No. 7: The marketing area for the Battle Creek-Kalamazoo, Michigan marketing area should include all of St. Joseph County, Michigan.

Proposed by Producers Creamery, Benton Harbor, Michigan:

Proposal No. 8: Make all the necessary provisions in the proposed marketing order to establish an individual handler pool in the Battle Creek-Kalamazoo, Michigan, area.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 5th day of November 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-9221; Filed, Nov. 8, 1956; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11532, etc.; FCC 56-1080]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations. (Springfield, Illinois-St. Louis, Missouri; Hartford, Connecticut-Providence, Rhode Island; Peoria, Illinois-Davenport, Iowa-Rock Island-Moline, Illinois; Norfolk-Portsmouth-Newport News, Virginia-New Bern, North Carolina; Albany-Schenectady-Troy, Vail Mills, New York; New Orleans, Louisiana-Mobile, Alabama; Charleston, South Carolina; Madison, Wisconsin; Duluth, Minnesota-Superior, Wisconsin; Miami, Florida; Evansville, Indiana; Elmira, New York; Fresno-Santa Barbara, California; Columbia, South Carolina), Docket Nos. 11532, 11747—11759, 11799.

1. On June 26, 1956, the Commission issued its Report and Order in the general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which it would consider interim channel changes to improve the immediate television situation in individual communities. As a part of this interim program rule making proceedings were instituted in the above-entitled proceedings to consider channel changes in a number of communities. The time for filing comments in these proceedings has been extended to November 15, 1956.

2. In order that the Commission might have information with which to evaluate the various assignment proposals, parties were requested to submit coverage data in accordance with procedures set out in paragraphs 38, 39 and 40 and Appendix A accompanying the above Report and Order. New propagation data available to the Commission were presented in the form of tables included in Appendix A, and the parties were requested to employ the tables in computing coverage and interference.

3. Several parties, including the Association of Federal Communications Consulting Engineers, raised problems concerning the proposed methods for computing coverage data. Accordingly, the Commission in a Public Notice adopted September 4, 1956, invited all interested parties to submit written comments with respect to this matter before September 15, 1956 (subsequently extended to October 1, 1956). The Commission has carefully considered the comments submitted.

4. The comments of the Association of Federal Communications Consulting Engineers can be summarized as follows: Any method which purports to predict the extent of television service through the use of average curves will fail when applied to many areas of the United States. Average curves of a type used as a basis for Appendix A are not suitable for estimating coverage of VHF and UHF stations in specific areas such as contemplated in the interim revision of the Table of Assignments. The departures from the average in many areas are so great, particularly in the UHF portion of the spectrum, as to lead to entirely erroneous conclusions. Where signals of comparable frequencies are available in specific areas, the best evidence will be actual measurements in the area made by an acceptable method. While questions may be raised as to the practicability of extrapolating such measurements to different antenna heights and different frequencies, it is certain that the gross terrain effects would be disclosed. Resultant predictions would provide a better estimate of comparative service in that area than would any present or proposed set of curves. However, average propagation curves for VHF are considered acceptable to serve as a technical basis for estimating interference-free coverage except in deeply shadowed areas. When using such curves, it would be desirable to take into account variations in terrain conditions among specific areas. With respect to UHF, departures from the averages may be so great in specific areas that conclusions based thereon may be substantially in error. A conservative approximation to UHF service can be made by assuming that the service area would be that area which can be "seen" from the transmitting antenna. Where optical shadow areas occur, there are recognized techniques available for estimating shadow-loss to determine whether service is to be expected. With respect to tropospheric service fields the Association has no information that the Commission's F (50, 90) curves are unrealistic when compared with the F (50, 50) values. With respect to tropospheric interference fields, F (50, 10), account should be taken of the higher levels of tropospheric propagation in certain areas of the country, particularly the Gulf Coast area. The assumed receiving antenna gains are acceptable for the conditions stated in Appendix A; however, receiving antenna discrimination for the high VHF should be modified to be consistent with values assumed for other bands. The Association believes that the new values of noise figure for VHF receivers are realistic and in accordance with the present state of the art for the best receivers of the type normally used in areas where the service fields are of the order of magnitude of the Grade B service fields arrived at from the methods of Appendix A. It is the further opinion of the Association that the new figures for UHF receivers do not represent the present state of the art for any production receivers and converters; in fact, it is felt that the old figure of 15 db is more realistic. The Association has no number to suggest as to a reasonable noise figure to be anticipated in future receivers and submits that any such figure should come from the Television Allocation Research Committee study program now being contemplated. The assumption of 1000 foot transmitting antenna heights for comparative purposes is an over-simplification. Individual cases will require separate consideration to take account of local conditions including existing facilities. Appendix A omits reference to certain interference considerations which have heretofore been reflected in television allocations. These considerations involve adjacent channel interference and certain restrictions (taboos) on UHF channel assignments. The Association believes that adjacent channel interference should be considered. In addition to the above, the Association stated that it is desirable to permit showings based upon assumptions and data other than those specified when it is believed that technical facts may be better presented thereby.

5. These and the additional comments of the AFCCE and other interested parties point up a number of the difficulties that are invariably encountered when attempts are made to over simplify considerations and concepts which are inherently and unavoidably complicated. As is implied by these comments the number and complexity of the factors that affect the final acceptance or rejection of either a UHF or VHF television signal as satisfactory or unsatisfactory may be such that a simple method or means for depicting "coverage" with any degree of realism is impossible. In many cases it may be necessary to deal with complex matters in their full complexity and not in some abbreviated manner that is meant to simplify consideration of the basic problems involved but actually serves only to obscure the really pertinent factors. The probability of erroneous conclusions under such circumstances is obvious. Although the comments of AFCCE and others point out the problems and deficiencies in the Commission's directive regarding presentation of coverage data no completely satisfactory alternative was proposed. Indeed it is suggested that there may not be any realistic short cut method. In view of this and the urgent need for prompt resolution of the questions concerning deintermixture, the Commission will accept for consideration in each of the individual cases concerned, coverage estimates based on and supported by such engineering facts, judgments and assumptions as may be logically demonstrated as pertinent. However, in addition to the foregoing, parties are requested to make a showing pursuant to the method prescribed by §§ 3.683–3.685 of the rules.

6. In view of the foregoing, paragraphs 38, 39 and 40 and Appendix A of the June 26 Report and Order are hereby withdrawn. The references to these matters contained in the individual Notices of rule making in the above-entitled proceedings are also withdrawn. Data with respect to coverage in the above-entitled proceedings should be submitted in accordance with the foregoing.

7. In view of the foregoing, the time for filing comments in the above-entitled proceedings is hereby extended to December 3, 1956, with reply comments to be filed by December 18, 1956.

Adopted: November 5, 1956.

Released: November 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION [1]
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9248; Filed, Nov. 8, 1956; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

CUSTOMS SIMPLIFICATION ACT OF 1956

REQUEST FOR COMMENT RELATING TO PUBLICATION OF PRELIMINARY LIST

NOVEMBER 2, 1956.

Section 6 (a) of the Customs Simplification Act of 1956 (Public Law 927, 84th Congress, 70 Stat. 943) provides as follows:

SEC. 6. (a) The Secretary of the Treasury shall determine and make public a list of the articles which shall be valued in accordance with section 402a, Tariff Act of 1930, as amended by this Act, as follows:

As soon as practicable after the enactment of this Act the Secretary shall make public a preliminary list of the imported articles which he shall have determined, after such investigation as he deems necessary, would have been appraised in accordance with section 402 of the Tariff Act of 1930, as amended by this Act, at average values for each article which are 95 (or less) per centum of the average values at which such article was actually appraised during the fiscal year 1954. If within sixty days after the publication of such preliminary list any manufacturer, producer, or wholesaler in the United States presents to the Secretary his reason for belief that any imported articles not specified in such list and like or similar to articles manufactured, produced, or sold at wholesale by him would have been appraised in accordance with such section 402 at average values which are 95 (or less) per centum of the average values at which they were or would have been appraised under section 402a, Tariff Act of 1930, as amended by this Act, the Secretary shall cause such investigation of the matter to be made as he deems necessary. If in the opinion of the Secretary the reason for belief is substantiated by the investigation, the articles involved shall be added to the preliminary list and such list, including any additions so made thereto, shall be published as a final list. Every article so specified in the final list which is entered, or withdrawn from warehouse, for consumption on or after the thirtieth day following the date of publication of the final list shall be appraised in accordance with the provisions of section 402a, Tariff Act of 1930, as amended by this Act.

The Treasury Department is now in the process of preparing the preliminary list of imported articles which would have been appraised in accordance with section 402 of the Tariff Act of 1930, as amended by Public Law 927, at average values for each article which are 95 (or less) per centum of the average value at which such articles imported during the fiscal year 1954 were actually appraised. In preparation of this preliminary list consideration will be given to any relevant views as to why particular imported articles should appear on this preliminary list or as to why certain imported articles should not appear on the preliminary list even though closely related imported articles may properly appear on the list. It has been concluded that, under the provisions of Public Law 927, this affords the only opportunity for interested parties to bring their views to the attention of the Treasury prior to publication of the preliminary list. These views should be submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, communications relative to the above must be received in the Bureau not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 56-9245; Filed, Nov. 8, 1956; 8:53 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE AND SECRETARIES OF MILITARY DEPARTMENTS

DELEGATION OF AUTHORITY FOR ACQUISITION OF WHERRY FAMILY HOUSING PROJECTS

Pursuant to the authority vested in the Secretary of Defense by section 202 (f) of the National Security Act of 1947, as amended, and section 5 of Reorganization Plan No. 6 of 1953, the authority conferred on the Secretary of Defense by section 404 of the Housing Amendments of 1955 (69 Stat. 652) as amended by section 512 of the Housing Act of 1956 (70 Stat. 1111) is hereby delegated as set forth below:

I. *Delegation of authority to Assistant Secretary of Defense (Properties and Installations).* The Assistant Secretary of Defense (Properties and Installations) is delegated the authority to:

1. Review, and after coordination with the Assistant Secretary of Defense (Comptroller), approve recommendations by the Secretaries of the military departments for the acquisition, by purchase, donation, condemnation, or other means of transfer under section 404 of the Housing Amendments of 1955 (69 Stat. 652) as amended by section 512 of the Housing Act of 1956 (70 Stat. 1111), of any housing (including land and related property), financed with mortgages insured under the provisions of Title VIII of the National Housing Act as in effect prior to the enactment of the Housing Amendments of 1955.

2. Issue instructions for the guidance of the military departments in taking action necessary for negotiation and acquisition of such housing.

3. It is the policy of the Department of Defense that housing acquired under the authority of section 404 of the Housing Amendments of 1955 (69 Stat. 652) as amended by section 512 of the Housing Act of 1956 (70 Stat. 111) shall be administered as public quarters. Exceptions to the application of this policy may be made with the approval of the Assistant Secretary of Defense (Properties and Installations) until such housing can be rehabilitated, altered, improved, or otherwise properly assigned as public quarters.

4. Perform such functions under section 404 of the Housing Amendments of 1955 (60 Stat. 652) as amended by section 512 of the Housing Act of 1956 (70 Stat. 1111) as are not otherwise specifically delegated to the Secretaries of the military departments; except functions to be performed by the Assistant Secretary of Defense (Comptroller) relating to establishment and administration of the working-capital fund provided for in subsections (g) and (h) of section 404 of the Housing Amendments of 1955 (69 Stat. 652) as amended by section 512 of the Housing Act of 1956 (70 Stat. 1111) and such other functions required by Title IV of the National Security Act to be performed by or under the supervision of the Assistant Secretary of Defense (Comptroller).

[1] Commissioner Lee concurring in result but would not be for extension of time; statement of Commissioner Doerfer dissenting in part, filed as part of original document.

II. *Delegation of authority to the military departments.* The Secretary of each military department, or his designee, is hereby delegated the authority to:

1. Negotiate for the acquisition of any housing (including land and related property), at or near military installations, financed with mortgages insured under the provisions of Title VIII of the National Housing Act as in effect prior to the enactment of the Housing Amendments of 1955; and, subject to the approval of the Assistant Secretary of Defense (Properties and Installations), acquire such housing by purchase, donation, condemnation, or other means of transfer.

2. Where such approved acquisition is being effected through condemnation proceedings which do not utilize the procedures under the act of February 26, 1931 (46 Stat. 1421), pay, after final judgment of the court, or agree to pay in a lump sum or, in accordance with stipulations executed by the parties to the proceedings, over a period not exceeding five years, the difference between the outstanding principal obligation, plus accrued interest, and the price for the property fixed by the court.

3. Make arrangements with the mortgagee whereby such mortgagee will agree to release and waive all requirements of accruals for reserves for replacement, taxes, and hazard insurance provided for under the corporate charter and indenture agreement with respect to such housing, and execute a written agreement that the purposes for which such reserves and other funds were accrued will be carried out.

III. *Cancellation of prior delegation of authority.* 1. The authority delegated to the Assistant Secretary of Defense (Properties and Installations) under paragraph 3, of delegation of authority published at 20 F. R. 6797, is hereby cancelled.

2. The authority designated and delegated to the Secretaries of the military departments (or their respective designees) by paragraph 12 of delegation of authority published at 20 F. R. 6798 is hereby cancelled.

REUBEN B. ROBERTSON, Jr.,
Deputy Secretary of Defense.

[F. R. Doc. 56-9158; Filed, Nov. 8, 1956; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

TREATMENT WORKS NEEDS OF STATES, MUNICIPALITIES, INTERSTATE AND INTERMUNICIPAL AGENCIES

Notice is hereby given that treatment works needs for the locations listed below are included in comprehensive programs prepared or developed pursuant to section 2 of the Federal Water Pollution Control Act (70 Stat. 498, 33 U. S. C. 466a). This list may be revised from time to time by the Surgeon General of the Public Health Service. Copies of such comprehensive programs are available for inspection at the Regional Offices of the Department of Health, Education, and Welfare.

Dated: October 19, 1956.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: November 2, 1956.

M. B. FOLSOM,
Secretary.

ALABAMA

Abbeville.
Aliceville.
Andalusia.
Arab.
Ashland.
Ashville.
Athens.
Atmore.
Attalla.
Auburn.
Bemiston.
Brantley.
Brewton.
Bridgeport.
Brundidge.
Butler.
Calera.
Camden.
Camp Hill.
Carbon Hill.
Carrollton.
Centre.
Clanton.
Clayton.
Clio.
Columbia.
Columbiana.
Cordova.
Cordova (Mill Village).
Dadeville.
Decatur.
Demopolis.
Dothan.
East Brewton.
East Tallassee.
Elba.
Enterprise.
Eufaula.
Eutaw.
Evergreen.
Fairfax.
Farley.
Fayette.
Flomaton.
Florala.
Foley.
Gadsden.
Geneva.
Georgiana.
Glencoe.
Goodwater.
Gordo.
Gorgas.
Greensboro.
Greenville.
Guin.
Guntersville.
Haleyville.
Hamilton.
Hartford.
Hartselle.
Headland.
Huntsville.
Hurtsboro.
Jackson (Clarke County).
Jefferson County.
Lafayette.
Lanett.
Langdale.
Linden.
Lister Hill.
Livingston.
Lockhart.
Luverne.
Mobile.
Monroeville.
Montevallo.

ALABAMA—Continued

Montevallo (Alabama College).
Montgomery.
Moulton.
Moundville.
Mount Vernon (Searcy Hospital).
Northport.
Northport (State Negro Colony).
Northport (State Colony for Boys).
Opp.
Parrish.
Pell City.
Phenix City.
Piedmont.
Prattville.
Prison No. 4 (Kilby).
Riverview.
Roanoke.
Robertsdale.
Samson.
Selma.
Shawmut.
Sheffield.
Siluria.
Slocomb.
Speigner (Draper State Prison).
Springville.
Sulligent.
Sycamore.
Tallassee.
Thomasville.
Thorsby.
Troy.
Troy State Teachers College.
Tuscaloosa.
Tuscaloosa (Bryce Hospital).
Tuscaloosa (Partlow School).
Tuscumbia.
Tuskegee.
Tuskegee Institute.
Union Springs.
Uniontown.
Vernon.
Wetumpka.
Wetumpka (Tutwiler Prison).
Winfield.
York.

ARIZONA

Ajo.
Avondale-Goodyear.
Bagdad.
Bullhead City.
Cameron.
Camp Verde.
Casa Grande.
Chandler.
Claypool.
Cottonwood.
Duncan.
Eagar.
El Mirage.
Fredonia.
Gila Bend.
Gilbert.
Glendale.
Globe.
Hayden.
Hilltop.
Holbrook.
Humboldt.
Joseph City.
Kingman.
Lakeside.
McNary.
Miami.
Morenci.
Parker.
Patagonia.
Payson.
Peoria.
Phoenix.
Pima.
Saint David.
Saint Johns.
Salome.
Scottsdale.
Sedona Lodge.
Seligman.
Show Low.
Sierra Vista.
Snowflake.

ARIZONA—Continued

Somerton.
Sonora-Ray.
Springerville.
Sunnyside.
Superior.
Surprise.
Tempe.
Tiger.
Tolleson.
Tombstone.
Tucson.
Warren.
Wickenburg.
Willcox.
Winslow.
Yuma.

ARKANSAS

Alexander Girls Reformatory.
Alma.
Altheimer.
Amity.
Arkansas city.
Ashdown.
Atkins.
Barling.
Bay.
Bearden.
Beebe.
Benton State Hospital.
Berryville.
Black Rock.
Bradford.
Bradley.
Cabot.
Calico Rock.
Calion.
Camden.
Caraway.
Carlisle.
Carthage.
Charleston.
Cherry Valley.
Clarendon.
Clarksville.
Clinton.
Coal Hill.
Cotter.
Cotton Plant.
Crawfordsville.
Cummins Prison Farm (State).
Danville.
Dardanelle.
Delight.
Dermott.
De Valls Bluff.
Dierks.
Dover.
Earle.
Elaine.
El Dorado.
Emerson.
England.
Fargo Girls Reformatory.
Fayetteville.
Flippin.
Fordyce.
Foreman.
Fort Chaffee.
Fort Smith.
Gentry.
Gillett.
Glenwood.
Gould.
Grady.
Greenwood (Sebastian County).
Hamburg.
Hampton.
Hardy.
Harrisburg.
Hartford.
Heber Springs.
Helena.
Holly Grove.
Horatio.
Hughes.
Humphrey.
Huntington.
Huntsville.
Huttig.
Jacksonville.

ARKANSAS—Continued

Joiner.
Jonesboro.
Judsonia.
Junction City.
Kelser.
Kensett.
Lake City.
Lake Village.
Lamar.
Lepanto.
Leslie (Searcy County).
Lewisville.
Little Rock.
Lockesburg.
Lonoke.
Luxora.
Madison.
Magazine.
Magnolia.
Mammoth Spring.
Mansfield.
Marmaduke.
Marshall.
McCrory.
McGehee.
McNeil.
Melbourne.
Mena.
Mineral Springs.
Monticello A & M College (State).
Morrilton.
Mountain Pine.
Mountain View.
Mount Ida.
Mulberry.
Murfreesboro.
Newark.
Newport.
Norphlet.
North Little Rock.
Ola.
Osceola.
Ozark.
Pangburn.
Paragould.
Paris.
Parkin.
Perryville.
Piggott.
Pine Bluff.
Pine Bluff Boys Industrial School (State).
Plainview (Yell County).
Plummerville.
Pocahontas.
Portland.
Prescott.
Rector.
Rison.
Russellville.
Salem (Fulton County).
Searcy.
Sheridan.
Sherwood.
Smackover.
Sparkman.
Springdale.
Stamps.
Star City.
Stephens.
Strong.
Stuttgart.
Sulphur Springs (Benton County).
Swifton.
Sylvan Hills.
Thornton.
Tuckerman.
Tucker Prison Farm (State).
Turrell.
Tyronza.
Van Buren.
Waldo.
Waldron.
Walnut Ridge.
Warren.
Weiner.
West Helena.
West Memphis.
Wildcat T. B. Sanitarium (State).
Wilmar.
Wilmot.
Wilson.

ARKANSAS—Continued

Wrightsville Industrial School (State).
Wynne.
Yellville.

CALIFORNIA

Acampo.
Adin.
Alameda County (Unincorporated).
Alameda County Water District.
Alhambra.
Alleghany.
Alleghany County Water District.
Alta.
Alta Acres Community Services District.
Altadena (State School for Cerebral Palsy).
Al Tahoe.
Altaville Sanitary District.
Alturas.
Alvarado Sanitary District.
Alviso.
Amador County Water District No. 1.
American Canyon County Sanitary District.
American River Industrial Sewer Maintenance District.
Anderson.
Anderson Grove County Water District.
Angels.
Antioch.
Applegate.
Arcade County Water District.
Arcata.
Arden Gold Sewer Maintenance District.
Arden Manor Sewer Maintenance District.
Arden Watt Sewer Maintenance District.
Arlington Heights Sewer Maintenance District.
Arlington Oaks.
Arnold.
Aromas Sewer Maintenance District.
Arroyo Grande.
Arroyo Sanitorium and Del Valle Farm (Alameda County).
Artois.
Arvin County Sanitary District.
Arvin Farm Labor.
Atascadero Sewer Maintenance District.
Atwater.
Auberry.
Auburn.
Avenal Heights Sanitary District.
Avila Sanitary District.
Ayers Ranch County Water District.
Bagby.
Baker Community Services District.
Bakersfield.
Bangor.
Banning.
Bartlett Colony.
Bay Point Sewer Maintenance District.
Bayshore Sanitary District.
Bayside.
Bear Creek.
Beaumont.
Beckwourth.
Belden.
Bella Vista Sanitary District.
Belltown.
Bellview.
Belmont County Water District.
Belmont and San Carlos (Emerald Lake Heights Sewer Maintenance District, Harbor Industrial Sewer Maintenance District).
Belvedere.
Benicia.
Ben Lomond.
Berkeley Municipal Camp.
Beverly Hills.
Bieber.
Big Bear Lake Sanitation District.
Big Bend.
Big Creek.
Biggs.
Big Oak Flat.
Biola.
Blairsden.
Bloomington.
Blue Canyon.
Blythe.
Bodega.
Bodega Bay.

CALIFORNIA—Continued

Bodfish.
Bolinas Public Utilities District.
Bolinas Sanitary District No. 3.
Bolinas Beach Public Utilities District.
Bonita (San Diego County).
Bonney View Area.
Boonville.
Boron Community Services District.
Borrego Springs.
Boulder Creek.
Bowman.
Branscomb.
Brawley.
Brentwood Sanitary District.
Briceburg.
Bridgeport Public Utilities District.
Brisbane Sewer Maintenance District.
Brisbane County Water District.
Broderick.
Brookdale.
Brooks.
Browns Valley.
Brownsville.
Brytie Sanitary District.
Buckeye.
Buckingham Park.
Buellton.
Burbank.
Burlingame (Burlingame Hills Sewer Maintenance District, Hillsborough).
Burney.
Burton.
Butte City.
Buttonville County Water District.
Buttonwillow Sanitary District.
Byron.
Cabazon.
Calabassas.
Calaveras Public Utilities District.
Calaveras County Water District.
Calavo Gardens (San Diego County).
Calestoga.
Calexico.
Calipatria.
Callahan.
Calpella.
Calpine.
Caliva County Water District.
Camanche.
Cambria.
Camino.
Camp Meeker.
Campo Seco.
Camp Ukiah.
Canby.
Capay.
Capistrano Beach Sanitary District.
Capitola County Sanitation District.
Cardiff Sanitation District.
Carlsbad.
Carmel Sanitary District.
Carmichael.
Carson Flat.
Caruthers.
Casa de Oro (San Diego County).
Casitas Springs.
Castella.
Castle Rock County Water District.
Cathedral Sanitation District.
Cazadero.
Centerville.
Central Contra Costa Sanitary District (Southern Public Utilities District, City of Walnut Creek).
Central Valley.
Ceres.
Challenge.
Cherokee.
Chester Sanitary District.
Chico.
Chico Airport.
Chico Suburban Area.
Chinese Camp.
Chino (California Institute for Men).
Chino (California Institute for Women).
Chowchilla.
Chualas.
Chula Vista.
Citrus Heights.
Clarksburg.

CALIFORNIA—Continued

Clear Creek.
Clearing House.
Clear Lake Highlands.
Clear Lake Lassen County Water District.
Clearlake Oaks.
Clearlake Park.
Clements.
Clio Public Utilities District.
Clipper Mills.
Cloer Community Services District.
Cloverdale.
Clovis.
Coachella.
Coachella Sanitary District.
Coalinga.
Coarsegold.
Coatside County Water District.
Colfax.
College City.
Collinsville.
Coloma.
Colonial Heights Sewer Maintenance District.
Coluba.
Comptche.
Concord.
Congress Valley County Water District.
Contra Costa County Water District.
Contra Costa County (Unincorporated).
Contra Costa County Flood Control and Water Conservation District.
Contra Costa County Sanitation District No. 3.
Contra Costa County Sanitation District No. 7A.
Contra Costa County Sanitation District No. 7B.
Contra Costa County Farm.
Contra Costa Junior College.
Copperopolis.
Corcoran.
Cordelia Sanitary District.
Cordova Sewer Maintenance District.
Corning.
Coronado.
Coss.
Cottonwood.
Coulterville.
Country Club Sanitary District (Stockton).
Courtland.
Coutolene.
Covelo Community Services District.
Crescent City.
Crescent Mills.
Cressey.
Crestmore.
Crockett.
Crows Landing.
Cucamonga.
Culver City.
Cunningham.
Cupertino Sanitary District (City of Cupertino).
Curry-Bidwell State Park.
Cutler.
Cutler Public Utilities District.
Daggett Community Services District.
Dana Point Sanitary District.
Danville Community Services District.
Davenport Sewer Maintenance District.
Delano.
Delhi.
Del Mar Sanitary Company.
Del Paso Manor Water District.
Del Ray Sanitary District.
Denair.
Descanso (San Diego County).
Desert Hot Springs.
DeWitt State Hospital.
Diablo Public Utilities District.
Diablo Vista County Water District.
Diamond Springs.
Dillons Beach.
Dimond Public Utilities District.
Dinuba.
Dixon.
Doheney Beach State Park.
Doheney Palisades.
Donner Summit Public Utilities District.
Dorris.
Dos Palos Sanitary District.

CALIFORNIA—Continued

Dos Palos (Eagle Field).
Douglas Flat.
Downieville Public Utilities District.
Doyle.
Ducor.
Dunnigan.
Dunsmuir.
Durham.
Dusel Court Sewer Maintenance District.
Dutch Flat.
East Bakersfield.
East Bay Municipal Utilities District, Special District No. 1 (Alameda, Albany, Berkeley, Emoryville, Oakland, Port of Oakland, Piedmont).
East Blythe Sanitary District.
East Modesto Sanitation District.
East Niles Community Services District.
Easton.
East Orosi Community Services District.
East Quincy.
East San Bernardino County Water District.
Ecinitas Sanitary District.
Eden Township County Water District.
Edgemont.
Edison.
El Cajon (Fletcher Hills Sanitation District).
El Centro.
El Dorado.
El Granada Sewer Maintenance District.
Elk Grove Sanitary District.
Elmira.
El Nido.
El Portal.
El Rio.
El Segundo.
El Sobrante County Water District.
Elverta.
Emigrant Gap.
Empire Sanitary District.
Enterprise Public Utilities District.
Erlimart Public Utilities District.
Escalon Sanitary District.
Escondido.
Esparto.
Etna.
Eucalyptus Hills (San Diego County).
Eureka.
Evergreen Sewer Maintenance District.
Exeter.
Fairfield-Suisun Sewer District.
Fair Tract.
Fallbrook Sanitary District.
Fall River Mills.
Famosa.
Fanita Ranch (San Diego County).
Farmerville County Water District.
Farmington.
Feather Falls.
Felton.
Ferndale.
Fiddletown.
Fields Landing.
Figarden.
Finley.
Firebaugh.
Florin.
Florin Community Services District.
Folsom.
Folsom Prison.
Fontana.
Forbestown.
Ford City Sanitary District.
Forest City.
Forest Hills Public Utilities District.
Fort Bragg.
Foster Park.
Fowler.
Franklin.
Frazier Park Public Utilities District.
Freedom Sewer Maintenance District.
French Gulch.
Freshwater.
Fresno.
Fresno County Housing Authority.
Fresno Sanitation District No. 1.
Friant.
Fricot Ranch School.
Fruitridge Sewer Maintenance District.
Fulton.

CALIFORNIA—Continued

Fulton Sewer Maintenance District.
Gallinas Village Sewer Maintenance District.
Galt Sanitary District.
Gardenland Community Services District.
Gateway.
Georgetown.
Georgetown Divide Public Utilities District.
Gerber.
Geyserville.
Glendale.
Glenhaven.
Glenn.
Glenville.
Gold Run.
Goshen.
Graeagle.
Grangeville.
Graniteville.
Grass Valley.
Grass Valley Suburban Area.
Grayson.
Greeley.
Green Acres.
Greenfield.
Green Valley.
Greenville.
Greenville Water District.
Greenwood.
Gregory Gardens County Water District.
Grenada.
Gridley Farm Labor.
Grimes.
Grizzly Flats.
Groveland.
Groveland Community Services District.
Groveland Sewerage and Water District.
Grover City County Water District.
Guerneville.
Guernewood Park.
Guernsey.
Guinda.
Gustine.
Hagginwood Sanitary District.
Half Moon Bay Sanitary District.
Hamilton City.
Hammonton.
Happy Camp.
Harbison Canyon (San Diego County).
Hardwick.
Hathaway Pines.
Havilah.
Hawthorne Terrace Sewer Maintenance District.
Hayfork.
Hayward.
Heber.
Helix Homelands (San Diego County).
Helm.
Hercules (Town).
Highgrove.
Highland Park Public Utilities District.
Hillmar.
Hilltop.
Hillview Sewer Maintenance District.
Hilmar.
Hollister.
Holt.
Holtville.
Home Acres Sewer Maintenance District.
Home Gardens.
Honcut.
Hood.
Hopland.
Hornitos
Hughson Sanitary District.
Humboldt Community Services District.
Huron.
Imperial.
Imperial Beach.
Indio Sanitary District.
Ingot.
Inverness Public Utilities District.
Inyokern Sanitation District.
Ione.
Iowa Hill.
Irwin.
Isabella.
Isla Vista Sanitary District.
Isleton.
Ivanhoe Public Utilities District.

CALIFORNIA—Continued

Jackson.
Jackson Gate.
Jacumba.
Jago Bay.
Janesville.
Jenner.
Jenny Lind.
Johnson Tract.
Johnsonville Public Utilities District.
Joshua.
June Lake Public Utilities District.
Jurupa Community Services District.
Kearney Park.
Keddie.
Kelsey.
Kelseyville.
Kelseyville County Waterworks District No. 3.
Kennet.
Kerman.
Kettleman City.
Keyes Community Services District.
Kilkare Manor Community Services District.
Kings County Water District.
Klamath Sanitation District.
Knightsen.
Knights Ferry.
Knights Landing.
Konocti Bay.
La Cresta-Suncrest (San Diego County).
Lafayette County Water District.
La Grange.
Laguna.
Lakeland.
Lakeland Village.
Lakeport.
Lakeside Sanitation District.
La Loma (Airport).
Lamont.
Lamont Public Utilities District.
La Quinta.
Las Gallinas Valley Sanitary District.
Las Flores.
Lassen County Water District No. 1.
Lassen Municipal Utilities District.
Lathrop.
Latrobe.
Laurel Beach.
Layton.
Laytonville.
Le Grand Sanitary District.
Lemon Cove Sanitary District.
Lemoore.
Lemoore Air Base.
Lerdo.
Le Selva Beach.
Leucadia (San Diego County).
Lewis Creek Water District.
Lewiston.
Likely.
Lincoln Sewer Maintenance District.
Lincoln Village and Pacific Gardens Sewer Maintenance District.
Linda County Water District.
Linden.
Linden County Water District.
Lindsay.
Live Oak.
Live Oak Acres.
Livermore.
Livermore (University of California Radiation Laboratory).
Livingston.
Locke.
Lockeford.
Lock Lomond Subdivision (Napa County).
Lodi.
Loleta.
Loleta Sanitary District.
Loma Linda Sanitation District.
London Community Services District.
Long Beach State College.
Longvale.
Lookout.
Loomis Sanitary District.
Los Altos.
Los Altos Hills.
Los Angeles.
Los Angeles County (Unincorporated).
Los Angeles County Sanitation District No. 14 (Lancaster).

CALIFORNIA—Continued

Los Angeles County Sanitation District No. 20 (Palmdale).
Los Angeles Sanitation Districts (Alhambra, Arcadia, Azusa, Baldwin Park, Bell, Claremont, Compton, Covina, Dairy Valley, El Monte, El Segundo, Gardena, Glendora, Hawthorne, Hermosa Beach, Huntington Park, Inglewood, Lakewood, La Puente, La Verne, Long Beach, Los Angeles, Lynwood, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Palos Verdes Estates, Pasadena, Pomona, Redondo Beach, San Gabriel, San Marino, Sierra Madre, Signal Hill, South Gate, South Pasadena, Torrance, Vernon, West Covina, Whittier, Unincorporated Los Angeles County).
Los Angeles State College (Ramona Campus).
Los Angeles (Terminal Island).
Los Banos.
Los Malinos.
Los Serranos.
Los Trancos County Water District.
Lotus.
Lovell Community Services District.
Lower Lake.
Lower Lake County Waterworks District No. 1.
Loyalton.
Lucerne.
Lucerne Valley.
Madeline.
Madera.
Madison.
Magalia.
Magunden.
Main Prairie.
Malaga.
Malibu.
Manakee.
Manchester.
Manlove Sewer Maintenance District.
Manteca.
Maricopa.
Marin County (Unincorporated).
Marin County Municipal Utilities District.
Marin County Service Areas No. 1 and No. 2.
Mariposa.
Markleeville Public Utilities District.
Martell.
Martinez.
Marysville.
Mather Camp.
Matheson.
Maxwell Public Utilities District.
McArthur.
McFarlands Sanitary District.
McKinleyville.
Meadow Sanitation District (Willits).
Meadow Vista Water District.
Mecca Sanitary District.
Meimers Oaks.
Melones.
Mendocino City.
Mendocino County Water District (Elk).
Mendota Public Utilities District.
Menlo Park Sanitary District (Atherton, Belle Haven Sewer Maintenance District, North Palo Alto Sanitary District, Menlo Park).
Mentone.
Merced.
Merced Falls.
Meridian.
Middletown.
Middletown Lake County Waterworks District No. 5.
Midway Heights County Water District.
Millbrae (Capuchino-Lomita Park Sanitary District).
Mill Valley (Homestead Valley Sanitary District, Alto Sanitary District, Almonte Sanitary District).
Millville.
Milpitas County Water District.
Milton.
Mineral Sanitation District.
Minter Field.
Mira Loma Detention Camp (County Sherriffs Prison).
Miranda.

CALIFORNIA—Continued

Mission Village.
Moccasin.
Modesto.
Modesto Suburban Area.
Mojave Public Utilities District.
Montara Sewer Maintenance District.
Montavallo Sanitary District.
Montecito Sanitary District.
Monte Rio.
Monte Vista.
Montgomery Creek.
Monticello.
Moorpark.
Morada.
Morgan Hill.
Morongo Valley.
Mountain View.
Mountain View Sanitary District.
Mount Helix-Grossmont (San Diego County).
Mount Vernon.
Mount View.
Mulberry.
Murieta (Orange County).
Murphys.
Murray.
Muscoy.
Myers Flat.
Napa County (Unincorporated).
Napa County Sanitation District No. 1 (Napa, Napa State Hospital).
Napa Junction.
Natoma.
Navarro.
Needles.
Nelson.
Nestor (San Diego County).
Nevada City.
New Auberry.
Newbury Park.
Newcastle Sanitary District.
Newman.
New Pine Creek.
Nice.
Niland Sanitary District.
Nipomo.
Norco.
Norden.
North Area Community Services District (Sacramento County).
North Bloomfield.
Northbridge (San Fernando Valley State College).
North Coast County Water District.
North Columbia.
North Fork.
North Hills.
North Marin County Water District.
North Mendocino County Water District (Leggett).
North of River Sanitary District No. 1.
North Sacramento.
North San Juan.
North San Mateo County Sanitation District (Daly City, Colma Sewer Maintenance District, Colma).
North Tahoe Public Utilities District.
North Ukiah, Millview, Mendocino County Water District.
Norwalk (Metropolitan State Hospital).
Novato-Ignatio Sanitary District No. 6.
Noyo Water District.
Nubieber.
Oakdale.
Oakland Municipal Camp.
Oakley Sanitary District.
Oakly County Water District.
Oakview.
Oceano.
Ocean Shore Sanitary District.
Oceanside.
Odessa.
Oildale.
Ojai.
Olinda.
Olivehurst Public Utilities District.
Ontario.
Orange County Sanitation District No. 1 (Santa Ana, Santa Ana Gardens Sanitary District, Orange County (Unincorporated)).

CALIFORNIA—Continued

Orange County Sanitation District No. 2 (Anaheim, Brea, Fullerton, Garden Grove, Garden Grove Sanitary District, Orange, Placentia, Placentia Sanitary District, Orange County (Unincorporated)).
Orange County Sanitation District No. 3 (Anaheim, Buena Park, Buena Park Sanitary District, Cypress County Water District, Dairy City, Dairyland, Fullerton, Garden Grove, Garden Grove Sanitary District, LaHabre, LaHabre Sanitary District, Midway City Sanitary District, Stanton, Stanton County Water District, Orange County (Unincorporated)).
Orange County Sanitation District No. 5 (Newport Beach, Orange County (Unincorporated)).
Orange County Sanitation District No. 6 (Costa Mesa Sanitary District, Orange County (Unincorporated)).
Orange County Sanitation District No. 7 (Tustin, Orange County (Unincorporated)).
Orange County Sanitation District No. 7A.
Orange County Sanitation District No. 11 (Huntington Beach, Orange County (Unincorporated)).
Orangevale.
Orcutt.
Orick.
Orinda County Water District.
Orland.
Oro Loma (Castro Valley Sanitary District).
Oro Loma Sanitary District.
Orosi Public Utilities District.
Oroville.
Oroville Suburban Area.
Oswald.
Oxnard.
Oxnard Beaches.
Pacific Gardens Sanitary Sanitation District.
Pajaro County Sanitation District.
Pala (San Diego County).
Palermo.
Palm Desert Community Services District.
Palm Springs.
Palo Alto (East Palo Alto Sanitary District, Las Encinas Sanitary District, Palo Alto Gardens Sewer Maintenance District).
Palo Verde.
Panorama Sanitary District.
Paradise.
Parks Community Services District.
Parkway Estates Sewer Maintenance District.
Parlier.
Pasadena.
Paso Robles.
Patterson.
Patton State Hospital.
Penngrove Area (Unincorporated).
Penryn.
Pepperwood.
Perkins.
Petaluma (North Petaluma County Sanitary District).
Peters.
Pinedale Public Utilities District.
Pinole.
Piru.
Pittsburg.
Pittville.
Pixley Public Utilities District.
Placerville.
Plainview
Plane-Doyle.
Plano.
Pleasant Grove.
Pleasant Hill County Water District.
Pleasanton.
Pleasanton Township County Water District.
Plymouth.
Point Reyes Station.
Pollock.
Pollock Pines Fresh Pond Public Utilities District.
Pondosa.
Poplar.
Port Costa (Unincorporated).
Porterville.

CALIFORNIA—Continued

Porterville State Hospital.
Port Hueneme.
Port of San Francisco (Board of State Harbor Commission).
Portola Gardens Sewer Maintenance District.
Portola Sanitary District.
Portola State Park.
Potter Valley.
Poway Valley (San Diego County).
Preston School for Industry.
Princeton.
Project City.
Purissima Hills County Water District.
Quincy Sanitary District.
Railroad Flat.
Raymond.
Red Bluff.
Redding.
Redlands.
Redwood City (Kensington Square Sewer Maintenance District, North Fairoaks Sewer Maintenance District).
Redwood Valley.
Reedley.
Rescue.
Reward.
Richgrove.
Richfield.
Richmond.
Richvale Sanitary District.
Rio Bonito.
Rio Dell Sanitary District.
Rio Del Mar Sewer Maintenance District.
Rio Linda.
Rio Linda County Water District.
Rio Nido.
Rio Vista.
Ripon County Water District.
Ripon Sanitary District.
Riverbank.
Rivercrest Sewer District (Camino Sewer Maintenance District).
Riverdale Public Utilities District.
Riverside.
Riverside Village Sewer Maintenance District.
Riverview.
Robbins.
Rocklin.
Rocklin Municipal Utilities District (Loomis)
Rodeo Sanitary District.
Rohnert Park District.
Rohnerville.
Romoland.
Rosamond.
Rosemar Manor Sewer Maintenance District.
Ross Valley Sanitary District No. 1 (Corte Madera Sanitary District No. 2 (Corte Madera), Larkspur (Murray Park Sewer Maintenance District), Ross, Anselmo, Fairfax).
Rough and Ready.
Round Mountain.
Rumsey.
Rupert.
Russell City Community Services District.
Sacramento.
Sacramento County Sanitation District No. 1
Sacramento County Sanitation District No. 2.
Sacramento County Sanitation District No. 3.
Sacramento County Sanitation District No. 4.
Sacramento County Sanitation District No. 5.
Sacramento County Sanitation District No. 6.
Sacramento County Sanitation District No. 7.
Sacramento County Sanitation District No. 8.
Saint Helena.
Salida Sanitary District.
Salinas.
Salinas (Monterey County Hospital).
Samuel Taylor State Park.
San Bernardino.
San Bruno.
San Buenaventura.
San Clemente.
San Diego (Gillespie Field).
San Diego (La Mesa, Lemon Grove Sanitation District, National City, Relando Sanitation District).
San Dumas (California Politechnic College).
San Fernando.

No. 219——7

CALIFORNIA—Continued

San Francisco (City and County).
San Francisco County Jail.
San Francisco International Airport.
Sanger.
San Jacinto.
San Juan Suburban Water District.
San Joaquin Sanitary District.
San Joaquin Water District No. 1.
San Joaquin Water District No. 2.
San Joaquin General Hospital.
San Jose (Agnew Sanitary District, Agnew State Hospital, Burbank, Campbell, Los Gatos, Santa Clara County Sanitation Districts Nos. 2, 3, and 4, Saratoga Sanitary District, Sunol Sanitary District, Santa Clara).
San Juan Bautista.
San Juan Capistrano Sanitary District.
San Leandro.
San Marcos (San Diego County).
San Martin.
San Mateo County (Unincorporated).
San Mateo County Waterworks District Nos. 1, 2, and 3.
San Mateo County Service Area No. 1.
San Mateo (Crystal Springs County Sanitation District).
San Miguel Estates Water District.
San Miguel Estates County Water District.
San Onofre (San Diego County).
San Pablo Sanitary District (San Pablo).
San Pedro Sewer, Drainage and Lighting Maintenance District.
San Quentin Prison.
San Rafael County Sanitation District (San Rafael).
San Rafael Meadows Sewer Maintenance District.
Santa Clara County (Unincorporated).
Santa Clara County Sanitation District No. 7.
Santa Clara County Sanitation District No. 8 (Milpitas)
Santa Clara County Sanitation District No. 11
Santa Clara Valley Water Conservation District.
Santa Cruz.
Santa Margarita.
Santa Maria.
Santa Maria Airport.
Santa Monica.
Santa Paula.
Santa Rosa.
Santee (San Diego County).
San Ysidro Sanitation District.
Saranap Water District.
Sata Susana.
Saticoy Sanitary District.
Sausalito-Marin City Sanitary District. (Sausalito, Richardson Bay Sanitary District, Bayview Terrace Sewer Maintenance District).
Scenic Heights County Sanitation District.
Sebastopol.
Seeley.
Selma.
Seranap County Water District.
Serraville Public Utilities District.
Seville Community Services District. (Yettem)
Shafter Public Utilities District.
Shafter Housing.
Sharp Park Sanitary District.
Shasta.
Shasta Dam Public Utilities District.
Shasta Springs.
Shastina Sanitary District.
Sheep Ranch.
Sheridan County Water District.
Shingletown.
Shore Acres.
Sierra City Public Utilities District.
Simi.
Skyline County Water District.
Sloat.
Smartville.
Smith Flat.
Snelling.
Soda Springs.
Solana Beach Sanitation District.

CALIFORNIA—Continued

Solana County (Unincorporated).
Soledad State Prison.
Somis.
Sonoma County (Unincorporated).
Sonoma County Sanitation District. (Graton)
Sonoma Valley County Sanitation District (Sonoma, Sonoma Valley State Hospital).
Sonora.
Soquel County Sanitation District.
Soulsyville.
South Bakersfield.
Southern San Joaquin Municipal Utilities District.
South Pasadena.
South San Francisco.
South Side County Water District.
Southwest Contra Costa Water District.
Spadra (Pacific State Hospital).
Spenceville.
Spreckeless.
Spring Valley Sanitation District.
Springville Sanitorium.
Squaw Valley.
Standard.
Standish.
Stege Sanitary District (El Cerrito, Kensington Community Services District).
Stockdale.
Stockton.
Stockton (State Hospital Farm).
Stockton Field.
Stoneyford.
Stratford Public Utilities District.
Strathmore Public Utilities District.
Sultana.
Summerland County Water District.
Summit City Public Utilities District.
Sunnymead.
Sunnyvale.
Sutter.
Sutter County Housing Authority.
Sutter Creek.
Swain Oaks Sewer Maintenance District.
Taft.
Tahoe City Public Utilities District.
Talmage.
Tamalpias Valley Sanitary District. (Kay Park Sewer Maintenance Districts Nos. 1 and 2).
Tancred.
Taylorville.
Tehachapi.
Tehama.
Temecula (Orange County).
Templeton Sanitary District.
Terminous.
Terra Bella Sewer Maintenance District.
Thermalito.
Thousand Oaks.
Thornton.
Tiburon Sanitary District No. 5.
Tipton.
Tollhouse.
Tomales.
Tovon.
Tracy.
Tranquility Public Utilities District.
Traver.
Trinidad.
Truckee Sanitary District.
Tulare.
Tulare County Housing Authority.
Tulare County Waterworks District.
Tuolumne County Water District No. 1.
Tuolumne County Water District No. 2.
Tupman.
Turlock.
Tuttletown.
Twain.
Twain Hart.
Twentynine Palms.
Twin Lakes County Sanitation District.
Ukiah.
Union Public Utilities District.
Union Sanitary District (Freemont, Newark)
Upper Lake.
Usona.
Vacaville.
Vallecita.

CALIFORNIA—Continued

Vallejo Sanitation and Flood Control District (California Maritime Academy, Vallejo).
Valley Acres.
Valley Ford.
Valley Home.
Valley Springs.
Venetia Harbor Sewer Maintenance District.
Ventura County (Unincorporated).
Ventura School for Girls.
Vernalis.
Vernon.
Victor.
Victoria School District Commission.
Victorville Sanitary District.
Vina.
Vine Hill Village County Water District.
Virgelia.
Vista Sanitation District.
Wahtoke Community Services District.
Wallace.
Walnut Grove.
Wasco Public Utilities District.
Washington.
Washington Manor Community Services District.
Waterford Community Services District.
Watsonville.
Wawona.
Weaverville.
Weed Patch.
Weimar.
Weimar Sanitorium.
Weldon.
Weott.
Wesley.
Westmoreland.
West Point.
West Sacramento Sanitary District.
Westwood (University of California Los Angeles Campus).
Wheatland.
Whispering Pines.
White Pines.
Whitmore.
Wildwood Sanitary District.
Williams.
Willits.
Willow Ranch.
Willows.
Wilsonia.
Windsor.
Winterhaven.
Winters.
Winton.
Wofford Heights.
Woodbridge Sanitary District.
Woodlake.
Woodland.
Woodville Public Utilities District.
Wyandotte.
Yankee Hill.
Yolo.
Yolo County Waterworks District No. 1.
Yolo County Waterworks District No. 2.
Yountville County Water District.
Yountville (State Veterans Home).
Yountville Sanitation District.
Yuba City.
Yuba County Water District.
Yucaipa.
Yucca.
Zeta.

COLORADO

Aguilar.
Alma.
Antonito.
Arriba.
Artesia.
Aspen.
Baker Metropolitan Sanitary District No. 22.
Basalt.
Bayfield.
Bennett.
Berthoud.
Bethune.
Black Hawk.
Blanca.
Blende.
Bonanza.
Bond.

Colorado—Continued

Boulder.
Branson.
Breckenridge.
Brighton Sanitary District No. 24.
Brush.
Buena Vista.
Burlington.
Campo.
Canon City.
Carbondale.
Castle Rock.
Cedaredge.
Central City.
Cheraw.
Cheyenne Wells.
Clear Creek Sanitary District.
Climax.
Coalcreek (Fremont County).
Cokedale.
Collbran.
Colorado Springs.
Craig.
Crawford.
Creede.
Crested Butte.
Crestone.
Cripple Creek.
Crowley.
Dacono.
De Beque.
Deer Trail.
Del Norte.
Delta.
Denver.
Dillon.
Dolores.
Dove Creek.
Durango.
Eads.
Eagle.
East Canon.
Eaton.
Eckley.
Elizabeth.
Empire.
Estes Park.
Evans (Weld County).
Fairplay.
Federal Heights.
Firestone.
Fleming.
Florence.
Fort Collins.
Fort Lewis.
Fowler.
Fraser.
Frederick.
Frisco.
Fruita.
Fruitdale Sanitary District.
Garden City.
Genoa.
Georgetown.
Gilcrest.
Glendale.
Glenwood Springs.
Granada.
Grand Junction.
Grand Valley.
Green Mountain Falls
Greenwood Village.
Grover.
Gunnison.
Gypsum.
Hartman.
Haswell.
Haxtun.
Hayden.
Hillrose.
Holly.
Holyoke.
Hooper.
Hotchkiss.
Hot Sulphur Springs.
Hudson.
Hugo.
Idaho Springs.
Iliff.
Jamestown.

Colorado—Continued

Jefferson County Consolidated District.
Johnstown.
Julesburg.
Keenesburg.
Keota.
Kiowa.
Kit Carson.
Kremmling.
Lafayette.
La Jara.
La Junta.
Lake City.
Lakeside (Jefferson County).
Lamar.
La Salle.
Las Animas.
La Veta.
Limon.
Little Sanitary District No. 21.
Log Lane Village.
Longmont.
Loretta Heights College.
Loveland.
Manassa.
Manzanola.
Mead.
Meeker.
Merino.
Milliken.
Minturn.
Moffat.
Monte Vista.
Montrose.
Monument.
Morrison.
Naturita.
Nederland.
New Raymer.
Northwest Lakewood Sanitary District.
North Washington Street Sanitary District No. 26.
Nunn.
Olathe.
Olney Springs.
Orchard City.
Ordway.
Ouray.
Ovid.
Pagosa Springs.
Palisade.
Palmer Lake.
Paoli.
Paonia.
Peetz.
Pierce.
Pitkin.
Platteville.
Poncha Springs.
Pritchett.
Pueblo.
Ramah.
Red Cliff.
Rico.
Ridgway.
Rifle.
Rockvale.
Rocky Ford.
Romeo.
Rosedale.
Rye.
Saguache.
Salida.
Sanford.
Sedgwick.
Seibert.
Severance.
Sheridan.
Sheridan Lake.
Silver Cliff.
Silver Plume.
Silverton.
Simla.
Sky Ranch.
South Adams County Water and Sanitary District.
South Canon City.
Springfield.
Starkville.
Steamboat Springs.
Sterling.

Colorado—Continued

Sugar City.
Superior.
Swink.
Telluride.
Thornton.
Timnath.
Trinidad.
Two Buttes.
Victor.
Vilas.
Vona.
Walsenburg.
Ward.
Willington.
Westcliffe.
Wheat Ridge.
Wide Acres.
Wiley.
Williamsburg.
Windsor.
Woodland Park.
Wray.
Yampa.

Connecticut

Ansonia.
Baltic (in town of Sprague).
Beacon Falls.
Berlin.
Bethel.
Branford.
Bridgeport.
Chester.
Colchester.
Collinsville (in town of Canton).
Cromwell.
Danielson.
Darien.
Deep River.
Derby.
East Brooklyn (in town of Brooklyn).
East Haven.
Essex.
Fairfield.
Farmington.
Glastonbury.
Greenwich.
Groton (town).
Hamden.
Hartford Metropolitan District (Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, Wethersfield and Windsor).
Jewett City (in town of Griswold).
Kent.
Manchester.
Meriden.
Middletown.
Milford.
Moosup (in town of Plainfield).
Mystic (in towns of Groton and Stonington)
Naugatuck.
New Britain.
New Canaan.
New Hartford.
New Haven.
New London.
New Milford.
North Grosvenordale (in town of Thompson).
Norwalk.
Norwich.
Oakville (in town of Watertown).
Pawcatuck (in town of Stonington).
Plymouth.
Portland.
Ridgefield.
Rockville (City).
Seymour.
Shelton.
Southington.
Stafford Springs (borough in town of Stafford).
Stamford.
Stonington (borough in town).
Suffield.
Taftville (in town of Norwich).
Talcottville (in town of Vernon).
Thomaston.
Thompsonville (in town of Enfield).
Unionville (in town of Farmington).
Wallingford.
Warehouse Point (in town of East Windsor).

Connecticut—Continued

Washington Depot.
Waterbury.
West Haven.
Westport.
Willimantic (City).
Windsor Locks.
Winsted.

Delaware

Blades.
Bridgeville.
Clayton.
Delaware City.
Dover.
Georgetown.
Governor Bacon Health Center.
Greenwood.
Laurel.
Lewes.
Milton.
Rehobeth Beach.
Seaford.
Selbyville.
Wyoming-Camden.

District of Columbia

Washington.

Florida

Apalachicola.
Apopka.
Arcadia.
Atlantic Beach.
Baldwin.
Belle Glade (Prison Farm).
Blountstown.
Boca Raton.
Bonifay.
Bowling Green.
Boynton Beach.
Brandford.
Brooksville.
Bunnell.
Callahan.
Cedar Key.
Century.
Clearwater.
Copeland.
Cottondale.
Crescent City.
Cross City.
Crystal River.
Dania.
Daytona Beach.
Deerfield Beach.
DeLand.
Delray Beach.
Deerfield Beach.
Dunnellon.
Duval County Sanitary District No. 1.
Duval County-Arlington Sanitary District.
East Palatka.
Eau Gallie.
Ellenton.
Everglades.
Fort Meade.
Fort Pierce.
Green Cove Springs.
Greensboro.
Gulfport.
Haines City.
Hallendale.
Hastings.
Havana.
Hialeah.
High Springs.
Hilliard.
Holly Hill.
Inverness.
Jacksonville.
LaBelle.
Lake Alfred.
Lake Butler.
Lakeland.
Lake Worth.
Lantana.
Live Oak.
Lynn Haven.
Malone.
Marathon.
Marineland Aquarium.
Mayo.

Florida—Continued

Mayport.
Miami Beach.
Miami Shores.
Miami Springs.
Milton.
Monticello.
Moreno Court.
Mount Dora.
Neptune Beach.
Newberry.
New Port Richey.
New Smyrna Beach.
Nokomis.
North Miami Beach.
Okeechobee.
Opalocka.
Orange Park.
Orlando (T. B. Hospital)
Ormond Beach.
Palatka.
Palm Beach.
Palmetto.
Pensacola.
Perry.
Pinellas Park.
Pompano Beach.
Port Orange.
Quincy.
Raiford (Prison).
Riviera Beach.
Ruskin.
St. Augustine.
Sanford.
Sebastian.
Sebring.
South Miami.
Starke.
Sulphur Springs.
Tarpon Springs.
Tavares.
Titusville.
Trenton.
Umatilla.
Valparaiso.
Venice.
Vero Beach.
Waldo.
Warrington.
Wauchula.
Wewahitchka.
White Springs.
Wildwood.
Winter Haven.
Zolfo Springs.

Georgia

Abbeville.
Acworth.
Alpharetta.
Adel.
Albany.
Alma.
Alpharetta
Americus.
Arlington.
Ashburn.
Athens.
Atlanta.
Augusta.
Austell.
Bainbridge.
Baldwin County.
Barnesville.
Baxley.
Blackshear.
Blakely.
Blue Ridge.
Boston.
Bowdon.
Bremen.
Broxton.
Brunswick.
Buena Vista.
Buford.
Butler.
Byromville.
Cadwell.
Cairo.
Calhoun.
Camilla.
Canton.

Georgia—Continued

Carrollton.
Cartersville.
Cave Spring.
Cedartown.
Chatsworth.
Chickamauga.
Chipley.
Clarkesville.
Clarkston.
Claxton.
Clayton.
Clayton County.
Cleveland.
Cobb County.
Cochran.
College Park.
Colquitt.
Columbus.
Comer.
Commerce.
Conyers.
Coolidge.
Cordele.
Cornelia.
Covington.
Crawford.
Crawfordville.
Cumming.
Cuthbert.
Dahlonega.
Dallas.
Dalton.
Darien.
Dawson.
DeKalb County.
Demorest.
Doerun.
Donalsonville.
Douglas.
Douglasville.
Dublin.
Eastman.
East Point.
Eatonton.
Edison.
Elberton.
Ellaville.
Ellijay.
Fairburn.
Fayetteville.
Fitzgerald.
Folkston.
Forsyth.
Fort Gaines.
Fort Oglethorpe.
Fort Valley.
Fulton County.
Gainesville.
Garden City.
Glennville.
Gordon.
Grantville.
Gray.
Greensboro.
Greenville.
Griffin.
Gwinnett County.
Glynn County.
Hahira.
Hampton.
Harlem.
Hartwell.
Hawkinsville.
Hazlehurst.
Helena.
Hinesville.
Hogansville.
Homerville.
Jackson.
Jasper.
Jefferson.
Jeffersonville.
Jesup.
Kingsland.
LaFayette.
LaGrange.
Lakeland.
Lavonia.
Lawrenceville.
Leesburg.

GEORGIA—Continued

Lenox.
Lincolnton.
Linwood.
Lithonia.
Louisville.
Lodowici.
Lumber City.
Lumpkin.
Lyons.
Macon.
Madison.
Manchester.
Marietta.
Marshallville.
McCaysville.
McDonough.
McRae.
Meigs.
Metter.
Midville.
Milan.
Milledgeville.
Millen.
Monroe.
Montezuma.
Monticello.
Moultrie.
Mount Vernon.
Nashville.
Newnan.
Norcross.
Ocilla.
Oglethorpe.
Omega.
Oxford.
Palmetto.
Patterson.
Pavo.
Pearson.
Pelham.
Pembroke.
Perry.
Porterdale.
Poulan.
Quitman.
Reidsville.
Reynolds.
Richland.
Richmond County.
Ringgold.
Rochelle.
Rockmart.
Rome.
Rossville.
Roswell.
Royston.
Sandersville.
Savannah.
Savannah Beach.
Screven.
Senoia.
Shellman.
Smyrna.
Social Circle.
Soperton.
Sparks.
Sparta.
Statesboro.
Statham.
St. Marys.
Stone Mountain.
Summerville.
Swainsboro.
Sylvania.
Sylvester.
Talbotton.
Tallapoosa.
Tennille.
Thomaston.
Thomson.
Thunderbolt.
Tifton.
Toccoa.
Trenton.
Trion.
Twin City.
Unadilla.
Union City.
Union Point.
Valdosta.
Vidalia.

GEORGIA—Continued

Vienna.
Villa Rica.
Wadley.
Warner Robins.
Warrenton.
Washington.
Watkinsville.
Waycross.
Waynesboro.
West Point.
Willacoochee.
Winder.
Woodbine.
Woodbury.
Wrens.
Wrightsville.

IDAHO

Aberdeen.
Alameda.
Albion.
American Falls.
Arco.
Ashton.
Athol.
Avery.
Bancroft.
Bayview.
Bellevue.
Blackfoot.
Bloomington.
Boise (Urban and Suburban Area).
Bonners Ferry.
Bovill.
Buhl.
Burke.
Burley.
Caldwell.
Cambridge.
Carey.
Cascade.
Castleford.
Chubbuck.
Clark Fork.
Clifton.
Cobalt.
Coeur d'Alene.
Cottonwood.
Council.
Craigmont.
Dayton.
Deary.
Declo.
Dover.
Downey.
Driggs.
Dubois.
Eagle (Ada County).
East Hope.
Eden.
Elk River.
Emmett.
Fairfield.
Filer.
Firth.
Fish Haven.
Franklin (Franklin County).
Fruitland.
Gem.
Genesee.
Georgetown.
Grace.
Grand View.
Hagerman.
Hailey.
Hansen.
Harrison.
Hayden Lake.
Headquarters.
Heyburn.
Hollister.
Homedale.
Hope.
Horseshoe Bend.
Huetter.
Idaho City.
Idaho Falls.
Inkom.
Iona.
Juliaetta.

IDAHO—Continued

Kamiah.
Kellogg.
Kendrick.
Ketchum.
Kimberly.
Kooskia.
Kootenai.
Kuna.
Lapwai.
Lava Hot Springs.
Lewiston.
Lewiston Orchards.
Mace.
Mackay.
Malad City.
Marsing.
McCall.
McCammon.
Melba.
Menan.
Meridian.
Middleton.
Midvale.
Minidoka.
Montpelier.
Moore.
Moscow.
Moyie Springs.
Mullan.
Newdale.
New Meadows.
Nezperce.
North Pocatello
Notus.
Oakley.
Orofino.
Orofino (State Hospital North).
Osburn.
Paris.
Parma.
Payette.
Plummer.
Pocatello.
Ponderay.
Post Falls.
Potlatch-Onaway.
Preston.
Priest River.
Rathdrum.
Rexburg.
Richfield.
Rigby.
Riggins.
Ririe.
Roberts (Jefferson County).
Rockland.
Roswell.
Rupert.
Salmon.
Sandpoint.
Shelley.
Shoshone.
Silverton.
Smelterville.
Soda Springs.
Spencer.
Spirit Lake.
Star.
St. Anthony.
St. Anthony (State Industrial School).
St. Charles.
Stites.
St. Maries.
Sugar City.
Teton.
Tetonia.
Troy.
Twin Falls.
Victor.
Wallace.
Wardner.
Weippe.
Weiser.
Wendell.
Weston.
White Bird.
Wilder.
Winchester.
Worley.

ILLINOIS

Addison.
Alhambra.
Alton.
Amboy.
Anna.
Arcola.
Arenzville.
Aroma Park.
Arthur.
Ashkum.
Ashton.
Assumption.
Astoria.
Athens.
Atlanta.
Atwood.
Ava.
Aviston.
Barrington.
Barrington Woods Sanitary District.
Bartelso.
Bartlett.
Batavia.
Beardstown Sanitary District.
Beecher.
Beecher City.
Belvidere.
Bement.
Benld.
Bensenville.
Bethany.
Blandinsville.
Bloomingdale.
Bloomington and Normal Sanitary District.
Bourbonnais.
Braidwood.
Breese.
Bridgeport.
Brookport.
Buckley.
Buckner.
Buda.
Bunker Hill.
Bush.
Bushnell.
Cairo.
Campbell Hill.
Canton.
Capron.
Carrier Mills.
Carrollton.
Carry.
Caseyville.
Catlin.
Cedar Point.
Cedarville.
Central City
Centralia.
Cerro Gordo.
Chadwick.
Charleston.
Chatham.
Chebanse.
Chenoa.
Cherry Valley.
Chester.
Chicago Heights.
Chrisman.
Christopher.
Cissna Park.
Clifton.
Clinton Sanitary District.
Coal City.
Coffeen.
Colchester.
Collinsville.
Compton.
Coulterville.
Cowden.
Creal Springs.
Creston.
Crete.
Crevecoeur.
Crotty.
Cuba.
Dakota.
Dallas City.
Danforth.

ILLINOIS—Continued

Danville Sanitary District.
Decatur Sanitary District.
Deerfield.
DeKalb Sanitary District.
Delavan.
DePue.
Dieterich.
Dixon.
Donovan.
Dunlap.
Dupo.
Durand.
Downers Grove No. 1.
Earlville.
East Alton.
East Carondelet.
East Chicago Heights.
East Moline.
East Side Levee and Sanitary District.
Edinburg.
Edwardsville.
Effingham.
Eldorado.
Elgin Sanitary District.
Elizabeth.
Elmhurst.
El Paso Sanitary District.
Elwood.
Erie.
Eureka.
Fairbury.
Farina.
Farmer City.
Findlay.
Fisher.
Flanagan.
Flora.
Flossmoor.
Forreston.
Fox Lake.
Frankfort.
Franklin Grove.
Freeport.
Fulton.
Galena.
Gardner.
Geneseo.
Geneva.
Georgetown.
Glasford.
Glen Ellyn.
Glenwood.
Golconda.
Golden.
Grand Tower.
Granite City.
Grant Park.
Greenville.
Gridley.
Gurnee.
Hampshire.
Hanna City.
Hanover.
Hartford.
Harvard.
Herrin.
Herscher.
Highland.
Highland Park.
Hinckley.
Hinsdale Sanitary District.
Homewood.
Hoyleton.
Hutsonville.
Illiopolis.
Industry.
Iroquois.
Itasca.
Johnston City.
Joliet.
Jonesboro.
Joppa Sanitary District.
Kankakee.
Kewanee.
Kingston.
Kinmundy.
Kinsman.
Kirkland.
LaHarpe.
Lake Villa.

ILLINOIS—Continued

Lake Zurich.
Lanark.
Lansing.
LaSalle.
Lawrenceville.
Leland.
Lemont.
LeRoy.
Lexington.
Lincoln.
Lisle.
Livingston.
Lockport.
Loda.
Lombard.
Louisville.
Mahomet.
Malta.
Manteno.
Marine Sanitary District.
Martinsville.
Mason City.
Matteson.
Mattoon.
Mazon.
McHenry.
Metropolis.
Milford.
Milledgeville.
Millington.
Minooka.
Mokena.
Moline.
Monee.
Monmouth.
Montrose.
Morton.
Mound City.
Mounds.
Mount Carmel.
Mount Carroll.
Mount Morris.
Mount Olive.
Mount Pulaski.
Mount Sterling.
Mulberry Grove Sanitary District.
Murphysboro.
Naperville.
Nauvoo.
Newark.
New Lenox.
Newman.
Noble.
North Shore Sanitary District.
Oblong.
Odin.
O'Fallon.
Olmsted.
Olney.
Olympia Fields.
Onarga.
Orangeville.
Orion.
Orland Park.
Oswego.
Ottawa.
Palatine.
Palestine.
Paw Paw.
Paxton.
Pearl City.
Pecatonica.
Peotone.
Petersburg.
Plainfield.
Plano.
Poplar Grove.
Port Byron.
Prairie du Pont Levee and Sanitary District.
Prophetstown.
Ramsey.
Rankin.
Rantoul.
Richton Park.
Ridge Farm.
Rochester.
Rockford, Sanitary District.
Rockton.
Roselle.
Rossville.

ILLINOIS—Continued

Round Lake Sanitary District.
Roxana.
Royalton.
Saint Anne.
Saint Joseph.
Salem.
Salt Creek Drainage Basin Sanitary District.
Sandwich.
San Jose.
Sheldon.
Sibley.
Silvis.
Somonauk.
South Beloit.
Springfield.
Springfield Sanitary District.
Spring Valley.
Staunton.
Steger.
Sterling.
Stewardson.
Stockton.
Stookey Township.
Sullivan.
Sumner.
Swansea.
Taylorville Sanitary District.
Thornton.
Tilton.
Tinley Park.
Toledo.
Toluca.
Troy.
Urbana and Champaign Sanitary District.
Vandalia.
Vienna Sanitary District.
Villa Grove.
Viola.
Wamac.
Warren.
Warsaw.
Watseka.
Wayne City.
Wenona.
West Chicago.
West Kankakee (Unincorporated).
West Salem.
Westville-Belgium Sanitary District.
Wheaton Sanitary District.
Wheeling.
Wilmington.
Winfield.
Winnebago.
Witt.
Wooddale.
Woodland.
Wood River.
Yorkville-Bristol Sanitary District.
Zeigler.
Zurich Heights Sanitary District.

INDIANA

Advance.
Akron.
Albany.
Albion.
Alexandria.
Ambia.
Anderson.
Andrews.
Angola.
Arcadia.
Argos.
Attica.
Auburn.
Avilla.
Batesville.
Berne.
Bicknell.
Bloomfield.
Bluffton.
Boswell.
Bourbon.
Brazil.
Bremen.
Brook (Newton County).
Brookville.
Bunker Hill.
Cambridge City.
Camden.
Cannelton.

INDIANA—Continued

Carmel.
Carthage.
Cayuga.
Chalmers.
Chesterton.
Churubusco.
Cicero.
Clermont.
Colfax.
Columbia City.
Converse.
Corydon.
Covington.
Crawfordsville.
Cromwell.
Crothersville.
Crown Point (Lincoln Park Heights Addition).
Culver (Military Academy).
Dana.
Danville.
Darlington.
Decatur.
Delphi.
Earl Park.
East Gary.
Eaton.
Edgewood.
Edinburg.
Elletsville.
Elnora.
Elwood.
Etna Green.
Evansville.
Fairmount.
Farmersburg.
Ferdinand.
Fortville.
Fort Wayne.
Fowler.
Francesville.
Frankton.
Fremont.
French Lick.
Galveston.
Gas City.
Gaston.
Geneva.
Glenwood.
Goshen.
Greenfield.
Greentown.
Griffith.
Hammond.
Hanover.
Hartford City.
Hebron.
Highland.
Hope.
Huntingburg.
Huntington.
Indianapolis.
Jamestown.
Jasonville.
Jonesboro.
Kendallville.
Kentland.
Kewanna.
Kirklin.
Knightstown.
Knox (Starke County).
Kouts.
La Fontaine.
Lagrange.
Lakeville.
Lawrence.
Leavenworth.
Lebanon.
Ligonier.
Linton.
Logansport.
Logansport State Hospital.
Loogootee.
Marion.
Markle.
Martinsville.
Medaryville.
Mentone.
Middletown.
Milan.
Mitchell.

INDIANA—Continued

Monon.
Monroeville.
Montezuma (Parke County).
Montpelier.
Mooresville.
Morgantown.
Morocco.
Morristown.
Nappanee.
New Albany.
Newburgh.
New Castle.
New Harmony.
New Haven.
New Palestine.
Newport.
New Richmond.
New Whiteland.
North Liberty.
North Manchester.
North Salem.
North Vernon.
Odon.
Oolitic.
Orleans.
Osgood.
Ossian.
Otterbein.
Owensville.
Oxford.
Paoli.
Parker.
Pendleton State Reformatory.
Petersburg.
Pierceton.
Plainfield (State Boys School).
Plymouth.
Putnamville (State Farm).
Red Key.
Remington.
Rensselaer.
Richmond (Smith-Esteb Hospital).
Ridgeville.
Roachdale.
Roann.
Roanoke.
Rockport.
Rossville.
Royal Center
Sellersburg.
Shelburn.
Shelbyville.
Shirley.
Shoals.
Silver Lake.
South Bend (County Infirmary).
South Bend (Healthwin Hospital).
South Whitley.
Spencer.
Spiceland.
Spring Grove.
Sullivan.
Summitville.
Swayzee.
Syracuse.
Terre Haute.
Terre Haute (Glen Home).
Terre Haute (Vigo County Home).
Thorntown.
Tipton.
Topeka.
Union City.
Upland.
Van Buren.
Veedersburg.
Vernon.
Vincennes.
Wabash.
Wakarusa.
Walkerton.
Walton.
Warren.
Waterloo (DeKalb County).
West Baden.
Westfield.
West Lafayette.
West Lebanon.
Westville.
Winamac.
Winchester.

INDIANA—Continued

Windfall.
Winslow.
Wolcott.
Worthington.
Zionsville.

IOWA

Adel.
Afton.
Akron.
Albia.
Allerton.
Alton.
Anita.
Ankeny.
Anthon.
Armstrong.
Arthur.
Ashton.
Avoca.
Bagley.
Bancroft.
Battle Creek.
Bedford.
Bellevue.
Birmingham.
Blairstown.
Bloomfield.
Bode.
Bonaparte.
Boone.
Boyden.
Brighton.
Buffalo Center.
Burlington.
Burt.
Bussey.
Calmar.
Camanche.
Carson.
Carter Lake.
Castle Hill.
Centerville.
Central City.
Charles City.
Charter Oak.
Chillicothe.
Clarksville.
Clinton.
Coggon.
Colfax.
Columbus Junction.
Conrad.
Correctionville.
Corwith.
Corydon.
Council Bluffs.
Council Bluffs (Iowa School for Deaf).
Danbury.
Davenport.
Decorah.
Denison.
Denver.
Des Moines.
Dike.
Doon.
Dow City.
Dows.
Dubuque.
Dumont.
Dunkerton.
Dunlap.
Durant.
Eagle Grove.
Early.
Eddyville.
Eldon.
Eldridge.
Elgin.
Elkader.
Elliot.
Ellsworth.
Essex.
Estherville.
Everly.
Exira.
Farley.
Farmington.
Farragut.

IOWA—Continued

Fonda.
Fontanelle.
Forest City.
Fort Dodge.
Fort Madison.
Fort Madison (State Penitentiary).
Fredericksburg.
Fremont.
Garnavillo.
Garwin.
George.
Gilmore City.
Gladbrook.
Glenwood.
Goldfield.
Graettinger.
Grand Mound.
Greene.
Guttenberg.
Hamburg.
Hancock.
Hawarden.
Hawkeye.
Hinton.
Hopkington.
Hospers.
Humeston.
Independence (Mental Health Institute).
Iowa City.
Iowa Great Lakes Sanitary District.
Ireton.
Kanawha.
Kellogg.
Keokuk.
Keosauqua.
Kingsley.
Lake Mills.
Lake Park.
Lake View.
Lamoni.
Lansing.
Lehigh.
LeMars.
Lenox.
Linn Grove.
Little Rock.
Logan.
Lohrville.
McGregor.
Malvern.
Manning.
Manson.
Mapleton.
Maquoketa.
Marcus.
Marengo.
Marion.
Marquette.
Mason City.
Maurice.
Mediapolis.
Merrill.
Middletown.
Minburn.
Minden.
Missouri Valley.
Montezuma.
Mount Ayr.
Mount Pleasant.
Moville.
Muscatine.
Neola.
Newell.
New Hampton.
New London.
Newton.
Nora Springs.
Northwood.
Norwalk.
Oakland.
Ocheyedan.
Ogden.
Olin.
Orange City.
Osage.
Ottumwa.
Oxford Junction.
Panora.
Paullina.
Perry.

IOWA—Continued

Pierson.
Pomeroy.
Preston.
Primghar.
Redfield.
Red Oak.
Renwick.
Riceville.
Ricketts.
Rippey.
Riverside.
Robins.
Rock Valley.
Roland.
Rolfe.
Ruthven.
St. Ansgar.
Schaller.
Schleswig.
Sheffield.
Shelby.
Shell Rock.
Shenandoah.
Sibley.
Sigourney.
Sioux Center.
Sioux City.
Sioux Rapids.
Spillville.
Springville.
Stanton.
Story City.
Stratford.
Strawberry Point.
Stuart.
Sumner.
Sutherland.
Swea City.
Tabor.
Tripoli.
Union.
University Park.
Urbandale.
Urbandale (Windsor Heights Sanitary District).
Vail.
Victor.
Villisca.
Vinton.
Walcott.
Wall Lake.
Wapello.
Washington.
Waterloo.
Waukon.
Wellman.
Wellsburg.
West Branch.
Williams.
Wilton.
Winfield.
Winterset.
Woodbine.
Woodward.

KANSAS

Abilene.
Agra.
Altamont.
Alta Vista.
Alton.
Altoona.
Americus.
Arcadia.
Argonia.
Arkansas City.
Arma.
Atchison.
Atwood.
Augusta.
Axtell.
Barnes.
Baxter Springs.
Bazine.
Beattie.
Belle Plaine.
Belleville.
Benton.
Bison.
Blue Mound.
Bronson.

KANSAS—Continued

Bucklin.
Buffalo.
Burden.
Burlington.
Burns.
Burr Oak.
Burrton.
Canton.
Carbondale.
Cawker City.
Cedar Vale.
Centralia.
Cheney.
Cherokee.
Chetopa.
Cimarron.
Clifton.
Clyde.
Coffeyville.
Colony.
Cottonwood Falls.
Council Grove.
Courtland.
Cuba.
Damar.
Dearing.
Deerfield.
Dexter.
Dighton.
Dodge City.
Dorrance.
Douglass.
Edgerton.
Edna.
Edwardsville.
Effingham.
Elk City.
Elkhart.
Ellinwood.
Ellsworth.
Emporia.
Erie.
Eskridge.
Everest.
Fairview.
Florence.
Fort Scott.
Frontenac.
Galena.
Garden City.
Garfield.
Garnett.
Gas City.
Geuda Springs.
Glen Elder.
Glenwood Heights (Johnson County).
Gorham.
Grainfield.
Greeley.
Grenola.
Gridley.
Grinnell.
Gypsum.
Haddam.
Halstead.
Hanston.
Harper.
Hartford.
Haviland.
Herington.
Herndon.
Hesston.
Hiawatha.
Highland.
Hillsboro.
Holton.
Horton.
Hoxie.
Hutchinson.
Independence.
Iola.
Jewell.
Kanopolis.
Kansas City.
Kinsley.
Kirwin.
LaCrosse.
LaCygne.
LaHarpe.
Lakin.

KANSAS—Continued

Larned.
Leavenworth.
Leawood.
Lebanon.
Lebo.
Lenora.
Leonardville.
LeRoy.
Lewis.
Linwood.
Longton.
Louisburg.
Luray.
McCune.
McDonald.
McLouth.
Madison.
Maize.
Marion.
Melvern.
Meriden.
Merriam.
Mineral.
Moline.
Montezuma.
Morland.
Morrill.
Mound City.
Moundridge.
Mound Valley.
Mount Hope.
Mulberry.
Mullinville.
Mulvane.
Natoma.
Neodesha.
Ness City.
Nickerson.
Norcatur.
Norton.
Nortonville.
Oberlin.
Olathe.
Olpe.
Onaga.
Osage City.
Osawatomie.
Oskaloosa.
Otis.
Overbrook.
Oxford.
Paola.
Perry.
Peru.
Pleasanton.
Pomona.
Pratt.
Pretty Prairie.
Purcells Ninth Addition Sanitary District (Wichita).
Quenemo.
Quindaro Township Sanitary District No. 1.
Randolph.
Ransom.
Republic.
Richmond.
Riley.
Riverton.
Robinson.
Sabetha.
Saint John.
Salina.
Satanta.
Scammon.
Scranton.
Selden.
Seneca.
Severy.
Sharon.
Silver Lake.
Spearville.
Spring Hill.
Stafford.
Strong City.
Sunflower Village.
Syracuse.
Tescott.
Thayer.
Tonganoxie.
Topeka.
Toronto.

KANSAS—Continued

Treece.
Tribune.
Troy.
Turner (Grade and High Schools).
Utica.
Valley Center.
Victoria.
Virgil.
Walnut.
Waterville.
Wathena.
Waverly.
Weir.
Wellsville.
Westmoreland.
Wetmore.
Wichita.
Wilson.
Winchester.
Winfield.
Winona.
Woodston.
Yates Center.

KENTUCKY

Albany.
Ashland.
Augusta.
Bardstown.
Bardwell.
Beattyville.
Beaver Dam.
Benham.
Benton.
Bowling Green.
Brandenburg.
Brooksville.
Burkesville.
Burnside.
Butler.
Cadiz.
Calhoun.
Campbellsville.
Carlisle.
Carrollton.
Catlettsburg.
Cave City.
Central City.
Clay.
Clinton.
Closplint.
Cloverport.
Columbia.
Columbus.
Corbin.
Corydon.
Cumberland.
Cynthiana.
Danville.
Danville (Kentucky State Hospital).
Dawson Springs.
Drakesboro.
Dry Ridge.
Earlington.
Eddyville.
Eddyville State Penitentiary.
Elizabethtown.
Elkhorn City.
Elkton.
Elsmere.
Eminence.
Erlanger.
Evarts.
Falmouth.
Flatwoods.
Flemingsburg.
Florence.
Frankfort.
Fullerton.
Fulton.
Grayson.
Greensburg.
Greenup.
Greenville.
Guthrie.
Harlan.
Hartford.
Hawesville.
Hazard.
Heiller.
Hickman.

KENTUCKY—Continued

Hodgenville.
Hopkinsville.
Horse Cave.
Hustonville.
Hyden.
Irvine.
Irvington.
Jackson.
Jamestown.
Jeffersontown.
Jenkins.
Junction City.
Kuttawa.
Kyrock.
LaGrange.
LaGrange State Reformatory.
Lakeland (Central State Hospital).
Lakeside Park.
Lawrenceburg.
Lebanon Junction.
Leitchfield.
Lewisport.
Lexington.
Liberty.
Livermore.
London.
Lothair.
Louisa.
Louisville.
Loyall.
Lynch.
Madisonville.
Manchester.
Marion.
Martin.
Maysville.
Millersburg.
Monticello.
Morehead.
Morgantown.
Mortons Gap.
Mount Vernon.
Munfordsville.
Murray.
Neon.
New Castle.
New Haven.
Nicholasville.
Nortonville.
Olive Hill.
Owensboro.
Owenton.
Owingsville.
Paducah.
Paintsville.
Paris.
Perryville.
Pikeville.
Pineville.
Prestonsburg.
Raceland.
Ravenna.
Russell.
Russell Springs.
Saint Matthews.
Salyersville.
Scottsville.
Sebree.
Shelbyville.
Shepherdsville.
Shively.
Silver Grove.
Somerset.
South Williamson.
Springfield.
Stanford.
Stone.
Taylorsville.
Tompkinsville.
Twila.
Uniontown.
Vanceburg.
Van Lear.
Walton.
Warsaw.
Wayland.
West Liberty.
West Point.
West Van Lear.
Whitesburg.

KENTUCKY—Continued

Wickliffe.
Williamsburg.
Williamstown.
Wilmore.
Worthington.

LOUISIANA

Abbeville.
Abita Springs.
Addis.
Amite.
Arcadia.
Arnaudville.
Baker.
Baldwin.
Bastrop.
Baton Rouge.
Bernice.
Bogalusa.
Bonita.
Bossier City.
Boyce.
Breaux Bridge.
Broussard.
Bunkie.
Cameron.
Chatham.
Clarks.
Clinton.
Colfax.
Collinston.
Columbia.
Converse.
Cottonport.
Cotton Valley.
Coushatta.
Covington.
Delcambre.
Delhi.
Denham Springs.
Denham Springs (unincorporated Area, Dodge City, etc.).
De Quincy.
De Ridder.
Dixie Inn.
Dodson.
Donaldsonville.
Dubach.
East Baton Rouge Parish (unincorporated areas adjacent to City).
Elizabeth.
Erath.
Farmerville.
Fordoche.
Franklinton.
Gibsland.
Gilbert.
Glenmora.
Golden Meadow.
Gonzales.
Grambling.
Gramercy.
Gretna.
Hackberry.
Hammond.
Harahan.
Harrisonburg.
Hodge (Jackson County).
Houma.
Independence.
Jackson.
Jeanerette.
Jefferson Parish Sewerage District No. 1.
Jefferson Parish Sewerage District No. 2.
Jonesboro.
Junction City.
Kenner.
Kentwood.
Kinder.
Krotz Springs.
Lake Charles.
Lake Providence.
LePlace.
Lecompte.
Lockport.
Logansport.
Loreauville.
Lutcher.
Madisonville.
Mangham.
Mansura.

LOUISIANA—Continued

Maringouin.
Marion.
Marrero-Harvey.
Melville.
Mer Rouge.
Monroe.
Morringsport.
Moreauville.
Morgan City.
Morganza.
Newellton.
New Orleans.
Norco.
Oak Grove.
Oak Ridge.
Oberlin.
Oil City.
Patterson.
Plain Dealing.
Pleasant Hill.
Pollock.
Ponchatoula.
Port Allen.
Port Barre.
Raceland.
Rayville.
Reserve.
Ringgold.
Rodessa.
Saint Bernard Parish Sewerage Districts.
Saint Francisville.
Saint Joseph.
Saint Martinville.
Saline.
Shreveport.
Sikes.
Simmesport.
Slidell.
Starks.
Sterlington.
Sulphur.
Sunset.
Tallulah.
Tullos.
Urania.
Vinton.
Washington.
Waterproof.
Westlake.
West Monroe.
Westwego.
White Castle.
Winnfield.
Winnsboro.
Wisner.
Youngsville.
Zachary.
Zimmerman.
Zwolle.

MAINE

Anson.
Ashland.
Auburn.
Augusta.
Bangor.
Bar Harbor.
Bath.
Belfast.
Berwick.
Bethel.
Biddeford.
Bingham.
Boothbay.
Boothbay Harbor.
Brewer.
Bridgton.
Brunswick.
Bucksport.
Buxton.
Calais.
Camden.
Cape Elizabeth.
Caribou.
Cherryfield.
Clinton.
Corinna.
Cornish.
Cumberland.
Damariscotta.
Deer Isle.
Dexter.

MAINE—Continued

Dixfield.
Dover-Foxcroft.
East Machias.
Easton.
Eastport.
Eliot.
Ellsworth.
Fairfield.
Falmouth.
Farmingdale.
Farmington.
Fort Fairfield.
Fort Kent.
Frenchville.
Fryeburg.
Gardiner.
Gorham.
Greenville.
Guilford.
Hallowell.
Hampden.
Harpswell.
Harrington.
Hartland.
Houlton.
Howland.
Island Falls.
Jackman.
Jay.
Jonesport.
Kennebunk.
Kennebunk Port.
Kittery.
Lewiston.
Limestone.
Lincoln (Penobscot County).
Livermore Falls.
Lubec.
Machias.
Machiasport.
Madawaska.
Madison.
Mapleton.
Mars Hill.
Mexico.
Milford.
Millinocket.
Millbridge.
Milo.
Monmouth.
Newcastle.
Newport.
Norridgewock.
North Berwick.
Northport.
Norway.
Oakland.
Old Orchard Beach.
Old Town.
Ogunquit Village.
Orono.
Owl's Head.
Paris.
Parsonsfield.
Patten.
Phillips.
Pittsfield.
Porter.
Portland.
Presque Isle.
Randolph.
Rangeley.
Richmond.
Rockland.
Rockport.
Rumford.
Saco.
Sanford.
Scarboro.
Searsport.
Skowhegan.
South Berwick.
South Portland.
Stockton Springs.
Stonington.
Strong.
Thomaston.
Topsham.
Unity (Waldo County).
Van Buren.
Vassalboro.
Vinalhaven.
Waldoboro.
Warren.
Washburn.
Waterville.
Wells.
Westbrook.
Wilton.
Windham.
Winslow.
Winter Harbor.
Winterport.
Winthrop.
Wiscasset.
Woolwich.
Yarmouth.
York.

MARYLAND

Anne Arundel County Sanitation Commission.
Baltimore City.
Baltimore County Metropolitan District.
Barton.
Betterton.
Boonsboro.
Brunswick.
Cecil County Metropolitan District.
Charlestown.
Chesapeake Beach.
Chestertown.
Clear Spring.
Cresaptown.
Crisfield.
Deer Park.
Denton.
Easton.
Edgewood.
Elkridge.
Elkton.
Ellicott City.
Emmitsburg.
Federalsburg.
Friendsville.
Frostburg.
Funkstown.
Greensboro.
Hagerstown.
Halfway.
Hampstead.
Hancock.
Havre de Grace.
Hurlock.
Indian Head.
Laurel.
La Vale.
Leonardtown.
Loch Lynn Heights.
Lonaconing.
Luke.
Manchester.
Middletown.
Midland.
Mount Airy.
Mountain Lake Park.
Mount Savage.
New Windsor.
North Beach.
North East.
Oakland.
Ocean City.
Oella.
Oxford.
Perryville.
Pocomoke City.
Port Deposit.
Preston.
Princess Anne.
Queenstown.
Ridgley.
Rising Sun.
Rock Hall.
Rockville.
Salisbury.
Savage.
Secretary.
Sharptown.
Smithsburg.
Snow Hill.
Sudlersville.
Trappe.
Union Bridge.
Vienna.
Walkersville.
Washington Suburban Sanitation Commission.
Westernport.
Westminster.

MASSACHUSETTS

Abington.
Acushnet.
Adams.
Agawam.
Amesbury.
Amherst.
Andover.
Ashfield.
Ashland.
Athol.
Attleboro.
Auburn.
Ayer.
Barnstable.
Barre.
Belchertown.
Billerica.
Blackstone.
Bourne.
Bridgewater.
Brockton.
Brookfield.
Burlington.
Charlemont.
Charlton.
Chatham.
Chelmsford.
Cheshire.
Chester.
Chicopee.
Clarksburg.
Cohasset.
Colrain.
Conway.
Dalton.
Danvers.
Dartmouth.
Deerfield.
Dracut.
Easthampton.
East Longmeadow.
Erving.
Fairhaven.
Fall River.
Falmouth.
Foxborough.
Franklin.
Gardner State Hospital.
Gloucester.
Grafton.
Great Barrington.
Groveland.
Hatfield.
Haverhill.
Hingham.
Hinsdale.
Holbrook.
Holliston.
Holyoke.
Hopkinton.
Hudson.
Hull.
Huntington.
Ipswich.
Kingston.
Lancaster.
Lanesborough.
Lawrence.
Lee.
Leeds.
Leicester.
Lenox.
Leominster.
Longmeadow.
Lowell.
Lynn.
Manchester.
Marblehead.
Marshfield.
Mattapoisett.
Maynard.

MASSACHUSETTS—Continued

Medway.
Methuen.
Metroplitan District Commission.
Middleborough.
Millbury.
Millis.
Millville.
Monroe.
Monson.
Montague.
New Bedford.
Newburyport.
North Adams.
Northampton.
North Andover.
North Attleborough.
Northfield.
North Reading.
Orange.
Oxford.
Palmer.
Pittsfield.
Plymouth.
Provincetown.
Randolph.
Rockland.
Rockport.
Russell.
Salisbury.
Saugus.
Scituate.
Sheffield.
Shelburne.
Shrewsbury.
Somerset.
South Essex Sanitary District.
South Hadley.
South Royalston.
Springfield.
Sturbridge.
Sunderland.
Taunton.
Templeton Hospital Cottages.
Tewksbury State Infirmary.
Upton.
Uxbridge.
Ware.
Warren.
Westborough.
Westborough State Hospital.
West Brookfield.
Westfield.
West Springfield.
West Stockbridge.
Whitman.
Williamsburg.
Williamstown.
Winchendon.

MICHIGAN

Albion.
Algonac.
Allegan.
Alma.
Almont.
Alpha.
Armada.
Auburn.
Avon Township.
Baraga.
Battle Creek.
Belding.
Belleville.
Bellevue.
Benton Township.
Bergland Township.
Berrien Springs.
Bessemer.
Big Rapids.
Blissfield.
Breckenridge.
Bridgman.
Brighton.
Bronson.
Cadillac.
Calumet.
Capac.
Caro.
Caspian.
Cassopolis.
Cedar Springs.
Centreville.
Chelsea.
Chesaning.
Clinton Township.
Clio.
Coloma.
Coloma Township.
Columbiaville.
Constantine.
Corunna.
Croswell.
Crystal Falls.
Dearborn.
Delhi Township.
Detroit (Conner Creek).
DeWitt.
Dimondale.
Dowagiac.
Dundee.
East Lansing.
Elberta.
Elkton.
Escanaba.
Essexville.
Evart.
Farmington.
Fenton.
Flint.
Fowler.
Fowlerville.
Frankenmuth.
Frankfort.
Fraser.
Fremont.
Galesburg.
Genesee County Sanitary District. (Burton Township, Davison, Flint Township, Flushing, Gaines Township, Genesee Township, Grand Blanc, Grand Blanc Township, Mount Morris, Mount Morris Township).
Grand Rapids.
Grandville.
Grant.
Grayling.
Greenville.
Grosse Isle Township.
Grosse Pointe Woods.
Hancock.
Harbor Beach.
Harper Woods.
Harrison Township.
Hart.
Hemlock.
Holland.
Holly.
Homer.
Houghton.
Howell.
Hudson.
Imlay City.
Inkster.
Ionia.
Iron Mountain.
Iron River.
Ironwood.
Ishpeming.
Ithaca.
Jackson.
Jonesville.
Keego Harbor.
Kent City.
Kingsford.
Lake Linden.
Lake Orion.
Lakeview.
L'Anse.
Lansing.
Lapeer.
Lathrup Village.
Leslie.
Lowell.
Mackinac Island.
Manchester.
Mainstee.
Manistique.
Marine City.
Marion.
Marlette.
Mason.
Mayville.
Memphis.
Meridian Township.
Merrill.
Middleville.
Midland.
Monroe.
Montague.
Montrose.
Morenci.
Mount Pleasant.
Munising.
Muskegon.
Muskegon Hts.
Nashville.
Newago.
New Baltimore.
Newberry.
New Haven.
North Evergreen Authority (Birmingham, Bloomfield Hills, Bloomfield Township, Troy).
Norway.
Ontonagon.
Ovid.
Parma.
Paw Paw.
Pentwater.
Pigeon.
Pontiac.
Pontiac Township.
Portland.
Richmond.
Rochester.
Rollin Township.
Romeo.
Roscommon.
Roscommon Township.
Saint Clair.
Saint Ignace.
Saint Johns.
Saint Joseph Township.
Sandusky.
Saugatuck.
Sault Ste. Marie.
Scottville.
Sebewaing.
Shepherd.
Southeastern Oakland County sewage (Berkley, Birmingham, Clawson, Ferndale, Hazel Park, Huntington Woods, Oak Park, Pleasant Ridge, Royal Oak, Royal Oak Township, Southfield Township, Troy Township).
South Lyon.
South Macomb Sanitary District (Centerline, East Detroit, Roseville, St. Clair Shores, Warren Township).
Springfield.
Spring Lake.
Stambaugh.
Standish.
Stephenson.
Sturgis.
Tawas City.
Traverse City.
Union City.
Utica.
Vicksburg.
Wakefield.
Walled Lake.
Warren.
Warren Township.
Wayland.
Wayne.
Wayne County System (Allen Park, Flat Rock, Lincoln Park, Wayne Major Airport, Wyandotte).
Webberville.
White Pigeon.
Woodland.
Yale.
Ypsilanti.
Ypsilanti Township.

MINNESOTA

Adams.
Adrian.
Aitken.
Alvarado.
Amboy.

MINNESOTA—Continued

Annandale.
Argyle.
Arlington.
Askov.
Atwater.
Aurora.
Austin.
Barnum.
Bayport State Prison.
Belle Plaine.
Benson.
Big Fork.
Bird Island.
Biscay.
Blomkest.
Blooming Prairie.
Bloomington.
Blue Earth.
Bovey.
Brainerd.
Brewster.
Bricelyn.
Brooklyn Park.
Brooten.
Browerville.
Brownton.
Buffalo Lake.
Buhl.
Bryon.
Caledonia.
Calumet.
Cambridge.
Cambridge (State Epileptic Colony).
Campbell.
Cannon Falls.
Canton.
Cass Lake.
Chanhassen.
Chaska.
Claremont.
Clarkfield.
Climax.
Clinton.
Cold Springs.
Coleraine.
Cologne.
Cook.
Cooley.
Coon Rapids.
Cottonwood.
Crookston.
Crosby.
Currie.
Cuyuna.
Cyrus.
Darwin.
Dawson.
Deephaven.
Deer River.
DeGraff.
Donnelly.
Duluth.
Dumont.
Dunnell.
Eagle Bend.
East Grand Forks.
Easton.
Elk River.
Elgin.
Ellendale.
Elmore.
Emmons.
Erskine.
Eveleth.
Excelsior.
Fairmont.
Falcon Heights.
Farmington.
Fergus Falls.
Fertile.
Floodwood.
Franklin (Renville County).
Fraser.
Frazee.
Freeport.
Frost.
Gaylord.
Geneva.
Glenville.
Good Thunder.

MINNESOTA—Continued

Graceville.
Granada.
Grand Marais.
Grand Meadow.
Grand Rapids.
Greenbush.
Greenwald.
Grey Eagle.
Grove City.
Hackensack.
Halstad.
Hampton.
Hanley Falls.
Hawley.
Hectoe.
Henderson.
Hendricks.
Herman.
Heron Lake.
Hills.
Hinckley.
Hokah.
Holdingford.
Hollandale.
Hordon.
Houston.
Hutchinson.
Inver Grove.
Iron Junction.
Ironton.
Isanti.
Isle.
Island Park.
Ivanhoe.
Jackson.
Jamesville.
Kasson.
Kennedy.
Kerkhoven.
Kinney.
Lafayette.
Lake Benton.
Lake Crystal.
Lakeville.
Lake Wilson.
Lamberton.
Lancaster.
Le Center.
Le Roy.
LaSueur.
Lewisville.
Lino-Lakes.
Lismore.
Little Falls.
Long Lake.
Lonsdale.
Lowry.
Lyle.
McKinley.
Mahnomen.
Manganese.
Maple Lake.
Mapleton.
Marble.
Marshall.
Mazeppa.
Meadowlands.
Melrose.
Middle River.
Milaca.
Minneapolis-St. Louis Sanitary District.
Monterey.
Montevideo.
Montgomery.
Monticello.
Montrose.
Moorhead.
Mora.
Morris.
Morton.
Mound.
Mountain Iron.
Mountain Lake.
Mudbaden Sanitarium.
Nashwauk.
New Canada Township (Ramsey County).
New Hope.
New Prague.

MINNESOTA—Continued

North Branch.
Northfield.
North Mankato.
Norwood.
Oklee.
Olivia.
Owatonna.
Park Rapids.
Paynesville.
Pine City.
Pine Island.
Pierz.
Pine River.
Plato.
Plummer.
Porter.
Preston.
Princeton.
Prior Lake.
Red Lake Falls.
Red Wing.
Red Wing Training School.
Remer.
Renville.
Richmond.
Rochester.
Round Lake.
Rush City.
Russell.
St. Clair.
St. Joseph.
St. Michael.
St. Peter.
St. Peter State Hospital.
Sanborn.
Sandstone.
Sargeant.
Sartell.
Sauk Rapids.
Shakopee.
Shakopee Children's Home.
Shakopee Reformatory.
Slayton.
Sleepy Eye.
South International Falls.
South St. Paul.
Spring Grove.
Spring Hill.
Spring Park.
Starbuck.
Stewart.
Stillwater.
Storden.
Taconite.
Thomson Township (Carlton County).
Tower.
Tracy.
Triumph.
Trommald.
Truman.
Twin Valley.
Two Harbors.
Tyler.
Verndale.
Waite Park.
Walnut Grove.
Wanamingo.
Watertown.
Waterville.
Waverly.
Welcome.
Wells.
Westbrook.
West Concord.
Willmar.
Willmont.
Winnebago.
Winthrop.
Wolverton.
Worthington.
Zumbrota.

MISSISSIPPI

Aberdeen.
Ackerman.
Amory.
Baldwyn.
Batesville.
Bay St. Louis.
Bay Springs.

MISSISSIPPI—Continued

Biloxi.
Bolton.
Brandon.
Bruce.
Calhoun City.
Canton.
Carrollton.
Carthage.
Charleston.
Clarksdale.
Clinton.
Coldwater.
Collins.
Columbus.
Corinth.
Cruger.
Decatur.
De Kalb.
D'Lo.
Drew.
Duck Hill.
Durant.
Edwards.
Ellisville.
Ellisville State School.
Eupora.
Fayette.
Flora.
Forest.
Georgetown.
Goodman.
Grenada.
Gulfport.
Hattiesburg.
Hazelhurst.
Hernando.
Holly Springs.
Houston.
Indianola.
Inverness.
Itta Bena.
Iuka.
Jackson.
Kosciusko.
Lambert.
Laurel.
Leland.
Lexington.
Liberty.
Lumberton.
Macon.
Magee.
Magnolia.
Marks.
McComb.
Mendenhall.
Meridian.
Moorhead.
Morton.
Mount Olive.
Nettleton.
New Albany.
Newton.
Ocean Springs.
Okolona.
Olive Branch.
Pascagoula.
Pass Christian.
Pelahatchie.
Picayune.
Pickens.
Poplarville.
Port Gibson.
Quitman.
Raymond.
Richton.
Ripley.
Rolling Fork.
Roxie.
Sardis.
Senatobia.
Shaw.
Shelby.
Starkville.
Sumner.
Sunflower.
Tchula.
Terry.
Tunica.
Tylertown.

MISSISSIPPI—Continued

Union (Newton and Neshoba County).
University (University of Mississippi).
Utica.
Water Valley.
Waynesboro.
Webb.
West Point.
Wiggins.
Winona.

MISSOURI

Algoa Reformatory.
Anderson.
Arcadia.
Armstrong.
Ashland.
Aurora.
Auxvasse.
Belle.
Benton.
Bernie.
Bevier.
Bismarck.
Bland.
Bloomfield.
Blue Springs.
Boonville.
Boonville (State Boys Home).
Bowling Green.
Braymer.
Brunswick.
Bucklin.
Buckner.
Burlington Junction.
Butler.
Camdenton.
Campbell.
Canton.
Cape Girardeau.
Carterville.
Carthage.
Cassville.
Center.
Centralia.
Chamois.
Chillicothe.
Clarence.
Claycomo.
Clinton.
Crystal City.
Cuba.
Desloge.
De Soto.
Doniphan.
East Prarie.
Edina.
Ellington.
Elsberry.
Elvins.
Esther.
Eureka.
Excelsior Springs.
Fairfax.
Festus.
Flat River.
Fornfelt.
Galena.
Gideon.
Gladstone.
Glasgow.
Granby.
Grandview.
Grant City.
Greenfield.
Hamilton.
Hardin.
Herculaneum.
Hermann.
Higginsville.
Holden.
Hollister.
Hornersville.
Humansville.
Huntsville.
Iberia.
Ilmo.
Independence.
Ironton.
Jackson County Sewer District No. 1.
Jackson County Sewer Districts 21 to 60.

MISSOURI—Continued

Jamesport.
Jefferson City.
Joplin.
Kahoka.
Kansas City.
Kennett.
Keytesville.
LaBelle.
Laddonia.
LaGrange.
Lake Lotawanna.
Lake Tapawingo.
LaMonte.
Lancaster.
La Plata.
Lathrop.
Leadwood.
Leawood.
Lexington.
Liberal.
Liberty.
Licking.
Lilbourn.
Linn.
Louisiana.
Lutesville.
Macon.
Maitland.
Malta Bend.
Mansfield.
Marble Hill.
Marceline.
Marshall.
Martinsburg.
Metropolitan St. Louis Sewer District.
Milan.
Morehouse.
Mound City.
Mountain Grove.
Neosho.
Newberg.
New Franklin.
New Haven.
New London.
Norborne.
North Kansas City.
Oak Grove.
Oran.
Oregon.
Orrick.
Osceola.
Otterville.
Pacific.
Palmyra.
Parkville.
Parma.
Pattonsburg.
Piedmont.
Platte City.
Pleasant Hill.
Poplar Bluff.
Portage Des Sioux.
Portosi.
Princeton.
Puxico.
Raytown.
Rich Hill.
Richland.
Ridgeway.
Rockport.
Saint Charles.
Saint Francois.
Sainte Genevieve.
Saint Joseph.
Saint Robert.
Salem.
Sarcoxie.
Sedalia.
Senath.
Seneca.
Shelbina.
Smithville.
Southwest City.
Springfield.
Stanberry.
Steele.
Steelville.
Stockton.
Stover.
Sugar Creek.

MISSOURI—Continued

Sullivan.
Tarkio.
Thayer.
Tipton.
Troy.
Union.
Unionville.
Urbana.
Valley Park.
Vandalia.
Washington.
Waverly.
Webb City.
Wentzville.
Weston.
West Plains.

MONTANA

Absarokee.
Alberton.
Anaconda.
Augusta.
Basin.
Belgrade.
Belt.
Big Timber.
Billings.
Black Eagle.
Boulder.
Boulder State School.
Bridger.
Broadus.
Broadview.
Browning.
Butte.
Cascade.
Clyde Park.
Columbia Falls.
Columbus.
Conrad.
Culbertson.
Cut Bank.
Darby.
Deer Lodge.
Deer Lodge (State Penitentiary).
Dixon Indian Agency.
Dodson.
Drummond.
Ekalaka.
Ennis.
Eureka.
Forsyth.
Fort Belknap.
Fort Benton.
Fort Harrison.
Fort Peck.
Froid.
Fromberg.
Gardiner.
Geraldine.
Glacier Park Station.
Glasgow.
Glendive.
Glenwood Park.
Grass Range.
Great Falls.
Hardin.
Harlowton.
Helena.
Helena (State Vocational School for Girls).
Highwood.
Hingham.
Hobson.
Hysham.
Ismay.
Kalispell.
Kevin.
Laurel.
Lewistown.
Libby.
Lima.
Livingston.
Lodge Grass.
Malta.
Manhattan.
Medicine Lodge.
Melstone.
Miles City.
Missoula.
Moore.
Musselshell.

MONTANA—Continued

Nashua.
Neihart.
Northeast Billings.
Orchard Homes.
Outlook.
Paradise.
Philipsburg.
Plains.
Plevna.
Polson.
Poplar.
Richey.
Ronan.
Roundup.
Rudyard.
Ryegate.
Saco.
Scobey.
Shelby.
Sheridan.
Sidney.
Somers.
Stanford.
Stevensville.
Superior.
Terry.
Thompson Falls.
Three Forks.
Townsend.
Trident.
Troy.
Twin Bridges.
Valier.
Vaughn.
Virginia City.
Warm Springs State Hospital.
West Billings.
Westby.
White Fish.
Whitehall.
White Sulphur Springs.
Wibaux.
Winifred.
Winnett.
Wolf Point.
Wyola.

NEBRASKA

Albion.
Alexandria.
Allen.
Anselmo.
Ansley.
Arapahoe.
Arcadia.
Arnold.
Ashland.
Atkinson.
Auburn.
Aurora.
Bancroft.
Bartley.
Bayard.
Beatrice.
Beaver City.
Beemer.
Belgrade.
Bellevue.
Bellwood.
Belvidere.
Benedict.
Benkelman.
Bennett.
Bladen.
Blair.
Bloomfield.
Bloomington.
Blue Springs.
Bradshaw.
Brady.
Brainard.
Bridgeport.
Broadwater.
Brock.
Broken Bow.
Brunswick.
Burchard.
Burwell.
Carleton.
Carroll.
Cedar Rapids.

NEBRASKA—Continued

Chadron.
Clarkson.
Clearwater.
Cody.
Columbus.
Comstock.
Cortland.
Cozad.
Craig.
Crawford.
Creston.
Crete.
Crofton.
Culbertson.
Curtis.
Dakota City.
Danbury.
Dawson.
Diller.
Dodge.
Douglas.
Dubois.
Dunbar.
Dwight.
Edison.
Elba.
Elkhorn.
Elsie.
Fairbury.
Fairmont.
Falls City.
Farnam.
Firth.
Ft. Calhoun.
Franklin.
Fremont.
Fullerton.
Genoa.
Gering.
Giltner.
Gordon.
Gothenburg.
Gresham.
Gurley.
Haigler.
Hampton.
Hardy.
Harrison.
Hastings.
Hastings State Hospital.
Hayes Center.
Hay Springs.
Hebron.
Henry.
Herman.
Hershey.
Hickman.
Hildreth.
Holdrege.
Hooper.
Howells.
Humbolt.
Humphrey.
Hyannis.
Indianola.
Jackson.
Kearney.
Kennard.
Laurel.
Leigh.
Lexington
Liberty.
Lindsay.
Litchfield.
Louisville.
Loup City.
Lyman.
Lynch.
Lyons.
Madison.
Marquette.
Mason City.
Maywood.
Merna.
Merriman.
Milford.
Milligan.
Minatare.
Mitchell.
Monroe.
Morrill.

NEBRASKA—Continued

Murdock.
Naponee.
Nebraska City.
Nehawka.
Neligh.
Nelson.
Newmans Grove.
Newport.
Niobrara.
Norfolk.
North Loup.
North Platte.
Oakdale.
Oakland.
Oconto.
Ogallala.
Ohiowa.
Omaha.
O'Neill.
Orchard.
Ord.
Orleans.
Osceola.
Oshkosh.
Otoe.
Page.
Palisade.
Palmer.
Palmyra.
Papillion.
Pender.
Petersburg.
Pierce.
Pilger.
Plattsmouth.
Ponca.
Prague.
Ralston.
Ravenna.
Red Cloud.
Riverton.
Rosalie.
Rushville.
Ruskin.
St. Edward.
St. Paul.
Salem.
Schuyler.
Scottsbluff.
Scribner.
Seward.
Shubert.
Silver Creek.
Snyder.
South Sioux City.
Spalding.
Spencer.
Springview.
Stamford.
Stanton.
Staplehurst.
Stella.
Superior.
Sutherland.
Swanton.
Syracuse.
Table Rock.
Tecumseh.
Thedford.
Tilden.
Tobias.
Ulysses.
Unadilla.
Union.
Upland.
Utica.
Valentine.
Valparaiso.
Venango.
Verdon.
Wahoo.
Wakefield.
Wallace.
Walthill.
Waterloo.
Wauneta.
Wayne.
Western.
West Point.

NEBRASKA—Continued

Wilber.
Wilcox.
Wilsonville.
Winnebago.
Winside.
Wisner.
Wood Lake.
Wynot.

NEVADA

Boulder City.
Carlin.
Carson City.
Clark County.
Douglas County.
Elko.
Ely.
Eureka.
Fallon.
Gabbs.
Goldfield.
Henderson.
Las Vegas.
Lovelock.
McDermitt.
Mesquite.
Minden and Gardnerville.
New Ruth.
Overton.
Panaca.
Pioche.
Reno.
Schurz.
Sparks.
Tonopah.
Virginia City.
Washoe County.
Wells.
Winnemucca.
Yerington.

NEW HAMPSHIRE

Allenstown.
Antrim.
Ashland.
Bartlett.
Berlin.
Bethlehem.
Bristol.
Canaan.
Carroll.
Center Ossipee.
Charlestown.
Claremont.
Colebrook.
Concord.
Conway.
Derry.
Dover.
Durham.
East Jaffrey.
Epping.
Exeter.
Farmington.
Franklin.
Goffstown.
Gorham.
Greenville.
Groveton.
Hanover.
Haverhill.
Henniker.
Hillsboro.
Hillsboro County Farm (Goffstown).
Hinsdale.
Hooksett.
Hopkinton.
Hudson.
Jaffrey.
Keene.
Laconia.
Lancaster.
Lebanon.
Lincoln.
Lisbon.
Littleton.
Manchester.
Marlboro.
Merrimack.
Merrimack County Farm (Boscawen).
Milford.
Nashua.

NEW HAMPSHIRE—Continued

New Boston.
New London.
Newmarket.
Newport.
North Conway.
Northfield.
Northumberland.
North Walpole.
Pembroke.
Penacook.
Peterborough.
Pittsfield.
Plymouth.
Portsmouth.
Raymond.
Rochester.
Salem.
Salmon Falls.
Somersworth.
Sunapee.
Tilton.
Troy.
Walpole.
Warner.
Weare.
Weirs.
West Hopkinton.
West Lebanon.
West Swanzey.
Whitefield.
Wilton.
Winchester.
Wolfeboro.
Woodsville.

NEW JERSEY

Allendale.
Audubon.
Avalon.
Beach Haven.
Bellmawr (Borough).
Bergen County Sewer Authority (Bergenfield, Bogota, Dumont, Hackensack, Hasbrouck Heights, Little Ferry, Maywood, New Milford, Oradell, Paramus, Ridgefield Park, River Edge, South Hackensack, Teaneck, Teterboro, Westwood).
Berkeley Heights.
Bernards Township Sewage Authority.
Bordentown.
Burlington.
Caldwell.
Cape May.
Cape May Point.
Carteret.
Cedar Grove.
Clementon.
Denville Township.
Eatontown.
Essex Fells.
Florence Township.
Freehold.
Glassboro.
Haddonfield.
Haddon Township.
Hamilton Township-Mays Landing Section.
Hoboken.
Hopewell.
Island Heights.
Keansburg.
Lakehurst.
Little Ferry.
Livingston Township.
Lyndhurst.
Manville.
Maple Shade.
Middlesex Sewage Authority (Bound Brook, Dunellen, East Brunswick Township, Edison Township, Helmetta, Highland Park, Madison Township, Metuchen, Middlesex Borough, New Brunswick, North Brunswick Township, North Plainfield, Plainfield, Sayreville Township, South Bound Brook, South River).
Millville.
Neptune Township.
New Jersey State Hospital (Graystone Park).
North Arlington.
North Bergen (Hudson).
North Bergen (Bellmans Bk.).
North Caldwell.
North Wildwood.

NEW JERSEY—Continued

Packanack Lake.
Passaic Valley Sanitary District.
Paulsboro.
Pennington.
Point Pleasant Borough.
Rahway Valley Sewerage Authority.
Ramsey.
Raritan.
River Edge.
Riverside Township.
Rochelle Park.
Seaside Heights.
Secaucus.
Ship Bottom.
Somerville.
Stratford.
Sussex.
Totowa.
Trenton.
Tuckerton.
Ventnor-Margate.
Wenonah (Borough).
West Cape May.
West Paterson.
Westville.
Weymouth Township-Belcoville.
Wildwood Crest.

NEW MEXICO

Alamogordo.
Albuquerque.
Anthony.
Anton Chico.
Artesia.
Aztec.
Bayard.
Belen.
Bernalillo.
Bloomfield.
Capitan.
Carlsbad.
Carrizozo.
Central.
Cimarron.
Clayton.
Cloudcroft.
Clovis.
Cuba.
Deming.
Des Moines.
Dexter.
Dixon.
East Las Vegas.
East Pecos.
Elida.
Espanola.
Estancia.
Eunice.
Farmington.
Folsom.
Forrest.
Fort Stanton Hospital.
Fort Sumner.
Gallup.
Grady.
Grants.
Green Tree.
Hagerman.
Hatch.
Hobbs.
Hollywood.
Hope.
Hurley.
Jal.
Las Cruces.
Lordsburg.
Los Lunas.
Loving.
Lovington.
Magdalena.
Maxwell.
Melrose.
Mesilla.
Mesilla Park.
Mora.
Mosquero.
Mountainair.
Pecos.
Portales.
Raton.
Roswell.
Roy.
Ruidoso.
San Jon.
San Jose.
San Rafael.
Santa Fe.
Santa Rosa.
Silver City.
Socorro.
State College.
Taos.
Tatum.
Texico.
Tierra Amarilla.
Truth or Consequences.
Tucumcari.
Tularosa.
Vaughn.
Wagon Mound.
West Las Vegas.

NEW YORK

Adams (v).
Akron (v).
Albany (c).
Albion (v).
Alden (v).
Alexandria Bay (v).
Allegany (v).
Altamont (v).
Amherst (t).
Amsterdam (c).
Andover (v).
Angola (v).
Arcade (v).
Athens (v).
Attica (v).
Auburn (c).
Avon (v).
Bainbridge (v).
Baldwinsville (v).
Ballston Spa (v).
Batavia (c).
Beacon (c).
Bellport (v).
Belmont (v).
Bemus Point (v).
Bethlehem (t).
Binghamton (c).
Black River (v).
Bloomingdale (v).
Bolivar (v).
Bolton (t).
Boonville (v).
Boston (t).
Brighton (t).
Brockport (v).
Brookhaven (t).
Brownville (v).
Cambridge (v).
Camillus (v).
Canajoharie (v).
Canastota (v).
Canisteo (v).
Cape Vincent (v).
Carmel.
Carthage (v).
Cassadaga (v).
Castile (v).
Castleton-on-Hudson (v).
Castorland (v).
Catskill (v).
Cattaraugus (v).
Cazenovia (v).
Celoron (v).
Champlain (v).
Chateaugay (v).
Cheektowaga (t).
Cherry Creek (v).
Cherry Valley (v).
Clarkstown (t).
Clayton (v).
Clayville (v).
Clinton (v).
Clyde (v).
Clymer (v).
Cohoes (c).
Cold Spring (v).
Colonie (t).
Constableville (v).
Copenhagen (v).
Corfu (v).
Corinth (v).
Corning (c).
Coxsackie (v).
Crawford (t).
Croghan (v).
Croton-on-Hudson (v).
Cuba (v).
Dannemora (v).
Deferiet (v).
Delhi (v).
Depew (v).
Deposit (v).
Dexter (v).
Dickinson (t).
Dolgeville (v).
Dundee (v).
Dunkirk (c).
East Greenbush.
East Randolph (v).
East Rochester (v).
Eden (t).
Elba (v).
Elbridge (v).
Ellenville (v).
Ellicottville (v).
Elmira Heights (v).
Endicott (v).
Esopus (t).
Evans (t).
Fairport (v).
Falconer (v).
Fallsburg (t).
Fayetteville (v).
Florida (v).
Fonda (v).
Forestville (v).
Fort Edward (v).
Fort Plain (v).
Frankfort (v).
Franklinville (v).
Fredonia (v).
Frewsburg Carroll (t).
Fulton (c).
Fultonville (v).
Garden City (v).
Gates (t).
Geneseo (v).
Geneva (c).
Glen Park (v).
Glenville (t).
Gloversville (c).
Goshen (v).
Gouverneur (v).
Gowanda (v).
Grand Island (t).
Granville (v).
Greece (t).
Greene (v).
Green Island (v).
Greenport (t).
Greenwich (v).
Greenwood Lake (v).
Groton (v).
Guilderland (t).
Hagaman (v).
Hamburg (t).
Hamilton (v).
Hancock (v).
Hanover (t).
Hempstead (t).
Henrietta (t).
Herkimer (v).
Highland Falls (v).
Holland (t).
Holley (v).
Homer (v).
Honeoye Falls (v).
Hoosick Falls (v).
Hornell (c).
Horseheads (v).
Horsehead Township.
Hudson (c).
Huntington (t).
Ilion (v).
Interlaken (v).
Irondequoit (t).
Irvington (v).
Ithaca (c).
Ithaca (t).

NEW YORK—Continued

Jamestown (c).
Johnsburg (t).
Johnson City (v).
Johnstown (c).
Jordan (v).
Kingston (c).
Kirkland (t).
Lackawanna (c).
Lake Placid (v).
Lakewood (v).
Lancaster (t).
Lancaster (v).
Larchmont (v).
LeRoy (v).
Lewiston (t).
Lewiston (v).
Liberty (t).
Lima (v).
Little Falls (c).
Little Valley (v).
Liverpool (v).
Lockport.
Long Beach (c).
Lowville (v).
Lyons Falls (v).
Malone (v).
Manlius (v).
Marathon (v).
Marcellus (v).
Marcy (t).
Martinsburg (t).
Massena (v).
Maybrook (v).
Mayville (v).
Medina (v).
Menands (v).
Mexico (v).
Middleport (v).
Milford (v).
Millbrook (v).
Millerton (v).
Minetto (t).
Mohawk (v).
Monroe (v).
Montgomery (v).
Montour Falls (v).
Mount Morris (v).
Mount Pleasant (t).
Nelliston (v).
Newark (v).
New Berlin (v).
Newburgh (c).
New Castle (t).
Newfane (t).
New Hartford (t).
New Hartford (v).
New Paltz (v).
New Rochelle (c).
New York (c).
New York Mills (v).
Niagara (t).
Niagara Falls (c).
North Collins (v).
North Greenbush (t).
North Harmony (t).
North Hempstead (t).
Northville (v).
Norwich (c).
Norwood (v).
Ogdensburg (c).
Oneida (c).
Oneida Castle (v).
Oneonta (c).
Oneonta (t).
Onondaga County.
Orangetown (t).
Orchard Park (v).
Oriskany (v).
Oriskany Falls (v).
Oswego (c).
Ovid (v).
Owego (v).
Oxford (v).
Palatine Bridge (v).
Palmyra (v).
Panama (v).
Patchogue (v).
Peekskill (c).
Perry (v).
Philadelphia (v).
Phoenix (v).
Piermont (v).
Plattsburgh (c).
Poland (t).
Pomfret (t).
Port Chester (v).
Port Henry (v).
Port Jefferson Sewer District.
Potsdam (v).
Poughkeepsie (c).
Poughkeepsie (t).
Pulaski (v).
Randolph (v).
Ravena (v).
Red Hook (v).
Rensselaer (v).
Richburg (v).
Richfield Springs (v).
Ripley (t).
Riverhead (v).
Rochester (c)
Rome (c).
Rosendale (v).
Rotterdam (t).
Rouses Point (v).
Salamanca (c).
Salem (v).
Sandy Creek (v).
Saranac Lake (v).
Schaghticoke (v).
Schoharie (v).
Seneca Falls (v).
Sharon Springs (v).
Shawangonk (t).
Sherburne (v).
Sherman (v).
Sidney (v).
Silver Creek (v).
Skaneateles (v).
Sodus (v).
Solvay (v).
South Dayton (v).
Speculator (v).
Spring Valley (v).
Springville (v).
St. Johnsville (v).
Suffern (v).
Syracuse (c).
Theresa (v).
Ticonderoga (t).
Ticonderoga (v).
Tonawanda (t).
Troy (c).
Tupper Lake (v).
Turin (v).
Tuxedo (v).
Unadilla (v).
Union (t).
Union Springs (v).
Unionville (v).
Upper Nyack.
Utica (c).
Valley Falls (v).
Vernon (v).
Vestal (t).
Victor (v).
Waddington (v).
Walden (v).
Wallkill (t).
Walton (v).
Wanakah Sanitary District.
Wappingers Falls (v).
Warwick (v).
Waterford (v).
Waterloo (v).
Watertown (c).
Waterville (v).
Watervliet (c).
Waverly (v).
Webb (t).
Webster (v).
Wellsville (v).
West Carthage (v).
Westchester County.
West Haverstraw (v).
Westport (v).
West Seneca (t).
Wheatfield (t).
Whitehall (v).

NOTE: (c)—city; (t)—town; (v)—village.

Whitesboro (v).
Wilson (v).
Yorkville (v).
Youngstown (v).

NORTH CAROLINA

Aberdeen.
Ahoskie.
Albemarle.
Alexander Hills.
Andrews.
Angier.
Apex.
Asheboro.
Asheville.
Aulander.
Ayden.
Baileys.
Bakersville.
Banner Elk.
Battleboro.
Beaufort.
Beaver Dam Sanitary District.
Belhaven.
Belmont.
Benson.
Bessemer City.
Bethel (Pitt County).
Biltmore Forest.
Biscoe.
Black Mountain.
Blowing Rock.
Boiling Springs.
Bonnie Doone.
Booneville.
Bryson City.
Burgaw.
Burlington.
Burnsville.
Busbee Sanitary District.
Butner State Hospital.
Caledonia Prison Farm.
Candor.
Caney Valley Sanitary District.
Canton.
Carolina Beach.
Carrboro.
Carthage.
Cary.
Catawba.
Central Falls Sanitary District.
Chadbourn.
Chapel Hill (Orange County).
Charlotte.
Cherryville.
China Grove.
Chowan County School.
Claremont.
Clayton.
Clinton.
Clyde.
Colerain.
Columbia.
Columbus.
Concord.
Conover.
Creedmoor.
Crescent Hill Sanitary District.
Crossnore.
Dallas.
Davidson.
Denton.
Dillsboro.
Draper.
Drexell.
Druid Hills Sanitary District.
Dunn.
Durham.
Edenton.
Elizabeth City.
Elizabethtown.
Elkin.
Ellerbe.
Elm City.
Enfield.
Fair Bluff.
Fairmont.
Fairview Sanitary District.
Faison.
Farmville.

NORTH CAROLINA—Continued

Fayetteville.
Forest City.
Fountain.
Franklin (Macon County).
Franklinton.
Fremont.
Fuquay Springs.
Gastonia.
Gibson.
Gibsonville.
Goldsboro.
Graham.
Granite Falls.
Greensboro.
Greenville.
Halifax.
Hamlet.
Hayesville.
Hazel Sanitary District.
Hazelwood.
Hendersonville.
Hertford.
Hickory.
Highlands.
High Point.
Hillsboro.
Holly Ridge.
Hockerton.
Hot Springs.
Huntersville.
Jackson.
Jonesville.
Kenly.
Kernersville.
Kings Mountain.
Kinston.
Kure Beach.
LaGrange.
Lake Lure.
Laurel Park.
Laurinburg.
Leaksville.
Lenoir.
Lexington.
Liberty.
Lilesville.
Lillington.
Lincolnton.
Littleton.
Longview.
Louisburg.
Lucama.
Lumberton.
Madison.
Maiden.
Manteo.
Marshall.
Mars Hill.
Marshville.
Maxton.
Mayodan.
Mebane.
Middlesex.
Mocksville.
Mooresville.
Morehead City.
Morven.
Mount Airy.
Mount Gilead.
Mount Holly.
Mount Olive.
Mount Pleasant (Cabarrus County).
Murfreesboro.
Murphy.
Nashville.
New Bern.
Newland.
Newton.
North Wilkesboro.
Norwood.
Oakboro.
Old Fort.
Oxford.
Pikeville.
Pilot Mountain.
Pine Level.
Pinetops.
Pineville.
Pittsboro.
Plymouth.

NORTH CAROLINA—Continued

Princeton.
Raeford.
Ramseur.
Randleman.
Red Springs.
Reidsville.
Richlands.
Rich Square.
Roanoke Rapids Sanitary District.
Robbins.
Robbinsville.
Robersonville.
Rockingham.
Rockwell.
Rocky Mount.
Roseboro.
Rose Hill.
Rowland.
Roxboro.
Rural Hall Sanitary District.
Rutherfordton.
St. Pauls.
Salisbury.
Saluda.
Sanford.
Scotland Neck.
Seaboard.
Selma.
Shelby.
Siler City.
Skyland Sanitary District.
Smithfield.
Snow Hill.
Southern Pines.
Southport.
Sparta.
Spencer.
Spindale.
Spray.
Spring Hope.
Spruce Pine.
Stanley.
Stantonsburg.
Star.
Statesville.
Stoneville.
Swannanoa Sanitary District.
Swansboro.
Sylva.
Tabor City.
Tarboro.
Thomasville.
Topsail Beach.
Trenton.
Troy.
Tryon.
Valdese.
Wadesboro.
Wake Forest.
Wallace.
Walnut Cove.
Walstonburg.
Warrenton.
Warsaw.
Waxhaw.
Waynesville.
Weaverville.
Weldon.
Wendell.
West Jefferson.
Whitakers.
Whiteville.
Wilkesboro.
Williamston.
Wilmington.
Wilson.
Windsor.
Winston-Salem.
Winterville.
Winton.
Woodfin Sanitary District.
Wrightsville Beach.
Yadkinville.
Yanceyville Sanitary District.
Youngsville.
Zebulon.

NORTH DAKOTA

Abercrombie.
Adams.
Alexander.

NORTH DAKOTA—Continued

Amenia.
Anamoose.
Aneta.
Arnegard.
Ashley.
Belfield.
Berthold.
Beulah.
Bismarck.
Bottineau.
Bowbells.
Bowdon.
Bowman.
Cando.
Carrington.
Carson.
Casselton.
Cavalier.
Cogswell.
Columbus.
Cooperstown.
Crosby.
Devils Lake.
Dickinson.
Douglas.
Drake.
Drayton.
Dunseith.
Edgeley.
Edinburg.
Edmore.
Ellendale.
Enderlin.
Esmond.
Fairmount.
Fargo.
Finley.
Flasher.
Flaxton.
Forman.
Fort Lincoln.
Fort Yates.
Gackle.
Garrison.
Glenburn.
Glen Ullin.
Golden Valley.
Goodrich.
Grafton.
Grand Forks.
Granville.
Grenora.
Gwinner.
Halliday.
Hankinson.
Hannaford.
Harvey.
Hatton.
Hazen.
Hebron.
Hettinger.
Hillsboro.
Hoople.
Hope.
Hunter.
Jamestown.
Jamestown State Hospital.
Kenmare.
Killdeer.
Kindred.
Kulm.
Lakota.
LaMoure.
Langdon.
Lansford.
Larimore.
Leeds.
Lehr.
Leonard.
Lidgerwood.
Linton.
Lisbon.
Litchville.
McClusky.
McVille.
Mandan.
Mandan (State Training School).
Manvel.
Marmath.
Max.

NORTH DAKOTA—Continued

Mayville.
Mercer.
Milnor.
Minto.
Minot.
Mohall.
Mott.
Napoleon.
New Leipzig.
New Rockford.
New Town.
Noonan.
Oakes.
Page.
Parshall.
Pembina.
Portal.
Portland.
Powers Lake.
Ray.
Reeder.
Regent.
Rhame.
Richardton.
Riverdale.
Rock Lake.
Rolette.
Rolla.
Rugby.
Rutland.
Ryder.
Saint John.
Saint Thomas.
San Haven (State Sanatorium).
Sherwood.
Sheyenne.
Souris.
South West Fargo.
Stanton.
Steele.
Strasburg.
Streeter.
Sykeston.
Taylor.
Tioga.
Towner.
Underwood.
Upham.
Valley City.
Velva.
Wahpeton.
Walhalla.
Washburn.
Watford City.
Westhope.
Williston.
Willow City.
Wilton.
Wimbledon.
Wishek.
Wyndmere.
Zap.
Zeeland.

OHIO

Adena.
Amherst.
Ansonia.
Antwerp.
Apple Creek.
Arcanum.
Archbold.
Arlington.
Ashland.
Ashley.
Ashtabula County Redbrook Sewer District No. 2.
Attica.
Auglaize County Villa Nova Sewer District.
Avon.
Avon Lake.
Baltimore.
Bedford Heights.
Bellaire.
Bellbrook.
Belle Center.
Bellevue.
Belpre.
Bergholz.
Bethel.

OHIO—Continued

Bettsville.
Bloomdale.
Bloomville.
Botkins.
Bowerston.
Bradford.
Brecksville.
Brewster.
Bridgeport.
Brilliant.
Brookside.
Bucyrus.
Caldwell.
Caledonia.
Campbell.
Canal Fulton.
Cardington.
Centerville.
Cincinnati (Addyston, Amberley, Arlington Heights, Blue Ash, Cheviot, Deer Park, Elmwood Place, Evendale, Fairfax, Golf Manor, Greenhills, Indian Hill, Lincoln Heights, Lockland, Madeira, Mariemont, Mount Healthy, North College Hill, Northwood, Reading, Saint Bernard, Sharonville, Silverton, Woodlawn, Wyoming).
Chillicothe.
Circleville.
Clarington.
Cleveland (Beachwood, Bratenahl, Brooklyn, Brooklyn Heights, Brook Park, Cleveland Heights, Cuyahoga Heights, East Cleveland, Garfield Heights, Linndale, Lyndhurst, Maple Heights, Mayfield Heights, Newburgh Heights, North Randall, Parma, Parma Heights, Seven Hills, Shaker Heights, South Euclid, University Heights, Warrensville Heights).
Coal Grove.
College Corner.
Columbus (Bexley, Grandview Heights, Hanford, Marble Cliff, Riverlea, Upper Arlington, Valley View, Whitehall, Worthington).
Continental.
Corning.
Creston.
Cridersville.
Crooksville.
Cuyahoga County Solon Sewer District No. 11.
Dalton.
Danville.
DeGraff.
Delta.
Deshler.
Dresden.
Dunkirk.
East Palestine.
East Sparta.
Eaton.
Edgerton.
Edon.
Elida.
Elmore.
Elyria.
Erie County Perkins-Margaretta Sewer District.
Euclid Highland Heights, Richmond Heights, Wickliffe, Willowick).
Farmersville.
Fayette.
Fletcher.
Flushing.
Forest.
Fort Loramie.
Fort Recovery.
Gahanna.
Gallipolis.
Garrettsville.
Genoa.
Gibsonburg.
Girard.
Glouster.
Gnadenhutten.
Grand River.
Greenwich.
Grove City.
Groveport.
Hamden.
Hamilton.

OHIO—Continued

Hamilton County:
Main Sewer District No. 1. Taylors Creek Sub-District. West Fork Sub-District.
Haskins.
Hebron.
Hicksville.
Holgate.
Holloway.
Independence.
Jefferson.
Jeffersonville.
Jewett.
Junction City.
Kalida.
Kingston.
LaGrange.
Lake County:
Madison Sewer District No. 1.
Mentor Sewer District No. 1.
Lakeville.
LaRue.
Leesburg.
Leetonia.
Leipsic.
Liberty Center.
Loudenville.
Lowellville.
Lynchburg.
Lyons.
Magnolia.
Mahoning County Poland Sewer District No. 4.
Malta.
Malvern.
Manchester.
Mansfield.
Martins Ferry.
Mason.
Massillon.
Maumee.
McArthur.
McConnelsville.
McDonald.
Mentor.
Mentor-on-the-Lake.
Metamora.
Middleburg Heights.
Middlefield.
Middlepoint.
Middleport.
Milford.
Milford Center.
Millersburg.
Minerva Park.
Mingo Junction.
Monroe.
Monroe Falls.
Monroeville.
Montgomery County:
Beaver Creek Sewer District.
Holes Creek Sewer District.
Morraine Sewer District.
Montpelier.
Morrow.
Mount Victory.
Napoleon.
Nelsonville.
Nevada.
New Boston.
New Holland.
New Madison.
New Matamoras.
Newton Falls.
New Vienna.
New Washington.
Niles.
North Baltimore.
North Bend.
North Olmsted.
North Royalton.
Oak Harbor.
Ohio City.
Olmsted Falls.
Orwell.
Painesville.
Pandora.
Parkview.
Pataskala.
Paulding.

OHIO—Continued

Payne.
Pemberville.
Perrysburg.
Phillipsburg.
Pickerington.
Piqua.
Plymouth.
Pomeroy.
Portsmouth.
Proctorville.
Prospect.
Reynoldsburg.
Richland County Sewer Districts Nos. 1, 2, and 3.
Ripley.
Rockford.
Rocky River (Bay Village, Fairview).
Roscoe.
Roseville.
Rushsylvania.
Sabina.
Saint Henry.
Salineville.
Sandusky.
Sardinia.
Scio.
Seaman.
Seville.
Shiloh.
Smithville.
Somerset.
South Zanesville.
Spencer.
Springfield.
Strongsville.
Struthers.
Stryker.
Summit County Main Sewer District 4, 4A.
Sunbury.
Swanton.
Tallmadge.
Tiltonville.
Toronto.
Trumbull County Mineral Ridge Sewer District.
Vermillion-on-the-Lake.
Warren.
Washington C. H.
Washingtonville.
Waterville.
Wayne.
Waynesburg.
Waynesfield.
Waynesville.
Wellston.
Wellsville.
West Carrollton.
West Jefferson.
Westlake.
West Leipsic.
West Mansfield.
Weston.
West Unity.
Williamsburg.
Willoughby (Eastlake, Timberlake).
Woodville.
Yellow Springs.
Yorkville.
Youngstown.
Zanesville.

OKLAHOMA

Achille.
Ada.
Adair.
Afton.
Albany.
Alderson.
Alex.
Allen.
Altus.
Alva.
Anadarko.
Antlers.
Apache.
Ardmore.
Arkoma.
Arnett.
Asher.
Avant.

OKLAHOMA—Continued

Barnsdale.
Bartlesville.
Beaver.
Beggs.
Bennington.
Bethany.
Billings.
Benger.
Bixby.
Blackwell.
Blair.
Blanchard.
Boise City.
Bokchito.
Bokoshe.
Boley.
Boswell.
Bowlegs.
Boynton.
Braggs.
Braman.
Bridgeport.
Bristow.
Broken Arrow.
Broken Bow.
Bromide.
Buffalo.
Burbank.
Burneyville.
Byers.
Cache.
Caddo.
Calera.
Calvin.
Canadian.
Caney.
Canton.
Canute.
Cardin.
Carmen.
Carnegie.
Carter.
Catoosa.
Cement.
Chandler.
Chattanooga.
Checotah.
Chelsea.
Cherokee.
Cheyenne.
Chickasha.
Choctaw.
Chouteau.
Claremore.
Clayton.
Cleveland.
Clinton.
Clinton (Western T. B. Hospital).
Coalgate.
Colbert.
Colony.
Comanche.
Commerce.
Cooperton.
Cordell.
Corn.
Cottonwood.
Countyline.
Covington.
Coweta.
Crescent.
Cromwell.
Crowder.
Cushing.
Custer City.
Cyril.
Davidson.
Davis.
Delaware.
Del City.
Depew.
Devol.
Dewey.
Dill City.
Dougherty.
Drumright.
Duke.
Duncan.
Durant.

OKLAHOMA—Continued

Dustin.
Eagletown.
Eakley.
Earlsboro.
Edmond.
Eldorado.
Elgin.
Elk City.
El Reno.
Enid.
Erick.
Eufaula.
Fairfax.
Fairland.
Fairview.
Fittstown.
Fletcher.
Fort Cobb.
Fort Gibson.
Fort Towson.
Foss.
Fox.
Francis.
Frederick.
Freedom.
Garber.
Geary.
Geronimo.
Glencoe.
Goodwell.
Goodwell (College).
Gore.
Gotebo.
Gould.
Gowen.
Gracemont.
Grandfield.
Granite.
Granite (State Reformatory).
Grant.
Grove.
Guthrie.
Guymon.
Halleyville.
Hammon.
Hannah.
Harden City.
Harrah.
Hartshorne.
Haskell.
Hastings.
Headrick.
Healdton.
Heavener.
Helena.
Hennessey.
Henryetta.
Hinton.
Hobart.
Hochatown.
Holdenville.
Hollis.
Hollister.
Hooker.
Hoyt.
Hugo.
Hulbert.
Hydro.
Idabel.
Indiahoma.
Indianola.
Inola.
Jay.
Jenks.
Jennings.
Jet.
Jones.
Kaw City.
Keota.
Keyes.
Kiefer.
Kingfisher.
Kingston.
Kiowa.
Konawa.
Kreba.
Lamont.
Langston University.
Laverne.

OKLAHOMA—Continued

Lawton.
Leedey.
Lehigh.
Lenapah.
Lexington.
Lindsay.
Little City.
Locust Grove.
Lone Grove.
Lone Wolf.
Loveland.
Luther.
Madill.
Mangum.
Manitou.
Mannford.
Mannsville.
Marcetta.
Marlow.
Marshall.
Maud.
Maysville.
McAlester.
McCurtain.
McLoud.
Medford.
Meeker.
Miami.
Midwest City.
Milburn.
Mill Creek.
Minco.
Monroe.
Moore.
Mooreland.
Morris.
Mounds.
Mountain Park.
Mountain View.
Muse.
Muskogee.
Newcastle.
Newkirk.
Nichols Hills.
Nicoma Park.
Noble.
Norman.
Oakland.
Oilton.
Okarchie.
Okeene.
Okemah.
Oklahoma City.
Olustee.
Orlando.
Osage City.
Owasso.
Paden.
Page.
Panama.
Paoli.
Paul's Valley.
Paul's Valley (State Hospital).
Pawhuska.
Pawnee.
Perkins.
Pernell.
Perry.
Pharoah.
Pine Valley.
Pittsburg.
Ponca City.
Pond Creek.
Poteau.
Prague.
Pryor.
Purcell.
Quapaw.
Quinton.
Ralston.
Ravia.
Red Oak.
Reed.
Rextroat.
Ringling.
Ripley.
Rocky.
Roosevelt.
Ross.
R. S. Indian School.

OKLAHOMA—Continued

Rush Springs.
Ryan.
Salina.
Sallisaw.
Sasakwa.
Savanna.
Sayre.
Seiling.
Seminole.
Sentinel.
Shady Point.
Shattuck.
Shawnee.
Skiatook.
Snyder.
Soper.
Southland.
Spavenaw.
Spencer.
Sperry.
Spiro.
Springer.
Sterling.
Stigler.
Stillwater.
Stonewall.
Stratford.
Stringtown.
Stuart.
Sulpher.
Supply.
Taft (Deaf, Blind and Orphans School).
Talihina.
Tecumseh.
Temple.
Terral.
Texhoma.
Texola.
Thackerville.
Thomas.
Tipton.
Tishomingo.
Tonkawa.
Tulsa.
Tupelo.
Tuskahoma.
Tuttle.
Valliant.
Verden.
Vernon.
Vici.
Village.
Vinita.
Wakita.
Walters.
Wanette.
Wapanucka.
Warner.
Warr Acres.
Washington.
Watonga.
Waurika.
Wayne.
Waynoka.
Weatherford.
Welch.
Weleetka.
Wellston.
Weturika.
Wewoka.
Wheatland.
Whitefield.
Wilburton.
Williams.
Willow.
Wilson.
Wirt.
Wister.
Woodward.
Woodville.
Wright City.
Wynnewood.
Wynona.
Yale.
Yukon.

OREGON

Aloha-Huber.
Amity.
Ardenwald Sanitary District.
Arlington.
Ashland.

OREGON—Continued

Bandon.
Beaverton.
Bend.
Berrydale Sanitary District.
Broadmoor.
Brookings.
Brownsville.
Burns.
Cannon Beach.
Canyon City.
Canyonville.
Cave Junction.
Chiloquin.
Clatskanie.
Cornelius.
Corvallis.
Creswell.
Dayton.
Delake.
Drain.
Dufur.
Dunthorpe.
Eagle Point.
Eastside.
East Springfield.
Elgin.
Empire.
Estacada.
Eugene.
Fairview.
Florence.
Four Corners.
Gervais.
Government Camp Sanitary District.
Green Sanitary District.
Hillsboro.
Hood River.
Huntington.
Jacksonville.
Klamath Falls.
Lafayette.
La Grande.
Lake Grove Sanitary District.
Lebanon.
Malin.
Maupin.
Mill City.
Milton-Freewater.
Monroe.
Mosier.
Nehalem.
Nelscott.
Netarts.
Oak Grove Sanitary District.
Oakland.
Ontario.
Oswego.
Pilot Rock.
Portland.
Powers.
Rainier.
Raleigh Sanitary District.
Raleighwood.
Roseburg.
Salem.
Sherwood.
Siletz.
South Corvallis.
South East Klamath Falls.
South Salem.
Stayton.
St. Helens.
Sunset Valley Sanitary District.
Table Rock Sanitary District.
Taft.
Talent.
The Dalles.
Tigard Sanitary District.
Tillamook.
Tillamook Airport.
Union.
Vernonia.
Wallowa.
Warrenton.
Westfir.
Weston.
West Slope Sanitary District.
Wheeler.
Willamina.
Yoncalla.

PENNSYLVANIA

Abington Township.
Albion.
Alexandria.
Aliquippa.
Allenport.
Allentown.
Ambler.
Ambridge.
Apollo.
Applewold.
Archbald.
Arnold.
Ashland (Columbia and Schuylkill County).
Athens.
Avoca.
Baden.
Bangor.
Bath.
Beaver.
Beaver Falls.
Beaver Meadows.
Belle Vernon.
Bentleyville.
Berlin.
Bernharts.
Berwick.
Bethel.
Blairsville.
Blakely.
Bobtown Village.
Borough Township.
Brackenridge.
Bradford.
Bridgeport (Montgomery County).
Bridgewater (Beaver County).
Bristol.
Brockway.
Brookville.
Browndale.
Brownstown (Cambria County).
Brownsville (Fayette County).
Burnham.
Butler.
California (Bucks County).
California State Teacher's College.
Canonsburg.
Canton.
Carbondale.
Carbondale Township.
Carlisle.
Centerville (Washington County).
Chambersburg.
Charleroi.
Chester.
Cheswick.
Christiana.
Clairton.
Clarks Summit.
Claysville.
Clearfield.
Clifton Heights.
Clyde.
Coatesville.
Cokeburg.
Confluence.
Connellsville.
Conway.
Coplay.
Coraopolis.
Coudersport.
Cressona.
Cumbola.
Curwensville.
Dale (Cambria County).
Dallas.
Dauphin.
Dawson.
Dickson City.
Donora.
Doylestown.
Dravosburg.
DuBois.
Dunbar.
Duncannon.
Dunmore.
Dupont.
Duquesne.
Duryea.

PENNSYLVANIA—Continued

Eagles Mere.
East Brady.
East Conemaugh.
East Deer Township.
East Greenville.
East Mauch Chunk.
East Norriton Township.
Easton.
East Pennsboro Township.
East Rochester.
East Stroudsburg.
Eden Park.
Edgeworth.
Edwardsville.
Elco.
Eldred.
Elizabeth (Allegheny County).
Elizabethtown.
Elizabethville.
Ellport.
Ellsworth.
Emmaus.
Emporium.
Emsworth.
Erie.
Everson.
Exeter.
Factoryville.
Fair Chance.
Fallscreek.
Farrell.
Fayette City.
Fell Township.
Ferndale (Cambria County).
Finleyville.
Fleetwood.
Ford City.
Forest City.
Forty Fort.
Foster Township.
Foxburg.
Frackville.
Franklin (Cambria County).
Freedom.
Freeland.
Freemansburg.
Freeport.
Galeton.
Geistown.
Glassport.
Glen Rock.
Greencastle.
Greensboro.
Greensburg.
Greenville.
Hallstead.
Hamburg.
Hanover Township.
Harmar Township.
Harmony Township.
Harrisburg.
Harrison Township.
Hatfield (Montgomery County).
Hazleton.
Hellertown.
Hickory Township.
Highspire.
Hollidaysburg.
Homer City.
Hometown.
Honesdale.
Hopewell Township.
Houston.
Hughestown.
Hughesville.
Hulmeville.
Hummelstown.
Huntingdon.
Hyndman.
Indiana.
Indianola.
Jeanette.
Jefferson (Borough).
Johnsonburg.
Johnstown.
Kane.
Kingston (Luzerne County).
Kingston Township.

PENNSYLVANIA—Continued

Kistler (Mifflin County).
Kittanning.
Kulpmont.
Laceyville.
Langhorne.
Langhorne Manor.
Lansdale.
Lansford.
Latrobe.
Laureldale.
Lebanon.
Leechburg.
Leetsdale.
Leet Township.
Liberty (Allegheny County).
Library.
Ligonier.
Logan Township.
Loraine.
Lower Allen Township.
Lower Burrell Township.
Lower Chichester Township.
Loyalsock Township.
Luzerne.
Lykens.
Mahanoy City.
Mansfield.
Mapleton.
Marcus Hook.
Marianna.
Marysville (Perry County).
Masontown.
Matamoras.
Mauch Chunk (Jim Thorpe).
Mayfield.
McDonald.
McKeesport.
Media.
Middleport.
Middletown (Duphin County).
Midland (Beaver County).
Mifflintown.
Millerstown.
Millville.
Minersville.
Mohnton.
Monaca.
Monessen.
Monongahela.
Montgomery.
Montrose.
Morganza State School.
Mount Carbon.
Mount Carmel.
Mount Jewett.
Mount Pleasant (Westmoreland County).
Mount Union (Huntingdon County).
Mount Wolf.
Muhlenberg.
Myersdale.
Nanticoke.
Nescopeck.
New Bethlehem
New Brighton.
New Castle (Lawrence County).
New Eagle.
New Freedom.
New Kensington.
New Oxford.
New Philadelphia.
Newport (Perry County).
Nicholson.
North Apollo.
North Catasauqua.
North Charleroi.
North East.
North Strabane Township.
North Union Township.
North Wales.
Oakland.
Oakmont (Allegheny County).
Oil City.
Old Forge (Lackawanna County).
Olyphant.
Orbisonia.
Odwigsburg.
Osborne.
Palmerton (Carbon County).
Palo Alto.

PENNSYLVANIA—Continued

Panther Valley Combined Sewer Commission (Coaldale, Coaldale State Hospital, Lansford, Summit Hill).
Parker City.
Parkesburg.
Pen Argyl.
Pennsburg.
Penn Township.
Perkasie.
Philadelphia.
Pittston.
Plains Township.
Pleasant Hills (Allegheny County).
Plymouth.
Plymouth Township.
Point Marion.
Port Allegany.
Port Carbon.
Port Clinton.
Port Royal (Juniata County).
Pottsville.
Punxsutawney.
Quakertown.
Reading.
Red Hill.
Reynoldsville.
Rices Landing.
Ridgway.
Rochester.
Rochester Township.
Rockwood.
Rouseville.
Saint Clair.
Saint Marys.
Salisbury.
Saxton.
Sayre.
Scottdale.
Schuylkill County Institutional District.
Scranton.
Sellersville.
Sewickley.
Shamokin.
Sharon.
Sheffield Township.
Shenandoah.
Shickshinny.
Shinglehouse.
Sinking Spring.
Slatington.
Sligo.
Smethport.
Smithfield Township.
Snowden Township.
Somerset.
South Bethlehem (Armstrong County).
South Coatesville.
South Greensburg.
Southwest Greensburg.
South Williamsport.
Speers.
Springdale.
Springdale Township.
Steelton.
Stockdale.
Summit Hill (Carbon County).
Susquehanna.
Susquehanna Depot.
Swoyersville.
Tamaqua.
Tarentum.
Taylor.
Telford.
Thompson.
Throop.
Tidioute.
Tinicum Township.
Tionesta.
Trafford.
Tredfrin Township.
Troy.
Tunkhannock.
Tuscarora.
Upper Gwynedd Township.
Vanderbilt.
Vandergrift.
Vandling.
Versailles.
Walnutport.
Warminister Township.

PENNSYLVANIA—Continued

Warren.
Weatherly.
Wellsboro.
West Brownsville
West Elizabeth.
West Hazelton.
Westmont (Cambria County).
West Newton.
West Pittston.
Whitehall (Borough).
White Haven.
White Oak (Allegheny County).
Wilkes-Barre.
Williamstown.
Wormleysburg.
Wyalusing.
Wyoming.
Youngwood.
Zelienople.

RHODE ISLAND

Albion (Lincoln Town).
Ashaway (Hopkinville Town).
Ashton (Cumberland Town).
Barrington (Barrington Town).
Berkeley (Cumberland Town).
Blackstone Valley Sanitary District (East Providence, Pawtucket, Central Falls, Cumberland, Lincoln).
Bradford (Westerly Town).
Esmond (Smithfield Town).
Exeter State Hospital (Exeter).
Georgiaville (Smithfield Town).
Hope Valley (Hopkinton Town).
Island Park-The Hummocks (Portsmouth Town).
Jamestown (Jamestown Town).
Johnston (Johnston Town).
Manville (Lincoln Town).
Middletown (Middletown Town).
New Shoreham (New Shoreham Town).
Newport (Newport City).
Providence (Providence City).
Scarborough Beach (Narragansett Town).
Valley Falls (Cumberland Town).
Wakefield-Peacedale (South Kingstown Town).
Warwick (Warwick City).
Watch Hill (Westerly Town).
Westerly (Westerly Town).
Woonsocket.
Wyoming (Richmond Town).

SOUTH CAROLINA

Abbeville.
Anderson.
Andrews.
Avondale Housing Development.
Batesburg.
Bath Village.
Beaufort.
Bennettsville.
Bishopville.
Blacksburg.
Blacksburg High School.
Camden.
Cayce.
Central.
Charleston.
Cheraw.
Chesterfield.
Clearwater.
Clemson.
Clinton.
Clio.
Clover.
Columbia.
Conway.
Cowpens.
Dillon.
Due West.
Easley.
Edgefield.
Fairfax.
Florence Air Base.
Fort Mill.
Fort Moultrie (Sullivans Island).
Gaffney.
Georgetown.
Great Falls.

SOUTH CAROLINA—Continued

Greenville.
Greer.
Hampton.
Heath Springs.
Holly Hill.
Inman (east).
Iva.
Johnston.
Jonesville.
Kingstree.
Kershaw.
La France Mill Village.
Lake City.
Lamar.
Landrum.
Langley.
Latta.
Laurens.
Leesville.
Lexington.
Liberty.
Loris.
Manning.
Marion.
McColl.
McCormick.
Mount Pleasant.
Mullins.
Myrtle Beach.
North.
North Charleston.
Pageland.
Pelzer.
Pickens.
Piedmont.
Rock Hill.
Saint Matthews.
Saint Phillips and Saint Michaels Parish.
Saluda.
Seneca.
Simpsonville.
Spartanburg.
Walhalla.
Ware Shoals.
West Columbia.
Westminster.
Whitmire.
Windermere.
Winnsboro.
York.

SOUTH DAKOTA

Aberdeen.
Alexandria.
Alpena.
Andover.
Artesian.
Ashton.
Astoria.
Aurora.
Avon.
Baltic.
Belle Fourche.
Bison.
Blunt.
Bowdle.
Bradley.
Brandon.
Brandt.
Bridgewater.
Britton.
Brookings.
Bruce.
Bryant.
Buffalo.
Bullhead.
Burbank.
Canistota.
Canova.
Carthage.
Central City.
Claremont.
Colman.
Colome.
Colton.
Columbia.
Conde.
Corsica.
Cresbard.
Dallas.

SOUTH DAKOTA—Continued

Deadwood.
Delmont.
DeSmet.
Doland.
Draper.
Edgemont.
Egan.
Elk Point.
Elkton.
Emery.
Estelline.
Ethan.
Fairfax.
Faith (Mead County).
Faulkton.
Firesteel.
Florence.
Fort Pierre.
Frankfort.
Frederick.
Garden City.
Garretson.
Gary.
Gayville.
Geddes.
Glenham.
Greenwood.
Gregory.
Grenville.
Groton.
Harrisburg.
Harrison.
Harrold.
Hecla.
Henry.
Highmore.
Hitchcock.
Howard.
Hudson.
Humboldt.
Hurley.
Huron.
Iroquois.
Java.
Jefferson.
Kaylor.
Kennebec.
Keystone.
Kimball.
Lake Norden.
Lake Preston.
Lead.
Lebanon.
Lennox.
Leola.
Lesterville.
Letcher.
Little Eagle.
McIntosh.
McLaughlin.
Manderson.
Marion.
Mellette.
Menno.
Mission.
Mitchell.
Mobridge.
Montrose.
Mount Vernon.
Nemo.
Newell.
New Underwood.
North Sioux City.
Northville.
Okreek.
Oldham.
Olivet.
Onida.
Orient.
Parkston.
Peever.
Pickstown.
Piedmont.
Pierre.
Plankinton.
Presho.
Quinn.
Ramona.
Ravinia.
Redfield (State Home and School).

SOUTH DAKOTA—Continued

Ree Heights.
Reliance.
Revillo.
St. Lawrence.
St. Onge.
Salem.
Scotland.
Selby.
Seneca.
Sioux Falls.
South Shore.
Springfield.
Stephan.
Sturgis.
Summit (Roberts County).
Terraville.
Timber Lake.
Toronto.
Trail City.
Trent.
Tulare.
Turton.
Tyndall.
Vermillion.
Vienna.
Wagner.
Wakonda.
Wakpala.
Wanblee.
Wasta.
Watertown.
Webster.
Wentworth.
Wessington.
Wessington Springs.
White Lake.
Whitewood.
Wilmot.
Winner.
Wolsey.
Wood.
Woonsocket.
Worthing.
Yankton.

TENNESSEE

Alcoa.
Ashland City.
Athens.
Bemis.
Bluff City.
Bordeaux.
Brownsville.
Bruceton.
Camden.
Carthage.
Centerville.
Chattanooga.
Clarksville.
Collierville.
Columbia.
Copperhill.
Coppervillage.
Covington.
Cowan.
Crossville.
Cumberland Gap.
Davidson County Hospital.
Davidson County T. B. Hospital.
Davidson County Metropolitan System.
Dayton.
Decherd.
Dresden.
East Ridge.
Elizabethton.
Englewood.
Erwin.
Etowah.
Fayetteville.
Frayser.
Greeneville.
Greenfield.
Halls (Lauderdale County).
Harriman.
Hartsville.
Henderson.
Hohenwald.
Humboldt.
Huntingdon.
Jacksboro.
Jackson.

TENNESSEE—Continued

Jefferson City.
Jellico.
Johnson City.
Jonesboro.
Jordonia (State Boys Vocational School).
Kingsport.
Kingston.
Knoxville.
Knoxville (State East Tennessee T. B. Hospital).
Knoxville (State Eastern St. Hospital).
LaFollette.
Lake City.
Lawrenceburg.
Lebanon.
Lenoir City.
Lexington.
Linden.
Lookout Mountain.
Loudon.
McKenzie.
Maloney Homes, Knox County.
Manchester.
Martin.
Maryville.
Memphis.
Milan.
Monteagle.
Morristown.
Munford.
Murfreesboro.
Nashville.
Nashville (State Penitentiary).
Newbern.
New Johnsonville.
Newport.
New Providence.
Oblon.
Oneida.
Parsons.
Petros (State Brushy Mountain Prison).
Pulaski.
Red Bank.
Ridgely.
Ripley.
Rockwood.
Rogersville.
Savannah.
Selmer.
Sevierville.
Sharon.
Shelbyville.
Signal Mountain.
Smyrna (Rutherford County).
Somerville.
South Fulton.
Sparta.
Springfield.
Sweetwater.
Tiptonville.
Trenton.
Watertown.
Waynesboro.
Whiteville.
Winchester.
Woodbury.

TEXAS

Abbeyville.
Abernathy.
Abilene.
Agua Dulce.
Alamo.
Alba.
Albany.
Aledo.
Alice.
Alto.
Alvaredo.
Alvin.
Alvord.
Amarillo.
Amherst.
Anahuac.
Andrews.
Angleton.
Anna.
Anson.
Anton.
Aransas Pass.

TEXAS—Continued

Archer City.
Arlington.
Arp.
Aspermont.
Athens.
Atlanta.
Aubrey.
Austin.
Avinger.
Azle.
Baird.
Bangs.
Bartlett.
Bastrop.
Bay City.
Baytown.
Beaumont.
Beckville.
Beeville.
Bellaire.
Bells.
Bellville.
Belton.
Benavides.
Benbrook.
Benjamin.
Big Lake.
Big Sandy.
Bishop.
Blooming Grove.
Bloomington.
Blossom.
Blum.
Bogata.
Boling.
Bonham.
Booker.
Borger.
Borger (Buena Vista Housing).
Bovina.
Bowie.
Brackettville.
Brazoria.
Breckenridge.
Bremond.
Brenham.
Bridge City (Orange County WC&ID No. 3).
Bridgeport.
Brookshire.
Brownfield.
Brownsville.
Bryan.
Bryson.
Buffalo.
Bullard.
Buna (Jasper County WC&ID No. 1).
Burkburnett.
Burleson.
Burnet.
Byers.
Caddo Mills.
Caldwell.
Calvert.
Cameron.
Canadian.
Canton.
Canyon.
Carthage.
Celeste.
Celina.
Center.
Centerville.
Channing.
Charlie.
Charlotte.
Chico.
Childress.
Chillicothe.
Cisco.
Clarendon.
Clarksville.
Claude.
Cleburne.
Cleveland.
Clute.
Clyde.
Coahoma.
Coldspring.
College Station.

TEXAS—Continued

Columbus.
Comanche.
Commerce.
Conroe.
Coolidge.
Cooper.
Coperas Cove.
Corpus Christie.
Corrigan.
Corsicana.
Cotulla.
Crandall.
Crane.
Cranfills Gap.
Cresson.
Crockett.
Crosbyton.
Cross Plains.
Crowell.
Crystal City.
Cuero.
Cumby.
Cushing.
Daingerfield.
Daisetta.
Dalhart.
Darrouzett.
Dayton.
Decatur.
Deer Park.
DeKalb.
DeLeon.
Del Rio.
Denison.
Denton.
Denver City.
Detroit.
Devine.
Diboll.
Dickens.
Dickinson.
Dimmitt.
Donna.
Dublin.
Dumas.
Eagle Lake.
Eagle Pass.
Earth.
Eastland.
Ector.
Edcouch.
Edgewood.
Edinburg.
Edna.
El Campo.
Electra.
El Paso.
El Paso County WC&ID No. 1.
Elsa.
Emory.
Ennis.
Estelline.
Euless.
Evant.
Falfurrias.
Farmersville.
Farwell.
Ferris.
Flatonia.
Floresville.
Floydada.
Follett.
Forney.
Fort Stockton.
Fort Worth.
Franklin.
Frankston.
Freeport.
Freer.
Friona.
Frisco.
Frost.
Gainesville.
Galena Park.
Galveston.
Ganado.
Garland.
Garrison.
Gatesville.

TEXAS—Continued

Georgetown.
George West.
Giddings.
Gilmer.
Gladewater.
Glenrose.
Goliad.
Gonzales.
Gonzales Warm Springs.
Goree.
Gorman.
Graford.
Graham.
Granbury.
Grand Prairie.
Grand Saline.
Grandview.
Grapevine.
Greenville.
Gregg County WC&ID No. 1.
Gregory.
Griffing Park.
Groesbeck.
Groom.
Groves.
Groveton.
Gruver.
Hale Center.
Haltom Center.
Hallettsville.
Hallsville.
Hamilton.
Hamlin.
Handley.
Happy.
Harleton.
Harlingen.
Harris County FWSD 1A (Highlands).
Harris County FWSD 1B (Highlands).
Harris County FWSD 6 (Channelview).
Harris County FWSD 8 (Wooster).
Harris County FWSD 23 (Ley Road).
Harris County FWSD 27 (Coady).
Harris County WC&ID No. 1 (Highlands).
Harris County WC&ID No. 21 (Channelview).
Harris County WC&ID No. 25 (Golden Acres).
Harris County WC&ID No. 26 (Sunnyside).
Harris County WC&ID No. 32 (Home Owned Est.).
Harris County WC&ID No. 34 (Carver Crest).
Harris County WC&ID No. 36 (Cloverleaf).
Harris County WC&ID No. 39 (Laura Koppe).
Harris County WC&ID No. 41 (Three Corners).
Harris County WC&ID No. 42 (Scenic Woods).
Harris County WC&ID No. 44 (Scottcrest).
Harris County WC&ID No. 45 (Webster).
Harris County WC&ID No. 47 (Freeway Manor).
Harris County WC&ID No. 49 (Westbury).
Harris County WC&ID No. 50 (El Lago Est.).
Harris County WC&ID No. 51 (South Post Oak).
Harris County WC&ID No. 52 (Alief Road).
Harris County WC&ID No. 53 (Beverly Hills).
Harris County WC&ID No. 54 (Voss Road).
Harris County WC&ID No. 55 (Seabrook).
Harris County WC&ID No. 56 (Fairmount Park).
Harris County WC&ID No. 57 (Braeburn Glen).
Harris County WC&ID No. 58 (Baytown-Market Street Road).
Harris County WC&ID No. 59 (Post Oak).
Harris County WC&ID No. 60 (El Cary Est.).
Harrold.
Hart.
Haskell.
Hawkins.
Hearne.
Hedley.
Hemphill.
Hempstead.
Henderson.
Henrietta.
Hereford.
Hico.
Higgins.
Hillsboro.

TEXAS—Continued

Hitchcock.
Holliday.
Honey Grove.
Hooks.
Houston.
Howe.
Hubbard.
Hughes Springs.
Humble.
Huntington.
Huntsville.
Hurst.
Idalou.
Ingleside.
Iowa Park.
Irving.
Itasca.
Jacinto City.
Jacksboro.
Jacksonville.
Jasper.
Jayton.
Jefferson.
Jefferson County WC&ID (Central Gardens).
Joaquin.
Johnson City.
Joshua.
Jourdanton.
Junction.
Justin.
Kamay.
Karnes City.
Katy.
Kaufman.
Kemah.
Kemp.
Kendall County WC&ID No. 1.
Kenedy.
Kerens.
Kermit.
Kerrville.
Kilgore.
Killeen.
Kingsville.
Kirbyville.
Knox City.
Kountze.
Kress.
Krum.
Ladonia.
La Feria.
La Grange.
Lake Dallas.
Lakeview (Jefferson County).
La Marque.
Lamesa.
La Porte.
Laredo.
League City.
Le Fors.
Leonard.
Levelland.
Lewisville.
Lexington.
Liberty.
Lindale.
Linden.
Littlefield.
Little River.
Lockhart.
Lockney.
Lone Star.
Longview.
Loraine.
Lorenzo.
Los Fresno.
Lott.
Lovelady.
Lubbock.
Lufkin.
Luling.
Mabank.
Malakoff.
Malone.
Manor.
Mansfield.
Marble Falls.
Marion.
Marlin.
Marshall.
Mart.
Mason.
Matador.
Mathis.
Maud.
McAllen.
McCamey.
McGregor.
McKinney.
McLean.
Meadow.
Megargel.
Memphis.
Menard.
Mercedes.
Meridian.
Merkel.
Mesquite.
Mexia.
Miami.
Midland.
Midlothian.
Milford.
Millsap.
Mineola.
Mission.
Monahans.
Montague.
Moody.
Morgan.
Morgans Point.
Morton.
Moulton.
Mount Calm.
Mount Enterprise.
Mount Pleasant.
Mount Vernon.
Muenster.
Muleshoe.
Munday.
Nacogdoches.
Naples.
Navasota.
Nederland.
Needville.
New Boston.
New Braunfels.
New Castle.
Newton.
Nixon.
Nocona.
Nordheim.
Odem.
Odessa.
O'Donnell.
Oklaunion.
Olney.
Olton.
Omaha.
Orange.
Orange Grove
Ore City.
Overton.
Paducah.
Palacios.
Palestine.
Palmer.
Palo Alto.
Pampa.
Panhandle.
Paris.
Pasadena.
Pearland.
Pear Ridge.
Pecos.
Perryton.
Petersburg.
Petrolia.
Pflugerville.
Pharr.
Phillips.
Pilot Point.
Pineland.
Pittsburg.
Plains.
Plainview.
Pleasanton.
Point Comfort.
Port Acres.
Port Arthur.
Portland.
Port Lavaca.
Port Neches.
Post.
Poth.
Premont.
Priddy.
Quanah.
Quitaque.
Quitman.
Ralls.
Ranger.
Rankin.
Raymondville.
Refugio.
Rhome.
Richardson.
Richmond.
Ringgold.
Rio Grande City.
Rio Hondo.
Rising Star.
Roaring Springs.
Robstown.
Roby.
Rochester.
Rockdale.
Rockport.
Rockwall.
Rogers.
Ropesville.
Roscoe.
Rosebud.
Rosenburg.
Rotan.
Round Rock.
Roxton.
Royse City.
Rule.
Runge.
Rusk.
Saint Jo.
San Antonio.
San Benito.
San Diego.
Sanger.
San Juan.
San Saba.
Santa Anna.
Savoy.
Schulenburg.
Seadrift.
Seagoville.
Seagraves.
Sealy.
Seguin.
Seminole.
Seymour.
Shallowater.
Shamrock.
Sherman.
Shiner.
Shore Acres.
Silsbee.
Silverton.
Sinton.
Slaton.
Snyder.
Somerville.
South Houston.
Southside Place.
Spearman.
Springtown.
Spur.
Stafford.
Stamford.
Stanton.
Stephenville.
Stinnett.
Stockdale.
Stratford.
Strawn.
Streetman.
Sugarland.
Sulphur Bluff.
Sulphur Springs.
Sundown.
Sunray.

TEXAS—Continued

Sweeny.
Sweetwater.
Taft.
Tahoka.
Talco.
Tatum.
Taylor.
Teague.
Tehuacana.
Temple.
Tenaha.
Terrell.
Texarkana.
Texas City.
Texline.
Thorndale.
Thornton.
Thrall.
Three Rivers.
Throckmorton.
Timpson.
Tivoli.
Tomball.
Trent.
Trinity.
Troup.
Tulia.
Turkey.
Tyler.
Uvalde.
Valley Mills.
Valley View (Cooke County).
Van Alstyne.
Vega.
Velasco.
Vernon.
Victoria.
Vidor.
Vidor (Orange County WC&ID).
Waco.
Waelder.
Wake Village.
Waller.
Waskom.
Weatherford.
Weinert.
Wellington.
Wells.
Weslaco.
West.
West Columbia.
West Orange (Orange County WC&ID No. 2).
West University Place.
Wharton.
Wheeler.
White Deer.
Whiteface.
Whitehouse.
Whitesboro.
Whitewright.
Whitney.
Wichita Falls.
Willis.
Wilson.
Windthorst.
Winnsboro.
Wolfe City.
Wolfforth.
Woodsboro.
Woodson.
Woodville.
Wortham.
Wylie.
Yoakum.
Yorktown.
Zapata.

UTAH

American Fork.
Bear River.
Bear River High.
Beaver.
Bingham Canyon.
Bountiful.
Castle Dale.
Castle Gate.
Cedar City.
Clearcreek.
Columbia.
Copperfield.
Corrine.
Davis County Metropolitan Sewer District.
Delta.
Devils Slide.
Dragerton.
Duchesne.
Echo.
Eureka.
Farmington.
Ferron.
Garfield.
Garland.
Green River.
Gunnison.
Helper.
Henefer.
Hiawatha.
Huntington.
Hurricane.
Kanab.
Kaysville.
Kearns.
Kenilworth.
Lark.
Latuda.
Lehi.
Lewiston.
Logan.
Magna.
Milford.
Moab.
Monticello.
Murray.
Myton.
Nephi.
Ogden.
Orem.
Park City.
Payson.
Pleasant Grove.
Price.
Roosevelt.
Royal.
Saint George.
Salina.
Salt Lake City.
Salt Lake County Sewer Districts
Sandy.
South Ogden.
South Salt Lake.
Spanish Fork City.
Spring Canyon.
Standardville.
Sunnyside.
Taylorsville.
Tremonton.
Vernal.
Wellington.
Wellsville.
Wendover.

VERMONT

Addison.
Albany.
Alburg.
Andover.
Arlington.
Athens.
Bakersfield.
Baltimore.
Barnard.
Barnet.
Barre.
Barre Town.
Barton.
Beecher Falls.
Bellows Falls.
Belvedere.
Bennington.
Benson.
Berkshire.
Bethel.
Bloomfield.
Bolton.
Bradford.
Brandon.
Brantree.
Brattleboro.
Bridgeport.
Brighton.
Bristol.
Brookfield.
Brookline.
Brownington.
Brunswick.
Burke.
Burlington.
Cabot.
Calais.
Cambridge.
Canaan.
Castleton.
Cavendish.
Center Rutland.
Charleston.
Charlotte.
Chelsea.
Chester.
Chittenden.
Clarendon.
Colchester.
Concord.
Corinth.
Cornwall.
Coventry.
Craftsbury.
Danby.
Danville.
Derby Center.
Derby Line.
Dover.
Dummerston.
Duxbury.
East Barre.
East Haven.
East Montpelier.
East Ryegate.
East Topsham Village.
Eden.
Elmore.
Enosburg.
Enosburg Falls.
Essex Center.
Essex Junction.
Fairfax.
Fairfield.
Fair Haven.
Fairlee.
Fayston.
Ferrisburg.
Fletcher.
Forest Dale.
Franklin.
Georgia.
Gilman.
Glover.
Goshen.
Grafton.
Granby.
Grand Isle.
Graniteville.
Granville.
Greensboro.
Groton.
Guildhall.
Guilford.
Halifax.
Hancock.
Hardwick.
Hartford.
Hartland.
Highgage.
Hinesburg.
Holland.
Hubbardton.
Huntington.
Hyde Park.
Ira.
Irasburg.
Island Pond.
Isle La Motte.
Jacksonville.
Jamaica.
Jay.
Jeffersonville.
Jericho.
Johnson.
Kirby.
Landgrove.
Leicester.
Lemington.
Lincoln.

VERMONT—Continued

Londonderry.
Lowell.
Ludlow.
Lunenburg.
Lyndon.
Lyndon Center.
Lyndonville.
Maidstone.
Manchester.
Manchester Center.
Marlboro.
Marshfield.
Mendon.
Middlebury.
Middlesex.
Middletown Springs.
Milton.
Monkton.
Montgomery.
Montpelier.
Moretown.
Morgan.
Morristown.
Morrisville.
Mount Holly.
Mount Taber.
Newark.
Newbury.
Newfane.
New Haven.
Newport.
Newport Center.
North Bennington.
Northfield.
North Hero.
North Pownal.
North Troy.
North Westminster.
Norton.
Norwich.
Old Bennington.
Orange.
Orleans.
Orwell.
Panton.
Passumpsic.
Peacham.
Perkinsville.
Peru.
Pittsfield.
Pittsford.
Plainfield.
Pomfret.
Poultney.
Pownal.
Proctor.
Proctorsville.
Putney.
Quechee.
Randolph.
Readsboro.
Richford.
Richmond.
Ripton.
Rochester.
Rockingham.
Royalton.
Roxbury.
Rupert.
Rutland.
Ryegate.
Saint Albans.
Saint George.
Saint Johnsbury.
Salisbury.
Sandgate.
Saxtons River.
Searsburg.
Shaftsbury.
Sharon.
Sheffield.
Shelburne.
Sheldon.
Sheldon Springs.
Sherburne.
Shoreham.
Shrewsbury.
South Burlington.
South Hero.
South Royalton.
South Ryegate.
Springfield.
Stamford.
Stannard.
Starksboro.
Stockbridge.
Stowe.
Strafford.
Stratton.
Sudbury.
Sunderland.
Sutton.
Swanton.
Thetford.
Tinmouth.
Topsham.
Townshend.
Troy.
Tunbridge.
Underhill.
Vergennes.
Vernon.
Vershire.
Victory.
Wallsfield.
Walden.
Wallingford.
Waltham.
Warren.
Washington.
Waterbury.
Waterford.
Waterville.
Weathersfield.
Websterville.
Wells.
Wells River.
West Barnet.
West Burke.
West Fairlee.
Westfield.
West Glover.
West Haven.
Westminster.
Westmore.
Weston.
West Rutland.
West Topsham.
Weybridge.
Wheelock.
White River Junction.
Whiting.
Whitingham.
Wilder.
Williamstown.
Williston.
Wilmington.
Windham.
Windsor.
Winhall.
Winooski.
Wolcott.
Woodbury.
Woodford.
Woodstock.
Worcester.

VIRGINIA

Abingdon.
Alexandria Sanitary Authority.
Alleghany County.
Altavista.
Amherst.
Amonate.
Appalachia.
Arlington County.
Arno.
Ashland.
Bedford.
Benedict.
Berryville.
Bigrock.
Big Stone Gap.
Bishop.
Boissevain.
Bonny Blue.
Boydton.
Boykins.
Bridgewater.
Brookneal.
Buchanan.
Buena Vista.
Calvin.
Cape Charles.
Charlottesville.
Chase City.
Chatham.
Chesterfield County.
Chilhowie.
Christiansburg.
Clifton Forge.
Clinchco.
Clintwood.
Coeburn.
Colonial Beach.
Colonial Heights.
Crewe.
Dante.
Danville.
Dayton.
Deep Creek Sanitary District No. 1.
Denbigh.
Derby
Drakes Branch.
Dumfries Sanitary District.
Dunbar.
Edinburg.
Elkton.
Emporia.
Ettrick Sanitary District.
Exeter.
Fairfax.
Fairfax County.
Falmouth Sanitary District.
Farmville.
Fredericksburg.
Galax.
Gate City.
Glamorgan.
Glasgow.
Gloucester Sanitary District No. 1.
Gretna.
Grundy.
Halifax.
Hampton Roads Sanitary District Commission.
Harman.
Harrisonburg.
Henrico County Sanitary District No. 5.
Herndon.
Honaker.
Hopewell.
Hurley.
Imboden.
Independence.
Iron Gate.
Jewell Valley.
Keen Mountain.
Kenbridge.
Keysville.
Kilmarnock.
Lawrenceville.
Lebanon.
Lee Hall and Lee Hall School.
Leesburg.
Louisa.
Lovingston.
Madison Heights Sanitary District.
Manassas.
Marion.
Marshall.
Martinsville.
McKenney.
Monterey.
Mount Jackson.
New Castle.
New Market.
North Tazewell.
Norton.
Occoquan.
Onancock.
Osaka.
Pennington Gap.
Pocahontas.
Pound Sanitary District.
Pulaski.
Purcellville.
Radford.
Rich Creek.
Richlands.
Richmond.

VIRGINIA—Continued

Roanoke.
Roanoke County.
Rocky Mount.
Roda.
Saltville.
Scottsville.
Smithfield.
South Boston.
South Hill.
South Norfolk.
St. Charles.
St. Paul.
Staunton.
Stonega.
Strasburg.
Stuart.
Suffolk.
Tappahannock.
Tazewell.
Timberville.
Toano.
Tom's Creek.
Urbanna.
Victoria.
Vienna.
Warm Springs Sanitary District.
Warrenton.
Williamsburg (including College of William and Mary).
Wise.
Woodstock.

WASHINGTON

Aberdeen.
Airway Heights.
Albion.
Algona.
Anacortes.
Arlington.
Asotin.
Battle Ground.
Bellevue.
Benton City.
Black Diamond.
Blaine.
Bonney Lake.
Bothell.
Bremerton.
Bucoda.
Camas.
Carbonada.
Carnation.
Cashmere.
Cathlamet.
Centralia.
Chehalis.
Chelan.
Cheney.
Chewelah.
Cle Elum.
Colton.
Colville.
Conconully.
Concrete.
Connell.
Cosmopolis.
Coulee City.
Coupeville.
Cowiche.
Creston.
Cusick.
Darrington.
Dayton.
Duvall.
East Stanwood.
East Wenatchee.
Eatonville.
Edmonds.
Elberton.
Electric City.
Ellensburg.
Elma.
Elmer City.
Entiat.
Everett.
Everson.
Fairfield.
Fall City.
Farmington.
Ferndale.
Friday Harbor.
Gig Harbor.
Gold Bar.
Granite Falls.
Hamilton.
Harrah.
Harrington.
Hartline.
Hatton.
Hoquiam.
Houghton (Sanitary District).
Ilwaco.
Index.
Ione.
Kahlotus.
Kenmore (Sanitary District).
Kettle Falls.
Keyport.
Kirkland.
Kittitas.
Krupp.
La Center.
La Conner.
La Crosse.
Lake City (Sanitary District).
Lakehaven (Sanitary District).
Lakehills (Sanitary District).
Lakeside.
Lamont.
Langley.
Latah.
Lyman.
Mabton.
Mansfield.
Marcus.
Marysville.
McMicken Heights.
Medical Lake.
Mesa.
Metaline.
Metaline Falls.
Millwood.
Milton.
Montesano.
Moxee City.
Mossyrock.
Mountlake Terrace.
Mount Vernon.
Mukilteo.
Naches.
Napavine.
Nespelem.
Nooksack.
Normandy Park.
North Bonneville.
Oakesdale.
Odessa.
Orting.
Othello.
Palouse.
Panorama (Sanitary District).
Parkland (Sanitary District).
Parkview (Sanitary District).
Pe Ell.
Port Angeles.
Port Orchard.
Port Townsend.
Prescott.
Prosser.
Ranier.
Ranier Vista (Sanitary District).
Raymond.
Redmond.
Renton.
Republic.
Richmond Beach (Sanitary District).
Ridgefield.
Riverside.
Rockford.
Rock Island.
Ronald (Sanitary District).
Roslyn.
Roxbury Heights (Sanitary District).
Rusten.
Seattle.
Sedro Woolley.
Selah.
Sequim.
Silverdale.
Skykomish.
Snohomish.
Snoqualmie.
South Bend.
South Cle Elum.
South Prairie.
Southwest Suburban (Sanitary District).
Spangle.
Spokane.
Sprague.
Springdale.
Stanwood.
Starbuck.
Steilacoom.
Stevenson.
Sultan.
Sumas.
Sumner.
Sunnyside.
Tacoma.
Tekoa.
Tenino.
Terrace Heights (Sanitary District).
Tieton.
Toledo.
Toppenish.
Tukwila.
Twisp.
Union Gap.
Uniontown.
Vader.
Valvue (Sanitary District).
Vancouver.
Vashon (Sanitary District).
Washougal.
Washtucna.
Waterville.
Waverly.
Wenatchee.
Wilkeson.
Wilson Creek.
Winthrop.
Wishram.
Yacolt.
Yakima.
Yelm.

WEST VIRGINIA

Alderson.
Alloy.
Ameagle.
Anawalt.
Ansted.
Athens (with Concord State Teachers College).
Barboursville.
Barrackville.
Beckley.
Beech Bottom.
Belington.
Belle.
Benbush.
Benwood.
Bergoo.
Berkeley Springs.
Bethany.
Bethlehem.
Boomer.
Bramwell.
Bridgeport.
Buckhannon.
Buffalo.
Burnsville.
Cabin Creek.
Cairo.
Camden-on-Gauley.
Cameron.
Cannelton.
Capon Bridge.
Carbon.
Cass.
Cedar Grove.
Ceredo.
Chapmanville.
Charleston.
Charleston Heights.
Charlestown.
Chelyan.
Chesapeake.
Chester.
Christian.
Clarksburg.
Clay.

WEST VIRGINIA—Continued

Clendenin.
Connel.
Cowen.
Danville.
Davy.
Delbarton.
Denmar (with State T. B. Sanitorium).
Dunbar.
Dundon.
Durbin.
East Bank.
East Beckley.
East Rainelle.
Eleanor.
Elizabeth.
Elkins.
Ethel.
Everettsville.
Fairmont.
Fairview.
Falls View.
Farmington.
Fayetteville.
Fireco.
Follansbee.
Fort Gay.
Franklin.
Friendly.
Gary.
Gassaway.
Gauley Bridge.
Glasgow.
Glendale.
Glen Ferris.
Glen Hendrick.
Glen Rogers.
Glenville.
Grafton.
Grantsville.
Grant Town.
Gypsy.
Hamlin.
Handley.
Harmen.
Harpers Ferry.
Harrisville.
Helen.
Hendricks.
Hinton.
Holden.
Hundred.
Huntington.
Hurricane.
Huttonsville.
Iaeger.
Institute.
Institute (West Virginia State College).
Jordan.
Junior.
Kenova.
Kermit.
Keyser.
Keystone.
Kimball.
Kimberly.
Kingwood.
Lakin (State Industrial School and Hospital).
Leon.
Lester.
Levi.
Lewisburg.
Littleton.
Logan.
Longacre.
Loredo.
Lumbart.
Mabscott.
Madison.
Malden.
Man.
Mannington.
Marlington.
Marmet.
Martinsburg.
Mason.
Masontown.
Matewan.
Matoaka.
McComas.
McKendree (State Emergency Hospital).

WEST VIRGINIA—Continued

McMechan.
Middlebourne.
Milburn.
Mill Creek.
Milton.
Monongah.
Montgomery.
Moorefield.
Morganstown.
Moundsville.
Mount Clare.
Mount Hope.
Mullens.
Newburg.
New Cumberland.
Newell.
New Haven.
New Martinsville.
Nitro.
Northfork.
Norton.
Nutter Fork.
Oceana.
Omar.
Otter.
Owinge.
Paden City.
Parkersburg.
Parsons.
Paw Paw.
Peach Creek.
Pennsboro.
Petersburg.
Peterstown.
Philippi.
Piedmont.
Pine Grove.
Pineville.
Poca.
Point Pleasant.
Powellton.
Power.
Pratt.
Princeton.
Pruntytown (West Virginia Reformatory for Boys).
Rachel.
Rainelle.
Raleigh.
Ranson.
Ravenswood.
Reed.
Reedsville.
Richard.
Richwood.
Ridgeley.
Ripley.
Riverside.
Rivesville.
Ronceverte.
Rowlesburg.
Sabraton.
Salem.
Salem (West Virginia Industrial Home for Girls).
Shephardstown.
Shinnston.
Sistersville.
Smithers.
South Charleston.
Saint Albans.
Saint Marys.
Star City.
Stirrat.
Stonewood.
Suncrest.
Sutton.
Terra Alta.
Thomas.
Triadelphia.
Tunnelton.
Union.
Vienna.
War.
Wayne.
Webster Springs, Addison.
Wierton.
Welch.
Wellsburg.

WEST VIRGINIA—Continued

Weston.
Westover.
West Union.
Wheeling.
Whitesville.
Williamson.
Williamstown.
Winfield.
Worthington.
Wyoming.

WISCONSIN

Abottsford.
Adams.
Adell.
Amery.
Appleton.
Athens.
Baldwin.
Bangor.
Bayfield.
Belleville.
Beloit.
Benton.
Black Creek.
Black Earth.
Black River Falls.
Blair.
Bloomington.
Brodhead.
Brookfield.
Burlington.
Butler.
Butternut.
Cambria.
Cambridge.
Campbellsport.
Casco.
Cashton.
Cedarburg.
Chetek.
Clinton.
Clintonville.
Coon Valley.
Cross Plains.
De Pere.
De Pere (Hickory Grove Sanatorium).
Dodgeville.
Dodgeville (Iowa County Hospital).
Durand.
East Troy.
Eau Claire.
Eden.
Edgar.
Ellsworth.
Elmwood.
Fall River.
Florence (Town).
Forestville (Sanitary District).
Fort Atkinson.
Fountain City.
Frederic.
Gays Mills.
Genoa City.
Gillett
Gilman.
Glenwood City.
Glidden (Town of Jacobs).
Grafton.
Granton.
Grantsburg.
Green Bay.
Greenwood.
Hawkins.
Highland.
Hudson.
Independence.
Iron Belt.
Iron River.
Janesville.
Jefferson.
Johnson Creek.
Kaukauna.
Kendall.
Kenosha.
Kenosha (Town of Somers, Sanitary District 1).
Kewaunee.
Kiel.
La Farge.
Lake Delton.

WISCONSIN—Continued

Lake Mills.
La Valle.
Lena.
Little Chute.
Livingston.
Lodi.
Lomira.
Loyal.
Luck.
Madison Metropolitan Sewer District.
Manitowoc.
Marathon.
Mayville.
Mazomanie.
Mellen.
Menomonie.
Merrillan.
Milwaukee.
Mineral Point.
Mishicot.
Montfort.
Monticello.
Mount Horeb.
Necedah (School District No. 1).
Neenah-Menasha.
Nekoosa.
New Glarus.
Nichols.
North Bay.
North Freedom.
North Hudson.
Osceola.
Osseo.
Patch Grove.
Pence.
Phillips.
Pittsville.
Platteville.
Plum City.
Plymouth.
Portage.
Port Washington.
Potosi.
Potter.
Prairie de Chien.
Prescott.
Racine.
Racine (South Lawn Sanitary District).
Reedsburg.
Rhindlander.
Rib Lake.
Richland Center (County Hospital).
River Falls.
Rock Springs.
Sauk City (Prairie de Sac Sewer Commission).
Saukville.
Shawano.
Sheboygan.
Sheboygan Falls (Sanitary District).
Shell Lake.
Shullsburg.
Soldiers Grove.
Somerset.
Sparta.
Stevens Point.
Stoughton.
Stratford.
Strum.
Sturtevant.
Superior.
Sussex.
Tennyson.
Thorp.
Tigerton.
Twin Lakes.
Union Grove.
Verona.
Vesper.
Viola.
Viroqua.
Waldo.
Washburn.
Wausau (Mount View Sanatorium).
West Bend.
Westby.
Westfield.
West Salem.
West Salem (La Crosse County Hospital).

WISCONSIN—Continued

Whitehall.
Whitewater.
Williams Bay.
Winneconne.
Wonewoc.
Woodruff Sanitary District.
Wrightstown.
Yuba.

WYOMING

Baggs.
Basin.
Big Piney.
Brooks Community (Casper).
Burns.
Bryon.
Casper.
Cheyenne.
Chugwater.
Clearmont.
Cody.
Cokeville.
Cowley.
Dayton.
Deaver.
Diamondville.
Dixon.
Douglas.
Dubois.
East Thermopolis.
Edgerton.
Elk Mountain.
Elmo.
Encampment.
Evansville.
Fort Laramie.
Frannie.
Frontier.
Gillette.
Glenrock.
Granger.
Green River.
Greybull.
Guernsey.
Hanna.
Hudson.
Hulett.
Kaycee.
Kemmerer.
Kirby.
Lagrange.
Lander.
Laramie.
Lingle.
Lovell.
Lyman.
Manderson.
Manville.
Medicine Bow.
Meeteetse.
Midwest.
Mills.
Moorcroft.
Orchard Valley.
Pinedale.
Powell.
Quealy.
Rawlins.
Riverside.
Riverton.
Rock River.
Sheridan.
Shoshoni.
South Superior.
Superior.
Ten Sleep.
Thayne.
Thermopolis.
Torrington.
Upton.
Van Tassell.
Wamsutter.
Worland.
Yoder.

PUERTO RICO

Adjuntas.
Aguada.
Aguadilla.
Aguas Buenas.
Aibonito.
Añasco.
Arecibo.

PUERTO RICO—Continued

Arroyo.
Barceloneta.
Barranquitas.
Bayamón.
Cabo Rojo.
Caguas.
Camuy.
Carolina.
Cataño.
Cayey.
Ceiba.
Ciales.
Cidra.
Coamo.
Comerío.
Corozal.
Dorado.
Fajardo.
Guánica.
Guayama.
Guayanilla.
Guaynabo.
Gurabo.
Hatillo.
Hormigueros.
Humacao.
Isabela.
Jayuya.
Juana Díaz.
Juncos.
Lajas.
Lares.
Las Marías.
Las Piedras.
Loíza.
Luquillo.
Manatí.
Maricao.
Maunabo.
Mayaguez.
Moca.
Morovis.
Naguabo.
Narajito.
Orocovis.
Patillas.
Peñuelas.
Ponce.
Quebradillas.
Rincón.
Río Grande.
Sábana Grande.
Salinas.
San Germán.
San Juan (Metropolitan Area).
San Lorenzo.
San Sebastián.
Santa Isabel.
Toa Alta.
Toa Baja.
Trujillo Alto.
Utuado.
Vega Alta.
Vega Baja.
Vieques.
Villalba.
Yabucoa.
Yauco.

VIRGIN ISLANDS

Saint Croix Island:
Christainsted.
Fredriksted.
Saint John Island: Cruz Bay.
Saint Thomas Island: Charlotte Amalie.

[F. R. Doc. 56-9138; Filed, Nov. 8, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 804]

FRONT FORWARDING AND BROKERAGE CORP. ET AL.

NOTICE OF INVESTIGATION AND HEARING

Notice is hereby given that at a session of the Federal Maritime Board held at

its Office in Washington, D. C., the 18th day of October 1956, the Board entered the following order:

Whereas it appears that Front Forwarding and Brokerage Corp. is registered as an ocean freight forwarder pursuant to General Order 72 (46 CFR 244.1 et seq.) and has been so registered since September 14, 1950, and

Whereas it further appears that Harold C. Winsch is President and Director of Front Forwarding and Brokerage Corp. and held fifty percent of the stock of such corporation from August 11, 1950, to October 16, 1952, and holds and has held twenty-five percent of the stock of such corporation since October 16, 1952, and

Whereas it further appears that Charles R. Crosby is Treasurer and Director of Front Forwarding and Brokerage Corp., and holds and has held fifteen percent of the stock of such corporation since December 20, 1954, and

Whereas it further appears that John A. Sherman held fifty percent of the stock of Front Forwarding and Brokerage Corp. from August 11, 1950, to October 16, 1952, and held fifteen percent of the stock of such corporation from October 16, 1952, to December 20, 1954, and

Whereas it further appears that Jos. F. Ferriter holds and has held fifty percent of the stock of Front Forwarding and Brokerage Corp., since October 16, 1952, and

Whereas it further appears that Harold C. Winsch, Charles R. Crosby, John A. Sherman, and Jos. F. Ferriter, aforementioned, hold and have held control of A. C. Israel Commodity Company, Inc., through positions as officers, directors, and general manager in said corporation during the years 1953, 1954, and 1955, within the meaning of Rule 244.13, General Order 72 (46 CFR 244.13), and

Whereas it further appears that Front Forwarding and Brokerage Corp., has collected or received ocean freight brokerage on shipments of A. C. Israel Commodity Company, Inc., from Boyd, Weir & Sewell, Inc., Meyer Line, Hamburg-American Line, United States Navigation Company, Inc., Grace Line, Inc., Lloyd Brasilerio, Norton, Lilly & Company, Thor Eckert & Co., Inc., and Holland America Line, at various times during the years 1953, 1954, and 1955, totaling $1,467.76, and

Whereas Front Forwarding and Brokerage Corp. paid dividends to Harold C. Winsch, Charles R. Crosby, John A. Sherman, and Jos. F. Ferriter in excess of $10,000.00 during the period October 1952, through December 1954, and

Whereas it further appears that Harold C. Winsch, Charles R. Crosby, John A. Sherman, Jos. F. Ferriter, and Front Forwarding and Brokerage Corp., had a beneficial interest within the meaning of Rule 244.13, General Order 72 in the shipments of A. C. Israel Commodity Co., Inc., by virtue of the aforesaid connections of the aforesaid individuals with both corporations during the period ocean freight brokerage was collected or received on shipments of A. C. Israel Commodity Co., Inc., and

Whereas it further appears that the collection or receipt of ocean freight brokerage as aforesaid violates section 16, Shipping Act, 1916, as amended, (46 U. S. C. 815) and General Order 72 in that (1) Harold C. Winsch, Charles R. Crosby, John A. Sherman, Jos. F. Ferriter, and A. C. Israel Commodity Co., Inc., have knowingly and willfully, directly or indirectly, by unjust or unfair device or means, obtained or attempted to obtain transportation for property at less than the rates or charges which would otherwise be applicable, and (2) Front Forwarding and Brokerage Corp., through the payment of dividends to officers, directors, or employees of A. C. Israel Commodity Co., Inc., has indirectly shared ocean freight brokerage with the latter on the latter's own shipments, and has, therefore, indirectly allowed the latter by unjust or unfair means or device to obtain transportation for property at less than the applicable rates or charges then established and enforced; now, therefore,

It is ordered, That the Board on its own motion, pursuant to section 22, Shipping Act, 1916, as amended, (46 U. S. C. 821) enter upon a proceeding of investigation into and concerning the alleged violations of said act and General Order 72 as aforesaid, and

It is further ordered, That Front Forwarding and Brokerage Corp., show cause why its registration should not be cancelled or suspended under Rule 244.5, General Order 72 (46 CFR 244.5), upon a finding that it has violated said Order or the Shipping Act, 1916, as aforesaid, and

It is further ordered, That Front Forwarding and Brokerage Corp., Harold C. Winsch, Charles R. Crosby, John A. Sherman, Jos. F. Ferriter and A. C. Israel Commodity Co., Inc. be and they are hereby named respondents in this proceeding, that copies of this order be served upon them, and that this order be published in the FEDERAL REGISTER, and

It is further ordered, That this proceeding be assigned for hearing before an examiner of the Board at a date and place to be fixed by the Chief Examiner.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-9259; Filed, Nov. 8, 1956; 8:56 a. m.]

Office of the Secretary

PACIFIC ORIENT EXPRESS LINE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7946-C, between the carriers comprising the Pacific Orient Express Line joint service and Waterman Steamship Corporation, provides for the cancellation of approved transhipment Agreement No. 7946, covering the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transhipment at specified U. S. Pacific Coast ports.

(2) Agreement No. 7947-C, between the carriers comprising the Pacific Orient Express Line joint service and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., provides for the cancellation of approved transhipment Agreement No. 7947, covering the transportation of cargo under through bills of lading from the Far East to Pureto Rico, with transhipment at specified U. S. Pacific Coast ports.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 6, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-9260; Filed, Nov. 8, 1956; 8:56 a. m.]

JOEL B. WARE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 16, 1956, 21 F. R. 3233-34.

A. Deletions: none.
B. Additions: none.

This statement is made as of October 31, 1956.

Dated: October 31, 1956.

JOEL B. WARE.

[F. R. Doc. 56-9239; Filed, Nov. 8, 1956; 8:53 a. m.]

HENRY BERRING

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Henry Berring.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: October 29, 1956.

4. Title of position: Deputy Director, Scientific, Motion Picture & Photographic Products Division.

5. Name of private employer: Weston Electrical Instrument Corporation, 614 Frelinghuysen Avenue, Newark 5, New Jersey.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 5, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Weston Electrical Instrument Corporation. Bank accounts.

Dated: November 1, 1956.

HENRY BERRING.

[F. R. Doc. 56-9240; Filed, Nov. 8, 1956; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

NOVEMBER 1956 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in November under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 3½ percent per annum.

For periods over 6 months up to and including 18 months, 4 percent per annum.

For periods over 18 months up to and including 36 months, 4½ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices (except for restricted use) apply "in store" at storage locations of product. Domestic price for restricted use is basis delivered to delivery point named in offer. CCC will convert to "in store" price by deducting lowest domestic rail freight rate, except that no deduction for freight will be made if the "in store" location and the delivery point named in offer are in the same city. Export prices are basis f. a. s. port or f. o. b. point of export. CCC will convert to "in store" price by deducting lowest export rail freight rate. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale for unrestricted use and domestic sale for animal and poultry feed, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for other sales.
Nonfat dry milk (in carloads only); spray, 26,000,000 pounds; roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17 cents per pound; in bags (as available), 16.15 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement LD-14 and supplements. Roller process: In barrels and drums, 11.5 cents per pound; in bags (as available), 10.65 cents per pound. Export, unrestricted use: Under LD-5 and amendments. Spray process, U. S. Extra Grade: In barrels and drums, 9.9 cents per pound; in bags (as available), 9.05 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 8.15 cents per pound; in bags, 7.55 cents per pound. Export, restricted use (animal and poultry feed): Under LD-23 and amendment. Roller process: Competitive bid on not more than 7,000,000 pounds. Bids received each week (by close of business on Friday) will be considered for acceptance on the first business day of the following week.
Cheddar cheese; cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only); 183,000,000 pounds.	Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 37 cents per pound. Export: Under LD-5 and amendments. 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-7 in carlot quantities on an "as is, where is" basis. Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-2 as amended, and NO-C-8 as amended.
Cotton, Extra Long Staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6 but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 59 (1955) as amended. Available Dallas CSS Commodity Office.
Wool, shorn 84,000,000 pounds	Domestic or export: Limited quantities (not more than 6,250,000 pounds in November) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Corn, bulk	Domestic or export: Commercial corn-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1956 maximum loan rate basis point of production for class, grade, and quality plus 13 cents per bushel). Examples of minimum price per bushel, including average paid-in freight: Chicago No. 3 yellow, $1.82; Minneapolis No. 3 yellow, $1.73; Kansas City No. 3 yellow, $1.81; Portland No. 3 yellow, $1.98. Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 121 percent of the applicable 1956 loan rate, plus 13 cents per bushel. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Corn is also available as follows: (1) Nonstorable corn at the above offices. (2) In flat storage in the Pacific Northwest on competitive bid basis for export.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1956 loan rate for class, grade[2] quality, and location), plus 21 cents per bu. Examples of minimum price per bushel: Chicago No. 1 RW, $2.52; Minneapolis No. 1 DNS, $2.55; Kansas City No. 1 HW, $2.52. Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1956 county loan rate plus 21 cents per bushel. Export (as wheat): Under Announcement GR-261 revised, for application to barter contracts only, at prices determined daily, and under Announcement GR-212 revised, for specific offerings on competitive bid basis. Disposals under special export program under Announcement GR-345.[3] Export (as flour): Under Announcement GR-212 revised on sales of flour made on or before November 15 and registered by November 21, and under GR-262 revised through November 15, at prices determined daily.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas, Chicago, and Portland only.
Oats, bulk	Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1956 loan rate basis point of production for class, grade, and quality, plus 11 cents per bushel). Examples of minimum price per bushel including average paid-in freight: Chicago No. 3 oats or better, $0.89; Minneapolis No. 3 oats or better, $0.84. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[3]

See footnotes at end of table.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Barley, bulk	Domestic: Market price, basis in store,[2] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 15 cents per bushel). Example of minimum price per bushel: Minneapolis No. 2 barley, $1.39. Available Minneapolis, Kansas City, Chicago, Dallas and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Chicago and Portland CSS Commodity Offices.[3]
Rye, bulk (as available)	Domestic: Market price, basis in store,[2] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 17 cents per bushel). Example of minimum price per bushel: Minneapolis No. 2 or better, $1.67. Available Minneapolis, Kansas City, Chicago, Dallas and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Chicago and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price, basis in store,[2] but not less than the legal minimum price (1956 applicable loan rate for class, grade, quality and location plus 28 cents per 100 pounds). Example of minimum price per hundredweight: Kansas City No. 2 or better, $2.70. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.
Rice, milled	Domestic: Market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent adjusted for milling, plus 31 cents per hundredweight). Examples of minimum prices of milled rice per hundredweight at mills:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens)
Bluebonnet	$11.17	$8.75
Zenith	9.26	7.39
Pearl		7.00

Export: A schedule of prices as announced by Dallas and Portland CSS Commodity Offices.
Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (Port at option of CCC) or for Texas-Mexico border points and f. a. s. San Francisco Bay area for Pearl:

	U. S. No. 2 (7 percent brokens)	U. S. No. 5 (35 percent brokens)
Bluebonnet	$10.20	$7.50
Zenith	8.70	6.49
Pearl		6.50

Specific prices and quantities may be obtained from Dallas CSS Commodity Office for all available varieties and from Portland CSS Commodity Office for Pearl.
Special export: Competitive bid on U. S. No. 5 or better under DL-MR-400 as announced by Dallas CSS Commodity Office and GR-PD-48 as announced by Portland CSS Commodity Office.[4]
Special export: on "as is" basis: Competitive bid under terms and conditions of DL-MR-53 as announced by Dallas CSS Commodity Office.
Domestic (for feed): Other brokens: Competitive bid under DL-BR-1/56 and GR-PD-42 as announced by Dallas and Portland CSS Commodity Offices.
Domestic (unrestricted use) and for export: Other brokens: Competitive bid under DL-BR-1/56 and GR-PD-42 (Minimum price, $6.01 per hundredweight in sacks, $5.86 bulk) as announced by Dallas and Portland CSS Commodity Offices.

Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic or export: Offer and acceptance, "as is" in the stated quantities on the designated storage yards, subject to the prices, terms, and conditions of Announcement TB-21, revised, and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine (bulk in tanks)	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms and conditions of Announcement TB-21 revised, and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.
[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Sales of wheat for export as flour may be made under terms and conditions of Announcement GR-302. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15, U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: November 5, 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice-President
Commodity Credit Corporation.

[F. R. Doc. 56-9222; Filed, Nov. 8, 1956; 8:52 a. m.]

Commodity Stabilization Service

PEANUTS

NOTICE OF REFERENDUM FOR 1957, 1958 AND 1959 CROPS

A referendum of the farmers who were engaged in the production of peanuts in the calendar year 1956 will be held on December 11, 1956, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and the Regulations Governing the Holding of Referenda on Marketing Quotas (21 F. R. 3960), as amended, to determine whether said farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts to be produced in the calendar years 1957, 1958 and 1959. If two-thirds or more of the peanut farmers voting in the referendum favor marketing quotas, marketing quotas will be in effect for the 1957, 1958, and 1959 crops of peanuts. If more than one-third of the peanut farmers voting in such referendum oppose marketing quotas, marketing quotas will not be in effect for the 1957 crop of peanuts; however, farm acreage allotments for the 1957 crop of peanuts established pursuant to the Agricultural Adjustment Act of 1938, as amended, will be in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

The Secretary of Agriculture will, as required by the Agricultural Adjustment Act of 1938, as amended, proclaim the national marketing quota for peanuts before December 1, 1956, for the crop to be produced in 1957.

Notice of the proposed holding of a referendum for the 1957, 1958 and 1959 crops of peanuts was published in the FEDERAL REGISTER of September 5, 1956 (21 F. R. 6680), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) and the data, views and recommendations which were submitted in response to such notice have been duly considered. In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Division of the Federal Register.

Done at Washington, D. C., this 5th day of November 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9223; Filed, Nov. 8, 1956; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6346 et al.]

REOPENED CHARLESTON, WEST VIRGINIA-COLUMBUS, OHIO CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 28, 1956, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., November 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9257; Filed, Nov. 8, 1956; 8:56 a. m.]

[Docket No. 8042]

AIRBORNE COORDINATORS, FRANK V. GANDOLA AND WILLIAM E. GEISELMAN, INTERLOCKING RELATIONSHIP

NOTICE OF HEARING

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on November 20, 1956, at 10:00 a. m., e. s. t., in Room 1032, Temporary Building No. 5, Sixteenth and Constitution Avenue, NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9256; Filed, Nov. 8, 1956; 8:56 a. m.]

[Docket No. 8300 et al.]

ATC AGENCY RESOLUTION INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on December 4, 1956, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., November 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9258; Filed, Nov. 8, 1956; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6584, 6585; FCC 56-1049]

ALBUQUERQUE BROADCASTING CO. (KOB)

MEMORANDUM ONINION AND ORDER AMENDING ISSUES

In re applications of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6584, File No. BMP-1738; for modification of construction permit. Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6585, File Nos. BL-1799, BZ-1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement.

1. The Commission has before it for consideration the following pleadings filed in the above-entitled proceeding: (1) Petition for review of a ruling of the Hearing Examiner filed on January 16, 1956, by Westinghouse Broadcasting Company, Inc. (WBZ, Boston); (2) Motion to clarify ambiguity as to burden of proceeding under the issues filed on April 12, 1956, by Albuquerque Broadcasting Company (KOB); (3) Motion to clarify or expand issues filed on April 12, 1956, by American Broadcasting Company (WABC, New York); (4) Petition to clarify and modify issues and for reconsideration filed on April 12, 1956, by The Baptist General Convention of Texas (KWBU, Corpus Christi); (5) Petition for ruling on a previously filed request for "other relief" filed on May 10, 1956, by KXA, Inc. (KXA, Seattle); and (6) Various oppositions, comments and responses filed to the above pleadings.

2. In conformance with the mandate of the Circuit Court of Appeals for the District of Columbia Circuit in the case of American Broadcasting Company, Inc., v. FCC (191 F 2d 492), the Commission on May 26, 1955, ordered further hearing on the applications of Albuquerque Broadcasting Company (KOB) for modification of construction permit and for license to cover construction permit as modified and authority to determine operating power by direct measurement. In addition to KOB, parties to the proceeding are American Broadcasting Company (WABC, New York), Westinghouse Broadcasting Company (WBZ, Boston), KXA, Inc. (KXA, Seattle,) and The Baptist General Convention of Texas (KWBU, Corpus Christi). Hearing conferences were held between September 1955, and July 1956. As a result of numerous interlocutory pleadings, the issues were enlarged by a Memorandum Opinion and Order adopted on March 21, 1956. The instant petitions arise from a ruling of the Hearing Examiner at a hearing conference on January 9, 1956, and from the March 21, 1956, Memorandum Opinion and Order.[1]

3. WBZ's petition for review of a ruling by the Hearing Examiner. Issues 9 through 16 in the instant proceeding relate to various alternative directional antenna patterns that could be employed by KOB, WABC and WBZ. The Hearing Examiner has ruled that evidence under these issues could be based on hypothetical "representative sites" provided a reasonable showing was made that such sites were available and that CAA approval and zoning clearances could be obtained. WBZ excepts to the Examiner's ruling and requests review by the Commission. WBZ asserts that only existing sites of the stations involved should be considered in adducing evidence as to directional antenna patterns, but that if evidence based on alternative sites is allowed it should be accompanied by a concisive showing of availability and suitability, i. e., an option and assurances of approval by CAA, zoning authorities, etc. KOB, WABC and the Broadcast Bureau oppose the petition for review. In addition, WABC requests that the Examiner's ruling be modified to eliminate the necessity for any type of showing as to the practicality and availability of the hypothetical or representative antenna sites.

4. Essentially, the WBZ request is based on the following contentions: (1) The instant matter is purely a licensing proceeding arising from KOB's applications for specific facilities, and while the consideration of a frequency other than the one requested is permissible under the rationale of Beaumont Broadcasting Corporation v. FCC, 202 F. 2d 306, such consideration is for the sole purpose of determining whether the operation specified is the best one possible; the Commission cannot as a result of the instant proceeding authorize KOB to operate on 1030 kc (the frequency on which WBZ operates), and the admission of evidence based on a possible directional antenna pattern for WBZ at other than its existing site constitutes an improper and unwarranted interpretation of the Beaumont case; (2) if, as a result of evidence based on a hypothetical site, it is found that the WBZ license should be modified to allow operation by KOB on 1030 kc, the resultant show cause proceeding might disclose that the hypothetical site relied on by the Commission is unavailable or otherwise impractical, thus again reopening the entire KOB controversy.

5. It is apparent, we believe, that WBZ misconstrues the nature of the KOB proceeding. While the hearing pertains to the application of KOB for authorization to operate on 770 kc with a power of 50 kw, it is clear from the history of the proceeding and the scope of the issues that considerably more is involved. The frequency 1030 kc is considered here, not because of the rationale of the Beaumont case, as WBZ contends, but because, as we stated in the May 26, 1955, Memorandum Opinion and Order, "the frequency 1030 kc is historically involved in this matter, it having been the original frequency assignment of KOB following the frequency shifts required by the 1937 North American Regional Broadcasting Agreement and it is the frequency specified in the license held by KOB ever since March 1941. Its full consideration as an assignment is obviously warranted." Moreover, under the mandate of the Court of Appeals in American Broadcasting Company v. FCC, *supra*, the Commission is bound to consider the "many possibilities for action in this case."[2] The following from

[1] More detailed background is contained in the Commission's Memorandum Opinion and Order of December 14, 1949 (American Broadcasting Company (WJZ), 5 RR 1117), and in the Opinion of the United States Court of Appeals for the District of Columbia Circuit in American Broadcasting Company, Inc. v. Federal Communications Commission, 191 F 2d 492.

[2] Among the possibilities mentioned by the Court was an operation by KOB on 1030 kc with reduced power or a directional antenna. Supra, at 501, footnote 11.

the Commission's Memorandum Opinion and Order reopening the record and specifying additional issues clearly refutes the limited concept of the proceeding which WBZ now propounds:

> Also, the Commission has repeatedly reaffirmed its finding that operation of these stations [WABC, WBZ and KOB] is in the public interest. Therefore the basic problem presented by the subject KOB applications is the technical solution to the problem of simultaneous operation of all three stations. Thus the matter is primarily an allocation problem and therefore must be primarily concerned with the engineering consideration pertinent to the best possible utilization of the frequencies and facilities involved.

Obviously, a hearing consistent with the expressed goal of the Commission to determine the optimum use of the frequencies 770 kc and 1030 kc cannot be confined to the taking of evidence based on present transmitter sites. This is so particularly in view of the decidedly nonrepresentative nature of the present WBZ site.[5]

6. WBZ expresses apprehension that the hearing may be in vain if it subsequently develops that the hypothetical representative site is not available or feasible. It is for this very reason that we must deny the request of WABC that the Examiner's ruling be modified to require no showing at all as to the availability or suitability of representative sites. However, to require, as WBZ requests, that a party introducing evidence based on a representative site must obtain an option and demonstrate conclusively that the land can be zoned for transmitter purposes and cleared by the CAA would place an intolerable burden and unnecessary expense on the parties and could only result in prolonging and complicating the proceeding. We believe the ruling of the Examiner, as stated in the January 9, 1956, hearing conference, to be reasonable and proper under the circumstances of this case and that it will afford sufficient assurance to permit a reasoned determination of the matters here involved.

7. In response to WBZ's contention that the Commission could not authorize KOB's operation on 1030 kc as a result of this proceeding, KOB has requested that Show Cause Orders be issued to the parties to cover all possible modifications contemplated by the issues in this proceeding; or, in the alternative, it is suggested that the parties' license renewal applications be called in for consolidation with the instant proceeding. Either course, according to KOB, would obviate any necessity for an additional hearing on the modification. WBZ and the Broadcast Bureau oppose both proposals, and WABC is opposed to calling up the licenses of the parties for renewal. KOB's request for issuance of Show Cause Orders and comments thereon by the other parties were filed prior to the issuance of the Commission's Memorandum Opinion and Order of March 21, 1956. In denying a similar request by WABC, we pointed out that issuance of Show Cause Orders at this stage of the hearing would be premature since there was no degree of certainty as to what, if any, modifications would be required. That reasoning is also applicable at this time. KOB's alternate proposal, that the renewal applications be called up and consolidated with the instant proceeding, is equally inappropriate. Section 1.320 (b) of the Commission's rules provides for such a procedure "whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation * * *" Clearly, no such compelling considerations are present in the matter before us. A full and complete hearing under appropriate issues can be held without the consideration of matters relating to the renewal of these licenses. If, as a result of this proceeding, it appears that the public interest requires the modification of an existing license, the Commission's course of action will be governed by section 316 of the Communications Act of 1934, as amended.

8. KOB's request for clarification: KOB contends that a need for clarification has arisen with respect to the burden of proceeding with the introduction of evidence under the issues. The petitioner points out that the present hearing issues contemplate a variety of alternative proposals, some of which are radically different from those contained in the KOB application. It is argued that it would be incongruous to compel KOB to proceed with the introduction of evidence under issues which pertain to modes of operation which the applicant does not seek and, in fact, violently opposes. Specifically, KOB requests that with respect to issues 11 through 16 and 20 through 22 the burden of proceeding with the introduction of evidence be placed on WABC, the original proponent of the issues. The Broadcast Bureau supports, with modifications, the request of KOB. WABC opposes the KOB petition, contending that under the Rules the matter should more properly have been placed before the Examiner during a hearing conference and that, in any event, section 309 (b) of the Communications Act provides that in hearings on broadcast applications the applicant shall have the burden of proceeding with the introduction of evidence and the burden of proof on all the issues.

9. While the problem presented by the KOB petition could properly have been brought before the Examiner initially, we feel that because of the unusually complex nature of the KOB proceeding it is not inappropriate that we consider the question at this time. We are mindful of the provision of section 309 (b) whereby the burden of proceeding with the introduction of evidence, as well as the burden of proof, normally falls upon the applicant. WABC apparently urges that the status of KOB as an applicant makes it incumbent on that party to offer a positive showing as to the desirability, from a public interest standpoint, of all the possible operations under consideration regardless of whether or not they are desired by the applicant. We feel, however, that in urging this interpretation of the statute, WABC both misconstrues the statute and misconceives the real nature of the proceeding. As we pointed out in considering the WBZ petition for review of the Examiner's ruling (para. 5), the nature and scope of the proceeding before us clearly distinguishes it from the usual hearing on a broadcast application.[6] The Commission is attempting to determine a permanent assignment for KOB. A satisfactory solution to the problem necessarily involves allocations, as well as licensing, considerations. As the most feasible means for achieving a solution, the Commission removed from its pending file the application of KOB for a license on 770 kc with a power of 50 kw and reopened the record. The scope of the hearing was broadened by the inclusion of sixteen additional issues, most of them looking to alternative solutions to the KOB problem. Issues 11 through 16 and 20 through 22 were included at the request of WABC and relate to modes of operation which were not sought by KOB and to which it is in fact opposed.[8] We believe it would be entirely anomalous to require that KOB proceed with the introduction of evidence under these issues. The fact that the numerous different modes of operation for KOB, WBZ and WABC are being considered in a single proceeding does not justify placing the burden of going forward under all the issues on the only party who, technically, is before us as an applicant in that proceeding. Since the case involves an allocation problem, as well as an action on a broadcast application, and in view of the nature of the issues included at the request of WABC, it would be unreasonable to construe 309 (b) as requiring KOB to carry the burden of proceeding under all the issues in the hearing. KOB, of course, has the burden of going forward under issues 1 through 10, all of which relate to facilities requested in its application. Likewise, it would have the burden under the enlarged issues of which it is the proponent (23 through 24), as well as the issues relating to existing program services and overlap (issues 17 through 19 and issue 25), both being matters frequently involved in hearings on broadcast applications. On the other hand, in the unique circumstances of this case, it is our view that sound administrative procedure and a reasonable interpretation of section 309 (b) requires that the burden of proceeding with the introduction of evidence under the issues of which WABC is the proponent should be placed on that party. Such a course cannot possibly prejudice WABC, and may rather enhance its opportunity to make a full and complete showing under the issues which it has requested. As we read it, section 309 (b) does not require that the applicant carry the burden of proceeding on every special issue which because of the unusual and mixed nature of a proceeding may be included in a hearing involving his application.

10. WABC's motion to clarify or expand issues: In its Memorandum Opinion and Order of March 21, 1956, the Commission, at the request of KOB and in order to "avoid any question as to the reasonableness of the extent of the hearing afforded," specified issues (Nos. 23 and 24) to elicit information with respect to possible operation by WABC and WBZ as Class II stations protecting a 50 kw non-directional operation by KOB. WABC contends that it is the "flagship" station of the ABC radio network and that any downgrading to a Class II status, as proposed under issues 23 and 24, would "increase the competitive disadvantages under which the ABC radio network operates." As a result, WABC requests clarification or expansion of the issues to permit a showing as to the effect that downgrading WABC would have on the competitive position of American Broadcasting Company in relation to CBS and NBC. WBZ, KOB and the Broadcast Bureau oppose admission of evidence relating to network considerations and point out that the Commission has once before declined to permit such a showing.[9] In addition, KOB, the original proponent of issues 23 and 24, now requests that the issues be stricken and the WABC petition dismissed as moot. KOB states that when inclusion of the issues was requested, it felt that evidence to be adduced thereunder might be necessary for the restoration of KOB to the status of a Class I station. KOB has since determined that such information is not essential, and in the interest of expediting the hearing, it wishes to abandon its right to offer evidence under issues 23 and 24. In view of this, it appears that the issues may be stricken, rendering moot WABC's request for clarification or enlargement.

11. KWBU petition to clarify and modify issues: In the Memorandum Opinion and Order of March 21, 1956 the Commission specified an issue (No. 26) to determine whether the license of Station KWBU, Corpus Christi, should be modified to specify a daytime only operation and whether a directional antenna should be utilized to protect KOB if that station is returned to 1030 kc. KWBU interprets the issue as it now stands to contemplate both a change in hours and a directional operation. KWBU requests that the issue be modified to delete reference to the use of a directional antenna, or that the issue be reworded to make clear that a directional operation would be an alternative to a change in authorized broadcast hours. The station is at present authorized to operate from sunrise Boston to sunset Corpus Christi. Its broadcasts prior to sunrise Corpus Christi would result in interference to KOB if the latter is returned to 1030 kc. KWBU contends that if as a result of the hearing its operating hours are limited to local sunrise and sunset, there will be no need for a directional antenna because, as the Commission has recognized, daytime skywave interference is not a proper consideration in the hearing, and there will be no objectionable ground wave interference from KWBU's present nondirectional operation to any possible KOB operation on 1030 kc.[7] Accordingly, KWBU requests that consideration of a directional antenna be eliminated from issue 26 or that the issue be modified to determine whether, if KOB is ultimately required to operate on 1030 kc, KWBU should be limited to a daytime only operation or whether its present authorization should be continued but with a directional antenna designed to protect KOB.

12. With the exception of the Broadcast Bureau, the parties involved do not oppose KWBU's request. The Bureau contends that regardless of any modification in KWBU's authorized hours of operation, consideration of a directional operation by KWBU is appropriate at this time for the following reasons: (1) KWBU was originally licensed as a directional operation at Corpus Christi; (2) the idea of a directional operation was initiated by KWBU, apparently to provide a service for a maximum number of people; (3) but for a 1945 hurricane which destroyed five of the station's six towers, KWBU would have continued to operate directionally. The Bureau contends, therefore, the public interest would not be served by foreclosing consideration of a directional operation for KWBU.

13. In the Memorandum Opinion and Order of March 21, 1956 granting KWBU leave to intervene in this proceeding, the Commission stated:

> We further believe that Baptist General Convention should be required to show cause in this proceeding as to why the license of Station KWBU should not be modified to specify daytime only operation at Corpus Christi, Texas in accordance with the Commission's Rules and to include a condition to require Station KWBU to operate with a directional antenna designed to adequately protect Station KOB from receiving interference should there be any, if KOB ultimately is required to operate on the frequency of 1030 kc as a result of this proceeding.

We stated that KWBU's rights on 1030 kc were subordinate to those of KOB and that KWBU's present authorization specifying broadcast hours from sunrise, Boston to sunset, Corpus Christi was inconsistent with the Rules and apparently resulted from an oversight by the Commission. Since several of the proposed operations for KOB contemplated by the issues in this proceeding could not be effectuated so long as KWBU was authorized to broadcast prior to local sunrise and since KWBU was a party intervenor in this proceeding, it was felt that the Order to Show Cause could best be considered simultaneously with the question of a permanent assignment for KOB. However, paragraph 18 of the March 21, 1956, Memorandum Opinion and Order makes clear that the proposed modification in the license of KWBU to specify local sunrise and sunset was to be considered independently and was not contingent on the transfer of KOB to 1030 kc. On the other hand, we conceived the question of a directional operation for KWBU to relate only to the possible existence of objectionable interference from KWBU to KOB. It is apparent, however, from the KWBU petition and the responses thereto that there is no likelihood of objectionable daytime interference between KWBU and KOB should the latter be moved to 1030 kc. Thus, the interference which would exist during the few hours prior to local sunrise in which KWBU can now broadcast under the terms of its license would be eliminated if KWBU's authorized broadcast hours were modified to conform to the Commission's Rules. Historically, and aside from the question of interference, reasons may exist for consideration of a change in the KWBU license to specify a directional operation, but they are wholly unrelated to the question of a permanent assignment for KOB. The inclusion of such matters within the scope of this hearing, as the Broadcast Bureau apparently desires, would serve only to lengthen and further complicate an already involved proceeding. Accordingly, KWBU's petition is granted to the extent that a directional antenna for KWBU will be eliminated from consideration under issue 26.

14. KWBU also requests that the Commission reconsider the denial of its request for inclusion of an issue concerning the possibility of its operating on 770 kc if KOB is returned to 1030 kc. In denying the initial request, we held that there were no equities in KWBU warranting such consideration and that to include the issue would unnecessarily broaden the scope of the proceeding and would require bringing in other parties who are applicants for 770 kc. KWBU has asserted no grounds which persuade us to alter this view. We are aware of the background and history of KWBU's present assignment which petitioner contends entitles it to special consideration. KWBU contends that if KOB is returned to 1030 kc, KWBU will be deprived of "the extensive interference-free daytime coverage on 1030 kc which was originally contemplated" when the station gave up its border operation and located in Corpus Christi. However, based upon our own determination, there would appear to be no likelihood of objectionable daytime interference from KOB operating on 1030 kc to KWBU. The consideration in this proceeding of

[5] It is the contention of WBZ that from its present site in Hull, Massachusetts, approximately 15 miles east of Boston, it could not protect a KOB operation on 1030 kc and at the same time maintain the required signal strength over Boston, in accordance with the Commission's Rules.

[6] We cannot help but note the apparent inconsistency between the rather narrow and technical position taken by WABC and its position with respect to the utilization of data based on representative, rather than existing, transmitter sites, supra. There it presented the view that the proceeding was not essentially an action on a broadcast application but was rather in the nature of an allocations proceeding.

[8] Issues 11, 12, 14 and 15 cover WABC's proposal that the Commission consider modification of the licenses of KOB and WBZ to permit simultaneous operation on 1030 kc with 50 kw power. Issues 13 and 16 relate to WABC's request for consideration of a directional Class II operation by KOB on 770 kc or 1030 kc. Issues 20 through 22 also requested by WABC relate to possible directional antenna patterns which could be employed by KOB and WBZ, both operating on 1030 kc.

[9] See Memorandum Opinion and Order, May 26, 1955, paragraphs 5 and 8.

[7] An engineering affidavit attached to KWBU's petition supports this assertion.

an operation by KWBU on 770 kc is inappropriate and entirely unwarranted by the circumstances.

15. Petition by KXA for consideration of its program service: Issue 17 seeks a determination of the nature and character of program service now being rendered by KOB, WABC and WBZ. By a petition filed on June 29, 1955, KXA, Inc., a party intervenor in the KOB proceeding, requested, inter alia, that this issue be enlarged to include consideration of the KXA program service. The Commission's Memorandum Opinion and Order of March 21, 1956 denied the petition but did not rule on the programming issue as it relates to KXA.[4] The petitioner now asks a ruling on its request that issue 17 be amended to include a showing of the KXA program service. It also requests that issues 5 and 6, which seek to determine the areas and populations prevented from receiving service as a result of KOB's present and proposed broadcast authorization, be clarified to allow a showing as to the areas and populations being prevented from receiving the service of KXA. None of the other parties opposes the request of KXA. Accordingly, in order that KXA may be placed in the same position as the other parties who are or would be subject to interference from KOB, issue 17 is enlarged to allow a showing as to the program service now being rendered by KXA. With respect to petitioner's second request, it is clear, we feel, from the language of issues 5 and 6 that evidence need not necessarily be confined to WABC but could relate to KXA as well.

In view of the foregoing: *It is ordered*, That the ruling of the Hearing Examiner with respect to the admission of evidence based on representative transmitter sites is affirmed; and that the requests for modification of that ruling contained in the petition for review filed by Westinghouse Broadcasting Company and in the opposition to that petition filed by American Broadcasting Company are denied;

It is further ordered, That the petition of Albuquerque Broadcasting Company requesting that the burden of proceeding with the introduction of evidence under certain issues be placed on American Broadcasting Company is granted; and that, accordingly, under issues 1 through 10, 17 through 19 and 25, the burden of proceeding with the introduction of evidence shall be on Albuquerque Broadcasting Company; under issues 11 through 16, and 20 through 22, the burden shall be on American Broadcasting Company; and under issue 26, the burden shall be on the Commission;

It is further ordered, That the request of Albuquerque Broadcasting Company that Show Cause Orders be issued to the licensees of WABC, WBZ and KOB, or that the licenses be called up for renewal and consolidated with the instant proceeding is denied;

It is further ordered, That, at the request of Albuquerque Broadcasting Company, issues 23 and 24, originally proposed by that party, are stricken, and the petition of American Broadcasting Company requesting clarification of those issues is dismissed as moot;

It is further ordered, That the petition by The Baptist General Convention of Texas for clarification or modification of issues is granted in part; and that issue 26 is modified as follows:

26. To determine whether the license of Station KWBU, Corpus Christi, Texas, should be modified to specify daytime only operation.

It is further ordered, That the request of The Baptist General Convention of Texas for reconsideration of its petition for the inclusion of an issue relating to possible operation by KWBU on 770 kc is denied;

It is further ordered, That the petition of KXA, Inc. for enlargement of issues is granted; and that issue 17 is modified as follows:

17. To determine the nature and character of program service now being rendered by Stations KOB, WABC, WBZ and KXA.

Adopted: October 31, 1956.

Released: November 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-9249; Filed, Nov. 8, 1956; 8:54 a. m.]

[Docket No. 11004, 11691; FCC 56-1044]

OHIO VALLEY BROADCASTING CORP. ET AL.

MEMORANDUM OPINION AND ORDER CLARIFYING ISSUES

In re application of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, Docket No. 11004, File No. BPCT-849; for television construction permit. News Publishing Company, Wheeling, West Virginia, (Transferor) and WSTV, Inc., Steubenville, Ohio, (Transferee), Docket No. 11691, File No. BTC-2048; for Commission consent to transfer of control of Ohio Valley Broadcasting Corporation.

1. Clarksburg Publishing Co., the protestant in this case, has filed a petition to amend or clarify the hearing issues.[1] The current phase of this proceeding which originated with the filing of Clarksburg Publishing's protest against the grant without hearing of Ohio Valley Broadcasting's application after it became unopposed following the dismissal of Clarksburg Broadcasting Corporation, is being held pursuant to a remand from the United States Court of Appeals reversing the Commission's action in denying the protest. Issue No. 3 in this hearing reads as follows:

To obtain full information concerning the negotiations, understandings or agreements pursuant to which the application of Clarksburg Broadcasting Corporation was withdrawn, including full information concerning the considerations provided by Clarksburg Broadcasting Corporation for payments made to it in connection with the dismissal of its application.

2. Petitioner requests the addition of the following language to that issue: "and to determine in the light of such evidence whether full disclosure was made to the Commission with respect to the terms and conditions of any such understandings or agreements." Alternatively, Clarksburg requests that the Commission declare that Issue 3 as now phrased encompasses the question of whether full disclosure of the terms and conditions was made by Ohio Valley to the Commission.

3. Some background information will be helpful. At the time Clarksburg Broadcasting Corporation withdrew its application which was then in competition with the application of Ohio Valley, counsel for Ohio Valley submitted a letter advising the Commission that Ohio Valley "has agreed to reimburse Clarksburg Broadcasting Corporation in the amount of $14,390 for out-of-pocket expenses incurred in the preparation and prosecution of its application." In the decision (later reversed by the Court) which denied the protest the Commission indicated that payment of this amount to Clarksburg Broadcasting had been made[2] and this belief was carried forward in the Commission's appeal brief. Ohio Valley gave no indication that this belief was incorrect. However, at the hearing now being held, it has been disclosed that the $14,390 has not been paid to Clarksburg Broadcasting.[3] This disclosure is the basis for the Publishing Company's request for enlargement of the issues.

4. Publishing Company contends that Ohio Valley's failure to reveal that the money had not been paid constituted a failure to make full disclosure to the Commission. At the hearing Publishing Company requested the Hearing Examiner to take official notice of the statement in the Commission's brief for the purpose of establishing that Ohio Valley misled the Commission with respect to the terms of its understanding with Clarksburg Broadcasting. It was argued that these statements would show that Ohio Valley permitted the Commission and its General Counsel to have an incorrect understanding of the facts with respect to the payment. The Hearing Examiner refused the request for the reason that the question of non-disclosure was not encompassed in Issue 3 as framed.

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[4] The KXA petition was concerned, in large part, with a request that its application for a full-time 50 kw operation on 770 kc be consolidated in the instant proceeding.

[1] The petition was filed July 26, 1956. The applicants and the Broadcast Bureau filed oppositions on August 6, 1956, and petitioner's reply was submitted on August 10th. On August 23 the applicants filed a petition to accept a statement with respect to the petitioner's reply. A petition for review of the Chief Hearing Examiner's September 7 denial of this petition was filed September 13 and is disposed of in paragraphs 10–12, infra.

[5] Commissioner Craver disqualifying himself from participation in the matter.

[2] 10 RR 969, 985.

[3] The agreement between Clarksburg Broadcasting Corporation and Ohio Valley provides that $14,390 is to be paid Clarksburg upon the conditions that (a) the grant of a construction permit to Ohio Valley is made and (b) that a permit is issued after denial of any protest.

5. In support of the enlargement, the petitioner asserts that although not expressly said the question of non-disclosure is clearly implicit in the language of Issue No. 3. In any event, states petitioner, good cause exists at this time for amendment of the issue to insure inquiry into the question because the facts came to light long after the issue was prepared and included in the order of designation. Publishing Company insists that this question is most material to the determination of whether abuse of the Commission's processes was involved. Reference is made to portions of the Court's decision reversing the Commission's denial of Publishing Company's protest.[4]

6. Ohio Valley counters that there was no failure on its part to disclose facts during the court litigation because any assumption or misinterpretation made by the Commission and its General Counsel that the money had already been paid to Clarksburg Broadcasting was not related to the basic question argued in the Court of Appeals which was whether or not there was sufficient information upon which the Commission could rely in deciding that no more than out-of-pocket expenses were to be paid to Clarksburg. It is insisted that Ohio Valley was not required to correct in its brief an error of fact which was not related to the main question briefed in the Court of Appeals and that even if counsel, with an excess of caution, had corrected this immaterial fact the outcome of the litigation would not have been affected in any way. Ohio Valley alleges that there is no charge that it failed to disclose prior to the grant which the Commission made to Ohio Valley before the protest was filed.

7. Also opposing enlargement of the issues, the Broadcast Bureau points out that a protestant's right to request specific hearing issues ended with the expiration of the statutory 30 day period subsequent to the grant and that action on any request for enlargement of issues filed thereafter lies within the sound discretion of the Commission. The Bureau urges that the Commission should not add an issue which lacks merit and appears to be grounded in dilatoriness. The Bureau believes that the letter reporting the reimbursement was clear and explicit and states that whether payment had been or was yet to be made is not the question because the issue raised by the protest was whether such payment was reasonable as representing reimbursement for out-of-pocket expenses.

8. In reply to the oppositions, Publishing Company asserts that there also was a failure to disclose prior to the original grant to Ohio Valley and that this misled the Commission into believing that the agreement was conditioned solely upon the withdrawal of Clarksburg Broadcasting's application. The failure to correct this misinterpretation at subsequent stages of the proceeding indicates to Publishing Company that Ohio Valley deliberately decided to withhold the facts and that the non-disclosure was willful. In addition, protestant attacks the Bureau's argument as to the timeliness of the request for enlargement of the issue based upon the 30 day period allowed by section 309 (c). It is contended that good cause is demonstrated from the fact that the true nature of the agreement was not disclosed until taking of evidence was in progress.

9. Concerning the Bureau's arguments as to the immateriality of the non-disclosures, protestant asserts that the Bureau fails to recognize that unconditional agreement to pay a withdrawing applicant's expenses is quite different from an agreement to pay if and only if the paying party receives a final grant. The abuse of process inherent in the latter situation is more serious than in the former because payment is being made for a favorable administrative decision which may stop the withdrawing applicant from offering any facts adversely affecting a grant to the other applicant. According to protestant, inducing a belief that payment has been made may also make favorable action more likely and avoid the risk that a conditional arrangement would encounter administrative objection; moreover, the remaining applicant is not placed in a position of losing something already paid. Concluding, the protestant asserts that a deal by which a litigant is bought off on a promise to pay conditioned on a favorable decision is *per se* inherently repugnant to general public policy.

10. The applicants, in a statement with respect to Clarksburg's reply to the oppositions, offer additional arguments against enlargement of the issues. However, the Chief Hearing Examiner, in the exercise of the authority delegated to him, denied applicants' request for acceptance of the statement on the ground that it was not filed within the time specified by § 1.730 of the rules and good cause for late filing had not been shown.

11. In a petition for review filed September 13, 1956, applicants state that § 1.730 prescribes no time limit for filing requests for permission to file additional pleadings and argue that counsel's absence from his office and the presence of newly raised matters in the reply constituted good cause for allowing the additional pleading. Applicants also note that neither protestant nor the Bureau opposed acceptance of the pleading. The Broadcast Bureau supports the Examiner's ruling although recognizing that § 1.730 does not specify a time within which requests to accept additional pleadings must be filed.

12. Section 1.730 of the rules requires a showing of good cause before any pleading in addition to oppositions to petitions and replies to oppositions will be accepted. However, the rule does not limit the time within which either the request to accept the additional pleading or the additional pleading itself must be submitted. Therefore, we cannot agree with the Chief Examiner that applicants' statement should be rejected because it was not filed within the time required by the rule. While diligence in filing requests under § 1.730 is not to be ignored, it is only a factor to be weighed in each case in determining whether good cause has been shown. In the instant proceeding, Clarksburg's reply to the oppositions contained substantially new contentions upon which the applicants had had no opportunity to comment, and this fact, coupled with counsel's absence from his office at the time the protestant's reply was served upon him, is enough to constitute good cause in this case for allowance of the additional pleading. Therefore, the Chief Hearing Examiner's order will be reversed, and the arguments made by applicants in their statement will be considered.

13. Applicants' main argument is that there was no requirement that they or Clarksburg Broadcasting supply information concerning the payment agreement because the Clarksburg Broadcasting application was dismissed prior to designation for hearing at a time when under the provisions of § 1.366 of the Rules[6] an application may be dismissed as a matter of right without submission of a petition or formal document. The applicants insist that neither Clarksburg Broadcasting or Ohio Valley was required to supply information about the dismissal, but they point out that Ohio Valley voluntarily supplied information about the payment agreement. It is also argued that under Commission policy the agreement to pay was not contrary to the public interest.

14. Considering the requested clarification of issues, the Commission believes that Issue No. 3 must be construed to encompass the question of whether full disclosure of the terms and conditions of the payment agreement was made to the Commission. The disclosure question is not explicitly stated in the issue, but its inclusion is implicit in the broad direction to "obtain full information" about the agreement between Ohio Valley and Clarksburg Broadcasting. The content of the Court of Appeals' discussion of the agreement coupled with the Court's appraisal of our responsibility in protest proceedings substantiate our view that even though the question of full disclosure did not specifically arise until after the issue was framed, the answer to that question may be sought

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[4] 12 RR 2024, 2035.

[6] Section 1.366 provides: "Dismissal of applications. Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. Petitions to dismiss an application without prejudice will be granted only for good cause shown, but will in no event be granted after public notice has been given by the Commission of the issuance of a proposed decision proposing to deny the application in question."

under the issue as it stands. Moreover, misrepresentation and non-disclosure are matters of substantial importance to the Commission in arriving at public interest determinations even though the misrepresentation or non-disclosure may relate to facts which in and of themselves are otherwise of small importance in the decisional process. See Wilton E. Hall and Greenville Television Company v. F. C. C., App. D. C., decided September 6, 1956. The foregoing ruling makes it unnecessary for us to consider further the petition to enlarge issues.

15. *Accordingly, it is ordered,* This 31st day of October 1956, that applicants' petition for review of the Chief Hearing Examiner's order refusing permission to file a statement with respect to protestant's reply is granted and said statement is accepted; that protestant's petition to amend or clarify the hearing issues is granted to the extent that Issue No. 3 is construed to encompass a determination whether full disclosure of the terms and conditions of the payment agreement between Ohio Valley and Clarksburg Broadcasting was made to the Commission by Ohio Valley; and that the petition to enlarge or clarify is otherwise denied.

Released: November 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9250; Filed, Nov. 8, 1956; 8:54 a. m.]

[Docket Nos. 11789, 11790; FCC 56M-1022]

TRADEWINDS BROADCASTING CO. (WCBQ)

ORDER CONTINUING HEARING

In re applications of M. R. Lankford, tr/as The Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, for construction permit to replace expired construction permit Docket No. 11789, File No. BP-10370; and for modification of construction permit, Docket No. 11790, File No. BMP-6920.

The Hearing Examiner having under consideration a motion filed by applicant on November 2, 1956, requesting that the hearing now scheduled for November 6, 1956 be further continued to November 28, 1956, because a witness in the proceeding will be unable to testify on November 6;

It appearing that counsel for the other parties have no objection to immediate consideration and grant of the motion;

It is ordered, This 5th day of November 1956, that the motion for continuance is granted and the hearing now scheduled for November 6, 1956 is further continued to Wednesday, November 28, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9251; Filed, Nov. 8, 1956; 8:54 a. m.]

[Docket Nos. 11832, 11833; FCC 56M-1015]

RADIOSIGNAL SERVICE (RADIO DISPATCH, INC.) AND WILLIAM J. THERKILDSEN

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re applications of Radiosignal Service (Radio Dispatch, Inc.), Seattle, Washington, Docket No. 11832, File No. 736-C2-P/L-56; William J. Therkildsen, Seattle, Washington, Docket No. 11833, File No. 1063-C2-P-56; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

It is ordered, This 2d day of November 1956, that a pre-hearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Tuesday, November 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9252; Filed Nov. 8, 1956; 8:55 a. m.]

[Docket No. 11852; FCC 56-1055]

RICHARD F. LEWIS, JR., INC.

MEMORANDUM OPINION AND ORDER SCHEDULING ORAL ARGUMENT AND DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Richard F. Lewis, Jr., Incorporated, of Mount Jackson, Virginia (WSIG), Mount Jackson, Virginia, Docket No. 11852, File No. BP-10510; for construction permit to increase power and to make other changes.

1. The Commission has before it for consideration a "Protest And Petition For Reconsideration" filed on October 5, 1956, by Rockingham Radio Corporation, licensee of Station WHBG, Harrisonburg, Virginia (1360 kc, 5 kw, daytime only), pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, and directed to the Commission's action of September 5, 1956, in granting without hearing the application of Richard F. Lewis, Jr., Incorporated, of Mount Jackson, Virginia, for a construction permit to increase the power of Station WSIG from 1 to 5 kilowatts and to install a directional antenna and change transmitters, operating on 790 kilocycles, daytime only, at Mount Jackson, Virginia; an Opposition thereto, filed on October 15, 1956, by Richard F. Lewis, Jr.; and a Reply filed on October 22, 1956, by Rockingham Radio Corporation.

2. The protestant (hereinafter referred to as WHBG) claims standing as a "party in interest" and a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, because Station WSIG, approximately 25 air line miles from Harrisonburg, would by its authorization provide a 2 mv/m signal over the city of Harrisonburg and beyond, and would serve with a 0.5 mv/m signal a large area to the west of the city not previously served by it. Thus, since WSIG will for the first time serve Harrisonburg with a primary signal, the two stations will be in "direct competition for revenue, audience, and program sources in those areas and among those listeners. Each advertising dollar obtained by WSIG therefrom under its proposed operation will result in less revenue for WHBG. In consequence, WHBG will be economically injured by the duplication of its coverage through the increased power and directional operation of WSIG."

3. In summary WHBG's allegations are that the public interest will not be served by the grant of the WSIG application in that the area within WSIG's enlarged service area, and now served by WHBG, does not have sufficient economic resources to permit the two stations to operate on an economically sound basis; that the competition which will result from the grant will cause a deterioration both in the programming supplied by WHBG to its listeners in that area and in the program services now provided by WSIG to the populations and areas it presently serves; that the grant was improperly made by the Commission on the basis of the application and other information available to it from its files; that Mr. Lewis does not possess the qualifications to be a broadcast licensee; that the grant will result in an undue concentration of control of broadcast stations and is contrary to the provisions of § 3.35 of the Commission's rules and is inconsistent with the public interest, convenience and necessity; and that the grant is not in the public interest.

4. Specifically, with respect to the economic issues, WHBG alleges that the proposed enlargement of WSIG's coverage coupled with the other radio interests of Mr. Lewis (President, Treasurer, and 99 percent stockholder of the licensee corporation of WSIG) will increase WSIG's bargaining power and leverage and place WHBG at a severe competitive disadvantage[1]; that the Lewis stations are presently made attractive to advertisers on the basis of their blanketing effect in the area of the Shenandoah Valley, from southern Pennsylvania through Virginia, which flows from the number and coverage of such stations and from Mr. Lewis' plans for additional stations; that with the authorized additional coverage of Harrisonburg, Lewis can bring to bear the resources of his other radio interests, concentrated in the area, in a manner which will place WHBG in a wholly untenable position; that economic harm resulting to WHBG is not mere speculation, nor presumption by reason of geographic proximity for

[1] In addition to Station WSIG, Mr. Lewis owns interests in the following stations as shown: 60 percent, WFVA, Fredericksburg, Va.; 99 percent, WINC, Winchester, Va.; 99 percent, WHYL, Carlisle, Pa.; 99 percent, WAYZ, Waynesboro, Pa.; 100 percent, WELD, Fisher, W. Va.; he has 100 percent interest in two pending applications, BP-10454, Leesburg, Virginia, and BP-10585, Frostburg, Maryland; and he also has a 100 percent interest in FM Station WRFL, Winchester, Virginia.

Mr. Lewis has apprised WHBG that he intends to compete actively with WHBG in a "dog eat dog situation"; that the economic potential of the area it serves and to be served by WSIG, coupled with WSIG's ability to engage in "cut-throat" competition in the area because of Mr. Lewis' other resources, cannot now nor in the foreseeable future be deemed sufficient to support properly the two stations; that Harrisonburg has a population of but 10,810, and Rockingham County wherein it is located, has a population of 35,079 persons; that Station WSVA and WSVA-TV are also located in Harrisonburg; that WSIG has several accounts with advertisers in Harrisonburg and has for some time sought to improve its service there; that on December 2, 1955, Mr. Lewis filed an application for Harrisonburg, but later requested it to be dismissed and filed the instant application for increased coverage; that Mr. Lewis in a letter to Mrs. Doris B. Brown of Station WHBG recognizes that the Harrisonburg market is not capable of supporting, nor does it have the potential to support three stations; that in the same letter, Mr. Lewis advised Mrs. Brown that "the one place in America that does not need another radio station is Harrisonburg"; that the letter to Mrs. Brown says it will be a "dog fight" for survival; that Lewis states, to meet competition, he will "swamp [his] station with commercials" which he admits "is really not good listening"; and that such a competitive situation will require programming economies on the part of WHBG WSVA, the other Harrisonburg station, and Lewis' Mt. Jackson station to the detriment of the listening public.

5. Moreover, WHBG alleges that the public will be deprived if the increased coverage of WSIG is permitted for while its service has established that there was a real need for a second station in Harrisonburg, it can and will serve its community and fulfill the need only if it is able to stay on the air; that if Mr. Lewis cuts his rates and "swamps" his station with commercials, the public service programming of WHBG will be affected since it will have to meet WSIG's competitive practices; that the Commission is required by the Communications Act to determine that the public interest, convenience or necessity will be served—that a proposal meets a "need"—before awarding a grant; that WSIG in its application for increased coverage gave no reason for the request to improve the facilities of WSIG; that the programming of WSIG, based on its license renewal application, shows that no educational programs are proposed and that only 2 percent of the total broadcast time will be devoted to agricultural programs in an area predominantly rural; that no local live programming, either commercial or sustaining was proposed for the time the station operates after 6 p. m. and only 3 percent of the total week's operation would be devoted to local sustaining programs; that this programming used for its 1 kilowatt operation, does not meet the needs and requirements of the areas and populations to be gained by the authorized proposal; that it is clear that the proposal will not meet the needs of the Harrisonburg community and the additional areas sought to be served with the increased power; and, that the Commission failed in its duty of making an affirmative finding that the WSIG programming proposals would meet the needs of the communities it seeks to serve.

6. WHBG further alleges that Mr. Lewis is pursuing a policy of duplication of programming over his several stations, both existing and proposed; that he does not program for the particular needs and desires of the several communities served by his stations, but ignores such needs and differences in needs and desires of the several communities in favor of operating economies resulting from program duplication; that in recent Lewis applications the proposed program schedule is exactly the same (except for the name of the city in two programs) including times, types and classifications; that this clearly shows that Mr. Lewis is completely indifferent to the programming needs of the communities he proposes to serve; that Lewis is indifferent to the needs of the Harrisonburg community and an issue is raised as to whether he possesses the qualifications to be a broadcast licensee; that Mr. Lewis has six AM and 1 FM stations (see footnote 1) all concentrated in a contiguous area from Carlisle, Pennsylvania to Mount Jackson, Virginia, and there exists an overlap of service contours of several Lewis stations, which situation will increase if the present grant is allowed to stand; that if the Mount Jackson authorization is permitted the Fisher station would serve Mount Jackson, and Mount Jackson would serve Fisher, each with a primary service; that in addition to the question of wasting scarce and valuable frequencies through the duplication of programs there is thus raised under § 3.35 of the Commission's rules the question of undue concentration of control of the radio medium in the area served by the stations; that it is impossible for the Commission to make a determination based upon the information submitted by Mr. Lewis in his application that the grant thereof is in the public interest; that only by an evidentiary hearing can the Commission ascertain exactly what the applicant proposes and then make a determination as to whether the departure from Rule 3.35 and the Commission's well established policy of encouraging diversification is justified; that additionally Mr. Lewis may be trafficking in frequencies" for he indicated in his letter to Mrs. Brown that he would consider selling one of his stations in order to keep WHBG from Harrisonburg; and, that while an offer to trade stations may not in itself constitute the prohibited "trafficking," the insidious setting of the instant matter (Mr. Lewis' concentrated position) requires that his policies and demonstrated indifference to the responsibilities which a broadcast license cast upon its holder must be examined.

7. The protestants request that the application be designated for hearing on the following issues:

1. To determine whether, in view of the radio broadcast interests of Mr. Richard F. Lewis, Jr., a grant of the instant application would result in an undue concentration of control of broadcast stations in the area served by the several stations owned by him or in which he has an interest;

2. To determine whether the grant of the instant application would result in an undue concentration of control of broadcast stations and hence be contrary to the provisions of § 3.35 of the Commission's rules and regulations and inconsistent with the public interest, convenience and necessity;

3. To determine whether the over-all plan of Mr. Richard F. Lewis, Jr. to own and operate radio stations in Frostburg, Maryland, and Leesburg, Virginia, together with his present broadcast interests, would result in an undue concentration of control of broadcast stations inconsistent with the public interest, convenience and necessity, contrary to § 3.35 of the rules if the instant application be granted;

4. To determine whether Mr. Lewis, Jr., through his ownership and control of radio broadcast stations in the Shenandoah Valley extending from Carlisle, Pennsylvania, to Mount Jackson, Virginia, and contiguous areas, will if the instant application be granted, offer combination rates, special joint discounts, rebates and/or other methods of preferential treatment to advertisers to induce them to patronize one or more of his radio stations; and, if so, whether such practices are contrary to the public interest, convenience or necessity;

5. To determine the applicant's programming plans and whether the proposed programming is designed to serve the needs of the area and population it proposes to serve;

6. To determine whether the applicant possesses the basic qualifications necessary to permit it to be the licensee of the proposed station;

7. To determine whether the omissions in the application preclude the grant thereof;

8. To determine whether the radio advertising potential of the Harrisonburg, Virginia market is sufficient to support Station WHBG and Station WSIG operating as proposed in this application;

9. To determine, if the foregoing issue is determined in the negative, whether: (a) a grant of the application will jeopardize the continued existence of Station WHBG, or (b) the radio service to be received from the proposed station and WHBG may reasonably be expected, as a result of neither station receiving adequate revenue, to be inferior in quality to that presently provided by WHBG to the area and population served by it;

10. To determine whether a grant of the application will give rise to a competitive situation in which the applicant will, in order to maintain its existence, make changes in its proposed programming; and if so, whether such changes will serve the public interest;

11. To determine whether, in the light of the evidence aduced on the foregoing issues, the public interest, convenience, or necessity would be served by a grant of

the application for a construction permit to improve facilities of Station WSIG.

8. WHBG requests that the Commission reconsider its action of September 5, 1956, granting without hearing the above-captioned application of Richard F. Lewis, Jr., Inc., of Mount Jackson, Virginia, and upon reconsideration deny the application or designate it for hearing upon the issues set forth above, together with such other issues as may be prescribed by the Commission, and make the protestant a party to the hearing; that the burden of proceeding with the introduction of evidence and the burden of proof of the issues be upon the applicant; that the effective date of the WSIG grant be postponed until after a hearing and decision thereon; that this action is necessary in order to preserve the status quo and to prevent irreparable damage to the protestant and to the public; and that such other relief should be granted to WHBG as may seem fitting and proper in the case.

9. In its Opposition filed on October 15, 1956, WSIG concedes that it will be in competition with the protestant for at least some of the Harrisonburg advertising dollars and that the protestant, for purely economic reasons, is probably a "party in interest" within the meaning of section 309 (c) of the Communications Act; that section 309 (c) of the Communications Act requires that the protestant shall specify with particularity the facts relied upon; that the protestant is indirectly seeking relief from the threat of economic injury by asserting that the "public interest would suffer by reason of each station rendering inadequate service as a result" of the addition of the WSIG signal to those furnished by protestant and WSVA and WSVA–TV; that protestant has submitted no facts or figures concerning the area served by WHBG, WSVA and WSVA–TV, and to be served by WSIG with its higher power, which support this contention; that protestant has made conclusionary statements but has submitted no business statistics or economic study, nor is even one fact mentioned to support the conclusion that the protestant has experienced or will experience difficulty in obtaining revenue; that no facts are offered to support the conclusion that WHBG's programming plans will be affected, if WSIG's power is increased; that it is a novel contention that the Commission is required by the Communications Act to determine "That a proposal meets a need" before it grants an application for new or changed facilities; that mere reference to the program-type percentages in the renewal application does not tell the complete programming story; that WSIG does not carry many educational or agricultural "programs" as such; that public service material is injected into broadcasts in capsule form which is more effective than as program features; that (after listing programs it carries of a public service nature) the renewal application percentages are virtually meaningless to denote the scope of the Station's programming; that as to a "policy of duplication of programming" in stations operated by Mr. Lewis, while the format is essentially the same because it has been found to be successful wherever it has been used, the programming is definately localized; that the question of concentration of control of broadcast stations is never a proper issue except in a comparative proceeding; that the contours of Stations WSIG and WELD present the only pertinent overlap situation, and no contours or other data are submitted to show that any condition exists that was not well known to the Commission at the time of the grant; that this overlap is actually much less than indicated by the calculations based upon the Commission's soil conductivity map; that the protestant has made no showing, but only has alleged overlap within the purview of § 3.35 of the Commission's rules and allegations of overlap are conclusionary and insufficient in the absence of concrete supporting evidence; that it is an astounding contention that "Mr. Lewis may be trafficking in licenses" since he has never sold a station although he owns or controls six AM stations and one FM station and has applications pending for two more AM stations; that as to the 11 issues WHBG requests to be included in the hearing, WSIG states as to Issues 1, 2, 4, 5, 8, and 9 in general, that they are not supported by allegations of basic facts; that as to Issue 3 it is not a proper subject of inquiry in any present hearing since it involves pending applications; that as to Issues 6 and 7 they are phrased generally; and Issue 11 which poses the usual question as to whether the grant would serve the public interest, convenience and necessity, in the absence of other issues, has no effect.

10. In its "Reply" filed on October 23, 1956, Rockingham Radio Corporation contends, in substance, that the facts and situations set forth by Rockingham reasonably and logically raise the issues proposed by it; that the evidentiary matters which will determine whether the issues are answered affirmatively or negatively will be developed at a hearing; that none of the issues are immaterial or frivolous; and, that all have a real and direct relation to the Commission's statutory duty and the public interest.

11. In view of the fact that the protestant is licensee of standard broadcast Station WHBG, Harrisonburg, Virginia; that Harrisonburg is located approximately 25 airline miles from Mount Jackson, Virginia, where Station WSIG operates, that the authorized WSIG operation will serve Harrisonburg with a primary signal; that both stations will be in competition for advertising revenue from the city of Harrisonburg; and that the protestant has alleged that it will be financially injured by the grant in question, we find the protestant to be a "party in interest" and "a person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405, respectively, of the Communications Act of 1934, as amended. T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470, 9 Pike and Fischer RR 2008. We find further that the protestant has specified with particularity, within the meaning of section 309 (c), the facts upon which it relies to show that the Commission grant was not in the public interest. In view of this finding, a question is raised as to the type of hearing which is required with respect to the protestant's issues.

12. Three of the issues specified by the protestant, Issues 8, 9, and 10, concern the ability of the Harrisonburg, Virginia, market area to provide sufficient revenues and financial support to permit either Station WHBG or the authorized operation of WSIG to operate in the public interest. It is the protestant's position that the authorized operation will jeopardize the continued existence of Station WHBG, that the radio service to be received from the authorized operation and WHBG may reasonably be expected, as a result of neither station receiving adequate revenue, to be inferior in quality to that presently provided by WHBG to the area and population served by it, and that as a result of the competitive situation the applicant will in order to maintain its existence, make changes in its proposed programming, which changes may not serve the public interest. Accordingly, the protestant seems to contend that a determination of these "economic" issues is required because the alleged deterioration of the program services involved is a public interest consideration. With respect to "economic" issues, the Commission pointed out in Voice of Cullman, 6 RR 161, that an initial economic injury sustained as a result of competition might be readily overcome by a resourceful licensee and, that in any event, degradation of program service was not a necessary consequence of economic injury since "quality of program service cannot be measured by cost alone." The Communications Act contemplates the free entry into the radio broadcasting field by persons legally, technically, financially, and otherwise qualified to construct and operate stations even where competition from such stations might have an adverse economic effect upon existing stations or other media of mass communications. Accordingly, as a matter of policy, the competitive effect a new station may have on existing stations is not a factor to be considered by the Commission in determining whether a new operation is in the public interest. See Federal Communications Commission v. Sanders Brothers, 309 U. S. 470; WWSW, Inc., 14 RR 492; Voice of Cullman, supra; Perry County Broadcasting Company, FCC 56–1031, Docket No. 11852, adopted October 24, 1956. Consequently, with respect to protestant's "economic injury" Issues 8, 9, and 10, oral argument will be held as on demurrer.

13. With respect to Issues 1, 2, and 3 as specified by the protestant, it is alleged that the Commission's action in granting the application in question was in violation of the provisions of § 3.35 of the Commission's rules on multiple ownership because the applicant's principal stockholder, Richard F. Lewis, owns a controlling interest in 5 other stations within a limited geographical area. At the time the Commission considered the subject application, it was fully aware of the number of stations in which Mr. Lewis has an interest, the location of the stations, and that there was some overlap between the proposed WSIG operation and Stations WING, Winchester, Virginia, and WELD, Fisher, West Virginia. However, on the basis of all the information before it, the Commission determined that the grant of the application was in the public interest. Therefore, while we are including these "multiple ownership" issues in the evidentiary hearing ordered hereinafter, we are not adopting these issues, and the burden of proceeding with the introduction of evidence and the burden of proof on these issues shall be on the protestant.

14. With respect to Issue 4 concerning combination discount rate practices, the Commission has heretofore held that, before it would concern itself with the questions raised by such practices under Section 2 of the Sherman Act, it "must be shown that both the power to monopolize and the intent or purpose to exercise such power exist." Granite State Broadcasting Co., Inc., 12 Pike and Fischer RR 590, 604g. Since the protestant has not made such a showing, we are not adopting the issue. Therefore, the burden of proceeding with the introduction of evidence and the burden of proof on this issue shall be on the protestant.

15. Issues 5, 6, and 7 as specified by the protestant concern programming, omissions in the application and the basic qualifications of Mr. Lewis. With respect to programming, the protestant points out that in making the grant the Commission relied on the program information furnished by the grantee in its renewal application filed in July 1954, that this information discloses a duplication of programming among Lewis' several stations, that the grantee does not program for the needs of the particular community to be served, and that the grantee intends to present the same programming for its increased power operation as was presented on its 1 kilowatt operation. In its Opposition the grantee states that "mere reference to the program-type percentages in the renewal application does not tell the story." With respect to the issue concerning Lewis' basic qualifications, the protestant directs attention to a letter from Mr. Lewis to Mrs. Brown, described in paragraph 4, supra, which raises questions concerning the mode and manner of operation of Station WSIG and other stations owned and operated by Mr. Lewis. In order that the grantee can adequately demonstrate the program service that the proposed WSIG operation will render, we are adopting as Issue 5 that part of the protestant's Issue 5 that concerns this aspect of the grantee's proposal. Accordingly, the burden of proceeding with the introduction of evidence and the burden of proof on Issue 5 shall be on the grantee. As to the other matters raised in protestant's Issues 5, 6, and 7, we are not persuaded that these matters adversely reflect on our previous determination that a grant of the application in question was in the public interest. Therefore, while we are including these issues as Issues 6, 7, and 8 in the evidentiary hearing, we are not adopting these issues, and the burden of proceeding with the introduction of evidence and the burden of proof on these issues shall be on the protestant. Furthermore, it should be pointed out that by including Issues 1, 2, 3, 4, 6, 7, and 8 in the hearing, we do not determine or imply that any or all of these issues, even if the facts with respect thereto are as alleged by the protestant, are such that they could result in a determination that the instant grant was improper, contrary to the public interest, or should be set aside.

16. Station WSIG is an existing station, and the grant in question authorizes an increase in power and to install a directional antenna and change transmitters. We find no reasons why the public interest requires that the grant remain in effect pending the Commission's decision in the hearing hereinafter ordered on the WSIG application.

17. In view of the foregoing: *It is ordered*, That an oral argument be held before the Commission, en banc, commencing at 10:30 a. m. on November 13, 1956, to determine whether the matters raised by the following three issues, assuming the facts in support of the three issues to be true, are grounds for setting aside the grant in question:

1. To determine whether the radio advertising potential of the Harrisonburg, Virginia, market is sufficient to support Station WHBG and Station WSIG operating as proposed in the underlying application.

2. To determine, if the foregoing issue is determined in the negative, whether: (a) The authorized operation of Station WSIG will jeopardize the continued existence of Station WHBG, or (b) the radio service to be rendered by the proposed station and WHBG may reasonably be expected, as a result of neither station receiving adequate revenue, to be inferior in quality to that presently provided by WHBG to the area and population served by it.

3. To determine whether the authorized operation of Station WSIG will give rise to a competitive situation in which the grantee will, in order to maintain its existence, make changes in its proposed programming; and if so, whether such changes will serve the public interest.

The parties intending to participate in the oral argument shall file their appearances not later than November 7, 1956, and shall have until the date of oral argument to file briefs or memoranda of law.

It is further ordered, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final determination by the Commission in the hearing described below; and that the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues and such other issues as may be specified following the oral argument provided for above:

1. To determine whether, in view of the radio broadcast interests of Mr. Richard F. Lewis, Jr., a grant of the instant application would result in an undue concentration of control of broadcast stations in the area served by the several stations owned by him or in which he has an interest.

2. To determine whether the grant of the instant application would result in an undue concentration of control of broadcast stations and hence be contrary to the provisions of § 3.35 of the Commission's rules and regulations and inconsistent with the public interest, convenience and necessity,

3. To determine whether the overall plan of Mr. Richard F. Lewis, Jr., to own and operate radio stations in Frostburg, Maryland and Leesburg, Virginia, together with his present broadcast interests, would result in an undue concentration of control of broadcast stations inconsistent with the public interest, convenience, and necessity, contrary to § 3.35 of the rules if the instant application be granted.

4. To determine whether Mr. Lewis, Jr., through his ownership and control of radio broadcast stations in the Shenandoah Valley extending from Carlisle, Pennsylvania to Mount Jackson, Virginia, and contiguous areas, will, if the instant application be granted, offer combination rates, special joint discounts, rebates and/or other methods of preferential treatment to advertisers to induce them to patronize one or more of his radio stations; and, if so, whether such practices are contrary to the public interest, convenience or necessity.

5. To determine the program service to be rendered by the proposed operation of Station WSIG.

6. To determine whether the program service proposed to be rendered by Station WSIG is designed to serve the needs of the area and population it proposes to serve.

7. To determine whether the applicant possesses the basic qualifications necessary to permit it to be the licensee of the proposed station.

8. To determine whether the omissions in the application preclude the grant thereof.

9. To determine whether, in the light of the evidence adduced on the foregoing issues, the public interest, convenience, or necessity would be served by a grant of the application for a construction permit to improve facilities of Station WSIG.

It is further ordered, That:

(a) The appearances by the parties intending to participate in the evidentiary hearing shall be filed not later than November 7, 1956.

(b) The evidentiary hearing on the above issues is to commence at 10 a. m. on January 16, 1957, before an Examiner to be specified in a subsequent order.

(c) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

The burden of proceeding with the introduction of evidence and the burden of proof as to Issues 1, 2, 3, 4, 6, 7, 8, and 9 shall be on the protestant; the burden of proceeding with the introduction of evidence and the burden of proof as to Issue 5 shall be on the applicant.

It is further ordered, That said evidentiary hearing shall begin as above-provided, whether or not a decision in said oral argument has been issued;

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceedings herein.

Adopted: October 31, 1956.

Released: November 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9253; Filed, Nov. 8, 1956; 8:55 a. m.]

[Docket No. 11862; FCC 56-1072]

BAY RADIO, INC., AND MID-AMERICA BROADCASTERS' INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Bay Radio, Inc. (Assignor) and Mid-America Broadcasters, Inc., (Assignee) Docket No. 11862, File No. BAL-2369; for assignment of license of Station KEAR, San Francisco, California.

1. The Commission has before it for consideration (a) a verified pleading filed on October 3, 1956, by Milton Stern, Jr., directed against the Commission's action on September 5, 1956, granting without hearing the above-entitled application;[1] and (b) an "Opposition to Statement of Milton Stern, Jr.," filed on October 12, 1956, by Bay Radio, Inc., and Mid-America Broadcasters, Inc.

2. The above application was filed on June 22, 1956, and was amended on July 5, 1956. Before the Commission acted on the application, it received communications from a number of preferred stockholders, voluntary contributors and/or listeners to Station KEAR who objected to the proposed assignment on the grounds that the assignee might not continue the so-called "good music" programming policy which has been pursued by Bay Radio, Inc. The instant petitioner, Mr. Milton Stern, was among those submitting such objections. Said objections were given careful consideration by the Commission in connection with its review of the application. However, on the basis of all of the information before it, the Commission found that the public interest would be served by a grant. Prior to the filing of the instant application, the Commission, by telegram dated June 6, 1956, granted Station KEAR permission to remain silent from May 30, 1956, until July 31, 1956, because of financial difficulties. Commission records indicate that the station actually resumed operation on June 26, 1956.

3. The document filed by Mr. Stern on October 3, 1956 reads as follows:

> Milton Stern, Jr., being first duly sworn, deposes, and says; that the grant to Mid-America Inc. (sic) is improperly made and not in the public interest; that the grounds are similar to those in the WGMS case, plus others which are novel to our special situation. We ask for an open hearing on the merits of this case, and the chance to be heard and present our evidence, upon due and proper notice of time and place of hearing. A postponement of the effective date of the grant of the assignment pending a determination of the protest, and rights herein involved, will go far in upholding the Commission stand toward justice, fair play, and the promotion of the public welfare; that your affiant subscribed to stock pursuant to a radio appeal for funds to keep KEAR on the dial as a "good" music station; that affiant and over one thousand (1,000) others so sent funds in return for stock, and hundreds of others sent in money on a donative basis, all with the view toward keeping "good" music on the air; that said funds were so acquired by representations made, that were knowingly false, to induce the public to subsidize this station; that after such funds enabled the station to continue, the officers of Bay Radio, Inc., entered into a contract breaching the above trust by sale and lease to interests not at all concerned with "good" music; that such contract was made without consulting and without the knowledge, of those financially interested, and as a fraud upon their interests; that the purpose for asking for such funds was only to put the station on its financial feet to enable the sellers to get a larger price for its assets; that evidence of good faith is lacking in the dealings herein; and such actions should not be condoned by this authority.

4. In their opposition to Mr. Stern's pleading, the applicants allege, in substance, that the complainant is not entitled to relief under section 309 (c) of the Communications Act because he has not established that he is a "party in interest" as required by the statute, that there are no issues specified in his statement upon which a hearing can be held, and that the statement does not contain any allegations of fact to justify the relief requested; that complainant has not stated the matters set forth in his pleading with sufficient particularity to warrant the Commission in invoking the provisions of section 309 (c) of the Communications Act; and that insofar as the statement might be regarded as a request for reconsideration under section 405 of the Communications Act, there are no reasons set forth for reconsideration which have not been previously alleged in letters of complaint filed with the Commission by Mr. Stern.

5. The applicants urge that the Commission should not postpone the effective date of its grant of the above-captioned application and in support of this position, allege, in substance, that on September 24, 1956, Station KEAR discontinued operations because it was unable to resolve a labor dispute; that the station remained silent until October 8, 1956 when the assignment of license was consummated and Mid-America Broadcasters, Inc., took over its operation; that to bring about the resumption of service, Mid-America Broadcasters, Inc., hired personnel from other parts of the United States and caused nine such persons to move to San Francisco with their families; that in addition to these nine persons, four local people were hired; that the cost of moving the nine persons referred to was in excess of $3,500, and the monthly salary cost for them exceeds $5,000; that Mid-America has incurred expenses of about $8,000 for new studios, equipment and repairs needed to resume operation of the station; that the assignee has spent additional amounts for telephone calls particularly in recruiting personnel, for printed materials, in publicizing the station's new call letters, "KOBY," and in making other necessary arrangements; that a stay of the effective date of the grant would therefore cause serious hardship to the assignee and to the personnel involved; and that a stay would result in a detriment to the listening public because the assignor would be financially unable to continue the operation of the station and would not have the necessary personnel to do so.

6. The subject pleading does not indicate whether relief is sought under section 309 (c) of the Communications Act or under section 405 thereof. In any event, the pleading contains allegations of fact showing that the petitioner is a stockholder of Bay Radio, Inc.; that petitioner "subscribed to stock pursuant to a radio appeal for funds to keep KEAR on the dial as a 'good music' station"; and that "the officers of Bay Radio, Inc., entered into a contract breaching the above trust by sale and lease to interests not at all concerned with 'good music.'" Although the situation here presented is a novel one, as the Court of Appeals stated in Granik and Cook v. FCC, 13 Pike and Fischer RR 2185, "The meaning of 'party in interest' and 'person aggrieved or whose interests are adversely affected' is broad enough to include appellants [protestant] in the novel circumstances here presented. They have a tangible, substantial and particular interest in the subject matter of the Commission proceedings." In light of that holding and of the facts alleged in the protest, we find that petitioner is a "party in interest" with standing to protest under section 309 (c) of the act, and a "person aggrieved or whose interests are adversely affected" by the Commission's grant of the above-entitled application, with standing to petition for reconsideration under section 405 of the act. Federal Communications Commission v. Sanders, 309 U. S. 470; In re General Times Television Corporation, 13 Pike and Fischer RR 1049; Camden Radio, Inc. v. FCC, 94 U. S. App. D. C. 312, 220 F. 2d 191; In re The Good Music Station, Inc., 14 Pike and Fischer RR 512.

7. Treating the subject pleading as a protest and petition for reconsideration, we find that, while there is much to be desired with respect to the manner in which petitioner's cause has been pleaded, he has set forth with sufficient particularity the facts he relies upon as showing that the grant was improperly made or would otherwise not be in the public interest. Moreover, while the protestant has not framed specific issues, he has alleged facts on the basis of which issues may be drawn. T. E. Allen & Sons, Inc., 10 Pike and Fischer RR 197. Accordingly, the "protest" must be designated for hearing on issues raised by the facts specified in the protest. It should be pointed out, however, that in making the above findings, and by framing the issues set forth below, we do not determine or imply that any or all of these issues, even if the facts with respect thereto are as alleged by protestant, are such that they could result in a determination that the grant to Mid-America Broadcasters, Inc., was improper, contrary to the public interest, or should be set aside. Accordingly, said issues are not being adopted by the Commission and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestant.

8. A final question is presented as to whether we should stay the effective date of our grant of the above-titled application. In this connection, section 309 (c) of the Communications Act provides that:

> pending hearing and decision (of cases arising under this statute) the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

In their opposition to Mr. Stern's pleading, the applicants allege that if the Commission postponed the effective date of its grant, "Assignor would not have the necessary capital with which to take over the operations, nor would it have personnel to do so." In view of the foregoing allegation, and in view of the past financial difficulties of the assignor, as revealed by the Commission's records and referred to in paragraph 2, supra, we find that the authority conferred by our grant of the above-entitled application is necessary to the maintenance or conduct of an existing service and that the public interest requires that the grant remain in effect. Accordingly, we shall not postpone the effective date of our grant of September 5, 1956. In re Hyman Rosenblum, 11 Pike and Fischer RR 826; In re WBUF-TV, Inc., 13 Pike and Fischer RR 359.

9. In view of the foregoing, *it is ordered*, That, the petition for reconsideration is granted to the extent provided for below and is denied in all other respects; and that pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine whether the licensee of Station KEAR, through its duly authorized representatives, solicited stock subscriptions or donations upon the representation that the proceeds from said solicitations would be used for the purpose of continuing the broadcasting of programs consisting of what is commonly referred to as "good music."

(b) To determine whether, at the time said funds were solicited in the form of stock subscriptions, or donations, the representations made in connection therewith were false and so known to be by the person making such representations on behalf of the licensee.

(c) To determine whether the execution of the contract between Bay Radio, Inc., and Mid-America Broadcasters, Inc., for the lease of the physical assets and assignment of the license of Station KEAR was contrary to the representations made by the representatives of the licensee in soliciting funds in the form of stock subscriptions or donations.

(d) To determine whether, on the basis of the evidence adduced with respect to the foregoing issues, a grant of the above-entitled application would serve the public interest, convenience and necessity.

The burden of proof as to each of the above issues shall be on the protestant.

10. *It is further ordered*, That the protestant and the Chief, Broadcast Bureau, are hereby made parties to the above-described proceedings.

11. *It is further ordered*, That protestant's request for a stay of the effective date of the Commission's grant of the above-entitled application is denied.

Adopted: November 1, 1956.

Released: November 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9254; Filed, Nov. 8, 1956; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11313]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

Humble Oil & Refining Company (Humble), on September 27, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 28, 1956; United Fuel Gas Company; Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 23; November 1, 1956.

The rate proposed to be increased was suspended by order issued October 27, 1955, in Docket No. G-9508 and was permitted to become effective subject to refund by Order issued in that docket on April 1, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1:37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9166; Filed, Nov. 8, 1956; 8:46 a. m.]

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[1] Under date of September 25, 1956, the Commission received a letter from Mr. Stern in which he expressed opposition to the Commission's grant. In substance, the letter contained no allegations which are not contained in the document filed by Mr. Stern on October 3, 1956. On October 8, 1956, the Commission received an additional unverified letter from Mr. Stern, dated October 5, 1956, and replying to a letter written to the Commission by Mr. S. A. Cisler under date of September 1, 1956. Since Mr. Stern's letter of October 5, 1956 was submitted as a reply to Mr. Cisler's letter, it is clear that it was not intended as a protest or petition for reconsideration, particularly in view of the fact that a formal verified pleading was filed by Mr. Stern on October 3, 1956. Therefore, no consideration will be given to the letter of October 5, 1956, in connection with our disposition of the formal verified pleading.

[1] Commissioner Doerfer dissenting and Commissioner Lee not participating; statement of Commissioner Bartley in abstaining from voting filed with the Federal Register Division.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Humble, if later.

[2] Commissioner Digby dissenting.

[Docket No. G–11314]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

Humble Oil & Refining Company (Humble), on September 27, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of charge dated September 28, 1956; United Fuel Gas Company; Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 24; November 1, 1956.

The rate proposed to be increased was suspended by order issued October 27, 1955 in Docket No. G–9521 and was permitted to become effective subject to refund by Order issued in that docket on April 1, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9167; Filed, Nov. 8, 1956; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Humble, if later.

[2] Commissioner Digby dissenting.

[Docket No. G–11315]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Humble Oil & Refining Company (Humble), on September 27, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated September 28, 1956; United Fuel Gas Company; Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 25; November 1, 1956.

The rate proposed to be increased was suspended by order issued October 27, 1955, in Docket No. G–9522 and was permitted to become effective subject to refund by Order issued in that docket on April 1, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9168; Filed, Nov. 8, 1956; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Humble, if later.

[2] Commissioner Digby dissenting.

[Docket No. G–11316]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDNG PROPOSED CHANGE IN RATE

Humble Oil & Refining Company (Humble), on September 27, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated September 28, 1956; United Fuel Gas Company; Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 26; November 1, 1956.

The rate proposed to be increased was suspended by order issued October 27, 1955, in Docket No. G–9523 and was permitted to become effective subject to refund by Order issued in that docket on April 1, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9169; Filed, Nov. 8, 1956; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Humble, if later.

[2] Commissioner Digby dissenting.

[Docket No. G–11317]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

Humble Oil & Refining Company (Humble), on September 27, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change dated September 28, 1956; United Gas Pipe Line Company; Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 35; November 1, 1956.

The rate proposed to be increased was suspended by order issued October 28, 1955, in Docket No. G–9574 and was permitted to become effective subject to refund by Order issued in that docket on April 1, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9170; Filed, Nov. 8, 1956; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Humble, if later.

[2] Commissioner Digby dissenting.

[Docket No. No. G–11318]

TIDEWATER OIL CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

On September 27, 1956, Tidewater Oil Company et al. (Tidewater), tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing which is proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated September 24, 1956; United Fuel Gas Company; Supplement No. 2 to Tidewater's FPC Gas Rate Schedule No. 25; November 1, 1956.

The rate proposed to be increased was suspended by order issued October 27, 1955, in Docket No. G–9552 and was permitted to become effective subject to refund by Order issued in that docket on April 9, 1956.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9171; Filed, Nov. 8, 1956; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice or the effective date proposed by the Tidewater, if later.

[2] Commissioner Digby dissenting.

[Docket No. G–11319]

TIDEWATER OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On September 27, 1956, Tidewater Oil Company (Tidewater) submitted for filing a proposed change in its rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated September 24, 1956; United Fuel Gas Company; Supplement No. 4 to Tidewater's FPC Gas Rate Schedule No. 26; November 1, 1956.

The rate proposed to be increased was suspended by order issued November 2, 1955, in Docket No. G–9608 and was permitted to become effective subject to refund by Order issued in that docket on April 18, 1956.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning

the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9172; Filed, Nov. 8, 1956; 8:47 a. m.]

[Docket No. G-11320]

SHELL OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

Shell Oil Company (Shell) on September 27, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 21, 1956; United Fuel Gas Company; Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 26; November 1, 1956.

The rate proposed to be increased was suspended by order issued October 10, 1955, in Docket No. G-9446 and was permitted to become effective subject to refund by order issued in that docket on May 21, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9173; Filed, Nov. 8, 1956; 8:47 a. m.]

[Docket No. G-11321]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On September 21, 1956, The Texas Company (Texas) submitted for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and change, is contained in the following designated filings which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date

Notice of change, undated; United Fuel Gas Company; Supplement No. 2 to Texas' FPC Gas Rate Schedule No. 2; November 1, 1956.[1]

The rate proposed to be increased was suspended by order issued November 2, 1955, in Docket No. G-9594 and was permitted to become effective subject to refund by Order issued in that docket on April 3, 1956.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9174; Filed, Nov. 8, 1956; 8:47 a. m.]

[Docket No. G-11322]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

On September 21, 1956, The Texas Company (Texas) tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

[1] The stated effective date is the first day after expiration of the required thirty days' notice or the effective date proposed by Shell, if later.

[2] Commissioner Digby dissenting.

[1] The stated effective date is the first day after expiration of the required thirty days' notice or the effective date proposed by Texas, if later.

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; United Fuel Gas Company; Supplement No. 2 to Texas' FPC Gas Rate Schedule No. 4; November 1, 1956.

The rate proposed to be increased was suspended by order issued November 2, 1955, in Docket No. G-9595 and was permitted to become effective subject to refund by Order issued in that docket on April 3, 1956.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rates and charges and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9175; Filed, Nov. 8, 1956; 8:48 a. m.]

[Docket No. G-11323]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

On September 21, 1956, The Texas Company (Texas) tendered for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; United Fuel Gas Company; Supplement No. 2 to Texas' FPC Gas Rate Schedule No. 5; November 1, 1956.

The rate proposed to be increased was suspended by order issued November 2, 1955, in Docket No. G-9596 and was permitted to become effective subject to refund by order issued in that docket on April 3, 1956.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9176; Filed, Nov. 8, 1956; 8:48 a. m.]

[Docket No. G-11324]

TEXAS CO. (OPERATOR), ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

On September 21, 1956, The Texas Company (Operator), et al. (Texas) tendered for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; United Fuel Gas Company; Supplement No. 8 to Texas' FPC Gas Rate Schedule No. 3; November 1, 1956.

The rate proposed to be increased was suspended by order issued November 2, 1955, in Docket No. G-9593 and was permitted to become effective subject to refund by order issued in that docket on April 3, 1956.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9177; Filed, Nov. 8, 1956; 8:48 a. m.]

[Docket No. G-11325]

CITIES SERVICE PRODUCTION CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

Cities Service Production Company (Cities) on September 24, 1956, tendered

[1] The stated effective date is the first day after expiration of the required thirty days notice or the effective date proposed by Texas, if later.

[2] Commissioner Digby dissenting.

for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated September 21, 1956; United Fuel Gas Company; Supplement No. 6 to Cities' FPC Gas Rate Schedule No. 1; November 1, 1956.

The rate proposed to be increased was suspended by order issued October 24, 1955 in Docket No. G–9510 and was permitted to become effective subject to refund by order issued in that docket on April 2, 1956.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge, and that the above designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9178; Filed, Nov. 8, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after the expiration of the required 30 days' notice, or the effective date proposed by Cities, if later.

[3] Commissioner Digby dissenting.

[Docket No. G–11328]

MID-GULF EXPLORATION CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

On October 1, 1956, Mid-Gulf Exploration Company (Mid-Gulf) tendered for filing a proposed change in its rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [2]

Notice of change, dated September 24, 1956; United Fuel Gas Company; Supplement No. 2 to Mid-Gulf's FPC Gas Rate Schedule No. 1; November 1, 1956.

By order issued on November 2, 1955, in Docket No. G–9605, a prior increase under the same rate schedule was suspended and its use deferred until April 5, 1956, and until made effective in the manner prescribed by the Natural Gas Act. The increase in Docket No. G–9605 has not been so made effective.

The increased rates and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9179; Filed, Nov. 8, 1956; 8:48 a. m.]

[2] The stated effective date is the first day after expiration of the required thirty days' notice or the effective date proposed by Mid-Gulf, if later.

CALIFORNIA CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

The California Company (California) on October 1, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [4]

Notice of change, dated September 15, 1956; Texas Eastern Transmission Corporation; Supplement No. 19 to California's FPC Gas Rate Schedule No. 1; November 1, 1956.[1]

By order issued October 24, 1955, in Docket No. G–9513, a prior increase under the same rate schedule was suspended and its use deferred until April 1, 1956, and until made effective in the manner prescribed by the Natural Gas Act. The increase in Docket No. G–9513 has not been so made effective.

The increased rates and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9180; Filed, Nov. 8, 1956; 8:48 a. m.]

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by California, if later.

[Docket No. G–11338]

RALPH R. GILSTER ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Ralph R. Gilster, et al. (Gilster), submitted for filing a proposed change in his rate schedule presently in effect for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 1 to Glister's FPC Gas Rate Schedule No. 2; November 1, 1956.

The increased rate and charge proposed in Supplement No. 1 has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge, and that the above designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9181; Filed, Nov. 8, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Glister, if later.

[3] Commissioner Digby dissenting.

[Docket No. G–11339]

LE CUNO OIL CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Le Cuno Oil Corporation (Le Cuno) submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [2]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 7 to Le Cuno's FPC Gas Rate Schedule No. 1; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9182; Filed, Nov. 8, 1956; 8:48 a. m.]

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Le Cuno, if later.

[Docket No. G–11340]

TIDEWATER OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Tidewater Oil Company (Tidewater) submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [4]

Notice of change, dated September 26, 1956; Shell Oil Company; Supplement No. 9 to Tidewater's FPC Gas Rate Schedule No. 49; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Tidewater, if later.

1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.[2]

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9183; Filed, Nov. 8, 1956; 8:48 a. m.]

[Docket No. G-11341]

STANOLIND OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Stanolind Oil & Gas Company submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 26, 1956; Texas Eastern Transmission Corporation; Supplement No. 13 to Stanolind's FPC Gas Rate Schedule No. 8; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9184; Filed, Nov. 8, 1956; 8:48 a. m.]

[Docket No. G-11342]

STANOLIND OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Stanolind Oil & Gas Company (Stanolind) submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 3 to Stanolind's FPC Gas Rate Schedule No. 150; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9185; Filed, Nov. 8, 1956; 8:48 a. m.]

[Docket No. G-11343]

SINCLAIR OIL & GAS CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

On October 1, 1956, Sinclair Oil & Gas Company et al. (Sinclair), submitted for filing proposed changes in its presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates, are proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[3]

Notices of change, dated September 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 7 to Sinclair's FPC Gas Rate Schedule No. 60 and Supplement No. 7 to Sinclair's FPC Gas Rate Schedule No. 63; November 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges and that Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 60 and Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 63 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9186; Filed, Nov. 8, 1956; 8:48 a. m.]

[Docket No. G-11344]

SINCLAIR OIL & GAS CO. ET AL

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Sinclair Oil & Gas Company, et al (Sinclair), submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 11 to Sinclair's FPC Gas Rate Schedule No. 61; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9187; Filed, Nov. 8, 1956; 8:48 a. m.]

[Docket No. G-11345]

SINCLAIR OIL & GAS COMPANY ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Sinclair Oil & Gas Company, et al. (Sinclair), submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 9 to Sinclair's FPC Gas Rate Schedule No. 62; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9188; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11348]

SKELLY OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Skelly Oil Company (Skelly) submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[4]

Notice of change, dated September 27, 1956; Texas Eastern Transmission Corporation; Supplement No. 8 to Skelly's FPC Gas Rate Schedule No. 2; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act:

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Stanolind, if later.

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Sinclair, if later.

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Skelly, if later.

expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9189; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11347]

STANDARD OIL COMPANY OF TEXAS

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Standard Oil Company of Texas (Standard) submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which in pertinent part constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 5 to Standard's FPC Gas Rate Schedule No. 2; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement insofar as it pertains to a proposed rate increase be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9190; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11348]

ARROW DRILLING CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, Arrow Drilling Company et. al. (Arrow) submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [3]

Notice of change, dated September 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 7 to Arrow's FPC Gas Rate Schedule No. 1; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9191; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11349]

N. C. GINTHER (OPERATOR) ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 1, 1956, N. C. Ginther, (Operator) et al., (Ginther) submitted for filing a proposed change in his presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [4]

Notice of change, dated September 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 3 to Ginther's FPC Gas Rate Schedule No. 8; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9192; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11350]

SKELLY OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 5, 1956, Skelly Oil Company (Skelly) submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated September 29, 1956; Texas Eastern Transmission Corporation; Supplement No. 2 to Skelly's FPC Gas Rate Schedule No. 92; November 5, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9193; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11351]

SKELLY OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 5, 1956, Skelly Oil Company (Skelly) submitted for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Notice of change, dated October 2, 1956; Texas Eastern Transmission Corporation; Supplement No. 4 to Skelly's FPC Gas Rate Schedule No. 87; November 5, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9194; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11352]

R. E. HIBBERT (OPERATOR) ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 8, 1956, R. E. Hibbert (Operator) et al. (Hibbert), submitted for filing a proposed change in his presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [5]

Notice of Change, Undated; Texas Eastern Transmission Corporation; Supplement No. 2 to Hibbert's FPC Gas Rate Schedule No. 3; November 8, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and

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[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Standard, if later.

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Arrow, if later.

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Ginther, if later.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Skelly, if later.

[2] Commissioner Digby dissenting.

[5] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Hibbert, if later.

1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9195; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11353]

SHELL OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Shell Oil Company (Shell), on September 27, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 21, 1956; United Fuel Gas Company; Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 27; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Shell, if later.

[2] Commissioner Digby dissenting.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9196; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11354]

SUN OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sun Oil Company (Sun), on September 28, 1956, tendered for filing proposed changes in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates, are contained in the following designated filings, which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[2]

Notice of change, dated September 20, 1956; Texas Eastern Transmission Corporation; Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 36; November 1, 1956.

Notice of change, dated September 20, 1956; Texas Eastern Transmission Corporation; Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 35; November 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

[2] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Sun, if later.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9197; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11355]

SOUTHWEST GAS PRODUCING CO., INC.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Southwest Gas Producing Company, Inc. (Southwest), on September 26, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to becomes effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[4]

Notice of change, dated September 25, 1956; Texas Eastern Transmission Corporation; Supplement No. 3 to Southwest's FPC Gas Rate Schedule No. 5; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective

[4] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Southwest, if later.

in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9198; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11356]

SOUTHWEST GAS PRODUCING CO., INC.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Southwest Gas Producing Company, Inc. (Southwest), on September 26, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 25, 1956; Texas Eastern Transmission Corporation; Supplement No. 10 to Southwest's FPC Gas Rate Schedule No. 6; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Southwest, if later.

[2] Commissioner Digby dissenting.

deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9199; Filed, Nov. 8, 1956; 8:49 a. m.]

[Docket No. G-11358]

STANOLIND OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Stanolind Oil & Gas Company (Stanolind) on September 28, 1956, and October 1, 1956, tendered for filing proposed changes in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[2]

Notice of change, dated September 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 5 to Stanolind's FPC Gas Rate Schedule No. 32; November 1, 1956.

Notice of change, dated September 28, 1956; Hassie Hunt Trust; Supplement No. 8 to Stanolind's FPC Gas Rate Schedule No. 39; November 1, 1956.

Notice of change, dated September 27, 1956; Hassie Hunt Trust; Supplement No. 7 to Stanolind's FPC Gas Rate Schedule No. 149; November 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a pro-

[3] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Stanolind, if later.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9200; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11360]

HUNT OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Hunt Oil Company (Hunt), on October 1, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[4]

Notice of change, dated September 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 28; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapert I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a

[4] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Hunt, if later.

proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9201; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11361]

WESLEY WEST

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Wesley West (West), on September 28, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 5 to West's FPC Gas Rate Schedule No. 1; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9202; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11362]

MEREDITH & CO. (OPERATOR) ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Meredith & Company (Operator) et al. (Meredith), on September 28, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[3]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 2 to Meredith's FPC Gas Rate Schedule No. 3; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended insofar as it pertains to a proposed rate increase and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9203; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11363]

C. B. WEBSTER

ORDER SUSPENDING PROPOSED CHANGE IN RATES

C. B. Webster (Webster), on September 28, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[4]

Notice of change, dated September 27, 1956; Shell Oil Company; Supplement No. 2 to Webster's FPC Gas Rate Schedule No. 1; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9204; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11364]

HOLLANDSWORTH OIL CO., ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Hollandsworth Oil Company, et al. (Hollandsworth), on October 1, 1956, tendered for filing proposed changes in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated September 27, 1956; Mississippi River Fuel Corporation; Supplement No. 6 to Hollandsworth's FPC Gas Rate Schedule No. 1; November 1, 1956.

Notice of change, dated September 26, 1956; Mississippi River Fuel Corporation; Supplement No. 7 to Hollandsworth's FPC Gas Rate Schedule No. 4; November 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9205; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11366]

MURPHY CORP., ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Murphy Corporation, et al. (Murphy), on October 4, 1956, tendered for filing proposed changes in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[3]

Notice of change, dated October 2, 1956; Texas Eastern Transmission Corporation; Supplement No. 9 to Murphy's FPC Gas Rate Schedule No. 1; November 4, 1956.

Notice of change, dated October 2, 1956; Texas Eastern Transmission Corporation; Supplement No. 10 to Murphy's FPC Gas Rate Schedule No. 2; November 4, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9206; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11367]

MURPHY CORP. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Murphy Corporation et al. (Murphy), on October 4, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[3]

Notice of change, dated October 2, 1956; Texas Eastern Transmission Corporation; Supplement No. 5 to Murphy's FPC Gas Rate Schedule No. 16; November 4, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in section 4 and 15 of the Natural

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by West, if later.

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Meredith, if later.

[4] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Webster, if later.

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Hollandsworth if later.

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Murphy, if later.

Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9207; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11368]

MONSANTO CHEMICAL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Monsanto Chemical Company (Monsanto) on October 8, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 5 to Monsanto's FPC Gas Rate Schedule No. 1; November 8, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9208; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11369]

MONSANTO CHEMICAL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Monsanto Chemical Company (Monsanto) on October 8, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 10 to Monsanto's FPC Gas Rate Schedule No. 2; November 8, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.[3]

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9209; Filed, Nov. 8, 1956; 8:50 a. m.]

[Docket No. G-11391]

TEXAS CO. (OPERATOR) ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES AND PROVIDING FOR HEARING

The Texas Company (Texaco), on behalf of itself and certain working-interest owners specified in the rate schedule, tendered for filing on September 21, 1956, proposed changes in its presently effective rate schedule for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; United Fuel Gas Company; Supplement No. 3 to Texaco's FPC Gas Rate Schedule No. 6; November 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Monsanto, if later.

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Texaco, if later.

Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended insofar as it pertains to a proposed rate increase and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: October 31, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9210; Filed, Nov. 8, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-3440]

NATIONAL FOODS CORP.

ORDER VACATING ORDER OF SUSPENSION

NOVEMBER 5, 1956.

National Foods Corporation, a Delaware corporation, with principal offices located at 131 Dahlem Street, Pittsburgh, Pennsylvania, filed with the Commission on July 10, 1953, a Notification on Form 1-A, and subsequently filed an amendment thereto, relating to a proposed offering of 76,725 shares of its 1 cent par value common stock at $0.37½ per share on behalf of Weber-Millican Co., as selling stockholder, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on June 28, 1956, ordered, pursuant to Rule 223 (a) of the general rules and regulations under said act, that the conditional exemption under Regulation A be temporarily suspended on the grounds that said issuer had failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A and had ignored requests by the Commission's staff for such reports.

The issuer, having, subsequent to the action temporarily suspending the exemption under Regulation A, filed a report as required by Rule 224 and, it appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors inasmuch as the delay in filing such report was due to the fact that the issuer was unable to obtain the required information from the offeror in order to complete and file the necessary Form 2-A report;

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9213; Filed, Nov. 8, 1956; 8:51 a. m.]

[File No. 24D-1516]

BLUE CANYON URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 5, 1956.

Blue Canyon Uranium, Inc., a Nevada corporation, 618 Rood Avenue, Grand Junction, Colorado, having filed with the Commission on November 29, 1954, a notification on Form 1-A and offering circular, and subsequently having filed amendments thereto, relating to an offering of 6,000,000 shares of common stock, par value 1 cent per share, of the company at 5 cents per share, for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as required by Rule 224 under Regulation A.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9214; Filed, Nov. 8, 1956; 8:51 a. m.]

[File No. 24D-1210]

HUGH H. FAULDERS

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 5, 1956.

Hugh H. Faulders, 709 Schweiter Building, Wichita, Kansas, having filed with the Commission on January 19, 1954, a notification on Form 1-A and the statement required by Rule 219 (b) of Regulation A, and subsequently having filed an amendment thereto, relating to an offering of the entire working interests under a standard oil and gas lease in and to each of twelve tracts of eighty acres each described in the statement and located in Knox County, Nebraska, for an aggregate of $25,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that Hugh H. Faulders has failed to file reports of sales on Form 2-A, as required by Rule 224 under Regulation A.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9215; Filed, Nov. 8, 1956; 8:51 a. m.]

[File No. 24D-1573]

HOLIDAY TUNGSTEN AND URANIUM CO.

ORDER. TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 5, 1956.

The Holiday Tungsten and Uranium Company, a Colorado corporation, 827 17th Street, Denver, Colorado, having filed with the Commission on January 25, 1955, a notification on Form 1-A and offering circular, and subsequently having filed amendments thereto, relat-

[2] Commissioner Digby dissenting.

ing to an offering of 4,772,500 shares of its 1¢ par value common stock at 5¢ per share for an aggregate of $238,625, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2–A, as required by Rule 224 under Regulation A,

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–9216; Filed, Nov. 8, 1956; 8:51 a. m.]

[File No. 24D–1190]

TRABELLA URANIUM MINES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 5, 1956.

Trabella Uranium Mines, Inc., a Colorado corporation, 126 South Tejon Street, Colorado Springs, Colorado, having filed with the Commission on November 6, 1953, a notification on Form 1–A and offering circular, and subsequently having filed amendments thereto, relating to an offering of 1,000,000 shares of its 10¢ par value common stock at 10¢ per share for an aggregate of $100,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading in that W. A. Kyner, named as president, director and promoter of the company, is deceased and the filing has not been amended accordingly, and

B. The company has failed to file reports of sales on Form 2–A as required by Rule 224 under Regulation A,

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–9217; Filed, Nov. 8, 1956; 8:51 a. m.]

[File No. 24D–1394]

EL REY URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 5, 1956.

El Rey Uranium Corporation, a Utah corporation, formerly located at 510 Newhouse Building, Salt Lake City, Utah, having filed with the Commission on August 24, 1954, a notification on Form 1–A and offering circular, and subsequently having filed amendments thereto, relating to an offering of 1,475,000 shares of its 5 cents par value common stock at 20 cents per share for an aggregate of $295,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading in that the company is no longer located at the aforesaid address listed in the filing and has left the premises without any forwarding address and without amending its offering circular accordingly, and

B. The company has failed to file reports of sales on Form 2–A as required by Rule 224 under Regulation A,

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–9218; Filed, Nov. 8, 1956; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 39]

BORROW PIT AREA (N–MO–423), ST. CHARLES COUNTY, MO.

TRANSFER OF PROPERTY

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated September 6, 1956, that property known as Borrow Pit Area (N–Mo–423), St. Charles County, Missouri, and more particularly described in said deed, has been transferred from the United States to the State of Missouri.

2. The above-described property was transferred to the State of Missouri for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN MCCONIHE, *Commissioner of Public Buildings Service.*

NOVEMBER 5, 1956.

[F. R. Doc. 56–9230; Filed, Nov. 8, 1956; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HANS ARNOLD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date

of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hans Arnold, Sursee, Switzerland, Claim No. 61663, Vesting Order No. 17829, $47.50 in the Treasury of the United States.

10 shares of Baltimore and Ohio Railroad Company $100.00 par value common capital stock, included among those represented by Certificate No. AA–677, registered in the name of the Attorney General, which shares are held in the Safekeeping Department, Federal Reserve Bank, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9231; Filed, Nov. 8, 1956; 8:52 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF MARIA VAN VULPEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Maria van Vulpen; Pieter and Hendrika van der Woerd, L. S. Claim No. 20, $1,560.00.

Jacobus van Everdingen, L. S. Claim No. 395, $587.00.

Emanuel Neter, L. S. Claim No. 418, $2,234.86.

S. Goudeket, L. S. Claim No. 446, $4,361.01.

Jhr. Mr. Everhard van Lidt de Jeude, L. S. Claim No. 578, $1,117.43.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Maria van Vulpen; Pieter and Hendrika van der Woerd, L. S. Claim No. 20, Central Pacific Railway Company 4/49 Bond No. 21673, in the principal amount of $1,000.

Jacobus van Everdingen, L. S. Claim No. 395, Atchison Topeka & Santa Fe Railway Company 4/95 Bond No. 67164, in the principal amount of $1,000; Cities Service Company 5/66 Debenture No. 11963, in the principal amount of $1,000; Cities Service Company 5/69 Debenture No. 32236, in the principal amount of $1,000.

Emanuel Neter, L. S. Claim No. 418, International Hydro-Electric System 6/44 Debenture No. 1806, in the principal amount of $1,000.

S. Goudeket, L. S. Claim No. 446, Philippine Railway Company 4/37 Bond Nos. 3882 and 5047, in the principal amount of $1,000 each.

Jhr. Mr. Everhard van Lidt de Jeude, L. S. Claim No. 578, Union Pacific Railroad Company 4/47 Bond No. 16179, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9234; Filed, Nov. 8, 1956; 8:52 a. m.]

STATE OF THE NETHERLANDS FOR THE BENEFIT OF EMMA NIJKERK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Emma Nijkerk, L. S. Claim No. 502, $3,156.64 in the Treasury of the United States.

Celine and Edzo Polak, Sonja Talsma and Jacoba Goudsmit, L. S. Claim No. 656, $392.08 in the Treasury of the United States.

Henriette and Leonard Snijder, L. S. Claim No. 684, $1,364.47 in the Treasury of the United States.

Stephanus, Leendert and Philip van Rooij, Herman and Wijbranda Rodrigues, Agnes Trelvar and Herman Pekel, L. S. Claim No. 686, $1,382.90 in the Treasury of the United States.

Irma Zach; Maria, Marie and Erwin Reiner; Gisela Ulbrich; Hans Redlich; Amita Winter; Bedrich Schreyer, L. S. Claim No. 832, $392.08 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9232; Filed, Nov. 8, 1956; 8:52 a. m.]

STATE OF THE NETHERLANDS FOR THE BENEFIT OF LEOPOLD VROMEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

Leopold Vromen, L. S. Claim No. 265, $1,640.00 in the Treasury of the United States.

Sara Greebel; Nettie van Collen; Abraham, Maurits and Louis Duizend; Flory Wagenaar; Philip and Morris Schilt and Rachel Kroonenberg, L. S. Claim No. 448, $392.08 in the Treasury of the United States.

Mrs. Louise Flesseman; Mrs. Flora van der Hoek and Miss Hanna Jacobson, L. S. Claim No. 501, $672.43 in the Treasury of the United States.

Paul Limburg, L. S. Claim No. 582, $392.08 in the Treasury of the United States.

Abraham de Miranda, L. S. Claim No. 613, $784.16 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9233; Filed, Nov. 8, 1956; 8:52 a. m.]

STATE OF THE NETHERLANDS FOR THE BENEFIT OF CAREL DE VRIES VAN BUUREN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Carel de Vries van Buuren, L. S. Claim No. 28, $7,474.28.

Mrs. Ida Kamp, L. S. Claim No. 104, $15,823.30.

Kurt and Ilse Goldschmidt, L. S. Claim No. 204, $720.00.

Bernhard Becker, L. S. Claim No. 249, $640.00.

Willem Lek, L. S. Claim No. 568, $535.20.

Kurt and Ilse Goldschmidt, L. S. Claim No. 204, Southern Pacific Company 4½/69, Bond No. 55089, in the principal amount of $1,000, presently in the custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Bernhard Becker, L. S. Claim No. 249, Atchison, Topeka and Santa Fe Railway Company 4/95, Bond No. 15810, in the principal amount of $1,000, presently in the custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Carel de Vries van Buuren, L. S. Claim No. 28, Missouri-Kansas-Texas Railroad Company 5/67, Bond No. 48021, in the principal amount of $1,000.

Mrs. Ida Kamp, L. S. Claim No. 104, Missouri-Kansas-Texas Railway Company 4/90, Bonds Nos. 3106, 21168 and 25429, each in the

principal amount of $1,000; Southern Pacific Company 4½/69, Bond No. 52897, in the principal amount of $1,000; Southern Railway Company 4/56 Bonds Nos. 16557, 31734 and 58190, each in the principal amount of $1,000.

Kurt and Ilse Goldschmidt, L. S. Claim No. 204, Southern Pacific Company 4½/69, Bond No. 34352, in the principal amount of $1,000.

Bernhard Becker, L. S. Claim No. 249, Atchison, Topeka and Santa Fe Railway Company 4/95, Bond No. 5729, in the principal amount of $500.

William Lek, L. S. Claim No. 568, Philippine Railway Company 4/37, Bonds Nos. 7243 and 7705, each in the principal amount of $1,000; Southern Railway Company 4/56, Bond No. 5603, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9238; Filed, Nov. 8, 1956; 8:52 a. m.]

STATE OF THE NETHERLANDS FOR THE BENEFIT OF MRS. J. M. C. W. STOLTZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Mrs. J. M. C. W. Stoltz; A. Mijnlieff, L. S. Claim No. 612, $2,374.57.

Nederlandsche R. K. Metaalbewerkersbond, L. S. Claim No. 621, $2,210.00.

Jacomina van Cellicum; Adriana and Hendrik Breunissen; Cornelis Verhagen; Petrus van Oist; Henrica Meijer, L. S. Claim No. 631, $150.00.

Roman Catholic parish of Maurik, L. S. Claim No. 693, $1,117.43.

Johanna and Hermina Crebas; Elsa Schmidt, L. S. Claim No. 773, $535.20.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. J. M. C. W. Stoltz; A. Mijnlieff, L. S. Claim No. 612, Central Pacific Railway Company 4/49 Bond No. 9253, in the principal amount of $1,000.

Nederlandsche R. K. Metaalbewerkersbond, L. S. Claim No. 621, Cities Service Company 5/66 Debenture Nos. 12859 and 12860, in the principal amount of $1,000 each; Union Pacific Railroad Company 4/47 Bond No. 37286, in the principal amount of $1,000.

Jacomina van Cellicum; Adriana and Hendrik Breunissen; Cornelis Verhagen; Petrus van Oist and Henrica Meijer, L. S. Claim No. 631, Cities Service Company 5/58 Debenture No. 46472, in the principal amount of $1,000.

Roman Catholic parish of Maurik, L. S. Claim No. 693, Cities Service Company 5/66 Debenture No. 18031, in the principal amount of $1,000.

Johanna and Hermina Crebas; Elsa Schmidt, L. S. Claim No. Philippine Railway Company 4/37 Bond Nos. 1719 and 7836, in the principal amount of $1,000 each.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9237; Filed, Nov. 8, 1956; 8:52 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF ELISABETH VAN POETEREN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Elisabeth and Johannes van Poeteren, L. S. Claim No. 651, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 117110, in the principal amount of $1,000.

Catharina Barkhuysen and Joanna Reide, L. S. Claim No. 678, Kansas City Southern Railway Company 3/50 Bond No. 4810, in the principal amount of $1,000.

Louis Roes, L. S. Claim No. 689, Cities Service Company 5/58 Bond Nos. 1426 and 8791, in the principal amount of $1,000 each; International Hydro-Electric Company 6/44 Debenture No. 5702, in the principal amount of $1,000.

Cornelie Roessingh-Tijdeman, L. S. Claim No. 690, Cities Service Company 5/69 Debenture No. 48285, in the principal amount of $1,000.

Agathe Romeyn, L. S. Claim No. 694, Atchison; Topeka & Santa Fe Railway Company 4/95 Bond No. 70098 in the principal amount of $1,000; Central Pacific Railway Company 4/49 Bond No. 43317, in the principal amount of $1,000; Cities Service Company 5/69 Debenture No. 15205, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9235; Filed, Nov. 8, 1956; 8:52 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF CARMEN MANUS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

Carmen Manus, L. S. Claim No. 592, $392.08 in the Treasury of the United States.

Catharina Caneel-Polak; Johanna van Meer-Polak; Ella, Jacob and Louis van Meer; Meijer and Nathan Englander; Neeltje van der Kogel; Mozes and Nathan Ensel; Evalina Witjas-Ensel; Abraham Braadbaart; Philip Polak, L. S. Claim No. 661, $1,568.32 in the Treasury of the United States.

J. A. de Vries-Slomper, L. S. Claim No. 786, $1,364.47 in the Treasury of the United States.

Sybilla Wijzenbeek-Hertzdahl and Salomon Wijzenbeek, L. S. Claim No. 807, $392.08 in the Treasury of the United States.

Sarah and Herman Nabarro; Jeanette, Lea, Joseph, Esther, Eva, Rosa, Sophia, Anna, Josef and Hanna Dinner; Sara (Ramat Gan, Israel) Dinner; Sara (Kibutz Javne, Israel) Dinner; Eleonora Sierhuis; Joseph, Elisabeth, Sara, Mirjam and Sulamith Davids; Israel and Naamah Abrahams; Abraham and Della de Jong, Serlina and Sara de Paauw, L. S. Claim No. 845, $1,951.69 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on October 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9236; Filed, Nov. 8, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 6, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32860: *Pig iron from New York to Michigan.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on pig iron, carloads from Lancaster, Lockport, Niagara Falls, North Tonawanda, and Suspension Bridge, N. Y., to points in Michigan.

Grounds for relief: Rail competition and circuity.

Tariff: Supplement 18 to Agent Hinsch's tariff I. C. C. 7852.

FSA No. 32861: *Cativo plywood from Savannah and Port Wentworth, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on plywood, cativo, carloads from Savannah and Port Wentworth, Ga., to points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 61 to Agent Spaninger's I. C. C. 1356.

FSA No. 32862: *Alcoholic liquors from Kentucky and Tennessee.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquors, alcoholic, vermouth and wine, carloads from points in Kentucky and Tennessee to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 10 to Agent Spaninger's tariff I. C. C. 1519.

FSA No. 32863: *Lard from St. Louis and East St. Louis to Memphis.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lard, lard compounds, or lard substitutes, carloads from St. Louis, Mo., and East St. Louis, Ill., to Memphis, Tenn.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32864: *Caustic soda from Memphis, Tenn., to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Memphis, Tenn., to Baton Rouge, Chalmette, New Orleans, and Norco, La.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32865: *Trailer-on-flat car class rates—Baltimore and Ohio Railroad.* Filed by the Baltimore and Ohio Railroad. Rates on various commodities between points in Maryland, Pennsylvania and District of Columbia, on the one hand, and points in central territory, on the other.

Grounds for relief: Motor competition-short-line distance formula, and circuity.

FSA No. 32866: *M. K. R. of T. R. R. rates by way of Dallas and Fort Worth, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on classes and commodities from, to, and between points in the United States.

Grounds for relief: Substitution of interchange facilities of the M. K. T. of T. R. R. at Dallas and Fort Worth, Tex., in lieu of facilities at Mineola, Tex., by reason of abandonment of a branch line.

FSA No. 32867: *Telephone directories from Chicago, Ill., to Cleveland, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on telephone directories, carloads from Chicago, Ill., and points in the Chicago switching district to Cleveland, Ohio.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 29 to Baltimore and Ohio Railroad tariff I. C. C. 24320, and other issues listed in the application.

FSA No. 328686: *Blackstrap molasses from points in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on blackstrap molasses, carloads from Gulf and south Atlantic ports and points in Alabama, Florida, Georgia, Louisiana and Mississippi to points in southern territory and Ohio River Crossings.

Grounds for relief: Rail carrier competition and circuity.

Tariffs: Supplement 31 to Agent Spaninger's I. C. C. 1494; Supplement 66 to Agent J. H. Marques I. C. C. 435.

FSA No. 32869: *Electrodes from Morganton, N. C., to Chicago, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on electrodes, viz: carbon furnace or electrolytic bath, carloads from Morganton, N. C., to Chicago, Ill., and points grouped therewith.

Grounds for relief: Truck-barge competition and circuity.

Tariff: Supplement 238 to Agent Spaninger's I. C. C. 1351.

FSA No. 32870: *Coal from Alabama mines to Calhoun Falls, S. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coal, carloads from mines in Alabama to Calhoun Falls, S. C.

Grounds for relief: Circuitous route.

Tariff: Supplement 38 to Southern Railway tariff I. C. C. A-11166.

FSA No. 32871: *Catalogues from Chicago, Ill., to Little Rock, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on catalogues, in packages, carloads from Chicago, Ill., and points taking the same rates to Little Rock, Ark.

Grounds for relief: Truck competition.

Tariff: Supplement 49 to Agent Kratzmeir's tariff I. C. C. 4178.

FSA No. 32872: *Iron and steel from Steelton, Minn., to Wisconsin.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Steelton (Duluth), Minn., to extended zone "C" territory in Wisconsin.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 44 to Agent Prueter's tariff I. C. C. A-3821.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9211; Filed, Nov. 8, 1956; 8:50 a. m.]

[No. MC-C-2020]

FRUIT AND VEGETABLE JUICES BETWEEN LOS ANGELES, CALIF., OREGON AND WASHINGTON

RATES AND CHARGES; FIRST SUPPLEMENTAL ORDER

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 8th day of October A. D. 1956.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce, the rate of 113 cents, minimum 36,000 pounds, from origins in Oregon and Vancouver, Wash., to Los Angeles Rate Group insofar as it applies on fruit or vegetable juices, as set forth in Item No. 495 on Twenty-second Revised Page 74-A to MF-I. C. C. No. 16 (filed in the name of R. N. B. Converse, d/b/a Converse Trucking Service) of Converse Trucking Service, or as the same may be amended or reissued.

It appearing that upon consideration of the tariff schedules, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of he Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9212; Filed, Nov. 8, 1956; 8:50 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

PART 483—WHEAT AND FLOUR

SUBPART—FLOUR EXPORT PROGRAM, CASH PAYMENT (GR-346), TERMS AND CONDITIONS

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AUTHORITY: §§ 483.201 to 483.296 issued under sec. 5, 62 Stat. 1072; 15 U. S. C. 714c. Interpret or apply sec. 2, 63 Stat. 945, sec. 104, 64 Stat. 198, 67 Stat. 358, 70 Stat. 966; 7 U. S. C. 1641, 1642.

GENERAL

§ 483.201 *General statement.* In order to encourage the sale and exportation by commercial exporters of flour processed in the United States from wheat produced in the United States, and in order to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, the Commodity Credit Corporation (referred to in this subpart as CCC) offers to make cash payments to exporters under the terms and conditions stated in this subpart. The program will be administered by the Commodity Stabilization Service, United States Department of Agriculture, and information pertaining to the program may be obtained from any of the CSS offices listed in § 483.280.

ELIGIBILITY FOR PAYMENT BY CCC

§ 483.205 *General conditions of eligibility.* (a) Payment under this program will be made to an exporter in connection with the net quantity of flour exported from the United States to a designated country and the net quantity of flour in customs bond in Canada exported in like manner from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from the Director, Grain Division, Commodity Stabilization Service (re-

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ferred to in this subpart as the Director), in accordance with § 483.236, subject to the Terms and Conditions set forth in this subpart. Payment also will be made to an exporter for flour exported prior to sale and for which the exporter has received a Notice of Registration from the Director, subject to the Terms and Conditions of this subpart particularly § 483.209.

(b) Sales to foreign buyers under the International Wheat Agreement, and outside the International Wheat Agreement, may be made pursuant to this program. Countries designated as IWA and non-IWA are defined in § 483.206. A sale under the IWA differs from a non-IWA sale only in that the former is recorded under the International Wheat Agreement against quotas of the buying country and of the United States, normally pursuant to request of the buyer and is subject to open quota balances and other requirements as set forth in this subpart. Final determination of recordability under the Wheat Agreement is under the jurisdiction of the Wheat Council, (See § 483.221), but an exporter's rights under this subpart are not altered by any action of the Wheat Council.

(c) Payments under this subpart will be made only with respect to exports of flour where the time of foreign sale is on and after November 15, 1956, except that where the time of foreign flour sale is prior to November 15, 1956, such sale may be registered as provided herein not later than November 21, 1956 and the export shipment of flour pursuant to such sales will be eligible for cash export payment at the export payment rate in effect from 12:01 a. m., e. s. t., to 3:30 p. m., e. s. t., November 15, 1956: *Provided*, Such sales have not been otherwise registered for cash payment and government export assistance with respect to such sales has not been obtained through purchase of CCC wheat at reduced prices.

(d) A sale which involves flour derived in whole or in part from wheat produced outside the United States, or flour milled outside the U. S. is not eligible for registration under the program. However, in the event the Director determines that ineligible flour is exported unintentionally, payment may be made but only on that portion which it is established to his satisfaction was milled in the United States from wheat produced in the United States.

(e) Flour exported which is derived from wheat obtained under any program wherein the CCC sales price reflects an export allowance or from wheat which is sold by CCC under conditions specifically excluding the flour milled from such wheat from exportation under this program, shall not be eligible for payment under this subpart.

§ 483.206 *Designated countries.* (a) With respect to sales made for recording under the International Wheat Agreement, a designated country shall be any country or territory which has been designated in a rate announcement (See § 483.230) as having a quota open for IWA sales.

(b) With respect to sales not specifically made for recording under the International Wheat Agreement, a designated country shall be a destination outside the continental limits of the United States, excluding Alaska, Hawaii or Puerto Rico, and also excluding

(1) Any country or area listed as Sub-Group A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, unless a license for such shipment or transhipment thereto has been obtained from such Bureau; [1]

(2) Macao unless specific license for such shipment or transhipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce; [1] and

(3) Hong Kong in the case of any commodity for which a specific license is required by regulations of the U. S. Department of Commerce under the Export Control Act of 1949, unless such specific license for such shipment or transhipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce.[1]

(c) Exports of flour under this program shall be made only to the country and buyer named in the Declaration of Sale and the exporter shall not ship, tranship or cause the flour to be transhipped to any other country, unless the exporter obtains prior written authority from the Director to ship, tranship, or cause the flour to be transhipped, to a different designated country or to a different buyer located in a designated country.

§ 483.207 *Date of exportation.* (a) Flour sold for export in a specified export rate period announced by CCC, must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that period, unless an extension is obtained in writing from the Director changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's or importer's control and is not due to intentional violation of the contract.

(b) With respect to sales under the International Wheat Agreement, flour sold for recording against quotas of any IWA crop year must be exported not later than 14 days after such crop year unless later exportation is authorized in specific cases by prior written approval of the Director.

§ 483.208 *Excess quantities loaded.* Payment will not be made on quantities loaded on vessels or exported by rail or truck which exceed by more than 1 percent the quantity shown on the Declaration of Sale, unless written approval is obtained from the Director, in which case a new Declaration of Sale and a new Notice of Registration for the additional quantity are required.

§ 483.209 *Flour exported prior to sale.* (a) In connection with any quantity of flour exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such flour, and not to any other party who buys such flour and re-sells it to a designated country.

(b) In order to receive export payment on flour exported prior to sale the exporter must have reported the exportation of such flour to the Director within seven days after the date of such exportation as defined in § 483.288, unless additional time for reporting is granted in writing by the Director. This report must include the following information:

(1) Date of exportation.

(2) Port of exportation.

(3) Country and port of original destination of flour.

(4) Name of ocean vessel upon which loaded.

(5) Quantity in hundredweight.

(6) The report shall also contain a statement that the vessel contains other flour sold by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Only flour which is loaded on a vessel which also carries flour sold by the same exporter shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall

[1] Attention of the exporter is invited to the "Notice to Exporters" which appears as an appendix to these terms and conditions relative to Department of Commerce regulations.

not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of flour exported.

(d) At such time as the flour is sold, the exporter shall report the sale to the Director as provided in § 483.235, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the flour sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad".

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the export rate period current at that time which applies (1) to the port from which the flour was exported, and (2) to the country shown in the Declaration of Sale.

(f) All other conditions of this subpart, except as modified by this section, are applicable to sales described in this section.

§ 483.210 *Reentry or diversion.* If any quantity of flour shipped under this subpart is unloaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or is diverted to another country while enroute, payment may be withheld, or if payment already has been made, the exporter may be required to make refund as deemed appropriate by the Vice President, CCC: *Provided,* That if such flour is lost, destroyed or damaged, the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the designated country. The exporter shall notify the Director immediately upon becoming cognizant of any unloading or diversion of flour with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such flour and any claim he may have in connection with any damage or loss thereto or destruction thereof.

PROVISIONS APPLICABLE EXCLUSIVELY TO IWA SALES

§ 483.220 *Program period; IWA.* With respect to sales under the International Wheat Agreement, notwithstanding any other provisions of this subpart, sales transactions for recording against quotas of any IWA crop year must be entered into not later than July 31, of such crop year.

§ 483.221 *Recording in the Wheat Council's records.* The International Wheat Agreement provides that a transaction or part of a transaction in flour between participating exporting and importing countries is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year, *Provided,*

(a) The exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(b) Both the importing and exporting countries concerned have unfilled quantities for the crop year, and the loading period specified in the transaction falls within that crop year, and

(c) The commercial contract or governmental agreement on the sale and purchase of flour contains a statement, or the exporting country and the importing country concerned inform the Wheat Council that the price of such flour is consistent with the maximum and minimum price under the International Wheat Agreement in effect during the crop year in which the loading period specified in the transaction falls.

§ 483.222 *Status of IWA quotas.* There will be issued not less often than weekly, a statement as to the status of quotas of importing and exporting countries. Any exporter upon request, addressed to the office indicated in § 483.278 will be furnished with all information that is available as to the status of the fulfillment of quotas under the Wheat Agreement.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 483.230 *Announcement of rates.* Export payment rates will be announced from Washington, D. C., daily or at intervals of up to 7 days. Rates will be released at approximately 3:31 p. m., e. s. t., (see § 483.294), and will remain in effect through 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective at 3:31 p. m., e. s. t., on Friday will be in effect through 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcements will be available through a press release, ticker service, and through Commodity Stabilization Service Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Chicago, and New Orleans. Different rates of payment for separate coasts or ports, destinations, periods of exportation, etc., may be announced simultaneously.

§ 483.231 *Determination of rates.* The rate in effect at the time of sale to the foreign buyer in the country of destination, or the time of giving Notice of Sale as required by § 483.235 (a), whichever rate is the lower, shall be the rate applicable to the sale except as provided in § 483.205 (c). The supporting evidence of sale submitted by the exporter in form prescribed in § 483.237 (d), will be the basis for determining the time of sale. The factors which may be determinative of the time of sale, are:

(a) Time of the exporter's filing a cablegram or mailing of a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) Sales may be made through a third principal party but for the purpose of this subpart the third principal party will be considered as an agent or intermediary and the sale as being between the exporter and the ultimate foreign buyer in the country of destination. The time of sale shall be determined by reference to the factors listed elsewhere in this section. The evidence of sale required by § 483.237 (d) shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party.

(e) A sale shall not be considered as entered into until the purchase price had been established, and time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm dollar and cent price has been established, as provided in paragraphs (a), (b) and (c) of this section. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 483.235 (a), and present documentary evidence that the sale was made at such time.

(f) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraph (a), (b) or (c) of this section, or by any other means, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States Customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the flour is loaded on board ocean carrier.

(g) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day the sale was consummated, the time of sale will be deemed to be at the time the lower of the two rates was in effect.

§ 483.232 *Conversion factors.* The following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular type of flour:

	Factor
Wheat flour (including clears), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction operation	1.000
Semolina and farina	1.000

	Factor
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing an 80 percent extraction operation	0.919
Whole wheat flour	.717

REGISTRATION OF SALES

§ 483.235 *Notice of Sale*—(a) *Time.* (1) The exporter shall file a Notice of Sale as soon as possible after the date of the sale (See § 483.278). (In the case of IWA sales, in order to comply with the terms of the International Wheat Agreement, the report of transactions must reach the Wheat Council in London not later than 10 days after date of sale.)

(2) Notices of Sale should normally be filed by telegraph, although telephone may be used. Telephoned notices should be confirmed immediately by telegraph.

(3) In order for the exporter to be assured of the current rate of payment, the telegram reporting the sale must be filed or the telephone call made by 3:30 p. m., e. s. t., on the expiration date for such rate as shown in the rate announcement.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date of sale.

(2) Whether the sale is IWA or non-IWA.

(3) Contract quantity is net hundredweight. The sales price need not be shown, however, in the case of IWA transactions the notice must contain a certification that buyer and exporter agree that the price of the flour is consistent with the prices specified in the International Wheat Agreement. This may be reported by the code word "Akord".

(4) Country of destination.

(5) Name of purchaser. (Where the sale involves more than one purchaser the Notice of Sale shall contain the name of one purchaser and the word "others".

(6) The number of the import license, buying permit, or similar authorization applicable to the sale, for those countries where such is required for IWA transactions, unless otherwise authorized by the Director. (Where the sale involves more than one purchaser, the Notice of Sale shall contain one license number and the word "others".)

(7) Delivery period specified in contract.

(8) The word "Abroad" for flour exported prior to sale (see § 483.209 (d)).

(9) Such additional information in individual cases as may be requested by the Director.

§ 483.236 *Notice of Registration.* (a) Upon receipt of the Notice of Sale, the Director will issue a Notice of Registration by telegram unless he determines that to do so would not be in the best interests of the program. A Notice of Registration is a condition precedent to the exporter receiving payment under this subpart. Accordingly, before concluding a transaction it may be to the exporter's advantage in instances involving sales of an unusual nature to ascertain from the office indicated in § 483.278, whether the sale may be registered, or to condition his sales upon his receiving a Notice of Registration under this subpart.

(b) In the telegram of registration, the Director may utilize the code letters "CEP" to indicate "Confirmed as Eligible for Payment".

(c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale (See § 483.237), the Notice of Export (See § 483.238), Voucher Form CSS–21 (See § 483.246) and in all correspondence with reference to the transaction.

§ 483.237 *Declaration of Sale and evidence of sale*—(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale (CCC Form No. 362), and mail or deliver it normally within two days after receipt of Notice of Registration. (See § 483.278).

(2) The Declaration of Sale must be submitted in an original and three copies all of which shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) Only one Declaration of Sale should be submitted by the exporter for each sale identified by a Registration Number assigned in the Notice of Registration (See § 483.236 (c)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to Registration Numbers on the respective declarations.

(b) *Information required.* The information to be entered on the Declaration of Sale, is as follows:

(1) The registration number.

(2) Whether sale is IWA or non-IWA.

(3) Date and time of sale and of filing Notice of Sale.

(4) Name of purchaser, or purchasers.

(5) The number of each import license, buying permit, or similar authorization applicable to the sale for those countries where such are required. All applicable numbers shall be entered, following respective buyers' names, even though such numbers were reported in the Notice of Sale.

(6) Contract quantity in net hundredweight.

(7) Country of destination.

(8) Delivery period specified in the contract.

(9) Type and extraction of flour, the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring .48 Ash". For blended flours, the most predominant class of wheat contained in the blend should be shown. For example: "blended (predominantly) Hard Winter .70 Ash".

(10) Export payment rate per hundredweight of flour in effect as determined by § 483.231.

(11) Coastal area from which it is anticipated exportation will be made.

(12) Where the exporter intends to ship, transship, or cause flour to be transshipped to one or more of the countries or areas identified in § 483.206 (b) (1) (2) and (3) the license issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, for such movement shall be identified. With respect to any such movement to Hong Kong not requiring a specified license, the exporter shall state that a specific license is not required.

(13) Such additional information in individual cases as may be requested by the Director.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who sold the flour to a foreign buyer. If a sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all related documents, such as:

American Milling Company
(Trade Name)
U. S. Milling Company
(s) John Smith, Secretary

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (See § 483.231 (d)), the evidence shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party. In the case of an IWA sale, the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and exporter agree that the price of the flour is consistent with prices specified in the International Wheat Agreement.

§ 483.238 *Notice of export*—(a) *Time of submission and required Copies.* Only one Notice of Export, CCC Form 363 is required in connection with any one Declaration of Sale. Such Notice of Export must be mailed or delivered by the exporter normally within three days after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale, unless such time of filing is extended by the Director.

(b) *Information required.* The Notice of Export shall contain the following information:

(1) Registration number.

(2) Date of export of final shipment.

(3) Country of destination.

(4) Total quantity in net hundred weight actually loaded on all shipments made in connection with applicable Declaration of Sale.

(5) The U. S. Coastal area or areas from which the flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown.

OBLIGATION AND DEFAULT

§ 483.240 *Exporter's agreement with CCC.* The Notice of Sale by the exporter and the Notice of Registration by the Director shall constitute an agreement by the exporter to export the quantity of flour within the prescribed period

stated in the Notice of Sale in consideration of the undertaking of CCC to make an export payment, subject to the Terms and Conditions of this subpart.

§ 483.241 *Cancellation of sale or failure to export.* (a) The exporter shall notify the Director promptly in every case where, after giving Notice of Sale as required in § 483.235, a sale is cancelled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the Director promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under § 483.240 by making shipment within the prescribed period.

(b) If the Vice President, after affording an exporter opportunity to present evidence, determines that such exporter has cancelled a sale or failed to export or for other reasons within his control or not attributable to the fault or negligence of the foreign buyer has failed to discharge fully any obligation assumed by him under this subpart, such exporter may be denied the right to continue participating in this program for such period as the Vice President may determine or until the exporter has complied with such terms as the Vice President may prescribe.

APPLICATION FOR PAYMENT

483.245 *Public Voucher Form CSS–21.* An original and two (2) copies of Form CSS–21 must be prepared and submitted together with the evidence of exportation set forth in § 483.247. Supplies of Form CSS–21 and detailed instructions regarding the preparation and submission of Form CSS–21 and supporting documents may be obtained from the CSS Commodity Offices listed in § 483.280 or from the Office indicated in § 483.278.

§ 483.246 *Documents required to evidence exportation by exporters.* (a) Each voucher must be supported by (1) one copy of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier which shows that the flour is destined for the buyer identified with the Declaration of Sale and supporting evidence, unless otherwise approved by the Director and (2) a statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour as described in the Declaration of Sale and covered by the bill of lading. Where loss, destruction or damage occurs subsequent to loading on-board ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading. If exported wholly by rail or truck, one copy of the Shipper's Export Declaration authenticated by the appropriate United States Customs official which identifies the shipment(s) and shows date of clearance into the foreign country. If the final destination of the shipment is a designated country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of Shipper's Export Declaration showing country of final destination. Where shipment is exported from a Canadian port, the voucher also must be supported by a signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to Canada.

(b) If the shipper or consignor named in the on-board ocean bill(s) of lading or the Shipper's Export Declaration(s), covering flour exported is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Declaration of Sale, nor the consignee identified with the Declaration of Sale, the exporter must submit, in addition to the waiver a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as buyer and seller of the flour shown on the documents submitted to evidence exportation.

(c) In the event of export prior to sale such additional documents as required by § 483.209 (f) must also accompany the voucher.

§ 483.247 *Submission of voucher for payment.* Vouchers and required supporting documents shall be submitted to the office listed in § 483.280 which serves the State in which the exporter's invoicing office is located.

MISCELLANEOUS PROVISIONS

§ 483.275 *Good faith.* If the Vice President after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied the right to continue participation in this program or the right to receive payment under this subpart in connection with any sales previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the Government by way of the premises.

§ 483.276 *Assignments.* No exporter shall, without the written consent of the director, assign any right to an export payment under this subpart. The exporter may, however, name a joint payee on Voucher Form CSS–21.

§ 483.277 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of flour exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 483.278 *Submission of reports.* The Notice of Sale, Declaration of Sale, Notice of Export, and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Chief, Commercial Export Branch, Grain Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Com Ex Branch, USDA (MK), Washington, D. C.

The telephone number of this office is REpublic 7–4142, Extensions 3261, 3262, 3927 and 3928.

§ 483.279 *Additional reports.* The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

§ 483.280. The CSS Commodity Offices from which information concerning this program is obtainable and the states served by each, and to which vouchers should be submitted as indicated in § 438.247 are as follows:

OFFICE

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Tex.: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 560 Westport Road, Kansas City 11, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1006 West Lake Street, Minneapolis 8, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 483.281 *Officials not to benefit.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provisions of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 483.282 *Amendment and termination.* This offer may be amended or terminated at any time by public announcement of such amendment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this offer) made before the effective time and date of such amendment or termination.

§ 483.283 *Right to waive any requirement.* The Executive Vice President of CCC, if he deems such action desirable in order to prevent undue hardship, may with respect to any transaction or transactions hereunder waive any requirement of this subpart, if such action is in the best interest of the program. Any such waiver shall be in writing and shall contain a full statement of the reasons therefor.

DEFINITIONS

§ 483.285 *Vice President.* "Vice President" means the Executive Vice President of the Commodity Credit Corporation.

§ 483.286 *Director.* "Director" means the Director of the Grain Division, Commodity Stabilization Service, Washington, D. C.

§ 483.287 *Flour.* "Flour" means wheat flour processed in the United States from wheat as defined in the Official Grain Standards of the United States and grown in the United States, including semolina and farina, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes which are composed principally of wheat flour. The quantity of flour exported which is eligible for export payment shall be determined by deducting from the net weight of the shipment, the weight of any enrichment, or other additive, (including Creta Praeperata), in excess of one-half of one percent of the combined net weight of the flour and additive.

§ 483.288 *Export.* "Export" means a shipment from the continental United States to a designated country as specified in § 483.206. Flour shall be deemed to have been exported on the date which appears on the applicable on-board ocean carrier bill of lading, or, if shipment to the designated country is by truck or rail, the date the shipment clears United States Customs, or the latest date appearing on the Loading Tally sheet or similar documents where loss, destruction or damage occurs subsequent to loading aboard ocean carrier but prior to issuance of on board bill of lading.

§ 483.289 *Exporter.* "Exporter" means any individual, corporation, partnership, association or other business entity, which is located and maintains a business organization within the continental United States, and which is a contracting party in the foreign sale reported under § 483.235.

§ 483.290 *Ocean carrier.* "Ocean carrier" means the vessel on which shipment from the United States or Canada, other than shipments between such countries, is exported pursuant to a sale registered under this program.

§ 483.291 *United States.* "United States" means the continental United States except as used in § 483.210, "Reentry or Diversion", the term "United States", includes Territories of Alaska, Hawaii and Puerto Rico.

§ 483.292 *International Wheat Agreement.* "International Wheat Agreement", or IWA, means the 1956 International Wheat Agreement, ratified by the United States on July 16, 1956.

§ 483.293 *Wheat Council.* "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 483.294 *3:31 e. s. t.* "3:31 e. s. t.", as used in this subpart means 3:31 eastern standard time, except that when Washington, D. C. is on daylight savings time 3:31 e. s. t. means 3:31 eastern daylight saving time (2:31 eastern standard time.).

§ 483.295 *Day.* "Day" means calendar day.

§ 483.296 *IWA crop year or crop year.* "IWA Crop Year or Crop Year" means the year beginning August 1, and ending July 31.

Effective time and date. This offer is effective 12:01 a. m., e. s. t., November 15, 1956.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

APPENDIX—NOTICE TO EXPORTERS

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Macao, Hong Kong, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, except under license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce. Those regulations further require that persons exporting, in the form acquired or in a processed form, under general license to friendly countries, commodities which are obtained directly or indirectly from the Commodity Credit Corporation (CCC) or commodities which are in substitution for commodities so obtained from CCC or commodities which are subsidized for export by CCC either through cash payment or payments in kind file with the Collector of Customs (in addition to any copies required for other purposes) one copy of the Shipper's Export Declaration for forwarding to BFC and send to BFC, Washington 25, D. C., one copy of the On-Board Ocean Bill of Lading (for exportations by rail, one copy of the Railroad Bill of Lading), for each shipment, regardless of value, involving sales of cotton textiles, other than cotton waste, of $10,000 or more and involving sales of all other commodities, including cotton waste, of $100,000 or more: Provided, that copies of the Shipper's Export Declaration and the Bill of Lading for BFC are not required to be submitted covering any shipments to Group O countries of cotton textiles other than cotton waste.

In the case of commodities purchased from CCC, or commodities being exported as "substitute" for such commodities, the $100,000 figure applies to the sales contract between the CCC and the U. S. purchaser. For commodities being exported under CCC export subsidy programs, the $10,000 figure for cotton textiles (other than cotton waste) and the $100,000 figure for all other commodities (including cotton waste) apply to the sales contract between the U. S. seller and the foreign purchaser. Each of the documents for BFC must bear the notation "FC–2610" in the upper right-hand corner. The Bill of Lading for BFC must also bear the number of the corresponding Shipper's Export Declaration and the CCC identification number (CCC sales contract number or CCC subsidy registration number).

For all exportations of commodities covered by the program announcement, instrument or document which this Notice accompanies, the following statement is required to be placed on all copies of the Shipper's Export Declaration, all copies of the Bill of Lading and all copies of the commercial invoice to the foreign purchaser:

"U. S. law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Communist-controlled areas of Vietnam and Laos, Macao, or Hong Kong, except as authorized by the U. S."

The U. S. Commerce Department export control regulations also require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgement of his understanding of (1) U. S. Commerce Department prohibitions (Comprehensive Export Schedule, Sections 371.4 and 371.8) against sale or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, a Communist-controlled area in the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, and (2) the sanction of denial of future U. S. export privileges that may be imposed against any foreign purchaser for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency.

Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for (1) obtaining the signed acknowledgment from the foreign purchaser, and (2) for submitting the additional copy of the Shipper's Export Declaration and the Bill of Lading.

[F. R. Doc. 56–9300; Filed, Nov. 9, 1956; 8:52 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R–157; Order 191]

PART 1—RULES OF PRACTICE AND PROCEDURE

SERVICE

The Commission has under consideration in this proceeding the amendment of § 1.17 of Part 1 of its general rules and regulations (18 CFR, Chapter I, Subchapter A, Part 1) by amending paragraph (a) thereof.

The purpose of the proposed change is to reduce mailing costs through use of the Post Office Department's new "certified" mail in lieu of "registered" mail in transmitting orders, notices, etc., to parties required to be served with such documents. Both types of mailings provide return receipts and thus meet the Commission requirement of proof of service.

Prior to July 1, 1956, Federal agencies were not required to pay registry fees, but paid a fee of 7 cents for return receipts. Under Public Law 705, approved July 14, 1956, and recently revised postal regulations, current fees are 40 cents for

registered mail and 15 cents for certified mail, plus the 7 cent receipt fee for each service.

It appears that the proposed amendment of § 1.17 (c) represents a matter of procedure which does not require notice of hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The amendment as hereinafter adopted is necessary and appropriate to carry out the provisions of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to authority granted by sections 308 and 309 of the Federal Power Act (49 Stat. 858, 16 U. S. C. 825g, 825h) and sections 15 and 16 of the Natural Gas Act (52 Stat. 829, 830, 15 U. S. C. 717n, 717o) orders:

(A) The last sentence of paragraph (a) of § 1.17 of the rules of practice and procedure is amended to read as follows:

§ 1.17 *Service*—(a) *By the Commission.* • • • The return post office receipt for said document or other paper when served by certified or registered mail, or the verified return by the person accomplishing service, setting forth the manner of said service, shall be proof of such service.

(B) The amendment to § 1.17 (a) herein prescribed be and it is hereby made effective upon the issuance of this order.

(Sec. 309, 49 Stat. 858, sec. 16, 52 Stat. 830; 16 U. S. C. 825h, 15 U. S. C. 717o)

Issued: November 6, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9267; Filed, Nov. 9, 1956; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1359]

[52842]

WISCONSIN

EXTENDING BOUNDARIES OF CHEQUAMEGON NATIONAL FOREST; PARTIALLY REVOKING EXECUTIVE ORDER OF JULY 21, 1871, WHICH WITHDREW LANDS FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U. S. C. 471), and the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The boundaries of the Chequamegon National Forest are hereby extended to include the following-described public lands in Wisconsin, and, subject to valid existing rights, the lands are hereby made a part of the said national forest and hereafter shall be subject to all laws and regulations applicable thereto:

Beginning at a point on the west shore of lot 2, sec. 12, T. 52 N., R. 5 W., from which a point on the south boundary of lot 1, sec. 12 is due north approximately 530 feet, and from which the present boathouse bears north 160 feet, thence

East 200 feet;
North 200 feet;
West 340 feet, approximately, to shore line;
Southerly along shore line to point of beginning.

The tract described contains 0.902 acre.

The Executive order of July 21, 1871, which withdrew certain public lands in Wisconsin for lighthouse purposes is hereby revoked so far as its affects the lands.

FRED G. AANDAHL, *Assistant Secretary of the Interior.*

NOVEMBER 5, 1956.

[F. R. Doc. 56-9264; Filed, Nov. 9, 1956; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 220]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (+) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BELMAR, N. J. Monmouth County, 180'. SBMRLZ (Lakehurst NAS-NEL-LFR). Procedure No. 1. Amendment No. 6. Effective date: December 1, 1956. Supersedes Amendment 5, dated November 20, 1953. Transition to the Asbury Park FM from the Ambrose Intersection added.	Ambrose Intersection to Asbury Park FM (final).	242—14	1,100	*E side of NE course: 062° outbound. 242° inbound. 1,500' within 10 miles NE of Asbury Park FM.	1,100 (over Asbury Park FM)	258—4.4 (from Asbury Park FM)	T-dn C-dn A-dn	300-1 600-2 1,000-2	----------	----------	Within 2.6 miles after passing Asbury Park FM, turn left, climb to 1,500' on NE (outbound) course. *Procedure turn conducted to the E to avoid traffic on red 3.

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
FINDLAY, OHIO. Findlay Airport, 800'. VOR-FDY. Procedure No. 1. Amendment No. 1. Effective date: December 1, 1956. Supersedes Amendment Original, dated November 3, 1956. Major changes: Course and distance from facility to airport revised.	Findlay "H"	220—9.7	2,000	E side of course: 220° outbound. 040° inbound. 2,000' within 10 miles.	1,500	040—9.1	T-dn C-d C-n S-d 7 S-n 7 A-dn	300-1 500-1 500-2 500-1 500-2 800-2	300-1 500-1 500-2 500-1 500-2 800-2	200-½ 500-1½ 500-2 500-1 500-2 800-2	Within 9.1 mile make a climbing left turn, return to Findlay VOR at 2,000'. Hold SW on radial 220° in a 1-minute right hand pattern. CAUTION: Radio tower 1,049' mean sea level 1.5 miles ESE of airport.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)	
										65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
KNOXVILLE, TENN. McGhee-Tyson, 989'. ILS-ITYS. LOM-TY. Combination ILS and ADF. Procedure No. 1. Amendment No. 16. Effective date: December 1, 1956. Supersedes Amendment 15, dated September 1, 1956. Major changes: Increases transition altitude from Tallassee FM, Tallassee Intersection and Rasar Intersection.	Knoxville LFR	LOM	216—8.7	2,200	W side of SW course: 225° outbound. 045° inbound. 2,700' within 10 miles.	ILS 2,700 ADF 2,000 over LOM	2,650—5.4	1,160—0.6	T-dn C-d C-n	300-1 500-1 500-1½	300-1 500-1 500-1½	200-½ 500-1½ 500-1½	5.4 miles after passing LOM, turn left climb to 3,000' on N course TYS-LFR, or radial 347° of TYS-BVOR. When directed by ARTC, climb to 4,000' on course of 063° from LFR or radial 063° of BVOR within 20 miles. *400-¾ required when glide slope not utilized.
	Tallassee FM	LOM	353—12.2	3,700									
	SW course TYS LFR and 290° bearing from LOM.	LOM	110—7.3	2,300					S-dn 4L *ILS	200-½	200-½	200-½	
									ADF	400-1	400-1	400-1	
	Knoxville BVOR	LOM	222—13.4	2,400					A-dn ILS	600-2	600-2	600-2	
	Tallassee Intersection	LOM	333—11.9	3,700					ADF	800-2	800-2	800-2	
	Rasar Intersection	LOM	317—16.5	3,700									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
MOBILE, ALA. Bates, 217′. ILS-IMOB. LOM-MO. Combination ILS and ADF. Procedure No. 1. Amendment No. 6. Effective date: December 1, 1956. Supersedes Amendment 5, dated January 14, 1956. Major changes: Change to nautical miles. Revise transitions and missed approach procedures.	Mobile VOR	LOM	067—3.9	1,300	W side NW course: 320° outbound. 140° inbound. 1,400′ within 10 miles.	ILS 1,400 ADF 900 over LOM	1,420—4.0	425—0.6	T-dn C-dn	300–1 400–1	300–1 500–1	200–½ 500–1½	Within 4.0 miles after passing LOM (ADF) make right turn, climb to 1,600′ on 180° course from LOM within 20 miles; or when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1,400′ and enter VOR holding pattern. *400–¾ required when glide slope not utilized. #All installed components of ILS must be operating otherwise alternate minima of 800–2 apply. No approach lights.
	Bay Minette HW	LOM	244—23.0	1,500					S-dn 14 ILS	*300–¾	*300–¾	*300–¾	
	Brookley HW	LOM	303—14.8	1,600					ADF	400–1	400–1	400–1	
	Prichard Intersection	LOM	255—6.0	1,500					A-dn ILS	#600–2	#600–2	#600–2	
									ADF	800–2	800–2	800–2	
NEWARK, N. J. Newark Airport, 18′. ILS-EWR. LOM-EW. Combination ILS-ADF. Procedure No. 1. Amendment No. 9. Effective date: December 1, 1956. Supersedes Amendment 8, dated December 25, 1955. Major changes: Adds runway visual range minimums for takeoffs.	New Brunswick Intersection.	Woodbridge Intersection.†	076—12.9	1,500	E side of SW course: 217° outbound. 037° inbound. 1,500′ within 10 miles.	ILS 1,500 ADF 1,000 over LOM	1,525—4.8	#250—0.6	T-dn C-dn	300–1 600–1	300–1 600–1	200–½ 600–1½	Climb to 1,000′ on 037° course from LOM, then make left climbing turn to Paterson Radiobeacon at 2,000′ or when directed by ATC, (1) make climbing left turn to 2,000′ direct to Chatham Radiobeacon, or (2) make a right climbing turn to 1,500′ return to LOM. †Straight-in approach authorized from Woodbridge Intersection (Intersection 352° radial OLT VOR and SW course ILS or 037° bearing to LOM). #Runway 4 only: Runway visual range 2,600′ may be utilized in lieu of 200–½ when 200–½ is authorized. *Runway 4 only: 200–½ or runway visual range of 2,600′: Provided approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) all components of approach lights and high intensity runway lights shall be in normal operation, and (2) descent below the authorized landing minimum altitude of 218′ shall not be made unless (a) visual contact with the approach lights has been established, or (b) the aircraft is clear of clouds. 600–1 required with glide slope inoperative.
	Colts Neck VOR	Woodbridge Intersection.†	352—14.5	1,500					S-dn 4 ILS	*200–½	*200–½	*200–½	
									ADF	600–1	600–1	600–1	
	Flatbush Radiobeacon	LOM	275—10	1,500					A-dn ILS	600–2	600–2	600–2	
	Newark LFR	LOM	206—4.6	1,500					ADF	800–2	800–2	800–2	
	Chatham Radiobeacon	LOM	141—12.5	2,000									
	Radar transition altitudes S quadrant Newark LFR within 15 miles 1,500′.												
	Northeast sector (58–90) within 20 miles 2,500′.												
	All other sectors within 20 miles 2,000′.												

4. § 609.13 is amended as follows:
The title is changed to read:

§ 609.13 *Radar procedures.*

5. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: Precision approach: 2 engines or less: Over 65 knots	Ceiling and visibility minimums: Precision approach: More than 2 engines: Over 65 knots	Ceiling and visibility minimums: Surveillance approach: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: Surveillance approach: 2 engines or less: Over 65 knots	Ceiling and visibility minimums: Surveillance approach: More than 2 engines: Over 65 knots	Missed approach procedure
1	2	3	4	5	6	7	8	9	10	11
NEWARK, N. J. Newark Airport, 18′. Procedure No. 1. Amendment No. 7. Effective date: December 1, 1956. Supersedes Amendment 6, dated February 18, 1956. Major changes: Adds runway visual range minimums for takeoffs.	2,500′ NE sector (58°–90°). All other sectors 2,000′ within 20 miles. Within the S quadrant of the Newark LFR 1,500′ within 15 miles.	All	#T-dn	300–1	300–1	200–½	300–1	300–1	200–½	Climb to 1,000′ on NE course Newark LFR, then make left climbing turn to Paterson radiobeacon at 2,000′ or when directed by ATC, (1) make climbing left turn to 2,000′ direct to Chatham radiobeacon, or (2) make a right climbing turn to 1,500′ return to LOM. *Runway 4 only: 200–½ or runway visual range of 2,600′: *Provided*, That approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation, and (2) descent below the authorized landing minimum altitude of 218′ mean sea level shall not be made unless (a) visual contact with the approach lights has been established, or (b) the aircraft is clear of clouds. #Runway 4 only: Runway visual range of 2,600′ may be utilized in lieu of 200–½ when 200–½ is authorized.
		4, 11, 29	C-dn	600–1	600–1	600–1½	600–1	600–1	600–1½	
		22	C-dn	900–1	900–1	900–1½	900–1	900–1	900–1½	
		4	S-dn	*200–½	*200–½	*200–½				
		29	S-dn				600–1	600–1	600–1	
		22	S-dn				900–1	900–1	900–1	
		4	A-dn	600–2	600–2	600–2				
		29, 11	A-dn				800–2	800–2	800–2	
		22	A-dn				900–2	900–2	900–2	

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-8827; Filed, Nov. 9, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 91]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.391 *Navel Orange Regulation 91*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 8, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 11, 1956, and ending at 12:01 a. m., P. s. t., November 18, 1956, is hereby fixed as follows:

(i) District 1: 415,800 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 60,060 cartons;

(iv) District 4: 60,060 cartons.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 9, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9352; Filed, Nov. 9, 1956; 11:56 a. m.]

[Orange Reg. 303]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.808 *Orange Regulation 303*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 12, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 12, 1956; the recommendation and supporting information for continued regulation subsequent to November 11, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 6, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 12, 1956, and ending at 12:01 a. m., e. s. t., November 26, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box;

(iii) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1; or

(iv) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 3²/₁₆ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1," "U. S. No. 1 Bronze," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9296; Filed, Nov. 9, 1956; 8:51 a. m.]

[Grapefruit Reg. 251]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.809 *Grapefruit Regulation 251*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 12, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 12, 1956; the recommendation and supporting information for continued regulation subsequent to November 11, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 6, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 12, 1956, and ending at 12:01 a. m., e. s. t., November 26, 1956, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze; *Provided,* That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "damage," "serious damage," "scars," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9295; Filed, Nov. 9, 1956; 8:50 a. m.]

[Tangerine Reg. 179]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.810 *Tangerine Regulation 179*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions effective not later than November 12, 1956. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 12, 1956; the recommendation and supporting information for continued regulation subsequent to November 11, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 6, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 12, 1956, and ending at 12:01 a. m., e. s. t., November 26, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a

half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–9297; Filed, Nov. 9, 1956; 8:51 a. m.]

[Lemon Reg. 667]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.774 *Lemon Regulation 667*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 7, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 11, 1956, and ending at 12:01 a. m., P. s. t., November 18, 1956, is hereby fixed as follows:

(i) District 1: 6,510 cartons;

(ii) District 2: 158,100 cartons;

(iii) District 3: 21,390 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 8, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–9326; Filed, Nov. 9, 1956; 8:57 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

ORDER ESTABLISHING WALNUT CONTROL PERCENTAGES FOR 1956–57 MARKETING YEAR

Pursuant to the provisions of Marketing Agreement No. 105 as amended, and Order No. 84, as amended (7 CFR, 1955 Rev., Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Walnut Control Board, on September 19, 1956, recommended control percentages relative to allocation of walnuts between shelled and inshell and between normal market and surplus outlets for the 1956–57 crop year.

The Board made estimates of the supply and demand for walnuts in 1956–57 and concluded that, although prices were likely to be below parity, the prospective supply and demand situation made it unnecessary to invoke allocation or control percentages. Therefore, the Board recommended that no volume regulations be applicable to either unshelled or total supplies of walnuts during the 1956–57 marketing year.

On the basis of the Walnut Control Board recommendation and other information on the need for volume regulations applicable to the 1956–57 supply of walnuts, the following order is hereby issued:

§ 984.208 *Control percentages for walnuts during the marketing year beginning August 1, 1956.* During the marketing year beginning August 1, 1956, the following percentages shall be in effect: Merchantable free percentage, 100 percent; merchantable restricted percentage, zero percent; merchantable allocation percentage, zero percent; marketable percentage 100 percent; surplus percentage, zero percent; and diversion percentage, zero percent.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, or to postpone the effective date of the aforesaid order later than the date of its publication in the FEDERAL REGISTER for the reasons that (1) the percentages were recommended unanimously by the Walnut Control Board, the industry agency charged with responsibility for operating the program, and (2) the result of the action will be merely to notify handlers that no set-aside requirements will be imposed on them for the current marketing year.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 6, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56–9273; Filed, Nov. 9, 1956; 8:47 a. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

ORDER ESTABLISHING BUDGET OF EXPENSES OF THE PECAN ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR FISCAL PERIOD BEGINNING OCTOBER 1, 1956

Pursuant to the provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR, 1955 Rev., Part 994), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Pecan Administrative Committee, the administrative agency thereunder, has unanimously recommended a budget of expenses of $30,000 for its operations and an assessment rate of 20 cents per hundred pounds of pecans handled for the fiscal period beginning October 1, 1956.

It is anticipated that shipments of pecans from the five-State area for inshell distribution will total 15,000,000 pounds or more in 1956–57. This would result in sufficient revenue at the rate herein established to satisfy the budgeted expenses.

The order is as follows:

§ 994.306 *Budget of expenses of the Pecan Administrative Committee and rate of assessment for the fiscal year beginning October 1, 1956*—(a) *Expenses.* The budget of expenses for said period shall be in the total amount of $30,000, such amount being reasonable and likely to be incurred for Committee maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment, for said period, payable by each handler to the Pecan Administrative Committee on demand, shall be 0.20 cent per pound of pecans handled by him, except as said pecans may be exempt from assessment payments pursuant to the provisions of §§ 994.76 and 994.77.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to defer the effective date of the aforesaid order later than the date of its publication in the FEDERAL REGISTER for the reasons that: (1) the program has recently been reactivated and no assessment income is available for Committee operations, (2) therefore, it is necessary to begin collecting assessments as soon as practicable, and (3) it will have no affect on total assessments levied on handlers for the fiscal year.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 7, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 56–9298; Filed, Nov. 9, 1956; 8:51 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1957

Our agricultural resources produce about two-thirds of the raw materials on which our national economy is based. As our Nation grows, an expanding economy and the raw materials essential to it become ever increasingly important to the welfare of every citizen.

Through the Agricultural Conservation Program, all the people of the Nation share in the cost of protecting the most vital of our natural resources—our farm and ranch lands. This program is one of the many forms of public assistance essential to this protection. Research, education, technical services, and cost-sharing all are designed to help preserve or restore the physical characteristics of our agricultural lands so that a stable agriculture will be assured. The need for achievements byeond those which come just from wise use of the land for crop production is very great.

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1102.735 Authority.
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CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

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1102.741 Practice 1: Establishment of water disposal areas to dispose of excess water from ditches or terrace systems without causing erosion, by establishing perennial grasses or legumes in natural waterways or in other predetermined locations, or by constructing protected outlet channels.
1102.742 Practice 2: Constructing continuous terraces to detain or control the flow of water and check soil erosion on sloping land.
1102.743 Practice 3: Establishing field diversion ditches or diversion terraces to intercept surface runoff from the watershed above and divert it into protected outlets to prevent erosion and protect lower lying cultivated areas.
1102.744 Practice 4: Constructing or enlarging permanent open drainage systems to dispose of excess water.
1102.745 Practice 5: Installing permanent underground tile drainage systems to dispose of excess water.
1102.746 Practice 6: Constructing hillside ditches with or without vegetative barriers to detain or control the flow of water and check erosion on sloping land.
1102.747 Practice 7: Constructing rock barriers to form and support bench terraces and control the flow of water and check erosion on sloping land.
1102.748 Practice 8: Constructing, enlarging, or sealing dams, pits, or ponds as a means of protecting vegetative cover.
1102.749 Practice 9: Constructing, enlarging, or sealing dams, pits, or ponds to impound surface water for irrigation, primarily for lands devoted to crops other than sugarcane, cotton, or tobacco.

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

1102.750 Practice 10: Planting vegetative barriers on land, of types determined by the Soil Conservation Service, of 10 percent or more slope.
1102.751 Practice 11: Initial establishment of contour stripcropping on nonterraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.
1102.752 Practice 12: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.
1102.753 Practice 13: Planting of trees to establish woodlots for timber production and soil and water conservation.
1102.754 Practice 14: Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-reseeding annual or perennial grasses or a mixture of legumes and perennial grasses or other approved forage plants.
1102.755 Practice 15: Initial application of refuse from sugar mill grinding operations, known as filter cake, to permit the initial establishment of pasture under practice 14 (§ 1102.754) for soil protection and moisture conservation.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

1102.756 Practice 16: Improvement of established permanent pasture of Molasses, Guinea, Gramalote, and Para Grass by seeding Tropical Kudzu for soil or watershed protection.
1102.757 Practice 17: Improving the woodland protection which coffee groves provide for steep slopes by planting shade trees.

Sec.
1102.758 Practice 18: Improving the woodland protection which coffee groves provide for steep slopes by applying to coffee trees fertilizer of grades containing not less than 8 units of available nitrogen (N) and 10 units of available phosphate (P_2O_5).
1102.759 Practice 19: Initial establishment of permanent woodland cover or improvement of established woodland cover for soil protection in coffee groves less than four years old.

AUTHORITY: §§ 1102.700 to 1102.759 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, Public Law 554, 84th Cong.; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1102.700 *Introduction.* (a) Through the 1957 Agricultural Conservation Program for Puerto Rico (referred to in this subpart as the "1957 program"), administered by the Department of Agriculture, the Federal Government will share with farmers of Puerto Rico the cost of carrying out approved soil and water conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared, when carried out on a particular farm, and the exact specifications and rates of cost-sharing for such practices are set forth in this subpart. Any additional information may be obtained at the ASC District Offices, or at the local offices of the Soil Conservation Service with respect to practices 1 through 11 (§§ 1102.741 to 1102.751), and at the offices of the Forest Service with respect to practices 12 and 13 (§§ 1102.752 and 1102.753).

(c) The 1957 program was developed by the ASC State Office, the Director of the Soil Conservation Service for the Caribbean Area, the Forest Service official having jurisdiction of farm forestry in Puerto Rico, the Director of Agricultural Extension Service, and representatives of the Depai .ment of Agriculture and Commerce of the Commonwealth of Puerto Rico.

GENERAL PROGRAM PRINCIPLES

§ 1102.701 *General program principles.* The 1957 Agricultural Conservation Program for Puerto Rico has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed soil and water conservation practices.

(f) The purpose of the program is to help achieve aditional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland as a result of drainage. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their life span.

ALLOCATION OF FUNDS

§ 1102.702 *Allocation of funds.* The amount of funds available for conservation practices under this program is $830,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1102.717.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

§ 1102.703 *Selection of practices.* The practices contained in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

§ 1102.704 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of practices 1 through 11 (§§ 1102.741 to 1102.751). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practices, (3) the necessary supervision of the installation, and (4) certification of performance. Complete specifications for practices 1 through 11 are contained in a document entitled "Detailed Specifications for Conservation Practices—Puerto Rico" prepared by the Soil Conservation Service, Caribbean Area Office, and available at the SCS Work Unit Offices and the ASC District Offices.

(b) The Forest Service is responsible for the technical phases of practices 12 and 13 (§§ 1102.752 and 1102.753). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practices, and (3) working through the ASC State Office, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1102.705 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1957 program as it applies to Puerto Rico, and forms will be available at the State and District ASC Offices. Persons wishing to participate in the program should obtain all information needed from the offices mentioned in this subpart in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1102.706 *Opportunity for requesting cost-sharing.* Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm.

§ 1102.707 *Prior request for cost-sharing.* (a) Costs will be shared only for those practices for which cost-sharing is requested by the farm operator before performance thereof is started. For practices for which (1) approval was given under the 1956 Agricultural Conservation Program, (2) performance was started but not completed during the 1956 program year, and (3) the ASC State Office believes the extension of the approval to the 1957 program is justified under the 1957 program regulations and provisions, the filing of the request for cost-sharing under the 1956 program may be regarded as meeting the requirements of the 1957 program that a request for cost-sharing be filed before performance of the practice is started.

(b) Any farm operator who wishes to participate in the 1957 program must file one or the other of the following forms:

(1) For practices 1 to 13 inclusive (§§ 1102.741 to 1102.753), Cert. Form No. 39–57–P. R., Declaration of Intention, Request for Inspection, Certification of Conservation Needs and Notice of Approval.

(2) For practices 14, 15, and 16 (§§ 1102.754 to 1102.756), Cert. Form No. 40–57–P. R., Declaration of Intention, Request for Purchase Order, Certification of Eligibility and Notice of Approval.

(3) For practices 17, 18, and 19 (§§ 1102.757 to 1102.759), O–Form No. 112 (Revised), Declaration of Intention and Request for Purchase Order.

(c) These forms may be obtained and filed at any of the ASC District Offices, field offices of the Soil Conservation Service (SCS), field offices of the Extension Service, District Offices of Farmers Home Administration, and field offices of the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico.

(d) These forms must be filed on or before June 30, 1957, or such extension thereof, as determined by the ASC State Office, but not extending beyond July 31, 1957, except for cases of hardship, as determined by the ASC State Office.

§ 1102.708 *Method and extent of approval.* The ASC State Office will determine, or may delegate to the District Offices authority to determine, the extent to which Federal funds will pe available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1957. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1102.709 *Initial establishment or installation of practices.* (a) Federal cost-sharing may be authorized under the 1957 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1957 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed, if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The ASC State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(b) With normal upkeep and maintenance, practices 1 to 17 and 19 (§§ 1102.701 to 1102.757 and 1102.759) carried out under the 1954 or a subsequent program would not have served their life spans by the end of the 1957 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

§ 1102.710 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 1102.710a *Pooling agreements.* farmers in any local area may agree in writing, with the approval of the ASC State Office, to perform designated amounts of practices which will conserve or improve the agricultural resources of the community. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

§ 1102.711 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1102.712 and 1102.713, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1102.712 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1957 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with the applicable specifications and program provisions.

§ 1101.713 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover may be shared even though a good stand is not established, if the ASC State Office determines, in accordance with standards approved by the ASC State Office, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The ASC State Office may require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

FEDERAL COST-SHARES

§ 1102.714 *Conservation materials—*(a) *Availability.* (1) In order to facilitate the financing of the purchase of fertilizers for practices 14, 16, 18, and 19 (§§ 1102.754, 1102.756, 1102.758, and 1102.759), the fertilizer may be furnished on purchase orders to persons for carrying out these practices. Fertilizer may not be furnished to persons who are indebted to the Federal Government as indicated by the Register of Indebtedness, except in those cases where the agency to which the debt is owed notifies the ASC State Office that it waives its right to setoff in order to permit the furnishing of fertilizers. Purchase orders may be obtained by filing an application for such orders. Applications are available at the ASC District Offices, field offices of the Extension Service, field offices of the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico, field offices of the Soil Conservation Service, and District Offices of the Farmers Home Administration.

(2) Title to any fertilizer furnished through the Agricultural Conservation Program shall vest in the Federal Government until the fertilizer is applied or all charges for same are satisfied.

(b) *Cost to farmer.* The farmer shall pay that part of the cost of the fertilizer, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the fertilizer. The Federal cost-share increase on the amount of Federal cost-share attributable to the use of the fertilizer may be advanced as a credit against that part of the cost of the fertilizer required to be paid by the farmer.

(c) *Discharge of responsibility for fertilizer.* (1) The person to whom fertilizer is furnished under the 1957 program will be relieved of responsibility for the fertilizer upon determination by the ASC State Office that the fertilizer was used in performing the practice for which it was furnished. If the person uses any fertilizer for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the fertilizer borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(2) Any person to whom fertilizer is furnished shall be responsible to the Federal Government for any damage to the fertilizer unless he shows that the damage was caused by circumstances beyond his control. If the fertilizer is abandoned or not used during the program year, it may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the fertilizer, or be retained by the person for use in a subsequent program year.

§ 1102.715 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the ASC State Office determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1102.716 *Division of Federal cost-shares—*(a) *Federal cost-shares.* The Federal cost-share attributable to the use of fertilizer furnished under purchase orders shall be credited to the person to whom the fertilizer is fur-

nished, and it shall have priority over payment for other practices. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1102.717 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	*Increase in cost-share*
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	$10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1102.718 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1957 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1957 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1102.719 *Persons eligible to file application.* Any person, who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1102.720 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the ASC District Offices forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least two weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the ASC District Offices and making copies available to the press. Other means of notification, including individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the ASC District Offices not later than February 28, 1958, except that the ASC State Office may accept an application filed after February 28, 1958, but not later than December 31, 1958, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the ASC District Office within the applicable time limit.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1958.

§ 1102.721 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1102.723 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1957 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1102.724 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1957 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1102.725 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1957 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1102.726 *Depriving others of Federal cost-share.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1102.727 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.728 *Misuse of purchase orders.* If the ASC State Office finds that any person has knowingly used a purchase order issued to him for conservation materials for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-sharing under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.729 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1102.730, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1102.730 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1957 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1102.733 *Definitions.* For the purposes of the 1957 Agricultural Conservation Program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Commonwealth of Puerto Rico.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the ASC State Office determines is operated by the same person as part of the same unit in producing livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(g) "Coffee farm" means the same as "farm" except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(h) "Sugarcane farm" means any farm that has sugarcane growing in 1957.

(i) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(j) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(k) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(l) "Program year" means the period from January 1, 1957, through December 31, 1957.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1102.735 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957.

§ 1102.736 *Availability of funds.* (a) The provisions of the 1957 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be

within the limits finally determined by such appropriation.

(b) The funds provided for the 1957 program will not be available for paying Federal cost-shares for which applications are filed in the ASC District Offices after December 31, 1958.

§ 1102.737 *Applicability.* (a) The provisions of the 1957 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 1102.741 *Practice 1: Establishment of water disposal areas to dispose of excess water from ditches or terrace systems without causing erosion, by establishing perennial grasses or legumes in natural waterways or in other predetermined locations, or by constructing protected outlet channels.* In order to qualify for Federal cost-sharing, the establishement of natural waterways or disposal areas and the construction of outlet channels must conform with specifications set forth in "Detailed Specifications for Conservation Practices–Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (1) $0.75 per 1,000 square feet, when established by shaping and seeding.

(2) $3.25 per 1,000 square feet, when established by shaping and sodding.

(3) $0.12 per cubic yard of earth moved, when a channel is constructed by excavation and vegetation is established.

§ 1102.742 *Practice 2: Constructing continuous terraces to detain or control the flow of water and check soil erosion on sloping land.* In order to qualify for Federal cost-sharing, a channel or Nichols type terrace shall be constructed on land of from 2 to 12 percent slope. The terrace system must also comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices–Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. $1.25 per 100 linear feet of terrace.

§ 1102.743 *Practice 3: Establishing field diversion ditches or diversion terraces to intercept surface runoff from the watershed above and divert it into protected outlets to prevent erosion and protect lower lying cultivated areas.* No Federal cost-sharing will be allowed for this practice if the cultivation of the lower lying areas does not follow the approximate contour. Necessary protected outlets must be established in accordance with the specifications contained in practice 1 (§ 1102.741) prior to construction of field diversion ditches. In order to qualify for Federal cost-sharing, the establishment of field diversion ditches or diversion terraces must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. $0.12 per cubic yard of earth moved.

§ 1102.744 *Practice 4: Constructing or enlarging permanent open drainage systems to dispose of excess water.* (a) Federal cost-sharing will be allowed for both new ditches and for clearing and/or enlarging old channels where there is poor drainage and flood damage due to poor condition of natural streams of extremely low gradients, or to impaired carrying capacity because of vegetative or woody growth or irregularities in channel gradients, and where a new straight channel would have excessive gradient.

(b) No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring additional land into agricultural production, or for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the benefit of the farm operator. No Federal cost-sharing will be allowed for permanent open farm drainage ditches constructed or enlarged on sugarcane land, except where such drainage is carried out as a community project under a pooling agreement approved by the ASC State Office. No Federal cost-sharing will be allowed for this practice where there is any likelihood that it will create an erosion or flood hazard. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

(c) Construction or improvement of channels under this practice will not be approved where the watershed being drained discharges large quantities of sand or silt creating a sedimentation problem in drainage channels, unless protective measures are applied in the contributing watershed such as vegetative cover on sand or silt contributing areas and/or silt detention reservoirs or desilting basins established prior to construction of ditches.

(d) In order to qualify for Federal cost-sharing, the construction or enlargement of permanent open drainage systems must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (1) $0.12 per cubic yard of earth moved and spread.

(2) $15 per acre for clearing existing channel and 15 feet beyond each bank, but not to exceed 50 percent of the actual cost of clearing. Receipts or records showing payment for labor will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.

§ 1102.745 *Practice 5: Installing permanent underground tile drainage systems to dispose of excess water.* (a) This practice will be applicable where internal drainage is needed, soils are adaptable, and all possible surface drainage consistent with farming practices has been completed.

(b) Regardless of the size of tile used, Federal cost-sharing shall not exceed $50 per acre. No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring additional land into agricultural production. No Federal cost-sharing will be allowed for repairing or maintaining existing tile drainage systems. No Federal cost-sharing will be allowed for tile drainage installed on sugarcane land, except where such installation of tile drainage is carried out under a pooling agreement approved by the ASC State Office. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

(c) In order to qualify for Federal cost-sharing, acceptable size and grade of tile shall be laid to a predesigned depth, grade, and alinement, and covered, all in a workmanlike manner. An acceptable outlet must be provided. The tile drainage system must comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (1) $0.08 per linear foot for 4-inch tile.

(2) $0.10 per linear foot for 6-inch tile.

(3) $0.12 per linear foot for 8-inch tile.

(4) $0.15 per linear foot for 10- to 12-inch tile.

(5) $0.20 per linear foot for 12-inch tile and above.

§ 1102.746 *Practice 6: Constructing hillside ditches with or without vegetative barriers to detain or control the flow of water and check erosion on sloping land.* (a) No Federal cost-sharing will be allowed for this practice if the hillside ditches are constructed in sugarcane land.

(b) In order to qualify for cost-sharing, the hillside ditch system must be established on fields cultivated along the approximate contour or in orchards of 2 to 45 percent slope in accordance with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices–Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. $1 per 100 linear feet.

§ 1102.747 *Practice 7: Constructing rock barriers to form and support bench terraces and control the flow of water and check erosion on sloping land.* In order to qualify for Federal cost-sharing, the rock barriers must be constructed in accordance with specifications set forth in "Detailed Specifications for Conservation Practices–Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. $1.50 per cubic yard of rock used.

§ 1102.748 *Practice 8: Constructing, enlarging, or sealing dams, pits, or ponds as a means of protecting vegetative cover.* (a) The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

(b) In order to qualify for Federal cost-sharing, the constructing, enlarging, or sealing of dams, pits, or ponds must conform with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices–Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (1) $0.12 per cubic yard of earth moved in the construction of an earth dam, pond, or pit.

(2) $10 per cubic yard of concrete or rubble masonry used in the construction of a concrete dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable, or in the construction of a masonry dam.

(3) $15 per cubic yard for steel reinforced concrete box culvert, cradle, cutoff walls, headwalls, outlet structures, and/or riser.

(4) 50 percent of actual cost of conduits, slide gates, and metal cutoff collars. Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 1102.750 *Practice 10: Planting vegetative barriers on land, of types determined by the Soil Conservation Service, of 10 percent or more slope.* No cost-sharing will be allowed on cultivated land if cultivation does not follow the approximate contour. Cost-sharing will be allowed when the grasses forming the barrier are planted in accordance with the following specifications:

(a) Grasses eligible under the specifications of practice 6 (§ 1102.746) may be used and must be planted along contour lines.

(b) The vertical distance between the barriers must not exceed 9 feet.

(c) When cuttings of stiff-stemmed grasses are used, two rows 6 inches apart must be planted. When clump divisions of such grasses are used, the rows must be approximately 6 inches wide.

(d) When sod-forming grasses are used, the planted rows must be approximately 3 feet wide.

No cost-sharing will be allowed under this practice if the barriers are planted in connection with ditches under practice 6 (§ 1102.746).

Maximum Federal cost-share. $0.30 per 100 linear feet.

§ 1102.751 *Practice 11: Initial establishment of contour stripcropping on nonterraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.* No cost-sharing will be allowed on cultivated land if cultivation does not follow the approximate contour. Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips must be in accordance with the recommendations of the Soil Conservation Service. The width of the clean-tilled area must not exceed twice the width of the noncultivated area of vegetation.

Maximum Federal cost-share. $3 per acre.

§ 1102.752 *Practice 12: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.* For erosion control, trees must be planted on the contour and be protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. For windbreaks, the trees must be planted in such a pattern as to constitute an effective barrier against the prevailing winds and be protected from fire and grazing. They must afford protection for adjacent areas which are devoted to agricultural purposes. Federal cost-sharing will be allowed for not more than 200 trees on a farm.

Maximum Federal cost-share. $0.10 per tree.

§ 1102.753 *Practice 13: Planting of trees to establish woodlots for timber production and soil and water conservation.* In order to qualify for Federal cost-sharing, at least one-half acre must be planted, and the trees are to be spaced no wider than 8 x 8 feet. Woodlots must be protected from fire and grazing. Federal cost-sharing may be authorized for fences, where needed to protect the trees being planted, but shall be limited to permanent fences. Boundary and road fences and the repair, replacement, or maintenance of existing fences are excluded. The fences must be constructed with new materials. The posts must be spaced not more than 8 feet with the corner posts adequately braced. Three strands of barbed wire No. 12½ or heavier, properly stretched, must be used,

Maximum Federal cost-share. (1) $2 per 100 trees living at the time of inspection.

(2) $3 per 100 feet of fences.

§ 1102.754 *Practice 14: Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-reseeding annual or perennial grasses or a mixture of legumes and perennial grasses or other approved forage plants.* (a) Cost-sharing for carrying out this practice is limited to farms located within the Central Area comprising the municipalities of Aibonito, Barranquitas, Coamo, Comerio, and Orocovis; the Northwest Area comprising the municipalities of Vega Alta, Vega Baja, Manati, Barceloneta, Arecibo, Camuy, Hatillo, Quebradillas, and Isabela; and the Central West Area comprising the municipalities of Adjuntas, Ciales, Jayuya, Lares, Las Marias, Maricao, Morovis, San Sebastian, Utuado, Naranjito, Corozal, and Toa Alta.

(b) No Federal cost-sharing will be allowed for any operation for which the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(c) Receipts or invoices showing the purchase and analysis of the fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in § 1102.714), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(d) The varieties of grasses and legumes planted must be well adapted to the conditions of the particular area. Plantings must be carried out on not less than one-half acre to qualify for cost-sharing.

(e) The land must be properly prepared by plowing, and harrowing if necessary, and furrowing on the approximate contour lines, or by hand preparation, and sufficient clump divisions sprigs, cuttings, or seeds must be used to secure a good ground cover at maturity.

(f) When Guinea Grass pasture is established by using seed, the rate of seeding should not be less than 20 pounds

per acre. When Guinea and/or Molasses Grass is seeded in mixtures with Tropical Kudzu the rate of seeding will be as follows: (1) Molasses Grass, 5 pounds per acre, Tropical Kudzu, 4 pounds per acre; (2) Guinea Grass, 8 pounds per acre, Tropical Kudzu, 4 pounds per acre.

(g) When grass pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and all cultivating must be as nearly as practicable along contour lines.

Maximum Federal cost-share. (1) $12 per acre for planting Para, Guinea, Gramalote, Pangola, or Giant St. Augustine Grass.

(2) $15 per acre for planting Tropical Kudzu in combination with Molasses, Guinea, Gramalote, or Para Grass, or a combination of these grasses.

(3) $18 per acre for planting Elephant or Merker Grass on land with slopes not in excess of 45 percent.

(4) $0.10 per pound of nitrogen (N) applied to plantings of grasses established under (1) above, but not exceeding 160 pounds per acre.

(5) $0.10 per pound of nitrogen (N) applied to plantings of grasses established under (3) above, but not exceeding 200 pounds per acre.

(6) $0.07 per pound of phosphate (available P_2O_5) applied to plantings of grasses established under (1), (2), and (3) above. Cost-sharing will be allowed for applications of phosphate not exceeding 120 pounds per acre.

(7) $0.04 per pound of potash (available K_2O) applied to plantings of legumes and grasses established under (2) and (3) above, but not exceeding 90 pounds per acre.

§ 1102.755 *Practice 15: Initial application of refuse from sugar mill grinding operations, known as filter cake, to permit the initial establishment of pasture under practice 14: (§ 1102.754) for soil protection and moisture conservation.* (a) Federal cost-sharing for carrying out this practice is limited to farms located within the three areas mentioned under practice 14 (§ 1102.754).

(b) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program. Farms from which more than 100 acres of sugarcane are harvested in 1957, and any farm operated by a producer-processor as defined under the Sugar Program, are not eligible for cost-sharing under this practice.

(c) The filter cake should be spread over the land and plowed under with the second plowing and before furrowing. A certificate from the mill showing the tons of filter cake delivered to the participating farmer must be retained for presentation to the farm inspector at the time of inspection. If such certificate is not obtainable, the farmer must request the corresponding ASC District Office to inspect the filter cake before it is spread over the land.

Maximum Federal cost-share. $0.50 per ton, but not exceeding 20 tons per acre.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 1102.756 *Practice 16: Improvement of established permanent pasture of Molasses, Guinea, Gramalote, and Para Grass by seeding Tropical Kudzu for soil or watershed protection.* (a) Cost-sharing for carrying out this practice is limited to farms located within the three areas mentioned under practice 14 (§ 1102.754). No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(b) To qualify for cost-sharing, the seeding must be carried out on not less than one-half acre and the Tropical Kudzu must occupy at least 40 percent of the area in pasture to be improved.

(c) Receipts or invoices showing the purchase and alalysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in § 1102.714), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

Maximum Federal cost-share. (1) $10 per acre for seeding not less than 4 pounds of Tropical Kudzu. This rate of cost-sharing applies to the total area occupied by the Tropical Kudzu and the established pasture.

(2) $0.07 per pound of phosphate (available P_2O_5) applied to the area seeded to Tropical Kudzu. Cost-sharing will be allowed for applications of phosphate not exceeding 80 pounds of available P_2O_5 per acre.

§ 1102.757 *Practice 17: Improving the woodland protection which coffee groves provide for steep slopes by planting shade trees.* (a) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(b) Cost-sharing will be allowed only for trees which are well established, free from weeds and vines, and at least 1 foot high at the time of inspection.

(c) The shade trees to be planted must be of the leguminous species currently used such as guaba, venezolana, guaba, guama, moca, bucare enano, madre de cacao, etc. These must be well distributed among the coffee trees, and an appropriate number must be planted to provide, when grown, adequate shade for the coffee trees.

Maximum Federal cost-share. (1) $0.02 per tree planted in 1957 on the actual coffee-bearing acreage of the farm (but not in excess of the greater of either 10 acres or 30 percent of the coffee-bearing acres on the farm), but for not more than 100 trees per acre.

(2) $0.02 per tree planted in new sites (outside of the coffee-bearing area) being prepared in 1957 for the establishment of new coffee groves, but for not more than 200 trees per acre. The area eligible for this rate of cost-sharing is limited to not more than 10 acres and may be adjusted downward depending on the available funds.

§ 1102.758 *Practice 18: Improving the woodland protection which coffee groves provide for steep slopes by applying to coffee trees fertilizer of grades containing not less than 8 units of available nitrogen (N) and 10 units of available phosphate (P_2O_5).* (a) When the fertilizer applied on any farm does not meet such minimum requirements, the lower grades may be accepted if approved by the ASC State Office.

(b) The maximum number of pounds of coffee fertilizer for which cost-sharing will be allowed shall be the product of (1) 600 and (2) 25 percent of the actual number of coffee-bearing acres on the farm.

(c) Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in § 1102.714), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(d) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(e) To qualify for cost-sharing, the shade trees on the area where the fertilizer is applied must have been properly pruned, the forest litter and live ground cover properly maintained, and old or nonproductive coffee trees removed; all in accordance with the specifications approved by the ASC State Office.

Maximum Federal cost-share. $35 per ton of fertilizer applied.

§ 1102.759 *Practice 19: Initial establishment of permanent woodland cover or improvement of established woodland cover for soil protection in coffee groves less than four years old.* In order to qualify for cost-sharing, all parts of this practice which are needed must be carried out. Cost-shares will be allowed for not more than 10 acres on any farm. Cost-shares will be allowed only in groves planted or to be planted with coffee trees of the types known as arabiga. The coffee trees shall be healthy trees free of diseases and harmful insects. The live ground cover (grass and herbs) should not be cut to a height of less than about 6 inches and the forest litter must not be removed. The shade trees should be kept so pruned or thinned that their shade does not exceed 40 percent. When new coffee trees are planted they must be planted, as far as practicable, along the contour. No Federal cost-sharing will be allowed under any part of this practice for which the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(a) *Application of fertilizer.* Fertilizer applied under this practice shall contain not less than 8 units of available nitrogen (N) and 10 units of available phosphate (P_2O_5), except that when the fertilizer applied on any farm does not meet the minimum requirements, lower grades may be accepted if approved by the ASC State Office. Cost-shares will be allowed for not more than 800 pounds per acre. Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program, as provided in § 1102.714), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(b) *Establishment of water disposal areas.* Water disposal areas shall be established, where necessary, as determined by the Soil Conservation Service, and in accordance with specifications for practice 1 (§ 1102.741).

(c) *Establishment of field diversion ditches.* Field diversion ditches shall be established, where necessary, as determined by the Soil Conservation Service, and in accordance with specifications for practice 3 (§ 1102.743).

(d) *Initial establishment of permanent shade for the new coffee groves.* The shade trees to be planted must be of the leguminous species currently used, such as guaba venezolana, guaba, guama, moca, bucare enano, madre de cacao, etc. These must be well distributed among the coffee trees and a sufficient number must be planted to provide, when grown, adequate shade for the coffee trees. Cost-sharing will be allowed only for shade trees which are well established, free from vines and weeds, and at least 1 foot high at the time of inspection. Cost-sharing will be allowed for not more than 200 trees per acre. All new permanent shade trees must be planted as far as practicable along the contour. Banana plants may be used for temporary shade, but should be removed as soon as permanent shade trees can provide approximately 40 percent shade to the coffee trees. Normally such use of banana plants for temporary shade should not be continued after the coffee trees are 2 years old.

(e) *Applying ground limestone or its equivalent.* Cost-sharing will be allowed for applying up to 2 tons per acre of ground limestone containing at least 80 percent calcium carbonate equivalent if the determination of pH shows 5.2 or less. Receipts or invoices showing the purchase and calcium carbonate content of the ground limestone applied, properly dated and signed by the vendor, together with a copy of the certificate of pH determination issued by the Agricultural Extension Service or any agency designated for this purpose by the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico and the ASC State Office, should be retained for presentation to the farm inspector at the time of inspection.

Maximum Federal cost-share. (1) $35.00 per ton of fertilizer applied.

(2) Establishment of water disposal areas:

(a) $0.75 per 1,000 square feet when established by shaping and seeding.

(b) $3.25 per 1,000 square feet when established by shaping and sodding.

(c) $0.12 per cubic yard of earth moved when a channel is constructed by excavation.

(3) $0.12 per cubic yard of earth moved in the establishment of field diversion ditches.

(4) $0.02 per tree established for permanent shade.

(5) $5.00 per ton of ground limestone applied containing at least 80 percent calcium carbonate equivalent.

Done at Washington, D. C., this 6th day of November 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56-9276; Filed, Nov. 9, 1956; 8:48 a. m.]

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

SUBPART—1957

Our agricultural resources produce about two-thirds of the raw materials on which our national economy is based. As our Nation grows, an expanding economy and the raw materials essential to it become ever increasingly important to the welfare of every citizen. Through the Agricultural Conservation Program, all the people of the Nation share in the cost of protecting the most vital of our natural resources—our farm and ranch lands. This program is one of the many forms of public assistance essential to this protection. Research, education, technical services, and cost-sharing all are designed to help preserve or restore the physical characteristics of our agricultural lands so that a stable agriculture will be assured. The need for achievements beyond those which come just from wise use of the land for crop production is very great.

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AUTHORITY: §§ 1103.600 to 1103.652 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, Pub. Law 554, 84th Cong.; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1103.600 *Introduction.* (a) Through the 1957 Agricultural Conservation Program for the Virgin Islands (referred to in this subpart as the "1957 program"), administered by the Department of Agriculture, the Federal Government will share with farmers in the Virgin Islands the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm, and the exact specifications and rates of cost-sharing for such practices, are set forth in this subpart. Any additional information may be obtained at offices of the Soil Conservation Service located at St. Croix and St. Thomas.

(c) The 1957 program was developed by the ASC State Office, the Director of the Soil Conservation Service of the Caribbean Area, the Forest Service representative having jurisdiction of farm forestry in the Virgin Islands, representatives of the Virgin Islands Corporation, the Director of the U. S. Experiment Station at St. Croix, and representatives of the Government of the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

§ 1103.601 *General program principles.* The 1957 Agricultural Conservation Program for the Virgin Islands has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1957 on the lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed soil and water conservation practices.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland as a result of drainage. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their life span.

ALLOCATION OF FUNDS

§ 1103.602 *Allocation of funds.* The amount of funds available for conservation practices under this program is $12,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1103.617.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

§ 1103.603 *Selection of practices.* The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

§ 1103.604 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of practices 8 through 12 (§§ 1103.648 to 1103.651). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance.

(b) The Forest Service is responsible for the technical phases of practices 4, 5, and 6 (§§ 1103.644 to 1103.646). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practices, and (3) working through the ASC State Office, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1103.605 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1957 program as it applies to the Virgin Islands, and forms will be available at the ASC State Office at San Juan, Puerto Rico, and at the offices of the Soil Conservation Service at St. Thomas and St. Croix. Persons wishing to participate in this program should obtain all information needed from the offices mentioned in this subpart in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1103.606 *Opportunity for requesting cost-sharing.* Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm.

§ 1103.607 *Prior request for cost-sharing.* (a) Costs will be shared only for those practices for which cost-sharing is requested by the farm operator before performance thereof is started. For practices for which (1) approval was given under the 1956 Agricultural Conservation Program, (2) performance was started but not completed during the 1956 program year, and (3) the ASC State Office believes the extension of the approval to the 1957 program is justified under the 1957 program regulations and provisions, the filing of the request for cost-sharing under the 1956 program may be regarded as meeting the requirements of the 1957 program that a request for cost-sharing be filed before performance of the practice is started.

(b) Any farm operator who wishes to participate in the 1957 program must file a Cert. Form No. 39–57–V. I., Declaration of Intention, Request for Inspection, Certification of Conservation Needs, and Notice of Approval, on or before June 30, 1957. In cases of hardship, such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the offices of the Soil Conservation Service (SCS), offices of the Extension Service, and Farmers Home Administration at St. Croix or St. Thomas.

§ 1103.608 *Method and extent of approval.* The ASC State Office will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1957. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1103.609 *Initial establishment or installation of practices.* (a) Federal cost-sharing may be authorized under the 1957 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1957 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed, if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The ASC State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(b) With normal upkeep and maintenance, all practices included in this subpart, if carried out under the 1954 or a subsequent program, would not have served their life spans by the end of the 1957 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized only under the conditions set forth in this section.

§ 1103.610 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

PRACTICE COMPLETION REQUIREMENTS

§ 1103.611 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1103.612 and 1103.613, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1103.612 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1957 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with the applicable specifications and program provisions.

§ 1103.613 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover may be shared even though a good stand is not established, if the ASC State Office determines, in accordance with standards approved by the ASC State Office, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The ASC State Office may require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

FEDERAL COST-SHARES

§ 1103.615 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the ASC State Office determines was furnished by a State or Federal agency. Materials or services furnished through the program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1103.616 *Division of Federal cost-shares.*—(a) *Federal cost-shares.* The Federal cost-share shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1103.617 *Increase in small Federal cost-shares.* The sum of the Federal cost-shares computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increasd in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	$4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1103.618 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1957 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1957 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1103.619 *Persons eligible to file application.* Any persons who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved

maintenance by the current operator.

conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1103.620 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the SCS Work Unit Offices on the Islands forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the SCS Work Unit Offices on the Islands and making copies available to the press. Other means of notification, including individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limts for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the SCS Work Unit Offices on the Islands not later than February 28, 1958, except that the ASC State Office may accept an application filed after February 28, 1958, but not later than December 31, 1958, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the SCS Work Unit Office within the applicable time limit.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1958.

§ 1103.621 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1103.623 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1957 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1103.624 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1957 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1103.625 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1957 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1103.626 *Depriving others of Federal cost-shares.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1957 program.

§ 1103.627 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1957 program and shall refund all amounts that may have been paid to him under the 1957 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1103.628 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1103.629, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1103.629 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1957 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1103.633 *Definitions.* For the purposes of the 1957 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Virgin Islands.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the ASC State Office determines is operated by the same person as part of the same unit in producing livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land, and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm shall be regarded as located in the municipality in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(g) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(h) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Program year" means the period from August 1, 1956, through December 31, 1957.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1103.635 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957.

§ 1103.636 *Availability of funds.* (a) The provisions of the 1957 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1957 program will not be available for paying Federal cost-shares for which applications are filed in the SCS Work Unit Offices after December 31, 1958.

§ 1103.637 *Applicability.* (a) The provisions of the 1957 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (6) of this section, and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1103.640 *Concurrent operation of 1956 and 1957 Agricultural Conservation Programs.* The practices, specifications, and rates of cost-sharing included in this subpart are applicable to practices carried out on or after January 1, 1957. The practices, specifications, and rates of cost-sharing contained in the 1956 Agricultural Conservation Program for the Virgin Islands are applicable to practices carried out on or before December 31, 1956.

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 1103.641 *Practice 1: Initial establishment of permanent pasture for erosion control by seeding, sodding, or sprigging perennial grasses or other approved forage plants.* Federal cost-sharing will be allowed for planting any of the following grasses, or similar approved grasses or forage plants: Guinea, Molasses, Para, Barbados, Bermuda, Sour Paspalum, St. Augustine, Merker, Pangola. The varieties of grass must be well adapted to conditions of the particular area to be planted. The land must be properly prepared by plowing, harrowing if necessary, furrowing along contour lines, and sufficient quantities of slips, cuttings, or seeds used to assure a good ground cover at maturity. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and cultivating must be as nearly as practicable along contour lines. Federal cost-sharing for carrying out this practice is limited to not more than 10 acres on any farm, as defined in § 1103.633 (f).

Maximum Federal cost-share. $4.50 per acre.

§ 1103.642 *Practice 2: Initial eradication of hurricane grass for establishing permanent pasture for erosion control.* The eradication must be carried out by plowing or disking the whole area along contour lines, where practicable, to a depth of at least 6 inches and double cutting with a heavy disk harrow at least twice at 30-day intervals. Permanent pasture of the varieties specified in § 1103.641 (practice 1) must be established as soon as practicable after the hurricane grass has been eradicated. Federal cost-sharing for carrying out this practice is limited to not more than 10 acres on any farm, as defined in § 1103.633 (f).

Maximum Federal cost-share. $3.00 per acre.

§ 1103.643 *Practice 3: Initial eradication of shrubs or trees for establishing new permanent pasture for erosion control.* Federal cost-sharing will be allowed for eradicating any of the following shrubs or trees: Acacia, Soap Brush, Kanappy (Kennep), Guava, Logwood, Marigold, Wild Cedar, Ginger Thomas, all varieties of Cactus, Sage, Tan Tan, Thibet (Tebit). All shrubs or trees, except such as can be used for timber or shade, must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees, and roots must be removed from the land or may be burned thereon. Permanent pasture of the varieties specified in § 1103.641 (practice 1) must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the ASC State Office determines this is essential to establishing the grasses. Farmers must obtain prior approval from the ASC State Office of the area and acreage to be cleared before starting the practice. Federal cost-sharing for carrying out this practice is limited to not more than 10 acres on any farm, as defined in § 1103.633 (f). This practice is applicable only to St. Thomas and St. John Islands.

Maximum Federal cost-share. (a) $4.00 per acre on land with light growth where the shrubs or trees cover up to 30 percent of the area.

(b) $7.00 per acre on land with medium growth where the shrubs or trees cover more than 30 percent and up to 60 percent of the area.

(c) $10.00 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

§ 1103.644 *Practice 4: Initial establishment of a stand of adapted trees on farmland for farm woodlots, erosion control, or for forestry purposes.* The trees must be planted, regardless of the slope of the land, in rows not less than 10 feet apart, with a distance of not less than 10 feet within the row. Only those trees which are living at least 1 year after planting will be counted. All plantings must be protected from fire and grazing.

Maximum Federal cost-share. $0.05 per tree.

§ 1103.645 *Practice 5: Initial establishment of a stand of adapted trees on strips which have been cleared in areas of heavy brush, for erosion control and forestry purposes.* All brush on the strips must be uprooted and the brush removed from the spaces where the trees are to be planted. The trees must be planted on the strips cleared in this manner, and spaced not more than 10 feet apart. All plantings must be protected from fire and grazing. Federal cost-sharing will be allowed only for well-established trees, approximately 1 foot high and living at the time of inspection, and for not more than 200 trees per acre.

Maximum Federal cost-share. (a) For clearing strips 3 feet wide at intervals of 20 feet—$3.00 per acre.

(b) Planting trees such as mahogany or varieties suitable for timber, recommended by the Forest Service—$0.05 per tree.

§ 1103.646 *Practice 6: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.* For erosion control, trees must be planted on the contour and be protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. For windbreaks, the trees must be planted in such a pattern as to constitute an effective barrier against the prevailing winds. They must afford protection for adjacent areas which are devoted to agricultural purposes. Federal cost-sharing will be allowed for not more than 200 trees on a farm.

Maximum Federal cost-share. $0.10 per tree.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 1103.647 *Practice 7: Construction of permanent cross fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of the forage resources.* Federal cost-sharing will be allowed only for new fences constructed entirely of new materials. Federal cost-sharing will not be allowed for the repair, replacement, or maintenance of existing fences. To qualify for cost-sharing, fences must have pasture or range land on both sides of the fence.

Maximum Federal cost-share. (a) If fences are established with barbed wire—$2.20 per 100 linear feet. Hardwood or living tree posts or steel posts shall be used. Posts must be spaced not more than 6 feet apart with corner posts adequately braced. Four strands of No. 12½ standard gauge or heavier barbed wire must be used and tightly stretched.

(b) If fences are established with woven wire—$3.00 per 100 linear feet. Hardwood or living tree posts or steel posts shall be used. The posts must be spaced not more than 10 feet apart with corner posts adequately braced. The woven wire must be not less than 4 feet high with a top and bottom strand of No. 10 standard gauge wire and of 12½ standard gauge in all intermediate wires, and with stay wires 12 inches apart. The woven wire must be tightly stretched.

§ 1103.648 *Practice 8: Constructing wells for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting vegetative cover.* The wells should be constructed or drilled in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate storage facilities and drinking troughs for animals also must be provided. No Federal cost-sharing will be allowed for wells constructed or drilled primarily for the use of farm headquarters nor unless an adequate supply of water is obtained.

Maximum Federal cost-share. (a) Constructing dug wells lined with stone—$3.25 per cubic yard of well dug. The wells must have a minimum diameter of not less than 8 feet, including the stone lining, which must have a thickness of not less than 12 inches.

(b) Drilling wells:

(1) $1.00 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) $2.00 per linear foot of well for wells having a bore taking a casing of 4 inches or more but less than 6 inches in diameter, excluding artesian wells.

(3) $3.00 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 1103.649 *Practice 9: Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting vegetative cover.* Federal cost-sharing will be allowed when the pipeline carries the water to areas where no other water supply for livestock is available and proper drinking troughs for livestock have been provided; and where the pipe used is new galvanized or comparable pipe meeting the following minimum specifications.

STANDARD GALVANIZED PIPE

Size (inches)	Diameters		Thickness	Weight per foot		Threads per inch
	External	Internal		Plain ends	Threads and couplings	
¾	1.050	0.824	0.113	1.130	1.134	14
1	1.315	1.049	.133	1.678	1.684	11½
1¼	1.660	1.380	.140	2.272	2.281	11½
1½	1.900	1.610	.145	2.717	2.731	11½
2	2.375	2.067	.154	3.652	3.678	11½
2½	2.875	2.469	.203	5.793	5.819	8
3	3.500	3.068	.216	7.575	7.616	8
3½	4.000	3.548	.226	9.109	9.202	8

The pipe will be buried sufficiently deep to prevent damage by farm machinery where crossings are needed.

Maximum Federal cost-share. (a) $0.10 per linear foot when galvanized pipes of from ¾ to 1 inch diameter are used.

(b) $0.15 per linear foot when galvanized pipes of from 1¼ to 1½ inches diameter are used.

(c) $0.25 per linear foot when galvanized pipes of 2 inches or more diameter are used.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 1103.650 *Practice 10: Constructing concrete or rubble masonry storage tanks for accumulating water for livestock or for irrigation.* (a) Storage tanks must be constructed in places where the accumulated water may be piped to areas of the farm where the providing of water will contribute to a better distribution of grazing livestock, improvement of the pasture management, or the conservation of soil resources, and must conform to the following minimum specifications.

(1) *Concrete storage tanks.* Concrete storage tanks will be constructed to conform to plans and specifications approved by Soil Conservation Service engineers. Since the size and shape of these structures will necessarily vary greatly to meet local requirements, detailed plans must be prepared and approved before construction is begun. Construction and installation will conform to Technical Specifications for Class B concrete as prepared by the Soil Conservation Service. These specifications may be obtained from the local Soil Conservation Service office.

(2) *Rubble masonry tanks.* Walls will have a minimum top width of 12 inches and will have a batter of 1 inch per foot height on both faces. Bottom will be excavated as nearly level and smooth as practicable to a firm foundation. A minimum of 2 inches of mortar will be poured in the bottom and the stone bedded firmly in the mortar. Stone used in paving will be at least 6 inches thick. All joints, cracks, and voids will be filled with mortar when the floor is constructed. It is recommended that the inside of tanks, floor, and walls be plastered to insure watertightness and facilitate cleaning. Where reinforced concrete bottoms are used, specifications for bottom of concrete tanks will be prepared by SCS engineers. In this case, the floor and footings for wall support will be poured as one continuous slab.

(i) *Mortar.* The mortar mix shall consist of one part by volume of cement to three parts of clean, well-graded sand. Sand and cement shall be thoroughly mixed dry, after which only sufficient water shall be added to produce a workable mixture. This should be not more than 5½ gallons per sack of cement, this to include free water in the sand.

(ii) *Stone.* Stone should be clean, hard, and free from decomposed or foreign materials. The use of weathered stone or stone with a deteriorated outer surface is prohibited.

(iii) *Placing.* All stone should be thoroughly cleaned and wetted before being used. All stone should be laid so as to break joints. Stratified stone should be laid on its natural bed and not on edge. All space between stone must be filled with mortar. No dressing or tooling shall be done upon any stone after it is in place.

(iv) *Curing.* During construction and for at least 7 days after completion, the new structure should be covered with wet burlap or similar material that will keep the masonry in a moist condition during its curing period.

(b) Whenever needed, adequate pumping equipment and drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for maintaining an existing structure.

Maximum Federal cost-share. (a) $12.00 per cubic yard of concrete structure.

(b) $7.00 per cubic yard of rubble masonry structure.

§ 1103.651 *Practice 11: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.* (a) The construction of bench terraces supporting rock barriers is limited by the slope of the field and the depth of the soil. No Federal cost-sharing will be allowed on slopes exceeding 60 percent. Minimum specifications for different slopes and soil depths required are given in the following table.

Slope of land (percent)	Minimum soil depth (feet)	Vertical interval (feet)	Lateral spacing (feet)	Required height of rock wall (feet)	Minimum base width of wall (inches)	Batter on exposed face (inches per foot high)
10 or less	1.5	1.5	15.0	2.5	18	3
11 to 15	2.0	2.0	13.3	3.0	21	3
16 to 20	2.25	2.5	12.5	3.5	23	3
21 to 25	2.5	3.0	12.0	4.0	24	3
26 to 30	2.75	3.5	11.6	4.5	26	3
31 to 35	3.0	4.0	11.4	5.0	27	3
36 to 40	3.25	4.5	11.2	5.5	29	3
41 to 45	3.5	5.0	11.0	6.0	30	3
46 to 50	3.5	5.0	10.0	6.0	30	3

(b) Rock barriers must be laid out or their layout approved by a Soil Conservation Service technician. They must be on the contour or across the slope with grade from ridge to or toward the natural drainageway of not more than 0.5 percent. Bench terraces must conform to and become a part of the overall water disposal system. Protected water disposal channels and/or structures must be provided prior to the construction of bench terraces. A water disposal trench must be established on each terrace at the base of the next higher rock barrier. This trench should be at least 6 inches deep and 1 foot wide with a maximum grade of 0.5 percent to the protected outlet. The top of the terrace must have a grade of from 0.2 percent to 0.5 percent from the outer edge toward the disposal trench at the base of the next higher barrier. When the Soil Conservation Service technician determines it necessary, a diversion ditch must be constructed above the bench terraces to intercept surface runoff from the area above.

Maximum Federal cost-share. $1.50 per cubic yard of rock used.

§ 1103.652 *Practice 12: Subsoiling to permit better penetration of water.* Federal cost-sharing will be allowed for subsoiling cropland and pastureland to a depth that will effectively shatter the hardpan to permit better water penetration. To qualify for cost-sharing, subsoiling must be performed to a minimum depth of 14 inches, and a maximum spacing interval of 4 feet. On sloping land, subsoiling must be done following the approximate contours. Subsoiling should be performed when the soil is dry so that maximum fracture of the hardpan results. Applicable only to land which the Soil Conservation Service determines can be benefited by subsoiling. Adequate implements must be used. A moldboard plow will not qualify. Cost-sharing is limited to the rate times the acres subsoiled regardless of the number of operations on the same acreage. These specifications and rates of cost-sharing are applicable when this practice is carried out on or after January 1, 1957.

Maximum Federal cost-share. $2.00 per acre subsoiled.

Done at Washington, D. C., this 6th day of November 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56-9275; Filed, Nov. 9, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

PROMOTIONS

In Part 861, §§ 861.21 to 861.27 are rescinded and the following substituted therefor:

Sec.
861.21 Purpose.
861.22 Eligibility requirements.
861.23 Officers released before completion of required promotion service.
861.24 Authority to promote.
861.25 Procedure for members of the Air National Guard of the United States.
861.26 Promotion orders.
861.27 Entries required.

AUTHORITY: §§ 861.21 to 861.27 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 514, 68 Stat. 1176; 50 U. S. C. 1344.

DERIVATION: AFR 36-68, August 15, 1956.

§ 861.21 *Purpose.* Sections 861.21 to 861.27 explain how Reserve of the Air Force Officers receive permanent promotions based on their service in higher temporary grades.

§ 861.22 *Eligibility requirements.* To be eligible for promotion under §§ 861.21 to 861.27, an officer on extended active duty must:

(a) Be serving on active duty in a temporary grade higher than his Reserve of the Air Force grade.

(b) Complete, in his present Reserve of the Air Force grade, at least the following number of years of service:

For promotion to grade of:	Minimum number of years
Captain	2
Major	4
Lieutenant Colonel	4
Colonel	3

NOTE: Promotion to first lieutenant is not authorized under §§ 861.21 to 861.27.

(c) Have been promoted to the higher temporary grade under a general selection board procedure, except as provided for in § 861.23.

(d) Apply, through channels, to the appropriate promoting authority shown in § 861.24. He will not apply earlier than the date he completes the minimum number of years of promotion service specified in paragraph (b) of this section.

§ 861.23 *Officers released before completing required promotion service.* (a) A Reserve of the Air Force Officer serving on active duty in a temporary grade higher than his permanent grade, who was promoted to that temporary grade under any procedure and is released from active duty before completing the promotion service in grade specified in § 861.22 (b), will retain that temporary grade.

(b) After completing the prescribed promotion service in grade and making application, an officer of the Air Force Reserve will be promoted to the next higher grade without regard to vacancies in that grade if he has maintained an active status.

§ 861.24 *Authority to promote*—(a) *Of officers on active duty.* (1) Commanders of major air commands are authorized to announce promotions under §§ 861.21 to 861.27. They may delegate this authority to numbered air forces or equivalent command level.

(2) Headquarters USAF will announce promotion of officers not assigned to a major air command, upon their application through channels to the Director of Military Personnel, Attn: Promotions and Separations Division.

(b) *Of officers not on active duty.* Commanders of the appropriate numbered Air Force of the Continental Air Command are authorized to announce

promotion of officers not in the active military service.

§ 861.25 *Procedure for members of the Air National Guard of the United States in the active service.* An officer of the Air National Guard of the United States in the active service, who meets the requirements of § 861.22, may apply for promotion in the Air National Guard directly to the Adjutant General of the appropriate state, territory, or District of Columbia. The officer will attach to his application a true extract copy of the Air Force order promoting him to the higher temporary grade. The governor or other appropriate authority of the state, territory, or District of Columbia, may promote the officer to fill a vacancy in the state, territory, or District of Columbia, whichever is concerned. If necessary, the vacancy may be specially created.

(a) If the officer is promoted in the Air National Guard he will be extended Federal recognition in the higher grade, effective on the date of his promotion, without the examination prescribed in section 75 of the National Defense Act, as amended (39 Stat. 202; 32 U. S. C. 113), and will be promoted as Reserve of the Air Force effective the date of Federal recognition.

(b) If the officer is not promoted in the Air National Guard of the state, territory, or District of Columbia, whichever is concerned, within 90 days after his application, Federal recognition in his permanent grade will be terminated by the National Guard Bureau. He will then be transferred to the Air Force Reserve and promoted.

§ 861.26 *Promotion orders.* (a) Orders will be issued and will cite §§ 861.-21 to 861.27 as authority. The date the officer applied for promotion, if he was eligible on that date, will be used in the special order as the effective date of the promotion.

(b) Commanders effecting promotions under §§ 861.21 to 861.27 will forward, without delay, to the Director of Statistical Services, Headquarters United States Air Force, Washington 25, D. C., one copy of the promotion order for each officer promoted.

§ 861.27 *Entries required.* Promotions effected under §§ 861.21 to 861.27 will be entered on the Officer's Military Personnel Record; they will also be entered on the morning report.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-9262; Filed, Nov. 9, 1956; 8:45 a. m.]

Subchapter G—Personnel

PART 887—APPOINTMENT OF OFFICER PERSONNEL

APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

1. The headnote of Part 887 is revised to read as set forth above and the center heading of §§ 887.1 to 887.10 reads "Appointment of Medical and Dental Officers in the Regular Air Force".

2. In Part 887, §§ 887.101 to 887.107 are revised to read as follows:

Sec.
887.101 Purpose.
887.102 Policy.
887.103 Definitions.
887.104 Grade determination.
887.105 Eligibility.
887.106 Periods.
887.107 Application.

AUTHORITY: §§ 887.101 to 887.107 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 70 Stat. 582.

DERIVATION: AFR 36-5, September 13, 1956.

§ 887.101 *Purpose.* Sections 887.101 to 887.107 establish the eligibility requirements and the procedure for application and appointment of commissioned officers in the Regular Air Force. Sections 887.101 to 887.107 apply to all non-Regular officers (male and female) on extended active duty, who desire to apply for commission in the Regular Air Force, except those persons seeking appointment in the Regular Air Force for the performance of duty as chaplains, judge advocates, doctors, dentists, veterinary officers, nurses, medical specialists, or medical service officers.

§ 887.102 *Policy.* The policy of the Air Force is to conduct an orderly build-up of the Regular Air Force toward authorized officer strength. This build-up will be accomplished by tendering Regular Air Force appointments to those persons who possess officer qualities, ability, and experience required by the Air Force. Vacancies exist in the Regular officer structure in promotion list service groups. Accordingly, applications will be considered for existing vacancies in promotion list service groups. Appointments will be tendered in the grades of second lieutenant through lieutenant colonel. At the time of appointment, any person, who would be entitled to a permanent grade in the Regular Air Force which is higher than the temporary or Reserve grade in which serving on active duty, is not eligible for appointment under §§ 887.101 to 887.107; this determination will be made by Headquarters USAF. Final selection of applicants will be accomplished by a board of officers at Headquarters USAF. Those applicants considered best qualified to meet the requirements of the Air Force will be selected. Such factors as manner of performance, breadth of experience, type of assignments, technical competence, and any substantiated derogatory information will be evaluated. The recommendations of the Headquarters USAF selection board will be final. However, the President may remove from the recommended list the name of any officer who has been selected for appointment by the Headquarters USAF selection board, but who, in his opinion, is not qualified for appointment.

§ 887.103 *Definitions*—(a) *Organization commander.* The commander of the organization to which the applicant is actually assigned for administrative purposes.

(b) *Test control officer.* The officer responsible for administering personnel research tests.

(c) *Major air commander.* The commander responsible for the operation and administration of any organization designated a major air command, who reports directly to the Chief of Staff USAF.

(d) *Regular officer selection test.* The Air Force Personnel Research Test 423 for male or Air Force Personnel Research Test 424 for a female is used to measure certain qualities which are important to success as a commissioned officer.

(e) *Promotion list service credit.* That credit awarded for the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, eligibility for promotion, and mandatory retirement or elimination under the Officer Personnel Act of 1947, as amended, pursuant to section 8296 of Title 10, United States Code.

(f) *Special effectiveness report.* That special USAF Officer Effectiveness Report (AF Form 77) furnished by the applicant's commander and submitted as part of the application for a Regular Air Force appointment.

§ 887.104 *Grade determination*—(a) *Service credit.* For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, eligibility for promotion, and mandatory retirement or elimination under the Officer Personnel Act of 1947, as amended, section 8296 of Title 10, United States Code, a person appointed under §§ 887.101 to 887.107 will be credited at the time of his appointment with the active Federal commissioned service in the Armed Forces that he performed after becoming 21 years of age and before his appointment. In addition and for the same purposes, a person appointed under §§ 887.101 to 887.107 may be credited by Headquarters USAF with not more than 2 years of constructive service.

(b) *Permanent grades.* (1) Based on promotion list service credit as outlined in paragraph (a) of this section, commissioned grade of appointment will be as follows:

Promotion list service credit	*Grade*
Less than 3 years	Second lieutenant.
3 but less than 7 years	First lieutenant.
7 but less than 14 years	Captain.
14 but less than 21 years	Major.
21 or more years	Lieutenant colonel.

Notwithstanding any other provision of law, no person, who was a cadet at the United States Air Force Academy or the United States Military Academy, or a midshipman at the United States Naval Academy, may be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at that Academy are graduated and appointed as officers. No person, who was enrolled at, but did not graduate from, an Academy, may be credited, upon appointment as a commissioned officer of the Regular Air Force with longer service than that credited to any member of his class at that Academy whose service in the Air Force, or in the Army and the Air Force, has been continuous since graduation.

(2) To prevent loss of seniority among newly appointed Regular officers and to eliminate a delay in promoting those Regular officers already on the promotion list, the appointment of an officer, who is within 6 months of becoming eligible for appointment in the next higher grade in the Regular Air Force at the time of selection, will be delayed until after the date on which he completes the necessary service for appointment in the next higher grade.

(3) The name of each person appointed under §§ 887.101 to 887.107 will be placed on the promotion list immediately below the most junior officer of the same grade who has the same or next greater amount of service credit; and will be awarded the appropriate date of rank in permanent grade.

(c) *Temporary grade.* Appointment in the Regular Air Force will not affect grade or date of rank in temporary grade held by appointee. A Reserve of the Air Force commission or Regular warrant officer appointment will be vacated on the day before the date of execution of oath of office as a Regular Air Force officer. An officer accepting a Regular Air Force appointment, who is serving in his Reserve of the Air Force grade equivalent to or higher than his Regular Air Force grade, will be tendered a temporary United States Air Force appointment in the equivalent or higher grade with no change in current active duty date of rank.

§ 887.105 *Eligibility.* Each person applying under §§ 887.101 to 887.107 must meet the eligibility requirements contained in paragraphs (a) through (g) of this section. Waivers are not authorized, except as provided for in paragraphs (b) and (c) (3) of this section.

(a) *Current status.* An applicant must hold a valid appointment as a Reserve of the Air Force officer or USAF temporary officer, and must be serving as a commissioned officer in the active military service. In the event that an officer's established date of separation occurs before receipt of appointment, he may apply for indefinite active duty status, or, he may, upon approval of his organization commander, sign a specified period of time contract extending his date of separation until June 30, 1958, unless sooner released from extended active duty for the convenience of the Government. A person, released from active duty for any reason after submission of application, will no longer be considered for a Regular Air Force appointment.

(b) *Age.* At the time of application, an applicant may not exceed the age of 30 years by more than the number of years, months, and days he has served on active duty as a commissioned officer in the Armed Forces of the United States. An applicant may request, in writing, a waiver of the age limitation. Such waiver will be subject to final approval by the Secretary of the Air Force. However, no person may be appointed if he exceeds the age which would permit him to complete 20 years of active Federal commissioned service before he attains his 55th birthday. The Regular appointment of any person selected, who is under 21 years of age, will be withheld until after he has reached his 21st birthday.

(c) *Education.* (1) While not mandatory, a baccalaureate degree is desirable, particularly in the fields of engineering, the basic sciences, or management or its related fields. At time of application, an applicant must have been granted a minimum of 60 semester hours (90 quarter hours) credit toward a baccalaureate degree from a college or university listed by the Office of Education, United States Department of Health, Education, and Welfare, in part 3 of the Education Directory, Higher Education, published annually, or Accredited Higher Institutions, as having either:

(i) Nationwide accreditation.

(ii) Regional accreditation.

(iii) Accreditation by a national professional association.

(iv) Unconditional admission to the graduate school of a State university, or

(v) Full transfer credit to a State university.

(2) An applicant, whose credits are from a college or university which does not meet the criteria outlined in subparagraph (1) of this paragraph, will be considered as meeting the educational requirement, provided that he obtains a written statement from any nationally or regionally accredited college or university indicating that a sufficient number of his credits are acceptable for admission to at least full junior standing.

(3) An applicant may request, in writing, waiver of the requirements in subparagraphs (1) and (2) of this paragraph. Such waiver will be subject to final approval by Headquarters USAF.

(d) *Citizenship.* An applicant must be a citizen of the United States. An applicant, who is not a citizen by birth, must furnish a certificate by an officer, notary public, or any other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number ---------- (or certified copy of court order establishing citizenship) stating that ----------
(Full name)
was admitted to United States citizenship by the ---------- Court of ----------,
(District or county)
---------- on ----------
(State) (Date)
The following person was named in the certificate as a minor child: ----------
---------- age ----------
(Full name)

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances. Act June 25, 1948 (62 Stat. 767; 18 U. S. C. 1426 (h)) provides that "whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(e) *Medical.* An applicant must be medically qualified. Standard Form 88, "Report of Medical Examination," and Standard Form 89, "Report of Medical History," will not be submitted with the application, but will be requested before appointment.

(f) *Background.* An applicant must be of such background, character, and reputation to insure that his appointment into the Regular Air Force would be clearly consistent with the interests of the Air Force. Each applicant selected for appointment must be the subject of a favorable National Agency Check before the date of official tender of appointment. Any person, who is or has been a conscientious objector, may not be commissioned in the Regular Air Force.

(g) *Dependents.* A male applicant is not restricted with regard to dependents. However, a female applicant, who is the parent by birth or adoption of a child under 18 years of age of whom she has personal or legal custody; is the stepparent of a child under 18 years of age and the child is within her household for a period of more than 30 days a year; or has or assumes personal custody of any child under 18 years of age, may not be appointed.

§ 887.106 *Periods*—(a) *Probationary period.* The appointment of any person under §§ 887.101 to 887.107 is probationary for 3 years and may be revoked by the Secretary of the Air Force at any time before the third anniversary of the acceptance of such appointment.

(b) *Application period.* An application may be submitted during the period October 15, 1956 to March 14, 1957. An application submitted after March 14, 1947 will be returned by the organization commander to the applicant. An application submitted under §§ 887.101 to 887.107 will remain valid until a new application period is announced by Headquarters USAF.

§ 887.107 *Application.* An applicant must comply with the following instructions:

(a) *Submitting application.* (1) Applications should be submitted at the earliest possible date, in the following manner:

(i) A person, who is not on orders for change of station assignment, will submit his application directly to his organization commander.

(ii) A person, who receives permanent change of station orders during the established application period, will submit application to his unit of assignment before departure on permanent change of station. If necessary processing action by the organization commander cannot be accomplished before permanent change of station, the application will then be submitted to the commander of his new unit of permanent assignment.

(iii) A person, who is in a permanent change of station status on opening date of application period, will submit application to his new unit of permanent assignment.

(iv) A person, who is on temporary duty of such duration which will preclude complete action on his application after return from temporary duty, will submit application to the commander of his temporary duty station.

(2) A complete application will consist of the following documents:

(i) Two copies of AF Form 17, "Application for Appointment in the Regular Air Force."

(ii) Original or photostat of authenticated transcripts substantiating education, or, if applicable, a written statement from any nationally or regionally accredited college or university, indicating that a sufficent number of his credits are acceptable for admission to at least full junior standing, or a written request for waiver of educational requirement.

(iii) Certificate from an officer verifying citizenship by naturalization as required in § 887.105 (d), if applicable.

(iv) Five copies of DD Form 398, "Statement of Personal History," and one completed FBI Applicant Fingerprint Card, if the applicant has not been the subject of a favorable National Agency Check or complete background investigation during current tour of active duty.

(v) DD Form 98, "Loyalty Certificate for Personnel of the Armed Forces."

(vi) AF Form 1475, "Certificate of Active Federal Commissioned Service After Age 21." This certificate will be prepared by the applicant and service should be computed as of December 31, 1957.

(vii) Any other papers or statements considered relevant by the applicant.

(viii) Written request for waiver of age, if applicable.

(b) *Testing.* An officer, who has 5 or more years of active Federal commissioned service as of December 31, 1957, need not be tested. An applicant, who has less than 5 years' active Federal commissioned service as of December 31, 1957, will report for testing at the designated time and place, or make prior arrangements which are satisfactory to the appropriate commander.

(c) *Distinguished graduates.* An applicant, who has been designated a Distinguished Aviation Cadet graduate, Distinguished Officer Candidate graduate, or Distinguished Air Force ROTC graduate, should attach to his application a copy of the letter designating him as such, to insure that special consideration is given for such achievement.

(d) *Change of address.* The military address furnished on the application will be used for contacting an applicant. The applicant must give immediate notice to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: AFPTR-P-3A, Washington 25, D. C., of any permanent change of address between submission of application and notification of final action.

(e) *Replying to communications.* An applicant, who does not promptly reply to and/or comply with all communications and instructions regarding his application and testing, will be considered as being no longer interested in a Regular commission and his application will be considered abandoned.

(f) *Returning application.* Application and supporting documents, which are forwarded to Headquarters USAF, will not be returned to an applicant, except as provided for in paragraph (g) of this section.

(g) *Withdrawing application.* A person may withdraw his application at any time before acceptance of a Regular appointment by submitting a written request to the major air command to which assigned. If major air command of assignment is not the command responsible for processing the application, the request will be forwarded to the command having such responsibility. If necessary, the request for withdrawal will be forwarded to Headquarters USAF.

(h) *Compromising test questions.* An applicant must not discuss the contents of the Regular Officer Selection Test after its completion. Since officers are selected for Regular appointments on a competitive basis, any applicant who has advance information concerning test questions will be at a decided advantage over all other applicants.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-9261; Filed, Nov. 9, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 202—OPTICS AND METROLOGY

MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

1. Section 202.404 *Steel tapes,* is amended by the revision of items a, b, e, and h to read as follows:

Item	Description	Fee
202.404a	Steel tape—determination of correction to the total length of the tape when supported throughout at standard tension and at standard temperature, for each 200 feet or 50 meters or fraction thereof	$9.50
	This is the regular standard test which will be made and charged for in each case, to determine whether or not the tape is entitled to certification. To this amount must be added the fees for any additional tests made, and for item (n), if applicable in accordance with the following schedule.	
202.404b	Steel tape—determination of correction to the total length when supported throughout at any tension other than standard tension, for each 200 feet or 50 meters or fraction thereof	1.00
	Tension desired must be specified.	
202.404e	Steel tape—determination of correction to the total length of a subinterval under the same conditions as to tension, and points of support as for total length	1.00
	The points at which these measurements are made must be points at which the tape is supported. The Bureau is not prepared to test tapes supported at points more than 200 feet or 50 meters apart.	
202.404h	Steel tape—determination of correction to a subinterval at the tension at which the correction to the total length is most nearly zero and under the conditions of support used in the test under item (g)	1.00

2. Section 202.406 *Surveyors measuring instruments (other than tapes)* is amended by the revision of item a to read as follows:

Item	Description	Fee
202.406a	Leveling rod—testing principal interval	$17.00

3. Section 202.407 *Sieves* is amended to read as follows:

Item	Description	Fee
202.407a	Sieve—test of a sieve, No. 2½ to No. 400 inclusive, to determine conformity to specification, but not including the sieving test	$6.00
202.407z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

4. Sections 202.500 to 202.504 under the centerhead "Gages" are revised to read as follows:

GAGES

§ 202.500 *General.* (a) (1) Test fee schedules in §§ 202.501 to 202.504 include a statement of the relative accuracy to which measurements are ordinarily made. However, if the character of the defining surface of a gage or other article is not such as to warrant the certification to this accuracy, the report will show the accuracy actually obtained. If a greater accuracy is requested and the defining surfaces are such as to permit measurements to the accuracy requested, the necessary measurements will be made and a special fee will be charged. All gage blocks submitted for test should be in substantially new block condition.

(2) In addition to the items covered by §§ 202.501 to 202.504 other items such as gage block accessories, angle gage blocks, taper plug and ring gages, and gill net gages are occasionally calibrated. Other sizes of the items listed in the fee schedules are also calibrated on special request. These tests and calibrations are made so infrequently that it is not practical to list a definite fee, and such work will be done on the basis of the cost of fulfilling the individual purchase order.

(b) In the shipment of gages, extreme precautions should be taken both against corrosion and damage by contact with other gages during transit. All defining steel surfaces should be greased and protected with waxed paper or a suitable strippable plastic coating. A greased steel surface coming in contact with newspaper, wrapping paper (unwaxed) or excelsior is very likely to corrode. Sets of gage blocks should have packing

inside the case, and the case should be bound shut as the clasps frequently open or break during shipment. Small gages suitably wrapped may be fastened in place in a strong rigid container so that no movement is possible. Plug and ring gages should ordinarily not be shipped mated. In the case of large-sized threaded plugs and rings, however, mating is permissible as a means of protecting the plug threads. In such cases a grease must be used that will prevent electrolytic corrosion between the mating gages.

§ 202.501 *Gage blocks and end standards of length.*

Item	Description	Fee
202.501a	Gage blocks—determination of length to ±0.000004" and excessive errors in flatness and parallelism, for sizes from 0.100" to and including 1.000" in lots of 10 or more, each	$2.75
	(Actual cost of calibration will be charged for smaller lots.)	
202.501b	Gage blocks—determination of length to ±0.000005", and ±0.000006", and ±0.000007" respectively for blocks from 1" to 2", 2" to 3", and 3" to 4" in length and excessive errors in flatness and parallelism, in lots of 3 or more, each	10.00
	(Actual costs of calibration will be charged for smaller lots.)	
	Measurements as described under schedules (a) and (b) for usual 81 block set, per set	240.00
202.501ab 202.501c	Gage blocks—determination of length to ±0.000002" and excessive errors in flatness and parallelism, for sizes from 0.100" to and including 1.000", in lots of 10 or more, each	4.50
	(Actual cost of calibration will be charged for smaller lots.)	
202.501d	Gage blocks—determination of length to ±0.000002", ±0.000003", and ±0.000004" respectively for blocks from 1" to 2", 2" to 3", and 3" to 4" in length and excessive errors in flatness and parallelism, in lots of 3 or more, each	13.00
	(Actual cost of calibration will be charged for smaller lots.)	
202.501cd	Measurements as described under schedules (c) and (d) for usual 81 block set, per set	390.00
202.501e	Gage blocks—determination of length to ±0.000003" and excessive errors in flatness and parallelism, for sizes from 0.010" to and including 0.090", in lots of 10 or more, each	3.50
	(Blocks in this size range are usually warped and do not warrant calibration to a higher accuracy. In special cases blocks 0.040" and thicker will be calibrated under schedule 202.501c if the errors in flatness of the blocks are not excessive.)	
202.501f	Gage blocks—determination of length to ±0.000001" per inch of length and excessive errors in flatness and parallelism, for sizes greater than 4" but not exceeding 8", each	15.00
202.501g	Gage blocks—determination of length to ±0.000001" per inch of length and excessive errors in flatness and parallelism, for sizes greater than 8" but not exceeding 20", each	23.00
202.501fg	Measurements described under schedules (f) and (g) for set of 8 blocks consisting of one block each of the following lengths: 5, 6, 7, 8, 10, 12, 16 and 20", per set	150.00
	End standards with spherical or pointed ends, or flat ends with area of contact less than ⅓ square inch:	
202.501aa	End standards—determination of length to ±0.00004" for lengths up to and including 8", each	12.00
202.501bb	End standards—determination of length to ±0.000005" per inch of length for lengths over 8" up to and including 20", each	18.00
202.501cc	End standards—determination of length to ±0.000005" per inch of length for lengths over 20" up to and including 40", each	24.00
202.501dd	End standards—determination of length to ±0.000005" per inch of length for lengths over 40" up to and including 72", each	32.00
202.501z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.502 *Plain cylindrical plug and ring gages.*

Item	Description	Fee
202.502a	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.00003" for sizes up to and including 6", each	$12.00
202.502b	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.00001" for sizes up to and including 2", each	18.00
202.502c	Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.00003" for sizes ¼" up to and including 6", each	15.00
202.502d	Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.00001" for sizes ¼" up to and including 2", each	30.00
202.502z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.503 *Thread plug and ring gages.*

Item	Description	Fee
202.503a	Straight thread plug gages and setting thread plug gages—determination of angle to 2' to 8' depending on pitch, lead error and pitch diameter to 0.0001", major diameter to 0.0002", thread form as to clearance, for sizes up to and including 4", each	$15.00
202.503b	Straight thread ring gages—determination of angle to 5' to 20' depending on pitch, lead error to 0.0001", minor diameter to 0.0002", thread form as to clearance, and fit on setting plug, for sizes 3/16" to 12", each	15.00
202.503c	Taper thread plug gages (except A. P. I. Cable and Rotary gages)—determination of half angles to 3' to 10' depending on pitch, lead error, pitch diameter and taper to 0.0001", major diameter to 0.0003", and thread form as to clearance, for sizes up to including 10", each	40.00
202.503d	Taper thread plug gages—determination of half angles to 3' to 10' depending on pitch, lead error and taper to 0.0001", pitch diameter to 0.0002", major diameter to 0.0004", and thread form as to clearance, for sizes from 10" to 24", inclusive, each	50.00
202.503e	Taper thread ring gages (except A. P. I. Cable and Rotary gages)—determination of angle to 5' to 15' depending on pitch, lead error to 0.0001", taper to 0.0002", minor diameter to 0.0005" (or truncation of thread crest), thread form as clearance, and standoff from mating plug to 0.001", for sizes up to 24", each	30.00
202.503f	A. P. I. Cable and Rotary taper thread gages—determination of half angles of thread to 3', lead error, pitch diameter and taper to 0.0001", major diameter to 0.0003", thread form as to clearance, and standoff from grand master ring to 0.005", for sizes up to 6⅝", each	60.00
202.503g	A. P. I. Cable and Rotary taper thread ring gages—determination of half angles of thread to 5", lead error to 0.00012, taper to 0.0002", minor diameter to 0.0005", thread form as to clearance, and standoff from mating and grand master plug to 0.0005" for sizes up to 6⅝", each	40.00
202.503h	A. P. I. Cable and Rotary tool joint gages—determination of mating standoff and standoff from grand master gages, per set	15.00
202.503i	A. P. I. sucker rod plug gages designated as P1, P5, B2, and B6—determination of dimensions specified in API Std. No. 11 B, each	15.00
202.503j	A. P. I. sucker rod plug gages designated as P3 and B4—determination of dimensions specified in API Std. No. 11 B, each	30.00
202.503k	A. P. I. sucker rod ring gages designated as P2, P6, B1 and B5—determination of dimensions specified in API Std. No. 11 B, each	16.00
202.503L	A. P. I. sucker rod ring gages designated as P4 and B3—determination of dimensions specified in API Std. No. 11 B, each	25.00
202.503m	A. P. I. sucker rod gages—determination of dimensions specified in API Std. No. 11 B for the inspection of used gages, per set of any size	75.00
202.503z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.504 *Instruments and components.*

Item	Description	Fee
202.504a	Micrometer calipers—determination of errors at 10 points selected to test uniformity of gradutions as well as lead errors. Also determination of planeness and parallelism errors of contact surfaces, each	$25.00
202.504b	Dial micrometers—determination of errors in each 1/10th revolution of the pointer for 1 revolution and each half revolution up to 5 revolutions, each	18.00
	NOTE: In the case of dial micrometers, the accuracy obtainable depends on the value of the smallest division on the dial and on the mechanical condition of the instrument as evidenced by the degree to which it will repeat its indications.	
202.504c	Thread wires—determination of diameter, straightness, and roundness of each of 3 wires in a set in accordance with specifications for wires in Handbook H28, Screw Thread Standards for Federal Services, and certification of mean diameter and C correction on an approved type of container label supplied by the manufacturer. For the following best sizes of wires for standard 60° screw threads: 2, 2½, 2¾, 3¼, 4, 4½, 5, 5½, 6, 7, 7½, 8, 9, 10, 11, 11½, 12, 13, 14, 16, 18, 20, 22, 24, 26, 27, 28, 30, 32, 36, 40, 44, 48, 50, 56, 64, 72, and 80 threads per inch; the following best sizes for acme standard threads: 1, 1⅓, 1½, 2, 2½, 3, 4, 5, 6, 8, 10, 12, 14, and 16 threads per inch; the following 1.44 series internal gear wires: 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, 16, 18, 22, 24, 28, 32, 36, 48, 64, 72, and 80 pitch; and the following 1.782 series external gear wires: 2, 2½, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 22, 24, 28, 32, 36, 40, 48, 64, 72, and 80 pitch	3.00

Item	Description	Fee
202. 504d	Penetration needles—test for compliance with ASTM specification D5-52 without reporting actual dimensions, each	$1.50
	NOTE: To obtain test at this fee, the needles or individual containers must be numbered and the manufacturer furnish a blank certificate in a form acceptable to this Bureau.	
202. 504e	Penetration needles—determination of diameter of body and point, length of needle and angle of point, with actual dimensions reported, each	3.00
202. 504f	Polariscope tubes—determination of the average length of polariscope observation tube and marking with NBS serial number if length is within ±0.03 mm of nominal length for 100 and 200 mm tubes and ±0.04 mm for 400 mm tubes, each	12.00
202. 504z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: November 15, 1956.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-9277; Filed, Nov. 9, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CERTAIN EMPLOYEE STOCK OPTIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any such data, views, or arguments should be confined to the attached proposed regulations and should not deal with the other regulations proposed to be prescribed under section 421 of the Internal Revenue Code of 1954, and final action on the other proposed regulations under section 421 will not be postponed pending final action on the attached proposed regulations. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed:

§ 1.421-6 *Options to which section 421 does not apply*—(a) *Scope of section.* If an employer or other person grants to an employee or other person for any reason connected with the employment of such employee an option to purchase stock of the employer or other property, and if section 421 is not applicable to the transfer of the property pursuant to an exercise of such option, then this section shall apply. This section will apply, for example, when an option is not a restricted stock option at the time it is granted (see section 421 (d) (1) and § 1.421-2), or when an option is modified so that it no longer qualifies as a restricted stock option (see section 421 (e) and § 1.421-4), or when there is a disqualifying disposition of stock acquired by the exercise of a restricted stock option so that section 421 does not apply. When an option is granted for any reason connected with the employment of the employee, this section applies, if section 421 does not apply, irrespective of whether the option is granted by the employer, by a parent or subsidiary of the employer, by a stockholder of any of such corporations, or by any other person, and irrespective of whether the option is granted to the employee, to a member of his family, or to any other person, and irrespective of whether the option is to purchase the stock of the employer, the stock of a parent or subsidiary of the employer, the stock of any other corporation, or to purchase any other property.

(b) *Time and amount of compensation.* If there is granted an option to which this section applies, the employee in connection with whose employment the option is granted is considered to realize compensation at the time and in the amount determined in accordance with the following rules of this paragraph:

(1) If the option is exercised by the person to whom it was granted, the employee realizes compensation at the time the property is transferred pursuant to an exercise of the option, and the amount of such compensation is the difference between the amount paid for the property and the fair market value of the property at the time of such transfer. However, if the person to whom the property is transferred does not acquire full ownership of the property at the time of such transfer (that is, the property is transferred subject to restrictions which substantially affect its value), the employee realizes the compensation at the time such person does acquire full ownership of the property (that is, at the time that such restrictions lapse), and the amount of such compensation is the difference between the amount paid for the property and the fair market value of the property at the time such person acquires full ownership.

(2) If the option is not exercised by the person to whom it was granted, but is transferred in an arm's length transaction, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and at the time that such gain is includible in gross income.

(3) If the option is not exercised by the person to whom it was granted but is transferred in a transaction which is not at arm's length, the employee realizes compensation at the time of such transfer and in the amount determined under subparagraph (2) of this paragraph, and realizes additional compensation at the time the property is transferred pursuant to an exercise of the option and in the amount determined under subparagraph (1) of this paragraph, except that the amount of compensation determined under subparagraph (1) of this paragraph shall be reduced by any amount previously includible in gross income as compensation under subparagraph (2) of this paragraph. For example, if in 1956 an employee is granted an option to buy a share of stock for $50 at a time when the stock has a fair market value of $100, and later in 1956 the employee transfers the option to his wife for $10, the employee realizes compensation of $10 in 1956 under subparagraph (2) of this paragraph. If in 1957 the wife exercises the option at a time when the stock has a fair market value of $120, the employee realizes additional compensation in 1957 in the amount of $60 (the $70 bargain spread less the $10 taxed as compensation in 1956).

(4) If there is granted an option to which this section applies, and the employee dies before realizing the compensation in accordance with the rules of subparagraph (1), (2), or (3) of this paragraph, the option shall be considered a right to receive income in respect of a decedent to which the rules of this section and section 691 apply. This subparagraph is applicable when an option is granted to an employee and he dies before transferring or exercising the option, or when an option is granted to the employee and he dies after the transfer of the option in a transaction which is not at arm's length but before the option is exercised, or when an option is granted to another person and the employee dies before realizing all of the compensation which would result from any transfer or exercise of the option. Accordingly, in any such case, the estate of the employee or the person who acquires the option from the employee realizes income having the character of compensation at the time and in the amount determined under subparagraph (1) of this paragraph, but if the option is transferred, the rules of section 691 provide that the amount received for such transfer or the fair market value of the property transferred at the time of transfer, whichever is greater, is considered as income in respect of the decedent realized at the time of such transfer. Section 1014 (c) provides that section 1014 (a), relating to the basis in certain cases for property acquired from a decedent, does not apply to a right to receive income in respect of a decedent; hence, section 1014 (a) does not apply to an option to which this section applies. If an option to which this section applies was granted or transferred to a person other than the employee and such other person dies before the employee realizes compensation in accordance with the rules of subparagraph (1), (2), or (3) of this paragraph, the transfer which results by reason of the death of such person is a transfer in a transaction which is not at arm's length, so that the rules of subparagraph (3) of this paragraph, and not the rules of this subparagraph, are applicable.

(5) If an option to which this section applies is exercised in part and transferred in part, the rules of this paragraph shall be applied as if there were two options—one exercised and one transferred.

(6) Notwithstanding the other provisions of this paragraph, if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the taxable year of the employee for which he is required to include in his gross income the compensation resulting from such option is determined under section 421 (f) and § 1.421-5 (e).

(c) *Basis.* (1) If an option to which this section applies is exercised by the person to whom it was granted, such person's basis for the property so acquired shall be increased by any amount that is includible in the gross income of the employee under paragraph (b) of this section. If such person transfers such property to a person whose basis is the same as the transferor's basis, such transferee's basis shall also reflect the adjustment made by this paragraph. However, if such property is transferred by either of such persons at death so that its basis is determined under section 1014, the basis so determined shall not be increased by reason of this paragraph.

(2) If an option to which this section applies is transferred in a transaction which is not at arm's length, the transferee who exercises the option shall increase his basis for the property so acquired by any amount that is includible in the gross income of the employee at the time such transferee acquires such property.

(3) If an option to which this section applies is transferred in a transaction which is at arm's length, the basis of the property acquired by an exercise of the option shall not be increased by reason of any amount that is includible in the gross income of the employee under this section.

(d) *Deductions.* If the employer grants an option to which this section applies, the employer of the employee in connection with whose employment the option is granted is considered to have paid compensation to such employee at the same time and in the same amount as such employee is considered under paragraph (b) of this section to have realized compensation. The deductibility of the compensation considered so paid is determined under section 162, except that if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the employer's taxable year for which such compensation is deductible is determined under section 421 (f) and § 1.421-5 (e).

[F. R. Doc. 56-9279; Filed, Nov. 9, 1956; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 231, 235]

ARRIVAL AND DEPARTURE MANIFESTS AND LISTS, SUPPORTING DOCUMENTS; INSPECTION OF ALIENS APPLYING FOR ADMISSION

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules relating to manifesting passengers arriving and departing by vessel or aircraft from the United States. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 630, 119 D Street NE., Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. Part 231 is amended to read as follows:

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Sec.
231.1 Arrival manifests and lists.
231.2 Departure lists.

AUTHORITY: §§ 231.1 and 231.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 231, 238, 239, 66 Stat. 167, 182, 195, 202, 203; 8 U. S. C. 1101, 1182, 1221, 1228, 1229.

§ 231.1 *Arrival manifests and lists*—(a) *Presentation.* The master or agent of every vessel or aircraft arriving in the United States shall present to the immigration officer at the port of first arrival a manifest of all passengers on board on Form I-418 in accordance with the instructions contained thereon, except that (1) a manifest shall not be required for a vessel or aircraft arriving in the continental United States or Alaska directly from Canada or in the continental United States directly from Mexico; (2) in lieu of manifest on Form I-418, the master or agent of a vessel or aircraft arriving in the United States without touching at a foreign port on a voyage or flight originating in Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall submit a list containing the surname, given name, and middle initial of each passenger on board; and (3) in lieu of manifest on Form I-418 the manifest of arriving passengers aboard an aircraft may be submitted on the International Civil Aviation Organization manifest, or whenever the number of such passengers does not exceed the number that can be listed on Customs Form 7507, they may be listed on the Customs form. To facilitate inspection, an advance copy of the required list or manifest may be delivered to the immigration officer at the first port of arrival prior to the vessel's or aircraft's arrival. However, there shall be delivered to the immigration officer at the first port of arrival a complete list containing any changes or corrections which differ from the advance copy. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival may be deferred in the discretion of the examining immigration officer. The lists of those passengers not inspected shall be returned to the master for presentation at subsequent ports of arrival. The procedure followed at the first port of arrival shall be followed at any subsequent port of arrival.

(b) *Additional documents.* When a manifest is required to be presented, the master or agent of the vessel or aircraft shall prepare as a part thereof a completely executed set of Forms I-94 for each alien passenger, except an immigrant. The set of Forms I-94 shall be delivered to each alien for presentation to the examining immigration officer at the port of entry. The notation "WOV" shall be placed on the Form I-94 in the space reserved for "V No. on visa" in the case of each alien who is to pass through the United States under the provisions of section 238 (d) of the Act. When a manifest is not required or a nonimmigrant alien is applying other than as a passenger on board a vessel or aircraft, a set of Forms I-94 shall be prepared by the examining immigration officer for each nonimmigrant except (1) a Canadian citizen or a British subject who has his residence in Canada or Bermuda, is admitted to the United States from contiguous territory or adjacent islands under a waiver of the nonimmigrant visa requirement, unless the facts of the particular case are such that a record on Form I-94 is deemed advisable; (2) an alien applying for admission who presents a nonimmigrant alien's border crossing identification card; (3) a member of the armed forces of the United States or of any country allied with the United States, traveling under orders, who is admitted to the United States under the auspices of, and under advance arrangements made with, the Department of Defense, provided a nominal roll or list of such aliens is furnished

to, or obtained by, the examining immigration officer; and (4) an alien American Indian born in Canada who is within the scope of section 289 of the act, and who is admitted temporarily, unless it appears that a record of his admission will be required at a later date.

§ 231.2 *Departure lists*—(a) *Presentation.* The master or agent of every vessel or aircraft departing from the United States shall present to the immigration officer at the port from which the vessel or aircraft will proceed directly to a foreign port or place a list on Form I–418, in accordance with the instructions contained on the reverse thereof, of all passengers aboard other than those immediately destined to Canada or Mexico from the continental United States or destined to Canada from Alaska, except that in lieu of Form I–418 the commanding officer of an aircraft may submit such list on the International Civil Aviation Organization manifest, or whenever the number of such passengers does not exceed the number that can be listed on Customs Form 7507, they may be listed on the Customs form. Such departure lists shall be presented prior to the departure of the vessel or aircraft, except that vessels or aircraft making regular trips to and from the United States in accordance with a published schedule may defer the presentation of such forms and attachments for a period not in excess of thirty days.

(b) *Additional documents.* When a manifest is required to be presented, the master or agent shall attach to such manifest a fully executed Form I–94 for each alien passenger aboard, except an alien permanent resident of the United States, preferably the copy of such form given the alien at the time of his last arrival in the United States. When a manifest is not required or a nonimmigrant alien is departing other than as a passenger on board a vessel or aircraft, the alien shall surrender his Form I–94 to a Canadian immigration officer or United States immigration officer.

2. Part 235 is amended to read as follows:

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

Sec.
235.1 General qualifications.
235.2 Examination postponed.
235.3 Detention of aliens.
235.4 Notations on documents.
235.5 Pre-inspection in certain parts of the United States.
235.6 Notice of referral to special inquiry officer.
235.7 Referral of certain cases to district director.
235.8 Temporary exclusion.

AUTHORITY: §§ 235.1 to 235.8 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 213, 221, 234, 235, 236, 237, 238, 242, 66 Stat. 166, 182, 188, 191, 198, 200, 201, 202, 208; 8 U. S. C. 1101, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

§ 235.1 *General qualifications.* The following general qualifications and requirements shall be met by an alien seeking to enter the United States regardless of whether he seeks to enter for permanent, indefinite, or temporary stay, and regardless of the purpose for which he seeks to enter: he shall apply in person at a place designated as a port of entry for aliens at a time when the immigration office at the port is open for inspection; he shall make his application in person to an immigration officer and shall present whatever documents are required; and he shall establish to the satisfaction of the immigration officer that he is not subject to exclusion under the immigration laws, Executive orders, or Presidential proclamations and is entitled under all of the applicable provisions of the immigration laws and this chapter to enter the United States.

§ 235.2 *Examination postponed.* Whenever an alien on arrival is found or believed to be suffering from a disability which renders it impractical to proceed with the examination under the Act, the examination of such alien, members of his family concerning whose admissibility it is necessary to have such alien testify, and any accompanying aliens whose protection or guardianship will be required should such alien be found inadmissible shall be deferred for such time and under such conditions as the district director in whose district the port is located imposes.

§ 235.3 *Detention of aliens.* All persons arriving at a port in the United States by vessel or aircraft shall be detained aboard the vessel or at the airport of arrival by the master, commanding officer, purser, person in charge, agent, owner, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service. Notice or order to so detain shall not be required.

§ 235.4 *Notations on documents.* The admitting examining officer shall by means of a stamp record in each passport required to be presented the word "Admitted" and the date and place of admission and shall record the same information on any immigrant visa, reentry permit, or Form I–94 presented by or prepared for an arriving admitted alien. One copy of the Form I–94, so endorsed, shall be returned to the admitted alien by whom it was presented or for whom it was prepared for his retention while in the United States and for surrender at the time of his departure from the United States, except that the copy of the I–94 shall be delivered to a representative of the carrier which brought him in the case of each alien who is authorized direct transit through the United States under section 238 (d) of the act.

§ 235.5 *Pre-inspection in certain parts of the United States.* In the case of any aircraft proceeding from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States destined directly and without touching at a foreign port or place to any other of such places or to the continental United States, the examination required by the Act of the passengers and crew may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such departure. The examination shall be conducted in accordance with sections 234, 235, 236, and 237 of the Immigration and Nationality Act and this part and Parts 236 and 237 of this chapter, except that if it appears to the examing immigration officer that any person in the United States being examined under this section is prima facie deportable from the United States, further action with respect to his examination shall be deferred and further proceedings conducted as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter. When the forgoing inspection procedure is applied to any aircraft, persons examined and found admissible shall be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person shall be permitted to depart on such aircraft until and unless he is found to be admissible as provided in this section.

§ 235.6 *Notice of referral to special inquiry officer.* If, in accordance with the provisions of section 235 (b) of the act, the examining immigration officer detains an alien for further inquiry before a special inquiry officer, he shall immediately sign and deliver to the alien a Notice To Alien Detained For Hearing By Special Inquiry Officer (Form I–122). If the alien is unable to read or understand the notice, it shall be read and explained to him by an employee of the Service, through an interpreter, if necessary, prior to such further inquiry.

§ 235.7 *Referral of certain cases to district director.* If the examining officer has reason to believe that the cause of an alien's excludability can readily be removed by posting of a bond in accordance with the provisions of section 213 of the act; by the exercise of section 212 (d) (3) of the act; or by the exercise of section 212 (c) of the act, he may in lieu of detaining the alien for hearing in accordance with section 235 (b) and section 236 of the act refer the alien's case to the district director within whose district the port is located for consideration of such action and defer further examination pending the decision of the district director. Refusal of a district director to authorize admission under section 213 or to grant application for the benefits of section 212 (d) (3) or section 212 (c) of the act shall be without prejudice to the renewal of such application or the authorizing of such admission by the special inquiry officer without additional fee.

§ 235.8 *Temporary exclusion*—(a) *Report.* Any immigration officer who temporarily excludes an alien under the provisions of section 235 (c) of the act shall report such action promptly to the district director having administrative jurisdiction over the port at which such alien arrived. If the subject of the report is an alien who seeks to enter the United States other than under section 101 (a) (15) (D) of the act, the report shall be forwarded by the district director to the regional commissioner and further action shall be taken thereon as provided in paragraph (b) of this section.

(b) *Action by regional commissioner.* If the regional commissioner is satisfied that the alien is inadmissible to the United States under paragraph (27), (28), or (29) of section 212 (a) of the act and if the regional commissioner, in the exercise of his discretion, concludes that such inadmissibility is based on information of a confidential nature the disclosure of which would be prejudicial to the public interest, safety, or security, he may deny any hearing or further hearing by a special inquiry officer and order such alien excluded and deported, or enter such other order in the case as he deems appropriate. In any other case the regional commissioner shall direct that the alien be given a hearing or further hearing before a special inquiry officer.

(c) *Finality of decision.* The decision of the regional commissioner provided for in paragraph (b) of this section shall be final and no appeal may be taken therefrom. The decision of the regional commissioner shall be in writing, signed by him and, unless it contains confidential matter, a copy shall be served on the alien. If the decision contains confidential matter, a separate order showing only the ultimate disposition of the case shall be signed by the regional commissioner and served on the alien.

(d) *Hearing by special inquiry officer.* If the regional commissioner directs that an alien temporarily excluded be given a hearing or further hearing before a special inquiry officer, such hearing and all further proceedings in the case shall be conducted in accordance with the provisions of section 236 and other applicable sections of the Act to the same extent as though the alien had been referred to a special inquiry officer by the examining immigration officer; except, that if confidential information, not previously considered in the case, is adduced supporting the exclusion of the alien under paragraph (27), (28), or (29) of section 212 (a) of the act, the disclosure of which, in the discretion of the special inquiry officer, may be prejudicial to the public interest, safety, or security, the special inquiry officer may again temporarily exclude the alien under the authority of section 235 (c) of the act and further action shall be taken as provided in this section.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Dated: November 7, 1956.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 56–9278; Filed, Nov. 9, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN LIMA BEANS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the amendment, as herein proposed, of United States Standards for Grades of Frozen Lima Beans (20 F. R. 5051) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, et seq.; 7 U. S. C. 1621, et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, not later than December 31, 1956.

The proposed amendment is as follows:

Section 52.501 is amended to read as follows:

§ 52.501 *Product description.* "Frozen lima beans" means the frozen product prepared from the clean, sound, succulent seed of the lima bean plant without soaking, by shelling, washing, blanching, and properly draining, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

Dated: November 7, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 56–9299; Filed, Nov. 9, 1956; 8:51 a. m.]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF THE WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1956

Notice is hereby given that the Department is considering the issuance of the proposed order set forth herein pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR, 1955 Rev., Part 984), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such order, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D. C., and which are received not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER, except that if said 10th day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following workday.

The proposed budget of $99,350, the assessment rate of 0.10 cent per pound of merchantable unshelled walnuts handled or certified for handling, and the assessment rate of 0.13 cent per pound of shelled walnuts handled or declared for handling during the marketing year beginning August 1, 1955, have been unanimously recommended by the Walnut Control Board, the administrative agency under said amended agreement and order.

The proposed order is as follows:

§ 984.308 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1956*—(a) *Budget of expenses.* The budget of expenses for said marketing year shall be in the total amount of $99,350, such amount being reasonable and likely to be incurred for board maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the amended agreement and order, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment payable by each handler to the Walnut Control Board on demand, shall be 0.10 cent per pound of merchantable unshelled walnuts handled or certified for handling and 0.13 cent per pound of shelled walnuts handled or declared for handling by him during said marketing year.

Dated: November 6, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56–9274; Filed, Nov. 9, 1956; 8:47 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Part 146]

[No. 10151]

MERGER, DISSOLUTION, AND REORGANIZATION

CONVERSION, MERGER, OR REORGANIZATION OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS

NOVEMBER 7, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), it is hereby proposed that, pursuant to section 5, 48 Stat. 132, as amended (12 U. S. C. 1464), Part 146 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 146) be amended by an amendment the substance of which is as follows:

Part 146 of the rules and regulations for the Federal Savings and Loan System is hereby amended by amending the heading of said part to read "Merger, Dissolution, Reorganization, and Conversion" and by adding to said part a new § 146.5 and to read as follows:

§ 146.5 *Conversion from Federal to State charter under last paragraph of subsection (i) of section 5 of the Home Owners' Loan Act of 1933.* The following minimum requirements are hereby prescribed for approvals pursuant to the

last paragraph of subsection (l) of section 5 of the Home Owners' Loan Act of 1933, as amended:

(a) The conversion shall be effected in accordance with a plan approved by the Board.

(b) The plan shall be submitted to the Board prior to the giving of notice as hereinafter provided.

(c) The association shall give formal notice of a special meeting called to vote on the plan, which notice shall set forth the terms of the plan, the rights of the members, and such other matters as the Board may require.

(d) The plan shall be approved by a vote of not less than two-thirds in withdrawal value of the outstanding shares of the association and not less than two-thirds in number of the vote cast at the meeting aforesaid, and by the Federal Home Loan Bank Board.

(e) The entire amount of guaranty or permanent stock or other similar stock, if any, shall be issued, without payment, pro rata to all shareholders of record at such date as the Board shall fix: *Provided*, That scrip for fractional shares shall be issued to such extent and in such manner as the Board may require, with such provision for redemption, liquidation, or other disposition of such scrip as the Board may require: *Provided further*, That if the Board determines that it is not feasible to issue the entire amount of such stock as hereinbefore provided, all or such part thereof as may be specified in the plan may be issued otherwise than as hereinbefore required, provided the issuance thereof is in accordance with provisions of the plan. The amount of such stock shall be as required by the Board and shall be at least equal to the minimum amount required by the laws of the state. In the event that guaranty or permanent stock or other similar stock is provided for in the plan, the plan shall contain provisions which, in the judgment of the Board, are adequate to assure that each shareholder of record at said date will be entitled to receive, in the form of (1) a withdrawable account or accounts of the converted association, (2) such stock or scrip, or (3) cash, or such combination of all or any thereof as may be provided for in the plan the full equivalent of his interest in the converting association.

(f) The plan shall include appropriate provisions to prevent reduction of the Federal insurance reserve as a result of action under the plan.

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than December 11, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 56-9290; Filed, Nov. 9, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[Region Five, Order 2, Amdt. 3]

NATIONAL PARK SERVICE SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT TO OVERTIME

1. The following new paragraph is added to section 1:

(h) Approval of regularly scheduled overtime in excess of 30 days and not more than 90 days.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2)

[SEAL] GEORGE A. PALMER, *Acting Regional Director.*

[F. R. Doc. 56-9265; Filed, Nov. 9, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA AND WYOMING

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 12, 1956, that a major disaster occasioned by drought existed in the State of South Dakota; and the President determined on October 30, 1956, that a major disaster occasioned by drought existed in the State of Wyoming.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on October 31, 1956, to be affected by the above-mentioned major disasters:

SOUTH DAKOTA

Aurora.	Hutchinson.
Brule.	Jackson.
Charles Mix.	Jones.
Custer.	McCook.
Davison.	Meade.
Dewey-Armstrong.	Pennington.
Gregory.	Perkins.
Haakon.	Stanley.
Hanson.	Tripp.
Harding.	Ziebach.

WYOMING

Albany.	Platte.
Carbon.	Sweetwater.
Fremont.	Washakie.
Hot Springs.	

That part of Lincoln County lying east of Commissary Ridge, south to Frontier and east of Highway 189, south to county line.

That part of Uinta County lying east of the point where Highway 189 intersects the county line, southeast to Carter, then Lyman and following Cottonwood Creek to the State line.

That part of Laramie County lying north of the State Highway to Federal and west of Highway 87.

That part of Converse County lying south of Highway 87.

That part of Natrona County lying south of Highway 26 to Casper and south of the county road from Mills up Poison Spider to the county line.

Done at Washington, D. C., this 7th day of November 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-9301; Filed, Nov. 9, 1956; 8:52 a. m.]

LOUISIANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following parishes in the State of Louisiana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Louisiana: Jefferson, Plaquemines, St. Barnard.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named parishes after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 7th day of November 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-9302; Filed, Nov. 9, 1956; 8:52 a. m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

DELEGATION OF AUTHORITY WITH RESPECT TO REAL PROPERTY OPTIONS

The following is the text of Order No. 56227, dated November 1, 1956, authorizing the Assistant Postmaster General, Bureau of Facilities, to redelegate authority to accept and assign options relating to real property:

Pursuant to section 1 (b) of Reorganization Plan No. 3 of 1949, authority is hereby delegated to the Assistant Postmaster General, Bureau of Facilities, to redelegate all or part of the authority vested in him to accept and assign options relating to real property to such officers or employees of the departmental or Postal Field Service as he may designate.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 56-9271; Filed, Nov. 9, 1956; 8:47 a. m.]

APPENDIX—PERSONS OPERATING ARKANSAS OIL WELL LEASES DISCHARGING MATTER CONTRIBUTING TO THE POLLUTION OF INTERSTATE WATERS OF THE CORNEY DRAINAGE SYSTEM (ARKANSAS-LOUISIANA)

VILLAGE FIELD—COLUMBIA COUNTY ARKANSAS (TOWNSHIP 17, SOUTH, RANGE 19, WEST)

Operator	Lease	Location
McAlester Fuel Co., McAlester Bldg., Magnolia, Ark.	J. G. Alexander Est. B-1	SE, SE, Sec. 8.
Williams, Sellars & Ewing, 936 Candler Ave., Shreveport, La.	J. G. Alexander No. 1	SW, SE, Sec. 8.
McAlester Fuel Co., McAlester Bldg., Magnolia, Ark.	Haskell A-1	SW, SW, Sec. 9.
E. G. Bradham & C. B. Ragsdale, 401 First National Bank Bldg., El Dorado, Ark.	Machen No. 1	SW, SE, Sec. 9.
E. G. Bradham, 401 First National Bank Bldg., El Dorado, Ark.	Machen No. 3	Do.
Do	E. D. Harris No. 1	SW, NW, Sec. 10.
D. E. Bradham, 401 First National Bank Bldg., El Dorado, Ark.	E. D. Harris No. 2	On section line between NW, SW, Sec. 10 and NE, SE, Sec. 9.
E. G. Bradham, 401 First National Bank Bldg., El Dorado, Ark.	Tissue No. 1	NW, SW, Sec. 14.
Do	Harris-Gunnels No. 1	1320' N. 330' E of SWc NE SW (or on line between SE NW and NE SW, Sec. 14).
E. G. Bradham & C. B. Ragsdale, 401 First National Bank Bldg., El Dorado, Ark.	Booth No. 2	SE, NE, Sec. 14.
E. G. Bradham, 401 First National Bank Bldg., El Dorado, Ark.	T. Crumpler No. 1	NW, NW, Sec. 15.
E. G. Bradham & C. B. Ragsdale, 401 First National Bank Bldg., El Dorado, Ark.	Threadgill No. 1	N½, SE¼, Sec. 15.
Do	Threadgill No. 4	NW, SE, Sec. 15.
Do	A. A. Gunnels No. 1	NE, NW, Sec. 16.
Do	J. J. Gunnels No. 1	NW, NE, Sec. 16.
E. G. Bradham, 401 National Bank Bldg., El Dorado, Ark.	J. J. Gunnels No. 2	SE, NE, Sec. 16.

SPOTTVILLE FIELD—COLUMBIA COUNTY ARKANSAS (TOWNSHIP 18 SOUTH, RANGE 18 WEST)

McAlester Fuel Co., McAlester Bldg., Magnolia, Ark.	T. O. Giles Est. A-1	NW, NE, Sec. 6.

ATLANTA FIELD—COLUMBIA COUNTY ARKANSAS (TOWNSHIP 18 SOUTH, RANGE 19 WEST)

E. G. Bradham & C. B. Ragsdale, 401 First National Bank Bldg., El Dorado, Ark.	Longino-Talley 1-X	S½, S½, SW¼, Sec. 11-18-19.

[F. R. Doc. 56-9263; Filed, Nov. 9, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3292 et al.]

EASTERN AIR LINES ROUTE CONSOLIDATION CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 6, 1956, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 6, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-9294; Filed, Nov. 9, 1956; 8:50 a. m.]

[Docket No. 7192 et al.]

QUAD CITIES-TWIN CITIES CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 4, 1956, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 6, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-9293; Filed, Nov. 9, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11631; FCC 56M-1024]

ROCHESTER BROADCASTING CO.

ORDER RESCHEDULING HEARING

In re application of Victor J. Tedesco and Nicholas Tedesco, d/b as The Rochester Broadcasting Company, Rochester, Minnesota, Docket No. 11631, File No. BP-9991; for construction permit.

To accommodate the Hearing Examiner's schedule, and without objection by counsel for the parties: *It is ordered*, This 5th day of November 1956, that the hearing now scheduled for November 15, 1956, is rescheduled for Wednesday, November 14, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-9280; Filed, Nov. 9, 1956; 8:49 a. m.]

[Docket No. 11806; FCC 56M-1027]

INDIAN CITY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Odis L. Echols, Sr. and Odis L. Echols, Jr., d/b as Indian City Broadcasting Company, Anadarko, Oklahoma, Docket No. 11806, File No. BP-10413; for construction permit.

The Hearing Examiner having under consideration a "Request for Continuance" filed by counsel for Indian City Broadcasting Company on November 5, 1956;

It appearing that counsel for the Broadcast Bureau, the only other participant, has no objection to a grant of the relief requested and has consented to the immediate consideration of the pleading;

It is ordered, This 5th day of November 1956, that the "Request for Continuance" is granted; and that 1) the date for the applicant to furnish proposed exhibits is extended from November 5 to November 19, 1956; 2) the start of the evidentiary hearing is continued from November 21 to Thursday, December 6, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.; 3) the date for applicant to advise of its plans, if any, to call any other witnesses is extended from November 9 to November 23, 1956; and 4) the date for the Broadcast Bureau to notify counsel for applicant of its desire to cross-examine applicant's engineer is extended from November 15 to November 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9281; Filed, Nov. 9, 1956; 8:49 a. m.]

[Docket Nos. 11818, 11819; FCC 56M-1031]

SEPIA BROADCASTING CO. AND RADIO PINE BLUFF

ORDER CONTINUING HEARING

In re applications of Mrs. Mary Davis Barland and Mrs. Juanita L. Wilson, d/b as Sepia Broadcasting Company, Little Rock, Arkansas, Docket No. 11818, File No. BP-10125; W. L. Kent, tr/as Radio Pine Bluff, Pine Bluff, Arkansas, Docket No. 11819, File No. BP-10526; for construction permits.

It is ordered, This 6th day of November 1956, that, due to the illness of the Examiner assigned to the case, hearing conference, presently scheduled for November 7, 1956, and formal hearing, scheduled for November 15, 1956, are continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9282; Filed, Nov. 9, 1956; 8:49 a. m.]

[Docket No. 11834; FCC 56M-1030]

SEACO, INC.

ORDER CONTINUING HEARING

In the matter of Seaco, Inc., Orlando, Florida, Docket No. 11834; order to show cause why the licenses for Special Industrial Radio Stations KIK 385 and KC 7607 should not be revoked, or, in the alternative, why a cease and desist order should not be issued against the licensee of said stations.

The Chief Hearing Examiner having under consideration the motion of the Commission's Safety and Special Radio Services Bureau, filed October 30, 1956, that hearing in the above-entitled proceeding, which is presently scheduled to commence November 19, 1956, be continued to December 10, 1956;

It appearing that good cause is shown in support of the instant pleading and that there is no opposition thereto;

It is ordered, This 6th day of November 1956, that the motion is granted and that hearing in the above-entitled proceeding is continued from November 19 to December 10, 1956: *And it is further ordered*, That hearing conference in the proceeding, which is scheduled for November 7, 1956, is continued to a date to be specified in a subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9283; Filed, Nov. 9, 1956; 8:49 a. m.]

[Docket Nos. 11836, 11837; FCC 56M-1023]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Earl S. Walden, Homer T. Goodwin and Leroy Durham, d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200; Troyce H. Harrell & Kermit S. Ashby, d/b as Star of the Plains Broadcasting Company, Slaton, Texas, Docket No. 11837, File No. BP-10499; for construction permits.

Notice is hereby given that, pursuant to §§ 1.813 and 1.841 (c) of the Commission's rules, as amended, a pre-hearing conference will be held on the applications in the above-entitled proceeding at the offices of this Commission, at 10:00 a. m., on Monday, November 26, 1956, for the purpose of considering the following matters:

(1) Narrowing the issues or the areas of inquiry and proof at the hearing;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) Reports and letters relating to surveys or contacts;

(4) Assumptions regarding the availability of equipment;

(5) Network programming;

(6) Assumptions regarding the availability of networks proposed;

(7) Offers of letters in general;

(8) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(9) Proof of contracts, agreements, or understandings reduced to writing;

(10) Stipulations;

(11) Need for depositions;

(12) The numbering of exhibits;

(13) The order of offer of proof with relationship to docket number;

(14) The date for the exchange of exhibits between the applicants, as required by § 1.841;

(15) Such other matters as will be conducive to an expeditious conduct of the hearing.

No witnesses will be examined on the date indicated and the record will not be opened.

Dated this 5th day of November 1956, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9284; Filed, Nov. 9, 1956; 8:49 a. m.]

[Docket No. 11852; FCC 56M-1025]

RICHARD F. LEWIS, JR., INCORPORATED, OF MOUNT JACKSON, VA. (WSIG)

ORDER SCHEDULING HEARING

In re application of Richard F. Lewis, Jr., Incorporated, of Mount Jackson, Virginia (WSIG), Mount Jackson, Virginia, Docket No. 11852, File No. BP-10510; for construction permit to increase power and to make other changes.

It is ordered, This 5th day of November 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is scheduled to commence on January 16, 1957, in Washington, D. C.

Released: November 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9285; Filed, Nov. 9, 1956; 8:49 a. m.]

[FCC 56M-1026]

BAY RADIO, INC., AND MID-AMERICA BROADCASTERS, INC.

ORDER SCHEDULING HEARING

In the matter of Bay Radio, Inc. (assignor) and Mid-America Broadcasters, Inc. (assignee), Docket No. 11862, File No. BAL-2369; for assignment of license of Station KEAR, San Francisco, California.

It is ordered, This 5th day of November 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 16, 1957, in Washington, D. C.

Released: November 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9286; Filed, Nov. 9, 1956; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6157]

DEPARTMENT OF INTERIOR, SOUTHEASTERN POWER ADMINISTRATION, ALLATOONA PROJECT

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER BY SOUTHEASTERN POWER ADMINISTRATION

NOVEMBER 6, 1956.

Notice is hereby given that pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 890), the Secretary of Interior filed with the Federal Power Commission for approval, the following rates and charges proposed by the Southeastern Power Administration, an agency of the Department of Interior, for the sale of electric energy generated at the Allatoona Project in the State of Georgia.

Wholesale Power Rate Schedule A-A-2:

1. *Availability.* To Georgia Power Company.

2. *Applicability.* This schedule applies to the sale of all power and energy generated at the Allatoona Project, except that required by the Government for project operation and use pursuant to Section 7 of this schedule.

3. *Character of service.* The electric energy sold under this schedule will be three-phase alternating current at a nominal frequency of sixty cycles per second, delivered at the high tension side of the step-up substation at the project site as scheduled by Georgia Power Company.

4. *Rate.* The monthly rate for power and energy sold under this schedule shall be the sum of the following:

(1) *Capacity charge.* $32,500 per month when one 36,000 kw unit is available, or $46,500 per month when two 36,000 kw units are available.

(2) *Energy Charges.* 3.5 mills per kwh of on-peak energy not compensated for by exchange energy. 2.0 mills per kwh of off-peak energy. 2.0 mills per kwh equivalent of water wasted.

Georgia Power Company will receive a credit of $1.00 per kw of Government power taken during the month, as provided in section 7 of this schedule.

Georgia Power Company will also receive a credit of 3.5 mills per kwh in the event that a balance of kwh is due the company as a result of the exchange provided in section 8 of this schedule.

5. *On-peak, energy, off-peak energy, and energy equivalent of water wasted.*

On-peak energy. Energy delivered during a peak period of 100 hours each seven day week as designated by Georgia Power Company.

Off-peak energy. Energy delivered during each seven day week other than on-peak energy.

Energy equivalent of water wasted. Energy equivalent of water wasted due to departure by the company from the current rule curves and instructions (prepared by the Company and accepted by Government), which departure is not due to an uncontrollable force as defined in section 11, a regulation established by the Corps of Engineers as to control of stream flow, release of water required by the Corps of Engineers, or scheduled outages of generating units.

6. *Condenser operation.* Company may schedule operation of the generators at no load as condensers. Company shall pay $3.50 per hour per unit for energy used in such operation.

7. *Government power and energy.* Government will have the right to use up to 2,500,000 kwh per week of Allatoona energy for firm power service to facilities owned by the Federal Government, public bodies and cooperatives. The amount of Government power in kilowatts for any month shall be the maximum rate of delivery of energy to Government over any period of 60 consecutive minutes during the month. Company will receive a credit for Government power taken during the month in accordance with section 4 of this schedule.

8. *Exchange energy or energy supplied from Company sources.* In the event that the energy generated at the Allatoona project is insufficient to supply requirements for (1) Government energy or (2) energy to operate the project, Georgia Power Company shall supply such deficiency from its own sources and such energy shall be considered as energy exchanged for peak Allatoona energy supplied to the Company. In accomplishing this exchange, the Government will furnish to the company 1 kwh of peak Allatoona energy for each kwh that the Company supplies to the Government from Company sources during peak periods, and 1 kwh of peak Allatoona energy for each 1.2 kwh that the Company supplies to the Government from Company sources during off-peak periods. In the event that a balance of kwh is due the Company in certain months as a result of such exchange, there shall be a reduction in any payments otherwise due or later becoming due from the Company, at the rate provided in section 4 of this schedule.

9. *Delayed payment penalty.* Bills for power and energy delivered each month under the terms of this rate schedule shall be mailed by the Government to the Company on or before the tenth day of the succeeding month and shall be payable on or before the last day of the month in which the bill was presented, herein referred to as the "payment date". There shall be added, as liquidated damages, interest of one-half of one percent (½%) to any undisputed amount remaining unpaid on the first day of the month next succeeding the "payment date" and an additional one-half of one percent (½%) shall be added on the first day of each succeeding month on the remaining past due and unpaid balance until the account is paid in full.

10. *Metering.* Electric energy will be measured at the point of delivery.

11. *Uncontrollable forces.* Neither party shall be considered to be in default in respect to any obligation under this contract if prevented from fulfilling such obligation by reason of uncontrollable forces. For the purposes of this contract, the term "uncontrollable forces" means any cause beyond the control of the party affected, including, but not limited to, failure of facilities, flood, backwater caused by flood, earthquake, storm, lightning, fire, epidemic, war, riot, civil disturbance, labor disturbance, sabotage, and restraint by court or public authority, which by exercise of due diligence and foresight such party could not reasonably have been expected to avoid. Either party rendered unable to fulfill any obligation by reason of uncontrollable forces shall exercise due diligence to remove such inability with all reasonable dispatch.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing, should submit the same in writing on or before November 21, 1956, to the Federal Power Commission, Washington 25, D. C. The proposed rates in their entirety are on file with the Commission and available for inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9268; Filed, Nov. 9, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 7, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32873: *Substituted service, rail-for-motor—Pennsylvania Railroad.* Filed by The Central States Motor Freight Bureau, Inc., Agent, for interested rail and motor carriers. Rates on freight loaded in highway truck trailers and transported on railroad flat cars between Indianapolis, Ind., Chicago and East St. Louis, Ill., on the one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau, Inc.: tariff I. C. C. 26.

FSA No. 32874: *Urea from Tennessee to Illinois Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on urea having value for fertilizer purposes only, carloads from Memphis and Woodstock, Tenn., to points in Illinois freight association territory.

Grounds for relief: Short-line distance formula, circuity, and market competition.

Tariff: Supplement 79 to Agent Spaninger's I. C. C. 1366.

FSA No. 32875: *Fertilizer solution from South Point, Ohio, to Tennessee.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer solution, tank-car load from South Point, Ohio, to Clarksville and Kenwood, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 47 to Agent Spaninger's tariff I. C. C. 1510.

FSA No. 32876: *Trailer-on-flat-car service—Chicago and North Western*

Railway. Filed by The Chicago and North Western Railway Company, for itself and on behalf of The Delaware, Lackawanna and Western Railroad Company. Rates on freight loaded in semi-trailers and transported on railroad flat cars from Milwaukee and Sheboygan, Wis., to Binghamton, Conklin, and Johnson City, N. Y.

Grounds for relief: Motor truck competition.

Tariff: Supplement 11 to Chicago and North Western Railway tariff I. C. C. 11319.

FSA No. 32877: *Substituted service, rail-for-water—Pennsylvania Railroad Company.* Filed by The Middle Atlantic Conference, Agent, for the Pennsylvania Railroad and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Pittsburgh, Pa., on the one hand, and Kearny, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Middle Atlantic Conference Substituted Freight Service Directory, I. C. C. No. 6.

FSA No. 32878: *Malt liquors from Peoria, Ill., to Memphis, Tenn.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on malt liquors: ale, beer, beer tonic, porter or stout, carloads from Peoria, Ill., to Memphis, Tenn.

Grounds for relief: Rail, motor-truck, and market competition, and circuity.

Tariff: Supplement 11 to Agent Raasch's tariff I. C. C. No. 850.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9269; Filed, Nov. 9, 1956; 8:46 a. m.]

[No. MC-C-2051]

CENTRAL STATES MOTOR FREIGHT BUREAU, INC., AND CRAIG TRUCKING, INC.

CIGARS, CIGARETTES, AND TOBACCO; INVESTIGATION CONCERNING RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, Acting as an Appellate Division, held at its office in Washington, D. C., on the 2d day of November A. D. 1956.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of Cigars, Cigarettes or Manufactured Tobacco, from Louisville, Ky. to St. Louis, Mo., as set forth in:

Central States Motor Freight Bureau, Inc., Agent: Supplement No. 25 to MF-I. C. C. No. 824, on page 41 thereof, in item 12120-B, the rates from Louisville, Ky., to St. Louis, Mo.

Craig Trucking, Inc., MF-I. C. C. No. 8; on 13th Revised Page 39, in Item No. 90, the rates from Louisville, Ky., to St. Louis, Mo.;

or as same may be amended or reissued;

It appearing that upon consideration of the tariff schedules, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Division 2, Acting as an Appellate Division.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9270; Filed, Nov. 9, 1956; 8:47 a. m.]

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES; 1956

At a general session of the Interstate Commerce Commission, held at its office in Washington D. C., on the 7th day of November A. D. 1956.

It appearing on November 6, 1956, the railroads, parties to the petition of September 27, 1956, as amended, in the above-entitled proceeding filed a motion for authority necessary to increase freight rates and charges in the amount of 7 percent within, from, to, and via eastern and western territories, subject to the provisions, limitations, and exceptions set forth in appendix A of the motion without hearing, on one day's notice, and for the entry of an order modifying all outstanding orders of the Commission to the extent necessary to enable the railroads to make the proposed increased rates and charges effective; and also for the entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act;

It further appearing that the moving railroads have sent a copy of said motion to each of the regional offices of the Commission and that a copy has been served upon each party to Ex Parte No. 196, and that a copy will be furnished to any interested party upon request addressed to Mr. Edward A. Kaier, 804 Transportation Building, Washington, D. C.

And it further appearing that in support of this motion the railroads rely on a verified statement (affidavit) of Mr. Graham E. Getty attached to the motion, and the verified statements (affidavits) of 9 witnesses filed with the Commission, pursuant to paragraph 3 (d) of the Commission's order of October 1, 1956. A list of the statements and the names of persons submitting same are set forth in appendix A hereto.

Upon consideration of the motion and good cause appearing therefor: *It is ordered:*

1. That the said motion be set for hearing at Chicago, Ill., on November 26, 1956, before Division 2. Evidence in support of the said motion will be limited to the verified statements referred to in the preceding paragraph. If cross-examination of any of the persons who prepared such statements is desired, request therefor must be given to the Commission and to the witness or his attorney on or before November 21, 1956.

Evidence, including oral testimony in opposition to the motion, subject to cross-examination, will be received, but will be limited to the issues presented by the motion.

It is further ordered, That oral argument before the entire Commission on the motion will be held in Chicago, Ill., on December 3, 1956.

The precise time and place at which the hearings in Chicago will be held will be announced later.

And it is further ordered, That a copy of this order be served on all parties to this proceeding and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX A

Verified statement attached to motion filed November 6, 1956, by Graham E. Getty, Assistant Vice-President of the Association of American Railroads, Transportation Buildington, Washington 6, D. C.

Verified Statement No. 1, dated October 15, filed by Graham E. Getty.

Verified Statement No. 14, dated October 8, 1956, filed by R. C. Trovillion, Assistant Vice-President, Sales and Service, Missouri-Kansas-Texas Lines.

Verified Statement No. 15, dated October 10, 1956, filed by Fred Carpi, Vice-President, The Pennsylvania Railroad Company.

Verified Statement No. 16, dated October 11, 1956, filed by T. M. Calazza, Assistant to Vice-President, The Atchison, Topeka, and Santa Fe Railway Company.

Verified Statement No. 17, dated October 11, 1956, filed by J. W. Phipps, Jr., Vice-President, The Baltimore and Ohio Railroad Company.

Verified Statement No. 18, dated October 10, 1956, filed by J. R. MacAnally, General Freight Traffic Manager, Union Pacific Railroad Company.

Verified Statement No. 19, dated October 12, 1956, filed by Arthur E. Baylis, Vice-President, Freight Sales and Service, The New York Central Railroad Company.

Verified Statement No. 20, dated October 12, 1956, filed by Elden A. Tharp, General Freight Traffic Manager, Chicago, Rock Island and Pacific Railroad Co.

Verified Statement No. 21, dated October 5, 1956, filed by H. W. Von Willer, Vice-President, Traffic, Erie Railroad Company.

A copy of any of the above verified statements will be furnished to any interested party upon request addressed to Mr. Edward A. Kaier, 804 Transportation Building, Washington, D. C.

[F. R. Doc. 56-9291; Filed, Nov. 9, 1956; 8:50 a. m.]

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES; 1956

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 7th day of November A. D. 1956.

Upon consideration of the record in the above-entitled proceeding and of the following petitions for modification of the Commission's order of October 1, 1956, in the above-entitled proceeding:

Petitions of Traffic Managers Conference of Southern California, Inc., dated October 25, 1956; The Beverage Wholesalers of Southern California, dated October 29, 1956; Products Research Company, dated October 30, 1956; The People of the State of California and The Public Utilities Commission of said State, dated October 30, 1956; Arizona Cotton Traders Association, Arizona Compress & Warehouse Company, California Cotton Cooperative Association (Calcot, Ltd.), Calexico Cotton Exchange, Fresno Cotton Exchange, San Joaquin Compress & Warehouse Company, Western Cotton Shippers Association, Western States Compress & Warehouse Association, dated October 30, 1956; Kwikset Locks, Inc., of Anaheim, California, dated October 30, 1956; California Manufacturers Association, dated November 1, 1956; California Retailers Association and Western Traffic Conference, Inc., dated November 1, 1956; Intermountain Transportation Council and Utah Citizens Rate Association, dated November 2, 1956; Essick Manufacturing Company, dated November 2, 1956; and requests of other interested persons, for modification of the Commission's order of October 1, 1956, in the above proceeding; and good cause appearing therefor: *It is ordered,* That:

1. Paragraph 3 (h) of our order of October 1, 1956, be, and it is hereby, modified by postponing the hearing now set for the offices of the Commission at Washington, D. C., beginning at 10:00 o'clock a. m., January 15, 1957, to January 24, 1957, at the same hour and place before Division 2;

2. Paragraph 3 (h) of our order of October 1, 1956, be, and it is hereby, further modified by providing for the purpose of cross-examining persons who have filed verified statements, an additional hearing at Salt Lake City, Utah, beginning at 10:00 o'clock a. m., February 4, 1957. The place and presiding officer will be announced later.

If cross-examination of such a person is desired by any party at Salt Lake City or Washington, notice thereof must be given to the Commission and to such person or his attorney as promptly as circumstances will permit in time to enable him to reach the hearing.

3. Paragraph 3 (i) of our order of October 1, 1956, be, and it is hereby, modified by postponing the oral argument now set for the offices of the Commission at Washington, D. C., beginning at 10:00 o'clock a. m., January 22, 1957, to February 11, 1957, at the same hour and place, before the entire Commission.

4. Paragraph 3 (j) of our order of October 1, 1956, be, and it is hereby, modified by postponing the time for filing memorandum briefs from January 22, 1957, to February 11, 1957.

It is further ordered, That the said petitions in all other respects be, and they are hereby, denied.

It is further ordered, That except as modified herein, the said order of October 1, 1956, shall remain in full force and effect.

And it is further ordered, That a copy of this order be served on all parties to this proceeding and that notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9292; Filed, Nov. 9, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3505]

CENTRAL KENTUCKY NATURAL GAS CO. ET AL.

ORDER APPROVING TRANSFER BY KENTUCKY PUBLIC-UTILITY SUBSIDIARY OF ITS INTERSTATE TRANSMISSION FACILITIES TO NEW COMPANY AS STEP IN SEPARATION OF SYSTEM'S DISTRIBUTION FACILITIES FROM ITS TRANSMISSION FACILITIES

NOVEMBER 6, 1956.

In the matter of Central Kentucky Natural Gas Company, Kentucky Gas Transmission Corporation, The Columbia Gas System, Inc.; File No. 70-3505.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, Central Kentucky Natural Gas Company ("Central Kentucky"), a subsidiary of Columbia, and Kentucky Gas Transmission Corporation ("Transmission"), a newly formed Delaware corporation having no assets or outstanding securities at the present time, have filed an application-declaration and an amendment thereto pursuant to sections 7, 10, 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43, and U-44 thereunder regarding the following proposed transactions:

Columbia and its subsidiaries have evolved a program of corporate realignment and simplification designed, among other things, to minimize the problems of regulating the system's rates, the objective being to realign the system properties in such manner that all production and transmission properties subject to the jurisdiction of the Federal Power Commission will eventually be owned by a single operating company, and the distribution facilities in each State will be owned by a single company subject to the appropriate State commission. The instant filing covers one step in this program.

Central Kentucky is engaged in the purchase, storage, transmission and sale of natural gas at wholesale and retail within the State of Kentucky. The company will retain only those assets and properties used for the retail distribution of natural gas; and will transfer to Transmission its assets and properties used in transmission, storage, and other wholesale operations, together with the reserves, liabilities and obligations applicable thereto, and a sufficient amount of cash (presently estimated at $300,000) for Transmission's working capital requirements. The fixed assets will be transferred at original cost less applicable depreciation reserves.

In payment for the net assets transferred, Transmission will issue and deliver to Central Kentucky 4,000 shares of its Common Stock, $25 par value, having a book value of $8,269,021, and Installment Promissory Notes in aggregate amount of $8,270,000, as of December 31, 1955. Central Kentucky's earned surplus will be divided with Transmission on the basis of the net value of the assets which each company will have upon consummation of the transfer.

Central Kentucky will deliver to Columbia the Installment Promissory Notes received from Transmission in prepayment of an equal principal amount of Central Kentucky's notes now held by Columbia. The notes of Transmission will have, to the extent practicable, the same terms as the notes of Central Kentucky which are to be prepaid. Central Kentucky will also deliver to Columbia the common stock received from Transmission, and in consideration therefor Columbia will surrender for retirement common shares of Central Kentucky having an equal aggregate book value.

Upon consummation of the sale by Central Kentucky of its transmission properties to Transmission, the latter will become the principal wholesale supplier of natural gas to Central Kentucky, receiving the bulk of its supply from United Fuel Gas Company ("United Fuel"), a wholly owned subsidiary of Columbia which at present is supplying Central Kentucky directly.

The Public Service Commission of Kentucky has authorized the consummation of the proposed transactions in so far as they affect Central Kentucky; and the Federal Power Commission has authorized the proposed acquisition and operation of certificated facilities by Transmission, the proposed abandon-

ment of service through such facilities by Central Kentucky, the proposed abandonment by United Fuel of service to Central Kentucky, the proposed sale and delivery by United Fuel of natural gas to Transmission in lieu of its existing service to Central Kentucky, and the proposed sale of natural gas by Transmission to Central Kentucky.

The fees and expenses to be paid by the several companies in connection with the proposed transactions are stated as follows:

	Columbia	Kentucky Transmission	Central Kentucky
Cravath, Swaine & Moore, legal	$200	$9,300	$2,500
Hazelrigg and Cox, legal		600	150
System service company (at cost)		4,000	1,000
Federal original issue tax on stock		110	
Federal stock transfer tax			50
Federal conveyance tax			14,159
Recording fees		200	
Miscellaneous		2,400	600
Total	200	16,610	18,459

Due notice having been given of the filing of said application-declaration (Holding Company Act Release No. 13251), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-9272; Filed, Nov. 9, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18334, Amdt.]

ELISE HEINZ

In re: Estate of Elise Heinz. File No. D-28-13032.

Vesting Order No. 18334, dated August 21, 1951, is hereby amended as follows:

By deleting subparagraph 2 thereof and substituting in lieu thereof the following:

2. That Magdalena Heinz, nee Thein, if living, and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Magdalena Heinz, nee Thein, if deceased, and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Peter Heinz, deceased, of Barbara Siebert, deceased, of Jean Bechtold, deceased, including but not limited to Hans Heinrich Bechtoldt and Ursula Juliane Paula Bechtoldt, and of George Mueller, deceased, who there is reasonable cause to believe are and on or since December 11, 1941 and prior to January 1, 1947 were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

And by deleting subparagraph 5 thereof and substituting in lieu thereof, the following:

5. That, to the extent that the persons identified or described in subparagraphs 1 and 2 hereof were not on or since December 11, 1941, and prior to January 1, 1947, within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All other provisions of said Vesting Order No. 18334 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on November 6, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-9287; Filed, Nov. 9, 1956; 8:49 a. m.]

[Vesting Order 18941, Amdt.]

HUGO STINNES JR., ET AL.

In re: Securities owned by Hugo Stinnes Jr. and others.

Vesting Order 18941 dated July 2, 1952, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes and Hilde Fiedler, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany).

2. That Clare Wagenknecht Stinnes, Sr., who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany).

3. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by one hundred and four Hugo Stinnes Industries, Inc., 7 percent 20 year sinking fund gold debentures, due October 1, 1946, with an aggregate face value of $95,000, and evidenced by coupons attached to or detached from said debentures and due on or after June 14, 1941, said debentures numbered and in the amounts listed below:

$500 each

D-447	D-7	D-751	D-837
D-279	D-802	D-517	D-788
D-619	D-640	D-845	D-67
D-334	D-472	D-748	
D-397	D-278	D-808	

$1,000 each

M-1078	M-10544	M-4620	M-6320
M-3248	M-10545	M-5567	M-8635
M-3099	M-10546	M-334	M-7793
M-8842	M-9152	M-7678	M-7794
M-8843	M-3932	M-8484	M-911
M-8844	M-3266	M-8579	M-1666
M-8845	M-3267	M-9644	M-1667
M-8834	M-3268	M-9691	M-1668
M-3098	M-3269	M-9692	M-1669
M-10228	M-3270	M-9772	M-3094
M-5156	M-4310	M-9773	M-2732
M-2234	M-10521	M-10547	M-4613
M-2235	M-10522	M-1706	M-4615
M-1241	M-5136	M-429	M-4624
M-1242	M-1716	M-935	M-6238
M-10638	M-1875	M-936	M-9136
M-8839	M-3256	M-937	M-9250
M-5790	M-3257	M-2696	M-9251
M-5449	M-1772	M-83	M-9946
M-6893	M-2288	M-4800	M-4483
M-813	M-4323	M-9646	
M-814	M-4614	M-9645	

together with any and all accrual to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said debentures and coupons,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, Hilde Fiedler and Clare Wagenknecht Stinnes, Sr., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9288; Filed, Nov. 9, 1956; 8:49 a. m.]

[Vesting Order 19268, Amdt.]

HUGO STINNES, JR., ET AL.

In re: Securities owned by Hugo Stinnes, Jr. and others.

Vesting Order 19268, dated April 13, 1953, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes and Hilde Fiedler, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany).

2. That Clare Wagenknecht Stinnes, Sr., who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany).

3. That the property described as follows: a. Those certain debts or other obligations matured or unmatured, evidenced by one hundred twenty-seven (127) Hugo Stinnes Industries, Inc. 7 percent 20-year Sinking Fund Gold Debentures, with an aggregate face value of $123,500, and evidenced by coupons attached to or detached from said debentures and due on or after June 14, 1941, said debentures numbered and in the amounts listed below:

$500 each

D-61	D-191	D-681	D-805
D-143	D-212	D-753	

$1,000 each

M-59	M-2415	M-6388	M-9771
M-60	M-2631	M-6662	M-9797
M-61	M-3536	M-6856	M-8366
M-80	M-3588	M-6886	M-8537
M-151	M-3589	M-6887	M-8887
M-201	M-3630	M-6888	M-9088
M-225	M-4068	M-6889	M-9742
M-301	M-4078	M-6890	M-9767
M-328	M-4095	M-6977	M-9914
M-438	M-4096	M-7346	M-10070
M-447	M-4222	M-7801	M-10132
M-489	M-4223	M-7802	M-10134
M-491	M-4224	M-7803	M-10135
M-498	M-4225	M-7804	M-10136
M-748	M-4480	M-7805	M-10222
M-1087	M-4516	M-7806	M-10438
M-1245	M-4797	M-7807	M-10458
M-1391	M-4890	M-8538	M-10459
M-1459	M-4895	M-8539	M-10603
M-1556	M-5325	M-8644	M-10604
M-1662	M-5326	M-8673	M-10615
M-1663	M-5443	M-8718	M-10666
M-1664	M-5545	M-9155	M-10748
M-1665	M-5546	M-9236	M-10983
M-1707	M-5547	M-9426	M-11042
M-1743	M-5548	M-9740	M-11043
M-1744	M-6206	M-9741	M-11151
M-1900	M-6229	M-9768	M-11196
M-1901	M-6260	M-9769	M-11197
M-1976	M-6261	M-9770	M-11198

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and under said debentures and coupons, and

b. Twenty-three (23) coupons due April 1, 1944, detached from Hugo Stinnes Industries, Inc. 7 percent 20 year Sinking Fund debentures numbered M-1034, 2064, 2853, 2913/15, 3543, 3691, 3729, 4501, 4799, 5445, 8206, 9927, 10061/9, said coupons presently in the custody of J. & W. Seligman & Co., 65 Broadway, New York 6, New York, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, Hilde Fiedler and Clare Wagenknecht Stinnes, Sr., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9289; Filed, Nov. 9, 1956; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 221

Washington, Wednesday, November 14, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 4—POLITICAL ACTIVITY

PART 5—PROHIBITION AGAINST HOLDING STATE OR LOCAL OFFICE

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

1. Part 4 is redesignated as "Political Activity" and is revised as set out below. Former Subpart B of Part 4 "Prohibition Against Holding State or Local Office" has been transferred to a new Part 5, and includes a new paragraph (l) which has been added to § 5.103.

PART 4—POLITICAL ACTIVITY

Subpart A—Procedure, Political Activity Cases

Sec.
4.101 Purpose.
4.102 Penalties.

Subpart B—Procedure, Competitive Service

4.201 Investigation.
4.202 Charge and answer.
4.203 Administrative decision.
4.204 Appeal.

Subpart C—Procedure, Excepted Service

4.301 Investigation.
4.302 Charge and answer.
4.303 Administrative decision.
4.304 Appeal.

Subpart D—Appeal Procedure, Competitive and Excepted Service

4.401 Retention of employee pending decision on appeal.
4.402 Hearing on appeal to the Commission.
4.403 Decision on appeal.

AUTHORITY: §§ 4.101 to 4.403 issued under R. S. 1753, sec. 2, 22 Stat. 403, as amended 5 U. S. C. 631, 633. E. O. 10577, 19 F. R. 7521; 3 CFR 1954 Supp. Interpret or apply sec. 9, 53 Stat. 1148, as amended, sec. 14, 58 Stat. 390, as amended; 5 U. S. C. 118i, 863. Other statutory provisions interpreted or applied are cited to text in parenthesis.

SUBPART A—PROCEDURE, POLITICAL ACTIVITY CASES

§ 4.101 *Purpose.* The regulations in this part provide the procedures to be followed in determining whether employees in the executive branch of the Federal Government have engaged in political activities prohibited by section 9 of the Hatch Political Activities Act (5 U. S. C. 118i) or whether employees in the competitive civil service of the Federal Government have engaged in political activities prohibited by Civil Service Rule IV (hereinafter referred to as the "act" and the "rule").

§ 4.102 *Penalties.* (a) The penalties for violation of section 9 (a) of the Hatch Political Activities Act are set forth in the statute and must be imposed. Penalties for violations of Civil Service Rule IV will be imposed in accordance with the provisions of the Hatch Politcial Activities Act.

(b) An officer or employee (hereinafter comprehended within the term "employee") removed for violation of the act or rule may not be employed again in any position the salary or compensation of which is payable under the same appropriation as the position from which removed. In addition, in each case involving a finding that a Federal employee has engaged in prohibited political activity, the Commission may consider the matter from a suitability standpoint and may establish a definite period during which that employee is debarred from employment in the competitive service.

(c) An employee suspended at the direction of the Commission for violation of the act or rule is not eligible for employment in other Federal positions during the period of his suspension.

SUBPART B—PROCEDURE, COMPETITIVE SERVICE

§ 4.201 *Investigation.* (a) Investigations of allegations of prohibited political activity on the part of an employee in the competitive service shall be conducted without a pledge of confidence. The agency where the individual is employed shall be notified of the investigation and shall be given an opportunity to participate.

(b) During the course of the investigation the employee shall be afforded an opportunity to make a statement concerning the allegations and to furnish the names of witnesses he wishes to have interviewed.

§ 4.202 *Charge and answer.* When the General Counsel of the Commission finds that the employee has engaged in prohibited political activity, he shall issue

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See Commodity Credit Corporation; Commodity Stabilization Service.

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to the employee a notice of proposed adverse action. This notice shall set forth the alleged political activity specifically and in detail, and advise the employee of the proposed penalty. It shall be sent to the employee by registered mail, with return receipt requested. The employee shall be given not less than fifteen (15) calendar days from the date of receipt of the notice to reply thereto in writing. No disciplinary action based upon the allegations contained in the notice shall be taken within thirty (30) calendar days after the date of receipt of the notice, as evidenced by the return registry receipt.

§ 4.203 *Administrative decision.* When the reply is received, or when the employee fails to reply within the time set, the General Counsel shall review the entire record, including all evidence submitted by the employee in defense or mitigation of the charges, and shall make a decision which shall be sent to the employee by registered mail, with return receipt requested. If the decision is adverse to the employee, it shall set forth specifically and in detail the charges on which it is based and shall notify the employee of the penalty. It shall also notify the employee of his right to appeal to the Commission, of the time within which his appeal must be filed, and of the place where the appeal must be filed.

§ 4.204 *Appeal.* An employee may appeal from the decision of the General Counsel within fifteen (15) calendar days after his receipt of the decision. The Commission may, in its discretion, extend this time upon a showing that the employee was unable, through circumstances beyond his control, to file his appeal within the time set. The appeal shall be in writing, addressed to the U. S. Civil Service Commission, Washington 25, D. C., and shall state whether the employee wishes a hearing. If no appeal is received within the time set, the General Counsel shall notify the employing agency of the decision, and the employing agency shall immediately take the necessary administrative action to comply with the decision.

SUBPART C—PROCEDURE, EXCEPTED SERVICE

§ 4.301 *Investigation.* Investigations of allegations of prohibited political activity on the part of an employee in the excepted service shall be conducted by the employing agency without a pledge of confidence. The Commission may join in such investigations at the request of the employing agency.

§ 4.302 *Charge and answer.* Where the investigation indicates that a violation has occurred, the employing agency shall issue to the employee a notice of proposed removal. This notice shall set forth the alleged political activity specifically and in detail. The notice shall be sent to the employee by registered mail, return receipt requested. The employee shall be given not less than fifteen (15) calendar days after the date of his receipt of the notice to reply thereto in writing. No disciplinary action based on the allegations contained in the notice may be taken within thirty (30) calendar days after his receipt of the notice.

§ 4.303 *Administrative decision.* On receipt of his reply, or if the employee fails to reply within the time set, the employing agency shall make the decision on the entire record and notify the employee thereof by registered mail, return receipt requested. If the decision is adverse to the employee the notice of decision shall set forth specifically and in detail the charges on which it is based and the effective date of his proposed removal. All employees whose removal is found warranted must be advised in the notice of decision of the right to appeal to the Commission, of the time within which his appeal must be filed, and of the place where the appeal must be filed.

§ 4.304 *Appeal.* An employee may appeal to the Commission from a decision of the employing agency that his removal is warranted for violation of the Act not later than fifteen (15) calendar days after his receipt of the decision. The Commission, in its discretion, may extend this time upon a showing that the employee was unable, through circumstances beyond his control, to file his appeal within the time set. The appeal shall be in writing, addressed to the U. S. Civil Service Commission, Washington 25, D. C., and shall state whether the employee wishes a hearing.

SUBPART D—APPEAL PROCEDURE, COMPETITIVE AND EXCEPTED SERVICE

§ 4.401 *Retention of employee pending decision on appeal.* If the employee, whether in the competitive or excepted civil service, takes a timely appeal he shall not be removed but shall be retained in an active duty status until a final decision is made by the Commissioners. If no appeal is taken within the prescribed time limit the administrative decision rendered by the General Counsel of the Civil Service Commission, or by the agency, shall become final.

§ 4.402 *Hearing on appeal to the Commission.* (a) Employees who appeal under § 4.204 or § 4.304 have the right to a personal appearance, hereinafter called a hearing. The hearing shall be held at such time and place as the Commission may determine. Notice of hearing shall be given at least ten (10) calendar days in advance of the date fixed for the hearing.

(b) The hearing shall be held before an examiner designated by the Commission. All testimony shall be under oath or affirmation. Affidavits and other documentary evidence may be introduced. All statements, affidavits and documents which are to be considered as evidence shall be available for review by the employee or his representative.

(c) The employee, the General Counsel of the Commission, and a representative of the agency in cases of excepted employees, may produce witnesses, who shall be subject to cross-examination. Each shall be responsible for securing the attendance of his witnesses.

(d) The proceedings at the hearing shall be reported stenographically unless the Commission or the presiding examiner shall direct otherwise. If the proceedings are not taken by a reporter on behalf of the Commission, a summary of the testimony shall be prepared by the examiner or in accordance with directions given by him, to which the parties may file written exceptions. The summary and the exceptions, if any, shall be certified by the examiner and shall become part of the record.

(e) It shall be within the discretion of the examiner to permit and fix the time for the filing of briefs.

§ 4.403 *Decision on appeal.* (a) The examiner assigned shall submit the record and the report of hearing, together with a recommendation, to the Commissioners, who shall make the final decision on the appeal. If the employee did not request a hearing, the examiner's recommendation and the Commissioners' decision shall be made on the basis of the record. Recommendations of other examiners, together with the record, shall be transmitted to the Commission through the Commission's Chief Hearing Examiner, who may add his own comments and recommendations.

(b) The decision of the Commissioners shall be sent to the employee and the employing agency. If the decision is adverse to the employee, it shall set forth specifically and in detail the charges on which it is based, shall notify the employee of the penalty, and shall be sent to him by registered mail, return receipt requested. It shall be mandatory upon the employing agency to comply with the decision.

PART 5—PROHIBITION AGAINST HOLDING STATE OR LOCAL OFFICE

Sec.
5.101 Prohibition against holding State or local office.
5.102 State and local positions which may be held by Federal officers and employees.
5.103 Federal positions the incumbents of which are permitted to hold State and local offices.
5.104 Exception of residents of certain municipalities.

AUTHORITY: §§ 5.101 to 5.104 issued under R. S. 1753; 5 U. S. C. 631. E. O. 10530, 19 F. R. 2709; 3 CFR, 1954 Supp.

§ 5.101 *Prohibition against holding State or local office.* No person may accept or hold any office under a State or local government, including departments and agencies and political subdivisions of such governments at the same time that he holds any office in the executive branch of the Federal government by appointment, unless he is excepted by § 5.102, § 5.103, or § 5.104 and service in the State or local office will not interfere with the regular and efficient discharge of his Federal duties, of which the employing agency is the sole judge, and he obtains the approval of his employing agency in advance. Nothing in this subpart shall be construed as permitting a Federal employee to engage in any parti-

san political activity prohibited by section 9 of the Hatch Political Activities Act and Civil Service Rule IV.

§ 5.102 *State and local positions which may be held by Federal officers and employees.* Federal employees may hold State and local offices listed in this section under the conditions stated in § 5.101.

NOTE: Federal employees may not become candidates for these offices in a partisan election.

(a) Justices of the peace (E. O. 9, January 17, 1873).

(b) Notaries public (E. O. 9, January 17, 1873).

(c) Commissioners to take the acknowledgement of deeds, or of bail, or to administer oaths (E. O. 9, January 17, 1873).

(d) Members of school board or committee (Unnumbered E. O. of January 28, 1873).

(e) Positions on the board of any public library, religous institution, or eleemosynary institution incorporated, established, or maintained by State, Territorial, or municipal authority (Unnumbered E. O. of January 28, 1873).

(f) All positions in the State militia (Unnumbered E. O. of January 28, 1873).

(g) Members of local or municipal fire departments, when no compensation is received for the service (Unnumbered E. O. of January 28, 1873).

(h) Moderators of town meetings and other offices of a like character when the office to be held during the course of a single town meeting. Any office for a longer term is not included in this exception (E. O. 1583, August 24, 1912).

(i) Teachers and instructors in any State, Territorial, or municipal school or university (E. O. 8390, April 11, 1940).

(j) Members of the Colonial Councils of the Municipalities of St. Thomas and St. John, and the Municipality of St. Croix, Virgin Islands (E. O. 6051, February 27, 1933).

(k) Member of the State Board of Agriculture of the State of Michigan (E. O. 10645, November 22, 1955).

(l) Elective offices for which candidacy is permitted by section 18 of the Hatch Political Activities Act (nonpartisan elections) (sec. 18, 54 Stat. 767, 5 U. S. C. 118n, July 19, 1940).

(m) Election officer, if appointed and paid by a State or local government, provided that he discharges the duties of the office in an impartial manner. He may not become a candidate for the office in a partisan election, nor may he, while serving as election officer, engage in or become involved in activities on behalf of a political party or candidate.

(n) Harbormaster, without compensation, under the laws of the State of New Jersey.

§ 5.103 *Federal positions the incumbents of which are permitted to hold State and local offices.* Federal employees occupying the position set forth below may hold the State and local positions named therein, under the conditions stated in § 5.101. State and local employees may accept and hold the Federal offices under the same terms.

NOTE: Federal employees may not become candidates for these offices in a partisan election.

(a) *Department of Agriculture.* Officers and employees of the Department of Agriculture are authorized to hold State and Territorial positions when such action is deemed necessary by the Secretary of Agriculture to secure a more efficient administration (E. O. 661, June 26, 1907).

(b) *Atomic Energy Commission.* Officers and employees of the Atomic Energy Commission, with the approval of the General Manager or his designee, may hold State or local offices, under the laws of the States in which such employees may be on duty (E. O. 10044, March 15, 1949).

(c) *Department of Commerce.* (1) Persons holding State, Territorial, or municipal positions, may be appointed to positions in the Department of Commerce when the Secretary of that Department deems such employment necessary to secure more efficient administration of the duties of his Department (E. O. 5666, July 3, 1931).

(2) State and county officials may be appointed special agents of the Bureau of the Census for the collection of cotton statistics (E. O. 1118, August 4, 1909).

(d) *Department of Health, Education, and Welfare.* (1) Officers of the Public Health Service are permitted, upon the recommendation of the Surgeon General of the Public Health Service and the approval of the Secretary of Health, Education, and Welfare, to hold office in State, Territorial, or local health organizations, in order to cooperate with and aid State, Territorial, and local health departments; and State, Territorial, and local health officers or employees are permitted to hold office in the Public Health Service when the Surgeon General and the Secretary of Health, Education, and Welfare deem such employment necessary to secure a more efficient administration of the duties imposed upon the Public Health Service (E. O. 5700, August 31, 1931).

(2) Officers and employees of the Social Security Administration, upon recommendation of the Commissioner of Social Security and the approval of the Secretary of Health, Education, and Welfare, may hold office under State, Territorial, and municipal governments engaged in cooperative and related work with the Social Security Administration, provided that the services to be performed pertain to such work (E. O. 8399, April 29, 1940).

(e) *Department of the Interior.* (1) Employees of the Bureau of Reclamation and the National Park Service may, with the approval of the Secretary of the Interior, accept appointments as deputy State fish or game wardens, if no compensation is attached to the position (E. O. 1991, July 9, 1914).

(2) Employees of the National Park Service are permitted, with the approval of the Secretary of the Interior, to accept appointments as deputy sheriffs under the laws of the States or Territories in which such employees may be on duty, provided that their services as deputy sheriffs shall be without compensation (E. O. 7332, April 3, 1936).

(3) Officers and employees of the Bureau of Indian Affairs, serving in a medical or sanitary capacity, either on a part-time or full-time basis, may hold, with the consent of the Secretary of the Interior, State, county, or municipal positions of a similar character, but where the Federal employment is on a full-time basis, no additional compensation may be received for the services rendered in the State, Territorial, or municipal position (E. O. 7369, May 13, 1936).

(4) State, county, and municipal officers, when duly elected by qualified voters of a grazing district, may be appointed by the Secretary of the Interior to serve as grazing advisers under the provisions of section 3150–1 of title 43 of the United States Code, for intermittent duty, when the Secretary deems such services necessary in the interest of grazing on public lands (E. O. 7636, June 17, 1937).

(5) Officers and employees of the Interior Department, upon approval of the Secretary of the Interior, may hold office under State, Territorial and municipal governments engaged in cooperative and related work with the Department, provided that the services to be performed pertain to such work (E. O. 7796, January 21, 1938).

(6) Employees of the Bureau of Reclamation, with the approval of the Secretary of the Interior, may accept appointments as constables or deputy sheriffs, under the laws of the State or Territories in which such employees may be on duty, provided that their services as such constables or deputy sheriffs shall be without compensation (E. O. 9845, April 28, 1947).

(7) Employees of the Alaska Railroad, permanently residing in municipalities on the line of the railroad, are permitted to hold municipal offices therein (E. O. 4527, October 22, 1926).

(8) Employees of the Bureau of Land Management, with the approval of the Secretary of the Interior, may accept appointments as deputy fire warden under the States in which the employees are on duty, provided that their services in the State position are without compensation (E. O. 7944, August 4, 1938).

(f) *Department of Justice.* (1) Officers and employees of the Municipalities of St. Thomas and St. John, or of the Municipality of St. Croix, Virgin Islands, may be appointed to the position of immigration inspector for the Virgin Islands (E. O. 7736, November 6, 1937).

(2) Sheriffs and deputy sheriffs may be appointed deputy marshals of the U. S. (E. O. 9, January 17, 1873).

(g) *Department of Labor.* Persons holding State, Territorial, or municipal positions may be appointed as special agents whenever such action is deemed necessary by the Secretary of Labor to secure a more efficient administration of any law coming within the purview of the Department of Labor (E. O. 3771, January 2, 1923).

(h) *The Veterans' Administration.* Officers and employees serving in a medical capacity and on a part-time basis may hold State, county, or municipal positions in which employed in a medical capacity. Officers and employees may accept appointments under State, county, or municipal authority, as deputy sheriffs (E. O. 4059, August 6, 1924).

(i) *Railroad Retirement Board.* State or local employees may serve in the position of graphotype operator for part-time employment not to exceed ninety days.

(j) *Selective Service System.* State or local employees may serve as part-time clerical employees of local Selective Service boards.

(k) *Department of the Army.* Employees of the Department of the Army, with the approval of the Secretary or his designee, may accept appointments or commissions as deputy sheriffs under the laws of States or Territories in which such employees may be on duty, provided that their services as deputy sheriffs shall be without compensation.

(l) *Post Office Department.* State, county and municipal employees may serve as temporary Christmas employees.

NOTE: Others are specifically exempted by statutes.

§ 5.104 *Exception of residents of certain municipalities.* (a) Pursuant to the authority granted by section 16 of the Hatch Political Activities Act (5 U. S. C. 118n), the Commission has excepted residents of the municipalities listed in this paragraph from the prohibitions of section 9 of the Hatch Political Activities Act and Executive Order No. 9; the exceptions to be effective from and after the date specified in each case.

IN MARYLAND

Annapolis (May 16, 1941).
Berwyn Heights (June 15, 1944).
Bethesda (Feb. 17, 1943).
Bladensburg (April 20, 1942).
Bowie (April 11, 1952).
Brentwood (September 26, 1940).
Capital Heights (November 12, 1940).
Cheverly (December 18, 1940).
Chevy Chase, sections 1 and 2 (March 4, 1941).
Chevy Chase, section 3 (October 8, 1940).
Chevy Chase, section 4 (October 2, 1940).
Martin's Additions 1, 2, 3 and 4 to Chevy Chase (February 13, 1941).
Chevy Chase View (February 26, 1941).
College Park (June 13, 1945).
Cottage City (January 15, 1941).
District Heights (November 2, 1940).
Edmonston (October 24, 1940).
Fairmont Heights (October 24, 1940).
Forest Heights (April 22, 1949).
Garrett Park (October 2, 1940).
Glenarden (May 21, 1941).
Glen Echo (October 22, 1940).
Greenbelt (October 4, 1940).
Hyattsville (September 20, 1940).
Kensington (November 8, 1940.)
Landover Hills (May 5, 1945).
Morningside (May 19, 1949).
Mount Rainier (November 22, 1940).
North Beach (September 20, 1940).
North Brentwood (May 6, 1941).
North Chevy Chase (July 22, 1942).
Northwest Park (February 17, 1943).
Riverdale (September 26, 1940).
Rockville (April 15, 1948).
Seat Pleasant (August 31, 1942).
Somerset (November 22, 1940).
Takoma Park (October 22, 1940).
University Park (January 18, 1941).
Washington Grove (April 5, 1941).

IN VIRGINIA

Alexandria (April 15, 1941).
Arlington County (September 9, 1940).
Clifton (July 14, 1941).
Fairfax County (November 10, 1949).
Town of Fairfax (February 9, 1954).
Falls Church (June 6, 1941).
Herndon (April 7, 1945).
Vienna (March 18, 1946).

OTHER MUNICIPALITIES

Bremerton, Wash. (February 27, 1946).
Port Orchard, Wash. (February 27, 1946).
Elmer City, Wash. (October 26, 1947).
Anchorage, Alaska (December 29, 1947).
Benicia, Calif. (February 20, 1948).
Warner Robins, Ga. (March 19, 1948).
Norris, Tenn. (May 6, 1949).
Sierra Vista, Ariz. (October 5, 1955).
New Johnsonville, Tenn. (April 26, 1956).

(b) The exceptions are granted subject to the following conditions:

(1) Federal officers and employees in the exercise of these privileges must not neglect their official duties and must not engage in non-local partisan activities.

(2) Federal officers and employees must not run for local office as candidates representing a political party or become involved in political management in connection with the campaign of a party candidate for office.

(3) Federal officers and employees who are candidates for local elective office must run as independent candidates and must conduct their campaigns in a purely nonpartisan manner.

(4) Federal officers and employees elected or appointed to local offices requiring full-time service must resign their positions with the Federal Government. If elected or appointed to offices requiring only part-time service they may accept and hold the same without relinquishing their Federal employment provided the holding of such part-time office does not conflict or interfere with their duties as officers or employees of the Federal Government. The department or independent agency in which Federal officers or employees are employed is the sole judge of whether or not the holding of the local office conflicts or interferes with their official duties as officers or employees of the Federal Government.

(5) The permission granted by the Commission to any particular community may be suspended or withdrawn by the Commission when in its opinion the activities resulting therefrom are or may become detrimental to the public interest or inimical to the proper enforcement of the political-activity law and rules.

2. Paragraph (a) of § 22.101 is amended as set out below.

§ 22.101 *Applicability of regulations—*(a) *Scope.* The regulations in this part shall apply to appeals from adverse decisions of administrative officers of the Federal Government and the Government of the District of Columbia. They shall not apply to any decision of the Commission or to any action of an administrative officer which is taken pursuant to instructions from the Commission. They also shall not apply to appeals from decisions in political activity cases.

* * * * * * *

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–9304; Filed, Nov. 13, 1956; 8:45 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

1. Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) is added to § 6.142 as set out below.

§ 6.142 *Housing and Home Finance Agency.* * * *

(e) *Federal Flood Indemnity Administration.* (1) Until December 31, 1957, one Assistant Commissioner for Program Studies.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1), (2), (3) and (4) is added to § 6.342 as set out below.

§ 6.342 *Housing and Home Finance Agency.* * * *

(e) *Federal Flood Indemnity Administration.* (1) One Deputy Commissioner.

(2) One Assistant Commissioner for Indemnity Operations.

(3) One Assistant Commissioner for Loan Contract Operations.

(4) One Assistant Commissioner for Industry and Government Relations.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–9305; Filed, Nov. 13, 1956; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 Emergency Feed Program, Amdt. 1]

PART 475—1956 EMERGENCY FEED PROGRAM

FARMER'S PURCHASE ORDER

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 5079 and containing the specific requirements for the 1956 Emergency Feed Program are hereby amended as follows:

To provide an increase in the value of purchase orders from $1.00 per cwt. to $1.50 per cwt., § 475.28 is amended by

changing paragraph (d) and adding a new paragraph (e) to read as follows:

§ 475.28 *Farmer's purchase order.* * * *

(d) *Value.* The maximum total value of any purchase order shall be an amount equal to the number of hundredweight shown in section I of the purchase order multiplied by $1.50. Subject to such maximum, the actual total value of a purchase order shall be determined by the number of hundredweight of designated surplus feed grains or approved mixed feed listed in the table set forth in section III of the purchase order. Each such hundredweight of designated surplus feed grains or approved mixed feed shown therein shall be evaluated as follows:

(1) Designated surplus feed grains (excluding ear corn and approved mixed feed): $1.50.

(2) Ear corn: The conversion factor multiplied by $1.50 (e. g. if the conversion factor is 70 percent, the value shall be 70 percent times $1.50, or $1.05).

(3) Mixed Feed A: $1.125.

(4) Mixed Feed B: $0.90.

Mixed feeds containing less than sixty percent of designated surplus feed grain(s) shall have no value whatsoever. Eligible dealers shall not be entitled to a Dealer's Certificate based in whole or part on any such mix. In the event that a Dealer's Certificate is issued based on any such mix the dealer shall not be entitled to any credit or allowance whatsoever for the quantity of designated surplus feed grain(s) contained in any such mix, and if credit or allowance has been made, the dealer will be obligated to reimburse CCC for the amount of such credit. Approved mixed feed may contain more than the minimum percentage of designated surplus feed grains, but approved mixed feed will in no event be valued at other than the amounts stated in subparagraphs (3) and (4) of this paragraph.

(e) The provisions of paragraph (d) of this section apply to purchase orders issued on or after the effective date of this amendment. At the farmers request, the ASC county committee will issue purchase orders computed at a valuation in accordance with paragraph (d) of this section in exchange for outstanding valid purchase orders or any portions thereof regardless of the date issued which have not been used prior to the effective date of this amendment in connection with the sale and delivery, either physical or constructive, of surplus feed grains or approved mixed feeds and which had been computed at a different valuation.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec 407, 63 Stat. 1055, as amended; 7 U. S. C. 1427)

This amendment is effective as of October 11, 1956.

Issued this 7th day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-9328; Filed, Nov. 13, 1956; 8:50 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the Conservation Reserve Program Regulations issued August 16, 1956 (21 F. R. 6289), are hereby amended as follows:

1. Section 485.150 (w) is amended by changing the first sentence to read as follows: " 'Tame hay' means a stand of perennial grass or legumes which normally requires preparation of the land and seeding and from which the growth was harvested for hay or silage during either of the two years preceding the first year of the contract period."

2. Section 485.153 is amended by changing the first sentence to read as follows: "Land eligible to be designated as the conservation reserve is limited to cropland, land devoted to tame hay which does not require annual tillage, and land which was tilled or was in regular crop-rotation during the year immediately preceding the first year of the contract period which constitutes, or will constitute if tillage is continued, an erosion hazard to the community, but excluding land designated as acreage reserve, land otherwise eligible planted to small fruit, vineyard, nursery stock, orchard or nut trees, and the land between the rows, land which is covered by water resulting from water-impounding measures, and land owned by the Federal Government, including any corporation wholly owned by the Federal Government."

3. Section 485.156 (b) is amended by striking out in the first sentence "October 15, 1956" and inserting in lieu thereof "November 30, 1956".

4. Section 485.156 (c) (3) is amended to read as follows:

(3) If the contract provides that the conservation reserve is to be established in tree cover under practice A–7, the contract period shall be 10 years, except that, if the State committee determines that seedlings are not available for planting during one or more years of the contract period, the contract shall be extended by such number of years. In no case may the contract period be more than 15 years, nor may it extend beyond December 31, 1974.

5. The proviso in the first sentence of § 485.157 (b) (1) is amended to read as follows: *"Provided,* That the conservation reserve may, in the last six months of the final year of the contract period, be planted to orchard trees, nut trees or nursery stock or planted in any crop normally seeded in such six months period in the area for harvest in a later year."

6. Section 485.157 (b) (2) is amended by striking out in the first sentence the word "tame" preceding the word "varieties".

7. Section 485.157 (h) (1) is amended by striking out in the second sentence the language "B–7 and C–14" and inserting in lieu thereof the language "B–7, C–14, G–2 and G–3".

8. Section 485.158 (a) is amended by changing the period at the end of the first sentence to a colon and adding the following: *"Provided,* That if the contract is modified so as to include additional land in the conservation reserve other than through reconstitution of the farm, the soil bank base established for the farm under the original contract shall remain the same under the contract as modified."

9. Section 485.158 (e) is amended by changing the last sentence to read as follows: "A producer shall not be deemed to have harvested an acreage of soil bank base crops for any year in excess of that permitted under the provisions of paragraphs (b) and (c) of this section if the acreage permitted under the contract to be devoted to such crops for such year is more than zero unless the acreage harvested on the farm exceeds the number of acres permitted by more than one acre or three per centum of such permitted acreage, whichever is larger."

10. Section 485.162 (b) is amended to read as follows:

(b) *Maximum cost-share limitations for practices.* The cost-share for a water storage facility, including a water storage facility constructed under practice G–2 or practice G–3, shall not exceed the sum of (1) 80 per centum of that part of the cost of constructing the water storage facility which is not in excess of $625, (2) 40 per centum of that part of the cost of constructing the water storage facility which is in excess of $625 but not in excess of $1,000, and (3) 20 per centum of that part of the cost of constructing the water storage facility which is in excess of $1,000: *Provided,* That in no case shall the cost-share for a water storage facility exceed $1,500. The maximum cost-share for practice G–1 with respect to any farm shall be limited to an amount not in excess of that determined by multiplying the number of acres devoted to such practice by the maximum rate per acre which would be approved for practice A–2, A–7, D–1, or D–2, whichever is the highest, on the conservation reserve.

11. Section 485.162 (d) is amended by striking out in the first sentence the language "paragraphs (g) and (h)" and inserting in lieu thereof the language "paragraphs (e) and (f)".

12. Section 485.163 (d) is amended by changing the provisos in subparagraphs (1) and (2) to read as follows: *"Provided,* That no payment shall be made and the producer shall be considered in violation of his contract in any year if for such year (i) the acreage permitted under the contract to be devoted to soil bank base crops is zero and any acreage is devoted to such crops, or (ii) the acreage permitted under the contract to be devoted to soil bank base crops is more than zero and the acreage devoted to such crops exceeds such permitted acreage by more than one acre or three per centum of the permitted acreage, whichever is larger."

13. Section 485.163 (d) (3) is amended by changing the period at the end thereof to a comma and adding the following: "except that the number of acres devoted to any soil bank base crop for which an acreage allotment or soil bank corn base is not applicable shall be (i) for 1956 the harvested acreage of such crop, and (ii) for 1957 and subsequent years the acreage planted to such crop which is not turned under, cut off or pastured off, or otherwise disposed of, to the extent that the crop will not reach maturity, prior to a date which shall be established by the State Committee and which shall be at least 15 days before the date the harvesting of the latest maturing crop in the area normally begins. Such disposition date may be established in a county or an area within a county. Such date will be available at the office of the county committee and the producer shall obtain such information at that office."

14. Section 485.164 is amended by adding at the end thereof a new sentence as follows: "All or any part of the annual payment which otherwise would be due any producer may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or by any other means, designed to evade, or which has the effect of evading, the provisions of this section."

15. Section 485.165 (b) is amended by adding at the end thereof the following: "It shall be the responsibility of the producers eligible for payment to submit to the office of the county committee forms and information needed to establish the extent of compliance with the terms and conditions of the contract. Payment of the annual payment will be made only upon application submitted on the prescribed form to the office of the county committee by June 30 of the year following the calendar year for which the annual payment is made."

16. Section 485.170 is amended by changing the first sentence to read as follows: "Any person who may be entitled to any practice payment or annual payment for the year then current under the Conservation Reserve Program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop for the then current year, including the carrying out of soil-, water-, forest-, and wildlife-conserving practices."

17. A new § 485.183 is added reading as follows:

§ 485.183 *Breaking out noncropland.* No producer shall break out any land not classified as cropland at the time the contract was entered into unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the farm (exclusive of the acreage and conservation reserves) is restored to permanent vegetative cover. The breaking out of such land without the approval of the county committee shall constitute a violation of the contract.

(Sec. 124, 70 Stat. 198. Interpret or apply secs. 107–123, 125, 126, 70 Stat. 191–198)

Done at Washington, D. C., this 8th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9327; Filed, Nov. 13, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1022–1 Amdt. 2]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendment contained herein is issued pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and the provisions of the Agricultural Act of 1956 for the purpose of amending §§ 717.1 and 717.3 of the regulations governing the holding of referenda on marketing quotas contained in §§ 717.1 to 717.14, inclusive (21 F. R. 3960; 21 F. R. 4799). Since county committees are now preparing registers of eligible voters by community or neighborhood to be used in connection with marketing quota referenda, it is hereby determined that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable, unnecessary and contrary to the public interest and the amendment contained herein shall become effective upon filing with the Director, Division of the Federal Register.

The regulations governing the holding of referenda on marketing quotas (21 F. R. 3960; 21 F. R. 4799) are hereby amended as follows:

Section 717.1 (h) is amended to read as follows:

(h) *Engaged in production.* The term "engaged in production" shall include (1) planting a crop even though the crop is not harvested, if such failure to harvest is not caused by the neglect of the farmer, or (2) participation in the Soil Bank Acreage Reserve Program, with respect to the commodity for which a referendum is being held, pursuant to a valid agreement which has not been terminated by the persons signing the agreement for the farm.

Section 717.3 (a) (4) (5) and (6) is amended to read as follows:

(4) *Wheat.* Farmers who will be engaged in the production of wheat for harvest in the calendar year in which the marketing year with respect to which the referendum is held begins on a farm located in an area not designated at the time of the referendum as being outside the commercial wheat-producing area for the marketing year with respect to which the referendum is held and who intend to harvest in any manner in excess of fifteen acres of wheat for grain on the farm, or who intend to participate in the Soil Bank Acreage Reserve Program with respect to wheat so that the acreage placed under such program plus the acreages of wheat, if any, intended to be harvested for grain will exceed 15 acres, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper, shall be eligible to vote in a referendum with respect to wheat. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(5) *Rice.* Farmers eligible to vote in a referendum with respect to rice will be those farmers who, in the continental United States and with respect to the crop of rice harvested immediately preceding the date of the referendum, engaged in the production of irrigated rice or in the production of nonirrigated rice on a farm on which more than three acres of nonirrigated rice were planted, or on which the acreage placed under the Soil Bank Acreage Reserve Program with respect to rice pursuant to a valid agreement which has not been terminated by the persons signing the agreement for the farm, plus the planted acreage (planted acreage includes acreage planted but not harvested only if such failure to harvest is not caused by the neglect of the farmer), if any, of nonirrigated rice exceeded three acres, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant (including an irrigation company furnishing water for a share of the crop), or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who engaged in the production of peanuts in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper, on a farm on which the acreage of peanuts planted for harvest for nuts (the term "planted for harvest for nuts" includes acreage planted but not harvested only if such failure to harvest is not caused by the neglect of the farmer) in such year is more than one acre, or on which the acreage placed under the Soil Bank Acreage Reserve Program with respect to peanuts pursuant to a valid agreement which has not been terminated by the persons signing the agreement for the farm, plus the acreage of peanuts planted for harvest for nuts, if any, in such year exceeded one acre. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 8th day of November 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9331; Filed, Nov. 13, 1956; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Regs. 814.15, Amdt. 3; 814.16, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

QUOTAS AND DIRECT CONSUMPTION PORTION; PUERTO RICO, 1956

Basis and purpose. These amendments are issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of amending Sugar Regulations 814.15 and 814.16, as amended (20 F. R. 9901; 21 F. R. 105, 5819, 7207), which established allotments of the 1956 mainland and local quotas for Puerto Rico and the direct-consumption portion of the mainland quota. Revision of Sugar Regulation 814.15, Amendment 2, and Sugar Regulation 814.16, Amendment 1, is necessary to: (1) Give effect to Amendments 6 and 7 of Sugar Regulation 811 (21 F. R. 8180, 8310) which increased the mainland quota for the area to 1,110,865 short tons, raw value, and the direct-consumption portion thereof to 129,635 short tons, raw value, as a result of increases totalling 100,000 short tons, raw value, in United States sugar requirements, and further increased the mainland quota for the area by 750 short tons, raw value, as a result of prorating a 3,148 short tons, raw value, deficit in the Virgin Islands quota; (2) prorate a 741 short tons, raw value, deficit in mainland allotments declared by three allottees and a 104 short tons, raw value, deficit in the allotment of the direct-consumption portion of the mainland quota declared by one allottee to other allottees able to utilize additional allotments; and, (3) to make a change in the provisions of the order relating to restrictions on the marketing of sugar within the allotments established by the order.

Omission of recommended decision and effective date. On the basis of the record of the reopened hearing held in this proceeding it is found and determined that a delay in the issuance of the allotments would be a detriment to orderly marketing of the additional quantity of sugar to be allotted and thus the orders should be issued at the earliest possible date. It is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires omission of a recommended decision in this proceeding and that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER. To the extent that findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Preliminary statement. Pursuant to the applicable rules of practice and procedure, as amended (21 F. R. 4251) and 1956 mainland quota of 1,093,750 short tons, raw value, and the direct-consumption portion thereof amounting to 127,638 short tons, raw value, for Puerto Rico as established by Sugar Regulation 811, as amended (20 F. R. 9848, 21 F. R. 2805, 4653, 5709, 6009, 7206, 7843) and the local quota of 100,000 short tons, raw value, for Puerto Rico as established by Sugar Regulation 812 (20 F. R. 9805) were allotted in Sugar Regulation 814.15, Amendment 2, and Sugar Regulation 814.16, Amendment 1 (20 F. R. 9901; 21 F. R. 105, 5819, 7207).

Pursuant to the applicable rules of practice and procedure, as amended (21 F. R. 4251) a notice was issued October 11, 1956 (21 F. R. 7832) reopening the hearing in this proceeding at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building, on October 24, 1956, immediately after the close of the hearing relating to allotment of the 1957 quotas for Puerto Rico for the sole purpose of receiving evidence relevant and pertment to changes that may be made in the requirements of paragraphs (c) and (e) of Sugar Regulation 814.15 to permit efficient and full utilization of the 1956 mainland allotments by allottees having adequate sugar supplies. The reopened hearing was held at the time and place specified in the notice.

Basis for findings and conclusions. The record of the reopened hearing shows that special provision needs to be made to facilitate shipments from Puerto Rico and thus make more readily available the quantity of sugar provided within the 1956 mainland quota for Puerto Rico. For the most part raw sugar moves from Puerto Rico in cargo lots. Opportunities to ship small quantities to complete filling individual allotments are limited, particularly when the sugar produced by the allottees having such balances is widely distributed over the Island, and the number of ships available is limited so that prompt loading is important to the movement of the entire quota. The necessity for individual allottees to arrange for shipments of small lots is increased somewhat since Puerto Rico shares in increases or decreases in total United States sugar requirements and such increases may be found necessary late in the year.

The Government witness proposed that provision should be made in the order allotting the 1956 mainland quota for Puerto Rico permitting an allottee to market sugar within the allotment of another allottee under circumstances in which each of the allottees have adequate supplies of sugar of their own production to fill their respective allotments and arrangements are made whereby no allottee would be permitted to reduce his total supply of sugar by a quantity in excess of that permitted within his allotment.

No exceptions were taken, either in testimony or briefs, to the above proposals and reasoning.

Findings and conclusions. In addition to the findings and conclusions made in Sugar Regulations 814.15 and 814.16, as amended (20 F. R. 9901; 21 F. R. 105, 5819, 7207) and on the basis of the record of the hearing, including the reopened portions, I hereby further find and conclude that in regard to:

A. *Allotment of mainland and local quotas.* Shipping facilities are limited and scheduling inflexible. Some allottees may thereby be denied opportunities to ship sugar of their own production to cover relatively small balances in their allotments. Thus, a substitution of sugar is necessary to permit efficient and full utilization of the 1956 mainland allotments by allottees having adequate sugar supplies to make more readily available the quantity of sugar provided for within the 1956 mainland quota. Accordingly, after November 1, 1956, one allottee should be permitted to market sugar produced by him within the allotment established for another allottee provided that he has acquired an equivalent quantity of sugar produced by such other allottee and holds it subject to his allotment as if it were produced by him.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered, that Sugar Regulations 814.15, as amended, and 814.16, as amended, are hereby further amended to read as follows:

§ 814.15 *Allotment of 1956 sugar quotas for Puerto Rico* (a) *Allotments.* The 1956 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1956 sugar quota for local consumption in Puerto Rico are hereby allotted to the following processors in quantities which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment	Local allotment
Antonio Roig, Sucesores, S. en C.	29,070	21,608
Asociacion Azucarera Cooperativa	33,403	----------
Central Aguirre Sugar Co., a trust	113,181	1,600
Central Coloso, Inc.	62,278	551
Central Eureka, Inc.	40,738	606
Central Guanani, Inc.	13,034	----------
Central Igualdad, Inc.	28,679	16,971
Central Juanita, Inc.	44,242	2,217
Central Mercedita, Inc.	64,754	23,472
Central Monserrate, Inc.	26,600	97
Central San Francisco	8,684	2,129
Central San Vicente, Inc.	63,720	55
Compaina Azucarera del Camuy, Inc.	14,715	----------
Compania Azucarera del Toa	32,481	----------
Cooperativa Azucarera Los Canos	41,442	----------
Eastern Sugar Associates, a trust	109,916	14,084
Fajardo Sugar Company	112,526	14
Land Authority of Puerto Rico	78,542	----------
Mario Mercado e Hijos	32,526	501
Mayaguez Sugar Co., Inc.	8,359	120
Plata Sugar Company	53,919	278
Soller Sugar Company	13,007	----------
So. Porto Rico Sugar Co. of Puerto Rico	85,799	15,697
All other persons	----------	----------
Total	1,111,615	100,000

(b) *Exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (c) of this section, shall not be exchanged without the approval of the Chief of the Quota and Allotment Branch, Sugar Division, Commodity Stabilization Service of the Department.

(c) *Producers' marketings under allotments.* Each processor shall reserve a share of its mainland allotment for the marketings of each producer with whom settlement for sugarcane is made in sugar equal to the same percentage of the producer's 1955–56 crop sugar that the sum of the processor's mainland and local allotments is of the processor's total production of 1955–56 crop sugar. *Provided,* That, upon written request to the processor within 30 days of the effective date of this order, the producer's share shall be divided between local and mainland allotments as the sum of the processor's allotments is divided between mainland and local allotments. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1955–56 shall be permitted to market such sugar within that processor's mainland allotment.

(d) *Restrictions on marketings.* (1) During the calendar year 1956 all persons are prohibited from bringing into the continental United States or marketing to a refinery in Puerto Rico for such purposes, a quantity of sugar produced by each allottee named in paragraph (a) of this section in excess of the quantity established in paragraph (a) of this section as his mainland allotment adjusted as provided in paragraph (b) of this section; except that after November 1, 1956, a quantity of sugar produced by one allottee (hereinafter referred to as "first allottee"), may be brought into the continental United States within the allotment of another allottee (hereinafter referred to as "second allottee") and charged to the allotment of the "second allottee" at the time it is brought in provided prior thereto the following conditions have been met: (i) The "first allottee" must have acquired from and hold an equivalent quantity of sugar produced by the "second allottee" which acquired quantity of sugar thereafter shall be subject to all the other provisions of this part as if it were produced by the "first allottee"; and (ii) the allottees concerned must have notified, in writing, the Chief, Quota and Allotment Branch, Sugar Division, Commodity Stabilization Service, Department of Agriculture, Washington 25, D. C., of the transaction proposed within the provisions of this exception and obtained his approval thereof in writing.

(2) During the calendar year 1956 each person named in paragraph (a) of this section is hereby prohibited from marketing for local consumption in Puerto Rico sugar processed from sugarcane by such person in excess of the local allotment established for such person in paragraph (a) of this section as adjusted pursuant to paragraph (b) of this section.

(3) During the calendar year 1956 all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the sum of (i) the quantity of sugar acquired for such purpose under the limitations specified in § 814.13, as amended (19 F. R. 9319; 20 F. R. 2686, 5674), and held in inventory on December 31, 1955, and (ii) the quantity of sugar acquired for such purpose within the limits specified in this section.

(e) *Specific charges against allotments.* Except as provided in paragraph (d) of this section, sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local consumption in Puerto Rico during 1956 shall be charged to the applicable allotment of the processor who processed such sugar.

(f) *Transfer of allotments.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions of the act, permit marketing of sugar for local consumption in Puerto Rico and bringing sugar into the continental United States for consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

§ 814.16 *Allotment of the direct-consumption portion of 1956 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1956 sugar quota for Puerto Rico, amounting to 129,635 short tons, raw value, is hereby allotted as follows:

Allottee:	Direct-consumption allotment short tons, raw value
Central Aguirre Sugar Co., a trust	6,629
Central Roig Refining Co	20,109
Central San Francisco	1,292
Porto Rican American Sugar Ref., Inc	80,942
Western Sugar Refining Co	20,513
All other persons (raw sugar only)	150
Total	129,635

(b) *Restrictions on marketing.* (1) During the calendar year 1956, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the quantity transferred to such allottee and charged against a 1956 mainland allotment under § 814.15.

(2) During the calendar year 1956, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except (i) that acquired from an allottee within the quantity established in this section, and (ii) that brought in within the quantity established in this section for "all other persons".

(3) During the calendar year 1956 no person shall bring into the continental United States direct-consumption sugar from Puerto Rico which is principally not of crystalline structure after 3,602 short tons, raw value, of such sugar has been brought in within the allotments established in paragraph (a) of this section.

(c) *Transfer of allotments.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions of the act, permit bringing direct-consumption sugar into the continental United States for consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consideration, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 205, 209, 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Issued at Washington, D. C., this 8th day of November 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-9330; Filed, Nov. 13, 1956; 8:50 a. m.]

[Sugar Determination 855.4, Amdt. 1]

PART 855—MAINLAND CANE SUGAR AREA

1957 CROP; MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, paragraph (a) (4) and (6) and paragraphs (b) and (d) of § 855.4, Determination of Proportionate Shares for the Mainland Cane Sugar Area–1957 Crop, issued August 14, 1956 (21 F. R. 6218) are amended as hereinafter set forth:

Paragraph (a) (4) is hereby amended to read as follows:

(4) *Transfer of farm proportionate shares.* The proportionate share established or which would have been established pursuant to subparagraphs (1) and (2) of this paragraph for any land removed from sugarcane production, except sugarcane produced primarily for experimental purposes, because of transfer by sale, lease or donation to any Federal, State or other agency or entity having the right of eminent domain, shall, upon application to the appropriate Agricultural Stabilization and Conservation State Office (referred to in this section as "State Office"), within five years from the date of such transfer, be added to the proportionate share, if any, established for other land owned, purchased, or leased by the owner of the land so transferred.

The last sentence of Paragraph (a) (6) is amended to read as follows: "Before prorating unused acreage with respect to any farm, the State Committee shall ob-

tain a statement from the operator thereof (the producer who controls and directs the operations on the farm) as to the number of acres within the proportionate share that will not be used."

Paragraph (b) is amended to read as follows:

(b) *Eligibility for payment under the act.* The eligibility of any producer of sugarcane for payment under the act shall be subject to the following conditions.

(1) The acreage of sugarcane grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugarcane grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugarcane was sold by him, or was processed by or for him for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose.

(2) The number of share tenants or sharecroppers engaged in the production of sugarcane of the 1957 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval the State Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(3) The producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect;

(4) The requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugarcane marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugarcane.

(5) The requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugarcane shall have been met.

The first sentence of paragraph (d) is amended to read as follows: "Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof shall be determined by the county committee."

STATEMENT OF BASES AND CONSIDERATIONS

Pursuant to the amendment to section 301 (b) of the act by Public Law 545, 84th Congress, approved May 29, 1956, and effective January 1, 1956, regarding sugar for livestock feed; this amendment establishes in paragraph (b) (1) the procedure under which sugarcane may be marketed for the extraction of sugar for livestock feed or for the production of livestock feed from an acreage in excess of the proportionate share for the farm without disqualifying the producer for payment. Since the sugarcane producers who are not processor-producers do not control the processing of sugarcane, the responsibility of such producers regarding the disposition of sugarcane from excess acreage for such use will be considered as having been fulfilled upon the submission of satisfactory evidence that such sugarcane was sold by them and purchased by the processor for the extraction of sugar for livestock feed or for the production of livestock feed. This amendment also provides, in paragraph (b) (4), subject to the submission of appropriate proof, that the child labor requirements of the act shall not be applicable with respect to sugarcane from such excess acreage which is used for such purpose.

Paragraph (a) (4), relating to the transfer of farm proportionate shares when land is sold, leased or donated to an agency having the right of eminent domain, is revised by this amendment by adding to the clause "land removed from sugarcane production" the words "except sugarcane produced primarily for experimental purposes." This change permits such a transfer in the type of case under consideration in which land has been leased to the Department for the experimental production of sugarcane.

In view of the use of the term "operator" in paragraph (a) (6) of the original determination without any explanation, this amendment defines that term.

Wage determinations issued pursuant to Title III of the act provide for steps to be taken in filing appeals with respect to wages and for certain procedures in connection with compliance which differ from those provided for general use under the original determination. The change made in paragraph (d) by this amendment eliminates the conflict with such other determinations.

Accordingly, I hereby find and conclude that the aforestated amendment to the determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, secs 13, 14, Pub. Law 545, 84th Cong.; 7 U. S. C. 1131, 1132)

Issued this 8th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9329; Filed, Nov. 13, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Civil Aeronautics Manual 1, Revision]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

The following revisions to Civil Aeronautics Manual 1 provide expanded standards for inspections and tests for aircraft, aircraft engines, propellers, and major components and for production inspection systems (§§ 1.15–1 through 1.15–5). The requirements for production certification (§ 1.32–1) and quality control (§§ 1.34–1 through 1.34–3) have been rearranged and slight editorial modifications have been made. Section 1.36–2 is added to describe quality control data. New §§ 1.25–1 through 1.28–1 establish policies relating to the issuance of supplemental type certificates. New §§ 1.55–1 through 1.55–4 establish standards for the manufacture of replacement and modification parts. The revisions to §§ 1.60–1 through 1.77–4 bring the wording into line with Part 1 and remove references to certain CAA forms no longer in use.

Because numerous editorial revisions have been made to clarify the procedural instructions contained in the manual, there follows a complete revision of Civil Aeronautics Manual 1. Accordingly, CAM 1 as it appeared in 14 CFR 1, and amended by 21 F. R. 3180, May 15, 1956, is revised to read as follows:

TYPE CERTIFICATES

Sec.
1.10–1 Application for type certificate (CAA rules which apply to § 1.0).
1.11–1 Appliances (CAA policies which apply to § 1.11).
1.12–1 Requirements for issuance of type certificates (CAA policies which apply to § 1.12).
1.12–2 Inspection of prototype (CAA policies which apply to § 1.12).
1.14–1 Transferability (CAA interpretations which apply to § 1.14).
1.15–1 Inspections and tests (CAA policies which apply to § 1.15).
1.15–2 Production test flight authorization (CAA policies which apply to § 1.15).
1.15–3 Logging of production aircraft flight test time (CAA policies which apply to § 1.15 (d)).
1.15–4 Production inspection system (CAA rules which apply to § 1.15 (d)).
1.15–5 Production inspection system standards (CAA policies which apply to § 1.15 (d)).
1.15–6 Surveillance of production inspection system (CAA policies which apply to § 1.15 (d)).
1.19–1 Statement of conformity (CAA rules which apply to § 1.19 (a)).

CHANGES IN TYPE DESIGN

1.20–1 Changes in type design (CAA policies which apply to § 1.20).

SUPPLEMENTAL TYPE CERTIFICATES

1.25–1 Application for a supplemental type certificate (CAA policies which apply to § 1.25).
1.26–1 Airworthiness requirements (CAA policies which apply to § 1.26).
1.27–1 Procedures for obtaining approval (CAA policies which apply to § 1.27).

Sec.
1.27–2 Issuance and recording of supplemental type certificates (CAA policies which apply to § 1.27).
1.28–1 Airworthiness certification or approval of modified aircraft or products (CAA policies which apply to § 1.28).

PRODUCTION CERTIFICATES

1.30–1 Application for a production certificate (CAA rules which apply to § 1.30).
1.30–2 Processing application (CAA policies which apply to § 1.30).
1.32–1 Production certification requirements (CAA policies which apply to § 1.32).
1.33–1 Location of manufacturing facilities (CAA policies which apply to § 1.33).
1.34–1 Quality control; general (CAA interpretations which apply to § 1.34).
1.34–2 Quality control (CAA policies which apply to § 1.34).
1.34–3 Quality control—special procedure (CAA policies which apply to § 1.34).
1.35–1 Statement of conformity (CAA policies which apply to § 1.35).
1.36–1 Quality control data requirements (CAA policies which apply to § 1.36).
1.36–2 Quality control data (CAA interpretations which apply to § 1.36).
1.37–1 Information on inspection system—subsidiary manufacturers (CAA policies which apply to § 1.37).
1.38–1 Changes in quality control system (CAA interpretations which apply to § 1.38).
1.39–1 Multiple products (CAA policies which apply to § 1.39).
1.40–1 Production limitation record (CAA policies which apply to § 1.40).
1.41–1 Modifying a production limitation record (CAA policies which apply to § 1.41).
1.42–1 Change of ownership (CAA policies which apply to § 1.42).
1.43–1 Inspection by CAA representative (CAA policies which apply to § 1.43).
1.43–2 Inspection by CAA Designated Manufacturing Inspection Representatives (CAA policies which apply to § 1.43).
1.44–1 Duration (CAA policies which apply to § 1.44).
1.45–1 Display (CAA policies which apply to § 1.45).

AIRCRAFT AND PRODUCT IDENTIFICATION

1.50–1 Identification (CAA policies which apply to § 1.50).

REPLACEMENT AND MODIFICATION PARTS

1.55–1 Replacement and modification parts; design approval (CAA policies which apply to § 1.55).
1.55–2 Replacement and modification parts; inspection approval (CAA policies which apply to § 1.55).
1.55–3 [Reserved.]
1.55–4 Surveillance of inspection system (CAA policies which apply to § 1.55).

AIRWORTHINESS CERTIFICATES

1.60–1 "Registered owner" (CAA interpretations which apply to § 1.60).
1.60–2 Application form (CAA rules which apply to § 1.60).
1.60–3 Processing application (CAA policies which apply to § 1.60).
1.60–4 Airworthiness certificates (CAA policies which apply to § 1.60).
1.61–1 Airworthiness certificate classifications (CAA policies which apply to § 1.61).

Sec.
1.62–1 Changing airworthiness classification (CAA policies which apply to § 1.62).
1.65–1 Display of airworthiness certificate (CAA rules which apply to § 1.65).
1.69–1 Issuance of restricted airworthiness certificates (CAA policies which apply to § 1.69).
1.70–1 Issuance of multiple airworthiness certificates (CAA policies which apply to § 1.70).
1.71–1 Issuance of limited airworthiness certificates (CAA policies which apply to § 1.71).
1.72–1 Procedure to be followed for recertification in the "limited category" (CAA policies which apply to § 1.72).
1.73–1 Experimental airworthiness certification (CAA policies which apply to § 1.73).
1.74–1 Requirements for the issuance of experimental airworthiness certificates (CAA rules which apply to § 1.74 (a)).
1.74–2 Additional information (CAA policies which apply to § 1.74 (a)).
1.74–3 Certification of amateur-built aircraft (CAA policies which apply to § 1.74).
1.75–1 Duration of experimental airworthiness certificate (CAA policies which apply to § 1.75).
1.76–1 Special flight permits (CAA interpretations which apply to § 1.76).
1.77–1 Application for permit (CAA rules which apply to § 1.77).
1.77–2 Airworthiness (CAA policies which apply to § 1.77).
1.77–3 Flight restrictions (CAA policies which apply to § 1.77).
1.77–4 Authorization for air carrier ferry flight of a four-engine airplane with one engine inoperative (CAA rules which apply to § 1.77 (c)).

AIRCRAFT NATIONALITY AND REGISTRATION MARKS

1.101–1 Assignment of registration numbers (CAA policies which apply to § 1.101 (a)).
1.108–1 Identification marks for nonconventional aircraft (CAA rules which apply to § 1.108).
1.109–1 Identification marks for export aircraft (CAA policies which apply to § 1.109).

AUTHORITY: §§ 1.10–1 to 1.109–1 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 1102, 52 Stat. 1007, 1009, 1026, as amended; 49 U. S. C. 551, 553, 672.

NOTE: This revision of CAM 1 supplements but does not supersede the regulations of the Civil Aeronautics Board appearing in this part.

TYPE CERTIFICATES

§ 1.10–1 *Application for type certificate (CAA rules which apply to § 1.10)*—(a) *Application for aircraft type certificate, Form ACA–312.* This application shall be submitted in duplicate by the applicant to the appropriate regional office of the Civil Aeronautics Administration.

The application shall be accompanied by a three-view drawing and such preliminary basic data as the applicant may have available.

(b) *Application for an engine type certificate, Form ACA–312.* This application shall be submitted in duplicate, together with preliminary technical data as required by Part 13 of this subchapter, to the Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C.

(c) *Application for a propeller type certificate, Form ACA–312.* (1) This application, together with Form ACA–335, Propeller Supplement to Application for Type Certificate, ACA–312, shall be submitted in duplicate to the Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C.

(2) The Form ACA–335 shall contain a description of the design features, the proposed rating, and intended application of the propeller.

(3) The preliminary data as required in Part 14 of this subchapter, and the application forms shall be submitted prior to starting any portion of the official type test.

NOTE. The application, Form ACA–312, serves as a formal request by the applicant and shall be submitted for each new model eligible for approval under the terms of a type certificate.

§ 1.11–1 *Appliances (CAA policies which apply to § 1.11)*—(a) *Appliances.* Inasmuch as Part 15 of the Civil Air Regulations has been rescinded, that portion of § 1.11 of the Civil Air Regulations relating to appliances is no longer applicable except as provided in paragraph (b) of this section. Appliances formerly type certificated under the provisions of Part 15 of this subchapter are now accepted by the Administrator for use on civil aircraft of the United States, if the appliance complies with a Technical Standard Order issued by the Administrator, or is approved as part of a product which is type certificated.

(b) *Radio equipment.* Radio equipment for which a Techincal Standard Order has not been issued must be type certificated under the provisions of Part 16 of this subchapter.

§ 1.12–1 *Requirements for issuance of type certificates (CAA policies which apply to § 1.12).* (a) The requirements for the issuance of a type certificate for a product may be found in the following parts of the Civil Air Regulations of this subchapter:

(1) Part 3—Airplane Airworthiness Normal, Utility, and Acrobatic Categories.

(2) Part 4b—Airplane Airworthiness Transport Categories.

(3) Part 5—Glider Airworthiness.

(4) Part 6—Rotorcraft Airworthiness.

(5) Part 8—Aircraft Airworthiness Restricted Category.

(6) Part 9—Aircraft Airworthiness Limited Category.

(7) Part 10—Certification and Approval of Imported Aircraft and Related Products.

(8) Part 13—Aircraft Engine Airworthiness.

(9) Part 14—Aircraft Propeller Airworthiness.

(10) Part 16—Aircraft Radio Equipment Airworthiness.

§ 1.12–2 *Inspection of prototype (CAA policies which apply to § 1.15–1 (b)).* The inspections set forth in § 1.15–1 (a) will apply to the product for which a type certificate is requested.

§ 1.14–1 *Transferability (CAA interpretations which apply to § 1.14).* The CAA and the manufacturer to whom the type certificate is issued are the first and second persons involved, and any other

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person to whom the type certificate holder may transfer privileges incidental to the type certificate is the "third person."

§ 1.15–1 *Inspections and tests (CAA policies which apply to § 1.15)*—(a) *Prototype inspection.* Each product presented for type certification will be subjected to such conformity inspections, investigations of the workmanship and fabrication processes, and the witnessing of such structural, endurance and operational tests as may be deemed necessary by the Civil Aeronautics Administration to assure that the product meets applicable requirements and is eligible for a type certificate. The inspection of test articles and the prototype will be conducted after acceptance by the manufacturer's inspectors.[1]

(b) *Fabrication inspection.* Subsequent to type certification parts, assemblies, or products fabricated by the prime, subsidiary, or subdivisional manufacturers operating under the terms of a type certificate only will be subjected to inspection [1] by an authorized representative of the Administrator (hereinafter called CAA representative) while the articles are in an "inspectable" condition. Drawings and other technical data maintained at the place of manufacture should be made available by the manufacturer to the CAA representative to enable him to ascertain that the finished product, or any part thereof, conforms with the applicable requirements and current approved type design data. During the course of fabrication of all critical parts, major assemblies, and the final assembly of the product, the following will be ascertained: that the product is in conformity with the type design data; that fabrication processes and treatments are in conformity with pertinent specifications; and that workmanship and materials are acceptable. All parts, assemblies, and completed products checked by the CAA representative should bear record of having first been accepted by the manufacturer. At least the following inspections will be made by the CAA representative on aircraft, aircraft engines, propellers and major components to insure conformance with the applicable type certification data:

[1] The CAA inspections are not intended to duplicate the manufacturer's inspections, but rather to verify the effectiveness and accuracy of his inspections. The CAA verification will consist of sampling inspections such as witnessing certain inspections and tests conducted by the manufacturer, spot checking the manufacturer's inspection records, conducting sampling conformity inspections of critical parts or dimensions, witnessing the assembly of major components and critical parts, and examination of the flight test report or operational log sheets. In addition, the inspection will include the checking of design features for compliance with the requirements which are not readily evaluated from the technical data, such as suitable inspection provisions, suitable provisions for servicing and maintenance, and fits, tolerances, clearances, interferences, ventilation, drainage, etc. The frequency of the sampling inspections will depend, to a large extent, on the degree of conformity with the type design data and other requirements applicable to the particular product.

(1) *Aircraft.*[2] An inspection for quality of workmanship, materials, processes, and for conformity of critical and major parts with the type design data; such as the complete wing, fuselage, tail surfaces, major attachment fittings, primary controls, installation of the hydraulic, fuel, and electrical systems, and powerplant installations.

(i) Each aircraft should be weighed to determine the empty weight and c. g. and the report should be submitted when the aircraft is presented for airworthiness certification.

(ii) Aircraft manufactured under a type certificate only are required by § 1.15–4 (d) to be flight tested at the manufacturer's plant by, or under the supervision of, a CAA Aviation Safety Agent.

(iii) Upon completion of the inspection and flight test at the manufacturer's plant, the aircraft may be shipped unassembled, provided Approval Tags, Form ACA–186, signed by the CAA representative, are attached to all major assemblies, components, and boxes of parts. These will indicate the make, model and serial number of the aircraft.

(2) *Aircraft engines.* An inspection for quality of workmanship, materials, processes, and conformity of critical and major parts with the type design data, including such internal inspections and examination after completion of the engine test run (see § 1.15–4 (e)) as may be necessary to ascertain that no unsafe conditions exist. Enough of the operation tests of each engine should be witnessed to determine that the operational characteristics are in conformity with the type design data.

(3) *Propellers.* An inspection for quality of workmanship, materials, processes, and conformity of critical and major parts with the type design data. In the case of variable pitch propellers, enough of the operation tests of each propeller should be witnessed to determine that the propeller will operate properly throughout the approved range of operation (see § 1.15–4 (f)).

(4) *Major components.* Any major spare or replacement component of an aircraft, aircraft engine, or propeller manufactured under a type certificate only will be subjected to inspection for conformity and airworthiness by a CAA representative at the manufacturer's plant. The conformity, quality, and acceptability of major components and critical parts manufactured by a subsidiary manufacturer in accordance with the prime manufacturer's approved drawings will be determined in accordance with § 1.34–2 (a) (11), except that a CAA representative will conduct such additional inspections as may be deemed necessary to assure conformity, compliance, and acceptability of materials and workmanship.

(c) *Evidence of inspection approval.* When products, or major components, other than complete aircraft or communication equipment, are manufactured under the terms of a type certificate only, the CAA representative, having determined by inspection that the product or component is acceptable, will prepare and attach thereto, an Approval Tag, Form ACA–186. This tag will show the make, model, and serial number of the product, and will be signed by the CAA representative.

§ 1.15–2 *Production test flight authorization (CAA policies which apply to § 1.15).* (a) To facilitate compliance by manufacturers with related provisions of § 43.10, the reverse side of the Dealer's Aircraft Registration Certificate, Form ACA–1707, will be used to provide flight authorization for production flight testing prior to the initial issuance of individual airworthiness certificates.[3] This flight authorization is provided for the convenience of manufacturers, and has no connection with the issuance, validity, or continuation of the Dealer's Aircraft Registration Certificate. The flight authorization is limited to production test flights, and does not provide for prototype or experimental flight testing. The flight authorization will be issued at the time the Dealer's Aircraft Registration Certificate is issued. The Application for Dealer's Aircraft Registration Certificate(s), Form ACA–1706, contains a section for the use of manufacturers in applying for authorization to conduct production flight tests.

(b) Aircraft to be flown for production flight tests, which are intended for U. S. registration and certification, are required to display the appropriate U. S. identification markings in accordance with §§ 1.100 through 1.108.

(c) New aircraft intended for export should display the appropriate foreign identification markings during the production flight testing. If these markings are not available, the aircraft may display temporarily assigned U. S. identification markings.

§ 1.15–3 *Logging of production aircraft flight test time (CAA policies which apply to § 1.15 (d)).* Production flight test time [4] will be recorded on the flight test check-off form. It need not be made a part of the aircraft or aircraft engine logbooks.

§ 1.15–4 *Production inspection system (CAA rules which apply to § 1.15 (d))*—(a) *General.* The production inspection system established in compliance with § 1.15 shall thereafter be maintained to assure that parts, assemblies, and the completed products are in conformity with approved type design data and are in condition for safe operation. The inspection system established shall be adequate to preclude the installation of unacceptable materials and parts in the finished product. (Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular materials or parts involved.)

(b) *Materials review.* The production inspection system shall include materials review procedures and a Materials Review Board to process parts and materials withheld because of departure from design data or specifications, but which may be serviceable, when such withheld items are to be considered for installation in the product. (See § 1.34–2 (a) (5) and (6) for procedures.) The Materials Review Board shall consist at least of representatives from the inspection and engineering departments. Parts and materials which are determined by the Materials Review Board to be serviceable shall be properly identified and reinspected if rework or repair is necessary. Parts or materials rejected by the Materials Review Board, or by inspection, shall be marked accordingly and disposed of in a manner which will prevent such parts and materials from being incorporated in the finished product.

(c) *Inspection records.* Adequate inspection records shall be maintained, identified with the completed product where practicable, and retained in the manufacturer's files for at least two years after the product is completed. Complete records of Materials Review Board action applying to materials, parts, assemblies, and the completed product, shall be retained for at least two years, and available for review by CAA representatives.

(d) *Complete aircraft.* (1) After the prototype is type certificated, each additional aircraft produced under the terms of a type certificate only shall be flight tested by the manufacturer as a final check on the operation of the completed product. The manufacturer shall develop a production flight test procedure and a flight check-off form, subject to CAA approval, to be used in connection with the initial flight testing of each production aircraft. The flight test procedure shall apply to aircraft to be flown, or delivered disassembled to an authorized distributor.

(2) The production flight test shall provide for at least the following:

(i) An operational check of the trim, controllability, or other flight characteristics to establish the fact that the production aircraft has the same range and degree of control as the prototype aircraft.

(ii) An operational check of each part or system operated by the crew while in flight to establish that, during flight, all instrument readings are within normal range.

(iii) A determination that all instruments are properly marked, and that all placards and/or required flight manuals are installed after flight test.

(iv) A check of the operational characteristics of the aircraft on the ground.

(v) A check on any other items peculiar to the aircraft being tested which can best be done during the ground or flight operation of the aircraft.

(e) *Complete engines.* Each engine, either reciprocating or turbine, produced under the terms of a type certificate only, shall be subjected to a satisfactory test run by the manufacturer, consisting of break-in runs which shall include a determination of fuel and oil consumption and maximum power characteristics. The test run shall include at least five hours of operation at the maximum rating, of which at least thirty minutes shall be at takeoff power and speed where this rating is in excess of the maximum continuous rating. These tests may be conducted with the engine appropriately mounted and utilizing current types of power and/or thrust measuring equipment (i. e., integral torque meter, thrust meter, dynamometer, calibrated test club or propeller, reaction stand, etc.). For rocket type engines, a satisfactory sampling technique means of testing shall be established. Each engine tested shall be subject to the inspection provided for in § 1.15–1 (b) (2).

(f) *Complete propellers.* Each variable pitch propeller produced under the terms of a type certificate only, shall be subjected to a satisfactory functional test to determine that the propeller will operate properly throughout the normal range of operation, as a final check on its operational characteristics. Each propeller tested shall be subject to the inspection provided for in § 1.15–1 (b) (3).

§ 1.15–5 *Production inspection system standards (CAA policies which apply to § 1.15 (d)).* The inspection system should provide for at least the following:

(a) That all incoming materials and purchased or subcontracted parts used in the finished product are as specified in the type design data, or are suitable equivalents.

(b) That all incoming materials and purchased or subcontracted parts are properly identified, when the physical and chemical properties cannot be readily and accurately determined.

(c) That all materials subject to damage and deterioration are suitably stored and adequately protected.

(d) That all processes affecting the quality and safety of the finished product are accomplished in accordance with established industry or government specifications.

(e) That parts and components in process are inspected for conformity with type design data at points in production where accurate determinations can be made.

(f) That current design drawings are readily available to manufacturing and inspection personnel, and used when necessary.

(g) That design changes, including material substitutions, are controlled and approved before being incorporated in the finished product.

(h) That rejected materials and parts are segregated and identified in such a manner as to preclude installation in the finished product.

(i) That materials and parts withheld because of departures from design data or specifications, which are to be considered for installation in the finished product, are processed through established materials review procedures (see § 1.15–4 (b)).

(j) That inspection records are maintained (see § 1.15–4 (c)).

(k) That an acceptable flight test procedure and flight test check-off list are provided in the case of aircraft (see § 1.15–4 (d)).

§ 1.15–6 *Surveillance of production inspection system (CAA policies which apply to § 1.15 (d)).* (a) During the six month interval pending the establishment of the manufacturer's production inspection system, the CAA will conduct inspections to ascertain that the finished product is in conformity with the type design data, is airworthy, safe for installation on certificated aircraft, or, in the case of aircraft, is eligible for an airworthiness certificate.

(b) Materials review dispositions will be spot checked by a representative of the Administrator to verify that no obvious adverse effect will result from such dispositions.

(c) At the end of the six-month interval, the CAA will advise the manufacturer whether the inspection system is considered acceptable. If considered acceptable, as determined by evaluating the results of the system as reflected in the conformity, quality, and airworthiness of the finished products, the CAA will thereafter reduce its inspection surveillance and increase its reliance on the manufacturer's inspection system in the determination of the airworthiness of future products.

(1) Upon approval of the production inspection system, the manufacturer may nominate one or more of his employees for appointment as a Designated Manufacturing Inspection Representative, in accordance with Part 418 of Chapter II of this title (Regulations of the Administrator). If the nominee meets the requirements for appointment, he will be authorized by the CAA to issue original airworthiness and/or export certificates for the products produced which are found to conform with the approved type design data; to conduct station and conformity inspections; and to make such additional examinations as may be necessary to ascertain that production articles are airworthy and safe for operation. Such authorization is limited to the manufacturing plant in which the designee is employed.

(d) If the inspection system is not acceptable, as evidenced by questionable parts and materials accepted for installation in the finished product, or significant discrepancies are repeatedly found in the finished products, the issuance of airworthiness certificates for aircraft, or approvals of other products for installation on an aircraft, will be deferred until the manufacturer has made necessary corrective changes.

§ 1.19–1 *Statement of conformity (CAA rules which apply to § 1.19 (a)).* (a) A Statement of Conformity, Form

[2] Aircraft which pass the inspection set forth in this paragraph, and found to be in condition for safe operation, are eligible to receive an original airworthiness certificate issued under the authority of § 1.67 (b).

[3] A new aircraft, in which a Manufacturer's Special Flight Authorization, Form ACA 1707, is displayed, may be given a production flight test subject to the following operations limitations which are specified on such form:

Flights, except takeoffs and landings, prohibited over thickly populated areas or large gatherings of people. No flight shall be conducted for hire or reward. Cross-country flights prohibited. Occupancy of the aircraft restricted to personnel essential to the purpose of the flights.

[4] All other flight test time, including accelerated service flight testing of prototype or modified aircraft after airworthiness certification, must be recorded in accordance with § 43.23 of this subchapter.

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ACA 317,[5] shall be signed by a person who holds a responsible position in the manufacturer's organization and who has been authorized to perform this function by the holder of the type certificate or licensing agreement.

(b) The flight and operational tests certified to on the Statement of Conformity shall be in accordance with § 1.15–4 (d) through (f).

§ 1.20–1 *Changes in type design (CAA policies which apply to § 1.20).* Any design change which may affect the flight characteristics, structural integrity, or airworthiness of an aircraft, engine, propeller, or appliance for which a type certificate has been issued may require the submission of additional technical data. The examination of these data may indicate the necessity for additional engineering evaluation, inspection, and tests to substantiate the airworthiness of the product as modified.

§ 1.25–1 *Application for a supplemental type certificate (CAA policies which apply to § 1.25)*—(a) *Applicant.* A supplemental type certificate may be issued to more than one applicant for the same design change[6] provided each applicant shows compliance with the applicable airworthiness requirements in accordance with § 1.26. (See § 1.28–1.)

(b) *Form and manner of application.* The applicant should complete three copies of Form ACA–2417 and submit them to the local CAA Aviation safety agent. The drawings and technical data substantiating compliance with the applicable airworthiness requirements should also be submitted for approval in accordance with § 1.27–1.

§ 1.26–1 *Airworthiness requirements (CAA policies which apply to § 1.26).* The methods used to show compliance with the applicable airworthiness requirements[7] are the same as those used for original type certification; namely, by preparing drawings, stress analysis, and by conducting ground and flight tests and preparing reports thereon. Acceptable methods of showing compliance are outlined in Civil Aeronautics Manuals 3 and 4b.

§ 1.27–1 *Procedures for obtaining approval (CAA policies which apply to § 1.27).* CAA approval of a major change in type design is based upon examination of the supporting data, conducting or reviewing tests, inspection of the altered product, and a finding by the CAA that the applicable requirements are met. Such approval involves two steps:

(a) *Design examination.* Approval of the technical supporting data describing the design change and showing compliance with the applicable airworthiness requirements should be obtained from one of the following:

(1) *A CAA Designated Engineering Representative (DER).* After DER approval of the data, the DER will complete, sign, and send Form ACA–1600 "Statement of Compliance of Aircraft or Aircraft Components with the Civil Air Regulations," to the regional CAA Aircraft Engineering Division. Whereas a DER's authority may be limited to certain areas, the DER should indicate on Form ACA–1600 whether any additional areas require CAA approval. On a complex project the DER should contact the appropriate CAA Aircraft Engineering office as early as possible.

(2) *The CAA.* The technical data describing and substantiating the design change should be submitted to the local CAA Aviation Safety Agent for forwarding to the CAA regional office. When necessary, arrangements should be made with CAA for completing any flight or ground testing required by the applicable airworthiness requirements, and the reports of such tests should be included in the technical data pertaining to the design change.

(3) *A Designated Manufacturer's Certification Representative (DMCR).* If the aircraft was originally certificated under the Delegation Option Procedures of Part 410 of this title (Regulations of the Administrator, ref. § 410.37), a copy of the DMCR's approval letter should be included with the supporting data.

(b) *Inspection of the product.* A new design change normally requires an inspection of a modified article by a CAA representative in order to establish compliance with the applicable airworthiness requirements. See § 1.15. In the case of a complex modification program involving CAA flight tests, the CAA will conduct the appropriate portions of a standard type inspection.

§ 1.27–2 *Issuance and recording of supplemental type certificates (CAA policies which apply to § 1.27)*—(a) *Issuance.* When the design examination and inspection described in § 1.27–1 have been satisfactorily completed, the CAA will approve the change in type design by completing Form ACA–2417. This form, signed by the Chief, Aircraft Engineering Division, CAA Regional Office, or other person authorized to perform this function, will constitute the supplemental type certificate for the change in type design.

(b) *Recording and disposition of supplemental type certificates.* One signed copy of Form ACA–2417 will be given a number and returned to the applicant; one copy will be retained in the issuing CAA regional office; and one copy will be sent to the CAA Washington office for use in publishing a summary list of supplemental type certificates. Technical data submitted with the application will be filed in the CAA regional office.

§ 1.28–1 *Airworthiness certification or approval of modified aircraft or products (CAA policies which apply to § 1.28).* (a) After a supplemental type certificate has been issued in accordance with § 1.27–2, airworthiness certificates for aircraft, or approval for products incorporating the design change may be issued on the basis of an inspection for conformity with the approved data conducted in accordance with § 1.67 or § 18.11 of this subchapter.

(b) The privileges specified in § 1.28 also apply to approvals of major design changes issued prior to August 25, 1955, the effective date of § 1.28. Such approvals are indicated on a Major Repair and Alteration Form ACA–337, air carriers' records, or listed on the CAA Aircraft Specification[8] for the product involved.

§ 1.30–1 *Application for a production certificate (CAA rules which apply to § 1.30).* The applicant for a production certificate[9] shall submit to the appropriate CAA regional office, an application file consisting of the following:

(a) Original and one copy, properly completed, of Application for Production Certificate, Form ACA–332. (This form may be obtained from the local CAA Aviation Safety Agent or the appropriate CAA regional office.) Regional office addresses and the states under their jurisdiction are listed in the appendix[10] to this manual.

(b) One copy of the applicant's quality control data,[11] as required by § 1.36.

§ 1.30–2 *Processing application (CAA policies which apply to § 1.30).* (a) Upon receipt of an application file, the CAA

[5] The reporting requirements of this form are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[6] Examples of the types of changes defined in § 1.21 as major design changes are contained in § 18.1–1 of Civil Aeronautics Manual 18. A change in the *empty* weight or balance is not a major design change unless an increase in the maximum weight, center of gravity limits, or other factors listed in the definition of a major change are also involved.

[7] Detailed information on the applicable airworthiness requirements used for the original type certification of the product involved may be obtained from the Civil Aeronautics Administration.

[8] An aircraft specification is a document prepared by the Civil Aeronautics Administration in support of a type certificate to set forth the type design, the operating limitations, and any other conditions or limitations prescribed by the Civil Air Regulations for a specific type of aircraft. CAA Aircraft Specifications are available free of charge from the Civil Aeronautics Administration, Aviation Information, W–47, Washington 25, D. C.

[9] The issuance of the production certificate automatically places greater responsibility in the manufacturer and obviates the requirement for a Statement of Conformity, Form ACA–317, for products produced under the terms of a production certificate, whether for domestic or export certification (see § 1.35). The production certificate is an indication that all major groups of a company are adequately contributing to the production of a quality product; that the quality control (or inspection) department is employing sound principles and procedures in determining and controlling the quality of raw materials, purchased equipment, detail parts and assemblies throughout all phases of manufacture to assure structural and functional conformity of the completed product to approved type design data.

[10] Not filed with the Federal Register Division.

[11] When the holder of a currently effective production certificate applies for extension of the certificate to cover other type certificated products in the same general category, only such additional quality control data as may be necessary to cover those new procedures, methods, or processes required by the new product, need be submitted. If no change is necessary, appropriate notation will be made on the application form. For additional information, see § 1.41–1.

will examine it and, if it is considered satisfactory, establish a Production Certification Board[12] to inspect the applicant's facilities and determine their adequacy for the production of duplicates of the product. If the application file is not considered satisfactory, the CAA will request the applicant to furnish additional information or data.

§ 1.32–1 *Production certification requirements (CAA policies which apply to § 1.32).* The provisions set forth in paragraphs (a) through (f) of this section[13] are the minimums which the manufacturer should have established to be eligible for a production certificate.

(a) *Purchasing.* The purchase orders for raw stock and parts should be based on approved specifications or other information which will assure the receipt of materials and parts that will be suitable for aircraft construction and meet the design requirements for the product. The specifications and other data should be sufficiently detailed and comprehensive to insure procurement of materials and parts of a uniformly high grade, equaling or exceeding the minimum strength properties in the structural design data. The applicant may use parts, components, and assemblies over which he does or does not have design control, which are fabricated by vendors. In either case, the prime manufacturer (applicant) is responsible for the airworthiness of the completed product and all of its components, and he should establish procedures and methods to assure that the completed product will be structurally sound, safe for operation, and in conformity with approved design data. These procedures may provide for vendors' and suppliers' affidavits and inspection reports in lieu of extensive tests and inspections by the applicant.

(b) *Receiving.* The applicant should have a receiving system and facilities which will provide for the identification, storage, and routing of raw materials, parts, components, and assemblies obtained from vendors and suppliers. This system should provide for the mating of the incoming items with the purchase orders, specifications, or other procurement data so that receiving inspection will be apprised of the requirements and details under which the items were purchased. The storage facilities should be managed by a person who is in charge of all receipts, storage, withdrawals, and related records. The receiving system should preclude the release of materials and parts to production until they have been satisfactorily processed through receiving inspection. The storage area should provide for orderly arrangement of all items which have been accepted by inspection, and which have been identified in such manner as to preclude inadvertent issuance of the wrong material or part. Particular attention should be given to the segregation and identification of items of similar appearances which have different physical characteristics. All defective or damaged materials and parts should be isolated in a separate, well defined and controlled area to preclude the installation of such materials or parts in the completed product. The storage system and facilities should specifically provide for the protection of materials subject to damage from abrasion, sunlight, temperature, moisture, grease, corrosion, etc.

(1) The applicant should maintain complete records of all materials and parts received, and their disposition, for at least two years to facilitate, where practicable, rechecking any particular lot of material in which defects may later be discovered. These records should include such information as source, source inspection, quantity (both accepted and rejected), vendors' affidavits, and/or reports indicating conformity with pertinent specifications.

(c) *Production control.* A production control system should be established to insure proper operation and processing of raw materials into the finished product. There should be an operation flow sheet or card showing the materials to be used, machine operations, treatment, fabrication processes, and quality control inspection and steps to be followed in production for all parts and assemblies to assure that the physical, dimensional, and functional characteristics comply with the type design data. The flow sheet or card should provide for recording the completion of each operation, should accompany the part or assembly through each operation performed, and be a complete record of the manufacturing and inspection processes involved.

(1) Equivalent procedures may be employed, provided they preclude the installation of unfinished, inferior, damaged or otherwise unsatisfactory parts in the completed products.

(d) *Manufacturing facilities.* The applicant should have sufficient housing to accommodate the necessary equipment and materials, and suitable working space for the performance of the work for which the production certificate is sought; suitable facilities for the proper storage, segregation, and protection of materials, parts, and supplies; and suitable means for the proper protection of parts and subassemblies during fabrication, production processing, inspection, and assembly. The amount and type of equipment required will depend upon the complexity of the product and the rate and volume of production.

(1) Provisions should be made to segregate or isolate processes which may adversely affect, or may be affected by, other operations. In the event that manufacturing processes are performed by an outside source, it is the responsibility of the applicant to determine the adequacy of such facilities and to assure that the results of the process are in conformity with the type design data and acceptable manufacturing techniques.

(e) *Machining and forming.* The fabrication of metal parts by various forming and machining operations should be adequately controlled to assure that the dimensions, finishes, radii, contours, etc., are in accordance with the pertinent drawings and established standards.

(f) *Drawing and change control.* The applicant should establish and currently maintain a technical data file system which will assure that the latest drawings and other engineering information are available and used by production and inspection personnel in performing their duties. The applicant should maintain a record of all changes to or deviations from the type design data; these records should be available for ready reference. The system should provide effective means for removal of obsolete information from all locations, and advance approval of deviations, substitutions, etc.

(g) *Quality control.* Additional policies pertaining to the "requirements for issuance" are contained in §§ 1.34–1 through 1.34–3.

§ 1.33–1 *Location of manufacturing facilities (CAA policies which apply to § 1.33).* Subsidiary manufacturers' facilities should be located within the United States, since it is not feasible to conduct the required inspections beyond these limits without placing undue burden on the CAA.

§ 1.34–1 *Quality control; general (CAA interpretations which apply to § 1.34).* Section 1.34 is interpreted to mean that the applicant has established and can continue to maintain to the satisfaction of the Administrator an effective quality control system commensurate with the complexity of the type design, fabrication processes, and manufacturing techniques. The system must assure that acceptable quality is maintained throughout all phases of the manufacturing process from the time the materials are received until fabricated into the completed product, and provide a ready means for detection of significant discrepancies.

(b) The CAA will maintain general surveillance of the manufacturer's quality control system to ascertain that the prime objectives of conformity, airworthiness, and safety are assured.

§ 1.34–2 *Quality control (CAA policies which apply to § 1.34).* The prime manufacturer's quality control and/or inspection organization should report to management, independent of the manufacturing division, because of the emphasis on safety and the need for unbiased judgment. The quality control department should recognize, and work to, established schedules, but be free of bias due to production pressure. All phases of inspection and control activity, from receiving raw material to delivery

[12] The Production Certification Board reviews the quality control data, establishes procedures for conducting the inspection of the applicant's facilities, advises applicant of any controversial or marginal conditions pertaining to the quality control data, and related regulations, interpretations, and policies governing the issuance and continuation of a production certificate. After the inspection has been conducted, the Board will discuss with the applicant any decisions reached on marginal or controversial items in an effort to arrive at a satisfactory solution.

The Board will also function in special cases of a major nature involving an annual or interim inspection, to determine continued eligibility of the manufacturing facilities under the terms of the production certificate.

[13] The assigned CAA Aviation Safety Agents will use this section as a guide in conducting the factory inspection.

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nautics Administration.

be filed in the CAA regional office.

additional information, see § 1.41–1.

of the finished product, should be under a centralized control. If such an arrangement is not possible because certain departments are engaged in highly specialized work, these departments should operate under a separate inspection system, and their activities should be coordinated under the general supervision of a quality control organization. The same procedure should apply in the case of dispersed or branch facilities of a main organization when inspection activity is divided.

(a) *Inspection.* The inspection system should be so organized that parts and materials will receive appropriate inspection while in an inspectable condition. All parts fabricated by the prime manufacturer or subsidiary manufacturer and appliances obtained from any other source shall receive sufficient inspection to assure conformity with the type design data, pertinent specifications and approved manufacturing standards.

(1) *Statistical methods.* Any statistical sampling plan which provides assurance that the materials and parts incorporated in the finished product meet the prime objectives of conformity with drawings, airworthiness, and safety for operation, will be considered acceptable. Sampling inspection techniques that are employed by the manufacturer to determine the acceptability of materials and parts should be based on a careful analysis of the quality requirements of the product tailored to the individual factory on the basis of this analysis. It should not be a "prepackaged" program lifted bodily from another factory or from published literature.

(2) *Control of materials and purchased parts.* Materials should be inspected or tested to determine compliance with the applicable specifications. The tests may be conducted by the prime manufacturer, subsidiary manufacturer, or independent laboratories which are suitably equipped. In case the material is accompanied by an affidavit or test report identifiable with the material, such evidence may be considered satisfactory in lieu of actual tests conducted by the manufacturer.

(i) Purchased parts, components, and appliances over which the prime manufacturer does not have design control, should be inspected and tested by the prime manufacturer to the extent necessary to assure that the purchased item will perform properly its intended function in the completed product. Normally, extensive disassembly, testing to destruction, etc., will not be necessary.

(3) *Fabrication inspection.* The prime manufacturer should establish and maintain inspection stations at appropriate locations in the manufacturing process to assure continued control of the quality of parts, components, and assemblies. The manufacturer should assure that quality workmanship and dimensional and functional characteristics which may adversely affect safety are listed or referenced on shop travelers, routing cards, check lists, or other media for the guidance of inspection personnel. Procedures should be established for delivering parts to the inspection stations and for removing and storing inspected parts to assure that unacceptable or rejected parts will not be installed in the completed product.

(4) *Process control.* Processes such as welding, gluing, heat treatment, plating, X-ray, magnetic inspection, and penetrant inspection, including the equipment and operating personnel, should be closely controlled and performed in accordance with established specifications and procedures satisfactory to the CAA.

(5) *Preliminary materials review.* Materials may be accepted by preliminary materials review, provided that specific methods and procedures for acceptance have been defined and adopted as a result of previous Materials Review Board procedure. When material is first found by the manufacturer's inspectors to depart from the specification and/or drawings, the material should be properly identified, and may be given a preliminary review and disposed of by authorized manufacturer's personnel as follows:

(i) Material obviously unfit for use or irreparable, should be disposed of in such manner as to preclude installation in the finished product.

(ii) Material not meeting requirements because of incomplete fabrication may be further processed by established methods to bring the material within specified requirements.

(iii) The CAA Aviation Safety Agent is authorized to approve certain variations or repairs found necessary after company inspection.

(iv) All questionable materials to be considered for use in the finished product which cannot be disposed of by preliminary review action should be designated for Materials Review Board action.

(6) *Materials Review Board procedures.* The Quality Control Department should be responsible for the effective operation of the Materials Review procedure.[14] The CAA factory agent will spot check materials, review dispositions, as necessary, to verify that the product consistently meets a satisfactory level of quality and conformity.

(i) The established materials review procedures should provide that:

(*a*) All materials, parts, and components which are damaged or do not conform to design data and specifications will be withheld and isolated.

(*b*) All items submitted to the Materials Review Board should be reviewed to determine whether such items may be used safely in their present condition, whether rework or repair is feasible, or whether scrapping is necessary.

(c) All items which are reworked or repaired in accordance with materials review dispositions will be reinspected for conformity therewith. Any item accepted after this inspection will thereafter be treated as an approved item.

(*d*) All items accepted through materials review action will be so identified.

(*e*) The Materials Review Board should maintain accurate records which will provide at least the following:

(*1*) Name, part number, date, and quantity of parts involved.

(2) The quantity of parts in the lot or order.

(3) Description of the discrepancy.

(*4*) The materials review disposition, including rework instructions, if any.

(5) The results of reinspection.

(ii) The Materials Review Board should not accept parts which deviate to the extent that mating is adversely affected. Parts or assemblies involving mating should conform to drawing tolerances to the extent that installation, removal, or replacement may be accomplished without misalignment or damage to other components. In assembling parts under these circumstances, no fabrication operations such as cutting, hammering, bending, prying, or forcing should be permitted, or, when final installation has been completed, the parts should not be temporarily or permanently subjected to deformation or distortion of a nature which would cause any undesirable tensions, compressions, stresses, or strains. Where deviating parts, in themselves, are found acceptable, they must not jeopardize the airworthiness or performance of other parts when installed in the assembly. In general, parts which do not conform with the approved technical data should not be accepted when such parts can be reworked to conform with the approved design data.

(7) *Inspection records.* The manufacturer should maintain adequate records of all inspections and tests performed. Such records as are applicable should be identifiable with the completed product or group of products. These records should be retained in the manufacturer's files for at least two years. All inspection records should be available for review by CAA representatives.

(8) *Inspection status of parts.* The manufacturer should indicate by means of stamps, tags, or other means, whether parts, components, and assemblies are to be accepted, rejected, or withheld for Materials Review Board action. The indication of inspection status may be applied to the individual parts, components, or assemblies; to the container of a group of like parts, components, or assemblies; or, to the shop traveler or routing card for the parts. Materials that are subjected to certain processes, such as heat treat, hardness test, pressure test, X-ray, etc., as required by the drawings or specification, should be identified with a suitable process stamp. Such stamps, which are obliterated by subsequent processing, need not be reapplied if the manufacturer has satisfactory control of the finished parts. All parts inspected and approved should indicate, when practicable, the individual inspector responsible.

(9) *Inspectors required.* The number of inspectors should be sufficient to adequately check all materials, manufacturing processes, and the product to the extent necessary to provide reasonable assurance of conformity, quality, and acceptability of the finished product. Inspection personnel should be vested with sufficient authority to permit them to perform their assigned duties in a manner which will warrant the issuance or continuation of a production certificate, provided other requirements are complied with.

(10) *Inspection tools and testing equipment.* The manufacturer should provide and maintain suitable measuring and testing devices necessary to conduct all phases and types of inspection and tests essential to the continued production of duplicate products. Such devices should be checked at established periods to assure continued accuracy. The manufacturer should establish a schedule of such checks as a portion of his inspection procedure, based on type, purpose, and degree of usage, and should maintain records or other evidence that proper control is being maintained. The tools used by the production department in constructing the part, if used by inspection, should be periodically checked to determine that the results obtained are within approved tolerances and that conformity with approved design data is maintained.

(11) *Inspection—subsidiary manufacturer.* When parts, components, and assemblies over which the prime manufacturer retains design control are fabricated by a subsidiary manufacturer, they should undergo the same type and degree of inspection and testing as if fabricated by the prime manufacturer. If these items cannot be completely inspected when received at the prime manufacturer's facilities, inspections should be conducted at the subsidiary manufacturer's plant to assure that such items are acceptable for installation on the completed product. When items have been inspected at the subsidiary manufacturer's plant, the prime manufacturer should conduct a receiving inspection to detect any damage resulting from transit.

(i) The prime manufacturer holds basic responsibility for the conformity, airworthiness, and acceptability of the finished product. Acceptance of a subsidiary manufacturer's quality control system by the CAA does not relieve the prime manufacturer of this responsibility. CAA inspections to be conducted at the subsidiary manufacturer's plant will be arranged through the prime manufacturer who should notify the authorized Aviation Safety Agent when the subsidiary's facilities are ready for CAA inspection. If these facilities and the quality control system are found acceptable, the subsidiary will be granted the same privileges regarding acceptance of items manufactured as though they were produced by the prime manufacturer. Prior to CAA approval of a subsidiary manufacturer's quality control system, parts and assemblies should be subjected to a complete inspection for conformity and quality at the prime manufacturer's plant, or arrangements should be made for suitable inspection at the subsidiary manufacturer's plant by the prime manufacturer's inspection personnel and, as repaired, by CAA representative. Subsequent to the approval of the subsidiary manufacturer's quality control or inspection system, CAA representative will maintain general inspection surveillance at the subsidiary's facilities to ascertain that parts, assemblies, etc., produced are in conformity with the approved drawings and data forming the basis for the fabrication of the product.

(12) *Final inspection and functional test.* The completed product should be inspected for completeness and quality of workmanship. As a final check on the airworthiness of the completed product, each aircraft, aircraft engine, and variable pitch propeller produced under the terms of a production certificate will be subjected to the following tests:

(i) In addition to the manufacturer's production flight test, aircraft produced under a production certificate will be flight tested periodically by the CAA. (See § 1.15–2 for flight authorization and § 1.15–3 concerning logging flight test time.) The number or percentage of aircraft which will be flight tested by the CAA will be dependent upon the complexity and size of the aircraft, and upon experience gained while conducting functional and reliability tests of prototype and production aircraft prior to issuance of the production certificate. The manufacturer should formulate a flight test schedule that is acceptable to CAA representatives conducting the tests.

(*a*) Aircraft may be delivered unassembled to an authorized distributor prior to initial assembly and flight test, provided the manufacturer will advise the distributor of the established flight test procedure and furnish him with copies of the approved flight test check-off form. Flight test procedures employed by a distributor must be equivalent to those established by the manufacturer, and include the use of an identical flight test check-off form. These forms, when prepared by the manufacturer, will be filed as part of the aircraft inspection record, and, when prepared by a distributor, should be retained by him for at least two years.

(ii) Each aircraft engine, either reciprocating or turbine, produced under the terms of a production certificate should be subjected to a satisfactory test run consisting of a break-in run, which should include at least the determination of each engine's fuel and oil consumption and maximum power characteristics. These tests may be conducted with the engine appropriately mounted and utilizing the current types of power and/or thrust measuring equipment (i. e., integral torque meter, thrust meter, dynamometer, calibrated test club or propeller, reaction stand, etc.). Rocket type engines should be checked periodically by an established sampling technique. Sufficient internal examination of each engine should be accomplished to reasonably ascertain that no unsafe conditions exist.

(iii) Each variable pitch propeller produced under the terms of a production certificate should be subjected to a satisfactory functional test to determine that the propeller will operate properly throughout the normal range of operation, as a final check on its operational characteristics.

[14] Effective operation of the Materials Review procedure should materially minimize discrepancies and errors which may otherwise become chronic, and furthermore, may serve as a yardstick by means of which the adequacy and acceptability of the production and quality control systems may be evaluated. However, the materials review system should not be used in place of the inspection or quality control system to determine acceptability of parts and materials.

§ 1.34–3 *Quality control; special procedure (CAA policies which apply to § 1.34).*—(a) *Standard empty weight and c. g. for production aircraft.* The following procedure applies only to newly manufactured aircraft (except helicopters and transport category aircraft) which are produced under the terms of a production certificate.

(1) Manufacturers desiring to establish an average empty weight and empty c. g., in lieu of actually weighing each aircraft, should prepare a detailed proposal regarding the procedure to be followed. This material should be furnished to the assigned Aviation Safety Agent for approval. Any proposal which will provide an accurate determination of average empty weight and c. g. will be considered acceptable.

(2) The following example outlines an acceptable method for effecting this system.

(i) Actually weigh and determine the empty weight and c. g. of ten aircraft of the model, on the basis of each having the same "basic" equipment of the same weight(s) and same arm(s). Each aircraft may be weighed with its own "special" equipment installed, provided the weights and arms of those special equipment items are determined before installation. In such cases the effect of the "special" equipment on empty weight and c. g. should be computed, and adjustments made to determine the basic weight and c. g. position of each individual airplane. If the weight and c. g. of none of these ten airplanes deviate by more than 1% or ½% MAC, respectively, from the average for the entire ten, then that average may be considered acceptable for subsequent aircraft of identical equipment, subject to the periodic spot check specified in subdivision (ii) of this subparagraph.

(ii) Subsequently, with respect to identical aircraft, weigh an individual aircraft at regular intervals; e. g., each tenth aircraft for the purpose of determining continued accuracy of the initial empty weight and empty c. g. established. If this weighing indicates a variation in empty weight which is in excess of 1 percent of the initially established weight, or a variation in the empty c. g. which exceed one-half percent of the MAC, sufficient identical aircraft should be checked to determine if the change in weight and/or c. g. is chronic. If it is determined to be an isolated case, the actual weight and c. g. shall be utilized for that one airplane. If the change is found to be chronic and consistent, a new average weight should be established in accordance with procedures followed in establishing the initial average empty weight and c. g. conditions.

(3) A weight and balance report is required in connection with each aircraft presented for airworthiness certification. These reports may be computed for aircraft which are not actually weighed, and should be marked "computed." All other reports should be marked "actual."

§ 1.35–1 *Statement of conformity. (CAA policies which apply to § 1.35).* The Statement of Conformity, Form ACA–317, also will not be required for

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a product to be exported, provided the product is produced under the terms of a production certificate.

§ 1.36–1 *Quality control data requirements (CAA policies which apply to § 1.36).* The quality control data (one copy only) should be submitted in manual form with the Application for a Production Certificate, Form ACA–332, to the local CAA Aviation Safety Agent. The data should include such material as inspection procedures, process controls, production and inspection control forms, imprint of the various inspection stamps, etc.

§ 1.36–2 *Quality control data (CAA interpretations which apply to § 1.36).* The words "description," "statement" and "outline" as used in § 1.36 are interpreted to mean a comprehensive description of the quality control organization and the methods, procedures and practices employed to control the quality of the finished product.

§ 1.37–1 *Information on inspection system; subsidiary manufacturers (CAA policies which apply to § 1.37).* (a) The prime manufacturer should include in the quality control data required by § 1.36, sufficient information to define and explain the means established to assure that all major parts and assemblies conform with the design data when manufactured by a subsidiary manufacturer.

§ 1.38–1 *Changes in quality control system (CAA interpretations which apply to § 1.38).* (a) The phrase, "any changes to the quality control system," is interpreted to mean changes to a manufacturer's organization, systems, procedures or processes which may affect the inspection, conformity, or airworthiness of the product. Changes which are not consistent with the quality control data submitted in accordance with § 1.36 must be promptly forwarded to the CAA by means of revised pages or supplemental information. The CAA will review these changes to determine that the quality, conformity, or airworthiness of the product will not be adversely affected.

(b) It is not the purpose of this requirement to impose an unrealistic burden on the holder of the production certificate by requiring an immediate notification of each and every insignificant change in the operations of the quality control systems as may be necessary on a day to day basis. The intent is to provide current quality control data for the use of the CAA Aviation Safety Agent in the performance of his duties and responsibilities.

§ 1.39–1 *Multiple products (CAA policies which apply to § 1.39.)* More than one airplane type may be manufactured under the same production certificate, provided the types of construction and processes are similar. However, two basically different products such as an airplane and helicopter or an airplane and an engine will not be included under one production certificate. Separate production certificates will be issued for dissimilar products.

§ 1.40–1 *Production limitation record (CAA policies which apply to § 1.40).* The production limitation record is actually Page 2 of the production certificate. Therefore, the Production Certificate, Form ACA–333, and the Production Limitation Record, Form ACA–333a, should always be displayed together. (See § 1.45, Display). Products approved for production under the terms of the production certificate are listed on the production limitation record by type certificate number(s) and date issued. Revisions to the production certificate for the purpose of adding or deleting a product are accomplished by revising the production limitation record only (see § 1.41–1).

§ 1.41–1 *Modifying a production limitation record (CAA policies which apply to § 1.41).* (a) To obtain the addition of a new type certificate number to a production limitation record, the manufacturer should submit an Application for Production Certificate, Form ACA–332, in duplicate. This application should be accompanied by any changes in the quality control data (see §§ 1.30, 1.36, 1.37 and 1.38) not previously reported which are pertinent to products covered by the new type certificate.

(1) Upon approval of the quality control data and a satisfactory inspection of the facilities, a superseding production limitation record will be issued, listing the new type certificate number. The manufacturer will be requested to return the superseded production limitation record for cancellation.

(b) To obtain the extension of production certificate privileges for a new model added to a type certificate previously listed on the production limitation record the manufacturer may follow the procedure outlined in paragraph (a) of this section, or notify the CAA that production certification privileges are desired with respect to the new model by so indicating in the space provided on the Application for Type Certificate, Form ACA–312. If the application for production certificate privileges is approved, the manufacturer will be notified that these privileges have been extended to cover the new model.

(c) The manufacturer, by letter, may request the deletion of one or more type certificates from a production limitation record. It is recommended that the manufacturer request deletions of type certificates on the production limitation record when neither complete products nor spare parts covered by such certificates are being produced. In such cases, a revised production limitation record reflecting the requested changes will be issued by the CAA regional office and forwarded to the manufacturer with a request that the superseded production limitation record be returned for cancellation.

§ 1.42–1 *Change of ownership (CAA policies which apply to § 1.42).* When the ownership of a company holding a production certificate is transferred, the production certificate should be surrendered to the appropriate CAA regional office for cancellation. The new owner should apply for a new production certificate which will be processed as an orignal application in accordance with § 1.30.

§ 1.43–1 *Inspection by CAA representative (CAA policies which apply to § 1.43).* The CAA representative will maintain surveillance of the manufacturer's facilities; make such spot inspections of individual products as may be necessary to ascertain that the manufacturing facilities and quality control system continuously comply with related requirements and that individual products conform with approved type design data; and issue domestic and export airworthiness certificates. The representative is authorized to approve certain design changes and repairs, and to assist in other activities involving the Civil Air Regulations; e. g., witnessing various types of engineering and quality control inspections and tests, investigating reported service difficulties and accidents, and training and supervising Designated Manufacturing Inspection Representatives.

(a) *Inspection station surveillance.* This is one of the inspection techniques which the CAA representative will use in evaluating the continued acceptability of the manufacturing facilities, systems, and procedures, and in determining that component parts and the completed products reasonably conform to the type design data. This inspection technique involves a systematic evaluation of the operation of the manufacturer's inspection stations. Each station, as listed in the manufacturer's quality control data, will be visited and evaluated as often as the CAA representative deems necessary to assure that quality products are being produced. The results of these station inspections will be recorded on a suitable form for future reference and follow-up. In accomplishing station inspection activities, the following general items or factors will be evaluated:

(1) Adherence to established quality control data.

(2) Adequacy and competency of the quality control system.

(3) Operation of the designee system.

(4) Adequacy of facilities and equipment.

(5) Availability of adequate drawings, engineering orders, etc.

(6) Adequacy of inspection aids, devices, gauges, etc.

(7) Adequacy of inspection records (travel sheets, reports, tags, stamps, etc.).

(8) Operation of Materials Review Board.

(9) Identification and disposition of items processed by Materials Review Board.

(10) Adequacy of processes control.

(11) Completeness and accuracy of inspection records.

(b) *Production conformity inspection.* This is a technique used by the CAA representative to supplement inspection station surveillance; or in small plants with a low rate of production, it may be used in lieu of station inspection. A conformity inspection is an inspection of a part or process conducted to establish the degree of conformity with the applicable drawings or specification.

(1) Production conformity inspections will be made on major structural items and assemblies such as major structural

forgings and castings, critical parts, major assemblies and subassemblies, systems, installations, and processes. The conformity inspection of minor items will be held to a minimum whenever feasible.

(2) In evaluating the inspection control of an area, random samples of the part(s) being manufactured in the area will be subjected to detailed conformity inspection only after the parts have been accepted in accordance with the manufacturer's established procedures. The CAA representative may inspect the part, or he may witness the inspection conducted by the manufacturer's employee. General shop practices and workmanship will also be considered in the evaluation.

(3) The CAA representative will check equipment and process records against the product characteristics to evaluate the effectiveness of the control.

(4) Examples of conformity inspections are as follows:

(i) The physical dimensional checking, or the witnessing of the physical dimensional checking, of a part and, where applicable, the complete product or assembly, to the specified dimensions on the approved drawings.

(ii) Witnessing the heat treatment of parts and checking the various steps followed in the heat treatment operation against the applicable specifications.

(iii) Conducting or witnessing resistance spot welding pull tests and checking the results to the applicable specification or drawings.

(iv) Witnessing the hardness testing of heat treated steel and aluminum parts.

(v) Checking, or witnessing the checking of, the moisture content of lumber to the applicable drawing or specification.

(vi) Witnessing the production testing to determine the engine's fuel and oil consumption and maximum power characteristics.

(vii) Witnessing the inspection of propellers for balance, blade edge and face alignment, track, blade contour, assembly, and operation.

(viii) Checking a rivet pattern to an applicable drawing.

(ix) Checking an oxyacetylene welder while he is accomplishing a weld.

(x) Witnessing the laboratory checking of plating or heat treatment solution to the applicable specifications.

(c) *Additional inspections of parts and assemblies.* These will be conducted on a sampling basis to the extent and frequency necessary to evaluate the effectiveness of inspection control and related functions; to assure proper fabricating and assembly methods and procedures; and to ascertain that adequate safeguards are employed to minimize the probability of damage to materials, parts and assemblies. During these inspections, it will also be ascertained that inspection tags, "travel" cards, etc., are being properly completed, and that parts in process are properly identified during the various stages of fabrication.

(d) *Airworthiness inspections.* Inspections will be conducted by the CAA representative on the completed products, as necessary, to assure that the products comply with applicable airworthiness requirements and are safe for operation. Upon application and following completion of satisfactory inspection, the CAA representative will issue domestic airworthiness certificates or certificates of airworthiness for export.

(e) *Interim inspections.* As considered necessary, the CAA representative will conduct interim inspections of changes to the manufacturing and quality control procedures that occur from time to time which may affect the airworthiness of the product.

(f) *Annual inspections.* A factory inspection will be conducted at least once a year to assure that the facilities are at least equivalent to the standards described in the quality control data for the issuance of the production certificate. Any conditions found which are not considered equivalent to the standards, or appear undesirable, will be reported to the manufacturer for consideration and corrective action.

§ 1.43–2 *Inspection by CAA Designated Manufacturing Inspection Representatives (CAA policies which apply to § 1.43).* A manufacturer holding a production certificate may obtain the appointment of individuals in his employ as Designated Manufacturing Inspection Representatives who may be authorized to act in the capacity of Aviation Safety Agents. Information relative to the designation and the authority of these representatives is contained in Part 418 of this title (Regulations of the Administrator).

§ 1.44–1 *Duration (CAA policies which apply to § 1.44)*—(a) *Surrender.* Where production has been indefinitely or permanently discontinued, the manufacturer should surrender the production certificate to the regional office, or to the assigned Aviation Safety Agent, with a written request for cancellation.

(b) *Suspension or revocation.* Suspension or revocation of a production certificate will be handled in accordance with the enforcement procedures contained in Part 408 of this title (Regulations of the Administrator).

(c) *Change in location.* In the event the manufacturing facilities are physically moved from the location indicated on the production certificate, the certificate will automatically terminate and should be returned to the regional office, or assigned agent, for cancellation.

§ 1.45–1 *Display (CAA policies which apply to § 1.45).* The purpose of § 1.45 is to make the certificates available to representatives of the Administrator in order that they may at any time see that the certificates are current and in order. To facilitate such an examination, it is recommended that production certificates be posted in a conspicuous place in the office of the factory.

§ 1.50–1 *Identification (CAA policies which apply to § 1.50).* (a) The primary purpose of identification data is to furnish information which will readily identify and indicate the approval status of individual products fabricated under the requirements of the Civil Air Regulations. The identification plate attached to products which are manufactured under the terms of a production certificate should list both the type and production certificate numbers. Those type certificated products manufactured without benefit of a production certificate should list the type certificate number.

(b) The "Capacity or Rating" should be indicated in the identification data with respect to products such as engines, and other products for which definite ratings or capacities are established. The display of ratings on aircraft and propellers is not necessary.

(c) After the product has been properly identified by the manufacturer and approved by the Administrator, the identification data required by this section should not be changed or altered without the approval of the CAA, and it should remain with the product to which assigned.

(d) For example, the following should not be changed or altered without CAA approval:

(1) Manufacturer's name.
(2) Model designation.
(3) The manufacturer's serial number.
(4) Date of manufacture when required.
(5) Type Certificate number.
(6) Production Certificate number (if applicable).
(7) Capacity or rating (if applicable).

(e) For requirements concerning identification plates, see the airworthiness part applicable to the particular product involved.

§ 1.55–1 *Replacement and modification parts; design approval (CAA policies which apply to § 1.55).* Any person, whether or not a citizen of the United States, may apply to the CAA regional office for approval of the design of a part for use on a type certificated product. Such part must comply with the Civil Air Regulations governing the basic design for the product on which the part will be installed.

(a) Engineering design approval is a prerequisite for CAA approval of the fabrication inspection system. Evidence of design approval may be shown by one of the following means:

(1) A statement confirming that the design data has been approved by the CAA. This statement must contain the date and nature of the design approval.

(2) Evidence of a licensing arrangement with the holder of the type certificate covering the product on which the part is to be installed.

(3) A statement confirming that the approved design data of the type certificate holder was obtained from the CAA. Such data is available only when the type certificate holder has given permission for its release.

(b) A design that is obtained by copying an approved part but is not substantiated by technical data is not acceptable as a basis for production inspection system approval.

(c) The design approval entitles the holder to production privileges equivalent to those accorded to the holder of a type certificate.

(d) After CAA approval, the design data for a part should be retained by the manufacturer and made available to any CAA representative. Each change to a part should be approved by the CAA and the manufacturer should identify such change on the drawing. The manu-

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facturer should keep a record of each change with its date of CAA approval.

§ 1.55–2 *Replacement and modification parts; inspection approval (CAA policies which apply to 1.55).* (a) The request, in duplicate, for a fabrication inspection system approval, together with evidence of design approval, should be submitted to the appropriate regional office or to the local CAA agent (letter form). The request should list the nomenclature of the part, part number, manufacturer's name, and model of the type certificated product for which the part has been approved for installation.

(b) Prior to the approval of the fabrication inspection system Approval Tag, Form ACA–186, will be used by the CAA representative, not to exceed six months, as evidence of inspection approval. After the inspection system is approved, the manufacturer must indicate on the part or package of small parts, evidence that they were produced under an approved inspection system. The symbol "CAA–PMA" is evidence that the part(s) has been manufactured under a CAA–Parts Manufacturer Approval.

(c) Each part or package shipped should be accompanied by approved installation drawings or specifications, where applicable, to assure that the installation will conform to the basic approval.

(d) Each part manufactured or modified shall be marked with such of the following data as the Administrator finds appropriate:

(1) Manufacturer's or modifier's name, trade-mark or symbol. The trade-mark or symbol should be filed with the CAA and will be included on the supplemental type certificates and approved replacement parts listing.

(2) Part number.

(3) Name and model designation of the type certificated product(s) for which the part is eligible for installation, or if impractical, a tag should be attached to the part indicating installation eligibility information.

(e) If the Administrator finds that the fabrication inspection system cannot be approved or that parts manufactured or modified subsequent to the approval of the inspection system repeatedly contain significant discrepancies, the installation of parts on certificated products in either case may be restricted until satisfactory corrective action is initiated by the manufacturer.

(f) The approval of a fabrication inspection system will be evidenced by a letter from the Chief, Manufacturing Inspection Branch to the manufacturer. The letter of approval is not transferable and will be surrendered to the CAA upon written request.

§ 1.55–3 [Reserved.]

§ 1.55–4 *Surveillance of inspection system (CAA policies which apply to § 1.55).* (a) The assigned Aviation Safety Agent will use §§ 1.55–1 through 1.55–3 as a guide in conducting inspection of the manufacturing facilities. If the manufacturer's facilities are found acceptable by evaluating the results of the inspection system and as reflected in the quality and workmanship of the finished parts, the inspection system should be approved. The CAA thereafter will reduce its inspection surveillance and increase its reliance on the manufacturer's inspection system in the determination of the acceptability of future parts.

(1) The CAA representative will conduct periodic inspections of the manufacturer's facilities; make such spot inspections of individual parts as may be necessary to ascertain that the manufacturing facilities and inspection system continuously complies with the standards set forth in §§ 1.55–1 through 1.55–3; that the individual parts conform to the approved design data; that fabrication processes and treatments are in compliance with pertinent specifications; and that the quality of workmanship and materials are acceptable.

(2) Drawings and other technical data maintained in the place of manufacture should be made available by the manufacturer to the CAA representative to enable him to ascertain that the finished part conforms to applicable requirements and current design data.

(3) If the manufacturer's inspection system is not considered acceptable as evidenced by significant discrepancies found in the finished parts, the issuance of the fabrication inspection system approval will be deferred until necessary corrective action has been taken.

(4) Upon approval of the inspection system, the manufacturer may nominate one or more employees for appointment as Designated Manufacturing Inspection Representative, in accordance with Part 418 of this title (Regulations of the Administrator). If the nominee meets the requirements for appointment, he will be authorized by the CAA to issue certificates of airworthiness for export for the finished parts which conform to the type design data, to conduct station and conformity inspections, and to make such additional examinations and inspections as may be necessary to ascertain that the parts are safe for installation on certificated products. Such authorization is limited to the manufacturing plant in which the designee is employed.

§ 1.60–1 *"Registered owner" (CAA interpretations which apply to § 1.60).* The term "registered owner of the aircraft," as used in § 1.60, means the person listed on the official CAA register as the owner of the aircraft. Part 501 of this title (regulations of the Administrator), sets forth the rules and procedures concerning aircraft registration certificates).

§ 1.60–2 *Application form (CAA rules which apply to § 1.60).* Application for an airworthiness certificate shall be made by completing Form ACA–305, Application for Airworthiness Certificate and/or Annual Inspection of an Aircraft, original only, and submitting it to the local CAA Aviation Safety field representative. (Application forms, Form ACA–305, are available from all CAA regional and district offices, and Designated Manufacturing Inspection Representatives.)

§ 1.60–3 *Processing application (CAA policies which apply to § 1.60).*—(a) *Application requirements.* (1) The CAA will not require the applicant for a Certificate of Airworthiness to show legal evidence that he is a U. S. citizen and the owner of the aircraft, nor will his agent be required to furnish such evidence. The certifying statement made upon the application, Form ACA–305, will be accepted as satisfying the citizenship and ownership requirements of § 1.60.

(2) However, at the time the aircraft is presented for the airworthiness inspection, a current registration certificate executed in the name of the applicant must be displayed in the aircraft. Failure to present a current registration certificate will be considered an incomplete application and cause for rejection of the application. There are three types of registration certificates, any one of which will be considered acceptable for the purpose of indicating that the aircraft is currently registered. The three types of registration certificates acceptable are:

(b) *The permanent type.* Part A of Form ACA–500 is the permanent registration certificate. This certificate is the one returned to the registered owner from the Aircraft Records Branch, Washington, D. C. The certificate will have been validated by the Washington office of the CAA and is current as of the date of issue shown on the form.

(c) *The temporary type.* This certificate is the original of Part B of Form ACA–500. This form is completed by the applicant and displayed in the aircraft in accordance with instructions furnished with the form. The duration of this certificate is set forth in item 5 of the certificate.

(d) *Dealer's Aircraft Registration Certificate.* A current Dealer's Aircraft Registration Certificate, Form ACA–1707, is recognized as a current registration certificate for the purpose of making application for an airworthiness certificate. (Dealers' aircraft registration certificates are described and provided for in Part 502 of this title (regulations of the Administrator).)

(e) *CAA procedure.* During the course of the inspection, the CAA representative conducting the airworthiness inspection will indicate on the Aircraft Inspection Report, Form ACA–305a, which is forwarded to Washington, the type of registration certificate displayed in the aircraft. This information will be compared with the official registration records in Washington to determine if the applicant is the official registered owner. Discrepancies involving official registration will be brought to the attention of the registered owner by the Washington office.

§ 1.60–4 *Airworthiness certificates (CAA policies which apply to § 1.60).* (a) Upon satisfactory application, and when the aircraft described in the application is found to conform with the airworthiness requirements specified in other related sections of the Civil Air Regulations, the CAA representative making the airworthiness determination will prepare a Certificate of Airworthiness, Form ACA–1362, or ACA–1362A, and deliver it to the applicant.

(b) The Certificate of Airworthiness will contain the following information: aircraft nationality and registration mark, airworthiness classification, expiration date of certificate, date certificate was issued, signature of validating CAA representative, and scope of certificate.

§ 1.61–1 *Airworthiness certificate classifications (CAA policies which apply to § 1.61).* For purposes of airworthiness identification and administration, airworthiness certificates are classified as Standard, Limited, Restricted, and Experimental. Aircraft found to conform to the "limited" or "restricted category" requirements will be issued a Limited or Restricted Certificate of Airworthiness, respectively. Aircraft found eligible for certification under the "normal," "utility," "acrobatic," or "transport category" requirements will be issued a Standard Airworthiness Certificate. Experimental airworthiness certificates will be issued for aircraft conforming to the requirements of § 1.74.

§ 1.62–1 *Changing airworthiness classification (CAA policies which apply to § 1.62).* (a) Application to amend or modify an airworthiness certificate should be submitted to a CAA representative on Form ACA–305, entitled "Application for Airworthiness Certificate and/or Annual Inspection of an Aircraft." Upon finding the aircraft eligible for the classification of airworthiness specified on the application, the CAA representative will reissue the Certificate of Airworthiness, Form ACA–1362 and/or prescribe changes, if necessary, to the aircraft operating limitations required by § 43.10 (b).

(b) An example of a condition which would require amendment or modification of the Airworthiness Certificate and/or operating limitations is cited below:

(c) An aircraft certificated in the standard classification of airworthiness, to be used for research and development. The experimental installation does not conform to the design requirements for standard certification. Therefore, it would be necessary to have this aircraft certificated in the experimental classification of airworthiness in order to conduct the research and development experiments. The CAA representative would, in this case, prescribe the appropriate operating limitations.

§ 1.65–1 *Display of airworthiness certificate (CAA rules which apply to § 1.65).* The airworthiness certificate shall be displayed at the cabin or cockpit entrance in such a manner that it is legible to passengers or crew.

§ 1.69–1 *Issuance of restricted airworthiness certificates (CAA policies which apply to § 1.69).* CAA policies concerning "restricted category" airworthiness certificates are contained in Part 8 of this subchapter. (The manual for Part 8 may be procured from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.)

§ 1.70–1 *Issuance of multiple airworthiness certificates (CAA policies which apply to § 1.70).* CAA policies concerning multiple airworthiness certificates are contained in Part 8 of this subchapter. (See § 1.69–1 for procurement of the manual for Part 8.)

§ 1.71–1 *Issuance of limited airworthiness certificates (CAA policies which apply to § 1.71).*—(a) *Aircraft models issued a limited type certificate.*

Aircraft manufacturer	Models eligible	Limited aircraft specification No.
Boeing	B–17F and B–17G (Flying Fortress).	AL–1.
North American	B–25G, B–25H and B–25J (Mitchell).	AL–2.
Douglas	A–26B and A–26C (Invader).	AL–3.
Douglas	A–24B (Navy SBD–5) (Dauntless).	AL–4.
Consolidated-Vultee.	PB2Y–3, PB2Y–3R, PB2Y–5, PB2Y–5R, PB2Y–5Z (Coronado).	AL–5.
Consolidated	LB 30	AL–6.
Sikorsky	H–4B Helicopter	AL–7.
Grumman	TBF–1, TBF–1C, TBM–1, TBM–1C, TBM–3, TBM–3E (Avenger).	AL–8.
Douglas	A–20B, A–20C, A–20G, A–20H, and A–20J (Havoc).	AL–9.
Lockheed	P–38E, P–38J, P–38L, P–38M, F–5E, F–5F, and F–5G. (Lightning).	AL–10.
North American	P–51C, P–51D, and P–51K (Mustang).	AL–11.
Beech	AT–10, AT–10BH, AT–10GL, and AT–10GF (Wichita).	AL–12.
Lockheed	B–34, PV–1, and PV–2 (Ventura).	AL–13.
Northrop	P–16, P–61A, and P–61B (Black Winow).	AL–14.
North American	A–36A (Mustang)	AL–15.
Curtiss	O–52	AL–16.
Grumman	F2F–3, J2F–4, J2F–5, and J2F–6 (Duck).	AL–17.
Curtiss-Wright	P–40N, P–40L (Warhawk).	AL–18.
Sikorsky	R–5A Helicopter	AL–19.
Martin	PBM–5 (Mariner)	AL–20.
Bell	P–63C and P–63E (Kingcobra).	AL–21.
North American	BC–1	AL–22.
Grumman	F8F–1 (Bearcat)	AL–23.
Chance-Vought	OS2U–1, OS2U–2, and OS2U–3 (Kingfisher).	AL–24.
Grumman	FM–2 (Wildcat)	AL–25.
Stinson	L–1, L–1A, L–1B, L–1C, L–1D, L–1E, and L–1F (Vigilant).	AL–26.
North American	BT–9, BT–9A, BT–9B, and BT–9C (Yale).	AL–27.
Culver	PQ–14A, PQ–14B, and TD2C–1.	AL–28.
Sikorsky Helicopter, Consolidated	R–6A and HOS–1	AL–29.
	C–87A (Liberator Express).	AL–30.
Curtiss	AT–9 and AT–9A (Jeep).	AL–31.
North American	BT–14 (Yale)	AL–32.

(b) *Application procedure for an original limited airworthiness certificate.* The following procedure should be followed by an applicant for a Limited Airworthiness Certificate.

(1) Establish that the aircraft in question is one of the models or series that have been issued a Limited Type Certificate. (See § 1.71–1 (a) for listing of aircraft issued a "limited category" type certificate.)

(2) Determine that the aircraft configuration conforms to the requirements set forth in the pertinent "limited category" aircraft specification.

(3) Present evidence that the periodic inspection has been accomplished by an appropriately rated mechanic immediately prior to submitting the application. The scope of a periodic inspection is described under § 18.30–18 of this subchapter.

(4) Accomplish a flight test for the purpose of checking the proper functions of the powerplant, instruments and controls of airframe and powerplant.

(5) Present logbooks for the aircraft. The logbooks should show the results of the flight test and be signed by the pilot making the flight test. The entry should indicate that the aircraft performs normally and is considered airworthy.

(6) Present any information or technical orders that the CAA representative deems necessary to establish airworthiness compliance.

(7) Present a properly executed application for a Limited Airworthiness Certificate. Application for a Limited Airworthiness Certificate is made on Form ACA–305. (See § 1.60–2 for application procedure.)

(8) Present with the application a "limited category" aircraft specification for the particular model shown on the application. "Limited category" aircraft specifications are available free of charge from the CAA regional offices, or the CAA Office of Aviation Information, Washington 25, D. C.

The applicant should discuss the "limited category" aircraft certification requirements with the local CAA representative prior to formally submitting the aircraft for inspection and certification. This procedure is not mandatory; however, it will usually expedite final approval since the CAA representative will be able to instruct the applicant concerning the requirements for his particular aircraft.

§ 1.72–1 *Procedure to be followed for recertification in the "limited category" (CAA policies which apply to § 1.72).* Aircraft previously certificated in the "limited category" and subsequently certificated in the "restricted" or "experimental" classification of airworthiness are eligible for recertification in the "limited" classification of airworthiness; provided, the aircraft is restored to the original level of airworthiness and is in a good state of preservation and repair, and in condition for safe operation. Application for recertification should be made in the same manner as outlined in § 1.71–1 (b).

§ 1.73–1 *Experimental airworthiness certification (CAA policies which apply to § 1.73).*—(a) *Type of operations.* Experimental airworthiness certificates are issued for the following, and similar types of operations: research and development; flight testing leading to type certificates; testing of new installations such as powerplants, propellers, controls, electronic equipment, etc., racing and exhibition flights and amateur-built aircraft.

(b) *Experimental military type aircraft.* Aircraft built on a military contract and identified by military aircraft identification marks are considered public aircraft and do not require issuance of airworthiness certificates. However, aircraft of military design built independently by manufacturers with the intention of demonstrating to prospec-

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the inspection system and as reflected in

policies which apply to § 1.60)—(a) Ap-

and deliver it to the applicant.

tive military purchasers, and not having military identification, will be required to obtain an Experimental Airworthiness Certificate inasmuch as such aircraft would be considered civil aircraft.

(c) *Amateur-built aircraft.* Amateur-built aircraft will be eligible for an Experimental Airworthiness Certificate when the applicant presents satisfactory evidence that the aircraft was designed and/or fabricated by an individual or group of individuals, the project having been undertaken for educational or recreation purposes and the CAA finds that the aircraft complies with the amateur-built aircraft requirements set forth in § 1.74–3.

§ 1.74–1 *Requirements for the issuance of experimental airworthiness certificates (CAA rules which apply to § 1.74 (a)).* In addition to the information required to be submitted on application Form ACA–305, the applicant shall indicate on a separate sheet of paper:

(a) The purpose of the experiment.

(b) The estimated time or number of flights required to conduct the experiment.

(c) The areas over which it is desired to conduct the experiment.

(d) A three-view drawing of the aircraft specifiying only the external dimensions. (Three-view dimensioned photographs will be acceptable in lieu of the drawings. This information need not be submitted for any "experimental" aircraft converted from a basic approved type provided the external configuration has not appreciably changed.)

§ 1.74–2 *Additional information (CAA policies which apply to § 1.74 (a)).* The applicant may be called upon to submit additional information during the airworthiness inspection conducted by the CAA representative. For example, the CAA representative might request the applicant to furnish information concerning a particular construction technique used to fabricate the aircraft or information as to the type of material or gauge of tubing. The purpose of such requests by the CAA representative would be to help determine the general airworthiness of the aircraft and to establish operation limitations or restrictions to safeguard the general public.

§ 1.74–3 *Certification of amateur-built aircraft (CAA policies which apply to § 1.74).* The following policies will apply to the certification and operation of aircraft of amateur design and construction designed and built by educational institutions and individuals without complying with all the requirements of "standard" aircraft:

(a) *Scope.* While amateur-built aircraft are issued "experimental" airworthiness certificates, the airworthiness requirements for this type of aircraft are of greater scope than those for other types of "experimental" aircraft. The reason is that after the aircraft has completed the flights specified in paragraph (g) and paragraph (h) of this section, the aircraft operation limitations, upon application, may be modified to permit the carriage of nonrevenue passengers. In addition, the area restrictions normally prescribed for "experimental" aircraft may be modified to authorize extended flights.

(b) *Design and construction, powerplant and equipment.* Amateur-built aircraft should not have any apparent unsatisfactory features of design and construction. The following guide to design and construction should be followed by an applicant if he intends to apply for an amateur-built aircraft Experimental Airworthiness Certificate:

(1) Approved components such as engines, propellers, wheels, and similar items should be used wherever possible. Structural components of other aircraft may be used; however, it is not intended that this provision be used to avoid obtaining approval of major alterations to aircraft previously certificated in another category.

(2) Protrusions, knobs, sharp corners, and other objects likely to cause serious injury to the pilot or passengers in the event of a minor crash should be reduced to a minimum. Where removal is impractical, consideration should be given to use of padding.

(3) Instruments and equipment as required by § 43.30 (a) of this subchapter should be installed. Safety belts should be installed for each seat.

(4) Suitable means, consistent with the size and complexity of the aircraft, should be provided to reduce the hazard of fire. A fire wall isolating the engine compartment from the remainder of the aircraft should be provided.

(5) Any engine or propeller may be used, provided no adverse characteristics of the engine, propeller, or engine-propeller combination are evident or known to the Administrator.

(6) The complete powerplant installation, including the propeller, as installed in the aircraft should satisfactorily undergo at least one hour of ground operation from idling to full throttle power prior to the first flight. The applicant may use any time interval he desires at the various speeds he selects.

(7) Only fuel of a grade which will eliminate destructive detonation and minimize the possibility of vapor lock should be used.

(8) Suitable means should be provided to minimize the possibility of carburetor ice.

(9) An identification plate containing at least the following should be displayed in the cabin or cockpit:

(i) The name and address of the builder.

(ii) The model designation.

(iii) The serial number.

(iv) The date of manufacture.

(c) *Essential data.* In addition to the information furnished on application, Form ACA–305, the following information should be submitted with the application:

(1) Horsepower rating of engine and propeller.

(2) Empty weight and maximum weight at which the aircraft will be operated.

(3) Number of seats installed and their arrangement with respect to each other.

(4) Whether single or dual control.

(5) Fuel and oil capacities.

(6) Maximum speed at which the applicant expects to operate the aircraft.

(7) A statement as to the criteria (any regulations, design data, or other information) used as a basis for the design.

(d) *Examination and inspection.* As part of the certification procedure the aircraft will be subjected to examination and general inspection for airworthiness by an authorized CAA representative. Compliance with specific design requirements contained in paragraph (b) of this section, as well as good aeronautical practice will be determined by means of this inspection and examination. Any apparent unairworthy feature, workmanship or device disclosed by the inspection will be repaired, reworked, or otherwise be changed to be acceptable to the CAA prior to certification as an amateur-built aircraft.

(e) *Initial restrictions.* Upon satisfactory completion of all necessary inspections and testing on the ground, the CAA representative will issue an amateur-built aircraft "experimental" airworthiness certificate. Initially, the aircraft operating limitations of all amateur-built aircraft will contain appropriate restrictions as follows:

(1) Only day VFR flight will be authorized.

(2) The permissible flight area will be restricted to minimize any hazard to the general public. In no case will the initial permissible flight area exceed a 25-mile radius from applicant's base. Flights over thickly populated areas will be prohibited.

(3) Occupants of the aircraft will be limited to essential crew members, and, except in single place aircraft, the cabin or cockpit will be placarded, "Passengers Prohibited," in such a manner and location as to be visible from all seats.

(4) The aircraft will not be used for the carriage of cargo nor in connection with any business or employment.

(5) Such additional restrictions as the Administrator may deem necessary in the interest of safety.

(f) *Modified restrictions.* Upon satisfactory completion of the flight experience requirements outlined in paragraph (g) of this section, and the flight test demonstration outlined in paragraph (h) of this section, the flight operation restrictions applied at the time of initial certification may be amended as follows:

(1) Acrobatics may not be performed while carrying passengers.

(2) The restriction regarding flight areas may be removed.

(3) Passengers or cargo may not be carried for compensation or hire.

The placard "Passengers Prohibited" may be removed and the following substituted:

Passenger Warning—this aircraft is amateur-built and does not comply with the Federal Safety Regulations for "standard" aircraft.

(g) *Flight experience.* Prior to conducting the flight demonstration provided in paragraph (h) of this section, and subsequent to modification of the operating restrictions as provided for in paragraph (f), the applicant should submit evidence that the following flight experience has been accumulated on the aircraft.

(1) The aircraft should have been flown at least 50 hours when a type certificated engine is installed, or 75 hours when an uncertificated engine is used.

(2) When application is made for the modification of the operation restrictions, the applicant should submit a log of the aircraft flight history, containing at least the following information:

(i) The duration of each individual flight counted toward the flight time of (1) above.

(ii) A statement as to the purpose of each flight (test, pleasure, or proficiency).

(iii) Number of landings made.

(iv) A full description of any mishaps however minor, or any experiences not entirely normal that occur during the flight experience period.

The pertinent portion of the log should be certified by the signature of the applicant and by the signature of the pilot or pilots, other than the applicant that flew the aircraft during the flight experience period.

(h) *Flight test demonstration.* Upon satisfactory completion of the flight experience required in paragraph (g) of this section, the applicant may apply for the modified restrictions provided for in paragraph (f) of this section. Application should be made in writing to the local CAA Aviation Safety District Office. An aviation safety agent will reexamine the aircraft and the flight experience record and upon finding them satisfactory will witness the flight test demonstration. The flight test will be conducted by a certificated pilot holding at least a private pilot's rating. The flight test will be of such scope as to demonstrate that the aircraft performance is adequate for such operations with respect to takeoff, climb, and landing at maximum and minimum weights, for which the aircraft is to be certificated. The aircraft will be demonstrated to be satisfactorily controllable and reasonably maneuverable during taxiing, takeoff, climb, level flight, dive and landing, with or without power. Adequate provisions should be made for emergency egress and use of parachutes by the crew during the flight test.

§ 1.75–1 *Duration of experimental airworthiness certificate (CAA policies which apply to § 1.75).* (a) Experimental airworthiness certificates will be issued to expire on a specific date, or will indicate a condition under which the certificate will automatically expire. The duration of the experimental certificate may vary from one flight to a limited number of operating hours, or days. In any case, the duration will not exceed one year.

(b) It is the policy of the CAA to do everything possible to encourage legitimate experimentation leading to improvement in aircraft whenever this may be done without endangering the lives of persons or property not involved in the experimentation. Since it is recognized that a certain amount of danger to the operator is inherent in all experimental flying, the certificates issued for experimental aircraft will contain specific operating conditions and limitations designed to protect the lives and property of persons not involved in the experimentation.

§ 1.76–1 *Special flight permits (CAA interpretations which apply to § 1.76)*—(a) *General.* Section 43.10 (a) of this subchapter states in part that "No aircraft, except foreign aircraft authorized by the Administrator to be flown in the United States, shall be operated unless an appropriate and valid airworthiness certificate or special flight authorization and a registration certificate issued to the owner of the aircraft are carried in the aircraft * * *." "Special flight authorization," mentioned above, is interpreted to mean the special flight permit described in this section. Special flight permits are issued for only two purposes: the first and primary purpose is to permit aircraft not fully complying with the established airworthiness requirements to be flown to bases where repairs or alterations may be made; the second purpose is to permit "flyaway" delivery or flights to points of export of aircraft which are airworthy but not eligible for a U. S. Certificate of Airworthiness. For example, an aircraft purchased by a person other than an American citizen would not be eligible for a U. S. Certificate of Airworthiness due to the fact that a current U. S. Registration Certificate is a prerequisite to obtaining an airworthiness certificate, and only a U. S. citizen, who can present proof of ownership, may obtain a current Aircraft Registration Certificate.

§ 1.77–1 *Application for permit (CAA rules which apply to § 1.77)*—(a) *Persons who may make application.* The registered aircraft owner or his agent shall make application for a special flight permit.

(b) *Application form.* Application shall be made by completing in duplicate Form ACA–1779 entitled "Application and Authorization for Ferry Permit," and submitting it to an authorized CAA Aviation Safety representative. (Application forms are available at all CAA regional and Aviation Safety District Offices and from designated CAA representatives. The application form consists of two parts: the first part is completed by the applicant and furnishes a description of the aircraft, and the proposed flight; the second part is completed by the CAA representative, and is the authority to conduct the flight. This part shall be prepared to contain the conditions and limitations under which the flight is to be conducted.)

§ 1.77–2 *Airworthiness (CAA policies which apply to § 1.77).* While the aircraft may not be eligible for a Certificate of Airworthiness, it must be found safe for the flight described on the application prior to commencing the flight. The CAA representative may make this determination prior to issuing the authorization, or he may require a preflight inspection to be conducted by a certificated mechanic in order to determine that the aircraft is safe for the flight authorized.

§ 1.77–3 *Flight restrictions (CAA policies which apply to § 1.77).* The following flight restrictions will be prescribed for all aircraft to be operated under a special flight permit:

(a) The carriage of persons other than crew members will be prohibited.

(b) Weather minimums under which the flight may be conducted will be established.

(c) The duration of the authorization will be shown.

(d) The purpose of the flight will be indicated.

(e) Special area restrictions will be listed, if applicable.

(f) Preflight inspection requirements, if any, will be listed.

(g) The origin, destination, and proposed itinerary, taking into consideration reasonable deviations necessitated by weather or other circumstances beyond the control of the operator, will be indicated.

§ 1.77–4 *Authorization for air carrier ferry flight of a four-engine airplane with one engine inoperative (CAA rules which apply to § 1.77 (c))*—(a) *General authorization.* An air carrier is authorized to conduct ferry flights of a four-engine airplane with one engine inoperative, to a base where repairs are to be made to the inoperative engine, in accordance with the following conditions and limitations:

(1) The airplane model has been test flown and found satisfactory for safe flight in accordance with the flight test requirements of paragraph (b) of this section.

(2) The CAA Approved Airplane Flight Manual contains the performance data specified in paragraph (c) of this section and the flight is conducted in accordance with such data.

(3) The air carrier's operations manual contains operating procedures specified in paragraph (d) of this section and the flight is conducted in accordance with such procedures.

(4) No person other than required members of the flight crew shall be carried on board the airplane during such flight.

(5) No flight crew member shall be used unless he is thoroughly familiar with the operating procedures for one-engine-inoperative ferry flights specified in the air carrier's operations manual and the limitations and performance information set forth in the CAA Approved Airplane Flight Manual.

(b) *Flight tests.* The performance of the airplane with one engine inoperative shall be determined by flight test in accordance with the following:

(1) A speed shall be chosen, but in no case shall it be less than 1.3 V_{s_1}, at which the airplane is satisfactorily controllable in a climb with the critical engine inoperative and its propeller removed or in a configuration desired by the applicant, and all other engines operating at the maximum power determined in subparagraph (3) of this paragraph.

(2) The distance to accelerate to the speed specified in subparagraph (1) of this paragraph and climb to 50 feet shall be determined with the landing gear extended, the critical engine inoperative

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and its propeller removed or in a configuration desired by the applicant, and the other engines operating at not more than the power specified in subparagraph (3) of this paragraph.

(3) The procedures to be used during takeoff, flight, and landing shall be established, i. e., the approximate trim settings, the method of power application, maximum power and speed.

(4) The performance shall be determined at a maximum weight not to exceed that which will permit a rate of climb of at least 400 feet per minute in the en route configuration specified in § 4b.120 (c) of this subchapter at an altitude of 5,000 feet.

(c) *CAA Approved Airplane Flight Manual.* The CAA Approved Airplane Flight Manual shall contain the following performance data determined in accordance with paragraph (b) of this section covering at least the following variables:

(1) Maximum weight
(2) C. g. range
(3) Configuration of the inoperative propeller
(4) Runway length for takeoff
(5) Altitude range.

(d) *Air carrier's operations manual.* Operating procedures shall be established in the air carrier's operations manual which will provide for the safe operation of the airplane, with specific provisions for operations from airports where the runways may require a takeoff or approach over populated areas. No airplane shall be taken off where the initial climb is made over thickly populated areas. VFR weather conditions shall exist at the airport of takeoff and at the intended destination. The manual shall also include procedures for the inspection of the operating condition of the remaining engines.

§ 1.101–1 *Assignment of registration numbers (CAA policies which apply to § 1.101 (a)).*—(a) *General.* (1) Section 1.101 (a) requires that all U. S. civil aircraft display identification marks. This section, in part, states that the identification marks shall be the Roman capital letter "N" followed by the registration number. The purpose of this policy is to make known the method by which an aircraft owner can obtain a registration number for an unidentified aircraft.

(2) Most aircraft are assigned a registration number and display the proper identification marks prior to leaving the manufacturer's plant. Generally speaking, the registration number will continue to identify that particular aircraft throughout the remainder of its operating life. There are many times, however, that it is necessary for the owner of the aircraft to request that a registration number be assigned his aircraft. This is particularly true with converted military surplus, amateur-built aircraft, experimental aircraft, and aircraft imported from other countries which have not been certificated at the manufacturer's plant.

(b) *Procedure.* (1) An aircraft should be assigned a registration number before the owner applies for registration. To obtain a registration number, the aircraft owner should furnish the local Aviation Safety District Office, or International Field Office if the aircraft is located outside the United States, the following information:

(i) The name of the aircraft manufacturer.
(ii) The aircraft model.
(iii) The aircraft serial number.

(2) This information can usually be found on the manufacturer's nameplate, displayed in the aircraft, or on the bill of sale. Upon receipt of this information, the CAA representative will issue a registration number. This number is used when making application for registration and must be displayed on the aircraft in accordance with the requirements of §§ 1.101 through 1.107.

§ 1.108–1 *Identification marks for nonconventional aircraft (CAA rules which apply to § 1.108).*—(a) *Purpose.* The purpose of this rule is to prescribe the procedure for displaying identification marks on nonconventional aircraft. For the purpose of prescribing identification marks, an aircraft is considered to be nonconventional when it is impossible to display the identification marks in accordance with the applicable rules prescribed in §§ 1.101 through 1.107.

(b) *Procedure.* (1) The owner of the aircraft shall submit to the local CAA representative a dimensioned three view drawing, or dimensioned photographs of the aircraft, including a statement setting forth the reason why it is not possible to identify the aircraft in accordance with the standard requirements. If the owner desires to include a proposed method of marking, it too will be considered. Such proposal shall take into consideration, as near as possible, the standard identification marking procedure set forth in §§ 1.101 through 1.107.

(2) This information shall be submitted to the local CAA representative as far in advance of the anticipated flight date as possible, since the CAA representative must forward the information to the Washington office for final decision.

§ 1.109–1 *Identification marks for export aircraft (CAA policies which apply to § 1.109).* When foreign nationality and registration markings are not available for display upon new aircraft to be exported via flyaway to U. S. border or to some other location in U. S. where the aircraft will be disassembled for shipment, U. S. identification markings may be displayed on the aircraft in the normal manner (provided title to the aircraft is held by a citizen of the U. S.), and the markings may be affixed with a readily removable material.

(a) To minimize the cost involved in affixing identification markings to new aircraft being exported, exporters (manufacturers, dealers, and distributors who are holders of dealers' aircraft registration certificates) may request a special U. S. identification number consisting of one to three digits, which will be preceded by the letter N when displayed on the aircraft. Only one such number will be issued to each exporter, to be used repetitively in connection with previously unregistered aircraft which are being exported. These numbers will be used only in connection with the flyaway delivery of aircraft which are being exported, and will be displayed only during that portion of the flyaway delivery which takes place over U. S. territory. In the event two or more aircraft displaying the same identification number may be flying in relatively close formation, each aircraft will be identified, insofar as radio contacts are concerned, by combining the identification number displayed with the last two digits of the manufacturer's serial number of the aircraft. For example, an aircraft displaying the identification mark N2M and having manufacturer's serial number 203040 will be identified as N2M40. In order that the pilot may readily determine his radio call number, a placard bearing the call number of the aircraft should be displayed on the windshield or instrument panel in a location readily visible to the pilot. In this example, the placard would read N2M40.[1]

NOTE: The reporting requirements of forms contained in this manual have been approved by the Bureau of the Budget pursuant to the Federal Report Act of 1942. Samples of the forms referred to in this manual may be found in Appendix A (not filed with the Federal Register Division).

This supplement shall become effective November 30, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–9364; Filed, Nov. 13, 1956; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6273]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WASHINGTON MUSHROOM INDUSTRIES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Size and extent: § 13.60 *Earnings and profits;* § 13.125 *Limited offers or supply;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Washington Mushroom Industries, Inc., et al., Seattle, Wash., Docket 6273, Oct. 24, 1956]

In the matter of Washington Mushroom Industries, Inc., a Corporation; and Arthur T. Lelles, Individually and as an officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its responsible officer, engaged in Seattle, Washington, in the interstate sale and distribution of mushroom spawn and fertilizer, with falsely representing, in their correspondence, advertisements, and trade literature, the demand for mushrooms, ease of culture, extraordinary financial returns even to inexperienced purchasers and users of their product, etc.

Following respondents' answer, hearings in due course, and denial of respondents' motion to dismiss the complaint, proposed findings of fact and conclusions of law were submitted by both counsel. On this basis, the hearing examiner made his initial decision, including findings of fact and order to cease and desist, from which respondents appealed.

The Commission, in an opinion by Commissioner Mason, modified the initial decision and on October 24 adopted it as modified as the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondents, Washington Mushroom Industries, Inc., a corporation, and its officers, and Arthur T. Lelles, individually and as an officer of said corporation, whether trading under these or any other name or names, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of mushroom spawn or fertilizer in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the usual or customary earnings or profits which may be derived through using respondents' said products in the culture of mushrooms is any amount in excess of the average amount actually earned by users of said products in such culture under usual or normal conditions;

2. That persons possessing no previous knowledge or technical skill pertaining to the culture of mushrooms may earn substantial incomes raising mushrooms;

3. That there is a shortage of mushrooms, when such is not in fact true;

4. That mushrooms may be grown out-of-doors at any time of the year;

5. That mushroom culture or mushroom beds are odorless;

6. That the size, scope or nature of respondents' business is other than it is in fact;

7. That respondents will sell to only a limited number of customers.

It is further ordered, That respondents' motion to dismiss the complaint herein be, and the same hereby is, denied.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondents, Washington Mushroom Industries, Inc., a corporation, and Arthur T. Lelles, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as modified.

Issued: October 24, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56–9323; Filed, Nov. 13, 1956; 8:49 a. m.]

[1] See Appendix A of this manual for a table of aircraft nationality markings. Appendix A is not filed with the Federal Register Division.

[Docket 6552]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

O'CEDAR CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.825 *Allowances for services or facilities;* [*Discriminating in price under section 2, Clayton Act, as amended*]—Furnishing services or facilities for processing, handling, etc., under 2 (e): § 13.835 *"Demonstrators".*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, O'Cedar Corporation, Chicago, Ill., Docket 6552, Oct. 31, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a Chicago corporation, one of the three or four largest manufacturers in the United States of mops, waxes, polishes, and related products, with violating section 2 (d) and (e) of the Clayton Act as amended, through paying certain customers for, and furnishing to certain customers, services of sales persons who acted as demonstrators of its products, while not making such payments or services available on proportionally equal terms to all of their competitors.

Following acceptance of an agreement between the parties containing consent order to cease and desist, the hearing examiner made his initial decision and order to cease and desist which became on October 31, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent American-Marietta Company, a corporation, its officers, agents, representatives or employees, directly or through any corporate or other device, in connection with the sale or offering for sale of mops, waxes, or polishes, or in connection with the sale or offering for sale of other merchandise sold under the name of "O'Cedar", in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, sale or offering for sale of any of respondent's said products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

2. Contracting to furnish, or furnishing, or contributing to the furnishing of any services or facilities connected with the handling, sale or offering for sale of any of respondent's said products to any purchaser from respondent upon terms not accorded to all competing purchasers on proportionally equal terms.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent American-Marietta Company, a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 31, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56–9324; Filed, Nov. 13, 1956; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

MISCELLANEOUS AMENDMENTS

The Renegotiation Board hereby adopts the proposed amendments to Part 1467 which were published on September 27, 1956 (21 F. R. 7412–7418), certain changes having been made therein. Said regulations, as adopted, read as set forth below.

Dated: November 8, 1956.

THOMAS COGGESHALL,
Chairman.

This part is amended in the following respects:

1. The heading "Subpart A—Fiscal Years Ending On Or Before June 30, 1956" is inserted before § 1467.1.

2. Section 1467.1 *Statutory provision* is amended by deleting "section 106 (a) (8) of the act (added by Pub. Law 764, 83d Cong., approved September 1, 1954) exempts the following:" and inserting in lieu thereof the following: "With respect to fiscal years ending on or before June 30, 1956, section 106 (a) (8) of the act (added by Pub. Law 764, 83d Cong., approved September 1, 1954, as limited by Pub. Law 870, 84th Cong., approved August 1, 1956) exempts the following:".

3. Section 1467.1 is further amended by deleting the matter in brackets at the end of such section and inserting in lieu thereof the following:

[The statutory provision set forth above applies to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953 in a fiscal year ending on or before June 30, 1956. Matter in italics added by Pub. Law 216, 84th Cong., approved August 3, 1955. By Pub. Law 870, 84th Cong., approved August 1, 1956, section 106 (a) (8) of the act was stricken out with respect to fiscal years ending after June 30, 1956.]

4. Subpart B, consisting of new §§ 1467.21 to 1467.37, is added to read as follows:

SUBPART B—FISCAL YEARS ENDING AFTER JUNE 30, 1956

Sec.
1467.21 Statutory provision.
1467.22 Application of exemption.
1467.23 Waiver of exemption.
1467.24 The term "article".
1467.25 Exemption of standard commercial articles.
1467.26 Exemption of "like articles".
1467.27 Exemption of standard commercial classes of articles.
1467.28 The term "service".
1467.29 Exemption of standard commercial services.
1467.30 Exemption of like services.
1467.31 Application for Commercial Exemption.
1467.32 Duty to furnish additional information.
1467.33 Effect of filing Application for Commercial Exemption.
1467.34 Grant of exemption.
1467.35 Accrual of exemption by failure of Board to act.
1467.36 Denial of exemption.
1467.37 Exemption not applicable to related subcontracts.

AUTHORITY: §§ 1467.21 to 1467.37 issued under sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219. Interpret or apply sec. 106, 65 Stat. 17, as amended; 50 U. S. C. App. 1216.

§ 1467.21 *Statutory provision.* With respect to fiscal years ending after June 30, 1956, section 106 (e) of the act (added by Pub. Law 870, 84th Cong., approved August 1, 1956) provides as follows:

(e) *Mandatory exemption for standard commercial articles and services*—(1) *Articles and services.* The provisions of this title shall not apply to amounts received or accrued in a fiscal year under any contract or subcontract for an article or service which (with respect to such fiscal year) is—

(A) A standard commercial article;

(B) An article which is identical in every material respect with a standard commercial article; or

(C) A service which is a standard commercial service or is reasonably comparable with a standard commercial service.

(2) *Classes of articles.* The provisions of this title shall not apply to amounts received or accrued in a fiscal year under any contract or subcontract for an article which (with respect to such fiscal year) is an article in a standard commercial class of articles.

(3) *Applications.* Paragraph (1) (B) or (C) and paragraph (2) shall apply to amounts received or accrued in a fiscal year under any contract or subcontract for an article or service only if—

(A) The contractor or subcontractor at his election files, at such time and in such form and detail as the Board shall by regulations prescribe, an application containing such information and data as may be required by the Board under its regulations for the purpose of enabling it to make a determination under the applicable paragraph, and

(B) The Board determines that such article or service is, or fails to determine that such article or service is not, an article or service to which such paragraph applies, within the following periods after the date of filing such application:

(i) In the case of paragraph (1) (B) or (C), three months;

(ii) In the case of paragraph (2), six months; or

(iii) In either case, any longer period stipulated by mutual agreement.

(4) *Definitions.* For the purposes of this subsection—

(A) The term "article" includes any material, part, component, assembly, machinery, equipment, or other personal property;

(B) The term "standard commercial article" means, with respect to any fiscal year, an article—

(i) Which either is customarily maintained in stock by the contractor or subcontractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor or subcontractor, and

(ii) From the sales of which by the contractor or subcontractor at least 35 percent of the receipts or accruals in such fiscal year, or of the aggregate receipts or accruals in such fiscal year and the preceding fiscal year, are not (without regard to this subsection and subsection (c) of this section) subject to this title;

(C) An article is, with respect to any fiscal year, "identical in every material respect with a standard commercial article" only if—

(i) Such article is of the same kind and manufactured of the same or substitute materials (without necessarily being of identical specifications) as a standard commercial article from sales of which the contractor or subcontractor has receipts or accruals in such fiscal year,

(ii) Such article is sold at a price which is reasonably comparable with the price of such standard commercial article, and

(iii) At least 35 percent of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from sales of such article and sales of such standard commercial article are not (without regard to this subsection and subsection (c) of this section) subject to this title;

(D) The term "service" means any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person;

(E) The term "standard commercial service" means, with respect to any fiscal year, a service from the performance of which by the contractor or subcontractor at least 35 percent of the receipts or accruals in such fiscal year are not (without regard to this subsection) subject to this title;

(F) A service is, with respect to any fiscal year, "reasonably comparable with a standard commercial service" only if—

(i) Such service is of the same or a similar kind, performed with the same or similar materials, and has the same or a similar result, without necessarily involving identical operations, as a standard commercial service from the performance of which the contractor or subcontractor has receipts or accruals in such fiscal year, and

(ii) At least 35 percent of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from the performance of such service and such standard commercial service are not (without regard to this subsection) subject to this title; and

(G) The term "standard commercial class of articles" means, with respect to any fiscal year, two or more articles with respect to which the following conditions are met:

(i) At least one of such articles either is customarily maintained in stock by the contractor or subcontractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor or subcontractor,

(ii) All of such articles are of the same kind and manufactured of the same or substitute materials (without necessarily being of identical specifications),

(iii) All of such articles are sold at reasonably comparable prices, and

(iv) At least 35 percent of the aggregate receipts or accruals in the fiscal year by the contractor or subcontractor from sales of all of such articles are not (without regard to this subsection and subsection (c) of this section) subject to this title.

(5) *Waiver of exemption.* Any contractor or subcontractor may waive the exemption provided in paragraphs (1) and (2) with respect to his receipts or accruals in any fiscal year from sales of any article or service by including a statement to such effect in the financial statement filed by him for such fiscal year pursuant to section 105 (e) (1), without necessarily waiving such exemption with respect to receipts or accruals in such fiscal year from sales of any other article or service. A waiver, if made, shall be unconditional, and no waiver may be made without the permission of the Board for any receipts or accruals with respect to which the contractor or subcontractor has previously filed an application under paragraph (3).

(6) *Nonapplicability during national emergencies.* Paragraphs (1) and (2) shall not apply to amounts received or accrued during a national emergency proclaimed by the President, or declared by the Congress, after the date of the enactment of the Renegotiation Amendments Act of 1956.

§ 1467.22 *Application of exemption*—(a) *Effective date.* The exemption provided in section 106 (e) of the act, and the regulations contained in this subpart, are applicable only with respect to fiscal years ending after June 30, 1956. The exemption applies to amounts received or accrued in any such fiscal year under prime contracts with the Departments and subcontracts, without regard to whether such prime contracts or subcontracts were made before or during such fiscal year.

(b) *Scope.* Section 106 (e) of the act exempts amounts received or accrued under any contract or subcontract for any of the following:

1. A standard commercial article;
2. An article which is identical in every material respect with a standard commercial article (hereinafter in this subpart referred to as a "like article");
3. An article in a standard commercial class of articles;
4. A standard commercial service;
5. A service which is reasonably comparable with a standard commercial service (hereinafter in this subpart referred to as a "like service").

The exemption of item 1 is applied by the contractor itself, without application to the Board, or it may be waived. With respect to items 2, 3, 4 and 5, the contractor must file an application with the Board in order to obtain exemption. The contractor is not required to file an application for exemption of any of these items, but may elect to do so; or the contractor may waive the exemption expressly with respect to all or any of such items. The contractor shall not be entitled to claim exemption for any like articles, standard commercial services, or like services, to which the 3-month period prescribed in section 106 (e) (3) (B) (i) of the act is applicable, and in the same application to claim exemption for articles in one or more standard commercial classes of articles, to which the

6-month period prescribed in section 106 (e) (3) (B) (ii) of the act is applicable, unless the contractor consents and agrees that such 6-month period shall apply with respect to all of the articles, or all of the articles and services, for which exemption is claimed in such application. In the absence of such consent and agreement, the contractor shall be required to file a separate application for exemption of those items to which the 3-month period applies, and a separate application for exemption of those items to which the 6-month period applies.

(c) *Effect.* (1) When the contractor does not waive the exemption with respect to amounts received or accrued in a fiscal year from the sale of a standard commercial article, such receipts or accruals are exempt and may not be included as renegotiable sales in the financial statement filed by the contractor for such fiscal year.

(2) When the contractor files an application for exemption of amounts received or accrued in a fiscal year from the sale of a like article, or a standard commercial service, or a like service, such receipts or accruals are exempt for such fiscal year if within three months thereafter, or any longer agreed period, the Board grants, or fails to deny, such application.

(3) When the contractor files an application for exemption of amounts received or accrued in a fiscal year from sales of an article in a standard commercial class of articles, such receipts or accruals are exempt if within six months thereafter, or any longer agreed period, the Board grants, or fails to deny, such application.

(d) *Procedure.* When a contractor files an application, pursuant to section 106 (e) (3) of the act, for exemption of some of its receipts or accruals for a fiscal year, the applicability of the exemption to such receipts or accruals will be determined by the Board before the Board takes action with respect to any other receipts or accruals of the contractor in such fiscal year.

(e) *Initial treatment.* (1) If the amounts received or accrued under prime contracts with the Department and subcontracts during the fiscal year by the contractor and all related contractors, including receipts or accruals for which exemption may be obtained only by application to the Board under section 106 (e) (3) of the act, aggregate less than the minimum amount for renegotiation prescribed in section 105 (f) (1) of the act, the contractor shall not file the Application for Commercial Exemption set forth in § 1467.31. An Application for Commercial Exemption filed under such circumstances will be returned to the contractor without action by the Board thereon.

(2) Except as stated in subparagraph (1) of this paragraph, every contractor who claims that the exemption provided in paragraph (1) (B) or (C) or paragraph (2) of section 106 (e) of the act is applicable to any of its receipts or accruals for a fiscal year shall file the Application for Commercial Exemption as provided in § 1467.31.

(3) If, in addition to receipts or accruals for which the contractor has filed an Application for Commercial Exemption, the contractor in the same fiscal year has other renegotiable receipts or accruals which in themselves aggregate more than the minimum amount prescribed in section 105 (f) (1) of the act, the contractor shall also file the Standard Form of Contractor's Report with respect to such other receipts or accruals (see § 1470.3 of this subchapter). Unless before the Standard Form of Contractor's Report is filed the Board shall have determined that the exemption is not applicable to the receipts or accruals for which exemption has been claimed by the contractor in its Application for Commercial Exemption, such receipts or accruals shall be excluded from the Standard Form of Contractor's Report.

(4) If, in addition to receipts or accruals for which the contractor has filed an Application for Commercial Exemption, the contractor in the same fiscal year has other renegotiable receipts or accruals which in themselves do not aggregate more than the minimum amount prescribed in section 105 (f) (1) of the act, the contractor shall not be entitled to file the Statement of Non-Applicability prescribed in § 1470.91 (b) of this subchapter until the Board has completed its action upon the Application for Commercial Exemption. A Statement of Non-Applicability filed before such time will be returned to the contractor, and will not constitute the filing of a financial statement under section 105 (e) (1) of the act and will not commence the running of the one-year period of limitations prescribed in section 105 (c) of the act.

§ 1467.23 *Waiver of exemption*—(a) *Scope.* Under section 106 (e) of the act, the contractor may waive the exemption therein granted by including a statement to such effect in the Standard Form of Contractor's Report filed by the contractor pursuant to section 105 (e) (1). If the Board agrees to accept a waiver of the exemption from a contractor who has not included such waiver in its Standard Form of Contractor's Report, such waiver, when accepted, will be deemed a part of the Standard Form of Contractor's Report of such contractor with the same force and effect as if it had been set forth therein when such report was filed. The exemption may be waived with respect to the receipts or accruals of the contractor in the fiscal year from sales of all articles or services within the scope of section 106 (e) of the act; or the contractor may waive the exemption with respect to receipts or accruals in the fiscal year from sales of any of such articles or services, without necessarily waiving the exemption with respect to receipts or accruals in such fiscal year from sales of any other of such articles or services. The exemption may be waived either individually or by class with respect to any articles or services. For this purpose, articles or services may be grouped into such product or service classes as the contractor uses regularly in its own accounting system.

(b) *Limitations.* (1) A waiver made in the Standard Form of Contractor's Report shall be effective only with respect to the fiscal year to which such report relates, and shall not be effective for any other year.

(2) The exemption may not be claimed with respect to receipts or accruals under certain prime contracts or subcontracts for an article or service, and waived with respect to receipts or accruals in the same fiscal year under other prime contracts or subcontracts for the same article or service.

(3) A waiver of the exemption, to be effective, must be unconditional. The contractor shall not be entitled to state in its Standard Form of Contractor's Report or in its Application for Commercial Exemption that, if the Board denies the exemption with respect to certain articles or services, or classes thereof, the exemption is waived with respect to any or all other articles or services, or classes thereof.

(4) No waiver for any fiscal year may be made without the permission of the Board for any receipts or accruals with respect to which the contractor has previously filed an Application for Commercial Exemption for such fiscal year.

(5) Once made, a waiver of this exemption may not be withdrawn except with the permission of the Board, but shall not preclude the contractor from claiming the exemption for any subsequent fiscal year.

§ 1467.24 *The term "article"*—(a) *Scope.* Section 106 (e) (4) (A) of the act defines the term "article" to include any material, part, component, assembly, machinery, equipment, or other personal property. For the purposes of this exemption, the term "article" will be given a narrow meaning. When two products differ only in dimensions or size, or in any nonfunctional respects such as color or markings, and are sold at the same price, it will be considered that such products are a single article. If such products are sold at different prices, each will be considered a separate article. Similarly, if two products differ in any respects other than those indicated above, each will be considered a separate article, even though both may sell coincidentally at the same price. In determining whether prices are the same or different, volume or other discounts will be disregarded.

(b) *Example.* If copper tubing is quoted and sold at a stated price per lineal foot, sales of such tubing are considered to be sales of a single article, although different customers may buy it in different lengths. On the other hand, and ignoring volume or other discounts, if 1-foot lengths of copper tubing are quoted and sold at one stated price, and 2-foot lengths are quoted and sold at a price other than exactly double, a difference in price exists and each such length of tubing is considered a separate article.

§ 1467.25 *Exemption of standard commercial articles*—(a) *Scope.* Section 106 (e) (1) (A) of the act exempts all "standard commercial articles," as that term is defined in section 106 (e) (4) (B). This exemption is self-executing; it may be availed of by the contractor without application to the Board. However, the exemption does not apply and will not be allowed to the contractor in any fiscal year unless both of the two conditions

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prescribed in section 106 (e) (4) (B) are met with respect to such fiscal year. These conditions are explained in the succeeding paragraphs of this section.

(b) *Stock or catalog sales.* (1) The first requisite of a standard commercial article, as provided in section 106 (e) (4) (B) (i) of the act, is that the article must be customarily maintained in stock by the contractor, or must be offered for sale in accordance with a price schedule regularly maintained by the contractor.

(2) An article is "customarily maintained in stock" if it is customarily kept in continuing inventory on a maximum-minimum or other acceptable inventory basis, and if sales orders are customarily filled from such supply.

(3) The expression "offered for sale in accordance with a price schedule regularly maintained by the contractor" means that the prices and terms at which the article is customarily sold by the contractor are made available to customers generally, by either a catalog, a price list, or any other acceptable means. The price schedule need not state separately the price of every article, but may show the prices of certain basic articles and extra charges for other articles containing specific variations. The fact that seasonal or other general price adjustments are made in a price schedule does not necessarily mean that it is not regularly maintained. When the contractor customarily offers an article for sale in accordance with daily or other periodically published market quotations, such quotations will be considered to be a price schedule maintained by the contractor.

(c) *The 35 percent test.* (1) The second requisite of a standard commercial article, as provided in section 106 (e) (4) (B) (ii) of the act, is that the non-renegotiable receipts or accruals of the contractor from sales of the article must aggregate at least 35 percent of the contractor's total receipts or accruals from such sales in the fiscal year under review, or in such fiscal year and the preceding fiscal year. The purpose of this requirement is to establish the existence of a commercial market for the article. The requirement is met if at least 35 percent of the contractor's sales of the article in the fiscal year under review are non-renegotiable. If this is not the case, the contractor may still satisfy the requirement if at least 35 percent of its aggregate sales of the article in the fiscal year under review and the preceding fiscal year are non-renegotiable. Sales for this purpose are to be determined by any of the sales segregation methods acceptable, for purposes of renegotiation, in accordance with Part 1456 of this subchapter.

(2) In computing non-renegotiable receipts or accruals for the purpose of subparagraph (1) of this paragraph, the contractor shall not include as non-renegotiable the receipts or accruals which it considers to be exempt under this section. Also, the extent to which a prime contract or subcontract for new durable productive equipment is exempt by reason of section 106 (c) of the act shall be disregarded; every such prime contract or subcontract shall, for such purpose, be considered wholly renegotiable.

Example. A contractor manufactures and sells typewriters to order. Its catalog lists a standard office model in either a black or gray finish, with no difference in price, but $10.00 higher if equipped with elite type rather than pica type. In the fiscal year under review, the contractor has $80,000 of renegotiable sales and $20,000 of non-renegotiable sales of black standard office typewriters with elite type. Of the gray typewriter with elite type, the contractor has renegotiable sales of $60,000 and non-renegotiable sales of $40,000 in the fiscal year under review. Of total sales of $200,000, only 30 percent are non-renegotiable. Thus, the exemption does not apply unless, by including its sales in the preceding fiscal year, the contractor attains the qualifying percentage. Assume that in the preceding fiscal year the contractor had renegotiable sales of $10,000 and non-renegotiable sales of $90,000 of the black typewriter with elite type, and had no renegotiable sales and $50,000 of non-renegotiable sales of the gray typewriter with elite type. Now, of aggregate sales of $350,000 for the two years, the contractor's sales of typewriters with elite type are well above 35 percent, and thus that article qualifies for exemption as a standard commercial article in the fiscal year under review. Since the typewriter with pica type is sold at a different price, it is a different article (see § 1467.23) and the sales thereof must be considered separately for purposes of the exemption.

§ 1467.26 *Exemption of "like articles".*—(a) *In general.* Section 106 (e) (1) (B) of the act exempts an article which is "identical in every material respect with a standard commercial article", as that term is defined in section 106 (e) (4) (C), and whether or not the contractor has waived the exemption with respect to such standard commercial article. The statute contemplates that such an article, although not itself a standard commercial article, is sufficiently like a standard commercial article to warrant similar treatment for renegotiation purposes. The exemption of such "like articles" is not self-executing; it may be obtained only by application to the Board, upon a showing that all of the conditions prescribed in section 106 (e) (4) (C) exist. If any of such conditions is not present, the article is not identical in every material respect with a standard commercial article, and the exemption does not apply. The necessary conditions are explained in the succeeding paragraphs of this section.

(b) *Limitations.* (1) This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

(2) The standard commercial article selected for comparison must be one sold by the contractor itself in the fiscal year under review. The requirements of the statute cannot be satisfied by comparing like articles with standard commercial articles sold by other contractors in the fiscal year under review, or with standard commercial articles sold by the contractor or by other contractors in any fiscal year other than the fiscal year under review.

(c) *"Of the same kind".* (1) Section 106 (e) (4) (C) (i) of the act provides that a like article must be "of the same kind" as the standard commercial article selected for comparison. In determining whether articles are of the same kind, the Board will consider both their generic and their specific qualities or attributes. The articles need not be of identical specifications. The uses made or to be made of the respective articles will be taken into consideration, but such uses need not be identical.

(2) The term "of the same kind" will be narrowly construed to exclude unreasonable deviations from the standard commercial article selected for comparison. For example, an ultra-precision bearing manufactured to extremely close tolerances is not considered to be an article of the same kind as a bearing manufactured of the same materials but to much wider tolerances. Also, a capacitor for an aircraft electronic assembly, having an estimated reliability ratio of 1 unit in 20,000 units and requiring 40 hours to manufacture, is not considered to be an article of the same kind as a capacitor for a commercial radio, having an estimated reliability ratio of 1 unit in only 200 units and requiring only 2 hours to manufacture.

(3) The term "of the same kind" will also be construed to exclude obviously unlike articles which, for accounting or other purposes, are sometimes grouped together by the contractor in a single general classification. For example, ordinary commercial plate and armor plate are not considered to be articles of the same kind although both may be carried by the contractor under the single accounting classification of "plate".

(d) *"Same or substitute materials."* (1) Section 106 (e) (4) (C) (i) provides that a like article must be "manufactured of the same or substitute materials" as the standard commercial article selected for comparison. This requirement may be satisfied without the two articles necessarily being of identical specifications.

(2) The term "same or substitute materials" will be construed to exclude materials having substantially different combinations of elements or ingredients and, consequently, different industrial or commercial use. For example, aluminum sheet made of an alloy containing 5 percent zinc is not an article manufactured of "the same or substitute materials" as aluminum sheet of the same dimensions but made from an alloy containing 4 percent copper and having significantly different performance characteristics, such as melting temperature, strength, etc. Because of these differences, and because one of these alloys is used predominantly in high-speed airplane construction and users are willing to pay a considerably higher price for it, these two types of aluminum sheet would also not be considered to be articles of the same kind under paragraph (c) of this section.

(e) *"Reasonably comparable" price.* (1) Section 106 (e) (4) (C) (ii) of the act provides that a like article must be sold at a price which is "reasonably comparable" with the price of the standard commercial article selected for comparison. As so used, the term "reasonably comparable" means that such differences as exist between the prices of the two articles are attributable to measurable characteris-

tics and, without resort to cost analyses, are explainable in terms of market-tested differentials shown in the contractor's established commercial pricing pattern for articles of the same kind. This does not include price differences which are not reflected in the contractor's commercial price schedules, even though such differences are alleged to be and can be proved to be consistent with the cost differences between the articles. The Board will disregard price differences which it considers to be of negligible importance.

Example. Assume that the contractor sells pipe in the following sizes only, listed in its catalog at the following prices:

Inside diameter	Wall thickness (Price per linear foot)		
	0.15 in.	0.20 in.	0.25 in.
1 inch	$0.10	$0.14	$0.18
2 inches	.15	.21	.27
3 inches	.19	.27	.35

Assume also that all of the pipe sizes are articles of the same kind and manufactured of the same materials.

(i) Assume further that the Army is the sole purchaser of the contractor's 2-inch pipe of .15-inch wall thickness, and that all of the other articles listed are sold by the contractor in substantial quantities to commercial customers. It is evident that the price of the pipe bought by the Army is consistent with the market-tested relationships shown in the contractor's catalog for pipe of different diameters and different wall thicknesses, and hence is reasonably comparable with the prices of such other articles.

(ii) Assume now that the contractor makes only negligible sales of pipe of 3-inch diameter. The catalog relationship between price increases and pipe diameter increases would thus be without market-tested support. In such case the contractor's price of 15 cents for the 2-inch pipe sold to the Army would not be considered reasonably comparable with the 10-cent price for 1-inch pipe of the same wall thickness.

(iii) Assume now that the contractor customarily makes substantial commercial sales of all of the articles listed above, and fills a special order from the Navy for 5-inch pipe. With no sales record to offer for pipe in diameters above 3 inches, the contractor would be unable to meet the statutory requirement unless it could show that its sales of pipe in diameters to and including 3 inches establish a pricing pattern from which it may properly be concluded that its price to the Navy for 5-inch pipe is reasonably comparable with its prices for the other pipe sizes.

(f) *The 35 percent test.* (1) Section 106 (e) (4) (C) (iii) of the act provides that at least 35 percent of the aggregate sales in the fiscal year under review of a like article and the standard commercial article selected for comparison must be non-renegotiable. Under this provision, unlike that relating to the exemption of standard commercial articles (see § 1467.25 (c)), recourse may not be had to sales in the preceding fiscal year; the like article must qualify on the basis of the contractor's sales in the fiscal year under review only.

(2) In computing non-renegotiable receipts or accruals for the purpose of subparagraph (1) of this paragraph, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable. Also, the extent to which a prime contract or subcontract for new durable productive equipment is exempt by reason of section 106 (c) of the act shall be disregarded; every such prime contract or subcontract shall, for such purpose, be considered wholly renegotiable.

§ 1467.27 *Exemption of standard commercial classes of articles.*—(a) *In general.* Section 106 (e) (2) of the act exempts an article in "a standard commercial class of articles", as that term is defined in section 106 (e) (4) (G). Under this provision, a group of articles may be exempted even though the contractor does not maintain sales records on the individual articles comprising the group and is thus unable to qualify any individual article in the group as a standard commercial article. This exemption is not self-executing; it may be obtained only by application to the Board, upon a showing that all of the conditions prescribed in section 106 (e) (4) (G) exist. If any of such conditions is not present, the group containing the articles for which exemption is sought does not constitute a standard commercial class of articles, and the exemption does not apply. The necessary conditions are explained in the succeeding paragraphs of this section.

(b) *Limitation.* This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

(c) *Stock or catalog sales.* Section 106 (e) (4) (G) (i) of the act provides that at least one of the articles in a standard commercial class of articles must be customarily maintained in stock, or must be offered for sale in accordance with a price schedule regularly maintained by the contractor. For the purposes of this section, these terms shall have the meanings given to them in § 1467.25. The contractor will be required to identify the article or articles which are alleged to meet this requirement.

(d) *"Of the same kind" and "same or substitute materials".* Section 106 (e) (4) (G) (ii) of the act provides that all of the articles in a standard commercial class of articles must be of the same kind and manufactured of the same or substitute materials (without necessarily being of identical specifications). For the purposes of this section, these terms shall have the meanings given to them in § 1467.26.

(e) *"Reasonably comparable" prices.* Section 106 (e) (4) (G) (iii) of the act provides that all of the articles in a standard commercial class of articles must be sold at reasonably comparable prices. For the purposes of this section, this term shall have the meaning given to it in § 1467.26. However, since it is recognized that a standard commercial class of articles will often include articles for which separate sales records are not available, the contractor will not be required to furnish market-tested support for the price of each separate article in the class.

(f) *The 35 percent test.* (1) Section 106 (e) (4) (G) (iv) of the act provides that at least 35 percent of the aggregate sales in the fiscal year under review of all the articles in a standard commercial class of articles must be non-renegotiable. Sales of any of such articles in the preceding fiscal year are not relevant to this computation and shall not be included therein.

(2) In computing non-renegotiable receipts or accruals for the purpose of subparagraph (1) of this paragraph, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable. Also, the extent to which a prime contract or subcontract for new durable productive equipment is exempt by reason of section 106 (c) of the act is disregarded; every such prime contract or subcontract shall, for such purpose, be considered wholly renegotiable.

§ 1467.28 *The term "service".* Section 106 (e) (4) (D) of the act defines the term "service" to mean any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person. For the purposes of this exemption, the term "service" will be given a narrow meaning. When two operations differ in non-essential respects only, and are sold at the same price, it will be considered that such operations are a single service. If such operations are sold at different prices, each will be considered a separate service. Similarly, if two operations differ in any essential respects, each will be considered a separate service, even though both may sell coincidentally at the same price. In determining whether prices are the same or different, volume or other discounts will be disregarded.

§ 1467.29 *Exemption of standard commercial services.*—(a) *In general.* Section 106 (e) (1) (C) of the act exempts a "standard commercial service", as that term is defined in section 106 (e) (4) (E). This exemption is not self-executing; it may be obtained only by application to the Board.

(b) *Interpretation.* This exemption is not limited to services performed on articles which qualify for exemption under section 106 (e) of the act. A service may qualify as a standard commercial service even though it is performed on an article which does not itself qualify for exemption. For example, if a contractor produces aircraft parts and furnishes them to a subcontractor for plating, the subcontractor is not precluded from obtaining the exemption merely because the aircraft parts are not exempt under section 106 (e) of the act.

(c) *The 35 percent test.* To qualify as a standard commercial service, a service must be one from the performance of which by the contractor at least 35 percent of the receipts or accruals in the fiscal year under review are non-renegotiable. In computing non-renegotiable receipts or accruals for this purpose, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable.

(d) *Limitation.* This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, sepa-

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spect to the fiscal year to which such year unless both of the two conditions

sales in the fiscal year under review of all the articles in a standard commercial class of articles must be non-renegotiable. Sales of any of such articles in the preceding fiscal year are not relevant to this computation and shall not be included therein.

(2) In computing non-renegotiable receipts or accruals for the purpose of subparagraph (1) of this paragraph, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable. Also, the extent to which a prime contract or subcontract for new durable productive equipment is exempt by reason of section 106 (c) of the act is disregarded; every such prime contract or subcontract shall, for such purpose, be considered wholly renegotiable.

§ 1467.28 *The term "service".* Section 106 (e) (4) (D) of the act defines the term "service" to mean any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person. For the purposes of this exemption, the term "service" will be given a narrow meaning. When two operations differ in non-essential respects only, and are sold at the same price, it will be considered that such operations are a single service. If such operations are sold at different prices, each will be considered a separate service. Similarly, if two operations differ in any essential respects, each will be considered a separate service, even though both may sell coincidentally at the same price. In determining whether prices are the same or different, volume or other discounts will be disregarded.

§ 1467.29 *Exemption of standard commercial services.*—(a) *In general.* Section 106 (e) (1) (C) of the act exempts a "standard commercial service", as that term is defined in section 106 (e) (4) (E). This exemption is not self-executing; it may be obtained only by application to the Board.

(b) *Interpretation.* This exemption is not limited to services performed on articles which qualify for exemption under section 106 (e) of the act. A service may qualify as a standard commercial service even though it is performed on an article which does not itself qualify for exemption. For example, if a contractor produces aircraft parts and furnishes them to a subcontractor for plating, the subcontractor is not precluded from obtaining the exemption merely because the aircraft parts are not exempt under section 106 (e) of the act.

(c) *The 35 percent test.* To qualify as a standard commercial service, a service must be one from the performance of which by the contractor at least 35 percent of the receipts or accruals in the fiscal year under review are non-renegotiable. In computing non-renegotiable receipts or accruals for this purpose, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable.

(d) *Limitation.* This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, sepa-

shall be disregarded; every such prime contract or subcontract shall, for such

106 (e) (4) (C) (i) of the act provides that a like article must be "of the same

attributable to measurable characteris-

rate application must be made therefor to the Board.

§ 1467.30 *Exemption of like services*—(a) *In general.* Section 106 (e) (1) (C) of the act exempts a service which is "reasonably comparable with a standard commercial service", as that term is defined in section 106 (e) (4) (F), and whether or not the contractor has waived the exemption with respect to such standard commercial service. The statute contemplates that such a service, although not itself a standard commercial service, is sufficiently like a standard commercial service to warrant similar treatment for renegotiation purposes. The exemption of such "like services" is not self-executing; it may be obtained only by application to the Board, upon a showing that all of the conditions prescribed in section 106 (e) (4) (C) exist. If any of such conditions is not present, the service is not reasonably comparable with a standard commercial service, and the exemption does not apply. The necessary conditions are explained in the succeeding paragraphs of this section.

(b) *Limitations.* (1) This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

(2) The standard commercial service selected for comparison must be one performed by the contractor itself in the fiscal year under review. The requirements of the statute cannot be satisfied by comparing like services with standard commercial services performed by other contractors in the fiscal year under review, or with standard commercial services performed by the contractor or by other contractors in any fiscal year other than the fiscal year under review.

(c) *Qualitative requirements.* Section 106 (e) (4) (F) (i) of the act provides that a like service must be of the same or a similar kind, must be performed with the same or similar materials, and must have the same or a similar result as a standard commercial service from the performance of which the contractor has receipts or accruals in the fiscal year under review. In determining whether two services meet these requirements, the Board will consider both their generic and their specific characteristics. These requirements may be satisfied without the two services necessarily involving identical operations.

(d) *The 35 percent test.* (1) Section 106 (e) (4) (F) (ii) of the act provides that at least 35 percent of the aggregate sales in the fiscal year under review of a like service and the standard commercial service selected for comparison must be non-renegotiable. Sales of the contractor in the preceding fiscal year are not relevant to this computation and shall not be included therein.

(2) In computing non-renegotiable receipts or accruals for the purposes of subparagraph (1) of this paragraph, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable.

§ 1467.31 *Application for Commercial Exemption*—(a) *Form.* No printed form is prescribed for the filing of an application for exemption under section 106 (e) (3) of the act. However, the information and data prescribed in paragraph (b) of this section will be known as the "Application for Commercial Exemption". This application shall be furnished in writing, shall be entitled "Application for Commercial Exemption", and shall consist of numbered paragraphs corresponding with the numbers in paragraph (c) of this section. Attention is called to the fact that the submission of this application is subject to the penalty provisions of section 105 (e) (1) of the act.

(b) *Use.* Except as provided in § 1467.22 (e) (1), the Application for Commercial Exemption shall be filed by every contractor who claims exemption under section 106 (e) of the act for any articles or services, except standard commercial articles (see § 1467.22 (b)). A separate application must be filed by every contractor claiming the exemption; affiliated or related contractors may not file consolidated applications.

(c) *Contents.* The Application for Commercial Exemption shall contain the information and data prescribed in the following instructions:

(1) *Description of articles or services.* Set forth a description of the articles or services claimed to be exempt, including representative catalogs or brochures, if available. State clearly whether exemption is being claimed for (i) like articles—i. e., articles which are identical in every material respect with a standard commercial article or articles; (ii) articles in a standard commercial class or classes of articles; (iii) standard commercial services; or (iv) like services—i. e., services which are reasonably comparable with a standard commercial service or services. If it is desired in a single application to claim exemption for any like articles, standard commercial services, or like services, as well as for articles in one or more standard commercial classes of articles, a statement in substantially the following form must be included: "The contractor hereby consents and agrees that the 6-month period prescribed in section 106 (e) (3) (B) (ii) of the act shall apply with respect to all of the articles (or: all of the articles and services) for which exemption is claimed in this application."

(2) *Like articles.* With respect to each like article described separately in subparagraph (1) of this paragraph, set forth a description of the standard commercial article with which such like article is claimed to be identical in every material respect; set forth information sufficient to establish that both of such articles are of the same kind, are manufactured of the same or substitute materials, and are sold at reasonably comparable prices; and set forth a schedule of sales showing the following with respect to the fiscal year under review:

Like article claimed to be exempt	Standard commercial article compared	Total sales		Renegotiable sales		Nonrenegotiable sales (like and standard combined)	
		Like	Standard	Like	Standard	Amount	Percent of total
(1)							
(2)							
(3)							
(4)							

Sales in the above schedule are to be determined by any of the sales segregation methods acceptable, for purposes of renegotiation, in accordance with Part 1456 of this subchapter. If the new durable productive equipment exemption is applicable (see Part 1454 of this subchapter), the sales listed above should be stated before application of such exemption.

(3) *Standard commercial classes of articles.* With respect to any standard commercial class of articles described in subparagraph (1) of this paragraph, identify at least one article in the class which either is customarily maintained in stock by the contractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor; set forth information sufficient to establish that all of the articles in the class are of the same kind, are manufactured of the same or substitute materials, and are sold at reasonably comparable prices; and set forth a schedule of sales showing the following with respect to the fiscal year under review:

Standard commercial class of articles	Total sales	Sales claimed to be exempt	Nonrenegotiable sales	
			Amount	Percent of total
(1)				
(2)				
(3)				
(4)				

Sales in the above schedule are to be determined by any of the sales segregation methods acceptable, for purposes of renegotiation, in accordance with Part 1456 of this subchapter. If the new durable productive equipment exemption is applicable (see Part 1454 of this subchapter), the sales listed above should be

stated before application of such exemption.

(4) *Standard commercial services.* With respect to each standard commercial service described in subparagraph (1) of this paragraph, state the total amount of sales of such service in the fiscal year under review; and the amount and percent of the nonrenegotiable portion of such sales. Sales for this purpose are to be determined by any of the sales segregation methods acceptable, for purposes of renegotiation, in accordance with Part 1456 of this subchapter.

(5) *Like services.* With respect to any like service described in subparagraph (1) of this paragraph, describe the standard commercial service with which such like service is claimed to be reasonably comparable; set forth information sufficient to establish that both of such services are of the same or a similar kind, are performed with the same or similar materials, and have the same or a similar result; and set forth a schedule of sales showing the following with respect to the fiscal year under review:

Like service claimed to be exempt	Standard commercial service compared	Total sales		Renegotiable sales		Non-renegotiable sales (like and standard combined)	
		Like	Standard	Like	Standard	Amount	Percent of total
(1)							
(2)							
(3)							
(4)							

Sales in the above schedule are to be determined by any of the sales segregation methods acceptable, for purposes of renegotiation, in accordance with Part 1456 of this subchapter.

(d) *Time for filing.* Except as set forth in § 1467.22 (e) (1), every contractor who claims that the exemption provided in paragraph (1) (B) or (C) or paragraph (2) of section 106 (e) of the act is applicable to any of its receipts or accruals in a fiscal year, under prime contracts with the Departments or subcontracts, shall file an Application for Commercial Exemption as soon as practicable after the close of such fiscal year, but in no event later than the date upon which the contractor is required to file the Standard Form of Contractor's Report with respect to such fiscal year. If the Application for Commercial Exemption is filed on or before the date upon which the contractor is required to file the Standard Form of Contractor's Report with respect to such fiscal year, the contractor shall not be required to file the Standard Form of Contractor's Report until the date prescribed in § 1470.3 (d) (1) of this subchapter for the filing thereof or until the thirtieth day after the Board sends to the contractor written notice of the action of the Board on the claim for exemption, whichever occurs later. If, as a result of such action of the Board, the renegotiable receipts or accruals of the contractor and all related contractors in such fiscal year aggregate less than the minimum amount for renegotiation prescribed in section 105 (f) (1) of the act, the contractor shall not be required to file the Standard Form of Contractor's Report but shall be entitled, if it elects so to do, to file the Statement of Non-Applicability with respect to such fiscal year.

§ 1467.32 *Duty to furnish additional information.* The filing of an Application for Commercial Exemption in accordance with the provisions of this section will not relieve any prime contractor or subcontractor of the duty to furnish any other information, records or data which are determined by the Board to be necessary to carry out its responsibilities under section 106 (e) of the act.

§ 1467.33 *Effect of filing Application for Commercial Exemption*—(a) *In general.* When the Application for Commercial Exemption is filed, it will be considered that the contractor has filed the information and data prescribed in paragraph (3) of section 106 (e) of the act, and the applicable 3-month or 6-month period prescribed in said paragraph will thereupon begin to run, except as provided in the succeeding paragraphs of this section.

(b) *When application is defective.* If, within sixty (60) days after the filing of an Application for Commercial Exemption, the Board sends to the contractor a written notice that such application is in the opinion of the Board incomplete or otherwise defective in any material respect, and that exception has been taken thereto in such respect, the filing of such application will not be considered to be the filing of the information and data prescribed in paragraph (3) of section 106 (e) of the act, sufficient to start the running of the applicable 3-month or 6-month period prescribed in said paragraph, and such period will not begin to run until such defect has been corrected by the filing of the information or data specified in the notice of the Board. If the contractor fails to correct the defect within a reasonable time after such notice, the Board may deny the application of the contractor for exemption.

(c) *When additional information is required.* If, within sixty (60) days after the filing of an Application for Commercial Exemption, the Board sends to the contractor a written request to furnish specific additional information or data to support the claim for exemption, the filing of such application will not be considered to be a filing of information and data sufficient to start the running of the applicable 3-month or 6-month period prescribed in section 106 (e) (3) of the act, and such period will not begin to run until a complete and satisfactory filing of the additional information or data so requested has been made. Any such additional information or data, when filed, will be deemed a part of the Application for Commercial Exemption. If such additional filing is complete and satisfactory, the Board as soon as possible thereafter will send to the contractor a written notice that the additional information and data is complete and satisfactory and that the applicable 3-month or 6-month period began to run on the date of such additional filing. If the contractor fails to furnish the additional information or data within a reasonable time after the request therefor, the Board may deny the application of the contractor for the exemption.

(d) *When material mis-statement occurs.* If the Application for Commercial Exemption filed by any contractor contains a mis-statement of a material fact, the applicable 3-month or 6-month period prescribed in section 106 (e) (3) of the act will not begin to run until such mis-statement has been corrected, with or without any notice or request from the Board, and notwithstanding that the Board previously may have notified the contractor that such application had been accepted as complete and satisfactory.

§ 1467.34 *Grant of exemption.* If, within the applicable 3-month or 6-month period prescribed in section 106 (e) (3) of the act, computed in accordance with the provisions of § 1467.33, or within any longer period stipulated by mutual agreement, the Board determines that any article or service for which exemption has been claimed by the contractor in the Application for Commercial Exemption is an article or service to which the exemption applies, the Board will give written notice of such determination to the contractor and will advise the contractor that its sales of such article or service in the fiscal year under review are exempt under section 106 (e) of the act. Except as provided in § 1467.33 (d), such exemption shall be fixed and final.

§ 1467.35 *Accrual of exemption by failure of Board to act.* If, within the applicable 3-month or 6-month period prescribed in section 106 (e) (3) of the act, computed in accordance with the provisions of § 1467.33, or within any longer period stipulated by mutual agreement, the Board fails to determine that any article or service for which exemption has been claimed by the contractor in the Application for Commercial Exemption is not an article or service to which the exemption applies, the sales of such article or service in the fiscal year under review shall be exempt under section 106 (e) of the act and, except as provided in § 1467.33 (d), such exemption shall be fixed and final.

§ 1467.36 *Denial of exemption.* If, within the applicable 3-month or 6-month period prescribed in section 106 (e) (3) of the act, computed in accordance with the provisions of § 1467.33, or within any longer period stipulated by mutual agreement, the Board determines that any article or service for which exemption has been claimed by

the contractor in the Application for Commercial Exemption is not an article or service to which the exemption applies, the Board will give written notice of such determination to the contractor and will advise the contractor that its sales of such article or service in the fiscal year under review are not exempt under section 106 (e) of the act.

§ 1467.37 *Exemption not applicable to related subcontracts.* The exemption provided in section 106 (e) of the act is limited to prime contracts and subcontracts meeting the conditions prescribed in said subsection (e). It does not extend to related subcontracts. With respect to any such subcontracts, the exemption, if claimed, must be independently established. Section 106 (a) (7) of the act, which exempts subcontracts under certain exempt prime contracts or subcontracts, does not apply to subcontracts under prime contracts or subcontracts exempted under section 106 (e) of the act (see § 1453.6 of this subchapter).

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

[F. R. Doc. 56-9372; Filed, Nov. 13, 1956; 8:53 a. m.]

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

TIME FOR FILING FINANCIAL STATEMENTS AND APPLICATIONS FOR COMMERCIAL EXEMPTION

Every person who has a fiscal year ending on July 31, 1956, or August 31, 1956, and who is required by the first sentence of section 105 (e) (1) of the Renegotiation Act of 1951, as amended, to file a financial statement for such year, is hereby granted an extension of time until February 1, 1957 for filing the financial statement (RB Forms 1 and 1B) for such year. Every such person shall be entitled to file an Application for Commercial Exemption for such fiscal year pursuant to Subpart B of Part 1467 of the Renegotiation Board Regulations at any time on or before February 1, 1957.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: November 9, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-9371; Filed, Nov. 13, 1956; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

INTRAREGIONAL TRAVEL OF TRAINEES

In § 21.266 paragraph (a) is amended to read as follows:

§ 21.266 *Intraregional travel of trainees.* • • •

(a) To report to the chosen school or training facility for the purpose of starting training; or

(1) To report to a prospective employer-trainer for an interview prior to induction into training where, and only where, there is definite assurance in advance of approving the travel that, upon interview, the veteran will be started in training if he is found by the employer-trainer to be acceptable; or

(2) To report to the chosen school for personal interview prior to induction into training where the school requires such an interview as a condition for admission and there is assurance in advance of approving the travel that the veteran's records (school, counseling, etc.) show he meets all basic requirements for entrance and he has submitted to the school a transcript of his high school credits and a transcript from any school he attended following high school.

• • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12A)

This regulation is effective November 14, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-9366; Filed, Nov. 13, 1956; 8:53 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[General Order 39, 2d Rev.]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Notice is hereby given, in accordance with the provision of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), of the second revision of General Order 39 pursuant to secs. 204 and 212A of the Merchant Marine Act, 1936, as amended (49 Stat. 1987, 52 Stat. 964, 70 Stat. 332; 46 U. S. C. 1114 and 1122a) by deleting §§ 222.2–222.9 of this part and substituting therefor the following new sections, including the appropriate heading precedent thereto (20 F. R. 8199):

CARGO AND PASSENGER REPORTS TO BE FILED BY COMMON CARRIERS BY WATER

§ 222.2 *Forms of vessel utilization and performance reports prescribed.* Pursuant to the authority of section 212 (A) of the Merchant Marine Act, 1936, as amended (Public Law 612, 84th Congress; 70 Stat. 332; 46 U. S. C. 1122a), the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U. S. C. 1101, et seq.), to require persons operating vessels in the waterborne foreign commerce of the United States to file reports of the utilization and performance of such vessels in the form of the attached Maritime Administration Forms MA–7801, 7802, 7803, and 7804, and hereby prescribes and approves such Forms and Instructions[1] for the preparation thereof. An accurate Vessel Utilization and Performance Report must be filed, in duplicate, with the appropriate collector of customs, for transmittal to the Maritime Administration, by the operator of every self-propelled vessel of 500 or more net registered tons before midnight of the tenth day after customs entry at the first port in the United States and before midnight of the tenth day after customs clearance from the last port in the United States. In calculating the due date, Saturdays, Sundays, and holidays are excluded. Forms MA–7801 through 7804 are required to be filed in triplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

§ 222.3 *Penalty.* Section 212 (A) of the Merchant Marine Act, 1936, as amended (Public Law 612, 84th Congress; 70 Stat. 332; 46 U. S. C. 1122a), provides:

SEC. 212 (A). The operator of a vessel in waterborne foreign commerce of the United States shall file at such time and in such manner as the Secretary of Commerce may prescribe by regulations, such report, account, record, or memorandum relating to the utilization and performance of such vessel in commerce of the United States, as the Secretary may determine to be necessary or desirable in order to carry out the purposes and provisions of this Act, as amended. Such report, account, record or memorandum shall be signed and verified in accordance with regulations prescribed by the Secretary. An operator who does not file the report, account, record, or memorandum as required by this section and the regulations issued hereunder, shall be liable to the United States in a penalty of $50 for each day of such violation. The amount of any penalty imposed for any violation of this section upon the operator of any vessel shall constitute a lien upon the vessel involved in the violation, and such vessel may be libeled therefor in the district court of the United States for the district in which it may be found. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this section on such terms as he may deem proper.

§ 222.4 *Notice of failure to comply herewith and that petition for relief may be filed.* (a) Every offender under the regulations in this part shall be advised by the collector of customs of any penalty incurred by him and of his right to apply for relief under § 222.5. If the offender fails to petition for relief or pay

[1] Copies of the Forms and Instructions currently in use and those to be used beginning January 1, 1957, are filed with the Federal Register Division as a part of the original document, and may be obtained from the Statistics and Special Studies Office, Maritime Administration, Washington 25, D. C.

the penalty within 60 days from the date of mailing of the notice of violation as provided for herein, the case shall be referred immediately to the United States attorney for appropriate action, unless it appears that the person liable for the penalty is absent from the United States or during the said period was absent for more than 30 days, in which event the collector may withhold such action for a further reasonable time, or unless other action is expressly authorized by the Maritime Administrator. When a penalty is mitigated, and the mitigated penalty is not paid nor a supplemental petition filed within 60 days from the date a notice of the settlement is mailed to the petitioner, the matter shall be referred immediately to the United States attorney for appropriate attention, unless other action has been directed by the Maritime Administrator.

(b) No action looking to the remission or mitigation of a penalty shall be taken on any petition, irrespective of the amount involved, if the case has been referred to the Department of Justice for the institution of legal proceedings.

§ 222.5 *Petition for relief.* (a) Any petition for relief from a penalty incurred under these regulations shall be addressed to the Maritime Administrator, signed by the petitioner, and filed with the collector of customs of the district in which the penalty was imposed. It shall be filed in triplicate and shall set forth the facts relied upon by the petitioner to justify his request for relief.

(b) Upon receipt of a petition, the collector shall cause such investigation to be made as the facts in the case may warrant. In forwarding the petition to the Maritime Administrator, he shall forward with it a copy of the report of the investigation, if any, a statement of all other facts which may have come to his knowledge, and his recommendation as to the final action to be taken. If the petition involves a matter which has been referred to the Department of Justice for the institution of court proceedings, the collector shall transmit the petition immediately upon receipt to the appropriate United States attorney and notify the petitioner of such action.

(c) The decision of the Maritime Administrator will be forwarded to the collector for delivery to the petitioner.

This second revision of General Order 39 shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

NOTE: The reporting requirements under this General Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 21, 39 Stat. 736, sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 820, 1114)

Dated: November 9, 1956.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-9341; Filed, Nov. 9, 1956; 1:00 p. m.]

No. 221——5

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 31-9]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 31 Uniform System of Accounts, Class A and Class B Telephone Companies, of the Commission's rules and regulations to effect certain editorial changes therein; Rules Amdt. 31-9.

The Commission having under consideration the desirability of making certain editorial changes in Part 31 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) and 220 of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 8th day of November 1956, that, effective November 14, 1956, Part 31 is amended to include the editorial changes set forth below.

NOTE: Part 31, as revised to include the changes herein and all outstanding amendments, will be published in an early issue of the FEDERAL REGISTER. Separate pamphlet copies of revised Part 31 will be available in the near future from the Superintendent of Documents.

Released: November 8, 1956.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interpret or apply sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

Part 31, Uniform System of Accounts, Class A and Class B Telephone Companies, is amended as follows:

1. Section 30.01–1 (c)—Change the last sentence to read "(See §§ 31.5–53 and 31.6–65.)"

2. Section 31.01–1 (e)—Change the word "subchapter" to read "chapter."

3. Section 31.01–1 (g)—In the third sentence delete the words "subsequent to the year 1950."

4. Section 31.01–2 (c)—Change the word "classification" to read "system of accounts."

5. Section 31.01–2 (e)—In the first sentence delete "effective date of" and substitute therefor the words "date a company becomes subject to."

6. Section 31.01–9—Delete the numbered footnote to this section and add a second sentence to it reading "Questions and answers thereto with respect to this system of accounts are included in Appendix A."

7. Section 31.1–18 (c)—Delete this paragraph in its entirety along with the Note which follows it.

8. Section 31.100:4—In the last sentence of Note B to this section delete "Appendix No. 2" along with the commas which precede and follow the deleted matter.

9. Section 31.100:7 (a)—Delete "as at December 31, 1947" and the comma which follows it.

10. Section 31.138 (b)—change "apparatus, inside, drop and block wires," to "apparatus, inside wires, and drop and block wires,".

11. Section 31.172—Move the last sentence of paragraph (a) which reads "(Note also § 31.2–25 (f).)" to the end of paragraph (c). Also move the last sentence of paragraph (c) which reads "Note accounts 315 and 174 for depreciation of miscellaneous physical property.)" to the end of paragraph (a).

12. Section 31.2–20 (a)—Change the first word of the last sentence from "It" to "They."

13. Section 31.2–20 (b)—Insert a comma following "§ 31.5–50 (b) (2)."

14. Section 31.2–20—Delete Note B to this section in its entirety. Change the caption of Note A by deleting the "A" so that it will read "Note."

15. Section 31.2–22A (c)—Change "instruction" to "instructions."

16. Section 31.2–26 (a)—Change the first part of the first sentence to read "Not later than June 30 of the year following that in which a company becomes subject (note § 31.01–1) to this system of accounts it shall file • • •." In the Note to paragraph (a) change "these" to "this system of."

17. Section 31.2–26 (b)—Change "these" to "this system of."

18. Section 31.2–26 (c)—Change the first part of the first sentence to read "Not later than June 30 of the year following that in which a company becomes subject to this system of accounts it shall begin • • •." In the second sentence change "these accounts" to "this system of accounts."

19. Section 31.231—In Note D to this section, as amended in Docket No. 11769 with an effective date of January 1, 1958, change "or" to "but."

20. Section 31.242:2—Delete the numbered footnote to this section and insert in the text of the section following the words "underground cable" the words "in conduit."

21. Section 31.343—In the Note to this section change "appropriation" to "appropriate."

22. Designate the table following § 31.5–52 as § 31.5–53 with the caption "Operating revenue accounts to be maintained." Immediately following this table insert a center heading reading "Operating Revenue Accounts."

23. Section 31.6–64—Change the first part of the first sentence to read "When it becomes necessary to replace the majority of station apparatus, inside wires,

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or drop and block wires, in any given * * *"

24. Designate the table following § 31.6–64 as § 31.6–65 with the caption "Operating expense accounts to be maintained." Delete "607 Station removals and changes" the two times it appears in the table. Immediately following that table insert a center heading reading "Operating Expense Accounts."

25. Delete footnote 1 to §§ 31.608 and 31.609 and immediately preceding § 31.610 insert (§§ 31.608, 31.609 follow § 31.612.)

26. Section 31.614—In the last sentence delete "paragraph (c) (3) of account 100.4."

27. Section 31.668 (c)—Change "premium" to "premiums."

28. Section 31.7–70—Delete the word "primary."

29. Change the title of Appendix A to read "Interpretations of the accounting requirements contained in this system of accounts." Delete the Note which follows the title of Appendix A.

30. Delete the text of Cases 3 and 5 of Appendix A and substitute "(Applicable only to Class C companies.)" In Case 6–R–2 change the date from July 13, 1939 to June 13, 1951.

31. Throughout Part 31 delete all cross references to any of the paragraphs of § 31.01–3, "Definitions," except in § 31.01–3 (j) and in the Note to § 31.01–3 (x).

32. In Appendix A to Part 31 delete all numbered footnotes that refer to Class C companies, transfer the substance of footnote 1 to the body of the text, and delete footnote 34.

33. Preceding "General Instructions" and § 31.01–1, insert the following:

Explanation of numbering in this part.

The several section numbers indicate the relationship among the instructions and accounts of Part 31, as follows:

Examples:
(1) § 31.01–1.
(2) § 31.1–10.
(3) § 31.100:1.
(4) § 31.201.

Explanation:

The number "31" (appearing to the left of the decimal point) indicates the part number.

The dash "–" indicates an instruction that is applicable to several accounts. (See examples (1) and (2).

With the exception of the instructions that are applicable to more than one group of accounts (which are indicated by a zero following the decimal point), the number between the decimal point and the dash indicates the group of accounts to which the instruction is applicable. A mnemonic method of indication is used consisting of the first digit of the first account in the group. Thus, in the foregoing examples:

§ 31.01–1 refers to several groups of accounts:

§ 31.1–10 refers to the balance-sheet accounts (beginning with account 100).

When no dash appears in the section number, the number to the right of the decimal point is an account number. See examples (3) and (4).

Cross references to accounts are made by citing the account numbers, e. g., account 323 instead of the corresponding section number (§ 31.323).

[F. R. Doc. 56–9333; Filed, Nov. 13, 1956; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 1]

FABRICATION INSPECTION SYSTEM

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator contemplates the adoption of the following new rule respecting the fabrication inspection system for the manufacture of replacement or modification parts for sale for installation on type certificated products.

Under this proposed rule, manufacturers shall be required to establish a fabrication inspection system within six months from the date of initial production of the parts to assure that such parts are in conformity with the design data and safe for installation on type certificated products. Standards for the inspection system are also set forth in the new § 1.55–3.

All interested persons who desire to submit comments and suggestions for consideration in connection with these proposed rules must send them to the Director, Office of Aviation Safety, Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

A new § 1.55–3 is added to read as follows:

§ 1.55–3 *Fabrication inspection system (CAA rules which apply to § 1.55).* Section 1.55 requires the manufacturer of replacement or modification parts to comply with § 1.15 (d) and thereby establish an inspection system. Persons manufacturing replacement or modification parts for sale shall establish within six months from the date of initial production of the parts and thereafter maintain a fabrication inspection system to assure that such parts are in conformity with the design data and safe for installation on type certificated products.

(a) *Inspection system standards.* The inspection system shall provide assurance for the following, where appropriate:

(1) That all incoming materials used in the finished part are as specified in the design data.

(2) That all incoming material is properly identified when physical and chemical properties cannot otherwise be readily and accurately determined.

(3) That all materials subject to damage and deterioration are suitably stored and adequately protected.

(4) That all processes affecting quality and safety of the finished product are accomplished in accordance with acceptable specifications.

(5) That parts in process are inspected for conformity with the design data at points in production where accurate determination can be made. Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular part involved.

(6) That current design drawings are readily available to manufacturing and inspection personnel, and used when necessary.

(7) That major changes to the basic design are adequately controlled and approved before being incorporated in the finished part.

(8) That rejected materials and components are segregated and identified in such a manner as to preclude their use in the finished part.

(9) That inspection records are maintained, identified with the completed part, where practicable, and retained in the manufacturer's file for a period of at least two years after the part has been completed.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009 as amended; 49 U. S. C. 551, 553)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–9365; Filed, Nov. 13, 1956; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF ETHYLENE OXIDE

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Griffith Laboratories, Inc., 1415 West Thirty-seventh Street, Chicago 9, Illinois, proposing the establishment of a tolerance of 50 parts per million for residues of ethylene oxide in or on whole spices.

The analytical method proposed in the petition for determining residues of ethylene oxide is the method described in the following references:

"Determination of Fumigants. III Microdetermination of Ethylene Oxide," by O. F. Lubatti. Journal of the Society of Chemical Industry (London); Volume 54, pages 421–424 (1935).

"Residual Ethylene Oxide in Wheat," by O. F. Lubatti. Journal of the Society of Chemical Industry (London); Volume 63, pages 133–139 (1944).

Dated: November 6, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56–9311; Filed, Nov. 13, 1956; 8:46 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF MONURON (3-(*p*-CHLOROPHENYL)-1,1-DIMETHYLUREA)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington, Delaware, proposing an increase in the tolerance for residues of monuron (3-(*p*-chlorophenyl)-1,1-dimethylurea) in or on asparagus from 1 part per million to 7 parts per million.

The analytical method proposed in the petition for determining residues of monuron is the method reported in "Determination of 3-(p-chlorophenyl)-1,1-dimethylurea in Soils and Plant Tissue," by W. E. Bleidner, H. M. Baker, Michael Levitsky, and W. K. Lowen, published in the Journal of Agricultural and Food Chemistry, Volume 2, pages 476–479, April 28, 1954.

Dated: November 6, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56–9312; Filed, Nov. 13, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11747; FCC 56–1061]

TELEVISION BROADCAST STATIONS; SPRINGFIELD, ILL.-ST. LOUIS, MO.

TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration the petition of Plains Television Corporation, Springfield, Illinois, filed August 27, 1956, requesting that the Notice of Proposed Rule Making (FCC 56–588) issued on June 26, 1956, as amended by the Notice of Further Proposed Rule Making issued on July 25, 1956, in this proceeding, be amended, to include its proposal looking toward the deletion of Channel 2 from Springfield, Illinois, and its assignment to Terre Haute, Indiana, as well as to St. Louis, Missouri.

2. On June 26, 1956, the Commission issued a Notice of Proposed Rule Making (FCC 56–588), as amended by the Notice of Further Proposed Rule Making (FCC 56–747) issued on July 25, 1956, in this proceeding, proposing the following channel changes:

City	Channel No.	
	Present	Proposed
Springfield, Ill	2+, 20+, *66+	20+, 26–, 39, *66+
St. Louis, Mo	4–, 5–, *9, 11–, 30, 36–, 42+ 53+	2+, 4–, 5–, *9, 11–, 30, 36–, 42+ 49+
Lincoln, Ill		

In a Notice of Further Proposed Rule Making issued on October 12, 1956 (FCC 56–985), it was proposed alternatively to asssign Channel 36 to Springfield instead of Channel 39 as follows:

City	Channel No.	
	Present	Proposed
Springfield, Ill	2+, 20+, *66+	20+, 26–, 36–, *66+
St. Louis, Mo	4–, 5–, *9, 11–, 30, 36–, 42+ 29	2+, 4–, 5–, *9, 11–, 30, 42+ 49+
Jacksonville, Ill		
Davenport-Rock Island-Moline, Ill	4+, 6+, *30+, 36+, 42–	4+, 6+, *30+, 42–, 68

3. The proposal of petitioner would also change the channel assignments in Terre Haute, as follows: [1]

City	Channel No.	
	Present	Proposed
Terre Haute, Ind	10, *57+, 63–, 73+	2, 10, *57+, 63–, 73+

4. The instant request for the shift of Channel 2 from Springfield, Illinois, to Terre Haute, as well as to St. Louis, should be considered in conjunction with the Commission's Rule Making proposal in the above-entitled proceeding, which would shift Channel 2 from Springfield only to St. Louis. We do not believe there is any necessity for amending the Notice of Rule Making or for instituting further rule making in this proceeding. Petitioner may fully prosecute its proposal to shift Channel 2 from Springfield to Terre Haute, as well as to St. Louis, as a counterproposal in this proceeding, and its petition will be so construed.

5. In view of the foregoing: It is ordered, That the petition of Plains Television Corporation, insofar as it requests amendment of the Notice of Proposed Rule Making, as amended by the Notice of Further Rule Making, issued on June 26 and July 25, 1956, respectively, in this proceeding, is denied.

Adopted: November 1, 1956.

Released: November 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–9334; Filed, Nov. 13, 1956; 8:51 a. m.]

[1] In a supplement to its petition filed October 17, 1956, Plains Television proposes that the Channel 2 assignment for St. Louis be non-offset, and that for Terre Haute be 2±.

[47 CFR Part 3]

[Docket No. 11830; FCC 56–1062]

TELEVISION BROADCASTING STATIONS; MAY BROADCASTING CO. (KMTV)

TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration the petition of May Broadcasting Company, licensee of television Station KMTV, Omaha, Nebraska, filed October 11, 1956, requesting the issuance of a supplemental Notice of Proposed Rule Making amending the Notice of Proposed Rule Making (FCC 56–92), issued on September 28, 1956, in this proceeding, so as to invite comments on its alternative proposals to allocate either UHF Channel 16 or VHF Channel 7 minus to Ainsworth (In lieu of VHF Channel 3 minus).

2. On June 27, 1956, Bi-States Company petitioned the Commission to issue a Notice of Proposed Rule Making with a view to assigning Channel 3 to Ainsworth, Nebraska. A Notice to this effect was adopted September 26, 1956, released September 28, 1956.

3. The instant request for the consideration of alternative proposals to allocate either Channel 16 or Channel 7 minus to Ainsworth instead of Channel 3 minus should be considered in conjunction with the Commission's outstanding rule making proposal in the above-entitled proceeding. We do not believe that there is any need to amend the present Notice of Proposed Rule Making to institute further rule making on May Broadcasting Company's proposals. The said petitioner may fully prosecute its alternative proposals in this proceeding, and its petition will be so construed.

4. In view of the foregoing: It is ordered, That the petition of May Broadcasting Company, insofar as it requests the issuance of a supplemental Notice of Proposed Rule Making in this proceeding, is denied.

Adopted: November 1, 1956.

Released: November 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–9335; Filed, Nov. 13, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 5, 1956.

In an exchange of land, Utah 06306, under the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the land described hereafter has been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 15 S., R. 5 W.,
Sec. 34: NW¼NW¼.

The land is fairly level, but is alkaline and the vegetation is primarily alkali-tolerant plants. It is unlikely that it can be classified as suitable for disposal under the homestead, desert-land, or small tract acts.

No applications for this land may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified under consideration of an application.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on December 11, 1956. At that time the said land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public land affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on December 11, 1956, shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on December 11, 1956, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on March 11, 1957, any land remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on March 11, 1957, shall be treated as though filed simultaneously at 10:00 a. m. on March 11, 1957. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for this land, which shall be filed in the Land Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning this land shall be addressed to the Manager, Land Office, P. O. Box 777, or Room 312 Federal Building, Salt Lake City, Utah.

KELSO P. NEWMAN,
Acting State Supervisor.

[F. R. Doc. 56-9303; Filed, Nov. 13, 1956; 8:45 a. m.]

Bureau of Reclamation

[Public Announcement 25]

COLUMBIA BASIN PROJECT, WASHINGTON, SOUTH COLUMBIA BASIN IRRIGATION DISTRICT

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

OCTOBER 18, 1956.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2:00 p. m., November 16, 1956.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the Act of August 13, 1953 (67 Stat. 566).

The farm units hereby offered for sale by the United States are in Irrigation Blocks 14 and 18, Franklin County, Washington, and are listed in two categories described as follows:

a. *Group A.* Farm units for which the purchase price combined with the estimated cost of development is moderate:

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage: Total	Class 1	Class 2	Class 3	Non-irrigable	Price
14	18	90.5	81.2	1.2	76.5	3.5	9.3	$5,323.30
	21	117.4	91.7	6.4	73.9	11.4	25.7	6,058.10
	28	99.9	72.9		72.9		27.0	4,890.60
	30	90.7	85.9	19.3	66.6		4.8	5,588.30
	32	96.7	68.1	49.2	18.9		28.6	5,254.00
	39	83.7	80.7	47.0	31.0	2.7	3.0	6,115.10
	40	87.0	82.5	9.1	69.8	3.6	4.5	5,379.00
	42	101.1	86.1		84.6	1.5	15.0	4,796.10
	43	112.3	84.6		84.2	.4	27.7	6,066.70
	48	102.7	96.1		94.0	2.1	6.6	6,233.10
	49	97.6	86.8		86.8		10.8	5,816.00
	52	101.6	68.5	62.7	5.8		33.1	5,394.30
	58	90.6	84.8	29.8	53.9	1.1	5.8	5,093.80
	59	87.1	76.0	33.8	37.8	4.4	11.1	5,003.30
	63	106.8	88.0		87.8	.2	18.8	6,077.20
	70	78.3	70.8	13.2	44.7	12.9	7.5	4,313.10
	71	79.8	74.1	36.1	34.5	3.5	5.7	4,887.00
	72	79.7	70.7	53.9	15.9	.9	9.0	4,791.70
	81	85.9	78.6	54.0	22.6	2.0	7.3	5,125.90
	82	91.3	78.8	72.0	5.8	1.0	12.5	5,148.70
	83	96.6	87.7	30.2	54.7	2.8	8.9	5,798.20
	84	94.0	86.2	43.4	35.9	6.9	7.8	6,065.80
	89	106.8	87.2	3.1	84.1		19.6	5,405.50
	91	113.2	67.2	38.2	29.0		46.0	4,598.80
	93	178.1	82.6		74.5	8.1	95.5	3,868.60
18	126	72.5	67.2	28.2	38.9	.1	5.3	4,709.30
	151	88.4	63.2	38.9	23.8	.5	25.2	4,998.00
	152	110.2	84.3	78.4	5.9		25.9	6,857.10
	160	90.3	80.7	65.0	15.7		9.6	6,148.50

b. *Group B.* Farm units for which the purchase price combined with the estimated cost of development is relatively high; (Some of the units in this group have a lower combined price and cost of development but are substantially limited to the production of hay and pasture.)

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage: Total	Class 1	Class 2	Class 3	Non-irrigable	Price
14	1	113.2	99.2		99.2		14.0	$5,966.00
	2	119.3	104.9		104.9		14.4	6,308.40
	3	100.0	79.9		79.6	0.3	20.1	4,074.50
	4	102.4	78.9		62.0	16.9	23.5	5,643.10
	5	117.2	93.2		82.6	10.6	24.0	6,506.20
	7	156.6	123.5		122.2	1.3	33.1	8,063.20
	9	139.9	102.0		96.9	5.1	37.9	7,760.50
	10	83.4	73.6		58.1	15.5	9.8	4,532.20
	11	109.1	88.7		40.9	47.8	20.4	4,863.40
	12	92.2	71.2		61.0	10.2	21.0	3,818.60
	13	169.8	140.9		46.3	94.6	28.9	6,017.70
	14	101.0	83.3		75.1	8.2	17.7	5,284.50
	16	122.6	79.2		79.2		43.4	5,525.00
	20	110.0	75.4	4.1	59.0	12.3	34.6	5,357.80
	22	117.8	101.6	9.0	92.6		16.2	6,783.40
	26	116.9	71.5		51.8	19.7	45.4	3,570.70
	27	100.5	72.3		42.9	29.4	28.2	4,180.80
	29	115.7	110.3		110.3		5.4	7,213.70
	31	88.4	76.8	36.1	40.7		11.6	5,343.00
	33	132.7	83.6	29.2	53.7	.7	49.1	6,686.20
	34	100.4	91.6	49.5	38.2	3.9	8.8	6,059.20
	35	112.9	87.3	64.8	20.4	2.1	25.6	6,218.50
	41	133.7	125.2	.1	125.1		8.5	8,146.50
	44	156.7	95.6		86.2	9.4	61.1	6,766.70
	45	112.5	92.7		37.8	54.9	19.8	4,816.80
	46	93.5	86.5		65.7	20.8	9.0	5,350.20
	47	86.1	80.3		65.1	15.2	5.8	4,850.20
	55	137.4	109.5		101.4	8.1	27.9	5,713.50
	57	113.6	98.2	49.9	47.8	.5	15.4	6,518.10
	60	112.5	95.0	2.1	92.1	.8	17.5	5,985.40
	62	129.2	110.8		99.2	11.6	18.4	6,940.00
	64	98.2	85.3	17.2	62.3	5.8	12.9	5,694.20
	65	90.9	83.5	2.9	39.5	41.1	7.4	4,707.90
	66	100.9	76.9	25.9	32.9	18.1	24.0	5,185.70
	67	135.0	97.9	4.2	63.7	30.0	37.1	6,279.70
	68	112.6	107.5	14.8	75.1	17.3	5.1	21,898.00
	69	78.3	65.8		50.3	15.5	12.5	4,080.50
	73	147.8	125.4	56.9	61.9	6.6	22.4	7,660.70
	74	131.9	94.1	12.3	69.3	12.5	37.8	5,978.10
	76	158.5	73.9		67.0	6.9	84.6	3,458.30
	78	181.3	114.2		112.5	1.7	67.1	6,716.70
	90	154.7	101.9	63.1	35.3	3.5	52.8	7,056.10
	92	178.3	95.3		38.8	56.5	83.2	3,878.80
18	119	199.2	196.2	1.4	81.9	42.9	33.0	6,556.30
	120	95.7	78.9	40.2	9.9	28.8	16.8	5,765.99
	121	185.5	98.3	16.6	33.3	48.4	87.2	6,438.60
	124	98.3	95.5	23.8	51.9	19.8	2.8	5,744.80
	127	120.3	91.2		40.5	50.7	29.1	4,785.30
	128	85.2	76.3	23.6	46.9	5.8	8.9	4,999.00
	129	139.6	98.9	12.6	67.1	14.2	45.7	7,099.60
	130	141.0	107.2		69.0	38.2	33.8	7,207.40
	131	100.1	80.9		70.6	10.3	19.2	5,801.00
	132	123.5	70.1		36.0	34.1	53.4	4,892.90
	133	148.2	98.6		76.3	22.3	49.6	6,238.30
	134	158.0	116.2		53.7	62.5	41.8	4,570.10
	135	90.8	77.8		53.4	24.4	13.0	3,853.80
	136	129.5	98.1		66.6	31.5	31.4	5,229.60
	145	162.8	129.3	11.8	110.3	7.2	33.5	7,045.70
	146	100.2	86.7	50.2	21.8	14.7	13.5	6,722.40
	150	156.0	99.0	36.3	39.3	23.4	57.0	8,115.00
	156	130.7	124.1	73.3	34.3	16.5	6.6	7,839.90
	157	181.9	99.8	15.5	48.0	36.3	82.1	6,722.30
	158	159.5	83.4	5.0	60.4	18.0	76.1	4,348.80

The official plats of these irrigation blocks are on file in the office of the County Auditor of Franklin County in Pasco, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the Act of August 13, 1953 (67 Stat. 566), preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2 p. m., November 16, 1956, and ending at 2 p. m., December 31, 1956, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940 and the official termination of the Korean conflict, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7d of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered neces-

appropriated shall become subject to

sary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agricultural, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* To qualify for Group A farms, listed in Section 1.a., applicants must either (1) possess assets amounting to at least $5,500 in excess of liabilities, of which at least $3,500 must be in cash; or (2) possess at least $5,000 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

To qualify for Group B farms listed in Section 1.b., applicants must either (1) possess assets amounting to at least $8,500 in excess of liabilities, of which at least $5,000 must be in cash; or (2) possess at least $7,500 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

Assets must consist of cash and property readily convertible into cash or property such as livestock or farm machinery and equipment which, in the opinion of the Board and Project Manager, will be useful in the development and operation of a new irrigated farm. When considering farm machinery, the Board and the Project Manager will credit only that equipment which is adapted for use on the Columbia Basin Project. No value will be allowed for a passenger car or household goods. Property not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form. This conversion can be made before execution of the earnest money agreement or the land sale contract, whichever the Board believes appropriate.

Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the project to take possession of the farm unit selected and re-establish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's total net worth.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. Not previously have purchased a full-time farm from the United States under provisions of the Reclamation Law, excepting therefrom actions under the Act of August 13, 1953.

d. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications except those received from qualified exchange applicants prior to 2 p. m., December 31, 1956, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Priority Group.* All complete applications filed prior to 2 p. m., December 31, 1956, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2 p. m., December 31, 1956, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2 p. m., December 31, 1956. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9.a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that

information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in Section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine: (1) Whether or not the applicants claim at least the minimum qualifications set forth in Sections 6 and 7 above; (2) whether the qualified applicants are eligible to select from farms listed in section 1. a. only or from farms listed in either section 1. a. or section 1. b.; and (3) the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified the applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportuity to examine the farm units.

If a applicant fails to appear before the board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. *Execution of earnest money agreement and land sale contract.* When a farm unit is selected by an applicant as provided in Section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit $200 or 5 percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the Earnest Money Agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before February 1, 1958, or within 6 months of the Earnest Money Agreement, whichever is later, and possesses the minimum capital assets required under subsection 6.d., (2) pays the irrigation charges assessed by the irrigation district or estimated for the first full irrigation season of the development period following the date of the contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the four requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages.

When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under subsection 6.d., the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the project area, a current financial statement, and, where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to April 1 of any year during the development period, a deposit will be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 16. *Terms of Sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the

price may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; Interest Rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40	75			
41 to 60	50	75		
61 to 80	50	65	75	
81 to 100	40	60	65	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract or by March 1, 1958, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above.

e. *Speculation and landholding limitations.* Land sale contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* During the irrigation season of 1957, while some construction activities will be continuing and the system is being tested, it is expected that the water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the South Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1958. During the development period, water rental charges will average an estimated $6.00 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges*—a. *Operation and mainteance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the irrigation districts. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the South Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FELIX E. WORMSER,
Acting Secretary of the Interior.

[F. R. Doc. 56-9023; Filed, Nov. 13, 1956; 8:45 a. m.]

[Public Announcement 26]

COLUMBIA BASIN PROJECT; WASHINGTON, SOUTH COLUMBIA BASIN IRRIGATION DISTRICT

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

OCTOBER 18, 1956.

LANDS COVERED

SECTION 1. Offer of farm units for sale. It is hereby announced that certain farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2 p. m., November 16, 1956.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566).

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

(1) *Group A.* Farm units for which the purchase price combined with the estimated cost of development is moderate:

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Non-irrigable	Price
			Total	Class 1	Class 2	Class 3		
13	35	120.6	79.3		79.0	0.3	41.3	$6,551.30
	48	106.0	78.9		71.2	7.7	27.1	5,439.70
	65	92.9	74.7		74.3	.4	18.2	4,508.00
18	2	132.2	93.7		72.6	21.1	38.5	2,106.90
	48	73.9	69.1	50.3	3.1	15.7	4.8	6,953.20

(2) *Group B.* Farm units for which the purchase price combined with the estimated cost of development is relatively high: (Some of the units in this group have a lower combined price and cost of development but are substantially limited to the production of hay and pasture.)

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Non-irrigable	Price
			Total	Class 1	Class 2	Class 3		
13	36	150.5	111.8		107.5	4.3	38.7	$5,038.30
16	41	170.2	104.6		63.0	41.6	65.6	6,677.00
	43	149.7	105.6		53.2	52.4	44.1	7,135.70
	56	226.0	129.0		103.1	25.9	97.0	3,059.25
	175	233.3	131.0	0.1	130.9		102.3	2,868.30
	177	176.2	111.4		79.1	32.3	64.8	2,110.85
	182	187.2	115.3	4.9	89.0	21.4	71.9	2,227.80
	183	136.3	81.3	16.9	62.2	2.2	55.0	1,538.10
	225	168.7	120.4			120.4	48.3	2,239.40
	264	211.2	102.7		56.9	45.8	108.5	6,247.70
18	1	150.5	75.1		39.7	35.4	75.4	1,525.90
	3	147.9	73.0		65.6	7.4	74.9	2,246.00
	4	186.0	127.4	14.9	98.7	13.8	58.6	4,854.90
	5	116.9	63.4	.5	32.0	30.9	53.5	2,281.70
	15	185.7	95.0	56.5	37.5	1.0	90.7	4,454.60
	16	101.1	91.1	89.5	1.6		10.0	31,275.20
	18	83.3	67.9	52.4	15.5		15.4	7,530.00
	19	85.0	74.7	58.0	16.7		10.3	8,244.10
	22	74.0	70.7	25.5	43.4	1.8	8.3	7,215.10
	44	103.8	88.4	5.8	69.8	12.8	15.4	7,157.60
	45	91.3	71.2	22.5	48.7		20.1	8,268.10
	46	92.3	84.4	67.2	17.2		7.9	15,657.90
	47	73.8	70.6	53.0	3.5	14.1	3.2	7,068.00
	49	80.0	75.7	56.2	18.7	.8	4.3	9,498.00
	50	80.0	78.3	37.9	37.1	3.3	1.7	7,831.70
	51	106.9	94.1	21.5	68.1	4.4	14.8	8,661.80
	52	101.0	99.7	33.1	48.7	17.9	1.3	8,974.30
	54	98.4	83.8	20.4	49.9	13.5	14.6	9,441.40
	62	81.6	70.8	56.0	14.8		10.8	7,887.60
	63	81.2	75.2	60.8	14.4		6.0	8,294.80
	64	80.9	67.6	60.5	7.1		13.3	8,170.90
	65	79.8	72.4	51.1	21.3		7.4	8,695.40
19	89	111.0	93.2	33.6	34.8	24.8	17.8	3,870.80
	90	89.6	76.6	36.4	33.0	7.2	13.0	5,543.00

b. *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof, own additional farm units in the South Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1957 irrigation season; such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditor of Franklin County in Pasco, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERANCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the act of August 13, 1953 (67 Stat. 556), preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2 p. m., November 16, 1956, and ending at 2 p. m., December 31, 1956, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940 and the official termination of the Korean conflict and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service and who have been discharged on account of wounds received or disability incurred during such period in the line of duty or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7.d of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to de-

initiating residence, however, will not be amount furnished for the minimum It is hereby announced that certain farm

termine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* To qualify for Group A farms listed in Section 1, applicants must either (1) possess assets amounting to at least $5,500 in excess of liabilities, of which at least $3,500 must be in cash; or (2) possess at least $5,000 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

To qualify for Group B farms listed in Section 1, applicants must either (1) possess assets amounting to at least $8,500 in excess of liabilities, of which at least $5,000 must be in cash; or (2) possess at least $7,500 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

Assets must consist of cash and property readily convertible into cash or property such as livestock or farm machinery and equipment which, in the opinion of the Board and Project Manager, will be useful in the development and operation of a new irrigated farm. When considering farm machinery, the Board and the Project Manager will credit only that equipment which is adapted for use on the Columbia Basin Project. No value will be allowed for a passenger car or household goods. Property not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form. This conversion can be made before execution of the earnest money agreement or the land sale contract, whichever the Board believes appropriate.

Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the project to take possession of the farm unit selected and re-establish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's total net worth.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. Not previously have purchased a full-time farm from the United States under provisions of the Reclamation Law, excepting therefrom actions under the act of August 13, 1953.

d. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications except those received from qualified exchange applicants prior to 2 p. m., December 31, 1956, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Priority Group.* All complete applications filed prior to 2 p. m., December 31, 1956, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2 p. m., December 31, 1956, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2 p. m., December 31, 1956. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9. a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on

which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in Section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine: (1) whether or not the applicants claim at least the minimum qualifications set forth in Sections 6 and 7 above; (2) whether the qualified applicants are eligible to select from the Group A farms only or from either Group A or Group B farms as listed in Section 1; and (3) the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. *Execution of earnest money agreement and land sale contract.* When a farm unit is selected by an applicant as provided in Section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit $200 or 5 percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the Earnest Money Agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before February 1, 1958, or within 6 months of the Earnest Money Agreement, whichever is later, and possesses the minimum capital assets required under subsection 6. d., (2) pays the irrigation charges assessed by the irrigation district or estimated for the first full irrigation season of the development period following the date of the contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the four requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages.

When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under subsection 6.d., the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the project area, a current financial statement, and, where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to April 1 of any year during the development period, a deposit will be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the price may be paid initially at the purchaser's option.

b. *Schedule for payment of balance: interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40	75			
41 to 60	50	75		
61 to 80	50	65	75	
81 to 100	40	60	65	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) within one year from the date of his contract or by March 1, 1958, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above.

e. *Speculation and landholding limitations.* Land sale contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitation as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* In Irrigation Block 18, some construction activities will be continuing and the system will be tested during the irrigation season of 1957. However, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the South Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1958 for Irrigation Block 18 and the calendar year 1957 for Irrigation Block 19. The development period for Irrigation Blocks 13 and 16 began in 1956.

During the development period, water rental charges will average an estimated $6 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water, to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges*—a. *Operation and maintenance charges.* After the development period had ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the irrigation districts. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the South Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FELIX E. WORMSER,
Acting Secretary of the Interior.

[F. R. Doc. 56-9024; Filed, Nov. 13, 1956; 8:45 a. m.]

[Public Announcement 27]

COLUMBIA BASIN PROJECT, WASHINGTON, EAST COLUMBIA BASIN IRRIGATION DISTRICT

PUBLIC ANNOUNCEMENT OF THE SALE OF PART-TIME FARM UNITS

OCTOBER 10, 1956.

LANDS COVERED

SEC. 1. *Offer of part-time farm units for sale.* It is hereby announced that certain part-time farm units in the East Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase part-time farm units may be submitted beginning at 2 p. m., November 23, 1956.

The part-time farm units to which this announcement pertains are described as follows:

a. Part-time Farm Units in Irrigation Block 40, Columbia Basin Project, Grant County, Washington, available to veterans.

Part-time farm unit No.	Total acreage	Tentative irrigable acreage	Price
195	3.8	3.2	$550
197	9.8	9.0	18,950
198	4.6	3.8	650
200	5.1	4.8	825
201	5.7	5.4	925
202	9.9	9.0	15,150

b. Part-time Farm Units in Irrigation Block 40, Columbia Basin Project, Grant County, Washington, available to Applicants Not Entitled to Veterans Preference.

Part-time farm unit No.	Total acreage	Tentative irrigable acreage	Price
196	4.5	4.1	$700
199	4.8	4.5	775

The official plat of Irrigation Block 40 is on file in the office of the County Auditor, Grant County, Ephrata, Washington, and copies are on file in the office of the Bureau of Reclamation at Ephrata, Washington, and the Regional Office at Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* With certain minor exceptions, not more than one full-time or part-time farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband and wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCES OF APPLICANTS

SEC. 3. *Preference right of veterans.* A preference right to purchase certain part-time farm units as provided in Section 1 above, which represents 75 percent of the total number of units offered for sale by this announcement, will be given to veterans (and in some cases to their husbands or wives or minor children) who submit applications during a 45-day period beginning at 2 p. m., November 23, 1956, and ending at 2 p. m., January 7, 1957, and who at the time of making application are within one of the five following classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940 and the official termination of the Korean conflict and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in said Army, Navy, Marine Corps, Air Force, or Coast Guard during the period prescribed in subsection a. above, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 8 of this announcement regarding provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death resulted from wounds received or disability incurred in the line of duty while serving in said Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. above, or, in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement. Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference, even though such person thereafter resumes active military duty.

SEC. 5. *Preference rights of persons not establishing veterans preference.* A preference right to purchase certain part-time farm units as provided in Section 1 above, which represents 25 percent of the total number of units offered for sale by this announcement, will be given to persons who do not claim veterans preference and who file applications during a 45-day period beginning at 2 p. m., November 23, 1956, and ending at 2 p. m., January 7, 1957.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 6. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of part-time farm units on the Columbia Basin Project. The Board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a part-time farm unit.

SEC. 7. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of part-time farm units. Applicants must meet these qualifications in order to be eligible for the purchase of part-time farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, and a record of good moral conduct.

b. *Capital.* An applicant must possess at least $2,000 in excess of liabilities. Assets included in this net worth must consist of cash or property or assets readily convertible into cash; values represented by household goods or passenger cars will not be recognized by the Board unless the applicant states that he will convert such property into cash.

SEC. 8. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, an established farm unit or part-time farm unit on the Columbia Basin Project, Washington, and not own a total acreage of irrigable land in any Federal reclamation project which, together with the irrigable acreage of the part-time farm unit to be purchased, exceeds 160 acres at the time of execution of a contract for the purchase of a part-time farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a

family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 9. *Filing application.* Any person desiring to purchase a part-time farm unit offered for sale by this announcement must fill out the attached application form and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application forms may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application and the corroborating evidence to be submitted following the public drawing will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 10. *Priority of applications.* All applications will be classified for priority purposes as follows:

a. *First Priority Group.* All complete applications filed prior to 2 p. m., January 7, 1957, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2 p. m., January 7, 1957, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2 p. m., January 7, 1957. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 11. *Public drawings.* After the priority classification, the Board will conduct public drawings of the names of the applicants in each of the first two priority groups as defined in Section 10 of this announcement. Applicants need not be present at the drawings to participate therein. The names of the applicants shall be drawn and numbered consecutively as drawn for the purpose of establishing the order in which the applications will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawings, the Board shall notify each applicant of his respective standing as a result of the drawings.

SEC. 12. *Submission of corroborating evidence.* After the drawings, a sufficient number of applicants, in the order of their priority as established by the drawings, will be supplied with forms on which to submit additional information corroborating their statements made in the application blank, and showing that they meet the qualifications set forth in Sections 7 and 8 of this announcement. In case veterans preference is claimed, they will be required to submit proof of such preference, as set forth in Section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 13. *Examination and interview.* After the information outlined in Section 12 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine, in the order drawn, a sufficient number of applications, together with the corroborating evidence submitted, to determine the applicants who will be permitted to purchase part-time farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a part-time farm unit; and (c) affording the applicant an opportunity to examine the part-time farm units.

If any applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawings.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the part-time farm units available then for purchase. Such notice will require the applicant to make a field examination of the part-time farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF PART-TIME FARM UNITS

SEC. 14. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a part-time farm unit will successively exercise the ridge to select a part-time farm unit in accordance with the priorities established in the two priority groups by the drawings. If a part-time farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase contract, it will be offered to the next qualified applicant in the same priority group who has not made a selection at the time the part-time farm unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the part-time farm unit selected by the applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any part-time farm units that are available to either of the priority groups remain unselected after all qualified applicants in that group have had an opportunity to select, such units shall be made available to qualified applicants remaining in the other priority group.

Any part-time farm units remaining unselected after all qualified applicants in both priority groups have had an opportunity to select a part-time farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination by the Board, made in accordance with the procedure prescribed for priority group applicants, that such applicants meet the minimum qualifications prescribed by this announcement.

If any part-time farm units offered by this announcement remain unselected for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of Section 11 of this announcement.

SEC. 15. *Failure to select.* If any applicant refuses to select a part-time farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 16. *Execution of purchase contract.* When a part-time farm unit is selected by an applicant as provided in Section 14 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice, the Project Manager will also inform the applicant of an estimate of the amount of the charges assessed by the East Columbia Basin Irrigation District for 1957, the fifth year of the development period. This estimated amount is to be deposited with the irrigation district. (See Section 20 of this announcement.)

If the purchase is made subsequent to April 1, 1957, a deposit will be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 17. *Terms of sale.* Contracts for the sale of part-time farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $200 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is greater, will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance: Interest rate.* If only a portion of the purchase price is paid initially, the remainder shall be payable as follows:

(1) For all part-time farm units priced under $10,000, the remainder shall be payable within 10 years following the date of the contract. The schedule of payments, which will be established by the Project Manager, will provide for equal annual payments to retire the principal with interest at 3 percent per annum.

(2) For all part-time farm units priced at $10,000 or more, the remainder shall be payable within 20 years following the date of the contract. The schedule of payments will provide for equal quarterly payments to retire the principal with interest at 3 percent per annum.

Payment of any or all installments, or any portion thereof, may be made without penalty before their due dates at the purchaser's option.

c. *Special irrigation water distribution system.* The construction of any special irrigation water distribution system between the point of water delivery for the part-time farm unit area and each part-time farm unit in the area shall be the responsibility of the purchasers of the part-time farm units, and the cost shall be borne by them. The term "part-time farm unit area" means the area embracing one or more part-time farm units which are to be served by a single special irrigation water distribution system.

The Special Irrigation Water Distribution System shall be operated and maintained by the collective action of purchasers within the part-time farm unit area served by that system. This shall be done through an organization acceptable to the Board of Directors of the East Columbia Basin Irrigation District and having authority to order and apportion among the part-time farm units eligible to receive water the water to be delivered and to collect, as a minimum, the necessary costs of the operation and maintenance of the Special Irrigation Water Distribution System.

d. *Building requirements.* A primary objective of the United States in its part-time farm unit program is to bring about early development by the establishment of suitable dwellings on all units. To attain this objective, a purchaser shall be required to furnish evidence of substantial completion of a dwelling on the part-time farm unit within 18 months of the date of the sales contract or commencement on the part-time farm unit within that period of a dwelling which will be substantially completed within two and a half years from the date of the contract. If the dwelling is only started within the above said 18-month period, the Project Manager may require assurance in writing from a reputable person or agency that the construction of a dwelling on the part-time farm unit to be substantially completed within the required time will be financed. If title to the part-time farm unit is desired before the dwelling is substantially completed, this assurance of financing will be required. The United States will, if necessary, place the deed to the purchaser in escrow with an agent mutually agreeable to the parties to the contract upon condition that the deed be released to the purchaser or a person designated by the purchaser upon commencement of the construction of said dwelling. In extraordinary situations, the requirements concerning the completion date of the dwelling may be extended by the Project Manager pursuant to his determination that such extension would be in the interest of the orderly development of the block, but in no case shall more than two extensions be made, neither of which shall exceed six months in length.

Dwellings, to meet the approval of the Project Manager, shall be of long-lived materials, suitable for year-round occupancy, and of attractive appearance. Unless these requirements are waived by the Project Manager, dwellings shall be provided with domestic water piped in under pressure and sewage disposal facilities that meet the standards established by the Washington State Department of Health.

SEC. 18. *Copies of contract form.* The terms listed above and all other standard contract provisions are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 19. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the East Columbia Basin Irrigation District, the Secretary of the Interior announced a development period of ten years for Irrigation Block 40 during which time payment of construction charge installments are not required. This period commenced with the calendar year 1953. During the development period, water rental charges for these part-time farm units will average an estimated $5.75 per irrigable acre per year. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, irrigation charges will be assessed each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period was issued on December 9, 1952, by the Regional Director, who has the responsibility for fixing these charges. The present plans of the Regional Director are these:

a. It will be the policy of the United States to deliver water to each part-time farm unit area at one point.

b. An allotment of water will be determined for each part-time farm unit area receiving service through one turnout on the basis of the acreage of land in each water duty class in the area.

c. Charges will be fixed with the object each year of collecting the average estimated cost of operation and maintenance per irrigable acre multiplied by some factor determined to represent the additional costs resulting from the small size of part-time units.

In addition to the water rental charges, the Irrigation District will levy a charge to cover administrative costs and probable delinquencies in collections.

SEC. 20. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine.

b. *Construction charges.* The contract between the United States and the East Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire Project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 56-9025; Filed, Nov. 13, 1956; 8:45 a. m.]

[No. 36]

RIVERTON PROJECT, WYOMING

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

NOVEMBER 2, 1956.

1. *Water rental.* Irrigation water will be furnished upon a rental basis during the irrigation season of 1957 and thereafter, until further notice, to the irrigable lands described in Public Notice No. 28 for the North Pavillion area, and Public Notice No. 30 for the North Portal area, Riverton Project, Wyoming.

2. *Charges and terms of payment.* A minimum water rental charge shall be payable for irrigable lands described in Public Notices Nos. 28 and 30, whether water is used or not. Such minimum charge need not be paid in any year for any acreage which the Riverton Project Manager certifies to be temporarily nonirrigable during such year due to seepage, land subsidence, shallow or impermeable soils, or excessive amounts of salts. Payment of the minimum water rental charge will entitle the water user to two acre-feet of water per irrigable acre. The minimum charge shall be payable in advance on January 1 of each year, and no water will be furnished until such charge is paid in full. Charges for water furnished in excess of two acre-feet per irrigable acre shall be payable on January 1 for water furnished during the preceding year.

The minimum water rental charge for lands in the North Pavillion area described in Public Notice No. 28 and for lands in the North Portal area described in Public Notice No. 30 shall be $3.00 per irrigable acre. Water in addition to two acre-feet per irrigable acre, if available, shall be furnished at the rate of $1.50 per acre-foot.

3. *Water for other lands.* Irrigation water, when available, will also be furnished at the rates described in Paragraph 2, to other lands in the North Pavillion and North Portal areas upon the filing each year of a temporary water rental application covering such other lands. The approval of a water rental application for these lands shall not be deemed to constitute an action leading to a continuing right to receive water in subsequent years. The application for water on other lands can be made at any time during the irrigation year. At the time of application, the water rental charge is due without application of the discounts or penalties prescribed in Paragraph 5, and no water will be delivered until all charges have been paid in full.

4. *Abnormal precipitation.* In the event the recorded total precipitation at Pavillion from January 1 to September 30 varies from the 37-year average of 7.76 inches (1919–55) by more than one inch, the 2.0 acre-foot per irrigable acre water allowance for the minimum water charge will be adjusted. If the 9-month total precipitation is less than 6.76 inches, the water allowance for the minimum water charge will be increased by 0.2 foot for each inch that precipitation during this period is below the average of 7.76 inches. If the actual precipitation exceeds the average for the 9-month period by more than one inch, the water allowance will be reduced by 0.1 foot for each inch of such excess above the average of 7.76 inches.

5. *Discounts and penalties.* If payment of the minimum charge is made on or before December 31, a discount of 5 percent of such charge will be allowed. If payment of the charge for additional water is made on or before December 31 of the year in which used, a discount of 5 percent of such charge will be allowed. If payment of the minimum charge is not made by April 1 of each year, and if payment for additional water furnished to any lands is not made by April 1, subsequent to the year in which such additional water is delivered, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid, and the same penalty shall be added on the first day of each calendar month thereafter so long as such default shall continue, and no water will be delivered until all charges and penalties have been paid in full.

6. *Place of payment.* Payment of water rental charges shall be made at the Bureau of Reclamation Office in Riverton, Wyoming, or mailed to the Bureau of Reclamation, Riverton, Wyoming.

7. *Public Notices Nos. 28 and 30, supplemented.* This notice supersedes Public Notice No. 35 and supplements Subparagraphs 24 (b) and 24 (c) of Public Notice No. 28, and Subparagraphs 25 (b) and 25 (c) of Public Notice No. 30, Riverton Project.

F. M. CLINTON,
Regional Director.

[F. R. Doc. 56-9313; Filed, Nov. 13, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

CORN

NOTICE OF REFERENDUM

A referendum of farmers who produced corn in 1956 in the 1957 commercial corn-producing area will be held pursuant to section 308 (b) of the Agricultural Act of 1956 (70 Stat. 206) to determine whether such farmers are in favor of Soil Bank base acreage in accordance with section 103 (b) of the Soil Bank Act and price support for the 1957 and subsequent crops of corn at such level as the Secretary of Agriculture determines will assist producers in marketing corn in the normal channels of trade but not encourage the uneconomic production of corn, in lieu of corn acreage allotments as provided in the Agricultural Adjustment Act of 1938, as amended, and price support as provided in the Agricultural Act of 1949, as amended. At least two-thirds of the corn producers voting in the referendum must vote for corn base acreages and price support as provided in the Agricultural Act of 1956 before such program can be put in effect.

Section 103 (b) of the Soil Bank Act provides for the establishment for 1956 and for each year for which an acreage reserve program for corn is in effect (1956 through 1959) a total base acreage of corn for the commercial corn-producing area of fifty-one million acres, and for the apportionment of such base acreage among counties and farms within such area.

Section 308 (a) of the Agricultural Act of 1956 provides that whenever base acreages are in effect for corn a producer to be eligible for price supports as a cooperator must comply with his farm base acreage of corn and must devote an acreage of cropland on his farm equal to fifteen per centum of the farm base acreage for corn to the acreage reserve or conservation reserve program provided for by the Soil Bank Act.

Section 103 (b) of the Soil Bank Act provides that base acreages of corn will not be established after 1956 if the result of the referendum is that corn acreage allotments under title III of the Agricultural Adjustment Act of 1938 will be established for 1957 and subsequent years.

Under Section 103 (a) of the Soil Bank Act, producers will be compensated under the acreage reserve program for reducing their acreages of corn below their farm acreage allotments of corn or farm base acreages of corn, whichever are applicable.

The referendum provided for in section 308 of the Agricultural Act of 1956 shall be held on December 11, 1956. The polls shall be opened promptly at 8:00 o'clock, a. m., local time, on December 11, 1956, and shall be closed promptly at 7:00 o'clock, p. m., local time, or such later hour as is fixed by the ASC State committee in order to afford a full and fair opportunity to producers to vote, on December 11, 1956.

Voting eligibility shall be as follows:

(1) Each farmer who was engaged in the production of corn in 1956 on a farm located in the 1957 commercial corn-producing area and was entitled to share in the proceeds of the 1956 corn crop as owner, landlord (other than a landlord of a standing rent, cash rent or fixed rent tenant), tenant or sharecropper shall be eligible to vote.

(2) No person (whether an individual, association, corporation, estate, trust, or other business enterprise or legal entity, or a State, political subdivision of a State, the Federal Government or any agency thereof) shall be entitled to more than one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which the person is interested: *Provided however*, That the individual members of a qualified partnership shall each have one vote but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote. An individual may cast a ballot in his individual capacity if qualified and may also cast a ballot as guardian, administrator, executor or trustee, if qualified in such capacity. Each individual's right to vote whether single or married depends upon his or her own qualifications. A minor is not disqualified from voting solely because of his minority if otherwise eligible.

(3) Where a group of several persons, such as husband, wife, and children have participated in the production of corn under the same lease or cropping agreement in 1956, only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons produce corn in 1956 as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified.

(4) No farmer shall be eligible to vote in any community other than the community in which he resides at the time of the referendum except that any farmer who will not vote in such community may vote at the polling place in the community in which he was engaged in the production of corn in 1956 which will qualify him as a voter.

(5) Ballots may be cast by mail as follows:

a. Any farmer who will not be present on the day of the referendum in the county in which he is eligible to vote may obtain in person as early as five days prior to the date of the referendum or earlier, if ballots are available, one ballot from an ASC State or county office conveniently situated for him, or from the Grain Division, CSS, Department of Agriculture, Washington, D. C., and cast his ballot by mail. All ballots voted by mail must in order to be accepted, reach the county office for the county in which the voter is eligible to vote by not later than the hour for closing the polls in the county on the day of the referendum.

b. Any person whose religious beliefs forbid him from voting on the day of the referendum may secure one ballot from and cast his vote at the office of the county committee for the county in which he is eligible to vote at any time within five days prior to the date of the referendum. Such voting shall be considered as voting by mail.

(6) There shall be no voting by proxy or agent except that a duly authorized officer of a corporation, association, or other legal entity may cast its vote.

(7) Persons who planted corn in 1956 but did not harvest any corn or who in 1956 placed acreage in the Soil Bank Program with respect to corn shall be deemed as being engaged in the production of corn for the 1956 crop.

Any person who believes that he is eligible to vote should notify the county ASC committee of the county in which he intends to vote and is eligible to vote and request that his name be entered on the register of eligible voters. However, a person whose name is on the register may be challenged and a ballot may be issued to a person not on the register who claims to be eligible to vote.

The referendum will be held generally in accordance with the Secretary's regulations governing the holding of refenda on marketing quotas (7 CFR Part 717).

The community referendum committee provided for in said regulations to conduct the referendum in each community or neighborhood shall consist of farmers in the community or neighborhood who are eligible to vote in the referendum, however, if a marketing quota referendum on one or more of the commodities, cotton, peanuts, or rice is held in the same community or neighborhood on December 11, 1956, the members of the community referendum committee to conduct the corn referendum shall be chosen from among farmers eligible to vote in one or more of such marketing quota referendums.

Done at Washington, D. C., this 8th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9332; Filed, Nov. 13, 1956; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5081 et al.]

ELLIS AIR LINES

NOTICE OF HEARING

In the matter of additional air service in southeastern Alaska.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 801, and 1001 of said act, that a public hearing in the above-entitled proceeding will be held November 20, 1956, at 10 a. m., e. s. t., in room E-224, Temporary Building 5, 16th and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues presented by the various dockets consolidated for hearing, particular attention will be directed to the following matters:

(1) Whether the public convenience and necessity require the amendment of the certificates of Ellis Air Lines and/or Alaska Coastal Airlines to authorize transportation of persons, property, and mail between various points in southeastern Alaska, and

(2) Whether Ellis Air Lines and/or Alaska Coastal Airlines are fit, willing, and able to perform such service or services as may be found required by the public convenience and necessity.

Notice is further given that any interested person other than the parties of record desiring to be heard regarding the issues involved in this proceeding must file with the Civil Aeronautics Board on or before November 20, 1956, a statement setting forth the matters of fact or law on which he desires to be heard.

Dated at Washington, D. C., November 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9325; Filed, Nov. 13, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11742; FCC 56M-1035]

WGLI, INC.

ORDER CONTINUING HEARING

In re application of WGLI, Incorporated, Babylon, New York, Docket No. 11742, File No. BP-10276; for construction permit.

It is ordered, This 7th day of November 1956, that, because of the illness of the Examiner assigned to preside in the above-entitled proceeding, the hearing in the matter, which is scheduled to commence November 9, 1956, is continued to a date which will be specified in a subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9336; Filed, Nov. 13, 1956; 8:51 a. m.]

[Docket No. 11808; FCC 56-1045]

W. WRIGHT ESCH

MEMORANDUM OPINION AND ORDER

In re application of W. Wright Esch to assign the license of Station WMFJ, Daytona Beach, Florida, from W. Wright Esch to WMFJ, Inc., Docket No. 11808, File No. BAL-2029.

1. The Commission has before it for consideration (a) the Commission's Memorandum Opinion and Order released September 5, 1956, designating the above-entitled application for oral argument, postponing the grant of the application, and ordering that control of Station WMFJ revert to W. Wright Esch (Assignor) on October 1, 1956; (b) a petition, filed by WMFJ, Inc. (Assignee) on September 17, 1956, seeking reconsideration of the Commission's order requiring reversion of WMFJ to Esch; (c) an opposition to the petition for reconsideration, filed on September 27, 1956, by Theodore Granik and William H. Cook (Protestant); and (d) the Commission's Order, released September 28, 1956, postponing the date of reversion from October 1, 1956, to November 1, 1956.

2. The fact situation involved in this proceeding has been stated fully in the Commission's Memorandum and Opinion and Order of August 29, 1955. In brief, the Commission granted the application without a hearing on June 29, 1955; a protest of the grant was filed by Granik and Cook on July 28, 1955; the Commission dismissed the said protest, which action by the Commission was thereupon reversed and remanded by the Court of Appeals; and on September 5, 1956, in compliance with the mandate of the Court, the Commission found Granik and Cook to be parties in interest and designated the application for oral argument to determine whether, if the facts alleged in the protest were proven, grounds would exist for setting aside the

grant. The Order of Designation also stated that the parties had not demonstrated that a denial of a stay of the effective date of the Commission's action granting the assignment is necessary to the maintenance and conduct of an existing service and that a finding could not be made that the public interest requires the grant to remain in effect. The applicants were, accordingly, ordered to return control of Station WMFJ to Esch by October 1, 1956. On September 28, 1956, a petition for reconsideration of the Commission's Order directing reversion having been filed by WMFJ, Inc. and an opposition thereto having been filed by the Protestants, the Commission, on its own motion, extended the date for the return of control of Station WMFJ to Esch from October 1, 1956, to November 1, 1956, pending further study of the pleadings involved.

3. WMFJ, Inc's petition for reconsideration is directed to that part of the Commission's action of September 5, 1956, supra, which directed reversion of Station WMFJ to W. Wright Esch on October 1, 1956, and requests postponement of the date of reversion for 60 days "* * *" or for such other period of time as will permit the Commission to consider on their merits the contentions set forth in this petition and in the oral argument * * *" or, alternatively, that WMFJ, Inc. be permitted to continue to operate WMFJ pending a final determination on the merits of the proceeding.

4. Two basic theses are advanced by WMFJ Inc., in support of its requests for relief. They are that (1) Granik and Cook have lost their standing as parties in interest and (2) the Commission erred when, as grounds for ordering a reversion of WMFJ, it ruled that any injury accruing to the parties was a result of their voluntary action and that the Commission could not find that the public interest required a denial of a stay of the effective date of the grant of assignment.

5. The proposition that Granik and Cook have lost their standing as parties in interest was fully explored by the parties in the oral argument held on September 17, 1956, pursuant to the Commission's Order of Designation, and in the briefs filed in support thereof. It will be more appropriately evaluated as a factor to be considered in rendering a decision on the merits of the said oral argument than in the present stage of the proceeding. For this reason, as well as because of the action to be taken herein, the question of standing to protest on the part of Granik and Cook will not be discussed further in this opinion.

6. WMFJ, Inc.'s allegation that the Commission erred in the grounds it relied upon as support for ordering a reversion of WMFJ to Esch is based on the arguments that the assignment was not effectuated until after dismissal by the Commission of Protestant's protest and petition for reconsideration; that failure to consummate the assignment would have caused increased deterioration of service and consequent harm to the public; that reversion of WMFJ to Esch will affect programming adversely and, therefore, the public, WMFJ, Inc., Esch, and innocent third parties such as employees and advertisers; that all present employees of WMFJ have been hired since the assignment; that salaries have been approximately doubled; that one Siegel, an officer and director of WMFJ, Inc., is also the technical director and that no competent replacement for him could be hired on a temporary basis; that substantial changes have been made in programming; that new programs are added almost weekly; that a recent survey indicates a substantial audience increase since the assignment; and that there is no assurance that numerous new advertisers would remain with the station during a period of interim operation by Esch.

7. Petitioner also argues that grant of its petition would harm no interest but would permit progressive improvement in "public interest programming" whereas denial would impair programming and possibly cause a complete loss of service to the detriment of the public; that, as a result of a decree of the Circuit Court in and for Volusia County, Florida in the case of Granik v. Esch, which decree held that there was no contract[1] between Granik and Cook on the one hand and Esch on the other, there is small chance that Protestants will succeed on the merits and it is, therefore, probable that WMFJ will be ultimately returned to WMFJ, Inc. with a resultant "double dislocation" and consequent repeated harm to the public; and that the Commission is, therefore, "* * * required to find that the public interest requires a denial of the stay."

8. Petitioner cites the Commission's Memorandum Opinion and Order in O. R. Mitchell Motors, 14 RR 472, in further support of its request for relief; arguing that in the Mitchell case the Commission found that it was in the public interest to refuse to postpone the effectiveness of the grant because of factors having a "quasi-public character to them which may affect the public interest" and that in the present case such changes are greater (i. e. all personnel have been changed, payroll has been doubled, public service programming is improving, audience has increased, etc.) and should, therefore, be even more persuasive that the public interest requires a grant of the instant Petition.

9. Protestants oppose the petition for reconsideration on the grounds that (a) it "merely repeats previously advanced contentions and allegations;" (b) the Mitchell case, supra, is not in point in that the factors of "quasi-public" character alluded to by Petitioner were, in that case specifically related to the factor of bad faith by the Protestant therein, which factor is not present in the instant case; (c) Petitioner's argument that intervening events have made it less likely that Protestants will prevail on the merits has no bearing on whether the effective date of the action protested should be postponed under section 309 (c) of the act, which section makes public interest the sale determinant; and (d) even if the question of ultimate success bore upon disposition of the instant Petition, it must still be denied because the Florida Court decision relied upon has been appealed and, until final adjudication of that appeal, the rights of the parties have not been established.

10. The Commission has reconsidered its conclusion that the public interest does not require that the grant of the assignment application remain in effect pending determination of the protest proceeding. The provisions of section 309 (c) which require the public interest finding may be applied in light of what is involved in the application being protested. The instant matter involves assignment of construction permits and licenses from one owner to another owner. We believe that where such an assignment takes place, this action may be an indication that the assignor is no longer willing to assume his responsibilities as a station licensee by the continued operation of said stations and that he desires to relieve himself of further efforts in these directions by effecting a transfer of license. The public interest requires that operation of already licensed stations should be continued by persons who are actively and genuinely interested in providing service, in serving the public, and in doing these in the light of the responsibilities imposed on licensees of this Commission by the Communications Act. As stated in paragraph 6, supra, WMFJ, Inc., alleges, among other things, that numerous and extensive changes have been made in the operation of WMFJ, since its assignment, which were calculated to improve its service to the public; that the entire staff has been changed; that salaries have been increased; and that reversion of WMFJ will cause a derogation of service and dislocation of personnel. It is true that such factors as the effect of a reversion upon personnel reflects private interests, the consideration of which is not contemplated by section 309 (c) of the act, yet the causal relation, in its ultimate effect on the public receiving the service, is such that they become a matter for Commission concern and are properly cognizable under section 309 (c). Such is the case here. It may not be doubted that the involuntary dislocation of control of a broadcast facility under circumstances such as those present in this case will have an adverse effect upon the morale of employees and the confidences of both advertisers and listeners and that this will inevitably be reflected in a derogation of service to the public. This is particulary so where, as in this case, the assignor has demonstrated his unwillingness to bear the burden of continued operation in the public interest. On the other hand, WMFJ, Inc., has demonstrated that it is desirous and capable of assuming these responsibilities and has, in fact, done so for more than a year. Moreover, in the instant case, the charges made by Protestants have been directed against Esch rather than toward the qualifications of WMFJ, Inc., being based upon an allegation that Esch's conduct with respect to (a) an option agreement with Protestants and (b) to his alleged misrepresentation and concealment with respect to Telrad, Inc., a television permittee, raised a question as to his character qualifications as a broadcast licensee.

11. In its previous determination, the Commission found that the public interest would be better served by postponing the effective date of the transfer. In its order of September 5, 1956, the Commission, recognizing the possibly meritorious though conflicting allegations of the parties, set the protest for oral argument on September 17, 1956. The petitioner has consistently alleged in the pleadings as well as in the oral argument that the probability of ultimate success by Protestant is remote in view of current litigation of private civil nature now occurring between the parties in the courts of the State of Florida. The Commission does not choose to speculate as to the eventual result of this private litigation but it cannot in reason refuse to consider the effect on one court's determination (although that determination is on appeal) in its consideration of the degree of probability that protestant will ultimately succeed on the merits. The Commission has in the past consistently refused to allow its administrative processes to be controlled by auxiliary judicial appeals but in the instant case the litigation is a private civil matter, the result of which may have a controlling effect upon the very basis of the filing of the protest. In view of the foregoing facts the Commission believes that in this case the public interest requires that the grant remain in effect and that operation of the stations be continued by WMFJ, Inc. pending determination by the Commission of the protest proceeding.

12. *Accordingly, it is ordered,* This 31st day of October 1956, that the Petition for Reconsideration is granted; that so much of the Commission's Memorandum Opinion and Order of September 5, 1956 as postponed the effective date of the grant of the assignment application pending decision in the hearing on the protest and directed reversion of Station WMFJ to the assignor is set aside; and that the assignee herein is authorized to continue operation of the facilities in question pending the Commission's decision after hearing.

Released: November 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9337; Filed, Nov. 13, 1956; 8:51 a. m.]

[1] The basis of the protest upon which the present action is founded is the allegation that Protestants entered an option agreement with Esch to buy WMFJ; that they exercised the option; that Esch cancelled the option unilaterally; that Protestants were suing in a Florida court to enforce the option contract; and that Esch's conduct raised a question of his character qualifications and whether the assignment is in the public interest under the circumstances.

[Docket Nos. 11825, 11826; FCC 56 M-1034]

VICTORIA TELEVISION CO. AND ALKEK TELEVISION CO.

ORDER CONTINUING HEARING

In re applications of O. L. Nelms, d/b as Victoria Television Company, Victoria, Texas, Docket No. 11825, File No. BPCT-2084; Albert B. Alkek, d/b as Alkek Television Company, Victoria, Texas, Docket No. 11826, File No. BPCT-2109; for construction permits for new television stations.

It is ordered, This 7th day of November 1956, that, because of the illness of the Examiner assigned to preside in the above-entitled proceeding, the prehearing conference and formal hearing in the matter, scheduled, respectively, for November 9, 1956 and November 13, 1956, are continued to dates which will be specified in a subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9338; Filed, Nov. 13, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10396 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

ORDER FIXING DATE OF HEARING

In the matter of American Louisiana Pipe Line Company, Docket No. G-10396; Gulf Refining Company, Docket Nos. G-10398, G-10399, G-10400, G-10442, G-10443; Panhandle Eastern Pipe Line Company, Docket No. G-11061.

American Louisiana Pipe Line Company (American Louisiana), on October 11, 1956, filed in the above-styled proceedings a motion for prompt hearing in such proceedings. Answers in support of such motion or objecting thereto have been filed by other parties to the proceedings.

Upon consideration of the motion for prompt hearing and the answers filed in response thereto the Commission finds:

(1) American Louisiana's motion for prompt hearing filed in the above-styled proceedings should be granted.

(2) Good cause exists for setting such proceedings for hearing upon less than 15 days notice.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing be held commencing on November 14, 1956 at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved and the issues presented by the applications in Docket Nos. G-10396, G-10398, G-10399, G-10400, G-10442, G-10443 and G-11061.

(B) At the hearing referred to in paragraph (A) hereof full testimony shall be taken and completed with respect to the applications in Docket Nos. G-10398, G-10399, G-10400, G-10442 and G-10443 prior to the commencement of the presentation of any testimony with respect to the applications filed in Docket Nos. G-10396 and G-11061.

Issued: November 7, 1956.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9310; Filed, Nov. 13, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[24 FW-1052]

J-T-J CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 2, 1956.

I. J-T-J Company, Inc., a Texas corporation, with its principal offices located at 3116 West Davis, Dallas, Texas, having filed with the Commission on September 11, 1956, a notification on Form 1-A and offering circular relating to a proposed offering of 60,000 shares of its 10¢ par value common stock at the price of $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder; and,

II. The Commission having reasonable cause to believe that:

(1) The terms and conditions of Regulation A have not been complied with in that the notification on Form 1-A is inaccurate, misleading and incomplete for the reason that Item 9 (a) fails to disclose the required information concerning the issuer's prior sales of unregistered securities in the form of investment contracts or profit-sharing agreements in the amount of approximately $80,000.00 and Item 9 (c) fails to specify and assert any exemption from registration for such prior unregistered transactions; four copies of the provisions of the governing instruments defining the rights of holders of the equity securties proposed to be offered under the notification were not filed as an exhibit as required by Item 11 (a); and the financial information contained in the offering circular does not comply with the requirements of paragraph 11 (a) (2), or alternatively with paragraph 11 (b), of Schedule I under Rule 256 in that there are not included profit and loss statements and analyses of surplus from the date of incorporaion to the end of the first fiscal year and from the end of the first fiscal year to the date of the balance sheet.

(2) The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under

It is ordered, That the hearings in the

which they are made, not misleading, in that:

(a) The issuer has incurred a contingent civil liability under the provisions of section 12 (1) of the Securities Act of 1933, as amended, by reason of prior unregistered sales of securities (in the form of investment contracts or profit-sharing agreements involving the sale and lease of trailers with an agreement to share profits from rentals thereof) in violation of section 5 of said act, and such contingent civil liability against the issuer is not disclosed in the text of the offering circular or in the financial information contained therein;

(b) In the balance sheet contained in the offering circular no basis is set forth for providing for doubtful accounts; no provision is made for depreciation of fixed assets; and, profit "for current period" is misstated;

(c) The offering circular fails to disclose information concerning prior transactions between the issuer and its promoters, officers, and directors; the dilution of the equity of stockholders purchasing the shares proposed to be offered resulting from the issuance of shares to the promoters, officers, and directors in exchange for properties and assets transferred to the issuer; and, the extent of control which will be retained by the promoters, officers, and directors of the issuer in the event all of the shares proposed to be offered are sold.

(d) The offering circular is materially misleading by omission in that it fails to disclose that the only profits realized from operation of the trailer rental division of the company arose as a result of the sale of trailers to investors in connection with investment contracts and not as a result of the trailer rental operations of the company, such rental operations having consistently resulted in losses.

(3) An offering of shares made under this notification and by means of this offering circular would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to J-T-J Company, Inc. and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-9306; Filed, Nov. 13, 1956; 8:45 a. m.]

[File No. 812-1039]

ATLAS CORP. AND PETRO-ATLAS CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

NOVEMBER 7, 1956.

Notice is hereby given that Atlas Corporation ("Atlas"), a registered investment company and Petro-Atlas Corporation ("Petro"), a wholly-owned subsidiary of Atlas have filed a joint application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act certain transactions described below.

Such application, as amended, makes the following representations:

Petro proposes to acquire from its President, Tom Bolack, certain oil and gas leasehold interests located in San Juan County, Utah for an aggregate consideration of $200,000.

In April 1953 Bolack acquired an oil and gas leasehold interest in 1280 acres located west of the Aneth field in the Paradox Basin in San Juan County, Utah from Albert W. Rice, the leasee thereof, under a lease from the United States acting through the Bureau of Land Management. In June 1953 Bolack transferred one-half (640 acres) of said leasehold interest to Bolack Oil and Gas Company. Through successive mergers of Bolack Oil and Gas Company with Albuquerque Associated Oil Company and thereafter of Albuquerque Associated Oil Company with Atlas Corporation and through transfer by Atlas Corporation, Petro acquired said one-half interest in such oil and gas leasehold. Bolack now proposes to sell and Petro proposes to acquire a 320 acre interest in the 640 acre leasehold interest retained by Bolack.

During recent months, various major oil companies, among others, have initiated and conducted increasingly active exploration and development programs in the Paradox Basin area in general and the Areth Field in particular. As a result of discoveries made in the course of such exploration and development, there has been a marked rise in interest in the area and in the value of properties and property interests located therein. Although the properties involved in the proposed transaction are undeveloped, the results of drilling operations in the area suggest that they are favorably located for future discovery of oil and gas reserves in substantial quantities. Petro has from time to time considered the possibility of acquiring additional acreage in the area, and major oil companies have made firm proposals to Petro and to Bolack contemplating the acquisition of all or part of their respective properties in the area on various bases.

Applicants represent that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and in support thereof have submitted evidence that the leasehold interests presently held by them in said area could be sold to other major oil firms on the basis of terms substantially equivalent to those proposed in the instant transaction. One such firm in arms-length negotiations offered to purchase the leasehold proposed to be acquired by Petro at a price of $650 per acre for the 320 acres or an aggregate of $208,000.

The determination of Petro to make the proposed acquisition was made by officers other than Bolack and has been approved by an independent majority of its Board of Directors.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than November 23, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-9307; Filed, Nov. 13, 1956; 8:46 a. m.]

[File No. 812-1042]

UNITED FUNDS, INC., ET AL.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF COMBINATION OF PURCHASES OF SHARES OF DIFFERENT FUNDS TO OBTAIN QUANTITY DISCOUNTS

NOVEMBER 7, 1956.

In the matter of United Funds, Inc., United Funds Canada Ltd., and Waddell & Reed, Inc.; File No. 812-1042.

Notice is hereby given that United Funds, Inc. ("United Funds") and United Funds Canada Ltd. ("UCF"), both open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("act"), and Waddell & Reed, Inc., the principal underwriter for United Funds and UFC, have filed a joint application pursuant to section 6 (c) of the act for an order exempting from the provisions of section 22 (d) of the act the offering of the shares of the open-end companies at reduced public offering prices based on combined quantity purchases of their shares.

United Funds, a Delaware corporation, and UFC, a Canadian corporation offering its shares in the United States, have the same principal underwriter, investment advisers which are under common control, and certain of the same directors and officers. United Funds offers four different classes of common shares representing separate funds with different portfolios and objectives. UFC offers a single class of common shares designed to provide a medium for investment in securities of companies which derive their income largely from Canada.

The offering price of the shares of each of the investment companies is the respective net asset value per share plus a percentage of the offering price as a selling commission. Quantity discounts, resulting in decreased selling commissions, are presently available with respect to individual purchases of $25,000 or more of the shares of each of the companies. In each case, the selling commission is reduced to 6 percent on purchases of $25,000 to $50,000; 5 percent on purchases of $50,000 to $100,000; 4 percent on purchases of $100,000 to $200,000; and 3 percent on purchases of $200,000 or more.

It is now proposed to extend the foregoing quantity discounts to purchases of shares of both companies so that the reduced sales commissions will be applicable to purchases of shares of either company or the aggregate purchases of shares of both companies by (1) a single purchase for a single account of a person, joint tenancy, corporation or association, or to such a purchase by a fiduciary acting as such and not as an agent for others, and (2) separate purchases aggregating $25,000 or more within a period of twelve months by the same purchaser or by any charitable, religious, educational and other like corporations, associations or foundations exempt from taxation under section 501 of the Internal Revenue Code and by pension, profit sharing and other employees' trusts exempt from taxation under section 401 of the Code, pursuant to a signed form of letter of intention to make such purchases.

The application states that the proposed extension of quantity discounts would permit investors who wish to diversify their investments by purchasing shares of both companies on account of the differences in investment objectives to do so without sacrificing the discount which at present is available only if they make their entire investment in shares of only one of the companies.

Since the proposed transactions may involve an offering of redeemable securities otherwise than at a current public offering price described in the prospectus within the meaning of section 22 (d) of the act, the application requests an exemption to the extent necessary to permit the offering of shares on the basis proposed.

Notice is further given that any interested person may, not later than November 19, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-9308; Filed, Nov. 13, 1956; 8:46 a. m.]

[File Nos. 1-3827 and 1-3679]

GREAT SWEET GRASS OILS LTD. AND KROY OILS LTD.

ORDER POSTPONING DATE OF HEARING AND CONSOLIDATING HEARINGS

NOVEMBER 7, 1956.

The Commission by order dated October 31, 1956, directed that a hearing pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 be held on November 13, 1956, in the matter of Great Sweet Grass Oils Limited.

The Commission by order dated November 2, 1956, directed that a hearing pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 be held on November 20, 1956, in the matter of Kroy Oils Limited.

Counsel representing both companies requested a postponement of each of the above scheduled hearings to November 26, 1956, and has consented to a consolidation of the hearings in each of the above entitled matters.

The Commission has granted the request of counsel to postpone the hearings of each of the above entitled matters to November 26, 1956, and has agreed to a consolidation of the hearings.

It is ordered, That the hearings in the matter of Great Sweet Grass Oils Limited and in the matter of Kroy Oils Limited he postponed to November 26, 1956 at 10:00 a. m., e. s. t., in Room 193 at the offices of the Commission, 425 Second Street NW., Washington, D. C., and

It is further ordered, That the hearings in the matter of Great Sweet Grass Oils Limited and in the matter of Kroy Oils Limited be, and the same are hereby, consolidated.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-9309; Filed, Nov. 13, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CRISTINO CESIRA ANNA VEDOVA GALLO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Cristino Cesira Anna Vedova Gallo, Laura Gallo Corradi and Norberto Gallo, all of: Via Rossini No. 6, Ancona, Italy, Claim No. 62439, $450.39 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including but not limited to all monies and amounts by way of royalties, share of profits, or other emolument, and all causes of action accrued or to accrue relating to the work entitled The Modern Band, by Stanislao Gallo, as listed in Exhibit A of Vesting Order No. 1758 (effective July 1, 1943), to the extent owned by Stanislao Gallo immediately prior to the vesting thereof by Vesting Order No. 1758.

Executed at Washington, D. C., on November 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9314; Filed, Nov. 13, 1956; 8:47 a. m.]

ENICHI YORIMOTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration

thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Enichi Yorimoto, Hiroshima, Japan, Claim No. 57539, Vesting Order No. 14159, $364.00 in the Treasury of the United States.

Executed at Washington, D. C., on November 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9315; Filed, Nov. 13, 1956; 8:47 a. m.]

FRITS MARKUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frits Markus, Scarsdale, New York and Marie Anna Von Felde-Markus, Bussam, Holland, Claim No. 62382, all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18620 (16 F. R. 11547, November 14, 1951) in and to:

Cities Service Company 5/58 Bond Nos. 15757, 15758, 15759, 37210, 38417, 42635 and 44764, in the principal amount of $1,000 each; Cities Service Company 5/69 Bond Nos. 7690 and 47842, in the principal amount of $1,000 each; Norfolk & Western Railway Company 4/96 Bond Nos. 16730, 20033, 20034, 20035 and 20036, in the principal amount of $1,000 each; Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 57 (excepting coupons detached from said numbered bond due October 1, 1940 to October 1, 1946, inclusive), 68, 13453, 13454 and 13455, in the principal amount of $500 each.

Executed at Washington, D. C., on November 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9316; Filed, Nov. 13, 1956; 8:47 a. m.]

MARYA VIDOSIC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Marya Vidosic, 52 Zaheja, Lovran, Yugoslavia, Claim No. 63046, Vesting Order No. 1079, $272.39 in the Treasury of the United States.

Executed at Washington, D. C., on November 2, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9317; Filed, Nov. 13, 1956; 8:47 a. m.]

ROSA MONJONA LOCCI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rosa Monjona Locci, Geltrude Locci, Giovanna Locci, Faustino Locci, Roccagorga, Province of Latina, Italy, Claim No. 57692, Vesting Order No. 1120, $4,663.65 in the Treasury of the United States, distributed as follows:

$2,331.82 to Rosa Monjona Locci.
$518.19 to Geltrude Locci.
$518.18 to Giovanna Locci.
$518.18 to Faustino Locci.
$777.28 jointly to Rosa Monjona Locci, Geltrude Locci, Giovanna Locci and Faustino Locci.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9318; Filed, Nov. 13, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF DAVID CASSERES ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

David Casseres, Caroline, Emmy and Antonie Brogholter, Betty van Dam, Isidor Worms, Nico Turkama, Herman Bronkhorst, Liesel de Haas and Helmut Marx, L. S. Claim No. 358, Kansas City Southern Railway Company 5/50 Bond No. 17058, in the principal amount of $1,000.

Harry Hellbut and Annette Frankfort, L. S. Claim No. 473, Southern Pacific Railroad Company 4/55 Bond No. 95273, in the principal amount of $1,000.

Helena Sachs, Nelly van Hattem and Henri Polak, L. S. Claim No. 653, Cities Service Company 5/69 Debenture No. 48966, in the principal amount of $1,000.

Nico Polak, L. S. Claim No. 665, Missouri-Kansas-Texas Railroad Company 5/62 Bond No. 29485, in the principal amount of $1,000.

Louisa van Raalte, L. S. Claim No. 672, Cities Service Company 5/69 Debentures Nos. 42671 and 42767, in the principal amount of $1,000 each.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9319; Filed, Nov. 13, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF JOAN DE ROOCK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Joan de Roock, Alle, Roelf, and Johanna Bonnema, L. S. Claim No. 696, Cities Service Company 5/66 Debenture No. 1005, in the principal amount of $1,000.

Anna van Rozenburg, L. S. Claim No. 701, Cities Service Company 5/66 Debenture Nos. 10366 and 17498, in the principal amount of $1,000 each.

Sophia van Dijk; Cornelia van Nieuwenhuisen, L. S. Claim No. 708, Cities Service Company 5/69 Debenture Nos. 460 and 11465, in the principal amount of $1,000.

Johannes Schijff, L. S. Claim No. 714, Cities Service Company 5/58 Debenture No. 617, in the principal amount of $1,000; Cities Service Company 5/66 Debenture No. 13433, in the principal amount of $1,000; Cities Service Company 5/69 Debenture No. 30930, in the principal amount of $1,000; Kansas City Southern Railway Company 3/50 Bond No. 646, in the principal amount of $1,000.

Mrs. C. W. and W. S. Schmoutziguer and Mrs. C. Ham, L. S. Claim No. 715, Cities Service Power & Light Company 5½/52 Debenture No. 17994, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9320; Filed, Nov. 13, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF SARA GREEBEL-GELEERD ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Sara Greebel-Geleerd, L. S. Claim No. 449, $392.08 in the Treasury of the United States.

Martinus, Johannes and Alexandra Wertheim, L. S. Claim No. 800, $392.08 in the Treasury of the United States.

Ralph Leefama, L. S. Claim No. 835, $1,656.86 in the Treasury of the United States.

Salomon de Miranda, L. S. Claim No. 836, $1,640.00 in the Treasury of the United States.

Dr. Isaac Wijsenbeek, L. S. Claim No. 865, $2,798.50 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9321; Filed, Nov. 13, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF OTTO SIX ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Otto, Digna and Constant Six, and Gertrude Bauduin, L. S. Claim No. 727, Cities Service Company 5/58 Bond Nos. 27035 and 38860, in the principal amount of $1,000 each.

Digna Six, L. S. Claim No. 728, Southern Pacific Company 4/49 Bond Nos. 4654 and 4655, in the principal amount of $500 each.

Cornelis van de Stadt, L. S. Claim No. 749, Kansas City Southern Railway Company 3/50 Bond No. 11765, in the principal amount of $1,000.

Frederika Stolk, L. S. Claim No. 755, Cities Service Company 5/69 Bond No. 42743, in the principal amount of $1,000.

Flora Ekker-de Vries, L. S. Claim No. 787, Southern Railway Company 4/56 Bond No. 23276, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9322; Filed, Nov. 13, 1956; 8:49 a. m.]

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FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 21 NUMBER 222

Washington, Thursday, November 15, 1956

TITLE 3—THE PRESIDENT

PROCLAMATION 3163

THANKSGIVING DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

With the completion of the cycle of winter and summer, seedtime and harvest, we come to the traditional time of thanksgiving, when our minds and hearts turn to Almighty God in grateful acknowledgment of His mercies throughout the year.

Let us be grateful that the foundations of freedom in our Nation grow stronger with each passing year, giving hope to fettered peoples that they may walk as free men unafraid; that the yield of our soil and the production of our factories have been abundant, enriching our lives and enabling us to share our bounty with less fortunate ones in other lands; and that the forces of nature are being harnessed for peaceful purposes, bringing limitless possibilities of comfort and happiness both to ourselves and to future generations.

It is also fitting at this season that we should consider God's providence to us throughout our entire history. Let us remember the Pilgrim Fathers who, fleeing from religious oppression, landed on a bleak, forbidding shore and began to carve out what became this great Republic which it is our happy destiny to love and serve. For their foresight, their courage, and their idealism let us give thanks to the Power which has made and preserved us a Nation.

Humbly aware that we are a people greatly blessed, both materially and spiritually, let us pray this year not only in the spirit of thanksgiving but also as suppliants for God's guidance, to the end that we may follow the course of righteousness and be worthy of His favor.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in accordance with the joint resolution of Congress approved December 26, 1941, which designates the fourth Thursday in November of each year as Thanksgiving Day, do hereby proclaim Thursday, the twenty-second day of November of this year, as a day of national thanksgiving. On that day let all of us, of whatever creed, foregather in our respective places of worship to give thanks to God and prayerful contemplation to those eternal truths and universal principles of Holy Scripture which have inspired such measure of true greatness as this Nation has achieved. And let us, as the beneficiaries of this greatness, give a good account of our stewardship by helping those in need and by rendering aid, through our religious organizations and by other means, to the ill, the destitute, and the oppressed in foreign lands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of November in the year of our Lord nineteen hundred and
[SEAL] fifty-six and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 56-9426; Filed, Nov. 14, 1956; 9:58 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

In Federal Register Document, 56-8900 appearing on page 8385 in the issue for Friday, November 2, 1956, the following change should be made:

In § 7.30 *County office personnel*, the reference to "§ 7.15" should be changed to read "§ 7.16."

[SEAL] CLAY H. STACKHOUSE,
Acting Deputy Administrator, Production Adjustment, Commodity Stabilization Service.

[F. R. Doc. 56-9377; Filed, Nov. 14, 1956; 8:51 a. m.]

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PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR ORANGES (CALIFORNIA AND ARIZONA) [1]

On September 21, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 7187) regarding a proposed revision of United States Standards for Oranges (California and Arizona).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Oranges (California and Arizona) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.1085 U. S. Fancy.
51.1086 U. S. No. 1.
51.1087 U. S. Combination.
51.1088 U. S. No. 2.

UNCLASSIFIED

51.1089 Unclassified.

TOLERANCES

51.1090 Tolerances.
51.1091 U. S. Fancy, U. S. No. 1, and U. S. No. 2 grades.
51.1092 U. S. Combination grade.

APPLICATION OF TOLERANCES

51.1093 Application of tolerances.

STANDARD PACK

51.1094 Standard pack.

STANDARD SIZING AND FILL

51.1095 Standard sizing and fill.

STANDARDS FOR EXPORT

51.1096 Standards for export.

DEFINITIONS

51.1097 Similar varietal characteristics.
51.1098 Well colored.
51.1099 Firm.
51.1100 Well formed.
51.1101 Smooth texture.
51.1102 Injury.
51.1103 Fairly smooth texture.
51.1104 Damage.
51.1105 Fairly well colored.
51.1106 Fairly firm.
51.1107 Fairly well formed.
51.1108 Slightly rough texture.
51.1109 Serious damage.

AUTHORITY: §§ 51.1085 to 51.1109 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1085 *U. S. Fancy.* "U. S. Fancy" consists of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condition, and free from injury caused by split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects, or mechanical or other means. (See § 51.1091.)

§ 51.1086 *U. S. No. 1.* "U. S. No. 1" consists of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and free from damage caused by dryness or mushy condition, split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. Each fruit shall be well colored except Valencia oranges which shall be at least fairly well colored: *Provided*, That navel oranges in any lot which is destined for export and which is certified as meeting the Standards for Export need be only fairly well colored. (See § 51.1091.)

§ 51.1087 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 oranges: *Provided*, That at least 40 percent, by count, of the oranges in each container meet the requirements of U. S. No. 1 grade. (See § 51.1092.)

§ 51.1088 *U. S. No. 2* "U. S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly well colored, fairly firm, fairly well formed, which may be of slightly rough texture, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, and free from serious damage caused by bruises, dryness or mushy condition, split or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1091.)

UNCLASSIFIED

§ 51.1089 *Unclassified.* "Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1090 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1091 and 51.1092 are provided as specified.

§ 51.1091 *U. S. Fancy, U. S. No. 1, and U. S. No. 2 grades.* Not more than 10 percent, by count, of the oranges in any lot may fail to meet the requirements relating to color. In addition, not more than 10 percent, by count, of the oranges in any lot may fail to meet the remaining requirements of the specified grade, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1092 *U. S. Combination grade.* Not more than 10 percent, by count, of the oranges in any lot may fail to meet the requirements of the U. S. No. 2 grade relating to color. In addition, not more than 10 percent, by count, of the oranges in any lot may fail to meet the remaining requirements of the U. S. No. 2 grade, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(a) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required: *Provided*, That the entire lot averages within the percentage required.

APPLICATION OF TOLERANCES

§ 51.1093 *Application of tolerances.* (a) Except when applying the tolerances for "Standards for Export", the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed orange may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one orange which is seriously damaged by dryness or mushy condition may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

packages may have more than one decayed orange.

STANDARD PACK

§ 51.1094 *Standard pack.* (a) Oranges shall be fairly uniform in size and shall be packed in boxes or cartons and arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When oranges are packed in standard nailed boxes, each box shall have a minimum bulge of 1¼ inches; when packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than a total of 5 percent, by count, of the oranges in any such container are smaller than the minimum diameter given for the applicable pack in the following table: *Provided,* That oranges packed for 252 box pack count or 126 half-box pack count, or larger sizes, which are generally elongated in shape need not meet the applicable size requirement when the container is tightly packed and well filled:

TABLE I

Count in box pack	Count in half-box pack	Minimum diameter in inches
80	40	3.38
100	50	3.19
126	63	3.00
150	75	2.88
176	88	2.75
200	100	2.63
220	110	2.50
252	126	2.40
288	144	2.31
344	172	2.20
392	196	2.11

(1) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit expressed in whole inches or whole inches and hundredths thereof.

(d) In order to allow for variations incident to proper packing, when oranges are wrapped not more than 10 percent of the wrapped fruit in any container may fail to meet the requirements pertaining to wrapping; and, not more than 5 percent of the containers in any lot may fail to meet the requirements for standard pack.

STANDARD SIZING AND FILL

§ 51.1095 *Standard sizing and fill.* (a) Boxes or cartons in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing and fill: *Provided,* That the oranges in the containers are fairly uniform in size as defined in § 51.1094: *And provided further,* That the contents have been properly shaken down and the container is at least level full at time of packing. Oranges packed for 252 box pack count or 126 half-box pack count, or larger sizes, which are generally elongated in shape need not meet the applicable size requirements when containers are well filled.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing and fill.

STANDARDS FOR EXPORT

§ 51.1096 *Standards for export.* (a) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protruding navels, or by dryness or mushy condition, except that:

(1) Not more than one-half of 1 percent shall be allowed for oranges affected by decay;

(2) Not more than 3 percent shall have broken skins which are not healed;

(3) Not more than 3 percent shall have growth cracks;

(4) Not more than 5 percent shall be soft;

(5) Not more than 5 percent shall be damaged by creasing;

(6) Not more than 5 percent shall be seriously damaged by split or protruding navels;

(7) Not more than 5 percent shall be seriously damaged by dryness or mushy condition; and,

(8) Not more than 5 percent shall be damaged by skin breakdown.

(b) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

DEFINITIONS

§ 51.1097 *Similar varietal characteristics.* "Similar varietal characteristics" means that the oranges in any container are similar in color and type.

§ 51.1098 *Well colored.* "Well colored" means that the fruit is at least light orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit shows green color.

§ 51.1099 *Firm.* "Firm" means that the fruit does not yield more than slightly to moderate pressure.

§ 51.1100 *Well formed.* "Well formed" means that the fruit shows the normal shape characteristic of the variety.

§ 51.1101 *Smooth texture.* "Smooth texture" means that the skin is of fairly fine grain for the variety, the "pebbling" is not pronounced, and any furrows radiating from the stem end are shallow.

§ 51.1102 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Split, rough, wide, or protruding navels when a split is unhealed or is more than one-eighth inch in length; or when the navel protrudes beyond the general contour of the fruit; or when flush with the contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded and ridged that it detracts noticeably from the appearance of the fruit;

(b) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface;

(c) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and which have an aggregate area exceeding that of a circle one-eighth inch in diameter;

(2) Scars which are dark, rough or deep and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(3) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle one-half inch in diameter; and,

(4) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 5 percent of the fruit surface;

(d) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 2½ percent of the fruit surface, or which are green and more than 4 in number;

(e) Scale when medium or large and more than 5 are present; and,

(f) Sunburn which appreciably changes the normal color or shape of the fruit, or which affects more than 10 percent of the fruit surface.

§ 51.1103 *Fairly smooth texture.* "Fairly smooth texture" means that the skin does not feel noticeably rough or coarse for the variety. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as smaller fruit. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless the furrows or grooves are of sufficient depth, length, and number as to materially affect the appearance and smoothness of the orange.

§ 51.1104 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Split, rough, wide or protruding navels when there are more than three splits, or when any split is unhealed or is more than one-fourth inch in length; or navels which flare, bulge, or protrude materially beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth so folded and ridged that it detracts materially from the appearence of the fruit;

(c) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface;

(d) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type;

(1) Scars which are very dark, with slight depth, and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(2) Scars which are very dark, with no depth, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(3) Scars which are dark, and rough or deep, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(4) Scars which are dark, and slightly rough or with slight depth, and which have an aggregate area exceeding that of a circle three-fourths inch in diameter;

(5) Scars which are fairly light in color, slightly rough or with slight depth, and which have an aggregate area of more than 5 percent of the fruit surface; and,

(6) Scars which are light in color, fairly smooth, with no depth, and which have an aggregate area of more than 10 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 5 percent of the fruit surface, or which are green and more than 7 in number;

(f) Scale when medium or large and more than 3 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or when more than 7 scales are present in one of these areas: *Provided,* That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is damaged; and,

(g) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

§ 51.1105 *Fairly well colored.* "Fairly well colored" means that the yellow or orange color predominates on the fruit.

§ 51.1106 *Fairly firm.* "Fairly firm" means that the fruit may yield to moderate pressure but is not soft.

§ 51.1107 *Fairly well formed.* "Fairly well formed" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened, pointed, extremely elongated, or otherwise badly deformed.

§ 51.1108 *Slightly rough texture.* "Slightly rough texture" means that the skin is not decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall be considered as slightly rough.

§ 51.1109 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Split or protruding navels when any split is unhealed or is more than one-half inch in length, or when two or more splits aggregate more than 1 inch in length; or navels which protrude seriously beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth so badly folded and ridged that it detracts seriously from the appearance of the fruit;

(c) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface;

(d) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark, very rough or very deep, and which have an aggregate area of more than 5 percent of the fruit surface;

(2) Scars which are dark, rough or deep, and which have an aggregate area of more than 10 percent of the fruit surface;

(3) Scars which are fairly light in color, slightly rough or of slight depth, and which have an aggregate area of more than 15 percent of the fruit surface; and,

(4) Scars which are light in color, fairly smooth, with no depth, and which have an aggregate area of more than 25 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 10 percent of the fruit surface;

(f) Scale when medium or large and more than 9 scales are present in each of 3 circular areas 1 inch in diameter; selected as the worst infested areas, or if more than 19 scales are present in one of these areas: *Provided,* That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is seriously damaged;

(g) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface; and,

(h) Growth cracks which are leaking, gummy, or not well healed.

The United States Standards for Oranges (California and Arizona) contained in this subpart shall become effective 15 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Oranges (California and Arizona) which have been in effect since March 8, 1953 (§§ 51.1085 to 51.1112).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER because packing of California oranges will begin during the latter part of November and it is in the public interest that the standards be in effect as soon as possible; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

Dated: November 9, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-9375; Filed, Nov. 14, 1956; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 56-8698, published at page 8215 of the issue for October 26, 1956, the word "Administration", appearing in the first sentence of § 36.4323 (f), should read "Administrator".

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

SUBPART—1956 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1956 crop of types 42, 43, 44; 51, 52, 53, 54, and 55 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published June 6, 1956 (21 F. R. 3863).

Sec.
464.821 1956 crop; Ohio Filler Tobacco, Types 42, 43, and 44, advance schedule.
464.822 1956 crop; Connecticut Valley Broadleaf Tobacco, Type 51, advance schedule.

Sec.
464.823 1956 crop; Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.
464.824 1956 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, advance schedule.
464.825 1956 crop; Southern Wisconsin Tobacco, Type 54, advance schedule.
464.826 1956 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.

AUTHORITY: §§ 464.821 to 464.826 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 464.821 *1956 crop; Ohio Filler Tobacco, Types 42, 43, and 44, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Fillers (farm wrappers):	
C1MB	28
C1M	26
C2M	25
C3M	24
C4M	24
Crop-run (stripped together):	
X1	26
X2	25
X3	24
X4	22
X5	19
Farm fillers:	
Y1	19
Y2	18
Y3	15

§ 464.822 *1956 crop; Connecticut Valley Broadleaf Tobacco, Type 51, advance schedule.*[2]

UNSORTED

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	63
B2M	62
B3M	60
B4M	57
B5M	52
B6M	46
B7M	40

[1] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

[2] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower not more than the larger of $1.00 per hundred pounds or $10.00 per consignment to apply against receiving and overhead costs. The advance rate on any lot of tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate minus $5.00 or $9.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor symbol "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

UNSORTED—Continued

Grade	Advance rate
Binder pickers:	
R1	34
R2	29
R3	25
Nonbinders:	
X1	24
X2	22
X3	20
X1DAM	22
X2DAM	20
X3DAM	18

§ 464.823 *1956 crop; Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.*[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	60
B2M	58
B3M	55
B4M	52
B5M	48
B6M	43
B7M	38
Binder pickers:	
R1	33
R2	27
R3	25
Nonbinders:	
X1	24
X2	22
X3	20
X1DAM	22
X2DAM	20
X3DAM	18

§ 464.824 *1956 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, advance schedule.*[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	42
B2M	40
B3M	38
B4M	36
B5M	34
B6M	32
B7M	30
Binder pickers:	
R1	26
R2	25
R3	24
Strippers:	
C1	25
C2	24
C3	21
Crop-run:	
X1	24
X2	23
X3	20
X4	17
X5	16
Farm fillers:	
Y1	20
Y2	18
Y3	16

[3] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of the R, C, X, and Y grade groups to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. Tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate for the grade minus $4.00 and $6.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

§ 464.826 *1956 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.*[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	59
B2M	55
B3M	51
B4M	47
B5M	43
B6M	39
B7M	34
Binder pickers:	
R1	29
R2	26
R3	26
Strippers:	
C1	25
C2	24
C3	22
Crop-run:	
X1	24
X2	23
X3	22
X4	18
X5	16
Farm fillers:	
Y1	20
Y2	19
Y3	16

§ 464.825 *1956 crop; Southern Wisconsin Tobacco, Type 54, advance schedule.*[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	48
B2M	44
B3M	40
B4M	37
B5M	34
B6M	32
B7M	30
Binder pickers:	
R1	27
R2	26
R3	26
Strippers:	
C1	26
C2	25
C3	22
Crop-run:	
X1	25
X2	24
X3	23
X4	18
X5	16
Farm fillers:	
Y1	21
Y2	19
Y3	16

Issued this 9th day of November 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-9376; Filed, Nov. 14, 1956; 8:51 a. m.]

[3] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of the R, C, X, and Y grade groups to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. Tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate for the grade minus $4.00 and $6.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

REVISION OF PART

Because of the number of outstanding amendments to Part 33, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on November 1, 1956. Attention is called also to the following minor changes which have been made:

(1) Definitions of the terms "Administrator" and "Approved" have been added to § 33.2 and all definitions have been arranged alphabetically, without paragraph designations. Also, a minor editorial change has been made in the definition of "Authorized representative of the Administrator" for the purpose of obtaining uniformity in language with more recently revised parts of the Civil Air Regulations.

(2) All footnotes have been changed to notes and follow the sections to which they apply.

(3) Section 33.8 *Exchange of certificates* has been deleted since it is no longer applicable.

(4) Section 33.9 *Display* has been changed to § 33.42. Other section numbers have been rearranged to conform with more recently revised parts of the Civil Air Regulations.

(5) The identification card requirement contained in present § 33.46 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it has been deleted from this revision.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 33 of the Civil Air Regulations (14 CFR Part 33, as amended) as set forth below, effective on November 1, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPLICABILITY AND DEFINITIONS

Sec.
33.1 Applicability of this part.
33.2 Definitions.

CERTIFICATION RULES

33.5 Application for certificate.
33.6 Issuance.
33.7 Duration.
33.8 Change of address.

GENERAL CERTIFICATE REQUIREMENTS

33.21 Citizenship.
33.22 Age.
33.23 Education.
33.24 Examinations and tests.
33.25 Re-examination after failure.
33.26 Substantiation of experience.
33.27 Physical standards.

QUALIFICATIONS FOR A CERTIFICATE

33.31 Experience.
33.32 Knowledge.
33.33 Skill.

OPERATING RULES

33.41 Certificate required.
33.42 Display.
33.43 Medical certificate.
33.44 Operation during physical deficiency.
33.45 Grace period for periodic tests and other qualification procedures.
33.46 Recent experience.

AUTHORITY: §§ 33.1 to 33.46 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552.

APPLICABILITY AND DEFINITIONS

§ 33.1 *Applicability of this part.* This part establishes certification and general operating rules for flight radio operators.

§ 33.2 *Definitions.* As used in this part, terms are defined as follows:

Administrator. The Administrator is the Administrator of Civil Aeronautics.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Flight radio operator. A flight radio operator is an individual whose primary assigned duty during flight over any route or route segment is to communicate by radio with other stations.

CERTIFICATION RULES

§ 33.5 *Application for certificate.* An application for a certificate shall be made on a form and in a manner prescribed by the Administrator.

NOTE: Since a flight radio operator, as a prerequisite to obtaining a certificate under the provisions of this part, is required to hold a radiotelegraph operator license of second class, or higher, complying with the international requirements, an applicant for a flight radio operator certificate who is a United States citizen should apply for the FCC license at an appropriate field office of the FCC and accomplish the written examination required for the issuance of such license prior to making application to the Administrator for the issuance of a flight radio operator certificate. Applicants who are not United States citizens should make application at any CAA international field office or United States district office located near international airports used by foreign flag air carriers.

§ 33.6 *Issuance.* (a) A flight radio operator certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) Pending a review of the applicant's application and supplementary documents and the issuance of a certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue a temporary flight radio operator certificate to an applicant who meets the requirements of this part.

§ 33.7 *Duration.* (a) A flight radio operator certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) A temporary flight radio operator certificate shall remain in effect for a period no longer than 3 months after the date of issuance.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the Act or of the Civil Air Regulations occurring during the effective period of the certificate.

§ 33.8 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated flight radio operator, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 33.21 *Citizenship.* An applicant for a flight radio operator certificate may be a citizen of any country or a person without nationality.

§ 33.22 *Age.* An applicant shall be at least 18 years of age.

§ 33.23 *Education.* An applicant shall be able to read, write, and understand the English language and speak the same without any accent or impediment of speech that would interfere with two-way radio conversation.

§ 33.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70 percent. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 33.25 *Re-examination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for re-examination within a 30-day period unless he presents a signed statement by a person authorized by the Administrator to give

Inquiries concerning the lands shall be

(doubtful keeping order), U (unsound), or N (nondescript).

"Damp" will be supported at the advance rate for the grade minus $4.00 and $6.00, (nondescript).

33.8	Change of address.

the requirements of this part.

authorized by the Administrator to give

instruction in the subject or subjects in which re-examination is desired that the applicant has received an additional 5 hours of instruction in the subject or subjects failed and is considered competent to pass the examination or test.

NOTE: The regulations of the FCC regarding the issuance of radiotelegraph operator licenses provide that an applicant for such a license who has failed the prescribed written examination for the issuance of such license is ineligible for 2 months to retake such examination.

§ 33.26 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications for a flight radio operator certificate.

§ 33.27 *Physical standards.* An applicant shall present evidence that he has, within the 12 months immediately preceding the date of application, met the physical standards of the third class prescribed in Part 29 of this chapter: *Provided,* That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, as would not require the ability to distinguish such aviation signal colors.

QUALIFICATIONS FOR A CERTIFICATE

§ 33.31 *Experience.* An applicant shall hold a radiotelegraph operator license of second class, or higher, complying with the requirements specified in the general radio regulations annexed to the International Telecommunications Convention; and

(a) Shall have had at least 12 months of satisfactory experience as a radio operator in aircraft, maritime, or ground stations, commercial or military, including at least 4 months of experience as a radiotelegraph operator; and shall have had at least 50 hours of experience in the operation of aircraft radio during flight; or

(b) Within 90 days immediately preceding application shall have completed successfully a course of instruction which the Administrator approves as adequate for the training of a flight radio operator.

NOTE: To operate a radio station on an aircraft of United States registry with a radio station licensed by the FCC, an individual must hold, in addition to his airman certificate, the appropriate radio operator license issued by the FCC.

§ 33.32 *Knowledge.* (a) An applicant shall satisfactorily accomplish a written examination on the following subjects:

(1) The provisions of the Civil Air Regulations applicable to the duties of a flight radio operator;

(2) Aircraft radio equipment, domestic and foreign;

(3) Radio navigation of aircraft; and

(4) Aircraft radio operating procedures, domestic and foreign.

NOTE: The subjects included under the knowledge requirements are those subjects on which an applicant will be required to accomplish satisfactorily a written examination. These subjects are over and above the minimum requirements for the issuance of a radiotelegraph operator license of second class as set forth by the International Telecommunications Convention. The FCC issues a license to radiotelegraph operators of second class or higher for specified service in aircraft which includes examinations adequately covering the above-mentioned subjects. Therefore, an applicant who submits satisfactory documentary evidence to the Administrator that he has successfully accomplished the FCC written examination for a radiotelegraph operator license for aircraft operation will not be required to take the written examination prescribed herein.

§ 33.33 *Skill.* An applicant shall:

(a) Satisfactorily accomplish a practical examination on the inspection, adjustment, and routine repair of aircraft radio communications (telegraphy and telephony) and radio navigational equipment;

(b) Satisfactorily accomplish a practical flight examination on the operation of aircraft radio communications (telegraphy and telephony) and radio navigation; and

(c) Demonstrate his ability to send and receive international Morse code at a speed of 20 words per minute code groups, and 25 words per minute plain language.

NOTE: This speed requirement in sending and receiving international Morse code is higher than the minimum International Telecommunications Convention requirements for a radiotelegraph operator license of second class. An applicant who holds a second class radiotelegraph operator license will be required to demonstrate his ability to meet this speed requirement or furnish satisfactory evidence that he does meet this requirement.

Satisfactory evidence that an applicant meets the speed requirement shall be the possession of a radiotelegraph operator license, first class, issued under the minimum standards as prescribed by the International Telecommunications Convention.

Since the FCC requires an applicant for a radiotelegraph operator license of second class for aircraft operation to meet this speed requirement, such license will be acceptable to the Administrator in lieu of a practical demonstration of his code ability.

OPERATING RULES

§ 33.41 *Certificate required.* No individual shall serve as a flight radio operator in air commerce on an aircraft of United States registry without, or in violation of the terms of, a certificate issued in accordance with the provisions of this part. He shall have his certificate in his personal possession when performing his duties.

§ 33.42 *Display.* A flight radio operator shall, upon request, present his airman and medical certificates for examination by any authorized representative of the Civil Aeronautics Board or the Administrator, or any State or local law enforcement officer.

§ 33.43 *Medical certificate.* No individual shall exercise the privileges accorded by a flight radio operator certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate thereto within the preceding 12 months.

§ 33.44 *Operation during physical deficiency.* No individual shall exercise the privileges accorded by a flight radio operator certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

§ 33.45 *Grace period for periodic tests and other qualification procedures.* Whenever this part requires an examination, test, or other qualifying procedure at stated intervals, a grace period of 15 days shall be allowed: *Provided,* That the effective date of the examination, test, or other qualifying procedure, if met within the grace period, shall be the same as it would have been if met on the day immediately preceding the beginning of such grace period.

§ 33.46 *Recent experience.* No individual shall perform, or be assigned to perform, the duties of a flight radio operator:

(a) Unless within the preceding 12 months he has had at least 50 hours of satisfactory experience as a flight radio operator, or

(b) Until an authorized representative of the Administrator has checked the individual and has determined that he is familiar with all current radio information pertaining to the routes to be flown and competent with respect to the operating procedures and radio equipment to be used.

[F. R. Doc. 56-9378; Filed, Nov. 14, 1956; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1360]

[Misc. 752231]

[DA-445-Oregon]

OREGON

POWER SITE RESTORATION NO. 503; POWER SITE CANCELLATION NO. 112 PARTIALLY REVOKING THE EXECUTIVE ORDERS OF DECEMBER 12, 1917, WHICH CREATED POWER SITE RESERVES NO. 659 AND NO. 662; PARTIALLY REVOKING THE DEPARTMENTAL ORDER OF DECEMBER 12, 1917, WHICH CLASSIFIED LANDS AS WATER POWER DESIGNATION NO. 14

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and sections 2 and 3 of the act of June 9, 1916 (39 Stat. 218), it is ordered as follows:

1. The Executive orders of December 12, 1917, creating Power Site Reserves No. 659 and No. 662, and the Departmental order of December 12, 1917, classifying certain lands as Water Power Designation No. 14 of December 12, 1917, all as construed by Department of the Interior Interpretation No. 20 of May 10, 1922, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

POWER SITE RESERVE NO. 659

Affected by Power Site Restoration No. 503

T. 26 S., R. 8 W.,
Sec. 5, SW¼;
Sec. 7, lots 1, 2, 3, 4, NE¼, and E½NW¼;
Sec. 17, NE¼ and E½SE¼;
Sec. 21, N½.
T. 27 S., R. 9 W.,
Sec. 7, lots 3, 4, 5, 6, 7, 8, 9, and 10.

The areas described aggregate 265.55 acres of Oregon and California Railroad Grant lands and 1,163.36 acres of nonpublic lands.

WILLAMETTE MERIDIAN

POWER SITE RESERVE NO. 662

Affected by Power Site Restoration No. 503

T. 26 S., R. 8 W.,
Sec. 20, E½NE¼.
T. 27 S., R. 8 W.,
Sec. 4, lots 1, 2, SW¼NE¼, SE¼NW¼, N½ SW¼, and SW¼SW¼.
T. 24 S., R. 11 W.,
Sec. 16, E½SW¼.
Sec. 30, lot 1.

The areas described aggregate approximately 500.36 acres.

WATER POWER DESIGNATION NO. 14

Affected by Power Site Cancellation No. 112

T. 26 S., R. 8 W.,
Sec. 5, SW¼;
Sec. 7, lots 1, 2, 3, 4, NE¼, and E½NW¼;
Sec. 17, NE¼, E½SE¼;
Sec. 21, N½.
T. 27 S., R. 9 W.,
Sec. 7, lots 3, 4, 5, 6, 7, 8, 9, and 10.

The areas described aggregate 265.55 acres of Oregon and California Railroad Grant lands and 1,163.36 acres of nonpublic lands.

2. Portions of the lands are patented. The odd numbered sections in the townships listed are revested Oregon and California Railroad Grant lands and shall not be subject to disposition of any kind prior to 10:00 a. m., on the 91st day after the date of publication of this order. At that time they shall become subject to such disposition as may by law be made of the revested Oregon and California Railroad Grant lands.

3. The lands described under Power Site Reserve No. 662 aggregating 500.36 acres are restored to disposition under the public-land laws by this order. They are located in Douglas and Coos Counties, Oregon. The terrain is steep, rugged, and broken. The West Fork of Coos River, Panther Creek, and tributaries of Cedar Creek cut through the area. Vegetation consists mostly of Douglas Fir. It is probable that the lands will be classified as timber lands, suitable for timber management or disposal by exchange in furtherance of the Federal forestry program in the area.

4. The revested and public lands released from withdrawal by this order shall be subject until 10:00 a. m. on the 91st day after publication of this order, to application by the State of Oregon, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to sec. 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

5. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 14, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 14, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraph 6 (1) and (2) above, presented prior to 10:00 a. m. on March 14, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to location under the U. S. mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U. S. C. 621), the act of April 8, 1948 (62 Stat. 162), and to applications and offers under the mineral-leasing laws.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

NOVEMBER 8, 1956.

[F. R. Doc. 56-9340; Filed, Nov. 14, 1956; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg: 108.304]

PART 75—UNITED STATES MUNITIONS LIST; ENUMERATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR, INCLUDING TECHNICAL DATA RELATING THERETO; AND REGULATIONS GOVERNING SAME

PART 76—EXPORTATION OF HELIUM GAS

PART 78—EXPORTATION OF COMMODITIES INVOLVING MILITARY SECRETS

MISCELLANEOUS AMENDMENTS

The regulations of the Secretary of State issued August 26, 1955, as amended May 15, 1956, are further amended as follows:

1. Section 75.23 is amended to read:

§ 75.23 *Persons required to register.* Persons engaged in the business, within the United States, its territories or possessions, of manufacturing or exporting or importing articles enumerated in the United States Munitions List are required to register with the Secretary of State.

2. Section 75.47 is amended to read:

§ 75.47 *Country of ultimate destination.* (a) The country designated on an application for license to export as the country of ultimate destination must be the country wherein the articles being exported are to be used or consumed, not a country receiving the shipment in transit. If it is the intention of the exporter that the articles being exported and consigned to one country are to be transshipped to another country or are to pass through the hands of an intermediate consignee in a foreign country, this fact must be clearly indicated on the license application, and the Secretary of State must be informed prior to shipment of all the relevant facts pertaining to such transshipment.

(b) United States Munitions List articles which have been exported from the United States may not be sold, diverted, transferred, transshipped, reshipped or re-exported to, or used in, any of the following countries without the specific prior approval of the Department of State or its authorized agent: Soviet Union, Soviet bloc countries; Communist China, North Korea, and that part of Viet-Nam which lies north of the 17th parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control.

3. Paragraph (a) of § 75.74 is amended to read:

(a) Collectors of customs may permit aircraft flown or shipped from the United

tion. These subjects are over and above the minimum requirements for the issuance

§ 33.44 *Operation during physical deficiency.* No individual shall exercise

they affect the following-described lands:

States for a temporary sojourn abroad of not to exceed six months' duration to depart from the United States without requiring the presentation of an export license issued by the Secretary of State, provided the collector of customs at the port of exit is satisfied that the conditions set forth in paragraph (b) of this section have been met. The provisions of this section are not applicable to military combat aircraft, such as fighters or bombers, whether or not they are equipped with armament.

4. The following subject heading and new sections are added immediately preceding the sections dealing with technical data:

SPECIAL LICENSING AGREEMENTS

§ 75.100 *Manufacturing license agreements.* Agreements entered into between U. S. and foreign manufacturers or agents for the manufacture abroad of articles designated as arms, ammunition, and implements of war by the United States Munitions List do not constitute authorization for the exportation without a license of technical data relating to such articles unless the Department of State has indicated in writing that it has no objection to the agreement. (See, however, § 75.125.) In order to be eligible for any special exemptions provided by the regulations with respect to such agreements, persons or firms desiring to enter into agreements of this kind are advised to communicate with the Secretary of State at the inception of preliminary negotiations. In any case, negotiations should not be concluded until the matter has been reviewed by the Department of State.

§ 75.101 *Technical service and assistance agreements.* Agreements entered into between persons or companies resident in the United States and persons or companies resident abroad for the servicing abroad of equipment manufactured in the United States or for the furnishing of technical assistance relating to articles designated as arms, ammunition, and implements of war or for the sale of such articles do not constitute authorization for the exportation without a license of technical data relating thereto unless the Department has indicated in writing that it has no objection. (See, however, § 75.125.) In order to take full advantage of any special provisions set forth in the regulations with respect to such agreements, persons or firms desiring to enter into agreements of this kind are advised to communicate with the Secretary of State at the inception of preliminary negotiations, and negotiations should not be concluded until the matter has been reviewed by the Department of State.

§ 75.102 *Transmission of technical information.* The export controls established under the provisions of section 414 of the Mutual Security Act of 1954 relating to technical data cover the exportation of technical information on articles designated as arms, ammunition, and implements of war in the United States Munitions List, regardless of whether the actual transmission of such information is accomplished by mail, through American technical personnel sent abroad or through persons of foreign nationality visiting the United States.

5. The regulations regarding the exportation of commodities involving military secrets (Part 78) and the regulations regarding the exportation of helium gas (Part 76) are hereby revoked.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934. Sec. 103, E. O. 10575, 19 F. R. 7251; 3 CFR, 1954 Supp.)

Dated: November 5, 1956.

For the Secretary of State.

SCOTT MCLEOD,
Administrator, Bureau of Security and Consular Affairs.

[F. R. Doc. 56-9359; Filed, Nov. 14, 1956; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6212; Regs. 66]

PART 305—TAX ON PLAYING CARDS

AFFIXING OF STAMPS IN A FOREIGN COUNTRY

Article 19 of Regulations 66 (1933 edition) (26 CFR (1939) 305.19), as amended by Treasury Decision 6123, approved February 1, 1955, and as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, approved August 16, 1954, is amended to read as follows:

§ 305.19 *Imported playing cards*—(a) *Liability to tax.* Except as set forth in the Customs Regulations (19 CFR 8.3 and 9.6), relating to certain importations on and after September 7, 1953, of articles not exceeding $10 in value, playing cards imported from foreign countries on and after October 1, 1941, must be tax-paid at the rate of 13 cents per pack of not more than 54 cards. Such tax is in addition to any import duty and must be paid by affixing the required stamps prior to release of the cards from customs custody.

(b) *Purchase of stamps.* The owner or consignee of imported playing cards shall purchase stamps for the payment of the tax on such cards from the district director for the district in which is located the office of the collector of customs where the customs entry is filed. Except as provided in paragraph (d) of this section (with respect to the purchase of stamps for affixing to packages in foreign countries), Form 923, certified by the customs officer having custody of such cards, shall be used in ordering such stamps. Each order form shall be accompanied by remittance in the proper amount. A copy of each such order form which has been marked paid by the district director shall be retained by the owner or consignee for three years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request. (See § 305.10, (Article 10 (26 CFR (1939) 305.10)) for details other than the form to be used in making the order.)

(c) *Stamping and canceling stamps.* Except as provided in paragraph (d) of this section, internal revenue stamps shall be affixed by the owner or consignee of imported playing cards while they are in the custody of the proper customs officer, and such cards shall not pass out of the custody of such officer until the requisite stamps are affixed and canceled. The method of affixing stamps to domestic playing cards prescribed in § 305.11, (Article 11 (26 CFR (1939) 305.11)) is hereby made applicable to imported playing cards. Each stamp so affixed must be canceled by writing or printing in ink across the face of the stamp the initials of the owner or consignee and the date on which the stamp was affixed.

(d) *Affixing stamps in foreign countries.* Stamps in payment of the tax on imported playing cards may be affixed to such cards in the foreign country in which manufactured, provided the laws of such foreign country grant a like privilege in respect of playing cards manufactured in the United States and exported to such country. An importer desiring to have the stamps in payment of the tax on imported playing cards affixed to these cards in such foreign country shall file with any district director an order for the necessary stamps. No particular form for such order is prescribed, but the order shall show (1) the name and address of the person by whom such playing cards are to be imported, (2) the name of the foreign country, (3) the quantity of playing cards to be imported, and (4) the number and value of the stamps, and the total value of all of the stamps. Each order shall be accompanied by remittance in the proper amount. A copy of each such order form which has been marked paid by the district director shall be retained by the owner or consignee for three years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request. The method of affixing and canceling of stamps prescribed in §§ 305.11 and 305.12 (Articles 11 and 12 (26 CFR (1939) 305.11 and 305.12)) is hereby made applicable to stamps affixed and canceled in foreign countries.

Because this Treasury decision liberalizes the provisions of existing regulations pertaining to the affixing of internal revenue stamps to imported playing cards, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

This Treasury decision shall become effective as of the date of its publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 9, 1956.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9360; Filed, Nov. 14, 1956; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6211]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ANNUITIES, CERTAIN PROCEEDS OF ENDOWMENT AND LIFE INSURANCE CONTRACTS, AND ACTUARIAL TABLES

On Thursday, January 19, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 72, 1021, and 1035 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 375). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted and shall supercede those promulgated in paragraph (1) of Treasury Decision 6118, approved December 30, 1954 (26 CFR Temp. Rule 1), relating to annuities, certain proceeds of endowment and life insurance contracts, and actuarial tables:

Sec.
1.72 Statutory provisions; annuities; certain proceeds of endowment and life insurance contracts.
1.72-1 Introduction.
1.72-2 Applicability of section.
1.72-3 Excludable amounts not income.
1.72-4 Exclusion ratio.
1.72-5 Expected return.
1.72-6 Investment in the contract.
1.72-7 Adjustment in investment where a contract contains a refund feature.
1.72-8 Effect of certain employer contributions with respect to premiums or other consideration paid or contributed by an employee.
1.72-9 Tables.
1.72-10 Effect of transfer of contracts on investment in the contract.
1.72-11 Amounts not received as annuities.
1.72-12 Effect of taking an annuity in lieu of a lump sum upon the maturity of a contract.
1.72-13 Special rule for employee contributions recoverable in three years.
1.72-14 Exceptions from application of principles of section 72.
1.1021 Statutory provisions; sale of annuities.
1.1021-1 Sale of annuities.
1.1035 Statutory provisions; certain exchanges of insurance policies.
1.1035-1 Certain exchanges of insurance policies.

AUTHORITY: §§ 1.72 to 1.1035-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.72 *Statutory provisions; annuities; certain proceeds of endowment and life insurance contracts.*

SEC. 72. *Annuities; certain proceeds of endowment and life insurance contracts*—(a) *General rule for annuities.* Except as otherwise provided in this chapter, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

(b) *Exclusion ratio.* Gross income does not include that part of any amount received as an annuity under an annuity, endowment, or life insurance contract which bears the same ratio to such amount as the investment in the contract (as of the annuity starting date) bears to the expected return under the contract (as of such date). This subsection shall not apply to any amount to which subsection (d) (1) (relating to certain employee annuities) applies.

(c) *Definitions*—(1) *Investment in the contract.* For purposes of subsection (b), the investment in the contract as of the annuity starting date is—

(A) The aggregate amount of premiums or other consideration paid for the contract, minus

(B) The aggregate amount received under the contract before such date, to the extent that such amount was excludable from gross income under this subtitle or prior income tax laws.

(2) *Adjustment in investment where there is refund feature.* If—

(A) The expected return under the contract depends in whole or in part on the life expectancy of one or more individuals;

(B) The contract provides for payments to be made to a beneficiary (or to the estate of an annuitant) on or after the death of the annuitant or annuitants; and

(C) Such payments are in the nature of a refund of the consideration paid,

then the value (computed without discount for interest) of such payments on the annuity starting date shall be subtracted from the amount determined under paragraph (1). Such value shall be computed in accordance with actuarial tables prescribed by the Secretary or his delegate. For purposes of this paragraph and of subsection (e) (2) (A), the term "refund of the consideration paid" includes amounts payable after the death of an annuitant by reason of a provision in the contract for a life annuity with minimum period of payments certain, but (if part of the consideration was contributed by an employer) does not include that part of any payment to a beneficiary (or to the estate of the annuitant) which is not attributable to the consideration paid by the employee for the contract as determined under paragraph (1) (A).

(3) *Expected return.* For purposes of subsection (b), the expected return under the contract shall be determined as follows:

(A) *Life expectancy.* If the expected return under the contract, for the period on and after the annuity starting date, depends in whole or in part on the life expectancy of one or more individuals, the expected return shall be computed with reference to actuarial tables prescribed by the Secretary or his delegate.

(B) *Installment payments.* If subparagraph (A) does not apply, the expected return is the aggregate of the amounts receivable under the contract as an annuity.

(4) *Annuity starting date.* For purposes of this section, the annuity starting date in the case of any contract is the first day of the first period for which an amount is received as an annuity under the contract; except that if such date was before January 1, 1954, then the annuity starting date is January 1, 1954.

(d) *Employees' annuities*—(1) *Employee's contributions recoverable in 3 years.* Where—

(A) Part of the consideration for an annuity, endowment, or life insurance contract is contributed by the employer, and

(B) During the 3-year period beginning on the date (whether or not before January 1, 1954) on which an amount is first received under the contract as an annuity, the aggregate amount receivable by the employee under the terms of the contract is equal to or greater than the consideration for the contract contributed by the employee,

then all amounts received as an annuity under the contract shall be excluded from gross income until there has been so excluded (under this paragraph and prior income tax laws) an amount equal to the consideration for the contract contributed by the employee. Thereafter all amounts so received under the contract shall be included in gross income.

(2) *Special rules for application of paragraph (1).* For purposes of paragraph (1), if the employee died before any amount was received as an annuity under the contract, the words "receivable by the employee" shall be read as "receivable by a beneficiary of the employee".

(3) *Cross reference.* For certain rules for determining whether amounts contributed by employer are includible in the gross income of the employee, see part I of subchapter D (sec. 401 and following, relating to pension, profit-sharing, and stock bonus plans, etc.).

(e) *Amounts not received as annuities*—(1) *General rule.* If any amount is received under an annuity, endowment, or life insurance contract, if such amount is not received as an annuity, and if no other provision of this subtitle applies, then such amount—

(A) If received on or after the annuity starting date, shall be included in gross income; or

(B) If subparagraph (A) does not apply, shall be included in gross income, but only to the extent that it (when added to amounts previously received under the contract which were excludable from gross income under this subtitle or prior income tax laws) exceeds the aggregate premiums or other consideration paid.

For purposes of this section, any amount received which is in the nature of a dividend or similar distribution shall be treated as an amount not received as an annuity.

(2) *Special rules for application of paragraph (1).* For purposes of paragraph (1), the following shall be treated as amounts not received as an annuity:

(A) Any amount received, whether in a single sum or otherwise, under a contract in full discharge of the obligation under the contract which is in the nature of a refund of the consideration paid for the contract; and

(B) Any amount received under a contract on its surrender, redemption, or maturity.

In the case of any amount to which the preceding sentence applies, the rule of paragraph (1) (B) shall apply (and the rule of paragraph (1) (A) shall not apply).

(3) *Limit on tax attributable to receipt of lump sum.* If a lump sum is received under an annuity, endowment, or life insurance contract, and the part which is includible in gross income is determined under paragraph (1), then the tax attributable to the inclusion of such part in gross income for the taxable year shall not be greater than the aggregate of the taxes attributable to such part had it been included in the gross income of the taxpayer ratably over the taxable year in which received and the preceding 2 taxable years.

(f) *Special rules for computing employees' contributions.* In computing, for purposes of subsection (c) (1) (A), the aggregate amount of premiums or other consideration paid for the contract, for purposes of subsection (d) (1), the consideration for the contract contributed by the employee, and for purposes of subsection (e) (1) (B), the aggregate premiums or other consideration paid, amounts contributed by the employer shall be included, but only to the extent that—

(1) Such amounts were includible in the gross income of the employee under this subtitle or prior income tax laws; or

(2) If such amounts had been paid directly to the employee at the time they were contributed, they would not have been includible in the gross income of the employee

is accomplished by mail, through American technical personnel sent abroad or other than the form to be used in making the order.)

[F. R. Doc. 56-9049; Filed, Nov. 14, 1956; 8:49 a. m.]

under the law applicable at the time of such contribution.

(g) *Rules for transferee where transfer was for value.* Where any contract (or any interest therein) is transferred (by assignment or otherwise) for a valuable consideration, to the extent that the contract (or interest therein) does not, in the hands of the transferee, have a basis which is determined by reference to the basis in the hands of the transferor, then—

(1) For purposes of this section, only the actual value of such consideration, plus the amount of the premiums and other consideration paid by the transferee after the transfer, shall be taken into account in computing the aggregate amount of the premiums or other consideration paid for the contract;

(2) For purposes of subsection (c) (1) (B), there shall be taken into account only the aggregate amount received under the contract by the transferee before the annuity starting date, to the extent that such amount was excludable from gross income under this subtitle or prior income tax laws; and

(3) The annuity starting date is January 1, 1954, or the first day of the first period for which the transferee received an amount under the contract as an annuity, whichever is the later.

For purposes of this subsection, the term "transferee" includes a beneficiary of, or the estate of, the transferee.

(h) *Option to receive annuity in lieu of lump sum.* If—

(1) A contract provides for payment of a lump sum in full discharge of an obligation under the contract, subject to an option to receive an annuity in lieu of such lump sum;

(2) The option is exercised within 60 days after the day on which such lump sum first became payable; and

(3) Part or all of such lump sum would (but for this subsection) be includible in gross income by reason of subsection (e) (1),

then, for purposes of this subtitle, no part of such lump sum shall be considered as includible in gross income at the time such lump sum first became payable.

(i) *Joint and survivor annuities where first annuitant died in 1951, 1952, or 1953.* Where an annuitant died after December 31, 1950, and before January 1, 1954, and the basis of a surviving annuitant's interest in the joint and survivor annuity contract was determinable under section 113 (a) (5) of the Internal Revenue Code of 1939, then—

(1) Subsection (d) shall not apply with respect to such contract;

(2) For purposes of this section, the aggregate amount of premiums or other consideration paid for the contract is the basis of the contract determined under such section 113 (a) (5);

(3) For purposes of subsection (c) (1) (B), there shall be taken into account only the aggregate amount received by the surviving annuitant under the contract before the annuity starting date, to the extent that such amount was excludable from gross income under this subtitle or prior income tax laws; and

(4) The annuity starting date is January 1, 1954, or the first day of the first period for which the surviving annuitant received an amount under the contract as an annuity, whichever is the later.

(j) *Interest.* Notwithstanding any other provision of this section, if any amount is held under an agreement to pay interest thereon, the interest payments shall be included in gross income.

(k) *Payments in discharge of alimony—*(1) *In general.* This section shall not apply to so much of any payment under an annuity, endowment, or life insurance contract (or any interest therein) as is includible in the gross income of the wife under section 71 or section 682 (relating to income of an estate or trust in case of divorce, etc.).

(2) *Cross reference.* For definition of "wife", see section 7701 (a) (17).

(l) *Face-amount certificates.* For purposes of this section, the term "endowment contract" includes a face-amount certificate, as defined in section 2 (a) (15) of the Investment Company Act of 1940 (15 U. S. C., sec. 80a-2), issued after December 31, 1954.

(m) *Cross reference.* For limitation on adjustments to basis of annuity contracts sold, see section 1021.

§ 1.72–1 *Introduction—*(a) *General principle.* Section 72 prescribes rules relating to the inclusion in gross income of amounts received under a life insurance, endowment, or annuity contract unless such amounts are specifically excluded from gross income under other provisions of chapter 1 of the Internal Revenue Code. In general, these rules provide that amounts subject to the provisions of section 72 are includible in the gross income of the recipient except to the extent that they are considered to represent a reduction or return of premiums or other consideration paid.

(b) *Amounts to be considered as a return of premiums.* For the purpose of determining the extent to which amounts received represent a reduction or return of premiums or other consideration paid, the provisions of section 72 distinguish between "amounts received as an annuity" and "amounts not received as an annuity". In general, "amounts received as an annuity" are amounts which are payable at regular intervals over a period of more than one full year from the date on which they are deemed to begin, provided the total of the amounts so payable or the period for which they are to be paid can be determined as of that date. See § 1.72–2 (b) (2) and (3). Any other amounts to which the provisions of section 72 apply are considered to be "amounts not received as an annuity". See § 1.72–11.

(c) *"Amounts received as an annuity."* (1) In the case of "amounts received as an annuity" (other than certain employees' annuities described in section 72 (d) and in § 1.72–13), a proportionate part of each amount so received is considered to represent a return of premiums or other consideration paid. The proportionate part of each annuity payment which is thus excludable from gross income is determined by the ratio which the investment in the contract as of the date on which the annuity is deemed to begin bears to the expected return under the contract as of that date. See § 1.72–4.

(2) In the case of employees' annuities of the type described in section 72 (d), no amount received as an annuity in a taxable year to which the Internal Revenue Code of 1954 applies is includible in the gross income of a recipient until the aggregate of all amounts received thereunder and excluded from gross income under the applicable income tax law exceeds the consideration contributed (or deemed contributed) by the employee under § 1.72–8. Thereafter, all amounts so received are includible in the gross income of the recipient. See § 1.72–13.

(d) *Amounts not received as an annuity.* In the case of "amounts not received as an annuity", if such amounts are received after an annuity has begun and during its continuance, amounts so received are generally includible in the gross income of the recipient. Amounts not received as an annuity which are received at any other time are includible in the gross income of the recipient only to the extent that such amounts, when added to all amounts previously received under the contract which were excludable from the gross income of the recipient under the income tax law applicable at the time of receipt, exceed the premiums or other consideration paid. See § 1.72–11.

(e) *Classification of recipients.* For the purpose of the regulations under section 72, a recipient shall be considered an "annuitant" if he receives amounts under an annuity contract during the period that the annuity payments are to continue, whether for a term certain or during the continuing life or lives of the person or persons whose lives measure the duration of such annuity. However, a recipient shall be considered a "beneficiary" rather than an "annuitant" if the amounts he receives under a contract are received after the term of the annuity for a life or lives has expired and such amounts are paid by reason of the fact that the contract guarantees that payments of some minimum amount or for some minimum period shall be made. For special rules with respect to beneficiaries, see paragraphs (a) (1) (iii) and (c) of § 1.72–11.

§ 1.72–2 *Applicability of section—*(a) *Contracts.* (1) The contracts under which amounts paid will be subject to the provisions of section 72 include contracts which are considered to be life insurance, endowment, and annuity contracts in accordance with the customary practice of life insurance companies. For the purposes of section 72, however, it is immaterial whether such contracts are entered into with an insurance company. The term "endowment contract" also includes the "face-amount certificates" described in section 72 (1). In addition, sections 402 and 403 of the Code provide that certain employees' trust and plan distributions are subject to the provisions of section 72, except section 72 (e) (3). In such cases the regulations under section 72 shall be applied to all the distributions with respect to a particular employee under each such trust or plan as though such payments were provided under a single contract to which section 72 applied. As used hereafter in these regulations, therefore, the term "contract" shall be considered to include the entire interest of an employee in each trust or plan described in sections 402 and 403 to the extent that distributions thereunder are subject to the provisions of section 72.

(2) If two or more annuity obligations or elements to which section 72 applies are acquired for a single consideration, such as an obligation to pay an annuity to A for his life accompanied by an obligation to pay an annuity to B for his life, there being a single consideration paid for both obligations (whether paid by one or more persons in equal or different amounts, and whether paid in a single sum or otherwise), such annuity

elements shall be considered to comprise a single contract for the purpose of the application of section 72 and the regulations thereunder. For rules relating to the allocation of investment in the contract in the case of annuity elements payable to two or more persons, see § 1.72–6 (b).

(b) *Amounts.* (1) (i) In general, the amounts to which section 72 applies are any amounts received under the contracts described in paragraph (a) (1). However, if such amounts are specifically excluded from gross income under other provisions of chapter 1 of the Internal Revenue Code, section 72 shall not apply for the purpose of including such amounts in gross income. For example, section 72 does not apply to amounts received under a life insurance contract if such amounts are paid by reason of the death of the insured and are excludable from gross income under section 101 (a) of the Code. See also sections 101 (d), relating to proceeds of life insurance paid at a date later than death, and 104 (a) (4), relating to compensation for injuries or sickness.

(ii) Section 72 does not exclude from gross income any amounts received under an agreement to hold an amount and pay interest thereon. See § 1.72–14 (a). However, section 72 does apply to amounts received by a surviving annuitant under a joint and survivor annuity contract since such amounts are not considered to be paid by reason of the death of an insured. For a special deduction for the estate tax attributable to the inclusion of the value of the interest of a surviving annuitant under a joint and survivor annuity contract in the estate of the deceased primary annuitant, see section 691 (d) and the regulations thereunder.

(2) Amounts subject to section 72 in accordance with subparagraph (1) are considered "amounts received as an annuity" only in the event that all of the following tests are met:

(i) They must be received on or after the "annuity starting date" as that term is defined in § 1.72–4 (b);

(ii) They must be payable in periodic installments at regular intervals (whether annually, semiannually, quarterly, monthly, weekly, or otherwise) over a period of more than one full year from the annuity starting date; and

(iii) Except as indicated in subparagraph (3), the total of the amounts payable must be determinable at the annuity starting date either directly from the terms of the contract or indirectly by the use of either mortality tables or compound interest computations, or both, in conjunction with such terms and in accordance with sound actuarial theory.

For the purpose of determining whether amounts subject to section 72 (d) and § 1.72–13 are "amounts received as an annuity", however, the provisions of subdivsion (i) shall be disregarded. In addition, the term "amounts received as an annuity" does not include amounts received to which the provisions of § 1.72–11 (b) or (c) apply, relating to dividends and certain amounts received by a beneficiary in the nature of a refund. If an amount is to be paid periodically until a fund plus interest at a fixed rate is exhausted, but further payments may be made thereafter because of earnings at a higher interest rate, the requirements of subdivison (iii) are met with respect to the payments determinable at the outset by means of computations involving the fixed interest rate, but any payments received after the expiration of the period determinable by such computations shall be taxable as dividends received after the annuity starting date in accordnace with § 1.72–11 (b) (2).

(3) (i) Notwithstanding the requirement of subdivsion (iii) of subparagraph (2), if amounts are to be received for a definite or determinable time (whether for a period certain or for a life or lives) under a contract which provides:

(*a*) That the amount of the periodic payments may vary in accordance with investment experience (as in certain profit-sharing plans), cost of living indices, or similar fluctuating criteria, or

(*b*) For specified payments the value of which may vary for income tax purposes, such as in the case of any annuity payable in foreign currency,

each such payment received shall be considered as an amount received as an annuity only to the extent that it does not exceed the amount computed by dividing the investment in the contract, as adjusted for any refund feature, by the number of periodic payments anticipated during the time that the periodic payments are to be made. If payments are to be made more frequently than annually, the amount so computed shall be multiplied by the number of periodic payments to be made during the taxable year for the purpose of determining the total amount which may be considered received as an annuity during such year. To this extent, the payments received shall be considered to represent a return of premium or other consideration paid and shall be excludable from gross income in the taxable year in which received. See § 1.72–4 (d) (2), and (3). To the extent that the payments received under the contract during the taxable year exceed the total amount thus considered to be received as an annuity during such year, they shall be considered to be amounts not received as an annuity and shall be included in the gross income of the recipient. See section 72 (e) and § 1.72–11 (b) (2).

(ii) For purposes of subdivision (i), the number of periodic payments anticipated during the time payments are to be made shall be determined by multiplying the number of payments to be made each year (*a*) by the number of years payments are to be made, or (*b*) if payments are to be made for a life or lives, by the multiple found by the use of the appropriate tables contained in § 1.72–9, as adjusted in accordance with the table in § 1.72–5 (a) (2).

(iii) For an example of the computation to be made in accordance with this subparagraph and a special election which may be made in a taxable year subsequent to a taxable year in which the total payments received under a contract described in this subparagraph are less than the total of the amounts excludable from gross income in such year under subdivision (i), see § 1.72–4 (d) (3).

§ 1.72–3 *Excludable amounts not income.* In general, amounts received under contracts described in § 1.72–2 (a) (1) are not to be included in the income of the recipient to the extent that such amounts are excludable from gross income as the result of the application of section 72 and the regulations thereunder.

§ 1.72–4 *Exclusion ratio—*(a) *General rule.* (1) (i) To determine the proportionate part of the total amount received each year as an annuity which is excludable from the gross income of a recipient in the taxable year of receipt (other than amounts received under certain employee annuities described in section 72 (d) and § 1.72–13), an exclusion ratio is to be determined for each contract. In general, this ratio is determined by dividing the investment in the contract as found under § 1.72–6 by the expected return under such contract as found under § 1.72–5. Where a single consideration is given for a particular contract which provides for two or more annuity elements, an exclusion ratio shall be determined for the contract as a whole by dividing the investment in such contract by the aggregate of the expected returns under all the annuity elements provided thereunder. However, where the provisions of § 1.72–2 (b) (3) apply to payments received under such a contract, see § 1.72–6 (b) (3).

(ii) The exclusion ratio for the particular contract is then applied to the total amount received as an annuity during the taxable year by each recipient. See, however, § 1.72–5 (e) (3). Any excess of the total amount received as an annuity during the taxable year over the amount determined by the application of the exclusion ratio to such total amount shall be included in the gross income of the recipient for the taxable year of receipt.

(2) The principles of subparagraph (1) may be illustrated by the following example:

Example. Taxpayer A purchased an annuity contract providing for payments of $100 per month for a consideration of $12,650. Assuming that the expected return under this contract is $16,000, the exclusion ratio to be used by A is $\frac{\$12,650}{\$16,000}$ or 79.1 percent (79.06 rounded to the nearest tenth). If 12 such monthly payments are received by A during his taxable year, the total amount he may exclude from his gross income in such year is $949.20 ($1,200×79.1 percent). The balance of $250.80 ($1,200 less $949.20) is the amount to be included in gross income. If A instead received only five such payments during the year, he should exclude $395.50 ($500×79.1 percent) of the total amounts received.

For an example of the computation of the exclusion ratio in cases where two annuity elements are acquired for a single consideration, see § 1.72–6 (b) (1).

(3) The exclusion ratio shall be applied only to amounts received as an annuity within the meaning of that term under § 1.72–2 (b) (2) and (3). Where the periodic payments increase in

amount after the annuity starting date in a manner not provided by the terms of the contract at such date, the portion of such payments representing the increase is not an amount received as an annuity. For the treatment of amounts not received as an annuity, see section 72 (e) and § 1.72–11. For special rules where § 1.72–2 (b) (3) applies to amounts received, see paragraph (d) (3) of this section.

(4) After an exclusion ratio has been determined for a particular contract, it shall be applied to any amounts received as an annuity thereunder unless or until one of the following occurs:

(i) The contract is assigned or transferred for a valuable consideration (see section 72 (g) and § 1.72–10 (a));

(ii) The contract matures or is surrendered, redeemed, or discharged in accordance with the provisions of § 1.72–11 (c) or (d);

(iii) The contract is exchanged (or is considered to have been exchanged) in a manner described in § 1.72–11 (e).

(b) *Annuity starting date.* (1) Except as provided in subparagraph (2) of this paragraph, the annuity starting date is the first day of the first period for which an amount is received as an annuity, except that if such date was before January 1, 1954, then the annuity starting date is January 1, 1954. The first day of the first period for which an amount is received as an annuity shall be whichever of the following is the later:

(i) The date upon which the obligations under the contract became fixed, or

(ii) The first day of the period (year, half-year, quarter, month, or otherwise, depending on whether payments are to be made annually, semiannually, quarterly, monthly, or otherwise) which ends on the date of the first annuity payment.

(2) Notwithstanding the provisions of subparagraph (1), the annuity starting date shall be determined in accordance with whichever of the following provisions is appropriate:

(i) In the case of a joint and survivor annuity contract described in section 72 (i) and § 1.72–5 (b) (3), the annuity starting date is January 1, 1954, or the first day of the first period for which an amount is received as an annuity by the surviving annuitant, whichever is the later;

(ii) In the case of the transfer of an annuity contract for a valuable consideration, as described in section 72 (g) and § 1.72–10 (a), the annuity starting date shall be January 1, 1954, or the first day of the first period for which the transferee received an amount as an annuity, whichever is the later; and

(iii) If the provisions of § 1.72–11 (e) apply to an exchange of one contract for another, or to a transaction deemed to be such an exchange, the annuity starting date of the contract received (or deemed received) in exchange shall be January 1, 1954, or the first day of the first period for which an amount is received as an annuity under such contract, whichever is the later.

(c) *Fiscal year taxpayers.* Fiscal year taxpayers receiving amounts as annuities in a taxable year to which the Internal Revenue Code of 1954 applies shall determine the annuity starting date in accordance with section 72 (c) (4) and this section. The annuity starting date for fiscal year taxpayers receiving amounts as an annuity in a taxable year to which the Internal Revenue Code of 1939 applies shall be January 1, 1954, except where the first day of the first period for which an amount is received by such a taxpayer as an annuity is subsequent thereto and before the end of a fiscal year to which the Internal Revenue Code of 1939 applied. In such case, the latter date shall be the annuity starting date. In all cases where a fiscal year taxpayer received an amount as an annuity in a taxable year to which the Internal Revenue Code of 1939 applied and subsequent to the annuity starting date determined in accordance with the provisions of this paragraph, such amount shall be disregarded for the purposes of section 72 and the regulations thereunder.

(d) *Exceptions to the general rule.* (1) Where the provisions of section 72 would otherwise require an exclusion ratio to be determined, but the investment in the contract (determined under § 1.72–6) is an amount of zero or less, no exclusion ratio shall be determined and all amounts received under such a contract shall be includible in the gross income of the recipient for the purposes of section 72.

(2) Where the investment in the contract is equal to or greater than the total expected return under such contract found under § 1.72–5, the exclusion ratio shall be considered to be 100 percent and all amounts received as an annuity under such contract shall be excludable from the recipient's gross income. See, for example, § 1.72–5 (f) (1).

(3) (i) If a contract provides for payments to be made to a taxpayer in the manner described in § 1.72–2 (b) (3), the investment in the contract shall be considered to be equal to the expected return under such contract and the resulting exclusion ratio (100%) shall be applied to all amounts received as an annuity under such contract. For any taxable year, payments received under such a contract shall be considered to be amounts received as an annuity only to the extent that they do not exceed the portion of the investment in the contract which is properly allocable to that year and hence excludable from gross income as a return of premiums or other consideration paid for the contract. The portion of the investment in the contract which is properly allocable to any taxable year shall be determined by dividing the investment in the contract (adjusted for any refund feature in the manner described in § 1.72–7 (d)) by the applicable multiple (whether for a term certain, life, or lives) which would otherwise be used in determining the expected return for such a contract under § 1.72–5. The multiple shall be adjusted in accordance with the provisions of the table in § 1.72–5 (a) (2), if any adjustment is necessary, before making the above computation. If payments are to be made more frequently than annually and the number of payments to be made in the taxable year in which the annuity begins are less than the number of payments to be made each year thereafter, the amounts considered received as an annuity (as otherwise determined under this subdivision) shall not exceed, for such taxable year (including a short taxable year), an amount which bears the same ratio to the portion of the investment in the contract considered allocable to each taxable year as the number of payments to be made in the first year bears to the number of payments to be made in each succeeding year. Thus, if payments are to be made monthly, only seven payments will be made in the first taxable year, and the portion of the investment in the contract allocable to a full year of payments is $600, the amounts considered received as an annuity in the first taxable year cannot exceed $350 ($600 x 7/12). See subdivision (iii) for an example illustrating the determination of the portion of the investment in the contract allocable to one taxable year of the taxpayer.

(ii) If subdivision (i) applies to amounts received by a taxpayer and the total amount of payments he receives in a taxable year is less than the total amount excludable for such year under subdivision (i), the taxpayer may elect, in a succeeding taxable year in which he receives another payment, to redetermine the amounts to be received as an annuity during the current and succeeding taxable years. This shall be computed in accordance with the provisions of subdivision (i) except that:

(*a*) The difference between the portion of the investment in the contract allocable to a taxable year, as found in accordance with subdivision (i) of this paragraph, and the total payments actually received in the taxable year prior to the election shall be divided by the life expectancy of the annuitant (or annuitants), found in accordance with the appropriate table in § 1.72–9 (and adjusted in accordance with § 1.72–5 (a) (2)), or by the remaining term of a term certain annuity, computed as of the first day of the first period for which an amount is received as an annuity in the taxable year of the election; and

(*b*) The amount determined under subdivision (*a*) of this subdivision shall be added to the portion of the investment in the contract allocable to each taxable year (as otherwise found). To the extent that the total periodic payments received under the contract in the taxable year of the election or any succeeding taxable year does not equal this total sum, such payments shall be excludable from the gross income of the recipient. To the extent such payments exceed the sum so found, they shall be fully includible in recipient's gross income.

See subdivision (iii) for an example illustrating the redetermination of amounts to be received as an annuity and subdivision (iv) for the method of making the election provided by this subdivision.

(iii) The application of the principles of this subparagraph may be illustrated by the following example:

Example. Taxpayer A, a 64 year old male, files his return on a calendar year basis and has a life expectancy of 15.6 years on June 30, 1954, the annuity starting date of a contract to which § 1.72–2 (b) (3) applies and which he purchased for $20,000. The contract provides for variable annual payments for his life. He receives a payment of $1,000 on June 30, 1955, but receives no other payment until June 30, 1957. He excludes the $1,000 payment from his gross income for the year 1955 since this amount is less than $1,324.50, the amount determined by dividing his investment in the contract ($20,000) by his life expectancy adjusted for annual payments, 15.1 (15.6—0.5), as of the original annuity starting date. Taxpayer A may elect, in his return for the taxable year 1957, to redetermine amounts to be received as an annuity under his contract as of June 30, 1956. For the purpose of determining the extent to which amounts received in 1957 or thereafter shall be considered amounts received as an annuity (to which a 100 percent exclusion ratio shall apply) he shall add $118.63 to the $1,324.50 originally determined to be receivable as an annuity under the contract, making a total of $1,443.13. This is determined by dividing the difference between what was excludable in 1955 and 1956, $2,649 (2×$1,324.50) and what he actually received in those years ($1,000) by his life expectancy adjusted for annual payments, 13.9 (14.4—0.5), as of his age at his nearest birthday (66) on the first day of the first period for which he received an amount as an annuity in the taxable year of election (June 30, 1956). The result, $1,443.13, is excludable in that year and each year thereafter as an amount received as an annuity to which the 100% exclusion ratio applies. It will be noted that in this example the taxpayer received amounts less than the excludable amounts in two successive years and deferred making his election until the third year, and thus was able to accumulate the portion of the investment in the contract allocable to each taxable year to the extent he failed to receive such portion in both years. Assuming that he received $1,500 in the taxable year of his election, he would include $56.87 in his gross income and exclude $1,443.13 therefrom for that year.

(iv) If the taxpayer chooses to make the election described in subdivision (ii), he shall file with his return a statement that he elects to make a redetermination of the amounts excludable from gross income under his annuity contract in accordance with the provisions of § 1.72–4 (d) (3). This statement shall also contain the following information:

(*a*) The original annuity starting date and his age on that date,

(*b*) The date of the first day of the first period for which he received an amount in the current taxable year,

(*c*) The investment in the contract originally determined (as adjusted for any refund feature), and

(*d*) The aggregate of all amounts received under the contract between the date indicated in (*a*) and the day after the date indicated in (*b*) to the extent such amounts were excludable from gross income.

He shall include in gross income any amounts received during the taxable year for which the return is made in accordance with the redetermination made under this subparagraph.

(e) *Exclusion ratio in the case of two or more annuity elements acquired for a single consideration.* (1) (i) Where two or more annuity elements are provided under a contract described in § 1.72–2 (a) (2), an exclusion ratio shall be determined for the contract as a whole and applied to all amounts received as an annuity under any of the annuity elements. To obtain this ratio, the investment in the contract determined in accordance with § 1.72–6 shall be divided by the aggregate of the expected returns found with respect to each of the annuity elements in accordance with § 1.72–5. For this purpose, it is immaterial that payments under one or more of the annuity elements involved have not commenced at the time when an amount is first received as an annuity under one or more of the other annuity elements.

(ii) The exclusion ratio found under subdivision (i) does not apply to—

(*a*) An annuity element payable to a surviving annuitant under a joint and survivor annuity contract to which section 72 (i) and § 1.72–5 (b) (3) and (e) (3) apply, or to

(*b*) A contract under which one or more of the constituent annuity elements provides for payments described in § 1.72–2 (b) (3).

For rules with respect to a contract providing for annuity elements described in (*b*), above, see subparagraph (2), below.

(2) If one or more of the annuity elements under a contract described in § 1.72–2 (a) (2) provides for payments to which § 1.72–2 (b) (3) applies—

(i) With respect to the annuity elements to which § 1.72–2 (b) (3) does not apply, an exclusion ratio shall be determined by dividing the portion of the investment in the entire contract which is properly allocable to all such elements (in the manner provided in § 1.72–6 (b) (3) (ii)) by the aggregate of the expected returns thereunder and such ratio shall be applied in the manner described in subdivision (i) of subparagraph (1); and

(ii) With respect to the annuity elements to which § 1.72–2 (b) (3) does apply, the investment in the entire contract shall be reduced by the portion thereof found in subdivision (i) and the resulting amount shall be used to determine the extent to which the aggregate of the payments received during the taxable year under all such elements is excludable from gross income. The amount so excludable shall be allocated to each recipient under such elements in the same ratio that the total of the payments he receives each year bears to the total of the payments received by all such recipients during the year. The exclusion ratio with respect to the amounts so allocated shall be 100 percent. See §§ 1.72–5 (f) (2) and 1.72–6 (b) (3).

§ 1.72–5 *Expected return*—(a) *Expected return for but one life.* (1) If a contract to which section 72 applies provides that one annuitant is to receive a fixed monthly income for life, the expected return is determined by multiplying the total of the annuity payments to be received annually by the multiple shown in Table I of § 1.72–9 under the age (as of annuity starting date) and sex of the measuring life (usually the annuitant's). Thus, where a male purchases a contract providing for an immediate annuity of $100 per month for his life and, as of the annuity starting date (in this case the date of purchase), the annuitant's age at his nearest birthday is 66, the expected return is computed as follows:

Monthly payment of $100×12 months equals annual payment of	$1,200
Multiple shown in Table I, male, age 66	14.4
Expected return ($1,200×14.4)	$17,280

(2) (i) If payments are to be made quarterly, semiannually, or annually, an adjustment of the applicable multiple shown in Table I may be required. A further adjustment may be required where the interval between the annuity starting date and the date of the first payment is less than the interval between future payments. Neither adjustment shall be made, however, if the payments are to be made more frequently than quarterly. The amount of the adjustment, if any, is to be found in accordance with the following table:

If the number of whole months from the annuity starting date to the first payment date is—	0–1	2	3	4	5	6	7	8	9	10	11	12
And payments under the contract are to be made:												
Annually	+0.5	+0.4	+0.3	+0.2	+0.1	0	0	−0.1	−0.2	−0.3	−0.4	−0.5
Semiannually	+.2	+.1	0	0	−.1	−.2	------	------	------	------	------	------
Quarterly	+.1	0	−.1	------	------	------	------	------	------	------	------	------

Thus, for a male, age 66, the multiple found in Table I adjusted for quarterly payments the first of which is to be made one full month after the annuity starting date, is 14.5 (14.4+0.1); for semiannual payments the first of which is to be made six full months from the annuity starting date, the adjusted multiple is 14.2 (14.4—0.2); for annual payments the first of which is to be made one full month from the annuity starting date, the adjusted multiple is 14.9 (14.4+0.5). If the annuitant in the example shown in subparagraph (1) of this paragraph were to receive an annual payment of $1,200 commencing 12 full months after his annuity starting date, the amount of the expected return would be $16,680 ($1,200×13.9 [14.4—0.5]).

(ii) Notwithstanding the table in subdivision (i), adjustments of multiples for early or other than monthly payments determined prior to February 19, 1956, under the table prescribed in subparagraph (a) (4) of paragraph (1) of T. D. 6118, approved December 30, 1954, need not be redetermined.

(3) If the contract provides for fixed payments to be made to an annuitant until death or until the expiration of a specified limited period, whichever occurs earlier, the expected return of such temporary life annuity is determined by multiplying the total of the annuity payments to be received annually by the multiple shown in Table IV of § 1.72–9 for the age (as of the annuity starting date) and sex of the annuitant and the nearest whole number of years in the specified period. For example, if a male annuitant, age 60 (at his nearest birthday), is to receive $60 per month for five years or until he dies, whichever is earlier, the expected return under such a contract is $3,456, computed as follows:

Monthly payments of $60×12 months equals annual payment of	$720
Multiple shown in Table IV for male, age 60, for term of 5 years	4.8
Expected return for 5 year temporary life annuity of $720 per year ($720×4.8)	$3,456

The adjustment provided by subparagraph (2) shall not be made with respect to the multiple found in Table IV.

(4) If the contract provides for payments to be made to an annuitant for his lifetime, but the amount of the annual payments is to be decreased after the expiration of a specified limited period, the expected return is computed by considering the contract as a combination of a whole life annuity for the smaller amount plus a temporary life annuity for an amount equal to the difference between the larger and the smaller amount. For example, if a male annuitant, age 60, is to receive $150 per month for five years or until his earlier death, and is to receive $90 per month for the remainder of his lifetime after such five years, the expected return is computed as if the annuitant's contract consisted of a whole life annuity for $90 per month plus a five year temporary life annuity of $60 per month. In such circumstances, the expected return is computed as follows:

Monthly payments of $90×12 months equals annual payment of	$1,080
Multiple shown in Table I for male, age 60	18.2
Expected return for whole life annuity of $1,080 per year	$19,656
Expected return for 5-year temporary life annuity of $720 per year (as found in subparagraph (3))	$3,456
Total expected return	$23,112

If payments are to be made quarterly, semiannually, or annually, an appropriate adjustment of the multiple found in Table I for the whole life annuity should be made in accordance with subparagraph (2).

(5) If the contract described in subparagraph (4) provided that the amount of the annual payments to the annuitant were to be increased (instead of decreased) after the expiration of a specified limited period, the expected return would be computed as if the annuitant's contract consisted of a whole life annuity for the larger amount minus a temporary life annuity for an amount equal to the difference between the larger and the smaller amount. Thus, if the annuitant described in subparagraph (4) were to receive $90 per month for five years or until his earlier death, and to receive $150 per month for the remainder of his lifetime after such five years, the expected return would be computed by subtracting the expected return under a five year temporary life annuity of $60 per month from the expected return under a whole life annuity of $150 per month. In such circumstances, the expected return is computed as follows:

Monthly payments of $150×12 months equals annual payment of	$1,800
Multiple shown in Table I (male, age 60)	18.2
Expected return for annuity for whole life of $1,800 per year	$32,760
Less expected return for 5-year temporary life annuity of $720 per year (as found in subparagraph (3))	$3,456
Net expected return	$29,304

If payments are to be made quarterly, semiannually, or annually, an appropriate adjustment of the multiple found in Table I for the whole life annuity should be made in accordance with subparagraph (2).

(b) *Expected return under joint and survivor annuities.* (1) In the case of a joint and survivor annuity contract involving two annuitants which provides the first annuitant with a fixed monthly income for life and, after the death of the first annuitant, provides an identical monthly income for life to a second annuitant, the expected return shall be determined by multiplying the total amount of the payments to be received annually by the multiple obtained from Table II of § 1.72–9 under the ages (as of the annuity starting date) and sexes of the living annuitants. For example, a husband purchases a joint and survivor annuity contract providing for payments of $100 per month for life, and, after his death, for the same amount to his wife for the remainder of her life. As of the annuity starting date his age at his nearest birthday is 70 and that of his wife at her nearest birthday is 67. The expected return is computed as follows:

Monthly payments of $100×12 months equals annual payment of	$1,200
Multiple shown in Table II (male, age 70; female, age 67)	19.7
Expected return ($1,200×19.7)	$23,640

If payments are to be made quarterly, semiannually, or annually, an appropriate adjustment of the multiple found in Table II should be made in accordance with paragraph (a) (2).

(2) If a contract of the type described in subparagraph (1) provides that a different (rather than an identical) monthly income is payable to the second annuitant, the expected return is computed in the following manner. The applicable multiple in Table II is first found as in the example in subparagraph (1). The multiple applicable to the first annuitant is then found in Table I as though the contract were for a single life annuity. The multiple from Table I is then subtracted from the multiple obtained from Table II and the resulting multiple is applied to the total payments to be received annually under the contract by the second annuitant. The result is the expected return with respect to the second annuitant. The portion of the expected return with respect to payments to be made during the first annuitant's life is then computed by applying the multiple found in Table I to the total annual payments to be received by such annuitant under the contract. The expected returns with respect to each of the annuitants separately are then aggregated to obtain the expected return under the entire contract.

Example. A husband purchases a joint and survivor annuity providing for payments of $100 per month for his life and, after his death, payments to his wife of $50 per month for her life. As of the annuity starting date his age at his nearest birthday is 70 and that of his wife at her nearest birthday is 67.

Multiple from Table II (male, age 70; female, age 67)	19.7
Multiple from Table I (male, age 70)	12.1
Difference (multiple applicable to second annuitant)	7.6
Portion of expected return, second annuitant ($600×7.6)	$4,560
Portion of expected return, first annuitant ($1,200×12.1)	14,520
Expected return under the contract	19,080

The expected return thus found, $19,080, is to be used in computing the amount to be excluded from gross income. Thus, if the investment in the contract in this example is $14,310, the exclusion ratio is $\frac{\$14,310}{\$19,080}$, or 75 percent. The amount excludable from each monthly payment made to the husband is 75 percent of $100, or $75, and the remaining $25 of each payment received by him shall be included in his gross income. After the husband's death, the amount excludable by the second annuitant (the surviving wife) would be 75 percent of each monthly payment of $50, or $37.50, and the remaining $12.50 of each payment shall be included in her gross income.

The same method is used if the payments are to be increased after the death of the first annuitant. Thus, if the payments to be made until the husband's death were $50 per month and his widow were to receive $100 per month thereafter until her death, the 7.6 multiple in the above example would be applied to the $100 payments, yielding an expected return with respect to this portion of the annuity contract of $9,120 ($1,200 x 7.6). An expected return of $7,260 ($600 x 12.1) would be obtained with respect to the payments to be made the husband, yielding a total expected return under the contract of $16,380 ($9,120 plus $7,260). If payments are to be made quarterly, semiannually, or annually, an appropriate adjustment of the multiples found in Tables I and II should be made in accordance with paragraph (a) (2).

(3) In the case of a joint and survivor annuity contract in respect of which the first annuitant died in 1951, 1952, or 1953, and the basis of the surviving annuitant's interest in the contract was

determinable under section 113 (a) (5) of the Internal Revenue Code of 1939, such basis shall be considered the "aggregate of premiums or other consideration paid" by the surviving annuitant for the contract. (For rules governing this determination, see 26 CFR (1939) §§ 39.22 (b) (2)–2 and 39.113 (a) (5)–1 [Regulations 118].) In determining such an annuitant's investment in the contract, such aggregate shall be reduced by any amounts received under the contract by the surviving annuitant before the annuity starting date, to the extent such amounts were excludable from his gross income at the time of receipt. The expected return of the surviving annuitant in such cases shall be determined in the manner prescribed in paragraph (a) of this section, as though the surviving annuitant alone were involved. For this purpose, the appropriate multiple for the survivor shall be obtained from Table I as of the annuity starting date determined in accordance with § 1.72–4 (b) (2) (i).

(4) If a contract involving two annuitants provides for fixed monthly payments to be made as a joint life annuity until the death of the first annuitant to die (in other words, only as long as both remain alive), the expected return under such contract shall be determined by multiplying the total of the annuity payments to be received annually under the contract by the multiple obtained from Table IIA of § 1.72–9 under the ages (as of the annuity starting date) and sexes of the annuitants. If, however, payments are to be made under the contract quarterly, semiannually, or annually, an appropriate adjustment of the multiple found in Table IIA shall be made in accordance with paragraph (a) (2).

(5) If a joint and survivor annuity contract involving two annuitants provides that a specified amount shall be paid during their joint lives and a different specified amount shall be paid to the survivor upon the death of whichever of the annuitants is the first to die, the following preliminary computation shall be made in all cases preparatory to determining the expected return under the contract:

(i) From Table II, obtain the multiple under both of the annuitants' ages (as of the annuity starting date) and their appropriate sexes;

(ii) From Table IIA, obtain the multiple applicable to both annuitants' ages (as of the annuity starting date) and their appropriate sexes;

(iii) Apply the multiple found in (i) to the total of the amounts to be received annually after the death of the first to die; and

(iv) Apply the multiple found in (ii) to the difference between the total of the amounts to be received annually before and the total of the amounts to be received annually after the death of the first to die.

If the original annual payment is in excess of the annual payment to be made after the death of the first to die, the expected return is the sum of the amounts determined under subdivisions (iii) and (iv), above. This may be illustrated by the following example:

Example. A husband purchases a joint and survivor annuity providing for payments of $100 a month for as long as both he and his wife live, and, after the death of the first to die, payments to the survivor of $75 a month for life. As of the annuity starting date, his age at his nearest birthday is 70 and that of his wife at her nearest birthday is 67. The expected return under the contract is computed as follows:

Multiple from Table II (male, age 70; female, age 67)	19.7
Multiple from Table IIA (male, age 70; female, age 67)	9.3
Portion of expected return ($900×19.7—sum per year after first death)	$17,730
Portion of expected return ($300×9.3—amount of change in sum at first death)	$2,790
Expected return under the contract	$20,520

The total expected return in this example, $20,520, is to be used in computing the amount to be excluded from gross income. Thus, if the investment in the contract is $17,887, the exclusion ratio is $\frac{\$17,887}{\$20,520}$, or 87.2 percent. The amount excludable from each monthly payment made while both are alive is 87.2 percent of $100, or $87.20 and the remaining $12.80 of each payment shall be included in gross income. After the death of the first to die, the amount excludable by the survivor shall be 87.2 percent of each monthly payment of $75, or $65.40, and the remaining $9.60 of each payment shall be included in gross income.

If the original annual payment is less than the annual payment to be made after the death of the first to die, the expected return is the difference between the amounts determined under subdivisions (iii) and (iv), above. If, however, payments are to be made quarterly, semiannually, or annually under the contract, the multiples obtained from both Tables II and IIA shall first be adjusted in a manner prescribed in paragraph (a) (2) of this section.

(6) If a contract provides for the payment of life annuities to two persons during their respective lives and, after the death of one (without regard to which one dies first), provides that the survivor shall receive for life both his own annuity payments and the payments made formerly to the deceased person, the expected return shall be determined in accordance with paragraph (e) (4), below.

(7) If § 1.72–2 (b) (3) applies to payments provided under a contract and this paragraph applies to such payments, the principles of this paragraph shall be used in making the computations described in § 1.72–4 (d) (3). This may be illustrated by the following examples:

Example (1). Taxpayer A, a male age 63, pays $24,000 for a contract which provides that the proceeds (both income and return of capital) from eight units of an investment fund shall be paid monthly to him for his life and that after his death the proceeds from six such units shall be paid monthly to B, a female age 55, for her life, the portion of the investment in the contract allocable to each taxable year of A is $955.20 and that allocable to each taxable year of B is $716.40. This is determined in the following manner:

Multiple from Table II (male, age 63; and female, age 55)	28.1
Number of units to be paid, in effect, as a joint and survivor annuity	×6
Number of total annual unit payments anticipatable with respect to the joint and survivor annuity element	168.6
Multiple from Table I (male, age 63)	16.2
Number of units to be paid in effect, as a single annuity	×2
Number of total annual unit payments anticipatable with respect to A alone	32.4
Total number of unit payments anticipatable	201
Portion of investment in the contract allocable to unit payments ($24,000÷201) on an annual basis	$119.40
Number of units payable to A while he continues to live	×8
Portion of the investment in the contract allocable to each taxable year of A	$955.20
Portion of investment in the contract allocable to unit payments ($24,000÷201) on an annual basis	$119.40
Number of units payable to B for her life after A's death	×6
Portion of the investment in the contract allocable to each taxable year of B	$716.40

For the purpose of the above computation it is immaterial whether or not A lives to or beyond the life expectancy shown for him in Table I.

Example (2). Assume that Taxpayer A in example (1) receives payments for five years which are at least as large as the portion of the investment in the contract allocable to such years, but in the sixth year he receives a total on only $626.40 rather than the $955.20 allocable to such year. A is 69 and B is 61 at the beginning of the first monthly period for which an amount is payable in the seventh taxable year. A makes the election in that year provided under § 1.72–4 (d) (3). The difference between the portion of the investment in the contract allocable to the sixth year and the amount actually received in that year is $328.80 ($955.20 less $626.40). In this case, 139.2 unit payments are anticipatable (on an annual basis), since the appropriate multiple from Table II of § 1.72–9, 23.2, multiplied by the number of units payable, in effect, as a joint and survivor annuity yields this result (6×23.2). A's appropriate multiple from Table I of § 1.72–9 for the two units which will cease to be paid at his death is 12.6, and the total number of unit payments anticipatable (on an annual basis) is, therefore, 164.4 (2×12.6 plus 139.2). Dividing the difference previously found ($328.80) by the total number of unit payments thus determined (164.4) indicates that A will have an additional allocation of the investment in the contract of $16 to the seventh and every succeeding full taxable year (8 units×$2), and B will have an additional allocation of the investment in the contract of $12 (6 units×$2 to each taxable year in which she receives 12 monhtly payments subsequent to the death of A. The total allocable to each taxable year of A is, therefore, $971.20, and that allocable to each taxable year of B will be $728.40.

Example (3). If, in example (2), A had died at the end of the fifth year, in the sixth year B would have received a payment of $469.80 (that portion of the $626.40 that A would have received which is in the same ratio that 6 units bear to 8 units) and would thus have received $246.60 less than the portion of the investment in the contract originally determined to be allocable to each of her taxable years. In these circumstances, B would be entitled to elect to redetermine the portion of the investment in the contract allocable to the taxable year of election and all subsequent years. The new amount allocable thereto would be found by dividing the $246.60 difference by her life expectancy as of the first day of the first period for which she received an amount as an annuity in the seventh year of the annuity contract, and adding the result to her originally determined allocation of $716.40.

(c) *Expected return for term certain.* In the case of a contract providing for specific periodic payments which are to be paid for a term certain such as a fixed number of months or years, without regard to life expectancy, the expected return is determined by multiplying the fixed number of years or months for which payments are to be made on or after the annuity starting date by the amount of the payment provided in the contract for each such period.

(d) *Expected return with respect to amount certain.* In the case of contracts involving no life or lives as a measurement of their duration, but under which a determinable total amount is to be paid in installments of lesser amounts paid at periodic intervals, the expected return shall be the total amount guaranteed. If an amount is to be paid periodically until a fund plus interest at a fixed rate is exhausted, but further payments may be made thereafter because of earnings at a higher interest rate, this paragraph shall apply to the total amount anticipatable as a result of the amount of the fund plus the fixed interest thereon. Any amount which may be paid as the result of earnings at a greater interest rate shall be disregarded in determining the expected return. If such an amount is later received, it shall be considered an amount not received as an annuity after the annuity starting date. See § 1.72–11 (b) (2).

(e) *Expected return where two or more annuity elements providing for fixed payments are acquired for a single consideration.* (1) In the case of a contract described in § 1.72–2 (a) (2), which provides for specified payments to be made under two or more annuity elements, the expected return shall be found for the contract as a whole by aggregating the expected returns found with respect to each annuity element. If individual life annuity elements are involved (including joint and survivor annuities where the primary annuitant died before January 1, 1954), expected return for each of them shall be determined in the manner prescribed in paragraph (a) of this section. If joint and survivor annuity elements are involved, the expected return for such elements shall be determined under the appropriate subparagraph of paragraph (b) of this section. If terms certain or amounts certain are involved, the expected returns for such elements shall be determined under paragraphs (c) or (d), respectively.

(2) The aggregate expected return found in accordance with the rules set forth in subparagraph (1) shall constitute the expected return for the contract as a whole. The investment in the contract shall be divided by the amount thus determined to obtain the exclusion ratio for the contract as a whole. This exclusion ratio shall be applied to all amounts received as an annuity under the contract by any recipient (in accordance with the provisions of § 1.72–4), except in the case of amounts received by a surviving annuitant under a joint and survivor annuity element to which the provisions of section 72 (i) and paragraph (b) (3) of this section would apply if it were a separate contract. See subparagraph (3) of this paragraph.

(3) In the case of a contract providing two or more annuity elements, one of which is a joint and survivor annuity element of the type described in section 72 (i) and paragraph (b) (3) of this section, the general exclusion ratio for the contract as a whole, for the purpose of computations with respect to all the other annuity elements, shall be determined in accordance with the principles of subparagraphs (1) and (2) of this paragraph. A special exclusion ratio shall thereafter be determined for the surviving annuitant receiving payments under the annuity element described in section 72 (i) and paragraph (b) (3) of this section by using the investment in the contract and the expected return determined in accordance with the provisions of paragraph (b) (3).

(4) In the case of a contract providing for payments to be made to two persons in the manner described in § 1.72–5 (b) (6), the expected return is to be computed as though there were two joint and survivor annuities under the same contract, in the following manner. First, the multiple appropriate to the ages (as of the annuity starting date) and sexes of the annuitants involved shall be found in Table II of § 1.72–9 and adjusted, if necessary, in the manner described in paragraph (a) (2) of this section. Second, the multiple so found shall be applied to the sum of the payments to be made each year to both annuitants. The result is the expected return for the contract as a whole.

(5) For rules relating to expected return where two or more annuity elements are acquired for a single consideration and one or more of such elements does not specify a fixed payment for each period, see paragraph (f).

(f) *Expected return with respect to obligations providing for payments described in § 1.72–2 (b) (3).* (1) If a contract to which section 72 applies provides only for payments to be made in a manner described in § 1.72–2 (b) (3), the expected return for such contract as a whole shall be an amount equal to the investment in the contract found in accordance with section 72 (c) (1) and § 1.72–6, as adjusted for any refund feature in accordance with § 1.72–7.

(2) If a contract to which section 72 applies provides for annuity elements, one or more of which (but not all) provide for payments to be made in a manner described in § 1.72–2 (b) (3)—

(i) With respect to the portion of the contract providing for annuity elements to which § 1.72–2 (b) (3) does not apply, the expected return shall be the aggregate of the expected returns found for each of such elements in accordance with the appropriate paragraph of this section; and

(ii) With respect to all annuity elements to which § 1.72–2 (b) (3) does apply, the expected return for all such elements shall be an amount equal to the portion of the investment in the contract allocable to such elements in accordance with the provisions of §§ 1.72–4 (e) (2) (ii) and 1.72–6 (b) (3) (ii) (b).

§ 1.72–6 *Investment in the contract*—(a) *General rule.* (1) For the purpose of computing the "investment in the contract", it is first necessary to determine the "aggregate amount of premiums or other consideration paid" for such contract. See section 72 (c) (1). This determination is made as of the later of the annuity starting date of the contract or the date on which an amount is first received thereunder as an annuity. The amount so found is then reduced by the sum of the following amounts in order to find the investment in the contract:

(i) The total amount of any return of premiums or dividends received (including unrepaid loans or dividends applied against the principal or interest on such loans) on or before the date on which the foregoing determination is made, and

(ii) The total of any other amounts received with respect to the contract on or before such date which were excludable from the gross income of the recipient under the income tax law applicable at the time of receipt.

Amounts to which subdivision (ii) applies shall include, for example, amounts considered to be return of premiums or other consideration paid under section 22 (b) (2) of the Internal Revenue Code of 1939 and amounts considered to be an employer-provided death benefit under section 22 (b) (1) (B) of such Code. For rules relating to the extent to which an employee or his beneficiary may include employer contributions in the aggregate amount of premiums or other consideration paid, see § 1.72–8.

(2) For the purpose of subparagraph (1), amounts received subsequent to the receipt of an amount as an annuity or subsequent to the annuity starting date, whichever is the later, shall be disregarded. See, however, § 1.72–11.

(3) The application of this paragraph may be illustrated by the following examples:

Example (1). In 1950, B purchased an annuity contract for $10,000 which was to provide him with an annuity of $1,000 per year for life. He received $1,000 in each of the years 1950, 1951, 1952, and 1953, prior to the annuity starting date (January 1, 1954). Under the Internal Revenue Code of 1939, $300 of each of these payments (3 percent of $10,000) was includible in his gross income, and the remaining $700 was excludable therefrom during each of the taxable years mentioned. In computing B's investment in the contract as of January 1, 1954, the total amount excludable from his gross income during the years 1950 through 1953 ($2,800) must be subtracted from the consideration paid ($10,000). Accordingly, B's investment in the contract as of January 1, 1954, is $7,200 ($10,000 less $2,800).

Example (2). In 1945, C contracted for an annuity to be paid to him beginning December 31, 1960. In 1945 and in each successive year until 1960, he paid a premium of $5,000. Assuming he receives no payments of any kind under the contract until the date on which he receives the first annual payment as an annuity (December 31, 1960), his investment in the contract as of the annuity starting date (December 31, 1959) will be $75,000 ($5,000 paid each year for the 15 years from 1945 to 1959, inclusive).

Example (3). Assume the same facts as in example (2), except that prior to the annuity starting date C has already received from the insurer dividends of $1,000 each in 1949, 1954, and 1959, such dividends not being includible in his gross income in any of those years. C's investment in the contract, as of the annuity starting date, will then be $72,000 ($75,000−$3,000).

(b) *Allocation of the investment in the contract where two or more annuity elements are acquired for a single consideration.* (1) In the case of a contract described in § 1.72–2 (a) (2) which provides for two or more annuity elements, the investment in the contract determined under paragraph (a) shall be allocated to each of the annuity elements in the ratio that the expected return under each annuity element bears to the aggregate of the expected returns under all the annuity elements. The exclusion ratio for the contract as a whole shall be determined by dividing the investment in the contract (after adjustment for the present value of any or all refund features) by the aggregate of the expected returns under all the annuity elements. Thus, if a contract provides for annuity payments of $1,000 per year for life (with no refund feature) to both A and B, a male and female, respectively, each 70 years of age as of the annuity starting date, and such contract is acquired for consideration of $19,575 (without regard to whether paid by A, B, or both), the investment in the contract shall be allocated by determining the exclusion ratio for the contract as a whole in the following manner:

Expectancy of A under Table I and § 1.72–5 (a) (2), 11.6 (12.1−0.5), multiplied by $1,000	$11,600
Expectancy of B computed in a similar manner ($1,000×14.5 [15.0−0.5])	14,500
Total expected return	26,100

The exclusion ratio for both A and B is then $\frac{\$19,575}{\$26,100}$, or 75 percent. A and B shall each exclude from gross income three-fourths ($750) of each $1,000 annual payment received and shall include the remaining one-fourth ($250) of each $1,000 annual payment received in gross income.

(2) In the case of a contract providing for specified annuity payments to be made to two persons during their joint lives and the payment of the aggregate of the two individual payments to the survivor for his life, the investment in the contract shall be allocated in accordance with the provisions of subparagraph (1). For this purpose, the investment in the contract (without regard to the fact that differing amounts may have been contributed by the two annuitants) shall be divided by the expected return determined in accordance with § 1.72–5 (e) (4). The resulting exclusion ratio shall then be applied to any amounts received as an annuity by either annuitant.

(3) In the case of a contract providing two or more annuity elements, one or more of which provides for payments to be made in a manner described in § 1.72–2 (b) (3), the investment in the contract shall be allocated to the various annuity elements in the following manner:

(i) If all the annuity elements provide for payments to be made in the manner described in § 1.72–2 (b) (3), the investment in the contract shall be allocated on the basis of the amounts received by each recipient by apportioning the amount determined to be excludable under that section to each recipient in the same ratio as the total of the amounts received by him in his taxable year bears to the total of the amounts received by all recipients during the same period; and

(ii) If one or more, but not all, of the annuity elements provide for payments to be made in a manner described in § 1.72–2 (b) (3):

(*a*) With respect to all annuity elements to which that section does not apply, the investment in the contract for all such elements shall be the portion of the investment in the contract as a whole (found in accordance with the provisions of this section) which is properly allocable to all such elements; and

(*b*) With respect to all annuity elements to which § 1.72–2 (b) (3) does apply, the investment in the contract for all such elements shall be the investment in the contract as a whole (found in accordance with the provisions of this section) as reduced by the portion thereof determined under subdivision (*a*) of this subdivision.

For the purpose of determining, pursuant to subdivision (*a*), the portion of the investment in the contract as a whole properly allocable to a particular annuity element, reference shall be made to the present value of such annuity element determined in accordance with § 1.101–2 (e) (1) (iii) (*b*).

(c) *Special rules.* (1) For the special rule for determining the investment in the contract for a surviving annuitant in cases where the prior annuitant of a joint and survivor annuity contract died in 1951, 1952, or 1953, see § 1.72–5 (b) (3).

(2) For special rules relating to the determination of the investment in the contract where employer contributions are involved, see § 1.72–8. See also § 1.402 (a)–1 (a) (3) (i) for a special rule relating to the determination of the premiums or other consideration paid for a contract where an employee is taxable on the premiums paid for life insurance protection that is purchased by and considered to be a distribution from an exempt employees' trust.

(3) For the determination of an adjustment in investment in the contract in cases where a contract contains a refund feature, see § 1.72–7.

§ 1.72–7 *Adjustment in investment where a contract contains a refund feature*—(a) *Definition of a contract containing a refund feature.* A contract to which section 72 applies, contains a refund feature if:

(1) The total amount receivable as an annuity under such contract depends, in whole or in part, on the continuing life of one or more persons,

(2) The contract provides for payments to be made to a beneficiary or the estate of an annuitant on or after the death of the annuitant if a specified amount or a stated number of payments has not been paid to the annuitant or annuitants prior to death, and

(3) Such payments are in the nature of a refund of the consideration paid. See § 1.72–11 (c) (1).

(b) *Adjustment of investment for the refund feature in the case of a single life annuity.* Where a single life annuity contract to which section 72 applies contains a refund feature and the special rule of paragraph (d) does not apply, the investment in the contract shall be adjusted in the following manner:

(1) Determine the number of years necessary for the guaranteed amount to be fully paid by dividing the maximum amount guaranteed as of the annuity starting date by the amount to be received annually under the contract to the extent such amount reduces the guaranteed amount. The number of years should be stated in terms of the nearest whole year, considering for this purpose a fraction of one-half or more as an additional whole year.

(2) Consult Table III of § 1.72–9 for the appropriate percentage under the whole number of years found in (1) and the age (as of the annuity starting date) and sex of the annuitant.

(3) Multiply the percentage found in (2) by whichever of the following is the smaller: (i) The investment in the contract found in accordance with § 1.72–6 or (ii) the total amount guaranteed as of the annuity starting date.

(4) Subtract the amount found in (3) from the investment in the contract found in accordance with § 1.72–6.

The resulting amount is the investment in the contract adjusted for the present value of the refund feature without discount for interest and is to be used in determining the exclusion ratio to be applied to the payments received as an annuity. The percentage found in Table III shall not be adjusted in a manner described in § 1.72–5 (a) (2). These principles may be illustrated by the following example:

Example. On January 1, 1954, a husband, age 65, purchased for $21,053, an immediate installment refund annuity payable $100 per month for life. The contract provided that in the event the husband did not live long enough to recover the full purchase price, payments were to be made to his wife until the total payments under the contract equaled the purchase price. The investment

in the contract adjusted for the purpose of determining the exclusion ratio is computed in the following manner:

Cost of the annuity contract (investment in the contract, unadjusted)		$21,053
Amount to be received annually	$1,200	
Number of years for which payment guaranteed ($21,053 divided by $1,200)	17.5	
Rounded to nearest whole number of years	18	
Percentage located in Table III for age 65 (age of the annuitant as of the annuity starting date) and 18 (the number of whole years) (percent)	30	
Subtract value of the refund feature to the nearest dollar (30 percent of $21,053)		6,316
Investment in the contract adjusted for the present value of the refund feature without discount for interest		14,737

If, in the above example, the guaranteed amount had exceeded the investment in the contract, the percentage found in Table III should have been applied to the lesser of these amounts since any excess of the guaranteed amount over the investment in the contract (as found under § 1.72–6) would not have constituted a refund of premiums or other consideration paid. In such a case, however, a different multiple might have been obtained from Table III since the number of years for which payments were guaranteed would have been greater.

(c) *Adjustment of investment for the refund feature in the case of a joint and survivor annuity.* (1) Where a joint and survivor annuity contract described in § 1.72–5 (b) (1) or (6) contains a refund feature and the special rule of paragraph (d) does not apply, the investment in the contract shall be adjusted in the following manner:

(i) Determine the number of years necessary for the guaranteed amount to be fully paid by dividing the maximum amount guaranteed as of the annuity starting date by the amount to be received annually under the contract. The number of years should be stated in terms of the nearest whole year, considering for this purpose a fraction of one-half or more as an additional whole year.

(ii) Consult Table III of § 1.72–9 for the appropriate percentages under the whole number of years found in (i) and the age (as of the annuity starting date) and sex of each annuitant. If the annuitants are not of the same sex, substitute for the female annuitant a male annuitant 5 years younger, or for the male annuitant a female annuitant 5 years older, so that Table III will be entered in both cases with the ages of annuitants of the same sex.

(iii) Find the sum of the two percentages found in accordance with subdivision (ii).

(iv) To the age of the elder of the two annuitants (as determined under subdivsion (ii)), and the number of years (indicated in the table below) opposite the number of years by which such annuitants' ages differ:

Number of years difference in age (2 male annuitants or 2 female annuitants)	Addition to older age in years
0 to 1, inclusive	9
2 to 3, inclusive	8
4 to 5, inclusive	7
6 to 8, inclusive	6
9 to 11, inclusive	5
12 to 15, inclusive	4
16 to 20, inclusive	3
21 to 27, inclusive	2
28 to 42, inclusive	1
Over 42	0

(v) Consult Table III for the appropriate percentage under the whole number of years found in subdivision (i) and the sex and age of the elder annuitant as adjusted under subdivision (iv).

(vi) Subtract the percentage obtained in subdivision (v) from the sum of the percentages found under subdivision (iii). If the result is less than one, subdivisions (vii) and (viii) shall be disregarded and no adjustment made to the investment in the contract.

(vii) Multiply the percentage found in (vi) by whichever of the following is the smaller: (*a*) the investment in the contract found in accordance with § 1.72–6 or (*b*) the total amount guaranteed as of the annuity starting date.

(viii) Subtract the amount found in (vii) from the investment in the contract found in accordance with § 1.72–6.

(2) The computation provided in subparagraph (1) for a case to which it applies may be illustrated by the following example:

Example. A husband, age 70, purchases a joint and last survivor annuity for $33,050. The contract provides for payments of $100 a month to be paid first to himself for life and then to B, his 40-year-old daughter, if she survives him. The contract further provides that in the event both die before ten years' payments have been made, payments will be continued to C, a beneficiary, or to C's estate, until ten years' payments have been made. The investment in the contract adjusted for the purpose of determining the exclusion ratio is computed in the following manner:

Cost of the annuity contract (investment in the contract, unadjusted)		$33,050
Guaranteed amount ($1,200 ×10)	$12,000)	
Percentage in Table III for male, age 70 (or female, age 75) for duration of the guarantee (10)	21	
Percentage in Table III for female, age 40 (or male, age 35) for duration of the guarantee (10)	2	
Sum of percentages obtained	23	
Difference in years of age between two males, aged 70 and 35 (or 2 females, aged 75 and 40)	35	
Addition, in years, to older age	1	
Percentage in Table III for male one year older than the husband	22	
Difference between percentages obtained (23 percent less 22 percent)	1	
Value of the refund feature to the nearest dollar (1 percent of $12,000)		$120
Investment in the contract adjusted for present value of the refund feature		32,930

(d) *Adjustment of investment in the contract where § 1.72 (b) (3) applies to payments.* (1) If § 1.72–2 (b) (3) applies to payments to be made under a contract and this section also applies because of the provision for a refund feature, an adjustment shall be made to the investment in the contract in accordance with this paragraph before making the computations required by §§ 1.72–4 (d) (3) and 1.72–5 (b) (7). In the case of the guarantee of a specified amount, the adjustment shall be made by applying the appropriate multiple from Table III, as otherwise determined under this section, to the investment in the contract or the guaranteed amount, whichever is the lesser. The guarantee period shall be found by dividing the amount guaranteed by an amount determined by placing the payments received during the first taxable year (to the extent such payments reduce the guaranteed amount) on an annual basis. Thus, if monthly payments are first received by a taxpayer on a calendar year basis in August, his total payments (to the extent that they reduce the guaranteed amount) for the taxable year would be divided by 5 and multiplied by 12. The guaranteed amount would then be divided by the result of this computation to obtain the guarantee period. If the contract merely guarantees that proceeds from a unit or units of a fund shall be paid for a fixed number of years or the life (or lives) of an annuitant (or annuitants), whichever is the longer, the fixed number of years is the guarantee period. The appropriate percentage in Table III shall be applied to whichever of the following is the smaller: (i) the investment in the contract; or (ii) the product of the payments received in the first taxable year, placed on an annual basis, multiplied by the number of years for which payment of the proceeds of a unit or units is guaranteed.

(2) The principles of this paragraph may be illustrated by the following example:

Example. Taxpayer A, a 50-year-old male, purchases for $25,000, a contract which provides for variable monthly payments to be paid to him for his life. The contract also provides that if he should die before receiving payments for fifteen years, payments shall continue according to the original formula to his estate or beneficiary until payments have been made for that period. Beginning with the month of September, A receives payments which total $450 for the first taxable year of receipt. This amount, placed on an annual basis, is $1,350 ($450 divided by 4, or $112.50; $112.50 multiplied by 12, or $1,350). The guaranteed amount is considered to be $20,250 ($1,350×15), and the multiple from Table III (found in the same manner as in paragraph (b) of this section), 9 percent, applied to $20,250 (since this amount is less than the investment in the contract), results in a refund adjustment of $1,822.50. The latter amount, subtracted from the investment in the contract of $25,000, results in an adjusted investment in the contract of $23,177.50. If A dies before receiving payments for 15 years and the remaining payments are made to B, his beneficiary, B shall exclude the entire amount of such payments from his gross income until the amounts so received by B, together with the amounts received by A and excludable from A's gross income, equal or exceed $25,000. Any excess and any payments thereafter received by B shall be fully includible in gross income.

(e) *Adjustment of the investment in the contract where more than one annuity element is provided for a single consideration.* In the case of contracts to which § 1.72–6 (b) applies for the purpose of allocating the investment in the contract to two or more annuity elements which are provided for a single consideration, if one or more of such elements involves a refund feature, the portion of the investment in the contract properly allocable to each such element shall be adjusted for the refund feature before aggregating all the investments in order to obtain the exclusion ratio which is to apply to the contract as a whole. For example, if Taxpayer A, an insured 70 years of age, upon maturity of an endowment policy which cost him a net amount of $86,000, elected a dual settlement consisting of (1) monthly payments for his life aggregating $4,146 per year with 10 years' payments certain, and (2) monthly payments for his 60 year old brother, B, aggregating $2,820 per year with 20 years' payments certain, the exclusion ratio to be used by both A and B would be determined in the following manner:

A's expected return (A's payments per year of $4,146 multiplied by his life expectancy from Table I of 12.1		$50,166.60
B's expected return (B's payments per year of $2,820 multiplied by his life expectancy from Table I of 18.2)		$51,324.00
Sum of expected returns to be used in determining exclusion ratio		$101,490.60
Percentage of total expected return attributable to A's expectancy of life ($50,166.60÷$101,490.60)		49.4
Percentage of total expected return attributable to B's expectancy of life ($51,324÷$101,490.60)		50.6
Portion of investment in the contract allocable to A's annuity (49.4 percent of $86,000)		$42,484.00
Portion of investment in the contract allocable to B's annuity ($50.6 percent of $86,000)		$43,516.00
Value of the refund feature with respect to A's annuity (percentage from Table III for male, age 70, and duration 10, or 21 percent, multiplied by lesser of guaranteed amount and allocable portion of investment in the contract, $41,460)		$8,707.00
A's allocable portion of the investment in the contract adjusted for refund feature ($42,484 less $8,707.00)		$33,777.00
Value of the refund feature with respect to B's annuity (percentage from Table III for male, age 60, and duration 20, or 25 percent, multiplied by lesser of guaranteed amount and allocable portion of investment in the contract, $43,516)		$10,879.00
B's allocable portion of the investment in the contract adjusted for refund feature ($43,516 less $10,879.00)		$32,637.00
Sum of A's and B's allocable portions of the investment in the contract after adjustment for the refund feature		$66,414.00
Exclusion ratio for the contract as a whole (total adjusted investment in the contract, $66,414, divided by the total expected return from above, $101,490.60) (percent)		65.4

§ 1.72–8 *Effect of certain employer contributions with respect to premiums or other consideration paid or contributed by an employee.*—(a) *Contributions in the nature of compensation.* (1) Section 72 (f) provides that, for the purposes of section 72 (c), (d), and (e), amounts contributed by an employer for the benefit of an employee or his beneficiaries shall constitute consideration paid or contributed by the employee to the extent that:

(i) Such amounts were includible in the gross income of the employee under this subtitle or prior income tax laws, or

(ii) Such amounts would not have been includible in the gross income of the employee at the time contributed had they been paid directly to the employee at that time.

Amounts to which subdivision (i) applies include, for example, contributions made by an employer to or under a trust or plan which fails to qualify under the provisions of section 401 (a), provided that the employee's rights to such contributions or under the plan are nonforfeitable at the time the contributions are made. See sections 402 (b) and 403 (b) and the regulations thereunder. This subdivision also applies to premiums paid by an employer for life insurance protection for an employee if such premiums are includible in the gross income of the employee when paid. See § 1.403 (a)–1 (d). However, such premiums shall only be considered as premiums and other consideration paid by the employee with respect to any benefits attributable to the contract providing the life insurance protection. See § 1.402 (a)–1 (a) (3) (i). Amounts to which subdivision (ii) applies include, for example, contributions made by an employer after December 31, 1950, if made on account of foreign services rendered by an employee during a period in which the employee qualified as a bona fide resident of a foreign country under section 911 (a) or under section 116 (a) of the Internal Revenue Code of 1939. In such a case, it would be immaterial whether such contributions were made under a qualified plan or otherwise. On the other hand, if contributions are made by an employer to a qualified plan at a time when compensation paid directly to the employee concerned with respect to the same services rendered would have been includible in the gross income of the employee, such as in the case of an employee of a State government where contributions are made in 1955 with respect to services rendered by the employee prior to the year 1939, subdivision (ii) does not apply to such contributions. If contributions made by an employer are made with respect to both foreign service and domestic service of the employee, subdivision (ii) shall apply only to the portion of the contributions of the employer which bears the same ratio to the total employer contributions as the total other compensation of the employee attributable to his foreign service bears to the total other compensation paid to the employee for both his foreign and domestic services and shall in no event exceed the amount which would have been excludable if paid directly to the employee as compensation.

(2) Amounts contributed by an employer which were not includible in the gross income of the employee under this subtitle or prior income tax laws, but which would have been includible therein had they been paid directly to the employee, do not constitute consideration paid or contributed by the employee for the purposes of section 72. For example, contributions made by an employer under a qualified employees' trust or plan, which contributions would have been includible in the gross income of the employee had such contributions been paid to him directly as compensation do not constitute consideration paid or contributed by the employee. Accordingly, the aggregate amount of premiums or other consideration paid or contributed by an employee, insofar as compensatory employer contributions are concerned, consists solely of the (i) sum of all amounts actually contributed by the employee, plus (ii) contributions in the nature of compensation which are deemed to be paid or contributed by the employee under subparagraph (1).

(b) *Contributions in the nature of death benefits.* In the case of an employee's beneficiary, the aggregate amount of premiums or other consideration paid or deemed to be paid or contributed by the employee shall also include:

(1) Amounts (other than amounts paid as an annuity) to the extent such amounts are excludable from the beneficiary's gross income as a death benefit under section 101 (b), and

(2) Any amount or amounts of death benefits which are treated as additional consideration contributed by the employee under section 101 (b) (2) (D) and the regulations thereunder, or which were excludable from the beneficiary's gross income as a death benefit under

section 22 (b) (1) (B) of the Internal Revenue Code of 1939 and the regulations thereunder.

Accordingly, in the case of an employee's beneficiary, any such amount shall be added to any amount or amounts deemed paid or contributed by the employee under paragraph (a) (1) and to any amounts actually contributed by the employee for the purpose of finding the aggregate amount of premiums or other consideration paid or contributed by the employee.

(c) *Amounts "made available" to an employee or his beneficiary.* Any amount which, although not actually paid, is made available to and includible in the gross income of an employee or his beneficiary under the rules of sections 402 and 403 and the regulations thereunder, shall be considered an amount contributed by the employee and shall be aggregated with amounts, if any, to which paragraphs (a) and (b) apply for the purpose of determining the aggregate amount of premiums or other consideration paid by employee.

§ 1.72–9 *Tables.* The following tables are to be used in connection with computations under section 72 and the regulations thereunder:

TABLE I—ORDINARY LIFE ANNUITIES—ONE LIFE—EXPECTED RETURN MULTIPLES

Ages		Multiples	Ages		Multiples	Ages		Multiples
Male	Female		Male	Female		Male	Female	
6	11	65.0	41	46	33.0	76	81	9.1
7	12	64.1	42	47	32.1	77	82	8.7
8	12	63.2	43	48	31.2	78	83	8.3
9	14	62.3	44	49	30.4	79	84	7.8
10	15	61.4	45	50	29.6	80	85	7.5
11	16	60.4	46	51	28.7	81	86	7.1
12	17	59.5	47	52	27.9	82	87	6.7
13	18	58.6	48	53	27.1	83	88	6.3
14	19	57.7	49	54	26.3	84	89	6.0
15	20	56.7	50	55	25.5	85	90	5.7
16	21	55.8	51	56	24.7	86	91	5.4
17	22	54.9	52	57	24.0	87	92	5.1
18	23	53.9	53	58	23.2	88	93	4.8
19	24	53.0	54	59	22.4	89	94	4.5
20	25	52.1	55	60	21.7	90	95	4.2
21	26	51.1	56	61	21.0	91	96	4.0
22	27	50.2	57	62	20.3	92	97	3.7
23	28	49.3	58	63	19.6	93	98	3.5
24	29	48.3	59	64	18.9	94	99	3.3
25	30	47.4	60	65	18.2	95	100	3.1
26	31	46.5	61	66	17.5	96	101	2.9
27	32	45.6	62	67	16.9	97	102	2.7
28	33	44.6	63	68	16.2	98	103	2.5
29	34	43.7	64	69	15.6	99	104	2.3
30	35	42.8	65	70	15.0	100	105	2.1
31	36	41.9	66	71	14.4	101	106	1.9
32	37	41.0	67	72	13.8	102	107	1.7
33	38	40.0	68	73	13.2	103	108	1.5
34	39	39.1	69	74	12.6	104	109	1.3
35	40	38.2	70	75	12.1	105	110	1.2
						106	111	1.0
36	41	37.3	71	76	11.6	107	112	.8
37	42	36.5	72	77	11.0	108	113	.7
38	43	35.6	73	78	10.5	109	114	.6
39	44	34.7	74	79	10.1	110	115	.5
40	45	33.8	75	80	9.6	111	116	0

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES

Ages																
	Male	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Male	Female	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
6	11	73.5	73.0	72.6	72.2	71.8	71.4	71.0	70.7	70.4	70.0	69.7	69.5	69.2	68.9	68.7
7	12	73.0	72.6	72.1	71.7	71.3	70.9	70.5	70.1	69.8	69.4	69.1	68.8	68.5	68.3	68.0
8	13	72.6	72.1	71.6	71.2	70.8	70.4	70.0	69.6	69.2	68.9	68.5	68.2	67.9	67.6	67.3
9	14	72.2	71.7	71.2	70.7	70.3	69.9	69.4	69.0	68.7	68.3	67.9	67.6	67.3	67.0	66.7
10	15	71.8	71.3	70.8	70.3	69.8	69.4	68.9	68.5	68.1	67.7	67.4	67.0	66.7	66.4	66.1
11	16	71.4	70.9	70.4	69.9	69.4	68.9	68.5	68.0	67.6	67.2	66.8	66.5	66.1	65.8	65.4
12	17	71.0	70.5	70.0	69.4	68.9	68.5	68.0	67.5	67.1	66.7	66.3	65.9	65.5	65.2	64.8
13	18	70.7	70.1	69.6	69.0	68.5	68.0	67.5	67.1	66.6	66.2	65.8	65.4	65.0	64.6	64.2
14	19	70.4	69.8	69.2	68.7	68.1	67.6	67.1	66.6	66.1	65.7	65.3	64.8	64.4	64.0	63.7
15	20	70.0	69.4	68.9	68.3	67.7	67.2	66.7	66.2	65.7	65.2	64.8	64.3	63.9	63.5	63.1
16	21	69.7	69.1	68.5	67.9	67.4	66.8	66.3	65.8	65.3	64.8	64.3	63.8	63.4	63.0	62.6
17	22	69.5	68.8	68.2	67.6	67.0	66.5	65.9	65.4	64.8	64.3	63.8	63.4	62.9	62.5	62.0
18	23	69.2	68.5	67.9	67.3	66.7	66.1	65.5	65.0	64.4	63.9	63.4	62.9	62.4	62.0	61.5
19	24	68.9	68.3	67.6	67.0	66.4	65.8	65.2	64.6	64.0	63.5	63.0	62.5	62.0	61.5	61.0
20	25	68.7	68.0	67.3	66.7	66.1	65.4	64.8	64.2	63.7	63.1	62.6	62.0	61.5	61.0	60.6

Ages																
	Male	21	22	23	24	25	26	27	28	29	30	31	32	33	34	
Male	Female	26	27	28	29	30	31	32	33	34	35	36	37	38	39	
6	11	68.4	68.2	68.0	67.8	67.6	67.5	67.3	67.1	67.0	66.8	66.7	66.6	66.5	66.4	
7	12	67.8	67.5	67.3	67.1	66.9	66.7	66.5	66.4	66.2	66.1	65.9	65.8	65.7	65.6	
8	13	67.1	66.8	66.6	66.4	66.2	66.0	65.8	65.6	65.4	65.3	65.1	65.0	64.9	64.7	
9	14	66.4	66.2	65.9	65.7	65.4	65.2	65.0	64.8	64.7	64.5	64.3	64.2	64.1	63.9	
10	15	65.8	65.5	65.2	65.0	64.7	64.5	64.3	64.1	63.9	63.7	63.6	63.4	63.3	63.1	
11	16	65.1	64.8	64.6	64.3	64.1	63.8	63.6	63.4	63.2	63.0	62.8	62.6	62.5	62.3	
12	17	64.5	64.2	63.9	63.6	63.4	63.1	62.9	62.7	62.4	62.2	62.0	61.9	61.7	61.5	
13	18	63.9	63.6	63.3	63.0	62.7	62.4	62.2	61.9	61.7	61.5	61.3	61.1	60.9	60.8	
14	19	63.3	63.0	62.7	62.3	62.0	61.8	61.5	61.2	61.0	60.8	60.6	60.4	60.2	60.0	
15	20	62.7	62.4	62.0	61.7	61.4	61.1	60.8	60.6	60.3	60.1	59.8	59.6	59.4	59.2	
16	21	62.2	61.8	61.4	61.1	60.8	60.5	60.2	59.9	59.6	59.4	59.1	58.9	58.7	58.5	
17	22	61.6	61.2	60.9	60.5	60.2	59.8	59.5	59.2	58.9	58.7	58.4	58.2	57.9	57.7	
18	23	61.1	60.7	60.3	59.9	59.6	59.2	58.9	58.6	58.3	58.0	57.7	57.5	57.2	57.0	
19	24	60.6	60.2	59.7	59.4	59.0	58.6	58.3	57.9	57.6	57.3	57.0	56.8	56.5	56.3	
20	25	60.1	59.6	59.2	58.8	58.4	58.0	57.7	57.3	57.0	56.7	56.4	56.1	55.8	55.6	
21	26	59.6	59.1	58.7	58.3	57.9	57.5	57.1	56.7	56.4	56.0	55.7	55.4	55.1	54.9	
22	27	59.1	58.7	58.2	57.7	57.3	56.9	56.5	56.1	55.8	55.4	55.1	54.8	54.5	54.2	
23	28	58.7	58.2	57.7	57.2	56.8	56.4	55.9	55.5	55.2	54.8	54.4	54.1	53.8	53.5	
24	29	58.3	57.7	57.2	56.8	56.3	55.8	55.4	55.0	54.6	54.2	53.8	53.5	53.2	52.8	
25	30	57.9	57.3	56.8	56.3	55.8	55.3	54.9	54.4	54.0	53.6	53.2	52.9	52.5	52.2	
26	31	57.5	56.9	56.4	55.8	55.3	54.8	54.4	53.9	53.5	53.1	52.7	52.3	51.9	51.6	
27	32	57.1	56.5	55.9	55.4	54.9	54.4	53.9	53.4	53.0	52.5	52.1	51.7	51.3	50.9	
28	33	56.7	56.1	55.5	55.0	54.4	53.9	53.4	52.9	52.4	52.0	51.6	51.1	50.7	50.3	
29	34	56.4	55.8	55.2	54.6	54.0	53.5	53.0	52.4	52.0	51.5	51.0	50.6	50.2	49.8	
30	35	56.0	55.4	54.8	54.2	53.6	53.1	52.5	52.0	51.5	51.0	50.5	50.1	49.6	49.2	
31	36	55.7	55.1	54.4	53.8	53.2	52.7	52.1	51.6	51.0	50.5	50.0	49.5	49.1	48.7	
32	37	55.4	54.8	54.1	53.5	52.9	52.3	51.7	51.1	50.6	50.1	49.5	49.1	48.6	48.1	
33	38	55.1	54.5	53.8	53.2	52.5	51.9	51.3	50.7	50.2	49.6	49.1	48.6	48.1	47.6	
34	39	54.9	54.2	53.5	52.8	52.2	51.6	50.9	50.3	49.8	49.2	48.7	48.1	47.6	47.1	

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages																
	Male	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49
Male	Female	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54
6	11	66.3	66.2	66.1	66.0	65.9	65.9	65.8	65.7	65.7	65.6	65.6	65.5	65.5	65.5	65.4
7	12	65.4	65.3	65.3	65.2	65.1	65.0	64.9	64.9	64.8	64.8	64.7	64.7	64.6	64.6	64.5
8	13	64.6	64.5	64.4	64.3	64.2	64.1	64.0	64.0	63.9	63.9	63.8	63.8	63.7	63.7	63.6
9	14	63.8	63.7	63.6	63.5	63.4	63.3	63.2	63.2	63.1	63.0	63.0	62.9	62.9	62.8	62.8
10	15	63.0	62.9	62.8	62.7	62.6	62.5	62.4	62.3	62.2	62.2	62.1	62.0	62.0	61.9	61.9
11	16	62.2	62.1	61.9	61.8	61.7	61.6	61.5	61.4	61.3	61.2	61.2	61.1	61.0	61.0	61.0
12	17	61.4	61.3	61.1	61.0	60.9	60.8	60.7	60.6	60.5	60.4	60.4	60.3	60.2	60.2	60.1
13	18	60.8	60.7	60.5	60.4	60.3	60.2	60.0	59.9	59.8	59.7	59.6	59.6	59.5	59.4	59.4
14	19	60.2	60.0	59.9	59.7	59.6	59.4	59.3	59.2	59.1	59.0	58.9	58.8	58.8	58.7	58.7
15	20	59.6	59.4	59.3	59.1	58.9	58.8	58.7	58.5	58.4	58.3	58.2	58.1	58.0	57.9	57.9
16	21	59.0	58.8	58.7	58.5	58.4	58.2	58.1	57.9	57.8	57.7	57.5	57.4	57.3	57.3	57.2
17	22	58.4	58.3	58.1	58.0	57.8	57.7	57.5	57.4	57.2	57.1	57.0	56.9	56.8	56.8	56.7
18	23	57.9	57.8	57.6	57.5	57.3	57.2	57.0	56.8	56.7	56.6	56.5	56.4	56.3	56.3	56.2
19	24	57.4	57.3	57.1	57.0	56.8	56.7	56.5	56.3	56.2	56.1	56.0	55.9	55.8	55.8	55.7
20	25	56.9	56.8	56.6	56.5	56.3	56.2	56.0	55.8	55.7	55.6	55.5	55.4	55.3	55.3	55.2
21	26	56.4	56.3	56.1	56.0	55.8	55.7	55.5	55.4	55.2	55.1	55.0	54.9	54.8	54.8	54.7
22	27	56.0	55.8	55.7	55.5	55.4	55.2	55.1	54.9	54.8	54.6	54.5	54.4	54.3	54.3	54.2
23	28	55.5	55.4	55.2	55.1	54.9	54.8	54.6	54.5	54.3	54.2	54.1	54.0	53.9	53.8	53.8
24	29	55.1	55.0	54.8	54.7	54.5	54.4	54.2	54.1	53.9	53.8	53.7	53.6	53.5	53.4	53.4
25	30	54.7	54.6	54.4	54.3	54.1	54.0	53.8	53.7	53.6	53.4	53.3	53.2	53.1	53.0	53.0
26	31	54.3	54.2	54.0	53.9	53.7	53.6	53.4	53.3	53.2	53.0	52.9	52.8	52.7	52.6	52.6
27	32	53.9	53.8	53.6	53.5	53.3	53.2	53.0	52.9	52.8	52.6	52.5	52.4	52.3	52.3	52.2
28	33	53.5	53.4	53.2	53.1	52.9	52.8	52.6	52.5	52.4	52.2	52.1	52.0	51.9	51.9	51.8
29	34	53.1	53.0	52.8	52.7	52.5	52.4	52.2	52.1	52.0	51.8	51.7	51.6	51.6	51.5	51.5
30	35	52.7	52.6	52.4	52.3	52.1	52.0	51.8	51.7	51.6	51.5	51.4	51.3	51.2	51.2	51.1
31	36	52.3	52.2	52.0	51.9	51.8	51.7	51.5	51.4	51.3	51.2	51.1	51.0	50.9	50.9	50.8
32	37	51.9	51.8	51.6	51.5	51.4	51.3	51.2	51.1	51.0	50.9	50.8	50.7	50.7	50.6	50.6
33	38	51.5	51.4	51.3	51.2	51.1	51.0	50.9	50.8	50.7	50.6	50.5	50.4	50.4	50.3	50.3
34	39	51.2	51.1	50.9	50.8	50.7	50.6	50.5	50.4	50.3	50.2	50.1	50.1	50.0	50.0	49.9

Ages																
	Male	50	51	52	53	54	55	56	57	58	59	60	61	62	63	
Male	Female	55	56	57	58	59	60	61	62	63	64	65	66	67	68	
6	11	65.4	65.4	65.3	65.3	65.3	65.3	65.3	65.2	65.2	65.2	65.2	65.2	65.2	65.2	
7	12	64.5	64.5	64.4	64.4	64.4	64.4	64.3	64.3	64.3	64.3	64.3	64.3	64.3	64.3	
8	13	63.6	63.6	63.5	63.5	63.5	63.5	63.4	63.4	63.4	63.4	63.4	63.4	63.4	63.3	
9	14	62.7	62.7	62.7	62.6	62.6	62.6	62.5	62.5	62.5	62.5	62.5	62.5	62.4	62.4	
10	15	61.8	61.8	61.8	61.7	61.7	61.7	61.6	61.6	61.6	61.6	61.6	61.6	61.5	61.5	
11	16	61.0	60.9	60.9	60.8	60.8	60.7	60.7	60.7	60.6	60.6	60.6	60.6	60.6	60.6	
12	17	60.1	60.1	60.0	60.0	59.9	59.9	59.8	59.8	59.8	59.8	59.8	59.7	59.7	59.7	
13	18	59.2	59.2	59.1	59.0	59.0	59.0	58.9	58.9	58.9	58.9	58.9	58.8	58.8	58.8	
14	19	58.3	58.2	58.2	58.2	58.1	58.1	58.0	58.0	58.0	58.0	57.9	57.9	57.9	57.9	
15	20	57.4	57.4	57.3	57.3	57.2	57.2	57.1	57.1	57.1	57.0	57.0	57.0	57.0	57.0	
16	21	56.5	56.5	56.4	56.4	56.3	56.3	56.2	56.2	56.2	56.2	56.1	56.1	56.1	56.1	
17	22	55.7	55.6	55.6	55.5	55.4	55.4	55.3	55.3	55.3	55.2	55.2	55.2	55.2	55.1	
18	23	54.8	54.8	54.7	54.6	54.6	54.5	54.4	54.4	54.3	54.3	54.3	54.3	54.2	54.2	
19	24	53.9	53.9	53.8	53.7	53.7	53.6	53.5	53.5	53.5	53.4	53.4	53.4	53.4	53.3	
20	25	53.0	53.0	52.9	52.8	52.8	52.7	52.6	52.6	52.6	52.5	52.5	52.5	52.4	52.4	
21	26	52.1	52.0	52.0	51.9	51.8	51.8	51.7	51.7	51.7	51.6	51.6	51.6	51.5	51.5	
22	27	51.2	51.1	51.0	50.9	50.9	50.8	50.8	50.7	50.7	50.7	50.6	50.6	50.6	50.6	
23	28	50.3	50.2	50.1	50.0	50.0	49.9	49.9	49.8	49.8	49.8	49.8	49.8	49.7	49.7	
24	29	49.4	49.3	49.2	49.1	49.1	49.0	49.0	48.9	48.9	48.9	48.8	48.8	48.8	48.8	
25	30	48.5	48.4	48.3	48.2	48.2	48.1	48.1	48.0	48.0	48.0	48.0	48.0	48.0	47.9	
26	31	47.6	47.5	47.4	47.3	47.3	47.2	47.2	47.1	47.1	47.1	47.1	47.1	47.0	47.0	
27	32	46.7	46.6	46.5	46.4	46.4	46.3	46.3	46.2	46.2	46.2	46.2	46.2	46.1	46.1	
28	33	45.8	45.7	45.6	45.5	45.5	45.4	45.4	45.3	45.3	45.3	45.3	45.3	45.2	45.2	
29	34	44.8	44.8	44.7	44.6	44.6	44.5	44.5	44.4	44.4	44.4	44.4	44.4	44.4	44.3	
30	35	43.9	43.9	43.8	43.7	43.7	43.7	43.6	43.6	43.6	43.6	43.6	43.6	43.5	43.4	
31	36	43.0	43.0	42.9	42.9	42.8	42.8	42.7	42.7	42.7	42.7	42.6	42.6	42.6	42.6	
32	37	42.1	42.1	42.0	42.0	41.9	41.9	41.8	41.8	41.8	41.8	41.8	41.8	41.7	41.7	
33	38	41.2	41.2	41.1	41.1	41.0	40.9	40.9	40.8	40.8	40.8	40.8	40.8	40.8	40.8	
34	39	40.3	40.3	40.2	40.1	40.0	40.0	39.9	39.9	39.8	39.8	39.8	39.7	39.7	39.7	

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages																
	Male	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78
Male	Female	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83
6	11	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1
7	12	64.2	64.2	64.2	64.2	64.2	64.2	64.2	64.2	64.2	64.2	64.2	64.2	64.2	64.1	64.1
8	13	63.3	63.3	63.3	63.3	63.3	63.3	63.3	63.3	63.3	63.2	63.2	63.2	63.2	63.2	63.2
9	14	62.4	62.4	62.4	62.4	62.4	62.4	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3
10	15	61.5	61.5	61.5	61.5	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4
11	16	60.6	60.6	60.6	60.5	60.5	60.5	60.5	60.5	60.5	60.5	60.5	60.5	60.5	60.5	60.5
12	17	59.7	59.6	59.6	59.6	59.6	59.6	58.7	58.7	58.7	58.7	58.6	58.6	58.6	58.6	58.6
13	18	58.8	58.7	58.7	58.7	58.7	58.7	58.7	58.7	57.8	57.7	57.7	57.7	57.7	57.7	57.7
14	19	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.7	57.7	57.7	57.7	57.7	57.7	57.7	56.8
15	20	56.9	56.9	56.9	56.9	56.9	56.8	56.8	56.8	56.8	56.8	56.8	56.8	56.8	56.8	
16	21	56.0	56.0	56.0	56.0	55.9	55.9	55.9	55.9	55.9	55.9	55.9	55.9	55.9	55.9	55.8
17	22	55.1	55.1	55.1	55.0	55.0	55.0	55.0	55.0	55.0	55.0	55.0	54.9	54.9	54.9	54.9
18	23	54.2	54.2	54.1	54.1	54.1	54.1	54.1	54.1	54.0	54.0	54.0	54.0	54.0	54.0	54.0
19	24	53.3	53.2	53.2	53.2	53.2	53.2	53.2	53.1	53.1	53.1	53.1	53.1	53.1	53.1	53.1
20	25	52.4	52.3	52.3	52.3	52.3	52.2	52.2	52.2	52.2	52.2	52.2	52.2	52.2	52.1	52.1
21	26	51.4	51.4	51.4	51.4	51.3	51.3	51.3	51.3	51.3	51.3	51.3	51.3	51.2	51.2	51.2
22	27	50.5	50.5	50.5	50.5	50.4	50.4	50.4	50.4	50.4	50.4	50.3	50.3	50.3	50.3	50.3
23	28	49.6	49.6	49.6	49.5	49.5	49.5	49.5	49.5	49.5	49.4	49.4	49.4	49.4	49.4	49.4
24	29	48.7	48.7	48.7	48.6	48.6	48.6	48.6	48.5	48.5	48.5	48.5	48.5	48.5	48.4	48.4
25	30	47.8	47.8	47.8	47.7	47.7	47.7	47.6	47.6	47.6	47.6	47.6	47.5	47.5	47.5	47.5
26	31	46.9	46.9	46.8	46.8	46.8	46.8	46.7	46.7	46.7	46.7	46.6	46.6	46.6	46.6	46.6
27	32	46.0	46.0	45.9	45.9	45.9	45.8	45.8	45.8	45.8	45.7	45.7	45.7	45.7	45.7	45.7
28	33	45.1	45.1	45.1	45.0	45.0	44.9	44.9	44.9	44.9	44.8	44.8	44.8	44.8	44.8	44.8
29	34	44.3	44.2	44.2	44.1	44.1	44.0	44.0	44.0	44.0	43.9	43.9	43.9	43.9	43.9	43.8
30	35	43.4	43.3	43.3	43.2	43.2	43.1	43.1	43.1	43.1	43.0	43.0	43.0	43.0	42.9	42.9
31	36	42.5	42.4	42.4	42.3	42.3	42.3	42.2	42.2	42.2	42.1	42.1	42.1	42.1	42.0	42.0
32	37	41.6	41.6	41.5	41.5	41.4	41.4	41.3	41.3	41.3	41.2	41.2	41.2	41.2	41.1	41.1
33	38	40.8	40.7	40.7	40.6	40.5	40.5	40.5	40.4	40.4	40.3	40.3	40.3	40.3	40.2	40.2
34	39	39.9	39.9	39.8	39.7	39.7	39.6	39.6	39.5	39.5	39.5	39.4	39.4	39.4	39.3	39.3

Ages																
	Male	79	80	81	82	83	84	85	86	87	88	89	90	91	92	
Male	Female	84	85	86	87	88	89	90	91	92	93	94	95	96	97	
6	11	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.1	65.0	65.0	65.0	65.0	65.0	
7	12	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	
8	13	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	
9	14	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	61.4	61.4	61.4	
10	15	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4				
11	16	60.5	60.5	60.5	60.5	60.5	60.5	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4	
12	17	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	
13	18	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	
14	19	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	56.7	56.7	
15	20	56.8	56.8	56.8	56.8	56.8	56.8	56.8	56.7	56.7	56.7	56.7	56.7			
16	21	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	
17	22	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	
18	23	54.0	54.0	54.0	54.0	54.0	54.0	54.0	54.0	54.0	54.0	54.0	54.0	54.0	53.9	
19	24	53.1	53.1	53.1	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	52.1	52.1	
20	25	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1				
21	26	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	
22	27	50.3	50.3	50.3	50.3	50.3	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	
23	28	49.4	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	
24	29	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	47.4	47.4	
25	30	47.5	47.5	47.5	47.5	47.5	47.5	47.5	47.5	47.4	47.4	47.4	47.4			
26	31	46.6	46.6	46.6	46.6	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	
27	32	45.7	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	
28	33	44.7	44.7	44.7	44.7	44.7	44.7	44.7	44.7	44.7	44.7	44.7	44.7	44.7	44.7	
29	34	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.8	43.7	43.7	43.7	
30	35	42.9	42.9	42.9	42.9	42.9	42.9	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	
31	36	42.0	42.0	42.0	42.0	42.0	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	
32	37	41.1	41.1	41.1	41.1	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	
33	38	40.2	40.2	40.2	40.2	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	
34	39	39.3	39.3	39.3	39.3	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages																
	Male	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108
Male	Female	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113
6	11	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0
7	12	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1	64.1
8	13	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2	63.2
9	14	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3	62.3
10	15	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4	61.4
11	16	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4	60.4
12	17	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5	59.5
13	18	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6	58.6
14	19	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7	57.7
15	20	56.7	56.7	56.7	56.7	56.7	56.7	56.7	56.7	56.7	56.7	56.7	56.7	56.7	56.7	56.7	56.7
16	21	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8	55.8
17	22	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9	54.9
18	23	53.9	53.9	53.9	53.9	53.9	53.9	53.9	53.9	53.9	53.9	53.9	53.9	53.9	53.9	53.9	53.9
19	24	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0	53.0
20	25	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1	52.1
21	26	51.2	51.2	51.2	51.2	51.2	51.2	51.1	51.1	51.1	51.1	51.1	51.1	51.1	51.1	51.1	51.1
22	27	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2	50.2
23	28	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3	49.3
24	29	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.4	48.3	48.3
25	30	47.4	47.4	47.4	47.4	47.4	47.4	47.4	47.4	47.4	47.4	47.4	47.4	47.4	47.4	47.4	47.4
26	31	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5	46.5
27	32	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6	45.6
28	33	44.7	44.6	44.6	44.6	44.6	44.6	44.6	44.6	44.6	44.6	44.6	44.6	44.6	44.6	44.6	44.6
29	34	43.7	43.7	43.7	43.7	43.7	43.7	43.7	43.7	43.7	43.7	43.7	43.7	43.7	43.7	43.7	43.7
30	35	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8
31	36	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9	41.9
32	37	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0
33	38	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.1	40.0
34	39	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.1	39.1	39.1	39.1	39.1

Ages															
	Male	35	36	37	38	39	40	41	42	43	44	45	46	47	
Male	Female	40	41	42	43	44	45	46	47	48	49	50	51	52	
35	40	46.2	45.7	45.3	44.8	44.4	44.0	43.6	43.3	43.0	42.6	42.3	42.0	41.8	
36	41	45.7	45.2	44.8	44.3	43.9	43.5	43.1	42.7	42.3	42.0	41.7	41.4	41.1	
37	42	45.3	44.8	44.3	43.8	43.4	42.9	42.5	42.1	41.8	41.4	41.1	40.7	40.4	
38	43	44.8	44.3	43.8	43.3	42.9	42.4	42.0	41.6	41.2	40.8	40.5	40.1	39.8	
39	44	44.4	43.9	43.4	42.9	42.4	41.9	41.5	41.0	40.6	40.2	39.9	39.5	39.2	
40	45	44.0	43.5	42.9	42.4	41.9	41.4	41.0	40.5	40.1	39.7	39.3	38.9	38.6	
41	46	43.6	43.1	42.5	42.0	41.5	41.0	40.5	40.0	39.6	39.2	38.8	38.4	38.0	
42	47	43.3	42.7	42.1	41.6	41.0	40.5	40.0	39.6	39.1	38.7	38.2	37.8	37.5	
43	48	43.0	42.3	41.8	41.2	40.6	40.1	39.6	39.1	38.6	38.2	37.7	37.3	36.9	
44	49	42.6	42.0	41.4	40.8	40.2	39.7	39.2	38.7	38.2	37.7	37.2	36.8	36.4	
45	50	42.3	41.7	41.1	40.5	39.9	39.3	38.8	38.2	37.7	37.2	36.8	36.3	35.9	
46	51	42.0	41.4	40.7	40.1	39.5	38.9	38.4	37.8	37.3	36.8	36.3	35.9	35.4	
47	52	41.8	41.1	40.4	39.8	39.2	38.6	38.0	37.5	36.9	36.4	35.9	35.4	35.0	

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages																
	Male	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62
Male	Female	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67
35	40	41.5	41.2	40.9	40.6	40.3	40.0	39.7	39.4	39.1	38.8	38.5	38.2	37.9	37.6	37.3
36	41	40.8	40.5	40.2	39.9	39.6	39.3	39.0	38.7	38.4	38.1	37.8	37.5	37.2	36.9	36.6
37	42	40.1	39.8	39.5	39.2	38.9	38.6	38.3	38.0	37.7	37.4	37.1	36.8	36.5	36.2	35.9
38	43	39.4	39.1	38.8	38.5	38.2	37.9	37.6	37.3	37.0	36.7	36.4	36.1	35.8	35.5	35.2
39	44	38.8	38.5	38.2	37.9	37.6	37.3	37.0	36.7	36.4	36.1	35.8	35.5	35.2	34.9	34.6
40	45	38.2	37.9	37.6	37.3	37.0	36.7	36.4	36.1	35.8	35.5	35.2	34.9	34.6	34.3	34.0
41	46	37.6	37.3	37.0	36.7	36.4	36.1	35.8	35.5	35.2	34.9	34.6	34.3	34.0	33.7	33.4
42	47	37.1	36.8	36.5	36.2	35.9	35.6	35.3	35.0	34.7	34.4	34.1	33.8	33.5	33.2	32.9
43	48	36.6	36.3	36.0	35.7	35.4	35.1	34.8	34.5	34.2	33.9	33.6	33.3	33.0	32.7	32.4
44	49	36.1	35.8	35.5	35.2	34.9	34.6	34.3	34.0	33.7	33.4	33.1	32.8	32.5	32.2	31.9
45	50	35.6	35.3	35.0	34.7	34.4	34.1	33.8	33.5	33.2	32.9	32.6	32.3	32.0	31.7	31.4
46	51	35.1	34.8	34.5	34.2	33.9	33.6	33.3	33.0	32.7	32.4	32.1	31.8	31.5	31.2	30.9
47	52	34.7	34.4	34.1	33.8	33.5	33.2	32.9	32.6	32.3	32.0	31.7	31.4	31.1	30.8	30.5

Ages																
	Male	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77
Male	Female	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82
35	40	37.0	36.7	36.4	36.1	35.8	35.5	35.2	34.9	34.6	34.3	34.0	33.7	33.4	33.1	32.8
36	41	36.3	36.0	35.7	35.4	35.1	34.8	34.5	34.2	33.9	33.6	33.3	33.0	32.7	32.4	32.1
37	42	35.6	35.3	35.0	34.7	34.4	34.1	33.8	33.5	33.2	32.9	32.6	32.3	32.0	31.7	31.4
38	43	34.9	34.6	34.3	34.0	33.7	33.4	33.1	32.8	32.5	32.2	31.9	31.6	31.3	31.0	30.7
39	44	34.3	34.0	33.7	33.4	33.1	32.8	32.5	32.2	31.9	31.6	31.3	31.0	30.7	30.4	30.1
40	45	33.7	33.4	33.1	32.8	32.5	32.2	31.9	31.6	31.3	31.0	30.7	30.4	30.1	29.8	29.5
41	46	33.1	32.8	32.5	32.2	31.9	31.6	31.3	31.0	30.7	30.4	30.1	29.8	29.5	29.2	28.9
42	47	32.6	32.3	32.0	31.7	31.4	31.1	30.8	30.5	30.2	29.9	29.6	29.3	29.0	28.7	28.4
43	48	32.1	31.8	31.5	31.2	30.9	30.6	30.3	30.0	29.7	29.4	29.1	28.8	28.5	28.2	27.9
44	49	31.6	31.3	31.0	30.7	30.4	30.1	29.8	29.5	29.2	28.9	28.6	28.3	28.0	27.7	27.4
45	50	31.1	30.8	30.5	30.2	29.9	29.6	29.3	29.0	28.7	28.4	28.1	27.8	27.5	27.2	26.9
46	51	30.6	30.3	30.0	29.7	29.4	29.1	28.8	28.5	28.2	27.9	27.6	27.3	27.0	26.7	26.4
47	52	30.2	29.9	29.6	29.3	29.0	28.7	28.4	28.1	27.8	27.5	27.2	26.9	26.6	26.3	26.0

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages																
	Male	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92
Male	Female	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97
35	40	32.5	32.2	31.9	31.6	31.3	31.0	30.7	30.4	30.1	29.8	29.5	29.2	28.9	28.6	28.3
36	41	31.8	31.5	31.2	30.9	30.6	30.3	30.0	29.7	29.4	29.1	28.8	28.5	28.2	27.9	27.6
37	42	31.1	30.8	30.5	30.2	29.9	29.6	29.3	29.0	28.7	28.4	28.1	27.8	27.5	27.2	26.9
38	43	30.4	30.1	29.8	29.5	29.2	28.9	28.6	28.3	28.0	27.7	27.4	27.1	26.8	26.5	26.2
39	44	29.8	29.5	29.2	28.9	28.6	28.3	28.0	27.7	27.4	27.1	26.8	26.5	26.2	25.9	25.6
40	45	29.2	28.9	28.6	28.3	28.0	27.7	27.4	27.1	26.8	26.5	26.2	25.9	25.6	25.3	25.0
41	46	28.6	28.3	28.0	27.7	27.4	27.1	26.8	26.5	26.2	25.9	25.6	25.3	25.0	24.7	24.4
42	47	28.1	27.8	27.5	27.2	26.9	26.6	26.3	26.0	25.7	25.4	25.1	24.8	24.5	24.2	23.9
43	48	27.6	27.3	27.0	26.7	26.4	26.1	25.8	25.5	25.2	24.9	24.6	24.3	24.0	23.7	23.4
44	49	27.1	26.8	26.5	26.2	25.9	25.6	25.3	25.0	24.7	24.4	24.1	23.8	23.5	23.2	22.9
45	50	26.6	26.3	26.0	25.7	25.4	25.1	24.8	24.5	24.2	23.9	23.6	23.3	23.0	22.7	22.4
46	51	26.1	25.8	25.5	25.2	24.9	24.6	24.3	24.0	23.7	23.4	23.1	22.8	22.5	22.2	21.9
47	52	25.7	25.4	25.1	24.8	24.5	24.2	23.9	23.6	23.3	23.0	22.7	22.4	22.1	21.8	21.5

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TOW LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages														
	Male	48	49	50	51	52	53	54	55	56	57	58	59	60
Male	Female	53	54	55	56	57	58	59	60	61	62	63	64	65
35	40	41.5	41.3	41.0	40.8	40.6	40.4	40.3	40.1	40.0	39.8	39.7	39.6	39.5
36	41	40.8	40.6	40.3	40.1	39.9	39.7	39.5	39.3	39.2	39.0	38.9	38.8	38.6
37	42	40.2	39.9	39.6	39.4	39.2	39.0	38.8	38.6	38.4	38.3	38.1	38.0	37.9
38	43	39.5	39.2	39.0	38.7	38.5	38.3	38.1	37.9	37.7	37.5	37.3	37.2	37.1
39	44	38.9	38.6	38.3	38.0	37.8	37.6	37.3	37.1	36.9	36.8	36.6	36.4	36.3
40	45	38.3	38.0	37.7	37.4	37.1	36.9	36.6	36.4	36.2	36.0	35.9	35.7	35.5
41	46	37.7	37.3	37.0	36.7	36.5	36.2	36.0	35.7	35.5	35.3	35.1	35.0	34.8
42	47	37.1	36.8	36.4	36.1	35.8	35.6	35.3	35.1	34.8	34.6	34.4	34.2	34.1
43	48	36.5	36.2	35.8	35.5	35.2	34.9	34.7	34.4	34.2	33.9	33.7	33.5	33.3
44	49	36.0	35.6	35.3	34.9	34.6	34.3	34.0	33.8	33.5	33.3	33.0	32.8	32.6
45	50	35.5	35.1	34.7	34.4	34.0	33.7	33.4	33.1	32.9	32.6	32.4	32.2	31.9
46	51	35.0	34.6	34.2	33.8	33.5	33.1	32.8	32.5	32.2	32.0	31.7	31.5	31.3
47	52	34.5	34.1	33.7	33.3	32.9	32.6	32.2	31.9	31.6	31.4	31.1	30.9	30.6
48	53	34.0	33.6	33.2	32.8	32.4	32.0	31.7	31.4	31.1	30.8	30.5	30.2	30.0
49	54	33.6	33.1	32.7	32.3	31.9	31.5	31.2	30.8	30.5	30.2	29.9	29.6	29.4
50	55	33.2	32.7	32.3	31.8	31.4	31.0	30.6	30.3	29.9	29.6	29.3	29.0	28.8
51	56	32.8	32.3	31.8	31.4	30.9	30.5	30.1	29.8	29.4	29.1	28.8	28.5	28.2
52	57	32.4	31.9	31.4	30.9	30.5	30.1	29.7	29.3	28.9	28.6	28.2	27.9	27.6
53	58	32.0	31.5	31.0	30.5	30.1	29.6	29.2	28.8	28.4	28.1	27.7	27.4	27.1
54	59	31.7	31.2	30.6	30.1	29.7	29.2	28.8	28.3	27.9	27.6	27.2	26.9	26.5
55	60	31.4	30.8	30.3	29.8	29.3	28.8	28.3	27.9	27.5	27.1	26.7	26.4	26.0
56	61	31.1	30.5	29.9	29.4	28.9	28.4	27.9	27.5	27.1	26.7	26.3	25.9	25.5
57	62	30.8	30.2	29.6	29.1	28.6	28.1	27.6	27.1	26.7	26.2	25.8	25.4	25.1
58	63	30.5	29.9	29.3	28.8	28.2	27.7	27.2	26.7	26.3	25.8	25.4	25.0	24.6
59	64	30.2	29.6	29.0	28.5	27.9	27.4	26.9	26.4	25.9	25.4	25.0	24.6	24.2
60	65	30.0	29.4	28.8	28.2	27.6	27.1	26.5	26.0	25.5	25.1	24.6	24.2	23.8

Ages														
	Male	61	62	63	64	65	66	67	68	69	70	71	72	73
Male	Female	66	67	68	69	70	71	72	73	74	75	76	77	78
35	40	39.4	39.3	39.2	39.1	39.0	38.9	38.9	38.8	38.8	38.7	38.7	38.6	38.6
36	41	38.5	38.4	38.3	38.2	38.2	38.1	38.0	38.0	37.9	37.9	37.8	37.8	37.7
37	42	37.7	37.6	37.5	37.4	37.3	37.3	37.2	37.1	37.1	37.0	36.9	36.9	36.9
38	43	36.9	36.8	36.7	36.6	36.5	36.4	36.4	36.3	36.2	36.2	36.1	36.0	36.0
39	44	36.2	36.0	35.9	35.8	35.7	35.6	35.5	35.5	35.4	35.3	35.3	35.2	35.2
40	45	35.4	35.3	35.1	35.0	34.9	34.8	34.7	34.6	34.6	34.5	34.4	34.4	34.3
41	46	34.6	34.5	34.4	34.2	34.1	34.0	33.9	33.8	33.8	33.7	33.6	33.5	33.5
42	47	33.9	33.7	33.6	33.5	33.4	33.2	33.1	33.0	33.0	32.9	32.8	32.7	32.7
43	48	33.2	33.0	32.9	32.7	32.6	32.5	32.4	32.3	32.2	32.1	32.0	31.9	31.9
44	49	32.5	32.3	32.1	32.0	31.8	31.7	31.6	31.5	31.4	31.3	31.2	31.1	31.1
45	50	31.8	31.6	31.4	31.3	31.1	31.0	30.8	30.7	30.6	30.5	30.4	30.4	30.3
46	51	31.1	30.9	30.7	30.5	30.4	30.2	30.1	30.0	29.9	29.8	29.7	29.6	29.5
47	52	30.4	30.2	30.0	29.8	29.7	29.5	29.4	29.3	29.1	29.0	28.9	28.8	28.7
48	53	29.8	29.5	29.3	29.2	29.0	28.8	28.7	28.5	28.4	28.3	28.2	28.1	28.0
49	54	29.1	28.9	28.7	28.5	28.3	28.1	28.0	27.8	27.7	27.6	27.5	27.4	27.3
50	55	28.5	28.3	28.1	27.8	27.6	27.5	27.3	27.1	27.0	26.9	26.7	26.6	26.5
51	56	27.9	27.7	27.4	27.2	27.0	26.8	26.6	26.5	26.3	26.2	26.0	25.9	25.8
52	57	27.3	27.1	26.8	26.6	26.4	26.2	26.0	25.8	25.7	25.5	25.4	25.2	25.1
53	58	26.8	26.5	26.2	26.0	25.8	25.6	25.4	25.2	25.0	24.8	24.7	24.6	24.4
54	59	26.2	25.9	25.7	25.4	25.2	25.0	24.7	24.6	24.4	24.2	24.0	23.9	23.8
55	60	25.7	25.4	25.1	24.9	24.6	24.4	24.1	23.9	23.8	23.6	23.4	23.3	23.1
56	61	25.2	24.9	24.6	24.3	24.1	23.8	23.6	23.4	23.2	23.0	22.8	22.6	22.5
57	62	24.7	24.4	24.1	23.8	23.5	23.3	23.0	22.8	22.6	22.4	22.2	22.0	21.9
58	63	24.3	23.9	23.6	23.3	23.0	22.7	22.5	22.2	22.0	21.8	21.6	21.4	21.3
59	64	23.8	23.5	23.1	22.8	22.5	22.2	21.9	21.7	21.5	21.2	21.0	20.9	20.7
60	65	23.4	23.0	22.7	22.3	22.0	21.7	21.4	21.2	20.9	20.7	20.5	20.3	20.1
61	66	23.0	22.6	22.2	21.9	21.6	21.3	21.0	20.7	20.4	20.2	20.0	19.8	19.6
62	67	22.6	22.2	21.8	21.5	21.1	20.8	20.5	20.2	19.9	19.7	19.5	19.2	19.0
63	68	22.2	21.8	21.4	21.1	20.7	20.4	20.1	19.8	19.5	19.2	19.0	18.7	18.5
64	69	21.9	21.5	21.1	20.7	20.3	20.0	19.6	19.3	19.0	18.7	18.5	18.2	18.0
65	70	21.6	21.1	20.7	20.3	19.9	19.6	19.2	18.9	18.6	18.3	18.0	17.8	17.5
66	71	21.3	20.8	20.4	20.0	19.6	19.2	18.8	18.5	18.2	17.9	17.6	17.3	17.1
67	72	21.0	20.5	20.1	19.6	19.2	18.8	18.5	18.1	17.8	17.5	17.2	16.9	16.7
68	73	20.7	20.2	19.8	19.3	18.9	18.5	18.1	17.8	17.4	17.1	16.8	16.5	16.2
69	74	20.4	19.9	19.5	19.0	18.6	18.2	17.8	17.4	17.1	16.7	16.4	16.1	15.8
70	75	20.2	19.7	19.2	18.7	18.3	17.9	17.5	17.1	16.7	16.4	16.1	15.8	15.5
71	76	20.0	19.5	19.0	18.5	18.0	17.6	17.2	16.8	16.4	16.1	15.7	15.4	15.1
72	77	19.8	19.2	18.7	18.2	17.8	17.3	16.9	16.5	16.1	15.8	15.4	15.1	14.8
73	78	19.6	19.0	18.5	18.0	17.5	17.1	16.7	16.2	15.8	15.5	15.1	14.8	14.4

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages														
	Male	74	75	76	77	78	79	80	81	82	83	84	85	
Male	Female	79	80	81	82	83	84	85	86	87	88	89	90	
35	40	38.5	38.5	38.5	38.5	38.4	38.4	38.4	38.4	38.4	38.4	38.3	38.3	
36	41	37.7	37.6	37.6	37.6	37.6	37.5	37.5	37.5	37.5	37.5	37.5	37.4	
37	42	36.8	36.8	36.7	36.7	36.7	36.7	36.6	36.6	36.6	36.6	36.6	36.6	
38	43	36.0	35.9	35.9	35.9	35.8	35.8	35.8	35.8	35.7	35.7	35.7	35.7	
39	44	35.1	35.1	35.0	35.0	35.0	34.9	34.9	34.9	34.9	34.8	34.8	34.8	
40	45	34.3	34.2	34.2	34.1	34.1	34.1	34.1	34.0	34.0	34.0	34.0	34.0	
41	46	33.4	33.4	33.3	33.3	33.3	33.2	33.2	33.2	33.2	33.1	33.1	33.1	
42	47	32.6	32.6	32.6	32.5	32.4	32.4	32.4	32.3	32.3	32.3	32.3	32.3	
43	48	31.8	31.8	31.7	31.7	31.6	31.6	31.5	31.5	31.5	31.5	31.4	31.4	
44	49	31.0	30.9	30.9	30.8	30.8	30.8	30.7	30.7	30.7	30.6	30.6	30.6	
45	50	30.2	30.1	30.1	30.0	30.0	29.9	29.9	29.9	29.8	29.8	29.8	29.8	
46	51	29.4	29.4	29.3	29.2	29.2	29.2	29.1	29.1	29.0	29.0	29.0	28.9	
47	52	28.7	28.6	28.5	28.5	28.4	28.4	28.3	28.3	28.2	28.2	28.2	28.1	
48	53	27.9	27.8	27.8	27.7	27.6	27.6	27.5	27.5	27.5	27.4	27.4	27.4	
49	54	27.2	27.1	27.0	26.9	26.9	26.8	26.8	26.7	26.7	26.6	26.6	26.6	
50	55	26.4	26.3	26.3	26.2	26.1	26.1	26.0	26.0	25.9	25.9	25.8	25.8	
51	56	25.7	25.6	25.5	25.5	25.4	25.3	25.3	25.2	25.2	25.1	25.1	25.0	
52	57	25.0	24.9	24.8	24.7	24.7	24.6	24.5	24.5	24.4	24.4	24.3	24.3	
53	58	24.3	24.2	24.1	24.0	23.9	23.9	23.8	23.7	23.7	23.6	23.6	23.5	
54	59	23.6	23.5	23.4	23.3	23.2	23.2	23.1	23.0	23.0	22.9	22.9	22.8	
55	60	23.0	22.9	22.8	22.7	22.6	22.5	22.4	22.3	22.3	22.2	22.2	22.1	
56	61	22.3	22.2	22.1	22.0	21.9	21.8	21.7	21.6	21.6	21.5	21.5	21.4	
57	62	21.7	21.6	21.5	21.3	21.2	21.1	21.1	21.0	20.9	20.8	20.8	20.7	
58	63	21.1	21.0	20.8	20.7	20.6	20.5	20.4	20.3	20.2	20.2	20.1	20.0	
59	64	20.5	20.4	20.2	20.1	20.0	19.9	19.8	19.7	19.6	19.5	19.4	19.4	
60	65	19.9	19.8	19.6	19.5	19.4	19.3	19.1	19.0	19.0	18.9	18.8	18.7	
61	66	19.4	19.2	19.1	18.9	18.8	18.7	18.5	18.4	18.3	18.3	18.2	18.1	
62	67	18.8	18.7	18.5	18.3	18.2	18.1	18.0	17.8	17.7	17.7	17.6	17.5	
63	68	18.3	18.1	18.0	17.8	17.6	17.5	17.4	17.3	17.2	17.1	17.0	16.9	
64	69	17.8	17.6	17.4	17.3	17.1	17.0	16.8	16.7	16.6	16.5	16.4	16.3	
65	70	17.3	17.1	16.9	16.7	16.6	16.4	16.3	16.2	16.0	15.9	15.8	15.8	
66	71	16.9	16.6	16.4	16.3	16.1	15.9	15.8	15.6	15.5	15.4	15.3	15.2	
67	72	16.4	16.2	16.0	15.8	15.6	15.4	15.3	15.1	15.0	14.9	14.8	14.7	
68	73	16.0	15.7	15.5	15.3	15.1	15.0	14.8	14.6	14.5	14.4	14.3	14.2	
69	74	15.6	15.3	15.1	14.9	14.7	14.5	14.3	14.2	14.0	13.9	13.8	13.7	
70	75	15.2	14.9	14.7	14.5	14.3	14.1	13.9	13.7	13.6	13.4	13.3	13.2	
71	76	14.8	14.5	14.3	14.1	13.8	13.6	13.5	13.3	13.1	13.0	12.8	12.7	
72	77	14.5	14.2	13.9	13.7	13.5	13.2	13.0	12.9	12.7	12.5	12.4	12.3	
73	78	14.1	13.8	13.6	13.3	13.1	12.9	12.7	12.5	12.3	12.1	12.0	11.8	
74	79	13.8	13.5	13.2	13.0	12.7	12.5	12.3	12.1	11.9	11.7	11.6	11.4	
75	80	13.5	13.2	12.9	12.6	12.4	12.2	11.9	11.7	11.5	11.4	11.2	11.0	
76	81	13.2	12.9	12.6	12.3	12.1	11.8	11.6	11.4	11.2	11.0	10.8	10.7	
77	82	13.0	12.6	12.3	12.1	11.8	11.5	11.3	11.1	10.8	10.7	10.5	10.3	
78	83	12.7	12.4	12.1	11.8	11.5	11.2	11.0	10.7	10.5	10.3	10.1	10.0	
79	84	12.5	12.2	11.8	11.5	11.2	11.0	10.7	10.5	10.2	10.0	9.8	9.6	
80	85	12.3	11.9	11.6	11.3	11.0	10.7	10.4	10.2	10.0	9.7	9.5	9.3	
81	86	12.1	11.7	11.4	11.1	10.7	10.5	10.2	9.9	9.7	9.5	9.3	9.1	
82	87	11.9	11.5	11.2	10.8	10.5	10.2	10.0	9.7	9.4	9.2	9.0	8.8	
83	88	11.7	11.4	11.0	10.7	10.3	10.0	9.7	9.5	9.2	9.0	8.7	8.5	
84	89	11.6	11.2	10.8	10.5	10.1	9.8	9.5	9.3	9.0	8.7	8.5	8.3	
85	90	11.4	11.0	10.7	10.3	10.0	9.6	9.3	9.1	8.8	8.5	8.3	8.1	

Ages													
	Male	86	87	88	89	90	91	92	93	94	95	96	97
Male	Female	91	92	93	94	95	96	97	98	99	100	101	102
35	40	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3
36	41	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4
37	42	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5
38	43	35.7	35.7	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6
39	44	34.8	34.8	34.8	34.8	34.8	34.8	34.7	34.7	34.7	34.7	34.7	34.7
40	45	33.9	33.9	33.9	33.9	33.9	33.9	33.9	33.9	33.9	33.9	33.9	33.9
41	46	33.1	33.1	33.1	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
42	47	32.2	32.2	32.2	32.2	32.2	32.2	32.2	32.2	32.2	32.1	32.1	32.1
43	48	31.4	31.4	31.4	31.3	31.3	31.3	31.3	31.3	31.3	31.3	31.3	31.3
44	49	30.6	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.4
45	50	29.7	29.7	29.7	29.7	29.7	29.7	29.7	29.6	29.6	29.6	29.6	29.6
46	51	28.9	28.9	28.9	28.9	28.9	28.8	28.8	28.8	28.8	28.8	28.8	28.8
47	52	28.1	28.1	28.1	28.1	28.0	28.0	28.0	28.0	28.0	28.0	28.0	28.0
48	53	27.3	27.3	27.3	27.3	27.2	27.2	27.2	27.2	27.2	27.2	27.2	27.2
49	54	26.5	26.5	26.5	26.5	26.5	26.4	26.4	26.4	26.4	26.4	26.4	26.4
50	55	25.8	25.7	25.7	25.7	25.7	25.7	25.6	25.6	25.6	25.6	25.6	25.6
51	56	25.0	25.0	24.9	24.9	24.9	24.9	24.9	24.9	24.8	24.8	24.8	24.8
52	57	24.3	24.2	24.2	24.2	24.1	24.1	24.1	24.1	24.1	24.1	24.1	24.0
53	58	23.5	23.5	23.4	23.4	23.4	23.4	23.4	23.3	23.3	23.3	23.3	23.3
54	59	22.8	22.7	22.7	22.7	22.7	22.6	22.6	22.6	22.6	22.6	22.6	22.5
55	60	22.1	22.0	22.0	22.0	21.9	21.9	21.9	21.9	21.8	21.8	21.8	21.8
56	61	21.4	21.3	21.3	21.3	21.2	21.2	21.2	21.1	21.1	21.1	21.1	21.1
57	62	20.7	20.6	20.6	20.6	20.5	20.5	20.5	20.4	20.4	20.4	20.4	20.4
58	63	20.0	19.9	19.9	19.9	19.8	19.8	19.8	19.8	19.7	19.7	19.7	19.7
59	64	19.3	19.3	19.2	19.2	19.2	19.1	19.1	19.1	19.0	19.0	19.0	19.0

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages												
	Male	98	99	100	101	102	103	104	105	106	107	108
Male	Female	103	104	105	106	107	108	109	110	111	112	113
35	40	38.3	38.3	38.3	38.3	38.3	38.3	38.2	38.2	38.2	38.2	38.2
36	41	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.3
37	42	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5
38	43	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6
39	44	34.7	34.7	34.7	34.7	34.7	34.7	34.7	34.7	34.7	34.7	34.7
40	45	33.9	33.8	33.8	33.8	33.8	33.8	33.8	33.8	33.8	33.8	33.8
41	46	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
42	47	32.1	32.1	32.1	32.1	32.1	32.1	32.1	32.1	32.1	32.1	32.1
43	48	31.3	31.3	31.3	31.3	31.3	31.3	31.3	31.3	31.3	31.3	31.3
44	49	30.4	30.4	30.4	30.4	30.4	30.4	30.4	30.4	30.4	30.4	30.4
45	50	29.6	29.6	29.6	29.6	29.6	29.6	29.6	29.6	29.6	29.6	29.6
46	51	28.8	28.8	28.8	28.8	28.8	28.8	28.8	28.8	28.8	28.8	28.7
47	52	28.0	28.0	28.0	28.0	28.0	28.0	28.0	27.9	27.9	27.9	27.9
48	53	27.2	27.2	27.2	27.2	27.2	27.1	27.1	27.1	27.1	27.1	27.1
49	54	26.4	26.4	26.4	26.4	26.4	26.3	26.3	26.3	26.3	26.3	26.3
50	55	25.6	25.6	25.6	25.6	25.6	25.6	25.6	25.6	25.5	25.5	25.5
51	56	24.8	24.8	24.8	24.8	24.8	24.8	24.8	24.8	24.8	24.8	24.7
52	57	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0
53	58	23.3	23.3	23.3	23.3	23.3	23.3	23.2	23.2	23.2	23.2	23.2
54	59	22.5	22.5	22.5	22.5	22.5	22.5	22.5	22.5	22.5	22.5	22.5
55	60	21.8	21.8	21.8	21.8	21.8	21.8	21.8	21.8	21.8	21.7	21.7
56	61	21.1	21.1	21.1	21.1	21.1	21.0	21.0	21.0	21.0	21.0	21.0
57	62	20.4	20.4	20.4	20.3	20.3	20.3	20.3	20.3	20.3	20.3	20.3
58	63	19.7	19.7	19.7	19.6	19.6	19.6	19.6	19.6	19.6	19.6	19.6
59	64	19.0	19.0	19.0	19.0	19.0	18.9	18.9	18.9	18.9	18.9	18.9

Ages													
	Male	86	87	88	89	90	91	92	93	94	95	96	97
Male	Female	91	92	93	94	95	96	97	98	99	100	101	102
60	65	18.7	18.6	18.6	18.5	18.5	18.5	18.4	18.4	18.4	18.4	18.3	18.3
61	66	18.1	18.0	17.9	17.9	17.9	17.8	17.8	17.8	17.7	17.7	17.7	17.7
62	67	17.4	17.4	17.3	17.3	17.2	17.2	17.1	17.1	17.1	17.1	17.0	17.0
63	68	16.8	16.8	16.7	16.7	16.6	16.6	16.5	16.5	16.5	16.4	16.4	16.4
64	69	16.2	16.2	16.1	16.1	16.0	16.0	15.9	15.9	15.9	15.8	15.8	15.8
65	70	15.7	15.6	15.5	15.5	15.4	15.4	15.3	15.3	15.3	15.2	15.2	15.2
66	71	15.1	15.0	15.0	14.9	14.8	14.8	14.7	14.7	14.7	14.6	14.6	14.6
67	72	14.6	14.5	14.4	14.4	14.3	14.2	14.2	14.1	14.1	14.1	14.1	14.0
68	73	14.1	14.0	13.9	13.8	13.8	13.7	13.6	13.6	13.6	13.5	13.5	13.5
69	74	13.6	13.5	13.4	13.3	13.2	13.2	13.1	13.1	13.0	13.0	13.0	12.9
70	75	13.1	13.0	12.9	12.8	12.7	12.7	12.6	12.5	12.5	12.5	12.4	12.4
71	76	12.6	12.5	12.4	12.3	12.2	12.2	12.1	12.1	12.0	12.0	11.9	11.9
72	77	12.1	12.0	11.9	11.8	11.8	11.7	11.6	11.6	11.5	11.5	11.4	11.4
73	78	11.7	11.6	11.5	11.4	11.3	11.2	11.2	11.1	11.0	11.0	11.0	10.9
74	79	11.3	11.2	11.1	11.0	10.9	10.8	10.7	10.7	10.6	10.6	10.5	10.5
75	80	10.9	10.8	10.7	10.5	10.5	10.4	10.3	10.2	10.2	10.1	10.1	10.0
76	81	10.5	10.4	10.3	10.2	10.1	10.0	9.9	9.8	9.7	9.7	9.7	9.6
77	82	10.2	10.0	9.9	9.8	9.7	9.6	9.5	9.4	9.3	9.3	9.2	9.2
78	83	9.8	9.7	9.5	9.4	9.3	9.2	9.1	9.0	9.0	8.9	8.9	8.8
79	84	9.5	9.3	9.2	9.1	8.9	8.8	8.8	8.7	8.6	8.5	8.5	8.4
80	85	9.2	9.0	8.9	8.7	8.6	8.5	8.4	8.3	8.3	8.2	8.1	8.1
81	86	8.9	8.7	8.6	8.4	8.3	8.2	8.1	8.0	7.9	7.9	7.8	7.7
82	87	8.6	8.4	8.3	8.1	8.0	7.9	7.8	7.7	7.6	7.5	7.5	7.4
83	88	8.3	8.2	8.0	7.9	7.7	7.6	7.5	7.4	7.3	7.2	7.2	7.1
84	89	8.1	7.9	7.8	7.6	7.5	7.3	7.2	7.1	7.0	7.0	6.9	6.8

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages												
	Male	98	99	100	101	102	103	104	105	106	107	108
Male	Female	103	104	105	106	107	108	109	110	111	112	113
60	65	18.3	18.3	18.3	18.3	18.3	18.3	18.3	18.2	18.2	18.2	18.2
61	66	17.7	17.7	17.6	17.6	17.6	17.6	17.6	17.6	17.6	17.6	17.5
62	67	17.0	17.0	17.0	17.0	17.0	17.0	16.9	16.9	16.9	16.9	16.9
63	68	16.4	16.4	16.4	16.3	16.3	16.3	16.3	16.3	16.3	16.3	16.2
64	69	15.8	15.8	15.7	15.7	15.7	15.7	15.7	15.7	15.7	15.7	15.6
65	70	15.2	15.2	15.1	15.1	15.1	15.1	15.1	15.1	15.1	15.0	15.0
66	71	14.6	14.6	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.4	14.4
67	72	14.0	14.0	14.0	14.0	13.9	13.9	13.9	13.9	13.9	13.9	13.8
68	73	13.5	13.4	13.4	13.4	13.4	13.4	13.3	13.3	13.3	13.3	13.2
69	74	12.9	12.9	12.9	12.8	12.8	12.8	12.8	12.8	12.8	12.7	12.7
70	75	12.4	12.4	12.3	12.3	12.3	12.3	12.3	12.2	12.2	12.2	12.1
71	76	11.9	11.9	11.8	11.8	11.8	11.8	11.7	11.7	11.7	11.7	11.6
72	77	11.4	11.4	11.3	11.3	11.3	11.3	11.2	11.2	11.2	11.2	11.1
73	78	10.9	10.9	10.9	10.8	10.8	10.8	10.7	10.7	10.7	10.7	10.6
74	79	10.5	10.4	10.4	10.4	10.3	10.3	10.3	10.3	10.2	10.2	10.1
75	80	10.0	10.0	9.9	9.9	9.9	9.8	9.8	9.8	9.8	9.7	--------
76	81	9.6	9.5	9.5	9.5	9.4	9.4	9.4	9.4	9.3	9.3	--------
77	82	9.2	9.1	9.1	9.1	9.0	9.0	9.0	8.9	8.9	8.9	--------
78	83	8.8	8.7	8.7	8.7	8.6	8.6	8.5	8.5	8.5	8.4	--------
79	84	8.4	8.4	8.3	8.3	8.2	8.2	8.2	8.1	8.1	8.0	--------
80	85	8.0	8.0	7.9	7.9	7.9	7.8	7.8	7.7	7.7	7.6	--------
81	86	7.7	7.6	7.6	7.6	7.5	7.5	7.4	7.4	7.3	7.3	--------
82	87	7.4	7.3	7.3	7.2	7.2	7.1	7.1	7.0	7.0	6.9	--------
83	88	7.1	7.0	6.9	6.9	6.8	6.8	6.7	6.7	6.7	6.6	--------
84	89	6.8	6.7	6.6	6.6	6.5	6.5	6.4	6.4	6.3	--------	--------

Ages												
	Male	86	87	88	89	90	91	92	93	94	95	96
Male	Female	91	92	93	94	95	96	97	98	99	100	101
85	90	7.9	7.7	7.5	7.4	7.2	7.1	7.0	6.9	6.8	6.7	6.6
86	91	7.7	7.5	7.3	7.1	7.0	6.8	6.7	6.6	6.5	6.4	6.4
87	92	7.5	7.3	7.1	6.9	6.8	6.6	6.5	6.4	6.3	6.2	6.1
88	93	7.3	7.1	6.9	6.7	6.6	6.4	6.3	6.2	6.1	6.0	5.9
89	94	7.1	6.9	6.7	6.5	6.4	6.2	6.1	6.0	5.9	5.8	5.7
90	95	7.0	6.8	6.6	6.4	6.2	6.1	5.9	5.8	5.7	5.6	5.5
91	96	6.8	6.6	6.4	6.2	6.1	5.9	5.8	5.7	5.5	5.4	5.3
92	97	6.7	6.5	6.3	6.1	5.9	5.8	5.6	5.5	5.4	5.3	5.2
93	98	6.6	6.4	6.2	6.0	5.8	5.7	5.5	5.4	5.2	5.1	5.0
94	99	6.5	6.3	6.1	5.9	5.7	5.5	5.4	5.2	5.1	5.0	4.9
95	100	6.4	6.2	6.0	5.8	5.6	5.4	5.3	5.1	5.0	4.9	4.7
96	101	6.4	6.1	5.9	5.7	5.5	5.3	5.2	5.0	4.9	4.7	4.6
97	102	6.3	6.1	5.8	5.6	5.4	5.2	5.1	4.9	4.8	4.6	4.5
98	103	6.2	6.0	5.8	5.5	5.3	5.1	5.0	4.8	4.7	4.5	4.4
99	104	6.2	5.9	5.7	5.5	5.2	5.1	4.9	4.7	4.6	4.4	4.3

TABLE II—ORDINARY JOINT LIFE AND LAST SURVIVOR ANNUITIES—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages											
	Male	97	98	99	100	101	102	103	104	105	106
Male	Female	102	103	104	105	106	107	108	109	110	111
85	90	6.6	6.5	6.4	6.4	6.3	6.2	6.2	6.1	6.1	6.0
86	91	6.3	6.2	6.2	6.1	6.0	6.0	5.9	5.9	5.8	5.7
87	92	6.1	6.0	5.9	5.8	5.8	5.7	5.6	5.6	5.5	5.4
88	93	5.8	5.8	5.7	5.6	5.5	5.5	5.4	5.3	5.3	5.1
89	94	5.6	5.5	5.5	5.4	5.3	5.2	5.2	5.1	5.0	--------
90	95	5.4	5.3	5.2	5.2	5.1	5.0	4.9	4.9	4.8	--------
91	96	5.2	5.1	5.1	5.0	4.9	4.8	4.7	4.6	4.5	--------
92	97	5.1	5.0	4.9	4.8	4.7	4.6	4.5	4.4	--------	--------
93	98	4.9	4.8	4.7	4.6	4.5	4.4	4.3	4.2	--------	--------
94	99	4.8	4.7	4.6	4.5	4.4	4.3	4.1	--------	--------	--------
95	100	4.6	4.5	4.4	4.3	4.2	4.1	4.0	--------	--------	--------
96	101	4.5	4.4	4.3	4.2	4.1	3.9	--------	--------	--------	--------
97	102	4.4	4.3	4.1	4.0	3.9	3.7	--------	--------	--------	--------
98	103	4.3	4.1	4.0	3.9	3.7	--------	--------	--------	--------	--------
99	104	4.1	4.0	3.9	3.7	--------	--------	--------	--------	--------	--------

TABLE IIA—ANNUITIES FOR JOINT LIFE ONLY—TWO LIVES—EXPECTED RETURN MULTIPLES

Ages																
	Male	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Male	Female	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
6	11	56.6	56.1	55.7	55.1	54.6	54.1	53.5	52.9	52.3	51.7	51.1	50.5	49.8	49.1	48.4
7	12	56.1	55.7	55.2	54.7	54.2	53.7	53.1	52.6	52.0	51.4	50.8	50.2	49.5	48.9	48.2
8	13	55.7	55.2	54.8	54.3	53.8	53.3	52.8	52.2	51.6	51.1	50.5	49.9	49.2	48.6	47.9
9	14	55.1	54.7	54.3	53.8	53.3	52.9	52.3	51.8	51.3	50.7	50.1	49.5	48.9	48.3	47.7
10	15	54.6	54.2	53.8	53.3	52.9	52.4	51.9	51.4	50.9	50.3	49.8	49.2	48.6	48.0	47.4
11	16	54.1	53.7	53.3	52.9	52.4	52.0	51.5	51.0	50.5	50.0	49.4	48.8	48.3	47.7	47.1
12	17	53.5	53.1	52.8	52.3	51.9	51.5	51.0	50.6	50.1	49.6	49.0	48.5	47.9	47.3	46.7
13	18	52.9	52.6	52.2	51.8	51.4	51.0	50.6	50.1	49.6	49.1	48.6	48.1	47.5	47.0	46.4
14	19	52.3	52.0	51.6	51.3	50.9	50.5	50.1	49.6	49.2	48.7	48.2	47.7	47.2	46.6	46.1
15	20	51.7	51.4	51.1	50.7	50.3	50.0	49.6	49.1	48.7	48.2	47.8	47.3	46.8	46.2	45.7
16	21	51.1	50.8	50.5	50.1	49.8	49.4	49.0	48.6	48.2	47.8	47.3	46.8	46.3	45.8	45.3
17	22	50.5	50.2	49.9	49.5	49.2	48.8	48.5	48.1	47.7	47.3	46.8	46.4	45.9	45.4	44.9
18	23	49.8	49.5	49.2	48.9	48.6	48.3	47.9	47.5	47.2	46.8	46.3	45.9	45.4	45.0	44.5
19	24	49.1	48.9	48.6	48.3	48.0	47.7	47.3	47.0	46.6	46.2	45.8	45.4	45.0	44.5	44.0
20	25	48.4	48.2	47.9	47.7	47.4	47.1	46.7	46.4	46.1	45.7	45.3	44.9	44.5	44.0	43.6

Ages															
	Male	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Male	Female	26	27	28	29	30	31	32	33	34	35	36	37	38	39
6	11	47.7	47.0	46.3	45.6	44.8	44.1	43.3	42.5	41.8	41.0	40.2	39.4	38.6	37.8
7	12	47.5	46.8	46.1	45.4	44.6	43.9	43.2	42.4	41.6	40.9	40.1	39.3	38.5	37.7
8	13	47.3	46.6	45.9	45.2	44.5	43.7	43.0	42.2	41.5	40.7	39.9	39.2	38.4	37.6
9	14	47.0	46.3	45.6	45.0	44.2	43.5	42.8	42.1	41.3	40.6	39.8	39.0	38.3	37.5
10	15	46.7	46.1	45.4	44.7	44.0	43.3	42.6	41.9	41.1	40.4	39.7	38.9	38.1	37.4
11	16	46.4	45.8	45.1	44.5	43.8	43.1	42.4	41.7	41.0	40.2	39.5	38.8	38.0	37.2
12	17	46.1	45.5	44.9	44.2	43.6	42.9	42.2	41.5	40.8	40.1	39.3	38.6	37.9	37.1
13	18	45.8	45.2	44.6	43.9	43.3	42.6	42.0	41.3	40.6	39.9	39.2	38.4	37.7	37.0
14	19	45.5	44.9	44.3	43.7	43.0	42.4	41.7	41.0	40.4	39.7	39.0	38.3	37.5	36.8
15	20	45.1	44.6	44.0	43.4	42.7	42.1	41.5	40.8	40.1	39.5	38.8	38.1	37.4	36.6
16	21	44.8	44.2	43.6	43.0	42.4	41.8	41.2	40.5	39.9	39.2	38.6	37.9	37.2	36.5
17	22	44.4	43.8	43.3	42.7	42.1	41.5	40.9	40.3	39.6	39.0	38.3	37.7	37.0	36.3
18	23	44.0	43.5	42.9	42.4	41.8	41.2	40.6	40.0	39.4	38.7	38.1	37.4	36.8	36.1
19	24	43.6	43.1	42.5	42.0	41.4	40.9	40.3	39.7	39.1	38.5	37.8	37.2	36.5	35.9
20	25	43.1	42.6	42.1	41.6	41.1	40.5	40.0	39.4	38.8	38.2	37.6	36.9	36.3	35.7
21	26	42.7	42.2	41.7	41.2	40.7	40.2	39.6	39.1	38.5	37.9	37.3	36.7	36.1	35.4
22	27	42.2	41.8	41.3	40.8	40.3	39.8	39.3	38.7	38.2	37.6	37.0	36.4	35.8	35.2
23	28	41.7	41.3	40.8	40.4	39.9	39.4	38.9	38.4	37.8	37.3	36.7	36.1	35.5	34.9
24	29	41.2	40.8	40.4	39.9	39.5	39.0	38.5	38.0	37.5	36.9	36.4	35.8	35.2	34.6
25	30	40.7	40.3	39.9	39.5	39.0	38.6	38.1	37.6	37.1	36.6	36.0	35.5	34.9	34.4
26	31	40.2	39.8	39.4	39.0	38.6	38.1	37.7	37.2	36.7	36.2	35.7	35.2	34.6	34.1
27	32	39.6	39.3	38.9	38.5	38.1	37.7	37.2	36.8	36.3	35.8	35.3	34.8	34.3	33.7
28	33	39.1	38.7	38.4	38.0	37.6	37.2	36.8	36.3	35.9	35.4	34.9	34.5	33.9	33.4
29	34	38.5	38.2	37.8	37.5	37.1	36.7	36.3	35.9	35.5	35.0	34.6	34.1	33.6	33.1
30	35	37.9	37.6	37.3	36.9	36.6	36.2	35.8	35.4	35.0	34.6	34.1	33.7	33.2	32.7
31	36	37.3	37.0	36.7	36.4	36.0	35.7	35.3	34.9	34.6	34.1	33.7	33.3	32.8	32.3
32	37	36.7	36.4	36.1	35.8	35.5	35.2	34.8	34.5	34.1	33.7	33.3	32.9	32.4	32.0
33	38	36.1	35.8	35.5	35.2	34.9	34.6	34.3	33.9	33.6	33.2	32.8	32.4	32.0	31.6
34	39	35.4	35.2	34.9	34.6	34.4	34.1	33.7	33.4	33.1	32.7	32.3	32.0	31.6	31.1

TABLE IIA—ANNUITIES FOR JOINT LIFE ONLY—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages																
	Male	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49
Male	Female	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54
6	11	37.0	36.2	35.4	34.6	33.8	33.0	32.2	31.4	30.6	29.8	29.0	28.2	27.8	26.7	25.9
7	12	36.9	36.1	35.3	34.5	33.7	32.9	32.1	31.3	30.5	29.8	29.0	28.2	27.4	26.7	25.9
8	13	36.8	36.0	35.2	34.4	33.7	32.9	32.1	31.3	30.5	29.7	28.9	28.2	27.4	26.6	25.9
9	14	36.7	35.9	35.1	34.4	33.6	32.8	32.0	31.2	30.4	29.7	28.9	28.1	27.3	26.6	25.8
10	15	36.6	35.8	35.1	34.3	33.5	32.7	31.9	31.2	30.4	29.6	28.8	28.1	27.3	26.5	25.8
11	16	36.5	35.7	34.9	34.2	33.4	32.6	31.9	31.1	30.3	29.5	28.8	28.0	27.3	26.5	25.7
12	17	36.4	35.6	34.8	34.1	33.3	32.5	31.8	31.0	30.2	29.5	28.7	28.0	27.2	26.4	25.7
13	18	36.2	35.5	34.7	34.0	33.2	32.4	31.7	30.9	30.2	29.4	28.7	27.9	27.1	26.4	25.7
14	19	36.1	35.3	34.6	33.8	33.1	32.3	31.6	30.8	30.1	29.3	28.6	27.8	27.1	26.3	25.6
15	20	35.9	35.2	34.5	33.7	33.0	32.2	31.5	30.7	30.0	29.3	28.5	27.8	27.0	26.3	25.6
16	21	35.8	35.0	34.3	33.6	32.9	32.1	31.4	30.6	29.9	29.2	28.4	27.7	27.0	26.2	25.5
17	22	35.6	34.9	34.2	33.4	32.7	32.0	31.3	30.5	29.8	29.1	28.3	27.6	26.9	26.2	25.4
18	23	35.4	34.7	34.0	33.3	32.6	31.9	31.2	30.4	29.7	29.0	28.3	27.5	26.8	26.1	25.4
19	24	35.2	34.5	33.8	33.1	32.4	31.7	31.0	30.3	29.6	28.9	28.2	27.4	26.7	26.0	25.3
20	25	35.0	34.3	33.7	33.0	32.3	31.6	30.9	30.2	29.6	28.8	28.1	27.3	26.6	25.9	25.2
21	26	34.8	34.1	33.5	32.8	32.1	31.4	30.7	30.0	29.3	28.6	27.9	27.2	26.5	25.8	25.1
22	27	34.5	33.9	33.3	32.6	31.9	31.2	30.6	29.9	29.2	28.5	27.8	27.1	26.4	25.7	25.1
23	28	34.3	33.7	33.0	32.4	31.7	31.1	30.4	29.7	29.1	28.4	27.7	27.0	26.3	25.6	25.0
24	29	34.0	33.4	32.8	32.2	31.5	30.9	30.2	29.6	28.9	28.2	27.6	26.9	26.2	25.5	24.9
25	30	33.8	33.2	32.6	32.0	31.3	30.7	30.1	29.4	28.8	28.1	27.4	26.8	26.1	25.4	24.8
26	31	33.5	32.9	32.3	31.7	31.1	30.5	29.9	29.2	28.6	27.9	27.3	26.6	26.0	25.3	24.6
27	32	33.2	32.6	32.1	31.5	30.9	30.3	29.6	29.0	28.4	27.8	27.1	26.5	25.8	25.2	24.5
28	33	32.9	32.3	31.8	31.2	30.6	30.0	29.4	28.8	28.2	27.6	27.0	26.3	25.7	25.0	24.4
29	34	32.6	32.0	31.5	30.9	30.4	29.8	29.2	28.6	28.0	27.4	26.8	26.2	25.5	24.9	24.3
30	35	32.2	31.7	31.2	30.6	30.1	29.5	29.0	28.4	27.8	27.2	26.6	26.0	25.4	24.7	24.1
31	36	31.9	31.4	30.9	30.3	29.8	29.3	28.7	28.1	27.6	27.0	26.4	25.8	25.2	24.6	24.0
32	37	31.5	31.0	30.5	30.0	29.5	29.0	28.4	27.9	27.3	26.8	26.2	25.6	25.0	24.4	23.8
33	38	31.1	30.7	30.2	29.7	29.2	28.7	28.2	27.6	27.1	26.5	26.0	25.4	24.8	24.2	23.6
34	39	30.7	30.3	29.8	29.3	28.9	28.4	27.9	27.3	26.8	26.3	25.7	25.2	24.6	24.0	23.5

Ages																
	Male	50	51	52	53	54	55	56	57	58	59	60	61	62	63	
Male	Female	55	56	57	58	59	60	61	62	63	64	65	66	67	68	
6	11	25.2	24.4	23.7	22.9	22.2	21.5	20.8	20.1	19.4	18.7	18.0	17.4	16.7	16.1	
7	12	25.1	24.4	23.6	22.9	22.2	21.5	20.8	20.1	19.4	18.7	18.0	17.4	16.7	16.1	
8	13	25.1	24.4	23.6	22.9	22.2	21.4	20.7	20.0	19.4	18.7	18.0	17.4	16.7	16.1	
9	14	25.1	24.3	23.6	22.9	22.1	21.4	20.7	20.0	19.3	18.7	18.0	17.3	16.7	16.1	
10	15	25.0	24.3	23.6	22.8	22.1	21.4	20.7	20.0	19.3	18.6	18.0	17.3	16.7	16.1	
11	16	25.0	24.3	23.5	22.8	22.1	21.4	20.7	20.0	19.3	18.6	18.0	17.3	16.7	16.1	
12	17	25.0	24.2	23.5	22.8	22.1	21.4	20.7	20.0	19.3	18.6	18.0	17.3	16.7	16.0	
13	18	24.9	24.2	23.5	22.7	22.0	21.3	20.6	19.9	19.3	18.6	17.9	17.3	16.7	16.0	
14	19	24.9	24.1	23.4	22.7	22.0	21.3	20.6	19.9	19.2	18.6	17.9	17.3	16.6	16.0	
15	20	24.8	24.1	23.4	22.7	22.0	21.3	20.6	19.9	19.2	18.5	17.9	17.3	16.6	16.0	
16	21	24.8	24.0	23.3	22.6	21.9	21.2	20.5	19.9	19.2	18.5	17.9	17.2	16.6	16.0	
17	22	24.7	24.0	23.3	22.6	21.9	21.2	20.5	19.8	19.2	18.5	17.8	17.2	16.6	16.0	
18	23	24.7	23.9	23.2	22.5	21.8	21.1	20.5	19.8	19.1	18.5	17.8	17.2	16.6	15.9	
19	24	24.6	23.9	23.2	22.5	21.8	21.1	20.4	19.8	19.1	18.4	17.8	17.2	16.5	15.9	
20	25	24.5	23.8	23.1	22.4	21.7	21.1	20.4	19.7	19.1	18.4	17.8	17.1	16.5	15.9	
21	26	24.4	23.7	23.1	22.4	21.7	21.0	20.3	19.7	19.0	18.4	17.7	17.1	16.5	15.9	
22	27	24.4	23.7	23.0	22.3	21.6	21.0	20.3	19.6	19.0	18.3	17.7	17.1	16.5	15.9	
23	28	24.3	23.6	22.9	22.2	21.6	20.9	20.2	19.6	18.9	18.3	17.7	17.0	16.4	15.8	
24	29	24.2	23.5	22.8	22.2	21.5	20.8	20.2	19.5	18.9	18.3	17.6	17.0	16.4	15.8	
25	30	24.1	23.4	22.8	22.1	21.4	20.8	20.1	19.5	18.8	18.2	17.6	17.0	16.4	15.8	
26	31	24.0	23.3	22.7	22.0	21.4	20.7	20.1	19.4	18.8	18.2	17.5	16.9	16.3	15.7	
27	32	23.9	23.2	22.6	21.9	21.3	20.6	20.0	19.4	18.7	18.1	17.5	16.9	16.3	15.7	
28	33	23.8	23.1	22.5	21.8	21.2	20.6	19.9	19.3	18.7	18.1	17.4	16.8	16.2	15.6	
29	34	23.6	23.0	22.4	21.7	21.1	20.5	19.8	19.2	18.6	18.0	17.4	16.8	16.2	15.6	
30	35	23.5	22.9	22.3	21.6	21.0	20.4	19.8	19.1	18.5	17.9	17.3	16.7	16.1	15.6	
31	36	23.4	22.7	22.1	21.5	20.9	20.3	19.7	19.1	18.5	17.9	17.3	16.7	16.1	15.5	
32	37	23.2	22.6	22.0	21.4	20.8	20.2	19.6	19.0	18.4	17.8	17.2	16.6	16.0	15.5	
33	38	23.1	22.5	21.9	21.3	20.7	20.1	19.5	18.9	18.3	17.7	17.1	16.5	16.0	15.4	
34	39	22.9	22.3	21.7	21.1	20.5	20.0	19.4	18.8	18.3	17.6	17.0	16.5	15.9	15.3	

TABLE IIA—ANNUITIES FOR JOINT LIFE ONLY—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages																
	Male	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78
Male	Female	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83
6	11	15.5	14.9	14.3	13.7	13.1	12.6	12.0	11.5	11.0	10.5	10.0	9.6	9.1	8.7	8.2
7	12	15.5	14.9	14.3	13.7	13.1	12.6	12.0	11.5	11.0	10.5	10.0	9.6	9.1	8.7	8.2
8	13	15.5	14.9	14.3	13.7	13.1	12.6	12.0	11.5	11.0	10.5	10.0	9.6	9.1	8.7	8.2
9	14	15.5	14.9	14.3	13.7	13.1	12.6	12.0	11.5	11.0	10.5	10.0	9.5	9.1	8.7	8.2
10	15	15.4	14.8	14.3	13.7	13.1	12.6	12.0	11.5	11.0	10.5	10.0	9.5	9.1	8.7	8.2
11	16	15.4	14.8	14.2	13.7	13.1	12.6	12.0	11.5	11.0	10.5	10.0	9.5	9.1	8.7	8.2
12	17	15.4	14.8	14.2	13.7	13.1	12.5	12.0	11.5	11.0	10.5	10.0	9.5	9.1	8.6	8.2
13	18	15.4	14.8	14.2	13.6	13.1	12.5	12.0	11.5	11.0	10.5	10.0	9.5	9.1	8.6	8.2
14	19	15.4	14.8	14.2	13.6	13.1	12.5	12.0	11.5	11.0	10.5	10.0	9.5	9.1	8.6	8.2
15	20	15.4	14.8	14.2	13.6	13.1	12.5	12.0	11.5	11.0	10.5	10.0	9.5	9.1	8.6	8.2
16	21	15.4	14.8	14.2	13.6	13.1	12.5	12.0	11.5	11.0	10.5	10.0	9.5	9.1	8.6	8.2
17	22	15.4	14.8	14.2	13.6	13.0	12.5	12.0	11.5	10.9	10.5	10.0	9.5	9.1	8.6	8.2
18	23	15.3	14.7	14.2	13.6	13.0	12.5	12.0	11.4	10.9	10.4	10.0	9.5	9.1	8.6	8.2
19	24	15.3	14.7	14.1	13.6	13.0	12.5	12.0	11.4	10.9	10.4	10.0	9.5	9.1	8.6	8.2
20	25	15.3	14.7	14.1	13.6	13.0	12.5	11.9	11.4	10.9	10.4	10.0	9.5	9.0	8.6	8.2
21	26	15.3	14.7	14.1	13.5	13.0	12.5	11.9	11.4	10.9	10.4	9.9	9.5	9.0	8.6	8.2
22	27	15.3	14.7	14.1	13.5	13.0	12.4	11.9	11.4	10.9	10.4	9.9	9.5	9.0	8.6	8.2
23	28	15.2	14.6	14.1	13.5	13.0	12.4	11.9	11.4	10.9	10.4	9.9	9.5	9.0	8.6	8.2
24	29	15.2	14.6	14.0	13.5	12.9	12.4	11.9	11.4	10.9	10.4	9.9	9.5	9.0	8.6	8.2
25	30	15.2	14.6	14.0	13.5	12.9	12.4	11.9	11.4	10.9	10.4	9.9	9.5	9.0	8.6	8.2
26	31	15.1	14.6	14.0	13.4	12.9	12.4	11.9	11.3	10.8	10.4	9.9	9.4	9.0	8.6	8.2
27	32	15.1	14.5	14.0	13.4	12.9	12.4	11.8	11.3	10.8	10.4	9.9	9.4	9.0	8.6	8.2
28	33	15.1	14.5	13.9	13.4	12.9	12.3	11.8	11.3	10.8	10.3	9.9	9.4	9.0	8.6	8.1
29	34	15.0	14.5	13.9	13.4	12.8	12.3	11.8	11.3	10.8	10.3	9.9	9.4	9.0	8.5	8.1
30	35	15.0	14.4	13.9	13.3	12.8	12.3	11.8	11.3	10.8	10.3	9.8	9.4	9.0	8.5	8.1
31	36	14.9	14.4	13.8	13.3	12.8	12.2	11.7	11.2	10.8	10.3	9.8	9.4	8.9	8.5	8.1
32	37	14.9	14.3	13.8	13.3	12.7	12.2	11.7	11.2	10.7	10.3	9.8	9.4	8.9	8.5	8.1
33	38	14.8	14.3	13.8	13.2	12.7	12.2	11.7	11.2	10.7	10.2	9.8	9.3	8.9	8.5	8.1
34	39	14.8	14.2	13.7	13.2	12.7	12.2	11.7	11.2	10.7	10.2	9.8	9.3	8.9	8.5	8.1

Ages																
	Male	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93
Male	Female	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98
6	11	7.8	7.4	7.1	6.7	6.3	6.0	5.7	5.4	5.1	4.8	4.5	4.2	4.0	3.7	3.5
7	12	7.8	7.4	7.1	6.7	6.3	6.0	5.7	5.4	5.1	4.8	4.5	4.2	4.0	3.7	3.5
8	13	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.4	5.1	4.8	4.5	4.2	4.0	3.7	3.5
9	14	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.4	5.1	4.8	4.5	4.2	4.0	3.7	3.5
10	15	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.4	5.1	4.8	4.5	4.2	4.0	3.7	3.5
11	16	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.4	5.1	4.8	4.5	4.2	4.0	3.7	3.5
12	17	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.4	5.1	4.8	4.5	4.2	4.0	3.7	3.5
13	18	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.3	5.1	4.8	4.5	4.2	4.0	3.7	3.5
14	19	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
15	20	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
16	21	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
17	22	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
18	23	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
19	24	7.8	7.4	7.0	6.7	6.3	6.0	5.7	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
20	25	7.8	7.4	7.0	6.7	6.3	6.0	5.6	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
21	26	7.8	7.4	7.0	6.7	6.3	6.0	5.6	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
22	27	7.8	7.4	7.0	6.7	6.3	6.0	5.6	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
23	28	7.8	7.4	7.0	6.6	6.3	6.0	5.6	5.3	5.0	4.8	4.5	4.2	4.0	3.7	3.5
24	29	7.8	7.4	7.0	6.6	6.3	6.0	5.6	5.3	5.0	4.7	4.5	4.2	4.0	3.7	3.5
25	30	7.8	7.4	7.0	6.6	6.3	6.0	5.6	5.3	5.0	4.7	4.5	4.2	4.0	3.7	3.5
26	31	7.8	7.4	7.0	6.6	6.3	6.0	5.6	5.3	5.0	4.7	4.5	4.2	4.0	3.7	3.5
27	32	7.7	7.4	7.0	6.6	6.3	5.9	5.6	5.3	5.0	4.7	4.5	4.2	4.0	3.7	3.5
28	33	7.7	7.4	7.0	6.6	6.3	5.9	5.6	5.3	5.0	4.7	4.5	4.2	4.0	3.7	3.5
29	34	7.7	7.3	7.0	6.6	6.3	5.9	5.6	5.3	5.0	4.7	4.5	4.2	4.0	3.7	3.5
30	35	7.7	7.3	7.0	6.6	6.3	5.9	5.6	5.3	5.0	4.7	4.5	4.2	4.0	3.7	3.5
31	36	7.7	7.3	7.0	6.6	6.3	5.9	5.6	5.3	5.0	4.7	4.5	4.2	4.0	3.7	3.5
32	37	7.7	7.3	7.0	6.6	6.3	5.9	5.6	5.3	5.0	4.7	4.5	4.2	4.0	3.7	3.5
33	38	7.7	7.3	6.9	6.6	6.2	5.9	5.6	5.3	5.0	4.7	4.5	4.2	3.9	3.7	3.5
34	39	7.7	7.3	6.9	6.6	6.2	5.9	5.6	5.3	5.0	4.7	4.4	4.2	3.9	3.7	3.5

TABLE IIA—ANNUITIES FOR JOINT LIFE ONLY—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages																
	Male	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108
Male	Female	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113
6	11	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
7	12	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
8	13	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
9	14	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
10	15	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
11	16	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
12	17	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
13	18	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
14	19	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
15	20	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
16	21	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
17	22	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
18	23	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
19	24	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
20	25	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
21	26	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
22	27	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
23	28	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
24	29	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
25	30	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
26	31	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
27	32	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
28	33	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
29	34	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
30	35	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
31	36	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
32	37	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
33	38	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
34	39	3.3	3.1	2.9	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7

Ages														
	Male	35	36	37	38	39	40	41	42	43	44	45	46	47
Male	Female	40	41	42	43	44	45	46	47	48	49	50	51	52
35	40	30.3	29.9	29.4	29.0	28.5	28.0	27.5	27.0	26.5	26.0	25.5	24.9	24.4
36	41	29.9	29.5	29.0	28.6	28.2	27.7	27.2	26.7	26.2	25.7	25.2	24.7	24.2
37	42	29.4	29.0	28.6	28.2	27.8	27.3	26.9	26.4	25.9	25.5	25.0	24.4	23.9
38	43	29.0	28.6	28.2	27.8	27.4	27.0	26.5	26.1	25.6	25.2	24.7	24.2	23.7
39	44	28.5	28.2	27.8	27.4	27.0	26.6	26.2	25.8	25.3	24.8	24.4	23.9	23.4
40	45	28.0	27.7	27.3	27.0	26.6	26.2	25.8	25.4	25.0	24.5	24.1	23.6	23.1
41	46	27.5	27.2	26.9	26.5	26.2	25.8	25.4	25.0	24.6	24.2	23.8	23.3	22.9
42	47	27.0	26.7	26.4	26.1	25.8	25.4	25.0	24.6	24.2	23.8	23.4	23.0	22.6
43	48	26.5	26.2	25.9	25.6	25.3	25.0	24.6	24.2	23.9	23.5	23.1	22.7	22.2
44	49	26.0	25.7	25.5	25.2	24.8	24.5	24.2	23.8	23.5	23.1	22.7	22.3	21.9
45	50	25.5	25.2	25.0	24.7	24.4	24.1	23.8	23.4	23.1	22.7	22.4	22.0	21.6
46	51	24.9	24.7	24.4	24.2	23.9	23.6	23.3	23.0	22.7	22.3	22.0	21.6	21.2
47	52	24.4	24.2	23.9	23.7	23.4	23.1	22.9	22.6	22.2	21.9	21.6	21.2	20.9

TABLE IIA—ANNUITIES FOR JOINT LIFE ONLY—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages														
	Male	48	49	50	51	52	53	54	55	56	57	58	59	60
Male	Female	53	54	55	56	57	58	59	60	61	62	63	64	65
35	40	23.8	23.3	22.7	22.1	21.6	21.0	20.4	19.8	19.3	18.7	18.1	17.5	17.0
36	41	23.6	23.1	22.5	22.0	21.4	20.8	20.3	19.7	19.1	18.6	18.0	17.4	16.9
37	42	23.4	22.9	22.3	21.8	21.2	20.7	20.1	19.6	19.0	18.4	17.9	17.3	16.8
38	43	23.2	22.6	22.1	21.6	21.1	20.5	20.0	19.4	18.9	18.3	17.8	17.2	16.7
39	44	22.9	22.4	21.9	21.4	20.9	20.3	19.8	19.3	18.7	18.2	17.7	17.1	16.6
40	45	22.7	22.2	21.7	21.2	20.7	20.1	19.6	19.1	18.6	18.0	17.5	17.0	16.5
41	46	22.4	21.9	21.4	20.9	20.4	19.9	19.4	18.9	18.4	17.9	17.4	16.9	16.3
42	47	22.1	21.6	21.2	20.7	20.2	19.7	19.2	18.7	18.2	17.7	17.2	16.7	16.2
43	48	21.8	21.4	20.9	20.5	20.0	19.5	19.0	18.6	18.1	17.6	17.1	16.6	16.1
44	49	21.5	21.1	20.6	20.2	19.8	19.3	18.8	18.4	17.9	17.4	16.9	16.4	15.9
45	50	21.2	20.8	20.4	19.9	19.5	19.1	18.6	18.1	17.7	17.2	16.7	16.3	15.8
46	51	20.9	20.5	20.1	19.7	19.2	18.8	18.4	17.9	17.5	17.0	16.6	16.1	15.6
47	52	20.5	20.1	19.8	19.4	19.0	18.5	18.1	17.7	17.3	16.8	16.4	15.9	15.5
48	53	20.2	19.8	19.4	19.1	18.7	18.3	17.9	17.5	17.0	16.6	16.2	15.7	15.3
49	54	19.8	19.5	19.1	18.8	18.4	18.0	17.6	17.2	16.8	16.4	16.0	15.5	15.1
50	55	19.4	19.1	18.8	18.4	18.1	17.7	17.3	16.9	16.6	16.2	15.8	15.3	14.9
51	56	19.1	18.8	18.4	18.1	17.8	17.4	17.0	16.7	16.3	15.9	15.5	15.1	14.7
52	57	18.7	18.4	18.1	17.8	17.4	17.1	16.8	16.4	16.0	15.7	15.3	14.9	14.5
53	58	18.3	18.0	17.7	17.4	17.1	16.8	16.4	16.1	15.8	15.4	15.1	14.7	14.3
54	59	17.9	17.6	17.3	17.0	16.8	16.4	16.1	15.8	15.5	15.1	14.8	14.4	14.1
55	60	17.5	17.2	16.9	16.7	16.4	16.1	15.8	15.5	15.2	14.9	14.5	14.2	13.9
56	61	17.0	16.8	16.6	16.3	16.0	15.8	15.5	15.2	14.9	14.6	14.3	13.9	13.6
57	62	16.6	16.4	16.2	15.9	15.7	15.4	15.1	14.9	14.6	14.3	14.0	13.7	13.4
58	63	16.2	16.0	15.8	15.5	15.3	15.1	14.8	14.5	14.3	14.0	13.7	13.4	13.1
59	64	15.7	15.5	15.3	15.1	14.9	14.7	14.4	14.2	13.9	13.7	13.4	13.1	12.8
60	65	15.3	15.1	14.9	14.7	14.5	14.3	14.1	13.9	13.6	13.4	13.1	12.8	12.6

Ages														
	Male	61	62	63	64	65	66	67	68	69	70	71	72	73
Male	Female	66	67	68	69	70	71	72	73	74	75	76	77	78
35	40	16.4	15.8	15.3	14.7	14.2	13.7	13.1	12.6	12.1	11.6	11.1	10.7	10.2
36	41	16.3	15.8	15.2	14.7	14.1	13.6	13.1	12.6	12.1	11.6	11.1	10.6	10.2
37	42	16.2	15.7	15.1	14.6	14.1	13.6	13.0	12.5	12.0	11.5	11.1	10.6	10.1
38	43	16.1	15.6	15.1	14.5	14.0	13.5	13.0	12.5	12.0	11.5	11.0	10.6	10.1
39	44	16.0	15.5	15.0	14.5	13.9	13.4	12.9	12.4	11.9	11.5	11.0	10.5	10.1
40	45	15.9	15.4	14.9	14.4	13.9	13.4	12.9	12.4	11.9	11.4	11.0	10.5	10.0
41	46	15.8	15.3	14.8	14.3	13.8	13.3	12.8	12.3	11.8	11.4	10.9	10.5	10.0
42	47	15.7	15.2	14.7	14.2	13.7	13.2	12.7	12.3	11.8	11.3	10.9	10.4	10.0
43	48	15.6	15.1	14.6	14.1	13.6	13.1	12.7	12.2	11.7	11.3	10.8	10.4	9.9
44	49	15.5	15.0	14.5	14.0	13.5	13.1	12.6	12.1	11.7	11.2	10.8	10.3	9.9
45	50	15.3	14.8	14.4	13.9	13.4	13.0	12.5	12.0	11.6	11.1	10.7	10.3	9.8
46	51	15.2	14.7	14.2	13.8	13.3	12.9	12.4	12.0	11.5	11.1	10.6	10.2	9.8
47	52	15.0	14.6	14.1	13.7	13.2	12.8	12.3	11.9	11.4	11.0	10.6	10.1	9.7
48	53	14.9	14.4	14.0	13.5	13.1	12.6	12.2	11.8	11.3	10.9	10.5	10.1	9.7
49	54	14.7	14.3	13.8	13.4	13.0	12.5	12.1	11.7	11.3	10.8	10.4	10.0	9.6
50	55	14.5	14.1	13.7	13.3	12.8	12.4	12.0	11.6	11.2	10.7	10.3	9.9	9.5
51	56	14.3	13.9	13.5	13.1	12.7	12.3	11.9	11.5	11.1	10.7	10.3	9.9	9.5
52	57	14.1	13.7	13.3	12.9	12.5	12.1	11.7	11.3	10.9	10.6	10.2	9.8	9.4
53	58	13.9	13.6	13.2	12.8	12.4	12.0	11.6	11.2	10.8	10.5	10.1	9.7	9.3
54	59	13.7	13.4	13.0	12.6	12.2	11.9	11.5	11.1	10.7	10.3	10.0	9.6	9.2
55	60	13.5	13.2	12.8	12.4	12.1	11.7	11.3	11.0	10.6	10.2	9.9	9.5	9.1
56	61	13.3	12.9	12.6	12.2	11.9	11.5	11.2	10.8	10.5	10.1	9.8	9.4	9.0
57	62	13.0	12.7	12.4	12.0	11.7	11.4	11.0	10.7	10.3	10.0	9.6	9.3	8.9
58	63	12.8	12.5	12.2	11.8	11.5	11.2	10.9	10.5	10.2	9.8	9.5	9.2	8.8
59	64	12.6	12.3	11.9	11.6	11.3	11.0	10.7	10.4	10.0	9.7	9.4	9.1	8.7
60	65	12.3	12.0	11.7	11.4	11.1	10.8	10.5	10.2	9.9	9.6	9.3	8.9	8.6
61	66	12.0	11.8	11.5	11.2	10.9	10.6	10.3	10.0	9.7	9.4	9.1	8.8	8.5
62	67	11.8	11.5	11.2	11.0	10.7	10.4	10.1	9.8	9.6	9.3	9.0	8.7	8.4
63	68	11.5	11.2	11.0	10.7	10.5	10.2	9.9	9.7	9.4	9.1	8.8	8.5	8.2
64	69	11.2	11.0	10.7	10.5	10.2	10.0	9.7	9.5	9.2	8.9	8.7	8.4	8.1
65	70	10.9	10.7	10.5	10.2	10.0	9.8	9.5	9.3	9.0	8.8	8.5	8.2	8.0
66	71	10.6	10.4	10.2	10.0	9.8	9.5	9.3	9.1	8.8	8.6	8.3	8.1	7.8
67	72	10.3	10.1	9.9	9.7	9.5	9.3	9.1	8.9	8.6	8.4	8.1	7.9	7.7
68	73	10.0	9.8	9.7	9.5	9.3	9.1	8.9	8.8	8.4	8.2	8.0	7.7	7.5
69	74	9.7	9.6	9.4	9.2	9.0	8.8	8.6	8.4	8.2	8.0	7.8	7.6	7.3
70	75	9.4	9.3	9.1	8.9	8.8	8.6	8.4	8.2	8.0	7.8	7.6	7.4	7.2
71	76	9.1	9.0	8.8	8.7	8.5	8.3	8.1	8.0	7.8	7.6	7.4	7.2	7.0
72	77	8.8	8.7	8.5	8.4	8.2	8.1	7.9	7.7	7.6	7.4	7.2	7.0	6.8
73	78	8.5	8.4	8.2	8.1	8.0	7.8	7.7	7.5	7.3	7.2	7.0	6.8	6.7

TABLE IIA—ANNUITIES FOR JOINT LIFE ONLY—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages: Male	Ages: Female	Male 74 / Female 79	75 / 80	76 / 81	77 / 82	78 / 83	79 / 84	80 / 85	81 / 86	82 / 87	83 / 88	84 / 89	85 / 90	86 / 91
35	40	9.7	9.3	8.9	8.5	8.1	7.7	7.3	6.9	6.6	6.2	5.9	5.6	5.3
36	41	9.7	9.3	8.9	8.4	8.0	7.7	7.3	6.9	6.6	6.2	5.9	5.6	5.3
37	42	9.7	9.3	8.8	8.4	8.0	7.6	7.3	6.9	6.5	6.2	5.9	5.6	5.3
38	43	9.7	9.2	8.8	8.4	8.0	7.6	7.2	6.9	6.5	6.2	5.9	5.6	5.3
39	44	9.6	9.2	8.8	8.4	8.0	7.6	7.2	6.9	6.5	6.2	5.9	5.6	5.3
40	45	9.6	9.2	8.8	8.4	8.0	7.6	7.2	6.9	6.5	6.2	5.9	5.5	5.2
41	46	9.6	9.2	8.7	8.3	7.9	7.6	7.2	6.8	6.5	6.2	5.8	5.5	5.2
42	47	9.5	9.1	8.7	8.3	7.9	7.5	7.2	6.8	6.5	6.2	5.8	5.5	5.2
43	48	9.5	9.1	8.7	8.3	7.9	7.5	7.2	6.8	6.5	6.1	5.8	5.5	5.2
44	49	9.5	9.0	8.6	8.2	7.9	7.5	7.1	6.8	6.4	6.1	5.8	5.5	5.2
45	50	9.4	9.0	8.6	8.2	7.8	7.5	7.1	6.8	6.4	6.1	5.8	5.5	5.2
46	51	9.4	9.0	8.6	8.2	7.8	7.4	7.1	6.7	6.4	6.1	5.8	5.5	5.2
47	52	9.3	8.9	8.5	8.1	7.8	7.4	7.1	6.7	6.4	6.1	5.8	5.5	5.2
48	53	9.3	8.9	8.5	8.1	7.7	7.4	7.0	6.7	6.4	6.0	5.7	5.4	5.1
49	54	9.2	8.8	8.4	8.1	7.7	7.3	7.0	6.7	6.3	6.0	5.7	5.4	5.1
50	55	9.1	8.8	8.4	8.0	7.7	7.3	7.0	6.6	6.3	6.0	5.7	5.4	5.1
51	56	9.1	8.7	8.3	8.0	7.6	7.3	6.9	6.6	6.3	6.0	5.7	5.4	5.1
52	57	9.0	8.6	8.3	7.9	7.6	7.2	6.9	6.6	6.2	5.9	5.6	5.4	5.1
53	58	8.9	8.6	8.2	7.9	7.5	7.2	6.9	6.5	6.2	5.9	5.6	5.3	5.1
54	59	8.9	8.5	8.2	7.8	7.5	7.1	6.8	6.5	6.2	5.9	5.6	5.3	5.0
55	60	8.8	8.4	8.1	7.7	7.4	7.1	6.8	6.4	6.1	5.8	5.6	5.3	5.0
56	61	8.7	8.4	8.0	7.7	7.3	7.0	6.7	6.4	6.1	5.8	5.5	5.3	5.0
57	62	8.6	8.3	7.9	7.6	7.3	7.0	6.7	6.4	6.1	5.8	5.5	5.2	5.0
58	63	8.5	8.2	7.9	7.5	7.2	6.9	6.6	6.3	6.0	5.7	5.5	5.2	4.9
59	64	8.4	8.1	7.8	7.5	7.1	6.8	6.5	6.3	6.0	5.7	5.4	5.2	4.9
60	65	8.3	8.0	7.7	7.4	7.1	6.8	6.5	6.2	5.9	5.6	5.4	5.1	4.9
61	66	8.2	7.9	7.6	7.3	7.0	6.7	6.4	6.1	5.9	5.6	5.3	5.1	4.8
62	67	8.1	7.8	7.5	7.2	6.9	6.6	6.4	6.1	5.8	5.5	5.3	5.0	4.8
63	68	8.0	7.7	7.4	7.1	6.8	6.6	6.3	6.0	5.7	5.5	5.2	5.0	4.7
64	69	7.8	7.6	7.3	7.0	6.7	6.5	6.2	5.9	5.7	5.4	5.2	4.9	4.7
65	70	7.7	7.4	7.2	6.9	6.6	6.4	6.1	5.9	5.6	5.4	5.1	4.9	4.7
66	71	7.6	7.3	7.1	6.8	6.5	6.3	6.0	5.8	5.5	5.3	5.1	4.8	4.6
67	72	7.4	7.2	6.9	6.7	6.4	6.2	6.0	5.7	5.5	5.2	5.0	4.8	4.6
68	73	7.3	7.0	6.8	6.6	6.3	6.1	5.9	5.6	5.4	5.2	4.9	4.7	4.5
69	74	7.1	6.9	6.7	6.4	6.2	6.0	5.8	5.5	5.3	5.1	4.9	4.7	4.5
70	75	7.0	6.8	6.5	6.3	6.1	5.9	5.7	5.4	5.2	5.0	4.8	4.6	4.4
71	76	6.8	6.6	6.4	6.2	6.0	5.8	5.6	5.3	5.1	4.9	4.7	4.5	4.3
72	77	6.6	6.4	6.3	6.1	5.9	5.7	5.5	5.3	5.0	4.9	4.7	4.5	4.3
73	78	6.5	6.3	6.1	5.9	5.7	5.5	5.3	5.1	5.0	4.8	4.6	4.4	4.2
74	79	6.3	6.1	6.0	5.8	5.6	5.4	5.2	5.0	4.9	4.7	4.5	4.3	4.1
75	80	6.1	6.0	5.8	5.6	5.5	5.3	5.1	4.9	4.8	4.6	4.4	4.2	4.1
76	81	6.0	5.8	5.6	5.5	5.3	5.2	5.0	4.8	4.7	4.5	4.3	4.1	4.0
77	82	5.8	5.6	5.5	5.3	5.2	5.0	4.9	4.7	4.5	4.4	4.2	4.1	3.9
78	83	5.6	5.5	5.3	5.2	5.0	4.9	4.7	4.6	4.4	4.3	4.1	4.0	3.8
79	84	5.4	5.3	5.2	5.0	4.9	4.7	4.6	4.5	4.3	4.2	4.0	3.9	3.7
80	85	5.2	5.1	5.0	4.9	4.7	4.6	4.5	4.3	4.2	4.1	3.9	3.8	3.6
81	86	5.0	4.9	4.8	4.7	4.6	4.5	4.3	4.2	4.1	3.9	3.8	3.7	3.6
82	87	4.9	4.8	4.7	4.5	4.4	4.3	4.2	4.1	4.0	3.8	3.7	3.6	3.5
83	88	4.7	4.6	4.5	4.4	4.3	4.2	4.1	3.9	3.8	3.7	3.6	3.5	3.4
84	89	4.5	4.4	4.3	4.2	4.1	4.0	3.9	3.8	3.7	3.6	3.5	3.4	3.3
85	90	4.3	4.2	4.1	4.1	4.0	3.9	3.8	3.7	3.6	3.5	3.4	3.3	3.2
86	91	4.1	4.1	4.0	3.9	3.8	3.7	3.6	3.6	3.5	3.4	3.3	3.2	3.1

Ages: Male	Ages: Female	Male 87 / Female 92	88 / 93	89 / 94	90 / 95	91 / 96	92 / 97	93 / 98	94 / 99	95 / 100	96 / 101	97 / 102
35	40	5.0	4.7	4.4	4.2	3.9	3.7	3.5	3.3	3.1	2.9	2.7
36	41	5.0	4.7	4.4	4.2	3.9	3.7	3.5	3.3	3.1	2.9	2.7
37	42	5.0	4.7	4.4	4.2	3.9	3.7	3.5	3.3	3.1	2.9	2.7
38	43	5.0	4.7	4.4	4.2	3.9	3.7	3.5	3.3	3.1	2.8	2.6
39	44	5.0	4.7	4.4	4.2	3.9	3.7	3.5	3.3	3.0	2.8	2.6
40	45	5.0	4.7	4.4	4.2	3.9	3.7	3.5	3.3	3.0	2.8	2.6
41	46	5.0	4.7	4.4	4.2	3.9	3.7	3.5	3.2	3.0	2.8	2.6
42	47	4.9	4.7	4.4	4.2	3.9	3.7	3.5	3.2	3.0	2.8	2.6
43	48	4.9	4.7	4.4	4.1	3.9	3.7	3.5	3.2	3.0	2.8	2.6
44	49	4.9	4.7	4.4	4.1	3.9	3.7	3.4	3.2	3.0	2.8	2.6
45	50	4.9	4.6	4.4	4.1	3.9	3.7	3.4	3.2	3.0	2.8	2.6
46	51	4.9	4.6	4.4	4.1	3.9	3.7	3.4	3.2	3.0	2.8	2.6
47	52	4.9	4.6	4.4	4.1	3.9	3.7	3.4	3.2	3.0	2.8	2.6
48	53	4.9	4.6	4.4	4.1	3.9	3.6	3.4	3.2	3.0	2.8	2.6
49	54	4.9	4.6	4.3	4.1	3.9	3.6	3.4	3.2	3.0	2.8	2.6
50	55	4.8	4.6	4.3	4.1	3.9	3.6	3.4	3.2	3.0	2.8	2.6
51	56	4.8	4.6	4.3	4.1	3.8	3.6	3.4	3.2	3.0	2.8	2.6
52	57	4.8	4.5	4.3	4.1	3.8	3.6	3.4	3.2	3.0	2.8	2.6
53	58	4.8	4.5	4.3	4.0	3.8	3.6	3.4	3.2	3.0	2.8	2.6
54	59	4.8	4.5	4.3	4.0	3.8	3.6	3.4	3.2	3.0	2.8	2.6
55	60	4.7	4.5	4.3	4.0	3.8	3.6	3.4	3.2	3.0	2.8	2.6
56	61	4.7	4.5	4.2	4.0	3.8	3.6	3.3	3.1	2.9	2.8	2.6
57	62	4.7	4.5	4.2	4.0	3.8	3.5	3.3	3.1	2.9	2.7	2.6
58	63	4.7	4.4	4.2	4.0	3.7	3.5	3.3	3.1	2.9	2.7	2.5
59	64	4.6	4.4	4.2	3.9	3.7	3.5	3.3	3.1	2.9	2.7	2.5

TABLE IIA—ANNUITIES FOR JOINT LIFE ONLY—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages: Male	Ages: Female	Male 98 / Female 103	99 / 104	100 / 105	101 / 106	102 / 107	103 / 108	104 / 109	105 / 110	106 / 111	107 / 112	108 / 113
35	40	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
36	41	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.2	1.0	0.8	0.7
37	42	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.1	1.0	0.8	0.7
38	43	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.1	1.0	0.8	0.7
39	44	2.4	2.3	2.1	1.9	1.7	1.5	1.3	1.1	1.0	0.8	0.7
40	45	2.4	2.2	2.1	1.9	1.7	1.5	1.3	1.1	1.0	0.8	0.7
41	46	2.4	2.2	2.1	1.9	1.7	1.5	1.3	1.1	1.0	0.8	0.7
42	47	2.4	2.2	2.0	1.9	1.7	1.5	1.3	1.1	1.0	0.8	0.7
43	48	2.4	2.2	2.0	1.9	1.7	1.5	1.3	1.1	1.0	0.8	0.7
44	49	2.4	2.2	2.0	1.9	1.7	1.5	1.3	1.1	1.0	0.8	0.7
45	50	2.4	2.2	2.0	1.8	1.7	1.5	1.3	1.1	1.0	0.8	0.7
46	51	2.4	2.2	2.0	1.8	1.7	1.5	1.3	1.1	1.0	0.8	0.7
47	52	2.4	2.2	2.0	1.8	1.7	1.5	1.3	1.1	1.0	0.8	0.7
48	53	2.4	2.2	2.0	1.8	1.7	1.5	1.3	1.1	1.0	0.8	0.7
49	54	2.4	2.2	2.0	1.8	1.7	1.5	1.3	1.1	1.0	0.8	0.7
50	55	2.4	2.2	2.0	1.8	1.6	1.5	1.3	1.1	1.0	0.8	0.7
51	56	2.4	2.2	2.0	1.8	1.6	1.5	1.3	1.1	1.0	0.8	0.7
52	57	2.4	2.2	2.0	1.8	1.6	1.5	1.3	1.1	1.0	0.8	0.7
53	58	2.4	2.2	2.0	1.8	1.6	1.5	1.3	1.1	1.0	0.8	0.7
54	59	2.4	2.2	2.0	1.8	1.6	1.5	1.3	1.1	1.0	0.8	0.7
55	60	2.4	2.2	2.0	1.8	1.6	1.4	1.3	1.1	1.0	0.8	0.7
56	61	2.4	2.2	2.0	1.8	1.6	1.4	1.3	1.1	1.0	0.8	0.7
57	62	2.4	2.2	2.0	1.8	1.6	1.4	1.3	1.1	0.9	0.8	0.7
58	63	2.4	2.2	2.0	1.8	1.6	1.4	1.3	1.1	0.9	0.8	0.7
59	64	2.3	2.2	2.0	1.8	1.6	1.4	1.3	1.1	0.9	0.8	0.7

Ages: Male	Ages: Female	Male 87 / Female 92	88 / 93	89 / 94	90 / 95	91 / 96	92 / 97	93 / 98	94 / 99	95 / 100	96 / 101	97 / 102
60	65	4.6	4.4	4.1	3.9	3.7	3.5	3.3	3.1	2.9	2.7	2.5
61	66	4.6	4.3	4.1	3.9	3.7	3.5	3.3	3.1	2.9	2.7	2.5
62	67	4.5	4.3	4.1	3.9	3.7	3.5	3.3	3.1	2.9	2.7	2.5
63	68	4.5	4.3	4.1	3.8	3.6	3.4	3.2	3.0	2.9	2.7	2.5
64	69	4.5	4.2	4.0	3.8	3.6	3.4	3.2	3.0	2.8	2.7	2.5
65	70	4.4	4.2	4.0	3.8	3.6	3.4	3.2	3.0	2.8	2.6	2.5
66	71	4.4	4.2	4.0	3.8	3.6	3.4	3.2	3.0	2.8	2.6	2.4
67	72	4.3	4.1	3.9	3.7	3.5	3.3	3.1	3.0	2.8	2.6	2.4
68	73	4.3	4.1	3.9	3.7	3.5	3.3	3.1	2.9	2.8	2.6	2.4
69	74	4.2	4.0	3.8	3.6	3.5	3.3	3.1	2.9	2.7	2.6	2.4
70	75	4.2	4.0	3.8	3.6	3.4	3.2	3.1	2.9	2.7	2.5	2.4
71	76	4.1	3.9	3.8	3.6	3.4	3.2	3.0	2.9	2.7	2.5	2.3
72	77	4.1	3.9	3.7	3.5	3.3	3.2	3.0	2.8	2.7	2.5	2.3
73	78	4.0	3.8	3.7	3.5	3.3	3.1	3.0	2.8	2.6	2.5	2.3
74	79	3.9	3.8	3.6	3.4	3.3	3.1	2.9	2.8	2.6	2.4	2.3
75	80	3.9	3.7	3.5	3.4	3.2	3.0	2.9	2.7	2.6	2.4	2.2
76	81	3.8	3.6	3.5	3.3	3.2	3.0	2.8	2.7	2.5	2.4	2.2
77	82	3.7	3.6	3.4	3.3	3.1	3.0	2.8	2.6	2.5	2.3	2.2
78	83	3.7	3.5	3.4	3.2	3.1	2.9	2.7	2.6	2.4	2.3	2.1
79	84	3.6	3.4	3.3	3.1	3.0	2.8	2.7	2.5	2.4	2.2	2.1
80	85	3.5	3.4	3.2	3.1	2.9	2.8	2.6	2.5	2.3	2.2	2.0
81	86	3.4	3.3	3.1	3.0	2.9	2.7	2.6	2.4	2.3	2.1	2.0
82	87	3.3	3.2	3.1	2.9	2.8	2.7	2.5	2.4	2.2	2.1	2.0
83	88	3.2	3.1	3.0	2.9	2.7	2.6	2.5	2.3	2.2	2.0	1.9
84	89	3.1	3.0	2.9	2.8	2.7	2.5	2.4	2.3	2.1	2.0	1.9

TABLE IIA—ANNUITIES FOR JOINT LIFE ONLY—TWO LIVES—EXPECTED RETURN MULTIPLES—Continued

Ages															
Male	Female	98	99	100	101	102	103	104	105	106	107	108			
60	65	2.3	2.1	2.0	1.8	1.6	1.4	1.3	1.1	0.9	0.8	0.7			
61	66	2.3	2.1	2.0	1.8	1.6	1.4	1.3	1.1	0.9	0.8	0.7			
62	67	2.3	2.1	2.0	1.8	1.6	1.4	1.3	1.1	0.9	0.8	0.7			
63	68	2.3	2.1	1.9	1.7	1.6	1.4	1.2	1.1	0.9	0.8	0.7			
64	69	2.3	2.1	1.9	1.7	1.6	1.4	1.2	1.1	0.9	0.8	0.7			
65	70	2.3	2.1	1.9	1.7	1.6	1.4	1.2	1.1	0.9	0.8	0.7			
66	71	2.3	2.1	1.9	1.7	1.5	1.4	1.2	1.1	0.9	0.8	0.7			
67	72	2.2	2.1	1.9	1.7	1.5	1.4	1.2	1.1	0.9	0.8	0.7			
68	73	2.2	2.0	1.9	1.7	1.5	1.3	1.2	1.0	0.9	0.8	0.7			
69	74	2.2	2.0	1.8	1.7	1.5	1.3	1.2	1.0	0.9	0.8	0.7			
70	75	2.2	2.0	1.8	1.7	1.5	1.3	1.2	1.0	0.9	0.8	0.7			
71	76	2.2	2.0	1.8	1.6	1.5	1.3	1.2	1.0	0.9	0.8	0.7			
72	77	2.1	2.0	1.8	1.6	1.5	1.3	1.2	1.0	0.9	0.8	0.7			
73	78	2.1	1.9	1.8	1.6	1.5	1.3	1.1	1.0	0.9	0.8	0.7			
74	79	2.1	1.9	1.8	1.6	1.4	1.3	1.1	1.0	0.9	0.8	0.7			
75	80	2.1	1.9	1.7	1.6	1.4	1.3	1.1	1.0	0.9	0.8	0.7			
76	81	2.1	1.9	1.7	1.5	1.4	1.2	1.1	1.0	0.9	0.8	0.7			
77	82	2.0	1.8	1.7	1.5	1.4	1.2	1.1	1.0	0.9	0.8	0.7			
78	83	2.0	1.8	1.6	1.5	1.3	1.2	1.1	1.0	0.9	0.8	0.7			
79	84	1.9	1.8	1.6	1.5	1.3	1.2	1.1	1.0	0.9	0.8	0.7			
80	85	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7			
81	86	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7			
82	87	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7			
83	88	1.8	1.6	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7			
84	89	1.7	1.6	1.4	1.3	1.2	1.2	1.0	0.9	0.8	0.7				

Ages															
Male	Female	87	88	89	90	91	92	93	94	95	96				
85	90	3.1	2.9	2.8	2.7	2.6	2.5	2.4	2.3	2.2	2.1	2.0	1.9	1.8	1.7
86	91	3.0	2.9	2.8	2.6	2.5	2.4	2.3	2.2	2.1	2.0	1.9	1.8	1.7	1.6
87	92	2.9	2.8	2.7	2.6	2.5	2.4	2.3	2.1	2.0	1.9	1.8	1.7	1.6	1.5
88	93	2.8	2.8	2.7	2.6	2.5	2.4	2.3	2.2	2.0	1.9	1.8	1.7	1.6	1.5
89	94	2.8	2.8	2.7	2.6	2.5	2.4	2.3	2.2	2.0	1.9	1.8	1.7	1.6	1.5
90	95	2.8	2.8	2.7	2.6	2.5	2.4	2.3	2.2	2.0	1.9	1.8	1.7	1.6	1.5
91	96	2.4	2.3	2.2	2.1	2.0	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1
92	97	2.4	2.3	2.2	2.1	2.0	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1
93	98	2.4	2.3	2.2	2.1	2.0	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1
94	99	2.4	2.3	2.2	2.1	2.0	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1
95	100	2.4	2.3	2.2	2.1	2.0	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1
96	101	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5
97	102	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5
98	103	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5
99	104	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5

Ages															
Male	Female	97	98	99	100	101	102	103	104	105	106				
85	90	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5
86	91	1.7	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5
87	92	1.7	1.6	1.6	1.4	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5
88	93	1.6	1.6	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5	0.4
89	94	1.6	1.6	1.5	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5	0.4
90	95	1.5	1.5	1.4	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5	0.4
91	96	1.4	1.4	1.3	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5	0.4	0.3
92	97	1.4	1.4	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5	0.4	0.3	0.3
93	98	1.3	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5	0.4	0.3	0.3	0.2
94	99	1.3	1.2	1.1	1.0	0.9	0.8	0.7	0.6	0.5	0.4	0.3	0.3	0.2	0.2
95	100	1.2	1.1	1.1	1.0	0.9	0.8	0.7	0.6	0.5	0.4	0.3	0.2	0.2	0.2
96	101	1.1	1.0	0.9	0.8	0.7	0.6	0.5	0.4	0.3	0.3	0.2	0.2	0.2	0.1
97	102	1.0	0.9	0.8	0.7	0.6	0.5	0.4	0.3	0.3	0.2	0.2	0.2	0.1	0.1
98	103	0.9	0.8	0.7	0.6	0.5	0.4	0.3	0.3	0.2	0.2	0.2	0.1	0.1	0.1
99	104	0.8	0.7	0.6	0.5	0.4	0.3	0.3	0.2	0.2	0.2	0.1	0.1	0.1	0.1

TABLE III—PERCENT VALUE OF REFUND FEATURE

Ages		Duration of guaranteed amount													
Male	Female	1 year	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years	11 years	12 years	13 years	
		Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	
0	11														
7	13														
8	14														
9	15														
10															
11	16														
12	17														
13	18														
14	19														
15	20														
16	21														
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18	23														
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37	41														
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68	72														
69	73														
70	74														
71	75														
72	76														
73	77														
74	78														
75	79														
76	80														
77	81														
78	82														
79	83														
80	84														
81	85														
82	86														
83	87														
84	88														
85	89														
86	90														

TABLE III—PERCENT VALUE OF REFUND FEATURE—Continued

Ages		Duration of guaranteed amount												
Male	Female	14 years	15 years	16 years	17 years	18 years	19 years	20 years	21 years	22 years	23 years	24 years	25 years	26 years
		Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent
6	11	1	1	1	1	1	1	1	1	1	1	2	2	2
7	12	1	1	1	1	1	1	1	1	1	1	2	2	2
8	13	1	1	1	1	1	1	1	1	1	1	2	2	2
9	14	1	1	1	1	1	1	1	1	1	1	2	2	2
10	15	1	1	1	1	1	1	1	1	1	2	2	2	2
11	16	1	1	1	1	1	1	1	1	1	2	2	2	2
12	17	1	1	1	1	1	1	1	1	1	2	2	2	2
13	18	1	1	1	1	1	1	1	1	2	2	2	2	2
14	19	1	1	1	1	1	1	1	1	2	2	2	2	2
15	20	1	1	1	1	1	1	1	1	2	2	2	2	2
16	21	1	1	1	1	1	1	1	2	2	2	2	2	2
17	22	1	1	1	1	1	1	1	2	2	2	2	2	2
18	23	1	1	1	1	1	1	2	2	2	2	2	2	2
19	24	1	1	1	1	1	2	2	2	2	2	2	2	2
20	25	1	1	1	1	1	2	2	2	2	2	2	2	3
21	26	1	1	1	1	2	2	2	2	2	2	2	3	3
22	27	1	1	1	1	2	2	2	2	2	2	3	3	3
23	28	1	1	1	2	2	2	2	2	2	2	3	3	3
24	29	1	1	2	2	2	2	2	2	2	3	3	3	3
25	30	1	1	2	2	2	2	2	2	3	3	3	3	3
26	31	1	2	2	2	2	2	2	3	3	3	3	3	4
27	32	2	2	2	2	2	2	3	3	3	3	3	4	4
28	33	2	2	2	2	2	3	3	3	3	3	4	4	4
29	34	2	2	2	2	2	3	3	3	3	4	4	4	5
30	35	2	2	2	2	3	3	3	3	4	4	4	5	5
31	36	2	2	2	3	3	3	3	4	4	4	5	5	5
32	37	2	2	3	3	3	3	4	4	4	5	5	5	6
33	38	2	3	3	3	3	4	4	4	5	5	5	6	6
34	39	3	3	3	3	4	4	4	5	5	5	6	6	7
35	40	3	3	3	4	4	4	5	5	5	6	6	7	7
36	41	3	3	4	4	4	5	5	5	6	6	7	7	8
37	42	3	3	4	4	4	5	5	6	6	7	7	8	8
38	43	3	4	4	4	5	5	6	6	7	7	8	8	9
39	44	4	4	4	5	5	6	6	7	7	8	8	9	9
40	45	4	4	5	5	6	6	7	7	8	8	9	9	10
41	46	4	5	5	6	6	7	7	8	8	9	9	10	11
42	47	5	5	5	6	6	7	8	8	9	9	10	11	12
43	48	5	5	6	6	7	8	8	9	9	10	11	12	12
44	49	5	6	6	7	7	8	9	9	10	11	12	12	13
45	50	6	6	7	7	8	9	9	10	11	12	12	13	14
46	51	6	7	7	8	9	9	10	11	12	12	13	14	15
47	52	7	7	8	9	9	10	11	12	12	13	14	15	16
48	53	7	8	8	9	10	11	12	12	13	14	15	16	17
49	54	8	8	9	10	11	11	12	13	14	15	16	17	18
50	55	8	9	10	11	11	12	13	14	15	16	17	18	20
51	56	9	9	10	11	12	13	14	15	16	17	18	20	21
52	57	9	10	11	12	13	14	15	16	17	18	20	21	22
53	58	10	11	12	13	14	15	16	17	19	20	21	22	24
54	59	11	12	13	14	15	16	17	18	20	21	22	24	25
55	60	11	13	14	15	16	17	18	20	21	22	24	25	26
56	61	12	13	15	16	17	18	20	21	22	24	25	27	28
57	62	13	14	16	17	18	20	21	22	24	26	27	28	30
58	63	14	15	17	18	19	21	22	24	25	27	28	30	31
59	64	15	16	18	19	21	22	24	25	27	28	30	31	33
60	65	16	18	19	20	22	24	25	27	28	30	32	33	35
61	66	17	19	20	22	23	25	27	28	30	32	33	35	37
62	67	18	20	22	23	25	27	28	30	32	33	35	37	38
63	68	20	21	23	25	26	28	30	32	33	35	37	39	40
64	69	21	23	24	26	28	30	32	33	35	37	39	41	42
65	70	22	24	26	28	30	32	33	35	37	39	41	42	44
66	71	24	26	28	29	31	33	35	37	39	41	43	44	46
67	72	25	27	29	31	33	35	37	39	41	43	45	46	48
68	73	27	29	31	33	35	37	39	41	43	45	47	48	50
69	74	28	30	33	35	37	39	41	43	45	47	48	50	52
70	75	30	32	34	37	39	41	43	45	47	49	50	52	54
71	76	32	34	36	39	41	43	45	47	49	51	52	54	56
72	77	34	36	38	41	43	45	47	49	51	53	54	56	58
73	78	35	38	40	43	45	47	49	51	53	55	56	58	59
74	79	37	40	42	45	47	49	51	53	55	57	58	60	61
75	80	39	42	44	47	49	51	53	55	57	58	60	62	63
76	81	41	44	46	49	51	53	55	57	59	60	62	63	65
77	82	43	46	48	51	53	55	57	59	61	62	64	65	66
78	83	45	48	50	53	55	57	59	61	62	64	65	67	68
79	84	48	50	53	55	57	59	61	63	64	66	67	68	70
80	85	50	52	55	57	59	61	63	64	66	67	69	70	71
81	86	52	54	57	59	61	63	65	66	68	69	70	72	73
82	87	54	56	59	61	63	65	66	68	69	71	72	73	74
83	88	56	58	61	63	65	66	68	70	71	72	73	74	75
84	89	58	60	63	65	67	68	70	71	73	74	75	76	77
85	90	60	62	65	67	68	70	71	73	74	75	76	77	---

TABLE III—PERCENT VALUE OF REFUND FEATURE—Continued

Ages		Duration of guaranteed amount								
Male	Female	27 years	28 years	29 years	30 years	31 years	32 years	33 years	34 years	35 years
		Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent
6	11	2	2	2	2	2	2	2	2	2
7	12	2	2	2	2	2	2	2	2	3
8	13	2	2	2	2	2	2	2	2	3
9	14	2	2	2	2	2	2	2	3	3
10	15	2	2	2	2	2	2	3	3	3
11	16	2	2	2	2	2	2	3	3	3
12	17	2	2	2	2	2	3	3	3	3
13	18	2	2	2	2	2	3	3	3	3
14	19	2	2	2	2	3	3	3	3	3
15	20	2	2	2	3	3	3	3	3	3
16	21	2	2	3	3	3	3	3	3	4
17	22	2	2	3	3	3	3	3	4	4
18	23	2	3	3	3	3	3	4	4	4
19	24	3	3	3	3	3	4	4	4	4
20	25	3	3	3	3	4	4	4	4	5
21	26	3	3	3	4	4	4	4	5	5
22	27	3	3	4	4	4	4	5	5	5
23	28	3	3	4	4	4	5	5	5	5
24	29	3	4	4	4	5	5	5	5	6
25	30	4	4	4	5	5	5	6	6	6
26	31	4	4	5	5	5	6	6	6	7
27	32	4	5	5	5	6	6	6	7	7
28	33	5	5	5	6	6	6	7	7	8
29	34	5	5	6	6	6	7	7	8	8
30	35	5	6	6	6	7	7	8	8	9
31	36	6	6	6	7	7	8	8	9	9
32	37	6	7	7	7	8	8	9	10	10
33	38	7	7	7	8	8	9	10	10	11
34	39	7	8	8	9	9	10	10	11	12
35	40	8	8	9	9	10	10	11	12	12
36	41	8	9	9	10	10	11	12	13	13
37	42	9	9	10	11	11	12	13	13	14
38	43	9	10	11	11	12	13	13	14	15
39	44	10	11	11	12	13	14	14	15	16
40	45	11	11	12	13	14	15	15	16	17
41	46	11	12	13	14	15	16	16	17	18
42	47	12	13	14	15	16	17	18	18	19
43	48	13	14	15	16	17	18	19	20	21
44	49	14	15	16	17	18	19	20	21	22
45	50	15	16	17	18	19	20	21	22	23
46	51	16	17	18	19	20	21	22	24	25
47	52	17	18	19	20	21	23	24	25	26
48	53	18	19	20	22	23	24	25	26	28
49	54	19	21	22	23	24	25	27	28	29
50	55	21	22	23	24	26	27	28	29	31
51	56	22	23	25	26	27	28	30	31	32
52	57	23	25	26	27	29	30	31	33	34
53	58	25	26	28	29	30	32	33	34	36
54	59	26	28	29	31	32	33	35	36	38
55	60	28	29	31	32	34	35	36	38	39
56	61	29	31	32	34	35	37	38	40	41
57	62	31	33	34	36	37	39	40	41	43
58	63	33	34	36	37	39	40	42	43	45
59	64	35	36	38	39	41	42	44	45	47
60	65	36	38	40	41	43	44	46	47	48
61	66	38	40	41	43	44	46	47	49	50
62	67	40	42	43	45	46	48	49	51	52
63	68	42	44	45	47	48	50	51	52	54
64	69	44	46	47	49	50	52	53	54	55
65	70	46	47	49	50	52	53	55	56	57
66	71	48	49	51	52	54	55	56	58	59
67	72	50	51	53	54	56	57	58	59	61
68	73	52	53	55	56	57	59	60	61	62
69	74	53	55	56	58	59	60	62	63	64
70	75	55	57	58	60	61	62	63	64	65
71	76	57	59	60	61	63	64	65	66	67
72	77	59	60	62	63	64	65	66	67	68
73	78	61	62	64	65	66	67	68	69	70
74	79	63	64	65	66	67	68	69	70	71
75	80	64	66	67	68	69	70	71	72	72
76	81	66	67	68	69	70	71	72	73	---
77	82	68	69	70	71	72	73	74	---	---
78	83	69	70	71	72	73	74	---	---	---
79	84	71	72	73	74	75	---	---	---	---
80	85	72	73	74	75	---	---	---	---	---
81	86	74	75	75	---	---	---	---	---	---
82	87	75	76	---	---	---	---	---	---	---
83	88	76	---	---	---	---	---	---	---	---
84	89	---	---	---	---	---	---	---	---	---
85	90	---	---	---	---	---	---	---	---	---

TABLE III—PERCENT VALUE OF REFUND FEATURE—Continued

Ages		Duration of guaranteed amount													
Male	Female	1 year	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years	11 years	12 years	13 years	14 years
		Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
86	91	6	12	18	24	29	34	38	43	47	50	54	57	59	62
87	92	7	13	19	25	31	36	40	45	49	52	56	59	61	64
88	93	7	14	21	27	32	38	42	47	51	55	58	61	63	66
89	94	8	15	22	28	34	40	45	49	53	57	60	63	65	68
90	95	8	16	23	30	36	42	47	51	55	59	62	65	67	70
91	96	9	17	25	32	38	44	49	53	57	61	64	67	69	71
92	97	9	18	26	34	40	46	51	55	59	63	66	69	71	73
93	98	10	20	28	36	42	48	53	58	62	65	68	70	73	75
94	99	11	21	30	37	44	50	55	60	64	67	70	72	74	76
95	100	12	22	31	39	46	52	58	62	66	69	72	74	76	78
96	101	12	24	33	42	49	55	60	64	68	71	73	76	78	79
97	102	13	25	35	44	51	57	62	66	70	73	75	77	79	-----
98	103	14	27	37	46	54	60	65	69	72	75	77	79	-----	-----
99	104	15	29	40	49	56	62	67	71	74	77	79	-----	-----	-----
100	105	17	31	43	52	59	65	70	74	76	79	-----	-----	-----	-----
101	106	18	33	46	55	63	68	73	76	79	-----	-----	-----	-----	-----
102	107	20	36	49	59	66	71	75	78	-----	-----	-----	-----	-----	-----
103	108	22	40	53	62	69	74	78	-----	-----	-----	-----	-----	-----	-----
104	109	24	43	57	66	73	77	-----	-----	-----	-----	-----	-----	-----	-----
105	110	27	46	61	70	76	-----	-----	-----	-----	-----	-----	-----	-----	-----
106	111	31	53	66	74	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
107	112	35	58	71	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
108	113	40	64	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

Ages		Duration of guaranteed amount										
Male	Female	15 years	16 years	17 years	18 years	19 years	20 years	21 years	22 years	23 years	24 years	25 years
		Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
86	91	64	66	68	70	72	73	74	75	76	77	-----
87	92	66	68	70	72	73	74	76	77	78	-----	-----
88	93	68	70	72	73	75	76	77	78	-----	-----	-----
89	94	70	72	73	75	76	77	78	-----	-----	-----	-----
90	95	72	73	75	76	77	79	-----	-----	-----	-----	-----
91	96	73	75	76	78	79	-----	-----	-----	-----	-----	-----
92	97	75	76	78	79	-----	-----	-----	-----	-----	-----	-----
93	98	76	78	79	-----	-----	-----	-----	-----	-----	-----	-----
94	99	78	79	-----	-----	-----	-----	-----	-----	-----	-----	-----
95	100	79	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

TABLE IV—TEMPORARY LIFE ANNUITIES [1]—ONE LIFE—EXPECTED RETURN MULTIPLES

Ages		Temporary period—maximum duration of annuity									
		Years									
Male	Female	1	2	3	4	5	6	7	8	9	10
0 to 8	0 to 13	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
9	14	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
10	15	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
11	16	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
12	17	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
13	18	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
14	19	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
15	20	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
16	21	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
17	22	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
18	23	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
19	24	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
20	25	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
21	26	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
22	27	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
23	28	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	8.9	9.9
24	29	1.0	2.0	3.0	4.0	5.0	6.0	7.0	7.9	8.9	9.9
25	30	1.0	2.0	3.0	4.0	5.0	6.0	7.0	7.9	8.9	9.9
26	31	1.0	2.0	3.0	4.0	5.0	6.0	7.0	7.9	8.9	9.9
27	32	1.0	2.0	3.0	4.0	5.0	6.0	7.0	7.9	8.9	9.9
28	33	1.0	2.0	3.0	4.0	5.0	6.0	7.0	7.9	8.9	9.9
29	34	1.0	2.0	3.0	4.0	5.0	6.0	6.9	7.9	8.9	9.9
30	35	1.0	2.0	3.0	4.0	5.0	6.0	6.9	7.9	8.9	9.9
31	36	1.0	2.0	3.0	4.0	5.0	6.0	6.9	7.9	8.9	9.9
32	37	1.0	2.0	3.0	4.0	5.0	6.0	6.9	7.9	8.9	9.9
33	38	1.0	2.0	3.0	4.0	5.0	6.0	6.9	7.9	8.9	9.9
34	39	1.0	2.0	3.0	4.0	5.0	5.9	6.9	7.9	8.9	9.8
35	40	1.0	2.0	3.0	4.0	5.0	5.9	6.9	7.9	8.9	9.8
36	41	1.0	2.0	3.0	4.0	5.0	5.9	6.9	7.9	8.9	9.8
37	42	1.0	2.0	3.0	4.0	5.0	5.9	6.9	7.9	8.8	9.8
38	43	1.0	2.0	3.0	4.0	5.0	5.9	6.9	7.9	8.8	9.8
39	44	1.0	2.0	3.0	4.0	4.9	5.9	6.9	7.9	8.8	9.8
40	45	1.0	2.0	3.0	4.0	4.9	5.9	6.9	7.8	8.8	9.7
41	46	1.0	2.0	3.0	4.0	4.9	5.9	6.9	7.8	8.8	9.7
42	47	1.0	2.0	3.0	4.0	4.9	5.9	6.9	7.8	8.8	9.7
43	48	1.0	2.0	3.0	4.0	4.9	5.9	6.9	7.8	8.8	9.7
44	49	1.0	2.0	3.0	4.0	4.9	5.9	6.8	7.8	8.7	9.7
45	50	1.0	2.0	3.0	3.9	4.9	5.9	6.8	7.8	8.7	9.6
46	51	1.0	2.0	3.0	3.9	4.9	5.9	6.8	7.8	8.7	9.6
47	52	1.0	2.0	3.0	3.9	4.9	5.9	6.8	7.7	8.7	9.6
48	53	1.0	2.0	3.0	3.9	4.9	5.9	6.8	7.7	8.6	9.5
49	54	1.0	2.0	3.0	3.9	4.9	5.8	6.8	7.7	8.6	9.5
50	55	1.0	2.0	3.0	3.9	4.9	5.8	6.8	7.7	8.6	9.5
51	56	1.0	2.0	3.0	3.9	4.9	5.8	6.7	7.7	8.6	9.4
52	57	1.0	2.0	3.0	3.9	4.9	5.8	6.7	7.6	8.5	9.4
53	58	1.0	2.0	2.9	3.9	4.9	5.8	6.7	7.6	8.5	9.3
54	59	1.0	2.0	2.9	3.9	4.8	5.8	6.7	7.6	8.4	9.3
55	60	1.0	2.0	2.9	3.9	4.8	5.8	6.7	7.5	8.4	9.2
56	61	1.0	2.0	2.9	3.9	4.8	5.7	6.6	7.5	8.4	9.2
57	62	1.0	2.0	2.9	3.9	4.8	5.7	6.6	7.5	8.3	9.1
58	63	1.0	2.0	2.9	3.9	4.8	5.7	6.6	7.4	8.3	9.1
59	64	1.0	2.0	2.9	3.9	4.8	5.7	6.5	7.4	8.2	9.0
60	65	1.0	2.0	2.9	3.8	4.8	5.6	6.5	7.3	8.1	8.9
61	66	1.0	2.0	2.9	3.8	4.7	5.6	6.5	7.3	8.1	8.8
62	67	1.0	2.0	2.9	3.8	4.7	5.6	6.4	7.2	8.0	8.8
63	68	1.0	2.0	2.9	3.8	4.7	5.6	6.4	7.2	7.9	8.7
64	69	1.0	1.9	2.9	3.8	4.7	5.5	6.3	7.1	7.9	8.6
65	70	1.0	1.9	2.9	3.8	4.6	5.5	6.3	7.1	7.8	8.5
66	71	1.0	1.9	2.9	3.8	4.6	5.4	6.2	7.0	7.7	8.4
67	72	1.0	1.9	2.9	3.7	4.6	5.4	6.2	6.9	7.6	8.3
68	73	1.0	1.9	2.8	3.7	4.6	5.4	6.1	6.8	7.5	8.2
69	74	1.0	1.9	2.8	3.7	4.5	5.3	6.1	6.8	7.4	8.0
70	75	1.0	1.9	2.8	3.7	4.5	5.3	6.0	6.7	7.3	7.9
71	76	1.0	1.9	2.8	3.7	4.5	5.2	5.9	6.6	7.2	7.8
72	77	1.0	1.9	2.8	3.6	4.4	5.2	5.8	6.5	7.1	7.6
73	78	1.0	1.9	2.8	3.6	4.4	5.1	5.8	6.4	7.0	7.5
74	79	1.0	1.9	2.8	3.6	4.3	5.0	5.7	6.3	6.8	7.3
75	80	1.0	1.9	2.7	3.5	4.3	5.0	5.6	6.2	6.7	7.1
76	81	1.0	1.9	2.7	3.5	4.2	4.9	5.5	6.1	6.5	7.0
77	82	1.0	1.9	2.7	3.5	4.2	4.8	5.4	5.9	6.4	6.8
78	83	1.0	1.9	2.7	3.4	4.1	4.7	5.3	5.8	6.2	6.6
79	84	1.0	1.8	2.7	3.4	4.1	4.7	5.2	5.7	6.1	6.4
80	85	1.0	1.8	2.6	3.4	4.0	4.6	5.1	5.5	5.9	6.2
81	86	1.0	1.8	2.6	3.3	3.9	4.5	5.0	5.4	5.7	6.0
82	87	1.0	1.8	2.6	3.3	3.9	4.4	4.8	5.2	5.6	5.8
83	88	.9	1.8	2.6	3.2	3.8	4.3	4.7	5.1	5.4	5.6
84	89	.9	1.8	2.5	3.2	3.7	4.2	4.6	4.9	5.2	5.4
85	90	.9	1.8	2.5	3.1	3.6	4.1	4.5	4.8	5.0	5.2
86	91	.9	1.8	2.5	3.1	3.6	4.0	4.3	4.6	4.8	5.0

[1] The multiples in this table are not applicable to annuities for a term certain; for such cases see § 1.72–5 (c).

TABLE IV—TEMPORARY LIFE ANNUITIES [1]—ONE LIFE—EXPECTED RETURN MULTIPLES—Continued

Ages		Temporary period—maximum duration of annuity									
		Years									
Male	Female	11	12	13	14	15	16	17	18	19	20
0 to 8	0 to 13	10.9	11.9	12.9	13.9	14.9	15.8	16.8	17.8	18.8	19.7
9	14	10.9	11.9	12.9	13.9	14.9	15.8	16.8	17.8	18.8	19.7
10	15	10.9	11.9	12.9	13.9	14.9	15.8	16.8	17.8	18.8	19.7
11	16	10.9	11.9	12.9	13.9	14.9	15.8	16.8	17.8	18.8	19.7
12	17	10.9	11.9	12.9	13.9	14.9	15.8	16.8	17.8	18.8	19.7
13	18	10.9	11.9	12.9	13.9	14.9	15.8	16.8	17.8	18.8	19.7
14	19	10.9	11.9	12.9	13.9	14.9	15.8	16.8	17.8	18.8	19.7
15	20	10.9	11.9	12.9	13.9	14.9	15.8	16.8	17.8	18.7	19.7
16	21	10.9	11.9	12.9	13.9	14.8	15.8	16.8	17.8	18.7	19.7
17	22	10.9	11.9	12.9	13.9	14.8	15.8	16.8	17.8	18.7	19.7
18	23	10.9	11.9	12.9	13.9	14.8	15.8	16.8	17.8	18.7	19.7
19	24	10.9	11.9	12.9	13.9	14.8	15.8	16.8	17.7	18.7	19.7
20	25	10.9	11.9	12.9	13.9	14.8	15.8	16.8	17.7	18.7	19.7
21	26	10.9	11.9	12.9	13.8	14.8	15.8	16.8	17.7	18.7	19.6
22	27	10.9	11.9	12.9	13.8	14.8	15.8	16.7	17.7	18.7	19.6
23	28	10.9	11.9	12.9	13.8	14.8	15.8	16.7	17.7	18.7	19.6
24	29	10.9	11.9	12.9	13.8	14.8	15.8	16.7	17.7	18.6	19.6
25	30	10.9	11.9	12.8	13.8	14.8	15.7	16.7	17.7	18.6	19.6
26	31	10.9	11.9	12.8	13.8	14.8	15.7	16.7	17.6	18.6	19.5
27	32	10.9	11.9	12.8	13.8	14.8	15.7	16.7	17.6	18.6	19.5
28	33	10.9	11.8	12.8	13.8	14.7	15.7	16.6	17.6	18.5	19.5
29	34	10.9	11.8	12.8	13.8	14.7	15.7	16.6	17.6	18.5	19.4
30	35	10.9	11.8	12.8	13.7	14.7	15.6	16.6	17.5	18.4	19.4
31	36	10.8	11.8	12.8	13.7	14.7	15.6	16.5	17.5	18.4	19.3
32	37	10.8	11.8	12.7	13.7	14.6	15.6	16.5	17.4	18.4	19.3
33	38	10.8	11.8	12.7	13.7	14.6	15.6	16.5	17.4	18.3	19.2
34	39	10.8	11.8	12.7	13.6	14.6	15.5	16.4	17.4	18.3	19.2
35	40	10.8	11.7	12.7	13.6	14.6	15.5	16.4	17.3	18.2	19.1
36	41	10.8	11.7	12.7	13.6	14.5	15.4	16.3	17.2	18.1	19.0
37	42	10.8	11.7	12.6	13.6	14.5	15.4	16.3	17.2	18.1	18.9
38	43	10.7	11.7	12.6	13.5	14.4	15.3	16.2	17.1	18.0	18.9
39	44	10.7	11.6	12.6	13.5	14.4	15.3	16.2	17.1	17.9	18.8
40	45	10.7	11.6	12.5	13.5	14.4	15.2	16.1	17.0	17.8	18.7
41	46	10.7	11.6	12.5	13.4	14.3	15.2	16.1	16.9	17.8	18.6
42	47	10.6	11.6	12.5	13.4	14.3	15.1	16.0	16.8	17.7	18.5
43	48	10.6	11.5	12.4	13.3	14.2	15.1	15.9	16.7	17.6	18.4
44	49	10.6	11.5	12.4	13.3	14.1	15.0	15.8	16.7	17.5	18.3
45	50	10.5	11.4	12.3	13.2	14.1	14.9	15.7	16.6	17.4	18.1
46	51	10.5	11.4	12.3	13.2	14.0	14.8	15.7	16.5	17.2	18.0
47	52	10.5	11.4	12.2	13.1	13.9	14.7	15.6	16.3	17.1	17.8
48	53	10.4	11.3	12.2	13.0	13.8	14.7	15.4	16.2	17.0	17.7
49	54	10.4	11.3	12.1	12.9	13.8	14.6	15.3	16.1	16.8	17.5
50	55	10.3	11.2	12.0	12.9	13.7	14.5	15.2	16.0	16.7	17.4
51	56	10.3	11.1	12.0	12.8	13.6	14.3	15.1	15.8	16.5	17.2
52	57	10.2	11.1	11.9	12.7	13.5	14.2	14.9	15.6	16.3	17.0
53	58	10.2	11.0	11.8	12.6	13.4	14.1	14.8	15.5	16.1	16.8
54	59	10.1	10.9	11.7	12.5	13.2	14.0	14.6	15.3	15.9	16.5
55	60	10.1	10.9	11.6	12.4	13.1	13.8	14.5	15.1	15.7	16.3
56	61	10.0	10.8	11.5	12.3	13.0	13.7	14.3	14.9	15.5	16.1
57	62	9.9	10.7	11.4	12.2	12.8	13.5	14.1	14.7	15.3	15.8
58	63	9.8	10.6	11.3	12.0	12.7	13.3	13.9	14.5	15.0	15.5
59	64	9.8	10.5	11.2	11.9	12.5	13.2	13.7	14.3	14.8	15.3
60	65	9.7	10.4	11.1	11.7	12.4	13.0	13.5	14.0	14.5	15.0
61	66	9.6	10.3	11.0	11.6	12.2	12.8	13.3	13.8	14.2	14.7
62	67	9.5	10.2	10.8	11.4	12.0	12.5	13.1	13.5	14.0	14.3
63	68	9.4	10.0	10.7	11.3	11.8	12.3	12.8	13.2	13.7	14.0
64	69	9.3	9.9	10.5	11.1	11.6	12.1	12.5	13.0	13.3	13.7
65	70	9.1	9.8	10.3	10.9	11.4	11.9	12.3	12.7	13.0	13.3
66	71	9.0	9.6	10.2	10.7	11.2	11.6	12.0	12.4	12.7	13.0
67	72	8.9	9.5	10.0	10.5	10.9	11.3	11.7	12.0	12.3	12.6
68	73	8.7	9.3	9.8	10.3	10.7	11.1	11.4	11.7	12.0	12.2
69	74	8.6	9.1	9.6	10.0	10.4	10.8	11.1	11.4	11.6	11.8
70	75	8.4	8.9	9.4	9.8	10.2	10.5	10.8	11.0	11.2	11.4
71	76	8.3	8.7	9.2	9.6	9.9	10.2	10.4	10.7	10.9	11.0
72	77	8.1	8.6	8.9	9.3	9.6	9.9	10.1	10.3	10.5	10.6
73	78	7.9	8.3	8.7	9.0	9.3	9.6	9.8	9.9	10.1	10.2
74	79	7.7	8.1	8.5	8.8	9.0	9.2	9.4	9.6	9.7	9.8
75	80	7.6	7.9	8.2	8.5	8.7	8.9	9.1	9.2	9.3	9.4
76	81	7.4	7.7	8.0	8.2	8.4	8.6	8.7	8.8	8.9	9.0
77	82	7.1	7.5	7.7	7.9	8.1	8.3	8.4	8.5	8.5	8.6
78	83	6.9	7.2	7.4	7.6	7.8	7.9	8.0	8.1	8.2	8.2
79	84	6.7	7.0	7.2	7.3	7.5	7.6	7.7	7.7	7.8	7.8
80	85	6.5	6.7	6.9	7.1	7.2	7.3	7.3	7.4	7.4	7.4
81	86	6.3	6.5	6.6	6.8	6.9	6.9	7.0	7.0	7.1	----
82	87	6.0	6.2	6.4	6.5	6.5	6.6	6.7	6.7	----	----
83	88	5.8	6.0	6.1	6.2	6.2	6.3	6.3	----	----	----
84	89	5.6	5.7	5.8	5.9	5.9	6.0	----	----	----	----
85	90	5.3	5.5	5.5	5.6	5.6	----	----	----	----	----
86	91	5.1	5.2	5.3	5.3	----	----	----	----	----	----

[1] The multiples in this table are not applicable to annuities for a term certain; for such cases see § 1.72–5 (c).

TABLE IV—TEMPORARY LIFE ANNUITIES [1]—ONE LIFE—EXPECTED RETURN MULTIPLES—Continued

Ages		Temporary period—maximum duration of annuity									
		Years									
Male	Female	21	22	23	24	25	26	27	28	29	30
0 to 8	0 to 13	20.7	21.7	22.7	23.6	24.6	25.6	26.5	27.5	28.4	29.4
9	14	20.7	21.7	22.7	23.6	24.6	25.5	26.5	27.5	28.4	29.4
10	15	20.7	21.7	22.7	23.6	24.6	25.5	26.5	27.5	28.4	29.4
11	16	20.7	21.7	22.6	23.6	24.6	25.5	26.5	27.4	28.4	29.3
12	17	20.7	21.7	22.6	23.6	24.6	25.5	26.5	27.4	28.4	29.3
13	18	20.7	21.7	22.6	23.6	24.6	25.5	26.5	27.4	28.4	29.3
14	19	20.7	21.7	22.6	23.6	24.5	25.5	26.4	27.4	28.3	29.3
15	20	20.7	21.6	22.6	23.6	24.5	25.5	26.4	27.4	28.3	29.2
16	21	20.7	21.6	22.6	23.6	24.5	25.5	26.4	27.3	28.3	29.2
17	22	20.7	21.6	22.6	23.5	24.5	25.4	26.4	27.3	28.2	29.2
18	23	20.7	21.6	22.6	23.5	24.5	25.4	26.3	27.3	28.2	29.1
19	24	20.6	21.6	22.5	23.5	24.4	25.4	26.3	27.2	28.1	29.1
20	25	20.6	21.6	22.5	23.5	24.4	25.3	26.3	27.2	28.1	29.0
21	26	20.6	21.5	22.5	23.4	24.4	25.3	26.2	27.1	28.0	28.9
22	27	20.6	21.5	22.5	23.4	24.3	25.3	26.2	27.1	28.0	28.9
23	28	20.6	21.5	22.4	23.4	24.3	25.2	26.1	27.0	27.9	28.8
24	29	20.5	21.5	22.4	23.3	24.2	25.2	26.1	27.0	27.8	28.7
25	30	20.5	21.4	22.4	23.3	24.2	25.1	26.0	26.9	27.8	28.6
26	31	20.5	21.4	22.3	23.2	24.1	25.0	25.9	26.8	27.7	28.5
27	32	20.4	21.3	22.3	23.2	24.1	25.0	25.8	26.7	27.6	28.4
28	33	20.4	21.3	22.2	23.1	24.0	24.9	25.8	26.6	27.5	28.3
29	34	20.3	21.2	22.1	23.0	23.9	24.8	25.7	26.5	27.4	28.2
30	35	20.3	21.2	22.1	23.0	23.8	24.7	25.6	26.4	27.2	28.1
31	36	20.2	21.1	22.0	22.9	23.8	24.6	25.5	26.3	27.1	27.9
32	37	20.2	21.1	21.9	22.8	23.7	24.5	25.4	26.2	27.0	27.8
33	38	20.1	21.0	21.9	22.7	23.6	24.4	25.2	26.0	26.8	27.6
34	39	20.0	20.9	21.8	22.6	23.5	24.3	25.1	25.9	26.7	27.4
35	40	20.0	20.8	21.7	22.5	23.3	24.2	25.0	25.7	26.5	27.2
36	41	19.9	20.7	21.6	22.4	23.2	24.0	24.8	25.6	26.3	27.0
37	42	19.8	20.6	21.5	22.3	23.1	23.9	24.6	25.4	26.1	26.8
38	43	19.7	20.5	21.4	22.2	23.0	23.7	24.5	25.2	25.9	26.6
39	44	19.6	20.4	21.2	22.0	22.8	23.6	24.3	25.0	25.7	26.4
40	45	19.5	20.3	21.1	21.9	22.6	23.4	24.1	24.8	25.5	26.1
41	46	19.4	20.2	21.0	21.7	22.5	23.2	23.9	24.6	25.2	25.9
42	47	19.3	20.1	20.8	21.6	22.3	23.0	23.7	24.3	25.0	25.6
43	48	19.2	19.9	20.7	21.4	22.1	22.8	23.4	24.1	24.7	25.3
44	49	19.0	19.8	20.5	21.2	21.9	22.6	23.2	23.8	24.4	25.0
45	50	18.9	19.6	20.3	21.0	21.7	22.3	22.9	23.5	24.1	24.6
46	51	18.7	19.4	20.1	20.8	21.5	22.1	22.7	23.2	23.8	24.3
47	52	18.6	19.3	19.9	20.6	21.2	21.8	22.4	22.9	23.4	23.9
48	53	18.4	19.1	19.7	20.4	21.0	21.5	22.1	22.6	23.1	23.5
49	54	18.2	18.9	19.5	20.1	20.7	21.2	21.7	22.2	22.7	23.1
50	55	18.0	18.7	19.3	19.8	20.4	20.9	21.4	21.9	22.3	22.7
51	56	17.8	18.4	19.0	19.6	20.1	20.6	21.1	21.5	21.9	22.3
52	57	17.6	18.2	18.7	19.3	19.8	20.2	20.7	21.1	21.5	21.8
53	58	17.4	17.9	18.5	19.0	19.4	19.9	20.3	20.7	21.0	21.3
54	59	17.1	17.7	18.2	18.7	19.1	19.5	19.9	20.2	20.6	20.8
55	60	16.9	17.4	17.9	18.3	18.7	19.1	19.5	19.8	20.1	20.3
56	61	16.6	17.1	17.5	18.0	18.4	18.7	19.0	19.3	19.6	19.8
57	62	16.3	16.8	17.2	17.6	18.0	18.3	18.6	18.9	19.1	19.3
58	63	16.0	16.5	16.9	17.2	17.6	17.9	18.1	18.4	18.6	18.8
59	64	15.7	16.1	16.5	16.8	17.1	17.4	17.7	17.9	18.1	18.2
60	65	15.4	15.8	16.1	16.4	16.7	17.0	17.2	17.4	17.5	17.7
61	66	15.1	15.4	15.7	16.0	16.3	16.5	16.7	16.9	17.0	17.1
62	67	14.7	15.0	15.3	15.6	15.8	16.0	16.2	16.3	16.4	16.5
63	68	14.4	14.6	14.9	15.1	15.3	15.5	15.7	15.8	15.9	16.0
64	69	14.0	14.3	14.5	14.7	14.9	15.0	15.2	15.3	15.3	15.4
65	70	13.6	13.8	14.1	14.2	14.4	14.5	14.6	14.7	14.8	14.9
66	71	13.2	13.4	13.6	13.8	13.9	14.0	14.1	14.2	14.2	14.3
67	72	12.8	13.0	13.2	13.3	13.4	13.5	13.6	13.7	13.7	13.7
68	73	12.4	12.6	12.7	12.8	12.9	13.0	13.1	13.1	13.2	13.2
69	74	12.0	12.1	12.3	12.4	12.4	12.5	12.6	12.6	12.6	12.6
70	75	11.6	11.7	11.8	11.9	12.0	12.0	12.0	12.1	12.1	12.1
71	76	11.2	11.3	11.3	11.4	11.5	11.5	11.5	11.6	11.6	----
72	77	10.7	10.8	10.9	10.9	11.0	11.0	11.0	11.0	----	----
73	78	10.3	10.4	10.4	10.5	10.5	10.5	10.5	----	----	----
74	79	9.9	9.9	10.0	10.0	10.1	10.1	----	----	----	----
75	80	9.5	9.5	9.6	9.6	9.6	----	----	----	----	----
76	81	9.1	9.1	9.1	9.1	----	----	----	----	----	----
77	82	8.6	8.7	8.7	----	----	----	----	----	----	----
78	83	8.2	8.3	----	----	----	----	----	----	----	----
79	84	7.8	----	----	----	----	----	----	----	----	----

[1] The multiples in this table are not applicable to annuities for a term certain; for such cases see § 1.72–5 (c).

If the terms of the contract (a) involve a life or lives, (b) are such that the above tables cannot be correctly applied, and (c) the amounts received thereunder are at least partly "amounts received as an annuity" under a contract to which section 72 applies, the taxpayer may submit with his return an actuarial computation based upon the 1937 Standard Annuity Table with ages set back one year, showing the appropriate factors applied in his case, subject to the approval of the Commissioner upon examination of such return. Computations involving factors to compensate for the effects of contingencies other than mortality, such as marriage or remarriage, re-employment, recovery from disability, or the like, will not be approved.

§ 1.72–10 *Effect of transfer of contracts on investment in the contract.* (a) If a contract to which section 72 applies, or any interest therein, is transferred for a valuable consideration, by assignment or otherwise, only the actual value of the consideration given for such transfer and the amount of premiums or other consideration subsequently paid by the transferee shall be included in the transferee's aggregate of premiums or other consideration paid. In accordance with the provisions of section 72 (g) (3) and § 1.72–4 (b), an annuity starting date shall be determined for the transferee without regard to the annuity starting date, if any, of the transferor. In determining the transferee's investment in the contract, the aggregate amount of premiums or other consideration paid shall be reduced by all amounts received by the transferee before the receipt of an amount as an annuity or before the annuity starting date, whichever is the later, to the extent that such amounts were excludable from his gross income under the applicable income tax law at the time of receipt. For the treatment of amounts received by the transferee subsequent to both the annuity starting date and the date of receipt of a payment as an annuity, but not received as annuity payments, see § 1.72–11. For a limitation on adjustments to the basis of annuity contracts sold, see section 1021.

(b) In the case of a transfer of such a contract without valuable consideration, the annuity starting date and the expected return under the contract shall be determined as though no such transfer had taken place. See § 1.72–4 (b). The transferee shall include the aggregate of premiums or other consideration paid or deemed to have been paid by his transferor in the aggregate of premiums or other consideration as though paid by him. In determining the transferee's investment in the contract, the transferee's aggregate amount of premiums or other consideration paid (as so found)

shall be reduced by all amounts either received or deemed to have been received by himself or his transferor before the annuity starting date, or before the date on which an amount is first received as an annuity, whichever is the later, to the extent that such amounts were excludable from the gross income of the actual recipient under the applicable income tax law at the time of receipt. For treatment of amounts received subsequent to both the above dates by such transferee, but not received as annuity payments, see § 1.72–11.

§ 1.72–11 *Amounts not received as annuity payments*—(a) *Introductory.* (1) This section applies to amounts received under a contract to which section 72 applies if either—

(i) Section 1.72–2 (b) is inapplicable to such amounts,

(ii) Section 1.72–2 (b) is applicable but the annuity payments received differ either in amount, duration, or both, from those orignally provided under the contract, or

(iii) Section 1.72–2 (b) is applicable, but such annuity payments are received by a beneficiary after the death of an annuitant (or annuitants) in full discharge of the obligation under the contract and solely because of a guarantee.

The payments referred to in subdivision (i) include all amounts other than "amounts received as an annuity" as that term is defined in § 1.72–2 (b) (2) and (3). If such amounts are received as dividends or payments in the nature of dividends, or as a return of premiums, see paragraph (b). If such amounts are paid in full discharge of the obligation under the contract and are in the nature of a refund of the consideration, see paragraph (c). If such amounts are paid upon the surrender, redemption, or maturity of the contract, see paragraph (d). The payments referred to in subdivision (ii) include all annuity payments which are paid as the result of a modification or an exchange of the annuity obligations originally provided under a contract for different annuity obligations (whether or not such modification or exchange is accompanied by the payment of an amount to which subdivision (i) applies). If the duration of the new annuity obligations differs from the duration of the old annuity obligations, paragraph (e) applies to the new annuity obligations and paragraph (d) applies to any lump sum payment received. If, however, the duration of the new annuity obligations is the same as the duration of the old obligations, paragraph (f) applies to the new obligations and to any lump sum received in connection therewith. The annuity payments referred to in subdivision (iii) are annuity payments which are made to a beneficiary after the death of annuitant (or annuitants) in full discharge of the obligations under a contract because of a provision in the contract requiring the payment of a guaranteed amount or minimum number of payments for a fixed period; see paragraph (c).

(2) The principles of this section apply, to the extent appropriate thereto, to amounts paid which are taxable under section 72 (except section 72 (e) (3)) in accordance with sections 402 and 403 and the regulations thereunder. The principles of this section also apply to payments made in the manner described in § 1.72–2 (b) (3) (i).

(b) *Amounts received in the nature of dividends or similar distributions.* (1) If dividends (or payments in the nature of dividends or a return of premiums or other consideration) are received under a contract to which section 72 applies and such payments are received before the annuity starting date or before the date on which an amount is first received as an annuity, whichever is the later, such payments are includible in the gross income of the recipient only to the extent that they, taken together with all previous payments received under the contract which were excludable from the gross income of the recipient under the applicable income tax law, exceed the aggregate of premiums or other consideration paid or deemed to have been paid by the recipient. Such payments shall also be subtracted from the consideration paid (or deemed paid) both for the purpose of determining an exclusion ratio to be applied to subsequent amounts paid as an annuity and for the purpose of determining the applicability of section 72 (d) and § 1.72–13, relating to employee contributions recoverable in three years.

(2) If dividends or payments in the nature of dividends are paid under a contract to which section 72 applies and such payments are received on or after the annuity starting date or the date on which an amount is first received as an annuity, whichever is later, such payments shall be fully includible in the gross income of the recipient. The receipt of such payments shall not affect the aggregate of premiums or other consideration paid nor the amounts contributed or deemed to have been contributed by an employee as otherwise calculated for purposes of section 72. Since the investment in the contract and the expected return are not affected by a payment which is fully includible in the gross income of the recipient under this rule, the exclusion ratio will not be affected by such payment and will continue to be applied to amounts received as annuity payments in the future as though such payment had not been made. This subparagraph shall apply to amounts received under a contract described in § 1.72–2 (b) (3) (i) to the extent that the amounts received exceed the portion of the investment in the contract allocable to each taxable year in accordance with § 1.72–4 (d) (3). Hence, such excess is fully includible in the gross income of the recipient.

(c) *Amounts received in the nature of a refund of the consideration under a contract and in full discharge of the obligation thereof.* (1) Any amount received under a contract to which section 72 applies, if it is at least in part a refund of the consideration paid, including amounts payable to a beneficiary after the death of an annuitant by reason of a provision in the contract for a life annuity with minimum period of payments certain or with a minimum amount which must be paid in any event, shall be considered an amount received in the nature of a refund of the consideration paid for such contract. If such an amount is in full discharge of an obligation to pay a fixed amount (whether in a lump sum or otherwise) or to pay amounts for a fixed number of years (including amounts described in § 1.72–2 (b) (3) (i)), it shall be included in the gross income of the recipient only to the extent that it, when added to amounts previously received under the contract which were excludable from gross income under the law applicable at the time of receipt, exceeds the aggregate of premiums or other consideration paid. See section 72 (e) (2) (A). This paragraph shall not apply if the total of the amounts to be paid in discharge of the obligation can in any event exceed the total of the annuity payments which would otherwise fully discharge the obligation. For rules to be applied in such a case, see paragraph (e).

(2) The principles of subparagraph (1) may be illustrated by the following examples:

Example (1). A, a male employee, retired on December 31, 1954, at the age of 60. A life annuity of $75 per month was payable to him beginning January 31, 1955. The annuity contract guaranteed that if A did not live at least ten years, his beneficiary, B, would receive the monthly payments for any balance of the first ten years after A's retirement which remained at the date of A's death. Under section 72, A was deemed to have paid $3,600 toward the cost of the annuity. A lived for five years, receiving a total of $4,500 in annuity payments. After A's death, B began receiving the monthly payments of $75 beginning with the January 31, 1960, payment. B will exclude such payments from his gross income throughout 1960, 1961, and 1962, and will exclude only $18 of the first payment in 1963 from his gross income for that year. Thereafter, B will include the entire amount of all such payments in his gross income for the taxable year of receipt. This result is determined as follows:

A's investment in the contract (unadjusted)	$3,600
Multiple from Table III of § 1.72–9 for male, age 60, where duration of guaranteed amount is 10 years (percent)	11
Subtract value of the refund feature to the nearest dollar (11 percent of $3,600)	396
Investment in the contract adjusted for the present value of the refund feature without discount for interest	3,204
Aggregate of premiums or other consideration paid	3,600
A's exclusion ratio ($3,204÷$16,380 [$900×18.2]) (percent)	19.6
Subtract amount excludable during five years A received payments (19.6 percent of $4,500 [$900×5])	882
Remainder of aggregate of premiums or other consideration paid excludable from gross income of B under section 72 (e)	2,718

As a result of the above computation, the number of payments to B which will exhaust the remainder of consideration paid which is excludable from gross income of the recipient is 36⅔ ($2,718÷$75) and B will

exclude the payments from his gross income for three years, then exclude only $18 of the first payment for the fourth year from his gross income, and thereafter include the entire amount of all payments he receives in his gross income.

Example (2). The facts are the same as in example (1), except that B, the beneficiary, elects to receive $50 per month for his life in lieu of the payments guaranteed under the original contractual obligation. Since such amounts will be received as an annuity and may, because of the length of time B may live, exceed the amount guaranteed, they are not amounts to which this paragraph applies. See paragraph (e).

Example (3). The facts are the same as in example (1), except that B, the beneficiary, elects to receive the remaining guaranteed amount in installments which are larger or smaller than the $75 per month provided until, under the terms of the contract, the guaranteed amount is exhausted. The rule of subparagraph (1) and the computation illustrated in example (1) apply to such installments since the total of such installments will not exceed the original amount guaranteed to be paid at A's death in any event.

Example (4). C pays $12,000 for a contract providing that he is to be paid an annuity of $1,000 per year for 15 years. His exclusion ratio is therefore 80 percent ($12,000÷$15,000). He directs that the annuity is to be paid to D, his beneficiary, if he should die before the full 15 year period has expired. C dies after 5 years and D is paid $1,000 in 1960. D will include $200 ($1,000—$800 [80 percent of $1,000]) in his gross income for the taxable year in which he receives the $1,000 since section 72 (e) and this section do not apply to the annuity payments made in accordance with the provisions and during the term of the contract. D will continue with the same exclusion ratio used by C (80 percent).

Example (5). In 1954, E paid $50,000 into a fund and was promised an annual income for life the amount of which would depend in part upon the earnings realized from the investment of the fund in accordance with an agreed formula. The contract also specified that if E should die before ten years had elapsed, his beneficiary, F, would be paid the amounts determined annually under the formula until ten payments had been realized by E and F together. E died in 1960, having received five payments totalling $30,000. Assuming that $22,000 of this amount was properly excludable from E's gross income prior to his death, F will exclude from his gross income the payments he receives until the taxable year in which his total receipts from the fund exceeds $28,000 ($50,000—$22,000). F will include any excess over the $28,000 in his gross income for that taxable year. Thereafter, F will include in his gross income the entire amount of any payments made to him from the fund.

(3) For the purpose of applying the rule contained in subparagraph (1), it is immaterial whether the recipient of the amount received in full discharge of the obligation is the same person as the recipient of amounts previously received under the contract which were excludable from gross income, except in the case of a contract transferred for a valuable consideration, with respect to which see § 1.72–10 (a). For the limit on the tax attributable to the receipt of a lump sum to which this paragraph applies, see paragraph (g) of this section.

(d) *Amounts received upon the surrender, redemption, or maturity of a contract.* (1) Any amount received upon the surrender, redemption, or maturity of a contract to which section 72 applies, which is not received as an annuity under the rules of § 1.72–2 (b), shall be included in the gross income of the recipient to the extent that it, when added to amounts previously received under the contract and which were excludable from the gross income of the recipient under the law applicable at the time of receipt, exceeds the aggregate of premiums or other consideration paid. See section 72 (e) (2) (B). If amounts are to be received as an annuity, whether in lieu of or in addition to amounts described in the preceding sentence, such amounts shall be included in the gross income of the recipient in accordance with the provisions of paragraph (e) or (f), whichever is applicable. The rule stated in the first sentence of this paragraph shall not apply to payments received as an annuity or otherwise after the date of the first receipt of an amount as an annuity subsequent to the maturity, redemption, or surrender of the original contract. If amounts are so received and are other than amounts received as an annuity, they are includible in the gross income of the recipient. See section 72 (e) (1) (A) and paragraph (b) (2).

(2) For the purpose of applying the rule contained in subparagraph (1), it is immaterial whether the recipient of the amount received upon the surrender, redemption, or maturity of the contract is the same as the recipient of amounts previously received under the contract which were excludable from gross income, except in the case of a contract transferred for a valuable consideration, with respect to which see § 1.72–10 (a). For the limit on the amount of tax attributable to the receipt of certain lump sums to which this paragraph applies, see paragraph (g) of this section.

(e) *Periodic payments received for a different term.* If, after the date on which an amount is first received as an annuity under a contract to which section 72 applies, the terms of the contract are modified or the annuity obligations are exchanged so that periodic payments are to be received for a different term than originally provided under the contract (whether or not accompanied by the receipt of a lump sum to which paragraph (d) applies), the rules of this paragraph shall apply to such payments. Hence, the provisions of section 72 (e) and paragraphs (b), (c), (d), and (f) are inapplicable for the purpose of determining the includibility of such payments in gross income and the general principles of section 72 with respect to the use of an exclusion ratio shall be applied to such payments as if they were provided under a new contract received in exchange for the contract providing the original annuity payments. If such payments are received as the result of the surrender, redemption, or discharge of a contract to which section 72 applies, they shall be considered to be received as an annuity under a contract exchanged for the contract whose redemption, surrender, or discharge was involved. For the purpose of determining the extent to which the payments so received are to be included in the gross income of the recipient, an exclusion ratio shall be determined for such contract as of the later of January 1, 1954, or the first day of the first period for which an amount is received as an annuity thereunder, whichever is the later. See § 1.72–4 (b). In determining the investment in the contract for this purpose, any lump sum amount received at the time of the exchange shall not be considered an amount to which § 1.72–6 (a) (2) applies. However, such lump sum shall be subtracted from the aggregate of premiums or other consideration paid to the extent it is excludable as an amount not received as an annuity under this section as if it were an amount received before the annuity starting date of the contract obtained in exchange.

(f) *Periodic payments received for the same term after a lump sum withdrawal.* (1) If, after the date of the first receipt of a payment as an annuity, the annuitant receives a lump sum and is thereafter to receive annuity payments in a reduced amount under the contract for the same term, life, or lives as originally specified in the contract, a portion of the contract shall be considered to have been surrendered or redeemed in consideration of the payment of such lump sum and the exclusion ratio originally determined for the contract shall continue to apply to the amounts received as an annuity without regard to the fact that such amounts are less than the original amounts which were to be paid periodically. The lump sum shall be includible in the gross income of the recipient in accordance with the provisions of subparagraph (2). However, except in the case of amounts to which sections 402 and 403 applies, the tax attributable to the inclusion of all or part of the lump sum in gross income shall not exceed the amount determined under section 72 (e) (3) and paragraph (g) of this section.

(2) There shall be excluded from gross income that portion of the lump sum which bears the same ratio to the aggregate premiums or other consideration paid for the contract, as reduced by all amounts previously received under the contract and excludable from the gross income of the recipient under the applicable income tax law, as:

(i) In the case of payments to be made in the manner described in § 1.72–2 (b) (2), the amount of the reduction in the annuity payments to be made thereafter bears to the annuity payments originally provided under the contract, or

(ii) In the case of a contract providing for payments to be made in the manner described in § 1.72–2 (b) (3) (i), the amount of the reduction in the number of units per period to be paid thereafter bears to the number of units per period payable under the contract immediately before the lump sum withdrawal.

(3) This paragraph may be illustrated by the following examples:

Example (1). Taxpayer A pays $20,000 for an annuity contract providing for payments to him of $100 per month for his life. At the annuity starting date he has a life expectancy of 20 years. His expected return is therefore $24,000 and the exclusion ratio is five-sixth. He continues to receive the

original annuity payments for five years, receiving a total of $6,000, and properly excludes a total of $5,000 from his gross income in his income tax returns for those years. At the beginning of the next year, A agrees with the insurer to take a reduced annuity of $75 per month and a lump sum payment of $4,000 in cash. Of the lump sum he receives, he will include $250 and exclude $3,750 from his gross income for his taxable year of receipt, determined as follows:

Aggregate of premiums or other consideration paid	$20,000
Less amounts received as an annuity to the extent they were excludable from A's income	5,000
Remainder of the consideration	15,000
Ratio of the reduction in the amount of the annuity payments to the original annuity payments ($25/$100, or 1/4)	
Lump sum received	$4,000
Less one-fourth of the remainder of the consideration (1/4 of $15,000)	3,750
Portion of the lump sum includible in gross income (to which the limit on tax of section 72 (e) (3) applies)	250

If, in this example, the annuity were a pension payable to A as a retired employee, but the facts were otherwise the same (assuming that, for instance, the $20,000 aggregate of premiums or other consideration paid were A's contributions as determined under section 72 (f) and § 1.72–8) the result would be the same except that the tax attributable to the inclusion of the $250 in A's gross income would not be limited by section 72 (e) (3).

Example (2). Taxpayer B pays $30,000 for a contract providing for monthly payments to be made to him for 15 years with respect to the principal and earnings of 10 units of an investment fund. B receives $12,000 during the first five years of participation and of this amount he has properly excluded a total of $10,000 from his gross income in his income returns for the taxable years, since $2,000 of $2,400 he received in each such year represented his investment divided by the term of the annuity ($30,000÷15). At the beginning of the sixth year, B agrees to take $11,000 in a lump sum and thereafter to accept the payments arising with respect to five units for the remaining ten years of payments in full discharge of the original obligations of the contract. B shall include $1,000 in his gross income for the sixth year as the result of the lump sum he receives and allocates $1,000 of his original investment in the contract to each of the remaining ten years with respect to the payments which will continue, determined as follows:

Aggregate of premiums or other consideration paid	$30,000
Total amount received and excludable from gross income	10,000
Remainder of the consideration	20,000
Ratio of units discontinued to the total units originally provided (5/10, or 1/2)	
Lump sum received at the time of reduction in the number of units to be paid	$11,000
Less one-half of the remainder of the consideration (1/2 of $20,000)	10,000
Portion of the lump sum received and includible in gross income (to which the provisions of section 72 (e) (3) applies in this case)	1,000
Remainder of the consideration less the portion of such remainder attributable to the excludable portion of the lump sum ($20,000—$10,000)	$10,000
Remainder of the consideration properly allocable to each taxable year for the remaining ten years ($10,000÷10)	1,000

(g) *Limit on tax attributable to the receipt of a lump sum.* If the entire amount of the proceeds received upon the redemption, maturity, surrender, or discharge of a contract to which section 72 applies is received in a lump sum and paragraph (c), (d), or (f) of this section is applicable in determining the portion of such amount which is includible in gross income, the tax attributable to such portion shall not exceed the tax which would have been attributable thereto had such portion been received ratably in the taxable year in which received and the two preceding taxable years. The amount of tax attributable to the includible portion of the lump sum received shall be the lesser of:

(1) The difference between the amount of tax for the taxable year of receipt computed by including such portion in gross income and the amount of tax for such taxable year computed by excluding such portion from gross income; or

(2) The difference between the total amount of tax for the taxable year of receipt and the two preceding taxable years computed by including one-third of such portion in gross income for each of the three taxable years, and the total amount of the tax for the taxable year of receipt and the two preceding taxable years computed by entirely excluding such portion from the gross income of all three taxable years.

For the definition of "taxable year", see section 441 (b). This paragraph shall not apply to payments excepted from the application of section 72 (e) (3) under the provisions of section 402 or 403. See §§ 1.72–2 (a) and 1.72–14 (d).

(h) *Amounts deemed to be paid or received by a transferee.* Amounts deemed to have been paid or received by a transferee for the purposes of § 1.72–10 shall also be deemed to have been so paid or received by such transferee for the purposes of this section. Thus, if a donee is deemed to have paid the premiums or other consideration actually paid by his transferor for the purposes of section 72 (g) and § 1.72–10 (b), such consideration shall be deemed premiums or other consideration paid by the donee for the purposes of this section.

§ 1.72–12 *Effect of taking an annuity in lieu of a lump sum upon the maturity of a contract.* If a contract to which section 72 applies provides for the payment of a lump sum in full discharge of the obligation thereunder and the obligee entitled thereto, prior to receiving any portion of such lump sum and within 60 days after the date on which such lump sum first becomes payable, exercises an option or irrevocably agrees with the obligor to take, in lieu thereof, payments which will constitute "amounts received as an annuity", as that term is defined in § 1.72–2 (b), no part of such lump sum shall be deemed to have been received by the obligee at the time he was first entitled thereto merely because he would have been entitled to such amount had he not exercised the option or made such an agreement with the obligor.

§ 1.72–13 *Special rule for employee contributions recoverable in three years*—(a) *Amounts received as an annuity.* (1) Section 72 (d) provides a special rule for the treatment of amounts received as an annuity by an employee (or by the beneficiary or beneficiaries of an employee) under a contract to which section 72 applies. This special rule is applicable only in the event that:

(i) At least part of the consideration paid for the contract is contributed by the employer, and

(ii) The aggregate amount receivable as an annuity under such contract by the employee (or by his beneficiary or beneficiaries if the employee died before any amount was received as an annuity under the contract) within the 3-year period beginning on the date (whether or not before January 1, 1954) on which an amount is first received as an annuity equals or exceeds the total consideration contributed (or deemed contributed under section 72 (f) and § 1.72–8) by the employee as of such date as reduced by all amounts previously received and excludable from the gross income of the recipient under the applicable income tax law.

In such an event, section 72 (d) provides that all amounts received as an annuity under the contract during a taxable year to which the Internal Revenue Code of 1954 applies shall be excluded from gross income until the total of the amounts excluded under that section plus all amounts excluded under prior income tax laws equals or exceeds the consideration contributed (or deemed contributed) by the employee. The excess, if any, and all amounts received by any recipient thereafter (whether or not received as an annuity), shall be fully included in gross income. See paragraph (b) of this section.

(2) If the aggregate amount receivable as an annuity under the contract within three years from the date on which an amount is first received as an annuity thereunder will not equal or exceed the consideration contributed (or deemed contributed) by the employee in accordance with the provisions of § 1.72–8, computed as of such date, the special rule of section 72 (d) shall not apply to amounts received as an annuity under the contract and the general rules of section 72 shall apply thereto.

(3) The aggregate of the amounts receivable as an annuity within the prescribed 3-year period shall be the total of all annuity payments anticipatable by an employee (or a beneficiary or beneficiaries of an employee, if the employee died before any amount was received as an annuity) under the contract as a whole as defined in § 1.72–2 (a). However, as provided in § 1.72–2 (a), the applicability of section 72 (d) and this section shall be determined separately with respect to each separate plan or

trust in which the employee has an interest. For example, the applicability of this section and section 72 (d) to amounts received under a Civil Service Retirement annuity which is paid as the result of involuntary contributions of an employee shall be considered separately from the applicability of such sections to amounts received under such an annuity which is paid as the result of voluntary contributions of the employee.

(4) If subparagraphs (1) and (3) of this paragraph apply to amounts received as an annuity under a contract, the rule prescribed in subparagraph (1) shall apply to all amounts so received thereunder regardless of the fact that they may be payable (i) to more than one beneficiary, (ii) for the same or different intervals, (iii) in different sums, or (iv) for a different period certain, life, or lives.

(b) *Amounts not received as an annuity.* If the rule of paragraph (a) applies to a contract and, after the date on which an annuity payment is first received, amounts are received other than as an annuity under such contract in a taxable year to which the Internal Revenue Code of 1954 applies, they shall be included in the gross income of the recipient in accordance with the provisions of § 1.72–11. Thus, if such amounts are received as a dividend or a similar distribution after the date on which an amount is first received as an annuity under the contract, they shall be included in the gross income of the recipient (in accordance with section 72 (e) (1) (A) and § 1.72–11 (b) (2)). All other amounts not received as an annuity shall be included in the gross income of the recipient in accordance with the provisions of section 72 (e) (1) (B) and paragraph (c), (d), or (f), whichever is applicable, of § 1.72–11. See section 72 (e) (2).

(c) *Amounts received after the exhaustion of employee contributions.* (1) Amounts received under a contract to which the rule of paragraph (a) applies (whether or not such amounts are received as an annuity) shall be included in the gross income of the recipient if such amounts are received after the date on which the aggregate of all amounts excluded from gross income by the recipients under section 72 (d) and prior income tax laws equalled or exceeded the consideration contributed (or deemed contributed) by the employee.

(2) If the rule of paragraph (a) applies to amounts received by an employee (or his beneficiary or beneficiaries) under a joint and survivor annuity contract, payments made to a prior annuitant may entirely exhaust the amounts excludable from gross income. In such case, amounts paid to the surviving annuitant (or annuitants) shall be included in gross income by such recipients.

(d) *Application of section 72 (d) to a contract, trust, or plan providing for payments in a manner described in § 1.72–2 (b) (3) (i).* For the purpose of applying section 72 (d) and this section, any amount received in the nature of a periodic payment under a contract, trust, or plan which provides for the payment of amounts in a manner described in § 1.72–2 (b) (3) (i) shall be considered an amount received as an annuity notwithstanding the provisions of any other section of the regulations under section 72. The special exclusion rule of section 72 (d) and paragraph (a) of this section shall apply to all amounts so received if the first amount received, when multiplied by the number of periodic payments to be made within the three years beginning on the date of its receipt, results in an amount in excess of the aggregate premiums or other consideration contributed (or deemed contributed) by the employee as of that date. If more than one series of periodic payments is to be paid under the same contract, trust, or plan, all payments anticipatable, whether because fixed in amount or determinable, in the manner described in the preceding sentence, shall be aggregated for the purpose of determining the applicability of section 72 (d) to the contract, trust, or plan as a whole.

(e) *Inapplicability of section 72 (d) and this section.* Section 72 (d) and this section do not apply to:

(1) Amounts received as proceeds of a life insurance contract to which section 101 (a) applies, nor to

(2) Amounts paid to a surviving annuitant under a joint and survivor annuity contract to which § 1.72–5 (b) (3) applies.

See also § 1.72–14 (d).

§ 1.72–14 *Exceptions from application of principles of section 72*—(a) *Payments of interest.* If any amount is received under an agreement to pay interest on a sum or sums held by the obligor, such amount shall not be excludable from the gross income of the recipient under the provisions of section 72 to the extent that it is an actual interest payment. See section 72 (j). An amount shall be considered to be held under an agreement to pay interest thereon if the amount payable after the term of the annuity (whether for a term certain or for a life or lives) is substantially equal to or larger than the aggregate amount of premiums or other consideration paid therefor. For this purpose, however, the aggregate amount of premiums or other consideration paid shall include all contributions made by an employer and not merely those to which section 72 (f) applies.

(b) *Alimony payments.* To the extent that payments made to a wife are includible in her gross income by reason of either or both sections 71 and 682, they shall not be excluded from the wife's gross income under the principles of section 72 although made under a contract to which that section applies. However, section 72 shall apply in the case of amounts received under such a contract if a husband and wife are entitled to make and do make a single return jointly.

(c) *Certain "face-amount certificates."* The principles of section 72 do not apply to "face-amount certificates" described in section 72 (l) which were issued before January 1, 1955.

(d) *Employer plans.* The provisions of §§ 1.72–1 to 1.72–13, inclusive, shall be disregarded to the extent that they are inconsistent with the treatment of amounts received provided in section 402 (relating to the taxability of a distributee of an employees' trust), section 403 (relating to the taxation of employee annuities), or the regulations under either of such sections.

§ 1.1021 *Statutory provisions; sale of annuities.*

SEC. 1021. *Sale of annuities.* In case of the sale of an annuity contract, the adjusted basis shall in no case be less than zero.

§ 1.1021–1 *Sale of annuities.* In the case of a transfer for value of an annuity contract to which section 72 (g) and § 1.72–10 (a) apply, the transferor shall adjust his basis in such contract as of the time immediately prior to such transfer by subtracting from the premiums or other consideration he has paid or is deemed to have paid for such contract all amounts he has received or is deemed to have received under such annuity contract to the extent that such amounts were not includible in the gross income of the transferor or other recipient under the applicable income tax law. In any case where the amounts which were not includible in the gross income of the recipient were received or deemed to have been received by such transferor exceed the amounts paid or deemed paid by him, the adjusted basis of the contract shall be zero. The income realized by the transferor on such a transfer shall not exceed the total of the amounts received as consideration for the transfer.

§ 1.1035 *Statutory provisions; certain exchanges of insurance policies.*

SEC. 1035. *Certain exchanges of insurance policies*—(a) *General rules.* No gain or loss shall be recognized on the exchange of—

(1) A contract of life insurance for another contract of life insurance or for an endowment or annuity contract; or

(2) A contract of endowment insurance—

(A) For another contract of endowment insurance which provides for regular payments beginning at a date not later than the date payments would have begun under the contract exchanged, or

(B) For an annuity contract; or

(3) An annuity contract for an annuity contract.

(b) *Definitions.* For the purpose of this section—

(1) *Endowment contract.* A contract of endowment insurance is a contract with a life insurance company as defined in section 801 which depends in part on the life expectancy of the insured, but which may be payable in full in a single payment during his life.

(2) *Annuity contract.* An annuity contract is a contract to which paragraph (1) applies but which may be payable during the life of the annuitant only in installments.

(3) *Life insurance contract.* A contract of life insurance is a contract to which paragraph (1) applies but which is not ordinarily payable in full during the life of the insured.

(c) *Cross references.* (1) For rules relating to recognition of gain or loss where an exchange is not solely in kind, see subsections (b) and (c) of section 1031.

(2) For rules relating to the basis of property acquired in an exchange described in subsection (a), see subsection (d) of section 1031.

§ 1.1035–1 *Certain exchanges of insurance policies.* Under the provisions of section 1035 no gain or loss is recognized on the exchange of:

(a) A contract of life insurance for another contract of life insurance or for an endowment or annuity contract (section 1035 (a) (1));

(b) A contract of endowment insurance for another contract of endowment insurance providing for regular payments beginning at a date not later than the date payments would have begun under the contract exchanged, or an annuity contract (section 1035 (a) (2)); or

(c) An annuity contract for another annuity contract (section 1035 (a) (3)),

but section 1035 does not apply to such exchanges if the policies exchanged do not relate to the same insured. The exchange, without recognition of gain or loss, of an annuity contract for another annuity contract under section 1035 (a) (3) is limited to cases where the same person or persons are the obligee or obligees under the contract received in exchange as under the original contract. This section and section 1035 do not apply to transactions involving the exchange of an endowment contract or annuity contract for a life insurance contract, nor an annuity contract for an endowment contract. In the case of such exchanges, any gain or loss shall be recognized. In the case of exchanges which would be governed by section 1035 except for the fact that the property received in exchange consists not only of property which could otherwise be received without the recognition of gain or loss, but also of other property or money, see section 1031 (b) and (c) and the regulations thereunder. Such an exchange does not come within the provisions of section 1035. Determination of the basis of property acquired in an exchange under section 1035 (a) shall be governed by section 1031 (d) and the regulations thereunder.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 6, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9266; Filed, Nov. 14, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1956

RENTAL VALUE OF PARSONAGES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under section 107 of the Internal Revenue Code of 1954, relating to rental value of parsonages:

§ 1.107 *Statutory provisions; rental value of parsonages.*

SEC. 107. *Rental value of parsonages.* In the case of a minister of the gospel, gross income does not include—

(1) The rental value of a home furnished to him as part of his compensation; or

(2) The rental allowance paid to him as part of his compensation, to the extent used by him to rent or provide a home.

§ 1.107-1 *Rental value of parsonages.* (a) In the case of a minister of the gospel, gross income does not include (1) the rental value of a home, including utilities, furnished to him as a part of his compensation, or (2) the rental allowance paid to him as part of his compensation to the extent such allowance is used by him to rent or otherwise provide a home. In order to qualify for the exclusion, the home or rental allowance must be provided as remuneration for services which are ordinarily the duties of a minister of the gospel. In general, the rules provided in § 1.1402 (c)-1 (e) will be applicable to such determination. Examples of specific services the performance of which will be considered duties of a minister for purposes of section 107 include the performance of sacerdotal functions, the conduct of religious worship, the administration and maintenance of religious organizations and their integral agencies, and the performance of teaching and administrative duties at theological seminaries. Also, the service performed by a qualified minister as an employee of the United States (other than as a chaplain in the Armed Forces, whose service is considered to be that of a commissioned officer in his capacity as such, and not as a minister in the exercise of his ministry), or a State, Territory, or possession of the United States, or a political subdivision of any of the foregoing, or the District of Columbia, is in the exercise of his ministry provided the service performed includes such services as are ordinarily the duties of a minister.

(b) For purposes of section 107, the term "home" means a dwelling place (including furnishings) and the appurtenances thereto, such as a garage. The term "rental allowance" means an allowance, separate from salary and other remuneration, which is paid to a minister to rent or otherwise provide a home pursuant to official action taken in advance of such payment by the employing church or other qualified organization. A rental allowance may be evidenced in an employment contract, in minutes of or a resolution by a church or other qualified organization or in its budget, or in any other appropriate instrument evidencing such official action.

(c) A rental allowance must be included in the minister's gross income in the taxable year in which it is received, to the extent that such allowance is not used by him during such taxable year to rent or otherwise provide a home. Circumstances under which a rental allowance will be deemed to have been used to rent or provide a home will include cases in which the allowance is expended (1) for rent of a home, (2) for purchase of a home, and (3) for expenses directly related to providing a home. Expenses for food and servants are not considered for this purpose to be directly related to providing a home. Where the minister rents, purchases, or owns a farm or other business property in addition to a home, the portion of the rental allowance expended in connection with the farm or business property shall not be excluded from his gross income.

[F. R. Doc. 56-9361; Filed, Nov. 14, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO-243-A4]

MILK IN CENTRAL ARKANSAS MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Notice is hereby given that the hearing on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central Arkansas marketing area scheduled to begin at 10 a. m., c. s. t., November 15, 1956 (21 F. R. 8541), in the Hearing Room, Fish and Game Building, State Capitol Grounds, Little Rock, Arkansas, is hereby postponed until November 19, 1956, at 10 a. m., c. s. t., in the Main Auditorium, Arkansas Education Association Building, 1500 W. Fourth Street, Little Rock, Arkansas.

Done at Washington, D. C., this 9th day of November 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator.

[F. R. Doc. 56-9374; Filed, Nov. 14, 1956; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

MANUFACTURE OF MEN'S AND BOYS' SEPARATE TROUSERS

Pursuant to notice published in the FEDERAL REGISTER (21 F. R. 3230) interested persons were given opportunity to submit oral and written data, views and arguments before Harry Weiss, my authorized representative, on June 7, 1956, in the Department of Labor Building, Washington, D. C., on the question of what provision, if any, for the employment of learners at wages lower than $1.00 per hour in the manufacture of men's and boys' separate trousers is necessary in order to prevent curtailment of opportunities for employment. Mr. Weiss has reported his findings to me and recommended that the supplemental learner regulations applicable to the manufacture of men's and boys' separate trousers (29 CFR 522.21 (b)) be left unchanged.

Having fully considered all pertinent data available to me, I accept these findings. I have decided not to amend the learner regulations applicable to the manufacture of men's and boys' separate trousers, because I have concluded that the regulations as they now stand are necessary and adequate to prevent any curtailment of opportunities for employment flowing from the $1.00 per hour minimum wage requirement in the manufacture of men's and boys' separate trousers.

A copy of the findings will be sent to any interested person upon request. All requests should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.

Signed at Washington, D. C., this 8th day of November 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56-9367; Filed, Nov. 14, 1956; 8:50 a. m.]

[29 CFR Part 526]

INDUSTRIES OF A SEASONAL NATURE; NORTHERN BRANCH OF CRUSHED STONE INDUSTRY

AMENDMENT SUBSTITUTING COON CERTIFIED CONCRETE FOR NORTH MOUNTAIN CRUSHED STONE COMPANY

The northern branch of the crushed stone industry was determined, on July 8, 1940 (5 F. R. 2526), to be an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and Part 526 of regulations issued thereunder. On September 24, 1940, a supplement to this determination was made (5 F. R. 3770) which included within the northern branch of the industry the plant of North Mountain Crushed Stone Company in Luzerne County, Pennsylvania.

The ownership of this plant has, since that time, been transferred to a firm doing business as Coon Certified Concrete. The plant has continued to operate in the same manner and for the same purposes as the other plants in the northern branch of the crushed stone industry as defined in the determination of July 8, 1940.

Upon consideration of the foregoing facts, I hereby determine, pursuant to § 526.6 (b) (2) of the regulations (29 CFR 526.6 (b) (2)) and section 7 (b) (3) of the Fair Labor Standards Act of 1938, that a prima facie case has been shown for amendment of the determination, in accordance with paragraph 8 of the original determination, by substituting Coon Certified Concrete for North Mountain Crushed Stone Company.

If no objection and request for hearing is received within 15 days following the publication of this amendment, I shall make a finding upon the prima facie case. Objections and requests for hearing from any interested person should be submitted in writing to the Wage and Hour and Public Contracts Divisions, Department of Labor Building, 14th Street and Constitution Avenue, NW., Washington 25, D. C. The application may be examined in Room 5420 at this address.

Signed at Washington, D. C., this 6th day of November 1956.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 56-9368; Filed, Nov. 14, 1956; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

NOTICE OF INSTITUTION OF RULE MAKING PROCEEDINGS

The Bureau of Safety Regulation circulated as Civil Air Regulations Draft Release No. 56-17 on June 12, 1956, a proposed revision of Part 41 of the Civil Air Regulations. Reference is made to the draft release for a full explanation of the purpose and background of the proposed revision.

Civil Air Regulations Draft Release No. 56-17A promulgated July 24, 1956, extended the time for submission of comment to November 16, 1956. A further request for additional time for return of comment has been made by the Air Transport Association on behalf of the scheduled air carriers because of the action taken by the Board in requesting all users of the air space to undertake an active review of the factors relating to the air traffic rules of Part 60 of the Civil Air Regulations and air traffic control practices and procedures and to make appropriate recommendations to the Board at an early date. In order to formulate such recommendations the air carriers have stated that it has been necessary to delay the meetings that had been scheduled for consideration of the revision of Part 41 proposed by Draft Release 56-17 until February 1957. In view of the fact that such industry opinion is essential for a proper consideration of the issues raised by the proposed revision it is considered that a further extension of the date for comment, as requested, will serve a useful purpose.

Accordingly, the Bureau is extending the time for submission of comment with respect to Civil Air Regulations Draft Release No. 56-17, and the Bureau will consider written comment submitted not later than February 8, 1957. Comments on Draft Release 56-17 should be submitted in duplicate and addressed to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C.

This notice of extension is being circulated as Civil Air Regulations Draft Release No. 56-17B to persons on the Bureau's current distribution list. Other interested persons may secure a copy of this draft release, as well as a copy of Draft Release No. 56-17A, upon request made to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., November 9, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 56-9379; Filed, Nov. 14, 1956; 8:52 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 221]

[Reg. U]

LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

NOTICE OF EXTENSION OF TIME FOR COMMENTS ON PROPOSED RULE MAKING

A notice of proposed rule making, relating to Part 221 (Reg. U) was issued by the Board of Governors of the Federal Reserve System and published in the October 17, 1956 FEDERAL REGISTER, page 7960. The proposal relates particularly to bank loans to purchase convertible bonds or debentures. The notice provided that comments on the proposed rule making be submitted to be received not later than November 9, 1956. Such time period is hereby extended so that comments should be submitted to be received not later than January 9, 1957.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 56-9345; Filed, Nov. 14, 1956; 8:46 a. m.]

ance paid to him as part of his compen- used by him during such taxable year to

8:51 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE W. FLANAGAN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. George W. Flanagan.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 6, 1956.
4. Title of position: Consultant.
5. Name of private employer: B. F. Goodrich Chemical Company, Cleveland, Ohio.

JOHN F. LUKENS,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

B. F. Goodrich Chemical Company.
Bank deposits.

Dated: November 6, 1956.

GEORGE W. FLANAGAN.

[F. R. Doc. 55-9362; Filed, Nov. 14, 1956; 8:49 a. m.]

STANLEY W. DENNIS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Stanley W. Dennis.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: October 16, 1956.
4. Title of position: Consultant.
5. Name of private employer: Deniseal, Inc., Baltimore, Md.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 9, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Deniseal, Inc.
Crown Cork & Seal Co.
Bank deposits.

Dated: November 2, 1956.

STANLEY W. DENNIS.

[F. R. Doc. 56-9363; Filed, Nov. 14, 1956; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-39]

CURTISS-WRIGHT CORP.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on October 29, 1956, the Curtiss-Wright Corporation, Clifton, New Jersey, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate a light water moderated, pool-type nuclear reactor designed to operate at 1,000 kw and to be located at the Curtiss-Wright Research and Development Center at Quehanna, Pennsylvania. A copy of the application is available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 6th day of November 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 56-9339; Filed, Nov. 14, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3292 et al.]

EASTERN AIR LINES ROUTE CONSOLIDATION CASE

NOTICE OF CHANGE OF ORAL ARGUMENT DATE

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for December 6 is being changed to December 4, 1956, at 10:00 a. m., e. s. t., Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 9, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9380; Filed, Nov. 14, 1956; 8:52 a. m.]

[Docket No. 7939]

TRANS-TEXAS AIRWAYS

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 28, 1956, at 2:00 p. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 9, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9381; Filed, Nov. 14, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11329]

CALIFORNIA CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE

Correction

In Federal Register Document 56-9180, published at page 8724 of the issue for Friday, November 9, 1956, the bracketed docket number should read as set forth above.

J. W. O'BOYLE, ETC.

NOTICE OF APPLICATIONS, CONSOLIDATION AND DATE OF HEARING

NOVEMBER 7, 1956.

In the matters of J. W. O'Boyle, Trustee under Kathleen O'Boyle Trust No. 2, Docket No. G-4222; H. L. Hunt, Docket No. G-4865; Sunray Mid-Continent Oil Company, Docket No. G-6058; G. H. Vaughn, Docket No. G-6530; Midstates Oil Corporation, et al., Docket No. G-4932, et al.

Take notice that J. W. O'Boyle, Trustee under Kathleen O'Boyle Trust No. 2 (Applicant), filed on October 7, 1954, in Docket No. G-4222, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas in interstate commerce from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana Nevada Transit Company for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

H. L. Hunt (Applicant) filed on November 15, 1954, in Docket No. G-4865, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell naural gas in interstate commerce from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana Nevada Transit Company for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Sunray Mid-Continent Oil Company (Applicant) filed on November 26, 1954, in Docket No. G-6058, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas in interstate commerce from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana Nevada Transit Company for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

G. H. Vaughn (Applicant) filed on November 29, 1954, in Docket No. G-6530, an application [1] for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas in interstate commerce from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana Nevada Transit Company for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

It is evident that the issue raised by these applications may be corollary to one of the issues in the proceeding In the Matters of Midstates Oil Corporation, et al., Docket Nos. G-4932, et al., that is, whether the Cotton Valley Operators Committee should be required to file the application for a certificate of public convenience and necessity, or whether a separate certificate is required to be issued in the name of each of the producers in the Cotton Valley Field involved in deliveries of gas to Louisiana Nevada Transit Company.

Therefore, take further notice that, for the purpose of determining whether certificates should issue therein, these related matters in Docket Nos. G-4222, G-4865, G-6058 and G-6530 are hereby consolidated with the consolidated proceeding In the Matters of Midstates Oil Corporation, et al., Docket Nos. G-4932, et al., which is scheduled to reconvene at 10:00 a. m., e. s. t., on November 26, 1956, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure

[1] The order issued October 18, 1956, In the Matters of Arkansas Louisiana Gas Company, et al., Docket Nos. G-4438, et al., issued a certificate in Docket No. G-6530 authorizing G. H. Vaughn to sell natural gas from Cotton Valley Field to United Gas Pipe Line Company, but took no action on that portion of the application requesting authorization to sell to Louisiana Nevada Transit Company.

(18 CFR 1.8 or 1.10) not less than ten days before the date of hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9343; Filed, Nov. 14, 1956; 8:45 a. m.]

[Docket No. G-4421 etc.]

HASSIE HUNT TRUST ET AL.

NOTICE OF SEVERANCE, CONSOLIDATION AND DATE OF HEARING

NOVEMBER 7, 1956.

In the matter of Hassie Hunt Trust, Docket No. G-4421; Midstates Oil Corporation, et al., Docket No. G-4932, et al.

Notice is hereby given that that portion of the above-entitled proceeding which is concerned with the application of the Hassie Hunt Trust for a certificate of public convenience and necessity authorizing the Hassie Hunt Trust to sell natural gas from Cotton Valley Field, Webster Parish, Louisiana, to Louisiana Nevada Transit Company, is hereby severed from the remainder [1] of the application in the above-entitled proceeding, on which a hearing held May 2, 1955, was recessed by the Presiding Examiner until further order by the Commission.

Further notice is given that the aforesaid portion of the application of the Hassie Hunt Trust is hereby consolidated with the consolidated proceeding In the Matters of Midstates Oil Corporation, et al., Docket Nos. G-4932, et al., which is scheduled to reconvene at 10:00 a. m., e. s. t., on November 26, 1956, to determine whether a certificate should issue therein.

It is evident that the issue raised by the Hassie Hunt Trust application is corollary to one of the issues in the proceeding In the Matters of Midstates Oil Corporation, et al., Docket Nos. G-4932, et al., that is, whether the certificate of public convenience and necessity should be issued in the name of Cotton Valley Operators Committee or whether a separate certificate is required to be issued in the name of each of the producers in the Cotton Valley Field involved in deliveries to Louisiana Nevada Transit Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9344; Filed, Nov. 14, 1956; 8:46 a. m.]

[Docket No. G-8439 etc.]

HOUSTON OIL COMPANY OF TEXAS AND ATLANTIC REFINING CO.

NOTICE OF APPLICATIONS, SEVERANCE, CONSOLIDATION AND HEARING

NOVEMBER 8, 1956.

In the matters of Houston Oil Company of Texas, Docket No. G-8439, Docket No. G-8998, Docket No. G-9507, Docket No. G-10067; The Atlantic Refining Company, Houston Oil Company of Texas, Docket No. G-10354.

Take notice that Houston Oil Company of Texas (Houston), a Delaware corporation with principal place of business at Petroleum Building, Houston 2, Texas, filed in Docket Nos. G-8439, G-8998, G-9507 and G-10067 as hereinafter tabulated, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (act), authorizing Houston to sell natural gas in interstate commerce from production of certain units, leases or acreage located as shown to the purchasers indicated for resale, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Thereafter, Houston and The Atlantic Refining Company (Atlantic), the latter a Pennsylvania corporation with principal place of business at P. O. Box 2819, Dallas 1, Texas, filed in Docket No. G-10354 as hereinafter tabulated, a joint application (1) with respect to Houston: For permission to abandon the sales and service being rendered as described in Docket Nos. G-6601, G-6602, G-6668, G-6667, G-6848, G-6849, G-8439, G-8998, G-9078, G-9364, G-9507, and G-10067, pursuant to section 7 (b) of the act; and (2) with respect to Atlantic: An application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Atlantic to take over and continue the sales and service proposed to be abandoned by Houston without any interruption or alteration in said sales and service; all subject to the jurisdiction of the Commission and as more fully represented in the application which is on file with the Commission and open for public inspection.

The application of Houston in Docket No. G-8439 which was heretofore consolidated and set for hearing along with the applications of Transcontinental Gas Pipe Line Corporation at Docket No. G-8443 and Seaboard Oil Company at Docket No. G-8438 by notice issued January 6, 1956, and, by further notice issued February 6, 1956, continued to a date to be set by further notice, is hereby severed from said consolidated and continued proceeding in which the Philadelphia Electric Company (Philadelphia) filed a Petition for Leave to Intervene (petition) on February 8, 1956, and, in accordance with said continuance is hereby reset for hearing. Philadelphia's petition is before the Commission for action.

Houston and Atlantic stated that the stockholders of Houston voted on April 24, 1956, to approve a plan for the complete liquidation of Houston, involving the sale of all of its assets, the distribution of the proceeds to the stockholders, and the dissolution of Houston; that said assets include Houston's oil and gas properties subject to retained production payments; that said sale was consummated on June 6, 1956, as scheduled; and that Atlantic immediately replaced Houston effective June 6, 1956, and continued each and every sale of gas under the contracts involved without any interruption or alteration of natural gas service to Houston's purchasers.

[1] This notice is not to be construed as having any effect upon the remainder of the application in Docket No. G-4421 for authorization to sell gas to other purchasers from other fields.

Docket No.	Application filed	Applicant	Authority sought	Certificate issued	Source of gas	Purchaser
G-6601		Houston	Initial certificate	5-18-56	Silsbee Field, Hardin County, Tex.	Texas Eastern Transmission Corp.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-6602		Houston	Initial certificate	5-18-56	Call, Camptown, Lemonville, South Gist, and Northwest Hartburg Fields, Newton County, Tex.; East Beech Creek, Elliott, Hampton, North Silsbee, and Vickers Fields, Hardin County, Tex.; Doty Field, Orange County, Texas; Castillo and West Gist Fields, Jasper County, Tex.	Do.
G-6602		do	do	6- 4-56	East Call Field, Newton County, Tex.	Do.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-6666		Houston	Initial certificate	5-18-56	Koontz Field, Victoria County, Tex.	United Gas Pipe Line Co.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	6- 5-56		
G-6667		Houston	Initial certificate	5-18-56	Fields Field Beauregard Parish, La.	Trunkline Gas Co.
G-10354	5- 7-56 6-29-56	Abandonment				
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-6848		Houston	Initial certificate	4-16-56	Clayton Area Field, Live Oak County, Tex.	Texas Illinois Natural Gas Pipe Line Co.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-6849		Houston	Initial certificate	2- 2-56	Koontz Field, Victoria County, Tex.	United Gas Pipe Line Co.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-8439	2- 4-55	Houston	Initial certificate	1 5-13-55	75 percent interest in 25 Tracts, Live Oak Fields, Vermilion Parish, La.	Transcontinental Gas Pipe Line Corp.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-8998	6- 3-55	Houston	Initial certificate	1 8-17-55	50 percent interest in 122 leases, Tabasco Field, Hidalgo County, Tex.	Tennessee Gas Transmission Co.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-9078		Houston	Initial certificate	10-20-55	Puckett Field, Pecos County, Tex.	Permian Basin Pipeline Co.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-9364		Houston, et al.	Initial certificate	1-30-56	Estherwood Field, Acadia Parish, La.	Transcontinental Gas Pipe Line Corp.
G-10354	5- 7-56 6-29-56	Houston	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-9507	10-19-55	Houston	Initial certificate	1 4-12-56	West Mission Field, Hidalgo County, Tex.	Tennessee Gas Transmission Co.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		
G-10067	3- 8-56	Houston	Initial certificate		An interest in 100-acre F. J. Marbach lease, Cologne Field, Victoria County, Tex.	Do.
G-10354	5- 7-56 6-29-56	do	Abandonment			
G-10354	5- 7-56 6-29-56	Atlantic	Acquisition	1 6- 5-56		

1 Date of issuance of temporary authorization only.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, December 10, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9369; Filed, Nov. 14, 1956; 8:50 a. m.]

[Docket No. G-11431]

ARKANSAS LOUISIANA GAS CO.

ORDER SUSPENDING REVISED TARIFF SHEET AND PROVIDING FOR HEARING

Arkansas Louisiana Gas Company (Ark-La), on October 8, 1956, tendered for filing Second Revised Sheet No. 60 to its FPC Gas Tariff, Original Volume No. 2, constituting its Rate Schedule XFS-3 for the sale of gas to Southwest Gas Producing Company (Southwest Gas). Ark-La proposed that the increased rate provided in this revised schedule take effect when the buyer of the gas, Southwest Gas, commences charging increased rates upon the resale of this gas to Texas Eastern Transmission Corporation, but in any event not sooner than 30 days after this tender for filing by Ark-La.

Ark-La bases its proposed increase upon the provision in its contract with Southwest Gas which provides for increases at the time and in the amount of periodic increases provided for in the resale contract of Southwest Gas with Texas Eastern Transmission Corporation. Southwest Gas has filed two applications for rate increases which have been suspended. The increase now proposed by Ark-La is related to the earlier of the two increases filed by Southwest Gas which became effective on August 22, 1956, subject to refund if so ordered in the proceeding in Docket No. G-9611.

It appears that the increased rates and charges proposed in Ark-La's Second Revised Sheet No. 60 have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates proposed in its filing made on October 8, 1956, and that Second Revised Sheet No. 60 to Ark-La's FPC Gas Tariff, Original Volume No. 2, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I), a public hearing be held in Washington, D. C., at a time and date later to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates and charges contained in Arkansas Louisiana Gas Company's Rate Schedule XFS-3 as set forth in the aforesaid Second Revised Sheet No. 60 to its FPC Gas Tariff, Original Volume No. 2.

(B) Pending such hearing and decision thereon, Ark-La's proposed Revised Sheet No. 60 to its FPC Gas Tariff, Original Volume No. 2, be and the same is hereby suspended and the use thereof deferred until November 9, 1956, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 7, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9342; Filed, Nov. 14, 1956; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

Effective October 1, 1956, section I is amended to read as follows:

I. *Description of agency and programs*—A. *Creation and purpose.* The Public Housing Administration was made a constituent agency of the Housing and Home Finance Agency by the President's Reorganization Plan 3 of 1947, effective July 27, 1947. The PHA is headed by a Public Housing Commissioner appointed by the President by and with the advice and consent of the Senate. The major program administered by the PHA is the Low-Rent Public Housing Program which is a direct responsibility of the Public Housing Administration. The PHA also administers the Liquidating Emergency Housing Program which consists mainly of war, defense, and veterans' housing activities delegated to the Public Housing Commissioner by the Housing and Home Finance Administrator. Historically, the PHA is a successor agency to the United States Housing Authority, which was created by the United States Housing Act of 1937 (42 U. S. C. 1401 et seq.) to administer the Low-Rent Public Housing Program established by that act. In 1942 the name of the agency was changed to the Federal Public Housing Authority. It continued under that name until 1947, when it was changed to the Public Housing Administration.

B. *Low-Rent Public Housing Program.* The Low-Rent Public Housing Program is authorized by the United States Housing Act of 1937, as amended (42 U. S. C. 1401 et seq.), which authorizes Federal financial assistance to local communities "to remedy the unsafe and insanitary housing conditions and the acute shortage of decent, safe, and sanitary dwelling for families of low income * * *." Also included in this program are certain projects constructed under authority other than the Housing Act of 1937, but transferred to the Low-Rent Public Housing Program: Projects developed by the Public Works Administration before passage of the act and transferred under authority of the act (42 U. S. C. 1404 (d)), and Farm Labor Camps and permanent war housing projects transferred under the terms of the Housing Act of 1950 (42 U. S. C. 1412 (f) and 1586, respectively).

C. *Liquidating Emergency Housing Program.* The Liquidating Emergency Housing Program consists principally of (1) permanent and temporary housing accommodations built under the terms of the Lanham Act, as amended (42 U. S. C. 1521, et seq.), to provide housing for war workers and military personnel during World War II and (2) projects developed under Title III of the Defense Housing and Community Facilities and Services Act of 1951, as amended (42 U. S. C. 1592 et seq.), to provide temporary or mobile housing for defense workers and military personnel required in connection with national defense activities in critical defense housing areas. The PHA is responsible for the management of housing in this program either by direct operation or through local agencies and for orderly disposition of such housing.

D. *Central office organization.* 1. The Commissioner is responsible for the administration of all programs of the PHA. In addition to the staff officials enumerated below, the Commissioner has Special Assistants in the fields of civil defense, compliance, labor relations, liaison, and racial relations.

2. The Deputy Commissioner is responsible for assisting the Commissioner in the administration of all programs of the PHA and serves as Acting Commissioner in the absence of the Commissioner.

3. The Assistant Commissioner is responsible for directing all nonlegal activities relating to the financing of low-rent housing projects, and for special assignments made to him by the Commissioner, particularly in the fields of housing legislation and PHA policy.

4. The Assistant Commissioner for Administration is responsible for activities relating to administrative management. The Administration Division, which he heads, consists of the following branches:

a. Administrative Planning and Internal Audit.
b. Budget.
c. Fiscal.
d. Office Services.
e. Personnel.
f. Production and Document Control.

5. The General Counsel is the PHA's principal attorney and responsible for all legal activities of the PHA. The Legal Division, which he heads, consists of the following branches:

a. Finance Counsel.
b. Litigation.
c. Opinions and Legislation.
d. Programs.

6. The Assistant Commissioner for Development is responsible for activities relating to the initiation, planning, and construction of public housing projects. The Development Division, which he heads, consists of the following Branches:

a. Construction.
b. Land.
c. Project Planning.
d. Technical.

and of three Development Coordination Offices organized on an area basis.

7. The Assistant Commissioner for Management is responsible for activities relating to the operation of public housing projects. The Management Division, which he heads, consists of the following Branches:

a. Management Standards.
b. Occupancy.
c. Operations Engineering.
d. Project Auditing.
e. Project Fiscal Management.

and of three Management Coordination Offices organized on an area basis. Residual disposition functions in the Liquidating Emergency Housing Program are performed by a small disposition staff in the Management Division.

8. The Chief Economist is responsible for activities relating to the economic and statistical aspects of the programs of the PHA. The Economics and Statistics Division, which he heads, consists of an Economics Branch and a Statistics Branch.

E. *Central Office address.* The Central Office of the PHA is located in the Longfellow Building, 1741 Rhode Island Avenue NW., Washington 25, D. C. Mail should be addressed as follows:

Public Housing Administration, Washington 25, D. C.

F. *Regional Office organization.* The Commissioner, in administering the programs of the PHA, has established a decentralized organization, vesting primary responsibility for operating phases of the programs in the Regional Offices wherever possible. Each Regional Office is headed by a Regional Director who is responsible for the work of the Regional Office and of all PHA field establishments within his area of jurisdiction. The principal staff officials of a typical Regional Office are an Assistant Director for Development, an Assistant Director for Management, an Attorney, an Economist, a Labor Relations Officer, a Racial Relations Officer, and a Chief of Office Services. In the absence of the Regional Director, the following shall serve as Acting Regional Director in the Regional Office indicated: *Provided,* That in each Regional Office the second named shall so serve only in the absence of both the Regional Director and the first named:

Atlanta Regional Office:
1. John Jones Knudsen, Assistant Director for Development.
2. R. E. Bates, Assistant Director for Management and Disposition.
Chicago Regional Office:
1. Hugo C. Schwartz, Assistant Director for Management and Disposition.
2. Albert F. Muench, Regional Attorney.
Fort Worth Regional Office:
1. Clarence J. Stenzel, Assistant Director for Management and Disposition.
2. Karl Buster, Assistant Director for Development.
New York Regional Office:
1. Richard S. Pallesen, Assistant Director for Development.
2. John P. Prescott, Assistant Director for Management.
Puerto Rico Regional Office:
1. Alfredo T. Ramirez, Assistant Director for Development.
2. Theodore Goshen, Assistant Director for Management.
San Francisco Regional Office:
1. Arthur L. Chladek, Assistant Director for Management and Disposition.
2. James E. McFeeley, Regional Attorney.
Washington Regional Office:
1. Paul R. Boesch, Regional Attorney.
2. Archie P. Burgess, Assistant Director for Development.

G. *Regional Office jurisdictions and addresses.* The geographical jurisdictions and addresses of the Regional Offices are as shown below:

1. Atlanta Regional Office:
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Public Housing Administration, Peachtree-Seventh Street Building, 50 Seventh Street NE., Room 737, Atlanta 5, Georgia.

2. Chicago Regional Office:
Illinois, Indiana, Iowa, Kansas (Liquidating Emergency Housing Program only), Michigan, Minnesota, Missouri (City of St. Louis and County of St. Louis only), Nebraska, North Dakota, Ohio, South Dakota, Wisconsin. Public Housing Administration, Room 2201, 185 North Wabash Avenue, Chicago 1, Illinois.

3. Fort Worth Regional Office:
Arkansas, Colorado, Kansas (except Liquidating Emergency Housing Program), Louisiana, Missouri (except the City of St. Louis and the County of St. Louis), New Mexico, Oklahoma, Texas. Public Housing Administration, Room 2072, 300 West Vickery Boulevard, Fort Worth 4, Texas.

4. New York Regional Office:
Connecticut, Maine, Massachusetts, New Hampshire, northern New Jersey (bounded on the south by, and including, Hunterdon, Somerset, Middlesex, and Monmouth Counties), New York, Rhode Island, and Vermont. Public Housing Administration, 346 Broadway, New York 13, New York.

5. Puerto Rico Regional Office:
Puerto Rico and the Virgin Islands. Public Housing Administration, P. O. Box 9197, Santurce, Puerto Rico.

6. San Francisco Regional Office:
Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and the Territory of Alaska, and the Territory of Hawaii. Public Housing Administration, 1360 Mission Street, San Francisco 3, California.

7. Washington Regional Office:
Delaware, Maryland, Southern New Jersey (bounded on the north by, and including, Mercer, Burlington, and Ocean Counties), Pennsylvania, Virginia, West Virginia, and the District of Columbia. Public Housing Administration, Washington 25, D. C.

H. *Other field establishments.* Project and rental offices under the direct supervision of the Regional Offices are located throughout the country. Request for information concerning them should be addressed to the appropriate Regional Office.

Date approved: November 2, 1956.

CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 56-9346; Filed, Nov. 14, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1557]

EMSCO MANUFACTURING CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 7, 1956.

In the matter of Emsco Manufacturing Company, Common Stock; File No. 1-1557.

San Francisco Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stockholders of Emsco Manufacturing Company approved on October 30, 1956, transfer of substantially all its assets to the Youngstown Sheet and Tube Company in exchange for 152,595 shares of the latter's common stock, distribution of one such share for each three shares of Emsco Manufacturing Company common stock exclusive of those held by the Youngstown Sheet and Tube Company, and dissolution of Emsco Manufacturing Company. The latter's stock transfer books were permanently closed on October 31, 1956, and the stock was suspended from dealings on the applicant Exchange at the close of business October 30, 1956.

Upon receipt of a request, on or before November 26, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-9349; Filed, Nov. 14, 1956; 8:47 a. m.]

[File No. 812-1015]

SOUTH AMERICAN GOLD & PLATINUM CO.

NOTICE OF FILING OF APPLICATION FOR AN ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY AND ORDER OF DEREGISTRATION

NOVEMBER 8, 1956.

Notice is hereby given that South American Gold & Platinum Company ("Applicant"), registered as a closed-end, non-diversified, management investment company under the Investment Company Act of 1940, has filed an application and amendments thereto requesting that the Commission enter an order pursuant to section 8 (f) of such act declaring that Applicant is not, or has ceased to be, an investment company for the reason that it does not come within any of the meanings of an investment company as contained in section 3 (a) of the act, and that, in any event, Applicant is excluded from the provisions of the act by reason of the provisions of section 3 (b) (1) of the act. In the alternative Applicant requests that the Commission find and declare that Applicant is not an investment company by reason of the provisions of section 3 (b) (2) of the act and that its registration as such under the act be declared to be no longer in effect.

Section 3 (a) (3) of the act, in pertinent part, defines an investment company as any issuer which "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Investment securities as used therein are defined so as to exclude, among other things, Government securities and securities of majority-owned subsidiaries of the issuer which are not investment companies.

Sections 3 (b) (1) and 3 (b) (2) of the act exclude from its operation:

(1) Any issuer primarily engaged, directly or through a wholly-owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, and

(2) Any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses. Section 2 (a) (9) of the act provides that the ownership of more than 25 per centum of the voting securities of any company shall constitute presumptive, but rebuttable, control.

Section 8 (f) of the act provides that the Commission, upon appropriate findings, shall order that an investment company's registration shall cease to be in effect.

Applicant's requests are based on the following representations as reflected in the application, as amended.

Applicant was organized in 1916 for the purpose of exploring and developing extractive natural resources, principally in South American countries, and, directly and indirectly, it has since then been so engaged. At the present time it is solely a holding company. It registered under the act on March 17, 1955 under the apprehension that its investment securities might be said to exceed 40 percent of its total assets under the provisions of section 3 (a) (3) of the act.

Applicant's total assets (exclusive of Government securities and cash) consisting of securities of eleven directly and indirectly wholly-owned subsidiaries, valued pursuant to the provisions of section 2 (a) (39) of the act, aggregate approximately $18,000,000. One of such subsidiaries, whose assets are insignificant, is inactive. Five of these subsidiaries whose securities are valued by Applicant at approximately $11,000,000 are, directly or through majority-owned subsidiaries, engaged almost wholly in mining or related businesses.

Two of these subsidiaries whose securities are valued by Applicant at approximately $4,000,000 are directly, or through controlled subsidiaries, engaged in some phase of the mining or oil business or businesses related thereto and also hold investment securities of companies engaged in businesses other than that of mining, as described below.

Another of the wholly-owned subsidiary's assets consist solely of an 18.7 percent interest in a company which operates a chain of department stores in the United States. Applicant values the common stock of this subsidiary at approximately $2,200,000, Applicant also holds an account receivable from this subsidiary amounting to $990,000.

For the year 1955 the system received $5,166,139 as proceeds from sales of metals. For the same period the cost of metals sold, administrative, selling and general expenses plus depreciation and depletion of plant, properties and equipment aggregated $3,475,371. Net revenues from operations before income taxes amounted to $1,690,768. In addition dividends received from controlled companies engaged in mining and other extractive industries amounted to $717,124, dividends from other companies amounted to $188,745, and interest income was $13,363. Other income aggregated $252,989, represented by profits on the sale of securities of $267,502 less miscellaneous charges of $14,513.

The system mining operations are conducted principally in Colombia, South America. For the last three years an average of 21,000,000 cubic yards of gravel have been dredged which resulted in average annual production of 70,000 troy ounces of gold and 27,000 troy ounces of platinum representing average annual revenues of approximately $4,700,000. The investments of its subsidiaries in business other than mineral extraction and development include a less than 1 percent interest in a glass company and a 19.5 percent interest in a consumer finance company, both operating in Colombia; a 10 percent interest in a company which through subsidiaries is engaged in cement production and the brewery business in Ecuador and the 18.7 percent interest in the company operating department stores in the United States. Applicant's interest in investments in companies engaged in businesses other than the extraction and development of natural resources are valued at an aggregate of $4,946,219, which represents 27.2 percent of the value of Applicant's total assets (exclusive of Government securities and cash) amounting to $18,163,134 at December 31, 1955.

Applicant contends that it is not an investment company within the meaning of section 3 (a) (3) of the act and that in any event it is primarily engaged in a business or businesses other than the investing, reinvesting, owning, holding or trading in securities.

Notice is further given that any interested person may, not later than November 27, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-9350; Filed, Nov. 14, 1956; 8:47 a.m.]

[File No. 70-3526]

OHIO EDISON CO.

NOTICE OF FILING OF APPLICATION REGARDING ACQUISITION OF UTILITY ASSETS

NOVEMBER 8, 1956.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), a registered holding company and a public utility company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") requesting approval of an acquisition of utility assets, and has designated sections 9 (a) (1) and 10 of said act as being applicable thereto.

All interested persons are referred to the application which is on file in the offices of the Commission for a statement of the transaction and certain pertinent facts which are summarized as follows:

Ohio Edison has a contract with the Delaware Rural Electric Cooperative, Inc. ("Cooperative"), an Ohio corporation, involving the sale of electric energy to the Cooperative for resale by it to its customers in and adjacent to Delaware County, Ohio. Energy heretofore has been delivered to the Cooperative at a point approximately 3 miles north of the Cooperative's Oxford Substation in Delaware County, and was transmitted to this substation over a transmission line, 2.7 miles in length, owned by the Cooperative. Pursuant to negotiations of Ohio Edison with the Cooperative in September 1955, it was agreed that energy would in the future be delivered to the Cooperative at its Oxford Substation and also at a proposed delivery point to be known as the Hartford Substation of the Cooperative. In connection with the new contract, Ohio Edison purchased the 2.7-mile transmission line feeding energy to the Oxford Substation.

Ohio Edison's application requests approval by this Commission of the purchase of the aforesaid transmission line from the Cooperative for a cash consideration of $14,700. The line was constructed by the Cooperative in 1952 at a cost of $14,729.35 and placed in service in February 1953. According to the application, the line is in effect part of the transmission line which delivers energy to the Oxford Substation and to the recently completed Hartford Substation. Ohio Edison states that in view of its contract to deliver energy to these substations the company considers it appropriate that it own the entire transmission line.

The application states that the acquisition of the transmission line, insofar as it involves accounting matters, is subject to the jurisdiction of the Public Utilities Commission of Ohio and the Federal Power Commission, but in other respects is not subject to the jurisdiction of any State or Federal commission other than this Commission.

Notice is further given that any interested person may, not later than November 23, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56-9351; Filed, Nov. 14, 1956; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 56]

CERTAIN JUTE FABRICS

NOTICE OF INVESTIGATION

Investigation instituted. Upon application of the Patchogue-Plymouth Corporation, New York, N. Y., received November 2, 1956, the United States Tariff

Commission, on the 8th day of November 1956, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether:

Woven fabrics, wholly of jute, not specially provided for, not bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, classifiable under paragraph 1008 of the Tariff Act of 1930: Wider than 114 inches, having a minimum thread count of 25 per square inch counting the warp and the filling, and weighing between 8 and 24 ounces per square yard [1] are, as a result in whole or in part of the duty or other customs treatment reflecting the concession granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: November 9, 1956.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-9373; Filed, Nov. 14, 1956; 8:51 a. m.]

[1] In the application, the above-described fabrics are referred to as jute backing for tufted rugs and carpets.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 9, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32879: *Fertilizer from South Point, Ohio, and Charleston, W. Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer material, tank-car loads from South Point, Ohio, and Charleston, W. Va., and points grouped therewith to points in Kentucky, North Carolina, Tennessee, and Virginia.

Grounds for relief: Market and truck competition and circuity.

Tariff: Supplement 47 to Agent Spaninger's I. C. C. 1510.

FSA No. 32880: *Cement from Texas to New Mexico.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cement and related articles, carloads from Galveston, Maryneal, Dallas, Houston and North Fort Worth, Texas, to points in New Mexico on the Atchison, Topeka and Santa Fe Railway and Southern Pacific Railway.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 9 to Agent Kratzmeir's tariff I. C. C. 4186; Supplement 51 to Agent W. J. Prueter's tariff I. C. C. 1573.

FSA No. 32881: *Commodity rates from and to Gwin, Ky.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on all commodities, except coal and coke, carload and less-than-carload between Gwin, Ky., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail carrier competition, circuity, and grouping; establishment of a new station.

FSA No. 32882: *Phosphate rock from Jacksonville, Fla., to Durham, N. C.* Filed by The Southern Railway Company, for itself. Rates on phosphate rock, in bags or in bulk, carloads from Jacksonville, Fla., to Durham, N. C.

Grounds for relief: Circuitous route.

Tariff: Supplement 34 to Agent Spaninger's tariff I. C. C. 1328.

FSA No. 32883: *Citrus pomace in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on citrus pomace, viz.: dehydrated citrus pulp, peel, seeds, ground or granulated, carloads between points in southern territory.

Grounds for relief: Motor truck competition.

Tariff: Supplement 25 to Agent Spaninger's I. C. C. 1525.

FSA No. 32884: *Bituminous coal from Belleville, Ill., to Hannibal, Mo.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous coal, carloads from Belleville, Ill. District mines to Hannibal, Mo.

Grounds for relief: Rail competition and circuity.

Tariff Supplement 74 to Gulf, Mobile and Ohio Railroad tariff I. C. C. 262.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9347; Filed, No. 14, 1956; 8:46 a. m.]

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES, 1956

NOVEMBER 9, 1956.

A change has been made in the place of hearing on the motion filed on November 6, 1956, by the petitioning railroads in the above-entitled proceeding for authority to increase freight rates and charges in the amount of 7 percent, with certain exceptions, within, from, to, and via eastern and western territories, now set before Division 2 on November 26, 1956, at Chicago, Ill. Instead of Chicago, the hearing will be held before Division 2 on November 26, 1956, at the New Pickwick Hotel, McGee and Tenth Streets, Kansas City, Mo., commencing at 10:00 o'clock a. m., United States Standard Time.

The Commission oral argument on the above motion now set for Chicago, Ill., on December 3, 1956, instead will be held commencing at 10:00 o'clock a. m., United States Standard Time, at the New Pickwick Hotel, McGee and Tenth Streets, Kansas City, Mo., on December 3, 1956.

The above changes are necessitated because of lack of hotel facilities at Chicago on the scheduled dates.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9370; Filed, Nov. 14, 1956; 8:50 a. m.]

[Notice 138]

MOTOR CARRIER APPLICATIONS

NOVEMBER 9, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 217 Sub 1, filed September 10, 1956, POINT TRANSFER, INC., 1927 Sherrick Road, S. E., Canton, Ohio. Applicant's representative: Noel F. George, 44 East Broad St., Columbus 15, Ohio. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: December 18, 1956, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 217 Sub 2, filed September 10, 1956, POINT TRANSFER, INC., 1927 Sherrick Road, S. E., Canton, Ohio. Applicant's representative: Noel F. George, 44 East Broad St., Columbus 15, Ohio. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 30, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 531 Sub 72, filed September 5, 1956, YOUNGER BROTHERS, INC., 4904 Griggs Rd., P. O. Box 14287, Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415 Perry Brooks Bldg., Austin, Tex. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 10, 1957, at Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164.

No. MC 719 Sub 5, filed October 31, 1956, COLUMBIA TRANSPORT, INC., 3347 N. W. St. Helen's Road, Portland, Oreg. Mailing address: P. O. Box 1254, Broadway and Main Post Office, Portland, Oreg. Applicant's representative: Thomas J. Hanify, Hoge Bldg., Seattle 4, Wash. For authority to operate as a *common carrier*, transporting: *Anhydrous ammonia* and *aqua ammonia*, in bulk, in tank vehicles, between Pasco, Wash., and points within 10 miles thereof, on the one hand, and, on the other, points in Oregon. Applicant is authorized to conduct operations in Oregon and Washington.

HEARING: January 4, 1957, in Room 400, U. S. Court House, 5th & Madison Sts., Seattle, Wash., before Joint Board No. 45.

No. MC 2130 Sub 49, filed October 29, 1956, COUCH MOTOR LINES, INC., 1401 Abbie Street, Shreveport, La. Applicant's representative: Robert L. Garrett, Commercial Building, Shreveport, La. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Sterlington, La., and junction Louisiana Highway 553 and U. S. Highway 165, from Sterling over Louisiana Highway 553 to junction U. S. Highway 165, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New York, North Carolina, South Carolina, Tennessee and Virginia.

HEARING: December 18, 1956, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

No. MC 2202 Sub 151, filed September 4, 1956, ROADWAY EXPRESS, INC., 147 Park St., P. O. Box 471, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., N. W., Washington 6, D. C. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 16, 1957, at North Carolina Utilities Commission, State Library Bldg., Morgan St., Raleigh, N. C., before Joint Board No. 103.

No. MC 6992 Sub 1, filed May 15, 1956, AMERICAN RED BALL TRANSIT COMPANY, INC., 17 W. Market St., Indianapolis 4, Ind. Applicant's representative: Homer S. Carpenter, Suite 618 Perpetual Bldg., 1111 E. Street, N. W., Washington 4, D. C. Issues published in FEDERAL REGISTER of May 30, 1956.

HEARING: January 7, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 8948 Sub 36, filed August 30, 1956, WESTERN TRUCK LINES, LTD., 2835 Santa Fe Avenue, Los Angeles 58, Calif. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 3, 1957, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 127.

No. MC 9895 Sub 88, filed October 5, 1956, R. B. "DICK" WILSON, INC., P. O. Box 838, E. 57th Avenue and Highway 6, Denver, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, between points in Wyoming, Colorado, Kansas, Missouri, Nebraska, Utah, and those in South Dakota in and west of Perkins, Meade, Pennington, Washabaugh and Shannon Counties.

HEARING: January 10, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 9895 Sub 89, filed October 15, 1956, R. B. "DICK" WILSON, INC., East 57th Avenue and Highway 6, P. O. Box 838, Denver, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aggregates*, in bulk, between points in Colorado, Wyoming, Utah, Nebraska, Idaho, Kansas, and those in South Dakota in and west of Perkins, Meade, Pennington, Washabaugh and Shannon Counties.

HEARING: January 10, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 10928 Sub 30, filed August 29, 1956, SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, Dallas, Tex. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: December 12, 1956, at the Baker Hotel, Dallas, Tex., before Examiner Richard H. Roberts.

No. MC 25798 Sub 15, filed September 18, 1956, CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Hendersonville, N. C. Applicant's representative: Chester E. King, 1507 M Street NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, and *Foods requiring refrigeration* (including frozen fruits, vegetables, eggs, pies, bread, dough; meats, meat products, meat by-products; shelled nuts, and dairy products), from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and West Virginia. Applicant is authorized to conduct operations in Tennessee, North Carolina, Florida, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Wisconsin, Virginia, West Virginia, Ohio, Georgia, Illinois, Indiana, South Carolina, Michigan, Minnesota, Missouri and the District of Columbia.

HEARING: January 16, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 27970 Sub 25, filed August 3, 1956, CHICAGO EXPRESS, INC., 72 Fifth Avenue, New York 11, N. Y. Applicant's representative: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C. and Thomas F. Connor, 72 Fifth Avenue, New York, N. Y. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: December 13, 1956 at 346 Broadway, New York, N. Y., before Examiner Tobias Naftalin.

No. MC 29988 Sub 62, filed October 16, 1956, DENVER-CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver 2, Colo. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Ford Motor Company plant, located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with carrier's authorized regular route operations between Elyria and Painesville, Ohio, over U. S. Highway 20, which is a portion of authorized regular route operations between Chicago, Ill., and New York, N. Y. Applicant is authorized to conduct operations in Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Missouri, Nebraska, New Jersey, New Mexico, New York, Rhode Island, Utah, Washington and Wyoming.

HEARING: January 23, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 35334 Sub 38, filed October 25, 1956, COOPER-JARRETT, INC., 2113 West 73d St., Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, inflammables, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio, over U. S. Highway 20. Applicant is authorized to conduct operations in Missouri, Nebraska, Iowa, Massachusetts, Illinois, Indiana, Ohio, New York, Pennsylvania, New Jersey, Colorado, Kansas, Oklahoma and Tennessee.

HEARING: January 23, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 37716 Sub 15, filed November 2, 1956, THE C. & D. MOTOR DELIVERY COMPANY, A Corporation, 1035 Flint Street, Cincinnati 14, Ohio. Applicant's representative: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except household goods as defined by the Commission, commodities in bulk, Class A and B explosives, and articles of extraordinary value, serving Morton, Ill., as an intermediate point in connection with applicant's authorized regular route operations between Terre Haute, Ind., and Peoria, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee and West Virginia.

HEARING: December 11, 1956, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 149.

No. MC 37830 Sub 6, filed August 6, 1956, COHENNO INC., 57 Lambert Ave-

tufted rugs and carpets.

United States Standard Time.

Thomas J. Hamly, Hoge Bldg., Seattle 4,

No. 222——8

nue, Stoughton, Mass. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 8, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Joint Board No. 18.

No. MC 42329 Sub 129, filed October 16, 1956, HAYES FREIGHT LINES, INC., 628 E. Adams St., Springfield, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except livestock and except Class A and B explosives, inflammables, commodities in bulk, commodities requiring special equipment, and household goods, as defined by the Commission, serving the site of the Ford Motor Company plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular-route operations to and from Cleveland, Akron, Canton and Youngstown, Ohio. Applicant is authorized to conduct operations in Ohio, Indiana, Illinois, Kentucky, Tennessee, Michigan, and Pennsylvania.

HEARING: January 23, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 42487 Sub 320, filed September 4, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 3, 1957, in Room 400, U. S. Court House, 5th & Madison Sts., Seattle, Wash., before Joint Board No. 169.

No. MC 42487 Sub 322, filed October 22, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, P. O. Box 3618, Portland, Oreg. Applicant's representatives: Donald A. Schafer, Public Service Bldg., Portland 4, Oreg., and Ron Poelman, Consolidated Freightways, Inc., 431 Burgess Drive, Menio Park, Calif. For authority to operate as a *common carrier*, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, serving Cochran Dam Site (located near Great Falls, Mont), and points within five miles thereof, as off-route points in connection with carrier's regular-route operations between (a) Butte and Sweetgrass, Mont., over U. S. Highway 91, and (b) Great Falls and Billings, Mont., over U. S. Highway 87. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming.

HEARING: January 8, 1957, at the U. S. Court Rooms, Helena, Mont., before Joint Board No. 82.

No. MC 43269 Sub 39, filed October 17, 1956, WELLS CARGO INC., 1775 East Fourth Street, P. O. Box 1511, Reno, Nev. Applicant's representative: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles and trailers, from Reno and Fallon, Nev., to Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine and Mono Counties, Calif. Applicant is authorized to conduct operations in Arizona, California and Nevada.

HEARING: January 8, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 78.

No. MC 45813 Sub 3, filed July 26, 1956, THE DUMFORD TRUCKING COMPANY, a corporation, 1700 Plum Street, Middletown, Ohio. Applicant's representative: Taylor C. Burneson, 3510 LeVeque-Lincoln Tower, Columbus 15, Ohio. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: January 10, 1957, at Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 48479 Sub 8, filed October 9, 1956, FRIGIDWAYS, INC., 253 West Virginia Avenue, P. O. Box 2503, Memphis, Tenn. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, Kansas, Nebraska, Missouri, West Virginia, Virginia, and the upper peninsula of Michigan.

HEARING: January 10, 1957, at the Olds Hotel, Lansing, Mich., before Examiner Thomas F. Kilroy.

No. MC 49387 Sub 9, filed October 22, 1956, ORSCHELN BROS. TRUCK LINES, INC., 339 N. Williams St., Moberly, Mo. Applicant's representative: B. W. La Tourette, 1230 Boatmen's Bank Bldg., St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Morton, Ill. as an intermediate point on applicant's authorized regular route over U. S. Highway 150 between Bloomington, Ill. and Peoria, Ill. Applicant is authorized to conduct operations in Illinois, Missouri, Iowa, and Kansas.

HEARING: December 11, 1956, in Room 852 U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 149.

No. MC 52458 Sub 139, filed October 10, 1956, T. I. McCORMACK TRUCKING COMPANY, INC., U. S. Route 9 at Green St., Woodbridge, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, in bulk, in tank vehicles, except gasoline, fuel oil, benzene, kerosene, and raw milk, between New York, N. Y., Newark, N. J., and Baltimore, Md., on the one hand, and, on the other, points in Delaware, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

PRE-HEARING CONFERENCE: December 18, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., with Examiner Bertram E. Stillwell presiding.

No. MC 52458 Sub 140, filed October 10, 1956, T. I. McCORMACK TRUCKING COMPANY, INC., U. S. Route 9 at Green St., Woodbridge, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, in bulk, in tank vehicles, except gasoline, fuel oil, benzene, kerosene, and raw milk, between points in Connecticut and New Jersey, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

PRE-HEARING CONFERENCE: December 18, 1956, at the Office of the Interstate Commerce Commission, Washington, D. C., with Examiner Bertram E. Stillwell presiding.

No. MC 52657 Sub 489, (Amended), filed June 22, 1956, ARCO AUTO CARRIERS, INC., 91st St., and Perry Ave., Chicago, 20, Ill. Applicant's representative: G. W. Stephens, 121 W. Doty St., Madison, Wis. Issues published in FEDERAL REGISTER of July 4, 1956, and republished September 19, 1956.

HEARING: January 14, 1957, in Room 852 U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 55828 Sub 22, filed September 20, 1956, MOHAWK MOTOR LINES, INC., doing business as WEHBY SYSTEM–MOHAWK MOTOR LINES, a Corporation, 825 Palmer Place, Nashville, Tenn. Applicant's representatives: Charles H. Hudson, Jr., 407 Broadway National Bank Bldg., Nashville, Tenn., and Stokes and Trimble, 537 3rd National Bank Bldg., Nashville, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Decatur, Ala., and Birmingham, Ala., from Decatur over Alabama Highway 20 to Huntsville, Ala., thence over U. S. Highway 431 to junction U. S. Highway 11 at Attalla, Ala., thence over U. S. Highway 11 to Birmingham, and return over the same route, serving the intermediate point of Huntsville, Ala., and the off-route points of Gadsden and Red Stone Arsenal, near Huntsville, Ala. Applicant is authorized to conduct operations in Alabama, Illinois, Kentucky, Missouri and Tennessee.

NOTE: Applicant states authority is sought to join this route with applicant's presently certificated routes and handle traffic over a combination of both authorities, and that no duplicating authority is sought.

HEARING: January 21, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100.

No. MC 62537 Sub 57, filed August 30, 1956, GREAT LAKES FORWARDING CORPORATION, 1292 Fuhrmann Boulevard, Buffalo, N. Y. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 4, 1957, at Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 64932 Sub 218, filed September 17, 1956, ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Ave., Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats* and *oils, including blends and products thereof* (except those derived from petroleum), in bulk, in tank vehicles; between Champaign, Ill., on the one hand, and, on the other, points in Illinois, Wisconsin, Michigan, Indiana, Kentucky, Tennessee, Ohio, Missouri, Arkansas, Iowa, Minnesota and Kansas. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, West Virginia and Wisconsin.

HEARING: January 22, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 64994 Sub 21, filed September 5, 1956, HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston-Salem, N. C. Applicant's representative: James E. Wilson, Continental Bldg., 14th at K Sts., N. W., Washington 5, D. C. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 17, 1957, at the North Carolina Utilities Commission, State Library Bldg., Morgan St., Raleigh N. C., before Joint Board No. 103.

No. MC 65525 Sub 9, filed September 4, 1956, WHITE BROTHERS TRUCKING CO., a Corporation, Wasco, Ill. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 15, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 66562 Sub 1311 (Amended), published on page 6904, issue of September 12, 1956, filed August 29, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's representative: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Pittsburgh, Pa., and Wheeling, W. Va., from Pittsburgh over U. S. Highway 19 to Washington, Pa. (also from Pittsburgh over Pennsylvania Highway 88 to Finleyville, Pa., thence over unnumbered highways to junction U. S. Highway 19, and thence over U. S. Highway 19 to Washington), thence over U. S. Highway 40 to Wheeling, W. Va., and return over the same route, serving the intermediate points of Washington, Finleyville and Claysville, Pa., and Elm Grove, W. Va. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail and air express service will be made at Pittsburgh, Pa. and Wheeling, W. Va.

HEARING: January 3, 1957, at the Fulton Building, 101–115 Sixth St., Pittsburgh, Pa., before Examiner Mack Myers.

No. MC 67818 Sub 60, filed October 23, 1956, MICHIGAN EXPRESS, INC., 505 Monroe Avenue, N. W., Grand Rapids 2, Mich. Applicant's representative: Robert H. Levy, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *Disposable paper containers*, serving the site of Bowens Mills, located near Middleville, Mich., as an off-route point in connection with carrier's authorized regular route operations between Muskegon and Detroit, Mich., over Michigan Highway 37, in the transportation of *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including metal products and scrap metals in bulk), and those requiring special equipment. Applicant is authorized to conduct operations in Illinois, Indiana, and Michigan.

HEARING: January 4, 1957, at Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 68909 Sub 49, filed October 22, 1956, DECATUR CARTAGE COMPANY, 1932 S. Wentworth Ave., Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 S. La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, dangerous explosives, inflammables, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, serving the site of the General Motors Corporation Plant located at Hudson, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland and Akron, Ohio, over Ohio Highway 8. Applicant is authorized to conduct operations in Illinois, Missouri, Indiana, and Ohio.

HEARING: January 17, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 69116 Sub 26, filed August 10, 1956, SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Street, Chicago 8, Ill. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 15, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 69224 Sub 24, filed September 11, 1956, URBAN J. HAAS AND CYRIL H. WISSEL, doing business as H & W MOTOR EXPRESS COMPANY, 3000 Jackson St., Dubuque, Iowa. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 3, 1957, at Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 111.

No. MC 70451 Sub 187, filed November 5, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th St., Omaha 2, Nebr. Applicant's representative: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except household goods, as defined by the Commission, commodities in bulk, Class A and B explosives, and articles of unusual value, serving Morton, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from Peoria, Ill., as described in MC 70451 Sub 82. Applicant is authorized to conduct operations in Minnesota, Iowa, Missouri, Nebraska, Kansas, Colorado, New Mexico, California, Wyoming, and Utah.

HEARING: December 11, 1956, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 149.

No. MC 76266 Sub 95, filed October 22, 1956, MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Applicant's representative: George E. Wiard, 2625 Territorial Road, St. Paul, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's regular route operations between Elkhart, Ind., and Cleveland, Ohio, over U. S. Highway 20, Docket No. MC 76266 Sub 87.

HEARING: January 23, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 77424 Sub 7, filed September 27, 1956, WENHAM TRANSPORTATION, INC., 2723 Orange Ave., Cleveland 14, Ohio. Applicant's representative: J. J. Kuhner, Society for Savings Bldg., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum sulfonates, zinc dialkyl dithiophosphate, phoso turpene*, and *fatty ester*, in bulk, in shipper-owned tank vehicles, from Wickliffe, Ohio to Ports of Entry between the United States and Canada located in New York on the Niagara River; *chlorinated paraffin, dichloro benzyl disulfide*, and *compounds of chlorinated paraffin and dichloro benzyl disulfide*, in

bulk, in shipper-owned tank vehicles, from Niagara Falls, N. Y. to Wickliffe, Ohio; *shipper-owned tank vehicles*, from United States-Canadian Ports of Entry located in New York on the Niagara River to Niagara Falls, N. Y. and Wickliffe, Ohio.

HEARING: January 16, 1957, at Old Post Office Bldg., Public Square & Superior Ave., Cleveland, Ohio, before Examiner Mack Myers.

No. MC 87379 Sub 2, filed July 11, 1956, C. H. HOOKER TRUCKING CO., A Corporation, R. F. D. #2, Uhrichsville, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus, Ohio. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: January 7, 1957, at Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 89706 Sub 24, filed July 27, 1956, MOTORWAY CORPORATION, 1185 Alum Creek Drive, Columbus, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: January 9, 1957, at Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 92983 Sub 174, filed August 27, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 21, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 92983 Sub 177 (Amended), filed September 13, 1956, published in the September 26, 1956 issue, Page 7357, ELDON MILLER, INC., 330 E. Washington St., P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products*, and *petroleum and petroleum products*, in bulk, in tank vehicles equipped for protection against heat and cold, between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Mississippi, Louisiana, Missouri, and Kentucky. Applicant is authorized to conduct operations in Illinois, Nebraska, Iowa, Wisconsin, Missouri, Minnesota, Arkansas, and Kansas.

HEARING: January 17, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 93890 Sub 12, filed September 24, 1956, McDOWALL TRANSPORT, INC., 33 West Grant Avenue, P. O. Box 3231, Orlando, Fla. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, chassis* and *trailers*, from Evansville, Ind., to points in Florida. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Kentucky, Ohio and Michigan.

HEARING: January 18, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner C. Evans Brooks.

No. MC 94265 Sub 57, filed August 30, 1956, BONNEY MOTOR EXPRESS, INC., P. O. Box 4057, Broad Creek Station, Military Highway, Norfolk, Va. Applicant's representative: Wilmer B. Hill, Transportation Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 23, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 94265 Sub 58, filed August 30, 1956, BONNEY MOTOR EXPRESS, INC., P. O. Box 4057 Broad Creek Station, Military Highway, Norfolk, Va. Applicant's representative: Wilmer B. Hill, Transportation Building, Washington, D. C. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 4, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Haroid P. Boss.

No. MC 96568 Sub 10, filed July 23, 1956, MUSKIN TRUCKING CO., a corporation, East Palestine, Ohio. Applicant's representative: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: January 10, 1957, at Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 97264 Sub 15, filed August 31, 1956, M AND M OIL TRANSPORTATION, INC., 2000 East Yellowstone, P. O. Box 2050, Casper, Wyo. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 3, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 97776 Sub 4, filed June 14, 1956, EVERETT A. ROGERS, doing business as ROGERS FREIGHT & TRUCKING SERVICE, Winthrop Ave., Oak Bluffs, Mass. Applicant's representative: George C. O'Brien, 10 State St., Boston 9, Mass. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 7, 1957, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 231.

No. MC 98404 Sub 2 (Amended), filed August 27, 1956, published in the September 26, 1956 issue, page 7357, JAMES C. COPE, doing business as COPE TRUCKING COMPANY, Bryson City, N. C. Applicant's representative: T. D. Bryson, Jr., Bryson City, N. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in North Carolina: (1) from Murphy, N. C. over U. S. Highway 19 to Asheville, N. C., serving Murphy, Andrews, Topton, Bryson City, Cherokee, Maggie, Waynesville, Lake Junaluska, Clyde, Canton, Enka, and Asheville, N. C.; (2) from Cherokee, N. C. to the North Carolina-Tennessee State line over North Carolina Highway 107; (3) from Lauada, N. C. to Franklin, N. C. over North Carolina Highway 28; (4) from Lake Junaluska, N. C. over U. S. Highway 23–19A to Waynesville, Hazelwood, Sylva, Dillsboro, and Franklin, N. C. (5) from Sylva, N. C. to Whittier, N. C. over U. S. Highway 19–A serving Dillsboro and Ela; (6) from Franklin, N. C. over U. S. Highway 64 to Hayesville and Murphy, N. C.; (7) from Topton, N. C. over U. S. Highway 129 to Robbinsville and Tapoco, N. C. and the North Carolina-Tennessee State line, and over an unnumbered highway to Fontana Village; (8) from Bryson City, N. C. over U. S. Highway 19 to Lauada, N. C., thence over U. S. Highway 19 to junction North Carolina Highway 28, thence over North Carolina Highway 28 to Stecoah, N. C., thence over unnumbered highway to Fontana Village; and return over the aforesaid routes, serving all intermediate points; IRREGULAR ROUTES: between points within a 50-mile radius of Asheville, N. C. and points in North Carolina west of U. S. Highway 1; *caustic soda* from points within a 50-mile radius of Asheville, N. C. to Plymouth, New Bern, and Fayetteville, N. C.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificate on file with this Commission.

HEARING: January 15, 1957, at the Battery Park Hotel, Asheville, N. C., before Joint Board No. 103.

No. MC 101093 Sub 8, filed July 27, 1956, HAROLD BAKER, Stone Creek, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Bldg., Columbus 15, Ohio. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 7, 1957, at Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 101126 Sub 54, filed June 21, 1956, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: January 14, 1957, at Room 712 Federal Bldg., Cincinnati, Ohio, before Examiner Mack Myers.

No. MC 104347 Sub 119 (Amended), filed June 25, 1956, LEAMAN TRANSPORTATION CORPORATION, 520 E. Lancaster Ave., Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 3, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 104654 Sub 105, filed September 7, 1956, COMMERCIAL TRANSPORT, INC., South 20th Street, P. O. Box 297, Belleville, Ill. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 9, 1957, at U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 21.

No. MC 104654 Sub 106, filed October 26, 1956, COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, in hopper vehicles, between points in Missouri and Illinois.

HEARING: January 8, 1957, at U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 105265 Sub 33, filed October 19, 1956, DENVER-AMARILLO EXPRESS, a corporation, 200 N. Fillmore, Amarillo, Tex. Applicant's representative: Sterling E. Kinney, Amarillo Building, Suite 630, Amarillo, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Colorado Springs, Colo., and Burlington, Colo., over U. S. Highway 24, serving the intermediate points of Elsmere, Falcon, Peyton, Calhan, Ramah, Simla, Matheson, Limon, Genoa, Bovina, Arriba, Flagler, Seibert, Vona, Stratton, Bethune and Burlington, Colo., and the off-route point of Hugo, Colo. Applicant is authorized to conduct operations in Colorado, New Mexico, Oklahoma and Texas.

HEARING: January 4, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 106095 Sub 3, filed October 1, 1956, DAN'S MOTOR LINES, INC., 153 Chautauqua St., Fredonia, N. Y. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Soap*, and *soap products*, from Cincinnati, Ohio, to Erie, Pa., and Buffalo, Rochester, Jamestown, and Syracuse, N. Y.

HEARING: January 15, 1957, at Room 712 Federal Bldg., Cincinnati, Ohio, before Examiner Mack Myers.

No. MC 106379 Sub 4, GULF SOUTHWESTERN TRANSPORTATION COMPANY. By PETITION FOR CLARIFICATION filed June 18, 1956, this carrier seeks an interpretation that so-called "sucker rods" for oil field purposes may be transported under its Certificate in the above-entitled proceedings authorizing the transportation of "contractors' equipment and commodities, the transportation of which because of their size or weight requires the use of special equipment," over irregular routes, between points in Texas, on the one hand, and, on the other, points in Ohio and the lower peninsula of Michigan. By order entered July 17, 1956, the petition was to be assigned for hearing on a consolidated record with No. MC–C–2004, GULF SOUTHWESTERN TRANSPORTATION COMPANY—Investigation and Revocation of Certificates.

HEARING: December 10, 1956, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Walter T. Cantrell.

No. MC 106398 Sub 69, filed September 28, 1956, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Rd., (P. O. Box 8096 Dawson Station), Tulsa, Okla. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway service, from the site of Villa Mobile Homes Manufacturing Corporation, located at Camden, Ark., to points in the United States. Applicant is authorized to conduct operations in Kansas, Utah, Oklahoma, Indiana, California, Texas, Florida, Arizona, Georgia, Illinois, Colorado, Missouri, Idaho, New York, Maryland, Pennsylvania, Virginia, Wisconsin, New Jersey, Minnesota and the District of Columbia.

HEARING: January 25, 1957, at U. S. Court Rooms, Little Rock, Ark., before Examiner William R. Tyers.

No. MC 106603 Sub 47, filed September 6, 1956, DIRECT TRANSIT LINES, INC., 200 Colrain St., S. W., Grand Rapids 8, Mich. Applicant's representative: Arthur P. Boynton, 2850 Penobscot Bldg., Detroit 26, Mich. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 22, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 106608 Sub 1, filed July 20, 1956, L. C. REYNOLDS, 1423 First Street, N. E., Massilion, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 11, 1957, at Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 107002 Sub 104, filed September 12, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Ave., P. O. Box 687, New Orleans, La. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 17, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 107028 Sub 27, filed October 29, 1956, ACME TRANSPORTATION, INC., Giant Road, San Pablo 4, Calif. Applicant's representative: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks and trailers, from Fallon and Sparks, Nev., and points within six miles of each, to points in Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, Mono, and Yuba Counties, Calif., and those in Lake and Klamath Counties, Oreg. Applicant is authorized to conduct operations in California and Oregon.

HEARING: January 9, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 151.

No. MC 107515 Sub 239, filed October 23, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, from Fort Smith, Ark., to points in Alabama, Georgia, Florida, North Carolina, South Carolina and Tennessee. Applicant is authorized to conduct operations in Georgia, Alabama, Tennessee, Wisconsin, Mississippi, Louisiana, Texas, North Carolina, South Carolina, Florida, Ohio, Missouri, Minnesota, and Iowa.

NOTE: Applicant will traverse the State of Mississippi for operating convenience only.

HEARING: January 3, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 107839 Sub 21, filed October 15, 1956, DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt St., Denver, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, dairy products, articles distributed by meat-packing houses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers; *Fresh and frozen sea foods*, and *frozen foods*, between Denver, Colorado Springs and Pueblo, Colo., on the one hand, and, on the other, points in Oklahoma; (2) *Candy*, between Denver, Colorado Springs and Pueblo, Colo., on the one hand, and, on the other, points in Texas, New Mexico, Louisiana and Oklahoma; (3) *Bakery goods*, and *yeast*, in refrigerated equipment, (a) from Denver, Colo., to points in Texas, and Los Alamos, Santa Fe, Albuquerque, Espanola, Chamita, Santa Cruz, Totavia, Riverside, Sandia Air Base, N. Mex., points on U. S. Highway 85 between the Colorado-New Mexico State line and Albuquerque, and Roswell and Alamogordo and points within 10 miles of each; (b) from El Paso, Tex., to Albuquerque, Santa Fe, White Sands Proving Grounds, Walker Air Force Base, Holloman Air Force Base, and Alamogordo and Roswell, and points within 10 miles of each; (4) *Fruits, glazed* or otherwise processed, and *fruit and citrus juices*, requiring refrigeration, from points in Florida to Denver, Colorado Springs and Pueblo, Colo.; (5) *Sea Foods*, from Denver, Colo., to points in Texas and Louisiana. Applicant is authorized to conduct operations in Colorado, New Mexico and Texas.

HEARING: January 17, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 108121 Sub 2, filed October 10, 1956, TRANSPORT STORAGE & DISTRIBUTING CO., a Corporation, 74 Jackson Street, Seattle, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* and *trucks*, new or used, in secondary movements, by the truckaway method, (1) between Renton, Wash., on the one hand, and, on the other, points in Washington, (2) between Tacoma, Wash., on the one hand, and, on the other, points in Pierce, King, Kitsap, Mason, Grays Harbor, Pacific and Thurston Counties, Wash., (3) between Kennewick, Wash., on the one hand, and, on

the other, points in Yakima, Kittitas, Benton, Franklin, Grant, Adams, Whitman, Garfield, Columbia, Walla Walla, Asotin, Klickitat and Spokane Counties, Wash., Nez Perce, Lewis, Clearwater and Latah Counties, Idaho, and Gilliam, Morrow, Umatilla, Union, Wallowa and Baker Counties, Oreg., (4) between Wenatchee, Wash., on the one hand, and, on the other, points in Chelan, Okanogan, Douglas, Grant, Lincoln and Ferry Counties, Wash., (5) between Spokane, Wash., on the one hand, and, on the other, points in Spokane, Whitman, Garfield, Columbia, Franklin, Adams, Lincoln, Ferry, Stevens, Pend Oreille, Okanogan, Douglas, Grant and Chelan Counties, Wash., Boundary, Bonner, Kootenai, Benewah, Shoshone and Latah Counties, Idaho, and Lincoln, Flathead, Lake, Sanders, Mineral and Missoula Counties, Mont., and (6) between Portland, Oreg., on the one hand, and, on the other, points in Cowlitz, Skamania, Klickitat, Lewis, Clark, Wahkiakum, Pacific, Grays Harbor, Yakima, Franklin, Benton, Thurston, Pierce and King Counties, Wash., and Clatsop, Multnomah, Columbia, Washington, Tillamook, Yamhill, Polk, Lincoln, Benton, Clackamas, Marion, Linn, Lane, Hood River, Wasco and Sherman Counties, Oreg. Applicant is authorized to conduct operations in Oregon and Washington.

HEARING: January 28, 1957, at Room 400, U. S. Court House, 5th & Madison Sts., Seattle, Wash., before Examiner Frank R. Saltzman.

No. MC 108428 Sub 4, filed August 27, 1956, DINO D'AGATA, N. E. Cor. 25th and Dickinson Sts., Philadelphia, Pa. Issues published in the FEDERAL REGISTER of September 19, 1956.

HEARING: January 8, 1957, at Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 108446 Sub 15, filed July 19, 1956, FISCHBACK TRUCKING CO., a corporation, 921 Sherman St., Akron, Ohio. Applicant's representative: Dale C. Dillon, Suite 944, Washington Bldg., Washington 5, D. C. Issues published in FEDERAL REGISTER of August 1, 1956.

HEARING: January 17, 1957, at Old Post Office Bldg., Public Square & Superior Ave., Cleveland, Ohio, before Examiner Mack Myers.

No. MC 109637 Sub 35 (amended), filed July 30, 1956, GASOLINE TRANSPORT CO., 4500 Bells Lane, Louisville, Ky. Applicant's representative: Charles W. Dobbins, 310 W. Liberty, Louisville, Ky. Issues published in FEDERAL REGISTER of August 15, 1956.

HEARING: January 9, 1957, at Kentucky Hotel, Louisville, Ky., before Joint Board No. 208.

No. MC 109689 Sub 41, filed September 28, 1956, W. S. HATCH CO., a corporation, Woods Cross, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Acids, chemicals*, and *coal tar products*, in bulk, in tank vehicles, from points in New Mexico to points in Arizona, including all ports of entry in Arizona on the International Boundary line between the United States and Mexico, and points in Utah, and Colorado, and (2) *contaminated shipments* of the above-specified commodities from the above-described destination points to points in New Mexico. Applicant is authorized to conduct operations in Colorado, Idaho, Montana, Nevada, and Utah.

HEARING: January 22, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Frank R. Saltzman.

No. MC 110190 Sub 39, filed August 23, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, P. O. Box 42, York, Pa. Applicant's representative: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 15, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 110190 Sub 40, filed August 24, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, P. O. Box 42, York, Pa. Applicant's representative: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 16, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 110478 Sub 5, filed August 9, 1956, WATKINS TRUCKING, INC., 818 Gorley Street, Uhrichsville, Ohio. Applicant's representative: Ralph W. Sanborn, Hartman Building, Columbus 15, Ohio. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 7, 1957, at Room 255 New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 110525 Sub 315, filed September 21, 1956, CHEMICAL TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. Applicant's representatives: John R. Sims, Jr., and Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, (except petroleum products, milk and liquid sugar), in bulk, in tank vehicles, from points in Cuyahoga County, Ohio, to points in New York, Pennsylvania and West Virginia, and except liquid chemicals and coal tar products, in bulk, in tank vehicles, from points in Cuyahoga County, Ohio, to points in Erie, Niagara, and Monroe Counties, N. Y., Beaver, Washington, Fayette and Allegheny Counties, Pa., Johnstown, Josephtown and Kobuta, Pa., Brooke, and Monongalia Counties, W. Va., and Fairmont, Morgantown and Follansbee, W. Va., and *liquid chemicals*, in bulk, in tank vehicles, from points in Cuyahoga County, Ohio, to South Charleston and Institute, W. Va. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 17, 1957, at Old Post Office Bldg., Public Square & Superior Avenue, Cleveland, Ohio, before Examiner Mack Myers.

No. MC 110698 Sub 80, filed August 27, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, (J. ARCHIE CANNON, JR., SUCCESSOR TRUSTEE), P. O. Box 457, Winston Rd., Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 25, 1957, at the Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 99.

No. MC 111159 Sub 30, filed August 13, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's representative: Phineas Stevens, P. O. Box 141, 900 Milner Bldg., Jackson, Miss. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: January 17, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 111159 Sub 31, filed August 20, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., a corporation, P. O. Box 1123, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 16, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 111320 Sub 26, filed August 22, 1956, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th St., and Cleveland Shoreway, Cleveland 14, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: December 19, 1956, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 111320 Sub 27, filed September 4, 1956 (Amended), published September 26, 1956 on Page 7359, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building and earth-moving equipment* and *parts for other road building and earth-moving equipment apart from those transported*, by driveaway and truckaway method, between Hudson, Ohio and points within five (5) miles thereof, and points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 17, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 111320 Sub 28, filed September 14, 1956, CURTIS KEAL TRANSPORT COMPANY, INC., E. 54th Street, & Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile units, trailers and other roadbuilding equipment containing materials for use in conducting training schools and show displays* in driveaway, truckaway and towaway service, between points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 17, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 111326 Sub 3, filed October 19, 1956, WARREN TRANSPORT, INC., 224 Witry Street, Waterloo (Blackhawk County), Iowa. Applicant's representative: Franklin R. Overmyer, Harris Trust Bldg., 111 West Monroe St., Chicago 3, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery* and *implements*, other than hand, and *parts therefor* when their transportation is incidental to the transportation of the machinery and/or implements, *tractors* or *traction engines* (not including tractors with vehicle beds, bed frames or fifth wheels), and *parts and attachments therefor* when their transportation is incidental to the transportation of the tractors, from Waterloo, Iowa, points in Waterloo and Blackhawk Township, Blackhawk County, Iowa, Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Texas and New Mexico; *agricultural machinery* and *implements* other than hand, and *parts therefor* when their transportation is incidental to the transportation of the machinery and/or implements, from Polk and Wapello Counties, Iowa, to points in Texas, New Mexico, Nebraska and South Dakota. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Michigan and Indiana.

HEARING: January 10, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 111382 Sub 2, filed September 5, 1956, W. A. HENDERSON, RAYMOND C. HENDERSON, AND JOSEPH W. HENDERSON, A Partnership, doing business as W. A. HENDERSON AND SONS, R. D. 2, Box 312, Jeannette, Pa. Applicant's representative: Paul R. Butler, Plaza Bldg., Pittsburgh 19, Pa. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 7, 1957, at Office of Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 111545 Sub 21, filed October 15, 1956, HOME TRANSPORTATION COMPANY, INC., 334 S. Four Lane Highway, Route #3, Marietta, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ferro alloys*, in bulk, in packages or palletized, on flat bed trailers, from Chattanooga and Rockwood, Tenn., to points in Illinois, Indiana, Iowa, Michigan, Ohio, Missouri, Minnesota and Wisconsin.

HEARING: January 4, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 111812 Sub 31, filed September 19, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Washington and Oregon to points in Nevada. Applicant is authorized to conduct operations in Oregon, Washington, California, Iowa, Minnesota, and South Dakota.

HEARING: January 25, 1957, at Room 400, U. S. Court House, 5th & Madison Sts., Seattle, Wash., before Examiner Frank R. Saltzman.

No. MC 111940 Sub 12, filed August 13, 1956, SMITH'S TRUCK LINES, P. O. Box 88, Muncy, Pa. Applicant's representative: John M. Musselman, State Street Building, Harrisburg, Pa. Issues published in FEDERAL REGISTER September 12, 1956.

HEARING: January 14, 1957, at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 111968 Sub 2, filed August 17, 1956, BUFORD P. McCORD, doing business as McCORD TRANSFER, 2711 Nolensville Road, Nashville, Tenn. Applicant's representative: Charles H. Hudson, Jr., 407 Broadway Bank Bldg., Nashville, Tenn. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 10, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William R. Tyers.

No. MC 111968 Sub 3, filed August 17, 1956, BUFORD P. McCORD, doing business as McCORD TRANSFER, 2711 Nolensville Road, Nashville, Tenn. Applicant's representative: Charles H. Hudson, Jr., 407 Broadway Bank Bldg., Nashville, Tenn. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 14, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William R. Tyers.

No. MC 112223 Sub 32, filed August 30, 1956, QUICKIE TRANSPORT COMPANY, A Corporation, 1121 South Seventh Street, Minneapolis 4, Minn. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: December 18, 1956, at Federal Court Building, Marquette Ave. South and Third Sts., Minneapolis, Minn., before Joint Board No. 282.

No. MC 112266 Sub 2, filed October 23, 1956, CRAYCRAFT TRUCKING, INC., P. O. Box 222, Upper Sandusky, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Clay products*, from Upper Sandusky, Ohio, and points within one mile thereof to points in Indiana on and north of U. S. Highway 40, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: January 3, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 60.

No. MC 113434 Sub 2, filed August 29, 1956, GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 7, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Thomas F. Kilroy.

No. MC 113440 Sub 2, filed August 22, 1956, GUY E. BARTHOLOMEW, doing business as BARCO TRANSPORTATION COMPANY, Perry, Ohio. Applicant's representative: Noel F. George, 44 E. Broad St., Columbus 15, Ohio. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 11, 1957, at Room 255 New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 113533 Sub 8, filed October 22, 1956, L. B. VINCENT GARDELLA, doing business as GARDELLA'S REFRIGERATED EXPRESS, 1951 E. Ferry, Detroit, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products and meat by-products*, (1) from Detroit, Flint and Plainwell, Mich., to points in New York, Maryland, Pennsylvania, Ohio, Maine, Virginia, North Carolina, South Carolina, Kentucky, Missouri, Tennessee, Florida, Georgia, Alabama, Mississippi, Louisiana, Kansas, Oklahoma, Iowa, Wisconsin, Minnesota, Texas, Idaho, Washington, Nebraska, West Virginia, and the District of Columbia, (2) from Bellows Falls, Vt., to Marion, Ind. Applicant is authorized to conduct operations in Michigan, Connecticut, Rhode Island, Massachusetts, New York, and New Jersey.

HEARING: January 8, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Thomas F. Kilroy.

No. MC 113756 Sub 1, filed July 31, 1956, JOSEPH W. GEHR, Big Spring, Md. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 3, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 113855 Sub 12, filed October 1, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Ave., North, Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Materials handling equipment and dozers, and component parts and attachments thereof*, from Dallas, Oreg., and points within 15 miles thereof, to points in the United States, and *damaged shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Oregon.

HEARING: December 12, 1956, at the 538 Pittock Block, Portland, Oreg., before Examiner Allan F. Borroughs.

No. MC 113861 Sub 10, filed August 13, 1956, W. H. WOOTEN AND J. H.

PARKER, doing business as W. H. WOOTEN TRANSPORTERS, 153 Gaston Ave., Memphis, Tenn. Applicant's representative: Richard D. Gleaves, War Memorial Bldg., Nashville, Tenn. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 23, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 113861 Sub 11, filed August 13, 1956, W. H. WOOTEN AND J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Ave., Memphis, Tenn. Applicant's representative: Richard D. Gleaves, War Memorial Bldg., Nashville, Tenn., and Louis I. Dailey, 2111 Sterick Bldg., Nashville, Tenn. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 9, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William R. Tyers.

No. MC 113861 Sub 12, filed October 23, 1956, W. H. WOOTEN and J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Avenue, Memphis, Tenn. Applicant's representative: Richard D. Gleaves, War Memorial Bldg., Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, and *asphalt products, compounds*, and *derivatives*, in bulk, in tank vehicles, from Memphis, Tenn. to points in Alabama and Mississippi on and north of U. S. Highway 80, points in Arkansas on and east of U. S. Highway 167, from the Louisiana-Arkansas State line to Little Rock, Ark., and U. S. Highway 65 from Little Rock, Ark., to the Arkansas-Missouri State line, points in Missouri on and south of U. S. Highway 66, points in Illinois on and south of U. S. Highway 50, and points in Kentucky on and west of U. S. Highway 31–E. Applicant is authorized to conduct operations in Arkansas, Tennessee and Mississippi.

HEARING: January 17, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 114019 Sub 6, filed September 21, 1956, THE EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, fixtures* and *equipment* incidental to the production, warehousing and sale of chain grocery store merchandise, between Bellevue, Covington, Dayton, Louisville and Newport, Ky., St. Louis, Mo., Pittsburgh, Pa., and points in Illinois, Indiana, Ohio, that part of Wisconsin on and south of Wisconsin Highway 64 and those in the lower peninsula of Michigan.

NOTE: Applicant is now authorized to perform the above described transportation as a contract carrier (see Sheet 5 of Permit No. MC 9685) and is seeking authority in the instant application, as well as in Docket No. MC 114019 and sub numbers thereunder, to change its status from that of a contract to common carrier.

HEARING: January 15, 1957, at Room 712 Federal Bldg., Cincinnati, Ohio, before Examiner Mack Myers.

No. MC 114045 Sub 34, filed September 4, 1956, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 3119 Swiss Avenue, P. O. Box 5842, Dallas, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 11, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 114091 Sub 13, filed August 14, 1956, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South 7th Street Road, Louisville, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Bldg., Louisville 2, Ky. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 29, 1957, at the Kentucky Hotel, Louisville, Ky., before Examiner William R. Tyers.

No. MC 114106 Sub 8, filed October 3, 1956, MAYBELLE TRANSPORT COMPANY, a corporation, Box 461, Lexington, Ky. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Dunn, N. C., to points in Georgia and South Carolina, those in Virginia on and south of U. S. Highway 60, and to Bristol, Tenn. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: January 10, 1957, at the North Carolina Utilities Commission State Library Bldg., Morgan St. Raleigh, N. C., before Examiner C. Evans Brooks.

No. MC 114360 Sub 2, filed October 12, 1956, SOUTHERN EXPRESS CO., 3333 S. Cicero Ave., Cicero, Ill. Applicant's representative: Jack Goodman, 39 S. La. Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Chrysler Corporation Stamping Plant near Twinsburg, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Youngstown, Ohio, and between Cleveland, Ohio, and Montrose, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

HEARING: January 30, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 114890 Sub 3, filed August 6, 1956, C. E. REYNOLDS, 2209 Range Line, P. O. Box 331, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Bldg., P. O. Box 578, Joplin, Mo. Issues published in FEDERAL REGISTER of August 29, 1956.

HEARING: January 16, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 115056 Sub 3, filed September 18, 1956, CLAUDE BUNDY, doing business as BUNDY TRUCK LINE, Gatesville, N. C. Applicant's representative: John C. Goddin, State Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Sunbury, N. C. and points in North Carolina within 100 miles thereof, and points in Nansemond County, Va., to points in Ohio and Connecticut. Applicant is authorized to conduct operations in North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, and the District of Columbia.

HEARING: January 10, 1957, at the North Carolina Utilities Commission State Library Bldg., Morgan St., Raleigh, N. C., before Examiner C. Evans Brooks.

No. MC 115239 Sub 2, filed September 28, 1956, *A & R* TRANSPORTATION COMPANY, 1365 South 3rd West, Salt Lake City, Utah. Applicant's representative: Lynn S. Richards 716 Newhouse Bldg., Salt Like City 11, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt* and *salt products*, from points within 10 miles of Great Salt Lake in Salt Lake and Toolee Counties, Utah, on the one hand, and, on the other, points in and north of Nez Perce, Lewis, Idaho and Clearwater Counties, Idaho, and points in and east of the Counties of Klickitat, Yakima, Kittitas, Chelan, and Okanogan Counties, Wash., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

HEARING: January 21, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Frank R. Saltzman.

No. MC 115499 Sub 1, filed August 9, 1956, LAKE COUNTY EXCAVATORS, INC., 411 State Street, Painesville, Ohio. Applicant's representative: James H. Nacey, Society for Savings Building, Cleveland 14, Ohio. Issues published in FEDERAL REGISTER of August 22, 1956.

HEARING: January 16, 1957, at Old Post Office Bldg., Public Square & Superior Ave., Cleveland, Ohio, before Examiner Mack Myers.

No. MC 115841 Sub 9, filed September 10, 1956, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201—1st Ave., N., P. O. Box 2169, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Bldg., Birmingham 3, Ala. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 22, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 115841 Sub 11, filed October 8, 1956, COLONIAL REFRIGERATION TRANSPORTATION, INC., 1201 First Avenue N., Birmingham, Ala. Applicant's representative: Bennett T. Waites, 531–34 Frank Nelson Building, Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *dairy products*, as defined by the Commission, from Birmingham and Montgomery, Ala., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee and

Virginia. Applicant is authorized to conduct operations in Alabama, Connecticut, Florida, Georgia, Kentucky, Louisiana, Illinois, Indiana, Maryland, Massachusetts, Lower Peninsula of Michigan, Mississippi, North Carolina, South Carolina, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia and the District of Columbia.

HEARING: January 28, 1957, at the U. S. Court Rooms, Montgomery, Ala., before Examiner C. Evans Brooks.

No. MC 115963 Sub 1, filed October 29, 1956, BURTON W. DUMFORD, 1214 N. 16th Ave., Yakima, Wash. Applicant's representative: Robert A. Felthous, P. O. Box 486, Selah, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Box shook*, from Ellensburg, Naches, Yakima, and Goldendale, Wash. to points in Hood River County, Oreg.

HEARING: January 8, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 115964 Sub 1, filed August 24, 1956, M. C. BRYAN, doing business as BRYAN TRANSFER & STORAGE CO., 770 Fifth Street, Macon, Ga. Applicant's representative: T. Baldwin Martin, 503 First National Bank Bldg., Macon, Ga. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 24, 1957, at the Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 101.

No. MC 115999 Sub 1, (Amended) filed July 25, 1956 DAVIS BROS. MOTOR TRANSPORT, INC., 656 Hamphill Avenue, N. W., Atlanta, Ga. Applicant's representative: Dan R. Schwartz, Suite 713 Professional Building, Jacksonville 2, Fla. Issues published in FEDERAL REGISTER of August 8, 1956.

HEARING: January 4, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 116060 (Amended), filed June 18, 1956, published in the September 6, 1956 issue, on Page 6738, D. L. STIPE, 415 East 9th Street, New Little Rock, Ark. Applicant's representative: Willis V. Lewis, 112 West 2nd Street, Little Rock, Ark. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Shields steel burial vaults*, wrapped in light paper, and *steel and wood caskets or coffins*, in boxes or wooden crates, from Little Rock, Pulaski County, Ark., to points in Lauderdale, Colbert, Limestone, Madison, Lawrence, Morgan, Franklin, Marion, Winston, Cullman, Lamar, Fayette, Walker, Blount, Jefferson, Pickens, Tuscaloosa, Greene, Hale, Bibb, Shelby, Perry, Sumter, Dallas, Marengo, Wilcox, Clarke, Washington and Choctaw Counties, Ala.; points in Greene, Jersey, Macoupin, Madison, Bond, Clinton, Marion, St. Clair, Washington, Jefferson, Wayne, Hamilton, White, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Johnson, Union, Alexander, Pulaski and Massac Counties, Ill.; points in Douglas, Osage, Chase, Bourbon, Cowley, Sumner, Johnson, Lyon, Greenwood, Crawford, Chautauqua, Wyandotte, Coffey, Butler, Neosho, Montgomery, Franklin, Anderson, Woodson, Wilson, Labette, Miami, Linn, Allen, Elk and Cherokee Counties, Kans.; points in Henderson, Muhlenberg, Todd, Webster, Ohio, Trigg, McLean, Christian, Lyon, Crittenden, Livingston, Hopkins and Caldwell Counties, Ky.; points in Acadia, Allen, Ascension, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson Davis, Lafayette, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Points Coupee, Rapides, Red River, Richland, Sabine, St. Helena, St. Landry, St. Martin, St. Tammany, Tangipahoa, Tensas, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana and Winn Counties, La.; points in Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Cochoma, Hancock, Covington, DeSoto, Forrest, Franklin, Greene, Grenada, Copiah, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pear River, Perry, Pike, Pontotoc, Stone, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha and Yazoo Counties, Miss.; points in Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clay, Cole, Cooper, Crawford, Dade, Dallas, Dent, Douglas, Dunklin, Franklin, Gasconade, Greene, Henry, Hickory, Howard, Howell, Iron, Jackson, Jasper, Jefferson, Johnson, Laclede, Lafayette, Lawrence, Lincoln, McDonald, Madison, Maries, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, Ste. Genevieve, St. Louis, Saline, Scott, Shannon, Stoddard, Stone, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster and Wright Counties, Mo.; points in Kay, Washington, Nowata, Craig, Ottawa, Noble, Garfield, Pawnee, Rogers, Tulsa, Mayes, Delaware, Kingfisher, Logan, Lincoln, Payne, Creek, Wagoner, Cherokee, Adair, Canadian, Oklahoma, Okfuskee, Okmulgee, Muskogee, Grady, Cleveland, Pottawatomie, Seminole, Hughes, McIntosh, Haskell, McClain, Pittsburg, Latimer, LeFlore, Sequoyah, Pontotoc, Garvin, Stephens, Murray, Johnston, Coal, Atoka, Pushmataha, Jefferson, Carter, Love, Bryan, McCurtain, Choctaw and Marshall Counties, Okla.; points in Obion, Lake, Weakley, Henry, Stewart, Montgomery, Robertson, Dyer, Gibson, Carroll, Benton, Houston, Humphreys, Dickson, Cheatham, Davidson, Lauderdale, Tipton, Shelby, Fayette, Haywood, Crockett, Madison, Hardeman, Henderson, Chester, McNairy, Perry, Hardin, Wayne, Hickman, Lawrence, Giles, Maury, Williamson, Marshall, Lincoln and Bedford Counties, Tenn.; and those in Montague, Cooke, Grayson, Fannin, Lamar, Red River, Delta, Bowie, Wise, Collin, Hunt, Hopkins, Tutus, Cass, Marion, Wood, Rains, Vanzandt, Kaufman, Dallas, Tarrant, Upshur, Harrison, Smith, Gregg, Johnson, Ellis, Henderson, Panola, Rusk, Cherokee, Anderson, Navarro, Freestone, Nacogdoches, Shelby, Sabine, Limestone, Leon, Houston, Trinity, Angelina, Polk, Tyler, Jasper, Newton, Hardin, San Jacinto, San Augustine and Walker Counties, Tex. *Caskets or coffins* from the point of their manufacture at the above-described destination points to the warehouse at Little Rock, Ark., and *damaged shipments of steel burial vaults*, from the above-described destination points to Little Rock, Ark.

HEARING: January 24, 1957, at U. S. Court Rooms, Little Rock, Ark., before Examiner William R. Tyers.

No. MC 116105, filed July 16, 1956, S. J. SIMMERMAN, doing business as SID'S SERVICE, 1200 Illinois Street, Sidney, Nebr. Applicant's representative: J. H. McNish, Sidney, Nebr. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 16, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 116120, filed July 24, 1956, JAMES LUTHER DRAFFEN, doing business as DRAFFEN TRUCK LINES, Calvert City, Ky. Applicant's representative: John C. Lovett, Lovett Bldg., Benton, Ky. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 28, 1957, at U. S. Court Rooms, Paducah, Ky., before Examiner William R. Tyers.

No. MC 116121, filed July 23, 1956, JOHN L. CORLEY, doing business as JOHN L. CORLEY, TRUCKING CONTRACTOR, P. O. Box 146, Winnfield, La. Applicant's representative: James L. Womack, Winnfield, La. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 9, 1957, at Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32.

No. MC 116142, filed August 2, 1956, BEVERAGE TRANSPORTATION, INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 7, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 116142 Sub 1, filed August 2, 1956, BEVERAGE TRANSPORTATION, INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 7, 1957, at the Office of the Interstate Commerce Com-

mission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 116142 Sub 2, filed August 2, 1956, BEVERAGE TRANSPORTATION, INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 7, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 116142 Sub 3, filed August 2, 1956, BEVERAGE TRANSPORTATION, INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 7, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 116142 Sub 4, filed August 2, 1956, BEVERAGE TRANSPORTATION, INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. Issues published in the FEDERAL REGISTER of September 6, 1956.

HEARING: January 7, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 116142 Sub 5, filed August 2, 1956, BEVERAGE TRANSPORTATION INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 7, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 116142 Sub 6, filed August 2, 1956, BEVERAGE TRANSPORTATION INC., 615 Broadstreet Bank Building, Trenton, N. J. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of September 6, 1956.

HEARING: January 7, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 116170 Sub 1, (REVISION) filed September 21, 1956, published page 8347, issue of October 31, 1956, SIOUX FREIGHTWAYS, INC., P. O. Box 533, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, with or without being processed for preservation, in containers, and with or without being in hermetically sealed containers, from points in Maine, Maryland, Massachusetts, New York, and Pennsylvania, to points in South Dakota, Iowa, Minnesota, Nebraska, and North Dakota. *Commodities which are exempt* and *meat racks, meat hooks* and *empty containers*, on return.

HEARING REMAINS AS ASSIGNED: December 18, 1956, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner James H. Gaffney.

No. MC 116175, filed August 24, 1956, A. G. PORTERFIELD, doing business as CITY FEED AND PRODUCE COMPANY, 469 East Sullivan Street, Kingsport, Tenn. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 8, 1957, at U. S. Court Rooms, Knoxville, Tenn., before Examiner William R. Tyers.

No. MC 116195, filed September 10, 1956, NALON COMPANY, a corporation, Thomas Avenue & Lafferty St., Jeannette, Pa. Applicant's representative: Charles F. McKenna, 508 Grant Street, Pittsburgh 19, Pa. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 4, 1957, at the Fulton Bldg., 101–115 Sixth St., Pittsburgh, Pa., before Examiner Mack Myers.

No. MC 116204, filed September 14, 1956, VAN E. HAMLETT, 1224 Greenfield Ave., Nashville 6, Tenn. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 16, 1957, at Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25.

No. MC 116211, filed September 18, 1956, JESSE D. LENHART, doing business as LENHART TRAILER SERVICE, 304 East Nelson Avenue, Alexandria, Va. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 10, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 116216, filed September 20, 1956, H. D. FILSON, doing business as DENVER MOTOR FREIGHT, 1863 Wazee, Denver, Colo. Applicant's representative: A. E. Small, Jr., U. S. National Bank Bldg., Mile High Center, Denver 2, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *Manufactured rubber articles, electric storage batteries, battery boxes, battery parts and accessories, battery charges, hand tools, silicates of soda, soapstone, talc, fiber boxes, rope, twine, advertising and display matter*, and *machinery* used in the manufacture of rubber products, from Denver, Colo., to Chicago, Ill.: from Denver over U. S. Highway 6 to Sterling, Colo., thence over U. S. Highway 138 to junction U. S. Highway 30, thence over U. S. Highway 30 to Tama, Iowa, thence over U. S. Highway 30 to junction Iowa Highway 212, thence over Iowa Highway 212 to Marengo, Iowa, thence over U. S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U. S. Highway 34, and thence over U. S. Highway 34 to Chicago, serving no intermediate points. *General commodities, including Class A and B explosives*, and excepting commodities in bulk and commodities requiring special equipment, from Chicago, Ill., to Denver, Colo.: from Chicago over U. S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U. S. Highway 6, thence over U. S. Highway 6 to Marengo, Iowa, thence over Iowa Highway 212 to junction U. S. Highway 30, thence over U. S. Highway 30 to Tama, Iowa, thence over U. S. Highway 30 to junction U. S. Highway 138, thence over U. S. Highway 138 to Sterling, Colo., and thence over U. S. Highway 6 to Denver, serving no intermediate points.

HEARING: January 14, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 116226, filed September 25, 1956, JOHN L. SELF, doing business as TRAILER TRANSPORT, 114 Indiana Ave., Coeur d' Alene, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial and secondary movements, in towaway service, between points in Washington, Idaho, Montana, Utah, South Dakota, Iowa, Minnesota, Illinois, Indiana, Michigan, Kansas and Nebraska.

HEARING: January 24, 1957, at the Davenport Hotel, Spokane, Wash., before Examiner Frank R. Saltzman.

No. MC 116267, filed October 22, 1956, CARL KIENBAUM, JR., doing business as CARL'S CITIES SERVICE, 662 E. Milwaukee Street, Whitewater, Walworth County, Wis. Applicant's representative: Clark Dempsey, Whitewater, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, (wrecked or disabled) between points in Wisconsin, (except those in Grant, Green, Iowa, Kenosha, LaFayette, Milwaukee, Racine, Rock and Waukesha Counties), and points in Minnesota and Illinois.

HEARING: December 19, 1956, at Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 141.

No. MC 116269, filed October 26, 1956, CLARENCE W. FRIEND, doing business as FRIEND'S TRAILER & MOBILE HOME TRANSPORT, 22110 N. Telegraph, Detroit 19, Mich. Applicant's representative: Arthur P. Boynton, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, and *mobile homes*, from points in Michigan and Indiana, to points in the United States, including the District of Columbia.

HEARING: January 9, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Thomas F. Kilroy.

CORRECTIONS

No. MC 31675 Sub 14 (Correction), NORTHERN FREIGHT LINES, INC., Gainesville, Ga., published page 8342, issue of October 31, 1956. Reference to Florida highways in the route description of subject application was in error. The correct reference is to GEORGIA highways 115 and 136.

No. MC 108461 Sub 47, filed July 16, 1956, WHITFIELD TRANSPORTATION, INC., 200 W. Amador, P. O. Box 1350, Las Cruces, N. Mex. Applicant's representatives: Frank Owen, III, and Truman A. Stockton, Jr., 13th Floor Bassett Tower, El Paso, Tex. That portion of the notice of assignment for hearing reading: "Issues published in FEDERAL REGISTER of September 5, 1956", was in error. The issues referred to were published in the FEDERAL REGISTER of August 1, 1956.

MOTOR CARRIERS OF PASSENGERS

No. MC 102299 Sub 6, filed September 19, 1956, THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY, a corporation, 100 S. Howard Street, Baltimore, Md. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 28, 1957, in the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 109802 Sub 8, filed August 22, 1956, LAKELAND BUS LINES, INC., Route 46, Dover, N. J. Applicant's representative: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N. J. Issues published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 8, 1957, at the New Jersey Board of Public Utility Commissioners State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 114340 Sub 9, filed August 7, 1956, THOMAS PARRAN, JR., doing business as SURBURBAN TRANSIT CO., 10715 Colesville Road, Silver Spring, Md. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. Issues published in FEDERAL REGISTER of September 12, 1956.

HEARING: January 14, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PASSENGERS

No. MC 99422 Sub 1, filed November 1, 1956, CHARLES A. STURGES, JR., doing business as TRANS-PECOS LINES, P. O. Box 877, Pecos, Tex. Applicant's representative: Charles D. Mathews, 1020 Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers (1) from Pecos, Tex., to Presidio, Tex., as follows: from Pecos over Texas Highway 17 to Fort Davis, Tex., thence over Texas Highway 118 to Alpine, Tex., thence over U. S. Highway 67, via Marfa, Tex., to Presidio, and return over the same routes, serving all intermediate points; and (2) from Odessa, Tex., to Alpine, Tex., as follows: from Odessa over Texas Highway 51 to McCamey, and thence over U. S. Highway 67 to Alpine, and return over the same routes, serving all intermediate points.

NOTE: Applicant is performing operations between Pecos, Tex., and Presidio, Tex., via Fort Davis, Alpine, and Marfa, Tex., over Texas Highways 17 and 118 and U. S. Highway 67, under the second proviso of section 206 (a) (1) under MC 99422, and proposes to cancel the filing upon the granting of the proposed application.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6440, published in the November 8, 1956, issue of the FEDERAL REGISTER. Application filed November 5, 1956, for temporary authority under section 210a (b).

No. MC–F 6442. Authority sought for purchase by ALLAN J. RESLER and NORMAN FORMAN, doing business as AMERICAN FREIGHTWAYS COMPANY, 518 Porter Avenue, Brooklyn, N. Y., of the operating rights and certain property of FLORA A. RODABAUGH, doing business as RODABAUGH TRANSPORTATION LINES, 617 West Franklin Street, Horseheads, N. Y. Applicants' representative: Martin Werner, 295 Madison Avenue, New York 17, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over a regular route between Syracuse, N. Y., and Elmira, N. Y., serving all intermediate points. Vendor also operates in New York under the Second Proviso of section 206 (a) (1) in the transportation of *general commodities* as a *common carrier* over regular routes between Elmira and Syracuse and Olean, between Hornell and Jasper, between Bath and Hornell, between Ithaca and Syracuse, Auburn and Geneva, between Dryden and Auburn, and from Elmira to Binghamton, serving certain intermediate and off-route points; several alternate routes for operating convenience only; household goods, over irregular routes between all points in Chemung County, from all points in Chemung County to all points in Cayuga, Livingston, Monroe, Onondaga, Seneca, Steuben and Tioga Counties, from all points in Broome, Madison, and Steuben Counties to all points in Chemung County, and from all points in Tompkins County to all points in Onondaga and Steuben Counties; *lubricating oil in drums and packages*, from all points in Allegany County to all points in Cattaraugus, Chautauqua, Delaware, Erie, Ontario, Oswego, Schuyler, Steuben and Tioga Counties, and from all points in Tompkins County to all points in Chemung, Cortland, Schuyler and Tioga Counties; *canned goods*, from all points in Chautauqua, Genesee, Monroe, Niagara, Ontario, Orleans, Oneida, Wayne and Wyoming Counties, and New York City, to all points in Chemung County, and from all points in Wayne County to all points in Steuben County; *new furniture and household furnishings*, from all points in Chemung County to all points in Allegany, Cortland and Wayne Counties, and New York City. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has not been filed for temporary authority under section 210a (b).

NOTE: This application will be processed concurrently with No. MC 26001 Sub 12.

No. MC–F 6444. Authority sought for purchase by SHAFFER TRUCKING, INC., Elizabethville, Pa., of the operating rights and property of JOHN G. MILLER, (THE GETTYSBURG NATIONAL BANK, ADMINISTRATOR), doing business as MILLER TRUCKING COMPANY, Gettysburg, Pa., and for acquisition by DOMER SHAFFER, also of Elizabethville, of control of such rights and property through the purchase. Applicants' representative: James W. Hagar, Commerce Bldg., P. O. Box 432, Harrisburg, Pa. Operating rights sought to be transferred: *Fruit*, as a *common carrier* over irregular routes from points in Adams, Franklin, and Cumberland Counties, Pa., to New York, N. Y., and Baltimore, Md.; *insecticides*, from Elizabeth, N. J., and Charles Town, W. Va., to Gettysburg, Pa., and from Hagerstown, Md., to points in Adams County, Pa.; *canned goods*, from points in Adams County, Pa., to points in New York, Ohio, Virginia and West Virginia, from Berryville and Mount Jackson, Va., and Charles Town, Bunker Hill, and Romney, W. Va., to points in Berkshire County, Mass., and certain points in New York, from Berryville and Winchester, Va., to points in Ohio, from Berryville, Va., to points in Tennessee, from Mount Jackson, Va., to points in Ohio, and from Mount Jackson, Winchester, and Berryville, Va., to points in Indiana and Illinois; *canned goods* and *dry cereal preparations*, from points in Adams and Franklin Counties, Pa., to points in Tennessee, and from points in Franklin County, Pa., to points in Indiana; *materials used in the manufacture of complete fertilizers*, from Hagerstown, Md., to Straban Township, Adams County, Pa.; *fertilizer*, between Gettysburg, Pa., and Baltimore, Md., and from Gettysburg, Pa., to Hagerstown, Md.; *fish meal*, in bags, from Lewes, Del., to Gettysburg, Pa., Lebanon, Pa., and Hagerstown, Md.; and *empty bags*, from Gettysburg, Pa., Lebanon, Pa., and Hagerstown, Md., to Lewes, Del. Vendee is authorized to operate as a *common carrier* in West Virginia, Pennsylvania, Maine, New Hampshire, Vermont and New Jersey, and as a *contract carrier* in Maryland, Connecticut, Delaware, New Jersey, Florida, Georgia, North Carolina, West Virginia, Ohio, South Carolina, Virginia, Pennsylvania, New York and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6445. Authority sought for control by WALTER MULLADY and JOHN B. O'CONNOR, JR., both of 1934 South Wentworth Avenue, Chicago, Ill., of ROGERS CARTAGE CO. and DECATUR CARTAGE CO., both of 1934 South Wentworth Avenue, Chicago 16, Ill., ARROW TRANSPORTATION

COMPANY OF DELAWARE, doing business as ARROW TRANSPORTATION COMPANY, 3215 N. W. 35th Avenue, Portland 10, Oreg., RUTHERFORD FREIGHT LINES, INCORPORATED, Pierce Street, Bristol, Va., and TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East 2nd Street, El Paso, Tex. Applicants' representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled: (ROGERS CARTAGE CO.) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission, and between points in Illinois within 50 miles of State and Madison Streets, Chicago, Ill.; *chemicals, paint, paint products, paint ingredients, phosphoric acid, liquid protective coatings and ingredients* used in the manufacture thereof, *liquid soap and waxes, liquefied petroleum gas, petroleum, petroleum products, alcoholic liquors* for beverage purposes, *alcohol, distilled spirits, corn syrup, corn oil, soybean oil, vegetable oils, benzol, toluol, xylol, coal tar oils, coal tar acids, solvents, liquid starch, liquid urea resin, sulphuric acid, liquid synthetic resins, lubricating oil, horse oil, synthetic resin compounds, styrene, butadiene, vinyl acetate, formaldehyde, synthetic resin solutions and driers, methanol, acids, liquid glue, anhydrous ammonia, nitrogen solutions, alcohol compounds and derivatives, nitrogen fertilizer solutions, carbon dioxide, varnishes, glue, resins, fatty acids, fatty acid products, nitric acid, spent sulphuric acid*, and *slushing oil*, (all of the above being transported in bulk, in tank vehicles), from, to or between points and areas, varying with the commodity transported, in Kentucky, Michigan, Ohio, Illinois, Indiana, Iowa, Minnesota, Missouri, Wisconsin, Tennessee, Nebraska, Kansas, New Jersey, New York, Pennsylvania, Arkansas, Mississippi, Louisiana, Texas, West Virginia, Alabama, Oklahoma, North Carolina, Florida, Georgia, and South Carolina; *corn syrup, soybean oil, vegetable oils*, and *petroleum-chemicals*, from, to or between points and areas, varying with the commodity transported, in Illinois, Minnesota, Ohio, Indiana, Michigan, Missouri, Iowa, Kentucky, Tennessee, and Wisconsin; and *acids* and *chemicals*, in bulk, in tank and hopper vehicles, (except chemicals derived or produced from petroleum, from Chicago Heights, Ill., to points in Michigan), from Chicago Heights, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Nebraska, Kansas, Texas, Alabama, North Carolina, and Oklahoma. (DECATUR CARTAGE CO.): *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Chicago, Ill., and Quincy, Effingham, Ogden, Evanston, and Oak Park, Ill., St. Louis, Mo., Terre Haute, Gary and Indianapolis, Ind., and Toledo, Ohio, between Peoria, Ill., and Danville and Staunton, Ill., between El Paso, Ill., and Watseka and Pana, Ill., between Decatur, Ill., and Champaign, Ill., between St. Louis, Mo., and Indianapolis, Ind., and between Cleveland and Cincinnati, Ohio, and Indianapolis, Ind., serving certain intermediate and off-route points; numerous alternate routes for operating convenience only; *general commodities* including Class A and B explosives, between Terre Haute, Ind., and Prairie Creek or the Vigo Ordnance Depot, Ind., serving no intermediate points. (ARROW TRANSPORTATION COMPANY OF DELAWARE): *Liquid petroleum products*, as a *common carrier* over irregular routes between Seattle, Richmond Beach and Tacoma, Wash., and Portland, Linnton, Willbridge, Astoria and Marshfield, Oreg., on the one hand, and, on the other, points in Oregon and Washington and certain points in Idaho, from The Dalles, Oreg., and Attalia, Wash., to certain points in Oregon, Washington and Idaho, from Seattle, Richmond Beach, Tacoma, and Attalia, Wash., and Umatilla, Portland, Linnton, Willbridge and The Dalles, Oreg., to certain points in Idaho, Oregon and Washington, from The Dalles and Attalia, Oreg., to certain points in Oregon, Washington and Idaho; *liquid petroleum products*, in bulk, in tank trucks, from Spokane, Wash., and points within ten miles thereof to points in Washington, Idaho, and Oregon, from certain points in Oregon and Washington to points in Lemhi County, Idaho, and from Vancouver, Wash., to points in Oregon and Washington and certain points in Idaho; *petroleum* and *petroleum products*, in bulk, in tank trucks, from Pasco, Wash., to certain points in Oregon, Washington and Idaho; *cherries*, in brine, in tank vehicles, from points in Utah to certain points in California; *petroleum products, wine, liquid sugar, grape juice, petroleum, vinegar, naptha* and *cherries*, in brine, (all of the above-named commodities being transported in bulk, in tank vehicles), from, to or between points and areas, varying with the commodity transported, in Oregon, Washington, Idaho and California. (RUTHERFORD FREIGHT LINES, INCORPORATED): *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Kingsport, Tenn., and Bristol, Tenn.-Va., between Bristol, Tenn.-Va., and Richmond, Clinchport, Norton and North Holston, Va., between Bristol, Tenn.-Va., and Bluefield, W. Va., between Greensboro, N. C., and Bristol, Tenn.-Va., between Bristol, Tenn.-Va., and Rock Hill, S. C., between Rossville, Ga., and Bristol, Va., between Covington, Va., and High Point, N. C., and between Kingsport, Tenn., and Knoxville, Tenn., serving certain intermediate and off-route points; two alternate routes for operating convenience only; *general commodities* with no exceptions, between Atlanta, Ga., and Chattanooga, Tenn., serving all intermediate and certain off-route points; and *books*, from Kingsport, Tenn., to Norfolk, Va.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between Bristol, Va., and Bristol, Tenn., and points within five miles of Bristol, Va.-Tenn.; *rayon and celanese yarn*, from Covington, Va., to points in North Carolina and South Carolina. (TEXAS-ARIZONA MOTOR FREIGHT, INC.): *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over regular routes between Los Angeles Harbor, Calif., and Nogales, Ariz., between Indio, Calif., and Phoenix, Ariz., between junction Arizona Highway 87 and Arizona Highway 187 and Casa Grande, Ariz., and between Wickenburg, Ariz., and Prescott, Ariz., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between El Paso, Tex., and Tucson, Ariz., serving certain intermediate points; *wool and mohair*, over regular and irregular routes, from certain points in Arizona to points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, from certain points in Arizona to points in the Los Angeles Harbor Commercial Zone, and from points in the Los Angeles Harbor Commercial Zone to certain points in Arizona; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, over irregular routes between certain points in Arizona, on the one hand, and, on the other, specified points in California, and between Lordsburg, N. Mex., on the one hand, and, on the other, Redrock, N. Mex., and points in Hidalgo County, N. Mex. WALTER MULLADY and JOHN B. O'CONNOR, JR., hold no authority from the Interstate Commerce Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6446. Authority sought for control and merger by JONES TRANSFER COMPANY, 927 Washington, Monroe, Mich., of the operating rights and property of BRADLEY FREIGHT COMPANY, 1989 Howard, Detroit 26, Mich., and for acquisition by ROBERT J. DUFFEY, JOSEPH E. DUFFEY and RALPH B. MANAUSSO, all of Monroe, of control of such rights and property through the transaction. Applicants' representative: Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Detroit, Mich., and Flint, Mich., between Detroit, Mich., and Morenci, Mich., between the junction of U. S. Highways 112 and 24 and U. S. Highway 10 and Michigan Highway 58, and between junction U. S. Highways 23 and 112 and Flint, Mich., serving certain intermediate and off-route points. JONES TRANSFER COMPANY is authorized to operate as a *common carrier* in Michigan and Ohio. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6447. Authority sought for purchase by MOTOR EXPRESS, INC. OF INDIANA, 701 Illinois Bldg., Indianapolis, Ind., of a portion of the operating rights of THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 215 Euclid Avenue, Cleveland, Ohio, and for acquisition by U. S. TRUCK LINES, INC. OF DELAWARE, also of Cleveland, of control of such rights through the transaction. Applicants' representative: Ferdinand Born, 706–708 Chamber of Commerce Bldg., Indianapolis, Ind. Operating rights sought to be transferred: *General commodities*, except explosives, livestock, small arms ammunition, currency, bullion, commodities exceeding ordinary equipment and loading facilities, commodities injurious or contaminating to other lading, and all other commodities expressly prohibited by law, as a *common carrier* over a regular route between Cincinnati, Ohio, and Indianapolis, Ind., serving no intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Ohio and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–9348; Filed, Nov. 14, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF N. V. ONROERENDE GOEDEREN EXPLOITATIE MIJ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

N. V. Onroerende Goederen Exploitatie Mij., Amsterdam (O. G. E. M. A.), L. S. Claim No. 629; Kansas City Southern Railway Company 5/50 Bond No. 12710, in the principal amount of $1,000; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 11916, in the principal amount of $500.

Barbara Roelfsema, L. S. Claim No. 687; City of New York (Rapid Transit Sinking Fund) 4½/65 Bonds Nos. 6704, 6714 and 20735, in the principal amount of $1,000 each.

Marguerita Rootlieb, L. S. Claim No. 698; Cities Service Company 5/66 Debenture No. 3247, in the principal amount of $500; Southern Pacific Company 4½/81 Bond No. 45804, in the principal amount of $1,000.

Theodorus Sanders, L. S. Claim No. 712; Atchison, Topeka and Santa Fe Railway Company 4/95 Bonds Nos. 32365 and 72931, in the principal amount of $1,000 each; Atchison, Topeka and Santa Fe Railway Company 4/95 Bonds Nos. 5465 and 42391, in the principal amount of $500 each.

Hendrik Schuller, L. S. Claim No. 717; Missouri-Kansas-Texas Railway Company 4/90 Bond No. 29314, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9353; Filed, Nov. 14, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF DR. JOHAN SCHOUTEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Dr. Johan Schouten, L. S. Claim No. 263; $997.43 in the Treasury of the United States.

Marcelis Bekker, L. S. Claim No. 283; $1,364.47 in the Treasury of the United States.

Jacob van den Berg, L. S. Claim No. 288; $1,046.98 in the Treasury of the United States.

Johnanna, Henriette and Gertruda Domée; Hendricus, Geertruida, Johannes Arnoldus, Margaretha, Johannes Michael, Petrus, Petronella and Regina Bernsen; Johannes, Petrus, Geertruida, Maria, Cornelis, Helena, Adriana and Catharina Grundeken, L. S. Claim No. 494; $392.08 in the Treasury of the United States.

Cornelis Janssan, L. C. Claim No. 504; $1,000.00 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9354; Filed, Nov. 14, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF JACOB VAN OLST ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Jacob van Olst, L. S. Claim No. 630; Kansas City Southern Railway Company 3/50 Bond No. 7084, in the principal amount of $1,000; Missouri-Kansas-Texas Railroad Company 4/62 Bond No. 9014, in the principal amount of $1,000.

Jan, Anna and Clasina van Ommeren, L. S. Claim No. 632; Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 10252, in the principal amount of $500.

Michael Perelaer, L. S. Claim No. 642; Cities Service Company 5/66 Bond Nos. 4026, 4184, and 11847, in the principal amount of $1,000 each.

Sent Pias, L. S. Claim No. 650; Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 1297, in the principal amount of $1,000.

Johannes Buning, L. S. Claim No. 853; Cities Service Company 5/69 Debenture No. 22426, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9355; Filed, Nov. 14, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ABRAHAM DE SILVA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Abraham de Silva and Vera Rayhart; L. S. Claim No. 169; Missouri-Kansas-Texas Railway Company 4/90 Bond No. 11532, in the principal amount of $1,000; Union Pacific Railroad Company 4/47 Bond No. 87390, in the principal amount of $1,000.

Mrs. Duifje Smith; Miss Sophia, Alexander, Abraham and Johan van der Woude; Sara Levy; Abraham Brent; Lenard Lopes; Mrs. Alida de Wijs; Mrs. Isabella Langendijk; Miss Alice Kropveld; Mrs. Carla de Vries, L. S. Claim No. 211; Southern Pacific Company 4/49 Bond No. 5483, in the principal amount of $500.

Miss Heintje Muller, L. S. Claim No. 215; Central Pacific Railway Company 4/49 Bond No. 28330, in the principal amount of $1,000.

Paula and Hans Sinzheimer; Gertrude Mainzer-Sinzheimer; Eva Wertheim; Ursula

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Postma, L. S. Claim No. 222; American & Foreign Power Company 5/2030 Debenture No. 24397, in the principal amount of $1,000. Cesar Hertzberger; Lies Davidson; Frits de Heer; Philip van der Heyden; Heinz Perl; Thea Wetzler; Edith Grand; Elly Baruch; Ernest Ries; Henriette Leydesdorff, L. S. Claim No. 626; Missouri-Kansas-Texas Railroad Company 5/62 Bond No. 2562, in the principal amount of $500; Missouri-Kansas-Texas Railroad Company 4/62 Bond No. 1313, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9356; Filed, Nov. 14, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF HENRIETTE VAN DEN BERGH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Henriette and David van den Bergh, and Ida Zadoks, L. S. Claim No. 149; $784.16.

Mrs. H. Roozendaal and Mrs. L. Lankhout, L. S. Claim No. 166; $480.00.

Francisca de Vries, L. S. Claim No. 175; $1,104.38.

Lucie de Leeuw, L. S. Claim No. 563; $5,814.98.

Elisabeth de Vries, L. S. Claim No. 789; $2,728.94.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Henriette and David van den Bergh, and Ida Zadoks, L. S. Claim No. 149; International Power Securities Corporation 6½/55 Bond No. 1746, in the principal amount of $1,000; Southern Railway Company 4/56 Bond Nos. 41470 and 32512, in the principal amount of $1,000 each.

Mrs. H. Roozendaal and Mrs. L. Lankhout, L. S. Claim No. 166; Kansas City Southern Railway Company 3/50 Bond No. 18331, in the principal amount of $1,000; New York Telephone Company 4½/39 Bond Nos. 26656 and 47512, in the principal amount of $1,000 each; Southern Railway Company 4/56 Bond No. 55650, in the principal amount of $1,000.

Francisca de Vries, L. S. Claim No. 175; Southern Pacific Railroad Company 4/55 Bond No. 3330, in the principal amount of $500.

Lucie de Leeuw, L. S. Claim No. 563; Missouri-Kansas-Texas Railway Company 4/90 Bond No. 20135, in the principal amount of $1,000; New York Lackawanna & Western Railway Company 4/73 Bond No. A 5926, in the principal amount of $1,000; Southern California Edison Company Ltd. 3 3/4/35/60 Bond No. 4942, in the principal amount of $1,000; Chesapeake & Ohio Railway Company 3½/96 Bond No. 28604, in the principal amount of $1,000; Missouri-Kansas-Texas Railroad Company 5/62 Bond No. 139, in the principal amount of $250; Norfolk & Western Railway Company 4/96 Bond No. 27160, in the principal amount of $1,000.

Elisabeth de Vries, L. S. Claim No. 789; Minneapolis, St. Paul & Sault Ste. Marie Railway Company 4/38 Bond Nos. 2387, 23147, 25314 and 36781, in the principal amount of $1,000 each.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9357; Filed, Nov. 14, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ANTONIE HEUFF ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Antonie and Maria Heuff, L. S. Claim No. 129; Southern Pacific Company 4/49 Bond No. 10999, in the principal amount of $1,000.

Lili Yvonne d'Aumale van Hardenbroek, L. S. Claim No. 259; Atchison, Topeka and Santa Fe Railway Company 4/60 Bond No. 38234, in the principal amount of $1,000; Missouri-Kansas-Texas Railway Company 4/90 Bond No. 26763, in the principal amount of $1,000.

Cornelia Backer, L. S. Claim No. 271; Missouri-Kansas-Texas Railway Company 4/90 Bond No. 17118, in the pricipal amount of $1,000.

Anna Pronk and Pieter Henri Buisman, L. S. Claim No. 318; Central Pacific Railway Company 4/49 Bond No. 33278, in the principal amount of $1,000; Cities Service Company 5/50 Debenture No. 23638, in the principal amount of $1,000; Atchison, Topeka and Santa Fe Railway Company 4/55 Bond No. 48082, in the principal amount of $1,000.

Sara, Jacob, Janneke, Maria and Jannis Moggre; Magdalena and Johanna Catsman; Magdalena Quist, L. S. Claim No. 616; Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 5466, in the principal amount of $1,000; Oregon-Washington Railroad & Navigation Company 4/61 Bond No. 51508, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9358; Filed, Nov. 14, 1956; 8:49 a. m.]

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VOLUME 21 1934 NUMBER 223

Washington, Friday, November 16, 1956

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

PROCLAMATION OF ACREAGE ALLOTMENT FOR 1957 IN COMMERCIAL CORN-PRODUCING AREA

§ 721.803 *Basis and purpose.* Section 721.804 is issued under and in accordance with section 301 and 328 of the Agricultural Adjustment Act of 1938, as amended. Its purpose is to announce the acreage allotment for 1957 for the commercial corn-producing area. The findings and determination made by the Secretary in § 721.804 have been made on the basis of the latest available statistics of the Federal Government.

§ 721.804 *1957 acreage allotment for corn.* The acreage allotment for corn for 1957 for the commercial corn-producing area is 37,288,889 acres.[1]

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 328, 52 Stat. 38, 52; 7 U. S. C. 1301, 1328)

Issued at Washington, D. C., this 13th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9410; Filed, Nov. 15, 1956; 8:50 a. m.]

[1] This is not the Soil Bank base acreage of corn for the 1957 commercial corn-producing area. The Soil Bank base acreage for corn for the 1957 commercial corn-producing area, under the provisions of sec. 103-(b) of the Soil Bank Act (70 Stat. 188, 190) is 51 million acres.

PART 729—PEANUTS

NATIONAL MARKETING QUOTA, NATIONAL ACREAGE ALLOTMENT, AND APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENT FOR PEANUTS FOR 1957 CROP

§ 729.801 *Basis and purpose.* (a) Section 358 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which the quota is proclaimed, adjusted for current trends and prospective demand conditions. Section 358 (a) further provides that the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres, and that the national marketing quota established for any subsequent year shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941.

(b) Except for the preceding limitation, the national marketing quota would be 660,000 tons and the national acreage allotment without allowance for underharvesting would be 1,465,039 acres. When this figure is adjusted for the five year average underharvesting it becomes 1,575,311 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 725,305 tons. Section 358 (a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

(c) Section 358 (c) of the said act provides that the national acreage allotment, less the acreage to be allotted to new farms under section 358 (f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

(d) Section 729.802 establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1957 crop of peanuts. Section 729.803 apportions the 1957 national acreage allotment among the several peanut-producing States. The determinations in these sections are based on the

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FEDERAL REGISTER

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latest available statistics of the Federal Government.

(e) Public notice of the proposed proclamation and determinations to be made with respect to the 1957 national marketing quota, the national acreage allotment, and apportionment of such allotment among the States was given (21 F. R. 6889) in accordance with the Administrative Procedure Act. The proclamation is made after due consideration of recommendations submitted in response to such notice.

§ 729.802 *Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1957.*— (a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1957 is 725,305 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 901 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop produced in the calendar year 1957 is 1,610,000 acres.

§ 729.803 *Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1957.* The national peanut acreage allotment proclaimed in § 729.802 is hereby apportioned as follows:

State:	*1957 State acreage allotment*
Alabama	217,965
Arizona	717
Arkansas	4,220
California	940
Florida	54,777
Georgia	524,611
Louisiana	1,963
Mississippi	7,557
Missouri	246
New Mexico	4,906
North Carolina	168,813
Oklahoma	137,323
South Carolina	13,743
Tennessee	3,564
Texas	355,063
Virginia	105,542
Total apportioned to States	1,601,950
Reserve for new farms	8,050
Total, United States	1,610,000

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, 90, as amended; 66 Stat. 27; secs. 106, 112, 377, 70 Stat. 191, 195, 206; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1377, 1388)

Issued at Washington, D. C., this 9th day of November 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9411; Filed, Nov. 15, 1956; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

APPEALS

Section 20.9 of Part 20 is revised as set out below.

§ 20.9 *Appeals*—(a) *Employee appeals to Commission.* Any employee notified of proposed action in a reduction in force who believes that the regulations in this part have not been correctly applied may appeal to the appropriate office of the Commission, stating reasons for believing the proposed action to be improper, within ten (10) days after the date he received notice of the proposed action (or supplementary notice specifying different adverse action), or within ten (10) days after a decision by the agency on his answer to any notice giving him an opportunity to answer.

(b) *Further appeals.* The Commission office that makes the initial adjudication of an appeal submitted pursuant to paragraph (a) of this section shall notify the employee, or his designated representative, and the agency of the decision in writing. The written decision shall contain notification of the right of either party to appeal to the Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C. (hereinafter referred to as the "Board"), within seven (7) days after receipt of such decision.

(c) *Finality of decisions.* It is mandatory for the agency to take corrective action in accordance with the decision of the Commission office that made the initial adjudication of the appeal, unless an appeal is made to the Board. The decision of the Board shall be final. There is no further right of appeal. A recommendation for corrective action by the Board is mandatory and must be complied with by the agency.

(d) *The Commissioners.* The Commissioners may, in their discretion, when, in their judgment, such action appears warranted by the circumstances, reopen and reconsider any previous decision.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 668)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-9422; Filed, Nov. 15, 1956; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 17]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the last portion which reads: "the intersection of the northeast course of the Mitchel AFB, N. Y., radio range and the southwest course of the Boston, Mass., radio range to the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Westfield, Mass., radio range." to read: "the intersection of the northeast course of the Mitchel AFB, N. Y., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station."

2. Section 600.101 *Amber civil airway No. 1 (United States-Mexican Border, to Nome, Alaska)* is amended by changing the portion which reads: "excluding the airspace which overlaps Albert Head restricted area (R–407)." to read: "excluding the airspace lying more than 2 miles west of and parallel to the south course of the Patricia Bay, B. C., radio range between the intersection of the northwest course of the Seattle, Wash., radio range with the south course of the Patricia Bay, B. C., radio range and the United States-Canadian Border." and is amended between Anchorage and Skwentna, Alaska to read: "Anchorage, Alaska, radio range station; the intersection of the northwest course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Skwentna, Alaska, radio range station;".

3. Section 600.661 *Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.)* is revoked.

4. Section 600.6005 *VOR civil airway No. 5 (Miami, Fla., to London, Ontario)* is amended by changing all after the Cincinnati, Ohio, omnirange station to read: "Cincinnati, Ohio, omnirange station, including an east alternate; intersection of the Cincinnati omnirange 045° True and the Appleton omnirange 244° True radials; Appleton, Ohio, omnirange station; Mansfield, Ohio, omnirange station, including an east alternate from the Appleton omnirange station to the Mansfield omnirange station via the intersection of the Appleton omnirange 050° True and the Mans-

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field omnirange 173° True radials; Cleveland, Ohio, omnirange station; to the London, Ont. omnirange station. Those portions of this airway which overlap the Jacksonville restricted area (R–161), the Lake George restricted area (R–176) and the Sterling restricted areas (R–169) and (R–170) are excluded."

5. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion which reads: "Montgomery, Ala., omnirange station; Birmingham, Ala., omnirange station, including an east alternate via the intersection of the Montgomery omnirange 358° True and the Birmingham omnirange 138° True radials and also a west alternate; intersection of the Birmingham omnirange 358° True and the Muscle Shoals omnirange 129° True radials; Muscle Shoals, Ala., omnirange station;" to read: "Montgomery, Ala., omnirange station; Birmingham, Ala., omnirange station, including a west alternate via the intersection of the Montgomery omnirange 326° True and the Birmingham omnirange 180° True radials; Muscle Shoals, Ala., omnirange station;".

6. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Bryce Canyon, Utah, omnirange station; Hanksville, Utah, omnirange station; Grand Junction, Colo., omnirange station;" to read: "Bryce Canyon, Utah, omnirange station, including a south alternate; Hanksville, Utah, omnirange station, including a south alternate; Grand Junction, Colo., omnirange station, including a south alternate;".

7. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing the portion which reads: "Carleton, Mich., omnirange station; Perry, Ohio, nondirectional radio beacon; Youngstown, Ohio, omnirange station;" to read: "Carleton, Mich., omnirange station; point of intersection of the Jefferson, Ohio, omnirange 279° True and the Youngstown omnirange 320° True radials; Youngstown, Ohio, omnirange station;".

8. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Albuquerque, N. Mex., omnirange station;" to read: "Albuquerque, N. Mex., omnirange station, including a south alternate from the Zuni, N. Mex., omnirange station to the Albuquerque, N. Mex., omnirange station via the intersection of the Zuni omnirange 105° True and the Albuquerque omnirange 254° True radials;" and by changing all between the Dayton, Ohio, omnirange station and the Wheeling, W. Va., omnirange station to read: "Dayton, Ohio, omnirange station, including a north alternate; Appleton, Ohio, omnirange station, including a north alternate via the intersection of the Dayton omnirange 060° True and the Appleton omnirange 279° True radials; Wheeling, W. Va., omnirange station, including a north alternate via the point of intersection of the Mansfield, Ohio, omnirange 121° True and the Wheeling omnirange 281° True radials;".

9. Section 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.)* is amended by changing the portion which reads: "Tuscaloosa, Ala., omnirange station, including a north alternate; Birmingham, Ala., omnirange station; Anniston, Ala., omnirange station;" to read: "intersection of the Meridian omnirange 057° True radial and the Birmingham ILS localizer southwest course; intersection of the Birmingham ILS localizer southwest course and the Anniston omnirange 265° True radial; Anniston, Ala., omnirange station;".

10. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing the portion which reads: "Modesto, Calif., omnirange station, including an east alternate via the intersection of the Fresno omnirange 328° True and the Modesto omnirange 117° True radials; Sacramento, Calif., omnirange station;" to read: "Modesto, Calif., omnirange station, including an east alternate via the intersection of the Fresno omnirange 328° True and the Modesto omnirange 117° True radials; intersection of the Modesto omnirange 341° True and the Sacramento omnirange 138° True radials; Sacramento, Calif., omnirange station, including a west alternate from the Modesto omnirange station to the Sacramento omnirange station via the intersection of the Modesto omnirange 312° True and the Sacramento omnirange 154° True radials;".

11. Section 600.6026 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio)* is amended by changing the portion which reads: "Redwood Falls omnirange 075° True" to read: "Redwood Falls omnirange 076° True" and by changing all after the Salem, Mich., omnirange station to read: "Salem, Mich., omnirange station; point of intersection of the Carleton, Mich., omnirange direct radial to the Jefferson, Ohio, omnirange station and the Cleveland omnirange direct radial to the Windsor, Ont., omnirange station; to the Cleveland, Ohio, omnirange station."

12. Section 600.6038 is amended to read:

§ 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.)*. From the Iowa City, Iowa omnirange station via the intersection of the Iowa City omnirange 093° True and the Joliet omnirange 265° True radials; Joliet, Ill., omnirange station; Peotone, Ill., omnirange station; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 099° True and the Findlay omnirange 276° True radials; Findlay, Ohio, omnirange station; Appleton, Ohio, omnirange station, including a south alternate via the point of intersection of the Findlay omnirange 144° True and the Mansfield, Ohio, omnirange 241° True radials; Parkersburg, W. Va., omnirange station; to the Elkins, W. Va., omnirange station.

13. Section 600.6043 is amended to read:

§ 600.6043 *VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.)*. From the Appleton, Ohio, omnirange station via the Youngstown, Ohio, omnirange station to the Erie, Pa., omnirange station.

14. Section 600.6045 *VOR civil airway No. 45 (Lexington, Ky., to Lansing, Mich.)* is amended by changing the portion which reads: "Columbus, Ohio omnirange station" to read: "Appleton, Ohio, omnirange station".

15. Section 600.6056 *VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.)* is amended by changing all before the Macon, Ga., omnirange station to read: "From the Montgomery, Ala., omnirange station via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 266° True radials; Columbus, Ga., omnirange station; Macon, Ga., omnirange station;".

16. Section 600.6092 is amended to read:

§ 600.6092 *VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.)*. From the Chicago Heights, Ill., omnirange station via the Goshen, Ind., omnirange station; Waterville, Ohio, omnirange station; Mansfield, Ohio, omnirange station; point of intersection of the Pittsburgh, Pa., omnirange 291° True and the Youngstown, Ohio, omnirange 195° True radials; Wheeling, W. Va., omnirange station; Grantsville, Md., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington, D. C., terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

17. Section 600.6115 *VOR civil airway No. 115 (Crestview, Fla., to Charleston, W. Va.)* is amended by changing the portion which reads: "From the Crestview, Fla., omnirange station via the Montgomery, Ala., omnirange station; Birmingham, Ala., omnirange station; Chattanooga, Tenn., omnirange station;" to read: "From the Crestview, Fla., omnirange station via the Montgomery, Ala., omnirange statiop; intersection of the Montgomery omnirange 358° True and the Birmingham omnirange 145° True radials; Birmingham, Ala., omnirange station; Chattanooga, Tenn., omnirange station;".

18. Section 600.6154 is amended to read:

§ 600.6154 *VOR civil airway No. 154 (Meridian, Miss., to Savannah, Ga.)*. From the Meridian, Miss., omnirange station via the intersection of the Meridian omnirange 089° True and the Montgomery omnirange 282° True radials; Montgomery, Ala., omnirange station; Columbus, Ga., omnirange station, including a south alternate via the intersection of the Montgomery omnirange 088° True and the Columbus omnirange 195° True radials; Macon, Ga., omnirange station; to the Savannah, Ga., omnirange station. The portions of this airway which conflict with the Fort Benning restricted area (R–129) are excluded.

19. Section 600.6188 *VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.)* is amended by changing the portion which reads: "From the Carleton, Mich., omnirange station via the Perry, Ohio, nondirectional radio beacon; Fitzgerald, Pa., omnirange station;" to read: "That airspace over United States territory from the Carleton, Mich., omnirange station via the Jefferson, Ohio, omnirange station; Fitzgerald, Pa., omnirange station;".

20. Section 600.6221 is amended to read:

§ 600.6221 *VOR civil airway No. 221 (Fort Wayne, Ind., to Erie, Pa.)*. That airspace over United States territory from the Fort Wayne, Ind., omnirange station via the Litchfield, Mich., omnirange station; intersection of the Litchfield omnirange 050° True and the Salem omnirange 257° True radials; Salem, Mich., omnirange station; intersection of the Salem omnirange 079° True and the Erie omnirange 294° True radials; to the Erie, Pa., omnirange station.

21. Section 600.6241 is added to read:

§ 600.6241 *VOR civil airway No. 241 (Crestview, Fla., to Atlanta, Ga.)*. From the Crestview, Fla., omnirange station via the intersection of the Crestview omnirange 076° True and the Dothan terminal omnirange 240° True radials; Dothan, Ala., terminal omnirange station; Columbus, Ga., omnirange station; intersection of the Columbus omnirange 018° True and the Atlanta omnirange 232° True radials; to the Atlanta, Ga., omnirange station. The portion of this airway above 19,000 feet above mean sea level, which lies within the Tyndall AFB restricted area (R–336), is excluded daily between sunset and sunrise.

22. Section 600.6244 *VOR civil airway No. 244 (Crestview, Fla., to Dothan, Ala.)* is revoked.

23. Section 600.6253 is added to read:

§ 600.6253 *VOR civil airway No. 253 (Utah Lake, Utah, to Grantsville, Utah)*. From the Utah Lake, Utah, omnirange station to the point of intersection of the Utah Lake omnirange 315° True and the Salt Lake City, Utah, omnirange 265° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. December 13, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–9382; Filed, Nov. 15, 1956; 8:45 a. m.]

[Amdt. 17]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.661 *Blue civil airway No. 61 control areas (Springfield, Mo., to Kansas City, Mo.)* is revoked.

2. Section 601.1052 *Control area extension (Atlanta, Ga.)* is amended by adding the following portion to present control area extension: "including the airspace southwest of Atlanta bounded on the north by VOR civil airway No. 18, on the west by longitude 86°00'00", and on the southeast by VOR civil airway No. 20."

3. Section 601.1123 is amended to read:

§ 601.1123 *Control area extension (Birmingham, Ala.)*. That airspace bounded by a line beginning at a point at latitude 32°52'00", longitude 87°30'00", thence north to latitude 34°15'00", longitude 87°30'00", thence east to latitude 34°15'00", longitude 86°15'00", thence south to latitude 34°00'00", longitude 86°15'00", thence southeast to latitude 33°39'00", longitude 86°00'00", thence south to latitude 32°52'00", longitude 86°00'00", thence west to latitude 32°52'00", longitude 87°30'00".

4. Section 601.1134 is amended to read:

§ 601.1134 *Control area extension (Columbus, Ga.)*. That airspace north of Columbus bounded on the northwest by VOR civil airway No. 20, on the south by VOR civil airway No. 56, on the east by VOR civil airway No. 97, and on the north by the Atlanta, Ga., 50-mile radius control area extension.

5. Section 601.1161 *Control area extension (Chicago, Ill.)* is amended by deleting the words which read: "excluding the portion overlapping restricted areas".

6. Section 601.1173 is amended to read:

§ 601.1173 *Control area extension (San Francisco, Calif.)*. That airspace bounded by a line beginning at a point at latitude 38°08'30", longitude 122°54'00", thence to latitude 37°14'00", longitude 122°24'55", thence to latitude 36°16'00", longitude 124°26'00", thence to latitude 37°40'00", longitude 125°23'30", thence to latitude 37°50'00", longitude 124°24'30", thence to latitude 38°00'00", longitude 123°23'00", thence to latitude 38°03'20", longitude 123°12'00", thence to point of beginning. The portions of this control area extension which overlap Point Reyes warning area (W–513) are excluded between the hours 8:00 a. m. to 8:00 p. m. P. s. t. daily.

7. Section 601.1176 is amended to read:

§ 601.1176 *Control area extension (Santa Barbara, Calif.)*. That airspace centered on the 247° True radial of the Santa Barbara omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Oakland Oceanic Control Area, excluding the portion which overlaps restricted area R–288.

8. Section 601.1206 *Control area extension (Midland, Tex.)* is amended by adding the following portion to present control area extension: "that airspace within 5 miles either side of the 146° True radial of the Midland omnirange extending from the omnirange station to a point 55 miles southeast."

9. Section 601.1251 *Control area extension (Mansfield, Ohio)* is amended by changing the words which read: "bounded on the southeast by VOR civil airway No. 88," to read: "Bounded on the southeast by VOR civil airway No. 246,".

10. Section 601.1388 *Control area extension (Fort Bragg, N. C.)* is amended by changing the portion which reads: "bounded on the east by VOR civil airway No. 3 and Amber civil airway No. 7," to read: "bounded on the east by VOR civil airway No. 3 and Red civil airway No. 16,".

11. Section 601.1412 *Control area extension (Marysville, Calif.)* is amended by changing the words which read: "and on the east by restricted area R–265;" to read: "and on the east by restricted area R–265 and a line extending from a point at latitude 39°15'10", longitude 120°30'00" northward along longitude 120°30'00" to the southern edge of VOR civil airway No. 200;".

12. Section 601.1415 is added to read:

§ 601.1415 *Control area extension (Fortuna, Calif.)*. That airspace centered on the 270° True radial of the Fortuna omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Oakland Oceanic Control Area.

13. Section 601.1416 is added to read:

§ 601.1416 *Control area extension (Salt Lake City, Utah)*. That airspace southwest of Salt Lake City bounded on the north by Red civil airway No. 49, on the east by Amber civil airway No. 2 and on the southwest by VOR civil airway No. 253.

14. Section 601.1983 *Three mile radius zones* is amended by deleting the following airports: Everett, Wash.: Paine AFB. Schenectady, N. Y.: Schenectady Airport.

15. Section 601.2001 is amended to read:

§ 601.2001 *Albany, N. Y., control zone.* Within a 5-mile radius of the Albany Municipal Airport, within 2 miles either side of the north course of the Albany radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of the Albany ILS localizer course extending from the localizer to a point 10 miles north of the ILS outer marker.

16. Section 601.2090 *Columbus, Ohio, control zone* is amended by deleting the portion which reads: "and within 2 miles either side of the 50° and 230° True

Ohio, omnirange 121° True and the (*Columbus, Ohio, to Erie, Pa.*). From *N. Y.*) is amended by changing the por-

radials of the Columbus omnirange extending from the Port Columbus airport control zone to a point 10 miles northeast of the omnirange station."

17. Section 601.2226 is amended to read:

§ 601.2226 *Springfield, Ill., control zone.* Within a 5-mile radius of Capital Airport, Springfield, Ill., within 2 miles either side of the northeast and southwest courses of the Springfield radio range extending from the airport to a point 12 miles southwest of the radio range station, within 2 miles either side of the 40° True radial of the Springfield omnirange extending from the omnirange station to a point 12 miles northeast, and within 2 miles either side of 42° True and 222° True bearings from the ILS outer compass locator extending from the 5-mile radius zone to a point 12 miles southwest of the outer compass locator.

18. Section 601.2281 is amended to read:

§ 601.2281 *Tacoma, Wash., control zone.* Within a 5-mile radius of McChord Air Force Base and within 2 miles either side of the north course of the McChord radio range extending from the Air Force Base to the radio range station, excluding the portions from the surface upwards which are in conflict with and overlap restricted areas R–503 and R–504.

19. Section 601.2286 is amended to read:

§ 601.2286 *Columbus, Ga., control zone.* Within a 5-mile radius of Muscogee County Airport including the airspace within 2 miles either side of the northeast course of the Columbus radio range extending southward to include a 5-mile radius of the Lawson Army Airfield, within 2 miles either side of the southwest course of the Columbus radio range extending from the radio range station to a point 10 miles southwest, and within 2 miles either side of the 150° and 330° True radials of the Columbus omnirange extending from the Muscogee County Airport to a point 3 miles northwest of the omnirange station. The portions of this control zone which overlap restricted area R–129 are excluded.

20. Section 601.2396 is added to read:

§ 601.2396 *Everett, Wash., control zone.* Within a 5-mile radius of Paine Air Force Base and within 2 miles either side of a direct line extending from the Paine AFB to the Paine AFB nondirectional radio beacon.

21. Section 601.2397 is added to read:

§ 601.2397 *Schenectady, N. Y., control zone.* Within a 5-mile radius of Schenectady County Airport and within 2 miles either side of a direct line extending between the Schenectady County Airport and the Albany, N. Y., ILS outer marker.

22. Section 601.4207 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.)* is amended by deleting the following reporting point: "the intersection of the north course of the Charlotte, N. C., radio range and the southwest course of the Greensboro, N. C., radio range."

23. Section 601.4661 *Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.)* is revoked.

24. Section 601.5001 *Other reporting points* is amended by deleting the following: "Seal Intersection: The intersection of a rhumb line between the Nantucket, Mass., nondirectional radio beacon and the Kindley AFB Bermuda radio range station and the western boundary of the ICAO Control Area at latitude 39°50'00" N., longitude 69°16'00" W." and by adding the following reporting point in lieu thereof: "Haddock Intersection: The intersection of a rhumb line between the Nantucket, Mass., nondirectional radio beacon and the Kindley AFB Bermuda nondirectional radio beacon and the western boundary of the New York Oceanic Control Area at latitude 39°50'00" N., longitude 69°16'00" W."

25. Section 601.6038 is amended to read:

§ 601.6038 *VOR civil airway No. 38 control areas (Iowa City, Iowa, to Elkins, W. Va.).* All of VOR civil airway No. 38 including a south alternate.

26. Section 601.6056 is amended to read:

§ 601.6056 *VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.).* All of VOR civil airway No. 56 including a north alternate, but excluding the airspace between the main airway and its north alternate between the Columbus, S. C. omnirange station and the Florence, S. C. omnirange station.

27. Section 601.6221 is amended to read:

§ 601.6221 *VOR civil airway No. 221 control areas (Fort Wayne, Ind., to Erie, Pa.).* All of VOR civil airway No. 221.

28. Section 601.6241 is added to read:

§ 601.6241 *VOR civil airway No. 241 control areas (Crestview, Fla., to Atlanta, Ga.).* All of VOR civil airway No. 241.

29. Section 601.6244 *VOR civil airway No. 244 control areas (Crestview, Fla., to Dothan, Ala.)* is revoked.

30. Section 601.6253 is added to read:

§ 601.6253 *VOR civil airway No. 253 control areas (Utah Lake, Utah, to Grantsville, Utah).* All of VOR civil airway No. 253.

31. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points:

Grantsville, Md., omnirange station.
Birmingham, Ala., omnirange station.
North Perry Intersection: The intersection of the Jefferson, Ohio, omnirange 279° True and the Youngstown, Ohio, omnirange 320° True radials.
Doby Intersection: The intersection of the Elko, Nev., omnirange 338° True and the Wells, Nev., omnirange 249° True radials.

by changing the following reporting points to read:

Marchand Intersection: The intersection of the Youngstown, Ohio, omnirange 232° True and the Cleveland, Ohio, omnirange 132° True radials.
Atwater Intersection: The intersection of the Youngstown, Ohio, omnirange 232° True and the Cleveland, Ohio, omnirange 116° True radials.
Adamsville Intersection: The intersection of the Appleton, Ohio, omnirange 085° True and the Mansfield, Ohio, omnirange 149° True radials.
Gill Intersection: The intersection of the Jefferson, Ohio, omnirange 279° True and the Cleveland, Ohio, omnirange 024° True radials.
Point Dume Intersection: The intersection of the Fillmore, Calif., omnirange 163° True and the Long Beach, Calif., omnirange 287° True radials.

and by revoking the following reporting points:

Richmond Intersection: The intersection of the Houston, Tex., omnirange 255° True and the Eagle Lake, Tex., omnirange 106° True radials.
Keyser Intersection: The intersection of the Morgantown, W. Va., omnirange 096° True and the Front Royal, Va., omnirange 307° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. December 13, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–9383; Filed, Nov. 15, 1956; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

KLAMATH INDIAN IRRIGATION PROJECT, OREGON

NOVEMBER 6, 1956.

On October 5, 1956 notice of intention to amend § 130.47 was published in the daily issue of the FEDERAL REGISTER Volume 21, Number 194, on page 7653.

Interested persons were thereby given opportunity to participate in the preparation of the proposed amendments by submitting data or argument within thirty days from the date of publication of the notice. No written or oral communications were received within the period specified. Therefore, the said section is hereby amended and promulgated as follows:

§ 130.47 *Assessments.* (a) The rate of assessment of operation and maintenance charges on irrigable land of the Modoc Point Unit to which water can be delivered is hereby fixed at $4.00 per acre per annum for the calendar year 1957, and subsequent years, until further notice.

(b) The rate of assessment of operation and maintenance charges on land under the Sand Creek Unit shall remain at $3.00 per acre per annum until further notice.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PERRY E. SKARRA,
Acting Area Director.

[F. R. Doc. 56–9388; Filed, Nov. 15, 1956; 8:46 a. m.]

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

NOVEMBER 9, 1956.

On October 5, 1956 there was published in the daily issue of the FEDERAL REGISTER, Volume 21, Number 194, page 7653, notice of intention to amend § 130.86, Subchapter L, Chapter I of the Code of Federal Regulations Title 25. This section deals with the operation and maintenance charges on assessable lands at the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to Don C. Foster, Area Director, within thirty days from the date of publication of the notice. Written comments, unsupported by factual data, were received from both the non-Indian water users' association and from the Yakima Tribal Council. After giving due consideration to these comments, it was determined that sufficient justification existed for the proposed rate increase and, accordingly, § 130.86 of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter L, is amended as follows:

§ 130.86 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1957 and subsequent years until further notice are hereby fixed as follows:

(a) Minimum charges for all tracts in noncontiguous single ownership	$7.25
(b) Flat rate upon all farm units or tracts for each accessible acre	6.00
(c) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.45

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

DON C. FOSTER,
Area Director.

[F. R. Doc. 56–9387; Filed, Nov. 15, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I–10 (Revised)]

DMO I–10—ASSIGNMENT OF DEFENSE MOBILIZATION RESPONSIBILITIES TO THE U. S. DEPARTMENT OF LABOR

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; Executive Order 10480 of August 14, 1953; and in order to facilitate the development and coordination of Federal policies and programs for current defense activities and readiness for any future mobilization, it is hereby ordered:

1. The Secretary of Labor will be responsible for the development of preparedness measures relating to the expansion of the labor force, to improving its skills, and to the distribution, utilization and compensation of the civilian labor force. Also, the Secretary of Labor will be responsible for the development of a national wage and salary stabilization program and organization for use in the event of mobilization or attack on the United States. Such preparedness measures shall be undertaken within a work program which is consistent with the defense mobilization assumptions and objectives for the Government as a whole. Where appropriate, it should also take account of delegations of authority and responsibility from Federal Civil Defense Administration. To assure consistency with the mobilization program as a whole, the proposed work program will be submitted to the Director of the Office of Defense Mobilization for review.

2. The specific manpower and related measures for which the Secretary of Labor is responsible are as follows:

(a) Continuously assemble, analyze, and make available to other agencies in accordance with their needs, information relating to manpower resources and requirements, including information with respect to:

(1) The effect on current manpower resources, and on the potential manpower resources available for mobilization, of currently projected production and procurement programs, of currently proposed armed forces strength levels, and of other government programs;

(2) The manpower feasibility of production and other programs planned in event of mobilization or attack on the United States, identifying present or potential manpower shortages and the other manpower problems which should be attacked now in the interests of national security; and

(3) The manpower distribution and utilization adjustments needed in event of mobilization or attack.

(b) Make recommendations on the adjustments in production, procurement and other government programs needed in the interests of effective utilization of the nation's manpower resources in event of mobilization or attack.

(c) Develop plans and programs for meeting defense-supporting and essential civilian labor requirements, and for achieving maximum utilization of the civilian labor force in the event of mobilization or attack.

(d) Develop, in cooperation with the Department of Commerce, the Department of Defense, the National Labor Relations Board, the Federal Mediation and Conciliation Service, and the National Mediation Board, measures for the maintenance of effective labor-management relations during a national emergency.

(e) Assist the Office of Defense Mobilization in the development of manpower policies suitable in the event of mobilization or attack on the United States.

(f) Develop and maintain plans to insure the continuity of the essential functions of the Department in the event of attack on the United States.

3. The specific stabilization preparedness measures for which the Secretary of Labor is responsible are as follows:

(a) Develop measures for wage and salary stabilization during a national emergency.

(b) Develop measures for the administration of a wage and salary stabilization program during a national emergency including provisions for a national and field organization.

(c) Develop measures for an investigation and enforcement program to maintain compliance with the wage and salary stabilization policies, orders and regulations during a national emergency.

(d) Develop plans for such statistical studies as may be necessary in order to assist stabilization operating agencies to carry out their functions during a national emergency.

(e) Develop plans for the gathering and dissemination of wage, price, and other economic data for policy decisions and operating needs during a period of national emergency.

4. The work programs to be undertaken by the Department of Labor shall indicate the priority and scope of the work to be carried on in the assigned areas. Periodic reports of progress shall be submitted, as requested.

5. This order is not intended to affect any delegation of authority heretofore conferred upon the Secretary of Labor.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56–9423; Filed, Nov. 15, 1956; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1361]

[72848]

UTAH

REVOKING DEPARTMENTAL ORDER OF JANUARY 7, 1907, WHICH WITHDREW LANDS FOR USE OF THE FOREST SERVICE AS A RANGER STATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The departmental order of January 7, 1907, withdrawing certain lands within the Beaver Forest Reserve (now Fishlake National Forest) in Utah, for use of the Forest Service, Department of Agriculture, as a ranger station, which was partially revoked by departmental order of April 7, 1914, is hereby revoked in its entirety. The following lands are released from withdrawal by this order:

SALT LAKE MERIDIAN

T. 30 S., R. 5 W.,
Sec. 9, SW¼SW¼.

The area described contains 40 acres.

The lands are within the Fishlake National Forest, and shall be opened, subject to any valid existing rights, and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands effective at 10:00 a. m. on December 15, 1956.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

NOVEMBER 9, 1956.

[F. R. Doc. 56-9389; Filed, Nov. 15, 1956; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

STATEMENT OF POLICY

Correction

In the Appendix in Federal Register Document 56-9131, published at page 8588 of the issue for Thursday, November 8, 1956, paragraph B 4 should read as follows:

4. *Default.* In the event of default under conditions 1 or 2 or 3, the vessel approved for transfer shall be subject to the penalties imposed for violation of conditions of approval as provided in section 41 of the Shipping Act, 1916, as amended (46 U. S. C. 839).

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

PART 34—SOUTHEASTERN REGION

HUNTING OF DEER AND FISHING

On June 28, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 4758) regarding the proposed revocation of the regulations authorizing the hunting of deer on the Trempealeau National Wildlife Refuge, Wisconsin. No views, data, or arguments having been received in response to the notice and it being deemed in the public interest to take such action, the following regulations are revoked effective 30 days after publication of this document in the FEDERAL REGISTER:

HUNTING OF DEER

§ 33.251 *Deer hunting permitted.* (11 F. R. 11509.)

§ 33.252 *Entry upon refuge.* (11 F. R. 11509.)

§ 33.253 *State hunting laws.* (11 F. R. 11509.)

Public fishing on the Reelfoot National Wildlife Refuge, Tennessee, having been authorized by administrative action pursuant to § 18.11, Title 50, Code of Federal Regulations, the following existing regulations are no longer required and are revoked effective upon publication of this document in the FEDERAL REGISTER:

FISHING

§ 34.151 *Fishing permitted.* (7 F. R. 8067.)

§ 34.152 *State fishing laws.* (7 F. R. 8067.)

§ 34.153 *Fishing licenses and permits.* (7 F. R. 8067.)

§ 34.154 *Routes of travel.* (7 F. R. 8067.)

§ 34.155 *Temporary restrictions.* (7 F. R. 8067.)

(Sec. 10, 45 Stat. 1224, as amended, sec. 4, 48 Stat. 402, as amended; 16 U. S. C. 715i, 664)

Issued at Washington, D. C., and dated November 8, 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-9386; Filed, Nov. 15, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NORMAL TAXES AND SURTAXES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The regulations set forth below are prescribed under sections 541 to 565 inclusive, of the Internal Revenue Code of 1954. Except as otherwise stated in the regulations, the rules are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

NORMAL TAXES AND SURTAXES; CORPORATIONS USED TO AVOID INCOME TAX ON SHAREHOLDERS

PERSONAL HOLDING COMPANIES

Sec.
1.541 Statutory provisions; imposition of personal holding company tax.
1.541–1 Imposition of tax.
1.542 Statutory provisions; definition of personal holding company.
1.542–1 General rule.
1.542–2 Gross income requirement.
1.542–3 Stock ownership requirement.
1.542–4 Corporations filing consolidated returns.
1.543 Statutory provisions; definition of personal holding company income.
1.543–1 Personal holding company income.
1.543–2 Limitation on gross income and personal holding company income in transactions involving stocks, securities and commodities.
1.544 Statutory provisions; rules for determining stock ownership.
1.544–1 Constructive ownership.
1.544–2 Constructive ownership by reason of indirect ownership.
1.544–3 Constructive ownership by reason of family and partnership ownership.
1.544–4 Options.
1.544–5 Convertible securities.
1.544–6 Constructive ownership as actual ownership.
1.544–7 Option rule in lieu of family and partnership rule.
1.545 Statutory provisions; undistributed personal holding company income.
1.545–1 Definition.
1.545–2 Adjustments to taxable income.
1.546 Statutory provisions; income not placed on annual basis.
1.547 Statutory provisions; deduction for deficiency dividends.
1.547–1 General rule.
1.547–2 Requirements for deficiency dividends.
1.547–3 Claim for credit or refund.
1.547–4 Effect on dividends paid deduction.
1.547–5 Deduction denied in case of fraud or wilful failure to file timely return.
1.547–6 Suspension of statute of limitations and stay of collection.
1.547–7 Effective date.

FOREIGN PERSONAL HOLDING COMPANIES

1.551 Statutory provisions; foreign personal holding company income taxed to United States shareholders.
1.551–1 General rule.
1.551–2 Amount included in gross income.
1.551–3 Deduction for obligations of the United States and its instrumentalities.
1.551–4 Information in return.
1.551–5 Effect on capital account of foreign personal holding company and basis of stock in hands of shareholders.
1.552 Statutory provisions; definition of foreign personal holding company.
1.552–1 Definition of foreign personal holding company.
1.552–2 Gross income requirement.
1.552–3 Stock ownership requirement.
1.552–4 Certain excluded banks.
1.552–5 United States shareholder of excluded bank.
1.553 Statutory provisions; foreign personal holding company income.

Sec.
1.553–1 Foreign personal holding company income.
1.554 Statutory provisions; stock ownership.
1.554–1 Stock ownership.
1.555 Statutory provisions; gross income of foreign personal holding companies.
1.555–1 General rule.
1.555–2 Additions to gross income.
1.556 Statutory provisions; undistributed foreign personal holding company income.
1.556–1 Definition.
1.556–2 Adjustments to taxable income.
1.556–3 Illustration of computation of undistributed foreign personal holding company income.
1.557 Statutory provisions; income not placed on annual basis.

DEDUCTION FOR DIVIDENDS PAID

1.561 Statutory provisions; definition of deduction for dividends paid.
1.561–1 Deduction for dividends paid.
1.561–2 When dividends are considered paid.
1.562 Statutory provisions; rules applicable in determining dividends eligible for dividends paid deduction.
1.562–1 Dividends for which the dividends paid deduction is allowable.
1.562–2 Preferential dividends.
1.562–3 Distributions by a member of an affiliated group.
1.563 Statutory provisions; rules relating to dividends paid after close of taxable year.
1.563–1 Accumulated earnings tax.
1.563–2 Personal holding company tax.
1.563–3 Dividends considered as paid on last day of taxable year.
1.564 Statutory provisions; dividend carryover.
1.564–1 Dividend carryover.
1.565 Statutory provisions; consent dividends.
1.565–1 General rule.
1.565–2 Limitations.
1.565–3 Effect of consent.
1.565–4 Consent dividends and other distributions.
1.565–5 Nonresident aliens and foreign corporations.
1.565–6 Definitions.

PERSONAL HOLDING COMPANIES

§ 1.541 *Statutory provisions; imposition of personal holding company tax.*

SEC. 541. *Imposition of personal holding company tax.* In addition to other taxes imposed by this chapter, there is hereby imposed for each taxable year on the undistributed personal holding company income (as defined in section 545) of every personal holding company (as defined in section 542) a personal holding company tax equal to the sum of—

(1) 75 percent of the undistributed personal holding company income not in excess of $2,000, plus

(2) 85 percent of the undistributed personal holding company income in excess of $2,000.

§ 1.541–1 *Imposition of tax.*

(a) Section 541 imposes a graduated tax upon corporations classified as personal holding companies under section 542. This tax, if applicable, is in addition to the tax imposed upon corporations generally under section 11. Unless specifically excepted under section 542 (c) the tax applies to domestic and foreign corporations and, to the extent provided by section 542 (b), to an affiliated group of corporations filing a consolidated return. Corporations classified as personal holding companies are exempt from the accumulated earnings tax imposed under section 531 but are not exempt from other income taxes imposed upon corporations, generally, under any other provisions of the Code. Unlike the accumulated earnings tax imposed under section 531, the personal holding company tax imposed by section 541 applies to all personal holding companies as defined in section 542, whether or not they were formed or availed of to avoid income tax upon shareholders. See section 6501 (f) and the regulations thereunder with respect to the requirements for filing a schedule of personal holding company income.

(b) A foreign corporation, whether resident or nonresident, which is classified as a personal holding company is subject to the tax imposed under section 541 with respect to its income from sources within the United States, even though such income is not fixed or determinable annual or periodical income specified in section 881. A foreign corporation is not classified as a personal holding company subject to tax under section 541 if it is a foreign personal holding company as defined in section 552 or if it meets the requirements of the exception provided in section 542 (c) (10).

§ 1.542 *Statutory provisions; definition of personal holding company.*

SEC. 542. *Definition of personal holding company.*—(a) *General rule.* For purposes of this subtitle, the term "personal holding company" means any corporation (other than a corporation described in subsection (c)) if—

(1) *Gross income requirement.* At least 80 percent of its gross income for the taxable year is personal holding company income as defined in section 543, and

(2) *Stock ownership requirement.* At any time during the last half of the taxable year more than 50 percent in value of its outstanding stock is owned, directly or indirectly, by or for not more than 5 individuals. For purposes of this paragraph, an organization described in section 503 (b) or a portion of a trust permanently set aside or to be used exclusively for the purposes described in section 642 (c) or a corresponding provision of a prior income tax law shall be considered an individual. The preceding sentence shall not apply in the case of an organization or trust organized or created before July 1, 1950, if at all times on or after July 1, 1950, and before the close of the taxable year such organization or trust has owned all of the common stock and at least 80 percent of the total number of shares of all other classes of stock of the corporation, but only if such organization or trust is not denied exemption under section 504 or an unlimited charitable deduction is not denied under section 681 (c) and, for this purpose—

(A) All income of the corporation which is available for distribution as dividends to its shareholders at the close of any taxable year shall be deemed to have been distributed at the close of such year whether or not any portion of such income was in fact distributed; and

(B) Section 504 (a) (1) and section 681 (c) (1) shall also not apply to income attributable to property of a decedent dying before January 1, 1951, which was transferred during his lifetime to a trust or property that was transferred under his will to such trust.

(b) *Corporations filing consolidated returns.*—(1) *General rule.* In the case of an affiliated group of corporations filing or required to file a consolidated return under section 1501 for any taxable year, the gross income requirement of subsection (a) (1) of this section shall, except as provided in paragraphs (2) and (3), be applied for such year with respect to the consolidated gross income and the consolidated personal holding company income of the affiliated group. No member of such an affiliated group shall be considered to meet such gross income requirement unless the affiliated group meets such requirement.

(2) *Ineligible affiliated group.* Paragraph (1) shall not apply to an affiliated group of corporations, other than an affiliated group of railroad corporations the common parent of which would be eligible to file a consolidated return under section 141 of the Internal Revenue Code of 1939 prior to its amendment by the Revenue Act of 1942, if—

(A) Any member of the affiliated group of corporations (including the common parent corporation) derived 10 percent or more of its gross income for the taxable year from sources outside the affiliated group, and

(B) 80 percent or more of the amount described in subparagraph (A) consists of personal holding company income (as defined in section 543).

For purposes of this paragraph, section 543 shall be applied as if the amount described in subparagraph (A) were the gross income of the corporation.

(3) *Excluded corporations.* Paragraph (1) shall not apply to an affiliated group of corporations if any member of the affiliated group (including the common parent corporation) is a corporation excluded from the definition of personal holding company under subsection (c).

(4) *Certain dividend income received by a common parent.* In applying paragraph (2) (A) and (B), personal holding company income and gross income shall not include dividends received by a common parent corporation from another corporation if—

(A) The common parent corporation owns, directly or indirectly, more than 50 percent of the outstanding voting stock of such other corporation, and

(B) Such other corporation is not a personal holding company for the taxable year in which the dividends are paid.

(c) *Exceptions.* The term "personal holding company" as defined in subsection (a) does not include—

(1) A corporation exempt from tax under subchapter F (sec. 501 and following);

(2) A bank as defined in section 581;

(3) A life insurance company;

(4) A surety company;

(5) A foreign personal holding company as defined in section 552;

(6) A licensed personal finance company under State supervision, 80 percent or more of the gross income of which is lawful interest received from loans made to individuals in accordance with the provisions of applicable State law if at least 60 percent of such gross income is lawful interest—

(A) Received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and

(B) Not payable in advance or compounded and computed only on unpaid balances, and if the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including, in the case of an individual, stock owned by the members of his family as defined in section 544 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount;

(7) A lending company, not otherwise excepted by this subsection, authorized to engage in the small loan business under one or more State statutes providing for the direct regulation of such business, 80 percent or more of the gross income of which is lawful interest, discount or other authorized charges—

(A) Received from loans maturing in not more than 36 months made to individuals in accordance with the provisions of applicable State law, and

(B) Which do not, in the case of any individual loan, exceed in the aggregate an amount equal to simple interest at the rate of 3 percent per month not payable in advance and computed only on unpaid balances, if at least 60 percent of the gross income is lawful interest, discount or other authorized charges received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and if the deductions allowed to such company under section 162 (relating to trade or business expenses), other than for compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 544 (a) (2)) constitute 15 percent or more of its gross income, and the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including, in the case of an individual, stock owned by the members of his family as defined in section 544 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount;

(8) A loan or investment corporation, a substantial part of the business of which consists of receiving funds not subject to check and evidenced by installment or fully paid certificates of indebtedness or investment, and making loans and discounts, and the loans to a person who is a shareholder in such corporation during such taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including, in the case of an individual, stock owned by the members of his family as defined in section 544 (a) (2)) outstanding at any time during such year do not exceed $5,000 in principal amount;

(9) A finance company, actively and regularly engaged in the business of purchasing or discounting accounts or notes receivable or installment obligations, or making loans secured by any of the foregoing or by tangible personal property, at least 80 percent of the gross income of which is derived from such business in accordance with the provisions of applicable State law or does not constitute personal holding company income as defined in section 543, if 60 percent of the gross income is derived from one or more of the following classes of transactions—

(A) Purchasing or discounting accounts or notes receivable, or installment obligations evidenced or secured by contracts of conditional sale, chattel mortgages, or chattel lease agreements, arising out of the sale of goods or services in the course of the transferor's trade or business;

(B) Making loans, maturing in not more than 36 months, to, and for the business purposes of, persons engaged in trade or business, secured by—

(i) Accounts or notes receivable, or installment obligations, described in subparagraph (A);

(ii) Warehouse receipts, bills of lading, trust receipts, chattel mortgages, bailments, or factor's liens, covering or evidencing the borrower's inventories;

(iii) A chattel mortgage on property used in the borrower's trade or business;

except loans to any single borrower which for more than 90 days in the taxable year of the company exceed 15 percent of the average funds employed by the company during such taxable year;

(C) Making loans, in accordance with the provisions of applicable State law, secured by chattel mortgages on tangible personal property, the original amount of each of which is not less than the limit referred to in, or prescribed by, paragraph (6) (A), and the aggregate principal amount of which owing by any one borrower to the company at any time during the taxable year of the company does not exceed $5,000; and

(D) If 30 percent or more of the gross income of the company is derived from one or more of the classes of transactions described in subparagraphs (A), (B), and (C), purchasing, discounting, or lending upon the security of, installment obligations of individuals where the transferor or borrower acquired such obligations either in transactions of the classes described in subparagraphs (A) and (C) or as a result of loans made by such transferor or borrower in accordance with the provisions of subparagraphs (A) and (B) of paragraph (6) or of subparagraphs (A) and (B) of paragraph (7) of this subsection, if the funds so supplied at all times bear an agreed ratio to the unpaid balance of the assigned installment obligations, and documents evidencing such obligations are held by the company;

Provided, That the deductions allowable under section 162 (relating to trade or business expenses), other than compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 544 (a) (2)), constitute 15 percent or more of the gross income, and that loans to a person who is a shareholder in such company during such taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including, in the case of an individual, stock owned by members of his family as defined in section 544 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount;

(10) A foreign corporation if—

(A) Its gross income from sources within the United States for the period specified in section 861 (a) (2) (B) is less than 50 percent of its total gross income from all sources, and

(B) All of its stock outstanding during the last half of the taxable year is owned by nonresident alien individuals, whether directly or indirectly through other foreign corporations.

[Sec. 542 as amended by sec. 3, Pub. Law 385 (84th Cong.). Sec. 3, Pub. Law 385, added the last sentence of sec. 542 (a) (2), effective with respect to taxable years beginning after December 31, 1954]

§ 1.542–1 *General rule.* A personal holding company is any corporation (other than one specifically excepted under section 542 (c)) which, for the taxable year, meets—

(a) The gross income requirement specified in section 542 (a) (1) and § 1.542–2, and

(b) The stock ownership requirement specified in section 542 (a) (2) and § 1.542–3.

Both requirements must be satisfied with respect to each taxable year.

§ 1.542–2 *Gross income requirement.* To meet the gross income requirement it is necessary that at least 80 percent of the total gross income of the corporation for the taxable year be personal holding company income as defined in section 543 and §§ 1.543–1 and 1.543–2. For a discussion of what generally constitutes "gross income" see section 61 and the regulations thereunder. However, for the purpose of meeting the percentage requirement of section 542, gross income is not synonymous with gross receipts and, accordingly, the amount of gross income for this purpose may differ from the amount determined under section 61 for ordinary corporate tax purposes. For example, for purposes of section 542, gross income in the case of mineral, oil, or gas production payments is not the gross amount of such payments received but is only the excess of such gross amount over the proportionate amount of the cost of the payment rights under which such amounts are received (see the examples of the computation of gross income and personal holding company income contained in § 1.543–1 (b) (11) (iii) (*b*)).

§ 1.542–3 *Stock ownership requirement*—(a) *General rule.* To meet the stock ownership requirement, it is necessary that at sometime during the last half of the taxable year more than 50 percent in value of the outstanding stock of the corporation be owned, directly or indirectly, by or for not more than 5 individuals. Any organization or trust to which subparagraph (1) of this paragraph applies shall be considered as one individual for purposes of this stock ownership requirement subject, however, to the exception in subparagraph (2) of this paragraph which is applicable only to taxable years beginning after December 31, 1954. Thus, if an organization or trust which is considered as an individual, owns 51 percent in value of the outstanding stock of the corporation at any time during the last half of the taxable year, the stock ownership requirement will be met by ownership of the required percentage by one individual. See section 544 and § 1.544–1 through § 1.544–7 for the determination of stock ownership.

(1) *An organization or trust considered as an individual.* Any of the following organizations or trusts shall be considered as an individual:

(i) An organization to which section 503 applies, namely, any organization described in section 501 (c) (3) (relating to charitable, etc., organizations) or section 401 (a) (relating to employees' pension trust, etc.) other than an organization excepted from the application of section 503 by paragraphs (1) to (5) of section 503 (b). Therefore, a religious organization (other than a trust) excepted under section 503 (b) (1) is not considered an individual for purposes of the stock ownership requirement of section 542 (a) (2).

(ii) A portion of a trust permanently set aside or to be used exclusively for the purposes described in section 642 (c), relating to amounts set aside for charitable purposes, or described in a corresponding provision of the prior income tax law (such as section 162 (a), Internal Revenue Code of 1939).

(2) *Exception.* For taxable years beginning after December 31, 1954, an organization or trust to which subparagraph (1) of this paragraph applies shall not be considered an individual if all of the following conditions are met:

(i) It was organized or created before July 1, 1950,

(ii) At all times on or after July 1, 1950, and before the close of the taxable year, it owned all of the common stock and at least 80 percent of the total number of shares of all other classes of stock of the corporation, and

(iii) (*a*) For the taxable year it is not denied exemption under section 504 or the unlimited charitable deduction under section 681 (c). In determining whether the condition in this subdivision has been met, all income of the corporation which is available for distribution as dividends to its shareholders is treated as though distributed to the organization or trust at the close of such taxable year to the extent of its proportionate interest in income available for distribution as dividends. Accordingly, even though an organization or trust to which subparagraph (1) of this paragraph applies has not in fact been denied for the taxable year an exemption under section 504 (a) (1) or an unlimited charitable deduction under section 681 (c) (1) it may be deemed to be denied an exemption or unlimited charitable deduction for such taxable year for the purpose of determining whether it meets the condition under this subdivision. For the purpose of this subdivision the restrictions in sections 504 (a) (1) and 681 (c) (1) against unreasonable accumulations will not apply to income attributable to property of a decedent dying before January 1, 1951, which was transferred during his lifetime to a trust or property that was transferred under his will to such trust.

(*b*) *Example.* This subdivision is illustrated by the following example. The X Charitable Foundation (an organization described in section 501 (c) (3) to which section 503 is applicable) has owned all of the stock of the Y Corporation since Y's organization in 1949. Both X and Y are calendar year corporations. At the end of the year 1955, X has accumulated $100,000 out of income and has actually paid out only $75,000 of this amount, leaving a balance of $25,000 on December 31, 1955. X was not denied an exemption under section 504 (a) for the year 1955. Y, during the calendar year 1955, has $400,000 taxable income of which $200,000 is available for distribution as dividends at the end of the year. X will be considered to have accumulated out of income during the calendar year 1955 the amount of $225,000 for the purpose of determining whether it would have been denied an exemption under section 504 (a) (1). If X would have been denied an exemption under section 504 (a) (1) by reason of having been deemed to have accumulated $225,000, the stock ownership requirement of section 542 (a) (2) and this section will have been satisfied. If Y Corporation also satisfies the gross income requirement of section 542 (a) (1) and § 1.542–2 it will be a personal holding company.

(*b*) *Changes in stock outstanding.* It is necessary to consider any change in the stock outstanding during the last half of the taxable year, whether in the number of shares or classes of stock, or in the ownership thereof. Stock subscribed and paid for will be considered as stock outstanding, whether or not such stock is evidenced by issued certificates. Treasury stock shall not be considered as stock outstanding.

(*c*) *Value of stock outstanding.* The value of the stock outstanding shall be determined in the light of all the circumstances. The value may be determined upon the basis of the company's net worth, earning and dividend paying capacity, appreciation of assets, together with such other factors as have a bearing upon the value of the stock. If the value of the stock is greatly at variance with that reflected by the corporate books, the evidence of such value should be filed with the return. In any case where there are two or more classes of stock outstanding, the total value of all the stock should be allocated among the different classes according to the relative value of each class.

(*d*) *Applicability of rules.* The rules stated in this section are equally applicable in determining the stock ownership requirement specified in section 543 (a) (5), relating to personal service contracts, and in section 543 (a) (6), relating to the use of corporation property by a shareholder. The stock ownership requirement specified in these sections relates, however, to the stock outstanding at any time during the entire taxable year and not merely during the last half thereof.

§ 1.542–4 *Corporations filing consolidated returns*—(a) *General rule.* A consolidated return under section 1501 shall determine the application of the personal holding company tax to the group and to any member thereof on the basis of the consolidated gross income and consolidated personal holding company income of the group as determined under the regulations prescribed pursuant to section 1502 (relating to consolidated returns); however, this rule shall not apply to either (1) an ineligible affiliated group as defined in section 542 (b) (2) and paragraph (b) of this section, or (2) an affiliated group of corporations a member of which is excluded from the definition of a personal holding company under section 542 (c) and paragraph (c) of this section. Thus, in the latter two instances the gross income requirement provided in section 542 (a) (1) and § 1.542–2 shall apply to each individual member of the affiliated group of corporations.

(*b*) *Ineligible affiliated group.* (1) Except for certain affiliated railroad corporations, as provided in subparagraph (2) of this paragraph, an affiliated group of corporations is an ineligible affiliated group and therefore may not use its consolidated gross income and consolidated personal holding company income to determine the liability of the group or any member thereof for personal holding company tax (as provided in paragraph (a) of this section), if (i) any member of such group, including the common parent, derived gross income from sources outside the affiliated group for the taxable year in an amount equal to 10 percent or more of its gross income from all sources for that year and (ii) 80 percent or more of the gross income from sources outside the affiliated group consists of personal holding company income as defined in section 543 and §§ 1.543–1 and 1.543–2. For purposes of subdivision (i) of this subparagraph gross income shall not include certain dividend income received by a common parent from a corporation not a member of the affiliated group which qualifies under section 542 (b) (4) and paragraph (d) of this section. See particularly the examples contained in paragraph (d) (2) of this section. Intercorporate dividends received by members of the affiliated group (including the common parent) are to be included in the gross income from all sources for purposes of the test in subdivision (i) of this subparagraph. For purposes of subdivision (ii) of this subparagraph, section 543 and § 1.543–1 (a) shall be applied as if the amount of gross income derived from sources outside the affiliated group by a corporation which is a member of such group is the gross income of such corporation.

(2) An affiliated group of railroad corporations shall not be considered to be an ineligible affiliated group, notwithstanding any other provisions of section 542 (b) (2) and this paragraph, if the common parent of such group would be eligible to file a consolidated return under section 141 of the Internal Revenue Code of 1939 prior to its amendment by the Revenue Act of 1942.

(3) See section 562 (d) and § 1.562–3 for dividends paid deduction in the case of a distribution by a member of an ineligible affiliated group.

(4) The determination of whether an affiliated group of corporations is an ineligible group under section 542 (b) (2) and this paragraph, may be illustrated by the following examples:

Example (1). Corporations X, Y, and Z constitute an affiliated group of corporations which files a consolidated return for the calendar year 1954; Corporations Y and Z are wholly-owned subsidiaries of Corporation X and derive no gross income from sources outside the affiliated group; Corporation X, the common parent, has gross income in the amount of $250,000 for the taxable year 1954. $200,000 of such gross income consists of dividends received from Corporations Y and Z. The remaining $50,000 was derived from sources outside the affiliated group, $40,000 of which represents personal holding company income as defined in section 543. The $50,000 included in the gross income of Corporation X and derived from sources outside the affiliated group is more than 10 percent of X's gross income ($50,000/250,000) and the $40,000 which represents personal holding company income is 80 percent of $50,000 (the amount considered to be the gross income of Corporation X). Accordingly, Corporations X, Y, and Z would be an ineligible affiliated group and the gross income requirement under section 542 (a) (1) and § 1.542–2 would be applied to each corporation individually.

Example (2). If, in the above example, only $30,000 of the $50,000 derived from sources outside the affiliated group by Corporation X represented personal holding company income, this group of affiliated corporations would not be an ineligible affiliated group. Although the $50,000 representing the gross income of Corporation X from sources outside the affiliated group is more than 10 percent of its total gross income, the amount of $30,000 representing

(iii) A chattel mortgage on property used in the borrower's trade or business;

for the taxable year be personal holding company income as defined in section

half of the taxable year, whether in the number of shares or classes of stock, or

to 10 percent or more of its gross income from all sources for that year and (ii)

more than 10 percent of its total gross income, the amount of $30,000 representing

personal holding company income is not 80 percent or more of the amount considered to be gross income for the purpose of this test. Under section 542 (b) (2) and subparagraph (1) (i) of this paragraph both the gross income and the personal holding company income requirements must be satisfied in determining that an affiliated group constitutes an ineligible group. Since both of these requirements have not been satisfied in this example this group of affiliated corporations would not be an ineligible group.

(c) *Excluded corporations.* The general rule for determining liability of an affiliated group under paragraph (a) of this section shall not apply if any member thereof is a corporation which is excluded, under section 542 (c), from the definition of a personal holding company.

(d) *Certain dividend income received by a common parent.* (1) Dividends received by the common parent of an affiliated group from a corporation which is not a member of the affiliated group shall not be included in gross income or personal holding company income, for the purpose of the test under section 542 (b) (2) (i) if such common parent owned, directly or indirectly, more than 50 percent of the outstanding voting stock of the dividend paying corporation at the time such common parent became entitled to the dividend and (ii) if the dividend paying corporation is not a personal holding company for the taxable year in which the dividends are paid. Thus, if the tests in subdivisions (i) and (ii) of this subparagraph are met, the dividend income received by the common parent from such other corporation will not be considered gross income for purposes of the test in section 542 (b) (2) (A) (paragraph (b) of this section), that is, either to determine gross income from sources outside the affiliated group or to determine gross income from all sources.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). Corporation X is the common parent of Corporation Y and Corporation Z and together they constitute an affiliated group which files a consolidated return under section 1501. Corporation Y and Corporation Z derived no income from sources outside the affiliated group. Corporation X, the common parent, had gross income of $100,000 for the calendar year 1954 of which amount $20,000 represented a dividend received from Corporation W, and $4,000 represented interest from Corporation T. The remaining gross income of X, $76,000, was received from Corporations Y and Z. Corporation X, for its entire taxable year, owned 60 percent of the voting stock of Corporation W which was not a personal holding company for the calendar year 1954. For the purpose of the gross income and personal holding company income test under section 542 (b) (2) and paragraph (b) of this section, the $20,000 dividend received from Corporation W would not be included in the gross income or personal holding company income of Corporation X. The affiliated group would not be an ineligible group under section 542 (b) (2) because 10 percent or more of its gross income was not from sources outside the affiliated group as required by section 542 (b) (2) (A). Inasmuch as the $20,000 dividend from Corporation W is not included in the gross income of Corporation X for purposes of section 542 (b) (2) Corporation X only has $4,000 gross income from sources outside the affiliated group which is only 5 percent of its gross income from all sources, $80,000.

Example (2). If, in example (1), Corporation X owned 50 percent or less of the voting stock of Corporation W at the time X became entitled to the dividend, or if Corporation W had been a personal holding company for the taxable year in which the dividends were paid, the $20,000 dividends received by Corporation X would be included in gross income and personal holding company income of Corporation X for the purpose of the test under section 542 (b) (2) and paragraph (b) of this section. Thus, the affiliated group would be an ineligible affiliated group under section 542 (b) (2) because 24 percent of its gross income was from sources outside the affiliated group ($24,000/$100,000) and 100 percent of this $24,000 was personal holding company income.

§ 1.543 *Statutory provisions; definition of personal holding company income.*

SEC. 543. *Personal holding company income*—(a) *General rule.* For purposes of this subtitle, the term "personal holding company income" means the portion of the gross income which consists of:

(1) *Dividends, etc.* Dividends, interest, royalties (other than mineral, oil, or gas royalties), and annuities. This paragraph shall not apply to interest constituting rent as defined in paragraph (7) or to interest on amounts set aside in a reserve fund under section 511 or 607 of the Merchant Marine Act, 1936.

(2) *Stock and securities transactions.* Except in the case of regular dealers in stock or securities, gains from the sale or exchange of stock or securities.

(3) *Commodities transactions.* Gains from futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange. This paragraph shall not apply to gains by a producer, processor, merchant, or handler of the commodity which arise out of bona fide hedging transactions reasonably necessary to the conduct of its business in the manner in which such business is customarily and usually conducted by others.

(4) *Estates and trusts.* Amounts includible in computing the taxable income of the corporation under part I of subchapter J (sec. 641 and following, relating to estates, trusts, and beneficiaries); and gains from the sale or other disposition of any interest in an estate or trust.

(5) *Personal service contracts.* (A) Amounts received under a contract under which the corporation is to furnish personal services; if some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description) in the contract; and

(B) Amounts received from the sale or other disposition of such a contract.

This paragraph shall apply with respect to amounts received for services under a particular contract only if at some time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services.

(6) *Use of corporation property by shareholder.* Amounts received as compensation (however designated and from whomsoever received) for the use of, or right to use, property of the corporation in any case where, at any time during the taxable year, 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for an individual entitled to the use of the property; whether such right is obtained directly from the corporation or by means of a sublease or other arrangement. This paragraph shall apply only to a corporation which has personal holding company income for the taxable year, computed without regard to this paragraph and paragraph (7), in excess of 10 percent of its gross income.

(7) *Rents.* Rents, unless constituting 50 percent or more of the gross income. For purposes of this paragraph, the term "rents" means compensation, however designated, for the use of, or right to use, property, and the interest on debts owed to the corporation, to the extent such debts represent the price for which real property held primarily for sale to customers in the ordinary course of its trade or business was sold or exchanged by the corporation; but does not include amounts constituting personal holding company income under paragraph (6).

(8) *Mineral, oil, or gas royalties.* Mineral, oil, or gas royalties, unless—

(A) Such royalties constitute 50 percent or more of the gross income, and

(B) The deductions allowable under section 162 (relating to trade or business expenses) other than compensation for personal services rendered by the shareholders, constitute 15 percent or more of the gross income.

(b) *Limitation on gross income in certain transactions.* For purposes of this part—

(1) Gross income and personal holding company income determined with respect to transactions described in section 543 (a) (2) (relating to gains from stock and security transactions) shall include only the excess of gains over losses from such transactions, and

(2) Gross income and personal holding company income determined with respect to transactions described in section 543 (a) (3) (relating to gains from commodity transactions) shall include only the excess of gains over losses from such transactions.

(c) *Gross income of insurance companies other than life or mutual.* In the case of an insurance company other than life or mutual, the term "gross income" as used in this part means the gross income, as defined in section 832 (b) (1), increased by the amount of losses incurred, as defined in section 832 (b) (5), and the amount of expenses incurred, as defined in section 832 (b) (6), and decreased by the amount deductible under section 832 (c) (7) (relating to tax-free interest).

§ 1.543–1 *Personal holding company income*—(a) *General rule.* The term "personal holding company income" means the portion of the gross income which consists of the classes of gross income described in paragraph (b) of this section. See section 543 (b) and § 1.543–2 for special limitations on gross income and personal holding company income in cases of gains from stocks', securities', and commodities' transactions.

(b) *Definitions*—(1) *Dividends.* The term "dividends" includes dividends as defined in section 316 and amounts required to be included in gross income under section 551 and §§ 1.551–1—1.551–2 (relating to foreign personal holding company income taxed to United States shareholders).

(2) *Interest.* The term "interest" means any amounts, includible in gross income, received for the use of money loaned. However, (i) interest which constitutes "rent" shall not be classified as interest but shall be classified as "rents" (see subparagraph (10) of this paragraph) and (ii) interest on amounts set

aside in a reserve fund under section 511 or 607 of the Merchant Marine Act, 1936 (46 U. S. C. 1101), shall not be included in personal holding company income.

(3) *Royalties (other than mineral, oil, or gas royalties).* The term "royalties" (other than mineral, oil, or gas royalties) includes amounts received for the privilege of using patents, copyrights, secret processes and formulas, good will, trade marks, trade brands, franchises, and other like property. It does not, however, include rents. For rules relating to rents see section 543 (a) (7) and subparagraph (10) of this paragraph. For rules relating to mineral, oil, or gas royalties, see section 543 (a) (8) and subparagraph (11) of this paragraph.

(4) *Annuities.* The term "annuities" includes annuities only to the extent includible in the computation of gross income. See section 72 and §§ 1.72–1—1.72–14 for rules relating to the inclusion of annuities in gross income.

(5) *Gains from the sale or exchange of stock or securities.* (i) Except in the case of regular dealers in stocks or securities as provided in subdivision (ii) of this subparagraph, personal holding company income includes the amount by which the gains exceed the losses from the sale or exchange of stock or securities. See section 543 (b) (1) and § 1.543–2 for provisions relating to this limitation. For this purpose, there shall be taken into account all those gains includible in gross income (including gains from liquidating dividends and other distributions from capital) and all those losses deductible from gross income which are considered under chapter 1 of the Internal Revenue Code of 1954 to be gains or losses from the sale or exchange of stock or securities. The term "stock or securities" as used in section 543 (a) (2) and this subparagraph includes shares or certificates of stock, stock rights or warrants, or interest in any corporation (including any joint stock company, insurance company, association, or other organization classified as a corporation by the Internal Revenue Code of 1954), certificates of interest or participation in any profit-sharing agreement, or in any oil, gas, or other mineral property, or lease, collateral trust certificates, voting trust certificates, bonds, debentures, certificates of indebtedness, notes, car trust certificates, bills of exchange, obligations issued by or on behalf of a State, Territory, or political subdivision thereof.

(ii) In the case of "regular dealers in stock or securities" there shall not be included gains or losses derived from the sale or exchange of stock or securities made in the normal course of business. The term "regular dealer in stock or securities" means a corporation with an established place of business regularly engaged in the purchase of stock or securities and their resale to customers. However, such corporations shall not be considered as regular dealers with respect to stock or securities which are held for investment. See section 1236 and the regulations thereunder.

(6) *Gains from futures transactions in commodities.* Personal holding company income includes the amount by which the gains exceed the losses from futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange. See § 1.543–2 for provisions relating to this limitation. In general, for the purpose of determining such excess, there are included all gains and losses on futures contracts which are speculative. However, for the purpose of determining such excess, there shall not be included gains or losses from cash transactions, or gains or losses by a producer, processor, merchant, or handler of the commodity, which arise out of bona fide hedging transactions reasonably necessary to the conduct of its business in the manner in which such business is customarily and usually conducted by others. See section 1233 and the regulations thereunder.

(7) *Estates and trusts.* Under section 543 (a) (4) personal holding company income includes amounts includible in computing the taxable income of the corporation under part I of subchapter J (relating to estates, trusts, and beneficiaries); and any gain derived by the corporation from the sale or other disposition of any interest in an estate or trust.

(8) *Personal service contracts.* (i) Under section 543 (a) (5) all amounts received under a contract under which the corporation is to furnish personal services, as well as all amounts received from the sale or other disposition of such contract, shall be included as personal holding company income if—

(a) Some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description) in the contract; and

(b) At any time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services. For this purpose, the value of the outstanding stock shall be determined in accordance with the rules set forth in § 1.542–3. It should be noted that the stock ownership requirement of section 543 (a) (5) and this subparagraph relates to the stock ownership at any time during the taxable year. For rules relating to the determination of stock ownership, see section 544 and §§ 1.544–1—1.544–7.

(ii) The fact that the contract, in addition to requiring the performance of services by a 25 percent stockholder who is designated or who could be designated (as specified in section 543 (a) (5) and subdivision (i) of this subparagraph) requires the performance of important and essential services by other persons is immaterial and all amounts received under such contract constitute personal holding company income.

(iii) The application of section 543 (a) (5) and this subparagraph may be illustrated by the following examples:

Example (1). A, whose profession is that of an actor, owns all of the outstanding capital stock of the M Corporation. The M Corporation entered into a contract with A under which A was to perform personal services for the person or persons whom the M Corporation might designate, in consideration of which A was to receive $10,000 a year from the M Corporation. The M Corporation entered into a contract with the O Corporation in which A was designated to perform personal services for the O Corporation in consideration of which the O Corporation was to pay the M Corporation $500,000 a year. The $500,000 received by the M Corporation from the O Corporation constitutes personal holding company income.

Example (2). Assume the same facts as in example (1), except that, in addition to A's contract with the M Corporation, B, whose profession is that of a dancer and C, whose profession is that of a singer, were also under contract to the M Corporation to perform personal services for the person or persons whom the M Corporation might designate, in consideration of which they were each to receive $25,000 a year from the M Corporation. Neither B nor C were stockholders of the M Corporation. The contract entered into by the M Corporation with the O Corporation, in addition to designating that A was to perform personal services for the O Corporation, designated that B and C were also to perform personal services for the O Corporation. Although the O Corporation particularly desired the services of A for an entertainment program it planned, it also desired the services of B and C, who were prominent in their fields, to provide a good supporting cast for the program. The fact that important and essential services of individuals other than A were called for by the contract (that is, the services of B and C) is immaterial and the entire amount received under the contract, $500,000, constitutes personal holding company income.

Example (3). The N Corporation is engaged in engineering. Its entire outstanding capital stock is owned by four individuals. The N Corporation entered into a contract with the R Corporation to perform engineering services in consideration of which the R Corporation was to pay the N Corporation $50,000. The individual who was to perform the services was not designated (by name or by description) in the contract and no one but the N Corporation had the right to designate (by name or by description) such individual. The $50,000 received by the N Corporation from the R Corporation does not constitute personal holding company income.

(9) *Compensation for use of property.* Under section 543 (a) (6) amounts received as compensation for the use of, or right to use, property of the corporation shall be included as personal holding company income if, at any time during the taxable year, 25 percent or more in value of the outstanding stock of the corporation is owned directly or indirectly, by or for an individual entitled to the use of the property. Thus, if a shareholder who meets the stock ownership requirements of section 543 (a) (6) and this subparagraph uses, or has the right to use a yacht, residence or other property owned by the corporation, the compensation to the corporation for such use, or right to use, the property constitutes personal holding company income. This is true even though the shareholder may acquire the use of, or the right to use, the property by means of a sublease or under any other arrangement involving parties other than the corporation and the shareholder. However, if the personal holding company income of the corporation (after excluding any such income described in section 543 (a) (6)

in the gross income of Corporation X for purposes of section 542 (b) (2) Corporation

25 percent or more in value of the outstanding stock of the corporation is owned,

(see subparagraph (10) of this paragraph) and (ii) interest on amounts set

and this subparagraph, relating to compensation for use of property, and after excluding any such income described in section 543 (a) (7) and subparagraph (10) of this paragraph, relating to rents) is not more than 10 percent of its gross income, compensation for the use of property shall not constitute personal holding company income. For the purpose of applying section 543 (a) (6) and this subparagraph, the value of the outstanding stock shall be determined in accordance with the rules set forth in § 1.542–3. It should be noted that the stock ownership requirement of section 543 (a) (6) and this subparagraph relates to the stock outstanding at any time during the entire taxable year. For rules relating to the determination of stock ownership, see section 544 and §§ 1.544–1—1.544–7.

(10) *Rents (including interest constituting rents).* Rents which are to be included as personal holding company income consist of compensation (however designated) for the use, or right to use, property of the corporation. The term "rents" does not include amounts includible in personal holding company income under section 543 (a) (6) and subparagraph (9) of this paragraph. The amounts considered as rents include charter fees, etc., for the use of, or the right to use, property, as well as interest on debts owed to the corporation (to the extent such debts represent the price for which real property held primarily for sale to customers in the ordinary course of the corporation's trade or business was sold or exchanged by the corporation). However, if the amount of the rents includible under section 543 (a) (7) and this subparagraph constitutes 50 percent or more of the gross income of the corporation, such rents shall not be considered to be personal holding company income.

(11) *Mineral, oil, or gas royalties.* (i) The income from mineral, oil, or gas royalties is to be included as personal holding company income, unless (*a*) the aggregate amount of such royalties constitutes 50 percent or more of the gross income of the corporation for the taxable year and (*b*) the aggregate amount of deductions allowable under section 162 (other than compensation for personal services rendered by the shareholders of the corporation) equals 15 percent or more of the gross income of the corporation for the taxable year.

(ii) The term "mineral, oil, or gas royalties" means all royalties received from any interest in mineral, oil, or gas properties. The term "mineral" includes those minerals which are included within the meaning of the term "minerals" in the regulations under section 611.

(iii) (*a*) For purposes of section 543 (a) (8) and this subparagraph the term "royalties" includes all mineral, oil, or gas production payments. Under section 542 and § 1.542–2 mineral, oil, or gas production payments constitute gross income only to the extent of the excess of the gross production payments received over the proportionate amount of the cost of the payment rights under which such production payments are received; accordingly, only such excess shall constitute "royalties" and be includible in personal holding company income under section 543 (a) (8) and this subparagraph.

(*b*) The application of this subdivision may be illustrated by the following examples:

Example (1). X Corporation, all of whose outstanding stock is owned during the calendar year 1957 by four individuals, purchases during such year an in-oil payment right in the face amount of $1,000,000 for $950,000. X is a calendar year taxpayer reporting its income under the cash receipts and disbursements method of accounting. This in-oil payment right pays out during the calendar year 1957 and X Corporation accordingly received oil production payments in the gross amount of $1,000,000 during the calendar year 1957. X Corporation has no other income for the calendar year 1957 and the only expenses for the calendar year are administrative expenses of $1,500. X Corporation is a personal holding company for the calendar year 1957 since its entire gross income of $50,000 (the excess of gross production payments received, $1,000,000, over the cost of the in-oil payment right, $950,000) consists of personal holding company income. This oil royalty income of $50,000 is personal holding company income since it does not meet the requirement under section 543 (a) (8) (B) and subdivision (i) (*b*) of this subparagraph.

Example (2). Y Corporation, all of whose outstanding stock is owned during the calendar year 1957 by three individuals, purchases an in-oil payment right during such year in the face amount of $9,000,000 for $8,400,000. Y Corporation is a calendar year taxpayer reporting its income under the cash receipts and disbursements method of accounting. Y receives oil production payments in the gross amount of $3,000,000 during the calendar year 1957 and the remainder, $6,000,000, during the calendar year 1958. During the calendar year 1957, Y Corporation has other income as follows: dividends, $50,000; interest, $26,000; and gross income from the sale of magazines, $75,000. During such year Y's only expenses are administrative expenses of $15,000. The Y Corporation is not a personal holding company for the calendar year 1957 because its personal holding company income of $275,000 is less than 80 percent of its total gross income of $350,000. The total gross income of $350,000, of which the first three items ($275,000) are personal holding company income, is computed as follows:

Royalties (since one-third of the gross production payments of $9,000,000 is received in 1957, one-third of the cost or $2,800,000 is attributable to the production payments received in 1957 and gross income is $3,000,000 less $2,800,000)	$200,000
Dividends	50,000
Interest	25,000
Sale of magazines (gross income)	75,000
Total gross income	350,000

During the calendar year 1958, Y Corporation has other income as follows: dividends, $60,000; interest, $30,000; and gross income from the sale of magazines $65,000. During such year Y's only expenses are administrative expenses of $27,000. The Y Corporation is a personal holding company for the calendar year 1958 because its personal holding company income of $490,000 is more than 80 percent of its total gross income of $555,000. Total gross income of $555,000, of which the first three items ($490,000) are personal holding company income, is computed as follows:

Royalties ($6,000,000 less $5,600,000 two-thirds of the cost of $8,400,000)	$400,000
Dividends	60,000
Interest	30,000
Sale of magazines (gross income)	65,000
Total gross income	555,000

This oil royalty income of $400,000 is personal holding company income since it does not meet the requirement under section 543 (a) (8) (B) and subdivision (i) (*b*) of this subparagraph.

(*c*) This subdivision shall apply only with respect to:

(*1*) Mineral, oil, or gas production payments received under payment rights acquired on or after the date of publication in the FEDERAL REGISTER of the regulations under Part II, subchapter G, chapter 1, Internal Revenue Code of 1954, as a notice of proposed rule making, and

(*2*) All mineral, oil, or gas production payments received after the date of promulgation of the regulations under Part II, subchapter G, chapter 1, Internal Revenue Code of 1954, regardless of the date the payment rights, pursuant to which such payments are received, were acquired.

§ 1.543–2 *Limitation on gross income and personal holding company income in transactions involving stocks, securities and commodities.* (a) Under section 543 (b) (1) the gains which are to be included in gross income, and in personal holding company income with respect to transactions described in section 543 (a) (2) and § 1.543–1 (b) (5), shall be the net gains from the sale or exchange of stock or securities. If there is an excess of losses over gains from such transactions, such excess (or net loss) shall not be used to reduce gross income or personal holding company income for purposes of the personal holding company tax. Similarly, under section 543 (b) (2) the gains which are to be included in gross income, and in personal holding company income with respect to transactions described in section 543 (a) (3) and § 1.543–1 (b) (6), shall be the net gains from commodity transactions which reflect personal holding company income. Any excess of losses over gains from such transactions (resulting in a net loss) shall not be used to reduce gross income or personal holding company income. The capital loss carryover under section 1212 shall not be taken into account.

(b) The application of section 543 (b) may be illustrated by the following examples:

Example (1). The P Corporation, not a regular dealer in stocks and securities, received rentals of $250,000 for its property from a 25 percent shareholder, and also had gains of $50,000 during the taxable year from the sale of stocks and securities. It also had losses on the sale of stocks and securities in the amount of $30,000. Accordingly, P Corporation had gross income during the taxable year of $270,000 ($250,000 plus $20,000 net gain from the sales of stocks and securities). It had personal holding company income of $20,000. (The rentals of $250,000 would not be personal holding company income under section 543 (a) (6) since the personal holding company income of the

corporation, $20,000 (after excluding any such income described in section 543 (a) (6), is not more than 10 percent of its gross income.)

Example (2). The R Corporation, not a regular dealer in stocks or securities, realized total gains during the taxable year of $900,000 from commodity futures transactions and $200,000 from the sales of stocks and securities. It also sustained total losses of $1,000,000 on such commodity futures transactions, resulting in a net gain for the taxable year of $100,000. None of the commodity futures transactions are hedging or other types of futures transactions excluded from the application of section 543 (a) (3). No part of the loss on commodity futures transactions is to be taken into account in determining personal holding company income and gross income for personal holding company tax purposes for the taxable year. The full amount of the $200,000 in gains from the sales of stocks and securities is to be included in personal holding company income and in gross income for personal holding company tax purposes for the taxable year.

§ 1.544 *Statutory provisions; rules for determining stock ownership.*

SEC. 544. *Rules for determining stock ownership*—(a) *Constructive ownership.* For purposes of determining whether a corporation is a personal holding company, insofar as such determination is based on stock ownership under section 542 (a) (2), section 543 (a) (5), or section 543 (a) (6)—

(1) *Stock not owned by individual.* Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries.

(2) *Family and partnership ownership.* An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family or by or for his partner. For purposes of this paragraph, the family of an individual includes only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(3) *Options.* If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(4) *Application of family-partnership and option rules.* Paragraphs (2) and (3) shall be applied—

(A) For purposes of the stock ownership requirement provided in section 542 (a) (2), if, but only if, the effect is to make the corporation a personal holding company; or

(B) For purposes of section 543 (a) (5) (relating to personal service contracts), or of section 543 (a) (6) (relating to the use of property by shareholders), if, but only if, the effect is to make the amounts therein referred to includible under such paragraph as personal holding company income.

(5) *Constructive ownership as actual ownership.* Stock constructively owned by a person by reason of the application of paragraph (1) or (3) shall, for purposes of applying paragraph (1) or (2), be treated as actually owned by such person; but stock constructively owned by an individual by reason of the application of paragraph (2) shall not be treated as owned by him for purposes of again applying such paragraph in order to make another the constructive owner of such stock.

(6) *Option rule in lieu of family and partnership rule.* If stock may be considered as owned by an individual under either paragraph (2) or (3), it shall be considered as owned by him under paragraph (3).

(b) *Convertible securities.* Outstanding securities convertible into stock (whether or not convertible during the taxable year) shall be considered as outstanding stock—

(1) For purposes of the stock ownership requirement provided in section 542 (a) (2), but only if the effect of the inclusion of all such securities is to make the corporation a personal holding company;

(2) For purposes of section 543 (a) (5) (relating to personal service contracts), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such paragraph as personal holding company income; and

(3) For purposes of section 543 (a) (6) (relating to the use of property by shareholders), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such paragraph as personal holding company income.

The requirement in paragraphs (1), (2), and (3) that all convertible securities must be included if any are to be included shall be subject to the exception that, where some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be included although the others are not included, but no convertible securities shall be included unless all outstanding securities having a prior conversion date are also included.

§ 1.544–1 *Constructive ownership.* (a) Rules relating to the constructive ownership of stock are provided by section 544 for the purpose of determining whether the stock ownership requirements of the following sections are satisfied:

(1) Section 542 (a) (2), relating to ownership of stock by five or fewer individuals;

(2) Section 543 (a) (5), relating to personal holding company income derived from personal service contracts;

(3) Section 543 (a) (6), relating to personal holding company income derived from property used by shareholders.

(b) Section 544 provides four general rules with respect to constructive ownership. These rules are:

(1) Constructive ownership by reason of indirect ownership. See section 544 (a) (1) and § 1.544–2.

(2) Constructive ownership by reason of family and partnership ownership. See section 544 (a) (2), (4), and (6), and §§ 1.544–3 and 1.544–6.

(3) Constructive ownership by reason of ownership of options. See section 544 (a) (3), (4), and (6), and §§ 1.544–4 and 1.544–6.

(4) Constructive ownership by reason of ownership of convertible securities. See section 544 (b) and § 1.544–5.

Each of rules 2, 3, and 4 is applicable only if it has the effect of satisfying the stock ownership requirement of the section to which applicable; that is, when applied to section 542 (a) (2), its effect is to make the corporation a personal holding company, or when applied to section 543 (a) (5) or section 543 (a) (6), its effect is to make the amounts described in such provisions includible under such provisions as personal holding company income.

(c) All forms and classes of stock, however denominated, which represent the interests of shareholders, members, or beneficiaries in the corporation shall be taken into consideration in applying the constructive ownership rules of section 544.

(d) For rules applicable in treating constructive ownership, determined by one application of section 544, as actual ownership for purposes of a second application of section 544, see section 544 (a) (5) and § 1.544–6.

§ 1.544–2 *Constructive ownership by reason of indirect ownership.* The following example illustrates the application of section 544 (a) (1), relating to constructive ownership by reason of indirect ownership:

Example. A and B, two individuals, are the exclusive and equal beneficiaries of a trust or estate which owns the entire capital stock of the M Corporation. The M Corporation in turn owns the entire capital stock of the N Corporation. Under such circumstances the entire capital stock of both the M Corporation and the N Corporation shall be considered as being owned equally by A and B as the individuals owning the beneficial interest therein.

§ 1.544–3 *Constructive ownership by reason of family and partnership ownership.* (a) The following example illustrates the application of section 544 (a) (2), relating to constructive ownership by reason of family and partnership ownership.

Example. The M Corporation at some time during the last half of the taxable year, had 1,800 shares of outstanding stock, 450 of which were held by various individuals having no relationship to one another and none of whom were partners, and the remaining 1,350 were held by 51 shareholders as follows:

Relationships	Shares	Shares	Shares	Shares	Shares
An individual	A 100	B 20	C 20	D 20	E 20
His father	AF 10	BF 10	CF 10	DF 10	EF 10
His wife	AW 10	BW 40	CW 40	DW 40	EW 40
His brother	AB 10	BB 10	CB 10	DB 10	EB 10
His son	AS 10	BS 40	CS 40	DS 40	ES 40
His daughter by former marriage (son's half-sister)	ASHS 10	BSHS 40	CSHS 40	DSHS 40	ESHS 40
His brother's wife	ABW 10	BBW 10	CBW 10	DBW 160	EBW 10
His wife's father	AWF 10	BWF 10	CWF 110	DWF 10	EWF 10
His wife's brother	AWB 10	BWB 10	CWB 10	DWB 10	EWB 10
His wife's brother's wife	AWBW 10	BWBW 10	CWBW 10	DWBW 10	EWBW 110
Individual's partner	AP 10				

By applying the statutory rule provided in section 544 (a) (2) five individuals own more than 50 percent of the outstanding stock as follows:

A (including AF, AW, AB, AS, ASHS, AP)	160
B (including BF, BW, BB, BS, BSHS)	160
CW (including C, CS, CWF, CWB)	220
DB (including D, DF, DBW)	200
EWB (including EW, EWF, EWBW)	170
Total, or more than 50 percent	910

Individual A represents the obvious case where the head of the family owns the bulk of the family stock and naturally is the head of the group. A's partner owns 10 shares

of the stock. Individual B represents the case where he is still head of the group because of the ownership of stock by his immediate family. Individuals C and D represent cases where the individuals fall in groups headed in C's case by his wife and in D's case by his brother because of the preponderance of holdings on the part of relatives by marriage. Individual E represents the case where the preponderant holdings of others eliminate that individual from the group.

(b) For the restriction on the applicability of the rule of this section, see § 1.544–1 (b).

§ 1.544–4 *Options.* The shares of stock which may be acquired by reason of an option shall be considered to be constructively owned by the individual having the option to acquire such stock. For example: If C, an individual, on March 1, 1955, purchases an option, or otherwise comes into possession of an option, to acquire 100 shares of the capital stock of M Corporation, such 100 shares of stock shall be considered to be constructively owned by C as if C had actually acquired the stock on that date. If C has an option on an option (or one of a series of options) to acquire such stock, he shall also be considered to have constructive ownership of the stock which may be acquired by reason of the option (or the series of options). Under such circumstances, C shall be considered to have acquired constructive ownership of the stock on the date he acquired his option. For the restriction on the applicability of the rule of this section, see § 1.544–1 (b).

§ 1.544–5 *Convertible securities.* Under section 544 (b) outstanding securities of a corporation such as bonds, debentures, or other corporate obligations, convertible into stock of the corporation (whether or not convertible during the taxable year) shall be considered as outstanding stock of the corporation. The consideration of convertible securities as outstanding stock is subject to the exception that, if some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be considered as outstanding stock although the others are not so considered, but no convertible securities shall be considered as outstanding stock unless all outstanding securities having a prior conversion date are also so considered. For example, if outstanding securities are convertible in 1954, 1955 and 1956, those convertible in 1954 can be properly considered as outstanding stock without so considering those convertible in 1955 or 1956, and those convertible in 1954 and 1955 can be properly considered as outstanding stock without so considering those convertible in 1956. However, the securities convertible in 1955 could not be properly considered as outstanding stock without so considering those convertible in 1954 and the securities convertible in 1956 could not be properly considered as outstanding stock without so considering those convertible in 1954 and 1955. For the restriction on the applicability of the rule of this section, see § 1.544–1 (b).

§ 1.544–6 *Constructive ownership as actual ownership*—(a) *General rules.* (1) Stock constructively owned by a person by reason of the application of the rule provided in section 544 (a) (1), relating to stock not owned by an individual, shall be considered as actually owned by such person for the purpose of again applying such rule or of applying the family and partnership rule provided in section 544 (a) (2), in order to make another person the constructive owner of such stock, and

(2) Stock constructively owned by a person by reason of the application of the option rule provided in section 544 (a) (3) shall be considered as actually owned by such person for the purpose of applying either the rule provided in section 544 (a) (1), relating to stock not owned by an individual, or the family and partnership rule provided in section 544 (a) (2) in order to make another person the constructive owner of such stock, but

(3) Stock constructively owned by an individual by reason of the application of the family and partnership rule provided in section 544 (a) (2) shall not be considered as actually owned by such individual for the purpose of again applying such rule in order to make another individual the constructive owner of such stock.

(b) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). A's wife, AW, owns all the stock of the M Corporation, which in turn owns all the stock of the O Corporation. The O Corporation in turn owns all the stock of the P Corporation. Under the rule provided in section 544 (a) (1), relating to stock not owned by an individual, the stock in the P Corporation owned by the O Corporation is considered to be owned constructively by the M Corporation, the sole shareholder of the O Corporation. Such constructive ownership of the stock of the M Corporation is considered as actual ownership for the purpose of again applying such rule in order to make AW, the sole shareholder of the M Corporation, the constructive owner of the stock of the P Corporation. Similarly, the constructive ownership of the stock by AW is considered as actual ownership for the purpose of applying the family and partnership rule provided in section 544 (a) (2) in order to make A the constructive owner of the stock of the P Corporation, if such application is necessary for any of the purposes set forth in § 1.544–1 (b). But the stock thus constructively owned by A may not be considered as actual ownership for the purpose of again applying the family and partnership rule in order to make another member of A's family, for example, A's father, the constructive owner of the stock of the P Corporation.

Example (2). B, an individual, owns all the stock of the R Corporation which has an option to acquire all the stock of the S Corporation, owned by C, an individual, who is not related to B. Under the option rule provided in section 544 (a) (3) the R Corporation may be considered as owning constructively the stock of the S Corporation owned by C. Such constructive ownership of the stock by the R Corporation is considered as actual ownership for the purpose of applying the rule provided in section 544 (a) (1), relating to stock not owned by an individual, in order to make B, the sole shareholder of the R Corporation, the constructive owner of the stock of the S Corporation. The stock thus constructively owned by B by reason of the application of the rule provided in section 544 (a) (1) likewise is considered as actual ownership for the purpose, if necessary, of applying the family and partnership rule provided in section 544 (a) (2), in order to make another member of B's family, for example, B's wife, BW, the constructive owner of the stock of the S Corporation. However, the family and partnership rule could not again be applied so as to make still another individual the constructive owner of the stock of the S Corporation, that is, the stock constructively owned by BW could not be considered as actually owned by her in order to make BW's father the constructive owner of such stock by a second application of the family and partnership rule.

§ 1.544–7 *Option rule in lieu of family, and partnership rule.* (a) If, in determining the ownership of stock, such stock may be considered as constructively owned by an individual by an application of either the family and partnership rule (section 544 (a) (2)) or the option rule (section 544 (a) (3)), such stock shall be considered as owned constructively by the individual by reason of the application of the option rule.

(b) The application of this section may be illustrated by the following example:

Example. Two brothers, A and B, each own 10 percent of the stock of the M Corporation, and A's wife, AW, also owns 10 percent of the stock of such corporation. AW's husband, A, has an option to acquire the stock owned by her at any time. It becomes necessary, for one of the purposes stated in section 544 (a) (4), to determine the stock ownership of B in the M Corporation. If the family and partnership rule were the only rule that applied in the case, B would be considered, under that rule, as owning 20 percent of the stock of the M Corporation, namely, his own stock plus the stock owned by his brother. In that event, B could not be considered as owning the stock held by AW since (1) AW is not a member of B's family and (2) the constructive ownership of such stock by A through the application of the family and partnership rule in his case is not considered as actual ownership so as to make B the constructive owner by a second application of the same rule with respect to the ownership of the stock. However, there is more than the family and partnership rule involved in this example. As the holder of an option upon the stock, A may be considered the constructive owner of his wife's stock by the application of the option rule and without reference to the family relationship between A and AW. If A is considered as owning the stock of his wife by application of the option rule, then such constructive ownership by A is regarded as actual ownership for the purpose of applying the family and partnership rule so as to make another member of A's family, for example, B, the constructive owner of the stock. Hence, since A may be considered as owning his wife's stock by applying either the family-partnership rule or the option rule, the provisions of section 544 (a) (6) apply and accordingly A must be considered the constructive owner of his wife's stock under the option rule rather than the family-partnership rule. B thus becomes the constructive owner of 30 percent of the stock of the M Corporation, namely, his own 10 percent, A's 10 percent, and AW's 10 percent constructively owned by A as the holder of an option on the stock.

§ 1.545 *Statutory provisions; undistributed personal holding company income.*

SEC. 545. *Undistributed personal holding company income*—(a) *Definition.* For purposes of this part, the term "undistributed personal holding company income" means the taxable income of a personal holding company adjusted in the manner provided in subsection (b), minus the dividends paid deduction as defined in section 561.

(b) *Adjustments to taxable income.* For the purposes of subsection (a), the taxable income shall be adjusted as follows:

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164 (b) (6)), accrued during the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law. A taxpayer which, for each taxable year in which it was subject to the tax imposed by section 500 of the Internal Revenue Code of 1939, deducted Federal income and excess profits taxes when paid for the purpose of computing subchapter A net income under such Code shall deduct taxes under this paragraph when paid, unless the taxpayer elects, in its return for the taxable year ending after June 30, 1954, to deduct the taxes described in this paragraph when accrued. Such an election shall be irrevocable and shall apply to the taxable year for which the election is made and to all subsequent taxable years.

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed but with the limitations in section 170 (b) (1) (A) and (B) (in lieu of the limitation in section 170 (b) (2)). For purposes of this paragraph, the term "adjusted gross income" when used in section 170 (b) (1) means the taxable income computed with the adjustments provided in section 170 (b) (2) and without the deduction of the amount disallowed under paragraph (8) of this subsection.

(3) *Special deductions disallowed.* The special deductions for corporations provided in part VIII (except section 248) of subchapter B (section 241 and following, relating to the deduction for dividends received by corporations, etc.) shall not be allowed.

(4) *Net operating loss.* The net operating loss deduction provided in section 172 shall not be allowed, but there shall be allowed as a deduction the amount of the net operating loss (as defined in section 172 (c)) for the preceding taxable year.

(5) *Long-term capital gains.* There shall be allowed as a deduction the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year, minus the taxes imposed by this subtitle attributable to such excess. The taxes attributable to such excess shall be an amount equal to the difference between—

(A) The taxes imposed by this subtitle (except the tax imposed by this part) for such year, and

(B) Such taxes computed for such year without including such excess in taxable income.

(6) *Bank affiliates.* There shall be allowed the deduction described in section 601 (relating to bank affiliates).

(7) *Payment of indebtedness incurred prior to January 1, 1934.* There shall be allowed as a deduction amounts used or irrevocably set aside to pay or to retire indebtedness of any kind incurred before January 1, 1934, if such amounts are reasonable with reference to the size and terms of such indebtedness.

(8) *Expenses and depreciation applicable to property of the taxpayer.* The aggregate of the deductions allowed under section 162 (relating to trade or business expenses) and section 167 (relating to depreciation), which are allocable to the operation and maintenance of property owned or operated by the corporation, shall be allowed only in an amount equal to the rent or other compensation received for the use of, or the right to use, the property, unless it is established (under regulations prescribed by the Secretary or his delegate) to the satisfaction of the Secretary or his delegate—

(A) That the rent or other compensation received was the highest obtainable, or, if none was received, that none was obtainable;

(B) That the property was held in the course of a business carried on bona fide for profit; and

(C) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

(9) *Amount of a lien in favor of the United States.* There shall be allowed as a deduction the amount, not to exceed the taxable income of the taxpayer, of any lien in favor of the United States (notice of which has been filed as provided in section 6323 (a) (1), (2), or (3)) to which the taxpayer is subject at the close of the taxable year. The sum of the amounts deducted under this paragraph with respect to any lien shall, for the purposes of this section, be added to the taxable income of the taxpayer for the taxable year in which such lien is satisfied or released. Where an amount is added to the taxable income of a corporation by reason of the preceding sentence of this paragraph, the shareholders of the corporation may, pursuant to regulations prescribed by the Secretary or his delegate, elect to compute the income tax with respect to such dividends as are attributable to such amount as though they were received ratably over the period the lien was in effect.

§ 1.545–1 *Definition.* (a) Undistributed personal holding company income is the amount which is subject to the personal holding company tax imposed under section 541. Undistributed personal holding company income is the taxable income of the corporation adjusted in the manner described in section 545 (b) and § 1.545–2, less the deduction for dividends paid. See sections 561–565 and §§ 1.561–1—1.565–6, relating to the dividends paid deduction.

(b) For purposes of the imposition of the personal holding company tax on a foreign corporation, resident or nonresident, which files or causes to be filed a return, the undistributed personal holding company income shall be computed on the basis of the taxable income from sources within the United States, and such income shall be adjusted in accordance with the principles of section 545 (b) and § 1.545–2. For purposes of the imposition of such tax on a foreign corporation, resident or nonresident, which files no return, the undistributed personal holding company income shall be computed on the basis of the gross income from sources within the United States without allowance of any deductions.

§ 1.545–2 *Adjustments to taxable income*—(a) *Taxes*—(1) *General rule.* In computing undistributed personal holding company income, there shall be allowed as a deduction Federal income and excess profits taxes accrued during the taxable year, except that no deduction shall be allowed for (i) the accumulated earnings tax imposed by section 531 (or a corresponding section of a prior law), (ii) the personal holding company tax imposed by section 541 (or a corresponding section of a prior law), and (iii) the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939. The deduction is for taxes accrued, regardless of whether the corporation uses an accrual method of accounting, the cash receipts and disbursements method or any other allowable method. However, the taxpayer shall deduct taxes paid, rather than taxes accrued, if it used that method for each taxable year for which the taxpayer was subject to the tax imposed by section 500 of the Internal Revenue Code of 1939, unless an election is made to deduct taxes accrued. In computing the amount of taxes accrued, an unpaid tax which is being contested is not considered accrued until the contest is resolved.

(2) *Election by taxpayer which deducted taxes paid.* If the corporation was subject to the personal holding company tax imposed by section 500 of the Internal Revenue Code of 1939 and, for the purpose of that tax, deducted taxes paid rather than taxes accrued for each taxable year for which it was subject to such tax, the corporation may elect for any taxable year ending after June 30, 1954, to deduct taxes accrued, rather than taxes paid, for the purposes of the tax imposed by section 541 of the Internal Revenue Code of 1954. The election shall be made by deducting the taxes accrued on Form 1120 PH, schedule to be filed with the return. The schedule shall, in addition, contain a statement that the corporation has made such election and shall set forth the year to which such election was first applicable. The deduction of taxes accrued in the year of election precludes the deduction of taxes paid during such year. The election, if made, shall be irrevocable and the deduction for taxes accrued shall be allowed for the year of election and for all subsequent taxable years.

(3) *Taxes of foreign countries and United States possessions.* The deduction of income, war profits and excess profits taxes paid to a foreign country or United States possession is permitted in computing undistributed personal holding company income even if for the purposes of the corporate tax imposed by section 11 a credit for such taxes is taken. However, the credit for such taxes permitted by section 901 with respect to the tax imposed by section 11 is not allowed with respect to the personal holding company tax imposed by section 541.

(b) *Charitable contributions.* (1) Section 545 (b) (2) provides that, in computing the undistributed personal holding company income of a corporation, the deduction for charitable contributions by a corporation shall be computed with the limitations of section 170 (b) (1) (A) and (B) (relating to charitable contributions by individuals) instead of the limitation in section 170 (b) (2) (relating to charitable contributions by corporations).

(2) Although the limitations of section 170 (b) (1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section

§ 1.544–6 *Constructive ownership as actual ownership*—(a) *General rules.* the rule provided in section 544 (a) (1) likewise is considered as actual ownership personal holding company income means the taxable income of a personal holding

545 (b) (2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170 (b) (2) (that is, the same amount of taxable income to which the 5 percent limitation applied). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 545 (b) (8) (relating to expenses and depreciation applicable to property of the taxpayer.)

(3) See the regulations under section 170 (b) (1) (A) and (B) with respect to the charitable contributions to which the 10 percent limitation is applicable and the charitable contributions to which the 20 percent limitation is applicable.

(4) In some cases, a deduction in excess of the 5 percent limitation may be allowed for one taxable year under section 545 (b) (2) for purposes of the personal holding company tax only, and may also be allowed as a deduction in computing taxable income for a subsequent taxable year under the carryover provisions of section 170 (b) (2). To the extent that the charitable contributions carried over from a previous year have already been deducted for purposes of the personal holding company tax in the year when the charitable contributions were made, they may not be deducted again as part of the contribution carryover deduction for purposes of the personal holding company tax for a subsequent year. However, this adjustment is only for purposes of the personal holding company tax, and the carryover in such case is allowable in computing taxable income for purposes of the corporation normal tax and surtax.

(c) *Special deductions disallowed.* Part VIII of subchapter B of chapter 1 allows corporations, in computing taxable income, special deductions for such matters as partially tax-exempt interest, certain dividends received, dividends paid on certain preferred stock of public utilities, organizational expenses, etc. See section 241. Such special deductions, except the deduction provided by section 248 (relating to organizational expenses) shall be disallowed in computing undistributed personal holding company income.

(d) *Net operating loss.* The net operating loss deduction provided in section 172 is not allowed for purposes of the computation of undistributed personal holding company income; however, there is allowed as a deduction for such purposes the amount of the net operating loss (as defined in section 172 (c)) for the preceding taxable year.

(e) *Long-term capital gains.* (1) There is allowed as a deduction the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year, minus the taxes attributable to such excess, as provided in section 545 (b) (5).

(2) Section 631 (c) (relating to gain or loss in the case of disposal of coal) shall have no application.

(f) *Bank affiliates.* There is allowed the deduction provided by section 601 in the case of bank affiliates (as defined in section 2 of the Banking Act of 1933; 12 U. S. C. 221a (c)).

(g) *Payment of indebtedness incurred prior to January 1, 1934*—(1) *General rule.* In computing undistributed personal holding company income, section 545 (b) (7) provides that there shall be allowed as a deduction amounts used or irrevocably set aside to pay or to retire indebtedness of any kind incurred before January 1, 1934, if such amounts are reasonable with reference to the size and terms of such indebtedness.

(2) *Indebtedness.* The term "indebtedness" means an obligation absolute and not contingent, to pay on demand or within a given time, in cash or other medium, a fixed amount. The term "indebtedness" does not include the obligation of a corporation on its capital stock. The indebtedness must have been incurred (or, if incurred by assumption, assumed) by the taxpayer before January 1, 1934. An indebtedness evidenced by bonds, notes, or other obligations issued by a corporation is ordinarily incurred as of the date such obligations are issued and the amount of such indebtedness is the amount represented by the face value of the obligations. In the case of refunding, renewal, or other change in the form of an indebtedness, the giving of a new promise to pay by the taxpayer will not have the effect of changing the date the indebtedness was incurred.

(3) *Amounts used or irrevocably set aside.* The deduction is allowable, in any taxable year, only for amounts used or irrevocably set aside in that year. The use or irrevocable setting aside must be to effect the extinguishment or discharge of indebtedness. In the case of refunding, renewal, or other change in the form of a new promise to pay by the taxpayer will not result in an allowable deduction. If amounts are set aside in one year, no deduction is allowable for such amounts for a later year in which actually paid. As long as all other conditions are satisfied, the aggregate amount allowable as a deduction for any taxable year includes all amounts (from whatever source) used and all amounts (from whatever source) irrevocably set aside, irrespective of whether in cash or other medium. Double deductions shall not be allowed.

(4) *Reasonableness of the amounts with reference to the size and terms of the indebtedness.* (i) The reasonableness of the amounts used or irrevocably set aside must be determined by reference to the size and terms of the particular indebtedness. Hence, all the facts and circumstances with respect to the nature, scope, conditions, amount, maturity, and other terms of the particular indebtedness must be shown in each case.

(ii) Ordinarily an amount used to pay or retire an indebtedness, in whole or in part, at or prior to the maturity and in accordance with the terms thereof will be considered reasonable, and may be allowable as a deduction for the year in which so used. However, if an amount has been set aside in a prior year for payment or retirement of the same indebtedness, the amount so set aside shall not be allowed as a deduction in the year of the payment.

(iii) All amounts irrevocably set aside for the payment or retirement of an indebtedness in accordance with and pursuant to the terms of the obligation, for example, the annual contribution to trustees required by the provisions of a mandatory sinking fund agreement, will be considered as complying with the requirement of reasonableness. To be considered reasonable, it is not necessary that the plan of retirement provide for a retroactive setting aside of amounts for years prior to that in which the plan is adopted. However, if a voluntary plan was adopted before 1934, no adjustment is allowable in respect of the amounts set aside in the years prior to 1934.

(5) *Burden of proof.* The burden of proof will rest upon the taxpayer to sustain the deduction claimed. Therefore, the taxpayer must furnish the information required by the return, and such other information as the district director may require in substantiation of the deduction claimed.

(6) *Allowance to a successor corporation.* For allowance of deduction for pre-1934 indebtedness to a successor corporation, see section 381 (c) (15).

(h) *Expenses and depreciation applicable to property of the taxpayer.* (1) In computing undistributed personal holding company income in the case of a personal holding company which owns or operates property, section 545 (b) (8) provides a specific limitation with respect to the allowance of deductions for trade or business expenses and depreciation allocable to the operation or maintenance of such property. Under this limitation, these deductions shall not be allowed in an amount in excess of the aggregate amount of the rent or other compensation received for the use of, or the right to use, the property, unless it is established to the satisfaction of the Commissioner—

(i) That the rent or other compensation received was the highest obtainable, or if none was received, that none was obtainable;

(ii) That the property was held in the course of a business carried on bona fide for profit; and

(iii) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

(2) The burden of proof will rest upon the taxpayer to sustain the deduction claimed. If, in computing undistributed personal holding company income, a personal holding company claims deductions for expenses and depreciation allocable to the operation and maintenance of property owned or operated by the company, in an aggregate amount in excess of the rent or other compensation received for the use of, or the right to use, the property, it shall attach to its income tax return a statement setting forth its claim for allowance of the additional deductions, together with a complete statement of the facts and circumstances pertinent to its claim and the arguments on which it relies. Such statement shall set forth:

(i) A description of the property;

(ii) The cost or other basis to the corporation and the nature and value of the consideration paid for the property;

(iii) The name and address of the person from whom the property was acquired and the date the property was acquired;

(iv) The name and address of the person to whom the property is leased or rented, or the person permitted to use the property, and the number of shares of stock, if any, held by such person and the members of his family;

(v) The nature and gross amount of the rent or other compensation received for the use of, or the right to use, the property during the taxable year and for each of the five preceding years and the amount of the expenses incurred with respect to, and the depreciation sustained on, the property for such years;

(vi) Evidence that the rent or other compensation was the highest obtainable or, if none was received, a statement of the reasons therefor;

(vii) A copy of the contract, lease or rental agreement;

(viii) The purpose for which the property was used;

(ix) The business, carried on by the corporation, with respect to which the property was held and the gross income, expenses, and taxable income derived from the conduct of such business for the taxable year and for each of the five preceding years;

(x) A statement of any reasons which existed for expectation that the operation of the property would be profitable, or a statement of the necessity for the use of the property in the business of the corporation, and the reasons why the property was acquired; and

(xi) Any other information pertinent to the taxpayer's claim.

(i) *Amount of a lien in favor of the United States.* (1) If notices of lien are filed in the manner provided in section 6323 (a) (1), (2), or (3), the amount of the liability to the United States outstanding at the close of the taxable year, and secured by such liens which are in effect at that time, shall be allowed as a deduction in computing undistributed personal holding company income. However, the amount of such deduction which may be allowed for any taxable year shall not exceed the taxable income (as adjusted for purposes of determining the undistributed personal holding company income, but without regard to the deduction under section 545 (b) (9)) for such year. The fact that the amount of, or any part of, the outstanding obligation to the United States was deducted for one taxable year does not prevent its deduction for a subsequent taxable year to the extent the obligation is still outstanding at the close of the subsequent taxable year and is secured by a lien, notice of which has been filed.

(2) Subparagraph (1) of this paragraph may be illustrated by the following example:

Example. If the taxpayer (on the calendar year basis) is subject to a lien (notice of which has been properly filed) in the amount of $500,000 at the close of the calendar year 1954 and has taxable income of $400,000 for such taxable year, the deduction allowable by reason of the lien for the calendar year 1954 is $400,000. If, at the close of the taxable year ended December 31, 1955, the taxpayer is still subject to the same lien of $500,000 and it has taxable income of $450,000, a deduction is allowed by reason of such lien in the amount of $450,000.

(3) When the obligation secured by the lien in favor of the United States has been satisfied or released, the sum of the amounts which have been allowed as deductions under section 545 (b) (9) in respect of such obligation shall be restored to taxable income for the year in which such lien is satisfied or released. If only a part of the obligation secured by the lien has been satisfied, the sum of the amounts which have been allowed as deductions under section 545 (b) (9) in respect of such part shall be included in taxable income for the year of the satisfaction for the purpose of determining undistributed personal holding company income. It should be noted, however, that only the sum of the amounts which have been allowed as deductions under section 545 (b) (9) and subparagraph (1) of this paragraph shall be included in taxable income. Thus, any amounts which were allowed as deductions under section 504 (e) of the Internal Revenue Code of 1939 shall not be included as taxable income for any taxable year under section 545 (b) (9) and subparagraph (1) of this paragraph.

(4) The application of subparagraph (3) of this paragraph may be illustrated by the following example:

Example. Assume the same facts as in the example in subparagraph (2) of this paragraph, and assume further that the corporation has $100,000 taxable income both for 1956 (before including the $400,000 described below) and for 1957. In 1956, the corporation pays $200,000 of the obligation, thereby reducing its liability from $500,000 to $300,000. In such case, $400,000 is included in taxable income in computing its undistributed personal holding company income for 1956, that is, the sum of the $200,000 deduction for 1954 and the $200,000 deduction for 1955 in respect of the liability which is paid in 1956. In 1957, property of the corporation is discharged from the lien by reason of the fact that the value of the remaining property of the corporation exceeds double the outstanding liability. (See section 6325 (b) (1).) Since this was not a release or satisfaction of the lien, no amount is added to taxable income for 1957 with respect to the property discharged from the lien. In 1958, the remaining property is released from the lien by reason of a bond being accepted under section 6325 (a) (2). There is added to taxable income in computing undistributed personal holding company income for 1958, $850,000, that is, the sum of the deductions allowed for 1954, 1955, 1956, and 1957 in respect of the $300,000 liability, the lien for which was released in 1958. This amount of $850,000, is computed as follows:

Year	Outstanding liability	Taxable income	Deduction as limited by taxable income	Amount attributable to part payment of $200,000 in 1956	Amount attributable to release of lien in 1958
1954	$500,000	$400,000	$400,000	$200,000	$200,000
1955	500,000	450,000	450,000	200,000	250,000
1956	300,000	500,000	300,000		300,000
1957	300,000	100,000	100,000		100,000
Total					850,000

(5) (i) If an amount has been included in undistributed personal holding company income of the personal holding company by reason of section 545 (b) (9), any shareholder of the company may elect to compute his income tax with respect to such of his dividends as are attributable to such amount as though such dividends were received ratably over the period the lien was in effect.

(ii) For purposes of section 545 (b) (9), the dividends paid during the taxable year of the personal holding company (computed as of the close of such year) shall be deemed attributable first to undistributed personal holding company income by reason of section 545 (b) (9) (computed as of the close of the taxable year of the personal holding company). If the period over which the lien was in effect consists of several taxable years of the personal holding company, the dividend deemed received for any taxable year shall be deemed received on the last day of such taxable year of the personal holding company.

(iii) Such election shall be made in a statement showing the amount of the deduction under section 545 (b) (9) for each taxable year of the period in which the lien was in effect, the amount of such deduction, if any, which was added to undistributed personal holding company income in a later year or years as a result of partial satisfaction or release of such lien, and the details thereof, the taxable year or years to which such dividends are allocable, and a computation of tax, on the basis of the election, for all taxable years affected by such ratable allocation of the dividends. Further, the statement shall show the district director's office in which the returns, for the years to which the dividends are allocable, were filed, the kind of returns which were filed (separate returns or joint returns), and the name and address under which the returns were filed. The statement shall be attached to the shareholder's return for the taxable year for which the dividend would be reported but for such election.

(iv) The operation of this subparagraph may be illustrated as follows: If, in the example under subparagraph (4), of this paragraph, shareholder A owns 75 percent in value of the outstanding stock of the personal holding company, and receives a dividend of $540,000 from such company during 1958 (the total dividend distribution being $720,000) he may elect to compute his income tax with respect to the $540,000 in dividends for 1958 as if he had received $127,058.82 of such dividends for 1954 ($200,000/850,000 of $540,000), $158,823.53 of such dividends for 1955 ($250,000/850,000 of $540,000), $190,588.23 of such dividends for 1956 ($300,000/850,000 of $540,000), and $63,529.41 of such dividends for

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1957 ($100,000/850,000 of $540,000). Accordingly, the tax computed for 1958 with respect to such dividends shall be the aggregate of the taxes attributable to such amounts had they been distributed in the respective years.

§ 1.546 *Statutory provisions; income not placed on annual basis.*

SEC. 546. *Income not placed on annual basis.* Section 443 (b) (relating to computation of tax on change of annual accounting period) shall not apply in the computation of the personal holding company tax imposed by section 541.

§ 1.547 *Statutory provisions; deduction for deficiency dividends.*

SEC. 547. *Deduction for deficiency dividends.*—(a) *General rule.* If a determination (as defined in subsection (c)) with respect to a taxpayer establishes liability for personal holding company tax imposed by section 541 (or by a corresponding provision of a prior income tax law) for any taxable year, a deduction shall be allowed to the taxpayer for the amount of deficiency dividends (as defined in subsection (d)) for the purpose of determining the personal holding company tax for such year, but not for the purpose of determining interest, additional amounts, or assessable penalties computed with respect to such personal holding company tax.

(b) *Rules for application of section*—(1) *Allowance of deduction.* The deficiency dividend deduction shall be allowed as of the date the claim for the deficiency dividend deduction is filed.

(2) *Credit or refund.* If the allowance of a deficiency dividend deduction results in an overpayment of personal holding company tax for any taxable year, credit or refund with respect to such overpayment shall be made as if on the date of the determination 2 years remained before the expiration of the period of limitation on the filing of claim for refund for the taxable year to which the overpayment relates. No interest shall be allowed on a credit or refund arising from the application of this section.

(c) *Determination.* For purposes of this section, the term "determination" means—

(1) A decision by the Tax Court or a judgment, decree, or other order by any court of competent jurisdiction, which has become final;

(2) A closing agreement made under section 7121; or

(3) Under regulations prescribed by the Secretary or his delegate, an agreement signed by the Secretary or his delegate and by, or on behalf of, the taxpayer relating to the liability of such taxpayer for personal holding company tax.

(d) *Deficiency dividends*—(1) *Definition.* For purposes of this section, the term "deficiency dividends" means the amount of the dividends paid by the corporation on or after the date of the determination and before filing claim under subsection (e), which would have been includible in the computation of the deduction for dividends paid under section 561 for the taxable year with respect to which the liability for personal holding company tax exists, if distributed during such taxable year. No dividends shall be considered as deficiency dividends for purposes of subsection (a) unless distributed within 90 days after the determination.

(2) *Effect on dividends paid deduction*—(A) *For taxable year in which paid.* Deficiency dividends paid in any taxable year (to the extent of the portion thereof taken into account under subsection (a) in determining personal holding company tax) shall not be included in the amount of dividends paid for such year for purposes of computing the dividends paid deduction for such year and succeeding years.

(B) *For prior taxable year.* Deficiency dividends paid in any taxable year (to the extent of the portion thereof taken into account under subsection (a) in determining personal holding company tax) shall not be allowed for purposes of section 563 (b) in the computation of the dividends paid deduction for the taxable year preceding the taxable year in which paid.

(e) *Claim required.* No deficiency dividend deduction shall be allowed under subsection (a) unless (under regulations prescribed by the Secretary or his delegate) claim therefor is filed within 120 days after the determination.

(f) *Suspension of statute of limitations and stay of collection*—(1) *Suspension of running of statute.* If the corporation files a claim, as provided in subsection (e), the running of the statute of limitations provided in section 6501 on the making of assessments, and the bringing of distraint or a proceeding in court for collection, in respect of the deficiency and all interest, additional amounts, or assessable penalties, shall be suspended for a period of 2 years after the date of the determination.

(2) *Stay of collection.* In the case of any deficiency with respect to the tax imposed by section 541 established by a determination under this section—

(A) The collection of the deficiency and all interest, additional amounts, and assessable penalties shall, except in cases of jeopardy, be stayed until the expiration of 120 days after the date of the determination, and

(B) If claim for deficiency dividend deduction is filed under subsection (e), the collection of such part of the deficiency as is not reduced by the deduction for deficiency dividends provided in subsection (a) shall be stayed until the date the claim is disallowed (in whole or in part), and if disallowed in part collection shall be made only with respect to the part disallowed.

No distraint or proceeding in court shall be begun for the collection of an amount the collection of which is stayed under subparagraph (A) or (B) during the period for which the collection of such amount is stayed.

(g) *Deduction denied in case of fraud, etc.* No deficiency dividend deduction shall be allowed under subsection (a) if the determination contains a finding that any part of the deficiency is due to fraud with intent to evade tax, or to wilful failure to file an income tax return within the time prescribed by law or prescribed by the Secretary or his delegate in pursuance of law.

(h) *Effective date.* Subsections (a) through (f), inclusive, shall apply only with respect to determinations made more than 90 days after the date of enactment of this title. If the taxable year with respect to which the deficiency is asserted began before January 1, 1954, the term "deficiency dividend" includes only amounts which would have been includible in the computation under the Internal Revenue Code of 1939 of the basic surtax credit for such taxable year. Subsection (g) shall apply only if the taxable year with respect to which the deficiency is asserted begins after December 31, 1953.

§ 1.547–1 *General rule.* Section 547 provides a method under which, by virtue of dividend distributions, a corporation may be relieved from the payment of a deficiency in the personal holding company tax imposed by section 541 (or by a corresponding provision of a prior income tax law), or may be entitled to a credit or refund of a part or all of any such deficiency which has been paid. The method provided by section 547 is to allow an additional deduction for a dividend distribution (which meets the requirements of this section) in computing undistributed personal holding company income for the taxable year for which a deficiency in personal holding company tax is determined. The additional deduction for deficiency dividends will not, however, be allowed for the purpose of determining interest, additional amounts, or assessable penalties, computed with respect to the personal holding company tax prior to the allowance of the additional deduction for deficiency dividends. Such amounts remain payable as if section 547 had not been enacted.

§ 1.547–2 *Requirements for deficiency dividends*—(a) *In general.* There are certain requirements which must be fulfilled before a deduction is allowed for a deficiency dividend under section 547 and this section. These are—

(1) The taxpayer's liability for personal holding company tax shall be determined only in the manner provided in section 547 (c) and paragraph (b) (1) of this section.

(2) The deficiency dividend shall be paid by the corporation on, or within 90 days after, the date of such determination and prior to the filing of a claim under section 547 (e) and paragraph (b) (2) of this section for deduction for deficiency dividends. This claim must be filed within 120 days after such determination.

(3) The deficiency dividend must be of such a nature as would have permitted its inclusion in the computation of a deduction for dividends paid under section 561 for the taxable year with respect to which the liability for personal holding company tax exists, if it had been distributed during such year. See section 562 and §§ 1.562–1—1.562–3. In this connection, it should be noted that under section 316 (b) (2), the term "dividend" means (in addition to the usual meaning under section 316 (a)) any distribution of property (whether or not a dividend as defined in section 316 (a)) made by a corporation to its shareholders, to the extent of its undistributed personal holding company income (determined under section 545 and §§ 1.545–1 and 1.545–2 without regard to section 316 (b) (2)) for the taxable year in respect of which the distribution is made.

(b) *Special rules*—(1) *Nature and details of determination.* (i) A determination of a taxpayer's liability for personal holding company tax shall, for the purposes of section 547, be established in the manner specified in section 547 (c) and this subparagraph.

(ii) The date of determination by a decision of the Tax Court of the United States is the date upon which such decision becomes final, as prescribed in section 7481.

(iii) The date upon which a judgment of a court becomes final, which is the date of the determination in such cases, must be determined upon the basis of the facts in the particular case. Ordinarily, a judgment of a United States district court becomes final upon the expiration of the time allowed for taking an appeal, if no such appeal is duly taken within such time; and a judgment of the United States Court of Claims becomes final upon the expiration of the time allowed for filing a petition for certiorari if no such petition is duly filed within such time.

(iv) The date of determination by a closing agreement, made under section 7121, is the date such agreement is approved by the Commissioner.

(v) A determination under section 547 (c) (3) may be made by an agreement signed by the district director or such other official to whom authority to sign the agreement is delegated, and by or on behalf of the taxpayer. The agreement shall set forth the total amount of the liability for personal holding company tax for the taxable year or years. The date of the determination is the date such agreement is signed by the district director or such other official to whom authority to sign the agreement is delegated.

(2) *Claim for deduction*—(i) *Contents of claim.* A claim for deduction for a deficiency dividend shall be made in duplicate, with the requisite declaration, on Form 976 and shall contain the following information:

(*a*) The name and address of the corporation;

(*b*) The place and date of incorporation;

(*c*) The amount of the deficiency determined with respect to the tax imposed by section 541 (or a corresponding provision of a prior income tax law) and the taxable year or years involved; the amount of the unpaid deficiency or, if the deficiency has been paid in whole or in part, the date of payment and the amount thereof; a statement as to how the deficiency was established, if unpaid; or if paid in whole or in part, how it was established that any portion of the amount paid was a deficiency at the time when paid and, in either case whether it was by an agreement under section 547 (c) (3), by a closing agreement under section 7121, or by a decision of the Tax Court or court judgment and the date thereof; if established by a final judgment in a suit against the United States for refund, the date of payment of the deficiency, the date the claim for refund was filed, and the date the suit was brought; if established by a Tax Court decision or court judgment, a copy thereof shall be attached, together with an explanation of how the decision became final; if established by an agreement under section 547 (c) (3), a copy of such agreement shall be attached;

(*d*) The amount and date of payment of the dividend with respect to which the claim for the deduction for deficiency dividends is filed;

(*e*) A statement setting forth the various classes of stock outstanding, the name and address of each shareholder, the class and number of shares held by each on the date of payment of the dividend with respect to which the claim is filed, and the amount of such dividend paid to each shareholder;

(*f*) The amount claimed as a deduction for deficiency dividends; and

(*g*) Such other information as may be required by the claim form.

(ii) *Filing of claim and corporate resolution.* The claim in duplicate together with a certified copy of the resolution of the board of directors or other authority, authorizing the payment of the dividend with respect to which the claim is filed, shall be filed with the district director of internal revenue for the district in which the return is filed.

(iii) *Carryover of deficiency dividends paid by acquiring corporation.* In the case of the acquisition of assets of a corporation by another corporation in a distribution or transfer described in section 381 (a), the distributor or transferor corporation shall be entitled to a deduction for any deficiency dividends (as defined in section 547 (d)) paid by the acquiring corporation with respect to such distributor or transferor corporation. See section 381 (c) (17).

§ 1.547–3 *Claim for credit or refund.* (a) If a deficiency in personal holding company tax is asserted for any taxable year, and the corporation has paid any portion of such asserted deficiency, it is entitled to a credit or refund of such payment to the extent that such payment constitutes an overpayment as the result of a deduction for a deficiency dividend as provided in section 547 and §§ 1.547–1—1.547–7. It should be noted that a "determination" under section 547 (c) and § 1.547–2 (b) (1), of taxpayer's liability for personal holding company tax may take place subsequent to the time the deficiency was paid. To secure credit or refund of such overpayment, the taxpayer must file a claim on Form 843 in addition to the claim for the deduction for deficiency dividends required under section 547 (e) and § 1.547–2 (b) (2).

(b) No interest shall be allowed on such credit or refund.

(c) Such credit or refund will be allowed as if, on the date of the determination under section 547 (c) and § 1.547–2 (b) (1), two years remained before the expiration of the period of limitation on the filing of claim for refund for the taxable year to which the overpayment relates.

§ 1.547–4 *Effect on dividends paid deduction.* The deficiency dividends deduction shall be allowed as of the date the claim is filed. No duplication of deductions with respect to any deficiency dividends is permitted. If a corporation claims and receives the benefit of the provisions of section 547 (or the corresponding section 506 of the Internal Revenue Code of 1939, or section 407 of the Revenue Act of 1938), based upon a distribution of deficiency dividends, that distribution does not become a part of the dividends paid deduction under section 561. Likewise, it will not be made the basis of a dividends paid deduction under section 561 by reason of the application of section 563 (b), relating to dividends paid after the close of the taxable year on or before the 15th day of the third month following the close of such taxable year.

§ 1.547–5 *Deduction denied in case of fraud or wilful failure to file timely return.* No deduction for deficiency dividends shall be allowed under section 547 (a) if the determination contains a finding that any part of the deficiency is due to fraud with intent to evade tax, or to wilful failure to file an income tax return within the time prescribed by law or prescribed by the Secretary or his delegate in pursuance of law. See § 1.547–7 for effective date.

§ 1.547–6 *Suspension of statute of limitations and stay of collection*—(a) *Statute of limitations.* If the corporation files a claim for a deduction for deficiency dividends under section 547 (e) and § 1.547–2 (b) (2), the running of the statute of limitations upon assessment, distraint, and collection in court in respect of the deficiency, and all interest, additional amounts, or assessable penalties, shall be suspended for a period of two years after the date of the determination under section 547 (c) and § 1.547–2 (b) (1).

(b) *Stay of collection.* If a deficiency in personal holding company tax is established by a determination under section 547 (c) and § 1.547–2 (b) (1), collection by distraint or court proceeding (except in case of jeopardy), of the deficiency and all interest, additional amounts, and assessable penalties, shall be stayed for a period of 120 days after the date of such determination, and, to the extent any part of such deficiency remains after deduction for deficiency dividends, for an additional period until the date the claim is disallowed. After such claim is allowed or rejected, either in whole or in part, the amount of the deficiency which was not eliminated by the application of section 547, together with interest, additional amounts and assessable penalties, will be assessed and collected in the usual manner.

§ 1.547–7 *Effective date.* The deduction for deficiency dividends, in computing personal holding company tax for any taxable year, is allowable only with respect to determinations under section 547 (c) made after November 14, 1954 (the date falling 90 days after the date of enactment of the Internal Revenue Code of 1954). If the taxable year with respect to which the deficiency is asserted began before January 1, 1954, the deficiency dividends deduction shall include only the amounts which would have been includible in the computation of the basic surtax credit for such taxable year under the Internal Revenue Code of 1939. Section 547 (g), relating to the denial of a deficiency dividends deduction if the determination contains a finding that any part of the deficiency is due to fraud, etc., shall apply only if the taxable year with respect to which the deficiency is asserted begins after December 31, 1953.

FOREIGN PERSONAL HOLDING COMPANIES

§ 1.551 *Statutory provisions; foreign personal holding company income taxed to United States shareholders.*

SEC. 551. *Foreign personal holding company income taxed to United States shareholders*—(a) *General rule.* The undistributed foreign personal holding company income of a foreign personal holding company shall be included in the gross income of the citizens or residents of the United States, domestic corporations, domestic partnerships, and es-

required by the claim form.

dends shall be allowed under section 547

corporations, domestic partnerships, and es-

tates or trusts (other than estates or trusts the gross income of which under this subtitle includes only income from sources within the United States), who are shareholders in such foreign personal holding company (hereinafter called "United States shareholders") in the manner and to the extent set forth in this part.

(b) *Amount included in gross income.* Each United States shareholder, who was a shareholder on the day in the taxable year of the company which was the last day on which a United States group (as defined in section 552 (a) (2)) existed with respect to the company, shall include in his gross income, as a dividend, for the taxable year in which or with which the taxable year of the company ends, the amount he would have received as a dividend if on such last day there had been distributed by the company, and received by the shareholders, an amount which bears the same ratio to the undistributed foreign personal holding company income of the company for the taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year.

(c) *Deduction for obligations of United States and its instrumentalities.* Each United States shareholder shall take into account in determining his income tax his proportionate share of partially tax-exempt interest on obligations described in section 35 or 242 which is included in the gross income of the company otherwise than by the application of the provisions of section 555 (b) (relating to the inclusion in the gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another foreign personal holding company in which it is a shareholder). If the foreign personal holding company elects under section 171 to amortize the premiums on such obligations, for purposes of the preceding sentence each United States shareholder's proportionate share of such interest received by the foreign personal holding company shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 171 as is attributable to such share.

(d) *Information in return.* Every United States shareholder who is required under subsection (b) to include in his gross income any amount with respect to the undistributed foreign personal holding company income of a foreign personal holding company and who, on the last day on which a United States group existed with respect to the company, owned 5 percent or more in value of the outstanding stock of such company, shall set forth in his return in complete detail the gross income, deductions and credits, taxable income, foreign personal holding company, and undistributed foreign personal holding company income of such company.

(e) *Effect on capital account of foreign personal holding company.* An amount which bears the same ratio to the undistributed foreign personal holding company income of the foreign personal holding company for its taxable year as the portion of such taxable year up to and including the last day on which a United States group existed with respect to the company bears to the entire taxable year, shall, for the purpose of determining the effect of distributions in subsequent taxable years by the corporation, be considered as paid-in surplus or as a contribution to capital, and the accumulated earnings and profits as of the close of the taxable year shall be correspondingly reduced, if such amount or any portion thereof is required to be included as a dividend, directly or indirectly, in the gross income of United States shareholders.

(f) *Basis of stock in hands of shareholders.* The amount required to be included in the gross income of a United States shareholder under subsection (b) shall, for the purpose of adjusting the basis of his stock with respect to which the distribution would have been made (if it had been made), be treated as having been reinvested by the shareholder as a contribution to the capital of the corporation; but only to the extent to which such amount is included in his gross income in his return, increased or decreased by any adjustment of such amount in the last determination of the shareholder's tax liability, made before the expiration of 6 years after the date prescribed by law for filing the return.

(g) *Cross references.* (1) For basis of stock or securities in a foreign personal holding company acquired from a decedent, see section 1014 (b) (5).

(2) For period of limitation on assessment and collection without assessment, in case of failure to include in gross income the amount properly includible therein under subsection (b), see section 6501.

(3) For treatment of gain on liquidation of certain foreign personal holding companies, see section 342.

§ 1.551–1 *General rule.* Part III of subchapter G of chapter 1 of the Internal Revenue Code of 1954 (sections 551–557) does not impose a tax on foreign personal holding companies. The undistributed foreign personal holding company income of such companies, however, must be included in the manner and to the extent set forth in section 551, in the gross income of their "United States shareholders," that is, the shareholders who are individual citizens or residents of the United States, domestic corporations, domestic partnerships, and estates or trusts other than estates or trusts the gross income of which under subtitle A includes only income from sources within the United States.

§ 1.551–2 *Amount included in gross income.* (a) The undistributed foreign personal holding company income is included only in the gross income of the United States shareholders who were shareholders in the company on the last day of its taxable year on which a United States group (as defined in section 552 (a) (2)) existed with respect to the company. Such United States shareholders, accordingly, are determined by the stock holdings as of such specified time. This rule applies to every United States shareholder who was a shareholder in the company at the specified time regardless of whether the United States shareholder is included within the United States group. For example, a domestic corporation which is a United States shareholder at the specified time must return its distributive share in the undistributed foreign personal holding company income even though the domestic corporation cannot be included within the United States group since, under section 554, the stock it owns in the foreign corporation is considered as being owned proportionately by its shareholders for the purpose of determining whether the foreign corporation is a foreign personal holding company.

(b) The United States shareholders must include in their gross income their distributive shares of that proportion of the undistributed foreign personal holding company income for the taxable year of the company which is equal in ratio to that which the portion of the taxable year up to and including the last day on which the United States group with respect to the company existed bears to the entire taxable year. Thus, if the last day in the taxable year on which the required United States group existed was also the end of the taxable year, the portion of the taxable year up to and including such last day would be equal to 100 percent and, in such case, the United States shareholders would be required to return their distributive shares in the entire undistributed foreign personal holding company income. But if the last day on which the required United States group existed was September 30, and the taxable year was a calendar year, the portion of the taxable year up to and including such last day would be equal to nine-twelfths and, in that case, the United States shareholders would be required to return their distributive shares in only nine-twelfths of the undistributed foreign personal holding company income.

(c) The amount which each United States shareholder must return is that amount which he would have received as a dividend if the above-specified portion of the undistributed foreign personal holding company income had in fact been distributed by the foreign personal holding company as a dividend on the last day of its taxable year on which the required United States group existed. Such amount is determined, therefore, by the interest of the United States shareholder in the foreign personal holding company, that is, by the number of shares of stock owned by the United States shareholder and the relative rights of his class of stock, if there are several classes of stock outstanding. Thus, if a foreign personal holding company has both common and preferred stock outstanding and the preferred shareholders are entitled to a specified dividend before any distribution may be made to the common shareholders, then the assumed distribution of the stated portion of the undistributed foreign personal holding company income must first be treated as a payment of the specified dividend on the preferred stock before any part may be allocated as a dividend on the common stock.

(d) The assumed distribution of the required portion of the undistributed foreign personal holdng company income must be returned as dividend income by the United States shareholders for their respective taxable years in which or with which the taxable year of the foreign personal holding company ends. For example, if the M Corporation, whose taxable year is the calendar year, is a foreign personal holding company for 1954 and if A, one of its United States shareholders, makes returns on a calendar year basis, while B, another United States shareholder, makes returns on the basis of a fiscal year ending November 30, A must return his assumed dividend as income for the taxable year 1954 and B must return his distributive share as income for the fiscal year ending November 30, 1955. In applying this rule, the date as of which the United States group last existed with respect to the company is immaterial. Thus, in the foregoing example, if September 30, 1954, was the

last day on which the United States group with respect to the M Corporation existed, B would still be required to return his assumed dividend as income for the fiscal year ending November 30, 1955, even though September 30, 1954, the date as of which the distribution is assumed to have been made, does not fall within such fiscal year.

(e) For the treatment of gain on the sale of certain stock, see section 306 (f) and § 1.306–3 (h).

§ 1.551–3 *Deduction for obligations of the United States and its instrumentalities.* (a) Each United States shareholder required to return his distributive share of undistributed foreign personal holding company income for any taxable year shall take into account in computing the credit against tax under section 35, or the deduction under section 242, whichever is allowable to such shareholder, his proportionate share of whatever interest on obligations of the United States or its instrumentalities (as specified in sections 35 or 242, as the case may be) may be included in the gross income of the company for such taxable year, with the exception of any such interest as may be so included by reason of the application of the provisions of section 555. For reduction of credit for such interest on account of amortizable bond premium, see section 171 and the regulations thereunder.

(b) The rule set forth in paragraph (a) of this section may be illustrated by the following example:

Example. The M Corporation is a foreign personal holding company which owns all the stock of the N Corporation, another foreign personal holding company. Both companies receive interest on obligations of the United States or its instrumentalities as specified in section 35. In determining the amount of the credit allowable under section 35 (if the shareholder is an individual) or the deduction allowable under section 242 (if the shareholder is a corporation), the United States shareholder of the M Corporation would be entitled to a credit or a deduction, as the case may be, only for his proportionate share of the interest received by that Company and not for any part of the interest received by the N Corporation, regardless of whether the interest received by the N Corporation is included in the gross income of the M Corporation as an actual dividend or as a constructive dividend under section 555.

§ 1.551–4 *Information in return.* The information required by section 551 (d) in the returns of certain United States shareholders relates only to the taxable year of a foreign personal holding company for which any part of such corporation's undistributed foreign personal holding company income must be included in gross income by the United States shareholder of whom the information is required. The information shall be submitted as a part of the income tax return in the form of a statement attached to the return.

§ 1.551–5 *Effect on capital account of foreign personal holding company and basis of stock in hands of shareholders.* (a) Sections 551 (e) and 551 (f) are designed to prevent double taxation with respect to the undistributed foreign personal holding company income.

(b) The application of sections 551 (e) and 551 (f) may be illustrated by the following examples:

Example (1). The M Corporation is a foreign personal holding company. Seventy-five percent in value of its capital stock is owned by A, a citizen of the United States, and the remainder, or 25 percent, of its stock is owned by B, a nonresident alien individual. For the calendar year 1954 the M Corporation has an undistributed foreign personal holding company income of $100,000. A is required to include $75,000 of such income in gross income as a dividend in his return for the calendar year 1954. The $100,000 is treated as paid-in surplus or as a contribution to the capital of the M Corporation and its accumulated earnings and profits as of the close of the calendar year 1954 are correspondingly reduced. If after treating such $100,000 as paid-in surplus or as a contribution to capital, the M Corporation has no accumulated earnings and profits at the close of 1954, and if for the calendar year 1955, the M Corporation had no earnings and profits, but distributed $40,000, the amount so distributed would be a nontaxable distribution and would not be included in the gross income of either A or B for the calendar year 1955. If, however, after treating the $100,000 as paid-in surplus or as a contribution to capital, the M Corporation had accumulated earnings and profits of $100,000 at the close of 1954, the facts otherwise being the same, the distributions in 1955 would be taxable to A as a dividend, and the taxability of such distributions to B would depend upon the application of section 861 (a) (2), relating to the treatment of dividends from a foreign corporation as income from sources within or without the United States.

Example (2). In example (1) assume the basis of A's stock to be $300,000. If A includes in gross income in his return for the calendar year 1954, $75,000 as a dividend from the M Corporation, the basis of his stock would be $375,000. After the nontaxable distribution of $30,000 to A by the M Corporation in 1955 (75 percent of the $40,000 distribution) the basis of A's stock, assuming no other changes, would be $345,000. If A failed to include the $75,000 as a dividend in gross income in his return for 1954 and his failure was not discovered until after the 6-year period of limitations had expired, the application of the rule would not increase the basis of A's stock. The subsequent nontaxable distribution of $30,000 to A in 1955 would reduce his basis of $300,000 to $270,000, thus tending to compensate for his failure to include the amount of $75,000 as a dividend in his gross income for 1954. If the undistributed foreign personal holding company income of the M Corporation is readjusted within the statutory period of limitations, thus increasing or decreasing the amount A would have to include in his gross income, proper adjustment is required to be made to the basis of A's stock on account of such readjustment.

§ 1.552 *Statutory provisions; definition of foreign personal holding company.*

SEC. 552. *Definition of foreign personal holding company*—(a) *General rule.* For purposes of this subtitle, the term "foreign personal holding company" means any foreign corporation if—

(1) *Gross income requirement.* At least 60 percent of its gross income (as defined in section 555 (a)) for the taxable year is foreign personal holding company income as defined in section 553; but if the corporation is a foreign personal holding company with respect to any taxable year ending after August 26, 1937, then, for each subsequent taxable year, the minimum percentage shall be 50 percent in lieu of 60 percent, until a taxable year during the whole of which the stock ownership required by paragraph (2) does not exist, or until the expiration of three consecutive taxable years in each of which less than 50 percent of the gross income is foreign personal holding company income. For purposes of this paragraph, there shall be included in the gross income the amount includible therein as a dividend by reason of the application of section 555 (c) (2); and

(2) *Stock ownership requirement.* At any time during the taxable year more than 50 percent in value of its outstanding stock is owned, directly or indirectly, by or for not more than five individuals who are citizens or residents of the United States, hereinafter called "United States group".

(b) *Exceptions.* The term "foreign personal holding company" does not include—

(1) A corporation exempt from tax under subchapter F (sec. 501 and following); and

(2) A corporation organized and doing business under the banking and credit laws of a foreign country if it is established (annually or at other periodic intervals) to the satisfaction of the Secretary or his delegate that such corporation is not formed or availed of for the purpose of evading or avoiding United States income taxes which would otherwise be imposed upon its shareholders. If the Secretary or his delegate is satisfied that such corporation is not so formed or availed of, he shall issue to such corporation annually or at other periodic intervals a certification that the corporation is not a foreign personal holding company.

Each United States shareholder of a foreign corporation which would, except for the provisions of paragraph (2), be a foreign personal holding company, shall attach to and file with his income tax return for the taxable year a copy of the certification by the Secretary or his delegate made pursuant to paragraph (2). Such copy shall be filed with the taxpayer's return for the taxable year if he has been a shareholder of such corporation for any part of such year.

§ 1.552–1 *Definition of foreign personal holding company.* (a) A foreign personal holding company is any foreign corporation, other than a corporation exempt from taxation under subchapter F (section 501 and following) and other than certain banking institutions which satisfy the requirements of section 552 (b) (2) and § 1.552–4 (b) which for the taxable year meets (1) the gross income requirement specified in section 552 (a) (1); and (2) the stock ownership requirement specified in section 552 (a) (2). Both requirements must be satisfied with respect to each taxable year.

(b) A foreign corporation which comes within the classification of a foreign personal holding company is not subject to taxation either under section 531 or section 541. See sections 532 (b) (2) and 542 (c) (5). The fact that a foreign corporation is a foreign personal holding company does not relieve the corporation from liability for the taxes imposed generally upon foreign corporations, such as the taxes imposed by sections 881 and 882, since such taxes apply regardless of the classification of the foreign corporation as a foreign personal holding company.

§ 1.552–2 *Gross income requirement.* (a) To meet the gross income requirement, it is necessary that either of the following percentages of gross income of the corporation for the taxable year (including the additions to gross income

provided in section 555 (b) as required by section 555 (c) (2)) be foreign personal holding company income as defined in section 553:

(1) 60 percent or more; or

(2) 50 percent or more if the foreign corporation has been classified as a foreign personal holding company for any taxable year ending after August 26, 1937, unless—

(i) A taxable year has intervened since the last taxable year for which it was so classified, during no part of which the stock ownership requirement specified in section 552 (a) (2) exists; or

(ii) Three consecutive years have intervened since the last taxable year for which it was so classified, during each of which its foreign personal holding company income was less than 50 percent of its gross income.

(b) In determining whether the foreign personal holding company income is equal to the required percentage of the total gross income, the determination must not be made upon the basis of gross receipts, since gross income is not synonymous with gross receipts. For meaning of gross income in this part, see section 555 and § 1.555–1.

§ 1.552–3 *Stock ownership requirement.* (a) To meet the stock ownership requirement, it is necessary that at sometime in the taxable year more than 50 percent in value of the outstanding stock of the foreign corporation be owned, directly or indirectly, by or for not more than five individuals who are citizens or residents of the United States, herein referred to as "United States group." For the purpose of the requirement under section 552 (a) (2), section 554 provides that the ownership of the stock must be determined under the rules prescribed by section 544 (relating to rules for determining stock ownership in the case of personal holding companies generally). Accordingly, section 544 and §§ 1.544–1—1.544–7 are applicable for purposes of section 552 (a) (2) and this section as if each reference in section 544 and §§ 1.544–1—1.544–7 to a personal holding company or to part II (sections 541–547) of subchapter G of the 1954 Code was a reference to a foreign personal holding company or to part III (sections 551–557) of subchapter G of the 1954 Code, as the case may be.

(b) It is necessary to consider any change in the stock outstanding during the taxable year, whether in the number of shares or classes of stock, or in the ownership thereof, since a corporation comes within the classification if the statutory conditions with respect to stock ownership are present at any time during the taxable year.

(c) In determining whether the statutory conditions with respect to stock ownership are present at any time during the taxable year, the phrase "in value" shall, in the light of all the circumstances, be deemed the value of the corporate stock outstanding at such time (not including treasury stock). This value may be determined upon the basis of the company's net worth, earning and dividend paying capacity, appreciation of assets, together with such other factors as have a bearing upon the value of the stock. If the value of the stock which is used is greatly at variance with that reflected by the corporate books, the evidence of such value should be filed with the return. In any case where there are two or more classes of stock outstanding, the total value of all the stock should be allocated among the different classes according to the relative value of each class therein.

§ 1.552–4 *Certain excluded banks.* (a) A corporation is excluded from the definition of "foreign personal holding company" if it is organized and doing business under the banking and credit laws of a foreign country and if it establishes to the satisfaction of the Commissioner that it was not formed or availed of for the purpose of evading or avoiding United States income taxes which would otherwise be imposed on its shareholders. If this is established, the Commissioner, or such other official to whom authority may be delegated, will certify, by letter to the corporation, that it is not a foreign personal holding company.

(b) An application for certification under section 552 (b) (2) shall be made in writing to the Commissioner of Internal Revenue, Washington 25, D. C., Attention: Audit Division. A separate application shall be filed for each taxable year for which certification is requested, and the application shall be accompanied by a completed Form 958 for the taxable year. See section 6035. In addition, the application shall set forth the reference to the banking or credit laws of the foreign country under which the corporation operates, the extent of its business in receiving deposits and making loans and discounts and similar banking and credit operations, the extent of its operations other than such banking and credit operations, whether the banking and credit operations are customary for such taxpayer, the degree and manner of supervision exercised over it by the foreign government under its banking and credit laws, a copy (in English) of its last annual financial statement, as submitted to the government authority having jurisdiction over it, the business reasons for its not distributing the amount which would be its undistributed foreign personal holding company income if the corporation were not excluded under section 552 (b) (2), including a statement of the extent of its profits which must be retained as reserves under the foreign law, the date or dates when it reasonably expects to distribute such amounts, and any other facts it wishes to submit to show that the corporation was not formed or availed of for the purpose of evading or avoiding United States income taxes which would otherwise be imposed on the shareholders.

§ 1.552–5 *United States shareholder of excluded bank.* A copy of the certification issued to an excluded bank under section 552 (b) (2) and § 1.552–4 shall be filed with, and made a part of, the income tax return for the taxable year of each United States shareholder of such foreign corporation, if he has been a shareholder of such corporation for any part of such year. If the certificate has not been issued at the time the return of the United States shareholder is filed, the shareholder shall compute the tax on his return by treating the bank as a foreign personal holding company. If a certificate is issued after the return is filed, the United States shareholder may file a claim for refund or an amended return, and shall attach thereto a copy of the certification.

§ 1.553 *Statutory provisions; foreign personal holding company income.*

SEC. 553. *Foreign personal holding company income.* For purposes of this subtitle, the term "foreign personal holding company income" means the portion of the gross income, determined for purposes of section 552, which consists of personal holding company income, as defined in section 543, except that all interest, whether or not treated as rent, and all royalties, whether or not mineral, oil, or gas royalties, shall constitute "foreign personal holding company income".

§ 1.553–1 *Foreign personal holding company income.* Foreign personal holding company income shall consist of the items defined under section 543 and §§ 1.543–1 and 1.543–2, relating to personal holding company income, with the following exceptions:

(a) The entire amount received as "interest", whether or not treated as rent, shall be considered to be foreign personal holding company income. Thus, the exception in the second sentence of section 543 (a) (1) and § 1.543–1 (b) (2) (relating to interest treated as rent under section 543 (a) (7) and § 1.543–1 (b) (10)), is inapplicable for the purpose of determining foreign personal holding company income. Similarly, section 543 (a) (7) and § 1.543–1 (b) (10) are applied for this purpose without regard to the interest described in that section.

(b) (1) The entire amount received as "royalties", whether or not mineral, oil, or gas royalties, shall be considered to be foreign personal holding company income. Thus, subparagraphs (A) and (B) of section 543 (a) (8) and (*a*) and (*b*) of § 1.543–1 (b) (11) (i) are inapplicable for the purpose of determining foreign personal holding company income.

(2) The rules provided in subdivision (iii) of § 1.543–1 (b) (11) only apply on or after the dates of publication and promulgation of regulations under part II of this subchapter. See § 1.543–1 (b) (11) (iii) (c). Such rules also apply in determining foreign personal holding company income but only on or after the dates of publication and promulgation of regulations under part III of this subchapter.

§ 1.554 *Statutory provisions; stock ownership.*

SEC. 554. *Stock ownership.* For purposes of determining whether a foreign corporation is a foreign personal holding company, insofar as such determination is based on stock ownership, the rules provided in section 544 shall be applicable as if any reference in such section to a personal holding company was a reference to a foreign personal holding company and as if any reference in such section to a provision of part II (relating to personal holding companies) was a reference to the corresponding provision of this part.

§ 1.554–1 *Stock ownership.* For regulations under section 554, see § 1.552–3.

§ 1.555 *Statutory provisions; gross income of foreign personal holding companies.*

SEC. 555. *Gross income of foreign personal holding companies*—(a) *General rule.* For purposes of this part, the term "gross income" means, with respect to a foreign corporation, gross income computed (without regard to the provisions of subchapter N (sec. 861 and following)) as if the foreign corporation were a domestic corporation which is a personal holding company.

(b) *Additions to gross income.* In the case of a foreign personal holding company (whether or not a United States group, as defined in section 552 (a) (2), existed with respect to such company on the last day of its taxable year) which was a shareholder in another foreign personal holding company on the day in the taxable year of the second company which was the last day on which a United States group existed with respect to the second company, there shall be included, as a dividend, in the gross income of the first company, for the taxable year in which or with which the taxable year of the second company ends, the amount the first company would have received as a dividend if on such last day there had been distributed by the second company, and received by the shareholders, an amount which bears the same ratio to the undistributed foreign personal holding company income of the second company for its taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year.

(c) *Application of subsection (b).* The rule provided in subsection (b)—

(1) Shall be applied in the case of a foreign personal holding company for the purpose of determining its undistributed foreign personal holding company income which, or a part of which, is to be included in the gross income of its shareholders, whether United States shareholders or other foreign personal holding companies;

(2) Shall be applied in the case of every foreign corporation with respect to which a United States group exists on some day of its taxable year, for the purpose of determining whether such corporation meets the gross income requirements of section 552 (a) (1).

§ 1.555–1 *General rule.* The gross income of a foreign corporation which is a foreign personal holding company is computed the same as if the foreign corporation were a domestic corporation which is a personal holding company. See section 542 (a) (1) and § 1.542–2. The gross income of a foreign personal holding company thus includes income from all sources, whether within or without the United States, which is not specifically excluded from gross income under any other provisions of the Code. For example, the gross income of a foreign personal holding company includes all income from sources outside the United States even though the foreign personal holding company is a foreign corporation not engaged in trade or business within the United States.

§ 1.555–2 *Additions to gross income.* (a) If, for any taxable year—

(1) A foreign corporation meets the stock ownership requirement specified in section 552 (a) (2) and § 1.552–3, regardless of whatever day in its taxable year is the last day on which the required United States group exists, and

(2) Such foreign corporation is a shareholder in a foreign personal holding company on any day of a taxable year of the second company which ends with or within the taxable year of the first company and such day is the last day in the taxable year of the second company in which the United States group exists with respect to the second company, then for the purpose of—

(i) Determining whether the first company meets the specified gross income requirement so as to come within the classification of a foreign personal holding company, and

(ii) Determining the undistributed foreign personal holding company income of the first company which (in the event the first company is a foreign personal holding company) is to be included, in whole or in part, in the gross income of its shareholders, whether United States shareholders or other foreign personal holding companies:

there shall be included as a dividend in the gross income of the first company for the taxable year in which or with which the taxable year of the second company ends, the amount the first company would have received as a dividend, if on the last day referred to in this subparagraph there had been distributed by the second company, and received by the shareholders, an amount which bears the same ratio to the undistributed foreign personal holding company income of the second company for its taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year. The foregoing rules apply to any chain of foreign corporations regardless of the number of corporations included in the chain.

(b) The application of section 555 (b) may be illustrated by the following examples:

Example (1). The X Corporation is a foreign corporation whose stock is owned by A, a United States citizen. The X Corporation owns the entire stock of the Y Corporation, another foreign corporation. The taxable year of the X Corporation is the calendar year and the taxable year of the Y Corporation is the fiscal year ending June 30. For the fiscal year ending June 30, 1955, more than the required percentage of the Y Corporation's gross income consists of foreign personal holding company income and no part of the earnings for such year is distributed as dividends. On the basis of these facts the Y Corporation is a foreign personal holding company for the fiscal year ending June 30, 1955. The X Corporation meets the stock ownership requirement and constitutes a foreign personal holding company for 1955, if it also meets the gross income requirement. For the purpose of determining whether the X Corporation meets the gross income requirement, the entire undistributed foreign personal holding company income of the Y Corporation for the fiscal year ending June 30, 1955, must be included as a dividend in the gross income of the X Corporation for 1955, since—

(1) The X Corporation was a shareholder in the Y Corporation on a day (June 30, 1955) in the taxable year of the Y Corporation ending with or within the taxable year of the X Corporation, which day was the last day in the taxable year of the Y Corporation on which the United States group required with respect to the Y Corporation existed,

(2) Such last day was also the end of the Y Corporation's taxable year so that the portion of the taxable year of the Y Corporation up to and including such last day is equal to 100 percent of the taxable year of the Y Corporation, and, therefore, the portion of the undistributed foreign personal holding company income of the Y Corporation includible in the gross income of its shareholders is likewise equal to 100 percent, and

(3) The X Corporation being the sole shareholder of the Y Corporation must include such portion in its gross income for 1955, the taxable year in which or with which the taxable year of the Y Corporation ends. If, after the inclusion of the presumptive dividend in its gross income, the X Corporation is a foreign personal holding company for 1955, then the undistributed foreign personal holding company income of the Y Corporation must also be included as a dividend in the gross income of the X Corporation in determining its undistributed foreign personal holding company income which is to be included in the gross income of A, the sole shareholder in the X Corporation. On the other hand, if, after including such presumptive dividend, the X Corporation does not constitute a foreign personal holding company, the undistributed foreign personal holding company income of the Y Corporation is not includible in the gross income of the X Corporation.

Example (2). The X Corporation referred to in example (1) sold the stock in the Y Corporation to other interests on September 30, 1955, so that after that date no United States group existed with respect to the Y Corporation. For the fiscal year ending June 30, 1956, more than the required percentage of the gross income of the Y Corporation consists of foreign personal holding company income. The taxable income of the Y Corporation for such fiscal year amounts to $1,000,000, of which $900,000 is distributed in dividends after September 30, 1955. The undistributed foreign personal holding company income of the Y Corporation for such fiscal year amounts to $100,000. Upon the basis of these facts the Y Corporation is a foreign personal holding company for the fiscal year ending June 30, 1956, since at one time in such fiscal year, or from July 1 to and including September 30, 1955, it meets the stock ownership requirement, and the gross income requirement is also satisfied. In determining whether the X Corporation constitutes a foreign personal holding company for 1956, a portion of the undistributed foreign personal holding company income of the Y Corporation for the fiscal year ending June 30, 1956 (three-twelfths of $100,000, or $25,000), must be included as a dividend in the gross income of the X Corporation, since—

(1) The X Corporation was a shareholder in the Y Corporation on September 30, 1955, or on a day in the taxable year of the Y Corporation ending with or within the taxable year of the X Corporation which day was the last day in the Y Corporation's taxable year on which the United States group required with respect to the Y Corporation existed.

(2) The portion of the taxable year of the Y Corporation up to and including such day is three-twelfths of the entire taxable year of the Y Corporation and, therefore, the portion of the undistributed foreign personal holding company income of the Y Corporation includible in the gross income of its shareholders also is equal to three-twelfths, and

(3) The X Corporation, being the sole shareholder of the Y Corporation at the time the United States group with respect to the Y Corporation last existed, must include all of such portion in its gross income for 1956, the taxable year of the X Corporation in which or with which the taxable year of the Y Corporation ends.

It is to be observed that three-twelfths of the undistributed foreign personal holding company income of the Y Corporation for the entire taxable year and not the earnings realized by the Y Corporation up to and including September 30, 1955, the last day on which the United States group with respect to the Y Corporation existed, must be included in the gross income of the X Corporation.

Example (3). The X Corporation referred to in example (1) sold the stock in the Y Corporation to other interests on September 30, 1955, so that after that date a different United States group existed with respect to the Y Corporation. Assuming that the Y Corporation is a foreign personal holding company for the fiscal year ending June 30, 1956, no part of the undistributed foreign personal holding company income of the Y Corporation for such fiscal year would, in this instance, be includible in the gross income of the X Corporation for the year 1956, in determining whether the X Corporation is a foreign personal holding company for that year. In such case, the undistributed foreign personal holding company income of the Y Corporation is includible in the gross income of the other foreign personal holding companies, if any, and of the United States shareholders who are shareholders in the Y Corporation the day after September 30, 1955, which was the last day in the taxable year of the Y Corporation on which the United States group with respect to the Y Corporation existed. If, however, the X Corporation sells 90 percent of its stock in the Y Corporation and thus is a minority shareholder in the Y Corporation on the last day of the taxable year of the Y Corporation on which the United States group with respect to the Y Corporation exists, the portion of the undistributed foreign personal holding company income allocable to the minority interests of the X Corporation would be includible in the gross income of the X Corporation, even though on such last day the United States group is not the same with respect to both corporations.

Example (4). If the Y Corporation in example (1) owns all of the stock of the Z Corporation, another foreign corporation, there would be a chain of three foreign corporations. In such case, assuming that the Z Corporation is a foreign personal holding company for a taxable year ending with or within the taxable year of the Y Corporation, the undistributed foreign personal holding company income of the Z Corporation would be included in the gross income of the Y Corporation for the purpose of determining whether the Y Corporation comes within the classification of a foreign personal holding company. If, after the inclusion of such presumptive dividend, the Y Corporation is a foreign personal holding company, the undistributed foreign personal holding company income of the Z Corporation would be included in the gross income of the Y Corporation in determining the undistributed foreign personal holding company income of the Y Corporation which is includible in the gross income of its shareholder, the X Corporation. The same process would be repeated with respect to determining whether the X Corporation is a foreign personal holding company and in determining its undistributed foreign personal holding company income. If all three corporations are foreign personal holding companies, the undistributed foreign personal holding company income of each would, in this manner, be reflected as a dividend in the gross income of A, the ultimate beneficial shareholder of the chain. In the event that after the inclusion of the undistributed foreign personal holding company income of the Z Corporation in the gross income of the Y Corporation, the Y Corporation is not a foreign personal holding company, then no part of the income of either the Z Corporation or the Y Corporation would be includible in the gross income of the X Corporation. In that event, whether the X Corporation is a foreign personal holding company, and its undistributed foreign personal holding company income, would be determined independently of the income of the Y Corporation and the Z Corporation.

§ 1.556 *Statutory provisions; undistributed foreign personal holding company income.*

SEC. 556. *Undistributed foreign personal holding company income*—(a) *Definition.* For purposes of this part, the term "undistributed foreign personal holding company income" means the taxable income of a foreign personal holding company adjusted in the manner provided in subsection (b), minus the dividends paid deduction (as defined in section 561).

(b) *Adjustments to taxable income.* For the purposes of subsection (a), the taxable income shall be adjusted as follows:

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits, and excess-profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164 (b) (6)), accrued during the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law. A taxpayer which, for each taxable year in which it was subject to the provisions of supplement P of the Internal Revenue Code of 1939, deducted Federal income and excess profits taxes when paid for the purpose of computing undistributed supplement P net income under such code, shall deduct taxes under this paragraph when paid, unless the corporation elects, under regulations prescribed by the Secretary or his delegate, after the date of enactment of this title to deduct the taxes described in this paragraph when accrued. Such election shall be irrevocable and shall apply to the taxable year for which the election is made and to all subsequent taxable years.

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but with the limitation in section 170 (b) (1) (A) and (B) (in lieu of the limitation in section 170 (b) (2)). For purposes of this paragraph, the term "adjusted gross income" when used in section 170 (b) (1) means the taxable income computed with the adjustments provided in section 170 (b) (2) and without the deduction of the amounts disallowed under paragraphs (5) and (6) of this subsection or the inclusion in gross income of the amounts includible therein as dividends by reason of the application of the provisions of section 555 (b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder).

(3) *Special deductions disallowed.* The special deductions for corporations provided in part VIII (except sections 242 and 248) of subchapter B (section 241 and following, relating to the deduction for dividends received by corporations, etc.) shall not be allowed.

(4) *Net operating loss.* The net operating loss deduction provided in section 172 shall not be allowed, but there shall be allowed as a deduction the amount of the net operating loss (as defined in section 172 (c)) for the preceding taxable year.

(5) *Expenses and depreciation applicable to property of the taxpayer.* The aggregate of the deductions allowed under section 162 (relating to trade or business expenses) and section 167 (relating to depreciation) which are allocable to the operation and maintenance of property owned or operated by the company, shall be allowed only in an amount equal to the rent or other compensation received for the use of, or the right to use, the property, unless it is established (under regulations prescribed by the Secretary or his delegate) to the satisfaction of the Secretary or his delegate—

(A) That the rent or other compensation received was the highest obtainable, or, if none was received, that none was obtainable;

(B) That the property was held in the course of a business carried on bona fide for profit; and

(C) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

(6) *Taxes and contributions to pension trusts.* The deductions provided in section 164 (e) (relating to taxes of a shareholder paid by the corporation) and in section 404 (relating to pension, etc., trusts) shall not be allowed.

§ 1.556–1 *Definition.* Undistributed foreign personal holding company income is the amount which is to be included in the gross income of the United States shareholders under section 551 (b) and § 1.551–2. Undistributed foreign personal holding company income is the taxable income of the foreign personal holding company, as defined in section 63 (a) (computed without regard to subchapter N), and adjusted in the manner described in section 556 (b) and § 1.556–2, less the deduction for dividends paid (§§ 1.561–1.565). See § 1.556–3 for an illustration of the computation of undistributed foreign personal holding company income.

§ 1.556–2 *Adjustments to taxable income*—(a) *Taxes*—(1) *General rule.* In computing undistributed foreign personal holding company income, there shall be allowed as a deduction Federal income and excess profits taxes accrued during the taxable year except that no deduction shall be allowed for (i) the accumulated earnings tax imposed by section 531 (or a corresponding section of a prior law), (ii) the personal holding company tax imposed by section 541 (or a corresponding section of a prior law), and (iii) the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939. The deduction is for taxes accrued, regardless of whether the corporation uses an accrual method of accounting, the cash receipts and disbursements method or any other allowable method. However, the corporation shall deduct taxes paid, rather than taxes accrued, if it used that method for each taxable year for which it was subject to the provisions of supplement P of the Internal Revenue Code of 1939, unless an election is made to deduct taxes accrued. In computing the amount of taxes accrued, an unpaid tax which is being contested is not considered accrued until the contest is resolved.

(2) *Election by corporation which deducted taxes paid.* If the corporation was subject to supplement P of the Internal Revenue Code of 1939, and, for the purpose of computing undistributed supplement P net income under such Code, deducted taxes paid rather than taxes accrued for each taxable year for which it was subject to supplement P of the

1939 Code, the corporation may elect to deduct taxes accrued, rather than taxes paid, for the purpose of computing its undistributed foreign personal holding company income. The election shall be made by deducting the taxes accrued in the return (Form 958) required to be filed for such taxable year. The return shall, in addition, contain a statement that the corporation has made such election and shall set forth the year to which such election was first applicable. The deduction of taxes accrued in the year of election precludes the deduction of taxes paid during such year. The election, if made, shall be irrevocable and the deduction for taxes accrued shall be allowed for the year of election and for all subsequent taxable years. See section 6035 and the regulations thereunder for rules relative to the filing of returns of officers, directors, and shareholders of foreign personal holding companies.

(3) *Taxes of foreign countries and United States possessions.* The deduction of income, war profits and excess profits taxes paid to a foreign country or United States possession is permitted in computing undistributed foreign personal holding company income to the extent that such taxes are not allowable as a deduction under section 164 (b) (6) and the regulations thereunder.

(b) *Charitable contributions.* (1) Section 556 (b) (2) provides that, in computing the undistributed foreign personal holding company income of a corporation, the deduction for charitable contributions by a corporation shall be computed with the limitations of section 170 (b) (1) (A) and (B) (relating to charitable contributions by individuals) instead of the limitation in section 170 (b) (2) (relating to charitable contributions by corporations).

(2) Although the limitations of section 170 (b) (1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 556 (b) (2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170 (b) (2) (that is, the same amount of taxable income to which the 5 percent limitation applied). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 556 (b) (5) (relating to expenses and depreciation applicable to property of the taxpayer), and section 556 (b) (6) (relating to taxes and contributions to pension trusts), and without the inclusion of the amounts includible as dividends under section 555 (b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder).

(3) See the regulations under section 170 (b) (1) (A) and (B) with respect to the charitable contributions to which the 10 percent limitation is applicable and the charitable contributions to which the 20 percent limitation is applicable.

(4) In some cases, a deduction in excess of the 5 percent limitation may be allowed for one taxable year under section 556 (b) (2) for purposes of computing the undistributed foreign personal holding company income only, and may also be allowed as a deduction in computing taxable income for a subsequent taxable year under the carryover provisions of section 170 (b) (2). To the extent that the charitable contributions carried over from a previous year have already been deducted for purposes of determining undistributed foreign personal holding company income in the year when the charitable contributions were made, they may not be deducted again as part of the contribution carryover deduction, for purposes of determining undistributed foreign personal holding company income for a subsequent year. However, this adjustment is only for purposes of computing the undistributed foreign personal holding company income, and the carryover in such case is allowable in computing taxable income.

(c) *Special deductions disallowed.* Part VIII of subchapter B of chapter 1 allows corporations special deductions in computing taxable income for such matters as partially tax-exempt interest, certain dividends received, dividends paid on certain preferred stock of public utilities, organizational expenses, etc. See section 241. Such special deductions, except the deduction provided by section 242 (relating to partially tax-exempt interest) and the deduction provided by section 248 (relating to organizational expenses), shall be disallowed in computing undistributed foreign personal holding company income.

(d) *Net operating loss.* The net operating loss deduction provided in section 172 is not allowed for purposes of the computation of undistributed foreign personal holding company income; however, there is allowed as a deduction for such purposes the amount of the net operating loss (as defined in section 172 (c)) for the preceding taxable year.

(e) *Expenses and depreciation applicable to property of the corporation.* (1) Section 556 (b) (5) provides a specific limitation in computing undistributed foreign personal holding company income, with respect to the allowance of deductions for trade or business expenses and depreciation which are allocable to the operation and maintenance of property owned or operated by a foreign personal holding company. Under this limitation these deductions shall not be allowed in excess of the aggregate amount of the rent or other compensation received for the use of, or the right to use, the property, unless it is established to the satisfaction of the Commissioner—

(i) That the rent or other compensation received was the highest obtainable, or if none was received, that none was obtainable;

(ii) That the property was held in the course of a business carried on bona fide for profit; and

(iii) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

(2) The burden of proof will rest upon the taxpayer to sustain the deduction claimed. If a United States shareholder, in computing his distributive share of undistributed foreign personal holding company income to be included in gross income in his individual return (see section 551, and §§ 1.551–1 and 1.551–2), claims deductions for expenses and depreciation allocable to the operation and maintenance of property owned or operated by the company, in an aggregate amount in excess of the rent or other compensation received for the use of, or the right to use, the property, he shall attach to his income tax return a statement setting forth his claim for allowance of the additional deductions, together with a complete statement of the facts and circumstances pertinent to his claim and the arguments on which he relies. Such statement shall set forth:

(i) A description of the property;

(ii) The cost or other basis to the corporation and the nature and value of the consideration paid for the property;

(iii) The name and address of the person from whom the property was acquired and the date the property was acquired;

(iv) The name and address of the person to whom the property is leased or rented, or the person permitted to use the property, and the number of shares of stock, if any, held by such person and the members of his family;

(v) The nature and gross amount of the rent or other compensation received for the use of, or the right to use, the property during the taxable year and for each of the five preceding years and the amount of the expenses incurred with respect to, and the depreciation sustained on, the property for such years;

(vi) Evidence that the rent or other compensation was the highest obtainable, or, if none was received, a statement of the reasons therefor;

(vii) A copy of the contract, lease or rental agreement;

(viii) The purpose for which the property was used;

(ix) The business carried on by the corporation with respect to which the property was held and the gross income, expenses, and taxable income derived from the conduct of such business for the taxable year and for each of the five preceding years;

(x) A statement of any reasons which existed for expectation that the operation of the property would be profitable, or a statement of the necessity for the use of the property in the business of the corporation, and the reasons why the property was acquired; and

(xi) Any other information pertinent to the taxpayer's claim.

(f) *Taxes and contributions to pension trusts.* Section 164 (e) provides for deduction by a corporation for taxes of a shareholder paid by it; section 404 provides for deduction by an employer for its contributions to an employees' trust, etc. For the purpose of computing undistributed foreign personal holding company income, neither of these deductions is allowable.

§ 1.556–3 *Illustration of computation of undistributed foreign personal hold-*

the Z Corporation or the Y Corporation would (relating to trade or business expenses) and it was subject to supplement P of the

ing company income. The method of computation of the undistributed foreign personal holding company income may be illustrated by the following example:

Example. (a) The following facts exist with respect to the M Corporation, a foreign personal holding company, for the calendar year 1954:

(1) The gross income of the corporation as defined in section 555 amounts to $300,000, of which $85,000 represents its distributive share of the undistributed foreign personal holding company income of another foreign personal holding company in which it is a shareholder, $200,000 consists of dividends, $10,000 consists of fully taxable interest, and the remainder ($5,000) consists of rent received from the principal shareholder of the corporation for the use of property owned by the corporation.

(2) The expenses of the corporation amount to $85,000, of which $75,000 is allocable to the maintenance and operation of the property used by the principal shareholder and $10,000 consists of ordinary and necessary office expenses allowable as a deduction. The claim for deduction for the expenses of, and depreciation on, the rented property in excess of the rent received for its use is not established as provided in section 556 (b) (5). The yearly depreciation on the rented property amounts to $30,000.

(3) Federal income tax withheld at the source on the income of the corporation from sources within the United States amounts to $59,125.

(4) No gain from the sale or exchange of stock or securities is realized during the taxable year, but losses in the amount of $10,000 are sustained from the sale of stock or securities which constitute capital assets. Such losses are not allowed as a deduction in any amount. See section 1211 (a).

(5) Contributions, payment of which is made to or for the use of donees described in section 170 (b) (1) (A) for the purposes therein specified, amount to $15,000, of which $5,000 is deductible in computing taxable income under section 63.

(6) Dividends paid by the corporation to its shareholders during the taxable year amount to $50,000.

(b) The taxable income of the corporation (including the distributive share of the undistributed foreign personal holding company income of the other foreign personal holding company) is $180,000, computed as follows (assuming for the purposes of this example only that the expenses of, and depreciation on, the rental property are deductible under sections 162 and 167):

Income (Section 61)

Dividends	$200,000
Interest	10,000
Rent	5,000
Gross income as defined in section 61	215,000
Add: Distributive share of undistributed income of the other foreign personal holding company (considered as a dividend)	85,000
Gross income as defined in section 555	300,000

Deductions (Section 161)

Expenses allocable to operation of the rented property	$75,000
Depreciation of the rented property	30,000
Ordinary and necessary expenses (office)	10,000
Contributions (within the 5 percent limitation specified in section 170 (b) (2))	$5,000
	120,000
Taxable income for purposes of computing undistributed foreign personal holding company income	180,000

(c) The undistributed foreign personal holding company income of the corporation is $160,875, computed as follows:

Taxable income for purposes of computing undistributed foreign personal holding company income	$180,000
Add (see section 556 (b)):	
Contributions deductible in computing taxable income under section 63	5,000
Excess property expenses and depreciation over amount of rent received for use of property ($105,000—$5,000)	100,000
Total	105,000
Deduct (see section 556 (b)):	
Federal income taxes	59,125
Contributions (within the percentage limitations specified in section 170 (b) (1) (A) and (B), determined under the rules provided in section 556 (b) (2))	15,000
Total	74,125
Net additions under section 556 (b)	30,875
Taxable income, as adjusted under section 556 (b)	210,875
Less: Deduction for dividends paid (see section 561)	50,000
Undistributed foreign personal holding company income	160,875

§ 1.557 *Statutory provisions; income not placed on annual basis.*

SEC. 557. *Income not placed on annual basis.* Section 443 (b) (relating to computation of tax on change of annual accounting period) shall not apply in the computation of the undistributed foreign personal holding company income under section 556.

DEDUCTION FOR DIVIDENDS PAID

§ 1.561 *Statutory provisions; definition of deduction for dividends paid.*

SEC. 561. *Definition of deduction for dividends paid*—(a) *General rule.* The deduction for dividends paid shall be the sum of—

(1) The dividends paid during the taxable year,

(2) The consent dividends for the taxable year (determined under section 565), and

(3) In the case of a personal holding company, the dividend carryover described in section 564.

(b) *Special rules applicable.* In determining the deduction for dividends paid, the rules provided in section 562 (relating to rules applicable in determining dividends eligible for dividends paid deduction) and section 563 (relating to dividends paid after the close of the taxable year) shall be applicable.

§ 1.561–1 *Deduction for dividends paid.* The deduction for dividends paid is applicable in determining accumulated taxable income under section 535, undistributed personal holding company income under section 545, undistributed foreign personal holding company income under section 556, and investment company taxable income under section 852. The deduction for dividends paid includes—

(a) The dividends paid during the taxable year—(1) For dividends for which the dividends paid deduction is allowable, see section 562 and § 1.562–1, and

(2) As to when dividends are considered paid, see § 1.561–2.

(b) The consent dividends for the taxable year, determined as provided in section 565, and

(c) In the case of a personal holding company the dividend carryover computed as provided in section 564.

§ 1.561–2 *When dividends are considered paid*—(a) *In general.* (1) A dividend will be considered as paid when it is received by the shareholder. A deduction for dividends paid during the taxable year will not be permitted unless the shareholder receives the dividend during the taxable year for which the deduction is claimed. See section 563 for special rule with respect to dividends paid after the close of the taxable year.

(2) If a dividend is paid by check and the check bearing a date within the taxable year is deposited in the mails, in a cover properly stamped and addressed to the shareholder at his last known address, at such time that in the ordinary handling of the mails the check would be received by the shareholder within the taxable year, a presumption arises that the dividend was paid to the shareholder in such year.

(3) The payment of a dividend during the taxable year to the authorized agent of the shareholder will be deemed payment of the dividend to the shareholder during such year.

(4) If a corporation, instead of paying the dividend directly to the shareholder, credits the account of the shareholder on the books of the corporation with the amount of the dividend, the deduction for a dividend paid will not be permitted unless it be shown to the satisfaction of the Commissioner that such crediting constituted payment of the dividend to the shareholder within the taxable year.

(5) A deduction will not be permitted for the amount of a dividend credited during the taxable year upon an obligation of the shareholder to the corporation unless it is shown to the satisfaction of the Commissioner that such crediting constituted payment of the dividend to the shareholder within the taxable year.

(6) If the dividend is payable in obligations of the corporation, they should be entered or registered in the taxable year on the books of the corporation, in the name of the shareholder (or his nominee or transferee), and, in the case of obligations payable to bearer, should be received in the taxable year by the shareholder (or his nominee or transferee) to constitute payment of the dividend within the taxable year.

(7) In the case of a dividend from which the tax has been deducted and withheld as required by chapter 3 of the Internal Revenue Code of 1954 (sections 1441–1443) the dividend is considered as paid when such deducting and withholding occur.

(b) *Methods of accounting.* The determination of whether a dividend has been paid to the shareholder by the corporation during its taxable year is in no way dependent upon the method of accounting regularly employed by the corporation in keeping its books or upon the method of accounting upon the basis of which the taxable income of the corporation is computed.

(c) *Records.* Every corporation claiming a deduction for dividends paid shall keep such permanent records as are necessary (1) to establish that the dividends with respect to which such deduction is claimed were actually paid during the taxable year and (2) to supply the information required to be filed with the income tax return of the corporation. Such corporation shall file with its return (i) a copy of the dividend resolution; and (ii) a concise statement of the pertinent facts relating to the payment of the dividend, clearly specifying (a) the medium of payment and (b) if not paid in money, the fair market value and adjusted basis (or face value, if paid in its own obligations) on the date of distribution of the property distributed and the manner in which such fair market value and adjusted basis were determined. Canceled dividend checks and receipts obtained from shareholders acknowledging payment of dividends paid otherwise than by check need not be filed with the return but shall be kept by the corporation as a part of its records.

§ 1.562 *Statutory provisions; rules applicable in determining dividends eligible for dividends paid deduction.*

SEC. 562. *Rules applicable in determining dividends eligible for dividends paid deduction*—(a) *General rule.* For purposes of this part, the term "dividend" shall, except as otherwise provided in this section, include only dividends described in section 316 (relating to definition of dividends for purposes of corporate distributions).

(b) *Distributions in liquidation.* In the case of amounts distributed in liquidation, the part of such distribution which is properly chargeable to earnings and profits accumulated after February 28, 1913, shall be treated as a dividend for purposes of computing the dividends paid deduction. In the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation, any distribution within such period pursuant to such plan shall, to the extent of the earnings and profits (computed without regard to capital losses) of the corporation for the taxable year in which such distribution is made, be treated as a dividend for purposes of computing the dividends paid deduction.

(c) *Preferential dividends.* The amount of any distribution shall not be considered as a dividend for purposes of computing the dividends paid deduction, unless such distribution is pro rata, with no preference to any share of stock as compared with other shares of the same class, and with no preference to one class of stock as compared with another class except to the extent that the former is entitled (without reference to waivers of their rights by shareholders) to such preference.

(d) *Distributions by a member of an affiliated group.* In the case where a corporation which is a member of an affiliated group of corporations filing or required to file a consolidated return for a taxable year is required to file a separate personal holding company schedule for such taxable year, a distribution by such corporation to another member of the affiliated group shall be considered as a dividend for purposes of computing the dividends paid deduction if such distribution would constitute a dividend under the other provisions of this section to a recipient which is not a member of an affiliated group.

§ 1.562–1 *Dividends for which the dividends paid deduction is allowable*—(a) *General rule.* Except as otherwise provided in section 562 and §§ 1.562–2 and 1.562–3, the term "dividend" (for purposes of determining dividends eligible for the dividends paid deduction) refers only to a dividend described in section 316 (relating to definition of dividends for purposes of corporate distributions). However, the term "dividend" does not include a distribution in liquidation under sections 331, 332, or 333 unless the distribution qualifies under section 562 (b) and paragraph (b) of this section. No dividends paid deduction is allowable (except as provided in section 562 (b) and paragraph (b) of this section) for any part of a distribution, with respect to a class of stock, which is not (or would not be considered to be) a taxable dividend in the hands of a shareholder subject to tax under this title. Thus, the general rule is that an allowance for dividends paid is permitted only with respect to taxable dividends paid. If a dividend is paid in property (other than money) the amount with respect thereto which shall be used by the corporation for computing its dividend paid deduction shall be the adjusted basis of the property in the hands of the distributing corporation at the time of the distribution. See paragraph (c) of this section for special rule for personal holding companies. Also see section 563 for special rule with respect to dividends paid after the close of the taxable year.

(b) *Distributions in liquidation*—(1) *Distributions in liquidation for which the dividends paid deduction is allowable.* Section 562 (b) makes an exception to the general rule that a deduction for dividends paid is permitted only with respect to dividends described in section 316 in the case of amounts distributed in liquidation. Thus, amounts distributed either in complete or partial liquidation of a corporation pursuant to sections 331, 332, or 333, are eligible for a dividends paid deduction in an amount provided in subparagraph (2) of this paragraph. For purposes of section 562 (b) a partial liquidation includes a redemption of stock to which section 302 applies. Amounts distributed in complete liquidation of a corporation to which section 332 is applicable, which is followed by a transfer to another corporation of all or part of the assets of the liquidating corporation or which is preceded by such a transfer, may not be eligible for the dividends paid deduction.

(2) *Amount of dividends paid deduction allowable*—(i) *General rule.* In the case of distributions in liquidation with respect to which a deduction for dividends paid is permissible under subparagraph (1) of this paragraph, the amount of the deduction is equal to the part of such distribution which is properly chargeable to the earnings or profits accumulated after February 28, 1913. To determine the amount properly chargeable to the earnings or profits accumulated after February 28, 1913, there must be deducted from the amount of the distribution that part allocable to capital account. The capital account, for the purposes of this subparagraph, includes not only amounts representing the par or stated value of the stock with respect to which the liquidation distribution is made, but also that stock's proper share of the paid-in surplus, and such other corporate items, if any, which for purposes of income taxation, are treated like capital in that they are not taxable dividends when distributed but are applied against and reduce the basis of the stock. The remainder of the distribution in liquidation is, ordinarily, properly chargeable to the earnings or profits accumulated after February 28, 1913. Thus, if there is a deficit in earnings and profits on the first day of a taxable year, and the earnings and profits for such taxable year do not exceed such deficit, no dividends paid deduction would be allowed for such taxable year with respect to a distribution in liquidaton; if the earnings and profits for such taxable year exceed the deficit in earnings and profits which existed on the first day of such taxable year, then a dividends paid deduction would be allowable to the extent of such excess.

(ii) *Special rule.* Section 562 (b) provides that in the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation the amount of the deduction is equal to the earnings and profits for each taxable year in which distributions are made. Thus, if there is a distribution in liquidation pursuant to section 333, or a distribution in complete liquidation pursuant to sections 331 (a) (1) or 332 which occurs within a 24-month period after the adoption of a plan of liquidation, a dividends paid deduction will be allowable to the extent of the current earnings and profits for the taxable year or years even though there was a deficit in earnings and profits on the first day of such taxable year or years. In computing the earnings and profits for the taxable year in which the distributions are made, computation shall be made with the inclusion of capital gains and without any deduction for capital losses.

(iii) *Examples.* The application of this subparagraph may be illustrated by the following examples:

Example (1). The Y Corporation, which makes its income tax returns on the calendar year basis, was organized on January 1, 1910, with an authorized and outstanding capital stock of 2,000 shares of common stock of a par value of $100 each and 1,000 shares of participating preferred stock of a par value of $100 each. The preferred stock was to receive annual dividends of $7 per share and

$100 per share on complete liquidation of the corporation in priority to any payments on common stock, and was to participate equally with the common stock in either instance after the common stock had received a similar amount. However, the preferred stock was redeemable in whole or in part at the option of the board of directors at any time at $106 per share plus its proportion of the earnings of the company at the time of such redemption. In 1910 the preferred stock was issued at $106 per share, for a total of $106,000 and the common stock was issued, at $100 per share, for a total of $200,000. On July 15, 1954, the company had a paid-in surplus of $6,000, consisting of the premium received on the preferred stock; earnings or profits of $30,000 accumulated prior to March 1, 1913; and earnings or profits accumulated since February 28, 1913, or $75,000. On July 15, 1954, the option with respect to the preferred stock was exercised and the entire amount of such stock was redeemed at $141 per share or a total of $141,000 in a transaction upon which gain or loss to the distributees resulting from the exchange was determined and recognized under section 302 (a). The amount of the distribution allocable to capital account was $116,000 ($100,000 attributable to par value, $6,000 attributable to paid-in surplus, and $10,000 attributable to earnings or profits accumulated prior to March 1, 1913). The remainder, $25,000 ($141,000, the amount of the distribution, less $116,000, the amount allocable to capital account) is properly chargeable to the earnings or profits accumulated since February 28, 1913, and is deductible as dividends paid.

Example (2). The M Corporation, a calendar year taxpayer, is completely liquidated on November 1, 1955, pursuant to a plan of liquidation adopted April 1, 1955. On January 1, 1955, the M Corporation has a deficit in earnings and profits of $100,000. During the period January 1, 1955 to the date of liquidation, November 1, 1955, it has earnings and profits of $10,000. The M Corporation is entitled to a dividends paid deduction in the amount of $10,000 as a result of its distribution in complete liquidation on November 1, 1955.

Example (3). The N Corporation, a calendar year taxpayer, is completely liquidated on July 1, 1958, pursuant to a plan of liquidation adopted February 1, 1955. No distributions in liquidation were made pursuant to the plan of liquidation adopted February 1, 1955, until the distribution in complete liquidation on July 1, 1958. On January 1, 1958, N Corporation had a deficit in earnings and profits of $30,000. During the period January 1, 1958, to the date of liquidation, on July 1, 1958, the N Corporation has earnings and profits of $5,000. The N Corporation is not entitled to any deduction for dividends paid as a result of the distribution in complete liquidation on July 1, 1958. If the earnings and profits for the period January 1, 1958 to July 1, 1958, had been $32,000, the N Corporation would have been entitled to a deduction for dividends paid in the amount of $2,000.

(c) *Special rule for personal holding companies.* Section 316 (b) (2) provides that in the case of a corporation which, under the law applicable to the taxable year in which a distribution is made, is a personal holding company, the term "dividend" (in addition to the general meaning set forth in section 316 (a)) also means a distribution to its shareholders to the extent of the corporation's undistributed personal holding company income (determined under section 545 without regard to such distributions) for the taxable year in which the distribution was made. See § 1.316–1 (b).

§ 1.562–2 *Preferential dividends.* (a) Section 562 (c) imposes a limitation upon the general rule that a corporation is entitled to a deduction for dividends paid with respect to all dividends which it actually pays during the taxable year. Before a corporation may be entitled to any such deduction with respect to a distribution regardless of the medium in which the distribution is made, every shareholder of the class of stock with respect to which the distribution is made must be treated the same as every other shareholder of that class, and no class of stock may be treated otherwise than in accordance with its dividend rights as a class. The limitation imposed by section 562 (c) is unqualified, except in the case of an actual distribution made in connection with a consent distribution (see section 565), if the entire distribution composed of such actual distribution and consent distribution is not preferential. The existence of a preference is sufficient to prohibit the deduction regardless of the fact (1) that such preference is authorized by all the shareholders of the corporation or (2) that the part of the distribution received by the shareholder benefited by the preference is taxable to him as a dividend. A corporation will not be entitled to a deduction for dividends paid with respect to any distribution upon a class of stock if there is distributed to any shareholder of such class (in proportion to the number of shares held by him) more or less than his pro rata part of the distribution as compared with the distribution made to any other shareholder of the same class. Nor will a corporation be entitled to a deduction for dividends paid in the case of any distribution upon a class of stock if there is distributed upon such class of stock more or less than the amount to which it is entitled as compared with any other class of stock. A preference exists if any rights to preference inherent in any class of stock are violated. The disallowance, where any preference in fact exists, extends to the entire amount of the distribution and not merely to a part of such distribution. As used in this section, the term "distribution" includes a dividend as defined in subchapter C of chapter 1 and a distribution in liquidation referred to in section 562 (b).

(b) The application of the provisions of section 562 (c) may be illustrated by the foHowing examples:

Example (1). A, B, C, and D are the owners of all the shares of class A common stock in the M Corporation, which makes its income tax returns on a calendar year basis. With the consent of all the shareholders, the M Corporation on July 15, 1954, declared a dividend of $5 a share payable in cash on August 1, 1954, to A. On September 15, 1954, it declared a dividend of $5 a share payable in cash on October 1, 1954, to B, C, and D. No allowance for dividends paid for the taxable year 1954 is permitted to the M Corporation with respect to any part of the dividends paid on August 1, 1954, and October 1, 1954.

Example (2). The N Corporation, which makes its income tax returns on the calendar year basis, has a capital of $100,000 (consisting of 1,000 shares of common stock of a par value of $100) and earnings or profits accumulated after February 28, 1913, in the amount of $50,000. In the year 1954, the N Corporation distributes $7,500 in cancellation of 50 shares of the stock owned by three of the four shareholders of the corporation. No deduction for dividends paid is permissible under section 562 (c) and paragraph (a) of this section with respect to such distribution.

Example (3). The P Corporation has two classes of stock outstanding, 10 shares of cumulative preferred, owned by E, entitled to $5 per share and on which no dividends have been paid for two years, and 10 shares of common, owned by F. On December 31, 1954, the corporation distributes a dividend of $125, $50 to E, and $75 to F. The corporation is entitled to no deduction for any part of such dividend paid, since there has been a preference to F. If, however, the corporation had distributed $100 to E and $25 to F, it would have been entitled to include $125 as a dividend paid deduction.

§ 1.562–3 *Distributions by a member of an affiliated group.* A personal holding company which files or is required to file a consolidated return with other members of an affiliated group may be required to file a separate personal holding company schedule by reason of the limitations and exceptions provided in section 542 (b) and § 1.542–4. Section 562 (d) provides that in such case the dividends paid deduction shall be allowed to the personal holding company, with respect to a distribution made to any member of the affiliated group, if such distribution would constitute a dividend if it were made to a shareholder which is not a member of the affiliated group.

§ 1.563 *Statutory provisions; rules relating to dividends paid after close of taxable year.*

SEC. 563. *Rules relating to dividends paid after close of taxable year*—(a) *Accumulated earnings tax.* In the determination of the dividends paid deduction for purposes of the accumulated earnings tax imposed by section 531, a dividend paid after the close of any taxable year and on or before the 15th day of the third month following the close of such taxable year shall be considered as paid during such taxable year.

(b) *Personal holding company tax.* In the determination of the dividends paid deduction for purposes of the personal holding company tax imposed by section 541, a dividend paid after the close of any taxable year and on or before the 15th day of the third month following the close of such taxable year shall, to the extent the taxpayer elects in its return for the taxable year, be considered as paid during such taxable year. The amount allowed as a dividend by reason of the application of this subsection with respect to any taxable year shall not exceed either—

(1) The undistributed personal holding company income of the corporation for the taxable year, computed without regard to this subsection, or

(2) 10 percent of the sum of the dividends paid during the taxable year, computed without regard to this subsection.

(c) *Dividends considered as paid on last day of taxable year.* For the purpose of applying section 562 (a), with respect to distributions under subsection (a) or (b) of this section, a distribution made after the close of a taxable year and on or before the 15th day of the third month following the close of the taxable year shall be considered as made on the last day of such taxable year.

§ 1.563–1 *Accumulated earnings tax.* In the determination of the dividends paid deduction for purposes of the accumulated earnings tax imposed by section 531, a dividend paid after the close of any taxable year and on or before the 15th day of the third month following the close of such taxable year shall be considered as paid during such taxable year, and shall not be included in the computation of the dividends paid deduction for the year of payment. However, the rule provided in section 563 (a) is not applicable to dividends paid during the first two and one-half months of the first taxable year of the corporation subject to tax under chapter 1 of the Internal Revenue Code of 1954.

§ 1.563–2 *Personal holding company tax.* In the case of a personal holding company subject to the provisions of section 541 dividends paid after the close of the taxable year and before the 15th day of the third month thereafter shall be included in the computation of the dividends paid deduction for the taxable year only if the taxpayer so elects in its return for such taxable year. The election shall be made by including such dividends in computing its dividends paid deduction. The amount of such dividends which may be included in computing the dividends paid deduction for the taxable year shall not exceed either:

(a) The undistributed personal holding company income of the corporation for the taxable year, computed without regard to this section, or

(b) 10 percent of the sum of the dividends paid during the taxable year (not including consent dividends), computed without regard to this section. In computing the amount of the dividends paid deduction allowable for any taxable year, the amount allowed by reason of section 563 (b) for any preceding taxable year is considered a dividend paid in such preceding taxable year and not in the year of actual distribution. Thus, a double deduction is not allowable.

§ 1.563–3 *Dividends considered as paid on last day of taxable year*—(a) *Accumulated earnings tax.* Where a dividend is paid after the close of the taxable year, and is to be included in the computation of the dividends paid deduction for the taxable year, such distribution as a dividend shall be determined according to the earnings and profits of the corporation on the last day of its taxable year.

(b) *Personal holding company tax.* In the case of a corporation which under the law applicable to the taxable year in respect of which a distribution is made under section 563 (b) and § 1.563–2 is a personal holding company under the law applicable to such taxable year, section 316 (b) (2) provides that the term dividend means (in addition to the general rule under section 316 (a)) any distribution to the extent of the corporation's undistributed personal holding company income (determined under section 545 without regard to distributions under section 316 (b) (2)) for such year. See § 1.316–1 (b).

(c) *Dividends paid on or before December 15, 1955.* Public Law 74 (84th Congress) approved June 15, 1955, repealed sections 452 and 462 of the Internal Revenue Code of 1954, relating to prepaid income and reserve for estimated expenses. Under section 4 (c) (4) of Public Law 74, dividends paid after the 15th day of the third month following the close of the taxable year and on or before December 15, 1955, may be treated as having been paid on the last day of the taxable year for purposes of the accumulated earnings tax or the personal holding company tax and in the case of regulated investment companies, but only to the extent that such dividends are attributable to an increase in taxable income for the taxable year by reason of the repeal of sections 452 and 462. See § 1.9000–8 (b) of the regulations under Public Law 74.

§ 1.564 *Statutory provisions; dividend carryover.*

SEC. 564 *Dividend carryover*—(a) *General rule.* For purposes of computing the dividends paid deduction under section 561, in the case of a personal holding company the dividend carryover for any taxable year shall be the dividend carryover to such taxable year, computed as provided in subsection (b), from the two preceding taxable years.

(b) *Computation of dividend carryover.* The dividend carryover to the taxable year shall be determined as follows:

(1) For each of the 2 preceding taxable years there shall be determined the taxable income computed with the adjustments provided in section 545 (whether or not the taxpayer was a personal holding company for either of such preceding taxable years), and there shall also be determined for each such year the deduction for dividends paid during such year as provided in section 561 (but determined without regard to the dividend carryover to such year).

(2) There shall be determined for each such taxable year whether there is an excess of such taxable income over such deduction for dividends paid or an excess of such deduction for dividends paid over such taxable income, and the amount of each such excess.

(3) If there is an excess of such deductions for dividends paid over such taxable income for the first preceding taxable year, such excess shall be allowed as a dividend carryover to the taxable year.

(4) If there is an excess of such deduction for dividends paid over such taxable income for the second preceding taxable year, such excess shall be reduced by the amount determined in paragraph (5), and the remainder of such excess shall be allowed as a dividend carryover to the taxable year.

(5) The amount of the reduction specified in paragraph (4) shall be the amount of the excess of the taxable income, if any, for the first preceding taxable year over such deduction for dividends paid, if any, for the first preceding taxable year.

(c) *Determination of dividend carryover from taxable years to which this subtitle does not apply.* In a case where the first or second preceding taxable year began before the taxpayer's first taxable year under this subtitle, the amount of the dividend carryover to taxable years to which this subtitle applies shall be determined under the provisions of the Internal Revenue Code of 1939.

§ 1.564–1 *Dividend carryover*—(a) *General rule.* The dividend carryover from the two preceding years, allowable only to personal holding companies, is includible in the dividends paid deduction under section 561. It is computed as follows:

(1) If, for each of the preceding two years, the deduction for dividends paid under section 561 (determined without regard to the dividend carryover to each such year) exceeds the taxable income (adjusted as provided in section 545 for purposes of determining undistributed personal holding company income) then the dividend carryover to the taxable year is the sum of both such excess amounts.

(2) If the deduction for dividends paid under section 561 for the second preceding year (determined without regard to the dividend carryover to such year) exceeds the taxable income for such year (adjusted as provided in section 545), and if the taxable income for the first preceding year (as so adjusted) exceeds the dividends paid deduction for such first preceding year (as so determined), then the dividend carryover to the taxable year shall be such excess amount for the second preceding year, less such excess amount for the first preceding year.

(3) If for the first preceding year the deduction for dividends paid under section 561 (determined without regard to the dividend carryover to such year) exceeds the taxable income (adjusted as provided in section 545) for such year, and such excess is not present in the second preceding year, then the dividend carryover to the taxable year shall be such excess amount for the first preceding year.

(b) *Dividend carryover from year in which taxpayer was not a personal holding company.* In computing the dividend carryover, the taxable income as adjusted under section 545 of any preceding taxable year shall be determined as if the corporation was, under the law applicable to such taxable year, a personal holding company.

(c) *Dividend carryover from year in which taxpayer was subject to 1939 Code.* In a case where the first or the second preceding taxable year began before the taxpayer's first taxable year under the Internal Revenue Code of 1954, the amount of the dividend carryover shall be determined under the Internal Revenue Code of 1939.

(d) *Statement to be filed with return.* Every corporation claiming a dividend carryover for any taxable year shall file with its return for such year a concise statement setting forth the amount of the dividend carryover claimed and all material and pertinent facts relative thereto, including a detailed schedule showing the computation of the dividend carryover claimed.

(e) *Computation of dividend carryover.* The computation of the dividend carryover may be illustrated by the following examples:

Example (1). The X Corporation, which files its income tax returns on the calendar year basis, has taxable income, adjusted as required by section 545, in the amount of $110,000 and has a dividends paid deduction of $150,000 for the year 1954. For 1955, its taxable income, adjusted as required by section 545, is $200,000 and its dividends paid deduction is $300,000. The dividend carryover to the year 1956 is $140,000, computed as follows:

Dividends paid deduction for 1954	$150,000
Taxable income for 1954	110,000
Dividend carryover from 1954	40,000
Dividends paid deduction for 1955	300,000
Taxable income for 1955	200,000

the taxable year in which the distribution was made. See § 1.316–1 (b).

amount of $50,000. In the year 1954, the N Corporation distributes $7,500 in cancella-

any taxable year and on or before the

Dividend carryover from 1955	100,000
Dividend carryover for 2 preceding taxable years, allowable as a deduction for the year 1956	140,000

Example (2). The Y Corporation, which files its income tax returns on the calendar year basis, has taxable income, adjusted as required by section 545, in the amount of $100,000 and has a dividends paid deduction of $150,000 for the year 1954. For 1955, its taxable income, adjusted as required by section 545, is $200,000 and its dividends paid deduction is $170,000. The dividend carryover to the year 1956 is $20,00 computed as follows:

Dividends paid deduction for 1954	$150,000
Taxable income for 1954	100,000
Dividend carryover from 1954	50,000
Taxable income for 1955	200,000
Dividends paid deduction for 1955	170,000
Excess of taxable income over dividends paid deduction	30,000
Dividend carryover for second preceding taxable year, allowable as a deduction for the year 1956	20,000

§ 1.565 *Statutory provisions; consent dividends.*

SEC. 565. *Consent dividends*—(a) *General rule.* If any person owns consent stock (as defined in subsection (f) (1)) in a corporation on the last day of the taxable year of such corporation, and such person agrees, in a consent filed with the return of such corporation in accordance with regulations prescribed by the Secretary or his delegate, to treat as a dividend the amount specified in such consent, the amount so specified shall, except as provided in subsection (b), constitute a consent dividend for purposes of section 561 (relating to the deduction for dividends paid).

(b) *Limitations.* A consent dividend shall not include—

(1) An amount specified in a consent which, if distributed in money, would constitute, or be part of, a distribution which would be disqualified for purposes of the dividends paid deduction under section 562 (c) (relating to preferential dividends), or

(2) An amount specified in a consent which would not constitute a dividend (as defined in section 316) if the total amounts specified in consents filed by the corporation had been distributed in money to shareholders on the last day of the taxable year of such corporation.

(c) *Effect of consent.* The amount of a consent dividend shall be considered, for purposes of this title—

(1) As distributed in money by the corporation to the shareholder on the last day of the taxable year of the corporation, and

(2) As contributed to the capital of the corporation by the shareholder on such day.

(d) *Consent dividends and other distributions.* If a distribution by a corporation consists in part of consent dividends and in part of money or other property, the entire amount specified in the consents and the amount of such money or other property shall be considered together for purposes of applying this title.

(e) *Nonresident aliens and foreign corporations.* In the case of a consent dividend which, if paid in money would be subject to the provisions of section 1441 (relating to withholding of tax on nonresident aliens) or section 1442 (relating to withholding of tax on foreign corporations), this section shall not apply unless the consent is accompanied by money, or such other medium of payment as the Secretary or his delegate may by regulations authorize, in an amount equal to the amount that would be required to be deducted and withheld under sections 1441 or 1442 if the consent dividend had been, on the last day of the taxable year of the corporation, paid to the shareholder in money as a dividend. The amount accompanying the consent shall be credited against the tax imposed by this subtitle on the shareholder.

(f) *Definitions*—(1) *Consent stock.* Consent stock, for purposes of this section, means the class or classes of stock entitled, after the payment of preferred dividends, to a share in the distribution (other than in complete or partial liquidation) within the taxable year of all the remaining earnings and profits, which share constitutes the same proportion of such distribution regardless of the amount of such distribution.

(2) *Preferred dividends.* Preferred dividends, for purposes of this section, means a distribution (other than in complete or partial liquidation), limited in amount, which must be made on any class of stock before a further distribution (other than in complete or partial liquidation) of earnings and profits may be made within the taxable year.

§ 1.565–1 *General rule.* (a) The dividends paid deduction, as defined in section 561, includes the consent dividends for the taxable year. A consent dividend is a hypothetical distribution (as distinguished from an actual distribution) which any person, who owns consent stock on the last day of the taxable year of the corporation, agrees to treat as a dividend, subject to the limitations in section 565 (b) and § 1.565–2. The amount of the distribution must be specified by such person in a consent (or consents) filed at the time and in the manner specified in paragraph (b) of this section.

(b) *Making and filing of consents.* (1) A consent shall be made on Form 972 in accordance with this section and the instructions on the form issued therewith. It may be made only by or on behalf of a person who was the actual owner on the last day of the corporation's taxable year of any class of consent stock, that is, the person who would have been required to include in gross income any dividends on such stock actually distributed on the last day of such year. Form 972 shall contain or be verified by a written declaration that it is made under the penalties of perjury. In the consent such person must agree:

(i) To include in his gross income for his taxable year in which or with which the taxable year of the corporation ends a specific amount as a taxable dividend; and

(ii) If he is a shareholder who is taxable with respect to a dividend only if received from sources within the United States, that the specific amount stated in his consent shall be considered as a dividend received by him from sources within the United States.

(2) See § 1.565–2 for rules as to when all or a portion of the amount so specified will be disregarded for tax purposes.

(3) A consent may be filed at any time not later than the due date of the corporation's income tax return for the taxable year for which the dividends paid deduction is claimed. With such return, and not later than the due date thereof, the corporation must file Forms 972 duly executed by each consenting shareholder, and a return on Form 973 showing by classes the stock outstanding on the first and last days of the taxable year, the dividend rights of such stock, distribution made during the taxable year to shareholders, and giving all the other information required by the form. Form 973 shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(c) *Taxability of amounts specified in consents.* (1) Once a shareholder's consent is filed, the full amount specified therein shall be included in his gross income as a taxable dividend, except as otherwise provided in section 565 (b) and § 1.565–2. In cases where the shareholder is taxable on a dividend only if received from sources within the United States, the amount specified in the consent shall be treated as a dividend from such sources.

(2) Except as provided in section 565 (b) and § 1.565–2, the ground upon which a consent dividends deduction is denied the corporation does not affect the taxability of a shareholder whose consent has been filed for the amount specified in his consent. Thus, he is taxable on the full amount so specified even though a consent dividends deduction may be denied the corporation or may be of less value to it because, for example, (i) it is determined that it is not a corporation subject to part I, II, or III of subchapter G of chapter 1 of the Internal Revenue Code of 1954, (ii) although subject to part II of subchapter G of the 1954 Code, its taxable income (as adjusted under section 545 (b) and § 1.545–2 is less than the total of the consent dividends, (iii) a consenting shareholder who is taxable with respect to a dividend only if received from sources within the United States fails to agree that the amount specified in his consent shall be considered as a dividend received by him from sources within the United States, or (iv) in the case of nonresident aliens or foreign corporations, payment has not been made as required by section 565 (e) and § 1.565–5.

§ 1.565–2 *Limitations.* (a) Amounts specified in consents are not treated as consent dividends to the extent that they would constitute a preferential dividend, or would not constitute a dividend (as defined in section 316), if distributed in money to shareholders on the last day of the taxable year of the corporation. If any portion of an amount specified in a consent is not treated as a consent dividend under section 565 and this section, it is disregarded for all tax purposes. For example, it is not taxable to the consenting shareholder, and § 1.565–1 (c) is not applicable to such portion of the amount specified in the consent.

(b) (1) A preferential distribution is an actual distribution, or a consent distribution, or a combination of the two, which involves a preference to one or more shares of stock as compared with other shares of the same class or to one class of stock as compared with any other class of stock. See section 562 (c) and § 1.562–2.

(2) The application of section 565 (b) (1) may be illustrated by the following examples:

Example (1). The X Corporation, which makes its income tax returns on the calendar year basis, has 200 shares of stock outstanding, owned by A and B in equal amounts. On December 15, 1954, the corporation distributes $600 to B and $100 to A. As a part of the same distribution A executes a consent to include $500 in his gross income as a taxable dividend though such amount is not distributed to him. The X Corporation assuming the other requirements of section 565 have been complied with is entitled to a consent dividends deduction of $500. Although the consent dividend is deemed to have been paid on December 31, 1954, the last day of the taxable year of the corporation, they constitute a single nonpreferential distribution of $1,200.

Example (2). The Y Corporation, which makes its income tax returns on the calendar year basis, has one class of consent stock outstanding, owned in equal amounts by A, B, and C. On December 15, 1954, the corporation makes a distribution in cash of $5,000 each to A and B, and $3,000 to C. The distribution is preferential. If A and B each receive a distribution in cash of $5,000 and C consents to include $3,000 in gross income as a taxable dividend, the combined actual and consent distribution is preferential. Similarly, if no one receives a distribution in cash, but A and B each consents to include $5,000 as a taxable dividend in gross income and C agrees to include only $3,000, the consent distribution is preferential.

Example (3). The Z Corporation, which makes its income tax returns on the calendar year basis, has only two classes of stock outstanding, each class being consent stock and consisting of 500 shares. Class A, with a par value of $40 per share, is entitled to two-thirds of any distribution of earnings and profits. Class B, with a par value of $20 per share, is entitled to one-third of any distribution of earnings and profits. On December 15, 1954, there is distributed on the class B stock $2 per share, or $1,000, and shareholders of the class A stock consent to include in gross income amounts equal to $2 per share, or $1,000. The distribution is preferential, inasmuch as the class B stock has received more than its pro rata share of the combined amounts of the actual distributions and the consent distributions.

(c) (1) An additional limitation under section 565 (b) is that the amounts specified in consents which may be treated as consent dividends cannot exceed the amounts which would constitute a dividend (as defined in section 316) if the corporation had distributed the total specified amounts in money to shareholders on the last day of the taxable year of the corporation. If only a portion of such total would constitute a dividend, then only a corresponding portion of each specified amount is treated as a consent dividend.

(2) The application of section 565 (b) (2) may be illustrated by the following example:

Example. The X Corporation, which makes its income tax returns on the calendar year basis, has only one class of stock outstanding, owned in equal amounts by A and B. It makes no distributions during the taxable year 1954. Its earnings and profits for the calendar year 1954 amount to $8,000, there being at the beginning of such year no accumulated earnings or profits. A and B execute proper consents to include $5,000 each in their gross income as a dividend received by them on December 31, 1954. The sum of the amount specified in the consents executed by A and B is $10,000, but if $10,000 had actually been distributed by the X Corporation on December 31, 1954, only $8,000 would have constituted a dividend under section 316 (a). The amount which could be considered as consent dividends in computing the dividends paid deduction for purposes of the accumulated earnings tax is limited to $8,000, or $4,000 of the $5,000 specified in each consent. The remaining $1,000 in each consent is disregarded for all tax purposes. The amount which could be considered as consent dividends in computing the dividends paid deduction for purposes of the personal holding company tax is $10,000 (assuming that the undistributed personal holding company income, determined without regard to distributions under section 316 (b) (2), is equal to at least that amount).

§ 1.565–3 *Effect of consent.* (a) The amount of the consent dividend shall be considered, for all purposes of the Internal Revenue Code of 1954, as if it were distributed in money by the corporation to the shareholder on the last day of the taxable year of the corporation, received by the shareholder on such day, and immediately contributed by the shareholder as paid-in capital to the corporation on such day. Thus, the amount of the consent dividend will be treated by the shareholder as a dividend. The shareholder will be entitled to the dividends received credit under section 34 and the exclusion under section 116, or to the dividends received deduction under section 243, with respect to such consent dividend. The basis of the shareholder's consent stock in a corporation will be increased by the amount thus treated in his hands as a dividend which he is considered as having contributed to the corporation as paid-in capital. The amount of the consent dividend will also be treated as a dividend received from sources within the United States in the same manner as if the dividend had been paid in money to the shareholders. Among other effects of the consent dividend, the earnings and profits of the corporation will be decreased by the amount of the consent dividends. Moreover, if the shareholder is a corporation, its accumulated earnings and profits will be increased by the amount of the consent dividend with respect to which it makes a consent.

(b) The application of section 565 (c) to a corporate shareholder may be illustrated by the following examples:

Example (1). The A Corporation has one shareholder, the B Corporation, whose consent to include $10,000 in its gross income for the calendar year 1954 has been duly made and filed. The earnings and profits of the A Corporation for the calendar year 1954 amount to only $8,000, there being at the beginning of such year no accumulated earnings or profits. If A Corporation was a personal holding company for 1954, the B Corporation may nevertheless include in its gross income $10,000 as a taxable dividend under section 316 (b) (2). On the other hand, if A was not a personal holding company for 1954, the B Corporation must include in its gross income $8,000 as a taxable dividend.

Example (2). Assume the B Corporation to have begun the year 1954 with $5,000 accumulated earnings and profits, to have made no distributions during the year, and to have had neither profit nor loss from operations during the year 1954. If the A Corporation was a personal holding company for 1954, the amount of $10,000 included in the income of the B Corporation shall be considered as earnings and profits for the year 1954 and the earnings and profits of B Corporation at the close of such year will include both the $5,000 accumulated earnings and profits and the $10,000 included in income. But if A Corporation was not a personal holding company for 1954, the amount of $8,000 included in the income of the B Corporation shall be considered as earnings and profits for the year 1954 and the earnings and profits of B Corporation at the close of such year will include both the $5,000 accumulated earnings and profits and the $8,000 included in income.

§ 1.565–4 *Consent dividends and other distributions.* Section 565 (d) provides a rule applicable where a distribution is made in part in consent dividends and in part in money or other property. With respect to such a distribution the entire amount specified in the consents and the amount of such money or other property shall be considered together. Thus, if as a part of the same distribution consents are filed by some of the shareholders and cash is distributed to other shareholders, for example, those who may be unwilling to sign consents, the total amount of the cash and the amounts specified in the consents will be viewed as a single distribution to determine the tax effects of such distribution. For example, the total of such amounts must be considered to determine whether the distribution (including the amounts specified in the consents) is preferential and whether any part of such distribution would not be dividends if the total amounts specified in the consents were distributed in cash.

§ 1.565–5 *Nonresident aliens and foreign corporations.* In the event that any consent filed by the corporation is made by a shareholder to whom the payment of a dividend in cash on the last day of the taxable year of the corporation would have made it necessary for the corporation to deduct and withhold any amount as a tax under section 1441 or section 1442, such consent, when filed by the corporation, must be accompanied by payment of the amount which would have been required to be deducted and withheld if the amount specified in such consent had, on the last day of the corporation's taxable year, been paid to the shareholder in cash as a dividend. Such payment must be in one of the following forms:

(a) Cash;

(b) United States postal money order;

(c) Certified check drawn on a domestic bank, provided that the law of the place where the bank is located does not permit the certification to be rescinded prior to presentation;

(d) A cashier's check of a domestic bank, or

(e) A draft on a domestic bank or a foreign bank maintaining a United States agency or branch and payable in United States funds.

The amount of such payment shall be credited against the tax imposed on the shareholder.

§ 1.565–6 *Definitions*—(a) *Consent stock.* (1) The term "consent stock" includes what is generally known as common stock. It also includes par-

ticipating preferred stock, the participation rights of which are unlimited.

(2) The definition of consent stock may be illustrated by the following example:

Example. If in the case of the X Corporation there is only one class of stock outstanding, it would all be consent stock. If, on the other hand, there were two classes of stock, class A and class B, and class A was entitled to 6 percent before any distribution could be made on class B, but class B was entitled to everything distributed after class A had received its 6 percent, only class B stock would be consent stock. Similarly, if class A, after receiving its 6 percent, was to participate equally or in some fixed proportion with class B until it had received a second 6 percent, after which class B alone was entitled to any further distributions, only class B stock would be consent stock. The same result would follow if the order of preferences were class A 6 percent, then class B 6 percent, then class A a second 6 percent, either alone or in conjunction with class B, then class B the remainder. If, however, class A stock is entitled to ultimate participation without limit as to amount, then it, too, may be consent stock. For example, if class A is to receive 3 percent and then share equally or in some fixed proportion with class B in the remainder of the earnings or profits distributed, both class A stock and class B stock are consent stock.

(b) *Preferred dividends.* (1) The term "preferred dividends" includes all fixed amounts (whether determined by percentage of par value, a stated return expressed in a certain number of dollars per share, or otherwise) the distribution of which on any class of stock is a condition precedent to a further distribution of earnings or profits (not including a distribution in partial or complete liquidation). A distribution, though expressed in terms of a fixed amount, is not a preferred dividend, however, unless it is preferred over a subsequent distribution within the taxable year upon some class or classes of stock other than one on which it is payable.

(2) The definition of preferred dividends may be illustrated by the following example:

Example. If, in the case of the X Corporation, there are only two classes of stock outstanding, class A and class B, and class A is entitled to a distribution of 6 percent of par, after which the balance of the earnings and profits are distributable on class B exclusively, class A's 6 percent is a preferred dividend. If the order of preferences is class A $6 per share, class B $6 per share, then class A and class B in fixed proportions until class A receives $3 more per share, then class B the remainder, all of class A's $9 per share and $6 per share of the amount distributable on class B are preferred dividends. The amount which class B is entitled to receive in conjunction with the payment to class A of its last $3 per share is not a preferred dividend, because the payment of such amount is preferred over no subsequent distribution except one made on class B itself. Finally, if a distribution must be $6 on class A, $6 on class B, then on class A and class B share and share alike, the distribution on class A of $6 and the distribution on class B of $6 are both preferred dividends.

[F. R. Doc. 56-9413; Filed, Nov. 15, 1956; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 185]

MINING, DEVELOPMENT AND UTILIZATION OF THE MINERAL RESOURCES OF PUBLIC LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 11, 1955 (69 Stat. 681) and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations implementing the said act of August 11, 1955, supra, so far as is necessary. The primary purpose of the act is to permit the mining, development and utilization of the mineral resources of all public lands withdrawn or reserved for power development and also to require that notices of location and statements as to assessment work done or improvements made be filed for record in the United States Land Office of the land district in which the claim is located.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: November 9, 1956.

FRED A. SEATON,
Secretary of the Interior.

Part 185 is amended by adding the following:

Sec.
185.102 Purpose and authority.
185.103 Powersite lands opened to mineral location and development exception.
185.104 Power rights retained in United States.
185.105 O. & C. R. R. and Coos Bay Wagon lands subject to act of April 8, 1948.
185.106 Placer locator to conduct no mining operation for 60 days.
185.107 Hearing, time and place; fees and costs.
185.108 Bond or deposit required.
185.109 Restoration of surface condition.
185.110 Act ineffective as to other withdrawals.
185.111 Prospecting and development at financial risk of party or parties doing work.
185.112 United States not liable except for negligence.
185.113 Owner of claim to file notice of location and assessment work.
185.114 No limitation or restriction of rights under valid claims located prior to withdrawal.
185.115 No limitation of rights where claimant in diligent prosecution of work when future withdrawal made.
185.116 Mining claim and mill site use; limitation.

AUTHORITY: §§ 185.102 to 185.116 issued under R. S. 2478, as amended, 43 U. S. C., sec. 1201; 69 Stat. 681, 30 U. S. C., sec 621.

§ 185.102 *Purpose and authority.* The act of August 11, 1955 (69 Stat. 681) was enacted "To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes". The regulations in this part are intended to implement those parts of the act which require action by the Department of the Interior. The expression "act" shall mean the act of August 11, 1955 (69 Stat. 681), cited in the act as the "Mining Claims Rights Restoration Act of 1955".

§ 185.103 *Power site lands opened to mineral location and development; exception.* The act in section 2 provides in part as follows:

All public lands belonging to the United States heretofore, now or hereafter withdrawn or reserved for power development or power sites shall be open to entry for location and patent of mining claims and for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands under applicable Federal statutes; • • • that nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other act of Congress, or (2) which are under examination and survey by a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncanceled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

§ 185.104 *Power rights retained in the United States.* (a) The act in the first proviso provides as follows:

That all power rights to such lands shall be retained by the United States.

(b) Under this proviso every notice of location made must contain a statement that it is made subject to the act and every patent issued for such a location must contain a reservation unto the United States, its permittees or licensees of the right to enter upon, occupy and use, any part of the lands for power purposes without any claim or right to compensation accruing to the locator or successor in interest from the occupation or use of any of the lands within the location, for such purposes. Furthermore, the patent will contain a provision that the United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, mill site, facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions thereof for power development at any time where such power development is made by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees and licensees.

§ 185.105 *O. & C. R. R. and Coos Bay Wagon lands subject to the Act of April 8, 1948.* The act in the second proviso thereof provides

that locations made under the act within the revested Oregon and California Railroad and reconveyed Coos Bay Wagon grant lands shall also be subject to the provisions of the Act of April 8, 1948 (62 Stat. 162).

See §§ 185.37a–185.37e.

§ 185.106 *Placer locator to conduct no mining operations for 60 days.* (a) The act in section 2 (b) provides in part as follows:

The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of sixty days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior, within sixty days from the filing of the notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed in compliance with the United States mining laws.

(b) Upon receipt of a notice of location of a placer claim filed in accordance with § 185.113 for land subject to location under the act, a determination will be made by the authorized officer of the Bureau of Land Management as to whether placer mining operations on the land may substantially interfere with other uses thereof. If it is determined that placer operations may substantially interfere with other uses, a notice of intention to hold a hearing will be sent to each of the locators by registered mail within 60 days from date of filing of the location notice.

§ 185.107 *Hearing, time and place; fees and costs.* (a) If a hearing is to be held, notice of the hearing will be delivered personally or mailed by registered mail to the locator of the placer claim. The notice will indicate the time and place of the hearing. The procedures with respect to service of notice of the hearing and the conduct thereof shall follow the rules of practice of the Department of the Interior (Part 221 of this title) in effect at the time the hearing is held. No publication of the notice will be required but a copy thereof shall be posted in the proper land office of the Bureau of Land Management for a period of 30 days prior to the date set for the hearing. The manager shall give such publicity to the hearing as may be done without expense to the Government.

(b) Each protestant of the mining claim, other than a Federal agency, shall pay a filing fee of $10.00 which will not be returnable. Each party appearing at the hearing shall pay the reporter's fee covering the testimony of the party and of his witnesses and his cross examination of any other party or witnesses. After the hearing is held an order will be issued as provided in section 2 (b) of the act, and a certified copy thereof filed in the same State or county office in which the locator's notice of location has been filed.

§ 185.108 *Bond or deposit required.* Should a limited order be issued under section 2 (b) (2) of the act, the locator is required to furnish a bond in a sum determined by the State Supervisor. The bond must be either a corporate surety bond or a personal bond accompanied by cash or negotiable Federal securities equal at their par value to the amount of the penal sum of the bond, together with power-of-attorney to the Secretary of the Interior or his delegate.

§ 185.109 *Restoration of surface condition.* If the locator fails or refuses to restore the surface, appropriate action will be taken against him and his surety, including the appropriation of any money deposited on personal bonds, to be used for the purpose of restoring the surface of the claim involved. Any moneys on deposit or received from surety in excess of the amount needed for the restoration of the surface of the particular claim shall be refunded.

§ 185.110 *Act ineffective as to other withdrawals.* (a) The act in section 2 (c) provides as follows:

Nothing in this act shall affect the validity of withdrawals or reservations for purposes other than power development.

(b) If the power site lands are also affected by any other type of withdrawal which prevents mining location in whole or in part, the provisions of the act apply only to the extent that the lands are otherwise open to location.

§ 185.111 *Prospecting and development at financial risk of party or parties doing work.* The act in section 3 provides in part as follows:

Prospecting and exploration for and the development and utilization of mineral resources authorized in this act shall be entered into or continued at the financial risk of the individual party or parties undertaking such work.

§ 185.112 *United States not liable except for negligence.* The act in section 3 provides in part as follows:

Provided, That the United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, mill site, facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions thereof for power development at any time where such power development is made by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees and licensees.

§ 185.113 *Owner of claim to file notice of location and assessment work.* (a) The act in section 4 provides as follows:

The owner of any unpatented mining claim located on land described in section 2 of this act shall file for record in the United States district land office of the land district in which the claim is situated (1) within one year after the effective date of this act, as to any or all locations heretofore made, or within sixty days of location as to locations hereafter made, a copy of the notice of location of the claim; (2) within sixty days after the expiration of any annual assessment year, a statement as to any work done or improvements made during the previous assessment year.

(b) Neither section 4 nor any other provision of the act validates any mining location made prior to the act, which is invalid because made on lands after they were withdrawn or reserved for power purposes and before a favorable determination by the Federal Power Commission under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063; 1075), as amended (16 U. S. C. 792; 818) and the opening or restoration of the lands to location. Section 4 applies to unpatented locations for lands referred to in § 185.103 only if:

(1) The location was made on or after August 11, 1955, or

(2) The location was made prior to August 11, 1955 and prior to the withdrawal or reservation of the lands for power purposes, or

(3) The location was made prior to August 11, 1955 on lands while they were withdrawn or reserved for power purposes but after such lands had been opened or restored to location only pursuant to a favorable determination by the Federal Power Commission under section 24 of the Federal Power Act.

(c) The owner of an unpatented location coming under paragraph (b) (1) of this section, within sixty days from the date of location must file in the United States land office for the district in which the lands lie,[1] a copy of the notice or certificate of location and within sixty days after the expiration of each assessment year, a statement as to the assessment work done or improvements made during that assessment year.

(d) The owner of an unpatented location coming under either paragraph (b) (2) or (3) of this section, before August 11, 1956 must have filed in the United States land office for the district in which the lands lie [1] a copy of the notice or certificate of location and within 60 days from the date of expiration of the assessment year which ended noon July 1, 1956 and within 60 days from the date of expiration of each succeeding assessment year, must file a statement as to the assessment work done or improvements made during the previous assessment year.

§ 185.114 *No limitation or restriction of rights under valid claims located prior to withdrawal.* (a) The act in section 5 provides:

Nothing in this act contained shall be construed to limit or restrict the rights of the owner or owners of any valid mining claim located prior to the date of withdrawal or reservation: *Provided*, That noth-

[1] In this connection, the land office for North Dakota and South Dakota is located at Billings, Montana; that for Nebraska at Cheyenne, Wyoming; and that for Arkansas, Florida, Louisiana and Mississippi, at Washington, D. C.

ing in this act shall be construed to limit or restrict the rights of the owner or owners of any mining claim who are diligently working to make a discovery of valuable minerals at the time any future withdrawal or reservation for power development is made.

(b) Although the act does not limit or restrict the rights of owners of locations to which section 5 refers, such owners must comply with section 4 by making the filings required either by paragraph (c) or paragraph (d) of § 185.113, whichever is applicable.

§ 185.115 *No limitation of rights where claimant in diligent prosecution of work when future withdrawals made.* (a) Under section 5 of the act quoted in § 185.114 the rights to a location made prior to any future withdrawal or reservation for power development or one on which the locator was diligently working to make a discovery of valuable minerals are not limited or restricted.

§ 185.116 *Mining claim and mill site use; limitation.* (a) The act in section 6 provides as follows:

Nothwithstanding any other provisions of this act, all mining claims and mill sites or mineral rights located under the terms of this act or otherwise contained on the public lands as described in section 2 shall be used only for the purposes specified in section 2 and no facility or activity shall be erected or conducted thereon for other purposes.

(b) Under this section, a mining claim or mill site may not be used for purposes other than for legitimate mining and milling. The claimant, therefore, may not erect on the mining claim any facility or activity such as filling stations, curio shops, cafes, tourist or hunting and fishing lodges, or conduct such businesses thereon.

[F. R. Doc. 56-9390; Filed, Nov. 15, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

OKRA FROM MEXICO

FOREIGN QUARANTINE NOTICES

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Chief of the Plant Quarantine Branch, pursuant to § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56–2) under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U. S. C. 159, 162), and other delegations of authority (19 F. R. 515, as amended) is considering the issuance of a document containing administrative instructions and an interpretation to appear as § 319.56–2k in Title 7, Code of Federal Regulations, as follows:

§ 319.56–2k *Okra from Mexico*—(a) *Administrative instructions prescribing method of treatment of okra from certain parts of Mexico.* Fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure is hereby prescribed as an alternate condition of importation under permit under § 319.56–2 for all shipments of okra from Mexico, except okra produced in the Imperial Valley of Baja California, Mexico;

(1) *Approval of fumigation room.* The fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation room which has been approved for that purpose by the Plant Quarantine Branch. The Plant Quarantine Branch will approve only those fumigation rooms that are properly constructed and adequately equipped to handle and treat okra, and are located, either within the United States or Mexico, within the practicable supervisory range of a port of entry where inspectors are stationed and where the required supervision can be accomplished without encroaching upon normal port inspection assignments.

(2) *Fumigation schedule.* Such fumigation shall be in accordance with the following fumigation schedule:

Temperature (° F.)	Dosage (pounds of methyl bromide per 1,000 cubic feet)	Exposure period (hours)
90	1.0	2
80	1.5	2
70	2.0	2
60	2.5	2
50	3.0	2
40	3.5	2

(3) *Fumigation procedure.* Okra to be fumigated may be packed in slatted crates or other gas-permeable containers. The fumigation room shall not be loaded to more than two-thirds of its capacity. The containers may be stacked one on top of another, but a 3- to 4-inch space must be provided between each container throughout the load. Good air circulation above and below the load shall be provided as soon as the okra is loaded and must be continued during the full period of fumigation and until the okra has been removed to a well-ventilated location. Strong blasts of air should not be directed against the okra. Fumigation at temperatures in excess of 90° F. may result in injury to okra and should be avoided if possible.

(4) *Supervision of fumigation.* (i) Inspectors of the Plant Quarantine Branch will supervise the fumigation of okra and will specify such safeguards as may be necessary for the handling and transportation of the okra before and subsequent to fumigation, if, in the opinion of the inspector this is necessary to assure that there will be no pest risk associated with the importation and treatment. The final release of the okra for entry into the United States will be conditioned upon compliance with the specified safeguards.

(ii) Supervision of approved fumigation rooms will, if practicable, be carried on as a part of normal port inspection activities and when so available will be furnished without cost to the owner of the okra or his representative.

(5) *Costs.* All costs of constructing, maintaining, and operating fumigation plants and facilities, and carrying out the specified pre-treatment and post-treatment safeguards shall be borne by the owner of the okra or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the okra or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(6) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with okra, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pre-treatment or post-treatment safeguards. There has not been an opportunity to test these treatments under all conditions or on all okra varieties or on okra from all areas involved.

(b) *Interpretation re importation of okra from Imperial Valley of Baja California.* Okra produced in the Imperial Valley of Baja California, Mexico, may enter under permit and subject to inspection at the ports of Calexico and San Ysidro, California.

This order would authorize the importation, under permit subject to approved fumigation, of okra produced in any part of Mexico, except okra produced in the Imperial Valley of Baja California, Mexico, which would be enterable under permit subject only to inspection. The fumigation treatment proposed would provide for the entry of okra for marketing in the fresh state.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 13th day of November 1956.

[SEAL] E. P. REAGAN,
Chief,
Plant Quarantine Branch.

[F. R. Doc. 56-9424; Filed, Nov. 15, 1956; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 11846]

PRACTICE AND PROCEDURE

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the matter of revision of Part 1 of the Commission's rules and regulations.

1. The Commission has before it for consideration the request of the Communications Committee of the Section of Administrative Law of the American Bar Association filed October 31, 1956, for extension of time in which to file comments in the above-entitled proceeding.

2. In support of its request said committee states that they want to submit comments but that it is impossible for the Committee to complete its work by November 15, 1956, and that an extension of time until December 17, 1956, for filing comments is necessary in this connection.

3. The Commission is of the view that the extension of time for filing of comments in this proceeding would serve the public interest, convenience and necessity.

4. In view of the foregoing: *It is ordered,* That the time for filing comments in the above entitled proceeding is extended to December 17, 1956.

Adopted: November 9, 1956.

Released: November 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9414; Filed, Nov. 15, 1956; 8:51 a. m.]

[47 CFR Part 2]

[Docket No. 11868; FCC 56-1104]

ALLOCATION OF CALL SIGNS TO FIXED AND LAND STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 2.302 of the Commission's rules insofar as it pertains to the allocation of call signs to fixed and land stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has been requested by Radio Corporation of America Communications to allow the use of one digit appended to the present three-letter call signs used by the high frequency coast telegraph stations licensed to that Company. A study of this matter indicates that if this is to be allowed for one marine operating company in the high frequency maritime mobile service, it should be permitted for all licensees in the same service.

3. The following comments are offered for general consideration in connection with this matter:

A. Adoption of a plan to assign 3L1D (three-letter-one-digit) call signs would not include reservation or protection of a whole series of call signs merely because one in the series is assigned; i. e., assignment of the call sign KZZ, or KZZ3, to one class of station does not obviate the simultaneous or subsequent assignment of the call sign KZZ39 to another type station, and the call sign KZZ399 to another type of station, etc.; likewise, assignment of the call sign KZZ3 to one type of station does not obviate assignment of KZZ to a station of a different licensee within the provisions of the rules.

B. In the fall of 1954, it was proposed, through the medium of the International Telecommunication Union, to adopt a new signal, "QSS" having the meaning "What working frequency will you use?" and "I will use the working frequency ---- kc (normally the last three figures only of the frequency need be inserted)". Numerous countries agreed to adopt the signal and its meaning, provisionally, subject to action at a future appropriate conference.

C. Coast stations of various countries other than the United States variously use call signs in these series: 3L, 3L1D, 3L2D, and 3L3D (L—letter; D—digit).

D. Adoption of a plan to assign 3L1D call signs would make available to each basic call a maximum of eight variations: e. g., KZZ2, KZZ3, KZZ4, KZZ5, KZZ6, KZZ7, KZZ8 and KZZ9; since the Radio Regulations state that a letter may not be followed by the numbers 0 or 1. Adoption of a plan to assign 3L2D call signs, or of a plan to assign 3L3D call signs, would make available many more variations on the basic 3-letter combination.

E. Aeronautical stations licensed by the Commission receive call signs in the 3L1D series in accordance with § 2.302 of the rules.

F. A list of the three-letter call signs assigned by the Commission as of September 1, 1955, to non-Government coast telegraph stations follows:

KFS	KTK	WMH	WPY
KHK	WAX	WNU	WSC
KJQ	WBL	WNY	WSE
KLB*	WCC	WOE	WSF
KLC*	WCO	WPA	WSL
KOK	WHD	WPC	WSV
KPH	WLS	WPD	
KSE*	WLO	WPR	

The asterisk (*) indicates that one or more call signs of the 3L1D type, using this three-letter combination, are already assigned.

4. It would appear there are a number of ways of amending the Commission's table of allocations of call signs in § 2.302 of its rules in order to permit the use of one digit appended to the present three-letter call signs now in use by the high frequency coast telegraph stations licensed by the Commission. The Commission considers that the most expedient method of amending its rules is to delete the first four line entries in the table of allocation of call signs in § 2.302 and substitute therefor the provisions of paragraph 421 and 422 of the Radio Regulations, the texts of which read as follows:

421 (a) Three letters, or three letters followed by not more than three digits (other than the digits 0 and 1 in cases where they immediately follow a letter), in the case of land and fixed stations.

422 (b) However, it is recommended that, as far as possible: The call signs of coast and aeronautical stations shall consist of three letters or three letters followed by a single digit other than 0 or 1; the call signs of fixed stations shall consist of three letters followed by two digits (other than the digits 0 and 1 in cases where they immediately follow a letter).

5. The Commission contemplates the possible use of responses to this Notice in connection with preparatory work for the forthcoming ITU Radio Conference, as well as for the described rule-making proceeding.

6. The proposed amendments to the rules are issued pursuant to section 303 (c) and (r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before December 15, 1956, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

8. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 8, 1956.

Released: November 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9415; Filed, Nov. 15, 1956; 8:51 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 11867; FCC 56-1099]

MISSISSIPPI RIVER SYSTEM RADIO TELEPHONE FREQUENCIES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make Mississippi River System radiotelephone frequencies available for assignment to one or more coast stations in the vicinity of Mobile, Alabama and to ship stations on the Gulf Intracoastal Waterway and the Alabama River System and connecting inland waters.

1. The Commission has under consideration proposed changes in Parts 7 and 8 of its rules as set forth in the above captioned matter.

2. This proposed rule making is issued in response to a petition received by the Commission on December 22, 1955, from Mobile Marine Radio, licensee of a Class I–A and Class II–B public coast station (WLO) at Mobile, Alabama. The petition requested that Parts 7 and 8 of the rules be amended so as to permit the maritime mobile radiotelephone frequencies then available for use on the Mississippi River System to also be used on the Gulf Intracoastal Waterway, the Alabama River System and connecting inland waterways (hereafter referred to as the "Gulf Coast Area").

3. The petitioner further indicated an interest in the establishment of a longer-distance public radiotelephone service by coast stations located in the seaboard area of the Gulf of Mexico to provide communications for vessels in the Gulf-Caribbean area beyond the range now provided by available 4 Mc frequencies. In response to this aspect of the petition, the Commission issued a Notice of Proposed Rule Making on May 29, 1956 (Docket 11725), for the

purpose of obtaining comments with reference to the establishment of such a service. This matter is now under active consideration, including a study of the comments which were obtained. The rule making herein proposed is therefore limited in scope to the petitioner's request that the availability of the Mississippi River frequencies be expanded to include the Gulf Coast Area, as indicated in paragraph 2 above.

4. With reference to specific frequencies, the petitioner requested the shared use of all of the frequencies which, at the time the petition was filed, were shown in the Commission's rules, as being available for use on the Mississippi River system, namely, 2782 and 4067 kc (day and night) and 4372.4, 6240, 6455 and 8205.5 kc (5:00 a. m., c. s. t., until 8:00 p. m., c. s. t.). The petitioner also requested that the same hours of use be permitted or, in the case of the latter group of frequencies, that they be made available during such additional hours as the Commission considered feasible.

5. In response to the instant petition, the Commission hereby proposes to amend Parts 7 and 8 of its rules so as to make the existing Mississippi River system frequencies also available in the Gulf Coast Area in order to provide an improved maritime mobile radiotelephone service for ships operating in this area. Specifically, the frequencies 2782, 4067 and 4372.4 kc would be made available for use on a fulltime basis, and 8205.5 kc would be made available for use between 5:00 a. m. and 8:00 p. m., c. s. t. Such further restrictions on the use of these frequencies on the Mississippi River system, as now provided in Parts 7 and 8 of the rules, would also be made applicable to this proposed expanded use of these frequencies. It should also be noted that this proposal does not include the frequencies 6240 and 6455 kc. These two frequencies were deleted from the Mississippi River System's frequency complement by a Report and Order in Docket 11374 adopted by the Commission on July 6, 1956, subsequent to the filing of the instant petition. There is now pending a request that the Commission reconsider this action.

6. This proposal is issued under the authority contained in sections 303 (c), (d), (f) and (r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendments should not be adopted may file with the Commission on or before December 19, 1956, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

8. In accordance with the provisions of § 1.764 of the Commission's rules an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 8, 1956.

Released: November 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9416; Filed, Nov. 15, 1956; 8:51 a. m.]

[47 CFR Part 15]

[Docket No. 9288; FCC 56-1100]

RESTRICTED RADIATION DEVICES CONCERNING LOW POWER COMMUNICATION DEVICES

THIRD NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 15 of the Commission's rules governing Restricted Radiation Devices Concerning Low Power Communication Devices.

1. On December 21, 1955, the Commission, by a First Report and Order, adopted a revision of Part 15 of its rules governing Incidental and Restricted Radiation Devices. The amendments included general rules applicable to the operation of all such devices as well as rules specifically applicable to incidental devices and radio receivers. On July 11, 1956, the Commission, by a Second Report and Order, adopted a further revision of Part 15 with respect to Community Antenna Television Systems. The Commission will adopt rules applicable to other types of restricted radiation devices at such times as the problems involved are resolved.

2. The instant Notice concerns Low Power Communication Devices. This type of device is defined as a restricted radiation device, exclusive of those employing conducted or guided radio frequency techniques, used for the transmission of information by radiation. Examples of such devices are wireless microphones, phonograph oscillators, radio controlled garage door openers and various types of radio controlled toys. The Commission's Notice of Further Proposed Rule Making issued April 1954 contained general provisions for the operation of restricted radiation devices, including Low Power Communication Devices. The limitations proposed at that time were expressed in terms of maximum radiated power or maximum field strength and were applicable to low power communication devices operating at any frequency. Further study of the need for controlling interference to authorized radio communications leads the Commission to propose more stringent requirements for operations on frequencies above 1600 kc.

3. The field strength limitations in the attached proposed rules are substantially the same as those contained in the Commission's 1954 proposal for radiation on frequencies below 1600 kc. However, on frequencies above 1600 kc, the current proposal would limit operations to the frequency 27.12 Mc. The widespread development and utilization of low power communication devices has prompted the Commission to propose these requirements in order to make possible the surveillance and control that is needed to reduce the probability of interference to the reception of authorized radio stations.

4. Low powered communication devices should meet the requirements set forth below. The Commission proposes to accept, as prima facie evidence of compliance, a label on the device attesting to its ability to comply with these requirements.

5. In order to avoid the difficulties involved in making field strength measurements, the Commission's present proposal allows low power communication devices to operate on certain frequencies provided the size of the antenna or the power input to the final radio frequency stage, or both is limited as set forth below.

6. Communication devices, including those of a broadcast nature, which are primarily dependent on the application of carrier current techniques are not covered by this Notice, but will be separately considered in subsequent actions.

7. These proposed rules are issued pursuant to the provisions of section 4 (i), and 303 (r) of the Communication Act of 1934, as amended.

8. Any interested person may file with the Commission on or before December 7, 1956, a statement or brief setting forth his comments in regard to the proposed amendments of the Commission's rules. Comments in reply to the original comments may be filed within 20 days from the last day for filing original comments. No additional comments may be filed unless specifically requested by the Commission or good causes for the filing of his additional comments is established. The Commission will consider all comments before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, brief or comments filed shall be furnished to the Commission.

Adopted: November 8, 1956.

Released: November 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 15 as follows:

1. Add the following paragraph to § 15.4.

(f) *Low power communication device.* A low power communication device is a restricted radiation device, exclusive of those employing conducted or guided radio frequency techniques, used for the transmission of signs, signals (including control signals), writing, images and sounds or intelligence of any nature by radiation of electromagnetic energy.

Examples: Wireless microphone, phonograph oscillator, radio controlled garage door opener and various types of radio controlled toys.

2. Add the following to Part 15 as Subpart E:

SUBPART E—LOW POWER COMMUNICATION DEVICES

Sec.
15.201 Frequencies of operation.
15.202 Radiation limitation below 1600 kc.
15.203 Alternative requirement for operation on frequencies between 160 kc and 190 kc.
15.204 Alternative requirement for operation on frequencies between 510 kc and 1600 kc.
15.205 Operation on the frequency 27.12 Mc.
15.206 Certification requirements.
15.207 Interference from low power communication devices.
15.208 Effective date of this subpart.

§ 15.201 *Frequencies of operation.* A low power communication device may be operated on any frequency in the bands 10–490 kc, 510–1600 kc and on the frequency 27.12 Mc.

§ 15.202 *Radiation limitation below 1600 kc.* A low power communication device which operates on any frequency between 10 and 490 kc or between 510 and 1600 kc shall limit the radiation so that the field strength does not exceed the value specified in the following table:

Frequency	Distance (feet)	Field Strength (uv/m)
10 to 490 kc	1,000	2400/F_{kc}
510 to 1600 kc	100	24000/F_{kc}

§ 15.203 *Alternative requirement for operation on frequencies between 160 kc and 190 kc.* In lieu of meeting the radiation limitation, stated in § 15.202, a low power communication device operating on a frequency between 160 and 190 kc need only meet all of the following three requirements:

(a) The power input to the final radio frequency stage (exclusive of filament or heater power) does not exceed one watt.

(b) All emissions below 160 kc or above 190 kc are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 50 feet.

§ 15.204 *Alternative requirement for operation on frequencies between 510 and 1600 kc.* In lieu of meeting the radiation limitation stated in § 15.202, a low power communication device operating on a frequency between 510 and 1600 kc inclusive need only meet all of the following four requirements:

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 200 milliwatts.

(b) The emissions below 510 kc or above 1600 kc are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 10 feet.

(d) Except for battery operated devices, the radio frequency voltage appearing on each power line shall be limited to 200 microvolts or less on any frequency above 510 kc. Measurements shall be made from each power line to ground both with the equipment grounded and with the equipment ungrounded.

NOTE: One method of determining radio frequency voltage on the power line is described in "Military Specification for Interference Measurement" MIL-I-16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia 2, New York. Note that this procedure calls for grounding the equipment under test, whereas these rules call for measurements both with the equipment grounded and with the equipment ungrounded.

§ 15.205 *Operation on the frequency 27.12 Mc.* A low power communication device which operates on the frequency 27.12 Mc shall meet all of the following three requirements:

(a) The device is designed so that the band occupied by modulation plus frequency tolerance does not exceed plus or minus 150 kc under any condition of operation.

(b) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 200 milliwatts.

(c) All emissions below 26.97 Mc or above 27.27 Mc are suppressed 20 db or more below the level of the unmodulated carrier.

§ 15.206 *Certification requirements.* (a) No low power communication device manufactured after June 30, 1957 shall be operated without a station license unless it has been certificated to demonstrate compliance with the technical requirements in this subpart.

(b) The owner or operator need not certificate his own low power communication device, if it has been certificated by the manufacturer or distributor.

(c) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to assure that all production units comply with the technical requirements of this subpart.

(d) The certificate may be executed by a technician skilled in making and interpreting the measurements that are required to assure compliance with the technical requirements of this subpart.

(e) The certificate shall contain the following information:

(1) The operating conditions under which the device is intended to be used.

(2) The antenna to be used with the device.

(3) A statement certifying that the device can be expected to comply with the requirements of this subpart under the operating conditions specified in the certificate.

(4) The month and year in which the device was manufactured.

(f) The certificate shall be permanently attached to the device and shall be readily visible for inspection.

§ 15.207 *Interference from low power communication devices.* Notwithstanding the other requirements of this part, the operator of a low power communication device regardless of date of manufacture which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been eliminated.

§ 15.208 *Effective date of this subpart.* The technical limitations (§§ 15.201 through 15.205 inclusive) shall apply to all low power communication devices manufactured after June 30, 1957.

[F. R. Doc. 56-9417; Filed, Nov. 15, 1956; 8:52 a. m.]

[47 CFR Part 16]

[Docket No. 11869; FCC 56-1105]

MOTOR CARRIER RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Subpart F of Part 16, the Commission's rules governing the Motor Carrier Radio Service.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission has before it for consideration a petition filed by the American Trucking Associations, Inc., requesting, among other things, modification of the rules governing the Motor Carrier Radio Service with respect to the assignment of frequencies in the 43–45 Mc range to common or contract motor carriers of property. Petitioner urges that the rules governing the assignment and use of frequencies in the 43–45 Mc range be amended to permit a carrier which provides property transportation service between urban areas, and thus qualifies in the Motor Carrier Radio Service for assignment of the frequencies in the 43–45 Mc range, to use its radio system for communications not only with those of its vehicles actually employed in transporting property between urban areas but also for communications with those of its vehicles which are engaged in the local pickup and delivery of property which has been shipped or is destined for shipment between urban areas.

3. It is believed that the above petition warrants the institution of a rule making proceeding looking toward amendment of the Motor Carrier Radio Service rules with respect to the assignment and use of frequencies in the 43–45 Mc range by common or contract motor carriers of property, to meet the need of the trucking industry for flexibility of vehicle operations and to insure maximum utilization of this portion of the radio spectrum allocated for use by the motor carrier industry. The proposed revision of the rules would eliminate the present restriction under which use of

these frequencies is limited to communication with vehicles which are themselves actually engaged in the transportation of freight between urban areas.

4. The proposed amendments are issued under the authority of sections 4 (i), 303 (a), (b), (c) and (r) of the Communications Act of 1934, as amended, and are set forth below.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before December 19, 1956, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 8, 1956.

Released: November 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Proposed Amendments of Part 16, Subpart F, Motor Carrier Radio Service.

1. Amend § 16.252 (d) to read as follows:

(d) The following frequencies are available to the Motor Carrier Radio Service for assignment to Base and Mobile stations of common or contract carriers of property operating between urban areas: *Provided,* That each application for assignment of the following frequencies shall be accompanied by a statement signed by the applicant in which it is agreed (1) that any authorization for the use of such frequencies will be accepted with the express understanding of the applicant that such frequencies are shared with other licensees and may be subject to interference, both local and long range, and (2) that no more than the minimum power or antenna height required for the satisfactory technical operation of the system will be employed, commensurate with the area to be served and the local conditions affecting radio transmission and reception:

Mc.	*Mc.*	*Mc.*	*Mc.*
43.98 [1]	44.10	44.22	44.34
44.02 [1]	44.14	44.26	44.38
44.06 [1]	44.18	44.30	44.42

[1] The frequencies 43.98, 44.02 and 44.06 are available on a shared basis with stations of common or contract carriers of passengers.

2. Amend § 16.255 to read as follows:

§ 16.255 *Limitations on installation and use.* Mobile units authorized in this service may be installed only in vehicles used for the carriage of passengers or property for compensation; or in vehicles used to supervise, tow, repair or maintain such vehicles or, in the case of a streetcar system, vehicles used in connection with the maintenance of associated trackage, right-of-way or electric power facilities.

[F. R. Doc. 56-9418; Filed, Nov. 15, 1956; 8:52 a. m.]

[47 CFR Part 16]

[Docket No. 11870; FCC 56-1106]

RAILROAD RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 16.351 (a) and 16.352 (b) of the rules governing the Railroad Radio Service.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition of the Railway Express Agency, Inc. for reconsideration of the Commission's action of June 20, 1956, whereby the application of the Railway Express Agency, Inc., for an authorization in the Railroad Radio Service was dismissed for want of conformity with the Commission's rules. In connection with the applications of the Railway Express Agency, Inc., the Association of American Railroads has filed a petition urging the Commission to amend Part 16 of the Commission's rules to provide specifically for the eligibility of the Express Agency in the Railroad Radio Service.

3. Petitioners urge that railroad express agencies are an arm of the railroads and that the activities of an express agency in connection with the pickup, delivery, or transfer between stations of property shipped or destined for shipment by rail are an integral part of the operation of a railroad and as such should be included within the scope of the Railroad Radio Service. In addition, the petition of the Association of American Railroads seeks amendment of § 16.351 (a), governing eligibility in the Railroad Radio Service, to preclude a possible interpretation that this section includes persons other than railroad common carriers which may fall within the literal wording of § 16.351 (a) as being "persons regularly engaged in offering to the public a passenger or freight transportation service by railroad common carrier."

4. Additionally, the petition of the Association of American Railroads seeks amendment of § 16.352 (b) to delete the protection afforded the frequencies 159.57, 159.81, 160.53, 161.01, 161.31 of 161.67 Mc. At the time the original rules governing the Railroad Radio Service were promulgated, it was deemed advisable to afford protection to the foregoing frequencies which were reserved primarily for point-to-train communications in main line operation. Since that time the operating experience of the railroads has demonstrated that this protection is unnecessary and accordingly should be deleted from the rules.

5. From the additional information submitted by petitioners, it appears that it would be in the public interest to institute a rule making proceeding looking toward amendment of § 16.351 (a) of Part 16 to provide for the eligibility in the Railroad Radio Service of railroad express agencies wholly owned by railroad common carriers. It is proposed also to amend § 16.351 (a) to preclude a possible interpretation that this section includes persons other than railroad common carriers. In addition, it is proposed to amend § 16.352 (b), governing the scope of communications permissible to stations in the Railroad Radio Service, to provide for communications in connection with the operation of land motor vehicles engaged in the pickup, delivery, or transfer between stations of property shipped, continued in, or destined for shipment by railroad common carrier. As presently written § 16.352 (b) provides only for communications in connection with the operation of railroad rolling stock (such as end-to-end, fixed point-to-train, and train-to-train), yard and terminal operations and railroad operation and maintenance. It is further proposed to delete the special protection afforded by § 16.352 (b) to the frequencies 159.57, 159.81, 160.53, 161.01, 161.31 and 161.67 Mc.

6. The proposed amendments are issued under the authority contained in sections 4 (i), 303 (b) (c), and (r) of the Communications Act of 1934, as amended, and are set forth below.

7. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before December 19, 1956, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 8, 1956.

Released: November 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend subparagraphs (1) and (2) of § 16.351 (a) to read as follows:

(1) Railroad common carriers, including railroad express companies wholly owned by railroad common carriers, which are regularly engaged in the transportation of passengers or property when such passengers or property are transported over all or part of their route by railroad.

(2) A non-profit organization or association organized for the purpose of furnishing a radiocommunication service solely to railroad common carriers who are actually engaged in the activity set forth under subparagraph (1) of this paragraph.

It is proposed to amend § 16.352 (b) to read as follows:

(b) All frequencies in paragraph (a) of this section may also be assigned to base and mobile stations to be used for communications which are of practical necessity in connection with railroad operation or maintenance, including use in connection with the operation of land motor vehicles engaged in the pickup, delivery, or transfer between stations of property shipped, continued in, or destined for shipment by railroad common carrier; provided interference is not caused to stations authorized under the provisions of paragraph (a) of this section.

[F. R. Doc. 56-9419; Filed, Nov. 15, 1956; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 601, Amdt. 3]

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND COOS BAY WAGON ROAD GRANT LANDS

DECLARATION OF ANNUAL PRODUCTIVE CAPACITY

NOVEMBER 9, 1956.

The annual productive capacities of the Master Units composing the Revested Oregon and California Railroad Grant Lands and the Coos Bay Wagon Road Grant Lands in Oregon as declared in Bureau Order 601, dated October 25, 1955, are amended as follows:

Master unit	*Annual productive capacity (feet-board measure)*
1. Columbia River	20,500,000
2. Clackamas-Molalla	18,000,000
3. Alsea-Rickreall	51,000,000
4. Santiam River	44,500,000
5. Upper Willamette	61,100,000
6. Siuslaw	57,000,000
7. Douglas	106,300,000
8. South Umpqua	25,500,000
9. South Coast	160,100,000
10. Josephine	48,800,000
11. Jackson	54,700,000
12. Klamath	13,200,000
Total	660,700,000

EDWARD WOOZLEY,
Director.

[F. R. Doc. 56-9391; Filed, Nov. 15, 1956; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 012896, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing laws. The applicant desires the land for a military communications site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 1 S., R. 2 W., Fairbanks Meridian,
Section 30: SE¼NE¼; N½SE¼; S½SE¼.
T. 2 S., R. 2 W., Fairbanks Meridian,
Section 6: Lots 2, 3, 4, SW¼NE¼; Lots 5, 6, 7, SE¼NW¼; E½SW¼; W½SE¼.

Containing 644.01 acres.

ROBERT J. COFFMAN,
Acting Operations Supervisor.

[F. R. Doc. 56-9392; Filed, Nov. 15, 1956; 8:47 a. m.]

Office of the Secretary

[New Mexico 019116]

NEW MEXICO

PARTIALLY REVOKING DEPARTMENTAL ORDER OF SEPTEMBER 1, 1939, WHICH PLACED LANDS UNDER JURISDICTION OF COMMISSIONER OF INDIAN AFFAIRS FOR USE OF NAVAJO INDIANS

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of March 3, 1927 (44 Stat. 1347), it is ordered as follows:

The Departmental order of September 1, 1939, temporarily withdrawing lands for Indian use in aid of proposed legislation to adjust Navajo Indian land matters in New Mexico, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 N., R. 12 W.,
Sec. 2, lot 4, S½NW¼, and SW¼;
Secs. 11 and 23.

The areas described aggregate 1,562.40 acres.

The released lands are embraced in State Exchange Application, New Mexico 019116, by which the offered lands will benefit a Federal land program. The lands, therefore, are not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 8, 1956.

[F. R. Doc. 56-9393; Filed, Nov. 15, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HORSE CAVE, BOWLING GREEN, RUSSELLVILLE, AND FRANKLIN, KENTUCKY, TOBACCO MARKETS

DETERMINATION WITH RESPECT TO DISTRIBUTION OF INSPECTION SERVICE

On October 12, 1956, a notice to the effect that the United States Department of Agriculture has under consideration the distribution of inspection service between the Horse Cave, Kentucky; Bowling Green, Kentucky; Russellville, Kentucky; and Franklin, Kentucky burley tobacco markets was published in the FEDERAL REGISTER (21 F. R. 7809). The notice stated that among the factors to be considered in distributing the inspection service on an equitable basis are quantity of tobacco available for inspection, adequacy of facilities, history of marketings, area and producers serviced, and the reasonableness of the inspection provided as it relates to orderly marketing by producers in the respective market areas. A period of 20 days was allowed to interested parties for the submission of written data, views, and arguments with respect to the matter.

Written data, views, and arguments were filed by the Bowling Green, Kentucky, market; the Horse Cave, Kentucky, market; and by the Burley Tobacco Board of Trade for the Franklin and Russellville, Kentucky, burley markets. Determinations herein set forth were made after giving careful consideration to these data, views, and arguments. Arguments presented and the data developed were considered in relation to the purposes of The Tobacco Inspection Act, and it is determined that the action herein set forth is equitable and will effectuate the purposes of The Tobacco Inspection Act.

common or contract carriers of passengers.

primarily for point-to-point communica-

tions in writing to the undersigned official of the Bureau of Land Management,

The lands, therefore, are not subject to the provisions contained in the act of The Tobacco Inspection Act.

As a result of the geographic location of these markets, together with the rotating or alternating arrangements recognized by inspectors and buying organizations in these markets, distribution of the inspection service should be considered in two parts. Under the current arrangement a set of inspectors, in addition to the one set regularly assigned to each of the Horse Cave and Bowling Green markets, alternates between these two markets. Also, the set of inspectors which functions in Franklin two days per week and Russellville two days per week provides one day per week service to the Bowling Green market. It follows that buying organizations represented on the sales involved follow this same rotation between markets. Accordingly, consideration of the distribution of the inspection service resulting from the two alternating arrangements is primarily concerned with determining whether the circumstances warrant any reapportionment of the time of either of the alternating sets of inspectors.

Bowling Green and Horse Cave are old established burley markets and prior to 1949 functioned as one-sale markets. Concurrently the Department provided one set of inspectors to each market. Beginning in 1949 a set of inspectors, in addition to the one set serving in each market, has alternated between Bowling Green and Horse Cave. This set of inspectors alternated between the Bowling Green and Horse Cave markets on an equal basis during the 1949–53 crop marketing seasons. Under this arrangement the Department provided inspection for a total of three sales in the two markets; and since one of the sales alternated on an equal-time basis, inspection was provided for a sale and one-half in each market. Beginning in 1954 this arrangement was changed, whereby the alternating set of inspectors spent one additional day per week in Horse Cave and one day less per week in Bowling Green. As a result of this change, the alternating set of inspectors functioned on the basis of 3½ days per week in Horse Cave and 1½ days per week in Bowling Green. Simultaneously inspection service relinquished by Bowling Green was offset by transferring the one day per week inspection that formerly functioned in Scottsville, Kentucky, to Bowling Green. These inspection arrangements have prevailed for the Bowling Green and Horse Cave markets during the marketing of the 1954 and 1955 crops. Expressed in terms of sets of inspectors or sets of buyers, this amounts to 1.7 sets for Horse Cave and 1.5 sets for Bowling Green.

Beginning with the 1949 crop, burley sales were initiated in Russellville, Franklin, and Scottsville, Kentucky. The one set of inspectors which constituted the entire service provided these markets alternated between these markets inspecting tobacco two days per week in Russellville, two days per week in Franklin, and one day per week in Scottsville. This arrangement continued during the marketing of the 1949 through 1953 crops. The Scottsville market was discontinued after the sale of the 1953 crop, and the one day per week inspection service formerly provided to Scottsville was transferred to Bowling Green beginning with the 1954 crop marketing season. Consequently, this set of inspectors continued to provide service to the Russellville market for two days per week and to the Franklin market for two days per week, but provided one day per week service to Bowling Green in lieu of the discontinued market of Scottsville, Kentucky. Transferring this day to Bowling Green compensated Bowling Green for the day that was transferred from Bowling Green to Horse Cave and continued the service in Bowling Green at the level of 1.5 sets of inspectors. This transferring of the "Scottsville day" to Bowling Green was pointed out in describing the service arrangements between the Bowling Green and Horse Cave markets.

Exhibit A, set forth below, contains a tabulation showing total sales and sales per set of inspectors in the Bowling Green and Horse Cave markets for the 1949–55 marketing seasons. For the marketing seasons 1949 through 1953 each of these markets functioned with 1.5 sets of inspectors. During the 1954 and 1955 seasons the Horse Cave market functioned with 1.7 sets of inspectors and Bowling Green with 1.5 sets of inspectors. During the five marketing seasons 1949–53 Horse Cave sold an average of 12.6 million pounds of tobacco per season. Sales on the Bowling Green market during the 1949–53 marketing seasons averaged 8.4 million pounds per season. It should be noted that an equal amount of inspection service was provided on these markets during this five-year period and that the average annual volume of sales in the Horse Cave market was 50 percent larger than sales in the Bowling Green market. Expressed in volume of sales per set of inspectors, average annual sales in Horse Cave were 8.4 million pounds as compared with 5.6 million pounds in Bowling Green. Since each market had an equal amount of inspection service, this comparison shows the same results as the above comparison of total sales or that volume of sales per set of inspectors in Horse Cave exceeded the volume sold in Bowling Green per set of inspectors by 50 percent.

During the marketing season 1954–55 total sales in the Horse Cave market amounted to 32 million pounds, or 16 million pounds per season. This, since there were 1.7 sets of inspectors functioning in the market, amounted to sales of 9.4 million pounds per set of inspectors. During the 1954 and 1955 marketing seasons total sales in the Bowling Green market amounted to 18.3 million pounds, or 9.2 million pounds per season. This, since there were 1.5 sets of inspectors functioning in the market, amounted to sales of 6.1 million pounds per set of inspectors. This shows that for the 1954–55 marketing season volume of sales per set of inspectors in Horse Cave was more than 50 percent larger than in Bowling Green. It should be noted that sales in the Horse Cave market during the 1954–55 marketing seasons not only increased but increased in relation to total sales in the two markets of Bowling Green and Horse Cave. It will be noted that during these two seasons Horse Cave functioned with 1.7 sets of inspectors as compared with 1.5 sets in the Bowling Green market. Based on volume of sales, however, Horse Cave continued to increase its relative position over Bowling Green after adjusting for the difference in the amount of inspection service provided the two markets.

Exhibit B, set forth below, contains a tabulation showing total sales and sales per set of inspectors in the Bowling Green, Franklin, and Russellville markets for the 1949–55 marketing seasons. It should be noted that during this entire period the Bowling Green market functioned with 1.5 sets of inspectors and each of the markets of Franklin and Russellville functioned with .4 of a set of inspectors. This difference in inspection service provided in these markets is reflected in the average annual volume of sales. Sales in the Bowling Green market during the 1949–55 marketing seasons averaged 8.6 million pounds per season. Sales in the Franklin and Russellville markets during this period averaged 1.8 and 1.6 million pounds, respectively. Expressed in sales per set of inspectors, Bowling Green sold 5.7 million pounds per season and Franklin and Russellville sold an equivalent of 4.6 and 4.1 million pounds, respectively. Accordingly, it would appear that in relation to the inspection service provided there is no marked difference in sales between these three markets, although sales in Bowling Green did exceed sales in either the Franklin or Russellville markets.

It is contended by the Bowling Green market that the number of growers served should be a major consideration in any possible redistribution of the inspection service provided. This is an important consideration and it is generally concluded that tobacco allotments in the Bowling Green-Franklin-Russellville area are small and the number of growers serviced relatively large in relation to sales. However, it is extremely difficult, if not impossible, to establish market boundaries or to prescribe the area served by individual markets in the group. In connection with the markets under consideration we find Bowling Green, Franklin, and Russellville are in immediately adjacent counties. One additional market not involved in this consideration is, however, located in a contiguous county, and the county in which Horse Cave is located is immediately contiguous to this county. This results in burley tobacco markets being located in five immediately adjacent counties. As a result, cross hauling and overlapping of "market areas" are peculiarly pronounced for the producing area ascribed to these markets. It is recognized that growers in a number of the more centrally located counties sell tobacco in each of the markets involved. Consequently, it is difficult to segregate this factor for accurate appraisal since much of the production cannot be ascribed to any specific market.

In considering this factor it should be noted that the area that might normally

be referred to or "claimed as" the Bowling Green marketing area has been reduced or encroached upon in recent years. Certainly, the Franklin and Russellville markets have cut into the area served by the Bowling Green market. These markets are in counties that adjoin the county in which Bowling Green is located and are competing markets. In the absence of increased production, it is inconceivable, in view of the location of these markets, that they could sell the volume of tobacco indicated in Exhibit B without reducing volume of sales and number of growers served by the Bowling Green market.

This reasoning is substantiated by reviewing Exhibit C, set forth below, showing sales in the Bowling Green market prior to the establishment of the Franklin and Russellville markets. For the five-year period immediately preceding the establishment of the Franklin and Russellville markets (1944–48), sales in the Bowling Green market averaged 10.7 million pounds per season. It is significant to note that during these years the Bowling Green market was served by only one set of inspectors; that is, it was what we term a one-sale market. The volume of sales during this period was substantially in excess of current annual sales, even though inspection service is currently provided for 1.5 sales as compared with service for one sale during the earlier period. This suggests that the service currently provided in Bowling Green is excessive in relation to the past history of marketings and growers served.

Adequacy of facilities is important in connection with receiving, handling, and selling tobacco. From time to time attention has been called to the general overexpansion of facilities incident to the selling of tobacco. We have noted the facilities available in the markets involved in this consideration and have concluded that facilities are adequate in each of the markets.

Summarizing, we find that sales in the Horse Cave market have increased in relation to total sales in the Horse Cave and Bowling Green markets. The volume of sales in the Horse Cave market is 50 percent greater per set of inspectors than it is in the Bowling Green market. This indicates that the distribution of inspection service between these two markets is unrealistic. It also indicates that a reduction in the amount of inspection time currently allotted to Bowling Green and a corresponding increase in the inspection service allotted to Horse Cave would be in the growers' interest. This is substantiated by the history of marketings which, as shown by Exhibit A, set forth below, reflects a rather substantial increase in volume of sales per set of inspectors in the Horse Cave market. Exhibit A shows from the standpoint of volume of sales that the relative positions of the Horse Cave and Bowling Green markets have moved in opposite directions. Sales in the Horse Cave market have increased in relation to total sales in the two markets, while sales in Bowling Green have declined.

After considering number of growers, it is concluded that the demands on Bowling Green and perhaps other markets in this immediate area from this point of view have been reduced. This results from the establishment of competing markets. In view of the establishment of the Franklin and Russellville markets, together with their geographic location with respect to Bowling Green, it is evident that there has been some reduction in the number of growers served by the Bowling Green market. As shown in Exhibit B, set forth below, volume of sales per set of inspectors is slightly larger in Bowling Green than for either the Franklin or Russellville market. However, it should be noted that the difference is relatively small and is predicated on only two marketing seasons.

Wherefore, it is hereby found and determined that there is insufficient justification for any reapportionment of the inspection service provided the Bowling Green, Franklin, and Russellville markets by the set of inspectors which alternates between these three markets; accordingly, it is further determined that the set of inspectors which heretofore has alternated between Franklin, Russellville, and Bowling Green on the basis of two days per week in Russellville, two days per week in Franklin, and one day in Bowling Green will continue to function on this basis.

Wherefore, it is hereby found and determined that the set of inspectors which heretofore has alternated between Bowling Green and Horse Cave will serve growers to better advantage by spending full time in the Horse Cave market. During the 1954–55 marketing seasons this set of inspectors functioned on a basis of 1½ days per week in the Bowling Green market and 3½ days per week in the Horse Cave market. It is further determined that beginning with the 1956 crop marketing season this 1½ days per week of inspection service provided by the set of inspectors which has been alternating between the Bowling Green and Horse Cave burley markets will be transferred to the Horse Cave market.

It is hereby further found and determined, for the reasons herein set forth, that it is impracticable and contrary to the public interest to postpone the effective date hereof until thirty days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.). The 1956 crop marketing season for burley tobacco will open November 27, 1956. Growers are presently engaged in the preparation of tobacco for market, and prior to November 27 large quantities of tobacco will be delivered to market. Under these circumstances, any possible doubt with respect to the distribution of the inspection service between these markets should be clarified at the earliest possible date. Since growers are engaged in the preparation and delivery of tobacco to market and warehouse operators in the receiving of tobacco for opening sales, any delay in the effective date of the determination with respect to the distribution of the inspection service between these markets would work an undue and unnecessary hardship on producers, warehouse operators, and other market participants. It follows that any delay in the effective date of this determination would be contrary to the public interest.

On October 12, 1956, a notice to the effect that the United States Department of Agriculture was considering the distribution of inspection service between the Horse Cave, Kentucky; Bowling Green, Kentucky; Russellville, Kentucky; and Franklin, Kentucky, burley tobacco markets was published in the FEDERAL REGISTER (21 F. R. 7809). Data, views, and arguments were filed by each of the markets named in the notice and more than 30 days have elapsed since the notice was given that the Department was considering the distribution of the inspection service between these markets. Accordingly, the aforesaid determination shall become effective immediately upon publication thereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 13th day of November 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

EXHIBIT A

BURLEY TOBACCO—SETS OF INSPECTORS, VOLUME OF SALES, AND SALES PER SET OF INSPECTORS, 1949–55; BOWLING GREEN AND HORSE CAVE, KY., MARKETS

Year	Sets of inspectors		Season gross sales		Sales per set of inspectors	
	Bowling Green	Horse Cave	Bowling Green	Horse Cave	Bowling Green	Horse Cave
	Number	*Number*	*Million pounds*	*Million pounds*	*Million pounds*	*Million pounds*
1949	1.5	1.5	7.8	10.3	5.2	6.9
1950	1.5	1.5	7.4	9.1	4.9	6.1
1951	1.5	1.5	9.3	13.1	6.2	8.7
1952	1.5	1.5	9.9	16.0	6.6	10.7
1953	1.5	1.5	7.7	14.5	5.1	9.7
Average 1949–53			8.4	12.6	5.6	8.4
1954	1.5	1.7	10.4	18.5	6.9	10.9
1955	1.5	1.7	7.9	13.5	5.3	7.9
Average 1954–55			9.2	16.0	6.1	9.4

EXHIBIT B

BURLEY TOBACCO—SETS OF INSPECTORS, VOLUME OF SALES, AND SALES PER SET OF INSPECTORS, 1949-55; BOWLING GREEN, FRANKLIN, AND RUSSELLVILLE, KY., MARKETS

Year	Sets of inspectors			Season gross sales			Sales per set of inspectors		
	Bowling Green	Franklin	Russellville	Bowling Green	Franklin	Russellville	Bowling Green	Franklin	Russellville
	Number	*Number*	*Number*	*Million pounds*	*Million pounds*	*Million pounds*	*Million pounds*	*Million pounds*	*Million pounds*
1949	1.5	0.4	0.4	7.8	1.9	1.5	5.2	4.8	3.8
1950	1.5	.4	.4	7.4	1.2	.7	4.9	3.0	1.8
1951	1.5	.4	.4	9.3	1.8	1.4	6.2	4.5	3.5
1952	1.5	.4	.4	9.9	2.2	1.9	6.6	5.5	4.8
1953	1.5	.4	.4	7.7	1.8	1.2	5.1	4.5	3.0
1954	1.5	.4	.4	10.4	2.2	2.5	6.9	5.5	6.2
1955	1.5	.4	.4	7.9	1.7	2.2	5.3	4.2	5.5
Average 1949-55				8.6	1.8	1.6	5.7	4.6	4.1

EXHIBIT C

BURLEY TOBACCO—SETS OF INSPECTORS AND VOLUME OF SALES IN THE BOWLING GREEN MARKET, 1944-48 CROP MARKETING SEASONS

Year	Sets of inspectors	Volume of sales
1944	1	12,603,290
1945	1	10,891,950
1946	1	12,885,484
1947	1	7,977,184
1948	1	9,237,548
Average		10,719,091

[F. R. Doc. 56-9408; Filed, Nov. 14, 1956; 8:53 a. m.]

ARNOLD LIVESTOCK COMMISSION CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the livestock market known as the Arnold Livestock Commission Company, Arnold, Nebraska, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 13th day of November 1956.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-9409; Filed, Nov. 15, 1956; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 167-26 (CGFR 56-44)]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF CERTAIN FUNCTIONS OF SECRETARY OF THE TREASURY

By virtue of authority vested in me by Reorganization Plan No. 26 of 1950, 10 U. S. C. 2311 and 14 U. S. C. 631, there are transferred to the Commandant, U. S. Coast Guard, the functions of the Secretary of the Treasury under:

1. Chapter 137, Title 10, United States Code, except the authority to make determinations and decisions under clauses (11)-(16) of section 2304 (a), or section 2307 (a).

2. Clause (11) of section 2304 (a), Title 10, United States Code, but only for contracts requiring the expenditure of not more than $25,000.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred by paragraph 1, and by the Comptroller of the Coast Guard of the functions transferred by paragraph 2.

Dated: November 8, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9412; Filed, Nov. 15, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11828; FCC 56-1091]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of November 1956;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that Notice of Proposed Rule Making (FCC 56-916) setting forth the above amendment was issued by the Commission on September 28, 1956, and was duly published in the FEDERAL REGISTER (21 F. R. 7583), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before October 26, 1956; and

It further appearing that no comments were received either favoring or opposing the proposed amendment;

It further appearing that the immediate adoption of the proposed amendment would permit Station KGMS-FM, Sacramento, California, to change channel assignment from 233 to 263 thereby eliminating the present condition where its operations on Channel No. 233 cause interference in the Sacramento area to reception of FM broadcast Station KPFA, Berkeley, California;

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to Sacramento and San Francisco, California:

General area	Channels	
	Delete	Add
San Francisco, Calif.	263	
Sacramento, Calif.	233	263

Released: November 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9420; Filed, Nov. 15, 1956; 8:52 a. m.]

[Docket No. 11866; FCC 56-1098]

ALLOCATION OF FREQUENCIES IN BANDS ABOVE 890 MC

PRELIMINARY NOTICE OF HEARING

I. Twelve years have elapsed since the Commission last reviewed in detail the service allocations above 890 Mc. The existing table of frequency allocations in that part of the spectrum is based primarily on a consideration of war-time developments in electronics which led to the adoption of an international table of allocations (Atlantic City, 1947). Subsequent changes in the Commission's Table and sub-allocations to the several services were based on anticipated service requirements but definitive policies relating to eligibilities have never been established. It is now obvious that changes and developments in the art of radio, and in its commercial use, have brought about a need to reexamine the service allocations of frequency bands above 890 Mc, where some of the services anticipated twelve years ago have developed to a very great degree, some have failed to develop at all, and, in some instances, the shared uses which have been permitted appear to be incompatible.

II. The Commission has had under consideration for some time, various problems associated with some of the service allocations in the bands above 890 Mc. Although the solution of each of these problems in itself may not necessarily have a substantial impact on the spectrum, the solution of the aggregate of the several problems may have serious impact. And it is not clear at this point that the Commission is in position to fully assess the consequences of the aggregated solutions. In view of the foregoing, the Commission is of the opinion that a preliminary fact finding hearing should be held for the purpose of considering the issues set forth below; to obtain full information pertinent to a reexamination of service allocations in the frequency bands above 890 Mc; and to afford all interested persons an opportunity to participate in furnishing related information.

III. Accordingly, notice is hereby given that a hearing will be held in Washington, D. C., at a time and place to be specifically stated in a subsequent order or notice, in the above entitled matter, for the purpose of obtaining information concerning service allocation needs in that portion of the spectrum above 890 Mc and for determining the issues hereinafter set forth.

IV. This proceeding is an initial step in considering the reallocation of certain bands above 890 Mc. It appears likely that it may result in several rule making proceedings, not only with respect to frequency allocations but also with respect to other parts of the Commission's rules governing the several services.

V. The Commission requests interested persons to come forward with information and comments which may prove helpful in a determination of these issues. Such persons as may wish to present evidence or testimony at the ensuing fact finding hearing before the Commission should submit brief outlines thereof, and be prepared to confer with the Commission's staff concerning the evidence or testimony proposed. The hearing itself will be limited to the reception of evidence and testimony which the Commission deems most helpful. Examination of witnesses will be conducted by the Commissioners and the Commission staff.

VI. The said hearing will be held upon the following issues:

1. What are the present and future demands for frequencies above 890 Mc for point-to-point radio communication systems, both common carrier and private?

(a) How were these demands satisfied previously, i. e., private wire, use of private radio other than microwave, common carrier wire or radio facilities?

(b) What benefits accrue to the user and the general public from the use of microwave frequencies for private point-to-point radio systems as compared with other means of communications and the specific nature, extent and magnitude of such benefits?

2. Are frequencies for point-to-point use available in sufficient number so that there is no necessity for the Commission to make determinations as to (a) the relative needs of potential users; (b) which of such potential users should be allocated spectrum space; or (c) the permissible use of such frequencies? If because of shortages of frequencies or facilities common carriers would be unable to satisfy the needs of all potential users of leased circuits, should there be established a system of priorities to insure availability of facilities to meet the most essential requirements?

3. Where (geographically and spectrumwise) would assignment of frequencies for private point-to-point systems without limitations create problems of harmful interference either from (a) limited availability of suitable sites for transmitters and receivers; (b) terminal congestion resulting from the desire to terminate multiple systems at a common geographical location; or (c) other pertinent conditions?

4. If limitations are warranted for private point-to-point use, what standards of eligibility should be adopted? Should they be established on a geographical basis?

5. To what extent, if any, should the Commission permit or require the sharing of private point-to-point microwave systems?

6. Apart from other considerations, should the Commission consider the availability of common carrier facilities as a condition of eligibility?

7. What effect would the authorization of private point-to-point systems where common carrier facilities are available have on the ability of the common carriers to serve the general public and, if such effect is detrimental, the specific nature, extent and magnitude of such detriment?

8. Is there any obligation on the part of the Commission under the provisions of the Communications Act to protect the users of common carrier service from any adverse economic effects that the carriers might suffer from the operation of private point-to-point systems? If there is no statutory obligation, is it desirable in the public interest for the Commission to establish this as a matter of a policy?

9. Would a policy of restricting or denying a private point-to-point system because common carrier facilities are available be inconsistent with any of the provisions of the Communications Act? Would such restrictions result in a lessening of competition or a fostering of monopoly in the manufacture, sale, use or provision of communications facilities contrary to the public interest?

10. To what extent will the contemplated private point-to-point communications systems depend upon interconnection with common carrier facilities?

11. What are the requirements for mobile operations for spectrum space above 890 Mc? Should the band 890-960 be reserved for land mobile use?

12. What are the requirements for ISM operations for spectrum space above 890 Mc? May other uses of radio share the bands that might be used by such operations?

13. What are the requirements for the radio navigation service for spectrum space above 890 Mc?

14. What are the requirements for any potential users of spectrum space above 890 Mc not otherwise encompassed in other issues herein set forth?

15. Under what circumstances, if any, should private or common carrier fixed systems be authorized to operate on frequencies below 10,000 Mc in terminal or metropolitan areas?

16. Should the Commission authorize the use of a system which occupies a broad band of frequencies in those cases in which a licensee has requirements for only a portion of the number of channels which can be accommodated in the same amount of space? Is there a requirement for narrow band equipment?

17. Should common engineering standards be established for all point-to-point microwave equipment and, if so, what should they be?

18. Should there be any restrictions on the use of frequencies above 30,000 Mcs?

19. To what extent, if any, should the bands of frequencies for fixed operations above 890 Mc be shared by common carriers and private users?

VII. This proceeding is instituted pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, and the Final Acts of the International Telecommunication Radio Conference (Atlantic City 1947).

VIII. Any interested person desiring to appear and submit evidence at the hearing shall on or before December 17, 1956, file with the Commission a notice of appearance and a brief outline or summary of the evidence expected to be submitted. Such persons, or any other interested persons desiring to comment on the matters set forth in the above issues, may file a brief or written statement with the Commission on or before January 7, 1957. Any replies to comments should be filed on or before January 22, 1957. Fifteen copies of each notice of appearance, brief or written comment should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: November 8, 1956.

Released: November 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9421; Filed, Nov. 15, 1956; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7192 et al.]

QUAD CITIES-TWIN CITIES CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for December 4 is postponed to December 6, 1956, 10:00 a. m., e. s. t.,

Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 9, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-9425; Filed, Nov. 15, 1956; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11443]

GULF OIL CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Gulf Oil Corporation (Gulf), on October 11, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change, dated September 27, 1956; H. L. Hunt; Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 18; November 11, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decisions thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 11, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 9, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9395; Filed, Nov. 15, 1956; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Gulf, if later.

[2] Commissioner Digby dissenting.

[Docket No. G-11444]

GULF OIL CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Gulf Oil Corporation (Gulf), on October 11, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change, dated September 27, 1956; Texas Eastern Transmission Corporation; Supplement No. 10 to Gulf's FPC Gas Rate Schedule No. 27; November 11, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 11, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 9, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9396; Filed, Nov. 15, 1956; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the date proposed by Pan American, if later.

[2] Commissioner Digby dissenting.

[Docket No. G-11446]

PAN AMERICAN PRODUCTION CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Pan American Production Company (Pan American), on October 15, 1956, tendered for filing a proposed change in one of its presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change, undated; United Fuel Gas Company; Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 35; November 15, 1956.

The increased rate and charge proposed in the above-designated filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 15, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 9, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9397; Filed, Nov. 15, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Gulf, if later.

[2] Commissioner Digby dissenting.

[Docket No. G-10343]

"CITY OF FRIENDSHIP", TENN.

NOTICE OF APPLICATION FOR ORDER TO OBTAIN PHYSICAL CONNECTION OF NATURAL GAS FACILITIES

NOVEMBER 9, 1956.

Take notice that "City of Friendship", Crockett County, Tennessee (Applicant), a Tennessee municipal corporation with address at Friendship, Tennessee, filed on May 3, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its natural gas transportation facilities with Applicant's proposed natural gas system and to sell natural gas to Applicant for resale and distribution in and adjacent to Friendship, the unincorporated community of Tigrett and to customers adjacent to Applicant's proposed lateral transmission line as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 4 miles of 3 inch lateral transmission line extending from a point of interconnection (tap) with the Texas Gas transmission line near the latter's intersection with Tennessee State Highway No. 20 and near which point will be located Applicant's Master Regulator Station, to Tigrett, Tennessee and thence to Friendship, Tennessee, together with City Gate Regulator Stations at and distribution systems in Tigrett and Friendship.

The estimated total cost of this project is $115,000 which will be financed by Applicant through the sale of revenue bonds. The estimated annual gas requirements and peak day gas requirements in Mcf at 14.73 psia for the first 3 years of operation are as follows:

Year	Annual	Peak day
1	22,151	259
2	27,061	325
3	29,159	353

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 27, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9398; Filed, Nov. 15, 1956; 8:48 a. m.]

[2] Commissioner Digby dissenting.

[Docket No. G-11442]

GULF OIL CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Gulf Oil Corporation (Gulf), on October 11, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change, dated September 27, 1956; H. L. Hunt; Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 17; November 11, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 11, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 9, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9399; Filed, Nov. 15, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Gulf, if later.

[2] Commissioner Digby dissenting.

[Docket No. G-11445]

GULF REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Gulf Refining Company (Gulf) on October 15, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale of gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change, undated; Texas Eastern Transmission Corporation; Supplement No. 10 to Gulf's FPC Gas Rate Schedule No. 2; November 15, 1956.

The rate proposed to be increased was suspended by order issued October 24, 1955, in Docket No. G-9511 and was permitted to become effective, subject to refund, by order issued in that proceeding on April 27, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and pending such hearing and decision thereon, the above-designated supplement hereby is suspended and the use thereof deferred until April 15, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Gulf, if later.

notice, or the effective date proposed by Gulf, if later.

[3] Commissioner Digby dissenting.

if later.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 9, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9400; Filed, Nov. 15, 1956; 8:48 a. m.]

[Docket No. G-11447]

REBSTOCK & REEVES DRILLING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Rebstock & Reeves Drilling Company (Rebstock), on October 19, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale of gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change, dated October 16, 1956; United Fuel Gas Company; Supplement No. 3 to Rebstock's FPC Gas Rate Schedule No. 1; November 19, 1956.

By order issued December 2, 1955, in Docket No. G-9721, a prior increase under the same rate schedule was suspended and its use deferred until May 3, 1956, and until made effective in the manner prescribed by the Natural Gas Act. The increase in Docket No. G-9721 has not been so made effective.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement hereby is suspended and the use thereof deferred until April 19, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37 (f)).

Issued: November 9, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9401; Filed, Nov. 15, 1956; 8:48 a. m.]

[Docket No. G-11439]

A. O. PHILLIPS ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

A. O. Phillips, et al. (Phillips), on October 9, 1956, tendered for filing a proposed change in its rate schedule presently effective, subject to refund, for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[2]

Notice of Change, undated; Texas Eastern Transmission Corporation; Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 2; November 9, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 9, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 8, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9402; Filed, Nov. 15, 1956; 8:48 a. m.]

[Docket No. G-11440]

CHRISTIE, MITCHELL & MITCHELL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Christie, Mitchell & Mitchell Co. (Christie) on October 9, 1956, tendered for filing proposed changes in the presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[4]

Notice of change, dated October 3, 1956; Texas Eastern Transmission Corporation; Supplement No. 14 to Christie's FPC Gas Rate Schedule No. 9; November 9, 1956.

Notice of change dated October 3, 1956; Texas Eastern Transmission Corporation; Supplement No. 15 to Christie's FPC Gas Rate Schedule No. 9; November 9, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are sus-

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Rebstock, if later.

[2] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Phillips, if later.

[3] Commissioner Digby dissenting.

[4] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Christie, if later.

pended and the use thereof deferred until April 9, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 8, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9403; Filed, Nov. 15, 1956; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

Section II, Delegations of Final Authority, is amended as follows:

1. Paragraph C 2 is amended by deleting from the list of officials designated therein "Chief of the Securities and Investment Unit."

2. Paragraph D 5 is amended by deleting "Regional property officers" and inserting in place thereof "Regional General Supply Officers."

3. Paragraph E 7 is amended by deleting from the list of officials designated therein "Deputy Comptroller (Liquidating Emergency Housing Program)."

Effective October 1, 1956, Section II, Delegations of Final Authority, is amended to read as follows:

A. Powers delegated in this section may not be redelegated. However, they may be exercised by an officer or employee designated to serve in an "Acting" capacity during the absence from duty of the official to whom the powers are delegated. Any officer or employee to whom powers are delegated in this section is authorized to designate any officer or employee under his supervision to serve in an "Acting" capacity, for periods not exceeding 30 days, during his absence; except that a Regional Director is authorized to make such a designation only for periods of absence during which both designees set forth in Section I are also absent.

B. The Deputy Commissioner is authorized to exercise all powers delegated by the Commissioner to any other PHA official and shall serve as Acting Commissioner in the absence of the Commissioner. In the absence of both the Commissioner and the Deputy Commissioner, one of the following officials shall serve as Acting Commissioner: *Provided*, That he shall so serve only in the absence of all the officials above him:

Assistant Commissioner.
Assistant Commissioner for Management.
Assistant Commissioner for Development.
General Counsel.
Assistant Commissioner for Administration.

The Acting Commissioner is authorized to exercise all the powers, duties, and functions, while so acting, that are vested in the Commissioner.

C. The following delegations of authority to officials as indicated apply to locally owned low-rent housing under the United States Housing Act of 1937, as amended (42 U. S. C. 1401), and Public Law 671, 76th Congress (42 U. S. C. 1501):

1. To exercise all powers and authorities vested in the Commissioner in all matters in connection with such housing.

Regional Directors.

2. To execute Letters of Agreement to Cancel Advance Notes.

Assistant Commissioner for Administration.
Comptroller.
Chief of the Financing & Securities Section.
Chief of the Securities & Invesment Unit.

3. To make determinations of prevailing salaries, wages, or fees under the provisions of section 16 (2) of the United States Housing Act of 1937, as amended, and to make determinations of the applicable job titles, weekly hours of work, and wage rates and other benefits of employment such as sick and annual leave for all manual maintenance employees.

Special Assistant to the Commissioner (Labor Relations).

4. To approve change orders for Construction and Equipment Contracts.

Assistant Directors for Development.
Chief of the Construction Sections.
Project Engineers.

5. To execute Requisition Agreements.

Regional Attorneys.

D. The following delegations of authority to officials as indicated apply to all Federally owned public housing:

1. To exercise all powers and authorities vested in the Commissioner in all matters in connection with such housing.

Regional Directors.

2. To act as the representative of the head of the department where contracts require such action.

Regional Directors.
Assistant Commissioner for Development.
Director of the Construction Branch.

3. To execute and cancel dwelling leases and amendments thereto; to accept settlements and to execute releases from civil liability where Government property has been damaged, destroyed, or stolen and full reimbursement therefor has been made by the wrongdoers; to approve in writing the compromise of rent claims against tenants or former tenants; and to approve payment of court costs in connection with any claim against tenants or former tenants.

Special Field Representative.
General Housing Managers.
Housing Managers.
Assistant Housing Managers.
Management Aides.

4. To execute contracts and amendments thereto for materials, equipment, supplies, and services other than personal services; to order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised; to issue Government Bills of Lading (Standard Form 1103); and to execute or approve contracts for sale or transportation of personal property.

Assistant Directors for Management.
Chiefs of the Project Fiscal Management Sections.
Special Field Representative.
General Housing Managers.
Housing Managers.
Assistant Housing Managers.
Management Aides.

5. To execute contracts for the sale of trailers when conducting such sale at the project site.

Regional Property Officers.

6. To execute stipulations and amendments to land leases with respect to increases in land rentals.

Assistant Commissioner for Development.
Director of the Land Branch.

7. To execute dedications, licenses, permits, and easements; to execute contracts with brokers, local authorities, or others for management or disposition; to execute contracts for the services of surveyors and appraisers; to consent to the annexation of project property by a political subdivision if necessary to facilitate disposition.

Assistant Director for Management and Disposition, Chicago Regional Office.
Assistant Director for Management and Disposition, New York Regional Office.

8. To execute contracts of sale, removal, or demolition; to execute deeds and transfer documents (other than documents relating to transfers of jurisdiction without reimbursement to other Federal agencies); to execute lease cancellations and settlements; to order and execute contracts for advertisements in connection with the disposition of housing.

Assistant Director for Management and Disposition, Chicago Regional Office.
Chief of the Disposition Section, Chicago Regional Office.
Assistant Director for Management and Disposition, New York Regional Office.
Chief of the Disposition Section, New York Regional Office.
Assistant Director for Management and Disposition, Washington Regional Office (for matters in the areas of jurisdiction of the Fort Worth Regional Office and the Washington Regional Office).
Chief of the Disposition Section, Washington Regional Office (for matters in the areas of jurisdiction of the Fort Worth Regional Office and the Washington Regional Office).

9. To execute contracts of sale and all documents relating thereto, and contracts for removal, demolition, and onsite sale; to execute deeds and transfer documents (other than documents relating to transfers of jurisdiction without reimbursement to other Federal agencies); to execute leases, lease cancellations, and settlement agreements; to execute dedications, licenses, permits, and easements; to execute contracts with brokers, fee negotiators, and others relating to the disposition and/or acquisi-

[3] Commissioner Digby dissenting.

[2] Commissioner Digby dissenting.

lips, if later.

Christie, if later.

[1] Commissioner Digby dissenting.

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tion of real property; to execute contracts for the services of surveyors, engineers, and appraisers; to execute agreements, contracts, and options to purchase real property; and to order and execute contracts for advertisements.

Area Supervisor, Richmond Disposition Area Office.

10. To exercise all the functions of a supervising or contracting officer with respect to all contracts for professional services, planning and construction of improvements, subdivision maps, deeds, permits, easements, lease agreements, disposition, sales, and other similar pertinent documents and to execute the following documents in connection with disposition of those projects listed below:

(a) Contracts of sale, removal, or demolition, and deeds and transfer documents (other than documents relating to transfers of jurisdiction without reimbursement to other Federal agencies);

(b) Lease cancellations, revisions, and settlements;

(c) Dedications, licenses, permits, and easements;

(d) Contracts with brokers, or others for management and disposition;

(e) Contracts for the services of surveyors and appraisers;

(f) Contracts for advertisements in connection with the disposition of the project or any part thereof; and

(g) All documents necessary to accomplish the transfer, relinquishment, sale, or other disposition of the project or any part thereof including its annexation by a political subdivision.

Cal–4092	San Diego.
Cal–4096	Do.
Cal–4097	Do.
Cal–4151	Do.
Cal–4251	Do.
Cal–4252	Chula Vista.
Cal–4253	San Diego.
Cal–4254	Do.
Cal–4255	Do.
Cal–4256	Do.
Cal–4257	Do.
Cal–4461	Do.
Cal–4462	National City.
Cal–4663	Oceanside.
Cal–4677	San Diego.
Cal–4678	National City.
Cal–4679	San Diego.
Cal–4737	Do.
Cal–4738	Do.
Cal–4782	Do.
Cal–4797	Do.
Cal–4798	Do.
Cal–4852	Oceanside.
Cal–4853	Do.
Cal–4917N	San Diego.
Cal–4996N	Do.
Cal–4997N	Do.

Special Field Representative.
Martin Barrow, Realty Officer.

E. The following delegations of authority are made to the officials indicated:

1. To consider, ascertain, adjust, determine, and settle claims against the United States not in excess of $1,000 arising out of the acts or omissions of employees, pursuant to the Federal Tort Claims Act (28 U. S. C. 2671–2680).

Assistant Commissioner for Administration (For Central Office Employees).
Comptroller (For Central Office Employees).
Regional Directors (For Regional Office and Project Employees under their jurisdiction).

2. To accept service of process pursuant to attachment or garnishment proceedings served upon the Public Housing Administration with regard to any debtor-employee of the PHA, to execute all necessary and proper documents required in connection therewith, and to appear to testify therein for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice.

Assistant Commissioner for Administration.
Comptroller.
Deputy Comptrollers.
Administrative Assistant to the Comptroller.

3. To execute or approve contracts and amendments thereto for materials, equipment, supplies, space, services other than personal services, and the sale or transportation of personal property; and to execute Certificates of Release (Standard Form 97) in connection with the disposition of motor vehicles.

Assistant Commissioner for Administration.
Director of the Office Services Branch.

4. To order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised, and to issue Government Bills of Lading (Standard Form 1103).

Assistant Commissioner for Administration.
Director of the Office Services Branch.
Regional Directors.
Chiefs of the Office Services Sections.

5. To approve insurance contracts and execute endorsements on behalf of the PHA on insurance company checks on which the PHA is a joint payee.

Assistant Commissioner for Management.
Deputy Assistant Commissioner for Management (Technical Services).
Director of the Project Fiscal Management Branch.
Assistant Directors for Management.
Chiefs of the Project Fiscal Management Sections.

6. To attest all documents requiring attestation and certify that copies of documents, leases, contracts, and other papers are identical with the originals.

In the Central Office:

Director of the Production and Document Control Branch.
Assistant Director of the Production and Document Control Branch.
Director of the Office Services Branch.
Elmer F. Gustavson, Office Services Branch.
Administrative Assistant to the Legal Division.

In the Regional Offices:

Secretaries to the Regional Attorneys.
Production Control Assistants.
Document Control Clerks.
Regional Attorney, Washington Regional Office.

7. With respect to notes, lien instruments, conditional sales contracts, lease-purchase contracts, and restrictive provisions of deeds of conveyance (such as provisions with respect to mineral rights, easements, and eversionary rights): To execute releases and quitclaim deeds of the Government's interests; to take appropriate action for the enforcement of compliance with the terms and conditions of such instruments; to execute contracts for appraisals and surveys; to execute amendments to such instruments; to approve or disapprove budgets and take other actions which under such instruments are required to be taken by the Commissioner or by the PHA; to sell and assign such instruments; to execute contracts with agents for the servicing of such instruments to order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised; and to approve insurance contracts and execute endorsements on behalf of the PHA on insurance company checks on which the PHA is a joint payee.

Assistant Commissioner for Administration.
Comptroller.
Deputy Comptroller (Liquidating Emergency Housing Program).
Chief of the Mortgage Servicing Section.

8. To draw checks on depositary banks against the accounts of Local Authorities and to execute any certificates required in connection therewith.

Assistant Commissioner for Administration.
Comptroller.

9. With respect to the following Federally owned rural farm housing projects, to exercise all the powers vested in the Commissioner under the United States Housing Act of 1937, as amended:

Arkansas 1–2.
Georgia 12–1.
Mississippi 6–1.
Mississippi 15–1.
Mississippi 16–1.
Mississippi 19–1.
Indiana 14–1.
South Carolina 5–1.

Assistant Commissioner for Management.
Thomas P. Ginn, Management Officer.

Date approved: November 9, 1956.

CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 56–9404; Filed, Nov. 15, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1041]

BOND INVESTMENT TRUST OF AMERICA

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

NOVEMBER 9, 1956.

Notice is hereby given that The Bond Investment Trust of America ("Bond Trust"), a registered open-end investment company, has filed an application pursuant to the provisions of section 10 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed purchase by Bond Trust of debentures of San Jacinto Petroleum Corporation, during the existence of the underwriting syndicate for the public offering of such debentures, as more fully described below.

The application recites that The First Boston Corporation expects to be among a group of underwriters of $8,000,000 principal amount of Subordinated Convertible Debentures due November 1, 1971 of San Jacinto Petroleum Corp. It is expected that the debentures will be offered to the public on or about November 14, 1956. James H. Orr, one of the trustees of the Applicant, is a director of The First Boston Corporation.

The trustees of the Applicant, it is stated, have individually authorized the purchase by the Applicant of not exceeding $100,000 principal amount of said debentures, subject to market conditions at the time of the offering, such purchase to be made from underwriters or members of the selling group, if any, other than The First Boston Corporation, except to the extent that said firm might be included if a purchase were made from White, Weld & Co., as representative for the account of the several underwriters.

The Applicant considers it desirable to be in a position to purchase said Debentures on the original offering in order to have reasonable assurance of being able to obtain a substantial block of said Debentures and to avoid the possibility of a higher price after the underwriting syndicate has been dissolved.

Applicant further declares that if it were to purchase the $100,000 principal amount of Debentures as authorized by its Trustees, it would acquire 1¼ percent of the total offering, and assuming a price of $100 per $100 principal amount, the purchase would represent approximately 1.6 percent of the total assets of the Applicant as at November 1, 1956.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company. Under the act a director by definition includes a trustee. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since a trustee of the Applicant is a director of The First Boston Corporation, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors. The application states that Applicant believes that the requested exemption is consistent with Applicant's stated investment policies and with the protection of investors.

Notice is further given that any interested person may, not later than November 21, 1956, at 12:00 noon, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56–9407; Filed, Nov. 15, 1956; 8:50 a. m.]

[File No. 24SF–2290]

HIDDEN DOME EXPLORATION CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 9, 1956.

I. Hidden Dome Exploration Co., Inc., 219 East Fremont Avenue, Las Vegas, Nevada, filed with the Commission on May 15, 1956, a Notification on Form 1–A and an Offering Circular relative to an issue of 3,000,000 shares of stock at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the subject corporation

(1) Failed to state in its Offering Circular the full compensation to be received by its underwriter for the proposed sale of the issue, as required by Rule 219 (c) (5).

(2) Failed to state in its Offering Circular the contemplated order of expenditures and amounts proposed for each purpose of the proceeds of the proposed issue, as required by Rule 219 (c) (5).

(3) Extended dollar amounts in its financial statement for non-cash transactions involving the issue of stock for services, prohibited by Rule 219 (c) (6) (B).

B. That the making or continuance of this offering would act as a fraud or deceit upon prospective purchasers in that the offering circular contains false and misleading statements in regard to material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to:

(1) The failure to disclose the identity of the sole proprietor of the underwriter, O. A. Waldinger, and the family relationship existing between him and Greta Waldinger, a promoter and the Assistant Treasurer and a Director of the issuer.

(2) The failure to disclose the change in name of the underwriter designated in the offering circular as National Securities Company to American Securities Company.

(3) The failure to disclose material facts with respect to the background and experience of Greta L. Waldinger in order to make the statements made in the offering circular regarding her experience in the mining industry not misleading.

(4) The cost to promoters of the corporation's oil leases and other assets.

(5) The date and unexpired life of the corporation's oil leases.

(6) Statements in the geologist's report in regard to oil possibilities.

(7) All of the items (1), (2) and (3) listed above as failures to furnish information required by Regulation A.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 56–9406; Filed, Nov. 15, 1956; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Belleraft Manufacturing Co., Mt. Olivert Road, Hartwell, Ga.; effective 10-31-56 to 10-30-57 (men's and boys' sport shirts).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind.; effective 11-1-56 to 10-31-57; 10 learners (men's woven pajamas).

D & W Sportswear Co., 78 Chauncy Street, Boston, Mass.; effective 10-31-56 to 10-30-57; 5 learners (dresses).

Duquesne Manufacturing Co., 852 Constitution Boulevard, New Kensington, Pa.; effective 11-15-56 to 11-14-57; 10 learners (cotton dresses, hooverettes, aprons, etc.)

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va.; effective 11-16-56 to 11-15-57; 10 learners (women's cotton uniforms).

Frances Duke Manufacturing Co., 8926 Venice Boulevard, Culver City, Calif.; effective 11-5-56 to 11-4-57; 1 learner (children's dresses).

J. Grinchuck Co., Braidwood, Ill.; effective 10-31-56 to 10-30-57 (student trousers, boys' trousers, etc.)

Kinoca Shirt Co., 501 North East Street, Kinston, N. C.; effective 11-2-56 to 10-25-57; ten percent of the total number of employees engaged in the manufacture of men's shirts (men's dress and sport shirts) (replacement certificate).

Kinoca Shirt Co., 501 North East Street, Kinston, N. C.; effective 11-2-56 to 10-25-57; ten percent of the total number of employees engaged in the manufacture of women's shirts (ladies' blouses) (replacement certificate).

Rice Stix Factory No. 15, Lebanon, Mo.; effective 11-7-56 to 11-6-57 (overalls, dungarees, etc.)

J. H. Rutter-Rex Manufacturing Co., Inc., Columbia, Miss.; effective 11-15-56 to 11-14-57 (cotton work shirts).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville, Ind.; 10-31-56 to 10-30-57 (washable service apparel, uniforms).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; effective 11-3-56 to 11-2-57 (dungarees).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Carbon Hill Manufacturing Co., Inc., Carbon Hill, Ala.; effective 11-15-56 to 5-14-57; 60 learners (boys' slacks).

R. H. R. Dress Manufacturing Co., Inc., Appomattox, Va.; effective 10-29-56 to 4-28-57; 20 learners (children's and girls' dresses).

Spooner Sportswear, 115 Elm Street, Spooner, Wis.; effective 11-3-56 to 3-16-57; 10 learners (ladies' denim and twill jeans) (supplemental certificate).

Sweet-Orr & Co., Inc., 68 First Street SW.; Pulaski, Va.; effective 11-2-56 to 5-1-57; 10 learners (men's and boys' pants).

Tru-fit Trousers, Traverse City, Mich.; effective 10-31-56 to 4-30-57; 25 learners (single pants).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Buckeye Glove Co., Greenville, Ill.; effective 11-1-56 to 4-30-57; 10 learners for expansion purposes (work gloves).

Newton Glove Manufacturing Co., Newton, N. C.; effective 11-21-56 to 11-20-57; ten percent of factory production workers for normal labor turnover purposes (cotton work gloves).

Wells Lamont Corp., Barry, Ill.; effective 11-3-56 to 11-2-57; 10 percent of factory production workers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Elsberry, Mo.; effective 11-2-56 to 11-1-57; 10 percent of factory production workers for normal labor turnover purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Childrey Hosiery Mills, Inc., Haw River, N. C.; effective 11-1-56 to 10-31-57; 5 learners for normal labor turnover purposes (seamless).

Dure-Tred Hosiery Mills Co., Inc., 240 Hawkins Street, Burlington, N. C.; effective 10-31-56 to 10-30-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Knit Sox Knitting Mills, Inc., Eighth Street SE.; Hickory, N. C.; effective 11-2-56 to 11-1-57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Prim Hosiery Mills, Chester, Ill.; effective 11-2-56 to 5-1-57; 15 learners for expansion purposes (full-fashioned and seamless).

Siegfried Hosiery Mill, New Street, Milton, Del.; effective 11-5-56 to 5-4-57; 10 learners for expansion purposes (seamless, full-fashioned).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Hooper Telephone Co., Hooper, Nebr.; effective 11-7-56 to 11-6-57.

Poulsbo Rural Telephone Association; Poulsbo, Wash.; effective 10-31-56 to 10-30-57.

Salisbury Home Telephone Co., Salisbury, Mo.; effective 11-2-56 to 11-1-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind.; effective 11-1-56 to 10-31-57; 5 learners for normal labor turnover purposes engaged in the production of men's woven underwear only (knitted underwear).

Broadway Lingerie Co., 627 Broadway, New York, N. Y.; effective 11-6-56 to 11-5-57; 4 learners for normal labor turnover purposes (ladies' and children's cotton and rayon knitted underwear).

Ilena Mills, Inc., Manufacturers Road, Chattanooga, Tenn.; effective 10-31-56 to 10-30-57; 5 percent of factory production workers for normal labor turnover purposes (knitted underwear).

Kain-Murphey Corp., Manufacturers Road, Chattanooga, Tenn.; effective 10-31-56 to 10-30-57; 5 percent of factory production workers for normal labor turnover purposes (children's knitted sleepwear).

Signal Knitting Mills, Manufacturers Road, Chattanooga, Tenn.; effective 10-31-56 to 10-30-57; 5 percent of factory production workers for normal labor turnover purposes (knitted underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

National Textile Corp., Hampton, Ga.; effective 11-5-56 to 5-4-57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 10 learners for normal labor turnover purposes (diapers, towels, napkins, etc.)

Shenandoah Tailoring Co., Inc., Mount Sidney, Va.; effective 11-5-56 to 5-4-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining period, for the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes (cadet uniforms).

Unitog Co., 138 West Pine Street, Warrensburg, Mo.; effective 11-5-56 to 5-4-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining period, for the occupations of embroidery machine operator and power machine operator; authorizing the employment of 4 learners for normal labor turnover purposes (industrial uniforms).

The following special learner certificate was issued in Hawaii to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Hawaiian Casuals, 1024 Bethel Street, Honolulu, Hawaii; effective 10-31-56 to 10-30-57; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupations of sewing machine operator and finishing operations involving hand sewing; authorizing the employment of 3 learners for normal labor turnover purposes (men's shirts and swim trunks).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Sportee Corp. of America, Km. 262.7 Ponce-Penuelas Road, Ponce, P. R.; effective 10-29-56 to 10-28-57; not less than 40 cents per hour for the first 240 hours and 45 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of cutting, sewing machine operator and final pressing; authorizing the employment of 20 learners for normal labor turnover purposes (children's polo shirts, cardigans and creepers).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 6th day of November 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-9394; Filed, Nov. 15, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32885: *Tin plate from Fairfield, Ala., to Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on tin plate, terne plate, and tin mill black plate, carloads from Fairfield, Ala., to Arlington, Dallas, and Farmer's Branch, Texas.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 81 to Agent Kratzmeir's I. C. C. 4170.

FSA No. 32886: *Silica sand from Arkansas and Missouri to South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on silica sand, carloads from Guion, Ark., Klondike, Ludwig and Pacific, Mo., to Rome, Ga., Natco and Columbia, Tenn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 84 to Agent Kratzmeir's I. C. C. No. 4135.

FSA No. 32887: *Concrete building slabs in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on slabs, concrete, building or roofing, carloads between points in southern territory.

Grounds for relief: Short-line distance formula, grouping, and circuity.

Tariff: Supplement 25 to Agent Spaninger's I. C. C. 1525.

FSA No. 32888: *Superphosphate from southern points to Colorado.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), other than ammoniated or defluorinated, carloads from points in southern territory to Holly and Swink, Colo.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 23 to Agent Spaninger's I. C. C. 1522.

FSA No. 32889: *Fertilizer from Jacksonville to Greenville, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer materials, carloads from Jacksonville and South Jacksonville, Fla., to Greenville, Fla.

Grounds for relief: Intrastate rail carrier competition and circuity.

Tariff: Supplement 48 to Agent Spaninger's I. C. C. 1510.

FSA No. 32890: *Bituminous coal from Illinois to Dubuque, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous coal, carloads from Peoria-Fulton County, Illinois, mines to Dubuque, Iowa.

Grounds for relief: Rail carrier and market competition, and circuity.

Tariff: Supplement 7 to Toledo, Peoria and Western Railroad Company tariff I. C. C. 296.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9405; Filed, Nov. 15, 1956; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
UNIVERSITY

pansion purposes (work gloves).

learner rates, occupations, learning pe- provisions of Part 522.

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FEDERAL REGISTER

VOLUME 21 NUMBER 224

Washington, Saturday, November 17, 1956

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

ADDITION OF OUTAGAMIE COUNTY, WIS., TO COMMERCIAL CORN-PRODUCING AREA FOR 1957

This amendment is issued under sections 301 (b) (4) and 327 of the Agricultural Adjustment Act of 1938, as amended, to include in the commercial corn-producing area for 1957 Outagamie County, Wisconsin, which was inadvertently omitted when the area was originally proclaimed (21 F. R. 8227).

Section 721.802 is amended by inserting under the State of Wisconsin the county of "Outagamie" immediately following the county of "Monroe."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies Secs. 301, 327, 52 Stat. 38, 51, as amended; 7 U. S. C. 1301, 1377)

Done at Washington, D. C., this 13th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9430; Filed, Nov. 16, 1956; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 92]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.392 *Navel Orange Regulation 92*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 15, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and desig-

(Continued on p. 8969)

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FEDERAL REGISTER

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1956–57 Edition

(Revised through June 1)

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nated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 18, 1956, and ending at 12:01 a. m., P. s. t., November 25, 1956, is hereby fixed as follows:

(i) District 1: 600,600 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 115,500 cartons;

(iv) District 4: 69,300 cartons.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9516; Filed, Nov. 16, 1956; 11:35 a. m.]

[Lemon Reg. 668]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.775 *Lemon Regulation 668*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 14, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 18, 1956, and ending at 12:01 a. m., P. s. t., November 25, 1956, is hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 172,050 cartons;

(iii) District 3: 23,250 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 15, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9499; Filed, Nov. 16, 1956; 8:49 a. m.]

[Avocado Order 12, Amdt. 3]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 19, 1956. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until November 13, 1956; a determination as to the time of maturity of the variety of avocados covered by this amendment was made at the meeting of said committee on November 13, 1956, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation was submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is therefore ordered, That the provisions of § 969.312 (b), as amended (21 F. R. 3307, 5409, 6329), are hereby amended as follows:

1. Delete the date "11/19/56" appearing in column (8) of Table I, applicable to the Lula variety of avocados and insert in lieu thereof the date "12/3/56".

2. Delete the date "November 19, 1956" appearing in subparagraph (6) and insert in lieu thereof the date "December 3, 1956."

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., November 19, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 15, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9473; Filed, Nov. 16, 1956; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

DEDUCTION OF FOREIGN MATERIAL

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 7471 and 7683 containing the specific requirements for the 1956-crop Soybean Price Support Program are amended to provide for the deduction of foreign material in determining the quantity of soybeans by measurement as follows:

Section 421.2030 (c) is amended by adding the following at the end thereof: "The quantity shall be further adjusted if the total weight of foreign material is in excess of 2 percent, by deducting the excess from the total quantity of soybeans in determining the net number of bushels of soybeans. For the purposes of this determination, foreign material shall be computed in tenths of 1 percent."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, as amended; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 14th day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-9453; Filed, Nov. 16, 1956; 8:49 a. m.]

Subchapter C—Export Programs

PART 481—WHEAT AND WHEAT-FLOUR EXPORT PAYMENT PROGRAM (IWA)

SUBPART—TERMS AND CONDITIONS OF 1956-57 PROGRAM

PROGRAM PERIOD; DETERMINATION OF RATES

1. Section 481.731 of the Terms and Conditions of the 1956-57 Wheat and Wheat-Flour Export Payment Program (21 F. R. 4645) issued on June 21, 1956, as amended is further amended to read as follows:

§ 481.731 *Program period.* Sales entered into after the effective date of this offer and not later than September 3, 1956, with respect to wheat, or not later than November 14, 1956, with respect to flour, for recording against the 1956-57 Wheat Agreement guaranteed quantities are eligible for payment under this offer: *Provided however,* That a Notice of Sale with respect to such sales of flour shall be filed with CCC not later than November 21, 1956.

2. Section 481.741 is amended by adding a new sentence to the first paragraph, so that it now reads as follows:

§ 481.741 *Determination of rates.* The rate in effect at the time of sale to the foreign buyer in the country of destination or the time of giving Notice of Sale as required by § 481.755 (a), whichever rate is the lower, shall be the rate applicable to the sale: *Provided however,* That foreign flour sales for which a Notice of Sale is filed with CCC on or after November 15, 1956, but not later than November 21, 1956, shall be eligible for cash export payment at the export payment rate in effect from 12:01 a. m., e. s. t., to 3:30 p. m., e. s. t., November 15, 1956, provided such sales have not been otherwise registered for cash payment and government export assistance with respect to such sales has not been obtained through purchase of CCC wheat at reduced prices. The supporting evidence of sale submitted by the exporter in form prescribed in § 481.756 (d), will be the basis for determining the time of sale. The following factors which may be determinative of the time of sale, are:

* * * * *

This amendment shall become effective on November 15, 1956, at 12:01 a. m., e. s. t.

(Sec. 2, 63 Stat. 945, 946, sec. 104, 64 Stat. 198, 67 Stat. 358, 70 Stat. 966; 7 U. S. C. 1641, 1642)

Issued this 14th day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-9454; Filed, Nov. 16, 1956; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 28—DEFINITIONS AND STANDARDS OF IDENTITY

CHOPPED HAM: IDENTITY; OPTIONAL INGREDIENTS; LABELING

Pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U. S. C. 71-91) and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306), Part 28 of the meat inspection regulations (9 CFR Part 28, as amended) is hereby amended by adding thereto the following section:

§ 28.3 *Chopped ham: identity; optional ingredients; labeling.* (a) Chopped ham is the semi-solid meat food product, in the form of a compact mass with a limited amount of cooked out juices, which is prepared with ham, curing agents, seasonings and any of the optional ingredients listed in paragraph (b) of this section, in accordance with the provisions of subparagraphs (1), (2), and (3) of this paragraph.

(1) Fresh ham, cured ham, or smoked ham, or a mixture of two or more of such meat components may be used. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham and fresh uncured ham shank meat if any is used, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.

(2) The curing agents which may be used, singly or in combination, are salt, sodium nitrate, sodium nitrite, potassium nitrate, and potassium nitrite. When sodium nitrate, sodium nitrite, potassium nitrate or potassium nitrite is used, singly or in combination, the amount thereof shall not exceed that permitted in § 18.7 (k) of this subchapter.

(3) The seasonings which may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleo resins and other spice extractives.

(b) Chopped ham may contain one or more of the following optional ingredients:

(1) Finely chopped ham shank meat (fresh, cured or smoked, or a combination thereof) to the extent of not more than 25 percent over that normally present in the boneless ham.

(2) Water, for the purpose of dissolving the curing agents, and not in excess of the amount permitted in paragraph (a) (1) of this section.

(3) Monosodium glutamate.

(4) Hydrolyzed plant protein.

(5) Corn syrup solids, corn syrup and glucose syrup, singly or in combination, in an amount not to exceed 2 percent (calculated on a dry basis) of all the ingredients used in preparing the chopped ham.

(6) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, singly or in combination, in an amount not to exceed that permitted in § 18.7 (r) of this subchapter.

(7) Ascorbic acid, sodium ascorbate, isoascorbic acid or sodium isoascorbate in amount not to exceed that permitted in § 18.7 (s) of this subchapter.

(8) Dehydrated onions or onion powder.

(9) Dehydrated garlic or garlic powder.

(c) The label shall bear the name "chopped ham".

The purpose of the foregoing amendment is to provide a definition and standard of identity for chopped ham. This will permit simplified labeling since it will allow the industry to omit ingredient labeling for this class of product. This amendment adds no new requirements but does relieve certain restrictions previously imposed which are no longer necessary to protect the public. The amendment should be made effective immediately to be of maximum benefit to persons subject to such restrictions. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable and contrary to the public interest and since the amendment relieves restrictions it may be made effective less than thirty days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective on November 14, 1956.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 21 U. S. C. 89, 19 U. S. C. 1306)

Done at Washington, D. C., this 14th day of November 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service,
Department of Agriculture.

[F. R. Doc. 56-9451; Filed, Nov. 16, 1956; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 56-9372, appearing in the issue for Wednesday, November 14, 1956, at page 8811, in § 1467.26 (c) (2), line 2, the word "fairly" should be inserted preceding the word "narrowly".

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1362]

[Oregon 04207]

OREGON

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Bureau of Land Management, Department of the Interior, as an administrative site:

WILLAMETTE MERIDIAN

T. 33 S., R. 32 E.,
Sec. 31, SE¼NE¼;
Sec. 32, SW¼NW¼.

The areas described aggregate 80 acres.

The withdrawal made by this order shall not extend to any non-navigable waters now upon the lands. Any such waters not heretofore appropriated shall continue subject to such appropriation, including appropriation by the United States, as may be authorized by applicable law.

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 13, 1956.

[F. R. Doc. 56-9448; Filed, Nov. 16, 1956; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 56-53]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

PART 12—CERTIFICATION OF SEAMEN

LICENSING, REGISTERING, AND CERTIFICATING MERCHANT MARINE PERSONNEL

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 1, 1956 (21 F. R. 1350-1356), and March 28, 1956 (21 F. R. 1901, 1902), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council at a public hearing, which was to be held on April 24, 1956, at Washington, D. C. This document is the fifth of a series of documents covering the regulations considered at this public hearing. The first two documents contain Dangerous Cargo Regulations. These Dangerous Cargo Regulations were published in the FEDERAL REGISTER dated September 20, 1956 (21 F. R. 7053-7142). The third document contained miscellaneous amendments to the chapter and it was published in the FEDERAL REGISTER of September 6, 1956 (21 F. R. 6708-6713). The fourth Federal Register document contains miscellaneuos marine engineering and electrical engineering amendments and is being processed for printing.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received, certain proposed regulations were revised and others are being held in abeyance pending further study. This document contains amendments to the regulations which are based on Item I in the Agenda.

The proposals to revise 46 CFR 10.05-3, 10.05-5, 10.05-46, and 10.05-47, with respect to establishing limited ocean and coastwise licenses as master of small passenger vessels of less than 100 gross tons, are not included in this document. Action on these proposals will be held in abeyance pending further study of the problems involved.

The proposed amendments to 46 CFR 10.02-7, 10.02-9, and 10.02-13 to bring these regulations up to date and to reflect current practices are adopted without any changes.

With one exception, the other proposals in Item I are adopted without any change. With respect to the physical requirements for obtaining a certificate as tankerman, the proposal to amend 46 CFR 12.20-3 (b) was revised by changing the phrase "original license" to "original license as engineer."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication in the FEDERAL REGISTER:

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

SUBPART 10.02—GENERAL REQUIREMENTS FOR ALL DECK AND ENGINEER OFFICERS' LICENSES

1. Section 10.02-7 (f) (1) is amended to read as follows:

§ 10.02-7 *Requirements for raise of grade of license.* * * *

(f) *Experience or training.* (1) Applicants for raise of grade of licenses are charged with establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character, and citizenship before they are entitled to a raise of grade of license.

2. Section 10.02-9 (a) is amended to read as follows:

§ 10.02-9 *Requirements for renewal of license*—(a) *Duty of applicants.* Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license.

(1) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting renewal of a license, require the applicant to make written application on Coast Guard Form CG-3479.

3. Section 10.02-13 is amended to read as follows:

§ 10.02-13 *Sea service as a member of the Armed Forces of the United States and on vessels owned by the United States as qualifying experience.* (a) Sea service as a member of the Armed Forces of the United States will be accepted as qualifying experience for an original, raise of grade, or extension of route of license. Such service will be subject to evaluation by the Commandant to determine its equivalence to sea service required on merchant vessels and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. The regulations governing the licensing of merchant marine personnel which are in effect on the date an applicant presents himself for examination shall be applicable in all cases.

(b) When any person who has served in a civilian capacity as commanding officer, master, mate, engineer, or pilot,

etc., of any vessel owned and operated by the United States, in any service, in which a license as master, mate, engineer, or pilot was not required at the time of such service applies for an examination for license, the Officer in Charge, Marine Inspection, shall forward the application, together with his comments, to the Commandant for evaluation.

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

4. Section 10.05–51 is amended to read as follows:

§ 10.05–51 *Examination for license as master of river steam or motor vessels.* (a) An applicant for license as master of river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Pilot rules.
(2) Shiphandling and navigation of river vessels.
(3) Instruments and accessories.
(4) Aids to navigation.
(5) Seamanship.
(6) Ship construction.
(7) Cargo stowage and handling.
(8) Temporary repairs to hull and equipment.
(9) Drills; lifesaving and fire fighting equipment and procedures.
(10) Rules and regulations for vessel inspection and navigation laws of the United States; ship sanitation.
(11) Mathematics.
(12) General.
(13) Such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

SUBPART 10.10—PROFESSIONAL REQUIREMENTS FOR ENGINEER OFFICERS' LICENSES (INSPECTED VESSELS)

5. Section 10.10–3 (b) is amended to read as follows:

§ 10.10–3 *Grade and type of engineer licenses issued, and limitations placed thereon.* • • •

(b) Engineer's licenses of all grades and types may be subject to such horsepower limitation as the Officer in Charge, Marine Inspection, shall deem appropriate. The horsepower limitations to be placed on a license shall be based on the applicant's qualifying experience; however, in no case shall an applicant's license be limited to a lower horsepower than the highest horsepower on which 25 percent or more of his experience was obtained. The applicant whose qualifying service has all been on Coast Guard inspected vessels of 4,000 horsepower or over shall be considered eligible for an engineer's license of unlimited horsepower.

SUBPART 10.25—REGISTRATION OF STAFF OFFICERS

6. Section 10.25–3 is amended to read as follows:

§ 10.25–3 *Grades of certificates issued.* Staff Officers shall be registered in the following grades:

(a) Chief purser.
(b) Purser.
(c) Senior assistant purser.
(d) Junior assistant purser.
(e) Surgeon.

7. Section 10.25–7 (f) is amended to read as follows:

§ 10.25–7 *General requirements.* • • •

(f) No certificate of registry as junior assistant purser will be issued to any applicant unless he presents evidence that he has a commitment of employment as member of the crew of a United States merchant vessel in a capacity covered by such certificate.

8. Section 10.25–9 *Experience requirements* is amended by deleting paragraph (a) (6) regarding junior assistant purser and pharmacists mate.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438–4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 68 Stat. 484, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1333, 710c, 50 U. S. C. 198)

SUBPART 12.20—TANKERMAN

9. Section 12.20–3 (b) is amended to read as follows:

§ 12.20–3 *Physical requirements.* • • •

(b) The medical examination is the same as for an original license as engineer, except that the applicant will be given a color vision test required for a licensed deck officer as set forth in § 10.02–5 of this subchapter.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply R. S. 4417a, as amended, sec. 3, 68 Stat. 676, 46 U. S. C. 391a, 50 U. S. C. 198)

Dated: November 13, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56–9438; Filed, Nov. 16, 1956; 8:47 a. m.]

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 56–47]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the navigation and vessel inspection regulations was published in the FEDERAL REGISTER dated September 22, 1956 (21 F. R. 7250, as Items I through III on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held on October 15, 1956 at Washington, D. C. This document is the first of a series of documents covering the regulations considered at this hearing.

All the comments, views and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been helpful to the Coast Guard and are much appreciated. This document contains amendments to the regulations which are based on Item III in the Agenda.

The various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been petitioned for by various shippers, carriers and the Department of Defense. The amendment to 46 CFR 146.23–35 changes the requirement for rubber lining for certain sulfuric acid tanks from ¼ inch thickness to 3/16 inch thickness. The amendments to 46 CFR 146.27–25 and 146.27–100 provide for stowage of small arms ammunition without explosives loaded bullets (ICC Class C explosives) in holds above, below and adjacent to one in which cotton is stowed; and for the shipment of two one-pint metal containers of touch-up enamel in automobiles being exported.

The amendments to Rules and Regulations for Military Explosives (CG–108) (46 CFR 146.29–100) permit shipment of certain fuzes as Class III military explosives, and permit overstowing Class IV–B military explosives with non dangerous cargo and permitted military explosives.

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order No. 167–14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

SUBPART—DETAILED REGULATIONS GOVERNING CORROSIVE LIQUIDS

1. Section 146.23–35 is amended by changing paragraph (h) (2) to read as follows:

§ 146.23–35 *Sulfuric acid in bulk.* • • •

(h) *Lining.* • • •

(2) The material used for lining or coating the tanks shall be resistive to attack by the sulfuric acid to be carried; homogeneous, nonporous, and imperforate when applied; and not less elastic than the metal of the tank proper. It shall be of substantially uniform thickness, not less than 5/32 inch for lead lining, and not less than 3/16 inch for rubber lining. The lining shall be directly bonded to the tank plating, or attached by other satisfactory means acceptable to the Commandant.

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

1. Section 146.27–25 is amended by changing paragraph (d) (1) to read as follows:

§ 146.27–25 *Requirements and conditions for loading, stowing and transporting baled cotton.* • • •

(d) *Cargo vessel; mixed storage requirements*—(1) *Explosives.* The engine and boiler spaces or one hatch shall intervene, except that small arms ammunition without explosives loaded bullets (ICC and Coast Guard Class C explosives) may be stowed in holds adjacent to, and in holds above and below those containing cotton provided tween deck hatches are closed off with hatch covers, then covered with asbestos paper, tarpaulins and dunnage.

2. Section 146.27–100 *Table K—Classification: Hazardous articles* is amended as follows:

The item "Automobiles, motorcycles, tractors, or other self-propelled vehicles, *new or used, when offered for transportation without boxing or crating and containing gasoline, or other motor fuel within the fuel tank*" is amended by changing Note 2, subparagraph (a) in column 1 to read as follows:

NOTE 2: • • •

(a) Two one-pint metal containers of retouching enamel, either hermetically sealed or closed with a secure friction cap.

SUBPART—DETAILED REGULATIONS GOVERNING THE TRANSPORTATION OF MILITARY EXPLOSIVES ON BOARD VESSELS

1. Section 146.29–100 *Classification, handling and stowage chart* is amended as follows:

Item "Class III, Fuzes, etc.":

Under "Description" add the following:

Detonating fuzes, Class C, made and packed so that they will not cause functioning of other fuzes, explosives or explosive devices if one of the fuzes detonate in a shipping container.

Under "I. C. C. marking" change "Detonating fuzes" to read:

"Detonating fuzes, Class C."

Item "Class IV–B, Fixed and semifixed ammunition with explosive loaded projectile or shell":

Under "Stowage" change "Boxed and crated ammunition may be overstowed with nondangerous cargo" to read:

Boxed and crated ammunition may be overstowed with nondangerous cargo and permitted explosives.

Item "Class VI, BD fuzes, etc."

Under "Description" add the following:

Detonating fuzes, Class A.

Under "I. C. C. marking" change "Detonating fuzes" to read:

Detonating fuzes, Class A.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

CORRECTION OF PRIOR DOCUMENT

The Coast Guard Document CGFR 56–29 and Federal Register Document 56–7570, published in the FEDERAL REGISTER September 20, 1956, is corrected in Item 5 under "Subpart—Detailed Regulations Governing Explosives" (21 F. R. 7055) by changing the word "fuses" to "fuzes" in the descriptions of Items "7" and "14" in the vertical and horizontal columns in § 146.20–90.

Dated: November 13, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56–9437; Filed, Nov. 16, 1956; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter J—Fisheries Loan Fund

PART 160—LOAN PROCEDURES

QUALIFIED LOAN APPLICANTS

Subparagraphs (2) and (3) of paragraph (b) of § 160.4, are amended to read as follows:

(2) Refinancing existing preferred mortgages and secured loans except in those instances where the Secretary deems such refinancing to be desirable in carrying out the purpose of the act.

(3) Paying creditors for debts previously incurred, except for marshalling and liquidating the indebtedness of the applicant to existing lien holders in those instances where the Secretary deems such action to be desirable in carrying out the purpose of the act.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 4, 70 Stat. 1121)

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 13, 1956.

[F. R. Doc. 56–9447; Filed, Nov. 16, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 194, 225, 230, 231, 235]

LIQUOR DEALERS, WAREHOUSING OF DISTILLED SPIRITS, BOTTLING OF TAXPAID SPIRITS, TAXPAID WINE BOTTLING HOUSES, RECTIFICATION OF SPIRITS AND WINES

EXPORT STORAGE PROCEDURES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

It has been found that present facilities for the handling of taxpaid distilled spirits and wines bottled or packaged especially for export are inadequate to meet the requirements for filling orders with necessary promptness, particularly in the case of ship's supplies. It is proposed: (1) To eliminate existing requirements regarding an especially constructed export storage room (including any requirement for describing such room on a proprietor's notice) to be used for the storage of taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, and to provide, in lieu thereof, for segregated storage of such products pending transfer or exportation; (2) to authorize wholesale liquor dealers who are qualified as such under the Federal Alcohol Administration Act to establish export storage on their premises, and to receive, transfer, and remove for exportation taxpaid distilled spirits bottled, and taxpaid wines bottled or packaged, especially for export with benefit of drawback; (3) to authorize the proprietor of any internal revenue bonded warehouse to establish and use export storage on premises contiguous to the bonded premises; (4) to authorize the proprietor of any taxpaid bottling house, taxpaid wine bottling house, or rectifying plant, to establish and use export storage on his premises; (5) to authorize the proprietor of any internal revenue bonded warehouse, taxpaid bottling house, taxpaid wine bottling house, or rectifying plant to establish and use export storage at locations other than in connection with the qualified premises; (6) to conform 26 CFR Part 225 to 26 CFR Part 252 with respect to (a) shipments to the Armed Services of the United States, and (b) evidence of exportation; (7) to provide for the acceptance of railway express receipts as evidence of exportation; and (8) to make certain editorial changes.

In order to accomplish the proposed changes, 26 CFR Parts 194, 225, 230, 231, and 235, are hereby amended as follows:

PARAGRAPH 1. 26 CFR Part 194 is amended as follows:

(A) The second sentence of § 194.1, which begins "The provisions of", is amended as follows:

(1) By striking the word "and" in the phrase "and the posting".

(2) By changing the period at the end of the sentence to a semicolon and adding "and the storage by wholesale deal-

ers of distilled spirits and wines for export with benefit of drawback."

(B) By adding, immediately following Subpart P, the following new subpart:

SUBPART Q—DISTILLED SPIRITS AND WINES FOR EXPORT WITH BENEFIT OF DRAWBACK

§ 194.270 *General.* Distilled spirits bottled especially for export with benefit of drawback and wines bottled or packaged especially for export with benefit of drawback may be received, stored, and exported by wholesale liquor dealers, as provided in §§ 194.271 through 194.274.

§ 194.271 *Distilled spirits for export.* A wholesale liquor dealer who holds a Federal Alcohol Administration Act permit, issued pursuant to the provisions of 27 CFR Part 1, to engage in the business of purchasing distilled spirits and wines for resale at wholesale, may receive, store, and export taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback.

§ 194.272 *Wines for export.* A wholesale liquor dealer who holds a Federal Alcohol Administration Act permit, issued pursuant to the provisions of 27 CFR Part 1, to engage in the business of purchasing wine for resale at wholesale, may receive, store, and export wines bottled or packaged especially for export with benefit of drawback.

§ 194.273 *Export storage.* Where a wholesaler liquor dealer intends to receive, store, and export distilled spirits bottled, or wines bottled or packaged, especially for export with benefit of drawback, he must provide storage for such articles on his wholesale dealer premises. During storage of such distilled spirits and wines on the dealer's premises they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers at any time during the whloesaler's business hours.

§ 194.274 *Regulations made applicable.* The provisions of Part 252 of this chapter relating to the receipt for storage, removal, and exportation of distilled spirits bottled, and wines bottled or packaged, especially for export with benefit of drawback shall apply to the receipt for storage, removal, and exportation of such distilled spirits and wines by wholesale liquor dealers.

§ 194.275 *Records.* The provisions of subpart M regarding records and reports relating to liquors for domestic use are hereby extended to export storage transactions permitted under the provisions of this subpart: *Provided*, That a separate Form 338, appropriately identified, shall be submitted for each month in which there are any export storage transactions relating to distilled spirits.

PAR. 2. 26 CFR Part 225 is amended as follows:

(A) Section 225.82 is amended to read as follows:

§ 225.82 *Contiguous off-premises export storage.* If the proprietor of an internal revenue bonded warehouse intends to receive, store, and remove taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, he must, except as provided in § 225.82a, provide for the storage of such articles off the bonded premises but contiguous thereto. During storage of such distilled spirits and wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. The provisions of Part 252 of this chapter relating to the receipt for storage, removal, and exportation of distilled spirits and wines bottled or packaged especially for export with benefit of drawback shall apply to such distilled spirits and wines received and stored under the provisions of this section. Records covering export storage transactions at premises provided under the provisions of this section shall be maintained and reports shall be rendered in accordance with the provisions of Subpart VV of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 225.82:

§ 225.82a *Noncontiguous off-premises export storage.* The proprietor of an internal revenue bonded warehouse may provide storage at any noncontiguous location for the receipt, storage, and removal of taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept and reports shall be rendered in accordance with the applicable provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) Section 225.156 is amended by striking the fifth sentence, which begins "Every proprietor of".

(D) Section 225.817 is amended by inserting, immediately after the first sentence, the following new sentence: "Where shipment is made for exportation for use of the Armed Services of the United States as provided in § 225.826b, the destination may be shown as "foreign" with a specific destination in navy code and the name of the vessel will be omitted."

(E) Section 225.826 is amended by striking from the first sentence the words "in every instance".

(F) By inserting two new sections, reading as follows, immediately after § 225.826:

§ 225.826a *Certificate of noninspection.* In the case of bottled distilled spirits, whenever the customs officer at the port of exportation is unable to certify to the actual inspection and lading of the spirits, he shall make his return on Form 206 stating therein the reasons why the spirits were not inspected by him and laden under his supervision. The officer shall, after the vessel, aircraft, car, or other conveyance has cleared, examine the records of the delivering and exporting steamship, or transport lines for the purpose of verifying the particulars stated in the Form 206, and will make his certification accordingly. If the records examined show that containers of similar description were laden on the exporting vessel, aircraft, car, or other conveyance for the designated port, the officer shall set forth in his certification, in addition to other data indicated by the form, the date and hour of lading.

(68A Stat. 645; 26 U. S. C. 5243)

§ 225.826b *Shipment to Armed Services.* When distilled spirits are to be removed without payment of tax for export to the Armed Services of the United States, Form 206 will be modified to show that the distilled spirits are consigned to the Armed Services Port Transportation Officer and the location of the supply base or place of delivery. On removal of the spirits, the exporter will consign them to the designated officer and will forward the original and one copy of Form 206, with Form 1520 attached, to such officer. When the distilled spirits are received at the supply base or other designated place of delivery, the Armed Services Port Transportation Officer will, in the space reserved for the certification of the collector of customs on Form 206, receipt for the quantity of distilled spirits received, and state that "These distilled spirits will be shipped or delivered only for consumption or use outside of the jurisdiction of the internal revenue laws of the United States." After signing the form, and indicating his title, the designated officer will return the original of Form 206, with Form 1520 attached, direct to the assistant regional commissioner of the region from which the distilled spirits were shipped, and retain the other copy for his records. The assistant regional commissioner will credit the exporter's bond account for the quantity of distilled spirits receipted for on Form 206.

(68A Stat. 647; 26 U. S. C. 5247)

(G) Section 225.831 is amended to read as follows:

§ 225.831 *Evidence of exportation.* Exportation of distilled spirits may be evidenced by (a) a copy of the export bill of lading (in the case of railway express shipments to contiguous foreign countries, copy of the express receipt, showing the identity of the containers and the quantities shipped, and otherwise conforming to the requirements for bills of lading) issued by the exporting carrier, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the distilled spirits, or (c) a certification by an Armed Services Port Transportation Officer, as to the lading of the distilled spirits for a foreign destination when shipped for exportation for use of the Armed Services of the United States, or (d) a certificate of landing whenever the assistant regional commissioner shall have reason to believe that the shipment is not a bona fide exportation.

(68A Stat. 647; 26 U. S. C. 5247)

(H) Section 225.832 is amended to read as follows:

§ 225.832 *Proof of landing.* Where spirits in casks, barrels, drums, or other approved containers containing not less than 5 wine gallons are not inspected by a customs officer at the port of export and loaded on the exporting vessel, aircraft, railroad car, motor truck, or other conveyance under his supervision, or whenever required by the assistant regional commissioner, an owner exporting distilled spirits without payment of tax under an export bond shall, within six months from the date of exportation, or such additional time as may be granted under § 225.837, file evidence satisfactory to the assistant regional commissioner that the distilled spirits described in the application for export have been landed at some port outside the jurisdiction of the United States. Where bottled distilled spirits were not inspected by a customs officer at the port of export, and loaded on the exporting vessel, aircraft, railroad car, motor truck, or other conveyance under his supervision, credit on the export bond may be allowed, if the law and regulations were complied with in other respects and the exportation without customs inspection and supervision of lading was not the fault of the owner or carrier or the agent of either. The landing certificate must give such description as will readily identify the spirits to which it relates.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

(I) Section 225.1085 is amended by adding the following sentence at the end of the section: "Where the proprietor of an internal revenue bonded warehouse provides export storage under §§ 225.82 or 225.82a, and sales are to be consummated at any such export storage premise, he must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1."

PAR. 3. 26 CFR Part 230 is amended as follows:

(A) Section 230.49 is amended to read as follows:

§ 230.49 *Export storage.* If the proprietor of a taxpaid bottling house intends to receive, store, and remove taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, he must, except as provided in § 230.49a, provide for the storage of such products on the premises of the taxpaid bottling house, or on contiguous wholesale liquor dealer premises. During storage of such distilled spirits and wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. Records covering export storage transactions conducted under the provisions of this section shall be maintained and reports shall be rendered in accordance with the provisions of Subpart V of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 230.49:

§ 230.49a *Off-premises export storage.* The proprietor of a taxpaid bottling house may provide storage at any location off of his bottling house premises for the receipt, storage, and removal of taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept, and reports rendered, as a wholesale liquor dealer, in accordance with the applicable provisions of Part 194 of this chapter. If sales are to be consummated at any premise established under the provisions of this section, the proprietor must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1, and must pay special occupational tax under the provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) Section 230.352 is amended by inserting a comma after the word "vault", and by striking "on the entrance door of the export storage room, if any;".

PAR. 4. 26 CFR Part 231 is amended as follows:

(A) Section 231.41 is amended to read as follows:

§ 231.41 *Export storage.* If the proprietor of a taxpaid wine bottling house intends to receive, store, and remove taxpaid wines bottled or packaged especially for export with benefit of drawback, he must, except as provided in § 231.41a, provide for the storage of such wines on the premises of the taxpaid wine bottling house. During storage of such wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. Records covering export storage transactions conducted under the provisions of this section shall be maintained in accordance with the provisions of Subpart H of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 231.41:

§ 231.41a *Off-premises export storage.* The proprietor of a taxpaid wine bottling house may provide storage at any location off of his wine bottling house premises for the receipt, storage, and removal of taxpaid wines which have been bottled or packaged especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept as a wholesale liquor dealer, in accordance with the applicable provisions of Part 194 of this chapter. If sales are to be consummated at any premise established under the provisions of this section, the proprietor must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1, and must pay special occupational tax under the provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) Section 231.100 is amended to read as follows:

§ 231.100 *General.* Wine manufactured or produced in the United States and on which the internal revenue tax has been paid may be bottled or packaged especially for export in a taxpaid wine bottling house. On exportation of the wine there may be allowed a drawback equal in amount to the tax found to have been paid thereon.

(68A Stat. 614; 26 U. S. C. 5062)

PAR. 5. 26 CFR Part 235 is amended as follows:

(A) Section 235.105 is amended to read as follows:

§ 235.105 *Export storage.* If the rectifier intends to receive, store, and remove taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, he must, except as provided for in § 235.105a, provide for the storage of such products on the premises of the rectifying plant, or on contiguous wholesale liquor dealer premises. The receiving room may not be used for such storage. During storage of such distilled spirits and wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. Records covering export storage transactions conducted under the provisions of this section shall be maintained and reports shall be rendered under the provisions of Subpart JJ of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 235.105:

§ 235.105a *Off-premises export storage.* The rectifier may provide storage at any location off of his rectifying plant premises for the receipt, storage, and removal of taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept, and reports rendered, as a wholesale liquor dealer, in accordance with the applicable provisions of Part 194 of this chapter. If sales are to be consummated at any premise established under the provisions of this section, the proprietor must first qualify as

ternal revenue bonded warehouse in-

reasons why the spirits were not in-

assistant regional commissioner shall

a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1, and must pay special occupational tax under the provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) The last sentence of § 235.584 is amended to read as follows: "He will then remove the packages to export storage in accordance with the applicable provisions of Part 252 of this chapter, securely attach the canceled stamps to the original of the Form 237 and immediately forward the original and the additional copy of the Form 237 to the assistant regional commissioner."

(D) Section 235.632 is amended as follows:

(1) By inserting a comma after the phrase "such cases must", and by striking "be immediately removed to the finished products room,".

(2) By inserting, immediately following "§ 235.104", the following: ", be immediately removed to the finished products room or, in the case of products bottled especially for export with benefit of drawback, to the export storage maintained on the bottler's premises as provided in § 235.105:".

(E) Section 235.705 is amended as follows:

(1) By inserting a comma after the phrase "then sealed and", and by striking "immediately removed to the finished products room,".

(2) By inserting, immediately following "§ 235.104", the following: ", be immediately removed to the finished products room or, in the case of products bottled especially for export with benefit of drawback, to the export storage maintained on the bottler's premises as provided in § 235.105".

(F) Section 235.902 is amended by inserting a comma after the word "vault", and by striking "on the entrance door of the export storage room, if any;".

[F. R. Doc. 56-9440; Filed, Nov. 16, 1956; 8:47 a. m.]

[26 CFR (1954) Part 252]

Drawback on Liquors Exported

Export Storage Procedures

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] Russell C. Harrington,
Commissioner of Internal Revenue.

It has been found that present facilities for the handling of taxpaid distilled spirits and wines bottled or packaged especially for export are inadequate to meet the requirements for filling orders with necessary promptness, particularly in the case of ship's supplies. It is proposed: (1) To provide that qualified wholesale liquor dealers may receive, transfer, and remove for exportation taxpaid distilled spirits bottled, and taxpaid wines bottled or packaged, especially for export with benefit of drawback; (2) to permit the proprietor of any taxpaid bottling house, taxpaid wine bottling house, rectifying plant, or internal revenue bonded warehouse, regardless of where located, to engage in export storage transactions; (3) to permit a freer movement of taxpaid spirits and wines for export by liberalizing the requirements dealing with transfers between any established export storage facilities; (4) to conform to changes which are concurrently being made in other parts of this chapter which will eliminate requirements for separate storage rooms for the storage of taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback; (5) to remove most of the present requirements for Government control and supervision of transfers between, or removals from, export storage; (6) to provide for the use of overprinted strip stamps on bottles of distilled spirits bottled for export; (7) to insert clarifying language governing the requirements for records and reports; (8) to eliminate, in the case of shipments to the Armed Services of the United States, the requirement for clearance of forms through the collector of customs after a certification by an Armed Services Port Transportation Officer; (9) to provide for the acceptance of railway express receipts as evidence of exportation; and (10) to conform to a change made by the Bureau of Customs.

To accomplish these proposed changes, 26 CFR Part 252 is hereby amended as follows:

Paragraph 1. The third sentence of § 252.42, which begins "A separate bond", is amended to read: "Whenever an exporter maintains export storage in more than one internal revenue region, a separate bond must be filed for each such region."

Par. 2. Section 252.49 is amended as follows:

(A) By striking the word "rooms".

Par. 3. Section 252.50 is amended to read as follows:

§ 252.50 *Wines.* Any person qualified as a proprietor of a taxpaid wine bottling house, who has established export storage at the taxpaid wine bottling house, in conformity with the provisions of Part 231 of this chapter, may bottle or package, especially for export with benefit of drawback, at his taxpaid wine bottling house, wines manufactured or produced in the United States on which an internal revenue tax has been paid.

Par. 4. Section 252 is amended to read as follows:

§ 252.55 *Bottle export stamps.* An export strip stamp shall be affixed to each bottle of distilled spirits bottled especially for export with benefit of drawback. The red strip stamps prescribed in Parts 230 or 235 of this chapter shall be overprinted by the proprietor and used for this purpose. The overprinting will be accomplished by printing in black ink the word "EXPORT" in boldface 8-point century or gothic type in the center of the stamp between the words "bottle" and "stamp". Bottle export stamps shall be accounted for as red strip stamps, and the provisions of Parts 230 and 235 of this chapter relating to red strip stamps shall be applicable to such bottle export stamps.

(68A Stat. 614; 26 U. S. C. 5062)

Par. 5. The second and third sentences of § 252.65 are amended by striking the words "the" and "room" from the phrase "the export storage room".

Par. 6. The first sentence of § 252.66 is amended by striking "and supervision of the deposit in the export storage room".

Par. 7. The last sentence of § 252.71, which begins "The proprietor", is amended to read "The proprietor shall hold such cases or packages pending inspection by the storekeeper-gauger and will then deposit the cases or packages in export storage.".

Par. 8. Section 252.74 is amended as follows:

(A) The headnote is amended to read: "Removal to export storage".

(B) The third sentence, which begins "He will then", is amended to read as follows: "The proprietor will then remove the bottled or packaged spirits or wines to export storage on the bottling or packaging premises."

(C) The fourth sentence, which begins "The storekeeper-gauger will note", is amended to read as follows: "The storekeeper-gauger will note on each copy of the form 230, 237 or 1684, immediately following the proprietor's statement, a signed statement of his examination of the cases or packages, as follows:

"The ---------- described
(Cases or packages)
above as bottled or packaged especially for export were inspected by me on ----------, 19 --, and removed to export storage.
Signed ----------
(Storekeeper-gauger)"

Par. 9. Section 252.79 is amended to read as follows:

§ 252.79 *Removal to export storage.* After completion of bottling, and casing, or packaging and execution by the proprietor of his certificate on Form 230 or Form 230 and 1684, as the case may be, of the quantity of wine bottled or packaged, he will remove the wine to export storage on the bottling or packaging premises, pending shipment, unless the wine is to be shipped immediately for export or use as supplies on vessels or aircraft.

Par. 10. Section 252.82 is amended to read as follows:

§ 252.82 *Record by rectifiers and proprietors of taxpaid bottling houses.* Records and reports relating to the receipt, rectification, bottling, packaging, and disposition of distilled spirits and wines bottled or packaged especially for export with benefit of drawback, by rectifiers, shall be maintained in accordance with the provisions of Part 235 of this chapter. Records and reports relating to the receipt, bottling, packaging, and disposition of distilled spirits and wines bottled or packaged especially for export with benefit of drawback, by proprietors of taxpaid bottling houses, shall be maintained in accordance with the provisions of Part 230 of this chapter.

Par. 11. By inserting a new section, reading as follows, immediately after § 252.82:

§ 252.82a *Record by wholesale liquor dealer.* Every wholesale liquor dealer who maintains export storage on his premises shall maintain records and render reports relating to the receipt and disposition of distilled spirits bottled especially for export with benefit of drawback, and wines bottled or packaged especially for export with benefit of drawback, in accordance with the applicable provisions of Part 194 of this chapter. Forms 1656 shall be preserved for a period of two years and, during such period, shall be available during business hours for inspection by any internal revenue officer.

(68A Stat. 619; 26 U. S. C. 5114)

Par. 12. Section 252.84 is amended as follows:

(A) By striking "the" and "room" in the phrase "the export storage room".

Par. 13. Section 252.85 is amended to read as follows:

§ 252.85 *Use of export storage.* Export storage established by a proprietor of an internal revenue bonded warehouse, taxpaid bottling house, or rectifying plant, contiguous to or on his qualified premises, as the case may be, under the provisions of Parts 225, 230, or 235 of this chapter, respectively, may be used for the storage, pending exportation or transfer to other premises for export storage, of taxpaid distilled spirits and wines bottled or packaged especially for export by the proprietor or other qualified persons. Export storage established by a proprietor of a taxpaid wine bottling house under the provisions of Part 231 of this chapter, may be used for the storage, pending exportation or transfer to other premises for export storage, of taxpaid wines bottled or packaged especially for export with benefit of drawback by the proprietor or other qualified persons. Export storage provided by a wholesale liquor dealer under the provisions of Part 194 of this chapter, or by a proprietor of an internal revenue bonded warehouse, taxpaid bottling house, or rectifying plant, at locations noncontiguous to or off the qualified premises, as the case may be, under the provisions of Parts 225, 230, or 235 of this chapter, respectively, may be used for the storage, pending exportation or transfer to other premises for export storage, of taxpaid distilled spirits which have been bottled and stamped especially for export with benefit of drawback and are in immediate containers having a capacity not in excess of one wine gallon, and taxpaid wines which have been bottled or packaged especially for export with benefit of drawback.

(49 Stat. 985, 68A Stat. 614; 27 U. S. C. 206, 26 U. S. C. 5062)

Par. 14. Section 252.86 is amended to read as follows:

§ 252.86 *Notice of transfer, Form 1656.* Distilled spirits and wines bottled or packaged especially for export may, pursuant to notice on Form 1656, and subject to the limitations set forth in § 252.85, be transferred from any export storage established under the provisions of Parts 194, 225, 230, 231, and 235 of this chapter, to any other export storage established thereunder for storage, pending transfer to other premises for export storage or removal for direct exportation or use as supplies on vessels or aircraft. Form 1656 will be executed in triplicate (or quadruplicate if the consignee is located in another region) by the consignor-proprietor.

Par. 15. Section 252.87 is revoked.

Par. 16. The headnote and first sentence of § 252.88 are amended to read as follows:

§ 252.88 *Transfer from export storage.* On shipment of the cases or packages described on Form 1656, the proprietor will execute the report of removal on all copies of the form, retain one copy, and, in the case of intraregion shipments, forward the original and one copy to the assistant regional commissioner.

Par. 17. The first sentence of § 252.90 is amended by striking "the" and "room" from the phrase "the export storage room".

Par. 18. Section 252.91 is amended to read as follows:

§ 252.91 *Packages of distilled spirits to be gauged.* Where distilled spirits to be removed have been packaged especially for export with benefit of drawback, the proprietor of the export storage shall gauge the packages prior to preparation of his notice on Form 1582: *Provided*, That where inspection discloses no evidence of loss and removal is made within thirty days from the time of packaging the distilled spirits for export with benefit of drawback, the filling gauge shall be considered the gauge at time of removal. The storekeeper-gauger at a rectifying plant, taxpaid bottling house, or internal revenue bonded warehouse, shall supervise the gauging of the distilled spirits by such proprietor. Report of gauge will be made by the proprietor on Form 1520, in triplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582 and considered a part thereof. The report of gauge will be checked by the storekeeper-gauger, by verifying the gauge of a representative number of packages, selected at random.

Par. 19. By inserting a new section, reading as follows, immediately after § 252.91:

§ 252.91a *Packages of wines to be gauged.* Where wines to be removed from export storage have been packaged especially for export with benefit of drawback, the proprietor shall gauge the packages prior to preparation of his notice on Form 1582–A: *Provided*, That where inspection discloses no evidence of loss and removal is made within thirty days from the time of packaging the wines for export with benefit of drawback, the filling gauge shall be considered the gauge at time of removal. Report of gauge will be made by the proprietor on Form 1520, in triplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582–A and considered a part thereof.

Par. 20. The first sentence of § 252.92 is amended by striking "the" and "room" from the phrase "the export storage room".

Par. 21. Section 252.93 is amended to read as follows:

§ 252.93 *Removal from export storage.* Where distilled spirits or wines which have been bottled or packaged especially for export with benefit of drawback are to be removed from export storage for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the cases or packages will be inspected and removed by the proprietor on completion of part 1 of Form 1582, or Form 1582–A, as the case may be.

Par. 22. Section 252.94 is amended to read as follows:

§ 252.94 *Export marks.* Before distilled spirits or wines are removed from export storage for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the exporter will place on the Government head of each package or the Government side of each case, in plain and durable letters and figures the words "Exported by" followed by the name of the exporter, the city and State in which he is located, and the date of removal: *Provided*, That if the exporter is the bottler or packager of the spirits or wines, or is the person for whom such spirits or wines were bottled or packaged, as indicated by the markings on the case or package, then the name of the exporter and the city and State in which he is located need not again be shown: *Provided further*, That in the case of shipment for deposit in a foreign-trade zone, there shall be inserted, immediately following the words "For Export From U. S. A.," the words "via F. T. Z. No." followed by the number of the zone.

Par. 23. The first sentence of § 252.95 is amended to read "When the spirits or wines are shipped, the proprietor will execute the certificate of removal on the Form 1582 or the Form 1582–A (as the case may be)."

Par. 24. The first sentence of §252.96 is amended by striking "room" from the phrase "export storage room".

PAR. 25. The first sentence of § 252.97 is amended by striking "rooms".

PAR. 26. Section 252.98 is amended as follows:

(A) The first sentence is amended by striking "room".

(B) The fourth sentence, which begins "The bill of lading", is amended by striking "as the shipper".

PAR. 27. The first and second sentences of § 252.99 are amended by striking "room" from the phrase "export storage room".

PAR. 28. Section 252.101 is amended as follows:

(A) The first sentence is amended by striking "the" and "room" from the phrase "the export storage room".

(B) The fourth sentence, which begins "The assistant regional", is amended by striking "room".

PAR. 29. The last sentence of § 252.105, which begins "Upon receipt of", is amended by striking "room".

PAR. 30. The first sentence of § 252.106 is amended by striking "room".

PAR. 31. The last sentence of § 252.110 is amended to read: "The officer will retain one copy of the form for his records and will transmit the original to the assistant regional commissioner of the region from which the distilled spirits or wines were shipped."

PAR. 32. The first sentence of § 252.112 is amended by inserting, immediately following "collector of customs,", the words: "or from the Armed Services Port Transportation Officer in the case of shipments for use by military personnel of the United States,".

PAR. 33. Section 252.114 is amended by inserting, immediately after the words "export bill of lading" the following: "(in the case of railway express shipments to contiguous foreign countries, copy of the express receipt, showing the identity of the containers and the quantities shipped, and otherwise conforming to the requirements for bills of lading)".

PAR. 34. The second sentence of § 252.183 is amended by striking "the quantity chargeable against such certificate, Form 646, and".

[F. R. Doc. 56-9439; Filed, Nov. 16, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 251, 252, 252a, 253, 256]

ARRIVAL MANIFESTS AND LISTS, LANDING, PAYOFF OR DISCHARGE AND PAROLE OF ALIEN CREWMEN

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules relating to the manifesting, landing, and parole of alien crewmen arriving in the United States by vessel or aircraft. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 630, 119 D Street NE., Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. Part 251 is amended to read as follows:

PART 251—ARRIVAL MANIFESTS AND LISTS: SUPPORTING DOCUMENTS

Sec.
251.1 Arrival manifests and lists.
251.2 Notification of illegal landings.
251.3 Notification of changes in crew.
251.4 Notification of changes in employment (aircraft).

AUTHORITY: §§ 251.1 to 251.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 212, 251, 252, 66 Stat. 182, 219, 220; 8 U. S. C. 1182, 1281, 1282.

§ 251.1 *Arrival manifests and lists*—(a) *Presentation.* The master or agent of every vessel or aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest of all crewmen on board on Form I–418, in accordance with the instructions contained thereon, except that (1) a manifest shall not be required of an aircraft arriving in the continental United States or Alaska directly from Canada or in the continental United States directly from Mexico; (2) in lieu of manifest on Form I–418, the manifest of arriving crewmen aboard an aircraft may be submitted on the International Civil Aviation Organization manifest, or whenever the number does not exceed the number that can be listed on Customs Form 7507, they may be listed on the Customs Form; and (3) no manifest shall be required for crewmen aboard a vessel of United States, Canadian, or British registry engaged solely in traffic on the Great Lakes, St. Lawrence River, and connecting waterways herewith designated as an international ferry, except crewmen of other than United States, Canadian, or British citizenship and, after submission of a manifest on the first voyage of a calendar year, no manifest shall be required on subsequent arrivals unless there is employed on the vessel at the time of such arrival an alien crewman of other than United States, British, or Canadian citizenship who was not aboard and listed on the occasion of the submission of the last prior manifest.

(b) *Additional documents.* The master or agent of every vessel or aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall prepare as a part of the manifest when one is required for presentation to the examining immigration officer, a completely executed set of Forms I–95 for each alien crewman on board, except (1) an alien immigrant crewman in possession of a valid immigrant visa, reentry permit, or alien registration receipt card on Form I–151; (2) a Canadian or British citizen crewman of an international ferry or a Canadian or British crewman of an aircraft arriving directly in the continental United States or Alaska on a flight originating in Canada; or (3) a crewman seeking conditional landing privileges under section 252 (a) (1) of the act who is in possession of an unmutilated conditional landing permit with space for additional endorsements previously issued to him as a member of the crew of the same vessel or an aircraft of the same line on his last prior arrival in the United States, following which he departed from the United States as a member of the crew of the same vessel or an aircraft of the same line.

§ 251.2 *Notification of illegal landings.* As soon as discovered, the master or agent of any vessel from which an alien crewman has illegally landed or deserted in the United States shall inform the immigration officer in charge of the port where the illegal landing or desertion occurred, in writing, of the name, nationality, personal description, passport number, and circumstances and time of such illegal landing or desertion of such alien crewman, and shall submit a photograph of such crewman, if available, and other information and documents which might aid in his apprehension. Failure to file notice of illegal landing or desertion within twenty-four hours of the time such landing or desertion becomes known shall be regarded as lack of compliance with section 251 (d) of the act.

§ 251.3 *Notification of changes in crew*—(a) *Added crewmen.* The master or agent of every vessel departing from the United States shall submit to the immigration officer at the port from which such vessel is to depart directly to a foreign port or place a list on Form I–418 of the alien crewmen on board, other than lawfully admitted permanent residents of the United States, who were not members of the crew and manifested as such on the occasion of the vessel's arrival in the United States. Such list of names shall be headed by the legend "Added Crewmen" and there shall be attached to such list the Form I–94, I–95, or FS–257, given to the alien on the occasion of his last arrival in the United States, if such form is available; otherwise, a newly executed Form I–95 shall be prepared by the master or agent for attachment to the list.

(b) *Separated crewmen.* The master or agent of every vessel departing from the United States shall submit to the immigration officer at the port from which such vessel is to depart directly to a foreign port or place a list on Form I–418 of the alien crewmen who were members of the crew and manifested as such on the occasion of the vessel's arrival in the United States who are not departing with the vessel. Such list of names shall be headed by the legend "Separated Crewmen" and shall contain, in addition, the nationality, passport number, and port of separation of each such crewman. The lists required by paragraph (a) of this section and this paragraph may be incorporated in a single Form I–418, if space permits. The lists required by paragraph (a) of this section and this paragraph need not be submitted for Canadian or British crewmen of international ferries.

§ 251.4 *Notification of changes in employment (aircraft).* The agent of the air transportation line shall immediately notify in writing the nearest immigration office of the termination of employment in the United States of each alien crewman employee of the line, furnishing the name, birthdate, birthplace, nationality, passport number, and other available information concerning such alien crewman.

2. Part 252 is amended to read as follows:

PART 252—LANDING OF ALIEN CREWMEN

Sec.
252.1 Examination of alien crewmen.
252.2 Revocation of conditional landing permit; deportation.
252.3 International ferries; special procedures.

AUTHORITY: §§ 252.1 to 252.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 214, 248, 251, 252, 66 Stat. 189, 218, 219, 220; 8 U. S. C. 1184, 1258, 1281, 1282.

§ 252.1 *Examination of alien crewmen*—(a) *Detention prior to examination.* All persons employed in any capacity on board any vessel or aircraft arriving in the United States shall be detained on board the vessel or at the airport of arrival by the master or agent of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service.

(b) *Classes of aliens subject to examination under this part.* The examination of every alien crewman arriving in the United States shall be in accordance with this part and not otherwise except that the following classes of persons employed on vessels or aircraft shall be examined in accordance with the provisions of Parts 235, 236, and 237 of this chapter: (1) Aliens in possession of an immigrant visa, reentry permit, or a Form I–151 alien registration receipt card, applying for admission as immigrants; (2) Canadian or British citizen crewmen of international ferries; or (3) Canadian or British citizen crewmen of aircraft arriving directly in Alaska or the continental United States on flights originating in Canada.

(c) *Requirements for admission.* Every alien crewmen applying for landing privileges in the United States must make his application in person before an immigration officer, present whatever documents are required, and establish to the satisfaction of the immigration officer that he is not subject to exclusion under any provision of law and is entitled clearly and beyond doubt to landing privileges in the United States.

(d) *Authorization to land.* The examining immigration officer in his discretion may grant an alien crewman authorization to land temporarily in the United States for (1) shore leave purposes during the period of time the vessel or aircraft is in the port of arrival or other ports in the United States to which it proceeds directly without touching at a foreign port or place, not exceeding twenty-nine days in the aggregate, if the immigration officer is satisfied that the crewman intends to depart on the vessel on which he arrived or on another aircraft of the same transportation line, or (2) the purpose of obtaining employment and departing from the United States on another vessel than the one on which he arrived, within a period of twenty-nine days, if the immigration officer is satisfied that the crewman intends to depart in that manner and that he is apparently able to obtain such other employment and the immigration officer has consented to the payoff and discharge of the crewman from the vessel on which he arrived.

(e) *Conditional permit to land.* The examining immigration officer shall give to each alien nonimmigrant crewman permitted to land temporarily a copy of the Form I–95 presented by the crewman, endorsed to show the date and place of admission and the type of conditional landing permitted.

(f) *Change of status.* An alien nonimmigrant crewman landed pursuant to the provisions of this part shall be ineligible for any extension of stay beyond twenty-nine days or for a change of nonimmigrant classification under Part 248 except that a crewman who has been given a conditional landing permit under paragraph (d) (1) of this section may, within the period of its validity and while he is still maintaining his status, apply for a conditional landing permit under paragraph (d) (2) of this section and, upon approval of such application, he shall surrender his original landing permit and shall be given a copy of a new Form I–95, endorsed to show the landing authorized under paragraph (d) (2) of this section for the balance of the twenty-nine days remaining to him.

§ 252.2 *Revocation of conditional landing permit; deportation.* An alien permitted to land conditionally under § 252.1 (d) (1) may, within the period of time for which he was permitted to land, be taken into custody by any immigration officer without a warrant of arrest and be transferred to the vessel upon which he arrived in the United States, if such vessel is in any port of the United States and has not been in a foreign port or place since the crewman was issued his conditional landing permit, upon a determination by the immigration officer that the alien crewman is not a bona fide crewman or that he does not intend to depart on the vessel on which he arrived in the United States. The conditional landing permit of such an alien crewman shall be taken up and revoked by the immigration officer and a notice to detain and deport such alien crewman shall be served on the master of the vessel on Form I–259. On the written request of the master of the vessel, the crewman may be detained and deported, both at the expense of the transportation line on whose vessel he arrived in the United States, other than on the vessel on which he arrived in the United States, if detention or deportation on such latter vessel is impractical.

§ 252.3 *International ferries; special procedures.* An immigration examination shall not be required of any crewman aboard an international ferry arriving at a port of the United States for a period of less than twenty-four hours, who (a) has previously been examined by an immigration officer as a member of the crew of the same vessel and (b) is either a British or Canadian citizen or is in possession of a Form I–95 previously issued to him as a member of the crew of the same vessel during the same calendar year, and (c) does not request or require landing privileges in the United States during the time the vessel will be in ports of the United States before returning to Canada.

3. Part 252a, Seamen or Airmen: Special Classes, is revoked.

4. Part 253 is amended to read as follows:

PART 253—PAROLE OF ALIEN CREWMEN

Sec.
253.1 Parole.
253.2 Termination of parole.

AUTHORITY: §§ 253.1 and 253.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 212, 252, 253, 255, 66 Stat. 182, 220, 221, 222; 8 U. S. C. 1182, 1282, 1283, 1285.

§ 253.1 *Parole*—(a) *Afflicted crewmen.* Any alien crewmen afflicted with feeble-mindedness, insanity, epilepsy, tuberculosis in any form, leprosy, or any dangerous contagious disease, or an alien crewman suspected of being so afflicted shall, upon arrival at the first port of call in the United States, be paroled to the medical institution designated by the district director in whose district the port is located, in the custody of the agent of the vessel or aircraft on which such alien arrived in the United States and at the expense of the transportation line for a period initially not to exceed thirty days, for treatment and observation, under the provisions of section 212 (d) (5) of the act. Unless the Public Health Surgeon at the first port certifies that such parole be effected immediately for emergent reasons, the district director may defer execution of parole to a subsequent port of the United States to which the vessel or aircraft will proceed, if facilities not readily available at the first port are readily available at such subsequent port of call. Notice to remove an afflicted alien crewman shall be served by the examining immigration officer upon the master or agent of the vessel or aircraft on Form I–259 and shall specify the date when and the place to which such alien crewman shall be removed and the reasons therefor.

(b) *Disabled crewman.* Any alien crewman who becomes disabled in any port of the United States, whom the master or agent of the vessel or aircraft is obliged under foreign law to return to another country, may be paroled into the United States under the provisions of section 212 (d) (5) of the act for the period of time and under the conditions set by the district director in whose district the port is located, in the custody of the agent of the vessel or aircraft for the purpose of passing through the United States and transferring to an-

other vessel or aircraft for departure to such foreign country, by the most direct and expeditious route.

(c) *Shipwrecked or castaway seamen or airmen.* A shipwrecked or castaway alien seaman or airman who is rescued by or transferred at sea to a vessel or aircraft destined directly for the United States and who is brought to the United States on such vessel or aircraft other than as a member of its crew shall be paroled into the United States under the provisions of section 212 (d) (5) of the act, for the period of time and under the conditions set by the district director in whose district the port is located, in the custody of the appropriate foreign consul or the agent of the aircraft or vessel which was wrecked or from which such seaman or airman was removed, for the purpose of treatment or observation in a hospital, if such is required, and for departure to the appropriate foreign country by the most direct and expeditious route.

§ 253.2 *Termination of parole.* At the termination of the period of the parole specified in § 253.1, or when the purpose of the parole specified therein has been served, the alien crewman, if in the United States, shall be returned to the custody from which he was paroled and his case dealt with in the same manner as any other applicant for a conditional landing permit.

5. The last sentence of § 256.2 *Consent to pay off or discharge alien crewmen admitted under section 252 (a) (1) of the Immigration and Nationality Act* is amended by deleting the reference to "§ 252.4" and inserting in lieu thereof the reference "§ 252.1".

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Dated: November 14, 1956.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 56-9450; Filed, Nov. 16, 1956; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF DDT

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, proposing the establishment of tolerances of 7 parts per million for residues of DDT in or on the fat of cattle, sheep, and hogs.

The tolerance for DDT in the fat of cattle is requested to permit feeding beef cattle with corn forage that has been treated with DDT for corn-borer control. In addition, this tolerance is requested to permit the use of DDT in "back rubbers" employed in hornfly control. No tolerance is requested for DDT in or on corn forage, on the basis that it is not moved off the farm and does not come within the jurisdiction of the Federal Food, Drug, and Cosmetic Act. The tolerances for DDT in the fat of sheep and hogs are requested to permit the spraying and dipping of these animals to combat lice infestation.

The analytical method proposed in the petition for determining residues of DDT is the method of Schechter and Haller published in the Journal of the American Chemical Society, Volume 66, pages 2129–2130 (1944). The petition also cites an adaptation of this method by M. S. Schechter, S. B. Soloway, R. A. Hayes, and H. L. Haller, published in the Analytical Edition of Industrial and Engineering Chemistry, Volume 17, pages 704–709 (1945).

Dated: November 9, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Foods and Drugs.

[F. R. Doc. 56-9428; Filed, Nov. 16, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 42]

DISTRICT DIRECTORS AND ASSISTANT REGIONAL COMMISSIONERS (APPELLATE)

AUTHORITY TO EXECUTE CONSENTS FIXING PERIOD OF LIMITATION ON ASSESSMENT OR COLLECTION UNDER THE INTERNAL REVENUE CODE OF 1939

Pursuant to the authority vested in me by Commissioner Delegation Order No. 33:

1. There is hereby delegated to each District Director of Internal Revenue the authority to enter into and sign all consents fixing the period of limitation upon assessment or collection which have been or may hereafter be submitted in connection with assessments or collections for any taxable year or for any taxable period under the applicable provisions of the Internal Revenue Code of 1939.

2. There is hereby delegated to each Assistant Regional Commissioner (Appellate) the authority to enter into and sign all consents fixing the period of limitation upon assessment which have been or may hereafter be submitted in connection with assessments for any taxable year or for any taxable period under the applicable provisions of the Internal Revenue Code of 1939.

3. Each District Director of Internal Revenue and Assistant Regional Commissioner (Appellate) is further authorized to redelegate, in writing, to any officer or employee of the Internal Revenue Service, performing services under his supervision and control, the authority to sign such officer's or employee's name to consents on behalf of the District Director or Assistant Regional Commissioner (Appellate).

4. This order supersedes Commissioner's Reorganization Order No. 4, dated May 15, 1952, and No. 4, amended, dated July 22, 1952.

Issued: November 1, 1956.

Effective date: January 1, 1957.

[SEAL] C. W. STOWE,
Assistant Commissioner, (Operations).

[F. R. Doc. 56-9441; Filed, Nov. 16, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Survey Order 245]

REGIONAL OIL AND GAS SUPERVISORS

DELEGATION OF AUTHORITY WITH RESPECT TO SUSPENSION OF OPERATIONS AND PRODUCTION; OUTER CONTINENTAL SHELF

The Regional Oil and Gas Supervisors of the Geological Survey are authorized to act on applications for suspension of operations or production, or both, filed pursuant to 43 CFR 201.90 (a).

Dated: October 31, 1956.

R. H. LYDDAN,
Acting Director, Geological Survey.

Approved: November 6, 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-9427; Filed, Nov. 16, 1956; 8:45 a. m.]

Office of the Secretary

[69322]

OREGON

EXCHANGING ADMINISTRATIVE JURISDICTION OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND NATIONAL FOREST LANDS

Correction

In Federal Register Document 56-5018, published at page 4525 in the issue for June 23, 1956, the following change should be made in the land descriptions under paragraph (2): Under Josephine County, first column, page 4529, the description for sec. 13 of T. 35 S., 10 W., should read: "Sec. 13, E½E½, NW¼ NE¼, NE¼NW¼."

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHOSHONE LIVESTOCK COMMISSION CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Shoshone Livestock Commission Co., Shoshone, Idaho, originally posted on June 9, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public market. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 13th day of November 1956.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-9429; Filed, Nov. 16, 1956; 8:45 a. m.]

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY VIRGINIA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

The Allotment and Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F. R. 6134; 20 F. R. 2547, 3819, 5093, 5673, 5897), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281–1393), provide that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein additional redelegations of final authority which have been made by the Virginia State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. There are set out below the sections of the regulations in which the redelegated authority appears and the names of the employees of the Agricultural Stabilization and Conservation Committee to whom the authority has been redelegated.

VIRGINIA

[1023 (Peanuts-55)-1]

Section 729.628—H. L. Vines, Chief Performance Specialist; and A. L. Flippen, Performance Specialist, of the Office of the State ASC Committee.

[1026 (Peanuts-55)-1]

Section 729.653 (b) and (c), 729.661 (b) (2)—H. L. Vines, Chief Performance Specialist; and A. L. Flippen, Performance Specialist, of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 14th day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Administrator, Commodity Stabilization Service.

[F. R. Doc. 56-9452; Filed, Nov. 16, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11786 etc.; FCC 56M-1043]

WEST SHORE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; For construction permits.

The Hearing Examiner having under consideration a "motion for continuance" filed by counsel for James W. Miller on November 8, 1956;

It appearing that counsel for the other two applicants and the Broadcast Bureau have no objection to the relief requested in the motion;

It is ordered, This 9th day of November 1956, that the motion is granted, and that:

(1) The date for the exchange of data among the engineers (Tr. 17) is extended from November 12 to December 3, 1956.

(2) The date for the informal engineering conference (Tr. 17) is continued from November 16 to no later than December 10, 1956.

(3) The date for the exchange of affirmative written cases is extended from December 3 to December 21, 1956.

(4) The date for the further conference is continued from December 10 to January 7, 1957.

(5) The date for the beginning of the evidentiary hearing is continued from January 8 to January 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9442; Filed, Nov. 16, 1956; 8:48 a. m.]

[Docket Nos. 11832, 11833; FCC 56M-1042]

RADIOSIGNAL SERVICE (RADIO DISPATCH, INC.) AND WILLIAM J. THERKILDSEN

ORDER CONTINUING HEARING CONFERENCE

In re applications of Radiosignal Service (Radio Dispatch, Inc.), Seattle, Washington, Docket No. 11832, File No. 736-C2-P/L-56; William J. Therkildsen, Seattle, Washington, Docket No. 11833, File No. 1063-C2-P-56; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration an oral request from the Common Carrier Bureau for continuance of the hearing conference;

It appearing that a conference is scheduled to be held on November 13, 1956, in Washington, D. C., but that good cause has been stated for its continuance;

It is ordered, This 9th day of November 1956, that the conference scheduled for November 13 is continued to November 21, 1956, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9443; Filed, Nov. 16, 1956; 8:48 a. m.]

[Docket Nos. 11856, 11857; FCC 56M-1044]

RADIO ORLANDO AND ORLANDO RADIO & TELEVISION BROADCASTING CORP.

ORDER SCHEDULING PREHEARING CONFERENCE AND ADVANCING DATE OF HEARING

In re applications of Gordon Sherman and Melvin Feldman d/b as Radio Orlando, Orlando, Florida, Docket No. 11856, File No. BP-10339; Orlando Radio & Television Broadcasting Corporation, Orlando, Florida, Docket No. 11857, File No. BP-10671; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 13th day of November 1956, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., December 7, 1956, and the hearing now scheduled to commence on January 8, 1957, is hereby set for January 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9444; Filed, Nov. 16, 1956; 8:48 a. m.]

[Docket No. 11863; FCC 56-1089]

RISDEN ALLEN LYON

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING OF STATED ISSUES

In re application of Risden Allen Lyon, Hamlet, North Carolina, Docket No.

treated with DDT for corn-borer control.

8:48 a. m.]

1950, as being subject to the Packers and

11863, File No. BP-10452; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of November 1956;

The Commission having under consideration the above-captioned application of Risden Allen Lyon for a construction permit for a new standard broadcast station to operate on 1400 kilocycles with a power of 250 watts, unlimited time, at Hamlet, North Carolina;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the proposed operation would cause objectionable interference to Station WCRE, Cheraw, South Carolina (1420 kc, 1 kw, Day); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated September 24, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that Station WCRE expressed an intention of appearing at a hearing on the application by letter of July 26, 1956; and

It further appearing that a timely reply to the Commission's letter was received from the applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station WCRE, Cheraw, South Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest.

It is further ordered, That Radio Cheraw, Inc., licensee of Station WCRE, is made a party to the proceeding.

Released: November 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9445; Filed, Nov. 16, 1956; 8:48 a. m.]

[Docket Nos. 11864, 11865; FCC 56-1090]

GULF ISLES BROADCASTING CO. AND SUNSHINE STATE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Cyril W. Reddoch and Ralph L. Hooks d/b as Gulf Isles Broadcasting Company, Palmetto, Florida, Docket No. 11864, File No. BP-10325; Sunshine State Broadcasting Company, Inc., Bradenton, Florida, Docket No. 11865, File No. BP-10645; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of November 1956;

The Commission having under consideration the above-captioned applications of Cyril W. Reddoch and Ralph L. Hooks d/b as Gulf Isles Broadcasting Company and the Sunshine State Broadcasting Company, Inc., each for a construction permit for a new standard broadcast station to operate on 1420 kilocycles with a power of one kilowatt, directional antenna, daytime only, at Palmetto and Bradenton, Florida, respectively;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 15, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was received from each subject applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applications should be granted.

Released: November 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9446; Filed, Nov. 16, 1956; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6594]

PAN AMERICAN WORLD AIRWAYS, INC., AND LINEAS AEREAS COSTARRICENSES, S. A.

APPLICATION FOR APPROVAL OF ACQUISITION (CASE REOPENED); NOTICE OF HEARING

In the matter of the application of Pan American World Airways, Inc., under section 408 of the Civil Aeronautics Act of 1938, as amended, for a determination whether Pan American World Airways, Inc. has acquired control of Lineas Aereas Costarricenses, S. A., and, if so, for approval of such acquisition.

Notice is hereby given that public hearing in the above-entitled proceeding will be held on November 27, 1956, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., November 13, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9455; Filed, Nov. 16, 1956; 8:49 a. m.]

[Docket No. 6545]

RESORT RENEWAL CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled matter now assigned for November 20 is postponed to December 13, 1956, 10:00 a. m., e. s. t., Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 13, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9456; Filed, Nov. 16, 1956; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

E. R. PIORE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER April 21, 1956 (21 F. R. 2607).

Dated: October 12, 1956.

E. R. PIORE.

[F. R. Doc. 56-9431; Filed, Nov. 16, 1956; 8:45 a. m.]

CARYL P. HASKINS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Deletion: Union Oil of California.

This amends statement previously published in the FEDERAL REGISTER April 28, 1956 (21 F. R. 2800).

Dated: October 12, 1956.

CARYL P. HASKINS.

[F. R. Doc. 56-9432; Filed, Nov. 16, 1956; 8:46 a. m.]

EDWIN H. LAND

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER April 21, 1956 (21 F. R. 2607).

Dated: October 12, 1956.

EDWIN H. LAND.

[F. R. Doc. 56-9433; Filed, Nov. 16, 1956; 8:46 a. m.]

HAROLD M. BOTKIN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER May 3, 1956 (21 F. R. 2960).

Dated: October 23, 1956.

HAROLD M. BOTKIN.

[F. R. Doc. 56-9434; Filed, Nov. 16, 1956; 8:46 a. m.]

HENRY W. CLARK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission.

This amends statement previously published in the FEDERAL REGISTER May 4, 1956 (21 F. R. 2995).

Dated: October 26, 1956.

HENRY W. CLARK.

[F. R. Doc. 56-9435; Filed, Nov. 16, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-132 etc.]

ENGINEERS PUBLIC SERVICE CO. ET AL.

ORDER GRANTING APPLICATION RELATING TO AMENDMENT OF PLAN; PAYMENT OF ADDITIONAL FEES AND EXPENSES AND RETURN BY ESCROW AGENT OF CERTAIN ESCROWED FUNDS

NOVEMBER 13, 1956.

In the matter of Engineers Public Service Company, File No. 54-132; El Paso Electric Company, File No. 70-1149; Gulf States Utilities Company, File No. 70-1150; Virginia Electric and Power Company, File No. 70-1419.

Engineers Public Service Company ("Engineers"), a registered holding company now in liquidation pursuant to a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), having filed an application requesting approval of an amendment to said plan (Amendment No. 7), requesting approval of the payment of certain fees and expenses of Mudge, Stern, Baldwin & Todd, counsel for Engineers, and of Milbank, Tweed, Hope & Hadley, counsel for The Chase Manhattan Bank, Escrow Agent, and requesting an order directing said escrow agent to turn over to Engineers certain funds held by it in escrow, all as summarized below:

The proposed amendment provides that in connection with the final settlement of the affairs of Engineers and payment or provision for its debts and liabilities, Engineers will request the Commission, upon its approval of said amendment to the plan, to include in its petition to the United States District Court for approval of such amendment and for an order enforcing the plan as amended, an application to the court for an order which shall—

(a) Set a date for the filing with the Clerk of the Court of verified proofs of claim against Engineers and a date for filing exceptions to such proofs of claim and provide for the giving of notice of said order by mailing a copy thereof to all known claimants, if any, and by publication thereof in all editions of the Wall Street Journal and in newspapers of general circulation, printed in the English language in the Cities of New York, New York, Boston, Massachusetts, and Chicago, Illinois, and in such other manner, if any, as the Court may direct;

(b) Provide that all claims not theretofore paid by Engineers or approved by the Commission and which are not so filed on or before the date fixed by the Court for the filing of claims be forever barred as against Engineers, its Directors, officers and stockholders;

(c) Enjoin and restrain all persons from taking any action other than before the Court or as authorized by the Court to assert or enforce any such claims against Engineers, its Directors, officers, and stockholders; and

(d) Provide that the Court will take appropriate steps for the adjudication and disposition of all such claims so filed with it.

The proposed amendment further provides that after payment by Engineers of all claims as allowed by the court and all fees and expenses in connection with the final consummation of the plan and the liquidation of Engineers, the remaining assets of Engineers ("distributable funds") will be distributed pro rata among its common stockholders as a final dividend in liquidation. Promptly upon ascertainment of the amount of distributable funds, Engineers will deposit the same with Stone & Webster Service Corporation, Boston, Massachusetts, as Dividend Disbursing Agent, the date of such deposit being referred to as the "distribution date." Upon such distribution date Engineers will also deposit with said Dividend Disbursing Agent (a) amounts then held by it, if any, representing checks issued in payment of dividends on preferred stock of Engineers and not presented for payment by the persons entitled thereto, such amounts aggregating, as of the date of the application $35.28, and (b) amounts then held by it, if any, representing checks issued in payment of the partial liquidating dividend to common stockholders of record on November 15, 1949 and not presented for payment by the persons entitled thereto, such amounts aggregating, as of the date of the application, $244.80; all such amounts being hereinafter called the "unclaimed funds." Upon the deposit of the distributable funds and the unclaimed funds with the Dividend Disbursing Agent as aforesaid, holders of certificates for common stock of Engineers shall cease to have any rights as stockholders of Engineers and shall be entitled, subject to the limitations hereinafter set forth, only to receive their pro rata share of the final dividend in liquidation as aforesaid and their respective shares, if any, of the unclaimed funds. Thereafter said Dividend Disbursing Agent shall mail notices to the common stockholders of Engineers of such deposit and of their rights with respect thereto, upon surrender of their certificates.

From and after a date five years after the distribution date all holders of certificates for preferred and common stock of Engineers who have not surrendered such certificates to the Dividend Disbursing Agent in exchange for their pro rata share of the final dividend in liquidation

UNIVERSITY OF MICHIGAN

or who shall not have claimed their respective shares of the unclaimed funds, shall cease to be entitled to receive any of the distributable funds or unclaimed funds, and their claims shall have become void and of no value. As soon as practicable after the cut-off date all of the distributable funds and unclaimed funds then remaining in the hands of the Dividend Disbursing Agent shall be paid over by the Dividend Disbursing Agent as follows: 51 percent to Virginia Electric and Power Company, 38 percent to Gulf States Utilities Company, 11 percent to El Paso Electric Company. There shall be similarly paid over by the Chase Manhattan Bank to said corporations in the same proportions any funds held by it on the cut-off date, in trust or otherwise, for the account of holders of the formerly outstanding preferred stocks of Engineers who shall not have surrendered their certificates pursuant to the plan as amended.

Engineers will pay to the Dividend Disbursing Agent the sum of $23,000 in payment for its services and disbursements in connection with the distribution of the final dividend in liquidation and the location of the holders of the formerly outstanding preferred stocks of Engineers, including the mailing of notices to the common stockholders of Engineers, the obtaining of bonds of indemnity in the event of lost stock certificates, the storage of transfer records, the employment of tracer organizations, and all related matters.

The proposed amendment further provides that any action to be taken by directors in consummating the plan shall be deemed to be taken if evidenced by a resolution duly adopted at a meeting of the directors duly convened or held or by an instrument in writing signed by a majority of the surviving directors without a meeting.

Pursuant to affidavits filed as exhibits to the application of Engineers, Engineers requests approval of the payment to Mudge, Stern, Baldwin & Todd of the sum of $12,500 for services rendered to Engineers from September 13, 1949, to the date of the application and for services to be rendered after that date, together with the disbursements actually made of $214.87 and for estimated disbursements to be made after the date of the application in the amount of $250; and to Milbank, Tweed, Hope & Hadley the sum of $1,250 for services rendered and to be rendered after August 18, 1949, and $29.79 for disbursements actually made.

Additionally, Engineers requests that an order be entered directing The Chase Manhattan Bank to turn over to Engineers such of the escrowed funds as are held by it pursuant to section 1 (c) of the Escrow Agreement, but not including such sums as are held for the account of the preferred stockholders of Engineers who have not yet surrendered their certificates.

Engineers estimates that the total expenses of consummating the plan, as amended by said Amendment No. 7, including the fee of the Dividend Disbursing Agent, counsel fees as aforesaid, and all other expenses, will be approximately $62,500 and states that this would leave, assuming that there are no additional claims of creditors asserted against Engineers, the sum of approximately $279,400, or approximately 14 cents per share, for distribution in respect of the 1,909,968 outstanding shares of common stock of Engineers.

Engineers requests the Commission to apply to the United States District Court for the District of Delaware for an order approving and enforcing said Amendment No. 7 to the plan.

Notice of the filing of said application having been duly given; no hearing having been requested of or ordered by the Commission; and the Commission finding that the proposed transactions are in conformity with the applicable provisions of the act and that the application and the prayers for relief therein contained should be granted forthwith: *It is ordered*, That

1. Amendment No. 7 to the plan be and the same hereby is approved;

2. The payment of the requested fees and disbursements of Mudge, Stern, Baldwin & Todd and Milbank, Tweed, Hope & Hadley in the amounts set forth above be and the same hereby is approved;

3. The Chase Manhattan Bank, as Escrow Agent be and it is hereby authorized and directed to pay to Engineers the remaining balance of all sums held by it under paragraph 1 (c) of the Escrow Agreement after payment of the sum allowed hereby to Milbank, Tweed, Hope & Hadley.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9436; Filed, Nov. 16, 1956; 8:46 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective 30 days after publication in the FEDERAL REGISTER, paragraph (h) of § 6.101 is revoked, paragraph (a) (11) is added to § 6.110, paragraph (a) (6) is added to § 6.111, and paragraph (d) is added to § 6.148 as set out below.

§ 6.110 *Department of the Interior*—(a) *General.* • • •

(11) Not to exceed March 31, 1957, positions in foreign countries that involve the performance for host governments of technical advisory work to which assignments are made pursuant to section 527 (c) of the Mutual Security Act of 1954, as amended, under inter-agency agreement with the International Cooperation Administration.

§ 6.111 *Department of Agriculture*—(a) *General.* • • •

(6) Positions in foreign countries.

§ 6.148 *Panama Canal Company, New York.* • • •

(d) One General Agent, Panama Canal Line, at Port-au-Prince, Haiti.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-9500; Filed, Nov. 19, 1956; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

The Federal Land Bank of Louisville has determined that the interest rate on any loan closed by the Bank through a national farm loan association on or before March 9, 1957, pursuant to an application properly executed and filed with the association prior to December 1, 1956, in connection with which the loan closing papers are mailed by the bank to the association prior to March 1, 1957, shall be 4 per centum per annum, and that the interest rate on all other loans hereafter closed by the bank through national farm loan associations shall be 4½ per centum per annum. In order to reflect this change, § 10.41 of Title 6 of the Code of Federal Regulations (21 F. R. 8645) is hereby amended, effective December 1, 1956, by inserting the line "Louisville • • • 4½" immediately below "Columbia" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies sec. 12 "Ninth", 39 Stat. 370; 12 U. S. C. 771 "Ninth")

[SEAL] R. B. TOOTELL, *Governor.*

[F. R. Doc. 56-9461; Filed, Nov. 19, 1956; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR Part 146a) are amended as indicated below:

1. In § 146a.27 *Penicillin tablets*, paragraph (a) *Standards of identity* • • •, is amended by changing the words "analgesic substances" in the first sentence to read "sympathomimetic agents, analgesic substances,".

(Continued on next page)

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FEDERAL REGISTER

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Washington, Tuesday, November 20, 1956

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FEDERAL REGISTER

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CODIFICATION GUIDE

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2. Section 146a.51 (f) (5) is amended by adding a new subdivision (iv), reading as follows:

§ 146a.51 *Penicillin powder.* • • •

(f) *Exemption of buffered penicillin powder.* • • •

(5) • • •

(iv) As an aid in reducing the incidence and severity of bloat in cattle on legume pastures, provided that the drug is intended to be administered in water or feed, and when used as directed in its labeling each animal receives not less than 75,000 units of penicillin per day.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: November 14, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-9482; Filed, Nov. 19, 1956; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

APPOINTMENTS

Section 561.18 is revised to read as follows:

§ 561.18 *Appointment as Reserve Commissioned Officers for assignment to Army Medical Service Branches*—(a) *Purpose.* This section prescribes qualifications and outlines the procedures for appointment of individuals as Reserve commissioned officers of the Army for assignment to the branches comprising the Army Medical Service of the Army Reserve.

(b) *Grade for appointment and personnel eligible.* (1) Officers of any Reserve component and former officers of any of the Armed Forces of the United States and the United States Public Health Service who have served satisfactorily in the specialty for which they are applying may be appointed under either subdivisions (i) or (ii) of this subparagraph, whichever would result in greater promotion service on date of appointment.

(i) In the highest grade (or comparable grade if such service was performed in other than the Army) held while serving in such specialty, based on their prior service, or

(ii) In the highest grade for which they can fully qualify by education and experience as indicated in subparagraph (4) of this paragraph.

(2) Former officers who were discharged as Reserve officers of the Army in the grade of second lieutenant because of failure to qualify for promotion may be appointed only for vacancies indicated in paragraph (c) (1) of this section. Upon appointment as a second lieutenant such officers will be credited with 2 years service in an active status in accordance with paragraph 5a, AR 135–155 (Army regulations pertaining to promotion). If again discharged because of failure to qualify for promotion such officer will not be eligible for appointment.

(3) Officers and former officers of the Army Medical Service branches of the Army Reserve of the categories specified in § 561.14 (b) (1) (vi), will be tendered indefinite term appointments as prescribed in § 561.14.

(4) Qualified persons, with or without military service, including members of the Army Reserve when not on active duty seeking appointment in a different branch in a grade other than that presently held, may qualify for appointment based on education and/or experience in accordance with paragraph (h) of this section and may be appointed in grades authorized in subparagraph (5) of this paragraph. The examining board will make appropriate recommendations concerning the grade in which an applicant is eligible for appointment, but final determination of grade will be made by the authority tendering appointment.

(5) The grades in which appointments under this section are authorized are as follows:

(i) Medical Corps, Dental Corps, Veterinary Corps branches—first lieutenant through colonel.

(ii) Medical Service Corps branch—second lieutenant through colonel.

(iii) Army Nurse Corps branch—second lieutenant through lieutenant colonel.

(iv) Army Medical Specialist Corps branch—second lieutenant through captain.

(c) *Limitations on appointments.* Appointments will be limited to those necessary to:

(1) Fill existing vacancies in the Ready Reserve troop program units, when there are no qualified officers of appropriate or lower grade available to fill such vacancies.

(2) Fill mobilization designation position vacancies when the individual has been approved by the proponent agency for designation to fill such position.

(3) Meet the need for Ready Reserve reinforcements within quotas established by the Department of the Army.

(4) Implement authorized Army Medical Service personnel procurement programs within quotas established by the Department of the Army.

(5) Meet the need for officers for active duty when qualified Reserve officers are not available.

(d) *Ineligibility.* Persons who come under the categories specified in § 561.6, are not eligible for appointment.

(e) *Eligibility.* Applicants must meet the following requirements in addition to those general eligibility requirements specified in § 561.8:

(1) *Age.* (i) Applicants must not have reached the age shown below prior to appointment in the grade indicated, except that age limits may be increased for former officers of any component of the Army and the Army of the United States without component, by an amount not to exceed length of previous service in the grade in which appointment is authorized. However, for female applicants the ages of 45 for the Army Nurse Corps and 39 for the Army Medical Specialist Corps branches will not be exceeded. Previous service means for this purpose any period of commissioned service that an officer has served on active duty in the Army or has held an appointment in the federally recognized National Guard or retained active status as a Reserve of the Army.

Grade	Maximum ages		
	Female applicants for—		Other applicants for any corps
	AMSC	ANC	
Second lieutenant	30	30	28
First lieutenant	33	33	33
Captain	39	39	39
Major	----------	45	48
Lieutenant colonel	----------	45	51
Colonel	----------	----------	55

(ii) The authority tendering appointments may consider on an individual basis, when applicants are applying for concurrent active duty, request for waiver of the maximum age limits in exceptional cases, up to the ages indicated for grades and branches as shown below:

Grade	Ages	
	Female applicants for AMSC and ANC	Other applicants for any corps
Second lieutenant	38	33
First lieutenant	40	38
Captain	43	43
Major	----------	50
Lieutenant colonel	----------	53

(2) *Physical examination.* Applicants will be required to undergo physical examination.

(3) *Education and experience.* Except when qualifying for appointment based on prior service as noted in paragraph (b) (1) (i) of this section, applicants must meet the educational and professional requirements prescribed for the particular specialty as shown in paragraph (h) of this section.

(4) *Dependents.* Female applicants must not have a dependent or dependents under 18 years of age or any legal or other responsibilities for the custody, care, control, maintenance or support of any child or children under 18 years of age.

(f) *Vacancies.* Applicants may secure information concerning vacancies from unit commanders or chiefs of military districts. Information relative to individuals eligible to apply for active duty may be secured from the appropriate area commander.

(g) *Applications.* See § 561.13.

(h) *Professional requirements for appointment*—(1) *Medical Corps.* An applicant for appointment and assignment to the Medical Corps branch will be considered professionally acceptable if he is engaged in the ethical practice of medicine or is otherwise participating in appropriate professional activities and:

(i) Is a graduate of a medical school approved by the Council on Medical Education and Hospitals of the American Medical Association, or

(ii) Is a graduate of a foreign medical school whose graduates are recommended for consideration by the Council on Medical Education and Hospitals of the American Medical Association on the same basis as graduates of medical schools in the United States approved by the Council, or

(iii) Is a graduate of a school other than those referred to in subdivisions (i) and (ii) of this subparagraph, and meets all of the following requirements:

(*a*) Possesses the degree of Doctor of Medicine as a result of having completed a 4-year course of medical instruction.

(*b*) Has had, subsequent to graduation, 12 months or more of intern or residency training approved by the Council on Medical Education and Hospitals of the American Medical Association, or is a diplomate of an American Specialty Board. As an exception to the foregoing,

a 9 months' approved internship or residency is acceptable in the case of a participant in the so-called "9–9–9" program which was an accelerated medical training program during World War II based upon 9 months' training periods rather than 12.

(c) Is fully licensed to practice medicine in a State or Territory of the United States or in the District of Columbia or the Commonwealth of Puerto Rico or is a diplomate of the National Board of Medical Examiners.

(iv) If an area commander believes that an applicant who does not meet the professional standards indicated above possesses exceptional qualifications of value to the Army, he may forward the entire case to The Surgeon General, Department of the Army, Washington 25, D. C., ATTN: MEDCM–PA, for final decision relative to professional acceptability.

(2) *Dental Corps.* (i) An applicant for appointment and assignment to the Dental Corps branch will be considered professionally acceptable if he is engaged in the ethical practice of dentistry or is otherwise participating in appropriate professional activities and

(*a*) Is a graduate of a dental school approved by the Council on Dental Education of the American Dental Association, or

(*b*) Is currently licensed to practice dentistry in a State of the United States or in the District of Columbia or in Alaska or Hawaii.

(ii) The requirement for engagement in the ethical practice of dentistry may be waived by the area commander if the case of an otherwise qualified applicant is being considered within 1 year after graduation from an approved dental school or while he is undergoing postgraduate instruction.

(3) *Veterinary Corps.* (i) An applicant for appointment and assignment to the Veterinary Corps branch will be considered professionally acceptable if he is engaged in the ethical practice of veterinary medicine and

(*a*) Is a graduate of a veterinary school located in the United States or Canada and approved by the Council on Education of the American Veterinary Medical Association, and

(*b*) Is currently licensed to practice veterinary medicine in a State or Territory of the United States, or in the District of Columbia or the Commonwealth of Puerto Rico.

(ii) Exceptions may be made to the foregoing policy so far as engagement in the ethical practice of veterinary medicine and licensure are concerned if the case of an otherwise qualified applicant is being considered within 1 year after his graduation from veterinary school or while he is engaged in fields of veterinary professional endeavor, other than actual practice, not requiring licensure.

(4) *Medical Service Corps.* Applicants for appointment and assignment to the Medical Service Corps branch must have the qualifying college education indicated under each specialty. In addition, for appointment in grades higher than second lieutenant, such applicants must have acquired appropriate progressive qualifying experience subsequent to attainment of the degree required for appointment. Qualifying experience includes both military and civilian work, with a work-week of at least 40 hours. This work must have been in any one or any allowable combination of activities in the areas of experience defined herein for each specialty. Appointments in grade of major and above will not be made except in cases of unusually well-qualified individuals of outstanding ability. The educational requirement for each of the specialties indicated below must be met through attainment of the qualifying degree from a college or university accredited by, or holding membership in, one of the appropriate regional accrediting associations or national professional organizations listed in Education Directory, part 3, Higher Education (published by the Office of Education, Department of Health, Education and Welfare), or in The American Psychologist (published by the American Psychological Association) for the specialty of clinical psychology. In all cases the accreditation must be effective for the date on which the degree was attained. The acceptability of the degree of doctor of philosophy in industrial, social, or experimental psychology and in psychophysiology will be determined in each case by The Surgeon General, Department of the Army, Washington 25, D. C., ATTN: MEDCM-PA. Specialty areas are as follows:

(i) *Medical entomology.* Applicants must possess a bachelor's degree with a major in the field of entomology, including at least one course in medical entomology.

(ii) *Medical laboratory.* (*a*) Applicants must meet either of the following requirements:

(*1*) Possess a master's degree in one of the specialties listed in (*b*) of this subdivision.

(*2*) Possess a bachelor's degree in one of the specialties listed in (*b*) of this subdivision, and, in addition, be currently listed as certified as a medical technologist in the Registry of Medical Technologists of the American Society of Clinical Pathologists.

(*b*) Specialties within this area include the following:

Biochemistry.
Immunology.
Medical parasitology.
Medical technology.
Microbiology.
Toxicology.
Radiobiology or health physics.

(iii) *Nutrition.* Applicants must possess a master's degree, or its equivalent, in the field of nutrition, nutritional biochemistry, or nutritional physiology.

(iv) *Optometry.* Applicant must possess a degree in optometry and be currently licensed to practice optometry in a State or Territory of the United States or in the District of Columbia or in the Commonwealth of Puerto Rico.

(v) *Pharmacy, supply and administration.* (*a*) Applicants must possess a bachelor's degree, with a major in one of the specialties outlined below:

Accounting.
Business Administration.
Chemistry.
Education.
Hospital administration.
Law.
Management engineering.
Personnel administration.
Pharmacy.
Statistics.

(*b*) Waiver of the requirement that the major field of study be in one of the specialties listed in (*a*) of this subdivision (but not waiver of possession of a bachelor's degree from an accredited college or university), may be granted by the appointing authority in cases of outstanding applicants who possess characteristics, education, or experience suitable for assignment in supply or administration.

(*c*) Notwithstanding the provisions of (*a*) of this subdivision, applicants who are enrolled in a school of medicine approved by the Council on Medical Education and Hospitals of the American Medical Association or a school of dentistry approved by the Council on Dental Education of the American Dental Association may be appointed for the Pharmacy Supply and Administration Section of the Medical Service Corps pending attainment of eligibility for appointment in the Medical Corps or Dental Corps, if selected for participation in an Army Medical Service Program providing for such interim appointments.

(vi) *Chiropody.* Applicants must possess the degree of doctor of surgical chiropody or doctor of podiatry and be currently licensed to practice chiropody or podiatry in a State or Territory of the United States or in the District of Columbia, or in the Commonwealth of Puerto Rico.

(vii) *Psychology.* Applicants must possess a doctor's degree in clinical, industrial, social, or experimental psychology or in psychophysiology.

(viii) *Sanitary engineering.* Applicants must possess a bachelor's degree in sanitary, civil, or chemical engineering.

(ix) *Social work.* Applicants must possess a master's degree in social work.

(5) *Army Nurse Corps.* Applicants qualifying for appointment and assignment to the Army Nurse Corps must meet both of the following requirements:

(i) Be a graduate of a school of nursing offering not less than a 3-year basic curriculum listed as a state-approved school of nursing by the National League for Nursing, effective on the date of graduation. In the case of graduates of foreign schools who are otherwise qualified for appointment, applications will be forwarded to The Surgeon General, ATTN: MEDCM–PA, for final determination of professional acceptability.

(ii) Be currently registered and/or licensed to practice professional nursing within the United States, Puerto Rico, Alaska, or Hawaii.

(6) *Army Medical Specialist Corps.* Applicants for appointment and assignment to the Army Medical Specialist Corps branch must have the professional education shown below under each specialty. Educational requirements specified must be met through attendance at a college or university identified as accredited by, or holding membership in, the appropriate regional accrediting association or national, professional organization as listed in Education Directory, part 3, Higher Education, published by the Office of Education, Department of Health, Education, and Welfare. In all cases the accreditation must be effective for the date on which the degree or credits were attained.

(i) *Dietetic specialists.* Applicants must possess a bachelor's degree with a major in either foods and nutrition or in institution management and have a certificate of completion of a dietetic internship or evidence of equivalent experience approved by the American Dietetic Association. An applicant who has completed college education as stated herein and who applies for and is selected to complete the dietetic internship conducted by the Department of the Army may be appointed for that purpose.

(ii) *Physical therapy specialists.* Applicants must possess a bachelor's degree and a certificate of completion of a course in physical therapy approved by the Council of Medical Education and Hospitals of the American Medical Association. Waivers may be granted for persons certified as physical therapists who do not possess a bachelor's degree but who have completed not less than 3 years (90 semester hours) in an accredited college or university. Cases of such applicants will be forwarded through channels with appropriate recommendations to The Surgeon General, ATTN: MEDCM–PA, for consideration. An applicant who has an acceptable bachelor's degree and who applies for and is selected to complete the physical therapy course conducted by the Department of the Army may be appointed for that purpose.

(iii) *Occupational therapy specialists.* Applicants must possess a bachelor's degree and a certificate of completion of a course in occupational therapy approved by the Council on Medical Education and Hospitals of the American Medical Association. Waivers may be granted for persons certified as occupational therapists who do not possess a bachelor's degree but who have completed not less than 3 years (90 semester hours) in an accredited college or university. Cases of such applicants will be forwarded through channels with appropriate recommendations to The Surgeon General, ATTN: MEDCM–PA, for consideration. An applicant who possesses a bachelor's degree and is enrolled in an approved course in occupational therapy, or who has completed 4 years (120 semester hours) leading to a degree, including the didactic portion of a course in occupational therapy, and who applies for and is selected to complete the required clinical portion of that course in an Army hospital may be appointed for that purpose.

(i) *Determination of grade.* (1) Upon determination under paragraph (j) of this section of the "years of service in an active status" which may be credited to the applicant, grade eligibility for appointment will be in accordance with subparagraph (2) of this paragraph, subject to paragraph (b) (5) of this section.

(2) The "years of service in an active status" required for appointment in each grade are as follows:

Years of service in an active status:	Grade
Less than 3 years	Second lieutenant.
3 years or more, but less than 7 years	First lieutenant.
7 years or more, but less than 14 years	Captain.
14 years or more, but less than 21 years	Major.
21 years or more, but less than 23 years	Lieutenant colonel.
23 or more years	Colonel or lieutenant colonel as the Department of the Army will determine.

(j) *Determination of "years of service in an active status."* (1) "Years of service in an active status" which will be credited, under the provisions of this section, to officers appointed for the Army Reserve for assignment to each of the corps of the Army Medical Service will be computed as indicated in this paragraph. No period of time may be used more than once in computing an individual officer's "years of service in an active status."

(i) *Medical Corps.* In addition to a minimum of 5 years of "service in an active status" for an applicant who has completed a 1-year internship or the equivalent thereof, or 4 years of "service in an active status" for an applicant who has not completed such internship or equivalent, an individual appointed for assignment in the Medical Corps will be credited with the number of years, months, and days in which he has been engaged in appropriate professional activities exclusive of 1 year internship, between the date of his graduation from medical school and date of appointment, except that each year of professional experience or portion thereof in excess of 21 will be given only one-half credit as "years of service in an active status."

(ii) *Dental Corps.* In addition to a minimum of 4 years of "service in an active status" an individual appointed for assignment in the Dental Corps will be credited with the number of years, months, and days in which he has been engaged in appropriate professional activities between the date of his graduation from dental school and date of appointment, except that each year of professional experience in excess of 21 will be given one-half credit as years of "service in an active status."

(iii) *Veterinary Corps.* In addition to a minimum of 3 years of "service in an active status" an individual appointed for assignment in the Veterinary Corps will be credited with the number of years, months, and days in which he has been engaged in appropriate professional activities between the date of his graduation from veterinary school and date of appointment except that each year of professional experience in excess of 21 will be given only one-half credit as years of "service in an active status."

(iv) *Medical Service Corps.* (*a*) Upon date of attaining eligibility for appointment and assignment to the Medical Service Corps an individual will be considered to have accrued "years of service in an active status" on the basis of professional graduate education in the specialty for which appointed as indicated below. The "years of service in an active status" listed opposite each degree includes credit for time spent in the attainment of a lower degree, and no individual will be granted "years of service in an active status" under this paragraph for attainment of more than one degree.

	Years of service in an active status
Professional education:	
Master's degree (other than in social work or optometry)	1
Master's degree in social work	2
Doctor of Philosophy	3

(*b*) In addition, individuals appointed for assignment in the Medical Service Corps will be credited, except as indicated in (*c*), (*d*), and (*e*) of this subdivision, with "service in an active status" for each year, month, and day of appropriate professional experience—and for each year of appropriate professional graduate education—that they have accrued or undergone between date of attaining basic eligibility for appointment in the specialty and corps concerned and date of appointment.

(*c*) Unless an individual has a master's degree in the specialty in which he is applying for appointment, he will not be given any credit as "years of service in an active status" for any professional experience he has accrued unless he has a minimum of 3 years of such professional experience and is otherwise considered to be qualified for appointment at least in the grade of first lieutenant. If he has a minimum of 3 years of appropriate professional experience and is otherwise considered to be qualified for appointment in the grade of first lieutenant or higher, his professional experience will be credited as "years of service in an active status" as indicated in (*b*) of this subdivision.

(*d*) If an individual has at least a master's degree in the specialty in which applying for appointment, he will be credited initially with the years of service in an active status indicated in (*a*) of this subdivision. In addition, he will be credited with "years of service in an active status" as specified in (*b*) of this subdivision for other professional education and experience accrued subsequent to his having been granted the qualifying degree required for appointment.

(*e*) Regardless of the number of years of professional education or experience an individual applying for appointment for the Medical Service Corps branch may possess, the maximum number of "years of service in an active status" with which such person will be credited, if found eligible for appointment in the grades of second lieutenant, first lieutenant, captain, major, and lieutenant colonel, are as follows: 2 years, 6 years, 13 years, 20 years, and 21 years, respectively.

(v) *Army Medical Specialist Corps.* (*a*) An individual appointed and assigned to the Army Medical Specialist Corps will be considered to have accrued 1 year of "service in an active status" on

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Colonel			55

authorized in subparagraph (5) of this paragraph. The examining board will

Board. As an exception to the foregoing,

second lieutenant, such applicants must have acquired appropriate progressive qualifying experience subsequent to at-

Accounting.
Business Administration.
Chemistry.

in, the appropriate regional accrediting association or national, professional or-

the basis of professional education in the specialty for which appointed, if such individual possesses a bachelor's degree and is certified in the appropriate specialty as indicated in paragraph (h) (6) (i) of this section.

(b) In addition, individuals appointed in the Army Reserve for assignment to the Army Medical Specialist Corps will be credited, except as indicated below, with "service in an active status" for each year, month, and day of appropriate professional experience—and for each year of appropriate professional graduate education—that they have accrued or undergone between date of attaining basic eligibility for appointment in the specialty and corps concerned and date of appointment.

(1) Not more than 7 years of "service in an active status" will be granted any individual upon initial appointment.

(2) Any person who is appointed prior to attaining basic eligibility for appointment for the purpose of taking training in an Army program will be granted 1 year less "service in an active status" than would have been granted if the basic requirements for appointment in the section of the corps concerned were met.

(vi) *Army Nurse Corps.* (a) "Years of service in an active status" will be credited an individual appointed and assigned to the Army Nurse Corps on the basis of education in the fields of nursing; nursing education, supervision, and teaching; nursing administration; personnel administration; counselling and guidance; nursing research; or public health nursing, as indicated below. The "years of service in an active status" listed opposite each degree includes credit for time spent in attaining a lower degree, and no individual may be given credit under this paragraph for attainment of more than one degree.

Professional education:	*Years of service in an active status*
Bachelor's degree	1
Master's degree	2
Doctor of Philosophy or Education	3

(b) In addition to the provisions of (a) of this subdivision, the years, months and days of appropriate professional nursing experience—and each year of appropriate graduate education in any of the fields of study described in (a) of this subdivision—undergone subsequent to graduation from an approved school of nursing and prior to appointment will be credited as "years of service in an active status" except that:

(1) Not more than a total of 6 "years of service in an active status" will be credited to any individual who does not possess a bachelor's degree in a field of study described in (a) of this subdivision, except as indicated in (3) of this subdivision, and

(2) Not more than a total of 13 "years of service in an active status" will be credited to any individual who does not possess a master's degree in a field of study described in (a) of this subdivision; however,

(3) An individual who has had active professional experience in anesthesia or has successfully completed an accredited course in anesthesia within the 24-month period prior to appointment and who submits documentary evidence of current certification by the American Association of Nurse Anesthetists will, in place of the limitation imposed by (1) of this subdivision, be credited with not more than a total of 13 "years of service in an active status."

(c) Regardless of "years of service in an active status" with which an individual might otherwise be credited under the provisions of the foregoing, the maximum "years of service in an active status" with which such individual will be credited if found qualified for appointment in the grade of first lieutenant, captain, major, and lieutenant colonel, are 6, 13, 20 and 21, respectively.

(2) Individuals who are appointed on the basis of prior service (paragraph (b) (1) (i) of this section) for assignment to any of the branches of the Army Medical Service will not be constructively credited with "years of service in an active status."

(3) "Years of service in an active status" credited in accordance with subparagraph (1) of this paragraph which are in excess of the minimum required for appointment in the grade for which found eligible (paragraph (i) (2) of this section), shall be credited as "promotion service" in the grade in which appointed.

[AR 140–101, October 23, 1956] (Sec. 280, 70A Stat. 14; 10 U. S. C. 280)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56-9457; Filed, Nov. 19, 1956; 8:45 a. m.]

Chapter XVII—Federal Civil Defense Administration

PART 1702—SURPLUS PROPERTY

Sec.
1702.1 Purpose.
1702.2 Definitions.
1702.3 Basic policy.
1702.4 State eligibility.
1702.5 State responsibility.
1702.6 Acceptance or rejection of donable property.
1702.7 Donation and shipment by holding agencies.
1702.8 Conditions of donation.
1702.9 Eligible property.
1702.10 Criteria for allocation.

AUTHORITY: §§ 1702.1 to 1702.10 issued under sec. 203, 63 Stat. 385, as amended, sec. 401, 64 Stat. 1254; 40 U. S. C. 484, 50 U. S. C. App. 2253.

§ 1702.1 *Purpose.* The purpose of the regulations in this part is to prescribe the procedures to be followed by all FCDA activities and civil defense organizations of states and political subdivisions thereof, in making application for the donation of federal surplus personal property for civil defense purposes; and the terms and conditions under which such donations will be made; and to inform the civil defense organization of states and political subdivisions thereof, of the manner in which the program for the donation of federal surplus personal property is to be conducted.

§ 1702.2 *Definitions.* Except as otherwise stated the following terms shall have the following meanings when used in the regulations in this part:

(a) *Donable property.* Federal surplus personal property is the only property eligible for donation under this part. This term shall include all property determined by the Administrator of General Services to be surplus to the needs of the Federal Government under existing law and regulations issued thereunder except real property, records of the Federal Government and naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and naval vessels of 1500 gross tons or more subject to disposal by the U. S. Maritime Commission.

(b) *State.* The term as used in this part includes the District of Columbia; the Commonwealth of Puerto Rico; and the Territories and possessions of the United States.

(c) *Local government.* Any political subdivision of a state or instrumentality thereof.

(d) *Civil defense organization.* The official organization designated, pursuant to state law, to be responsible for the civil defense program in such state or local political subdivisions thereof, and organizations or instrumentalities designated, pursuant to state law or local ordinance or regulation, as having the responsibility for a component part of a civil defense program. This term shall include, but not be limited to, volunteer organizations recognized by the state or local civil defense director in accordance with state law or local ordinance.

(e) *Secretary.* Secretary as used in the regulations in this part means the Secretary of Health, Education, and Welfare.

(f) *Administrator.* Administrator means the Federal Civil Defense Administrator.

(g) *State agency.* The organization or agency designated, pursuant to state law, to engage in the disposal of surplus property for civil defense purposes.

(h) *Donee.* The civil defense organization within the state which ultimately receives surplus property.

§ 1702.3 *Policy.* It is the policy of the Federal Civil Defense Administration to strengthen and encourage a state of civil defense operational readiness in the states through the selective transfer of donable surplus property for civil defense purposes, and to assure the maximum utilization of property so donated for civil defense purposes. FCDA has determined that in conformance with sections 201 (b) and 401 of the Federal Civil Defense Act of 1950 (64 Stat. 1245) a more efficient operation can be effected by delegating certain operational functions to the Department of Health, Education, and Welfare. This has been accomplished by FCDA Delegation No. 5.

§ 1702.4 *State agency eligibility.* To establish eligibility for participation in the surplus property donation program for civil defense purposes, the state agency must furnish, among other things,

to the appropriate regional office of DHEW the following:

(a) Evidence (including copies of statutes, executive orders, etc.) establishing the authority of the state agency to acquire, warehouse, and distribute personal property to civil defense organizations eligible to acquire the same under section 203 (j) of the Federal Property and Administrative Services Act, as amended, and to execute the agreements required by the Federal Government. Where express statutory authority for the performance of such functions does not exist, or where the authority exists by virtue of executive order, the state shall furnish an opinion of the chief law officer as to the existence of such authority.

(b) A plan of operation, in sufficient detail to show that the state agency can distribute property upon a fair and equitable basis to civil defense organizations within the state. The operating plan should include:

(1) System and facilities available for accepting, transporting, storing and distributing donable property within the state.

(2) The proposed method of financing such operations.

(3) Provisions for keeping records of property received and of its distribution so that this property may be distinguished from other civil defense property and other state surplus property.

(c) A plan for the observance of procedures and criteria between the civil defense director of the state and the state agency for surplus property with respect to the certification and distribution of property for civil defense purposes, predicated upon the regulations in this part and regulations issued by the Department of HEW.

§ 1702.5 *State agency responsibility.* It shall be the responsibility of the state agency for surplus property, and in accordance with DHEW's regulations covering minimum standards prescribed in detail how such responsibility shall be met, to:

(a) Keep an acurate record of all donable property received by civil defense organizations.

(d) Distribute and redistribute donable property to civil defense organizations on the basis of established criteria.

(c) Maintain records of all donable property distributed for civil defense purposes within the State, and submit statistical reports as required. These records should clearly indicate the disposition of all such property received by the State and should be kept up to date and available.

(d) Provide, through appropriated funds or service charges reasonably related to the cost of care and handling, the monies necessary to accept and distribute property which has been made available to the State. Service charges shall be as prescribed by the minimum standards of operation promulgated by the Department of HEW.

(e) Insure that the property stored in warehouses is distributed expeditiously. If property is not distributed within the State expeditiously, it should be reported back to the DHEW Regional Office for reallocation. Any donable property held more than twelve (12) months after the receipt thereof shall be reported within 30 days to the appropriate regional office of the Department of HEW.

(f) Where the Federal Government has established standards or criteria for any of the foregoing, comply with such standards or criteria.

(g) Ascertain whether the property is utilized in accordance with Transfer Agreements and report to the DHEW Regional Office any indications of noncompliance.

§ 1702.6 *Acceptance or rejection of donable property.*—(a) *Notification by State.* Within ten (10) calendar days after determination as surplus the state agency shall execute the necessary certification as to need and usability of surplus property for civil defense purposes and shall notify the DHEW Regional Office making the allocation of the state's intention either to accept or reject the allocation in whole or in part. There is no obligation on the part of the state to accept any item which it does not desire. Prompt notice of the intent of the state is required in order to enable the DHEW Regional Office to reallocate any residue which may be needed by another state.

(b) *Rejections.* When property is rejected, the reasons for the rejection should be stated. The state agency will assist the DHEW Regional Office by giving the following information with reference to the allocation:

(1) That the state or donee no longer needs the particular type of property offered.

(2) That the state or donee is in need of this type of property but cannot accept because of transportation or other problems involved in the particular offering.

(3) That the state or donee has inspected the property and recommends that due to its condition, it is not worthwhile reallocating or is suitable for allocation only to the state in which it is located.

(4) That the property is not suitable because of size, capacity, hazard, etc.

(c) *Acceptance.* Upon acceptance of an allocation as above provided, the state agency shall submit to the allocating DHEW Regional Office a properly completed "Application for Surplus Property", within the time limits specified in the allocation. Acceptance by the state shall be final, and on an as is, where is basis.

§ 1702.7 *Conditions of donation.* Donation of surplus property shall be made, subject to the following conditions:

(a) *Categories of donable property.* Categories of property considered suitable for civil defense purposes will be as determined by the Federal Civil Defense Administrator.

(b) *Title.* All right, title, and interest in donable property, except the right to possession, shall remain in the United States until the eligible applicant has executed the applications and certifications in accordance with paragraph (e) of this section and has taken possession of the property. State agencies shall not acquire any title to donable property except where state licensing laws require that title pass in order that state licensing or registration of the property may be effected.

(c) *Distribution and maintenance.* The appropriate civil defense organization shall protect and maintain the property in such a way as to assure its ready availability for the civil defense purposes for which it was acquired. Such property shall, to the extent possible, be distributed and stored in such a manner as to minimize its loss in the event of an attack and at the same time assure its availability for use at the places required immediately after an attack.

(d) *Insigne.* Property shall, whenever practical, be marked with the official civil defense insigne.

(e) *Use and disposal of property having an acquisition cost of $2,500 or more for each single item.* All such property shall be distributed, maintained and used solely for civil defense purposes unless the Federal Civil Defense Administration prescribes or authorizes otherwise. Disposal shall be subject to the following terms and conditions:

(1) Property donated for civil defense training purposes shall not be disposed of within four years of acquisition date, except motor vehicles for which a two year period shall apply. Any disposal prior to the termination of the period will be made only with the prior written consent of the Federal Civil Defense Administrator.

(2) Property donated for the purposes of civil defense reserve stocks:

(i) Shall be stored in accordance with criteria made and approved by the Federal Civil Defense Administrator, and maintained in good operating condition by the civil defense organization acquiring title to it.

(ii) Shall not be sold, traded or otherwise alienated or disposed of without the prior written consent of the Federal Civil Defense Administrator. Proceeds of an authorized sale shall be held in a special account to the use and benefit of the civil defense program of the State or local political subdivision making such sale.

(3) Property donated for operational readiness purposes:

(i) Shall be utilized primarily in the achieving of a state of operational readiness by the eligible donee as defined in the regulations in this part, in accordance with plans of operation approved by the State director of civil defense and the Federal Civil Defense Administrator.

(ii) Shall be installed and utilized in accordance with the plans for operational readiness of the State or a political subdivision thereof, or civil defense organizations as defined in the regulations in this part.

(iii) Shall not be sold, traded or otherwise alienated or disposed of without the prior written consent of the Federal Civil Defense Administrator.

(f) *Information and reports.* The civil defense organization of the State (and local government, if applicable) shall transmit as required a statement of its plan for meeting the conditions of the regulations in this part and such reports as may from time to time be requested.

professional experience in anesthesia or has successfully completed an accredited

states and political subdivisions thereof, of the manner in which the program for

for civil defense purposes, the state agency must furnish, among other things,

back to the DHEW Regional Office for

acquire any title to donable property ex-

as may from time to time be requested.

(g) *Inspection and accounting.* Property shall be controlled in accordance with accepted or prescribed methods of accounting, identification, and administrative responsibility. FCDA representatives shall have access to the property at all reasonable times for purposes of inspection. They shall also be granted ready access to the books and records of the State and local governments relating to such property.

§ 1702.8 *Breach of condition of donation or failure to comply.* Eligible donees under the regulations in this part shall comply with all conditions of the donation of the surplus property for civil defense purposes as set forth in the regulations in this part. Upon report of breach of any term or condition to the Federal Civil Defense Administrator, from the Department of HEW, a state agency, or any other source with respect to items donated under the regulations in this part, the FCD Administrator will:

(a) Cause to be made a prompt investigation of the breach of condition or failure to comply.

(b) Make a determination as to whether a breach of condition has in fact been made, or that there is a failure to comply with the regulations in this part.

(c) Upon a determination that there has been a breach of condition or failure to comply, notify the state civil defense director, or his designee, of such breach and the measure required to rectify the breach or to comply with the regulations in this part.

(d) Assure that measures required to rectify the breach are taken; and, upon failure to comply, notify the State that the donee will no longer be eligible for the purposes of receiving property donated under the regulations in this part, and take such other steps as may be reasonably necessary under applicable statutes, or the regulations in this part, including civil or criminal prosecution where applicable.

(e) The FCDA will take necessary steps to see that state civil defense directors and the state agency designated for the acquisition and disposal of federal surplus personal property under the regulations in this part are fully informed of all steps taken in this compliance program.

§ 1702.9 *Property eligible for donation for civil defense purposes.* The Administrator will issue, and revise from time to time, representative lists of categories of surplus property usable and necessary for donation under the regulations in this part for civil defense purposes. The allocation of surplus property for donation for civil defense purposes by the Department of HEW and the certification by State agencies of the need and usability of such surplus property which falls within the requirements of an approved State civil defense plan shall be based upon these lists. Property requested by an appropriate civil defense organization which is not included on these lists must be fully justified, based upon the State or local civil defense plan, and approved by the State Civil Defense Director. The request shall be forwarded to the appropriate FCDA Regional Administrator, who will forward it with his recommendations, for the revision of the lists of categories of donable surplus property as established by the Administrator.

§ 1702.10 *Criteria to be observed in the allocation and distribution of surplus property to civil defense organizations.* (a) The Department of HEW will observe the following criteria in the allocating of surplus property as between regions and states for civil defense purposes:

(1) Areas in greatest need of the type of property under consideration.

(2) Replacement for civil defense property damaged, destroyed or consumed as a result of a major natural disaster.

(3) Location, conditions and transportability of property.

(4) The distance, considering transportation costs, beyond which property cannot be economically shipped.

(5) Such other criteria as the Administrator or the Department of HEW may from time to time promulgate.

(b) State agencies will observe the following criteria in the distribution of surplus property to eligible civil defense organizations:

(1) Areas in greatest need of the type of property under consideration.

(2) Civil defense training needs.

(3) Replacement for civil defense property damaged, destroyed or consumed as a result of a major natural disaster.

(4) Location, conditions and transportability of property.

(5) Ability of civil defense organizations to accept property.

(6) Availability to civil defense organizations of funds to handle, maintain, or warehouse.

(7) The quantity of property of a given type which has already been received by the civil defense organizations.

(8) The distance, considering transportation costs, beyond which property cannot be economically shipped.

(9) Where no priority is developed as a result of the above allocating factors, allocations will be made on the basis of civil defense needs as determined by the Administrator.

(10) Such other criteria as the Administrator or the Department of HEW may from time to time promulgate.

Effective date. The regulations in this part shall be effective as of November 1, 1956.

[SEAL] VAL PETERSON,
Administrator.

[F. R. Doc. 56-9483; Filed, Nov. 19, 1956; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1363]

[Arizona 011738]

ARIZONA

RESERVING LANDS FOR USE OF THE FOREST SERVICE FOR RESEARCH PURPOSES; REVOKING EXECUTIVE ORDERS NO. 4261 OF JULY 3, 1925 AND NO. 4602 OF MARCH 2, 1927

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as part of the Santa Rita Experimental Range, in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581, 581a–581k) as amended:

GILA AND SALT RIVER MERIDIAN

T. 18 S., R. 13 E.,
Secs. 24, 25, and 36.
T. 18 S., R. 14 E.,
Secs. 29, 30, 31, and 32;
Sec. 33, SW¼.
T. 19 S., R. 14 E.,
Secs. 4, 5, 6, 9, 15, and 16;
Sec. 10, S½ and NW¼;
Sec. 22, E½NE¼ and NE¼SE¼.
T. 17 S., R. 15 E.,
Secs. 33 and 34.
T. 18 S., R. 15 E.,
Sec. 3;
Sec. 4, N½ and SE¼.
In Coronado National Forest.
T. 19 S., R. 15 E.,
Sec. 19, W½W½ and NE¼;
Sec. 20, W½SW¼;
Sec. 29, W½NW¼ and SW¼;
Sec. 30, N½NE¼, SE¼NE¼, and NE¼NW¼;
T. 20 S., R. 15 E. (unsurveyed),
Sec. 5, NW¼NW¼.

The areas described aggregate 11,287.48 acres, including 751.04 acres of national forest lands.

Executive Orders No. 4261 of July 3, 1925 and No. 4602 of March 2, 1927, withdrawing public lands for use of the Department of Agriculture as an addition to a range experiment station are hereby revoked. The lands released by this paragraph aggregating 10,536.44 acres, are outside the Coronado National Forest and are withdrawn by paragraph 1 of this order.

This order shall take precedence over but not otherwise affect existing withdrawals of the lands for national forest purposes, so far as it affects any of the lands.

FRED G. AANDAHL,
Acting Secretary of the Interior.

NOVEMBER 14, 1956.

[F. R. Doc. 56-9458; Filed, Nov. 19, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 6-10.]

PART 6—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

EDITORIAL CHANGE

The Commission having under consideration the desirability of making certain editorial changes in Part 6 of its rules and regulations; and

It appearing that by previous Commission Order adopted June 13, 1956, Docket No. 10821, §§ 6.101 through 6.603 have been superseded by new Part 21, Domestic Public Radio Services (other than Maritime Mobile), and that, as a result, the remaining sections of this part relate primarily to International Fixed Public Radiocommunication Services;

It further appearing that the amendment adopted herein is editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4 (1), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 15th day of November 1956, that, effective November 21, 1956, the title of Part 6 is amended to read: Part 6—International Fixed Public Radiocommunication Services.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 5, 303, 48 Stat. 1068, as amended, 1082, as amended; 47 U. S. C. 155, 303)

Released: November 15, 1956

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9502; Filed, Nov. 19, 1956; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 244]

USE OF PUBLIC-LAND RIGHTS-OF-WAY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations setting forth the rules governing the use by third parties of rights-of-way granted by the Department of the Interior pursuant to the regulations of 43 CFR Part 244.

The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER.

FRED G. AANDAHL,
Acting Secretary of the Interior.

NOVEMBER 14, 1956.

The title to § 244.18 is revised as shown below, the present text is designated as paragraph (a), and a new paragraph (b) is added to read as follows:

§ 244.18 *Transfer of right-of-way; use by third parties.* * * *

(b) Unless otherwise provided by the regulations of this part, the holder of a right-of-way may not permit a third party to use that right-of-way in whole or in part, or the facilities constructed pursuant thereto, if such use would substantially alter the right granted, resulting in a different servitude from that contemplated by the original grant. Where a third party desires such use, he must make application for a separate right-of-way in accordance with, and subject to, the regulations of this part. The new easement, if granted, will be subordinate to the existing valid rights of the holder of the prior easement. The use by the holder of the subordinate easement of the facilities owned by the holder of the prior easement will be a matter of agreement between the two grantees and such agreement should not be submitted to the Bureau of Land Management.

[F. R. Doc. 56-9459; Filed, Nov. 19, 1956; 8:45 a. m]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

CHARLES M. STUART

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 5, 1956, 21 F. R. 3030.

A. Deletions: no change.
B. Additions: no change.

This statement is made as of October 27, 1956.

Dated: October 27, 1956.

CHARLES M. STUART.

[F. R. Doc. 56-9475; Filed, Nov. 19, 1956; 8:49 a. m.]

JACK H. SMITH

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Jack H. Smith.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: November 6, 1956.

4. Title of position: Director, Copper Division.

5. Name of private employer: Wolverine Tube Division of Calumet & Hecla, Inc.

JOHN F. LUKENS,
Acting Director of Personnel.

OCTOBER 22, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Wolverine Tube Division of Calumet & Hecla, Inc.
Bank deposits.

Dated: November 8, 1956.

JACK H. SMITH.

[F. R. Doc. 56-9476; Filed, Nov. 19, 1956; 8:49 a. m.]

CHARLES F. MCCAHILL

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Charles F. McCahill.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: October 26, 1956.

4. Title of position: Director, Forest Products Division.

5. Name of private employer: The Forest City Publishing Company, Cleveland, Ohio.

JOHN F. LUKENS,
Acting Director of Personnel.

OCTOBER 11, 1956.

Statement of Financial Interests

1. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director: None.

2. Names of any corporations in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests:

Allied Chemical & Dye Corp.
American Locomotive Co.
American Telephone & Telegraph Co.
American Tobacco Co.
Anaconda Co.
Atlantic Refining Co.
Bristol-Myers Co.
Cleveland-Cliffs Iron Co.
Consolidated Natural Gas Co.
Deere & Co.
Dow Chemical Co.
E. I. duPont de Nemours & Co.
Ford Motor Co.
Forest City Publishing Co.
General Electric Co.
General Fireproofing Co.
General Motors Corp.
Goodyear Tire & Rubber Co.
M. A. Hanna Co.
Industrial Rayon Corp.
Interchemical Corp.
Interlake Iron Corp.
Mack Trucks, Inc.
Massachusetts Investors Trust.
Montgomery Ward & Co., Inc.
National Steel Corp.
Ohio Edison Co.
Ohio Oil Co.
J. C. Penney Co.
Pennsylvania Railroad Co.
Phillips Petroleum Co.
Republic Steel Corp.
Richman Brothers Co.
Standard Oil Co. (New Jersey).
Sylvania Electric Products, Inc.
Union Carbide & Carbon Corp.
United States Steel Corp.
Westinghouse Electric Corp.
F. W. Woolworth Co.
Bank deposits.

3. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner: None.

4. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest: None.

Dated: November 13, 1956.

CHARLES F. MCCAHILL.

[F. R. Doc. 56-9477; Filed, Nov. 19, 1956; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2583, Amdt. 16]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

Order No. 2583, as amended (15 F. R. 5643, 6997; 16 F. R. 6805; 17 F. R. 7513, 10486; 18 F. R. 161, 3446, 5715; 19 F. R. 1021, 1937, 2555, 5919, 6126, 8936; 21 F. R. 5943), is further amended by adding the following new section.

SEC. 2.46 *Reconveyance of mineral interests.* The reconveyance of oil and gas and other mineral interests acquired by the United States when authorized by law.

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 13, 1956.

[F. R. Doc. 56-9460; Filed, Nov. 19, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6346 et al.]

REOPENED CHARLESTON, WEST VIRGINIA-COLUMBUS, OHIO CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on November 28, 1956, is postponed to December 7, 1956, at 10:00 a. m., e. s. t., in Room 1050 Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C. before Examiner John A. Cannon.

Dated at Washington, D. C., November 15, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9501; Filed, Nov. 19, 1956; 8:53 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

POSSIBLE ALLOCATION OF WOOL FABRIC TARIFF QUOTA

REQUEST FOR VIEWS

The Committee for Reciprocity Information hereby gives notice that it will receive views regarding the possible allocation of the annual tariff quota, established by a proclamation of the President on September 28, 1956 (Proc. No. 3160, 21 F. R. 7593), on woolens and worsteds under items 1108 and 1109 (a) of Part I Schedule XX (Geneva) of the General Agreement on Tariffs and Trade.

The purpose of receiving the views of interested parties is to assist the interdepartmental trade agreements committee in its consideration of possible means for applying the annual tariff quotas which under the terms of the proclamation of September 28, 1956, are to be determined annually beginning in 1957. The Committee is particularly considering the possibility of a system of quarterly allocation of such annual tariff quotas. The submission of views with respect to such a system of allocation, as well as with respect to other possible means of applying the tariff quota, is invited.

The Committee for Reciprocity Information hereby gives notice that all views should be submitted in writing not later than the close of business, December 10, 1956. Such written statements should be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Fifteen copies of written statements, either typed, printed or duplicated, should be submitted, of which one copy shall be sworn to. If any interested party considers that his views cannot be adequately expressed to the Committee for Reciprocity Information in a written statement, consideration will be given to a request for oral presentation before the Committee for Reciprocity Information.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked, "For Official Use Only of the Committee for Reciprocity Information."

All communications regarding this notice should be addressed to the Executive Secretary, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C.

By direction of the Committee for Reciprocity Information this 19th day of November 1956.

EDWARD YARDLEY,
Secretary,
Committee for
Reciprocity Information.

[F. R. Doc. 56-9562; Filed, Nov. 19, 1956; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7287, etc.; FCC 56M-1050]

TELEVISION CITY, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of: Television City, Inc., McKeesport, Pennsylvania, Docket No. 7287, File No. BPCT-147; WCAE, Incorporated, Wilkinsburg, Pennsylvania, Docket No. 8782, File No. BPCT-293; William G. Matta and George C. Matta, d/b as Matta Enterprises, Braddock, Pennsylvania, Docket No. 11006, File No. BPCT-1467; Wespen Television, Inc., Irwin, Pennsylvania, Docket No. 11007, File No. BPCT-1732; Irwin Community Television Company, Irwin, Pennsylvania, Docket No. 11008, File No. BPCT-1742; for television construction permits (Channel 4).

It is ordered, This 14th day of November 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which was directed by the Commission in its order released November 9, 1956; and: *It is further ordered,* That the said hearing will commence on Monday, December 3, 1956, in the Offices of the Commission, Washington, D. C.

Released: November 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9503; Filed, Nov. 19, 1956; 8:53 a. m.]

[Docket Nos. 10268 etc.; FCC 56-1120]

WJR, THE GOODWILL STATION, INC. ET AL.

ORDER CONTINUING HEARING

In re applications of WJR, The Goodwill Station, Inc., Flint, Michigan, Docket No. 10268, File No. BPCT-967; Trebit Corporation, Flint, Michigan, Docket No. 10269, File No. BPCT-968; W. S. Butterfield Theatres, Inc., Flint, Michigan, Docket No. 10270, File No. BPCT-953; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of November 1956;

The Commission having under consideration its order released October 19, 1956 (FCC 56-996), designating the instant proceeding for further hearing; a motion for continuance of hearing filed November 2, 1956, by W. S. Butterfield Theatres, Inc., and Trebit Corporation requesting that the hearing now scheduled to commence November 16, 1956, be continued without date pending action on a joint petition for vacation of the October 19 order and for other relief; a petition to intervene filed October 29, 1956, by Lake Huron Broadcasting Corporation; and other pleadings relating to the foregoing;

It appearing that the Commission will be unable to dispose of the questions raised by the petition to vacate and the petition to intervene before November 16, 1956; that other pleadings with respect thereto may still be filed; and that the nature of this proceeding makes it desirable in the interests of an orderly disposition of the matter to postpone the hearing until such time as the pending questions are settled;

It is ordered, That the petition for continuance is granted to the extent that the hearing now scheduled to commence November 16, 1956, is continued to December 17, 1956, and that the petition is otherwise denied.

Released: November 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9504; Filed, Nov. 19, 1956; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6577]

DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION, FALCON PROJECT

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER

NOVEMBER 13, 1956.

Notice is hereby given that pursuant to the provisions of the act of Congress dated June 18, 1954 (68 Stat. 255), the Bureau of Reclamation of the United States Department of Interior, filed with the Federal Power Commission for approval, the following rates and charges for the sale of the United States' share of electric energy generated at the Falcon Dam located on the Rio Grande River on the international boundary between the United States and Mexico.

WHOLESALE POWER RATE SCHEDULE R5-S2

Interim schedule of rates for sale of peaking capacity:

Annual peaking capacity charge—Fifteen ($15.00) dollars per kilowatt per year of billing demand payable in October of each year.

Monthly energy charge—First 400 hours times the billing demand at 1.75 mills per kilowatt-hour.

Balance of energy at 1.0 mill per kilowatt-hour.

"Annual peaking capacity" is defined as that capacity to be available continuously (exclusive of Saturdays and Sundays), which is scheduled in accordance with the billing demand. The United States may restrict deliveries associated with such capacity so that daily deliveries of energy are equal to the billing demand time 6 hours' use, except that energy deliveries may be further restricted to a quantity equal to 20 hours' use for any 5-day operating period.

WHOLESALE POWER RATE SCHEDULE R5-S3

Interim schedule of rates for sale of dump energy:

Monthly energy charge—All energy delivered between the hours of 8:00 a. m. and 10:00 p. m. of any day—1.75 mills per kilowatt-hour.

All energy delivered in other daily hours at 1.0 mill per kilowatt-hour.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing, should submit the same in writing on or before December 5, 1956, to the Federal Power Commission, Washington 25, D. C. The proposed rates in their entirety are on file with the Commission and available for inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9465; Filed, Nov. 19, 1956; 8:47 a. m.]

[Docket No. G-2738, etc.]

S. D. COSS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 14, 1956.

In the matters of S. D. Coss, et al., Docket No. G-2738; Charles E. Young, Docket No. G-2743; Kerr-McGee Oil Industries, Inc., Docket No. G-2763; Central Explorers Oil Company, Docket No. G-2769; Nichols & Nichols & Nichols, Docket No. G-3760; United Producing Company, Inc., Docket No. G-3912; Wilbur Roush, Eber S. Roush, George Roush, Docket No. G-6382; Henshaw Brothers, Docket No. G-6426; Dwight L. Simmons and J. W. Bullion, Trustees of the J. B. Stoddard and Claire Benz Stoddard Trusts, Docket No. G-6481; Clyde E. Davis and Dick Wegener d/b/a Dick Wegener, Drilling Contractor, Docket No. G-7266.

Take notice that the persons hereinabove captioned (Applicants), filed, as hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant in each docket sells natural gas in interstate commerce from production of certain leases, units or acreage located in the area indicated to the respective purchasers as indicated for resale.

In Docket No. G-2743, Applicant's sale of gas from the Young Field, Washington County, Pennsylvania to Peoples Natural Gas Company, and in Docket No. G-3912, Applicant's sale of gas from the Barry Field, DeWitt County, Texas to Southwest Natural Gas Company, appear to be in intrastate commerce.

Docket No.; Name of Applicant; Source of Gas; and Purchaser

G-2738; S. D. Coss, C. T. Smith, C. T. Feick, C. R. Piersal, Robert C. Lincome, Mrs. G. L. Finck, Partners; Mead District, Tyler County, W. Va.; Hope Natural Gas Company.

G-2743; Charles E. Young; Young Field, Washington County, Pa.; Peoples Natural Gas Company.

G-2743; Charles E. Young; Dog Comfort Run, Ritchie County, W. Va.; Consumers Gas Utility Company.

G-2743; Charles E. Young; McKim District, Pleasant County, W. Va.; Hope Natural Gas Company.

G-2743; Charles E. Young; Burning Springs, Wirt County, W. Va.; Godfrey L. Cabot, Inc.

G-2743, Charles E. Young; North Strabane Township, Washington, Pa.; Manufacturers Light and Heat Company.

G-2763; Kerr-McGee Oil Industries, Inc.; Carthage Field, Panola County, Tex.; Arkansas-Louisiana Gas Company.

G-2769; Central Explorers Oil Company; Spraberry Trend, Upton County, Tex.; Texas Gas Products Corporation.

G-3760; Wayne M. Nichols, Hollis W. Nichols, George R. Nichols; Sharon Field, Potter and McKean Counties, Pa.; North Penn Gas Company.

G-3912; United Producing Company, Inc.; Appalachian Area, Boone, Wyoming, and

Logan Counties, W. Va., and Buchanan County, Va.; Hope Natural Gas Company.

G–3912; United Producing Company, Inc.; Hugoton Field, Grant, Haskell, and Seward Counties, Kans.; Cities Service Gas Company.

G–3912; United Producing Company, Inc.; Guymon-Hugoton Field, Texas County, Okla.; Cities Service Gas Company.

G–3912; United Producing Company, Inc.; Hugoton Field, Grant, Haskell, and Stanton Counties, Kans.; Colorado Interstate Gas Company.

G–3912; United Producing Company, Inc.; West Panhandle Field, Wheeler County, Tex.; Lone Star Gas Company.

G–3912; United Producing Company, Inc.; Hugoton Field, Stevens, and Seward Counties, Kans.; Magnolia Petroleum Company.

G–3912; United Producing Company, Inc.; Hugoton Field, Stevens, and Seward Counties, Kans.; Northern Natural Gas Company.

G–3912; United Producing Company, Inc.; Keyes Field, Cimarron, and Beaver Counties, Okla.; Panhandle Eastern Pipe Line Company.

G–3912; United Producing Company, Inc.; Hugoton Field, Meade, Morton, and Seward Counties, Kans.; Panhandle Eastern Pipe Line Company.

G–3912; United Producing Company, Inc.; Hugoton Field, Stevens, and Seward Counties, Kans.; Panhandle Eastern Pipe Line Company.

G–3912; United Producing Company, Inc.; Hugoton Field, Stevens County, Kans.; Panhandle Eastern Pipe Line Company.

G–3912; United Producing Company, Inc.; Texas-Hugoton Field, Sherman County, Tex.; Phillips Petroleum Company.

G–3912; United Producing Company, Inc.; Texas-Hugoton Field, Hansford County, Tex.; Phillips Petroleum Company.

G–3912; United Producing Company, Inc.; Texas-Hugoton Field, Sherman County, Tex.; Shamrock Oil and Gas Corporation.

G–3912; United Producing Company, Inc.; Barry Field, DeWitt County, Tex.; Southwest Natural Gas Company.

G–6382; Wilbur Roush, Eber S. Roush and George Roush; Sutton Township, Meigs County, Ohio; Ohio Fuel Gas Company.

G–6426 as amended 7–26–56; Walter A. Henshaw, Paul A. Henshaw d/b/a Henshaw Brothers, Karl Streiber, A. B. Spencer, Jr.,[1] and O. R. Mitchell; South Cottonwood Creek Field, De Witt County, Tex.; Texas Eastern Transmission Corporation.

G–6481 as amended 10–15–56; Dwight L. Simmons and J. W. Bullion, trustees of the J. B. Stoddard and Claire Benz Stoddard Trusts;[2] Hugh W. Stoddard; Wirt Davis II; Patricia Davis Beck; Camilla Davis Blaffer; Republic National Bank of Dallas, Trustee for Cecile Ann Florence; Republic National Bank of Dallas and David Lewis Florence, Co-Trustees; Columbus Field, Colorado County, Tex.; Trunkline Gas Supply Company.

G–7266; Clyde E. Davis and Dick Wegener d/b/a Dick Wegener, Drilling Contractor; Southeast Velma Field, Stephens County, Okla.; Skelly Oil Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 17, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–9486; Filed, Nov. 19, 1956; 8:50 a. m.]

[Docket No. G–4366 etc.]

HUNT OIL CO. ET AL.

ORDER REOPENING, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matter of Hunt Oil Company, Docket No. G–4366; Midstates Oil Corporation, et al., Docket No. G–4932, et al.

On February 7, 1956, the Federal Power Commission issued an order in the above-entitled proceeding issuing a certificate of public convenience and necessity to Hunt Oil Company (Hunt Oil) authorizing Hunt Oil to sell natural gas in interstate commerce from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana Nevada Transit Company (Louisiana-Nevada) for resale.

In a related proceeding In the Matters of Midstates Oil Corporation, et al., Docket Nos. G–4932, et al., a hearing had commenced on July 29, 1955, and is scheduled to reconvene on November 26, 1956. One of the issues in the Midstates matter is whether the Cotton Valley Operators Committee (which is the "operator" for the sale of the gas of several producers, including Hunt Oil, to Louisiana-Nevada) should file application for the certificate, or whether a separate certificate is required to be issued to Hunt Oil and certain other producers, authorizing each of them to sell gas from Cotton Valley Field to Louisiana-Nevada.

The Commission finds: In view of the existence of common questions of law or fact, that portion of the proceeding In the Matter of Hunt Oil Company, Docket No. G–4366, which is concerned with the application of Hunt Oil for a certificate of public convenience and necessity authorizing Hunt Oil to sell natural gas from Cotton Valley Field to Louisiana-Nevada should be reopened and consolidated with the proceeding In the Matters of Midstates Oil Corporation, et al., Docket Nos. G–4932, et al., which is scheduled to reconvene at 10:00 a. m., e. s. t., on November 26, 1956, and the matter of the issuance of the certificate to Hunt Oil should be reconsidered.

The Commission orders: That portion of the proceeding in Docket No. G–4366, as specified in the Finding herein, be and the same hereby is reopened[1] and consolidated with the consolidated proceeding In the Matters of Midstates Oil Corporation, et al., Docket Nos. G–4932, et al., which is scheduled to reconvene at 10:00 a. m., e. s. t., on November 26, 1956, for the purpose of reconsidering the issuance of the certificate to Hunt Oil and determining whether the certificate is required to be vacated.

Issued: November 13, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–9462; Filed, Nov. 19, 1956; 8:46 a. m.]

[Docket No. G–4656 etc.]

ANDERSON-PRICHARD OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G–4656; Anderson-Prichard Oil Corporation; Strauch-Wilcox, Bee County, Tex.; Texas Eastern Transmission Corporation.

G–4657; Anderson-Prichard Oil Corporation; Frelsburg, Colorado County, Tex.; Tennessee Gas Transmission Company.

G–4659; Anderson-Prichard Oil Corporation; San Domingo, (Strauch-Wilcox), Bee County, Tex.; Texas Eastern Transmission Corporation.

G–4660; Anderson-Prichard Oil Corporation; Strauch-Wilcox, Bee County, Tex.; Texas Eastern Transmission Corporation.

G–5736, G–5737, G–8257; Sawyer and Fitzgerald; Hiram Anticline Field, Middle Fork and Roaring Creek Districts, Randolph County, W. Va.; Cumberland and Alleghany Gas Company.

A public hearing will be held on the 10th day of December, 1956, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

NOVEMBER 13, 1956.

[F. R. Doc. 56–9463; Filed, Nov. 19, 1956; 8:46 a. m.]

[Docket No. G–4932 etc.]

MIDSTATES OIL CORP. ET AL.

ORDER GRANTING REHEARING, CONSOLIDATED PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Midstates Oil Corporation, Docket No. G–4932; Seneca Development Company, Docket No. G–8616; Hassie Hunt Trust, Docket No. G–8618; Hunt Oil Company, Docket No. G–8619; H. L. Hunt, Docket No. G–8620; Nebo Oil Company, Inc., Docket No. G–8621; G. H. Vaughn, Docket No. G–8902; Sunray Mid-Continent Oil Company, Docket No. G–8960; Cotton Valley Operators Committee, Docket No. G–9086; Woodley Petroleum Company, Docket No. G–9772; Kathleen O'Boyle Trust No. 2, Docket No. G–8617; Seneca Development Company, Docket No. G–3278; Nebo Oil Company, Inc., Docket No. G–3296; Midstates Oil Corporation, Docket No. G–3553; Woodley Petroleum Company, Docket No. G–3845.

On October 18, 1956, Seneca Development Company (Seneca) and Nebo Oil Company, Inc. (Nebo), filed a joint application for rehearing of the Commission's order issued September 25, 1956, In the Matters of F. C. Deemer, et al., Docket Nos. G–3025, et al., rescinding and vacating the certificates of public convenience and necessity which had been issued on September 11, 1956, to Seneca in Docket No. G–3278 and to Nebo in Docket No. G–3296, and rejecting the respective applications filed by Seneca and Nebo.

On October 22, 1956, Woodley Petroleum Company (Woodley) filed an application for rehearing of the same Commission order issued September 25, 1956, In the Matters of F. C. Deemer, et al., Docket Nos. G–3025, et al., rescinding and vacating the certificates of public convenience and necessity which had been issued on September 11, 1956, to Woodley in Docket No. G–3845, and rejecting the application filed by Woodley.

On October 25, 1956, Midstates Oil Corporation (Midstates) filed an application for rehearing of the Commission's order issued October 3, 1956, In the Matter of Midstates Oil Corporation, Docket Nos G–3518, et al., rescinding and vacating the certificate of public convenience and necessity which had been issued on September 18, 1956, to Midstates in Docket No. G–3553, and rejecting the application filed by Midstates.

In each of the applications, it is asserted that rescission of the certificates prejudges the issues now pending before the Presiding Examiner in the proceeding In the Matters of Midstates Oil Corporation, et al., Docket Nos. G–4932, et al. The Midstates proceeding involves the same deliveries of gas which are covered by the above certificates, as well as deliveries by certain other operators in the Cotton Valley Field.

It is evident that the issue raised by the applications of Seneca, Nebo, Woodley and Midstates for certificates of public convenience and necessity—whether a separate certificate is required or authorized to be issued in their respective names—may be corollary to one of the issues in the Midstates matter, that is, whether the certificate of public convenience and necessity should be issued in the name of Cotton Valley Operators Committee authorizing the sale of natural gas to Louisiana Nevada Transit Company.

The Commission finds:

(1) Good cause has been shown to grant: (a) the applications for rehearing of the Commission's order issued September 25, 1956, In the Matters of F. C. Deemer, et al., Docket Nos. G–3025, et al., filed by Seneca and Nebo on October 18, 1956, and by Woodley on October 22, 1956, and (b) the application for rehearing of the Commission's order issued October 3, 1956, In the Matter of Midstates Oil Corporation, Docket Nos. G–3518, et al., filed by Midstates on October 25, 1956.

(2) In view of the existence of common questions of law or fact, the proceedings In the Matter of Seneca Development Company, Docket No. G–3278, In the Matter of Nebo Oil Company, Inc., Docket No. G–3296, In the Matter of Midstates Oil Corporation, Docket No. G–3553 and In the Matter of Woodley Petroleum Company, Docket No. G–3845, should be consolidated with the proceeding now scheduled to reconvene on November 26, 1956, In the Matters of Midstates Oil Corporation, et al., Docket Nos. G–4932, et al.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 14, 15, 16, 19 and 20, the applications for rehearing filed by Seneca, Nebo, Woodley and Midstates, as specified in Finding (1) of this order, be and the same are hereby granted, and a public hearing shall be held commencing November 26, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the said applications for rehearing, together with the matters previously scheduled by the Presiding Examiner for consideration on November 26, 1956, In the Matters of Midstates Oil Corporation, et al., Docket Nos. G–4932, et al.

(B) For purposes of rehearing, the proceedings in Docket Nos. G–3278, G–3296, G–3553 and G–3845 be and the same hereby are consolidated with the proceeding in Docket Nos. G–4932, G–8616, G–8618, G–8619, G–8620, G–8621, G–8902, G–8960, G–9086, G–9772 and G–8617.

Issued: November 13, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–9466; Filed, Nov. 19, 1956; 8:47 a. m.]

[Docket Nos. G–6516, G–8319]

D. F. O'ROURKE ET AL.

ORDER OF SEVERANCE AND POSTPONEMENT OF HEARING

In the matters of D. F. O'Rourke et al. and Sam Sklar, Trustee, Docket Nos. G–6516 and G–8319.

The proceedings upon the applications of D. F. O'Rourke, et al., Docket No. G–6516 in the consolidated proceedings including, among others, the application of Sam Sklar, Trustee (Docket No. G–8319), came on November 1, 1956, pursuant to due notice given thereof by publication in the FEDERAL REGISTER and otherwise.

Upon request of Jerome M. Alper, attorney for the applicant, Sam Sklar, by letter dated October 8, 1956 and received on October 11, 1956, and upon action of Commission Staff, Counsel, made upon the record of the proceedings on November 1, 1956 for severance and continuance of the hearing on said application.

The Commission finds: Good cause exists for the severance of the application at Docket No. G–8319 from the consolidated proceedings and continuance thereof until further notice.

The Commission orders: The application of Sam Sklar, Trustee, (Docket No. G–8319) be severed from the other dockets with which it is consolidated and is continued until further notice.

Issued: November 14, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–9484; Filed, Nov. 19, 1956; 8:50 a. m.]

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[1] A. B. Spencer, Jr., was substituted for George A. Musselman by amendment filed July 26, 1956, in Docket No. G–6426.

[2] Substituted for J. B. Stoddard by amendment filed October 15, 1956, in Docket No. G–6481.

[1] This action should not be construed as affecting in any way the remainder of the certificate issued in Docket No. G–4366 authorizing sales from other fields to other purchasers.

pended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed change in rate and charge; and, pending such hearing and decision thereon, First Revised Sheet No. 2-a to Mississippi's FPC Gas Tariff, Original Volume No. 2, hereby is suspended and the use thereof deferred until April 15, 1957 and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Revised Sheet hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 14, 1956.

By the Commission.

LEON M. FUQUAY, *Secretary.*

[SEAL]

[F. R. Doc. 56-9485; Filed, Nov. 19, 1956; 8:50 a. m.]

[Project No. 400]

WESTERN COLORADO POWER CO.

NOTICE OF LAND WITHDRAWAL

OCTOBER 31, 1956.

By Commission's letters of October 19, 1923, May 20, 1936, June 27, 1941 and September 1, 1949 the General Land Office (now the Bureau of Land Management) was notified of the reservation of United States land within this project pursuant to the filing by The Western Colorado Power Company on March 28, 1923, February 23, 1938 and February 21, 1949 of applications, both original and amendatory, for Project No. 400.

On March 19, 1956 the Licensee filed an application to further amend its license to include revised exhibit ("K") drawings showing the relocation of its reconstructed Trout Lake Flowline. The revised exhibit indicates that only a small part of the original right-of-way is to be occupied by the project facility as reconstructed.

In accordance with the provisions of section 24, of the act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands of the United States are included in the aforesaid power project facility as relocated.

Under said section 24, these lands are from the date of filing for amendment of license (March 19, 1956) reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

All portions of the following subdivisions lying within 50 feet of the center line survey of the flowline location as delimited on map designated "Amended Exhibit 'K', Tacoma-Alma-Ilium Project of the Western Colorado Power Company, Trout Lake Flowline Reconstruction," and filed in the office of the Federal Power Commission on March 19, 1956.

New Mexico Meridian, Colorado

T. 41 N., R. 9 W.,
Sec. 5: Lots 2, 5 and 10 excepting patented mineral lands and mineral claim pending patenting.
Sec. 8: NE¼NW¼;
T. 42 N., R. 9 W.,
Sec. 32: E½SW¼, N½SE¼, SW¼SE¼ excepting patented mineral lands.

The area reserved pursuant to the filing of this application for amendment of license is approximately 11.47 acres, wholly within the Uncompahgre National Forest.

This withdrawal does not affect prior notices given to Bureau of Land Management for this project.

Copies of revised exhibit "K" (FPC No. 400-44) have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

LEON M. FUQUAY, *Secretary.*

[SEAL]

[F. R. Doc. 56-9464; Filed, Nov. 19, 1956; 8:46 a. m.]

[Docket No. G-11466]

JAY SIMMONS ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Jay Simmons, et al. (Simmons), on October 17, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date

Notice of Change undated; United Fuel Gas Company; Supplement No. 3 to Simmon's FPC Gas Rate Schedule No. 7; November 1, 1956.

By order issued November 2, 1955, in Docket No. G-9606, a prior increase under the same rate schedule was suspended and its use deferred until April 4, 1956, or until such further time it is made effective in the manner prescribed by the Natural Gas Act. The increase in Docket No. G-9606 has not been made effective. The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be suspended and the same hereby is suspended and the use thereof deferred until April 16, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 14, 1956.

By the Commission.[1]

LEON M. FUQUAY, *Secretary.*

[SEAL]

[F. R. Doc. 56-9487; Filed, Nov. 19, 1956; 8:51 a. m.]

[Docket No. G-11467]

MISSISSIPPI RIVER FUEL CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

On October 12, 1956, Mississippi River Fuel Corporation (Mississippi) submitted for filing a proposed change in its presently effective Rate Schedule No. 7 providing for sale of natural gas to Texas Eastern Transmission Corporation. The proposed change which constitutes an increased rate and charge, is contained in First Revised Sheet No. 2-a to Mississippi's FPC Gas Tariff, Original Volume No. 2, and is proposed to become effective on November 15, 1956.

In support of the proposal, Mississippi states that it effectuates a contractual periodic price escalation.

The increased rate and charge proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge and that First Revised Sheet No. 2-a to Mississippi's FPC Gas Tariff, Original Volume No. 2, be sus-

[1] Commissioner Digby dissenting.

[Project No. 2067]

OAKDALE AND SOUTH JOAQUIN IRRIGATION DISTRICTS, TULLOCH PROJECT, CALIF.

NOTICE OF LAND WITHDRAWAL

JUNE 25, 1956.

By letter dated March 6, 1951 this Commission gave notice to the Bureau of Land Management of the reservation of approximately 176.00 acres of lands of the United States pursuant to the filing of an application for license on December 18, 1950 by the Oakdale and South San Joaquin Irrigation Districts.

A re-examination of land records discloses an additional 15 acres of lands of the United States, not described in that letter, which are within the project area.

Therefore pursuant to section 24 of the Act of June 10, 1920, the hereinafter described lands are from said date of filing (December 18, 1950) reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 N., R. 12 E.,
Sec. 24, SW¼NE¼NW¼, W½SE¼NE¼NW¼.

Copy of maps (F. P. C. No. 2067, sheets 1 to 6 inclusive), showing the project area accompanied the withdrawal letter dated March 6, 1951.

LEON M. FUQUAY, *Secretary.*

[SEAL]

[F. R. Doc. 56-9467; Filed, Nov. 19, 1956; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DIRECTOR, COMMUNITY DISPOSITION PROGRAM; COMMUNITY DISPOSITION SUPERVISORS

AMENDMENT OF DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSITION OF CERTAIN GOVERNMENT-OWNED PROPERTY AT AEC COMMUNITIES OF OAK RIDGE, TENN., AND RICHLAND, WASH.

The delegation of authority with respect to the disposition of certain Government-owned property at the Atomic Energy Commission communities of Oak Ridge, Tennessee, and Richland, Washington, effective as of May 16, 1956 (21 F. R. 3236, 3237, May 16, 1956), is hereby amended in the following respect:

Paragraph numbered 2 is amended to read as follows:

2. Each Community Disposition Supervisor is hereby authorized, on behalf of the Administrator, to:

a. Execute any deed, contract to purchase (installment contract of purchase), offer, acceptance, or other form of contract of sale, or other instrument, in connection with the disposition of the Government's interest in property at such communities, or lease of such property;

b. Make the finding concerning the availability of financing on reasonable terms from sources other than the Housing and Home Finance Agency pursuant to section 62 of the Atomic Energy Community Act of 1955, as amended (42 U. S. C. 2362), in connection with the disposition of the Government's interest in such property.

Effective as of the 28th day of October 1956.

ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 56-9497; Filed, Nov. 19, 1956; 8:52 a. m.]

DEPUTY URBAN RENEWAL COMMISSIONER ET AL.

DESIGNATION AND ORDER OF PRECEDENCE TO ACT AS URBAN RENEWAL COMMISSIONER

The officers appointed to the following listed positions in the Urban Renewal Administration of the Housing and Home Finance Agency (excluding persons designated to serve in an acting capacity) are hereby designated to act in the place and stead of the Urban Renewal Commissioner, with the title of "Acting Urban Renewal Commissioner" and with all the powers, rights, and duties assigned to the Commissioner, in the event the Commissioner is unable to act by reason of his absence, illness, or other cause, provided that no officer shall serve in such acting capacity unless all other officers whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Deputy Urban Renewal Commissioner;

2. Assistant Commissioner for Operations;

3. Assistant Commissioner for Technical Standards and Services;

4. Chief Counsel;

5. Director, Planning and Engineering Branch.

This order supersedes the order effective December 22, 1955 (20 F. R. 9875-76) respecting this same subject.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 20th day of November 1956.

ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 56-9498; Filed, Nov. 19, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 15, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32891: *Newsprint paper and paper winding cores in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, and newsprint paper winding cores, carloads between points in southern territory.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 25 to Agent Spaninger's I. C. C. 1525.

FSA No. 32892: *Various commodities from central territory to the Twin Cities.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on various commodities in carloads from points in central territory to Minneapolis, Minnesota Transfer, and St. Paul, Minn.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32893: *Iron and steel from Kansas City, Mo.-Kans., to Illinois Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Kansas City, Mo.-Kans., to points in Illinois freight association territory.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 45 to Agent Prueter's I. C. C. A-3821.

FSA No. 32894: *Malt liquors—W. T. L. Territory to Boulevard, Fla.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on malt liquors, in carloads, also empty containers in reverse direction from points in western trunkline territory to Boulevard, Fla.

Grounds for relief: Market competition, to maintain grouping, and circuitous routes.

Tariff: Supplement 12 to Agent Prueter's I. C. C. A-4129.

FSA No. 32895: *Crude rubber to Decatur, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on crude rubber, in carloads from Baton Rouge and North Baton Rouge, La., to Decatur, Ill.

Grounds for relief: Rates constructed on basis of a short line distance formula and circuity.

Tariff: Supplement 205 to Alternate Agent J. H. Marque's I. C. C. 417.

FSA No. 32896: *Fertilizer and fertilizer materials—Norfolk, Va., to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads from Norfolk, Va., to A. & E. C. Ry., stations in North Carolina.

Grounds for relief: Circuitous routes.

Tariff: Supplement 48 to Agent Spaninger's I. C. C. 1510.

FSA No. 32897: *Crude rubber to Brightwood, Mass.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on crude rubber, in carloads from Baton Rouge and North Baton Rouge, La., to Brightwood, Mass.

Grounds for relief: Rates constructed on basis of a short-line distance formula and circuity.

Tariff: Supplement 35 to Alternate Agent J. H. Marque's tariff I. C. C. 442.

FSA No. 32898: *Commodity rates from and to Neds Branch, W. Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodity rates (other than coal and coke), from and to Neds Branch, W. Va.

Grounds for relief: Establishment of rates from and to a new station.

FSA No. 32899: *Crude rubber—Texas and Louisiana to Decatur, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, in carloads from Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La., to Decatur, Ill.

Grounds for relief: Rates constructed on basis of a short-line distance formula and circuity.

Tariffs: Supplements Nos. 182 and 265 to Agent Kratzmeir's I. C. C. Nos. 4087 and 4139, respectively.

FSA No. 32900: *Roofing material—Arkansas and Louisiana to Oklahoma.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing material and sheathing, in carloads from Camden, Ark., New Orleans and Shreveport, La., to Oklahoma City and Tulsa, Okla.

Grounds for relief: Motor competition and circuity.

Tariffs: Supplements Nos. 178 and 21 to Agent Kratzmeir's I. C. C. Nos. 4109 and 4179, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9478; Filed, Nov. 19, 1956; 8:49 a. m.]

[No. MC-C-2015]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC., ET AL.

SOUTHERN MOTOR RATE INCREASES—1956

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of October A. D. 1956.

The Southern Motor Carriers Rate Conference, Inc., other associations and certain common carriers by motor vehicle, as listed in the appendix hereto, have filed petitions requesting (a) an investigation of rates on general commodities (with certain exceptions) maintained on truckload or volume-rated traffic by all common carriers by motor vehicle operating within southern territory and interterritorially between the East and the South, insofar as the lawfulness of those rates may be affected by differences resulting from the nonapplication of a recent 6 percent general increase in rates by certain of the motor common carriers; (b) the issuance of an order by the Commission requiring all such carriers to increase the rates described by 6 percent and to observe the rates so increased as minimum rates for a period of not less than 90 days; and (c) that all carriers by motor vehicle operating in the defined territories be made respondents in such proceedings.

The rates and territories are more specifically described in the said petitions as listed in the appendix.

A reply in opposition to the petitions for an investigation has been filed by the St. Andrews Bay Transportation Company.

Upon consideration of the matters set forth in the petitions and the reply, it appears that good cause has been shown to warrant institution of an investigation to determine whether any unlawfulness exists as a result of differences in the specified rates of the carriers made respondents herein caused by the nonapplication by some of them of the 6 percent general increase published by others and to determine whether a minimum basis should be required to be established to remove any unlawfulness that may be found to exist.

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the reasonableness and the lawfulness otherwise of the rates and charges on truckload or volume rated traffic of all common carriers by motor vehicle subject to the Interstate Commerce Act engaged in the transportation of general commodities (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading) intraterritorially within southern territory and interterritorially between the South and the East, as those territories are described in Southern Motor Carriers Rate Conference Eastern-Southern Class Tariff 504, MF-I. C. C. No. 614 and Southern Class Tariff 501, MF-I. C. C. No. 611. Such investigation is ordered, as requested, to determine whether an order should be issued requiring all carriers that have not applied a general increase of 6 percent, to increase their rates on truckload or volume rated traffic by 6 percent over the level of rates maintained by such carriers on intraterritorial traffic within southern territory on July 15, 1956, and the rates on interterritorial traffic between that territory and eastern territory in effect on July 1, 1956, or to grant such other relief and to enter such other order or orders, as the facts shall warrant.

It is further ordered, That all common carriers by motor vehicle subject to the Interstate Commerce Act engaged in the transportation of property as described in the preceding ordering paragraph be, and they are hereby, made respondents in this proceeding.

It is further ordered, That this proceeding be, and it is hereby, set for hearing at the office of the Southern Motor Carriers Rate Conference, Inc., 1307 Peachtree Street, N. E., Atlanta, Ga., on December 17, 1956, at 10 o'clock a. m. U. S. Standard Time, before Examiner George E. Vandiver.

And it is further ordered, That a copy of this order be served on each respondent and that notice of this proceeding be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX

List of Petitions and replies:

(1) Petition of Southern Motor Carriers Rate Conference, Inc., seeking (a) an investigation by the Commission on its own motion, into the non-application by certain carriers of a recent six percent general rate increase published for motor carriers operating within Southern territory and between Eastern and Southern territories, (b) an order of the Commission requiring observance of increased rates and charges on truckload or volume rated traffic as minima for not less than 90 days, and (c) making all motor common carriers operating in the defined territories respondents in such investigation, dated August 17, 1956;

(2) Supplemental clarifying petition of Southern Motor Carriers Rate Conference, Inc., seeking inclusion of carriers transporting commodities requiring special equipment as respondents in the above-described investigation, dated August 30, 1956;

(3) Petition of Central and Southern Motor Freight Tariff Association, Inc., in support of the petitions of Southern Motor Carrier Rate Conference, Inc., above, dated September 5, 1956;

(4) Petition of Bottoms—Fiske Truck Lines, Inc., in support of the petitions of Southern Motor Carriers Rate Conference, Inc., above, dated September 11, 1956;

(5) Petition of Dixie Ohio Express, Inc., in support of the petitions of Southern Motor Carriers Rate Conference, Inc., above, dated September 7, 1956;

(6) Petition of Great Southern Trucking Company in support of the petitions of Southern Motor Carriers Rate Conference, Inc., above, dated September 12, 1956;

(7) Petition of Super Service Motor Freight Co., in support of the petitions of Southern Motor Carriers Rate Conference, Inc., above, dated September 13, 1956;

(8) Petition of Motor Carriers Traffic Association, Inc., in support of petitions of Southern Motor Carriers Rate Conference, Inc., above, dated August 24, 1956;

(9) Petition of Nehi Corporation, in support of the petitions of the Southern Motor Carriers Rate Conference, above, insofar as they request an investigation, dated September 15, 1956;

(10) Petition of Huber & Huber Motor Express, Inc., in support of the petitions of the Southern Motor Carriers Rate Conference, above, dated Septemebr 17, 1956.

(11) Reply of St. Andrews Bay Transportation Company, dated August 30, 1956.

[F. R. Doc. 56-9479; Filed, Nov. 19, 1956; 8:49 a. m.]

MOTOR CARRIER BOARD

ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS AND DESIGNATION AS APPELLATE DIVISION

NOVEMBER 14, 1956.

The Organization Minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended, effective July 17, 1956 (21 F. R. 6310), have been amended. Effective November 9, 1956, Item 7.4 (b) relating to assignment of work, business and functions under section 210a (a) of the act to the Motor Carrier Board was amended to read as follows:

(b) Section 210a (a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle, except applications involving broad questions of policy; matters following the issuance of an order or requirement of the Commission or a Division thereof; matters in which a related question is already before the Commission or a Division; and applications received as a result of strikes which allegedly disrupt transportation in the areas involved, provided that any initial grant of temporary authority by the Motor Carrier Board shall be limited to a period not exceeding 60 days, but may be continued by the board, upon consideration of an appropriate petition, for a further period, not to exceed an aggregate of 180 days. Matters herein excepted from the Board's jurisdiction shall be certified to Division 1 under Item 7.4 (f).

Also effective November 9, 1956, Item 8.5 relating to rehearings and further proceedings, was amended to read as follows:

8.5 Division One is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Motor Carrier Board shall be assigned or referred for disposition, (except as otherwise provided in Item 7.4 (b),) and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9480; Filed, Nov. 19, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1833]

UNION BAG-CAMP PAPER CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 14, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Union Bag-Camp Paper Corporation, Capital Stock, File No. 7-1833.

The above-named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 30, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9470; Filed, Nov. 19, 1956; 8:48 a. m.]

[File No. 24A-1072]

LITHIUM METAL REDUCTION CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 13, 1956.

I. Lithium Metal Reduction Corporation, a Maryland Corporation with its main office located at Suite 516, Realty Building, 1424 K Street NW., Washington 5, D. C., and its principal business operations proposed to be conducted in North Carolina, filed with the Commission on October 24, 1956, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of 25 cents par value common stock at $1.00 per share, aggregating $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

A. Marshall I. Stewart, a promoter, secretary, and director of the issuer, is subject to a permanent injunction entered on July 10, 1956, in the United States District Court for the District of Columbia enjoining him from violations of the anti-fraud provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 arising out of his conduct as an officer of Seaboard Securities Corporation, a broker and dealer in securities and to which he consented. By virtue of Rule 252 (d) (2), no exemption under Regulation A is available for said securities.

B. The Commission has reasonable cause to believe:

1. The terms and conditions of Regulation A have not been complied with in that:

a. The issuer failed to disclose in Item 6 of Form 1-A the injunction mentioned in Paragraph A above;

b. The issuer failed to disclose in Item 9 the amount of securities issued within the past year to officers, directors, and promoters and the consideration received therefor;

c. The issuer failed to file, pursuant to Item 11 of Form 1-A, copies of the provisions of governing instruments defining the rights of the holders of the securities to be offered, or the consents of geologists to use statements from their reports in the offering circular.

d. The offering circular fails to disclose the percentage of outstanding securities to be held by insiders as a group and by the public, and the respective amounts of cash to be paid therefor by such group and by the public, as required by paragraph 9 (d) of Schedule I;

e. The offering circular fails to state the purposes for which the proceeds from the sale of the securities are to be used, the amount to be used for each such purpose, the priority thereof and the arrangements, if any, for return of funds to subscribers if all the securities are not sold as required by paragraph 6 of Schedule I;

f. The issuer failed to comply with Rule 253 (c) in computing the amount of securities that may be offered or in making such appropriate escrow arrangements as are necessary to comply with the rule.

g. The offering circular fails to include the financial statements required therein by paragraph 11 of Schedule I.

It is ordered, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Lithium Metal Reduction Corporation and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9468; Filed, Nov. 19, 1956; 8:47 a. m.]

[File No. 24NY-4286]

CRESTMARK CRUISERS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 13, 1956.

I. Crestmark Cruisers, Inc., a New York corporation, Midway Avenue, Babylon, L. I., New York, filed with the Commission on April 25, 1956, a notification on Form 1-A, and subsequently filed amendments thereto, relating to an offering of 300,000 shares of 10 cents par value common stock at $1.00 per share, for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof.

and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

The offering, if made or continued, would be made in such a manner as to operate as a fraud and deceit upon purchasers in that an involuntary petition in bankruptcy was filed by several creditors of the issuer on August 8, 1956, in the United States District Court for the Eastern District of New York, Brooklyn, New York, and no amendment has been made to the offering circular to disclose the financial condition and the present non-operating status of the issuer.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presenstation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9469; Filed, Nov. 19, 1956; 8:47 a. m.]

[File Nos. 54-173 and 54-191]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

SUPPLEMENTAL ORDER APPROVING AMENDMENT TO PLAN, RELEASING JURISDICTION, AND RESCINDING CONDITIONS

NOVEMBER 14, 1956.

The Commission, by orders dated October 1, 1952, and March 13, 1953, having approved certain steps of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 filed by Standard Gas and Electric Company ("Standard Gas"), a registered holding company, which steps involved the retirement of Standard Gas' then outstanding prior preference and $4 preferred stocks; and

Said orders having imposed a condition that, until further order of the Commission, the exchange agent provided for in such steps shall not make any exchanges with respect to Standard Gas system securities held by Mrs. Mayme E. O'Hara or Union Electric Power Company ("Union"), her wholly-owned personal holding company; and

The order of October 1, 1952, having reserved jurisdiction over participation by Mrs. O'Hara and Union in the exchange of such securities for the purpose of providing the Commission with an opportunity to explore further Mrs. O'Hara's and Union's security transactions during the reorganization proceeding; and

Standard Gas on the one hand and Mrs. O'Hara and Union on the other hand having agreed to a settlement of this matter under which Mrs. O'Hara and Union have agreed to pay, and Standard Gas has agreed to accept, $15,000 in full settlement of all claims by Standard Gas against Mrs. O'Hara and Union by reason of any and all trades, purchases or sales of securities of Standard Gas during the reorganization period in which Thomas A. O'Hara, the husband of Mayme E. O'Hara, was a director of Standard Gas; and

Said plan having been further amended by Standard Gas to reflect the aforesaid settlement, and Standard Gas having requested that said amendment be approved; that the jurisdiction heretofore reserved by the Commission in its order of October 1, 1952, over the aforesaid security transactions of Mrs. O'Hara and Union be released, and that the conditions imposed in the Commission's orders of October 1, 1952, and March 13; 1953, with respect to the exchange of Standard Gas system securities held by Mrs. O'Hara and Union be rescinded; and

The Commission finding that said amendment reflecting the aforesaid settlement agreed to by Standard Gas and Mrs. O'Hara and Union is fair and equitable and should be approved; that the jurisdiction reserved by the Commission in its order of October 1, 1952, over the security transactions of Mrs. O'Hara and Union should be released; and that the conditions imposed in the Commission's orders of October 1, 1952, and March 13, 1953, with respect to any exchanges of Standard Gas system securities held by Mrs. O'Hara and Union should be rescinded:

It is ordered, That the said amendment reflecting said settlement agreed to by Standard Gas and Mrs. O'Hara and Union be, and the same hereby is, approved; that the jurisdiction heretofore reserved in the Commission's order of October 1, 1952, over the security transactions of Mrs. O'Hara and Union be, and the same hereby is, released; and that upon the filing with the Commission and the exchange agent of a certificate of notification that the $15,000 has been paid by Mrs. O'Hara and Union and accepted by Standard Gas, the conditions contained in the Commission's orders of October 1, 1952, and March 13, 1953, with respect to any exchanges in Standard Gas system securities held by Mrs. O'Hara or Union be, and the same hereby are rescinded.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9471; Filed, Nov. 19, 1956; 8:48 a. m.]

[File No. 812-1040]

GIBCO, INC.

NOTICE OF FILING OF APPPLICATION SEEKING EXEMPTION FROM NECESSITY OF FILING REGISTRATION STATEMENT

NOVEMBER 14, 1956.

Notice is hereby given that Gibco, Inc. ("Gibco"), a registered closed-end, non-diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting it, until June 30, 1957, upon stipulated conditions, from the requirements of section 30 of the act and from the necessity of filing a registration statement as required by section 8 (b) of the act.

Gibco filed a Notification of Registration pursuant to section 8 (a) of the act on July 31, 1956, following a sale of substantially all its assets to Hupp Corporation ("Hupp") in exchange for securities of Hupp and cash.

By letter dated August 3, 1956, to all its stockholders other than Hupp, Gibco offered to accept transfer of its common stock in exchange for Hupp securities and cash. Said offering letter recited financial information and other pertinent facts concerning Gibco and Hupp. As a result of the exchange offering Gibco had remaining 133 record holders of its stock (other than Hupp) who held a total of 16,682 shares.

The assets held by Gibco after the expiration of the exchange offer were as follows:

(a) 93,970 shares of 5 percent Series A Preferred Stock, par value $50 per share, of Hupp;

(b) 358,999 shares of Common Stock, par value $1 per share, of Hupp;

(c) A 5 percent subordinated Promissory Note of Hupp, in the principal amount of $1,200,000, convertible (until maturity or prepayment) into shares of Hupp Common Stock at a conversion price of $10 per share and maturing April 30, 1961; and

(d) $201,681.29 in cash.

Gibco expects to file a claim for refund of Federal income taxes in the approximate amount of $300,000. This claim is based upon a tax loss resulting from the purchase by Hupp of the assets of Gibco on April 30, 1956. The Gibco management intends at present to continue to hold the Hupp securities and cash, and it has no present intention of engaging in any other significant business transaction. None of the officers or directors of Gibco own any of its shares. Except for the distribution there has been no change in the status of Gibco from that described in the offering letter of August 3, 1956.

According to the by-laws of Gibco, the fiscal year of Gibco ended on September 30, 1956. Under the Act, Gibco is required to mail a report covering the fiscal year to its shareholders on or before October 30, 1956, and to file a Registration Statement on Form N-8B-1, on or before December 31, 1956. Gibco has requested that the notice to be issued in connection with this application include a provision extending the time of Gibco to make such report to its shareholders.

It is submitted by Gibco that all of the information required by an investor to determine the value of a share of Gibco stock was set forth in the offering letter and that, in view of the company's limited portfolio, compliance with the reporting and registration requirements of the Act would be of no importance as a practical matter and would involve unnecessary expense.

Gibco has stated that if the requested exemption is granted:

(a) Gibco will mail to its shareholders a report setting forth the results of the exchange offer described above;

(b) Gibco, its directors and shareholders will comply with the reporting requirements contained in the Securities Exchange Act of 1934 and the regulations thereunder; and

(c) Such exemption will terminate thirty days after such time, if any, as Gibco engages in any significant transaction other than liquidation.

Section 6 (c) of the act provides that the Commission may exempt any person from any provisions of the Act or of any rules thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than November 29, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

It is also ordered, That the time within which Gibco shall mail a report to its stockholders for the fiscal year ended September 30, 1956, shall be extended until such time as the Commission issues its order in respect of the instant application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9472; Filed, Nov. 19, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-142]

STEAUA ROMANA S. A. PENTRU INDUSTRIA PETROLEULUI

In re: Debt owing to Steaua Romana S. A. Pentru Industria Petroleului; F-57-63.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled, Steaua Romana S. A. Pentru Industria Petroleului, Bucarest, Roumania, maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Steaua Romana S. A. Pentru Industria Petroleului, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389 as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-9488; Filed, Nov. 19, 1956; 8:51 a. m.]

[Vesting Order SA-143]

GOVERNMENT OF RUMANIA

In re: Debt owing to the Government of Rumania; F-57-964.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Chemical Corn Exchange Bank, 165 Broadway, New York 15, N. Y., arising out of an account entitled, "American Union Transport, Inc., N. Y. for account of Regie Autonome Industrie Aeronautique Romaine, 17 Battery Place, New York 4, N. Y." maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Governmet of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extept thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9489; Filed, Nov. 19, 1956; 8:51 a. m.]

[Vesting Order SA-144]

BANQUE COMMERCIALE ROUMAINE

In re: Debt owing to Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A.; F-57-97.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Belgian-American Banking Corporation, 52 Wall Street, New York 5, New York, in the sum of $4,668.73, as of March 6, 1956, arising out of an account entitled "Banca Sovieto Romana, Bucharest, Rumania, No. 2030," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949 as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9490; Filed, Nov. 19, 1956; 8:51 a. m.]

[Vesting Order SA-145]

BANQUE COMMERCIALE ROUMAINE

In re: Debt owing to Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A.; F-57-97.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled "Banque Commerciale Roumaine, Bucarest, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9491; Filed, Nov. 19, 1956; 8:51 a. m.]

[Vesting Order SA-146]

BANQUE COMMERCIALE ROUMAINE

In re: Debt owing to Banque Commerciale Roumaine, also known as Banque Commerciale Roumaine S. A.; F-57-97.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: that certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York 15, New York, arising out of an account entitled "Banque Commerciale Roumaine, S. A., Bucarest, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9492; Filed, Nov. 19, 1956; 8:51 a. m.]

[Vesting Order SA-147]

BANQUE COMMERCIALE ROUMAINE

In re: Debt owing to Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A.; F-57-97.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled "Deposit Account—Banque Commerciale Roumaine, Bucharest, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947; was, owned directly or indirectly by Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9493; Filed, Nov. 19, 1956; 8:51 a. m.]

[Vesting Order SA-148]

BANQUE COMMERCIALE ROUMAINE

In re: Debt owing to Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A.; F-57-97.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: that certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled "Banque Commerciale Roumaine S. A., Strada Smardan 3, Bucharest, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A. Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9494; Filed, Nov. 19, 1956; 8:51 a. m.]

[Vesting Order SA-149]

BANQUE COMMERCIALE ROUMAINE

In re: Debt owing to Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A.; F-57-97.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled "Banque Commerciale Roumaine S. A.," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which was blocked in accordance with Executive Order 8389, as

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direction issued under this title, shall to the

tion is directed to section 205 of said

the Assistant Attorney General, Director,

ance with the provisions of Title II of the

amended.

gust 9, 1955, and which is, and as of Sep-

tember 15, 1947, was, owned directly or indirectly by Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9495; Filed, Nov. 19, 1956; 8:52 a. m.]

[Vesting Order SA-150]

BANQUE COMMERCIALE ROUMAINE

In re: Debt owing to Banque Commerciale Roumaine also known as Banque Commerciale Rommaine S. A.; F-57-97, F-11-36.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Credit Bank, also known as Credit Suisse, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $314.90, being a portion of the ordinary blocked account entitled "Credit Suisse, Zurich (Swiss Credit Bank, Zurich)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9496; Filed, Nov. 19, 1956; 8:52 a. m.]

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LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 21 NUMBER 226

1934 OF THE UNITED STATES

Washington, Wednesday, November 21, 1956

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10687

SUSPENSION OF A PORTION OF SECTION 5762 (a) OF TITLE 10 OF THE UNITED STATES CODE RELATING TO THE RECOMMENDATION OF OFFICERS FOR PROMOTION TO CERTAIN GRADES

By virtue of the authority vested in me by section 5785 (b) of title 10 of the United States Code, it is ordered as follows:

The second sentence of section 5762 (a) of title 10 of the United States Code, relating to the method of determining the number of officers that may be recommended by the Secretary of the Navy for promotion to the grade of captain or commander in certain Corps of the Navy, is hereby suspended until June 30, 1957, to the extent that it relates to the number of officers that may be recommended for promotion to the grade of captain in the Civil Engineer Corps.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 16, 1956.

[F. R. Doc. 56-9598; Filed, Nov. 19, 1956; 4:30 p. m.]

EXECUTIVE ORDER 10688

RESTORING CERTAIN LANDS COMPRISING PORTIONS OF THE WAIANAE-KAI MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands at Waianae-Kai, District of Waianae, Island of Oahu, Territory of Hawaii, which form a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, were withdrawn and set aside for military purposes by Executive Order No. 2900 of July 2, 1918, as amended by Executive Orders No. 5414 of July 31, 1930, No. 7010 of April 10, 1935, and No. 8109 of May 3, 1939; and

WHEREAS the hereinafter-described parcels of such land are no longer fully needed for military purposes, and it is deemed advisable and in the public interest that they be restored to the possession, use, and control of the Territory of Hawaii, subject to the condition hereinafter set out:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

Subject to the condition stated in the last paragraph of this order, the following-described parcels of land comprising portions of the Waianae-Kai Military Reservation, located at Waianae-Kai, District of Waianae, Island of Oahu, Territory of Hawaii, are hereby restored to the possession, use, and control of the Territory of Hawaii.

PARCEL I

Being the same property described as Tract No. 2 in Executive Order No. 8109 of May 3, 1939.

Beginning at concrete monument No. 1, marking the north corner of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehee New," are 1,617.65 feet south and 7,059.74 feet west, thence from said point of beginning by azimuths (measured clockwise from true south) and distances as follows:

338° 38' 40", 154.10 feet, along Lot W, Land Court Application 1102 (amended), to concrete monument No. 2;

338° 38' 40", 35.00 feet, along said Lot W, and along the 25-foot right-of-way owned by the Territory of Hawaii, to high water line;

Southwesterly and northeasterly, 1,500 feet, more or less, along said high water line around Kanellio Point, to the point of beginning, inshore traverse around said point between said concrete monuments Nos. 2 and 1, is described as follows:

53° 43' 00", 137.00 feet, to station 3, marked by a small cross on coral;

64° 24' 40", 228.57 feet, to station 4, marked by a small cross on coral;

94° 17' 20", 134.00 feet, to station 5, marked by a small cross on coral;

168° 37' 30", 121.08 feet, to station 6, marked by a small cross on coral;

213° 01' 50", 179.26 feet, to station 7, marked by a small cross on coral;

254° 48' 30", 233.46 feet, to station 8, marked by a small cross on coral;

280° 06' 10", 96.39 feet, to concrete monument No. 1.

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FEDERAL REGISTER

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The tract as described contains an area of 2.95 acres.

PARCEL II

Being the same property described as Tract No. 3 in Executive Order No. 8109 of May 3, 1939.

Beginning at concrete monument No. 1, marking the southwest corner of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehee New," are 1,454.24 feet south and 6,879.59 feet west, thence from said point of beginning by azimuths (measured clockwise from true south) and distances as follows:

Northerly and westerly, along high water line to the boundary of Lot G, Land Court Application 1102 (amended), inshore traverse between the point of beginning and concrete monument No. 9 being described as follows:

225° 56' 40", 105.3 feet, to station No. 14, marked by a small cross on coral;

265° 04' 20", 112.87 feet, to station No. 13, marked by a small cross on coral;

186° 32' 40", 141.86 feet, to station No. 12, marked by a small cross on coral;

276° 06' 00", 117.55 feet, to station No. 11, marked by a small cross on coral;

193° 06' 20", 62.50 feet, to station No. 10, marked by U. S. Coast and Geodetic Survey plate;

183° 33' 40", 734.30 feet, to concrete monument No. 9. Thence From said high water line on the boundary of Lot G:

248° 53' 40", 82.0 feet, along said lot G, to said concrete monument No. 9;

248° 53' 40", 64.97 feet, along the same, to concrete monument No. 8;

338° 40' 20", 27.40 feet, along the same, to concrete monument No. 7;

On a curve to the right, along the former Oahu Railway and Land Company's 40-foot right-of-way, with a radius of 2,733.38 feet, 305.13 feet along the curve, the chord of which bears 355° 09' 15"; 304.70 feet, to concrete monument No. 6;

On a curve to the right along the same, with a radius of 1,272.81 feet, 259.69 feet, along the curve, the chord of which bears 4° 11' 50", 259.24 feet, to concrete monument No. 5A;

7° 43' 00", 144.64 feet, along Depot Lot, to concrete monument No. 5;

35° 00' 20", 360.07 feet, along the same, to concrete monument No. 4;

342° 00' 20", 218.21 feet, along the same, to concrete monument No. 3;

74° 08' 40", 129.55 feet, along territorial land to concrete monument No. 2;

143° 49' 00", 297.56 feet, along Lot W, Land Court Application 1102 (amended), to the point of beginning.

The tract as described contains an area of 4.31 acres.

There is hereby reserved to the United States the right of ingress, egress, and regress over and upon the said tracts of land for armed-forces maneuver purposes.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 16, 1956.

[F. R. Doc. 56-9599; Filed, Nov. 19, 1956; 4:30 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

EMPLOYEE APPEALS; DEATH OF APPELLANT

Section 22.306 is added to Subpart C as set out below.

§ 22.306 *Death of appellant.* A proper appeal filed prior to the death of an appellant shall be processed to completion and adjudicated. As necessary, a recommendation for corrective action in such an appeal may provide for cancellation of the adverse action, and for amendment of the agency's records to show retroactive restoration and continuance on the rolls to the date of death.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-9561; Filed, Nov. 20, 1956; 8:52 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

[Circular 6]

PART 60—DOMESTIC URANIUM PROGRAM

BONUS FOR INITIAL PRODUCTION OF URANIUM ORE FROM NEW DOMESTIC MINES

Section 60.6 (c) of Title 10 is amended by extending the period for payment of bonus for initial production of uranium ore from new domestic mines from February 28, 1957, to March 31, 1960, so that § 60.6 (c) shall read as follows:

§ 60.6 *Bonus for initial production of uranium ores from new domestic mines.*
• • •

(c) *Term of this section.* This section will apply to deliveries made under its terms between March 1, 1951, and March 31, 1960, inclusive.

Dated at Washington, D. C., this 7th day of November 1956.

(60 Stat. 755–775; 42 U. S. C. 1801–1819)

By order of the Commission.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 56–9506; Filed, Nov. 20, 1956; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Suppl. 4]

PART 8—AIRCRAFT AIRWORTHINESS; RESTRICTED CATEGORY

TYPE CERTIFICATION OF MILITARY AIRCRAFT MODELS

Section 8.10–2 (c) as published in 14 CFR Part 8 is revised to require that the application for a type certificate for military aircraft models be submitted on a Form ACA–312 rather than in letter form as now required. Further, the applicant for a type certificate is required to furnish CAA with satisfactory evidence that he maintains a file of the type design defined in Part 1 of this subchapter and that he has or has access to all pertinent military technical orders, such data to be made available to the CAA upon request.

Section 8.10–2 (c) is revised to read as follows:

§ 8.10–2 *Military type aircraft (CAA policies which apply to § 8.10 (a) (2).* • • •

(c) *Military aircraft models not previously type certificated in any category.* For military aircraft not covered by paragraphs (a) and (b) of this section, the certification procedure will be that specified in § 8.10–3 upon completing the following initial steps:

(1) The applicant should submit an Application for Type Certificate, Form ACA–312, to the Aircraft Engineering Division, CAA, Washington 25, D. C., identifying the military model and stating the proposed special purpose. Accompanying this application should be information obtained from the appropriate military service covering the record of operation of the aircraft in military service and a copy of the military operating limitations for the model.

(2) The CAA will review the military record of the aircraft type. If the record discloses unsafe characteristics, the CAA will inform the applicant and the aircraft will not be eligible for certification unless the characteristics are corrected, or can be compensated for by operating restrictions specified by the CAA. Upon notice of acceptance of the military record, the applicant will be required to submit evidence that he has, or has access to, the following type design data and will make such data available to CAA upon request:

(i) Drawings and specifications as are necessary to disclose configuration of the aircraft with all design features;

(ii) Information on dimensions, materials, and processes necessary to define the structural strength;

(iii) Such other data necessary to permit by comparison the determination of the airworthiness of subsequent aircraft of the same type; and

(iv) All pertinent military technical orders.

(3) Upon receipt of such evidence, a type certificate will be issued and the certification procedure will then continue as specified in § 8.10–3.

This supplement shall become effective December 31, 1956.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 56–9507; Filed, Nov. 20, 1956; 8:45 a. m.]

[Civil Air Regs., Amdt. 22–11]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of November 1956.

The identification card requirement contained in present Part 22 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years' experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past, and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it is being deleted by this amendment.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR Part 22, as amended) effective November 13, 1956:

By deleting § 22.32 (g).

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–9549; Filed, Nov. 20, 1956; 8:51 a. m.]

[Civil Air Regs., Amdt. 24–1]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of November 1956.

The identification card requirement contained in present Part 24 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years' experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past, and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it is being deleted by this amendment.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) effective November 13, 1956:

By deleting § 24.104.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–9550; Filed, Nov. 20, 1956; 8:51 a. m.]

[Civil Air Regs., Amdt. 25–6]

PART 25—PARACHUTE RIGGER CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of November 1956.

The identification card requirement contained in present Part 25 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years' experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past, and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it is being deleted by this amendment.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 25 of the Civil Air Regulations (14 CFR Part 25, as amended) effective November 13, 1956:

By deleting § 25.86.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–9551; Filed, Nov. 20, 1956; 8:51 a. m.]

[Civil Air Regs., Amdt. 26–9]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of November 1956.

The identification card requirement contained in present Part 26 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years' experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past, and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it is being deleted by this amendment.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 26 of the Civil Air Regulations (14 CFR Part 26, as amended) effective November 13, 1956:

By deleting § 26.37.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–9552; Filed, Nov. 20, 1956; 8:51 a. m.]

[Civil Air Regs, Amdt. 27–8]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of November 1956.

The identification card requirement contained in present Part 27 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years' experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past, and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it is being deleted by this amendment.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR Part 27, as amended) effective November 13, 1956:

By deleting § 27.23.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–9553; Filed, Nov. 20, 1956; 8:51 a. m.]

[Civil Air Regs., Amdt. 35–2]

PART 35—FLIGHT ENGINEER CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics board at its office in Washington, D. C., on the 13th day of November 1956.

The identification card requirement contained in present Part 35 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years' experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past, and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it is being deleted by this amendment.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR Part 35, as amended) effective November 13, 1956:

By deleting § 35.20.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary,

[F. R. Doc. 56–9554; Filed, Nov. 20, 1956; 8:51 a. m.]

[Civil Air Regs., Amdt. 51–1]

PART 51—GROUND INSTRUCTOR RATING

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of November 1956.

The identification card requirement contained in present Part 51 was intended to facilitate the identification of the holder in the event that future security restrictions might so require. However, after 5 years' experience with the issuance of identification cards, it is now evident that they have served no useful purpose in the past, and it appears unlikely that the carriage of such a card by airmen would have any future beneficial effect upon the exercise of security controls. In view of this experience and in view of the fact that the requirement has created a burden for the applicant as well as the Government, for which no safety or security justification exists, it is being deleted by this amendment.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 51 of the Civil Air Regulations (14 CFR Part 51, as amended) effective November 13, 1956:

By deleting § 51.6.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–9555; Filed, Nov. 20, 1956; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 221]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
NEW YORK, N. Y. International, 12'. SMRA-IDL. Procedure No. 1. Amendment No. 7. Effective date: December 8, 1956. Supersedes Amendment 6, dated February 1, 1954. Major changes: Missed approach revised. Procedure turn distance limited to 10 miles.	Scotland Intersection or MHW (final).	042—10.4	700	E side of SW course: 222° outbound. 042° inbound. 1,200' within 10 miles.	700	040—2.5	T–dn C–dn S–dn 4 A–dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2	Within 2.5 miles, climb to at least 500' on NE course, make a climbing right turn to 130° intersecting SW course of the Mitchel LFR and proceed to the Long Beach Intersection. Contact IDL approach control for further instructions. CAUTION: Circling and straight-in landing minimums do not provide standard obstruction clearance over airport control tower and stack 278' 1.7 mile SSE of runway 1R.
NEW YORK, N. Y. International, 12'. SMRA-IDL. Elmont FM. Procedure No. 2. Amendment No. 1. Effective date: December 8, 1956. Supersedes Amendment original dated February 1, 1954. Major changes: Missed approach revised.	Glen Cove Intersection to Elmont FM (final).	218—9	1,000	E side of NE course:* 038° outbound. 218° inbound. 1,500' within 10 miles of Elmont FM.	Elmont FM 1,000	218—4.0	T–dn C–dn S–dn 22 A–dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2	Within 4 miles after passing Elmont FM climb to 1,500' on SW course IDL LFR and proceed to Scotland Intersection. Contact Idlewild approach control for further instructions. *Procedure turn conducted E to avoid LaGuardia traffic. CAUTION: Circling and straight-in landing minimums do not provide standard obstruction clearance over airport control tower and stack 278' 1.7 miles SSE of runway 1R.

2. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums				If visual contact not established at TVOR, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
NEW YORK, N. Y. International, 12'. VOR-IDL. TVOR-1. Amendment No. 2. Effective date: December 8, 1956. Supersedes Amendment 1, dated March 1, 1955. Major change: Missed approach revised.	Idlewild LFR	047—2.7	1,500	E side of course: 185° outbound. 005° inbound. 1,300' within 10 miles of Edgemere Intersection.	1,300 over Edgemere Intersection 600 over TVOR	013—1.1	T–dn C–dn S–dn 1 A–dn	300–1 600–1 600–1 800–2	300–1 600–1 600–1 800–2	200–½ 600–1½ 600–1 800–2	Make a right climbing turn to 130° intersecting the SW course Mitchel LFR and proceed to the Long Beach Intersection. Contact Idlewild approach control for further instructions. Terminal area radar transition altitudes: All directions 2,500' within 25 miles; E of the NE/SW courses of the LaGuardia LFR, 1,500' within 15 miles.
	LaGuardia LFR	176—11.8	1,500								
	New Rochelle Radiobeacon	189—15.5	1,500								
	Glen Cove Radiobeacon	222—14.2	1,500								
	Mitchel LFR	260—11.9	1,500								
	Paterson Radiobeacon	150—25	2,500								
	Scotland MH to Edgemere Intersection.	068—9	1,300								
NEW YORK, N. Y. International, 12'. VOR-IDL. TVOR-4. Amendment No. 2. Effective date: December 8, 1956. Supersedes Amendment 1, dated May 21, 1955. Major change: Missed approach revised.	Idlewild LFR	047—2.7	1,500	E side of course: 240° outbound. 060° inbound. 1,300' within 10 miles.	600	043—0.6	T–dn C–dn S–dn 4 A–dn	300–1 600–1 600–1 800–2	300–1 600–1 600–1 800–2	200–½ 600–1½ 600–1 800–2	Make a right climbing turn to 130° intersecting the SW course Mitchel LFR and proceed to the Long Beach intersection. Contact Idlewild approach control for further instructions. CAUTION: Straight-in landing minimums do not provide standard clearance over 278' stack 1.7 miles SSE of airport. Terminal area radar transition altitudes: All directions 2,500' within 25 miles; E of the NE/SW courses of the LaGuardia LFR, 1,500' within 15 miles.
	LaGuardia LFR	176—11.8	1,500								
	New Rochelle MHW	189—15.5	1,500								
	Glen Cove MHW	222—14.2	1,500								
	Mitchel LFR	260—11.9	1,500								
	Paterson MHW	150—25	2,500								
	Scotland MHW	043—13.1	1,500								
NEW YORK, N. Y. International, 12'. VOR-IDL. TVOR-22. Amendment No. 2. Effective date: December 8, 1956. Supersedes Amendment 1, dated May 21, 1955. Major change: Missed approach revised.	Idlewild LFR	047—2.7	1,500	E side of course:# 034° outbound. 214° inbound. 1,500' within 10 miles.	1,000 over Elmont FM 400 over TVOR	223—0.4	T–dn C–dn S–dn 22 A–dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2	Climb to 1,500' on course 223° from VOR and proceed to Scotland Intersection. Contact Idlewild approach control for further instructions. CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278' stack 1.7 miles SSE of airport. Straight-in landing minimums do not provide standard clearance over 290' tank 4½ miles NE of the airport. #Procedure turn conducted E to avoid LaGuardia traffic. Terminal area radar transition altitudes: All directions 2,500' within 25 miles; E of the NE/SW courses of the LaGuardia LFR, 1,500' within 15 miles.
	LaGuardia LFR	176—11.8	1,500								
	New Rochelle MHW	189—15.5	1,500								
	Glen Cove MHW	222—14.2	1,500								
	Mitchel LFR	260—11.9	1,500								
	Paterson MHW	150—25	2,500								
	Scotland MHW	043—13.1	1,500								

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceilings and visibility minimums: Condition	Ceilings and visibility minimums: 2 engines or less: 65 knots or less	Ceilings and visibility minimums: 2 engines or less: More than 65 knots	Ceilings and visibility minimums: More than 2 engines; more than 65 knots	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
NEW YORK, N. Y. International, 12'. VOR-IDL. TVOR-25L. Amendment No. 2. Effective date: December 8, 1956. Supersedes Amendment 1, dated May 21, 1955. Major changes: Missed approach revised.	Idlewild LFR	047—2.7	1,500	E side of course:# 052° outbound. 232° inbound. 1,500' within 10 miles.	1,000 over Elmont FM 400 over TVOR	253—0.8	T-dn C-dn S-dn 25L A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Climb to 1,500' on course 223° from VOR and proceed to Scotland Intersection. Contact IDL Approach control for further instructions. #Procedure turn conducted E to avoid LaGuardia traffic. CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278' stack 1.7 miles SSE of airport. Straight-in landing minimums do not provide standard clearance over 290' tank 4½ miles NE of the airport. Terminal area radar transition altitudes: All directions 2,500' within 25 miles; E of the NE/SW courses of the LaGuardia LFR, 1,500' within 15 miles.
	LaGuardia LFR	176—11.8	1,500								
	New Rochelle MHW	189—15.5	1,500								
	Glen Cove MHW	222—14.2	1,500								
	Mitchel LFR	260—11.9	1,500								
	Paterson MHW	150—25	2,500								
	Scotland MHW	043—13.1	1,500								

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date.	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
NEW YORK, N. Y. International, 12'. ILS-IDL. OM continuous dashes (OM at IDL LFR site). Procedure No. 1. Amendment No. 10. Effective date: December 8, 1956. Supersedes Amendment 9, dated October 20, 1955. Major change: Missed approach revised.	Scotland Intersection (final).	OM	043—9.7	1,000	S side of SW course ILS: 223° outbound. 043° inbound. 1,200' within 10 miles of OM.	1,000	770—2.4	230—0.5	T-dn C-dn S-dn 4 A-dn	300-1 400-1 200-½ 600-2	300-1 500-1 200-½ 600-2	200-½ 500-1½ 200-½ 600-2	Climb to 500' on NE course ILS, make a climbing right turn to 130° intersecting SW course Mitchel LFR and proceed to the Long Beach Intersection. Contact Idlewild approach control for further instructions.
	Colts Neck VOR	ILS SW course.	063—14.2	1,400									
	Radar terminal area transitions. All directions.		Within 25 miles.	2,500									
	E of NE/SW course of LaGuardia LFR		Within 15 miles.	1,500									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
NEW YORK, N. Y. International, 12'. ILS-IDL. (Premised on use of back course ILS and Elmont FM.) Procedure No. 2. Amendment No. 6. Effective date: December 8, 1956. Supersedes Amendment 5, dated February 26, 1955. Major change: Missed approach revised.	Glen Cove MH	Elmont FM	223—9	1,500 Final 1,000	E side of NE course:* 043° outbound. 223° inbound. 1,500' within 10 miles.	1,000 over Elmont FM	No glide slope 4.0 miles from Elmont FM		T-dn C-dn S-dn 22 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Climb to 1,500' on SW course ILS and proceed to the Scotland Intersection. Contact Idlewild approach control for further instructions. *Procedure turn conducted E to avoid LaGuardia traffic. CAUTION: The minimums on this procedure do not provide standard clearance over the following obstructions: 278' stack 1.7 miles SSE of runway 4R, 165' airport control tower, 200' tank ½ mile SE of Elmont FM.
	Idlewild LFR	Elmont FM	043—7.8	1,500									
	Radar terminal area transitions. All directions.		Within 25 miles.	2,500									
	E of NE/SW course of LaGuardia LFR		Within 15 miles.	1,500									

4. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: **Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.**

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: Precision approach: 2 engines or less: Over 65 knots	Ceiling and visibility minimums: Precision approach: More than 2 engines: Over 65 knots	Ceiling and visibility minimums: Surveillance approach: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: Surveillance approach: 2 engines or less: Over 65 knots	Ceiling and visibility minimums: Surveillance approach: More than 2 engines: Over 65 knots	Missed approach procedure
1	2	3	4	5	6	7	8	9	10	11
NEW YORK, N. Y. International, 12'. Procedure No. 1. Amendment No. 6. Effective date: December 8, 1956. Supersedes Amendment 5, dated December 17, 1955. Major change: Missed approach revised.	All directions 2,500' within 25 miles. E of NE/SW courses of LaGuardia LFR 1,500' within 15 miles.	4	T-dn C-dn S-dn A-dn	200-1 400-1 200-½ 600-2	200-1 500-1 200-½ 600-2	200-½ 500-1½ 200-½ 600-2				Climb to 500' on heading of 043° make a climbing right turn to 130° intersecting SW course Mitchel LFR and proceed to the Long Beach Intersection. Contact Idlewild approach control for further instructions. CAUTION: Ceiling minimums do not provide standard clearance over 278' stack 1.7 miles SSE of runway 4R and 165' airport control tower.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9075; Filed, Nov. 20, 1956; 8:45 a. m.]

[Amdt. 222]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ADDITIONAL CRITERIA

This amendment provides certain changes in the criteria portions of Part 609, regulations of the Administrator, to add a definite missed approach criteria, to redefine the procedure turn portions of the criteria, to redefine the final approach provisions of the criteria, and to rearrange other material to make a more orderly presentation. This amendment is adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and is not required. Part 609 is amended as follows:

1. A new paragraph (n) is added to § 609.3 to read:

§ 609.3 *General.* • • •

(n) *Missed approach procedure.* A missed approach procedure will be established for each procedure. The missed approach will normally be established on a course which most nearly approximates a continuation of the final approach course, after due consideration of obstructions, terrain, and other factors influencing the safety of the operation, but need not necessarily be in a straight line.

A missed approach procedure commences (i) at the point where the aircraft has descended to authorized landing minimums at a specified distance from the facility if visual contact is not established, or (ii) if the landing has not been accomplished, or (iii) when so directed by Air Traffic Control. The "specified distance" established under (i) will not be more than the distance from the facility to the airport.

(1) *Missed approach area.* The missed approach area extends laterally 1.7 nautical miles on each side of the missed approach course commencing either at the approach end of the runway or landing area or at the point where the missed approach starts, and extends in length for a distance of 32,000 feet (approximately 5.3 nautical miles).

(i) *Obstruction clearance.* In addition to the missed approach area meeting the requirements of the Administrator's airport clearance criteria (TSO-N18), no obstructions will penetrate the missed approach surface established over the missed approach area. This surface is 200 feet higher than the elevation of the point over which the missed approach starts and extends upward uniformly on a 40:1 slope until reaching an altitude 1,000 feet higher than the elevation of the point over which the missed approach starts. (This occurs at about a 5.3 nautical mile distance.) From this point on, until reaching the missed approach altitude, a minimum obstruction clearance of 500 feet will be provided 4.34 nautical miles each side of the missed approach course.

(ii) *Altitudes.* The missed approach altitude specified on the procedure will provide at least 1,000 feet clearance above all obstructions 4.34 nautical miles on each side of the missed approach course normally within a distance of 20 nautical miles from the facility or to a specified fix normally within 20 nautical miles of the facility.

(2) *Alternate missed approach procedure.* Alternate missed approach procedures will be established whenever required for air traffic control purposes. Alternate missed approach procedures will be included in the space provided for a missed approach procedure.

2. Section 609.5 (d) is amended to read:

§ 609.5 *Low and medium frequency range, ADF, and VOR procedures.* • • •

(d) *Procedure turn.* Procedure turns will be established and specified in standard instrument approach procedures for use in return to the final approach course (inbound).

(1) *Standard procedure turn.* A standard procedure turn involves an initial left turn away from the outbound course, followed by a turn to the right toward and intercepting the final approach course inbound. The direction of the turn will be specified as north, south, east, or west side of the final approach course. A standard turn will be established whenever terrain, obstructions, traffic or operational conditions permit. The degree of turn and the point at which the turn will be made will not be specified and is therefore left to the discretion of the pilot. However, the maneuvering area and altitude are specified, requiring the maneuvering to be completed within the procedure turn maneuvering area at or above the altitude established for the procedure turn. The procedure turn maneuvering area will be limited to seven nautical miles on the maneuvering side of the outbound course and 4.34 nautical miles on the opposite side and within a distance of 10 nautical miles from the facility. Procedure turns beyond 10 nautical miles will be authorized only in those cases where a definite requirement exists for an extended maneuvering area. In all cases, a five nautical mile buffer zone will be provided beyond the maximum distance outbound authorized for the procedure turn. Where it is necessary, due to terrain, obstructions, traffic, etc., to emphasize the limitation of the procedure turn, a cautionary note "Not authorized beyond __ miles" will be shown. When it is necessary that a procedure turn be established at a distance other than 10 nautical miles from the facility, an explanatory note will be included. A procedure turn is not required when the final approach can be executed from an established holding pattern or from a final approach fix specified in the procedure.

(2) *Nonstandard procedure turn.* A nonstandard procedure turn may be established when a turn cannot be made on the left side of the outbound course due to unusually high obstructions, air traffic control considerations or other reasons. In such cases the turn will be established on the right side of the outbound course and an explanatory note included in the procedure such as "All turns to be made on the east side of the course, high terrain to west."

(3) *Teardrop procedure turn.* A teardrop procedure turn may be established when a standard or nonstandard procedure turn is not operationally desirable or feasible. A teardrop procedure turn normally starts over the facility on an outbound course to the left of the reciprocal of the inbound course, followed by a turn to the right toward and intercepting the inbound course. The actual outbound course selected and the point at which the turn toward the inbound course is made need not be the ones indicated on the procedure and are therefore left to the discretion of the pilot. However, the maneuvering area and altitude are specified, requiring the maneuvering to be completed within the teardrop procedure turn maneuvering area at or above the altitude established for the teardrop procedure turn.

(i) *Teardrop procedure turn; conventional aircraft.* The outbound course selected for the procedure will normally be indicated 18° to the left of the reciprocal of the inbound course. The dimensions for the teardrop procedure turn for conventional aircraft will be the same as those specified for a standard procedure turn in subparagraph (1) of this paragraph.

(ii) *Teardrop procedure turn; high speed aircraft.* The outbound course specified on the procedure will normally be indicated 35° to the left of the reciprocal of the inbound course. The dimensions of the teardrop procedure turn maneuvering area and buffer zone will be limited to five nautical miles left and right of the extended outbound and inbound courses, respectively. The extremity of the maneuvering area is limited by a 9.75 nautical mile arc, the radius of which is drawn from a point 15.25 nautical miles from the facility on a line midway between the outbound and inbound courses; the extremity of the buffer zone is limited by a 14.75 nautical mile arc drawn from the same point.

(4) *Altitudes.* A minimum altitude will be established for the procedure turn, which normally will provide a minimum obstruction clearance of 1,000 feet within the maneuvering area and buffer zone. Minimum altitudes will be shown to the nearest 100 feet.

3. Section 609.5 (e) is amended to read:

§ 609.5 *Low and medium frequency range, ADF and VOR procedures.* • • •

(e) *Final approach.* (1) The final approach is established to begin at an authorized final approach fix, or at the point where the procedure turn is completed and the aircraft is headed inbound to the facility on the final approach course. The final approach ends at the point where the landing is completed or the missed approach commences. After considering terrain and course accuracy, the orientation of the entire final approach course will normally be aligned with that part of the final approach course from the facility to the airport. Specific courses, both

outbound and inbound, will be indicated on each procedure.

(i) Normally, there will be only one final approach course to the facility established for any one procedure. However, if other final approach courses to the facility from fixes which form courses within 30° of the basic final approach course are necessary operationally, such additional final approach courses may be specified in the procedure, and if so, the final approach obstruction clearance area will be correspondingly increased in size and the minimum altitude over the facility on all such final approach courses will be identical.

(ii) For each procedure there is normally one direction from which the initial approach may become the final approach with the resulting elimination of a procedure turn. This may be accomplished only if such an approach is from a fan marker or other reliable final approach fix either on or within 30° of the basic final approach course, and within 10 nautical miles of the facility. To be usable for a reliable final approach fix, an intersection may be formed by a combination of radio bearings, VOR radials, ILS courses or range courses. The facilities forming the fix must be located within 20 nautical miles of the fix, and the angle of intersection must be at least 45°, with the exception of VOR radials or ILS courses, in which case the angle must be at least 30°. VOR/DME may also be used to provide a fix.

(iii) At some locations, due to terrain or other features, it may be advantageous for that portion of the final approach course between the fix, or the point where the procedure turn is completed, and the facility, to differ from that portion of the final approach course between the facility and the airport. This difference will not normally exceed 30° and sufficient distance will be available to allow for proper bracketing. Example: When the final approach course is 350° from the facility to the airport, the final approach to the facility will normally be between 320° and 020°.

(2) *Final approach areas.* Obstruction clearance will be provided in accordance with the altitude specified in subparagraph (3) of this paragraph for the following final approach areas:

(i) *From completion of procedure turn to radio facility without a fix—(a) L/MFR, ADF.* The final approach area extends laterally 4.34 nautical miles on each side of the final approach course at a distance of 10 nautical miles from the facility, and decreases uniformly inbound to 1.7 nautical miles on each side of the course at the facility. Beyond 10 nautical miles, width remains constant 4.34 nautical miles each side of the final approach course.

(b) *VOR.* The final approach area extends laterally 4.34 nautical miles on each side of the final approach course at a distance of 10 nautical miles from the facility, and decreases uniformly inbound to 1.25 nautical miles on each side of the course at the facility. Beyond 10 nautical miles, width remains constant 4.34 nautical miles each side of the final approach course.

(ii) *From final approach fix to radio facility—(a) L/MFR, ADF.* The final approach area extends 1.7 nautical miles each side of the final approach course from the fix to the facility not to exceed 10 nautical miles.

(b) *VOR.* The final approach area extends 1.7 nautical miles each side of the final approach course at 10 nautical miles from the facility, decreasing uniformly to 1.25 nautical miles at the facility.

(iii) *From radio facility to airport—(a) L/MFR, ADF.* The final approach area extends laterally 1.7 nautical miles each side of the final approach course.

(b) *VOR.* The final approach area extends laterally 1.25 nautical miles each side of the final approach course at the facility, increasing uniformly to 1.7 nautical miles at a distance of 10 nautical miles. Beyond 10 nautical miles from the VOR facility, width remains constant 1.7 nautical miles each side of the final approach course.

(iv) *From final approach fix to airport (back course approach)—(a) L/MFR, ADF.* The final approach area prescribed under subdivision (iii) (a) of this subparagraph, applies to back course approaches when the final approach fix is within 10 nautical miles of the facility. If the fix is more than 10 nautical miles from facility, the final approach area increases uniformly from 1.7 nautical miles each side of the final approach course at a distance of 10 nautical miles from the facility to 4.34 nautical miles each side of the final course at a distance of 20 nautical miles from the facility. The area between the fix and the 15 nautical miles distance is area which should be considered as either procedure turn area or final approach area to the fix. Final approaches from fixes beyond 15 nautical miles from the facility will not be established.

(b) *VOR.* The final approach area prescribed under subdivision (iii) (b) of this subparagraph, applies to back course approaches when the final approach fix is within 10 nautical miles of the facility. If the fix is more than 10 nautical miles from the facility, the final approach area increases uniformly from 1.7 nautical miles each side of the final approach course at a distance of 10 nautical miles from the facility to 4.34 nautical miles each side of the final course at a distance of 20 nautical miles from the facility. The area between the fix and the 20 nautical miles distance is area which should be considered as either procedure turn area or final approach area to the fix. Final approaches from fixes beyond 20 nautical miles from the facility will not be established.

(3) *Altitudes.* Minimum altitudes for final approach areas will be shown to the nearest 100 feet. Minimum altitudes over the airport will be obtained by adding the required obstruction clearance to the highest obstruction in the final approach area and rounding off the result to the nearest 100 feet. (i. e., the minimum altitude over a 649-foot m. s. l. obstruction with 500 feet obstruction clearance will be shown as 1,100 feet m. s. l.).

(i) *From completion of procedure turn, without a fix.* The altitude specified for final approach will be based upon the assumption that the final approach course will normally be intercepted inbound within 10 nautical miles of the facility. In order to provide for those cases in which the procedure turn is not completed within these limits, the final approach altitude will be established at the same altitude as that authorized for the procedure turn until within the final approach area. A minimum obstruction clearance of 500 feet will be provided within the final approach area to the facility.

(ii) *From final approach fix to facility (front course approach).* The final approach altitude will provide a minimum obstruction clearance of 1,000 feet up to the fix and 500 feet from the fix to the facility within the final approach area.

(iii) *From facility to airport (front course approach)—(a) Within 6 nautical miles.* From that portion of the final approach area lying between the facility and the airport, a minimum obstruction clearance of 300 feet will be provided when the facility is located within 6 nautical miles of the airport.

(b) *Over 6 nautical to 8 nautical miles.* When located from over 6 nautical to 8 nautical miles, a minimum obstruction clearance of 400 feet will be provided in the final approach area.

(c) *Over 8 nautical to 10 nautical miles.* When located from over 8 nautical to 10 nautical miles, a minimum obstruction clearance of 500 feet will be provided in the final approach area.

(d) *Over 10 nautical miles.* When located more than 10 nautical miles, the procedure will normally authorize operations to be conducted in accordance with visual flight rules from the facility to the airport; however, in specific instances, a procedure may authorize operations under IFR from the facility to a point not more than 6 nautical miles from the facility, with a minimum obstruction clearance of 500 feet being provided in the final approach area. From this point on, the procedure will authorize operations to be conducted in accordance with visual flight rules.

(iv) *From final approach fix to facility (back course approach).* The final approach altitude will provide a minimum obstruction clearance in the final approach area between the fix and the airport as described in subparagraph (2) (iv) of this section, as follows:

For distances from fix to airport of—

(a) 6 nautical miles or less: 300 feet.

(b) Over 6 nautical miles to 8 nautical miles: 400 feet.

(c) Over 8 nautical miles to 10 nautical miles: 500 feet.

(d) Over 10 nautical miles: When the distance from the fix to the airport is over 10 nautical miles, the procedure will normally authorize operations to be conducted in accordance with visual flight rules from the fix to the airport; however, in specific instances, a procedure may authorize operations under IFR from the fix to a point not more than 6 nautical miles from the fix, with a minimum obstruction clearance of 500 feet being provided in the final approach area. From this point on, the procedure will authorize operations to be con-

course.

ducted in accordance with visual flight rules.

(4) *Magnetic course from facility to airport.* (i) In plotting the magnetic course from the facility to the airport, when the bearing from the facility to the end of the runway to be used does not diverge more than 30° from the direction of that runway, and a reasonable rate of descent is possible, a straight-in approach may be authorized and the magnetic course shown will correspond to that of the bearing from the facility to the approach end of the runway to be used. (See § 609.4 (a) (3).)

(ii) When this bearing is more than 30°, the magnetic course from the facility to the airport shall be determined by bisecting the angle formed by two straight lines extending from the facility to both sides of the useful landing area.

(5) *Distance from facility to airport.* The distance shall normally be measured from the facility to the approach end of the runway or to the intersection of the course with the first runway on the airport, as described in subparagraph (4) of this paragraph. At airports where no runways exist, the distance will be measured along the course as described in subparagraph (4) of this paragraph to the nearest boundary of the landing area.

4. Section 609.5 (f) is amended to read:

§ 609.5 *Low and medium frequency range, ADF and VOR procedures.* * * *

(f) *Missed approach procedure.* The missed approach procedure criteria contained in § 609.3 (n) will apply.

5. Section 609.5 (h) (4) is amended to read:

§ 609.5 *Low and medium frequency range, ADF and VOR procedures.* * * *

(h) *VOR/DME procedures determination.* * * *

(4) *Missed approach procedure.* The missed approach procedure criteria contained in § 609.3 (n) will apply.

6. Section 609.10 (c) is amended to read:

§ 609.10 *Instrument landing system procedure criteria.* * * *

(c) *Procedure turn.* The procedure turn criteria contained in § 609.5 (d) will apply.

(1) A specified procedure turn need not be made when bracketing of the localizer course (inbound) can be accomplished prior to intercepting and commencing descent on the glide slope to authorized minimums and provided that (i) the localized course (inbound) can be intercepted within 10 nautical miles of the outer marker or final approach fix on a final transition course specified in the ILS procedure from an established radio fix or holding point not more than 20 nautical miles from the localizer interception point and the interception angle does not exceed 15° for each nautical mile of the interception point distance from the outer marker, up to a maximum of 90°, or (ii) interception of the localizer course (inbound) can be accomplished from an established holding pattern on the localizer course.

(2) *Altitudes.* The altitudes prescribed in § 609.5 (d) (4) will apply. In addition, the altitude on procedure turn will not be less than the altitude of the glide slope at the outer marker. In those cases where a 7 nautical mile distance on the maneuvering side of the ILS procedure turn maneuvering area results in an altitude appreciably higher than if a 4.34 nautical mile distance were used, the ILS procedure turn altitude may be limited to 4.34 nautical miles on the maneuvering side, and a note to that effect included on the ILS procedure form.

7. Section 609.10 (d), introductory text and subparagraphs (1) and (2), are amended to read:

§ 609.10 *Instrument landing system procedure criteria.* * * *

(d) *Final approach.* The term "final transition", as used in ILS procedures, is defined as a transition to an ILS localizer course, within the limitations set forth in paragraph (c) (1) of this section, from which a final approach may be made on the localizer course without the necessity of making a procedure turn.

The term "final approach on localizer course", as used in ILS procedures, is defined as an approach (inbound) on the localizer course after completion of procedure turn, or from an established holding pattern on the localizer course or after a "final transition", as described above.

The term "final approach on glide slope", as used in ILS procedures, is defined as that portion of the final approach (inbound) on the localizer course after the glide slope has been intercepted and descent on the glide slope is being made to authorized landing minimums.

(1) *Altitudes.* The altitude for final approach on the localizer course prior to reaching the outer marker will not be less than the altitude of the glide slope at the outer marker. The altitude for final approach on glide slope will provide for clearance of terrain and obstructions in the approach area as hereinafter specified in this paragraph.

(2) *Obstruction clearance for final approach*—(i) *Approach zone.* The approach zone to instrument runways includes the approach area, approach surface, and transitional surfaces.

(a) *Approach area.* The dimensions of the approach area to instrument runways are measured horizontally from a point 200 feet outward from the approach end of the runway.

(*l*) *Length.* The approach area has a length of 50,000 feet outward along the runway centerline extended.

(2) *Width.* The approach area is symmetrically located with respect to the extended runway centerline and has a total width of 1,000 feet at a point 200 feet outward from the approach end of the runway. The approach area flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section and to a total width of 16,000 feet at the end of the additional 40,000-foot section.

(*b*) *Approach surface.* The approach surface is an inclined surface located directly above the approach area.

(*l*) *Slope.* The slope of the approach surface along the runway centerline extended is fifty to one (50:1) for the inner 10,000-foot section and forty to one (40:1) for the outer 40,000-foot section of the approach area.

(2) *Horizontal surface.* The horizontal surface is a circular plane, 150 feet above the established airport elevation, having a radius of approximately 12,000 feet, depending on airport category, from the reference point at the center of the airport and connecting with the transitional surfaces or approach surfaces.

(c) *Transitional surfaces.* (*l*) The transitional surfaces are inclined planes with a slope of seven to one (7:1) extending upward on either side of, and at right angles to, the runway centerline or the runway centerline extended.

(2) Transitional surfaces inward from the approach end of the runway extend upward to an intersection with the horizontal surface from lines which are level with, parallel to, and 500 feet from the runway centerline.

(3) The transitional surfaces for 200 feet outward from the approach end of the runway extend upward to an intersection with the horizontal surface from lines which are level with the runway centerline at the approach end of the runway, and are parallel to and 500 feet from the runway centerline extended.

(4) Transitional surfaces more than 200 feet outward from the approach end of the runway extend upward from the outer edges of the approach surface to an intersection with the horizontal surface where the approach surface is below the horizontal surface, and for a lateral distance of 5,000 feet where the approach surface is above the horizontal surface.

8. Section 609.10 (g) is amended to read:

§ 609.10 *Instrument landing system procedure criteria.* * * *

(g) *Missed approach procedure.* The missed approach procedure criteria contained in § 609.3 (n) will apply.

9. Section 609.12 is amended as follows:

a. The title is changed to read: "*Radar procedure determination.*"

b. The letters "ASR" as they appear in this section are changed to "Surveillance Radar";

c. The letters "PAR" as they appear in this section are changed to "Precision Radar"; and

d. The letters "GCA" as they appear in this section are changed to "Radar".

10. Section 609.12 (j) is amended to read:

§ 609.12 *Radar procedure determination.* * * *

(j) *Missed approach procedure.* The missed approach procedure criteria contained in § 609.3 (n) will apply.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9385; Filed, Nov. 20, 1956; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 56-39]

MISCELLANEOUS MARINE ENGINEERING AND ELECTRICAL ENGINEERING AMENDMENTS

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 1, 1956 (21 F. R. 1350-1356), and March 28, 1956 (21 F. R. 1901, 1902), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council at a public hearing, which was to be held on April 24, 1956, at Washington, D. C. This document is the fourth of a series of documents covering the regulations considered at this public hearing. The first two documents contain dangerous cargo regulations and the third document contains miscellaneous amendments to 46 CFR Chapter 1.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised and others rejected. The following items considered at the public hearing held April 24, 1956, as revised, are adopted and included in this document:

Item VII—Marine Engineering Regulations and Material Specifications.
Item XI—Electrical Engineering Regulations; Miscellaneous Changes and Additions.
Item XIV—Specifications for Fire Protective Systems.
Item XV—Specifications for Emergency Loudspeaker Systems.
Item XVIII—Receptacle Outlets and Attachment Plugs.

The proposal in Item XVIII of the Agenda was not changed. The necessary amendment to the regulations is in this document.

The proposals in Item VII of the Agenda regarding marine engineering are modified. With respect to nodular iron castings, a requirement regarding markings was added as 46 CFR 51.61-10. In connection with conditions of approval of boilers, the reference to 46 CFR Part 162 (Subchapter Q—Specifications) is limited to applicable requirements governing boilers. In order to have the Coast Guard and the American Society of Mechanical Engineers' requirements in agreement with respect to low pressure heating boilers, 46 CFR 53.03-75, regarding hydrostatic tests, inspection, and stamping, was revised. The major change requires that steel plate heating boilers operating at pressures exceeding 15 pounds per square inch will be subject to shop inspection by a Coast Guard marine inspector. The changes regarding unfired pressure vessels were revised to clarify requirements for air tanks used in offshore drilling operations in 46 CFR 54.01-1. The proposal regarding use of nodular cast-iron valves and fittings in 46 CFR 55.07-1 (e) (4) was revised to permit adjusted pressure ratings for temperatures not exceeding 650° F. to be authorized by the Commandant when construction does comply with 150-pound and 300-pound standards.

The proposals in Item VII dealing with pumping arrangements and piping systems are modified to agree with comments adopted. The amendment to 46 CFR 55.10-10 (b) (6) will require a sentinel valve to be fitted to an economizer when a valved bypass is installed. In view of the good ductility of Grade 60-45-15 nodular cast iron, the amendment to 46 CFR 55.10-70 (i) will permit this material to be used in sea chests and shell connections below the freeboard deck.

The proposals in Item XI of the Agenda with respect to electrical engineering are modified to reflect changes based on comments which were adopted. The proposals changed deal with emergency loudspeaker system, 46 CFR 111.05-10 (c) (4); switchboard bus bars and wiring, 46 CFR 111.35-5 (a); locations of electric propulsion control, 46 CFR 111.35-25 (g); means to start and stop motors, 46 CFR 111.45-1 (e) (2); portable electric cords, 46 CFR 111.50-15 (f) (2); enclosures in spaces where vehicles carrying gasoline are stored, 46 CFR 111.65-10 (b); and electric cooking equipment, 46 CFR 111.65-50 (b) (5) and (6). The proposal to amend 46 CFR 111.35-15 (c) (2) was not adopted. The proposals regarding emergency lighting systems for small passenger vessels in 46 CFR 112.05-15 were revised. The other proposals are adopted.

The proposals in Item XIV of the Agenda covering specifications for fire protective systems are adopted with minor changes in various details which are based on comments received. The requirements modified are in 46 CFR 161.002-6 (g) (1), 161.002-7 (b) (3) (iii) and (iv), (e) (1) and (g) (1), 161.002-8 (a), 161.002-10 (g) (8), 161.002-11 (k) (2) and (l) (6), 161.002-12 (a), 161.002-15 (e) (1) and (f) (7) (iii), and 161.002-16 (c) (4) (iii).

The proposals in Item XV of the Agenda covering specifications for emergency loudspeaker systems are adopted with minor changes in certain details which are based on comments received. The requirements modified are in 46 CFR 161.004-4 (b) (5), (f) (1) and (15), and (g) (16), 161.004-5 (a) (4), and 161.007 (b) (1).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and Treasury Department Order CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below: *It is ordered,* That:

(a) All the amendments to regulations containing specific dates shall become effective on the dates set forth in the regulations; and,

(b) All the other amendments to regulations (which are not covered by paragraph (a), above) are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER.

Subchapter F—Marine Engineering

PART 51—MATERIALS

SUBPART 51.61—IRON CASTINGS

The heading for Subpart 51.61 is amended to read as set forth above.

Subpart 51.61, consisting of §§ 51.61-1 and 51.61-5, is amended to read as follows:

Sec.
51.61-1 Scope.
51.61-5 Hydrostatic tests.
51.61-10 Markings.

AUTHORITY: §§ 51.61-1 to 51.61-10 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391a, 392, 399, 401-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 51.61-1 *Scope.* The material specifications covering nodular cast iron, malleable iron and gray iron castings of Class B, certified material, used for pipe fittings, valves, flanges and manifolds, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.61-1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Malleable iron:		
A47-52	32510	A1.
A47-52	35018	A2.
A197-47	Cupola	B.
Cast iron:		
A126-42	Class A (regular)	C.
A126-42	Class B (higher strength)	D.
A126-42	Class C (high test)	E.
A278-53	Class No. 20	No. 20.
A278-53	Class No. 25	No. 25.
A278-53	Class No. 30	No. 30.
A278-53	Class No. 35	No. 35.
A278-53	Class No. 40	No. 40.
A278-53	Class No. 50	No. 50.
A278-53	Class No. 60	No. 60.
A395-55T	Nodular iron 60-45-15	60-45-15.

§ 51.61-5 *Hydrostatic tests.* Castings intended for use as valves and pipe fittings shall be tested after machining to a hydrostatic pressure as required by § 61.30-5 of this subchapter.

§ 51.61-10 *Markings.* Each nodular iron casting shall be legibly marked for material identification, either by casting or stamping, with the A. S. T. M. designation or grade.

scribed in § 609.5 (d) (4) will apply. In addition, the altitude on procedure turn

tended is fifty to one (50:1) for the inner 10,000-foot section and forty to

[F. R. Doc. 56-9385; Filed, Nov. 20, 1956; 8:45 a. m.]

PART 52—CONSTRUCTION

SUBPART 52.01—PROCEDURE AND GENERAL REQUIREMENTS

Section 52.01–15 is amended to read as follows:

§ 52.01–15 *Conditions for approval.* (a) Manufacturers of boilers and unfired pressure vessels to be installed on vessels subject to inspection by the Coast Guard shall make calculations of the pressure parts of such boilers and unfired pressure vessels using the formulas provided in this subchapter, and submit such calculations for approval together with the drawings required by § 52.01–5. In making calculations, the design stress shall not exceed the maximum allowable stresses for the material.

(b) When it is determined that the design of the boiler or unfired pressure vessel complies with the requirements of this subchapter and, in the case of boilers, with the requirements of Part 162 of Subchapter Q (Specifications) of this chapter, the drawings shall be approved for the maximum allowable pressure at which the boiler or unfired pressure vessels may be operated. If it is determined that the design does not comply with the specified requirements, the manufacturer will be notified by a written statement which will list the reasons for disapproval.

SUBPART 52.30—SURFACES REQUIRED TO BE STAYED OR REINFORCED

Section 52.30–10 (a) (5) is amended by revising coefficients "*C*=238" and "*C*=250" under "Plates exposed to products of combustion" and coefficients "*C*=274" and "*C*=290" under "Plates not exposed to products of combustion" to read as follows:

§ 52.30–10 *Computations.* (a) • • • (5) • • •

C=238 for plates under 7/16 inch in thickness, fitted with screw stays with nuts or welded collars, or stays attached to plates by welding.

• • • • • •

C=250 for plates 7/16 inch and over in thickness, fitted with screw stays with nuts or welded collars, or stays attached to plates by welding.

• • • • • •

C=274 for plates under 7/16 inch in thickness, fitted with screw stays with nuts or welded collars, or stays attached to plates by welding.

• • • • • •

C=290 for plates 7/16 inch and over in thickness, fitted with screw stays with nuts or welded collars, or stays attached to plates by welding.

SUBPART 52.60—SUPERHEATERS, HEADERS, WATER WALLS, AND ECONOMIZERS

Section 52.60–15 (a) is amended to read as follows:

§ 52.60–15 *Computations.* (a) The maximum allowable pressure of cylindrical headers shall be determined by formula (1), (2) or (3) in § 52.05–10, except that the value $(1-y)$ may be substituted for 0.6 in the denominator where y has the following values:

Temperature, °F.

	900	950	1,000	1,050	1,100	1,150 and above
Ferritic	0.4	0.5	0.7	0.7	0.7	0.7
Austenitic	.4	.4	.4	.4	.5	.7

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 53—LOW-PRESSURE HEATING BOILERS

SUBPART 53.01—GENERAL

Section 53.01–1 is amended to read as follows:

§ 53.01–1 *Scope.* (a) The regulations in this part apply to the design and construction of steel plate and cast iron steam and hot water boilers used for heating or hot water supply, the maximum allowable pressure of which shall not exceed the following:

(1) For steel plate boilers—30 pounds per square inch.

(2) For cast iron boilers—15 pounds per square inch for steam boilers and 30 pounds per square inch for hot water boilers.

(b) Except as otherwise provided for in this part, steel plate and cast iron steam and hot water heating boilers designed, fabricated and stamped in conformance with the requirements of the American Society of Mechanical Engineers Rules for Low-Pressure Heating Boilers (A. S. M. E. Boiler and Pressure Vessel Code Section IV) may be accepted for installation on vessels subject to inspection provided the maximum allowable pressure does not exceed 15 pounds per square inch for steam boilers and 30 pounds per square inch for hot water boilers.

(c) The maximum water temperature of hot water boilers shall not exceed 250° F.

(d) When operating conditions exceed those specified in paragraph (a) of this section, steel plate boilers shall be designed and fabricated in accordance with the requirements of Part 52 of this subchapter.

SUBPART 53.03—STEEL PLATE HEATING BOILERS

Section 53.03–1 is amended to read as follows:

§ 53.03–1 *Scope.* (a) The regulations in this subpart contain detail requirements for the design and construction of steel plate heating boilers.

(b) A. S. M. E. steel plate heating boilers accepted under the provisions of § 53.01–1 need not comply with the applicable requirements of this subpart except that safety valves, relief valves, fittings and appliances shall meet the requirements prescribed therein.

(c) Steam heating boilers of steel plate construction, the maximum allowable pressure of which exceeds 15 pounds per square inch shall comply in all respects with the requirements of this subpart.

Section 53.03–5 is amended by adding a new paragraph (d) reading as follows:

§ 53.03–5 *Plan approval.* • • •

(d) A. S. M. E. steel plate heating boilers accepted under the provisions of § 53.01–1 are not subject to type approval by the Commandant and are exempt from the requirements of this section.

Section 53.03–75 is amended to read as follows:

§ 53.03–75 *Hydrostatic tests, inspection, and stamping.* (a) Each boiler shall be subjected to a hydrostatic test pressure of not less than 60 pounds per square inch by the manufacturer.

(b) Shop inspection of A. S. M. E. approved heating boilers by a Coast Guard inspector is not required.

(c) Except as provided for in paragraph (b) of this section, heating boilers of steel plate construction, the maximum allowable pressure of which exceeds 15 p. s. i., shall be examined in the manufacturer's shop by an inspector while the boiler is subjected to the required hydrostatic test pressure. The inspector shall ascertain that there are no defects in workmanship and materials and that no defects have occurred due to the hydrostatic test.

(d) Steel plate heating boilers of the automatically controlled package type shall be subjected to such operating tests as may be prescribed by the Commandant.

(e) Upon completion of the hydrostatic test and inspection of heating boilers subject to shop inspection, and after such boilers are found acceptable, they shall be stamped in a suitable location so as to be readily visible, with the following data:

_____
(Name of fabricator and serial number)

_____
(Month and year fabricated)

_____ P. s. i.
(Maximum w. p.) (Steam)

_____ Pounds per hour
(Safety valve capacity, minimum)

Coast Guard approval No. and symbol _____

Inspector's initials _____

(f) After installation, each heating boiler shall be hydrostatically tested to twice the pressure at which the safety or relief valve is set to open.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1026, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

SUBPART 53.05—CAST-IRON HEATING BOILERS

Subpart 53.05, consisting of §§ 53.05–1 to 53.05–50, is amended to read as follows:

Sec.
53.05–1 Scope.
53.05–5 Plan approval.
53.05–10 Installation.
53.05–15 Safety and relief valves.
53.05–20 Fittings and appliances.

AUTHORITY: §§ 53.05–1 to 53.05–20 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 53.05–1 *Scope.* (a) The regulations in this subpart contain requirements for the design and construction of cast iron heating boilers.

(b) A. S. M. E. cast iron heating boilers accepted under the provisions of § 53.01–1 shall comply with the applicable requirements for safety valves, relief valves, fittings and appliances prescribed in this part.

§ 53.05–5 *Plan approval.* A. S. M. E. cast iron heating boilers accepted under the provisions of § 53.01–1 are not subject to type approval by the Commandant and are exempt from the requirements of this section.

§ 53.05–10 *Installation.* The provisions of § 53.03–55 shall apply to cast iron boilers.

§ 53.05–15 *Safety and relief valves.* (a) The provisions of §§ 53.03–60, 53.03–62 and 53.03–63 shall apply to cast iron heating boilers except as specified in this section.

(b) Safety valves shall be set to discharge at a pressure not to exceed 15 pounds per square inch and relief valves shall be set to discharge at a pressure not to exceed 30 pounds per square inch.

(c) Safety and relief valves for cast iron heating boilers shall be such that with any fuel burning equipment installed, the pressure cannot rise above the maximum allowable pressure more than 5 pounds per square inch for a steam boiler and three pounds per square inch for a hot water boiler.

§ 53.05–20 *Fittings and appliances.* The provisions of § 53.03–70 shall apply to fittings and appliances for cast iron boilers, except that the pressure control regulator shall operate to prevent the steam pressure from rising above 15 pounds per square inch.

PART 54—UNFIRED PRESSURE VESSELS

SUBPART 54.01—GENERAL REQUIREMENTS

Section 54.01–1 is amended by adding a new paragraph (f), reading as follows:

§ 54.01–1 *Scope.* • • •

(f) Unfired pressure vessels, other than those containing compressed air, which do not fully comply with the requirements of this subchapter may be accepted for installation on vessels subject to inspection, provided:

(1) They are used exclusively in the handling and storage of petroleum and associated products obtained in offshore drilling operations.

(2) The design, fabrication, and stamping comply with the requirements of the API-ASME or ASME Code for Unfired Pressure Vessels.

SUBPART 54.03—DESIGN AND CONSTRUCTION

Section 54.03–10 (c) is amended by revising Table 54.03–10 (c) to read as follows:

§ 54.03–10 *Cylindrical shells and heads.* • • •

(c) • • •

TABLE 54.03–10 (c)—MAXIMUM ALLOWABLE STRESSES[1] FOR NONFERROUS MATERIALS USED IN UNFIRED PRESSURE VESSELS

Specification subpart	A. S. T. M. designation	Grade: A. S. T. M.	Grade: C. G.	Minimum tensile strength p. s. i.	Minimum yield strength p. s. i.	Notes	For metal temperatures not exceeding ° F.: Sub-zero to 150	250	300	350	400 [2]	450	500
Aluminum-alloy plates													
51.79	B–178	990A (2S)	990A	11,000	3,500	[3]	2,350	2,100	1,850	1,600	1,300	-------	-------
51.79	B–178	M1A (3S)	M1A	14,000	5,000	[3 4]	3,150	2,700	2,400	2,100	1,800	-------	-------
51.79	B–178	GR20A (52S)	GR20A	25,000	9,500	[3]	6,250	6,000	5,400	4,450	3,900	-------	-------
51.79	B–178	GS11A (61S)	GS11A	16,000	6,000	[3 4 5]	3,800	3,300	3,100	2,700	2,300	-------	-------
51.79	B–178	GS11A (61S) (T4)	GS11A	30,000	16,000	[3 5]	7,100	6,200	5,850	5,600	4,300	-------	-------
Copper and copper-alloy plates													
51.67	B–11	Copper	B 11	30,000	10,000	[3]	6,700	6,300	5,000	3,800	2,500	-------	-------
51.67	B–171	Naval brass	B 171–A	50,000	20,000	-------	12,500	11,200	10,500	7,500	2,000	-------	-------
51.67	B–171	Copper-nickel 70–30	B 171–B	50,000	20,000	-------	12,500	12,500	12,200	12,000	11,700	11,300	11,000
51.67	B–171	Aluminum bronze	B 171–C	90,000	36,000	[6]	22,500	19,500	18,000	16,500	15,000	13,300	-------
Seamless pipe or tubes													
51.73	B–13	Copper boiler tubes	B 13	30,000	9,000	-------	6,000	5,800	5,000	3,800	2,500	-------	-------
51.70	B–42	Copper pipe	B 42	30,000	9,000	-------	6,000	5,800	5,000	3,800	2,500	-------	-------
51.70	B–42	Copper pipe	B 42	36,000	30,000	[3 5 7]	9,000	8,300	8,000	5,000	2,500	-------	-------
51.70	B–43	Red brass pipe	B 43	40,000	12,000	[3 5]	8,000	8,000	8,000	6,000	3,000	-------	-------
51.73	B–75	Copper tubes	B 75	30,000	9,000	-------	6,000	5,800	5,000	3,800	2,500	-------	-------
51.73	B–75	Copper tubes	B 75	36,000	30,000	[3 5 7]	9,000	8,300	8,000	5,000	2,500	-------	-------
51.73	B–88	Copper tubes	B 88	30,000	10,000	[3 5]	6,700	6,300	5,000	3,800	2,500	-------	-------
51.73	B–88	Copper tubes	B 88	36,000	30,000	[3 5 7]	9,000	8,300	8,000	5,000	2,500	-------	-------
51.73	B–111	Copper tubes	B 111A or B	30,000	10,000	[3 5]	6,700	6,300	5,000	3,800	2,500	-------	-------
51.73	B–111	Copper tubes	B 111A or B	36,000	30,000	[3 5 7]	9,000	8,300	8,000	5,000	2,500	-------	-------
51.73	B–111	Admiralty Metal	B 111–C	45,000	15,000	[3 5 7]	10,000	10,000	10,000	8,000	5,000	-------	-------
51.73	B–111	Aluminum brass tubes	B 111–D	50,000	18,000	-------	12,000	12,000	12,000	7,500	3,000	2,000	-------
51.73	B–111	Aluminum bronze tubes	B 111–E	50,000	19,000	-------	12,400	11,900	11,600	10,000	6,000	4,000	-------
51.73	B–111	Red brass tubes	B 111–F	40,000	12,000	[3 5]	8,000	8,000	8,000	6,000	3,000	-------	-------
51.73	B–111	Copper nickel tubes 70–30	B 111–G	52,000	18,000	-------	11,600	11,000	10,800	10,600	10,300	10,100	9,900
51.73	B–111	Copper nickel tubes 80–20	B 111–H	45,000	16,000	-------	10,600	10,400	10,300	10,100	9,900	9,600	9,300
51.73	B–111	Copper nickel tubes 90–10	B 111–I	40,000	15,000	[3 5]	10,000	9,500	9,300	9,000	8,700	8,300	8,000
Brazed pipe	-------	Copper	-------	-------	-------	-------	3,000	3,000	[8 2,600]	-------	-------	-------	-------
Castings													
51.76	B–61	Steam bronze	2 A	34,000	-------	[9]	6,800	6,800	6,500	6,000	5,500	5,000	-------
51.76	B–62	Ounce metal	4 A	30,000	-------	[9]	6,000	5,500	5,000	4,500	[10 3,500]	-------	-------
51.76	B–143	Tin bronze, 1A	1 A	40,000	-------	[9]	8,000	8,000	7,000	6,000	5,500	5,000	-------
51.76	B–143	Tin bronze, 1B	1 B	40,000	-------	[9]	8,000	8,000	7,000	6,000	5,500	5,000	-------

[1] All stresses refer to the annealed condition of the material, unless otherwise specified. For wrought material, the allowable *S* values are based upon one-fourth of the minimum tensile strength or two-thirds of the minimum yield strength for temperatures of 150° F. and below, whichever is lower; and upon creep stress or stress-rupture at the higher temperatures. For cast material, the allowable *S* values are based upon one-fifth of the minimum tensile strength for temperatures of 150° F. and below; and upon creep stress or stress-rupture at the higher temperatures.

[2] The same stress may be employed for a temperature of 400° F.

[3] The minimum yield strength employed not included in the specification.

[4] For temperatures of 100° F. and below, the following stress values may be used:
M1A 3,350
GS11A 4,000
GS11A(T4) .. 7,500

[5] The minimum tensile strength employed not included in the specification.

[6] This material approved for tube sheets only.

[7] These stresses refer to the light drawn condition.

[8] The same stress may be employed for 320° F.

[9] To these stresses a casting quality factor of 80 percent shall be used. This is not intended to apply to valves and fittings complying with A. S. A. standards.

[10] This stress is not permitted for temperatures exceeding 366° F.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, Sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 55—PIPING SYSTEMS AND APPURTENANCES

SUBPART 55.01—GENERAL

Section 55.01–1 is amended by adding a new paragraph (c) reading as follows:

§ 55.01–1 *Scope.* • • •

(c) Piping systems which do not fully comply with the requirements of this subchapter may be accepted for installation on vessels subject to inspection provided:

(1) They are limited to handling petroleum and associated products for use in offshore drilling operations.

(2) The design, material and fabrication comply with the requirements of the American Petroleum Institute (API) for such piping.

SUBPART 55.04—PIPING CLASSIFICATION

Section 55.04–10 is amended to read as follows:

§ 55.04–10 *Class II piping.* Class II piping shall include piping system conveying mediums at or below the pressures or temperatures specified in Table 55.04–5, except that exhaust piping from internal combustion engines may comply with the requirements for Class II piping.

SUBPART 55.07—DETAIL REQUIREMENTS

Section 55.07–1 (e) is amended by adding a new subparagraph (4), reading as follows:

§ 55.07–1 *Material.* • • •

(e) • • •

(4) Nodular cast iron conforming to the requirements of Subpart 51.61 of this subchapter, Grade 60–45–15, may be used in the construction of valves and fittings complying with 150-pound and 300-pound standards, and for temperatures not exceeding 650° F. Adjusted pressure ratings for temperatures not exceeding 650° F. shall be as authorized by the Commandant.

SUBPART 55.10—PUMPING ARRANGEMENTS AND PIPING SYSTEMS

Section 55.10–10 is amended by revising paragraphs (a) (1), (b) (3), (b) (6), and (c) (1) to read as follows:

§ 55.10–10 *Boiler feed piping.*—(a) *General requirements.* (1) Steam vessels, and motor vessels fitted with steam driven electrical generators, shall have at least two separate means of supplying feed water for the boilers. All feed pumps shall be fitted with the necessary connections for this purpose. The arrangement of feed pumps shall be in accordance with paragraph (d) or (e) of this section.

• • • • • •

(b) *Feed valves.* • • •

(3) Feed stop or stop-check valves may be located near the operating platform on boilers fitted with economizers provided the piping between the valves and the economizer, exclusive of the feed valves and the economizer inlet nozzles, is installed without intervening flanged connections and all butt-welded joints 4 inches and above in size are completely radiographed.

• • • • • •

(6) A sentinel valve shall be fitted to an economizer when a valved bypass is installed.

(c) *Feed-water regulators, feed-water heaters and grease extractors.* (1) Feed-water regulators, tubular feed-water heaters, and grease extractors, where installed, shall be fitted with bypasses.

Section 55.10–70 (i) is amended to read as follows:

§ 55.10–70 *Overboard discharges and shell connections.* • • •

(i) On new installations or replacements in vessels of 150 gross tons and over, malleable iron and non-ductile cast irons are not permitted for any connection to the shell plating below the freeboard deck nor shall such valves be secured to sea chests. Nodular cast iron, Grade 60–45–15, conforming to the requirements of Subpart 51.61 of this subchapter, may be used for shell connections below the freeboard deck and valves secured to sea chests.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

SUBPART 56.01—ARC WELDING AND GAS WELDING

Section 56.01–20 is amended to read as follows:

§ 56.01–20 *Arc welding electrodes.* (a) Acceptable brand names of arc welding electrodes, as published in the Equipment Lists, CG–190, shall be used in the welded fabrication of machinery appurtenances and pressure-containing parts as given in § 56.01–1.

(b) Type E6012, E6013, or E6024 electrodes shall not be used in the fabrication of any item listed in paragraph (a) of this section.

Section 56.01–80 is amended by revising paragraph (h) and paragraph (k) (1) to read as follows:

§ 56.01–80 *Welded piping.* • • •

(h) All butt-welded joints in Class I piping exceeding 2½ inches in diameter, with the exception of high-pressure salt water piping systems used in tank cleaning operations and gas supply piping of carbon or carbon molybdenum steel used in gas turbines shall be stress-relieved as required by § 56.01–70.

• • • • • •

(k) (1) All butt-welded joints in Class I piping exceeding 2½ inches in diameter, with the exception of high-pressure salt water piping systems used in tank cleaning operations and gas supply piping of carbon or carbon molybdenum steel used in gas turbines shall be nondestructively tested as required by § 56.05–5.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 58—REPAIRS TO BOILERS, UNFIRED PRESSURE VESSELS AND APPURTENANCES

SUBPART 58.10—WELDING REPAIRS TO BOILERS AND UNFIRED PRESSURE VESSELS IN SERVICE

Section 58.10–5 (g) is amended by deleting the last sentence so that it will read as follows:

§ 58.10–5 *Cracks.* • • •

(g) All cracks permitted to be repaired under this subpart shall be excavated to sound metal by grinding, flame gouging or chipping out the defective metal to form a clean welding groove. The first two methods of excavation are preferable. Either a V groove or U groove wherein complete penetration of the weld metal is secured may be used. After excavation is completed and prior to welding, the excavated area shall be examined by magnetic particle testing to insure that the entire crack was excavated. When the reverse side of the weld is accessible the root of the weld shall be chipped or ground out to insure a clean surface of the originally deposited metal and the resultant groove welded to obtain a sound weld having complete penetration. During welding a preheat of 200 degrees plus or minus 50 degrees F. shall be maintained by controlled temperature. For thicknesses exceeding ¾ inch, suitable U grooves should be employed. A welding sequence shall be used so as to equalize welding stresses.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter J—Electrical Engineering

PART 110—GENERAL PROVISIONS

SUBPART 110.10—REFERENCE SPECIFICATIONS, STANDARDS, AND CODES

Section 110.10–1 is amended by revising paragraph (c) and adding a new paragraph (e) (17), reading as follows:

§ 110.10–1 *General.* • • •

(c) Standards of issue in effect on the date the vessel is contracted for, issued by National Electrical Manufacturers Association, 155 East 44th Street, New York 17, N. Y., as listed in this paragraph.

(1) NEMA Standards Publication Molded Case Circuit Breakers.

(2) NEMA Standards for Large Air Circuit Breakers.

• • • • • •

(e) • • •

(17) Standard for Commercial Electric Cooking Appliances.

SUBPART 110.15—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

Section 110.15–15 (b) (2) is amended by revising Table 110.15–15 (b) (2) to read as follows:

§ 110.15–15 *Cable terms.* • • •

(b) *Cable designations.* • • •

(2) • • •

TABLE 110.15–15 (b) (2)—PORTABLE CORD AND FIXTURE WIRE SYMBOLS

Trade name of wire or cord	Designation
Asbestos-covered heat-resistant fixture wire	AF
Silicone rubber insulated fixture wire	SF–2
Silicone rubber insulated fixture wire, flexible stranding	SFF–2
Asbestos-covered heat-resistant cord	AFC, AFPD
Rubber-jacketed heat-resistant cord	AFS, AFSJ
Heat- and moisture-resistant cord	AVPD
Lamp cord	C
Cotton-covered heat-resistant fixture wire, stranded or flexible stranded	CF
Cotton-covered heat-resistant cord	CFC, CFPD
Elevator cable	E, EO, ET
Rubber-covered fixture wire, flexible stranding	FF–2
Heat-resistant rubber-covered fixture wire, flexible stranding	FFH–2
Heater cord	HC, HPD
Jacketed heater cord	HS
Rubber-jacketed heater cord	HSJ
Braided heavy duty cord	K
Reinforced cord	P, P–2
Twisted portable cord	PD
Moisture-proof reinforced cord	PW, PW–2
Rubber-covered stranded fixture wire	RF–2
Heat-resistant rubber-covered stranded fixture wire	RFH–2
Hard service cord	S
Hard service cord, oil-resistant	SO
Hard service cord, thermoplastic covered	ST
Junior hard service cord	SJ
Junior hard service cord, oil-resistant	SJO
Junior hard service cord, thermoplastic covered	SJT
Thermoplastic-covered stranded fixture wire	TF
Thermoplastic-covered fixture wire, flexible stranding	TFF

Section 110.15–45 is amended to read as follows:

§ 110.15–45 *Corrosion-resistant or noncorrodible materials.* Silver, corrosion-resisting steel, copper, brass, bronze, copper-nickel, certain copper-nickel alloys, and certain aluminum alloys are considered satisfactory corrosion-resistant or noncorrodible materials.

Section 110.15–65 is amended by adding a new paragraph (g) reading as follows:

§ 110.15–65 *Equipment enclosure terms.* • • •

(g) *Totally enclosed equipment.* Totally enclosed means so enclosed as to prevent circulation of air between the inside and the outside of the case, but not necessarily sufficiently to be termed air-tight. (ASA 95.90.220.)

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

SUBPART 111.01—APPLICATION

Section 111.01–1 is amended to read as follows:

§ 111.01–1 *General.* (a) The provisions of this part, with the exception of Subpart 111.90 of this part, shall, unless otherwise indicated, apply to all vessels contracted for on or after November 19, 1952. The provisions of Subpart 111.90 of this part shall apply to all vessels contracted for prior to November 19, 1952.

SUBPART 111.05—GENERAL REQUIREMENTS

Section 111.05–10 (c) is amended by revising subparagraphs (13) and (14) to read as follows:

§ 111.05–10 *Testing and inspection.* • • •

(c) *Initial inspection.* • • •

(13) *General alarm system.* The general alarm system should be checked with a sound level meter, the sound level of the bells being measured in each stateroom for passengers or crew with doors closed. Where the background noise level is questionable, the background noise level should be measured while the vessel is underway. For the required sound levels, see § 113.25–10 (c) of this subchapter.

(14) *Emergency loudspeaker system.* The emergency loudspeaker system should be checked with a sound level meter, the sound level being measured at several locations in the vicinity of each lifeboat handling station, each lifeboat embarkation station, each passenger assembly station, and throughout crew quarters. Where the background noise level is questionable, the background noise level should be measured while the vessel is underway. For the required sound levels, see Table 113.50–15 in § 113.50–15 of this subchapter. It should be demonstrated that voice reproduction is of good quality and intelligibility is of a high order. It should be demonstrated that grounding or opening either conductor or "shorting" both conductors to a typical lifeboat station loudspeaker or to a typical embarkation deck loudspeaker, each to be selected by an inspector, will not reduce the output of any one of the remaining loudspeakers by more than three decibels.

Section 111.05–15 (d) is amended to read as follows:

§ 111.05–15 *General considerations.* • • •

(d) *Watertight equipment.* (1) All electrical equipment exposed to the weather or located in spaces where they would be exposed to seas, splashing, or other severe moisture condition, shall be of the watertight type or be protected by means of watertight enclosures which shall be such as to prevent the exposure of the equipment to temperatures in excess of those for which they have been designed.

Section 111.05–20 is amended to read as follows:

§ 111.05–20 *Temperature ratings.* (a) In the requirements of this subchapter, except as noted in paragraph (b) of this section, an ambient temperature of 40° C. has been assumed for all locations except boiler and engine rooms, while for these latter spaces 50° C. has been assumed as the ambient temperature. Where the ambient temperature is in excess of these values, the total temperature specified shall not be exceeded. Where equipment has been rated on ambient temperatures less than those contemplated, consideration will be given to the use of such equipment provided the total temperature for which the equipment is rated will not be exceeded.

(b) For the assumed ambient temperature for lighting fixtures, see § 111.60–35 (c) (2). For the assumed ambient temperature for thermal trip circuit breakers see § 111.55–15 (e) (6).

Section 111.05–25 (a) is amended by adding a new subparagraph (4), reading as follows:

§ 111.05–25 *Nature of electrical supply.* (a) • • •

(4) Four-wire, three-phase alternating current.

SUBPART 111.10—GENERATORS

Section 111.10–15 (j) is amended to read as follows:

§ 111.10–15 *Generator construction.* • • •

(j) *Lubrication*—(1) *Ship's service generators.* In general, all generators should be located with their shafts in a fore and aft direction on the vessel, and they must lubricate and operate satisfactorily when permanently inclined to an angle of 15 degrees athwartship and 5 degrees fore and aft; the bearings are to be so arranged that they will not spill oil under a momentary roll of 22½ degrees. Where it is not practicable to mount the generators with armature shafts in the fore and aft direction their lubrication will require special consideration. Generators depending on forced lubrication, unless otherwise approved, should be provided with means to shut down their prime movers automatically on failure of the lubricating system. Provision is to be made to prevent oil or oil vapor from passing into the machine windings.

(2) *Emergency generators.* For lubrication of emergency diesel-driven generator sets also see Subpart 112.50 of this subchapter.

Section 111.10–30 (a) is amended by adding a footnote 1 to the heading of Table 111.10–30 (a2), reading as follows:

§ 111.10–30 *Temperature limitations.* (a) • • •

TABLE 111.10-30 (a2)—LIMITS OF TEMPERATURE RISES FOR A. C. GENERATORS BASED ON 50° C. AMBIENT TEMPERATURE[1]

* * * * *

SUBPART 111.15—STORAGE BATTERIES

Section 111.15-1 (b) is amended to read as follows:

§ 111.15-1 *General requirements.* * * *

(b) *Emergency and general alarm storage batteries.* When batteries are used for emergency lighting and power loads or for general alarm system loads, the requirements of Part 112 of this subchapter are also applicable.

SUBPART 111.25—MOTORS

Section 111.25-10 *Temperature limitations* is amended by adding the subtitle "(Thermometer method)" to the title "Limits of temperature rises; degrees centigrade" over the second, third, fourth, and fifth columns in Tables 111.25-10 (a1) and 111.25-10 (a2).

Section 111.25-15 (a) is amended by revising Table 111.25-15 (a) to read as follows:

§ 111.25-15 *Duty cycle.* (a) * * *

TABLE 111.25-15 (a)

Application of motor	Minimum short time rating of motor in hour
Deck winch and direct acting capstan.	½.
Deck winch with hydraulic transmission.	Continuous at no load, followed by ½ hour at full load.
Direct acting windlass	½.
Windlass with hydraulic transmission.	½ hour idle pump operation followed by ½ hour full load operation.
Steering gear, direct acting	1.
Steering gear, indirect drive	Continuous operation at 15 percent load followed by 1 hour at full load.
Watertight door operators	½.
Lifeboat winches	½.

Section 111.25-30 (c) is amended to read as follows:

§ 111.25-30 *Enclosure and protection.* * * *

(c) *Motors for use on weather decks.* Motors for use on weather decks shall be of the watertight type or shall be enclosed in watertight housings, drained as described in § 110.15-175 (k) of this subchapter.

SUBPART 111.35—SWITCHBOARDS AND PROPULSION CONTROLS

Section 111.35-5 is amended by revising paragraphs (a) and (c) to read as follows:

§ 111.35-5 *Switchboard bus bars and wiring.*—(a) *General.* Buses shall be designed on the basis of generator capacity and feeder loads. For a single generator, the generator bus shall have a capacity equal to the continuous rating of the generator plus any overload rating in excess of 30 minutes' duration. For more than one generator with all generating capacity feeding through one section of the bus, the capacity of the bus for the first generator shall be the same as for a single generator. For each subsequent generator the bus capacity shall be increased by 80 percent of the continuous rating of each added generator. The capacity of connection buses for each generator unit shall be equal to the continuous rating of the generator plus any overload rating in excess of 30 minutes' duration. All other bus bars and bus connections shall be designed for at least 75 percent of the combined full-load rated currents of all apparatus for supply, plus not less than 50 percent of the combined fuse or element ratings of the spare switches or circuit breakers connected to the bus, except that when feeders supply one unit or any group of units in continuous operation they shall be designed for full load, and except that the capacity of feeder buses shall not be greater than the generators buses that supply them.

* * * * *

(c) *Arrangement of bus bars and wiring.* The arrangement of bus bars and wiring on the back of switchboards shall be such that all lugs are readily accessible. Soldering lugs, where used, should have a solder contact length at least 1½ times the diameter of the conductor and all nuts and connections should be fitted with locking devices to prevent loosening due to vibration.

Section 111.35-10 (a) is amended to read as follows:

§ 111.35-10 *Switchboard mounted equipment*—(a) *General.* Air circuit breaker contacts shall be kept at least 12 inches from the ship's structure unless insulation barriers are installed. For live front switchboards the clearance between current-carrying parts and base channel shall not be less than 4 inches. Voltage regulator element shall be totally enclosed. Where rheostats or other devices that may operate at high temperatures are mounted on the switchboard, they shall be naturally ventilated and so isolated by barriers as to prevent excessive temperature of copper or adjacent devices. When this cannot be accomplished the rheostat or other device shall be mounted separate from the switchboard. In general, all fuses, except for instrument and control circuits, shall be mounted on or be accessible from the front of the switchboard. All wiring on the back of boards for voltmeter, pilot and ground lamps shall be protected by fuses.

Section 111.35-15 is amended by adding paragraphs (b) (8) and (c) (13), reading as follows:

§ 111.35-15 *Ship's service generator and distribution switchboards.* * * *

(b) *Equipment for direct-current switchboards.* * * *

(8) A circuit breaker or fused switch for each shore power feeder installed, with a pilot light connected to the shore side thereof.

* * * * *

(c) *Equipment for alternating-current switchboards.* * * *

(13) A circuit breaker or fused switch for each shore power feeder installed, with a pilot light connected to the shore side thereof.

Section 111.35-25 is amended by revising paragraphs (a), (g), (j), and (l) to read as follows:

§ 111.35-25 *Electric propulsion control*—(a) *General.* The arrangement of bus bars and wiring on the back of propulsion control assemblies should be such that all parts, including the connections, are accessible. Adequate clearance should be provided between parts of opposite polarity and between live parts and ground to prevent arcing. All nuts and connections should be fitted with locking devices to prevent loosening due to vibration.

* * * * *

(g) *Locations.* Either wheelhouse or engine room control may be used; however, when wheelhouse control is used an arrangement shall be provided whereby the propulsion equipment can also be controlled from the engine room, except when otherwise approved for small vessels for limited service. When the equipment is arranged for control from two or more stations, a selector switch shall be provided for connecting the control circuit to the delegated station controller. This selector switch shall be interlocked to prevent transfer of the control without removing power and to prevent restarting from the incoming control station until the control is first returned to the "Off" position.

* * * * *

(j) *Ground detection and protection from electrical faults.* Ground detection together with means of protecting the propulsion generators and motors from electrical faults should be provided. For alternating-current systems, the grounding arrangement of the generator neutral should limit the current at full load voltage to not more than 20 amperes upon a fault to ground in the propulsion system. Phase unbalance and ground relays should be provided which will open the generator and motor field circuits upon the occurrence of a fault. For direct-current systems the ground detector may consist of a voltmeter or lights. Provision should be made for protection against severe overloads, excessive currents, and electrical faults likely to result in damage to the plant. Protective equipment should be capable of being so set as not to operate on the overloads or overcurrents experienced in a heavy seaway or when maneuvering.

* * * * *

(l) *Electric coupling control equipment.* Electric coupling control equipment should be combined with the prime mover speed and reversing control and should include a two-pole disconnect switch, short circuit protection only, ammeter for reading coupling current, discharge resistor and interlocking to prevent energizing the coupling when the prime mover control levers are in an inappropriate position.

[1] For generators having 25 percent overload rating for 2 hours, the temperature at the end of the overload run when conducted immediately following the continuous run shall not exceed the figures in the table by more than 15° C. except for collector rings which shall be in accordance with the table.

SUBPART 111.45—MOTOR CIRCUITS AND CONTROLLERS

Section 111.45-1 is amended by revising paragraphs (e) (2) and (j) to read as follows:

§ 111.45-1 *Motor controllers, general requirements.* * * *

(e) *Adjacent to motor and driven machinery.* * * *

(2) Means shall be provided at the motor to start and stop the motor. Where the starting of a motor would be hazardous when not coordinated with other activities, such as the starting of a fuel oil service pump, the requirements of this subparagraph pertaining to the starting means at the motor need not be complied with.

* * * * *

(j) *Hinged doors.* All controller hinged doors having either a height exceeding 45 inches or a width exceeding 24 inches shall be provided with door positioners and stops. Equipment mounted on a hinged door shall be constructed or shielded in such a manner that no live parts of the door mounted equipment will be exposed to accidental contact by a person with the door open and the circuit energized.

Section 111.45-10 (b) is amended to read as follows:

§ 111.45-10 *Remote-control, electrical interlock, and indicator circuits.* * * *

(b) *Overcurrent protection.* Conductors of control, electrical interlock, and indicator circuits of motor controllers shall be considered as being properly protected against overcurrent by the branch circuit overcurrent device where the conductors are wholly within the controller enclosure. Conductors of control, electrical interlock, and indicator circuits external to the controller enclosure shall be considered as being properly protected against overcurrent under any one of the conditions listed in this paragraph.

(1) If the rating or setting of the branch-circuit overcurrent device is not more than 500 percent of the current-carrying capacity of the control, electrical interlock, or indicator circuit conductors.

(2) By overcurrent devices, in both sides of the line, having a rating or setting of not more than 500 percent of the current-carrying capacity of the control, electrical interlock, or indicator circuit conductors, except that where under operating conditions there is no appreciable difference in potential between the external conductors, overcurrent protection need only be provided at the supply of that side of the line.

(3) If the opening of the control, electrical interlock, or indicator circuit would create a hazard, no overcurrent protection shall be provided.

(4) For overcurrent protection of steering gear control and indicator light circuits see § 111.45-5 (p).

Section 111.45-25 (b) is amended by adding a new subparagraph (4), reading as follows:

§ 111.45-25 *Motor feeder overcurrent protection.* * * *

(b) *Rating or setting, motor loads.* * * *

(4) Where larger capacity feeders are installed to provide for future additions or changes, the feeder overcurrent protection may be based on the rated current-carrying capacity of the feeder conductors.

Section 111.45-30 (m) is amended to read as follows:

§ 111.45-30 *Disconnecting means.* * * *

(m) *Panelboard or switchboard devices, as disconnecting means.* A branch circuit switch or circuit breaker may serve as the disconnecting means provided it conforms to all the requirements of this section. When provision for locking in the open circuit position is required by paragraph (n) of this section, accessibility for manual operation of any other switch or circuit breaker on the panelboard or switchboard shall not be interfered with.

Section 111.45-40 is amended by adding a new paragraph (f), reading as follows:

§ 111.45-40 *Group control panels.* * * *

(f) *Motor and motor branch circuit overcurrent protection.* In lieu of the requirements of §§ 111.45-5 (m) and 111.45-20 (b), a motor branch circuit of group control panels may be considered to be protected against overcurrent by an instantaneous trip circuit breaker set to trip at a value not exceeding 1500 percent of the motor full-load current, provided that all the conditions of this paragraph are fulfilled.

(1) The thermal cutout, thermal relay, or other device for motor-running protection shall be capable of operation without damage to itself from a current up to the setting of the branch circuit circuit breaker.

(2) The motor controller shall be capable of opening the circuit without damage to itself resulting from a current up to the setting of the branch circuit circuit breaker.

SUBPART 111.50—DISTRIBUTION AND CIRCUIT LOADS

Section 111.50-1 (c) is amended to read as follows:

§ 111.50-1 *Distribution, general requirements.* * * *

(c) *Polarity identification of conductors.* (1) On systems having a grounded conductor, the grounded conductor shall be identified throughout the vessel by means of a white or natural gray conductor outer covering, and any conductor so identified shall not be used as an ungrounded conductor of a circuit unless the conductor is rendered permanently unidentified by painting or other effective means at each outlet. On ungrounded systems, it is recommended that conductor identification be consistent throughout the vessel.

(2) An insulated conductor of a portable cable intended to be used as a grounding conductor shall have a continuous identifying marker readily distinguishing it from the other conductors. The identifying marker shall consist of either a braid finished to show a green color or a green colored insulation. The requirements of this subparagraph shall be effective on vessels contracted for on or after November 19, 1956.

Section 111.50-5 (c) is amended to read as follows:

§ 111.50-5 *Ship's service power circuits.* * * *

(c) *Ventilation systems.* Cargo ventilation fans, machinery spaces ventilating fans, and accommodation ventilating fans shall, if practicable, be supplied by separate feeders. All electrical ventilation systems shall be provided with remote control means for stopping the motors in case of fire or other emergency. For the machinery space ventilation there shall be provided a control located in the passageway leading to, but outside of, the space. For all other ventilation systems, a control station shall be located in the fire control room or wheelhouse, if continuously manned both when underway and when at a dock, or in an accessible position in the passageway leading to, but outside of, the space ventilated. These emergency control push-button stations shall be protected by enclosures with glass paneled doors on the front of which shall be marked: "In Case of Fire Break Glass and Push Button to Stop Ventilation." Each push button shall be provided with a nameplate identifying the system with which it is associated. This remote control system shall be of the undervoltage protection type and so arranged that damage to the master switch or cable will automatically stop the fans. For automatic shut-down of mechanical ventilation in spaces protected by a carbon dioxide fire extinguishing system, see Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels), and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(1) The requirements of this paragraph shall not be construed to include a closed ventilation system for a motor or generator, diffuser fans for refrigerated spaces, or room circulating fans.

Section 111.50-15 is amended by revising paragraphs (c) and (f) to read as follows:

§ 111.50-15 *Lighting branch circuits and lighting requirements.* * * *

(c) *Berth lights.* Berth lights shall be permanently mounted and wired without the use of portable cords. The berth light shall have a minimum horizontal projection so that it will be difficult completely to cover the light with bedding.

* * * * *

(f) *Receptacle outlets.* (1) A sufficient number of receptacle outlets shall be located throughout crews' accommodations to permit the use of electric razors, radios, and the like without using portable cords of excessive length.

(2) A sufficient number of receptacle outlets shall be located throughout the machinery spaces to permit lighting of any machine vital to the operation of the vessel with a portable light having a 75-foot portable cord. The requirements of this subparagraph shall be effective on vessels contracted for on or after November 19, 1956.

Section 111.50-20 (a) is amended by revising Table 111.50-20 (a) to read as follows:

§ 111.50–20 *Circuit loads and demand factors*—(a) *General.* • • •

TABLE 111.50-20 (a)—DEMAND LOADS

Type of circuit	Demand load
Generator cables	125 percent of continuous generator rating.
Switchboard bus-tie, except ship's service to emergency switchboard bus-tie.	75 percent of generating capacity of the larger switchboard.
Emergency switchboard bus-tie	125 percent of continuous rating of emergency generator.
Feeder supplying two or more motors	125 percent of the rating of the largest motor plus 100 percent of the sum of the ratings of all other motors supplied and including 50 percent of the rating of the spare switches on the distribution panel.[1]
Feeder supplying two or more cargo winch motors arranged for the "Burtoning" method of cargo handling.	125 percent of the rating of the largest motor plus 50 percent of the sum of ratings of all other motors supplied.[1]
Feeder supplying two or more cargo winch motors or cargo elevator motors.	125 percent of the rating of the largest motor plus 75 percent of the sum of the ratings of all other motors supplied.
Galley equipment feeder	100 percent of either the first 50 KW or one-half the connected load, whichever is the larger, plus 65 percent of the remaining connected load, plus 50 percent of the rating of the spare switches on the distribution panel.
Lighting feeder	100 percent of the connected load plus the average active circuit load for the spare switches on the distribution panels.
Grounded neutral of a dual voltage feeder.	100 percent of the capacity of the ungrounded conductors when grounded neutral is not protected by a circuit breaker overcurrent trip, or not less than 50 percent of the capacity of the ungrounded conductors when the grounded neutral is protected by a circuit breaker overcurrent trip.

[1] Where a large number of motors are supplied from one feeder and the character of the load is such that not all motors will be operated simultaneously, a smaller demand load may be approved.

SUBPART 111.55—OVERCURRENT PROTECTION

Section 111.55–1 is amended by revising paragraphs (b) (1), (6), (g) (1), (2), (h) (1) and (i) and by adding a new paragraph (j), reading as follows:

§ 111.55–1 *Installation of overcurrent protective devices.* • • •

(b) *Overcurrent protection of conductors.* • • •

(1) *Fuses.* If the allowable current-carrying capacity of the conductor does not correspond to a standard size fuse, the next larger size or rating may be used but not exceeding 150 percent of the allowable current-carrying capacity of the conductor. Plug fuses and fuseholders (see § 111.55–15 (b)) shall not be used in circuits exceeding 125 volts between conductors. The screw shell of plug type fuseholders shall be connected to the load of the circuit.

• • • • •

(6) *Remote-control, electrical interlock, and indicator circuits.* The conductors of remote control, electrical interlock, and indicator circuits of motor controllers shall be considered as protected by the arrangements specified by § 111.45–10 (b).

• • • • •

(g) *Protection of ship's service generators*—(1) *General.* Each generator of 25 KW and over, and each generator regardless of size if arranged for parallel operation, shall be protected by an individual trip-free air circuit breaker having inverse time overcurrent and instantaneous trips. The time overcurrent device shall be set at a value not exceeding 15 percent either above the full-load rating for continuous rated machines or above the overload rating for special rated machines. The instantaneous trip shall be set at the lowest value of current which will coordinate with the trip settings of feeder or back-up circuit breakers supplied by the generator. Each generator of less than 25 KW not arranged for parallel operation may be protected by individual fuses in lieu of an individual circuit breaker.

(2) *Generator circuits for parallel operation.* Each direct-current generator arranged for parallel operation shall be provided with a reverse current device. Generator ammeter shunts shall be so located that the ammeters indicate total generator current. Each alternating-current generator arranged for parallel operation shall be provided with a reverse power relay.

(h) *Three-wire direct-current generators*—(1) *Circuit-breaker poles.* Separate circuit-breaker poles should be provided for the positive, negative, neutral and also for the equalizer leads unless protection is provided by the main poles. When equalizer poles are provided for the three-wire generators, the overload trips should be of the "Algebraic" type. No overload trip should be provided for the neutral pole, but it should operate simultaneously with the main poles. A neutral overcurrent relay and alarm system should be provided and set to function at a current value equal to the neutral rating.

• • • • •

(i) *Three-wire single-phase and four-wire three-phase generators*—(1) *Circuit-breaker poles.* Circuit-breaker poles shall be provided for each generator lead, including the neutral, except that where the generator disconnect switch is operable from the front of the switchboard, no generator circuit-breaker pole need be provided for the generator neutral.

(2) *Neutral grounding, main switchboard.* The neutral of dual-voltage alternating-current systems shall be solidly grounded at the generator switchboard with an ammeter in the ground connection. The ground connection shall be made in such a manner that it will not prevent checking the insulation resistance of the generator to ground before the generator is connected to the bus. The neutral of dual-voltage alternating-current emergency lighting and power systems shall be grounded at all times when supplied from the emergency generator or storage battery.

(3) *Neutral grounding, emergency switchboard.* The neutral bus of the emergency switchboard shall be grounded in the same manner as described for three-wire direct-current systems in paragraph (h) (4) of this section.

(j) *Propulsion circuits.* Overcurrent protection of propulsion motors, generators, and circuits will require special consideration in each case. For general requirements see § 111.35–25 (j).

Section 111.55–15 is amended by revising paragraphs (c) and (e) (6) to read as follows:

§ 111.55–15 *Construction and use of overcurrent devices.* • • •

(c) *Cartridge fuses and fuseholders.* National Electrical Code Standard cartridge fuses may be used for applications not exceeding 600 volts, 0 to 600 amperes. Special cartridge fuses may be used in instruments and the like when specifically approved.

• • • • • •

(e) *Circuit breakers.* • • •

(6) *Construction and interrupting rating.* The construction and rating of feeder and branch circuit circuit breakers rated not more than 600 amperes and not more than 600 volts shall conform with the requirements of Underwriters' Laboratories, Inc., Standard for Branch Circuit and Service Circuit Breakers, except that thermal trip circuit breakers shall be calibrated for an ambient temperature of 50° C. and circuit breakers with interrupting ratings of over 10,000 amperes may be rated in accordance with the National Electrical Manufacturers Association Large Circuit Breaker Standard or National Electrical Manufacturers Association Molded Case Circuit Breaker Standard, as applicable.

SUBPART 111.60—WIRING METHODS AND MATERIALS

Section 111.60–1 (c) (1) is amended to read as follows:

§ 111.60–1 *Electric cable.* • • •

(c) *Current-carrying capacity*—(1) *General.* The maximum current-carrying capacities of electric lighting and power cables for continuous service are given in Tables 111.60–1 (e) (1) (i) and 111.60–1 (e) (1) (ii), and no cable shall be permitted to carry a current continuously in excess of those values. The maximum current-carrying capacity of interior communication cable is 7.5 amperes.

Section 111.60–5 is amended to read as follows:

§ 111.60–5 *Portable electric cord and fixture wire*—(a) *General.* The construction of portable electric cords and fixture wire shall be in accordance with Underwriters' Laboratories, Inc., Standard for Flexible Cord and Fixture Wire.

(b) *Application, portable cords.* Portable cords may be used only for the connection of portable lamps or appliances and for the connection of stationary lamps or small stationary equipment not suitable for fixed wiring. When used they shall be of the type indicated in Table 111.60–5 (b). Types of portable cords other than those listed in Table 111.60–5 (b) and the uses for the types listed other than those uses permitted by this paragraph shall be subject to special investigation and shall not be employed before being approved.

(1) *Damp or wet locations or for hard service.* Portable cords for use in damp or wet locations or for hard service shall be type S, SO, ST, SJ, SJO, SJT, HS, HSJ, AFS, or AFSJ, and portable cords for use where exposed to oil or oil vapor shall be type SO or SJO.

(2) *Dry locations.* Portable cords for use in dry locations and not for hard services shall be type C, P, P–2, PD, PW, PW–2, K, HC, HPD, AVPD, or one of the types listed for damp or wet locations in subparagraph (1) of this paragraph.

(3) *Extra hard service.* Portable cords for use in damp or set locations and requiring a length in excess of five feet shall be type S, SO, or ST.

TABLE 111.60-5 (b)—Portable Cords

Trade name	Type letter (National Electrical Code)	Maximum voltage	Conductor insulation	Braid on each conductor	Cord outer covering	Maximum temperature° C.	Use	
Lamp cord	C	300	Rubber	Cotton	None	60	Dry places	Not hard usage.
Twisted portable cord	PD	300	do	do	Cotton or rayon	60	do	Do.
Reinforced cord	P-2	300	do	do	Cotton over rubber filler	60	do	Do.
	P	600	do	do				
Moistureproof reinforced cord	PW-2	300	do	do	Cotton, moisture-resistant finish over rubber filler.	60	do	Do.
	PW	600	do	do				
Braided heavy duty cord	K	300	do	do	Two cotton, moisture-resistant finish.	60	do	Do.
Junior hard service cord	SJ	300	do	None	Rubber	[1] 60	Damp places	Hard usage.
	SJO		Thermoplastic or rubber.		Oil-resistant compound			
	SJT				Thermoplastic			
Hard service cord	S	600	Rubber	do	Rubber	60	do	Extra hard usage.
	SO		Thermoplastic or rubber.		Oil-resistant compound			
	ST				Thermoplastic			
Heater cord	HC	300	Rubber and asbestos	Cotton	None	90	Dry places	Not hard usage.
	HPD			None	Cotton or rayon	[2] 90	Damp places	Hard usage.
Rubber-jacketed heater cord	HSJ	300	do	do	Cotton and rubber	[2] 90	do	Do.
Jacketed heater cord	HS	300	do	do	Cotton, and rubber or neoprene	[2] 90	do	Do.
Heat- and moisture-resistant cord.	AVPD	300	Asbestos and varnished cambric.	do	Asbestos, flame-retardant, moisture resistant.	110	Dry places	Not hard usage.
Rubber-jacketed heat-resistant cord.	AFSJ, AFS	300	Impregnated asbestos	do	Rubber	[2] 150	Damp places	Hard usage.
Elevator cable	E	300	Rubber	Cotton	Three cotton, outer one flame-retardant, moisture-resistant.[3]	60	Elevator lighting and control.	
	EO		Thermoplastic	Rayon	One cotton and neoprene jacket.[3]			
	ET				Three cotton, outer one flame-retardant, moisture-resistant.[3]			

[1] The temperature limit for Type SJ, SJO, or SJT cord is 75° C instead of 60° C if both the conductor insulation and jacket employ compounds which are recognized as suitable for use at 75° C. Such cords are recognized specifically for use on electric refrigerators or in similar applications on appliances where cord replacement is not a problem. Such cords shall be marked by having a green thread (which indicates a temperature limit or 75° C) either immediately under the insulation or under the separator of one conductor.

[2] The temperature limit indicated applies only to the individual conductors where the cord is employed within an appliance. The temperature limit on the jacket of Type HSJ, AFSJ, or AFS heater cord is limited to 60° C and that on the jacket of HS heater cord is limited to 75° C.

[3] Rubber-filled or varnished-cambric tapes may be substituted for the inner braids

(c) *Allowable current-carrying capacity.* The allowable current-carrying capacities of flexible cord and fixture wire are given in Table 111.60–5 (c).

TABLE 111.60–5 (c)—MAXIMUM CURRENT-CARRYING CAPACITIES IN AMPERES [1, 2]

Size AWG	Portable cord: Rubber types C, E, EO, K, P, P-2, PD, PW, PW-2 / Thermoplastic type ET	Portable cord: Rubber types S, SO, SJ, SJO / Thermoplastic types ST, SJT	Portable cord: Types AFS, AFSJ, HC, HPD, HS, HSJ	Portable cord: Type AVPD	Fixture wire: Rubber types RF-2, FF-2, RFH-2, FFH-2	Fixture wire: Thermoplastic types TF, TFF / Cotton type CF / Asbestos type AF / Silicone rubber type SF-2 SFF-2
18	5	7	10	17	5	6
16	7	10	15	22	7	8
14	15	15	20	28	--------	17
12	20	20	30	36	--------	----------
10	25	25	35	47	--------	----------
8	35	----------	--------	------	--------	----------
6	45	----------	--------	------	--------	----------
4	60	----------	--------	------	--------	----------
2	80	----------	--------	------	--------	----------

[1] If the number of current-carrying conductors in a cord exceeds three, the allowable current-carrying capacity of each conductor shall be reduced to 80 percent of the values in the table.

[2] In no case shall conductors be associated together in such a way with respect to the kind of circuit, the wiring method employed, or the number of conductors, that the limiting temperature of the conductors will be exceeded.

(d) *Conductor size.* Portable cord or fixture wire shall not be smaller than No. 18 AWG.

(e) *Splices.* Portable cords shall be used only in continuous lengths without splices or taps.

(f) *Pull at joints and terminals.* Portable cords shall be so connected to devices and to fittings that tension will not be transmitted to joints or terminal screws. This shall be accomplished by a knot in the cord, winding with tape, by a special fitting designed for that purpose, or by other equivalent means.

(g) *Fixture wire, application.* Fixture wire may be used in the interior of lighting fixtures, instruments, and the like. When used, fixture wire shall be one of the types covered in this paragraph.

(1) Either type AF, SF–2, or SFF–2 fixture wire shall be used for applications where the temperature will exceed 90° C and for the wiring of all mogul-base screw-shell lampholders.

(2) Either type AF, SF–2, or SFF–2 fixture wire shall be used for wiring lighting fixtures provided with other than mogul-base screw-shell lampholders, except that type CF fixture wire may be used where the temperature does not exceed 90° C, types RFH–2 and FFH–2 fixture wire may be used where the temperature does not exceed 75° C, and types TF, TFF, RF–2, and FF–2 fixture wire may be used where the temperature does not exceed 60° C.

(h) *Fixture wire, voltage limitation.* Fixture wire shall not be used for applications exceeding 300 volts.

(i) *Fixture wire, stranded.* Fixture wire shall be of the stranded type.

Section 111.60–10 is amended by revising paragraph (b) (2), (5), (6), and (10) to read as follows:

§ 111.60–10 *Wire and cable installation.* • • •

(b) *Ship's service cables.* • • •

(2) *Cable supports and radii of bends.* Where cables are run in groups they shall be supported in metal hangers arranged as far as practicable to permit painting of the surrounding structure without undue disturbance to the installation. Single cable runs may be supported by metal clips screwed directly to

deck or bulkhead except on watertight bulkheads. Cables grouped in a single hanger shall be limited to two banks. Supports shall be spaced no more than 18 inches apart where vertical and 14 inches where horizontal. Cables shall be strapped in position at every hanger on vertical runs and at not less than every fourth hanger on horizontal runs, except that at turns of horizontal runs the cable shall be strapped at each hanger. Cables running transversely to and supported by clips or straps on the under side of beams shall be run on backing plates, cable racks, or the equivalent. Metal supports shall be designed to secure cable without damage to insulation or armor and shall be so arranged that the cables will bear over a length of at least ½ inch. Leaded and armored cables shall not be bent to a smaller radius than 8 cable diameters; other cables may be bent to a 6-cable-diameter radius.

* * * * * *

(5) *Grounding of cable metallic covering.* Each lead covered cable and each armored cable is to have the metallic covering electrically and mechanically continuous and grounded to the metal hull at each end of the run, except that final sub-circuits may be grounded at the supply end only.

(6) *Mechanical protection.* All cables in bunkers and where particularly liable to damage such as locations in way of cargo ports, hatches, tank tops, and where passing through decks, shall be protected by removable metal coverings, angle irons, pipe or other equivalent means. All such metallic coverings are to be electrically continuous and grounded to the metal hull. Horizontal pipes or the equivalent used for cable protection should be provided with drainage holes, and, where they are carried through decks or bulkheads, arrangements should be made to insure the integrity of the water-or-gas-tightness of the structure.

* * * * * *

(10) *Cables behind sheathing.* Cables may be installed behind sheathing but they must not be installed behind nor imbedded in structural insulation; they should pass through such insulation at right angles and should be protected by continuous pipe with a stuffing tube at one end. For deck penetrations this stuffing tube should be at the upper end of the pipe and for bulkhead penetrations it should be on the uninsulated side of the bulkhead. For refrigerated space insulation the pipe should be of a phenolic or similar heat insulating material joined to the bulkhead stuffing tube or a section of such material should be inserted between the bulkhead stuffing tube and the metallic pipe.

Section 111.60–15 is revised by amending paragraphs (a) and (c) (3) to read as follows:

§ 111.60–15 *General requirements for wiring methods*—(a) *Feeder and branch continuity.* Each feeder and each branch circuit cable supplying a single energy consuming appliance, shall be continuous throughout their lengths, except that a cable of large size or exceptional length may be spliced in a suitable junction box to effect greater ease of installation.

* * * * * *

(c) *Cables entering boxes.* * * *

(3) In damp or wet locations, the cable entrance shall be made watertight by means of a terminal or stuffing tube, except that cables entering the bottom of drip-proof enclosures need not be made watertight.

Section 111.60–30 (c) is amended to read as follows:

§ 111.60–30 *Receptacle outlets and attachment plugs.* * * *

(c) Receptacle outlets of the type providing a grounding pole shall be of a distinctive design that will not permit the dead metal parts of portable apparatus to be connected to a live conductor.

SUBPART 111.65—SPECIAL REQUIREMENTS FOR CERTAIN LOCATIONS AND SYSTEMS

Section 111.65–10 (b) is amended to read as follows:

§ 111.65–10 *Special requirements for locations where gasoline or other highly volatile motor fuel is carried in vehicles.* * * *

(b) *General requirements.* Electrical equipment which tends to produce arcs or sparks, such as cutouts, switches, receptacles, lampholders, generators, motors, or other equipment having make-or-break or sliding contacts, when installed within 18 inches of the deck, shall be of a type approved for Class I, Group D locations, in accordance with § 111.60–40 (b). Electrical equipment installed at or over 18 inches above the deck shall be of the totally-enclosed type or drip-proof protected equipment provided with suitable guards or screens to prevent escape of sparks or hot metal particles.

(1) The reference to a level of 18 inches above the deck shall be construed to mean each deck at or above the weather deck on which vehicles are transported.

(2) Areas below the weather deck on which vehicles are transported shall be deemed to be a hazardous area to a height 18 inches above the weather deck. Where continuous pressure-positive ventilation of areas below the weather deck on which vehicles are transported is provided, the hazardous area may be deemed to extend only up to a height of 18 inches above the deck in each such area: *Provided*, That all the following conditions are complied with:

(i) The quantity of ventilating air shall be not less than 1 cubic foot per minute per square foot of deck area.

(ii) The ventilation system shall be such as to prevent air stratification as well as to prevent the accumulation of air pockets.

(iii) An alarm system shall be provided to indicate in the wheelhouse the loss of the required ventilation.

Section 111.65–45 (a) is amended to read as follows:

§ 111.65–45 *Special requirements for electric air heaters*—(a) *Application.* (1) The provisions of this section, with the exception of paragraph (c) of this section, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of paragraph (c) of this section shall apply to all vessels contracted for prior to November 19, 1952.

(2) The provisions of this section are applicable to electrically energized units or panels to be employed in heating a room or compartment for the comfort of the occupants thereof. The provisions of this section are not applicable to electrically energized units employed to heat the air in enclosed apparatus, such as motors, controllers, or the like.

Part 111 is amended by adding a new § 111.65–50 to Subpart 111.65, reading as follows:

§ 111.65–50 *Special requirements for electric cooking equipment and motor-driven commissary equipment*—(a) *Application.* The provisions of this section, with the exception of paragraph (d) of this section, shall apply to all vessels contracted for on or after November 19, 1956. The provisions of paragraph (d) of this section shall apply to all vessels contracted for prior to November 19, 1956.

(b) *Electric cooking equipment requirements.* (1) All equipment, attachments and devices shall be of rugged construction and so designed as to permit complete cleaning, maintenance and repair with ease.

(2) Doors shall be provided with heavy duty hinges and locking devices to prevent accidental opening in a heavy sea.

(3) Where necessary for safety of personnel, grab rails shall be provided. Ranges shall be provided with sea rails with adjustable barriers to resist accidental cook pot movement.

(4) Means shall be provided to effect positive grease or fat collection and to prevent spillage thereof onto the deck.

(5) All equipment shall be mounted to prevent dislodgment by roll and/or pitch, whether arranged for fixed wiring or for portable wiring.

(6) Each equipment unit shall be provided with means for disconnecting it from all circuit conductors. The disconnecting means shall plainly indicate whether it is in the open or closed circuit position and shall be located in the same compartment with, and within sight of, its associated equipment. The disconnecting means may be an integral part of the equipment provided this device remains unaffected by the heat of the equipment of which it is a part.

(7) Unspecified construction and circuit details shall be in accordance with Underwriters' Laboratories, Inc., Standard for Commercial Electric Cooking Appliances.

(c) *Motor-driven commissary equipment requirements.* (1) All equipment shall be rigidly constructed and self-supporting, and shall be securely mounted whether arranged for fixed wiring or for portable wiring unless such mounting would defeat the utility of the equipment.

(2) The enclosures of motors and controls shall be either watertight or totally enclosed.

(d) *Electric cooking equipment and motor-driven commissary equipment on vessels contracted for prior to November 19, 1956.* (1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(2) All new installations or major replacements shall meet the applicable requirements for vessels contracted for on or after November 19, 1956.

SUBPART 111.70—SPECIAL REQUIREMENTS FOR TANK VESSELS

Section 111.70–90 is amended by adding a new subparagraph (11) to paragraph (a) and a new subparagraph (4) to paragraph (e), reading as follows:

§ 111.70–90 *Special requirements for tank vessels constructed prior to November 19, 1955—TB/ALL*—(a) *General installation requirements for tank vessels the construction or conversion of which was started on or after November 10, 1936, but prior to November 19, 1955.* * * *

(11) *Portable equipment.* When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pump rooms, or any enclosed space immediately above or adjacent to the bulk cargo tanks, except that lighting in these spaces may be effected by the use of approved explosion-proof, self-contained, battery-fed lamps.

* * * * *

(e) *General installation requirements for tank vessels the construction or conversion of which was started prior to November 10, 1936.* * * *

(4) *Portable equipment.* When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pump rooms, or any enclosed space immediately above or adjacent to the bulk cargo tanks, except that lighting in these spaces may be effected by the use of approved explosion-proof, self-contained, battery-fed lamps.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

SUBPART 111.90—ELECTRICAL EQUIPMENT AND INSTALLATIONS ON VESSELS CONTRACTED FOR PRIOR TO NOVEMBER 19, 1952

Sections 111.90–5 to 111.90–25, inclusive, are amended to read as follows:

Sec.
111.90–5 Major alterations.
111.90–10 Vessels contracted for prior to July 2, 1937.
111.90–15 Vessels contracted for between July 2, 1937, and January 1, 1939.
111.90–20 Vessels contracted for between January 2, 1939, and June 1, 1941.
111.90–25 Vessels contracted for between June 2, 1941, and November 18, 1952.

AUTHORITY: §§ 111.90–5 to 111.90–25 issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 111.90–5 *Major alterations.* (a) Major alterations and major extensions to electrical installations on existing vessels shall be made to the same standard as required for new vessels. Minor repairs and minor alterations may be made to the same standard as the original installation as described in §§ 111.70–90, 111.90–10, 111.90–15, 111.90–20, and 111.90–25: *Provided*, That, in no case, will a greater departure from the standards of this subchapter be permitted than presently exist.

§ 111.90–10 *Vessels contracted for prior to July 2, 1937.* (a) Except as otherwise provided for tank vessels in § 111.70–90, the installation on vessels contracted for between June 30, 1928, and July 1, 1937, inclusive, using electricity for any purpose, shall be in keeping with the best modern practice.

(b) Except as otherwise provided for tank vessels in § 111.70–90, the changes or alterations in the electrical installations on vessels contracted for prior to June 30, 1928, shall be in accordance with the requirements of this section.

§ 111.90–15 *Vessels contracted for between July 2, 1937 and January 1, 1939.* (a) Except as otherwise provided for tank vessels in § 111.70–90, the electrical installation on vessels contracted for between July 2, 1937, and January 1, 1939, inclusive, shall be in accordance with the "Recommended Practise for Electrical Installations on Shipboard," AIEE Standard No. 45, October 1930, as published by the American Institute of Electrical Engineers.

§ 111.90–20 *Vessels contracted for between January 2, 1939, and June 1, 1941.* (a) Except as otherwise provided for tank vessels in § 111.70–90, the electrical installation on vessels contracted for between January 2, 1939, and June 1, 1941, inclusive, shall be in accordance with the "Recommended Practice for Electrical Installations on Shipboard," AIEE Standard No. 45, December 1938, as published by the American Institute of Electrical Engineers.

§ 111.90–25 *Vessels contracted for between June 2, 1941, and November 18, 1952.* (a) Except as otherwise provided for tank vessels in § 111.70–90, the electrical installation on vessels contracted for between June 2, 1941, and November 18, 1952, inclusive, shall be in accordance with the "Recommended Practice for Electrical Installations on Shipboard," AIEE Standard No. 45, July 1940, as published by the American Institute of Electrical Engineers.

(b) Except as otherwise provided for tank vessels in § 111.70–90, the specification covering electrical installations titled "United States Coast Guard, Merchant Marine Inspection, Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945, is, during the Unlimited National Emergency, applicable as alternative provisions to those contained in this section for vessels the contract for the construction of which was signed prior to September 2, 1945.

(c) Except as otherwise provided for tank vessels in § 111.70–90, those parts of the specification covering electrical installations titled "United States Coast Guard, Merchant Marine Inspection, Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945, specified in paragraphs 1, 4 and 5, thereof relating to electric cable, are, during the Unlimited National Emergency, applicable as alternative provisions to those contained in this section for vessels the contract for the construction of which was signed on and after September 2, 1945.

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

SUBPART 112.05—GENERAL REQUIREMENTS

Section 112.05–1 (a) is amended by revising Table 112.05–1 (a) to read as follows:

§ 112.05–1 *Source of power.* (a) * * *

TABLE 112.05-1 (a)

Size of vessel and service	Type or types of emergency source of power	Minimum period of operation on which to base minimum capacity of emergency source of power
Passenger vessels		
Ocean and Coastwise, 1,600 g. t. and over, and any passenger vessel, regardless of tonnage or service, where electric power-operated watertight doors are required.	Storage battery with automatic transfer gear for temporary source, and Supplemented by diesel generator with automatic starting and transfer gear for final source.	½ hour. 36 hours.
Ocean and Coastwise, over 15 g. t. but less than 1,600 g. t.[1]	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	36 hours or twice the time of run, whichever is the smaller.
Other than Ocean and Coastwise, over 15 g. t.[1]	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	8 hours or twice the time of run, whichever is the smaller.

[1] Also see § 112.05–15.

TABLE 112.05-1 (a)—Continued

Size of vessel and service	Type or types of emergency source of power	Minimum period of operation on which to base minimum capacity of emergency source of power
Cargo and miscellaneous self-propelled vessels and tank ships		
All waters, 1,600 g. t. and over	Storage battery or diesel generator, automatic or manual operation.	12 hours.
All waters, 300 g. t. and over, but less than 1,600 g. t.	Storage battery or diesel generator, automatic or manual operation, or approved relay-controlled battery-operated lanterns.	12 hours or twice the time of run, whichever is the smaller.[3]

[3] Minimum period of operation of relay-controlled, battery-operated lanterns may be less than 12 hours but not less than 6 hours.

Section 112.05-10 (a) is amended to read as follows:

§ 112.05-10 *Emergency lights.* (a) Emergency lights supplied by an automatic emergency lighting system shall form a part of the regular lighting system, and shall be continuously lighted at all times passengers or crew are aboard, except as provided by paragraph (b) of this section, and § 112.05-15 (c), and except when the emergency lights consist of relay-controlled battery-operated lanterns.

Section 112.05-15 is amended to read as follows:

§ 112.05-15 *Emergency lighting system for small passenger vessels.* (a) Small passenger vessels, certificated to operate only between sunrise and sunset, may be permitted to operate without an emergency lighting system.

(b) Small passenger vessels, certificated to operate not more than 15 miles offshore, may be permitted to operate without an emergency lighting system provided all of the conditions, where applicable, contained in this paragraph are complied with.

(1) The source of supply of the general lighting system must be independent of the propulsion plant.

(2) On vessels required to meet at least a one compartment standard of subdivision, the source of supply of the general lighting system must be located above the bulkhead deck.

(c) On small passenger vessels having no sleeping accommodations for passengers and requiring not more than 10 emergency lights, the automatic emergency lighting system need not form a part of the regular lighting system and need not be continuously lighted. Individual storage-battery-operated automatic emergency lighting units will be acceptable for such vessels in lieu of a single source emergency lighting system provided the units incorporate an automatic battery charger, are not readily portable, and have sufficient capacity for not less than 6 hours continuous operation.

SUBPART 112.15—EMERGENCY LOADS

Section 112.15-1 (b) is amended to read as follows:

§ 112.15-1 *Temporary emergency source loads.* • • •

(b) Navigation light indicator panel, if required by § 113.55-25 of this subchapter.

Section 112.15-5 is amended to read as follows:

§ 112.15-5 *Final emergency source loads.* (a) The emergency lighting and power loads listed in paragraphs (b) to (g), inclusive, of this section shall be arranged so that they can be energized from the final source. It is recommended that loads listed in paragraphs (h) to (o), inclusive, of this section be arranged so that they can be energized from the final source where the capacity and character of the emergency plant will permit.

(b) All loads listed in § 112.15-1, as indicated.

(c) Illumination for the safe operation of the lifeboat launching gear and the lifeboats in the process of, and immediately after, being launched.

(d) Charging panels of temporary emergency battery and of starting battery for diesel engine driving emergency generator.

(e) One of the bilge pumps, if dependent upon the emergency generator for its source of power to comply with Part 55 of Subchapter F (Marine Engineering) of this chapter.

(f) One of the fire pumps, if dependent upon the emergency generator for its source of power to comply with Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels), or Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(g) Sprinkler system pump or water spray extinguishing system pump, if dependent upon the emergency generator for its source of power to comply with Part 76 of Subchapter H (Passenger Vessels) of this chapter.

(h) Morse and daylight signaling lights, if installed.

(i) Electric whistle and siren control, if installed.

(j) Radio installation, if installed.

(k) Radio direction finder, if installed.

(l) Loran, if installed.

(m) Radar plan position indicator, if installed.

(n) Gyrocompass, if installed.

(o) Depth sounder, if installed.

SUBPART 112.50—EMERGENCY DIESEL-ENGINE-DRIVEN GENERATOR SETS

Section 112.50-1 (a) is amended to read as follows:

§ 112.50-1 *General requirements.* (a) The diesel engine of the generator set shall be complete with all accessories necessary for operation and protection of the engine, shall have a self-contained cooling system of size to assure continuous engine operation using 100° F air, and the fuel used shall have a flashpoint of not less than 110° F. The room in which the set is located shall be provided with suitable intake and exhaust ducts to supply adequate cooling air. The diesel engine shall be capable of carrying its full rated load within 20 seconds with cooling water and the air supply at a temperature of 32° F. The diesel engine shall be electric starting unless otherwise approved, and the starting battery shall be of sufficient capacity to provide six consecutive cycles of cranking, each cycle to consist of approximately one-half minute of cranking at a speed of not less than that specified by the engine manufacturer, followed by approximately 1 minute of battery rest, with a final voltage of not less than 50 percent of nominal voltage. The diesel-engine-driven generator set shall lubricate and operate satisfactorily when permanently inclined to an angle of 22½ degrees athwartship and 10 degrees fore and aft, and shall be arranged so that it will not spill oil under a vessel roll of 30 degrees each side of the vertical. Units depending on forced lubrication shall be provided with an audible alarm device to sound on loss of oil pressure while running.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

SUBPART 113.10—AUTOMATIC FIRE DETECTING AND ALARM SYSTEMS

Section 113.10-5 (a) is amended to read as follows:

§ 113.10-5 *General requirements.* (a) Fire alarm annunciators, power supply, fire detectors, test stations, and vibrating bells shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1958, shall meet the requirements of Subpart 161.002 of Subchapter Q (Specifications) of this chapter.

SUBPART 113.15—MANUAL FIRE ALARM SYSTEMS

Section 113.15-5 (a) is amended to read as follows:

§ 113.15-5 *General requirements.* (a) Manual fire alarm annunciators, power supply, manual stations, and vibrating bells shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1958, shall meet the requirements of Subpart 161.002 of Subchapter Q (Specifications) of this chapter.

SUBPART 113.25—GENERAL ALARM SYSTEMS

Section 113.25-10 *General requirements* is amended by deleting paragraph (b) (6).

Section 113.25-15 (d) (5) is amended to read as follows:

§ 113.25-15 *Detail requirements.* • • •

(d) *Electric cable and distribution fittings.* • • •

(5) General alarm system fuse capacities shall be selected to obtain as wide a differential as possible between branch circuit fuses and feeder fuses. The capacity of a feeder fuse shall be approximately 200 percent of the load supplied, and the capacity of a branch circuit fuse shall not exceed 50 percent of the capacity of the feeder fuse.

SUBPART 113.30—SOUND POWERED TELEPHONE AND VOICE TUBE SYSTEMS

Section 113.30-5 (b) is amended to read as follows:

§ 113.30-5 *General requirements.* • • •

(b) Vessels equipped with a gyrocompass system shall be provided with an efficient means of communication between the master gyro-compass and the wheelhouse repeater compass. Whenever the master gyro-compass is located within any compartment adjoining or opening into the wheelhouse, the master gyro-compass shall be considered as being located in the wheelhouse and no communication therewith is required.

SUBPART 113.50—EMERGENCY LOUDSPEAKER SYSTEMS

Section 113.50-5 (d) is amended to read as follows:

§ 113.50-5 *General requirements.* • • •

(d) The emergency loudspeaker system shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1958, shall meet the requirements of Subpart 161.004 of Subchapter Q (Specifications) of this chapter.

Section 113.50-15 is amended by revising the title of the section, by adding a new paragraph (e), and by revising Table 113.50-15, so that they will read as follows:

§ 113.50-15 *Location of loudspeakers and amplifiers.* • • •

(e) *Amplifier.* (1) The emergency loudspeaker amplifier, if not located in the same enclosure with the control panel, shall be located in the wheelhouse or in a compartment adjoining or opening into the wheelhouse.

TABLE 113.50-15—MINIMUM SOUND LEVEL REQUIREMENTS FOR LOUDSPEAKER SYSTEMS

[All data given in decibel·] [1]

Location	Ground noise level minimum	Signal level		Voice level	
		Above ground noise	Total	Above ground noise	Total
Lifeboat stations	80	20	[2] 100	15	[2] 95
Embarkation deck and exterior passenger assembly points	80	20	[2] 100	15	[2] 95
Interior passenger assembly points	75	20	[2] 95	15	[2] 90
Crew quarters	60	18	[2] 78	12	[2] 72

[1] The zero decibel level shall be 0.0002 dyne per square centimeter.
[2] Measured at a distance of 10 feet from the loudspeaker and on the axis thereof.
[3] Measured in rooms with the doors to the passageways closed.

SUBPART 113.55—NAVIGATION LIGHTS

Section 113.55-15 (c) is amended to read as follows:

§ 113.55-15 *Installation of navigation lights.* • • •

(c) Navigation lights shall be wired by means of a short length of heavy duty portable cable to a watertight receptacle outlet located adjacent thereto. Where the double lens, two-lamp type electric navigation light is installed, each lamp shall be connected to its branch circuit conductors by means of an individual portable cable and receptacle plug.

Section 113.55-25 (b) is amended by revising Figure 113.55-25 (b) to read as follows:

§ 113.55-25 *Navigation light indicator panel.* • • •
(b) • • •

FIGURE 113.55-25(b)

SEMI-AUTOMATIC NAVIGATION LIGHT PANEL CIRCUITS

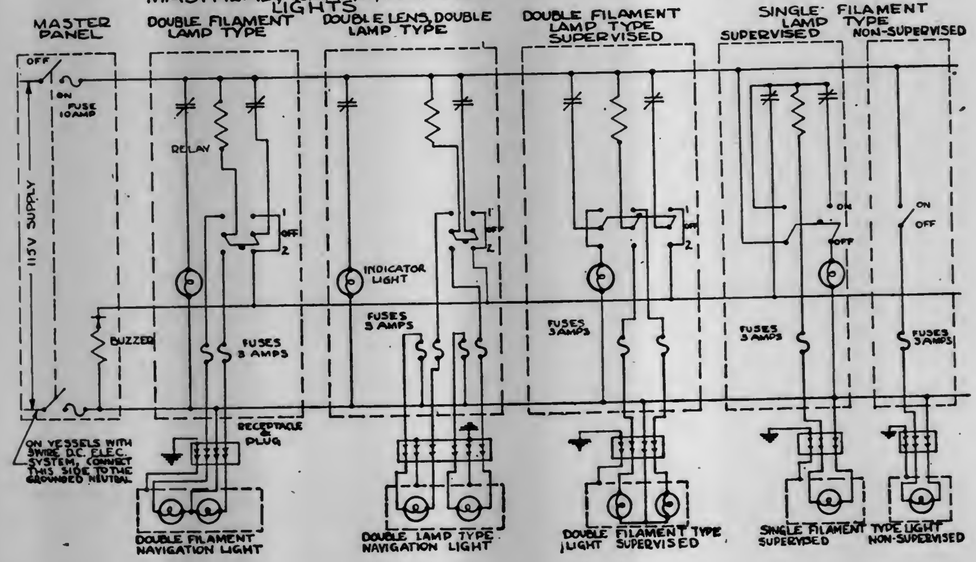

SUBPART 113.60—SIGNALING LIGHTS

Section 113.60–5 is amended to read as follows:

§ 113.60–5 *General requirements.* (a) Except as modified by § 33.50–1 of Subchapter D (Tank Vessels) of this chapter, all ocean and coastwise self-propelled vessels of over 150 gross tons shall be equipped with an efficient daylight signaling light of the type covered by this subpart.

Section 113.60–10 (g) is amended to read as follows:

§ 113.60–10 *Detail requirements.* • • •

(g) Fixed or semifixed signaling lights shall be energized from the emergency lighting and power system as required by § 112.15–5 (h) of this subchapter. Portable signaling units shall be energized from a self-contained storage battery capable of operating the unit 2 hours continuously without recharging.

SUBPART 113.65—WHISTLE OPERATORS

Section 113.65–5 (a) is amended to read as follows:

§ 113.65–5 *General requirements.* (a) The general requirements for whistles, sirens and fog horns are contained in Part 26 of Subchapter C (Uninspected Vessels), Part 32 of Subchapter D (Tank Vessels), Part 77 of Subchapter H (Passenger Vessels), and Part 96 of Subchapter I (Cargo and Miscellaneous Vessels), of this chapter.

SUBPART 113.70—SMOKE DETECTOR SYSTEMS

Section 113.70–5 (a) is amended to read as follows:

§ 113.70–5 *General requirements.* (a) The smoke detector control unit shall be of a type approved by the Commandant. Systems installed on vessels on or after November 19, 1958, shall meet the requirements of Subpart 161.002 of Subchapter Q (Specifications) of this chapter.

Section 113.70–10 is amended to read as follows:

§ 113.70–10 *Power supply.* (a) On vessels fitted with an automatically started emergency lighting and power system, the smoke detector system shall be supplied by a branch circuit from the emergency switchboard. On vessels fitted with a temporary source of emergency lighting and power, the branch circuit shall be connected to the temporary emergency source of supply.

(b) On vessels not fitted with an automatically started emergency lighting and power system, the smoke detector system shall be supplied from a source as approved by the Commandant.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter Q—Specifications

PART 161—ELECTRICAL EQUIPMENT

SUBPART 161.002—FIRE-PROTECTIVE SYSTEMS

Part 161 is amended by adding a new Subpart 161.002, consisting of §§ 161.002–1 through 161.002–17, reading as follows:

Sec.

161.002–1 Applicable specifications, standards, and regulations.
161.002–2 Types of fire-protective systems.
161.002–3 Materials and workmanship.
161.002–4 General requirements.
161.002–5 General design requirements (mechanical).
161.002–6 General design requirements (electrical).
161.002–7 Electrical component parts.
161.002–8 Automatic fire detecting systems, general requirements.
161.002–9 Automatic fire detecting system, power supply.
161.002–10 Automatic fire detecting system control unit.
161.002–11 Fire detecting thermostat.
161.002–12 Manual fire alarm systems.
161.002–13 Manual fire alarm boxes.
161.002–14 Watchman's supervisory systems.
161.002–15 Smoke detecting systems.
161.002–16 Methods of sampling, inspection and testing.
161.002–17 Equivalents.

AUTHORITY: §§ 161.002–1 to 161.002–17 issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

§ 161.002–1 *Applicable specifications, standards, and regulations.* (a) The following specifications, standards, and regulations, of the issue in effect on the date the fire-protective systems are manufactured, form a part of this subpart:

(1) National Bureau of Standards publication:

Handbook H28—Screw-Thread Standards for Federal Services (including supplement).

(2) Military specifications:

MIL–W–16878A (Navy)—Wire, Electrical (Insulated, High Temperature).

(3) A. S. T. M. Standard:

B117—Method of Salt Spray (Fog) Testing (Tentative).

(4) Coast Guard regulations:

Electrical Engineering Regulations, CG–259 (46 CFR (Subchapter J) Parts 110 to 113, inclusive).

(b) Copies of the specifications, standards, and regulations referred to in this section shall be kept on file by the manufacturer, together with the certificate of approval.

(c) The National Bureau of Standards publications may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. The military specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C. The Coast Guard publications may be obtained from the Commandant, U. S. Coast Guard Headquarters, Washington 25, D. C. The A. S. T. M. specifications may be purchased from the American Society for Testing Materials, 1916 Race Street, Philadelphia 3, Pa.

§ 161.002–2 *Types of fire-protective systems*—(a) *General.* Fire-protective systems covered by this subpart shall include, but not be limited to, automatic fire detecting systems, manual fire alarm systems, smoke detector systems, watchman's supervisory systems, and combinations of these systems.

(b) *Automatic fire detecting systems.* For the purpose of this subpart, automatic fire detecting systems will be considered to consist of a power supply, a fire detecting control unit, fire detectors, and vibrating bells.

(c) *Manual fire alarm systems.* For the purpose of this subpart, manual fire alarm systems will be considered to consist of a power supply, a fire alarm control unit, manual fire alarm boxes, and vibrating bells. Manual fire alarm systems are usually combined with automatic fire detecting systems.

(d) *Smoke detector systems.* For the purpose of this subpart, smoke detector systems will be considered to consist of a control unit, a blower box, and a piping system to conduct air samples from the protected spaces to the control unit.

(e) *Watchman's supervisory systems.* For the purpose of this subpart, a watchman's supervisory equipment will be considered to be apparatus, either electrical or mechanical, used to verify the presence of watchmen and the regular performance of their assigned duties.

§ 161.002–3 *Materials and workmanship*—(a) *Suitability.* All materials used in the construction of fire-protective equipment shall be of the quality best suited for the purpose intended.

(b) *Materials covered by reference specifications.* Where specifications are referred to for a given material, it is intended to require that the quality of material used shall be at least equal to that covered in the reference specifications.

(c) *Departures from reference specifications.* The use of materials not conforming with or not covered by the reference specifications shall be noted on the plans specified in § 161.002–16 (d) (1) and will be the subject of specific approval.

(d) *Protection against corrosion*—(1) *General.* In order to prevent deterioration due to corrosion, all fastenings, fittings, brackets, and other metallic parts shall be of an approved corrosion-resistant material or of a material treated in an approved manner to render it adequately resistant to corrosion. Screws, bolts, nuts, and other threaded parts, except those in contact with aluminum, shall be of brass, or other approved corrosion, resistant material. The material

of parts in contact with aluminum shall be compatible therewith and otherwise comply with the requirements of this subparagraph.

(2) *Corrosion-resistant materials.* Silver, copper, brass, bronze, phosphor-bronze, beryllium-copper alloys, copper-nickel alloys and nickel-copper alloys, certain aluminum alloys, and certain stainless steel alloys are considered satisfactory corrosion-resistant materials within the intent of this paragraph.

(3) *Corrosion-resisting treatment.* Sherardizing, anodic treatment of aluminum, zinc chromate base paint finish, and plating, when properly done and of sufficiently heavy coat, are considered satisfactory corrosion-resistant treatments. Other corrosion-resistant treatments shall be subject to specific approval.

(4) *Dissimilar metals.* In order to minimize the corrosive effect due to electrolytic action between dissimilar metals, contact between dissimilar metals shall be limited to those metals having small difference of electrolytic potential in the electrochemical series.

(5) *Iron and steel parts.* The surfaces of all iron and steel parts, except bearings, etc., where such protection is impracticable, shall be suitably protected against corrosion by a satisfactory corrosion-resistant treatment.

(e) *Workmanship.* The workmanship shall be first class in every respect.

§ 161.002–4 *General requirements*—(a) *Introduction.* The purpose of fire-protective systems is to give warning of the presence of fire in the protected spaces. To meet this end, the basic requirements of the fire-protective systems are reliability, sturdiness, simplicity of design, ease of servicing, and the ability to withstand shipboard shock and vibration and the adverse effects of sea humidity.

§ 161.002–5 *General design requirements (mechanical)*—(a) *Bulkhead mounting.* Enclosures designed for bulkhead mounting may be of either the surface or the flush type.

(b) *Ceiling mounting.* Enclosures designed for ceiling mounting may be of either the surface or the flush type.

(c) *Servicing.* All enclosures shall be designed to facilitate servicing the equipment contained therein.

(d) *Minimum metal thickness.* Units shall be so formed and assembled that they will have the strength and rigidity necessary to resist the abuse to which they are liable to be subjected without affecting adversely their performance. The wall thickness of metal enclosures shall be not less than the minimum values given in Tables 161.002–5 (d) (1) and 161.002–5 (d) (2).

TABLE 161.002–5 (d) (1)

Use, or dimensions, of area involved	Minimum thickness of cast metal in inch
Area of 24 square inches or less and having no dimensions greater than six inches	1/8
Area greater than 24 square inches or having any dimension greater than six inches	3/16
At a threaded cable entrance opening	1/4

TABLE 161.002–5 (d) (2)

Maximum unsupported area of flat surface in square inches	Minimum thickness of metal: U. S. S. gage number of sheet steel	Minimum thickness of metal: AWG number of nonferrous metal
360	16	14
1,200	14	12
1,500	12	10
Over 1,500	10	8

(e) *Bolts, nuts, screws, and threads.* All bolts, nuts, screws and threaded parts shall comply with the following requirements:

(1) All threaded parts shall be of American National Form in accordance with the Screw Thread Standards for Federal Services, Handbook H–28, listed in § 161.002–1.

(2) All threaded parts used for adjustment purposes or for securing complete component items to the supporting structure of any unit shall, where possible, conform to the National Coarse or Fine thread series.

(3) All tapped holes in metal shall have not less than two full threads in the metal.

(f) *Locking devices.* Lockwashers, or other means, shall be provided for securing threaded connections, and shall be employed under screw heads or nuts used for securing electrical connections.

(g) *Marking.* (1) All units requiring manipulation or adjustment by the operator shall be provided with permanent name plates as necessary to assure proper operation and/or adjustment of the equipment in service. The purpose of each switch, pilot light, relay drop, reset device, rheostat, etc., shall be clearly indicated.

(2) Each complete item of equipment approved shall have affixed a permanent name plate giving the name of manufacturer, Coast Guard approval number assigned to the equipment, and the model or type designation or other identification.

§ 161.002–6 *General design requirements (electrical)*—(a) *Wiring*—(1) *Hook-up wire.* The individual conductors used in wiring of equipment covered by this specification shall be of stranded construction and shall be of one of the standard types listed in Table 161.002–6 (a) (1) unless otherwise approved. Conductors shall have adequate mechanical strength and current-carrying capacity for the service.

TABLE 161.002–6 (a) (1)

Type	Applicable specification
AF, SF–2, SFF–2, RF–2, FF–2, RFH–2, FFH–2, TF, and TFF.	Electrical Engineering Regulations (46 CFR, Parts 110 to 113, inclusive).
B, C, D, E, EE, and FF	Military Specification MIL–W–16878A (Navy).

(2) *Lacing.* Wherever practicable, groups of two or more conductors shall be bundled and laced. Lacing shall not be tight enough to cause distortion of the conductor insulation.

(3) *Sleevings or tape.* All cable forms connecting between a fixed and a movable portion of an assembly shall be provided with sufficient slack and shall be covered with a protective sleeving or tape (of fire retardant, non-hygroscopic material) to eliminate the possibility of chafing or mechanical abrasion on the surface of individual conductors.

(4) *Cable clamps.* Cable clamps shall be provided at frequent intervals along the length of all cable forms to secure cable runs against vibration or undue movement. Such clamps shall be adequately cushioned to prevent damage to conductor insulation.

(5) *Bushings.* Suitable smoothly-rounded bushings shall be used in holes in sheet metal through which cable forms or conductors pass. Holes in other materials shall be smoothly-rounded if not bushed.

(6) *Wire terminals.* Wire ends connected to screws or threaded stud type terminals shall be terminated in suitable closed-end terminals of either the solderless or the solder type.

(b) *Terminal boards*—(1) *External connections.* Terminal boards shall be provided for all external connections to an item of equipment.

(2) *Ships' cables.* Terminal boards for receiving ships' cable shall be secured to a fixed portion of an item of equipment and not to hinged panels or other movable members, which would require flexing of ships' wiring during normal operation or maintenance.

(3) *Marking.* All terminal boards shall be marked in a clear and permanent manner to show the designation of each terminal in accordance with markings assigned by the equipment wiring diagram.

(c) *Soldering of terminal parts*—(1) *General.* All soldering shall be effected in a neat and workmanlike manner.

(2) *Strength of soldered joint.* In general, soldering alone shall not be depended upon for a satisfactory connection, but where wires and terminals are joined to be soldered, the wires shall be hooked, wrapped around or otherwise mechanically secured to the terminals prior to soldering.

(3) *Soldering flux.* Only pure resin or a mixture of alcohol and resin (or equivalent) shall be used as a flux.

(d) *Temperature rise.* The temperature rise of any part of the equipment shall not exceed the values given in Table 161.002–6 (d) (1) when operated in its intended manner at rated voltage in an ambient temperature of 25°C.

TABLE 161.006–6 (d) (1)

Material	Maximum temperature rise
Any point on a copper-oxide rectifier.	30° C.
On rubber or thermoplastic insulation.	35° C.
Any point on a selenium rectifier	50° C.
On asbestos-varnished-cambric or varnished-cambric insulation.	55° C.
At any point on or within a terminal box or compartment.	55° C.
On fuses	55° C.
On fiber employed as electrical insulation.	55° C.
On Class A insulation	55° C.
On a transformer enclosure	55° C.
On Class B insulation	90° C.

405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, publications may be purchased from the rosion, resistant material. The material

TABLE 161.006-6 (d) (1)—Continued

Material	Maximum temperature rise
On phenolic composition employed as electrical insulation.	125° C.
Sealing compound [1]	15° C. less than softening point.[2]
Capacitor, resistor, electronic tube, lamps.	10° C. less than the temperature limit of the device.[2]

[1] Also see § 161.002-11 (h) (3).
[2] These are limiting temperatures, not temperature rises.

(e) *Coils.* All coils of electro-magnetic devices such as relays, bells and motors shall be insulated and impregnated to withstand combinations of heat, oil or moisture that may be encountered in service.

(f) *Spacings.* Units shall provide reliably maintained spacings between uninsulated live parts, and between uninsulated live parts and non-electrical metal parts. The spacings between any uninsulated live parts and (1) walls and cover of a metal enclosure, (2) fittings for cable entrance, and (3) metal pieces attached to a metal enclosure where deformation of the enclosure is liable to reduce spacings, shall be not less than those indicated in Table 161.002-6 (f) (1). The spacings between any uninsulated live parts and (1) an uninsulated live part of opposite polarity, (2) an uninsulated grounded part other than the enclosure, (3) an exposed metal part which is insulated, and (4) uninsulated live parts of the same polarity where a short-circuit would prevent normal signalling operation of the control unit without producing a trouble signal shall be not less than those indicated in Table 161.002-6 (f) (2). The spacings within snap switches, lamp-holders, and similar wiring devices shall comply with the requirements of the appropriate standards for such devices.

TABLE 161.002-6 (f) (1)

Application; 300 volts or less	Minimum spacing in inch; through air and over surface
Sheet-metal enclosures	½
Cast-metal enclosures	¼

TABLE 161.002-6 (f) (2)

Application		Minimum spacing in inch	
		0-150 volts	151-300 volts
Installation wiring terminals.	Through air	¼	¼
	Over surface	¼	⅜
Other parts [1]	Through air	⅛	¼
	Over surface	¼	⅜

[1] At fixed parts of rigidly clamped special assemblies of live parts and insulating separators, such as contact springs on relays, cam switches, etc., which are wired at the factory, the spacings may be less than those indicated in the table for parts other than installation-wiring terminals, but not less than 1/16 inch for 150 volts or less, and not less than 3/32 inch for 151 to 300 volts, through air and over surface.

(g) *Dielectric and insulation resistance characteristics*—(1) *Dielectric strength.* All electrical circuits shall be capable of withstanding continuously for one minute a dielectric test of 60-cycle alternating potential at a R. M. S. value of twice rated voltage plus 1,000 volts between electrical circuits and between circuits and ground, except that for circuits operating at less than 50 volts, the test potential may be 500 volts.

(i) During the performance of the test described above, motors rated at ½ horsepower or less and 250 volts or less shall be disconnected from other circuits of the control unit and shall be tested separately by the application for one minute of a 60-cycle alternating potential of 900 volts, between the frame and the winding or windings of the motor.

(ii) Compliance of a control unit with the requirements of this subparagraph is to be determined by means of a suitable testing transformer, the output voltage of which can be regulated. The test equipment is to have means for indicating breakdown of parts tested.

(2) *Insulation resistance.* The insulation resistance of electrical circuits following the dielectric strength test shall not be less than 10 megohms at 500 volts d. c. and at room temperature.

(h) *Serviceability.* Component enclosures shall be constructed with a view toward maximum accessibility for repair and replacement of assemblies and parts. Parts and assemblies shall be so mounted as to permit replacement of those likely to become defective, without extensive disassembly of other parts and assemblies in the enclosure.

(i) *Insulating material.* Material for the mounting of uninsulated live-metal parts shall be phenolic composition, cold-molded composition, or other material which is recognized as suitable for the particular application. Hard fiber may be used for insulating bushings, washers, separators, and barriers, but not as the sole support for uninsulated live-metal parts where shrinkage, current leakage, or warpage may introduce a hazard. Small molded parts shall be so constructed that they will have adequate mechanical strength and rigidity to withstand the stresses of actual service.

(j) *Current-carrying parts.* Current-carrying parts shall have adequate mechanical strength and current-carrying capacity for the service, and shall be of metal which is recognized as suitable for the particular application. The suitability of a metal other than silver, copper, or copper alloy for current-carrying parts shall be made the subject of a special investigation.

§ 161.002-7 *Electrical component parts*—(a) *General.* Relays, bells, buzzers, resistors, lamps, lampholders, lamp indicators, capacitors, terminal connectors, terminal boards, fuses and switches shall be in accordance with this section and with the reference specifications.

(b) *Relays and annunciator drops and other electro-magnetic devices*—(1) *General.* Units shall operate satisfactorily, shall make firm, low resistance contact, and shall retain their setting in any position of the equipment and under any service condition. The contacts shall be non-corrosive and, where practicable, of the self-wiping type. Relays shall preferably be protected by removable dust covers or hermetically sealed.

(2) *Coils.* All coils shall be suitably insulated and impregnated with a water resistant insulating material.

(3) *Current-interrupting devices.* (i) A current-interrupting device supplied as part of the control unit shall be capable of performing acceptably when subject to an overload test consisting of fifty operations of making and breaking a circuit of rated frequency, and under the conditions indicated in this subparagraph, at a rate representing normal operation. There shall be no electrical or mechanical failure of the device, or undue burning, pitting, or welding of contacts.

(ii) A current-interrupting device intended to control devices which are connected to the load side of the control-unit supply terminals shall be tested with the overload resulting from operation at 115 percent of the rated voltage. Rated voltage for test purposes for a control unit designed to be energized from the ships' emergency lighting and power system is considered to be 118 volts if the marked rating of the control unit is within the range of from 110 to 125 volts or 236 volts if the marked rating of the control unit is within the range of from 220 to 250 volts.

(iii) For a control unit intended to be energized from a cycle-charged, lead-acid type storage battery supply circuit, the rated voltage for testing purposes is 2.0 volts per cell.

(iv) A current-interrupting device intended to control devices which are not connected to the load side of the control unit supply terminals shall be tested with a current of 150 percent of its rated current.

(v) A current-interrupting device which controls a motor shall be tested under the stalled-rotor condition of the motor.

(c) *Lamps and lampholders.* (1) Lamps shall be selected to give long life under service conditions. Where possible lamps shall be operated at less than rated voltage.

(2) Lampholders shall, where possible, be of a type in which the circuit to the lamp cannot be interrupted due to vibration or to alternate heating and cooling. Bayonet or telephone type lampholders are considered preferable for miniature type lamps.

(d) *Fuses.* All fuses shall be of the National Electrical Code non-renewable cartridge type.

(e) *Terminal boards and terminals.* (1) Terminal boards shall be of the screw type, preferably with suitable barriers between terminals. The design shall be such that terminals cannot rotate once they have been secured.

(2) Closed-end wire terminal lugs of either the solder or the solderless type shall be used for all connections to terminal boards.

(f) *Switches.* (1) The handles or keys of rotary type selector switches shall be provided with mechanical stops to prevent undue strain on the switch handle and shaft. The fixed portion of rotary switches shall be prevented from rotating by means other than friction.

(2) Switch knobs and handles shall be positively secured to their shafts and shall not rely on friction of a set screw for such means of securing. This shall be accomplished by using a non-circular shaft with a mating hole in the knob or handle. Set screws holding the knob or handle to the shaft shall thread directly into the shaft.

(g) *Indicator lamp lenses.* (1) Standard lens colors shall be used as follows:

(i) White—for "power on" indicators.

(ii) Red—for "fire" or "smoke" indicators.

(iii) Blue—for "trouble" or "power failure" indicators.

(2) Normally lighted lamps shall be shielded in such a way as not to interfere with navigating a vessel at night.

§ 161.002-8 *Automatic fire detecting systems, general requirements*—(a) *General.* An automatic fire detecting system shall consist of a power supply; a control unit on which are located visible and audible fire and trouble signalling devices; and fire detector circuits, as required, originating from the control unit. Power failure alarm devices may be separately housed from the control unit and may be combined with other power failure alarm systems when specifically approved.

(b) *Types.* Automatic fire detecting systems shall be one of the following types, or a combination of two or several types:

(1) Electrical system using thermostats, thermostatic wire, or other type detector operated by heat.

(2) Electrical system using pneumatic tube or hydraulic tube detectors operated by heat.

(3) Other types as may be developed.

§ 161.002-9 *Automatic fire detecting system, power supply*—(a) *General.* The power supply for automatic fire detecting systems shall be one of the types as specified in this paragraph.

(1) *Storage battery type.* The power supply for automatic fire detecting system shall consist of duplicate storage batteries used for no other purpose arranged so that one battery will supply the system while the other storage battery is being charged.

(2) *Emergency lighting and power system type.* The power supply for automatic fire detecting systems shall consist of a separate branch circuit from an alternating-current temporary source of supply complying with the requirements of Subpart 112.40 of Part 112 of this chapter (Subchapter J—Electrical Engineering).

(b) *Storage battery requirements.* Storage batteries shall comply with the requirements of § 112.55-1 of this chapter (Subchapter J—Electrical Engineering).

(c) *Capacity of storage battery.* The capacity of each storage battery shall be sufficient to supply the automatic fire detecting system for a period of not less than one week without recharging, and in no case less than 100 ampere-hours at an eight-hour discharge rate. At the end of the one week discharge period, the battery potential for a lead-acid type storage battery shall be not less than 1.75 volts per cell.

(d) *Capacity of emergency lighting and power supply branch circuit.* The capacity of the branch circuit from the emergency lighting and power switchboard shall be not less than 20 amperes and not less than 300 percent of the maximum demand load of the automatic fire detecting system.

§ 161.002-10 *Automatic fire detecting system control unit*—(a) *General.* The fire detecting system control unit shall consist of a drip-proof enclosed panel containing visible and audible fire alarm signalling devices, visible and audible trouble alarm signalling devices, visible and audible power failure alarm devices, power supply battery transfer switch and charging facilities, when employed, and over-current protection for the power supply.

(b) *Fire alarm signals*—(1) *General.* The operation of any automatic fire detector (or manual fire alarm station in the case of a manual fire alarm system) shall automatically cause (1) the sounding of a vibrating type fire bell with a gong diameter not smaller than 6 inches nippled to or mounted on or within the control unit; (2) the sounding of a vibrating type fire bell with a gong diameter not smaller than 8 inches located in the engine room; and (3) an indication of the fire detecting zone from which the signal originated, visible at the control unit.

(2) *Maintaining signal.* The audible and visible signals resulting from the operation of a fire detector having self-restoring contacts shall be maintained automatically by the control unit until a resetting device is operated manually.

(3) *Silencing audible signal.* Manual means shall be provided at the control unit to silence the fire bells, but operation of the fire bell silencing device shall permit the visible fire signal to remain until manually reset as described in subparagraph (2) of this paragraph.

(4) *Non-interference.* The control unit shall be so arranged as to permit one or any number of fire alarm signals simultaneously, and an alarm on one circuit shall not interfere with the normal operation of any other circuit, except that the fire alarm bells, when silenced by the means provided by subparagraph (3) of this paragraph, need not sound upon receipt of succeeding fire alarm signals.

(5) *Source of Energy.* The source of energy for the signals referred to in this paragraph shall be the "normal source". On a system supplied by duplicate storage batteries, the "normal source" shall be construed to mean that part of the supply circuit on the load side of the battery transfer switch and fuses. On a system supplied by a branch circuit from an alternating-current temporary source of supply, the "normal source" shall be construed to mean the load side of any transformer or rectifier employed to modify the nature or magnitude of the supply potential.

(c) *Electrical supervision*—(1) *Circuits.* The circuits formed by conductors extending from the control unit to the fire detectors of each zone shall be electrically supervised.

(2) *Normal source.* The normal source of energy to the control unit shall be electrically supervised.

(3) *Fire bells.* The engine room fire bell shall be electrically supervised.

(d) *Power failure alarm signals*—(1) *Loss of potential.* The loss of potential from a supervised source of energy automatically shall be indicated at the control unit by the sounding of an audible power failure alarm bell. The source of energy for the power failure alarm bell for a system supplied by duplicate storage batteries shall be the storage battery being charged. The source of energy for the power failure alarm bell for a system supplied by a branch circuit from an alternating-current temporary source of supply shall be a branch circuit from the ship's battery-supplied interior communication switchboard or as directed by the Commandant.

(2) *Silencing audible signal.* Means shall be provided at the control unit to silence the power failure alarm bell by transferring the signal to a visible indicator which shall remain until the silencing means is restored to its normal position.

(e) *Trouble alarm signals*—(1) *Open Circuit.* An open circuit occurring in either supervised circuit covered by paragraph (c) (1) or (3) of this section shall automatically be indicated at the control unit by the sounding of an audible trouble alarm bell or buzzer and by a visual indicator showing the circuit or zone from which the signal originated, except that on systems employing closed-circuit series connected detectors, an open circuit in the zone wiring may cause a fire alarm signal.

(2) *Silencing audible signal.* Manual means shall be provided at the control unit to silence the audible signal, but operation of the audible trouble alarm silencing means shall permit the visible trouble signal to remain until the trouble has been corrected.

(3) *Non-interference.* The control unit shall be so arranged as to permit one or any number of trouble alarm signals simultaneously, and an alarm on one circuit shall not interfere with the normal operation of any other circuit, except that the audible trouble alarm signal, when silenced by the means provided by subparagraph (2) of this paragraph, need not sound on receipt of succeeding trouble signals.

(4) *Source of energy.* The source of energy for the trouble alarm signals required by this paragraph shall be the normal source as defined in paragraph (b) (5) of this section.

(f) *Circuit testing*—(1) *Fire alarm and trouble alarm test.* Means shall be provided at the control unit for individually testing each fire detecting zone circuit. The testing means shall be capable of simulating a fire alarm condition and a trouble condition.

(2) *Ground test.* Means shall be provided at the control unit for manual testing of each individual fire detecting zone circuit for the presence of grounds. Systems whose normal source of supply is derived from a circuit from the ship's alternating-current temporary emergency bus shall be provided with a two-winding transformer in the supply circuit

and located in the control unit to isolate electrically the fire detecting system from the ship's electrical system.

(g) *Automatic fire detecting system, battery charging and control*—(1) *General.* Automatic fire detecting systems employing duplicate storage batteries as the power supply shall be provided with battery charging and control facilities as specified by this paragraph.

(2) *Transfer switch.* A manual transfer switch with no "OFF" position to select the battery to supply the system and the battery to be charged shall be provided.

(3) *Voltmeter and voltmeter switch.* A voltmeter and a voltmeter switch shall be provided at the control unit and connected to read (i) voltage of battery supplying system and (ii) voltage of battery on charge.

(4) *Ammeter.* An ammeter shall be provided to indicate the charging current to the battery on charge.

(5) *Reverse current protection.* An undervoltage or reverse current relay shall be provided to disconnect the battery on charge from the charging source in the event of loss of potential from the charging source unless reverse current flow is effectively blocked by a rectifier.

(6) *Resistors.* Fixed and variable resistors shall be provided to regulate the charging rate, together with a two-position switch to select between a normal charging rate and a high charging rate.

(7) *Overcurrent protection.* The batteries shall be protected against overcurrent by fuses rated at not less than 150 percent and not more than 200 percent of the maximum normal battery load.

(8) *Location.* The equipment required by this paragraph shall be located in or adjacent to the control unit.

(h) *Endurance requirements.* The fire detecting system control unit shall be capable of being operated 10,000 cycles without failure of any component or undue wear or pitting of any contact. Endurance test shall be conducted in accordance with § 161.002–16 (c) (6).

(i) *Under and over voltage operation.* The fire detecting system control unit shall operate successfully at both 80 percent and 110 percent of rated supply voltage. This test shall be conducted as part of the endurance test of paragraph (h) of this section.

(j) *Operation while inclined.* The control unit shall operate successfully at rated voltage while undergoing the inclination test of § 161.002–16 (c) (4). This test shall be conducted as a part of the endurance test of paragraph (h) of this section.

(k) *Vibration test.* The control unit shall withstand the vibration test described in § 161.002–16 (c) (3) without damage to any part and without false operation. The test shall be conducted as a part of the endurance test of paragraph (h) of this section.

(l) *Humidity test.* The control unit shall withstand without damage the humidity test of § 161.002–16 (c) (5).

§ 161.002–11 *Fire detecting thermostat*—(a) *General.* The scope of this section is limited to the class of fire detectors commonly referred to as spot type automatic fire detecting thermostats. Other types of fire detectors such as thermostatic wire detectors, pneumatic tubing detectors, electronic detectors, etc. will be the subject of special investigation, and will be considered equally acceptable as fire detecting thermostats when proven to be equally effective in detecting fires and equally serviceable.

(b) *Design classifications.* Thermostats are classified as follows:

(1) Fixed temperature type, designed to operate when the temperature at the device reaches a predetermined value.

(2) Rate of rise type, designed to operate when the rate of temperature rise at the device reaches a predetermined value.

(3) Those which, when, and as installed are capable of repeat operation.

(4) Those which, when, and as installed must be replaced when they have once operated.

(5) Combinations of two or more of these classifications.

(c) *Temperature classifications.* Thermostats of the fixed temperature type are classified as to temperature of operation as follows:

(1) Ordinary degree, for use where the normal temperature at the device does not exceed 100° F.

(2) Intermediate degree, for use where the normal temperature at the device exceeds 100 but not 150° F.

(3) Hard degree, for use where the normal temperature at the device exceeds 150 but not more than 225° F.

(d) *General construction requirements*–(1) *Material, form, and arrangement.* The material, the form, and the arrangement of parts shall be such that the thermostats will be practicable to manufacture, install, and maintain, and be reliable and consistent in operation. They shall be so designed as to be free from liability to ordinary mechanical injury when installed and from the effects of moisture and interference by clogging with dust, insects, and other foreign material. Thermostats having contacts exposed to the atmosphere will not be considered.

(2) *Uniform operation.* A thermostat must be constructed so that reasonably uniform operation from application of heat will result regardless of variations in position or exposure to air flow from varying directions. In devices where variations in operation are possible from different positions of the device with respect to the direction of air flow, the spacing classification of the device will be judged from data obtained in tests where the device is mounted in the least favorable position as regards reception of heated air currents.

(3) *Replacement.* Thermostats requiring replacement after operation shall indicate when operated.

(4) *Renewable element.* In thermostats where the thermally-sensitive element is renewable and must be replaced after operation, the renewable element shall bear the manufacturer's name or other identification and the degree rating. Thermostats shall be capable of installation with ordinary tools.

(5) *Shipping.* Thermostats shall be so constructed that parts will not become displaced during shipment or after installation.

(e) *Mounting.* (1) Thermostats shall be designed for mounting on a standard outlet box unless a box of special design is furnished as a part of the assembly.

(2) When the junction box is not furnished with the thermostat, drawings shall clearly indicate the dimensions of the junction box to be used.

(f) *Adjustment.* (1) Thermostats shall not be capable of being adjusted after shipment from the factory.

(2) Adjustments made in the factory shall be securely sealed.

(3) Screws used in making adjustments shall be close fitting, of small pitch, and provided with reliable locking means.

(g) *Adaptability to fire detecting systems.* Thermostats shall be of such design that they are capable of connection on a supervised system of wiring.

(h) *Materials.* (1) Diaphragms and spring parts, if used, should preferably be of phosphor bronze or beryllium-copper (thermo-responsive springs excepted).

(2) Solder, if used as the operating member of a thermostat, shall be specially investigated for stability and other necessary properties.

(3) Where a sealing compound is used in thermostats, its melting point shall be at least 15° C. higher than the rated temperature of operation of the device.

(i) *Electrical.* (1) Contacts shall be so designed that it is practicable to make any adjustments necessary during factory assembly, and so that the contact action will be positive and reliable.

(2) Sliding or pivoted current-carrying parts, if used, shall be shunted by flexible copper conductors.

(3) Ample separation of contacts tips shall be provided.

(4) The contacting parts shall have tips of silver or an equivalent material, securely attached and in proper alignment.

(5) All current-carrying parts shall be insulated or otherwise protected.

(6) Separate terminal screws shall be provided for the incoming and outgoing circuit wires.

(7) Nuts and heads of screws used to secure current-carrying parts (other than those for the circuit wires) shall, wherever possible, be countersunk and covered with a sealing compound. The countersinking should be such as to provide a full ⅛ inch clearance from the mounting surface.

(j) *Marking.* Each thermostat shall be plainly marked with the name of the manufacturer or accepted abbreviation therefor, the approval number, and, if of the fixed temperature type, with the temperature rating.

(k) *Temperature of operation.* (1) Fixed temperature thermostats shall be designed for an operating temperature within the limits given in Table 161.002–11 (k) (1) (i).

TABLE 161.002–11 (k) (1) (i)

Rating	Limits of rated temperature of operation (° F.)	
	Maximum	*Minimum*
Ordinary	165	135
Intermediate	225	175
Hard	300	250

(2) The temperature of operation of fixed temperature thermostats shall be determined in a well-stirred bath in which the rate of temperature rise is not greater than 1° F. per minute as measured by a thermometer. The thermostats shall be immersed in the bath near the thermometer which is read at regular intervals.

(3) The temperature of operation of fixed temperature thermostats when tested as described in subparagraph (2) of this paragraph shall be within plus or minus 5° F. of their rated temperature of operation if of the ordinary rating or within plus or minus 10 to 15° F. if of the intermediate or hard rating. Not less than three thermostats shall be so tested.

(l) *Sensitivity.* (1) Not less than three thermostats shall be tested for sensitivity in an electric oven designed for conducting sensitivity tests. The oven employed shall be capable of close temperature and air current control. Tests are made under the time-temperature curves shown in Figure 161.002–11 (L) (1) while mounted in a manner normal for its installation in an air stream having a velocity of 200 to 220 feet per minute. A sketch of the test oven that will be employed is shown on Figure 161.002–11 (L).

(2) Thermostats when tested in accordance with subparagraph (1) of this paragraph shall operate in 2 minutes or less.

(3) Thermostats which operate in 2 minutes or less when subjected to the time-temperature conditions shown on Figure 161.002–11 (L) (1) will be rated as to permissible spacing according to their performance. Spacings other than 10, 12½, and 15 feet will not ordinarily be considered.

(4) Thermostats for which a permissible spacing qualification in excess of 15 feet is desired may be subjected to fire tests to compare their performance at the increased spacing with the performance of several approved 15-foot spacing thermostats when subjected to several rate-of-rise conditions.

(5) The operation of thermostats in the sensitivity oven must be sufficiently uniform to indicate accurate assembly and reliability.

(6) Thermostats of the rate-of-rise type, in addition to other requirements of this paragraph, shall operate at a rate of temperature rise likely to result from fire but unlikely to occur from other causes. A thermostat which operates when the rate-of-rise of temperature is maintained between 15° and 20° F. per minute and which does not operate when the rate-of-rise of temperature is much below that value, generally satisfies this condition. Tests shall be conducted in an oven as described in subparagraph (1) of this paragraph.

(7) The results obtained in repeat tests on the same rate-of-rise thermostat shall closely correspond, as shall also the results of tests on different samples having the same adjustment and setting.

(m) *Premature operation test.* Clean, fixed-temperature thermostats must not operate prematurely when subjected to high normal room temperature as given in Table 161.002–11 (m) for a period of 30 days.

TABLE 161.002–11 (m)

Rating	Temperature, ° F.
Ordinary	125
Intermediate	165
Hard	240

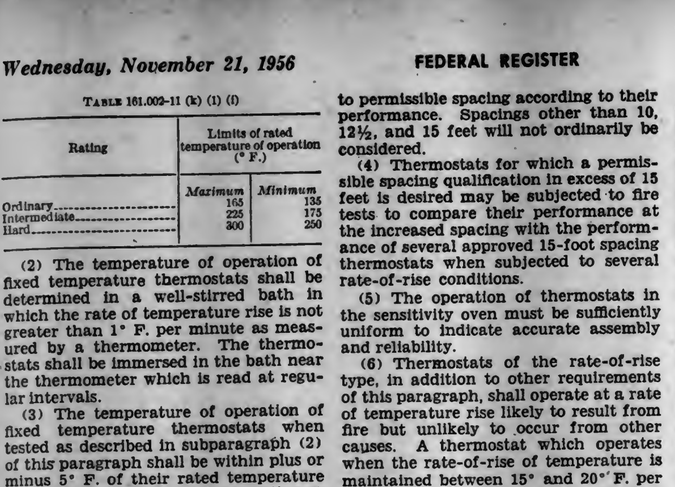

THERMOSTAT SENSITIVITY TEST OVEN FIG. 161.002-11(L)

(n) *Corrosion and loading tests.* (1) Thermostats, when spray painted with a lead-oil type paint along with the ceiling on which they are mounted a sufficient number of times to build up a hard dry coating of 1/32 inch in thickness on the exposed external parts, shall operate in 4 minutes or less if of the fixed temperature type, and, if of the rate-of-rise type, shall operate at rates of rise not more than 25 percent greater than the rate at which it operated when tested clean.

(2) Thermostats, after being subjected to a 200-hour salt spray test in accordance with A. S. T. M. Standard B117, shall operate in 4 minutes or less if of the fixed temperature type, and, if of the rate-of-rise type, shall operate at rates of rise not more than 25 percent greater than the rate at which it operated when tested clean.

(o) *Rough usage tests.* Thermostats shall be tested to determine whether they may be dropped or subjected to moderately rough usage with the tools ordinarily used in installation, such as screwdriver, pliers, or hammer, depending upon the type of thermostat, without affecting their operation.

(p) *Vibration tests.* The thermostat shall be subjected to the vibration test described in § 161.002–16 (c) (3). No false operation or breakage or injury to the thermostat shall result. Vibration test shall be performed in an ambient temperature approximately equal to the appropriate temperature indicated in Table 161.002–11 (m).

(q) *Dielectric strength test.* The thermostat shall be capable of withstanding without damage the dielectric strength test of § 161.002–6 (g) (1), after which test the insulation resistance shall be not less than that specified by § 161.002–6 (g) (2).

§ 161.002–12 *Manual fire alarm systems*—(a) *General.* A manual fire alarm system shall consist of a power supply, a control unit on which are located visible and audible fire and trouble signalling devices, and fire alarm circuits as required originating from the

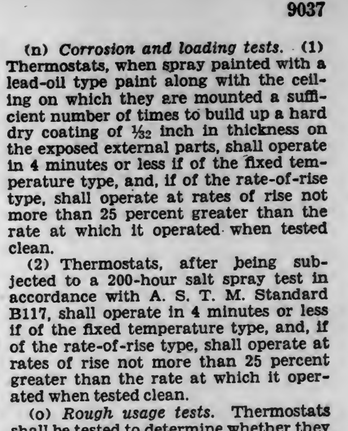

control unit and terminating at manual fire alarm boxes. Power failure alarm devices may be separately housed from the control unit and may be combined with other power failure alarm systems when specifically approved.

(b) *Types.* Manual fire alarm systems shall be one of the following types, or a combination of several types:

(1) Manual fire alarm stations superimposed on and connected as an integral part of the fire detector circuit wiring of an automatic fire detection system.

(2) Electrical system using manually operated fire alarm boxes.

(3) Other types as may be developed.

(c) *Power supply.* The power supply shall be as specified for automatic fire detecting system by § 161.002–9.

(d) *Manual fire alarm system control unit.* The manual fire alarm system control unit shall be as specified for automatic fire detecting systems by § 161.002–10.

§ 161.002–13 *Manual fire alarm boxes.* (a) A manual fire alarm box shall consist of a rugged cast metal junction box and cover on which is mounted a prominent operating lever to actuate the alarm. Pulling the operating lever shall shatter a window of glass or other suitable material, thereby automatically operating an alarm switch. Manual fire alarm boxes employing different methods of operation or different forms of construction or materials from that described in this paragraph will be considered provided the operation is equally positive, simple, quick and obvious.

(b) The operating instructions for the fire alarm box shall be clear, concise, conspicuous, and protected against obliteration.

(c) The fire alarm box shall be finished in typical bright red with the operating instructions finished in a contrasting color.

(d) The manual fire alarm box shall be operated manually in the intended manner not less than 100 times to assure reliable operation.

(e) The switch unit in the manual fire alarm box shall operate at least 10,000 cycles, making and breaking a direct-current load equal to the rated current of the switch at rated voltage without failure. The switch unit shall also be capable of operating 50 cycles with the current increased to 150 percent of rated current. Tests shall be conducted at not more than 10 cycles per minute.

(f) The manual fire alarm box shall withstand without damage the dielectric strength test of § 161.002–6 (g) (1) after which test the insulation resistance shall be not less than that specified by § 161.002–6 (g) (2).

§ 161.002–14 *Watchman's supervisory systems.*—(a) *General.* The watchman's supervisory system shall consist of apparatus to verify the presence of watchmen and the regular performance of their assigned duties.

(b) *Types.* The watchman's supervisory systems shall be one of the following types, or a combination of several types:

(1) A mechanical system consisting of portable spring-motor-driven recording clocks in conjunction with key stations located along the prescribed routes of the watchmen to operate the clock recording mechanism.

(2) An electrical system employing a recorder located at a central station in conjunction with key stations along the prescribed route of the watchmen.

(3) Other types that may be developed.

(c) *Portable spring-motor-driven recording clocks.* (1) Each clock shall run for at least one week without rewinding and shall be substantially mounted and strongly encased. It shall be made so that the recordings cannot be seen without opening the case and so that the case cannot be opened without indicating, by a distinctive recording, the time of opening and closing.

(2) The records of the recording watch clock shall be legible and permanent.

(d) *Key stations for use with portable recording watch clocks.* (1) The key station shall be of substantial construction and provided with a hinged cover. The key shall be attached to the station by means of a strong link chain. The key station shall be finished in a typical bright red color. The key stations shall be mounted in such a manner that they cannot be removed without giving evidence of removal.

(2) Keys shall be made so that they are difficult to duplicate, and shall be of a pattern susceptible of variations tending to reduce the probability that a set of keys for one clock will operate other clocks.

§ 161.002–15 *Smoke detecting systems.*—(a) *General.* The smoke detecting system shall consist of a means for continuously exhausting an air sample from the protected spaces and testing the air for contamination with smoke of all colors or particle sizes, together with visual or visual and aural means for indicating the presence of smoke.

(1) The scope of this section is limited to systems in which the control unit is to be located in the wheelhouse or fire control room. Where different arrangements of the detecting units are contemplated, the system may be examined and tested according to the intent of this section, and, if found to be substantially equivalent, may be approved.

(b) *Types.* The smoke detecting system shall be one of the following types:

(1) Visual detection type wherein the presence of smoke is detected visually and by sense of smell.

(2) Aural type wherein the presence of smoke is detected visually and audibly and by sense of smell.

(3) Visual or aural type combined with carbon dioxide extinguishing system.

(4) Other types as may be developed.

(c) *Main power supply.* (1) On vessels fitted with an automatically started emergency lighting and power system, the smoke detecting system shall be supplied by a separate branch circuit from the emergency lighting and power system as required by Subpart 112.15 of Part 112 of this chapter (Subchapter J—Electrical Engineering).

(2) On vessels not fitted with an automatically started emergency lighting and power system, the smoke detecting system shall be supplied from a source as directed by the Commandant.

(d) *Suction fans.* (1) Suction fans shall be provided in duplicate, with the system arranged for one fan to be operated at a time.

(2) The suction fans shall be of sufficient capacity to provide a suction at the control unit of at least 1 inch of water with each zone connected with 350 feet of ¾ inch standard pipe.

(e) *Smoke detecting system control unit.*—(1) *General.* A smoke detecting system control unit shall consist of a drip-proof enclosed panel containing the smoke indicating devices, trouble alarm signalling devices, power failure alarm devices, and overcurrent protection for the system and for the exhaust fans. Power failure alarm devices may be separately housed from the control unit and may be combined with other power failure alarm systems when specifically approved.

(2) *Sampling characteristics.* The control unit shall be designed to extract air samples continuously from the smoke detecting zones. Visual detection of smoke in the air samples from all zones shall be continuous, except that the air samples may be diverted from the visual detector momentarily for aural detection purposes. Aural detection of smoke in the air samples from the several smoke detecting zones may be done in sequence in which case the unit shall cycle at a rate not to exceed 5 seconds per zone. Where aural detection of smoke in the air samples from all zones is accomplished simultaneously, the aural detector shall operate for at least 3 seconds in each minute.

(3) *Visual smoke indication.* The presence of smoke in the concentrations specified by paragraph (g) of this section in the air sample being exhausted from any of the protected spaces shall automatically be indicated visually to an observer directly in front of the control unit. The visual indication shall indicate the zone from which the smoke originated and shall be continuous so long as the smoke is present except as provided in subparagraph (2) of this paragraph.

(4) *Aural smoke indication.* The presence of smoke in the concentrations specified by paragraph (g) of this section in the air sample being exhausted from any of the protected spaces shall, in systems of the aural type, automatically be indicated by the sounding of a vibrating type fire bell with a gong diameter not smaller than 6 inches, nippled to or mounted on or in the control unit, the sounding of vibrating type fire bell with a gong diameter not smaller than 8 inches located in the engine room, and the lighting of a smoke indicator lamp.

(i) Means shall be provided to silence the audible signals, but the visible smoke indicator lamp shall remain lighted until the smoke alarm relay is manually reset.

(ii) Resetting the smoke alarm relay without restoring the fire bell silencing means to the normal position shall be indicated by trouble signals as described in subparagraph (7) of this paragraph.

(5) *Detection by smell.* A sufficient quantity of exhaust from the control unit shall be discharged into the pilothouse or fire control station to permit detection of fire by odor. A valve shall be provided to direct the exhaust, if obnoxious, to the outside.

(6) *Supervision.* Electrical circuits, the failure of which would prevent the smoke detector from properly functioning, shall be electrically supervised. Circuits to be electrically supervised shall include, but not necessarily be limited to, the following circuits, when employed: Audible detector lamp, visible detector lamp, voltage regulator, exhaust fans, and fire bells.

(i) The flow of air from each of the protected spaces shall be supervised in such a way that an observer at the control unit can detect the absence of air flow.

(7) *Trouble alarms.* An open-circuit condition existing in any supervised circuit shall be indicated at the control unit by the sounding of an audible trouble buzzer or bell and by the lighting of a trouble light indicating the circuit from which the signal originated. Means shall be provided to silence the trouble buzzer, but the trouble light shall remain lighted until the buzzer silencing device is restored to the normal position.

(8) *Power failure alarm.* Loss of potential on the load side of the control unit overcurrent protective device shall be indicated by a power failure buzzer located in the wheelhouse or fire control room. Provisions shall be made to silence the power failure alarm buzzer by transferring the signal to a visible indicator. Reestablishing potential to the system shall again cause the power failure buzzer to sound until the silencing means is restored to the normal position.

(i) The source of power for the power failure alarm signals shall be a storage battery. The storage battery may supply loads other than the smoke detector system power failure alarm load, but shall be independent of the smoke detector system main power supply.

(9) *Circuit arrangement and protection.* (i) A manual disconnect switch shall be provided to disconnect the control unit from the supply circuit. On the load side of the manual disconnect switch, overcurrent protection shall be provided for the system. The rating or setting of the overcurrent device shall be not less than 200 percent of the system load.

(ii) Suction fans shall be furnished in duplicate with a control switch and running overcurrent protection provided for each fan motor.

(10) *Adjustments.* Means shall be provided to adjust the sensitivity of an aural smoke detector to compensate for normal aging characteristics of the components and for the effects of dust collecting in the control unit unless such compensation is effected automatically or by other satisfactory means.

(11) *Circuit testing.* The control unit shall be provided with a means for being tested while in operation. The test shall cause operation of the alarm circuits by initiating the sequence of actions through a disturbance in the unit.

(f) *Sensitivity test equipment and smoke sources.*—(1) *General.* The smoke meter that will be employed to measure the sensitivity of smoke detector system is shown on Figure 161.002–15 (f).

(2) *Photo cell.* The photo cell should be highly sensitive, capable of high output, and with a major portion of its characteristic very near linear. Mounted in the smoke meter described herein and with the lamp operating at 10.5 volts, the cell should have an output near 180 microamperes with clear air and with the heat-resistant glass partition removed.

(3) *Microammeters.* In order to maintain linearity, the resistance of the microammeters should be as low as possible. The 0 to 30 scale microammeter shown on Figure 161.002–15 (f) has a resistance of 150 ohms, while the 0 to 200 scale microammeter has a resistance of 55 ohms.

(4) *Constant voltage supply.* In order to maintain constant potential to the lamp, a constant voltage transformer is necessary. The constant voltage transformer should have a 95–125 volt primary and a 12 volt ±½ percent secondary.

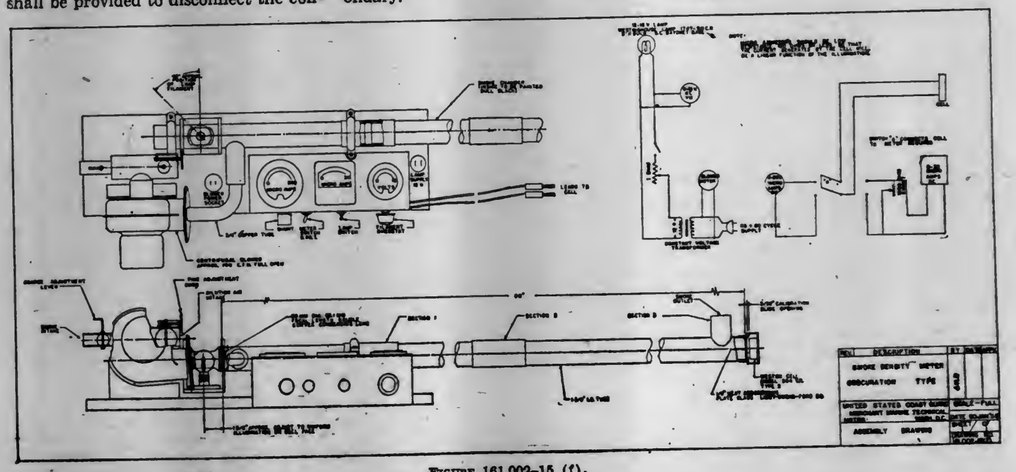

FIGURE 161.002–15 (f).

(5) *Lamp and lens.* The smoke meter shown in Figure 161.002–15 (f) is designed to use a Westinghouse Lamp No. 1747–50 CP–S–11 bulb, 12–16 volts, single contact, bayonet base. The lamp is operated at 10.5 volts through a variable series resistor. The lamp should be operated for approximately 24 hours before calibrating the smoke meter. Each time the lamp is energized, it should be permitted to burn for approximately 1 hour to stabilize its output. The lens used with the smoke meter is a 38 mm diameter, 63.1 mm focal length, double convex, condensing lens.

(6) *Meter tube.* The inside diameter of the meter tube is 1⅝ inches and its length, measured from the lens at the lamp end to the heat-resisting glass partition at the cell end, is 5 feet. The tube is made in three slip-joint sections for portability, and the interior walls of the tube are painted a dull black. The photoelectric cell is mounted in a suitable housing at the end of the tube. A glass partition of ⅛ inch thick heat-resisting glass is provided in front of the active face of the photoelectric cell to absorb the heat of the light beam and to reduce the output of the cell from its normally high output of approximately 180 microamperes to approximately 125 microamperes. A slot is provided for inserting calibration screens between the cell and the glass partition.

(7) *Method of calibration.* The smoke meter is calibrated by inserting in the calibration slide openings transparent screens, such as thin glass slides or plastic sheets. The transmission of the calibration slides to the band of wave lengths emitted by the lamp must be accurately known. By observing the cell output with various calibrated slides inserted, a curve of cell output versus percent light obscuration may be obtained. The smoke meter is then calibrated in the following steps:

(i) *Focus.* The distance between the lamp and the lens is adjusted to secure a bright uniform illumination over the cell face.

(ii) *Zeroing meter.* After the lamp has been burning at 10.5 volts for at least 1 hour or until the output of the photoelectric cell has become constant, the shunt across the 30-microammeter full scale meter shall be adjusted so that the microammeter reads full scale with clear air passing through the meter tube. This is the "zero" of the smoke meter and the shunt adjustment then shall be sealed or protected so that the adjustment remains fixed. Any further zero adjustment is made by means of the lamp rheostat.

(iii) *Calibration.* After the zero adjustment has been made, the calibration screens may be inserted in the slot in front of the cell and the meter readings recorded. Calculate the percent obscuration for each screen relative to maximum scale reading with clear air, or 30 microamperes, which is 100 percent transmission or zero obscuration. These values represent percent obscuration in 5 feet. From these values, calculate the percent obscuration in a one foot column by the formula (1).

$$K=100[1-(1-R)^{1/5}] \quad (1)$$

Where:

K=percent obscuration in 1 foot.
R=fraction of light obscured in 5 feet.

Values of K plotted against the cell output represents the calibration graph of the smoke meter.

(8) *Smoke density meter reading.* The term "smoke density meter reading" as used herein will mean the value K, percent obscuration of the smoke on a one foot basis, determined in the manner described above.

(9) *Smoke sources.* (i) A Type I smoke shall be smoke obtained from smoldering oil-free cotton waste.

(ii) A Type II smoke shall be smoke obtained from freely burning kerosene-saturated cotton waste.

(g) *Sensitivity requirements.* (1) The control unit shall be mounted in its intended manner, and one smoke detecting zone shall be connected to the smoke density meter described in paragraph (f) of this section by means of ¾-inch standard pipe. The connection shall be as short and as direct as practicable so that there will be no appreciable transit time of smoke from the smoke density meter to the control unit. All other zones shall be restricted in such a manner as to simulate a load on the suction fan equivalent to that of a 350-foot length of ¾-inch standard pipe for each zone. Where the control unit is of the type in which the aural detector tests the combined discharge of all zones simultaneously, sensitivity tests will be conducted with a control unit having the maximum number of zones for which approval is desired.

(2) With the system operating at rated supply voltage and the control unit adjusted for optimum performance, Type I smoke in quantities sufficient to give a "smoke density meter reading" of 2 percent shall be admitted to the smoke detecting zone under test.

(i) The smoke shall be detected by an observer directly in front of a visual detection type control unit.

(ii) The audible smoke alarm of an aural type control unit shall sound within one sampling cycle of the control unit.

(3) With no change in the adjustment of the control unit and no change in the "smoke density meter reading" from those of the preceding test, the supply potential of the smoke detector system shall be decreased to 80 percent of rated voltage.

(i) The smoke shall be detected by an observer directly in front of a visual detection type control unit.

(ii) The audible smoke alarm of an aural type control unit shall sound within one sampling cycle of the control unit.

(4) With the supply potential reduced to 80 percent of rated voltage and with no change in the adjustment of the control unit from the previous test, Type II smoke in quantities sufficient to give a "smoke density meter reading" of 5 percent shall be admitted to the smoke detector zone under test.

(i) The smoke shall be detected by an observer directly in front of a visual detection type control unit.

(ii) The audible smoke alarm of an aural type control unit shall sound within one sampling cycle of the control unit.

(h) *Endurance requirements.* The control unit shall be capable of being operated for 10,000 cycles at rated voltage without failure of any component or undue wear or pitting of any contact. Endurance test shall be conducted in accordance with § 161.002–16 (c) (7).

(i) *Inclination test.* The control unit shall operate successfully while undergoing the inclination test of § 161.002–16 (c) (4).

(j) *Resistance to vibration.* The control unit shall withstand without damage and without false operation the vibration test described in § 161.002–16 (c) (3). The tests shall be performed with circuits in the normal supervisory position.

(k) *Humidity test.* The system shall withstand without damage the humidity test of § 161.002–16 (c) (5).

§ 161.002–16 *Methods of sampling, inspection and testing.*—(a) *Sampling and inspection.* Fire detecting equipment covered by this specification is not normally inspected at regularly scheduled factory inspections of production lots, but the Commander of the Coast Guard District may detail a marine inspector at any time to visit any place where such fire detecting equipment is manufactured to check materials and construction methods, and to conduct such tests and examinations as may be required to satisfy himself that the equipment is being manufactured in compliance with the requirements of this specification and with the manufacturer's plans and specifications approved by the Commandant.

(b) *Type approval tests.*—(1) *General.* Type approval tests shall have as their purpose to demonstrate that a manufacturer is capable of producing equipment suitable for shipboard use in accordance with the specification requirements of this subpart. Type approval tests may be conducted on individual components of equipment or on a complete system.

(2) *Where tested.* All tests shall be conducted at the National Bureau of Standards, Washington, D. C., or at another laboratory designated by the Coast Guard.

(3) *Costs.* All costs of the tests required by this subpart shall be defrayed by the manufacturer and the material to be tested shall be furnished without cost to the U. S. Government.

(4) *Order of tests.* Tests shall be conducted in the order listed in this subparagraph. Listed opposite each test is the corresponding reference paragraph which gives the specified performance requirements and the associated test description. Except where otherwise indicated, all tests shall be conducted on the same sample equipment.

(i) *Fire detecting system control unit tests.*

TABLE 161.002–16 (b) (4) (i)

Test	Performance requirement	Test description
(a) General inspection	161.002–1, –2, –3, –4, –5, –6, –7, –8, –9, –10, and –12.	161.002–16 (c) (2).
(b) Humidity test	161.002–6 (g), 161.002–10 (1), 161.002–16 (c) (5).	161.002–6 (g), 161.002–16 (c) (5).
(c) Endurance test	161.002–7 (b) (3), 161.002–10 (b)	161.002–7 (b) (3), 161.002–16 (c) (3), 161.002–16 (c) (4), 161.002–16 (c) (6).
(d) Special additional tests	161.002–16 (c) (9)	161.002–16 (c) (9).

(ii) *Fire detecting thermostat tests.*

TABLE 161.002–16 (b) (4) (ii)

Test	Performance requirement	Test description
(a) General inspection	161.002–1, –2, –3, –4, –5, –6, –7, and –11	161.002–16 (c) (2).
(b) Temperature of operation	161.002–11 (k) (3)	161.002–11 (k) (2).
(c) Sensitivity	161.002–11 (l)	161.002–11 (l).
(d) Premature operation	161.002–11 (m)	161.002–11 (m).
(e) Salt spray	161.002–11 (n) (2)	161.002–11 (n) (2).
(f) Sensitivity	161.002–11 (n) (2)	161.002–11 (l).
(g) Loading	161.002–11 (n) (1)	161.002–11 (n) (1).
(h) Sensitivity	161.002–11 (n) (l)	161.002–11 (l).
(i) Rough usage	161.002–11 (o) (1)	161.002–11 (o) (1).
(j) Vibration	161.002–11 (p)	161.002–16 (c) (3).
(k) Dielectric	161.002–11 (q) (2)	161.002–6 (g) (1).
(l) Insulation resistance	161.002–11 (q) (2)	161.002–6 (g) (2).
(m) Special additional tests	161.002–16 (c) (9)	161.002–16 (c) (9).

(iii) *Manual fire alarm box tests.*

TABLE 161.002–16 (b) (4) (iii)

Test	Performance requirement	Test description
(a) General inspection	161.002–1, –2, –3, –4, –5, –6, –7, and –13.	161.002–16 (c) (2).
(b) Manual operation	161.002–13 (d)	161.002–13 (d).
(c) Endurance	161.002–13 (e)	161.002–13 (e).
(d) Dielectric	161.002–13 (f)	161.002–6 (g) (1).
(e) Insulation resistance	161.002–13 (f)	161.002–6 (g) (2).
(f) Special additional tests	161.002–16 (c) (9)	161.002–16 (c) (9).

(iv) *Watchman's supervisory system equipment tests.*

TABLE 161.002–16 (b) (4) (iv)

Test	Performance requirement	Test description
(a) General inspection	161.002–1, –2, –3, –4, –5, –6, –7, and –14.	161.002–16 (c) (2).
(b) Special additional tests	161.002–16 (c) (9)	161.002–16 (c) (9).

(v) *Smoke detecting system control unit tests.*

TABLE 161.002–16 (b) (4) (v)

Test	Performance requirement	Test description
(a) General inspection	161.002–1, –2, –3, –4, –5, –6, –7, and –15.	161.002–16 (c) (2).
(b) Sensitivity	161.002–15 (g)	161.002–15 (f), –15 (g).
(c) Humidity test	161.002–6 (g), 161.002–15 (k)	161.002–6 (g), 161.002–16 (c) (5).
(d) Endurance test	161.002–15 (h), 161.002–15 (i), 161.002–15 (j).	161.002–16 (c) (3), 161.002–16 (c) (4), 161.002–16 (c) (7).

(c) *Description of tests.*—(1) *Method of mounting.* For all tests not otherwise specified, the equipment shall be secured to the mounting brackets of the test machine in the same position and manner that it will be mounted on shipboard.

(2) *General inspection.* The equipment shall be given a thorough visual inspection to determine if the equipment conforms to this specification with respect to material, finish, workmanship, fit, construction, clearances, nameplates, and instructions. This general inspection shall include a check of all operating controls, circuit functions, test facilities and adjustments.

(3) *Vibration test.* (i) The equipment shall be secured to a vibration table and vibrated along each of the three principal axes at frequencies from 5 to 25 cycles per second at a table amplitude of between 0.003 inch and 0.008 inch (total excursion of between 0.006 and 0.016 inch). The change from one frequency to the next shall be made slowly and uniformly. At each integral frequency, vibration shall be maintained for 2 minutes. Upon completion of the test described above, the equipment shall be vibrated along each of the principal axes at the one frequency which observations made during the test above show to be the most likely frequency to cause failure of the equipment. The amplitude of vibration during this latter test shall be 0.03 ± 0.006 inch (total excursion 0.06 ± 0.012 inch) and the test shall be run for 2 hours on each axis.

(ii) This test shall be conducted with the equipment energized and operating in its normal manner. The test shall not interrupt normal functioning or damage the equipment.

(iii) Where the size of the unit prohibits its being vibration tested as a whole, the components judged to be liable to damage or faulty operation due to vibration may be individually tested in accordance with the intent of this subparagraph.

(4) *Inclination test.* (i) The equipment shall be inclined at the rate of 5 to 7 cycles per minute in one plane to an angle of 30 degrees on either side of the vertical for a period of 30 minutes.

(ii) The test specified by § 161.002–17 (c) (4) (i) shall be repeated with the equipment reoriented 90 degrees on a vertical axis to the plane in which it was originally tested.

(iii) At the conclusion of the cyclic tests described in this subparagraph, the cyclic motion shall be stopped, and with the inclination adjusted to 22½ degrees, the equipment shall remain in this position for a period of 30 minutes.

(iv) The tests required by this subparagraph shall be conducted with the equipment operating in its normal manner. The tests shall not interrupt normal functioning or damage the equipment.

(5) *Humidity test.*—(i) *General.* The equipment shall be subjected to the following conditioning and tests. The equipment shall not be energized during the test.

(ii) *Conditioning.* In order to establish a reference condition for the measurement of operating parameters and a valid basis for comparison of the effects of the conditioning to follow, the complete equipment shall be dried at a temperature of not less than 40° C. nor more than 50° C. for at least 2 hours.

(iii) *Reference measurements.* Following the conditioning specified in subdivision (ii) of this subparagraph, the equipment shall be subjected to the dielectric strength test of § 161.002–6 (g) (1), after which the insulation resistance shall be not less than that specified by § 161.002–6 (g) (2).

(iv) The equipment shall then be placed in a chamber and subjected to a relative humidity of 95 ±5 percent and a temperature of 40° C. ±2° C. for a period of 100 hours. At the conclusion of the 100-hour humidity test, the dielectric strength test of § 161.002–6 (g) shall be repeated, except that the dielectric strength test potential shall be one-half the value specified by § 161.002–6 (g) (1).

(v) The insulation resistance of electrical circuits following the dielectric strength test shall not be less than 1 megohm at 500 volts direct current.

(6) *Endurance test, fire detecting system control unit.* The control unit, including fire bells and audible trouble and power failure alarm devices, shall be operated for 10,000 cycles. A cycle of operation shall consist of (i) simulated fire alarm condition on all zones for a period of approximately 1.0 second, (ii) circuits restored to normal condition for a period of approximately 1.5 seconds, (iii) simulated trouble alarm condition on all zones and supervised bell circuits for a period of approximately 1.0 second, (iv) circuits restored to normal condition for a period of approximately 1.5 seconds, (v) simulated power failure condition for a period of approximately 1.0 second, and (vi) circuits restored to normal condition for a period of approximately 1.5 seconds. Where this sequence of operation is not easily effected due to the type of reset mechanism or to other factors, the cycle of operation may be varied in accordance with the intent of the above cycling test. The first 50 cycles of operation shall be conducted with a supply potential of 80 percent of rated supply voltage. The following 1,000 cycles of operation shall be conducted with the supply potential increased to 110 percent of rated supply voltage. The following 8,900 cycles of operation shall be conducted with the supply potential at rated supply voltage. The final 50 cycles of operation shall be conducted with the supply potential increased to 115 percent of rated supply voltage. The rated voltage endurance test shall be interrupted as necessary to perform the vibration and inclination tests.

(7) *Endurance test, aural smoke detecting system control.*—(i) *Control unit.* The control unit, including fire bells and audible trouble and power failure alarm devices, shall be operated for 10,000 cycles at rated voltage. A cycle of operation shall consist of (1) simulated smoke alarm condition for a period of approximately 1.0 second, (2) circuits restored to normal condition for a period of approximately 1.5 seconds, (3) simulated trouble alarm condition on all supervised circuits for a period of approximately 1.0 second, (4) circuits restored to normal condition for a period of approximately 1.5 seconds, (5) simulated power failure condition for a period of approximately 1.0 second, and (6) circuits restored to normal condition for a period of approximately 1.5 seconds. Where this sequence of operation is not easily effected due to the type of reset mechanism or to other factors, the cycle of operation may be varied in accordance with the intent of the above cycling test. The first 50 cycles of operation shall be conducted with a supply potential of 80 percent of rated supply voltage. The following 1,000 cycles of operation shall be conducted with the supply potential increased to 110 percent of rated supply

voltage. The following 8,900 cycles of operation shall be conducted with the supply potential at rated supply voltage. The final 50 cycles of operation shall be conducted with the supply potential increased to 115 percent of rated supply voltage. The rated voltage endurance test shall be interrupted as necessary to perform the vibration and inclination test.

(ii) *Suction fans and other components.* The suction fans and other components that operate continuously, such as motor-driven timers, shall be continuously operated at rated voltage for a period of 60 days without failure and without undue deterioration.

(8) *Endurance test, visual smoke detecting system.* The entire system shall be operated in the normal operating condition and at rated voltage continuously for a period of 60 days, after which the trouble alarm and power failure alarm devices shall be operated for 10,000 cycles. A cycle of operation shall be (i) a trouble alarm condition for a period of approximately 1.0 second, (ii) circuits restored to normal condition for a period of approximately 1.5 seconds, (iii) power failure alarm condition for approximately 1.0 second, and (iv) circuits restored to normal condition for approximately 1.5 seconds. The endurance test shall be conducted in the same manner as described in subparagraph (7) of this paragraph for the aural type smoke detector control unit.

(9) *Special additional tests.* In cases where a study of the design of a unit discloses additional features likely to effect reliability of operation or other undesirable characteristics, suitable additional tests shall be made as necessary.

(d) *Procedure for approval.* (1) Before approval action is taken on any equipment or systems covered by this specification, detail plans in triplicate covering fully the arrangement, construction, and materials of the equipment shall be submitted to the Commandant. If the equipment has previously been tested by Underwriters' Laboratories, Inc., or by some other recognized testing organization, a copy of the test report shall also be submitted.

(2) After the plans have been reviewed and any necessary corrections or additions submitted, the plans will be forwarded to the testing laboratory to determine the cost of the tests and the material to be submitted for testing.

(3) The manufacturer will then be given shipping instructions for the required test samples and an estimate of the cost of the tests.

(4) Upon receipt of a check from the manufacturer for the estimated costs of the tests made payable to the United States Coast Guard, and of the required test samples, the equipment will be tested.

(5) A copy of the laboratory test report will be forwarded to the manufacturer and he will be advised if his material is approved under this subpart. If approved, any stipulations of the approval will be specified. This information will be published in the FEDERAL REGISTER, and an approval certificate will be issued to the manufacturer.

§ 161.002–17 *Equivalents.* (a) Where in this subpart it is provided that a particular fitting, appliance, apparatus, or equipment, or type thereof, or test shall be provided or conducted, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, apparatus, or equipment, or type thereof, or any other arrangement: *Provided,* That he shall have been satisfied by suitable trials that the fitting, appliance, apparatus, or equipment, or type thereof, or the arrangement is at least as effective as that specified in this subpart.

SUBPART 161.004—EMERGENCY LOUDSPEAKER SYSTEM

Part 161 is amended by adding a new Subpart 161.004, consisting of §§ 161.004–1 through 161.004–7, reading as follows:

Sec.

161.004–1 Appplicable specifications and other publications.
161.004–2 Type.
161.004–3 Materials and workmanship.
161.004–4 Requirements.
161.004–5 Tests.
161.004–6 Marking.
161.004–7 Procedure for approval.

AUTHORITY: §§ 161.004–1 to 161.004–7 issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 161.004–1 *Applicable specifications and other publications.* (a) The following specifications and other publications, of the issue in effect on the date emergency loudspeaker systems are manufactured, form a part of this subpart:

(1) National Bureau of Standards publication:

Handbook H28—Screw-Thread Standards for Federal Services (including supplement).

(2) Military specifications:

MIL–W–16878A (Navy)—Wire, Electrical (Insulated, High Temperature).

(3) A. S. T. M. Standard:

B117—Method of Salt Spray (Fog) Testing (Tentative).

(4) Underwriters' Laboratories, Inc., specification:

Standard for Fuses.

(5) Coast Guard regulations:

Electrical Engineering Regulations, CG–259 (46 CFR (Subchapter J) Parts 110 to 113, inclusive).

(b) Where the requirements in the specifications and other publications listed in this section conflict with the requirements in this subpart, the requirements in this subpart shall govern in all cases.

(c) Copies of the specifications and other publications referred to in this section shall be kept on file by the manufacturer, together with the certificate of approval.

(d) The National Bureau of Standards publication may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. The military specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C. The Coast Guard publications may be obtained from the Commandant, U. S. Coast Guard Headquarters, Wastington 25, D. C. The A. S. T. M. specifications may be purchased from the American Society for Testing Materials, 1916 Race St., Philadelphia 3, Pa. The Underwriters' specifications may be purchased from the Underwriters' Laboratories, Inc., 207 East Ohio St., Chicago 11, Ill.

§ 161.004–2 *Type.* The emergency loudspeaker system covered by this subpart is a reliable marine type audio system composed of microphone(s), duplicate amplifiers, speakers and a wheelhouse control cabinet. Power supplied from the ship's distribution system and shipboard interconnecting cable are excluded for the purpose of this specification. Alternate arrangements which conform to the performance requirements of this specification will be specifically considered for approval.

§ 161.004–3 *Materials and workmanship*—(a) *Suitability.* All materials used shall be of the quality best suited for the purpose intended.

(b) *Materials covered by reference specifications.* Where specifications are referred to for a given material, it is intended to require that the quality of material used shall be at least equal to that covered in the reference specifications.

(c) *Departures from reference specifications.* The use of materials not conforming with or not covered by the reference specifications shall be noted on the drawings specified in § 161.004–7 and will be the subject of specific approval.

(d) *Protection against corrosion*—(1) *General.* In order to prevent deterioration due to corrosion, all fastenings, fittings, brackets, and other metallic parts shall be of an approved corrosion-resistant material or of a material treated in an approved manner to render it adequately resistant to corrosion.

(2) *Corrosion-resistant materials.* Silver, copper, brass, bronze, copper-nickel, certain copper-nickel alloys, certain aluminum alloys, and certain stainless steel alloys are considered satisfactory corrosion-resistant materials.

(3) *Corrosion-resisting treatments.* Sherardizing, galvanizing, zinc chromate base with enamel finish, and electroplating of cadmium, chromium, nickel, silver, or zinc when properly done and of sufficiently heavy coat, are considered satisfactory corrosion-resistant treatments. Other corrosion-resistant treatments shall be subject to specific approval.

(4) *Dissimilar metals.* In order to minimize the corrosive effect due to electrolytic action between dissimilar metals, contact between dissimilar metals shall be limited to those metals having small difference of electrolytic potential in the electro-chemical series.

(e) *Insulating material.* Material for the mounting of uninsulated live-metal parts shall be phenolic composition, cold-molded composition, or other material which is recognized as suitable for the particular application. Hard fiber may be used for insulating bushings, washers, separators, and barriers, but not as the sole support for uninsulated live-metal parts where shrinkage, current leakage, or warpage may introduce a hazard. Small molded parts shall be so constructed that they will have adequate mechanical strength and rigidity to withstand the stresses of actual service.

(f) *Workmanship.* The workmanship shall be first class in every respect.

(1) *Soldering*—(i) *General.* All soldering shall be effected in a neat and workmanlike manner.

(ii) *Strength of soldered joint.* In general, soldering alone shall not be depended upon for a satisfactory connection, but where wires and terminals are joined to be soldered, the wires shall be hooked, wrapped around or otherwise mechanically secured to the terminals prior to soldering.

(iii) *Soldering flux.* Only pure resin or a mixture of alcohol and resin (or equivalent) shall be used as a flux.

§ 161.004–4 *Requirements*—(a) *General.* The principal purpose of the emergency loudspeaker system aboard passenger vessels is the transmission and reproduction of intelligible speech above the high noise levels encountered under emergency conditions aboard the vessel, particularly during the operation of abandoning ship. To meet this end, the emergency loudspeaker system shall have a flat sound output response within ±6 decibels for frequencies from 500 to 5,000 cycles per second with less than 10 percent overall distortion and provide a minimum sound level as specified in Table 161.004–4 (a) (1) over all loudspeakers of the system when the microphone is spoken into at normal voice level. The system response curve for frequencies above 5,000 and below 500 shall drop uniformly. The system shall be a fire and damage resistant system located above the margin line except for certain below deck loudspeakers and designed to withstand the corrosive, humid, and vibratory ambient aboard ship. The system shall be capable of producing an attention signal with a distinctive note of about 1,500 cycles per second on each loudspeaker at sound levels specified in Table 161.004–4 (a) (1). The system shall be operable approximately 30 seconds after turning on power. Duplicate amplifiers shall be provided and arranged for quick shift over at the wheelhouse master control station. The system shall enable an officer on the bridge to broadcast separately or collectively to the following stations: (1) Lifeboat stations, port; (2) lifeboat stations, starboard; (3) lifeboat embarkation stations, port; (4) lifeboat embarkation stations, starboard; (5) public spares used for passenger assembly stations; and (6) crew quarters. The system shall be controlled from a single location on the navigating bridge and shall permit two-way conversation with the navigating bridge from designated loudspeakers at lifeboat and embarkation stations.

TABLE 161.004–4 (a) (1)—MINIMUM SOUND LEVEL REQUIREMENTS FOR LOUDSPEAKER SYSTEMS

[All values in decibels [1]]

Location	Ground noise level minimum	Signal level		Voice level	
		Above ground noise	Total	Above ground noise	Total
Lifeboat stations	80	20	[2] 100	15	[2] 95
Embarkation deck and exterior passenger assembly points	80	20	[2] 100	15	[2] 95
Interior passenger assembly points	75	20	[2] 95	15	[2] 90
Crew quarters	60	18	[3] 78	12	[3] 72

[1] The zero decibel level is defined as 0.0002 dynes per square centimeter.
[2] Measured at a distance of 10 feet from the loudspeaker and on the axis thereof.
[3] Measured in rooms with the doors to the passageways closed.

(2) The design of the system shall permit cable runs (not included in this specification) to the different loudspeaker groups to be widely separated. In addition, the distribution shall be such that a casualty to the port or starboard supply cabling to loudspeakers on boat and embarkation decks will render not more than half of the loudspeakers in the group inoperative.

(3) A variation in supply voltage of 10 percent concurrently with a supply frequency variation of 5 percent shall not reduce the output of any one speaker by more than 3 decibels.

(4) All components of the system shall operate successfully when tilted to an angle of 30 degrees in any direction from the normal position.

(5) "Grounding one or both sides" or "opening" or "shorting" of a lifeboat station or embarkation deck loudspeaker supply cable shall not reduce the output of any other loudspeaker by more than 3 decibels.

(b) *General design requirements (mechanical)*—(1) *Bulkhead mounting.* Enclosures designed for bulkhead mounting may be of either the surface or the flush type.

(2) *Ceiling mounting.* Enclosures designed for ceiling mounting may be of either the surface or the flush type.

(3) *Servicing.* All enclosures shall be designed to facilitate servicing the equipment contained therein.

(4) *Minimum metal thickness.* Units shall be so formed and assembled that they will have the strength and rigidity necessary to resist the abuse to which they are liable to be subjected without affecting adversely their performance. The wall thickness of metal enclosures shall be not less than the minimum values given in Tables 161.004–4 (b) (4) (i) and 161.004–4 (b) (4) (ii).

TABLE 161.004–4 (b) (4) (i)

Use, or dimensions, of area involved	Minimum thickness of cast metal in inches
Area of 24 square inches or less and having no dimensions greater than 6 inches	3/16
Area greater than 24 square inches or having any dimensions greater than 6 inches	5/16
At a threaded cable entrance opening	1/4

TABLE 161.004–4 (b) (4) (ii)

Maximum unsupported area of flat surface in square inches	Minimum thickness of metal	
	U. S. S. gage number of sheet steel	AWG number of nonferrous metal
360	16	14
1,200	14	12
1,500	12	10
Over 1,500	10	8

(5) *Bolts, nuts, screws, and threads.* All bolts, nuts, screws and threaded parts shall comply with the following requirements:

(i) All threaded parts shall be of American National form in accordance with the Screw Thread Standards for Federal Services, National Bureau of Standards Handbook H28.

(ii) All threaded parts used for securing complete component items to the supporting structure of any unit shall conform to the National Coarse or Fine thread series.

(iii) All threaded parts for adjustment purposes shall, where possible, conform to either the National Coarse or Fine thread series.

(iv) All tapped holes in metal shall have not less than two full threads in the metal.

(v) Holes in the walls of watertight enclosures for the purpose of providing means for attachment of parts, or for securing the cover and the like, shall not penetrate the total thickness of the enclosure wall. Suitable bosses shall be provided for this purpose in cast enclosures. Blind tapped welded buttons shall be used in sheet metal enclosures.

(6) *Locking devices.* All nuts and bolts used on moving parts or subject to vibration during operation, shall be securely locked in place by lockwashers on the nut end or by other approved means.

(7) *Serviceability.* Units shall be constructed with a view toward maximum accessibility for repair and replacement of components. All component parts shall be accessible and readily removable without disconnecting ship's cabling from the equipment.

(8) *Mounting of component parts.* All small component parts, such as resistors and capacitors which are mounted by their leads shall be mounted on terminal or connection boards. Slack shall be provided in the mounting leads to permit thermal expansion without stressing the components. Large and medium-large components shall be securely fastened by clamps. Long resistors shall be fastened at both ends. Ceramic or composition

resistors which are secured by screws shall have pliable washers inserted under the screws to prevent undue stress on the resistors.

(9) *Clamps.* All electron tubes, ferrule type resistors, fuses and other plug-in items shall be secured with positive holding clamps and shall be capable of being easily released for replacement.

(c) *General design requirements (electrical)*—(1) *Wiring*—(i) *Hook-up wire.* Hook-up wire used in wiring of equipment covered by this specification shall be of stranded construction, and shall comply with Military Specification MIL-W-16878A (Navy) unless otherwise approved. Hook-up wire shall have adequate temperature rating, voltage rating, mechanical strength and current-carrying capacity for the service.

(ii) *Lacing.* Wherever practicable, groups of two or more conductors shall be bundled and laced. Lacing shall not be so tight as to cause distortion of the conductor insulation. Within the structure harness laced cable packs of 20 conductors or more shall be suitably supported at each end and at least every 8 inches between ends.

(iii) *Sleevings or tape.* All cable forms connected between a fixed and a movable portion of an assembly shall be provided with sufficient slack and shall be covered with a protective sleeving or tape (of fire retardant, non-hygroscopic material) to eliminate the possibility of chafing or mechanical abrasion on the surface of individual conductors.

(iv) *Cable clamps.* Cable clamps shall be provided at frequent intervals along the length of all cable forms to secure cable runs against vibration or undue movement. Such clamps shall be adequately cushioned or of a design to prevent damage to conductor insulation.

(v) *Bushings.* Suitable smoothly rounded bushings shall be used in holes in sheet metal through which cable forms or conductors pass. Holes in other materials shall be smoothly rounded if not bushed.

(vi) *Wire terminals.* Wire ends connected to screw or threaded stud type terminals shall be terminated in suitable closed-end terminals of either the solderless or the solder type. Only one wire per wire terminal or connector shall be installed.

(vii) *Segregation of low level circuits.* Care should be taken to separate physically amplifier input circuits from power and output circuits. Terminal boards for ships cables shall be located so as to provide maximum separation between cables carrying low level circuits and all other cables.

(viii) *Color identification.* To facilitate servicing, hook-up wiring should be colored (or otherwise clearly marked) for ease of identification and these colors should be indicated on the appropriate wiring diagrams furnished with the equipment.

(ix) *Grounds.* The circuit wiring shall not cause a ground to be placed on the ship's distribution system.

(2) *Terminal boards and terminals.* (i) Terminal boards shall be provided for all external connections to an item of equipment.

(ii) Terminal boards for receiving ship's cables shall be secured to a fixed portion of an item of equipment and not to hinged panels or other movable members, which would require flexing of ship's wiring during normal operation or maintenance.

(iii) Terminal boards shall be of the screw type with suitable barriers between terminals. The design shall be such that terminals cannot rotate once they have been secured. Terminal boards to which two or more connections per terminal will be required shall be fitted with studs in lieu of tapped holes.

(iv) Closed end wire terminal lugs of either the solder or the solderless shall be used for all connections to terminal boards.

(3) *Shielding.* (i) The equipment design, construction and shielding (particularly of wiring and contacts) shall be such as to shield amplifier input circuits and low level contacts from the effects of stray electromagnetic and/or electrostatic fields and to reduce radio-frequency radiation or conduction from any part of the equipment. The noise level in the system should be a minimum of 50 decibels below rated output.

(ii) A grounded electrostatic shield between primary and secondary windings shall be provided for all power transformers used in the equipment.

(4) *Temperature rise.* Under normal operating conditions the temperature rise of any part of the equipment shall not exceed the values given in Table 161.004-4 (c) (4) in an ambient temperature of 40° C.

TABLE 161.004-4 (c) (4)

Material	Maximum temperature rise (° C.)
At any point on the exterior surface of an overall enclosure of non-combustible material.	40°.
Any point on a copper-oxide rectifier.	15°.
On rubber or thermoplastic insulation.	20°.
Any point on a selenium rectifier.	35°.
On varnished cambric insulation.	40°.
At any point on or within a terminal box or compartment.	40°.
On fuses	40°.
On fiber employed as electrical insulation.	40°.
On Class A insulation	40°.
On a transformer enclosure	40°.
On Class B insulation	60°.
On phenolic composition employed as electrical insulation.	110°.
Sealing compound	[1] 15° less than melting point.
Capacitor, resistor, electronic tube, lamps.	[1] 10° less than the temperature limit of the device.

[1] These are limiting temperatures, not temperature rises.

(5) *Bonding and grounding.* Exposed dead metal parts of enclosures for the equipment shall be metallically bonded and when installed shall be grounded to the ship's hull. Hinges in themselves are not considered satisfactory conducting means for bonding purposes.

(6) *Spacings.* Units shall provide reliably maintained spacings between uninsulated live parts, and between uninsulated live parts and non-electrical metal parts. The spacings between any uninsulated live part and (i) walls and cover of a metal enclosure, (ii) fittings for cable entrance, and (iii) metal pieces attached to a metal enclosure where deformation of the enclosure is liable to reduce spacings, shall be not less than those indicated in Table 161.004-4 (c) (6) (i). The spacings between any uninsulated live part and (i) an uninsulated live part of opposite polarity, (ii) an uninsulated grounded part other than the enclosure, (iii) an exposed metal part which is insulated, and (iv) uninsulated live parts of the same polarity where a short-circuit would prevent normal operation shall be not less than those indicated in Table 161.004-4 (c) (6) (ii). The spacings within snap switches, lampholders, and similar wiring devices shall comply with the requirements of the appropriate standards for such devices.

TABLE 161.004-4 (c) (6) (i)

Application	Minimum spacing in inches, through air and over surface		
	0-300 volts	301-600 volts	601-1,000 volts
Sheet-metal enclosures	3/16	3/8	1 1/4
Cast-metal enclosures	3/16	1/2	1

TABLE 161.004-4 (c) (6) (ii)

Application	Minimum spacing in inches			
	0-150 volts	151-300 volts	301-600 volts	601-1,000 volts
Installation wiring terminals:				
Through air	1/4	1/4	3/8	5/16
Over surface	1/4	3/8	1/2	1
Other parts: [1]				
Through air	1/16	3/16	1/4	5/16
Over surface	1/4	3/8	1/2	1

[1] At fixed parts of rigidly clamped special assemblies of live parts and insulating separators, such as contact springs on relays, cam switches, etc., which are wired at the factory, the spacings may be less than those indicated in the table for parts other than installation-wiring terminals, but not less than 1/16 inch for 150 volts or less, not less than 5/32 inch for 151 to 300 volts, not less than 1/8 inch for 301 to 600 volts, and not less than 5/32 for 601 to 1,000 volts, through air and over surface.

(7) *Dielectric and insulation resistance characteristics*—(i) *Dielectric strength.* All electrical circuits except microphone and loudspeaker voice coil circuits, shall be capable of withstanding continuously for one minute a dielectric test of a closely sinusoidal 60-cycle alternating current at an R. M. S. value of twice rated voltage plus 1,000 volts applied between electrical circuits and between circuits and ground, except that for circuits operating at less than 50 volts, the test potential may be 500 volts. Loudspeakers shall be capable of withstanding a 150-volt D. C. voltage between voice coil and magnet structure while a signal voltage of value specified below is applied to the voice coil and warbled from 50 to 5,000 cycles per second in not less than 15 seconds. The leakage current shall not exceed 4 milliamperes (0.004 ampere). (Leakage current will be limited to a maximum value of 5 milliamperes (0.005 ampere) to prevent destruction of the voice coil.)

(ii) *Insulation resistance.* The insulation resistance of electrical circuits following the dielectric strength test shall not be less than 10 megohms at 500 volts D. C. and at room temperature.

(8) *Overload protection.* Protective devices shall be provided within the equipment for primary circuits and such other circuits as required for protection of the equipment from damage due to overload, excessive heating, etc.

(i) *Design.* All parts which are likely to carry an overload, due to mal-function of circuits, or other deleterious effects, shall be designed to care for such a load; where this is impracticable, circuit breakers, relays, fuses, or other suitable devices shall be included to protect them. The use of secondary protective devices shall be held to a minimum consistent with good marine practice. Each power input line shall be protected at a physically centralized point, and protective devices shall be located in each side of the input lines.

(9) *Switch and relay circuits.* Disconnect, transfer and relay switching of all power, input and output circuits shall be accomplished by opening both sides or all phases of the circuits. Single line switching will be acceptable for control circuits only.

(d) *Electrical component parts*—(1) *General.* Relays, buzzers, indicating lamps, resistors, potentiometers, capacitors, transformers, electron tubes, terminal boards, fuses, switches, etc. shall be suitable for the purpose intended and in accordance with this subpart and applicable specifications.

(2) *Relays and other electro-magnetic devices*—(i) *General.* Units shall operate satisfactorily and shall retain their setting in any position of the equipment under any service condition. Contacts shall make firm low resistance contact and shall be non-corrosive and, where practicable, of the self-wiping type. Relays shall be readily accessible for inspection, cleaning, and adjustment unless of the sealed type.

(ii) *Coils.* All coils shall be insulated and vacuum impregnated with a water-resistant insulating material to withstand conditions of heat, oil or moisture that may be encountered in service.

(iii) *Under and over voltage.* All electromagnetic devices shall operate satisfactorily at both 80 percent and 110 percent of normal voltage.

(iv) *Number of operations.* All relays whose contacts control power of less than 25 watts shall be capable of 50,000 operations at the rate of 120 operations per minute without requiring any repair or servicing. All relays whose contacts control power of 25 watts or more, and other electromagnetic devices shall be capable of 10,000 operations at the highest rate and under normal load conditions at which they are likely to be operated in service use, but in no case less than two operations per minute, without repairing or servicing.

(3) *Indicating lamps.* (i) Lamps shall be selected to give long life under service conditions. Where possible lamps shall be operated at less than rated voltage.

(ii) Lampholders shall, where possible, be of a type in which the circuit to the lamp cannot be interrupted due to vibration or to alternate heating and cooling. Bayonet or telephone type lampholders are considered preferable for miniature type lamps. Lampholders shall be of a type to permit changing lamps without the aid of tools.

(4) *Resistors and potentiometers.* All resistors shall be capable of continuously dissipating, without damage, 50 percent more power than the maximum they will dissipate in normal use of the equipment in an ambient of 40° C. Potentiometers or continuously variable resistors employed shall be of a wire-wound construction.

(5) *Capacitors.* (i) Capacitors shall be rated at 25 to 33 percent higher than the peak voltages encountered in the circuit.

(ii) Capacitors shall be hermetically sealed in such a manner as to remain moisture-proof over a temperature range of 0° C. to the maximum operating temperature.

(iii) The use of electrolytic capacitors is prohibited.

(6) *Transformers.* Transformers shall be rigidly mounted and enclosed in sealed metal cases and protected against failure due to prolonged exposure to humid salt atmosphere by impregnation under vacuum.

(7) *Electron tubes and sockets.* (i) Electron tubes shall be selected to give long life under service conditions.

(ii) All electron tubes shall be of commercially available types. Tubes shall be considered commercially available when manufactured by more than two tube manufacturers.

(iii) Series arrangement of cathode heating elements is not permissible.

(iv) Artificially cooled electron tubes shall not be used.

(v) Electron tube and capacitor sockets shall be of the single unit type of a material resistant to moisture absorption. Contact springs shall have positive contact and positive action. Socket contacts shall be silver plated phosphor bronze or beryllium copper. Sockets shall securely retain tubes under all service conditions, or shall be provided with suitable tube clamps.

(8) *Fuses.* All fuses shall be constructed in accordance with Underwriters' Laboratories, Inc., Standard for Fuses, and shall be marked with the approval label of Underwriters' Laboratories, Inc.

(9) *Switches.* (i) The handles or keys of limited arc rotary type selector switches shall be provided with mechanical stops to prevent undue strain on the switch handle and shaft. The fixed portion of rotary switches shall be prevented from rotating by means other than friction.

(ii) Switch knobs and handles shall be positively secured to their shafts and shall not rely on friction of a set screw for such means of securing. This shall be accomplished by using a non-circular shaft with a mating hole in the knob or handle. Set screws holding the knob or handle to the shaft shall thread directly into the shaft.

(iii) Switches shall be capable of 40,000 cycles of operation at the highest rate at which they are likely to be operated in service use without repairing or servicing.

(10) *Batteries.* The use of batteries is prohibited.

(11) *Spare parts and test equipment.* Spare parts shall be adequate for the purpose and as a minimum shall include:

1—Each type cone or diaphragm assembly for loudspeakers or 1 each driver assembly.
1—Microphone unit.
1—Each type relay, switch.
2—Each type resistor and condenser.
100 percent—Electron tubes, fuses, and indicating lamps.
1—A test voltohmmeter having necessary ranges to measure the voltages occurring in the equipment.

(e) *Wheelhouse control station and bridge wing microphones.* The control station located in the wheelhouse shall contain all the necessary equipment to cause the system to be placed in operation, sound the attention signal, permit a person to talk to all or any of the stations listed in paragraph (a) of this section, change from one amplifier to another, and to shut down the loudspeaker system.

(1) *Microphones.* The microphone at the control station shall be of the fixed type rather than portable. Additional portable microphones equipped with a press to talk switch may be furnished for bridge wing locations provided these microphones may be switched out of the system at the control station when the master microphone is in use. Microphones shall be watertight and of the magnetic type.

(2) *Cabinet.* The cabinet shall be of drip-proof metal construction or better.

(3) *Talk-back circuit.* When a particular talk-back station "calls in" a buzzer and an indicating light at the control station shall so indicate. The buzzer shall indicate only momentarily; however, the indicating light shall remain lighted until the call is answered. A switch to silence the buzzer may be employed, in any case the buzzer shall be silenced when the talk-back selector switch is closed. Selection between "talk" and "listen" at the wheelhouse control panel shall be provided by a two-position switch with maintaining contact in the "listen" position and momentary contact in the "talk" position.

(4) *Other equipment.* The wheelhouse master control station shall also contain the following items of equipment in a convenient arrangement for operation:

(i) Speaker group switch(es);
(ii) Attention signal switch;
(iii) Talk-listen switch;
(iv) Power "on-and-off" switch;
(v) White lensed power "on" indicating lamp;
(vi) Amplifier selector switch;
(vii) A meter to indicate signal or voice output level; and,
(viii) Volume control for the wheelhouse speaker.

(f) *Amplifier equipment and signal generator*—(1) *General.* Duplicate amplifiers shall be provided. Amplifier equipment shall include the components necessary to cause, when energized, the signal received from the microphone to be brought to the proper level for transmission to the speakers. Each amplifier

shall contain its own tube plate and filament power supply.

(2) *General construction.* All components of the amplifier and signal generator shall be housed in metal enclosures of drip-proof construction or better. All openings shall be constructed so as not to permit the passage of a rod larger than ½ inch in diameter through the opening.

(3) *Personnel protection.* Provision shall be made wherever possible to prevent personnel from accidentally coming in contact with electrically energized parts. Except for circuits of 24 volts or less, a manually operated switch shall be provided to de-energize all circuits within an enclosure during servicing.

(4) *Mounting of controls.* All switches, operating controls, test controls, and meters shall be mounted on the front of the enclosure(s) and shall be visible and accessible without requiring the opening of covers or doors.

(5) *Accessibility.* Terminals of all components and all electrical connections within the enclosure shall be accessible for test purposes or servicing without requiring the use of tools, removal of equipment or disconnecting of cables.

(6) *Ventilation.* The enclosures shall afford only natural ventilation.

(7) *Standby operation.* The circuit arrangement shall be such that with either amplifier in operation the other amplifier shall be in a standby condition, i. e., ready for operation within 2 seconds after being switched in.

(8) *Amplifier phasing.* To insure proper operation in the event that amplifiers are operated in parallel, each amplifier shall be so wired that like-marked input and output terminals will be in corresponding electrical phase relationship whenever a signal is being transmitted through the amplifier.

(9) *Grounds.* All grounds within an enclosure shall be made to a common bus. In no case shall a ground connection be made directly to the chassis.

(10) *Stability.* The amplifier shall show no evidences of instability or oscillation when operated at full gain with amplifier input either short or open-circuited and with amplifier output either short or open-circuited or when feeding pure capacitive loads of any capacity up to 1 microfarad.

(11) *Volume compressor.* A volume compressor shall be incorporated as an integral part of the amplifier. A suitable switch shall be provided to permit switching the compressor in or out of the amplifier circuit. The compressor shall act to provide at least 12 decibels more output than when operated without compression at a signal input level 40 decibels below that required to produce rated output. At the input level required to produce rated output, the amplifier output shall not vary in excess of plus or minus 1 decibel with the compressor in or out.

(12) *Overload limiter.* An overload limiter shall be incorporated as an integral part of the amplifier. The limiter shall act to prevent amplifier output in excess of 2 decibels for an increase of 12 decibels over the input signal required to produce rated output and under these conditions the overall loudspeaker system harmonic distortion shall not exceed 15 percent.

(13) *Overload capacity.* With the signal generator input signal of the value 6 decibel lower than required to produce rated output, the amplifier shall be capable of operating continuously for a period of 30 minutes into a short circuit load across its output terminals without lowering amplifier gain, affecting ability to produce rated output power, or producing other deleterious effects.

(14) *Signal generator.* The signal generator shall be designed to operate in conjunction with the amplifier so that the connected speakers are caused to emit a signal raucous in nature for the purpose of arresting attention. The fundamental frequency of this signal should be approximately 1,500 cycles per second.

(15) *Test facilities.* Test jacks shall be provided on each amplifier chassis to obtain an indication of cathode current for each amplifier stage by means of a test voltohmmeter supplied with the spare parts and tools required by § 161.004–7 (a) (4). By means of a switch on the amplifier cabinet it shall be possible to determine performance of the standby amplifier by connecting the signal generator to the input and a dummy load to the output, and to obtain output indications on the test jacks with the voltohmmeter.

(g) *Loudspeaker equipment*—(1) *General design.* Loudspeakers shall be designed for sound level, mounting and enclosure requirements consistent with their location on the vessel. Sound level requirements for various speaker locations are found in Table 161.004–4 (a) (1). Speech intelligibility is of primary importance in the design of loudspeakers.

(2) *Enclosures.* Loudspeaker equipment in locations exposed to the weather shall be housed in watertight corrosion-resistant enclosures. The construction of all loudspeakers shall ensure drainage for all throats, chambers and recesses to prevent the retention of any trapped moisture or condensation which may enter the enclosure of the loudspeaker mounted with the sound axis in any position between zero degrees and minus 45 degrees elevation relative to the horizontal position.

(3) *Magnet structure.* (i) All loudspeaker fields shall be of the permanent magnet type.

(ii) The magnet structure shall be treated to provide resistance to corrosion, and to prevent the formation of corrosion products in the air gap.

(iii) Minimum air gap clearance on either side of the voice coil assembly shall be 0.007 inch.

(iv) Removal of the magnet structure as a unit together with the voice coil and diaphragm assembly shall not expose the magnetic gap, nor require removal of such parts as a transformer or a terminal board.

(4) *Voice coil and diaphragm assembly.* (i) All voice coil and diaphragm (or cone) assemblies shall be replaceable readily without necessitating cementing or soldering and without disconnecting the ship's wiring or dismounting the enclosure.

(ii) Diaphragms and cones of all loudspeakers shall be of molded phenolic.

(iii) Materials used for gaskets, cone supports shall be impregnated as necessary to render them impervious to moisture and to provide resistance to corrosion.

(iv) The use of dissimilar metals for the voice coil winding and the voice coil lead-in wires shall be avoided.

(v) No portion of a cone shall contain exposed rubber or other material which will tend to change its characteristics when placed in an atmosphere containing salt, moisture or oil.

(5) *Sound level adjustment.* Each loudspeaker shall incorporate an adjustment device by means of which the output level can be varied over a minimum range of 15 decibels in a minimum of three approximately equal steps.

(6) *Switch or pushbutton for talk-back loudspeakers.* Switches or pushbuttons employed in the talk-back "call-in" circuit shall be either integral with or nippled to the talk-back loudspeaker housing or located adjacent to the loudspeaker, and shall be of the momentary contact spring-return-to-off type.

§ 161.004–5 *Tests*—(a) *System tests.* With the system setup in the testing laboratory to simulate as nearly as practicable a shipboard installation the following system tests shall be conducted:

(1) *General inspection.* The equipment shall be given a thorough inspection to determine that the equipment conforms to the requirements of this specification. Each unit of the equipment, each sub-assembly and each part shall be examined as necessary to determine conformance with the requirements of this specification with respect to material, finish, workmanship, fit, construction, clearances, dimensions, identification markings, nameplates and instructions. This general inspection shall include a check of all operating controls, circuit functions, test facilities and adjustments, as applicable.

(2) *Electrical operating test.* The system shall be energized and subjected to an operating test to determine qualitatively the proper functioning of the components including all operating controls. The system shall be maintained at rated output using the signal generator input a continuous period of 100 hours in an ambient temperature of 40° C. Rated system output is defined as a sound level of 100 decibels, 95 decibels, and 78 decibels at a distance of 10 feet on the axis of exterior, interior passenger assembly, and crew-quarter loudspeakers respectively obtained with signal generator input and with one amplifier and all speaker circuits in operation.

(3) *Temperature rise.* The equipment shall be energized at rated voltage and frequency. All power consuming components such as amplifiers, signal generators, relays and lights shall be energized as necessary to simulate actual operating conditions corresponding to maximum heat generation. For this purpose, operating amplifier equipment shall be driven at rated output employing the signal generator input. The test shall be conducted at an ambient temperature of 40° C. Temperature readings of "hot-spots" and component parts shall be taken after thermal equilibrium has been reached. (See § 161.004–4 (c) (4) for temperature limits.)

(4) *Overall frequency response.* An overall frequency response curve for the microphone, amplifier and one of each type loudspeaker shall be determined with rated supply voltage and frequency, with the amplifier gain control and with the loudspeaker sound level adjustment set for rated system output. A variable frequency pure tone signal of 100 dynes per square centimeter ¾ inch from the microphone ring shall be varied from 50 to 10,000 cycles per second while the response in decibels 10 feet away from and on the axis of each speaker is measured to determine compliance with § 161.004–4 (a). Overall system harmonic distortion shall be determined at several points during this frequency run. These response curves shall be determined with the microphone and loudspeaker isolated in anechoic chambers (or equivalent). If the anechoic chamber is of such design as to prohibit measurements at 10 feet as specified above, measurements may be made at a minimum distance of 5 feet and scaled to 10 feet by using the inverse square law.

(5) *Variable voltage and frequency.* The supply line voltage and frequency shall be simultaneously varied 10 percent and 5 percent respectively up and/or down to determine that the output of any one loudspeaker is not lowered by more than 3 decibels.

(6) *Humidity test.* The amplifier (including the wheelhouse control station) shall be subject to the following humidity test. With the equipment adjusted for rated output, but not operating, the amplifier shall be subjected to a relative humidity of 95 ±5 percent and a temperature of 40° ±2° C. continuously for 2 hours. At the end of the 2-hour period, and under the humidity conditions specified above, without adjustment the amplifier shall be capable of rated output within ±1 decibel. The equipment shall be energized only for the period of time necessary to reach temperature equilibrium at which time it shall be deenergized and subjected to an additional 4-hour humidity test at the conditions specified above. Immediately upon completion of this test and without adjustment the amplifier shall be capable of rated output within ±1 decibel for a period of one hour. The amplifier shall be carefully examined in detail to detect evidence of physical degradation, such as corrosion of metal parts, distortion of plastic parts, insufficient lubrication on moving parts, or deleterious effects on performance.

(7) *Vibration test.* (i) Vibration tests shall be made on any device capable of performing the tests specified in this subparagraph. Where the size of the unit prohibits its being vibration tested as a whole, the components judged to be most likely to fail may be tested. Means shall be provided for measuring and controlling the direction of vibration and adjusting the frequencies to keep them within the specified limits. The test described in this subparagraph shall be made along each of the three principal axes separately with the amplitude specified. Amplitude is defined as one half of the total excursion.

(ii) The vibration frequency shall be varied from 5 cycles per second (or the resonant frequency of the equipment if this is below 5 cycles) to 23 cycles per second in discrete frequency intervals of one cycle per second. At each integral frequency, the vibration shall be maintained for 3 minutes. The change from one frequency to the next shall be made slowly and uniformly. Tests shall be made at a table amplitude of 0.030 inch ±0.006 inch. The amplification of vibration of the equipment at any frequency required herein shall not be such that observation operation or adjustment of the equipment under test will be impossible or difficult during the test. When this test is completed the equipment shall be vibrated for a period of 2 hours at any frequency between 5 (or the resonant frequency of the equipment if this is below 5 cycles) and 23 c. p. s., on the axis selected by the test engineer, which observation and measurement made during the previous test showed may be the condition most likely to cause failure. At the completion of this test the equipment shall be examined to determine that no looseness in the mechanism nor damage to any part has resulted from the vibration and also that the performance of the equipment has not materially changed.

(8) *Ground, open, and short test.* With the equipment in its normal operating condition, it shall be demonstrated that "grounding one or both sides" or "opening" or "shorting" of a lifeboat station or embarkation deck loudspeaker supply cable will not reduce the output of any other loudspeaker by more than 3 decibels.

(9) *Special additional tests.* In cases where a study of the design of a system discloses additional features likely to effect reliability of operation or other desirable characteristics, suitable additional tests shall be made as necessary.

(b) *Salt-spray test.* One of each type of emergency loudspeaker system equipment, such as loudspeakers, pushbuttons, etc., designed for locations exposed to the weather shall be subjected to the following salt-spray test: The equipment shall be mounted in the normal operating position and subjected to a 20 percent salt-spray test for 200 hours under conditions specified in A. S. T. M. specification B117, Method of Salt-Spray (Fog) Testing (Tentative). Tested equipment shall have no deleterious results affecting performance. At the end of the test period the equipment shall be disassembled, washed in fresh water, dried, examined and reassembled.

(c) *Watertightness test.* One of each type of watertight equipment shall be subjected to a stream of water from a hose (not less than one inch in internal diameter) under a head of about 35 feet, and from a distance of about 10 feet and for a period of about 5 minutes. The hose nozzle should be adjusted to give a solid stream at the enclosure. After the test the exterior should be dried and the enclosure opened and examined for leaks.

(d) *Amplifier overload.* The amplifier shall be subjected to a 30 minute short circuit test as prescribed in § 161.004–4 (f) (13).

(e) *Microphone tumbling test.* One of each type microphone shall be subjected to a tumbling test of 500 revolutions in a standard rotary tester with a 16-inch drop. The floors of the rotary tester shall be of 3/16-inch thick masonite sheet (Brinell hardness 11 to 13), backed by wood. The performance of the microphone shall not be affected by this test.

§ 161.004–6 *Marking*—(a) *General.* All equipment shall be provided with permanent nameplates as necessary to assure proper operation and/or adjustment of the equipment in service.

(b) *Coast Guard approval number on enclosures.* The enclosure for each major component of an approved system, i.e., master wheelhouse control station, amplifier, and speakers, shall have affixed a permanent nameplate giving the name of manufacture, Coast Guard approval number assigned, and the drawing and alteration numbers. Additional identification, such as model or type designation, may also be given.

(c) *Operating instruction plate.* A permanent instruction plate containing basic operating instructions in letters not less than one-eighth inch high shall be provided on the front of the wheelhouse master control station. The instruction plate shall be in sufficient detail to enable a person unfamiliar with the equipment to start, operate and secure the equipment.

(d) *Terminal boards.* All terminal boards shall be marked in a clear and permanent manner to show the designation of each terminal in accordance with markings assigned to the equipment wiring diagram.

(e) *Marking of parts.* Nameplates or other suitable markings shall be provided to identify each control handle and position, indicating light, pushbutton, meter, etc., located on the enclosures for the system. Parts, such as transformers, capacitors, resistors and relays, shall be identified by markings both on the part (if practicable) and adjacent to the part on the chassis or structure on which the part is mounted. The marking shall be that designation assigned on the associated wiring diagram, and shall be clearly and indelibly made. Electron tube and socket identification shall be marked adjacent to each tube socket on the tube side of the chassis or supporting structure.

(f) *Instructions.* A bound instruction book should be provided with each system. This book should contain a list of equipment, table of salient features of the system, installation and operating instructions, and procedure for adjustment, tests and maintenance. Overall schematic and equipment connection diagrams should be included as well as resistance and voltage tables and a spare parts list.

§ 161.004–7 *Procedure for approval.* A party, whether or not this party is the manufacturer of all the components of the system, desiring U. S. Coast Guard approval of a complete Emergency Loud-

to produce rated output and under these enclosure.

speaker System should follow the steps listed below unless directed otherwise by the U. S. Coast Guard:

(a) *Submission of materials, letter, drawings, etc.* A letter, accompanied by complete drawings (in triplicate) of the system, requesting approval should be submitted. The letter should be addressed to—Commandant (MMT), U. S. Coast Guard, 1300 E Street NW., Washington 25, D. C. The drawings should include a complete schematic diagram, a complete connection wiring diagram and detail assembly drawings with material lists of the equipment.

(1) *Complete schematic diagram.* A complete electrical schematic diagram of the system shall be submitted representing clearly the operation of each component and the proper inter-connections between components.

(i) A thin broken line shall be used to represent the boundaries of each separate piece of equipment; all terminals to which external connections are made shall be shown within these boundaries, with their appropriate numbers and markings.

(ii) Each component part, such as resistor, capacitor, relay, etc., shall be given an unique designation.

(iii) A list giving electrical rating and manufacturer's name and model number for each designated component shall be included with the schematic for checking purposes.

(iv) Major assemblies, such as amplifiers and signal generators, for which a separate schematic diagram is supplied, may be represented by a block with terminals shown and appropriately marked.

(v) The schematic wiring of a component which appears several times in the system need be shown only once; blocks with terminals shown and marked will suffice for the remaining identical components.

(vi) A system of differentiating between audio and control circuits, such as one employing heavier weight lines for audio circuits, shall be employed.

(2) *Connection wiring diagrams.* Separate wiring diagrams shall be submitted for each major component, such as wheelhouse master control station, amplifier, etc. Wiring diagrams for components such as loudspeakers and microphones may be included in their respective assembly drawings.

(i) Wiring diagrams shall show all component parts in their correct relative physical location, with terminals clearly shown and marked, and shall show all wiring between component parts.

(ii) The color code of all wires shall be indicated. Appropriate notes shall designate wire size and type.

(iii) Designations of component parts shall correspond to those assigned on the schematic diagrams.

(3) *Equipment assembly drawings.* Assembly drawings shall be submitted for each major component of equipment.

(i) Assembly drawings shall contain sufficient views in plan, elevation and cross section drawn to scale to show clearly the details of design, construction and assembly of the equipment.

(ii) All parts shall be identified as to material and finish (if any). Standard purchase items such as electron tubes, resistors, etc., may be identified by manufacturer's name and drawing and/or catalog number. The reference designations assigned to the schematic diagram shall be included as additional identification of each part.

(4) *List of spare parts and tools.* A list of spare parts and tools to be furnished with the system shall be submitted.

(b) *Testing of equipment.* After the material submitted as required in paragraph (a) of this section is complete to the satisfaction of the U. S. Coast Guard, the tests indicated in this specification shall be conducted on the equipment at the National Bureau of Standards or at a testing laboratory designated by, but at no expense to, the U. S. Government. Receipt of a deposit check made payable to the U. S. Coast Guard in the amount estimated by the National Bureau of Standards, is required before tests may be conducted at the National Bureau of Standards. If the deposit exceeds the final cost of the tests, the difference will be returned to the manufacturer; and if the deposit is insufficient to cover the final cost of the tests, the manufacturer will be billed for the additional cost.

(1) Equipment to be submitted for tests need not include the total number of speakers for which the system is designed provided representative dummy loads are furnished for the speakers in such number to permit operation of the system under all shipboard installation (simulated) requirements as specified in § 161.004–4 and testing as specified under § 161.004–5. At least one of each type of microphone, wheelhouse control station, signal generator, amplifier and loudspeaker should be furnished in addition to the other equipment, such as spares, interconnecting cable, dummy loads, etc., that may be deemed necessary by the Coast Guard, the testing laboratory, or by the party submitting the equipment for approval. The amplifier equipment submitted for certification tests shall be of such a power rating as to provide the necessary sound coverage specified under Table 161.004–4 (a) (1) when supplying the equivalent of a minimum of 25 loudspeakers, at least 10 of which shall meet the requirements for lifeboat station and embarkation deck locations.

(c) *Approval by the U. S. Coast Guard.* When the emergency loudspeaker system is approved by the Commandant of the U. S. Coast Guard, after consideration of the results of investigations and tests covered in paragraph (a) of this section this approval will be published in the FEDERAL REGISTER and an approval certificate issued.

Dated: November 15, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56–9529; Filed, Nov. 20, 1956; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

[Announcement CN–EX–3, (Revision I)]

PART 482—COTTON

PRODUCTS EXPORT PROGRAM

The Cotton Products Export Program dated July 24, 1956, (21 F. R. 5683) is hereby amended to read as follows:

Sec.
482.1 General statement.
482.2 Definitions.
482.3 Registration of sales.
482.4 Exporter's agreement with the CCC.
482.5 Cancellation of sale or failure to export.
482.6 Determination of base equalization payment rate.
482.7 Classes of cotton products and related equalization payment rates.
482.8 Equalization payment rates and amounts due exporters.
482.9 Export conditions.
482.10 Inspection.
482.11 Satisfactory evidence of exportation.
482.12 Application for payment.
482.13 Cotton products returned to the United States.
482.14 Records and reports.
482.15 Amendment or termination.
482.16 Good faith.
482.17 Persons not eligible.

AUTHORITY: §§ 482.1 to 482.17 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c.

§ 482.1 *General statement.* Commodity Credit Corporation (referred to in this part as "CCC") will, upon the terms and conditions stated in this announcement, carry out a Cotton Products Export Program (referred to in this part as "the program") under which equalization payments will be made to exporters in connection with the exportation of cotton products made from upland cotton grown and wholly processed in the United States and which have not been previously exported and returned to the United States. This revised announcement shall be effective as to all export sales of cotton products which are entered into after the date this announcement is published in the Federal Register. The program is administered through the CSS Cotton Products Export Office, 290 Broadway, New York 7, New York (referred to in this part as the "New York office"), which is a branch of the New Orleans CSS Commodity Office. Additional information pertaining to the operation of the program may be obtained from the New York office.

§ 482.2 *Definitions*—(a) *Cotton products.* "Cotton products," as used herein, means any cotton textiles or spinnable cotton waste as defined in paragraphs (b) and (c) of this section. No payment will be made hereunder on cotton products purchased by U. S. Government agencies with appropriated funds.

(b) *Cotton textiles.* "Cotton textiles," as used herein, means any new product or article which contains not less than

50 percent by weight of American upland cotton (not including cotton linters) and is processed or manufactured from lint cotton, card strips, or comber noil, including slivers, laps, rovings, yarns, fabrics, and manufactured articles processed or manufactured from any processed form thereof. Fabrics must be at least one yard in length. The term "Cotton textiles", as used herein, includes such products only when exported as the principal product and does not include such products when used as containers, wrappers, packing, or protective coverings, or for similar purposes.

(c) *Spinnable cotton waste.* "Spinnable cotton waste," as used herein, means only card strips, comber noil, spinners laps, and roving waste processed from American upland cotton. (Since reworked waste is made from cotton waste rather than American upland cotton, any cotton waste containing reworked waste or other similarly reprocessed waste is not eligible hereunder.)

(d) *Exporter.* Exporter shall mean the individual, partnership, corporation or other legal entity whose sale caused the export to be made even though he does not make arrangements for shipment of the cotton products. Exporters must be U. S. firms or have U. S. charters or other legal status in the United States.

§ 482.3 *Registration of sales.* All export sales of cotton products, to be eligible for payments hereunder, shall be registered by the exporter with the New York office by submitting in triplicate, a properly executed Notice of Export Sale, CCC Cotton Form 32 (hereinafter referred to as "Form 32"). Form 32 must be submitted not later than ten business days after the date of export sale. (Forms 32 postmarked within such ten day period will be accepted.) An extension of the period for registration may be granted by the Chief of the New York office if he determines that additional time in which to submit the Form 32 is required by the exporter. Upon receipt of an acceptable Form 32, a Registration Number will be assigned by the New York office, and a copy showing such number will be returned to the exporter. All correspondence relating to a sale previously registered with CCC for which a Registration Number has been assigned shall refer to the Registration Number.

§ 482.4 *Exporter's agreement with the CCC.* The submission of a Form 32 by the exporter and the assignment of a Registration Number by CCC shall constitute an agreement by the exporter to export to eligible destinations the quantity of cotton products shown on such Form 32 and to submit satisfactory evidence of such exportation in accordance with this part in consideration of the undertaking by CCC to make an equalization payment hereunder.

§ 482.5 *Cancellation of sale or failure to export.* (a) The exporter shall notify the New York office promptly in every case where, after filing Form 32 as required in § 482.3, a sale is canceled by the exporter or by the importer, stating fully the reason for such cancellation. The exporter shall also notify the New York office promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under this part by making shipment within the prescribed period.

(b) If CCC determines that the exporter is prevented from exporting cotton products because of Acts of God, Acts of Governments, unavailability of exchange, or other reasons beyond his control, the sales registration may be canceled in whole or in part.

(c) If an exporter files Form 32 and fails to file satisfactory evidence of exportation to eligible destinations, in accordance with this part, of the quantity of cotton products specified in such Form 32 (except to the extent that the sales contract, or trade rules under which the sale was made, provides for tolerances, or as otherwise approved by CCC), and if the sales registration is not canceled by CCC, as provided in paragraph (b) of this section, such exporter and its subsidiaries and affiliates may be denied the right to continue participating in this or any subsequent program for such period as CCC may determine or until the exporter has complied with such terms as the Chief of the New York office may prescribe. Such terms, among other things, may:

(1) Require the refund of payments previously made to the exporter in an amount equivalent to forty (40) percent of the payment applicable to the quantity of cotton products with respect to which the exporter has failed to fulfill his obligation; or

(2) Require the making of future shipments not in excess of such quantity at a payment rate which is reduced by an amount equal to the difference between the rate in effect at the time the sale was registered and the highest rate thereafter prior to the date the exporter gives notice of cancellation of the sale or the final date for export, whichever is earlier; or

(3) Require a combination of subparagraph (1) and (2) of this paragraph.

§ 482.6 *Determination of base equalization payment rate.* The base equalization payment rate in connection with sales for export made during each calendar month will be determined and announced by CCC prior to the beginning of such month and will be based on the difference, as determined by CCC, between the average price for Middling 1-inch cotton in the 14 designated spot markets, converted to average location basis, and the average price at which CCC sells its cotton, basis Middling 1-inch at average location, under the Cotton Export Program for that part of the month preceding the announcement of such rate: *Provided, however,* That if the change in the equalization payment rate determined in this manner is 0.10 cent or less, the rate shall be the same as the preceding month.

§ 482.7 *Classes of cotton products and related equalization payment rates.* The classes of cotton products eligible for payment under this part and the percentage of the base equalization payment rate applicable to each such class are shown below. This percentage will be used in calculating the rate of payment for each class.

Class	Principal item of export	Percent of base equalization payment
A	Card strips, comber noil, spinners laps, and roving waste	90.0
B	Picker laps and cotton batting [1]	106.0
C	Sliver, sliver laps, ribbon laps, roving, and drawing sliver	112.0
D	Gray or unfinished yarn, thread, twine, cordage, and rope [1]	114.0
E	Gray fabrics, absorbent cotton, and dyed, bleached, mercerized, or similar full finished yarn and thread [1] [2]	117.0
F	Knitted articles [1]	119.0
G	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn) [1] [2]	123.0
H	Articles (excluding bags) manufactured from finished fabrics [1]	140.0
I	Coated, rubberized, and impregnated yarns and coated, rubberized, and impregnated fabrics, absorbent cotton, twine, cordage, and rope, and fabrics, consisting of a mixture of fibers (including synthetics, metallics, etc.) and containing not less than 50 percent by weight of cotton [2]	70.0
J	Coated, rubberized, and impregnated articles, articles manufactured from fabrics, knitted articles, and mops, consisting of a mixture of fibers (including synthetics, metallics, etc.) or otherwise containing non-cotton material and containing not less than 50 percent by weight of cotton	83.0
K	Gray or finished fabrics 1 yard or more but less than 10 yards in length [1]	90.0
L	Coated, rubberized, and impregnated fabrics and fabrics consisting of a mixture of fibers (including synthetics, metallics, etc.), containing not less than 50 percent by weight of cotton, 1 yard or more but less than 10 yards in length	53.0
M	Articles manufactured from gray fabrics; bags; and mops [1]	125.0

[1] Can contain up to 5 percent noncotton content; i. e., manmade fibers, cotton linters, buttons, fasteners, etc., as well as the normal amount of sizing, as determined by CCC, but not to exceed 8 percent.

[2] No payment will be made on any fabric less than ten yards in length, except as provided in Classes K and L.

If an article contains two or more cotton products, it shall be considered as being within the class of the cotton product constituting the largest portion by weight of such article. No payments will be made in connection with any product containing less than 50 percent by weight of American upland cotton, and except as otherwise provided, all cotton products must be composed entirely of American upland cotton.

§ 482.8 *Equalization payment rates and amounts due exporters.* The equalization payment rates in cents per pound for each class of cotton products will be announced by CCC, and lists containing such rates will be available from the New York office. The amount due the exporter will be determined by multiplying the rate of payment for the applicable class of cotton product in effect on the date of the export sales contract by the net weight of the cotton textiles or by gross weight of the spinnable cotton waste exported under the sales contract. Payment will not be made for any quantity of cotton products exported in excess of the number of units sold as shown on the Form 32 except to the extent that the sales contract, or the trade rules under which the sale was made, provides for tolerances, or as otherwise

approved by CCC. No payments will be made on cotton products exported by mail. If more than one class of cotton products are exported in one package or container, the equalization payment will be made on the basis of the class having the lowest rate of payment. No payment will be made if packages contain a combination of cotton products and other than cotton products.

§ 482.9 *Export conditions*—(a) *Eligible destinations.* Payments will be made in connection with cotton products exported to a destination outside the continental United States other than Alaska, Hawaii, or Puerto Rico and other than a country specified in paragraph (d) of this section. It is the policy of CCC not to make equalization payments on the export of cotton products to countries or areas for which general or specific export licenses will not be issued by the Bureau of Foreign Commerce. Accordingly, in making application for an export payment under this announcement the exporter makes the warranty contained in paragraph (d) of this section. No payments will be made in connection with cotton products exported for reentry into the United States, Hawaii, Alaska, or Puerto Rico.

(b) *Time for export.* To be eligible for payment hereunder, cotton products must be exported within six months after the date of the export sale or by August 15, 1957, whichever is earlier. An extension of the period for export may be granted by the Chief of the New York office, before or after the expiration of such period for export, if he determines the exporter has been or will be delayed in exporting the cotton products by a cause beyond the exporter's control. Cotton products shall be deemed to have been "exported" when loaded on board an ocean vessel or, if shipment to destination country is by other than ocean carrier, when the shipment clears United States Customs.

(c) *Evidence of exportation.* The exporter must submit to the New York office satisfactory evidence (as provided in § 482.11) of the exportation of cotton products in accordance with this part.

(d) *Warranty.* In making application for an equalization payment the exporter represents and warrants that the cotton products exported pursuant to this announcement have not and will not be exported by anyone or transshipped by the exporter or caused to be transshipped by the exporter:

(1) to any country or area listed in Sub-Group A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, unless a license for such exportation or transshipment thereto has been obtained from such Bureau;

(2) to Macao unless specific license for such exportation or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce; or

(3) to Hong Kong if a specific license for such exportation or transshipment is required by regulations of the U. S. Department of Commerce under the Export Control Act of 1949, unless such specific license for such exportation or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce.[1]

§ 482.10 *Inspection.* CCC reserves the right to examine at any time the contents of each package of cotton products delivered for export under the program. The New York office must receive, at least 24 hours prior to delivery of any such cotton products to carrier, a properly executed Notice of Intended Delivery to Carrier (CCC Cotton Form 33) so that the necessary arrangements for inspection may be made. Notice of intended delivery may be given by telegram provided it is immediately confirmed by submitting an executed Form 33. Such telegram must be received at least 24 hours prior to delivery of cotton products to carrier. The exporter shall affix to each package of cotton products exported, except for spinnable cotton waste, a notice in form and size acceptable to CCC and containing substantially the following words:

NOTICE: The contents of this package are being exported under the Cotton Products Export Program (CN–EX–3) and may be inspected by any officer of the United States Customs Service or any authorized agent of CCC. Registration No. _____, Class _____

(CCC Cotton Form 34 may be used for this purpose.)

If the exporter fails to submit a Notice of Intended Delivery to Carrier to CCC within the prescribed period or to affix the above notice to each package of cotton products exported as required, except for a cause beyond the exporter's control as determined by the Chief of the New York office, CCC shall have the right to refuse to make payments to the exporter under the program with respect to such cotton products.

§ 482.11 *Satisfactory evidence of exportation.* Evidence of exportation of the cotton products, to be satisfactory hereunder, must meet the following requirements unless otherwise approved by the Chief of the New York office:

(a) Separate documents must be submitted to the New York office for each export shipment, and all documents covering any one shipment must be submitted at the same time. Each document must be identified with the Registration Number assigned by the New York office. Where exportation or transshipment has been made to one or more of the countries or areas described in § 482.9 under license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce, evidence of exportation shall identify, in addition to the name and address of the consignee, the license issued by that Bureau. In the case of an exportation or transshipment to Hong Kong not requiring a specific license, the documents evidencing exportation shall contain a statement by the purchaser that a specific license was not required.

(b) The exporter shall furnish a certified copy of the documents which constitute the sales for export contract. This may be a formal contract, exchange of cables, letters, or such other documents used in making the offer and acceptance, and must show a date prior to the dates on documents submitted as evidence of exportation. (If more than one shipment is made under a sale, the documents constituting the contract need be submitted only on the first shipment.)

(c) The exporter shall furnish one copy of the Shipper's Export Declaration authenticated by the appropriate U. S. Customs official.

(d) For shipments by ocean carrier, there shall be submitted one non-negotiable copy of either the on-board ocean bill of lading or port or custody bill of lading with on-board endorsement, properly identifying the lot of cotton products being exported, and showing destination of shipment, names of consignor and consignee, name of vessel, and other pertinent data.

(e) For shipments by other than ocean carrier, there shall be submitted:

(1) One certified copy of the railroad, truck, or air bill of lading properly identifying the cotton products being exported, and showing destination of shipment, names of consignor and consignee, and other pertinent data; and

(2) A landing certificate or similar document issued by an official of the Government of the country to which the cotton products are exported identifying the cotton products and showing the destination of shipment, the names of the consignor and consignee, and date and place of entry.

(f) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the Chief of the New York office.

(g) If cotton products are loaded on board a vessel for shipment to a destination, other than Alaska, Hawaii, or Puerto Rico, outside the continental United States except for countries designated in § 482.9 (d) and are destroyed or damaged while on board such vessel, and if the cotton products or salvage therefrom does not reenter the United States or does not enter Alaska, Hawaii, or Puerto Rico, or countries designated in § 482.9 (d), for the purpose of fulfilling the export requirements of this announcement, the cotton products shall be regarded as having been exported.

(h) Failure of the exporter to furnish satisfactory evidence of exportation within 30 days after the final date for exportation, determined in accordance with § 482.9, shall constitute prima facie evidence of failure to export.

§ 482.12 *Application for payment*—(a) *Application.* An Application for Equalization payment, CCC Cotton Form 35, must be executed by the exporter and must be submitted to the New York office in triplicate together with evidence of exportation as prescribed in § 482.11. The application contains a certification under which the exporter certifies that the cotton products exported were eligible under the program for the payment claimed.

(b) *Determination of payee.* Payments will be made to the person or firm registering the sale, and no assignment of amounts due exporters will be permitted. If the shipper or consignor named in the bill of lading or the Shipper's Export Declaration covering cotton products exported is other than the exporter named in the Form 32, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading or Shipper's Export Declaration submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Form 32 nor the consignee identified with the sales contract, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as a seller or purchaser of the cotton products shown on the documents submitted to evidence exportation.

(c) *Minimum claim.* No payments will be made in connection with any one shipment of cotton products under an export sale unless the exporter is entitled to at least $30 on such shipment.

(d) *Ineligible shipments.* No payment will be made on shipments supported by documents in contravention of the warranty in § 482.9 (d) and any amounts paid to the exporter pursuant to this announcement on cotton products which it is determined later move in contravention of such warranty must be repaid to CCC.

§ 482.13 *Cotton products returned to the United States.* (a) The exporter shall not be entitled to an equalization payment on any cotton products which have been returned in the same or different form to the United States or which have entered Alaska, Hawaii, or Puerto Rico, as a principal item of import.

(b) In all cases in which cotton products on which an equalization payment has been made hereunder reenter the United States, or enter Alaska, Hawaii, or Puerto Rico, as a principal item of import, the exporter shall immediately notify the New York office that the cotton products have been returned to the United States or have entered Alaska, Hawaii, or Puerto Rico giving full details of the reasons for the reentry or entry and shall promptly refund to CCC any amounts paid in connection with the export of such cotton products, unless the exporter ships within the period specified in § 482.9, and without benefit of an equalization payment, as replacement for such cotton products, an amount of cotton products which would have entitled him to an equalization payment at least equal to the amount of equalization payment made on the cotton products returned to the United States. Full information and documentation as prescribed by CCC shall be furnished the New York office for any cotton products shipped as replacement for cotton products returned to the United States.

(c) If any cotton products on which the exporter has claimed an equalization payment have been returned to the United States or have entered Alaska, Hawaii, or Puerto Rico, as the principal item of import with the exporter's knowledge or consent, and the exporter has not notified the New York office promptly of such reentry, the exporter shall thereafter not be entitled to any payments under this program until he has presented evidence satisfactory to the Chief of the New York office that such reentry was not made with the intent to defraud CCC or the United States Government and has complied with any requirements established by the Chief of the New York office for reinstatement of eligibility under the program.

§ 482.14 *Records and reports.* The exporter shall make available to CCC from time to time, upon CCC's request, such information and reports, and such of the exporter's and such of his affiliates' and subsidiaries' books, records, and accounts, and other documents and papers, as CCC may deem pertinent to any transaction hereunder. Such records shall be maintained for a period of at least three years after date of last payment under any sales registration. Specific reporting requirements subsequently prescribed shall be subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 482.15 *Amendment or termination.* CCC reserves the right to amend or terminate any and all of the provisions of this announcement at any time by giving public notice thereof: *Provided, however,* That such amendment or termination shall not apply to export sales of cotton products made before the effective date of such amendment or termination.

§ 482.16 *Good faith.* If CCC, after affording the exporter an opportunity to present evidence, determines that such exporter has not acted in good faith in connection with any transaction under the program, such exporter may be denied the right to continue participating in the program or the right to receive payments in connection with sales previously registered, or both. Such exporter may also be required to refund any payment received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of CCC by way of the premises.

§ 482.17 *Persons not eligible.* No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from the program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

Issued this 15th day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or re-exportation by anyone, including a foreign exporter, of the cotton products exported pursuant to the terms of this announcement, to Soviet Bloc countries and other prohibited areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies this announcement.

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities to Macao, Hong Kong, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, except under license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce. Those regulations further require that persons exporting, in the form acquired or in a processed form, under general license to friendly countries, commodities which are obtained directly or indirectly from the Commodity Credit Corporation (CCC) or commodities which are in substitution for commodities so obtained from CCC or commodities which are subsidized for export by CCC either through cash payment or payments in kind file with the Collector of Customs (in addition to any copies required for other purposes) one copy of the Shipper's Export Declaration for forwarding to BFC and send to BFC, Washington 25, D. C., one copy of the On-Board Ocean Bill of Lading (for exportations by rail, one copy of the Railroad Bill of Lading), for each shipment, regardless of value, involving sales of cotton textiles, other than cotton waste, or $10,000 or more and involving sales of all other commodities, including cotton waste, of $10,000 or more and involving That copies of the Shipper's Export Declaration and the Bill of Lading for BFC are not required to be submitted covering any shipments to Group O countries of cotton textiles other than cotton waste.

In the case of commodities purchased from CCC, or commodities being exported as "substitute" for such commodities, the $100,000 figure supplies to the sales contract between the CCC and the U. S. purchaser. For commodities being exported under CCC export subsidy programs, the $10,000 figure for cotton textiles (other than cotton waste) and the $100,000 figure for all other commodities (including cotton waste) apply to the sales contract between the U. S. seller and the foreign purchaser. Each of the documents for BFC must bear the notation "FC–2610" in the upper right-hand corner. The Bill of Lading for BFC must also bear the number of the corresponding Shipper's Export Declaration and the CCC identification number (CCC sales contract number or CCC subsidy registration number).

For all exportations of commodities covered by the program announcement, instrument or document which this Notice accompanies, the following statement is required to be placed on all copies of the Shipper's Export Declaration, all copies of the Bill of Lading and all copies of the commercial invoice to the foreign purchaser:

"U. S. law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Communist-controlled areas of Vietnam and Laos, Macao, or Hong Kong, except as authorized by the U. S."

The U. S. Commerce Department export control regulations also require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U. S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8 (15 CFR 371.4 and 371.8)) against sale or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, a Communist-controlled area in the Far East including Communist China, North Korea and Communist-

controlled areas of Vietnam and Laos, and (2) the sanction of denial of future U. S. export privileges that may be imposed against any foreign purchaser for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency.

Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for (1) obtaining the signed acknowledgement from the foreign purchaser, and (2) for submitting the additional copy of the Shipper's Export Declaration and the Bill of Lading.

[F. R. Doc. 56-9546; Filed, Nov. 20, 1956; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 616, 3d Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

REVISED ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS; INTERPRETATION REGARDING CERTAIN PRODUCTS

Pursuant to the authority conferred on him by the fourth sentence of the Mediterranean fruit fly quarantine (Notice of Quarantine No. 78, 7 CFR 301.78, 21 F. R. 3213), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and pursuant to other delegations of authority (19 F. R. 515, as amended) the Chief of the Plant Pest Control Branch hereby issues revised administrative instructions exempting certain regulated articles from the requirements of §§ 301.78–3 (b), 301.78–4 and 301.78–5 of the regulations supplemental to the said notice of quarantine (7 CFR 301.78–3 (b), 301.78–4, 301.78–5; 21 F. R. 3214, 3215), and an interpretation regarding certain other products, to appear as § 301.78a in Title 7, Code of Federal Regulations, as follows:

§ 301.78a *Administrative instructions exempting certain articles from specified requirements; interpretation regarding nursery stock, cut flowers, bulbs, etc.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from the regulated area, as hereinafter provided. The following articles are hereby exempted from the requirements of §§ 301.78–3 (b), 301.78–4 and 301.78–5:

(a) *Fruits.* (1) Coconuts.

(2) Lemons, when picked green and commercially packed.

(3) Sour limes, when picked green and commercially packed.

(4) Strawberries, blackberries, and dewberries.

(b) *Vegetables produced under approved conditions.* The following vegetables when grown in any part of the regulated area under approved conditions that include spray schedules where required, and when handled under sanitary conditions satisfactory to an inspector:

(1) Bell peppers.

(2) Cantaloupes.

(3) Eggplant.

(4) Tomatoes, pink and red ripe.

(c) *Other vegetables.* All other vegetables produced in any part of the regulated area, including other kinds of peppers and tomatoes, not listed in paragraph (b) of this section.

(d) *Interpretation.* Nursery stock, without fruit or berries and free of soil; bulbs, corms, tubers, and rhizomes, other than vegetables, when free of soil; and cut flowers; are not considered as being regulated articles within the meaning of the regulations in this subpart.

This revision shall be effective November 21, 1956, and on that date shall supersede revised administrative instructions effective August 24, 1956, as amended October 6, 1956 (7 CFR 301.78a, 21 F. R. 6365, 7665).

This revision exempts specified vegetables from the requirements of the Mediterranean fruit fly quarantine and regulations when grown in any part of the regulated area under approved conditions and handled in a manner to safeguard them from infestation. Exemption for these vegetables was previously limited to certain counties in the regulated area. The revision also broadly exempts from such requirements all other vegetables, including cucumbers produced in any part of the regulated area. Cucumbers were one of five important vegetables which heretofore were exempted only when grown in certain counties of the regulated area under approved conditions and handled in an approved manner. The exemptions are now applicable to all parts of the regulated area, including Pinellas County. The revision thus relieves restrictions heretofore applied.

These exemptions are based on further progress of control work and consequent reduction of Mediterranean fruit fly population in the regulated area. It has been determined that movement of vegetables as provided in the revision will not result in the spread of the Mediterranean fruit fly and that the restrictions provided by the quarantine and regulations upon such movement are unnecessary. In order to be of maximum benefit to affected shippers, the revised instructions relieving such restrictions should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public rule making procedure with respect to the revised instructions are impracticable and unnecessary.

Since the instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 316, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 16th day of November 1956.

[SEAL] E. D. BURGESS, *Chief, Plant Pest Control Branch.*

[F. R. Doc. 56-9545; Filed, Nov. 20, 1956; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.23, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1956

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.23 (20 F. R. 9851; 21 F. R. 5343, 6081) which established allotments of the 1956 sugar quota for the Mainland Cane Sugar Area totaling 580,025 short tons, raw value. This amendment is necessary to allot the increase in quota for the area established by Sugar Regulation 811, Amendments 6 and 7 (21 F. R. 8180, 8310) which increased continental sugar requirements from 8,675,000 to 8,775,000 short tons, raw value, and which declared and prorated a deficit in the 1956 quota for the Virgin Islands totaling 3,148 short tons, raw value. The increases in requirements increased the area quota by 5,729 tons, and of the deficit prorated, 396 tons were prorated to the mainland cane sugar area. Such increases in the area quota results in a total quota of 586,150 tons to be allocated by this order.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from (1) any change in sugar requirements for the continental United States and (2) the proration of a deficit in the quota for another supply area.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (21 F. R. 5343, 6081).

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this amendment shall be effective when filed with the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered*, That § 814.23, as amended, be further amended to read as follows:

§ 814.23 *Allotment of the 1956 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1956 sugar quota for the Mainland Cane Sugar Area of 586,150 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors:	*Allotments (short tons, raw value)*
Albania Sugar Co	6,570
Alice C. Ref. & Plntg., Inc	7,718
Alma Plantation, Ltd	7,425
J. Aron & Co., Inc	13,110
Billeaud Sugar Factory	7,824
Breaux Bridge Sugar Coop., Inc	7,173
J. M. Burguieres Co., Ltd., The	6,171
Burton-Sutton Oil Co., Inc	6,599
Caire & Graugnard	3,253
Caldwell Sugar Coop., Inc	11,973
Catherine Sugar Co., Inc	6,857
Columbia Sugar Co	5,251
Cora-Texas Mfg. Co., Inc	2,385
Dugas & LeBlanc, Ltd	11,041
Duhe & Bourgeois Sugar Co., Inc	8,451
Erath Sugar Co., Ltd	4,782
Evan Hall Sugar Coop., Inc	21,051
Evangeline Pepper & Food Products, Inc	4,899
Fellsmere Sugar Producers Association	8,351
Frisco Cane Co., Inc	891
Glenwood Coop., Inc	13,913
Godchaux Sugars, Inc	34,319
Helvetia Sugar Coop., Inc	6,804
Iberia Sugar Coop., Inc	12,952
LaFourche Sugar Co	14,786
Harry L. Laws & Co., Inc	9,641
Levert-St. John, Inc	8,574
Loisel Sugar Co., Inc	5,327
Louisiana State Penitentiary	3,669
Lula Factory, Inc	11,352
Meeker Sugar Coop., Inc	3,399
Milliken & Farwell, Inc	12,213
Okeelanta Sugar Refinery, Inc	11,826
M. A. Patout & Son, Ltd	7,876
Popular Grove Pltg. & Ref. Co	6,236
St. James Sugar Coop., Inc	12,219
St. Mary Sugar Coop., Inc	12,694
Slack Bros., Inc	3,165
Smedes Bros., Inc	4,530
South Coast Corp	42,934
Southdown Sugars, Inc	39,482
Sterling Sugars, Inc	11,686
J. Supple's Sons Pltg. Co	4,354
United States Sugar Corp	106,813
Valentine Sugars, Inc	12,090
Vermilion Sugar Co., Inc	2,262
Vida Sugars, Inc	4,425
A. Wilbert's Sons Lbr. & Sh. Co	8,715
Young's Industries, Inc	6,019
Louisiana State University	100
All other persons	000
Total	586,150

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 16th day of November 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-9519; Filed, Nov. 20, 1956; 8:47 a. m.]

[Sugar Reg. 814.32, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1956

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.32 (20 F. R. 9853; 21 F. R. 2589, 6083) which established allotments of the 1956 sugar quota for the Domestic Beet Sugar Area totaling 1,884,975 short tons, raw value. This amendment is necessary to allot the quota for the area established by Sugar Regulation 811, Amendment 7 (21 F. R. 8310). Such quota, based on sugar requirements of 8,775,000 short tons, raw value, and a deficit in the 1956 sugar quota for the Virgin Islands of 3,148 short tons, raw value, totals 1,904,878 short tons, raw value. Thus, the quantity to be allotted in this amendment is 19,903 short tons, raw value, greater than the quota previously allotted.

This amendment is also necessary to prorate a deficit of 9,936 short tons, raw value, in the allotments of six allottees under this order. On the basis of advice from each allottee, the Secretary of Agriculture has determined that six allottees are unable to fully utilize their respective allotment of the Domestic Beet Sugar Area quota and that there is a deficit in the allotments of such allottees amounting to 9,936 short tons, raw value, and one allottee is unable to utilize additional allotment resulting from the proration of the above deficit. Thus, a deficit of 9,936 short tons, raw value, is declared and prorated to other allottees who have indicated they can effectively use additional allotments.

The revised allotments set forth herein are established in accordance with findings heretofore made by the Secretary in the course of this proceeding (21 F. R. 2589, 6083), which provide that this order shall be revised, without further notice or hearing, for the purpose of (1) adjusting allotments to take account of any change in the quota for the area resulting from (a) any change in sugar requirements for continental United States, and (b) the proration of a deficit in the quota from another supply area, and (2) allotting any deficit in the allotment for any allottee.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the notice, hearing and 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this amendment shall be effective when filed with the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act; *It is hereby ordered*, That § 814.32, as amended, be further amended to read as follows:

§ 814.32 *Allotment of the 1956 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* The 1956 sugar quota for the Domestic Beet Sugar Area of 1,904,878 short tons, raw value, is hereby allotted to the following processors in short tons, raw value, equivalent to the quantities expressed in hundredweight refined beet sugar, which appear opposite their respective names:

Processor:	*Allotments (hundredweight, refined sugar)*
Amalgamated Sugar Co., The	4,514,612
American Crystal Sugar Co	5,332,896
Buckeye Sugars, Inc	170,109
Franklin County Sugar Co	171,000
Garden City Co., The	200,185
Great Western Sugar Co., The	7,531,942
Holly Sugar Corp	5,935,711
Layton Sugar Co	174,109
Menominee Sugar Co	119,030
Michigan Sugar Co	1,410,000
Monitor Sugar Division of Robt. Gage Coal Co	617,042
National Sugar Manufacturing Co., The	62,105
Northern Ohio Sugar Co	456,906
Spreckels Sugar Co	3,860,099
Superior Sugar Refining Co	89,794
Union Sugar Division of Consolidated Foods Corp	1,500,000
Utah-Idaho Sugar Co	3,459,656
Any other person	000
Total	35,605,196

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 16th day of November 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-9518; Filed, Nov. 20, 1956; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 91, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, an Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available

dewberries.

publication in the FEDERAL REGISTER.

by section 205 (a) of the act: *It is hereby*

and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.391 (Navel Orange Regulation 91, 21 F. R. 8752) are hereby amended to read as follows:

(i) District 1: 515,348 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9543; Filed, Nov. 20, 1956; 8:51 a. m.]

[Lemon Reg. 667, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 953.774 (Lemon Regulation 667, 21 F. R. 8754) are hereby amended to read as follows:

(i) District 2: 176,700 cartons;
(ii) District 3: 26,040 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 16, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9517; Filed, Nov. 20, 1956; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6578]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SUTSON, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.260 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2080 *Terms and conditions.* Subpart—*Shipping, for payment demand, goods in excess of or without order:* § 13.2195 *Shipping, for payment demand, goods in excess of or without order.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sutson, Incorporated, et al., New York, N. Y., Docket 6578, November 2, 1956]

In the Matter of Sutson, Incorporated, a Corporation, and Lester Leventhal, Milo Sutliff and John Stevenson, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its officers, engaged in New York City in operating a record-of-the-month club, with representing falsely that those who became associate members by purchasing a record for 10¢ might cancel their membership at any time, and with mailing additional records to such persons after receiving the required notification of cancellation, billing them for payment and placing such accounts with attorneys and collection agencies for collection. Following entry of consent agreement between the parties, the hearing examiner made his initial decision, including order to cease and desist, which, by order of October 31, became on November 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Sutson, Incorporated, a corporation, and its officers, and respondents Milo Sutliff and John Stevenson, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of phonograph records or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that persons may cancel membership in any organization set up by respondents if, in fact, cancellation is not always permitted.

2. Shipping merchandise and attempting to collect the price thereof, when the right of cancellation of membership has been granted, after the required notification of cancellation has been given to respondents.

It is further ordered, That the complaint be and it hereby is dismissed as to respondent Lester Leventhal.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Sutson, Incorporated, a corporation, and Milo Sutliff and John Stevenson, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 31, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-9511; Filed, Nov. 20, 1956; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54244]

PART 6—AIR COMMERCE REGULATIONS

AIRCRAFT LANDING REQUIREMENTS; ADVANCE NOTICE OF ARRIVAL

Section 6.2 (b) of the Customs Regulations requires that, except as otherwise provided for in the regulations, timely advance notice of arrival of an aircraft coming into the United States from any place outside thereof shall be furnished to the customs authorities by or at the request of the aircraft commander. This section of the regulations provides further that if dependable facilities for giving such notice are not available before departure of the aircraft any radio equipment the plane possesses shall be utilized to give notice during its approach so far as feasible and, except where the uncertainty of communication facilities is already known to the Government officers in charge, any aircraft commander for whose aircraft timely notice has not been given shall furnish a statement of the reasons for his failure to do so.

Also, § 6.11 of the Customs Regulations provides certain penalties for violation of customs laws or regulations applicable to aircraft.

Experience has proved that § 6.2 (b), supra, has, in some instances, failed of its intended chief purpose, i. e., to indicate clearly that the giving of timely advance notice of arrival is an important responsibility of the aircraft commander, and that if he wishes to avoid the assessment of penalties for failure to do so, he must show that he has made a serious effort to comply with this requirement.

If the aircraft departs from some remote place not having the necessary communications facilities, and the plane does not carry radio equipment which can be used for this purpose, it is expected that before arrival in the United States, the aircraft commander will land at some point from which he can give timely notice or arrange to have the notice given from such a point.

Therefore, in order to strengthen the provisions of § 6.2 (b), supra, for purposes of security and to assure compliance with the law, that section is amended to read as follows:

§ 6.2 *Landing requirements.* • • •

(b) *Advance notice of arrival.* Before an aircraft comes into any area from any place outside the United States, for security reasons, and in order to avoid the penalties provided for in § 6.11, a timely notice of intended flight must be furnished, either by or at the request of the commander of the aircraft, to the collector or other customs officer in charge at or nearest the intended place of first landing in such area. That officer shall notify the officers in charge of the other Government services. When, by reason such as departure from a remote place, dependable facilities for giving notice are not available, a landing shall be made at a place where the necessary facilities do exist before coming into any area from any place outside the United States. However, radio equipment of the plane may be used if this will result in the giving of adequate and timely notice. Advance notice shall not be required in the case of aircraft of a scheduled airline arriving in accordance with a regular schedule filed with the collector of customs for the district in which the place of first landing is situated. If, upon landing in any area, the aircraft commander finds that the Government officers have not arrived, the aircraft commander must hold the aircraft and any merchandise, including baggage, thereon intact, and keep the passengers and crew members in a segregated place until the inspection officers are available.

(Secs. 624, 644, 46 Stat. 759, 761, secs. 7, 9, 11, 44 Stat. 572, as amended, 573, as amended, 574, as amended, 19 U. S. C. 1624, 1644, 49 U. S. C. 177, 179, 181)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 8, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9530; Filed, Nov. 20, 1956; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6213]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NEW PROCEDURE FOR RETURN AND PAYMENT OF TAX WITHHELD UNDER CHAPTER 3 OF INTERNAL REVENUE CODE OF 1954 AND FOR EXCHANGE OF INFORMATION UNDER INCOME TAX CONVENTIONS

On August 16, 1956, notice of proposed rule making regarding the amendment of the Income Tax Regulations to provide a new procedure for the return and payment of tax withheld under chapter 3 of the Internal Revenue Code of 1954 and for the exchange of information under the income tax conventions was published in the FEDERAL REGISTER (21 F. R. 6131). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the following amendments are hereby adopted:

PARAGRAPH 1. Section 1.1461–1 is amended as follows:

(A) By inserting at the end of paragraph (d) thereof the following new sentences: "In the case of ownership certificates filed with the withholding agent on and after January 1, 1957, the certificate shall also show the amount of tax if any withheld; or, if the certificate has been used under a tax treaty regulation to claim a release of tax withheld, then it shall show both the amount of tax withheld and also the amount of tax released. On and after January 1, 1957, this paragraph shall apply to all special variations of Form 1001 referred to in paragraph (i) of this section."

(B) By striking out the period at the end of paragraph (f) (3) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such statement shall be forwarded to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., with the annual return on Form 1042."

(C) By inserting at the end of paragraph (h) thereof the following new sentence: "Duplicate copies of Form 1000 are not required."

(D) By striking out the period at the end of paragraph (i) thereof and inserting in lieu thereof the following: "and paragraph (d) of this section. In the case of payments of interest made before January 1, 1957, duplicate copies of Form 1001 are not required; on and after that date Form 1001 shall be filed in duplicate whenever the form is required by this section. The special variations of Form 1001 shall be filed in duplicate, as required by the applicable tax treaty regulation."

(E) By inserting at the end thereof the following new paragraph (k):

(k) *Inconsistent regulations.* All regulations inconsistent with the provisions of this section shall be deemed to have been modified accordingly.

PAR. 2. The regulations under section 1461 are amended by inserting immediately after § 1.1461–1 the following new section:

§ 1.1461–2 *Return and payment of tax withheld on and after January 1, 1957*—(a) *Effective date.* This section shall apply only with respect to payments of income made on and after January 1, 1957. For provisions relating to payments made before that date, see § 1.1461–3.

(b) *Form 1042*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual return on Form 1042 of the tax withheld under chapter 3 upon all the items of income to which that chapter applies. Form 1042 shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C. The return shall be prepared in duplicate and shall show in summary form the tax required to be withheld under chapter 3 during the previous calendar year and to be shown on Forms 1000, 1001, 1042S, and on all special variations of Form 1001 referred to in paragraph (i) of § 1.1461–1. The duplicate copy of Form 1042 shall be retained by the withholding agent.

(2) *Summary of accompanying forms.* Form 1042 shall be accompanied by the original copies of all Forms 1000 and by the original and duplicate copies of all Forms 1001, 1042S, and all special variations of Form 1001 referred to in paragraph (i) of § 1.1461–1, which were filed with, or prepared by, the withholding agent during the previous calendar year, including such forms upon which income exempt from withholding of tax is reported. The various forms so forwarded with Form 1042 are not required to be listed thereon; but they shall be summarized on Form 1042 by showing in the manner prescribed thereon and in the instructions applicable thereto, the total number of each form submitted and, with respect to that particular form, the gross amount of income paid and the rates of tax applicable thereto, the total amount of income paid which was exempt from withholding of tax, the amount of tax withheld at the various applicable rates, and the amount of tax withheld but released or refunded by the withholding agent. The information so given with respect to Form 1042S shall be arranged on a per-country basis as to payees with addresses in the various foreign countries which have entered into an income tax convention with the United States and on a combined basis as to payees with addresses in all other countries. This per-country arrangement is not required in the case of the other forms forwarded with Form 1042. The exemption and reduced rate certificates, such as Form 1001A–D or Form 1001A–J, referred to in paragraph (g) (2) of § 1.1461–1 are not required to accompany, or to be summarized on, Form 1042.

(3) *Manner of preparing ownership certificates.* To facilitate compliance with subparagraph (2) of this paragraph the ownership certificates (Form 1000,

Form 1001, and all special variations of Form 1001 referred to in paragraph (i) of § 1.1461–1) prepared by any withholding agent for forwarding with Form 1042 shall be prepared and arranged in accordance with the instructions applicable thereto and consistently with the manner prescribed by paragraph (c) (3) (ii) of this section with respect to Form 1042S.

(4) *Modification of Form 1042.* If Form 1000 is modified in accordance with paragraph (h) of § 1.1461–1 to show the name and address of a fiscal or paying agent in the United States, Form 1042 shall be likewise modified.

(c) *Form 1042S*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual information return on Form 1042S of all items of income specified in § 1.1441–2 (to the extent that such items constitute gross income from sources within the United States) paid during the previous calendar year to nonresident alien individuals, nonresident partnerships composed in whole or in part of nonresident alien individuals, and nonresident foreign corporations, including such items of income upon which, under the authority of any Treasury regulation or ruling of the Commissioner of Internal Revenue, no withholding of tax is required under chapter 3 or in respect of which the tax, though required to be withheld under such chapter, has, pursuant to such authority, been released or refunded to the payee. Income paid to such persons and required to be shown on Form W–2, Form 1001, or on any special variation of Form 1001 referred to in paragraph (i) of § 1.1461–1, or the substitute thereof, is not, however, required to be shown on Form 1042S. The original and duplicate copies of Form 1042S shall accompany Form 1042 and shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

(2) *Information to be furnished.* (i) Form 1042S shall show the name and address of the payee of the income, of the withholding agent, of the agent for the withholding agent, and of the payer of the income if the payer is not the same as the withholding agent. It shall also show the nature of the item of income paid, the gross amount of the item, and, if withholding upon that item is required under chapter 3, the rate of tax applicable thereto and the amount of tax withheld. If any part of the tax required to be withheld has been released or refunded to the payee, Form 1042S shall show the amount of tax so released or refunded.

(ii) If a Form 1042S is prepared in respect of an item of income upon which tax has not been withheld under chapter 3, a brief statement as to the authority for such failure to withhold shall be made upon the form itself. If necessary, however, a separate statement as to such authority may be attached to the original copy of the Form 1042S.

(iii) If a Form 1042S is prepared in respect of compensation from which the personal exemption is deducted in accordance with paragraph (e) of § 1.1441–3, the amount of the compensation allocable to labor or personal services performed within the United States, together with the amount of the deduction for the prorated personal exemption, shall be shown on a separate statement attached to the original copy of that form.

(3) *Manner of preparing Form 1042S.* (i) Form 1042S shall be prepared in quadruplicate with respect to each separate payment of any item of income made during the calendar year, except that, at the option of the withholding agent, one form may be used to show the total amount of any item paid during the calendar year to the same payee. Items different in kind may not be combined on one Form 1042S. Thus, if three dividends on the same stock are paid to the same payee during the calendar year, the three payments may be entered on three separate Forms 1042S or in total amount on one Form 1042S. On the other hand, a payment of interest, dividends, and rents may not be shown on the same Form 1042S. Payment of an item of income to a nominee or representative for the benefit of other persons in respect of whom Forms 1042S are required may not be shown on a single Form 1042S but must be identified with the ultimate recipients of the income if such information is known to the payer of the income.

(ii) The Forms 1042S prepared by any withholding agent for forwarding with Form 1042 shall be segregated as to payees with addresses in foreign countries which have entered into an income tax convention with the United States and as to payees with addresses in all other countries. The first such group shall be arranged alphabetically both as to the name of the payee and the name of the foreign country in which the payee has an address; the second such group shall be arranged alphabetically as to the name of the payee only. Separate adding machine tapes shall then be prepared for each such foreign country which has entered into an income tax convention with the United States, showing as to that country the number of such forms submitted, the total amount of income paid which was exempt from withholding of tax, and, as to each separate applicable rate of tax, the gross amount of income paid and the amount of tax withheld. Another adding machine tape showing the same information shall then be prepared with respect to the combined number of all other countries. These adding machine tapes shall be properly identified with the respective groups of forms to which they apply, and the totals thereon used as a basis for making the summary on Form 1042 prescribed by paragraph (b) (2) of this section. If circumstances warrant, the withholding agent may use any other appropriate method, in lieu of adding machine tapes, for presenting the information required by this subdivision.

(iii) The triplicate copy of Form 1042S shall be furnished to the payee indicated thereon, and the quadruplicate shall be retained by the withholding agent.

(4) *Alternative methods.* To the extent that the withholding agent's system of record keeping makes impractical the use of Form 1042S in the manner prescribed by subparagraph (3) of this paragraph, he may devise and submit for the prior approval of the Commissioner a variation of Form 1042S which will include the information required by subparagraph (2) of this paragraph and which will substantially comply with the requirements of subparagraph (3) of this paragraph. Request for such approval shall be accompanied by an explanation as to why such variation is necessary.

(d) *Information to be furnished by Commissioner.* If a foreign country has entered into an income tax convention with the United States which provides for the mutual exchange of information, the Commissioner of Internal Revenue shall, as soon as practicable after the close of a calendar year during which the convention is in effect, transmit to the appropriate authority designated in the convention with that country the following forms which have been filed pursuant to this section for that year, namely, all duplicate copies of Forms 1001 and 1042S showing a payee with an address in that country and all duplicate copies of the special variation of Form 1001 referred to in paragraph (i) of § 1.1461–1 which is applicable to that country. These forms are not to be furnished to any such foreign country, however, if the Commissioner of Internal Revenue ascertains through appropriate channels that the forms are not required by that country.

(e) *Date of payment; penalties.* The tax required to be returned on Form 1042 shall be paid to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., on or before March 15 of the following year. For penalties and additions to the tax attaching upon failure to make returns or such payments, see sections 6651, 6653, 7202, and 7203.

(f) *Special items.* The tax withheld in accordance with paragraphs (b) (1), (c) (3), and (d) (1) of § 1.1441–3 shall be returned and paid in accordance with this section even though the items involved may not constitute gross income in whole or in part. For such purpose, a reference in this section to an item or amount of income shall, where appropriate, be deemed to refer also to the items specified in such paragraphs or the amount thereof.

(g) *Inconsistent regulations.* All regulations inconsistent with the provisions of this section shall be deemed to have been modified accordingly.

PAR. 3. Section 1.1461–2 is amended as follows:

(A) By striking out the period at the end of paragraph (a) (1) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(B) By inserting immediately after the first sentence of paragraph (a) (2) thereof the following new sentence: "On and after January 1, 1957, however, the quarterly return on Form 1012 shall be made and filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(C) By striking out the period at the end of the second sentence of paragraph (b) (1) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(D) By striking out the period at the end of the first sentence of paragraph (c) thereof and inserting in lieu thereof the following: "; except that on and after January 1, 1957, such tax shall be paid to the Director of International Operations, Internal Revenue Service, Washington 25, D. C."

(E) By striking out so much thereof as precedes paragraph (a) (1) thereof and inserting in lieu thereof the following:

§ 1.1461–3 *Return and payment of tax withheld before January 1, 1957*—(a) *Effective date.* This section shall apply only with respect to payments of income made before January 1, 1957. For provisions relating to payments made on and after that date, see § 1.1461–2.

(b) *Interest on certain bonds*—

(F) By redesignating paragraphs (b), (c), and (d) thereof as paragraphs (c), (d), and (e), respectively.

(G) By inserting at the end thereof the following new paragraph:

(f) *Special items.* The tax withheld in accordance with paragraphs (b) (1), (c) (3), and (d) (1) of § 1.1441–3 shall be returned and paid in accordance with this section even though the items involved may not constitute gross income in whole or in part. For such purpose, a reference in this section to an item or amount of income shall, where appropriate, be deemed to refer also to the items specified in such paragraphs or the amount thereof.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 15, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56–9532; Filed, Nov. 20, 1956; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter E—Post Services

PART 855—MOTION PICTURE SERVICE

SALE OR RELEASE OF MOTION PICTURE AND SOUND TRACK STOCKFOOTAGE

In Part 855, new §§ 855.1 to 855.7 are added as follows:

Sec.
855.1 General.
855.2 Categories of stockfootage.
855.3 Procedure.
855.4 Established fees.
855.5 Requests exempt from fees.
855.6 Reviewing schedule of fees.
855.7 Collection of fees.

AUTHORITY: §§ 855.1 to 855.7 issued under R. S. 161; sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 95–12, September 6, 1956.

§ 855.1 *General*—(a) *Purpose.* Sections 855.1 to 855.7 govern the sale, use, and release of Air Force motion picture stockfootage to any person or group of persons, including associations, organizations, partnerships, corporations, businesses, municipalities, countries, states, territorial governments, Federal government, and other Department of Defense agencies. Sections 855.1 to 855.7 do not apply to the sale of prints made from completed Air Force motion pictures.

(b) *Definitions*—(1) *Stockfootage.* Refers to both picture and sound track. It is defined as specific scenes from unedited film footage, intended to be used in completing a motion picture production. Stockfootage is accumulated from the efforts of the Air Force motion picture historical documentation units, the production of films, and by pictorial recording of research and development activities. It is stored at Wright-Patterson Air Force Base, Ohio, under the supervision of the Commander, 1350th Motion Picture Squadron, a unit of the Air Photographic and Charting Service.

(2) *Service.* Refers to search of film files, screening of stockfootage, selection of scenes, actual reproduction of scenes required, and shipping.

(c) *Policy.* (1) Release or sale of reproductions from Air Force stockfootage is authorized within the provisions of §§ 855.1 to 855.7 and in keeping with appropriate security regulations. Sale or release of original negative is prohibited.

(2) Recipients will not use Air Force stockfootage to show by implication or otherwise that the Air Force indorses a product.

(3) Sale of stockfootage known to be available from commercial motion picture sources is prohibited.

(4) Waiver of proprietary and privacy rights will not pass with the sale or release of stockfootage unless these rights and the right of transfer are owned by the Air Force.

(5) Exclusive rights to Air Force stockfootage may not be claimed by any other agency or person.

(6) Agreements currently in existence or those subsequently formalized between the Air Force and certain other government agencies providing for photographic and related services will continue in effect until terminated. If such agreements are not in accordance with §§ 855.1 to 855.7, the provisions of the formal agreements will apply.

§ 855.2 *Categories of stockfootage.* Requests for stockfootage will be handled according to the following categories:

(a) *Category A; public exhibition films.* Unclassified stockfootage requested by commercial concerns and government film producing agencies for use in a film designed for public exhibition, including theatrical, television, and public service.

(b) *Category B; internal exhibition films.* Classified or unclassified stockfootage, requested by government film producing agencies for use in film designed exclusively for internal purposes.

(c) *Category C; miscellaneous use.* Classified or unclassified stockfootage requested by Department of Defense and other agencies, as outlined in § 855.5, when use is for engineering analysis, intelligence, training, or other miscellaneous purposes—other than in a completed film production.

§ 855.3 *Procedure.* Prior to submitting requests for stockfootage, preliminary information on available stockfootage in general subject areas may be obtained from the Commander, Air Photographic and Charting Service, Orlando Air Force Base, Florida. Such request, however, does not constitute a formal request for stockfootage. Formal requests must be submitted as outlined in paragraphs (a) and (b) of this section.

(a) *When requesting stockfootage in category A.* (1) Indicate preference for work print and fine grain master or work print and duplicate negative.

(2) Submit a film sequence outline or script. Clearly mark those stock scenes desired.

(3) Forward request to the Director of Information Services, Office of Secretary of the Air Force, Washington 25, D. C.

(4) When notified by Headquarters USAF that a request is favorably considered, communicate direct with Commander, 1350th Motion Picture Squadron, Wright-Patterson Air Force Base, to establish a date for selecting stockfootage.

(b) *When requesting stockfootage in categories B and C.* (1) Include statement of intended use and statement that requested scenes are not for use in public exhibition. Include also, for category C requests, a statement that scenes will not be used in a completed motion picture.

(2) Forward requests to Commander, Air Photographic and Charting Service, Orlando Air Force Base, Florida.

(3) When notified by the Air Photographic and Charting Service that a request is favorably considered, communicate direct with the Commander, 1350th Motion Picture Squadron, Wright-Patterson Air Force Base, Ohio, to establish a date for selecting stockfootage.

When the Commander, Air Photographic and Charting Service considers the quantity of stockfootage requested is small and stockfootage can be precisely identified, he may waive actual selection by the requester. If this is done, the requester assumes the complete risk and financial obligation for all stockfootage selected and shipped.

§ 855.4 *Established fees.* The following fees are charged for stockfootage and service:

16 mm and 35 mm black and white stockfootage and sound track, per screen foot	$0.10
16 mm color, per screen foot	0.15

35 mm color (low contrast master), per screen foot	$0.16
35 mm color (dupe negative), per screen foot	0.38
35 mm color (separation positive, 3), per screen foot	0.75
35 mm color (internegative), per screen foot	0.55
Searching (including overhead) up to 2½ hours	5.00
Each additional hour	2.00

§ 855.5 *Requests exempt from fees.* To the extent that funds are available, requests received from sources and for purposes specified in paragraphs (a) through (h) of this section may be exempt from prescribed fees, provided that furnishing such service does not hamper the mission of the furnishing agency, is consistant with §§ 855.1 to 855.7, and is accomplished during normal work schedules at no additional expense to the Air Force.

(a) Department of Defense agencies and Federal executive departments for use in furtherance of approved Department of Defense and other Federal departmental activities.

(b) Members of Congress for use in furtherance of official governmental activities.

(c) Federal, state, territorial, county, or municipal government or an agency thereof which is carrying on a function related to, or in furtherance of, an Air Force or other Department of Defense objective.

(d) Nonprofit organizations carrying on a function related to, or in the interest of, public health and welfare.

(e) Members of the armed forces in a casualty status, or their next of kin or authorized representative, when requested stockfootage relates to source of casualty.

(f) Services which are occasional and incidental (including any request from a resident of a foreign country), not of a type that is requested often, if it is administratively determined that a fee would be inappropriate in such case.

(g) Services determined by the Director of Information Services, Office of the Secretary of the Air Force, to be in the best interest of the Air Force.

(h) Services which are furnished free in accordance with statutes or Executive Orders.

§ 855.6 *Reviewing schedule of fees.* The Schedule of Fees will be reviewed when costs change significantly, and at least once every two years, to determine whether the Air Force should:

(a) Collect a fee for any other service rendered the public; or

(b) Change or discontinue any of the existing fees.

§ 855.7 *Collection of fees.* (a) Payments will be accepted in cash, United States money orders, certified checks, or their equivalent. Negotiable instruments will be drawn payable to the Treasurer of the United States. Fees, when appropriate, will be collected before release of stockfootage. Searching fees will be collected whether or not stockfootage is ordered as a result of such search.

(b) Refunds will not be made because a regulation, directive, or fee schedule is changed after the service is performed or for overpayments of one dollar or less.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-9505; Filed, Nov. 20, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11796; FCC 56-1113]

[Rules Amdt. 3-40]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS; FORT WAYNE-ANGOLA, IND.

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on July 23, 1956 (FCC 56-744), and published in the FEDERAL REGISTER on July 27, 1956 (21 F. R. 5654), proposing to shift Channel 15 from Angola, Indiana to Fort Wayne, Indiana, in response to a petition by Tri-State Television, Inc.,[1] as follows:

City	Channel No.	
	Present	Proposed
Fort Wayne, Ind.	21+, *27+, 33-, 69	15+, 21+, *27+, 33-, 69.
Angola, Ind.	15+	77

2. Comments were filed by Tri-State Television, Inc., Anthony Wayne Broadcasting, Northeastern Indiana Broadcasting Company, Inc., and Sarkes Tarzian, Inc. Tri-State filed a Motion To Strike the Tarzian comments to which Tarzian filed a reply.[2]

3. In support of its petition, Tri-State states that it is the permittee of Television Station WINT operating with studios at Waterloo, Indiana on Channel 15, assigned to Angola; that its transmitter is about 17 miles north of Fort Wayne; and that it renders a city-grade service to that city.

4. Tri-State submits that it has always intended, and does in fact, serve the needs of Waterloo, Angola, and Fort Wayne, but that due to the greater size and importance of Fort Wayne it has devoted a large part of its public service programs to Allen County, in which Fort Wayne is located. It urges that main studios are needed in Fort Wayne in order for it properly to serve that city, which has a population of 133,607 and is the cultural, recreational, news, and economic center of its entire service area. It urges that it derives 89.5 percent of its total local revenues from Fort Wayne as against 0.7 percent from Waterloo, and nothing from Angola. Finally, Tri-State urges that the proposed amendments conform to the Commission's Rules and that, in accordance with § 3.611 as recently amended, Channel 15 may be assigned to Fort Wayne based upon a transmitter site which meets the spacing requirements such as that of WINT.

5. Northeastern and Anthony Wayne oppose the request to assign Channel 15 to Fort Wayne. These parties recite the history of Station WINT's alleged attempts to become a Fort Wayne station and urge that petitioner's request constitutes an abandonment of its pretense of serving the local needs of the area originally sought to be served and that it represents an attempt to subvert the principles of the allocation table.

6. In reply to these oppositions Tri-State urges that Angola, with a population of only 5000 persons, cannot support a successful television station designed to serve the needs of that community; that its attempts to become a Fort Wayne station have been made with the full knowledge of the Commission and in conformance with the rules; and that the Table of Assignments is not fixed and is subject to change from time to time.

7. Upon a careful review of the record in this proceeding, we believe that the assignment of Channel 15 to Fort Wayne would serve the public interest. Fort Wayne is the largest and most important city in the area, whereas Angola and Waterloo are very small communities and apparently not yet able to support television stations designed primarily to serve their local needs. Due to the limitations on site selection, a Fort Wayne station operating on Channel 15 would provide service to the Waterloo and Angola areas and at the same time would not be at a competitive disadvantage with other stations serving the same general area. Accordingly, we are of the view that shifting Channel 15 to Fort Wayne will represent a more effective use of available television facilities and will improve the opportunities for effective competition among a greater number of stations in the area.

8. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

10. In view of the foregiong: *It is ordered*, That effective December 20, 1956, § 3.606, rules governing Television Broadcast Stations is amended, insofar as the cities named are concerned, as follows:

City	Channel No.
Fort Wayne, Ind.	15+, *27+, 21+, 33-, 69.
Angola, Ind.	77

11. In its petition requesting the amendment of § 3.606 of the rules as herein adopted Tri-State Television, Inc., at that time the permittee of Station WINT on Channel 15 in Waterloo, Indiana, also requested that the Commission, pursuant to Section 316 of the Communications Act, require petitioner to show cause why its authorization for the operation of Station WINT should not be modified to specify Fort Wayne, rather than Waterloo, as the location of the station. Inasmuch as the amendment to § 3.606 was effectuated as a result of the permittee's petition, it appears that the use of the modification procedure set forth in section 316 of the act would be inappropriate and, therefore, petitioner's request will not be granted. It is to be noted that the amendment adopted herein does not affect the current authorization for Station WINT and, if it so desires, Universal Broadcasting Company, Inc. (successor to petitioner) may immediately file any necessary application for authority to operate WINT as a Fort Wayne station. See § 3.607 (a) of the Commission's rules as recently amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: November 14, 1956.

Released: November 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9533; Filed, Nov. 20, 1956; 8:50 a. m.]

[FCC 56-1118]

[Rules Amdt. 21-4]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of November 1956;

The Commission having under consideration the petition of The Radio-Electronic-Television Manufacturers Association, filed October 25, 1956, wherein it requests the Commission to stay, until July 1, 1957, the initial effective date of §§ 21.118 (g) and 21.120 of Part 21 of the rules; and

It appearing that § 21.118 (g) of the rules requires that stations operating on frequencies above 500 Mc without a licensed operator on duty and in charge of its operation during the normal rendition of service, must be provided with certain automatic alarms which announce various conditions to an attended alarm center; and

It further appearing that the necessary equipment to perform such alarm functions is not generally available, in consequence whereof licensees and applicants in these radio services have not and will not be able to comply with the rule requirements in accordance with the effective date September 4, 1956, specified therein; and

It further appearing that the petitioner desires a stay of the initial effective date of § 21.118 (g), until July 1, 1957, in order to give further study to determine practicable means of achieving the intended objectives of this section and with a view of making recommendations relative thereto to the Commission at an early date; and

It further appearing that insufficient time was provided after the promulgation of § 21.120, on June 20, 1956, for industry to develop uniform and suitable methods for accomplishing the measurements necessary for type acceptance of microwave radio transmitters in order to meet the deadline of January 1, 1957, by which time all new microwave radio transmitters authorized must be of a type accepted model; and

It further appearing that industry requires that the initial effective date of § 21.120 be postponed until July 1, 1957, in order to achieve type acceptance of microwave transmitters without disrupting the orderly expansion of common carrier microwave radio service; and

It further appearing that, the rule changes specified herein are all in the nature of recognizing exemptions or relieving restrictions and that the immediate effectiveness of the postponement of such rules will serve the public interest;

It is ordered, That, the changes in Part 21 of the Commission's rules set forth below are adopted, effective November 14, 1956.

The action taken herein is pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and sections 4 (a) and (c) of the Administrative Procedure Act.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete § 21.118 (g) in its entirety and, in lieu thereof, add new § 21.118 (g) as follows:

§ 21.118 *Transmitter construction and installation.* • • •

(g) Each station operating on frequencies above 500 Mc which is authorized to operate during the normal rendition of service without a licensed radio operator or permit holder on duty and in charge of its operation (See also § 21.205 (1)), after June 30, 1957, shall be provided with automatic alarm facilities that announce and identify the following conditions to a specified attended alarm center responsible for immediately dispatching qualified service personnel to the station for correction of any unsatisfactory conditions:

(1) Instantaneous deviation (due to modulation plus carrier frequency instability) of transmitter frequency outside of the stations normal limits.

(2) Outage of the station.

(3) Automatic transfer of communications to standby facilities whenever such facilities are provided.

(4) Failure of any antenna obstruction marking light.

2. Delete § 21.120 (a) in its entirety and, in lieu thereof, add a new § 21.120 (a) as follows:

§ 21.120 *Type acceptance of transmitters.* (a) Except for transmitters used at developmental stations, each transmitter authorized after January 1, 1957, shall be of a type which has been type accepted by the Commission for use under the applicable rules of this part: *Provided*, That this requirement shall not become applicable to transmitters operating on frequencies above 500 Mc until July 1, 1957: *And provided further*, That this requirement shall become applicable January 1, 1960, to all transmitters authorized to the same licensee prior to the aforementioned dates.

[F. R. Doc. 56-9534; Filed, Nov. 20, 1956; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Office of the Attorney General

[28 CFR Part 5]

ADMINISTRATION OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules governing the administration of the Foreign Agents Registration Act of 1938, as amended. In accordance with subsection (b) of the said section 4, interested persons may submit to the Registration Section, Internal Security Division, Department of Justice, Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within twenty days following the day of publication of this notice will be considered.

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5.3 Act and rules and regulations to be considered together.
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a regulation, directive, or fee schedule

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at that time the permittee of Station

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5.203 Original registration forms.
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§ 5.1 *Administration of act assigned to Registration Section.* The administration of the act is assigned to the Registration Section of the Internal Security Division, Department of Justice, Washington 25, D. C. Copies of the act, the rules and regulations, and forms may be obtained upon request, without charge. [Rule 1]

§ 5.2 *Inquiries concerning application of act.* Inquiries concerning the application of the act shall be accompanied by a detailed statement of all facts necessary for a determination of the question submitted, including the identity of the agent, the nature of his activities on behalf of each foreign principal, any activities on his own behalf, and on behalf of any other person, by reason of which registration may be required, the identity of each foreign principal, and an outline of any agreement or agreements under which the agent is acting. [Rule 2]

§ 5.3 *Act and rules and regulations to be considered together.* In determining any question concerning the application of the act to any person, the rules and regulations in this part shall be considered together with the provisions of the act. The rules and regulations in this part shall not be construed to limit the act or to define its full scope or application. [Rule 3]

§ 5.4 *Computation of time.* Sundays and holidays shall be counted in computing any period of time provided for in the act or in the rules and regulations in this part. [Rule 4]

§ 5.5 *Effect of compliance with act; other laws.* (a) Compliance with the requirements of the act shall not remove the necessity of complying with any other Federal or State law.

(b) Compliance with any other law shall not remove the necessity of fulfilling the requirements of this act. [Rule 5]

§ 5.6 *Persons outside the United States.* Any person not within the United States who uses the United States mails, or any means or instrumentality of interstate or foreign commerce, within the United States to circulate or disseminate political propaganda to addresses who have not ordered, subscribed to, or otherwise solicited such material shall be regarded as acting within the United States and as subject to sections 2 and 4 of the act. [Rule 6]

§ 5.100 *Definitions.* (a) As used in this part, unless the context otherwise requires:

(1) The term "act" means the Foreign Agents Registration Act of 1938, as amended (22 U. S. C. 611–621).

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Secretary of State" means the Secretary of State of the United States.

(4) The term "Registration Section" means the Registration Section of the Internal Security Division, Department of Justice, Washington, D. C.

(5) The term "rules and regulations" refers to all rules, regulations, registration forms, and instructions on forms made and prescribed by the Attorney General pursuant to the act.

(6) The term "registrant" means the person by whom a registration statement is filed pursuant to the provisions of the act.

(7) The term "original registration statement" means the statement required to be filed with the Attorney General under section 2 (a) of the act.

(8) The term "supplemental statement" means the statement required to be filed with the Attorney General under section 2 (b) of the act at intervals of six months following the date of filing of the original registration statement.

(9) The term "final statement" means the statement required to be filed with the Attorney General following the termination of the registrant's obligation to register.

(10) The term "political propaganda" includes only political propaganda as defined in section 1 (j) of the act, which is in the form of prints, speeches, broadcasts, telecasts, or in any other form reasonably adapted to being, and which there is reason to believe will be, or is intended to be, circulated or disseminated among two or more persons.

(11) The term "political activity" includes, but shall not be limited to, any of the following:

(i) Circulating or disseminating any political propaganda within the meaning of paragraph (b) of this section.

(ii) Furnishing information or advice to, or in any way representing, a foreign principal with respect to any matter pertaining to political or public interests, policies, or relations of any foreign government or foreign political party, or the political interests of such foreign principal, or engaging in other activities in furtherance of such political or public interests, policies, or relations.

(iii) Directly or indirectly, furnishing, publishing, or disseminating, whether or not pursuant to contractual relationship or authorization, any matter described in section 1 (h) or 1 (i) of the act, which is reasonably adapted to being, and which the person so furnishing, publishing, or disseminating, has reason to believe will be, or intends to be, used in furtherance of the interests of any government of a foreign country, or any foreign political party, or as a basis for, or in the dissemination or circulation of, political propaganda.

(iv) Engaging on behalf of, or in the interests of, a foreign government or foreign political party, in activities or duties as, or performing the functions of, a security or an intelligence officer of a foreign government or foreign political party.

(v) Engaging in any military activity on behalf of, or in the interests of, any foreign government or foreign political party.

(vi) Engaging in any activity to influence the enactment or repeal of any legislation affecting the political or public interests, policies, or relations of a foreign government, a foreign political party, or a foreign principal, or affecting the foreign policies or relations of the United States.

(vii) Engaging in any activity devoted, in whole or in part, to the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof.

(viii) Directly or indirectly, reporting or transmitting to any foreign principal any information the publication, dissemination, or transmission of which is forbidden or restricted in the interests of the national defense by the regulations or codes of practice which may be in effect from time to time by an agency of the Government of the United States.

(b) As used in sections 1 (b) (2), 2 (a) (2), and 2 (a) (3) of the act, the terms "control" and "controlled" include the possession or the exercise of the power, directly or indirectly, to determine the policies or the conduct of a person, whether through the ownership of voting securities or by contract or otherwise.

(c) A person shall be considered an officer or member of the active or reserve military, naval, or other armed forces of a foreign government or foreign political party within the meaning of section 1 (c) (4) of the act if:

(1) He has received a commission as such from any foreign government or foreign political party, and has not in good faith resigned such commission and in good faith renounced his allegiance to such foreign country or foreign political party;

(2) He has received military training in, or rendered service to, any such military, naval, or other armed forces and by reason thereof, or for any other reason, is considered by law or regulations governing such forces to be an officer or member, and has not in good faith renounced his allegiance to such foreign country or foreign political party. No person shall be regarded as having in good faith resigned any such commission, or in good faith renounced such

allegiance, if since having last so resigned or renounced he has, directly or indirectly, affiliated himself with such armed forces, or has, directly or indirectly, recognized an obligation to serve in such armed forces, or has engaged in any political activity as defined in paragraph (a) (11) of this section on behalf of, or in the interest of, any foreign government or political party.

(d) A person shall be considered an officer or employee of a foreign government or foreign political party within the meaning of section 1 (c) (4) of the act, whether or not he receives any form of remuneration or reimbursement, if he holds any office or employment in such a government or political party, and has not in good faith resigned such position, or in good faith terminated the performance of such duties. No person shall be regarded as having in good faith resigned such position, or in good faith terminated such duties, if since last having purportedly resigned such position, or purportedly terminated such duties, he has, directly or indirectly, performed any of the functions of, or acted as, an officer or employee of such foreign government or foreign political party. [Rule 100]

§ 5.200 *Filing of registration statement.* Registration statements shall be filed in duplicate with the Registration Section, Department of Justice, Washington 25, D. C. Filing may be made in person or by mail, and shall be deemed to have taken place upon the receipt thereof by the Registration Section. [Rule 200]

§ 5.201 *Time within which registration statement must be filed.* (a) Except as hereinafter provided, every person who becomes subject to the registration provisions of the act shall file an original registration statement within ten days after the day on which the obligation to register arises.

(b) Upon the filing of an application in writing setting forth that a registration statement cannot be filed within the times set out in paragraph (a) of this section, or that the requirements of that paragraph would impose undue hardship, the Chief, Registration Section, may extend the time within which a registration statement shall be filed for such period as will reasonably permit compliance with the registration requirements of the act and this part. Applications filed pursuant to this paragraph shall set forth the reasons why the filing of a registration statement within the time specified cannot be complied with or why it would create an undue hardship. [Rule 201]

§ 5.202 *Separate registration by each person required to register; short-form registration.* (a) Except as hereinafter provided, the filing of a registration statement by a corporation, partnership, association or other combination of individuals, shall not remove the necessity of filing a registration statement by individual members, employees, associates, and affiliates of such registrant who are required to register under the act.

(b) Unless otherwise determined by the Chief, Registration Section, officers, directors, partners, associates, and employees of a corporation, partnership, association, or other combination of individuals, which has filed a registration statement under the act, may discharge their obligation to file a separate registration statement by filing a short-form registration statement on the form prescribed therefor.

(c) Unless otherwise determined by the Chief, Registration Section, all persons who render any services or assistance to the registrant in other than a clerical or secretarial capacity, with or without compensation, for or in the interests of the registrant's foreign principal shall file a short-form registration statement.

(d) Any change affecting the information furnished in a short-form registration statement pursuant to clauses (3), (4), (6), and (9) of section 2 (a) of the act shall be reported to the Chief, Registration Section, within ten days after the occurrence of such change.

(e) Whenever notice of a change in the information furnished in a short-form registration statement is given pursuant to paragraph (d) of this section, the Chief, Registration Section, may require the filing of a new short-form registration statement to reflect such change. [Rule 202]

§ 5.203 *Original registration forms.* Every person required to register shall file a registration statement in duplicate on Form FA–1, or on Form FA–2, or on the short-form registration statement designated as Form FA–SF. Form FA–1 shall be used by agents who are individuals. Form FA–2 shall be used by corporations, partnerships, organizations, associations, or other combinations of individuals. Form FA–SF shall be used by individuals who file a short-form registration statement in support of a statement filed either on Form FA–1 or FA–2. [Rule 203]

§ 5.204 *Exhibits.* Original registration statements filed on Form FA–1 or FA–2 require the filing of certain exhibits, in duplicate, among which are the following:

(a) Exhibit B, which consists of a copy of the agreement, arrangement, or authorization (or, if not in writing, a written description thereof) pursuant to which the registrant is acting for or receiving funds from each of his foreign principals. No printed form is provided for this exhibit.

(b) Exhibit C, which requires the disclosure of information with respect to foreign principals. A printed form is provided for Exhibit C and copies will be furnished upon request. If an agent represents more than one foreign principal, or performs any political activity as defined in § 5.100 (a) (11) on behalf of persons other than foreign principals, an Exhibit C shall be filed for each such foreign principal or other person for whom registration is required.

(c) Exhibit D, which consists of a copy of the charter, constitution, bylaws, or other instruments of organization in the event the registrant is a non-business organization.

(d) Exhibit E, which consists of a copy of all publications which come within the meaning of the term "political propaganda" as defined in section 1 (j) of the act, and which were prepared or distributed by the registrant or by others for the registrant.

(e) Exhibit F, which consists of a copy of the agreement or arrangement (or, if not in writing, a written description) between the registrant and each business firm or other organization responsible for the preparation of publications distributed by the registrant or by others for the registrant. [Rule 204]

§ 5.205 *Information relating to collection of funds.* (a) Every registrant who receives or collects within the United States contributions, income, money, or thing of value, for or in the interest of his foreign principal shall file a statement showing the names and addresses of persons so contributing, and the amount of funds or value of the thing contributed by each.

(b) Every registrant receiving contributions, income, money, or thing of value from his foreign principal shall report full details with respect to the form and time of each such payment, and fully identify such foreign principal from whom this payment was received. [Rule 205]

§ 5.206 *Information relating to transmission of funds.* Every registrant who transmits to his foreign principal contributions, income, money, or thing of value received in the interest of the foreign principal shall report the amount of funds or the value of the thing transmitted and the manner and time of transmission. [Rule 206]

§ 5.207 *Six month supplements under section 2 (b) of act.* (a) Every registrant other than those who file a short-form registration statement shall file in duplicate a six month supplemental statement to his original registration pursuant to section 2 (b) of the act. Supplements to Form FA–1 shall be filed on Form FA–1–6M. Supplements to Form FA–2 shall be filed on Form FA–2–6M.

(b) A supplemental statement shall be filed notwithstanding the fact that the registrant did not engage in any activity in the interest of his foreign principal during the period covered by the statement, so long as the agency relationship continues during said period. [Rule 207]

§ 5.208 *Language and wording of registration statements.* (a) All forms, statements, notices, supplements, amendments, and other documents, shall be filed in English whenever possible. If filed in a foreign language, they shall be accompanied by an English translation certified under oath by the translator before a notary public, or other person authorized by law to administer oaths for general purposes, as a true and accurate translation.

(b) All answers to items on the forms shall be so worded as to be complete and intelligible, without the necessity of referring to the instructions accompanying the particular form, or to the rules and regulations in this part.

(c) Except as specifically provided otherwise, if any item on any form is inapplicable or the answer is "None," an

ing the requirements of this act. [Rule 5]

not pursuant to contractual relationship or authorization, any matter described

good faith resigned any such commission, or in good faith renounced such

express statement to such effect shall be made. [Rule 208]

§ 5.209 *Execution under oath; form of document.* (a) Every form, statement, notice, supplement, and amendment, and every duplicate thereof, shall be executed under oath in the manner set forth in section 2 (c) of the act.

(b) Every form, statement, notice, supplement, and amendment shall be typewritten whenever practicable, but will be regarded as complying with the act and the rules and regulations in this part if written legibly in ink.

(c) Duplicates of any of the documents designated in paragraphs (a) and (b) of this section shall be of the same size as the original, shall be clear and easily read, and may be made by any of the duplicating processes. [Rule 209]

§ 5.210 *Incorporation by reference; inserts.* (a) Matter contained in any part of a registration statement may be incorporated by reference as an answer, or partial answer, to any item in the registration statement. In each case of incorporation by reference the matter incorporated shall be clearly identified in the reference. An express statement shall be made to the effect that the specified matter is incorporated in the registration statement at the particular place where the information is required. However, the Chief, Registration Section, may refuse to permit such incorporation in any case in which, in his judgment, such incorporation would render the registration statement incomplete or ambiguous. Each supplemental statement shall be complete in and of itself and answers to items in a supplemental statement may not be made by reference to answers given in a previous statement or supplement.

(b) Inserts or riders shall not be used. If the space provided on any form for the answer to any item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and the wording of the item shall be restated and the complete answer given. [Rule 210]

§ 5.250 *Amendments.* (a) An amended statement may be required by the Chief, Registration Section, of any person subject to the registration provisions of the act whose original registration, supplemental, or final statement filed pursuant thereto is deemed to be incomplete, inaccurate, false, or misleading.

(b) Amendments shall conform in all respects to the regulations in this part governing the execution and filing of registration statements.

(c) Amendments shall in every case make appropriate reference by number or otherwise to the items in statements to which they relate.

(d) Amendments shall be deemed to be filed upon their receipt by the Registration Section.

(e) Failure of the Chief, Registration Section, to request any person who has filed an original registration, supplemental, or final statement to file an amended statement shall not preclude prosecution of such person for a wilfully false statement of a material fact, the wilful omission of a material fact, or the wilful omission of a material fact necessary to make statements therein not misleading, in such original registration, supplemental, or final statement.

(f) Notices pursuant to section 2 (b) of the act of changes in information furnished in an original registration or supplemental statement in accordance with clauses (3), (4), (6), and (9) of section 2 (a) of the act shall be by amendment, and shall be filed with the Registration Section within ten days after such changes occur. [Rule 250]

§ 5.260 *Termination of registration.* (a) Every registrant shall, within thirty days after the termination of the obligation to register, file a final statement with the Registration Section for the final period of the agency relationship not covered by any previous statement.

(b) Registration under the act shall be terminated only upon receipt by the Registration Section of a final statement which is deemed acceptable by the Chief, Registration Section. [Rule 260]

§ 5.261 *Activities which become exempt subsequent to registration.* A registrant whose activities on behalf of a foreign principal, subsequent to the filing of a registration statement, become confined to those for which an exemption under section 3 of the act is available, may file a final statement, notwithstanding the continuance of the agency relationship with a foreign principal. [Rule 261]

§ 5.300 *Burden of establishing availability of exemptions.* In all matters pertaining to exemptions, the burden of establishing the availability of the exemption shall rest upon the person for whose benefit the exemption is claimed. [Rule 300]

§ 5.301 *Exemption under section 3 (a) of the act.* The exemption provided by section 3 (a) of the act shall apply to diplomatic officers duly accredited to the Government of the United States and to consular officers who, after appointment by their governments, have received formal recognition as such from the Secretary of State, whether such recognition is provisional or by exequatur. The exemption is available, however, only while such diplomatic or consular officers are engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officers. [Rule 301]

§ 5.302 *Exemptions under sections 3 (b) and (c) of the act.* (a) The exemption provided by section 3 (b) of the act shall apply only to officials of foreign governments which are recognized by the United States who have filed a fully executed Notification of Status with a Foreign Government.

(b) The exemption provided by section 3 (c) of the act shall apply only to members of the staff of, and persons employed by, duly accredited diplomatic or consular officers of foreign governments who are so recognized by the Department of State and who have filed a fully executed Notification of Status with a Foreign Government.

(c) The exemption provided by sections 3 (b) and (c) of the act shall not be regarded as available to any person described in paragraphs (a) and (b) of this section if:

(1) He engages in any activities which are not recognized by the Department of State as being within the scope of his functions;

(2) He, directly or indirectly, circulates or disseminates any political propaganda within the United States, or to any other American republic;

(3) He acts, or has agreed to act, as a security or an intelligence officer, or acts, or has agreed to act, in a related or similar capacity;

(4) He is employed, directly or indirectly, in furnishing information or advice pertaining to political or public interests, policies, or relations (including information or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any foreign country, the government of any foreign country or any foreign political party) to any person other than officials of his government, the Government of the United States, or any other government which shall not be at war with the United States, and which is not aiding, or dominated by, any government at war with the United States or any of her Allies; or

(5) He, directly or indirectly, reports or transmits to any foreign principal any information the publication, dissemination, or transmission of which is forbidden or restricted in the interest of the national defense by laws, regulations or codes of practice which may be in effect from time to time by an agency of the Government of the United States.

(d) In no event shall the exemption provided by section 3 (b) of the act be available to any citizen of the United States. [Rule 302]

§ 5.303 *Exemptions under sections 3 (d) and (e) of the act.* (a) Except as provided in paragraph (b) of this section, no person shall be regarded as being engaged, or as having agreed to engage, only

(1) In private, nonpolitical, financial, mercantile, or other activities in furtherance of the bona fide trade or commerce of a foreign principal (as provided in section 3 (d) of the act), or

(2) In the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the provisions of the act of November 4, 1939, as amended (54 Stat. 8), and such rules and regulations as may be prescribed thereunder (as provided in section 3 (d) of the act), or

(3) In activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts (as provided in section 3 (e) of the act), if he engages in any political activity as defined in § 5.100 (a) (11) on behalf of a foreign principal, on his own behalf, or on behalf of any other person, or engages in any other nonexempt activity.

(b) Any person who is an agent of a news service, radio news service, photo news service, or press service or organization, organized under the laws of or having its principal place of business in a foreign country, or who is an agent of a newspaper, magazine, periodical or other publication published by a foreign principal, shall be regarded as exempt under the provisions of section 3 (d) of the act with respect to his activities as such agent if, and so long as, his political activity, as defined in § 5.100 (a) (11), is confined to:

(1) Gathering and reporting information which is reasonably adapted to being, and which he intends to be, used by his principal solely for news purposes, and not for the purpose of disseminating political propaganda;

(2) Broadcasting or writing for publication within the United States, concerning which the Registration Section has previously been notified in writing, or the making of extemporaneous oral communications, which broadcasts, writings, or communications are not intended for the purpose of disseminating political propaganda;

However, such agent shall not be regarded as exempt under the provisions of section 3 (d) of the act if:

(i) Any of the activities of the agent are performed for, or directed by, any foreign government or foreign political party;

(ii) The foreign principal is owned or subsidized, in whole or in part, by, or any of its activities are directed by, any foreign government or foreign political party;

(iii) The foreign principal is any such service or association organized under the laws of, or having its principal place of business in, or any such publication printed in, any foreign country with which the United States is at war, or any foreign country allied with, or occupied by, any such country; or

(iv) The agent engages in any activity set out in § 5.100 (a) (ii) (iv) or (viii).

(c) This section shall not be construed as fully defining the several activities which, if engaged in, make the exemption under section 3 (d) of the act unavailable.

(d) As used in this section, the term "trade or commerce" shall include the exchange, transfer, purchase, or sale of commodities, services, or property of any kind. [Rule 303]

§ 5.400 *Filing of political propaganda.* (a) A single copy of each item of political propaganda required to be filed with the Attorney General under section 4 (a) of the act shall be filed with the Registration Section.

(b) Filing may be made in person or by mail, and shall be deemed to have taken place upon receipt of such copy by the Registration Section.

(c) Where an item of political propaganda has been filed pursuant to section 4 (a) of the act, it shall not be necessary, in the event of further dissemination of the same material, to forward additional copies thereof either to the Registration Section or the Library of Congress. [Rule 400]

§ 5.401 *Dissemination report.* (a) There shall be attached to each item of political propaganda required to be filed with the Registration Section a dissemination report setting forth the following:

(1) A concise account of the nature of the propaganda material filed.

(2) The medium by which such material has been transmitted.

(3) All addresses from which such material has been transmitted.

(4) The date or dates on which such material has been transmitted.

(5) The approximate number of copies transmitted.

(6) The states, territories, and other places subject to the jurisdiction of the United States and any other American republics to which such material has been transmitted.

(7) The approximate number of persons to each of whom less than one hundred and more than ten copies were transmitted.

(8) The approximate number of persons to each of whom more than one hundred copies were transmitted.

(9) The approximate number of libraries, educational institutions, press services or associations, newspapers or other publications, and public officials to which such material was transmitted.

(10) The nationality groups to which such material was transmitted.

(11) The names and addresses of all persons who are engaged in publishing printed matter in a language other than English, and to whom such material was transmitted.

(12) If such material is radio or television script, any part of which has been written or edited by, or at the direction of, the agent of a foreign principal, the names of the radio or television stations which made use of this script, the name of the broadcasting or televising system used, if any, and the date or dates when such script was used.

(13) Such additional information with respect to the places, times, and extent of such transmittal, as the Chief, Registration Section, having due regard for the national security and public interest, may require.

(b) Information may not be incorporated in a dissemination report by reference to information submitted in a report previously filed.

(c) Filing of a dissemination report may be made in person or by mail, and shall be deemed to have taken place upon the receipt of the report by the Registration Section.

(d) In the event of subsequent dissemination or circulation of the same item of political propaganda, a dissemination report furnishing information in the detail outlined in paragraph (a) of this section shall be filed with the Registration Section concerning such additional circulation or dissemination. Whenever additional dissemination or circulation is to be made over a period of time, a dissemination report may be rendered monthly for as long as such dissemination or circulation continues. [Rule 401]

§ 5.402 *Labeling political propaganda.* (a) Except as hereinafter provided, every item of political propaganda required to be filed under section 4 (a) of the act, shall be marked or stamped conspicuously at the beginning of such item with a statement in the language or languages used therein, setting forth the following:

(1) The name and address of the agent of a foreign principal transmitting or causing the material to be transmitted.

(2) That such agent has filed with the Registration Section, Department of Justice, Washington, D. C., a registration statement which is available for public inspection.

(3) That the distribution being made is on behalf of, or in the interest of, a specified foreign principal or principals.

(4) That a copy of the material being distributed has been, or is being, filed with the Registration Section.

(5) That the filing of a registration statement with the Registration Section is not to be regarded as an indication that the United States Government has approved the material being transmitted.

(b) All political propaganda which is televised, radio broadcast, or otherwise orally transmitted by an agent of a foreign principal through an instrumentality of interstate or foreign commerce shall be introduced by a statement which is reasonably adapted to convey to the viewers or listeners thereof the information outlined in paragraph (a) (1) through (5) of this section.

(c) Every still or motion picture film which carries political propaganda required to be labeled under section 4 (b) of the act shall contain at the beginning of such film a statement which is reasonably adapted to convey to the viewers thereof the information outlined in paragraph (a) (1) through (5) of this section. [Rule 402]

§ 5.403 *Political propaganda transmitted by person other than agent of a foreign principal.* (a) An agent of a foreign principal who is required to register under the provisions of the act shall be deemed to cause political propaganda to be transmitted in the United States mails or by a means or instrumentality of interstate or foreign commerce, within the meaning of section 4 of the act, if such propaganda is disseminated or caused to be disseminated by such agent, knowing, intending or having reason to believe that it will be, and thereafter it actually is, so transmitted in whole or in part either in the same or in a different form by any person.

(b) Whenever political propaganda is transmitted in the manner described in paragraph (a) of this section by a person who is not directly or indirectly affiliated or associated with, or supervised, directed, controlled, financed, or subsidized in whole or in part by, the agent or any foreign principal of the agent, and the transmission of the propaganda is not subject to the direct or indirect supervision, direction, or control of, and no compensation or remuneration therefor is paid directly or indirectly by, the agent or any foreign principal of the agent, the agent shall be deemed to have complied with section 4 of the act if, at the time it

is disseminated or caused to be disseminated by the agent:

(1) The political propaganda is marked or stamped to comply with section 4 of the act; and

(2) Copies of the political propaganda have been filed by the agent in accordance with section 4 of the act. [Rule 403]

§ 5.500 *Maintenance of books and records.* (a) Every person who is required to file a registration statement pursuant to section 2 (a) of the act shall keep and preserve in his possession all books and records which relate to any activities requiring his registration.

(b) Every registrant shall keep and preserve pursuant to section 5 of the act the following-described books and records:

(1) All correspondence, memoranda, cables, telegrams, teletype messages and other written communications to and from all foreign principals and all other persons, relating to the registrant's activities on behalf of, or in the interest of, foreign principals.

(2) All correspondence, memoranda, cables, telegrams, teletype messages and other written communications to and from all persons, other than foreign principals, relating to the registrant's political activity as defined in § 5.100 (a) (11), or relating to such activity on the part of any of the registrant's principals.

(3) Cryptographic paraphernalia, codebooks, cipher descriptions, and key books, or other things, used in the preparation of coded or enciphered messages or the translation thereof.

(4) Records containing the names and addresses of persons designated to receive any political propaganda as defined in § 5.100 (a) (10).

(5) All bookkeeping and other financial records relating to the registrant's activities on behalf of all foreign principals, including canceled checks, bank statements, and records of income and disbursements, showing names and addresses of all persons who have paid monies to the registrant or who have received monies from the registrant, the specific amounts so paid or received, and the date on which each item was paid or received.

(6) If the registrant is a corporation, partnership, association, or other combination of individuals, all minute books.

(7) Such books or records as will disclose the names and addresses of all employees and agents of the registrant, including persons no longer acting as employees.

(8) Such other books, records, and documents as are necessary properly to reflect the activities for which registration is required.

(c) Every registrant shall keep and preserve, pursuant to section 5 of the act, the books and records listed in paragraph (b) of this section for a period of three years following the termination of his registration under § 5.260.

(d) Upon good and sufficient cause shown in writing to the Chief, Registration Section, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed five or more years prior to the date of the application to destroy. [Rule 500]

§ 5.501 *Inspection of books and records.* Officials of the Registration Section and of the Federal Bureau of Investigation are authorized to inspect books and records pursuant to section 5 of the act. [Rule 501]

§ 5.600 *Public examination of records.* Registration statements and dissemination reports filed in accordance with section 4 (a) of the act are available for public examination at the Registration Section, Department of Justice, Washington 25, D. C., from 10:00 a. m. to 4:00 p. m. on each official business day. [Rule 600]

§ 5.601 *Sale of copies of records.* (a) Photocopies of registration statements and dissemination reports filed in accordance with section 4 of the act will be sold to the public at the rate of fifty cents a photocopy of each page whether several copies of a single original page or one or more copies of several original pages are ordered.

(b) Estimates as to prices for copies and the time required for their preparation will be furnished upon request addressed to the Registration Section.

(c) Payment shall accompany the order and shall be made in cash, or by United States postal money order or certified bank check payable to the Treasurer of the United States. Postage stamps will not be accepted. [Rule 601]

Dated: November 13, 1956.

HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 56-9539; Filed, Nov. 20, 1956; 8:50 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Part 16]

BULK MAILINGS OF SECOND AND THIRD CLASS MATTER

The following are amendments proposed to be made by the Department to the regulations in Part 16 of Title 39, Code of Federal Regulations, governing bulk mailings of second and third class matter.

The regulations relate to a proprietary function of the Government, and therefore are exempted from the rule making requirements of section 1003 of Title 5, United States Code. However, it is the desire of the Postmaster General to voluntarily observe the rule making requirements of the Administrative Procedure Act in matters of this kind, and to afford patrons of the Postal Service an opportunity to present written views concerning the proposed amendments. Such written views may be submitted to N. R. Abrams, Assistant Postmaster General, Bureau of Post Office Operations, Post Office Department, Washington 25, D. C., at any time prior to December 15, 1956.

PART 16—BULK MAILINGS

a. In § 16.1 *Second-class publications,* make the following changes:

1. Rescind present paragraph (c); and redesignate paragraph (d) as paragraph (c).

2. Amend paragraph (c) (4), as redesignated, to read as follows:

(4) *Copies for same post office or state*—(i) *Direct packages.* When there are more than five individually addressed copies of a publication for subscribers at the same post office, they must be securely wrapped in packages or tied in bundles and labeled for the post office. The twine and paper used must be strong enough for the weight and size of the package or bundle.

(ii) *State packages.* After all post office directs have been made if there are more than five copies remaining for any one State, they must be wrapped in packages or tied in bundles and labeled for the State.

(iii) *Direct sacks.* When there are sufficient packages and bundles for one post office to fill a sack approximately one-third full, they must be placed in a direct sack, or sacks, for that post office. Direct sacks should be labeled in the following form:

Philadelphia, Pa.
From Progress, Boston, Mass.

(iv) *State sacks.* When the quantity is insufficient for direct sacks and there are enough bundles or packages for one State to fill a sack approximately one-third full, they must be placed in a State sack and labeled to the proper distribution point for that State. See § 16.2 (d). State sacks should be labeled in the following form:

Cincinnati, Ohio, Terminal
Virginia
From The Sketch, St. Louis, Mo.

(v) *Mixed sacks.* Publications for which there are insufficient copies to justify direct city and State sacks should be made up in sacks labeled in the following form:

Mixed States
From Fair, Chicago, Ill.

(vi) *Maximum weight in a sack.* The total weight of publications placed in one sack must not exceed 100 pounds.

(vii) *Labels furnished by postmaster.* Where sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

3. Amend paragraph (c) (5) as redesignated to read as follows:

(5) *Copies for military post offices overseas*—(i) *Direct packages.* When more than one copy is addressed to one unit, APO, or Navy or Marine Corps address (see § 13.8 of this subchapter), the copies must be securely wrapped in packages or tied in bundles labeled for the military address.

(ii) *Mixed packages.* After all direct packages have been made, if there are more than five copies remaining for dispatch through any postal concentration center, they must be wrapped in packages or tied in bundles and labeled for the center.

(iii) *Direct sacks.* When there are a sufficient number of packages and bundles for one unit, APO, or Navy or Marine Corps address to fill approximately one-half of a sack, a direct sack must be made. Direct sacks will not be opened at postal concentration centers. The sack should be labeled in the following form:

(Show appropriate postal concentration center)
PCC San Francisco, Calif.
(Show military address)
APO 165
From The Recorder, New York, N. Y.

(iv) *Mixed sacks.* When the quantity is insufficient for a direct sack and there are enough bundles or packages for dispatch through one postal concentration center to fill approximately one-half of a sack, make up a sack for that center and label in the following form:

(Show appropriate postal concentration center)
PCC New York, N. Y.
(Show FPO when applicable)
APO MAIL
From The Recorder, New York, N. Y.

4. Add new subparagraph (6) to redesignated paragraph (c) to read as follows:

(6) *Exceptional dispatch*—(i) *Applications.* Postmasters will approve or disapprove applications filed under § 22.3 (c) (4) of this chapter for exceptional dispatch on the basis of whether such dispatch will improve service. They will notify other post offices concerned and the appropriate regional transportation manager of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies.

(ii) *Delivery by PTS Clerks.* Postal Transportation Service clerks, when authorized by the regional transportation manager, may receive packages of second-class publications directly from publishers or news agents and deliver them as directed, provided the packages are presented and called for at the mail car and are not received from or intended for delivery in any post office.

(iii) *Delivery by baggageman.* Baggagemen when authorized by an appropriate regional transportation manager may receive packages of second-class publications directly from publishers and news agents on trains to which no postal transportation clerk is assigned. The baggageman will deliver the packages of outside matter at the place shown on the address. When in his custody, the packages will be considered as mail.

(iv) *Delivery to agents.* Packages marked to be delivered outside the mail will be so delivered only when addressed to news agents or agents of publishers.

(v) *Preparation.* Bundles or packages intended for delivery outside the mail must be adequately wrapped with heavy paper and tied with twine heavy enough to stand up under the regular handling and dispatch of these packages. The wrapper of the bundles must be conspicuously marked "U. S. Mail for Outside Delivery at Publisher's Risk."

5. New paragraph (d) is added, to read as follows:

(d) *Newspaper treatment*—(1) *Definition.* Newspapers must be published once each week or more frequently and feature principally news of interest to the general public to be given expeditious distribution, dispatch, transit handling, and delivery, usually referred to as newspaper treatment. If the postmaster at the office of entry is in doubt as to whether any particular publication is a newspaper, he will submit all the facts to the Bureau of Post Office Operations, Mail Classification Division.

(2) *Preparation for mailing.* Newspapers must be made up in sacks plainly labeled "Newspapers". Direct city and State sacks will be made in accordance with paragraph (c) (4) of this section. Label in the following manner:

(i) Direct sacks:

Cincinnati, Ohio—Newspapers
Via Pitts. & St. Lou. Train 79
From The Register, Columbus, Ohio

(ii) State sacks:

Wheel. & Cin. Tr. 238
Ohio—Newspapers
From The Register, Columbus, Ohio

(3) *Dispatching.* Newspapers will be dispatched in pouches with first-class mail when the quantity is not sufficient to make up separate sacks. Newspapers for dispatch to a railway post office, a highway post office, a terminal, or a first-class office will not be mixed in sacks with any class of mail other than first class. Sacks labeled "Newspapers" will be dispatched with first-class mail.

(4) *Handling at delivery office.* Sacks containing newspapers will be promptly segregated and the contents distributed for the earliest possible delivery.

(5) *Notification to publishers of delays.* Publishers will be notified whenever their mailings of newspapers are not delivered to the post office or train in sufficient time to connect with the intended dispatch.

6. Redesignate paragraph (g) as paragraph (h); and insert new paragraph (g) to read as follows:

(g) *Key rate*—(1) *Authority to use.* Postmasters will use the key rate method of computing pound-rate postage on publications subject to the advertising zone rates when large mailings justify its use.

(2) *Statement showing mailings to each zone.* The publisher must submit once each calendar year, at 12-month intervals, a statement on POD Form 3542 showing the number of copies of an issue mailed to each zone. During these 12-month intervals, the publisher does not need to complete the lines for zones 1 to 8 on POD Form 3542. He enters only total zone mailings on "Total to all zones" line.

(3) *New zone statement.* Postmasters will require a new report on POD Form 3542 showing mailings to each zone at any time during the 12-month intervals when the volume of mailings show variations to the zones or an increase in the total number of copies.

(4) *Computation.* (i) Compute the key rate on Form 3541 once each calendar year at 12-month intervals. If a new report on POD Form 3542 is filed at any time showing mailings to each zone, a new key rate must be computed and used.

(ii) Enter on the corresponding lines in column B of Form 3541 the number of copies for each zone shown on POD Form 3542. Apply the pound rates to the number of copies for each zone and enter the postage for each zone in column

Illustration A

Form 3541 (1-56)

COMPUTATION OF POSTAGE ON SECOND-CLASS MATTER

This form to be attached to Forms 3542 from which computation is made

Post Office and State: Mayville, Maryland
Name of Publication or News Agent: Mayville Press--Daily ex. Sunday
Dates of mailing: April 1 to 30, 1954 Inclusive
Dates of issue printed in copies: April 1 to 30, 1954 Inclusive--26 Issues
Key rate (if used): .021184

65 percent advertising all issues

	A ZONE	B Copies	C Postage	D Total pounds (Enter 1 pound or less for any zone in item 4)	E Advertising portion, pounds	F Postage rate per pound	G Amount of postage
1. Copies outside county of publication where advertising portion is subject to zone rates.	1 and 2	2621	39.315			1½¢	$
	3	1971	39.42			2¢	
	4	1052	31.56			3¢	
	5	170	6.80			4¢	
	6	124	6.20			5¢	
	7	38	2.28			6¢	
	8	21	1.47			7¢	.021184
2. Total all zones.		5997	127.045	1530	995	X X	21.08
3. Reading portion (column D minus column E, item 2)		127.045 * 5997 = .021184			535	1½¢	8.03
4. Copies outside county when total weight to any zone is 1 pound or less.					X X X X	1¢	
5. Copies outside county having 5 percent or less advertising.					X X X X	1½¢	
6. Postage at rates applicable prior to April 1, 1957 (add items 2, 3, 4 and 5).							29.11
7. 30 percent increase on item 6 provided by Sec. 34.64(f), 7-1-, D.M.R. Do not apply this increase to classroom publications specified by P.L. 84-940.							8.74
8. Total of items 6 and 7.							37.85
9. Copies outside county exempt from zone rates (Sec. 34.64(f) 7-1-, D.M.R.)					X X X X	1½¢	
10. Copies within county at rate of 1 cent per pound.		300	300		X X X X	1¢	3.00
11. Total pounds (items 2, 4, 5, 9, and 10) and postage (items 6, 8, and 10).			1830		X X X X	X X	$ 40.85
12. Compare postage on total number of copies shown on Form 3541 at one-eighth cent per copy. Charge this amount if it exceeds total pound rate postage entered in column G, item 11 (Sec. 34.64(d) (4) and 34.64 (c)(3), 7-1-, D.M.R.)							$
13. Weight of copies free of postage to subscribers in county of publication.		293					
14. Section 34.64, 7-1-, D.M.R., controlled circulation publications (1 cent per piece minimum).					X X X X	10¢	$
15. Second-class application fee required by Sec. 34.64, 7-1-, D.M.R. Enter amount of fee collected.					$		
16. Copies at local or headquarters rates of 1 or 2 cents each. Number of copies:						Amount of postage	$

Computed by

Illustration B

Form 3542 (5-44)

COMPUTATION OF POSTAGE ON SECOND-CLASS MATTER

This form to be attached to Forms 3542 from which computation is made

Post Office and State: Mayville, Maryland — Key rate (if used): 021184

Name of Publication or News Agent: Mayville Press--Daily ex. Sunday

Dates of mailing: May 1 to 31, 1954 Inclusive

Dates of issue printed in copies: May 1 to 31 Inclusive--26 Issues

1. Copies outside county of publication when advertising portion is subject to zone rates.	A ZONE	B Sample copies, pounds	C Subscribers' copies, pounds	D Total pounds (Enter 1 pound or less for any zone in item C)	E Advertising portion, pounds	F Postage rate per pound	G Amount of postage
72 percent advertising all issues	1 and 2					1½c	$
	3					2c	
	4					3c	
	5					4c	
	6					5c	
	7					6c	
	8					7c	
2. Total all zones.				1527	1100 021184	X X	23.31
3. Reading portion (column D minus column E, item 2).					427	1½c	6.41
4. Copies outside county when total weight to any zone is 1 pound or less.					X X X X	1c	
5. Copies outside county having 3 percent or less advertising.					X X X X	1½c	
6. Postage at rates applicable prior to April 1, 1952 (add items 2, 3, 4 and 5).							29.72
7. 25 percentum increase on item 6 provided by Sec. 24(a)(4),(7),(8) or (9) P.L. & R. Do not apply this increase to classroom publications specified by Sec. 24(a)(6) P.L. & R.							8.92
8. Total of items 6 and 7.							38.64
9. Copies outside county exempt from zone rates under Sec. 24(a)(6) P.L. & R.					X X X X	1½c	
10. Copies within county at rate of 1 cent per pound.			279	279	X X X X	1c	2.79
11. Total pounds (items 2, 4, 5, 9, and 10) and postage (items 8, 9, and 10).				1806	X X X X	X X	$ 41.43
12. Compute postage on total number of copies shown on Form 3541 at one-eighth cent per copy. Charge this amount if it exceeds total pound rate postage entered in column G, item 11 (Secs. 24(a)(4),(5) and 24(a)(6),(7) P.L. & R.)							$
13. Weight of copies free of postage to subscribers in county of publication.			277				
14. Section 24.26(c) P.L. & R., controlled circulation publications (1 cent per piece minimum).					X X X X	10c	$
15. Second-class application fee required by Sec. 24.22(c) P.L. & R. Enter amount of fee collected.						$	
16. Copies at local or headquarters rates of 1 or 2 cents each. Number of copies:						Amount of postage	$

Computed by

C of Form 3541. Divide the total postage in column C by the total number of copies in column B to obtain the key rate, which should be carried to six decimal places. Apply the key rate only to the total weight of the advertising portion of the issue and the regular reading portion rate only to the total weight of the reading portion. Enter the amount of postage in column G. Two employees must verify the computation. See illustration A, Form 3541.

(iii) Prepare Form 3541 for subsequent mailings as shown in illustration B until a new report on POD Form 3542 showing mailings to each zone is filed.

b. In § 16.2 *Third-class mailings*, make the following changes:

1. Redesignate paragraph (c) as paragraph (e).

2. Insert new paragraph (c) and (d) to read as follows:

(c) *Preparation for dispatch*—(1) *Direct sacks.* When there are sufficient direct packages for the same post office to fill a sack at least one-third full, they must be placed in a sack or sacks which should be labeled in the following manner:

Philadelphia, Pa.
Circs.
From Jay Mailing Co., Cincinnati, Ohio

(2) *State sacks*—(i) *Direct packages.* After all possible city direct sacks have been made, if there are enough direct packages remaining for post offices within the same State to fill approximately one-third of a sack, they should be placed in a State sack and labeled to the proper distribution point. See paragraph (d) of this section. State sacks should be labeled in the following manner:

Ogden, Utah Terminal
Calif. Directs Circs.
From D. C. Mailers, Washington, D. C.

(ii) *State packages.* When State packages of circulars for one State will fill approximately one-third of a sack, they should be placed in a State sack and labeled to the proper distribution point. (See paragraph (d) of this section.) Label in the following form:

Ogden, Utah Terminal
Calif. Circs.
From D. C. Mailers, Washington, D. C.

(3) *Mixed sacks.* (i) Mixed State packages of circulars may be included in sacks labeled "Mixed States—Circulars."

(ii) Any direct package for which there is insufficient quantity to make city or State direct sacks should be included in sacks labeled "Mixed Directs—Circulars."

(4) *Labels furnished by postmaster.* Where sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(d) *Distribution points.* A list of the proper distribution points for papers, mixed circulars, and direct circulars from each postal region is prepared by the regional transportation manager of the region. Copies of this list, along with any special instructions relating to specific locations, may be obtained through your local postmaster or district transportation manager.

(R. S. 161, 396, as amended; secs. 5, 6, 18 Stat. 232, 233, as amended, sec. 203, 62 Stat. 1262, sec. 3, 65 Stat. 673; 5 U. S. C. 22, 369, 39 U. S. C. 283, 285, 290a–1)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 56–9449; Filed, Nov. 20, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED OKRA [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Canned Okra pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, et seq.; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the second issue of United States Standards for Grades of Canned Okra.

All persons who desire to submit written data, views, or arguments for consideration in connection with the following proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCTS DESCRIPTION, TYPES, STYLES, AND GRADES

Sec.
52.3331 Product description.
52.3332 Types of canned okra.
52.3333 Styles of canned okra.
52.3334 Grades of canned okra.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.3335 Recomemnded fill of container.
52.3336 Drained weights.

FACTORS OF QUALITY

52.3337 Ascertaining the grade.
52.3338 Ascertaining the rating for the factors which are scored.
52.3339 Color.
52.3340 Size.
52.3341 Defects.
52.3342 Character.

METHODS OF ANALYSIS

52.3343 Percent, by weight, of fibrous material.

LOT CERTIFICATION TOLERANCES

52.3344 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.3345 Score sheet.

AUTHORITY: §§ 52.3331 to 52.3345 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.3331 *Product description.* Canned okra is the product prepared from clean, sound, succulent, immature pods of either the green or white varieties of the okra plant, which are properly trimmed and sorted; which may or may not have undergone partial fermentation; and is washed, packed, and processed in accordance with good commercial practice which includes such product as defined in the standard of identity for canned okra (§ 51.990, 20 F. R. 9621–9622) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.3332 *Types of canned okra*—(a) *Type I canned okra.* Canned okra of this type has been partially fermented in a salt brine before processing.

(b) *Type II canned okra.* Canned okra of this type has not been fermented before processing.

§ 52.3333 *Styles of canned okra.* (a) "Whole" means canned okra consisting of whole pods with stems removed and with or without the caps removed.

(b) "Whole salad" means canned okra consisting of whole pods with stems attached which are at least one-half inch but not exceeding one inch in length.

(c) "Cut" means canned okra consisting of pods with the caps and stems removed, which have been cut transversely into pieces.

§ 52.3334 *Grades of canned okra.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned okra that possesses similar varietal characteristics; that possesses a normal flavor; that possesses a good color; that is practically uniform in size; that is practically free from defects; that possesses a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned okra that possesses similar varietal characteristics; that possesses a normal flavor; that possesses a fairly good color; that is fairly uniform in size; that is fairly free from defects; that possesses a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided*, That the canned okra may be variable in size if the total score is not less than 70 points.

(c) "Substandard" is the quality of canned okra that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.3335 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned okra be filled with okra as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.3336 *Drained weights*—(a) *General.* The minimum drained weight recommendations for canned okra in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining drained weight.* The drained weight is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage, and allow the product to drain for two minutes. The drained weight is the weight of the sieve and the drained product less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 3 size can (404 × 414) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights.* Compliance with the recommended drained weights is determined by averaging the drained weight from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(1) The average of the drained weights from all of the containers meets the recommended drained weight;

(2) One-half or more of the containers meets the recommended drained weight; and

(3) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHT, IN OUNCES, OF OKRA

Container size or designation	Container dimensions		Styles of canned okra	
	Width	Height	Whole or salad	Cut
	Inches	*Inches*		
8 oz. Tall	2 3/16	2 5/16	4 1/2	5
No. 1 Picnic	2 3/16	4	6 3/4	6 3/4
No. 1 Tall	3 1/16	4 1 3/16	9 3/4	10 3/4
No. 303	3 5/16	4 5/16	10	10 1/2
No. 2	3 7/16	4 9/16	12	12 3/4
No. 2½	4 3/16	4 13/16	17 3/4	18 3/4
No. 10	6 5/16	7	60	60

FACTORS OF QUALITY

§ 52.3337 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.* (i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors:	Points
Color	20
Size	10
Defects	35
Character	35
Total score	100

(b) "Normal flavor" means that the product has a normal characteristic flavor and odor for the type and is free from objectionable flavors and objectionable odors of any kind.

§ 52.3338 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.3339 *Color*—(a) (*A*) *classification.* Canned okra that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the outer surfaces of the okra pods possess a practically uniform color typical for the type of young, tender, properly prepared, and properly processed canned okra.

(b) (*C*) *classification.* Canned okra that possesses a fairly good color may be given a score of 14 to 16 points. Canned okra that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the outer surfaces of the okra pods possess a fairly uniform color typical for the type of fairly tender, properly prepared, and properly processed canned okra.

(c) (*SStd.*) *classification.* Canned okra that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rate).

§ 52.3340 *Size*—(a) (*A*) *classification.* Canned okra that is practically uniform in size may be given a score of 8 to 10 points. "Practically uniform in size" has the following meanings with respect to the following styles of canned okra:

(1) *Whole and whole salad.* (i) In 90 percent, by count, of the most uniform pods of okra, the length of the longest unit is not more than twice the length of the shortest unit, and that

(ii) The overall length of the unit does not exceed 3½ inches.

(2) *Cut.* The appearance of the product is not materially affected by the variation in the size of the units.

(b) (*C*) *classification.* Canned okra that is fairly uniform in size may be given a score of 7 points. Canned okra that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" has the following meanings for the following styles:

(1) *Whole and whole salad.* In 90 percent, by count, of the most uniform pods of okra, the length of the longest unit is not more than three times the length of the shortest unit.

(2) *Cut.* The appearance of the product is not seriously affected by the variation in the size of the units.

(c) (*SStd.*) *classification.* Canned okra that fails to meet the requirements of paragraph (b) of this section may be

given a score of 0 to 6 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule).

§ 52.3341 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from extraneous vegetable matter, small pieces, poorly trimmed units, misshapen pods, and from damaged or seriously damaged units.

(1) "Extraneous vegetable matter" means any vegetable substance (including but not limited to a leaf, unattached stem, or portions thereof) that is harmless.

(2) "Small pieces" means pieces of canned okra less than ⅜ inch in length.

(3) "Poorly trimmed": (i) "With respect to whole style" means a unit that has an attached stem more than ¼ inch in length measured from the blossom scar.

(ii) "With respect to whole salad style" means a unit that has an attached stem less than ½ inch or more than 1 inch in length measured from the blossom scar.

(iii) "With respect to cut style" means a unit that is partially cut or possesses ragged edges or attached caps or portions thereof.

(4) "Misshapen units" means any unit in whole or whole salad styles that is malformed or crooked to the extent that the appearance or eating quality of the unit is seriously affected.

(5) "Damaged unit" means any pod or piece of pod affected by insect injury, pathological injury, discoloration, or damaged by other means to the extent that the appearance or eating quality is materially affected.

(6) "Seriously damaged unit" means damaged to such an extent that the appearance or eating quality is seriously affected.

(b) (*A*) *classification.* Canned okra that is practically free from defects may be given a score of 30 to 35 points. "Practically free from defects" means that extraneous vegetable matter, small pieces of canned okra, poorly trimmed units, misshapen units, and damaged and seriously damaged units may be present for the applicable styles that do not materially affect the appearance and eating quality of the product.

(c) (*C*) *classification.* Canned okra that is fairly free from defects may be given a score of 25 to 29 points. Canned okra that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that extraneous vegetable matter, small pieces of canned okra, poorly trimmed units, misshapen units, and damaged or seriously damaged units may be present for the applicable styles that do not seriously affect the appearance and eating quality of the product.

(d) (*SStd.*) *classification.* Canned okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 24 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3342 *Character*—(a) *General.* The factor of character refers to the degree of development of the pod, the freedom from fibrous material, and the tenderness and texture of the pod and the seed. "Fibrous material" means the properly prepared, dried cellulose material obtained from the pods.

(b) (*A*) *classification.* Canned okra that possesses a good character may be given a score of 30 to 35 points. "Good character" means that the units are tender and practically free from fibrous material, that the seeds are in the early stages of development, and that with respect to Type I canned okra the appearance of the product is not more than slightly affected by the presence of broken, crushed, or mashed units and with respect to Type II canned okra the appearance is not materially affected by the presence of crushed, broken, and mashed units.

(c) (*C*) *classification.* Canned okra that possesses a fairly good character may be given a score of 24 to 29 points. Canned okra that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units may be fairly tender, that the seeds may have passed the early stages of development, and that the pod material contains not more than 0.20 percent, by weight, of fibrous material.

(d) (*SStd.*) *classification.* Canned okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

METHODS OF ANALYSIS

§ 52.3343 *Percent, by weight, of fibrous material.* (a) Canned okra shall be tested by the following method to determine the percent, by weight, of fibrous material:

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found less the weight of the sieve as the drained weight.

(2) Remove from the sieve one or more representative samples of 3½ to 4 ounces, covering each sample as taken to prevent evaporation. Transfer to the metal cup of a malted milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water. Bring mixture nearly to a boil, add 25 cc. of 50 percent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, 1 cc. of capryl alcohol may be added.) Boil for 5 minutes then stir for 5 minutes with a malted milk stirrer capable of a no-load speed of at least 7,200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1.

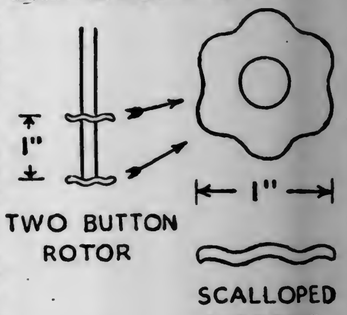

EXHIBIT 1.

Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 3½ to 4 inches and side walls about 1 inch high, and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube 3 inches long and ⅛ inch inside diameter inserted into a rubber tube of ¼-inch inside diameter. Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphthalein solution, does not show any red color after standing 5 minutes. Again wash to remove phenolphthalein. Dry the screen containing the fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the drained weight and multiply by 100 to obtain the percentage of fibrous material.

LOT CERTIFICATION TOLERANCES

§ 52.3344 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned okra, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points, (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers falls to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.3345 *Score sheet.*

Container size			
Container code or marking			
Label			
Net weight (ounces)			
Vacuum readings (inches)			
Drained weight (ounces)			
Type			
Style			
Count			
Factors	**Score points**		
Color	20	(A) 17–20 (C) [1] 14–16 (SStd.) [1] 0–13	
Size	10	(A) 8–10 (C) [1] 7 (SStd.) [1] 0–6	
Defects	35	(A) 30–35 (C) [1] 25–29 (SStd.) [1] 0–24	
Character	35	(A) 30–35 (C) [1] 24–29 (SStd.) [1] 0–23	
Total score	100		
Flavor			
Grade			

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: November 14, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-9474; Filed, Nov. 19, 1956; 8:48 a. m.]

[7 CFR Parts 904, 934, 996, 999]

[Docket Nos. AO-14-A25; AO-83-A21; AO-203-A7; AO-204-A7]

MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS, MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENTS AND TO ORDERS, NOW IN EFFECT, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the opening of a public hearing to be held in The House of Representatives' Chambers, State House, Montpelier, Vermont, beginning at 9:30 a. m., e. s. t., on December 3, 1956 and in Court Room No. 4, 12th Floor, Federal Building, Post Office Square, Boston, Massachusetts, beginning at 9:30 a. m., e. s. t., on December 4, 1956, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the orders, now in effect, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas. These proposed amendments have not received the approval of the Secretary of Agriculture.

Boston, Merrimack Valley, Springfield and Worcester:

Proposed by Northern Farms Cooperative, Inc., and Maine Dairyman's Association, Inc.:

1. Amend or suspend appropriate provisions to prevent the supply-demand adjustment from reducing the basic level of the Class I price by 44 cents or more from January 1, to May 1, 1957. (Subsequent periods will not be considered.)

Proposed by New England Milk Producers' Association and by Cooperative Dairy Economics Service on Behalf of Eleven Operating Cooperatives:

2. Consider an upward adjustment in the Class II price in any month when the Class II price is based on the U. S. manufacturing price.

3. Consider related changes that may be needed in the butter and cheese adjustment and the butterfat differential.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

4. Amend the order by placing a floor under the Class II price. Such floor shall be the midwest condensary price for the months of February through September and the midwest condensery price plus 15 cents for the months of October through January.

Proposed by H. P. Hood & Sons, Inc.:

5. Amend the orders so as to base the Class II price entirely on the average price for milk for manufacturing purposes, f. o. b. plants United States.

6. Revise the Class II price differentials in section 42 of the orders in line with any revision of the Class I price and revision of the Class I and blended price differentials resulting from rezoning of plants.

7. Re-examine and revise the provisions relating to receipts from handlers' own farm production as follows:

(a) Provide equivalent treatment under the order for receipts from own farm production of pool handlers and of producer-handlers.

(b) Amend the definition of "producer-handler" so that it will not apply to handlers whose distribution of milk in packaged form to consumers amounts to a daily average of more than 500 quarts after eliminating receipts from other handlers.

Proposed by the Market Administrator:

8. Clarify the definition of the term "plant" as it applies to dairy farmers who distribute milk at or from their farm premises.

Proposed by H. P. Hood & Sons, Inc.:

9. Amend the "exempt milk" provisions so they will no longer apply to processing and packaging operations for a dairy farmer if the quantity processed and packaged for him exceeds a daily average of 500 quarts in the month.

Proposed by New England Milk Producers' Association:

10. Provide that the exempt milk provision shall not apply to milk received in bulk from unregulated plants, except in emergencies.

11. Provide that fluid milk products, other than cream, moved in packaged form from a regulated plant under one of these orders to a regulated plant under another of these orders, or sold directly to consumers in another marketing area regulated under one of these orders, shall be assigned to Class I milk and credited as such to the market from which it originates.

Proposed by H. P. Hood & Sons, Inc.:

12. Revise the classification and assignment provisions of the Boston, Merrimack Valley, Springfield, and Worcester orders to provide the maximum freedom of movement of milk among regulated plants in the four markets, so as to encourage plant efficiency but to provide Class I sales credit to the pool for the market in which the milk is distributed.

13. Review provisions in Orders Nos. 34, 96, and 99 respecting "Payments on Class I Receipts from Other Federal Order Plants" and amend Order No. 4 to incorporate a similar provision.

Merrimack Valley, Springfield and Worcester:

Proposed by the Market Administrator:

14. Amend these orders so that each will specify more clearly under which order a plant shall have pool plant status if it meets the pooling requirements of more than one order in a given month. Furthermore, provide that its nonpool plant status under one of these orders in October through February shall not bar a plant from being a pool plant under that order in the following months of March through September, if the only reason for the plant's nonpool status during such months of October through February was that it was a pool plant under another of these orders.

Boston:

Proposed by H. P. Hood & Sons, Inc.:

15. Delete § 904.3 (g) and substitute the following:

(g) "Distributing plant" means any plant from which more than two percent of its total receipts of fluid milk products other than cream is disposed of as Class I milk, in the form of milk, to consumers in the marketing area without intermediate movement to another plant.

Proposed by Donwell's Dairy, Inc.:

16. Amend § 904.4 (g) (3) to read as follows:

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Merrimack Valley, Springfield or Worcester order, without its intermediate movement to another plant.

Proposed by Needham Dairy, Inc.:

17. Extend the application of the exempt milk provision so as to permit the offset of shipments of flavored milk, and flavored milk drinks in packaged form against receipts of milk in bulk form.

(this is a limiting rule).

boil, add 25 cc. of 50 percent (by weight)

than 4 points below the minimum score

Proposed by Garelick Bros., Farms, Inc.:

18. Change the exempt milk definition under § 904.4 (i) to include fluid milk products normally sold as Class I.

Proposed by the Dairy Division:

19. In view of the extension of the Boston marketing area as of November 1, 1956, clarify the status in April through June 1957, of plants which become pool plants on November 1, 1956, and of dairy farmers delivering to such plants.

Merrimack Valley:

Proposed by Manchester Dairy System, Inc.:

20. Amend § 934.22 (a) to read as follows:

(a) Each country receiving plant, located within 40 miles of the marketing area, and processing and packaging fluid milk products for distribution direct to consumers and/or through other handlers in the marketing area shall be a pool plant in any month in which the quantity of fluid milk products, other than cream, disposed of in the marketing area as Class I milk, is at least 10 percent of its total receipts of fluid milk products, other than cream.

Proposed by the Market Administrator:

21. Amend § 934.72 to make the application of the administration assessment relative to exempt milk similar to that under the Boston, Springfield and Worcester orders.

Springfield:

Proposed by Donwell's Dairy, Inc.:

22. Amend § 996.4 (g) (3) to read as follows:

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston or Worcester order, without its intermediate movement to another plant.

Boston, Merrimack Valley, Springfield and Worcester:

Proposed by the Dairy Division:

23. Make such other changes as may be required to make the marketing agreements and orders in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the orders as now in effect, may be procured from the market administrator in the respective markets as follows: Room 403, 230 Congress Street, Boston 10, Massachusetts; 25 Argyle Street, Shawsheen Village, Andover, Massachusetts; Room 403, 107 Front Street Worcester 8, Massachusetts; and Room 408, 145 State Street, Springfield 3, Massachusetts; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 16th day of November 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-9544; Filed, Nov. 20, 1956; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 779]

RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF EXEMPTION TO COAL DEALERS

The Administrator has conducted an investigation of the sales practices of the coal industry with a view to determining which types of sales are recognized as retail and which types of sales are not recognized as retail within the meaning of section 13 (a) (2) of the Fair Labor Standards Act. The investigation indicates that the following classification of sales of coal reflects the recognition in the industry on this question.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), notice is hereby given that the Administrator of the Wage and Hour Division of the United States Department of Labor, proposes to amend Part 779 (29 CFR Part 779) by the addition of § 779.35 to read as follows:

§ 779.35 *Application of the 13 (a) (2) exemption to coal dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) exemption apply to coal dealers' establishments.

(b) In applying the tests of the 13 (a) (2) exemption, all sales of coal to the consumer from a dealer's yard storage, where bulk is broken, are recognized as retail except sales which fall within any category listed in paragraph (c) of this section.

(c) The following sales are not recognized as retail, whether or not made from dealer's yard storage:

(1) Sales where the delivery is made by railroad car or cargo vessel.

(2) Sales in a carload quantity or more for continuous delivery by truck from a dock, mine or public railroad facility.

(3) Sales of coal at a wholesale price. A wholesale price is a price comparable to or lower than the establishment's price in sales described in subparagraphs (1) and (2) of this paragraph or in sales to dealers (but not peddlers) for resale. If the establishment makes no such sales, the wholesale price is the price comparable to or lower than the price prevailing in the immediate area in sales described in subparagraphs (1) and (2) of this paragraph or in sales to dealers (but not peddlers) for resale.

(4) Sales of coal for use in the production of a specific product to be sold in which coal is an essential ingredient or the principal raw material, such as sales of coal for the production of coke, coal gas, coal tar, or electricity.

(d) If 50 percent or more of the establishment's annual dollar volume of sales of goods and services is made within the State in which the establishment is located and if 75 percent or more of the annual dollar volume of sales of the establishment consists of sales which are not for resale and are recognized as retail, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment. Sales for resale include sales of coal to other dealers, to peddlers and sales of coal for use in the production of a specific product to be sold, in which coal is an essential ingredient or the principal raw material, such as sales of coal for the production of coke, coal gas, coal tar or electricity, as distinguished from sales of coal for use in the general manufacturing or industrial process such as the use in laundries, bakeries, nurseries, canneries, etc., or for space heating.

Prior to final adoption of any amendment along the lines set forth above, consideration will be given to any views, arguments or data pertaining thereto which are submitted in writing to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of November 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56-9509; Filed, Nov. 20, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11754; FCC 56-1008]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; MADISON AND FOND DU LAC, WIS., ROCKFORD, ILL.

1. The Commission has before it for consideration the petition of Winnebago Television Corporation, Rockford, Illinois, filed August 27, 1956, requesting amendment of the notice of proposed rule making (FCC 56-595) issued on June 26, 1956, in this proceeding, so as to invite comments on its proposal for the deletion of Channel 3 from Madison, Wisconsin, and its assignment to Rockford, Illinois, by shifting the assignment at Fond du Lac, Wisconsin, from 54 to 68, as an alternative to the Commission's proposal to shift the educational reservation at Madison from Channel 21 to Channel 3. Winnebago Television also requests the Commission to order it to show cause why its outstanding authorization for television Station WTVO at Rockford should not be modified to specify operation on Channel 3 in lieu of Channel 39.

2. On June 25, 1956, the Commission adopted a Report and Order in the general television allocation proceeding in Docket No. 11532 outlining a long-range program designed to improve the television allocation structure and at the same time specifying the bases on which consideration would be given in the interim to channel changes to improve the immediate situation in individual communities. As a part of this interim program of channel reassignments and in accordance with the general principles outlined in the above Report and Order, the Commission on the same date adopted a notice of proposed rule making

in Docket No. 11754 proposing the following channel changes in Madison:

City	Channel No.	
	Present	Proposed
Madison, Wis.	3, *21-, 27-, 33+	*3, 21-, 27-, 33+

3. The counterproposal of petitioner would change the proposed channel assignments in Madison and make the following channel changes at Rockford and Fond du Lac, as follows:

City	Channel No.	
	Present	Proposed
Madison, Wis.	3, *21-, 27-, 33+, 13+, 39+, *45+	*21-, 27-, 33+, 39+
Rockford, Ill.		3, 13+, *45+
Fond du Lac, Wis.	54+	68

4. The instant request for the shift of Channel 3 from Madison to Rockford should be considered in conjunction with the Commission's Rule Making proposal in the above-entitled proceeding, which would retain Channel 3 in Madison for noncommercial educational use. We do not believe there is any necessity for amending the Notice of Rule Making or for instituting further rule making in this proceeding. Petitioner may fully prosecute its proposal to shift Channel 3 from Madison to Rockford as a counterpropsal in this proceeding, and its petition wil be so construed.

5. In view of the foregoing: *It is ordered*, That the petition of Winnebago Television Corporation, insofar as it requests amendment of the notice of proposed rule making issued on June 26, 1956, in this proceeding, is denied.

Adopted: October 17, 1956.

Released: October 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9535; Filed, Nov. 20, 1956; 8:50 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF NEPHRITE (JADE) ARTICLES DIRECTLY FROM TAIWAN (FORMOSA)

AVAILABLE CERTIFICATIONS BY THE REPUBLIC OF CHINA

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are available, as of November 20, 1956, with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodities:

Nephrite (jade) articles.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc, 56-9481; Filed, Nov. 20, 1956; 8:45 a. m.]

United States Secret Service

[Delegation Order 1, Revision 1]

DELEGATION OF AUTHORITY TO OFFICERS OF THE U. S. SECRET SERVICE

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2) dated April 22, 1955, it is hereby ordered as follows:

a. The following officers of the United States Secret Service, in the order of succession enumerated, shall act as Chief, U. S. Secret Service, during the absence or disability of the Chief, or when there is a vacancy in such office:

1. Assistant Chief (Investigations).
2. Assistant Chief (Security).
3. Assistant Chief (Administration).
4. Inspector, Region No. 1.
5. Inspector, Region No. 2.
6. Inspector, Region No. 3.
7. Inspector, Region No. 4.
8. Special Agent in Charge, Richmond, Virginia.
9. Special Agent in Charge, Jacksonville, Florida.
10. Special Agent in Charge, Miami, Florida.

b. In the event of an enemy attack on the continental United States, all Special Agents in Charge of Secret Service field offices, including the Special Agent in Charge of the White House Detail, are authorized in their respective districts to perform any function of the Chief, U. S. Secret Service, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

[SEAL] U. E. BAUGHMAN,
Chief,
U. S. Secret Service.

[F. R. Doc. 56-9531; Filed, Nov. 20, 1956; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 13, 1956.

A plat of survey of each township as described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m. December 19, 1956.

SALT LAKE MERIDIAN

T. 21 S., R. 12 E.,
Sections 1, 2, 3, 16, 17, 32, 33, and 36.

Area surveyed: 5,343.04 acres.
Plat of survey accepted June 27, 1956.

The land formation is principally broken benches and scattered mesas. The San Rafael River flows in an easterly direction through a deep, narrow rocky canyon.

The township is covered by a scattered growth of scrub juniper and pinion timber. The undergrowth is composed of mountain rush, yellow top, shadscale and sagebrush, with a fair growth of grass on the flats along the southern border.

The soil is principally a shallow sandy clay or shale lying on sandstone bedrock.

There are no settlers within this township.

T. 22 S., R. 12 E.,
Sections 1, 2, 3, 16, 17, 32 and 36.

Area surveyed: 4,033.48 acres.
Plat of survey accepted June 27, 1956.

The township is principally rolling to broken bench land with a few scattered mesas and open flats. The land drains in a northeasterly direction towards the San Rafael River.

There is a scattered stand of scrub juniper and pinion throughout the township, with short desert undergrowth of shadscale, sagebrush, mountain rush, yellow top, cactus and grass.

The soil is a shallow sandy clay, lying on sandstone bedrock. There is no water except what is stored in several small reservoirs constructed to catch rain or snow runoff.

There are no habitations or other improvements in this area.

T. 23 S., R. 12 E.,
Sections 2, 3, 16, 17, 32 and 36.

Area surveyed: 3,393.48 acres.
Plat of survey accepted June 27, 1956.

The land embraced within this township is principally rough and broken mesas and benches situated on the San Rafael Swell and Sinbad Country. The general drainage is to the southeast.

The soil is mainly a shallow sandy clay, shale and rocky, lying on sandstone and limestone bedrock.

The greater portion of the township is covered with scattered growth of scrub juniper and pinion and short, sparse, undergrowth of mountain rush, yellow top, sagebrush and shadscale.

No water was found in the township.

T. 25 S., R. 8 E.,
Sections 2, 16, 31, 32 and 36.

Area surveyed: 3,198.92 acres.
Plat of survey accepted June 27, 1956.

The land in the township varies from the rolling to broken shale land of the Slaughter Slopes in the east portion, draining westerly to the high and broken ledges of the west breaks of the Muddy River.

The township is covered by a scattered growth of pinion and Juniper, with very scattered undergrowth and poor growth of grass.

[F. R. Doc. 56-9544; Filed, Nov. 20, 1956; 8:51 a. m.]

tail, the exemption under section 13 (a)

adopted a notice of proposed rule making

There are no settlements within this township.

T. 26 S., R. 9 E.,
Sections 2, 16, 24, 25, 32, and 36.

Area surveyed 3,852.08 acres.
Plat of survey accepted July 10, 1956.

The formation in the township is varied, ranging from very broken red shale on the San Rafael Swell to the high almost impassible tan standstone cliffs on the San Rafael Reef, Segers Hole, and the west breaks of the Muddy River, and gray to blue shale and clay in the southeast portion.

There is very little vegetation in the township, except pinion and juniper on the San Rafael Reef.

A ranch known as Hunts Ranch lies in Section 24 where there is a flowing well. A spring of good drinking water is located near the quarter corner of sections 16 and 17.

There are many mining locations in the township.

T. 27 S., R. 6 E.,
Sections 1, 2, 16, 32, and 36.

Area surveyed 3,197.04 acres.
Plat of survey accepted July 10, 1956.

The township lies within the three major topographic divisions of this locality. The southwestern area of the township encompasses the main portion of the South Desert. The extreme northern part of the township falls in the south edge of the Middle Desert. These deserts are separated by a neck of the Hartnet land feature, which joins the main body of the Hartnet to the neighboring uplands of Thousand Lake Mountain.

The soil of the township varies from coarse grained brown sand to rocky, white sandy clay. This soil supports a good growth of vegetation. An exceptionally fine growth of range grass covers the floors of the deserts. Rabbit brush, tamerisk, desert sage, shadscale and greasewood undergrowth are found throughout the township.

There are many mining locations throughout this township.

T. 28 S., R. 6 E.,
Sections 1, 2, 3 and 36.

Area surveyed 2,541.36 acres.
Plat of survey accepted July 10, 1956.

The land formation being of the same structure as the Capitol Reef is composed of towering vertical cliffs and highly eroded benches and deep canyons.

Most of the township is covered by barren sandstone except along the bottom lands which support a good growth of tamerisk, desert sage, rabbit brush and range grass. Water seeps and small springs are found frequently along the channel of South Desert Wash at all times of the year.

T. 29 S., R. 7 E.,
Sections 1 and 2.

Area surveyed: 1,321.82 acres.
Plat of survey accepted July 10, 1956.

The general topography of sections 1 and 2 is part of a large, broad, level valley called "Blue Clay Flats".

The soil of these sections consists chiefly of soft, billowy blue clay. The total area of these sections is staked for uranium locations.

T. 29 S., R. 8 E.,
Sections 1, 12, 13, 14, 23, 24, 25, 26, 35, 36.

Area surveyed: 6,384.61 acres.
Plat of survey accepted July 10, 1956.

This township consists principally of highly eroded and arid lands, with a few remnants of rolling mesa land. The Fremont or Dirty Devil River traverses the township flowing northeasterly.

Vegetation over the township is very scant. A few scattered scrub juniper and pinion are found in the canyon along the river. Water is found only in the Dirty Devil and Pleasant Creek.

T. 34 S., R. 10 E.,
Sections 1, 2, 16, 31, 32, 33, and 36.

Area surveyed: 4,275.64 acres.
Plat of survey accepted August 6, 1956.

The land in this township consists mainly of blue clay badlands with patches of sandy clay benches, cut by numerous steep-sided canyons, draining principally into Bullfrog Creek. A narrow strip in the southeast portion drains into Hansen Creek.

The soil is mainly a deep blue clay. There is a medium dense growth of juniper and pinion in the Southeast portion of the township. The undergrowth consists of shadscale, black brush, yellow brush, sage brush, rabbit brush, mountain brush, grass and weeds.

T. 34 S., R. 11 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 4,799.76 acres.
Plat of survey accepted August 6, 1956.

The land in this township varies from broken and rolling desert land in the south and west to high broken mountain land in the north. The drainage is mostly south and west into Hansen Creek.

The soil is principally of a loose sandy clay loam, although in the south and west are patches of blue clay badlands. The timber in the south is widely scattered patches of juniper and pinion, while in the mountains in the north there is a dense growth of juniper, pinion, douglas fir, balsam, mahogany and aspen. The undergrowth is mainly black brush and gramma grass.

There are no permanent habitations in the township.

T. 35 S., R. 10 E.,
Sections 1, 2, 3, 16, 32, 33, and 36.

Area surveyed 4,480.08 acres.
Plat of survey accepted August 6, 1956.

The land in this township consists mainly of blue clay badlands with patches of sandy clay benches, and by numerous steep sided canyons draining principally into Bull Frog Canyon. A strip along the east side drains into Hansen Creek. The soil is mainly a deep blue clay, but on some is a shallow sandy clay.

There are a few scattered cottonwood trees on the canyon bottoms. The undergrowth consists of shadscale, bitter brush, blackbrush, yellow brush, mountain rush and gramma grass.

There are no habitations in the township.

T. 35 S., R. 11 E.,
Sections 1, 2, 3, 16, 31, 32, and 36.

Area surveyed: 4,482.12 acres.
Plat of survey accepted August 6, 1956.

The land in this township consists mainly of a sandy clay loam, cut by numerous steep-sided canyons, draining principally southwest into ansen Creek. The soil is mainly a shallow sandy clay. There is a scatter growth of juniper and pinion in the eastern part of the township. The undergrowth consists of shadscale, black brush, bitter brush, yellow brush, rabbit brush, mountain rush and gramma grass. There are a few houses in the township built by mining companies.

T. 35 S., R. 15 E.,
Sections 2, 16, 31, 32 and 36.

Area surveyed: 3,198.96 acres.
Plat of survey accepted June 6, 1956.

This township is drained generally in two directions. White Canyon and its many tributaries drain the northwest. A myriad of smaller washes drain in a southwesterly direction.

Soils are poor and are loose sands on top of solid sandstone. Therefore there is very little vegetation in the township.

No water sources were found within the township.

There are many mining locations staked throughout the township.

It is presumed that the right of the State of Utah attaches to sections 2, 16, 32, 36, or the above-described townships on the date of acceptance of plats of survey, subject to valid existing rights and the provisions of existing withdrawals. Therefore, preference rights of veterans of World War II and the Korean conflict, and others, as provided for by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, do not attach to these sections.

No application for these lands will be allowed under the homestead, desert-land small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands in the foregoing townships are hereby opened for filing of applications in accordance with the following:

a. Applications under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and other entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 19, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. March 20, 1957, will be governed by the time of filing.

3. All valid applications under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on March 20, 1956, will be considered as simultaneously filed at that hour. Rights under such applications filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 312, Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

EVAN L. RASMUSSEN,
Acting State Supervisor.

[F. R. Doc. 56-9508; Filed, Nov. 20, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY AGRICULTURAL STABILIZATION AND CONSERVATION STATE COMMITTEES OF CERTAIN STATES

The Allotment and Marketing Quota Regulations for the 1956 Crop of Peanuts (20 F. R. 6033, 7583; 21 F. R. 3867, 6057, 8310), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281–1393), provide that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which required delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein additional redelegations of final authority which have been made by the Agricultural Stabilization and Conservation State Committees for the States listed below of authority vested in such committees by the Secretary of Agriculture in the regulations referred to above. There are set out below the sections of the regulations in which the redelegated authority appears and the member of or employee of the Agricultural Stabilization and Conservation Committee to whom the authority has been redelegated.

ALABAMA

Section 729.753 (b) (c)—To the State Administrative Officer or the person acting in such capacity.

FLORIDA

Sections 729.711 (1), 729.741 (x) (5) and 729.759 (a)—To the State Administrative Officer or the person acting in such capacity.

GEORGIA

Sections 729.753 (b) and (c)—To the State Administrative Officer or the person acting in such capacity; James L. Morgan, Chairman ASC State Committee; J. Paul Fitts, Member ASC State Committee; and William H. Weaver, Member ASC State Committee.

Section 729.761 (b) (2)—To James L. Morgan, Chairman, ASC State Committee; J. Paul Fitts, Member ASC State Committee; and William H. Weaver, Member ASC State Committee.

Section 729.762 (d)—To the State Administrative Officer or the person acting in such capacity.

MISSISSIPPI

Sections 729.711 (1), 729.753, 729.757 (b) (c), 729.759 (a), 729.761 (b) and 729.762 (d)—To the State Administrative Officer or the person acting in such capacity.

NORTH CAROLINA

Section 729.711 (1)—To J. L. Nicholson, Chief Marketing Quota Section, ASC State Office.

Sections 729.724 (a), 729.753 and 729.761 (b)—To the State Administrative Officer or the person acting in such capacity.

OKLAHOMA

Sections 729.711 (1), 729.759, 729.761 (b) (1) and 729.761 (b) (2)—To Samuel A. Shelby, Chief, Production Adjustment Section, and B. B. Boatman, Program Specialist.

SOUTH CAROLINA

Sections 729.761 (b) (1) and 729.761 (b) (2)—To the State Administrative Officer or the person acting in such capacity and to the Program Specialist in charge of peanut marketing quotas.

TENNESSEE

The authority of the State committee contained in §§ 729.740 through 729.769 is redelegated to the State Administrative Officer or the person acting in such capacity and to the Program Specialist in charge of peanut marketing quotas.

Issued at Washington, D. C., this 14th day of November 1956.

WALTER C. BERGER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56-9547; Filed, Nov. 20, 1956; 8:51 a. m.]

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

MISSOURI, NEW MEXICO AND UTAH; CONSENT TO GRAZE LAND, DESIGNATED AS ACREAGE RESERVE

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.112 (b) of the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 5205, 5685, 5959, 6879, 7611, and 7612, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified below of land designated as acreage reserve on farms in the following counties:

Counties	Period
MISSOURI	
Carter, Jasper, and Shelby	Oct. 26, 1956–Dec. 31, 1956, inclusive.
NEW MEXICO	
Bernalillo, except that area thereof known as the Rio Grande Conservancy District, Catron, Chaves, Colfax, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Luna, Mora, Otero, Quay, Roosevelt, Sandoval, Santa Fe, San Miguel, Sierra, Socorro, Torrance, Union, that part of McKinley, County east of the Continental Divide, and that part of Valencia County east of the Continental Divide.	July 5, 1956–Dec. 31, 1956, inclusive.
That part of McKinley County west of the Continental Divide, the east half of Rio Arriba County, and that part of Valencia County west of the Continental Divide.	Sept. 10, 1956–Dec. 31, 1956, inclusive.
San Juan, Taos, and the west half of Rio Arriba County.	July 31, 1956–Dec. 31, 1956, inclusive.
UTAH	
Carbon, Grand, Juab and Sanpete Counties	Oct. 26, 1956–Dec. 31, 1956, inclusive.

Done at Washington, D. C., this 16th day of November 1956.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9548; Filed, Nov. 20, 1956; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC WESTBOUND CONFERENCE AND IINO KAIUN KAISHA, LTD.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 57-65, between the member lines of the Pacific Westbound Conference and Iino Kaiun Kaisha, Ltd., provides for the admission of Iino as an associate member of that conference (No. 57). As an associate member Iino will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in conference affairs; will be permitted to participate in conference contracts with shippers; and will be exempt from posting of the usual surety bond required of regular members.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 16, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-9524; Filed, Nov. 20, 1956; 8:48 a. m.]

UNIVERSAL TRANSCONTINENTAL CORP. AND PAUL A. BOULO

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8175 between Universal Transcontinental Corporation, New York, New York, and Paul A. Boulo, Mobile, Alabama, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 16, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-9525; Filed, Nov. 20, 1956; 8:48 a. m.]

POPE & TALBOT, INC., AND MOORE-MCCORMACK LINES, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8176, between Pope & Talbot, Inc., and Moore-McCormack Lines, Inc., covers an arrangement whereby, in consideration of the purchase of all the stock of Pacific Argentine Brazil Line, Inc., a wholly owned subsidiary of Pope & Talbot, Inc., by Moore-McCormack, subject to approval by the Federal Maritime Board and Maritime Administrator, Pope & Talbot, Inc., agrees that it will not for a period of ten (10) years from the date of such sale own, operate, or act as agents for any Foreign or American flag vessels operating on routes now served by Pacific Argentine Brazil Line, Inc., except as to Puerto Rico.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 16, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-9526; Filed, Nov. 20, 1956; 8:49 a. m.]

PACIFIC WESTBOUND CONFERENCE AND MITSUBISHI SHIPPING CO., LTD.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 57-64, between the member lines of the Pacific Westbound Conference and Mitsubishi Shipping Company, Ltd., provides for the admission of Mitsubishi as an associate member of that conference (No. 57). As an associate member Mitsubishi will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in conference affairs; will be permitted to participate in conference contracts with shippers; and will be exempt from posting of the usual surety bond required of regular members.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 16, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-9527; Filed, Nov. 20, 1956; 8:49 a. m.]

KNUTSEN LINE AND HVALFANGSTAKTIESELSKAPET SUDEROY

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7623-4, between the carriers comprising the Knutsen Line joint service, modifies approved joint service agreement No. 7623, as amended, to provide for the addition of Hvalfangstaktieselskapet Suderoy, owners of the vessel M/S Kristin Bakke, as a party to the joint service.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 16, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-9528; Filed, Nov. 20, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8166]

NORTHERN CONSOLIDATED AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Northern Consolidated Airlines, Inc., under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on November 29, 1956, at 11:00 a. m., e. s. t., in Room 1032, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., November 15, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9557; Filed, Nov. 20, 1956; 8:52 a. m.]

[Docket No. 8170]

ELLIS AIR LINES

NOTICE OF HEARING

In the matter of the application of Ellis Air Lines under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on November 29, 1956, at 10:30 a. m., e. s. t., in Room 1032, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., November 15, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9558; Filed, Nov. 20, 1956; 8:52 a. m.]

[Docket No. 8203]

ALASKA AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Alaska Airlines, Inc., under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on November 29, 1956, at 10:00 a. m., e. s. t., in Room 1032, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 15, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9559; Filed, Nov. 20, 1956; 8:52 a. m.]

[Docket No. 8225]

REEVE ALEUTIAN AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the application of Reeve Aleutian Airways, Inc., under section 401 (e) (4) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on November 29, 1956, at 11:30 a. m., e. s. t., in Room 1032, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., November 15, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9556; Filed, Nov. 20, 1956; 8:51 a. m.]

[Docket No. SA-321]

ACCIDENT OCCURRING AT COLD BAY, ALASKA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of Canadian Registry CF-CUP, which occurred at Cold Bay, Alaska, August 29, 1956.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, November 26, 1956, at 9:30 a. m. (local time) in the Windsor Ballroom, New Washington Hotel, Second at Stewart Street, Seattle, Washington.

Dated at Washington, D. C., November 13, 1956.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 56-9560; Filed, Nov. 20, 1956; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11741; FCC 56M-1049]

CLAREMORE BROADCASTING CO.

ORDER CONTINUING HEARING

In re Application of Robert I. Hartley tr/as Claremore Broadcasting Company, Claremore, Oklahoma, Docket No. 11741, File No. BP-10306; for construction permit.

The Hearing Examiner having under consideration (1) a motion filed October 26, 1956, by KUOA, Incorporated, a party respondent in the above-entitled proceeding, requesting that the date presently scheduled for the evidentiary hearing in the above-entitled proceeding be continued until the Commission has acted upon the then pending petition of Lakes Area Broadcasting Company for leave to intervene and requesting that the issues in the proceeding be enlarged; (2) an opposition to the motion for continuance filed October 31, 1956, by the Chief, Broadcast Bureau; and (3) an opposition filed October 31, 1956, by R. I. Hartley, tr/as Claremore Broadcasting Company, applicant herein; and

In appearing that by order dated November 6, 1956, Lakes Area Broadcasting Company was made a party to this proceeding in the capacity of intervenor, that there is presently pending before the Commission a pleading on behalf of Lakes Area Broadcasting Company for enlargement of issues, that the hearing cannot proceed to conclusion or resolution until the Commission has acted upon the petition for enlargement of issues, and that good cause for the requested continuance has been shown;

It is ordered, This the 13th day of November 1956, that the motion for continuance be and the same is hereby granted and the evidentiary hearing presently scheduled to begin on November 19, 1956, be and the same is continued until 30 days after the Commission has acted on the presently pending petition to enlarge the issues.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9536; Filed, Nov. 20, 1956; 8:50 a. m.]

[FCC 56-1124]

COMMISSION INVITES COMMENTS AND SUGGESTIONS REGARDING MARITIME VHF PROPOSALS

NOVEMBER 16, 1956.

The Commission currently is engaged in preparatory work for the international Radio Conference scheduled to be held in 1959. At this conference it is expected that a plan for a world-wide VHF frequency allocation will be worked out, for the maritime mobile radio service. In addition, the United States has now received an invitation to attend a VHF maritime mobile meeting at The Hague beginning on January 21, 1957. The purpose of the meeting is to discuss operational rules and the allocation of VHF channels in the maritime mobile service in certain high traffic areas of the North Sea and Baltic. These discussions will take into account the maritime mobile services in other parts of the world. Since the matters to be discussed will be of significant interest to United States services especially the maritime mobile service, the Commission believes that it is in the public interest to obtain comments on this Public Notice at the earliest practicable date. Such comments will be fully taken into account by the Commission in the preparatory work for this meeting. There is presented in Appendix 1 a summary of the present situation with regard to VHF maritime allocations, together with an outline of present proposals for allocations and for technical operating conditions.

The problem of providing the maritime mobile service with an appropriate VHF world-wide allocation has received the attention of many maritime countries. Since the establishment in 1947, at the Atlantic City Radio Conference, of an international safety and calling frequency on 156.8 Mc, consideration of an expanded and world-wide VHF maritime allocation has gained impetus. This matter was an important subject of discussion at the 1955 Baltic North Sea Radio Conference which adopted cer-

tain recommendations relative to such a VHF allocation. Information concerning these recommendations was made the subject of a Public Notice dated March 22, 1956, No. FCC 56-236, mimeograph No. 29066. Also contained in the Public Notice was a discussion of the maritime mobile interference problems in the 2-3 Mc band together with an anouncement of a special study which the Commission intended to make of this problem. One aspect of the problem involved the possibility that short range maritime mobile communications should be transferred to VHF so as to relieve the congestion in the 2-3 Mc band.

The Commission has initiated studies with respect to the MF band congestion including, among other things, consideration of possible use of single sideband. However, at this time, the Commission is not prepared to make any definitive proposals in this regard. On the other hand, since any proposition which might later require that short range communications be transferred to VHF, may affect the VHF spectrum space required to absorb such communications, interested persons should take this possibility into consideration in connection with any comments they desire to file with respect to this instant Public Notice.

The importance of achieving international agreement is evidenced by the increased amount of correspondence and number of suggested plans together with informal discussions among maritime interests. From the information available to the Commission, it is believed that a common meeting ground exists between all governments interested in this problem and that concerted action should result in the adoption of an international VHF maritime mobile allocation attended with appropriate radio regulations.

The Commission therefore invites at this time comments and appropriate suggestions from interested parties regarding these proposals, particularly with respect to the following:

1. Recommendations regarding the specific use or types of communications for international standardization on the various VHF channels; including consideration of communication services other than by voice telephony.

2. Recommendations regarding specific "pairing" of duplex public correspondence telephone channels;

3. Information concerning an optimum future date upon which a possible channel spacing of 50 kc, at least for duplex telephone operation, should become effective;

4. Information concerning an optimum future date upon which a possible channel spacing of 25 kc should become effective;

5. Recommendations pertaining to operating procedures and suitable technical standards.

It is believed that the recommendation adopted at the Eighth Plenary Assembly of the C. C. I. R. (see Appendix 2 set forth below) is of considerable significance in connection with the overall problem of standardized frequency allocations and technical standards associated with the use of VHF frequencies by the maritime mobile service. In view of the foregoing, comments with respect to the points brought out in Appendix 2 are also solicited.

Such comments should be filed with the Commission not later than December 15, 1956. It is requested that such comments be filed in triplicate.

Adopted: November 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

APPENDIX 1

HISTORY

At the Atlantic City Radio Conference (1947) it was recognized that in order to provide for a usable international allocation in the VHF spectrum for the maritime mobile service of telephony it would be necessary to specify certain common operating frequencies as well as appropriate rules and technical standards governing the use of such frequencies. Although much effort was put forth toward providing suitable regulations and allocations for this service, the conference was able to obtain agreement only on the frequency 156.8 Mc. This was designated as a world-wide safety and calling frequency for maritime mobile telephony. In addition it was stipulated that, in Region 2, the use of frequency modulation was mandatory. The use of FM was strongly recommended for the other areas.

Following Atlantic City, the Region 2 (ITU) Conference at Washington (1949) adopted 156.3 Mc and 156.6 Mc as regional working frequencies on a simplex basis to supplement 156.8 Mc; 156.3 Mc as a ship-to-ship working frequency and 156.6 to be used for ship-to-shore communications. Both frequencies were afforded similar status in the United Kingdom and in certain other areas outside of Region 2.

The matter of providing an appropriate VHF world-wide allocation for the maritime radio service has continued to receive attention, as evidenced by the growing number of informal discussions between many maritime countries. Perhaps the most recent attempt to form a tentative comprehensive allocations plan was at the Baltic and North Sea Radio Conference at Goteburg, Sweden in 1955. Much of the work done at this conference will form the basis for discussions at the forthcoming 1959 Radio Conference.

POSSIBLE AREAS OF AGREEMENT

From the data before it, the Commission is of the opinion that there exists already a substantial agreement among maritime countries with respect to the basic framework about which an international maritime allocation in the VHF spectrum can be constructed. In general, it appears that agreement may be reached on the following:

a. The allocation should lie in the band between approximately 156 and 162 Mc, which band is now internationally allocated exclusively to fixed and mobile services in all Regions.

b. Channels should be spaced at 100 kc intervals, with the possibility of providing 50 kc spacing in the future.

c. Frequency modulation exclusively should be used in this band by the maritime mobile service.

d. 156.8 Mc is now agreed upon as the safety and calling frequency for this band.

e. 156.3 Mc appears to have support as an international exclusive ship-to-ship channel.

f. 156.6 Mc appears to have support as an international harbor operations frequency (ship-to-ship and ship-to-shore).

g. 157.4 Mc (ship) and 161.9 Mc (coast) appears to have support as an international duplex pair exclusively for public correspondence.

h. Public correspondence pairs should be separated by approximately 4.5 Mc, the ship station transmitting on the lower frequency of the pair.

It is recognized that national frequency usage or national sub-allocations in certain countries may preclude complete agreement on every single channel which may be proposed. Nevertheless, it appears that if a basic framework can be established for an international allocation, the individual needs of particular countries may be satisfied on specific frequencies by means of national or regional sub-allocations within the framework of the international plan. For example, in the United States, it has been found that the specific needs of vessels on the Great Lakes differ in several respects from the needs of vessels at ocean ports. Consequently, it has been found entirely practicable to provide an allocation, some channels of which are common to all areas of use (156.3 Mc intership, 156.8 Mc—Safety and calling, 157.4/161.9, 157.3/162 Mc—public correspondence pairs), while other channels in the same band many be used to meet the needs peculiar to each area. It appears to be desirable to allocate public correspondence pairs for duplex operation on an exclusive basis, with all pairs common to all areas. While it may be highly desirable to provide for international standardization of the use of as many channels as possible, it appears that 100 percent international standardization is precluded because of the different maritime mobile radio needs and different problems of other radio services in certain countries.

In view of the foregoing, it is the belief of the Commission at this time that:

a. An international maritime mobile VHF allocation should be adopted with agreed international common use of certain specific frequencies within such an allocation, but that the use of certain other specific frequencies should be left to the determination of Administrations subject possibly to guidance by international "recommendations".

b. If certain nations have operational requirements which can not be met within the agreed international bands, these should be met through appropriate national or regional arrangements with due safeguards to prevent adverse effect upon the services of other countries.

ALLOCATION PROPOSED BY THE COMMISSION

The Commission at this time is proposing the specific allocation hereinafter shown. This allocation has been formulated in relation to the established safety and calling frequency of 156.8 Mc and has been designed to be compatible as far as possible with suggested allocations which have been received from representatives of other nations. It is believed that this proposed allocation and the fundamental minimum regulations governing its use (also outlined below) will meet the needs of the maritime mobile service which are common to all areas of the world. At the same time, particular national needs in specific areas can be met through special provisions applying to channels within the allocated band which do not require international standardization.

COMMISSION PROPOSAL FOR VHF MARITIME MOBILE SERVICE ALLOCATION IN THE 152-162 MC BAND

Band limits (Mc)	Assigned frequency (MC) (see footnotes) (1)	Assigned frequency (MC) (see footnotes) (2)	International use
156.25-157.485	156.3		Intership only.
		156.35	
	156.4		
		156.45	
	156.5		Ship-to-ship and ship-shore. Operational[1] communication primarily transient vessels while inbound or outbound on a voyage from or to sea.
		156.55	
	156.6		Ship-ship and ship-shore. Port operational.[2]
		156.65	
	156.7		
	156.8		Ship-ship and ship-shore. Safety and calling.
	156.9		
		156.95	
	157.0		
		157.05	
	157.1		
		157.15	
	157.2 (F)		(F) Safety of life at sea agencies (intra-communication).
		157.25	
	157.3 (D)		Public correspondence (Ship).
		157.35 (A)	Do.
	157.4 (B)		Do.
		157.45 (C)	Do.
161.82-162.0		161.85 (A)	Public correspondence (coast).
	161.9 (B)		Do.
		161.95 (C)	Do.
	162.0 (D)		Do.

FOOTNOTES

[1] As defined by § 8.6 (m) (47 CFR 8.6 (m)).
[2] To be defined.
Column 1 lists original frequency assignments at 100 kc intervals.
Column 2 lists assignments at 50 kc intervals to be made later when appropriate.
(A), (B) and (C) denote ship and coast station pairing.
(D), The Commission does not propose to change the present pairing of 157.3 (ship) with 162.0 (coast). Regional channel only.
(F), This frequency is proposed to be specifically designated for the type of operation now permitted by the Commission's rules. (Communication with U. S. Coast Guard.) A similar function is undoubtedly necessary in other countries. Comments as to specific definitions or regulations concerning the proposed similar international use of this frequency are solicited.

OUTLINE OF PROPOSED TECHNICAL STANDARDS AND OPERATING REGULATIONS

1. Frequency modulation exclusively shall be utilized in this band. The transmitted signal shall have the "pre-emphasis characteristics of phase modulation."

2. Necessary bandwidth of emission shall be 36 kilocycles. (Emission should be designated as 36F3 as computed from Appendix 5 of the Atlantic City Radio Regulations, based upon the highest required modulating frequency of 3000 cycles and the maximum carrier deviation of plus and minus 15 kilocycles.

3. Maximum antenna power for ship stations shall be 50 watts.

4. Maximum antenna power for coast stations on public correspondence frequencies shall not exceed 500 watts and 50 watts on all other frequencies in the band.

5. Simplex (single frequency operation) shall be utilized on 156.3, 156.6, 156.8 and 157.2 Mc.

6. Duplex operation shall be utilized on the public correspondence pairs as indicated by footnotes A, B, C and D in the table of frequency allocations.

APPENDIX 2

VIIIth Plenary Assembly, C. C. I. R., Warsaw, 1956 — Doc. 760-E, 31 August 1956, Page 1, Adopted 9-4-56

DRAFTING COMMITTEE

The Drafting Committee, after examination of Document No. 599-E, from Study Group XIII, submits the following text for the consideration of the Plenary Assembly.

Recommendation No. ------

Technical Characteristics of Frequency Modulated VHF (Metric) Maritime Equipments

(Question No. 107)

(Warsaw, 1956)

The C. C. I. R.,
Considering:

(a) That the Atlantic City Radio Regulations, Chapter XIII, Article 34, Nos. 830 to 834, stipulate the general procedure for the worldwide use by the maritime mobile service of the frequency 156.8 Mc/s and neighbouring frequencies;

(b) That the use of VHF (metric) equipments in the maritime mobile service could reduce the use of MF (hectrometric) maritime bands and thus tend to reduce congestion in these heavily loaded bands;

(c) That the early introduction of the worldwide use of equipments operating on the frequency of 156.8 Mc/s and neighbouring frequencies could contribute to the safety of life at sea;

(d) That it would be desirable to reach agreement upon essential technical characteristics for frequency modulated VHF (metric) radio telephone equipments for use in international maritime services in order to expedite the international use of such equipments;

(e) That, in the informal agreement on standardisation of VHF channels for international maritime radiotelephone services that was reached among certain countries during the Baltic and North Sea Radiotelephone Conference, 1955, (see I. T. U. circular letter 1683/55/R, dated 13 December 1955), it was considered that the equipment should employ frequency modulation and be capable of operating ultimately with a frequency spacing of 50 kc/s;

(f) That, without some further measure of agreement on channel allocations it is not possible to decide all the technical characteristics needed to facilitate the design of equipment for international VHF maritime mobile services;

Recommends:

1. That the following characteristics for frequency-modulated VHF (metric) radiotelephone equipments for the international maritime mobile services operating on 156.8 Mc/s and neighbouring frequencies should be adopted by Administrations:

1.1.1. At present the frequency deviation should not be greater than ±15 kc/s and the maximum deviation should be reviewed later if it is found in practice that unacceptable adjacent channel interference occurs, particularly as the loading of the channels increases;

1.1.2. All receivers should be capable of receiving satisfactorily emissions having a maximum deviation of ±15 kc/s;

1.2. Vertical polarization should be used.

1.3. In the absence of fading and local screening, the protection ratio for common channel operation should be such that the desired signal level exceeds the interfering signal level by at least 10 db. Each Administration should provide for a further allowance, where appropriate, for fading and for fluctuations of a local nature (for instance, reflections from the terrain, sea, ships, docks, etc.).

1.4. The equipment should be designed for a frequency separation between adjacent channels of 50 kc/s.

1.5. The frequency separation between the transmitting and receiving frequencies for duplex working should be 4.5 Mc/s.

1.6. Further study is required of means of selective calling. For this purpose reference is made to Question No. ------ (Doc. 598).

1.7. Other essential parameters:

1.7.1. Frequency modulation with a pre-emphasis of 6 db/octave should be used (phase modulation) with subsequent de-emphasis in the receiver;

1.7.2. The output power of the ships' transmitters should generally not exceed 20 watts except in special circumstances to be determined by individual Administrations;

1.7.3. The output power of any harmonic or spurious emission should not exceed 50 μW measured at the output terminals of the transmitter when loaded with a resistance equal to the nominal antenna impedance. This figure of 50 μW should be substantially decreased as soon as practicable, particularly in respect of spurious emissions within the band of VHF frequencies used by the maritime mobile service (See Question No. -------- Doc. 597);

1.7.4. The audio-frequency bandwidth should be limited to 3000 c/s;

1.7.5. The frequency tolerance of the transmitter should not exceed 0.002 percent;

1.7.6. To minimize interference, special attention should be paid to the following receiver characteristics:

I. stability;
II. selectivity;
III. receiver radiation;
IV. intermodulation;

1.8. Equipments should be designed so that frequency changes between assigned channels can be carried out rapidly, e. g., within a few seconds.

2. That Administrations be advised that not all the requirements to be met in the design of equipments for VHF maritime mobile services can be established until there is a sufficient measure of international agreement on the channel allocation for this service.

NOTE: This Recommendation concludes the study of Question No. 107.

[F. R. Doc. 56-9538; Filed, Nov. 20, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9331, G-9448]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FURTHER HEARING AND ORAL ARGUMENT

NOVEMBER 14, 1956.

Notice is hereby given that the Presiding Examiner, upon consideration of the motion to reopen the proceedings in the above-entitled matters, filed jointly by Tennessee Gas Transmission Company and New York State Natural Gas Cor-

poration, October 23, 1956, directed that the record be reopened and the said proceedings set down for further hearing Thursday, November 29, 1956, at 10:00 a. m., in a Commission hearing room at 441 G Street NW., Washington, D. C. The said further hearing is for the purpose only of receiving in evidence the agreement between Tennessee and New York State Natural described in the motion of October 23, 1956, and to permit limited oral argument by any party who wishes to be heard in relation to any factual changes and implications involved or resulting from the said agreement. Such opportunity for oral argument will be limited to a maximum total for all parties of two hours and shall be in lieu of the right to file any further briefs. Copies of the said agreement have been served upon the parties and filed with the Commission as an appendix to the said motion. Any party desiring to be heard in oral argument should so advise not later than November 26, 1956. Time will be allocated (if necessary) at the time of hearing and such oral argument will follow immediately upon receipt in evidence of the agreement filed and served with the motion above described.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9510; Filed, Nov. 20, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3679]

KROY OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 14, 1956.

I. The 20 cents par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May, 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On November 2, 1956, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from November 5, 1956, to November 14, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from November 15, 1956, to November 24, 1956, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-9512; Filed, Nov. 20, 1956; 8:47 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 14, 1956.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exhange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 25, 1956, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices for a period of ten days from the date of said order. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December, 1955 and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 2, 1956, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from November 5, 1956, to November 14, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-1502-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from November 15, 1956, to November 24, 1956, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-9513; Filed, Nov. 20, 1956; 8:47 a. m.]

[File No. 70-3528]

DELAWARE POWER & LIGHT CO.

NOTICE OF PROPOSED ISSUE AND SALE OF NEW PREFERRED STOCK

NOVEMBER 15, 1956.

Notice is hereby given that Delaware Power & Light Company ("Company"), a registered holding company and a public-utility company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 of the act and Rule U-50 thereunder as applicable to the proposed transaction which is summarized as follows:

The Company proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 80,000 shares of its — percent Preferred Stock, Cumulative, par value $100 per share ("New Preferred Stock"). The rights and preferences of the New Preferred Stock will be substantially identical with those of the five series presently outstanding except with respect to the dividend rate and redemption prices thereof. The invitation for bids will specify that the amount to be received by the Company shall not be less than $100 nor more than $102.75 per share (plus accrued dividends), and that the dividend rate shall be a multiple of 4-hundredths of one percent (0.04%).

The net proceeds from the sale of the New Preferred Stock will be applied to (1) the cost of the construction program of the Company, (2) the retirement of bank loans incurred by the Company for construction purposes, (3) additional investments in the Company's two subsidiaries, the proceeds from which will be applied by said subsidiaries in the furtherance of their several construction programs. (Such additional investments will be made the subject of a subsequent filing or filings.) It is estimated that the construction expenditures of the three system companies for 1956, 1957, and 1958 will aggregate approximately $82,000,000.

The Company states that it will file by amendment a certified copy of the order of the Public Service Commission of Delaware authorizing the issue and sale of the New Preferred Stock as proposed, and also a statement of its fees and expenses to be incurred in connection therewith.

Notice is further given that any interested person may, not later than December 3, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-9514; Filed, Nov. 20, 1956; 8:47 a. m.]

[File No. 70-3522]

NEW JERSEY POWER & LIGHT CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSED ISSUE AND SALE OF SHORT-TERM NOTES AND CAPITAL CONTRIBUTION BY PARENT

NOVEMBER 15, 1956.

New Jersey Power & Light Company ("NJP&L"), a public utility, and its parent General Public Utilities Corporation ("GPU"), a registered holding company, having filed a joint application-declaration and amendments thereto, pursuant to sections 6 (b) and 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder, regarding the following proposed transactions:

NJP&L has outstanding $1,990,000 principal amount of short-term notes issued pursuant to the provisions of the first sentence of section 6 (b). NJP&L proposes to issue and sell, from time to time on or before June 30, 1957, to banks, unsecured short-term notes in an aggregate principal amount which, together with the $1,990,000 principal amount of short-term notes outstanding, will not exceed an aggregate of $4,800,000. The notes will bear interest at the prime rate for commercial borrowings in New York City on the respective dates of issuance, and will mature not more than nine months, exclusive of days of grace, from the dates of issuance. The proceeds from the proposed borrowings will be used to pay, in part, the cost of the company's current construction program, to pay at maturity its presently outstanding short-term notes, and to reimburse, in part, its treasury for construction expenditures made therefrom.

No definite arrangements have been negotiated with banks; but it is expected that the borrowings will be made from the following banks:

The National Union Bank, Dover, New Jersey.

The Dover Trust Company, Dover, New Jersey.

The Morristown Trust Company, Morristown, New Jersey.

The First National Iron Bank of Morristown, Morristown, New Jersey.

Fidelity Union Trust Company, Newark, New Jersey.

The Chase Manhattan Bank, New York, New York.

NJP&L proposes to pay the unsecured short-term notes for the issuance of which authority is sought out of the proceeds of a long-term financing which it contemplates effecting during 1957, the exact timing and nature of which will depend on NJP&L's construction requirements, securities market conditions, and other factors.

GPU proposes, from time to time but not later than December 31, 1956, to make one or more cash capital contributions to NJP&L aggregating not to exceed $1,800,000. NJP&L proposes to credit each such capital contribution to its capital surplus account upon receipt thereof, and promptly thereafter to transfer such amount to the stated capital applicable to its no par value common stock. NJP&L will use the proceeds of the cash capital contributions to reimburse, in part, its treasury for construction expenditures made prior to January 1, 1956.

The application-declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses, including counsel fees, to be paid in connection with the proposed transactions are estimated at not to exceed $500 by NJP&L and $500 by GPU.

Due notice of the filing of the joint application-declaration having been given in the manner provided by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

It appearing that there is no basis for adverse findings or the imposition of terms and conditions, and that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable; and the Commission finding that the applicable provisions of the act, and of the rules and regulations thereunder are satisfied, and deeming it appropriate in the public interest and in

the interest of investors and consumers that the joint application-declaration as amended be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23, and subject to the terms and conditions prescribed by Rule U-24, that the application, as amended, filed pursuant to the first and second sentences of section 6 (b) of the act to increase the notes to be issued to an amount not in excess of $4,800,000 be, and hereby is, granted, subject to the condition that the authorization for the issuance of such notes terminates June 30, 1957.

It is further ordered, That the declaration, as amended, with respect to the capital contribution of GPU to NJP&L is permitted to become effective, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9515; Filed, Nov. 20, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 139]

MOTOR CARRIER APPLICATIONS

NOVEMBER 16, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATION ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 873 Sub 27, filed September 4, 1956, SOONER FREIGHT LINES, A Corporation, 3000 West Reno, Box 2488, Oklahoma City, Okla. Applicant's representative: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Liberal, Kans., and junction U. S. Highways 83, 64 and 270, ten miles south of Liberal, over U. S. Highways 270 and 83, serving all intermediate points, and (2) between Liberal, Kans., and Hooker, Okla., over U. S. Highway 54, serving all intermediate points Applicant is authorized to conduct operations in Kansas, Oklahoma, and Texas.

Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 8, 1957, at the Warren Hotel, Liberal, Kans., before Joint Board No. 39.

No. MC 891 Sub 8, filed November 8, 1956, GERARD MOTOR EXPRESS, INC., 10 Cherry St., Terre Haute, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., and the junction of Indiana Highway 48 and U. S. Highway 41, from Terre Haute over Indiana Highway 63 to the junction of Indiana Highway 48, thence over Indiana Highway 48 to the junction of U. S. Highway 41, and return over the same route, serving Fairbanks, Ind., and points within 8 miles thereof as intermediate and off-route points, and serving all intermediate points on the indicated highways. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: January 3, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 1187 Sub 19, filed November 5, 1956, CUSHMAN MOTOR DELIVERY COMPANY, 1480 West Kinzie St., Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, serving the site of the General Motors Corporation plant located at Hudson, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Findlay, Ohio and Toledo, Ohio, over U. S. Highway 25. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Wisconsin, Ohio, and Kentucky.

HEARING: January 17, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 2111 Sub 6, filed October 12, 1956, FRANK BRUNO AND CHARLES BRUNO, doing business as BRUNO BROTHERS, Airy and Walnut St., Norristown, Pa. Applicant's representative: Richard V. Zug, 1418 Packard Bldg., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Insulation* and *insulating materials and asbestos products and supplies and materials used in the installation of the foregoing commodities, chemicals*, and *packaging materials*, from Plymouth Meeting, Pa., to points in Delaware, Ohio, New Jersey, New York, Maryland, and the District of Columbia, and *returned and rejected shipments of the above-specified commodities*, on return; and (2) *Materials and supplies used in the production and packaging of insulation and insulation materials, asbestos products* and *chemicals*, from Lockland, Cincinnati, Ohio, Perth Amboy, N. J., points in Hudson County, N. J., and New York, N. Y., to Plymouth Meeting, Pa. Applicant is authorized to conduct operations in Pennsylvania, Delaware, Maryland, New York, New Jersey, and the District of Columbia.

HEARING: January 3, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 8540 Sub 31, (REVISION) filed September 29, 1956, published on Page 8341, issue of October 31, 1956, HARWOOD TRUCKING, INC., P. O. Box 509, Marion, Ind. Applicant's representative: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Applicant's representative, by letter dated November 7, 1956, advises that there is an ambiguity in a portion of the notice published on the above date. The route description, correctly set forth, reads: Between points in Ohio, on the one hand, and, on the other, Chicago and Chicago Heights, Ill., by use of the Indiana East-West Toll Road and the Ohio Turnpike, for operating convenience only, serving no points on said route.

HEARING: Remains as assigned, December 4, 1956, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 8902 Sub 10, filed November 7, 1956, THE WESTERN EXPRESS COMPANY, a corporation, 1277 East 40th Street, Cleveland 14, Ohio. Applicant's representative: George N. Pavlac, 1277 East 40th Street, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives; household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the General Motors Euclid Division Plant located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Cleveland, Ohio. Applicant is authorized to conduct operations in Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Hampshire, Vermont, and Rhode Island.

HEARING: January 14, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 8989 Sub 161, filed October 5, 1956, HOWARD SOBER, INC., 2400 W. St. Joseph St., Lansing 4, Mich. Applicant's representative: Albert F. Beasley, Investment Bldg., 15th and K Streets, N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles, chassis, buses, passenger and commercial, new, used, and/or wrecked, partially assembled or with and without bodies, or with or without motive power; cabs, parts, tools* and *accessories* moving with or in subsequent shipments to be used with prior shipped vehicles; *assembled, or partially assembled bodies; semi, four-wheeled, and low bed trailers, and/or carts, assembled or partially assembled, used singly or in combination with powered vehicles; trailer chassis;* and *automobile and trailer show equipment and paraphernalia*, in initial movements, in truckaway service, from Lansing, Mich., to Memphis, Tenn., and points in Arizona, California, Colorado, Idaho, Iowa, Minnesota, Montana, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Utah, Washington, and Wyoming; *damaged shipments of the above named* on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 10345 Sub 79, filed October 8, 1956, C. & J. COMMERCIAL DRIVEAWAY, INC., 1905 W. Mt. Hope Ave., Lansing 3, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new cabs, new trucks, new chassis*, and *unfinished automobiles*, in initial movements, in truckaway and driveaway service, from Lansing, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and *damaged or wrecked shipments* of the commodities described above, on return. Applicant is authorized to conduct operations in Michigan, Kentucky, Ohio, Tennessee, Illinois, Indiana, Iowa, Missouri and Wisconsin.

NOTE: The subject application was released under Docket No. MC 10345 Sub 1. This was in error, the correct docket number is, as shown above, MC 10345 Sub 79.

HEARING: January 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 18212 Sub 7, filed September 4, 1956, BELVIDERE TRANSFER, INC., 118 W. Pleasant St., Belvidere, Ill. Applicant's representative: Ralph H. Haen, 620 Empire Bldg., Rockford, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Freeport, Ill. and Chicago, Ill., from Freeport over U. S. Highway 20 to Chicago, and return over the same route, serving the intermediate points of Rockford, Belvidere, Garden Prairie, Marengo, Elgin, and Pecatonica, Winnebago, Loves Park, Greater Rockford Airport, New Milford, Cherry Valley, Union, and points in the Chicago Commercial Zone, as defined by the Commission, as off-route points.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificate on file with this Commission.

HEARING: January 23, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 21.

No. MC 20793 Sub 23, filed October 10, 1956, WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from Baltimore, Md., and Oxford Township, Adams County, Pa., to points in New York on and west of U. S. Highway 11. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Maine, Vermont, New Hampshire, Rhode Island, Delaware, Virginia, Massachusetts, Maryland, Pennsylvania, Ohio, and the District of Columbia.

HEARING: January 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 20793 Sub 24, filed October 10, 1956, WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from Fishkill, Dutchess County, N. Y. to points in Pennsylvania on and east of U. S. Highway 15. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Delaware, Virginia, Ohio, Maryland, Pennsylvania, and the District of Columbia.

HEARING: January 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 25567 Sub 38, filed November 5, 1956, HANCOCK-TRUCKING, INCORPORATED (SHELDON A. KEY, TRUSTEE), 1917 W. Maryland St., Evansville, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Cincinnati, Ohio, and the plant site of the Clayton & Lambert Manufacturing Company near Buckner, Ky., from Cincinnati over U. S. Highway 42 to junction with Buckner Road, thence over Buckner Road to the plant site of Clayton & Lambert Manufacturing Company, and return over the same routes, (2) between Louisville, Ky., and the plant site of Clayton & Lambert Manufacturing Company near Buckner, Ky., (a) from Louisville over U. S. Highway 42 to junction with Buckner Road, thence over Buckner Road to the Clayton & Lambert Manufacturing Company plant site, and return over the same routes; (b) from Louisville, Ky., over U. S. Highway 42 to junction Kentucky Highway 22, thence over Kentucky Highway 22 to junction Kentucky Highway 146, thence over Kentucky Highway 146 to the plant site of Clayton & Lambert Manufacturing Company, and return over the same routes. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, Missouri, Michigan, Wisconsin, Ohio, Pennsylvania, and New York.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 37.

No. MC 26983 Sub 1, filed September 10, 1956, DISTRICT HAULING & CONTRACTING CO., INC., 2780 Jefferson Davis Hwy., Arlington, Va. Applicant's representative: S. Harrison Kahn, 726 Investment Bldg., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Roman brick, Norman brick*, and *all other building materials made from clay products*, from York, Pa., and Watsontown, Pa., to Washington, D. C., and points in the Washington, D. C. Commercial Zone, as defined by the Commission; *empty containers or other such incidental facilities* (not specified) used in transporting the named commodities on return. Applicant is authorized to conduct operations in West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, and the District of Columbia.

HEARING: January 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 29886 Sub 88, filed September 4, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. Applicant's representative: Charles M. Pieroni, 4000 West Sample Street, South Bend 21, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road rollers, road scrapers*, and *cement mixers*, and *self-propelled building, moving and construction machinery*, between Galion, Ohio and points in the United States, including the District of Columbia.

HEARING: January 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 29886 Sub 89, filed September 7, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend 21, Ind. Applicant's representative: Charles M. Pieroni, 4000 West Sample St., South Bend 21, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road rollers, road scrapers*, and *cement mixers*, and *self-propelled building, moving, and construction machinery*, between Bucyrus, Ohio and points in the United States, including the District of Columbia.

HEARING: January 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 29886 Sub 91, filed October 8, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction equipment* and *excavating equipment*, between New Philadelphia, Ohio, and points in the United States.

HEARING: January 3, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 35737 Sub 7, filed October 19, 1956, THE CASSELL TRANSFER AND STORAGE COMPANY, a corporation, 115 North Rock Island Ave., Wichita, Kans. Applicant's representative: Carll V. Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General com-*

modities, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, using the Kansas Turnpike as an alternate route in connection with applicant's authorized regular-route operations between Kansas City, Mo., and Wichita, Kans., as follows: from the entrance of the Kansas Turnpike at K–32 Matoon Road, near the Kansas City, Kans., terminal at 18th Street and Muncie to its exits at Wichita designated as East Wichita, U. S. Highway 54, Wichita-Boeing, K15, and South Wichita, U. S. Highway 81, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Missouri, Kansas, and Colorado.

HEARING: January 17, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 36473 Sub 61, filed October 12, 1956, CENTRAL TRUCK LINES, INC., 1005 Jackson Street, P. O. Box 1411, Tampa 2, Fla. Applicant's representative: Allan Watkins, Grant Buiding, Atlanta 3, Ga. For authority to operate as *a common carrier*, over irregular routes, transporting: *General commodities*, except Class A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving points in Florida within 15 miles of Pensacola, Fla., as off-route points in connection with applicant's authorized regular route operations between Mobile, Ala., and Pensacola, Fla., over U. S. Highway 90; and between Pensacola and Chattahoochee, Fla., over U. S. Highway 90. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, and Louisiana.

HEARING: January 29, 1957, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 205.

No. MC 40858 Sub 45, filed August 6, 1956, THE SILVER FLEET MOTOR EXPRESS, INC., 216 West Pearl Street, Louisville 2, Ky. Applicant's representative: Robert W. Brunow, 1511–1516 Kentucky Home Life Building, Louisville 2, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Clayton & Lambert Manufacturing Co. Plant Site, near Buckner, Ky., as an off-route point in connection with carrier's authorized regular route operations between Louisville, Ky., and Cincinnati, Ohio, over U. S. Highway 42. Issues originally published in FEDERAL REGISTER of August 22, 1956, as above.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 42 329 Sub 126, filed September 10, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Clayton and Lambert Manufacturing Company plant near Buckner, Ky., as an off-route point in connection with applicant's authorized regular-route operations (a) between Louisville, Ky., and Cincinnati, Ohio, over U. S. Highway 42, and (b) between Cincinnati, Ohio, and Fulton, Ky., over U. S. Highways 25, 60 and 51. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 45657 Sub 16, filed October 17, 1956, PIC FREIGHT CO., 731 Campbell Ave., St. Louis, Mo. Applicant's representative: Jack Goodman, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Indiana Highway 29 and U. S. Highway 36 and junction U. S. Highway 66 and U. S. Highway 36, from junction Indiana Highway 29 and U. S. Highway 36 over U. S. Highway 36 to junction U. S. Highway 66, and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only. RESTRICTIONS: (1) No service is sought to be performed to and from the termini; (2) no service is sought between any point east of the Illinois-Indiana State line, on the one hand, and, on the other, any point in Illinois. Applicant is authorized to conduct operations in Indiana, Illinois, Missouri and Ohio.

HEARING: January 21, 1957, in Room 852 U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 21.

No. MC 47389 Sub 13, filed October 25, 1956, FEDERAL TRUCK LINES, INC., 3000 South Halsted St., Chicago 8, Ill. Applicant's representative: Eugene L. Cohn, One North La Salle St., Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Clayton & Lambert Manufacturing Company plant, near Buckner, Ky., as an off-route point in connection with carrier's authorized regular route operations between Indianapolis, Ind., and Louisville, Ky., over U. S. Highways 31 and 31–E. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky and Ohio.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 52322 Sub 1, filed August 13, 1956, M. Cooper AND J. F. McDOWELL, doing business as HALFWAY GARAGE & STAGES, Halfway, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *commodities in bulk*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Richland, Oreg., and Hells Canyon Dam Site (near Homestead), Oreg., from Richland over Oregon Highway 86 to Robinette; Oreg., thence over unnumbered highway in a northerly direction to the Brownlee Dam Site, thence in a northerly direction over the same unnumbered highway to the Ox Bow Dam Site, thence in a northerly direction over unnumbered highway to Hells Canyon Dam Site, and return over the same route, serving all intermediate points and off-route points within five (5) miles of the above-described dam sites. Applicant is authorized to conduct operations in Oregon.

NOTE: Duplicating authority is to be eliminated. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above:

HEARING: January 9, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 6.

No. MC 52657 Sub 496, filed August 27, 1956, ARCO AUTO CARRIERS, INC., 91st Street & Perry Ave., Chicago 20, Ill. Applicant's representative: Glenn W. Stephens, 121 W. Doty, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Motor vehicles including trailers, and parts thereof*, when moving with such vehicles, in initial movements, in truckaway and driveaway service, from Cortland, N. Y., and points within five miles of Cortland, to points in the United States, and (2) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Cortland, N. Y., and points within five miles of Cortland, to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 31, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 52869 Sub 47, filed August 27, 1956, NORTHERN TANK LINE, 8 S. Seventh St., Miles City, Mont. Applicant's representative: Robert N. Burchmore, 2106 Field Bldg., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from points in Wibaux County, Mont., to points in Wyoming, South Dakota, and North Dakota; (2) from Billings, Mont. and Laurel, Mont. to points in North Dakota and South Dakota; (3) from Miles City, Mont. and Glendive, Mont. and points within five (5) miles of each to points in South Dakota; (4) from Tioga, N. Dak. and Mandan, N. Dak. and points within five (5) miles of each to points in Minnesota; *damaged and returned shipments of petroleum and petroleum products* on return. Applicant is authorized to conduct operations in Montana, Wyoming, South Dakota, North Dakota, and Minnesota. Issues published in FEDERAL REGISTER of September 26, 1956.

HEARING: December 11, 1956, at North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner James H. Gaffney.

No. MC 52920 Sub 24, filed October 25, 1956, PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue South & Holgate Streets, Seattle, Wash. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *Fruits, vegetables, fruit juices, vegetable juices*, and *fish*, (fresh, frozen, canned or otherwise processed), serving points in Grays Harbor and Pacific Counties, Wash. as intermediate and off-route points in connection with applicant's authorized regular route operations, between Grand Mount and Raymond, Wash., and Grand Mount and Hoquiam, Wash., over Washington State Highway 9, U. S. Highway 410 and U. S. Highway 101.

HEARING: January 15, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 80.

No. MC 53965 Sub 16, filed October 19, 1956, GRAVES TRUCK LINE, INC., 700 North 13th Street, Saline, Kans. Applicant's representative: Carll V. Kretsinger, Suite 1014–1018 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Kansas City, Mo., and Wichita, Kans., from the entrance of the Kansas Turnpike at Kansas Highway 32 Matoon Road, near the Kansas City, Kans., terminal at 18th Street and Muncie to its exits at Wichita designated as East Wichita, U. S. Highway 54, Wichita-Boeing Kansas Highway 15, and South Wichita, U. S. Highway 81, over the Kansas Turnpike Highway, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations between (a) Kansas City, Mo., and Gypsum, Kans., (b) Kansas City, Mo., and Hutchinson, Kans., and (c) Wichita, Kans., and Newton, Kans. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: January 17, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 59292 Sub 10, filed October 23, 1956, THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Avenue, Baltimore 25, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Firebrick, refractory products*, on pallets, on flat bed trailers, from Baltimore Md. to Weirton, W. Va.

HEARING: January 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 206.

No. MC 68807 Sub 24, filed October 23, 1956, BENHAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarrysville, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron and steel tin plate*, sheet and strip, coated or plain, from Weirton, W. Va., to points in Connecticut, Maine Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Section 210 (dual operations) may be involved, as applicant is authorized to conduct operations as a common carrier in MC 105461.

HEARING: January 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 72318 Sub 22, filed October 15, 1956, INDUSTRIAL TRANSPORT, INC., 2221 William St., Lansing 15, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks, new cabs, new chassis*, and *unfinished automobiles*, in initial movements, in truckaway service, from Lansing, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and *damaged* or *wrecked shipments* of the commodities described above on return. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Iowa, New York, Ohio, West Virginia, Pennsylvania, Maryland, North Carolina, South Carolina, Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, North Dakota, Rhode Island, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia.

HEARING: January 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 89778 Sub 68, filed October 25, 1956, BAGGETT TRANSPORTATION COMPANY, 2 South 32nd St., Birmingham, Ala. Applicant's representative: Harold G. Hernly, 1624 Eye St., N. W., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Class A, B and C explosives*, and *blasting supplies*, between Energy, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, New Mexico, Texas and Florida. Applicant is authorized to conduct operations in Iowa, Alabama, Missouri, Illinois, New Jersey, West Virginia, Tennessee, Mississippi, Georgia, North Carolina, South Carolina, Indiana, Florida, Louisiana, Texas, Kentucky, Virginia, Arkansas, Delaware, Kansas, Pennsylvania, Colorado, Utah, Maryland, Michigan, Minnesota, New Jersey, New York, North Dakota, Ohio, Oklahoma, South Dakota, Vermont, Massachusetts, Connecticut, Rhode Island and Nebraska.

HEARING: January 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 95627 Sub 13, filed November 6, 1956, EUGENE NELMS, RFD #4, Box 191, Suffolk, Va. Applicant's representative: John C. Goddin, State-Planters Bank Bldg., Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Smithfield, Va., and points in Dinwiddie, Nottoway and Lunenburg Counties, Va. Applicant is authorized to transport general commodities with exceptions, in Virginia, and specified commodities in Virginia, District of Columbia, Maryland, North Carolina, South Carolina, Pennsylvania, New York, and New Jersey.

HEARING: January 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 108.

No. MC 102567 Sub 56, filed October 26, 1956, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La., and mailing address: P. O. Box 1822, Shreveport, La. Applicant's representative: Joe E. Shaw, First National Bank Bldg., Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas. Applicant is authorized to conduct operations in Arkansas, Georgia, Louisiana, Mississippi, Oklahoma and Texas.

HEARING: January 24, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Joint Board No. 38.

No. MC 102616 Sub 624, filed October 9, 1956, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 1624 Eye St., NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Freedom (Beaver County) and Floreffe (Allegheny County), Pa., to Nitro, W. Va. Applicant is authorized to conduct operations in Delaware, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: January 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 102616 Sub 625, filed October 15, 1956, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 1624 Eye St. NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Butyl alcohol*, in bulk, in tank vehicles,

from Fredericksburg, Va., to Union, N. J. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 18, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 103051 Sub 22, filed October 22, 1956, WALKER HAULING CO., INC., 624 Penn Avenue, N. E., Atlanta 8, Ga. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens & Southern Nat'l Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Foster, Ga. (near Americus, Ga.), and points within ten miles of Foster, to points in Russell County, Ala., other than Phenix City. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

HEARING: January 30, 1957, at the Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 239.

No. MC 104683 Sub 21, filed October 26, 1956, L. L. MAJURE and JO M. MAJURE, a partnership, doing business as L. L. MAJURE, 1600 "B" Street, (P. O. Box 1028) Meridian, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Mobile, Ala., to the U. S. Air Force Base, Columbus, Miss., and to the site of the proposed U. S. Navy Auxiliary Air Station (Jet Training Base) approximately 12 miles north of Meridian, Miss.; and (2) from Lynn Haven, Fla., to all U. S. Government military installations in the State of Mississippi. RESTRICTION: Applied-for authority to be limited to apply only on shipments moving on U. S. Government bills of lading.

HEARING: January 18, 1957, in U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 393.

No. MC 105470 Sub 7, filed October 24, 1956, INDIANAPOLIS FORWARDING COMPANY, a corporation, 2500 West Taylor Street, Chicago 8, Ill. Applicant's representative: Eugene L. Cohn, One North LaSalle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk (not excluding red oils, stearic acid, and fatty acids, in bulk, in tank vehicles), and commodities requiring special equipment, serving the site of the Clayton & Lambert Manufacturing Company plant, near Buckner, Ky., as an off-route point in connection with carrier's authorized regular-route operations over U. S. Highways 31–E and 31–W between (a) Chicago, Ill., and Indianapolis, Ind., and (b) Cincinnati, Ohio, and Louisville, Ky. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Ohio.

HEARING: January 31, 1957, at the Department of Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 106049 Sub 28, filed October 11, 1956, ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., a corporation, 260 University Ave., S. W., P. O. Box 1222, Atlanta 15, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving points in Florida within 15 miles of Pensacola, Fla., as off-route points in connection with applicant's authorized regular route operations between Pensacola, Fla., and Flomaton, Ala., over U. S. Highway 29; and in connection with applicant's irregular route operations between Pensacola, Fla., on the one hand, and, on the other, United States Navy Yard, Fort Barrancas, Correy Field, Soufley Field, Brownville, and Ellyson Field, Fla. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, and Mississippi.

HEARING: January 29, 1957, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 205.

No. MC 106943 Sub 58, filed November 1, 1956, EASTERN EXPRESS, INC., 128 Cherry St., Terre Haute, Ind. Applicant's representative: John E. Lesow, 632 Illinois Bldg., 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, other than small-arms ammunition, household goods as defined by the Commission, and liquids in bulk, in tank vehicles, serving the plant site of Indiana-Michigan Electric Company located approximately two and one-half (2½) miles west of Fairbanks, Ind. as an off-route point in connection with applicant's authorized regular route operations between St. Louis, Mo. and Indianapolis, Ind. and between Effingham, Ill. and Columbus, Ohio over U. S. Highway 40. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, Missouri, Maryland, West Virginia, and Kentucky.

HEARING: January 4, 1957, at U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 106965 Sub 93, filed November 1, 1956, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Ave., N. E., Washington, D. C. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia, and the District of Columbia. Applicant has authority to conduct operations in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

HEARING: January 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 107128 Sub 7, filed October 22, 1956, FAST FREIGHT, INC., 2612 West Morris St., Indianapolis 21, Ind. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Bldg., Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass products, including glass bottles and jars*, together with *accessories therefor*, such as caps, covers; rings, and empty cardboard containers, and *advertising matter*, from Vienna, W. Va., and points within three miles thereof, to points in Indiana, Illinois, St. Louis, Mo., and those points in the lower peninsula of Michigan on and south of a line commencing at Lake Michigan and extending along U. S. Highway 10 to its junction with Michigan Highway 20, thence via Michigan Highway 20 to Bay City, Mich., thence along Michigan Highway 15 to its junction with Michigan Highway 46, thence along Michigan Highway 46 to Lake Huron. Applicant is authorized to conduct operations in Indiana, Wisconsin, West Virginia, Illinois, Ohio, and Kentucky.

HEARING: January 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 107643 Sub 42, filed November 2, 1956, ST. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington Avenue, Portland, Oreg. Applicant's representative: John M. Hickson, Failing Bldg., Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in tank vehicles, from Coquille, Oreg., to the site of the Mineral Sand Company plant, near Bandon, Oreg. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, Utah, and Washington.

HEARING: January 10, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172.

No. MC 108058 Sub 5, filed October 12, 1956, BARBER TRUCKING, INC., 307 Latzer Ave., Minerva, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paper* and *paper products*, from Steubenville and Toronto, Ohio, to points in New York on and west of U. S. Highway 11 and points in Pennsylvania, except those already granted in MC 108058 Sub 1 and Sub 2, points in Indiana, and points in the Chicago, Ill., Commercial Zone, and *scrap paper, skids, pallets, paper plugs*, and *cores* and *such materials used or useful in the manufacture of paper and paper products*, and *rejected paper and paper products*, on return. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, and Michigan.

HEARING: January 14, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 108649 Sub 3, filed November 6, 1956, HAROLD E. STURM, doing business as STURM FREIGHTWAYS, 1614 South Washington, Peoria, Ill. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except bank bills, coin, currency, deeds, drafts, notes, postage stamps, precious metals or articles manufactured therefrom, precious stones, revenue stamps, valuable and negotiable papers, articles or papers of extraordinary value, tank truck shipments, wild animals, dead animals, Class A and B explosives, coal, sand and gravel, automobiles, and except household goods as defined by the Commission, serving Morton, Ill., as an off-route point in connection with applicant's authorized regular-route operations (1) between Omaha, Nebr., and Peoria, Ill.; (2) between Peoria, Ill., and junction Illinois Highway 116 and U. S. Highway 34; and (3) between Pekin, Ill., and junction unnumbered highway and U. S. Highway 34. Applicant is authorized to conduct operations in Illinois, Iowa, and Nebraska.

HEARING: January 10, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 108736 Sub 7, filed November 7, 1956, A. H. VIETOR, doing business as ALBERT LEA TRANSFER CO., 423 Adams Ave., Albert Lea, Minn. Applicant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cleaning, scouring or washing compounds, cooking oil fats, lard compounds, lard substitutes, soap, soap products, vegetable oil shortening, foodstuffs*, and related *advertising matter and premiums* when moving therewith, and *damaged shipments* of the commodities described herein, between Albert Lea, Minn., on the one hand, and, on the other, points in Minnesota within 35 miles of Albert Lea, and Blue Earth, Elmore and Winnebago, Minn. Applicant is authorized to transport soap, soap products, vegetable oil shortening and related advertising matter and premiums between Albert Lea, Minn., on the one hand, and, on the other, points in Minnesota within 35 miles of Albert Lea.

HEARING: January 3, 1957, at the Federal Court Building, Marquette Ave., South and Third Streets, Minneapolis, Minn., before Joint Board No. 145.

No. MC 109761 Sub 7, filed October 10, 1956, CARL SUBLER TRUCKING, INC., 906 Magnolia Ave., Auburndale, Fla.; mailing address, North West St., Versailles, Ohio. Applicant's representative: Herbert Baker, 50 W. Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats and sausage, cooked, cured, or preserved*, in packages, cans, or glass; *soups*, canned or in packages; and *gelatin*, and *animal fat shortening* in cans, packages, barrels, or drums, from Austin, Minn. and Owatonna, Minn. and points within ten (10) miles of each, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee; *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities on return.

HEARING: January 8, 1957, at the Of-Maine, Vermont, New Hampshire, Rhode Dutches County, N. Y. to points in Examiner T. Kinsey Carpenter.

No. MC 110325 Sub 13, (REVISIONS) TRANSCON LINES, a Corporation, Los Angeles, Calif., published in the October 31, 1956 issue on page 8345. That portion of the notice published on the above date reading "and serving the termini for the purpose of joinder only" should be deleted.

HEARING: Remains as assigned, December 11, 1956, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 251.

No. MC 110940 Sub 16, filed October 19, 1956, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: Bennett T. Waites, 531–34 Frank Nelson Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Toluene*, in bulk, in tank vehicles, from Alabama City, Ala., to Copper Hill, Tenn. Applicant is authorized to conduct operations in Alabama, Tennessee and Georgia.

HEARING: January 14, 1957, at Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 239.

No. MC 110940 Sub 17, filed November 7, 1956, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531–34 Frank Nelson Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats and oils, including blends and products thereof*, except those derived from petroleum, in bulk, in tank vehicles, between Memphis, Tenn., and points in Alabama.

HEARING: January 15, 1957, at Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 110.

No. MC 111651 Sub 5, filed October 22, 1956, MIDDLEWEST FREIGHTWAYS, INC., 527 South Theresa Ave., St. Louis, Mo. Applicant's representative: Carll V. Kretsinger, Suite 1014–1018 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, using the Kansas Turnpike between the entrance of said Turnpike at K–32 Matoon Road, near the Kansas City, Kans. terminal at 18th Street and Muncie and its exits at Wichita, Kans., designated as East Wichita, U. S. 54, Wichita-Boeing, K15, and South Wichita, U. S. 81, as an alternate route, serving no intermediate points, in connection with applicant's authorized regular-route operations in Certificate No. MC 111651 Sub 1 wherein applicant is authorized to transport packed, bagged, or crated commodities, over a regular route between Kansas City, Mo., and Wichita, Kans., from Kansas City over Kansas Highway 10 and U. S. Highway 50 to junction U. S. Highway 50S, thence over U. S. Highway 50S to Newton, Kans., and thence over U. S. Highway 81 to Wichita, and return over the same route. Service is authorized to and from the intermediate points of Emporia and Newton, Kans., unrestricted; to and from intermediate and off-route points within five miles of Wichita, Kans., in the transportation of general commodities except those of unusual value, and except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; and to and from intermediate and off-route points in the KANSAS CITY, MO.-KANSAS CITY, KANS., COMMERCIAL ZONE, as defined by the Commission, in the transportation of general commodities, with exceptions as above-specified, and except dangerous explosives. Applicant is authorized to conduct operations in Illinois, Kansas, Kentucky, Missouri and Oklahoma.

HEARING: January 17, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 52.

No. MC 112497 Sub 64, filed October 15, 1956, HEARIN TANK LINES, INC., 6440 Rawlins St. (P. O. Box 3096), Baton Rouge, La. Applicant's representative: Harry C. Ames, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caustic potash*, in bulk, from Anniston, Ala., to points in Florida, Georgia, Mississippi, North Carolina and South Carolina. Applicant is authorized to conduct operations in Arkansas, Louisiana, Alabama, Florida, Mississippi, Georgia, Tennessee, and Missouri.

HEARING: January 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 112669 Sub 1, filed December 23, 1955, ABE K. FRIESEN, doing business as FRIESEN TRUCK LINE, 1207 E. Second St., Hutchinson, Kans. Applicant's representative: J. Wm. Townsend, 204–206 Central Building, Topeka, Kans. (REOPENED FOR FURTHER HEARING.) The subject proceeding covers proposed operations described in Form BMC 78 application filed December 23, 1955, for authority as a *common carrier*, over irregular routes, transporting: *Brick* and *tile*, in minimum truck loads of 20,000 pounds, from Collinsville, Oklahoma City, and Tulsa, Okla., to points in Kansas, and *empty containers, or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

FURTHER HEARING: January 3, 1957, at Hotel Kansas, Topeka, Kans., before Joint Board No. 39.

No. MC 113336 Sub 10, filed November 6, 1956, PETROLEUM TRANSIT COMPANY, INC., P. O. Box 921, East 2nd St., Lumberton, N. C. Applicant's representative: James E. Wilson, Continental

Bldg., 14th and K Sts., N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in York County, Va., to points in North Carolina, West Virginia, Maryland, Delaware, and the District of Columbia. Applicant is authorized to conduct operations in North Carolina and Maryland.

HEARING: January 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 113779 Sub 46, filed October 25, 1956, YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Express Way, P. O. Box 12385, Houston 17, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Texas, and *contaminated shipments of liquid petroleum wax* on return. Applicant is authorized to conduct operations in New Mexico and Texas.

HEARING: January 15, 1957, at Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32.

No. MC 113779 Sub 47, filed October 30, 1956, YORK INTERSTATE TRUCKING, INC., 9820 La Porte Expressway, Houston 17, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous dimethylamine*, in bulk, in tank vehicles, from Sterlington, La., to Velasco, Tex., and *contaminated shipments of the commodity specified* on return. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma and Texas.

HEARING: January 15, 1957, at Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32.

No. MC 113855 Sub 13, filed October 11, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Ave., N., Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road construction and maintenance machinery and equipment, earth moving, industrial, logging and construction equipment, lifts, lift trucks, cranes, loaders, scoopmobiles, hoistmobiles, tractors, mixermobiles* and *mixers*, and *attachments and parts* thereof for above-described from Portland, Oregon, to points in the United States. *Damaged shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Oregon.

HEARING: January 16, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 113855 Sub 14, filed October 12, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Ave. N., Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road construction machinery and equipment, earth-moving, earth-leveling and materials handling machinery and equipment, tractors, rock rippers, machinery, root cutters, loaders, tillage machinery* and *construction equipment and machinery*, and *attachments and parts* thereof for above-described, from points in Merced, Stanislaus, San Joaquin, San Mateo, Contra, Costa, Solano, Napa, Sacramento, Sonoma, Santa Cruz, Alemeda, Colusa, Calaveras, Amador, Yolo, Santa Clara, Marin, San Benito, Monterey and San Francisco Counties, California, to points in the United States. *Damaged shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, Wyoming and Oregon.

HEARING: January 16, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 114004 Sub 11, filed October 29, 1956, ARKANSAS TRUCKING COMPANY, INC., 862 Baseline Road, P. O. Box 1715, Little Rock, Ark. Applicant's representative: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in truckaway service in secondary movement, between points in Arkansas, on the one hand, and, on the other, points in the United States including the District of Columbia. Applicant is authorized to conduct operations in all States and the District of Columbia.

HEARING: January 25, 1957, in U. S. Court Rooms, Little Rock, Ark., before Examiner William R. Tyers.

No. MC 114091 Sub 14, filed November 2, 1956, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 S. Seventh Street Road, Louisville, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Bldg., Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, except liquid petroleum gas, in bulk, in tank vehicles, from Salem, Ill. and points within ten (10) miles of Salem, to Louisville, Ky. Applicant is authorized to conduct operations in Kentucky, Illinois, Indiana, Ohio, and Tennessee.

HEARING: January 10, 1957, at Kentucky Hotel, Louisville, Ky., before Joint Board No. 1.

No. MC 114569 Sub 11, filed November 2, 1956, SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's representative: James W. Hagar, Commerce Bldg., P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer, feed* and *ingredients thereof*, and *burlap bags*, from Baltimore and Hagerstown, Md., to points in Pennsylvania and those in New York other than New York, N. Y., and points on Long Island; *insecticides*, (1) from Baltimore and Hagerstown, Md., to points in the above-specified Pennsylvania and New York territories; (2) from New York, N. Y., to points in the above-specified Pennsylvania and New York territories, and those in that part of Maryland north and west of a line beginning at the Maryland-Pennsylvania State line, and extending along U. S. Highway 40 to Baltimore, Md., thence along U. S. Highway 1 to the Maryland-Pennsylvania State line, including points on the indicated portions of the highways specified; (3) from Charles Town, W. Va., to points in the above-specified New York and Maryland territories; *fertilizer ingredients, paper bags*, and *cases*, from Baltimore, Md., to Milton, Pa.; *malt beverages* and *advertising matter*, from Shamokin, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, and the District of Columbia; *malt beverages* and *advertising matter* moving in connection therewith, from Shamokin, Pa., to points in Florida, Georgia, North Carolina, Ohio, South Carolina, and Virginia; *empty malt beverage containers*, from the above-described destination points to Shamokin, Pa.; *malt beverages* and *advertising matter* therefor, from Pottsville, Pa., to points in Maryland, Virginia, West Virginia, Delaware, New York, New Jersey, and the District of Columbia; and *empty beverage containers*, from points in Maryland, Virginia, West Virginia, Delaware, New York, New Jersey, and the District of Columbia to Pottsville, Pa. Applicant is authorized to conduct the above operations as a contract carrier under Permit No. MC 55813, and by this application seeks conversion of this Permit to a Certificate. Applicant also holds common carrier irregular route authority in Certificate No. MC 114569 to transport *canned goods*, and in Certificate No. MC 114569 Sub 7 to transport *charcoal briquets*, in bags.

NOTE: This application will be processed concurrently with MC-F 6444.

HEARING: January 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Irving J. Raley.

No. MC 114890 Sub 3 (REVISION), C. E. REYNOLDS, Joplin, Mo., published page 6530, issue of August 29, 1956. Applicant's representative by letter dated November 7, 1956, requests revision of former notice of filing with regard to commodity description set forth as, "Fertilizer solutions" be changed to read: "*Nisol-8*, in bulk in insulated, stainless steel bulk trailers" from the site of Grace Chemical Company plant at or near Woodstock, Tenn., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, and Missouri. Applicant is authorized to conduct operations in Kansas, Missouri, Oklahoma, Arkansas, and Texas.

HEARING: Remains as assigned, January 16, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 115892 Sub 2, filed September 24, 1956, J–C WAREHOUSE AND TRANSFER, Louisville Road, P. O. Box 2009, Savannah, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meat, meat products and meat by-products*

and *articles distributed by meat-packing houses*, as defined by the Commission, in refrigerated equipment in pool car distribution service, from Savannah, Ga., to points in that part of Georgia bounded by a line commencing with the Atlantic Ocean at the mouth of the St. Marys River, extending west over Georgia Highway 40 to junction U. S. Highway 1 at Folkston, Ga., thence U. S. Highway 1 to Waycross, Ga., thence U. S. Highway 82 to junction U. S. Highway 441 at Pearson, Ga., thence U. S. Highway 441 to Dublin, Ga., thence U. S. Highway 319 to junction U. S. Highway 221 at Wadley, Ga., and thence U. S. Highway 1 to the Georgia-South Carolina State line at Augusta, Ga., and points in that part of South Carolina on and south of U. S. Highway 78 commencing at the Georgia-South Carolina State line and extending to Charleston, S. C.

HEARING: January 29, 1957, at the Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 131.

No. MC 115921 Sub 1, filed October 29, 1956, CHEMICAL SALT SERVICE, INC., 64 Waltham Ave., Springfield, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rock salt*, in bulk, in dump trucks, in bags by use of dump trucks, and tractor trailers, from Hartfield, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut. Applicant is authorized to conduct operations in New York, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Massachusetts.

HEARING: January 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 115987 Sub 1, filed November 5, 1956, D. V. THOMPSON, INC., Box 30, McPherson, Kans. Applicant's representative: William A. Sawtell, Jr., Farnam Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from oil wells, tank batteries and gathering points located in that part of Nebraska south of the northern boundaries of Chase, Hayes, Frontier, Gosper, Phelps, Kearney, Adams, Clay, Fillmore, Saline, Gage, Johnson, and Nemaha Counties, Nebr., to points in Kansas.

HEARING: January 4, 1957, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 19.

No. MC 116110 Sub 2, filed November 1, 1956, MAXWELL TRUCK LINE, INC., Dothan, Ala. Applicant's representative: Maurice F. Bishop, 325–29 Frank Nelson Bldg., Birmingham, Ala. For authority to operate as a *common carrier*, over regular routes, transporting: *General comodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Dothan, Ala., and Opp, Ala., (a) from Dothan over Alabama Highway 12 to Opp, and return over the same route, serving all intermediate points (b) from Dothan over U. S. Highway 84 to Opp, and return over the same route, serving all intermediate points, and (2) serving Camp Rucker (near Daleville), Ala., as an off-route point in connection with applicant's authorized regular route operations between Birmingham, Ala., and Panama City, Fla. Applicant is authorized to conduct operations in Alabama and Florida.

HEARING: January 16, 1957, in U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 116172 Sub 2, filed October 23, 1956, LITTLE TRUCKING COMPANY, INC., Dameron, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* and *forest products, wooden pallets* and *building materials*, between points in Calvert, St. Marys, Charles, and Prince Georges Counties, Md., on the one hand, and, on the other, points in North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Washington, D. C., West Virginia, Connecticut, Massachusetts, and Rhode Island.

HEARING: January 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 116187, filed September 4, 1956, ILLINOIS TERMINAL RAILROAD COMPANY, 710 North 12th Boulevard, St. Louis, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, fodder, hay, straw and green hides, between Alton, East Alton, Federal, Wood River, Hartford, Roxana, Edwardsville, and East St. Louis, Ill., and St. Louis, Mo. Applicant states that no less than truck load traffic will be handled. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 15, 1957, at the Desoto Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 116192, filed September 6, 1956, JAMES F. McBALL, 123 Garfield Avenue, West Chester, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Innerspring units and accessories for mattresses and furniture*, and *materials, equipment* and *supplies* used or useful in the manufacture and sale of such commodities, between West Chester, Pa., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, District of Columbia, Virginia, and West Virginia. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: December 18, 1956, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 116242, filed October 8, 1956, JESSE A. KRONINGER, R. D. 1, Mertztown, Pa. Applicant's representative: Christian V. Graf, 11 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crushed gypsum rock*, from Burlington, N. J., to points in Montgomery and Berks Counties, Pa.

HEARING: January 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 116254, filed October 15, 1956, CHEM-HAULERS, INC., P. O. Box 245, Sheffield, Ala. Applicant's representative: Donald E. Cross, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caustic potash*, in bulk, from Anniston, Ala., to points in Florida, Georgia, Mississippi, South Carolina, and North Carolina.

HEARING: January 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 116273, filed October 29, 1956, D & L TRANSPORT, INC., 3150 South Kolin Avenue, Chicago 23, Ill. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt, asphalt cut-back, road oil, residual oil*, and *tar*, in bulk, in tank vehicles, from Hammond, Whiting, East Chicago, and Gary, Ind., to points in Illinois, on and north of Illinois Highway 9, and *returned shipments* of the commodities specified in this application on return movement.

HEARING: January 22, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 21.

No. MC 116274, filed October 29, 1956, FOGAL TRANSPORT COMPANY LIMITED, a corporation, 435 Second Street South, Lethbridge, Alberta, Canada. For authority to operate as a *common carrier*, over regular routes, transporting: *Beer box cartons*, (used), made of cardboard, from the port of entry, at or near Sweetgrass, Mont., on the International Boundary Line, between the United States and Canada, over U. S. Highway 91 to junction with U. S. Highway 2 at Shelby, Mont., thence over U. S. Highway 2 to junction with Montana Highway 13 at Wolf Point, Mont., thence over Montana Highway 13 to junction with Montana Highway 18 at Circle, Mont., thence over Montana Highway 18 to junction with U. S. Highway 10 at Glendive, Mont., thence over U. S. Highway 10 to St. Paul, Minn., and return over the same route serving no intermediate points.

HEARING: January 9, 1957, at the Council Chambers, Civic Center, Great Falls, Mont., before Joint Board No. 224.

No. MC 116280, filed October 30, 1956, W. G. McQUAIDE, Box 383, Lexington Ave., Johnstown, Pa. Applicant's representative: Christian V. Graf, 11 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and Steel*, and *iron and steel articles*, except those the transportation of which by reason of their size or weight requires the use of special equipment, from Johnstown, Pa., and points within 10 miles thereof, to points in West Virginia, those in Ohio on and west of U. S. Highway 21, points in Niagara County, N. Y.,

Tonawanda, N. Y., and Battle Creek, Bay City, Caro, Charlotte, Dearborn, Detroit, Durant, Flint, Grand Rapids, Holly, Kalamazoo, Lansing, Midland, Monroe, Mt. Pleasant, Pontiac, Port Huron, River Rouge, Royal Oak, Saginaw, Ypsilanti, and Wayne, Mich., and points within 5 miles of each named point in Michigan.

NOTE: Applicant holds contract carrier authority in MC 88299 Sub 6 for this same operation which will be cancelled if and when this authority is granted.

HEARING: January 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 116280 Sub 1, filed October 30, 1956, W. C. McQUAIDE, Box 383, Lexington Ave., Johnstown, Pa. Applicant's representative: Christian Graf, 11 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sheet steel* and *culvert pipe*, from Apollo, Pa., to Chicago, Cicero, Harvey, Aurora, and Naperville, Ill.

NOTE: Applicant holds contract carrier authority in MC 88299 Sub 4 for this same operation which will be cancelled if and when this authority is granted.

HEARING: January 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 116280 Sub 2, filed October 30, 1956, W. C. McQUAIDE, Box 383, Lexington Ave., Johnstown, Pa. Applicant's representative: Christian V. Graf, 11 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sheet steel* and *culvert pipe*, from Apollo, Pa., to Albany and New York, N. Y., points in Maryland, New Jersey, and the District of Columbia, those in New York on and west of a line beginning at the Pennsylvania-New York State line and extending along U. S. Highway 11 to Syracuse, N. Y., thence along New York Highway 57 to Oswego, N. Y., those in Ohio on and east of U. S. Highway 25, and those in West Virginia on and north of U. S. Highway 50, and *returned, rejected or refused shipments*, of the above-specified commodities, on return.

NOTE: Applicant holds contract carrier authority in MC 88299 Sub 3 for this same operation which will be cancelled if and when this authority is granted.

HEARING: January 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 116280 Sub 3, filed October 31, 1956, W. C. McQUAIDE, Box 383, Lexington Ave., Johnstown, Pa. Applicant's representative: Christian V. Graf, 11 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sheet* and *fabricated steel*, from Apollo, Pa., to points in New York, as follows: (1) from Apollo over Pennsylvania Highway 66 to Kittanning, Pa.; thence over Pennsylvania Highway 268 to Emlenton, Pa., thence over Pennsylvania Highway 238 to Shippensville, Pa., thence over Pennsylvania Highway 66 to Tionesta, Pa., thence over U. S. Highway 62 to Frewsburg, N. Y., thence over New York Highway 60 to Dunkirk, N. Y., thence over New York Highway 5 to Buffalo, N. Y. (also from Frewsburg over U. S. Highway 62 to Buffalo), thence over New York Highway 266 to Tonawanda, N. Y., and thence over New York Highway 384 to Niagara Falls, N. Y.; (2) from Apollo, Pa., to Buffalo, N. Y., as specified above, thence over New York Highway 33 to junction New York Highway 78, and thence over New York Highway 78 to Lockport, N. Y.; and (3) from Apollo, Pa., to Buffalo, N. Y., as specified above, thence over New York Highway 35 to Lancaster, N. Y., and return over the same routes, to Apollo, serving all intermediate points in New York on the above-specified routes.

NOTE: Applicant holds contract carrier authority in MC 88299 for this same operation which will be cancelled if and when this authority is granted.

HEARING: January 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 11681, filed October 31, 1956, FRANK DeLEO, 1046 Roy Street, Philadelphia 40, Pa. Applicant's representative: Ralph C. Busser, Jr., 1609 Morris Bldg., 1421 Chestnut St., Philadelphia 2, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ventilators*, from Philadelphia, Pa., to points in Pennsylvania, New Jersey, New York, Massachusetts, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Ohio, Indiana, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: January 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 116282, filed October 30, 1956, ONILE P. FRANCOEUR, doing business as NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 239 Seventh St., Auburn, Maine. Applicant's representative: William D. Pinansky, 403–4–5 Clapp Memorial Bldg., 443 Congress Street, Portland 3, Maine. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products*, (1) from points in Boston, Mass., Commercial Zone, as defined by the Commission, to Newburyport, Mass., Portsmouth, N. H., and points in the State of Maine on and south of U. S. Highway 2 from the New Hampshire border to Bangor, Maine, and on and south of U. S. Highway 1, from Bangor, Maine to Ellsworth, Maine; and (2) from Dover, N. H. to points in the above-specified area in Maine.

HEARING: January 15, 1957, at the Federal Bldg., Portland, Maine, before Joint Board No. 69.

No. MC 116288, filed November 2, 1956, H. R. MILLER, doing business as MILLER TOW SERVICE, 1412½ Broadway, Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, (wrecked or disabled) by wrecker trucks, between points in Iowa, Kansas and Missouri.

HEARING: January 16, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 55.

No. MC 116289, filed November 5, 1956, CHARLES G. BYARS, 105 Florence Street, Pickens, S. C. Applicant's representative: Henry P. Willimon, Greenville, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chlorinated biphenyl* and *chlorinated poly-phenyls*, or any *combination or mixture thereof*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between points in Pickens County, S. C., on the one hand, and, on the other, Anniston, Ala.

HEARING: January 31, 1957, in U. S. Court Rooms, Columbia, S. C., before Joint Board No. 339.

MOTOR CARRIERS OF PASSENGERS

No. MC 6344 Sub 2, filed October 24, 1956, JOHN W. TURNER, doing business as TURNER MOTOR COACH SERVICE, 301 Elm Street, Fitchburg, Mass. Applicant's representative: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, from Fitchburg, Clinton, Leominster, East Templeton, Gardiner, West Groton, Ayer, Westford, Orange, Haverhill and Athol, Mass., to Hudson, Nashua, East Jaffrey, Pelham and Derry, N. H., and Pawtucket and Central Falls, R. I., and return. Applicant is authorized to conduct operations in all states in the United States except Alabama, Arkansas, Idaho, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nevada, North Dakota, Oklahoma, Texas, Utah, and Wisconsin.

HEARING: January 9, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Joint Board No. 190.

No. MC 50026 Sub 7, filed October 29, 1956, ARKANSAS MOTOR COACHES LIMITED, INC., doing business as ARKANSAS TRAILWAYS, 433 West Washington St., North Little Rock, Ark. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, between Benton, Ark., and junction Arkansas Highway 7 and U. S. Highway 67, from Benton over U. S. Highway 67 to junction Arkansas Highway 7, (5 miles north of Arkadelphia, Ark.,) and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas and Texas.

HEARING: January 9, 1957, at Arkansas Public Service Commission, Little Rock, Ark., before Joint Board No. 215.

No. MC 114340 Sub 10, filed October 30, 1956, THOMAS PARRAN, JR., doing business as SUBURBAN TRANSIT COMPANY, 10715 Colesville Road, Silver Spring, Md. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between College Park, Md., and Washington, D. C., from College Park over Maryland Highway 193 (University Lane) to the junction of Maryland Highway 320 (Piney Branch Road), thence over Maryland Highway 320 to the junction of Maryland Highway 513, thence over Maryland Highway 513 to the junction of Maryland Highway 410, (Philadelphia Avenue), thence over Maryland Highway 410 to the junction of U. S. Highway 29, thence over U. S. Highway 29 to Washington, D. C., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland and the District of Columbia.

HEARING: January 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

No. MC 116270, filed October 25, 1956, NEW YORK BUS TOURS, INC., 3478 Park Ave., Bronx, New York, N. Y. Applicant's representative: Sol Paseltiner, 20 South Broadway, Yonkers 2, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in seasonal operations, during the racing seasons for the indicated respective race tracks, (a) between New York, N. Y., (Boroughs of the Bronx and Upper Manhattan), and Garden State Race Track, Camden, N. J., from New York (Borough of The Bronx) beginning at or near the intersection of Fordham Road and Webster Avenue, thence over Webster Avenue to Clay Avenue, thence over Clay Avenue to East 170th Street, thence over East 170th Street to West 170th Street, thence over West 170th Street to Jerome Avenue, thence over Jerome Avenue to West 169th Street, thence over West 169th Street to Edward L. Grant Highway, thence over Edward L. Grant Highway to University Avenue, thence over Washington Bridge (over Harlem River) to McNally Plaza, thence over McNally Plaza to Amsterdam Avenue, thence over Amsterdam Avenue to West 165th Street, thence over 165th Street to St. Nicholas Avenue, thence over St. Nicholas Avenue to West 179th Street, thence over West 179th Street to the George Washington Bridge, thence over the George Washington Bridge in the States of New York and New Jersey, thence in New Jersey over U. S. Highway 1 to the New Jersey Turnpike, thence over the New Jersey Turnpike to New Jersey Highway 38, thence over New Jersey Highway 38 to the entrance of the Garden State Race Track, and return over the same route to the point of beginning, (except that in the City of New York, the following one-way streets are to be used to reach the point of beginning: from the George Washington Bridge over West 178th Street to Audubon Avenue, thence over West 166th Street to Amsterdam Avenue), serving no intermediate points. (b) Between New York, N. Y. (Boroughs of The Bronx and Upper Manhattan), and the Atlantic City Race Track, McKee City, N. J., from New York (Borough of The Bronx) beginning at or near the intersection of Fordham Road and Webster Avenue, thence over Webster Avenue to Clay Avenue, thence over Clay Avenue to East 170th Street, thence over East 170th Street to West 170th Street, thence over West 170th Street to Jerome Avenue, thence over Jerome Avenue to West 169th Street, thence over West 169th Street to Edward L. Grant Highway, thence over Edward L. Grant Highway to University Avenue, thence over Washington Bridge (over Harlem River) to McNally Plaza, thence over McNally Plaza to Amsterdam Avenue, thence over Amsterdam Avenue to West 165th Street, thence over West 165th Street to St. Nicholas Avenue, thence over St. Nicholas Avenue to West 179th Street, thence over West 179th Street to the George Washington Bridge, thence over the George Washington Bridge in the States of New York and New Jersey, thence in New Jersey over U. S. Highway 1 to the New Jersey Turnpike, thence over the New Jersey Turnpike to the Garden State Parkway, thence over the Garden State Parkway to U. S. Highway 40, thence over U. S. Highway 40 to the Atlantic City Race Track, McKee City, and return over the same route to the point of beginning, (except that in the City of New York the following one-way streets are to be used to reach the point of beginning, from the George Washington Bridge over West 178th Street to Audubon Avenue, thence over Audubon Avenue to West 166th Street, thence over West 166th Street to Amsterdam Avenue) serving no intermediate points. (c) Between New York, N. Y. (Boroughs of The Bronx and Upper Manhattan), and Monmouth Park Race Track, Oceanport, N. J., from New York (Borough of The Bronx) beginning at or near the intersection of Fordham Road and Webster Avenue, thence over Webster Avenue to Clay Avenue, thence over Clay Avenue to East 170th Street, thence over East 170th Street to West 170th Street, thence over West 170th Street to Jerome Avenue, thence over Jerome Avenue to West 169th Street, thence over West 169th Street to Edward L. Grant Highway, thence over Edward L. Grant Highway to University Avenue, thence over Washington Bridge (over Harlem River) to McNally Plaza, thence over McNally Plaza to Amsterdam Avenue, thence over Amsterdam Avenue to West 165th Street, thence over West 165th Street to St. Nicholas Avenue, thence over St. Nicholas Avenue to West 179th Street, thence over West 179th Street to the George Washington Bridge, thence over the George Washington Bridge in the States of New York and New Jersey, thence in New Jersey over U. S. Highway 1 to the New Jersey Turnpike, thence over the New Jersey Turnpike to the Garden State Parkway, thence over the Garden State Parkway to the unnumbered highway to the Eatontown Circle, thence over the said unnumbered highway to Eatontown Circle, thence over Eatontown Circle to Monmouth Park Highway, thence over Monmouth Park Highway to Oceanport Avenue, thence over Oceanport Avenue to the Monmouth Park Race Track, and return over the same route to the point of beginning (except that in the City of New York the following one-way streets are to be used to reach the point of beginning: from the George Washington Bridge over West 178th Street to Audubon Avenue, thence over West 166th Street to Amsterdam Avenue, serving no intermediate points.

HEARING: January 14, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 3.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 730 Sub 88, (Amended) filed October 5, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline St., Oakland, Calif. Applicant's representative: Earl J. Brooks, 299 Adeline St., P. O. Box 958, Oakland 4, Calif. For authority to operate as a *common carrier*, transporting: *General commodities*, excepting those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Thiokol Chemical Corporation Rocket Motor Development Center, located approximately ten (10) miles west of Corinne, Utah, as an off-route point in connection with applicant's authorized regular route operations over U. S. Highways 89–91, 191 and 30–S and Utah Highway 69. Applicant is authorized to conduct operations in Utah, Washington, Oregon, Nevada, California, Idaho, Montana, Wyoming, Colorado, Kansas, Missouri, Illinois, and Indiana.

No. MC 30887 Sub 68, filed October 24, 1956, SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: Donald E. Freeman, 534 Main Street, Reisterstown, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from Cambridge, Mass., to Roxboro, N. C., and *returned or rejected shipments* of the above-described commodities to Cambridge, Mass., or Baltimore, Md. Applicant is authorized to conduct operations in Maryland, Rhode Island, Connecticut, Massachusetts, Pennsylvania, New York, New Jersey, Virginia, North Carolina, Ohio, Indiana, Michigan, Missouri, and Wisconsin.

No. MC 38092 Sub 2, filed October 30, 1956, EARLE W. NOYES AND SON, 33 Cotton St., Portland, Maine. Applicant's representative: George L. Bowles, 402 Clapp Memorial Bldg., Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Androscoggin, Cumberland, except Brunswick, and York Counties, Maine, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland and the District of Columbia. Ap-

plicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, Maine, New Jersey, Pennsylvania, Delaware, Maryland and the District of Columbia.

No. MC 101126 Sub 57, filed October 8, 1956, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Ave., Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Vegetable oils and blends thereof* and *vegetable oil products*, in bulk, in stainless steel tank vehicles, from St. Bernard, Ohio, to Tonawanda, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Illinois, Kentucky, Indiana, Ohio, Maryland, New York, North Carolina, Michigan, Tennessee, South Carolina, Virginia, Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, and Pennsylvania.

APPLICATIONS OF PASSENGERS

No. MC 3647 Sub 206, filed September 27, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Assistant General Solicitor, Law Department, Public Service Coordinated Transport, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Westville, N. J., and County Road 534, West Deptford Township, N. J., over U. S. Highway 130, serving all intermediate points, and (2) between County Road 40 and County Road 42 in Oldmans Township, Salem County, N. J., over U. S. Highway 130, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6436, published in the October 31, 1956, issue of the FEDERAL REGISTER on page 8351. Supplemental application filed November 13, 1956, to show joinder of RANKIN JOHNSON, TRISTAM B. JOHNSON, RANKIN JOHNSON, JR., EDWARD F. JOHNSON, BURGES JOHNSON, II, NUALA FROST JOHNSON, JOAN VAN ALSTYNE JOHNSON, GRACE STONE JOHNSON, THOMAS E. PEACOCK, FRANK E. MATTHEWS, GEORGE GILDEA, W. ENOS WETZEL and JOHN P. WOODRIDGE, 132 Perry Street, Trenton, N. J., as persons in control of TRENTON TRANSIT.

No. MC–F 6448. Authority sought for purchase by INTER-CITY AUTO FREIGHT, INC., 1821 Dock Street, Tacoma 2, Wash., of the operating rights and property of SKAGIT RIVER MOTOR LINES, INC., 441 Holgate Street, Seattle, Wash., and for acquisition by J. H. GALBRAITH, also of Tacoma, of control of such rights and property through the purchase. Applicants' representatives: E. K. Murray and E. M. Murray, both of 1012 Rust Bldg., Tacoma 2, Wash. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Seattle, Wash., and Newhalem, Wash., between Everett, Wash., and Seattle, Wash., and between Newhalem, Wash., and Diablo Dam, Wash., serving certain intermediate and off-route points; *household goods*, as defined by the Commission, between Seattle, Wash., and Diablo Dam, Wash., serving certain intermediate points; and *commodities*, which because of their size or weight require the use of special equipment, between Rockport, Wash., and Diablo Dam, Wash., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Washington. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6449. Authority sought for control and merger by HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston Salem, N. C., of the operating rights and property of GRIGGS TRUCKING CO., P. O. Box 158, Ruby, S. C., and for acquisition by S. H. MITCHELL, also of Winston Salem, of control of such rights and property through the transaction. Applicants' representative: Wm. M. York, P. O. Box 127, Greensboro, N. C. Operating rights sought to be controlled and merged: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, as a *common carrier* over regular routes from Pageland, S. C., to Monroe, N. C., and from Pageland, S. C., to Charlotte, N. C., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between Cheraw, S. C., and points within 50 miles of Cheraw, on the one hand, and, on the other, Easton, Philadelphia and York, Pa., from Baltimore, Md., points in New York in the New York, N. Y., Commercial Zone as defined by the Commission, and points in New Jersey within 35 miles of New York, N. Y., to Cheraw, S. C., and points within 50 miles of Cheraw, S. C., between New York, N. Y., and points in New Jersey within 30 miles of the City Hall; New York, N. Y., on the one hand, and, on the other, points in Gloucester County, N. J., between points in Pennsylvania within 25 miles of Philadelphia, including Philadelphia, Pa., between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey within 25 miles of Philadelphia, Pa.; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between points in Chesterfield and Marlboro Counties, S. C., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia and Virginia; *general commodities*, except those requiring special equipment such as tank vehicles or refrigerated trucks, from Charlotte and Monroe, N. C., to Pageland, S. C.; *agricultural commodities, fertilizer, cotton, cotton seed, cotton seed hulls, cotton seed meal, hardware, composition roofing and shingles, empty cans, labels, canning factory machinery and equipment, canned goods, automobile parts, textiles, textile products, paper products, pulpboard products, empty beverage containers, chemicals, asbestos siding, petroleum products in containers, furniture* (new), *flour, feed, seeds, agricultural plants, stoves*, and *bricks*, from, to or between points and areas, varying with the commodity transported, in South Carolina, North Carolina, West Virginia, Maryland, New Jersey, Pennsylvania, New York, Massachusetts, Rhode Island, Ohio, Georgia, Florida, Virginia, Delaware and the District of Columbia. HENNIS FREIGHT LINES, INC., is authorized to operate as a *common carrier* in North Carolina, Virginia, Ohio, Maryland, West Virginia, South Carolina, Pennsylvania, Indiana, Illinois and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6450. Authority sought for purchase by BARBER TRANSPORTATION COMPANY, 321 Sixth Street, Rapid City, S. Dak., of the operating rights of C. MAGNUS MARTINSON and IRVIN A. MARTINSON, doing business as MIDDLEWEST NEBRASKA MOTOR, Neligh, Nebr., and for acquisition by MILO H. BARBER, also of Rapid City, of control of such rights through the purchase. Applicants' representatives: Lee Reeder and Wentworth E. Griffin, both of Room 1010, 1012 Baltimore Bldg., Kansas City, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Sioux City, Iowa, and Ainsworth, Nebr., between Neligh, Nebr., and Council Bluffs, Iowa, between Neligh, Nebr., and Grand Island, Nebr., and between Neligh, Nebr., and Lincoln, Nebr., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in South Dakota and Wyoming. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6451. Authority sought for purchase by NATIONAL CARTAGE CO., 1017 West 48th Street, Chicago, Ill., of the operating rights of B & R FORWARDING COMPANY, (GEORGE F. LABOUR, RECEIVER), 320 Water Street, Niles, Mich., and for acquisition by CHRIS B. SINK, also of Chicago, of control of such rights through the purchase. Applicants' representative: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and South Bend and Gary, Ind., Dowagiac, Mich., Chicago Heights, St. Charles, Joliet, Waukegan, and Lake Bluff, Ill., between Joliet, Ill., and Elkhart, Ind., between Benton Harbor, Mich., and South Bend, Ind., between South Bend, Ind., and La Porte, Ind., and between junction Indiana Highway 2 and U. S. Highway 6 and Kingsbury, Ind., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Michigan and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6452. Authority sought for control by MAISLIN BROS. TRANSPORT LIMITED, 1990 William Street, Montreal, Quebec, Canada, of MAISLIN TRANSPORT, INC., 1375 Paterson Plank Road, Secaucus, N. J., and for acquisition by SAM MAISLIN, SYDNEY MAISLIN, ALEXANDER MAISLIN and SAUL MAISLIN, all of Montreal, of control of MAISLIN TRANSPORT, INC., through the acquisition by MAISLIN BROS. TRANSPORT LIMITED. Applicant's representatives: William D. Traub, 60 East 42nd Street, New York 17, N. Y., and Nathaniel T. Helman, 270 Madison Avenue, New York 16, N. Y. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk as a *common carrier* over regular routes between New York, N. Y., and Watertown, Utica and Buffalo, N. Y., serving certain intermediate points; alternate route for operating convenience only between the junction of New Jersey Highway 17 and U. S. Highway 46 and Binghamton, N. Y.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between points in New Jersey and New York within 25 miles of the City Hall, New York, N. Y., and between points in New Jersey and New York within 25 miles of the City Hall, New York, N. Y., on the one hand, and, on the other, Oyster Bay, Ossining, and Peekskill, N. Y. Applicant is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–9521; Filed, Nov. 20, 1956; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 16, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32901: *Scrap paper—Evansville, Ind., to Dallas, Tex., and Shreveport, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper, scrap or waste, carloads from Evansville, Ind., to Dallas, Tex., and Shreveport, La.

Grounds for relief: Rates constructed on basis of a short-line distance formula, market competition and circuity.

Tariffs: Supplements Nos. 159 and 34 to Agent Kratzmeir's I. C. C. Nos. 4049 and 4204, respectively.

FSA No. 32902: *Piggy back class rates between trunk-line territory and points in Arkansas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on freight in or on trailers on flat cars between points in Delaware, District of Columbia, Maryland, New Jersey, New York, and eastern Pennsylvania, on the one hand, and Fair Oaks, Newport, and Tuckerman, Ark., on the other.

Grounds for relief: Motor competition and circuity.

Tariff: Supplement 8 to Agent Kratzmeir's tariff I. C. C. 4213.

FSA No. 32903: *Perlite rock from Socorro, N. Mex., to Plymouth Meeting, Pa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on perlite rock, broken, crushed or ground, dried or not dried, not expanded, carloads from Socorro, N. Mex., to Plymouth Meeting, Pa.

Grounds for relief: Rates constructed on basis of a short-line distance formula and circuity.

Tariff: Supplement 264 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 32904: *Furfural residue—Memphis, Tenn., to Yonkers, N. Y., and Pittstown, N. J.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on furfural residue, dry, in carloads from Memphis, Tenn., to Yonkers, N. Y., and Pittstown, N. J.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32905: *Asphalt from and to points in official territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on asphalt, in carloads from points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia to points in New York, Ohio, Pennsylvania and West Virginia.

Grounds for relief: Market competition and circuity.

Tariff: Agent C. W. Boin's tariff I. C. C. No. A–1118.

FSA No. 32906: *Animal or poultry feed to southern territory.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on animal or poultry feed, in carloads from Chicago, Ill., and group points, Jefferson, Wis., and Rockford, Ill., to points in southern territory.

Grounds for relief: Rates constructed on basis of a short-line distance formula, competition with rail carriers, and circuity.

Tariffs: Supplements Nos. 89 and 19 to Agent R. G. Raasch's tariffs I. C. C. Nos. 776 and 855, respectively.

FSA No. 32907: *Animal or poultry feed from Watertown, Wis.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on animal or poultry feed, carloads from Watertown, Wis., to points in southern territory.

Grounds for relief: Short-line distance formula, and circuitous route.

Tariffs: Supplements Nos. 89 and 19 to Agent Raasch's tariffs I. C. C. Nos. 776 and 855, respectively.

FSA No. 32908: *Spent sulphuric acid—Illinois to Louisiana.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on spent sulphuric acid, in tank-car loads from Chicago, Ill., and points in switching district to Baton Rouge and North Baton Rouge, La.

Grounds for relief: Circuitous route.

Tariff: Supplement 89 to Agent Raasch's tariff I. C. C. 776.

FSA No. 32909: *Substituted service—Missouri-Kansas-Texas Railroad Company.* Filed by Middlewest Motor Freight Bureau, Agent, for Riss & Company, Inc., and interested rail carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Kansas City, Kans., on the one hand, and Oklahoma City and Tulsa, Okla., Dallas and Fort Worth, Tex., on the other, and between St. Louis, Mo., on the one hand, and Oklahoma City, Okla., Dallas and Fort Worth, Tex., on the other.

Grounds for relief: Motor competition.

FSA No. 32910: *Sand from Indiana and Michigan to Memphis, Tenn.* Filed by St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on sand, as described in the application, carloads from Muskegon, Mich., and group points, and Michigan City, Ind., and group points to Memphis, Tenn.

Grounds for relief: Rail carrier competition and circuitous routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–9520; Filed, Nov. 20, 1956; 8:47 a. m.]

[Ex Parte 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES, 1956.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 15th day of November, A. D. 1956.

It appearing that a petition was filed in the above proceeding on November 14, 1956, by the railroads listed in the Appendix A thereof, being substantially all of the Class I and a number of other railroads operating in Southern Region, all of which are respondents in the proceeding. Petitioners request the Commission for authority immediately to increase freight rates and charges to, from, via, and between all points on their lines in the amount of 7 percent, subject to the provisions, limitations, and exceptions set forth in Appendix B of the petition. Petitioners also seek permission to make such increased rates and charges effective upon one day's notice, and entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act.

It further appearing that the petitioners have sent a copy of said petition and supporting verified statements to

each of the regional offices of the Commission, that a copy has been served upon each party to Ex Parte No. 196, and that a copy will be furnished to any interested party upon request to Mr. Prime F. Osborn III, 804 Transportation Building, Washington, D. C.

And it further appearing that in support of this petition, petitioners rely on the verified statements (affidavits) of 7 persons, which statements were filed with the petition. A list of the statements and the names of the persons submitting same are set forth in Appendix A below.

Upon consideration of the petition, and good cause appearing therefor:

It is ordered, That the said petition be set for hearing at the office of the Commission in Washington, D. C., beginning at 10:00 o'clock a. m., United States Standard Time, on December 12, 1956, before Division 2. Evidence in support of said petition will be limited to the verified statements referred to in the preceding paragraph. If cross-examination of a person who prepared such a statement is desired, request therefor must reach such person or his attorney on or before December 7, 1956. The Commission should be notified promptly of such request for cross-examination.

It is further ordered, That evidence, including oral testimony in opposition to the petition, subject to cross-examination, will be received at the aforesaid hearing, but will be limited to the issues presented by the petition.

It is further ordered, That oral argument before the Commission on the petition will be held at the office of the Commission in Washington, D. C., beginning at 10:00 o'clock a. m., United States Standard Time, on December 19, 1956.

And it is further ordered, That a copy of this order be served on all parties to this proceeding and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

APPENDIX A

Verified Statement of Graham E. Getty, Assistant Vice-President of the Association of American Railroads, dated November 14, 1956.

Verified Statement of John K. Dent, Vice-President, Louisville and Nashville Railroad Company, dated November 12, 1956.

Verified Statement of J. E. Gilliland, Vice-President in Charge of Traffic, St. Louis-San Francisco Railway Company and St. Louis, San Francisco and Texas Railway Company, dated November 12, 1956.

Verified Statement of E. B. deVilliers, Assistant Vice-President—Traffic, Gulf, Mobile and Ohio Railroad Company, dated November 12, 1956.

Verified Statement of H. M. Croghan, Vice-President, Traffic, Central of Georgia Railway Company, dated November 12, 1956.

Verified Statement of J. M. Fields, Vice-President, Traffic, Atlantic Coast Line Railroad Company, dated November 14, 1956.

Verified Statement of R. A. Trovillion, Vice-President, Traffic, Illinois Central Railroad, dated November 12, 1956.

[F. R. Doc. 56-9540; Filed, Nov. 20, 1956; 8:51 a. m.]

[Ex Parte 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES 1956

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 15th day of November A. D. 1956.

Upon consideration of the record in the above-entitled proceeding and of the petitions and motion listed in the appendix for modification of the Commission's orders of October 1, and November 7, 1956, in the above-entitled proceeding:

It is ordered, That:

1. Paragraph 3 (f) of our order of October 1, 1956, be, and it is hereby, modified by postponing the date now set for the filing of evidence in the form of verified statements (affidavits) in opposition from December 14, 1956, to and including December 24, 1956.

2. Paragraph 3 (g) of our order of October 1, 1956, be, and it is hereby, further modified by postponing the date for filing reply verified statements from January 4, 1957, to and including January 14, 1957;

3. That the said petitions and motion to the extent indicated above be, and they are hereby granted; in all other respects they are denied.

4. That except as modified herein, the orders of October 1 and November 7 shall remain in full force and effect.

5. That a copy of this order be served on all parties to this proceeding and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

APPENDIX

1. Motion of Texas Industrial Traffic to require further evidence from applicants, to modify special rules of procedure and to deny motion for 7 percent increase without a hearing.

2. Petition of the Midwest Association of Railroad and Utilities Commissioners of the Southeastern Association of Railroad Commissioners, and of the Railroad Commission of Texas and the Corporation Commission of Oklahoma, for Modification and Amendment of the Commission order of special procedure herein.

3. Petition of The Lincoln Electric Company for clarification.

4. Petition of Electrical Utility Companies for vacation of order of November 7, 1956, and for consideration and disposition of railroad motion of November 6, 1956, in accordance with procedure to be followed with respect to railroad petition of September 27, 1956.

5. Petition of Agrashell, Inc., for modification of order dated October 1, 1956, prescribing special rules of practice and procedure in the above-entitled proceeding.

6. Petition of Amarillo Grain Exchange, et al., for modification of order prescribing special rules of procedure.

7. Petition of Pioneer Division—The Flintkote Company for modification of order dated October 1, 1956, prescribing special rules of practice and procedure in the entitled proceeding.

8. Petition of Public Utilities Commissioner of Oregon and Public Service Commission of Washington, requesting modification of order setting up special rules of practice and procedure and requesting public hearing in the Pacific Northwest.

9. Petition of Northwest Fish Traffic Committee, seeking oral hearings and Pacific Northwest hearing in Ex Parte No. 206 by seeking modification of the Commission order of October 1, 1956, insofar as hearing procedures and place of hearings are concerned.

10. Petition of Washington Potato & Onion Shippers Association, seeking oral hearings and Pacific Northwest Hearing in Ex Parte 206 by seeking modification of the Commission order of October 1, 1956, insofar as hearing procedures and place of hearings are concerned.

11. Petition of Canadian Peat Sales, Limited, seeking oral hearings and Pacific Northwest hearing in Ex Parte 206 by seeking modification of the Commission order of October 1, 1956, insofar as hearing procedures and place of hearings are concerned.

12. Petition of Northwestern Portland Cement Company, Olympic Portland Cement Company, Superior Portland Cement Company for oral hearing and a Pacific Northwest hearing in Ex Parte 206 insofar as cement and limerock are concerned.

13. Petition of Northwest Furniture Manufacturers Association, seeking oral hearings and Pacific Northwest hearing in Ex Parte 206 by seeking modification of the Commission order of October 1, 1956, insofar as hearing procedures and place of hearings are concerned.

14. Petition of Washington Bean Dealers Association, seeking oral hearings and Pacific Northwest hearing in Ex Parte 206 by seeking modification of the Commission order of October 1, 1956, insofar as hearing procedures and place of hearings are concerned.

15. Petition of Whatcom County Traffic & Rates Bureau, seeking oral hearings and Pacific Northwest hearings in Ex Parte 206 by seeking modification of the Commission order of October 1, 1956, insofar as hearing procedures and place of hearings are concerned.

16. Petition of Vegetable Oil Products Company, Inc., for modification of order dated October 1, 1956, prescribing special rules of practice and procedure in the above-entitled proceeding.

17. Petition of Cinch Products Incorporated for modification of order dated October 1, 1956, prescribing special rules of practice and procedure in the above-entitled proceeding.

18. Petition of Blue Diamond Corporation for modification of the Commission order dated October 1, 1956, prescribing special rules of practice and procedure to govern in this proceeding.

19. Petition of Western Traffic Conference, Inc., et al., seeking modification of Commission's order of November 7, 1956.

20. Petition of California Hardware Company for modification of order of October 1, 1956.

[F. R. Doc. 56-9541; Filed, Nov. 20, 1956; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

THEMIS FINANZ GESELLSCHAFT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Themis Finanz Gesellschaft, 23 Bahnhofstrasse, Zug, Switzerland. Claim No. 61931; Vesting Orders Nos. 17800 and 17997. $27,539.46 in the Treasury of the United States.

Executed at Washington, D. C., on November 9, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9522; Filed, Nov. 20, 1956; 8:48 a. m.]

DR. ARPAD PLESCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Arpad Plesch, Monte Carlo, Monaco. Claim No. 66606; Vesting Order Nos. 18941 and 19268. $14,500.92 in the Treasury of the United States.

Executed at Washington, D. C., on November 9, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9523; Filed, Nov. 20, 1956; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 227

Washington, Thursday, November 22, 1956

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-219-A5]

PART 918—MILK IN MEMPHIS, TENN., MARKETING AREA

CORRECTION TO ORDER, AS AMENDED

In F. R. Docket 56-6085 which appeared in the FEDERAL REGISTER dated July 27, 1956, the following correction is made:

1. Delete Amendment No. 11 and substitute the following:

11. Amend § 918.53 as follows:

Delete from the opening phrase of § 918.53 the reference "40 miles or more" and substitute the reference "50 miles or more".

Delete from the table of distances and rates appearing in § 918.53 the following:

From miles column:	From rate column:
40 but less than 50.	17.

Delete from the proviso of § 918.53 the reference "in § 918.46 (a) (1) and (2)" and substitute "in § 918.46 (a) (1) (2) and (3)".

2. Delete Amendment No. 14 and substitute the following:

14. Amend § 918.93 as follows:

Delete from the opening phrase of § 918.93 the reference "40 miles or more" and substitute the reference "50 miles or more".

Delete from the table of distances and rates appearing in § 918.93 the following:

From miles column:	From rate column:
40 but less than 50.	17.

Issued at Washington, D. C., this 19th day of November 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-9600; Filed, Nov. 21, 1956; 8:51 a. m.]

PART 940—PEACHES GROWN IN MESA COUNTY, COLORADO

COMPILATION OF ORDER REGULATING HANDLING

For convenient reference, the texts of the codified portions of Order No. 40, regulating the handling of peaches grown in Mesa County, Colorado, and comprising Subpart—Order Regulating Handling (F. R. Doc. 39-2965; 4 F. R. 3599) which became effective on August 15, 1939, as amended (15 F. R. 5001; 21 F. R. 5673), are reprinted in the FEDERAL REGISTER in the form of a compilation as set forth below.

This material was prepared in cooperation with the Federal Register Division and has been examined for completeness and accuracy.

Dated: November 15, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Sec.
940.0 Findings and determinations.

SUBPART—ORDER REGULATING HANDLING

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940.2 Act.
940.3 Person.
940.4 Peaches.
940.5 Committee.
940.6 Producer.
940.7 Handler.
940.8 Varieties.
940.9 Ship.
940.10 Fiscal year.
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940.22 Nomination and selection of independent member.
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FEDERAL REGISTER

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AUTHORITY: §§ 940.0 to 940.95 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 940.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (For findings relative to issuance of Order No. 40, and amendment thereto, see F. R. Doc. 39–2965, 4 F. R. 3599; F. R. Doc. 50–6856, 15 F. R. 5001.)

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate the marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Palisade, Colorado, on March 15, 1956, upon proposed amendments to the Amended Marketing Agreement No. 88 and Amended Order No. 40 (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) The said amended order, as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said amended order, as hereby further amended, regulates the handling of peaches grown in the County of Mesa in the State of Colorado in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said amended order, as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) There are no differences in the production and marketing of peaches grown in the production area covered by the said amended order, as hereby further amended, that make necessary different terms and provisions applicable to different parts of such area.

(b) *Additional findings.* It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this order beyond that hereinafter specified (60 Stat. 237; 5 U. S. C. 1001 et seq.), because shipments of the current crop of peaches from Mesa County, Colorado, are expected to begin on or about August 1, 1956, and this order should be applicable to all shipments of peaches this season to be of maximum benefit. It is, therefore, necessary that the order be made effective as soon as possible. One of the provisions thereof authorizes the recommendation and establishment of regulations on a varietal basis. After consideration of current crop prospects and the current and prospective marketing situation for Mesa County, Colorado, peaches, the Administrative Committee could well recommend, for example, that a size regulation for the current season for the Gleason Elberta and Early Elberta varieties of peaches specify a different minimum diameter than a regulation for all other varieties of peaches. Another provision of the amendment, closely related to that authorizing the regulation of peaches on a varietal basis, revises the current provisions pertaining to exemption from regulations. Such revised provisions should be made effective at the same time, so that the committee may authorize exemption from regulations by variety. The provisions relating to the nomination and selection of the committee membership become applicable, by their own terms, at a time later than 30 days after publication hereof in the FEDERAL REGISTER. The provisions of this order are well known to handlers. The public hearing in connection therewith was held at Palisade, Colorado, on March 15, 1956, and the recommended decision and the final decision were published in the FEDERAL REGISTER on June 12, 1956 (21 F. R. 4016) and June 28, 1956 (21 F. R. 4759), respectively. Copies of the provisions of this order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the amended marketing agreement regulating the handling of peaches grown in the County of Mesa in the State of Colorado, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the peaches covered by this order) who, during the period March 1, 1955, through February 29, 1956, handled not less than 50 percent of the volume of peaches covered by the said amended order, as hereby further amended;

(2) The aforesaid agreement, amending the said amended marketing agreement, has been executed by handlers who were signatory parties to said amended marketing agreement, and who, during the preceding fiscal year, shipped not less than sixty-seven (67) percent of the peaches grown in the County of Mesa in the State of Colorado, shipped by all signatory handlers to said amended marketing agreement during such fiscal year;

(3) The issuance of this order, amending the aforesaid amended order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (March 1, 1955, through February 29, 1956), have been engaged within the County of Mesa in the State of Colorado in the production of peaches for market; and

(4) The issuance of this order, amending the aforesaid amended order, is favored or approved by producers who, during said representative period, have produced for market at least two-thirds of the volume of such peaches produced for market within the County of Mesa in the State of Colorado.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of peaches grown in the County of Mesa in the State of Colorado as is in the current of commerce between the State of Colorado and any point outside thereof shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid amended order, as hereby further amended; and such amended order is hereby further amended to read as follows:

DEFINITIONS

§ 940.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States of America.

§ 940.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 940.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

§ 940.4 *Peaches.* "Peaches" means all peaches grown in the county of Mesa in the State of Colorado.

§ 940.5 *Committee.* "Committee" means the Administrative Committee established pursuant to the provisions of this subpart.

§ 940.6 *Producer.* "Producer" means any person engaged in growing peaches in the county of Mesa in the State of Colorado for market.

§ 940.7 *Handler.* "Handler" means any person (except a common or contract carrier of peaches owned by another person) who, as owner, agent, or otherwise, ships peaches, or causes peaches to be shipped.

§ 940.8 *Varieties.* "Varieties" means and includes all classifications and subdivisions, including customary and trade names thereof, of peaches according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or the Colorado State Department of Agriculture, or such groupings of peaches ac-

cording to such characteristics or types as may be established by the Committee with the approval of the Secretary.

§ 940.9 *Ship.* "Ship" means to sell, transport, offer for transportation, or ship peaches in fresh form by rail, truck, or any other means whatsoever in the current of commerce between the State of Colorado and any point outside thereof.

§ 940.10 *Fiscal year.* "Fiscal year" is synonymous with "season" and means the twelve-month period beginning March 1 of any year and ending the last day of February of the following year, both dates inclusive.

§ 940.11 *District.* "District" means the applicable one of any of the following-described subdivisions of the county of Mesa in the State of Colorado:

(a) "Redlands District," which shall include all that portion of Mesa County lying south of the Colorado River west of the Junction of the Colorado River with the Gunnison River and south and west of the Gunnison River and more fully described as follows: Beginning at a point which is the intersection of the Colorado River and the Utah-Colorado State line; thence southerly along said State line to a point which is the intersection of the south boundary line of Mesa County and said Utah-Colorado State line; thence easterly along said south boundary line of Mesa County to the east boundary line between Mesa and Montrose Counties; thence northerly along said east boundary line of Mesa County to a point which is the intersection between said east boundary line of Mesa County and the Gunnison River; thence northwesterly along said river to a point which is the junction of the Gunnison and Colorado Rivers; thence westerly along said Colorado River to the point of beginning.

(b) "East Orchard Mesa District," which shall include all that portion of Mesa County bounded as follows: Beginning at a point which is the intersection of the Colorado River and the east section line of Section 3, Township 1 South, Range 2 East of the Ute Meridian; thence southerly along the east section line of Sections 3, 10, 15, and 22 of said township to the southeast corner of Section 22 of said township; thence westerly along the south section line of Sections 22, 21, and 20 of said township to a point which is the intersection of said section line and the Big Wash, said point lying on the south boundary of said Section 20 of said township; thence northwesterly along said Big Wash to the junction of the Big Wash and the Colorado River; thence northeasterly along said Colorado River to the point of beginning.

(c) "Vineland District," which shall include all that portion of Mesa County lying east of the following described line: Beginning at a point which is the intersection of the Colorado River and the north boundary of Mesa County; thence southwesterly along said Colorado River to a point which is the intersection of the Colorado River and the west section line of Section 2, Township 1 South, Range 2 East of the Ute Meridian; thence southerly along said west section line of Sections 2, 11, 14, and 23 of said township to the southwest corner of Section 23 of said township; thence easterly along the south section lines of Sections 23 and 24 of said township to the east range line of Range 2 East of the Ute Meridian; thence southerly along said range line to a point which is the intersection of said range line and the Mesa-Delta County boundary line.

(d) "Palisade District," which shall include all that portion of Mesa County bounded as follows: Beginning at a point which is the intersection of the Colorado River and the north boundary line of Mesa County; thence southwesterly along said Colorado River to a point which is the intersection of the main channel of said Colorado River and the range line between Range 1 East and Range 2 East of the Ute Meridian; thence northerly along said range line extended to the Mesa-Garfield County boundary line; thence easterly along said county line to the point of beginning.

(e) "Clifton District," which shall include all that portion of Mesa County bounded as follows: Beginning at a point which is the intersection of the Colorado River and the Utah-Colorado State line; thence easterly along said river to a point which is the junction of the Gunnison and Colorado Rivers; thence southeasterly along said Gunnison River to a point which is the intersection of the Gunnison River and the Mesa County line; thence northerly and easterly along said boundary line of Mesa County to a point which is the intersection of said boundary line of Mesa County and the east range line of Range 2 East of the Ute Meridian; thence northerly along said range line to the northeast corner of Section 25, Township 1 South, Range 2 East of the Ute Meridian; thence westerly along the north section line of Sections 25, 26, 27, 28, and 29 of said township to a point which is the intersection of said section line and the Big Wash, said point lying on the north boundary of said Section 29; thence northwesterly along said Big Wash to the junction of the Big Wash and the Colorado River; thence westerly along the Colorado River to its intersection with the range line between Range 1 East and Range 2 East of the Ute Meridian; thence northerly along said range line extended to the Mesa-Garfield County line; thence westerly along said county line to the northwest corner of Mesa County on the Utah-Colorado State line; thence southerly along said State line to the point of beginning.

ADMINISTRATIVE COMMITTEE

§ 940.20 *Establishment and membership.* An Administrative Committee is hereby established consisting of nine members, each of whom shall have an alternate. Five of the members, one for each district, shall represent producers; three of the members shall represent cooperative associations that are handlers; and one of the members, hereinafter referred to as "independent" member, shall represent producers and handlers other than cooperative associations and members of such associations. The members of the committee and their respective alternates shall be nominated and selected, for the terms of office subsequent to February 26, 1957, in accordance with the provisions of §§ 940.21 through 940.24.

§ 940.21 *Nomination and selection of producer members.* (a) Nomination of producer members and their respective alternates shall be made at meetings of producers for each such district, at such times (on or before February 1 of each year) and places as the Administrative Committee shall designate. At each such meeting, the producers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees, each producer shall be entitled to vote in accordance with the provisions of paragraph (b) of this section. The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

(b) Only producers shall participate in the nomination of producer members and their alternates, and a producer may participate only in the meeting held for the district in which he produces peaches. No producer shall participate in the nomination of producer members and their alternates for more than one district in any fiscal year. Each producer shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives. Proxy voting shall be prohibited.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of votes cast for each, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select one member and one alternate from the nominees thus elected and ranked.

§ 940.22 *Nomination and selection of independent member.* (a) Nomination of an independent member and his alternate shall be made at a meeting of producers and handlers other than cooperative associations or members of such associations, at such time (on or before February 1 of each year) and place as the Administrative Committee shall designate. At each such meeting, the persons eligible to participate therein shall select a chairman and a secretary therefor.

(b) Only producers and handlers who are not cooperative associations nor members of such associations shall be eligible to participate in the nomination of the independent member and his alternate. Proxy voting shall be prohibited, but independent handlers having permanent facilities in Mesa County for the handling of peaches and having bona fide agents designated for carrying on business activities for such handlers may be represented at such nomination meetings by such agents and such agents may vote and be nominated; and, in a similar manner, such handlers may designate employees who may vote and be nominated. In the election of nominees for the independent member and his alternate, each person eligible to participate therein shall be entitled to cast but one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives. The Administrative Committee, with the approval of the Secretary, may make rules and regulations defining permanent facilities and what shall constitute bona fide agents and employees for the purposes of this section, and in like manner may change such rules and regulations from time to time.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of the votes cast, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select a member and an alternate member from the nominees thus elected and ranked.

(d) The chairman of the meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

§ 940.23 *Nomination and selection of cooperative handler members.* (a) Each of the two cooperative associations qualifying as a handler during the fiscal year beginning March 1, 1956, shall be entitled to nominate one member and one alternate member of the committee; and, in alternate years, each such association shall make an additional nomination for either a member or alternate member. The cooperative association represented by two cooperative handler members during the fiscal year beginning March 1, 1956, shall nominate one member and two alternates for the next succeeding fiscal year. The cooperative association represented by one cooperative handler member during the fiscal year beginning March 1, 1956, shall nominate two members and one alternate for the next succeeding fiscal year.

(b) Nomination of cooperative handler members and their respective alternates shall be made at a meeting or meetings of the members of such cooperative associations at such times (on or before February 1 of each year) and places as the respective associations shall designate with the concurrence of the Administrative Committee. At each such meeting, the association members eligible to participate therein shall select a chairman and secretary therefor unless such officers regularly serving the association are in attendance. In the election of nominees, each member of a cooperative association shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives, for each member nominee to be elected. Proxy voting shall be prohibited.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees hall be ranked in the order of votes cast for each, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select the required number of members and alternates from the nominees thus elected and ranked.

(d) The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of such meeting shall forthwith transmit such information to the Secretary.

(e) The committee, with the approval of the Secretary, may provide for the reapportionment of the cooperative handler membership of the committee so as to more equitably provide representation to present and future cooperative associations engaged in handling Mesa County peaches should the need for such reapportionment of present cooperative handler positions arise. Any such reapportionment should be based, so far as practicable, upon the volume of peaches handled by the respective associations.

§ 940.24 *Eligibility for membership.* (a) Producer members of the Administrative Committee and alternates for such members must be producers of peaches in the district in and for which they are nominated and selected.

(b) A handler member of the Administrative Committee and an alternate for such member, to be selected from the nominees of cooperative associations, must be a member or an employee of a cooperative association.

(c) The independent member of the Administrative Committee and the alternate for such member to be selected from the nominees of producers and handlers other than cooperative associations and members of such associations must be a producer or handler (including employees and bona fide agents designated for carrying on business activities for such handler) and shall not be a member or an employee of a cooperative association.

§ 940.25 *Failure to nominate.* In the event nominations, subsequent to the selection by the Secretary of the initial members and their respective alternates, are not made and the names of such nominees are not submitted to the Secretary on or before February 15 of any year, pursuant to §§ 940.22 and 940.23, the Secretary may select such members and alternates without regard to nominations.

§ 940.26 *Qualification by members and alternates.* Any person selected by the Secretary as a member or as an alternate for a member of the Administrative Committee shall qualify therefor by filing a written acceptance thereof with the Secretary within 15 days after being notified of such selection.

§ 940.27 *Term of office.* The initial members and their respective alternates shall hold office for a term beginning on the date designated by the Secretary and ending April 30, 1940, and until their successors are selected and have qualified. Members and alternates selected subsequent to the initial term shall serve during the fiscal year for which they have been selected and until their successors are selected and have qualified.

§ 940.28 *Alternate members of Administrative Committee.* An alternate for a member shall act in the place and stead of such member during such member's absence, or, in the event of the death, removal, resignation, or disqualification of such member, until a successor for such member is selected and has qualified.

§ 940.29 *Vacancies.* To fill any vacancy occasioned by the failure to qualify of any person selected as a member or as an alternate for a member of the Administrative Committee, or, in the event of the death, removal, resignation, or disqualification of any member or of any alternate, nomination and selection to fill such vacancy shall be made in the manner set forth in §§ 940.20 to 940.35. If nominations to fill such vacancy are not made or the names of such nominees are not submitted to the Secretary within 20 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nomination.

§ 940.30 *Compensation and expenses.* The members and alternate members of the Administrative Committee shall serve without salary but may be compensated for attendance at meetings at a rate not to exceed $5.00 per meeting plus mileage at not to exceed 10 cents per mile. Such members and alternates also may be reimbursed for reasonable expenses necessarily incurred by them in the performance of duties, specifically assigned by the committee, other than attendance at meetings.

§ 940.31 *Powers.* The Administrative Committee shall have the following powers:

(a) To administer, as specifically provided in §§ 940.20 to 940.35, the terms and provisions of this part;

(b) To make administrative rules and regulations in accordance herewith and to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 940.32 *Duties.* The duties of the Administrative Committee shall be as follows:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the Administrative Committee, which minutes, books, and records shall be subject at any time to examination by the Secretary;

(c) To study and assemble data on the growing, shipping, and marketing conditions respecting peaches;

(d) Each season prior to making any recommendation to the Secretary for the regulation of shipments pursuant to the provisions of this subpart, to determine the marketing policy to be followed during such season and to submit to the Secretary a report thereon containing, among other provisions, information

relative to the estimated total production of peaches; information as to the expected grades and sizes of such peaches; possible or expected demand conditions of different market outlets; supplies of competitive commodities; an appropriate analysis of the foregoing factors and conditions; and the type of regulation of shipments of peaches expected to be recommended;

(e) To furnish to the Secretary such available information as the Secretary requests;

(f) To perform such duties as may be assigned to it from time to time by the Secretary in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (49 Stat. 774), August 24, 1935, as amended;

(g) To consult, cooperate, and exchange information with committees administering other marketing agreements and orders, with other governmental agencies, and with industry groups in connection with all proper committee activities and objectives under this part.

(h) To cause the books of the Administrative Committee to be audited by one or more competent accountants at least once each fiscal year and at such other times as the committee may deem necessary or as the Secretary may request, and to file with the Secretary copies of any and all audit reports;

(i) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(j) To give the Secretary the same notice of meetings of the Administrative Committee as is given to the members of the committee; and

(k) To select a chairman of the Administrative Committee and, from time to time, such other officers as it may deem advisable.

§ 940.33 *Procedure.* A quorum shall consist of six members of the Administrative Committee, or alternates then serving in the place and stead of any members, in attendance at a meeting, and all decisions of the committee shall be made by not less than six affirmative votes.

§ 940.34 *Rights of the Secretary.* The members of the Administrative Committee, including successors and alternates, and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary for cause at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 940.35 *Funds and other property.* (a) All funds received by the Administrative Committee pursuant to any of the provisions of this part shall be used solely for the purposes specified in this part, and the Secretary may require the committee and its members to account for all receipts and disbursements.

(b) Upon the death, resignation, removal, or expiration of the term of office of any member of the Administrative Committee, all books, records, funds, and other property in his possession shall be delivered to his successor in office or to the committee, and such assignments and other instruments shall be executed as may be necessary to vest in his successor or in the committee full title to all the books, records, funds, and other property in the possession or under the control of such member pursuant to this part.

EXPENSES AND ASSESSMENTS

§ 940.40 *Expenses.* The Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning under this subpart during the then current fiscal year. The committee shall prepare, and submit to the Secretary, a proposed budget of expenses and a proposed rate of assessment for the then current fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 940.41.

§ 940.41 *Assessments.* Each handler shall pay to the Administrative Committee, upon demand, such handler's pro rata share of the aforesaid expenses. Each handler's pro rata share shall be based upon a rate of assessment fixed by the Secretary and shall be that proportion of such expenses which the total quantity of peaches shipped during a fiscal year by such handler as the first handler thereof is of the total quantity of peaches shipped by all handlers as the first handlers thereof, during the same fiscal year. The rate of assessment may be increased, from time to time during any fiscal year, by the Secretary in order to cover any later finding by the Secretary of the estimated or actual expenses of the committee for said fiscal year. Each such increase shall be applicable to all assessable peaches shipped during such fiscal year.

§ 940.42 *Handler accounts.* At the end of each fiscal year the Administrative Committee shall credit each handler with any amount paid by such handler in excess of his pro rata share of the expenses or shall debit such handler with the amount by which his pro rata share exceeds the amount paid by him. Any such debits shall become due and payable upon demand of the Committee.

§ 940.43 *Suit to enforce collection.* The Administrative Committee may, with the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

REGULATION OF SHIPMENTS

§ 940.50 *Regulation of shipments.* Whenever the Administrative Committee deems it advisable to regulate, during any period or periods, the shipment of one or more varieties of peaches by grades or sizes, or both, or by minimum standards of quality or maturity, or both, it shall so recommend to the Secretary.

§ 940.51 *Recommendation of the Administrative Committee.* (a) At the time of submitting each such recommendation for the regulation by grades or sizes, or both, the committee shall furnish to the Secretary, in addition to all pertinent data and information on which it acted in making such recommendation, such other data and information as the Secretary may request. The committee shall promptly give adequate notice to handlers and producers of each such recommendation.

(b) At the time of submitting each such recommendation for the regulation by minimum standards of quality or maturity, or both, the committee shall furnish to the Secretary, in addition to all pertinent data and information on which it acted in making such recommendation, such other data and information as the Secretary may request. Each such recommendation of the committee should, so far as it is practical, be in terms of such grades or sizes, or both, of peaches as would be in the public interest and tend to effectuate the declared policy of the act.

§ 940.52 *Establishment of regulations*—(a) *By grades and sizes.* Whenever the Secretary finds, from any such recommendations and information or other available information, that to limit the shipment of the total quantity of any variety or varieties of peaches to particular grades or sizes, or both, thereof would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties during a specified period or periods. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

(b) *By minimum standards of quality and maturity.* Whenever the Secretary finds, from any such recommendation and information or other available information, that to establish minimum standards of quality or maturity, or both, and to limit the shipment of any variety or varieties of peaches during any period or periods to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties during a specified period or periods. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

§ 940.53 *Exemptions and exemption certificates.* (a) The Administrative Committee shall, subject to the approval of the Secretary, adopt procedural rules to govern the issuance of exemption certificates.

(b) In the event the Secretary issues a regulation pursuant to § 940.52, the committee shall determine the percentage which each variety of peaches permitted to be shipped under the regulation bears to the total production of such variety; and the committee shall forthwith announce such percentage. The committee shall thereafter issue one or more exemption certificates to any producer who furnishes evidence satisfactory to

the committee that, by reason of conditions beyond the control of a prudent grower and beyond his reasonable expectations, he will be prevented because of the regulation issued from shipping or having shipped as large a proportion of a particular variety of his peaches as the average proportion of all such peaches which may be so shipped. Causes regarded as within the control of a prudent grower include, but are not necessarily limited to, failure properly and adequately to prune, irrigate, thin, fertilize, spray, and cultivate according to accepted practices. Causes regarded as beyond the control of a prudent grower and beyond his reasonable expectation include, but are not necessarily limited to, exceptionally late spring and early frosts, ditch breaks, water shortages, general shortage of labor during the growing season, or illness of a kind causing inability to carry out the management of his crop in the manner of a prudent grower.

(c) The committee, with the approval of the Secretary, may include in the rules and regulations adopted pursuant to (a) of this section such refinement of definition as is deemed necessary with respect to causes beyond the control of a prudent grower and beyond a grower's reasonable expectation.

(d) The exemption certificates issued pursuant to this section shall permit the respective grower to whom the certificate is issued to ship or have shipped a percentage of his crop of a particular variety of peaches equal to the percentage determined pursuant to paragraph (b) of this section; but such exemption may be limited to the specific damage by reason of which the exemption is claimed, and the committee may establish special requirements with respect to the minimum grade, quality, size, and maturity which must be met by peaches shipped under such certificates.

(e) If any producer is dissatisfied with the action of the Administrative Committee taken with respect to his application for an exemption certificate, such producer may appeal to the Secretary. The Secretary may, upon any appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

(f) The Administrative Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of peaches thus exempted, and such additional information as may be requested by the Secretary.

§ 940.54 *Inspection and certification.* Prior to making each shipment of peaches during any period in which the shipment of peaches is regulated pursuant to § 940.52, each handler shall, if the respective shipment has not theretofore been so inspected, have such shipment inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary may designate. Promptly thereafter, such handler shall submit, or cause to be submitted, to the Administrative Committee a copy of the inspection certificate issued with respect to such shipment.

§ 940.55 *Modification, suspension, or termination.* Whenever the Administrative Committee deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations issued pursuant to § 940.52, it shall so recommend to the Secretary. If the Secretary finds, upon the basis of such recommendation or other available information, that to modify any such regulation will tend to effectuate the declared policy of the act, he shall so modify such regulation. If the Secretary finds, upon the basis of such recommendation or other available information, that any such regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. The Secretary shall promptly notify the committee, and the committee shall promptly give adequate notice to handlers and producers, of each such modification, suspension, and termination. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

RESEARCH AND DEVELOPMENT

§ 940.60 *Marketing Research and Development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of peaches. In a similar manner any such project may be modified, suspended, or terminated.

REPORTS AND LIABILITY

§ 940.65 *Reports.* Upon the request of the Administrative Committee, made with the approval of the Secretary, each handler shall furnish the Committee, in such manner and at such times as it prescribes, such information as will enable it to exercise its powers and to perform its duties under this part.

§ 940.66 *Liability of Administrative Committee members.* No member, alternate member, or employee of the Administrative Committee shall be held liable, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, or employee, except for acts of dishonesty.

COMPLIANCE AND EXCEPTIONS

§ 940.70 *Compliance.* Except as otherwise specifically provided in this part, no person shall ship peaches, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part.

§ 940.71 *Peaches not subject to regulation.* Nothing contained in this part shall be construed to authorize any limitation of the right of any person to ship (a) peaches for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency; (b) peaches for processing on a commercial scale; or (c) peaches to any one person during any one day if such peaches are not for resale and do not aggregate more than 19 bushels. The inspection and assessment provisions of this subpart shall not be applicable to peaches so shipped. The Administrative Committee may prescribe adequate safeguards to prevent peaches, shipped for such purposes, from entering commercial channels of trade contrary to the provisions of this part.

EFFECTIVE TIME AND TERMINATION

§ 940.80 *Effective time.* The provisions of this subpart shall become effective August 15, 1939, and shall continue in force until terminated in one of the ways specified in § 940.81.

§ 940.81 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provision or provisions obstruct or do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any current marketing period whenever he finds that such termination is favored by a majority of the producers of peaches who, during such current marketing period, have been engaged in the production of peaches for market: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the total volume of peaches produced for market during such period, but such termination shall be effective only if notice thereof is given on or before February 1 of such current marketing period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 940.82 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the members of the Administrative Committee then functioning shall, for the purpose of liquidating the affairs of the Committee, continue as joint trustees of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements, or deliver all funds and property on hand, together with all books and records of the Administrative Committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds

and claims vested in the committee or the joint trustees pursuant hereto.

(c) Any funds collected for expenses pursuant to the provisions of this part, and held by such joint trustees or such other person, over and above amounts necessary to meet outstanding obligations and the expenses incurred necessarily by the joint trustees or such other person in the performance of their duties under this part, shall, as soon as practicable after the termination hereof, be returned to the handlers pro rata in proportion to their contributions made pursuant to the provisions of this part.

(d) Any person to whom funds, property, or claims have been delivered by the Administrative Committee or its members upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members of the committee or upon the joint trustees.

MISCELLANEOUS PROVISIONS

§ 940.90 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 940.91 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination hereof, except with respect to acts done under and during the existence of this part.

§ 940.92 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 940.93 *Derogation.* Nothing contained in this part is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 940.94 *Amendments.* Amendments to this part may be proposed, from time to time, by the Administrative Committee or by the Secretary.

§ 940.95 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

[F. R. Doc. 56-9603; Filed, Nov. 21, 1956; 8:52 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958; 19 F. R. 9368), regulating the handling of Irish potatoes grown in Colorado, was published in the FEDERAL REGISTER October 23, 1956 (21 F. R. 8110). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 2, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.223 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1957, will amount to $3,024.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of November 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-9590; Filed, Nov. 21, 1956; 8:49 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1956, Supp. 8]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 National Agricultural Conservation Program, approved June 14, 1955 (20 F. R. 4281), as amended July 22, 1955 (20 F. R. 5341), August 30, 1955 (20 F. R. 6511), November 10, 1955 (20 F. R. 8491), April 9, 1956 (21 F. R. 2372), April 20, 1956 (21 F. R. 2651), June 29, 1956 (21 F. R. 4999), and July 23, 1956 (21 F. R. 5638), is further amended as follows:

Section 1101.702 is amended to read as follows:

§ 1101.702 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1955 distribution. The allocation of funds among the States is as follows:

Alabama	$6,253,000
Alaska	29,000
Arizona	1,570,000
Arkansas	4,912,000
California	5,716,000
Colorado	3,416,000
Connecticut	512,000
Delaware	344,000
Florida	2,674,000
Georgia	7,358,000
Hawaii	191,000
Idaho	1,808,000
Illinois	8,723,000
Indiana	5,653,000
Iowa	9,526,000
Kansas	6,711,000
Kentucky	6,887,000
Louisiana	4,321,000
Maine	977,000
Maryland	1,344,000
Massachusetts	560,000
Michigan	5,058,000
Minnesota	6,122,000
Mississippi	6,616,000
Missouri	9,189,000
Montana	3,822,000
Nebraska	6,413,000
Nevada	364,000
New Hampshire	529,000
New Jersey	747,000
New Mexico	1,924,000
New York	4,875,000
North Carolina	6,536,000
North Dakota	4,691,000
Ohio	5,953,000
Oklahoma	7,579,000
Oregon	2,277,000
Pennsylvania	5,177,000
Puerto Rico	868,000
Rhode Island	86,000
South Carolina	3,569,000
South Dakota	4,886,000
Tennessee	5,433,000
Texas	20,043,000
Utah	1,365,000
Vermont	1,106,000
Virgin Islands	12,000
Virginia	4,505,000
Washington	2,456,000
West Virginia	1,630,000
Wisconsin	5,562,000
Wyoming	2,122,000
Total	211,000,000

(b) The apportionment shown above does not include the amount set aside for administrative expenses, the amount required for increases in small Federal cost-shares in § 1101.730, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, 69 Stat. 55, 545; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 19th day of November 1956.

[SEAL] E. L. PETERSON, *Assistant Secretary.*

[F. R. Doc. 56-9602; Filed, Nov. 21, 1956; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1]

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

EMERGENCY SITUATIONS OR SITUATIONS WHERE OTHER FORMS OF TRANSPORTATION ARE IMPRACTICABLE

This supplement contains the CAA policies regarding the issuance of authority for the transportation in aircraft of explosives and other dangerous articles in emergency situations or where other forms of transportation are impracticable. In substance this supplement provides the following:

1. A description of those cases in which the Administrator may grant authority to deviate from provisions of Part 49,

2. The conditions and limitations upon such authority, and

3. The form and manner of making application for authorization to deviate from the provisions of Part 49.

The following policies are hereby adopted:

§ 49.71-1 *Authority to deviate from the provisions of Part 49 (CAA policies which apply to § 49.71 (a)).* The Administrator may grant authority to deviate from the provisions of this part in those cases described in either paragraph (a) or (b) of this section:

(a) An emergency situation in which the issuance of authority to deviate from the provisions of this part would serve the public interest in connection with any actual or imminent disaster such as flood, fire, storm, earthquake, or other calamitous visitation or any humanitarian effort such as to save lives or to alleviate distress or suffering. Any situation which is solely a matter of convenience or economic advantage to the shipper, consignee or persons who desire to transport any shipment is not deemed to be an emergency situation for a deviation to be authorized under § 49.71 (a).

(b) When other forms of transportation are found to be impracticable such as when: (1) the transit time by other forms of transportation would result in spoilage, damage or forfeit the normal or intended use of the shipment at destination; (2) the destination is not safely accessible by other means of transportation.

§ 49.71-2 *Conditions and limitations (CAA policies which apply to § 49.71).* An authorization to deviate from the provisions of this part will be issued only under the following conditions and limitations:

(a) The persons carried aboard the aircraft are limited to the minimum flight crew necessary to the safety of the particular flight and such other persons as are essential to the handling en route of the particular shipment for which deviation authority is requested.

(b) The shipper certifies that the shipment can be handled in air transportation with a reasonable degree of safety to persons and cargo aboard the aircraft and provides full instructions with regard to any special handling procedures and precautions to be observed which are necessary to assure safe transit.

(c) The aircraft can be located on airports for loading and unloading and operated during takeoff, en route, and landing so as to remain a safe distance from all heavily populated areas and, insofar as possible, avoid being in hazardous proximity to any place of human abode or assembly when the shipment of any explosive or other dangerous articles can create destructive forces or have lethal or injurious effect over an appreciable area as a result of accident to the aircraft or shipment.

(d) The deviation for which authorization is issued is limited to the particular flight and articles for which authorization is requested. For the purpose of this paragraph, authorization for a particular flight is issued for the entire flight from the point of origin where the articles, for which deviation authority applies, are placed aboard the aircraft to the point of destination where such articles are removed from the aircraft.

(e) The shipment is loaded, unloaded, packed, marked, stowed, and secured aboard the aircraft in accordance with any rules or special instructions of the Interstate Commerce Commission for the item or items for which deviation authority is requested.

(f) The crew of the aircraft is thoroughly briefed on the characteristics and proper handling of the cargo and, when any crew change is involved during the flight, the new crew shall be briefed under a hand-to-hand signature service furnished by the carrier.

(g) The holder of the authorization will notify and obtain permission from the operators or managers of the airports used in the operation.

(h) The authorization is limited to the carriage of the particular articles on civil aircraft within the continental limits of the United States including its territories or possessions. Aircraft of United States registry engaged in air commerce outside of the United States must obtain the authorization necessary for such flights within foreign countries from the appropriate authority of each such country involved. Extra copies of the authorization should accompany the request for clearance.

§ 49.71-3 *Application for authorization to deviate from the provisions of this part (CAA policies which apply to § 49.71 (a)).* (a) Application for authorization to deviate from the provisions of Part 49 will be made on Form ACA-400 (Application for Certificate for Waiver) (See appendix A)[1] which may be obtained from any Flight Operations and Airworthiness District Office of the Civil Aeronautics Administration. The application will be completed in triplicate and submitted to the nearest Flight Operations and Airworthiness District Office. The application should be completed as follows:

(1) Type or print in ink.

(2) Give complete information on items 1 through 7 (if additional space is required, use a separate sheet in triplicate which shall be attached to each copy of the application and made a part thereof).

(3) Under item 3, insert the appropriate section of this part for which deviation authorization is desired.

(4) Item 4, describe the explosive or dangerous articles to be carried.

(5) Item 5, state the airports to be used and describe the routes to be flown.

(6) Item 6, state the date(s) on which the flight will begin and end and approximate duration of elapsed flight time stated in hours.

(7) Item 7, fill in as indicated and in addition give the name, address and purpose of any other person(s), who will be aboard the aircraft during the flight for which deviation is requested.

(8) Sign all copies of the application on the reverse side in the space provided for the applicant's signature.

(b) At the time the application is submitted, the applicant will arrange with the Flight Operations and Airworthiness agent to inspect the aircraft, the loading arrangement, and to ascertain the safety precautions being employed or otherwise necessary for the safe conduct of the flight.

(c) In cases of emergency requiring immediate transportation of the articles for which a deviation is necessary, application may be made by telephone or telegraph to the Flight Operations and Airworthiness District Office.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective December 15, 1956.

[SEAL] JAMES T. PYLE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-9565; Filed, Nov. 21, 1956; 8:45 a. m.]

Subchapter B—Economic Regulations

[Reg. ER-217]

PART 248—SUBMISSION OF AUDIT AND RECONCILIATION REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of November 1956.

A notice of proposed rule-making was published in the FEDERAL REGISTER on March 22, 1955 (20 F. R. 1703), and circulated as Economic Regulations Draft Release No. 73 dated March 16, 1955, which proposed the revision of Part 248

[1] Appendix A not filed with Federal Register Division.

to require each air carrier, subject to Part 241 of the Economic Regulations, to have an annual audit performed by its independent public accountants and to file an annual report of such audit; to require each such air carrier to file a reconciliation of its Form 41 reports with the financial statements certified by such independent public accountants; and to require each air carrier, subject to Part 242 of the Economic Regulations who has caused an annual audit to be made by its independent public accountants, to file a report of such audit.

Extensive comments have been received from the industry concerning the proposed regulation challenging the Board's legal power to require an audit by an independent accountant as well as the requirement that the financial statements certified by a public accountant must either comply with the Board's accounting regulations or that points of difference be noted in the accountant's certificate.

After giving careful consideration to the comments received, the Board has decided that the desired objective of insuring maximum compliance with its accounting regulations can be achieved by merely requiring the carriers to file a reconciliation between the Form 41 reports and the statements certified by the public accountants.

In reaching this conclusion we have noted that with very few exceptions, the carriers have audits performed by public accountants on a voluntary basis. Furthermore, Part 248 already requires that carriers who have had an audit by an independent public accountant file a copy of the audit report with the Board. Under the circumstances, it will not be necessary for us to decide the legal question regarding the Board's power to compel the carriers to have an audit performed by an independent public accountant.

Accordingly, Part 248 set forth below incorporates the provisions of the draft release requiring each air carrier, subject to Part 241 of the Economic Regulations, to submit a special report reconciling the financial statements certified by the public accountant with those on file with the Board as a part of the carrier's Form 41 reports. Experience has demonstrated that frequently there are discrepancies of a material nature between such financial statements and it is essential that the Board have available all pertinent data necessary to reconcile such inconsistent financial statements in order to enable its staff to detect possible inaccuracies in the Form 41 reports or violations of the uniform system of accounts.

It appears desirable, by way of clarification, to explain the scope of the required reconciliation of balance sheets and profit and loss statements specified in § 248.2 of the attached regulation. Such special report shall clearly set forth in all material detail the differences and explanations necessary to complete reconciliation of the balance sheet classifications Current Assets, Investments and Special Funds, Property and Equipment, Deferred Charges, Current Liabilities, Noncurrent Liabilities, Deferred Credits and Stockholders Equity, or equivalent balance sheet account groups, as well as the profit and loss classifications Operating Profit, Nonoperating Income and Expense, Income Taxes, Special Income Items, and Net Income, or equivalent profit and loss classifications, as reflected in the Form 41 reports to the Board, and comparable generalized balance sheet or profit and loss classifications reflected in the financial statements covered by the accountant's audit report.

Interested persons have been afforded an opportunity to participate in the formulation of this revised regulation, and due consideration has been given to all relevant matter presented.

Accordingly, the Civil Aeronautics Board hereby amends Part 248 of the Economic Regulations (14 CFR Part 248), effective December 27, 1956, to read as follows:

PART 248—SUBMISSION OF AUDIT AND RECONCILIATION REPORTS

Sec.
248.1 Applicability.
248.2 Filing audit reports.
248.3 Reconciliation of reports.
248.4 Time for filing reports.
248.5 Withholding from public disclosure.

AUTHORITY: §§ 248.1 to 248.5 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000, as amended; 49 U. S. C. 487.

§ 248.1 *Applicability.* The requirements of this part shall be applicable to all air carriers subject to the requirements of Part 241 or Part 242 of this subchapter for fiscal years ending on or after December 31, 1956.

§ 248.2 *Filing of audit reports.* (a) Whenever any air carrier, subject to § 248.1, shall have caused an annual audit of its books, records, and accounts to be made by independent public accountants, such air carrier shall file with the Board, in duplicate, a special report consisting of a true and complete copy of the audit report submitted by such independent public accountants, including all schedules, exhibits, and certificates included in, attached to, submitted with or separately, as a part of the audit report.

(b) Each air carrier, subject to § 248.1, which does not cause an annual audit to be made of its books, records, and accounts for any fiscal year, shall, at the close of such fiscal year file with the Board, as a part of its periodic reports, a statement that no such audit has been performed.

§ 248.3 *Reconciliation of reports.* Each air carrier holding a certificate of public convenience and necessity and required to comply with Part 241 of the Economic Regulations, which has caused an annual audit of its books, records, and accounts to be made by independent public accountants shall file with the Board, in triplicate, as a part of its CAB Form 41 reports, a special report consisting of a complete reconciliation of the balance sheet and profit and loss statement included in the audit report with the balance sheet and profit and loss statements filed with the Board as a part of CAB Form 41, Report of Financial and Operating Statistics for Air Carriers. Such special report shall clearly set forth in all material detail the essential elements of such reconciliation.

§ 248.4 *Time for filing reports.* The reports required by this Part shall be filed with the Board within 15 days after the due date of the appropriate periodic CAB Form 41 or Form 242 report, filed for the twelve months period covered by the audit report, or the date the accountant submits his audit report to the air carrier, whichever is later.

§ 248.5 *Withholding from public disclosure.* The special reports required to be filed by § 248.2 shall be withheld from public disclosure, until further order of the Board, if such treatment is requested by the air carrier at the time of filing.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-9597; Filed, Nov. 21, 1956; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter E—Air Navigation Regulations

[Amdt. 181]

PART 608—RESTRICTED AREAS

AREA ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.39, the Albuquerque, New Mexico, area (R–313), amended on April 9, 1955 in 20 F. R. 2302, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 34°55'15", longitude 106°54'45"; thence to latitude 34°45'00", longitude 106°50'00"; thence to latitude 34°45'00", longitude 107°15'00"; thence to latitude 34°51'45", longitude 107°15'00"; thence to latitude 34°55'15", longitude 107°00'00"; thence to point of beginning".

2. In § 608.28, the Sharps Island, Maryland, area (R–36 formerly D–36), published on August 11, 1954 in 19 F. R. 5041, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 13, 1956.

[SEAL] JAMES T. PYLE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-9566; Filed, Nov. 21, 1956; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 49—STAR ROUTE SERVICE

In Part 49, Star Route Service, add the following new sections:

§ 49.6 *Instructions for advertising and awarding contracts for carrying mail; introduction.*—(a) *Contract areas.* The United States is divided into four contract areas. In each area, contracts are made for terms of four years, or for the remainder of the contract term.

(b) *Expiration dates of area contracts.* All regular contracts in one area expire at the end of a fiscal year. The years in which the contracts expire rotate among the four contract areas. The dates on which current contracts will expire and the states comprising the contract areas are as follows:

(1) First (June 30, 1957): Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, and West Virginia.

(2) Second (June 30, 1960): North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Puerto Rico, and the Virgin Islands.

(3) Third (June 30, 1959): Ohio Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, and Oklahoma.

(4) Fourth (June 30, 1958): Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, Alaska, and Hawaii.

(c) *Types of advertisements.*—(1) *General.* General advertisements are prepared in booklet form for a contract area and invite bids for service during a full four-year contract term.

(2) *Bulletin.* Bulletin advertisements solicit bids for service on individual routes, usually for the remainder of a contract term.

(d) *Types of contracts.*—(1) *Regular.* Regular contracts are awarded after the issuance of general or bulletin advertisements. See § 49.7.

(2) *Temporary.* Temporary contracts may be made for periods not in excess of one year without advertising. See § 49.13.

(3) *Renewal.* Renewal contracts may be made for additional terms of four years without readvertising. See § 49.11.

(4) *With Subcontractors.* Subcontractors may enter into regular contracts for four-year terms without advertising. See §§ 49.12 and 49.14.

(e) *Surveys of all routes.*—(1) *When made.* Prior to the expiration of the contracts in a contract area, Regional Transportation Managers will take the necessary steps to see that a thorough survey is made of all routes in that area under their supervision in accordance with instructions contained in Bureau of Transportation Letter No. 41, dated December 9, 1955.

(2) *Action to be taken.* Based upon the survey, it will be determined which of the following actions should be taken on each route:

(i) The contract renewed for an additional four-year term.

(ii) A contract entered into with the subcontractor for a four-year term.

(iii) Readvertised, with or without change.

(iv) Consolidated with another route or routes and advertised.

(v) Consolidated with another route or routes and contract renewed with one of the contractors involved, provided it does not result in extension of any route in excess of 50 miles during the contract term.

(vi) Service permitted to cease at end of contract term, being unnecessary, not justified, or to be superseded by some other type of service.

(f) *Truck route.* The term "Truck" or "T" is used to denote that a star route is for the purpose of transporting mail diverted from a railroad while trains are in operation. The designation is primarily for statistical purposes. A star route made necessary by withdrawal or change in railroad service is not classified as a "Truck" route.

(g) *Assignment of route numbers.*—(1) *By States and classes.* The number assigned to a mail route indicates its location, class of service, and type of contract as follows:

States	Numbers allocated	For star routes
Maine	22000 to 22999	22101 to 22999
California	05000 to 05999	05101 to 05999

NOTE: Temporary star routes are assigned numbers starting from the highest in the block for each state and continuing downward. This is for the sole purpose of indicating the temporary nature of such contracts.

(2) *In general advertisements.* Routes included in general advertisements retain the same numbers or may be assigned new numbers prior to publication of the advertisements. See § 49.7 (a) (5).

(3) *In bulletin advertisements.* Routes for which contracts are awarded under bulletin advertisements and temporary routes are assigned numbers at the time the contracts are awarded. This may be done by assigning the next number in regular sequence, or by using the number of a route that has previously been discontinued. The same number will not be assigned to more than one route during a contract term, except as provided in § 49.13 (b) (2). The letter "T" is affixed to a route number to show that it has been classified as a "Truck" route. See paragraph (f) of this section.

§ 49.7 *Advertisements.*—(a) *General.*—(1) *Form and arrangement.* A general advertisement in booklet form will be issued each year inviting proposals for carrying the mail during a four-year term on some of the routes in one of the contract areas. Complete statements of the service and schedules of the routes are arranged numerically according to states. Advertisements also contain full information and instructions to bidders and postmasters relative to the preparation and submission of bids.

(2) *Determination.* At least seven months prior to the expiration of the contracts in a contract area, it must be determined which of the routes should be included in the general advertisement. See § 49.6 (e) (2).

(3) *Compilation of printer copy.* Inasmuch as the routes in each contract area are under the supervision of at least three regional transportation managers, it will be necessary that the "printer copy" be transmitted to the Bureau of Transportation for compilation and publication of general advertisements. Inasmuch as 60 days must be allowed for having general advertisements printed, and as the law requires that such advertisements shall be posted for at least 60 days, all "printer copy" must be completed and submitted to the Department by December 1, prior to the expiration of the contract.

(4) *Statements of service.*—(i) *If readvertisement is necessary or advisable.* A complete statement of the route and schedule must be prepared as follows and submited to the Bureau of Transportation to be used as "printer copy." The statement of the route and schedule must be set up in the manner in which star routes are stated in general advertisements, including the last line "Bond required with bid, $----------." The proper amount of bond (see paragraph (b) (6) of this section) must be shown in this space after it has been determined by reference to the following chart:

CHART SHOWING BONDS REQUIRED WITH STAR-ROUTE PROPOSALS

Present pay:	Bond
$0 to $200	$100
$201 to $333	200
$334 to $466	300
$467 to $600	400
$601 to $733	500
$734 to $866	600
$867 to $1,000	700
$1,001 to $1,133	800
$1,134 to $1,266	900
$1,267 to $1,400	1,000
$1,401 to $1,642	1,100
$1,643 to $1,785	1,200
$1,786 to $1,928	1,300
$1,929 to $2,071	1,400
$2,072 to $2,214	1,500
$2,215 to $2,357	1,600
$2,358 to $2,500	1,700
$2,501 to $2,642	1,800
$2,643 to $2,785	1,900
$2,786 to $3,153	2,000
$3,154 to $3,307	2,100
$3,308 to $3,461	2,200
$3,462 to $3,615	2,300
$3,616 to $3,769	2,400
$3,770 to $3,923	2,500
$3,924 to $4,076	2,600
$4,077 to $4,230	2,700
$4,231 to $4,384	2,800
$4,385 to $4,538	2,900
$4,539 to $4,692	3,000
$4,693 to $5,250	3,100
$5,251 to $5,416	3,200
$5,417 to $5,583	3,300
$5,584 to $5,750	3,400
$5,751 to $5,916	3,500
$5,917 to $6,083	3,600
$6,084 to $6,250	3,700
$6,251 to $6,416	3,800
$6,417 to $6,583	3,900
$6,584 to $6,750	4,000
$6,751 to $6,916	4,100
$6,917 to $7,083	4,200

CHART SHOWING BONDS REQUIRED WITH STAR-ROUTE PROPOSALS—continued

Present pay:	Bond
$7,084 to $7,250	$4,300
$7,251 to $7,416	4,400
$7,417 to $7,583	4,500
$7,584 to $7,750	4,600
$7,751 to $7,916	4,700
$7,917 to $8,083	4,800
$8,084 to $8,250	4,900
$8,251 to $8,416	5,000
$8,417 to $8,583	5,100
$8,584 to $8,750	5,200
$8,751 to $8,916	5,300
$8,917 to $9,083	5,400
$9,084 to $9,250	5,500
$9,251 to $9,416	5,600
$9,417 to $9,583	5,700
$9,584 to $9,750	5,800
$9,751 to $9,916	5,900
$9,917 to $11,000	6,000
$11,001 to $12,000	7,000
$12,001 to $13,000	7,500
$13,001 to $14,000	8,000
$14,001 to $15,000	8,500
$15,001 to $20,000	10,000
$20,001 to $25,000	12,500
$25,001 to $30,000	15,000
$30,001 to $40,000	20,000
$40,001 to $50,000	25,000
Over $50,000	30,000

The words "present pay" should be omitted. The original must be prepared on plain letter-size paper, and three copies on tissue. These must be distributed as follows:

(*a*) The original and one copy to the Bureau of Transportation.

(*b*) One copy to the Regional Transportation Manager.

(*c*) One copy to the District Transportation Manager.

(ii) *If two or more routes are to be consolidated.* A complete statement of the proposed route and schedule must be submitted. The same applies to routes recommended for readvertisement on which corrections or changes may be necessary or advisable. Routes should not be readvertised for the sole purpose of making normal changes, if such changes can be made under the present contracts in accordance with instructions contained in the Joint Letter of February 19, 1954.

(5) *Assigning route numbers.* The following rules will be observed in assigning route numbers:

(i) Regular route, with or without change. Retain the same number.

(ii) Consolidated route. Use the number assigned to one of the routes involved.

(iii) Temporary route. Assign a regular number that will not duplicate a number in use. See § 49.6 (g) (2) and (3).

(iv) New route. Assign a regular number that will not duplicate a number in use. See § 49.6 (g) (2) and (3).

(6) *Inclusion of temporary routes.* A temporary route will be included in the general advertisement when:

(i) It is in the contract area to be advertised.

(ii) The contract, or authority for employment of temporary service, will expire June 30, the end of the contract term.

(iii) The continuance of the route is justified.

(7) *Forms to be used.* The following forms are used in connection with general advertisements:

(i) POD Form 5445, Instructions to Postmasters.

(ii) POD Form Sign–3, Star Route Mail Lettings.

(iii) POD Form 5468, Star or Water Route Bid and Bond.

(8) *Distribution.* General advertisements will be delivered by the printer to regional transportation managers and will be sealed in envelopes with all necessary enclosures as follows:

(i) Envelopes marked No. 1, for addressing to postmasters, contain the following:

(*a*) One copy of the general advertisement.

(*b*) One copy of POD Form 5445.

(*c*) Four copies of POD Form Sign–3.

(*d*) Five copies of POD Form 5468.

(ii) Envelopes marked No. 2, to be sent to contractors and prospective bidders, contain the following:

(*a*) One copy of the general advertisement.

(*b*) Two copies of POD Form 5468.

(iii) Each regional transportation manager will be furnished a sufficient supply of genefal advertisements prior to the date of the advertisement for distribution as follows:

(*a*) One copy (No. 1) to each post office named in the advertisement.

(*b*) One copy (No. 2) to the contractor or subcontractor for each route readvertised.

(iv) The following will also be furnished regional transportation managers for the purposes indicated:

(*a*) Additional copies of the general advertisement (in envelope No. 2) for distribution to prospective bidders upon request.

(*b*) Additional copies of advertisements (not enclosed) for official use.

(*c*) A copy of the general advertisement will be mailed to each Member of Congress (Senate and House), representing a state in which routes are being advertised, by regional transportation managers.

(b) *Bulletin*—(1) *Purpose.* Bulletin advertisements will be issued when:

(i) A route has been omitted from a general advertisement, and readvertisement is necessary or advisable.

(ii) A temporary contract or authority for employment of temporary service expires prior to the end of the contract terms.

(iii) A new route is to be established under a regular contract.

(iv) Conditions on a route have changed materially or the pay is so inadequate as to impose undue hardship upon the contractor. See paragraph (d) of this section.

(v) A contractor is selected for appointment as postmaster, acting postmaster, or to any other classified position in the postal service. The contractor must waive claim to the allowance of one month's extra pay as indemnity before service under his contract is discontinued for this reason.

(2) *Forms to be used.* (i) Bulletin advertisements will be prepared on POD Form 5435, Advertisement for Mail Service, which must be securely attached to POD Form 5435a, Instructions to Bidders (Star Route Service), and POD Form 5411a, Star Route Contract General Provisions, before distribution. See subparagraph (3) (i) of this paragraph.

(ii) Proposals will be submitted in response to bulletin advertisements on POD Form 5468 or on similar forms furnished by surety companies and approved by the Department for that purpose.

(iii) POD Form 5472, Instructions to Solicit Proposals to Carry Mail, will be used by district transportation managers to instruct postmasters relative to advertisements and the preparation and submission of bids. This form will be stocked in supply centers.

(3) *Special instructions for.* The following instructions apply:

(i) POD Form 5435 and all information required on bulletin advertisements will be prepared by the use of specially designed die-impressed stencils on mimeograph paper 8½ x 14 inches. Stencils for this purpose will be stocked in supply centers.

(ii) District transportation managers will have advertisements prepared and dated sufficiently in advance to allow time for examination by regional transportation managers before distribution. See subparagraph (7) of this paragraph.

(iii) Stencils will be preserved until after contracts have been awarded in order that additional copies of advertisements may be prepared, if necessary.

(iv) A copy of POD Forms 5435a and 5411a will be securely attached to each copy of the advertisement before distribution. See subparagraph (2) (i) of this paragraph.

(4) *Statement of service requirements.* (i) Specifications heretofore incorporated in advertisements may meet the needs for the average route. Developments made during recent years in the transportation of mail make it necessary that more businesslike practices be followed in the preparation of advertisements, especially those for truck routes and those routes on which unusual conditions prevail. Care should be taken in specifying vehicle capacity, vehicle performance, or similar matters since the specification stated may be regarded as the maximum which can be required of the contractor unless the contrary is stated in the advertisement. Bidders cannot arrive at sound proposal without a thorough knowledge of the amount of service contemplated and all factors affecting the cost of operation. Failure to include the essential provisions in advertisements and later attempting to require service not specifically stated in the advertisements leads to complaints and requests for readjustments in compensation.

(ii) All unusual requirements (such as type and size of vehicle, spotting vehicles for advanced loading, and the loading and unloading of mail at all points) should be stated fully in language the average person can understand.

(iii) Proper specifications cannot be prepared without a thorough knowledge of local conditions, the approximate weight and volume of mail to be carried, and any unusual features that should be incorporated in the terms of the advertisement. Be sure you know what service is necessary and the conditions under which it must be performed, and write

the terms of the advertisement accordingly.

(iv) When proposals are not to be submitted at annual rates, notes should be made on advertisements similar to the following:

NOTE: Proposals submitted in response to this advertisement must be at trip (mileage, per piece) rate.

(5) *Dates to be used*—(i) *Sufficient time.* The dates used in completing POD Form 5435 will depend on how soon the service must begin. All advertisements must be posted for at least ten days. Ample time must be allowed to give advertisements adequate publicity and to afford bidders opportunity to arrange for bonds. At least three weeks should be allowed, if possible.

(ii) *Expiration dates.* A schedule will be arranged in each region so that advertisements will expire at the same hour and on the same day each week, except when a holiday occurs on that day.

(6) *Amount of bond.* The proper amount of bond is based upon the cost, or estimated cost, of the route advertised, as determined by reference to the Bond Chart in paragraph (a) (4) (i) of this section.

(7) *Distribution.* The district transportation manager will transmit not less than 10 copies of each advertisement to the regional transportation manager and hold other copies until one copy, approved by the regional transportation manager, is returned to him. This copy will be retained in his files and other copies distributed as follows:

(i) One copy to the Bureau of Transportation.

(ii) One copy to the postmaster at each post office named in the advertisement.

(iii) When the demand for information relative to a route is sufficient to justify, additional copies of advertisements (attached to POD Forms 5435a and 5411a) may be distributed to prospective bidders with copies of POD Form 5468.

(c) *Advertisements for temporary routes*—(1) *One year limitation.* Temporary service (service under a contract made without advertising) cannot be continued for more than one year, except that additional necessary temporary service may be authorized when no acceptable bids have been received in response to an advertisement.

(2) *When to include.* Those routes on which temporary contracts, or authority for employment of temporary carriers, expire June 30, the end of the contract term, should be included in general advertisements. Temporary routes which will have been in operation one year prior to June 30, the end of the contract term, should not be included in the general advertisement, but should be advertised for the remainder of the term, with the understanding if a regular contract is awarded it may be renewed from July 1 for the ensuing four-year term. All other temporary routes must be advertised before the route has been in operation one year if service is to be continued more than one year.

(3) *When to issue bulletin advertisements.* Approximately 90 days prior to the expiration of a temporary contract, or authority for employment of a temporary carrier, a bulletin advertisement must be issued inviting proposals for service from the date following the expiration of the existing contract to the end of the contract term, unless the route has been included in the general advertisement.

(4) *How to control temporary routes.* Some system must be set up which will insure the issuance of advertisements for temporary routes in ample time to make provision for continuing temporary service, if acceptable bids for regular service are not received in response to such advertisements.

(d) *Readvertisement for release of contractors*—(1) *For changed service conditions.* Routes may be readvertised and new contracts awarded for the purpose of releasing contractors and sureties where undue hardships have been imposed by the following, and satisfactory readjustment of compensation cannot be made under the conditions set forth in subparagraph (3) of this paragraph.

(i) A change ordered materially increasing or decreasing the amount of service required.

(ii) An abnormal or sustained increase in quantity of mail to be carried during a contract term, necessitating larger equipment.

(iii) A change ordered in schedule requiring the contractor to be away from the initial terminal excessively more or less time than was required in the advertised schedule. See subparagraph (5) of this paragraph.

(2) *For inadequate compensation.* A route may be readvertised and a new contract awarded to release the contractor and his sureties when, after full investigation, compensation is found to be wholly inadequate and continuance of the contract will impose undue hardship, whether or not conditions have changed since the contractor submitted his bid. See subparagraph (3) of this paragraph. This action may be taken only when the contractor:

(i) Gives 90 days' advance notice of his desire to be released.

(ii) Waives the one month's extra pay authorized by law where contracts are canceled under this provision.

(iii) Continues service until another contract is awarded, even though the award may be made more than 90 days after filing of advance notice.

These conditions apply only to routes readvertised because of inadequate compensation.

(3) *Compensation readjustment before readvertising.* Before readvertising for the purpose of releasing a contractor for reasons stated in subparagraphs (1) and (2) of this paragraph, it must be determined whether adequate relief can be afforded by readjusting his compensation for increased costs occasioned by changed conditions occurring during the contract term which could not reasonably have been anticipated at the time of making the contract.

(4) *Basis for readvertisement.* When investigation discloses that changes have imposed undue hardship upon a contractor, or that the pay is wholly inadequate for the service required, the route will be readvertised provided:

(i) Mutual agreement cannot be worked out for the readjustment of the pay of the contractor.

(ii) The contractor has made written request therefor.

(iii) The contractor has waived the one month's extra pay as provided in subparagraph (2) of this paragraph, when that section is applicable.

(5) *How to readvertise.* An advertisement will be issued promptly after investigation has disclosed that such action is justified. When a route is readvertised because of changed conditions (see subparagraph (1) of this paragraph), a new contract will be awarded as early as practicable, and the contractor will be allowed one month's extra pay as indemnity when service under the old contract is discontinued. When a route is readvertised because of inadequate compensation (see subparagraph (2) of this paragraph), the advertisement should be for service from the day following the expiration of 90 days' advance notice to the end of the contract term. Each advertisement for the release of a contractor as provided herein will contain a note specifying by the proper letter (a, b, and c for changed conditions, and d for inadequate compensation) the reason for readvertisements, reading as follows:

NOTE: Route advertised under subdivision (a, b, c, or d), 5th paragraph, Title 39, Section 434, U. S. C. A., and an award of contract contemplates the discontinuance of service under present contract on route No. ---------, between same points.

(6) *Award of regular contract required.* Readvertisement and award of new contract for the release of a contractor for reasons stated in subparagraph (1) and (2) of this paragraph is in accordance with the law. Temporary contracts will not be made for that purpose.

§ 49.8 *Proposals*—(a) *Proposal forms*—(1) *Types.* The following forms will be used in submitting proposals:

(i) POD Form 5468, Star or Water Route Bid and Bond, under general and bulletin advertisements.

(ii) Similar forms furnished by surety companies, which have been approved by the Department.

(iii) POD Form 5321, Bid for Temporary Star Route Service, will be used for temporary service. See § 49.13.

(2) *Distribution.* Proposal forms will be distributed as follows:

(i) Five copies with each general advertisement sent to postmasters.

(ii) Two copies with each general advertisement sent to contractors.

(iii) Five copies to the postmaster at the head of the route with bulletin advertisement. Additional copies to be sent if several bids are anticipated.

(iv) Three copies with bulletin advertisements sent to other postmasters. See § 49.7 (b) (7).

(v) To postmasters and prospective bidders as requested.

(vi) Forms provided by surety companies will be distributed through local agents and postmasters and directly to contractors and bidders.

(vii) POD Form 5321 to postmasters and prospective bidders when establishment of temporary service is contemplated. See § 49.13 (f) (2).

(3) *Supply.* Each regional and district transportation manager having supervision over star routes will maintain an adequate stock of proposal forms to meet the demands.

(b) *Submission of proposals.* The envelope containing a proposal should be endorsed "Mail Proposal, Route from ---------- to ----------, State of ----------," and addressed to "Regional Transportation Manager, Post Office Department, ----------, ----------"
(City) (State)

(c) *Receipt and protection.* Proper protection of sealed proposals for the transportation of mail imposes grave responsibilities. Each regional transportation manager will establish the following safeguards:

(1) Provide a suitable container fully adequate to protect valuable and confidential papers.

(2) Restrict keys to the depository to persons responsible for the receipt and protection of proposals.

(3) Designate two or more responsible officials, one of whom will normally be on duty, to perform the following duties:

(i) Receive all proposals.

(ii) Indicate on envelopes the time of receipt, also the dates on which the advertisements expire.

(iii) Reseal any envelope containing a proposal, and endorse envelope to show that it was open when received.

(iv) Take immediate action to prevent unauthorized opening, if the envelope is endorsed to show that it contains a proposal.

(v) Open any envelope that is not properly endorsed, in order to determine the route for which it is submitted. So indicate on the envelope, and reseal.

(vi) Do not leave proposals where they may be misplaced or tampered with, but deposit them in the locked container.

(vii) See that the depository is locked at all times except when proposals are being deposited therein or taken therefrom.

(viii) Decline to examine or receive a proposal presented in person by a bidder or his representative until it has been placed in an envelope and sealed.

(ix) Take every reasonable precaution to prevent the amounts of proposals being disclosed until after the expiration of advertisements.

(d) *Committee to open and mark proposals*—(1) *Appointment.* Each regional director will appoint a committee of officials or employees of sufficient number to insure the presence of at least two members at all times to serve during a fiscal year. The committee will consist of the assistant regional transportation manager, and/or regional transportation officer, and such other members representing different units of the regional office as may be necessary. At least two members of the committee will be present at the time of opening and marking proposals, one of which will be from some office other than the office of the regional transportation manager. Members of the public shall also be permitted to attend openings.

(2) *Duties.* (i) The duties of the committee will be to:

(*a*) Remove proposals from the depository after expiration of advertisements.

(*b*) Open, endorse by rubber stamp at the upper right-hand corner the date on which the proposal was opened. Envelopes may be destroyed.

(c) At least two members of the committee will affix their initials on the upper right-hand corner attesting the fact that the proposal was removed from the depository and opened in their presence.

(ii) Any proposal received after expiration of the advertisement in response to which it is submitted will be:

(*a*) Segregated from other proposals received on time and have the time of receipt endorsed on it.

(*b*) If sent by mail, carefully checked to determine whether it was mailed in time to arrive at its destination before expiration of the advertisement under normal operation.

(c) If mailed in time for delivery within the time limit stated in the advertisement, notation will be made on the envelope showing the date and time it should have been received. This will be securely attached to the proposal, which will be afforded the same treatment as proposals received on time.

(*d*) If not mailed in time to reach its destination before expiration of the advertisement, it will be securely attached to the envelope in which it is received, endorsed "After time" on the upper right-hand corner, and initialed by members of the committee. It will be listed separate from other proposals under the heading "After time." See § 49.10 (b) (9) (ii).

(*e*) *Record of proposals*—(1) *Abstract.* As soon as practicable after proposals have been opened, a true and faithful abstract of all proposals will be made giving:

(i) The name of the bidder, as signed.

(ii) The terms and period of service, as stated in the advertisement.

(iii) The sum to be paid (rate of bid).

(iv) The time the contract is to continue, as stated in the advertisement.

(2) *For general advertisement.* (i) After a general advertisement is issued, a complete statement of each route will be prepared by mimeograph on plain paper 8½ by 14 inches, under a heading reading as follows:

Route No. ---- statement of service as it appears in general advertisement dated ------ for term from July 1, 19--, to June 30, 19--.

(ii) Proposals received for each route will be recorded in duplicate on the proper statement of service under the caption "Proposals Received." If space permits, they will be recorded on the front page, otherwise on the reverse side, with a notation on the front page to that effect. Original copies of all such listings will be filed numerically by states in a loose-leaf binder and retained as a permanent record. Other copies will be filed with the unaccepted proposals.

(3) *For bulletin advertisement.* Proposals received in response to a bulletin advertisement will be recorded in duplicate on copies of the advertisement under which they were submitted, as outlined in subparagraph (2) (ii) of this paragraph. After the contract has been awarded, the route number assigned will be shown on the listings, and they will be filed as stated in subparagraph (2) (ii) of this paragraph.

(4) *Withdrawal of proposals.* No withdrawal of a proposal will be allowed unless notice in writing of withdrawal is received at least 24 hours before the expiration of the time limit stated in the advertisement. If notice of withdrawal is received within the time limit, the proposal shall be returned unopened and the notice of withdrawal filed in lieu of the proposal. A new proposal submitted in lieu of one withdrawn will be considered, if filed before the closing date for the receipt of bids.

(5) *Retention period of unacceptable proposals.* Unaccepted proposals will be retained in the files of regional transportation managers for four years after the expiration of the contract term for which they are submitted.

§ 49.9 *Proposal bonds*—(a) *Amount required.* Each advertisement will show the amount of bond required with proposals submitted in response thereto. See § 49.7 (b) (6).

(b) *Legal requirements.* A proposal must be accompanied by a bond executed by a qualified surety company or by two or more individual sureties who are the owners of real estate worth in the aggregate a sum double the amount of bond required, over and above all debts, judgments, mortgages, executions, and exemptions.

(c) *Surety companies*—(1) *Active list.* Most surety companies on the approved list either do not solicit or decline to execute this type of bond. Practically all corporate surety bonds for the transportation of mail are executed by agents located in Washington, D. C. Most local agents are not permitted to approve such bonds. The companies most active are as follows:

(i) American Surety Company of New York, Southern Building, Washington 5, D. C.
(ii) The Peerless Insurance Company, 301 East Capitol Street, Washington 3, D. C.
(iii) The United States Fidelity and Guaranty Company, Woodward Building, Washington 5, D. C.

(2) *Acceptable list.* A list of surety companies accepted on bonds and contracts is contained in Chapter II, Article 44, Postal Manual.

(3) *Information to be given.* Information as to the names and addresses of surety companies will be given only on request therefor. No particular company will be recommended.

(d) *Obtaining corporate bond.* A bidder who desires to furnish bond through a surety company should:

(1) Have the proposal completely and properly executed, other than the bond.

(2) Have the certificate as to bidder executed by any of the following postal officials:

(i) District transportation manager.

(ii) Assistant district transportation manager.
(iii) Postmaster.
(iv) Assistant Postmaster.
(v) Any official duly assigned as acting in above positions.

(3) Prepare the application for bond on the form furnished by the surety company.

(4) Transmit the proposal, the application for bond, and the required bond fee directly to the bonding company.

(5) Allow ample time (one week, if possible) for the surety company to:
(i) Make any investigation necessary.
(ii) Correspond with the bidder to obtain further information.
(iii) Approve the bond and mail the proposal so as to reach the proper regional transportation manager within the time specified in the advertisement.
(iv) Decline to execute bond and return the proposal to the bidder in time for him to attempt to obtain bond from some other source.

(e) *Individual sureties*—(1) *Ownership of real estate*—(i) *Statement by sureties.* As part of the bond, individual sureties must sign a statement showing:
(*a*) The amount of real estate owned by them.
(*b*) A brief description thereof.
(c) Its estimated value.
(*d*) Its location.
(*e*) The county or state where titles are recorded.

(ii) *Joint ownership.* (*a*) Real estate owned as "joint tenants" is not acceptable on bonds unless each of the joint tenants signs as surety. Husband and wife owning real estate as "joint tenants" or as "tenants by the entireties" are acceptable as one surety, provided both execute the bond. In such cases at least one other qualified surety is necessary.

(*b*) Real estate owned as "tenants in common" is acceptable on bonds without the signatures of all co-owners, provided the value of the portion of real estate listed on the proposal, plus the amount listed by the co-surety, or sureties, is sufficient to meet the requirements. Two or more persons owning real estate as "tenants in common" are sufficient as sureties if the property listed by them on the proposal is worth at least double the amount of bond required.

(2) *Persons not acceptable.* The following are not acceptable as surety:
(i) Postmasters and assistant postmasters.
(ii) All postal employees, including special delivery messengers, substitutes and temporaries.
(iii) Members of immediate family of a postmaster or assistant postmaster. The words "immediate family" are construed to mean persons who are members of the same household or persons dependent one upon the other for support. Under other circumstances, blood relatives are not held to be members of the same immediate family.
(iv) Married women in some states. A married woman is not acceptable as surety in Georgia, Idaho, and Vermont. In Kentucky a married woman may be accepted as surety for her husband, provided that she is the owner of sufficient real estate in her own name and not jointly with her husband. She may be accepted as surety for persons other than her husband if he signs jointly with her. Unless her husband signs jointly, she is not acceptable as surety in Arizona, Florida, Pennsylvania, Texas, and Puerto Rico. She is not acceptable as surety for her husband in Alabama, Maine, New Hampshire, and the District of Columbia.
(v) A person who is barred from bidding by reason of being a failing bidder or contractor, or who is barred from bidding for any other reason.

(3) *Approval by postmaster.* Individual sureties must be approved by a postmaster, or duly authorized acting postmaster, and not by an assistant postmaster. If bond exceeds $5,000, approval must be by a postmaster at an office of the first, second, or third class. (See certificate and note on back of proposal form.)

§ 49.10 *Award of contract*—(a) *To lowest responsible bidder.* All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest responsible bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement.

(b) *Examination of proposal and bond*—(1) *For listing and intent.* After proposals have been recorded, they will be carefully checked to determine whether:
(i) They have been correctly recorded from highest to lowest.
(ii) They are for the service as advertised. Frequently a proposal is submitted for only part of the service, or for service different from that stated in the advertisement. This may be due to lack of care in preparing the proposal. Before accepting or rejecting such a proposal, the following steps will be taken:
(*a*) Inquire of bidder whether the proposal was intended for the service as advertised, and, if so, obtain certificate of bidder and sureties to that effect.
(*b*) Attach certificate to proposal.
(c) If it is ascertained that the proposal was not intended for the service as advertised, notation to that effect will be made on the transcript of the proposal. Such proposal will not be considered in competition with other proposals.

(2) *For legal residence of bidder.* Both the bidder and postmaster who executes the certificate on back of the proposal form must show the county of which the bidder is a legal resident. No proposal shall be considered unless the bidder is a legal resident of the county or counties traversed by the roads over which the mail is to be carried, or a legal resident within the counties adjoining such county or counties, except that proposals for carrying the mail tendered by firms, companies, or corporations shall be considered provided that such firms, companies, or corporations are actually engaged in business within the counties in which individuals are restricted as to residence.

(3) *For eligibility of bidders*—(i) *Proposals considered.* Proposals will be considered if the bidder:
(*a*) Is at least 21 years of age at the time he submits his proposal.
(*b*) Is a citizen of the United States or has taken out his first naturalization papers within the past seven years.
(c) Meets the resident requirements.

(ii) *Those not to be considered.* Proposals submitted by the following will not be considered:
(*a*) Postmasters and assistant postmasters.
(*b*) Members of the immediate family of a postmaster or assistant postmaster. See § 49.9 (e) (2) (iii).
(c) Clerks employed in any post office, rural carriers, special delivery messengers, or other postal employees, including substitutes or temporaries. A mail messenger is not a postal employee.
(*d*) Any person who has entered or proposed any combination to prevent the making of any bid for carrying mail or who has agreed, or given or promised any consideration to induce another person not to bid for such contract.
(*e*) A married woman in the State of Texas, unless she furnishes a certified copy of a court order declaring her to be feme-sole, or unless her husband signs jointly.

(4) *For sufficiency of bond.* (i) Great care must be exercised to determine whether the bond of the lowest bidder is good and sufficient. It will be determined whether:
(*a*) The amount of bond is not less than the amount stated in the advertisement. This refers to the amount of bond inserted in the space provided for the purpose, and not to the amount shown as the aggregate value of real estate owned by individual sureties.
(*b*) The aggregate value of the real estate listed by the sureties is at least double the amount of bond specified in the advertisement.
(c) All information listed in § 49.9 (e) (1) (i) has been furnished, if executed by individual sureties.
(*d*) The proposal has been signed by the bidder and all individual sureties whose names appear thereon.
(*e*) The Certificate of Postmaster as to Bidder and Sureties has been properly executed, including the insertion of all necessary names.
(*f*) The bond was executed by an acceptable surety company. See § 49.9 (c) (2).

(ii) Arrangements will be made with the surety companies listed in § 49.9 (c) (1) to furnish each regional transportation manager a list of officials who have been designated to execute bonds for this class of service and to issue amendments thereto when necessary. Many other agents of these companies have authority to execute such bonds, but have been directed not to do so. If a bond is executed on behalf of one of these companies by an agent whose name does not appear on the list, the matter will be taken up with the Washington Office of the company involved to determine whether such agent had authority to execute the bond.

(iii) If the bond is furnished through a company other than the three listed in § 49.9 (c) (1), the following action will be taken:

(a) Check the approved list to determine whether the company is included therein.

(b) If not, transmit the proposal to the Division of Highway Transportation, Bureau of Transportation, requesting that the authority of the company and the agent be verified.

(c) If the name of the company appears on the approved list, check to see whether the agent attached a copy of the Power of Attorney to the proposal, showing his authority to execute bonds.

(d) If no copy of the Power of Attorney was furnished, or if there is doubt as to whether the Power of Attorney includes this type of bonds, write the home office of the surety company (shown in the official list), requesting a specific statement as to whether the agent had authority to execute the bond. Willingness on the part of the company to ratify the action of their agent is not sufficient. It must be determined whether the agent had authority to do so at the time he executed the bond. Do not send the proposal, but a blank proposal form may be sent to show the character of the obligation. The letter should contain the following:

(1) The name and address of the bidder.

(2) The route number and termini.

(3) The type of service.

(4) The amount of the bid.

(5) The amount of the bond.

(6) The name(s) of the agent(s) who executed the bond.

(5) *For defects in preparation.* (i) Some proposals and bonds will have defects that may or may not be corrected. The following is a list of the most common defects and corrective action to be taken:

(a) Omission of the amount of bond. Action: Return the proposal to the postmaster or Postal Transportation Service official who executed the certificate, instructing him to have the bidder and sureties appear before him to insert the correct amount of the bond and initial the margin of the proposal. Insist that the proposal must not leave the custody of the postal service and must be returned.

(b) Omission of the name or names of the bidder and/or sureties on the front page of the proposal. Action: Same as subdivision (a) of this subparagraph.

(c) No Certificate of Postmaster as to Bidder and Sureties. Action: Transmit the proposal to the postmaster at the address of the bidder, requesting that he execute the certificate provided that he can consistently do so.

(d) Omission of name or names from the Certificate of Bidder and Sureties. Action: Return to the postmaster for completion.

(e) No certificate of Postal Official as to Bidder. Action: Same as subdivision (c) of this subparagraph.

(f) Omission of name or names from the Certificate of Postal Official as to Bidder. Action: Same as subdivision (c) of this subparagraph.

(g) Failure to furnish all information called for in spaces for listing real estate. Action: Same as subdivision (a) of this subparagraph.

(h) Unexplained alteration in proposal or bond. Same as subdivision (a) of this subparagraph.

(ii) The following is a list of defects and irregularities which render proposals unacceptable and which cannot be corrected:

(a) Insufficient amount of bond shown in the space provided for that purpose, even though sureties list real estate worth in the aggregate a sum double the amount of the required bond.

(b) Failure of individual sureties to own real estate worth in the aggregate double the amount of bond required.

(c) Surety company not approved.

(d) Agent of surety company not qualified.

(e) Bidder not eligible. See subparagraph (3) of this paragraph.

(f) Individual surety not acceptable. See § 49.9 (e) (2).

(g) Bidder or surety failed to sign.

(6) *Substitution of surety.* (i) After a proposal has been submitted, it is not permissible to:

(a) Change from one surety company to another.

(b) Substitute one individual surety for another.

(c) Add another surety.

(d) Substitute a new bond for the original.

(ii) After a proposal has been accepted and a contract executed, a new bond and contract may be executed to release the original surety, or sureties. This also applies to renewal contracts and contracts made with subcontractor. See §§ 49.11 and 49.12. Forms for use in releasing sureties will be distributed as early as practicable.

(7) *Investigation of bidder and sureties.* Personal investigation will be made before awarding a contract when the facts and circumstances indicate that:

(i) The lowest proposal was submitted without full understanding of the service required.

(ii) The lowest bidder is not a responsible person.

(iii) The sureties of the lowest bidder are not good and sufficient.

(8) *Unquestionable cases.* (i) When it is determined that the lowest proposal is not acceptable, consideration will be given to the next lowest proposal, or proposals, as circumstances may require, provided the rate is reasonable.

(ii) Rejection of a proposal without legal grounds therefor may result in serious consequences. When there is any question as to the qualifications of a bidder or the sufficiency of the bond, the proposals involved and a list of all proposals received will be transmitted to the Division of Highway Transportation, Bureau of Transportation, for examinations and instructions.

(9) *Other exceptions*—(i) *Tie proposals.* When the lowest acceptable proposals are at the same rate, preference will be given to the present contractor or subcontractor when awarding the contract if his is one of the tie proposals. Otherwise, the selection will be made by lot.

(ii) *Aftertime proposals.* If no other proposal is received within the time limit stated in the advertisement, an aftertime proposal may be considered. See § 49.8 (d) (2) (ii) (d).

(iii) *Mistake in bids.* When the low bid is so out of line as to indicate a mistake was made in the bid, or, if for any other reason the regional transportation manager believes that a mistake has been made in a bid, the bidder should be requested to verify the amount of his bid. If a low bidder states that he has made a mistake in his bid and seeks to withdraw it or have it corrected, he should be requested to furnish promptly his work sheets and any other evidence showing that an error was made and what the bid would have been had there been no error. When this has been received, all bids, together with the evidence supplied by the low bidder, should be forwarded to the Bureau of Transportation. In such cases relief cannot be granted by the regional office. In proper cases, relief can be arranged by the Department.

(c) *Rejection of proposals*—(1) *All proposals.* All proposals received in response to an advertisement may be rejected when it is determined that:

(i) The lowest acceptable proposal is excessive for the service required.

(ii) A postmaster failed to post the advertisement the required time.

(iii) It is in the interest of the postal service.

(2) *Unacceptable proposals.* A proposal may be rejected and a contract awarded at a higher rate when it has been ascertained that it is defective for one of the reasons listed in paragraph (b) (5) (ii) of this section.

(i) The lowest bidder is not eligible. See paragraph (b) (3) of this section.

(ii) The surety is not acceptable.

(iii) The bond is not good and sufficient.

(3) *Readvertisement of route.* When no satisfactory proposal is received in response to an advertisement, and there is reason to believe that proposals at reasonable rates can be obtained, the route will be advertised, provided time permits. If the facts and circumstances indicate that a proposal at a reasonable rate cannot be obtained for regular service, or if there is insufficient time to readvertise the route and award a regular contract, temporary service will be authorized in accordance with § 49.13, except as provided in § 49.7 (d) (6).

(d) *Orders awarding contracts*—(1) *Under general advertisements*—(i) *Forms and distribution.* Orders accepting proposals received in response to general advertisements will be prepared on POD Form 5422, Notice of Acceptance—Mail Route Proposal, and approved by the regional transportation manager. Copies will be distributed to:

(a) The accepted bidder.

(b) The regional controller.

(c) The district transportation manager.

(d) The Bureau of Facilities (Cartographer).

(e) The postmaster at the head of the route.

(f) Regional office files (two copies).

(g) The surety company that executed the bond of the accepted bidder provided

it is one of the companies listed in § 49.9 (c) (1).

(ii) *Supply.* POD Form 5422 will be stocked in supply centers.

(iii) *Issuance of district orders.* In addition to POD Form 5422, district transportation managers will prepare necessary instructions to all concerned relative to each route for which a contract is awarded. The postmasters at each terminal and schedule point will be furnished a schedule of the time of arrival and departure of the mail at their offices.

(2) *Under bulletin advertisements*—(i) *Forms required.* Orders accepting proposals received in response to bulletin advertisements will also be prepared on POD Form 5422, which will be attached to copies of the advertisement on POD Form 5435.

(ii) *Steps to be taken.* The following steps will be taken by regional transportation managers when accepting a proposal under a bulletin advertisement:

(a) Assign route number in accordance with § 49.6 (g).

(b) Prepare the order on POD Form 5422 and distribute to:

(1) Regional controller (attach copy of advertisement).

(2) Accepted bidder (attach copy of advertisement).

(3) Postmaster at head of route (attach copy of advertisement).

(4) Bureau of Facilities (Cartographer) (attach copy of advertisement).

(5) District transportation manager.

(6) Regional files (two copies).

(c) When the lowest proposal is rejected for any reason, the words "lowest received as to price" in the first paragraph of POD Form 5422 will be deleted. A copy of the transcript of proposals on POD Form 5435 (see § 49.8 (e) (3)) will be attached to Form 5422 and sent to the regional controller with notation thereon showing reason for rejection, such as "Bond Not Acceptable", "Bidder not eligible on account of residence", etc.

(iii) *Issuance of district orders.* District transportation managers will issue necessary instructions in accordance with § 49.10 (d) (1) (iii).

(3) *Revocation of order*—(i) *Before contract is executed.* All advertisements inviting proposals for the transportation of mail contain the following provision: "The Postmaster General reserves the right to rescind the acceptance of a proposal at any time before the signing on behalf of the United States of the formal contract without the allowance of any indemnity to the accepted bidder."

(ii) *After contract is signed.* If it becomes necessary to terminate a contract after it has been signed by the regional transportation manager, the contractor will be allowed one month's pay as full indemnity, even though no service is performed thereunder.

(e) *Preparation and execution of contract*—(1) *Under general advertisement.* Contracts will be prepared in triplicate on POD Form 5411, Star or Water Route Contract, which will be stocked in supply centers. The following will be securely attached to each copy:

(i) A copy of the statement of service as it appears in the general advertisement. See § 49.8 (e) (2) (i).

(ii) A copy of POD Form 5411a.

(2) *Under bulletin advertisement.* Contracts awarded under bulletin advertisement will also be prepared on POD Form 5411. The following will be attached to each copy thereof:

(i) A copy of the advertisement on POD Form 5435.

(ii) A copy of POD Form 5411a.

(3) *Transmitted to postmaster.* All copies to the contract, consisting of all forms listed in subparagraphs (1) and (2) of this paragraph will be sent to the postmaster at the address of the accepted bidder with a copy of Form 5404, Instructions Relative to Execution of Contract, which will be stocked in supply centers.

(4) *Return of contract.* After execution of the contract on the part of the accepted bidder and his surety or sureties, all copies thereof will be returned to the regional transportation manager.

(5) *Examination of contract.* Each copy of the contract will be carefully examined to determine whether the following steps have been taken:

(i) All copies and attachments were returned.

(ii) No alterations or additions were made.

(iii) All copies were signed by the accepted bidder in the same manner as his name appears on Notice of Acceptance. This must be same as the signature on the proposal. Carbon copy signatures are not acceptable.

(iv) All copies were executed by two or more individual sureties (not necessarily the same as those on proposal bond) or by an acceptable surety company.

(v) All spaces for witnesses and dates were properly filled in.

(vi) The Certificate of Oath of Contractor was completed by the contractor and postmaster.

(vii) The Certificate of Postmaster as to Sufficiency of Sureties was completed, if executed by individual sureties.

(6) *Evidence of authority*—(i) *Requirement.* When a contract is awarded to a firm, company, or corporation, the contractor is required to furnish evidence (in duplicate) of the authority of the official signing such contract to execute it on behalf of the firm.

(ii) *Form.* Such evidence may consist of certified copies of the proceedings pursuant to which the person was elected or appointed as officer or agent of the firm, and of that part of the by-laws showing the authority of such officer or agent. It may also consist of certified copies of a resolution of the board of directors or stockholders conferring such authority.

(iii) *Disposition.* A copy of the evidence will be attached to the copies of contracts sent to the regional controller and filed in the office of the regional transportation manager. It is unnecessary to attach it to the copy of the contract furnished the contractor.

(7) *Execution of contract.* After a contract has been completely and properly executed by the accepted bidder and sureties, it will be executed on behalf of the Post Office Department by the regional transportation manager. In his absence, it will be executed by and in the name of the acting regional transportation manager. Copies of contracts will be distributed to:

(i) The regional controller.

(ii) The contractor.

(iii) Regional files (original copy). Contracts will be attached to the related accepted proposals and filed numerically by states in legal size file cabinets in the office of the regional transportation manager.

§ 49.11 *Renewal contract*—(a) *Authority.* The Postmaster General may (in his discretion and in the interest of the postal service) by mutual agreement with the holder of any star route contract, renew such contract at the rate prevailing at the end of the contract term for additional terms of four years with such bond as may be required.

(b) *History.* The legislative history of this law shows that it was the intent of Congress to provide some degree of permanency for contractors who perform satisfactory service at rates reasonable both to the contractors and the Department, and the continuance of the service is necessary.

(c) *Experience.* A large percent of the contracts in each contract area have been renewed one or more times. This has proven very satisfactory both to contractors and to the Department.

(d) *Selection of contracts for renewal.* Based upon reports of the surveys of all routes prior to expiration of contract terms, regional transportation managers will determine in advance the routes for which contracts may be renewed. See § 49.6 (e). Contracts will not be renewed on the following classes of routes:

(1) Temporary.

(2) Operated by subcontractors. See § 49.12.

(3) Operated by sureties. If sublet, see § 49.12. Include in general advertisement.

(4) Operated by the legal representative of the estate of a deceased contractor who has not sublet. Include in general advertisement.

(5) Those that have been or will be readvertised for good and sufficient reasons, unless it should subsequently be determined that renewal of contracts, rather than award of new contracts, can be fully justified.

(e) *Forms required*—(1) *Type.* Form 5503, Star or Water Route Bid, Bond and Contract, a combination renewal proposal, bond, and contract, will be used.

(2) *Supply.* All necessary forms for renewing contracts will be prepared for each contract term.

(3) *Distribution.* Each regional transportation manager in the contract area involved will be furnished all necessary forms and full instructions after publication of general advertisement.

(f) *Renewal bond*—(1) *Amount.* See § 49.7 (b) (6).

(2) *Sureties.* See Subchapter § 49.9.

(g) *Renewal contract*—(1) *Examination.* See § 49.10 (e) (5).

(2) *Execution.* See § 49.10 (e) (7).

(3) *Filing.* Renewal proposals, bonds, and contracts will be filed numerically by states with the original contracts.

See § 49.10 (e) (7) (iii). All previous renewal proposals, bonds, and contracts for the same routes will be:

(i) Removed from file.

(ii) Arranged numerically by states.

(iii) Wrapped and labeled as to contents and contract term.

(iv) Held indefinitely unless otherwise instructed.

§ 49.12 *Contract with subcontractor*—(a) *Authority.* If a contractor has sublet the route in accordance with law and does not indicate in writing to the Postmaster General at least 90 days before the end of the contract term that he desires to renew the contract, the Postmaster General may enter into a contract upon the same terms (with such bond as may be required) without advertising the route for bids, with a subcontractor then operating the route who has performed the service required under the contract to the satisfaction of the Postmaster General for a period of at least six months.

(b) *Purpose.* This law provides benefits to subcontractors similar to those afforded contractors by the law providing for renewal of contracts. See § 49.11 (a).

(c) *Determination of action*—(1) *Survey reports.* Reports of the surveys of all routes will include recommended actions on each route. See § 49.6 (e).

(2) *Applications of contractors to renew contract.* When a contractor who has sublet the services makes application in writing at least 90 days before the expiration of the contract term to renew his contract, proceed as follows:

(i) Do not renew the contract with the contractor.

(ii) Do not contract with the subcontractor.

(iii) Readvertise the route, affording the contractor and subcontractor equal opportunity to compete for the service.

(3) *Time limitations*—(i) *For applications of contractors to renew.* Withhold sending the proposal, bond, and contract form to the subcontractor until after the first of April prior to the end of the contract term, pending receipt of the contractor's renewal application.

(ii) *Allowing time for subcontractor to qualify.* A subcontract must be in effect for a period not less than six months before a subcontractor is eligible to contract for the service. Any regular contract may be continued in force beyond its express terms for a period not exceeding six months. When a subcontract becomes effective after January first and immediately preceding the end of the contract term, the following steps may be taken, provided the subcontractor desires to enter into contract and such action is practicable and advisable:

(*a*) Issue an order continuing the contract and subcontract in force for a sufficient time to render the subcontractor eligible to contract for the service, but not exceeding six months.

(*b*) Proceed to contract with the subcontractor for the remainder of the contract term, amending forms accordingly to show the effective date.

(d) *Forms to be used*—(1) *Type.* Form 5503 will also be used for this purpose. See § 49.11 (e).

(2) *Supply.* See § 49.11 (e) (2).

(3) *Distribution.* See § 49.11 (e) (3).

(e) *Bonds*—(1) *Amount.* See § 49.7 (b) (6).

(2) *Sureties.* See § 49.9.

(f) *Contracts*—(1) *Examination.* See § 49.10 (e) (5).

(2) *Execution.* See § 49.10 (e) (7).

(3) *Filing.* See § 49.10 (e) (7) (iii).

§ 49.13 *Temporary service*—(a) *Authority.* Temporary contracts for the transportation of mail may be made without advertising for periods not in excess of one year when:

(1) New service is required and a new route established.

(2) For any other reason there is no regular contract for service on the route.

(b) *New.* (1) Investigation will disclose the necessity and practicability of new service. Temporary service may be established instead of advertising and awarding a contract for regular service when:

(i) There is special reason for starting the service without delay.

(ii) It is likely that the service will be for an indefinite period, not to exceed one year.

(iii) It appears likely that some major change in the service will be necessary before a regular contract should be entered into.

(iv) The service is on an experimental basis.

(v) It is unlikely that proposals for regular service could be obtained at reasonable rates.

(2) *Continuous.* Temporary service will not be continued on a route for a period in excess of one year unless an advertisement has been issued inviting proposals for regular service and no satisfactory proposal has been received in response thereto. See § 49.7 (c). When a temporary route has been advertised and no satisfactory proposal received for regular service, another temporary contract may be made for a period not exceeding one year, or to the end of the contract term for other contracts in the contract area if less than one year, after proposals for temporary service have been obtained. See paragraph (f) (2) of this section.

(c) *Probable duration*—(1) *On new routes.* Before proposals are solicited for a new temporary route, it should be determined whether:

(i) It is on an experimental basis and will continue for only a limited time.

(ii) It is to operate only until an advertisement can be issued and a regular contract awarded.

(iii) It will continue on a temporary basis for one year.

(iv) It will continue to the end of the fiscal year.

(2) *On existing routes.* See paragraph (b) (2) of this section.

(d) *Eligibility of bidder.* All requirements for eligibility applying to a bidder for regular service are applicable to a bidder for temporary service. See § 49.10 (b) (2) and (3).

(e) *Bond.* No bond is required with a proposal or on a contract for temporary service.

(f) *Proposals*—(1) *Forms to be used.* Proposals for temporary service will be submitted on POD Form 5321, Bid for Temporary Star Route Service, which will be stocked in supply centers.

(2) *Solicitation.* No formal advertisement will be issued inviting proposals for temporary service. Proposals therefor may be solicited personally by district transportation managers or other field officials, or by letters addressed to postmasters and prospective bidders. Bidders should be advised as to the probable duration of temporary service in order that they may be able to plan intelligently for the purchase of any equipment necessary.

(3) *Preparation.* In order to insure uniformity and obviate cause for misunderstanding, POD Form 5321 will be prepared before distribution to postmasters and prospective bidders, showing fully the service contemplated.

(4) *Submission.* Instructions relative to the solicitation of proposals will state specifically the time limit for the receipt of proposals and to whom they are to be addressed.

(g) *Award of contract*—(1) *Preliminary steps.* After proposals have been received in the office of the regional transportation manager, careful analysis will be made to determine whether the postal benefits to be derived are commensurate with the cost that would be involved. Before awarding a contract, it will be determined whether the law bidder is:

(i) A resident within the area defined in § 49.10 (b) (2).

(ii) A responsible person.

(iii) The owner of suitable equipment with which to perform the service contemplated, or is financially able to obtain such equipment.

(iv) When there is good reason to doubt the eligibility and responsibility of the low bidder, personal investigation will be made.

(2) *Acceptance.* The following steps will be taken by regional transportation managers when accepting a proposal for temporary service:

(i) Assign a route number in accordance with § 49.6 (g). The same number may be used if it is necessary to continue temporary service after a route has been advertised, provided no change in statement of service is contemplated. See paragraph (b) (2) of this section.

(ii) Prepare sufficient mimeograph copies of the complete statement of service contemplated in accordance with the proposal therefor, under the caption "Statement of Service on Temporary Route No. ——."

(iii) Issue the order on POD Form 5422a, Notice of Acceptance—Mail Proposal (Temporary), accepting the proposal. Attach copy of "Statement of Service" and copy of POD Form 5411–A to each and distribute as follows:

(*a*) The Regional Controller (also attach accepted proposal).

(*b*) The accepted bidder.

(*c*) The postmaster at the head of the route.

(*d*) The Bureau of Facilities (Cartographer).

(*e*) The district transportation manager.

(*f*) Regional files (two copies).

(3) *Preparation.* The contract will be prepared in triplicate on Form 5412, Contract for Temporary Mail Service. The forms will be stocked in supply centers. The contract in triplicate (each with a copy of the "Statement of Service" securely attached) will be sent to the postmaster at the address of the accepted bidder, together with a copy of POD Form 5404a, Instructions Relative to Execution of Temporary Contract.

(4) *Return.* See § 49.10 (e) (4).

(5) *Examination.* The instructions in § 49.10 (e) (5) will apply, except that sureties are not required on temporary contracts.

(6) *Evidence.* See § 49.10 (e) (6).

(7) *Execution.* The instructions in § 49.10 (e) (6) will apply, except that sureties are not required.

(8) *Disposition.* See § 49.10 (e) (7).

§ 49.14 *Subcontractor*—(a) *Execution of subcontract*—(1) *Application and eligibility requirements*—(i) *Application of contractors.* Before subletting, a contractor must obtain permission from the district transportation manager having supervision over the route. The application should contain the following information:

(*a*) The name and address of the proposed subcontractor.

(*b*) The rate of pay, which must not be less than the contract rate.

(*c*) The term of the subcontract.

(*d*) The reason for subletting.

(ii) *Eligibility requirements of subcontract.* A subcontractor must:

(*a*) Meet legal residence requirements of contractors. See § 49.10 (b) (2).

(*b*) Be in a position to supervise the service properly.

(*c*) Be financially and morally responsible.

(*d*) Have fully adequate and suitable equipment or the means with which to obtain it.

(2) *Preparation of subcontract.* Subcontracts will be executed in triplicate on POD Form 5465, Subcontract for Mail Service. POD Form 5456, Permission to Sublet Mail Route, will be used in transmitting copies of POD Form 5465 to the contractor. These forms will be stocked in supply centers. Due to the very small number of routes that are sublet, requisitions for Forms 5456 and 5465 should be restricted to anticipated needs. Prepare as follows:

(i) Upon receipt and approval of an application of a contractor to sublet, the district transportation manager will have POD Form 5465 prepared in triplicate by filling in all spaces that can properly be filled in from official records.

(ii) If the statement of service or frequency is too lengthy to be shown in spaces provided, insert in spaces "See reverse side" and type such information on back page of POD Form 5465.

(iii) When the contract does not require the performance of box delivery and collection service, the statement "(including the depositing and collecting of mail along the route, as provided by the advertisement)" will be deleted.

(3) *Approval of subcontract.* The subcontract must be executed for service on the whole of the route and for a period not less than one year or for the remainder of the contract term when less than one year. The order approving a subcontract will be prepared on POD Form 5440–C, Contract Route Service Order, Series. Upon return of a copy of a subcontract, properly executed, the district transportation manager will authorize the preparation of POD Form 5440–C and transmit it with the subcontract to the regional transportation manager for approval. After approval by the regional transportation manager, a copy of the order will be sent to:

(i) The contractor.

(ii) The subcontractor.

(iii) The postmaster at the head of the route.

(iv) The surety, or sureties, on the contract (not subcontract).

When all copies of the subcontract are returned to the district transportation manager, a copy thereof will be attached to the copy of the order for the contractor and subcontractor.

(4) *Responsibility of contractor.* The execution and recognition of a subcontract does not release a contractor and his sureties from their obligations. It relieves the contractor of the necessity of giving the route his personal supervision.

(5) *Sureties on subcontracts.* A contractor may, for his own protection, require the subcontractor to furnish sureties. Spaces have been provided on POD Form 5465 for the purpose. Sureties are rarely furnished by subcontractors.

(6) *Payments*—(i) *Suspension*—(*a*) *Action by district transportation manager.* Upon receipt of the application for permission to sublet, the district transportation manager will notify the regional transportation manager that payment to the contractor should be suspended. The notification should contain the reason for suspension.

(*b*) *Action by regional transportation manager.* The regional transportation manager will take the necessary steps to withhold payments to the contractor pending satisfactory adjustment of the account in order that proper payments may be made to the contractor and subcontractor.

(ii) *To subcontractor.* After an order has been issued approving a subcontract, payments will be made directly to and in the name of the subcontractor so long as the subcontract is in effect. When a subcontract has been executed at a rate of pay in excess of the contract rate, the order recognizing it should read as follows: "The subcontract of (name and address of subcontractor) is recognized at $7,500.00 per annum from (April 1, 1956 to June 30, 1957) payments to be made by the Department at the contract rate, namely $7,000 per annum." The following note will be added to copies of the order (Form 5440–E) for the contractor or surety in charge, subcontractor and postmaster at head of route:

NOTE: It will be necessary for the subcontractor to look to the contractor (or surety in charge) for the difference between the contract rate of pay, namely $7,000.00 per annum, and the rate named in the subcontract, namely $7,500.00 per annum.

(7) *Termination.* When it is necessary to terminate the recognition of a subcontract for any reason, the contractor, legal representative of the estate of a deceased contractor, or sureties in charge should immediately resume charge of the route, either in person or by entering into another subcontract. Subcontracts may be terminated for the following reasons:

(i) *By joint request.* Based upon the joint request of both the contractor and subcontractor, an order will be prepared on POD Form 5440–C terminating the recognition of the subcontract from the date specified in the joint request.

(ii) *By abandonment or removal.* When a subcontractor abandons a route and fails to make provision for the continuance of service, or is removed for good and sufficient cause, an order will be issued terminating the recognition of the subcontract.

(iii) *By death.* When a subcontractor dies the following steps will be taken by the regional transportation manager:

(*a*) Suspend payment.

(*b*) Instruct postmaster at head of route relative to continuance of service.

(*c*) Ascertain date of last service provided by or for the subcontractor.

(*d*) Issue order on POD Form 5440–C terminating the recognition of the subcontract from the date of last service performed by or for the subcontractor, but not later than the date of his death.

(*e*) Transmit Standard Form 1055 in duplicate to the postmaster at the head of the route to determine the persons to whom funds due the estate should be paid.

(8) *Subletting by sureties.* When it becomes necessary for sureties to assume charge of a route, a subcontract executed by such sureties, with a qualified person may be approved: *Provided,* That an order has been issued recognizing the sureties in charge of the route.

(b) *Death and removal of contractor*—(1) *Death of contractor.* When a contractor dies, payments will be suspended and immediate reports of the facts made to the Bureau of Transportation for determination of the action necessary for continuing the service under a subcontract, or otherwise. In the event of death of the contractor while a subcontract is in effect, the records should be cleared by the issuance of the following order on POD Form 5440 series: "Correct records to show the death of contractor on ——————, subcontractor to continue performance of service."

(2) *Removal of contractor.* A contractor will not be removed without prior approval of the Bureau of Transportation except in cases of criminal offenses necessitating immediate action. Full report with recommendation will be submitted to the Bureau of Transportation for review and instructions. The name and address of the sureties should be furnished.

§ 49.15 *Air star route service*—(a) *Authority.* Contracts may be awarded for the transportation of any class of mail by aircraft upon star routes when:

(1) It is in the public interest because of the nature of the terrain or the impracticability or inadequacy of surface transportation.

(2) The cost is reasonably compatible with the service to be performed.

(b) *Approval by Civil Aeronautics Board.* Before advertising for bids for this class of service, the Department must obtain proper certification from the Civil Aeronautics Board.

(c) *Procedure*—(1) *Proposed routes.* Reports recommending the establishment of air star routes will be submitted to the Bureau of Transportation, Division of Air Transportation, for consideration and clearance with the Civil Aeronautics Board.

(2) *Advertising and awarding contract.* Upon receipt of certification from the Civil Aeronautics Board, the regional transportation manager involved will be instructed fully relative to the matter of advertising for proposals and awarding contract.

(d) *Renewal of contract.* A contract for air star route service may be renewed or a contract entered into with a subcontractor as provided in §§ 49.11 and 49.12.

§ 49.16 *Water route service*—(a) *Comparison with star route service*—(1) *Service.* Water route service is similar in most respects to star route service.

(2) *Contract areas.* Contract areas are the same as outlined in § 49.6 (b).

(b) *Advertising and awarding contracts.* The procedures for issuing advertisements inviting proposals and awarding contracts for water route service are the same in general as outlined in §§ 49.6 to 49.14. The few exceptions will be covered by special instructions to the regional transportation managers involved.

(c) *Forms*—(1) *Advertisements.* Stenciled POD Forms 5435, Advertisement for Mail Service, will also be used in issuing advertisements inviting proposals for water route service. See § 49.7 (b) (3). Immediately preceding the statement of service, the words "Water Route Service" will be inserted. POD Forms 5435b, Instructions to Bidders (Water Route Service), and 5411b, Water Route Contract General Provisions, will be securely attached to each copy of the advertisement before distribution. See § 49.7 (b) (7).

(2) *Instructions to postmasters.* POD Form 5472, Instructions to Solicit Proposals to Carry Mail, will also be used in transmitting copies of advertisements to postmasters. See § 49.7 (b) (2) (iii). The first sentence of the third paragraph of this form is not applicable to bidders for water route service and must be deleted before sending to postmasters. The word "star" in the fourth paragraph should also be changed to "water."

(3) *Proposals.* Copies of POD Form 5468, Star or Water Route Proposal and Bond, will be distributed with advertisements for use by bidders in submitting proposals. See § 49.8 (a) (2).

(4) *Acceptance*—(i) *Regular service.* Orders awarding contracts will be prepared on POD Form 5422, Notice of Acceptance—Mail Route Proposal. See § 49.10 (d) (2) for full instructions. The words "Water Route Service" should also be typed on this form.

(ii) *Temporary service.* POD Form 5422a, Notice of Acceptance Mail Route Proposal (Temporary), will be used in accepting proposals for this type of service. See § 49.13 (g) (2) (iii).

(5) *Contracts*—(i) *Regular.* Contracts for regular water route service will be executed in triplicate on POD Form 5411, Star or Water Route Contract, as outlined in § 49.10.

(ii) *Temporary.* POD Form 5412, Contract for Temporary Mail Service, will also be used in making contracts for this class of service. See § 49.13.

(d) *Residence of bidders.* The law restricting bidding for star route service as stated in § 49.10 (b) (2) is not applicable to bidders for water routes.

(e) *Renewal contract*—(1) *Authority.* The law providing for the renewal of star route contracts also applies to water routes.

(2) *Procedure.* Instructions contained in § 49.11 will be observed in renewing contracts with water route contractors.

(f) *Contract with subcontractors.* Subcontractors for water routes are eligible to enter into contracts in accordance with § 49.12.

(g) *Subcontracts.* Contractors for water route service may be permitted to enter into subcontracts in accordance with § 49.14, except that the legal residence requirement is not applicable. See paragraph (d) of this section.

(h) *Assignment of route numbers.* Water routes are allocated the first 100 numbers for each State. See § 49.6 (g) (1). Due to the small number of water routes, no distinction is made between regular and temporary route numbers.

§ 49.17 *Special supply service*—(a) *Procedure*—(1) *Authorization.* The postmaster at the office to be supplied is authorized to employ a carrier to perform service between his office and the office named in the order as the base of supply as often as practicable. No advertisement is issued and no contract is entered into with such carrier.

(2) *Reports of postmasters.* Quarterly reports on Form 5476, Certificate of Postmaster's Salary and Service of Special Carrier, are submitted by the postmaster to the regional transportation manager.

(3) *Payments to carrier.* Based upon reports submitted by the postmaster, payments are certified by the regional transportation manager.

(b) *Policy*—(1) *Obsolete.* This type of service has served a useful purpose in the past. It is now considered obsolete and should not be established or continued except under exceptional circumstances.

(2) *Other types of service to be used.* The utilization of temporary or regular star route or mail messenger service should make it unnecessary to establish new special supply routes.

(c) *Changes in existing routes.* Orders discontinuing or making changes in special supply service will be prepared on POD Form 5440–c, Contract Route Service Order.

(R. S. 161, 396, as amended, 3964, as amended, 3965, 3966, 3968, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 481, 483, 484, 486)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[P. R. Doc. 56-9542; Filed, Nov. 21, 1956; 8:45 a. m.]

AMENDMENTS TO CHAPTER

Subchapters K, L, M, N, O, P, Q, and R, embracing Parts 100 through 176, are revoked; and the following subchapters are added, in lieu thereof:

SUBCHAPTERS K–Q—INTERNATIONAL MAIL

SUBCHAPTER K—INTRODUCTION

Part
101 The international postal service.
102 Categories of international mail.

SUBCHAPTER L—RATES AND CONDITIONS

111 Postal Union mail.
112 Parcel post.

SUBCHAPTER M—SPECIAL SERVICES

121 Air Service.
122 Registration.
123 Insurance.
124 COD mail.
125 Special delivery (exprès).
126 Special handling.
127 Recall and change of address.
128 Certificate of mailing.

SUBCHAPTER N—DELIVERY

131 Postal charges.
132 Nonpostal charges and import regulations.
133 Parcels addressed through banks.
134 Refusal.

SUBCHAPTER O—FORWARDING; NONDELIVERY

141 Outgoing mail (treatment abroad and return to United States).
142 Incoming mail (treatment in the United States).
143 Forwarding domestic mail abroad.
144 Forwarding mail to ship passengers and crew members.

SUBCHAPTER P—INQUIRIES, INDEMNITIES, AND REFUNDS

151 Inquiries and complaints.
152 Indemnity claims and payments.
153 Postage refunds.

SUBCHAPTER Q—NONPOSTAL EXPORT REGULATIONS

161 Shipper's export declaration.
162 Commerce Department regulations (commodities and technical data).
163 State Department regulations (arms and technical data).
164 Treasury Department regulations (gold and gold certificates).
165 Agriculture Department regulations.
166 Consular and commercial invoices.

Subchapter K—Introduction

PART 101—THE INTERNATIONAL POSTAL SERVICE

Sec.
101.1 Universal Postal Union.
101.2 Postal Union of the Americas and Spain.

AUTHORITY: §§ 101.1 and 101.2 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 101.1 *Universal Postal Union.* The exchange of all mails except parcel post between the United States and other countries is governed by the provisions of the Convention of the Universal Postal Union, of which the United States is a member. Parcel post is exchanged under the provisions of individual bilateral agreements with various countries and the Parcel Post Agreement of the Postal Union of the Americas and Spain. (See § 101.2 of this chapter.)

§ 101.2 *Postal Union of the Americas and Spain.* The United States is also a member of the Postal Union of the Americas and Spain, together with the following countries:

Argentina	Nicaragua
Bolivia	Panama
Brazil	Paraguay
Canada	Peru
Chile	Salvador (El)
Colombia	Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa)
Costa Rica	
Cuba	
Dominican Republic	
Ecuador	Spanish Guinea
Guatemala	Spanish West Africa
Haiti	Uruguay
Honduras Republic	Venezuela
Mexico	
Morocco (Spanish Zone)	

Certain special provisions apply to the exchange of mail, including parcel post, with the countries listed above which are known as Americo-Spanish countries. Those provisions appear in the appropriate sections of this chapter.

PART 102—CATEGORIES OF INTERNATIONAL MAIL

Sec.
102.1 Postal Union mail.
102.2 Parcel post.

AUTHORITY: §§ 102.1 and 102.2 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 102.1 *Postal Union mail.* Postal Union mail is exchanged under the provisions of the Universal Postal Convention or the Americo-Spanish Postal Convention and is classified as follows:

(a) LC (letters, letter-packages, and post cards). See § 111.2 (a) and (b) of this chapter.

(b) AO (commercial papers, printed matter including books, raised print for the blind, samples of merchandise, and small packets. There is also a category known as 8-ounce merchandise packages which are mailable only to Americo-Spanish countries). See § 111.2 (c) through (i) of this chapter.

§ 102.2 *Parcel post.* Parcel post is exchanged under the provisions of bilateral agreements which establish the conditions applicable to each country. See part 112 of this chapter.

Subchapter L—Rates and Conditions

PART 111—POSTAL UNION MAIL

Sec.
111.1 All categories.
111.2 Specific categories.

AUTHORITY: §§ 111.1 and 111.2 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 111.1 *All categories*—(a) *Rate chart.*

POSTAL UNION ARTICLES

SERVICES AVAILABLE AND AIRMAIL RATES

FOR SURFACE POSTAGE RATES, SEE § 111.2

(See list of countries at end of chart for destinations not specified in chart)

Key to Symbols:

× = No service
√ = Accepted
• = Accepted at risk of sender
— = Airmail letter rate applies

Country	Airmail rates				Services available					
	Letters and letter packages, per ½ oz.	Air letter sheets and post cards	Other Postal Union articles		Registration (fee)	8 oz. merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
			First 2 oz.	Additional 2 oz.						
Aden	$0.25	$0.10	$0.60	$0.40	$0.55	×	√	×	√	×
Afghanistan	.25	.10	.68	.47	.55	×	√	×	√	×
Albania	.15	.10	.46	.25	.55	×	√	×	√	×
Algeria	.15	.10	.48	.28	.55	×	•	×	√	×
Andorra	.15	.10	.45	.25	.55	×	√	×	√	×
Argentina	.10	.10	.58	.38	.40	√	√	×	√	×
Ascension	.15	.10	.42	.21	.55	×	√	×	√	×
Australia	.25	.10	.84	.63	.55	×	√	×	√	√
Austria	.15	.10	.45	.24	.55	×	√	×	1 √	×
Azores	.15	.10	.41	.20	.55	×	×	×	√	×
Bahamas	.10	.10	.28	.07	.55	×	√	×	√	×
Barbados	.10	.10	.38	.17	.55	×	√	×	√	×
Bechuanaland Protectorate	.25	.10	.68	.47	.55	×	×	×	√	×
Belgian Congo	.25	.10	.59	.38	.55	×	√	×	√	×
Belgium	.15	.10	.42	.21	.55	×	√	×	√	×
Bermuda	.10	.10	.27	.06	.55	×	•	×	√	×
Bolivia	.10	.10	.40	.20	.40	√	√	×	2 ×	√
Brazil	.10	.10	.55	.35	.40	√	√	×	√	√
British Cameroons	.25	.10	.62	.42	.55	×	√	×	√	×
British Guiana	.10	.10	.40	.19	.55	×	√	×	√	×
British Honduras	.10	.10	.30	.10	.55	×	√	3 ×	√	×
Brunei	.25	.10	1.00	.80	.55	×	×	×	√	×
Bulgaria	.15	.10	.46	.25	.55	×	×	×	√	×
Burma	.25	.10	.90	.70	.55	×	×	×	√	×
Cambodia	.25	.10	.92	.72	.55	×	×	3 ×	3 √	√
Canada	4 .06	(5)	—	—	.55	×	√	×	√	×
Cape Verde Islands	.25	.10	.49	.28	.55	×	×	×	√	×
Ceylon	.25	.10	.69	.49	.55	×	√	×	√	×
Chile	.10	.10	.48	.28	.40	√	√	×	√	×
China	.25	.10	.65	.45	7 .55	×	×	×	√	√
Colombia	.10	.10	.39	.19	.40	√	√	4 ×	√	×
Corsica	.15	.10	.42	.21	.55	×	√	×	√	×
Costa Rica	.10	.10	.34	.14	.40	√	√	×	√	×
Cuba	.10	.10	.28	.07	.40	√	×	×	√	×
Cyprus	.25	.10	.50	.30	.55	×	√	×	√	×
Czechoslovakia	.15	.10	.44	.23	.55	×	√	×	√	×
Dahomey	.25	.10	.53	.33	.55	×	√	×	√	×
Denmark	.15	.10	.43	.23	.55	×	√	×	√	√
Dominican Republic	.10	.10	.31	.11	.40	√	√	3 ×	3 √	×
Ecuador	.10	.10	.36	.16	.40	√	√	×	√	×
Egypt	.15	.10	.52	.31	.55	×	×	×	√	×
Eritrea	.25	.10	.58	.37	.55	×	√	×	√	×
Estonia	.15	.10	.52	.31	.55	×	√	3 ×	√	×
Ethiopia (Abyssinia)	.25	.10	.59	.39	.55	×	√	×	√	×
Falkland Islands	.10	.10	.58	.38	.55	×	√	×	•	√
Faroe Islands	.15	.10	.43	.23	.55	×	√	×	•	√
Fiji Islands	.25	.10	.70	.50	.55	×	•	×	√	×
Finland	.15	.10	.46	.25	.55	×	√	×	√	×
France	.15	.10	.42	.21	.55	×	√	×	√	×
French Cameroons	.25	.10	.62	.42	.55	×	√	×	√	×
French Equatorial Africa	.25	.10	.65	.45	.55	×	√	×	√	×
French Guiana	.10	.10	.42	.22	.55	×	√	×	√	×
French Guinea	.25	.10	.53	.33	.55	×	√	×	√	×
French Oceania	.25	.10	.80	.59	.55	×	√	×	√	×
French Somaliland	.25	.10	.59	.38	.55	×	√	×	√	×
French Sudan	.25	.10	.53	.33	.55	×	√	×	√	×
French Togoland	.25	.10	.53	.33	.55	×	√	×	√	×
Gambia	.25	.10	.63	.43	.55	×	√	×	√	×
Germany	.15	.10	.43	.22	.55	×	√	×	√	×
Gibraltar	.15	.10	.45	.25	.55	×	√	×	√	×
Gilbert and Ellice Islands Colony	.25	.10	.84	.63	.55	×	×	×	√	×
Gold Coast Colony	.25	.10	.52	.31	.55	×	√	√	√	×
Great Britain and Northern Ireland	.15	.10	.41	.20	.55	×	√	×	√	×
Greece	.15	.10	.48	.28	.55	×	•	×	√	×
Greenland	.15	.10	.43	.23	.55	×	•	×	√	×
Guadeloupe	.10	.10	.34	.14	.55	×	√	×	√	×
Guatemala	.10	.10	.33	.12	.40	√	×	×	√	×
Haiti	.10	.10	.31	.10	.40	√	×	×	√	√
Honduras (Republic of)	.10	.10	.34	.14	.40	√	×	×	√	×
Hong Kong	.25	.10	.90	.70	.55	×	√	×	√	×
Hungary	.15	.10	.45	.25	.55	×	√	×	√	×
Iceland	.15	.10	.37	.16	.55	×	×	×	√	×
India	.25	.10	.64	.44	.55	×	√	3 ×	√	×
Indonesia	.25	.10	.85	.65	.55	×	√	×	√	×
Iran	.25	.10	.56	.35	.55	×	√	×	√	×
Iraq	.25	.10	.56	.35	.55	×	√	×	√	×
Ireland (Eire)	.15	.10	.39	.18	.55	×	√	×	√	×
Israel	.25	.10	.52	.31	.55	×	√	×	3 √	×
Italy	.15	.10	.45	.24	.55	×	√	×	√	×
Ivory Coast	.25	.10	.53	.33	.55	×	√	×	√	×

See footnotes at end of chart.

POSTAL UNION ARTICLES—Continued

SERVICES AVAILABLE AND AIRMAIL RATES—Continued

Country	Airmail rates				Services available					
	Letters and letter packages, per ½ oz.	Air letter sheets and post cards	Other Postal Union articles		Registration (fee)	8 oz. merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
			First 2 oz.	Additional 2 oz.						
Ryukyu Islands	$0.25	$0.10	$0.65	$0.45	$0.55	X	X	X	X	X
St. Helena	.25	.10	.68	.47	.55	X	X	X	X	X
St. Pierre and Miquelon	11.08	(14)	—	—	.55	X	X	X	X	X
El Salvador	.10	.10	.33	.13	.40	X	X	X	X	X
Santa Cruz Islands	.25	.10	.94	.63	.55	X	X	X	X	X
Saudi Arabia	.25	.10	.70	.49	.55	X	X	X	X	X
Senegal	.25	.10	.60	.40	.55	X	X	X	X	X
Seychelles	.15	.10	.44	.23	.55	X	X	X	X	X
Sierra Leone	.25	.10	.74	.54	.55	X	X	X	X	X
Solomon Islands	.25	.10	.62	.41	.55	X	X	X	X	X
Somalia	.10	.10	.84	.63	.55	X	X	X	X	X
Somaliland Protectorate	.25	.10	.62	.42	.55	X	X	X	X	X
Southwest Africa	.25	.10	.68	.47	.55	X	X	X	X	X
Spain	.15	.10	.45	.25	.40	X	X	X	X	X
Spanish Guinea	.25	.10	.61	.40	.40	X	X	X	X	X
Spanish West Africa	.25	.10	.97	.31	.40	X	X	X	X	X
Sudan	.25	.10	.67	.36	.55	X	X	X	X	X
Surinam	.10	.10	.41	.20	.55	X	X	X	X	X
Sweden	.15	.10	.45	.24	.55	X	X	X	X	X
Switzerland	.15	.10	.43	.22	.55	X	X	X	X	X
Syria	.25	.10	.62	.31	.55	X	X	X	X	X
Tanganyika Territory	.25	.10	.95	.45	.55	X	X	X	X	X
Thailand	.25	.10	.95	.75	.55	X	X	X	X	X
Tonga Islands	.25	.10	.72	.51	.55	X	X	X	X	X
Trinidad and Tobago	.10	.10	.38	.17	.55	X	X	X	X	X
Tristan da Cunha	.25	.10	.64	.47	.55	X	X	X	X	X
Tunisia	.15	.10	.47	.26	.55	X	X	X	X	X
Turkey	.15	.10	.60	.40	.55	X	X	X	X	X
Turks Island	.10	.10	.30	.10	.55	X	X	X	X	X
Union of South Africa	.25	.10	.68	.47	.55	X	X	X	X	X
U. S. S. R.	.15	.10	.52	.31	.55	X	X	X	X	X
Upper Volta	.25	.10	.50	.30	.55	X	X	X	X	X
Vatican City State	.10	.10	.45	.24	.55	X	X	X	X	X
Venezuela	.15	.10	.45	.18	.40	X	X	X	X	X
Viet-Nam	.10	.10	.38	.72	.55	X	X	X	X	X
Western Samoa	.25	.10	.92	.53	.55	X	X	X	X	X
United Arab Republic	.10	.10	.73	.17	.55	X	X	X	X	X
Yemen	.25	.10	.39	.35	.55	X	X	X	X	X
Yugoslavia	.15	.10	.43	.22	.55	X	X	X	X	X
Zanzibar and Pemba	.25	.10	.65	.45	.55	X	X	X	X	X

Country	Airmail rates				Services available					
	Letters and letter packages, per ½ oz.	Air letter sheets and post cards	Other Postal Union articles		Registration (fee)	8 oz. merchandise packages	Small packets	Special delivery	Dutiable articles (merchandise) prepaid at letter rate	Combination packages
			First 2 oz.	Additional 2 oz.						
Jamaica	$0.10	$0.10	$0.30	$0.10	$0.55	X	X	X	X	X
Japan	.25	.10	.65	.45	.55	X	X	X	X	X
Jordan (Hashemite Kingdom)	.25	.10	.53	.32	.55	X	X	X	X	X
Kenya and Uganda	.25	.10	.65	.45	.55	X	X	X	X	X
Korea	.25	.10	.70	.49	.55	X	X	X	X	X
Labuan	.25	.10	1.00	.80	.55	X	X	X	X	X
Laos	.25	.10	.92	.72	.55	X	X	X	X	X
Latvia	.15	.10	.52	.31	.55	X	X	X	X	X
Lebanon (Republic of)	.25	.10	.82	.61	.55	X	X	X	X	X
Leeward Islands	.10	.10	.33	.13	.55	X	X	X	X	X
Liberia	.25	.10	.84	.63	.55	X	X	X	X	X
Libya (United Kingdom of)	.15	.10	.47	.27	.55	X	X	X	X	X
Lithuania	.15	.10	.52	.31	.55	X	X	X	X	X
Luxembourg (Grand Duchy)	.15	.10	.42	.21	.55	X	X	X	X	X
Macao	.25	.10	.79	.59	.55	X	X	X	X	X
Madagascar and Dependencies	.25	.10	.66	.45	.55	X	X	X	X	X
Madeira Islands	.15	.10	.44	.24	.55	X	X	X	X	X
Malaya	.25	.10	.90	.70	.55	X	X	X	X	X
Malta	.15	.10	.45	.25	.55	X	X	X	X	X
Mauritania	.10	.10	.31	.15	.55	X	X	X	X	X
Mauritius and Dependencies	.25	.10	.53	.33	.55	X	X	X	X	X
Mexico	.06	(1)	.10	.10	.40	X	X	X	X	X
Morocco (French Zone)	.15	.10	.60	.30	.55	X	X	X	X	X
Morocco (Spanish Zone)	.15	.10	.45	.25	.40	X	X	X	X	X
Morocco (Tangier (International Zone))	.15	.10	.45	.25	.55	X	X	X	X	X
Nauru Island	.25	.10	.84	.63	.55	X	X	X	X	X
Netherlands New Guinea	.15	.10	.42	.21	.55	X	X	X	X	X
Netherlands West Indies	.25	.10	.94	.73	.55	X	X	X	X	X
New Caledonia and Dependencies	.10	.10	.38	.18	.55	X	X	X	X	X
New Guinea, Territory of	.25	.10	.80	.68	.55	X	X	X	X	X
New Hebrides	.25	.10	.94	.73	.55	X	X	X	X	X
New Zealand	.25	.10	.70	.49	.55	X	X	X	X	X
Nicaragua	.10	.10	.55	.34	.40	X	X	X	X	X
Niger	.25	.10	.53	.33	.55	X	X	X	X	X
Nigeria	.25	.10	1.00	.80	.55	X	X	X	X	X
North Borneo	.15	.10	.43	.23	.55	X	X	X	X	X
Norway	.15	.10	.45	.25	.55	X	X	X	X	X
Pakistan	.25	.10	.53	.32	.53	X	X	X	X	X
Palestine, Western Arab	.25	.10	.53	.13	.55	X	X	X	X	X
Panama	.10	.10	.84	.63	.40	X	X	X	X	X
Papua	.25	.10	.50	.30	.55	X	X	X	X	X
Paraguay	.10	.10	.69	.49	.55	X	X	X	X	X
Persian Gulf Ports	.25	.10	.45	.25	.55	X	X	X	X	X
Peru	.10	.10	.60	.40	.55	X	X	X	X	X
Philippines	.25	.10	.81	.60	.55	X	X	X	X	X
Pitcairn Island	.25	.10	.94	.63	.55	X	X	X	X	X
Poland	.15	.10	.46	.25	.55	X	X	X	X	X
Portugal	.15	.10	.41	.20	.55	X	X	X	X	X
Portuguese East Africa	.25	.10	.69	.49	.55	X	X	X	X	X
Portuguese India	.10	.10	.45	.25	.55	X	X	X	X	X
Portuguese Timor	.25	.10	1.00	.80	.55	X	X	X	X	X
Portuguese West Africa	.25	.10	.63	.43	.55	X	X	X	X	X
Reunion Island	.25	.10	.84	.63	.55	X	X	X	X	X
Rhodesia and Nyasaland	.25	.10	.74	.54	.55	X	X	X	X	X
Rumania	.15	.10	.45	.25	.55	X	X	X	X	X

1 Accepted. If registered.
2 See §111.2 (b) (5).
3 Belize only.
4 Per ounce (letters). Single post cards, 4 cents each.
5 Available only for letters or articles prepaid at letter rate.
6 The maximum weight limit of letter-packets to the Union district and to members of the Canadian Armed Forces overseas addressed for transmission through Army Post Office 4 pounds 6 ounces.
7 Registry service is available only to Taiwan (Formosa) Quemoy, Penghu and Matsu Islands.
8 Quito and Guayaquil only.
9 Service applicable only to unregistered letters, post cards, and printed matter.
10 No service to Central Arab Palestine.
11 Special delivery service is confined to Eldoret, Entebbe, Jinja, Kampala, Kisumu, Kitale, Lamu, Mtale, Mombasa, Nairobi, Nakuru, and Nyeri.
12 Special delivery service is confined to the offices of Alcazarquivir, Arcila, Dar Driuz, Larache, Nador Tangier, Tarquist, Tetuan, Villa Alhucemas, and Xauen.
13 Through British post office only.
14 When mailed in Guam, the rate is 10 cents per half ounce.
15 Per ounce (letters). Single post cards, 9 cents each.

LIST OF COUNTRIES

(for use with §§ 111.1 (a) and 112.1)

Abyssinia (see Ethiopia).
Aden.
Admiralty Islands (see New Guinea, Mandated Territory).
Afghanistan.
Aitutaki (Cook Islands) (see New Zealand).
Albania.
Alderney (Channel Islands) (same as Great Britain).
Algeria.
Alhucemas (see Spain).
Alofi Island (see New Caledonia).
Amatongaland (see Union of South Africa).
Andaman Islands (see India).
Andorra (Republic of).
Anglo-Egyptian Sudan (see Sudan).
Angola (see Portuguese West Africa).
Anguilla (see Leeward Islands).
Anjouan (see Madagascar and dependencies).
Annam (see Viet-Nam).
Annobon Island (see Spanish Guinea).
Antigua (see Leeward Islands).
Arabia (see Saudi Arabia, Kingdom of).
Argentina.
Aruba (see Netherlands West Indies).
Ascension.
Ashanti (see Gold Coast Colony).
Astypalaia (see Greece).
Atafu (see Western Samoa [British])
Atiu (Cook Islands) (see New Zealand).
Australia.
Austria.
Avarua (see New Zealand).
Azores.
Bahamas.
Bahrein (see Persian Gulf Ports).
Balearic Islands (see Spain).
Baluchistan (see Pakistan).
Banks Island (see New Hebrides).
Barbados.
Barbuda (see Leeward Islands).
Barthelemy (see Guadeloupe).
Basutoland (see Union of South Africa).
Bechuanaland, British (see Union of South Africa).
Bechuanaland Protectorate.
Belgian Congo.
Belgium.
Bermuda.
Bhutan (see India).
Bismarck Archipelago (see New Guinea, Mandated Territory).
Bolivia.
Bonaire (see Netherlands West Indies).
Borabora (see French Oceania).
Borneo (see North Borneo, State of).
Borneo (Kalimantan) (see Indonesia).
Bougainville (see New Guinea, Mandated Territory).
Bourbon (see Reunion Island).
Brazil.
British Bechuanaland (see Union of South Africa).
British Cameroons.
British Guiana.
British Honduras.
British Somaliland (see Somaliland Protectorate).
British Togoland (see Gold Coast Colony).
British Virgin Islands (see Leeward Islands).
British West Indies (see Bahamas, Barbados, Jamaica, Leeward Islands, Trinidad and Tobago, Turks Island, or Windward Islands).
Brunei.
Buka (see New Guinea, Mandated Territory).
Bulgaria.
Burma.
Caicos Islands (see Turks Island).
Cambodia.
Cameroons (British).
Cameroons (Franch).
Canada (including Newfoundland and Labrator).
Canary Islands (see Spain).
Cape of Good Hope, Province (see Union of South Africa).
Cape Verde Islands.
Cayman Islands (see Jamaica)
Ceuta (see Spain).
Ceylon.
Chaferinas Islands (see Spain).
Chalki (see Greece).
Chankiangshih (Kwangchowwan) (see China).
Channel Islands (Jersey, Guernsey, Alderney, and Sark). (same as Great Britain).
Chile.
China.
Chosen (see Korea).
Christmas Island (see Gilbert and Ellice Islands Colony).
Christmas Island (see Malaya).
Cochin-China (see Viet-Nam).
Cocos Islands (see Malaya).
Colombia.
Colony of Singapore (see Malaya).
Comoro Islands (see Madagascar).
Cook Islands (same as New Zealand).
Corsico Island (see Spanish Guinea).
Corsica.
Costa Rica.
Crete (see Greece).
Cuba (including Isle of Pines).
Cumino Island (see Malta).
Curacao (see Netherlands West Indies).
Cyprus.
Cyrenaica (see Libya).
Czechoslovakia.
Dahomey.
Damao (see Portuguese India).
Danger (see New Zealand).
Denmark.
Desirade Island (see Guadeloupe).
Diu (see Portuguese India).
Dodecanese Islands (see Greece).
Doha Qatar (see Persian Gulf Ports).
Dominica (see Windward Islands).
Dominican Republic.
Dubai (see Persian Gulf Ports).
Ecuador.
Egypt.
Egyptian Sudan (see Anglo-Egyptian Sudan).
Eire (see Ireland).
Ellice Islands (see Gilbert and Ellice Islands Colony).
Elobey Island (see Spanish Guinea).
El Salvador (see Salvador, El).
England (see Great Britain and Northern Ireland).
Eritrea.
Estonia.
Ethiopia (Abyssinia).
Fakaofo (see Western Samoa [British]).
Falkland Islands.
Fanning Island (see Gilbert and Ellice Islands Colony).
Faroe Islands.
Federation of Malaya (see Malaya).
Fernando Po Island (see Spanish Guinea).
Fezzon (see Libya).
Fiji Islands.
Finland.
Formosa (Taiwan) (see China).
France.
French Cameroons.
French Equatorial Africa.
French Guiana.
French Guinea.
French Morocco (see Morocco, French zone).
French Oceania.
French Somaliland.
French Sudan.
French Togoland.
French West Africa (see Dahomey, French Guinea, French Sudan, Ivory Coast, Mauritania, Niger, Senegal, or Upper Volta).
French West Indies (see Guadeloupe or Martinique).
Friendly Islands (see Tonga Islands).
Futuna and Alofi Islands (see New Caledonia).
Gabon (see French Equatorial Africa).
Gambia.
Gambier (see French Oceania).
Germany.
Gibraltar.
Gilbert and Ellice Islands Colony.
Goa (see Portuguese India).
Gold Coast Colony.
Gozo Island (see Malta).
Grand Comoro (see Madagascar).
Great Britain and Northern Ireland.
Greece.
Greenland.
Grenada (see Windward Islands).
Grenadines (see Windward Islands).
Guadeloupe.
Guatemala.
Guernsey (Channel Islands) (same as Great Britain).
Guiana (British).
Guiana (French).
Guiana (Netherlands) (see Surinam).
Guinea (French).
Guinea, New (Territory of).
Guinea (Portuguese) (see Portuguese West Africa).
Guinea (Spanish) (see Spanish Guinea).
Haiti.
Hashemite Kingdom of Jordan (see Jordan, Hashemite Kingdom).
Hervey (Cook Islands) (see New Zealand).
Hivaoa (see French Oceania).
Holland (see Netherlands).
Honduras (British).
Honduras, Republic of.
Hong Kong.
Huahine (see French Oceania).
Huan Islands (see New Caledonia).
Hungary.
Iceland.
Ifni, Territory of (see Spanish West Africa).
India.
India, Portuguese.
Indo-China (see Cambodia, Laos and Viet-Nam).
Indonesia.
Iran.
Iraq.
Ireland (Eire).
Ireland (Northern) (see Great Britain and Northern Ireland).
Isle of Pines (see New Caledonia).
Isle of Pines, West Indies (see Cuba).
Israel, State of.
Italy.
Ivory Coast.
Jamaica.
Japan.
Jersey (Channel Islands) (same as Great Britain).
Johore (see Malaya).
Jordan (Hashemite Kingdom).
Jugoslavia (see Yugoslavia).
Kalymnos (see Greece).
Kamaran (see Aden).
Karpathos (see Greece).
Kassos (see Greece).
Kastellorizon (see Greece).
Kedah (see Malaya).
Keeling Islands (see Malaya).
Kelantan (see Malaya).
Kenya and Uganda.
Korea (Republic of).
Kos (see Greece).
Kowloon (see Hong Kong).
Kuchinoshima (see Ryukyu Islands).
Kuwait (see Persian Gulf Ports).
Labrador (see Canada).
Labuan.
Laos.
Latakia (see Syria).
Latvia.
Lebanon, Republic of.
Leeward Islands (French) (see French Oceania).
Leeward Islands.
Leipsos (see Greece).
Leros (see Greece).
Les Saintes Island (see Guadeloupe).
Liberia.
Libya, United Kingdom of.
Liechtenstein (see Switzerland).
Lithuania.
Lord Howe Island (see Australia).
Loyalty Islands (see New Caledonia).
Luxembourg (Grand Duchy).
Macao.
Macau (same as Macao).
Madagascar and dependencies.
Madeira Islands.
Malacca (see Malaya).

Malaya.
Malta.
Mangaia (Cook Islands) (see New Zealand).
Manahiki (see New Zealand).
Manuai (Cook Islands) (see New Zealand).
Marie Galante (see Guadeloupe).
Marquesas Islands (see French Oceania).
Martinique.
Mauke (Cook Islands) (see New Zealand).
Mauritania.
Mauritius and dependencies.
Mayotte (see Madagascar and dependencies).
Melilla (see Spain).
Mexico.
Miquelon (see St. Pierro and Miquelon).
Mitiaro (Cook Islands) (see New Zealand).
Moheli (see Madagascar and dependencies).
Monaco (see France).
Montserrat (see Leeward Islands).
Moorea (see French Oceania).
Morocco, French Zone.
Morocco, Southern Protecorate of (see Spanish West Africa).
Morocco, Spanish Zone.
Morocco, Tangier (International Zone).
Moyen (Middle) Congo (see French Equatorial Africa).
Mozambique (see Portguese East Africa).
Muscat (see Persian Gulf Ports).
Nansei (see Japan).
Natal, Province (see Union of South Africa).
Nauru Island.
Negri Sembilan (see Malaya).
Nepal (see India).
Netherlands.
Netherlands New Guinea.
Netherlands West Indies.
Nevis (see Leeward Islands).
New Britain (see New Guinea, Mandated Territory).
New Caledonia and dependencies.
Newfoundland (see Canada).
New Guinea (Territory of).
New Guinea (Netherlands) (see Netherlands New Guinea).
New Hanover (see New Guinea, Mandated Territory).
New Hebrides.
New Ireland (see New Guinea, Mandated Territory).
New South Wales (see Australia).
New Zealand.
Nicaragua.
Niger.
Nigeria.
Nissiros (see Greece),
Niue (see New Zealand).
Norfolk Island (see Australia).
North Borneo (State of).
Northern Ireland (see Great Britain and Northern Ireland).
Northern Rhodesia (see Rhodesia and Nyasaland).
Northern Territories (see Gold Coast Colony).
Norway.
Nossi-be (see Madagascar and dependencies).
Nukahiva (see French Oceania).
Nukunonu (see Western Samoa [British]).
Nyasaland (see Rhodesia and Nyasaland).
Oceania (see French Oceania).
Ocean Island (see Gilbert and Ellice Islands Colony).
Okinawa (see Ryukyu Islands).
Orange Free State (see Union of South Africa).
Oubangui-Chari (see French Equatorial Africa).
Pahang (see Malaya).
Pakistan.
Palestine (Arab controlled):
Central (see Jordan).
Western (Gaza and Khan Yunis).
Palmerston (Avarua) (see New Zealand).
Panama, Republic of.
Papua (Territory of).
Paraguay.
Parry (Cook Islands) (see New Zealand).
Pasni (Baluchistan) (see Pakistan).
Patmos (see Greece).
Pemba (see Zanzibar and Pemba).
Penang (see Malaya).
Penon de Velez de la Gomera (see Spain).
Penrhyn (Tongareva) (see New Zealand).
Perak (see Malaya).
Perim (see Aden).
Perlis (see Malaya).
Persia (see Iran).
Persian Gulf Ports.
Peru.
Petite Terre (see Guadeloupe).
Philippines, Republic of the.
Pitcairn Island.
Poland.
Portugal.
Portuguese East Africa (Mozambique).
Portuguese Guinea (see Portuguese West Africa).
Portuguese India.
Portuguese Timor.
Portuguese West Africa.
Prince Island (see Portuguese West Africa).
Province Wellesley (see Malaya).
Pukapuka (see New Zealand).
Qatar (see Persian Gulf Ports).
Queensland (see Australia).
Raiatea (see French Oceania).
Rakaanga (see New Zealand).
Rapa (see French Oceania).
Rarotonga (Cook Islands) (see New Zealand).
Redonda (see Leeward Islands).
Republic of the Philippines (see Philippines).
Reunion (Bourbon) Island.
Rhodesia and Nyasaland, Federation of.
Rio de Oro (see Spanish West Africa).
Rio Muni (see Spanish Guinea).
Rodos (see Greece).
Rodrigues (see Mauritius and dependencies).
Rumania.
Ryukyu Islands.
Saar Territory (see France).
Saba (see Netherlands West Indies).
Sahara, Spanish (see Spanish West Africa).
St. Bartholomew (see Guadeloupe).
St. Christopher (see Leeward Islands).
St. Eustatius (see Netherlands West Indies).
St. Helena.
St. Kitts (see Leeward Islands).
St. Lucia (see Windward Islands).
St. Martin (Netherlands part) (see Netherlands West Indies).
St. Martin (French part) (see Guadeloupe).
St. Pierre and Miquelon.
St. Thomas Island (see Portuguese West Africa).
St. Vincent (see Windward Islands).
Ste. Marie de Madagascar (see Madagascar).
Salvador (El).
Samoa, Western (British) (see Western Samoa).
San Marino (Republic of) (see Italy).
Santa Cruz Islands.
Sarawak.
Sark (Channel Island) (same as Great Britain).
Saudi Arabia (Kingdom of).
Savage Island (Niue) (see New Zealand).
Savaii Island (see Western Samoa [British]).
Scotland (see Great Britain and Northern Ireland).
Seklа el Hamra (see Spanish West Africa).
Selangor (see Malaya).
Senegal.
Seychelles.
Sharja (see Persian Gulf Ports).
Shikoku (see Japan).
Siam (see Thailand).
Sierra Leone.
Singapore (see Malaya).
Society Islands (see French Oceania).
Solomon Island (except Bougainville and Buka).
Solomon Islands (Bougainville and Buka only) (see New Guinea Mandated Territory).
Somalia.
Somaliland (French).
Somaliland Protectorate.
South Africa (see Union of South Africa).
South Australia (see Australia).
South Georgia (see Falkland Islands).
Southern Protectorate of Morocco (see Spanish West Africa).
Southern Rhodesia (see Rhodesia and Nyasaland).
South-West Africa (including Walvis Bay).
Spain.
Spanish Guinea.
Spanish Morocco (see Morocco, Spanish Zone).
Spanish Sahara (see Spanish West Africa).
Spanish West Africa.
Spitzbergen (see Norway).
Sudan.
Sudan (French).
Surinam.
Suwarrow Islands (see New Zealand).
Swaziland (see Union of South Africa).
Sweden.
Switzerland.
Symi (see Greece).
Syria, Republic of
Tahaa (see French Oceania).
Tahiti (see French Oceania).
Taiwan (Formosa) (see China).
Tanganyika Territory.
Tangier (International Zone) (see Morocco, Tangier (International Zone)).
Tasmania (see Australia).
Tchad (see French Equatorial Africa).
Territory of Ifni (see Spanish West Africa).
Thailand (formerly Siam).
Thursday Island (see Australia).
Tibet (see China).
Tilos (see Greece).
Timor (Netherlands) (see Indonesia).
Timor (Portuguese).
Tobago (see Trinidad and Tobago).
Togoland (British) (see Gold Coast Colony).
Togoland (French) (see French Togoland).
Tokelau (Union) Group (see Western Samoa, British).
Tonga (Friendly) Islands.
Tongareva (see New Zealand).
Tonkin (see Viet-Nam).
Torres Island (see New Hebrides).
Trans-Jordan (see Jordan (Hashemite Kingdom)).
Transvaal (see Union of South Africa).
Trengganu (see Malaya).
Trinidad and Tobago.
Tripolitania (see Libya).
Tristan da Cunha.
Tuamotou (see French Oceania).
Tubuai (see French Oceania).
Tunisia.
Turkey.
Turks Island.
Uganda (see Kenya and Uganda).
Union Group (see Western Samoa, British).
Union of South Africa.
Union of Soviet Socialist Republics.
Upolu Island (see Western Samoa [British]).
Upper Volta.
Uruguay.
Vatican City State.
Venezuela (Republic of).
Victoria (see Australia).
Viet-Nam.
Virgin Islands (British) (see Leeward Islands).
Wales (see Great Britain and Northern Ireland).
Wallis Islands (see New Caledonia).
Walvis Bay (see South-West Africa).
Washington Island (see Gilbert and Ellice Islands Colony).
Wellesley, Province (see Malaya).
Western Australia (see Australia).
Western Samoa (British).
Windward Islands.
Yemen.
Yugoslavia.
Zafarani Islands (see Spain).
Zanzibar and Pemba.
Zululand (see Union of South Africa).

(b) *Preparing, addressing, and mailing*—(1) *Preparing.* Prepare the articles securely, especially if they are for distant countries. International mail is handled more often and subjected to greater pressure and friction than domestic mail, hence it must be enclosed in strong envelopes or other wrappings. Do not use wax for sealing letters. Letters so sealed often stick to each other and the addresses of some are destroyed in the attempt to separate the articles.

(2) *Addressing.* (i) Address mail articles in legible roman letters placed on the right-hand side of the article, lengthwise, in such a way as to leave space for service labels and notations (postmarks, etc.).

(ii) Write the name and address of the recipient precisely and completely, with the names of the locality and country of destination in capital letters. Give the house number and street address or box number when sending mail to towns or cities.

(iii) On the address of articles sent to general delivery indicate the name of the addressee. The use of initials, figures, simple given names, fictitious names, or conventional marks of any kind is not permitted on any articles.

(iv) Addresses in Russian, Greek, Arabic, Hebrew, Japanese, or Chinese characters must bear an interlined translation of the names of the post office, province, and country of destination in English. If the English form of the names is not known, the foreign spellings shall be shown in roman characters, print, or script.

(3) *Return address.* The complete address of the sender must be shown in the upper left-hand corner of the address side of the mail in such a way as not to affect either the clarity of the address or the application of service labels or notations. Many countries do not return certain ordinary (unregistered) articles if they cannot be delivered as addressed unless they bear the sender's return card.

(c) *Postage*—(1) *Prepayment.* Articles must be fully prepaid to assure dispatch without delay and without penalty against the addressees. If the missing postage can not be collected from you, the shortpaid articles are either sent to destination and double the shortage collected from the addressees or they are sent to dead letter offices for treatment.

(2) *How paid.* Postage, registration fees, and insurance fees can be prepaid on articles (other than the reply half of post cards) by means of United States postage stamps or by meter stamps of a bright red color. Prepayment of postage on printed matter may also be indicated by means of permit imprints. Permit imprints must show the amount of postage paid and may be black or any other color. For printed matter mailed to certain countries at special rates, see § 22.1 (d) of this chapter.

(3) *Articles mailed aboard ships.* Postage on articles mailed on board a ship on the high seas must be prepaid by means of postage stamps of the country under whose flag the ship sails. Such articles are subject to the postage rates and conditions of that country. Postage on articles mailed on board a ship while it is in a port of any country can be prepaid only by means of postage stamps of

that country. Such articles are subject to the postage rates and conditions of that country.

(4) *Free matter.* The following types of mail are granted freedom of postage in the international service:

(i) Diplomatic and consular mail addressed to countries of the Postal Union of the Americas and Spain (see § 101.2 of this chapter), subject to the following conditions:

(*a*) *Diplomatic (official and personal).* Free postage by surface only is granted to all correspondence of members of the diplomatic corps of the PUAS countries when addressed to those countries. This mail is subject to the weight limits specified in § 111.2.

(*b*) *Consular.* Free postage by surface only is granted to the official correspondence of consuls or vice consuls of the PUAS countries when—

(*1*) addressed for delivery in the country represented by the mailing official;

(*2*) addressed to the Embassy or Legation of the official's country located in any of those countries; or

(*3*) addressed to such an official of any of those countries located in those countries.

(c) *Marking.* Envelopes, labels, etc., used by members of the PUAS diplomatic corps for postage free mail must show in the upper left corner of the address side the name of the Ambassador or Minister or name of the Embassy or Legation, with post office address. In the upper right corner should be the words "Diplomatic Mail" over the word "Free." In the case of consulates, the name and address of the consul or consulate as well as the name of the country must appear over the words "Official Correspondence" in the upper left corner. The words "Consular Mail" must be written above "Free" in the upper right corner.

(ii) *Free under domestic conditions.* Any article entitled to be mailed free in the domestic mails is granted free postage by surface only when addressed to PUAS countries, except Argentina, Brazil, Spain, and Spanish possessions. This mail must not exceed the domestic weight limit of 4 pounds except when it is exempted from that limit by regulation (see § 27.2 (d) (1) of this chapter), in which case the weight limits prescribed in § 111.2 will apply.

(iii) *Pan American Union.* Mail originating at the Pan American Union bearing the card of the Union and weighing not more than 4 pounds is admitted free of postage for surface transportation only when addressed to PUAS countries except Canada. (See § 101.2 of this chapter.)

(iv) *Postal service official.* Free postage, by surface or air, is granted in the international service to official correspondence of the postal service addressed to postal administrations or post offices in other countries, to the International Bureau of the Universal Postal Union in Bern, Switzerland, or to the International Office of the Postal Union of the Americas and Spain in Montevideo, Uruguay.

(5) *Reply coupons.* (i) International reply coupons of the Universal Postal Union, printed in blue ink and bearing the caption "Coupon-Réponse International", may be purchased at United States post offices for 13¢ each. Each coupon is exchangeable in any country for a stamp or stamps representing the prepayment of an ordinary single-rate letter originating in that country and addressed to this country. Upon the presentation of a sufficient number of coupons, the stamp or stamps received in exchange may be used to prepay an ordinary letter to this country by air. International reply coupons are exchangeable in postage stamps at the rate of 8¢ each, except that Canadian and Mexican international reply coupons are redeemable in postage stamps at the rate of 3¢ each. They must bear the postmark of the selling post office. The period for exchange of reply coupons is unlimited.

(ii) Reply coupons formerly issued by the Postal Union of the Americas and Spain, printed in green ink and bearing the caption "Cupón Respuesta Americo-español," were declared as no longer valid for exchange on and after July 1, 1956 If any such coupons come into your possession, it is suggested that you return them to your correspondents for redemption through the selling post office.

(6) *Nonpostage stamps.* Do not place nonpostage stamps, labels resembling postage stamps, or impressions resembling postage-paid impressions on the address side of mail articles.

(7) *Remailed articles.* You must prepay new postage when remailing an article which has been returned from abroad because of insufficient address.

(d) *Prohibitions and restrictions*—(1). *General list of prohibited articles.* The following articles are prohibited transmission in the Postal Union mails to all countries:

(i) Any article without address or incorrectly, insufficiently, or illegibly addressed so that it cannot be sent to its destination.

(ii) Any article addressed to go around the world or with the address side wholly or partly divided into several spaces intended for successive addresses.

(iii) Poisons, including narcotics (opium, morphine, cocaine, etc.), explosives and inflammable articles, and all other articles excluded from the domestic mails, which either from their nature or packing are likely to soil or damage the mails or are injurious to health, life, or property.

(iv) Matches, including safety matches.

(v) Live or dead animals, except: (*a*) live bees, leeches, and silk worms; (*b*) dead insects or reptiles when thoroughly dried; and (*c*) parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies.

(vi) Coins, bank notes, paper money or any values payable to bearer; manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry stones, jewelry or other precious articles are prohibited transmission in the Postal Union mails unless sent by registered letter mail. These articles are absolutely prohibited even in registered letter mail to some countries. The term jewelry is generally understood to denote articles

of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this section, and is accepted under the same conditions as other mailable merchandise to any country. However, it is accepted only at the sender's risk to countries which prohibit jewelry.

(vii) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 164.4 of this chapter.)

(viii) For articles prohibited from international parcel post, see § 112.3 of this chapter.)

(2) *Restricted articles.* (i) *Gold and gold certificates.* (See § 164.1 of this chapter.)

(ii) *Diamonds.* (See § 162.5 of this chapter.)

(iii) *Tobacco seed and plants.* (See § 165.2 of this chapter.)

(iv) *Plant material generally.* (See § 112.3 (b) (6) of this chapter.)

(v) *Window envelopes.* Window envelopes meeting the conditions in § 12.4 of this chapter, with the exception of open-panel envelopes, are acceptable in the international mails.

(3) *Individual country prohibitions and restrictions.* You may inquire at your post office for information as to articles prohibited or restricted to individual countries, or you may purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

(e) *Documentation*—(1) *Green (customs) label.* (i) The green (customs) label, Form 2976, must be attached to the address side of each letter or letter package containing dutiable articles (merchandise); to prints which are dutiable in the country to which they are addressed; and to each small packet.

(ii) The form is not, under any circumstances, to be employed on parcel post packages.

(ii) Facsimiles of the old Form 2976 and the revised form (completed to illustrate the information you must supply) are shown below:

Revised Form

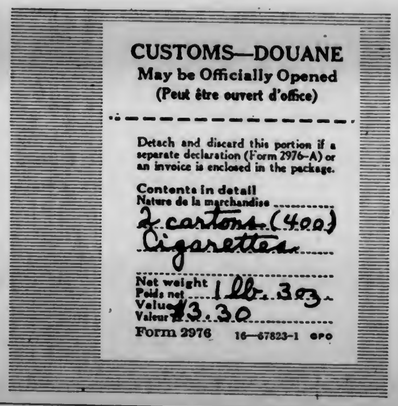

Old Form

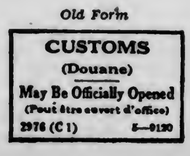

(iv) When the revised form is used in its entirety, there is no need to enclose the paper form of customs declaration (see subparagraph (2) of this paragraph) in the package. However, if the sender prefers not to show the nature of the contents, etc., on the outside of the article, or if for any reason the use of the revised form in its entirety is not practicable, the upper part of the revised form (detached by cutting along the dotted line) may be affixed to the cover, and customs declaration Form 2976–A enclosed. Old Form 2976 may be used for this purpose until the supply is exhausted.

(2) *Paper customs declaration.* (i) The paper form of customs declaration (Form 2976–A) is available for completion and enclosure within the classes of articles mentioned in subparagraph (1) of this paragraph when the description of the contents of the article is not shown on Form 2976 or on an invoice enclosed within the article.

(ii) The contents of the article must be indicated in detail on the form. Notations of a general character are not allowed.

(iii) Form 2976–A is not to be used on parcel post packages. Information concerning the card (tag) form of customs declaration (Form 2966) to be used in connection iwth parcel post packages will be found in § 112.4 (a) of this chapter.

(iv) The following facsimile illustrates the information you must supply on Form 2976–A:

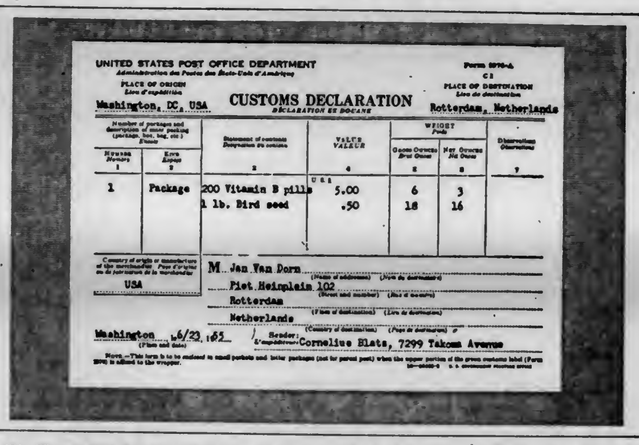

UNITED STATES POST OFFICE DEPARTMENT — Form 2976-A C1

PLACE OF ORIGIN: Washington, DC, USA

CUSTOMS DECLARATION — DÉCLARATION EN DOUANE

PLACE OF DESTINATION: Rotterdam, Netherlands

Number of packages and description of inner packing (package, box, bag, etc.) Nombre et genre d'emballage intérieur (paquet, boîte, sac, etc.)		Statement of contents Description du contenu	VALUE VALEUR	WEIGHT Poids		Observations Observations
Number Nombre	Kind Espèce			Gross Ounces Brut Onces	Net Ounces Net Onces	
1	2	3	U.S.A. 4	5	6	7
1	Package	200 Vitamin B pills 1 lb. Bird seed	5.00 .50	6 18	3 16	

Country of origin of manufacture of the merchandise. Pays d'origine ou de fabrication de la marchandise: USA

M. Jan Van Dorn (Name of addressee) (Nom du destinataire)
Piet Heinplein 102 (Street and number) (Rue et numéro)
Rotterdam
Netherlands (Name of destination) (Lieu de destination)

Washington, 6/23/65 (Place and date) / Sender: (Country of destination) (Pays de destination) or
Sender: Cornelius Blats, 7299 Takoma Avenue

Note.—This form is to be enclosed in small packets and letter packages (not for parcel post) when the upper portion of the green customs label (Form 2976) is affixed to the wrapper.

(3) *Nonpostal documentation.* Packages sent in the Postal Union mails may require one or more of the forms described in Subchapter Q of this chapter.

§ 111.2 *Specific categories*—(a) *Letters and letter packages*—(1) *Rates.* The surface rate for letters and letter packages to Canada and Mexico is 3 cents per ounce. To all other countries it is 8 cents for the first ounce and 4 cents for each additional ounce. For airmail rates, see § 111.1 (a).

(2) *Weight limits.* The weight limit for letters and letter packages to all countries except Canada is 4 pounds 6 ounces for Canada, 60 pounds.

(3) *Dimensions*—(i) *Maximum dimensions.* Maximum length is 24 inches. Maximum length, breadth, and thickness combined is 36 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 32 inches), plus twice the diameter may not exceed 40 inches.

(ii) *Minimum dimensions.* Envelopes must not measure less than 4 inches in length and 2¾ inches in width.

(4) *Restrictions.* Letters and letter packages shall not contain any documents having the character of actual personal correspondence addressed to persons other than the addressee or persons living with the addressee.

(5) *Dutiable contents*—(i) *Mailability.* Articles liable to customs duty (merchandise) may be forwarded in letters or

letter packages, except to the following countries:

Bolivia.
Brazil (see note).
China.
Colombia.
Estonia (see note).
Italy (see note).
Japan.
Latvia (see note).
Lithuania (see note).
Rumania.
Ryukyu Islands.
Salvador, El.
Saudi Arabia.
Spanish Guinea.
Spanish West Africa.
Union of Soviet Socialist Republics (see note).
Venezuela.

NOTE: Italy admits postage stamps for philatelic purposes in registered letters bearing completed revised Form 2976. Addressee must comply with Italian financial regulations.

Brazil admits coins, banknotes, paper money, or any values payable to bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry or other precious articles in registered letters.

USSR, Estonia, Latvia, and Lithuania admit duty-prepaid letter packages not exceeding 16 ounces in weight containing medicines, on condition that the addressee presents the prescription of the treating physician at time of delivery.

(ii) *Customs label to be attached.* You must complete and fix to the address side of such article the green (customs) label, Form 2976, referred to in § 111.1 (e) (1). If you know that the contents of the package are not dutiable, you may, if you prefer, omit Form 2976. Acceptance for mailing will then be at your risk, and the Post Office Department will assume no responsibility for the treatment that may be given the article by the foreign customs authorities. Omission of this form may, however, result in delayed delivery and possible penalties against the addressee, regardless of whether the contents are dutiable or not. Special restrictions exist with respect to certain countries.

(iii) *Acceptance at sender's risk.* A letter or package containing merchandise offered for mailing to one of the countries names in subdiv. (i) of this subparagraph may be accepted only on condition that the sender knows that the contents are not dutiable in the country of destination, in which case Form 2976 may be omitted.

(6) *Endorsement.* Senders should add the words "Letter (lettre)" on the address side of letters and letter packages which, because of the volume or packing, may be mistaken for matter of another class.

(b) *Post cards*—(1) *Rates.* Surface rate for post cards to Canada and Mexico is 2 cents single; 4 cents reply paid. To all other countries, 4 cents single; 8 cents reply paid. For airmail rates, see §§ 111.1 (a) and 121.3 (b).

(2) *Dimensions.* Maximum dimensions, 6 by 4¼ inches. Minimum dimensions, 4 by 2¾ inches.

(3) *Requirements*—(i) *Form.* Post cards shall be made of cardboard that meets the material and color specifications in § 21.2 of this chapter or of paper strong enough to withstand handling. Government postal cards may be used, adding postage as required. Folded sheets of paper having the two inner faces glued completely one over the other, so that there is no danger of articles slipping inside, are treated as post cards. No writing is allowed on the inside of the two halves which must be firmly glued together and conform to the dimensions prescribed in § 101.2 (b) (2) of this chapter.

(ii) *Mailing.* Post cards shall be sent unenclosed, without wrapper or envelope. The right half, at least, of the address side is reserved for the address of the addressee and the notations or labels relating to the service. The sender may use the back and the left half of the address side. Postage must appear on the address side, in the upper right corner of the card.

(iii) *Attachments.* You may not join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels and clippings of any kind, of paper or other very thin material, as well as address labels or slips to be folded back, may be glued thereto, on condition that they do not alter the character of the post cards and that they adhere completely to the card. These articles may be glued only on the back or left half of the address side of the card, except address labels or slips which may occupy the entire address side. Stamps of any kind, likely to be confused with postage stamps, may be placed only on the back.

(iv) *When treated as letters.* Post cards which do not fulfill the conditions laid down for that class of articles are treated as letters, with the exception of those on which the irregularity consists solely of the application of the stamps on the back. The latter are considered as unprepaid and are treated accordingly. Double post cards, except those prepared as reply-paid post cards (see subparagraph (4) of this paragraph), are subject to the letter rate of postage, unless they are admitted as printed matter. See paragraph (d) (4) (ii) of this section regarding cards admitted as printed matter.

(4) *Reply-paid postal cards*—(i) *Availability.* Reply-paid postal cards, bearing the required endorsements, are available at post offices in two denominations: 2 cents on each half for Canada and Mexico; 4 cents on each half for other countries. The domestic reply-paid postal card shall not be used in international mails.

(ii) *Privately printed cards.* Double cards which are privately printed for use as reply-paid cards in the international mails shall have on the front, in the French language, as the heading of the first or message part, the words "Carte postale avec réponse payee" (post card with reply paid), and the words "Carte postale réponse" (reply post card) as the heading on the second or reply part. Each of the two parts must fulfill the other conditions laid down for a single card. Prepayments of the two halves shall be by means of United States postage stamps (2 cents for Canada and Mexico and 4 cents for other countries) affixed to each half.

(iii) *Mailing.* The two parts of a reply-paid card must be folded one part over the other, so that the fold forms the upper edge, and they may not be sealed in any manner. The sender may put his name and address on the address side of the reply half, either by writing, printing, or label. The address on the reply half shall be folded on the inside. The sender may have printed on the back of the reply half a questionnaire to be filled in by the addressee. The latter may return the inquiry half attached to the reply-portion, in which case the address on the inquiry half shall be crossed out and folded on the inside of the card.

(iv) *Validity of postage.* The prepayment of the reply half by means of postage stamps of the country which has issued the cards is valid only if the two parts of the card with the reply paid have arrived joined together from the country of origin and if the reply half is sent from the country where it arrived by mail and is addressed to the country of origin. If these conditions are not fulfilled, it is treated as an unprepaid post card.

(c) *Commercial papers*—(1) *Rates.* Surface rate for commercial papers for all countries is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction of 2 ounces. Minimum charge is 10 cents. For airmail rates, see § 111.1 (a).

(2) *Weight limit.* Weight limit for commercial papers is 4 pounds 6 ounces.

(3) *Dimensions*—(i) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches.

(ii) *Minimum dimensions.* Envelopes must not measure less than 4 inches in length and 2¾ inches in width.

(4) *Description.* The following are considered commercial papers, provided they do not have the character of actual personal correspondence:

(i) All papers and documents, wholly or partly written or drawn, such as out-of-date articles of correspondence (opened letters and post cards, even though they bear canceled postage stamps or postage paid impressions which have served to pay the original postage) which have already reached their original destination, and copies thereof.

(ii) Papers of legal procedure.

(iii) Documents of all kinds drawn up by ministerial officers.

(iv) Waybills or bills of lading.

(v) Invoices.

(vi) Certain documents of insurance companies.

(vii) Copies of or extracts from documents under private seal written on stamped or unstamped paper.

(viii) Scores or sheets of music in manuscript.

(ix) Manuscripts of literary works or of newspapers sent separately.

(x) Original and corrected exercises of students, without any notes not relating directly to the execution of the work.

(xi) All articles (even when they have the character of actual personal correspondence) containing correspondence exchanged between students in schools: Provided, that such articles are sent through the intermediary of the heads of the schools concerned.

(5) *Permitted enclosures.* The documents enumerated in subpar. (4) of this paragraph, may be accompanied by reference slips or memoranda bearing

notations showing the number of the pieces composing the shipment, or references to correspondence exchanged between the sender and addressee, such as: "Enclosure to our letter of ---------- addressed to ----------." "Our reference ----------. Customer's reference ----------"

(6) *Preparation.* Commercial papers must be endorsed "Commercial Papers" and must not be sealed.

(d) *Printed matter* — (1) *Surface rates.* Surface rate for printed matter to all countries is 2 cents for the first 2 ounces and 1½ cents for each additional 2 ounces or fraction of 2 ounces. See § 22.1 (d) for special rates on second-class mail to certain countries. Special rates apply to raised print for the blind. See paragraph (e) of this section. For airmail rates, see § 111.1 (a).

(2) *Weight limits.* Printed matter in general is subject to the weight limit of 6 pounds 9 ounces, and for a single printed book it is 11 pounds. The following exceptions apply:

(i) To Paraguay and Peru the weight limit is 11 pounds.

(ii) To Argentine, Bolivia, Brazil, Ecuador, Republic of Honduras, Morocco (Spanish Zone), Spain (including Balearic Islands, Canary Islands, and Spanish Offices in Northern Africa), Spanish Guinea and Spanish West Africa the weight limit is 22 pounds.

(iii) To Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Haiti, Mexico, Nicaragua, Panama, El Salvador, Uruguay, and Venezuela the weight limit is 33 pounds.

(iv) A single volume to Cuba, Mexico, Panama, and El Salvador may weigh up to 60 pounds.

(iv) A single volume may weigh up to 22 pounds when addressed to Paraguay or Peru, and up to 60 pounds when addressed to Cuba, Mexico, Panama, or El Salvador.

(v) Packages of second-class publications mailed to Canada at the postage rates prescribed in § 22.1 (d) (1) of this chapter may weigh up to 66 pounds.

(3) *Dimensions*—(i) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches.

(ii) *Minimum dimensions.* Envelopes or cards must measure not less than 4 inches in length and 2¾ inches in width.

(4) *Description*—(i) *General definition.* The term "printed matter" applies to all impressions or reproductions obtained upon paper, or materials similar to paper, parchment, or cardboard, by means of printing, engraving, lithography, photography, or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter.

(ii) *What is admissible as printed matter.* The following are admitted as printed matter:

(*a*) Newspapers and periodicals.
(*b*) Books and pamphlets.
(*c*) Sheet music.
(*d*) Visiting cards, address cards.
(*e*) Printing proofs (with or without the relative manuscripts).
(*f*) Unframed photographs, engravings.
(*g*) Albums containing photographs.
(*h*) Printed pictures, drawings, plans, maps.
(*i*) Patterns to be cut out.
(*j*) Calendars (except calendar pads with blank pages for memoranda).
(*k*) Catalogs, prospectuses, advertisements.
(*l*) Notices.
(*m*) Cards although bearing the title "Post Card" provided they fulfill the general conditions for prints. Those which do not fulfill these conditions are treated as post cards (if they comply with the conditions prescribed for post cards), or as letters.
(*n*) Matrices of material similar to paper or cardboard.
(*o*) Reproductions of handwriting or typewriting obtained by means of the printing press, mimeograph, multigraph, or similar mechanical process are acceptable as printed matter under the same conditions are are applied in the domestic service.

(iii) *Not admissible as printed matter.* The following are not acceptable at the printed matter rate:

(*a*) Printed papers which bear any marks whatever capable of constituting a conventional language or with the additions specifically authorized by subdivision (iv) of this subparagraph, those of which the text has been modified after printing.
(*b*) Stamps or forms of prepayment, canceled or not, including Internal Revenue strip stamps, and all printed papers representing a monetary value.
(*c*) Articles of stationery, when it appears clearly that the printed text is not the essential part of the article.
(*d*) Framed photographs and certificates.
(*e*) Photographic negatives and slides.
(*f*) Films.
(*g*) Phonograph records, and perforated papers intended to be used on automatic musical instruments.
(*h*) Disc or wire recordings of correspondence, etc.
(*i*) Bulk shipments of printed envelopes, letterheads, billheads, calendar pads, and similar articles, as well as diaries (books), check books, greeting cards or folders, and the like, which, although containing some printed matter, such as dates, headings, etc., have blank spaces or pages in which entries are to be made in manuscript or on the typewriter. Check books to Great Britain and Northern Ireland must be sent exclusively in the letter mails.
(*j*) Typewritten matter, or carbon copies thereof, except as authorized in subdivisions (iv) and (v) of this subparagraph.

(iv) *Permitted additions.* The following additions may be made, either by hand or by mechanical process, on the outside or inside of printed articles:

(*a*) The name, title, profession, firm, and address of the sender and the addressee; the date of mailing; the signature; telephone number and telephone exchange; telegraphic address and code; current postal check or bank account of the sender; an order or entry number relating exclusively to the article.
(*b*) Corrections of mistakes in printing.
(*c*) Striking, underlining, or encircling of certain words or passages of the printed text, unless intended as personal correspondence.
(*d*) On notices concerning the departure and arrival of ships and planes: the dates and time of such departures and arrivals, as well as the names of the ships, planes, and ports of departure, call, and arrival.
(*e*) On travelers' announcements: the name of the traveler, the date, time, and name of the place through which he contemplates passing as well as the place where he is stopping.
(*f*) On order, subscription, or offer blanks for publications, books, newspapers, engravings, and pieces of music: the publications and number of copies ordered or offered, the prices of such publications, as well as notations representing price factors, terms of payment, the edition, the names of the authors or publishers, the catalog number and the words "broché" (stitched or paperbound), "cartonné" (boards) or "relié" (bound).
(*g*) On forms used in connection with loans from libraries: the titles of books, number of copies requested or sent, names of authors or publishers, catalog numbers, number of days permitted for reading, name of person desiring to consult the book, other brief indications relating to the books in question.
(*h*) On illustrated cards, printed visiting cards, and Christmas and New Year cards: good wishes, greetings, congratulations, thanks, condolences, or other forms of politeness expressed in not more than five words or by means of not more than five conventional initials.
(*i*) On printing proofs: such changes and additions as relate to the correction, form and printing, notes such as "Ready for printing," "O. K. for printing," or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets.
(*j*) On fashion plates, maps, etc.: the colors.
(*k*) On current price lists, offers for advertisements, market and stock quotations, commercial circulars and prospectuses: figures and any other annotations representing price factors.
(*l*) On books, pamphlets, newspapers, photographs, engravings, sheet music, and in general, on all printed, engraved, lithographed, or autographed literary or artistic productions: a dedication consisting of a simple tribute; and on photographs or engravings, a very concise explanatory legend as well as other summary information concerning the photograph or engraving itself.
(*m*) On passages cut from newspapers and periodicals: the name, date, number, and address of the publication from which the article is taken.
(*n*) An order or entry number relating exclusively to the articles contained in the package.
(*o*) On notices of change of address: the old and the new address and the date of the change.

(v) *Permitted attachments.* Articles sent as prints may have the following attachments:

(*a*) The manuscript to corrected or uncorrected printing proofs.
(*b*) To books, pamphlets, newspapers, photographs, engravings, sheet music, and, in general, all prints and engraved, lithographed or autographed literary or artistic productions: an open invoice covering the article sent, reduced to its essential terms.
(*c*) A card, envelope or wrapper bearing the address of the sender which may be prepaid for return by means of postage stamps of the country of destination of the article of printed matter.
(*d*) Cut-out patterns which are marked to show that they are an integral part of a fashion magazine with which they are mailed.

(5) *Preparation and mailing*—(i) *Wrapping and marking.* Prints must be placed either under wrapper, in rolls, between cardboard, in an open case, or in an unsealed envelope, provided, if need be, with easily removable fasteners offering no danger, or be fastened with a string which can be easily untied. Articles of printed matter should not be prepared in such a manner as to allow other articles to slip into them. Prints of the shape and consistency of a card and either folded (in such a way that they can not unfold during transportation) or unfolded may be forwarded without wrapper, envelope, or fastener. Printed matter must be marked "Printed Matter" or "Printed Matter (*Single Volume*)" as the case may be, and must not be sealed.

(ii) *Addressing and affixing of stamps.* The right half, at least, of the address side of prints sent in the form of cards, including illustrated post cards, must be reserved for the address of the recipient and the service notes or labels. The postage stamps or postage-paid impressions must be placed on the address side and so far as possible on the right half of the cards.

(iii) *Prohibited enclosures.* Except in the case of publications mailed at the rates of postage prescribed in § 22.1 (d) (1) and (2) of this chapter newspapers, periodicals, or other articles of printed matter addressed to several different subscribers or addressees must not be enclosed in the same package with postage stamps affixed only to the outside wrapper of the package. However, several newspapers, periodicals, or other articles of printed matter, without separate address may be enclosed in the same package.

(iv) *Return request.* Senders desiring that ordinary (unregistered) prints be returned if they prove to be undeliverable as addressed must place on the package their return address and a notation, in a language known in the country of destination, requesting its return.

(v) *Dutiable prints.* Prints which are dutiable in the country to which they are addressed should have a green (customs) label, Form 2976, fixed to the address side of the article. (See § 111.1 (e) (1).) You may obtain information as to rates of duty from the Bureau of Foreign Commerce, Washington 25, D. C., or from any field office of that Department.

(6) *Books*—(i) *Rates.* Surface rate for books, as defined in § 25.2 (a) (4) (i), is 8 cents each pound or fraction when addressed to the following countries:

Argentina.	Haiti.
Bolivia.	Republic of Honduras.
Brazil.	Mexico.
Chile.	Nicaragua.
Colombia.	Panama.
Costa Rica.	Paraguay.
Cuba.	Peru.
Dominican Republic.	El Salvador.
Ecuador.	Uruguay.
Guatemala.	Venezuela.

For airmail rates to individual countries see column headed Other Postal Union Articles in § 111.1 (a).

(ii) *Weight limit and dimensions.* Weight limit and dimensions are the same as for other printed matter. See subparagraphs (2) and (3) of this paragraph.

(iii) *Permissible enclosures.* Permissible enclosures are listed in § 25.6 (b) of this chapter.

(iv) *Preparation.* Books must be packed as prescribed in subparagraph (5) of this paragraph marked "Books," and must not be sealed.

(e) *Raised print for the blind*—(1) *Rates.* Surface rate for raised print for the blind is 1 cent for each pound or fraction, except that matter that is accepted free of postage in the United States domestic mails, not exceeding 15 pounds 6 ounces, may be sent free of postage to Bolivia, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecquador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, El Salvador, Uruguay, and Venezuela. For airmail rates see § 111.1 (a).

(2) *Weight limit.* Weight limit is 15 pounds 6 ounces.

(3) *Dimensions.* See paragraph (d) (3) of this section.

(4) *Description.* Printing plates with characters for the use of the blind are treated as raised print for the blind. The same applies to sound recordings and special paper intended only for the use of the blind, provided they are sent by an officially recognized institution for the blind or addressed to such an institution.

(5) *Preparation.* Matter for the blind must be prepared for mailing in the same manner as printed matter (see paragraph (d) (5) of this section), marked "Matter for the Blind", and must not be sealed.

(f) *Samples of merchandise*—(1) *Rates.* Surface rate for samples of merchandise is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. For airmail rates see § 111.1 (a).

(2) *Weight limit.* Weight limit is 18 ounces.

(3) *Dimensions*—(i) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches.

(ii) *Minimum dimensions.* Envelopes must not measure less than 4 inches in length and 2¾ inches in width.

(4) *Description.* The following are admitted at the sample rate: Electrotypes; single cut-out patterns; keys sent singly; fresh cut flowers; articles of natural history (dried or preserved animals and plants, geological specimens, etc.); tubes of serum and vaccines; medicaments of urgent need difficult to obtain; pathological objects rendered harmless by their mode of preparation and packing. These articles, except tubes of serum and vaccines, and medicaments of urgent need difficult to obtain, sent in the general interest by laboratories, or institutions officially recognized, must not be sent for commercial purposes.

(5) *Prohibited contents.* Packages containing samples of merchandise shall not contain any article of salable value. Goods sent as gifts or in execution of an order, no matter how small the quantity, are not transmissible at the postage rates and conditions applicable to samples of merchandise. Except as provided in subparagraph (6) of this paragraph, samples of merchandise must not bear any notation or contain any document having the character of actual personal correspondence, nor contain any postage stamps, any canceled or uncanceled form of prepayment, or any paper representing a value. Pairs of articles, such as gloves, shoes, socks, etc. (but not suspenders or drawers), are not transmissible by mail to other countries at the postage rates and conditions applicable to "samples of merchandise," but one article of a pair may be so transmitted.

(6) *Permitted notations.* You may indicate, by hand or by a mechanical process, on the outside or on the inside of packages of samples and, in the latter case, on the sample itself or on a special sheet relative thereto: the name, title, profession, firm, and address of the sender and the addressee, as well as the date of mailing, the signature, telephone number and exchange, telegraphic address and code, current postal check or bank account of the sender, a factory mark or trade mark, a brief indication concerning the manufacturer and the jobber of the merchandise or concerning the person to whom the sample is addressed, as well as order or entry numbers, prices and any other annotations representing price factors, particulars relative to weight, measurement and size, or to the quantity to be disposed of, and such as are necessary to determine the origin and character of the goods.

(7) *Packing and marking*—(i) *General.* Samples of merchandise must be made up in such a way that they can be easily inspected and must be marked "Samples of Merchandise." They shall be placed in bags, boxes, or wrappers which are unsealed or which have a removable fastener. No packing is required for articles consisting of a single piece, such as pieces of wood, metal, etc., which it is not customary to pack in commercial usage, on the condition that the address and the postage stamps be placed on a tag if necessary. However, the address must always be reproduced on the article itself, in the absence of which packing is required.

(ii) *Weight limit and dimensions.* Weight limit and dimensions are the same as for other printed matter. See subparagraphs (2) and (3) of this paragraph.

(iii) *Permissible enclosures.* Permissible enclosures are listed in § 25.6 (b) of this chapter.

(iv) *Preparation.* Books must be packed as prescribed in subparagraph (5) of this paragraph marked "Books," and must not be sealed.

(e) *Raised print for the blind*—(1) *Rates.* Surface rate for raised print for the blind is 1 cent for each pound or fraction, except that matter that is accepted free of postage in the United States domestic mails, not exceeding 15 pounds 6 ounces, may be sent free of postage to Bolivia, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecquador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, El Salvador, Uruguay, and Venezuela. For airmail rates see § 111.1 (a).

(2) *Weight limit.* Weight limit is 15 pounds 6 ounces.

(3) *Dimensions.* See paragraph (d) (3) of this section.

(4) *Description.* Printing plates with characters for the use of the blind are treated as raised print for the blind. The same applies to sound recordings and special paper intended only for the use of the blind, provided they are sent by an officially recognized institution for the blind or addressed to such an institution.

(5) *Preparation.* Matter for the blind must be prepared for mailing in the same manner as printed matter (see paragraph (d) (5) of this section), marked "Matter for the Blind", and must not be sealed.

(f) *Samples of merchandise*—(1) *Rates.* Surface rate for samples of merchandise is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. For airmail rates see § 111.1 (a).

(2) *Weight limit.* Weight limit is 18 ounces.

(3) *Dimensions*—(i) *Maximum dimensions.* Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches.

(ii) *Minimum dimensions.* Envelopes must not measure less than 4 inches in length and 2¾ inches in width.

(4) *Description.* The following are admitted at the sample rate: Electrotypes; single cut-out patterns; keys sent singly; fresh cut flowers; articles of natural history (dried or preserved animals and plants, geological specimens, etc.); tubes of serum and vaccines; medicaments of urgent need difficult to obtain; pathological objects rendered harmless by their mode of preparation and packing. These articles, except tubes of serum and vaccines, and medicaments of urgent need difficult to obtain, sent in the general interest by laboratories, or institutions officially recognized, must not be sent for commercial purposes.

(5) *Prohibited contents.* Packages containing samples of merchandise shall not contain any article of salable value. Goods sent as gifts or in execution of an order, no matter how small the quantity, are not transmissible at the postage rates and conditions applicable to samples of merchandise. Except as provided in subparagraph (6) of this paragraph, samples of merchandise must not bear any notation or contain any document having the character of actual personal correspondence, nor contain any postage stamps, any canceled or uncanceled form of prepayment, or any paper representing a value. Pairs of articles, such as gloves, shoes, socks, etc. (but not suspenders or drawers), are not transmissible by mail to other countries at the postage rates and conditions applicable to "samples of merchandise," but one article of a pair may be so transmitted.

(6) *Permitted notations.* You may indicate, by hand or by a mechanical process, on the outside or on the inside of packages of samples and, in the latter case, on the sample itself or on a special sheet relative thereto: the name, title, profession, firm, and address of the sender and the addressee, as well as the date of mailing, the signature, telephone number and exchange, telegraphic address and code, current postal check or bank account of the sender, a factory mark or trade mark, a brief indication concerning the manufacturer and the jobber of the merchandise or concerning the person to whom the sample is addressed, as well as order or entry numbers, prices and any other annotations representing price factors, particulars relative to weight, measurement and size, or to the quantity to be disposed of, and such as are necessary to determine the origin and character of the goods.

(7) *Packing and marking*—(i) *General.* Samples of merchandise must be made up in such a way that they can be easily inspected and must be marked "Samples of Merchandise." They shall be placed in bags, boxes, or wrappers which are unsealed or which have a removable fastener. No packing is required for articles consisting of a single piece, such as pieces of wood, metal, etc., which it is not customary to pack in commercial usage, on the condition that the address and the postage stamps be placed on a tag if necessary. However, the address must always be reproduced on the article itself, in the absence of which packing is required.

(ii) *Packing requirements for certain articles*—(a) *Glass.* Articles of glass or other fragile materials must be securely packed (in boxes of metal, wood, or strong corrugated cardboard), so as to avoid all danger to postal employees and the mails.

(b) *Liquids, oils, etc.* Liquids, oils, and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood or strong corrugated cardboard containing enough sawdust, cotton, or spongy material to absorb the liquid in the event of breakage of the receptacle. The cover of the box must be fastened in such a way that it cannot be easily detached.

(c) *Fatty substances.* Fatty substances which do not easily liquefy, such as ointments, soft soap, resin, etc., as well as silkworm eggs, the transmission of which presents fewer difficulties, must be enclosed in an inside cover (box, canvas bag, parchment, etc.), which must itself be placed in a second box of wood, metal, or stout, thick leather.

(d) *Dry powdered dyes.* Dry powdered dyes such as aniline, etc., are not admitted unless enclosed in stout tin boxes, placed in turn inside wooden boxes, with sawdust between the two packings; dry noncoloring powders must be placed in boxes of metal, wood, or cardboard. These boxes themselves must be enclosed in a canvas bag or parchment.

(e) *Live organisms.* Live bees, leeches, silkworm eggs, and parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies shall be enclosed in boxes so constructed as to avoid all danger.

(f) *Deteriorating articles.* Articles which would deteriorate if packed in accordance with the general rules (as well as samples placed in transparent containers permitting verification of their contents) may, as an exception, be admitted in hermetically sealed containers. The same applies to samples of industrial or vegetable products mailed under seal by the factory or sealed by the inspection authorities of the country of origin. In such cases, the postal administration concerned may require the sender or the addressee to facilitate the verification of the contents either by opening certain articles indicated by them or in some other satisfactory manner.

(g) *Small packets*—(1) *Rates.* Surface rate for all countries accepting small packets (see § 111.1 (a)) is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. Minimum charge, 20 cents per packet. For airmail rates, see § 111.1 (a).

(2) *Weight limit.* Weight limit for small packets is 2 pounds 3 ounces.

(3) *Dimensions.* Length, breadth and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches.

(4) *Preparation and marking*—(i) *General.* Small packets are subject to the provisions applicable to samples of merchandise with respect to preparation and packing (see par. (f) (7) of this section). They must be marked "Petit Paquet" (small packet).

(ii) *Documentation.* Small packets, whether or not they are subject to customs inspection, must bear the green (customs) label, Form 2976. See § 111.1 (e) (1).

(5) *Enclosures*—(i) *Permitted enclosures.* You may enclose in "small packets" an open invoice reduced to its essential terms. While the full name and address of the addressee as well as that of the sender must appear on the outside of the packet, a simple copy thereof may also be included therein. Small packets may contain articles liable to customs duty and upon receipt in the country or destination will be subject to the customs regulations of such country.

(ii) *Prohibited enclosures.* Small packets may not contain any letter, note or document having the character of actual personal correspondence; nor coins, bank notes, paper money, postage stamps canceled or uncanceled, or any values payable to the bearer; platinum, gold, or silver, manufactured or unmanufactured; precious stones, jewelry, or other precious articles.

(h) *Eight-ounce merchandise packages*—(1) *Rates.* The surface rate is 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. For airmail rates, see § 111.1 (a).

(2) *Weight limit and dimensions.* The weight limit is 8 ounces. Dimensions, same as for letter packages (see par. (a) (3) of this section).

(3) *Description.* This class of international mail provides a means of sending small quantities of merchandise at rates lower than for small packets or parcel post. The packages are treated in all respects as Postal Union mail.

(4) *Preparation and documentation.* Eight-ounce merchandise packages must not have customs declarations attached and generally must not be sealed. However, when addressed to Canada they may be sealed if marked "May be opened for postal inspection if necessary."

(5) *Countries for which accepted.* Eight-ounce merchandise packages are accepted only to the following countries:

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Republic of Honduras.
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
El Salvador.
Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

(i) *Combination packages and articles grouped together*—(1) *combination packages and rates*—(i) *Definition and rates.* Combination packages are packages made up of two parts, firmly attached together, both addressed for delivery to the same addressee, and consisting of (a) a sealed envelope containing a written or printed communication; and (b) an unsealed container, with samples of merchandise or printed matter enclosed. Each part of a combination package must be fully prepaid at the appropriate rate of postage.

(ii) *Countries for which accepted.* The following countries accept combination packages in the ordinary mail only, except as noted:

Austria.
Bolivia.
Brazil.
British Guiana.
British Honduras.
Bulgaria.
Canada.
Colombia.
Denmark.
Dominican Republic (ordinary or registered).
Faroe Islands.
Greenland.
Haiti.
Republic of Honduras (registered only).
Iceland.
Jamaica.
Mexico.
Nicaragua.
Norway.
Panama, (Rep. of).
Philippines.
Poland.
Rumania.
El Salvador.
Sweden.
Turks Islands.

(2) *Articles grouped together*—(i) *Grouping permitted.* You may include in a single package, commercial papers, samples of merchandise, and printed matter subject to the following conditions:

(a) Each article taken singly must not exceed the limits of weight applicable to it.

(b) The total weight must not exceed 4 pounds 6 ounces per package if it consists solely of commercial papers and samples.

(c) The weight limit is raised to 6 pounds 9 ounces if the package also contains prints, but in such case the total weight of the commercial papers and samples must not exceed 4 pounds 6 ounces.

(d) The dimensions of the package must not exceed those of letters.

(ii) *Rates.* Postage will be charged at the rate of 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. The postage paid must be at least the minimum for commercial papers (10 cents) if the package contains commercial papers. For airmail rates see chart in § 111.1 (a).

PART 112—PARCEL POST

Sec.
112.1 Chart of rates and mailing conditions.
112.2 Preparing, packing, and mailing.
112.3 Prohibitions and restrictions.
112.4 Documentation.
112.5 Group shipments.

AUTHORITY: §§ 112.1 to 112.5 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 112.1 *Chart of rates and mailing conditions.* (See list of countries at end of § 111.1 (a) of this chapter for destinations not specified in chart.)

Country	Surface Parcel Post rates: First pound	Surface Parcel Post rates: Each additional pound	Air Parcel Post rates: First 4 ounces	Air Parcel Post rates: Each additional 4 ounces	Weight limit (pounds)	Dimensions: Greatest length (feet)	Dimensions: Greatest length and girth combined (feet)	Sealing: R=required; O=optional	Group shipments: Y=permitted; N=not permitted (numeral indicates limit, if any, of number of parcels permitted in group)	Form 2966, Customs Declaration (number required)	Form 2972, Dispatch Note (number required)	Form 2922, Parcel Post sticker (number required)	Registration: Y=permitted; N=not permitted	Insurance: Y=available; N=not available
Aden	$0.65	$0.25	$1.50	$0.75	22	3½	6	O	N	1	0	1	N	N
Afghanistan [1]	.94	.23			11	3½	6	O	Y-3	2	1	1	N	N
Albania [4]	1.14	.22			22	3½	6	R	N	2	0	1	N	N
Algeria	.63	.24			44	[20] 3½	6	O	N	1	1	1	N	Y
Andorra	.45	.22			44	[20] 3½	6	R	Y-3	1	1	1	N	Y
Argentina	.48	.25	1.51	.76	44	[20] 3½	6	O	N	2	1	1	N	N
Ascension	.61	.38			11	3½	6	(5)	Y	1	0	1	Y	Y
Australia	.49	.26	1.62	1.27	22	3½	6	(5)	N	1	0	1	N	Y
Austria	.73	.25	1.05	.49	22	[20] 3½	6	(5)	Y	2	1	1	[3] Y	[3] Y
Azores	.45	.22	.71	.44	22	3½	6	(5)	Y	1	0	1	N	Y
Bahamas	.45	.22	.83	.14	22	[20] 3½	6	(5)	[4] Y	1	0	1	N	Y
Barbados	.45	.22	.65	.35	11	3½	6	(5)	N	1	0	1	N	N
Bechuanaland Protectorate	[37] .57	.34	1.31	.94	11	3½	6	O	N	1	0	1	N	N
Belgian Congo	.56	.27	1.38	.79	44	[20] 3½	6	R	[4] Y	3	1	1	N	Y
Belgium	.45	.22	.98	.43	44	[20] 3½	6	(5)	Y	1	1	1	N	N
Bermuda	.45	.22	.76	.13	22	[20] 3½	6	(5)	N	2	0	1	N	Y
Bolivia	[39] 1.10	.30	1.06	.40	44	[20] 3½	6	R	N	2	1	1	N	N
Brazil [1]	.78	.24	1.48	.64	[2] 22, 44	[20] 3½	6	O	Y	2	0	1	N	N
British Cameroons	1.05	.28			22	3½	6	(5)	[4] Y-3	1	1	1	N	Y
British Guiana	.45	.22	1.07	.30	22	[20] 3½	6	(5)	Y	1	1	1	N	N
British Honduras	.45	.22	.80	.20	22	3½	6	O	N	1	0	1	N	N
Brunei	.98	.29			22	3½	6	R	N	1	0	1	N	N
Bulgaria	.47	.24			22	3½	6	R	N	2	1	1	N	N
Burma	.76	.26			22	3½	6	R	N	1	0	1	N	N
Cambodia	.78	.23			[3] 15	3½	6	O	[4] Y	1	1	1	N	Y
Canada	.45	.22			22	[27] 3½	6	(5)	Y-3	1	1	1	N	Y
Cape Verde Islands	.68	.25			22	[20] 3½	6	(5)	N	1	1	1	N	Y
Ceylon	.93	.29	1.75	1.00	22	[20] 3½	6	(5)	[4] Y-3	1	0	1	N	N
Chile	.70	.22	1.31	.56	22, [10] 44	3½	7	R	N	2	2	1	N	N
China [11]	.53	.30	1.43	1.08	44	3½	6	R	[4] Y-3	2	1	1	N	N
Colombia	[39] .78	.34	1.21	.40	44	(See France.)		(5)	N	1	1	1	N	N
Corsica	.63	.24			44	[20] 3½	6	R	N	1	0	1	N	N
Costa Rica	.45	.22	.79	.29	22	[20] 3½	6	R	N	1	1	1	N	N
Cuba	[32] .45	.22	(21)		22	3½	6	O	N	1	1	1	N	N
Cyprus	.81	.23	1.30	.60	22	3½	6	(5)	N	1	0	1	N	N
Czechoslovakia	.57	.26	.88	.48	44	[20] 3½	6	O	N	1	1	1	N	N
Dahomey	.72	.26			44	3½	6	O	Y	1	0	1	N	Y
Denmark (including Faroe Islands and Greenland)	.45	.22	.97	.47	44	[20] 3½	6	(5)	[4] Y-3	1	1	1	N	Y
Dominican Republic	.58	.22	.86	.22	44	[20] 3½	6	R	[4] Y-3	1	1	1	N	Y
Ecuador	.86	.22	1.24	.33	44	[20] 3½	6	O	Y-3	1	1	1	N	N
Egypt	.66	.22	1.35	.64	22	[20] 3½	6	O	N	1	0	1	N	N
Eritrea	.63	.25			44	3½	6	R	N	1	1	1	N	N
Estonia	.92	.25	1.66	.63	22	[20] 3½	6	O	N	3	1	1	N	N
Ethiopia	.73	.26			44	3½	6	O	N	1	0	1	N	N
Falkland Islands	.80	.23	1.26	.76	22	3½	6	O	N	1	0	1	N	N
Fiji Islands	.66	.28	1.67	1.00	44	[20] 3½	6	(5)	N	1	0	1	N	Y
Finland	.47	.24	.88	.51	44	[20] 3½	6	(5)	N	1	0	1	N	Y
France	.45	.22	1.22	.44	22	3½	6	R	N	1	0	1	N	N
French Cameroons	.49	.26			44	3½	6	R	N	1	0	1	N	N
French Equatorial Africa	.74	.26			11	3½	6	R	N	1	0	1	N	N
French Guiana	.65	.24	.79	.44	44	3½	6	O	[5] N	1	0	1	N	N
French Guinea	.70	.25			22	3½	6	O	N	1	0	1	N	N
French Oceania	.51	.28			22	3½	6	O	N	1	0	1	N	N
French Somaliland	.45	.22			44	3½	6	O	N	1	0	1	N	N
French Sudan	.70	.26			44	3½	6	O	N	1	0	1	N	N
French Togoland	.72	.26			22	3½	6	O	N	1	0	1	N	N
Gambia	.99	.28			22	3½	6	(5)	N	1	0	1	N	[22] Y
Germany	.45	.22	.95	.45	[12] 22, 44	3½	6	(5)	[4] Y	1	1	1	N	Y
Gibraltar	.45	.22	.75	.50	22	[20] 3½	6	(5)	N	1	0	1	N	N
Gilbert and Ellice Islands Colony	.53	.27			11	3½	6	O	N	1	0	1	N	[3] Y
Gold Coast Colony	.53	.22	1.18	.64	22	3½	6	(5)	N	1	1	1	N	Y
Great Britain and Northern Ireland	.46	.23	1.00	.41	22	3½	6	(5)	[4] Y	1	1	1	N	[22] Y
Greece	.45	.24	1.07	.57	22	[20] 3½	6	(5)	N	1	1	1	N	N
Guadeloupe	.45	.22	.65	.20	11	3½	6	(5)	Y	1	1	1	N	Y
Guatemala	.70	.22	1.01	.25	44	[20] 3½	6	O	[4] Y-3	1	0	1	N	N
Haiti	.61	.23	.72	.21	44	[20] 3½	6	R	N	1	0	1	N	N
Honduras, Rep. of	.45	.22	.78	.28	[12] 22, 44	[20] 3½	6	R	N	1	0	1	N	N
Hong Kong	.45	.22	1.74	1.39	22	3½	6	O	N	1	0	1	N	N
Hungary	.51	.28			44	[20] 3½	6	(5)	N	1	0	1	N	Y
Iceland	.61	.24	.89	.33	44	[20] 3½	6	(5)	Y	2	0	1	N	Y
India	.70	.24	1.70	.96	22	[20] 3½	6	O	N	2	0	1	N	Y
Indonesia	.61	.22	1.75	1.00	11	[20] 3½	6	O	N	3	1	1	N	N
Iran	.45	.22	1.47	.72	44	3½	6	R	Y-3	1	0	1	N	N
Iraq	.66	.25	1.47	.72	44	3½	6	(5)	Y-3	2	1	1	N	N
Ireland (Eire)	.45	.22	.97	.37	22	3½	6	O	N	1	1	1	N	N
Israel	.66	.25	1.42	.67	22	3½	6	R	N	1	0	1	N	N
Italy	.53	.22	1.08	.50	44	[20] 3½	6	R	N	1	1	1	N	N
Ivory Coast	.45	.22			44	3½	6	O	N	1	0	1	N	Y
Jamaica	.45	.22	.95	.18	22	3½	6	(5)	[4] Y	1	1	1	N	N
Japan	.48	.25	1.27	.91	22	[20] 3½	6	(5)	Y-3	1	1	1	N	N
Jordan (Hashemite Kingdom)	[34] 1.01	.27			22	3½	6	O	N	1	1	1	N	N
Kenya and Uganda	.53	.24	1.35	.85	11	3½	6	O	N	1	0	1	N	N
Korea	.48	.25	1.37	1.01	22	[20] 3½	6	O	N	1	1	1	N	N
Labuan	.78	.27			22	3½	6	O	N	1	1	1	N	N
Laos	.78	.23			22	3½	6	R	N	1	1	1	N	N
Latvia	.92	.25	1.66	.63	22	[20] 3½	6	(5)	N	3	2	1	N	N
Lebanon (Republic of)	.53	.22	1.22	.64	[11, 13] 44	3½	6	R	N	1	1	1	N	Y
Leeward Islands	[11] .45	.22	.50	.20	22	3½	6	(5)	N	1	1	1	N	N
Liberia	.45	.22	.86	.56	22	3½	6	R	N	1	1	1	N	N
Libya (United Kingdom of)	.68	.24			22	[20] 3½	6	R	N	1	1	1	N	N

See footnotes on p. 9127.

Country	Surface Parcel Post rates: First pound	Surface Parcel Post rates: Each additional pound	Air Parcel Post rates: First 4 ounces	Air Parcel Post rates: Each additional 4 ounces	Weight limit (pounds)	Dimensions: Greatest length (feet)	Dimensions: Greatest length and girth combined (feet)	Sealing: R=required; O=optional	Group shipments: Y=permitted; N=not permitted (numeral indicates limit, if any of number of parcels permitted in group)	Form 2966, Customs Declaration (number required)	Form 2972, Dispatch Note (number required)	Form 2922, Parcel Post sticker (number required)	Registration: Y=permitted; N=not permitted	Insurance: Y=available; N=not available
Lithuania	$0.92	$0.25	$1.66	$0.63	22	[20] 3½	6	R	N	3	1	1	N	N
Luxembourg	.45	.23	.98	.43	44	[20] 3½	6	(2)	[4] Y	2	1	1	N	[4] Y
Macao	.78	.23			22	[20] 3½	6	O	N	1	0	1	N	N
Madagascar and Dependencies	.82	.25			11	3½	6	O	N	1	0	1	N	N
Madeira Islands	.93	.27	.75	.50	22	3½	6	(4)	Y-3	1	1	1	[5] Y	[5] Y
Malaya	.88	.26	1.75	1.00	22	3½	6	O	Y	1	0	1	N	N
Malta	.68	.24	1.10	.50	22	3½	6	O	Y	1	0	1	N	N
Martinique	.45	.22	.65	.25	11	3½	6	O	N	2	0	1	N	N
Mauritania	.70	.25			44	3½	6	O	N	1	0	1	N	N
Mauritius and Dependencies	.65	.42			11	3½	6	O	N	1	0	1	N	N
Mexico	.45	.22	.64	.18	44	[20] 3½	6	R	[4] Y-3	1	0	1	N	N
Morocco, French Zone	.45	.22	1.19	.54	44	3½	6	R	N	1	0	1	N	N
Morocco, Spanish Zone	.71	.24	1.19	.54	[6] 22, 44	[20] 3½	6	R	N	2	1	1	N	N
Morocco, Tangier (International Zone) [21]	.71	.24	1.19	.54	44	3½	6	R	N	1	0	1	N	[22] Y
Nauru Island	.53	.27			11	3½	6	O	N	1	0	1	N	N
Netherlands	.45	.22	.89	.44	44	[20] 3½	6	(2)	Y	3	1	1	N	Y
Netherlands New Guinea	.87	.25			11	[20] 3½	6	O	Y-3	2	0	1	N	N
Netherlands West Indies	.45	.22	.72	.36	44	[20] 3½	6	(1)	Y	1	0	1	N	Y
New Caledonia and Dependencies	.53	.24			44	3½	6	O	N	1	0	1	N	N
New Guinea Territory	.53	.27			11	3½	6	O	N	1	0	1	N	N
New Hebrides	.58	.28			11	3½	6	O	N	1	0	1	N	N
New Zealand	.45	.22	1.82	1.17	22	[20] 3½	6	(2)	[4] Y	1	0	1	N	Y
Nicaragua	.45	.22	.80	.29	44	[20] 3½	6	R	N	1	0	1	N	Y
Niger	.72	.26			44	3½	6	R	N	1	0	1	N	N
Nigeria	1.05	.28	1.25	.65	22	3½	6	O	Y	1	0	1	N	N
North Borneo	.98	.29			22	3½	6	O	Y	1	0	1	N	N
Norway	.47	.24	1.02	.47	44	3½	6	(1)	N	1	0	1	N	Y
Pakistan	[23] .70	.24	1.63	.84	22	3½	6	O	N	2	1	1	N	N
Palestine, Western Arab	1.01	.25			11	3½	6	O	Y-3	1	1	1	N	N
Panama (Republic of)	.70	.22	.91	.21	[20] 44, 70	[20] 3½	[24] 7	R	N	2	0	1	N	N
Papua	.53	.27			11	3½	6	O	N	2	0	1	N	N
Paraguay	.61	.32	1.00	.50	44	[20] 3½	6	R	[4] Y-3	1	1	1	N	N
Persian Gulf Ports	.46	.23	[25] 1.35	.75	22	3½	6	(1)	N	2	1	1	N	Y
Peru	.56	.22	1.23	.37	44	[20] 3½	6	R	N	1	0	1	N	N
Philippines	.45	.22	1.81	1.26	[10] 11, 22, 44	[20] 3½	6	O	N	1	0	1	N	N
Pitcairn Island	.45	.22			11	3½	6	O	N	1	0	1	N	N
Poland	.53	.22	1.06	.52	44	[20] 3½	6	O	N	2	0	1	N	N
Portugal	.45	.22	.71	.44	22	3½	6	(3)	N	2	0	1	Y	Y
Portuguese East Africa (Mozambique)	.53	.22	1.63	1.00	22	[20] 3½	6	(3)	Y	1	1	1	N	Y
Portuguese India	.86	.23	1.83	.88	11	3½	6	R	Y-3	1	1	1	N	N
Portuguese Timor	.74	.25			22	2	4	R	Y-3	2	1	1	N	N
Portuguese West Africa	[27] .53	.22	[25] 1.45	.83	22	[20] 3½	6	(3)	Y-3	1	1	1	Y	Y
Reunion	.81	.27			44	3½	6	R	N	1	1	1	N	N
Rhodesia and Nyasaland	.65	.40			11	3½	6	O	N	1	0	1	N	N
Rumania	.73	.25			[6] 22	[20] 3½	6	O	Y-3	1	0	1	N	N
Ryukyu Islands	[26] .50	.27	1.27	.01	22	[20] 3½	6	(3)	[4] Y	1	0	1	N	Y
St. Helena	.61	.38	1.31	.94	11	3½	6	O	N	1	0	1	N	N
St. Pierre and Miquelon	.45	.22			22	3½	6	O	Y	1	0	1	N	N
Salvador (El)	1.19	.26	1.02	.26	44	[20] 3½	6	R	[4] Y-3	2	1	1	N	N
Santa Cruz Islands	.61	.26			11	3½	6	O	N	1	0	1	N	N
Sarawak	.98	.29			22	3½	6	O	N	1	0	1	N	N
Saudi Arabia [28]	.69	.24	1.60	.80	22	3½	6	O	Y-3	2	1	1	N	N
Senegal	.70	.25	.90	.50	44	3½	6	O	N	1	0	1	N	N
Seychelles	.75	.39			11	3½	6	O	N	1	0	1	N	N
Sierra Leone	.69	.25			22	3½	6	O	N	1	0	1	N	N
Solomon Islands	.53	.27			11	3½	6	O	N	1	0	1	N	N
Somalia	.68	.25			22	[20] 3½	6	R	Y	1	1	1	N	N
Somaliland Protectorate	.68	.27			22	3½	6	O	Y	1	0	1	N	N
Southwest Africa	.59	.36	1.31	.94	11	3½	6	O	N	1	0	1	N	N
Spain	[29] .70	.23	[30] 1.25	.50	[6] 22, 44	[20] 3½	6	R	N	[20] 3	1	1	N	[4] Y
Spanish Guinea	.99	.26			44	[20] 3½	6	R	N	3	1	1	N	N
Sudan	.91	.22			22	[20] 3½	6	O	Y-3	2	1	1	N	N
Surinam	.45	.22	.92	.41	44	[20] 3½	6	(1)	Y	2	0	1	N	Y
Sweden	.47	.24	.85	.49	44	3½	[31] 6½	(1)	N	1	0	1	N	Y
Switzerland (including Liechtenstein)	.48	.25	.92	.46	44	[20] 3½	6	(2)	[4] Y-3	1	1	1	N	Y
Syria (Republic of)	.63	.24	1.22	.64	[11] 11, 22, 44	3½	6	R	N	2	1	1	N	N
Tanganyika Territory	.53	.24	1.35	.65	11	3½	6	O	N	1	0	1	N	N
Thailand	.60	.22	2.29	1.50	22	[20] 3½	6	O	Y	1	0	1	N	N
Tonga (Friendly) Islands	.77	.28			11	3½	6	O	N	1	0	1	N	N
Trinidad and Tobago	.45	.22	1.03	.35	22	3½	6	(3)	Y	1	0	1	Y	N
Tristan da Cunha	.57	.34	1.31	.94	11	3½	6	O	N	1	0	1	N	N
Tunisia (Tunis)	.53	.22	1.11	.54	44	3½	6	O	N	1	1	1	N	N
Turkey	.47	.24	1.18	.57	44	[20] 3½	6	O	Y-3	2	1	1	N	N
Turks Island (including Caicos Islands)	.45	.22			22	3½	6	(3)	N	1	0	1	Y	N
Union of South Africa	.48	.25	1.31	.94	11	3½	6	O	N	1	0	1	N	N
U. S. S. R.	.92	.25	1.66	.63	22	[20] 3½	6	R	N	3	1	1	N	N
Upper Volta	.45	.22			44	3½	6	O	N	1	0	1	N	N
Uruguay	[32] .45	.22	1.26	.76	44	3½	6	R	[4] Y-3	1	1	1	N	N
Vatican City State	.53	.22	1.06	.50	44	[20] 3½	6	O	N	1	0	1	N	N
Venezuela (Republic of)	.88	.27	1.27	.36	44	[20] 3½	6	R	[4] Y-3	4	1	1	N	N
Viet-Nam	.78	.23			22	3½	6	R	N	1	0	1	N	N
Western Samoa	.45	.22			11	[20] 3½	6	(3)	[4] Y	1	0	1	N	Y
Windward Islands	.45	.22			22	[20] 3½	6	(3)	[4] Y	1	0	1	N	Y
Yugoslavia	.47	.24	.87	.52	44	[20] 3½	6	(3)	[4] Y	1	0	1	N	Y
Zanzibar and Pemba	1.01	.30	1.35	.85	11	3½	6	O	N	1	0	1	N	N

See footnotes on p. 9127.

[1] Parcels must not be addressed "Poste restante" (general delivery). Parcel post business is transacted only at the following post offices, and the name of one of these post offices must form part of the address of the parcel:

Alegrete.
Amparo.
Antonina.
Aracajú.
Araguari.
Araraquara.
Bagé.
Bahia (see Salvador).
Barbacena.
Bara do Piraí.
Barra Mansa.
Barretos.
Bauru.
Belédouro.
Belem (Para).
Belo Horizonte.
Blumenau.
Botucatu.
Bragança.
Caçapava.
Cachoeira (Bahia).
Cachoeira (Rio Grande do Sul).
Cachoeiro do Itapemirim.
Campanha.
Campina Grande.
Campinas.
Campo Grande.
Campos.
Carangola.
Casa Branca.
Cataguazes.
Catanduva.
Caxambu.
Caxias.
Corumbá.
Cruz Alta.
Cruzeiro.
Cuiabá.
Curitiba.
Curvelo.
Diamantina.
Florianópolis.
Formiga.
Fortaleza.
Franca.
Goiânia.
Guaratinguetá.
Ilhéus.
Itajuba.
Itapetininga.
Itaqui.
Itu.
Jaboticabal.
Jaguarão.
Jau.
João Pessoa.
Joinville.
Juázeiro.
Juiz de Fora.
Jundiaí.
Laguna.
Lavras.
Limeira.
Livramento.
Lorena.
Macaé.
Maceió.
Manáus.
Mococa.
Mogy Mirim.
Montes Claros.
Natal.
Niterói.
Nova Friburgo.
Ouro Prêto.
Para (see Belém).
Parnaguá.
Parnaiba.
Passo Fundo.
Pelotas.
Penedo.
Pernambuco (see Recife).
Petrópolis.
Pindamonhangaba.
Pinhal.
Piracicaba.
Pirassununga.
Pocos de Caldas.
Ponta Grossa.
Ponte Nova.
Pôrto Alegre.
Pôrto União.
Pouso Alegre.
Recife (Pernambuco).
Ribeirão Prêto.
Rio Branco (Acre).
Rio Claro.
Rio das Contas.
Rio de Janeiro.
Rio Grande (Rio Grande do Sul).
Rio Prêto.
Salvador (Bahia).
Santa Maria.
Santa Rita do Sapucaí.
Santos.
São Carlos.
São Felix.
São Francisco do Sul.
São José da Boa Vista.
São João d'El Rey.
São José dos Campos.
São José do Rio Pardo.
São Leopoldo.
São Luiz (Maranhao).
São Paulo.
Sorocaba.
Taquaritinga.
Taubaté.
Teófilo Ottoni.
Terezina.
Três Corações.
Ubá.
Uberaba.
Uberlândia.
Uruguaiana.
Valença.
Varginha.
Visconde do Rio Branco.
Vitória.

[2] Registered or insured parcels must be sealed; sealing of ordinary parcels is optional.
[3] Same as for Portugal.
[4] Ordinary parcels only.
[5] Surface parcels only.
[6] Parcels exceeding 22 pounds accepted for the following offices only: Belem (Para), Belo Horizonte, Florianópolis, Fortaleza, Manáus, Pelotas, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Rio Grande (Rio Grande do Sul), Salvador (Bahia), Santos, and São Paulo.
[7] Permitted to Buea, Dalami, and Victoria only.
[8] Parcels for members of the Canadian Armed Forces overseas addressed for delivery through the Canadian Army Post Office must not exceed 10 pounds in weight, and may not be insured.
[9] Insured parcels of more than ordinary value should be sealed.
[10] Parcels exceeding 22 pounds are accepted only for dispatch by surface means to Taipei, Keelung (Kirun) and Kaohsiung, Taiwan. Parcels for Quemoy and Matsu are limited to 7 pounds.
[11] Service limited to Kabul, Jallalabad, and Kandahar.
[12] To the Soviet Zone, including the Soviet sector of Berlin, gift parcels are limited to 22 pounds in weight, other parcels may weigh up to 44 pounds. Insured parcels are acceptable only for the Western Zone, including the Western Sector of Berlin. Service to the Soviet Zone, including the Soviet sector of Berlin, is limited to uninsured parcels.
[13] Parcels exceeding 22 pounds accepted for Amapala, Comayagua, La Ceiba, Olanchito, Progreso, Puerto Castilla, Puerto Cortez, San Pedro Sula, Tegucigalpa, and Tela.
[14] No parcel post service to continental China.
[15] Parcels exceeding 11 pounds in weight are not accepted to the following offices: Ain-Zhalta, Baino, Falougha, Hermel, Koubayat, Masser-el-Chouf, Ras-Baalbeck, Souk-el-Gharb.
[16] Air parcel limit, 44 pounds.
[17] Parcels for the following offices are limited to 22 pounds in weight:

Post office	Province	Post office	Province
Aborlan	Palawan.	Biliran	Leyte.
Abra de Ilog	Mindoro.	Binan	Laguna.
Agdangan	Quezon.	Bislig	Surigao.
Apoo	La Union.	Bobon	Samar.
Aputaya	Palawan.	Bocaue	Bulacan.
Alabat	Quezon.	Bongao	Sulu.
Allen	Samar.	Brooke's Point	Palawan.
Almagro	Samar.	Buenavista	Iloilo.
Alonero	Quezon.	Buhi	Camarines Sur.
Amadeo	Cavite.	Bulacan	Bulacan.
Anahawan	Leyte.	Buluan	Cotabato.
Anao	Tarlac.	Bunawan	Agusan.
Anda	Pangasinan.	Burdaos	Quezon.
Angeles	Pampanga.	Burgos	Ilocos Sur.
Apalit	Pampanga.	Caba	La Union.
Aringay	La Union.	Cabalian	Leyte.
Baao	Camarines Sur.	Cabucgayan	Leyte.
Babatngon	Leyte.	Cabusao	Camarines Sur.
Bacuit	Palawan.	Cabuyao	Laguna.
Baganga	Davao.	Cagayan de Sulu	Sulu.
Balien	Cavite.	Caibiran	Leyte.
Balabac	Palawan.	Cajidiocan	Romblon.
Balangiga	Samar.	Calamba	Laguna.
Baleno	Masbate.	Calasiao	Pangasinan.
Bamban	Tarlac.	Calauag	Quezon.
Banayoyo	Ilocos Sur.	Calubian	Leyte.
Bantay	Ilocos Sur.	Calumpit	Bulacan.
Bantayan	Cebu.	Camalig	Albay.
Basey	Samar.	Candaba	Pampanga.
Bato	Camarines Sur.	Candelaria	Quezon.
Bato	Leyte.	Caoayan	Ilocos Sur.
Bauang	La Union.	Capas	Tarlac.
Bautista	Pangasinan.	Capul	Samar.
Bayambang	Pangasinan.	Caraga	Davao.
Bigaa	Bulacan.	Caramay	Palawan.

Post office	Province	Post office	Province
Carmona	Cavite.	Meycauayan	Bulacan.
Casiguran	Quezon.	Minalin	Pampanga.
Catanauan	Quezon.	Moncada	Tarlac.
Catarman	Misamis Oriental.	Mondragon	Samar.
Catarman	Samar.	Muntinlupa	Rizal.
Cateel	Davao.	Naguilan	Ilocos Sur.
Catubig	Samar.	Naujpucan	Nueva Ecija.
College	Laguna.	Natividad	Pangasinan.
Concepcion	Iloilo.	Naval	Leyte.
Concepcion	Romblon.	Noveleta	Cavite.
Concepcion	Tarlac.	Nueva Valencia	Iloilo.
Corcuera	Romblon.	Numancia	Surigao.
Cordova	Cebu.	Oas	Albay.
Coron	Palawan.	Opon	Cebu.
Cuartero	Capiz.	Padre Burgos	Quezon.
Culion	Palawan.	Pagbilao	Quezon.
Cuyapo	Nueva Ecija.	Palapag	Samar.
Cuyo	Palawan.	Palompon	Leyte.
Dao	Capiz.	Pambujan	Samar.
Dapa	Surigao.	Pamplona	Camarines Sur.
Dapitan	Zamboanga.	Paniqui	Tarlac.
Daraga	Albay.	Panitan	Capiz.
Dasmarinas	Cavite.	Pantukan	Davao.
Del Gallego	Camarines Sur.	Papaya	Nueva Ecija.
Dinegat	Surigao.	Passi	Iloilo.
Duenas	Iloilo.	Pateros	Rizal.
Dulawan	Cotabato.	Pavia	Iloilo.
Dumalag	Capiz.	Penaranda	Nueva Ecija.
Dumarao	Capiz.	Pilar	Cebu.
Enrique Villanueva	Negros Oriental.	Pili	Camarines Sur.
Esperanza	Agusan.	Pinabacdao	Samar.
Fort Stotsenburg	Pampanga.	Pitogo	Quezon.
Gapan	Nueva Ecija.	Plaridel	Bulacan.
General Luna	Quezon.	Polangui	Albay.
General Luna	Surigao.	Polillo	Quezon.
Gerona	Tarlac.	Porac	Pampanga.
Glan	Cotabato.	Poro	Cebu.
Governor Generoso	Davao.	Pototan	Iloilo.
Guiguinto	Bulacan.	Puerto Galera	Mindoro.
Guinayangan	Quezon.	Pulilan	Bulacan.
Guinobatan	Albay.	Pura	Tarlac.
Gumaca	Quezon.	Quezon	Quezon.
Hilongos	Leyte.	Ragay	Camarines Sur.
Hinatuan	Surigao.	Ramos	Tarlac.
Hindang	Leyte.	Rapu-Rapu	Albay.
Hinunangan	Leyte.	Rosales	Pangasinan.
Hinundayan	Leyte.	Roxas	Mindoro.
Hondagua	Quezon.	Sabtang	Batanes.
Iba	Zambales.	Sagay	Misamis Oriental.
Imus	Cavite.	Samal	Davao.
Inopacan	Leyte.	San Antonio	Nueva Ecija.
Iriga	Camarines Sur.	San Antonio	Samar.
Isabel	Leyte.	San Carlos	Pangasinan.
Itbayat	Batanes.	San Fabian	Pangasinan.
Jaen	Nueva Ecija.	San Fernando	Masbate.
Jaro	Iloilo.	San Fernando	Romblon.
Jones	Romblon.	San Francisco del Monte	Rizal.
Jordan	Iloilo.	San Isidro	Leyte.
Jovellar	Albay.	San Jacinto	Masbate.
Kabasalan	Zamboanga.	San Jose	Mindoro.
Kauayan	Leyte.	San Jose	Samar.
Kiamba	Cotabato.	San Juan	Negros Oriental.
Labangan	Zamboanga.	San Leonardo	Nueva Ecija.
Labason	Zamboanga.	San Luis	Pampanga.
Laoang	Samar.	San Manuel	Tarlac.
Larena	Negros Oriental.	San Miguel	Tarlac.
Lavezares	Samar.	San Narciso	Quezon.
Lazi	Negros Oriental.	San Nicolas	Pangasinan.
Lebak	Cotabato.	San Simon	Pampanga.
Llanga	Surigao.	San Pascual	Masbate.
Libagon	Leyte.	San Pedro	Laguna.
Libmanan	Camarines Sur.	San Teodoro	Mindoro.
Libon	Albay.	San Vicente	Ilocos Sur.
Ligao	Albay.	Santa Barbara	Iloilo.
Liloan	Leyte.	Santa Catalina	Ilocos Sur.
Lopez	Quezon.	Santa Fe	Cebu.
Loreto	Surigao.	Santa Fe	Romblon.
Los Banos	Laguna.	Santa Rita	Pampanga.
Lubang	Mindoro.	Santa Rita	Samar.
Lucena	Iloilo.	Santa Rosa	Laguna.
Lumbatan	Lanao.	Santo Nino	Samar.
Lupi	Camarines Sur.	Santo Tomas	La Union.
Lupon	Davao.	Sexmoan	Pampanga.
Mabalacat	Pampanga.	Siasi	Sulu.
Macalelon	Quezon.	Sipocot	Camarines Sur.
Madridejos	Cebu.	Siquijor	Negros Oriental.
Magalang	Pampanga.	Sitangkai	Sulu.
Magdiwang	Romblon.	Sogod	Leyte.
Mahinog	Misamis Oriental.	Suyo	Ilocos Sur.
Malangas	Zamboanga.	Tarig	Rizal.
Malasiqui	Pangasinan.	Tagkawayan	Quezon.
Malita	Davao.	Tago	Surigao.
Mambajao	Misamis Oriental.	Talacogon	Agusan.
Manay	Davao.	Talalora	Samar.
Mangaldan	Pangasinan.	Talisay	Cebu.
Manito	Albay.	Tamparan	Lanao.
Mansalay	Mindoro.	Tandag	Surigao.
Mapandan	Pangasinan.	Tanza	Cavite.
Marabut	Samar.	Tilik	Mindoro.
Margosatubig	Zamboanga.	Trinidad	Davao.
Maria	Negros Oriental.	Tumbao	Cotabato.
Mariba	Bulacan.	Unisan	Quezon.
Maripipi	Leyte.	Urbiztondo	Pangasinan.
Mati	Davao.	Villaba	Leyte.
Mayantoc	Tarlac.	Villareal	Samar.
Merida	Leyte.	Zumarraga	Samar.

Parcels for the following offices are limited to 11 pounds in weight:

Post office	Province	Post office	Province
Alilem	Ilocos Sur.	Aurora	Quezon.
Aliacapan	Cagayan.	Baco	Mindoro.
Angaki	Ilocos Sur.	Bagulin	La Union.

Parcels for the following offices are limited to 11 pounds in weight—Continued

Post office	Province	Post office	Province
Balbalan	Mountain Province.	Mayoyao	Mountain Province.
Baras	Catanduanes.	Mulanay	Quezon.
Barbasa	Antique.	Natonin	Mountain Province.
Barlig	Mountain Province.	Nueva Era	Ilocos Norte.
Bugasong	Antique.	Nuling	Cotabato.
Buguey	Cagayan.	Palanan	Isabela.
Bulalacao	Mindoro.	Paluan	Mindoro.
Cagayancillo	Palawan.	Pandan	Catanduanes.
Calayan	Cagayan.	Panganiban	Catanduanes.
Caluya	Antique.	Pantabangan	Nueva Ecija.
Camaligan	Camarines Sur.	Patnongon	Antique.
Capalonga	Camarines Norte.	Penablanca	Cagayan.
Caramoran	Catanduanes.	Perez	Quezon.
Concepcion	Ilocos Sur.	Pinappagan	Nueva Vizcaya.
Culasi	Antique.	Pintuyan	Leyte.
Dingle	Iloilo.	Placer	Masbate.
Dumaran	Palawan.	Prosperidad	Agusan.
Famy	Laguna.	Quinapandan	Samar.
Gainza	Camarines Sur.	Rizal	Cagayan.
Gamay	Samar.	Sablayan	Mindoro.
Garchitorena	Camarines Sur.	Sallapadan	Abra.
General Nakar	Quezon.	San Emilio	Ilocos Sur.
Giporlos	Samar.	San Francisco	Cebu.
Ivana	Batanes.	San Jacinto	Bohol.
Jabonga	Agusan.	San Luis	Batangas.
Jasaan	Misamis Oriental.	San Mateo	Isabela.
Kabayan	Mountain Province.	San Pablo	Isabela.
Kabugao	Mountain Province.	San Policarpo	Samar.
Kapangan	Mountain Province.	San Quintin	Abra.
Langiden	Abra.	Santol	La Union.
Las Navas	Samar.	Santo Tomas	Isabela.
Lauan	Antique.	Saug	Davao.
Lenery	Iloilo.	Sigay	Ilocos Sur.
Leyte	Leyte.	Siruma	Camarines Sur.
Libacao	Capiz.	Sugpen	Ilocos Sur.
Lidlidda	Ilocos Sur.	Talaytug	Nueva Ecija.
Lingig	Surigao.	Tarangnan	Samar.
Linugos	Misamis Oriental.	Taytay	Palawan.
Lobo	Batangas.	Tibiao	Antique.
Looc	Mindoro.	Tinambac	Camarines Sur.
Loreto	Agusan.	Tinambacan	Samar.
Luba	Abra.	Tubay	Agusan.
Madalag	Capiz.	Tudela	Cebu.
Magallanes	Cavite.	Upi Agricultural High School.	Cotabato.
Mahatao	Batanes.	Uyugan	Batanes.
Mamburao	Mindoro.	Valderrama	Antique.
Manabo	Abra.	Victoria	Laguna.
Mandaon	Masbate.	Viga	Catanduanes.
Maria Aurora	Quezon.		
Mataasnakahoy	Batangas.		

[38] Insurance service limited to—

Aghios Nicolaos (Crete).	Karpenission.	Piraeus.
Alexandroupolis.	Kastoria.	Polyghyros.
Amphissa.	Katerini.	Preveza.
Argostolion.	Kavalla.	Pyrghos (Ilias).
Arta.	Kerkyra.	Rethymnon.
Athens.	Kilkis.	Rodos.
Chalkis.	Komotini.	Samos.
Chania.	Korinthos.	Serral.
Chios.	Kozani.	Sparti.
Drama.	Lamia.	Syros.
Edessa.	Larissa.	Thessaloniki (Salonica).
Filiates.	Lefkas.	Trikkala.
Florina	Levadia.	Tripolis.
Iraklion (Crete).	Messolonghion.	Verria.
Ioannina.	Mytilini.	Volos.
Kalamai.	Nafplion.	Zakynthos.
Karditsa.	Patrai.	Zanthi.

[39] 2 forms required for Spanish Possessions.

[40] Parcels addressed to Chahba and Salkhad are limited to 11 pounds in weight, and parcels for Tel-Abiad and Yabroud to 22 pounds. To other places in Syria the weight limit is 44 pounds.

[41] Surface rate applies to weights over 8 oz. to one pound; air parcel rate, $1.10 over 8 ounces to 12 ounces, 15 cents each additional 4 ounces.

[42] For rates and conditions to Spanish Post Office in Tangier, see item Spain.

[43] For Bahrein only.

[44] For Angola only.

[45] For Spain, Balearic Islands, Canary Islands, Spanish offices in Northern Africa, and the Spanish Post Office in Tangier.

[46] Bechuanaland Protectorate:

All places except Ghanzi and Kasane	$0.57	$0.34
Ghanzi only	.63	.40
Kasane only	.73	.50

[47] Bolivia:

All places except below	1.10	.30
Cochabamba, Potosi, Sucre, Tupiza, Uyuni, Villazon	.94	.26
La Paz and Oruro	.73	.25

[48] Colombia:

All places except below	.78	.34
Cauca and Valle (except Buenaventura)	.78	.27
Cities of Barranquilla, Buenaventura, Cartagena, Santa Marta, Tumaco	.78	.22

[49] Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

[50] Service only to—

Al Gaba.	Jiddah.	Qunfidha.
Al Lith.	Jizan.	Rabigh.
Al Wejh.	Katif.	Rastanurra.
Daba.	Khobar.	Riyadh.
Dammam.	Mecca.	Umm Lej.
Dhahran.	Medina.	Yenbo.
Hassa.		

[51] Parcels exceeding 6 feet in combined length and girth are restricted to 2½ feet in length.

[52] Parcels exceeding 6 feet in combined length and girth shall not exceed 30 inches in length.

[53] Jordan:

Central Arab Palestine	$1.01	$0.27
All other	.73	.25

[54] Leeward Islands:

All except Montserrat	.45	.22
Montserrat	.48	.25

[55] Pakistan:

Western	.70	.24
Eastern	1.02	.24

[56] Portuguese West Africa:

Angola and Guinea	.53	.22
St. Thomas and Prince Island	.71	.24

[57] Ryukyu Islands:

Regular	.50	.27
U. S. A. gift parcels	.46	.23

[58] Spain:

Regular	.70	.23
Balearic Islands, Spanish offices in North Africa and in Tangier	.78	.23
Canary Islands	.83	.24

[59] Uruguay:

Montevideo only	.45	.22
All other	.70	.22

[60] Insurance available to British and Spanish Post Offices only.

[61] Gift parcels are limited to 4 lbs. 6 oz. gross weight.

[62] Service only to—

Berat.	Korce (Coritoza).	Peqin.
Bilisht.	Krujc.	Permet.
Delvine.	Kucove.	Peshkopi.
Dures (Durazzo).	Kukes.	Puke.
Elbasan.	Kurvelesh.	Sarande.
Fier.	Lesh (Alessio).	Shijak.
Gjirokaster (Argirokastro).	Leskovik.	Shkoder (Scutari).
Himare.	Libhove.	Tepelene.
Kavaje.	Librazh.	Tirana.
Klos.	Lushnje.	Vlone (Valoon).
Kolonje.	Mallakaster.	Wilson.
Konispol.	Milot.	Vlore.

[63] Air parcel limit, 22 pounds.

§ 112.2 *Preparing, packing, and mailing*—(a) *Packing*—(1) *In general.* (i) Every parcel shall be securely and substantially packed, having regard to the nature of the contents and climatic conditions, the length of the journey, and the numerous handlings and risks of concussion to which parcels for foreign destinations are unavoidably subjected en route.

(ii) Packages must be packed in canvas or similar material, double-faced corrugated cardboard boxes, solid fiber boxes or cases, thick cardboard boxes, or strong wooden boxes made of lumber at least a half-inch thick or plywood of at least three plies. Ordinary pasteboard containers are wholly inadequate. Although it is permissible to use heavy wrapping paper or waterproof paper as the outside covering, for instance, of a carton, it shall not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by sewing may be used provided they conform to other conditions prescribed.

(iii) The responsibility of properly enclosing, packing, and sealing parcels in the international mails rests with the sender, and the postal service will not assume liability for loss, rifling, or damage arising from defects which may not be observed at the time of mailing.

(iv) For specific illustrations regarding recommended packing of parcels, see Part 11.

(2) *Specific articles.* (i) Articles of china, crockery, or glass, and hats, radios, or other articles of a fragile or easily breakable nature shall be packed in a strong (preferably wooden) box. Solid fiberboard or strong double-faced corrugated fiberboard boxes (not less than 200-pound test) enclosed in strong wooden crates are also preferred, especially in the case of overseas destinations. There shall be a space of at least 1½ inches between the article and the top, bottom, and sides of the box. This space may be filled with excelsior or other effective cushioning material, or with air-cushioned corrugated riders.

(ii) Umbrellas, canes, golf clubs, fishing rods or sections thereof, and similar articles shall be packed in strong boxes made of wood at least three-eighths of an inch thick and a liberal supply of cushioning material used if parts of the article are brittle or fragile.

(iii) All mailable liquids and substances which easily liquefy must be packed in two receptacles. Between the first (bottle, flask, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, strong fiberboard, or receptacle of equal strength) there shall be left a space to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage. Excelsior does not possess the necessary absorbent quality to meet the special requirements cited for internal packing. In the case of Great Britain and Northern Ireland, Ireland, Leeward Islands, Malaya, and Windward Islands, the outer receptacle shall be of strong wood or metal. Metal containers closed with a screw-top cover must have sufficient screw threads to require at least one and one-half complete turns before the cover will come off and be provided with a washer so as to prevent possible leakage of the contents. Compression or friction top metal containers must be soldered in four different places, equally spaced.

(iv) Dry noncoloring powders must be enclosed in boxes of metal, wood, or strong corrugated cardboard, placed in turn in a closely woven cloth bag or heavy kraft paper sack. Powdered dyes must be enclosed in strong metal boxes securely closed, and placed in turn in another box of wood or strong corrugated cardboard, with sawdust or other absorbent or protective material between the inner and outer containers.

(v) Eggs addressed for delivery in all other countries (except Canada), must be placed in a metal egg container, and each egg in the square pockets must be surrounded with paper, excelsior, cotton, straw, or other similar material, while the metal egg container in turn must be enclosed in an outer container of wood with sufficient excelsior, straw, or similar material provided in the space between the inner and outer containers.

(vi) Eggs destined for delivery in Canada may be packed either in the manner prescribed above or in wooden, papier-mache, or other box of a rigid material with a well-fitting tightly adjusted lid. Each egg must be wrapped in newspaper or other protecting material and placed on end, the vacant space in the box to be filled with newspaper or other packing material so as to prevent the eggs from striking together or against the sides, top, or bottom of the box.

(3) *Sealing.* Parcels for certain countries must be sealed. To other countries sealing is compulsory for insured or registered parcels, optional for others. (See § 112.1.) Seal parcels by means of wax, gummed paper tape, nails, screws, sewing, wire or metal bands, or other adequate means which will permit detection of any attempted depredation.

(b) *Dimensions and weight limits*—(1) *General dimensions.* Greatest length, 3½ feet; greatest length and girth combined, 6 feet. See § 25.3 of this chapter for illustration of method of measuring parcels.

(2) *Dimensions of special articles.* The usual method of measuring parcels, as described in § 25.3 of this chapter, is not adaptable in the case of tires of all kinds, coils of rope, hose, wire, etc., forming a parcel circular in shape. To determine whether a tire or other object circular in shape (regardless of whether there is an open space in the center) can be accommodated inside the mail sacks used for parcel post to overseas foreign countries, the object as prepared for mailing, shall be measured around its entire girth, in the direction of the diameter, as shown in the illustration. This measurement must not exceed 64 inches in order for the tire or other parcel circular in shape to be acceptable for mailing to overseas foreign countries. Measurement shall be taken as shown in the following illustration:

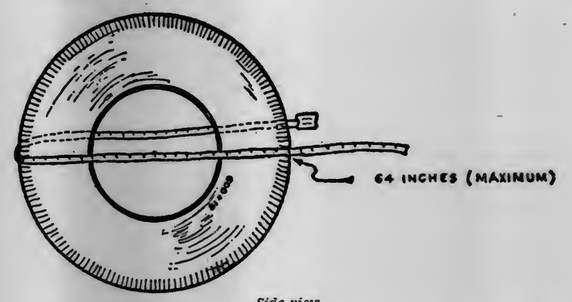

Side view

(3) *Exceptions.* To some countries, dimensions other than the general dimensions indicated are applicable. A parcel must not exceed the maximum dimensions allowed to the country to which it is addressed. See § 112.1 for individual country limits.

(4) *Weight limits.* For weight limits applicable to each country of destination, see § 112.1.

(c) *Permissible enclosures and attachments*—(1) *In general.* A communication of the nature of personal correspondence must not be enclosed in or written on any parcel. However, a parcel may contain an open invoice, confined to the particulars which constitute an invoice, and a simple copy of the address of the parcel, with mention of the address of the sender. If a written communication in the nature of personal correspondence is found in the parcel, it will be placed in the mails if separable. If unseparably attached, the entire parcel must be rejected.

(2) *Exceptions.* In the case of parcel post packages for Canada, a letter, and for Switzerland a letter or card, fully prepaid and bearing the same address as that of the parcel, may be tied or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom or its interference with the address of the parcel. Stamps to cover postage on the parcel must be fixed to the wrapper of the parcel; stamps to pay postage on the letter must be fixed to the envelope thereof. Parcels to which such letters are attached are treated as parcel post.

(d) *Addressing and mailing*—(1) *Addressing.* The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label gummed thereto, and must also be written on a separate slip enclosed in the parcel. Parcels will not be accepted when addressed to a "care" in one country and the addressee (or person for whom intended) in another country or when addressed to or sent by initials, unless the initials are the adopted trade name of the senders or addressees. Addresses in ordinary pencil are not allowed, but copying ink or indelible pencil on a surface previously dampened may be used. Sufficient space must be left for the addition of necessary service notations and for stamps or labels.

(2) *Mailing.* Parcels may not be mailed in letter boxes. Present them at parcel-post windows of post offices, where the necessary postal forms (see § 112.4) will be furnished without charge.

(3) *Postage rates.* Parcel post rates to the various countries of destination are shown in § 112.1. The rates for surface parcels are for each pound, a fraction of a pound being charged as a full pound. Air parcel rates are on the basis of each 4 ounces, a fraction of 4 ounces being charged as a full 4 ounces. The weight of the customs declaration and other postal forms will not be included with that of the parcel (surface or air) in determining the amount of postage required.

(4) *Shortpaid parcels.* Shortpaid parcels, unless intercepted at the mailing office and returned for payment of the deficient postage, are dispatched to destination and the postmaster at the mailing office is notified of the shortage. You will be requested to supply the deficient postage.

§ 112.3 *Prohibitions and restrictions*—(a) *General list of prohibited articles.* The following are prohibited by parcel post to all countries:

(1) Articles which are excluded from the domestic mails of the United States. (See Part 14 of this chapter.) Although safety matches are admitted in the domestic mail they are prohibited in the international mail.

(2) Written communications of the nature of personal correspondence. (See § 112.2 (c).)

(3) Enclosures which bear an address different from that appearing on the parcel itself.

(4) Pistols, revolvers, and other firearms capable of being concealed on the person, with certain exceptions. (See §§ 15.5 and 163.1 of this chapter.)

(5) Live or dead creatures, except live bees, leeches, and silkworms and dead insects or reptiles when thoroughly dried.

(6) Fruits and vegetables which easily decompose and any substances which exhale a bad odor.

(7) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 164.4 of this chapter.)

(8) Explosives and inflammable articles and articles which, in any way, may damage or destroy the mail or injure the persons handling them. This in-

cludes inflammable liquids having a flash point by the Tagliabue open tester at 80° F. or lower; inflammable solids which are likely, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes.

(9) Oxidizing materials such as chlorates, permanganates, peroxides, or nitrates, which yield oxygen readily to stimulate the combustion of organic matter.

(10) For articles prohibited in Postal Union mail, see § 111.1 (d) of this chapter.

(b) *Restricted articles*—(1) *Combustible liquids.* Combustible liquids having a flash point of 150° F. or lower but above 80° F. (Tag, open tester) may be sent to foreign countries generally in quantities not exceeding 1 quart in any one parcel, except that paints, varnishes, turpentine, and similar substances may be sent in quantities of less than 1 gallon in any one parcel. Each parcel containing a combustible liquid must be marked by the sender to indicate that the flash point is above 80° F.

(2) *Gold and gold certificates.* (See § 164.1 of this chapter.)

(3) *Jewelry.* Some countries prohibit the importation of jewelry or other precious articles by parcel post and others admit them only in registered or insured parcels. The term "jewelry" is generally understood to denote articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this section and is accepted under the same conditions as other mailable merchandise to any country. However, its acceptance to countries to which jewelry is prohibited is at the risk of the sender.

(4) *Diamonds.* (See § 164.5 of this chapter.)

(5) *Tobacco seed and plants.* (See § 164.2 of this chapter.)

(6) *Plant material generally.* Plants, seeds, and plant material are subject to the quarantine regulations of the country of destination. You can obtain information from the Plant Quarantine Branch, Department of Agriculture, Washington 25, D. C., or from one of the offices of that branch located at principal ports of entry.

(c) *Individual country prohibitions and restrictions.* You may inquire at your post office for information as to articles prohibited or restricted to individual countries, or you may purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

§ 112.4 *Documentation*—(a) *Customs declaration, Form 2966*—(1) *Preparation.* Prepare the number of customs declarations indicated in rate chart in § 112.1, completing them in ink or by typewriter, and attach to the parcel. You must show on each declaration the following:

(i) The name and address of the addressee, and your own.

(ii) Your instructions as to disposal of the parcel if undeliverable as addressed. Three alternatives are printed on the form, that the parcel be (a) offered for delivery to a second addressee in the country of destination (give name and complete address), (b) abandoned, or (c) returned to you postage due. If you would not be willing to pay return postage on your parcel, you should indicate that you wish it abandoned in case of nondelivery. Indicate your choice by crossing out the unwanted alternatives and placing your name and address in the space provided.

(iii) Description of contents: You must describe the contents of your parcel completely and accurately in the English language, although an interlineation in another language is permitted, and in some cases is required (see Directory of International Mail). In the case of parcels containing more than one article, or articles of different kinds, you must state the exact quantity and value of each kind or article. It is not sufficient to use simply such words as "coat," or "stockings," but the materials of which the articles are composed must be shown, as "fur coat," "silk stockings." Also, for instance, in the case of dried fruits the particular kinds, such as "figs," "raisins," "currants," etc. must be shown. General terms such as "worn clothing," "groceries," "presents," "merchandise," "samples," and the like, will not suffice. In case the customs declaration does not furnish enough space on which to give a complete list of the contents, you may use an additional declaration form, or place the list on the wrappers, making reference to the fact on the declaration itself.

(2) *Facsimile of Form 2966.* The following facsimile illustrates the information which you must supply and which the accepting clerk will add to complete the form:

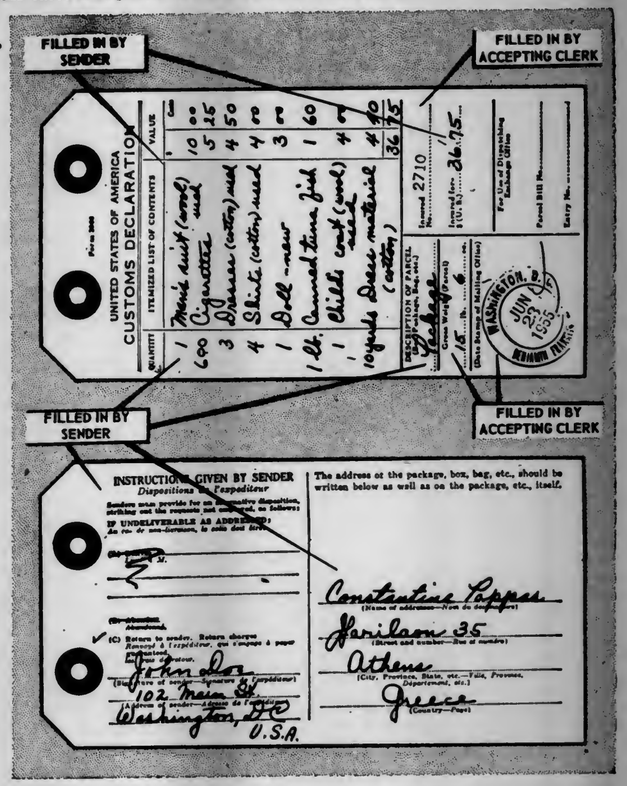

(c) *Parcel post sticker, Form 2922*—(1) *Use and preparation.* Attach a yellow "International Parcel Post" sticker, Form 2922, to every parcel which you mail to another country, even to each parcel mailed under the group-shipment arrangement (see § 112.5). You must indicate alternative disposition in the same manner as on Form 2966 (see paragraph (a) (1) (ii) of this section). Do not use Form 2922 on parcels for United States possessions.

(2) *Facsimile.* The following facsimile illustrates the information which you must supply and which the accepting clerk will add to complete the form:

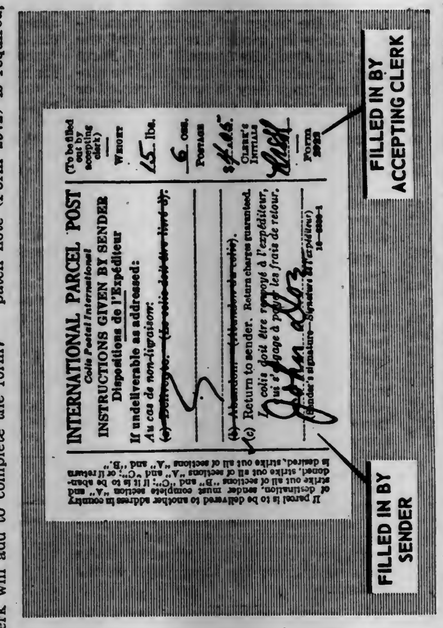

(3) *Manner of affixing.* Form 2922 should be pasted to the wrapper of the parcel, preferably on the address side, but if the shape or size of the parcel makes this impracticable, the sticker may be fixed to a tag which shall in turn be securely attached to the parcel.

(d) *Non-postal documentation.* Parcel-post packages may require one or more of the forms described in Subchapter Q of this chapter.

§ 112.5 *Group shipments*—(a) *Description.* The "group shipment" of parcel post packages is an arrangement by which senders of parcel post packages for certain countries (see § 112.1) have the option of attaching a single customs declaration Form 2966 (or a single set when more than one customs declaration is required) to only one parcel of a consignment mailed simultaneously by the same sender to the same addressee at one address. In those cases where a dispatch note (Form 2972) is required, a dispatch note in ink or on the typewriter. Indicate the alternate disposition in the same manner as on the customs declaration (see paragraph (a) (1) (ii) of this section) and attach to the parcel in the same way (see paragraph (a) (3) of this section).

(2) *Facsimile.* The following facsimile illustrates the information which you must supply and which the accepting clerk will add to complete the form:

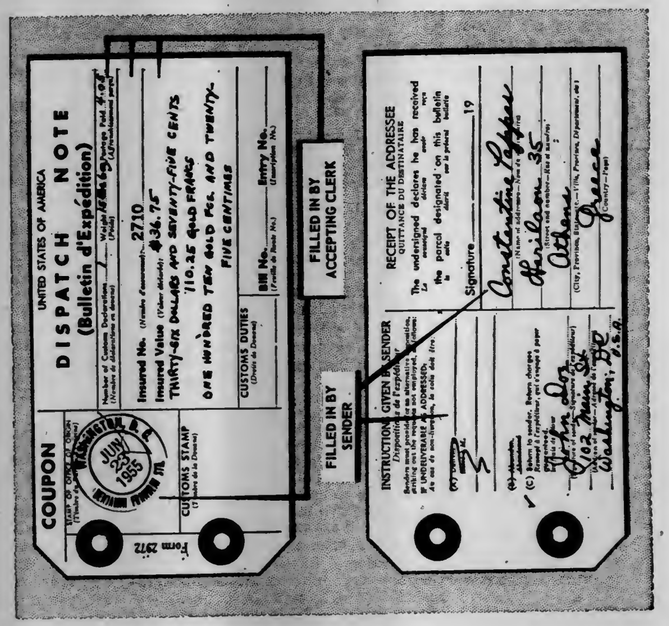

example, if a single shipment were composed of 12 parcels, each would be numbered, respectively, 1/12, 2/12, 3/12, etc. While a group shipment to certain countries is limited to 3 parcels, there may be any number of 3-parcel groups provided that in addition to the identification numbers 1/3, 2/3, and 3/3 each group is indicated by a letter A, B, C, etc. For example, when there are two groups of three parcels each, the parcels should be marked A–1/3, A–2/3, A–3/3, B–1/3, B–2/3 and B–3/3.

(c) *Attachments.* The customs declaration (or set of declarations, where a set is required) must be securely attached to one of the parcels (preferably to parcel No. 1 of the group), in order to prevent its becoming lost while the parcel is en route. The total number of parcels in a shipment must always be indicated on the customs declaration. On parcels for Guadeloupe and Mexico, the customs declaration must also show, separately, the contents of each parcel opposite the proper reference. For example, for a shipment of five parcels: Contents of 1/5 ---------- Contents of 2/5 ----------, etc.

Subchapter M—Special Services

PART 121—AIR-SERVICE

Sec.
121.1 Availability.
121.2 Rates.
121.3 Prepayment.
121.4 Marking.
121.5 Air letter sheets.

AUTHORITY: §§ 121.1 to 121.5 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 121.1 *Availability.* Postal Union mail of any category may be sent by air. Parcel post may be sent by air to the countries for which a rate is shown in § 112.1 of this chapter. Generally the weight limits, dimensions and other conditions (but not postage rates) prescribed for surface mail apply to articles and parcels sent by air.

§ 121.2 *Rates*—(a) *Postal Union mail.* See rate chart § 111.1 (a) of this chapter. When no rate is shown in the "Other Postal Union articles" column, the letter rate applies to the "AO" categories (see § 102.1 (b) of this chapter).

(b) *Parcel post.* See rate chart in § 112.1 of this chapter.

(c) *Return receipts.* The weight of the card prepared as the return receipt of a registered airmail article is not included with the weight of the article in determining the postage required. For return receipts to be returned by air, see § 122.6 (a) (2) of this chapter.

§ 121.3 *Prepayment*—(a) *Full prepayment necessary.* Airmail articles must be fully prepaid to assure dispatch without delay. If an article is returned to you for additional postage, the stamps already attached will be accepted at their face value after you add the needed additional postage.

(b) *Double or reply-paid postcards.* If you wish a double or reply-paid card to go by air, you must prepay the initial or message half at the airmail letter rate to the country of address.

§ 121.4 *Marking*—(a) *Postal Union mail.* Articles to be sent by air must bear in the upper left corner, immediately below the sender's return card, the blue "Par Avion/By Airmail" label, Form 2978. Envelopes bearing distinctive airmail markings may show the printed or rubber stamped endorsement "PAR AVION/BY AIRMAIL" in blue capital letters instead of Form 2978.

(b) *Parcel post.* A blue Par Avion label (Form 2978) must be pasted to the address side of each parcel to be sent by air, and another to the dispatch note if the country of destination requires a dispatch note.

§ 121.5 *Air letter sheets.* Air letters (aerogrammes) of approved size and weight, which can be folded into the form of an envelope and sealed, may be sent by air to all countries. Air letter sheets with printed postage and airmail markings are sold at all post offices at 10 cents each. Air letter sheets manufactured by private individuals or concerns, if approved by the Post Office Department for such use may also be accepted for mailing after affixing postage of 10 cents (6 cents for Canada and Mexico, 8 cents for St. Pierre and Miquelon). All parts of air letter sheets may be used for the sender's message, except the address side. No enclosures are permitted. Air letter sheets may be sent under registration upon payment of the required registry fee in addition to the postage.

PART 122—REGISTRATION

Sec.
122.1 Purpose.
122.2 What may be registered.
122.3 Preparation.
122.4 Fees.
122.5 Registry receipts.
122.6 Return receipts.
122.7 Restricted delivery.

AUTHORITY: §§ 122.1 to 122.7 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 122.1 *Purpose.* As in the case of domestic registered mail, the international registery service affords greater protection against loss.

§ 122.2 *What may be registered.* (a) Postal Union articles of all classifications may be registered unless a specific exception is stated under the country item in § 111.1 (a) of this chapter.

(b) Parcel post packages may be accepted for registration only to these countries indicated in § 122.4 (b).

§ 122.3 *Preparation*—(a) *Addressing.* Mail which bears an address written in pencil or consisting of initials will not be accepted for registration. The address of mail other than that sent in transparent panel (window) envelopes may be written in indelible pencil.

(b) *Sealing.* (1) Securely seal letters or letter packages. If you use wax or paper seals on envelopes they must bear your distinctive mark and shall be affixed in such a way as to allow sufficient space at the intersections of the flaps for postmarking. Envelopes or packages that appear to have been opened and resealed will not be registered.

(2) Articles under the classifications of commercial papers, printed matter, samples of merchandise and small packets, or as 8-ounce merchandise packages (except as otherwise provided) presented for registration, must not be sealed.

(3) Parcel post packages presented for registration must be sealed. See § 112.2 (a) (3) as to manner of sealing. Parcels that appear to have been opened and resealed will not be registered.

(c) *Valuable registered mail*—(1) *Declaration of value.* You must declare the full value of mail offered for registration to other countries at the time of mailing in accordance with the requirements for domestic registered mail.

(2) *Entry on firm mailing sheets.* When valuable registered mail is presented on firm mailing sheets, you must indicate the values opposite the respective entries.

§ 122.4 *Fees*—(a) *Postal Union mail.* See § 111.1 (a) of this chapter. Free registration is available for articles entitled to free postage under § 111.1 (c) (4) of this chapter.

(b) *Parcel post.*

Country	Registry fee	Indemnity payable
Azores	$0.55	$25.00.
Azores	.65	$50.00 (maximum).
Belgian Congo	.40	No provision.
Bermuda	.40	No provision.
British Honduras	.40	No provision.
Cape Verde Islands	.55	$16.33 (maximum).
Cuba	.55	$10.00 (maximum).
Ecuador	.55	$25.00.
Ecuador	.65	$50.00 (maximum).
Jamaica	.40	No provision.
Liberia	.40	No provision.
Madeira Islands	.55	$25.00.
Madeira Islands	.65	$50.00 (maximum).
Portugal	.55	$25.00.
Portugal	.65	$50.00 (maximum).
Portuguese West Africa	.55	$16.33 (maximum).
Trinidad and Tobago	.40	No provision.
Turks Island	.40	No provision.

NOTE: See § 152.2 of this chapter for indemnity provisions.

§ 122.5 *Registry receipts.* You are issued a receipt for mail matter accepted for registration to other countries.

§ 122.6 *Return receipts*—(a) *Requested at time of mailing.* (1) Fee: 10 cents.

(2) If you desire that your return receipt be sent back to you by airmail you must pay for this return, in addition to the return receipt fee, the airmail postage applicable to a single post card to the country of destination.

(b) *Requested after mailing.* (1) Within a period of 1 year from the day following that on which you mailed a registered article or parcel, you may request a return receipt at the office of mailing. You must show the registry receipt.

(2) Fee: 13 cents.

(3) If you wish the request for return receipt sent by air you must pay, in addition to the 13-cent fee, the postage for a one-rate airmail letter to the country of destination. If you wish the request sent by surface and the receipt returned to you by air, you must pay the same postage. If you wish the request sent and the return receipt returned both by air, you must pay double that postage.

(c) *Completion.* Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not furnished by some countries, or may be furnished only under specified conditions.

§ 122.7 *Restricted delivery*—(a) *Articles mailed in United States.* (1) You may restrict the delivery of registered Postal Union articles addressed to the following countries on condition that the articles are accompanied with a return receipt and you endorse the articles in the manner indicated:

Country	Endorsement required
Afghanistan	A remettre en main propre.
Albania	A remettre en main propre or Per t'u dorezuar ne doren e vet.
Austria	A remettre en main propre or Zu eigenen Handen.
Belgium	A remettre en main propre or the equivalent in the Flemish language.
Bulgaria	Lično.
China (Taiwan only)	A remettre en main propre or the equivalent in a language known at the place of destination.
Czechoslovakia	A remettre en main propre.
Denmark	Personlig.
Dominica (Windward Islands)	To be delivered to the addressee in person.
Falkland Islands	To be delivered to the addressee in person.
Finland	A remettre en main propre.
French Somaliland	A remettre en main propre.
Germany	A remettre en main propre or Eigenhändig.
Greece	A remettre en main propre or ΙΔΙΑΣ ΧΕΡΣΙΝ.
Hungary	A remettre en main propre.
Iceland	A remettre en main propre or Afhendist vidtakanda sjálfum.
Italy	A remettre en main propre.
Lebanon	A remettre en main propre.
Luxembourg	A remettre en main propre.
Montserrat (Leeward Islands)	To be delivered to the addressee in person.
Philippines (Republic of the)	To be delivered to addressee only.
Portugal	A remettre en main propre.
Rumania	A remettre en main propre.
Saudi Arabia	A remettre personnellement.
Spain	A remettre en main propre or A entregar en propia mano.
Sweden	A remettre en main propre or Får utlämnas endast till adressaten personligen.
Switzerland	A remettre en main propre.
Turkey	Alicinin kendine verilecek.
Union of Soviet Socialist Republics	A remettre en main propre.
Uruguay	A remettre en main propre.

(2) Place the endorsements shown in the second column above and near the address and underline in red. The country of destination will make two attempts to effect delivery, and, if unsuccessful, the article will be returned as undeliverable.

(3) Only the usual registry fee plus the registry return receipt fee is chargeable in connection with registered Postal Union articles of which the delivery has been restricted in accordance with the foregoing provisions.

(4) Restricted delivery is not available for international registered parcel post.

(b) *Articles mailed in other countries.* Registered Postal Union articles which are accompanied with a return receipt and bear the notation "Deliver to addressee only," underlined in red, are delivered only to the addressee. Two attempts are made to deliver these articles. If delivery is not made by the second attempt, the articles are returned to the sender.

PART 123—INSURANCE

Sec.
123.1 Availability.
123.2 Preparation.
123.3 Fees and limits of insurance.
123.4 Special endorsements.
123.5 Insurance receipts.
123.6 Return receipts.

AUTHORITY: §§ 123.1 to 123.6 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 123.1 *Availability.* International insurance service is limited to the countries listed in § 123.3 (b) (1) of this chapter. Except in the case of Canada, this service is limited to parcel post. For Canada, in addition to parcel post, Postal Union printed matter (see § 111.2 (d) of this chapter) and 8-ounce merchandise packages (see § 111.2 (h) of this chapter) may be insured.

§ 123.2 *Preparation.* The general provisions for the preparation of ordinary parcels to other countries apply also to insured parcels.

§ 123.3 *Fees and limits of insurance*—(a) *Scales of fees.*

All Countries Except Canada

Indemnity	Fee
$0.01 to $10	$0.20
$10.01 to $25	.25
$25.01 to $50	.35
$50.01 to $100	.55
$100.01 to $200	.60
$200.01 to $300	.65
$300.01 to $400	.70
$400.01 to $500	.75
$500.01 to $600	.80
$600.01 to $700	.85
$700.01 to $800	.90
$800.01 to $900	.95
$900.01 to $1,000	1.00

Canada Only

Indemnity	Fee
$0.01 to $5	$0.05
$5.01 to $10	.10
$10.01 to $25	.15
$25.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.35

(b) *Limits of insurance.* (1) The maximum amounts for which parcels may be insured varies according to agreements made with the particular countries, and are as follows:

Country	Limit of insurance
Andorra	$330.00
Argentina	165.00
Australia	165.00
Austria	330.00
Azores	50.00
Bahamas	165.00
Barbados	100.00
Belgium	165.00
British Guiana	165.00
Canada	200.00
Cape Verde Islands	16.33
Ceylon	165.00
Colombia	165.00
Corsica	330.00
Czechoslovakia	200.00
Denmark	330.00
Ecuador	50.00
Faroe Islands	330.00
Finland	330.00
France	330.00
Germany	330.00
Gibraltar	50.00
Gold Coast Colony	80.00
Great Britain and Northern Ireland [1]	1,000.00
Greece	165.00
Greenland	330.00
Guatemala	100.00
Hungary	100.00
Iceland	330.00
India	165.00
Ireland	100.00
Italy	100.00
Japan	165.00
Leeward Islands	100.00
Luxembourg	165.00
Madeira Islands	50.00
Morocco, Tangier:	
British Post Office	100.00
Spanish Post Office	165.00
Netherlands	165.00
Netherlands West Indies	165.00
New Zealand	165.00
Nicaragua	165.00
Norway	330.00
Pakistan	165.00
Persian Gulf Ports	100.00
Portugal	50.00
Portuguese East Africa (Mozambique)	100.00
Portuguese West Africa	16.33
Ryukyu Islands	165.00
Spain, including Balearic Is., Canary Is., and Spanish offices in Northern Africa	165.00
Surinam	100.00
Sweden	330.00
Switzerland	330.00
Western Samoa	165.00
Windward Islands	100.00
Yugoslavia	165.00

[1] Parcels for Great Britain and Northern Ireland may be insured for more than $100 only when mailed in continental United States (not including Alaska).

(2) Parcels may not be insured for more than the declared value of the contents or for more than the maximum amount of indemnity payable in connection with insured parcels for the country concerned. However, if desired, parcels may be insured for a portion of the value of the contents, in which case only the

fee covering the amount of insurance desired will be charged.

§ 123.4 *Special endorsements*—(a) *Contents.* You must mark parcels containing fragile or perishable articles "Fragile," "Perishable," "Glass," or "Eggs," as appropriate.

(b) *Insured value.* (1) You must indicate in United States currency (figures only) in the appropriate space on the customs declaration (Form 2966) the amount for which your parcel is insured.

(2) Some countries require that the insured value of a parcel be shown on the wrapper and on the dispatch note (Form 2972). In some instances this information must be shown also in gold francs. Conversion of United States currency into gold francs is made on the basis of 33 cents (approximately) equals 1 gold franc. To determine the gold franc equivalent, multiply the amount in United States currency by 3. For example, $5.25 is equal to 15.75 gold francs.

§ 123.5 *Insurance receipts.* You are issued a receipt for mail accepted for insurance. Each receipt will bear the insurance number. You should enter the name and address of the addressee on the receipt and keep it. The receipt must be submitted if you file a claim or an inquiry concerning the parcel.

§ 123.6 *Return receipts.* Return receipts for insured parcels are furnished under the same conditions as apply to registry return receipts (see § 122.6). No return receipts are furnished for insured parcels to Canada.

PART 124—COD MAIL

NOTE: There is at the present time no international COD service.

PART 125—SPECIAL DELIVERY (EXPRÈS)

Sec.
125.1 Availability.
125.2 Marking.
125.3 Payment.
125.4 Delivery.

AUTHORITY: §§ 125.1 to 125.4 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 125.1 *Availability.* For countries with which special delivery (exprès) service is in force see § 111.1 (a) of this chapter. The service applies to all Postal Union articles (ordinary and registered—surface and air), except that in the case of Canada it applies only to letters or articles prepaid at the letter rate (ordinary and registered), and to India it applies only to unregistered letters, post cards, and printed matter (exclusive of matter for the blind). The special-delivery service does not apply to international parcel post. See Part 126 of this chapter concerning special handling service for parcel post.

§ 125.2 *Marking.* An article intended for special delivery service must have fixed to the cover near the name of the country of destination an "Exprès (Special Delivery)" label Form 2977, obtainable at the post office, or you may mark on the cover boldly in red "Exprès (Special Delivery)." A facsimile of Form 2977 is shown below:

§ 125.3 *Payment—(a) Fees.*

Weight	Letters and letter packages (cents)	Post cards (cents, each)	Other Postal Union articles (cents)
Up to 2 pounds	20	20	35
Over 2 pounds and up to 10 pounds.	35	-------	45
Over 10 pounds	50	-------	60

(b) *How paid.* The special-delivery fees may be prepaid by special delivery stamps or ordinary postage-stamps. Air mail stamps may be used in the case of articles sent by air. Special-delivery stamps must not be used on other than special-delivery articles. Special delivery fees must be prepaid in addition to the regular postage.

(c) *Short payment.* Insufficiently prepaid articles intended for special delivery which are posted in letter boxes and drops are marked by postmasters "Not in special-delivery mail" and dispatched onward to destination as ordinary mail matter whenever such articles cannot be returned to the sender for the deficiency in fee without seriously delaying the dispatch thereof.

§ 125.4 *Delivery—(a) In the United States.* Articles which are marked to indicate they are intended for special delivery will be subject to the same conditions in their delivery as special-delivery articles in the United States domestic service.

(b) *In other countries.* Delivery is made in the various countries according to the special-delivery regulations in force in the country of destination.

PART 126—SPECIAL HANDLING

Sec.
126.1 Availability.
126.2 Fees.
126.3 Marking.
126.4 Treatment.

AUTHORITY: §§ 126.1 to 126.4 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 126.1 *Availability.* The special-handling service for domestic parcel post is available also for parcel post addressed to other countries. The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special-handling service does not apply to Postal Union articles.

§ 126.2 *Fees.*

Weight	Fee (cents)
Not more than 2 pounds	15
More than 2 pounds but not more than 10 pounds	20
More than 10 pounds	25

Special-handling fees are in addition to the regular parcel post rate to the country concerned, and may be prepaid by special-handling stamps or by ordinary postage stamps.

§ 126.3 *Marking.* A parcel intended for a special-handling service must be marked or stamped "Special Handling" immediately above the name of the addressee.

§ 126.4 *Treatment.* Special-handling parcels are given priority in distribution and disposal over other parcel post packages from the office of mailing to the point of disposal from the United States. They are dispatched from this country as parcel post by the same vessels carrying letter mails for the countries of address, when practicable. Special-handling parcels do not receive any special treatment in the country of destination.

PART 127—RECALL AND CHANGE OF ADDRESS

Sec.
127.1 Conditions and limitations.
127.2 How to proceed.
127.3 Countries not permitting.

AUTHORITY: §§ 127.1 to 127.3 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 127.1 *Conditions and limitations.* You may cause any mail article you addressed for delivery in another country to be withdrawn from the Postal Service, or have its address changed if it can be intercepted in the United States. In case it has been dispatched from the United States and not delivered to the addressee:

(a) The legislation of the country of destination of the article must allow such withdrawal or change of address;

(b) The article must not contain prohibited matter; and

(c) The customs examination must not reveal any irregularity.

§ 127.2 *How to proceed—(a) If not dispatched from mailing office.* If the article has not yet been dispatched from the mailing post office you must apply to the postmaster.

(b) *If not dispatched from the United States.* If the article has been dispatched from the mailing office, but has not been dispatched from the United States, it may be returned to you if it can be intercepted at the United States exchange office. You must pay the cost of telegraphing the exchange office if that is done, and guarantee the cost of searching for the article, even if the article is not located. To facilitate identification and return you must furnish available particulars, including description of the article, date of mailing, registration number, if registered, and whether surface or airmail.

(c) *If dispatched from the United States.* If the article has been actually dispatched from the United States, you must apply at the post office at which the article was mailed, where you must identify yourself, furnish a facsimile of the address of the article, and pay (by postage stamps fixed to your application) a fee of 40 cents. If the request is to be sent by airmail or telegraph or cable, you must pay, in addition, the airmail rate or telegraph or cable charge. In this case, your application must be accompanied by sufficient postage to prepay the airmail rate or by a remittance to cover the telegraph or cable charges at the usual rate.

(d) *Single application sufficient.* A single form of application may be used for several articles which you have mailed at the same time, at the same office, to the same addressee, in which case you are required to pay only one fee or one fee plus the airmail or telegraph or cable charge, as the case may be.

§ 127.3 *Countries not permitting—(a) For Postal Union mail.* The legislation of the following countries does not allow senders of Postal Union articles to withdraw them from the mails or to change their address:

Aden.
Australia.
Barbados.
British Honduras.
British Post Offices in Tangier (International Zone of Morocco) and Tetuan (Spanish Zone of Morocco).
Brunei.
Burma.
Canada.
Cyprus.
Cyrenaica.
Gambia.
Gibraltar.
Gilbert and Ellice Islands.
Great Britain and Northern Island.
India.
Ireland.
Leeward Islands.
Malaya.
Nauru Island.
New Zealand.
Nigeria.
Pakistan.
Persian Gulf Ports.
Rhodesia (Southern).
St. Helena.
Sarawak.
Seychelles.
Sierra Leone.
Solomon Islands.
Somalia.
South-West Africa.
Trinidad and Tobago.
Union of South Africa.
Windward Islands.

(b) *For parcel post.* Under the terms of the parcel-post agreements in effect with the following countries, parcels cannot be recalled after they have left this service nor can the address be changed, unless the parcels are undeliverable at the original address:

Aden.
Barbados.
British Honduras.
Brunei.
Burma.
Canada.
Cyprus.
Gambia.
Gilbert and Ellice Islands.
Great Britain and Northern Island.
India.
Ireland.
Malaya.
Nauru.
Nigeria.
North Borneo.
Pakistan.
Rhodesia and Nyasaland.
Sarawak.
Seychelles.
Solomon Islands.
Trinidad and Tobago.
Windward Islands.

PART 128—CERTIFICATES OF MAILING

Sec.
128.1 Nature and issuance.
128.2 Preparation and charges.
128.3 On Treasury Department forms.
128.4 On Agriculture Department forms.

AUTHORITY: §§ 128.1 to 128.4 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 128.1 *Nature and issuance.* You can obtain a certificate of mailing at the post office where you mail any ordinary Postal Union article or parcel-post package. Certificates of mailing do not give any right to indemnity or proof of delivery. They are issued on Form 3817, firm mailing books, the Treasury Department forms mentioned in § 128.3 or the Agriculture Department certificates mentioned in § 128.4 and Part 165 of this chapter.

§ 128.2 *Preparation and charges.* You must prepare your certificate of mailing and pay the same charges as are prescribed in the domestic service (see §§ 55.2 (a), 55.3 (a), and 55.5) of this chapter regardless of the form on which the certificate is prepared.

§ 128.3 *On Treasury Department forms.* If you request it, you may receive a certificate of mailing on Treasury Department (Internal Revenue) Form P. T. 26, P. T. 27-A, or 550, certifying that you have waived the right to withdraw the article or parcel from the mails.

§ 128.4 *On Agriculture Department forms.* See Part 165 of this chapter concerning certificates required in connection with the exportation of dried whole eggs and tobacco seed and plants.

Subchapter N—Delivery

PART 131—POSTAL CHARGES

Sec.
131.1 Postage due.
131.2 Customs clearance and delivery fees.
131.3 Charges on returned mail.
131.4 Storage charges.
131.5 Letters in parcels.
131.6 Letters with fraudulent or previously used stamps.

AUTHORITY: §§ 131.1 to 131.6 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 131.1 *Postage due.* On Postal Union mail sent to you shortpaid, you are charged on delivery the equivalent of double the missing postage.

§ 131.2 *Customs clearance and delivery fees—(a) Parcels and small packets.* On every parcel-post package and every small packet delivered to you, you are charged 15 cents. This is made up of a fee of 10 cents for the service performed by the post office in effecting customs clearance, and a 5-cent delivery fee.

(b) *Letter packages.* On every letter package delivered to you, you are charged 10 cents for the service performed by the post office in effecting customs clearance. The charge will be canceled if you show that the package contains only one or more of the following:

(1) Written communications.

(2) Postage stamps (canceled or uncanceled).

(3) Bills of exchange, notes, shipping documents, nondutiable patent applications, and similar items in the category of commercial papers.

(4) Noncommercial shipments of newspaper clippings, photographs, calendars, or greeting cards.

§ 131.3 *Charges on returned mail.* If articles or parcels which you have mailed are returned to you as undeliverable, you must pay the charges indicated in § 141.1 (c) (2) or § 141.2 (b) (2) of this chapter.

§ 131.4 *Storage charges.* If you allow a parcel addressed to you to remain in the post office, you must pay a storage charge of 10 cents per day beginning with the 11th day from the first attempt at delivery or the issuance of the first notice that the parcel is ready for delivery. Sundays and holidays are not counted. When a parcel is held pending decision as to customs duty (see § 132.1 (c) of this chapter), the storage charges begin 10 days after the decision is given.

§ 131.5 *Letters in parcels.* A letter found in a parcel is charged double the postage it would have been charged if mailed properly.

§ 131.6 *Letters with fraudulent or previously used stamps.* If a letter addressed to you was observed in the country of mailing to bear invalid postage, it will be rated as entirely unpaid and accompanied by a request of the foreign postal authorities for the name of the mailer and return of the envelope. To obtain delivery you must pay the postage due (see § 131.1) and agree to surrender the envelope and give the name and address of the sender if known to you.

PART 132—NONPOSTAL CHARGES AND IMPORT REGULATIONS

Sec.
132.1 Customs treatment and collection of duty.
132.2 Plants and plant products.

AUTHORITY: §§ 132.1 and 132.2 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 132.1 *Customs treatment and collection of duty—(a) Joint regulations of Treasury and Post Office Departments.* All mail matter received from abroad, known or believed to contain dutiable articles, must be submitted to the Customs Service as required by the Joint Regulations adopted by the Secretary of the Treasury and the Postmaster General.

(b) *Collection of duty—(1) Payment of duty required.* Articles which have been examined by the United States Customs authorities and found to be subject to duty will be delivered to the addressee only upon payment of the amount of duty assessed, except as provided in paragraph (c) of this section.

(2) *Receipts for duty paid.* You must sign the original customs mail entry form, as well as the required receipt for registered and insured mail where applicable. The delivering postal employee will sign the duplicate mail entry and give it to you as a receipt.

(3) *No examination before payment of duty.* Addressees are not permitted to examine the contents of dutiable articles until the duty is paid.

(4) *No duty refund in certain cases.* When an addressee requests delivery of parcel post packages to be made at his residence or place of business after the customs duty thereon has been paid at the post office, attention is called to the circumstances that the Treasury Department has declined to refund the duty in such cases when the goods become lost between the post office and the addressee's residence or place of business, and that if there should be any loss there is no appropriation available from which the Post Office Department could make reimbursement for the amount of duty paid.

(c) *Payment of duty protested—(1) Refusal and protest.* When an addressee refuses to accept a dutiable package and protests against the payment of duty assessed, he shall state his objection in

writing to the postmaster and shall submit any available information or evidence substantiating his claim. If an addressee simply refuses a parcel and makes no protest concerning the duty assessed, the parcel will be treated as undeliverable.

(2) *Claim for duty refund.* An addressee who is dissatisfied with the amount of duty assessed, may pay the charges, take delivery of the package, and later file claim for a refund with the collector involved.

(3) *Unaccompanied articles.* (i) Returning residents of the United States frequently mail to themselves or arrange for the mailing of personal effects and/or merchandise acquired abroad. These articles are entered on the customs baggage declaration as "unaccompanied articles" or "articles to follow."

(ii) The customs officer who processes you at the port of arrival in the United States will furnish you with one copy of Customs Form 6059–C for each shipment to follow, on which will be noted the pertinent information regarding port of arrival, date of arrival, name of vessel, and baggage declaration number, and he will advise you how to complete the form and use it in accordance with the printed instructions on the reverse of the form. In other instances you may prepare your baggage declaration in duplicate and the duplicate copy will be certified by the customs officer and returned to you for use in clearing the goods.

(iii) If your parcel is offered for delivery assessed with duty or internal revenue tax, the postmaster is authorized to deliver it free of duty or tax under one of the following conditions:

(*a*) You must submit a completed declaration on Customs Form 6059–C on which the description and value of the articles listed and your name and address agree with the information shown on the customs mail entry form accompanying the parcel. If Form 6059–C is signed by someone other than yourself, your name must appear in the body of the form.

(*b*) You must submit your duplicate certified baggage declaration which identifies the articles involved with those listed on the customs mail entry accompanying the parcel. Also, you must state in writing that the articles in the parcel are listed on the declaration and are entitled to free entry under your $200 or $300 personal exemption, and that you will pay promptly on demand any duties or taxes which may be found to be due.

(iv) Customs Form 6059–C, or the duplicate certified baggage declaration, as the case may be, will be retained by the postmaster and transmitted with the mail entry and the addressee's written statement, if any, to the collector of customs who assessed the duty.

(v) If you are unable to produce Customs Form 6059–C or the duplicate certified baggage declaration, or if there is a discrepancy between the information on those forms and the customs mail entry, the postmaster will not deliver the parcel immediately without collection of duty. The postmaster will refer the matter to the collector of customs who assessed the duty for decision as to whether or not the parcel is entitled to free entry. In the absence of Customs Form 6059–C or the duplicate certified baggage declaration, submit to the postmaster a written statement as to the date and port through which you reentered the country, the name of the ship or the name of the airline and flight number, and the number borne by the baggage declaration filed at the time of your arrival, if possible. The parcel will then be held awaiting the decision of the collector of customs, unless you elect to follow the procedure set forth in subparagraph (2) of this paragraph.

(d) *Refund of duty*—(1) *Duty not refundable by postmasters.* Amounts collected on customs mail entry forms are not refundable by postmasters. An addressee who requests a refund of duty shall make application therefor to the collector of customs at the port of entry within 30 days from the date of entry. It is suggested, if refund is claimed on account of damage, that the article be forwarded to the collector with the application. If the addressee wishes to abandon the article to the Government, he should include a statement to that effect in his application. In case the addressee also intends to file a claim for indemnity with the Post Office Department, he shall, before taking the above action, present the contents, container and complete wrapping to the postmaster for the inspection prescribed by the international indemnity application Form 2855.

(2) *Refund by Customs Service.* Refund of duties paid will be made by the Customs Service if merchandise covered by a mail entry representing 5 percent or more of the total value of all of the merchandise of the same class or kind entered in the invoice in which the item appears is abandoned and delivered to the collector of customs where the entry was made within 30 days after the date of entry.

(3) *Refund of duty on returned merchandise.* Refund of duties paid less 1 per centum will also be made by the Customs Service if merchandise covered by a mail entry and found not to conform to sample or specification or shipped without the consent of the consignee is, within 90 days from the date of delivery, returned to customs custody for exportation, unless the Secretary of the Treasury authorizes in writing a longer time. The postal charges incident to returning the merchandise to the sender must be paid by the addressee.

(e) *Rates of duty.* Patrons desiring information concerning rates of duty on articles imported into the United States, or other customs procedure, should communicate with the appropriate customs officer, located at various points throughout the country, or with the Commissioner of Customs, Treasury Department, Washington 25, D. C. The publication United States Import Duties (1952) on sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. (price, $3.25), may be of interest to persons who import merchandise.

(f) *Prepayment of duty.* No provision is made for the prepayment abroad of customs duty on mail shipments addressed for delivery in the United States.

(g) *Articles repaired abroad.* If you send an article abroad for repair or alteration, you may have to pay regular duty when it is returned unless you submit the article to a customs officer for the issuance of a certificate of registration.

§ 132.2 *Plants and plant products*—(a) *Plants admitted without restriction.* Plants and plant products ordered by, intended for, and addressed to the Plant Quarantine Branch, or the Horticultural Crops Research Branch, Department of Agriculture, Washington 25, D. C.

(b) *Plants admitted under restrictions.* Except for those listed in paragraph (c) of this section as prohibited, and some which are importable by private individuals, most plants and plant products are admitted under various restrictions. For information, patrons should address inquiries to Department of Agriculture, Plant Quarantine Branch, Washington 25, D. C.

(c) *Plants prohibited*—(1) *Cuttings, buds, cions, etc.* Subject to some exceptions, importation by mail is prohibited from all countries and localities, of all plants including cuttings, buds, cions, bulb roots, tubers, seeds, etc.; fruits and vegetables in the raw or unprocessed state; and other plant products.

(2) *Plants and plant products as packing materials.* Except in special cases where preparation, processing, or manufacturing are judged by an inspector of the United States Department of Agriculture to eliminate a risk of carrying injurious insects and diseases, the importation as packing material is prohibited of rice straw, hulls and chaff; cotton and cotton products; sugarcane, including bagasse; bamboo leaves and small shoots; leaves of plants; forest litter; soil with an appreciable admixture of vegetable matter not therein provided for by regulation; and all parts of corn and allied plants, except from Mexico and the countries of Central America, the West Indies, and South America.

PART 133—PARCELS ADDRESSED THROUGH BANKS

§ 133.1 *Parcels addressed through banks.* You will be notified of the arrival of a parcel intended for delivery to you through a bank or other organization. The parcel will not be delivered to you, however, until the bank or organization has given its consent in writing, or unless the sender has requested through the foreign postal authorities that it be delivered direct to you.

(R. S. 161, 396, as amended; 398, as amended; 5 U. S. C. 22, 369, 372)

PART 134—REFUSAL

§ 134.1 *Refusal.* You may refuse any article or parcel addressed to you. It will then be treated as undeliverable or (in the case of a parcel) offered to the alternate addressee if the sender has so instructed.

(R. S. 161, 396, as amended; 398, as amended; 5 U. S. C. 22, 369, 372)

Subchapter O—Forwarding; Nondelivery

PART 141—OUTGOING MAIL (TREATMENT ABROAD AND RETURN TO UNITED STATES)

Sec.
141.1 Postal Union mail.
141.2 Parcel post.

AUTHORITY: §§ 141.1 and 141.2 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 141.1 *Postal Union mail*—(a) *Forwarding.* Your articles will generally be forwarded to a new address of the addressee, even in a third country, or back to the United States. You may forbid forwarding by a notation on the envelope or wrapper in a language understood in the country to which addressed.

(b) *Return.* (1) Your articles will generally be returned to you if delivery cannot be made. Printed matter of no apparent value is not returned.

(2) The reason for nondelivery of returned articles may be indicated in French or Spanish, the most usual expressions being the following:

Ausente (Sp.)	Gone away
Décédé (Fr.)	Deceased
Desconocido (Sp.)	Unknown
Devuelva a remitente (Sp.)	Return to sender
Inconnu (Fr.)	Unknown
Muerte (Sp.)	Deceased
Non réclamé (Fr.)	Unclaimed
No reclamado (Sp.)	Unclaimed
Parti (Fr.)	Gone away
Refusé (Fr.)	Refused
Rehusado (Sp.)	Refused
Retour à l-expéditeur (Fr.)	Return to sender

(c) *Charges.* (1) Your articles will be forwarded without charge to the addressee if you paid the postage in full.

(2) If they are returned to you, you may be charged on delivery with the following:

(i) On any 8-ounce merchandise package, return postage of 3 cents for the first ounce and 2 cents for each additional ounce.

(ii) On any article dispatched short-paid, the amount which the addressee would have had to pay if it had been delivered.

(iii) On any article returned through a dead-letter branch, a service charge of 5 cents.

(iv) On second-class matter returned from Canada, if you are the publisher or registered news agent, return postage of 2 cents for the first ounce and 1 cent for each additional ounce.

§ 141.2 *Parcel post*—(a) *Treatment.* Your parcel if undeliverable will be treated in accordance with your instructions on Forms 2966, 2922 and 2972. Returned parcels may be marked with the reason for nondelivery as stated in § 141.1 (b) (2). If you do not want your parcel forwarded to the addressee outside the country of address, you may mark it Do not forward, preferably in a language known in the country of address. Some foreign postal authorities hold undeliverable parcels and request disposal instructions. You will be notified of such a request through your post office.

(b) *Charges.* (1) If your parcel is forwarded, postage will be collected from the addressee on delivery unless you arrange through the Post Office Department to pay it or have it prepaid through an agent in the country of original address.

(2) If your parcel is returned to you, you must pay the return postage and any other charges assessed by the foreign postal authorities. If your returned parcel must be forwarded to you at another post office, you will be charged on delivery with domestic postage; and if you allow it to remain in the post office, storage charges will be assessed in accordance with § 131.4 of this chapter.

PART 142—INCOMING MAIL (TREATMENT IN THE UNITED STATES)

Sec.
142.1 Postal Union mail.
142.2 Parcel post.

AUTHORITY: §§ 142.1 and 142.2 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 142.1 *Postal Union Mail*—(a) *Forwarding.* Mail redirected to your new address will be forwarded, unless the envelope or wrapper bears a notation in English forbidding its being forwarded as follows:

(1) *Within the United States.* Articles received by surface will be forwarded by surface and articles received by air will be forwarded by air without charge. Articles received by surface will be forwarded by air only if the domestic airmail postage is prepaid with United States postage stamps.

(2) *To another country.* Articles received by either surface or air will be forwarded by surface without charge. Articles will be forwarded by air only if the international airmail postage is prepaid with United States postage stamps. An article will be forwarded only if the new country of destination accepts mail of the classification involved.

(b) *Retention.* If you have left no forwarding address on file, the post office will hold articles at your disposal for 30 days, except under the following circumstances:

(1) If the sender has marked the article with a request to hold it for a specific period, which may be as long as 60 days.

(2) If after 30 days the post office has reason to believe that delivery to you will be possible, for as long as 3 months.

(3) If you refuse an article or the post office is otherwise assured that delivery to you will not be possible at all, it will be treated as undeliverable immediately.

(c) *Disposal.* Articles known to be undeliverable are returned to origin, except for printed matter of no apparent value which is discarded.

§ 142.2 *Parcel post*—(a) *Forwarding*—(1) *Within United States.* A parcel will be forwarded to you at another post office in the United States by surface transportation, subject to collection on delivery of postage at the United States domestic zone rate. Forwarding by air must be prepaid.

(2) *To another country.* A parcel will not be forwarded to you in another country unless the forwarding postage is paid in advance, except by surface transportation to the country of mailing where postage can be collected on delivery. A domestic fourth-class parcel will not be forwarded to another country but will be returned to the sender or otherwise treated as undeliverable matter.

(b) *Retention.* If you have left no forwarding address on file, the post office will hold a parcel at your disposal for 30 days unless it bears contrary instructions of the sender. If the sender has indicated an alternate addressee, the parcel will be held for 15 days at your disposal and for 15 days at the disposal of the other addressee. If you refuse a parcel or the post office is otherwise assured that delivery to you will not be possible at all, it will be offered to the alternate addressee or treated as undeliverable immediately. Senders in Great Britain have the option of having their parcels returned if undeliverable without being held for the 30-day period.

(c) *Disposal.* If delivery is not possible, parcels are returned to origin unless the sender has requested abandonment, in which case they are treated as dead parcel post.

PART 143—FORWARDING DOMESTIC MAIL ABROAD

§ 143.1 *Forwarding domestic mail abroad.* Unregistered letters (except those which appear to contain merchandise) and post cards are the only domestic mail articles permitted to be redirected to another country. They are forwarded by surface means without prepayment of additional postage. Credit is allowed for the postage already on the articles, and only the deficiency is collected on delivery. Articles are forwarded by air only if the required additional postage is prepaid.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 144—FORWARDING MAIL TO SHIP PASSENGERS AND CREW MEMBERS

§ 144.1 *Forwarding mail to ship passengers and crew members.* Ordinary (unregistered) articles of correspondence (except those which appear to contain merchandise) addressed to crew members or passengers on board a ship may be forwarded in one envelope addressed to a ship or travel agency in another country by surface or air under the following conditions:

(a) The envelope in which the articles are to be forwarded shall be approximately 9 inches by 6 inches in size, and shall be supplied by the sender. Do not put postage on this envelope, but place the following endorsement in the upper right corner of the envelope:

This envelope contains prepaid letters forwarded in bulk by authority of Assistant Postmaster General, Bureau of Transportation. Any required additional international postage has been affixed to the articles enclosed.

(b) The envelope must be presented unsealed at the mailing office for check of the contents. Any additional postage required must be paid on each of the articles enclosed, as follows:

(1) *Articles of United States origin.* Pay on each article the difference between the postage already paid and the appropriate international rate (surface or air) to the new country of destination.

(2) *Articles originating in other countries.* If envelope is to be forwarded by air, place full air postage from the United States to the new country of destination on each article enclosed. No additional postage is required if the envelope is to be forwarded by surface means.

(c) If the envelope is intended to be transmitted by air, place a blue "Par Avion/By Air Mail" label, Form 2978, in the upper left corner of the envelope immediately below the return address of the sender.

(d) The total weight of the forwarding envelope and its contents is limited to 18 ounces.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

Subchapter P—Inquiries, Indemnities, and Refunds

PART 151—INQUIRIES AND COMPLAINTS

Sec.
151.1 Inquiries encouraged.
151.2 Nondelivery.
151.3 Incomplete return receipts.
151.4 Charges for inquiries.

AUTHORITY: §§ 151.1 to 151.4 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 151.1 *Inquiries encouraged.* Please report losses, nondelivery or mistreatment of mail, as these reports may serve to improve the postal service. Make inquiries and complaints to your post office. They are accepted within one year, counting from the day following the date of mailing.

§ 151.2 *Nondelivery.* If an article has failed to reach the addressee within a reasonable time, after it should in regular course have been delivered, the post office will, upon request, institute an inquiry with the foreign postal administration. You may make inquiries even though the articles were mailed in another country. If you are unable to submit the registry (mailing) receipt in the case of a registered article, you should make complaint at the office of mailing.

§ 151.3 *Incomplete return receipts.* If you receive back a return receipt not properly completed (see § 122.6 (c) of this chapter), send the receipt with your complaint to the Bureau of Transportation, Post Office Department, Washington 25, D. C.

§ 151.4 *Charges for inquiries*—(a) *When applicable.* No charge is made for inquiry or complaint concerning the nondelivery of a piece of international mail if you have failed to receive a return receipt for which the required fee was paid or if you can show that loss or other irregularity has occurred apparently through fault of the postal service. Such a showing is satisfied either by exhibiting a letter from the addressee a reasonable time after the article involved would normally have been delivered; or satisfactorily explaining the failure to exhibit such a letter or report. Otherwise, a charge of 13 cents is made.

(b) *When several articles involved.* Only one fee is collected for inquiries or requests for information concerning several articles which you have mailed simultaneously to the same addressee.

(c) *Airmail or telegraph inquiry.* If you desire that your inquiries be sent by airmail or telegraph, you must pay, in addition to other fees and charges applicable, the postage for a one-rate airmail letter to the country of destination, or the appropriate telegraph charge. If you also desire a reply to your inquiry by airmail or telegraph, you must pay double the airmail postage, or the telegraph charges both ways.

PART 152—INDEMNITY CLAIMS AND PAYMENTS

Sec.
152.1 Initiation and proof of claims.
152.2 Indemnity payments.

AUTHORITY: §§ 152.1 and 152.2 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 152.1 *Initiation and proof of claims*—(a) *Forms to be used.* You may obtain copies of the proper forms to be used in applying for indemnity from your local postmaster.

(b) *Documents to accompany claims.* You must submit the report from the addressee on which the claim is based and any evidence of value, or cost of repairs such as purchase receipts or invoices.

§ 152.2 *Indemnity payments*—(a) *Registered Postal Union Articles*—(1) *Canada.* You may be paid not to exceed $8.17 on the basis of actual value for damage or rifling of contents when of United States origin and when responsibility rests with the United States, and up to $25 based on actual value for loss (contents and wrapper) in either Canada or the United States.

(2) *PUAS countries (see § 101.2 of this chapter) except Canada.* You may be paid any amount claimed not exceeding $3.27 for loss (contents and wrapper), regardless of value; and, when responsibility rests with the United States only, not exceeding $3.27 on the basis of actual value for damage or rifling of contents (including instances where money in cash, bank notes, or values payable to bearer are prohibited by international agreements).

(3) *Great Britain and Northern Ireland and Switzerland.* You may be paid any amount claimed not exceeding $8.17 for loss (contents and wrapper), regardless of value; and, on the basis of actual value, irrespective of country of origin or country responsible, for rifling or total damage of an article in a registered packet, but not exceeding $8.17. If United States responsibility, payment may also be made for partial damage, but not exceeding $8.17.

(4) *All other countries.* You may be paid any amount claimed not exceeding $8.17 for loss (contents and wrapper), regardless of value; and, when of United States origin and when responsibility rests with the United States only, not exceeding $8.17 on the basis of actual value for damage or rifling of contents (including instances where money in cash, bank notes, or values payable to bearer are prohibited by international agreements).

(b) *Registered parcel post*—(1) *Cape Verde Islands and Portuguese West Africa.* You may be paid up to $16.33, based on actual value, for loss, rifling or damage.

(2) *Cuba.* You may be paid up to $10 for loss (contents and wrapper), based on actual value.

(3) *Ecuador and Portugal (Including Madeira and the Azores).* You may be paid, based on actual value, for loss, rifling, or damage (in case of Portugal, only for loss of both contents and wrapper), in accordance with the scale of fees and limits of indemnity in § 122.4 (b) of this chapter.

(4) *Other countries.* Although parcels may be registered to Belgian Congo, Bermuda, British Honduras, Jamaica, Liberia, Trinidad and Tobago, and Turks Island, there is no provision for payment of indemnity in case of loss, rifling or damage of such parcels.

(c) *Insured parcel post*—(1) *General provisions.* You may be paid for loss, rifling, or damage based on actual value, in accordance with the scale of fees and limits of indemnity in § 123.3 of this chapter.

(2) *Forwarded or returned to third country.* You may be paid only such indemnity for loss, rifling, or damage occuring after redispatch by the original country of address to a third country as the country in which the mistreatment occurred is willing or obligated to pay under any agreement between the countries involved.

(3) *Canada.* You may be specially paid as provided in subparagraph (2) of this paragraph for loss, rifling, or damage of insured parcels addressed to Canada containing articles prohibited insurance such as jewelry, precious stones, articles of gold or other precious metals for personal use, gold scrap, jeweler's filings, and money packets.

(4) *Bahamas.* You may be paid up to $165 for loss (contents and wrapper) or rifling, based on actual value.

(d) *Principal exceptions*—You may not be paid:

(1) Indemnity greater than that corresponding to the actual amount of loss, rifling, or damage referred to in paragraphs (a) to (c) of this section, except in the case of loss of registered Postal Union mail.

(2) For damage to Postal Union registered articles or partial or complete loss, or rifling of the contents of Postal Union registered articles, except as stated in paragraph (a) of this section.

(3) As a rule, in case of parcels reported by other countries as having been delivered without external trace of rifling or damage and accepted without reservation as to the condition of the contents.

(4) When it is established that delivery was made under the conditions prescribed by the domestic regulations of the country of destination for mail of the same kind, or, upon presentation of a regular postal identity card.

(5) In case of loss or damage through force majeure (causes beyond control), as defined by the legal decision or rulings of the country in whose service the loss or damage occurs, except in case of insured mail to Canada.

(6) When loss, rifling, or damage has been caused by the fault or negligence of the sender or the addressee or the representative of either, such as failure to endorse the parcel conspicuously to show the nature of the contents, or, to provide adequate packing for the length of the journey and for the protection of the contents.

(7) When an article or parcel cannot be accounted for in consequence of the destruction of service records through force majeure.

(8) When the contents are prohibited, except as stated in paragraphs (a) (2), (a) (4), and (c) (3) of this section.

(9) When the claimant, with intent to defraud, shall declare the contents of a parcel to be above their real value.

(10) For an article or parcel seized by the customs.

(11) In the case of parcels which contain matter of no intrinsic value or matter which did not conform to the stipulations of the conventions applicable, or which were not posted in the manner prescribed. However, in the event of loss, rifling, or damage in this country of mail erroneously accepted for insurance, etc., to other countries, limited indemnity may specially be paid, under the conditions stated in paragraph (a) of this section and, in the case of Cuba, paragraph (b) (2) of this section. If postage was erroneously collected at other than parcel post rates, but the parcel was otherwise properly accepted for insurance, indemnity may specially be paid under paragraph (c) of this section.

(12) For indirect loss or loss of profits in the case of parcels.

(13) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the article or parcel. In the case of insured mail with Canada, however, the time limit may be waived when it is satisfactorily established that the delay was unavoidable and not the fault of the claimant.

(14) For damage which results from the inherent vice or quality of the contents, that is, its inability, due to its nature, to withstand the ordinary incidents of the contemplated carriage.

(15) When full compensation or reimbursement has otherwise been made by the Post Office Department or by any outside firm or corporation whatsoever except on a pro-rata basis as co-insurer.

(16) For the rifling or damage of registered or insured parcels exchanged with Portugal (including Madeira and the Azores), of registered parcels exchanged with Cuba, and for any damage to parcels exchanged with Bahamas.

(17) For sentimental values arising from association of articles. Also, in the absence of a complete description you must satisfactorily establish the ordinary market value at the time of mailing, particularly in the case of heirlooms or antiques.

(18) An amount in excess of the maximum prescribed for the insurance or registry fee paid unless responsibility rests with the United States and it shall be shown to the satisfaction of the Postmaster General that you were charged a fee less than that required to cover the amount of indemnity desired, through error on the part of the Postal Service. Upon such a showing, the deficiency in fee may be collected from you and postal indemnity paid within the limit fixed for the higher fee. If full or partial responsibility rests with the other country and you requested full coverage at the time of mailing, but a deficient and unauthorized insurance fee was collected, you may be paid for full value, less the amount of the deficient fee, but not exceeding the limit fixed for the appropriate insurance fee.

PART 153—POSTAGE REFUNDS

§ 153.1 *Postage refunds.* You may file application as outlined in § 37.2 (b) of this chapter for refund of postage, fees, or other charges paid on international mail for which full service was not rendered or which was paid in excess of the proper rate.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

Subchapter Q—Nonpostal Export Regulations

PART 161—SHIPPER'S EXPORT DECLARATION

Sec.
161.1 When required.
161.2 Preparation.
161.3 Information to be furnished.
161.4 How obtained.

AUTHORITY: §§ 161.1 to 161.4 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 161.1 *When required.* Business concerns sending merchandise valued at $25 and over to other business concerns—

(a) From continental United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States to any foreign country and to the Canal Zone;

(b) From continental United States to its noncontiguous Territories or possessions[1] except Alaska and Hawaii;

(c) From Puerto Rico or the Virgin Islands of the United States to continental United States;

must fill out a Shipper's Export Declaration on Department of Commerce Form 7525–V. The Shipper's Export Declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license from the Bureau of Foreign Commerce, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See Part 162 of this chapter.) The declaration need not be furnished for catalogs, instruction books, and other advertising matter, or for magazines, newspapers, and periodicals, which are not regarded as merchandise. It is also not required for shipments of technical data, regardless of value and whether or not they are covered by export licenses, except as stated in § 162.3 (c) of this chapter.

§ 161.2 *Preparation.* Only a single copy of the shipper's export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to one addressee. Export declarations need not be notarized.

[1] Alaska, Puerto Rico, Virgin Islands of the United States, Hawaii, Guam, Samoa, Canton and Enderbury Islands, Johnston, Midway, Palmyra, and Wake Islands.

§ 161.3 *Information to be furnished.* The following are the only items on the Shipper's Export Declaration (Commerce Form 7525–V) which are required to be filled in by the sender of a postal shipment:

(a) Item 2: Name of post office where shipment is being mailed. (Insert in space on the form reading "From ------- (U. S. port of export)".)

(b) Item 3: Name and address of sender (exporter or forwarding agent). If the shipment is being mailed by a forwarding agent, the name and address of the exporter, his principal, must also be shown.

(c) Item 5: Name and address of addressee (ultimate consignee and intermediate consignee, if any).

(d) Item 8: Country of final destination.

(e) Item 10: Number of packages being mailed; description of merchandise and export license number and expiration date, or general license symbol.

(f) Item 13: Schedule B, commodity number.

(g) Item 14: Net quantity of merchandise, in Schedule B units.

(h) Item 15: Value of merchandise.

The description of contents and units of quantity must be in the detail required by Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States. You may obtain copies of Schedule B for a nominal charge from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce field offices located in the principal cities of the United States. General descriptions, such as dry goods, groceries, millinery, etc., are not sufficient. Quantities and values must be given in whole numbers only, omitting fractions of less than one-half and counting one-half and over as a whole.

§ 161.4 *How obtained.* If you are an occasional shipper, you may obtain Form 7525–V free of charge at your local post office. Regular exporters may obtain copies of the Shipper's Export Declaration from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce field offices at a cost of 55 cents per block of 100. They may be privately printed, provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement.

PART 162—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

Sec.
162.1 Scope and applicability.
162.2 General licenses.
162.3 Validated licenses.
162.4 Export control inspections.
162.5 Diamond shipments.

AUTHORITY: §§ 162.1 to 162.5 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 162.1 *Scope and applicability.* The Bureau of Foreign Commerce, Department of Commerce, controls all exportations, except certain commodities licensed for export by other United States Government agencies, to all countries except Canada. You must inform yourself as to the regulations and comply with them in making any exportations of commodities by parcel post or letter package, and technical data as printed matter, parcel post, or letter package. A brief summary of the regulations as they apply to mail shipments is given in this part. You can obtain more information from a Commerce Department bulletin entitled "Public Notice—Requirements for Exportations by Mail" which can be found on bulletin boards in larger post offices, stations, and branches. You may inquire further of the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., or of any field office of that Department.

§ 162.2 *General licenses*—(a) *Definition and use.* A general license is not a specific document, but is a general authorization covering exportations within its provisions, each general license being designated by symbol, such as GRO, GLV, GIFT, GUS, etc. A brief description of the general licenses usually employed for mail shipments is given in this section. You can obtain further information as set forth in § 162.1. When you have found that the contents of your package are properly exportable under a general license, mark the wrapper with the appropriate symbol and the words "Export license not required" before presenting it at the post office. The marking is your certification that you have complied with the regulations governing the use of the general license denoted by the symbol you use.

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Hong Kong, Macao, and the following Soviet bloc countries: Albania, Bulgaria, China (mainland including Manchuria), Czechoslovakia, Estonia, Germany (Soviet Zone including Soviet sector of Berlin), Hungary, Laos (Communist-controlled areas), Latvia, Lithuania, Poland, Rumania, Tibet, U. S. S. R., and Viet-Nam (Communist-controlled areas). Packages for those countries may not bear any general-license symbol other than GIFT (not permitted to mainland China); GUS; G-Pub; GTDP; GTDS; GHX and GHS (for Hong Kong); or GLSA (for the destinations named in paragraph (g) of this section).

(c) *General license gift.* (1) This license covers gift packages mailed by or on behalf of an individual sender to an individual addressee for the personal use of the latter or his family or to a religious, charitable, or educational organization. The contents are limited to items normally sent as gifts, such as food, clothing (except military clothing to the Soviet bloc countries shown in paragraph (b) of this section, medicinals, and drugs.

(2) The value of the contents of a package is limited to $50. Restricted medicines (antibiotics, sulfa drugs, quinine and quinidine compounds, remedies for malaria, chills, and fever) are limited to $25, and the value of such medicines is included in the $50 total value limit.

(3) You may not mail more than one gift package per week to one addressee.

(d) *General license GUS.* You may use this license for shipments to United States Government personnel under prescribed conditions.

(e) *General license G–PUB.* You may use this license for mailing miscellaneous printed matter to any country.

(f) *General licenses GTDP, GTDU, and GTDS for technical data.* (1) You may use general license GTDP for mailing technical data generally available in published form to any country. Agencies of the Federal Government may omit the prescribed markings from shipments mailed under this general license.

(2) You may use general license GTDU for mailing technical data not generally available in published form. This license may not be used to any Soviet bloc country listed in paragraph (b) of this section.

(3) You may use general license GTDS for mailing unclassified scientific and educational technical data under prescribed conditions.

(g) *General license GLSA.* You may use this license for mailing commercial shipments of certain commodities to Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Soviet Zone including the Soviet sector of Berlin), Hungary, Latvia, Lithuania, Poland, Rumania, and the U. S. S. R. except the Maritime Province which comprises the Pacific coastal region of Siberia from the Bering Strait to and including Vladivostok.

(h) *Other general licenses.* General licenses GHK and GHS may be used only for shipments to Hong Kong. Other licenses (GRO, GO, GLV, etc.) may be used for shipments to any country not listed in paragraph (b) of this section.

§ 162.3 *Validated licenses*—(a) *Definition and use.* A validated license is an individual document issued by the Bureau of Foreign Commerce, authorizing a specific exportation. You can obtain information as set forth in § 162.1. Before mailing a shipment under a validated license you must put the license number on the wrapper.

(b) *Export declaration required.* An export declaration (see Part 161 of this chapter) is required for every shipment covered by a validated license, except technical data. However, partial shipments of technical data being handled as prescribed in paragraph (c) of this section require an export declaration.

(c) *Entire and partial shipments.* If the entire amount authorized by a validated license is mailed at one time, you must surrender the license at the post office at the time of mailing. If only a part of the licensed shipment is to be mailed, you must deposit the validated license with a collector of customs and surrender at the post office a shipper's export declaration (Commerce Form 7525–V), or copy thereof, bearing the number of the license and an authorization dated and signed by the collector of customs or his representative for the shipment of the goods listed on the declaration.

(d) *Technical data licenses.* Licenses issued by the Bureau of Foreign Commerce for exportations of technical data are similar in form to the usual type of validated license, but are handled somewhat differently. No shipper's export declaration is required, except for partial shipments.

§ 162.4 *Export control inspections.* Parcels are subject to inspection by United States customs officers at dispatching exchange post offices. If violations of export control are detected, the parcels may be returned or seized by the customs inspectors. Postage is not refunded.

§ 162.5 *Diamond shipments.* Loose diamonds in any form (except cut gem diamonds, i. e., diamonds cut to be set in jewelry) will not be accepted for mailing to any country, unless they have been inspected by the United States Appraiser of Merchandise at New York and his unbroken seal appears on every package. This does not apply to diamonds forming a part of industrial tools.

Part 163—State Department Regulations (Arms and Technical Data)

Sec.
163.1 Individual licenses.
163.2 Entire and partial shipments.
163.3 Technical data exempt from license.

Authority: §§ 163.1 to 163.3 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 163.1 *Individual licenses.* Exportation of certain arms or implements of war and related technical data requires individual licenses issued by the Office of Munitions Control, Department of State. Firearms of less than .22 caliber and shotguns are exempt. You can obtain information as to the applicability of the State Department requirements and how to apply for individual licenses from the Office of Munitions Control, Department of State, Washington 25, D. C.

§ 163.2 *Entire and partial shipments.* If you mail the entire amount authorized by an individual license, you must surrender the license at the post office. If you are mailing only a portion of the amount authorized, you must enter on the back of the license the amount being shipped and present it at the post office. It will be postmarked and returned to you.

§ 163.3 *Technical data exempt from license.* Certain technical data which has been published or is otherwise generally available may be exported under State Department regulations without individual license, except to the U. S. S. R., any Soviet bloc country, China (mainland), or any part of Viet-Nam, Cambodia, or Laos under Communist control. You must mark the wrapper of each package "22 CFR 75.140 complied with." Agencies of the Federal Government may omit the marking.

Part 164—Treasury Department Regulations (Gold and Gold Certificates)

Sec.
164.1 License requirements.
164.2 Gold held by nonresidents.
164.3 Fabricated gold.
164.4 Gold coin, bullion, or gold dust.
164.5 Where to obtain licenses.

Authority: §§ 164.1 to 164.5 issued under R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.

§ 164.1 *License requirements.* A license is necessary to mail gold in any form or gold certificates from the continental United States to any destination outside its limits or from any U. S. post office outside the continental limits to another country, except as provided in §§ 164.2 and 164.3. In addition, the postmaster at the office of mailing must receive instructions, before mailing, from the Post Office Department.

§ 164.2 *Gold held by nonresidents.* Gold in any other form than coin is mailable without a license and specific instruction, if it is not held or owned by a person who is a resident of or domiciled in the continental United States. In such a case the mailer must place on the wrapper of the package and on the shipper's export declaration when required (see § 161.1 of this chapter) a statement that the gold contained therein is held or owned by a person who is not a resident of, or who is not domiciled in the continental United States.

§ 164.3 *Fabricated gold*—(a) *Definition.* Fabricated gold is defined by the Treasury Department as processed or manufactured gold in any form (other than gold coin or scrap gold) which has a gold content the value of which does not exceed 90 percent of the total domestic value of the processed or manufactured gold and which has in good faith and not for the purpose of evading or enabling others to evade the provisions of the Gold Reserve Act of 1934, the act of October 6, 1917, as amended, or the regulations of the Treasury Department, been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses. Fabricated gold is to be distinguished from semiprocessed gold, which may be exported only pursuant to Treasury License, and which is defined to include gold articles of which more than 90 percent of the total domestic value is attributable to the gold content thereof.

(b) *Mailing restricted.* Fabricated gold is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper is required to endorse the wrapper of the package with the Bureau of Census Schedule B statistical classification number of each specific commodity contained therein. The shipper's export declaration, when required (see § 161.1 of this chapter) shall contain, in addition to a specific description of the contents of the package, the following notation: "Fabricated gold as defined by § 54.4 of the Gold Regulations, being exported pursuant to the authorization contained in § 54.25 (b) (2) of such regulations."

(c) *How to determine.* To determine whether an article is semi-processed or fabricated gold, the value of the gold content is computed at $35 per fine troy ounce of gold and the total domestic value is determined on the basis of the cost of the article to the owner and not the selling price. In the case of a manufacturer or processor, the allowable elements of such value are the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article. In the case of a dealer or other person who holds or disposes of gold without further processing, total domestic value includes only the net purchase price paid by such person and any transportation costs incurred in obtaining delivery of such article to his usual place of business.

(d) *Gold coin made prior to April 5, 1933.* Gold coin made prior to April 5, 1933, is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper's export declaration, when required (see 271.1) shall contain in addition to a specific description of the package, the following notation: "Rare gold coin as defined by § 54.20 of the Gold Regulations, being exported pursuant to the authorization contained in § 54.25 (b) (3) of such regulations."

§ 164.4 *Gold coin, bullion, or gold dust.* The acceptance in the Postal Union mails or parcel post for any country of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $100 is prohibited, even though a license has been granted to export such gold coin, gold bullion, or gold dust.

§ 164.5 *Where to obtain licenses.* You may obtain the forms on which to apply for licenses to export gold from the Bureau of the Mint, Treasury Department, Washington 25, D. C.

Part 165—Agriculture Department Regulations

Sec.
165.1 Dried whole eggs.
165.2 Tobacco seed and plants.

Authority: §§ 165.1 and 165.2 issued under R. S. 161, 396, as amended; 398, as amended; 5 U. S. C. 22, 369, 372.

§ 165.1 *Dried whole eggs*—(a) *Endorsements.* When dried whole eggs purchased under a program of the Commodity Credit Corporation, Department of Agriculture, are offered for export by mail, an endorsement must be written or stamped on each package by the sender waiving any right to withdraw it from the mails or have it returned. The endorsement must be properly completed and signed by the exporter or his authorized representative over his title. The parcel post forms accompanying such parcels should be completed by the senders to indicate that the parcels are to be abandoned in case of nondelivery.

(b) *Certificates.* A certificate in the following form, prepared and completed by the sender, must be presented with the shipment:

Certificate of Mailing Dried Whole Eggs

I hereby certify that there has (have) been posted at this post office today by ---------- (Sender)
parcels containing a total of -------- pounds (Number)
of dried whole eggs on which the sender has waived the right to withdraw same from the mails or have same returned.

Parcels addressed to:
(Names and addresses of addressees)

(Office stamp)

---------- ----------
(Date) (Postmaster)
By ----------

(c) *Execution of certificate.* A single certificate may cover any number of parcels mailed by the same sender even though addressed to different countries. A charge of 3 cents will be made for each certificate of mailing issued to the sender, or for each parcel when a single certificate covers more than one parcel. Postage stamps to cover the charge for the certificate of mailing shall be fixed to the certificate and canceled by the postmark of the office of mailing. After postmarking, the certificate will be signed by the postmaster or his authorized representative and returned to the sender.

§ 165.2 *Tobacco seed and plants*—(a) *Permit required.* It is unlawful to export any tobacco seed and/or live tobacco plants except in pursuance of a written permit granted by the Secretary of Agriculture.

(b) *Endorsement of package.* The package or parcel must be marked "Tobacco seed and plant export permit No. ------."

(c) *Surrender of permit.* The permit is to be presented at the time of mailing and postmarked and signed by the accepting employee. It will be retained by the post office and forwarded to the Tobacco Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(d) *Charges.* A charge of 3 cents will be made for each permit presented by the sender and for each package or parcel when a single permit covers more than one parcel. Postage stamps to cover the charge shall be affixed to the permit and canceled by the postmark of the office of mailing.

Part 166—Consular and Commercial Invoices

§ 166.1 *Consular and commercial invoices.* Many countries require special documents to be prepared by the sender and either presented by the addressee or enclosed within the package. In some cases, certification by a recognized Chamber of Commerce in the United States, or legalization by a Consulate of the country of destination, or both, are required. You may inquire at your post office for information, or purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at an initial cost of $5.00, including a year's subscription to revision sheets.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

Abe McGregor Goff,
General Counsel.

[F. R. Doc. 56–9592; Filed, Nov. 21, 1956; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 7471, 7683, and 8970, containing the specific requirements for the 1956-crop Soybean Price Support Program are amended as follows:

1. Section 421.2028 (c) (1) is amended to make soybeans grading Sample on the factor of total damage (other than heat damage) but otherwise grading No. 4 or better and containing not in excess of 30 percent damage and not in excess of 14 percent moisture, eligible for price support so that the amended subparagraph reads as follows:

§ 421.2028 *Eligible soybeans.* * * *

(c) * * *.

(1) Soybeans must be soybeans of any class grading No. 4 or better and containing not in excess of 14 percent moisture, or soybeans of any class grading Sample on the factor of total damage (other than heat damage) but otherwise grading No. 4 or better and containing not in excess of 30 percent damaged kernels and not in excess of 14 percent moisture. In no event shall heat damaged kernels be in excess of 3 percent.

2. Section 421.2033 (b) is amended to provide discounts for soybeans grading Sample on the factor of total damage (other than heat damage) as follows:

a. Subparagraph (4) *Discounts for test weight per bushel, splits, and damaged kernels* is amended by adding the following to the table for total damaged kernels:

Percent:	*Cents per bushel*
8.1 to 9.0	4
9.1 to 10.0	5½
10.1 to 11.0	7
11.1 to 12	8½
12.1 to 13	10½
13.1 to 14	12½
14.1 to 15	14½
15.1 to 16	16½
16.1 to 17	19
17.1 to 18	21½
18.1 to 19	24
19.1 to 20	26½
20.1 to 21	29½
21.1 to 22	32½
22.1 to 23	35½
23.1 to 24	38½
24.1 to 25	42
25.1 to 26	45½
26.1 to 27	49
27.1 to 28	52½
28.1 to 29	56
29.1 to 30	59½
Over 30—Not eligible.	

b. Subparagraph (5) *Premiums for low moisture content* is amended by adding the following sentence at the end thereof: "The above premiums are not applicable to soybeans grading Sample on the factor of total damage but which otherwise grade No. 4 or better."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 16th day of November 1956.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-9601; Filed, Nov. 21, 1956; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11770; FCC 56-1129]

[Rules Amdt. 10-12]

PART 10—PUBLIC SAFETY RADIO SERVICES

MISCELLANEOUS AMENDMENTS

1. The Commission issued a Notice of Proposed Rule Making on July 10, 1956 (FCC 56-650), by which it proposed to amend its rules governing the Public Safety Radio Services in the following respects:

(a) Add a new paragraph (e) to § 10.101 to point out that in individual cases it may be impractical to authorize the use of frequencies below 25 Mc for operation of radio systems in the Public Safety Radio Services even though such frequencies may be those normally assigned to stations in these services and to provide for authorization of a suitable substitute frequency if such a frequency can be located by the applicant.

(b) Amend § 10.101 by adding a new paragraph (f) to provide that the frequency 121.5 Mc is available for assignment to some stations in the Public Safety Radio Services for the sole purpose of communicating with stations in the Aviation Service when such public safety stations are engaged in search and rescue operations involving lost aircraft.

(c) Amend § 10.103 (a) to provide that stations licensed in the Public Safety Radio Services may use tone signals to actuate warning devices intended to advise the general public or emergency personnel of an emergency condition.

(d) Amend § 10.255 to provide that the frequencies 39.46 Mc and 45.86 Mc are reserved for assignment to stations in the Police Radio Service for intersystem operations only.

(e) Amend § 10.255 to provide that new authorizations for the use of the frequency 39.06 Mc shall be made only upon the condition that the maximum plate input power to the final radio frequency stage shall not exceed three watts.

By its order of August 23, 1956, the Commission extended the date for filing of comments in response to the Notice of Proposed Rule Making to September 10, 1956, and extended the date for filing reply comments until 10 days after September 10, 1956.

2. Five original comments and no reply comments were filed in this proceeding. Of this total only one, that of the Federal Civil Defense Administration,[1] discloses any interest in any of the proposed amendments other than the proposal to allow assignment of the frequency 121.5 Mc to some stations in the Public Safety Radio Services.

3. The FCDA supports the proposed amendment of § 10.101 summarized in paragraph 1 (a) above.

This proposal merely acknowledges, in the Rules, an existing situation in regard to the availability of frequencies below 25 Mc for assignment to applicants in the Public Safety Radio Service. The proposed amendment will serve to put future applicants for such frequencies on notice that in some instances the Commission may be unable to authorize a particular frequency at the desired location because of various factors such as international priorities and the probability of interference to existing operations on closely adjacent frequencies.

4. The comments disclose both support for and opposition to the proposed amendment of § 10.101 in regard to the licensing of some stations in the Public Safety Radio Services for use of the aeronautical universal emergency and distress frequency 121.5 Mc.

The National Association of State Aviation Officials "strongly recommends adoption of the proposed amendment." In support of its recommendation this organization states: "The use of 121.5 Mc for communication between state, county and municipal vehicles and aircraft will, in many cases, greatly simplify, improve, and expedite the search for lost aircraft, and may save many lives, as well as saving valuable time and money in rescue operations."

The FCDA agrees "in principle with the thought that Public Safety Radio Services licensees require the ability to use an aeronautical frequency when required to facilitate search and rescue operations." This organization, however, questions "the use of 121.5 Mc which is the international aeronautical emergency and distress frequency" by stations in the Public Safety Radio Services.

Aeronautical Radio, Inc., endorses the intent of the proposal but desires that the conditions for use of the frequency 121.5 Mc by stations in the Public Safety Services be spelled out in greater detail than is done in the proposed rule.

The Aircraft Owners and Pilots Association states: "AOPA considers (1) that and rule making concerning the use of the aircraft emergency frequency of 121.5 Mc is potentially dangerous and is a safety of flight matter which should be given the most careful consideration by the affected agencies. . . . (4) that, accordingly, this matter be transmitted to the search and rescue committee of the Air Coordinating Committee for consideration."

The Civil Aeronautics Administration and the United States Air Force object to this proposal, recommend that action on the proposed change to § 10.101 be deferred, and request that the matter of utilizing the frequency 121.5 Mc for

[1] Hereinafter referred to as FCDA.

search and rescue operations be referred to the Air Coordinating Committee for consideration.

Inasmuch as there appears to be a division of opinion among the aviation agencies and organizations with respect to the advisability of promulgating the proposed rule, the Commission is not including proposed § 10.101 (f) at this time; but in so doing is not precluding future consideration of this matter.

5. The only comment which relates to the proposal to amend § 10.103 (a), that of the FCDA, supports the proposal. It is also noted that the proposed rule is in accordance with a petition of the Associated Police Communications Officers, Inc., which was filed previous to the issuance of the Notice of Proposed Rule Making in this proceeding.

In addition to supporting the proposed rule, the FCDA advocates that the proposed amendment be broadened so as to allow the use of tone signals by stations in the Public Safety Radio Services to actuate traffic signals necessary to facilitate the implementation of evacuation plans. This suggestion, since it goes beyond the proposal embodied in the Notice of Proposed Rule Making, is outside the scope of this proceeding and, therefore, will not be considered herein.

6. The proposed amendment of § 10.255 so as to reserve the frequencies 39.46 Mc and 45.86 Mc for inter-system operation in the Police Radio Service was, in part, in response to a petition filed by the Buckeye State Sheriffs Association. The only comment relating to this proposal was filed by the FCDA which, in supporting the proposal, states: "We feel that such inter-system operation is exceedingly vital in the performance of the civil defense responsibilities of such licensees."

For a number of years the Commission's rules have provided for the reservation of a frequency in the 152–162 Mc band for police inter-system operations. This provision appears to have been of value to policing agencies and in view of the rapid expansion of police radio systems, it appears that the reservation of the frequencies 39.46 Mc and 45.86 Mc for this same use will be likewise valuable and is justified.

7. The proposed amendment of § 10.255 to provide that a power limitation of three watts be made a condition of all new authorizations for use of the frequency 39.06 Mc was engendered by the need expressed in resolutions of the International Association of Chiefs of Police and the Associated Police Communications Officers, Inc.

The comment of the FCDA was the only comment received which relates to this proposed amendment. The FCDA supports the proposal "in principle" but questions the advisability of limiting the maximum power to three watts and proposes that the limitation be ten watts. The stated basis for this substitute proposal is as follows: "We feel that the increase in the interference level will be minor compared to the improved performance obtained. The ten watt power limitation would have the desired result of preventing interference from the higher powered base and mobile stations in the 200 watt category."

The basis for the suggestion of the FCDA to limit the maximum power to ten watts rather than three watts fails to give adequate weight to the fact that three watts is sufficient to obtain efficient communication of the type which licensees in the Police Radio Service desire to perform on this "protected" frequency. Furthermore, a check of the Commission's records shows that there are only three licensees authorized for the use of the frequency 39.06 Mc and they are all located in the same area of New York State and have a total of one base station and 13 mobile units. Therefore, there is no necessity for increasing the maximum power limitation to prevent "interference from the higher powered base and mobile stations."

8. In view of all the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4 (i) and 303 (c), (f) and (r) of the Communications Act of 1934, as amended, that effective December 28, 1956, Part 10 of the Commission's rules governing the public safety radio services be and is hereby amended in the particulars set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 15, 1956.

Released: November 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 10, Public Safety Radio Services, as follows:

1. Amend § 10.101 by adding the following new paragraph (e):

(e) Frequencies below 25 megacycles listed in the various services of this part are the frequencies normally assigned to stations in those services under the indicated conditions and limitations. In individual cases it may be impracticable to authorize the normally assignable frequencies because of potential interference to existing frequency use in the area involved. In such cases substitute frequencies, which are in accordance with the Commission's table of frequency allocations and compatible with existing United States and foreign assignments made pursuant to outstanding international agreements, may be authorized even though such frequencies are not listed in this part.

2. Amend § 10.103 (a) to read as follows:

§ 10.103 *Types of emission.* (a) Except as provided in paragraphs (c). and (d) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signaling devices the function of which is limited to establishing or maintaining voice communications or to actuating emergency warning devices used solely for the purpose of advising the general public or emergency personnel of an impending emergency situation.

3. Amend § 10.255 as follows:

a. Amend paragraph (g) by changing the entries, opposite the following frequencies, in the second and third columns of the table to read:

39.06	do	17
39.46	do	16
45.86	Base and Mobile	16
45.90	do	—

b. Amend paragraph (h) by adding the following new limitation notes 16 and 17:

(16) This frequency is reserved for assignment to stations in the Police Radio Service for intersystem operations only: *Provided, however*, That licensees holding a valid authorization to use this frequency for local base or mobile operations as of June 1, 1956, may continue to be authorized for such use.

(17) The maximum plate input power to the final radio frequency stage of any transmitter authorized to operate on this frequency, after June 1, 1956, shall not exceed three watts. Licensees holding a valid authorization as of June 1, 1956, for base or mobile station operation on this frequency, with a power in excess of three watts, may continue to be authorized for such operation without regard to this power limitation.

[F. R. Doc. 56-9593; Filed, Nov. 21, 1956; 8:50 a. m.]

[Docket No. 11610; FCC 56-1128]

[Rules Amdt. 11-6]

PART 11—INDUSTRIAL RADIO SERVICES

FREQUENCY AVAILABLE FOR MOBILE STATIONS

1. By Notice of Proposed Rule Making of August 30, 1956 (FCC 56-837—released September 5, 1956) in the above-entitled matter, the Commission proposed to amend Subpart H: Forest Products Radio Service of Part 11—Rules Governing the Industrial Radio Services by the addition of a new Section, to be known as Section 11.355.

2. In substance, the proposed amendment provides for the issuance of authorizations specifying type (A or F) 2 emission to Mobile Stations in the Forest Products Radio Service, such authorizations to be subject to certain limitations and requirements, including a requirement that no harmful interference be caused the service of any station operating on this frequency in the Low Power Industrial Radio Service.[1] Prompting the Commission in offering the amendment was evidence that the logging industry had need for a radio system utilizing tone signals; that such need was born of safety considerations arising from a certain phase of log-hauling activities known as "yarding"; and that the frequency 154.57 Mc was the most suitable frequency for the contemplated

[1] The frequency 154.57 Mc is presently available for assignment only in the Low Power Industrial Radio Service.

purposes from the interference standpoint. In limiting the proposed availability of the frequency to the Forest Products Radio Service, the Commission proposed what, in effect, would be a geographical limitation on the new usage. All of the proposed limitations are consistent with the Commission's policy of not permitting any deterioration of the Low Power Industrial Radio Service with respect to the purpose originally intended to be served thereby, namely, the establishment of a low power, mobile, voice communication service for industrial and commercial users.

3. Comments have been received from Weyerhaeuser Timber Company, Ketchican Pulp Company and Forest Industries Radio Communications, the latter having filed on behalf of itself and its individual members. An additional comment was filed on behalf of 67 named companies engaged in logging operations. In none of the foregoing comments is opposition to the Commission's proposal stated. On the contrary, the comments are to the general effect that the proposed amendment would contribute to the safety and efficiency of the above "yarding" operation and that the suggested limitations would adequately protect the Low Power Industrial Radio Service.

4. Upon consideration of the foregoing comments and of all other relevant matter presented in this proceeding, the Commission concludes that the proposed amendment would materially serve the public interest, convenience and necessity. Accordingly, with minor editorial changes, the Commission is this day adopting the amendment as it was originally proposed. Authority for the amendment is contained in sections 4 (a) and 303 (a–h) and (r) of the Communications Act of 1934, as amended. Because the amendment relieves a restriction (on the use of the frequency 154.57 Mc), it may be made effective prior to 30 days from publication thereof in the FEDERAL REGISTER (section 4 (c), Administrative Procedure Act).

5. In view of the foregoing: *It is ordered*, This 15th day of November 1956:

(a) That Subpart H: Forest Products Radio Service of Part 11, Industrial Radio Services, is hereby amended by the addition of the section set forth below, the said section to be known as § 11.355; and

(b) That the amendment adopted herein is hereby made effective on November 26, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

§ 11.355 *Frequency available for mobile stations.* The frequency 154.57 Mc is available for assignment on a secondary basis to Mobile Stations in the Forest Products Radio Service subject to the following limitations and requirements:

(a) The plate power input to the final radio frequency stage of any transmitter shall not exceed three watts.

(b) Without the necessity of the showing specified by § 11.103 (b), and notwithstanding the other provisions of that section, authorizations will be issued for type (A or F) 2 emission for tone signalling (or for a combination of such emission and type (A or F) 3 emission) with a maximum authorized bandwidth of 40 kilocycles.

(c) The maximum distance between any transmitter and the center of the radiating portion of its antenna shall not exceed 25 feet.

(d) All operation on the frequency 154.57 Mc in the Forest Products Radio Service is subject to the requirement that no harmful interference be caused to the service of any station authorized on this frequency in the Low Power Industrial Radio Service.

[F. R. Doc. 56–9594; Filed, Nov. 21, 1956; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 985]

[Docket No. AO–240–A3]

MILK IN MUSKEGON, MICH., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 401, Kalamazoo County Court House, Ross Street and Michigan Avenue, Kalamazoo, Michigan, November 27, 1956, at 9:00 a. m., for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Muskegon, Michigan, marketing area. This notice of hearing does not reopen the hearing held at Muskegon, Michigan, August 28, 1956, and does not provide opportunity for presenting additional evidence with respect to the issues of that hearing. The proposed amendments hereinafter set forth have not received the approval of the Secretary of Agriculture.

Proposed by the Michigan Milk Producers' Association:

1. Amend § 985.6 to revise pool qualifications as they pertain to a plant owned and/or operated by a cooperative association.

Proposed by Dairy Division, Agricultural Marketing Service:

2. Make such changes as may be required to make the order in its entirety conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and the order now in effect, may be procured from the market administrator, 156 W. Sherman Blvd., Muskegon Heights, Michigan, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 16th day of November, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56–9589; Filed, Nov. 21, 1956; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

NOTICE OF PROPOSED AMENDMENT

Pursuant to authority under section 14 of the Fair Labor Standards Act of 1938 (section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214), and General Order No. 45–A (15 F. R. 3290), and in accordance with § 522.12 (29 CFR Part 522), I propose to amend Part 522 of the Code of Federal Regulations (29 CFR Part 522) as follows:

1. Paragraphs (b), (c), (d), (e) and (f) of § 522.5 are redesignated paragraphs (c), (d), (e), (f) and (g), respectively.

2. Add a new paragraph (b) to § 522.5 as follows:

(b) Reasonable efforts have been made to recruit experienced workers, including the placement of an order with the local State or Territorial Public Employment Service Office (except in possessions where there is no such office) not more than fifteen days prior to the date of application. Written evidence from such office that the order has been placed shall be submitted by the employer with the application.

3. Paragraph (f) of § 522.6 is amended to read:

(f) No learners shall be hired under a learner certificate if, at the time the employment begins, experienced workers capable of equalling the performance of a worker of minimum acceptable skill are available for employment. Each time before hiring learners during the effective period of the certificate an order for experienced workers must be placed or be on active file with the local State or Territorial Public Employment Service Office (except in possessions where there is no such office). Written evidence that an order has been placed or is on active file shall be maintained in the employer's records.

4. Paragraph (c) of § 522.7 is redesignated paragraph (d).

5. Add a new paragraph (c) to § 522.7 to read as follows:

(c) The employer shall maintain a file of all evidence and records, including any correspondence pertaining to the filing or cancellation of job orders placed with the local State or Territorial Public Employment Service Office under 29 CFR 522.5 (b) and 522.6 (f).

Prior to the final adoption of these proposed amendments, consideration will be given to any views, arguments, or data pertaining thereto, which are submitted in writing to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 10 days after this notice is published in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of November 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56–9537; Filed, Nov. 21, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 19]

[Docket No. 11872; FCC 56–1127]

CITIZENS RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In connection with a letter under date of October 18, 1956 submitted on behalf of the Stromberg-Carlson Company, Inc., requesting clarification of § 19.35 (b) of the rules governing the Citizens Radio Service, the Commission has had occasion to consider that section, particularly in regard to the permissibility of using Class C Citizens Radio stations to actuate devices which are used solely as a means of attracting attention.

3. Section 19.35 (b) of the rules governing the Citizens Radio Service limits the emission of Class C stations as follows:

Except as provided in paragraph (c) of this section, Class C stations in this service may use only on-off unmodulated or amplitude tone modulated carrier for remote control of object or devices only.

4. The intent of § 19.35 (b) was to limit the use of the frequency 27.255 Mc to the transmission of tones or pulses used for the activation of some device at the receiver, as distinguished from the transmission of signals or conventional communications such as are normally accomplished by means of voice modulated signals or telegraphic code.

5. Attention devices, in general, function through the transmission of coded, tone modulated carriers which actuate tuned reeds in a receiver associated with the system. Upon receipt of the proper tone combination or sequence, the receiver automatically triggers a local audio oscillator which produces an audible tone in a conventional speaker system, or the device may be designed to actuate some type of visual signals such as a flashing light.

6. The amendment of the Citizens Radio Service rules which established Class C stations was adopted on February 13, 1952. (Docket 10086). The restriction against the use of Class C stations for communications purposes contained in § 19.35 (b) was adopted to encourage the development and use of equipment in the 460–470 Mc band. Therefore, such use of radio as described above was prohibited to Class C stations but was permissible on the 460–470 Mc band.

7. Since the development of equipment for use in the 460–470 Mc band has progressed to the extent that such equipment is now readily available and in fact is being extensively used in many areas, there appears to be no further need to continue the present restriction governing the use of the frequency 27.255 Mc insofar as attention devices are concerned.

8. Accordingly, the Commission proposes to amend §§ 19.35 (b) and 19.59 (d) so as to specifically permit the actuation of attention devices by Class C Citizens Radio Stations.

9. The proposed amendments are issued under the authority contained in sections 4 (i), and 303 of the Communications Act of 1934, as amended, and are set forth below.

10. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before December 21, 1956, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

11. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 15, 1956.

Released: November 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. It is proposed to amend § 19.35 (b) of the Commission's rules governing the Citizens Radio Service to read as follows:

(b) Except as provided in paragraph (c) of this section, Class C stations in this service may use only on-off unmodulated or amplitude tone modulated carrier for remote control of objects or devices, and the actuation of devices which are used solely as a means of attracting attention.

2. It is proposed to amend § 19.59 (d) to read as follows:

(d) A station in this service used for radio control of objects or devices, or for the actuation of devices which are used solely as a means of attracting attention, shall not be used where its operation involves the continuous radiation of energy except for brief tests or when adjustments are being made to the transmitter, or as otherwise provided in § 19.35 (c).

[F. R. Doc. 56–9595; Filed, Nov. 21, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill.; effective 11–21–56 to 11–20–57 (men's and boys' cotton twill pants).

Blue Bell, Inc., Tupelo, Lee Co., Miss.; effective 11–8–56 to 11–7–57 (western shirts).

Cluett, Peabody & Co., Inc., Virginia, Minn.; effective 11–19–56 to 11–18–57 (shirts).

D. & D. Shirt Co., 1801 Newport Avenue, Northampton, Pa.; effective 11–9–56 to 11–8–57 (men's sport and dress shirts).

Four's Co., Inc., Blairsville, Pa.; effective 11–10–56 to 11–9–57 (children's dresses).

Henry Blouse Manufacturing Corp., 51 North Spruce Street, Mount Carmel, Pa.; effective 11-17-56 to 11-16-57; 5 learners ladies' blouses).

Kentucky Pants Co., 117 North Street, Glasgow, Ky.; effective 11-15-56 to 11-14-57 (work pants).

Newport News Children's Dress Co., 824 South 39th Street, Newport News, Va.; effective 11-17-56 to 11-16-57 (children's and girls' dresses and play suits).

The Pyke Manufacturing Co., 154 West Second Street, Salt Lake City, Utah; effective 11-6-56 to 11-5-57; 10 percent of factory production workers engaged in the manufacture of work pants and corduroys, overalls, jeans and coveralls (work pants, corduroys, overalls, jeans, etc.)

The Pyke Manufacturing Co., 154 West Second Street, Salt Lake City, Utah; effective 11-6-56 to 11-5-57; 10 percent of factory production workers engaged in the manufacture of ladies' and girls' pedal pushers and shorts (pedal pushers and shorts).

Rainfair, Inc., Wynne, Ark.; effective 11-13-56 to 11-12-57; 10 percent of factory production workers engaged in the production of men's pants (men's single pants, shorts).

Resort Dress Manufacturing Corp., Main Street, Route 31, Stanhope, N. J.; effective 11-9-56 to 11-8-57; 5 learners (dresses).

Salemburg Manufacturing Co., Salemburg, N. C.; effective 10-18-56 to 10-17-57 (dresses) (Replacement certificate).

Shane Manufacturing Co., Inc., 2015 West Maryland Street, Evansville, Ind.; effective 11-16-56 to 11-15-57 (denim overalls).

Terre Hill Manufacturing Co., Inc., Lancaster Co., Blue Ball, Pa.; effective 11-22-56 to 11-21-57; 10 percent of factory production workers engaged in the production of slips and nightgowns of woven fabrics (ladies' and children's slips and nightgowns).

Tremont Sportswear Manufacturing Co., Inc., 1160 Washington Street, Boston, Mass.; effective 11-18-56 to 11-7-57; 5 learners (ladies' panta shorts).

Weldon Manufacturing Co., Dushore, Pa.; effective 11-14-56 to 11-13-57 (men's pajamas).

Weldon Manufacturing Co., Lopez, Pa.; effective 11-14-56 to 11-13-57 (pajama jackets).

Weldon Manufacturing Co., Muncy, Pa.; effective 11-18-56 to 11-17-57 (pajamas).

Yolanda Dress Shop, 373 Hale Street, New Brunswick, N. J.; effective 11-10-56 to 11-9-57; 5 learners (children's dresses and play clothes).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Detroit Slacks, Inc., Detroit, Ala.; effective 11-29-56 to 5-28-57; 20 learners (men's and boys' play slacks).

International Latex Corp., LaGrange, Ga.; effective 11-8-56 to 5-7-57; 75 learners (brassieres).

Marianna Manufacturing Co., Marianna, Ark.; effective 11-5-56 to 5-4-57; 30 learners (men's trousers).

Rainfair, Inc., Wynne, Ark.; effective 11-13-56 to 5-12-57; 10 learners for expansion purposes engaged in the production of men's pants (men's single dress pants, shorts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Green Cove Springs Hosiery Co., Burlington Mills, Green Cove Springs, Fla.; effective 11-12-56 to 5-11-57; 20 learners (full-fashioned).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

West Iowa Telephone Co., Anita, Iowa; effective 11-17-56 to 11-16-57.

West Iowa Telephone Co., Marcus, Iowa; effective 11-17-56 to 11-16-57.

West Iowa Telephone Co., Remsen, Iowa; effective 11-17-56 to 11-16-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued authorizing the employment of not more than 5 percent of the total number of factory production workers as learners for normal labor turnover purposes.

Cluett, Peabody & Co., Inc., Eveleth, Minn.; effective 11-28-56 to 11-27-57 (men's woven underwear).

Dixie Belle Textiles, Gibsonville, N. C.; effective 11-6-56 to 11-5-57 (knitted underwear).

Reidler Knitting Mills, Inc., 757 West Broad Street, Hazleton, Pa.; effective 11-24-56 to 11-23-57 (cotton knit underwear).

Terre Hill Manufacturing Co., Inc., Blue Ball, Pa.; effective 11-22-56 to 11-21-57 (ladies' and children's slips and nightgowns).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Jonell Shoe Co., Inc., 15 Union Street, Lawrence, Mass.; effective 11-6-56 to 11-5-57; 10 percent of factory production workers for normal labor turnover purposes.

Tom Peek Co., First and Main Street, Gilbert, Ariz.; effective 11-8-56 to 5-7-57; 15 learners for expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Central Braid & Rug Co., Inc., 1261 Broad Street, Central Falls, R. I.; effective 11-9-56 to 5-8-57; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of 2 learners for normal labor turnover purposes (braided rugs).

Wm. P. Goldman & Bros., Inc., 239 Varet Street, Brooklyn, N. Y.; effective 11-9-56 to 5-8-57; not less than 85 cents per hour for a maximum of 108 hours, for the occupations of final presser, hand sewer and finishing operations involving hand sewing; authorizing the employment of 5 percent of factory production workers for normal labor turnover purposes (men's clothing).

Terri Lee Fashions, Inc., Apple Valley, Calif.; effective 11-12-56 to 5-11-57; not less than 90 cents per hour for a maximum of 160 hours for the occupation of sewing machine operator; authorizing the employment of 10 learners for normal labor turnover purposes (doll garments).

The following special learner certificate was issued in Hawaii pursuant to the Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

Lauhala Sportswear Co., 1722 Kalakaua Avenue, Honolulu, Hawaii; effective 11-13-56 to 11-12-57; 2 learners for normal labor turnover purposes (dresses).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 13th day of November, 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-9563; Filed, Nov. 21, 1956; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 17, 1956.

The United States Department of Agriculture has filed an application, Serial No. New Mexico 024939, for the withdrawal of the lands described below, from all forms of appropriation.

The applicant desires the land for administrative sites and for an administrative air strip.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

GILA NATIONAL FOREST

Black Range Administrative Site:
T. 16 S., R. 8 W.,
Lots 8, 9, 10 and 11, exclusive of lands included in mineral patent.
The area described aggregates 145.33 acres more or less.
Mimbres Administrative Site:
T. 16 S., R. 11 W.,
Section 7, W½NE¼, SE¼NW¼.
The area described aggregates 120 acres.
Beaverhead Administrative Site:
T. 10 S., R. 12 W.,
Section 7, Lots 3 and 4, SW¼SE¼SW¼ (exclusive of lands patented under HES 480).
T. 10 S., R. 13 W.,
Section 12, SE¼.
The area described aggregates 220 acres more or less.
O Bar O Administrative Site:
T. 9 S., R. 15 W.,
Section 2, W½SW¼NW¼;
Section 3, E½SE¼NE¼.
The area described aggregates 40 acres.
Negrito Administrative Air Strip:
T. 9 S., R. 17 W.,
Section 13, S½NE¼, NW¼SE¼, E½SW¼.
The area described aggregates 200 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 56-9588; Filed, Nov. 21, 1956; 8:49 a. m.]

WYOMING

DELEGATION OF AUTHORITY TO SPECIFIED CLASSES OF EMPLOYEES

Pursuant to authority delegated by Order No. 541 of the Director of the Bureau of Land Management, as amended, the following redelegations of authority are made in accordance with section 2.1 (a) to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated herein may not be redelegated.

Part I: Government Contests. Section 1. The State Lands and Minerals Officer may initiate Government Contests against claims asserted to public lands and take all necessary actions involving the prosecution of such contests except the presentation of the Government's case at the hearings.

Part II: Classification and withdrawals. Section 1. The Lands and Minerals Staff Officer may take all actions authorized by section 2.5 of Order No. 541 of the Director of the Bureau of Land Management.

Part III: Minerals. Section 1. The State Lands and Minerals Officer may take all actions authorized by section 2.6 of Order No. 541, which may be necessary to conduct a comprehensive mineral examination of mineral applications and unpatented mining claims and sign mineral reports ordinarily signed by the State Supervisor.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-9573; Filed, Nov. 21, 1956; 8:46 a. m.]

[Classification No. 43]

NEW MEXICO

SMALL TRACT CLASSIFICATION

NOVEMBER 15, 1956.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby amend Classification Order No. 43, Small Tract Classification appearing in 21 F. R. 8597 to exclude the following described tracts:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 15 W., N. M.,
Sec. 12, W½SW¼NE¼NW¼, E½SE¼NW¼NW¼, W½SE¼NW¼NW¼, E½SW¼NW¼NW¼, W½SW¼NW¼NW¼.

The area described aggregates 25 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 56-9587; Filed, Nov. 21, 1956; 8:48 a. m.]

WYOMING

RESTORATION ORDER

NOVEMBER 15, 1956.

Pursuant to determination DA-137-Wyoming of the Federal Power Commission and in accordance with Order 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473-2476), it is ordered as follows:

The land hereinafter described, so far as it is withdrawn and reserved for power purposes, is hereby restored and is classified pursuant to section 7 of the Taylor Act (48 Stat. 1269; 43 U. S. C. 315), as amended, as suitable for disposition under the Desert Land Act (19 Stat. 377: 43 U. S. C. 321-323), as amended, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

SIXTH PRINCIPAL MERIDIAN

T. 57 N., R. 94 W.,
Sec. 29: SE¼NE¼.

The area described aggregates 40 acres.

This land is located approximately 4 miles northwest of Kane, Wyoming. It varies from slightly sloping to gently rolling. Soil is a silty loam. Approximately 8 acres is susceptible to irrigation while the remainder of the 40 acres is suitable only for grazing. This latter portion supports vegetation composed of native grasses and sagebrush.

While any applications that are filed will be considered on their merits, it is unlikely that the restored land will be classified for any purpose other than that shown above. Any disposition of the land described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structure or improvement placed thereon which may be found to obstruct or interfere with such development, shall, without cost, expense or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The land described shall be subject to application by the State of Wyoming for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER, for rights-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in the preceding paragraph. The lands are presently occupied and any successful applicant, if other than the current user, will be required to reimburse the user for fixed improvements on the land.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 91st day after publication of this order in the FEDERAL REGISTER. At that time, the said land shall become subject to application, petition, location and selection subject to valid existing rights, the provisions of existing withdrawal, the requirements of applicable laws and the 90 day preference right filing period for veterans of World War II and the Korean conflict and others entitled to preference under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained from the Manager, Land Office, Bureau of Land Management, Post Office Box 578, Cheyenne, Wyoming.

LOWELL M. PUCKETT,
State Supervisor.

[F. R. Doc. 56-9574; Filed, Nov. 21, 1956; 8:46 a. m.]

WASHINGTON

REDELEGATION OF AUTHORITY TO SPECIFIED CLASSES OF EMPLOYEES

NOVEMBER 15, 1956.

Pursuant to authority delegated by Order No. 541 of the Director of the Bureau of Land Management, as amended, the following redelegations of authority are made in accordance with section 2.1 (a) (1) to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

Part I: Government contests. Section I. The State Lands & Minerals Officer may initiate Government Contests against claims asserted to public lands and take all necessary actions involving the prosecution of such contests except presentation of the Government's case at the hearings.

Part II: Classification and withdrawals. Section I. The State Lands & Minerals Officer may take all actions authorized by section 2.5 of Order No. 541 of the Director of the Bureau of Land Management.

Part III: Minerals. Section I. The State Lands & Minerals Officer may take all actions authorized by section 2.6 (k) of Order No. 541, which may be necessary to conduct a comprehensive mineral examination on mineral applications and unpatented mining claims and sign mineral reports ordinarily signed by the State Supervisor.

Part IV: Oaths. Section I. The employees hereafter named may administer any oaths, affirmations, affidavits, or depositions provided for under the Act of August 14, 1940 (5 U. S. C. 498), whenever necessary in the performance of such employee's official duties:

Kenneth A. Burkholder.
Fremont W. Merewether.
Wesley G. Hippard.
John P. Thomson.
Jack L. Frederic.
Lynn C. Shelden.
Paul M. Sanger.
Robert F. May.

Part V: Range and forestry. 1.0 The Range and Forestry Officer is authorized to take action for and in behalf of the State Supervisor in accordance with existing policies, regulations and procedures of this department, and under the direct supervision of the State Supervisor, in the matters listed in Director's Order No. 541 which are set forth below, subject to the limitations which may, from time to time, be listed in parts I and II of Director's Order No. 541 and any limitations specified below.

1.2 *General and miscellaneous matters.* On matters in which he is authorized to act, the Range and Forestry Officer may make partial or complete

cancellation or accept surrenders of contracts.

1.3 *Fiscal affairs.* On matters in which he is authorized to act, the Range and Forestry Officer may take actions specified in section 1.3 of the Director's Order No. 541.

(a) Bonds.

(b) Contributions and refunds.

(c) Applications for repayment under 43 CFR, Part 217.

(d) Trespass—Determine liability and accept damages for trespass on the public lands, and dispose of resources recovered in trespass cases for not less than the appraised value thereof when the amount does not exceed $2,000.

1.7 *Range Management.* The Range and Forestry Officer may take action as specified in section 1.7 of the Director's Order No. 541 on the following matters:

(a) *Grazing district administration.*

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) The expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

(b) *Grazing leases.* (1) Grazing leases of public lands, under section 15 of the Act of June 28, 1934, as amended (43 U. S. C. sec. 315m), and the permits or cooperative agreements to construct and maintain improvements on lands so leased, and to determine the value of such improvements.

(c) *Appropriation of water.*

(d) *Soil and moisture conservation: control of Halogeton glomeratus.*

(e) *Controlled brush burning.*

1.8 *Forest Management.* The Range and Forestry Officer may take all action set forth in subsection (a) of section 1.8 of Director's Order No. 541 "Disposition of forest products."

1.9 *Land use.* The Range and Forestry Officer may take all the actions set forth in subsection (g) of section 1.9 of Director's Order No. 541, "Material other than forest products."

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 56-9575; Filed, Nov. 21, 1956; 8:47 a. m.]

Geological Survey

[Power Site Classification No. 436]

GILA RIVER, ARIZONA

POWER SITES

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818):

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 5 E. (unsurveyed),
Every smallest legal subdivision which when surveyed will be adjacent to Verde River upstream from Sycamore Creek and under an altitude of 3,100 feet. Protraction of existing surveys indicates that the lands when surveyed will be within secs. 1, 2, 3, 11, and 12.

T. 13 N., R. 5 E.,
Sec. 4, S½SW¼;
Sec. 5, lots 2, 6, and SW¼NE¼;
Sec. 7, lots 8 and 11;
Sec. 9, NW¼ and S½SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, lot 2, SW¼, and NW¼SE¼;
Sec. 16, N½NE¼, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 17, lots 2, 3, 5, 6, and 8;
Sec. 18, NE¼NE¼;
Sec. 20, SE¼NE¼ and E½SE¼;
Sec. 21, N½ and W½SW¼;
Sec. 22, E½W½ and SW¼SE¼;
Sec. 25, S½SW¼ and SE¼;
Sec. 26, SW¼;
Sec. 27, NW¼NE¼, NE¼NW¼, and S½NW¼;
Sec. 28, NE¼ and W½NW¼;
Sec. 33, lots 1, 7, and 8;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, 8, 11, and 12;
Sec. 35, S½NE¼, NW¼, and S½;
Sec. 36, NE¼, W½, and W½SE¼.

T. 14 N., R. 5 E.,
Sec. 19, NE¼SE¼;
Sec. 20, lots 2 and 3;
Sec. 29, lots 4, 7, and 8;
Sec. 30, lot 2;
Sec. 32, lots 2 and 8.

T. 13 N., R. 6 E.,
Sec. 31, lots 4 and 5.

T. 1 S., R. 10 E.,
Sec. 25, SE¼SE¼;
Sec. 36, lots 1, 2, 3, 4, NE¼, SE¼NW¼, and N½S½.

T. 1 S., R. 11 E. (unsurveyed),
Every smallest legal subdivision any part of which when surveyed will be adjacent to Queen Creek under an altitude of 2,250 feet. Protraction of existing surveys indicates that the lands when surveyed will be within secs. 20, 21, 27, 28, 29, 30, 31, 32, 33, 34, and 35.

T. 2 S., R. 11 E.,
Sec. 5, lots 3, 4, and SW¼NW¼;
Sec. 6.

T. 4 S., R. 11 E.,
Sec. 1, SE¼SW¼ and SE¼;
Sec. 2, W½SE¼ and SE¼SE¼;
Sec. 11;
Sec. 12, lots 1, 3, 4, 5, 6, 7, and 8, N½NW¼, S½SW¼, and SE¼SE¼;
Sec. 13, N½, N½SW¼, SW¼SW¼, and W½SE¼;
Sec. 14, NE¼.

T. 3 S., R. 12 E.,
Sec. 34, S½SE¼;
Sec. 35, E½NE¼ and S½;
Sec. 36, S½SW¼, SW¼SE¼, and E½SE¼.

T. 4 S., R. 12 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and N½S½;
Sec. 2;
Sec. 3, S½;
Sec. 4, S½N½, and S½;
Sec. 5, lots 2, 3, 4, S½N½, and S½;
Sec. 6, lots 1, 4, 5, 6, and SE¼NE¼;
Sec. 7, lots 3, 4, and SE¼;
Sec. 8, N½ and NW¼SW¼;
Sec. 9, N½, NE¼SW¼, and N½SE¼;
Sec. 10, N½NE¼, and NW¼;
Sec. 18, lot 1.

T. 4 S., R. 13 E.,
Sec. 1, lots 3, 7, 9, and SW¼SW¼;
Sec. 3, S½S½;
Sec. 4, SW¼NE¼, S½NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 5, S½N½, NE¼SW¼, and SE¼;
Sec. 6, lots 3, 4, 5, 6, S½NE¼, and SE¼NW¼;
Sec. 8, NE¼NE¼;
Sec. 9, NE¼ and N½NW¼;
Sec. 12, lots 1, 2, and NW¼NW¼.

T. 4 S., R. 14 E.,
Sec. 7, lots 3, 4, 7, and SW¼SE¼;
Sec. 17, SE¼SW¼.

T. 4 S., R. 15 E.,
Sec. 1, S½N½;
Sec. 2, SE¼NE¼ and NE¼SE¼;
Sec. 12, NE¼NW¼.

T. 4 S., R. 16 E.,
Sec. 4, S½S½ (unsurveyed);
Sec. 5, S½N½ (unsurveyed);
Sec. 13, NW¼NW¼ (unsurveyed;
Sec. 18, NE¼NE¼ (unsurveyed).

T. 7 S., R. 16 E.,
Sec. 1, SW¼;
Sec. 2;
Sec. 3, lot 1;
Sec. 4, lot 14;
Sec. 10, lot 7 and SE¼SE¼;
Sec. 11, S½S½;
Sec. 12, S½SW¼;
Sec. 13, W½W½;
Sec. 14;
Sec. 15, lots 10, 12, and NE¼NE¼;
Sec. 23, E½, N½NW¼, and SE¼NW¼;
Sec. 24, NW¼NW¼, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 25, W½ and SW¼SE¼;
Sec. 26, N½NE¼, SE¼NE¼, and NE¼SE¼.

T. 8 S., R. 16 E.,
Sec. 1, lot 1;
Sec. 2, lot 1 and SE¼NE¼;
Sec. 12, E½NW¼.

T. 7 S., R. 17 E.,
Sec. 6, W½SE¼.

T. 8 S., R. 17 E.,
Sec. 6, lot 6;
Sec. 7, E½NW¼.

T. 21 S., R. 21 E.,
Sec. 9, E½NE¼;
Sec. 10, N½ and SE¼;
Sec. 12, lots 1, 2, S½NE¼, SE¼NW¼, and N½SE¼.

T. 21 S., R. 22 E.,
Sec. 7, NE¼NE¼ and NE¼SW¼.

T. 2 S., R. 31 E.,
Every smallest legal subdivision in unsurveyed secs. 17, 18, 19, 20, and 30 adjacent to Blue River which when surveyed will be in whole or in part under an altitude of 4,000 feet.

The area described is estimated to aggregate 24,608 acres, 19,408 acres of which are surveyed.

Dated: November 16, 1956.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 56-9564; Filed, Nov. 21, 1956; 8:45 a. m.]

Southeastern Power Administration

ADMINISTRATIVE ASSISTANT, OFFICE OF THE ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO ENTERING INTO CERTAIN CONTRACTS FOR SUPPLIES OR SERVICES

NOVEMBER 2, 1956.

SECTION 1. *Authority delegated.* The Administrative Assistant, Office of the Administrator, may exercise the authority of the Administrator under Departmental Order No. 2509 with respect to:

Entering into contracts for supplies or services (excepting personal services) in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations when the amount involved is not in excess of $500.00.

SEC. 2. *Revocation.* Administrative Order No. 1, entitled, Delegation of Authority with Respect to Entering into Certain Contracts and Leasing Space in Real Estate Outside District of Columbia, dated January 5, 1951 (16 F. R. 2130), is hereby revoked.

CHAS. W. LEAVY,
Administrator.

[F. R. Doc. 56-9571; Filed, Nov. 21, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11702, 11703; FCC 56-1110]

POLLY B. HUGHES AND HOLIDAY ISLES BROADCASTING CO.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of Polly B. Hughes, Tampa, Florida, Docket No. 11702, File No. BP-9897, Edmund A. Spence, tr/as Holiday Isles Broadcasting Company, St. Petersburg Beach, Florida, Docket No. 11703, File No. BP-10148; for construction permits.

1. The Commission has before it for consideration the following pleadings filed in the above-entitled proceeding: (1) Petition to enlarge issues, filed June 14, 1956, by Polly B. Hughes; (2) Appeal from Memorandum Opinion and Order of the Hearing Examiner granting an amendment to the Spence application relating to change in transmitter site, filed July 16, 1956, by Polly B. Hughes; (3) Petition to enlarge issues to include issues relating to the good faith of Spence in specifying its amended transmitter site, filed July 20, 1956, by Polly B. Hughes; (4) Petition to enlarge issues filed by Edmund A. Spence on July 5, 1956; (5) Petition to intervene and to enlarge issues, filed June 1, 1956, by Florida West Coast Broadcasters, Inc.; (6) Petition to enlarge issues, filed by the Broadcast Bureau on July 19, 1956; and (7) the various oppositions and responses filed to the above pleadings.

Background. 2. Polly B. Hughes has applied for a construction permit to operate on 1600 kc with a power of 1 kw, daytime only, at Tampa, Florida; Edmund A. Spence, tr/as Holiday Isles Broadcasting Co. is an applicant for 1590 kc with a power of 1 kw, directional antenna, daytime only, at St. Petersburg Beach, Florida. Both frequencies are regional. By order released May 11, 1956, the Commission designated the applications of Hughes and Spence for hearing on the issues of (a) areas and populations to be served and the availability thereto of other primary service, and (b) the 307 (b) issue. St. Petersburg Beach lies south of and less than two miles from the nearest city limits of St. Petersburg. St. Petersburg and Tampa are on opposite sides of Old Tampa Bay. St. Petersburg with a population of 96,738 has 3 AM, 1 TV and 1 FM stations. Tampa with a population of 124,681 has 6 AM, 2 TV and 4 FM stations. The population of St. Petersburg Beach is 722 and the town has no radio or television facilities.

3. Spence filed a petition on July 2, 1956, to amend his application to provide a new transmitter site. The site originally proposed by Spence was at the St. Petersburg end of the Corey Causeway, at South Pasadena, less than ½ mile from St. Petersburg. By an Order dated July 11, 1956, the Hearing Examiner granted the Spence petition to amend his application by specifying a new site described as Pine Key Island, 0.9 mile east of Pass-A-Grille Beach. Pass-A-Grille Beach is several miles south of the original site. The pleadings, together with the various oppositions and responses, total in excess of 20. Consequently, due to the voluminous nature of these documents, attempt will not be made to set forth in this Memorandum Opinion and Order in detail all of the contentions and allegations made by the various parties. However, full consideration has been given to each pleading filed.

Summary of petitions filed by Polly B. Hughes. 4. In its petition filed on June 14, 1956, Polly B. Hughes requests that the issues be enlarged (1) to determine the availability of the Spence transmitter site and (2) to determine the reliance which may be placed upon Spence's estimated cost of construction in the light of the evidence adduced under the foregoing issue. This petition was directed to Spence's original transmitter site and subsequent to the time the petition was filed, Spence petitioned for an amendment to his application to specify a new transmitter site. The Hearing Examiner allowed the amendment, and Hughes has taken an appeal from the Hearing Examiner's ruling. It is clear that in the event we sustain the Examiner, Hughes' petition to enlarge issues relating to the original site will be rendered moot. We shall therefore consider the appeal from the Examiner's ruling before passing on Hughes' petition to enlarge the issues.

5. Spence's application, filed on October 11, 1955, specified a site on the west side of Pasadena Avenue at the St. Petersburg end of Corey Causeway. On May 8, 1956, the town council of South Pasadena (in which community the site was located) adopted a general zoning ordinance to be effective June 12, 1956, under which Spence would be prohibited from constructing an antenna at the location specified in the application. The Hearing Examiner permitted Spence's amendment, holding that good cause had been shown in that there was no reason to assume that Spence knew the town council of Pasadena would act as it did in passing the zoning ordinance, and that, considering the fact that the selection of a suitable transmitter site cannot always be accomplished within a few days, Spence had acted with due diligence. The securing of a new site was accomplished by Spence on June 25, 1956, and his amended application filed on July 2, 1956. The Hearing Examiner also ruled, in effect, that it would be inequitable to preclude an applicant from correcting a situation which was not of his own making absent a showing of bad faith or lack of diligence.

6. Hughes contends that the Examiner erred in granting the Spence amendment to change transmitter site for the reasons that: (a) the amendment would eliminate a matter of competitive advantage to Hughes in that the original site was technically inadequate, and (b) good cause had not been shown for the amendment which was tendered approximately three weeks prior to the commencement of the hearing. The pleadings contain charges as to whether good faith was present in Spence's representations that he had acted diligently, and whether good cause was shown for the amendment in the light of allegations of misrepresentations by Spence and his counsel as to the exact time at which Spence first became aware of the action by the town council. The Hearing Examiner found that under the circumstances it could not be said that the securing of a new site by June 25 necessarily revealed a lack of diligence.

7. There appears to have been no abuse of discretion by the Hearing Examiner in ruling as he did. The circumstances of this case make it clear that the purpose of the requested amendment was not to achieve an unfair competitive advantage over the other, so that even the absence of due diligence would not be an absolute bar to the amendment. As we stated in North Shore Broadcasting Co., Inc., 7 RR 822a (1822e) "Diligence is of course, an element of the complex of factors which constitutes 'good cause' and failure to exercise it may preclude alteration of an application. Its importance, however, is governed by the facts of the case, and where it appears that the amendment would not necessitate the addition of new parties to the proceeding, that unfairness would not be visited upon opponents either by way of competitive advantage or by way of delay flowing from the nature of the amendment requiring a substantial change in the presentation of evidence by the other parties, and that 'good cause' is otherwise indicated, an amendment should be allowed."

8. In view of the above, we do not believe it necessary to consider Hughes' assertion that to allow the amendment would destroy the competitive advantage which Hughes had by virtue of the alleged inadequacy of the original Spence proposed site, since the proposed amendment by Spence was not motivated by such consideration. The amendment was required by circumstances beyond Spence's control. Also, in holding as we do that Spence may amend his application to show a new transmitter site, Hughes' petition to enlarge the issues relating to the original site becomes moot.

9. A petition to enlarge issues was filed on July 20, 1956, by Hughes. Although the said petition was filed more than 15 days after publication of the hearing issues in the FEDERAL REGISTER (May 17, 1956) (as required by § 1.389 of the Commission's rules), good cause for late filing has been shown in that the petition relates to matters arising out of the above-described amendment to the Spence application which was accepted for filing by a Memorandum Opinion and Order of the Hearing Examiner dated July 11, 1956.

10. The following issues are requested by Hughes in the July 20, 1956, petition:

"(a) To determine the good faith of the applicant in Docket No. 11703 in proposing the transmitter site shown in its amendment, dated June 30, 1956.

"(b) To determine whether the applicant in Docket No. 11703 is technically qualified, in the light of his proposed cost of construction for antenna system, STL links, and provision for communication to and from the transmitter and studio locations and generation of power.

"(c) To determine the suitability of the transmitter location from the standpoint of welfare of the operator as required by § 3.40 (d) (2) of the Commission's rules.

"(d) To determine whether the applicant in Docket No. 11703 can install and have ready for operation his proposed station and effectuate his proposed programming, in the light of his estimated construction cost of $32,845.00.

"(e) To determine whether there is reasonable assurance that the proposals set forth in the application (Docket No. 11703) will be effectuated, in the light of the applicant's operating budget."

11. The basis asserted by Hughes for requested issue (a) is an affidavit by E. M. Davis, an attorney in St. Petersburg, Florida, to the effect that on June 27, 1956, he talked with Mr. Gower, the real estate agent for Spence, and was told by Mr. Gower that he expected to talk with the owners of the proposed amended site the following week with reference to acquiring an interest therein. In the Spence Petition for Leave to Amend, Spence represented that he had entered into a firm commitment for the use of the site in question on June 25, 1956.

12. In answering the Hughes' petition with reference to requested issue (a), Spence has attached to his pleading a letter dated June 25, 1956, from real estate agent Gower to Mr. Spence in which it is stated that an option for the property designated in the amended application had been confirmed as of that date. The statements made in the Gower letter, which bears a date prior to the time the amendment was filed, satisfy the Commission that Spence has a firm commitment for the site proposed. These facts, when considered in light of the action of the town council for South Pasadena in rezoning the original site to preclude its use by Spence, establish that there would be no useful purpose in enlarging the issues by the addition of issue (a) requested by Hughes.

13. In support of Hughes' petition relating to issue (b) (paragraph 10, supra), it is asserted that the cost of construction shown by Spence's amendment differs from his original application in that in the original application $2,000 was provided for "other items" whereas in the amendment the amount listed is $7,000. Hughes asserts that although no breakdown of the $7,000 allocation for "other items" is shown for the specific matters listed thereunder, examination of both applications indicate that the $5,000 increase is due to the addition of the STL links and the motor generator which have become necessary because of the location of the amended site. Based on this assumption, Hughes has attached to her pleading an engineering statement showing the cost of the STL link and motor generator as $7,245. It is alleged that in addition to inadequate provision for funds for the STL link and motor generator in "other items", no provision is made for other costs such as those for proof of performance and office furniture.

14. Issues (c) and (d) requested by Hughes relate to the transmitter site and cost of construction set forth in the Spence amended application. It is alleged by Hughes that the site proposed is a wooded isle with neither roads, water supply, habitable quarters for the operator on duty nor mode of transportation across the water channel to the mainland, and that Spence has made no provision for those items in his amended application. These items, it is alleged, cannot have been contemplated in the Spence estimate of $7,000 for buildings, since the dollar amount is the same as that proposed in Spence's original application which involved no such items of construction. Hughes also contends that Spence, in providing the sum of $8,500 for an antenna system, has apparently neglected to include all essential items. According to an estimate by an engineering firm retained by Hughes, the antenna system proposed will cost at least $10,220.

15. Hughes also questions Spence's estimated cost of operation for the first year. In support of this contention it is pointed out that Spence has provided for an estimated $39,000, whereas estimated salaries will require approximately $29,000, leaving an estimated $10,000 for such items as rental for transmitter, studios and business office locations, wire news service, insurance, taxes, payments to ASCAP and BMI, telephone and utilities, and general office expenses. Hughes does not assert, with reference to these issues, that Spence does not have adequate funds available; the contrary is conceded in Hughes' reply to the oppositions.

16. The Broadcast Bureau opposes the enlargement of issues pointing out that while some of the points raised by the petitioner appear to be correct, there has been no showing made and there is no reasonable doubt that the $50,000 which Spence has committed for the construction and early operation of the proposed station is insufficient.

17. Issues (b), (c), (d) and (e) requested by Hughes appear to relate to whether the funds available to Spence will be reasonably adequate to effectuate his proposals. We do not have sufficient information, based on the pleadings before us, to determine the merits of Hughes' petition. However, as we held in Superior Television, Inc., 10 RR 438, 440, "if funds are available, even though not expressly allocated to particular functions in a proposal, the applicant should be permitted to show their availability to cover unexpected contingencies or mistakes in judgment." We therefore deny Hughes' petition to enlarge the issues herein as requested but will add an issue empowering the Examiner, upon petition properly filed containing sufficient allegations of fact in support thereof, or on the Examiner's own motion, to determine whether the funds available to Spence will give reasonable assurance that the proposals set forth in the application will be effectuated.

18. Spence filed a petition to enlarge issues on July 5, 1956. The issues requested are directed generally to whether Hughes in her application made full disclosure to the Commission of the real parties in interest; whether Hughes has engaged in activities designed to obstruct or impede the grant of the application of Spence; and, in light of the above, whether Hughes has the qualifications to become a licensee.

19. As noted heretofore, the hearing issues were published in the FEDERAL REGISTER on May 17, 1956, and § 1.389 of our rules requires that requests for enlargement of issues be filed within 15 days of the FEDERAL REGISTER publication, except for good cause shown. As good cause for late filing, Spence states, in effect, that at the time his application was filed he had no legal counsel and that after counsel was engaged, action on the petition had to be deferred because counsel was involved in the preparation of the site amendment application heretofore discussed.

20. Spence has not established good cause for late filing. The issues requested bear no relationship to the site amendment and ample opportunity existed for filing the petition to enlarge at an earlier date. In connection with petitioner's assertion that it had no counsel as of the time of filing its petition, not only was this a situation of petitioner's own making, but it is noted that counsel was retained at the time the applications were designated for hearing which was May 11, 1956, nearly two months before the request to enlarge was filed. This petition is therefore denied on the grounds of late filing.

21. Florida West Coast Broadcasters, Inc., on June 1, 1956, filed a petition to intervene and to enlarge issues in this proceeding. This petitioner is the licensee of standard radio station WPIN at St. Petersburg and operates on frequency 680 kc. By order dated June 21, 1956, the Chief Hearing Examiner granted that portion of the WPIN petition requesting intervention; stating that WPIN is a "party in interest" within the meaning of section 309 (b) since it would be in competition with Holiday Isles for advertising revenue. The petition to enlarge issues remains to be considered.

22. WPIN requests that the issues be enlarged by including the following, or such issue to the same effect as may be reframed by the Commission:

"To determine (a) the consideration given by Edmund A. Spence in selecting 1590 kc as his proposed operating frequency in view of the licensed operation in the immediate area of Station WPIN, St. Petersburg, and (b) the nature and extent of interference to Station WPIN which would result from simultaneous operation of the station proposed by Edmund A. Spence,"

23. In support of its petition for enlargement of the issues, WPIN has submitted an engineer's statement to the effect that the frequency 1590 kc (Spence proposal) is exactly 910 kc from the frequency of WPIN (680 kc). It is alleged that since this is exactly twice the intermediate frequency (455 kc) normally used by broadcast superheterodyne receivers, the proposed station of Spence will operate on the "image frequency" of WPIN. It is alleged that the heavily built-up region of St. Petersburg lies within the area between the two stations, and that a canvass of the area discloses that over 95 percent of the radio receivers sold normally consist of receivers having no R. F. stage ahead of the mixer, which make such receivers susceptible to image interference. It is further asserted that the Commission recognizes the image interference problem in § 3.182 (x) of its rules.[1] The petitioner asserts that under the ruling of the Elm City decision, Docket 13002, U. S. Court of Appeals for District of Columbia Circuit, decided June 14, 1956, it is entitled as an intervenor to a full hearing which includes hearing on the requested issue.

24. Oppositions to the WPIN petition have been filed by Spence and the Broadcast Bureau. In substance, the oppositions maintain that the Commission has consistently refused to add an "image" interference issue in comparative broadcast proceedings since the basis of "image" interference is such that correction can be made in the receivers and that "image" interference is of insufficient merit to make it an issue. The oppositions point out that the Commission has previously declined to adopt issues regarding "image" interference, based on the fact that it is principally a matter of receiver design and correction.

25. We see no useful purpose to be served in adding the requested issue to this proceeding. Although it is urged by petitioner that the issue of "image" interference would be a comparative matter as to which of two competing applicants would best serve the public interest where one might cause "image" interference and the other might not, the prediction of such possible "image" interference is so speculative that a determination thereon could not be the basis for a public interest determination. Moreover, the elimination of such interference, if found to exist, is primarily a matter of improved receiver design and correction. We therefore deny the petition of Florida West Coast Broadcast, Inc. for enlargement of the issues.

26. By its petition filed July 19, 1956, the Broadcast Bureau requests that the issues be enlarged in this proceeding in the following respects: "by renumbering issue No. 3 as issue No. 5 and by including the following additional issues:

3. To determine the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-named applications.

4. To determine whether the proposed operation of Edmund A. Spence would be consistent with § 3.188 of the Commission rules with regard to adequate coverage of the city of St. Petersburg, Florida."

27. In support of its petition to enlarge the issues, the Broadcast Bureau refers to Gulf Beaches Broadcasting Co., Inc., 8 RR 476, in which the Commission had for consideration requests for facilities which, for all practical purposes, are identical to those sought in this proceeding; the parties there seeking construction permits to operate on adjacent regional channel frequencies (1300 kc and 1310 kc) with 1 kw power, daytime only, both employing directional antennas, at St. Petersburg Beach and Tampa, respectively. Upon the record made in that proceeding, the Commission concluded that a choice between the applicants could not be made on the sole basis of the requirements of section 307 (b); that St. Petersburg Beach City had not been established as a separate "community" within the meaning of section 307 (b), but must be considered as an integral part of St. Petersburg City. The Commission there took into consideration such comparative matters as local residence, integration of ownership and management, and programming.

28. With respect to the requested issue concerning whether the Spence's proposed amended site would meet the requirements of § 3.188 of the Commission's rules, the Broadcast Bureau alleges that unless the record will show that since the hearing in the Gulf Beaches case, supra, significant changes have occurred in the characteristics of the area involved, it is reasonable to expect that the Commission will again hold that St. Petersburg Beach is not a "community" within the meaning of section 307 (b), and will regard the Spence proposal as seeking a St. Petersburg station.

29. In opposing in part the Broadcast Bureau's petition, Hughes asserts, in effect, that the coverage proposed by each of the applicants in this proceeding differs materially from that in the Gulf Beaches case. In that case, the St. Petersburg Beach applicant placed a 2 mv/m signal over all of the residential sections of Tampa and the Tampa applicant served more than half of St. Petersburg. Here, it is asserted, Spence would not provide a 2 mv/m signal to any portion of Tampa, and Hughes will provide an interference-free primary service to only a portion of the city of St. Petersburg (36.8 percent). It is therefore urged that we deny the Broadcast Bureau's petition to include comparative issues and make our determination of this case on the 307 (b) issue and on the designated engineering issues. Hughes supports inclusion of the issue relating to compliance with § 3.188, but argues that inclusion of this issue makes even less necessary the addition of comparative issues.

30. Insofar as it requests inclusion of the comparative issue, the Bureau petition must be denied for having been filed too late and without a showing of good cause. However, the Commission proposes to add such issue on its own motion so that if it appears at the time of decision that a choice cannot be made solely on the basis of 307 (b) factors, evidence necessary to a comparison of the applicants will be available without reopening the record for further hearing at that time. This action is consistent with our ruling and disposition of the Gulf Beaches case, supra.

Accordingly: *It is ordered*, This 14th day of November 1956, that the petition to enlarge issues filed June 14, 1956, by Polly B. Hughes is denied.

It is further ordered, That the Appeal from the Memorandum Opinion and Order of the Hearing Examiner, filed July 16, 1956, by Polly B. Hughes is denied.

It is further ordered, That the petition to enlarge issues filed on July 20, 1956 by Polly B. Hughes is denied, but that the Hearing Examiner may, upon petition properly filed containing sufficient allegations of fact in support thereof, or on the Examiner's own motion, enlarge the issues as follows:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in their applications will be effectuated.

It is further ordered, That the petition for enlargement of issues filed by Edmund A. Spence on July 5, 1956, is denied;

It is further ordered, That the petition filed June 1, 1956, by Florida West Coast Broadcasters, Inc. is denied;

It is further ordered, That the petition to enlarge issues filed by the Broadcast Bureau on July 19, 1956, is granted, only to the extent that the issues in this proceeding are enlarged by renumbering issue No. 3 as issue No. 5 and adding the following issue, and is denied in all other respects:

4. To determine whether the proposed operation of Edmund A. Spence would be consistent with § 3.188 of the Commission's rules with regard to adequate coverage to the city of St. Petersburg, Florida.

It is further ordered, That on the Commission's own motion the issues are enlarged by adding new issue No. 3 to read as follows:

3. To determine the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

[1] Section 3.182 (x) of the Commission's rules provides, in pertinent part: "In selecting a frequency, consideration should be given to the fact that occasionally the frequency assignment of two stations in the same area may bear such a relation to the intermediate frequency of some broadcast receivers as to cause so-called 'image' interference. However, since this can usually be rectified by readjustment of the intermediate frequency of such receivers, the Commission in general will not take this kind of interference into consideration in allocation problems."

(c) The programming service proposed in each of the above-named applications.

Released: November 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9596; Filed, Nov. 21, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10740]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

NOTICE OF APPLICATION

NOVEMBER 16, 1956.

Take notice that Central Illinois Public Service Company (Central Illinois), an Illinois corporation having its principal place of business at Springfield, Illinois, filed an application on July 12, 1956, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Panhandle Eastern Pipe Line Company to establish a physical connection with proposed facilities of Central Illinois and to deliver and sell Central Illinois natural gas required for resale in Central Illinois' proposed system serving Mason City and environs in Illinois and as more fully described in its application which is on file with the Commission and open for public inspection.

Central Illinois states that it has the necessary franchise from Mason City and a certificate from the State of Illinois to construct and operate a natural-gas system in Mason City, a community not now served with gas. Applicant further states that it intends to connect its proposed distribution facilities with Panhandle's Peoria lateral with 6½ miles of 4-inch pipe running due west to a town border regulator station, and that it will also build and operate the distribution system in Mason City.

The Commission declared in Docket No. G-2511 that Central Illinois is exempt from jurisdiction.

Central Illinois alleges that it contemplates serving 169 residential and 24 commercial customers in the first year of service in the 2,000 population community of Mason City. Central Illinois estimates that the market requirements for the first five years will be as follows:

Mcf	1st year	2d year	3d year	4th year	5th year
Peak day	130	509	660	792	835
Annual	9,982	39,804	70,475	86,130	95,559

Central Illinois also claims that "the service requested will not result in increasing its present allocated supply from Panhandle or result in any impairment of service to Central Illinois' customers." The Commission has allocated a total of 47,000 Mcf per day to Central Illinois for all the various communities served by it. The attachment of spaceheating customers is restricted by the Illinois Commission as indicated in the certificate issued by it covering service in Mason City.

On September 6, 1956, Panhandle filed a letter in the subject docket stating that "inasmuch as the applicant makes no request for additional volumes of gas, Panhandle does not propose to file any formal answer to the application."

Central Illinois estimates that the system will require a capital investment of $182,469 at the end of the first five years of operation. Currently available funds will be used to pay for the system.

Protests or petitions to intervene may be filed with the Federal Power Commission in accordance with §§ 1.8 or 1.10 of its rules of practice and procedure (18 CFR 1.8 or 1.10), on or before December 5, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9567; Filed, Nov. 21, 1956; 8:46 a. m.]

[Docket No. G-11491]

TRANS-TEX DRILLING CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Trans-Tex Drilling Company (Operator) et al. (Trans-Tex), on October 18, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change, undated; Texas Eastern Transmission Corporation; Supplement No. 6 to Trans-Tex's FPC Gas Rate Schedule No. 1; November 18, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations [18 CFR, Chapter I], a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 18, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 16, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9568; Filed, Nov. 21, 1956; 8:46 a. m.]

[Docket No. G-10887]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 15, 1956.

Take notice that Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with principal place of business at Slattery Building, Shreveport, Louisiana, filed, on August 10, 1956, as amended September 28, 1956, an abbreviated application under § 157.7[3] of the Commission's regulations under the Natural Gas Act (act) for a certificate of public convenience and necessity pursuant to section 7 (c) of said act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate during the remainder of 1956, as integral parts of its existing natural gas system, approximately $683,000 of "Gathering" facilities and $1,625,000 of "Transmission" facilities, as described in the application solely[4] by Account Numbers under the FPC Uniform System of Accounts, as needed and as the exigencies of Applicant's business make appropriate, all of which are necessary to the transportation and sale of natural gas in interstate commerce, and some of which, being subject to the jurisdiction of the Commission under section 7 (c) of the act, require a certificate of public convenience and necessity.

In addition, Applicant seeks authorization under section 7 (c) of the act for the continued operation of approximately $10,505,488 of existing "Gathering" facilities and approximately $46,079,207 of existing "Transmission" facilities also described in the application solely by Account Numbers under the FPC Uniform System of Accounts and whose general location, except for numerous gathering facilities and hundreds of direct industrial sale stub lines are shown on Exhibit X-1 (map) to said application, all of which are necessary to the transportation and sale of natural gas in interstate commerce, and some of which, being subject to the jurisdiction of the Commission under section 7 (c) of the act, require a certificate of public convenience and necessity.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9569; Filed, Nov. 21, 1956; 8:46 a. m.]

[Docket No. G-4994 etc.]

A. O. PHILLIPS

NOTICE OF SEVERANCE

NOVEMBER 15, 1956.

In the matter of A. O. Phillips, Docket No. G-4994, et al., Docket Nos. G-6092, G-6093, G-6094 and G-6095.

Take notice that the hearing now scheduled for November 21, 1956, upon the applications for certificates of public convenience and necessity filed by Slick-Moorman Oil Company and its predecessors in interest in Dockets Nos. G-6092, G-6093, G-6094 and G-6095, which were consolidated with Docket No. G-4994 et al., are hereby severed from the consolidated proceedings in the said Docket No. G-4994, et al., and are hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9570; Filed, Nov. 21, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3525]

STANDARD SHARES, INC.

ORDER PERMITTING DECLARATION REGARDING PROPOSED CASH DISTRIBUTION OUT OF CAPITAL SURPLUS

NOVEMBER 16, 1956.

Standard Shares, Inc. ("Standard Shares"), a registered holding company, has filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-46 promulgated thereunder regarding a proposal by Standard Shares to make a cash distribution of $0.40 per share, payable December 28, 1956, to stockholders of record December 7, 1956, in part out of earned surplus to the full extent thereof which at September 30, 1956, amounted to $359,786 and the balance out of capital surplus which as of the same date was $21,751,384, to each holder of its outstanding 1,430,000 shares of common stock. The fees and expenses to be incurred in connection with said distribution are estimated not to exceed $1,500, including counsel fees not in excess of $500, which do not appear to be unreasonable.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been ordered by or requested of the Commission, and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that, as requested by declarant, the declaration should be permitted to become effective upon issuance:

It is ordered, pursuant to the applicable provisions of the act and the rules and regulations thereunder, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24, and subject to the following additional terms and conditions:

That Standard Shares shall:

(1) Notify its shareholders to what extent the payment is being made out of capital or unearned surplus;

(2) Notify its shareholders that the Commission's action in permitting the declaration to become effective is not to be construed as a determination by the Commission that all or any portion of such payment is or is not taxable to the recipients pursuant to the provisions of the Internal Revenue Code; and

(3) Disclose in all published financial statements the extent to which the payment was made out of capital or unearned surplus.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-9576; Filed, Nov. 21, 1956; 8:47 a. m.]

[File No. 70-3529]

UNITED FUEL GAS COMPANY AND COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ISSUE AND SALE OF ADDITIONAL COMMON STOCK BY SUBSIDIARY, AND ACQUISITION THEREOF BY PARENT COMPANY

NOVEMBER 16, 1956.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary United Fuel Gas Company ("United Fuel"), a public utility company organized and doing business in the State of West Virginia, have filed a joint application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 and 10 thereof as applicable to the proposed transactions, which are summarized as follows:

United Fuel proposes to issue and sell, and Columbia proposes to acquire, prior to April 1, 1957, 120,000 additional shares of common stock of United Fuel at the par value of $25 per share, an aggregate amount of $3,000,000.

United Fuel will use the proceeds from the sale of said stock, together with $9,000,000 from the sale to Columbia of Installment Promissory notes as heretofore authorized (Holding Company Act Release No. 13222) and funds generated internally, to finance its 1956 construction program, estimated at $14,152,200.

United Fuel states that it will file by amendment an order of the Public Service Commission of West Virginia with regard to the proposed transactions.

The expenses of United Fuel herein are estimated at $3,500, including Federal original issue tax of $3,300. The expenses of Columbia are estimated at $150.

Notice is further given that any interested person may, not later than December 3, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-9577; Filed, Nov. 21, 1956; 8:47 a. m.]

[File No. 24SF-1840]

CUYAMA HILLS OIL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 16, 1956.

I. Cuyama Hills Oil Corporation, Gazette Building, Reno, Nevada, 315 Brower Building, Bakersfield, California, and Post Office, Nixon, Nevada, filed with the Commission on November 13, 1953, a Notification on Form 1-A and a statement pursuant to Rule 219 (b) relative to a proposed offering of 50,000 shares at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the offering if made

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Trans-Tex, if later.

[2] Commissioner Digby dissenting.

[3] See Commission provisions for an interim and substitute filing of a general application for proposed routine construction by a natural-gas company pursuant to § 157.6 of said regulations in the last paragraph on page 2 through the first paragraph on page 3 of Order No. 185 issued February 8, 1956, in Docket No. R-145.

[4] However, Applicant states that it will submit, within 30 days after January 1, 1957, separate reports showing the cost of the new facilities constructed by it in the period involved and the nature and purpose of such facilities.

or continued would operate as a fraud or deceit upon purchasers in that a material change has occurred in the affairs of the corporation which is not reflected in its statement pursuant to Rule 219 (b) or in its advertising literature, to wit: the oil and gas lease that is the principal asset of the corporation has been declared terminated and quiet title proceedings begun by the owner of the lands involved.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9579; Filed, Nov. 21, 1956; 8:47 a. m.]

[File No. 24A-1061]

REXRUG MILLS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 16, 1956.

I. Rexrug Mills, Inc., a Delaware corporation, 80 Wall Street, New York 5, New York, with its principal business operations proposed to be conducted at Winona, Mississippi, filed with the Commission on September 7, 1956 a notification on Form 1-A and an offering circular, and subsequently filed an amendment thereto, relating to an offering of 300,000 shares of its common stock, 10 cents par value, at $1.00 per share, aggregating $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. A. The Commission is advised that John C. Foster, a promoter presently connected with the issuer, was convicted in the Criminal Court of Record, Dade County, Florida, on September 12, 1949, of failing to register as a securities dealer and illegal sale of securities in violation of the Florida securities laws.

B. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose in Item 3 of its Form 1-A, as amended, and in the offering circular, as amended, that John C. Foster was a promoter of the issuer and failed to disclose in Item 6 of its notification the conviction mentioned in Paragraph A above.

2. The aggregate offering price of all securities of the issuer offered and sold within one year prior to the commencement of the proposed offering, for which no exemption has been established, and of all securities of the issuer proposed to be offered under this notification exceeds $300,000.

3. The offering circular omits to state material facts necessary in order that statements made concerning the background and experience of Robert S. Smith, President-Treasurer and Director of the issuer, may not be misleading, in that disclosure is not made of his more recent activities in the promotions of oil and gas ventures and an insurance company.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9580; Filed, Nov. 21, 1956; 8:47 a. m.]

[File No. 24D-1645]

DAL-TEX URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 16, 1956.

Dal-Tex Uranium Corporation (Company), a Nevada corporation, 6051 Del Norte Lane, Dallas, Texas, having filed with the Commission on March 24, 1955 a notification on Form 1-A and offering circular, and subsequently having filed amendments thereto, relating to an offering of 2,850,000 shares of its 1 cent par value common stock at 10 cents per share for an aggregate of $285,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The offering circular omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading in failing to disclose the status of the balance payable on an option to purchase all of the company's properties, $11,000 of which balance was payable on or before June 25, 1955, and the remainder out of the proceeds of the offering, and the use of such material without disclosure of the status of such option would operate as a fraud and deceit upon prospective purchasers.

B. The company has failed to file reports of sales on Form 2-A, as is required by Rule 224 under Regulation A.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9581; Filed, Nov. 21, 1956; 8:48 a. m.]

[File No. 24D-2111]

GLORY HOLE, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 16, 1956.

I. Glory Hole, Inc., an Illinois corporation, Suite 512, 228 South Wabash, Chicago, Illinois, having filed with the Commission on June 11, 1956, a notification on Form 1-A and offering circular, which were amended October 30, 1956, relating to an offering of 80,000 shares of Class A common stock, par value $1.00, at $2.50 per share for an aggregate of $200,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That an exemption under Regulation A is not available in that the aggregate offering price of all securities sold by the issuer within one year prior to the above filing in violation of section 5 of the Securities Act of 1933, as amended, plus all securities under the aforesaid notification exceed the limitation of $300,000 as prescribed by Rule 217 (a) of Regulation A.

B. The notification and offering circular, filed as a part thereof, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made not misleading, particularly with respect to:

1. The failure to disclose in the offering circular the interests of William Mark Muchow in Chain O'Mines, Inc., Chain O'Mines, Ltd., named in Item 4 of the notification, as predecessors and affiliates of the issuer;

2. The accuracy of the statement in the offering circular that William Mark Muchow holds 264 shares of Chain O'Mines Operators, Inc. out of 9,770⅘ shares issued, which concern is named in Item 4 of the notification as a predecessor and affiliate of the issuer;

3. The failure to disclose in the offering circular the past activities of William Mark Muchow and his associates in the promotions of Chain O'Mines, Inc., Chain O'Mines, Ltd., Chain O'Mines Operators, Inc. and the results of attempts to operate the properties held by those concerns, which are now represented to be under contract to purchase by the issuer;

4. References throughout the offering circular to William M. Muchow as "Dr. William M. Muchow" and "Dr. Muchow" and the statement that he is "a dentist," in view of the failure to disclose the revocation of his license to practice dentistry by the Illinois State Department of Registration and Education; and

5. The failure to disclose the background and record of promoter William Mark Muchow, in connection with the sales of securities of U. S. Chromium, Inc., Chain O'Mines Operators, Inc. and Chain O'Mines, Ltd., in view of the biographical sketch on page 8 of the offering circular describing him as "a dentist" who became interested in the mining industry; as having brought together certain mining properties; as having been instrumental in organizing certain mining and milling operations; and as having been active in the Central City area for nearly 30 years.

6. The failure to furnish in the offering circular a description of the physical, geological and economic characteristics of the mining properties proposed to be acquired by issuer.

7. The accuracy of the statement in the amended offering circular, "No officers, directors, or promoters have any interest in the payments provided by said contract, except as follows: Dr. Muchow holds 264 shares of Chain O'Mines Operators, Inc., out of 9,770⅘ shares issued." and the failure to describe adequately the terms, conditions, and the date of the contract between Chain O'Mines Operators, Inc. and the issuer in connection with the contract to purchase certain mining claims and equipment.

8. The failure to describe adequately in the offering circular litigation in which the company is involved, the parties thereto, the basis therefor, and possible effect of such litigation on stockholders of the issuer.

C. The financial statements filed as a part of the offering circular do not comply with the requirements of Rule 219 (c) (6) of Regulation A in that such statements are not within 90 days of the filing as amended, and do not reflect the contingent liability for securities previously sold in violation of section 5 of the Securities Act of 1933, as amended.

D. That the use of the offering circular in connection with an offering of the shares covered by the filing would operate as a fraud and deceit upon the purchasers thereof.

III. *It is ordered,* Pursuant to rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Glory Hole, Inc. and William M. Muchow, 228 So. Wabash, Chicago, Illinois, and each of the officers, directors and promoters named in the offering circular filed June 11, 1956, personally or by registered mail, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9582; Filed, Nov. 21, 1956; 8:48 a. m.]

[File No. 24SF-2322]

OREGON TIMBER PRODUCTS CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 16, 1956.

I. Oregon Timber Products Co., Inc., a Nevada corporation with its principal office at 223 Ryland Building, 220 South Virginia Street, Reno, Nevada, filed with the Commission on July 23, 1956, a notification on Form 1-A and an offering circular and amendments thereto relating to an offering of 300,000 shares of $1 par value common stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder;

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of the regulation have not been complied with in that:

(1) Written sales literature was used in a public offering without an offering circular having been furnished to the offerees.

(2) Written sales literature used in connection with the offering was not filed with the Commission, as required by Rule 221.

(3) The securities were offered in States not designated in Item 1 of the notification filed on Form 1-A.

B. The notification, offering circular and other sales literature used in connection with the offering circular contained false and misleading statements as to material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The statement in Item 4 of the Notification that the issuer has no predecessors, in view of the acquisition by the company from its principal promoter, H. J. O'Rourke, of a lumber business and the assumption of the liabilities of that business (known as Oregon Timber Co.) for 400,001 shares of the company issued to H. J. O'Rourke;

(2) Statements made in the offering circular, dated September 1, 1956, that:

(a) "To date the corporation owns no property;"

(b) "As of August 6, Mr. O'Rourke closed his own lumber business so as not to enter into competition with the Oregon Timber Products Co., Inc.;"

(c) "No commitments have been made to any lumber mills or lumber yards to purchase or lease their facilities;" and

(d) "There are no agreements written or oral with any person or persons to purchase, lease or otherwise conduct business until we have sufficient funds available to make an advantageous transaction in the lumber market."

(3) The failure to disclose in the offering circular the nature and extent of the business of the issuer, the assets acquired from its promoter, H. J. O'Rourke, the liabilities assumed in connection with such acquisition, and the financial results of the operations of the business acquired.

(4) Statements in the offering circular concerning the company's assets and liabilities, and the consideration for the issuance of 400,001 shares of the company's stock to H. J. O'Rourke; and

(5) Statements made in the "Introductory Report", used in offering the company's securities, concerning the business of the company, contracts in

force and to be obtained, the position of the company to expand its financial base, and the "assurance that worthwhile earnings will be reflected to its stockholders."

C. The offering operated as a fraud and deceit upon offerees and purchasers of the securities.

D. On October 22, 1956, the United States District Court for Nevada entered an order temporarily enjoining the issuer and Hubert Joseph O'Rourke (its President) from offering or selling issuer's common stock in violation of section 5 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Oregon Timber Products Co., Inc., pursuant to said notification be, and hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in this matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9563; Filed, Nov. 21, 1956; 8:48 a. m.]

[File No. 24NY-3835]

FOSTER PUBLICATIONS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 16, 1956.

I. Foster Publications, Inc. ("The Corporation"), a Delaware corporation, whose last known principal office was located at 165 Broadway, New York, N. Y., having filed with the Commission on October 29, 1954, a Notification on Form 1-A and an offering circular and subsequently having filed amendments thereto relating to a proposed offering of 300,000 shares of 10 cents par common stock at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the company has failed to file on Form 2-A reports of sales of securities as required by Rule 224 of Regulation A, and has ignored requests made for the filing of such reports, and

B. The offering, if made or continued, would be made in such a manner as to operate as a fraud and deceit upon purchasers in that the company filed a voluntary petition in bankruptcy admitting insolvency on June 25, 1956 in the United States District Court for the Southern District of New York and no amendment has been made to the offering circular filed pursuant to Rule 219 to disclose the financial condition and present status of the issuer;

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9585; Filed, Nov. 21, 1956; 8:48 a. m.]

[File No. 813-20]

ALAN WOOD STEEL CO. SUPERVISORY EMPLOYEES' STOCK PURCHASE PLAN

NOTICE OF FILING OF APPLICATION FOR EXEMPTION FROM ACT AS EMPLOYEES' SECURITIES COMPANY

Notice is hereby given that Alan Wood Steel Company Supervisory Employees' Stock Purchase Plan ("Plan") has filed an application, pursuant to section 6 (b) of the Investment Company Act of 1940 ("act"), for an order exempting it as an employees' securities company from the following sections of the act and rules promulgated thereunder: section 7, section 8 and Regulation N-8B; section 10 (a); section 10 (f) and section 15, to the extent of customary purchases by the Plan during the existence of an underwriting (to which the Plan is not a party) for shares of Common Stock of the Company; section 14; section 16; section 17 (f) and Rule N-17F-2; section 20 (a) and Rule N-20A-1; section 23 (b); section 23 (c) and Rule N-23C-1; section 24 and Rules N-24B-1 and N-24B-2; section 30 (a) and Rule N-30A-1; section 30 (b) and Rule N-30B-1; section 30 (d) and Rule N-30D-2, except that reports shall be sent to members following the close of each annual Plan; section 30 (f) and Rules N-30F-1 and N-30F-2; and section 32 (a) and Rule N-32A-1.

The Plan, established on October 24, 1956, pursuant to duly adopted resolutions of the Board of Directors of the Alan Wood Steel Company ("Alan Wood") provides a medium through which supervisory employees may purchase Common Stock of Alan Wood out of their current earnings, assisted by contributions from the Company, in order to encourage thrift and enable such employees to acquire a financial interest in the Company. The Plan is scheduled to operate annually for a specified number of consecutive monthly periods during the calender year (ten months under the 1957 Plan). Its operation will commence in the first quarter of the year and terminate on or about October 31 of each year. Liquidation by distribution to employees participating as members will be completed before the end of the calendar year.

Membership in the Plan is entirely voluntary. Each subscriber is permitted to deposit up to and including 10 percent of his annual earnings into the Plan. Each subscriber will specify the amount which he desires to have deducted from his monthly earnings for each of 10 consecutive months and deposited in the Plan to his credit. A monthly subscription may be for any multiple of $1.00 up to that nearest to 1 percent of the subscriber's annual earnings but not less than $5.00 per month.

The Company will contribute to the Plan to the credit of each member a sum equal to 20 percent of such member's deposits. Contributions paid by the Company shall be subject to deductions for such income, social security and other taxes and charges as are required by law to be withheld by an employer from such payments.

Memberships in the Plan will not be underwritten, and no underwriting or other commissions will be incurred. No part of the moneys received by the Plan from its members and none of the stock acquired by the Plan will be credited to the Company. Stock transfer taxes and brokerage commissions on stock purchased for the Plan will be paid by the Plan; all other expenses, including but not limited to expenses of preparing and distributing the offering circular, will be paid by the Company.

The Plan is administered by a committee composed of designated employees of the Company. The funds received from member's deposits and company contributions are deposited by the Manager of the Plan in a suitably designated separate bank account. Cash available in the fund created under the Plan will be applied from time to time to the purchase of Common Stock of the Company on the American Stock Exchange or the Philadelphia-Baltimore Stock Exchange.

Section 6 (b) of the act provides that upon application by an employees' security company, the Commission shall by order exempt such company from the provisions of the act and of the rules and regulations thereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other

things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security.

Notice is further given that any interested person may, not later than November 29, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9578; Filed, Nov. 21, 1956; 8:47 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS LIMITED

THIRD AMENDED ORDER AND NOTICE OF HEARING

NOVEMBER 16, 1956.

I. Great Sweet Grass Oils Limited (hereinafter called "registrant"), a corporation organized and incorporated under the laws of the Province of Ontario, Dominion of Canada, registered its capital stock, $1 par value, with the American Stock Exchange on November 22, 1954, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 (hereinafter called "the act") and the rules and regulations adopted by the Commission thereunder and filed a duplicate original of Form 10 with the Commission on that date. The registration of such securities became effective on December 23, 1954, and such securities were admitted to trading on the American Stock Exchange on January 10, 1955.

II. On January 24, 1956, registrant filed with the Commission a current report on Form 8-K, pursuant to section 13 of the act, for the month of December, 1955. On October 17, 1956, registrant filed with the Commission amendment No. 2 to said Form 8-K. On October 24, 1956 registrant filed with the Commission a request to withdraw said Form 8-K, as amended, and concurrently therewith registrant filed amendment No. 3 to said Form 8-K as a current report for the month of December 1955. The Commission has reason to believe that the Form 8-K and amendments so filed were false and misleading in the following regards:

1. In stating in the original Form 8-K that registrant acquired assets from Depositors Mutual Oil Development Company, an Oklahoma corporation (hereinafter called "Depositors"), consisting of 9,470,000 barrels of proven oil reserves, 18,167 Mcf proven gas reserves, 93,600,000 barrels of unproven oil reserves and 238,500 Mcf of unproven gas reserves.

2. In stating in the original Form 8-K that registrant acquired assets from Pitt Petroleums, Ltd., an Alberta corporation (hereinafter called "Pitt"), which included 155,351 barrels of probable additional oil.

3. In stating in amendment No. 2 that registrant acquired assets from Depositors which included 8,216,000 barrels of net proved oil reserves classified as "undeveloped" and 16,495 Mcf of net proved gas reserves classified as "undeveloped."

4. In representing in amendment No. 2 that the fair value of the properties acquired from Depositors, including estimated values of unproven properties, was $6,562,500.

5. In omitting to state in amendment No. 3 on registrant's own responsibility any amount of oil and gas reserves acquired from Depositors but in attaching as an exhibit to said amendment No. 3 geological reports which are ambiguous and conflicting as to the amount of oil and gas reserves acquired from Depositors.

6. In attaching to amendment No. 3 a geological report which represents that the assets acquired by registrant from Pitt included 155,351 barrels of probable additional oil.

7. In representing that the assets of Depositors were acquired by registrant as a result of arms-length bargaining and that there was no material relationship between registrant, its officers, directors or associates and Depositors, its officers, directors or associates.

8. In representing that the issuance and sale of 1,750,000 shares of registrant's capital stock to Depositors for its assets was an exempt transaction under the Securities Act of 1933 and not required to be registered thereunder.

9. In representing that Depositors had operated the oil and gas properties acquired by registrant and in not disclosing that Depositors was organized for the purpose of acting as a conduit of the properties from Jordan Petroleum Company, an Oklahoma corporation, and others to registrant and that registrant and stockholders of Depositors intended to make a public distribution of registrant's shares issued to Depositors for its assets.

10. In representing that the assets of Pitt were acquired by registrant as a result of arms-length bargaining and that there was no material relationship between registrant, its officers, directors or associates, and Pitt, its officers, directors or associates.

11. In representing that the issuance and sale of 500,000 shares of registrant's capital stock to Pitt for its assets was an exempt transaction under the Securities Act of 1933 and not required to be registered thereunder.

III. On May 16, 1956, registrant filed with the Commission an annual report on Form 10-K, pursuant to section 13 of the act, for the fiscal year ended December 31, 1955. On June 25, 1956 registrant filed an amendment to said Form 10-K. On October 24, 1956, registrant filed with the Commission a request for withdrawal of said Form 10-K and concurrently therewith filed a revised Form 10-K for its fiscal year ended December 31, 1955. The Commission has reason to believe that said Forms 10-K, as originally filed, as amended and as revised, were false and misleading and did not comply with the rules and regulations of the Commission with respect to the form and content of such reports in the following particulars:

1. The balance sheet included in the original Form 10-K falsely represented the value of the oil and gas properties to be acquired from Depositors as being $6,597,500.

2. The balance sheet included in the revised Form 10-K contains as an asset the oil and gas properties acquired from Depositors at a figure of $6,597,500 but a note to the balance sheet states that this figure is not intended to reflect the value of the properties acquired.

3. The financial statements included in the revised Form 10-K were incomplete and were not certified by manual signature of an independent public accountant as required by Rule 2-02 of Regulation S-X.

4. The amendment filed on June 25, 1956, and the revised Form 10-K filed on October 24, 1956, falsely represented that at the time of acquisition of the assets of Depositors there was no relationship between registrant, its officers or directors and depositors, its officers or directors and that the determination of the fair value of such assets and the price paid therefor resulted through arms-length bargaining between the management and the respective companies.

5. The amendment filed on June 25, 1956, represented that J. P. Cannon & Co., Limited, members of the Toronto Stock Exchange, on December 31, 1955, held 2,218,638 shares of record, whereas the revised Form 10-K filed on October 24, 1956, represented that said J. P. Cannon & Co., Limited owned 4,218,638 shares of record on December 31, 1955.

6. The amendment filed on June 25, 1956, and the revised Form 10-K filed on October 24, 1956, falsely represented that Torny Financial Corporation Limited was not an affiliate of the registrant or controlled by any of the officers or directors of the registrant.

7. The amendment filed on June 25, 1956, and the revised Form 10-K filed on October 24, 1956, falsely represented that at the time of the acquisition of the assets of Pitt there was no relationship between registrant, its officers or directors and Pitt, its officers or directors, and that the determination of the fair value of such assets and the price paid therefor resulted through arms-length bargaining of the respective companies.

IV. On September 21, 1955, registrant filed with the Commission a current report on Form 8-K for the month of

August 1955. The Commission has reason to believe that said Form 8–K was false and misleading in the following regards:

1. In stating that Torny Financial Corporation (hereinafter called "Torny") was not an affiliate of, nor controlled by an officer or director of registrant.

2. In representing that the issuance and sale of 500,000 shares of registrant's capital stock to Torny was not intended for distribution within the United States, its Territories or possessions.

It is ordered, That a public hearing, pursuant to section 19 (a) (2) of the act, be held at 10:00 a. m., e. s. t., on Monday, November 26, 1956, in Room 193 at the offices of the Commission, 425 Second Street NW., Washington, D. C., to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of registrant on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder as set forth in paragraphs II to IV above and further to rule upon the request for withdrawal of the documents specified in such request filed on October 24, 1956.

It is further ordered, That Mr. James G. Ewell is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the American Stock Exchange and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceedings should file with the Hearing Officer or the Secretary of the Commission on or before November 21, 1956, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–9584; Filed, Nov. 21, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 19, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32911: *Grain between Kankakee and Chicago, Ill.* Filed by The New York Central Railroad Company, for itself. Rates on grain, grain products and related articles, carloads between Kankakee, Ill., and Chicago, Ill., and points in Illinois in Chicago switching district.

Grounds for relief: Meet intrastate competition and circuitous route.

Tariff: Supplement 113 to The New York Central Railroad's tariff I. C. C. 1169.

FSA No. 32912: *Export grain—Vidalia, Ga., to Mobile, Ala., and New Orleans, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barley, corn, oats, rye, soybeans, and wheat, carloads from Vidalia, Ga., to Mobile, Ala., and New Orleans, La., for export.

Grounds for relief: Rail carrier competition and circuitous route.

Tariff: Supplement 164 to Agent Spaninger's I. C. C. 1325.

FSA No. 32913: *Liquefied petroleum gas to Hagerstown and Hancock, Md.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads from Southwest and Kansas-Missouri origins to Hagerstown and Hancock, Md.

Grounds for relief: Rail carrier competition and circuitous route.

Tariff: Supplement 78 to Agent Kratzmeir's I. C. C. 4150.

FSA No. 32914: *Trailer-on-flat car service—Erie Railroad Company.* Filed by The Erie Railroad Company, for itself. Rates on freight loaded in highway trailers and transported on railroad flat cars from Chicago, Ill., and points grouped therewith to stations in Ohio on the Erie Railroad also between Chicago, Ill., and group points, on one hand, and points in Ohio on the Erie R. R., on the other.

Grounds for relief: Motor truck competition.

FSA No. 32915: *Native logs from Clinton, S. C., to Lexington, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on logs, native wood, in carloads from Clinton, S. C., to Lexington, N. C.

Grounds for relief: Rail carrier competition and circuitous route.

Tariff: Supplement 136 to Agent Spaninger's I. C. C. 1297.

FSA No. 32916: *Liquefied petroleum gas to Hagerstown and Hancock, Md.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads from Southwest and Kansas-Missouri origins to Hagerstown and Hancock, Md.

Grounds for relief: Rail carrier competition and circuitous route.

Tariff: Supplement 94 to Agent Kratzmeir's I. C. C. 4118.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–9591; Filed, Nov. 21, 1956; 8:49 a. m.]

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FEDERAL REGISTER

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VOLUME 21 NUMBER 228

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TITLE 3—THE PRESIDENT

PROCLAMATION 3164

OKLAHOMA SEMI-CENTENNIAL CELEBRATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the State of Oklahoma will celebrate its fiftieth anniversary of statehood in various parts of that State during the year 1957, and will hold, as a part of such celebration, the Oklahoma Semi-Centennial Exposition in Oklahoma City from June 14 to July 7, 1957; and

WHEREAS the Congress by joint resolution approved July 27, 1956, 70 Stat. 695 (Public Law 815, 84th Congress), has authorized the President of the United States of America, by proclamation or in such other manner as he may deem proper, to invite the States of the Union and foreign countries to participate in such celebration; and

WHEREAS participation by the States of the Union and foreign countries in the celebation of this auspicious event—the fiftieth anniversary of the statehood of Oklahoma—will contribute to our national welfare by promoting foreign and domestic commerce and by furthering harmonious and peaceful relationships with the peoples and nations of the world:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, pursuant to the aforesaid joint resolution of Congress and at the request of the Governor of the State of Oklahoma, do hereby invite the States of the Union and foreign countries to participate in the Oklahoma Semi-Centennial Exposition to be held at Oklahoma City, Oklahoma, from June 14 to July 7, 1957, inclusive.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this sixteenth day of November in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 56–9707; Filed, Nov. 23, 1956; 11:49 a. m.]

PROCLAMATION 3165

UNITED STATES WORLD TRADE FAIR

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States World Trade Fair is to be held at New York, New York, from April 14 to April 27, 1957, inclusive, for the purposes of exhibition, promotion, and sale of foreign products and services to the American trade and to the public; and

WHEREAS the Congress, by a joint resolution approved July 27, 1956, has authorized the President of the United States of America, by proclamation or in such other manner as he may deem proper, to invite the States of the Union and foreign countries to participate in such United States World Trade Fair; and

WHEREAS the participation by the States of the Union and foreign countries in the United States World Trade Fair will promote foreign and domestic commerce and will serve as a means of fostering good will among nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite the States of the Union and foreign countries

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FEDERAL REGISTER

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to participate in the United States World Trade Fair to be held in the Coliseum in New York, New York, from April 14 to April 27, 1957, inclusive.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixteenth day of November in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 56-9708; Filed, Nov. 23, 1956; 11:49 a. m.]

EXECUTIVE ORDER 10689

CREATING A BOARD OF INQUIRY TO REPORT ON CERTAIN LABOR DISPUTES AFFECTING THE MARITIME INDUSTRY OF THE UNITED STATES

WHEREAS there exist certain labor disputes between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies or who are engaged as operators or agents for ships engaged in service from or to Atlantic and Gulf Coast ports from Portland, Maine, to Brownsville, Texas, or from or to other ports of the United States or its Territories or possessions, (2) contracting stevedores, (3) contracting marine carpenters, or (4) other employers engaged in related or associated pier activities, and certain of their employees represented by the International Longshoremen's Association (Independent); and

WHEREAS in my opinion such disputes have resulted in a strike affecting a substantial part of the maritime industry, an industry engaged in trade, commerce, transportation, transmission, or communication among the several States and with foreign nations, which strike, if permitted to continue, will imperil the national health and safety:

NOW, THEREFORE, by virtue of the authority vested in me by section 206 of the Labor-Management Relations Act, 1947 (61 Stat. 155, 29 U. S. C. 176), I hereby create a Board of Inquiry, consisting of Thomas W. Holland, Chairman, Arthur Stark and Jacob J. Blair, to inquire into the issues involved in such disputes.

The Board shall have powers and duties as set forth in Title II of the said act. The Board shall report to the President in accordance with the provisions of section 206 of the said act on or before November 24, 1956.

Upon the submission of its report, the Board shall continue in existence to perform such other functions as may be required under the said act, until the Board is terminated by the President.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 22, 1956.

[F. R. Doc. 56-9680; Filed, Nov. 23, 1956; 9:44 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

FEES AND CHARGES

On October 4, 1956, there was published in the FEDERAL REGISTER (21 F. R. 7623) a notice of a proposal to amend Part 26 of Title 7, Chapter I, Code of Federal Regulations, pursuant to the authority conferred by the act of August 28, 1950 (64 Stat. 561, 5 U. S. C. 576). Interested parties were given thirty days in which to submit written data, views, or arguments concerning the proposed amendments. After due consideration of all relevant material, the proposed amendments are hereby approved as follows:

1. The last sentence of § 26.74 (e) of Subpart A is changed to read: "Unless otherwise stated in the findings in any appeal, and except as provided in Subpart C of this part, the fee as prescribed by this section, and no further charges, shall be deemed to be fixed and assessed."

2. A new Subpart C is hereby added to read as follows:

SUBPART C—OVERTIME SERVICES RELATING TO GRAIN INSPECTION ON APPEAL

§ 26.701 *Overtime work on appeal inspection of grain for export.* Any person, firm, or corporation applying for an appeal on grain inspected for export under the United States Grain Standards Act, as amended (7 U. S. C. 71 et seq.), and tendering or loading such grain for such appeal inspection outside the regular schedule of working hours of employees in the field office of the Grain Division, Agricultural Marketing Service, assigned to perform the appeal inspection of such grain, shall reimburse the Agricultural Marketing Service for all overtime incurred at the rate of $5.00 per man-hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each such period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, provided such travel is performed solely on account of such overtime duty. The amount of this travel time period, determined to be necessary to cover the time spent in reporting to and returning from the place at which the employee performs overtime duty, is hereby established as one hour. These charges for overtime and for commuted travel time shall be in addition to the fees and charges prescribed in § 26.74 under the United States Grain Standards Act (7 U. S. C. 71 et seq.), and shall be paid in all cases, whether the appeal be sustained or not sustained.

The purpose of the foregoing amendments is to establish a uniform hourly rate and prescribe conditions of payment for all overtime services furnished in accordance with the act of August 28, 1950 in connection with the appeal inspection of grain for export.

It is to the benefit of those who require such overtime services that these amendments be made effective at the earliest practicable date. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the schedule are impracticable and unnecessary, and good cause is found for making these amendments effective less than thirty days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective at 12:01 a. m. December 1, 1956.

(Sec. 8, 39 Stat. 485; 7 U. S. C. 84)

Done at Washington, D. C., this 20th day of November 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56-9626; Filed, Nov. 23, 1956; 8:49 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—1957–58 MARKETING YEAR

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS AND NATIONAL ACREAGE ALLOTMENT FOR 1957 CROP AND APPORTIONMENT OF 1957 NATIONAL ACREAGE ALLOTMENT AMONG THE SEVERAL STATES

Sec.
730.801 Basis and purpose.
730.802 Marketing quotas on 1957 crop of rice.

Sec.
730.803 National acreage allotment of rice for 1957.
730.804 Apportionment of 1957 national acreage allotment of rice among the several States.

AUTHORITY: §§ 730.801 to 730.804 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 352, 353, 354, 52 Stat. 38, 60, 61, as amended; 7 U. S. C. 1301, 1352, 1353, 1354.

§ 730.801 *Basis and purpose.* (a) Section 730.802 is issued under and in accordance with sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of rice for the marketing year beginning August 1, 1956, and to proclaim that marketing quotas will be applicable to the 1957 crop of rice. Section 730.803 is issued under and in accordance with sections 352 and 353 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the national acreage allotment of rice for the calendar year 1957. Section 353 (c) (6) of the act provides that the national acreage allotment of rice for 1957 shall be not less than the total acreage allotted in 1956. Section 730.804 is issued under and in accordance with section 353 of the Agricultural Adjustment Act of 1938, as amended, to apportion among the several States the national acreage allotment of rice for 1957 as proclaimed in § 730.803. Section 353 of the act provides that the national acreage allotment of rice for 1957, less a reserve of not to exceed one per centum for apportionment to farms receiving inadequate allotments, shall be apportioned among the States in the same proportion that they shared in the total acreage allotted in 1956.

(b) The findings and determinations made in §§ 730.802, 730.803, and 730.804 have been made on the basis of the latest available statistics of the Federal Government. The findings in § 730.802 show that marketing quotas are required for the 1957 crop of rice. The determinations made in § 730.803 indicate the amount of the 1957 national acreage allotment of rice.

(c) Prior to taking action herein, public notice (21 F. R. 7025) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1957 crop of rice, to determine and proclaim the national acreage allotment of rice for 1957, and to apportion among the States the 1957 national acreage allotment of rice. All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(d) The Agricultural Adjustment Act of 1938, as amended, requires that the Secretary's proclamation with respect to marketing quotas for the 1957 crop of rice be issued not later than December 31, 1956; that the referendum to determine whether farmers are in favor of or opposed to such quotas be held within 30 days after the issuance of the proclamation; and that insofar as practicable operators of farms be notified of their farm rice acreage allotments prior to the holding of the referendum. Therefore, it is necessary to waive the 30-day effective date provision of section 4 of the Administrative Procedure Act and such provision is hereby waived. Accordingly, the regulations in §§ 730.801 to 730.804, inclusive, shall become effective upon the filing of this document with the Director, Division of the Federal Register.

§ 730.802 *Marketing quotas on 1957 crop of rice.* The total supply of rice in the United States for the marketing year beginning August 1, 1956, is determined to be 81,190 thousand hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 51,355 thousand hundredweight. Since the total supply of rice for the 1956–57 marketing year exceeds the normal supply for such marketing year by more than 10 per centum, marketing quotas shall be in effect on the 1957 crop of rice.

§ 730.803 *National acreage allotment of rice for 1957.* The normal supply of rice for the marketing year commencing August 1, 1957, is determined to be 48,059 thousand hundredweight (rough basis). The carry-over of rice on August 1, 1957, is determined to be 17,000 thousand hundredweight. Therefore, the production of rice needed in 1957 to make available a total supply of rice for the 1957-58 marketing year equal to the normal supply for such marketing year is 31,059 thousand hundredweight. The national average yield of rice for the five calendar years, 1952 through 1956, is determined to be 2,593 pounds per planted acre. The national acreage allotment of rice for 1957 computed on the basis of the production of rice needed in 1957 and the national average yield per planted acre of rice for the five calendar years, 1952 through 1956, is 1,197,802 acres. Since this amount is less than the total acreage allotted in 1956, which is the minimum for 1957 provided for by law, the national acreage allotment of rice for the calendar year 1957 shall be 1,652,596 acres.

§ 730.804 *Apportionment of 1957 national acreage allotment of rice among the several States.* The national acreage allotment proclaimed in § 730.803, less a reserve of 1,000 acres, is hereby apportioned among the several rice-producing States as follows:

State:	*Acres*
Arizona	229
Arkansas	398,890
California	299,674
Florida	956
Illinois	20
Louisiana	474,863
Mississippi	46,660
Missouri	4,578
North Carolina	29
Oklahoma	149
South Carolina	2,846
Tennessee	517
Texas	422,185

Issued at Washington, D. C., this 20th day of November 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary.

[F. R. Doc. 56-9631; Filed, Nov. 23, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 93]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.393 *Navel Orange Regulation 93*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 21, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 25, 1956, and ending at 12:01 a. m., P. s. t., December 2, 1956, is hereby fixed as follows:

(i) District 1: 600,600 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 115,500 cartons;
(iv) District 4: unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 23, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9703; Filed, Nov. 23, 1956; 11:37 a. m.]

[Orange Reg. 304]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.811 *Orange Regulation 304*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 26, 1956. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 26, 1956; the recommendation and supporting information for continued regulation subsequent to November 25, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 20, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 26, 1956, and ending at 12:01 a. m., e. s. t., December 3, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box;

(iii) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1; or

(iv) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 3²⁄₁₆ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1186).

(2) As used herein, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1," "U. S. No. 1 Bronze," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1186).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 21, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9671; Filed, Nov. 23, 1956; 9:01 a. m.]

[Grapefruit Reg. 252]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.812 *Grapefruit Regulation 252*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 26, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 26, 1956; the recommendation and supporting information for continued regulation subsequent to November 25, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 20, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 26, 1956, and ending at 12:01 a. m., e. s. t., December 3, 1956, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used herein, "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "damage," "serious damage," "scars," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 21, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9673; Filed, Nov. 23, 1956; 9:01 a. m.]

[Tangerine Reg. 180]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.813 *Tangerine Regulation 180*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions effective not later than November 26, 1956. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until November 26, 1956; the recommendation and supporting information for continued regulation subsequent to November 25, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 20, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 26, 1956, and ending at 12:01 a. m., e. s. t., December 3, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches, capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (7 CFR 51.1810–51.1836).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 21, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9672; Filed, Nov. 23, 1956; 9:01 a. m.]

[Lemon Reg. 669]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.776 *Lemon Regulation 669*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 20, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 25, 1956, and ending at 12:01 a. m., P. s. t., December 2, 1956 is hereby fixed as follows:

(i) District 1: 27,900 cartons;
(ii) District 2: 153,450 cartons;
(iii) District 3: 23,250 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 21, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9675; Filed, Nov. 23, 1956; 9:02 a. m.]

[957.315 Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. The provisions of paragraph (b) (1) of § 957.315, (21 F. R. 7480) are hereby amended to read as follows:

(1) During the period from November 26, 1956, through June 30, 1957, no handler shall ship potatoes of any variety unless such potatoes (i) are generally "fairly clean", which means that at least 90 percent of such potatoes are "fairly clean" and (ii) meet the requirements of the U. S. No. 2, or better grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 through 51.1559 of this title), including the tolerances set forth therein: *Provided*, That potatoes of the red skin varieties may be shipped if such potatoes are generally "fairly clean," as aforesaid, grade at least U. S. No. 2, and are of a size not smaller than 1⅞ inches in diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated November 20, 1956, to become effective November 26, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 56-9612; Filed, Nov. 23, 1956; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 9—SPECIAL PROVISIONS APPLICABLE TO FATS

PART 10—SPECIAL PROVISIONS APPLICABLE TO OILS

AMOUNTS FIXED FOR REPORTING ON CERTAIN FORMS

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), Parts 9 and 10, Chapter I, Title 17, Code of Federal Regulations (17 CFR Parts 9 and 10), are hereby amended as follows:

1. By deleting "600,000 pounds" in §§ 9.20 and 9.21 of Part 9 and inserting "1,000,000 pounds" in lieu thereof; and

2. By deleting "900,000 pounds" in §§ 10.20 and 10.21 of Part 10 and inserting "1,500,000 pounds" in lieu thereof.

The effect of these amendments will be to increase the quantities of lard, tallow, cottonseed oil, and soybean oil futures contracts which may be held, controlled, or carried without reporting on Forms 901, 903, 1001, and 1003, and meeting certain record keeping requirements, under the provisions of §§ 9.04, 9.05, 9.10, 9.14, 10.04, 10.05, 10.10, and 10.14 of the regulations under the Commodity Exchange Act. Since these amendments will operate to relieve or liberalize restrictions and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary, and that the amendments should be made effective within less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500, as amended; 7 U. S. C. 12a)

Done at Washington, D. C., this 20th day of November 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-9613; Filed, Nov. 23, 1956; 8:46 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 192; Docket No. R-151]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

EXEMPTIONS OF CERTAIN TEMPORARY ACTS AND OPERATIONS

In the matter of amendment of Part 157 of Subchapter E, Regulations Under the Natural Gas Act to Exempt Certain Temporary Acts and Operations.

In this proceeding the Commission has under consideration the amendment of Part 157 of its general rules and regulations entitled, "Applications for Certificates of Public Convenience and Necessity," of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 Code of Federal Regulations, by amending § 157.22 to exempt certain additional temporary acts and operations from the certificate requirements of section 7 of the Natural Gas Act.

General public notice of this proposed rule making was given by publication in the FEDERAL REGISTER on February 25, 1956 (21 F. R. 1276), and mailing notices to interested parties, including State and Federal regulatory agencies. Six responses to the notice have been received. Two pipeline companies and one independent producer are in favor of the amendment, a drilling company expressed strenuous objection, and one pipeline company and a producer's counsel offered no expression of position. All of the suggestions have been carefully considered but the regulations adopted herein are identical with those proposed in the notice, with the exception of minor changes in phraseology and an amend-

aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that

used in the revised United States Standards for Florida Tangerines (7 CFR 51.1810–51.1836).

lemons; it is necessary, in order to effectuate the declared policy of the act, to

date of this amendment, (iii) compliance

low, cottonseed oil, and soybean oil fu-

changes in phraseology and an amend-

ment to paragraph (c) requiring that rate schedules be filed.

The amendment exempts natural-gas service for the purpose of drilling gas or oil wells and for use in testing or purging new natural-gas pipeline facilities. Operation of facilities for the designated purposes is, by its nature, of temporary or limited duration, certification of which is not necessary or required by the public convenience and necessity. By reason of the uncertainties attendant upon the drilling of gas or oil wells or the testing or purging of new natural-gas pipeline facilities, the exemption would not be limited to a specified period of time.

For the reasons set forth above, the Commission finds: Amendment of the Regulations Under the Natural Gas Act as hereinafter ordered is appropriate and necessary for carrying out the provisions of the Natural Gas Act.

The Commission, acting pursuant to sections 7 and 16 of the Natural Gas Act (15 U. S. C. 717f and 717o), orders:

(A) Part 157—Applications for Certificates of Public Convenience and Necessity—of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is hereby amended by amending § 157.22 to read as follows:

§ 157.22 *Exemption of temporary acts and operations.* (a) Public interest does not require the issuance of a certificate for the construction and operation of facilities necessary to assure maintenance of adequate natural-gas service where interruption or serious curtailment of service exists or is threatened because of failure of facilities or failure or curtailment of supply or unusual and unexpected demand on such facilities or supply, and where such acts and operations are limited to a single period of not more than sixty days;

(b) Public interest does not require the issuance of a certificate for the construction and operation of facilities necessary to render direct natural-gas service for use in the drilling of gas or oil wells or for use in the testing and purging of new natural-gas pipeline facilities.

(c) Every person undertaking any such construction or operation under paragraph (a) or (b) of this section shall advise the Commission of the commencement of such acts or service and within ten days file (1) a statement in writing and under oath, together with four (4) conformed copies thereof, setting forth the purpose and character of the facilities, sales or services involved, a description of the operation and specific facilities constructed, the anticipated duration of the service, and (2) the rate schedule, contract or service agreement covering the sales or service involved as required by Parts 154 and 155 of this chapter.

(d) Emergency operations undertaken without certificate authorizations pursuant to paragraph (a) of this section shall be discontinued upon expiration of the sixty-day period, and all facilities installed for such temporary acts or operations shall be promptly removed and the Commission advised in writing and under oath within ten days following expiration of such sixty-day period.

(e) Operations undertaken without certificate authorization pursuant to paragraph (b) of this section shall be terminated upon the completion of the well or the purging or testing of the pipeline facilities, and within ten days of such termination the Commission shall be so notified, in writing and under oath.

(B) The new and amended regulations prescribed herein are made effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Issued: November 20, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9635; Filed, Nov. 23, 1956; 8:52 a. m.]

[Order 193; Docket No. R–155]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

IMMEDIATE INSTITUTION OF TEMPORARY SERVICE BY INDEPENDENT PRODUCERS

In this proceeding the Commission has under consideration the amendment of Part 157 of its general rules and regulations entitled, "Applications for Certificates of Public Convenience and Necessity", of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 Code of Federal Regulations, by promulgating new sections to provide under certain circumstances for (1) the immediate institution of temporary service by independent producers of natural gas pending the determination of an application for a certificate of public convenience and necessity, and (2) to permit certain emergency sales or transportation to be made without prior authorization.

General public notice of this proposed rulemaking was given by publication in the FEDERAL REGISTER on June 29, 1956 (21 F. R. 4833), and mailing notices to interested parties, including State and Federal regulatory agencies. Twenty responses to the notice have been received, four from pipeline companies, three from legal firms, and thirteen from producers. No unfavorable responses were received although some questions were raised in connection with particular provisions of the proposed regulations. All suggestions have been carefully considered and, to the extent deemed pertinent and desirable, have been adopted.

Concern has been expressed that "emergency" was not sufficiently specific to advise independent producers of the circumstances under which they could invoke the provisions of the proposed rule. We believe that in the regulation of independent producers, an "emergency" has become recognized as relating to circumstances whereby a producer has become subject to or is in imminent danger of being subjected to economic or physical loss. We deem it inappropriate to state in detail all of the circumstances and conditions which would warrant invocation of the rule as hereinafter adopted. We have, however, designated as illustrative, drainage, threatened loss of lease, flaring, economic hardship resulting from payment of shut-in royalties, or similar situations.

Suggestion has been made that the requirement that there be on file an effective rate schedule covering the proposed service filed in accordance with §§ 154.91 through 154.102 of the regulations be deleted. We do not deem it advisable to eliminate this requirement, but have, however, provided in § 157.28 (d) for waiver of the notice requirements for the purposes of this regulation. Consequently, it will not be necessary to make any application for waiver under § 154.98 in connection with the invocation of the new procedure.

The possible need for immediate action to protect the safety of life, production property, production facilities, and other property is recognized in the following regulations which are drawn so as to eliminate administrative delays in appropriate circumstances. For this purpose, we conclude that the public interest does not require certification of jurisdictional emergency sales or transportation, provided the sales or transportation so undertaken shall not continue beyond a period of sixty days. If jurisdictional emergency sales or transportation are proposed to be continued thereafter we deem it necessary that specific authorization therefor be requested. Accordingly, we have provided in a new § 157.29 for exemption of jurisdictional emergency sales or transportation which may not be continued for more than a single period of sixty days.

No sales or transportation subject to the Natural Gas Act may be made without rate schedules therefor being on file with the Commission. This requirement applies whether the sales or transportation are on a temporary emergency or permanent basis. In each type of service it is necessary that the company designate the applicable rate schedule with sufficient exactness and, of course, a rate schedule may be designated as intended to be effective for temporary or emergency service and later be again designated for permanent service. Consequently, the Commission provides herein for both temporary and emergency services where rate schedules have either been previously filed or are filed prior to the temporary or emergency service. Acceptance of a rate schedule for temporary or emergency service is no assurance that it will be accepted by the Commission for permanent service, or that rate conditions may not be included in the certificate authorization.

For the reasons set forth above, the Commission finds:

(1) Amendment of the regulations under the Natural Gas Act as hereinafter ordered is appropriate and necessary for carrying out the provisions of the Natural Gas Act.

(2) Good cause exists for adopting § 157.29 without the prior notice required by section 4 (a) of the Administrative Procedure Act and for making the amendments hereinafter adopted effective as ordered.

The Commission, acting pursuant to sections 7 and 16 of the Natural Gas Act (15 U. S. C. 717f and 717o), orders:

(A) Part 157—Applications for Certificates of Public Convenience and Necessity—of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is hereby amended in the following respects:

1. Redesignate the present §§ 157.28 and 157.29 as §§ 157.30 and 157.31, respectively, and add two new sections to read:

§ 157.28 *Temporary authorizations.* Upon the filing of an application for a certificate of public convenience and necessity under §§ 157.23 to 157.27, there also having been filed a rate schedule under §§ 154.91 through 154.102 of this chapter, an independent producer, in the event of an emergency that does not involve immediate danger to life or property, may initiate the sale or transportation of natural gas in interstate commerce and continue such sale or transportation pending final Commission action under sections 4 and 7 of the Natural Gas Act and without prejudice to such rate or other condition as may be attached to the issuance of the certificate: *Provided, however,* That this temporary authorization is applicable and available only subject to the following:

(a) It does not apply to termination of any sale or transportation or with respect to service proposed to commence more than 30 days from the date of the filing of the statement required in paragraph (c) of this section.

(b) It does not apply unless the purchaser of the gas or the person for whom the transportation is to be performed has been authorized to construct and operate such facilities as may be necessary to enable him to accept delivery of such gas from the independent producer.

(c) As part of its application hereunder, or separately, the applicant independent producer must file or have on file (1) a statement of intention to invoke this section, setting forth the facts constituting the emergency requiring such action, which emergency may include, inter alia, drainage, threatened loss of lease, flaring, economic hardship resulting from payment of shut-in royalties, or similar situations; and (2) a statement identifying the contract tendered as the rate schedule intended to be effective for the sale or transportation under this temporary authorization.

(d) Notice by the Secretary of the acceptance of the rate filing and the statements made under this section shall constitute a waiver by the Commission of the 30-day advance filing requirements of §§ 154.92 (b) or 154.94 (b) of this chapter, and the proposed temporary sales or transportation may proceed forthwith.

§ 157.29 *Exemption of emergency sales or transportation.* Public interest does not require the issuance of a certificate authorizing the sale or transportation of natural gas by an independent producer where imminent danger to life and property can be eliminated by such sale or transportation, and where such sale or transportation is limited to a single period of not more than sixty (60) days: *Provided, however,* That:

(a) Every person undertaking such sale or transportation shall so advise the Commission immediately by telegram or letter stating briefly the circumstances and shall within ten (10) days file a statement in writing and under oath, together with four (4) conformed copies thereof, setting forth the purpose and character of the sale or transportation, the rate being charged, the facts warranting invocation of this section and the anticipated period of danger to life and property.

(b) Emergency operations thus undertaken without a certificate shall be discontinued upon expiration of the 60-day period, and all facilities installed for such temporary acts or operations shall be promptly removed and the Commission so advised in writing and under oath within 10 days following expiration of such 60-day period.

2. Amend the present § 157.29, as redesignated in amendatory paragraph 1 above, to read:

§ 157.31 *Applicability of §§ 157.23 to 157.30.* Sections 157.23 through 157.30 shall be applicable only to an independent producer as defined in § 154.91 of this chapter.

(B) The new and amended regulations prescribed herein are made effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Issued: November 20, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9634; Filed, Nov. 23, 1956; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6214]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

RED STRIP STAMPS

In order to permit bottles of distilled spirits enclosed in opaque cartons or wrappers to be imported, or brought from Puerto Rico or the Virgin Islands, into the United States, 26 CFR Parts 250 and 251 are amended as follows:

PARAGRAPH 1. 26 CFR Part 250, "Liquors and Articles from Puerto Rico and the Virgin Islands", is amended as follows:

(A) Section 250.139 is amended to read as follows:

§ 250.139 *Concealing or obscuring red strip stamps.* No part of the red strip stamp shall be concealed or obscured by any label or other covering, except that the stamp may be covered by a cup, cap, seal, carton, wrapping, or other device, as provided in this section. Where stamps are so covered, such covering must either be sufficiently transparent to permit the data on the stamps to be read or be so applied that it may be readily removed without injury to the stamp. Where a cup or cap is placed over a stamp on a bottle, the arrangement must be such that a portion of the stamp will be plainly visible when the cup or cap is in place. Bottles may be enclosed in sealed, opaque cartons or wrappings, if such cartons or wrappings bear the legend "This package may be opened for examination by internal revenue officers." Internal revenue officers have the right to open such carton or wrapping and examine the container.

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

(B) Section 250.234 is amended to read as follows:

§ 250.234 *Concealing or obscuring red strip stamps.* No part of the red strip stamp shall be concealed or obscured by any label or other covering, except that the stamp may be covered by a cup, cap, seal, carton, wrapping, or other device, as provided in this section. Where stamps are so covered, such covering must either be sufficiently transparent to permit the data on the stamps to be read or be so applied that it may be readily removed without injury to the stamp. Where a cup or cap is placed over a stamp on a bottle, the arrangement must be such that a portion of the stamp will be plainly visible when the cup or cap is in place. Bottles may be enclosed in sealed, opaque cartons or wrappings, if such cartons or wrappings bear the legend "This package may be opened for examination by internal revenue officers." Internal revenue officers have the right to open such carton or wrapping and examine the container.

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

PAR. 2. 26 CFR Part 251, "Importation of Distilled Spirits, Wines, and Beer", is amended by revising § 251.70 to read as follows:

§ 251.70 *Concealing or obscuring red strip stamps.* No part of the red strip stamp shall be concealed or obscured by any label or other covering, except that the stamp may be covered by a cup, cap, seal, carton, wrapping, or other device, as provided in this section. Where stamps are so covered, such covering must either be sufficiently transparent to permit the data on the stamp to be read or be so applied that it may be readily removed without injury to the stamp. Where a cup or cap is placed over a stamp on a bottle, the arrangement must be such that a portion of the stamp will be plainly visible when the cup or cap is in place. Bottles may be enclosed in sealed, opaque cartons or wrappings, if such cartons or wrappings bear the legend "This package may be opened for examination by in-

ternal revenue officers." Internal revenue officers have the right to open such carton or wrapping and examine the container.

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

Because this Treasury decision merely extends to red strip stamps on bottles of distilled spirits imported or brought into the United States the rule of Treasury Decision 6205 as applicable to red strip stamps on bottles of distilled spirits bottled domestically, it is hereby found that compliance with the notice and public procedure provisions of section 4 (a) of the Administrative Procedure Act approved June 11, 1946, or the effective date provisions of section 4 (c) of said act, is impracticable and unnecessary in connection with the issuance of this Treasury decision.

This Treasury decision shall be effective as of October 2, 1956, the effective date of Treasury Decision 6205.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.
D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 19, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9619; Filed, Nov. 23, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 711—NAVAL RESERVE OFFICERS' TRAINING CORPS

REVISION OF PART

Scope and purpose. Part 711 is brought up to date by publication of the following revision of this part.

GENERAL PRINCIPLES

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711.101 Authorization.
711.102 Supervision.
711.103 Mission.
711.104 Scope as an agency to provide and maintain naval officer strength.

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711.202 Department of naval science.
711.203 Designation of units.
711.204 Course of training.
711.205 Requirements for establishment of units.
711.206 Application for establishment of units.
711.207 Inspection of institution prior to establishment of unit.
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711.1101 Form of application for the establishment of an NROTC unit.
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AUTHORITY: §§ 711.101 to 711.1102 issued under R. S. 161, sec. 6901 70A Stat. 420; 5 U. S. C. 22, 10 U. S. C. 6901.

GENERAL PRINCIPLES

§ 711.101 *Authorization.* The Naval Reserve Officers Training Corps is established under authority of section 22 of the Act of March 4, 1925, as amended (34 U. S. C. 821), reenacted as 10 U. S. C. 6901.

§ 711.102 *Supervision.* (a) In conformity with the provisions of existing law, the NROTC is operated through appropriate administrative regulations issued by the Secretary of the Navy.

(b) The Secretary of the Navy is also authorized to prescribe standard courses for theoretical and practical Naval training for NROTC units and to issue to institutions with NROTC units such transportation, equipment, and uniforms belonging to the United States as he may deem necessary, and to authorize such expenditures from proper Navy appropriations as he may deem necessary for the efficient maintenance of the NROTC.

(c) The Chief of Naval Personnel is the administrative agent of the Secretary of the Navy, as explained in § 711.401.

(d) The Bureau of Naval Personnel Manual, together with Bureau Instructions and Notices issued when required, will embody current Bureau directives dealing with the operation and administration of the NROTC.

§ 711.103 *Mission.* The mission of the Naval Reserve Officers Training Corps is to provide by a permanent system of training and instruction in essential naval subjects at civil educational institutions a source from which qualified officers may be obtained for the Navy and the Marine Corps, and the Naval Reserve and the Marine Corps Reserve.

§ 711.104 *Scope as an agency to provide and maintain naval officer strength.* The NROTC will accomplish its mission as an agency for providing and maintaining naval officer strength by—

(a) Qualification of students for appointment as ensigns in the Regular Navy and the Naval Reserve, or second lieutenants in the Marine Corps and the Marine Corps Reserve, thus assisting in meeting the needs for commissioned personnel.

(b) Increased dissemination of knowledge concerning the Navy and Marine Corps, their purposes, ideals and achievements and handicaps, thereby gaining and holding increased public interest in the maintenance of adequate naval preparedness.

ORGANIZATION

§ 711.201 *Organization of the NROTC.* (a) The Naval Reserve Officers Training Corps is composed of naval training units established in civil educational institutions of the United States. A unit is the total enrollment of Regular and Contract students in the NROTC at any one civil educational institution (see § 711.301).

(b) As of June 20, 1956, NROTC units are established at the below-named institutions. Naval Science instruction leading to commissions in the U. S. Marine Corps and Marine Corps Reserve is given at all units. Currently, those marked with an asterisk are also offering instruction in Naval Science leading to commissions in the Supply Corps of the U. S. Navy and Naval Reserve (see § 711.601).

Alabama Polytechnic Institute, Auburn, Ala.
Brown University, Providence, R. I.
*California, University of, Berkeley, Calif.
California at Los Angeles, University of, Los Angeles, Calif.
Colorado, University of, Boulder, Colo.
Columbia University, New York, N. Y.
Cornell University, Ithaca, N. Y.
Dartmouth College, Hanover, N. H.
Duke University, Durham, N. C.
*Georgia Institute of Technology, Atlanta, Ga.
Harvard University, Cambridge, Mass.
Holy Cross, College of the, Worcester, Mass.
Idaho, University of, Moscow, Idaho.
Illinois Institute of Technology, Chicago, Ill.
Illinois, University of, Urbana, Ill.
Iowa State College, Ames, Iowa.
*Kansas, University of, Lawrence, Kans.
Louisville, University of, Louisville, Ky.
Marquette University, Milwaukee, Wis.
Miami University, Oxford, Ohio.
*Michigan, University of, Ann Arbor, Mich.
*Minnesota, University of, Minneapolis, Minn.
Mississippi, University of, University, Miss.
Missouri, University of, Columbia, Mo.
Nebraska, University of, Lincoln, Nebr.
New Mexico, University of, Albuquerque, N. Mex.
*North Carolina, University of, Chapel Hill, N. C.
*Northwestern University, Evanston, Ill.
Notre Dame, University of, Notre Dame, Ind.
*Ohio State University, Columbus, Ohio.
Oklahoma, University of, Norman, Okla.
Oregon State College, Corvallis, Oreg.
Pennsylvania State University, University Park, Pa.
*Pennsylvania, University of, Philadelphia, Pa.
Princeton University, Princeton, N. J.
Purdue University, Lafayette, Ind.
Rensselaer Polytechnic Institute, Troy, N. Y.
Rice Institute, Houston, Tex.
Rochester, University of, Rochester, N. Y.
South Carolina, University of, Columbia, S. C.
Southern California, University of, Los Angeles, Calif.
Stanford University, Stanford, Calif.
*Texas, University of, Austin, Tex.
Tufts University, Medford, Mass.
*Tulane University of Louisiana, New Orleans, La.
Utah, University of, Salt Lake City, Utah.
Vanderbilt University, Nashville, Tenn.
Villanova University, Villanova, Pa.
Virginia, University of, Charlottesville, Va.
*Washington, University of, Seattle, Wash.
Wisconsin, University of, Madison, Wis.
Yale University, New Haven, Conn.

§ 711.202 *Department of Naval Science.* Instruction given at any institution in accordance with programs prescribed by the Secretary of the Navy will be conducted and supervised by a Professor of Naval Science in his capacity as Head of the Department of Naval Science.

§ 711.203 *Designation of units.* The unit established at any civil educational institution will be officially designated as "NROTC Unit, (name of institution)."

§ 711.204 *Course of training.* (a) The NROTC course of training consists of those courses, practice periods, and exercises prescribed by the Navy Standard Curriculum currently in effect, together with such summer training duty or training cruises as may be prescribed. A midshipman pursuing a normal four-year college course will be required to carry a minimum of one Naval Science course per semester or quarter, unless otherwise authorized by the Professor of Naval Science.

(b) During the junior and senior years, special professional courses are provided at all units for students desiring to obtain commissions in the Marine Corps, and at certain designated units for those desiring commissions in the Supply Corps.

(c) In order that NROTC graduates may have a sound and liberal background of academic as well as professional knowledge, additional standard academic courses, as offered by the college faculty, are prescribed, and certain elective subjects are recommended.

§ 711.205 *Requirements for establishment of units.* The following requirements must be met prior to the establishment of an NROTC unit at a civil educational institution—

(a) For normal operation an annual minimum initial enrollment in the Naval Science courses of eighty qualified male students is required to maintain a Naval Reserve Officers Training Corps Unit. Such input into the NROTC will be limited and controlled as directed by the Chief of Naval Personnel on a schedule consonant with the needs of the Service.

(b) The authorities of the institution shall agree to establish and maintain the courses in Naval Science prescribed by the Chief of Naval Personnel.

(c) Credits toward a degree will be granted for Naval Science subjects commensurate with the time expended, in the same manner as for other academic subjects.

(d) The authorities of the institution shall agree to appoint to the faculty, with appropriate rank, a Naval or Marine Corps officer detailed as Professor of Naval Science and such additional officers of the Regular Navy, Naval Reserve, Marine Corps, or Marine Corps Reserve as may be assigned by the Chief of Naval Personnel or Commandant of the Marine Corps.

§ 711.206 *Application for establishment of units.* A civil educational institution desiring the establishment of a unit of the NROTC should make application to the Chief of Naval Personnel on the form prescribed in § 711.1101.

§ 711.207 *Inspection of institution prior to establishment of unit.* When the establishment of a new unit is to be considered by the Secretary of the Navy, an officer will be designated by the Chief of Naval Personnel to visit and inspect any educational institution submitting the application for establishment of a unit prescribed in § 711.206. This officer will report to the Chief of Naval Personnel upon completion of his inspection as to whether or not the institution inspected fulfills the requirements of the laws and regulations governing the establishment of a unit, and he will specifically recommend in his report whether or not a unit should be established.

§ 711.208 *Limitation of personnel of NROTC.* The enacting law as amended prescribes that the total NROTC students in training shall not exceed 15,400 at any one time. Of these not more than 14,000 shall be Regular NROTC students as defined in § 711.301 (a). The remainder of the 15,400 total may be composed of Contract NROTC students as defined in § 711.301 (b).

§ 711.209 *Withdrawal of authority for establishment of a unit.* An institution desiring to withdraw from the NROTC will so report in writing, giving reasons in full therefor to the Chief of Naval Personnel at least three months prior to the date upon which withdrawal is to be effective. A unit will not be maintained at an institution when the institution, after thorough consideration, desires its withdrawal. Ordinarily, however, a unit will be withdrawn only at the end of an academic year. The Secretary of the Navy, may, upon the recommendation of the Chief of Naval Personnel, and upon at least three months' notice, in writing, to the institution, withdraw the unit from any institution where such unit is established and rescind authorization for a unit at that institution should it be considered that the work of the unit is not compatible with the mission of the NROTC. Whenever the authorities of an institution request the withdrawal of a unit, or when in the opinion of the Professor

711.307 Reenrollment of former NROTC students.
711.804 Subsistence in kind.
711.805 Servicemen's indemnity coverage.
Manual, together with Bureau Instructions and Notices issued when required,
*North Carolina, University of, Chapel Hill, N. C.
consonant with the needs of the Service. or when in the opinion of the Professor

of Naval Science a unit should be withdrawn, the Professor of Naval Science shall forward to the Chief of Naval Personnel a report stating in full those details of the situation existing at the institution which would be of assistance to the Chief of Naval Personnel in arriving at an understanding of the facts and circumstances involved in the request or recommendation for the withdrawal of the unit.

§ 711.210 *Land-grant institutions.* The obligations of land-grant institutions to provide military instruction imposed by the Act of July 2, 1862 (12 Stat. 503; 7 U. S. C. 304), are not altered by the enacting law authorizing the NROTC, or by the regulations in this part. The military training requirements prescribed by the above Act are considered to be fulfilled by students who have successfully completed two years of Naval Science courses and drills.

CONDITIONS OF SERVICE

§ 711.301 *Types of NROTC students.* Officer candidates in the NROTC are of two types:

(a) Regular NROTC students are appointed Midshipmen, Naval Reserve, and will be granted the compensation and benefits specified in §§ 711.801 to 711.916. In accordance with their contracts with the Government, such students are required to complete satisfactorily the prescribed training and to participate in all required summer training. Those who were appointed Midshipmen, Naval Reserve, prior to 1957 will, upon appointment to commissioned grade, be required to serve three years on active duty under their contract. Those appointed Midshipmen, Naval Reserve, in 1957 and thereafter will, upon appointment to commissioned grade, be required to serve on active duty for a total period of four years under their contract, unless sooner released by the Secretary of the Navy. (See § 711.315 (a).) The exact period of active duty will be determined by the needs of the Service at the time. They may, upon completion of 15 months' active duty, request termination of their Regular appointment and may be appointed as Reserve officers in the United States Navy or Marine Corps. They may apply for retention as career officers in the United States Navy or Marine Corps in accordance with § 711.315.

(b) Contract NROTC students have the status of civilians who have entered into a contract with the Secretary of the Navy, but may concurrently hold an enlisted Reserve status in the United States Navy or Marine Corps. They are not entitled to the compensation or benefits paid Regular NROTC students except that they are entitled to the uniform issue specified in § 711.903, payment of commutation of subsistence during their final two years of NROTC training (§ 711.803), and the practice cruise compensations specified in § 711.802. Contract NROTC students agree to accept a commission in the Naval Reserve or the Marine Corps Reserve and to serve for a minimum of two years on active duty. Contract students may apply for appointment in the U. S. Marine Corps under conditions outlined in §§ 711.314 (f) and 711.703. Such appointments require the Contract student to serve as a commissioned officer for the same period of time as that prescribed for graduates of the Regular NROTC program. Contract students are required to make one summer practice cruise. Those desiring to achieve the status of Regular students must qualify through the annual competitive examination and selection procedure.

(c) Normally both types of students shall be referred to as "NROTC Students." However, the term "Midshipmen" may be also used locally in referring to all NROTC students as a group and "Midshipman" may be used as a generic term in referring to a particular student as a member of the entire group. In all official correspondence and records, a regular NROTC student shall be referred to as "Midshipman, Naval Reserve" or "Regular NROTC student" and a Contract student shall be referred to as "Contract NROTC student."

§ 711.302 *Naval Science students.* (a) With the approval of the Professor of Naval Science and the academic authorities, civilian students, citizens of the United States, who have not entered into any contract with the Navy may be permitted to pursue Naval Science courses for college credit provided the acceptance of such students will not affect adversely the instruction given to NROTC students. They will be designated as Naval Science students. Since they are not members of the NROTC, either as Regular or Contract students, they will not be eligible to make NROTC practice cruises, to be issued uniforms, to have access to classified information or to be paid any compensation or benefits. They may withdraw at their own request upon approval of the Professor of Naval Science.

(b) Naval Science students may become eligible for enrollment as Contract NROTC students, provided they comply in every respect with the requirements for such enrollment. They may also participate in the annual competition for entrance into the NROTC as Regular students.

(c) Naval Science students must be informed that they are not actually enrolled in the NROTC. They may, with the approval of the Professor of Naval Science, participate in local drills.

(d) A Regular or Contract student who is attending an institution having compulsory military training, and who is disenrolled from the NROTC for reasons other than disciplinary or inaptitude, prior to the completion of the military requirements of the institution, shall be enrolled as a Naval Science student until the military training requirements of the institution have been completed. This procedure may be dispensed with only if the student desires to transfer to the Army or Air Force ROTC and such transfer is approved by the Professor of Military Science and Tactics or the Professor of Air Science and Tactics in accordance with the Statement of Joint ROTC Policies as approved by the Secretary of Defense. A student disenrolled from the NROTC for disciplinary reasons or inaptitude shall not be permitted to enroll as a Naval Science student without the specific approval of the Chief of Naval Personnel.

§ 711.303 *Faculty members.* Members of the faculty may, with the approval of the Professor of Naval Science, take any of the courses of instruction prescribed for members of the NROTC. Participation in these courses will not entitle them to enrollment in the NROTC or to any pay or allowances.

§ 711.304 *Enrollment procedures*—(a) *Regular NROTC students.* These students are enrolled after a competitive selection procedure established by the Chief of Naval Personnel. Applicants from civil life and enlisted personnel in the Armed Forces, other than those on active duty in the U. S. Navy and U. S. Marine Corps, are selected on a nationwide competitive basis. Enlisted personnel on active duty in the U. S. Navy and U. S. Marine Corps are also selected on a competitive basis, but to fill a separate quota assigned to the Naval Service. Detailed directives and procedures for applying for the program are issued from time to time. Such students must be qualified for admission to an NROTC institution under the regulations of that institution.

(1) Contract students selected for regular status will be required to obtain their degrees and commissions in the same time they would normally have taken had they remained in their original contract status unless there is an approved change in major, or a transfer between colleges at the time of entrance into the Regular program which affects the date of commissioning. They will be required to make as many cruises as possible in the time available before graduation, and if at the time of graduation they have made fewer than three cruises they will be required to make one cruise after graduation in order to qualify for a regular commission.

(2) Naval Science students selected for regular status will be treated in the same manner as Contract students selected for regular status.

(b) *Contract NROTC students.* These students are enrolled by the Professor of Naval Science within limited numbers specified by the Chief of Naval Personnel in accordance with instructions issued from time to time. Such students must meet the qualifications specified for all NROTC enrollees in § 711.305 and must be in attendance at an NROTC institution.

(c) *Naval Science students.* These students may be enrolled by the Professor of Naval Science as long as the number so enrolled is within the limits of the instructional staff and facilities available. (See § 711.302 (e).)

§ 711.305 *General qualifications for enrollment.* In general, each candidate for enrollment in the NROTC must meet the following requirements:

(a) Be an unmarried male citizen of the United States, never have been married, and agree to remain unmarried until commissioned or disenrolled.

(b) Have attained the seventeenth anniversary of his birth on or before July

first of the year of enrollment and be of such age that he will not have reached the twenty-fifth anniversary of his birth on July first of the year he will be commissioned (i. e., not over 21 on July 1 for initial enrollment at the beginning freshman level if enrolling in a four-year curriculum or not over 20 on July 1 if enrolling in a five-year curriculum). The Professor of Naval Science is authorized, however, to waive the minimum age requirements for a Contract student if the student has attained the sixteenth anniversary of his birth on or before July 1 of the year in which he is enrolled in the program and the Professor of Naval Science considers him of sufficient maturity to undertake the Naval Science courses and drills. A special letter report, stating the names of all students for whom such waivers have been granted, will be forwarded to the Chief of Naval Personnel. No waiver of the age requirements for Regular students will be granted.

(c) Be morally qualified and possess officer-like qualifications and character as evidenced by appearance, scholarship, extracurricular activities, and record in his home community.

(d) Be at least a high school graduate or person of equivalent educational level if selected competitively; or, be enrolled in good standing and attending an NROTC institution if selected by the Professor of Naval Science.

(e) Be physically qualified in accordance with the standards prescribed for entrance into the U. S. Naval Academy.

(f) Any person receiving compensation from the United States Veterans Administration for disability incurred in the Naval or Military service of the United States, or who has any claim pending under that Administration on account of such disability, is not eligible for enrollment in the NROTC. Veterans who have previously filed such claims may become eligible for enrollment if (1) the Veterans Administration has disallowed the claim or if (2) the veteran has withdrawn or (3) withdraws his claim. Procedures for establishing such eligibility shall be in accordance with current directives. All such veterans should understand that any such actions initiated by them are voluntary on their part. While no individual is required to waive any such claims, enrollment in the NROTC is contingent upon fulfilling all entrance requirements.

(g) A citizen of the insular possessions of the United States, unless he is, in fact, a citizen of the United States, is not eligible for membership in the NROTC.

(h) No member of the Regular Armed Forces in active service, or members of the Reserve or National Guard components thereof, shall be eligible for enrollment as a Regular student (Midshipman, Naval Reserve) in the NROTC while retaining his status in the other organization. In the case of Regular NROTC students having any enlisted status, the Professor of Naval Science shall, in accordance with existing directives, request their discharge effective as of the day immediately preceding the date of appointment as Midshipmen, Naval Reserve. No commissioned officer, Regular or Reserve, of any service is eligible. Enlisted members of the Pay and Non-Pay Naval or Marine Corps Reserve in an inactive duty status may be enrolled as Contract students. Members of other Reserve components of the Armed Forces although not eligible for enrollment as Contract students while retaining such status, may be enrolled as Naval Science students pending discharge from such status or transfer to the Naval or Marine Corps Reserve.

(i) Students selected for appointment as Midshipmen, Naval Reserve, or for enrollment as Contract students, who formerly attended one of the United States Service Academies, the United States Coast Guard Academy, the New York State Maritime College, or one of the United States or State Merchant Marine or Maritime Academies, shall not be appointed or enrolled without the specific approval of the Chief of Naval Personnel.

(j) Students selected for appointment as Midshipmen, Naval Reserve, or for enrollment as Contract students shall be required to execute current Loyalty Certificates prior to their appointment or enrollment.

(k) A civilian student selected for appointment as Midshipman, Naval Reserve, shall be appointed in the name of the Secretary of the Navy on the day of commencement of classes at the institution to which he was authorized to report, provided he is acceptable to the college on that date. Students selected for appointment who are on active duty in the Naval Reserve shall, in accordance with appropriate directives, be appointed Midshipman, Naval Reserve, on the day immediately following the date of discharge from enlisted status. Candidates enrolled or reporting late shall be appointed Midshipman, Naval Reserve, on the date they actually commence classes. No candidate reporting late will be appointed unless he is acceptable to the institution on the date of reporting and, under normal conditions, can be expected to complete satisfactorily the academic work of that semester or quarter.

§ 711.306 *Medical examinations*—(a) *Initial examinations.* (1) Each applicant for enrollment in the Contract NROTC program will be first examined to determine his physical qualifications. Standard Form 88, in duplicate, and one copy of Standard Form 89 (for those students the Professor of Naval Science desires to enroll) shall be forwarded to the Chief of the Bureau of Medicine and Surgery via the Chief of Naval Personnel as soon as practicable and no later than sixty days after commencement of the academic year. Physical examinations conducted within ninety days prior to enrollment are acceptable, provided they have been for the purpose of enrollment into the NROTC.

(2) Entering Regular students need not be physically examined upon arrival, inasmuch as their physical qualifications will have already been established. The first medical examination after enrollment will be that required on the first annual examination. Regular students reporting with known physical defects should not be appointed until the clinical significance of the defect has been evaluated by the Chief of the Bureau of Medicine and Surgery.

(b) *Annual medical examination.* The Professor of Naval Science shall require each student enrolled in the NROTC, except Contract freshmen, to be physically examined during the period September–April of each school year. Standard Form 88, in duplicate, and one copy of Standard Form 89 shall be forwarded as in paragraph (a) of this section. Each copy of the Standard Form 88 and 89 shall contain the student's file number. The Standard Form 88 of each student with an upper level designator will be clearly marked "Supply Corps Science" or "Marine Corps Science", as appropriate. The pre-commissioning examination required in paragraph (g) of this section will serve as the annual physical examination for students graduating prior to November 1 in any calendar year. Contract students who apply for the Regular program need not receive a separate annual examination. The Professor of Naval Science shall advise the Chief of Naval Personnel as to the students examined in this category.

(c) *Health records.* Health records shall be opened for both Contract and Regular students during their first year in the program. (See § 711.1102.)

(d) *Vaccinations and inoculations.* At the time of the annual medical examinations, appropriate vaccinations and inoculations shall be given to all students expecting to participate in summer training.

(e) *Serologic tests.* Serologic test for syphilis shall be administered to each Regular and Contract student during the enrollment physical examination. The test will likewise be performed as part of the pre-commissioning physical examination. No test need be made during the annual physical examination unless the individual suspects or presents clinical evidence of venereal disease, or a history thereof.

(f) *Roentgenographic examinations.* Roentgenographic examination of the chest will be performed as part of each enrollment, annual, and pre-commissioning examination of all Regular and Contract students. Units not near to naval medical facilities having roentgenographic equipment may make arrangements with the Commandant of the Naval District for chest X-ray examination of enrolled students by mobile X-ray unit at a convenient time during the school year. The requirement for chest X-ray as a part of the annual physical examination will be met if the chest X-ray examination is conducted at any time during the school year. In the case of a pre-commissioning physical examination, the requirement will be met provided the chest X-ray examination is conducted during the school year but prior to or concurrent with the pre-commissioning physical examination.

(g) *Pre-commissioning medical examinations.* Graduating students must be given their pre-commissioning medical examination at least ninety days, and in no case more than 180 days prior to

for a minimum of two years on active duty. Contract students may apply for appointment in the U. S. Marine Corps

date of appointment as Midshipmen, the first annual examination. Regular in no case more than 180 days prior to

commissioning. As indicated in paragraph (b) of this section, the pre-commissioning medical examination for certain graduates will also serve as the annual medical examination. Candidates for appointment in the Regular Navy shall be examined by two medical officers, and, if available, one dental officer. Examination before a statutory board of medical examiners, together with the preparation of a formal set of findings is not required. The examination shall be in accordance with the provisions of the Manual of the Medical Department. Standard Form 88, in duplicate, and one copy of Standard Form 89 shall be prepared and forwarded as in paragraph (a) of this section, and shall include the report of both serological and roentgenographic examination. The purpose of the medical examination shall be clearly indicated on the Standard Form 88 as appropriate, i. e., "Appointment to Commissioned Rank as Ensign, line (or SC or CEC) in the U. S. Navy (or Naval Reserve)."

(h) *Visual standards.* The visual standard for original enrollment in either the Regular or Contract NROTC is 20/20 in each eye, uncorrected. The Professor of Naval Science shall recommend any NROTC student for disenrollment whose vision in either eye falls below 20/40, except those specifically designated for a staff corps appointment. Any student whose vision drops below 20/100 in either eye shall be recommended for disenrollment. In every case where a student presents visual acuity below 20/20 which is not fully correctable to 20/20, he shall be recommended for disenrollment.

(i) *Disposition of physically disqualified.* Students not meeting physical standards shall be administered in accordance with § 711.313.

(j) *Administration of the medical examination.* Attention of all medical examiners shall be directed to the importance of proper reporting of all findings. Early determination of physical qualifications for all applicants is necessary to avoid the necessity of certain disqualified students obligating themselves to more than one semester of Naval Science.

(k) *Requests for additional information.* It is necessary to request additional clinical information to establish the physical qualifications of certain candidates. Such requests shall be processed by the Professor of Naval Science within thirty days, unless justifiable delays are reported to the Chief of Naval Personnel. Requests for additional information resulting from the annual medical examinations shall be forwarded to the cruise commander or student's home address, if received during the summer months.

(l) *Assistance.* The Professor of Naval Science shall request from the Commandant of the Naval District whatever medical or dental assistance, including hospital corpsmen and clerical personnel, required for carrying out any of these medical examinations. Commandants shall prepare itineraries to insure early assignment of examining teams to the NROTC units as requested, forwarding copies to the Chief of Naval Personnel, Pers–B6261.

§ 711.307 *Reenrollment of former NROTC students.* (a) With the exception of those students who were disenrolled for disciplinary reasons or inapdents who desire reenrollment as Contract students may be considered for reenrollment provided the Professor of Naval Science deems the student worthy. However the specific approval of the Chief of Naval Personnel will be required in each case. Former Regular students who have been disenrolled and whose appointments have been terminated may not be reappointed Midshipmen without carrying out all provisions required for selection in the annual national competition.

(b) Consideration for reenrollment will be given only after review of the recommendation submitted by the Professor of Naval Science. In making such recommendation, the Professor of Naval Science will comment upon the student's aptitude (college and cruise) for the naval service, past academic record, reason for disenrollment and whether the cause for disenrollment has been eliminated and the student's prospects for completing the requirements for a commission are good. Normally, only those students with a good academic record and above-average aptitude marks should be recommended for reenrollment. Exceptions may be made, however, in particularly deserving cases if sufficient evidence in extenuation is presented.

§ 711.308 *Transfer between NROTC institutions.* (a) A Regular NROTC student may request transfer from the NROTC Unit at one institution to the NROTC Unit at another if honorably released by the first institution, accepted by the second institution and the transfer is approved by the Chief of Naval Personnel will not take favorable action upon such request unless it has been favorably recommended by both Professors of Naval Science.

(1) The Professor of Naval Science of the NROTC Unit at the first institution shall include in his endorsement (if not in the student's request) a statement of the exact field of study the student proposes to follow together with any information which would be of assistance to the Professor of Naval Science and the academic authorities of the second institution in determining the student's probable acceptance for admission. There should be enclosed with this endorsement a transcript of the student's academic record, together with a statement of the courses in progress. This transcript need not be forwarded to the Chief of Naval Personnel.

(2) The Professor of Naval Science of the NROTC Unit at the second institution in forwarding his recommendation to the Chief of Naval Personnel shall include a statement as to the probable action of the academic administrative authorities on the student's request. His forwarding endorsement shall also state what effect, if any, on the student's date of commissioning will be entailed by the requested transfer, if effected.

(3) The Chief of Naval Personnel, upon favorable recommendation from the Professors of Naval Science, will generally approve those transfers (except as noted in subparagraph (5) of this paragraph) which are motivated by reason of unusual personal hardship or the impossibility of obtaining courses required for certain degrees.

(4) The Chief of Naval Personnel will view unfavorably those requests for transfer for continuation of undergraduate studies when such transfers are motivated by reason of personal convenience or desires, particularly those which stem from the fact that a student prefers to attend the college of his first choice or one that was at least higher on his list of choices at the time he entered the Program.

(5) Transfers of the type described in subparagraphs (3) and (4) of this paragraph will not be authorized for continuation of undergraduate studies at a college which was higher on the student's list of choices at the time he originally entered the Program. Such transfers would be in direct conflict with the principles established in the Plan of Distribution of NROTC students adopted jointly by the Association of NROTC Colleges and the Chief of Naval Personnel.

(6) Due to having entered the NROTC subsequent to their freshman year, a few NROTC students may receive their first baccalaureate degrees prior to completing four years of Naval Science. Students of this type who request permission to transfer, subsequent to receipt of the baccalaureate degree, to any of the other NROTC institutions for graduate work normally will have their requests approved if the university to which transfer is requested (i) accepts the student for graduate work, and (ii) agrees to permit him to carry undergraduate work in Naval Science concurrently with his proposed schedule of graduate studies.

(b) A Contract NROTC student may transfer from one NROTC institution to another if honorably released by the first institution, accepted by the second institution and the transfer is approved by both Professors of Naval Science.

(c) A Naval Science student who transfers from one NROTC institution to another may be reenrolled as a Naval Science student provided he is recommended by the Professor of Naval Science of the institution from which transferred.

(d) The Professor of Naval Science of the institution from which such transfer is made shall forward to the Professor of Naval Science of the institution to which the transfer is made:

(1) An official transcript.

(2) A complete listing of IBM items established for the student.

(3) Marks for all Naval Science courses completed and aptitude marks (4.0 basis).

(4) Health Record (Form H).

(5) Pay Accounts (Regular students).

(6) Local Service Record.

(7) For Contract students:

(i) Date admitted to advanced standing for commutation of subsistence.

(ii) Date on which commutation of subsistance was discontinued because of transfer.

(iii) Three certified copies of student's contract.

(e) Whenever the appointment of a Contract student to Regular status involves a transfer from one institution to another, the Professor of Naval Science of the institution receiving the student shall request the student's former Professor of Naval Science to forward the records listed above.

§ 711.309 *Appointment of NROTC students to Service Academies.* (a) Any student enrolled in the NROTC who is selected for appointment to one of the Service Academies, will, upon his actual entrance into the Academy, be released from his NROTC contract with the Secretary of the Navy.

(b) The provisions of § 711.310 shall, insofar as applicable, be applied to NROTC students entering any of the Service Academies.

§ 711.310 *Entry of NROTC students into the U. S. Naval Academy—(a) Eligibility for entry.* Members of the NROTC, either Regular or Contract students, may seek appointment to the U. S. Naval Academy under any existing procedure to which they would be eligible, if not an NROTC student, with the following single exception: Only Contract students will be permitted to compete for appointment to the Naval Academy by competitive examination from among members of the NROTC, as provided by 10 U. S. C. 6954 (b) (4). This statutory provision authorizes the Secretary of the Navy to appoint not more than twenty midshipment annually to the Naval Academy from among the honor graduates of educational institutions which are designated as honor schools by the Department of the Army or the Department of the Navy, in accordance with regulations established by the Secretary of the Navy, and from among members of the NROTC.

(b) *Procedures for effecting entry.* The entry of NROTC students, both Regular and Contract, into the Naval Academy shall be effected in accordance with the following procedures:

(1) The candidates will be informed by the Chief of Naval Personnel as to the date on which they should report to the Naval Academy. It is expected that the reporting date will generally be about July 1, or as soon thereafter as the candidates become eligible for call.

(2) Upon sighting evidence from the Chief of Naval Personnel that the student has been authorized to report at the U. S. Naval Academy, Annapolis, Maryland, to be sworn in as a midshipman, the Professor of Naval Science shall place the student in a leave of absence status from the NROTC effective upon the day on which the student is due to report at the U. S. Naval Academy, Annapolis, Maryland.

(3) The records, accounts, and as much as possible of government clothing and equipment shall be retained at the NROTC unit or activity holding the accounts until receipt of the student's request for discharge bearing authenticated endorsement by the Superintendent of the Naval Academy.

(4) The Professor of Naval Science will be informed by the Superintendent of the Naval Academy of the date upon which the student was appointed Midshipman, USN. The Professor of Naval Science shall then disenroll the student from the NROTC (Special Reasons—to accept appointment at USNA) effective on the day prior to date of appointment at the Naval Academy.

(c) *Students authorized to report to USNA but who are not appointed.* (1) In case a student, placed in a leave status in accordance with the provisions of this Article, is not appointed midshipman at the Academy, his leave of absence status from the NROTC shall be terminated by the Professor of Naval Science effective upon the first day of the fall term of college (or earlier if subparagraph (2) of this paragraph applies).

(2) Students will have qualified physically for appointment as Midshipmen, USN, prior to the forwarding of the authorizations referred to in paragraph (b) (2) of this section. However, if due to some condition arising subsequent to the issuance of the authority to report, a student upon reporting at the Academy is found not physically qualified for appointment as Midshipman, USN, he shall immediately notify the Professor of Naval Science who may then order him to an appropriate NROTC summer cruise if he is physically qualified for retention in the NROTC. Otherwise he shall be recommended to the Chief of Naval Personnel for disenrollment for physical reasons. The recommendation for disenrollment will be approved only after it is determined that the student is not physically qualified for retention in the NROTC.

(d) The Professor of Naval Science will not be required to obtain approval of the Chief of Naval Personnel prior to his taking the actions described in paragraphs (b) and (c) of this section.

§ 711.311 *Leave of absence.* In certain cases, because of institutional requirements for certain degrees, minor academic deficiencies, illness, or other legitimate reasons, it may become necessary to allow a student one or more additional semesters to enable him to qualify for his first baccalaureate degree. If recommended by the Professor of Naval Science and authorized by the Chief of Naval Personnel, such additional time may be allowed. However, the total time during which a Regular student may be retained in a regularly enrolled NROTC status, receiving benefits and retainer pay, may not exceed four academic years. Similarly, a Contract student may not receive commutation of subsistence for a period exceeding two academic years plus one intervening summer vacation.

(a) Where it is necessary to extend the normal time for completion of degree requirements, the student may be placed in a leave status, without compensation or allowances, for such periods as are necessary to comply with the requirements of the program of studies as normally conducted by the institution. While in such leave status, the student will not be eligible to receive the compensation or benefits paid to, or in behalf of, NROTC students under instruction, nor will he be required to take any Naval Science courses.

(b) In the case of students who are regularly enrolled in college cooperative programs requiring alternate periods of employment in industry or business and normally requiring five years for the completion of a baccalaureate degree, leave status may be established during the periods in which a student is engaged in such employment and is not effectively in residence at the institution, or upon the completion of the fourth year of his academic program if he has remained in residence (on a part-time basis) throughout four years of the program.

(c) A student enrolled in a curriculum normally requiring five years for completion who chooses to receive his retainer pay and benefits in successive years beginning with his first year of NROTC training will be placed in a leave status, without compensation, at the end of his fourth year of such training in order that he may continue to completion the curriculum leading to his degree. While in such leave status, he will not be eligible to receive the compensation or benefits paid to, or in behalf of, NROTC students under instruction, nor will he be required to take any Naval Science courses. A student in this category who is about to complete his fifth year of college training should be reported to the Chief of Naval Personnel by the Professor of Naval Science at the same time he reports the names of all other prospective graduating students. Upon the completion of his fifth academic year and the granting of the baccalaureate degree, he will be commissioned at the same time and in the same manner as other NROTC students who have completed a normal four-year course and receive the baccalaureate degree at that time.

(d) A student enrolled in a curriculum normally requiring five years for completion who chooses to receive his retainer pay and benefits other than during his first four years of NROTC training, may be placed in a leave status, without compensation, during any one of the five years, (except as noted in the following sentence) and will be commissioned at the end of his fifth year, as described in the preceding paragraph. In some cases, the Chief of Naval Personnel may determine the year during which the student is to be placed in a leave status and will so advise the Professor of Naval Science.

(e) Regular NROTC students who elect to receive educational benefits under the Veterans' Readjustment Assistance Act of 1952 as amended (38 U. S. C. 901 et seq.), will be placed in a leave status, without the pay and allowances of the Regular program, at the beginning of any academic semester or quarter. Such leave status will continue through one or more complete semesters or quarters, but will be terminated at the end of scholastic work (in June) of each year provided the student is scheduled to participate in a summer cruise or training period. During the period in which the student is in a leave status for the purpose of obtaining educational benefits under the Veterans' Readjustment Assistance Act of 1952 as amended, he will receive no emoluments from the Navy for

(3) The Chief of Naval Personnel, upon favorable recommendation from the Professors of Naval Science, will gen-

(iii) Three certified copies of student's contract.

Naval Science courses.

receive no emoluments from the Navy for

tuition, books, fees or retainer pay. He will, however, continue attendance at all required Naval Sciences classes and drills until he has completed the Naval Science curriculum requirements for a degree and a commission. It will be the responsibility of the student to make all of the necessary arrangements with the Veterans Administration for the payment of the benefits he is eligible to receive while in a leave status. Detailed information as to procedure for application for these benefits may be obtained from the Veterans Administration.

(f) The Professor of Naval Science is authorized to place in or to remove from leave status, students of the types described in paragraphs (b) to (e), inclusive, of this section. While prior approval of the Chief of Naval Personnel will not be required in these cases, the Professor of Naval Science shall advise him of such action whenever taken.

(g) In accordance with the provisions of current directives, the Chief of Naval Personnel will give consideration, based upon the needs of the Navy, to requests for leave of absence to accept scholarships or fellowships awarded for graduate study in a foreign country immediately upon completion of all requirements for a commission.

(h) The Professor of Naval Science is authorized to place a student in a leave status for physical reasons, i. e., illness, suspected illness, injury, or convalescence from illness, without prior approval of the Chief of Naval Personnel. The Professor of Naval Science must inform the Chief of Naval Personnel immediately of such action and include available medical reports or data, as appropriate. A student placed in a leave status for physical reasons shall not be removed from such leave status without the prior approval of the Chief of Naval Personnel. In requesting authority to remove a student from physical leave status, a clinical abstract of treatment afforded and any special report requested, shall be forwarded to the Chief of Naval Personnel.

(i) In all requests for leave status which require approval of the Chief of Naval Personnel, the Professor of Naval Science will cause NavPers 579 (Request for Leave of Absence from NROTC Program) to be executed. In those instances where the Professor of Naval Science is authorized to place a student in a leave status without prior approval of the Chief of Naval Personnel, one copy of the card, NavPers 530 (Leave Status of NROTC Students) will be submitted. The Professor of Naval Science will indicate thereon the student's date of birth and will include the statement, "This student will meet the age requirements set forth in Article 305 (b) of NavPers 15034F (i. e., § 711.305 (b))." In such cases, a copy of NavPers 579 is neither required or desired.

(j) At the beginning of each academic year, and not later than 15 October, the Professor of Naval Science will prepare NavPers 530 (Leave Status of NROTC Students) for each NROTC student, Regular or Contract, being carried in a leave status. Any changes involving NROTC students being carried on a leave status will be indicated on NavPers 1931 (Monthly Change of Status Report). In the case of those reporting from a leave status, no other notification is required. In the case of those being placed in a leave status during an academic year, a copy of NavPers 530 will be submitted with the Monthly Change of Status Report.

(k) Recommendation for commissioning and other administrative action pertinent thereto shall be forwarded at the same time and in the same manner as for NROTC students completing a four-year program, even though the student is in leave status at the time of such action.

§ 711.312 *Probation.* (a) The Professor of Naval Science is authorized to place on probation, without reference to the Chief of Naval Personnel, any college freshman who, at the end of the first semester or at the end of the fall or winter quarter, has academic deficiencies, if the Professor of Naval Science considers that the difficulty is transitory and the student has such aptitude and strong motivation for the service as to make him particularly desirable as a naval officer.

(b) Any student whose lack of academic achievement places him in one of the three categories listed below should be placed on probation for the following term or semester:

(1) Overall average falls below a "C" (or equivalent);

(2) Failure in one subject;

(3) Progress toward a degree falls behind that required for graduation at the normally scheduled time.

(c) Any student who fails to meet the terms of his probation or to correct the deficiency for which he was placed in a probationary status or who fails to improve the quality of his work by the end of the following semester or quarter shall be reported to the Chief of Naval Personnel with a completed Student Disenrollment Report (NavPers 364).

(d) Students who are placed in a probationary status for any reason shall be notified of their status in writing. They shall be advised, in the letter of probation, of the cause, period, and terms of the probation and that failure to meet the terms specified will result in their being considered for disenrollment from the NROTC program, as stated in paragraph (c) of this section. A copy of the probation letter should be forwarded to the Chief of Naval Personnel (Attention: Pers–C124) and will be made a part of the student's record.

§ 711.313 *Disenrollment*—(a) *General.* Any NROTC student dropped by the institution for academic failure or any other reason shall be immediately disenrolled by the Professor of Naval Science. The date of disenrollment shall be set by the Professor of Naval Science and reported to the Chief of Naval Personnel on the Student Disenrollment Report (NavPers 364). In the case of Regular students and those Contract students qualified for entitlement to payment for subsistence, a copy of NavPers 364 shall be forwarded to the Navy Accounts Disbursing Office carrying the students' pay records so that payment to these students can be terminated at the proper time. If a Contract student, no further correspondence will be required. If the student being disenrolled is a Regular student, the Chief of Naval Personnel will recommend to the Secretary of the Navy that appointment as Midshipman be terminated. If approved by the Secretary, the letter of termination will be prepared by the Chief of Naval Personnel, and appointment terminated retroactive to the date set by the Professor of Naval Science.

(b) *Physical.* The Professor of Naval Science shall immediately place in a leave status, for physical reasons, any student who does not meet the required physical standards for retention in the NROTC. A Report of Medical Examination (Standard Form 88), in duplicate, Report of Medical History (Standard Form 89), original, and/or all available clinical data shall be forwarded immediately to the Chief of Naval Personnel. The Professor of Naval Science will be advised of the final disposition of the student upon completion of the final review of his physical qualifications for retention in the program. In the event disenrollment is directed, NavPers 364 shall be submitted.

(c) *Academic.* The Professor of Naval Science shall recommend to the Chief of Naval Personnel the disenrollment of any NROTC student whose general academic record is such as to make his value as an officer in the Navy doubtful. Such recommendations shall be submitted on NavPers 364 and shall include a complete statement of the student's academic record to date with an estimate by the academic authorities of the student's academic performance and capabilities. This recommendation may be made at any time during the student's course. Any considerable deficiency in the quality of a student's work in Naval Science courses will be considered grounds for such a recommendation, regardless of the quality of his other academic work.

(d) *Disciplinary.* The Professor of Naval Science may recommend for disenrollment any student from the NROTC for disciplinary reasons as specified in § 711.408 to be reported, as under paragraph (c) of this section.

(e) *Inaptitude.* The Professor of Naval Science shall recommend to the Chief of Naval Personnel on NavPers 364 the disenrollment of any student who has demonstrated at any stage of training such lack of officer aptitude as to make his further retention unjustified.

(f) *Special reasons.* In special cases, generally involving unusual hardship, the Chief of Naval Personnel may direct the disenrollment of an NROTC student for "Special Reasons." Disenrollments for "Special Reasons" will be the exception and not the rule and should be recomended by the Professor of Naval Science only in very unusual circumstances and after personal investigation of the facts presented by the student.

(g) *Own request.* The Professor of Naval Science may disenroll at their own request (Approval of the Chief of Naval

Personnel not being required) the following types of NROTC students:

(1) Regular students at any time prior to the end of their first year of NROTC training. For the purposes of this type of disenrollment, the first year of training shall be considered as completed with the beginning of the first semester or fall quarter of the second academic year spent in the NROTC program, considering the total time spent as a Contract and as a Regular student. Upon receipt of information from the Professor of Naval Science that a Regular student has been disenrolled in accordance with the provisions of this paragraph, the Chief of Naval Personnel will recommend to the Secretary of the Navy that the appointment as Midshipman be terminated. If approved by the Secretary, the letter of termination of appointment and discharge from the Naval Service will be prepared by the Chief of Naval Personnel and the appointment terminated retroactive to the date of disenrollment from the Naval Reserve Officers Training Corps as effected by the Professor of Naval Science.

(2) Contract students who have not yet qualified for entitlement to payments on account of communication of subsistence.

(3) A Regular student in his first year of training, or a Contract student who has not yet qualified for entitlement to payments on account of commutation of subsistence, whose disenrollment is pending or who would normally be disenrolled or recommended for disenrollment for the reasons specified in paragraphs (a) to (e), inclusive, of this section, shall not be disenrolled at his "Own Request."

(4) A Regular NROTC student, subsequent to his first year of NROTC training, or a Contract NROTC student who has qualified for entitlement to payments on account of commutation of subsistence, may not withdraw at his "Own Request" unless approved by the Chief of Naval Personnel under the provisions of paragraph (f) of this section.

(h) *Statements from students concerning disenrollment recommendations.* (1) A student being recommended for disenrollment for disciplinary reasons or because of inaptitude shall be offered the opportunity of presenting a signed statement in his own behalf concerning the circumstances which have resulted in the disenrollment recommendation.

(2) If the disenrollment recommendation is for disciplinary reasons due to the student's refusal to fulfill the provisions of his signed contract with the Secretary of the Navy, he shall acknowledge in his written statement to the Chief of Naval Personnel that he is aware of the obligations he assumed in his agreement or contract with the Navy and, furthermore, that he understands that disenrollment for disciplinary reasons, as stated above, if effected, will be prejudicial to his interests if he should ever apply for a commission in the armed services.

(i) *Continuance as Naval Science students.* Students disenrolled for other than disciplinary reasons or inaptitude before the end of an academic term may be authorized by the Professor of Naval Science to complete the current term of Naval Science as Naval Science students. Information concerning the status of a student disenrolled from the NROTC program for disciplinary reasons or inaptitude or at an institution having compulsory military training is given in § 711.302 (d).

(j) *Procedures for disenrollment and termination of appointment.* In effecting disenrollments (under paragraphs (b) to (f), inclusive, of this section) of Regular and Contract students, the following procedures will be followed:

(1) The Chief of Naval Personnel will review the case and approve or disapprove the recommendation for disenrollment. If approved, the Chief of Naval Personnel will direct the student's disenrollment from the Naval Reserve Officers Training Corps, such disenrollment to be effective upon the date designated by the Chief of Naval Personnel.

(2) In the case of a Regular student whose disenrollment has been directed, the Chief of Naval Personnel will recommend to the Secretary of the Navy that the appointment as Midshipman be terminated. If approved by the Secretary, the letter of termination of appointment and discharge from the Naval Service will be prepared by the Chief of Naval Personnel and the appointment terminated retroactive to the effective date of disenrollment from the Naval Reserve Officers Training Corps as set by the Chief of Naval Personnel.

§ 711.314 *Commissioning procedure.* (a) Regular and Contract NROTC students, upon successful completion of the prescribed Naval Science courses, satisfactory completion of the requirements for a first degree, and if in all other respects qualified, will be commissioned as a regular or reserve officer, respectively, in the U. S. Navy or Marine Corps, dependent upon the needs of the Service, and subject to a review of the recommendations of the Professor of Naval Science by the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, and final approval by the Secretary of the Navy. The Professor of Naval Science shall determine whether the student is in all respects academically qualified for appointment. However, the responsibility of the Professor of Naval Science shall not extend to the point of determining whether a Staff Corps candidate is professionally qualified for Staff Corps appointment, since, by law, this is the responsibility of the appropriate Naval Examining Board. No student shall be recommended for appointment until he has been carefully appraised by the Professor of Naval Science not only academically but also for officer-like qualities and general ability. Candidates need not submit individual applications for commissions except as noted below.

(b) The Chief of Naval Personnel will promulgate instructions relative to the appointment of Regular and Contract NROTC students in the Supply Corps, U. S. Navy or Naval Reserve. Normally, the percentage of Regular NROTC graduates appointed annually in the Supply Corps, U. S. Navy, will be in proportion to the percentage of such officers authorized by law for the Regular Navy.

(c) Applicants for appointment to commissioned rank in the U. S. Navy or U. S. Marine Corps or the Naval or Marine Corps Reserve who have a claim pending for or who are drawing a pension, disability allowance, or disability compensation from the Government of the United States, are not eligible for appointment to commissioned rank in the U. S. Navy or U. S. Marine Corps or the Naval or Marine Corps Reserve, even though they may have been found physically qualified by a Board of Medical Examiners and the Chief of the Bureau of Medicine and Surgery for such appointment.

(d) The Professor of Naval Science shall forward the NROTC Roster of Graduate Students, NavPers 533, with appropriate documents to reach the Chief of Naval Personnel, in accordance with existing directives, prior to March 1 and November 15.

(e) If student is a candidate for a Staff Corps (Regular Navy or Naval Reserve) or Marine Corps (Regular or Reserve) commission, the following information shall be included with paragraph (d) of this section:

(1) Request for Staff Corps commissions for those who so desire and who have been nominated in accordance with existing instructions. Each applicant for appointment in the Staff Corps, Regular Navy or Naval Reserve, shall indicate in his request therefor, the type of appointment desired if not selected for appointment in the Staff Corps.

(2) Application for commission in the Marine Corps for each Marine Corps candidate (§ 711.703 (c)).

(3) Transcript of student's educational record including a list of the courses in which enrolled for the current term. (No duplicate required.) Upon completion of the current term, final grades shall be forwarded, as soon as practicable, for inclusion in the officer's file.

(f) In all cases where Contract NROTC students desire appointments in the U. S. Marine Corps rather than in the Marine Corps Reserve, as provided in §§ 711.301 (b) and 711.315 (b), the student must indicate in his application (§ 711.703 (c)) that the application is for a U. S. Marine Corps commission and must agree therein to serve on active duty and in a reserve component for the same periods as those required of graduates of the Regular NROTC program. (See § 711.315 (a).) The Professor of Naval Science shall insure that the student has complied with these requirements. All such applications will be submitted in accordance with existing instructions or specific directives.

(g) The Professor of Naval Science is authorized and directed to withhold the commission of any student who fails to fulfill all of the requirements for graduation and commissioning. In every case where the appointment and commission are withheld, the Professor of Naval Science shall return the commission, NavPers 339 (Acceptance and Oath of Office) and orders to the Chief of Naval Personnel immediately with a letter of

leave status. Any changes involving NROTC students being carried on a leave

364 shall be forwarded to the Navy Accounts Disbursing Office carrying the

request (Approval of the Chief of Naval

be authorized by the Professor of Naval Science to complete the current term of

Supply Corps, U. S. Navy, will be in pro-

Personnel immediately with a letter of

transmittal indicating the reason therefor, and making appropriate recommendations concerning extension of the time allowed for completion of the requirements, placing the student in a leave status (§ 711.311), or disenrollment of the student.

(h) The Professor of Naval Science shall forward to the Chief of Naval Personnel, as soon after graduation as possible, a transcript of each student's academic record, with the exception of those already sent in for the staff corps applicants. In the latter case, only a supplementary transcript covering the final semester, or the last two quarters, and a statement of the degree awarded are required.

§ 711.315 *Commissioned status upon completion.* (a) Regular NROTC students, if in all other respects qualified, are commissioned in the Regular component of the United States Navy or Marine Corps upon successful completion of the course. Those who were appointed Midshipmen, Naval Reserve, prior to 1957 will, upon appointment to commissioned grade, be required to serve three years on active duty under their contract. Those appointed Midshipmen, Naval Reserve, in 1957 and thereafter will, upon appointment to commissioned grade, be required to serve on active duty for a total period of four years under their contract, unless sooner released by the Secretary of the Navy. The exact period of active duty will be determined by the needs of the Service at the time. After not less than 15 months of active duty, they may request termination of their Regular appointment and be appointed as Reserve officers. They may, during their third year of active duty, apply for retention, and if selected, continue in the United States Navy or Marine Corps as career officers. If they elect to terminate their Regular status, or if they are not selected, they will be appointed as Reserve officers in the United States Navy or Marine Corps and, at the end of their three or four years of active duty, as applicable unless sooner released by the Secretary of the Navy, will be ordered to inactive duty, and will remain in that status, pursuant to their agreement, until their commissioned service totals a minimum of six years.

(b) Contract NROTC students, if in all respects qualified, are commissioned as Reserve officers in the United States Navy or Marine Corps upon successful completion of the course. They are required to serve on active duty for a period of two years and to retain their commissions for a total period of six years, unless sooner released by the Secretary of the Navy. They may receive commissions as Regular officers in the United States Marine Corps, if accepted under current quotas, and will have the same options of service, including retention as career officers, that Regular NROTC students have.

(c) Those Regular NROTC students who, upon completion of the Regular program, are found to be not physically qualified for commissions as Regular officers in the United States Navy, but are physically qualified for commissions as Reserve officers, shall, if in all other respects qualified, be offered commissions as Reserve officers, and ordered to active duty. The length of their obligated commissioned service will be the same as those graduates who accept Regular commissions in the United States Navy.

(d) Naval Science students will not be eligible for commissions under NROTC provisions but may be eligible under separate procurement procedures open to any college graduate. Directives covering such procurement will be issued separately when required.

§ 711.316 *Determination of date of rank and precedence upon commissioning.* (a) All Ensigns of the Navy and Second Lieutenants of the Marine Corps commissioned in accordance with 10 U. S. C. 6903 et seq. are assigned as their date of rank the date of graduation at the Naval Academy in that year and are assigned precedence according to their demonstrated performance.

(b) In order to provide a basis for determination of precedence, as soon as practicable after each graduation, the Professor of Naval Science shall prepare and forward to the Chief of Naval Personnel (Attn: Pers–C124) a copy of NavPers 391 (Class Standing of NROTC Students Commissioned).

(c) The determination of precedence cannot be made prior to January 1 of the calendar year following that in which the student is commissioned and normally requires six months or more thereafter. In the period of service pending the determination of precedence of Ensigns of the Navy and Second Lieutenants of the Marine Corps commissioned in any year, the following general rules will apply in determining interim precedence:

(1) Officers commissioned between January 1 and the date of graduation of midshipmen from the Naval Academy, both dates inclusive, shall have precedence among themselves in the order of alphabetical listing of names and shall be senior to the graduating class of the Academy and to officers commissioned later in the year.

(2) Officers commissioned upon graduation from the Naval Academy shall take precedence among themselves in accordance with their class standing upon graduation, and shall be senior to officers commissioned subsequent to the date of graduation from the Academy in the same calendar year.

(3) Officers commissioned between the day following the date of graduation of midshipmen from the Naval Academy and December 31 of the same year shall take precedence among themselves in the order of alphabetical listing of names and shall be senior to officers commissioned in the ensuing year.

(d) The assignment of date of rank and precedence for Contract students is determined in the same manner as for Regular students.

§ 711.317 *Civil Engineer Corps commissions.* Eligibility for initial commissions in the Civil Engineer Corps will be in accordance with current directives. Generally, restricted quotas will be available to permit selection of a limited number of graduates possessing baccalaureate degrees in engineering fields. Because of the small size of the Civil Engineers Corps (3 percent of the strength of the unrestricted line of the Navy), selection criteria are such as to limit selection to those applicants with outstanding academic, professional and extracurricular qualifications.

§ 711.318 *Specialized training or charge in designator.* An NROTC graduate, upon receiving a commission, is normally ordered to duty commensurate with the type of commission awarded and designator assigned. Subsequent thereto, he may desire that his Corps or designator be changed or that he be assigned to some kind of specialized training. Requests for such changes or for assignment to specialized training may be submitted by officers in accordance wtih directives in effect at the time of submission.

ADMINISTRATION

§ 711.401 *General policies.* (a) Supervision, control, and direction of the NROTC will be administered by the Secretary of the Navy through the Chief of Naval Personnel, who is hereby given all necessary authority in the premises.

(b) The supervisory powers of the Chief of Naval Personnel over the NROTC are delegated to the Commandants of the Naval Districts in all matters except those which have been expressly reserved to the Secretary of the Navy, and the Chief of Naval Personnel in these and other Regulations of the Navy Department.

(c) Civilian heads of institutions have the same academic relationship with the Department of Naval Science that they ordinarily have with other departments of the institution.

§ 711.402 *Communications.* It shall be the responsibility of the Professor of Naval Science to see that the information promulgated by Regulations, Manuals, Instructions and Notices is properly disseminated to the proper college and university officials, as appropriate.

§ 711.403 *Inspections.* The Commandant of the Naval District shall inspect the NROTC units in his District in accordance with Article 0504, United States Navy Regulations, 1948. An inspection of this character should be made at least once each academic year.

§ 711.404 *Review of accomplishments.* Annual review of the efficiency of the NROTC program at each NROTC institution may be made by a committee appointed by the Secretary of the Navy, consisting of civilian educators and representatives of the Training Division, Bureau of Naval Personnel, and Headquarters, U. S. Marine Corps.

§ 711.405 *Officer and enlisted personnel.* (a) The detailing of officers and enlisted personnel for duty with NROTC units and relief therefrom is a function of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(b) The number of officers and enlisted men assigned to duty with NROTC units will be determined by the Chief of Naval Personnel, based upon the exigencies of the Naval Service and the personnel requirements of the units.

(c) The institution will normally be notified by the Chief of Naval Personnel before any change of officer personnel is made. Only personnel acceptable to the institution will be ordered thereto.

(d) Special reports on enlisted personnel who have served as instructors in the NROTC program shall be prepared by the Professor of Naval Science. Such reports, prepared according to current directives, shall be forwarded for each enlisted man completing a tour of duty as an instructor.

§ 711.406 *Head of Department of Naval Science.* (a) The head of the Department of Naval Science at an educational institution where a unit of the NROTC is established is the officer ordered as Professor of Naval Science by the Chief of Naval Personnel. He shall be the senior commissioned line officer of the Navy or Marine Corps ordered to duty with the NROTC unit at that institution. He shall be designated the Professor of Naval Science and Commanding Officer of the NROTC Unit.

(b) He will have the academic standing which the institution accords the heads of its other major departments. He will be a member of the university, college, or school faculty, with the appropriate rights and privileges of a faculty member.

(c) He is a subordinate, in his strictly military capacity, of the Commandant of the Naval District and is subject to his orders. Such orders shall not infringe upon the province of institutional regulations. He is subject, in his academic capacity, to institutional regulations.

(d) He shall be responsible for carrying out policies relative to the administration of the NROTC in the unit under his command. He is responsible that the proper institutional authorities are advised as to the provisions of law and regulations in all matters affecting the conduct of the NROTC unit maintained at the institution.

(e) At those NROTC institutions where student officers are undertaking postgraduate courses under the general supervision of the U. S. Naval Postgraduate School, the Professor of Naval Science will act as their Commanding Officer and conduct administrative affairs in connection with their military supervision and conduct. The Superintendent of the Postgraduate School will exercise, through the Professor of Naval Science, supervision over educational matters pertaining to such student officers.

(f) The Professor of Naval Science will act as the Commanding Officer of all student officers ordered to the institution for duty under instruction in connection with the Navy's Five-Term Program.

§ 711.407 *Duties and status of additional officers and of enlisted men.* (a) Officers and enlisted men ordered to report to the Professor of Naval Science at an educational institution for duty at that institution shall perform such duties as may be assigned them by the Professor of Naval Science.

(b) In order that the maximum integration possible may be achieved between the Naval Science and other academic courses, it is desired that the officers assigned to the staff of the Professor of Naval Science be made members of the university or college faculty in appropriate ranks and be accorded the rights and privileges of faculty members. As such, it is desired that the Professor of Naval Science encourage the institutional authorities, when appropriate, to use these officers on special faculty committees in order that their services may be utilized in the same manner as are the services of all other faculty members. It is further desired that all NROTC staff members accept invitations which may be extended them to join special college or school faculties within the university and join faculty clubs or societies and faculty-student organizations.

§ 711.408 *Discipline.* (a) Officers on duty in connection with NROTC units shall require NROTC students to conduct themselves in a military manner at all times when the students are under naval jurisdiction, i. e., when attending Naval Science classes, drills, and exercises, and during summer training periods.

(b) NROTC students in uniform shall observe all the courtesies and traditions of the service.

(c) Students may be disenrolled from the NROTC for cause by the Professor of Naval Science as a disciplinary measure upon approval of the Chief of Naval Personnel. In such cases, college authorities shall be consulted and their recommendations given due weight. Such recommended disenrollment shall be reported on the NROTC Disenrollment Form.

§ 711.409 *Student identification cards.*—(a) *Regular students.* All Regular NROTC students shall be issued DD Form 2N (Inactive)—January 1, 1950. These forms may be procured by official request to the nearest District Publications and Printing Office.

(b) *Contract students.* All Contract NROTC students shall be issued form NavPers 390 (Rev. 2–51). These forms may be procured by official request to the Chief of Naval Personnel, attention Pers C–1242.

§ 711.410 *Residence and uniform of officers and enlisted men.* Officers and enlisted men performing duty with NROTC units shall, when practicable, reside at or near the educational institution in which the unit to which they are assigned is established. In the performance of their duties they shall wear the uniform prescribed by the Professor of Naval Science, or senior naval officer present.

§ 711.411 *Conducting additional courses of instruction or taking courses of instruction offered by an institution.* (a) The primary academic duty of officers and enlisted men detailed to duty with an NROTC unit shall be that of administration and instruction. This shall not be considered, however, as prohibiting officers and enlisted men from conducting courses of instruction in other departments of the educational institution when the Professor of Naval Science considers this procedure advisable and conducive to closer liaison with the institution. In no case, however, will the teaching of an academic course be considered sufficient reason for modification of orders.

(b) Professors of Naval Science may pursue a course of instruction conducted by an educational institution upon approval of the Chief of Naval Personnel. Professors of Naval Science may authorize officers and enlisted men under their command to pursue courses of instruction at institutions. Such authorization shall not in any way interfere with the proper discharge of naval duties, which duties at all times shall be considered paramount.

(c) Enrollment in courses of study at the institution shall be subject to the regulations of the institution and with the consent of the authorities of the institution.

§ 711.412 *Recreation funds.* (a) Expenditures from Navy Recreation Funds are restricted to the benefits of personnel on active duty, and, at certain isolated stations, civilian employees and dependents when specifically authorized by the Chief of Naval Personnel. NROTC students are, therefore prohibited from participating in such funds.

(b) NROTC units may maintain a recreation fund for active duty personnel only. The administration of that fund shall be in accordance with current regulations governing Navy Recreation Funds.

(c) The establishment of NROTC Student Recreation Funds is authorized Such a fund, however, must be obtained from local sources and separated at all times from the NROTC unit Recreation Fund. No report of an NROTC Student Recreation Fund need be made to the Chief of Naval Personnel.

§ 711.413 *Armed Forces Day observance.* The Professor of Naval Science shall cooperate, insofar as possible, with the District Commandants and university authorities in the observance of Armed Forces Day, in accordance with the instructions issued annually by the Secretary of Defense.

TRAINING

§ 711.501 *General.* Training in the NROTC shall so supplement the academic course of study given by an educational institution that, upon completion of the course in Naval Science, NROTC students will possess the following essential qualifications of a junior officer of the Navy or Marine Corps:

(a) A good general education;

(b) A general knowledge of essential naval subjects;

(c) A well-disciplined mind and body;

(d) An alacrity to assume intelligently responsibility and initiative;

(e) A well-developed sense of naval ideals, customs and traditions.

§ 711.502 *Advanced standing and degree credit (Naval Science).* (a) The successful conduct of NROTC units depends in a large measure upon the granting of credit on the same basis, hour for hour, for practical and theoretical instruction in Naval Science as is given for laboratory and classroom work in other departments.

(b) When approved by the Professor of Naval Science, courses successfully completed as a student in the NROTC at another institution or as a student at the U. S. Naval Academy, the U. S. Coast Guard Academy, the New York State Maritime College, or at one of the United States or State Merchant Marine or Maritime Academies, may be counted toward advanced standing in Naval Science without substantiating examinations if such courses parallel the content of Naval Science courses.

(c) Any enlisted man in the naval service or any male citizen who has had active military or naval service may be given such advanced standing in Naval Science as his previous education and training justify. Substantiating examinations, covering one or more semesters or quarters of Naval Science, administered by a Professor of Naval Science, must be successfully completed in order to justify such advanced standing. Since advanced standing for a portion of a course (semester or quarter) will not be allowed, these examinations shall cover the complete contents of the semester or quarter course involved.

(d) If the advanced standing in Naval Science, received in accordance with paragraphs (b) and (c) of this section, is such as will permit the student to complete the Naval Science requirements at the same time or before attaining his baccalaureate degree, he will be treated in the same manner as a Contract student transferring to regular status (§ 711.304 (a) (1)).

(e) The granting of advanced standing in Naval Science as described in paragraphs (b) and (c) of this section shall be understood to involve only the excusing of an NROTC student from scheduling a particular Naval Science subject required for a commission. It is advanced standing in the Department of Naval Science only and must not be confused with college credit toward a degree. Such credit may be established only in accordance with all rules of the institution governing acceptance of credits by examination. It is a matter over which the institution has complete jurisdiction.

§ 711.503 *Advanced standing (Academic).* (a) Regular NROTC students entering the program with prior college credit but who cannot qualify for advanced standing in Naval Science will be continued in college until they complete the Naval Science requirements. The period of college during which retainer pay and other benefits of Regular NROTC students may be received, will be a maximum of four years, not more than three of which may be in graduate work. The time in college may be shortened if, by arrangement with the Professor of Naval Science and the college, the student doubles up in his Naval Science courses, completing all Naval Science requirements in less than four years. Students discussed in this paragraph shall meet the same cruise requirements as Contract students transferring to regular status.

(b) Students, with prior college credit, desiring to enter the Contract NROTC program, may be enrolled only if they will be able to complete all Naval Science requirements not later than the date upon which they will receive their first baccalaureate degree.

(c) NROTC students will not be permitted to enroll in professional curricula unless the first baccalaureate degree will be received simultaneously with or before completion of Naval Science requirements.

§ 711.504 *Courses of instruction.* (a) Subjects and outlines of courses of study for the Department of Naval Science are prescribed by the Chief of Naval Personnel.

(b) The Professor of Naval Science may approve the request of a student for the substitution of a college course for a similar Naval Science course. Any such substitution shall be reported to the Chief of Naval Personnel and provision shall be made to give a special supplementary course in the purely naval subjects not covered by the college course.

(c) Each Professor of Naval Science shall prepare schedules of instruction and practice periods, based on the curricula prescribed by the Chief of Naval Personnel and adapted to the time allowed the Department of Naval Science by the academic authorities of the institution.

(d) Before permitting any NROTC students to have access to classified information, the Professor of Naval Science shall insure that he has complied with the provisions of all appropriate directives relative to the security clearance of such individuals.

§ 711.505 *Specialized courses*—(a) *Supply Corps courses.* Naval Science courses in Supply Corps subjects are offered at approximately one-fourth of the NROTC institutions as indicated in § 711.201 (b). Information on this type of training is given in §§ 711.601 to 711.609.

(b) *Marine Corps courses.* Naval Science courses in Marine Corps subjects are offered at all NROTC institutions. Information on this type of training is given in §§ 711.701 to 711.705.

§ 711.506 *Curriculum requirements and limitations.* (a) The regular NROTC Program is maintained as a source of regular officer procurement which is supplemental to the United States Naval Academy. It is designed to produce Regular officers for the Line, Supply Corps and Civil Engineer Corps of the Navy and for the Marine Corps. Regular NROTC students should select, therefore, a major course of study which lends itself to helping the student become better prepared for his later duties as a Naval or Marine Corps Officer. Recommended fields of study are Engineering, Mathematics, Natural or Social Science, English, Business Administration and Foreign Languages.

(b) An NROTC Regular student appointed Midshipman, Naval Reserve may select, subject to the approval of the academic authorities, any major field of study leading to a first baccalaureate degree except Pre-Dental, Pre-Medical, Pre-Theological, Pre-Veterinary, Dentistry, Medicine, Theology, Veterinary Medicine, Pharmacy, Music or Art.

(c) NROTC students will be required to complete a total of 24 semester (or 36 quarter) hours of Naval Science courses by the end of eight semesters (or 12 quarters) of enrollment in the NROTC. Normally they will complete one Naval Science course each semester or quarter.

(d) In certain fields—for example, Engineering—at certain institutions, first baccalaureate degrees regularly require five years of academic (or combined academic and industrial) work. In such cases, the NROTC student who is a candidate for such a degree will be entitled to receive retainer pay and the other benefits of the program for not more than four years as specified in § 711.311.

§ 711.507 *Aptitude for the service.* (a) Each NROTC student will be observed closely by the Professor of Naval Science and the officers of his staff, for those qualities considered most desirable in a young naval officer. Students shall be evaluated particularly from the standpoint of attitude (as manifested by their interest, motivation and cooperation), performance of duty, leadership, bearing and dress.

(b) Aptitude marks will be given in accordance with §§ 711.509 and 711.702 (d) (6).

§ 711.508 *Practice cruises.* (a) To furnish NROTC students the opportunity to gain experience in the practical application of their studies in Naval Science, a practice cruise or training period is held each summer. For Regular students, these cruises and training periods are normally six to eight weeks in length. For Contract students, these cruises normally will be six weeks in length.

(b) Each Regular NROTC student (§ 711.301 (a)) is required to make three such cruises or training periods. Normally, a practice cruise is made between the freshman and sophomore years; an "Aviation Summer" training period, including both aviation and amphibious training, is held between the sophomore and junior years; a second cruise is made between the junior and senior years.

(c) Each Contract NROTC student (§ 711.301 (b)) is required to make only one cruise, normally between the junior and senior years.

(d) Regular and Contract students who are candidates for Supply Corps commissions shall complete prescribed practical training in regular supply duties afloat while on the summer cruise between the junior and senior years.

(e) Regular and Contract students who are candidates for Marine Corps commissions will train at a Marine Corps Station in the summer between the junior and senior years.

(f) It is expected that during each annual competition a number of Contract students will be selected for regular status. In order that such students, at the time of their appointment as Midshipmen, Naval Reserve, may have had all the advantages of the same training as their classmates, it is desirable that they attend one of the regular cruises during the summer intervening between their selection for regular status and their appointment. The Professor of Naval Science is authorized, therefore, to order such Contract students to participate in one of the Regular NROTC summer cruises during the summer immediately preceding their appointment. They will participate in such cruises, however, as Contract students.

(g) Regular and Contract students will receive medical care only for disease or injury contracted in line of duty while on training duty. No dental or surgical treatment other than that of an emergency nature will be performed. Regular and Contract students undergoing medical treatment at a naval facility as of the last day of the summer cruise, will, regardless of the termination of their practice cruise, normally continue to receive medical attention at a naval hospital for the duration of their illness or injury under such regulations as the Chief, Bureau of Medicine and Surgery, may direct.

(h) Midshipmen, while on active duty for training, are subject to all laws and regulations of the U. S. Naval Service. Contract students, although not strictly members of the U. S. Naval Service, are expected, while on training duty, to abide by all laws and regulations of the Naval Service including pertinent ship or station orders.

(i) NROTC students who are members of a Varsity, Junior Varsity or Freshman Crew competing in the annual Intercollegiate Rowing Association Regatta may request postponement of a scheduled summer cruise in order to permit participation. Similar postponement may be requested by athletes who desire to compete in Olympic try-outs or who are selected as members of an Olympic team. Such postponed cruises will be scheduled later in the same summer, during a subsequent summer, or, if necessary, during the summer immediately following the completion of all academic and other naval science requirements for a commission.

§ 711.509 *Marking, student records, and class standing.* (a) Marks in Naval Science subjects and in Aptitude for the Service shall be assigned on the basis of the Navy 0 to 4.0 scale.

(b) In reporting to the institution the grades earned by the students in the Naval Science courses, the Professor of Naval Science shall employ the same system of marking used by other academic departments.

(c) The Professor of Naval Science shall maintain individual records of the progress made by all midshipmen and NROTC Contract students. For the purposes of uniformity in the keeping of naval records and in calculating class standing, all marks will be translated from the marking system used by the institution to the Navy 0 to 4.0 scale. In making this translation the Navy mark of 2.5 shall be considered to be the equivalent to the pass-fail standard in the institution's marking system, and the institution's passing grades will be assigned values between 2.5 and 4.0 consistent with the relative values of such grades as defined in the institution's system of marks. Similarly, failing grades will be assigned Navy scale values less than 2.5 consistent with the extent to which the institution's marking system provides marks indicating the degree of failure.

(d) When any NROTC student is transferred from one NROTC unit to another, the Professor of Naval Science shall forward a copy of the student's individual record to the Professor of Naval Science of the institution to which the transfer is made. In computing class standing for NROTC units, the Navy marks as determined by the Professor of Naval Science at the institution where the courses were taken shall be used, rather than a retranslation of the transcript grades.

(e) A mark in Aptitude for the Service shall be assigned to each NROTC midshipman at the end of each term and at the end of each summer cruise or training period. These Aptitude for the Service marks should be kept as clearly as possible ratings of "officer-like qualities" and should not be made a means of further penalizing or rewarding performance in academic or Naval Science courses. (§ 711.507.)

(f) For the purposes of preparing the graduation reports required by § 711.314 (b), the class standing of each student commissioned shall be determined by a final multiple in which the total Aptitude for the Service marks will be given a weight of 1, the average of all marks in Naval Science courses a weight of 4, and the average of all marks in academic courses other than Naval Science taken while enrolled in the NROTC program, a weight of 4. The total Aptitude for the Service shall be calculated, as indicated below, by weighting the aptitude marks (a, b, c and d) earned during each of the four years of NROTC training, the cruise mark where applicable being given equal weight with the final aptitude mark covering the entire academic year immediately preceding. The final class standing of a student in the program four or more years shall be determined, therefore, according to the following formula:

$$S=(0.1a+0.2b+0.3c+0.4d)+4N+4G$$

where:

S = the number used in determining final class standing on commissioning;

a = the average of the aptitude mark for the first (normally freshman) academic year of NROTC training and the aptitude marks for the cruise following that year (if made);

b = the average of the aptitude mark for the second (normally sophomore) academic year of NROTC training and the aptitude mark for the cruise following that year (if made);

c = the average of the aptitude mark for the third (normally junior) academic year of NROTC training and the aptitude mark for the cruise following that year (if made);

d = the aptitude mark for the fourth academic year of NROTC training. However, if a cruise is made in the summer following graduation, the aptitude mark shall be the average of the aptitude mark for the last academic year of NROTC training and the aptitude mark for the cruise following that year;

N = the average per credit hour of all Naval Science courses marks, and

G = the average per credit hour of all academic course marks other than Naval Science while enrolled in the NROTC program. Both passing and failing marks shall be included.

(g) If for any reason, a student does not participate in a particular cruise, the aptitude mark for that year (a, b, or c, paragraph (f) of this section) shall be the aptitude mark earned during the academic year. Use of the formula indicated will result in 30 percent of the final overall aptitude mark being derived from the three cruises for most Regular students; whereas in the case of most Contract students, 15 percent from the one cruise.

(h) In calculating the final class standing of a student who has been under NROTC training for fewer than four years, the Professor of Naval Science shall determine the final aptitude average according to the following formulas:

(1) If a Regular student is in the program for three years only and makes a cruise after each academic year:

$$S=(0.2a+0.3b+0.5c)+4N+4G$$

(2) If a Contract student is in the program for three years only and makes a cruise after his second year in the program:

$$S=(0.2a+0.4b+0.4c)+4N+4G$$

(3) If a Contract student is in the program for three years only and makes a cruise after his third year in the program:

$$S=(0.2a+0.3b+0.5c)+4N+4G$$

(i) The Professors of Naval Science may desired to calculate class standings at the end of each year in order that such standings may be used in selecting student officers. Cumulative class standings may be calculated at the end of any year by modifying the formula given in paragraph (f) of this section, as follows:

S_1 = cumulative class standing at beginning of second year of NROTC training;

S_2 = cumulative class standing at beginning of third year of NROTC training;

S_3 = cumulative class standing at beginning of fourth year of NROTC training.

§ 711.510 *Status-of-training reports.* The Professor of Naval Science, as Head of the Department of Naval Science, shall furnish the President and other administrative officials of the institution with such reports of the Department and the students enrolled therein as may be required by the rules of the institution or as may be specifically requested.

§ 711.511 *Athletics.* NROTC members may participate in college athletics under the same terms and conditions that govern the participation of other students at the institution concerned.

§ 711.512 *Absence from instruction.* Absence of students from training or instruction in the Department of Naval Science shall be subject to the same rules which apply to absences from other academic classes at the institution concerned. An NROTC student who is absent for authorized reasons from any

part of the practical or theoretical instruction shall be required, according to the practice obtaining at each institution, to make up the omitted training before being granted credits towards graduation.

§ 711.513 *Military organization.* (a) The NROTC unit, assuming normal strength of approximately 300, will be organized in general as follows:

1 battalion containing 3 companies.
Each company containing 3 platoons.
Each platoon containing 3 or 4 squads.
Each squad containing 8–10 men.

(b) NROTC student officers will be organized in general as follows:

Battalion staff:	
Commander	Midshipman lieutenant commander.
Executive officer	Midshipman lieutenant.
Operations officer	Midshipman lieutenant (junior grade).
Communications officer	Midshipman ensign.
Supply officer	Midshipman ensign.
Chief petty officer	Midshipman chief petty officer.
Color guard:	
National color bearer	Midshipman chief petty officer.
Battalion color bearer	Midshipman chief petty officer.
Color escort	Midshipman petty officer, first class.
Color escort	Midshipman petty officer, first class.
Drum and bugle corps or band:	
Commander	Midshipman lieutenant (junior grade).
Executive officer	Midshipman ensign.
Chief petty officer	Midshipman chief petty officer.
Mustering petty officer	Midshipman mustering petty officer.
Company staff (three companies):	
Commander	Midshipman lieutenant.
Executive officer	Midshipman lieutenant (junior grade).
Chief petty officer	Midshipman chief petty officer.
Platoon organization:	
Commander	Midshipman ensign.
Mustering petty officer	Midshipman mustering petty officer.
Guide	Midshipman petty officer, first class.
Squad leader (each squad)	Midshipman petty officer, second class.

(c) At each institution where ROTC units of the Army or Air Force are established, the Professor of Naval Science is authorized to appoint the NROTC student commander to the rank corresponding to that of the Army or Air Force ROTC student commander, where such procedure is considered appropriate.

(d) Although the military organization outlined in this section makes provision for a drum and bugle corps or band, such items as musical instruments, music and musical supplies for such activities will not be provided at Navy expense.

SUPPLY CORPS

§ 711.601 *Specialized training.* Specialized courses in Naval Science leading to commissions in the Supply Corps of the U. S. Navy or Naval Reserve are offered at approximately one-fourth of the NROTC Units, as listed in § 711.201 (b).

§ 711.602 *Quotas.* (a) Not more than 10.4 percent of the total NROTC graduates appointed Ensign, USN, in any one calendar year may be appointed in the Supply Corps. Correspondingly, the Supply Option enrollment for each Regular NROTC year group may not exceed 10.4 percent of the total year group. Selections within this quota will be made on a national basis by the Supply Corps Pre-Selection Board from among applicants in their second year of NROTC training.

(b) There is no quota limitation on the number of Ensigns, Naval Reserve, who may be appointed in the Supply Corps.

§ 711.603 *Eligibility.* Students desiring to become eligible, upon graduation, for initial commissions in the Supply Corps of the U. S. Navy or Naval Reserve should, in addition to meeting all general requirements for a commission, fulfill the specific requirements outlined in this section.

§ 711.604 *Selection of candidates.* (a) All NROTC students who desire to apply for Supply Corps courses shall submit applications therefor during their second year of NROTC training. Applications will be submitted on NavPers 703 (Application for NROTC Supply Corps Option) and must be received in the Bureau of Naval Personnel by April 25 of each year in order to be considered.

(b) All applications received by the deadline date will be transmitted to the Chief, Bureau of Supplies and Accounts, for submission to the Pre-Selection Board convened by him and composed of Supply Corps officers.

(c) The Pre-Selection Board will select from the applicants those to take the Supply Corps course of study within the quota limitation set forth in § 711.602. In addition, not more than 40 students will be selected for enrollment in the Supply Corps Option at any single NROTC unit.

(d) In addition to the principal selectees, the Board may select alternates as desired in order of priority but only from among those applicants who are already enrolled in the institutions at which the Supply Corps Option is offered. Alternates may be advanced to principal status in the listed order of priority to fill such vacancies as may occur. Alternates will not be advanced to principal status, however, after the commencement of classes in Naval Science 301 (S) or Naval Science 311 (S).

(e) The use of a Pre-Selection Board will afford the Chief, Bureau of Supplies and Accounts, an opportunity to influence the output of Supply Corps officers from NROTC sources in regard to their major courses of study and is intended to insure that any member of the NROTC, having been pre-selected, will be commissioned in the Supply Corps, provided he completes successfully the Naval Science requirements in the Supply Corps Option and receives a baccalaureate degree.

(f) It is anticipated that the names of those selected will be promulgated by the Chief of Naval Personnel to the Professors of Naval Science by May 15 of each year.

§ 711.605 *Processing procedures.* The following procedures will be taken by the Professor of Naval Science on each application:

(a) Insure completion of NavPers 703 (Application for Supply Corps Option).

(b) Enclose the latest available transcript of college grades.

(c) Forward all applications to the Chief of Naval Personnel singly or in one group, as may be desired, except that the Professor of Naval Science at a unit where the Supply Corps Option is not given will:

(1) Limit the applications from any such unit to three.

(2) Follow the procedures outlined by § 711.308 in submitting requests for transfer. The transfer of Regular students will not be approved if contrary to the Plan of Distribution of NROTC Students. Approval by the Chief of Naval Personnel of requests for transfer of Regular students for purposes of taking the Supply Corps Option will be predicated upon the action of the Pre-Selection Board.

(3) Forward completed applications with the correlative request for transfer from both Regular and Contract students to the Chief of Naval Personnel via the Professor of Naval Science of the Unit to which the applicant desires a transfer for purposes of taking the Supply Corps Option. Recipient Professors of Naval Science are not required to endorse such applications further but shall endorse all transfer requests, in accordance with § 711.308 except that the last sentence of § 711.308 (a) (1) does not apply; the transcripts of the students' academic records shall remain attached to the other papers and shall be forwarded to the Chief of Naval Personnel.

§ 711.606 *Selected line students for Supply Corps commissions; Application and selection procedures*—(a) *Eligibility.* Those Regular or Contract NROTC students who are pursuing the Line curriculum but who during their second, third or fourth year are found not physically qualified for a Line commission, but who may be found physically qualified for a Supply Corps Commission.

(b) *Selection procedure.* The following Selection Procedures are applicable:

(1) It is recognized that each year a limited number of NROTC Regular and Contract students in good academic standing who are pursuing the Line Naval Science curriculum will be found not physically qualified for a Line commission, but may be physically qualified for a Supply Corps commission. The transfer of such students to the Supply Corps Option Program will be effected if all the following provisions are fulfilled:

(i) NROTC students in this category who have completed only their first year of study in Naval Science are not eligible for transfer to the Supply Corps Option and will be disenrolled for physical reasons.

(ii) NROTC students who are enrolled in their second year of study in Naval Science shall be transferred to the Supply Corps Option contingent upon the following stipulations:

(*a*) If a transfer to the Supply Corps Option under the provisions of this section is desired by the NROTC student, a request to the Chief of Naval Personnel (Attn: Pers–C124), via the Professor of Naval Science will be submitted. Each request will include a completed NavPers Form 703 and any other information required by the regulations in this part.

(*b*) Professors of Naval Science will make the required recommendations for NROTC students (in their second year of Naval Science only) concerning such transfer in accordance with NavPers 703, for students (not physically qualified for Line commissions) who request the Supply Corps Option Program.

(*c*) Upon receipt of a student's request, the Chief of Naval Personnel will transmit to the Chief, Bureau of Supplies and Accounts, a request for a decision on the part of the latter as to the acceptability or non-acceptability of the student initiating the request.

(*d*) Upon receipt of the decision of the Chief, Bureau of Supplies and Accounts, the Chief of Naval Personnel will notify the student concerned via the Professor of Naval Science.

(*e*) Students who are already enrolled in an NROTC unit which contains the Supply Corps Option Program will, if accepted, remain in said unit. Students who are not in a unit containing the Supply Corps Option Program will be transferred to another college or university, if accepted, in accordance with existing directives.

(iii) Students who are enrolled in their third or fourth year of study in the Line Naval Science curriculum may apply for retention in the Program leading to a Supply Corps commission under the following provisions:

(*a*) In view of the fact that such students will have completed three years of study in the Line Naval Science curriculum, students so circumstanced are not eligible for transfer to the Supply Corps Option Program and must complete the Line curriculum.

(*b*) If a student in this category desires to be retained in the NROTC Program as a Regular or Contract student and applies for a Supply Corps commission upon completion of all other requirements, a written request containing all pertinent information will be submitted immediately to the Chief of Naval Personnel via the Professor of Naval Science.

(*c*) Upon receipt of a student's request, the Chief of Naval Personnel will transmit to the Chief, Bureau of Supplies and Accounts, a request for a decision on the part of the latter as to the acceptability or nonacceptability of the student making the request.

(*d*) Upon receipt of the decision of the Chief, Bureau of Supplies and Accounts, the Chief of Naval Personnel will notify the student concerned via the Professor of Naval Science.

§ 711.607 *Supply Corps curriculum.* Candidates selected shall complete (a) during their first two years of NROTC training the Naval Science courses regularly prescribed for those year, (b) the course in Naval Administration during their fourth year of training, and (c) specialized Supply Corps Naval Science courses during the third year and that portion of the fourth year during which Naval Administration is not being studied.

§ 711.608 *Practice cruises.* Students who are candidates for Supply Corps commissions shall complete prescribed practical training in supply duties afloat while on the summer cruise between their third and fourth years of NROTC training.

§ 711.609 *Additional applications.* All NROTC students, whether or not they have taken the Supply Corps Option course, are eligible to apply for Supply Corps commissions upon graduation. However, if the total number of applications for Supply Corps commissions from Regular graduating students during any one calendar year exceeds the 10.4-percent quota, priority will be given to those who have been preselected and have completed the Supply Corps Option courses.

MARINE CORPS

§ 711.701 *Enrollment in Marine Corps Naval Science courses*—(a) *Qualifications for enrollment.* A Regular or Contract student in good standing may be enrolled in the Marine Corps Naval Science courses on a voluntary basis, provided his enrollment therein is recommended by the Marine Corps Officer Instructor and approved by the Professor of Naval Science.

(b) *Method of enrollment.* Students who desire to enroll in the Marine Corps Naval Science courses and to be considered candidates for a commission in the Marine Corps Reserve will be given the opportunity to submit a written application to the Professor of Naval Science, via the Marine Corps Officer Instructor, during their second year in the Naval ROTC program. If the application is approved, the student shall complete during the first two years of Naval ROTC training the Naval Science courses regularly prescribed for those years, and the specialized Marine Corps Naval Science courses during the last two years of Naval ROTC training. The Professor of Naval Science shall forward one copy of the application to the Chief of Naval Personnel and one copy to the Commandant of the Marine Corps (Code DIA).

(c) *Status of candidates.* Candidates for Marine Corps commissions will retain their status as NROTC Midshipmen and will wear the uniform and insignia specified for all NROTC members. Unless otherwise directed, they will be administered in the same manner as all other students.

(d) *Quota.* Sixteen and two-thirds percent of the graduates of NROTC may be commissioned in the Marine Corps or the Marine Corps Reserve on a voluntary basis. Professors of Naval Science are authorized to enroll in Marine Corps Naval Science courses up to 16⅔ percent of the potential number of graduates of any class. In the event the number of applicants from a class exceeds 16⅔ percent of the potential graduates of that class, the Professor of Naval Science shall notify the Chief of Naval Personnel. Permission will be given by the Chief of Naval Personnel to individual units to enroll in Marine Corps Naval Science courses more than 16⅔ percent of the potential graduates of a given class, provided the total number of Marine Corps candidates in that class from the entire program does not exceed 16⅔ percent.

§ 711.702 *Training*—(a) *Marine Corps Naval Science courses.* Candidates for Marine Corps commissions are required to complete successfully a total of four years of Naval Science courses prior to graduation. During the third and fourth years of NROTC training they will undergo instruction in Marine Corps courses, including Leadership and the Uniform Code of Military Justice, in lieu of Naval courses. Candidates who have not completed the prescribed Marine Corps courses may be appointed to commissioned rank in accordance with § 711.703 (a).

(b) *Laboratory periods.* Except for the laboratory periods devoted to battalion drills, or occasions deemed by the Professor of Naval Science to be of interest to all students of the unit, the students pursuing the Marine Corps courses will be given separate instruction peculiar to the Marine Corps during the weekly drill periods.

(c) *Summer training*—(1) *Regular students.* In lieu of attending the third practice cruise, between the junior and senior years, with the Navy, Regular students who are candidates for Marine Corps commissions will undergo a period of training at a Marine Corps station. Unless otherwise directed by the Commandant of the Marine Corps, the summer training for Regular students will be at the Marine Corps Schools, Quantico, Va., and of six weeks' duration.

(2) *Contract students.* Contract students who are candidates for Marine Corps commissions will undergo, between the junior and senior years, a period of summer training. Unless otherwise directed by the Commandant of the Marine Corps, this summer training period at the Marine Corps Schools, Quantico, Va., will be of six weeks' duration.

(d) *Administrative procedure for summer training.* (1) Marine Corps candidates are entitled to the same pay, quarters, subsistence, and transportation authorized for all other members of the program.

(2) The pay, traveling expenses, cost of subsistence and all other expenses of Midshipmen and Contract students while in training at a Marine Corps station, and while traveling to and from such

duty, are chargeable to the appropriation, "Military Personnel, Officer Candidates."

(3) *Medical treatment.* (i) Both Midshipmen and Contract students, upon reporting for active duty, will receive a physical examination of sufficient extent for the Medical Examiners to determine that the individual is physically qualified to perform the duties assigned. To insure that their medical records are complete it will be necessary to make the following certification upon Page H–8 in the Health Record of each individual:

Examined and found physically qualified for active training duty. Following defects noted ----------

Signed ----------

(ii) If any student is found not physically qualified for duty upon reporting for summer training, he will be retained at the duty station and a full report of medical examination forwarded to the Commandant of the Marine Corps for final determination as to the physical qualifications of the student concerned and for final disposition of the case. After final review of the case, the Commandant of the Marine Corps will advise the Chief of Naval Personnel if the student is found not physically qualified for duty upon reporting for summer training.

(iii) Just prior to completion of active training, a medical examination as necessary will be conducted, to determine whether their health has been adversely affected by such duty, and the below certification will be made following the one set forth above:

Examined and found physically qualified for release from active duty. Following defects noted ----------

Signed ----------

(iv) If the certification set forth above cannot be made, due to the physical condition of the examinee, the Commandant of the Marine Corps will be immediately notified, and a full, written report of the examinee's physical condition will be forwarded to the Chief, Bureau of Medicine and Surgery, via the Commandant of the Marine Corps.

(v) Midshipmen and Contract students who have not been inoculated during the current year will receive all immunization required for men on active duty for training.

(vi) As regards treatment of disease and injury, § 711.508 (g) applies analogously in all respects.

(4) *Discipline.* (i) Midshipmen, while on active duty for training are subject to all laws and regulations of the U. S. Naval Service.

(ii) Contract students, although not strictly members of the U. S. Naval Service, are expected, while on training duty, to abide by all laws and regulations of the Naval Service including regulations of a local character.

(iii) Breaches of discipline warranting disciplinary action will be reported to the Commandant of the Marine Corps, with copy to the Chief of Naval Personnel, giving full details.

(5) *Clothing and equipment.* (i) Articles of Marine Corps clothing as outlined in Chapter 11, ANNUAL INDIVIDUAL CLOTHING REGULATIONS (NAVMC 1066–SD) will be issued by the Marine Corps for the duration of summer training.

(ii) Equipment required for the training of all NROTC students at summer training will be issued by the Marine Corps training activity and accounted for as prescribed by current directives and the Material Allowance List.

(6) *Reports; aptitude.* (i) A mark in "Aptitude for the Service" will be assigned each Midshipman and Contract student at the end of the summer training period. This mark will become a part of the permanent record of the student and will be used by the Professor of Naval Science in determining the final standing upon the completion of the 4 years of NROTC training. The mark will take into account the factors listed in § 711.507.

(ii) Aptitude cards, after being completed, will be forwarded by the reporting officer at summer camp directly to the Professor of Naval Science of the Midshipman or Contract student concerned. A copy of the aptitude card will be forwarded to the Commandant of the Marine Corps (Code DIA).

§ 711.703 *Appointment to commissioned rank in the Marine Corps*—(a) *Who may be commissioned.* (1) Qualified Regular NROTC graduates who make application for appointments in the Regular Marine Corps and are recommended for such appointments by the Commandant of the Marine Corps may be commissioned in the Regular Marine Corps upon final approval by the Secretary of the Navy. Each application will include a recommendation by the Professor of Naval Science.

(2) The Commandant of the Marine Corps may approve for commission in the Regular Marine Corps qualified Regular NROTC Midshipmen who successfully complete four years of Naval Science courses (two of which are the prescribed Marine Corps courses) and who successfully complete the required Marine Corps summer training. All Regular Midshipmen candidate for Marine Corps commission must make application for such appointment and must be recommended by the Commandant of the Marine Corps and approved by the Secretary of the Navy. A recommendation from the Professor of Naval Science shall accompany each application. In exceptional cases, and only upon recommendation by the Professor of Naval Science, the Commandant of the Marine Corps may approve a waiver of one academic year of Marine Corps Science.

(3) The Commandant of the Marine Corps may approve for commission in the Marine Corps Reserve qualified Contract NROTC students who successfully complete four years of Naval Science courses (two of which are the prescribed Marine Corps courses) and who successfully complete one session of Marine Corps summer training. In exceptional cases, and only upon recommendation of the Professor of Naval Science, the Commandant of the Marine Corps may approve a waiver of the Marine Corps Naval Science courses. All Contract student candidates for Marine Corps Reserve commissions must make application for such appointment and must be recommended by the Commandant of the Marine Corps and approved by the Secretary of the Navy. Each application will include a recommendation by the Professor of Naval Science. Such candidates will be commissioned contingent upon existing vacancies for newly commissioned officers in the Marine Corps Reserve at the time of eligibility for appointment.

(4) The Commandant of the Marine Corps may approve for commission in the Regular Marine Corps qualified Contract NROTC students who have completed four years of Naval Science courses (two of which are the prescribed Marine Corps courses) and who successfully complete one session of Marine Corps summer training. All Contract student candidates for a Regular Marine Corps commission must make application for such appointment and must be recommended by the Commandant of the Marine Corps and approved by the Secretary of the Navy. In exceptional cases, and only upon recommendation of the Professor of Naval Science, the Commandant of the Marine Corps may approve a waiver of the Marine Corps Naval Science courses. Appointment from this source into the Regular Marine Corps will be contingent upon existing vacancies in the Regular Marine Corps at the time of eligibility for appointment.

(5) Whenever the number of applications for appointment to commissioned rank in the Regular Marine Corps received from NROTC students exceeds the number of vacancies existing for newly commissioned officers from that source, at that time, preference will be given to applicants who have completed successfully the Marine Corps Naval Science courses, including summer training at a Marine Corps station.

(6) No graduate shall be commissioned in the Marine Corps or the Marine Corps Reserve except at his own request.

(b) *General requirements*—(1) *Age* Be more than 20 and not have reached 25 years of age on July 1 of the calendar year in which appointed.

(2) *Physical qualifications.* (§ 711.306 (g). (All candidates must be physically qualified for appointment to commissioned rank in the U. S. Marine Corps or the Marine Corps Reserve, as appropriate, in accordance with the physical standards set forth in the Manual of the Medical Department, U. S. Navy.

(3) Completion of required Naval Science courses and receipt of a baccalaureate degree.

(c) *Commissioning procedure*—(1) *Application.* Candidates for commissions in the Marine Corps or the Marine Corps Reserve will make application for such commission to the Commandant of the Marine Corps via the Professor of Naval Science. No candidate will be commissioned unless he is qualified in all respects. Application forms for commission will be furnished by Headquarters, Marine Corps (Code DIA). In January of each year, the Professors of Naval Science will be informed by correspondence of the required documents that must accompany each application for commission in the Marine Corps or Marine Corps Reserve. Applications for commissions must be submitted in time to reach Headquarters, Marine Corps, at least 90 days, but not more than 120 days, prior to graduation.

(2) *Medical examination.* The medical examination will be conducted in accordance with § 711.306 (g).

§ 711.704 *Clothing*—(a) *Issuance of Navy clothing.* Marine Corps candidates for commission will be issued articles of clothing normally issued to all other NROTC students for duty at the NROTC Unit.

(b) *Issuance of Marine Corps clothing.* (1) Prior to graduation and acceptance of appointment in the Marine Corps or Marine Corps Reserve, Marine Corps candidates will be issued gratuitously, from stock, those items of uniforms listed in Chapter 11 of the ANNUAL INDIVIDUAL CLOTHING REGULATIONS (NAVMC 1066–SD) for NROTC students, as appropriate to the season when commissioned. This issue will be in addition to any uniform gratuity received. Accounting instructions relative to the issue of in-kind clothing, as provided herein, are contained in Chapter 12 of the aforementioned publication.

(2) Marine Officer Instructors will submit, via the Professor of Naval Science, at least thirty days in advance of time the clothing is required, requisitions for required clothing to:

Commanding General
Marine Corps Clothing Depot
1100 South Broad Street
Philadelphia, Pennsylvania
or
Commanding General
Marine Corps Supply Center
Barstow, California

(3) Requisitions should show the names of the individuals to whom the clothing is to be issued and specify sizes required. In the event any individual cannot be fitted from stock sizes listed in the Catalog of Marine Corps Material, General Supply Division, a special clothing requisition form NMC–912–QM will be prepared covering the articles which cannot be supplied from stock. All requisitions submitted pursuant hereto will make reference to this Article. Upon receipt of the clothing from the Clothing Depot or Supply Center, it will be issued to the individuals concerned in order to permit sufficient time prior to graduation for any required alterations.

(c) *Alterations to Marine Corps uniforms.* In the fitting of uniforms for NROTC graduates, certain minor alterations such as adjustments in sleeve lengths, trouser lengths or waist size may be necessary. Such alterations are to be charged to the appropriate expenditure account as shown in current fiscal year appropriation data outlined in an annual Marine Corps directive (usually a Marine Corps Order).

§ 711.705 *Marine Corps personnel assignments.* (a) As determined by the Commandant of the Marine Corps and the Chief of Naval Personnel, and insofar as practicable, the following Marine Corps personnel will be assigned to the NROTC program:

Professors of Naval Science—Colonels—eight.
Executive Officers—Lieutenant Colonels—eight.
Marine Corps Officer Instructors—Majors or below—one per unit.
Staff noncommissioned officers—one per unit.

(b) Liaison will be performed between the Commandant of the Marine Corps and the NROTC units by an officer of the Marine Corps. Periodic routine visits to Marine Officer Instructors assigned to NROTC units by representatives of Headquarters, U. S. Marine Corps, for the purpose of discussing Marine Corps matters are authorized. Notification of such routine visits will be made to the Chief of Naval Personnel (Pers–C124) by copy of letters to the unit concerned announcing visits.

PAY AND ALLOWANCES

§ 711.801 *Retainer pay*—(a) *Rate of pay.* (1) Each Regular NROTC student will receive retainer pay at the rate of $50 per month, except for those periods spent on active duty in connection with the summer cruises. This retainer pay shall continue for a maximum of four academic years while under instruction, exclusive of those periods spent on active duty. For a Regular NROTC student enrolled in a four-year curriculum, an academic year, for pay purposes, shall include the entire twelve-month period (ordinarily from September to September) during which the student is passing through his freshman, sophomore and junior years and the nine-month period (ordinarily from September to June) of his senior year. For a Regular NROTC student enrolled in a curriculum normally requiring more than four years to complete, an academic year, for pay purposes, shall include the entire twelve-month period (ordinarily from September to September) during which he passes through any four years of his total course.

(2) Students entering the program with advanced standing in Naval Science, who will complete their Naval Science courses prior to completion of their other academic work, and who will be in a regular status for four years or less, may continue to receive the benefits and compensation of the program, provided they attend such Naval Science periods as the Professor of Naval Science may direct, plus all Naval Science drills, during the period in which they are not attending Naval Science classes. Otherwise they will be placed in a leave status without the financial benefits of the Regular program.

(3) Students who are absent due to illness or injury may be paid retainer pay covering such absence not to exceed thirty days during each continuous period of hospitalization. Payment of retainer pay will be resumed upon their return and resumption of studies. In certain cases, as specified in §§ 711.311 and 711.506 (d), it may become necessary to allow a student one or more additional semesters to enable him to qualify for a first baccalaureate degree. However, as specified by law, the maximum period for the payment of such retainer pay and the educational benefits specified in § 711.807, is four years. Students granted leave of absence for illness, who are required to complete their academic work at their own expense for tuition and fees since they had been in attendance a sufficient time for the college to require full payment for such expenses, are entitled to receive retainer pay during periods while actually undergoing instruction provided that the total amount so expended does not exceed the amounts to which other members of the class in which they originally enrolled were entitled.

(4) Students with former naval or military service are not entitled to longevity increases in either retainer pay or their pay as Midshipmen while on active duty on cruises.

(b) *Pay record*—(1) *Custody.* Except as hereinafter prescribed, the retainer Military Pay Record (DD Form 113) of a Naval Reserve Officers Training Corps Regular student will be in the custody of and maintained by the Navy Accounts Disbursing Office of the Naval District in which the student is attending college.

(2) *Opening and closing.* A Navy pay record will be opened for each Regular student on the date of commencement of retainer pay as explained in subparagraph (3) of this paragraph. Retainer pay records will be regularly closed on June 30 and a new pay record opened as of July 1 of each year. Retainer pay records will also be opened and closed at other times when specified in the Navy Comptroller Manual.

(3) *Commencement of retainer pay.* Entitlement to retainer pay shall commence on the effective date of appointment as Midshipman, or on the date Midshipman commences classes at the institution at which enrolled, whichever is later.

(4) *Termination of retainer pay.* Entitlement to retainer pay will terminate on the date of disenrollment from the NROTC as indicated in the termination of appointment as Midshipman approved by the Secretary of the Navy.

(c) *Substantiating vouchers.* (1) A properly executed Acceptance and Oath of Office (NavPers Form 339), certificate concerning disability and pension specified in Article H–1805, Bureau of Naval Personnel Manual, and a statement from the Professor of Naval Science indicating the date on which classes were commenced at the institution at which enrolled will be submitted as pay record vouchers to substantiate commencement of retainer pay as Midshipman of the Naval Reserve.

(2) *Suspension of retainer pay.* Pending receipt of approved termination of appointment, a Student Disenrollment Report (NavPers Form 364) will be used as a basis for suspending retainer pay of a midshipman of the Naval Reserve who has been recommended for disenrollment for any reason. Upon receipt of termination of appointment approved by the Secretary of the Navy, retainer pay will be terminated as of the date of disenrollment from the NROTC as stated therein and a copy of the termination will be filed as a pay record voucher.

(5) *Clothing and equipment.* (i) Articles of Marine Corps clothing as out-

approve a waiver of the Marine Corps Naval Science courses. All Contract Naval Science will be informed by correspondence of the required documents

as practicable, the following Marine

mum period for the payment of such re-

will be filed as a pay record voucher.

(d) *Procedure for payment.* Naval Reserve Officers Training Corps Regular students will be paid retainer pay to which entitled by check drawn as of the last day of each month. Checks will be forwarded to the Professor of Naval Science for delivery to the student.

§ 711.802 *Active duty pay*—(a) *Regular students*—(1) *Rate of pay.* Regular Naval Reserve Officers Training Corps students while on active duty are entitled to the same rate of pay as prescribed for midshipmen at the Naval Academy. Active duty pay will include the time required for travel from the NROTC unit to the port of embarkation, or to the summer training station, and return, when under orders for training duty. Additional pay for sea and foreign service duty is not authorized.

(2) *Pay record maintenance.* Military Pay Records (DD Form 113) will be maintained for Regular Naval Reserve Officers Training Corps students during the summer cruises or training period in accordance with existing instructions in the Navy Comptroller Manual.

(b) *Contract students*—(1) *Rate of pay; contract students on contract cruise.* Contract students who are enrolled in the third or fourth year of NROTC training, credit for the first two years having been established, or other persons authorized by the Secretary of the Navy, will be paid at the rate prescribed for enlisted members of pay grade E–1 (under four months' service) while embarked in a naval vessel for a practice cruise or during a summer training period. They are not entitled to additions to pay or allowances, including sea and foreign service duty pay, authorized for enlisted men of the Navy. The day of reporting and the day of detachment from the ship or station are both included in the period for which students are paid.

(2) *Rate of pay; contract students on regular cruise.* Contract students ordered by the Chief of Naval Personnel to participate in one of the regular NROTC summer cruises under the provisions of § 711.508 (f) will be paid at the rate established for other Contract students as described in this section.

(3) *Opening and closing pay record.* Navy pay records will be opened and closed by the disbursing officer of the cruise ship or shore station in accordance with existing instructions in the Navy Comptroller Manual.

(c) *Payments.* Payments will be made to Regular and Contract students on a summer cruise (or training period) as directed by the commanding officer of the cruise ship or station. On completion of the summer cruise, Contract students will be paid in full to include date of detachment. If otherwise entitled, checks will be drawn for those students not present for final payment and such checks delivered to the Professor of Naval Science for further delivery to the students concerned. Regular students undergoing medical treatment at a naval facility, as of the last day of the summer cruise, will revert to retainer pay status on the day following. They will continue to draw retainer pay provided their illness or injury does not exceed thirty days (see § 711.801 (a) (3)). Contract students will receive subsistence in kind while undergoing treatment at naval medical facilities and will not be paid a subsistence allowance during this period.

§ 711.803 *Subsistence allowances; contract students*—(a) *Commencement of entitlement.* While under instruction in the third and fourth year Naval Science courses as listed in the current Standard Curriculum for Naval Reserve Officers Training Corps (credit for the first and second years having been successfully established), Contract NROTC students are entitled to commutation of subsistence (currently at a rate of $.90 per day), except that commutation of subsistence will not be allowed for periods when the student is on active duty in connection with his summer cruise plus the travel time incident thereto for which travel allowance is paid. Commutation of subsistence will be paid from and including the date a student begins his final two years of Naval Reserve Officers Training Corps training or portion thereof, if the student is enrolled or reenrolled after completing more than two academic years of college work, commencing on the first day of the academic term. Commutation of subsistence will not be allowed for any period in excess of two years (September to June) plus one intervening summer vacation.

(b) *Continuation of entitlement.* In addition to the specific requirements for entitlement to payments on account of commutation of subsistence as listed in other paragraphs of this Article, the following special provisions involving eligibility for such payments shall also apply:

(1) *Students concurrently receiving educational benefits under the Veterans' Readjustment Assistance Act of 1952.* The eligibility of Contract students to receive commutation of subsistence will not be affected by their receiving, concurrently, educational benefits under the Veterans' Readjustment Assistance Act of 1952, as amended (38 U. S. C. 901 et seq.).

(2) *Students concurrently enlisted in reserve units.* A Contract student who is also drawing drill pay as a member of a Naval Reserve Unit, is entitled to receive payments on account of subsistence and transportation as an NROTC student concurrently with pay provided for drills performed by a reservist while in an inactive duty status. He may not receive subsistence as a Contract student concurrently with the active or training duty pay of a reservist.

(3) *Status upon completion of Naval Science requirements.* Contract students who, prior to completing the requirements for their college degree, complete all Naval Science requirements may, at their own request, be placed in a leave of absence status, without pay, or may continue to draw commutation of subsistence. In the latter case, they must attend Naval Science drills and shall be given more advanced drill assignments in order to avoid repetition of the prescribed drill curriculum. No student will be eligible, under any conditions, to receive commutation of subsistence for a total period in excess of that authorized by paragraph (a) of this section.

(c) *Termination of entitlement*—(1) *Students exempted from cruise.* In the case of students exempted by the Chief of Naval Personnel from taking the cruise during the summer immediately following completion of the third year, no payments shall be made during the interval between the date of completion of the third-year's scholastic work and the date of commencement of the fourth-year's work.

(2) *Students not exempted from cruise.* In the case of students not exempted by the Chief of Naval Personnel who fail to take the cruise during the summer immediately following completion of the third year, no payments shall be made after the date of completion of the third-year's academic work. Payment may be resumed at the beginning of the next academic year if, on recommendation by the Professor of Naval Science, the Chief of Naval Personnel accepts a delayed request to defer the cruise until the end of the senior year.

(3) *Absence due to illness.* Students who are absent due to illness or injury may be paid commutation covering such absence for a period not to exceed thirty days during each continuous period of hospitalization. Payment for such absence will not be made until the student's return and resumption of instruction.

(4) *Other absence.* In the case of students who are absent from instruction in Naval Science for causes other than set forth in subparagraph (3) of this paragraph, payment of commutation will be made for seven days commencing with and including the first day of absence, after which no commutation will be paid. If such absence is caused by separation from college, payment of commutation will cease from the first day of absence.

(5) *Disenrolled students.* When a student is disenrolled from the Naval Reserve Officers Training Corps for any reason, payment of commutation will cease as of the date of disenrollment.

(d) *Commutation of subsistence certificates*—(1) *Normal submission.* Computation of Subsistence Certificates (NavPers Form 384) will be prepared and certified by the Professor of Naval Science on the last day of each month of the academic year and forwarded in quintuplicate to the Navy Accounts Disbursing Office of the Naval District in which the college or university is located. For the last month of the academic year, certificates will be prepared to cover the period actually in attendance and under the supervision of the Professor of Naval Science concerned.

(2) *Submission for students on cruise.* (i) For students taking the cruise, certificates shall be prepared in skeletonized form (including the names of the students and the date of commencement of entitlement to subsistence allowance) for the signature of the Commander Midshipmen Cruise Detachment by each Professor of Naval Science concerned and forwarded to the Commander Midshipmen Cruise Detachment. The Commander Midshipmen Cruise Detachment will delete the names of those Midshipmen (if any) who do not embark on the

cruise, make necessary entries to terminate entitlement to subsistence allowance, enter the total amount to be paid on each NavPers 384, submit the form to the Navy Accounts Disbursing Office (as designated by the cognizant Professor of Naval Science) of the Naval District in which the college or university is located as soon as possible after embarkation on the cruise. The Disbursing Officer making payment of the subsistence allowance will furnish such payment information as may be required by the cognizant Professor of Naval Science.

(ii) The student will be entitled to commutation of subsistence to include the day of embarkation, if he embarks after breakfast, and for the day of disembarkation, if he disembarks before breakfast, provided that the student is NOT in a travel status on such days. The time spent in a travel status should not be included in the commutation certificates. No further payments of commutation will then be made until the students have entered on the fourth year of their Naval Reserve Officers Training Corps course when certificates will be prepared to cover the portion of the summer vacation subsequent to the cruise, or at the election of the Professor of Naval Science concerned, that portion of the vacation period may be included in the certificate for the first month of the new academic year.

(e) *Payment of commutation of subsistence.* Payment of commutation of subsistence will be made by the Navy Accounts Disbursing Officer of the Naval District in which the college or university is located. Checks will be made payable to the order of the individual students and forwarded to the Professors of Naval Science for delivery. Payment will be reported on Subsistence Roll (NavPers Form 384). The first subsistence roll will be supported by Contract for Contract Student (NavPers Form 918) and each subsistence roll submitted thereafter will bear reference to the roll with which the contracts were filed.

§ 711.804 *Subsistence in kind.* All members of the NROTC shall be furnished subsistence in kind while embarked in a naval vessel for a practice cruise or while undergoing summer training ashore. When members of NROTC are subsisted in a mess other than a general mess, the prescribed values of the ration will be commuted to the mess in which subsisted in accordance with existing instructions contained in the Navy Comptroller Manual. Regular and Contract members of the NROTC are not entitled to have their subsistence commuted while on active duty except to a mess, as stated above.

§ 711.805 *Servicemen's indemnity coverage.* (a) The Servicemen's Indemnity Act of 1951 (38 U. S. C. 851–858), effected a fundamental change concerning Government life insurance for service personnel. It principally provided for a gratuitous indemnity in the maximum principle amount of $10,000, payable to survivors of personnel who die while in the active service on or after June 27, 1950 or 120 days following separation from such service.

(b) The act of August 24, 1954, 68 Stat 781 (38 U. S. C. 851), extended the Servicemen's Indemnity Coverage to include all Naval Reserve Officers Training Corps personnel when ordered to active duty for 14 days or more where death occurs on or after June 27, 1950, while on such active training duty. This indemnity coverage does not, however, exist while students are undergoing scholastic instruction or inactive training duty, including flights in government-owned or leased aircraft. All NROTC students are covered during a period of travel only when such travel is performed under competent orders, e. g., travel to or from the port of embarkation or training station for the annual practice cruise or annual training period. Since indemnity coverage of Contract students is limited to deaths which occur while on such active training duty, coverage does not extend for 120 days after separation or release from duty, even though the person may have been called or ordered to such duty for a period exceeding thirty days.

(c) Regular NROTC students, by virtue of their appointment as Midshipmen, become members of the Reserve component of the Navy; consequently, this category of personnel have coverage for active training duty without regard to the length of the duty and, if called or ordered to such duty for a period exceeding thirty days, have coverage for an additional 120 days after separation or release from such duty. Members of the Regular Naval Reserve Officers Training Corps also have coverage while actually engaged in aerial flights in government-owned or leased aircraft as an incident to their naval training whereas members of the Contract NROTC do not have such inactive training duty coverage. Indoctrination flights are not included under this proviso of the Servicemen's Indemnity Act unless taken while on active training duty.

(d) Any member of the NROTC who is separated under other than dishonorable conditions with a service-connected disability is eligible to apply for Post-Service National Service Life Insurance as provided under Section 620 of the National Service Life Insurance Act, as amended (38 U. S. C. 821). These applications must be filed within one year from the date service-connection of such disability is determined by the Veterans Administration.

(e) Any member of the NROTC, Regular or Contract, entitled to the Indemnity Coverage, who is ordered to active training duty for a period exceeding thirty days, is eligible, within 120 days following separation from such duty, to apply for non-participating NSLI term insurance under Section 621 of the National Service Life Insurance Act as amended (38 U. S. C. 822). It should be noted that Contract students will not be gratuitously covered between the time of separation from active training duty and the time a decision is made to purchase Section 621 term insurance on a premium paying basis.

(f) Reports of death, made by Commanding Officers, should specifically show the following information in addition to the other customary information forwarded to the Veterans Administration so that requests for further development relative to this benefit may be reduced to a minimum:

(1) Branch of service, such as Regular NROTC or Contract NROTC;

(2) Type of duty, that is, active training duty;

(3) Length of such duty to which called or ordered;

(4) Specific information that death occurred while on such active training duty;

(5) Servicemen's Indemnity beneficiary designation or information that a designation was not accomplished.

§ 711.806 *Travel and transportation allowances.* The travel and transportation allowances of NROTC Regular and Contract students will be those prescribed for Midshipmen, U. S. Naval Academy, as provided in Chapter 5, part (A), Joint Travel Regulations and/or Navy Travel Instructions, as applicable. Detailed travel instructions for summer training cruises, both afloat and ashore, will be issued each year by the Chief of Naval Personnel.

§ 711.807 *Educational expenses*—(a) *Expenses payable by the Government.* The Secretary of the Navy is authorized by law to provide, by contract or otherwise, for the payment of tuition, required fees, books, and laboratory expenses of Regular NROTC students for a maximum period of 4 academic years while under instruction at the NROTC institution or during summer training periods. Tuition charges, together with such fees as are applicable, for summer work may be paid by the Government only for those courses of study or field work which are given only in the summer and which are considered to be integral parts of a student's major course of study, such as geology, mining, forestry, civil engineering and the like. Equipment paid for by the Government will include such items as drawing instruments and slide rules when required by the college for a course taken by the student. The manner of contracting will be the subject of a detailed directive from the Chief of Naval Personnel.

(b) *Expenses payable by the student.* Certain items of expense in connection with the NROTC program are not payable by the Government but must be provided for by the student. A partial list of such expenses is given in § 711.1005.

§ 711.808 *Federal income tax.* (a) Retainer pay and active duty pay actually received during a calendar year constitute taxable income to the recipients.

(b) The advice of the Internal Revenue Service should be sought with regard to amounts paid by the Navy Department under Section 10 of the Act of August 13, 1946 as amended (34 U. S. C. 1020i) reenacted as 10 U. S. C. 6910, for tuition, fees, books and laboratory expenses and amounts paid under Section 4 as amended (34 U. S. C. 1020c), reenacted as 10 U. S. C. 6904 to 6906, for travel and other allowances.

draw retainer pay provided their illness or injury does not exceed thirty days

student will be eligible, under any conditions, to receive commutation of sub-

will delete the names of those Midshipmen (if any) who do not embark on the

from such service.

UNIFORMS AND INSIGNIA

§ 711.901 *Financing.* NROTC clothing is financed from Bureau of Naval Personnel annual appropriation, "Reserve Personnel, Navy". The Clothing Supply Office, Brooklyn, New York, is granted quarterly allotments from this appropriation to cover the purchase of NROTC clothing. The Clothing Supply Office is responsible for administering these allotments.

§ 711.902 *Authorized uniforms.* The Uniform Regulations for NROTC students are contained in U. S. Navy Uniform Regulations, 1951. The following extracts are published for ready reference:

SERVICE DRESS UNIFORMS

Uniform	Coat	Trousers	Cap cover	Shirt	Collar	Necktie	Shoes	Socks	Gloves	Ribbons
Service dress:										
Blue, A	Blue[2]	Blue[1]	Blue	White	Turndown	Black	Black	Black	Gray	Yes.
Blue, B	Blue[2]	Blue[1]	White	White	Turndown	Black	Black	Black	Gray	Yes.
Khaki	Khaki[2]	Khaki[1]	Khaki	Khaki	Turndown	Black	Brown	Brown or khaki.		Yes.

[1] Khaki web belt will be worn with khaki trousers; black belt with blue trousers.
[2] The coat may be removed indoors. It may be omitted when authorized by the senior officer present.

DINNER DRESS UNIFORMS

Uniform	Coat	Trousers	Cap cover	Shirt	Collar	Necktie	Shoes	Socks	Gloves	Ribbons
Dinner dress:										
Blue, A	Blue	Blue[1]	Blue	White	Turndown	Black bow	Black	Black	Gray	Yes.
Blue, B	Blue	Blue[1]	White	White	Turndown	Black bow	Black	Black	Gray	Yes.

[1] Black belt will be worn.

WORKING UNIFORMS

Uniform	Coat	Trousers	Cap cover	Shirt	Necktie	Shoes	Socks	Gloves
Working:								
Blue, A[1]		Blue[2]	Blue	Blue	Black	Black	Black	Gray.[1]
Blue, B[1]		Blue[2]	White	Blue	Black	Black	Black	Gray.[1]
White, A	White jumper.	White working.	White		Black necker-chief.	Black	Black	
White, B	White jumper.	White working.	White hat.		Black necker-chief.	Black	Black	
Khaki		Khaki cotton.[2]	Khaki cotton.	Khaki	Black	Brown	Brown or khaki.	
Dungaree[4]		Dungaree[2]	White hat.	Chambray.		Black	Black	

[1] Leggings may be prescribed.
[2] Khaki web belt will be worn with khaki uniform; black belt with blue and dungaree uniforms.
[3] If prescribed.
[4] Optional for wear when the nature of their work will unduly stain their normal uniforms; may be prescribed by the commanding officer.

§ 711.903 *Uniform outfit.* (a) An outfit of essential uniforms shall be furnished to each NROTC Midshipman after his enrollment. This outfit will, in general, include the following items:

Item	Quantity
Belts:	
Black	1
Khaki web	1
Cap, combination, with insignia	1
Cap Covers:	
Blue	1
Khaki, cotton	1
Khaki, worsted	1
Rain, black	1
White	2
Coat, blue, with insignia	1
Coat, khaki, worsted, with gilt buttons	1
Corps device or rank device, metal pin-on[1]	sets 2
Gloves, gray	pair 1
Hat, white, midshipman type	3
Jersey, blue	1
Jumpers, white, midshipman type[1]	6
Neckerchief[1]	1
Neckties, black:	
Four-in-hand	1
Bow	1
Overcoat, blue, with liner	1

[1] Organizational issue.

Item	Quantity
Shirts:	
Blue chambray	2
Blue flannel	1
Khaki	3
Shoulder Marks, pair[1]	1
Trousers:	
Blue, Service[2]	pair 2
Dungaree	pair 2
Khaki, cotton	pair 1
Khaki, worsted	pair 1
White, (midshipman style)[1]	pair 6

[2] 1 pair, organizational issue for cruise.

NOTE: NROTC Midshipmen will furnish at their own expense necessary socks, white shirts, shoes, and underwear, as these items are normal items for civilian wear. (Attention is invited to the fact that both brown and black shoes and socks are required.)

(b) The above clothing list shall not be construed as prohibiting students from obtaining additional articles of regulation clothing at their own expense.

(c) Leggings are organizational items of clothing and will be maintained and stored at NROTC schools. Leggings will be issued on a custodial basis to meet requirements. Units will requisition organizational khaki or white leggings, as appropriate, to meet requirements for replenishment in accordance with

§ 711.905. Khaki leggings may be worn for training; white leggings shall be worn on occasions of a ceremonial nature. The cost of leggings and other similar accoutrements, as required, should be charged to the appropriate expenditure account number as listed in the Navy Comptroller Manual, Volume 2, Chapter 4, under the appropriation "Navy Personnel, General Expenses" for the current fiscal year. Funds for this purpose are included in the fund allotment granted the Commandants of the Naval Districts under the budget program "Officer Candidate Training."

(d) Seabags will be maintained and stored at NROTC units for issue when required. Replenishment will be requisitioned as prescribed in § 711.905.

§ 711.904 *Cruise uniforms.* In view of the fact that a number of students will be disenrolled from the program prior to making their first cruise, Professors of Naval Science should requisition, on their initial order, only those items of uniform that will be used during the first half of the academic year, rather than including thereon all items necessary to make up a full bag. In this way, the cost to the government of those items issued only for cruise purposes will be substantially reduced.

§ 711.905 *Requisitioning clothing.* (a) Requisitions for clothing will be submitted by NROTC units in the First, Third, Fourth, Fifth and Sixth Naval Districts to the Naval Supply Facility, Naval Supply Activities New York, Brooklyn, New York, and by NROTC units in the Eighth, Ninth, Eleventh, Twelfth and Thirteenth Naval Districts to the Naval Supply Depot, Great Lakes, Illinois. The requisitions will be submitted at least two weeks before the beginning of the school year, but they may be submitted any time after July 1, if the Professor of Naval Science has received size information from his prospective students.

(b) The following instructions will govern the requisitioning of clothing:

(1) Use Requisition and Invoice (S and A Form 43) (original and two copies).

(2) Number clothing requisitions consecutively.

(3) Date all requisitions.

(4) Each sheet of S and A Form 43 should constitute a separate requisition rather than being headed "page 2" or given in suffix "A".

(5) Only one type of item, and not more than eight items or eight sizes of an item will appear on S and A Form 43, with a double space between each size.

(6) Stock numbers as listed in the Navy Stock List of General Stores, Clothing and Individual Equipment, Federal Supply Classification Group 84, will be used for all NROTC items requisitioned.

(7) Number each size of an item or rank of insignia separately.

(8) Requisition cap frames, white covers, blue covers, khaki covers, chin straps, buttons and cap devices as separate type items.

(9) Uniforms, blue and khaki service, standard cut and small waisted, will be ordered by both the number size and the

length description as listed in the Navy Stock List of General Stores; for example, Uniform, khaki service, standard cut, 40 long, or Uniform, khaki service, small waisted, 34 long.

(10) Trousers for both the khaki worsted and blue uniforms are an integral part of such uniforms and shall not be ordered separately except one pair for cruise.

(11) Requisition shirts, khaki, by sleeve length and neckband size.

(12) Requisition shirts, blue, flannel, and shirts, chambray, by neckband size only.

(13) Requisition trousers, cotton, khaki and trousers, white, midshipman style, by waist size and leg inseam length.

(14) Requisition trousers, dungaree, by waist size only.

(15) Requisition jumpers, white, midshipman type, by chest size.

§ 711.906 *Alterations to NROTC uniforms.* In the fitting of uniforms for NROTC students, certain minor alterations such as adjustments in sleeve lengths, trouser lengths, or waist size may be necessary. Such alterations are to be charged to the appropriate expenditure account number as listed in the Navy Comptroller Manual, Volume 2, Chapter 4, under the appropriation "Reserve Personnel, Navy" for the current fiscal year. Allotments of funds for this purpose are granted to Commandants of the Naval Districts.

§ 711.907 *Marking uniforms.* In order to avoid any permanent disfiguration of uniform items during their first year of use, freshmen should not permanently mark uniforms until making preparations for summer training. In this way, uniforms returned by disenrolled freshmen will be in a more suitable condition for reissue.

§ 711.908 *Wearing the uniform.* The uniform will be worn on such occasions as prescribed by the Professor of Naval Science or the senior officer present. Normally, this will be at drills, ceremonies, and on cruises.

§ 711.909 *Replacement of uniform clothing by Government.* (a) In exceptional cases, it may be necessary to furnish students with replacements for articles of clothing which they have outgrown. In such cases, the Professor of Naval Science is authorized to requistion the required articles directly from the supplying activity after critical review to prevent indiscriminate and invalid replacements. Such requisition will be accompanied by detailed explanation of the necessity for replacement. The supplying activity will provide replacements from stocks of clothing which have been returned from NROTC units in accordance with §§ 711.915 and 711.916.

(b) Gray gloves and black four-in-hand tie are considered articles of uniform and are issued for wear only with the uniform. Replacement by government issue of these items becoming unfit for use because of wear shall be limited to those instances where it appears that the items have been used only as directed. It is believed that, with proper care, and except for unusual circumstances, one pair of gray gloves should be sufficient for the normal undergraduate period and that the black necktie should last at least two years.

(c) Insignia should be used as long as they are serviceable but should not be retained by the individuals. This is particularly true of such items as shoulder marks and rank insignia. Shoulder marks should last an average of three years. Class and rank insignia, if properly handled and cared for, should serve for two years.

§ 711.910 *Replacement of uniform clothing by students.* (a) Each NROTC student is expected to replace, at his own expense, Navy-issued uniform clothing items that are lost, mutilated, or destroyed through his own misconduct or carelessness. When the Professor of Naval Science considers that reimbursement for such losses would be in the best interest of the Government, cash restitution may be required in lieu of replacement.

(b) The Naval Uniform Shop, U. S. Naval Supply Activities, 3rd Avenue and 29th Street, Brooklyn, New York, will accept orders for distinctive articles of clothing and insignia from NROTC Midshipmen subject to the following restrictions:

(1) Orders will be accepted on a prepaid basis only;

(2) Each order must be approved by the Professor of Naval Science and certified that the articles included on the order are required for use of the individual while an NROTC Midshipman.

(3) The cost of each order will be the standard price for NROTC clothing with a mark-up of 20 per cent; the minimum charge for each order to be $1.00 and the maximum charge for each order to be $5.00. (Example: An order of list value of $2.00 will have a minimum mark-up of $1.00; also, an order of $30.00 would have a maximum mark-up of $5.00.) The above cited mark-up is to take care of labor, mailing and incidental charges in processing the orders to completion.

(c) As indicated in the preceding article, gray gloves and black four-in-hand ties are considered articles of uniform and are issued for wear only with the uniform. Abnormal replacement, due to the fact that these articles have not been used as directed, shall be at the expense of the student and not by Government issue.

§ 711.911 *Purchases from clothing and small stores retail store.* The sale of clothing and small stores to NROTC students is authorized under the provisions of paragraph 42072–6, Bureau of Supplies and Accounts Manual. Where clothing and small stores retail stores are in the vicinity of NROTC units, purchases should be made in person whenever possible. Money orders for clothing and small stores may be sent to the nearest naval activity having a clothing and small stores retail store. Such mail orders will be handled in accordance with paragraph 42132, Bureau of Supplies and Accounts Manual, and should be forwarded via the Professor of Naval Science. Purchase of shoes by mail is not considered practicable due to possibility of misfits.

§ 711.912 *Purchases from Naval Uniform Shop.* (a) NROTC students not in the graduating class are accorded the privileges of the Naval Uniform Shop, Third Avenue and 29th Street, Brooklyn 32, New York, on a prepaid basis to supply themselves with items of equipment and uniforms. Orders must bear the approval of the Professor of Naval Science.

(b) NROTC students in the graduating class are accorded deferred collection privileges by the Naval Uniform Shop for items of officers' clothing required as prescribed in U. S. Navy Uniform Regulations, for initial outfitting only, under the following terms:

(1) Deferred collection accounts will not exceed the amount of $400.00. Orders in excess of $400.00 may be accepted if accompanied by prepayment in the amount necessary to reduce balance due to $400.00.

(2) Accounts are payable in a maximum of six (6) monthly installments, with the first payment due one month from date of graduation.

(3) The minimum monthly payment shall not be less than $60.00.

(4) Upon receipt of the uniform allowance, the unpaid balance due the Naval Uniform Shop will be liquidated immediately.

(c) Upon receipt of an order showing authorization by the Professor of Naval Science, the Naval Uniform Shop will furnish the student with a statement of terms of payment, based on the deferred collection plan, together with a certificate providing for a definite commitment to pay. The commitment will be signed by the student and returned, immediately, to the Naval Uniform Shop.

(d) Failure to meet terms of payment plan: In the event that terms of the collection plan are not adhered to, the following action will be taken:

(1) A Delinquency Notice will be forwarded to the graduate advising him that his account is in a delinquent status and that the entire amount of his indebtedness is due and payable unless payment is forwarded immediately to bring his account into a current status.

(2) Non-compliance within 30 days after mailing of the Notice of Delinquency will result in the initiation of a Request for Checkage for the entire amount of his indebtedness. The Request for Checkage will be forwarded for accomplishment to the commanding officer at the duty station to which the NROTC graduate has been assigned.

(e) Price lists, order blanks and detailed instructions concerning ordering will be furnished to each Professor of Naval Science by the Naval Uniform Shop.

§ 711.913 *Purchases from Ship's Stores and Armed Forces Exchanges.* (a) Members of the NROTC on active duty for training purposes for periods in excess of seventy-two hours are entitled to all Ship's Store and Armed Forces Exchange privileges.

(b) Members of the Naval Reserve not in an active duty, drill, or training status

[1] Organizational issue.

as appropriate, to meet requirements for replenishment in accordance with standard cut and small waisted, will be ordered by both the number size and the

as directed. It is believed that, with proper care, and except for unusual cir-

warded via the Professor of Naval Science. Purchase of shoes by mail is

in an active duty, drill, or training status

shall be entitled to purchase necessary articles of uniform clothing and accoutrements in such quantities as would be required immediately when called to active duty.

§ 711.914 *Clothing receipts.* (a) NROTC students, upon initial and all subsequent issues of clothing, shall be required to sign a receipt as follows:

NROTC CLOTHING RECEIPT

Article	*Quantity*

I acknowledge receipt of the clothing listed above, for which I hold myself responsible. I understand that this clothing is Government property and must be returned to the Navy in the event of my disenrollment. I further voluntarily agree to reimburse the Government for the value of any such clothing which is lost or damaged through my own negligence or carelessness.

(Signature)

(b) These receipts shall be filed in the local records maintained for each student.

§ 711.915 *Return of uniforms.* (a) While all uniform outfits, except for the organizational items as listed in § 711.903, normally shall be considered to be gratuitous, midshipmen shall be informed at the time of issue that if they are disenrolled prior to the successful completion of their training and qualifying for commissions, they will be required to return all articles of uniform to the Professor of Naval Science.

(b) Professors of Naval Science shall make diligent efforts to recover clothing from disenrolled students.

(c) In the event clothing is not recovered, the disenrollee shall make cash restitution therefor in the form of a check or money order made payable to the Treasurer of the United States and deliver same to the Professor of Naval Science who, in turn, shall transmit it to the Disbursing Officer, U. S. Naval Supply Activities, New York, N. Y., for deposit to Miscellaneous Receipts, 173511.

(d) If neither recovery nor restitution is effected, the appropriate school authorities shall be so notified, and the Professor of Naval Science shall forward a statement to the Chief of Naval Personnel for insertion in the permanent naval record of disenrollee. This statement shall be as follows:

---, ---, ---,
(Last Name) (First Name) (Middle Name)
--- upon disenrollment from the
(File No.)
NROTC Unit --- on
(Name of School)
--- failed to return Government-
(Date)
owned clothing in his custody valued at $---.

(Signature of Professor of Naval Science)

§ 711.916 *Return of excess clothing.* Clothing in excess of initial class outfitting requirements or articles of uniform recovered from disenrolled students will be returned to the supplying activity immediately, except that one dozen assorted sizes (where applicable) of the following articles may be retained for emergency issue:

Belt for raincoat/overcoat.
Caps, combination (complete assembly).
Coat buttons.
Corps or rank device.
Gloves, gray.
Metal pin-on insignia.
Neckties.

No stocks of clothing other than those authorized above will be retained.

FACILITIES, SUPPLIES, AND EQUIPMENT

§ 711.1001 *Facilities and services provided by NROTC institutions.* The proper and efficient operation of an NROTC unit of standard size (250–300 men) requires certain physical spaces and facilities which can be summarized as follows:

Classrooms (5), three of which have a normal capacity of 35 students; one of which has a normal capacity of 50 students; one of which, with a capacity of 35 students, contains a minimum floor area of 1,000 square feet for use as a navigation workroom.

Offices (8), seven of which contain a minimum floor area of 200 square feet each; one of which contains a minimum floor area of 300 square feet.

Clothing and text book storage and issue space: One room having a minimum floor area of 1,000 square feet, and possessing two entrances.

Armory: a heavy reinforced floor area of approximately 4,000 square feet, on which will be placed heavy ordnance equipment, permanent installations. This area should have at least a 20-foot ceiling clearance, and floor capable of carrying a load of 1,000 pounds per square foot.

Auditorium of adequate size for assembly of the entire unit, available for use at various times. Usage of this auditorium will be determined in advance in keeping with the standard procedure in effect at the institution.

Drill field: any readily accessible, level, grass-covered, unobstructed area, with a minimum size of 8,000 square yards.

Swimming pool, available for Naval student personnel.

NROTC institutions are expected to provide the facilities specified or comparable and adequate substitutes in the same manner that facilities are provided for other academic departments.

Secretary: The institution also normally provides a full-time civilian secretary to assist the Professor of Naval Science in connection with his duties as head of a major academic department.

§ 711.1002 *Protection of Naval property*—(a) *Custodian.* The Professor of Naval Science will be the custodian of all Navy property. Issuance of and accounting for this property will be in accordance with standard Navy practice as provided by the Bureau of Supplies and Accounts Manual, the Navy Comptroller Manual and Bureau of Naval Personnel directives.

(b) *Care and safekeeping of equipment.* The Professor of Naval Science is responsible for the care and safekeeping of all equipment which has been issued to him and for seeing that proper precautions are taken to prevent the equipment from being improperly used and from falling into the hands of irresponsible persons. Technical ordnance and electronic equipment shall receive adequate preventive maintenance. Assistance shall be requested for material deficiences which cannot be corrected locally. Equipment in excess of allowances shall be promptly disposed of in accordance with current directives.

(c) *Responsibility of the institution.* The institution is expected to take the same precautions and to provide the same safeguards for the protection of naval property as it does for the protection of its own property. The Professor of Naval Science will report to the proper authorities of the institution, in writing, any facts, circumstances, or conditions which he believes to be prejudicial to the proper protection of naval property against loss through fire, flood, theft, tornado, or other similar causes. In the event that proper attention is not paid to such communication, report will be made to the Chief of Naval Personnel via the District Commandant.

(d) *Report of inspector on protection measures.* Inspectors visiting NROTC units will include within the purview of their inspection, the precautions taken by institutions, their servants and employees, to protect Government property from loss, destruction, or damage by fire, flood, theft, tornado, or other similar causes. In each such inspection, the inspector will submit a report to the Chief of Naval Personnel via the District Commandant stating whether or not every reasonable precaution is being observed. If an unfavorable report is submitted, the defects will be stated in detail and a copy will be furnished to the head of the institution concerned. Access to all previous reports on Government property protection will be given the surveying officers.

(e) *Fire insurance.* An institution is not required to carry fire insurance on naval property.

(f) *Location of ordnance installations.* The limited time available for maintenance and the infrequency of use require that power driven ordnance gear be installed indoors in order to avoid prohibitive maintenance costs. Any future installations shall conform to this policy.

§ 711.1003 *Allowance list.* A standard allowance list has been established for NROTC units.

§ 711.1004 *Educational services, materials, supplies and equipment provided by the Government.* Services, materials, supplies and equipment necessary for the successful functioning of the NROTC unit and not included in those which the institution should furnish in accordance with § 711.1001 will be procured under the following financial arrangements:

(a) *Funds administered centrally by the Chief of Naval Personnel.* (1) Educational expenses consisting of tuition, fees, books, laboratory expenses, and items of equipment such as drawing instruments and slide rules, when required

by the institution for a course taken by the student, will be procured in accordance with current Bureau of Naval Personnel Instructions.

(2) Special items of equipment and certain publications will be provided on letter requests submitted via the Commandant of the Naval District to the Chief of Naval Personnel.

(b) *Funds administered by the Clothing Supply Office, Brooklyn.* (1) Clothing, chargeable to an allotment granted by the Chief of Naval Personnel to the Clothing Supply Officer at Brooklyn, will be requisitioned as prescribed in § 711.905.

(c) *Equipment and supplies furnished by Navy bureaus other than the Bureau of Naval Personnel.* (1) Certain items of a technical nature may be obtained by letter request to the cognizant Bureau via the District Commandant and the Chief of Naval Personnel. In addition to the items listed in the Bureau of Supplies and Accounts Manual, par. 23028, the following items may be procured by letter request:

Publications.
Manuals.
Catalogues.
Training Course for Rates.
Special types of equipment.

(2) Bedding required by NROTC Midshipmen for training duty will be supplied and charged to appropriations in accordance with the Bureau of Supplies and Acounts Manual, par. 42703 and Bureau of Naval Personnel Manual, Article H–1610.

(3) Paper targets can be obtained by letter request direct to the nearer of the following activities:

Naval Supply Center, Oakland, Calif.
Naval Supply Center, Norfolk, Va.

(d) *Funds administered by Commandants of Naval Districts*—(1) *Allotments.* The Chief of Naval Personnel grants allotments for the operation of NROTC units to the Commandants of Naval Districts. Estimates of annual amount of funds needed by each unit are to be submitted by each Commandant as called for by the Chief of Naval Personnel.

(2) *Annual requirements.* The Professor of Naval Science should forward to the Commandant a letter request for preparation of requisitions to cover the procurement of recurring items of expense, such as office supplies or equipment, garage rental, and other services and supplies. The letter requests should give an accurate and detailed description of the goods or services required, estimated prices, names of bidders and a recommendation as to the supplier if one is considered particularly advantageous. The letter requests should reach the Commandant by May 1 unless otherwise specified.

(3) *Special purchases.* The Commandant will arrange for the Professor of Naval Science to make local purchases through the use of annual purchase requisitions. The Commandant will prescribe the method and the circumstances under which such purchases may be made.

(4) *Non-recurring items.* Requests for supplies and services not covered by annual requisition will be submitted to the Commandant in such manner as he may prescribe.

(5) Accounting for the allotment to the Commandant will be performed in accordance with the Navy Comptroller Manual, Vol. 3.

§ 711.1005 *Expenses paid by the individual student.* (a) Expendable supplies such as pencils, pens and paper.

(b) Refundable fees such as breakage or required deposits for use of apparatus.

(c) Delinquent fees assessed by the institution for failure to comply with institutional requirements.

(d) Tuition charges and fees for summer work undertaken as a result of past academic deficiencies or failures.

(e) Board, lodging, and other living expenses, including travel not under orders.

(f) The cost of cleaning and laundering of midshipmen uniforms and clothing during the academic year as well as on cruises and summer training periods.

§ 711.1006 *Return of textbooks, supplies and equipment.* (a) Books paid for by the Government fall into two categories, Naval Science and non-Naval Science. Surplus, obsolete and additional requirements of Naval Science publications should be listed in the Annual Return of Books (NavPers 3–81). Disposition instructions will be forwarded upon review of the Annual Return of Books.

(b) All Naval Science textbooks, nonconsumable supplies and items of equipment issued to NROTC students shall be collected by the Professor of Naval Science for reissue.

(c) All non-Naval Science textbooks furnished to NROTC students will, at the end of each semester, term, summer session or at the end of the course for which a particular textbook is used, be collected by the Professor of Naval Science who will (1) hold for reissue those books which will be required by students in the future and are suitable for reissue; (2) turn in to bookstores, when possible, those books which do not fall into category (1), of this paragraph, for an exchange allowance to be credited against the purchase of books under current contract; and (3) when neither subparagraph (1) nor (2), of this paragraph, may be applicable and the books concerned are obsolete or not exchangeable, the Professors of Naval Science will report them to the cognizant District Material Officer for Personnel for disposal in accordance with the current Navy Property and Redistribution Disposal Regulations Number 1.

§ 711.1007 *Transportation of supplies and equipment*—(a) *General procedures.* Instructions contained in the U. S. Navy Shipping Guide shall be followed in all cases which involve the shipment or receipt via truck and/or common carrier of materials or equipment. Those instances which require a determination as to procedure to be followed shall be referred by the Professors of Naval Science to the appropriate Navy Central Freight Control Offices located as follows:

Naval Districts 1, 3, and 4 except the State of Ohio	Naval Supply Depot, Bayonne, N. J.
Naval Districts 5 and 6, Potomac River and Severn River Naval Commands.	Naval Supply Center, Norfolk, Va.
Naval Districts 8 and 9 and the State of Ohio	Naval Supply Depot, Great Lakes, Ill.
Naval Districts 11 and 12	Naval Supply Center, Oakland, Calif.
Naval District 13	Naval Supply Depot, Seattle, Wash.

(b) *Other services incidental to shipment or movement of supplies and equipment.* Services, such as packing, crating, rigging and local trucking incidental to shipment or movement of supplies and equipment, will be referred by Professors of Naval Science to the Commandant of the Naval District for determination as to methods of procuring and financing.

(c) *Drayage.* Drayage means pickup and delivery service in connection with bill of lading movements and in some instances, transportation of material moving under Government bill of lading. Generally, common carriers provide drayage service on less than carload amounts of freight; however, when the carriers do not provide this service, arrangements should be made for the necessary drayage service. Drayage arrangements should be made when notice is received by an institution that Government property has been shipped to such institution for the Professor of Naval Science. If the institution has drayage facilities, such facilities should be used. If the institution has no drayage facilities and drayage equipment is available at a Government activity in the vicinity, a formal request should be submitted to the Officer in Charge of the Government activity for the use of such equipment. If drayage services must be performed by commercial concerns, one of the following procedures, if applicable, shall be followed:

(1) *Drayage on shipments under Government bills of lading.* Information will be compiled on all local draymen in position to handle Navy shipments, indicating their facilities and the rates usually assessed. The services of the drayage company in position to handle Navy shipments in the most satisfactory and economical manner will be employed. Public Voucher for Transportation Charges (Standard Form 1113) supported by the drayage bill will be submitted to the Naval activity authorizing the drayage with a copy of the Government Bill of Lading (Standard Form 1103a) under which the shipment moved. The following certificate will be placed on the drayage bill and will be properly signed by the drayman: "Certified correct and just; payment not received." The officer concerned will approve the drayage bill, will make comment as to the reasonableness of the charge, and will forward the public voucher with the drayage bill to the Navy Regional Accounts Office, Washington,

(Signature of Professor of Naval Science)

(b) *Care and safekeeping of equipment.* The Professor of Naval Science

items of equipment such as drawing instruments and slide rules, when required

D. C., for payment. A separate bill of lading will never be issued to cover drayage on material from or to the terminal of a carrier when the material is moving via a common carrier on a Government bill of lading.

(2) *Drayage on local movement not already covered by a Government bill of lading.* Since movement of material between different parts of a city, or material purchased f. o. b. freight station at destination requires the preparation of a Government bill of lading, the Professors of Naval Science shall request that the District Supply Officer (1) prepare the Navy Government bill of lading or (2) authorize the Professors of Naval Science to issue same in accordance with the provisions of the appropriate paragraphs of Article 1815–8 of the U. S. Navy Shipping Guide.

§ 711.1008 *Accounting for supplies and equipment.* (a) Transfers of consumable supplies and Plant Property to a unit of the Naval Reserve Officers Training Corps will be invoiced per instructions in the Bureau of Supplies and Accounts Manual, Volume II and the Navy Comptroller Manual, Volumes II and III, to the designated accountable activity of the headquarters of the district in which the unit is located, as a transfer between supply officers.

(b) Issues of consumable supplies to units of the Naval Reserve Officers Training Corps will be charged by the designated accountable activity to the appropriate expenditure account and to the accounting number of the district headquarters in which the unit is located.

(c) Issues of Plant Property Class 3 to units of the Naval Reserve Officers Training Corps will be charged by the designated accountable activity to the appropriate expenditure account and to the accounting number of the district headquarters in which the unit is located. The value of this Plant Property will be carried on the plant account records of the designated accountable activity. (See the Navy Comptroller Manual, Volume II, Chapter 5, and Volume III, Chapter 6.)

(d) Upon receipt of property covered by a shipment order, the copy of the shipment order which is mailed to the consignee, will be completed and immediately forwarded to the accountable activity for the headquarters of the district in which the unit is located.

(e) When equipment or expendable supplies are received accompanied by invoices, the material will be checked and a certificate of receipt placed on the original and one copy of the invoice by the Professor of Naval Science, showing the date the material was received. The original and copies of such invoices will be immediately forwarded to the accountable activity for the headquarters of the district in which the unit is located. The accountable activity for the headquarters of the district in which the unit is located will be immediately informed by letter, giving as much identifying information as possible, of all material received without invoices.

(f) The Professor of Naval Science will assist and cooperate with the responsible fiscal officer in the reporting of Plant Property located in the NROTC unit in compliance with instructions outlined in the Navy Comptroller Manual, Volume III, Chapter 6.

§ 711.1009 *Inventory.* (a) Physical inventories of plant property will be conducted as specified in the Navy Comptroller Manual, Volume III, Chapter 6. The officer carrying the plant account of the NROTC unit will be responsible, under the District Commandant, for coordinating, supervising and instituting local procedures to insure the complete and accurate physical inventorying of the plant property of the unit. The Professor of Naval Science will assist and cooperate with the fiscal officer in the conducting of physical inventories.

(b) *Books.* On March 31 of each year, an annual inventory of books will be submitted on Form NavPers 381, showing the books actually on hand on that date. All columns of the above report will be filled, and the report signed by the Professor of Naval Science.

(1) The Professor of Naval Science shall take every reasonable precaution to have all NROTC students return Government-owned books which they have borrowed.

(2) All books, property of the NROTC unit, will be stamped on both covers and upon certain pages of the books, indicating that they are "Government Property." Rubber stamps are provided for this purpose.

§ 711.1010 *Shipping of Government property.* When property is to be returned to the Government, shipping instructions will be issued by the District Supply Officer upon receipt of request from the Professor of Naval Science.

§ 711.1011 *Surveys.* (a) Attention is invited to Chapter 19, Section 3, Articles 1946–1953, United States Navy Regulations, 1948, covering the survey of Government-owned material. Government property, equipage, worn out or damaged by fair wear and tear, incident to the use of the property in Naval instruction prescribed or authorized by the Secretary of the Navy, will be replaced at the expense of the United States. The original and two copies of the approved survey will be forwarded to the Chief of Naval Personnel. In the event the survey report designates the unserviceable property to be shipped to a Naval Shipyard or Naval Station for salvage or repair, shipment of such material, where transportation is involved, will be made on Government bills of lading and in accordance with instructions issued by the Bureau of Supplies and Accounts. Surveyed material will be held on the records of the unit until copy of invoice covering the material is received from the consignee.

(b) Property lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes will be replaced at the expense of the United States. A survey will be held as provided in Navy Regulations and surveys handled as stated in paragraph (a) of this section. A copy of each survey shall be forwarded to the accountable activity for the headquarters of the district in which the unit is located.

NROTC FORMS AND REPORTS

§ 711.1101 *Form of application for establishment of an NROTC unit.*

(Date)

To: Chief of Naval Personnel,
Washington 25, D. C.

Subject: Application for Establishment of a Unit of the Naval Reserve Officers Training Corps.

1. By direction of the governing authorities of _____, application is hereby submitted for the establishment of a unit of the Naval Reserve Officers Training Corps at this institution.

2. Should this application be accepted by the Secretary of the Navy, this institution hereby agrees to the establishment and maintenance of a four-year course of Naval training for its physically fit male students under a Department of Naval Science, staffed with Naval Personnel. This course, equal in standing with major courses in other departments, will comprise instruction in Naval Science carrying the same weight toward a degree as the same number of hours in any other subject in the university's curriculum. Students who successfully meet the course requirements outlined in the Naval Reserve Officers Training Corps Regulations including approximately twenty-four (24) semester or equivalent quarter hours of Naval Science, will be considered for the appropriate degree.

3. The institution will provide space for classrooms, offices, equipment, and drill for a normal size unit of 300 in accordance with the following minimum requirements:

Classrooms (5), three of which have a normal capacity of 35 students; one of which has a normal capacity of fifty students; one of which with a capacity of 35 students, contains a minimum floor area of 1,000 square feet for use as a navigation workroom.

Offices (8), seven of which contain a minimum floor area of two hundred square feet each; one of which contains a minimum floor area of three hundred square feet.

Clothing and Textbook Storage and Issue Space, one room having a minimum floor area of one thousand square feet, and possessing two entrances.

Armory, heavily reinforced floor area of approximately four thousand square feet, on which will be placed heavy ordnance equipment, permanent installations. This area should have at least a twenty foot ceiling clearance, and flooring capable of carrying a load of one thousand pounds per square foot.

Auditorium, of adequate size for assembly of entire unit, available for use at various times. Usage to be determined in advance in keeping with standard procedure in effect at the institution.

Drill field, any readily accessible level, grass-covered, unobstructed area, with a minimum of eight thousand square yards.

Swimming pool, available for naval student personnel.

4. It is understood that for normal operation an annual initial enrollment in the Naval Science course of eighty physically fit students of the freshmen class, citizens of the United States, over 17 years of age, is required to maintain a Naval Reserve Officers Training Corps Unit.

5. This institution also agrees to promote and further the objects for which the Naval Reserve Officers Training Corps is established and to conform to the regulations of the Navy Department relating to the operation of the unit and to the care, use, safekeeping and accounting for such Government property as may be issued for use by the unit.

(President)

(Name of Institution)

(4) *Non-recurring items.* Requests for supplies and services not covered by

a formal request should be submitted to the Officer in Charge of the Government

Voucher with the drayage bill to the Navy Regional Accounts Office, Washington,

§ 711.1102 *Forms and reports.* The forms and reports listed in this section, in many cases peculiar to an officer-candidate training program, are required in the administration of the NROTC, and will be in addition to the reports normally required of the commanding officers of all naval stations.

(a) *Enrollment of regular students.* The compilation of an application file for each Regular student is begun during the initial processing. The Professor of Naval Science shall complete and assemble the application file in accordance with separate directives. The completed file shall be forwarded to the Chief of Naval Personnel as soon as practicable but not later than November 1.

(b) *Enrollment of Contract students.* The compilation of an application file for each Contract student is made by the Professor of Naval Science in accordance with existing directives. The completed file, after assembly, shall be forwarded to the Chief of Naval Personnel as soon as practicable but not later than December 15.

(c) *Health records.* Health records shall be opened and maintained for NROTC students as follows:

(1) Standard Form 88, in triplicate, and Standard Form 89, in duplicate, shall be prepared by the processing recruiting station for Regular applicants and by the medical examining teams for Contract applicants. A signed copy of each form to be inserted in the Health Record shall be clearly marked "For Health Record." In the case of Regular applicants the forms will be forwarded to the appropriate Professor of Naval Science by the cognizant recruiting station subsequent to selection. Upon actual enrollment in the program, the remainder of the Health Record, with the exception of Standard Form 603, shall be opened by the Professor of Naval Science.

(2) The Health Record for active duty enlisted personnel appointed to the Regular NROTC will be forwarded to the appropriate Professor of Naval Science by the separation activity.

(3) In the event a student enrolled in either program holds an inactive status in a reserve component, the Professor of Naval Science shall request the member's Health Record from the Commandant of the cognizant Naval District or the Director of the Marine Corps Reserve District, as appropriate.

(4) Standard Form 603 shall be prepared in the case of each NROTC graduate at his first active duty station, following commissioning.

(5) Upon the disenrollment of any student, other than a Contract student having an enlisted status in a reserve component, the Professor of Naval Science shall terminate the Health Record on Standard Form 600, citing the reason and authority for such action, and forward the Health Record to the Bureau of Medicine and Surgery. Health Records for those students retaining an enlisted status shall be forwarded to the Commandant of the cognizant Naval District, with appropriate notations.

(6) The Health Record of each newly commissioned officer who is ordered to active duty upon graduation shall be delivered to the officer for further delivery to his new duty station. In the case of a Reserve officer not ordered to immediate active duty, the Health Record shall be forwarded to the Commandant of the cognizant Naval District or Director of Marine Corps Reserve District as appropriate, for custody.

(d) *Disenrollment.* (1) Naval Training Course Certificates, NavPers 368. Issued by the Professor of Naval Science to students who have successfully completed courses in Naval Science, to NROTC students disenrolled from units under honorable conditions before graduation, or to graduates ineligible for commissioning.

(2) NROTC Student Disenrollment Report, NavPers 364. Submitted, in duplicate, to the Bureau of Naval Personnel, Pers–C124, by the Professor of Naval Science for each NROTC student disenrolled or recommended for disenrollment. (§ 711.313.)

(e) *Commissioning.* (See § 711.314.)

(1) The NROTC roster for Graduating Students (NavPers 533) with appropriate documents shall be forwarded to reach the Chief of Naval Personnel by March 1 and November 15, in accordance with existing directives.

(2) Class Standing of NROTC Students Commissioned (NavPers 391). Submitted, in duplicate, to the Chief of Naval Personnel (Pers–C124), as soon as practicable after commissioning, in accordance with current directives. (§§ 711.316, 711.509.)

(3) Officer Service Record (NavPers 3021.) To be prepared in accordance with Article B–2207, Bureau of Naval Personnel Manual.

(4) Training School Report (NavPers) 318). Original to be filed in Officer Service Record (NavPers 3021). Duplicate to be submitted as soon as possible after commissioning to the Chief of Naval Personnel (Pers–B12) or to the Commandant of the Marine Corps, as appropriate.

(5) Officer Qualification Questionnaire (NavPers 309). Original to be submitted as soon as possible after commissioning to the Chief of Naval Personnel (Pers–B12) or to the Commandant of the of the Marine Corps, as appropriate. Duplicate to be filed in the Officer Service Record.

(6) Officer Classification Battery (NavPers 16722, 16723 (Rev. '53), 16724, 16725, 16726). To be administered in accordance with current instructions. Scores achieved will be reported on the Training School Report. See subparagraph (4) of this paragraph.)

(f) *Periodic.* (1) Report of Medical Examination (Standard Form 88). (§ 711.306.)

(2) Report of Medical History (Standard Form 89). (§ 711.306.)

(3) NROTC Roster of Contract Students (NavPers 513), in quintuplicate, within TWO MONTHS of the date of enrollment, to the Chief of Naval Personnel.

(4) Military Status of Individual (DD Form 44). Submitted to appropriate Local Selective Service Board upon enrollment, upon change of status and annually prior to the end of the calendar year.

(5) Letter report, in triplicate, listing all students accepting appointment as Midshipmen. Submitted to the Chief of Naval Personnel within five days of appointment.

(6) Letter report, in duplicate, listing all students who, after having been authorized by the Chief of Naval Personnel to report for the purpose of accepting appointment as Midshipmen, failed to report or who, after reporting, failed to accept appointment. Letter should include all details. Submitted to the Chief of Naval Personnel, as appropriate.

(7) Letter report notifying receipt of all Regular NROTC application files from cognizant recruiting station. Submitted prior to October 15.

(8) Letter report recommending appropriate changes to "Handbook, NROTC Colleges and Universities, Requirements for Admission and Courses of Study." Submitted to the Chief of Naval Personnel prior to June 1.

(9) Letter report, in duplicate, listing date of commencement of classes of all institutions. Submitted to the Chief of Naval Personnel prior to July 15.

(10) Subsistence Roll (NavPers 384). Submitted monthly to the Navy Accounts Disbursing Office carrying the accounts. (§ 711.803.)

(11) Monthly Change of Status Report (NavPers 1931). Submitted to the Chief of Naval Personnel (Pers–C124) in accordance with current directives.

(12) Annual Return of Books (NavPers 381). Submitted to the Chief of Naval Personnel (Pers 115) on March 31. (§ 711.1009.)

(13) NROTC and NACP Information Register (NavPers 1918A). Submitted annually to the Chief of Naval Personnel (Pers–C124), in accordance with current directives.

(14) Plant Property Inventory. Submitted every three years. (§ 711.1009.)

(15) University Catalogue or Announcements of Individual Colleges. Submit three copies to the Chief of Naval Personnel (Pers–C124) when published.

(16) General Ammunition Report (NavOrd 1744B). Submitted annually on June 30 to the Chief, Bureau of Ordnance.

(17) Intermediate, Minor Calibre Mount and Missile Launcher Report (NavOrd 2416). Submitted annually on June 30 to the Chief, Bureau of Ordnance.

(18) Ordnance Inventory/Ordalt Status Change Report (NavOrd 1215). Submitted as required to the Chief, Bureau of Ordnance.

(19) Roster of Officers (NavPers 353). One copy submitted monthly to the Chief of Naval Personnel (Pers–C124), indicating in column 10, thereof, the Naval Science courses which each officer is currently teaching.

(g) *Miscellaneous.* (1) Report of Commission Withheld with return of all commissioning papers to the Chief of Naval Personnel. (§ 711.314.)

(2) Request for transfer between NROTC Units. (§ 711.308.)

(f) The Professor of Naval Science will assist and cooperate with the re-

quarters of the district in which the unit is located.

(President)

(Name of Institution)

District, with appropriate notations.

Local Selective Service Board upon en-

(3) Application for Extension of Time to Complete Academic Requirements when Leave of Absence is not Required. (Letter Request) (§ 711.311).

(4) Request for Leave of Absence from NROTC Program (NavPers 579). (§ 711.311.)

(5) Report of Substitution of College Course for NROTC Course. (§ 711.504.)

(6) Individual Student Record Forms. (§ 711.509.)

(7) Application for Enrollment in Marine Corps Naval Science Courses. (§ 711.701.)

(8) NROTC Aptitude/Conduct Evaluation Form (NavPers 2474).

(9) Commanding Officer's Pay Record Order (BuSandA Form 510). (§ 711.802.)

(10) Mileage Voucher (BuSandA Form 1071). (§ 711.806.)

(11) Clothing Requisitions. (§ 711.905.)

(12) Leave Status of NROTC Students (NavPers 530). Submitted to Chief of Naval Personnel (Pers–C124) in accordance with current directives.

(13) Enlisted Instructor Data Card (NavPers 2485).

(14) Academic Transcript for Each Graduate. (See § 711.314 (h).)

(15) Survey Request, Report and Expenditure (NavSandA Form 154) to the Chief of Naval Personnel, with copy to accountable activity. (See § 711.1011.)

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

NOVEMBER 19, 1956.

[F. R. Doc. 56–9615; Filed, Nov. 23, 1956; 8:46 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

PERSONS WHO MAY PRACTICE BEFORE PATENT OFFICE IN TRADEMARK CASES

The following amendment is made to take effect on publication in the FEDERAL REGISTER. The purpose of the amendment is to conform the rule which is amended to a recent court decision.

Paragraph (b) of § 2.12 is amended to read as follows:

§ 2.12 *Persons who may practice before the Patent Office in trademark cases.*
* * *

(b) Non-lawyers: Persons who are not attorneys at law as specified in paragraph (a) of this section are not recognized to practice before the Patent Office in trademark cases, except that persons not attorneys at law who were recognized to practice before the Patent Office under this Chapter prior to January 1, 1957, will be recognized as agents to continue practice in trademark cases in the Patent Office.

(Sec. 41, 60 Stat. 440, sec. 1, 66 Stat. 795; 15 U. S. C. 1123, 35 U. S. C. 31)

Dated: November 16, 1956.

[SEAL] ROBERT C. WATSON,
Commissioner of Patents.

Approved:
SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56–9616; Filed, Nov. 23, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 998]

[Docket No. AO–259–A2]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hidalgo County Court House, Edinburg, Texas, beginning at 10:00 a. m., c. s. t., on January 8, 1957.

Subjects and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Corpus Christi, Texas, marketing area and to the provisions specified in the proposals hereinafter set forth or to appropriate modifications thereof. These proposals have not received the approval of the Secretary of Agriculture.

The amendments to the order (No. 98), as amended, were proposed as follows:

Proposed by the Coastal Bend Milk Producers Association:

1. Amend § 998.6 by adding thereto "the counties of Cameron and Hidalgo".

2. Add § 998.17 as follows:

§ 998.17 *Zone 1.* Zone 1 means all the territory within the counties of Willacy, Cameron, Hidalgo and Starr.

3. Delete § 998.51 through paragraph (a) and substitute therefor the following:

§ 998.51 *Class prices.* Subject to the provisions of §§ 998.52 and 998.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price as determined pursuant to § 998.50, plus the following amount:

Month:	*Amount*
March, April, May, and June	$2.72
All other months	3.12

Provided, That the above amounts shall be increased or decreased respectively, by the same amount as any increase or decrease, respectively, provided by the supply-demand adjustment determined pursuant to Order No. 43 regulating the handling of milk in the North Texas marketing area.

4. Add § 998.53 as follows:

§ 998.53 *Location adjustments to handlers.* For milk which is received from producers at a fluid milk plant located outside of Zone 1 and classified as Class I milk, the price shall be the price effective pursuant to § 998.51 (a) less the amount per hundredweight set forth in the following schedule for the shortest hard-surfaced highway distance as determined by the market administrator that the County Court House of the county in which such plant is located from the County Court House in Edinburg, Texas:

Miles from the County Court House in Edinburg, Tex.:	*Cents per hundredweight*
Less than 200	17
200 or more but less than 300	34
300 or more but less than 400	51
For each 100 miles thereafter	[1] 17

[1] Additional.

5. Add to § 998.71 as paragraph (c) the following:

(c) Add the total value of the location adjustments pursuant to § 998.82.

6. Amend § 998.80 (b) by deleting the semicolon following § 998.81 and insert the following: "and the location adjustment computed pursuant to § 998.82;".

7. Renumber §§ 998.82, 998.83, 998.84 and 998.85 as §§ 998.83, 998.84, 998.85 and 998.86, respectively, and add § 998.82 as follows:

§ 998.82 *Location adjustments to producers.* In making payment to producers pursuant to § 998.80, the uniform price to be paid to producers for milk received from them at a fluid milk plant located outside of Zone 1, shall be the price computed pursuant to § 998.72 less the amount per hundredweight set forth in the following schedule for the shortest hard-surfaced highway distance as determined by the market administrator that the County Court House of the county in which such plant is located is from the County Court House in Edinburg, Texas:

Miles from the County Court House in Edinburg, Tex.:	*Cents per hundredweight*
Less than 200	17
200 or more but less than 300	34
300 or more but less than 400	51
For each 100-mile zone thereafter	[1] 17

[1] Additional.

8. Delete § 998.41 (b) (4) and substitute therefor the following:

(4) In shrinkage not to exceed 2 percent (5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, in producer milk and other source milk classified pursuant to § 998.41 (b) (1).

9. Delete § 998.42 and substitute therefor the following:

§ 998.42 *Shrinkage.* For each month the market administrator shall determine the amount of shrinkage of skim milk and butterfat, respectively, to be classified as Class II milk in the following manner:

(a) (1) Compute the amount of shrinkage of skim milk and butterfat, respectively, at the fluid milk plant(s) of each handler.

(2) Compute the percentage of shrinkage of skim milk and butterfat, respectively, by dividing the total pounds of each by the total pounds of skim milk and butterfat, respectively, received in producer milk and other source milk at such handler's fluid milk plant(s), and

(3) Multiply the pounds of skim milk and butterfat classified pursuant to § 998.41 (b) (1) by the respective percentage computed pursuant to subparagraph (2) of this paragraph or 2 percent (5 percent with respect to skim milk during each of the months of April, May and June) whichever is smaller.

(b) Assign the amount of Class II shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (3) of this section pro rata to the handler's receipts of skim milk and butterfat, respectively, received in producer milk and other source milk.

10. Make such other changes as may be required to make the entire order conform with any amendments which may result from this hearing.

Proposed by The Borden Company:

11. Work out a formula that would lower the Class I price 15 cents per hundredweight, this formula to be calculated in such a manner as to hold the proper alignment of prices between the Corpus Christi market and the San Antonio market.

12. Amend § 998.41 (b) (4) to provide that the 5 percent shrinkage on skim milk shall apply to the month of March and to any other month when surplus exists.

13. Make provision for a dumpage clause.

14. Reduce the amount of the assessment for administrative expenses provided in § 998.84.

Proposed by the Hygeia Dairy Company:

15. Delete § 998.46 (a) (6) and substitute the following:

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage", and shall be assigned to producer milk and other source milk in proportion to the amount of each utilized as Class II milk.

16. Amend § 998.83 (a) by changing the figure "6 cents" to "3 cents" wherever appearing therein.

17. Amend the opening paragraph of § 998.70 to read as follows:

§ 998.70 *Net obligation of handlers.* In each month during which all producer milk received by a handler is utilized as Class I milk, the net obligation of such handler for producer milk received at his fluid milk plant(s) during such month shall be a sum of money computed by the market administrator by multiplying the pounds of producer milk received by the Class I price, and making the adjustments specified in paragraph (d) of this section and in § 998.71. Otherwise, the net obligation of each handler for producer milk received at a fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

18. Delete § 998.70 (b) and substitute therefor the following:

(b) Add the amount computed by multiplying the pounds of overage assigned to producer milk and deduct from each class pursuant to § 998.46 (a) (6) and the corresponding step of § 998.46 (b) by the applicable class price;

Copies of this notice of hearing may be procured from the Market Administrator at 1646 S. Brownlee Boulevard, Corpus Christi, Texas, or 1204 North Main Avenue, San Antonio, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C. or may be there inspected.

Dated: November 20, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56–9629; Filed, Nov. 23, 1956; 8:49 a. m.]

[7 CFR Part 1019]

[Docket No. AO–288]

MILK IN BALTIMORE, MD., MARKETING AREA

SUPPLEMENTAL NOTICE OF HEARING

Notice was issued on September 26, 1956, and published in the FEDERAL REGISTER on October 2, 1956 (21 F. R. 7546), of a public hearing beginning on October 22, 1956, at Baltimore, Maryland, on a proposed marketing agreement and order regulating the handling of milk in the Baltimore, Maryland, milk marketing area. This hearing was recessed on November 9, 1956, to be reconvened in the Banquet Room of the Southern Hotel, Light and Redwood Streets, Baltimore, Maryland, beginning at 9:30 a. m., e. s. t., on December 10, 1956.

Notice is hereby given, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), that, in addition to the proposals set forth in the said notice of September 26, 1956, evidence will be received with respect to the additional proposed marketing area hereinafter set forth, or appropriate modifications thereof, for a proposed marketing agreement and order regulating the handling of milk in the Baltimore, Maryland, milk marketing area. The additional proposal contained in this supplemental notice has not received the approval of the Secretary of Agriculture.

Additional proposal is as follows:

Proposed by Willow Farms Dairy, Inc.:

Marketing area. "Baltimore, Maryland, marketing area", hereinafter called "the marketing area", means all the territory in the State of Maryland situated within the corporate limits of the City of Baltimore and the Town of Laurel and within the following counties: Harford, Baltimore, Carroll, Howard, Calvert, Anne Arundel, Cecil, Queen Anne, Kent, Caroline, Talbot, Dorchester, Wicomico, Somerset, Worcester, Frederick and Washington counties therein, together with all piers, docks and wharves connected therewith and all crafts moored thereat. Also used in this section "territory" shall include all municipal corporations, Federal military reservations, facilities and installations and state institutions lying wholly or partially within the above described area.

Issued at Washington, D. C., this 20th day of November 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56–9628; Filed, Nov. 23, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1956 Dept. Circular 981]

3¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C–1957

TAX ANTICIPATION SERIES

NOVEMBER 19, 1956.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 3¼ percent Treasury Certificates of Indebtedness of Series C–1957, in exchange for 2⅝ percent Treasury Certificates of Indebtedness of Series D–1956, maturing December 1, 1956. The amount of the offering under this circular will be limited to the amount of maturing certificates tendered in exchange and accepted. The books will be open only on November 19 through November 21 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing certificates are offered the privilege of exchanging all or any part of such certificates for 3¼ percent Treasury Certifi-

milk in the Corpus Christi, Texas, marketing area and to the provisions

price as determined pursuant to § 998.50, plus the following amount:

respectively, in producer milk and other source milk classified pursuant to § 998.41 (b) (1).

§ 998.70 *Net obligation of handlers.* In each month during which all producer milk received by a handler is

tions, at par, from the people of the United States for certificates of indebt-

exchanging all or any part of such certificates for 3¼ percent Treasury Certifi-

cates of Indebtedness of Series D–1957, which offering is set forth in Department Circular No. 982, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated December 1, 1956, and will bear interest from that date at the rate of 3¼ percent per annum, payable at the maturity of the certificates on June 24, 1957. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will be accepted at par plus accrued interest to maturity in payment of income and profits taxes due on June 15, 1957.

4. Bearer certificates with one interest coupon attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before December 3, 1956, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series D–1956, maturing December 1, 1956, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 56-9620; Filed, Nov. 23, 1956; 8:47 a. m.]

[1956 Dept. Circular 982]

3¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D–1957

OFFERING OF CERTIFICATES

NOVEMBER 19, 1956.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 3¼ percent Treasury Certificates of Indebtedness of Series D–1957, in exchange for 2⅝ percent Treasury Certificates of Indebtedness of Series D–1956, maturing December 1, 1956. The amount of the offering under this circular will be limited to the amount of maturing certificates tendered in exchange and accepted. The books will be open only on November 19 through November 21 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing certificates are offered the privilege of exchanging all or any part of such certificates for 3¼ percent Treasury Certificates of Indebtedness of Series C–1957, which offering is set forth in Department Circular No. 981, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated December 1, 1956, and will bear interest from that date at the rate of 3¼ percent per annum, payable on a semiannual basis on April 1 and October 1, 1957. They will mature October 1, 1957. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1 Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before December 3, 1956, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series D–1956, maturing December 1, 1956, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 56-9621; Filed, Nov. 23, 1956; 8:48 a. m.]

Foreign Assets Control

HAIR OF CERTAIN ANIMALS, AND COTTON AND SILK WASTE

IMPORTATION FROM COUNTRIES NOT IN AUTHORIZED TRADE TERRITORY; APPLICATIONS FOR LICENSES

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) for the importation during 1957 of limited quantities of the following commodities from countries (other than Communist China and North Korea) not in the authorized trade territory:

Badger hair.
Camel hair.
Cotton waste.
Goat hair.
Horse mane hair, horse tail hair and other horse hair.
Silk waste.
Yak hair.

Applications must be filed on or before December 15, 1956.

Any person interested in importing any of the above-named commodities from a country (other than Communist China and North Korea) not in the authorized trade territory may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

Attention is directed to the fact that the term "authorized trade territory" is defined in § 500.322 of the Foreign Assets Control Regulations and that the term "countries (other than Communist China and North Korea) not in the authorized trade territory" as used herein includes Albania, Bulgaria, Czechoslovakia, the Eastern Zone of Germany, the Eastern Section of Berlin, Estonia, Hungary, Laos (only those areas under Communist control), Latvia, Lithuania, Outer Mongolia, Poland and Danzig, Roumania, the Union of Soviet Socialist Republics, and Viet-Nam (only those areas under Communist control).

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-9617; Filed, Nov. 23, 1956; 8:47 a. m.]

FIRECRACKERS

IMPORTATION FROM HONG KONG AND MACAO

Notice is hereby given that the Treasury Department, on the basis of the information in its possession as to the availability for importation into the United States of firecrackers which are not of Communist Chinese or North Korean origin, is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101–500.808) for the importation during the first six months of 1957 of a limited quantity of firecrackers from Hong Kong and Macao. Applications must be filed on or before December 15, 1956.

Any person interested in importing such firecrackers may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-9618; Filed, Nov. 23, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 13141, Amdt.]

WILLIAM WILKENS ET AL.

In re: Real property, property insurance policies and a claim owned by William Wilkens and another. F–28–7954–B–1.

Vesting Order 13141, dated April 13, 1949, as amended, is hereby further amended as follows and not otherwise:

By deleting from Exhibit A attached to said Vesting Order 13141, as amended, and by reference made a part thereof, the description of Parcel No. 8 set forth therein and substituting therefor the description of Parcel No. 8 as follows:

Parcel No. 8: East side of Willard Street (formerly Wilkens Street) 135 feet and 1 inch North of Frederick Aveune 42' x 170' City Reg Ward 20 Sect. 7 Block 2173, Folio 251 Line 12.

All other provisions of said Vesting Order 13141, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 20, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9625; Filed, Nov. 23, 1956; 8:48 a. m.]

Office of the Attorney General

[Order 135–56]

ASSISTANT ATTORNEY GENERAL; INTERNAL SECURITY DIVISION

DELEGATION OF AUTHORITY TO DETERMINE AVAILABILITY OF EXEMPTION FROM REGISTRATION REQUIREMENT UNDER ACT OF AUGUST 1, 1956

By virtue of the authority vested in me by section 360 of the Revised Statutes of the United States (5. U. S. C. 311) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), it is ordered as follows:

There is hereby delegated to the Assistant Attorney General in charge of the Internal Security Division the authority vested in the Attorney General by paragraphs (c) and (d) of section 3 of the act of August 1, 1956, 70 Stat. 899, to make a written determination that the registration of certain persons who have knowledge of, or have received instruction or assignment in, the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party would not be in the interest of national security.

Order No. 60–54, dated September 29, 1954, is hereby revoked.

Dated: November 16, 1956.

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-9633; Filed, Nov. 23, 1956; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

NOVEMBER 19, 1956.

The Forest Service, Department of Agriculture, has filed an application, BLM 038003, for the withdrawal of the lands described below, from all form of appropriation, including the mining and the mineral-leasing laws, except for oil and gas, subject to valid existing rights.

The applicant desires the land for Recreation Areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

5TH PRINCIPAL MERIDIAN, ARKANSAS

T. 4 N., R. 27 W.,
Sec. 3, Lot 9—39 acres.
T. 4 N., R. 28 W.,
Sec. 20, SE¼NW¼NE¼, S½NE¼NE¼, N½S½NE¼—70 acres.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 56-9604; Filed, Nov. 23, 1956; 8:45 a. m.]

Bureau of Reclamation

RIVERTON PROJECT, WYOMING

ORDER OF REVOCATION

NOVEMBER 16, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of September 27, 1918, December 8, 1922, and December 31, 1925, insofar as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

WIND RIVER MERIDIAN, WYOMING

T. 2 N., R. 1 E.,
Sec. 2, lot 4, SW¼NW¼, SW¼ and SW¼SE¼;
Sec. 3, lots 1, 2, 3, 4, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 4, lots 1, 2, 3, 4, 7, and 8;
Sec. 5, lot 1;
Sec. 10, lots 1, 2, 5, 6, 7, and N½NE¼;
Sec. 11, all;
Sec. 12, S½SW¼;
Sec. 13, lots 1, 2, and 3, S½SE¼NW¼, W½NW¼, N½SW¼, and NW¼SE¼;
Sec. 14, lots 1, 3, 4, 5, 6, and 11, N½NE¼, and NE¼NW¼;
Sec. 25, lots 1 and 4.
T. 3 N., R. 1 E.,
Sec. 1, lots 3 and 4, S½NE¼, S½NW¼, SW¼, and W½SE¼;
Secs. 2, 3 8, 9, and 10;
Sec. 11, N½ and SW¼;
Sec. 12, W½NW¼;
Sec. 30, lots 3 and 4, E½SW¼ and SW¼SE¼;
Sec. 31, lots 1 to 10, inclusive, NW¼NE¼, E½SW¼, and SE¼;

2. The Secretary of the Treasury may at any time, or from time to time, prescribed, governing certificates.

United States Silk waste. Yak hair.

By deleting from Exhibit A attached to said Vesting Order 13141, as amended,

BLM 038003, for the withdrawal of the

E½SW¼, and SE¼;

Sec. 32, lots 1 to 7 inclusive, SW¼NE¼, NW¼NW¼, NW¼SW¼, S½SW¼, and NE¼SE¼;
Sec. 33, SW¼, W½SE¼, and SE¼SE¼;
Sec. 34, S½S½.
T. 4 N., R. 1 E.,
Secs. 13, 14, and 15;
Sec. 22, N½, SW¼, W½SE¼, and NE¼SE¼;
Sec. 23, N½, and N½S½;
Sec. 24, N½, and N½S½;
Sec. 27, W½, and W½E½;
Sec. 34, lots 1 to 4 inclusive, NW¼NE¼, S½NE¼, NW¼, and N½S½;
Sec. 35, lots 1 to 4, inclusive, SW¼NW¼, and N½S½;
Sec. 36, S½SW¼.
T. 2 N., R. 2 E.,
Sec. 20, E½SE¼;
Sec. 21, S½;
Sec. 22, S½;
Sec. 26, all;
Sec. 27, N½;
Sec. 29, E½NE¼, SW¼NW¼, W½NW¼ NW¼, S½SE¼NW¼, and S½;
Sec. 30, lots 1 to 5, inclusive, NE¼, E½NW¼, and N½SE¼;
Sec. 36, N½.
T. 4 N., R. 2 E.,
Sec. 3, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Secs. 4 to 9, inclusive;
Sec. 10, W½NE¼, W½, and SE¼;
Sec. 11, W½SW¼;
Sec. 14, W½ and SW¼SE¼;
Secs. 15 to 18, inclusive;
Sec. 19, lots 1 and 2, NE¼, and E½NW¼;
Sec. 20, N½;
Sec. 21, N½, and N½SE¼;
Sec. 22, N½, and N½S½;
Sec. 23, N½, and N½S½;
Sec. 24, all;
Sec. 25, N½, and N½S½.
T. 5 N., R. 2 E.,
Sec. 21, SE¼;
Sec. 22, S½;
Sec. 26, W½;
Sec. 27, all;
Sec. 28, E½;
Sec. 33, E½;
Sec. 34, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 35, N½, and N½SW¼;
Sec. 36, N½, NE¼SW¼, and N½SE¼.
T. 2 N., R. 3 E.,
Sec. 31, lots 1 to 4, inclusive, and E½W½.
T. 4 N., R. 3 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1 to 4, inclusive, S½N½, N½SW¼, and SE¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, and NE¼SE¼;
Sec. 6, lots 1, 2, and SE¼NE¼;
Sec. 9, N½NE¼;
Sec. 10, N½N½;
Sec. 11, N½N½;
Sec. 12, N½, NE¼SW¼, and SE¼;
Sec. 13, NE¼NE¼.
T. 2 N., R. 4 E.,
Sec. 24, N½.
T. 4 N., R. 4 E.,
Secs. 1 to 10, inclusive;
Sec. 11, N½;
Sec. 12, N½;
Sec. 15, N½NE¼ and NW¼;
Sec. 16, N½ and N½S½;
Sec. 17, all;
Sec. 18, lots 1, 2, E½, and E½W½.
T. 2 N., R. 5 E.,
Sec. 7, SE¼SW¼ and S½SE¼;
Sec. 8, S½;
Sec. 9, S½;
Sec. 10, SW¼, W½SE¼, and SE¼SE¼;
Sec. 11, S½S½;
Sec. 12, S½S½;
Secs. 13 to 18, inclusive;
Sec. 19, lot 1 and NE¼NW¼;
Sec. 23, NE¼ and N½SE¼;
Sec. 24, lots 1, 2, 3, N½, and N½S½;
Sec. 25, lot 2.

T. 3 N., R. 5 E.,
Sec. 13, S½SE¼NE¼, NE¼SE¼, and E½SE¼SE¼;
Sec. 24, E½E½E½.
T. 4 N., R. 5 E.,
Secs. 1 to 6, inclusive;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, N½;
Sec. 9, N½;
Sec. 10, N½;
Sec. 11, N½NE¼, N½S½NE¼, and NW¼;
Sec. 12, N½N½, S½NE¼, N½S½NW¼, NE¼SE¼, and NE¼SE¼SE¼;
Sec. 25, SE¼SW¼NE¼, SE¼NE¼, S½SW¼, NE¼SE¼, E½NW¼SE¼, and S½SE¼;
Sec. 26, S½S½SW¼, NE¼SW¼SE¼, S½SW¼SE¼, and SE¼SE¼.
Sec. 34, NE¼NE¼, S½NW¼NE¼, S½NE¼, SE¼NE¼NW¼, E½SE¼NW¼, NE¼SE¼, and N½NW¼SE¼;
Sec. 35, NE¼, N½NW¼, and NW¼SE¼;
Sec. 36, N½.
T. 2 N., R. 6 E.,
Sec. 5, tract 1 and lots 2, 5, 8, 9, and 10;
Sec. 8, lots 2, 3, and 6, E½E½NW¼NW¼, E½SW¼NW¼, SW¼SW¼NW¼, S½NW¼SW¼NW¼; E½E½NW¼SW¼, and E½W½E½NW¼SW¼;
Sec. 20, lots 3, 4, 7, and 8, E½E½NW¼NW¼, SE¼NW¼SW¼ and E½SW¼SW¼;
Sec. 29, lot 2;
Sec. 30, lots 1 to 4, inclusive.
T. 3 N., R. 6 E.,
Sec. 4, lots 4, 5, 8, 9, and W½SW¼;
Sec. 5, lots 1, 2, and 3, S½NE¼, S½SW¼NW¼, SE¼NW¼, N½SW¼, N½S½SW¼, and SE¼;
Sec. 8, E½, SE¼SW¼NW¼, SE¼NW¼, E½SW¼, E½NW¼SW¼, and NE¼SW¼SW¼;
Sec. 9, lots 2, 3, 6, and 7, N½NW¼, SW¼NW¼, and SW¼SW¼;
Sec. 16, lots 3, 4, and 7;
Sec. 17, lots 1, 2, 3, N½NE¼, SW¼NE¼, E½NW¼, NE¼SW¼NW¼, S½SW¼ NW¼, and SW¼;
Sec. 18, lots 3 and 4, S½S½NE¼, S½SE¼ NW¼, E½SW¼, and SE¼;
Sec. 19, lots 1 to 4 inclusive, NE¼, E½ NW¼, N½NE¼SW¼, SW¼NE¼SW¼, and N½NW¼SE¼;
Sec. 20, lots 2 to 5, inclusive, SW¼NE¼, NW¼, E½SW¼, and W¼SE¼;
Sec. 21, lot 3;
Sec. 28, lots 2, 5, and 7;
Sec. 29, lot 1, 2, 3, and 6, NW¼NE¼, SE¼NE¼, NE¼NW¼, E½W½W½, SE¼ NW¼, and E½SW¼;
Sec. 32, tracts 1 and 6, lot 1, NE¼, E½NW¼, N½SE¼, and SW¼SE¼;
Sec. 33, lots 2, 3, and 6.
T. 4 N., R. 6 E.,
Sec. 4, lots 3 to 6, inclusive, lots 10, 11, and 14, and SW¼NW¼;
Secs. 5 and 6;
Sec. 7, lots 1, 2, and 3, NE¼, E½NW¼, NE¼ SW¼, N½SE¼SW¼, N½SE¼, and N½ S½SE¼;
Sec. 8, N½, N½SW¼, N½S½SW¼, SE¼ SE¼SW¼, and SE¼;
Sec. 9, lots 2, 4, 5, 9, 10, and 11, SW¼NW¼ and W½SW¼;
Sec. 16, lots 2 to 5, inclusive, lots 9 and 10, and N½NW¼;
Sec. 17, lots 1, 2, and 3, NE¼, E½E½NW¼, E½NE¼SW¼, and N½SE¼;
Sec. 19, E½SE¼, and SW¼SE¼;
Sec. 20, lots 3, 4, 5, 8, 9, 10, and 11, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 29, lots 2, 4, 5, 6, 9, and 10, W½NW¼, and SW¼;
Sec. 30, lots 2, 3, and 4, E½, and E½W½;
Sec. 31, lots 1 and 2, N½NE¼, and E½ NW¼;
Sec. 32, lots 1, 2, 4, 5, and 7, W½NE¼, NW¼, N½SW¼, and SE¼SW¼;
Sec. 33, lots 2, 3, and 9.

T. 3 N., R. 1 W.,
Sec. 15, NW¼;
Sec. 16, N½;
Sec. 17, N½ and SW¼SW¼;
Sec. 18, lots 1 and 2, NE¼, and E½NW¼;
Sec. 19, lots 1 to 5, inclusive, and NE¼ NW¼;
Sec. 20, lots 1, 3, 4, and 5, NW¼NE¼, and NE¼NW¼;
Sec. 21, lots 1, 2, 4, 6, and 7, NE¼, E½ NW¼, N½SE¼;
Sec. 22, lot 1, S½NE¼, NW¼, E½SW¼, and NW¼SW¼SE¼;
Sec. 23, S½NW¼, SW¼, and S½SE¼;
Sec. 25, S½NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 26, lots 1, 2, 4, and 5, N½, and N½ SE¼;
Sec. 27, lots 1, 5, and 6, N½NE¼, and SE¼ NE¼;
Sec. 35, lot 1;
Sec. 36, lots 1 to 4, inclusive, NE¼NE¼, and NW¼NW¼.
T. 3 N., R. 2 W.,
Sec. 13, N½ and N½S½;
Sec. 14, all;
Sec. 15, lot 1, N½, N½SW¼, and SE¼;
Sec. 16, lots 1, 3, 4, 5, and 6, NE¼ and NE¼ NW¼;
Sec. 19, lots 1, 2, and 3, E½NW¼, NE¼ SW¼, and E½;
Sec. 20, all;
Sec. 23, lots 1 to 8, inclusive, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 24, lots 1 to 4, inclusive, and E½NE¼;
Sec. 29, all;
Sec. 30, SW¼SE¼ and E½E½;
Sec. 31, all.
T. 2 N., R. 3 W.,
Sec. 3, lots 1, 2, and 3, S½N½, and S½;
Sec. 4, SE¼;
Sec. 5, lots 3 and 4;
Sec. 6, lots 1 to 5, inclusive, and SE¼NW¼;
Sec. 7, lots 2, NE¼, and E½NW¼.
T. 3 N., R. 3 W.,
Sec. 25, N½NW¼;
Sec. 26, N½N½;
Sec. 27, lot 3, N½NE¼, NW¼, and NW¼ SW¼;
Sec. 28, N½, SW¼, N½SE¼, and SW¼ SE¼;
Sec. 32, N½, SW¼, and NW¼SE¼;
Sec. 33, NW¼NE¼ and N½NW¼;
Sec. 34, SE¼;
Sec. 35, S½N½ and S½;
Sec. 36, S½N½ and S½.
T. 2 N., R. 4 W.,
Sec. 1, lots 1 to 4, inclusive, lot 9, S½NE¼, and SW¼NW¼;
Sec. 12, lots 8, 9, 10, and lots 11 to 16, inclusive, and W½SW¼.
T. 4 N., R. 5 W.,
Secs. 4, 5, and 6.
T. 5 N., R. 5 W.,
Secs. 16, 20, 21, 27, 28, 29, 32, 33, and 34.
T. 4 N., R. 6 W.,
Sec. 1, all.

The above areas aggregate 88,712.43 acres.

N. B. BENNETT,
Acting Assistant Commissioner.

[70214]

NOVEMBER 16, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are in Fremont County, Wyoming, in the general vicinity of the Wind River Indian Reservation and the Riverton Project. Some of the lands are included in Indian allotments, some have been patented, and others are included in existing withdrawals for power or other purposes, although the greater portion is vacant public domain.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on December 22, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on March 23, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on March 23, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The restored lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on March 23, 1957. The lands remaining in power withdrawals will at the same time, be open to location under the United States mining laws, subject to the conditions of the act of August 11, 1955 (69 Stat. 681; 30 U. S. C. 621–625).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

EARL J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56-9572; Filed, Nov. 23, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 9, 1955 (14 A. D. 446), authorizing the Market Agencies at the Union Stock Yards, Ogden, Utah, to assess the current rates and charges to and including June 19, 1957, unless changed by further order before the latter date. On April 9, 1956, an order was issued modifying the order of June 9, 1955, to authorize the assessment of certain rates and charges for sales of sheep at auction (15 A. D. 381).

On November 8, 1956, respondents, except J. E. Manning, owner of the Ogden Livestock Auction Company, filed a petition requesting that the current rates and charges be further modified to authorize certain changes in the schedule of selling commissions for "Cattle and Calves" as indicated below:

	Present rate	Proposed rate
Cattle:	*Per head*	*Per head*
Consignments of 1 head	$1.20	$1.35
Consignments of more than 1 head:		
1 to 15 head inclusive	1.00	1.15
Each head over 15	.90	1.05
Calves:		
Consignments of 1 head	.85	.85
Consignments of more than 1 head:		
1 to 15 head inclusive	.65	.65
Each head over 15	.50	.55
Bulls:		
Over 600 pounds	1.50	1.75
Purebred bulls or cows any weight sold for breeding purposes	5.00	5.00

It is also proposed to add a new item to the schedule of selling commissions for "Cattle and Calves" under the subheading "Bulls" as follows:

Springers, T. B. or Bangs Reactor, Suspects $1.75 per head.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 20th day of November 1956.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 56-9627; Filed, Nov. 23, 1956; 8:49 a. m.]

Commodity Stabilization Service

RICE

NOTICE OF MARKETING QUOTA REFERENDUM FOR 1957 CROP

The Secretary of Agriculture has duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended, marketing quotas for the crop of rice to be produced in 1957.[1] Said act requires the Secretary to conduct a referendum within 30 days after the date of the issuance of said proclamation of farmers who were engaged in the production of rice in 1956 to determine whether such farmers are in favor of or opposed to such quotas. Since the only purpose of this notice is to establish the date for holding such referendum as required by said act and it is desirable to give as much advance notice as possible for the convenience of the voters and to facilitate preparations for holding the referendum, it is hereby found that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. Accordingly, it is hereby determined that the rice marketing quota referendum under said act for the 1957 crop of rice shall be held on December 11, 1956, which is within thirty days from the date of issuance of the proclamation of marketing quotas.

Done at Washington, D. C., this 20th day of November 1956.

[SEAL] EZRA TAFT BENSON,
Secretary.

[F. R. Doc. 56-9632; Filed, Nov. 23, 1956; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

KNUTSEN LINE AND WATERMAN STEAMSHIP CORP.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8177, between the carriers comprising the Knutsen Line joint service and Waterman Steamship Corporation, covers the transportation of cargo under through bills of lading from the

[1] See Title 7, Chapter VII, Part 730, *supra.*

UNIVERSITY OF MICHIGAN
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Far East to Puerto Rico, with transshipment at specified Pacific Coast ports of the United States. Agreement No. 8177, upon approval, will supersede and cancel present transshipment Agreement No. 8046.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 20, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 56-9614; Filed, Nov. 23, 1956; 8:46 a. m.]

Office of the Secretary

ERNEST W. DANIELS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 24, 1956, 21 F. R. 3464.

A. Deletions: No change.
B. Additions:
American Can Co.,
ACF Industries, Inc.,
Family Finance Corp.,
Kaiser Aluminum and Chemical.
Rayonier Incorporated.

This statement is made as of November 10, 1956.

ERNEST W. DANIELS.

NOVEMBER 12, 1956.

[F. R. Doc. 56-9610; Filed, Nov. 23, 1956; 8:45 a. m.]

EUGENE EASTERLY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 22, 1956, 21 FR 3393.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 10, 1956.

EUGENE EASTERLY.

NOVEMBER 10, 1956.

[F. R. Doc. 56-9611; Filed, Nov. 23, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11742; FCC 56M-1058]

WGLI, INC.

ORDER SCHEDULING HEARING

In re application of WGLI, Incorporated, Babylon, New York, Docket No. 11742, File No. BP-10276; for construction permit.

It is ordered, This 19th day of November 1956, that a further hearing in the above-entitled proceeding will be held at 10:00 a. m. on November 27, 1956, in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-9622; Filed, Nov. 23, 1956; 8:48 a. m.]

[Docket Nos. 11818, 11819; FCC 56M-1056]

SEPIA BROADCASTING CO. AND RADIO PINE BLUFF

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Mrs. Mary Davis Barland and Mrs. Juanita L. Wilson, d/b as Sepia Broadcasting Company, Little Rock, Arkansas, Docket No. 11818, File No. BP-10125; W. L. Kent, tr/as Radio Pine Bluff, Pine Bluff, Arkansas; Docket No. 11819, File No. BP-10526; for construction permits.

It is ordered, This 19th day of November 1956, that the pre-hearing conference previously scheduled for November 7, 1956, and thereafter continued without date, will be held November 29, 1956, at 10 a. m. in the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-9623; Filed, Nov. 23, 1956; 8:48 a. m.]

[Docket Nos. 11825, 11826; FCC 56M-1057]

VICTORIA TELEVISION CO. AND ALKEK TELEVISION CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of O. L. Nelms, d/b as Victoria Television Company, Victoria, Texas, Docket No. 11825, File No. BPCT-2084; Albert B. Alkek, d/b as Alkek Television Company, Victoria, Texas, Docket No. 11826, File No. BPCT-2109; for construction permits for new television stations.

It is ordered, This 19th day of November 1956, that the pre-hearing conference previously scheduled for November 2, 1956, and thereafter continued without date will be held at the offices of the Commission in Washington, D. C., on November 28, 1956, at 10 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-9624; Filed, Nov. 23, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

J. ALEX CROTHERS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475) during the six months' period ended November 9, 1956:

There have been no changes in my financial interests and business connections during the above mentioned six months' period.

Dated: November 9, 1956.

[SEAL] J. ALEX CROTHERS.

[F. R. Doc. 56-9606; Filed, Nov. 23, 1956; 8:45 a. m.]

KEITH H. LYRLA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475) during the six months' period ended November 14, 1956:

No changes.

Dated: November 14, 1956.

[SEAL] KEITH H. LYRLA.

[F. R. Doc. 56-9607; Filed, Nov. 23, 1956; 8:45 a. m.]

EUGENE S. ROOT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475) during the six months' period ended November 10, 1956:

Nothing to report.

Dated: November 10, 1956.

[SEAL] EUGENE S. ROOT.

[F. R. Doc. 56-9608; Filed, Nov. 23, 1956; 8:45 a. m.]

UNIVERSITY OF MICHIGAN
NOV 29 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 21 NUMBER 229

Washington, Tuesday, November 27, 1956

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10690

SUSPENSION OF COMPLIANCE WITH CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 202 of the Department of Commerce and Related Agencies Appropriation Act, 1957 (70 Stat. 323), and section 608 of the Department of Defense Appropriation Act, 1957 (70 Stat. 468), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective dates of the said acts, compliance with the provisions of the said sections: *Provided*, that this suspension shall not be construed to affect the provisions of the said sections relating to the amount of compensation that may be received by persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company the stock of which is owned wholly or in part by the United States Government.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 23, 1956.

[F. R. Doc. 56-9758; Filed, Nov. 26, 1956; 11:57 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 4th revision]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the warehouses, mills, and other premises listed in paragraphs (a) and (b) of this section. Accordingly, such warehouses, mills, and other premises are hereby designated as regulated area within the meaning of the provisions in this subpart:

(a).

ARIZONA

Arlington Cattle Co. (warehouse and mill), Highway 80, Arlington.
Attaway Ranch Market, Box 59, Coolidge.
Box O Ranch, P. O. Box 424, Coolidge.
Claude Brown Farm, Box 1783, Parker (12 miles southeast of Parker on east side of Parker-Poston Road).
Ronald Bruce town residence, P. O. Box 43, Parker.
Joe Carlos Market, Box 576, Sonora.
C-Bar-B Ranch, Bouse (31 miles northeast of Bouse).
Clark Ranch, Box 1327, Coolidge.
C. H. Espy (town property), 1089 B Avenue, Yuma.
O. B. Francis Farm, P. O. Box 1551, Parker (7½ miles southwest of Parker).
D. K. Frost Stable, Route 2, Box 129, Scottsdale.
A. R. Hunter Poultry Farm, Route 2, Box 405, Tempe.
International Market (Jimmy Ng), 106 Main Street, Somerton.
Ray Luster Farm, Box 246, Pima.
Mile Hi Hatchery, P. O. Box 1711, Prescott.
Miller Ranch, Starr Route, Mammoth.
Miller Ranch Dry Camp No. 1, General Delivery, Mammoth.
Miller Ranch No. 2 (Holy Joe Camp), General Delivery, Mammoth.
Miller Ranch, Holy Joe Camp No. 3, General Delivery, Mammoth.
Miller Ranch Camp No. 4 (Absie or Haunted Corral Camp), General Delivery, Mammoth.
J. H. Munsey town residence, P. O. Box 192, Parker.
W. J. Muse Ranch, Box 1836, Parker.
Myers Feed & Seed, 367 West Coolidge Avenue, Coolidge.
Tom Nellsen Dairy, Route 1, Box 98, Tolleson.

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NOVEMBER 10, 1956.

[F. R. Doc. 56-9611; Filed, Nov. 23, 1956; 8:45 a. m.]

Secretary.

[SEAL] EUGENE S. ROOT.

[F. R. Doc. 56-9624; Filed, Nov. 23, 1956; 8:48 a. m.]

[F. R. Doc. 56-9608; Filed, Nov. 23, 1956; 8:45 a. m.]

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Pablo Franco Ranch, 1764 Avenue B, Yuma.

Lou Park's Ranch, Casa Grande.

Quick Seed & Feed, 2101 Grand Avenue, Phoenix.

Ranchers Feed & Supply, 264 South Scottsdale Road, Scottsdale.

Sherrill-LaFollette Fairview Farm, Box 105, Roll.

Milton P. Smith Ranch, Route 1, Maricopa.

Snyder Ranch, Box 31, Tacna.

Stribling Egg Ranch, 936 Mountainview Road, Sunnyslope.

J. A. Tabor town residence, P. O. Box 1965, Parker.

R. H. Thompson residence property, P. O. Box 1836, Parker.

TK Bar Ranch, Kirkland.

Tortilla Ranch, located 7½ miles east and 2½ miles south of Apache Trail, Tortilla Flats.

Wilmer Trussel Farm, General Delivery, Wellton.

Vita-Gro Feed Mill, Mesa.

Joe Wiehl Farm, Route 1, Box 127, Gilbert.

Wingfield Ranch, Arlington.

CALIFORNIA

Frank Augusta Ranch, Route 2, Box 25, Brawley.

I. V. Bag Company (Nick Robolino, owner), located East A and Road 46, 304 North Ninth Street, Brawley. Mail address P. O. Box 1313, Brawley.

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.

Brandt Bros. Feed Yard, 563 Main Street, located at County Roads 70 and West C, Brawley.

C. H. Burns Ranch, located 2 miles northeast of Shafter at southwest corner of Mettler and Merced Avenue. Mail address Route 1, Box 12, Shafter.

J. E. Conrad Ranch, 18782 Livermore Street, Reedley.

Desert Grain and Milling Co., Westmorland.

T. L. Figueroa Ranch, Route 2, Box 159, Heber.

Harry Finney Ranch, Somerset Road, SW¼ of sec. 24, T. 10 N., R. 3 W., near Hinkley.

Bud Frye Ranch, 72155 Frankwood (2 miles north of Reedley), Reedley.

Ernest Furrer Ranch, northeast corner of intersection of county roads West J and 18, El Centro.

F. J. Hauseur & Sons Feed Lot, located 2 miles south of Orita, 1½ miles east of Oxalio Canal, Brawley.

C. C. Huff Farm, Route 2, Box 46, Imperial.

Eugene B. Kinnaird Ranch, on Magnolia Avenue, 1 mile east of Highway 115. Mail address, P. O. Box 681, Holtville.

C. E. Kline Ranch, Route 2, Box 282, El Centro.

Joseph Labandera property, located one-fourth mile south of Elkhorn on Westlawn, east side of street. Mail address Box 1B6, Burrel.

Marshall Seed & Feed Co., 126 South Sixth, El Centro.

Henry Munger Feed Lot, 299 Main Street, El Centro.

Niland Food Market (store), west side of 200 block, east side of Highway 111, Niland.

George L. Pulliam (owner) Ranch, Route 1, Box 116A, Calexico.

Raleigh Roberts Farm, Route 5, Box 2405, Oroville.

San Pasqual Land & Cattle Co. property, northwest corner County Roads No. 53 and West E, Westmoreland. Mail address 316 Main Street, Brawley.

Marie L. Scheniman property (Scheniman Stables), located at 362 Ross Avenue. Mail address P. O. Box 520, El Centro.

Ed Seigel property, located at Avenue 256, Sec. 19, T. 19 S., R. 27 E., M. D. B. & M. Mail address Box 772, Lindsay.

R. M. Slaton property, Route 3, Box 97, Holtville.

Snyder's Termite Control, 4428 Magnolia Avenue, Riverside.

Clayton Taylor Farm, Route 1, Box 24½, El Centro.

Union Development Co., Warehouse, located approximately 100 yards south of intersection of County Roads No. 86 and West A, Niland.

Wright Feed Yards, Seeley.

NEW MEXICO

Elgin E. Fowler Farm, Route 1, Floyd.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

Acme Bag & Burlap Co., 3200 South Seventh Street, Phoenix.

Advance Seed & Grain Company, 310 South 24th Avenue, Phoenix.

Delinting & Seed Treating Co., 3100 South Seventh Street, Phoenix.

Valley Feed & Seed, 1918 West Van Buren, Phoenix.

CALIFORNIA

Louis Carano Ranch, east of Southern Pacific Railroad tracks at intersection of County Roads East B and No. 8, 1 mile south of Heber.

A. H. Karpe Greenfield Ranch, Box 187, Station A, Bakersfield.

Milham Farms, Blue Moon Ranch, Lerdo Road, Buttonwillow.

This revision specifies in one document the warehouses, mills, and other premises that were designated as khapra beetle regulated areas in revised administrative instructions issued as 7 CFR 301.76–2a (21 F. R. 6634), effective September 4, 1956, as amended, effective October 25, 1956 (21 F. R. 8179), and that are still in that status.

By omitting from the list 3 premises in Arizona and 8 premises in California, the revision revokes the designation of these premises as regulated areas. The revision also adds to the list 4 premises in Arizona and 3 premises in California, thereby designating them as regulated areas.

As an informative item, the revision also segregates 3 regulated premises in California and 4 regulated premises in Arizona where the approved fumigation treatment has been applied to the portions of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

This revision shall be effective November 27, 1956, and on that date shall supersede revised administrative instructions effective September 4, 1956, as amended effective October 25, 1956 (21 F. R. 6634, 8179).

These instructions supplement khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162; 7 CFR 301.76–2. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 20th day of November 1956.

[SEAL] D. R. SHEPHERD,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-9653; Filed, Nov. 26, 1956; 8:47 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 811, Amdt. 8]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 and to establish, pursuant to sections 202, 204 and 411 of the act sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1956. This regulation also establishes pursuant to section 207 the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It

now appears that an increase in the requirements for the calendar year 1956 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act and to establish quotas and prorations, including the apportionment of portions thereof which certain countries are unable to fill, in accordance with the provisions of the act as amended, and to give effect to such quotas. In addition to the deficits in prorations to full duty countries found and apportioned in Amendment 5, it was found and determined in Amendment 6 that the Virgin Islands would be unable to fill its quota in excess of 12,000 short tons, raw value. This amendment reflects the full duty deficit and the Virgin Islands deficit which is increased by this action by 178 tons to the total of 3,326 which is prorated to other domestic areas in § 811.83 (b).

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811, Amendment 7 (21 F. R. 8310). To permit areas for which larger quotas or prorations are hereby established to plan to market or to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.80, 811.81, 811.82, 811.83 (b), 811.84 (a), and 811.85 (a) and (b) (1) of Sugar Regulation 811, as amended (20 F. R. 9848; 21 F. R. 2805, 4653, 5709, 6009, 7206, 7843, 8180, 8310), are further amended to read as hereinafter set forth.

1. Section 811.80 is amended to read:

§ 811.80 *Sugar requirements, 1956.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 is hereby determined to be 8,875,000 short tons, raw value.

2. Section 811.81 is amended to read:

§ 811.81 *Basic quotas for domestic areas.* There are hereby established, pursuant to subsection (a) of section 202 of the act, for domestic sugar producing areas for the calendar year 1956 the following quotas:

Area:	Quotas in terms of short tons, raw value
Domestic beet sugar	1,925,975
Mainland cane sugar	592,641
Hawaii	1,074,882
Puerto Rico	1,123,926
Virgin Islands	15,326

3. Section 811.82 is amended to read:

§ 811.82 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1956, the following quotas:

Area:	Quotas in terms of short tons, raw value
Republic of the Philippines	980,000
Cuba	3,035,760
Other foreign countries	126,490

4. Paragraph 811.83 (b) is amended to read as follows:

(b) *Proration of deficit in quota for the Virgin Islands.* The deficit in quota determined by paragraph (a) of this section amounting to 3,326 short tons, raw value, is hereby prorated, pursuant to section 204 (a) of the act to all other domestic areas, as follows:

Area:	Short tons, raw value
Domestic beet sugar	1,358
Mainland cane sugar	418
Hawaii	758
Puerto Rico	792
Total	3,326

5. Section 811.84 (a) is amended to read as follows:

§ 811.84 *Proration of quotas for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Prorations and apportionment of deficits.* Pursuant to section 202 (c) of the act the 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is prorated; pursuant to section 204 (b) it is found that El Salvador is unable to utilize any proration of such quota and Nicaragua is unable to utilize any proration in excess of 4,530 short tons, raw value, and resulting deficits are apportioned; and pursuant to section 411, adjustments are made and the following adjusted prorations are established:

Country:	Prorations as adjusted short tons, raw value
Dominican Republic	37,270
El Salvador	0
Haiti	3,608
Mexico	15,453
Nicaragua	4,530
Peru	59,305
Unspecified countries	6,324
Total	126,490

6. Section 811.85 (a) and (b) (1) are amended to read as follows:

§ 811.85 *Direct-consumption portion of quotas or prorations*—(a) *Domestic areas.* Pursuant to subsections (a), (b) and (c) of section 207 of the act the quotas established in § 811.81 for offshore domestic areas may be filled by direct-consumption sugar not exceeding the following quantity for each such area:

Area:	Short tons, raw value
Hawaii	30,260
Puerto Rico	131,159
Virgin Islands	0

Of the quantity for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.82 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	Direct-consumption sugar short tons, raw value
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	43,007

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. On October 25, 1956, total quotas (the annual sugar requirements) were increased to 8,775,000 short tons, raw value, for the current calendar year. On October 26 refiners were authorized to import over-quota sugar for refining. Under stable conditions these actions should have made sufficient sugar available for meeting requirements for the remainder of the year.

Several recent developments make it desirable to make additional supplies available. First, the longshoremen's strike has resulted in an increased demand. Regardless of how quickly the strike may be settled, it is evident that larger quantities will be held in inventories and will not be available to meet current market and consumption requirements. Second, the demand for ocean shipping space has increased with the result that cargo ships have become less readily available and ocean freight rates have increased. Third, sugar prices in the world market have risen sharply in the past two weeks. This has reduced the margin between domestic and world prices, which will tend to reduce the pressure to sell into the United States quota market. Finally, domestic new-crop futures have risen to the level of the current "spot" quotation. It is evident, therefore, that the current "spot" price rests on a broader basis than the size of the quota for the remainder of this calendar year.

In view of all these conditions, it appears advisable to increase quotas to provide greater freedom of action in meeting immediate market requirements. Accordingly, in order to accomplish the objectives of the Sugar Act, sugar requirements for 1956 (total quotas) are increased by this action to 8,875,000 short tons, raw value.

Quotas. The 100,000 short tons, raw value, by which sugar requirements are increased by this amendment results in increases in the quotas for domestic areas of 55,000 tons and those of Cuba and other foreign countries of 45,000 tons. The increase for domestic areas is distributed to all domestic areas on the basis of their quotas as adjusted by prior increases. These changes are made in § 811.81. The increases amounting to 96 percent of 45,000 tons, or 43,200 tons, for Cuba and the balance of 1,800 tons for "Other foreign countries" are established in § 811.82 in accordance with section 202 (c) (1) of the act.

The Virgin Islands has only a small inventory of sugar which is unlikely to be shipped. Accordingly, the 3,326 tons by which its quota is increased in § 811.81 is determined to represent a deficit and is prorated to other domestic areas in § 811.83 (b), pursuant to section 204 (a) of the act. If shipping proves to be available, the sugar remaining in the Virgin Islands may be brought in pursuant to section 204 (c) of the act despite this action.

The increase in quota for "Other foreign countries" is prorated, 5 percent to "Unspecified countries" and the balance to the Dominican Republic, Haiti and Mexico, as provided for by sections 202 (c) (1) and 204 (b) of the act, the other specified countries being limited to their present total pursuant to section 411 of the act.

In § 811.85 (a) and (b) (1) the portions of the quotas that may be filled by direct-consumption sugar for Hawaii, Puerto Rico and "Other foreign countries" are increased by 352, 1,524 and 612 short tons, raw value, respectively, as provided for in paragraphs (a), (b) and (h) (1) of section 207 of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Done at Washington, D. C., this 20th day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56-9670; Filed, Nov. 26, 1956; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11829; FCC 56-1152]

[Rules Amdt. 3-41]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; GREENFIELD AND LOWELL, MASS.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in the above-entitled matter on September 28, 1956 (FCC 56-920) and published in the FEDERAL REGISTER on October 3, 1956. (21 F.R. 7578), proposing to assign Channel 32 to Greenfield, Massachusetts, in response to a petition filed by Springfield Television Broadcasting Corp. The proposal is summarized as follows:

City	Channel No.	
	Present	Proposed
Greenfield, Mass.	58—	[1] 32+,
Lowell, Mass.	32+	78

[1] In the utilization of this channel the transmitter will have to be located so as to meet the minimum spacing requirements.

Petitioner further requested that the Commission order it to Show Cause Why its outstanding authorization for Station WRLP should not be modified to specify operation on Channel 32 in lieu of Channel 58. This request, however, was denied as unnecessary, in view of the fact that Channel 32 can be assigned to Greenfield without the deletion of Channel 58.

2. No comments opposing the proposal have been filed. In support of its request, petitioner urges that the proposed reallocation would not result in loss of service to either Greenfield or Lowell since neither Channel 32 nor Channel 78 is occupied by an operating station; that the amendment would not necessitate any further changes in the Table of Assignments; and that it is unlikely that Channel 32 will be used in Lowell in the foreseeable future since Lowell receives service from three VHF stations in Boston and another in Manchester. Petitioner also contends that the allocation of Channel 32 to Greenfield would be more efficient since the terrain in the Greenfield-Northfield area is more rugged than in the Lowell-Lawrence area. Springfield Television alleges that while Channel 32 in Greenfield would not meet the minimum mileage spacing from the city, transmitter sites are available that would meet the minimum mileage requirements.

3. We are of the view that the requested amendments would serve the public interest and should be adopted since they would represent a more effective utilization of available facilities and would result in the early establishment of new television service.

4. Authority for the adoption of the amendments is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. On November 13, 1956, Greenfield filed "Further Comments and Request for Expedited Action" asking that the requested amendment be made effective immediately. However, we believe this is unnecessary since under the recent amendment to § 3.607 of the rules, Greenfield may apply for this frequency immediately.

6. In view of the foregoing: *It is ordered,* That, effective December 28, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	Channel No.
Greenfield, Mass.	32+, 58—
Lowell, Mass.	78

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: November 20, 1956.

Released: November 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9657; Filed, Nov. 26, 1956; 8:48 a. m.]

[Docket No. 11831; FCC 56-1153]

[Rules Amdt. 3-42]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; HAY SPRINGS, NEBR.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued September 28, 1956 (FCC 56-922), and published in the FEDERAL REGISTER on October 3, 1956 (21 F. R. 7579), proposing to assign Channel 8 [1] to Hay Springs, Nebraska, in response to a petition filed by Northwest Nebraska Cooperative Television Association.

2. No comments opposing the proposed amendment have been filed. Northwest Nebraska Cooperative Television Association filed comments in support of its proposal.

3. Petitioner submits that while Channel 8 in Hay Springs would not meet the minimum mileage spacing from the city, transmitter sites are available that would meet the minimum mileage requirements; that Northwestern Nebraska is now without any television service; and further, that the terrain and low population density in the area make it mandatory that a VHF channel be utilized in the area. Petitioner states that it will apply for a station on the channel.

4. The Commission finds that proposed amendment meets the requirements of the Rules and would be in the public interest.

6. In view of the foregoing: *It is ordered,* That effective December 28, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, to add the following:

City:	Channel No.
Hay Springs, Nebr.	8

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: November 20, 1956.

Released: November 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9658; Filed, Nov. 26, 1956; 8:48 a. m.]

[Docket No. 11619; FCC 56-1144]

[Rules Amdt. 9-6]

PART 9—AVIATION SERVICES

STANDARD TECHNICAL REQUIREMENTS

1. Notice of Proposed Rule Making in the above entitled matter was issued by the Commission on January 25, 1956. The notice, which made provision for the filing of comments by April 2, 1956, was duly published in the FEDERAL REGISTER on January 31, 1956 (21 F. R. 681). In response to a request from Aeronautical

[1] In the utilization of this channel, the transmitter will have to be located so as to meet the minimum spacing requirements.

Virgin Islands	15,326	sugar, 126,033 short tons, raw value, may

		inventory of sugar which is unlikely to

Radio, Inc., the Commission issued an order extending the time for filing comments to May 2, 1956, and the time for filing rebuttal comments to ten days beyond the extended closing date for original comments. This order was published in the FEDERAL REGISTER of April 4, 1956 (21 F. R. 2144).

2. Comments in this proceeding were filed by Aeronautical Radio, Inc., Aircraft Owners and Pilots Association, Bendix Radio, Collins Radio Company, and National Aeronautical Corporation.

3. Aeronautical Radio, Inc. (ARINC) and Collins Radio Company commented that three of the proposed rule sections were not relevant to a proceeding devoted to technical standards. The three sections are § 9.178 *Frequencies*, § 9.185 *Transmitter Control Requirements* and § 9.189 *Inspection and maintenance of tower marking and associated control equipment*. It was further contended by ARINC that the provisions of §§ 9.178 and 9.185 should be considered separately for each different class of radio stations, in proceedings involving the applicable subparts of Part 9 of the rules. In the latter connection, it is pointed out that § 9.178 (which states the Commission's policy governing assignment of frequencies) and § 9.185 (which specifies the requirements for control of transmitters) are deemed uniformly applicable to all classes of stations. It is not the purpose of this proceeding to consider matters relating to the allocation of frequencies to the various Aviation Services, or to develop transmitter control requirements separately for each class of stations authorized in the Aviation Services. Furthermore, the Commission does not consider it necessary or advantageous to restate in the various subparts of the rules the general requirements concerning assignment of frequencies and control of transmitters.

4. The relevance of §§ 9.178, 9.185, and 9.189 in a subpart on technical standards is basically a question of editorial arrangement. There is nothing to indicate that the provisions of these sections would be altered in any way if they were included in other subparts of the rules. On the other hand, it is believed to be more orderly procedure to complete action on all the proposed rule sections in this proceeding and to consider the question of editorial rearrangement at the time of the next general recodification of Part 9 of the Commission's rules. Accordingly, these sections have been retained as originally proposed, except for one change made in § 9.185 in response to certain comments by Bendix Radio and National Aeronautical Corporation (NARCO). Bendix Radio requested that § 9.185 (d) (1), (2), and (3) be modified to indicate that the provisions thereof apply only to ground transmitters. This change was effected in § 9.185 (d) (1) by exempting airborne transmitters from the requirement for incorporation of a device to provide continuous visual indication when the transmitter is radiating, or when the transmitter control circuits have been placed in a condition to produce radiation. It was not considered necessary to incorporate a similar exemption in § 9.185 (d) (2) and (3), since those subparagraphs apply to dispatch points which at present are utilized only at ground stations. NARCO commented that § 9.185 (d) (1) and (2) did not appear to apply to DME and similar pulse devices. In this connection, it should be noted that the action taken with respect to Bendix's comment is equally applicable to NARCO's comment, since the latter requests similar exemptions for airborne equipment.

5. Various comments suggested changes in the terms used in specifying authorized transmitter powers, and proposed an alternate method for measurement of such powers. In accordance with these suggestions, the term "carrier power" has been substituted for "average power"; provision has been made for the specification of peak power on authorizations for stations operated with other than A2 or A3 emission; and the direct measurement of power has been authorized.

6. NARCO commented that a 20 watt maximum average power limitation should be imposed on airborne VHF transmitters operating in the band 118.0 to 126.9 Mc, so that geographical separation between co-channel stations could be utilized to provide interference protection for distant ground station transmissions of limited power. The Aircraft Owners and Pilots Association concurred in this comment while various equipment manufacturers and users replied opposing the suggestion. Part 9 of the Commission's rules now contains specific limitations on power for certain classes of airborne stations and a general limitation applying to all classes of stations, which states: "The power which may be authorized to a station in the aviation services shall be not more than the minimum required for satisfactory technical operation." The matter of a specific limitation on power of all airborne VHF transmitters has been considered in other proceedings and the present general restriction is the only one which has proven to be mutually acceptable to all interested parties up to this time. Accordingly, the comment by NARCO pertaining to a power limitation for airborne VHF transmitters has not been adopted.

7. Collins Radio Company has proposed that substantially greater frequency stabilities be required for all stations, except those operated on the frequency 500 kc, or below. While the Commission is aware that a need for improved frequency stabilities may be indicated in the future, it is believed that the matter of reduced frequency tolerances would more appropriately be the subject of a later proceeding, wherein comments are specifically invited in the matter.

8. Aeronautical Radio, Inc., suggested that, in dividing the frequency spectrum into sections for the purpose of specifying authorized emission bandwidths, the proposed division at 100 Mc be eliminated and divisions at 50 Mc and 400 Mc be substituted. The Commission finds that assignment of frequencies in the Aviation Services lends itself to a logical division of the spectrum at 50 Mc and, to this extent, the suggestion has been adopted; there is, however, no apparent justification at this time for another division at 400 Mc.

9. In accordance with an ARINC comment, provision has been made in the rules for authorization of 2.5 kc bandwidths for stations utilizing four-channel multiplex equipment employing frequency shift techniques.

10. It was further urged by ARINC that the authorized bandwidth for 6A3 emissions be specified as 7 to 10 kc, in lieu of 8 kc as proposed. ARINC contended that the ITU Frequency Allotment Plan for the Aeronautical Mobile Service "provides a bandwidth of 10 kc in the frequency band 17900–17970 while, at the same time, limiting the bandwidth in the band 2850–3023 to 7 kc." In this connection, it is pointed out that the 7 kc and 10 kc "bandwidths" to which ARINC referred are, in fact, separations between assigned frequencies and not authorized bandwidths in the sense that the term is used in the Commission's rules. Inasmuch as current practice indicates that an 8 kc authorized bandwidth is sufficient for 6A3 emission in the frequency bands involved, this ARINC proposal has not been adopted.

11. The comments received concerning spurious emission limitations proposed a relaxation of the requirements for aircraft transmitters operating on frequencies below 30 Mc. In response to these comments the requirements for attenuation of emissions appearing on any frequency removed from the assigned frequency by at least 100 percent of the authorized bandwidth have been reduced to 40 db below output power, in lieu of the 43+10 log (power in watts) db originally proposed. This action has been taken in view of the size and weight limitations imposed on airborne equipment and the rigorous conditions of operation. It is pointed out that spurious emissions are the subject of a separate rule making proceeding (Docket No. 11654) and the outcome of that proceeding may necessitate later changes in these rules.

12. Various comments were received favoring deletion of the requirement that each radiotelephone transmitter with output power exceeding 10 watts be equipped with an automatic modulation limiter, on the basis that it is a design requirement rather than a performance requirement. This suggestion has been adopted in part, in that it is required only that the transmitter be capable of automatically limiting modulation in excess of 100 percent; the means by which this limiting is accomplished is not specified. The Commission is of the opinion that at the present state of the radio art there is justification for limiting modulation to a maximum of 100 percent.

13. In response to comments submitted by ARINC and various equipment manufacturers, and inasmuch as experience indicates that off-frequency operation by aircraft stations seldom occurs, airborne transmitters have been exempted from all requirements for frequency measurements, except as such measurements may be requested by the Commission in individual circumstances. For all required frequency measurements, a statement

that each measured frequency is within the prescribed tolerance will be accepted; it will not be necessary (as previously required) that the statement show percentages of deviation above or below the assigned frequencies.

14. In response to requests in various comments, the date on which type acceptance will be required for new equipment has been extended to two years after the effective date of this rule amendment, instead of one year as originally proposed. The provisions permitting the continued use of existing equipment until January 1, 1965, have been broadened to include types of equipment in use on the date type acceptance is required for new installations, rather than the date on which these rules become effective. This latter change is intended to include under the "grandfather" provisions those transmitters authorized between the effective date of these rules and the date on which type acceptance provisions go into effect for new stations.

15. Collins Radio commented that consideration should be given in this proceeding to modifying the rules to cover single sideband operation. There are at present two outstanding rule making proceedings concerning single sideband operation in the Aviation Services. Docket No. 11513 proposed amendment of Part 9 of the Commission's rules to require the use of single sideband transmission in fixed radiotelephone service below 25,000 kc, and Docket No. 11678 proposed amendment of Part 9 to require the use of single sideband transmission in the aeronautical mobile service for radiotelephony on frequencies below 25,000 kc. Although final action in those Dockets may necessitate modification of the rule amendments adopted herein, the Commission believes that, in the interest of more orderly regulation, the matter of standard technical requirements should first be resolved; the scope of the proceedings involving single sideband operation justifies separate consideration of that subject.

16. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 303 (c), (e), (f), and (r) of the Communications Act of 1934, as amended, that, effective December 31, 1956, Part 9 of the Commission's rules is amended as set forth below, and

17. *It is further ordered*, That the proceedings in Docket No. 11619 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 20, 1956.

Released: November 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Delete §§ 9.171 through 9.177 and substitute §§ 9.178 through 9.189.

§ 9.178 *Frequencies.* (a) Specific information concerning the assignment of frequencies to stations operating in any of the Aviation Services is set forth in the applicable subparts of this part. Applicants for, and licensees of, stations in these services shall cooperate in the selection and use of frequencies in order to minimize interference and obtain the most effective use of authorized facilities. Frequencies are available for assignment to stations in these services on a shared basis only and will not be assigned for the exclusive use of any applicant. The use of any assigned frequency may be restricted to one or more geographical areas.

(b) Frequencies assigned to government radio stations under Executive order of the President may be authorized for use by stations in these services upon a satisfactory showing by the applicant that such assignment is required for inter-communication with government stations or required for coordination with activities of the Federal Government, and where the Commission finds, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 9.179 *Power.* (a) The power which may be authorized for use at any station in the Aviation Services shall not be greater than the minimum required for satisfactory technical operation.

(b) For stations using A2 or A3 emission, power shall be specified in terms of unmodulated RF carrier power at the transmitter output terminals. For stations using other types of emission, power shall be specified in terms of peak power at the transmitter output terminals. Peak power is defined as the mean power supplied to the antenna during one radio frequency cycle at the highest crest of the modulation envelope, under conditions of normal operation.

(c) Power may be determined either by direct measurement or by multiplying the plate input power to the final amplifier by an appropriate factor.

§ 9.180 *Frequency stability.* (a) The carrier frequency of each station in the Aviation Services shall be maintained within the applicable following percentage of the assigned frequency:

(1) All aircraft stations on frequencies above 500 kc	0.01
(2) All ground stations on frequencies above 30,000 kc	0.01
(3) All stations on frequencies of 500 kc or below	0.02
(4) Aeronautical fixed stations on frequencies from 1605 to 4000 kc with power of 200 watts and below 0.01 and with power above 200 watts	0.005
(5) Aeronautical fixed stations on frequencies from 4000 to 30,000 kc with power of 500 watts and below	0.01
and with power above 500 watts	0.003
(6) All other ground stations on frequencies from 1605 to 4000 kc with power of 200 watts and below	0.01
and with power above 200 watts	0.005
(7) All other ground stations on frequencies from 4000 to 30,000 kc with power of 500 watts and below	0.01
and with power above 500 watts	0.005

(b) The power set forth in paragraph (a) of this section is peak power. To compute peak power for A2 and A3 emissions multiply the unmodulated carrier power by 4.0.

(c) Radar transmitters operated on frequencies above 2400 Mc shall meet the following requirements in lieu of a frequency tolerance: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T Mc to the upper and lower limits of the authorized bandwidth, where T is the pulse duration in microseconds.

(d) Tolerances other than those specified in this section may be authorized upon a satisfactory showing of need therefor. In such cases, the tolerance authorized may be specified on the instrument of authorization.

§ 9.181 *Types of emission.* (a) Each authorization issued pursuant to these rules shall show as the emission designator a symbol representing the classification of emission and the bandwidth.

(b) The emissions normally available for assignment in the Aviation Services and the corresponding emission designators and authorized bandwidths are as follows:

Class of emission	Emission designator	Authorized bandwidth: Below 50 Mc	Authorized bandwidth: Above 50 Mc
A1	0.1A1	0.25 kc	50 kc.
A2	2.1A2	2.724 kc	
A3	6A3	8.0 kc	
F1	1.7F1	1.7 kc	
F1	2.5F1	2.5 kc	
P[1]			

[1] To be specified on the authorization.

(c) For other emissions, the emission designator may be determined from Part 2 of this chapter and the authorized bandwidth may be specified on the authorization. The authorization of 50 kc bandwidth for A3 emission on frequencies above 50 Mc is temporary and this fact should be considered in the design of VHF radio equipment for future use.

(d) An authorization to use A3 emission will be construed to include the use of tone signals or signalling devices whose sole function is to establish or maintain voice communications.

(e) Emissions other than, or bandwidths in excess of, those listed in paragraph (b) of this section, may be authorized upon a satisfactory showing of need therefor. An application requesting such special authorization shall fully state the purpose for which such operation is proposed.

§ 9.182 *Bandwidth of emission.* (a) Occupied bandwidth of any emission is the band of freqencies comprising 99 per cent of the total radiated power, extended to include any discrete frequency on which the power is at least 0.25 per cent of the total radiated power.

(b) The authorized bandwidth is the maximum occupied bandwidth authorized to be used by a station.

§ 9.183 *Emission limitations.* (a) Any spurious emission that may originate in a type accepted transmitter authorized in the Aviation Services shall be within the following limitations:

(1) Any emission appearing on any frequency removed from the assigned

frequency by from 50 per cent to 100 per cent of the authorized bandwidth shall be 25 db or more below the output power.

(2) Any emission (including harmonic) appearing on any frequency removed from the assigned frequency by at least 100 percent of the authorized bandwidth shall be below the output power by the applicable following value:

(i) Aircraft stations below 30 Mc: 40 db.
(ii) Aircraft stations above 30 Mc: 43+10 log (power in watts) db.
(iii) All ground stations: 43+10 log (power in watts) db.

(b) When an emission outside of the authorized bandwidth results in harmful interference, the Commission may require appropriate technical changes in equipment to alleviate the interference.

§ 9.184 *Modulation requirements.* (a) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 percent on peaks, but shall not exceed 100 percent.

(b) When special types of emission are employed the modulation requirements may be specified.

(c) In order to meet type acceptance requirements for the Aviation Services, each radio telephone transmitter with output power exceeding 10 watts shall be capable of automatically preventing modulation in excess of 100 percent. In the event that operation of any licensed radiotelephone transmitter causes harmful interference to any authorized radio service because of excessive modulation, the Commission may require that the use of such transmitter be discontinued until it is rendered capable of automatically preventing modulation in excess of 100 percent.

§ 9.185 *Transmitter control requirements.* (a) Each transmitter shall be so installed and protected that it is not accessible to, or capable of operation by, persons other than those duly authorized by the licensee.

(b) Unless otherwise specifically authorized, each station shall be provided with a control point at the location of the transmitting equipment. Applications for additional control points shall specify the location of each proposed control point and any authorization which may be issued shall show the location of each such control point.

(c) A control point is a position which meets all of the following conditions:

(1) Such position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed and at which the transmitter can, without delay, be rendered inoperative;

(3) It is a position at which the required licensed radio operator, responsible for the actual operation of the transmitter, is stationed.

(d) At each control point the following facilities shall be installed:

(1) A device which will provide continuous visual indication when the transmitter is radiating or when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however,* That this requirement shall not apply to aircraft stations;

(2) Equipment to permit the operator to monitor, aurally, all transmissions originating at dispatch points under his supervision;

(3) Facilities which will permit the operator to disconnect any or all dispatch point circuits from the transmitter.

(e) A dispatch point is an operating position from which messages may be transmitted under the direct supervision of the licensed control point operator. Dispatch points may be installed without authorization from the Commission, and persons authorized by the station licensee to initiate messages from these points are not required to be licensed by the Commission.

§ 9.186 *Frequency measurements.* (a) Measurements of the operating frequencies of airborne transmitters may be required by the Commission in individual circumstances. The operating frequencies of all non-airborne transmitters authorized for operation in the Aviation Services shall be measured at the following times to assure compliance with the tolerances specified in these rules:

(1) When a transmitter is originally installed;

(2) When any change or adjustment is made in a transmitter which may affect an operating frequency or whenever there is reason to believe that an operating frequency has shifted beyond the applicable tolerance.

(b) A signed entry shall be made in the station's records indicating that each measured frequency is within the required tolerance. A statement that an automatic frequency monitor was in service during the period shall be deemed to meet the above requirement for any period.

(c) The determination required by paragraph (a) of this section may, at the option of the licensee, be made by any qualified engineering measurement service, in which case the required record entries shall show the name and address of the engineering measurement service and the name of the person making the measurements.

§ 9.187 *Acceptability of transmitters for licensing.* (a) From time to time the Commission publishes a revised list of type approved and type accepted equipment entitled, "Radio Equipment List, Part C". Copies of this list are available for inspection at the Commission's offices in Washington, D. C., and at each of its field offices.

(b) Except for transmitters used at developmental stations, each transmitter utilized at a station authorized for operation after January 1, 1959, must be of a type which has been type accepted by the Commission for use in these services. Until January 1, 1965, however, types of equipment in use by a licensee prior to January 1, 1959, may continue to be used by the same licensee, his successors or assigns provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules.

(c) Some radio equipment which is to be installed aboard aircarrier aircraft must meet requirements of the Federal Communications Commission, and those requirements of the Civil Air Regulations which are applicable. The applicable Civil Aeronautics Administration requirements may be obtained from the Civil Aeronautics Administration, Aviation Information Office, Washington 25, D. C.

§ 9.188 *Type acceptance of equipment.* (a) A manufacturer of a type of transmitted intended for use in these services may request type acceptance for such transmitter by following the type acceptance procedure set forth in Part 2, Subpart F, of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for station authorization, in accordance with the type acceptance procedure set forth in Part 2, Subpart F, of this chapter. Such transmitter, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C", but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2, Subpart F, of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based,

§ 9.189 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

[F. R. Doc. 56-9659; Filed, Nov. 26, 1956; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE NAVY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (5) is added to § 6.106 as set out below.

§ 6.106 *Department of the Navy*—(a) *General.* • • •

(5) Until December 31, 1960, two positions of Teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-9676; Filed, Nov. 26, 1956; 8:51 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraphs (n) and (o) of § 6.323 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-9679; Filed, Nov. 26, 1956; 8:51 a. m.]

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Effective December 1, 1956, the following item is added to § 27.1:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* • • •

Dental Hygiene Students, Department of Health, Education, and Welfare, approved training during clinical affiliation.

2. Effective December 1, 1956, the following item is added to § 27.2:

§ 27.2 *Maximum stipends prescribed.* • • •

Dental Hygiene Students, Department of Health, Education, and Welfare: Approved training during clinical affiliation—no stipend other than any maintenance provided.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-9678; Filed, Nov. 26, 1956; 8:51 a. m.]

PART 37—GROUP LIFE INSURANCE

RETIRED EMPLOYEES

Section 37.7 (c) is amended as set out below.

§ 37.7 *Retired employees.* • • •

(c) Creditable service is (1) civilian service allowable under the provisions of section 3 of the Civil Service Retirement Act, as amended, and (2), if the individual at retirement has at least five years of such civilian service, honorable active service performed as a commissioned officer or enlisted man in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

(Sec. 11, 68 Stat. 742; 5 U. S. C. 2100)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-9677; Filed, Nov. 26, 1956; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Miscellaneous Rules

PART 765—RULES APPLICABLE TO THE PUBLIC

SECURITY VIOLATION

Scope and purpose. The following amendment brings § 765.3 up to date. (See 19 F. R. 5446 for the latest designation of commanding officers by the Secretary of Defense referred to in the new section.)

§ 765.3 is revised to read as follows:

§ 765.3 *Security violation.* Under section 21 of the Internal Security Act of 1950 (50 U. S. C. 797), the Secretary of Defense has designated certain categories of Navy and Marine Corps commanding officers as having the authority to promulgate regulations pursuant to that section for protection of property or places under their command. The violation of regulations so promulgated is punishable by a fine of not to exceed $5,000 or imprisonment for not more than one year, or both. See also 18 U. S. C. 1382.

(R. S. 161; 5 U. S. C. 22)

Dated: November 16, 1956.

By direction of the Secretary of the Navy.

[SEAL] PHILLIP A. WALKER,
Captain, U. S. Navy, Deputy Judge Advocate General of the Navy.

[F. R. Doc. 56-9668; Filed, Nov. 26, 1956; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter B—Standard Samples

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

SUBPART B—STANDARD SAMPLES WITH SCHEDULES OF WEIGHTS AND FEES

The revised descriptive list of standard samples with schedules of weights and fees is prescribed to become effective upon publication in the FEDERAL REGISTER. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedures Act would be impracticable and contrary to the public interest, and therefore is not required. Accordingly, § 230.11 is amended as follows:

§ 230.11 *Descriptive list*—(a) *Steels (chemical standards).*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
8h	Bessemer, 0.1 C	150	$3.75
10f	Bessemer, 0.4 C	150	3.75
170	B. O. H., 0.03 C, 0.2 Ti	150	4.00
15e	B. O. H., 0.1 C	150	3.75
11g	B. O. H., 0.2 C	150	3.75
12f	B. O. H., 0.4 C	150	3.75
152	B. O. H., 0.5 C, 0.04 Sn	150	3.75
13e	B. O. H., 0.6 C	150	3.75
14d	B. O. H., 0.8 C	150	3.75
16d	B. O. H., 1.0 C	150	3.75
19f	A. O. H., 0.2 C	150	3.75
20f	A. O. H., 0.4 C	150	3.75
51a	Electric furnace, 1.2 C	150	3.75
65c	Basic electric, 0.3 C	150	3.75
100a	Manganese (SAE T1345)	150	3.75
105	High-sulfur, 0.2 C (carbon only)	150	2.00
125	High-silicon, 5.0 Si	150	3.75
129a	High-sulfur (SAE X1112)	150	3.75
130	Lead-bearing, 0.2 Pb	150	3.75
151	Boron-bearing, 0.003 B	150	3.75
33d	Nickel (SAE 4820)	150	3.75
32d	Cr-Ni (SAE 3140)	150	3.75
72e	Cr-Mo (SAE X4130)	150	3.75
111b	Ni-Mo (SAE 4620)	150	3.75
30e	Cr-V (SAE 6150)	150	3.75
36a	Cr 2-Mo 1	150	3.75
106a	Cr-Mo-A 1 (Nitralloy G)	150	3.75
139	Cr-Ni-Mo (NE 8637)	150	3.75
156	Cr-Ni-Mo (NE 9450)	150	3.75
169	Cr 1-Mo 0.4-Ag 0.1	150	3.75
50b	W 18-Cr 4-V 1	150	4.50
132a	Mo 7-W 6-Cr 4-V 1.5	150	4.50
134	Mo 9-W 2-Cr 4-V 1	150	4.50
153	Mo 8-W 1.5-Cr 4-V 2-Co 8	150	4.50
155	Cr 0.5-W 0.5	150	4.50
167	Co 43-Mo 4-Nb 2-W 4 S (316)	150	5.00
168	Co 41-Mo 4-Nb 3-Ta 1-W 4	150	6.00
73b	Stainless (Cr 14)	150	4.50
133	Stainless (Cr 14-Mo 0.6-S 0.4)	150	4.50
101d	Cr 18-Ni 9 (SAE 30905)	150	4.50
121b	Cr 18-Ni 10 (Ti-bearing)	150	4.50
123b	Cr-Ni-Cb 0.7-Pa 0.2	150	4.50
160a	Cr 19-Ni 9-Mo 3	150	4.50
166	Cr 19-Ni 9 (carbon only)	100	3.00
126a	High-nickel (Ni 36)	150	4.50
161	Casting alloy (Ni 64-Cr 17-Fe 16)	150	4.50

(b) *Irons.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
3	White iron	125	$4.25
4h	Cast iron	150	4.50
5j	Cast iron	150	4.50
6f	Cast iron	150	4.50
7e	Cast iron	150	4.50
55d	Ingot iron	150	4.50
82a	Nickel-chromium cast iron	150	4.50
107a	Nickel-molybdenum cast iron	150	4.50
122c	Cast iron (car wheel)	150	4.50

(c) *Steel-making alloys.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
57	Refined silicon	60	$4.00
58	Ferrosilicon (75% silicon)	75	4.00
61a	Ferrovanadium (high carbon)	100	4.00
64a	Ferrochromium (high carbon)	100	4.00
66a	Spiegeleisen	100	4.00
67	Manganese metal	100	4.00
68a	Ferromanganese	100	4.00
75	Ferrotungsten	150	4.00
90	Ferrophosphorus	75	4.00
71	Calcium molybdate	60	4.00
116a	Ferrotitanium (low carbon)	100	4.00

(d) *Nonferrous alloys.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
85a	Aluminum alloy, wrought	65	$4.00
86a	Aluminum-base casting alloy	65	4.00
87	Aluminum-silicon alloy	65	4.00
37d	Brass, sheet	150	5.00
164	Brass, aluminum	150	5.00
52c	Bronze, cast	150	5.00
62c	Bronze, manganese	150	5.00
63c	Bronze, phosphorus	150	5.00
124c	Bronze, (Cu85–Pb5–Sn5–Zn5)	150	5.00
53c	Lead-base bearing metal	200	5.00
54d	Tin-base bearing metal	200	5.00
127a	Solder (Pb70–Sn30)	200	5.00
157	Nickel silver (Cu72–Ni18–Zn10)	125	4.50
161	Nickel-base casting alloy	150	5.00
160	Ni77–Cr20 alloy	150	4.50
171	Magnesium base alloy	100	4.00
94b	Zinc-base die-casting alloy	150	4.50

(e) *Ores.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
25c	Manganese ore	100	$3.25
27c	Iron ore, Mesabi	125	3.25
28a	Iron ore, Norrie	50	2.00
69a	Bauxite	60	3.25
56b	Phosphate rock (Tennessee)	45	3.25
113	Zinc ore (Tri-State concentrate)	50	3.25
137	Tin ore (Bolivian concentrate)	50	3.25
138	Tin ore (N. E. I. concentrate)	50	3.25

(f) *Ceramic materials.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
76	Burned refractory (40% Al_2O_3)	60	$3.25
77	Burned refractory (60% Al_2O_3)	60	3.25
78	Burned refractory (70% Al_2O_3)	60	3.25
97	Fluospar	60	3.25
96	Clay, plastic	60	3.25
99	Feldspar, soda	40	3.25
89	Glass, lead-barium	45	3.25
91	Glass, opal	45	3.25
92	Glass, low boron [1]	45	3.25
93	Glass, high boron	45	3.25
81	Glass sand	60	3.25
165	Glass sand (low iron)	60	3.25
1a	Limestone, argillaceous	50	3.25
88	Limestone, dolomitic	50	3.25
102	Silica brick	60	3.25
104	Burned magnesite	60	3.25
112	Silicon carbide	85	3.25
154a	Titanium dioxide	40	3.25
177	Portland cement	(1)	4.25

[1] Three 5-gram portions sealed in glass vials.

(g) *Microchemical standards.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
140	Benzoic acid	2	$3.50
141	Acetanilide	2	3.50
142	Anisic acid	2	3.50
145	2-iodobenzoic acid	2	3.50

(h) *Chemicals.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
84d	Acid potassium phthalate	60	$3.25
39g	Benzoic acid	30	3.25
40f	Sodium oxalate	60	3.25
83b	Arsenic trioxide	75	3.25
136a	Potassium dichromate	75	3.25
17	Sucrose (cane-sugar)	60	3.25
41	Dextrose (glucose)	70	3.25

(i) *pH Standards.*

Sample No.	Name	Constituents determined or intended use	Approximate weight of sample in grams	Price per sample
185	Acid potassium phthalate	pH (approx.) 4.0	60	$2.50
186I	Potassium dihydrogen phosphate	pH (approx.) 6.8 [1]	[2] 60	5.00
186II	Disodium hydrogen phosphate			
187	Borax	pH (approx.) 9.2	30	2.50
188	Potassium hydrogen tartrate	pH (approx.) 3.6	60	2.50
189	Potassium tetroxalate		65	2.50

[1] Two phosphates are to be used together in equal molar proportions.
[2] 30 grams of each phosphate are furnished.

(j) *Melting-point standards.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
44d	Aluminum	200	$3.00
45c	Copper	450	3.00
49d	Lead	1,000	3.00
42e	Tin	350	3.00
43f	Zinc	350	3.00

(k) *Turbidimetric and fineness standard.*

Sample No.	Name	Constituents determined or intended use	Approximate weight of sample in grams	Price per sample
114I	Cement	{No. 325 sieve residue, 8.1 Surface area = 1,870 sq cm per gram Air permeability = 3,100 sq cm per gram}	12	$2.50

(l) [Reserved.]

(m) *Spectrographic standards—(1) Steels.*

Sample Nos. [1]		Name	Price per sample [1]
401	801	B. O. H., 0.4 C	$5.00
402	802	B. O. H., 0.8 C	5.00
403	803	A. O. H., 0.4 C	5.00
404a	804a	Basic electric	5.00
405a	805a	Medium manganese	5.00
(2)	807	Chromium-vanadium	5.00
408	808	Chromium-nickel	5.00
(2)	809a	Nickel	5.00
410a	810a	2 Cr-1 Mo	5.00
411	(2)	Cr-Mo (SAE X4130)	5.00
411a	811a	Cr-Mo (SAE X4130)	5.00
412	(2)	Cr-Mo (SAE 4130)	5.00
412a	812a	Cr-Ni-Mo	5.00
413	813	A. O. H., 0.4 C	5.00
414	(2)	Cr-Mo (SAE 4140)	5.00
415	(2)	Bessemer, 0.4 C	5.00
415a	815a	Bessemer, 0.5 C	5.00
416a	816a	Nitralloy G	5.00
417	(2)	A. O. H., 0.4 C	5.00
417a	817a	B. O. H., 0.4 C	5.00
418	818	Cr-Mo (SAE 4130)	5.00
419	819	Ml-Mo (SAE 4620)	5.00
420	820	Ingot iron, 0.01 C	5.00
421	821	Cr-W, 0.9 C	5.00
425	825	Mn-Ni-Cr (N. E. 9450) (boron only)	5.00
427	827	Cr-Mo (SAE 4150) (boron only)	5.00
428	828	Mn-Cr (boron only)	5.00
429	829	Ni-Cr-B (boron only)	5.00
430	830	Ni-Cr-B (boron only)	5.00
436	836	Special (Cr 6–Mo 3–W 10)	8.00
437	837	Special (Cr 8–Mo 2–W 3–Co 3)	8.00
438	838	Mo High Speed (AISI-SAE M30)	8.00
439	839	Mo High Speed (AISI-SAE M36)	8.00
440	840	Special W High Speed (Cr 2–W 13–Co 12)	8.00
441	841	W High Speed (AISI-SAE T1)	8.00
442 [3]	------	Stainless (Cr 16–Ni 10)	8.00
443 [3]	------	Stainless (Cr 18.5–Ni 9)	8.00
444 [3]	------	Stainless (Cr 20.5–Ni 10)	8.00
445	845	Cr 13–Mo 0.9 (Modified AISI 410)	6.00
446	846	Cr 18–Ni 9 (Modified AISI 321)	6.00
447	847	Cr 24–Ni 13 (Modified AISI 309)	6.00
448	848	Cr 9–Mo 0.3 (Modified AISI 403)	6.00
449	849	Cr 5.5–Ni 6.5	6.00
450	850	Cr 3–Ni 25	6.00

[1] Sizes are 400 series, rods 7/32 in. in diameter, 4 in. long (20 g.); 800 series, rods ½ in. in diameter, 2 in. long (50 g.).
[2] For each sample in the 400 or 800 series.
[3] Standard available in only one size.

(2) *Aluminum alloys.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
601 [1]	Aluminum alloy, wrought (2,014)	160	$8.00
602 [1]	Aluminum alloy, wrought (2,024)	160	8.00
603 [1]	Aluminum alloy, wrought (6,061)	160	8.00
604 [1]	Aluminum-base casting alloy (142)	160	8.00

[1] Aluminum standards are disks 2½ in. in diameter, ¾ in. thick.

(3) *Tin metal.*

Sample No. [1]	Name	Price per sample
431	Tin metal A	$8.00
432	Tin metal B	8.00
433	Tin metal C	8.00
434	Tin metal D	8.00
435	Tin metal E	8.00
831	Tin metal A	14.00
832	Tin metal B	14.00
833	Tin metal C	14.00
834	Tin metal D	14.00
835	Tin metal E	14.00

[1] Sizes are: 400 series, rods ¼ in. in diameter, 4 in. long (25 g.); 800 series, rods ½ in. in diameter, 2 in. long (50 g.).

(4) *Zinc-base samples.*

Sample [1] No.	Kind [2]	Price per sample
625	Zinc-base A	$8.00
626	Zinc-base B	8.00
627	Zinc-base C	8.00
628	Zinc-base D	8.00
629	Zinc-base E	8.00
630	Zinc-base F	8.00

[1] Size: Bar segments, 1¾ inch square and ¾ inch thick.
[2] NBS Nos. 625, 626, and 627 correspond to ASTM Alloy AG40A; NBS Nos. 628, 629, and 630 correspond to ASTM Alloy AC41A.

(5) *Nickel-base samples.* [1]

Sample No.	Name	Approximate weight of sample in grams	Price per sample
671	Nickel oxide 1	25	$4.00
672	Nickel oxide 2	25	4.00

[1] Although intended primarily as spectrographic standards, these samples are equally suitable for chemical standards.

(n) *Hydrocarbons and organic sulfur compounds—(1) Paraffins.*

Sample No. [1]	Compound		Amount of impurity [2]	Volume per sample [3]	Price per sample
	Formula	Name			
		Paraffins	*Mole percent*	*ml*	
201a–5	C_5H_{12}	n-pentane	0.15±0.07	5	$10.00
201a–8S	C_5H_{12}	do	.15± .07	8	18.00
201a–25	C_5H_{12}	do	.15± .07	25	35.00
202a–8S	C_5H_{12}	2-methylbutane (isopentane)	.09± .06	8	18.00
209–5S	C_5H_{12}	2,2-dimethylpropane (neopentane)	.04± .02	5	25.00
203a–5	C_6H_{14}	n-hexane	.10± .05	5	10.00
203a–8S	C_6H_{14}	do	.10± .05	8	18.00
203a–25	C_6H_{14}	do	.10± .05	25	35.00
204a–8S	C_6H_{14}	2-methylpentane	.16± .08	8	18.00
205a–8S	C_6H_{14}	3-methylpentane	[4] .20± .15	8	18.00
206a–8S	C_6H_{14}	2,2-dimethylbutane	.10± .04	8	18.00
207a–8S	C_6H_{14}	2,3-dimethylbutane	.11± .06	8	18.00
216–5	C_7H_{16}	n-heptane	.10± .05	5	10.00
216–8S	C_7H_{16}	do	.10± .05	8	18.00
216–25	C_7H_{16}	do	.10± .05	25	35.00
223–5S	C_7H_{16}	2-methylhexane	.23± .07	5	18.00
224–5S	C_7H_{16}	3-methylhexane	[4] .25± .15	5	18.00
226–5S	C_7H_{16}	3-ethylpentane	.13± .03	5	18.00
227–5S	C_7H_{16}	2,2-dimethylpentane	.21± .06	5	18.00
228–5S	C_7H_{16}	2,4-dimethylpentane	[4] .25± .15	5	18.00
229–5S	C_7H_{16}	3,3-dimethylpentane	.17± .05	5	18.00
222–5S	C_7H_{16}	2,2,3-trimethylbutane	.20± .15	5	18.00
230–5S	C_8H_{18}	n-octane	.06± .03	5	18.00
231–5S	C_8H_{18}	2-methylheptane	.06± .04	5	25.00
232–5S	C_8H_{18}	3-methylheptane	.41± .18	5	25.00
233–5S	C_8H_{18}	4-methylheptane	.50± .23	5	25.00
234–5S	C_8H_{18}	3-ethylhexane	.12± .07	5	25.00
235–5S	C_8H_{18}	2,2-dimethylhexane	[4] .30± .20	5	25.00
236–5S	C_8H_{18}	2,3-dimethylhexane	.29± .11	5	25.00
237–5S	C_8H_{18}	2,4-dimethylhexane	[4] .30± .20	5	25.00
238–5S	C_8H_{18}	2,5-dimethylhexane	[4] .30± .20	5	25.00
239–5S	C_8H_{18}	3,3-dimethylhexane	.30± .09	5	25.00
240–5S	C_8H_{18}	3,4-dimethylhexane	[4] .30± .20	5	25.00
241–5S	C_8H_{18}	2-methyl-3-ethylpentane	[4] .30± .20	5	25.00
242–5S	C_8H_{18}	3-methyl-3-ethylpentane	.23± .11	5	25.00
243–5S	C_8H_{18}	2,2,3-trimethylpentane	.08± .04	5	25.00
217–5	C_8H_{18}	2,2,4-trimethylpentane [4 5]	.42± .20	5	25.00
217–8S	C_8H_{18}	do	.12± .05	5	10.00
217–25	C_8H_{18}	do	.12± .05	8	18.00
217–50	C_8H_{18}	do	.12± .05	25	35.00
244–5S	C_8H_{18}	2,3,3-trimethylpentane	.12± .05	50	60.00
245–5S	C_8H_{18}	2,3,4-trimethylpentane	.40± .08	5	25.00
252–5S	C_9H_{20}	n-nonane	.19± .06	5	25.00
541–5S	C_9H_{20}	2,2,3-trimethylhexane	.08± .06	5	35.00
253–5S	C_9H_{20}	2,2,4-trimethylhexane	[4] .30± .20	5	35.00
254–5S	C_9H_{20}	2,2,5-trimethylhexane	.30± .20	5	35.00
542–5S	C_9H_{20}	2,3,3-trimethylhexane	.20± .04	5	35.00
255–5S	C_9H_{20}	2,3,5-trimethylhexane	.13± .06	5	35.00
256–5S	C_9H_{20}	2,4,4-trimethylhexane	[4] .30± .20	5	35.00
544–5S	C_9H_{20}	3,3,4-trimethylhexane	.29± .11	5	35.00
289–5S	C_9H_{20}	3,3-diethylpentane	.23± .10	5	35.00
296–5S	C_9H_{20}	2,2,3,3-tetramethylpentane	.018±.01	5	35.00
297–5S	C_9H_{20}	2,2,3,4-tetramethylpentane	.064±.021	5	35.00
257–5S	C_9H_{20}	2,2,4,4-tetramethylpentane	.035±.010	5	35.00
298–5S	C_9H_{20}	2,3,3,4-tetramethylpentane	.16± .084	5	35.00
505–5S	$C_{10}H_{22}$	n-decane	.051±.037	5	35.00
554–5S	$C_{11}H_{24}$	2,2,4,6,6-pentamethylheptane	.04± .02	5	35.00
573–5S	$C_{13}H_{28}$	n-Tridecane	.06± .04	5	35.00
580–5S	$C_{14}H_{30}$	n-Tetradecane	.09± .06	5	35.00
581–5S	$C_{15}H_{32}$	n-Pentadecane	.07± .06	5	35.00
568–5S	$C_{16}H_{34}$	n-Hexadecane	.07± .05	5	35.00
			.06± .04	5	35.00

[1] The designations following the sample numbers indicate the following: "–5S" or "–8S", a sample of 5 ml or 8 ml sealed "in vacuum" in a special Pyrex-glass ampoule with internal "break-off" tip: "–5", "–25", or "–50", a sample of 5, 25, or 50 ml sealed "in vacuum" in a plain-glass ampoule.
[2] Unless otherwise indicated, the purity has been evaluated from measurements of freezing points. See J. Research NBS 35, 355 (1945) RP 1676.
[3] Tolerance approximately ±10 percent. All volumes have been estimated in the liquid state, including those of compounds normally solid.
[4] Estimated by analogy with isomers subjected to similar purification.
[5] Certified with regard to density and refractive index.
[6] Certified with regard to calorimetric heat of combustion.

(2) *Alkyl cyclopentanes.*

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
			Mole percent	*ml*	
219-5S	C_5H_{10}	Cyclopentane	0.05±0.02	5	$18.00
208a-5	C_6H_{12}	Methylcyclopentane	.11± .06	5	10.00
208a-8S	C_6H_{12}	do	.11± .06	8	18.00
208a-25	C_6H_{12}	do	.11± .06	25	35.00
266-5S	C_7H_{14}	Ethylcyclopentane	.06± .03	5	25.00
267-5S	C_7H_{14}	1,1 dimethylcyclopentane	.03± .02	5	35.00
268-5S	C_7H_{14}	cis-1,2-dimethylcyclopentane	.031±.016	5	35.00
269-5S	C_7H_{14}	trans-1,2-dimethylcyclopentane	.19± .10	5	35.00
270-5S	C_7H_{14}	cis-1,3-dimethylcyclopentane	.65± .23	5	35.00
271-5S	C_7H_{14}	trans-1,3-dimethylcyclopentane	.39± .09	5	35.00
272-5S	C_8H_{16}	n-propylcyclopentane	.20± .10	5	25.00
273-5S	C_8H_{16}	Isopropylcyclopentane	.20± .07	5	25.00
274-5S	C_8H_{16}	1-methyl-1-ethylcyclopentane	.13± .08	5	50.00
275-5S	C_8H_{16}	cis-1-methyl-2-ethyl-cyclopentane	.48± .24	5	50.00
279-5S	C_8H_{16}	1,1,2-trimethylcyclopentane	.015±.009	5	50.00
280-5S	C_8H_{16}	1,1,3-trimethylcyclopentane	.48± .32	5	50.00
290-5S	C_8H_{16}	cis,cis,cis-1,2,3-trimethylcyclopentane	.10± .06	5	50.00
292-5S	C_8H_{16}	cis,trans,cis-1,2,3-trimethylcyclopentane	.11± .04	5	50.00
294-5S	C_8H_{16}	cis,cis,trans-1,2,4-trimethylcyclopentane	.42± .23	5	50.00
295-5S	C_8H_{16}	cis,trans,cis-1,2,4-trimethylcyclopentane	.24± .10	5	50.00
517-5S	C_8H_{18}	n-butylcyclopentane	.034±.025	5	35.00
518-5S	C_8H_{18}	Isobutylcyclopentane	.16± .08	5	35.00
583-5S	$C_{10}H_{18}$	Cyclopentylcyclopentane	.05± .03	5	35.00
588-5S	$C_{15}H_{30}$	n-Decylcyclopentane	.20± .18	5	35.00

(3) *Alkyl cyclohexanes.*

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
			Mole percent	*ml*	
209a-5	C_6H_{12}	Cyclohexane	0.010± .006	5	$10.00
209a-8S	C_6H_{12}	do	.010± .006	8	18.00
209a-25	C_6H_{12}	do	.010± .006	25	35.00
218-5	C_7H_{14}	Methylcyclohexane [5]	.10± .05	5	10.00
218-8S	C_7H_{14}	do	.10± .05	8	18.00
218-25	C_7H_{14}	do	.10± .05	25	35.00
258-5S	C_8H_{16}	Ethylcyclohexane	.13± .08	5	25.00
259-5S	C_8H_{16}	1,1-dimethylcyclohexane	.19± .03	5	35.00
260-5S	C_8H_{16}	cis-1,2-dimethylcyclohexane	.024±.015	5	35.00
261-5S	C_8H_{16}	trans-1,2-dimethylcyclohexane	.08± .07	5	35.00
263-5S	C_8H_{16}	cis-1,3-dimethylcyclohexane [7]	.09± .05	5	35.00
262-5S	C_8H_{16}	trans-1,3-dimethylcyclohexane [6]	.16± .07	5	35.00
264-5S	C_8H_{16}	cis-1,4-dimethylcyclohexane	.06± .04	5	35.00
265-5S	C_8H_{16}	trans-1,4-dimethylcyclohexane	.14± .08	5	35.00
506-5S	C_9H_{18}	n-propylcyclohexane	.08± .05	5	25.00
507-5S	C_9H_{18}	Isopropylcyclohexane	.16± .07	5	25.00
516-5S	C_9H_{18}	1,1,3-trimethylcyclohexane	.21± .05	5	50.00
508-5S	$C_{10}H_{20}$	n-butylcyclohexane	.08± .04	5	35.00
509-5S	$C_{10}H_{20}$	Isobutylcyclohexane	.17± .09	5	35.00
510-5S	$C_{10}H_{20}$	sec-butylcyclohexane	[8] .30± .20	5	35.00
511-5S	$C_{10}H_{20}$	tert-butylcyclohexane	.05± .03	5	35.00
591-5S	$C_{16}H_{32}$	n-Decylcyclohexane	.14± 0.11	5	35.00

[1] The designations following the sample numbers indicate the following: "-5S" or "-8S", a sample of 5 ml or 8 ml sealed "in vacuum" in a special Pyrex-glass ampoule with internal "break-off" tip: "5", "-25", or "-50", a sample of 5, 25, or 50 ml sealed "in vacuum" in a plain-glass ampoule.

[2] Unless otherwise indicated, the purity has been evaluated from measurements of freezing points. See J. Research NBS 35, 355 (1945) RP 1676.

[3] Tolerance approximately ±10 percent. All volumes have been estimated in the liquid state, including those of compounds normally solid.

[4] Certified with regard to density and refractive index.

[5] This isomer, formerly known as "trans" (see Science 105, 647 (1947), has the following properties: Boiling point at one atmosphere, 120.09° C.; refractive index, n_D at 25° C., 1.4206; density at 25° C., 0.7620 g/ml. See NBS Circular 461, p. 45 (1947).

[6] This isomer, formerly known as "cis" (see Science 105, 647 (1947), has the following properties: Boiling point at one atmosphere, 124.45° C.; refractive index, n_D at 25° C., 1.4284; density at 25° C., 0.7800 g/ml. See NBS Circular 461 p. 45 (1947).

(4) *Monoolefins.*

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
		Paraffins	*Mole percent*	*ml*	
281-5S	C_4H_8	1-pentene	0.06±0.40	5	$25.00
282c-5S	C_4H_8	cis-2-pentene		5	25.00
283-5S	C_4H_8	trans-2-pentene	.09± .05	5	25.00
284-5S	C_4H_8	2-methyl-1-butene	.14± .08	5	25.00
285-5S	C_5H_{10}	3-methyl-1-butene	.24± .12	5	25.00
286-5S	C_5H_{10}	2-methyl-2-butene	.06± .04	5	25.00
519-5S	C_6H_{12}	1-hexene	.14± .08	5	35.00
527-5S	C_6H_{12}	trans-2-hexene	.17± .11	5	35.00
529-5S	C_6H_{12}	trans-3-hexene	.06± .03	5	35.00
530-5S	C_6H_{12}	2-methyl-1-pentene	.09± .09	5	35.00
531-5S	C_6H_{12}	3-methyl-1-pentene	.30± .20	5	35.00
532-5S	C_6H_{12}	4-methyl-1-pentene	.18± .12	5	35.00
533-5S	C_6H_{12}	2-methyl-2-pentene	.09± .05	5	35.00
534-5S	C_6H_{12}	3-methyl-cis-2-pentene	.15± .08	5	35.00
537-5S	C_6H_{12}	4-methyl-trans-2-pentene	.08± .07	5	35.00
538-5S	C_6H_{12}	2-ethyl-1-butene	.10± .04	5	35.00
287-5S	C_6H_{12}	3,3-dimethyl-1-butene	.09± .06	5	35.00
520-5S	C_7H_{14}	1-heptene	.20± .10	5	35.00
547-5S	C_7H_{14}	4,4-dimethyl-1-pentene	.15± .08	5	35.00
550-5S	C_7H_{14}	2,3,3-trimethyl-1-butene	.06± .04	5	35.00
521-5S	C_8H_{16}	1-octene	.24± .13	5	35.00
548-5S	C_8H_{16}	trans-4-octene	.10± .11	5	35.00
545-5S	C_8H_{16}	2,4,4-trimethyl-1-pentene	.09± .03	5	35.00
546-5S	C_8H_{16}	2,4,4-trimethyl-2-pentene	.08± .05	5	35.00
551-5S	C_9H_{18}	1-nonene	.24± .18	5	35.00
552-5S	$C_{10}H_{20}$	1-decene	.11± .07	5	35.00
555-5S	$C_{11}H_{22}$	1-undecene	.09± .08	5	35.00
526-5S	C_4H_8	cis-2-Hexene	.30± .10	5	35.00
528-5S	C_6H_{12}	cis-3-Hexene	.13± .08	5	35.00
539-5S	C_6H_{12}	2,3-Dimethyl-1-butene	.14± .13	5	35.00
540-5S	C_6H_{12}	2,3-Dimethyl-2-butene	.10± .05	5	35.00
589-5S	C_7H_{14}	4-Methyl-1-hexene	.22± .16	5	35.00
582-5S	C_7H_{14}	4-4-Dimethyl-cis-2-pentene	.21± .11	5	35.00
574-5S	C_7H_{14}	4-4-Dimethyl-trans-2-pentene	.09± .03	5	35.00
584-5S	$C_{12}H_{24}$	1-Dodecene	.13± .07	5	35.00
590-5S	$C_{16}H_{32}$	1-Hexadecene	.16± .07	5	35.00

(5) *Diolefins.*

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
		Paraffins	*Mole percent*	*ml*	
512-5S	C_4H_6	1,2-butadiene	0.08±0.05	5	$25.00
513-5S	C_4H_6	1,3-butadiene	[9] .08± .04	5	25.00
549-5S	C_5H_8	2-methyl-1,3-butadiene (isoprene)	[9] .04± .03	5	35.00
553-5S	C_6H_{10}	1,5-hexadiene	.11± .08	5	35.00
569-5S	C_5H_8	1,2-Pentadiene [4]	.34± .15	5	35.00
570-5S	C_6H_{10}	2,3-Dimethyl-1,3-butadiene [4]	.06± .14	5	35.00

(6) *Cyclomonoolefins.*

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
			Mole percent	*ml*	
288-5S	C_5H_8	Cyclopentene	0.034±0.021	5	$25.00
522-5S	C_6H_{10}	Cyclohexene	.023± .020	5	35.00
557-5S	C_8H_{12}	4-ethenyl-1-cyclohexene (4-vinyl-1-cyclohexene).	[9] .01 ± .07	5	35.00

[4] When sealed. Polymer formed may be removed as residue by simple vaporization of the sample "in vacuum" at an appropriate temperature.

(7) *Acetylenes.*

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
			Mole percent	*ml*	
514-5S	C_4H_6	1-butyne	0.13 ±0.07	5	$25.00
515-5S	C_4H_6	2-butyne	.069± .038	5	25.00

(8) *Alkyl benzenes.*

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample	Price per sample
			Mole percent	*ml*	
210a-5S	C_6H_6	Benzene	0.03±0.02	5	$10.00
210a-8S	C_6H_6	do	.03± .02	8	18.00
210a-25	C_6H_6	do	.03± .02	25	35.00
211a-5	C_7H_8	Methylbenzene [5] (toluene)	.04± .02	5	10.00
211a-8S	C_7H_8	do [5]	.04± .02	8	18.00
211a-25	C_7H_8	do [5]	.04± .02	25	35.00
211a-50	C_7H_8	do [5]	.04± .02	50	60.00
212a-5	C_8H_{10}	Ethylbenzene	.04± .02	5	10.00
212a-8S	C_8H_{10}	do	.04± .02	8	18.00
212a-25	C_8H_{10}	do	.04± .02	25	35.00
213a-5	C_8H_{10}	1,2-dimethylbenzene (o-xylene)	.010±.007	5	10.00
213a-8S	C_8H_{10}	do	.004±.007	8	18.00
213a-25	C_8H_{10}	do	.010±.007	25	35.00
214c-5S	C_8H_{10}	1,3-dimethylbenzene (m-xylene)		5	10.00
215a-5	C_8H_{10}	1,4-dimethylbenzene (p-xylene)	.06± .03	5	10.00
215a-8S	C_8H_{10}	do	.06± .03	8	18.00
215a-25	C_8H_{10}	do	.06± .03	25	35.00
221-5S	C_9H_{12}	n-propylbenzene	.25± .08	5	25.00
220-5	C_9H_{12}	Isopropylbenzene	.07± .03	5	10.00
220-8S	C_9H_{12}	do	.07± .03	8	18.00
220-25	C_9H_{12}	do	.07± .03	25	35.00
246-5S	$C_{10}H_{14}$	1-methyl-2-ethylbenzene	.27± .07	5	35.00
247-5S	$C_{10}H_{14}$	1-methyl-3-ethylbenzene	.43± .15	5	35.00
248-5S	$C_{10}H_{14}$	1-methyl-4-ethylbenzene	.13± .03	5	35.00
249-5S	C_9H_{12}	1,2,3-trimethylbenzene	.018±.012	5	35.00
250-5S	C_9H_{12}	1,2,4-trimethylbenzene	.33± .20	5	35.00
251-5S	C_9H_{12}	1,3,5-trimethylbenzene	.05± .02	5	35.00
501-5S	$C_{10}H_{14}$	n-butylbenzene	.12± .08	5	35.00
502-5S	$C_{10}H_{14}$	Isobutylbenzene	.13± .09	5	35.00
503-5S	$C_{10}H_{14}$	sec-butylbenzene	.12± .06	5	35.00
504-5S	$C_{10}H_{14}$	tert-butylbenzene	.06± .03	5	35.00
523-5S	$C_{10}H_{14}$	1,2-diethylbenzene	.05± .03	5	35.00
524-5S	$C_{10}H_{14}$	1,3-diethylbenzene	.07± .04	5	35.00
525-5S	$C_{10}H_{14}$	1,4-diethylbenzene	.07± .02	5	35.00
571-5S	$C_{10}H_{14}$	1-Methyl-4-isopropylbenzene	.05± .03	5	35.00
585-5S	$C_{10}H_{14}$	1,2,1,5-Tetramethylbenzene	.14± .04	5	35.00
572-5S	$C_{11}H_{16}$	1-Methyl-3-tert-butylbenzene	.08± .05	5	35.00
576-5S	$C_{11}H_{16}$	1-Methyl-4-tert-butylbenzene	.05± .03	5	35.00
586-5S	$C_{16}H_{34}$	n-Decylbenzene	.20± .16	5	35.00

(9) *Naphthalene.*

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
577-5S	$C_{10}H_8$	Naphthalene	0.04±0.03	5	$35.00
587-5S	$C_{10}H_{12}$	1,2,3,4-Tetrahydronaphthalene	.14± .06	5	35.00
578-5S	$C_{11}H_{10}$	1-Methylnaphthalene	.08± .03	5	35.00
579-5S	$C_{11}H_{10}$	2-Methylnaphthalene	.09± .06	5	35.00

[1] The designations following the sample numbers indicate the following: "-5S" or "-8S", a sample of 5 ml or 8 ml sealed "in vacuum" in a special Pyrex-glass ampoule with internal "break-off" tip: "5", "-25", or "-50", a sample of 5, 25, or 50 ml sealed "in vacuum" in a plain-glass ampoule.

[2] Unless otherwise indicated, the purity has been evaluated from measurements of freezing points. See J. Research NBS 35, 355 (1945) RP 1676.

[3] Tolerance approximately ±10 percent. All volumes have been estimated in the liquid state, including those of compounds normally solid.

[4] Certified with regard to density and refractive index.

(10) *Polycyclic aromatic hydrocarbons.*

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
			Mole percent	*ml*	
556-5S	C_9H_{10}	2,3-dihydroindene (indan)	0.06±0.02	5	$35.00
567-5S	$C_{10}H_{18}$	cis-Decahydronaphthalene (cis-Bicyclo [4.4.0] decane)	.11± .05	5	35.00
561-5S	$C_{10}H_{18}$	trans- Decahydronaphthalene (trans-Bicyclo [4.4.0] decane)	.04± .03	5	35.00

(11) *Organic sulfur compounds.*[10]

Sample No.[1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
904-5S	C_2H_6S	Ethanethiol (ethyl mercaptan)	0.05± 0.04	5	$35.00
907-5S	$C_3H_8S_2$	Methyldithiomethane (dimethyl disulfide)[11]	.03± .02	5	35.00
902-5S	C_4H_8S	Methylthioethane (methyl ethyl sulfide)[11]	.04± .04	5	35.00
901-5S	C_4H_4S	Thiophene	.013± .011	5	35.00
903-5S	$C_4H_{10}S$	Ethylthioethane (diethyl sulfide)[11]	.06± .04	5	35.00
905-5S	$C_4H_{10}S$	2-Methyl-2-propanethiol (tert-butyl mercaptan).	.08± .04	5	35.00
908-5S	$C_4H_{10}S_2$	Ethyldithiodisulfide (diethyl disulfide)[11]	.10± .08	5	35.00
906-5S	$C_5H_{12}S$	1-Pentanethiol (n-pentyl mercaptan)	.08± .05	5	35.00

[10] In the determination of the purity of these compounds an apparatus providing no connection with the atmosphere was employed. See Anal. Chem. 22, 151 (1950).

[11] These compounds are here named in accordance with the recommendations of the International Union of Pure and Applied Chemistry. The samples themselves bear labels in accordance with recommendations made for the naming of sulfur compounds in petroleum. See Chem. and Eng. News 24, 2765 (1946). The samples are labeled as follows: 907-5S, 2,3-dithiabutane; 902-5S, 2-thiabutane; 903-5S, 3-thiapentane; and 908-5S, 3,4-dithiahexane.

(12) *Hydrocarbon samples certified for density and refractive index.* The following three compounds of the original NBS list are certified with respect to values of density, for air-saturated material at 1 atmosphere, at 20, 25, and 30° C, to ±0.00002 g/ml, and also with respect to values of refractive index, for each of 7 wavelengths (helium 668 and 502, hydrogen 656 (C) and 486 (F), mercury 546 (e) and 436 (g), and sodium 589 (D_1 D_2) at 20, 25, and 30° C, to ±0.00002:

No. 217. 2,2,4-Trimethylpentane
No. 218. Methylcyclohexene
No. 211a. Toluene

These standards may be used to calibrate refractometers, picnometers, and density balances, as well as spectrometers. A certificate is supplied with each of these samples.

(13) *Samples certified for calorimetric heat of combustion.* Standard Sample 217, 2,2,4-Trimethylpentane; is also certified with regard to the value for calorimetric heat of combustion, primarily for calibrating apparatus for determining the heating value of gasoline and other liquid fuels.

NOTES: *Instructions and connecting tubes.* A set of instructions for transferring standard samples of hydrocarbons "in vacuum" may be obtained on request.

The unsaturated hydrocarbons are usually sealed in ampoules of Pyrex Red glass. In order to facilitate the handling of these ampoules, each laboratory obtaining one or more samples in such ampoules will be supplied gratis one special graded glass connecting tube of appropriate diameter, consisting of Pyrex Red to Pyrex Uranium to Pyrex Clear glass.

Orders. The above standard samples of hydrocarbons were prepared through a cooperative undertaking between the American Petroleum Institute and the National Bureau of Standards. One hundred and seventy-nine different hydrocarbon compounds are available as standard samples.

Standard Samples 201 to 218, inclusive, and 220, are obtainable only from the National Bureau of Standards and orders for these samples should be sent to: National Bureau of Standards, Washington 25, D. C.

All other hydrocarbon samples (No. 219 and those numbered 221 and above) are obtainable either from the National Bureau of Standards or the American Petroleum Institute. Orders for these samples from member laboratories of the American Petroleum Institute should be sent, in duplicate, with payment in advance, to the American Petroleum Institute, 50 West Fiftieth Street, New York 20, N. Y. All other orders should be sent to the National Bureau of Standards.

The standard samples of organic sulfur compounds were prepared through a cooperative undertaking of the American Petroleum Institute, the Bureau of Mines at Laramie, Wyoming, and the National Bureau of Standards. These standards can be obtained from the National Bureau of Standards or the American Petroleum Institute as indicated above for the hydrocarbons.

In all cases, compounds should be specified by both name and sample number.

Shipments. All orders for hydrocarbons or organic sulfur compounds are shipped express collect.

(o) *Paint-pigment standards for color and tinting strength only.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
300	Toluidine red toner	40	$3.00
301	Yellow ocher	45	3.00
302	Raw sienna	45	3.00
303	Burnt sienna	50	3.00
304	Raw umber	45	3.00
305	Burnt umber	50	3.00
306	Venetian red	60	3.00
307	Metallic brown	60	3.00
308	Indian red	50	3.00
309	Mineral red	65	3.00
310	Bright red oxide	50	3.00
311	Carbon black (high color)	10	3.00
312	Carbon black (all-purpose)	20	3.00
313	Black iron oxide	42	3.00
314	Yellow iron oxide, light lemon	20	3.00
315	Yellow iron oxide, lemon	20	3.00
316	Yellow iron oxide, orange	20	3.00
317	Yellow iron oxide, dark orange	40	3.00
318	Lampblack	15	3.00
319	Primrose chrome yellow	65	3.00
320	Lemon chrome yellow	60	3.00
321	Medium chrome yellow	65	3.00
322	Light chrome orange	100	3.00
323	Dark chrome orange	100	3.00
324	Ultramarine blue	37	3.00
325	Iron blue	25	3.00
326	Light chrome green	60	3.00
327	Medium chrome green	50	3.00
328	Dark chrome green	45	3.00

(p) *Standards for rubber compounding.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
370a	Zinc oxide	2,000	$2.15
371b	Sulfur	1,400	1.75
372b	Stearic acid	600	1.90
373b	Benzothiazyl disulfide	500	1.75
374a	Tetramethyl thiuramdisulfide.	500	3.50
375c	Channel black	7,500	3.50
376a	Light magnesia oxide	450	2.40
377	Phenyl-beta-naphthylamine	600	4.00
378	Oil furnace black	7,000	3.50
379	Conducting black	5,500	3.50
380	Calcium carbonate	6,000	2.50
381	Calcium silicate	4,000	2.50
382	Gas furnace black	7,500	3.50
386	Styrene-butadiene rubber	34,000	27.00

NOTE: Normally, samples are shipped railway express, express charges collect.

(q) *Standard oils for use as viscometer calibrating liquids.* These oils are not intended for use as permanent viscosity standards. They are not suitable for stockroom items and should be ordered only for immediate use. They are available only in containers of nominal one-pint capacity. This quantity is sufficient for the calibration of most viscometers. In cases where a larger quantity (e. g. duplicate samples) is required, a satisfactory explanation of the need for the larger quantity must be given in the order or accompanying letter. All available liquids are hydrocarbon oils and are listed in the tables below:

(1) *For use with viscometers calibrated in units of absolute or kinematic viscosity.* (i) Price covers the sample and a report containing accurate values at the time of shipment, for absolute viscosity, kinematic viscosity, and density at the following temperatures:

Oils D through N—20° C., 25° C., 100° F., and 210° F.

Oil OB—20° C., 25° C., and 40° C.

Oil P—30° C., 40° C., and 50° C.

(ii) Viscosity values at other temperatures in the range 20° C. to 100° C. (30° C. to 100° C. for Oil P) are supplied as a special service. For Oils D through N, the charge for this special service is $15 per sample per temperature. For Oils OB and P, the charge is $32 per sample per temperature. These special service charges are in addition to the charge for the sample and usual report.

(iii) The approximate viscosities and the prices of the calibrating oils are as follows:

Oil	Absolute viscosity, in poises, at—				Kinematic viscosity, in stokes, at—				Price per sample f. o. b. Washington, D. C.
	20° C.	25° C.	100° F.	210° F.	20° C.	25° C.	100° F.	210° F.	
D	0.020	0.018	0.014	0.006	0.026	0.023	0.019	0.008	$15.00
H	.074	.063	.044	.013	.091	.078	.055	.017	15.00
I	.12	.10	.066	.017	.14	.12	.081	.022	15.00
J	.21	.17	.11	.023	.25	.21	.13	.028	15.00
K	.41	.32	.18	.032	.48	.38	.22	.040	15.00
L	1.0	.74	.37	.049	1.1	.84	.43	.060	15.00
M	3.0	2.1	1.0	.099	3.4	2.4	1.1	.12	15.00
N	14	9.6	4.0	.25	16	11	4.6	.30	15.00
	20° C.	25° C.	30° C.	40° C.	50° C.	20° C.	25° C.	30° C.	40° C.	50° C.	
OB	330	210	------	62	------	380	240	------	70	------	$32.00
P	------	------	480	200	95	------	------	540	230	110	32.00

(2) *For use with Saybolt viscometers.* (i) Price covers the sample and a report containing an accurate value at the time of shipment, for viscosity at the indicated temperature. Viscosity values at other temperatures or in other units are not supplied.

(ii) The approximate viscosities and the prices of the Saybolt calibrating oils are as follows:

Oil	Temperature ° F.	Viscosity	Price per sample f. o. b. Washington, D. C.
SB	100	300 sec., Saybolt Universal	$6.50
SC	130	300 sec., Saybolt Universal	6.50
SF	122	100 sec., Saybolt Furol	6.50

NOTE: On account of the nature of the material, samples of oils for use as viscometer calibrating liquids will be shipped via railway express, express charges collect.

(r) *Radioactive standards.*[1]

RADIUM-STANDARDS (FOR RADON ANALYSIS)

Sample No.	Radium content	Volume (ml)[a]	Price per sample
4950	10^{-3} gram	100	$20.00
4951	10^{-11} gram	100	20.00
4952	Blank solution	100	2.00

[a] Samples are sealed in glass containers.

RADIUM GAMMA-RAY STANDARDS

Sample No.	Description	Radium content	Volume (ml)[a]	Price per sample
4955	Radium	0.1×10^{-4} gram	5	$20.00
4956	Radium	0.2	5	20.00
4957	Radium	0.5	5	20.00
4958	Radium	1.0	5	20.00
4959	Radium	2.0	5	20.00
4960	Radium	5.0	5	20.00
4961	Radium	10	5	20.00
4962	Radium	20	5	20.00
4963	Radium	50	5	20.00
4964	Radium	100	5	20.00

[a] Samples are contained in flame-sealed glass ampoules

ALPHA-BETA-GAMMA STANDARDS

Sample No.	Radiation	Nuclide	Nominal activity [a]	Volume	Price per sample
4900	α	Polonium-210 [b]	200 dps	[c]	$20.00
4901	α	Polonium-210 [b]	500 dps	[c]	20.00
4902	α	Polonium-210 [b]	1000 dps	[c]	20.00
4903	α	U_3O_8 [d]	15 dps	[c]	20.00
4910	$\beta(\alpha)$	RaD+E [f]	200 dps	[c]	20.00
4911	$\beta(\alpha)$	RaD+E [f]	500 dps	[c]	20.00
4912	$\beta(\alpha)$	RaD+E [f]	1000 dps	[c]	20.00
4913	$\beta(\gamma)$	Cobalt-60	10^4 dps/ml [e]	[b]	20.00
4914	$\gamma(\beta)$	Cobalt-60	10^4 dps	5.0 ml	20.00
4915	$\gamma(\beta)$	Cobalt-60	10^4 dps	5.0 ml	20.00
4916	β	Phosphorous-32 [f]	10^4 dps/ml [e]	[b]	20.00
4917	$\beta(\gamma)$	Iodine-131 [f]	10^4 dps/ml [e]	[b]	20.00
4918	$\beta(\gamma)$	Gold-198 [f]	10^4 dps/ml [e]	[b]	20.00

See footnotes at end of table.

[1] Radioactive standards are shipped express collect.

ALPHA-BETA-GAMMA STANDARDS

Sample No.	Radiation	Nuclide	Nominal activity [a]	Volume	Price per sample
4919	β	Strontium-90 / Yttrium-90	10^4 dps/ml [e]	[b]	$20.00
4920	β	Thallium-204	10^4 dps/ml [e]	[b]	20.00
4921	$\beta(\gamma)$	Sodium-22	10^4 dps l/ml [e]	[b]	20.00
4922	$\gamma(\beta)$	Sodium-22	10^4 dps	5.0 ml	20.00
4923	$\beta(\gamma)$	Sodium-24 [f]	10^4 dps/ml [e]	[b]	20.00
4924	β	Carbon-14	10^3 dps/ml [e]	25.0 ml	20.00
4925	β	Carbon-14 [f]	10^4 dps/g	[b]	20.00
4926	β	Hydrogen-3	10^4 dps/ml	25.0 ml	20.00
4927	β	Hydrogen-3	10^4 dps/ml	[b]	20.00
4928	β	Sulphur-35	10^4 dps/ml [e]	[b]	20.00
4929	K	Iron-55	10^4 dps/ml	[b]	20.00
4930	$K(\gamma)$	Zinc-65	10^4 dps/ml	[b]	20.00
4931	$\gamma(\beta)$	Cesium-137	10^4 dps/ml	5.0 ml	20.00
4932	$\gamma(\beta)$	Mercury-203	10^4 dps/ml	5.0 ml	20.00
4933	$\beta(\gamma)$	Potassium-42 [f]	10^3 dps/ml [e]	[b]	20.00

[a] The disintegration rate as of the reference date is given on a certificate accompanying the standard.
[b] Samples consist of elonium-210, deposited on a silver disk 1 inch in diameter, 1/16 inch thick and faced with 0.002 inch of palladium.
[c] Deposited source.
[d] Samples consist of U_3O_8 deposited on a 0.1 millimeter platinum foil and mounted on an aluminum disk, 1¼ inch in diameter and 1/32 inch thick. The alpha-ray disintegration rate as of the date of calibration is indicated on the certificate accompanying the standard.
[e] Evaporated source.
[f] Standards consist of Pb-210—Bi-210 in equilibrium, deposited on the 0.002 inch thick palladium face of a silver palladium disk.
[g] Total activity has been adjusted so that AEC authorization is not required.
[h] Approximately 3 milliliters of low-solids carrier solution containing the active nuclide in a flame-sealed ampoule.
[i] Distributed periodically at announced intervals.
[j] For use in liquid scintillation counters.
[k] Crystallized benzoic acid.

ROCK AND ORE STANDARDS—RADIUM ROCK SAMPLES [a]

Sample No.	Rock	Average radium content (gram of radium per gram of rock)	Price per sample
4975	Dunite	$(0.009\pm0.004)\times10^{-12}$	$$3.00
4976	Carthage limestone	0.14 ± 0.03	3.00
4977	Berea sandstone	0.24 ± 0.02	3.00
4978	Columbia River basalt	0.33 ± 0.03	3.00
4979	Chelmsford granite	2.96 ± 0.08	3.00
4980	Quartzite	0.06 ± 0.01	3.00
4981	Graniteville granite	3.3 ± 0.2	3.00
4982	Gabbro-diorite	0.18 ± 0.02	3.00
4983	Milford granite	0.23 ± 0.02	3.00
4984	Triassic diabase	0.18 ± 0.03	3.00
4985	Deccan trap	0.21 ± 0.04	3.00
4986	Kimberlite	0.59 ± 0.04	3.00

[a] Each sample consists of 100 g of pulverized rock taken from bulk material analyzed for radium content. Petrographic data and approximate chemical analysis of a representative sample of each rock is also given in a certificate accompanying each sample.

(s) *Standard colors for kitchen and bathroom accessories.*[1]

Sample No.	Item	Unit of issue	Price per set
1000	Enameled iron plaques, 3 x 5 inches, in accordance with Commercial Standards CS 62-38 and CS 63-38.	Set of 10	$10.00

[1] Calibration of these standards for use with three-filter reflectometers may be obtained by ordering under Fee Schedule 215.508b as listed in National Bureau of Standards Test Fee Circular 483 (obtainable from the Superintendent of Documents, Washington 25, D. C.).

(t) *Limestone slabs for caulking compound tests.*

Sample No.	Description	Unit of issue	Price per set
1005	Limestone slabs, as required by Federal Specification TT-C-598, "Compound, Caulking: Plastic".	Set of 12 slabs	$2.00

(u) *Resolution test charts.*

Sample No.	Description [1]	Unit of issue [2]	Price per sample
1010	Resolution chart, for testing the resolving power of microcopying cameras.	Each	$0.20

[1] These charts are made photographically, and consist of a series of line-patterns, the lines and spaces being of equal width. Each pattern contains two sets of lines, one set at right angles to the other. The patterns range from 1 to 10 lines per millimeter. Instructions for the use of these charts are furnished with each order.
[2] Minimum order, 5 charts.

(v) *Light-sensitive paper and booklets of standard faded strips of light-sensitive paper, for use in testing textiles for colorfastness to light by exposure in carbon-arc fading lamp.* (See NBS Letter Circular LC1012 for directions for using the paper.)

Sample No.	Description	Unit of issue	Price per set
1015	Light-sensitive paper, for use in testing textiles for colorfastness to light by exposure in carbon-arc fading lamp.	Set of 100 pieces.	$3.00
1016	Booklet of standard faded strips of light-sensitive paper, for use in testing textiles for colorfastness to light by exposure in carbon-arc fading lamp.	Booklet	26.00

(w) *Standards of reference.* In addition to the standards already enumerated, this Bureau distributes the following standards of reference that have been compared with master standards at the Bureau or measured for compliance with an arbitrary standard. Detailed information and prices concerning these standards of reference may be obtained by applying to the Bureau.

Standards of thermal radiation (incandescent electric lamp) for calibrating thermopiles. (Fee Schedule 204.201d.)

Lamp standards of candlepower and luminous flux. (Fee Schedule 202.121.)

Spectrophotometric standards. (Fee Schedule 202.125.)

Lamp standards of color temperature. (Fee Schedule 202.127g.)

Reflectance standards. (Fee Schedule 202.128.)

Glass opacity standards for the paper industry. (Fee Schedule 202.129.)

Gloss standards. (Fee Schedule 202.130.)

Signal glasses. (Fee Schedule 202.132.)

Haze standards. (Fee Schedule 202.133.)

Transmittance standards for petroleum products. (Fee Schedule 202.134.)

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277)

Dated: November 19, 1956.

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-9652; Filed, Nov. 26, 1956; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter D—Navigation Requirements for Certain Inland Waters

[CGFR 56-52]

PART 82—BOUNDARY LINES OF INLAND WATERS

MISCELLANEOUS EDITORIAL CHANGES

In the description of boundary lines of inland waters specific reference objects are used in describing the lines. The changes in this document are editorial in nature and correct the names of aids to navigation and other reference points used. Although new reference points may be used in certain instances, these changes do not change the locations of the boundary lines as previously established and published in the FEDERAL REGISTER.

Because the amendments in this document are editorial in nature, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof, is impracticable and unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed and shall become effective upon date of publication of this document in the FEDERAL REGISTER:

ATLANTIC COAST

1. Section 82.5 is amended by changing "Sail Rock Whistle Buoy 1" to "Sail Rock Lighted Whistle Buoy 1" so that this section reads as follows;

§ 82.5 *All harbors on the coast of Maine, New Hampshire, and Massachusetts between West Quoddy Head, Maine, and Cape Ann Lighthouse, Mass.* A line drawn from Sail Rock Lighted Whistle Buoy 1 to the southeasternmost extremity of Long Point, Maine, to the southeast-

ernmost extremity of Western Head; thence to the southeasternmost extremity of Old Man; thence to the southernmost extremity of Double Shot Islands; thence to Libby Islands Lighthouse; thence to Moose Peak Lighthouse; thence to the eastern extremity of Little Pond Head. A line drawn from the southern extremity of Pond Point, Great Wass Island, to the southernmost point of Crumple Island; thence to Petit Manan Lighthouse; thence to Mount Desert Lighthouse; thence to Matinicus Rock Lighthouse; thence to Monhegan Island Lighthouse; thence to Seguin Lighthouse; thence to Portland Lightship; thence to Boon Island Lighthouse; thence to Cape Ann Lighted Whistle Buoy 2.

2. Section 82.20 is amended by changing "Navesink Lighthouse (South Tower)" to "Navesink (abandoned) Lighthouse (South Tower)" so that this section reads as follows:

§ 82.20 *New York Harbor.* A line drawn from Rockaway Point Coast Guard Station to Ambrose Channel Lightship; thence to Navesink (abandoned) Lighthouse (south tower).

3. Section 82.25 is amended by changing "Cape May Entrance Lighted Bell Buoy 2CM" to "Cape May Inlet Lighted Bell Buoy 2CM" so that this section reads as follows:

§ 82.25 *Delaware Bay and tributaries.* A line drawn from Cape May East Jetty Light to Cape May Inlet Lighted Bell Buoy 2CM; thence to Overfalls Lightship; thence to the northernmost extremity of Cape Henlopen.

4. Section 82.45 is amended by changing "St. Andrew Sound Bar Buoy" to "St. Andrew Sound Outer Entrance Buoy" and "Fernandina Lighted Whistle Buoy 1F" to "St. Marys Entrance Lighted Whistle Buoy 1STM" so that this section reads as follows:

§ 82.45 *St. Simon Sound, St. Andrew Sound, and Cumberland Sound.* Starting from the hotel located approximately ¾ mile, 63½° true, from St. Simon (rear) Lighthouse, a line drawn to St. Simon Lighted Whistle Buoy St. S; thence to St. Andrew Sound Outer Entrance Buoy; thence to St. Marys Entrance Lighted Whistle Buoy 1STM; thence to Amelia Island Lighthouse.

GULF COAST

5. Section 82.95 is amended by changing "a point 5.9 miles, 210.5° true, from Mobile Point Lighthouse" to "a point 5.5 miles 202° true, from Mobile Point Lighthouse" and by changing "a point 5.1 miles, 106° true, from Pass a Loutre Abandoned Lighthouse" to "a point 5.1 miles, 107° true, from Pass a Loutre Abandoned Lighthouse," so that this section reads as follows:

§ 82.95 *Mobile Bay, Ala., to Mississippi Passes, La.* Starting from a point which is located 1 mile, 90° true, from Mobile Point Lighthouse, a line drawn to a point 5.5 miles, 202° true, from Mobile Point Lighthouse; thence to Ship Island Lighthouse; thence to Chandeleur Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore lines of the Chandeleur Islands to the southwestern-most extremity of Errol Shoal (lat. 29° 35.8' N., long. 89° 00.8' W.); thence to a point 5.1 miles, 107° true, from Pass a Loutre Abandoned Lighthouse.

PACIFIC COAST

6. Section 82.125 is amended by changing "South Jetty Bell Buoy 2S" to "South Jetty Bell Buoy 2SJ" so that this section reads as follows:

§ 82.125 *Columbia River Entrance.* A line drawn from the west end of the north jetty (above water) to South Jetty Bell Buoy 2SJ.

7. Section 82.130 is amended by changing "Bonita Point Lighthouse" to "Point Bonita Lighthouse" so that this section reads as follows:

§ 82.130 *San Francisco Harbor.* A straight line from Point Bonita Lighthouse drawn through Mile Rocks Lighthouse to the shore.

8. Section 82.135 is amended by changing "Net Depot East Jetty Light 4 at Anaheim Bay" to "Anaheim Bay East Jetty Light 4" so that this section reads as follows:

§ 82.135 *San Pedro Bay.* A line drawn from Los Angeles Harbor Lighthouse through the axis of the Middle Breakwater to the eastern-most extremity of the Long Beach Breakwater; thence to Anaheim Bay East Jetty Light 4.

PUERTO RICO AND VIRGIN ISLANDS

9. Section 82.235 is amended by changing "The Triangle Bell Buoy 2" to "The Triangles Bell Buoy 2" so that this section reads as follows:

§ 82.235 *St. Thomas Harbor, St. Thomas.* A line drawn from the southernmost extremity of Red Point through Lindbergh Bay Buoy 1; thence to Porpoise Rocks Lighted Buoy 2; thence to the southernmost extremity of Flamingo Point; thence to The Triangles Bell Buoy 2; thence to the Green Cay.

10. Section 82.245 is amended by changing "Piedra Stevens Buoy 1" to "Piedra Stevens Lighted Buoy 1" so that this section reads as follows:

§ 82.245 *Sonda de Vieques.* A line drawn from the easternmost extremity of Punta Yeguas, Puerto Rico, to a point 1 mile due south of the lighthouse at the entrance to Puerto Ferro; thence eastward in a straight line to a point 1 mile southeast of Punta Este Light, Vieques; thence in a straight line to the easternmost extremity of Punta del Este, Isla Culebrita. A line from the northernmost extremity of Cayo Nordeste to Piedra Stevens Lighted Buoy 1; thence to Las Cucarachas Light; thence to Cabo San Juan Light.

(Sec. 2, 28 Stat. 682, as amended, 33 U. S. C. 151)

Dated: Nov. 19, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56-9656; Filed, Nov. 26, 1956; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

PAYMENT OF PENSION OR COMPENSATION

In § 4.98, paragraph (c) (5) and (6) is amended to read as follows:

§ 4.98 *Payment of pension or compensation based on school attendance.* • • •

(c) *Holiday or vacation periods.* • • •

(5) *Resumption of payments after discontinuance for failure to submit notice of commencement.* Payments reduced or discontinued pursuant to subparagraph (4) (i) of this paragraph for failure to submit notice of commencement of school attendance within 10 days (30 days if residence is outside the continental limits of the United States) after the date the child expected to commence the course of training will be resumed, if otherwise in order, from the effective date of such reduction or discontinuance upon receipt within 1 year from that date of notice showing attendance at the commencement of term for which such benefits were denied.

(6) *Ending dates of school awards.* The ending date of the school award will be the year, month, and day shown on VA Form VB 8-674 on which it is expected the course will be terminated. If day on which it is expected the course will be terminated is not shown, the ending date of the school award will be the last day of the preceding month.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 27, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-9649; Filed, Nov. 26, 1956; 8:46 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. In § 36.4401, paragraphs (a), (c), (e), and (f) are amended to read as follows:

§ 36.4401 *Definitions.* • • •

(a) "Act": Public Law 702, 80th Congress, 2d Session, as amended.

• • • • • •

(c) "Movable facilities": Such exercising equipment and other aids as may be allowed or required by the Chief Medical Director or his designee.

• • • • • •

(e) "Special fixtures": Construction features which are specially designed to overcome the physical limitations of the individual beneficiary and which are allowed or required by the Chief Medical Director or his designee as necessary by nature of the qualifying disability.

(f) "Housing unit": A family dwelling or unit approved by the Department of Medicine and Surgery as medically feasible for occupation as a home by the individual beneficiary, including the land, improvements, and all appurtenances, together with such movable facilities or special features as are authorized under the definitions of those terms in §§ 36.4401 through 36.4410.

• • • • • •

2. In § 36.4408, paragraph (b) is amended to read as follows:

§ 36.4408 *Delegation of authority.* • • •

(b) Designated positions:

Chief Benefits Director.
Director, Loan Guaranty Service.
Assistant Director for Loan Policy and Management.
Manager, Veterans Benefits Office, D. C.
Assistant Manager, Veterans Benefits Office, D. C.
Loan Guaranty Officer, Veterans Benefits Office, D. C.
Assistant Loan Guaranty Officer, Veterans Benefits Office, D. C.
Chief, Paraplegic Housing Section, Veterans Benefits Office, D. C.
Manager, VA Regional Office.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

• • • • • •

3. Section 36.4409 is revised to read as follows:

§ 36.4409 *Guaranteed or insured loans under Servicemen's Readjustment Act.* In any case where, in addition to the benefits of Public Law 702, 80th Congress, as amended, the veteran will utilize his entitlement to the loan guaranty or insurance benefits of Title III of the Servicemen's Readjustment Act of 1944 (Pub. Law 346, 78th Cong.), as amended, the complete transaction must be in accord with applicable regulations promulgated thereunder excepting § 36.4306 thereof.

(Sec. 2, 62 Stat. 500, as amended; 38 U. S. C. ch. 12)

This regulation is effective November 27, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-9650; Filed, Nov. 26, 1956; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

SUBPART—1956 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1956 crop of types 21, 22, 23, 31, 35, 36, and 37 tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published June 6, 1956 (21 F. R. 3863).

Sec.
464.831 1956 crop; Virginia fire-cured tobacco, Type 21; advance schedule.
464.832 1956 crop; Tennessee and Kentucky fire-cured tobacco, Type 22; advance schedule.
464.833 1956 crop; Kentucky and Tennessee fire-cured tobacco, Type 23; advance schedule.
464.834 1956 crop; Burley tobacco, Type 31; advance schedule.
464.835 1956 crop; Dark air-cured tobacco, Types 35 and 36; advance schedule.
464.836 1956 crop; Virginia sun-cured tobacco, Type 37; advance schedule.

AUTHORITY: §§ 464.831 to 464.836 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, sec. 2, 59 Stat. 506; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1312 note.

§ 464.831 *1956 crop; Virginia fire-cured tobacco, Type 21, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Grade	
A1F	56.12	56.12	.....	T3F	39.12
A2F	52.12	53.12	50.12	T4F	37.12
A3F	50.12	50.12	48.12	T5F	32.12
A1D	56.12	56.12	.....	T3D	39.12
A2D	52.12	53.12	50.12	T4D	37.12
A3D	50.12	50.12	48.12	T5D	32.12
				T3M	37.12
B1F	52.12	53.12	50.12	T4M	34.12
B2F	50.12	50.12	48.12	T5M	28.12
B3F	43.12	44.12	43.12	T3G	37.12
B4F	38.12	40.12	39.12	T4G	34.12
B5F	35.12	36.12	35.12	T5G	28.12
B1D	52.12	53.12	50.12		
B2D	50.12	50.12	48.12	X1L	38.12
B3D	43.12	44.12	43.12	X2L	35.12
B4D	38.12	40.12	39.12	X3L	32.12
B5D	35.12	36.12	35.12	X4L	30.12
B3M	38.12	39.12	38.12	X5L	25.12
B4M	37.12	38.12	37.12	X1F	39.12
B5M	33.12	34.12	33.12	X2F	36.12
B3G	38.12	39.12	38.12	X3F	34.12
B4G	37.12	38.12	37.12	X4F	30.12
B5G	33.12	34.12	33.12	X5F	25.12
				X1D	39.12
C1L	55.12	55.12	51.12	X2D	36.12
C2L	52.12	52.12	49.12	X3D	34.12
C3L	46.12	46.12	43.12	X4D	30.12
C4L	39.12	40.12	39.12	X5D	25.12
C5L	34.12	35.12	34.12	X3M	30.12
C1F	55.12	55.12	51.12	X4M	27.12
C2F	52.12	52.12	49.12	X5M	23.12
C3F	46.12	46.12	43.12	X3G	30.12
C4F	39.12	40.12	39.12	X4G	26.12
C5F	34.12	35.12	34.12	X5G	21.12
C2D	35.12	36.12	35.12		
C3D	31.12	32.12	31.12	N1L	15.12
C4D	30.12	31.12	30.12	N1R	15.12
C5D	26.12	27.12	26.12	N1G	15.12
C3M	33.12	34.12	33.12		
C4M	31.12	32.12	31.12		
C5M	29.12	30.12	29.12		
C3G	31.12	32.12	31.12		
C4G	29.12	30.12	29.12		
C5G	24.12	25.12	24.12		

[1] The Cooperative Associations through which price support is made available for Virginia fire-cured, type 21, Burley, type 31, and Virginia sun-cured, type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "U" (unsound), DAM (damaged), N2L, N2R, N2G, N-K, botched, nested, off-type, or decayed will not be accepted, except that tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 10 percent below the regular grade advance rates for types 22, 23, 35, and 36, and 20 percent below the regular grade advance rates for types 21 and 37. Types 22 and 23 grades marked with the special factor "OS" and dark air-cured, type 35, grades marked with special factor "BL" in addition to the regular grade symbols shall have an advance rate 20 percent below the advance rate for the regular grades without such special factor.

§ 464.832 *1956 crop; Tennessee and Kentucky fire-cured tobacco, Type 22; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
A1F	62	.....	T3F	34
A2F	58	51	T4F	30
A3F	48	45	T5F	24
A1D	62	.....	T3D	34
A2D	58	51	T4D	29
A3D	48	45	T5D	22
			T3M	32
B1F	52	48	T4M	24
B2F	49	46	T5M	19
B3F	45	43	T3G	29
B4F	41	39	T4G	23
B5F	33	31	T5G	16
B3FV	42	39		
B4FV	38	36	X1L	40
B5FV	31	29	X2L	37
B1D	52	48	X3L	33
B2D	49	46	X4L	28
B3D	47	45	X5L	22
B4D	42	40		
B5D	32	29	X1F	40
B3M	42	39	X2F	37
B4M	37	34	X3F	33
B5M	28	24	X4F	28
B3G	43	40	X5F	22
B4G	38	35	X3FV	30
B5G	27	23	X4FV	25
			X5FV	19
C1L	51	48		
C2L	47	44	X1D	39
C3L	45	42	X2D	36
C4L	40	38	X3D	30
C5L	32	30	X4D	23
C1F	51	48	X5D	14
C2F	47	44	X3M	27
C3F	45	42	X4M	19
C4F	40	38	X5M	14
C5F	32	30	X3G	26
C3FV	40	36	X4G	17
C4FV	35	33	X5G	12
C5FV	30	28		
C2D	44	40	N1L	13
C3D	40	37	N1R	11
C4D	34	31	N1G	10
C5D	26	24		
C3M	39	36		
C4M	33	31		
C5M	27	24		
C3G	36	32		
C4G	30	26		
C5G	21	17		

§ 464.833 *1956 crop; Kentucky and Tennessee fire-cured tobacco, Type 23; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
A1F	62	.....	T3F	33
A2F	57	50	T4F	29
A3F	47	44	T5F	23
A1D	62	.....	T3D	33
A2D	57	50	T4D	28
A3D	47	44	T5D	21
			T3M	31
B1F	51	47	T4M	23
B2F	48	45	T5M	18
B3F	44	42	T3G	28
B4F	40	38	T4G	22
B5F	33	31	T5G	15
B3FV	41	38		
B4FV	37	35	X1L	39
B5FV	31	29	X2L	36
B1D	51	47	X3L	32
B2D	48	45	X4L	27
B3D	46	44	X5L	22
B4D	41	39	X1F	39
B5D	32	29	X2F	36
B3M	41	38	X3F	32
B4M	36	33	X4F	27
B5M	28	24	X5F	22
B3G	42	39	X3FV	29
B4G	37	34	X4FV	24
B5G	27	23	X5FV	19
C1L	50	47	X1D	38
C2L	46	43	X2D	35
C3L	44	41	X3D	29
C4L	39	37	X4D	22
C5L	32	30	X5D	14
C1F	50	47	X3M	26
C2F	46	43	X4M	18
C3F	44	41	X5M	14
C4F	39	37	X3G	25
C5F	32	30	X4G	16
C3FV	39	35	X5G	12
C4FV	34	32		

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
C5FV	30	28	N1L	13
C2D	43	39	N1R	21
C3D	39	36	N1G	10
C4D	33	30		
C5D	26	24		
C3M	38	35		
C4M	33	31		
C5M	27	24		
C3G	35	31		
C4G	30	26		
C5G	21	17		

§ 464.834 *1956 crop; burley tobacco, Type 31, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	61.12	T4FV	34.12
B2F	59.12	T3FR	40.12
B3F	55.12	T4FR	35.12
B4F	52.12	T5FR	29.12
B5F	46.12	T3R	29.12
B3FV	52.12	T4R	26.12
B4FV	46.12	T5R	21.12
B3FK	47.12	T3RV	26.12
B4FK	43.12	T4RV	22.12
B1FR	52.12	T4D	21.12
B2FR	50.12	T5D	18.12
B3FR	45.12	T4GF	24.12
B4FR	42.12	T5GF	19.12
B5FR	37.12	T4GR	18.12
B1R	43.12	T5GR	15.12
B2R	40.12	C1L	67.12
B3R	36.12	C2L	66.12
B4R	32.12	C3L	65.12
B5R	29.12	C4L	64.12
B3RV	31.12	C5L	59.12
B4RV	27.12	C1F	66.12
B4D	24.12	C2F	65.12
B5D	19.12	C3F	64.12
B3M	43.12	C4F	62.12
B4M	39.12	C5F	57.12
B5M	31.12	C3FV	59.12
B3GF	35.12	C4FV	57.12
B4GF	32.12	C3FK	53.12
B5GF	26.12	C4FK	51.12
B3GR	24.12	C3R	56.12
B4GR	21.12	C4R	53.12
B5GR	18.12	C5R	46.12
M3F	49.12	C3RV	49.12
M4F	44.12	C4RV	46.12
M5F	41.12	C4M	50.12
M3R	38.12	C5M	44.12
M4R	33.12	C4G	34.12
M5R	28.12	C5G	27.12
T3F	46.12	X1L	67.12
T4F	41.12	X2L	66.12
T5F	35.12	X3L	65.12
T3FV	89.12	X4L	61.12

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
X5L	52.12	X4M	47.12
X1F	66.12	X5M	37.12
X2F	65.12	X4G	37.12
X3F	64.12	X5G	27.12
X4F	60.12	N1L	40.12
X5F	51.12	N1F	32.12
X3R	54.12	N1D	16.12
X4R	50.12	N1G	14.12
X5R	40.12		

§ 464.835 *1956 crop; Dark air-cured tobacco, Types 35 and 36, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade	
A1F	52		T3F	35
A2F	48	45	T4F	31
A3F	43	41	T5F	23
A1R	52		T3R	35
A2R	48	45	T4R	31
A3R	43	41	T5R	23
			T3D	35
B1F	49	47	T4D	31
B2F	45	43	T5D	23
B3F	44	42	T3M	34
B4F	42	40	T4M	29
B5F	36	34	T5M	22
B3FV	41	39	T3G	34
B4FV	40	38	T4G	29
B5FV	36	34	T5G	21
B1R	49	47		
B2R	45	43	X1L	39
B3R	44	42	X2L	37
B4R	42	40	X3L	33
B5R	36	34	X4L	30
B1D	49	47	X5L	24
B2D	45	43	X1F	39
B3D	42	40	X2F	37
B4D	41	39	X3F	33
B5D	35	33	X4F	30
B3M	41	39	X5F	24
B4M	38	36	X3FV	32
B5M	32	30	X4FV	26
B3G	40	38	X5FV	21
B4G	38	36	X1R	39
B5G	31	29	X2R	36
			X3R	33
C1L	46	44	X4R	27
C2L	44	42	X5R	21
C3L	43	41	X3D	33
C4L	40	38	X4D	27
C5L	32	30	X5D	17
C1F	46	44	X3M	31
C2F	44	42	X4M	24
C3F	43	41	X5M	17
C4F	40	38	X3G	31
C5F	32	30	X4G	21
C3FV	40	38	X5G	15
C4FV	38	36		
C5FV	30	28	N1L	15
C1R	44	42	N1R	15
C2R	42	40	N1G	14
C3R	41	39		
C4R	39	37		
C5R	29	27		
C3M	40	38		
C4M	36	34		
C5M	27	25		
C4G	36	34		
C5G	26	24		

§ 464.836 *1956 crop; Virginia sun-cured tobacco, Type 37; advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44	Grade	
A1F	53.12		T3F	38.12
A2F	51.12	48.12	T4F	36.12
A3F	49.12	45.12	T5F	30.12
A1R	53.12		T3R	38.12
A2R	51.12	48.12	T4R	36.12
A3R	49.12	45.12	T5R	30.12
			T3D	36.12
B1F	51.12	48.12	T4D	34.12
B2F	49.12	45.12	T5D	26.12
B3F	44.12	42.12	T3M	36.12
B4F	40.12	38.12	T4M	34.12
B5F	35.12	33.12	T5M	26.12
B1R	51.12	48.12	T3G	36.12
B2R	49.12	45.12	T4G	34.12
B3R	44.12	42.12	T5G	26.12
B4R	40.12	38.12		
B5R	35.12	33.12	X1L	38.12
B1D	51.12	48.12	X2L	35.12
B2D	49.12	45.12	X3L	32.12
B3D	44.12	42.12	X4L	30.12
B4D	38.12	36.12	X5L	23.12
B5D	34.12	32.12	X1F	39.12
B3M	39.12	37.12	X2F	36.12
B4M	37.12	35.12	X3F	33.12
B5M	34.12	32.12	X4F	30.12
B3G	39.12	37.12	X5F	23.12
B4G	37.12	35.12	X1R	38.12
B5G	34.12	32.12	X2R	35.12
			X3R	33.12
C1L	47.12	44.12	X4R	29.12
C2L	44.12	42.12	X5R	22.12
C3L	43.12	39.12		
C4L	39.12	37.12	X3D	31.12
C5L	32.12	30.12	X4D	28.12
C1F	47.12	44.12	X5D	21.12
C2F	45.12	42.12	X3M	30.12
C3F	43.12	39.12	X4M	27.12
C4F	38.12	36.12	X5M	21.12
C5F	32.12	30.12	X3G	30.12
C1R	47.12	42.12	X4G	26.12
C2R	44.12	41.12	X5G	21.12
C3R	38.12	36.12		
C4R	34.12	32.12	N1L	15.12
C5R	30.12	28.12	N1R	15.12
C3M	36.12	34.12	N1G	15.12
C4M	32.12	30.12		
C5M	28.12	26.12		
C4G	29.12	28.12		
C5G	25.12	24.12		

Issued this 19th day of November 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-9630; Filed, Nov. 26, 1956; 8:45 a. m.]

See footnote on p. 9215.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 3, 4b, 6, 13, 16]

[Draft Release No. 56-28]

1956 ANNUAL REVIEW AND AMENDMENTS OF AIRWORTHINESS REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to the airworthiness provisions of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulations, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by December 26, 1956. Copies of such communications will be available after January 2, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The proposed amendments to the airworthiness regulations set forth below stem from the studies conducted during the Board's 1956 Annual Airworthiness Review and particularly from the discussions which took place at the meetings held in Washington September 10 through September 14. Those issues which are sufficiently resolved are being published herein in the form of proposed amendments to the regulations.

The proposals herein pertain to amendments to Parts 3, 4b, 6, and 13 and rescission of Part 16 of the Civil Air Regulations. The explanatory statements accompanying the proposed amendments present the basis for the amendments and also the reasons why certain other proposals are not considered sufficiently resolved to justify specific recommendations for amendment of the regulations at the present time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., November 16, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

Proposed rules—Part 3:

There are contained herein proposed rules with respect to various miscellaneous issues which were possible of resolution within the framework of this year's Annual Airworthiness Review.

Of the changes being proposed, the most important substantive ones relate to the design of pressurized cabins and powerplant fire protection. The currently effective regulations contain no specific requirements with respect to pressurization effects on the airplane's structure. In view of the recent trend to develop small pressurized airplanes, it is considered appropriate to establish such specific requirements as will assure the structural integrity of airplanes utilizing pressurization. Accordingly there are being proposed in new §§ 3.197, 3.270, and 3.394 through 3.396 and in changes to § 3.383, provisions which are intended to cover pressurized cabins from the standpoint of design, basic loads, fatigue evaluation, and testing. These proposed changes were developed by using the principles which are applicable to pressurized cabins on transport category airplanes and, therefore, in many respects the proposed changes are substantially the same as those which apply to transport category airplanes.

The record of past powerplant fires on small airplanes indicates the need for certain improvements in the fire protection provisions for such airplanes, particularly with respect to fuel lines and fittings. During the recent Airworthiness Review meetings, proposals were considered with respect to requirements for improved fuel lines and fittings, flammable fluid shutoff means, fireproof skin aft of cowl openings, fire detectors, and fire-resistant lines and fittings carrying flammable fluids in engine compartments. Although fireproof cowling skin and fire detectors might be considered desirable on certain installations, there is considerable question whether such provisions are necessary for a minimum level of safety if adequate provisions are taken in the design to preclude the start of powerplant fires. Based on the current fire protection requirements, the changes proposed herein in the powerplant design of small airplanes are intended to result in a marked improvement in protection against fires on small airplanes. In this regard, it is proposed to change § 3.550 to require that flexible connections in fuel lines which are subject to internal pressure and axial loading be made by flexible hose assemblies rather than hose clamp connections which are subject to loosening. In addition, it is proposed to incorporate in § 3.550 a provision which would prohibit the use of flexible hoses which might be adversely affected by temperature. Although this provision was not discussed at the recent meetings, it is considered to be such a sound criteria as to warrant its incorporation. With these proposed changes, the provisions of § 3.550 will be consistent with those governing transport category airplanes. The currently effective provisions require shutoff means for lines carrying flammable fluids into the engine compartment on multiengine airplanes having a stall speed greater than 70 mph or a weight greater than 6,000 pounds. For all other airplanes, shutoff means are only required for the fuel lines. The proposed change to § 3.637 would require shutoff means for all lines carrying flammable fluids into the engine compartment on all airplanes. In addition, a new § 3.638 is proposed which would require that lines and fittings carrying flammable fluids or gases in the engine compartment be fire resistant on all airplanes.

Among other substantive changes, it is proposed to revise § 3.111 by reducing the prescribed minimum control speed (V_{MC}) applicable to multiengine airplanes with one engine operative from 1.3 V_{s_1} to 1.2 V_{s_1}. In view of the relatively low all-engines-operating climb airspeeds associated with new type multiengine airplanes, this change is intended to assure that the all-engines-operating climb speeds will be sufficiently above V_{MC} to minimize the possibility of flight speeds below V_{MC} in the event of an engine failure.

Changes are being proposed to the provisions of § 3.667 which incorporate more up-to-date safety standards with respect to the design and performance of auto-pilot systems.

There are also being proposed other changes which are relatively less substantive, or are editorial or clarifying in nature.

The subject of cockpit vision was discussed at the recent Annual Airworthiness Meeting from the viewpoint of incorporating more specific requirements on this subject in the regulations. Although it was generally agreed that cockpit vision should conform with the latest specifications, there was considerable question as to the advisability of incorporating detailed specifications in the regulations at this time.

It is believed advisable to obtain experience in applying the latest industry specifications to cockpit vision on small airplanes before effecting any regulatory changes. The Administrator of Civil Aeronautics has indicated his intent to develop suitable detailed specifications for small airplanes in the form of manual material. It is hoped that this material will be made available soon to industry. The Bureau will follow closely the development of this material and its subsequent application with the view of considering such specific regulatory action as might be indicated.

As a result of the recent Annual Airworthiness meetings, consideration was given to a number of proposals with respect to a requirement for an instrument flight placard on newly certificated airplanes. It is believed that there is insufficient time remaining within this year's airworthiness review to give all interested parties, especially the operators, an opportunity to explore fully the effects of those proposals. In view of the foregoing, no regulatory action on this subject is being proposed at this time;

instead, the subject will be integrated with a study on a proposal to require an instrument flight placard on existing airplanes, which is currently being conducted outside the framework of the Annual Airworthiness Review.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 3 of the Civil Air Regulations be amended:

1. By amending § 3.75 by deleting paragraphs (c) and (d) and by inserting a new paragraph (c) to read as follows:

§ 3.75 *Minimum weight.* • • •

(c) Fuel and oil quantities not greater than the minima specified in § 3.74 (b) (1).

2. By amending § 3.111 (a) by deleting from the last sentence the expression "1.3 V_{s_1}" and inserting in lieu thereof the expression "1.2 V_{s_1}".

3. By amending § 3.118 (a) (1) and (2) by inserting between the words "all" and "flap" in each subparagraph the words "landing gear and".

4. By amending § 3.184 by adding at the end thereof a note to read as follows:

NOTE: For a seaplane version of a landplane, it is normally acceptable to use the wing loading of the landplane in determining the limit maneuvering control surface loadings from Figure 3–3 (b) provided: the power of the engines and the placard maneuver speed of the seaplane do not exceed those established for the landplane; the maximum certificated weight of the seaplane does not exceed the corresponding weight of the landplane by more than 10 percent; and service experience with the landplane is such that no evidence of any serious control-surface load problems are indicated and such that the service experience is of sufficient scope to deduce reasonably accurately that no serious control-surface load problems will develop on the seaplane.

5. By adding a new § 3.197 to read as follows:

§ 3.197 *Pressurized cabin loads.* The provisions of paragraphs (a) through (c) of this section shall apply to pressurized compartments.

(a) The airplane structure shall have sufficient strength to withstand the flight loads combined with pressure differential loads from zero up to the maximum relief valve setting. Account shall be taken of the external pressure distribution in flight. Stress concentrations shall be taken into account in the design of the pressurized structure. (See § 3.270.)

(b) If landings are to be permitted with the cabin pressurized, landing loads shall be combined with pressure differential loads from zero up to the maximum permitted during landing.

(c) The airplane structure shall have sufficient strength to withstand the pressure differential loads corresponding with the maximum relief valve setting multiplied by a factor of 1.33. It shall be acceptable to eliminate all other loads in this case.

(d) Where a pressurized cabin is separated into two or more compartments by bulkheads or floor, the primary structure shall be designed for the effects of sudden release of pressure in any compartment having external doors or windows. This condition shall be investigated for the effects resulting from the failure of the largest opening in a compartment. Where intercompartment venting is provided, it shall be acceptable to take into account the effects of such venting.

6. By adding a new heading and a new § 3.270 to read as follows:

FATIGUE EVALUATION

§ 3.270 *Pressurized cabins.* The strength, detail design, and fabrication of the pressure cabin structure shall be evaluated in accordance with the provisions of either paragraph (a) or (b) of this section.

(a) *Fatigue strength.* The structure shall be shown by analysis and/or tests to be capable of withstanding the repeated loads of variable magnitude expected in service.

(b) *Fail safe strength.* It shall be shown by analysis and/or tests that catastrophic failure is not probable after fatigue failure or obvious partial failure of a principal structural element. After such failure the remaining structure shall be capable of withstanding a static ultimate load factor of 75 percent of the limit load factor at *Vc*, taking into account the combined effect of normal operating pressures, the expected external aerodynamic pressures, and flight loads. These loads shall be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise taken into consideration.

7. By amending § 3.343 by inserting after the first sentence a new sentence to read as follows: "For secondary control systems including adjustable stabilizers, the system loading in the operation test need not exceed that corresponding with the maximum pilot effort established in accordance with § 3.234."

8. By amending § 3.371 (b) to read as follows:

§ 3.371 *Seaplane main floats.* • • •

(b) *Compartmentation.* Each seaplane main float shall contain a sufficient number of watertight compartments to provide reasonable assurance that the airplane will stay afloat in the event that any 2 compartments of the main floats are flooded. In any case, a main float shall contain at least 4 watertight compartments. The compartments shall have approximately equal volumes.

9. By amending § 3.383 to read as follows:

§ 3.383 *Windshields, windows, and canopies.* (a) All internal glass planes shall be of a nonsplintering safety type.

(b) The design of windshields, windows, and canopies in pressurized airplanes shall be based on factors peculiar to high altitude operation. (See also § 3.394.)

NOTE: Factors peculiar to high altitude operation normally include the effect of continuous and cyclic pressurization loadings, the inherent characteristics of the material used, the effects of temperatures and temperature gradients, etc.

(c) On pressurized airplanes, an enclosure canopy including a representative portion of the installation shall be subjected to special tests to account for the combined effects of continuous and cyclic pressurization loadings and flight loads.

10. By amending § 3.388 (b) by adding the following sentence at the end thereof: "In addition to the components provided for normal continuous control air temperature, airflow, and fuel flow, means independent of such components shall be provided for each heater to automatically shut off and hold off the ignition and fuel supply to the heater at a point remote from the heater when the heat exchanger temperature or ventilating air temperature exceeds safe limits or when either the combustion airflow or the ventilating airflow becomes inadequate for safe operation."

11. By adding a new § 3.394 to read as follows:

§ 3.394 *Pressurized cabins; general.* The design of pressurized compartments shall comply with the requirements of §§ 3.395 and 3.396. (See also §§ 3.197, §§ 3.395 and 3.396. (See also §§ 3.197, 3.270, and 3.383.)

12. By adding a new § 3.395 to read as follows:

§ 3.395 *Pressure control.* Pressurized cabins shall be provided with at least the following valves, controls, and indicators for controlling cabin pressure:

(a) Two pressure relief valves, at least one of which is the normal regulating valve, shall be installed to limit automatically the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. The combined capacity of the relief valves shall be such that the failure of any one valve would not cause an appreciable rise in the pressure differential. The pressure differential shall be considered positive when the internal pressure is greater than the external.

(b) To reverse pressure differential relief valves (or equivalent) shall be installed to prevent automatically a negative pressure differential which would damage the structure, except that one such valve shall be considered sufficient if it is of a design which reasonably precludes its malfunctioning.

(c) Means shall be provided by which the pressure differential can be rapidly equalized.

(d) An automatic or manual regulator for controlling the intake and/or exhaust air flow shall be installed so that the required internal pressures and air flow rates can be maintained.

(e) Instruments shall be provided for the pilot to show the pressure differential, the absolute pressure in the cabin, and the rate of change of the absolute pressure.

(f) Warning indication shall be provided for the pilot to indicate when the safe or preset limits on pressure differential and on absolute cabin pressure are exceeded.

(g) If the structure is not designed for pressure differentials up to the maximum relief valve setting in combination with landing loads (see § 3.197 (b)), a warning placard shall be provided for the pilot.

(h) If continued rotation of an engine driven cabin compressor or if continued flow of any compressor bleed air will constitute a hazard in case malfunction occurs, means shall be provided to stop rotation of the compressor or divert air flow from the cabin.

13. By adding a new § 3.396 to read as follows:

§ 3.396 *Tests*—(a) *Strength test.* The complete pressurized cabin, including doors, windows, canopy, and all valves shall be tested as a pressure vessel for the pressure differential specified in § 3.197 (c).

(b) *Functional tests.* The following functional tests shall be performed:

(1) To simulate the condition of regulator valves closed, the functioning and the capacity shall be tested of the positive and negative pressure differential valves and of the emergency release valve.

(2) All parts of the pressurization system shall be tested to show proper functioning under all possible conditions of pressure, temperature, and moisture up to the maximum altitude selected for certification.

(3) Flight tests shall be conducted to demonstrate the performance of the pressure supply, pressure and flow regulators, indicators, and warning signals in steady and stepped climbs and descents at rates corresponding with the maximum attainable without exceeding the operating limitations of the airplane up to the maximum altitude selected for certification.

(4) All doors and emergency exits shall be tested to ascertain that they operate properly after being subjected to the flight tests prescribed in subparagraph (3) of this paragraph.

14. By amending § 3.550 to read as follows:

§ 3.550 *Fuel system lines and fittings.* (See § 3.637.)

(a) Fuel lines shall be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure and due to accelerated flight conditions.

(b) Fuel lines which are connected to components of the airplane between which relative motion could exist shall incorporate provisions for flexibility.

(c) Flexible connections in fuel lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections.

(d) Flexible hose shall be of an approved type or shall be shown to be suitable for the particular application.

(e) Flexible hoses which might be adversely affected by exposure to high temperatures shall not be employed in locations where excessive temperatures will exist during operation or after engine shutdown.

15. By amending § 3.564 (a) to read as follows:

§ 3.564 *Oil tank tests.* • • •

(a) The applied pressure shall be 5 p. s. i. for all tank constructions instead of those specified in § 3.441 (a).

16. By amending the introductory paragraph of § 3.586 by deleting the first sentence and inserting in lieu thereof the following: "The engine cooling tests shall be conducted by stabilizing the engine temperatures in flight with the engines operating at not less than 75 percent of the maximum continuous power rating. After engine temperatures have stabilized, the climb shall be started at the lowest practicable altitude and continued for one minute with the engine operating at the take-off rating."

17. By amending § 3.587 (a) by inserting after the first sentence a new sentence to read as follows: "Temperatures of the operating engines shall be stabilized in flight with the engines operating at not less than 75 percent of the maximum continuous power rating."

18. By amending § 3.637 to read as follows:

§ 3.637 *Flammable fluids; shutoff means.* (a) Means for each individual engine shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, de-icer, and other flammable fluids from flowing into, within, or through the engine compartment except that means need not be provided to shut off flow in lines forming an integral part of an engine.

(b) Closing the fuel shutoff valve for any engine shall not make any of the fuel supply unavailable to the remaining engines. Operation of the shutoff means shall not interfere with the subsequent emergency operation of other equipment, such as feathering the propeller.

(c) The shutoff means shall be located outside of the engine compartment unless an equally high degree of safety is otherwise provided. It shall be shown that no hazardous quantity of flammable fluid could drain into the engine compartment after shutting off has been accomplished.

(d) Provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means in flight after it has once been closed.

19. By adding a new § 3.638 to read as follows:

§ 3.638 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in the engine compartment shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Lines and fittings which are under pressure, or which attach directly to the engine, or which are subject to relative motion between components shall be flexible, fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved type.

(b) Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

(c) Vent and drain lines and their fittings shall be subject to the provisions of paragraphs (a) and (b) of this section, unless a failure of such line or fitting will not result in, or add to, a fire hazard.

20. By amending § 3.667 to read as follows:

§ 3.667 *Automatic pilot system.* If an automatic pilot system is installed, compliance shall be shown with the provisions of paragraphs (a) through (e) of this section.

(a) The system shall be so designed that the automatic pilot can be either quickly and positively disengaged by the human pilot to prevent it from interfering with the control of the airplane, or be overpowered by the human pilot to enable him to control the airplane.

(b) A means shall be provided to indicate readily to the pilot the alignment of the actuating device in relation to the control system which it operates, except when automatic synchronization is provided.

(c) The manually operated control(s) for the system's operation shall be readily accessible to the pilot. Controls shall operate in the plane and sense of motion of cockpit controls as specified by § 3.384 and Figure 3–14. The direction of motion shall be plainly indicated on or adjacent to each control.

(d) The automatic pilot system shall be of such design and so adjusted that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.

(e) The system design shall be such that a single malfunction will not produce a hardover signal in more than one control axis. When the automatic pilot integrates signals from auxiliary controls or furnishes signals for operation of other equipment, positive interlocks and sequencing of engagement shall be provided to preclude improper operation. Protection against adverse interaction of integrated components resulting from a malfunction shall be provided.

21. By deleting § 3.676.

Proposed rules—Part 4b:

There are contained herein proposed rules with respect to various miscellaneous issues which were possible of resolution within the framework of this year's Annual Airworthiness Review.

Of the changes being proposed, the most extensive changes of a substantive nature involve the powerplant provisions. Most of these are applicable to turbine engine installations. In this regard, there is included a proposal to designate as fire zones the combustor, turbine, and tail pipe sections, with an exception applying to the installation of a fire extinguisher system if a fire originating in such section is controlled by virtue of particular design characteristics. The currently effective requirements specify the compressor and accessory sections of turbine engines as fire zones and make only certain provisions for fire zones applicable to the other sections. This proposal (see § 4b.480 (a)) should provide a reasonably high degree of fire protection for turbine engines.

There have been no provisions in the regulations governing engine design for the protection against rotor blade failure. However concurrently with these proposals there is being proposed a requirement for Part 13 of the Civil

Air Regulations to require provisions in the rotor cases to afford this type of protection. In order to provide the necessary protection on airplanes which might use engines not incorporating this protection, there is proposed in new § 4b.401 (d) a provision to require the necessary protection in the installation.

At the recent Annual Airworthiness meetings, a proposal was discussed to require protection against turbine wheel failure, such as not to jeopardize the safe operation of the airplane. This proposal was extremely controversial and since it was included in a comment in the agenda it was considered that there was insufficient time to study fully the proposal. It is believed that the problem of turbine wheel failure is most significant to safety and some consideration is deemed necessary at this time. It is considered that the broad provisions being proposed concurrently with respect to Part 13 of the Civil Air Regulations are such as to require full consideration of the structural integrity of the turbine wheel and of the engine control systems which might be used to limit those engine parameters affecting the turbine wheel. In addition, a requirement is proposed in § 4b.401 (e) to require design precautions to safeguard the airplane against turbine rotor failure when there is insufficient assurance against such failure in the engine design. This proposal is intended to apply to turbine as well as reciprocating engine installations.

There is also included a proposed change to § 4b.604 which is intended to specify the required instruments for turbine powerplants. No change is proposed with respect to the instruments for reciprocating engines. It should be noted that the proposal for a thrust indicator for turbo-jets is considered to entail the best means for measuring thrust. At the present time, a pressure ratio indicator is considered to be acceptable within the meaning of a thrust indicator. In addition, the proposal for a reverse thrust indicator for turbo-propellers specifies early indication instead of either early or late as implied in the currently effective provisions for reciprocating engines. In view of the characteristic operation of the turbo-propeller in the ground fine and reverse pitch ranges, it is considered that an early indication would provide the most useful information to the pilots.

There is proposed in new § 4b.408 a provision which would require the incorporation of the principle of fail safe design in propeller-drag limiting systems on turbo-propeller installations, such as negative torque control systems and other back-up systems. It is not intended by this proposal to require consideration of more than one component failure in any of the systems at a time, either during normal or emergency operation. This proposal is intended to cover all components whether or not integral with the engine.

It is being proposed to extend the currently effective provisions governing intermittent maximum icing conditions so as to cover those conditions which might be more critical insofar as the turbine engine induction system is concerned. In this regard, the data are being extended in accordance with NACA Technical Note 2738 and involve a revision of Figure 4b–25a to cover drop diameters as low as 15 microns and a revision to Figure 4b–25c to cover distances down to 0.3 miles. The icing conditions prescribed in the currently effective regulations are applicable in the main to the airframe. The changes proposed in § 4b.461 would subject the turbine powerplant to the same icing conditions and require that the induction system be protected against serious engine power loss effects. A similar requirement is proposed in Part 13 with respect to certification of turbine engines.

Additional proposed changes to the powerplant provisions include consideration of turbine engine torque effects from sudden engine stoppage with respect to the engine mount structural integrity (see § 4b.216 (a) (4)), of crash protection for fuselage fuel tanks (see § 4b.420 (f)), and of safety criteria for fuel dumping systems (see § 4b.437 (f)). It is considered that the storage of fuel in the fuselage section of the wing will pose additional fire hazards during a crash landing and, therefore, in order to minimize these hazards, it is proposed that fuselage fuel tanks withstand without leakage the inertia forces prescribed in the currently effective regulations for a crash landing. It is not intended by this proposal to limit design of such fuel tanks in any particular manner.

With respect to § 4b.236 there is proposed more specific requirements to account for the unsymmetrical loads on multiple-wheel landing gears. A change is proposed to § 4b.335 (c) to permit greater flexibility in determining the maximum required energy capacity for wheel brakes.

With respect to pressurization equipment and supply, it is proposed to change § 4b.374 to require on airplanes intended for operation over 25,000 feet to maintain under normal conditions a pressure altitude of no more than 8,000 feet and to maintain a pressure altitude of no more than 15,000 feet in the event of failure of any one pressurization system component. In addition, the oxygen equipment and supply requirements of § 4b.651 are being revised to make them more realistically applicable to airplanes which are intended to operate above 25,000 feet. It is proposed to retain the currently effective requirements for altitudes of 25,000 feet and less on the basis of experience with currently operated airplanes.

In addition, there are other less substantive changes being proposed with respect to personnel accommodations, the emergency provisions, auto pilot systems, etc.

Further, there are included other changes which are either relatively minor, clarifying, or of an editorial nature.

There were several proposals discussed at this year's Annual Airworthiness Meetings, which could not be resolved because they require further study. These include proposals with respect to design air speeds and air speed limitations, cycling load tests for the fuselage section, turbine engine cooling, speed control devices, bird impact strength of windshield, and forward projecting recognition light. Also, there were several other proposals on which no regulatory action is taken because the problems raised in connection with these proposals are considered to be adequately covered by the currently effective regulations. These were on the subjects of seat protection provisions for flight attendants, dynamic effects in consideration of fail safe strength, and presentation of altitude information.

There are two additional subjects of considerable importance, involving cockpit vision and instrument flight panel arrangement on which no proposals are being included herein. The subject of cockpit vision was discussed at the recent meeting from the viewpoint of incorporating more specific requirements in the regulations. Although it was generally agreed that cockpit vision should conform with the latest specifications, there was considerable question as to the advisability of incorporating detailed specifications in the regulations at this time. It is believed advisable to obtain experience in applying the latest industry specification before affecting any regulatory changes. The Administrator of Civil Aeronautics has indicated his intent to publish shortly manual material setting forth detailed specifications on cockpit vision. The Bureau will follow closely the development of this material and its application with the view of considering specific regulatory action as might be indicated.

On the subject of flight instrument panel arrangement, the Bureau believes that the supporting data presented by the Air Line Pilots Association on its proposal at the meeting as well as the viewpoints expressed by other interested parties indicate that there might be sufficient reasons for questioning the validity of the currently effective instrument panel arrangement insofar as integrated flight systems are concerned. In addition, this proposal has apparently created sufficient uncertainty among some operators who, as a result, have decided to postpone plans for conversion of the instrument panel arrangement on currently operated airplanes in conformity with the currently effective regulations. In view of the foregoing, this office has undertaken outside the scope of the Annual Airworthiness Review a special study with the aim of effecting an early resolution of this problem. Early resolution is deemed necessary in order to assure that appropriate regulations will be applicable to the certification of current designs of turbine-powered airplanes and to dispel the uncertainty which now exists. In view of the fact that certification of some turbine-powered airplanes is anticipated by March 1957, we consider that the questions raised by the recent meeting must be sufficiently resolved to permit the Board to take any needed regulatory action by February. Consequently, this office will be obliged to complete its study by not later than the end of this year so that, in the event regulatory action is found advisable, the normal rule-making procedures can be effected. It is realized that this schedule will entail considerable effort on the part of all interested parties. In order to expedite coordination of views on this matter between the users of civil and military airplanes, this office has referred the matter to both the SAE S–7 Committee and the military ASSP Committee. In view of the foregoing, it is requested that interested parties submit such comment and data as might help in the study of this matter, by no later than the comment deadline date of this draft release.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 4b of the Civil Air Regulations be amended:

1. By amending the introductory statement of § 4b.1 (b) (1) by inserting between the words "atmosphere" and "defined" the following: "(See NACA Technical Note 3182.)"

2. By amending § 4b.1 (b) (1) (iv) by deleting the expression "−67° F." and inserting in lieu thereof the expression "−69.7° F."

3. By amending § 4b.1 (b) (1) (v) by deleting the numerals "0.002378" and inserting in lieu thereof the numerals, "0.002377."

4. By amending § 4b.1 (f) by changing the title of this paragraph, by amending subparagraphs (2) and (3), by redesignating subparagraphs (4) through (8) as subparagraphs (7) through (11), respectively, and by adding new subparagraphs (4) through (6), to read as follows:

§ 4b.1 *Definitions.* • • •

(f) *Powerplant installation.* • • •

(2) *Take-off power or thrust.* (i) Take-off power for reciprocating engines is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(ii) Take-off power for turbine engines is the brake horsepower developed under standard sea level static conditions, under the maximum conditions of rotor shaft rotational speed and gas temperature approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(iii) Take-off thrust for turbine engines is the jet thrust developed under standard sea level static conditions, under the maximum conditions of rotor shaft rotational speed and gas temperature approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum contiuous power or thrust.* (i) Maximum continuous power for reciprocating engines is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(ii) Maximum continuous power for turbine engines is the brake horsepower developed under standard sea level static conditions, under the maximum conditions of rotor shaft rotational speed and gas temperature approved for use during periods of unrestricted duration.

(iii) Maximum continuous thrust for turbine engines is the jet thrust developed under standard sea level static conditions, under the maximum conditions of rotor shaft rotational speed and gas temperature approved for use during periods of unrestricted duration.

(4) *Equivalent horsepower.* Equivalent horsepower for turbine engines is the quotient of the net jet thrust in pounds developed under static conditions divided by 2.5.

(5) *Equivalent shaft horsepower.* Equivalent shaft horsepower for turbine engines is the sum of the brake horsepower and the equivalent horsepower.

(6) *Gas temperature.* Gas temperature for turbine engines is the temperature of the gas stream obtained as indicated in the approved engine specification.

5. By amending § 4b.210 by deleting the first sentence in the introductory paragraph and inserting in lieu thereof the following: "Flight load requirements shall be complied with at critical altitudes within the range selected by the applicant at all weights from the design minimum weight to the maximum weight appropriate to each particular flight condition, with any practicable distribution of disposable load within prescribed operating limitations stated in the Airplane Flight Manual. (See § 4b.740.)"

6. By amending § 4b.212 (b) by deleting the words "the supplementary" and inserting in lieu thereof the words "speeds up to the".

7. By amending § 4b.216 (a) by adding a new subparagraph (4) to read as follows:

§ 4b.216 *Supplementary flight conditions.* • • •

(a) *Engine torque effects.* • • •

(4) For turbine engine installations, the limit torque load imposed by sudden engine stoppage due to malfunction or structural failure (e. g., compressor jam-up) shall be considered in the design of the engine mounts and supporting structure.

8. By amending § 4b.216 (d) by deleting the word "tail" and inserting in lieu thereof the word "airplane."

9. By amending Figure 4b–11 by deleting the expression "$V_M=0.25(n-0.67)W$" and inserting in lieu thereof the following "V_M=one-half the maximum vertical ground reaction obtained at each main gear in the level landing conditions."

10. By amending the introductory paragraph of § 4b.235 by adding at the end thereof the following sentence, "In the conditions of paragraph (b) (1) and (2), it shall be acceptable to use a drag reaction lower than prescribed therein if it is substantiated that an effective drag force of 0.8 times the vertical reaction cannot be attained under any likely loading condition."

11. By amending § 4b.236 to read as follows:

§ 4b.236 *Unsymmetrical loads on multiple-wheel units.*—(a) *General.* Multiple-wheel landing gear units shall be assumed to be subjected to the limit loads prescribed in this subpart in accordance with the provisions of paragraphs (b) and (c) of this section.

(b) *Inflated tire.* The distribution of the limit loads among the wheels of the landing gears shall be established for all landing, taxiing, and ground handling conditions, taking into account the effects of the factors enumerated in subparagraphs (1) through (6) of this paragraph.

(1) Number of wheels and their physical arrangement. In the case of truck type landing gear units, the effects of any see-saw motion of the truck during the landing impact shall be considered in determining the maximum design loads for the fore and aft wheel pairs.

(2) Differentials in tire-diameters resulting from a combination of manufacturing tolerances, tire growth, and tire wear. It shall be acceptable to assume a maximum tire-diameter differential equal to ⅔ of the worst combination of diameter variations which is obtained when taking into account manufacturing tolerances, tire growth, and tire wear.

(3) A runway crown of zero and a runway crown having a convex upward shape which may be approximated by a slope of 1½ percent with the horizontal. Runway crown effects shall be considered with the nose gear unit on either slope of the crown.

(4) Airplane attitude.

(5) Unequal tire inflation pressure, assuming the maximum variation to be ±5 percent of the nominal tire inflation pressure.

(6) Structural deflections.

(c) *Deflated tire.* The effects shall be investigated of the deflation of any one tire on multiple wheel landing gear units and, in addition, the deflation of any two critical tires on landing gear units employing more than four wheels per unit. The ground reactions shall be applied to the wheels with inflated tires in accordance with the provisions of subparagraphs (1) through (3) of this paragraph and shall be distributed among the wheels of the landing gears taking into account the factors of paragraph (b) of this section except as otherwise prescribed.

(1) *Landing conditions.* For one deflated tire and for two deflated tires, the applied load to each gear unit shall be assumed to be 60 percent and 50 percent, respectively, of the limit load applied to each gear for each of the prescribed landing conditions, except that for the drift landing condition of § 4b.234 the full vertical load shall be applied.

(2) *Taxiing and ground handling.* For one deflated tire and for two deflated tires, the applied side and/or drag loads at the center of gravity shall be the most critical value up to 50 percent and 40 percent, respectively, of the limit side and/or drag loads resulting from the most severe condition prescribed for the taxiing and ground handling conditions, except that for the braked roll conditions

of § 4b.235 (b) (1) and (2) (ii), the drag loads on each inflated tire shall not be less than that resulting from the symmetrical load distribution with no deflated tires. Pivoting need not be considered.

(3) *Towing condition.* The towing conditions shall be as prescribed in § 4b.235 (b), except that for one deflated tire and for two deflated tires, the towing load, FTOW, shall be 60 percent and 50 percent, respectively, of the load prescribed.

NOTE: In determining the total load on a gear unit with respect to the provisions of paragraphs (b) and (c) of this section, the transverse shift in the load centroid, due to unsymmetrical load distribution on the wheels, is normally neglected.

12. By amending § 4b.270 (b) (1) by inserting between the words "ultimate" and "load" the word "maneuver".

13. By amending § 4b.320 by adding at the end thereof the following sentence, "An adjustable stabilizer shall incorporate means to permit, after the occurrence of any reasonably possible single failure of the actuating system, such adjustment as would be necessary for continued safety of the flight.

14. By amending § 4b.335 (c) by deleting the statement just before the formula and inserting in lieu thereof the following: "The maximum brake kinetic energy capacity rating of each main wheel-brake assembly shall not be less than the kinetic energy absorption requirement determined in accordance with this paragraph. The brake kinetic energy absorption requirements shall be based on a rational analysis of the sequence of events which are expected to occur during operational landings at maximum landing weight. This analysis shall include conservative values of airplane speed at which the brakes are applied, braking coefficient of friction between tires and runway, aerodynamic drag, propeller drag or powerplant forward thrust, and if more critical, the most adverse single engine or propeller malfunction. In lieu of a rational analysis it shall be acceptable to establish the kinetic absorption requirements for each main wheel brake assembly by the following formula:"

15. By amending § 4b.337 by adding a new paragraph (d) to read as follows:

§ 4b.337 *Brakes.* • • •

(d) *Anti-skid systems.* If an anti-skid system is used, the anti-skid device shall be of an approved type. The anti-skid system shall be such that no single probable malfunction will result in a hazardous loss of braking ability or directional control of the airplane.

16. By amending § 4b.352 (b) by adding a new sentence at the end thereof to read as follows: "Protective means shall be incorporated to minimize the danger to crew members from windshield fragments."

17. By amending § 4b.353 (e) (2) to read as follows:

§ 4b.353 *Controls.* • • •

(e) • • •

(2) The landing gear control shall be located forward of the throttles and shall be operable by each of the pilots when seated with seat belts fastened.

18. By amending § 4b.356 (e) by inserting after the words "external doors" the words, "for which the initial opening movement is outward, • • •"

19. By amending § 4b.358 (b) by adding a new subparagraph (5) to read as follows:

§ 4b.358 *Seats, berths, and safety belts.* • • •

(b) *Arrangement.* • • •

(5) Seats of all crew members at flight deck stations shall incorporate provisions for the use of a shoulder harness and the seats with such provisions shall comply with the strength requirements of paragraph (c) of this section.

20. By amending § 4b.362 (e) (5) by inserting after the words "emergency exits" the words, "for which the initial opening movement is outward • • •"

21. By amending § 4b.362 (f) (2) by adding the following to the first sentence, "• • • and to illuminate an area below and outside the emergency exits to facilitate emergency evacuation."

22. By amending § 4b.371 (c) by adding a new sentence at the end thereof to read as follows: "If accumulation of hazardous quantities of smoke in the cockpit area is reasonably possible, smoke evacuation shall be readily accomplished without depressurizing beyond safe limits. (See § 4b.374 (b).)"

23. By amending § 4b.374 to read as follows:

§ 4b.374 *Pressure equipment and supply.* (See § 4b.477 (c).)

(a) Occupied cabins or compartments of airplanes certificated for operation at altitudes over 25,000 feet shall be equipped to provide a maximum cabin pressure altitude of 8,000 feet at the maximum operating altitude of the airplane under normal operating conditions.

(b) Airplanes certificated for operation at altitudes over 25,000 feet shall be capable of maintaining a cabin pressure altitude of not more than 15,000 feet following the failure of any one pressurization system component.

24. By amending § 4b.401 by adding new paragraphs (d) and (e) to read as follows:

§ 4b.401 *Engines.* • • •

(d) *Rotor blade protection.* Turbine powerplant installations shall include a means of protection such that the occurrence of rotor blade failure in any engine will not affect the operation of remaining engines nor jeopardize the continued safe operation of the airplane, unless the engine type certificate specifies that the engine rotor cases have been substantiated as capable of containing the damage resulting from rotor blade failure.

(e) *Engine turbine rotor.* Unless there exists reliable assurance that turbine rotors will not fail, design precautions shall be taken to safeguard the safety of the airplane from the effect of engine turbine rotor failures.

25. By adding a new § 4b.408 to read as follows:

§ 4b.408 *Turbo-propeller-drag limiting systems.* For turbo-propeller powered airplanes, propeller-drag limiting systems shall be such that no single failure or malfunction of any of the systems during normal or emergency operation will result in exceeding the propeller drag used for the airplane design in compliance with § 4b.216 (d). Failure of structural elements of the drag limiting systems need not be considered if occurrence of such failure is expected to be extremely remote. (See also § 4b.310.)

26. By amending § 4b.420 by adding new paragraphs (f) and (g) to read as follows:

§ 4b.420 *General.* • • •

(f) Fuel tanks located within the fuselage contour shall be capable of resisting rupture and retaining the fuel under the inertia forces prescribed for the emergency landing conditions in § 4b.260. In addition, these tanks shall be located in a protected position so that exposure of the tanks to scraping action with the ground will be unlikely.

(g) *Augmentation liquid quantity.* The augmentation liquid tank capacity available for the use of each engine shall be sufficient to permit operation of the airplane throughout the critical combination of flight segments, for which augmentation liquid is required to obtain compliance with the performance rules. The computation of liquid consumption shall be based on the maximum approved rate appropriate for the desired engine output and shall include the effect of temperature on engine performance as well as any other factors that might cause a variation in the amount of liquid required.

27. By amending the introductory paragraph of § 4b.435 to read as follows:

§ 4b.435 *Fuel strainer.* A fuel strainer shall be provided between the fuel tank outlet and the fuel metering device of the engine. The screen mesh of the fuel strainer shall not be less than that established by the engine manufacturer as necessary for engine fuel system protection. In addition, the following provisions of this section shall be complied with:

28. By amending § 4b.437 by adding a new paragraph (f) to read as follows:

§ 4b.437 *Fuel jettisoning system.* • • •

(f) The design of the fuel jettisoning system shall be such that any single malfunction in the system will not result in a hazardous condition due to unsymmetrical jettisoning or inability to jettison fuel.

29. By amending § 4b.440 (b) by deleting from the first sentence the word "of" following the word "rate" and inserting in lieu thereof the words "established by the engine manufacturer for" and by inserting in the second sentence after the word "range" the words "for reciprocating engines."

30. By amending § 4b.440 (c) by inserting after the word "provided" the words "for reciprocating engines,"

31. By amending § 4b.460 by adding a new paragraph (g) to read as follows:

§ 4b.460 *General.* • • •

(g) For turbine engines, the air inlet ducts shall be so located or protected as to minimize the ingestion of foreign matter during take-off, landing, or taxiing.

32. By amending § 4b.461 by adding a new paragraph (c) to read as follows:

§ 4b.461 *Induction system de-icing and anti-icing provisions.* • • •

(c) Turbine-powered airplanes shall be capable of operation over the flight power range without accumulation of ice in the air induction system such as to adversely affect engine operation or cause a serious loss of power and/or thrust, in the continuous maximum and intermittent maximum icing conditions as defined in § 4b.1 (b) (7) and (8).

33. By amending § 4b.474 by deleting paragraph (c).

34. By adding a new § 4b.474a to read as follows:

§ 4b.474a *Reverse thrust controls.* (a) Propeller reverse thrust controls shall incorporate a means to prevent their inadvertent movement to a reverse thrust position. The means provided shall incorporate a positive lock or stop at the flight idle position and shall require a separate and distinct operation by the crew in order to displace the control from the flight regime.

(b) Turbojet reverse thrust controls shall incorporate a means to prevent their inadvertent movement to a reverse thrust position. The means provided shall incorporate a positive lock or stop at the flight idle position and shall require a separate and distinct operation by the crew in order to displace the control from the forward thrust regime.

35. By amending § 4b.480 (a) by adding a new subparagraph (7) to read as follows:

§ 4b.480 *Designated fire zones.* • • •

(a) • • •

(7) Combustor, turbine, and tail pipe sections of turbine engine installations, except that the fire extinguisher system specified in § 4b.484 need not be provided for such sections if it is demonstrated that any fire occurring therein can be otherwise controlled.

36. By amending the introductory paragraph of § 4b.483 to read as follows:

§ 4b.483 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in designated fire zones shall comply with the provisions of paragraphs (a) through (c) of this section.

37. By amending § 4b.484 (a) (1) by deleting the section reference "§ 4b.12" and inserting in lieu thereof the reference, "§ 4b.11".

38. By amending the introductory paragraph of § 4b.485 by inserting after the words "Quick-acting fire" the words "or overheat".

39. By amending § 4b.604 to read as follows:

§ 4b.604 *Powerplant instruments.* (See § 4b.613 for installation requirements.)

(a) Carburetor air temperature indicator for each reciprocating engine.

(b) Cylinder head temperature indicator for each air-cooled reciprocating engine.

(c) Gas temperature indicator for each turbine engine.

(d) Manifold pressure indicator for each reciprocating engine.

(e) Fuel pressure indicator for each reciprocating engine to indicate the pressure under which the fuel is being supplied.

(f) Fuel pressure warning means for each engine or a master warning means for all engines with provision for isolating the individual warning means from the master warning means.

(g) Fuel flowmeter indicator for each turbine engine. For reciprocating type engines, a fuel flowmeter or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control.

(h) Fuel quantity indicator for each fuel tank.

(i) Augmentation liquid quantity indicator for each tank which is appropriate to the manner in which the liquid is to be used in operations.

(j) Oil quantity indicator for each oil tank. (See § 4b.613 (d).)

(k) Oil pressure indicator for each independent pressure oil system of each engine.

(l) Oil pressure warning means for each engine or a master warning means for all engines with provision for isolating the individual warning means from the master warning means.

(m) Oil temperature indication for each engine.

(n) Tachometer for each reciprocating engine.

(o) Tachometer for each turbine engine to indicate the speed of the rotors for which limiting speeds have been established.

(p) Fire-warning indicators. (See § 4b.485.)

(q) Bleed valve position indicating means for each turbine engine.

(r) Thrust indicator for each turbojet engine.

(s) A device for each turbine-propeller engine capable of indicating to the flight crew during flight any change in the power output. Such a device shall also be required on each reciprocating engine if the engine is equipped with an automatic propeller feathering system, the operation of which is initiated by a power output measuring system, or if the total engine cylinder displacement is 2,000 cubic inches or more.

(t) Position indicating means for each propeller on a turbine engine to indicate to the flight crew when the propeller blade angle is below the flight low pitch position (see § 4b.613). For reciprocating engines, a means for each reversing propeller to indicate to the pilot when the propeller is in reverse pitch.

(u) Position indicating means for each turbine engine utilizing a thrust reversing device to indicate to the flight crew when the device is not in the flight position. (See § 4b.613.)

40. By amending §4b.605 by deleting paragraph (c).

41. By amending § 4b.612 (d) by amending subparagraphs (1) and (3) and by adding a new subparagraph (5) to read as follows:

§ 4b.612 *Flight and navigational instruments.* • • •

(d) *Automatic pilot system.* • • •

(1) The system shall be so designed that the automatic pilot can be quickly and positively disengaged by the human pilots to prevent it from interfering with their control of the airplane.

• • • • •

(3) The manually operated control(s) for the system's normal operation shall be readily accessible to the pilots. The quick release (emergency) controls shall be installed on both the pilots' control wheels, on the side of the wheel opposite from the throttles. Attitude controls shall operate in the plane and sense of motion of cockpit controls as specified by § 4b.353 (b) and Figure 4b–16. The direction of motion shall be plainly indicated on or adjacent to each control.

• • • • •

(5) When the automatic pilot integrates signals from auxiliary controls or furnishes signals for operation of other equipment, positive interlocks and sequencing of engagement shall be provided to preclude improper operation. Protection against adverse interaction of integrated components resulting from a malfunction shall be provided.

42. By amending § 4b.613 by adding new paragraphs (e) and (f) to read as follows:

§ 4b.613 *Powerplant instruments.* • • •

(e) *Turbine-propeller blade position indicating means.* The indicating means required for turbine propellers by § 4b.604 (t) shall initiate indication before the propeller blade has moved more than eight degrees below the flight low pitch stop. The source of the indication shall sense blade position directly.

(f) Thrust reversing device position indicating means required by § 4b.604 (u) shall respond to movement of the device in the direction of reverse thrust, as soon as possible after the device departs from the flight position. The source of the indication shall sense the position of the thrust reversing device directly.

43. By amending § 4b.622 (c) to read as follows:

§ 4b.622 *Generating system.* • • •

(c) Means accessible in flight to appropriate crew members shall be provided for the independent disconnection of each electrical power source from the system. Controls for this purpose shall be grouped to permit expeditious disconnection of electrical power sources.

44. By amending § 4b.631 by adding a new paragraph (e) to read as follows:

§ 4b.631 *Landing lights.* • • •

(e) A means shall be provided to indicate to the pilots when the landing lights are extended.

45. By amending § 4b.640 by deleting from the note the following clause, "including engine inlet duct lips and surfaces".

46. By amending Figure 4b–25a by extending the five curves corresponding with the temperatures indicated down to a drop diameter size of 15 microns by appropriate fairing of the curves through the following corresponding points:

Temperature:	*Liquid water content, grams/meter³*
32° F	2.80
14° F	2.50
−4° F	1.85
−22° F	1.20
−40° F	.25

47. By amending Figure 4b–25c by extending the curve down to a .3 mile icing encounter such that the curve fairs with a value of the factor at .3 mile distance of 1.35.

48. By amending § 4b.645 by adding a new paragraph (e) to read as follows:

§ 4b.645 *Ditching equipment.* • • •

(e) *Life line.* Provisions shall be made for the storage of a life line, one attached to each side of the fuselage and arranged so that they can be used to enable occupants to stay on the wing after a ditching.

49. By amending § 4b.646 (b) by deleting the second sentence and inserting in lieu thereof the following: "Internally stowed rafts shall be located as near as practicable to the ditching exits specified in § 4b.362 (d)."

50. By amending § 4b.651 (a) by adding a new sentence at the end thereof to read as follows: "Aircraft certificated for operation at altitudes over 25,000 feet shall be provided with oxygen dispensing equipment for each occupant, arranged so that the mask and oxygen are immediately available in the event of uncontrolled cabin pressure loss, unless it is demonstrated that the rate of cabin pressure reduction following any probable failure and the emergency descent rate of the airplane are such that this type of equipment will not be necessary for protection of the occupants."

51. By amending § 4b.651 (b) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* • • •

(b) *Required minimum mass flow of supplemental oxygen.* (1) Where continuous flow equipment is used, the minimum mass flow of supplemental oxygen required per person shall be as shown in Figure 4b–21.

(2) At all cabin pressure altitudes up to 36,000 feet, demand equipment shall maintain a minimum oxygen tension in the inspired air of 122 mm/hg (5,000 feet equivalent altitude). Between 36,000 and 40,000 feet the equipment shall deliver 100 percent oxygen.

NOTE: The required mass flow of oxygen is normally calculated from flow characteristics supplied by the equipment manufacturer for a respiratory minute volume (dry gas) of 15 liters per person per minute at a body temperature of 37° C.

52. By amending § 4b.651 (d) to read as follows:

(d) *Equipment standards for dispensing units.* An individual dispensing unit shall be provided for each crew member and passenger for whom supplemental oxygen is required to be furnished. Dispensing units required for aircraft certificated for operation at altitudes above 25,000 feet shall cover the nose and mouth. Crew member on flight deck duty in airplanes certificated to operate above 25,000 feet shall be provided with demand equipment. All units for airplanes certificated to operate at altitudes of not more than 25,000 feet shall be designed to cover the nose, and at least 25 percent of the units required to be furnished shall, in addition, cover the mouth. Crew masks shall permit utilization of necessary communication equipment. (For crew masks to be used for protective breathing purposes see paragraph (h) of this section.)

53. By amending Figure 4b–21 by extending the straight line with the positive slope until it intersects the straight line with the negative slope, by amending Note 1 (c) to read "100 percent oxygen above 33,000 feet," and by deleting Note 2.

Proposed rules—Part 6:

There are contained herein proposed rules with respect to various miscellaneous issues which were possible of resolution within the framework of this year's Annual Airworthiness Review. None of these proposals was discussed at the recent Annual Airworthiness Meetings because in the light of the comments received in connection with the proposed agenda, Draft Release No. 56–9, these were considered possible of resolution without the need of further discussion at the meeting.

The currently effective provisions governing the loading conditions for landing gears are applicable in the main to conventional type gears, two wheels aft and one wheel forward. With the development of gears with two wheels forward and one wheel aft it is considered advisable to incorporate in the regulations appropriate provisions for these gears. Accordingly, such provisions are proposed in new § 6.246.

In addition, the currently effective regulations do not contain any specific design loading conditions for rotorcraft equipped with skid type landing gear. Such specific provisions are proposed in new § 6.247.

Moreover, there are proposed several changes of a minor nature.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 6 of the Civil Air Regulations be amended:

1. By amending the note under § 6.237 (a) by inserting after the definition "$W=W_N$ • • •" the following new definition:

$W=W_T$ for tail-wheel units (pounds), (1) equal to the static weight on the tail-wheel with the rotorcraft resting on all wheels; (2) equal to the vertical component of the ground reaction which would occur at the tail-wheel assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1*g* downward with the rotorcraft in the maximum nose-up attitude considered in the nose-up landing conditions. (See § 6.246 (c).)

2. By adding a new § 6.246 to read as follows:

§ 6.246 *Tail-wheel type landing gear ground loading conditions.* The structure of a rotorcraft equipped with landing gears arranged such that two wheels are located forward and one wheel is located aft of the center of gravity, shall be assumed to be subjected to the loading conditions in accordance with paragraphs (a) through (h) of this section:

(a) *Level landing on forward gear only.* The rotorcraft shall be assumed to be in the level landing attitude with only the forward wheels contacting the ground.

(1) Vertical loads shall be applied in accordance with the provisions of § 6.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at each wheel axle not less than 25 percent of the respective vertical load.

(3) In the conditions of subparagraphs (1) and (2) of this paragraph, unbalanced pitching moments shall be assumed resisted by angular inertia forces.

(b) *Level landing—all wheels contacting simultaneously.* The rotorcraft shall be assumed to be in the landing attitude with all wheels contacting the ground simultaneously.

(1) Vertical loads shall be applied in accordance with the provisions of § 6.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at each wheel axle not less than 25 percent of the respective vertical load.

(3) In the conditions of subparagraphs (1) and (2) of this paragraph, unbalanced pitching moments shall be assumed resisted by angular inertia forces.

(3) *Nose-up landing condition.* The rotorcraft shall be assumed to contact the ground on the rear wheel only at the maximum nose-up attitude to be expected under all operational landing conditions including landings in autorotation. The conditions of this paragraph need not be applied if it can be demonstrated that the probability of landing with initial contact on the rear wheel is extremely remote. In determining the applicable ground loads a rational method may be used to take into consideration the horizontal distance between the direction of the rear wheel ground reactions and the rotorcraft c. g.

(1) Vertical loads shall be applied in accordance with the provisions of § 6.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at the wheel axle not less than 25 percent of the vertical load.

(d) *One-wheel landing condition.* The rotorcraft shall be assumed in the level attitude to contact the ground on one of the wheels located forward of the c. g. The vertical load shall be the same as that obtained on the one side in the condition specified in paragraph (a) (1) of this section. Unbalanced inertia forces shall be assumed resisted by angular inertia forces.

(e) *Side load landing conditions.* The rotorcraft shall be assumed in the landing attitudes of paragraphs (a) and (b) of this section. Side loads in combination with one-half the maximum vertical ground reactions obtained in the landing conditions of paragraphs (a) (1) and (b) (1) of this section shall be applied at each wheel. The magnitude of the side loads on the forward wheels in each case shall be 0.8 of the vertical reaction (on one side) acting inward and 0.6 of the vertical reaction (on the other side) acting outward. The magnitude of the side load on the rear wheel shall be equal to 0.8 of the vertical reaction. These loads shall be applied at the ground contact point, unless the landing gear is of the full-swiveling type in which case the loads shall be applied at the center of the axle. When a lock, steering device, or shimmy damper is provided, the swiveled wheel shall also be assumed to be in the trailing position with the side load acting at the ground contact point.

(f) *Braked roll conditions.* The rotorcraft attitudes shall be assumed to be the same as those prescribed in paragraphs (a) and (b) of this section with the shock absorbers deflected to their static position The limit vertical load shall be based upon a load factor of 1.33. A drag load equal to the vertical load multiplied by a coefficient of friction of 0.8 shall be applied at the ground contact point of each wheel equipped with brakes, except that the drag load need not exceed the maximum value based on limiting brake torque.

(g) *Rear wheel turning condition.* The rotorcraft shall be assumed to be in the static ground attitude with the shock absorbers and tires deflected to their static position. A vertical ground reaction equal to the static load on the rear wheel in combination with a side component of equal magnitude shall be assumed. When a swivel is provided, the rear wheel shall be assumed to be swiveled 90 degrees to the rotorcraft longitudinal axis with the resultant load passing through the axle. When a lock, steering device, or shimmy damper is provided, the rear wheel shall also be assumed to be in the trailing position with the side load acting at the ground contact point.

(h) *Taxiing condition.* The rotorcraft and its landing gear shall be designed for loads which occur when the rotorcraft is taxied over the roughest ground which it is reasonable to expect in normal operation.

3. By adding a new § 6.247 to read as follows:

§ 6.247 *Skid gear ground loading conditions.* The structure of a rotorcraft equipped with skid type landing gear shall be assumed to be subjected to the loading conditions in accordance with paragraphs (a) through (d) of this section.

(a) The design weight, center of gravity and load factor shall be in accordance with the provisions of § 6.230. Structural yielding of the elastic spring member under the limit loading conditions shall be acceptable. The design ultimate loads considered for the elastic spring member need not exceed those obtained in a drop test of the skid gear from a drop height equal to 1.5 time that specified in § 6.237 (a).

(b) The ground loads resulting from the landing conditions specified in paragraph (c) of this section shall be applied to the skid gear in its most critically deflected position for the particular landing condition being considered and a rational distribution of the ground reactions along the skid tube bottom shall be made.

(c) The following landing conditions shall be considered:

(1) *Level landing—vertical reactions.* The rotorcraft shall be assumed to contact the ground along the bottom of both skids. Vertical ground reactions shall be applied in accordance with the provisions of paragraphs (a) and (b) of this section.

(2) *Level landing with drag.* The rotorcraft shall be assumed to contact the ground along the bottom of both skids with vertical ground reactions in combination with a horizontal drag reaction equal to 50 percent of the vertical reaction applied at the ground. The resultant ground load shall be equal to the vertical load specified in subparagraph (1) of this paragraph and shall be directed through the center of gravity of the rotorcraft.

(3) *Level landing with side load.* The rotorcraft shall be assumed to contact the ground along the bottom of both skids with vertical ground reactions in combination with a horizontal side reaction equal to 25 percent of the vertical reaction applied at the ground. The resultant ground load shall be equal to the vertical load specified in subparagraph (1) of this paragraph and shall be directed through the center of gravity of the rotorcraft. The total side load shall be applied along the length of one skid only. Both the inward and outward acting side loading conditions for the skid gear shall be investigated.

(4) *One-skid landing condition.* In the level attitude, the rotorcraft shall be assumed to contact the ground on one skid only. The vertical load shall be the same as that obtained on the one side in the condition specified in subparagraph (1) of this paragraph. The unbalanced external loads shall be assumed to be resisted by inertia of the rotorcraft.

(d) *Special conditions for the skid gear.* (1) A ground reaction load equal to 1.33 times the maximum weight of the rotorcraft acting up and aft at an angle of 45 degrees to the horizontal shall be assumed. The load shall be distributed symmetrically between the two skids and shall be assumed concentrated at the forward end of the straight portion of the skid tube. This loading condition shall apply only to the forward end of the skid tube and its attachment to the rotorcraft.

(2) A vertical ground reaction load equal to ½ the vertical load of § 6.247 (c) (1) shall be assumed with the rotorcraft in the level attitude. This load shall be applied to the skid tube and shall be assumed concentrated at a point midway between the skid tube attachments. This loading condition shall apply only to the skid tube and its attachment to the rotorcraft.

4. By amending § 6.383 (c) by adding at the end thereof the following: "In addition to the components provided for normal continuous control of air temperature, airflow and fuel flow, means independent of such components shall be provided for each heater to automatically shut off and hold off the ignition and fuel supply to the heater at a point remote from the heater when the heat exchanger temperature or ventilating air temperature exceeds safe limits or when either the combustion airflow or the ventilating airflow becomes inadequate for safe operation."

5. By amending § 6.425 (e) to read as follows:

§ 6.425 *Fuel system lines and fittings.*

• • •

(e) Rotorcraft with suction lift fuel systems or other fuel system features conducive to vapor formation shall be demonstrated to be free from vapor lock when using fuel at a temperature of 110° F under critical operating conditions.

6. By amending § 6.441 (c) by adding at the end thereof a new sentence to read: "It shall not be possible inadvertently to fill the oil tank expansion space when the rotorcraft is in the normal ground attitude."

Proposed rules—Part 13:

There are contained herein proposed rules with respect to various miscellaneous issues which were possible of resolution within the framework of this year's Annual Airworthiness Review.

Differences in detail exist between the currently effective Civil Air Regulations and military specifications with respect to the endurance testing of turbine engines. These differences have caused difficulty in the approval of engines by civil authorities on behalf of the military and the approval for civil use of engines developed for the military. Accordingly, certain informal agreements have been reached between engine manufacturers and certain government agencies on the basis of which a proposal for the amendment of Part 13 was considered during the Annual Review.

The changes proposed herein to the currently effective endurance test provisions reflect in substance most of the changes involved in the informal agreements between industry and government agencies. This proposal differs from those agreements, however, in that it would not permit deducting the time in changing power settings from the endurance times specified for the various power and/or thrust conditions. Also, it would require consideration of the augmented take-off rating in connection with the tests specified in paragraphs (b), (e) and (g) of proposed § 13.254 contained herein.

In addition, it is proposed that a turbine engine be demonstrated to be capable of operation without serious power loss under icing conditions specified in Part 4b of the Civil Air Regulations. Concurrently, with this proposal, there are proposed changes in Part 4b to the intermittent maximum icing conditions to cover conditions more critical to engine operation.

Important substantive provisions are proposed in new §§ 13.116 and 13.216 relative to the structural integrity of tur-

bine rotors under abnormal operating conditions and relative to the reliability and safety criteria of systems, devices, and instruments, which control or measure parameters affecting turbine rotor structural integrity. Because of the probable catastrophic effects of turbine rotor failure, all possible safeguards must be taken to preclude such failures. To this end, the proposed provisions are intended to require taking into account in the design of the turbine rotor, and its associated systems, all practicable safeguards.

There is also proposed a provision in §§ 13.104 and 13.204 which would require turbine engine rotor cases to be designed so as to contain damage resulting from rotor blade failure.

Several other changes of comparatively less substantive importance are also proposed.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 13 of the Civil Air Regulations be amended:

1. My amending the introductory statement of § 13.1 (b) (1) by inserting between the words "atmosphere" and "defined" the following: "see NACA Technical Note 3182)."

2. By amending § 13.1 (b) (1) (iv) by deleting the expression "—67° F." and inserting in lieu thereof the expression "—69.7° F."

3. By amending § 13.1 (b) (1) (v) by deleting the numerals "0.002378" and inserting in lieu. thereof the numerals "0.002377."

4. By amending § 13.1 (b) by amending subparagraphs (3) and (4), by redesignating subparagraphs (5) and (6) as (8) and (9), respectively, and by adding new subparagraphs (5) through (7) to read as follows:

§ 13.1 *Definitions.* • • •

(b) *General design.* • • •

(3) *Take-off power or thrust.* (i) Take-off power for reciprocating engines is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(ii) Take-off power for turbine engines is the brake horsepower developed under standard sea level static conditions, under the maximum conditions of rotor shaft rotational speed and gas temperature approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(iii) Take-off thrust for turbine engines is the jet thrust developed under standard sea level static conditions, under the maximum conditions of rotor shaft rotational speed and gas temperature approved for use in the normal take-off and limited in use to a maximum continuous period as indicated in the approved engine specification.

(4) *Maximum continuous power or thrust.* (i) Maximum continuous power for reciprocating engines is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(ii) Maximum continuous power for turbine engines is the brake horsepower developed under standard sea level static conditions, under the maximum conditions of rotor shaft rotational speed and gas temperature approved for use during periods of unrestricted duration.

(iii) Maximum continuous thrust for turbine engines is the jet thrust developed under standard sea level static conditions, under the maximum conditions of rotor shaft rotational speed and gas temperature approved for use during periods of unrestricted duration.

(5) *Equivalent horsepower.* Equivalent horsepower for turbine engines is the quotient of the net jet thrust in pounds developed under static conditions divided by 2.5.

(6) *Equivalent shaft horsepower.* Equivalent shaft horsepower for turbine engines is the sum of the brake horsepower and the equivalent horsepower.

(7) *Gas temperature.* Gas temperature for turbine engines is the temperature of the gas stream obtained as indicated in the approved engine specification.

5. By amending § 13.102 by designating the introductory paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 13.102 *Fire prevention.* • • •

(b) External lines and fittings which convey flammable fluids shall be at least fire resistant. The possibility of flammable fluid carrying lines deteriorating from heat, vibration, or fluid pressure so as to cause a fire hazard shall be minimized by appropriate design, shielding, or routing. The fire-resistant standards of § 4b.1 (g) (2) of this subchapter shall be applicable.

6. By amending § 13.104 by adding at the end thereof the sentence, "Compressor and turbine rotor cases shall be designed to provide for containment of damage from rotor blade failure."

7. By adding a new § 13.116 to read as follows:

§ 13.116 *Turbine rotors.* To minimize the probability of failure of turbine rotors, the provisions of paragraphs (a) and (b) of this section shall be complied with.

(a) Turbine rotors shall be demonstrated to provide sufficient strength to withstand damage inducing factors such as those which might result from abnormal rotor speeds, temperatures, or vibration.

(b) The design and functioning of engine control devices, systems, and instrumentation shall be such as to give reasonable assurance that those engine operating limitations which affect turbine rotor structural integrity will not be exceeded in service.

8. By redesignating §§ 13.156 and 13.157 as §§ 13.157 and 13.158, respectively, and by adding a new § 13.156 to read as follows:

§ 13.156 *Engine component tests.* (a) For those systems which cannot be adequately substantiated by endurance testing in accordance with the provisions of § 13.154, additional tests shall be conducted to establish that components are capable of functioning reliably in all normally anticipated flight and atmospheric conditions.

(b) Temperature limits shall be established for those components which require temperature controlling provisions in the aircraft installation to assure satisfactory functioning, reliability, and durability.

9. By amending § 13.202 by designating the introductory paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 13.202 *Fire prevention.* • • •

(b) External lines and fittings which convey flammable fluids shall be at least fire resistant. The possibility of flammable fluid carrying lines deteriorating from heat, vibration, or fluid pressure so as to cause a fire hazard shall be minimized by appropriate design, shielding, or routing. The fire-resistant standards of § 4b.1 (g) (2) of this subchapter shall be applicable.

10. By amending § 13.204 by adding at the end thereof the sentence, "Compressor and turbine rotor cases shall be designed to provide for containment of damage from rotor blade failure."

11. By amending § 13.210 by adding a new paragraph (c) to read as follows:

§ 13.210 *Fuel and induction system.* • • •

(c) The engine, with icing protection systems operating if provided, shall be capable of operation over the flight power range without accumulation of ice on the engine components such as to adversely affect engine operation or cause a serious loss of power and/or thrust, in continuous maximum and intermittent maximum icing conditions as defined in § 4b.1 (b) (7) and (8) of this subchapter.

12. By adding a new § 13.216 to read as follows:

§ 13.216 *Turbine rotors.* To minimize the probability of failure of turbine rotors, the provisions of paragraphs (a) and (b) of this section shall be complied with.

(a) Turbine rotors shall be demonstrated to provide sufficient strength to withstand damage inducing factors such as those which might result from abnormal speeds, temperatures, or vibration.

(b) The design and functioning of engine control devices, systems, and instrumentation shall be such as to give reasonable assurance that those engine operating limitations which affect turbine rotor structural integrity will not be exceeded in service.

13. By amending § 13.250 by deleting from the second sentence the words "chosen by the applicant" and inserting in lieu thereof the word "applicable".

14. By amending § 13.251 by deleting the note thereunder.

15. By amending § 13.254 to read as follows:

§ 13.254 *Endurance test.* The endurance test of an engine with a representative propeller (if applicable) shall include a total of 150 hours of operation, consisting of 25 periods of 6 hours each as specified in this section. The runs shall be performed in such order as is found appropriate by the Administrator for the specific engine. During the endurance test the engine power and/or thrust and the engine rotational speed shall be controlled within ± 3 percent of the specified values. Each period of the 150-hour endurance test shall be conducted as follows:

(a) *Take-off and idling.* One hour of alternate 5-minute periods shall be conducted at take-off power and/or thrust and at idling power and/or thrust. The developed powers and/or thrusts at take-off and idling conditions and their corresponding rotor speed and gas temperature conditions shall be as established by the power control(s) in accordance with the schedule established by the manufacturer. It shall be permissible to control manually during any one period the rotor speed and power and/or thrust while taking data to check performance. For engines with augmented take-off ratings which involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at take-off shall be at the augmented rating. For engines with augmented take-off ratings which do not materially increase operating severity, the amount of running conducted at the augmented rating shall be established by the Administrator. In changing the power setting after each period, the power-control lever shall be moved in the manner prescribed in paragraph (e) of this section.

(b) *Maximum continuous and take-off.* For each of 15 periods, thirty minutes shall be conducted at maximum continuous power and/or thrust, and for each of 10 periods thirty minutes shall be conducted at take-off power and/or thrust.

(c) *Maximum continuous power and/or thrust.* One hour and 30 minutes shall be conducted at the maximum continuous power and/or thrust.

(d) *Incremental cruise power and/or thrust.* Two hours and 30 minutes shall be conducted at the successive power lever positions corresponding to at least 15 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, the thrust and/or power may be varied in lieu of speed. In the event significant peak vibration exists anywhere between ground idle and maximum continuous conditions, the number of increments chosen may be altered to increase the amount of running conducted while being subjected to the peak vibrations up to an amount not to exceed 50 percent of the total time spent in incremental running. (See also § 13.251.)

(e) *Acceleration and deceleration runs.* Thirty minutes shall be conducted of accelerations and decelerations consisting of six cycles from idling power and/or thrust to take-off power and/or thrust and maintained at the take-off power lever position for 30 seconds and at the idling power lever position for approximately four and one-half minutes. In complying with the provisions of this paragraph, the power-control lever shall be moved from one extreme position to the other in not more than one second, except where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 2 seconds.

(f) *Starts.* One hundred starts shall be made, of which 25 starts shall be preceded by at least a 2-hour engine shutdown. Ten starts shall be false engine starts pausing for the applicant's specified minimum fuel drainage time before attempting a normal start. Ten starts shall be normal restarts with not longer than 15 minutes since engine shutdown. It shall be acceptable to make the remaining starts after completion of the 150 hours of endurance testing.

(g) *Maximum temperatures.* The limiting maximum hot gas and, when practicable, oil inlet temperatures shall be substantiated by operation at these limits during all the take-off and maximum continuous running of the endurance test except where the test periods are of 5 minutes or shorter duration and do not always permit stabilization.

16. By redesignating §§ 13.256 and 13.257 as §§ 13.257 and 13.258, respectively, and by adding a new § 13.256 to read as follows:

§ 13.256 *Engine component tests.* (a) For those systems which cannot be adequately substantiated by endurance testing in accordance with the provisions of § 13.254, additional tests shall be conducted to establish that components are capable of functioning reliably in all normally anticipated flight and atmospheric conditions.

(b) Temperature limits shall be established for those components which require temperature controlling provisions in the aircraft installation to assure satisfactory functioning, reliability, and durability.

Rescission of Part 16:

During the past few years, industry has been engaged in the preparation of specifications for radio equipment. In view of the fact that such specification will be completed in the near future, it is proposed to rescind Part 16. This will permit treating the approval of all radio equipment under the TSO system which is similar to the procedure used in approving other miscellaneous aircraft equipment.

In view of the foregoing, it is proposed to rescind Part 16, effective January 1, 1958.

[F. R. Doc. 56-9669; Filed, Nov. 26, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 10946; FCC 56-1169]

INDUSTRIAL RADIO SERVICES

WITHDRAWAL OF NOTICE OF PROPOSED RULE MAKING AND TERMINATION OF PROCEEDING

1. By Notice of Proposed Rule Making of March 3, 1954 (released March 4, 1954—FCC 54-271), the Commission proposed to amend its rules governing the Low Power Industrial Radio Service (Subpart L of Part 11, Industrial Radio Services) to provide that transmitters operated as Base Stations shall not be used for communication with vehicles while such vehicles are on public streets or highways.

2. By virtue of its experience in administering the Low Power rules since the release of the above proposal, the Commission no longer has reason to anticipate that the interference situation originally sought to be forestalled has a likelihood of developing; the comments filed in this proceeding lend support to this conclusion. In view thereof, the Commission concludes that the proffered amendment is neither necessary nor appropriate at this time.

3. In accordance with the foregoing: *It is ordered,* This 20th day of November 1956, that the Notice of Proposed Rule Making (FCC 54-271) in the above-entitled proceeding is hereby withdrawn and that the said proceeding is hereby terminated.

Released: November 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9660; Filed, Nov. 26, 1956; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGIC PRODUCTS

ADDITIONAL STANDARDS FOR POLIOMYELITIS VACCINE

Notice is hereby given of intention to amend the regulations adopted pursuant to section 351 of the Public Health Service Act, as amended (42 U. S. C. 262), such regulations comprising Part 73 of Title 42 of the Code of Federal Regulations.

The proposed amendments as set forth below relate to the additional standards for poliomyelitis vaccine (§§ 73.100 to 73.105, inclusive, 21 F. R. 4922) and in general will (1) make it no longer necessary to utilize part of the test for potency of the product as a supplemental test for its safety, and (2) clarify the required expiration date for the product.

Notice is also given that since these proposed amendments will relieve requirements presently in effect or will be essentially clarifying of such requirements, it is proposed that any such amendments as may be adopted will be made effective immediately upon their publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than twenty days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Paragraph (e) of § 73.102 is hereby amended by repealing subparagraph (5) of such paragraph and by renumbering subparagraph (6) subparagraph (5).

2. Paragraph (a) of § 73.103 is hereby amended by repealing the last sentence of such paragraph.

3. Paragraph (e) of § 73.104 is hereby amended to read as follows:

(e) *Dating.* The expiration date shall be no more than six months after either the date of manufacture as defined in § 73.78 (a) or the date of issue from cold storage. Such date of issue shall not be more than six months after such date of manufacture, and the product prior to issue shall be kept constantly at a temperature not exceeding 10° C.

Proposed jointly by:

[SEAL] L. E. BURNEY,
Surgeon, General,
Public Health Service.

NOVEMBER 2, 1956.

S. B. HAYS,
Surgeon General of the Army.

NOVEMBER 7, 1956.

B. E. BRADLEY,
Acting Surgeon General of the Navy.

NOVEMBER 13, 1956.

Approved: November 21, 1956.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 56-9655; Filed, Nov. 26, 1956; 8:48 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF THE CHIEF OF ENGINEERS

ADVANCE APPROVAL OF LOCATION AND PLANS OF BRIDGES

(a) The General Bridge Act of 1946 (33 U. S. C. 525) requires that the location and plans of bridges over navigable waters of the United States shall be approved by the Chief of Engineers and the Secretary of the Army.

(b) In order to facilitate the planning of proposed bridges, the Secretary of the Army and the Chief of Engineers have given their advance approval of the location and plans of bridges over waterways or reaches of waterways navigable in law but not actually navigated other than by logs, log rafts, canoes, rowboats, and motorboats. In such cases, the clearances over high water provided by the bridge owner for the safety of the bridge will be deemed as meeting the reasonable needs of navigation.

(c) To implement this new procedure, highway and bridge interests are being informed by the Corps of Engineers of the provisions of the advance approval and are being invited to submit to the District Engineer in charge of the locality their views as to waterways or reaches of waterways which they consider as falling under the advance approval category. District Engineers will issue public notices listing the specific waterways which are under consideration to afford all interested parties an opportunity to be heard.

(d) In addition to waterways or reaches of waterways recommended by highway and bridge interests, District Engineers will consider designating other waterways which, in their opinion, fall in this category. Waterways or reaches of waterways to which the advance approval should apply will be designated by the District Engineers within six months after issuance of the public notice described above.

(e) Lists of the waterways or reaches of waterways so designated will be furnished affected parties by the District Engineer and thereafter no further approval of plans of bridges crossing these reaches will be required. The lists will be supplemented from time to time whenever necessary.

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56-9647; Filed, Nov. 26, 1956; 8:46 a. m.]

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS) AND THE MILITARY DEPARTMENTS

DELEGATION OF AUTHORITY WITH RESPECT TO DETERMINATION OF DEDUCTIONS TO TAXES ASSESSED ON WHERRY HOUSING PROJECTS

Pursuant to the authority vested in the Secretary of Defense by section 202 (f) of the National Security Act of 1947, as amended, and section 5 of the Reorganization Plan No. 6 of 1953, the authority conferred on the Secretary of Defense by section 511, Public Law 1020, 84th Congress (70 Stat. 1110) is hereby delegated as set forth below.

The Assistant Secretary of Defense (Properties and Installations) is hereby delegated the authority to:

1. Issue instructions for the guidance of the military departments in making determinations under section 511, Public Law 1020, 84th Congress, as to the amounts which may appropriately be deducted from the taxes or assessments on Wherry projects.

2. Enter into agreement with the head of any executive department or agency of the Federal Government for the furnishing of information regarding the amount of any payments or other contributions made to local taxing or other public agencies with respect to Wherry projects or for establishing procedures to facilitate implementation of section 511, Public Law 1020, 84th Congress.

3. Perform such functions under section 511, Public Law 1020, 84th Congress, as are not otherwise delegated to the Secretaries of the military departments.

The Secretary of each military department, or his delegate, is hereby designated to:

1. Determine the amounts which may appropriately be deducted under section 511, Public Law 1020, 84th Congress, from taxes or assessments on Wherry projects.

2. Assist the lessees of Wherry projects in furnishing information regarding appropriate deductions to local taxing authorities for the purpose of fixing the net amount of taxes to be paid on Wherry projects.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 56-9637; Filed, Nov. 26, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket Nos. 553, 554, 555]

NEW JERSEY COOP CO., INC., ET AL.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on December 26, 1951 (10 A. D. 1504) authorizing the respondents to assess to and including December 31, 1953, a charge of 90 cents per coop for the rental of coops to the live poultry industry. An order issued on December 1, 1953 (12 A. D. 1399), authorized the respondents to continue assessing such rental charge to and including December 31, 1955, and an order issued on December 1, 1955 (14 A. D. 1045), authorized the respondents to continue assessing the rental charge of 90 cents per coop to and including December 31, 1957.

On November 2, 1956, the respondents filed a petition requesting that the current rate order be modified to permit them to increase the rental charge for coops from 90 cents to 94 cents per coop. The respondents further requested that such proposed rate increase be made effective on January 1, 1957, and that it remain in effect until such time as it is deemed necessary to change the same.

The effect of such increase in the rate for coop rental, if authorized, would be to increase the revenue of the respondents. It appears, therefore, that public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 21st day of November 1956.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 56-9674; Filed, Nov. 26, 1956; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES, TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 150-7 between the member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic conference agreement (No. 150) by providing for the establishment and maintenance of proportions or divisions of through rates on shipments moving under through bills of lading which originate at ports beyond the scope of the conference, transhipped at a port within the scope of the conference, and destined to a port within the scope thereof. Agreement No. 150, as amended, covers the trade from Japan, Korea and Okinawa to Hawaii and Pacific Coast Ports of the United States and Canada.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 20, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-9654; Filed, Nov. 26, 1956; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11668, 11669; FCC 56M-1060]

LAWRENCE A. REILLY ET AL.

ORDER SCHEDULING HEARING

In re applications of Lawrence A. Reilly and James L. Spates, Groton, Connecticut, Docket No. 11668, File No. BP-10138; The Thames Broadcasting Corporation, Bridgehampton, New York, Docket No. 11669, File No. BP-10146; for construction permits.

The Hearing Examiner having under consideration the necessity of re-opening the record and setting a date for further hearing;

It appearing that the record in this proceeding was closed on September 10, 1956, but that on October 25, 1956, the Commission granted a motion to enlarge issues filed by The Thames Broadcasting Corporation, such motion having been pending at the time the record was closed; and

It further appearing that as a result of the additional issue stated in the Commission's order of October 25 further proceedings will be necessary;

It is ordered, This 19th day of November, that the record in this proceeding is reopened and that the further hearing will be held on November 26, 1956, at 2:30 p. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9661; Filed, Nov. 26, 1956; 8:49 a. m.]

[Docket Nos. 11673, 11674; FCC 56M-1068]

MISSISSIPPI BROADCASTING CO. (WCCG-TV) AND LAUREL TELEVISION CO., INC.

ORDER CONTINUING HEARING

In re applications of Mississippi Broadcasting Company (WCCG-TV), Pachuta, Mississippi, Docket No. 11673, File No. BMPCT-3213, for modification of construction permit; Laurel Television Company, Inc., Laurel Mississippi, Docket No. 11674, File No. BPCT-2031; for television construction permit (Channel 7).

On the oral request of counsel for the applicants, and without objection by counsel for the Broadcast Bureau: *It is ordered,* This 20th day of November 1956, that the hearing now scheduled for November 26, 1956, is further continued to Monday, January 14, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9662; Filed, Nov. 26, 1956; 8:49 a. m.]

[Docket No. 11834]

SEACO, INC.

ORDER CHANGING PLACE AND CONTINUING DATE OF HEARING

In the matter of Seaco, Inc., Orlando, Florida, Docket No. 11834; order to show cause why the licenses for special industrial radio stations KIK 385 and KC 7607 should not be revoked, or, in the alternative, why a cease and desist order should not be issued against the licensee of said stations.

The Chief Hearing Examiner having under consideration the motion of the Commission's Safety and Special Radio Services Bureau, filed November 16, 1956, that hearing in the above-entitled proceeding, which was originally scheduled to be held in Washington, D. C., be removed to Orlando, Florida, and that the time of its commencement be postponed from December 10, 1956, to a date which will be specified in a subsequent order;

It appearing that there would result from holding the hearing in the city of Orlando, Florida, a substantial monetary saving to the Government, viz., Bureau counsel "expects to present testimony by a minimum of three witnesses and very likely by as many as seven or more witnesses, all of whom reside in Florida, mostly in the Orlando area";

It appearing further that a field hearing in this instance is appropriate and in accordance with Commission policy;

It appearing further that respondent consents to the granting of the motion and to a waiver of the provisions of § 1.745 of the rules to permit immediate consideration thereof;

It is ordered, This 20th day of November 1956, that hearing in the above entitled proceeding will be held in the city of Orlando, Florida, and that the commencement thereof is continued to a date which will be specified in an order to be published by the Hearing Examiner assigned to preside.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9663; Filed, Nov. 26, 1956; 8:49 a. m.]

[Docket Nos. 11858, 11859; FCC 56M-1061]

KEN-SELL, INC., AND FLORIDA KEYS BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Ken-Sell, Inc., Key West, Florida, Docket No. 11858, File No. BP-10242; Florida Keys Broadcasting Corporation, Key West, Florida, Docket No. 11859, File No. BP-10603; for construction permits.

It is ordered, This 19th day of November 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 13, 1957, in Washington, D. C.

Released: November 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9664; Filed, Nov. 26, 1956; 8:49 a. m.]

[Docket No. 11863; FCC 56M-1062]

RISDEN ALLEN LYON

ORDER SCHEDULING HEARING

In re application of Risden Allen Lyon, Hamlet, North Carolina, Docket No. 11863, File No. BP-10452; for construction permit.

It is ordered, This 19th day of November 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 13, 1957, in Washington, D. C.

Released: November 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9665; Filed, Nov. 26, 1956; 8:49 a. m.]

[Docket Nos. 11864, 11865; FCC 56M-1063]

GULF ISLES BROADCASTING CO. AND SUNSHINE STATE BROADCASTING CO., INC.

SCHEDULED HEARING ORDER

In re applications of Cyril W. Reddoch and Ralph L. Hooks d/b as Gulf Isles Broadcasting Company, Palmetto, Florida, Docket No. 11864, File No. BP-10325; Sunshine State Broadcasting Company, Inc., Bradenton, Florida, Docket No. 11865, File No. BP-10645; for construction permits.

It is ordered, This 19th day of November 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 13, 1957, in Washington, D. C.

Released: November 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9666; Filed, Nov. 26, 1956; 8:50 a. m.]

[Docket No. 11874]

CHARLES HENRY CONEY

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of Charles Henry Coney, Coney Dock, Beach Haven, New Jersey and 722 52d Street, Palm Beach, Florida, Docket No. 11874; suspension of restricted radiotelephone operator permit.

The Commission having under consideration the suspension of the Restricted Radiotelephone Operator Permit (No. RP-3-20075) issued to Charles Henry Coney; and

It appearing that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission within the time provided therefor an application requesting a hearing on the Commission's Order dated May 23, 1956, suspending for a period of two months his restricted radiotelephone operator permit; and

It further appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said permittee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, This 15th day of November 1956 that the matter of the suspension of the Restricted Radiotelephone Operator Permit of Charles Henry Coney is hereby designated for hearing in Orlando, Florida, at a time and place to be specified by further order, upon the following issues:

1. To determine whether Charles Henry Coney violated § 8.358 (a) of the Commission's rules in that he transmitted or allowed to be transmitted on 2638 kc communications other than safety and operational communications after a warning notice was served on him for a previous violation of the same type while operating the radiotelephone station WA 4476 on board the vessel "Pompano."

2. In the light of the evidence adduced in the preceding issue to determine whether the terms of the original order of suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this order be transmitted by Registered Mail, Return Receipt Requested, to Charles Henry Coney and that he notify the Commission in writing within 10 days after the receipt of this order that he will appear in person or by counsel at said hearing.

Released: November 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9667; Filed, Nov. 26, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 20, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32917: *Cement from and to points in Alabama.* Filed by Central of Georgia Railway Company, for itself. Rates on cement and related articles, in carloads from Birmingham, Boyles and North Birmingham, Ala., to points in Alabama.

Grounds for relief: Circuitous route.

Tariff: Supplement 69 to Agent Spaninger's tariff I. C. C. 1447.

FSA No. 32918: *Soybeans from New Orleans, La., to Pensacola, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on soybeans, in bulk, in carloads from New Orleans, La., to Pensacola, Fla.

Grounds for relief: Circuitous route.

Tariff: Supplement 83 to Agent Spaninger's tariff I. C. C. 1353.

FSA No. 32919: *Cottonseed oil cake or meal from North Carolina to Virginia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cottonseed oil cake or meal, etc., in carloads from points in North Carolina to Norfolk, Newport News and Richmond, Va.

Grounds for relief: Rail carrier competition and circuitous route.

Tariffs: Supplement 112 to Agent Spaninger's tariff I. C. C. 1418; Supplement 6 to Agent Spaninger's tariff I. C. C. 1551.

FSA No. 32920: *Commodity rates from and to Supreme, S. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities (other than coal and coke) from and to Supreme, S. C.

Grounds for relief: Establishment of rates from and to a new station.

FSA No. 32921: *Express rates in the United States.* Filed by The Railway Express Agency, Inc., for itself and interested express companies. Rates on commodities moving on express rates from, to and between points in the United States.

Grounds for relief: Grouping and circuity.

Tariff: Railway Express Agency, Inc., tariffs listed in exhibit A to the application.

FSA No. 32923: *Phosphate rock from Florida to Paulsboro, N. J.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, crude, carloads from mines in Florida to Paulsboro, N. J.

Grounds for relief: Rail-barge competition and circuity.

Tariff: Supplement 20 to Agent Spaninger's tariff I. C. C. 1514.

FSA No. 32924: *Citrus fruit from Florida to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on citrus fruit, viz.: grapefruit, oranges, tangerines, lemons, limes, and kumquats, carloads, from points in Florida to points in official (including Illinois) territory.

Grounds for relief: Grouping and circuity.

Tariff: Supplement 97 to Agent Spaninger's tariff I. C. C. 1211.

FSA No. 32925: *Paper from Brokaw, Wis., to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from Brokaw, Wis., to points in southwestern territory.

Grounds for relief: Rail carrier and market competition.

Tariff: Supplement 27 to Agent Kratzmeir's tariff I. C. C. 4198.

FSA No. 32926: *Transformers from West Rome, Ga., to official territory.* Filed by O. W. South, Jr., Agent for interested rail carriers. Rates on electric transformers and transformer parts, carloads from West Rome, Ga., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Agent C. A. Spaninger's tariff I. C. C. No. 1463.

FSA No. 32927: *Lumber from Pacific Coast to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber and forest products, carloads from North and South Pacific Coast

Territory to points in Alabama, Florida and Georgia.

Grounds for relief: Grouping and circuity.

Tariff: Supplement 40 to Agent Prueter's I. C. C. 1568; Supplement 76 to Agent Prueter's I. C. C. 1556.

FSA No. 32928: *Woodpulp from the South to Clinton, Iowa.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads from points in southern territory to Clinton, Iowa.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 4 to Agent Spaninger's I. C. C. 1555.

FSA No. 32929: *Woodpulp from the South to Lawton, Mich.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads from points in southern territory to Lawton, Mich.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 4 to Agent Spaninger's I. C. C. 1555.

FSA No. 32930: *Woodpulp from Foley, Fla., to Groos, Mich.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads from Foley, Fla., to Groos, Mich.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 4 to Agent Spaninger's I. C. C. 1555.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32922: *Express rates in the United States.* Filed by The Railway Express Agency, Inc., for itself and interested express companies. Commodities moving on express rates from, to, and between points in the United States.

Grounds for relief: Grouping and circuity.

Tariff: Railway Express Agency, Inc., tariffs listed in exhibit A to the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9605; Filed, Nov. 23, 1956; 8:45 a. m.]

FRED R. WHITE, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475) during the six months' period ended November 11, 1956:

A. Additions to paragraph numbered (1) of my original statement:
Western Navigation Company.
The Troop "A" Armory Company.

To paragraph numbered (2) of my original statement, as amended:
Structural Fibers, Inc.

B. Deletions from paragraph numbered (2) of my original statement, as amended:
American Airlines, Inc.
Aztec Oil and Gas Company.
Procter & Gamble Company.
Union Oil Company of California.

Dated: November 11, 1956.

[SEAL] FRED R. WHITE, JR.

[F. R. Doc. 56-9609; Filed, Nov. 23, 1956; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 21, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32931: *Woodpulp from Columbia, Va., to Coldwater, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, carloads from Columbia, Va. to Coldwater, Ala.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 4 to Agent Spaninger's tariff I. C. C. 1555.

FSA No. 32932: *Concrete pressure pipe from Columbia, S. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe, carloads from Columbia, S. C., to points in southwestern and western trunk-line territories.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Agent C. A. Spaninger's tariff I. C. C. 1554.

FSA No. 32933: *Tile from Colorado to Iowa and Nebraska.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on brick and clay tile, carloads from points in Colorado to points in Iowa and Nebraska.

Grounds for relief: Short-line distance formula, market competition, circuity, and grouping.

Tariff: Supplement 113 to Agent Prueter's I. C. C. A-3686.

FSA No. 32934: *Fertilizer from McKeesport, Pa., to the South.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from McKeesport, Pa., to points in southern territory.

Grounds for relief: Rail carrier competition, circuity, and grouping.

Tariff: Supplement 8 to Agent Boin's tariff I. C. C. A-1075.

FSA No. 32935: *Dry fish scrap from Maine to the South.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on dry fish scrap, carloads from Portland, Eastport, and Rockland, Maine, to points in Alabama, Florida, Georgia, and North Carolina.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 8 to Agent Boin's tariff I. C. C. A-1075.

FSA No. 32936: *Various commodities from and to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities, carloads, from, to, and between points in southern territory.

Grounds for relief—Rail carrier competition and circuity.

FSA No. 32937: *Fertilizer compounds from Horn, Mo., to western points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer compounds (manufactured fertilizer), dry, carloads from Horn, Mo., to points in Colorado, Idaho, Utah, and Wyoming.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 86 to Agent Kratzmeir's tariff I. C. C. No. 4136.

FSA No. 32938: *Superphosphate from Illinois to Iowa and Missouri.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on superphosphate, in bulk, carloads from Joliet and Streator, Ill., to points in Iowa and Missouri.

Grounds for relief: Circuitous routes.

Tariff: Supplement 17 to Agent Prueter's tariff I. C. C. A-4118.

FSA No. 32939: *Pipe or tubing from central territory to Salt Lake City, Utah.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron or steel pipe or tubing, carloads from points in central territory to Salt Lake City, Utah.

Grounds for relief: Short-line distance formula, rail carrier competition, and circuity.

FSA No. 32940: *Commodity rates from and to Warrick, Ind.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on all commodities, other than coal and coke, carload and less-than-carload, between Warrick, Ind., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail carrier competition, circuity, and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9651; Filed, Nov. 26, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2945, etc.]

OHIO VALLEY ELECTRIC CORP. ET AL

ORDER REOPENING AND CONSOLIDATING PROCEEDINGS; NOTICE OF AND ORDER FOR HEARING TO CONSIDER MATTERS IN CONSOLIDATED PROCEEDINGS OVER WHICH JURISDICTION WAS HERETOFORE RESERVED

NOVEMBER 19, 1956.

In the matters of Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation, American Gas and Electric Company, The Cincinnati Gas & Electric Company, Kentucky Utilities Company, Louisville Gas and Electric Company, Ohio Edison Company, The West Penn Electric Company, American Gas and Electric Service Corporation, File No. 70-2945; Ohio Valley Electric

Corporation, Indiana-Kentucky Electric Corporation, American Gas and Electric Company, Appalachian Electric Power Company, Indiana and Michigan Electric Company, The Ohio Power Company, The West Penn Electric Company, Monongahela Power Company, The Potomac Edison Company, West Penn Power Company, Ohio Edison Company, Pennsylvania Power Company, The Cincinnati Gas and Electric Company, Kentucky Utilities Company, Louisville Gas and Electric Company, File No. 70-3106; Ohio Valley Electric Corporation, American Gas and Electric Company, The West Penn Electric Company, Ohio Edison Company, File No. 70-3513.

On November 7, 1952, the Commission issued its Findings and Opinion and Order (Holding Company Act Release No. 11578) granting, pursuant to the Public Utility Holding Company Act of 1935 ("act"), approvals of the acquisition of the common stock of Ohio Valley Electric Corporation ("Ohio Valley"), a public-utility company, by the following named companies in the percentages indicated: American Gas and Electric Company ("American Gas"), a registered holding company (37.8 percent), The Cincinnati Gas & Electric Company ("Cincinnati"), a public-utility company and an exempt holding company (9 percent), Kentucky Utilities Company ("Kentucky"), a public-utility company and an exempt holding company (2.5 percent), Louisville Gas and Electric Company ("Louisville"), a public-utility company and an exempt holding company (7.0 percent), Ohio Edison Company ("Ohio Edison"), a public-utility company and a registered holding company (16.5 percent); and The West Penn Electric Company ("West Penn Electric"), a registered holding company (12.5 percent). The application of Ohio Valley to acquire all of the common stock of Indiana-Kentucky Electric Corporation ("Indiana-Kentucky"), a public-utility company was also granted at that time. Ohio Valley, pursuant to Rule U-2 of the rules and regulations promulgated under the act filed a statement on Form U-3A-2 claiming exemption as a holding company with respect to Indiana-Kentucky. The following additional companies also acquired common stock of Ohio Valley in the percentages indicated: Columbus and Southern Ohio Electric Company ("Columbus") (4.3 percent); The Dayton Power and Light Company ("Dayton") (4.9 percent); Southern Indiana Gas and Electric Company ("Southern Indiana") (1.5 percent); and The Toledo Edison Company ("Toledo") (4 percent), all of which were operating public-utility companies and not subsidiaries of any holding company. The acquisitions by these four companies were not subject to our approval under the provisions of the act since they acquired less than 5 percent of the stock of Ohio Valley. The 10 companies mentioned above which were to acquire the common stock of Ohio Valley are known collectively as the "participating companies."

American Gas and Electric Service Corporation ("Service Corporation"), a service company subsidiary of American Gas also applied, pursuant to section 13 of the act, for approval of certain proposed arrangements under which it would render services to Ohio Valley and Indiana-Kentucky.

The Commission permitted the various acquisitions of the Ohio Valley stock and the acquisition by Ohio Valley of the Indiana-Kentucky stock as steps in the construction and financing of two electric generating stations and related facilities having a combined capability of 2,200,000 kw for the purpose of supplying the requirements of an atomic energy project to be built and owned by the Atomic Energy Commission ("AEC") near Portsmouth, Ohio.

In permitting the acquisitions, however, the Commission included the following terms and conditions in its order:

(a) That this Order and the Findings supporting it are made in the light of the present urgent problems of national defense which gave rise to the application-declaration; that the Commission therefore reserves jurisdiction to reopen these proceedings upon notice to the applicants-declarants and to reexamine its Findings under Section 10 when in its opinion such reexamination shall be appropriate; and that this Order is without prejudice to any order which may be entered upon such reexamination;

(b) That upon the giving of such notice the applicants-declarants shall amend their joint application-declaration so as to bring before the Commission the facts as they then exist; that in such reopened proceedings the applicants-declarants shall not make any argument to the effect that the Commission, by making Findings in the present setting of urgent demands of national defense, has decided the issues under Section 10 which may be presented in the reopened proceedings, but will nevertheless be free to present evidence and to make arguments with respect to the facts as they then exist; and that if the Commission after such further proceedings shall order any one or more of the applicants-declarants to dispose of its or their stock of Ohio Valley or Indiana-Kentucky, such applicant-declarant or applicants-declarants will proceed forthwith to take such steps as may be appropriate to dispose of its or their holdings of common stock of Ohio Valley or Indiana-Kentucky within such time and in such manner as shall be provided in the final order of the Commission, without prejudice to its or their right to seek review of such order.

* * * * *

(e) Continuing jurisdiction is reserved to pass upon any questions presented under Section 13 of the Act, and the applicable Rules thereunder, with respect to the operations of Service Corporation.

The Commission also stated in the Findings and Opinion that it expressed no opinion as to whether or not Ohio Valley was entitled to an exemption pursuant to Rule U-2 and observed that any questions relating thereto could be determined in the future pursuant to appropriate notice under Rule U-6 or otherwise.

On July 27, 1953, the Commission issued its Memorandum Opinion and Order (Holding Company Act Release No. 12077) permitting, among other things, the acquisition by Ohio Valley of $230,000,000 principal amount of first mortgage bonds of Indiana-Kentucky and the acquisition by American Gas, Cincinnati, Kentucky, Louisville, Ohio Edison, and West Penn Electric of "Subordinated Notes" of Ohio Valley. This order contained the same reservations of jurisdiction recited in (a) and (b) above as to the acquisitions of the common stock of Ohio Valley and Indiana-Kentucky and, in addition, included in the reservations of jurisdiction the acquisitions by the above six companies of the Subordinated Notes.

On October 29, 1956, the Commission issued its order (Holding Company Act Release No. 13293) authorizing the issuance by Ohio Valley of an additional amount of Subordinated Notes and their acquisition by the same six companies. In reserving jurisdiction over this transaction the Commission stated:

It is further ordered, That the conditions and reservations of jurisdiction heretofore set forth in this Commissions orders issued on November 7, 1952 and July 27, 1953 in respect of prior acquisitions of securities of OVEC [Ohio Valley] (Holding Company Act Release Nos. 11578 and 12077) are equally applicable to the proposed acquisition of subordinated notes of OVEC [Ohio Valley] herein concerned.

It appears that it is appropriate in the public interest and in the interest of investors and consumers that a reexamination now be had with respect to the issues under sections 10 and 13 of the act which were the subject of the previous reservations of jurisdiction, and that the three above proceedings be consolidated for hearing and disposition.

It is hereby ordered, That these proceedings be, and hereby are, reopened for the purpose of (1) reexamining the various applications filed pursuant to section 10 of the act and (2) considering the application of Service Corporation filed pursuant to section 13 of the act.

It is further ordered, That the proceedings in File No. 70-2945, File No. 70-3106 and File No. 70-3513 be, and hereby are, consolidated for hearing and disposition.

It is further ordered, Pursuant to the applicable provisions of the act, that a hearing in the consolidated proceedings be held at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., on February 4, 1957, at 10:00 a. m., e. s. t. On such date the hearing room clerk in room 193 will advise as to where such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before January 28, 1957, a request relative thereto as provided by Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the applications which he desires to controvert.

It is further ordered, Pursuant to the reservations of jurisdiction that Ohio Valley and the six participating companies subject to the jurisdiction of this Commission shall file with the Secretary of the Commission on or before December 21, 1956, amendments to their applications setting forth the facts as they now exist with regard to their respective relationships to Ohio Valley and of Ohio Valley to Indiana-Kentucky and with particular reference to the matters to be considered under section 10 of the act.

The Division of Corporate Regulation has advised the Commission, upon the basis of its examination of the applications and the previous record in these matters, that the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the acquisitions of securities by the respective applicants are in accordance with the standards of section 10 of the act.

(2) Whether there are any questions presented under section 13 of the act and the applicable rules thereunder with respect to the services rendered and proposed to be rendered by Service Corporation and, if so, whether the applicable standards are satisfied.

(3) Whether the transactions are in all respects in accordance with the standards of the act, and whether, in the event that the applications should be granted, it is necessary or appropriate to impose any terms or conditions in the public interest or for the protection of investors and consumers and to insure compliance with the standards of the act.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That William W. Swift or any other hearing officer or hearing officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice of and order for hearing by registered mail, not less than 30 days prior to the date fixed therefor, to each of the ten participating companies, the Atomic Energy Commission, the Federal Power Commission, Public Service Commission of Indiana, Kentucky Public Service Commission, Public Service Commission of Maryland, Michigan Public Service Commission, The Public Utilities Commission of Ohio, Pennsylvania Public Utility Commission, Public Service Commission of West Virginia; and that notice of said hearing is hereby given to the aforesaid and to all states, municipalities, and political subdivisions of states within which are located any of the physical assets of the applicant companies, to all state commissions, state security commissions, and all agencies, authorities or instrumentalities of any state, municipality, or other political subdivision having jurisdiction over any of the applicant companies or any of the business affairs or operations of any of them, and to all other interested persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the act; and by publication of this notice and order in the FEDERAL REGISTER not later than 30 days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9639; Filed, Nov. 26, 1956; 8:45 a. m.]

[File No. 70-3500]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

ORDER EXEMPTING PROPOSED SALE OF PREFERRED STOCK FROM COMPETITIVE BIDDING

NOVEMBER 20, 1956.

Blackstone Valley Gas and Electric Company ("Blackstone"), a public utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, regarding the following proposed transaction:

Pursuant to a negotiated underwriting agreement dated November 19, 1956, Blackstone will issue and sell to Salomon Bros. & Hutzler 25,000 shares of authorized but unissued new series 5.60 percent cumulative preferred stock, of which 1,430 shares will be subject to a subscription offer to be made on a share for share basis, at $101.82 per share, to Blackstone's public stockholders of record on November 20, 1956. EUA, the owner of 99.17 percent of Blackstone's outstanding common stock has agreed to waive its right to subscribe for the new preferred stock.

The price to be paid to the company by the underwriters for the 23.570 shares not subject to the subscription offer, and for such of the 1,430 shares subject to the subscription offer as are not subscribed for, is to be $100.07 per share; the public offering price is to be $101.82 per share; and the compensation to the underwriters is to be $1.75 per share for each of the 25,000 shares being issued and sold.

Due notice (Holding Company Act Release No. 13295) of the filing of the application requesting an exemption from the competitive bidding requirements of Rule U-50 having been given in the manner prescribed by Rule U-23 promulgated under the act and no hearing having been requested of or ordered by the Commission; and

It appearing that, pursuant to the order of the Commission issued September 5, 1956, granting the application of Blackstone to issue and sell 25,000 shares of its new preferred stock pursuant to the competitive bidding requirements of Rule U-50 (Holding Company Act Release No. 13256), Blackstone publicly invited bids to be submitted on September 11, 1956, for the purchase of the new preferred stock; that three groups of underwriters qualified, but no bids were received; that the date for receiving bids was thereupon postponed until October 11, 1956, and upon further consideration by Blackstone the invitation for bids was withdrawn; that subsequently Blackstone sought and was given informal authorization by the Commission to ascertain through discussions with underwriters whether or not a negotiated public offering of the new preferred stock was feasible; that negotiations were undertaken with five groups of underwriters, two of which advised that they were not interested; that after consideration of the terms indicated by the other three groups, the company determined that those of the Salomon Bros. & Hutzler group provided the best basis for negotiation; that Blackstone then sought and was given informal authorization by the Commission to negotiate with Salomon Bros. & Hutzler a definitive underwriting agreement for the sale of the new preferred stock; that Blackstone negotiated the underwriting agreement pursuant to which it proposes to sell the new preferred stock, and on November 20, 1956, amended its application setting forth the agreement with Salomon Bros. & Hutzler; and

It further appearing that the proposed issue and sale of the new preferred stock including the dividend rate, the redemption price and the offering price has been authorized by the Public Utility Administrator, Department of Business Regulation, of Rhode Island, the State commission of the State in which Blackstone is incorporated and doing business; and

The Commission finding that compliance with the competitive bidding requirements of Rule U-50 is not necessary or appropriate in the public interest or for the protection of investors or consumers as a condition to the exemption from the provisions of section 6 (a) of the act, or to aid the Commission (in carrying out the provisions of section 6 (b) of the act) to determine such terms and conditions as may be appropriate to impose in the public interest or for the protection of investors or consumers in exempting such issuance and sale from the provisions of section 6 (a) of the act; and the Commission deeming it appropriate in the public interest to grant the application, as amended, subject to a reservation of jurisdiction in respect of the fees and expenses to be paid in connection with the proposed issue and sale of the new preferred stock, as to which the record is incomplete, and to grant applicant-declarant's request that this order became effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application, as amended, be, and it hereby is, granted forthwith, subject to the conditions prescribed in Rule U-24, and subject further to a reservation of jurisdiction in respect of the fees and expenses to be paid in connection with the proposed issue and sale of the new preferred stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9640; Filed, Nov. 26, 1956; 8:45 a. m.]

service company subsidiary of American

ordinated Notes" of Ohio Valley. This

Valley to Indiana-Kentucky and with

[File No. 70-3532]

CENTRAL MASSACHUSETTS GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING REGARDING ISSUANCE OF COMMON STOCK BY SUBSIDIARY OF REGISTERED HOLDING COMPANY AND ACQUISITION OF SAID STOCK BY PARENT

NOVEMBER 20, 1956.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its direct subsidiary Central Massachusetts Gas Company ("Central Massachusetts"), a gas utility company, have made a joint filing with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). NEES and Central Massachusetts have designated sections 6 (b), 9 and 10 of the act as being applicable to the transactions proposed in the filing which are summarized as follows:

Central Massachusetts proposes to issue and sell for cash 14,000 additional shares of its capital stock, at the par value thereof, $25 a share, aggregating $350,000. These additional shares are to be acquired by NEES, the sole stockholder of Central Massachusetts, for which NEES will expend available treasury funds. The proceeds from the sale of this stock are to be applied by Central Massachusetts to the discharge of a like amount of notes payable to a bank, these obligations having been incurred by Central Massachusetts for extensions, enlargements, and additions to its plant and property.

The filing states that no underwriters fees, commissions or other remunerations are to be paid in connection with effectuating the proposed transactions. Incidental services are to be performed by New England Power Service Company, an affiliated service company, rendering services to associate companies at the actual cost thereof. It is estimated in the application that the expense of these services will not exceed $300 for NEES and $1,500 for Central Massachusetts. Additional expenses, to be borne by Central Massachusetts, are original issue stamp taxes of $385 and a state filing fee of $175.

The filing further states that the Massachusetts Department of Public Utilities has jurisdiction over the proposed increase in, and the issue and sale of, the additional capital stock by Central Massachusetts but that no Federal commission other than this Commission has jurisdiction over the proposed transactions. The filing contains a copy of the application filed by Central Massachusetts with the Massachusetts Department of Public Utilities in respect of the issue and sale of the additional capital stock and a copy of its order will be filed by amendment.

Notice is further given that any interested person may not later than December 3, 1956, at 5:30 p. m. request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9641; Filed, Nov. 26, 1956; 8:45 a. m.]

[File No. 70-3531]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING REGARDING ACQUISITION BY REGISTERED HOLDING COMPANY OF LIMITED AMOUNTS OF COMMON STOCKS OF CERTAIN SUBSIDIARIES

NOVEMBER 20, 1956.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by New England Electric System ("NEES"), a registered holding company. NEES has designated sections 9 and 10 of the act as applicable to the proposed transactions which are summarized as follows:

NEES proposes to expend not to exceed $300,000 in the purchase of shares of common stock of three of its subsidiaries: Haverhill Electric Company ("Haverhill"), Lawrence Electric Company ("Lawrence") and The Lowell Electric Light Corporation ("Lowell"). These companies have outstanding 145,629 shares, 281,963 shares and 167,456 shares of common stock, respectively, of which NEES owns, at the present time, 99,564 shares (68.368 percent), 255,033 shares (90.438 percent) and 99,504 shares (59.421 percent), respectively.

The proposed acquisitions are to be accomplished by purchases through brokers in the over-the-counter market or pursuant to unsolicited offers to sell, at prices not in excess of the asked prices on the over-the-counter market on the day of purchase. The filing states that the high and low, bid and asked prices, from January 1, 1956, through October 31, 1956, for shares of these companies, as reported in the Boston Herald (a morning newspaper of general circulation) were as follows:

	Bid		Asked	
	High	Low	High	Low
Haverhill	40¾	36½	44¾	40¾
Lawrence	29¾	28¾	32½	31¼
Lowell	58¼	52¼	62½	56¼

No purchases are to be made from officers, directors, employees, or members of their families, of NEES or of any of its subsidiaries. NEES proposes to report to this Commission at weekly intervals all purchases made.

It is proposed by NEES that these acquisitions be made during a thirty day period commencing on the day of the order of this Commission in this proceeding and during such extension or extensions of time as NEES may request. The filing provides that prior to making any extensions NEES will file an amendment to the instant filing setting forth the period of the proposed extension, the filing requesting that such an amendment be deemed effective to extend the period as therein proposed unless within five days this Commission notifies NEES to the contrary.

The subsidiaries of NEES embraced in the instant filing together with Amesbury Electric Light Company ("Amesbury") and Essex County Electric Light Company ("Essex"), two additional subsidiaries of NEES, are contemplating a merger. On the basis of the exchange ratios now being considered in connection with this merger, NEES would own somewhat less than 80 percent of the voting securities of the resulting company. NEES desires to consummate the proposed acquisitions of stock of Haverhill, Lawrence, and Lowell so that, based on the contemplated exchange ratios, NEES will own over 80 percent of the voting securities of the merged company and will thereby be able to extend to this resulting company certain tax benefits through inclusion of its income and expenses in the consolidated Federal income tax return of NEES and its subsidiaries.

The application states that no fees or commissions are to be paid in connection with the proposed acquisitions other than the usual and customary brokerage commissions. Incidental services in connection with the proposed transactions are to be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated at not to exceed $900.

The application further states that no State commission or Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 4, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9642; Filed, Nov. 26, 1956; 8:46 a. m.]

[File No. 70-3509]

MICHIGAN CONSOLIDATED GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUANCE OF PRINCIPAL AMOUNT OF SHORT-TERM NOTES

NOVEMBER 20, 1956.

On August 24, 1956, Michigan Consolidated Gas Company ("Michigan Consolidated"), a public-utility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company, filed a declaration herein pursuant to section 7 of the Public Utility Holding Company Act of 1935 with respect to the issuance to certain banks of its unsecured promissory notes to mature September 30, 1957, in the aggregate principal amount of $30,000,000 in furtherance of its construction program.

On October 12, 1956, a hearing was held with respect to the declaration, following which Michigan Consolidated filed an amendment reducing the aggregate amount of its proposed short-term borrowing from $30,000,000 to $25,000,000. Upon the basis of the declaration, as amended, and the record developed at the hearing, the Commission observes no basis for adverse findings under section 7 of the act, and deems it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended should be permitted to become effective forthwith without awaiting the publication of the formal Findings and Opinion of the Commission.

Michigan Consolidated estimates its fees and expenses herein as follows:

Sidney, Austin, Burgess & Smith legal services	$1,000
Arthur Andersen & Co., accounting services	3,500
System service company (at cost)	5,500
Miscellaneous	500
Total	10,500

The estimated expenses do not appear to be unreasonable.

It is therefore ordered, That said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

The formal Findings and Opinion will be published in due course.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9643; Filed, Nov. 26, 1956; 8:46 a. m.]

[File No. 70-3469]

PENNSYLVANIA ELECTRIC CO.

ORDER GRANTING PETITION IN RESPECT OF CERTAIN REIMBURSEMENTS

NOVEMBER 20, 1956.

On May 8, 1956, this Commission adopted and published an order in the above-entitled matter (Holding Company Act Release No. 13173). This order granted an application regarding the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of $12,500,000 principal amount of First Mortgage Bonds and $9,000,000 aggregate par value of Preferred Stock by Pennsylvania Electric Company, a subsidiary of a registered holding company, General Public Utilities Corporation.

Pennsylvania Electric Company has now filed an amendment to that application, which amendment provides:

Pennsylvania Electric Company ("Penelec") hereby requests that the Securities and Exchange Commission (the "Commission") amend its order in SEC file No. 70-3469, dated May 8, 1956, so as to provide that Penelec may reimburse Messrs. Beekman & Bogue (counsel for the successful bidders) for disbursements of Messrs. Beekman & Bogue which represent Blue Sky filing fees and expenses incurred by them for the account of Penelec. The form of the data furnished to the Commission in connection with said application was such that it was not clearly stated that these disbursements of Messrs. Beekman & Bogue would be an obligation of Penelec under the Purchase Agreements with the successful bidders for Penelec's New Preferred Stock and 1986 Series Bonds which were the subject of this application. As a result, the order of the Commission in this file (i. e. order of May 8, 1956) provides that the whole of the estimated disbursements of Messrs. Beekman & Bogue, including the Blue Sky fees and expenses, are to be paid by the underwriters. The said Blue Sky fees and expenses amounted to $527.82 with respect to the New Preferred Stock, and $159.45 with respect to the 1986 Series Bonds, and it is these amounts which Penelec seeks authorization to pay.

The Commission deeming that the request of Penelec should be granted:

It is ordered, That the petition of Penelec to reimburse Beekman & Bogue in the amounts of $527.82 and $159.45, respectively, for necessary expenses incurred by Beekman & Bogue in respect of the issuance by Penelec of New Preferred Stock and 1986 Series Bonds pursuant to the terms of the application in File No. 70-3469 be, and the same hereby is, granted forthwith, subject to the terms and provisions of Rule U-24.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9644; Filed, Nov. 26, 1956; 8:46 a. m.]

[File Nos. 70-2973, 70-2540]

ELECTRIC ENERGY, INC., ET AL.

ORDER REOPENING AND CONSOLIDATING PROCEEDINGS; NOTICE OF AND ORDER FOR HEARING TO CONSIDER MATTERS IN CONSOLIDATED PROCEEDINGS OVER WHICH JURISDICTION WAS HERETOFORE RESERVED

NOVEMBER 19, 1956.

In the matters of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company, Illinois Power Company, Kentucky Utilities Company, File No. 70-2973; Union Electric Company, Illinois Power Company, Middle South Utilities, Inc., Kentucky Utilities Company, Central Illinois Public Service Company, File No. 70-2540.

On January 15, 1951, the Commission issued a Memorandum Opinion and Interim Order (Holding Company Act Release No. 10340) granting, pursuant to the Public Utility Holding Company Act of 1935 ("act"), approvals of the acquisitions of the common stock of Electric Energy, Inc. ("Electric Energy"), a public utility company, by the following named companies in the percentages indicated: Union Electric Company ("Union") (formerly Union Electric Company of Missouri), a registered holding company and a public utility company (40 percent); Illinois Power Company ("Illinois"), an exempt holding company and a public utility company (20 percent); Middle South Utilities, Inc. ("Middle South"), a registered holding company (10 percent); and Kentucky Utilities Company ("Kentucky"), an exempt holding company and a public utility company (10 percent). The application filed concurrently by Central Illinois Public Service Company ("Central"), a public utility company, to acquire 20 percent of the common stock of Electric Energy was dismissed by the Commission on the ground that Central was not, and would not become as a consequence of the proposed acquisition, an affiliate, as defined in section 2 (a) (11) (A) of the act, of any other public-utility company or of any other holding company, and that, absent such an affiliated relationship, no approval of the acquisition of the common stock of Electric Energy need be obtained.

Illinois, Kentucky, and Central also applied, pursuant to section 2 (a) (7) (B) of the act, for an order declaring each of them not to be a holding company with respect to Electric Energy.

The Commission permitted the various acquisitions of the Electric Energy common stock as steps in the construction and financing of a 500,000 kw generating station and related transmission lines to be built by Electric Energy at Joppe, Illinois, for the purpose of supplying, in part, the power requirements of an atomic energy project to be built and owned by the Atomic Energy Commission ("AEC") at Paducah, Kentucky.

In permitting the acquisitions, however, the Commission included the following terms and conditions in its order:

(A) That this order and the findings supporting it are made in the light of the present urgent problems of national defense which gave rise to the application; that the Commission therefore reserves jurisdiction to reopen these proceedings upon notice to the applicants and to reexamine its findings under Section 10 when in its opinion such reexamination shall be appropriate; and that this order is without prejudice to any order which may be entered upon such reexamination;

(B) That upon the giving of such notice the applicants shall amend their joint application so as to bring before the Commission the facts as they then exist; that in such reopened proceedings the applicants shall not make any argument to the effect that the Commission, by making findings in the present setting of urgent demands of national defense, has decided the issues under Section 10 which may be presented in the reopened proceedings, but will nevertheless be free to present evidence and to make arguments with respect to the facts as they then exist; and that if the Commission after such further proceedings shall order any one or more of the applicants to dispose of its or their stock of Electric Energy, such applicant or applicants will proceed forthwith to take

that he be notified if the Commission all purchases made.

8:46 a. m.]

such steps as may be appropriate to dispose of its or their holdings of common stock of Electric Energy within such time and in such manner as shall be provided in the final order of the Commission, without prejudice to its or their right to seek review of such order.

The Commission also reserved jurisdiction to consider the applications for exemption filed by Central, Illinois, and Kentucky pursuant to section 2 (a) (7) (B) of the act and indicated in the Memorandum Opinion that consideration of these applications would be postponed until such time as the section 10 proceedings contemplated above were reopened.

On January 30, 1953, the Commission issued its Memorandum Opinion and Order (Holding Company Act Release No. 11689) permitting the acquisition of additional common stock of Electric Energy by Union, Illinois, Middle South, and Kentucky and included in that Order the following condition:

(a) That the additional common stock of Electric Energy shall be acquired subject to the limitations set forth in paragraphs (A) and (B) of the Commission's Order dated January 15, 1951, (Holding Company Act Release No. 10340).

It appears that it is appropriate in the public interest and in the interest of investors and consumers that a reexamination now be had with respect to the issues under sections 10 and 2 (a) (7) (B) of the act which were the subject of the previous reservations of jurisdiction, and that the two above proceedings be consolidated for hearing and disposition.

It is hereby ordered, That these proceedings be, and hereby are, reopened for the purpose of (1) reexamining the various applications filed pursuant to section 10 of the act and (2) considering the applications for exemption filed by Illinois, Kentucky, and Central under section 2 (a) (7) (B) of the act.

It is further ordered, That the proceeding in File No. 70–2540 and the proceeding in File No. 70–2973 be, and hereby are, consolidated for hearing and disposition.

It is further ordered, Pursuant to the applicable provisions of the act, that a hearing in the consolidated proceedings be held at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C. on February 4, 1957, at 10:00 a. m., e. s. t. On such date the hearing room clerk in room 193 will advise as to where such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before January 28, 1957, request relative thereto as provided by Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the applications which he desires to controvert.

It is further ordered, Pursuant to the reservation of jurisdiction, that Union, Illinois, Middle South and Kentucky shall file with the Secretary of the Commission on or before December 21, 1956, amendments to their applications setting forth the facts as they now exist with regard to their respective relationships to Electric Energy and with particular reference to the matters to be considered under section 10 of the act.

The Division of Corporate Regulation has advised the Commission, upon the basis of its examination of the applications and the previous record in these matters, that the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the acquisitions of the common stock of Electric Energy by Union, Illinois, Middle South and Kentucky are, respectively, in accordance with the standards of section 10 of the act; and whether, in connection with any such acquisitions, any terms and conditions should be imposed in the public interest or for the protection of investors or consumers.

(2) Whether Illinois, Kentucky or Central (a) do not, either alone or pursuant to an arrangement or understanding with one or more persons, directly or indirectly, control Electric Energy either through one or more intermediary persons or by any means or device whatsoever, or (b) are not intermediary companies through which such control is exercised, or (c) do not, directly or indirectly, exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of Electric Energy as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that any one or more of them be subject to the obligations, duties, and liabilities imposed in the act upon holding companies.

(3) Whether, in connection with the entry of any order of exemption to Central, Illinois or Kentucky, the Commission should impose any condition relating to the exercise of voting rights, control over proxies, designation of officers or directors, existence of interlocking officers, directors and other relationships, and the submission of periodic or special reports regarding affiliations or intercorporate relationships.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That James G. Ewell or any other hearing officer or hearing officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice of and order for hearing by registered mail, not less than 30 days prior to the date fixed therefor, to each of the applicant companies, the Atomic Energy Commission, the Federal Power Commission, the Arkansas Public Service Commission, the Illinois Commerce Commission, the Kentucky Public Service Commission, the Louisiana Public Service Commission, the Missouri Public Service Commission; and that notice of said hearing is hereby given to the aforesaid and to all states, municipalities, and political subdivisions of states within which are located any of the physical assets of the applicant companies, to all state commissions, state security commissions, and all agencies, authorities or instrumentalities of any state, municipality, or other political subdivision having jurisdiction over any of the applicant companies or any of the business affairs or operations of any of them, and to all other interested persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Act; and by publication of this notice and order in the FEDERAL REGISTER not later than 30 days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–9645; Filed, Nov. 26, 1956; 8:46 a. m.]

[File No. 31–637]

FORD MOTOR CO.

ORDER GRANTING EXEMPTION

NOVEMBER 20, 1956.

Ford Motor Company has filed with this Commission an application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") for an exemption for it and its wholly owned subsidiary, Henry Ford and Son, Incorporated, from the provisions of the act applicable to them as a holding company and as a subsidiary thereof.

Due notice of the filing of said exemption application has been given and no hearing thereon has been ordered by or requested of the Commission. The Commission has examined the statements contained in said exemption application and has considered the full record with respect thereto. It appears to the Commission that the applicable standards of section 3 (a) (3) of the act are satisfied and the Commission finds that the granting of said exemption application will not be detrimental to the public interest or the interest of investors or consumers.

It is therefore ordered, That Ford Motor Company, and Henry Ford and Son, Incorporated, as a subsidiary of the Ford Motor Company, be, and the same hereby are, exempted from the provisions of the act applicable to them as a holding company and a subsidiary company thereof.

It is further ordered, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–9646; Filed, Nov. 26, 1956; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

BUTTER OIL AND BUTTER SUBSTITUTES

INVESTIGATION INSTITUTED AND HEARING SET

Investigation No. 14 under section 22 of the Agricultural Adjustment Act, as amended.

Institution of investigation. By direction of the President in a letter dated November 17, 1956, the United States Tariff Commission, on the 20th day of November 1956, instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether butter oil and butter substitutes containing 45 percent or more of butterfat and classifiable under paragraph 709 of the Tariff Act of 1930, as amended, are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price support program for milk and butterfat undertaken by the Department of Agriculture, or to reduce substantially the amount of products processed in the United States from domestic milk and butterfat with respect to which such program is being undertaken.

Hearing. A public hearing in this investigation will be held in the Tariff Commission hearing room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C., beginning at 10 a. m., e. s. t., on January 15, 1957. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at such hearing.

Request to appear. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission in writing at its offices in Washington, D. C., at least three days in advance of the date set for the hearing.

I hereby certify that the above investigation was instituted and hearing ordered by the United States Tariff Commission on November 20, 1956.

Issued: November 20, 1956.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56–9648; Filed, Nov. 26, 1956; 8:46 a. m.]

UNIVERSITY OF MICHIGAN
NOV 30

shall file with the Secretary of the Commission, the Federal Power Commission, the Atomic Energy Commission, the Federal

8:46 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 230

Washington, Wednesday, November 28, 1956

TITLE 3—THE PRESIDENT

MEMORANDUM OF NOVEMBER 23, 1956

MEMORANDUM TO HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES AND INDEPENDENT ESTABLISHMENTS AUTHORIZING FEDERAL EMPLOYEES TO BE EXCUSED FROM DUTY ON DECEMBER 24, 1956

Employees in the Federal service in the Metropolitan Area of the District of Columbia, and in the field service of the Executive departments, independent establishments and other agencies of the Government, including the General Accounting Office, the Government Printing Office and Navy Yards and Naval Stations, whose services are determined by the respective heads of the departments, independent establishments, and other agencies not to be needed for maintaining any skeleton forces which may be necessary for the transaction of urgent public business, shall be excused from duty on Monday, December 24, 1956; and such day shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

The heads of departments, agencies, and independent establishments shall adopt a liberal policy for the granting of annual leave to all employees who wish to take such leave during the rest of the period between the holidays.

This memorandum shall not be construed as authority for excusing from duty (1) those employees in the Department of State, the Department of Defense, or other departments, establishments, or agencies who for national security or other public reasons should, in the judgment of the respective heads of such departments, establishments, and agencies, be at their posts, or (2) those employees whose absence from duty would be inconsistent with the provisions of existing law.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 23, 1956.

[F. R. Doc. 56-9768; Filed, Nov. 27, 1956; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—General Regulations

[FHA Instructions 424.1, 424.2, and 424.3]

PART 304—CONSTRUCTION AND REPAIR

PART 324—CONSTRUCTION AND REPAIR (FARM OWNERSHIP AND FARM HOUSING PROGRAMS)

MISCELLANEOUS AMENDMENTS

Part 324—Construction and Repair (Farm Ownership and Farm Housing Programs) of Title 6, Code of Federal Regulations (17 F. R. 409), including Subpart A (21 F. R. 1223), Subpart B (21 F. R. 3855), and Subpart C (19 F. R. 4176), is hereby redesignated Part 304—Construction and Repair, §§ 324.1, 324.2, 324.21 to 324.24, and 324.41 to 324.46 are redesignated as §§ 304.1, 304.2, 304.21 to 304.24, and 304.41 to 304.46, respectively, and such Part 304 and redesignated sections are amended as follows:

1. Subpart A is redesignated "Minimum Construction Standards for Farm Ownership and Farm Housing Loans," and the introductory paragraph and paragraphs (a) and (e) of § 304.1 are amended to read as follows:

§ 304.1 *General.* All new buildings and repairs financed with Farm Ownership or Farm Housing loans will be substantially constructed and in accordance with approved building plans and specifications. The minimum construction standards are not intended as a complete guide for planning or constructing a farm dwelling or other farm buildings, but represent the minimum construction requirements necessary to provide decent, safe, and sanitary living conditions and adequate farm buildings. Minimum construction standards are not subject to rigid definitions; therefore, good judgment is required in interpreting and applying such standards.

(a) *New buildings and existing buildings.* All new buildings and all alterations and repairs to existing buildings

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should conform to the minimum construction standards. Where alterations and repairs are made to a building, that part of the building not being altered or repaired will be required to comply with the minimum construction standards to the extent that the building is structurally sound and functionally adequate. On Farm Ownership farms all buildings that are essential to the operation of the farm and for which there is no planned construction must be structurally sound and functionally adequate. The Farmers Home Administration's booklet "A Guide for the Construction of Farm Buildings" will be of assistance in checking applicants' plans and specifications, and so forth, for conformance to minimum construction requirements.

• • • • •

(e) *Special methods of construction.* New or special methods of construction, not generally considered conventional, will be treated as special cases. After a complete analysis of the proposed method, the plans and specifications with the recommendations of the State Director will be forwarded to the National Office, where a review will be made of the case and a ruling issued on the acceptability of the method.

2. Subpart B is redesignated "Planning Farm Development for Farm Ownership, Farm Housing, and Individual Soil and Water Conservation Loans," § 304.22 (e) is revoked, and the introductory paragraph of § 304.21, and § 304.22 (c) and (g) (1) are amended to read as follows:

§ 304.21 *Definitions.* In connection with Farm Ownership, Farm Housing, and individual Soil and Water Conservation loans, the following terms are defined:

• • • • •

§ 304.22 *Policies.* The following policies will be observed in planning farm development:

• • • • •

(c) *Extent of farm development.* When planning farm development in connection with a Farm Ownership loan, it will be the policy to provide for construction and land development necessary to put the farm in livable and operable condition at the outset, consistent with the planned farm and home operations. For a Farm Housing or Soil and Water Conservation loan, the improvements will be planned to the extent agreed upon between the applicant and the County Supervisor.

• • • • •

(e) [Revoked.]

• • • • •

(g) *Providing funds.* * * *

(1) *Deferred advances (direct Farm Ownership loans).* In justifiable cases, a deferred advance may be provided for an item of land development, or a portion thereof, which is planned for completion at a date later than the 15-month maximum limit in accordance with paragraph (f) of this section.

3. Subpart C is redesignated "Performing Farm Development for Farm Ownership, Farm Housing, and Individual Soil and Water Conservation Loans," and §§ 304.41 to 304.46 are revised to read as follows:

Sec.
304.41 General.
304.42 Farm development performed by contract method.
304.43 Farm development performed by borrower method.
304.44 Inspection of farm development work.
304.45 Making changes in farm development plan.
304.46 Refund of unused loan funds five years after loan closing.

AUTHORITY: §§ 304.41 to 304.46 issued under R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100, sec. 510 (g), 63 Stat. 438, sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 7 U. S. C. 1015 (1), 40 U. S. C. 442 (c), 42 U. S. C. 1480 (g), 16 U. S. C. 590w (3), 590x–3 (a) (7). Interpret or apply secs. 3 (b) (4), 12 (c) (4), 44 (b), 60 Stat. 1074, 1076, 1069, secs. 502 (b), 506 (a), 63 Stat. 433, 435, 436, sec. 2 (3), 50 Stat. 869, secs. 9, 10, 68 Stat. 735; 7 U. S. C. 1003 (b) (4), 1005b (c) (4), 1018 (b), 42 U. S. C. 1472 (b), 1476 (a), 1479 (a), 16 U. S. C. 590s (3), 590x–2, 590x–3.

§ 304.41 *General.* All farm development work planned and agreed upon on Form FHA–643, "Farm Development Plan," will be performed in accordance with this subpart.

(a) *Time of starting farm development.* Farm development work will be started as soon as practicable after the loan is closed. Before the loan is closed, no commitments with respect to performing planned farm development will be made by the County Supervisor or the borrower. The borrower will be instructed that before the loan is closed he should not incur debts for labor or materials or make expenditures for such purposes with the expectation of being reimbursed from loan funds. In areas where it is necessary to prove the water supply prior to loan closing, County Supervisors, upon authorization by the State Director, may permit applicants to commence well drilling operations prior to loan closing, provided such applicants agree in writing to pay with personal funds all costs incurred if a satisfactory water supply is not obtained.

(b) *Review prior to performing work.* Before the borrower begins development work, the County Supervisor will review with him each item of farm development with respect to such matters as: adequacy of plans and specifications; funds available for the work; items and quantities of material the borrower has agreed to furnish; and dates by which each item of farm development should be started in order that the work may be completed on schedule. If, at this time, it appears that sufficient funds are not available to complete all the farm development as planned on Form FHA–643 and the borrower cannot furnish the additional funds needed without jeopardizing his farming operations or repayment ability, the County Supervisor and the borrower will consider revising the plans and specifications or Form FHA–643, in such a way that the planned items of farm development can be completed satisfactorily. When additional funds are to be furnished by the borrower, or revisions are to be made in the plans and specifications or in Form FHA–643, approved changes will be processed in accordance with §§ 304.42 (f) and 304.45, as appropriate. If the borrower cannot furnish the additional funds or if satisfactory revisions cannot be made, consideration should be given to making a subsequent loan.

§ 304.42 *Farm development performed by contract method.* The contract method means performance of the work in accordance with an executed contract other than a lump sum agreement made under the borrower method in accordance with § 304.43 (c) (3). Form FHA–

296, "Construction Contract," will be used, except that, for jobs involving the construction of wells, sprinkler irrigation systems, pumps, and similar items, other contract forms may be used, provided such forms customarily are used in the area and adequate provision has been made for the protection of the borrower with respect to compliance with the plans and specifications, payments for work, inspections, acceptance and completion of the work, and so forth. The United States (including the Farmers Home Administration) will not become a party to a construction contract or incur any liability thereunder.

(a) *Surety bond.* (1) Surety bond will be furnished in any case where:

(i) In the opinion of the County Supervisor, a surety bond appears advisable in order to protect the borrower against default of the contractor; or

(ii) The borrower requests a surety bond; or

(iii) The contract provides for partial payments in the amount of 90 percent of the value of the work in place and of the value of materials suitably stored at the site.

(2) Any surety bond required in connection with a contract will guarantee both performance and payment in a penalty amount equal to the amount of the contract. A surety bond will be obtained from a bonding company legally doing business in the State where the farm lies. Such a bond properly executed will be furnished by the contractor prior to the signing of the contract by the borrower and will be filed in the County Office. Form FHA–200, "Performance and Payment Bond," may be used at the option of the borrower. Any other form of performance and payment bond must be acceptable to the County Supervisor. It must run in favor of the United States of America, acting through the Farmers Home Administration, as trustee for the borrower, and must contain substantially all the terms and conditions set forth in Form FHA–200. The United States (including the Farmers Home Administration) will incur no liability under any performance and payment bond provided in connection with a construction contract.

(b) *Obtaining bids.* The borrower will be advised to obtain bids on the farm development work to be performed by the contract method from as many qualified contractors, dealers, or tradesmen as practicable, either by inviting bids or by direct negotiations. If competitive bidding is practicable. Form FHA–927, "Invitation for Bid (Construction Contract)," or other similar invitation bid form may be used. All contractors from whom bids are requested should be informed regarding time and place for opening bids, surety bond requirements, time for performance of the work, liquidated damages, and the method of payment. When applicable, a copy of Form FHA–296 also should be provided for their information.

(c) *Selection of contractor and awarding of contract.* When bids on the farm development work have been obtained, the borrower, with the assistance of the County Supervisor, will consider the bids and the contractor's qualifications to perform the work. On the basis of these considerations, the borrower will select a contractor and award the contract.

(d) *Acceptance of contract and methods of payment.* Contracts found to be acceptable will be approved by the County Supervisor and a signed copy will be retained by the Farmers Home Administration until the work is complete.

(1) *Method of payment.* One of the following methods of payment will be used. When Form FHA–296 is used, the appropriate payment clause will be inserted in the contract. When other contract forms are used, the payment clause customarily used by the contractor may be used provided the method of payment conforms with one of the methods authorized in this subparagraph.

(i) *One lump sum.* Payment may be made in one lump sum upon completion of the work.

(ii) *Partial payments not to exceed 60 percent.* Partial payments may be made as the work progresses, in an amount not to exceed 60 percent of the value of the work in place. This method will be used only in cases where, after careful consideration of the qualifications of the contractor, particularly with respect to his reputation for honesty and prompt payment of bills, the borrower selects and the County Supervisor approves this method of payment. When this method is used, the County Supervisor will advise the borrower that there may be a possibility of labor and material liens attaching against the property if the contractor should fail to pay for material purchased or labor hired in connection with the contract. Whenever the County Supervisor or the borrower has reason to believe that there may be danger of claims because of nonpayment of bills, the contractor will be required to submit evidence satisfactory to the borrower and the County Supervisor showing how previous partial payments were used and how current partial payments will be used.

(iii) *Partial payments in the amount of 90 percent.* Partial payments may be made as the work progresses, in an amount of 90 percent of the value of the work in place and of the value of material suitably stored at the site. This method of payment will be used only in instances where the contractor has provided a surety bond.

(2) *Contracts requiring down payments.* Whenever possible, the borrower will pay with personal funds any down payment that may be required under a contract. If this cannot be done, the down payment may be made from loan funds. Where a borrower makes a down payment from personal funds he may be reimbursed from loan funds after the work has started. Borrowers should not make any down payments until the loan is closed.

(e) *Estimating partial payments.* When partial payments are to be made, the contractor will prepare and submit, for approval of the borrower and the County Supervisor, an estimate of the value of the work in place for each partial payment. When the contract provides for partial payments of materials at the site, as provided in paragraph (d) (1) (iii) of this section, the contractor also may prepare and submit, for the approval of the borrower and the County Supervisor, an estimate of the value of any materials suitably stored at the site. On major items of construction, the contractor, prior to receiving his first partial payment, may be required to submit a breakdown of the contract price into its major components, such as foundation, framing, roofing, siding, millwork, painting, plumbing, heating, electrical, and so forth. This breakdown is for use by the borrower and the County Supervisor in estimating the partial payments.

(f) *Effecting changes in the contract.* Changes in the contract may be made only at the request of the borrower, upon approval by the County Supervisor, and upon acceptance by the contractor. Form FHA–925, "Contract Change Order," will be executed by all three parties before such changes are put into effect by the contractor.

(g) *Payments for contract work.* Prior to making final payment on any contract where a surety bond is not used, the County Supervisor will have in his possession Form FHA–232 (form letter from the contractor certifying full payment of all materials and labor, and releasing the borrower from any claims), executed by the contractor, and Form FHA–205, "Release by Claimants," executed by all persons who furnished materials or labor in connection with the contract, unless a State Instruction has been issued which makes the use of Form FHA–205 unnecessary.

§ 304.43 *Farm development performed by borrower method.* The borrower method means performance of work by or under the direction of the borrower, using one or more of the ways specified in paragraph (a) of this section.

(a) *Ways of performing the work.* The borrower will:

(1) Purchase the material and equipment and do the work himself.

(2) Purchase the material and equipment and hire qualified workmen on an hourly or daily basis to do the work under his direction.

(3) Utilize lump-sum agreements for (i) minor items or minor portions of items of farm development the total cost of which does not exceed $1,000, such as labor, material, or labor and material for small service buildings, repair jobs, or land development, or (ii) material and equipment which involve a single trade and will be installed by the seller, such as the purchase and installation of heating facilities, electric wiring, wells, painting, liming, or sodding. Depending upon the circumstances, the County Supervisor will determine whether or not such agreements will be in writing.

(b) *Acceptance and storage of material at site.* The County Supervisor will advise the borrower that the acceptance of material as delievered to the site and the proper storage of the material will be his responsibility. The County Supervisor will advise the borrower regarding insurance of material in accordance with Part 306 of this chapter.

(c) *Payment for work done by the borrower method—(1) Payments for labor.* Before the County Supervisor countersigns checks for payment of labor, he will require the borrower to submit a completed Form FHA–997, "Statement of Labor Performed," for each hired workman performing labor during the pay period. Ordinarily, checks drawn in payment for labor will be made payable to the workman involved. However, under justifiable circumstances, when the borrower has made payment for labor with personal funds and has obtained signatures of the workmen on Form FHA–997 as having received payment, the County Supervisor may countersign a check made payable to the borrower reimbursing him for these expenditures. Under no circumstances will the County Supervisor permit funds to be withdrawn from the supervised bank account to pay the borrower for his own labor or labor performed by any member of the borrower's household.

(2) *Payments for equipment and material.* Before the County Supervisor countersigns checks in payment for equipment or materials, he will determine that such items conform with the plans, specifications, and requirements of the planned development shown on Form FHA–643 and attachments. If receipted bills for materials are not available at the time the check is issued, there will be prepared, for purposes of record, an itemized statement of the materials to be purchased. A receipted statement from the seller covering the materials purchased, signed by the borrower as correct and received, will be furnished the County Supervisor as soon as possible, at which time the previously prepared itemized, unreceipted statement may be destroyed. Where itemized statements include materials for more than one item of development, the borrower, with the assistance of the County Supervisor, will indicate on the statement the appropriate part of the cost to be charged against each item of farm development. Ordinarily, checks drawn in payment for materials will be made payable to the seller. However, under justifiable circumstances, when the borrower has made payment for materials with personal funds and has furnished an itemized, receipted statement from the seller, certified by the borrower as being correct and received, the County Supervisor may countersign a check made payable to the borrower reimbursing him for these expenses.

(3) *Payments made under lump-sum agreements.* Payments under lump-sum agreements will be made only when all such items of equipment and materials have been furnished, labor has been performed as agreed upon, and the work has been accepted by the borrower.

(4) *Release by claimants.* Whenever the County Supervisor or the borrower has reason to believe that there may be danger of claims or liens attaching against the property, the borrower will be required to obtain the signatures of appropriate claimants on Form FHA–205.

§ 304.44 *Inspection of farm development work.* The following policies will govern the inspection of all farm development work:

(a) *Responsibility for inspection.* Periodic and final inspections of all farm development work will be made by the County Supervisor. County Supervisors may redelegate to Assistant County Supervisors authority to make such inspections. On jobs involving more difficult technical problems, the County Supervisor may request the assistance of the State Office. Qualified technicians from the Extension Service or the Soil Conservation Service may be requested to assist on such jobs.

(b) *Frequency of inspection.* The County Supervisor will inspect farm development work as frequently as necessary to assure that construction and land development conform with plans and specifications. He will make a final inspection at the earliest possible date after completion of the planned farm development. When several major items are involved he will make final inspection upon completion of each item.

(1) For major new buildings and major additions to existing buildings, inspections should be made at the following stages of construction and at such other stages of construction as determined by the County Supervisor.

(i) *Stage 1.* When foundation excavations are complete and footing forms or trenches are ready for pouring concrete and subsurface installations are roughed in.

(ii) *Stage 2.* When building is enclosed, structural members still exposed, and, when applicable, roughing-in for heating, plumbing, and electrical work is in place and visible.

(iii) *Stage 3.* When the structure has been completed.

(2) When irrigation equipment and materials are to be purchased and installed, a performance test under actual operating conditions by the person or firm making the installation should be required before final acceptance is made. The test should be conducted in the presence of the borrower, the technician who designed the system, and, when practicable, the County Supervisor. If the County Supervisor is not present at the performance test, he should request the technician to furnish him a report as to whether or not the installation meets the requirements of the plans and specifications.

(3) For irrigation and drainage construction where part or all of the work will be buried or backfilled, interim inspections should be made at such stages of construction that compliance with plans and specifications can be determined.

(c) *Recording inspections and correction of deficiencies.* All periodic and final inspections will be recorded on Form FHA–998, "Inspection Report." It will be the responsibility of the County Supervisor to follow-up on the correction of deficiencies reported on Form FHA–998. If the borrower or the contractor refuses to correct the deficiencies, the County Supervisor will report the facts to the State Director who will determine the action to be taken. No inspection will be recorded as a final inspection until all deficiencies have been corrected.

§ 304.45 *Making changes in farm development plan.* Changes in farm development planned on Form FHA–643, regardless of the method of performance, may be made at the request of the borrower and with the consent of the County Supervisor or the loan approval official.

(a) *Recording changes in Form FHA–643.* Changes in the farm development plan, except extensions of time, will be recorded in the narrative of Form FHA–643. However, when Form FHA–925 is used it will not be necessary to record the changes in the narrative. Changes made in the narrative will be initialed by the borrower and the County Supervisor.

(1) Any changes which involve an increase or decrease in the cash cost, transfer of funds between items, or the addition or deletion of items of farm development will be summarized in part I of Form FHA–643 by striking through the original figures or items and writing in the changes.

(2) Extensions of time will be shown only in part I of Form FHA–643 by striking out the existing date and writing in the new date.

(3) Whenever changes made in the farm development plan require the approval of a loan approval official in the State Office, the County Supervisor will forward to the loan approval official Form FHA–643 with the indicated changes and a full narrative description of the changes, including cost changes. When applicable, he will also include Form FHA–925, "Contract Change Order," and, for each case in which the proposed change affects the fair and reasonable value of the farm, he will include:

(i) A new Form FHA–491 or FHA–121, whichever is applicable, if the County Committee agrees with the proposed change.

(ii) A statement in the County Supervisor's narrative of the County Committee's position if the Committee does not approve the proposed change.

(b) *Authority of loan approval official.* The loan approval official is authorized to approve changes in Form FHA–643, including the transfer of funds to additional items of development not previously planned, provided:

(1) Such a change is for an authorized purpose.

(2) Sufficient funds have been deposited in the borrower's supervised bank account to cover the contemplated change when the change involves additional funds to be furnished by the borrower.

(3) In a Farm Ownership case involving land purchase, such a change will not result in the farm having a fair and reasonable value, as recertified by the County Committee on Form FHA–491, in excess of the county average value.

(c) *Authority of County Supervisor.* The County Supervisor is authorized to make changes subject to the provisions of paragraph (b) of this section, and which involve the following:

(1) Changes of items in Form FHA–643 which do not substantially affect the method of operation of the farm or the Government's security.

(2) A change in the method of performing farm development work.

(3) An increase in cost of planned farm development to be paid from the borrower's funds which will not jeopardize his ability to repay the loan.

(4) Transfer of funds between farm development items, refinancing costs, and fees to the extent necessary to meet the difference between estimated costs and actual costs, provided that sufficient funds will be available to complete the planned items.

(5) Extensions of time for performing items of farm development.

§ 304.46 *Refund of unused loan funds five years after loan closing.* In those cases where the borrower has not completed his farm development within five years after the date of loan closing and the Farmers Home Administration determines that the borrower cannot or will not complete his farm development, the borrower will be required to refund, for application on the loan, any unused farm development funds remaining in the supervised bank account.

Dated: November 21, 1956.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 56-9735; Filed, Nov. 27, 1956; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 9]

PART 73—SCABIES IN CATTLE

AREAS QUARANTINED BECAUSE OF SCABIES

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), Part 73, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, containing the regulations restricting the interstate movement of cattle because of scabies, is hereby further amended by adding a new § 73.0 to read as follows:

§ 73.0 *Notice and quarantine.* Notice is hereby given that cattle in Colorado are affected with scabies, a contagious, infectious and communicable disease, and Las Animas and Crowley Counties are hereby quarantined because of said disease.

Effective date. The foregoing amendment shall become effective upon issuance.

Part 73, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, contains the regulations pertaining to the interstate movement of cattle from an area quarantined because of scabies.

The amendment imposes certain further restrictions necessary to prevent the spread of scabies in cattle and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 21st day of November 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-9705; Filed, Nov. 27, 1956; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Supp. 12]

DMO VII-6—EXPANSION GOALS

TRANSFER OF CERTAIN ITEMS FROM OPEN TO CLOSED LIST

1. Defense Mobilization Order VII-6, dated December 3, 1953 (18 F. R. 7876), is supplemented by transferring the following expansion goals from List III, Open, to List I, Closed.

Goal	Title	Delegate agency
91	Welded Aluminum Tubing	Commerce.
99	Heavy Aluminum Aircraft Forgings.	Commerce.
177	Aluminum Sheet Producing and Heat Treating Facilities.	Commerce.
134	Tapered Aluminum Sheet	Commerce.
222	Aluminum Forging Facilities	Commerce.

2. This supplement shall be effective on November 26, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-9761; Filed, Nov. 26, 1956; 12:45 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 6]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

REVISION OF CIVIL AERONAUTICS MANUAL 34

1. The following sections of Civil Aeronautics Manual 34 are renumbered to coincide with the numbering of the revised Part 34 of the Civil Air Regulations effective September 1, 1956 (21 F. R. 6696):

Section 34.5–1 is renumbered as § 34.27–1, and the title amended to read *"Color deficiency limitation (CAA policies which apply to § 34.27)."*

Section 34.6–1 is renumbered as § 34.31–1, and the title amended to read *"Satisfactory flight navigation experience (CAA policies which apply to § 34.31 (a) (1))."*

Section 34.6–2 is renumbered as § 34.31–2, and the title amended to read *"Credit for pilot experience (CAA interpretations which apply to § 34.31 (a) (1))."*

Section 34.6–3 is renumbered as § 34.31–3, and the title amended to read *"Determination of position in flight by celestial observations (CAA policies which apply to § 34.31 (a) (2))."*

Section 34.6–4 is renumbered as § 34.31–4, and the title amended to read *"Statement of graduation from approved flight navigator course (CAA policies which apply to § 34.31 (b))."*

Section 34.6–5 is renumbered as § 34.31–5, and the title amended to read *"Requirements for approved flight navigator courses (CAA rules which apply to § 34.31 (b))."*

Section 34.7–1 is renumbered as § 34.32–1, the title is amended to read *"Written examination (CAA policies which apply to § 34.32)"*, and the reference to the "requirements of §§ 34.2 through 34.6" appearing in § 34.7–1 (a) is changed to read "requirements of §§ 34.21, 23.22, 34.23, 34.27, and 34.31."

Section 34.8–1 is renumbered as § 34.33–1, and the title amended to read *"Practical examination (CAA policies which apply to § 34.33)."*

Section 34.10–1 is renumbered as § 34.5–1, and the title amended to read *"Where to obtain application forms (CAA policies which apply to § 34.5)."*

Section 34.12–1 is renumbered as § 34.6–1, and the title amended to read *"Issuance of temporary certificates (CAA policies which apply to § 34.6 (b))."*

Section 34.13–1 is renumbered as § 34.25–1, and the title amended to read *"Reexamination of practical test (CAA policies which apply to § 34.25)."*

Section 34.13–2 is renumbered as § 34.25–2, and the title amended to read *"Statements of instruction (CAA policies which apply to § 34.25)."*

2. The identification card requirement has been deleted from revised Part 34, therefore, §§ 34.20–1 through 34.20–5 are deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9696; Filed, Nov. 27, 1956; 8:48 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

SUBPART E—MINIMUM EN ROUTE IFR ALTITUDES OVER PARTICULAR ROUTES AND INTERSECTIONS

REVISION OF SUBPART

The following revision to Subpart E of Part 610 is adopted to combine the amendments 1 through 9 to this subpart in a single document so that it may be more effectively used by the public. This revision incorporates all the MEA's and amendments 1 through 9 thereto in effect on November 15, 1956.

Inasmuch as this revision to Subpart E does not involve any substantive change it is hereby adopted to become effective upon publication in the FEDERAL REGISTER.

Sec.
610.9 General.
610.11–610.20 Green civil airways Nos. 1–10.
610.101–610.119 Amber civil airways Nos. 1–19.
610.201–610.309 Red civil airways Nos. 1–109.
610.601–610.664 Blue civil airways Nos. 1–64.
610.1001 Direct routes; United States.
610.1002 Direct routes; Alaska.
610.6001–610.6234 VOR civil airways Nos. 1–234.
610.6401–610.6410 Hawaii VOR civil airways Nos. 1–10.

AUTHORITY: §§ 610.9 to 610.6410 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

§ 610.9 *General.* The following minimum IFR altitudes are prescribed for flights along a particular route or route segment and over an additional intersection not listed as a part of a route or route segment.

§ 610.11 *Green civil airway 1.*

From Megantic, Quebec, LFR; to Kokadjo INT, Maine; MEA 5,000.
From Kokadjo INT, Maine; to Millinocket, Maine, LFR; MEA 5,000.
From Millinocket, Maine, LFR; to Orient INT, Maine; MEA 2,100.

§ 610.12 *Green civil airway 2.*

From *Seattle, Wash., LFR; to Ellensburg, Wash., LFR; MEA 8,000. *4,000—MCA Seattle LFR; eastbound.
From Ellensburg, Wash., LFR; to Ephrata, Wash., LFR; MEA 7,000.
From Trinidad INT, Wash.; to Ephrata, Wash., LFR, eastbound; MEA 4,000.
From Ephrata, Wash., LFR; to Spokane, Wash., LFR; MEA 5,000.
From Harrington, Wash., FM; to Ephrata, Wash., LFR, westbound only; MEA 4,000.
From Rockford, Wash., FM; to Spokane, Wash., LFR, westbound only; MEA 6,000.
From *Spokane, Wash., LFR; to Mullan Pass, Mont., LFR; MEA 9,000. *6,200—MCA Spokane, LFR, eastbound.
From Mullan Pass, Mont., LFR; to Missoula, Mont., LFR; MEA 9,000.
From Missoula, Mont., LFR; to Drummond, Mont., LFR; MEA 9,000.
From Drummond, Mont., LFR; to Helena, Mont., LFR; MEA 9,000.
From Helena, Mont., LFR; to Bozeman, Mont., LFR; MEA 9,000.
From Bozeman, Mont., LFR; to *Livingston, Mont., LFR; MEA 10,000. *9,000—MCA Livingston LFR, westbound.
From Livingston, Mont., LFR; to Billings, Mont., LFR; MEA 9,000.
From Billings, Mont., LFR; to Miles City, Mont., LFR; MEA 5,000.
From Miles City, Mont., LFR; to Dickinson, N. Dak., LFR; MEA 4,500.
From Dickinson, N. Dak., LFR; to Bismarck, N. Dak., LFR; MEA 3,800.
From Bismarck, N. Dak., LFR; to Jamestown, N. Dak., LFR; MEA 3,400.
From Jamestown, N. Dak., LFR; to Fargo, N. Dak., LFR; MEA 2,700.
From Fargo, N. Dak., LFR; to Alexandria, Minn., LFR; MEA 2,800.
From Alexandria, Minn., LFR; to Minneapolis, Minn., LFR; MEA 2,600.
From Hamel, Minn., FM; to Minneapolis, Minn., LFR southeastbound only; MEA 2,500.
From Minneapolis, Minn., LFR; to Red Wing INT, Minn.; MEA 2,400.
From Red Wing INT, Minn.; to LaCrosse, Wis., LFR; MEA 2,600.
From La Crosse, Wis., LFR; to Lone Rock INT, Wis.; MEA 2,600.
From Lone Rock INT, Wis.; to Madison, Wis., LFR; MEA 2,500.
From Madison, Wis., LFR; to Genesee, Wis., FM; MEA 2,500.
From Genesee, Wis., FM; to Milwaukee, Wis., LFR eastbound; MEA 2,300.
From Milwaukee, Wis., LFR; to Genesee, Wis., FM, westbound; MEA 2,500.
From Milwaukee, Wis., LFR; to Muskegon, Mich., LFR; MEA 2,000.
From Muskegon, Mich., LFR; to Grand Rapids, Mich., LFR; MEA 1,900.
From Grand Rapids, Mich., LFR; to Lansing, Mich., LFR; MEA 2,200.
From Lansing, Mich., LFR; to White Lake INT, Mich.; MEA 2,900.
From White Lake INT, Mich.; to Detroit, Mich., LFR; MEA 2,500.
From Detroit, Mich., LFR; to Windsor, Canada, LFR; MEA 2,300.
From Clear Creek, Ontario, LFR; to Dunkirk, N. Y., LF/RBN; MEA *2,000. *For that airspace over U. S. Territory.
From Dunkirk, N. Y., LF/RBN; to Buffalo, N. Y., LFR; MEA 2,000.
From Buffalo, N. Y., LFR; to Rush INT, N. Y.; MEA 2,100.
From E. Pembroke, N. Y., FM; to Buffalo, N. Y., LFR westbound only; MEA 1,900.
From Rush INT, N. Y.; to Rochester, N. Y., LFR; MEA 2,000.
From Rochester, N. Y., LFR; to Syracuse, N. Y., LFR; MEA 2,000.
From Syracuse, N. Y., LFR; to Albany, N. Y., LFR; MEA 3,000.
From Stephentown INT, N. Y.; to Albany, N. Y., LFR northwestbound only; MEA 3,000.
From Albany, N. Y., LFR; to Brainard INT, N. Y., southeastbound, MEA 4,000; northwestbound MEA 3,000.
From Brainard INT, N. Y.; to Hartford, Conn., LFR; MEA 4,000.
From Hartford, Conn., to Moosup INT, Conn.; MEA 2,000.
From Moosup INT, Conn.; to N. Scituate INT, R. I.; MEA 1,700.
From North Scituate INT, R. I.; to Boston, Mass., LFR; MEA 1,800.

§ 610.13 *Green civil airway 3.*

From Golden Gate INT, Calif.; to San Francisco, Calif., LFR; MEA 3,000.
From San Francisco, Calif., LFR; to Oakland, Calif., LFR; MEA 3,000.
From Oakland, Calif., LFR; to Sacramento, Calif., LFR; MEA 5,000.
From Bay Point, Calif., FM; to Sacramento, Calif., LFR, northeastbound only; MEA 2,000.
From *Sacramento, Calif., LFR; to **Auburn INT, Calif., northeastbound, MEA 7,000; southwestbound, MEA 3,500. *3,000—MCA Sacramento LFR, northeastbound. **7,500—MCA Auburn INT, northeastbound.
From Auburn INT, Calif., to Donner Summit, Calif., LFR; MEA 11,000.
From Donner Summit, Calif., LFR; to *Reno, Nev., LFR; MEA 12,000. *10,500—MCA Reno LFR, westbound.
From Blue Canyon, Calif., FM; to Auburn INT, Calif., southwestbound only; MEA 7,000.
From *Reno, Nev., LFR; to Lovelock, Nev., LFR; MEA 10,000. *10,500—MCA Reno LFR, westbound.
From Lovelock, Nev., LFR; to Battle Mtn., Nev., LFR; MEA 12,000.
From Battle Mtn., Nev., LFR; to Elko, Nev., LFR; MEA 11,000.
From Elko, Nev., LFR; to Lucin, Utah, LFR; MEA 12,000.
From Lucin, Utah, LFR; to *Promontory Pt., Utah, LF/RBN; MEA 9,000. *10,000—MCA Promontory Pt. LF/RBN, eastbound.
From Promontory Pt., Utah, LF/RBN; to *Ogden, Utah, LFR, eastbound, MEA 11,000; westbound, MEA 9,000. *7,500—MCA Ogden LFR, westbound.
From *Ogden, Utah, LFR; to Ft. Bridger, Wyo., LFR; MEA 12,000. *11,000—MCA Ogden LFR, eastbound.
From Ft. Bridger, Wyo., LFR; to Rock Springs, Wyo., LFR; MEA 10,000.
From Rock Springs, Wyo., LFR; to Sinclair, Wyo., LFR; MEA 10,000.
From Sinclair, Wyo., LFR; to Medicine Bow INT, Wyo.; MEA 11,000.
From Medicine Bow INT, Wyo.; to Two Rivers INT, Wyo.; MEA 11,000.
From Two Rivers INT, Wyo.; to Sherman Hill INT, Wyo.; MEA 10,500.
From Sherman Hill INT, Wyo.; to *Cheyenne, Wyo., LFR; MEA 10,500. *8,500—MCA Cheyenne LFR, westbound.
From Cheyenne, Wyo., LFR; to Egbert INT, Wyo.; MEA 7,300.
From Egbert INT, Wyo.; to Kimball INT, Nebr.; MEA 6,600.
From Kimball INT, Nebr.; to Chappell INT, Nebr.; MEA 5,900.
From Chappell INT, Nebr.; to North Platte, Nebr., LFR; MEA 5,100.
From North Platte, Nebr., LFR; to Grand Island, Nebr., LFR; MEA 4,100.
From Grand Island, Nebr., LFR; to Weston INT, Nebr.; MEA 3,000.
From Weston INT, Nebr.; to Omaha, Nebr., LFR; MEA 2,700.
From Omaha, Nebr., LFR; to Des Moines, Iowa, LFR; MEA 2,600.
From Des Moines, Iowa, LFR; to Moline, Ill., LF/RBN; MEA 2,200.
From Moline, Ill., LF/RBN; to Harmon INT, Ill.; MEA 2,300.
From Harmon INT, Ill.; to Aurora INT, Ill.; MEA 2,000.
From Aurora INT, Ill.; to Wilhelmi INT, Ill.; MEA 2,000.
From Wilhelmi INT, Ill.; to *Monee INT, Ill.; MEA 2,300. *2,300—MCA Monee INT, westbound.
From Monee INT, Ill.; to INT 180 °T from McCool, Ind., LF/RBN and W crs Goshen, Ind., LFR; MEA 2,000.
From INT 180 °T from McCool, Ind., LF/RBN and W crs Goshen, Ind., LFR; to Goshen, Ind., LFR; MEA 2,100.
From Goshen, Ind., LFR; to Archbold INT, Ohio; MEA 2,300.
From Archbold INT, Ohio; to Toledo, Ohio, LFR; MEA 2,000.
From Toledo, Ohio, LFR; to Sandusky INT, Ohio; MEA 2,000.
From Sandusky INT, Ohio; to Cleveland, Ohio, LFR; MEA 1,900.
From Cleveland, Ohio, LFR; to Parkman INT, Ohio; MEA 3,000.
From Brecksville, Ohio, FM; to Parkman INT, Ohio, eastbound only; MEA 2,500.
From Parkman INT, Ohio; to Youngstown, Ohio, LFR; MEA 2,500.
From Youngstown, Ohio, LFR; to Pardoe INT, Pa.; MEA 2,600.
From Pardoe INT, Pa.; to Philipsburg, Pa., LFR; MEA 4,000.
From Philipsburg, Pa., LFR; to Selinsgrove, Pa., LF/RBN; MEA 4,000.

From Selinsgrove, Pa., LF/RBN; to Slatington INT, Pa.; MEA 3,500.
From Slatington INT, Pa.; to Allentown, Pa., LFR; MEA 3,000.
From Allentown, Pa., LFR; to Belle Mead INT, N. J.; MEA 2,500.
From Belle Mead INT, N. J.; to New Brunswick INT, N. J.; MEA 2,000.
From New Brunswick INT, N. J.; to Flatbush INT, N. Y.; MEA 1,500.
From Flatbush INT, N. Y.; to LaGuardia, N. Y., LFR; MEA 2,500.

§ 610.14 *Green Civil Airway 4.*

From Camarillo, Calif., LFR; to Newhall, Calif., LFR, northeastbound, MEA 8,000; southwestbound, MEA 6,000.
From *Newhall, Calif.; to **Palmdale, Calif.; MEA 9,000. *7,000—MCA Newhall LFR, northeastbound. **9,000—MCA Palmdale LFR, southwest-bound.
From Palmdale, Calif., LFR; to Daggett, Calif., LFR; MEA 6,000.
From Daggett, Calif., LFR; to Needles, Calif., LFR; MEA 9,000.
From Needles, Calif., LFR; to Prescott, Ariz., LFR; MEA 10,000.
From Prescott, Ariz., LFR; to Winslow, Ariz., LFR; MEA 10,000.
From Winslow, Ariz., LFR; to Zuni, N. Mex., LFR; MEA 10,000.
From Zuni, N. Mex., LFR; to Albuquerque, N. Mex., LFR; MEA 11,000.
From *Albuquerque, N. Mex., LFR; to Otto, N. Mex., LFR; MEA 11,000. *10,300—MCA Albuquerque LFR, Eastbound.
From Otto, N. Mex., LFR; to Tapia INT, N. Mex.; MEA 9,500.
From Tapia INT, N. Mex.; to Cuervo INT, N. Mex.; MEA 9,000.
From Cuervo INT, N. Mex.; to *Tucumcari, N. Mex., LFR; MEA 7,900. *6,000—Minimum crossing altitude at Tucumcari LFR, westbound.
From Tucumcari, N. Mex., LFR; to Amarillo, Tex., LFR; MEA 5,500.
From Amarillo, Tex., LFR; to INT E crs of Amarillo and SW crs of Gage, Okla., LFR; MEA 4,700.
From INT E crs of Amarillo and SW crs of Gage, Okla., LFR; to Gage, Okla., LFR; MEA 4,500.
From Gage, Okla., LFR; to Danville INT, Kans.; MEA 3,600.
From Danville INT, Kans.; to Wichita, Kans., LFR; MEA 2,800.
From Wichita, Kans., LFR; to Cassoday INT, Kans.; MEA 2,800.
From Cassoday INT, Kans.; to Centropolis INT, Kans.; MEA 3,000.
From Centropolis INT, Kans.; to DeSoto INT, Kans.; MEA 2,300.
From DeSoto INT, Kans.; to Kansas City, Mo., LFR; MEA 2,400.
From Kansas City, Mo., LFR; to Liberty, Mo., LF/RBN; MEA 2,200.
From Liberty, Mo., LF/RBN; to Columbia, Mo., LFR; MEA 2,200.
From Columbia, Mo., LFR; to St. Peters INT, Mo.; MEA 2,600.
From St. Peters INT, Mo.; to St. Louis, Mo., LFR; MEA 1,800.
From St. Louis, Mo., LFR; to Wood River INT, Ill.; MEA 1,800.
From Wood River INT, Ill.; to Effingham, Ill., LFR; MEA 2,000.
From Effingham, Ill., LFR; to Terre Haute, Ind., LFR; MEA 2,000.
From Terre Haute, Ind., LFR; to Indianapolis, Ind., LFR; MEA 2,000.
From Indianapolis, Ind., LFR; to Greenfield INT, Ind.; MEA 2,900.
From Greenfield INT, Ind.; to N. Hampton INT, Ohio; MEA 2,300.
From N. Hampton INT, Ohio; to Columbus, Ohio, LFR; MEA 2,400.
From Columbus, Ohio, LFR; to Adamsville INT, Ohio, MEA 2,400.
From Adamsville INT, Ohio; to Wheeling, W. Va., LF/RBN; MEA 2,600.
From Wheeling, W. Va., LF/RBN; to Pittsburgh, Pa., LFR; MEA 2,500.
From Pittsburgh, Pa., LFR; to *New Alexandria, Pa., LF/RBN; MEA 3,000. *4,000—MCA New Alexandria LF/RBN eastbound.
From New Alexandria, Pa., LF/RBN; to Altoona, Pa., LFR; MEA 4,500.
From Altoona, Pa., LFR; to New Kingston, Pa., FM; MEA 4,000.
From New Kingston, Pa., FM; Harrisburg, Pa., LFR; MEA 2,500.
From Harrisburg, Pa., LFR; to Lancaster INT, Pa.; MEA 2,000.
From Lancaster INT, Pa.; to Boothwyn INT, Pa.; MEA 2,000.
From Boothwyn INT, Pa.; to Philadelphia, Pa., LFR; MEA 1,800.

§ 610.15 *Green civil airway 5.*

From Los Angeles, Calif., LFR; to LaHabra INT, Calif., eastbound; MEA 5,000.
From LaHabra INT, Calif. to Los Angeles, Calif., LFR westbound; MEA 3,000.
From *LaHabra INT, Calif.; to Riverside, Calif., LFR; MEA 5,000. *5,000—MCA LaHabra INT, eastbound.
From *Riverside, Calif., LFR; to Palm Springs INT, Calif.; MEA 13,000. *11,000—Minimum crossing altitude at Riverside LFR, eastbound.
From Banning, Calif., FM; to Riverside, Calif., LFR, westbound only; MEA 10,000.
From *Palm Springs INT, Calif.; to Blythe, Calif., LFR; MEA 8,000. *13,000—MCA Palm Springs INT, westbound.
From Blythe, Calif., LFR; to White Tank INT, Ariz.; MEA 6,000.
From White Tank INT, Ariz.; to Phoenix, Ariz., LFR; MEA 5,000.
From Phoenix, Ariz., LFR; to Casa Grande INT, Ariz., MEA 5,000.
From Casa Grande INT, Ariz.; to Tucson, Ariz., LFR; MEA 7,000.
From *Tucson, Ariz., LFR; to Cochise, Ariz., LFR; MEA 11,000. *8,000—MCA Tucson LFR, eastbound.
From Cochise, Ariz., LFR; to Columbus, N. Mex., LFR; MEA 12,000.
From Hilltop, Ariz., FM; to Cochise, Ariz., LFR, westbound only; MEA 10,000.
From Hilltop, Ariz., FM; to Columbus, N. Mex., LFR, eastbound only; MEA 10,000.
From Columbus, N. Mex., LFR; to El Paso, Tex., LFR; MEA 8,500.
From El Paso, Tex., LFR; to Salt Flat, Tex., LFR; MEA 8,000.
From *Salt Flat, Tex., LFR; to Wink, Tex., LFR; MEA 10,000. *8,900—MCA Salt Flat LFR, eastbound.
From Guadalupe Pass, Tex., FM; to Wink, Tex., LFR, eastbound only; MEA 8,000.
From Wink, Tex., LFR; to Midland INT, Tex.; MEA 4,900.
From Midland INT, Tex.; to Big Spring, Tex., LFR; MEA 4,000.
From Big Spring, Tex., LFR; to Colorado City INT, Tex.; MEA 4,000.
From Colorado City INT, Tex.; to Abilene, Tex., LFR; MEA 3,600.
From Abilene, Tex., LFR; to Pala Pinto INT, Tex.; MEA 3,000.
From Palo Pinto INT, Tex.; to Mineral Wells, Tex., LF/RBN; MEA 2,400.
From Mineral Wells, Tex., LF/RBN; to Fort Worth, Tex., LFR; MEA 2,300.
From Fort Worth, Tex., LFR; to Bedford INT, Tex.; MEA 1,900.
From Bedford INT, Tex.; to Farmers Branch INT, Tex.; MEA 2,200.
From Farmers Branch INT, Tex.; to Greenville INT, Tex.; MEA 1,900.
From Greenville INT, Tex.; to Sulphur Springs, Tex., LF/RBN; MEA 1,800.
From Sulphur Springs, Tex., LF/RBN; to Texarkana, Ark., LFR; MEA 1,800.
From Texarkana, Ark., LFR; to Pine Bluff, Ark., LF/RBN; MEA 1,600.
From Pine Bluff, Ark., LF/RBN; to Memphis, Tenn., LFR; MEA 1,500.
From Memphis, Tenn., LFR; to Jackson, Tenn., LFR; MEA 2,000.
From Jackson, Tenn., LFR; to Nashville, Tenn., LFR; MEA 3,000.
From Nashville, Tenn., LFR; to Lebanon INT, Tenn.; MEA 3,000.
From Lebanon INT, Tenn.; to Smithville, Tenn., LF/RBN; MEA 3,500.
From Smithville, Tenn., LF/RBN; to *Watts Bar INT, Tenn.; MEA 4,500.
From *Watts Bar INT, Tenn.; to Knoxville, Tenn., LFR; MEA 3,000. *4,500—MCA Watts Bar INT, westbound.
From Knoxville, Tenn., LFR; to Gray INT, Tenn.; MEA 5,000.
From Gray INT, Tenn.; to Tri-City, Tenn., LFR; MEA 4,000.
From Tri-City, Tenn., LFR; to Abingdon INT, Va.; MEA 4,000.
From Abingdon INT, Va.; to Pulaski, Va., LFR; MEA 7,000.
From Pulaski, Va., LFR; to Roanoke, Va., LFR; MEA 6,000.
From Roanoke, Va., LFR; to James River INT, Va.; MEA 6,200.
From James River INT, Va.; to Gordonsville, Va., LFR; MEA 6,000.
From Gordonsville, Va., LFR; to Quantico, Va., LFR; MEA 3,000.
From Quantico, Va., LFR; to Andrews, Md., LFR; MEA 1,500.
From Andrews, Md., LFR; to Hartly INT, Del.; MEA 1,500.
From Hartly INT, Del.; to Millville, N. J., LFR; MEA 1,500.
From Millville, N. J., LFR; to Ambrose INT, N. J.; MEA 1,500.
From Ambrose INT, N. J.; to Mitchel AFB N. Y., LFR; MEA 1,500.
From Mitchel AFB N. Y., LFR; to St. James INT, N. Y.; MEA 1,500.
From St. James INT, N. Y.; to Salem INT, Conn.; MEA 1,800.
From Salem INT, Conn.; to Moosup INT, Conn.; MEA 1,800.
From Moosup INT, Conn.; to N. Scituate INT, R. I.; MEA 1,700.

§ 610.16 *Green civil airway 6.*

From Laredo, Tex., LFR; to San Diego, Tex., LF/RBN; MEA 1,900.
From San Diego, Tex., LF/RBN; to Alice, Tex., LFR; MEA 1,500.
From Alice, Tex., LFR; to Agua Dulce INT, Tex., MEA 1,600.
From Agua Dulce INT, Tex.; to Corpus Christi, Tex., LFR; MEA 1,700.
From Corpus Christi, Tex., LFR; to Gregory INT, Tex.; MEA 1,400.
From Gregory INT, Tex.; to Palacios, Tex., LFR; MEA 1,300.
From Palacios, Tex., LFR; to Galveston, Tex., LFR; MEA 1,200.
From Galveston, Tex., LFR; to Port Arthur INT, Tex.; MEA 1,400.
From Port Arthur INT, Tex.; to Lake Charles, La., LFR; MEA 1,500.
From Lake Charles, La., LFR; to Lafayette, La., LF/RBN; MEA 1,500.
From Lafayette, La., LF/RBN; to New Orleans, La., LFR; MEA 1,400.
From New Orleans, La., LFR; to Keesler AFB, Miss., LFR; MEA 1,400.
From Keesler AFB, Miss., LFR; to Prichard INT, Ala.; INT, Ala.; MEA 1,400.
From Prichard INT, Ala.; to Bay Minette, Ala., LF/RBN; MEA 1,500.
From Bay Minette, Ala., LF/RBN; to Maxwell AFB, Ala., LFR; MEA 1,500.
From Maxwell AFB, Ala.; to Int. E crs Maxwell and SW crs Atlanta; MEA 1,600.
From Int. E crs Maxwell and SW crs Atlanta; to Atlanta, Ga., LFR; MEA 2,000.
From Atlanta, Ga., LFR; to Spartanburg, S. C., LFR; MEA 2,800.
From Spartanburg, S. C., LFR; to Mooresville INT, N. C.; MEA 2,800.
From Mooresville INT, N. C.; to Greensboro, N. C., LFR; MEA 2,400.
From Greensboro, N. C., LFR; to South Boston INT, Va.; MEA 2,800.

From South Boston INT, Va.; to Blackstone, Va., LFR; MEA 2,000.
From Blackstone, Va., LFR; to Richmond, Va., LFR; MEA 1,500.
From Richmond, Va., LFR; to Norfolk, Va., LFR; MEA 1,500.

§ 610.17 *Green civil airway 7.*

From Nome, Alaska, LFR; to Moses Point, Alaska, LFR; MEA 5,000.
From Moses Point, Alaska, Koyuk INT, Alaska, MEA 4,000.
From *Koyuk INT, Alaska, Galena, Alaska, LFR; MEA 6,000. *6,000 MCA Koyuk INT, eastbound.
From Galena, Alaska, LFR; to Galtan INT, Alaska, MEA 5,800.
From Galtan INT, Alaska to Fairtan INT, Alaska, MEA 5,000.
From Fairtan INT, Alaska; to Fairbanks, Alaska, LFR; MEA 3,900.

§ 610.18 *Green civil airway 8.*

From Cold Bay, Alaska, LFR; to King Salmon, Alaska, LFR; MEA 4,000.
From King Salmon, Alaska, LFR; to Kukaklek INT, Alaska; MEA 4,500.
From Kukaklek INT, Alaska; to Bruin Bay INT, Alaska; MEA 5,900.
From Bruin Bay INT, Alaska; to Anchor Point INT, Alaska; MEA 6,000.
From Anchor Point INT, Alaska; to Kenal, Alaska, LFR; MEA 1,400.
From Kenal, Alaska, LFR; to Delta Island INT, Alaska; MEA 1,500.
From Delta Island INT, Alaska; to Anchorage, Alaska, LFR; MEA 1,500.
From Anchorage (Merrill), Alaska, LFR; to *Willow INT, Alaska; MEA 2,500. *6,400—MCA Willow INT, eastbound.
From Willow INT, Alaska; to Wasilla INT, Alaska; MEA 7,000.
From Wasilla INT, Alaska; to Gulkana, Alaska, LFR; MEA 10,500.
From Gulkana, Alaska, LFR; to Northway, Alaska, LFR; MEA 10,500.

§ 610.19 *Green civil airway 9.*

From South Port Allen INT, T. H.; to Makai INT, T. H., eastbound, MEA 2,000; westbound, MEA 1,000.
From Makai INT T. H.; to *Honolulu, T. H., LFR; 2,000. *6,000—MCA Honolulu LFR, eastbound.
From Honolulu, T. H., LFR; to N. Maui INT, T. H.; MEA 6,000.
From N. Maui INT, T. H.; to N. Hilo INT, T. H.; MEA 1,000.

§ 610.20 *Green civil airway 10.*

From U. S. Canadian Border; to *Bellingham, Wash., LFR; MEA 1,500. *2,000—MCA Bellingham LFR, southbound.
From Bellingham, Wash., LFR; to Burlington INT, Wash.; MEA 4,000.
From Burlington INT, Wash.; to Everett, Wash., LFR; MEA 3,000.
From Everett, Wash., LFR; to *Seattle, Wash., LFR; MEA 2,500. *4,000—MCA Seattle LFR, eastbound.
From Seattle, Wash., LFR; to Ellensburg, Wash., LFR; MEA 8,000.
From Ellensburg, Wash., LFR; to INT NW Yakima and S. Ellensburg, Wash., LFR; MEA 5,500.
From INT NW Yakima and S. Ellensburg, Wash., LFR; to Yakima, Wash., LFR; MEA 4,500.
From Yakima, Wash., LFR; to *Pendleton, Oreg., LFR; MEA 5,000. *5,100—MCA Pendleton LFR, southeastbound.
From Pendleton, Oreg., LFR; to Baker, Oreg., LFR; MEA 10,000.
From LaGrande, Oreg., FM; to Pendleton, Oreg., LFR, northwestbound only; MEA 7,000.
From Baker, Oreg., LFR; to Boise, Idaho, LFR; MEA 9,000.
From Payette, Idaho, FM; to Boise, Idaho, LFR, southeastbound; MEA 5,500.

From Boise, Idaho, LFR; to *King Hill INT, Idaho; MEA 9,000. *9,000—MCA King Hill INT, northwestbound.
From King Hill INT, Idaho; to Burley, Idaho, LFR; MEA 7,000.
From Mountain Home, Idaho, FM; to Boise, Idaho, LFR, northwestbound only; MEA 7,600.
From *Burley, Idaho, LFR; to Malad City, Idaho, LFR; MEA 11,000. *7,000—MCA Burley LFR, eastbound.
From Malad City, Idaho, LFR; to Kemmerer INT, Wyo.; MEA 12,000.
From Kemmerer INT, Wyo.; to Rock Springs, Wyo., LFR; MEA 10,000.
From Rock Springs, Wyo., LFR; to Sinclair, Wyo., LFR; MEA 10,000.
From Sinclair, Wyo., LFR; to Medicine Bow INT, Wyo.; MEA 11,000.
From Medicine Bow INT, Wyo.; to Two Rivers INT, Wyo.; MEA 11,000.
From Two Rivers INT, Wyo.; to Laramie, Wyo., LFR; MEA 10,500.
From Laramie, Wyo., LFR; to *Dacono INT, Colo.; MEA 11,500. *10,500—MCA Dacono INT, northwestbound.
From Dacono INT, Colo.; to Denver, Colo., LFR; MEA 7,500.

§ 610.101 *Amber civil airway 1.*

From U. S.-Mexican Border LFR; to San Diego, Calif., LFR; MEA 2,500.
From San Diego, Calif., LFR; to Oceanside, Calif., LF/RBN, northbound, MEA 3,000; southbound, MEA 2,500.
From Oceanside, Calif., LF/RBN; to Long Beach, Calif., LFR; MEA 4,000.
From Long Beach, Calif., LFR; to Los Angeles, Calif., LFR; MEA 1,600.
From *Los Angeles, Calif., LFR; to Burbank, Calif., LFR; MEA 4,000. *3,000—MCA Los Angeles, LFR, northbound.
From *Burbank, Calif., LFR; to Newhall, Calif., LFR; MEA 7,000. *5,000—MCA Burbank LFR, northbound.
From *Newhall, Calif., LFR; to Wheeler Ridge, INT, Calif.; MEA 10,000. *7,000—MCA Newhall LFR, northbound.
From Castaic, Calif., FM; to Newhall, Calif., LFR, southbound only; MEA 8,000.
From Wheeler Ridge INT, Calif.; to *Bakersfield, Calif., LFR, northbound, MEA 6,000; southbound, MEA 10,000. *7,000—MCA Bakersfield LFR, southbound.
From Bakersfield, Calif., LFR; to Fresno, Calif., LFR; MEA 3,000.
From Famosa, Calif., FM; to Fresno, Calif., LFR, northwestbound; MEA 2,000.
From Fresno, Calif., LFR; to Sacramento, Calif., LFR; MEA 2,000.
From Sacramento, Calif., LFR; to Williams, Calif., LFR, southbound, MEA 2,000; northbound, MEA 3,000.
From Williams, Calif., LFR; to Red Bluff, Calif., LFR; MEA 3,000.
From Red Bluff, Calif., LFR; to Delta INT, Calif.; MEA 8,000.
From Delta INT, Calif.; to Redding, Calif., FM, southbound only; MEA 7,000.
From Redding, Calif., FM; to Red Bluff, Calif., LFR, southbound only; MEA 3,000.
From Delta INT, Calif.; to Ft. Jones, Calif., LFR; MEA 10,000.
From Ft. Jones, Calif., LFR; to *Medford, Oreg., LFR, MEA 10,000. *8,000—MCA Medford LFR, southbound.
From Ashland INT, Oreg.; to Medford, Oreg., LFR, northbound only; MEA 8,000.
From Medford, Oreg., LFR to Eugene Oreg., LFR; MEA 6,500.
From Eugene, Oreg., LFR; to Portland, Oreg., LFR; MEA 3,000.
From Portland, Oreg., LFR; to Toledo, Wash., LFR; MEA 5,000.
From Toledo, Wash., LFR; to Tacoma, Wash., LFR; MEA 5,000.
From Tacoma, Wash., LFR; to Seattle, Wash., LFR MEA 3,000.
From Seattle, Wash., LFR; to Port Gamble INT Wash.; MEA 2,000.
From *Port Gamble INT, Wash.; to **Dungeness INT, Wash.; MEA 5,000. *3,000—MCA Port Gamble INT, northbound. **4,000—MCA Dungeness INT, southbound.
From Dungeness INT, Wash.; to Patricia Bay, B. C., LFR; MEA *2,500. *For that airspace over U. S. territory.
From Dixon INT, B. C.; to Sitka, Alaska, LFR; MEA 5,600.
From Sitka, Alaska, LFR; to Cape Spencer, INT, Alaska; MEA 5,300.
From Cape Spencer, Alaska, LFR; to Yakutat, Alaska, LFR; MEA 1,200.
From Yakutat, Alaska, LFR; to Cape Suckling INT, Alaska; MEA 1,500.
From Cape Suckling INT, Alaska; to East Cordova INT, Alaska; MEA 5,000.
From East Cordova INT, Alaska; to *Hinchinbrook, Alaska, LFR; MEA 2,000. *3,000—MCA Hinchinbrook LFR, westbound.
From Hinchinbrook, Alaska, LFR; to *Whittier INT, Alaska; MEA 4,800. *8,600—MCA Whittier INT, westbound.
From Whittier INT, Alaska; to *Anchorage, Alaska, LFR; MEA 9,000. *6,700—MCA Anchorage LFR, southeastbound.
From Anchorage, Alaska, LFR; to Susitna INT, Alaska; MEA 1,500.
From Susitna INT, Alaska; to *Skwentna, Alaska, LFR; MEA 4,200. *7,000—MCA Skwentna LFR, westbound.
From *Skwentna, Alaska, LFR; to Puntilla Lake, Alaska, LF/RBN; MEA 9,100. *7,000—MCA Skwentna LFR, westbound.
From Puntilla Lake Alaska, LF/RBN; to *Farewell, Alaska, LFR; MEA 9,100. *8,600—MCA Farewell LFR, southeastbound.
From Farewell, Alaska, LFR; to McGrath, Alaska, LFR; MEA 4,000.
From McGrath, Alaska, LFR; to Unalakleet, Alaska, LFR; MEA 6,000.
From Unalakleet, Alaska, LFR; to Nome, Alaska, LFR; MEA 2,800.

§ 610.102 *Amber civil airway 2.*

From San Pedro INT, Calif.; to Long Beach, Calif., LFR; MEA 4,000.
From Long Beach, Calif., LFR; to *LaHabra INT, Calif.; MEA 3,000. *10,000—MCA La Habra INT, northeastbound.
From LaHabra INT, Calif.; to Fairgrounds INT, Calif., northeastbound, MEA 12,000; southeastbound, MEA 4,000.
From Fairgrounds INT, Calif.; to Daggett, Calif., LFR; MEA 12,000.
From Daggett, Calif., LFR; to Las Vegas, Nev., LFR; MEA 9,500.
From Las Vegas, Nev., LFR; to Enterprise, Utah, LFR; MEA 10,000.
From Enterprise, Utah, LFR; to Delta, Utah, LFR; MEA 11,000.
From Delta, Utah, LFR; to *Salt Lake City, Utah, LFR; MEA 12,000. *10,000—MCA Salt Lake City LFR, southbound.
From Riverton, Calif., FM; to Salt Lake City, Utah, LFR, northbound only; MEA 11,000.
From Salt Lake City, Utah, LFR; to Ogden, Utah, LFR; MEA 6,500.
From *Ogden, Utah, LFR; to Malad City, Idaho, LFR; MEA 11,000. *9,000—MCA Ogden LFR, northbound.
From Malad City, Idaho, LFR; to *Pocatello, Idaho., LFR; MEA 11,000. *8,700—MCA Pocatello LFR, southbound.
From Pocatello, Idaho, LFR; to Idaho Falls, Idaho, LFR; MEA 7,500.
From Idaho Falls, Idaho, LFR; to Dubois, Idaho, LFR; MEA 7,500.
From *Dubois, Idaho, LFR; to Dillon, Mont., LFR; MEA 11,500. *10,000—MCA Dubois LFR, north bound.
From Dillon, Mont., LFR; to *Whitehall, Mont., LFR; MEA 11,500. *10,000—MCA Whitehall LFR, northbound.
From Whitehall, Mont., LFR; to Helena, Mont., LFR; MEA 10,500.
From Helena, Mont., LFR; to Craig INT, Mont.; MEA 9,500.

From Craig INT, Mont.; to *Great Falls, Mont., LFR; MEA 8,500. *6,600—MCA Great Falls LFR, southwestbound.
From Great Falls, Mont., LFR; to Cut Bank, Mont., LFR; MEA 6,000.
From Cut Bank, Mont., LFR; to Lethbridge, Canada, LFR; MEA 6,000.
From Snag, Y. T., Canada, LFR; to Northway, Alaska, LFR; MEA 6,400.
From Northway, Alaska, LFR; to Big Delta, Alaska, LFR; MEA 8,000.
From Big Delta, Alaska, LFR; to Chena INT, Alaska; MEA 5,000.
From Chena INT, Alaska; to Fairbanks, Alaska, LFR; MEA 2,400.
From Fairbanks, Alaska, LFR; to Beetles, Alaska, LFR; MEA 5,500.
From Beetles, Alaska, LFR; to *Umiat, Alaska, LF/RBN; MEA 9,800. *5,000—MCA Umiat LF/RBN, southbound.
From Umiat, Alaska, LF/RBN; to Point Barrow, Alaska, LF/RBN; MEA 3,000.

§ 610.103 *Amber civil airway 3.*

From Harrington Ranch INT, N. Mex.; to Truth or Consequences, N. Mex., LFR; MEA 10,000.
From Truth or Consequences, N. Mex., LFR; to Belen, N. Mex., LF/RBN; MEA 10,000.
From Belen, N. Mex., LF/RBN; to Albuquerque, N. Mex., LFR; MEA 8,000.
From Tapia INT, N. Mex.; to Las Vegas, N. Mex., LFR; MEA 9,600.
From Las Vegas, N. Mex., LFR; to *Trinidad, Colo., LFR; MEA 11,000. *10,000—MCA Trinidad LFR, southbound.
From Trinidad, Colo., LFR; to Pueblo, Colo., LFR; MEA 7,500.
From Pueblo, Colo., LFR; to Colorado Springs, Colo., LF/RBN, southbound, MEA 7,000; northbound, MEA 8,000.
From Colorado Springs, Colo., LF/RBN; to Denver, Colo., LFR; MEA 8,900.
From Denver, Colo., LFR; to Cheyenne, Wyo., LFR; MEA 7,500.
From Cheyenne, Wyo., LFR; to Diamond INT, Wyo.; MEA 7,500.
From Diamond INT, Wyo.; to Casper, Wyo., LFR; MEA 7,500.
From Casper, Wyo., LFR; to Ucross INT, Wyo.; MEA 7,500.
From Ucross INT, Wyo.; to Sheridan, Wyo., LFR; MEA 7,000.
From Sheridan, Wyo., LFR; to Billings, Mont., LFR; MEA 8,000.
From Billings, Mont., LFR; to Lavina, Mont., FM, northbound; MEA 8,000.
From Lavina, Mont., FM; to Billings, Mont., LFR, southbound; MEA 6,000.
From Lavina, Mont., FM; to Lewistown, Mont., LFR; MEA 8,000.
From Lewistown, Mont., LFR; to *Great Falls, Mont., LFR; MEA 9,000. *6,800—MCA Great Falls LFR, eastbound.

§ 610.104 *Amber civil airway 4.*

From Brownsville, Tex., LFR; to Kingsville INT, Tex.; MEA 1,300.
From Kingsville INT, Tex.; to Alice, Tex., LFR; MEA 1,400.
From Alice, Tex., LFR; to Losoya INT, Tex.; MEA 1,800.
From Losoya INT, Tex.; to San Antonio, Tex., LFR; MEA 2,200.
From San Antonio, Tex., LFR; to Cibolo Creek INT, Tex.; MEA 2,400.
From Cibolo Creek INT, Tex.; to Austin, Tex., LFR; MEA 2,600.
From Austin, Tex., LFR; to Belton INT, Tex.; MEA 2,000.
From Belton INT, Tex.; to Waco, Tex.; LFR; MEA 2,100.
From Waco, Tex., LFR; to Clifton INT, Tex.; MEA 2,000.
From Clifton INT, Tex.; to Stadium INT, Tex.; 2,100.
From Stadium INT, Tex.; to Ft. Worth, Tex., LFR; MEA 2,200.
From Ft. Worth, Tex., LFR; to Decatur INT, Tex.; MEA 2,000.
From Decatur INT, Tex.; to Saint Jo INT, Tex.; MEA 2,400.
From Saint Jo INT, Tex.; to Ringling INT, Okla.; MEA 2,000.
From Ringling INT, Okla.; to Oklahoma City, Okla., LFR; MEA 2,500.
From Oklahoma City, Okla., LFR; to Shawnee INT, Okla.; MEA 2,700.
From Shawnee INT, Okla.; to Tulsa, Okla., LFR; MEA 2,400.
From Tulsa, Okla., LFR; to Verdigris INT, Okla.; MEA 1,900.
From Verdigris INT, Okla.; to Claremore INT, Okla.; MEA 2,000.
From Claremore INT, Okla.; to Chanute, Kans., LFR; MEA 2,200.
From Chanute, Kans., LFR; to Baldwin City INT, Kans.; MEA 2,300.
From Kansas City, Mo., LFR; to Glenwood INT, Nebr.; MEA 2,500.
From Glenwood INT, Nebr.; to Omaha, Nebr., LFR; MEA 2,700.
From Omaha, Nebr., LFR; to Sioux City, Iowa, LFR; MEA 2,500.
From Sioux City, Iowa, LFR; to Sioux Falls, S. Dak., LFR; MEA 3,000.
From Sioux Falls, S. Dak., LFR; to Huron, S. Dak., LFR; MEA 2,800.
From Huron, S. Dak., LFR; to Aberdeen, S. Dak., LFR; MEA 2,500.
From Aberdeen, S. Dak., LFR; to Bismarck, N. Dak., LFR; MEA 3,500.
From Bismarck, N. Dak., LFR; to Minot, N. Dak., LFR; MEA 3,400.

§ 610.105 *Amber civil airway 5.*

From Grand Isle, La., LFR; to New Orleans, La., LFR; MEA 1,400.
From New Orleans, La., LFR; to Jackson, Miss., LFR; MEA 2,000.
From Jackson, Miss., LFR; to Greenwood, Miss., LFR; MEA 1,700.
From Greenwood, Miss., LFR; to Nesbitt INT, Tenn.; MEA 1,800.
From Nesbitt INT, Tenn.; to Memphis, Tenn., LFR; MEA 1,500.
From Memphis, Tenn., LFR; to Cuba INT, Tenn.; MEA 2,300.
From Cuba INT, Tenn.; to Advance, Mo., LFR; MEA 2,000.
From Advance, Mo., LFR; to Waterloo INT, Mo., MEA 2,000.
From Waterloo INT, Mo.; to St. Louis, Mo., MEA 2,200.
From St. Louis, Mo., LFR; to Jerseyville INT, Ill.; MEA 2,000.
From Jerseyville INT, Ill.; to Springfield, Ill., LFR; MEA 1,900.
From *Springfield, Ill., LFR; to Pontiac INT, Ill.; MEA 2,000. *2,000 MCA Springfield LFR, northeastbound.
From Pontiac INT, Ill.; to Joliet, Ill., LFR, MEA 2,000.
From Joliet, Ill., LFR; to Downers Grove INT, Ill.; MEA 2,300.
From Downers Grove INT, Ill.; to Wilson INT, Ill.; MEA 2,300.
From Wilson INT, Ill.; to INT E crs Rockford, and S crs Milwaukee, Wis., LFR; MEA 2,500.
From INT E crs Rockford and S crs Milwaukee, Wis., LFR; to Milwaukee, Wis., LFR; MEA 2,100.

§ 610.106 *Amber civil airway 6.*

From Jacksonville, Fla., LFR; to Alma, Ga., LFR; MEA 1,600.
From Alma, Ga., LFR; to Macon, Ga., LFR; MEA 1,600.
From Macon, Ga., LFR; to Atlanta, Ga., LFR; MEA 2,200.
From Atlanta, Ga., LFR; to Smyrna INT, Ga., MEA 3,000.
From Smyrna INT, Ga.; to Cartersville INT, Ga.; MEA 3,000.
From Cartersville INT, Ga.; to Chattanooga, Tenn., LFR; MEA 4,000.
From Chattanooga, Tenn., LFR; to Nashville, Tenn., LFR; MEA 4,000.
From Nashville, Tenn., LFR; to Green Brier, INT, Tenn.; MEA 3,000.
From Green Brier INT, Tenn.; to Bowling Green, Ky., LFR; MEA 2,000.
From Bowling Green, Ky., LFR; to Louisville Ky., LFR; MEA 2,200.
From Louisville, Ky., LFR; to Union, Ky., FM; MEA 2,400.
From Union, Ky., FM; to Cincinnati, Ohio, LFR; MEA 2,400.
From Cincinnati, Ohio, LFR; to W. Jefferson INT, Ohio; MEA 2,200.
From Columbus, Ohio, LFR; to A Beam Mansfield, Ohio, LF/RBN; MEA 2,500.
From A Beam Mansfield, Ohio, LFR; to Brighton INT, Ohio; MEA 2,500.
From Brighton INT, Ohio; to Elyria, Ohio, LF/RBN; MEA 2,200.
From Parkman INT, Ohio; to Perry, Ohio, LF/RBN; MEA 2,500.
From Perry, Ohio, LF/RBN; to Clear Creek, Ontario, LFR; MEA 2,000.

§ 610.107 *Amber civil airway 7.*

From Key West, Fla., LFR; to Marathon, Fla., LF/RBN; MEA 1,300.
From Marathon, Fla., LF/RBN; to Homestead, Fla., LF/RBN; MEA 1,100.
From Homestead, Fla., LF/RBN; to Miami, Fla., LFR; MEA 1,200.
From Miami, Fla., LFR; to Bayshore INT, Fla.; MEA 1,400.
From Bayshore INT, Fla.; to W. Palm Beach, Fla., LFR; MEA 1,500.
From W. Palm Beach, Fla., LFR; to Melbourne, Fla., LFR; MEA 1,300.
From Melbourne, Fla., LFR; to Daytona Beach, Fla., LFR; MEA 1,300.
From Daytona Beach, Fla., LFR; to Jacksonville, Fla., LFR; MEA 1,500.
From Jacksonville, Fla., LFR; to Savannah, Ga., LFR; MEA 1,300.
From Savannah, Ga., LFR; to Charleston, S. C., LFR; MEA 1,500.
From Charleston, S. C., LFR; to Florence, S. C., LFR; MEA 1,300.
From Florence, S. C., LFR; to Raleigh, N. C., LFR; MEA 2,000.
From Raleigh, N. C., LFR; to Brodnax INT, Va.; MEA 1,800.
From Brodnax INT, Va.; to Richmond, Va., LFR; MEA 1,500.
From Richmond, Va., LFR; to Washington, D. C., LFR; MEA 1,500.
From Washington, D. C., LFR; to Relay INT, Md.; MEA 1,600.
From Relay INT, Md.; to Loch Raven INT, Md.; MEA 1,800.
From Loch Raven INT, Md.; to Boothwyn INT, Pa.; MEA 1,800.
From Boothwyn INT, Pa.; to Philadelphia, Pa., LFR; MEA 1,800.
From Philadelphia, Pa., LFR; to N. Philadelphia, Pa., LFR; MEA 1,800.
From N. Philadelphia, Pa., LFR; to Newark, N. J., LFR; MEA 1,500.
From Newark, N. J., LFR; to Little Ferry INT, N. Y.; MEA 2,500.
From Little Ferry INT, N. Y.; to Port Chester INT, N. Y.; MEA 1,900.
From Port Chester INT, N. Y.; to Meriden INT, Conn.; MEA 2,000.
From Meriden INT, Conn.; to Hartford, Conn., LFR; MEA 2,000.
From Hartford, Conn., LFR; to Woodstock INT, Conn., northbound; MEA 2,400.
From Woodstock INT, Conn.; to Hartford, Conn., LFR, southbound; MEA 2,000.
From Woodstock INT, Conn.; to Bedford, Mass., LF/RBN; MEA 2,400.
From Bedford, Mass., LF/RBM; to Boston, Mass., LFR; MEA 1,700.
From Boston, Mass., LFR; to INT SE crs Concord, N. H., and N crs Boston, Mass., LFR; MEA 1,300.
From INT SE crs, Concord, N. H.; and N crs Boston, Mass.; LFR; to Portland, Maine LFR; MEA 1,700.
From Portland, Maine, LFR; to Augusta, Maine, LFR; MEA 1,800.
From Augusta, Maine, LFR; to Millinocket, Maine, LFR; MEA 2,500.
From Millinocket, Maine, LFR; to St. Croix INT, Maine; MEA 3,500.

From St. Croix INT, Maine; to Presque Isle, Maine, LFR; MEA 2,500.
From Presque Isle, Maine, LFR; to U. S.-Canada Border, LFR; MEA 3,500.

§ 610.108 *Amber civil airway 8.*

From Los Angeles, Calif., LFR; to *Malibu INT, Calif.; MEA 2,000.
From *Malibu INT, Calif.; to Camarillo, Calif., LFR; MEA 5,000. *3,500—MCA Malibu INT, northwestbound.
From Camarillo, Calif., LFR; to Santa Barbara, Calif., LFR southeastbound only; MEA 4,000. Northwestbound; MEA 6,000.
From Santa Barbara, Calif., LFR; to Bradley INT, Calif.; MEA 7,000.
From Golden Gate INT, Calif.; to Richmond INT, Calif.; MEA 4,000.
From Richmond INT, Calif.; to *Travis AFB, Calif., LFR; MEA 3,000. *3,000—MCA Travis AFB, southwestbound.
From Travis AFB, Calif., LFR; to INT NE crs Travis AFB, Calif. and NW crs Sacramento, Calif., LFR; MEA 2,000.
From Red Bluff, Calif., LFR; to Whitmore, Calif., LFR; MEA 6,000.
From Whitmore, Calif., LFR; to Red Bluff, Calif., LFR southbound only; MEA 5,000.
From *Whitmore, Calif., LFR; to Klamath Falls, Oreg., LFR; MEA 10,000. *7,000—MCA Whitmore LFR, northbound.
From Tennant INT, Calif.; to Klamath Falls, Oreg., LFR northbound only; MEA 9,000.
From Klamath Falls, Oreg., LFR; to Redmond, Oreg., LFR; MEA 10,000.
From Redmond, Oreg., LFR; to *The Dalles, Oreg., LFR; MEA 7,000. *6,000—MCA The Dalles LFR, northbound.
From The Dalles, Oreg., LFR; to Saw Mill INT, Wash., MEA 6,000.
From Saw Mill INT, Wash.; to Yakima, Wash., LFR southwestbound; MEA 6,000. Northeastbound; MEA 4,000.
From Yakima, Wash., LFR; to INT NW Yakima and S Ellensburg, Wash., LFR; MEA 4,500.
From INT NW Yakima and S Ellensburg, Wash., LFR; to Ellensburg, Wash., LFR; MEA 5,500.

§ 610.109 *Amber civil airway 9.*

From Charleston, S. C., LFR; to Myrtle Beach, S. C., LF/RBN; MEA 1,300.
From Myrtle Beach, S. C., LF/RBN; to Wilmington, N. C., LF/RBN; MEA 1,400.
From Wilmington, N. C., LF/RBN; to New Bern, N. C., LF/RBN; MEA 1,300.
From New Bern, N. C., LF/RBN; to Harrellsville INT, N. C., MEA 1,200.
From Harrellsville INT, N. C.; to Norfolk, Va., LFR; MEA 1,400.

§ 610.110 *Amber civil airway 10.*

From South Honolulu INT, T. H.; to Honolulu, T. H., LFR; northbound; MEA 5,000; southbound; MEA 1,000.

§ 610.111 *Amber civil airway 11.*

From South Maui INT, T. H.; to Maui, T. H., LFR; northbound; MEA 6,000; southbound; MEA 1,000.
From Maui, T. H. LFR; to North Maui INT, T. H.; MEA 8,000.

§ 610.112 *Amber civil airway 12.*

From 25 Mi. South of Hilo, T. H. LFR; to Hilo, T. H. LFR; MEA 4,000.
From Hilo, T. H. LFR; to Kuku Point INT, T. H., northbound; MEA 3,000; southbound; MEA 4,000.
From Kuku Point INT, T. H.; to North Hilo INT, T. H.; MEA 1,000.

§ 610.113 *Amber civil airway 13.*

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.
From Baltimore, Md., LFR; to INT N crs Baltimore and SW crs Philadelphia, Pa., LFR; MEA 2,000.
From INT N crs Baltimore, Md., and SW crs Philadelphia, Pa., LFR; to Philadelphia, Pa., LFR; MEA 1,800.
From Philadelphia, Pa., LFR; to N. Philadelphia, Pa., LFR; MEA 1,800.
From N. Philadelphia, Pa., LFR; to Newark, N. J., LFR; MEA 1,500.

§ 610.114 *Amber civil airway 14.*

From Riverdale, Md., LF/RBN; to Ellicott City INT, Md.; MEA 2,000.
From Ellicott City INT, Md.; to Westminister INT, Md.; MEA 2,000.
From Westminister INT, Md.; to Lancaster, Pa., LF/RBN; MEA 2,000.
From Willow Grove, Pa., LFR; to Belle Mead INT, N. J.; MEA 1,700.
From Belle Mead INT, N. J.; to Chatham, N. J., LF/RBN; MEA 2,000.

§ 610.115 *Amber civil airway 15.*

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.
From Baltimore, Md., LFR; to INT N crs Baltimore and SW crs Philadelphia, Pa., LFR; MEA 2,000.
From INT N crs Baltimore, Md.; and SW crs Philadelphia, Pa., LFR; to Philadelphia, Pa., LFR; MEA 1,800.
From Philadelphia, Pa., LFR; to Mt. Holly INT, N. J.; MEA 1,800.
From Mt. Holly INT, N. J.; to Freehold INT, N. J.; MEA 1,500.
From Freehold INT, N. J.; to Idlewild, N. Y., LFR; MEA 1,500.

§ 610.119 *Amber civil airway 19.*

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.
From Baltimore, Md., LFR; to INT N crs Baltimore, Md., and SW crs Philadelphia, Pa., LFR; to Philadelphia, Pa., LFR; MEA 2,000.
From INT N crs Baltimore, Md., and SW crs Philadelphia, Pa., LFR; to Philadelphia, Pa., LFR; MEA 1,800.
From Philadelphia, Pa., LFR; to Mt. Holly INT., N. J.; MEA 1,800.
From Mt. Holly INT, N. J.; to Freehold INT, N. J.; MEA 1,500.
From Freehold INT, N. J.; to Flatbush INT, N. Y.; MEA 1,500.
From Flatbush INT, N. Y.; to LaGuardia, N. Y., LFR; MEA 2,500.

§ 610.201 *Red civil airway 1.*

From Kelly, Tex., LFR; to Medina INT, Tex.; MEA 2,700.
From Medina INT, Tex.; to C. B. Ranch INT, Tex.; MEA 3,500.
From C. B. Ranch INT, Tex., to Big Spring, Tex., LFR; MEA 4,000.

§ 610.202 *Red civil airway 2.*

From Ucross INT, Wyo.; to Wright INT, Wyo.; MEA 7,000.
From Wright INT, Wyo.; to *Rapid City, S. Dak., LFR.; MEA 9,000. *7,000—MCA Rapid City LFR, westbound.

§ 610.203 *Red civil airway 3.*

From Philipsburg, Pa., LFR; to Harrisburg, Pa., LFR; MEA 4,000.
From Philadelphia, Pa., LFR; to Mt. Holly INT., N. J.; MEA 1,800.
From Mt. Holly INT, N. J.; to Freehold INT, N. J.; MEA 1,500.
From Freehold INT, N. J.; to Flatbush INT, N. Y.; MEA 1,500.
From LaGuardia, N. Y., LFR; to Port Chester INT, N. Y.; MEA 1,500.

§ 610.204 *Red civil airway 4.*

From Las Vegas, N. Mex., LFR; to Cuervo INT, N. Mex.; MEA 9,500.

§ 610.205 *Red civil airway 5.*

From Sioux Falls, S. Dak., LFR; to Minneapolis, Minn., LFR; MEA 3,000.
From Jordan, Minn., FM; to Minneapolis, Minn., LFR; eastbound only; MEA 2,500.

§ 610.206 *Red civil airway 6.*

From Denver, Colo., LFR; to Akron, Colo., LFR; MEA 6,600.
From Akron, Colo., LFR; to North Platte, Nebr., LFR; MEA 5,500.
From North Platte, Nebr., LFR; to Grand Island, Nebr., LFR; MEA 4,100.
From Grand Island, Nebr., LFR; to Lincoln, Nebr., LFR; MEA 3,200.
From Lincoln, Nebr., LFR; to Omaha, Nebr., LFR; MEA 2,700.

§ 610.207 *Red civil airway 7.*

From Greenville, S. C., LFR; to Beacon 14 INT, S. C.; MEA 3,000.
From Beacon 14 INT, S. C.; to Spartanburg, S. C., LFR; MEA 2,800.
From Spartanburg, S. C., LFR; to Charlotte, N. C., LFR; MEA 2,800.
From Charlotte, N. C., LFR; to Mooresville INT, N. C.; MEA 2,500.
From Winston-Salem, N. C., LFR; to Greensboro, N. C., LFR; MEA 2,400.

§ 610.208 *Red civil airway 8.*

From Rushville INT, Ind.; to Liberty INT, Ohio; MEA 2,200.
From *Liberty INT, Ohio; to **Wright-Patterson AFB, Ohio, LFR; MEA 3,000. *3,000—MCA Liberty INT, eastbound. **3,000—MCA Wright-Patterson AFB LFR, westbound.
From Wright-Patterson AFB, Ohio, LFR; to Lockbourne INT, Ohio; MEA 2,200.
From Lockbourne INT, Ohio; to Zanesville, Ohio, LF/RBN; MEA 2,400.
From Zanesville, Ohio, LF/RBN; to Bergholz, Ohio, LF/RBN; MEA 2,500.
From Bergholz, Ohio, LF/RBN; to Butler, Pa., LF/RBN; MEA 2,500.
From Butler, Pa., LF/RBN; to Brookville, Pa., LF/RBN; MEA 3,600.
From Brookville, Pa., LF/RBN; to Lock Haven INT, Pa.; MEA 4,400.
From Lock Haven INT, Pa.; to Williamsport, Pa., LFR; MEA 3,500.
From Williamsport, Pa., LFR; to Plymouth INT, Pa.; MEA 4,000.
From Plymouth INT, Pa.; to Stroudsburg INT, Pa.; MEA 3,500.
From Stroudsburg INT, Pa.; to Newark, N. J., LFR; MEA 2,700.

§ 610.209 *Red Civil Airway 9.*

From *San Diego, Calif., LFR; to **El Centro, Calif., LFR; MEA 8,000. *3,000—MCA San Diego LFR, eastbound. **4,000—MCA El Centro LFR, westbound.
From Barrett Lake, Calif. FM; to Jamul, Calif. LF/RBN, westbound only; MEA 6,000.
From Jamul, Calif., LF/RBN; to San Diego, Calif., LFR; westbound only; MEA 4,500.
From El Centro, Calif., LFR; to Yuma, Ariz., LFR; MEA 3,000.
From Yuma, Ariz., LFR; to Gila Bend, Ariz., LFR; MEA 4,000.
From Gila Bend, Ariz., LFR; to Casa Grande INT, Ariz.; MEA 5,000.

§ 610.210 *Red civil airway 10.*

From Amarillo, Tex., LFR; to Clarendon, Tex., LFR; MEA 4,700.
From Clarendon, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 3,900.
From Wichita Falls, Tex., LFR; to Alvord INT, Tex.; MEA 2,300.
From Alvord INT, Tex.; to Justin INT, Tex.; 2,100.
From Justin INT, Tex.; to Dallas, Tex., LFR, 2,200.
From Dallas, Tex., LFR; to Hainsville INT, Tex.; MEA 2,000.
From Hainsville INT, Tex.; to Shreveport, La., LFR; MEA 1,900.
From Shreveport, La., LFR; to Minden INT, La.; MEA 1,500.
From Minden INT, La.; to Monroe, La., LFR; MEA 1,800.
From Monroe, La., LFR; to Jackson, Miss., LFR; MEA 1,500.

From Jackson, Miss., LFR; to Meridian, Miss., LFR; MEA 2,000.
From Meridian, Miss., LFR; to Birmingham, Ala., LFR, eastbound; MEA 2,500.
From Birmingham, Ala., LFR; to Meridian, Miss., LFR, westbound; MEA 2,000.
From Birmingham, Ala., LFR; to Eden INT, Ala.; MEA 3,000.
From Eden INT, Ala.; to Tallapoosa INT, Ga.; MEA 4,000.
From Tallapoosa INT, Ga.; to Atlanta, Ga., LFR; MEA 2,700.
From Atlanta, Ga., LFR; to Thomson INT, Ga.; MEA 2,300.
From Thomson INT, Ga.; to Augusta, Ga., LFR, eastbound only; MEA 2,000.
From Aiken, S. C., LF/RBN; to Charleston, Ga., LFR; MEA 1,500.

§ 610.211 *Red civil airway 11.*

From Int. 124–304 M, brg. Enid (Vance), LF/RBN and NE crs., Gage, LFR; to Enid (Vance), Okla, LF/RBN; MEA 2,600.
From Enid (Vance), Okla., LF/RBN; to Mulhall INT, Okla.; MEA 2,600.
From Claremore INT, Okla.; to Springfield, Mo., LFR; MEA 2,500.
From Springfield, Mo., LFR; to Vichy, Mo., LF/RBN; MEA 2,600.
From Vichy, Mo., LF/RBN; to St. Peters INT, Mo.; MEA 2,200.
From INT S crs Indianapolis, Ind. and W crs Louisville, Ky., LFR; to Louisville, Ky., LFR; MEA 2,100.
From Louisville, Ky., LFR; to Georgetown INT, Ky.; MEA 2,400.
From Albany, N. Y., LFR; to Greenfield INT, Mass.; MEA 5,500.
From Grafton, N. Y., FM; to Albany, N. Y., LFR, westbound only; MEA 3,000.
From Greenfield INT, Mass.; to Gardner INT, Mass.; MEA 3,000.
From Gardner INT, Mass.; to Bedford INT, Mass.; MEA 3,000.
From Boston, Mass., LFR; to E. Boston INT, Mass.; MEA 1,500.

§ 610.212 *Red civil airway 12.*

From Joliet, Ill., LFR; to Int. NE crs Joliet, Ill., LFR and W crs South Bend, Ind., LFR; MEA 2,000.
From Int. NE crs Joliet, Ill., LFR and W crs South Bend, Ind., LFR; to South Bend, Ind., LFR; MEA 2,100.
From South Bend, Ind., LFR; to Union INT, Mich.; MEA 2,000.
From Union INT Mich.; to *Manchester INT, Mich.; MEA 2,400. *2,300—MCA Manchester INT, westbound.
From Manchester INT, Mich.; to Detroit, Mich., LFR; MEA 2,000.
From U. S.-Canada Boundary; to Erie, Pa., LFR; MEA 2,000.

§ 610.213 *Red civil airway 13.*

From Wheeling, W. Va., LF/RBN; to Clinton, Pa., LF/RBN; MEA 2,700.
From Clinton, Pa., LF/RBN; to Butler, Pa., LF/RBN; MEA 2,500.
From Butler, Pa., LF/RBN; to Ford INT, Pa.; MEA 3,000.
From Ford INT, Pa.; to Philipsburg, Pa., LFR; MEA 4,000.
From Wilkes-Barre, Pa., LFR; to Stewart, N. Y., LF/RBN; MEA 3,500.
From Stewart, N. Y., LF/RBN; to Poughkeepsie, N. Y., LFR; MEA 3,000.
From Poughkeepsie, N. Y., LFR; to Hartford, Conn., LFR; MEA 3,000.
From Hartford, Conn., LFR; to Moosup INT, Conn.; MEA 2,000.
From Moosup INT, Conn.; to Providence, R. I., LFR; MEA 1,600.
From Providence, R. I., LFR; to Bedford, Mass., LF/RBN; MEA 1,800.

§ 610.214 *Red civil airway 14.*

From Lone Rock INT, Wis.; to Avon INT, Wis.; MEA 2,700.
From Avon INT, Wis.; to Rockford, Ill., LFR; MEA 2,300.
From Rockford, Ill., LFR; to Aurora INT, Ill.; MEA 2,100.
From Aurora INT, Ill.; to Chicago, Ill., LFR; MEA 2,300.
From Chicago, Ill., LFR; to Rensselaer INT, Ind.; MEA 2,000.
From Rensselaer INT, Ind.; to Halsmer INT, Ind.; MEA 2,300.
From Halsmer INT, Ind.; to Indianapolis, Ind., LFR; MEA 2,100.
From Indianapolis, Ind., LFR; to Lanesville INT, Ind.; MEA 2,200.

§ 610.215 *Red civil airway 15.*

From Tonopah, Nev., LFR; to Fallon, Nev., LFR; MEA 11,000.
From Fallon, Nev., LFR; to Wadsworth INT, Nev.; MEA 10,000.
From Las Vegas, Nev., LFR; to Willow Beach, INT Ariz.; MEA 8,000.
From Willow Beach INT, Ariz.; to Prescott, Ariz., LFR; MEA 10,000.
From Prescott, Ariz., LFR; to Phoenix, Ariz., LFR; MEA 10,000.

§ 610.216 *Red civil airway 16.*

From Tallahassee, Fla., LFR; to Albany, Ga., LFR; MEA 1,600.
From Albany, Ga., LFR; to Macon, Ga., LFR; MEA 1,600.
From Augusta, Ga., LFR; to Columbia, S. C., LFR; MEA 2,000.
From Columbia, S. C., LFR; to Coward INT, S. C.; MEA 1,900.
From Coward INT, S. C.; to Florence, S. C., LFR; MEA 1,300.
From Florence, S. C., LFR; to Lumberton, N. C., LF/RBN; MEA 1,500.
From Lumberton, N. C., LF/RBN; to Raleigh, N. C., LFR; MEA 2,000.

§ 610.217 *Red civil airway 17.*

From Waterloo INT, Ill.; to Scott AFB, Ill., LFR; MEA 2,000.
From Scott AFB, Ill., LFR; to St. Elmo INT, Ill.; MEA 1,900.
From Chanute, Ill., LFR; to Rensselaer INT, Ill.; MEA 1,900.
From Ft. Wayne, Ind., LFR; to Findlay, Ohio, LF/RBN; MEA 2,100.
From Findlay, Ohio, LF/RBN; to Mansfield, Ohio, LF/RBN; MEA 2,500.
From Mansfield, Ohio, LF/RBN; to Bergholz, Ohio, LF/RBN; MEA 2,500.
From Bergholz, Ohio, LF/RBN; to Pittsburgh, Pa., LFR; MEA 2,700.
From McKeesport, Pa., LF/RBN; to Johnstown, Pa., LF/RBN; MEA 4,500.
From Martinsburg, W. Va., LFR; to Lisbon INT, Md.; MEA 3,000.
From Lisbon INT, Md.; to Relay INT, Md.; MEA 2,000.
From Relay INT, Md.; to Baltimore, Md., LFR; MEA 1,500.
From Baltimore, Md., LFR; to INT E crs Baltimore and SW crs Millville, N. J., LFR; MEA 1,500.

§ 610.218 *Red civil airway 18.*

From Greenfield INT, Ind.; to Cincinnati, Ohio, LFR; MEA 2,300.
From Cincinnati, Ohio, LFR; to Huntington, W. Va., LF/RBN; MEA 2,300.
From Huntington, W. Va., LF/RBN; to Charleston, W. Va., LFR; MEA 2,500.
From Charleston, W. Va., LFR; to Elkins, W. Va., LFR; MEA 5,700.
From Flat Woods INT, W. Va.; to Charleston, W. Va., LFR westbound only; MEA 3,700.
From Elkins, W. Va., LFR; to Petersburg INT, W. Va.; MEA 6,800.
From Petersburg INT, W. Va., to Front Royal, Va., LFR; MEA 5,300.
From Front Royal, Va., LFR; to Ashburn INT, Va.; MEA 4,000.
From Ashburn INT, Va.; to Herndon INT, Va.; MEA 3,000.

§ 610.219 *Red civil airway 19.*

From Traverse City, Mich., LFR; to Gladwin, Mich., LF/RBN; MEA 2,500.
From Gladwin, Mich., LF/RBN; to Saginaw, Mich., LF/RBN; MEA 2,000.
From Saginaw, Mich., LF/RBN; to Flint, Mich., ILS/LOM; MEA 2,200.
From Flint, Mich., ILS/LOM; to White Lake INT, Mich.; MEA 2,200.
From White Lake INT, Mich.; to Detroit, Mich., LFR; MEA 2,500.
From Detroit, Mich., LFR; to So. Bass INT, Ohio; MEA 2,300.
From So. Bass INT, Ohio; to Sandusky INT, Ohio; MEA 1,900.
From Sandusky INT, Ohio; to INT SE crs Detroit, and W crs Akron LFR; MEA 2,300.
From INT SE crs Detroit and W crs Akron LFR; to Akron, Ohio, LFR; MEA 2,500.
From Remington INT, Va.; to Quantico, Va., LFR; MEA 2,200.
From INT N crs Richmond, Va., and NW crs Tappahannock LFR; to Gwynn INT, Va., MEA 1,500.
From Gwynn INT, Va., to Norfolk Navy, Va., LFR; MEA 1,500.

§ 610.220 *Red civil airway 20.*

From Lansing, Mich., LFR; to Flint, Mich., ILS/LOM; MEA 2,400.
From Flint, Mich., ILS/LOM; to Goodrich INT, Mich., MEA 2,200.
From Goodrich INT, Mich.; to *Windsor, Ontario, Canada; MEA 2,300. *For that airspace over U. S. territory.
From Windsor, Ontario, Canada, LFR; to Cleveland, Ohio, LFR; MEA 1,900.
From Cleveland, Ohio, LFR; to Akron, Ohio, LFR; MEA 3,000.
From Akron, Ohio, LFR; to Columbiana INT, Ohio; MEA 2,500.
From Columbiana INT, Ohio; to Pittsburgh, Pa., LFR; MEA 2,600.
From Pittsburgh, Pa., LFR; to *Mt. Pleasant INT, Pa.; MEA 3,000. *4,000—MCA Mt. Pleasant INT, eastbound.
From Mt. Pleasant INT, Pa.; to Flint Stone INT, Md.; MEA 4,500.
From Flint Stone INT, Md.; to Martinsburg, W. Va., LFR; MEA 4,000.
From Martinsburg, W. Va., LFR; to Herndon INT, Va.; MEA 3,000.
From Herndon INT, Va.; to Washington, D. C., LFR; MEA 1,800.
From Washington, D. C., LFR; to Huntington INT, Md.; MEA 1,500.
From Huntington INT, Md.; to Meekins Neck INT, Md.; MEA 1,500.

§ 610.221 *Red civil airway 21.*

From Huntington INT, N. Y.; to Bridgeport, Conn., LFR; MEA 1,500.
From Bridgeport, Conn., LFR; to Int. NE crs Bridgeport, Conn., LFR and SE crs Hartford, Conn., LFR; MEA 2,000.
From New London INT, Conn.; to Wyoming INT, R. I.; MEA 1,700.
From Wyoming INT, R. I.; to Providence, R. I., LFR; MEA 1,600.
From Providence, R. I., LFR; to Squantum, Mass., LFR; MEA 2,000.
From Squantum, Mass., LFR; to E. Boston INT, Mass.; MEA 1,500.

§ 610.222 *Red civil airway 22.*

From Selfridge, Mich., LFR; to INT SE crs Selfridge and U. S.-Canadian Boundary LFR; MEA 1,700.
From U. S.-Canadian Boundary LFR; to Buffalo, N. Y., LFR; MEA 2,100.
From Buffalo, N. Y., LFR; to Rochester, N. Y., LFR; MEA 2,000.
From Syracuse, N. Y., LFR; to Utica, N. Y., LFR; MEA 1,900.
From Utica, N. Y., LFR; to Starkville INT, N. Y.; MEA 3,000.

§ 610.223 *Red civil airway 23.*

From *Lakehead, Canada, LFR; to Houghton, Mich., LFR; MEA 2,800. *For that airspace over U. S. Territory.
From Houghton, Mich., LFR; to Grand Marais, Mich., LFR; MEA 2,500.
From Grand Marais, Mich., LFR; to Sault Ste. Marie, Mich., LFR; MEA 2,500.
From Sault Ste. Marie, Mich., LFR; to U. S.-Canadian Border LFR; MEA 2,500.
From U. S.-Canadian Border LFR; to Buffalo, N. Y., LFR; MEA 2,000.
From Buffalo, N. Y., LFR; to Dansville, N. Y., LF/RBN; MEA 3,500.
From Dansville, N. Y., LF/RBN; to Elmira, N. Y., LFR; MEA 3,500.
From Elmira, N. Y., LFR; to Branchville INT, N. J.; MEA 3,500.
From Branchville INT, N. J.; to Paterson, N. J., LF/RBN; MEA 3,000.
From Paterson, N. J., LF/RBN; to LaGuardia, N. Y., LFR; MEA 1,700.
From LaGuardia, N. Y., LFR; to St. James INT, N. Y.; MEA 1,500.

§ 610.224 *Red civil airway 24.*

From Amarillo, Tex., LFR; to Alanreed INT, Tex.; MEA 4,700.
From Alanreed INT, Tex.; to Bessie INT, Okla.; MEA 4,000.
From Bessie INT, Okla.; to Oklahoma City, Okla., LFR; MEA 2,900.

§ 610.225 *Red civil airway 25.*

From U. S.-Canadian Border; to Kokadjo INT, Maine; MEA 5,000.
From Kokadjo INT, Maine; to East Dover INT, Maine; MEA 6,000.

§ 610.226 *Red civil airway 26.*

From Matoca INT, Va.; to Waverly, Va., LFR; MEA 1,500.
From Waverly, Va., LFR; to Corapeake INT, Va.; MEA 1,400.

§ 610.227 *Red civil airway 27.*

From INT S crs Atlanta NAS, Ga., and NE crs Campbellton, Ga., LFR; to Atlanta NAS, Ga., LFR; MEA 3,000.
From Atlanta NAS, Ga., LFR; to Knoxville, Tenn., LFR; MEA 7,000.
From Knoxville, Tenn., LFR; to Corbin, Ky., VAR; MEA 4,700.
From Corbin, Ky., VAR; to Lexington, Ky., LF/RBN; MEA 3,600.
From Lexington, Ky., LF/RBN; to INT 358 T from Lexington LF/RBN and E crs Louisville, Ky., LFR; MEA 2,300.
From Toledo, Ohio, LFR; to Dundee INT, Mich.; MEA 2,100.
From Dundee INT, Mich.; to Ann Arbor INT, Mich.; MEA 2,000.

§ 610.228 *Red civil airway 28.*

From Rockford, Ill., LFR; to Wauconda INT, Ill.; MEA 2,500.
From Wauconda INT, Ill.; to Chicago, Ill., LFR; MEA 2,500.
From Chicago, Ill., LFR; to Benton Harbor INT, Mich.; MEA 2,500.
From Benton Harbor INT, Mich.; to Bangor INT, Mich.; MEA 1,900.
From Bangor INT, Mich.; to Grand Rapids, Mich., LFR; MEA 2,200.
From Lansing, Mich., LFR; to Int. 309–129 M brg. Lansing LFR and W crs. Detroit-Romulus LFR; MEA 2,900.

§ 610.229 *Red civil airway 29.*

From INT SW crs Elmira and N crs Williamsport, Pa., LFR; to Williamsport, Pa., LFR; MEA 4,000.
From Williamsport, Pa., LFR; to Harrisburg, Pa., LFR; MEA 3,500.
From Harrisburg, Pa., LFR; to Westminster INT, Md.; MEA 2,500.
From Westminster INT, Md.; to Ellicott INT, Md.; MEA 2,000.
From Baltimore, Md., LFR; to INT S crs Baltimore and SE crs Andrews, Md., LFR; MEA 1,500.

§ 610.230 *Red civil airway 30.*

From Shreveport, La., LFR; to Converse INT, La.; MEA 1,600.
From Converse INT, La.; to Alexandria, La., LFR; MEA 1,500.
From Alexandria, La., LFR; to Baton Rouge, La., LFR; MEA 1,500.
From Baton Rouge, La., LFR; to New Orleans, La., LFR; MEA 1,500.
From New Orleans, La., LFR; to Horn INT, Miss.; MEA 1,400.
From Horn INT, Miss.; to Bon Secour INT, Ala.; MEA 1,100.
From Bon Secour INT, Ala.; to Whiting, Fla., LFR; MEA 2,000.
From Whiting, Fla., LFR; to Crestview, Fla., LFR; MEA 1,400.
From Creatview, Fla., LFR; to Marianna INT, Fla; MEA 1,400.
From Marianna INT, Fla.; to Tallahassee, Fla., LFR; MEA 1,500.
From Tallahassee, Fla., LFR; to Lee INT, Fla.; MEA 1,500.
From Lee INT, Fla.; to Suwannee INT, Fla.; MEA 1,200.
From Suwannee INT, Fla.; to Jacksonville, Fla., LFR; MEA 1,300.

§ 610.231 *Red civil airway 31.*

From Egbert INT, Wyo.; to Scottsbluff, Nebr., LFR; MEA 6,600.
From Scottsbluff, Nebr., LFR; to Rapid City, S. Dak., LFR; MEA 5,700.
From Rapid City, S. Dak., LFR; to INT E crs Rapid City and SW crs Pierre, S. Dak., LFR; MEA 4,400.
From INT E crs Rapid City and SW crs Pierre, S. Dak., LFR; to Pierre, S. Dak., LFR; MEA 3,500.
From Pierre, S. Dak., LFR; to Virgil INT, S. Dak.; MEA 3,300.
From Virgil INT, S. Dak.; to Huron, S. Dak., LFR; MEA 2,500.
From Minneapolis, Minn., LFR; to Stanton, Minn., LF/RBN; MEA 2,200.
From Stanton, Minn., LF/RBN; to LaCrosse, Wis., LFR; MEA 2,600.

§ 610.232 *Red civil airway 32.*

From Laredo, Tex., LFR; to Kelly, Tex., LFR; MEA 2,000.
From Kelly, Tex., LFR; to INT W crs San Antonio and NE crs Kelly, Tex., LFR; MEA 2,200.
From Austin, Tex., LFR; to Smithville, Tex., LF/RBN; MEA 2,000.
From Smithville, Tex., LF/RBN; to Richmond, Tex., LFR; MEA 1,600.
From Richmond, Tex., LFR; to Arcola INT, Tex.; MEA 1,600.

§ 610.233 *Red civil airway 33.*

From Buckroe Beach, INT, Va.; to Richmond, Va., LFR; MEA 1,500.
From Gordonsville, Va., LFR; to Remington INT, Va.; MEA 3,000.
From Remington INT, Va.; to Arcola, Va., LFR; MEA 2,400.
From Arcola, Va., LFR; to Westminster INT, Md.; MEA 2,500.
From Westminster INT, Md.; to Lancaster INT, Pa.; MEA 2,000.
From INT E crs Poughkeepsie, N. Y. and SW crs Westover, Mass., LFR; to Westover, Mass., LFR; MEA 3,000.
From Westover, Mass., LFR; to Gardner INT, Mass.; MEA 3,000.

§ 610.234 *Red civil airway 34.*

From Charleston, W. Va., LFR; to Pulaski, Va., LFR; MEA 6,000.
From Pulaski, Va., LFR; to Cove INT, N. C.; MEA 6,000. *Cove INT, N. C.; to Greensboro, N. C., LFR; MEA 3,000. * 4,000—MCA Cove INT, northwestbound.
From INT NE crs Greensboro and NW crs Raleigh, N. C., LFR; to Raleigh, N. C., LFR; MEA 2,000.
From Harrellsville INT, N. C.; to Weeksville, N. C., LFR; MEA 1,300.

§ 610.235 *Red civil airway 35.*

From Pueblo, Colo., LFR; to La Junta, Colo., LFR; MEA 6,000.
From La Junta, Colo., LFR; to Garden City, Kans. LFR; MEA 5,500.
From Garden City, Kans., LFR; to Hutchinson, Kans., LFR; MEA 4,000.
From Hutchinson, Kans., LFR; to Newton INT, Kans.; MEA 3,300.
From Newton INT, Kans.; to Cassoday INT, Kans.; MEA 2,700.
From Cassoday INT, Kans.; to Forbes, Kans., LFR; MEA 3,000.
From Forbes AFB, Kans., LFR; to INT NE crs Forbes and NW crs Kansas City, Kans., LFR; MEA 2,400.

§ 610.236 *Red civil airway 36.*

From Stanton, Minn., LFR; to Rochester, Minn., LFR; MEA 2,800.
From Rochester, Minn., LFR; to La Crosse, Wis., LFR; MEA 2,600.

§ 610.237 *Red civil airway 37.*

From Tyler, Tex., LFR; to Hainsville INT, Tex.; MEA 1,700.
From Prescott INT, Ark.; to Little Rock, Ark., LFR; MEA 1,800.
From Little Rock, Ark., LFR; to Stuttgart, Ark., LFR; MEA 1,500.
From Stuttgart, Ark., LFR; to Aubry INT, Ark.; MEA 1,500.
From Charleston, W. Va., LFR; to Roanoke, Va., LFR; MEA 6,000.
From INT 215–35 mag. crs Montebello, Va., VOR and W crs. Lynchburg, Va., LFR; to Lynchburg, Va., LFR, eastbound only; MEA 3,000.
From Roanoke, Va., LFR; to Lynchburg, Va., LFR; MEA 5,000.
From Goodes INT, Va.; to Lynchburg, Va., LFR, eastbound only; MEA 3,000.
From Lynchburg, Va., LFR; to Gordonsville, Va., LFR; MEA 4,000.
From Sweet Briar INT, Va.; to Lynchburg, Va., LFR, southwestbound only; MEA 3,000.

§ 610.238 *Red civil airway 38.*

From Mertzon INT, Tex.; to San Angelo, Tex., LFR; MEA 3,500.
From San Angelo, Tex., LFR; to C–B Ranch INT, Tex.; MEA 3,500.
From Medina INT, Tex.; to Beckmann INT, Tex.; MEA 2,700.
From Beckmann INT, Tex.; to San Antonio, Tex., LFR; MEA 2,200.

§ 610.239 *Red civil airway 39.*

From Bethel, Alaska, LFR; to Aniak, Alaska, LFR; MEA 2,300.
From *Aniak, Alaska, LFR; to McGrath, Alaska, LFR; MEA 5,800. *3,500—MCA Aniak LFR, northeastbound.
From McGrath, Alaska, LFR; to Minchumina, Alaska, LFR; MEA 6,800.
From Minchumina, Alaska, LFR; to Nenana, Alaska, LFR; MEA 4,800.
From Nenana, Alaska, LFR; to Fairbanks, Alaska, LFR; MEA 3,900.

§ 610.240 *Red civil airway 40.*

From Kodiak, Alaska, LFR; to Shuyak, Alaska, LF/RBN; MEA 4,000.
From Shuyak, Alaska, LF/RBN; to *Homer, Alaska, LFR; MEA 6,000. *3,900—MCA Homer LFR, southbound.
From Homer, Alaska, LFR; to Skilak INT, Alaska; MEA 4,000.
From Skilak INT, Alaska; to Anchorage, Alaska, LFR; MEA 1,500.
From Homer, Alaska, LFR; to Skilak INT, Alaska; MEA 4,000.
From Skilak INT, Alaska; to Anchorage, Alaska, LFR; MEA 1,500.

§ 610.241 *Red civil airway 41.*

From Cape Spencer INT, Alaska; to Gustavus, Alaska, LFR; MEA 5,500.
From Gustavus, Alaska, LFR; to Sisters Island, Alaska, LF/RBN; MEA, 4,500.

§ 610.242 *Red civil airway 42.*

From Sullivan INT, Wis.; to Wauconda INT, Wis.; MEA 2,400.
From Glenview, Ill., LFR; to INT SW crs. Glenview, Ill., and W crs. Chicago, Ill., LFR; MEA 2,500.

LFR; MEA 2,300.

win, Mich., LF/RBN; MEA 2,500.

Marais, Mich., LF/R; MEA 2,500.

LFR; MEA 1,500.

Kans. LFR; MEA 5,500.

§ 610.243 *Red civil airway 43.*

From Wauconda INT, Ill.; to Highland Park INT, Ill.; MEA 2,000.
From Highland Park INT, Ill.; to Momence INT, Ill.; MEA 2,000.

§ 610.244 *Red civil airway 44.*

From *Bellingham, Wash., LFR; to Cultus Lake INT, Canada; MEA **8,600. *5,000—MCA Bellingham LFR, northeastbound. **For that airspace over U. S. Territory.

§ 610.245 *Red civil airway 45.*

From Blackstone, Va., LFR; to Manakin, Va., LF/RBN; MEA 1,500.
From Manakin, Va., LF/RBN; to Quantico, Va., LFR; MEA 1,500.
From Quantico, Va., LFR; to Springfield, Va., LF/RBN; MEA 1,500.
From Springfield, Va., LF/RBN; to McLean INT, Va.; MEA 1,800.
From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.
From Baltimore, Md., LFR; to Loch Raven INT, Md.; MEA 2,000.
From Loch Raven INT, Md.; to Lancaster, Pa., LF/RBN; MEA 2,000.

§ 610.246 *Red civil airway 46.*

From U. S. Canadian Border; to Minot, N. Dak., LFR; MEA 4,000.
From Minot, N. Dak., LFR; to Jamestown, N. Dak., LFR; MEA 3,400.

§ 610.247 *Red civil airway 47.*

From Tampa, Fla., LFR; to Orlando, Fla., LFR; MEA 1,700.
From Orlando, Fla., LFR; to Daytona Beach, Fla., LFR; MEA 1,300.

§ 610.248 *Red civil airway 48.*

From Canton INT, Mont.; to Sixteen INT, Mont.; MEA 11,000.
From Sixteen INT, Mont.; to Livingston, Mont., LFR, southbound, MEA 10,000; northbound, MEA 11,000.

§ 610.249 *Red civil airway 49.*

From *Elko, Nev., LFR; to Wendover, Utah, LFR; MEA 12,500. *12,000—MCA Elko LFR, eastbound.
From Wendover, Utah, LFR; to Salt Lake City, Utah, LFR; MEA 11,000.
From *Salt Lake City, Utah, LFR; to Ft. Bridger, Wyo., LFR; MEA 13,000. *12,000—MCA Salt Lake City, LFR, northeastbound.
From Ft. Bridger, Wyo., LFR; to Kemmerer INT, Wyo., MEA 10,000.

§ 610.250 *Red civil airway 50.*

From Galtan INT, Alaska; to Tanana, Alaska, LFR; MEA 3,800.
From Tanana, Alaska, LFR; to Fairtan INT, Alaska; MEA 4,000.

§ 610.251 *Red civil airway 51.*

From Blackstone, Va., LFR; to Dinwiddie INT, Va.; MEA 1,800.
From Dinwiddie INT, Va.; to Langley, Va., LFR; MEA 1,500.

§ 610.252 *Red civil airway 52.*

From Memphis, Tenn., LFR; to Muscle Shoals, Ala., LFR; MEA 2,000.
From Muscle Shoals, Ala., LFR; to Garden City INT Ala.; MEA 2,500.

§ 610.253 *Red civil airway 53.*

From Portland, Oreg., LFR; to **The Dalles, Oreg., LFR; MEA 7,000. *4,000—MCA Portland LFR, eastbound. **4,500—MCA The Dalles LFR, westbound.
From The Dalles, Oreg., LFR; to Pendleton, Oreg., LFR; MEA 4,000.
From Pendleton, Oreg., LFR; to Walla Walla, Wash., LFR; MEA 5,000.
From Walla Walla, Wash., LFR; to Spokane, Wash., LFR; MEA 5,000.

§ 610.254 *Red civil airway 54.*

From *Burley Idaho, LFR; to Spring Bay INT, Utah; MEA 11,500. *10,000—MCA Burley LFR, southeastbound.
From Spring Bay INT, Utah; to Promontory Point, Utah, LF/RBN; MEA 11,000.
From Promontory Pt., Utah, LF/RBN; to Stansbury INT, Utah, southbound, MEA 11,000; northbound, MEA 9,000.

§ 610.255 *Red civil airway 55.*

From Mid Lake INT, Ill., to South Bend, Ind., LFR; MEA 2,300.
From South Bend, Ind., LFR; to Goshen, Ind., LFR; MEA 2,400.
From Goshen, Ind., LFR; to Hicksville INT, Ohio; MEA 2,800.
From Hicksville INT, Ohio; to Findlay, Ohio, LF/RBN; MEA 2,300.
From Findlay, Ohio, LF/RBN; to Columbus, Ohio, LFR; MEA 2,500.

§ 610.256 *Red civil airway 56.*

From Delta INT, Calif.; to Whitmore, Calif., LFR; MEA 8,000.

§ 610.257 *Red civil airway 57.*

From Des Moines, Iowa, LFR; to Cedar Rapids, Iowa, LF/RBN; MEA 2,200.
From Cedar Rapids, Iowa, LF/RBN; to Moline, Ill., LF/RBN; MEA 2,100.
From Moline, Ill., LF/RBN; to Rockford, Ill., LFR; MEA 2,500.
From Rockford, Ill., LFR; to Milwaukee, Wis., LFR; MEA 2,500.
From Milwaukee, Wis., LFR; to Battle Creek, Mich., LFR; MEA 2,500.
From Battle Creek, Mich., LFR; to Toledo, Ohio, LFR; MEA 2,200.
From *Akron, Ohio, LFR; to Youngstown, Ohio, LFR; MEA 2,500. *2,500—MCA Akron LFR, eastbound.

§ 610.258 *Red civil airway 58.*

From Augusta, Maine, LFR; to Bangor, Maine, LFR; MEA 2,300.
From Bangor, Maine, LFR; to U. S. Canadian Boundary, LFR; MEA 2,500.

§ 610.259 *Red civil airway 59.*

From Garden City, Kans., LFR; to INT S crs Garden City and NW crs Gage, Okla., LFR; MEA 4,300.
From Int. S crs Garden City LFR and NW crs Gage, LFR; to Gage, Okla., LFR; MEA 4,200.
From Gage, Okla., LFR; to Oklahoma City, Okla., LFR; MEA 3,700.

§ 610.260 *Red civil airway 60.*

From Oakland, Calif., LFR; to Altamont INT, Calif.; MEA 5,000.
From Altamont INT, Calif.; to Stockton, Calif., LFR, westbound MEA 4,000; eastbound MEA 3,000.
From Stockton, Calif., LFR; to Peters INT, Calif.; MEA 2,000.
From Peters INT, Calif.; to *Copper INT, Calif.; MEA 3,000. *8,000—MCA Copper INT, northeastbound.

§ 610.261 *Red civil airway 61.*

From Butler, Pa., LF/RBN; to *New Alexandria, Pa., LF/RBN; MEA 3,000. *4,000—MCA New Alexandria LF/RBN, eastbound.
From New Alexandria, Pa., LF/RBN; to Johnstown, Pa., LF/RBN; MEA 4,500.
From Johnstown, Pa., LF/RBN; to Flint Stone INT, Md., MEA 4,500.
From Flint Stone INT, Md.; to Martinsburg, W. Va.; LFR, MEA 4,000.
From Martinsburg, W. Va., LFR; to Arcola, Va., LFR; MEA 3,000.
From Arcola, Va., LFR; to Mt. Vernon INT, Va., MEA 1,500.

§ 610.262 *Red civil airway 62.*

From Mt. Pleasant INT, Pa.; to Johnstown, Pa., LF/RBN; MEA 4,500.
From Johnstown, Pa., LF/RBN; to Altoona, Pa., LFR; MEA 4,500.

§ 610.263 *Red civil airway 63.*

From Bangor INT, Mich.; to Battle Creek, Mich., LFR; MEA 2,200.
From Battle Creek, Mich., LFR; to Jackson, Mich., LF/RBN; MEA 2,300.

§ 610.264 *Red civil airway 64.*

From Dixon INT, B. C.; to Annette Island, Alaska, LFR; MEA 4,700.

§ 610.265 *Red civil airway 65.*

From *Los Angeles, Calif., LFR; to Oceanside, Calif., LF/RBN; MEA 4,000. *2,000—Minimum crossing altitude at Los Angeles LFR, southbound.
From *Oceanside, Calif., LF/RBN; to Julian, Calif., LF/RBN, eastbound, MEA 9,000; westbound, MEA 7,000. *5,000—MCA Oceanside LF/RBN, eastbound.
From Julian, Calif., LF/RBN; to Hayfield Lake, Calif., LF/RBN; MEA 9,000.
From Salton INT, Calif., to Hayfield Lake, Calif.. LF/RBN, northeastbound; MEA 8,000.

§ 610.266 *Red civil airway 66.*

From Santa Barbara, Calif., LFR; to *Newhall, Calif., LFR; MEA 9,000. *8,000—MCA Newhall, LFR, westbound.

§ 610.267 *Red civil airway 67.*

From Crestview, Fla., LFR; to Dothan, Ala., LFR; MEA 1,500.
From Dothan, Ala., LFR; to Columbus, Ga., LFR; MEA 1,700.
From Columbus, Ga., LFR; to Madras INT, Ga., MEA, 2,400.

§ 610.268 *Red civil airway 68.*

From Midland, Tex., LFR; to San Angelo, Tex., LFR; MEA 4,400.
From San Angelo, Tex., LFR; to Paint Rock INT, Tex.; MEA 3,000.
From Paint Rock INT, Tex.; to Abilene, Tex., LFR; MEA 3,800.
From Palo Pinto INT, Tex.; to Lipan INT, Tex.; MEA 2,300.
From Lipan INT, Tex.; to Stadium INT, Tex.; MEA 2,200.
From Stadium INT, Tex.; to Hensley INT, Tex.; MEA 2,700.
From Hensley INT, Tex.; to Dallas, Tex., LFR; MEA 1,900.
From Duncanville, Tex., LF/RBN; to Tyler, Tex., LFR; MEA 2,000.
From Tyler, Tex., LFR; to Shreveport, La., LFR; MEA 2,100.

§ 610.269 *Red civil airway 69.*

From Midland, Tex., LFR; to INT NE crs Midland and W crs Big Spring LFR; MEA 4,400.

§ 610.270 *Red civil airway 70.*

From Midland, Tex., LFR; to Lubbock, Tex., LFR; MEA 4,500.

§ 610.271 *Red civil airway 71.*

From Hueco Mt. INT, Tex.; to Roswell, N. Mex., LFR; MEA 8,800.
From Roswell, N. Mex., LFR; to Elkins INT, N. Mex.; MEA 5,600.
From Elkins INT, N. Mex.; to Lubbock, Tex., LFR; MEA 5,500.

§ 610.272 *Red civil airway 72.*

From Hartly INT, Del.; to New Castle, Del., LFR; MEA 1,600.
From New Castle, Del., LFR; to INT N crs New Castle and W crs Philadelphia, Pa.; MEA 1,800.
From West Chester INT, Pa.; to Wing INT, Pa.; MEA 1,900.
From Wing INT, Pa.; to Willow Grove, Pa., LFR; MEA 2,000.
From Willow Grove, Pa., LFR; to Belle Mead INT, N. J.; MEA 1,700.

From Belle Mead INT, N. J.; to Chatham, N. J., LF/RBN; MEA 2,000.
From Chatham, N. J., LF/RBN; to Paterson, N. J., LF/RBN; MEA 2,000.

§ 610.273 *Red civil airway 73.*

From INT W course New Castle, Del., and W course Philadelphia, Pa., LFR; to New Castle, Del., LFR; MEA 1,800.
From New Castle, Del., LFR; to Elmer INT, N. J.; MEA 1,600.
From Elmer INT, N. J.; to Newfield INT, N. J.; MEA 1,500.

§ 610.274 *Red civil airway 74.*

From Horn INT, Miss.; to Bay Minette, Ala., LF/RBN; MEA 1,600.

§ 610.276 *Red civil airway 76.*

From Williams, Calif., LFR; to Auburn INT, Calif., westbound, MEA 4,000; eastbound, MEA 7,000.

§ 610.277 *Red civil airway 77.*

From Greensboro, N. C., LFR; to Lynchburg, Va., LFR; MEA 3,000.
From Lynchburg, Va., LFR; to Sheppards INT, Va.; MEA 3,000.
From Sheppards INT, Va.; to Morven INT, Va., eastbound, MEA 2,000; westbound, MEA 3,000.
From Morven INT, Va.; to Richmond, Va., LFR; MEA 2,000.
From Richmond, Va., LFR; to Tappahannock, Va., LFR; MEA 1,500.
From Tappahannock, Va., LFR; to Dover, Del., LFR; MEA 1,500.
From Dover, Del., LFR; to Atlantic City, N. J., LFR; MEA 1,500.

§ 610.278 *Red civil airway 78.*

From Ashland INT, Oreg.; to Klamath Falls, Oreg., LFR; MEA 9,500.

§ 610.279 *Red civil airway 79.*

From Nean Bay, Wash., LFR; to Port Angeles, CGAS Wash., LF/RBN; MEA 6,000.
From Port Angeles, CGAS Wash., LF/RBN; to Dungeness, Wash., FM; MEA 3,000.
From Port Gamble INT, Wash.; to Everett, Wash., LFR; MEA 2,000.

§ 610.280 *Red civil airway 80.*

From Avon INT, Mont.; to Craig INT, Mont.; MEA 9,500.
From Craig INT, Mont., to *Great Falls, Mont., LFR; MEA 8,500. *6,600—MCA Great Falls, LFR, southwestbound.
From *Great Falls, Mont., LFR; to Lewistown, Mont., LFR; MEA 9,000. *6,800—MCA Great Falls LFR, eastbound.
From Lewistown, Mont., LFR; to Forest Grove INT, Mont.; MEA 8,000.
From Forest Grove INT, Mont.; to Miles City, Mont., LFR; MEA 7,000.

§ 610.281 *Red civil airway 81.*

From Lansing, Mich., LFR; Chelsea INT, Mich.; MEA 2,900.
From Chelsea INT, Mich.; to Manchester INT, Mich.; MEA 2,300.

§ 610.282 *Red civil airway 82.*

From Skwentna, Alaska, LFR; to Willow INT, Alaska; MEA 4,200.

§ 610.283 *Red civil airway 83.*

From White Tank INT, Ariz.; to Gila Bend, Ariz., LFR; MEA 5,000.
From Gila Bend, Ariz., LFR; to Tucson, Ariz., LF/RBN; MEA 7,000.

§ 610.284 *Red civil airway 84.*

From Meridian, Miss., LFR; to Marion INT, Ala.; MEA 2,000.
From Marion INT, Ala.; to Maxwell AFB, Ala., LFR; MEA 1,500.
From Maxwell AFB, Ala., LFR; to Mount Meigs, Ala., LF/RBN; MEA 1,600.
From Mount Meigs, Ala., LF/RBN; to Columbus, Ga., LFR; MEA 2,000.

§ 610.285 *Red civil airway 85.*

From Columbiana INT, Ohio; to Butler, Pa., LF/RBN; MEA 2,500.
From Butler, Pa., LF/RBN; to Apollo INT, Pa.; MEA 3,000.
From Apollo INT, Pa.; to Altoona, Pa., LFR; MEA 4,500.

§ 610.286 *Red civil airway 86.*

From St. Croix INT, Maine; to Houlton, Maine, LFR; MEA 2,500.

§ 610.287 *Red civil airway 87.*

From 100 miles W of Port Allen, T. H., LFR; to *Port Allen, T. H., LFR; MEA 7,000. *7,000—MCA Port Allen LFR, westbound.
From Port Allen, T. H., LFR; to Makai INT, T. H., eastbound, MEA 3,000; westbound, 6,000.
From Makai INT, T. H., to *Honolulu, T. H., LFR; MEA 2,000. *6,000—MCA Honolulu LFR, eastbound.
From Kuku Point INT, T. H.; to Hilo, T. H., LFR; northbound, MEA 3,000; southbound, MEA 4,000.
From Honolulu, T. H., LFR; to *Maui, T. H., LFR; MEA 6,000. *8,000—MCA Maui LFR, eastbound; 6,000—westbound.
From Maui, T. H., LFR; to *Kuku Point INT, T. H.; MEA 8,000. *5,000—MCA Kuku Point INT, eastbound. Descent below 8,000 not authorized prior to reaching 20 miles E of Maui, T. H.
From Hilo, T. H., LFR; to East Hilo INT, T. H.; eastbound, MEA 1,000; westbound, MEA 4,000.
From East Hilo INT, T. H.; to 100 miles E of Hilo, T. H., LFR; MEA 1,000.

§ 610.288 *Red civil airway 88.*

From Albuquerque, N. Mex., LFR; to Roswell, N. Mex., LFR; MEA 12,000.
From Roswell, N. Mex., LFR; to Hobbs, N. Mex., LFR; MEA 5,500.
From Hobbs, N. Mex., LFR; to INT E crs Hobbs, and S crs Lubbock, Tex., LFR; MEA 5,000.

§ 610.289 *Red civil airway 89.*

From Quincy, Ill., LF/RBN; to Peoria, Ill., LFR; MEA 2,000.
From Peoria, Ill., LFR; to Pontiac INT, Ill.; MEA 2,300.

§ 610.290 *Red civil airway 90.*

From Camarillo, Calif., LFR; to Canoga Park, Calif., ILS/LOM; MEA 5,000.
From Canoga Park, Calif., ILS/LOM; to Burbank, Calif., LFR; eastbound, MEA 8,000; westbound, MEA 5,000.

§ 610.291 *Red civil airway 91.*

From *Dunkirk, N. Y., LF/RBN; to Dansville, N. Y., LF/RBN; MEA 4,000. *3000—MCA Dunkirk LF/RBN, eastbound.
From Dansville, N. Y., LF/RBN; to Waterloo INT, N. Y.; MEA 4,000.
From Waterloo INT, N. Y.; to Syracuse, N. Y., LFR; MEA 2,000.

§ 610.292 *Red civil airway 92.*

From Sault Ste Marie, Mich., LFR; to *Sudbury, Ontario, Canada, LFR; MEA 3,000. *For that airspace over U. S. Territory.

§ 610.293 *Red civil airway 93.*

From Lincoln, Nebr., LFR; to Glenwood INT, Iowa; MEA 2,500.

§ 610.294 *Red civil airway 94.*

From Providence, R. I., LFR; to Otis, Mass., LF/RBN; MEA 1,500.
From Otis, Mass., LF/RBN; to Hyannis, Mass., LF/RBN; MEA 1,500.

§ 610.295 *Red civil airway 95.*

From Elmira, N. Y., LFR; to Sherrill INT, N. Y.; MEA 3,500.
From Sherrill INT, N. Y.; to Utica, N. Y., LFR; MEA 3,000.

§ 610.296 *Red civil airway 96.*

From Palacios, Tex., LFR; to Arcola INT, Tex.; MEA 1,400.
From Arcola INT, Tex.; to Houston, Tex., LFR; MEA 1,500.
From Houston, Tex., LFR; to Beaumont, Tex., LFR; MEA 1,600.
From Beaumont, Tex., LFR; to Lake Charles, La., LFR; MEA 1,500.
From Lake Charles, La., LFR; to Lafayette, La., LF/RBN; MEA 1,500.
From Lafayette, La., LF/RBN; to Baton Rouge, La., LFR; MEA 1,500.

§ 610.297 *Red civil airway 97.*

From Lakehead, Ontario, Canada, LFR; to Sault Ste. Marie, Mich., LFR; MEA *2,800. *For that airspace over U. S. Territory.
From Sault Ste. Marie, Mich., LFR; to Wiarton, Ontario, Canada, LFR; MEA *2,100. *For that airspace over U. S. Territory.

§ 610.298 *Red civil airway 98.*

From Vichy, Mo., LF/RBN; to Belleville, Ill., Scott AFB, LFR; MEA 2,500.

§ 610.299 *Red civil airway 99.*

From Kukaklek INT, Alaska; to Illamna, Alaska, LFR; MEA 4,000.
From Illamna, Alaska, LFR; to Bruin Bay INT, Alaska; MEA 5,500.

§ 610.300 *Red civil airway 100.*

From South Bend, Ind., LFR; to Battle Creek, Mich., LFR; MEA 2,300.

§ 610.301 *Red civil airway 101.*

From Keesler AFB, Miss., LFR; to Horn INT, Miss.; MEA 1,300.

§ 610.302 *Red civil airway 102.*

From INT S crs Louisville, Ky., and 88–268 mag. brg. Lexington, Ky., LF/RBN; to Lexington, Ky., LF/RBN; MEA 2,200.
From Lexington, Ky., LF/RBN; to Huntington, W. Va., LF/RBN; MEA 2,500.

§ 610.303 *Red civil airway 103.*

From Anchorage (Merrill), Alaska, LFR; to Kenai, Alaska, LFR; MEA 1,500.
From Kenai, Alaska, LFR; to Skilak INT, Alaska; MEA 1,500.
From *Skilak INT, Alaska; to Cleare INT, Alaska; MEA 9,000. *6,100—MCA Skilak INT, southeastbound.
Cleare INT, Alaska; to Middleton Island, Alaska, LFR; MEA 2,000.

§ 610.304 *Red civil airway 104.*

From Greensboro, N. C., LFR; to Pittsboro INT, N. C.; MEA 2,500.
From Pittsboro INT, N. C.; to Murray INT, N. C.; MEA 1,600.

§ 610.305 *Red civil airway 105.*

From Cassoday INT, Kans.; to Chanute, Kans., LFR; MEA 2,800.
From Chanute, Kans., LFR; to Int. E crs. Chanute LFR & 336 M rad. Neosho, Mo., VOR; MEA 2,300.

§ 610.306 *Red civil airway 106.*

From Scottsbluff, Nebr., LFR; to Chappell INT, Nebr.; MEA 5,800.

§ 610.307 *Red civil airway 107.*

From Stanton, Minn., LF/RBN; to Red Wing INT, Minn.; MEA 2,400.

§ 610.308 *Red civil airway 108.*

From Promontory Point, Utah, LF/RBN; to Corinne, Utah, LF/RBN; MEA 11,000.
From Corinne, Utah, LF/RBN; to Fort Bridger, Utah, LFR; MEA 12,000.

§ 610.309 *Red civil airway 109.*

From *Portland, Oreg., LFR; to **The Dalles, Oreg., LFR; MEA 7,000. *4,000—MCA Portland LFR, eastbound. **6,000—MCA The Dalles LFR, northbound.

From The Dalles, Oreg., LFR; to Saw Mill INT, Wash.; MEA 8,000.
From Saw Mill INT, Wash.; to Yakima, Wash., LFR; southwestbound, MEA 6,000; northeastbound, MEA 4,000.
From Yakima, Wash., LFR; to INT NW Yakima and S. Ellensburg, Wash., LFR; MEA 4,500.
From INT NW Yakima and S. Ellensburg, Wash., LFR; to Ellensburg, Wash., LFR; MEA 5,500.
From Ellensburg, Wash., LFR; to Ephrata, Wash., LFR; MEA 7,000.
From Trinidad INT, Wash.; to Ephrata, Wash., LFR, eastbound only; MEA 4,000.
From Ephrata, Wash., LFR; to Spokane, Wash., LFR; MEA 5,000.
From Harrington, Wash., FM; to Ephrata, Wash., LFR, westbound only; MEA 4,000.

§ 610.310 *Red civil airway 110.*

From Prichard INT, Ala.; to Brookley, Ala., LF/RBN; MEA 1,600.
From Brookley, Ala., LF/RBN; to Bon Secour INT, Ala.; MEA 1,200.

§ 610.312 *Red civil airway 112.*

From Lee INT, Mass.; to Westfield, Mass., LFR; MEA 4,000.

§ 610.601 *Blue civil airway 1.*

From Miami, Fla., LFR; to La Belle INT, Fla.; MEA 1,100.
La Belle INT, Fla.; to Tampa, Fla., LFR; MEA 1,300.

§ 610.602 *Blue civil airway 2.*

From INT SE crs. Craig AFB, Ala. and N crs. Crestview, Fla., LFR; to Greenville INT, Ala.; MEA 1,800.
From Greenville INT, Ala.; to Mulberry INT, Ala.; MEA 1,700.
From Mulberry INT, Ala.; to Birmingham, Ala., LFR; MEA 2,700.
From Birmingham, Ala., LFR; to Garden City INT, Ala.; MEA 2,500.
From Garden City INT, Ala.; to Chattanooga, Tenn., LFR; MEA 4,000.
From Chattanooga, Tenn., LFR; to *Watts INT, Tenn.; MEA 3,000. *3,000—MCA Watts INT, southbound.
From Pittsburgh, Pa., LFR; to Butler, Pa., LF/RBN; MEA 3,000.
From Butler, Pa., LF/RBN; to Erie, Pa., LFR; MEA 3,000.

§ 610.603 *Blue civil airway 3.*

From Miami, Fla., LFR; to Tamiami, Fla., LF/RBN; MEA 1,100.
From Tamiami, Fla., LF/RBN; to Ft. Myers, Fla., LF/RBN; MEA 1,200.
From Ft. Myers, Fla., LF/RBN; to Tampa, Fla., LFR; MEA 1,200.
From Tampa, Fla., LFR; to Tidewater INT, Fla.; MEA 1,500.
From Tidewater INT, Fla.; to Cross City, Fla., LFR; MEA 1,200.
From Cross City Fla., LFR; to Tallahassee, Fla., LFR; MEA 1,400.
From Marianna INT, Fla.; to Dothan, Ala., LFR; MEA 1,500.
From Dothan, Ala., LFR; to Mt. Meigs, Ala., LF/RBN; MEA 1,700.
From Mt. Meigs, Ala., LF/RBN; to Maxwell, AFB Ala., LFR; MEA 1,600.
From Maxwell, AFB Ala., LFR; to Eden INT, Ala.; MEA 2,500.
From Muscle Shoals, Ala., LFR; to Fairview INT, Tenn.; MEA 2,500.
From Kokomo, Ind., LF/RBN; to Goshen, Ind., LFR; MEA 2,100.
From Goshen, Ind., LFR; to Union INT, Mich.; MEA 2,200.
From Union INT, Mich.; to Kalamazoo INT, Mich.; MEA 2,300.
From Kalamazoo INT, Mich.; to Grand Rapids, Mich., LFR; MEA 2,200.
From Grand Rapids, Mich., LFR; to Traverse City, Mich., LFR; MEA 2,800.
From Traverse City, Mich., LFR; to Pellston, Mich., LF/RBN; MEA 2,400.
From Pellston, Mich., LF/RBN; to Sault Ste Marie, Mich., LFR; MEA 2,200.

§ 610.604 *Blue civil airway 4.*

From INT N crs Boston and SE crs Concord, N. H., LFR; to Concord, N. H., LFR; MEA 2,000.
From Concord, N. H., LFR; to Northfield INT, Vt.; MEA 5,000.
From Northfield INT, Vt.; to Huntington, Vt., FM; MEA 6,000.
From Huntington, Vt., FM; to Burlington, Vt., LFR northbound; MEA 2,600.
From *Burlington, Vt., LFR; to Huntington, Vt., FM southbound; MEA 6,000. *3,500—MCA Burlington LFR, southeastbound.
From Burlington, Vt., LFR; to *Hemingford, P. Q., Canada, LF/RBN; MEA 1,500. *For that airspace over U. S. Territory.

§ 610.605 *Blue civil airway 5.*

From Galveston, Tex., LFR; to Houston, Tex., LFR; MEA 1,700.
From Houston, Tex., LFR; to Bryan, Tex., LFR; MEA 1,800.
From Bryan, Tex., LFR; to Waco, Tex., LFR; MEA 2,000.
From Waco, Tex., LFR; to Waxahachie INT, Tex.; MEA 2,000.
From Waxahachie INT, Tex.; to *Duncanville, Tex., LF/RBN; MEA 2,800. *2,200—MCA Duncanville LF/RBN, southbound.
From Duncanville, Tex., LF/RBN; to Dallas, Tex., LFR; MEA 2,000.
From Dallas, Tex., LFR; to Farmers Branch INT, Tex.; MEA 1,800.
From Farmers Branch INT, Tex.; to Pilot Point INT, Tex.; MEA 1,800.
From Pilot Point INT, Tex.; to Ardmore, Okla., LF/RBN; MEA 2,200.
From Ardmore, Okla., LF/RBN; to South Side INT, Okla.; MEA 2,700.
From Oklahoma City, Okla., LFR; to Crescent INT, Okla.; MEA 3,100.
From Crescent INT, Okla.; to Oxford INT, Kans.; MEA 3,000.
From Oxford INT, Kans.; to Wichita, Kans., LFR; MEA 2,500.
From Wichita, Kans., LFR; to Newton INT, Kans.; MEA 3,000.

§ 610.606 *Blue civil airway 6.*

From Abilene, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 3,000.
From Wichita Falls, Tex., LFR; to Washington INT, Okla., MEA 2,700.
From Scott AFB, Belleville, Ill., LFR; to Wood River INT, Ill.; MEA 2,100.
From Wood River INT, Ill.; to Jerseyville INT, Ill.; MEA 2,000.
From *Springfield, Ill., LFR; to Peoria, Ill., LFR; MEA 2,300. *2,000—MCA Springfield LFR, northbound.
From N. Liberty INT, Ind.; to South Bend, Ind., LFR; MEA 2,000.
From South Bend, Ind., LFR; to Benton Harbor INT, Mich.; MEA 2,100.
From Bangor INT, Ind.; to Muskegon, Mich., LFR; MEA 1,800.

§ 610.607 *Blue civil airway 7.*

From Gilroy INT, Calif.; to Altamont INT, Calif.; MEA 6,500.
From Altamont INT, Calif.; to Travis AFB, Calif., LFR; MEA 5,000.
From Travis AFB, Calif., LFR; to Williams, Calif., LFR; MEA 4,000.

§ 610.608 *Blue civil airway 8.*

From Fargo, N. Dak., LFR; to Grand Forks, N. Dak., LFR; MEA 2,300.
From Grand Forks, N. Dak., LFR; to Pembina, N. Dak., LFR; MEA 2,100.
From Pembina, N. Dak., LFR; to U. S.-Canadian Border LFR; MEA 2,000.

§ 610.609 *Blue civil airway 9.*

From Springfield, Mo., LFR; to Columbia, Mo., LFR; MEA 2,300.
From Rochester, Minn., LFR; to Red Wing INT, Minn.; MEA 2,800.
From Minneapolis, Minn., LFR; to *Duluth, Minn., LFR; MEA 2,500. *3,000—MCA Duluth LFR, northbound.
From Duluth, Minn., LFR; to U. S.-Canadian Boundary LFR; MEA 3,300.

§ 610.610 *Blue civil airway 10.*

From Fresno, Calif., LFR; to Los Banos INT, Calif.; MEA 3,000.
From Los Banos INT, Calif.; to Morgan Hill, Calif., FM; MEA 6,000.
From Morgan Hill, Calif., FM; to *Evergreen, Calif., LF/RBN, northwestbound only, MEA 5,000; southeastbound, MEA 6,000. *6,000—MCA Evergreen LF/RBN, southeastbound.
From *Evergreen, Calif., LF/RBN; to Oakland, Calif., LFR; MEA 5,000. *6,000—MCA Evergreen LF/RBN, southeastbound.
From Oakland, Calif., LFR; to Richmond INT, Calif.; MEA 3,000.
From Richmond INT, Calif.; to Williams, Calif., LFR; MEA 5,000.

§ 610.611 *Blue civil airway 11.*

From Findlay, Ohio, LF/RBN; to Alvada INT, Ohio; MEA 2,100.
From Alvada INT, Ohio; to Cleveland, Ohio, LFR; MEA 2,000.
From Cleveland, Ohio, LFR; to Perry, Ohio, LF/RBN; MEA 2,500.
From Perry, Ohio, LF/RBN; to INT N crs Youngstown and SW crs Erie, Pa., LFR; MEA 2,300.
From INT N crs Youngstown and SW crs Erie, Pa., LFR; to Erie, Pa., LFR; MEA 2,000.
From Erie, Pa., LFR; to Dunkirk, N. Y., LF/RBN; MEA 2,500.

§ 610.613 *Blue civil airway 13.*

From Houston, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 1,500.
From Lufkin, Tex., LF/RBN; to Shreveport, La., LFR; MEA 1,700.
From Shreveport, La., LFR; to Texarkana, Ark., LFR; MEA 1,900.
From Texarkana, Ark., LFR; to *Hartford INT, Ark., MEA 3,800.
From *Hartford INT, Ark.; to Ft. Smith, Ark., LF/RBN; MEA 3,800. *6,000—MRA.
From Liberty INT, Mo.; to Des Moines, Iowa, LFR; MEA 2,300.

§ 610.614 *Blue civil airway 14.*

From INT W crs El Centro, Calif., and a brg. 150 mag. from Julian, Calif. LF/RBN; to Julian, Calif., LF/RBN; MEA 9,000.
From Fontana, Calif., FM southbound; to Riverside, Calif., LFR; MEA 5,000.
From *Riverside, Calif., LFR northbound; to Fontana, Calif., FM; MEA 12,000. *11,000 MCA Riverside LFR, northbound.
From Fontana, Calif., FM; to *Palmdale, Calif., LFR; MEA 12,000. *11,000 MCA Palmdale LFR, southeastbound.
From *Palmdale, Calif., LFR; to Wheeler Ridge INT, Calif.; MEA 10,000. *8,000—MCA Palmdale LFR, northwestbound.
From Los Banos INT, Calif.; to Stockton, Calif., LFR; MEA 3,000.
From Stockton, Calif., LFR; to Galt INT, Calif., MEA 2,000.

§ 610.615 *Blue civil airway 15.*

From Huntington, W. Va., LF/RBN; to Columbus, Ohio, LFR; MEA 2,500.
From Akron, Ohio, ILS/LOM; to Alliance INT, Ohio; MEA 2,500.
From Alliance INT, Ohio; to Hubbard, Ohio, LF/RBN; MEA 3,000.

§ 610.616 *Blue civil airway 16.*

From Boykins INT, Va.; to Waverly, Va., LFR; MEA 1,500.
From Waverly, Va., LFR; to Tappahannock, Va., LFR; MEA 1,400.

§ 610.617 *Blue civil airway 17.*

From Topsfield INT, Maine; to Houlton, Maine, LFR; MEA 2,500.
From Houlton, Maine, LFR; to Maple Grove, INT, Maine; MEA 3,000.
From Maple Grove INT, Maine; to Presque Isle, Maine, LFR; MEA 2,000.

§ 610.618 *Blue civil airway 18.*

From Freehold INT, N. J.; to Idlewild, N. Y., LFR; MEA 1,500.
From Idlewild, N. Y., LFR; to Glen Cove INT, N. Y.; MEA 1,500.
From Ridgewood INT, N. J.; to Spring Valley INT, N. J.; MEA 2,000.
From Spring Valley INT, N. J.; to West Point INT, N. Y.; MEA 2,500.
From West Point INT, N. Y.; to Poughkeepsie, N. Y., LFR; MEA 2,600.
From Poughkeepsie, N. Y., LFR; to Hyde Park INT, N. Y.; MEA 2,600.
From Hyde Park INT, N. Y.; to Red Hook INT, N. Y., northbound; MEA 5,000; southbound; MEA 2,600.
From Red Hook INT, N. Y.; to Albany, N. Y., LFR; MEA 5,000.
From Coxsackie, N. Y., FM; to Albany, N. Y., LFR, northbound; MEA 2,200; southbound; MEA 5,000.
From Albany, N. Y., LF/RBN; to Burlington, Vt., LFR; MEA 4,500.
From Glens Falls, N. Y., LF/RBN; to Albany, N. Y., LF/RBN, southbound only; MEA 3,000.
From Vergennes, N. Y., FM; to Burlington, Vt., LFR, northbound; MEA 2,000.
From Burlington, Vt., LFR; to Vergennes, N. Y., LFR southbound; MEA 4,500.
From Burlington, Vt., LFR; to U. S.-Canadian Boundary, LFR; MEA 3,000.

§ 610.619 *Blue civil airway 19.*

From Key West, Fla., LFR; to Miami, Fla., LFR; MEA 1,400.
From Miami, Fla., LFR; to Melbourne, Fla., LFR; MEA 1,300.
From Melbourne, Fla., LFR; to Orlando, Fla., LFR; MEA 1,200.

§ 610.620 *Blue civil airway 20.*

From Port Norris INT, N. J.; to Millville, N. J., LFR; MEA 1,500.
From Millville, N. J., LFR; to Philadelphia, Pa., LFR; MEA 1,500.
From Philadelphia, Pa., LFR; to Wings INT, Pa.; MEA 2,000.
From Wings INT, Pa.; to Allentown, Pa., LFR; MEA 2,500.

§ 610.622 *Blue civil airway 22.*

From Corner Stone INT, Ark.; to Little Rock, Ark., LFR; MEA 1,800.
From Little Rock, Ark., LFR; to Ft. Smith, Ark., LF/RBN; MEA 3,800.
From Ft. Smith, Ark., LF/RBN; to Tulsa, Okla., LFR; MEA 2,600.
From Tulsa, Okla., LFR; to Oxford INT, Kans.; MEA 2,500.

§ 610.623 *Blue civil airway 23.*

From Norfolk, Navy Va., LFR; to Chincoteague, Navy Va., LFR; MEA 1,500.

§ 610.625 *Blue civil airway 25.*

From Seal INT, Alaska; to Rocks INT, Alaska; MEA 1,000.
From Rocks INT, Alaska; to Hinchinbrook, Alaska, LFR; MEA 4,300.
From *Hinchinbrook, Alaska, LFR; to Gulkana, Alaska, LFR; MEA 9,500. *7,400—MCA Hinchinbrook LFR, northeastbound.
From Gulkana, Alaska, LFR; to *Big Delta, Alaska, LFR; MEA 13,000. *10,600—MCA Big Delta LFR, southbound.

§ 610.626 *Blue civil airway 26.*

From Anchorage, Merrill, Alaska, LFR; to Willow INT, Alaska; MEA 2,500.
From *Willow INT, Alaska; to Talkeetna, Alaska, LFR; MEA 4,800. *2,500—MCA Willow INT, northbound.
From *Talkeetna, Alaska, LFR; to Summit, Alaska, LFR; MEA 10,000. *6,400—MCA Talkeetna LFR, northbound.
From Summit, Alaska, LFR; to *Nenana, Alaska, LFR; MEA 9,500. *6,000—MCA Nenana LFR, southbound.
From Healy, Alaska, FM; to Nenana, Alaska, LFR, northbound only; MEA 6,500.
From *Nenana, Alaska, LFR; to Fairbanks, Alaska, LFR; MEA 3,900. *6,000—MCA Nenana LFR, southbound.

§ 610.627 *Blue civil airway 27.*

From *Kodiak, Alaska, LFR; to Rocky Point INT, Alaska; MEA 6,700. *3,800—MCA Kodiak LFR, westbound.
From Rocky Point INT, Alaska; to King Salmon, Alaska, LFR; MEA 8,300.
From King Salmon, Alaska, LFR; to Bethel, Alaska, LFR; MEA 7,500.
From Bethel, Alaska, LFR; to Nome, Alaska, LFR; MEA 3,500.
From *Nome, Alaska, LFR; to **Kotzebue, Alaska, LFR; MEA 6,000. *4,000—MCA Nome LFR, notheastbound. **1,200—MCA Kotzebue LFR, southwestbound.

§ 610.628 *Blue civil airway 28.*

From Charleston, S. C., LFR; to Columbia, S. C., LFR; MEA 1,500.
From Columbia, S. C., LFR; to Spartanburg, S. C., LFR; MEA 2,000.
From Spartanburg, S. C., LFR; to Fairview INT., N. C., MEA 6,300.
From Fairview INT., N. C., to Bulls Gap INT, Tenn.; MEA 8,000.

§ 610.629 *Blue civil airway 29.*

From Raleigh, N. C., LFR; to S. Boston INT., Va.; MEA 2,000.
From S. Boston INT., Va.; to Lynchburg, Va., LFR; MEA 2,500.

§ 610.630 *Blue civil airway 30.*

From Kingsville INT, Tex.; to Driscoll INT, Tex.; MEA 1,300.
From Driscoll INT, Tex.; to Corpus Christi, Tex., LFR; MEA 1,700.
From Corpus Christi, Tex.; LFR; to Clareville INT., Tex.; MEA 1,400.
From Clareville INT., Tex.; to Losoya INT, Tex.; MEA 1,800.
From Losoya INT. Tex.; to Kelly, Tex., LFR; MEA 2,000.
From Big Spring, Tex., LFR; to Lubbock, Tex., LFR; MEA 4,500.
From Lubbock, Tex., LFR; to Amarillo, Tex., LFR; MEA 5,000.
From Amarillo, Tex., LFR; to Dalhart, Tex., LF/RBN; MEA 5,300.
From Delhart, Tex., LF/RBN; to Purgatoire River INT, Colo.; MEA 8,900.
From Purgatoire River INT, Colo.; to Pueblo, Colo., LFR; MEA 7,500.

§ 610.631. *Blue civil airway 31.*

From Monmouth INT, Ill.; to Moline, Ill., LF/RBN; MEA 2,100.
From Avon INT, Ill.; to Madison, Ill., LFR; MEA 2,400.

§ 610.632 *Blue civil airway 32.*

From Anchorage, Alaska, LFR; to Susitna INT, Alaska; MEA 1,500.
From Susitna INT, Alaska; to Skwentna, Alaska, LFR; MEA 4,200.
From *Skwentna, Alaska, LFR; to Talkeetna, Alaska, LF/RBN; MEA 5,000. *4,100—MCA Skwentna LFR, northeastbound.

§ 610.633 *Blue civil airway 33.*

From Lansing, Mich., LFR; to Saginaw, Mich., LF/RBN; MEA 2,000.

§ 610.634 *Blue civil airway 34.*

From Terre Haute, Ind., LFR; to Clinton INT, Ind.; MEA 2,000.
From Clinton INT, Ind.; to Chanute, Ill., LFR, MEA 1,900.
From Chanute, Ill., LFR; to INT NW Chanute, Ill. and SW Joliet, Ill., LFR; MEA 1,900.

§ 610.635 *Blue civil airway 35.*

From *Camarillo, Calif., LFR; to Wheeler Ridge INT, Calif.; MEA 10,000. *7,000—MCA Camarillo, LFR, northbound.

§ 610.636 *Blue civil airway 36.*

From Akron, Colo., LFR; to Kimball INT, Colo.; MEA 6,100.

§ 610.637 *Blue civil airway 37.*

From Medicine Bow INT, Wyo.; to *Casper Wyo., LFR; MEA 11,000. *10,000—MCA Casper LFR, southbound.
From Casper, Wyo., LFR; to Wright INT, Wyo.; MEA 7,500.

§ 610.638 *Blue civil airway 38.*

From Five Finger, Alaska, LF/RBN; to Sisters Island INT, Alaska; MEA 7,000.
From Sisters Island INT, Alaska; to Gustavus, Alaska, LFR; MEA 4,500.
From *Gustavus, Alaska, LFR; to Haines, Alaska, LF/RBN; MEA 9,400. *7,000—MCA Gustavus LFR, northeastbound.
From Haines, Alaska, LF/RBN; to Whitehorse, Y. T., LFR; MEA *10,300. *For that airspace over U. S. Territory.

§ 610.639 *Blue civil airway 39.*

From Savannah, Ga., LFR; to Millen INT, Ga.; MEA 1,400.
From Millen INT, Ga.; to Augusta, Ga., LFR; MEA 1,500.
From Augusta, Ga., LFR; to Greenville, S. C., LFR, northbound, MEA 3,000; southbound, MEA 2,000.
From Tri-City, Tenn., LFR; to Paynesville, W. Va., LF/RBN; MEA 6,300.
From Paynesville, W. Va., LF/RBN; to Charleston, W. Va., LFR; MEA 5,000.
From Flat Woods INT, W. Va.; to Morgantown, W. Va., LFR; MEA 4,000.
From Morgantown, W. Va., LFR; to Mt. Pleasant INT, Pa.; MEA 3,600.
From Mt. Pleasant INT, Pa.; to New Alexandria, Pa., LF/RBN; MEA 3,600.
From INT SW crs Elmira, N. Y., and E crs Philipsburg, Pa., LFR; to Elmira, N. Y., LFR; MEA 4,500.

§ 610.640 *Blue civil airway 40.*

From Concord, N. H., LFR; to Lebanon, N. H., LFR; MEA 5,000.
From Lebanon, N. H., LFR; to Montpelier, Vt., LFR; MEA 4,500.
From Montpelier, Vt., LFR; to *Burlington, Vt., LFR; MEA 6,000. *3,500—MCA Burlington LFR, southbound.

§ 610.641 *Blue civil airway 41:*

From Hartford, Conn., LFR; to Westfield, Mass., LFR; MEA 2,500.
From Westfield, Mass., LFR; to Hadley INT, Mass.; MEA 3,000.
From Hadley INT, Mass.; to Greenfield INT, Mass.; MEA 3,500.
From Greenfield INT, Mass.; to Concord, N. H., LFR; MEA 5,000.
From Concord, N. H., LFR; to Portland, Maine, LFR; MEA 2,500.
From Rockland, Maine, LF/RBN; to Bangor, Maine, LFR; MEA 2,500.
From Bangor, Maine, LFR; to Topsfield INT, Maine; MEA 2,500.
From Topsfield INT, Maine; to U. S.-Canadian Boundary LFR; MEA 2,500.

§ 610.642 *Blue civil airway 42.*

From Burr Oak INT, Mich.; to Battle Creek, Mich., LFR; MEA 2,100.
From Battle Creek, Mich., LFR; to INT N crs Battle Creek, and SE crs Grand Rapids LFR; MEA 2,200.
From INT N crs Battle Creek and SE crs Grand Rapids LFR; to Grand Rapids, Mich., LFR; MEA 2,000.
From Grand Rapids, Mich., LFR; to Saginaw, Mich., LF/RBN; MEA 2,200.

ston, Mich., LF/RBN; MEA 2,400.

Mo., LFR; MEA 2,300.

Va., LFR; MEA 1,400.

§ 610.643 *Blue civil airway 43.*

From Nenana, Alaska, LFR; to Nenabank INT, Alaska; MEA 2,600.

§ 610.644 *Blue civil airway 44.*

From Indianapolis, Ind., LFR; to Kokomo, Ind., LF/RBN; MEA 2,800.
From Kokomo, Ind., LF/RBN; to Ft. Wayne, Ind., LFR; MEA 2,000.
From Ft. Wayne, Ind., LFR; to Archbold INT, Ohio; MEA 2,300.
From Dundee INT, Mich.; to U. S.-Canada Boundary LFR; MEA 2,300.

§ 610.645 *Blue civil airway 45.*

From Greenfield INT, Mass.; to Keene, N. H., LF/RBN; MEA 5,000.
From Keene, N. H., LF/RBN; to Lebanon, N. H., LF/RBN; MEA 5,000.
From Montpelier, Vt., LFR; to Newport, Vt., LF/RBN; MEA 5,000.

§ 610.646 *Blue civil airway 46.*

From Memphis, Tenn., LFR; to Cuba INT, Tenn.; MEA 2,300.
From Cuba INT, Tenn.; to Dyersburg, Tenn., LF/RBN; MEA 2,000.
From Dyersburg, Tenn., LF/RBN; to Paducah, Ky., LF/RBN; MEA 1,500.

§ 610.647 *Blue civil airway 47.*

From Brodnax INT, Va.; to Blackstone, Va., LFR; MEA 1,800.
From Blackstone, Va., LFR; to Morven INT, Va.; MEA 2,000.
From Morven INT, Va.; to Gordonsville, Va., LFR; MEA 3,000.
From INT SE crs Front Royal, Va., and SE crs Arcola, Va., LFR; to Front Royal, Va., LFR; MEA 5,000.
From Front Royal, Va., LFR; to INT N crs Front Royal, Va., and NW crs Arcola, Va., LFR; MEA 4,500.
From Flint Stone INT, Md.; to Altoona, Pa., LFR; MEA 4,500.
From Altoona, Pa., LFR; to Philipsburg, Pa., LFR; MEA 4,500.
From Philipsburg, Pa., LFR; to Bradford, Pa., LF/RBN; MEA 4,000.
From Bradford, Pa., LF/RBN; to *Dunkirk, N. Y., LF/RBN; MEA 4,200. *3,000—MCA Dunkirk LF/RBN; southeast-bound.

§ 610.648 *Blue civil airway 48.*

From Marathon, Fla., LF/RBN; to Gulfstream INT, Fla.; MEA 1,100.
From Gulfstream INT, Fla.; to Cutler INT, Fla.; MEA 1,100.
From Cutler INT, Fla.; to Miami, Fla., LFR; MEA 1,200.

§ 610.649 *Blue civil airway 49.*

From INT SE crs Philadelphia, Pa., and SW crs Atlantic City, N. J., VAR; to Millville, N. J., LFR; MEA 1,500.
From Millville, N. J., LFR; to INT NW crs Millville and E crs New Castle, Del., LFR; MEA 1,600.
From INT NW Millville and E crs New Castle, LFR; to Boothwyn INT, Pa.; MEA 1,800.

§ 610.651 *Blue civil airway 51.*

From Speedway INT, Utah; to Lucin, Utah, LFR; MEA 12,000.
From Lucin, Utah, LFR; to *Burley, Idaho, LFR; MEA 12,000. *8,000—MCA Burley LFR, southwestbound.
From Burley, Idaho, LFR; to Minidoka INT, Idaho; MEA 7,000.
From Minidoka INT, Idaho; to Pocatello, Idaho, LFR; MEA 7,000.
From Pocatello, Idaho, LFR; to Dubois, Idaho, LFR; MEA 7,500.

§ 610.652 *Blue civil airway 52.*

From Bradley INT, Calif.; to Fresno, Calif., LFR; MEA 7,000.

§ 610.653 *Blue civil airway 53.*

From Salem INT, Conn.; to Hartford, Conn., LFR; MEA 2,000.

§ 610.654 *Blue civil airway 54.*

From Evergreen, Calif., LF/RBN; to San Francisco, Calif., LFR; MEA 3,000.
From Richmond INT, Calif.; to San Rafael (Hamilton), Calif., LF/RBN; MEA 4,000.

§ 610.655 *Blue civil airway 55.*

From Crestview, Fla., LFR; to Andalusia INT, Ala.; MEA 1,500.
From Andalusia INT, Ala.; to Maxwell AFB, Ala., LFR; MEA 2,500.

§ 610.656 *Blue civil airway 56.*

From Weeksville, N. C., LFR; to Norfolk, Va., VAR; MEA 1,500.
From Hampton INT, Va.; to Langley, Va., LFR; MEA 1,500.
From Langley, Va., LFR; to Andrews, Md., LFR; MEA 1,500.

§ 610.657 *Blue civil airway 57.*

From Bishop Creek INT, Nev.; to Goose Creek INT, Nev.; MEA 12,000.
From Goose Creek INT, Nev.; to Oakley INT, Idaho; MEA 12,000.

§ 610.658 *Blue civil airway 58.*

From Nantucket, Mass., LF/RBN; to Hyannis, Mass., LF/RBN; MEA 1,500.
From Hyannis, Mass., LF/RBN; to Squantum, Mass., LFR; MEA 1,500.

§ 610.660 *Blue civil airway 60.*

From Moffett NAS, Calif., LFR; to INT NE crs Moffett, NAS and W crs Stockton LFR; MEA 5,000.

§ 610.661 *Blue civil airway 61.*

From Springfield, Mo., LFR; to Belton INT, Mo.; MEA 2,500.
From Belton INT, Mo.; to Kansas City, Mo., LFR; MEA 3,000.

§ 610.663 *Blue civil airway 63.*

From Concord, N. H., LFR; to Laconia, N. H., LF/RBN; MEA 4,000.
From Laconia, N. H., LF/RBN; to North Conway, N. H., LF/RBN; MEA 6,000.
From North Conway, N. H., LF/RBN; to Berlin, N. H., LF/RBN; MEA 8,000.

§ 610.664 *Blue civil airway 64.*

From Wink, Tex., LFR; to Hobbs, N. Mex., LFR; MEA 5,000.

§ 610.665 *Blue civil airway 65.*

From Shuyak, Alaska, LF/RBN; to Anchor Point INT, Alaska; MEA 4,000.
From Anchor Point INT, Alaska; to Homer, Alaska, LFR; MEA 2,500.

§ 610.666 *Blue civil airway 66.*

From Bridgeport, Conn., LFR; to Poughkeepsie, N. Y., LFR; MEA 2,400.

§ 610.667 *Blue civil airway 67.*

From Yuma, Ariz., LFR; to Blythe, Calif., LFR; MEA 5,000.
From Blythe, Calif., LFR; to Needles, Calif., LFR; MEA 6,000.
From Needles, Calif., LFR; to Willow Beach INT, Ariz.; MEA 8,000.

§ 610.668 *Blue civil airway 68.*

From Midland, Tex., LFR; to Midland INT, Tex.; MEA 4,000.
From Midland INT, Tex.; to Int. NW Midland LFR and E crs Hobbs LFR; MEA 5,000.

§ 610.669 *Blue civil airway 69.*

From St. Louis, Mo., LFR; to Quincy, Ill., LF/RBN; MEA 2,000.

§ 610.670 *Blue civil airway 70.*

From Clifton INT, Tex.; to Lipan INT, Tex.; MEA 2,300.
From Lipan INT, Tex.; to Mineral Wells, Tex., LF/RBN; MEA 2,300.
From Mineral Wells, Tex., LF/RBN; to Alvord INT, Tex.; MEA 2,500.
From Alvord INT, Tex.; to Ardmore, Okla., LF/RBN; MEA 2,600.
From Ardmore, Okla., LF/RBN; to Okemah INT, Okla.; MEA 2,700.
From Okemah INT, Okla.; to Tulsa, Okla., LFR; MEA 2,400.

§ 610.671 *Blue civil airway 71.*

From Toledo, Wash., LFR; to Shelton, Wash., LF/RBN; MEA 4,000.
From Shelton, Wash., LF/RBN; to Seattle, Wash., LFR; MEA 2,000.

§ 610.672 *Blue civil airway 72.*

From Enid, Vance AFB, Okla., LF/RBN; to Oxford INT, Kans.; MEA 2,600.

§ 610.675 *Blue civil airway 75.*

From Cleveland, Ohio, LFR; to *London, Ontario, Canada, LFR; MEA 2,400. *For that airspace over U. S. Territory.

§ 610.676 *Blue civil airway 76.*

From Sinclair, Wyo., LFR; to *Casper, Wyo., LFR; MEA 11,000. *10,000—MCA Casper LFR, southwestbound.

§ 610.678 *Blue civil airway 78.*

From Spring Bay INT, Utah; to Malad City, Idaho, LFR; MEA 11,000.

§ 610.679 *Blue civil airway 79.*

From Banks INT, Canada; to Annette Island, Alaska, LFR; MEA 2,800.
From *Annette Island, Alaska, LFR; to Guard Island INT, Alaska; MEA 4,700. *3,200—MCA Annette Island LFR, northwestbound.
From Guard Island INT, Alaska; to Petersburg, Alaska, LFR; MEA 5,700.
From Petersburg, Alaska, LFR; to Five Finger, Alaska, LF/RBN; MEA 5,700.
From Five Finger, Alaska, LF/RBN; to Thane INT, Alaska; MEA 8,000.
From Thane INT, Alaska; to Haines, Alaska, LFR; MEA 9,000.

§ 610.680 *Blue civil airway 80.*

From Darby INT, Alaska; to Moses Point, Alaska, LFR; MEA 3,600.

§ 610.681 *Blue civil airway 81.*

From Charleston, W. Va., LFR; to Zanesville, Ohio, LF/RBN; MEA 2,500.
From Zanesville, Ohio, LF/RBN; to Akron, Ohio, LFR; MEA 2,400.
From Akron, Ohio, LFR; to Parkman INT, Ohio; MEA 2,500.

§ 610.684 *Blue civil airway 84.*

From Augusta, Maine, LFR; to Rockland, Maine, LF/RBN; MEA 2,000.
From Rockland, Maine, LF/RBN; to Bar Harbor, Maine, LF/RBN; MEA 2,000.
From Bar Harbor, Maine, LF/RBN; to Bangor, Maine, LFR; MEA 2,500.
From Bangor, Maine, LFR; to Millinocket, Maine, LFR; MEA 2,300.

§ 610.685 *Blue civil airway 85.*

From Danville INT, Kans.; to Hutchinson, Kans., LFR; MEA 2,800.

§ 610.686 *Blue civil airway 86.*

From Goshen, Ind., LFR; to Ft. Wayne, Ind., LFR; MEA 2,300.

§ 610.687 *Blue civil airway 87.*

From Lexington, Ky., LF/RBN; to Cincinnati, Ohio, LFR; MEA 2,300.
From Cincinnati, Ohio, LFR; to Wright-Patterson AFB, Dayton, Ohio, LFR; MEA 2,500.

From Wright-Patterson AFB, Dayton, Ohio, LFR; to North Hampton INT, Ohio; MEA 2,200.

§ 610.1001 *Direct route—U. S.*

From Advance, Mo., LFR; to Paducah, Ky., LF/RBN; MEA 1,700.
From Alexandria, La., LFR; to Monroe, La., LFR; MEA 1,700.
From Alexandria, La., VOR; to Monroe, La., VOR; MEA 1,700.
From Allentown, Pa., LFR or VOR; to N. Philadelphia, Pa., LFR; MEA 2,500.
From Allentown, Pa., LFR or VOR; to Wilkes-Barre, Pa., LFR; MEA 3,500.
From Altoona, Pa., LFR; to Selinsgrove, Pa., VOR or LF/RBN; MEA 4,000.
From Amarillo, Tex., LFR; to Roswell, N. Mex., LFR; MEA 5,600.
From Ambrose INT, N. J.; to Newark, N. J., LFR; MEA 1,500.
From Anton Chico, N. Mex., VOR; to Clovis AFB, N. Mex., LF/RBN; MEA 9,500.
From Arcata, Calif., LFR; to Ft. Jones INT, Calif.; MEA 6,000.
From Asbury Park, N. J., FM; to Lakehurst, N. J., LFR; MEA 1,500.
From Asbury Park, N. J., FM; to Newark, N. J., LFR; MEA 1,500.
From Asbury Park, N. J., FM; to Pt. Pleasant INT, N. J. (via 177° crs from Newark LFR); MEA 1,500.
From Asheville, N. C., VOR; to Charlotte, N. C., VOR; MEA 5,500.
From Atlantic City, N. J., LFR; to Philadelphia, Pa., LFR; MEA 1,500.
From Atlanta, Ga., VOR; to Columbia, S. C., VOR; MEA 4,000.
From Atlanta, Ga., LFR; to Rome, Ga., LFR; MEA 3,100.
From Atlanta, Ga., VOR; to Savannah, Ga., VOR; MEA 6,400.
From Augusta, Ga., LFR; to Spartanburg, S. C., LFR; MEA 2,000.
From Austin, Tex., LFR; to Bryan, Tex., LFR; MEA 2,000.
From Austin, Tex., VOR; to College Sta., Tex., VOR; MEA 2,100.
From Austin, Tex., LFR; to San Angelo, Tex., LFR; MEA 3,100.
From Baldwin City INT, Kans.; to Topeka, Kans., LF/RBN; MEA 2,400.
From Bangor, Maine, LFR or VOR; to E. Dover INT, Maine; MEA 2,500.
From Baton Rouge, La., LFR; to Jackson, Miss., LFR; MEA 2,000.
From Baton Rouge, La., LFR; to Lake Charles, La., LFR; MEA 1,500.
From Beaumont, Tex., LFR; to Galveston, Tex., LFR; MEA 1,400.
From Beaumont, Tex., VOR; to Galveston, Tex., VOR; MEA 1,400.
From Beaumont, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 1,600.
From Beaumont, Tex., VOR; to Lufkin, Tex, VOR; MEA 1,600.
From Beaumont, Tex., LFR; to Port Arthur INT, Tex.; MEA 1,400.
From Bellona INT, N. Y.; to Sampson, N. Y., LF/RBN; MEA 3,000.
From Big Spring, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 4,000.
From Big Spring, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 7,000.
From Binghamton, N. Y., VOR; to Buffalo, N. Y., LFR or VOR; MEA 4,500.
From Binghamton N. Y., LF/RBN; to Elmira, N. Y., LFR; MEA 3,500.
From Binghamton, N. Y., VOR; to Syracuse, N. Y., LFR; MEA 3,500.
From Binghamton N. Y., VOR; to Wilkes-Barre, Pa., LFR; MEA 3,500.
From Birmingham, Ala., VOR; to Huntsville, Ala., VOR; MEA 4,000.
From Birmingham, Ala., LFR; to Jackson, Miss., LFR; MEA 2,500.
From Birmingham, Ala., VOR; to Jackson, Miss., VOR; MEA 6,400.
From Birmingham, Ala., LFR; to Memphis, Tenn., LFR; MEA 2,500.
From Birmingham, Ala., LFR; to Columbus, Ga., LFR; MEA 3,000.
From Blackstone, Va., LFR; to Int. dir. crs Lynchburg, Va., LFR to Blackstone, Va., LFR and S. Boston, Va., VOR rad. 031°; MEA 2,000.
From Blythe, Calif., VOR; to Prescott, Ariz., VOR; MEA 10,000.
From Boise, Idaho, VOR; to Int. Rome, Oreg. VOR 048°T and Twin Falls, Idaho., VOR 295° T rads.; NE, MEA 8,000; SW, MEA 10,000.
From Boise, Idaho, VOR; to Int. Boise, Idaho, VOR 210°T and Twin Falls, Idaho, VOR 295° T rads.; NE, MEA 8,000; SW, MEA 11,000.
From Bonner Springs INT, Kans., to Farley, Mo., LF/RBN northbound only; MEA 2,400.
From Boothwyn INT, Pa.; to Reading INT, Pa.; MEA 2,500.
From Bowling Green, Ky., LFR; to Nashville, Tenn., LFR or VOR; MEA 2,300.
From Bradford, Pa., VOR; to Hughsville, Pa., LF/RBN; MEA 4,500.
From Bradford, Ill., LF/RBN; to Rockford, Ill., LFR; MEA 2,500.
From Bradford, Ill., LF/RBN; to Peoria, Ill., LFR; MEA 2,000.
From Branchville INT, N. J.; to Caldwell, N. J., VOR; MEA 3,000.
From Branchville INT, N. J.; to Newark, N. J., LFR; MEA 3,000.
From Brownsville, Tex., LFR; to Int. W crs Brownsville, Tex., LFR and SE crs Laredo, Tex.; MEA 1,600.
From Brunswick, Maine, LF/RBN; to Portland, Maine, LFR; MEA 2,000.
From Bryan, Tex., LFR; to Smithville, Tex., LF/RBN; MEA 1,700.
From Bryan, Tex., LFR; to Tyler, Tex., LFR; MEA 2,000.
From Buckner INT, Mo.; to Liberty, Mo., LF/RBN westbound only; MEA 2,200.
From Burbank, Calif., LFR; to *Downey, Calif., LF/RBN; MEA 5,000. *4,000—MCA Downey LF/RBN, northwestbound.
From Burbank, Calif., LFR; to *La Habra, Calif., FM; MEA 5,000. *4,000—MCA La Habra FM, northwestbound.
From *Burbank, Calif., LFR; to Simi INT, Calif.; MEA 6,000. *5,000—MCA Burbank LFR, northwestbound.
From Caldwell, N. J., VOR; to LaGuardia, N. Y., LFR; MEA 2,500.
From Caldwell, N. J., VOR; to Newark, N. J., LFR and LOM; MEA 2,000.
From Caldwell, N. J., VOR; to Wilkes-Barre, Pa., VOR; MEA 3,500.
From Calvert INT, Md.; to Int. N crs Baltimore, Md., LFR and W crs Wilmington, Del., LFR; MEA 2,000.
From Calvert INT, Md.; to West Chester INT, Pa.; MEA 1,800.
From Carlsbad, N. Mex., VOR; to Gore INT, Tex.; MEA 6,000.
From Cartersville INT, Ga.; to Rome, Ga., LFR; MEA 2,800.
From Cedar Creek INT, Tex.; to McDade INT, Tex.; MEA 3,000.
From Chanute, Ill., LFR; to Chicago, Ill., LFR; MEA 2,300.
From Chanute, Ill., LFR; to Joliet, Ill., LFR; MEA 2,100.
From Charleston, W. Va., LFR; to Montebello, Va., VOR; MEA 6,500.
From Charlotte, N. C., LFR; to Lumberton, N. C., LF/RBN; MEA 2,200.
From Charlotte Hall, Md., LF/RBN; to Mt. Vernon INT, Va.; MEA 1,500.
From Chatham, N. J., LF/RBN; to Little Ferry INT, N. J.; MEA 2,500.
From Chatham, N. J., LF/RBN; to Yonkers INT, N. Y.; MEA 2,000.
From Chattanooga, Tenn., LFR; to Rome, Ga., LFR; MEA 3,900.
From Cincinnati, Ohio, LFR; to Richmond, Ind., LF/RBN; MEA 2,300.
From Clifton Forge, INT, Va., to Elkins, W. Va., LFR or VOR; MEA 6,800.
From Clifton Forge, INT, Va.; to Roanoke, Va., LFR; MEA 6,000.
From Clint, Tex., LF/RBN; to El Paso, Tex., LFR; MEA 6,000.
From Clint, Tex., LF/RBN; to Van Horn, Tex., LF/RBN; MEA 9,000.
From Clinton INT, Kans.; to Topeka, Kans., LF/RBN; MEA 3,000.
From Clovis (AFB), N. M., LF/RBN; to Lubbock, Tex., LFR or VOR; MEA 6,500.
From Clovis AFB, N. Mex., LF/RBN; to *Field INT, N. Mex., MEA 7,000. *11,500—MRA.
From Clovis AFB, N. Mex., LF/RBN; to Pleasant Hill INT, N. Mex.; MEA 7,000.
From Clovis AFB, N. Mex., LF/RBN; to *Farewell INT, Tex.; MEA 5,500. *10,000—MRA.
From Coatesville INT, Pa.; to Reading, Pa., LOM; MEA 2,500.
From Colorado Springs, Colo., LF/RBN; to Goodland, Kans., VOR; MEA 9,000.
From Colts Neck, N. J., VOR; to Newark, N. J., LFR; MEA 1,500.
From Columbia, Mo., LFR; to Quincy, Ill., LF/RBN; MEA 2,100.
From Columbia, S. C., LFR; to Greenville, S. C., LFR; MEA 2,300.
From Columbus INT, N. J.; to McGuire, N. J., LFR; MEA 1,500.
From Columbus, Ohio, LFR; to Dayton, Ohio, VOR; MEA 2,400.
From Columbus, Ohio, LFR or VOR; to Springfield, Ohio, LF/RBN; MEA 2,400.
From Columbus, Ohio, LFR or VOR; to Zanesville, Ohio, LF/RBN; MEA 2,400.
From Coney Island INT, N. Y.; to Newark, N. J., LFR; MEA 1,500.
From Corbin, Ky., VAR; to Louisville, Ky., VOR; MEA 4,500.
From Corbin, Ky., VAR; to Tri-City, Tenn., VOR; MEA 5,500.
From Cove INT, N. C.; to Int. dir. crs Winston Salem, N. C., LFR to Roanoke, Va., LFR and S. Boston, Va., VOR 280° rad.; northbound, MEA 5,600; southbound, MEA 4,000.
From Coyle INT, N. J.; to McGuire, N. J., LFR; MEA 1,500.
From Crescent City, Calif., VOR; to Silver Peak INT, Calif.; MEA 7,000.
From Crossville, Tenn., VOR; to Lexington, Ky., VOR; MEA *7,000. *5,000—MOCA.
From Culberson, Tex., VOR; to Gore INT, Tex.; MEA 6,300.
From Culberson, Tex., VOR; to Junction, Tex., VOR; MEA 13,000.
From Dallas, Tex., LFR; to Houston, Tex., LFR; MEA 2,100.
From Dallas, Tex., LFR; to Tulsa, Okla., LFR; MEA 2,200.
From Dallas, Tex., LFR; to Int. Dallas VOR 028° rad. and SE crs Sherman LFR; MEA 2,000.
From Int. Dallas VOR 028° rad and SE crs Sherman LFR; to Ft. Smith, Ark., LF/RBN; MEA 3,400.
From Danville, Va., LF/RBN; to Roanoke, Va., LFR; southeastbound, MEA 4,200; northwestbound, MEA 4,500.
From *DeGraff INT, Kans.; to Towanda, Kans., LF/RBN, westbound only; MEA 2,800. *4,800—MRA.
From Des Moines, Iowa, LFR; to Sioux City, Iowa, LFR; MEA 2,600.
From Des Moines, Iowa, LFR; to Kansas City, Kans., LFR; MEA 2,400.
From Detroit, Mich., LFR; to Jackson, Mich., LF/RBN; MEA 2,400.
From Dubois, Idaho, LFR; to Ashton INT, Idaho; MEA 9,000.
From Duluth, Minn., LFR; to Fargo, N. Dak., LFR; MEA 3,100.
From Dyersburg, Tenn., LF/RBN; to Nashville, Tenn., LFR; MEA 3,000.
From El Dorado, Ark., LF/RBN; to Shreveport, La., LFR; MEA 1,600.
From El Dorado, Ark., VOR; to Shreveport, La., VOR; MEA 1,600.
From Elkins, W. Va., LFR or VOR; to James River INT, Va.; MEA 6,800.
From Elkins, W. Va., LFR or VOR; to Lynchburg, Va., LFR; MEA 6,800.
From Elkins, W. Va., LFR or VOR; to Roanoke, Va., LFR; MEA 6,800.

From Elko, Nev., LFR; to Boise, Idaho, LFR; MEA 12,500.
From Elmira, N. Y., VOR or LFR; to Sampson (AFB), N. Y., LF/RBN; MEA 3,500.
From El Paso, Tex., LFR; to Van Horn, Tex., LF/RBN; MEA 9,000.
From Enid, Okla., Vance VOR; to Gage, Okla., VOR; MEA 3,600.
From Enid, Okla., Vance VOR; to Oklahoma City, Okla., VOR; MEA 2,500.
From Enid, Okla., Vance VOR; to Ponca City, Okla., VOR; MEA 3,100.
From Eugene, Oreg., VOR; to Heceta Head INT, Oreg.; MEA 6,000.
From Farley, Mo., LF/RBN; to St. Joseph, Mo., ILS/LOM; MEA 2,400.
From Flatbush, N. Y., LF/RBN; to New Brunswick INT, N. J.; MEA 1,500.
From Flatbush, N. Y., LF/RBN; to Newark, N. J., LFR; MEA 1,500.
From Flat Rock, Va., VOR; to Montebello, Va., VOR; MEA 6,000.
From Flat Rock, Va., VOR; to Richmond, Va., LFR; MEA 2,000.
From Flintstone INT, Pa.; to Int. S crs Altoona, Pa., LFR and Martinsburg, Pa., VOR 283° rad.; MEA 4,000.
From Flippin, Ark. VOR; to Memphis, Tenn. VOR; MEA 4,000.
From Florence, S. C., LFR; to Greensboro, N. C., LFR; MEA 3,000.
From Forbes AFB, Kans., LFR; to Topeka, Kans.; LF/RBN; MEA 3,000.
From Fortuna, Calif., VOR; to Ft. Jones INT, Calif.; MEA 6,000.
From Front Royal, Va., LFR; to Martinsburg, W. Va., LFR; MEA 4,000.
From Ft. Jones, Calif., LFR; to Montague, Calif., LF/RBN; MEA 9,000.
From Ft. Jones, Calif., LFR; to *Ft. Jones INT, Calif.; MEA 11,000. *8,000—MCA Ft. Jones INT, eastbound.
From Ft. Myers, Fla., VOR; to W. Palm Beach, Fla., VOR; MEA 2,500.
From Ft. Myers, Fla., LFR; to W. Palm Beach, Fla., LFR; MEA 1,300.
From Ft. Smith, Ark., VOR; to McAlester, Okla., VOR; MEA 2,700.
From Ft. Smith, Ark., LF/RBN; to Springfield, Mo., LFR; MEA 3,800.
From Ft. Worth, Tex., LFR; to Int. Ft. Worth 270° rad. and SW crs Wichita Falls, Tex., LFR; MEA 2,600.
From Gage, Okla., LFR; to LaJunta, Colo., LFR; MEA 6,700.
From Gage, Okla., LFR; to Ponca City, Okla., LF/RBN; MEA 3,600.
From Gage, Okla., VOR; to Ponca City, Okla., VOR; MEA 3,600.
From Galena, Alaska, LFR; to Kotzebue, Alaska, LF/RBN; MEA 6,500.
From Garden City, Kans., LFR; to Gage, Okla., LFR; MEA 4,300.
From Gila Bend, Ariz., LFR; to Phoenix, Ariz., LFR; MEA 6,500.
From Glen Cove, N. Y., LF/RBN; to New Rochelle, N. Y., LF/RBN; MEA 1,500.
From Glens Falls, N. Y., LF/RBN; to Sacandaga Res. INT, N. Y.; MEA 5,000.
From Grand Rapids, Mich., LFR; to Milwaukee, Wis., LFR; MEA 2,000.
From Greensboro, N. C., LFR; to Roanoke, Va., LFR; MEA 5,500.
From Greenville INT, Fla.; to Valdosta, Ga., VOR; MEA 1,400.
From Hainesville INT, Tex.; to Int. N crs. Tyler LFR and SW crs Texarkana LFR; MEA 1,600.
From Hempstead, N. Y., LFR; to Idlewild, N. Y., LFR; MEA 1,500.
From Hinchinbrook, Alaska LFR; to Middleton Island, Alaska LFR; MEA 5,000.
From Hobbs, N. Mex., LFR; to Lubbock, Tex., LFR; MEA 4,800.
From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 5,300.
From Houston, Tex., LFR; to Int. Fort Worth, VOR 142° rad. and S crs Dallas LFR; MEA 2,100.
From Houston, Tex., LFR; to Tyler, Tex., LFR; MEA 2,000.
From Huntington INT, N. Y.; to Mitchel Field, N. Y., LFR; MEA 1,500.
From Huntsville, Ala., VOR; to Nashville, Tenn., VOR; MEA 3,600.
From Hutchinson, Kans., LFR; to Wichita, Kans., LFR; MEA 3,400.
From Hutchinson, Kans., VOR; to Anness INT, Kans.; MEA 3,000.
From Hutchinson, Kans., LFR; to Viola, Kans., LF/RBN; MEA 2,800.
From Hutchinson, Kans., VOR; to Wichita, Kans., ILS/LOM; MEA 2,800.
From Idaho Falls, Idaho, LFR; to Ashton INT. Idaho; MEA 8,000.
From Idlewild, N. Y., LFR; to Jersey INT, N. J.; MEA 2,500.
From Idlewild, N. Y., LFR; to Long Beach INT, N. Y.; MEA 1,500.
From Int. Seattle, Wash., VOR 247 T rad. and Olympia, Wash., VOR 013 T rad.; to Int. Olympia, Wash., VOR 013 T rad. and NW crs Seattle, Wash., LFR; MEA 5,000.
From Jacksonville, Fla., LFR; to Valdosta, Ga., LF/RBN; MEA 1,300.
From Jacksonville, Fla., VOR; to Valdosta, Ga., VOR; MEA 2,000.
From Julian, Calif., LF/RBN; to Vail Lake, Calif., LF/RBN; MEA 12,000.
From Kansas City, Kans., LFR; to Topeka, Kans., LF/RBN; MEA 2,500.
From Kansas City, Mo., LFR; to Columbia, Mo., LFR eastbound only; MEA 4,000.
From Kearney INT, Mo.; to Liberty, Mo., LF/RBN, southbound only; MEA 2,200.
From Kelly (San Antonio), Tex., LFR; to Yoakum, Tex., LF/RBN; MEA 2,200.
From Key West, Fla., LFR; to Tampa, Fla., LFR; MEA 1,300.
From Kitsap INT, Wash.; to Paine AFB, Wash., LF/RBN; MEA 3,000.
From Kodiak, Alaska, LFR; to King Salmon, Alaska, LFR; MEA 8,800.
From Kodiak, Alaska, LFR; to Middleton Island, Alaska, LFR; MEA 4,000.
From Kokomo, Ind., LF/RBN; to Lafayette, Ind., VOR; MEA 2,200.
From Kokomo, Ind., LF/RBN; to South Bend, Ind., LFR or VOR; MEA 3,000.
From Kokomo INT, Ind.; to Richmond, Ind., LF/RBN; MEA 2,300.
From LaGuardia, N. Y., LFR; to Poughkeepsie, N. Y., LFR or VOR; MEA 3,000.
From Lancaster, Pa., LF/RBN; to Wilmington, Del., LFR; MEA 2,000.
From Lansing, Mich., LFR; to Bangor, Mich., FM; MEA 3,000.
From Laredo, Tex., LFR; to Int. SE Laredo LFR and W crs Brownsville, Tex., LFR; MEA 1,900.
From Lee INT, Fla.; to Valdosta, Ga., LF/RBN; MEA 1,400.
From Lisbon INT, Md., to Riverdale, Md., LF/RBN; MEA 1,800.
From Little Ferry INT, N. J.; to Mitchel, N. Y., LFR; MEA 2,500.
From Little Rock, Ark., LFR; to Int. Little Rock LFR 074° brg and N crs Stuttgart LFR; MEA 1,500.
From Little Rock, Ark., VOR; to Walnut Ridge, Ark., VOR; MEA 2,100.
From Longmeadow INT, Mass.; to Terryville INT, Conn. (via Weatogue INT, Conn.); MEA 2,500.
From Longview, Tex., VOR; to Lufkin, Tex., VOR; MEA 1,900.
From Losoya INT, Tex.; to Yoakum, Tex., LF/RBN; MEA 1,800.
From Louisville, Ky., LFR or VOR; to Smithville, Tenn., LF/RBN; MEA 2,400.
From Lovelock, Nev., VOR; to Sod House, Nev., VOR; MEA 12,000.
From Lovelock, Nev., VOR; to Rome, Oreg., VOR; MEA 12,000.
From Lovelock, Nev., VOR; to Jungo INT, Nev.; MEA 10,500.
From Lubbock, Tex., LFR; to Int. Fort Worth VOR 270° rad. and SW crs Wichita Falls LFR; MEA 5,000.
From Lubbock, Tex., LFR; to Roswell, N. Mex., LFR; MEA 5,600.
From Lubbock, Tex., LFR; to Tucumcari, N. Mex. LFR; MEA 6,000.
From Lufkin, Tex., LF/RBN; to Tyler, Tex., LFR; MEA 2,000.
From Lufkin, Tex., VOR; to Quitman, Tex., VOR; MEA 2,500.
From Lumberton, N. C., LF/RBN; to Wilmington, N. C., LF/RBN; MEA 1,400.
From Lynchburg, Va., LFR; to Int. dir. crs Lynchburg, Va., LFR to Blackstone, Va., LFR and South Boston, Va., VOR rad. 031°; MEA 3,000.
From Marengo INT, Wash.; to Pine City, Wash., LF/RBN; MEA 5,000.
From Marfa, Tex., VOR; to Wink, Tex., VOR; MEA 8,800.
From Martha's Vineyard, Mass., LF/RBN; to Nantucket, Mass, VOR or LF/RBN; MEA 1,300.
From Martha's Vineyard, Mass., LF/RBN; to Otis, Mass., LF/RBN; MEA 1,500.
From Massena, N. Y., VOR; to Int. Massena VOR 98° rad. and S crs Montreal LFR; MEA 3,500.
From McAlester, Okla., VOR; to Quitman, Tex., VOR; MEA 3,500.
From McAlester, Okla., VOR; to Tulsa, Okla., VOR; MEA 2,700.
From McChord, Wash., LFR; to Rolling Bay INT, Wash.; MEA 2,600.
From McGrath, Alaska, LFR; to Galena, Alaska, LFR; MEA 6,200.
From Mason City, Iowa, VOR; to Sioux City, Iowa, VOR; MEA *5,600. *2,800—MOCA.
From Medford, Oreg., LFR; to Silver Peak INT, Oreg.; MEA 7,000.
From Medford, Oreg., VOR; to Rogue River INT, Oreg.; MEA 11,000.
From Memphis, Tenn., LFR; to Int. Little Rock LFR 074° brg. and N crs Stutthart LFR; MEA 1,700.
From Meriden INT, Conn.; to Weatogue INT, Conn.; MEA 2,500.
From Meridian, Miss., LFR; to New Orleans, La., LFR; MEA 2,000.
From Middleton Island, Alaska, LFR; to Homer, Alaska, LFR; MEA 8,000.
From Minneapolis, Minn., ILS/LOM; to Redwood Falls, Minn. VOR; MEA *3,400. *2,300—MOCA.
From Mt. Healthy INT, Ohio; to Richmond, Ind., LF/RBN; MEA 2,300.
From Muskegon, Mich., LFR; to Chicago, Ill., LFR; MEA 2,500.
From Newark, N. J., LFR; to Paterson, N. J., LF/RBN; MEA 2,000.
From Newark, N. J., LFR; to Scotland, N. J., LF/RBN; MEA 1,500.
From Newark, N. J., LFR; to Wilkes-Barre, Pa., LFR; MEA 3,500.
From Newark, N. J., LFR; to Woolf INT, N. J.; MEA 2,000.
From Newark, Calif., LF/RBN; to Altomont INT, Calif., southwestbound only; MEA 5,000.
From Newark, Calif., LF/RBN; to Baypoint, Calif., FM, southbound only; MEA 6,000.
From Newberg, Oreg., VOR; to Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 196° T rads.; MEA 3,000.
From Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 196° T rads.; to Int. Newberg, Oreg., VOR 069° T rad. and SE crs Portland, Oreg. ILS localizer; MEA 3,700.
From Int. Newberg, Oreg., VOR 069° T rad. and SE crs Portland, Oreg., ILS loc.; to Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 130° T rads.; MEA 7,600.
From Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 130° T rads.; to Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 095° T rads.; MEA 8,500.
From New Rochelle, N. Y., LF/RBN; to Paterson, N. J., LF/RBN; MEA 1,900.
From New Rochelle, N. Y., LF/RBN; to Poughkeepsie, N. Y., LFR or VOR; MEA 2,500.
From Newton INT, Kans., to North Fork, Kans., LF/RBN; MEA 3,000.
From Norfolk, Va., LFR; to Raleigh, N. C., LFR; MEA 2,100.
From North Fork, Kans., LF/RBN; to Wichita, Kans., ILS/LOM; MEA 2,800.
From North Philadelphia, Pa., LFR; to Willow Grove, Pa., LFR; MEA 1,800.

From North Platte, Nebr., LFR; to Sioux Falls, S. Dak., LFR; MEA 4,500.
From Oklahoma City, Okla., LFR; to Ponca City, Okla., LF/RBN; MEA 3,700.
From Olympia, Wash., VOR; to Seattle, Wash., VOR; MEA 3,000.
From Omaha, Nebr., LFR; to Minneapolis, Minn., LFR; MEA 2,800.
From Ottawa INT, Kans., to Forbes AFB, Kans., LFR; MEA 2,400.
From Oxford, Kans., LF/RBN; to Viola, Kans., LF/RBN; MEA 2,500.
From Palacios, Tex., LFR; to Richmond, Tex., LFR; MEA 1,500.
From Peekskill INT, N. Y.; to Port Chester INT, N. Y.; MEA 2,000.
From Peoria, Ill., LFR; to Int. S crs Moline LFR and W crs Peoria LFR; MEA 2,000.
From Phoenix, Ariz., VOR; to Zuni, N. Mex., VOR; MEA 12,000.
From Philadelphia, Pa., LFR; to Reading, Pa., LOM; MEA 2,500.
From Pine Bluff, Ark., LF/RBN; to Stuttgart, Ark., LFR; MEA 1,500.
From Ponca City, Okla., LF/RBN; to Viola, Kans., LF/RBN; MEA 2,500.
From Poughkeepsie, N. Y., VOR; to Poughkeepsie, N. Y., LFR; MEA 2,500.
From Poughkeepsie, N. Y., VOR; to *Red Hook INT, N. Y.; MEA 3,000. *4,000—MCA Red Hook INT, northwestbound.
From Poughkeepsie, N. Y., LFR or VOR; to White Plains, N. Y., LOM; MEA 2,500.
From Prescott INT, Ark.; to Shreveport, La., LFR; MEA 1,600.
From Pueblo, Colo., VOR; to Goodland, Kans., VOR; MEA 7,000.
From Pulaski INT, N. Y.; to Syracuse, N. Y., LFR; MEA 2,000.
From Pulaski INT, N. Y.; to Utica, N. Y., LFR; MEA 3,000.
From Raleigh, N. C., VOR; to Wilmington, N. C., VOR; MEA 2,000.
From Raleigh, N. C., LFR; to Wilmington, N. C., LF/RBN; MEA 2,000.
From Reading, Pa., LOM; to Int. W. crs Allentown, Pa., LFR and NW crs Millville, N. J., LFR; MEA 4,000.
From Red Bank INT, N. J.; to Regan INT, N. J.; MEA 1,500.
From Red Bluff, Calif., VOR; to Fortuna, Calif., VOR; MEA 9,500.
From Red Hook INT, N. Y.; to Starkville INT, N. Y.; MEA 6,000.
From Remington INT, Va.; to Springfield, Va., LF/RBN; MEA 2,000.
From Richmond, Tex., LFR; to Yoakum, Tex., LF/RBN; MEA 1,500.
From Richmond, Ind., LF/RBN; to Cincinnati, Ohio, VOR; MEA 2,300.
From Richmond, Ind., LF/RBN; to Cincinnati, Ohio, LFR; MEA 2,300.
From Richmond, Ind., LF/RBN; to Indianapolis, Ind., LFR; MEA 2,300.
From Richmond, Ind., LF/RBN; to Mt. Healthy INT, Ohio; MEA 2,300.
From Richmond, Ind., LF/RBN; to Dayton, Ohio, ILS/LOM or VOR; MEA 2,300.
From Richmond, Ind., LF/RBN; to Morgantown INT, Ind.; MEA 2,500.
From Richmond, Ind., LF/RBN; to Arba INT, Ohio; MEA 2,200.
From Riverside, Calif., LFR; to Vail Lake, Calif., LF/RBN; MEA 12,000.
From Riverside, Calif., LFR; to Perris INT, Calif.; MEA 12,000.
From Roanoke, Va., LFR; to Winston-Salem, N. C., LFR; MEA 5,600.
From Roanoke, Va., LFR; to Int. dir. crs Winston-Salem, N. C. LFR to Roanoke, Va., LFR and S. Boston, Va., VOR, 280° rad; MEA 5,600.
From Roanoke, Va., LFR; to Int. S crs Roanoke, Va., LFR and NE crs Greensboro, N. C., LFR; MEA 5,600.
From Rochester, N. Y., LFR or VOR; to Sampson, N. Y. (AFB), LF/RBN; MEA 2,500.
From Rome, Oreg., VOR; to Int. Rome, Oreg., VOR 048°T and Twin Falls, Idaho, VOR, 295°T rads.; MEA 10,000.
From Rome, Oreg., VOR; to Sod House, Nev., VOR; MEA 11,000.
From Salinas, Calif., VOR; to Evergreen, Calif., LF/RBN; MEA 6,000.
From Salinas, Calif., VOR; to Monterey, Calif., LF/RBN; MEA 4,000.
From Sampson, N. Y. (AFB), LF/RBN; to Waterloo INT, N. Y.; MEA 2,000.
From San Francisco, Calif., LFR; to Newark, Calif., LF/RBN; MEA 4,000.
From School INT, N. Mex.; to Clovis, N. Mex., LF/RBN, northwestbound, MEA 8,000; southeastbound, MEA 7,000.
From Sod House, Nev., VOR; to Jungo INT, Nev.; MEA 10,500.
From Sod House, Nev., VOR; to Int. Boise, Idaho, VOR 210° T. and Twin Falls, Idaho, VOR, 295° T. rads.; MEA 11,000.
From Springfield, Ill., LFR; to Chanute, Ill., LFR; MEA 2,700.
From Springfield, Ill., LFR; to Quincy, Ill., LF/RBN; MEA 2,000.
From Springfield, Mo., LFR; to Joplin, Mo., LOM; MEA 2,600.
From Springfield, Va., LF/RBN; to Washington, D. C., LFR; MEA 1,500.
From Spring Valley INT, N. Y.; to West Chester Co., N. Y., LOM; MEA 2,000.
From St. Joseph, Mo., VOR; to Int. S crs Lincoln, Nebr., LFR and 101–284° brg. Grand Island, Nebr., LFR and St. Joseph, Mo., VOR; MEA 2,700.
From Int. S crs Lincoln, Neb., LFR and 101–284° brg Grand Island, Neb., LFR and St. Joseph, Mo., VOR; to Lincoln, Neb., LFR; MEA 2,700.
From St. Louis, Mo., LFR; to Belleville, Ill. (Scott), LFR; MEA 2,100.
From Stockton, Calif., LFR; to Newark, Calif., LF/RBN; MEA 5,000.
From Stockton, Calif., LFR; to Travis (AFB), Calif., LFR; MEA 2,000.
From Stroudsburg INT, Pa.; to Wilkes-Barre, Pa., VOR; MEA 3,500.
From Syracuse, N. Y., VOR; to Utica, N. Y., LFR; MEA 1,900.
From Tallahassee, Fla., LFR; to Valdosta, Ga., LF/RBN; MEA 1,500.
From Tallahassee, Fla., VOR; to Valdosta, Ga., VOR; MEA 1,500.
From Tampa, Fla., VOR; to W. Palm Beach, Fla., VOR; MEA 4,000.
From Tampa, Fla., LFR; to W. Palm Beach, Fla., LFR; MEA 2,100.
From Texarkana, Tex., LFR; to Tulsa, Okla., LFR; MEA 3,400.
From Texarkana, Tex., LFR; to Tyler, Tex., LFR; MEA 2,000.
From Thermal, Calif., LFR; to Salton INT, Calif.; MEA 9,000.
From Tucumcari, N. Mex., LFR or VOR; to Clovis (AFB), N. Mex., LF/RBN; MEA 7,000.
From Tucumcari, N. Mex., LFR; to Lubbock, Tex., LFR; MEA 6,000.
From Tucumcari, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 7,000.
From Utica, N. Y., LFR; to *Int. Binghamton, N. Y., VOR 058° rad. and Syracuse, N. Y., VOR, 142° rad.; MEA 3,500. *5,000—MCA southbound.
From *Int. Binghamton, N. Y., VOR 058° rad. and Syracuse, N. Y., VOR, 142° rad.; to Wilkes-Barre, Pa., VOR; MEA 5,000. *5,000—MCA southbound.
From Valdosta, Ga., VOR; to Genoa INT, Fla.; MEA 1,300.
From Vinland INT, Kans., to Topeka, Kans., LF/RBN; MEA 2,400.
From Waterloo, Iowa, VOR; to Moline, Ill., VOR; MEA *3,200. *3,100—MOCA.
From Watertown, S. Dak., VOR; to Sioux Falls, S. Dak., VOR; MEA 3,000.
From Watertown, S. Dak., VOR; to Fargo, N. Dak., VOR; MEA 3,000.
From Weatogue INT, Conn.; to Int. NE crs Bridgeport, Conn., LFR and S crs Westfield, Mass., LFR; MEA 2,500.
From Weston INT, Nebr.; to Lincoln, Nebr., LFR; MEA 2,500.
From White Water INT, Kans.; to Towanda, Kans., LF/RBN, southbound only; MEA 2,800.
From Wichita, Kans., VOR; to North Fork, Kans., LF/RBN; MEA 3,000.
From Wichita, Kans., LFR; to North Fork, Kans., LF/RBN; MEA 3,000.
From Wichita, Kans., VOR; to Walton INT, Kans.; MEA 3,400.
From Windsor, Ontario, LFR; to White Lake INT, Mich.; MEA 2,700.
From Worcester, Mass., LOM; to Int. SW crs Boston, Mass., LFR and SE crs Worcester, Mass., ILS; MEA 2,000.

§ 610.6001 *VOR civil airway 1.*

From Myrtle Beach, S. C., VOR; to Wilmington, N. C., VOR; MEA 1,400.
From Wilmington, N. C., VOR; to LaGrange INT, N. C.; MEA *2,300. *1,400—MOCA.
From LaGrange INT, N. C.; to Cofield, N. C., VOR; MEA *4,000. *1,400—MOCA.
From Cofield, N. C., VOR; to Corapeake INT, Va.; MEA 1,200.
From Corapeake INT, Va.; to Norfolk, Va., ILS loc.; 1,500.
From Norfolk, Va., ILS localizer; to Whitehurst INT, Va.; MEA 1,500.
From Charleston, S. C., VOR; to *Jamestown INT, S. C.; MEA 1,300. *2,200—MRA.
From Jamestown INT, S. C.; to Myrtle Beach, S. C., VOR; MEA 1,300.
From Whitehurst INT, Va.; to Salisbury, Md., VOR; MEA 1,500.
From Salisbury, Md., VOR; to Atlantic City INT, N. J.; MEA *2,000. *1,500—MOCA.
From Atlantic City INT, N. J.; to Coyle, N. J., VOR; MEA 1,500.
From Coyle, N. J., VOR; to Idlewild, N. Y., VOR; MEA 1,500.
From Idlewild, N. Y., VOR; to New Rochelle INT, N. Y.; MEA 1,500.
From New Rochelle INT, N. Y.; to Wilton, Conn., VOR; MEA 2,000.

§ 610.6002 *VOR civil airway 2.*

From *Seattle, Wash., VOR; to Ellensburg, Wash., VOR; MEA 8,000. *4,000—MCA Seattle VOR, Eastbound.
From *Seattle, Wash., VOR, via S alter.; to Cumberland INT, Wash., via S alter., southeastbound, MEA 10,000; northwestbound, MEA 4,000. *6,000—MCA Seattle VOR, southeastbound.
From Cumberland INT, Wash., via S alter.; to Ranger Creek INT, Wash., via S alter.; MEA 10,000.
From Ranger Creek INT, Wash., via S alter.; to Thorp INT, Wash., via S alter.; MEA 10,000.
From Thorp INT, Wash., via S alter.; to *Ellensburg, Wash., VOR, via S alter., eastbound, MEA 7,000; westbound, MEA 10,000. *6,700—MCA Ellensburg VOR, westbound.
From Ellensburg, Wash., VOR; to Ephrata, Wash., VOR; MEA 7,000.
From Ephrata, Wash., VOR; to *Spokane, Wash., VOR; MEA 5,000. *5,600—MCA Spokane VOR, eastbound.
From Rockford, Wash., FM; to Spokane, Wash., VOR westbound only; MEA 6,000.
From Spokane, Wash., VOR; to Mullen Pass, Idaho, VOR; MEA 9,000.
From Mullen Pass., Idaho, VOR; to Missoula, Mont., VOR; MEA 9,000.
From Missoula, Mont., VOR; to Drummond, Mont., VOR; MEA 9,000.
From Drummond, Mont., VOR; to Helena, Mont., VOR; MEA 9,000.
From Helena, Mont., VOR; to Bozeman, Mont., VOR; MEA 11,000.
From Bozeman, Mont., VOR; to *Livingston, Mont., VOR; MEA 10,000. *9,300—MCA Livingston VOR, westbound.
From Livingston, Mont., VOR; to Billings, Mont., VOR; MEA 9,000.
From Billings, Mont., VOR; to Miles City, Mont., VOR; MEA 5,000.
From Miles City, Mont., VOR; to Dickinson, N. Dak., VOR; MEA 4,500.
From Dickinson, N. Dak. VOR; to Bismarck, N. Dak., VOR; MEA 4,000. Via N alter.; MEA 4,000.
From Bismarck, N. Dak., VOR; to Jamestown, N. Dak., VOR. MEA 3,400. Via N. alter.; MEA 3,400.
From Jamestown, N. Dak., VOR; to Fargo, N. Dak., VOR; MEA 2,800. Via N alter.; 2,800.

From Rome, Oreg., VOR; to Sod House, Nev., VOR; MEA 11,000.

From Burkin, Tex., LF/RBN; to Tyler, Tex., LFR; MEA 2,000.

From Fargo, N. Dak., VOR; to Alexandria, Minn., VOR; MEA 2,800. Via N alter.; MEA 2,800.

From Alexandria, Minn., VOR; to Minneapolis, Minn., VOR; MEA 2,600.

From Minneapolis, Minn., VOR; to *Wabasha INT, Wis.; MEA 2,500.

From *Wabasha INT, Wis.; to La Crosse, Wis., VOR; MEA 2,600. *3,000—MRA.

From Minneapolis, Minn., VOR, via N alter.; to Elmo INT, Wis., via N alter.; MEA 2,500.

From Elmo INT, Wis., via N alter.; to La Crosse, Wis., VOR, via N alter; MEA 2,600.

From La Crosse, Wis., VOR; to Lone Rock, Wis., VOR; MEA 2,600. Via N alter.; MEA 2,600.

From Lone Rock, Wis., VOR; to Milwaukee, Wis., VOR; MEA 2,500. Via N alter.; MEA 2,500.

From Milwaukee, Wis., VOR; to *Cardinal INT, Wis.; MEA 2,700. *2,700—MCA Cardinal INT, westbound.

From Cardinal INT, Wis.; to Muskegon, Mich., VOR; MEA 2,000.

From Milwaukee, Wis., VOR, via S alter.; to Sun Fish INT, Wis., via S alter.; MEA 2,300.

From Sun Fish INT, Wis., via S alter.; to Muskegon, Mich., VOR, via S alter.; MEA 2,000.

From Muskegon, Mich., VOR; to Lansing, Mich., VOR; MEA 2,500.

From Muskegon, Mich., VOR, via S alter.; to Grand Rapids, Mich., ILS/LOM, via S alter.; MEA 2,200.

From Grand Rapids, Mich., ILS/LOM, via S alter.; to Lansing, Mich., VOR, via S alter.; MEA 2,200.

From Lansing, Mich., VOR; to Salem, Mich., VOR; MEA 2,900.

From Buffalo, N. Y., VOR; to Rochester, N. Y., VOR; MEA 2,100.

From East Pembroke, N. Y., FM; to Buffalo, N. Y., VOR, westbound only; MEA 1,900.

From Rochester, N. Y., VOR; to *Fairville INT, N. Y.; MEA 2,000.

From *Fairville INT, N. Y.; to Syracuse, N. Y., VOR; MEA 2,000. *3,000—MRA.

From Syracuse, N. Y., VOR; to *Sherrill INT, N. Y.; MEA 3,000. *3,500—MRA.

From Sherrill INT, N. Y.; to Albany, N. Y., VOR; MEA 3,000.

From Syracuse, N. Y., VOR, via S alter.; to Munnsville INT, N. Y., via S alter.; MEA 3,000.

From Munnsville INT, N. Y., via S alter.; to Albany, N. Y., VOR, via S alter.; MEA 4,500.

From Albany, N. Y., VOR; to Greenfield INT, Mass.; MEA 5,500.

From Grafton, N. Y., FM; to Albany, N. Y., VOR, westbound only; MEA 3,000.

From *Greenfield INT, Mass.; to Gardner, Mass., VOR; MEA 3,000. *5,500—MCA Greenfield INT, westbound.

From Gardner, Mass., VOR; to Boston, Mass., VOR; MEA 3,000.

§ 610.6003 *Vor civil airway 3.*

From Key West, Fla., VOR; to Miami, Fla., VOR; MEA *2,500. *1,300—MOCA.

From Miami, Fla., VOR; to Golden Beach INT, Fla.; MEA 1,400.

From Golden Beach INT, Fla.; to West Palm Beach, Fla., VOR; MEA 1,500.

From West Palm Beach, Fla., VOR; to Vero Beach, Fla., VOR; MEA 1,200.

From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA *1,500. *1,300—MOCA.

From West Palm Beach, Fla., VOR, via E alter.; to Vero Beach, Fla., VOR, via E alter.; MEA 1,500.

From Daytona Beach, Fla., VOR, via E alter.; to Marion INT, Fla., via E alter.; MEA *1,400. *1,200—MOCA.

From Marion INT, Fla., via E alter.; to Jacksonville, Fla., VOR, via E alter.; MEA *1,400. *1,300—MOCA.

From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 1,300.

From Daytona Beach, Fla., VOR; to Jacksonville, Fla., VOR; MEA 1,400.

From Jacksonville, Fla., VOR; to *St. Marys INT, Ga.; MEA 1,200. *4,000—MRA.

From St. Marys INT, Ga.; to Brunswick, Ga., VOR; MEA 1,200.

From Jacksonville, Fla., VOR, via W alter.; to Callahan INT, Fla., via W alter.; MEA 1,200.

From Callahan INT, Fla., via W alter.; to Brunswick, Ga., VOR, via W alter.; MEA *1,300. *1,200—MOCA.

From Brunswick, Ga., VOR; to *Harris Neck INT, Ga.; MEA 1,500. *4,000—MRA.

From Harris Neck INT, Ga.; to Savannah, Ga., VOR; MEA 1,500.

From Brunswick, Ga., VOR via E alter.; to Savannah, Ga., VOR via E alter.; MEA 1,500.

From Savannah, Ga., VOR; to *Burton INT, S. C.; MEA 1,400. *5,500—MRA.

From Burton INT, S. C.; to *Adams Run INT, S. C.; MEA 1,400. *2,000—MRA.

From Adams Run INT, S. C., to Charleston, S. C., VOR; MEA 1,400.

From Savannah, Ga., VOR via W alter.; to Charleston, S. C., VOR via W alter.; MEA 1,400.

From Charleston, S. C., VOR; to *Lake Moultrie INT, S. C.; MEA 1,300. *2,000—MRA.

From Lake Moultrie INT, S. C.; to Florence, S. C., VOR; MEA 1,300.

From Charleston, S. C., VOR via E alter.; to Florence, S. C., VOR via E alter.; MEA 1,300.

From Florence, S. C., VOR; to Lumberton, S. C., VOR; MEA 2,100.

From Lumberton, S. C., VOR; to *Murray INT, N. C.; MEA 2,100. *3,300—MRA.

From Murray INT, N. C.; to Raleigh-Durham, N. C., VOR; MEA 2,100.

From Florence, N. C., VOR via W alter.; to Raleigh-Durham, N. C., VOR via W alter.; MEA *2,400. *1,800—MOCA.

From Raleigh-Durham, N. C., VOR; to Lawrenceville, Va., VOR; MEA 1,800.

From Lawrenceville, Va., VOR; to Flat Rock, Va., VOR; MEA 1,500.

From Flat Rock, Va., VOR; to Potomac INT, Va.; MEA *3,000. *1,500—MOCA.

From District INT, Md.; to Hereford INT, Md.; MEA *5,000. *2,000—MOCA.

From Hereford INT, Md.; to Parkton INT, Md.; MEA *3,000. *1,500—MOCA.

From Parkton INT, Md.; to West Chester, Pa., VOR; MEA 2,000.

From West Chester, Pa., VOR; to Caldwell, N. J., VOR; MEA 2,000.

From Caldwell, N. J., VOR; to Wilton, Conn., VOR; MEA 2,000.

From Wilton, Conn., VOR; to Hartford, Conn., VOR; MEA 2,000.

From Hartford, Conn., VOR; to Millbury INT, Mass.; MEA 2,400.

From Millbury INT, Mass.; to Boston, Mass., VOR; MEA *3,000. *2,000—MOCA.

From Boston, Mass., VOR; to Kennebunk, Maine, VOR; MEA 1,700.

From Kennebunk, Maine, VOR; to Augusta, Maine, VOR; MEA 2,000.

From Augusta, Maine, VOR; to Bangor, Maine, VOR; MEA 2,300.

From Bangor, Maine, VOR; to Houlton, Maine, VOR; MEA 2,000.

From Houlton, Maine, VOR; to Presque Isle, Maine, VOR; MEA 2,700.

§ 610.6004 *VOR civil airway 4.*

From *Seattle, Wash., VOR; to Cumberland INT, Wash., southeastbound; MEA 10,000; northwestbound, 4,000. *6,000—MCA Seattle VOR, southeastbound.

From Cumberland INT, Wash.; to Ranger Creek INT, Wash.; MEA 10,000.

From Ranger Creek INT, Wash.; to Tieton INT, Wash.; MEA 10,000.

From Tieton INT, Wash.; to *Selah INT, Wash., southeastbound, MEA 5,000; northwestbound, MEA 7,000. *7,000—MCA Selah INT, northwestbound.

From Selah INT, Wash.; to Yakima, Wash., VOR; MEA 4,500.

From *Seattle, Wash., VOR via S alter.; to **Carbonado INT, Wash., via S alter.; MEA 6,000. *3,000—MCA Seattle VOR, southbound. **8,500—MCA Carbonado INT, eastbound.

From Carbonado INT, Wash., via S alter.; to Mud Lake INT, Wash., via S alter.; eastbound, MEA 10,000; westbound, MEA 8,500.

From Mud Lake INT, Wash., via S alter.; to Ranger Creek INT, Wash., via S alter.; MEA 10,000.

From Ranger Creek INT, Wash., via S alter.; to Tieton INT, Wash., via S alter.; MEA 10,000.

From Tieton INT, Wash., via S alter.; to *Selah INT, Wash., via S alter.; southeastbound, MEA 5,000; northwestbound, MEA 7,000. *7,000—MCA Selah INT, northwestbound.

From Selah INT, Wash., via S alter.; to Yakima, Wash., VOR via S alter.; MEA 4,500.

From Yakima, Wash., VOR, to *Pendleton, Oreg., VOR; MEA 5,000. *4,400—MCA Pendleton VOR, southeastbound.

From LaGrande, Oreg., FM; to Pendleton, Wash., VOR northwestbound only; MEA 7,000.

From Pendleton, Oreg., VOR; to Baker, Oreg., VOR; MEA 10,000.

From Baker, Oreg., VOR; to Boise, Idaho, VOR; MEA 9,000.

From Payette, Idaho, FM; to Boise, Idaho, VOR southeastbound only; MEA 5,500.

From Boise, Idaho, VOR; to Glenns Ferry INT, Idaho; MEA 8,500.

From Glenns Ferry INT, Idaho; to Burley, Idaho, VOR; MEA 9,000.

From Mountain Home, Idaho, FM; to Boise, Idaho, VOR northwestbound only; MEA 7,600.

From Mountain Home, Idaho, FM via S alter.; to Boise, Idaho, VOR northwestbound only via S alter.; MEA 7,600.

From Boise, Idaho, VOR via S alter.; to Glenns Ferry INT, Idaho, via S alter.; MEA 8,500.

From Glenns Ferry INT, Idaho, via S alter.; to Twin Falls, Idaho, VOR via S alter.; MEA 8,500.

From Twin Falls, Idaho, VOR via S alter.; to Burley, Idaho, VOR via S alter.; MEA 6,700.

From *Burley, Idaho, VOR; to Malad City, Idaho, VOR; MEA 11,000. *7,100—MCA Burley VOR, eastbound.

From Malad City, Idaho, VOR; to Green River INT, Wyo., MEA *13,800. *12,000—MOCA.

From Green River INT, Wyo.; to Rock Springs, Wyo., VOR; MEA 10,000.

From Rock Springs, Wyo., VOR; to Cherokee, Wyo., VOR; MEA 10,000; via N alter.; MEA 10,000.

From Cherokee, Wyo., VOR; to *Laramie, Wyo., VOR; MEA 14,000. *12,500—MCA Laramie VOR, westbound.

From Laramie, Wyo., VOR; to *Dacono INT, Colo.; MEA 11,500. *8,000—MCA Dacono INT, northwestbound.

From Dacono INT, Colo.; to Denver, Colo., VOR; MEA 7,500.

From Laramie, Colo., VOR; via N alter.; to Nunn INT, Colo., via N alter.; MEA *12,500. *11,000—MOCA.

From Nunn INT, Colo., via N alter.; to *Gill INT, Colo., via N alter.; MEA **14,000. *14,000—MCA Gill INT, northwestbound. **7,500—MOCA.

From Gill INT, Colo., via N alter.; to Denver, Colo., VOR via N alter.; MEA 7,500.

From Denver, Colo., VOR; to Thurman, Colo., VOR; MEA 6,600.

From Thurman, Colo., VOR; to Goodland, Kans., VOR; MEA 5,800. Via N alter.; MEA 5,800.

From Goodland, Kans., VOR; to Hill City, Kans., VOR; MEA 4,700. Via N alter.; MEA 4,700.

From Hill City, Kans., VOR; to Russell, Kans., VOR; MEA 3,800.

From Russell, Kans., VOR; to Salina, Kans., VOR; MEA 3,000.

From Salina, Kans., VOR; to Topeka, Kans., VOR; MEA 3,000. Via S alter.; MEA *3,600. *3,000—MOCA.

From Topeka, Kans., VOR; to Kansas City, Mo., VOR; MEA 2,400. Via N alter.; MEA 2,400.

From Topeka, Kans., VOR via S alter.; to Bonner Springs INT, Kans., via S. alter.; MEA 2,400.

From Bonner Springs INT, Kans., via S alter.; to Blue Springs, Mo., VOR via S alter.; MEA *4,000. *3,000—MOCA.

From Blue Springs, Mo., VOR via S alter.; to Columbia, Mo., VOR via S alter.; MEA *4,000. *2,400—MOCA.

From Kansas City, Mo., VOR; to *Marshall INT, Mo.; MEA **3,400. 4,000—MRA. **2,400—MOCA.

From *Marshall INT, Mo.; to Columbia, Mo., VOR; MEA **3,400. *4,000—MRA. **2,400—MOCA.

From Kansas City, Mo., VOR via N alter.; to Excelsior INT, Mo., via N alter.; MEA 2,400.

From Excelsior INT, Mo., via N alter.; to Tina INT, Mo., via N alter.; MEA *3,000. *2,400—MOCA.

From Tina INT, Mo., via N alter.; to Columbia, Mo., VOR via N alter.; MEA *4,900. *2,400—MOCA.

From Columbia, Mo., VOR; to *New Florence INT, Mo.; MEA 2,100. *3,000—MRA.

From New Florence INT, Mo.; to *Monroe INT, Mo.; MEA 2,100. *3,000—MRA.

From Monroe INT, Mo.; to St. Louis, Mo., VOR; MEA 2,100.

From Columbia, Mo., VOR; to St. Louis, Mo., VOR via N alter; MEA 2,100. Via S alter.; MEA 2,200.

From St. Louis, Mo., VOR; to Troy, Ill., VOR; MEA 2,100.

From Troy, Ill., VOR; to Centralia, Ill., VOR; MEA 2,000.

From St. Louis, Mo., VOR via S alter.; to Centralia, Ill., VOR via S alter.; MEA 2,200.

From Centralia, Ill., VOR; to Evansville, Ind., VOR; MEA 2,100. Via S alter.; MEA 2,100.

From Evansville, Ind., VOR; to Apalona INT, Ind.; MEA 2,500.

From Apalona INT, Ind.; to *Elizabeth INT, Ind.; MEA 2,500. *4,200—MRA.

From Elizabeth INT, Ind.; to Louisville, Ky., VOR; MEA 2,500.

From Evansville, Ind., via N alter.; to Louisville, Ky., via N alter.; MEA 2,500.

From Louisville, Ky., VOR; to *Mount Eden INT, Ky.; MEA 2,200.

From *Mount Eden INT, Ky.; to Lexington, Ky., VOR; MEA 2,200. *4,000—MRA.

From Louisville, Ky., VOR; to Lexington, Ky., VOR, via S alter.; MEA 2,200. Via N alter.; MEA 2,300.

From Lexington, Ky., VOR; to Morehead INT, Ky.; MEA 2,600.

From Morehead INT, Ky.; to Wayne INT, W. Va.; MEA *4,000. *2,500—MOCA.

From Wayne INT, W. Va.; to Charleston, W. Va., VOR, eastbound, MEA 2,500; westbound, MEA 4,000.

From Charleston, W. Va., VOR; to Ivydale INT, W. Va.; MEA 3,000.

From Ivydale INT, W. Va.; to Flat Woods INT, W. Va.; MEA 4,000.

From Flat Woods INT, W. Va.; to Elkins, W. Va., VOR; MEA 5,000.

From Charleston, W. Va., VOR via S alter.; to Elkins, W. Va., VOR via S alter.; MEA 5,000.

From Elkins, W. Va., VOR; to Petersburg INT, W. Va.; MEA 6,800.

From *Petersburg INT, W. Va.; to Front Royal, Va., VOR; MEA 5,300. *6,000—MCA Petersburg INT, westbound.

From Front Royal, Va., VOR; to Herndon, Va., VOR; MEA 4,000.

§ 610.6005 *VOR civil airway 5.*

From Miami, Fla., VOR; to New River INT, Fla.; MEA 1,300.

From New River INT, Fla.; to Belle Glade INT, Fla.; MEA 2,000.

From Belle Glade INT, Fla.; to *Dixie Ranch INT, Fla.; MEA **10,000. *4,000—MRA. **1,300—MOCA.

From Dixie Ranch INT, Fla.; to Kissimmee INT, Fla.; MEA *4,000. *1,200—MOCA.

From Kissimmee INT, Fla.; to Orlando, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Orlando, Fla., VOR; to *Crescent Lake INT, Fla.; MEA **3,000. *3,000—MRA. **1,300—MOCA.

From Crescent Lake INT, Fla.; to Blue Jacket INT, Fla.; MEA *3,000. *1,300—MOCA.

From Blue Jacket INT, Fla.; to Jacksonville, Fla., VOR; MEA 1,500.

From Orlando, Fla., VOR via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA 1,300.

From Daytona Beach, Fla., VOR via E alter.; to *Crescent Lake INT, Fla., via E alter.; MEA 1,200. *3,000—MRA.

From Crescent Lake INT, Fla., via E alter.; to Blue Jacket INT, Fla., via E alter.; MEA *3,000. *1,300—MOCA.

From Blue Jacket INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA 1,500.

From Jacksonville, Fla., VOR; to Folkston INT, Ga.; MEA 1,300.

From Folkston INT, Ga.; to *Waycross INT, Ga.; MEA 1,600. *1,800—MRA.

From Waycross INT, Ga.; to Alma, Ga., VOR; MEA 1,600.

From Jacksonville, Fla., VOR via E alter.; to Colesburg INT, Ga., via E alter.; MEA 1,200.

From Colesburg INT, Ga., via E alter.; to Alma, Ga., VOR via E alter.; MEA *1,400. *1,200—MOCA.

From Jacksonville, Fla., VOR via W alter.; to Callahan INT, Fla., via W alter.; MEA 1,200.

From Callahan INT, Fla., via W alter.; to Hilliard INT, Fla., via W alter.; MEA 1,300.

From Hilliard INT, Fla., via W alter.; to Alma, Ga., VOR via W alter.; MEA 1,600.

From Alma, Ga., VOR; to *Red Dog INT, Ga.; MEA 1,800. *3,100—MRA.

From Red Dog INT, Ga.; to Macon, Ga., VOR; MEA 1,800.

From Macon, Ga., VOR; to *McDonough INT, Ga.; MEA **3,000. *2,500—MRA. **2,100—MOCA.

From McDonough INT, Ga.; to Kennesaw INT, Ga.; MEA *8,000. *3,000—MOCA.

From Kennesaw INT, Ga.; to Chattanooga, Tenn., VOR; MEA *4,000. *3,500—MOCA.

From Alma, Ga., VOR, via W alter.; to Powersville INT, Ga., via W alter.; MEA *6,800. *1,700—MOCA.

From Powersville INT, Ga., via W alter.; to Atlanta, Ga., VOR, via W alter.; MEA *3,500. *2,300—MOCA.

From Atlanta, Ga., VOR, via W alter.; to Kennesaw INT, Ga., via W alter.; MEA 3,000.

From Kenesaw INT, Ga., via W alter.; to Chattanooga, Tenn., VOR, via W alter.; MEA *4,000. *3,500—MOCA.

From Chattanooga, Tenn., VOR; to Nashville, Tenn., VOR; MEA 4,000.

From Nashville, Tenn., VOR; to Bowling Green, Ky., VOR; MEA 2,100.

From Bowling Green, Ky., VOR; to Louisville, Ky., VOR; MEA 2,200.

From Bowling Green, Ky., VOR, via E alter.; to Campbellsville INT, Ky., via E alter.; MEA *3,000. *2,400—MOCA.

From Campbellsville INT, Ky., via E alter.; to Louisville, Ky., VOR, via E alter.; MEA *3,000. *2,400—MOCA.

From Louisville, Ky., VOR; to *Warsaw INT, Ky.; MEA 2,400.

From *Warsaw INT, Ky.; to Cincinnati, Ohio, VOR; MEA 2,000. Via E alter.; MEA 2,400. *2,800—MRA.

From Cincinnati, Ohio, VOR; to Columbus, Ohio, VOR; MEA 2,500.

From Columbus, Ohio, VOR; to *Fredericktown INT, Ohio; MEA 2,500. *4,500—MRA.

From Fredericktown INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,500.

From Columbus, Ohio, VOR, via E alter.; to Mansfield, Ohio, VOR, via E alter.; MEA 2,500.

From Mansfield, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

From Cleveland, Ohio, VOR; to U. S.-Canadian Border; MEA 2,500.

§ 610.6006 *VOR civil airway 6.*

From Half Moon Bay INT, Calif.; to Oakland, Calif., VOR; MEA 4,000.

From Oakland, Calif., VOR; to Sacramento, Calif., VOR; MEA 4,000.

From Bay Point, Calif., FM; to Sacramento, Calif., VOR, eastbound only; MEA 2,000.

From Oakland, Calif., VOR, via S alter.; to *Altamont INT, Calif., via S alter.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

From Altamont INT, Calif., via S alter.; to Sacramento, Calif., VOR, via S alter., northbound, MEA 2,000; southbound, MEA 3,000.

From Sacramento, Calif., VOR; to Folsom INT, Calif.; MEA 3,000.

From Folsom INT, Calif.; to *Coloma INT, Calif., northeastbound, MEA 9,500; southwestbound, MEA 5,000. *9,500—MCA Coloma INT, northeastbound.

From Coloma INT, Calif.; to Tahoe INT, Calif., northeastbound, MEA 13,000; southwestbound, MEA 9,500.

From Tahoe INT, Calif.; to *Reno, Nev., VOR; MEA *13,000. *12,000—MCA Reno VOR, southwestbound.

From *Sacramento, Calif., VOR, via N alter.; to **Auburn INT, Calif., via N alter., northeastbound, MEA 11,000; southwestbound, MEA 7,000. *3,000—MCA Sacramento VOR, northeastbound. **7,500—MCA Auburn INT, northeastbound.

From Auburn INT, Calif., via N alter.; to Mt. Lola INT, Calif., via N alter.; MEA 11,000.

From Blue Canyon, Calif., FM, via N alter.; to Auburn INT, Calif., via N alter., southwestbound only; MEA 7,000.

From Mt. Lola INT, Calif., via N alter.; to *Reno, Nev., VOR, via N alter.; MEA 11,000. *10,000—MCA Reno VOR, westbound.

From Reno, Nev., VOR; to Lovelock, Nev., VOR; MEA 10,000.

From Lovelock, Nev., VOR; to Battle Mountain, Nev., VOR; MEA 12,000.

From Battle Mountain, Nev., VOR; to Wells, Nev., VOR; MEA 12,000.

From Battle Mountain, Nev., VOR, via S alter.; to Elko, Nev., VOR, via S alter.; MEA 11,000.

From Elko, Nev., VOR, via S alter.; to Wells, Nev., VOR, via S alter.; MEA 13,000.

From Wells, Nev., VOR; to Lucin, Utah, VOR, northeastbound, MEA 11,000; southwestbound, MEA 12,000.

From Lucin, Utah, VOR; to *A beam of Promontory Pt., Utah LF/RBN; MEA 9,000. *10,000—MCA A beam of Promontory Pt. LF/RBN, eastbound.

From A beam of Promontory Pt., Utah LF/RBN; to Ogden, Utah, VOR, eastbound, MEA 11,000; westbound, MEA 9,000.

From *Ogden, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 12,000. *11,000—MCA Ogden VOR, eastbound.

From *Ogden, Utah, VOR, via N alter.; to Fort Bridger, Wyo., VOR via N alter.; MEA 13,000. *11,000—MCA Ogden VOR, eastbound.

From Fort Bridger, Wyo., VOR; to Rock Springs, Wyo., VOR; MEA 10,000. Via N alter.; MEA 10,000.

From Rock Springs, Wyo., VOR; to Cherokee, Wyo., VOR; MEA 10,000. Via N alter.; MEA 10,000.

From Cherokee, Wyo., VOR; to Rock River, Wyo., VOR; MEA 12,000. Via N alter.; MEA 12,000.

From Rock River, Wyo., VOR; to Bushnell INT, Wyo.; MEA 10,500.

From Bushnell INT, Wyo.; to Sidney, Nebr., VOR; MEA 7,300.

From Sidney, Nebr., VOR; to Ogallala INT, Nebr.; MEA 6,100.

From Ogallala INT, Nebr.; to North Platte, Nebr., VOR, MEA *5,600. *5,400—MOCA.

From Sidney, Nebr., VOR, via N alter.; to North Platte, Nebr., VOR, via N alter.; MEA 6,100.

From North Platte, Nebr., VOR, via N alter.; to Grand Island, Nebr., VOR; MEA *4,800. Via N alter.; MEA *5,400. *4,100—MOCA.

From Grand Island, Nebr., VOR; to Omaha, Nebr., VOR; MEA *3,700. Via S alter.; MEA **4,000. Via N alter.; MEA ***4,000. *3,200—MOCA. **3,500—MOCA. ***2,900—MOCA.

From Omaha, Nebr., VOR; to *Lyman INT, Iowa; MEA 2,600. *5,500—MRA.

From Lyman INT, Iowa; to *Middle River INT, Iowa; MEA 2,600. *3,000—MRA.

From Middle River INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,600.

From Omaha, Nebr., VOR, via S alter.; to Des Moines, Iowa, VOR, via S alter.; MEA *3,600. *2,700—MOCA.

From Des Moines, Iowa, VOR, via N alter.; to *Monroe INT, Iowa, via N alter.; MEA 2,200. *3,500—MRA.

From Monroe INT, Iowa, via N alter.; to Iowa City, Iowa, VOR, via N alter.; MEA 2,200.

From Des Moines, Iowa, VOR; to Iowa City, Iowa, VOR; MEA 2,200. Via S alter.; MEA 2,200.

From Iowa City, Iowa, VOR; to Moline, Ill., VOR; MEA 2,000. Via S alter.; MEA 2,100.

From Moline, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *2,500—MRA.

From Shabbona INT, Ill., to Naperville, Ill., VOR; MEA 2,100.

From Naperville, Ill., VOR; to City INT, Ill.; MEA 2,300.

From City INT, Ill., to Chicago Hgts, Ill., VOR; MEA 2,000.

From Chicago Hgts, Ill., VOR; to City INT, Ill.; MEA 2,000.

From City INT, Ill.; to *Lake Forest INT, Ill.; MEA **3,000. *3,600—MRA. **2,500—MOCA.

From Lake Forest INT, Ill.; to *Bristol INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.

From Bristol INT, Wis.; to *Wind Lake INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.

From Wind Lake INT, Wis.; to Milwaukee, Wis., VOR; MEA, 2,300.

From Milwaukee, Wis., VOR; to Green Bay, Wis., VOR; MEA 2,600.

§ 610.6008 *VOR civil airway 8.*

From Kingfish INT, Calif.; to Long Beach, Calif., VOR; MEA 3,500.

Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.

From *Ontario, Calif., VOR; to Daggett, Calif., VOR; MEA 10,000. *8,000—MCA Ontario VOR, northeastbound.

§ 610.6008 *VOR civil airway 8.*

From Fontana, Calif., FM; to Ontario, Calif., VOR southwestbound only; MEA 5,000.

From *Long Beach, Calif., VOR, via N alter.; to Covina INT, Calif., via N alter., northeastbound, MEA 12,000; southwestbound, MEA 4,000. *10,000—MCA Long Beach VOR, northeastbound.

From Covina INT, Calif., via N alter.; to Hawkins INT, Calif., via N alter., northeastbound, MEA 12,000; southwestbound, MEA 9,000.

From Hawkins INT, Calif., via N alter.; to Daggett, Calif., VOR via N alter.; MEA 12,000.

From Daggett, Calif., VOR; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.

From Silver Lake INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.

From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 8,000.

From Mormon Mesa, Nev., VOR; to Bryce Canyon, Utah, VOR; MEA 13,000.

From Bryce Canyon, Utah, VOR; to Hanksville, Utah, VOR; MEA 13,000.

From Hanksville, Utah, VOR; to Grand Junction, Colo., VOR; MEA 10,000.

From Grand Junction, Colo., VOR; to Kremmling, Colo., VOR; MEA 14,000.

From Kremmling, Colo., VOR via N alter.; to *Denver, Colo., VOR; MEA 16,000. *Via N alter.; MEA 16,000. *12,600—MCA Denver VOR, westbound.

From Superior, Colo., FM; to Denver, Colo., VOR, eastbound only; MEA 10,000.

From Denver, Colo., VOR; to Akron, Colo., VOR; MEA 6,600.

From Denver, Colo., VOR via N alter.; to Imperial, Nebr., VOR via N alter.; MEA 9,000.

From Denver, Colo., VOR via S alter.; to Bennett INT, Colo., via S alter.; MEA 6,600.

From Bennett INT, Colo., via S alter.; to Akron, Colo., VOR via S alter.; MEA *8,500. *6,600—MOCA.

From Akron, Colo., VOR via S alter.; to Imperial, Nebr., VOR; MEA 5,600. Via S alter.; MEA 5,600.

From Imperial, Nebr., VOR via S alter.; to Grand Island, Nebr., VOR; MEA *6,000. Via S alter.; MEA *8,500. *4,300—MOCA.

From Grand Island, Nebr., VOR; to Omaha, Nebr., VOR MEA *3,700. Via S alter.; MEA **4,000. Via N alter.; MEA ***4,000. *3,200—MOCA. **3,500—MOCA. ***2,900—MOCA.

From Omaha, Nebr., VOR; to *Lyman INT, Iowa; MEA 2,600. *5,500—MRA.

From Lyman INT, Iowa; to *Middle River INT, Iowa; MEA 2,600. *3,000—MRA.

From *Middle River INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,600. *3,000—MRA.

From Omaha, Nebr., VOR via S alter.; to Des Moines, Iowa, VOR via S alter.; MEA *3,600. *2,700—MOCA.

From Des Moines, Iowa, VOR; to Iowa City, Iowa, VOR; MEA 2,200. Via S alter.; MEA 2,200.

From Iowa City, Iowa, VOR; to Moline, Ill., VOR; MEA 2,000. Via S alter.; MEA 2,100.

From Moline, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *2,500—MRA.

From Shabbona INT, Ill.; to Naperville, Ill., VOR; MEA 2,100.

From Naperville, Ill., VOR; to City INT, Ill.; MEA 2,300.

From City, INT, Ill., to Chicago Heights, Ill., VOR; MEA 2,000.

From Chicago Heights, Ill., VOR; to Wheeler INT, Ind.; MEA 2,000.

From Wheeler INT, Ind.; to Goshen, Ind., VOR; MEA 2,100.

From Goshen, Ind., VOR; to Antwerp INT, Ohio; MEA 3,000.

From Antwerp INT, Ohio; to Findlay, Ohio, VOR; MEA 2,000.

From Findlay, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.

From Mansfield, Ohio, VOR; to *Mt. Hope INT, Ohio; MEA 2,500.

From *Mt. Hope INT, Ohio; to Bergholz INT, Ohio; MEA 2,500. *4,000—MRA.

From Bergholz INT, Ohio; to Pittsburgh, Pa., VOR; MEA 2,700.

From Pittsburgh, Pa., VOR; to *Scottsdale INT, Pa.; MEA 3,000. *4,000—MCA Scottsdale INT, eastbound.

From Scottsdale INT, Pa.; to Flint Stone INT, Md.; MEA 4,500.

From Flint Stone INT, Md.; to Martinsburg, W. Va., VOR; MEA 4,000.

From Martinsburg, W. Va., VOR; to Dawsonville INT, Va.; MEA 3,000.

From Dawsonville INT, Va.; to Washington, D. C., TVOR; MEA 2,000.

§ 610.6009 *VOR civil airway 9.*

From New Orleans, La., VOR; to *Mid Lake INT, La.; MEA 1,700. *2,000—MRA.

From Mid Lake INT, La.; to *Hammond INT, La.; MEA 1,700. *2,000—MRA.

From Hammond INT, La.; to McComb, Miss., VOR; MEA 1,700.

From New Orleans, La., VOR via W alter.; to McComb, Miss., VOR via W alter.; MEA 1,700.

From McComb, Miss., VOR via W alter.; to Jackson, Miss., VOR via W alter.; MEA 2,000.

From Jackson, Miss., VOR; to Greenwood, Miss., VOR; MEA *2,000. Via W alter.; MEA *2,000. *1,700—MOCA.

From Greenwood, Miss., VOR via E alter.; to Memphis, Tenn., VOR; MEA *2,000. Via E alter.; MEA **2,200. *1,800—MOCA. **1,600—MOCA.

From Memphis, Tenn., VOR; to Malden, Mo., VOR; MEA 2,300. Via E alter.; MEA 2,300.

From Malden, Mo., VOR; to Farmington, Mo., VOR; MEA 2,400. Via W alter.; MEA 2,400.

From Farmington, Mo., VOR via W alter.; to St. Louis, Mo., VOR via W alter.; MEA 2,400.

From Farmington, Mo., VOR; to *Crystal City INT, Mo.; MEA 2,500.

From *Crystal City INT, Mo.; to Meramec INT, Mo.; MEA 2,500. *3,000—MRA.

From Meramec INT, Mo., to St. Louis, Mo., VOR; 2,000.

From St. Louis, Mo., VOR via W alter.; to Springfield, Mo., VOR; MEA 2,000. Via W alter.; MEA 2,000.

From St. Louis, Mo., VOR; to *Fidelity INT, Ill.; MEA 2,000. *3,000—MRA.

From *Fidelity INT, Ill.; to Springfield, Ill., VOR; MEA 2,000. *3,000—MRA.

From Springfield, Ill., VOR; to Pontiac, Ill., VOR; MEA *2,500. *2,300—MOCA.

From Pontiac, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Naperville, Ill., VOR; MEA 2,000.

From Naperville, Ill., VOR; to Milwaukee, Wis., VOR; MEA 2,500.

From Naperville, Ill., VOR, via W alter.; to Woodstock INT, Wis., via W alter.; MEA 2,200.

From Woodstock INT, Wis., via W alter.; to Milwaukee, Wis., VOR; via W alter.; MEA 2,400.

§ 610.6010 *VOR civil airway 10.*

From Pueblo, Colo., VOR; to Lamar, Colo., VOR; MEA 6,000. Via N alter.; MEA 6,800.

From Lamar, Colo., VOR; to Garden City, Kans., VOR; MEA 5,000. Via N alter.; MEA 5,500.

From Garden City, Kans., VOR; to Dodge City, Kans., VOR; MEA 4,000.

From Dodge City, Kans., VOR; to Hutchinson, Kans., VOR; MEA 4,000.

From *Stafford INT, Kans.; to Hutchinson, Kans., VOR, eastbound only; MEA 3,000. *5,000—MRA.

From Dodge City, Kans., VOR; via S alter.; to Hutchinson, Kans., VOR, via S alter.; MEA *4,300. *3,700—MOCA.

From Dodge City, Kans., VOR, via N alter.; to Great Bend INT, Kans., via N alter.; MEA *4,500. *3,600—MOCA.

From Great Bend INT, Kans., via N alter.; to Sterling INT, Kans., via N alter.; MEA *4,500. *3,300—MOCA.

From Sterling INT, Kans., via N alter.; to Hutchinson, Kans., VOR, via N alter., northwestbound; MEA 4,000. Southeastbound; MEA 3,000.

From Hutchinson, Kans., VOR, via N alter.; to Emporia, Kans., VOR, via N alter.; MEA 3,300.

From Hutchinson, Kans., VOR; to Florence INT, Kans.; MEA 3,300.

From Florence INT, Kans.; to Emporia, Kans., VOR; MEA 3,000.

From Emporia, Kans., VOR; to *Pomona INT, Kans.; MEA **2,800. *2,800—MRA. **2,500—MOCA.

From Pomona INT, Kans.; to Kansas City, Mo., VOR; MEA *2,800. *2,500—MOCA.

From Kansas City, Mo., VOR; to Lawson INT, Mo.; MEA 2,400.

From Lawson INT, Mo.; to *Chillicothe INT, Mo.; MEA **3,400.

From *Chillicothe INT, Mo.; to Kirksville, Mo., VOR; MEA **3,400. *4,000—MRA. **2,400—MOCA.

From Kirksville, Mo., VOR; to Burlington, Iowa, VOR; MEA 2,100. Via S alter.; MEA *2,300. *2,100—MOCA.

From Burlington, Iowa, VOR; to Bradford, Ill., VOR; MEA 2,000. Via N alter.; MEA 2,000.

From Bradford, Ill., VOR; to Naperville, Ill., VOR; MEA 2,000.

From Naperville, Ill., VOR; to South Bend, Ind., VOR; MEA 2,300.

From Naperville, Ill., VOR via N alter.; to Beacon INT (Lake Mich.) via N alter.; MEA 2,500.

From Beacon INT (Lake Mich.) via N alter.; to Neptune INT (Lake Mich.) via N alter.; MEA 2,000.

From Neptune INT (Lake Mich.) via N alter.; to South Bend, Ind., VOR via N alter.; MEA 2,300.

From South Bend, Ind., VOR; to Union INT, Ind., MEA 2,000.

From Union INT., Ind., to Litchfield, Mich., VOR; MEA 2,400.

From Litchfield, Mich., VOR; to Milan INT, Mich.; MEA 2,300.

From Milan INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.

From Carleton, Mich., VOR; to Pelee INT, Ont., Canada; MEA #2,000. #For that airspace over U. S. Territory.

From Pelee INT, Ont., Canada; to *Gill INT, U. S.; MEA **#6,000. *6,000—MRA. **2,000—MOCA. #For that airspace over U. S. Territory.

From Gill INT, U. S.; to Youngstown, Ohio, VOR; MEA *#9,000. *2,500—MOCA. #For that airspace over U. S. Territory.

From Gill INT, U S.; to Perry, Ohio, LF/RBN; MEA *#6,000. *2,500—MOCA. #Utilizing Perry LF/RBN.

From Perry, Ohio, LF/RBN; to Youngstown, Ohio, VOR; MEA #2,500. #Utilizing Perry LF/RBN.

From Youngstown, Ohio, VOR; to *Mercer INT, Pa.; MEA 2,600. *4,000—MRA.

From Mercer INT, Pa.; to *Brookville INT, Pa.; MEA 4,000.

From Brookville INT, Pa.; to Philipsburg, Pa., VOR; MEA 4,000.

From Philipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.

From Selinsgrove, Pa., VOR; to Stroudsburg, Pa., VOR; MEA 4,000.

From Stroudsburg, Pa., VOR; to Somerset INT, N. J.; MEA 2,500.

From Somerset INT, N. J.; to Coney Island INT, N. Y.; MEA 2,000.

§ 610.6011 *VOR civil airway 11.*

From Memphis, Tenn., VOR; to Dyersburg, Tenn., VOR; MEA 2,300. Via E alter.; MEA 2,300.

From Dyersburg, Tenn., VOR; to Paducah, Ky., VOR; MEA 2,000.

From Paducah, Ky., VOR; to Evansville, Ind., VOR; MEA 2,000.

From Evansville, Ind., VOR; to Scotland, Ind., VOR; MEA 1,800. Via E alter.; MEA 2,000.

From Scotland, Ind., VOR; to Indianapolis, Ind., VOR; MEA 2,000.

From Scotland, Ind., VOR via W alter.; to *Cloverdale INT, Ind., via W alter.; MEA 2,800.

From *Cloverdale INT, Ind., via W alter.; to Indianapolis, Ind., VOR via W alter.; MEA 2,200. *2,800—MCA Cloverdale INT, southbound.

From Scotland, Ind., VOR via E alter.; to *Paragon INT, Ind., via E alter.; MEA **3,000. *3,000—MRA. **2,200—MOCA.

From *Paragon INT, Ind., via E alter.; to Indianapolis, Ind., VOR via E alter.; MEA 2,200. *3,000—MRA.

From Indianapolis, Ind., VOR; to Zionsville INT, Ind.; MEA 2,800.

From Zionsville INT, Ind.; to Ft. Wayne, Ind., VOR; MEA 2,200.

From Fort Wayne, Ind., VOR; to Edgerton INT, Ind.; MEA 2,800.

From Edgerton INT, Ind.; to Hudson INT, Ind.; MEA *4,000. *2,100—MOCA.

From Hudson INT, Ind.; to Tipton INT, Ind.; MEA *2,300. *2,100—MOCA.

From Tipton INT, Ind.; to Bridgewater INT, Ind.; MEA 2,300.

From Bridgewater INT, Ind.; to Salem, Ind., VOR; MEA 2,300.

§ 610.6012 *VOR civil airway 12.*

From Santa Barbara, Calif., VOR; to Fillmore, Calif., VOR; MEA 8,000.

From Fillmore, Calif., VOR; to *Palmdale, Calif., VOR; MEA 9,000. *9,000—MCA Palmdale VOR, southwestbound.

From *Palmdale, Calif., VOR; to Daggett, Calif., VOR; MEA 6,000.

From Daggett, Calif., VOR; to Needles, Calif., VOR; MEA 9,000. Via N alter.; MEA 8,500.

From Needles, Calif., VOR; to Prescott, Ariz., VOR; MEA 10,000.

From Prescott, Ariz., VOR; to Winslow, Ariz., VOR; MEA 10,000.

From Winslow, Ariz., VOR; to Zuni, N. Mex., VOR; MEA 10,000. Via N alter.; MEA 10,000.

From Zuni, N. Mex., VOR; to Grants, N. Mex., VOR; MEA 11,000.

From Grants, N. Mex., VOR; to Albuquerque, N. Mex., VOR; MEA 10,000.

From *Albuquerque, N. Mex., VOR; to **Otto, N. Mex., VOR; MEA 12,000. *10,700—MCA Albuquerque VOR, eastbound. **10,000—MCA Otto VOR, westbound.

From Albuquerque, N. Mex., VOR via S alter.; to Otto, N. Mex., VOR via S alter.; MEA 10,000.

From Otto, N. Mex., VOR; to Anton Chico, N. Mex., VOR; MEA 10,000.

From Anton Chico, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA 7,500. Via N alter.; MEA 7,500.

From Tucumcari, N. Mex., VOR; to Amarillo, Tex., VOR; MEA 5,500. Via N alter; MEA 6,000.

From Amarillo, Tex., VOR; to Gage, Okla., VOR; MEA 4,900. Via N alter.; MEA 4,900.

From Gage, Okla., VOR; to Anthony, Kans., VOR; MEA 3,500.

From Gage, Okla., VOR via N alter.; to Aetena INT, Okla., via N alter.; MEA 3,500.

From Aetena INT, Okla., via N alter.; to Rago INT, Kans., via N alter.; MEA *4,500. *3,500—MOCA.

From Rago INT, Kans., via N alter.; to Wichita, Kans., VOR via N alter.; MEA 3,400.

From Anthony, Kans., VOR; to *Milton INT, Kans.; MEA 2,900. *4,000—MRA.

From Milton INT, Kans.; to Wichita, Kans., VOR; MEA 2,900.

From Anthony, Kans., VOR via S alter.; to Wichita, Kans.; VOR via S alter.; MEA 2,500.

From *Wichita, Kans., VOR; to **DeGraff INT, Kans.; MEA 3,000. *3,000—MCA Wichita VOR, northeastbound. **4,800—MRA.

From DeGraff INT, Kans.; to Emporia, Kans., VOR; MEA 3,000.

From *Wichita, Kans., VOR via N alter.; to Emporia, Kans., VOR via N alter.; MEA 3,000. *3,000—MCA Wichita VOR, northeastbound.

From Emporia, Kans., VOR; to *Pomona INT, Kans.; MEA **2,800. *2,800—MRA. **2,500—MOCA.

From Pomona INT, Kans.; to Kansas City, Mo., VOR; MEA *2,800. *2,500—MOCA.

From Kansas City, Mo., VOR; to *Marshall INT, Mo.; MEA **3,400. *4,000—MRA. **2,400—MOCA.

From Marshall INT, Mo.; to Columbia, Mo., VOR; MEA *3,400. *2,400—MOCA.

From Kansas City, Mo., VOR via N alter.; to Excelsior INT, Mo., via N alter.; MEA 2,400.

From Excelsior INT, Mo., via N alter.; to Tina INT, Mo., via N alter.; MEA *3,000. *2,400—MOCA.

From Tina INT, Mo., via N alter.; to Columbia, Mo., VOR via N alter.; MEA *4,900. *2,400—MOCA.

From Columbia, Mo., VOR; to *New Florence INT, Mo.; MEA 2,100. *3,000—MRA.

From New Florence INT, Mo.; to *Monroe INT, Mo.; MEA 2,100. *3,000—MRA.

From Monroe INT, Mo.; to St. Louis, Mo., VOR; MEA 2,100.

From Columbia, Mo., VOR via S alter.; to St. Louis, Mo., VOR via S alter.; MEA 2,200. Via N. alter.; MEA 2,100.

From St. Louis, Mo., VOR; to Vandalia, Ill., VOR; MEA 2,000.

From Vandalia, Mo., VOR; to *Union Center INT, Mo.; MEA 2,000.

From *Union Center INT, Mo.; to Terre Haute, Ind., VOR; MEA 2,000. *2,400—MRA.

From Terre Haute, Ind., VOR; to Indianapolis, Ind., VOR; MEA 2,200.

From Terre Haute, Ind., VOR via S alter.; to Cloverdale INT, Ind., via S alter.; MEA 2,300.

From Cloverdale INT, Ind., via S alter.; to Indianapolis, Ind., VOR via S alter.; MEA 2,200.

From Indianapolis, Ind., VOR; to *Maxwell INT, Ind.; MEA 2,400.

From *Maxwell INT, Ind.; to Dayton, Ohio, VOR; MEA 2,300. *4,000—MRA.

From Indianapolis, Ind., VOR via N alter.; to *Castleton INT, Ind., via N alter.; MEA 2,800.

From *Castleton INT, Ind., via N alter.; to Dayton, Ohio, VOR via N alter.; MEA 2,500. *2,800—MCA Castleton INT, westbound.

From Dayton, Ohio, VOR; to *Mechanicsburg INT, Ohio; MEA 2,500. *3,500—MRA.

From Mechanicsburg INT, Ohio; to *West Jefferson INT, Ohio; MEA 2,500. *3,800—MRA.

From West Jefferson INT, Ohio; to Columbus, Ohio, VOR; MEA 2,500.

From Dayton, Ohio, VOR via N alter.; to *Irwin INT, Ohio, via N alter.; MEA 2,500. *2,700—MRA.

From Irwin INT, Ohio, via N alter.; to Columbus, Ohio, VOR via N alter.; MEA 2,500.

From Columbus, Ohio, VOR; to *Moorefield INT, Ohio; MEA 2,500. *3,000—MRA.

From Moorefield INT, Ohio; to *Adena INT, Ohio; MEA 2,500. *3,500—MRA.

From Adena INT, Ohio; to Wheeling, W. Va., VOR; MEA 2,500.

From Columbus, Ohio, VOR via N alter.; to *Baltic INT, Ohio, via N alter.; MEA **3,500. *3,500—MRA. **2,500—MOCA.

From Baltic INT, Ohio, via N alter.; to Wheeling, W. Va., VOR, via N alter.; MEA *3,500. *2,500—MOCA.

From Wheeling, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 2,500.

From Pittsburgh, Pa., VOR; to *Latrobe INT, Pa.; MEA 3,000. *4,000—MCA Latrobe INT, eastbound.

From Latrobe INT, Pa.; to Johnstown, Pa., VOR; MEA 4,500.

From Pittsburgh, Pa., VOR via N alter.; to *New Alexandria INT, Pa., via N alter.; MEA 3,000. *4,000—MCA New Alexandria INT, southeastbound.

From New Alexandria INT, Pa., via N alter.; to Johnstown, Pa., VOR via N alter.; MEA 4,500.

From Johnstown, Pa., VOR; to Altoona INT, Pa.; MEA 4,500.

From Altoona INT, Pa.; to Harrisburg, Pa., VOR; MEA 4,000.

From Johnstown, Pa., VOR via S alter.; to *Burnt Cabins INT, Pa., via S alter.; MEA 4,500. *6,000—MRA.

From Burnt Cabins INT, Pa., via S alter.; to Harrisburg, Pa., VOR, via S alter.; MEA 4,000.

From Harrisburg, Pa., VOR; to *Gap INT, Pa.; MEA 2,000. *2,500—MRA.

From Gap INT, Pa.; to West Chester, Pa., VOR; MEA 2,000.

From West Chester, Pa., VOR; to Echelon INT, Pa.; MEA 1,800.

§ 610.6013 *VOR civil airway 13.*

From Houston, Tex., VOR; to Humble INT, Tex.; MEA 1,600.

From Humble INT, Tex.; to Lufkin, Tex., VOR; MEA 1,600.

From Houston, Tex., VOR via W alter.; to Lufkin, Tex., VOR via W alter.; MEA *2,000. *1,800—MOCA.

From Houston, Tex., VOR via E alter.; to *Daisetta INT, Tex., via E alter.; MEA 1,600. *4,000—MRA.

From Daisetta INT, Tex., via E alter.; to Lufkin, Tex., VOR via E alter.; MEA *4,000. *1,500—MOCA.

From Lufkin, Tex., VOR; to Shreveport, La., VOR; MEA 2,400.

From Lufkin, Tex., VOR via E alter; to Shreveport, La., VOR via E alter; MEA *2,500. *1,900—MOCA.

From Shreveport, La., VOR; to Texarkana, Ark., VOR; MEA 1,700. Via W alter.; MEA 1,700.

From Fort Smith, Ark., VOR; to Fayetteville, Ark., VOR; MEA 3,500.

From Fayetteville, Ark., VOR; to Neosho, Mo., VOR; MEA 2,700.

From Neosho, Mo., VOR; to Butler, Mo., VOR; MEA 2,500. Via W alter.; MEA *2,600. *2,500—MOCA.

From Butler, Mo., VOR; to Grandview INT, Mo.; MEA 2,400.

From Grandview INT, Mo.; to Kansas City, Mo., VOR; MEA 3,000.

From Kansas City, Mo., VOR; to Lamoni, Iowa, VOR; MEA 2,400.

From Kansas City, Mo., VOR via E alter.; to Lathrop INT, Mo., via E alter.; MEA 2,400.

From Lathrop INT, Mo., via E alter.; to *Jameson INT, Mo., via E alter.; MEA **2,900.

From *Jameson INT, Mo., via E alter.; to Lamoni, Iowa, VOR via E alter.; MEA **2,900. *3,000—MRA. **2,400—MOCA.

From Lamoni, Iowa, VOR; to *Osceola INT, Iowa; MEA 2,300. *4,300—MRA.

From Osceola INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,300.

From Lamoni, Iowa, VOR via E or W alter.; to Des Moines, Iowa, VOR via E or W alter.; MEA 2,300.

From Des Moines, Iowa; to *Ames INT, Iowa; MEA **3,000. *5,000—MRA. **2,600—MOCA.

From Ames INT, Iowa; to Mason City, Iowa, VOR; MEA *3,000. *2,600—MOCA.

From Des Moines, Iowa, VOR; to Mason City, Iowa, VOR; via E alter.; MEA *3,000. Via W alter.; MEA *3,400. *2,600—MOCA.

From Mason City, Iowa, VOR; to Hope INT, Minn.; MEA *3,300. *2,800—MOCA.

From Hope INT, Minn.; to Lakeville INT, Minn.; MEA *3,300. *2,600—MOCA.

From Lakeville INT, Minn.; to Minneapolis, Minn., VOR; MEA 2,500.

From Mason City, Iowa, VOR via W alter.; to *Prior INT, Minn., via W alter.; MEA **3,400. *4,000—MRA. **2,600—MOCA.

From Prior INT, Minn., via W alter.; to Minneapolis, Minn., VOR via W alter.; MEA 2,500.

From Minneapolis, Minn., VOR; to Grantsburg, Wis., VOR; MEA 2,500.

From Grantsburg, Wis., VOR; to *Duluth, Minn., VOR; MEA 2,500. *3,000—MCA Duluth VOR, northbound.

§ 610.6014 *VOR civil airway 14.*

From Roswell, N. Mex., VOR; to *Caprock INT, N. Mex.; MEA **7,000. *7,500—MRA. **5,500—MOCA.

From Caprock INT, N. Mex.; to *Whiteface INT, Tex.; MEA **7,000. *7,500—MRA. **5,500—MOCA.

From Whiteface INT, Tex.; to Lubbock, Tex., VOR; MEA 4,800.

From Roswell, N. Mex., VOR via N. alter.; to *Kenna INT, N. Mex., via N alter.; MEA **8,000. *9,000—MRA. **5,500—MOCA.

From Kenna INT, N. Mex., via N alter.; to *Pep INT, Tex., via N alter.; MEA **8,000. *8,000—MRA. **5,500—MOCA.

From Pep INT, Tex., via N alter.; to Lubbock, Tex., VOR via N alter.; MEA 4,600.

From Lubbock, Tex., VOR; to Childress, Tex., VOR; MEA 4,500.

From Childress, Tex., VOR; to Hobart, Okla., VOR; MEA 3,500.

From Hobart, Okla., VOR; to Oklahoma City, Okla., VOR; MEA 3,100.

From Oklahoma City, Okla., VOR; to Drumright INT, Okla.; MEA 3,700.

From Drumright, INT, Okla.; to Tulsa, Okla., VOR; MEA 3,100.

From Oklahoma City, Okla., VOR via N alter.; to Tulsa, Okla., VOR via N alter.; MEA *3,500. *3,000—MOCA.

From Oklahoma City, Okla., VOR via S alter.; to Shawnee INT, Okla., via S alter.; MEA *3,000. *2,700—MOCA.

From Shawnee INT, Okla., via S alter.; to Tulsa, Okla., VOR via S alter.; MEA *6,000. *3,100—MOCA.

From Tulsa, Okla., VOR; to *Chelsea INT, Okla.; MEA 2,000. *2,600—MRA.

From Chelsea INT, Okla.; to Neosho, Mo., VOR; MEA 2,200.

From Tulsa, Okla., VOR via N alter.; to Neosho, Mo., VOR via N alter.; MEA 2,300.

From Tulsa, Okla., VOR via S alter.; to Neosho, Mo., VOR via S alter.; MEA 2,000.

From Neosho, Mo., VOR; to Springfield, Mo., VOR; MEA 2,500.

From Neosho, Mo., VOR, via N alter.; to Avilla INT, Mo., via N alter.; MEA 2,500.

From Avilla INT, Mo., via N alter.; to Springfield, Mo., VOR, via N alter.; MEA 2,600.

From Neosho, Mo., VOR, via S alter.; to Springfield, Mo., VOR, via S alter; MEA 2,600.

From Springfield, Mo., VOR; to *Conway INT, Mo.; MEA 2,500.

From *Conway INT, Mo.; to Vichy, Mo., VOR; MEA 2,600. *4,700—MRA.

From Springfield, Mo., VOR, via N alter.; to Vichy, Mo., VOR, via N alter.; MEA *2,500. *2,400—MOCA.

From Vichy, Mo., VOR; to St. Louis, Mo., VOR; MEA 2,200. Via N or S alter.; MEA 2,200.

From St. Louis, Mo., VOR; to Vandalia, Ill., VOR; MEA 2,000.

From Vandalia, Ill., VOR; to *Union Center INT, Ill.; MEA 2,000.

From *Union Center INT, Ill.; to Terre Haute, Ind., VOR; MEA 2,000. *2,400—MRA.

From Terre Haute, Ind., VOR; to Indianapolis, Ind., VOR; MEA 2,200.

From Terre Haute, Ind., VOR, via S alter.; to Cloverdale INT, Ind., via S alter.; MEA 2,300.

From Cloverdale INT, Ind., via S alter.; to Indianapolis, Ind., VOR, via S alter.; MEA 2,200.

From Indianapolis, Ind., VOR; to Florida INT, Ind.; MEA 2,800.

From Florida INT, Ind.; to Coldwater INT, Ind.; MEA *4,300. *2,800—MOCA.

From Coldwater INT, Ind.; to Findlay, Ohio, VOR; MEA 2,200.

From Findlay, Ohio, VOR; to Carey INT, Ohio; MEA 2,100.

From Carey INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,000.

From Cleveland, Ohio, VOR; to Perry INT, Ohio; MEA 2,500.

From Perry INT, Ohio; to Kingsville INT, Pa.; MEA 2,300.

From Kingsville INT, Pa.; to Erie, Pa., VOR; MEA 2,000.

From Cleveland, Ohio, VOR, via N alter; to Erie, Pa., VOR, via N alter.; MEA 2,500.

From Erie, Pa., VOR; to Buffalo, N. Y., VOR; MEA 2,500.

From Buffalo, N. Y., VOR; to Rochester, N. Y., VOR; MEA 2,100.

From East Pembroke, N. Y., FM; to Buffalo, N. Y., VOR, westbound only; MEA 1,900.

From Rochester, N. Y., VOR; to *Fairville INT, N. Y.; MEA 2,000.

From *Fairville INT, N. Y.; to Syracuse, N. Y., VOR; MEA 2,000. *3,000—MRA.

From Syracuse, N. Y., VOR; to *Sherrill INT, N. Y.; MEA 3,000. *3,500—MRA.

From Sherrill INT, N. Y.; to Albany, N. Y., VOR; MEA 3,000.

From Albany, N. Y., VOR; to Greenfield INT, Mass.; MEA 5,500.

From Grafton, N. Y., FM; to Albany, N. Y., VOR, westbound only; MEA 3,000.

From *Greenfield INT, Mass.; to Gardner, Mass., VOR; MEA 3,000. *5,500—MCA Greenfield INT, westbound.

From Gardner, Mass., VOR; to Franklin INT, Mass.; MEA 3,000.

§ 610.6015 *VOR civil airway 15.*

From Galveston, Tex., VOR; to Houston, Tex., VOR; MEA 1,700.

From Houston, Tex., VOR; to College Station, Tex., VOR; MEA 1,800.

From College Station, Tex., VOR; to Waco, Tex., VOR; MEA 2,000. Via E alter.; MEA 2,000.

From Waco, Tex., VOR; to De Soto INT, Tex.; MEA 2,000.

From De Soto INT, Tex.; to Fair Park INT, Tex.; MEA *2,600. *2,000—MOCA.

From Fair Park INT, Tex.; to Dallas, Tex., VOR; MEA 2,000.

From Waco, Tex., VOR via E. alter.; to *Ennis INT, Tex., via E alter.; MEA **2,400. *2,400—MRA. **2,000—MOCA.

From Ennis INT, Tex., via E alter.; to Dallas, Tex., VOR via E alter.; MEA 2,000.

From Dallas, Tex., VOR; to Prosper INT, Tex.; MEA *2,100. *1,900—MOCA.

From Prosper INT, Tex.; to Ardmore, Okla., VOR; MEA 2,200.

From Dallas, Tex., VOR, via W alter.; to Little Elm INT, Tex., via W alter.; MEA 2,000.

From Little Elm INT, Tex., via W alter.; to Sanger INT, Tex., via W alter.; MEA *2,400. *1,800—MOCA.

From Sanger INT, Tex., via W alter.; to Ardmore, Okla., VOR, via W alter.; MEA *2,400. *2,200—MOCA.

From Ardmore, Okla., VOR, via W alter.; to VOR; MEA *4,600. Via E alter.; MEA *4,600. *2,400—MOCA.

From Ardmore, Okla., VOR via W alter.; to Shawnee INT, Okla., via W alter.; MEA *3,000. *2,700—MOCA.

From Shawnee INT, Okla., via W alter.; to Tulsa, Okla., VOR, via W alter.; MEA *6,000. *3,100—MOCA.

From Kansas City, Mo., VOR; to Camden INT, Mo.; MEA 2,400.

From Camden INT, Mo.; to St. Joseph, Mo., VOR; MEA 2,800.

From Kansas City, Mo., VOR, via E alter.; to Plattsburg INT, Mo., via E alter.; MEA 2,400.

From Plattsburg INT, Mo., via E alter.; to St. Joseph, Mo., VOR, via E alter.; MEA 2,800.

From St. Joseph, Mo., VOR; to *Randolph INT, Iowa; MEA 2,500. *5,400—MRA.

From *Randolph INT, Iowa; to Omaha, Nebr., VOR; MEA 2,500. *5,400—MRA.

From St. Joseph, Mo., VOR via E alter.; to Omaha, Nebr., VOR via E alter.; MEA 2,500.

From Omaha, Nebr., VOR; to Sioux City, Iowa, VOR; MEA 2,500. Via E alter.; MEA 2,500. Via W alter.; MEA 2,700.

From Sioux City, Iowa, VOR; to Sioux Falls, S. Dak., VOR; MEA 3,000. Via E alter., MEA 3,400.

From Sioux Falls, S. Dak., VOR; to Huron, S. Dak., VOR; MEA 3,000. Via W alter.; MEA *2,900. *2,800—MOCA.

From Huron, S. Dak., VOR; to Aberdeen, S. Dak., VOR; MEA 2,500. Via W alter.; MEA 2,500.

From Aberdeen, S. Dak., VOR; to Danzig INT, N. Dak.; MEA *4,000. *3,300—MOCA.

From Danzig INT, N. Dak.; to Bismarck, N. Dak., VOR; MEA *4,000. *3,500—MOCA.

From Aberdeen, S. Dak., VOR via W alter.; to Bismarck, N. Dak., VOR via W alter.; MEA *4,000. *3,300—MOCA.

From Bismarck, N. Dak., VOR; to Minot, N. Dak., VOR; MEA 3,400.

§ 610.6016 *VOR civil airway 16.*

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 4,000.

From La Habra, Calif., FM; to Los Angeles, Calif., VOR westbound only; MEA 3,000.

From *Ontario, Calif., VOR; to Palm Springs INT, Calif.; MEA 13,000. *8,000—MCA Ontario VOR, eastbound.

From Banning, Calif., FM; to Ontario, Calif., VOR westbound only; MEA 8,000.

From *Palm Springs INT, Calif.; to Blythe, Calif., VOR; MEA 8,000. *13,000—MCA Palm Springs INT, westbound.

From Blythe, Calif., VOR; to Hassayampa, Ariz., VOR; MEA 6,000.

From Blythe, Calif., VOR via N alter.; to Hassayampa, Ariz., VOR via N alter.; MEA 7,500.

From Hassayampa, Ariz., VOR; to Phoenix, Ariz., VOR; MEA 5,000.

From Phoenix, Ariz., VOR; to Tucson, Ariz., VOR; MEA 7,000.

From *Tucson, Ariz., VOR; to Cochise, Ariz., VOR; MEA 11,000. *9,000—MCA Tucson VOR, eastbound.

From *Tucson, Ariz., VOR via S alter.; to Cochise, Ariz., VOR via S alter.; MEA 10,000. *9,000—MCA Tucson VOR, southeastbound.

From Cochise, Ariz., VOR; to Animas INT, N. Mex.; MEA 12,000.

From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; eastbound; MEA 8,600. Westbound; MEA 10,000.

From Hilltop, Ariz., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.

From Columbus, N. Mex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500.

From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500. *10,000—MRA.

From Columbus, N. Mex., VOR via N alter.; to El Paso, Tex., VOR via N alter.; MEA 9,200.

From El Paso, Tex., VOR; to Salt Flat, Tex., VOR; MEA 8,000.

From *Salt Flat, Tex., VOR; to Gore INT, Tex.; MEA 10,000. *8,900—MCA Salt Flat VOR, eastbound.

From *Gore INT, Tex.; to Wink, Tex., VOR; MEA 6,000. *7,200—MCA Gore INT, westbound.

From *Salt Flat, Tex., VOR via N alter.; to Wink, Tex., VOR via N alter.; MEA 10,800. *8,900—MCA Salt Flat VOR, eastbound.

From Wink, Tex., VOR; to Midland, Tex., VOR; MEA 4,500. Via N alter.; MEA 4,500.

From Midland, Tex., VOR; to Big Spring, Tex., VOR; MEA 4,400.

From Big Spring, Tex., VOR; to Abilene, Tex., VOR; MEA 4,000. Via S alter.; MEA 4,000.

From Abilene, Tex., VOR; to Mineral Wells, Tex., VOR; MEA *3,500. *3,100—MOCA.

From Mineral Wells, Tex., VOR; to Lake Worth INT, Tex.; MEA 2,300.

From Lake Worth INT, Tex.; to Dallas, Tex., VOR; MEA 2,700.

From Dallas, Tex., VOR; to Sulphur Springs, Tex., VOR; MEA 2,000.

From Abilene, Tex., VOR via S alter.; to Cisco INT, Tex., via S alter.; MEA 3,100.

From Cisco INT, Tex., via S alter.; to Mineral Wells, Tex., VOR via S alter.; MEA 3,200.

From Mineral Wells, Tex., VOR via S alter.; to Russell INT, Tex., via S alter.; MEA 2,300.

From Russell INT, Tex., via S alter.; to Dallas, Tex., VOR via S alter.; MEA 2,700.

From Abilene, Tex., VOR, via N alter.; to Breckenridge INT, Tex., via N alter.; MEA *3,500. *3,100—MOCA.

From Breckenridge INT, Tex., via N alter.; to Mineral Wells, Tex., VOR, via N alter.; MEA *3,500. *3,000—MOCA.

From Mineral Wells, Tex., VOR via N alter.; to Haslet INT, Tex., via N alter.; MEA 2,400.

From Haslet INT, Tex., via N alter.; to Lewisville INT, Tex., via N alter.; MEA *3,000. *1,900—MOCA.

From Lewisville INT, Tex.; to Little Elm INT, Tex.; MEA *3,800. Via N alter.; MEA *3,800. *1,700—MOCA.

From Little Elm INT, Tex., via N alter.; to *McKinney INT, Tex., via N alter.; MEA **4,300. *4,300—MRA. **2,100—MOCA.

From McKinney INT, Tex., via N alter.; to Princeton INT, Tex., via N alter.; MEA *2,900. *2,100—MOCA.

From Princeton INT, Tex., via N alter.; to Sulphur Springs, Tex., VOR via N alter.; MEA *2,000. *1,800—MOCA.

From Sulphur Springs, Tex., VOR; to Texarkana, Ark., VOR; MEA 1,800. Via N alter.; MEA 1,800.

From Texarkana, Ark., VOR; to Pine Bluff, Ark., VOR; MEA 2,500. Via S alter.; MEA 3,000.

From Pine Bluff, Ark., VOR; to Altheimer INT, Ark.; MEA 1,500.

From Altheimer INT, Ark.; to Memphis, Tenn., VOR; MEA *2,500. *1,500—MOCA.

From Pine Bluff, Ark., VOR via S alter.; to Memphis, Tenn., VOR via S alter.; MEA 3,000.

From Memphis, Tenn., VOR; to *Fisherville INT, Tenn.; MEA 2,000. *2,500—MRA.

From Fisherville INT, Tenn.; to *Williston INT, Tenn.; MEA 2,000. *2,500—MRA.

From Williston INT, Tenn.; to Jackson, Tenn.; VOR; MEA 2,000.

From Jackson, Tenn., VOR; to Graham, Tenn., VOR; MEA *2,500. *2,000—MOCA.

From Memphis, Tenn., VOR via S alter.; to Jackson, Tenn., VOR via S alter.; MEA 2,000.

From Jackson, Tenn., VOR via S alter.; to Graham, Tenn., VOR via S alter.; MEA *2,500. *2,000—MOCA.

From Graham, Tenn., VOR; to Nashville, Tenn., VOR; MEA 3,000.

From Graham, Tenn., VOR via S alter.; to Crossville, Tenn., VOR via S alter.; MEA 5,000.

From Nashville, Tenn., VOR; to Crossville, Tenn., VOR; MEA 5,000.

From Crossville, Tenn., VOR; to Sweetwater INT, Tenn.; MEA 5,000.

From Sweetwater INT, Tenn.; to Knoxville, Tenn., VOR; MEA 3,000.

From Knoxville, Tenn., VOR; to *Telford INT, Tenn.; MEA 6,000.

From *Telford INT, Tenn.; to Tri-City, Tenn., VOR; MEA 8,000. *9,000—MRA.

From Tri-City, Tenn., VOR; to Pulaski, Va., VOR; MEA 7,700.

From Knoxville, Tenn., VOR via N alter.; to Yuma INT, Tenn., via N alter.; MEA *4,700. *4,400—MOCA.

From Yuma INT, Tenn., via N alter.; to Hilton INT, Tenn., via N alter.; MEA *5,500. *5,200—MOCA.

From Hilton INT, Tenn., via N alter.; to Hayters Gap INT, Tenn., via N alter.; MEA 6,000.

From Hayters Gap INT, Tenn., via N alter.; to Pulaski, Va., VOR via N alter.; MEA 6,500.

From Pulaski, Va., VOR; to Montebello, Va., VOR; MEA 6,000.

From Montebello, Va., VOR; to Gordonsville, Va., VOR; MEA 6,000.

From Gordonsville, Va., VOR; to *Locustgrove INT, Va.; MEA 3,000.

From *Locustgrove INT, Va.; to Andrews, Md., LFR; MEA 1,500. *2,000—MRA.

From Andrews, Md., LFR; to Dover, Del., VOR; MEA 1,500.

From Dover, Del., VOR; to Coyle, N. J., VOR; MEA 1,500.

From Coyle, N. J., VOR; to Woolf INT, N. J.; MEA 1,500.

From Woolf INT, N. J.; to Riverhead, N. Y., VOR; MEA *2,000. *1,500—MOCA.

From Riverhead, N. Y., VOR; to Salem INT, Conn.; MEA 1,800.

From Salem INT, Conn.; to Norwich, Conn., VOR; MEA 1,800.

From Norwich, Conn., VOR; to Boston, Mass., VOR; MEA 1,800.

§ 610.6017 *VOR civil airway 17.*

From Laredo, Tex., VOR; to Cotulla, Tex., VOR; MEA 1,800.

From Cotulla, Tex., VOR; to San Antonio, Tex., VOR; MEA 2,200.

From San Antonio, Tex., VOR; to Austin, Tex., VOR; MEA 2,600.

From San Antonio, Tex., VOR via W alter.; to Spring Branch INT, Tex., via W alter.; MEA *3,000. *2,600—MOCA.

From Spring Branch INT, Tex., via W alter.; to Austin, Tex., VOR via W alter.; MEA *3,000. **2,700—MOCA.

From Austin, Tex., VOR; to Waco, Tex., VOR; MEA 2,000. Via E alter.; MEA 2,500.

From Waco, Tex., VOR; to Riovista INT, Tex.; MEA *2,000. *1,900—MOCA.

From Riovista INT, Tex.; to Joshua INT, Tex.; MEA 2,100.

From Joshua INT, Tex.; to Lake Worth INT, Tex.; MEA 2,000.

From Lake Worth INT, Tex.; to Ft. Worth, Tex.; VOR; MEA 2,400.

From Waco, Tex., VOR, via W alter.; to *Mill INT, Tex., via W alter.; MEA **3,500. *3,500—MRA. **2,500—MOCA.

From Mill INT, Tex., via W alter.; to Mineral Wells, Tex., VOR, via W alter.; MEA *3,500. *2,400—MOCA.

From Mineral Wells, Tex., VOR, via W alter.; to Ft. Worth, Tex., VOR, via W alter.; MEA 2,500.

From Ft. Worth, Tex., VOR; to Cole INT, Okla.; MEA *2,800. *2,500—MOCA.

From Cole INT, Okla.; to Bray INT, Okla.; MEA *2,800. *2,300—MOCA.

From Bray INT, Okla.; to *Blanchard INT, Okla.; MEA **2,800. *2,800—MRA. **2,400—MOCA.

From Blanchard INT, Okla.; to Oklahoma City, Okla.; VOR; MEA 2,400.

From Oklahoma City, Okla., VOR; to Gage, Okla., VOR; MEA *3,900. *3,600—MOCA.

From Gage, Okla., VOR; to Garden City, Kans., VOR; MEA *4,400. *4,300—MOCA.

From Garden City, Kans., VOR; to Goodland, Kans., VOR; MEA *5,500. Via W alter.; MEA *6,400. *5,000—MOCA.

§ 610.6018 *VOR Civil airway 18.*

From Dallas, Tex., VOR; to Quitman, Tex., VOR; MEA 2,000.

From Quitman, Tex., VOR; to Caddo Lake INT, La.; MEA 1,800.

From Caddo Lake INT, La.; to Shreveport, La., VOR; MEA 1,700.

From Shreveport, La., VOR; to Monroe, La., VOR; MEA 1,800.

From Shreveport, La., VOR via N alter.; to Monroe, La., VOR via N alter.; MEA *2,000. *1,900—MOCA.

From Monroe, La., VOR; to Jackson, Miss., VOR; MEA 1,500. Via S alter.; MEA 1,500.

From Jackson, Miss., VOR; to Meridian, Miss., VOR; MEA 2,000. Via S alter.; MEA 2,000.

From Meridian, Miss., VOR; to Tuscaloosa, Ala., VOR; MEA 2,500. Via N alter.; MEA 2,500.

From Tuscaloosa, Ala., VOR; to Birmingham, Ala., VOR; MEA 2,000.

From Birmingham, Ala., VOR; to Anniston, Ala., VOR; MEA 3,000.

From Anniston, Ala., VOR; to Temple INT, Ga.; MEA 4,000.

From Temple INT, Ga.; to Campbellton INT, Ga.; MEA 2,700.

From Campbellton INT, Ga.; to Atlanta, Ga., ILS localizer; MEA 2,200.

From Atlanta, Ga., ILS localizer; to Oxford INT, Ga.; MEA 2,200.

From Oxford INT, Ga.; to *Madison INT, Ga.; MEA **3,500. *3,500—MRA. **2,100—MOCA.

From Madison INT, Ga.; to Raytown INT, Ga.; MEA *3,800. *1,800—MOCA.

From Raytown INT, Ga.; to Augusta, Ga., VOR; MEA 1,800.

From Anniston, Ala., VOR via S alter.; to Roopville INT, Ga., via S alter.; MEA 4,000.

From Roopville INT, Ga., via S alter.; to Atlanta, Ga., VOR via S alter.; MEA 2,200.

From Atlanta, Ga., VOR via S alter.; to *McDonough INT, Ga., via S alter.; MEA 2,200. *2,500—MRA.

From McDonough INT, Ga., via S alter.; to *Eatonton INT, Ga., via S alter.; MEA **3,700. *3,500—MRA. **2,200—MOCA.

From Eatonton INT, Ga., via S alter.; to Thomson INT, Ga., via S alter.; MEA *3,500. *2,200—MOCA.

From Thomson INT, Ga., via S alter.; to Augusta, Ga., VOR via S alter.; MEA 1,800.

From Augusta, Ga., VOR; to *St. George INT, S. C.; MEA **2,800. *3,500—MRA. **2,000—MOCA.

From St. George INT, S. C.; to Charleston, S. C., VOR; MEA *2,800. *2,000—MOCA.

§ 610.6019 *VOR civil airway 19.*

From El Paso, Tex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500.

From *Harrington Ranch INT, N. Mex.; to Truth or Consequences, N. Mex., VOR; MEA 10,000. *10,000—MRA.

From Truth or Consequences, N. Mex., VOR; to Albuquerque, N. Mex., VOR; MEA 10,000.

From Albuquerque, N. Mex., VOR; to Santa Fe, N. Mex., VOR; MEA 9,000.

From *Santa Fe, N. Mex., VOR; to **Las Vegas, N. Mex., VOR; MEA 12,500. **11,600—MCA Santa Fe VOR, eastbound. **11,300—MCA Las Vegas VOR, westbound.

From Las Vegas, N. Mex., VOR; to Raton, N. Mex., VOR; MEA 11,000. Via E alter.; MEA 11,000.

From Raton, N. Mex., VOR; to *Earl INT, Colo.; MEA 11,000. *9,000—MRA.

From Earl INT, Colo.; to Pueblo, Colo., VOR; northbound, MEA 7,500; southbound, MEA 11,000.

From Pueblo, Colo., VOR; to Kiowa, Colo., VOR; MEA 8,500.

From Kiowa, Colo., VOR; to Roggen INT, Colo.; MEA 7,800.

From Roggen INT, Colo.; to Cheyenne, Wyo., VOR; MEA 7,800.

From Cheyenne, Wyo., VOR; to Douglas, Wyo., VOR; MEA 9,000. Via E alter.; MEA 7,500.

From Douglas, Wyo., VOR; to Casper, Wyo., VOR; MEA 8,000. Via E alter.; MEA 7,500.

From Casper, Wyo., VOR via E alter.; to Crazy Woman, Wyo., VOR via E alter.; MEA 7,500.

From Crazy Woman, Wyo., VOR; to *Sheridan, Wyo., VOR; MEA 9,500. Via E alter.; MEA 7,500. *8,500—MCA Sheridan VOR, southeastbound.

From Sheridan, Wyo., VOR; to Billings, Mont., VOR; MEA 8,000.

From Billings, Mont., VOR; to Lewistown, Mont., VOR; MEA 8,000.

From Lavina, Mont., FM; to Billings, Mont., VOR southbound only; MEA 6,000.

From Lewistown, Mont., VOR; to *Great Falls, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.

§ 610.6020 *VOR civil airway 20.*

From Laredo, Tex., VOR; to Alice, Tex., VOR; MEA 1,900.

From Alice, Tex., VOR; to Corpus Christi, Tex., VOR; MEA 1,700.

From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR.; MEA 1,300.

From Palacios, Tex., VOR; to Arcola INT, Tex.; MEA 1,600.

From Arcola INT, Tex.; to Houston, Tex., VOR; MEA 2,100.

From Palacios, Tex., VOR via N alter.; to Richmond INT, Tex., via N alter.; MEA *2,000. *1,400—MOCA.

From Richmond INT, Tex., via N alter.; to Houston, Tex., VOR via N alter.; MEA 2,100.

From Houston, Tex., VOR; to Beaumont, Tex., VOR; MEA 1,600.

From Houston, Tex., VOR via N alter.; to *Crosby INT, Tex., via N alter.; MEA 1,600. *1,900—MRA.

From Crosby INT, Tex., via N alter.; to Beaumont, Tex., VOR via N alter.; MEA *1,900. *1,600—MOCA.

From Houston, Tex., VOR via S alter.; to High Island INT, Tex., via S alter.; MEA 1,500.

From High Island INT, Tex., via S alter.; to Lake Charles, La., VOR via S alter.; MEA *2,000. *1,400—MOCA.

From Beaumont, Tex., VOR; to Lake Charles, La., VOR; MEA 1,400.

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 1,300.

From Lafayette, La., VOR; to New Orleans, La., VOR; MEA 1,400. Via S alter.; MEA *2,000. *1,400—MOCA.

From New Orleans, La., VOR; to Mobile, Ala., VOR; MEA 2,500.

From Mobile, Ala., VOR; to Evergreen, Ala., VOR; MEA 1,500.

From Mobile, Ala., VOR via N alter.; to Evergreen, Ala., VOR via N alter.; MEA *2,700. *1,500—MOCA.

From Evergreen, Ala., VOR; to Montgomery, Ala., VOR; MEA 1,800.

From Montgomery, Ala., VOR; to La Grange, Ga., VOR; MEA 2,000.

From La Grange, Ga., VOR; to *Madras INT, Ga.; MEA 2,000.

From *Madras INT, Ga.; to Atlanta, Ga., VOR; MEA 2,000. *3,000—MRA.

From Atlanta, Ga., VOR; to Rex INT, Ga.; MEA 2,200.

From Rex INT, Ga.; to Royston, Ga., VOR; MEA 2,700.

From Royston, Ga., VOR; to Spartanburg, S. C., VOR; MEA 2,300.

From Atlanta, Ga., VOR via N alter.; to Norcross, Ga., VOR via N alter.; MEA 3,000.

From Norcross, Ga., VOR via N alter.; to Homer INT, Ga.; via N alter.; MEA 2,500.

From Homer INT, Ga., via N alter.; to Clemson INT, S. C., via N alter.; MEA *4,500. *3,200—MOCA.

From Clemson INT, S. C., via N alter.; to Spartanburg, S. C., VOR via N alter.; MEA *4,500. *3,200—MOCA.

From Spartanburg, N. C., VOR; to Mooresville INT, N. C.; MEA 2,500.

From Mooresville INT, N. C.; to Greensboro, N. C., VOR; MEA 3,000.

From Greensboro, N. C., VOR; to *Reid INT, N. C.; MEA 2,300.

From *Reid INT, N. C.; to South Boston, Va., VOR; MEA 2,300. *3,500—MRA.

From South Boston, Va., VOR; to Flat Rock, Va., VOR; MEA 2,000.

§ 610.6021 *VOR civil airway 21.*

From Kingfish INT, Calif.; to Long Beach, Calif., VOR; MEA 3,500.

From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.

From *Ontario, Calif., VOR; to Daggett, Calif., VOR; MEA 10,000. *8,000—MCA Ontario VOR, northeastbound.

From Fontana, Calif., FM; to Ontario, Calif., VOR southwestbound only; MEA 5,000.

From Daggett, Calif., VOR; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.

From Silver Lake INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.

From Las Vegas, Nev., VOR via E alter.; to Mead INT, Nev., via E alter.; MEA 6,000.

From *Mead INT, Nev.; via E alter.; to Mormon Mesa, Nev., VOR via E alter.; MEA 7,000. *7,000—MCA Mead INT, northbound.

From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 8,000.

From Mormon Mesa, Nev., VOR; to Milford, Utah, VOR; MEA 10,000.

From Milford, Utah, VOR; to Delta, Utah, VOR; MEA 9,000.

From Delta, Utah, VOR; to Utah Lake, Utah, VOR; MEA 11,000.

From Utah Lake, Utah, VOR; to *Salt Lake City, Utah, VOR; MEA 11,000. *10,000—MCA Salt Lake City VOR, southbound.

From Salt Lake City, Utah, VOR; to Ogden, Utah, VOR; MEA 6,500.

From *Ogden, Utah, VOR; to Malad City, Idaho, VOR; MEA 11,000. *9,000—MCA Ogden VOR, northbound.

From Corinne, Utah, FM; to Ogden, Utah, VOR southbound only; MEA 8,000.

From Malad City, Idaho, VOR; to *Pocatello, Idaho, VOR; MEA 11,000. *9,000—MCA Pocatello VOR, southbound.

From Pocatello, Idaho, VOR; to Dubois, Idaho, VOR; MEA 7,500. Via W alter.; MEA 7,500.

From *Dubois, Idaho, VOR; to Dillon, Mont., VOR; MEA 11,500. *9,600—MCA Dubois VOR, northbound.

From Dillon, Mont., VOR; to *Whitehall, Mont., VOR; MEA 10,500. *9,300—MCA Whitehall VOR, northbound.

From Whitehall, Mont., VOR; to Helena, Mont., VOR; MEA 10,500.

From Helena, Mont., VOR; to Wolf Creek INT, Mont.; MEA 9,500.

From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,500—MCA Great Falls VOR, southwestbound.

From Great Falls, Mont., VOR; to Cut Bank, Mont., VOR; MEA 6,000.

From Cut Bank, Mont., VOR; to U. S.-Canadian boundary VOR; MEA 6,000.

§ 610.6022 *VOR civil airway 22.*

From New Orleans, La., VOR; to *Dog INT, La.; MEA **3,900. *3,900—MRA. **1,600—MOCA.

From Dog INT, La.; to *Bon Secour INT, Fla.; MEA **3,900. *2,000—MRA. **1,100—MOCA.

From Bon Secour INT, Fla.; to Saufley, Fla., VOR; MEA *2,000. *1,300—MOCA.

From Saufley, Fla., VOR; to Gonzales INT, Fla.; MEA *2,000. *1,700—MOCA.

From Gonzales INT, Fla.; to Whiting INT, Fla.; MEA *2,000. *1,300—MOCA.

From Whiting INT, Fla.; to Crestview, Fla., VOR; MEA *2,000. *1,400—MOCA.

From Crestview, Fla., VOR; to Marianna, Fla., VOR; MEA 1,400.

From Marianna, Fla.; to Tallahassee, Fla.; MEA 1,500.

From Tallahassee, Fla., VOR; to Greenville INT, Fla.; MEA 1,500.

From Greenville INT, Fla.; to *Genoa INT, Fla.; MEA **3,000. *3,000—MRA. **1,500—MOCA.

From *Genoa INT, Fla.; to Bryceville INT, Fla.; MEA **2,500. *3,000—MRA. **1,200—MOCA.

From Bryceville INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Marianna, Fla., VOR via N alter.; to Calvary INT, Fla., via N alter.; MEA 1,500.

From Calvary INT, Fla., via N alter.; to *Quitman INT, Fla., via N alter.; MEA **2,500. *3,000—MRA. **1,400—MOCA.

From Quitman INT, Fla., via N alter.; to Greenville INT, Fla., via N alter.; MEA *3,500. *1,500—MOCA.

From Greenville INT, Fla., via N alter.; to *Genoa INT, Fla., via N alter.; MEA **3,000. *3,000—MRA. **1,500—MOCA.

From Genoa INT, Fla., via N alter.; to Bryceville INT, Fla., via N alter.; MEA *2,500. *1,200—MOCA.

From Bryceville INT, Fla., via N alter.; to Jacksonville, Fla., VOR via N alter.; MEA *1,500. *1,300—MOCA.

§ 610.6023 *VOR civil airway 23.*

From San Diego, Calif., VOR; to Oceanside, Calif., VOR; northbound; MEA 3,000; southbound; MEA 2,500.

From Oceanside, Calif., VOR; to Long Beach, Calif., VOR; MEA 4,000.

From Long Beach, Calif., VOR; to *Los Angeles, Calif., VOR; MEA 2,000. *3,000—MCA Los Angeles VOR, northbound.

From Los Angeles, Calif., VOR; to Pacoima INT, Calif.; northbound; MEA 5,000; southbound; MEA 4,000.

From Pacoima INT, Calif.; to *Saugus INT, Calif.; MEA 7,000. *8,000—MCA Saugus INT, northbound.

From Saugus INT, Calif.; to *Bakersfield, Calif., VOR; MEA 10,000. *7,000—MCA Bakersfield VOR, southbound.

From White Oaks INT, Calif.; to Bakersfield, Calif., VOR northbound only; MEA 6,000.

From Bakersfield, Calif., VOR; to Fresno, Calif., VOR; MEA 3,000.

From Bakersfield, Calif., VOR via E alter.; to Fresno, Calif., VOR via E alter.; MEA 4,000.

From Fresno, Calif., VOR; to Modesto, Calif., VOR; MEA 2,000. Via E alter.; MEA 4,500.

From Modesto, Calif., VOR; to Sacramento, Calif., VOR; MEA 2,000.

From Sacramento, Calif., VOR; to *Grimes INT, Calif.; MEA 2,000. *4,000—MCA Grimes INT, northbound.

From Grimes INT, Calif.; to Red Bluff, Calif., VOR; MEA 4,000.

From Red Bluff, Calif., VOR; to Delta INT, Calif.; MEA 8,000.

From Delta INT, Calif.; to Redding, Calif., FM southbound; MEA 7,000.

From Redding, Calif., FM; to Red Bluff, Calif., VOR southbound; MEA 3,000.

From Delta INT, Calif.; to Ft. Jones, Calif., VOR; MEA 10,000.

From Ft. Jones, Calif., VOR; to *Medford, Oreg., VOR; MEA 10,000. *8,000—MCA Medford VOR, southbound.

From Talent INT, Oreg.; to Medford, Oreg., VOR northbound only; MEA 8,000.

From Ft. Jones, Calif., VOR via E alter.; to *Medford, Oreg., VOR via E alter.; MEA 9,500. *8,000—MCA Medford VOR, southeastbound.

From Klamath Junction INT, Oreg., via E alter.; to Medford, Oreg., VOR via E alter., northbound only; MEA 8,000.

From Medford, Oreg., VOR; to Eugene, Oreg., VOR; MEA 8,000.

From Eugene, Oreg., VOR; to Portland (Manor), Oreg., VOR; MEA 4,000.

From Eugene, Oreg., VOR via W alter.; to Monmouth INT, Oreg., via W alter.; MEA 5,000.

From Monmouth INT, Oreg., via W alter.; to Newberg, Oreg., VOR via W alter.; MEA 3,200.

From Newberg, Oreg., VOR via W alter.; to Portland (Manor), Oreg., VOR via W alter.; MEA 3,200.

From Portland (Manor), Oreg., VOR; to Seattle, Wash., VOR; MEA 5,000.

From Ranier INT, Wash.; to Seattle, Wash. VOR northbound only; MEA 3,000.

From Portland, Oreg., VOR via W alter.; to Toledo INT, Wash., via W alter.; MEA 5,000.

From Toledo INT, Wash., via W alter.; to Olympia, Wash., VOR via W alter; southbound, MEA 5,000; northbound, MEA 4,000.

From Olympia, Wash., VOR via W alter.; to Shelton INT, Wash., via W alter.; MEA 3,000.

From Shelton INT, Wash., via W alter.; to Seattle, Wash., VOR via W alter.; MEA 3,000.

From Seattle, Wash., VOR; to Bellingham, Wash., VOR; MEA 4,000.

From Bellingham, Wash., VOR; to *Vancouver, British Columbia, LFR; MEA 2,000.

*For that airspace over U. S. Territory.

§ 610.6024 *VOR civil airway 24.*

From Aberdeen, S. Dak., VOR; to Watertown, S. Dak., VOR; MEA 3,000. Via N alter.; MEA 3,000.

From Watertown, S. Dak., VOR; to Redwood Falls, Minn., VOR; MEA *3,400. *3,000—MOCA.

From Watertown, S. Dak., VOR via N alter.; to Madison INT, Minn., via N alter.; MEA *3,700. *3,000—MOCA.

From Madison INT, Minn., via N alter.; to Redwood Falls, Minn., VOR via N alter.; MEA *3,700. *2,400—MOCA.

§ 610.6025 *VOR civil airway 25.*

From Camarillo, Calif., LFR; to *Santa Barbara, Calif., VOR; MEA 6,000. *8,000—MCA Santa Barbara VOR, northwestbound.

From Santa Barbara, Calif., VOR; to Paso Robles, Calif., VOR; MEA 8,000.

From Paso Robles, Calif., VOR; to San Ardo INT, Calif.; MEA 5,000.

From San Ardo INT, Calif.; to *San Francisco, Calif., VOR; MEA 6,000. *4,000—MCA San Francisco VOR, southeastbound.

From Campbell INT, Calif.; to San Francisco, Calif., VOR northwestbound only; MEA 4,000.

From San Francisco, Calif., VOR; to Stinson Beach INT, Calif.; MEA 3,000.

From Stinson Beach INT, Calif.; to Point Reyes, Calif., VOR; MEA 3,000.

From Point Reyes, Calif., VOR; to Geyserville INT, Calif.; MEA 6,000.

From *Geyserville INT, Calif.; to Lakeport INT, Calif.; MEA **13,500. *13,500—MCA Geyserville INT, northbound. **7,000—MOCA.

From Lakeport INT, Calif.; to *Red Bluff, Calif., VOR; southbound, MEA 13,500; northbound, MEA 9,000. *5,000—MCA Red Bluff VOR, southbound.

From Red Bluff, Calif., VOR; to Klamath Falls, Oreg., VOR; MEA 10,000.

From Klamath Falls, Oreg., VOR; to Redmond, Oreg., VOR; MEA *12,000. *10,000—MOCA.

From Redmond, Oreg., VOR; to The Dalles, Oreg., VOR; MEA 7,500.

From *The Dalles, Oreg., VOR; to White Swan INT, Wash.; MEA 8,000. *4,800—MCA The Dalles VOR, northbound.

From White Swan INT, Wash.; to Yakima, Wash., VOR; northbound, MEA 4,000; southbound, MEA 5,500.

From *The Dalles, Oreg., VOR via E alter.; to Toppenish INT, Wash., via E alter.; MEA 7,000. *4,800—MCA The Dalles VOR, northbound.

From Toppenish INT, Wash., via E alter.; to Yakima, Wash., VOR via E alter.; northbound, MEA 4,000; southbound, MEA 5,000.

From Ellensburg, Wash., VOR; to Selah INT, Wash.; MEA 5,500.

From Selah INT, Wash.; to Yakima, Wash., VOR; MEA 4,500.

§ 610.6026 *VOR civil airway 26.*

From Cherokee, Wyo., VOR; to Casper, Wyo., VOR; MEA 11,000.

From Casper, Wyo., VOR; to Sand Creek INT, Wyo.; MEA 7,500.

From Sand Creek INT, Wyo.; to *Rapid City, S. Dak., VOR; MEA **13,000. *6,000—MCA Rapid City VOR, westbound. **10,000—MOCA.

From Rapid City, S. Dak., VOR; to Philip, S. Dak., VOR; MEA 4,500. Via N alter.; MEA 4,500.

From Philip, S. Dak., VOR; to Pierre, S. Dak., VOR; MEA 3,400. Via S alter.; MEA 3,400.

From Pierre, S. Dak., VOR; to Huron, S. Dak., VOR; MEA 3,400. Via S alter.; MEA 3,400.

From Huron, S. Dak., VOR; to Oakwood INT, S. Dak.; MEA *3,900. *2,800—MOCA.

From Oakwood INT, S. Dak.; to Redwood Falls, Minn., VOR; MEA *3,900. *3,000—MOCA.

From Huron, S. Dak., VOR via S alter.; to Redwood Falls, Minn., VOR via S alter.; MEA *4,700. *3,000—MOCA.

From Redwood Falls, Minn., VOR, via S alter.; to *Prior INT, Minn., via S alter.; MEA **4,000. *4,000—MRA. **2,300—MOCA.

From Prior INT, Minn., via S alter.; to Minneapolis, Minn., VOR via S alter.; MEA 2,500.

From Minneapolis, Minn., VOR; to Houlton INT, Wis.; MEA 2,500.

From Houlton INT, Wis.; to Eau Claire, Wis., VOR; MEA 2,800.

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,400. *2,400—MRA.

From Cadott INT, Wis.; to *Wausau, Wis., VOR; MEA 3,200. *3,200—MCA Wausau VOR, westbound.

From Eau Claire, Wis., VOR via S alter.; to Wausau, Wis., VOR via S alter.; MEA 3,200.

From Wausau, Wis., VOR; to Green Bay, Wis., VOR; MEA 2,400.

From Wausau, Wis., VOR via S alter.; to Big Falls INT, Wis., via S alter.; MEA 2,400.

From Big Falls INT, Wis., via S alter.; to Green Bay, Wis., VOR via S alter.; MEA 2,100.

From Green Bay, Wis., VOR; to Pentwater INT, Mich.; MEA 2,700.

From Pentwater INT, Mich.; to White Cloud, Mich., VOR; MEA 2,000.

From White Cloud, Mich., VOR; to Lansing, Mich., VOR; MEA 2,000.

From Green Bay, Wis., VOR via N alter.; to White Cloud, Mich., VOR via N alter.; MEA *4,000. *2,700—MOCA.

From Lansing, Mich., VOR; to Salem, Mich., VOR; MEA 2,900.
From Salem, Mich., VOR; to Park INT, Mich.; MEA 2,000.
From Park INT, Mich.; to Canard INT, Mich.; MEA 2,300.
From Canard INT, Mich.; to Pelee INT, Ontario, Canada; MEA *#2,500. *2,000—MOCA. #For that airspace over U. S. territory.
From Pelee INT, Ont., Canada; to Cleveland, Ohio, VOR; MEA 2,000.

§ 610.6027 *VOR civil airway 27.*

From Camarillo, Calif., LFR; to Santa Barbara, Calif., VOR; MEA 6,000.
From *Santa Barbara, Calif., VOR; to Paso Robles, Calif., VOR; MEA 8,000. Via W alter.; MEA 7,000. *8,000—MCA Santa Barbara VOR, northwestbound.
From Paso Robles, Calif., VOR; to Salinas, Calif., VOR; MEA 5,000.
From *Paso Robles, Calif., VOR via W alter.; to **Salinas, Calif., VOR via W alter.; MEA 8,000. *8,000—Paso Robles VOR, northbound. **4,000—MCA Salinas VOR, southbound.
From Salinas, Calif., VOR; to Stinson Beach INT, Calif.; MEA 5,000.
From Stinson Beach INT, Calif.; to Point Reyes, Calif., VOR; MEA 3,000.
From Point Reyes, Calif., VOR; to Ukiah, Calif., VOR; MEA 6,000.
From Salinas, Calif., VOR via W alter.; to Davenport INT, Calif., via W alter., southeastbound, MEA 5,000; northwestbound, MEA 7,000.
From Davenport INT, Calif., via W alter.; to Pedro INT, Calif., via W alter.; MEA 7,000.
From Pedro INT, Calif., via W alter.; to Stinson Beach INT, Calif., via W alter.; MEA 5,000.
From Stinson Beach INT, Calif., via W alter.; to Point Reyes, Calif., VOR via W alter.; MEA 3,000.
From Salinas, Calif., VOR via E alter.; to *San Francisco, Calif., VOR via E alter.; MEA 6,000. *4,000—MCA San Francisco VOR, southeastbound.
From Ames INT, Calif., via E alter.; to San Francisco, Calif., VOR via E alter., northwestbound only; MEA 3,000.
From San Francisco, Calif., VOR via E alter.; to Oakland, Calif., VOR via E alter.; MEA 3,000.
From Oakland, Calif., VOR via E alter.; to Point Reyes, Calif., VOR via E alter.; MEA 5,000.
From Ukiah, Calif., VOR; to Fortuna, Calif., VOR; MEA 6,500.
From Fortuna, Calif., VOR; to Crescent City, Calif., VOR; MEA 3,000.
From Crescent City, Calif., VOR; to North Bend, Oreg., VOR; MEA *8,000. *6,400—MOCA.
From North Bend, Oreg., VOR; to Newport, Oreg., VOR; MEA *6,000. *4,500—MOCA.
From Newport, Oreg., VOR; to Hoquiam, Wash., VOR; MEA *7,000. *5,000—MOCA.
From Hoquiam, Wash., VOR; to Shelton INT, Wash.; MEA 3,500.
From Shelton INT, Wash.; to Seattle, Wash., VOR; MEA 3,000.

§ 610.6028 *VOR civil airway 28.*

From Oakland, Calif., VOR; to Modesto, Calif., VOR; MEA 4,000.
From *Modesto, Calif., VOR; to **West Point INT, Calif.; MEA 8,000. *4,000—MCA Modesto VOR, northeastbound. **10,000—MCA West Point INT, northeastbound.
From West Point INT, Calif.; to *Reno, Nev., VOR; MEA 13,000. *10,500—MCA Reno VOR, southwestbound.

§ 610.6029 *VOR civil airway 29.*

From Chincoteague, Md., VOR; to Salisbury, Md., VOR; MEA 1,500.
From Salisbury, Md., VOR; to Dover, Del., VOR; MEA 1,700.
From Dover, Del., VOR; to Woodstown, N. J., VOR; MEA 1,500.
From Woodstown, N. J., VOR; to West Chester, Pa., VOR; MEA 1,800.
From West Chester, Pa., VOR; to Pottstown, Pa., VOR; MEA 2,000.
From Pottstown, Pa., VOR; to Allentown, Pa., VOR; MEA 2,500.
From Allentown, Pa., VOR; to Wilkes-Barre-Scranton, Pa., VOR; MEA 3,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Binghamton, N. Y., VOR; MEA 4,000.
From Binghamton, N. Y., VOR; to Syracuse, N. Y., VOR; MEA 3,500.
From Syracuse, N. Y., VOR; to Watertown, N. Y., VOR; MEA 2,000.
From Watertown, N. Y., VOR; to Massena, N. Y., VOR; MEA 2,000.
From Massena, N. Y., VOR; to U. S.-Canadian Boundary VOR; MEA 2,000.

§ 610.6030 *VOR civil airway 30.*

From Milwaukee, Wis., VOR; to Sun Fish INT (Lake Michigan); MEA 2,300.
From Sun Fish INT (Lake Michigan); to Pullman, Mich., VOR; MEA *2,700. *2,000—MOCA.
From Milwaukee, Wis., VOR via S alter; to *New Berlin INT, Wis., via S alter.; MEA 2,300. *3,500—MRA.
From New Berlin INT, Wis., via S alter.; to Racine INT, Wis., via S alter.; MEA *3,000. *2,100—MOCA.
From Racine INT, Wis., via S alter.; to Pullman, Mich., VOR via S alter., MEA *3,000. *2,000—MOCA.
From Pullman, Mich., VOR; to *LeRoy INT, Mich.; MEA 2,200. *2,500—MRA.
From LeRoy INT, Mich.; to Litchfield, Mich., VOR; MEA 2,200.
From Litchfield, Mich., VOR; to Hudson INT, Mich.; MEA 2,600.
From Hudson INT, Mich.; to Waterville, Ohio, VOR; MEA 2,200.
From Waterville, Ohio, VOR; to Bellevue INT, Ohio.; MEA 1,900.
From Bellevue INT, Ohio; to INT 348 rad. Mansfield, Ohio, and W crs Wellington VAR; MEA 2,000.
From INT 348 rad. Mansfield, Ohio, and W crs Wellington VAR; to Wellington, Ohio, VAR; MEA 2,000.
From Wellington, Ohio, VAR; to Fairlawn INT, Ohio; MEA 2,500.
From Fairlawn INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.
From Youngstown, Ohio, VOR; to *Mercer INT, Pa.; MEA 2,600. *4,000—MRA.
From Mercer INT, Pa.; to *Brookville INT, Pa.; MEA 4,000. *4,000—MRA.
From Brookville INT, Pa.; to Phillipsburg, Pa., VOR; MEA 4,000.
From Phillipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.
From Selinsgrove, Pa., VOR; to *East Texas INT, Pa.; MEA **10,000. *10,000—MRA. **4,000—MOCA.
From East Texas INT, Pa.; to Ringoes INT, N. J.; MEA *6,000. *2,500—MOCA.
From Ringoes INT, N. J.; to Colts Neck, N. J., VOR; MEA 2,000.
From Colts Neck, N. J., VOR; to Red Bank INT, N. J.; MEA 2,000.
From Idlewild, N. Y., VOR; to Patchogue INT, N. Y.; MEA *2,000. *1,500—MOCA.
From Patchogue INT, N. Y.; to Mastic INT, N. Y.; MEA *4,000. *1,500—MOCA.
From Mastic INT, N. Y.; to *White Cap INT, N. Y.; MEA **11,000. *6,000—MRA. **1,500—MOCA.
From White Cap INT, N. Y.; to Newport INT, R. I.; MEA *6,000. *1,500—MOCA.
From Newport INT, R. I.; to Nantucket, Mass., VOR; MEA *2,000. *1,500—MOCA.

§ 610.6031 *VOR civil airway 31.*

From Baltimore, Md., VOR; to Harrisburg, Pa., VOR; MEA 3,000.
From Harrisburg, Pa., VOR; to *Liverpool INT, Pa.; MEA 3,500. *4,000—MRA.
From Liverpool INT, Pa.; to Selinsgrove, Pa., VOR; MEA 3,500.
From Selinsgrove, Pa., VOR; to Williamsport, Pa., VOR; MEA 3,500.
From Williamsport, Pa., VOR; to *Grover INT, Pa.; MEA 4,000.
From *Grover INT, Pa.; to Elmira, N. Y., VOR; MEA 4,000. *5,000—MRA.
From Elmira, N. Y., VOR; to Bellona INT, N. Y.; MEA 3,500.
From Bellona INT, N. Y.; to Rochester N. Y., VOR; MEA 3,000.

§ 610.6032 *VOR civil airway 32.*

From Battle Mountain, Nev., VOR; to Elko, Nev., VOR; MEA 11,000.
From Elko, Nev., VOR; to Bonneville, Utah, VOR; MEA 13,000.
From Elko, Nev., VOR via N alter.; to Wells, Nev., VOR via N alter; MEA 13,000.
From Wells, Nev., VOR via N alter.; to Bonneville, Utah, VOR via N alter.; MEA 12,000.
From Bonneville, Utah, VOR; to *Salt Lake City, Utah, VOR, westbound, MEA 10,000; eastbound, MEA 11,000. *12,000—MCA Salt Lake City VOR, eastbound.
From Salt Lake City, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 13,000.

§ 610.6033 *VOR civil airway 33.*

From Baltimore, Md., VOR; to Harrisburg, Pa., VOR; MEA 3,000.
From Harrisburg, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to Buffalo, N. Y., VOR; MEA 4,500.

§ 610.6034 *VOR civil airway 34.*

From Rochester, N. Y., VOR; to Bellona INT, N. Y.; MEA 3,000.
From Bellona INT, N. Y.; to Binghamton, N. Y., VOR; MEA 3,500.
From Binghamton, N. Y., VOR; to Newburgh INT, N. Y.; MEA 4,000.
From Newburgh INT, N. Y.; to West Point INT, N. Y.; MEA 3,000.
From West Point INT, N. Y.; to Wilton, Conn., VOR; MEA 2,500.
From Wilton, Conn., VOR; to Saybrook INT, Conn.; MEA 2,000.

§ 610.6035 *VOR civil airway 35.*

From Miami, Fla., VOR; to *Tamiami INT, Fla.; MEA 1,200. *2,700—MRA.
From Tamiami INT, Fla., to *Copeland INT, Fla.; MEA 1,200. *2,200—MRA.
From Copeland INT, Fla.; to Fort Myers, Fla., VOR; MEA *2,200. *1,100—MOCA.
From Fort Myers, Fla., VOR; to Tampa, Fla., VOR; MEA 1,500.
From Tampa, Fla., VOR; to *Crystal INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla.; to *Shrimp INT, Fla.; MEA **1,500. *6,000—MRA. **1,000—MOCA.
From *Shrimp INT, Fla.; to Scallop INT, Fla.; MEA **4,000. *6,000—MRA. **1,000—MOCA.
From Scallop INT, Fla.; to Lobster INT, Fla.; MEA *6,000. *1,000—MOCA.
From Lobster INT, Fla.; to *St. Marks INT, Fla.; MEA **2,000. *2,000—MRA. **1,000—MOCA.
From St. Marks INT, Fla.; to Tallahassee, Fla., VOR; MEA 1,500.
From Tallahassee, Fla., VOR; to Albany, Ga., VOR; MEA 1,500.
From Albany, Ga., VOR; to Macon, Ga., VOR; MEA 1,600.
From Macon, Ga., VOR; to *Eatonton INT, Ga.; MEA **2,600. *3,500—MRA. **2,000—MOCA.
From Eatonton INT, Ga.; to *Madison INT, Ga.; MEA **2,600. *3,500—MRA. **2,000—MOCA.
From Madison INT, Ga.; to Athens INT, Ga.; MEA *2,600. *2,000—MOCA.
From Athens INT, Ga.; to Royston, Ga., VOR; MEA 2,000.
From Royston, Ga., VOR; to Clemson INT, S. C.; MEA 2,200.
From Clemson INT, S. C.; to Cleveland INT, S. C.; MEA 4,000.

From Cleveland INT, S. C.; to Asheville, N. C., VOR; MEA 6,000.
From Asheville, N. C., VOR; to *Roan Mt. INT, N. C.; MEA 6,500. *7,000—MCA Roan Mt. INT, southbound.
From Roan Mt. INT, N. C.; to Tri-City, Tenn., VOR; MEA 6,000.
From Tri-City, Tenn., VOR; to Paynesville, W. Va., LF/RBN; MEA 6,600.
From Paynesville, W. Va., LF/RBN; to Charleston, W. Va., VOR; MEA 4,500.
From Charleston, W. Va., VOR; to *Gay INT, W. Va.; MEA 2,500. *4,000—MRA.
From Gay INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,000.
From Pittsburgh, Pa., VOR; to *New Alexandria INT, Pa.; MEA 3,000. *4,000—MCA New Alexandria INT, eastbound.
From New Alexandria INT, Pa.; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Elmira, N. Y., VOR; MEA 4,500.
From Elmira, N. Y., VOR; to Syracuse, N. Y., VOR; MEA 3,500. Via E alter.; MEA 3,500.

§ 610.6036 *VOR civil airway 36.*

From U. S.-Canadian Border; to Buffalo, N. Y., VOR; MEA 2,000.
From Buffalo, N. Y., VOR; to Elmira, N. Y., VOR; MEA 3,500.
From Buffalo, N. Y., VOR via S alter.; to Angelica INT, N. Y., via S alter; MEA *4,500. *4,000—MOCA.
From Angelica INT, N. Y., via S alter.; to Elmira, N. Y., VOR via S alter.; MEA 4,000.
From Elmira, N. Y., VOR; to Scranton, Pa., VOR; MEA 3,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Branchville INT, N. J.; MEA 3,500.
From Branchville INT, N. J.; to Paterson INT, N. J.; MEA 3,000.

§ 610.6037 *VOR civil airway 37.*

From Savannah, Ga., VOR; to *Grays INT, S. C.; MEA 1,400. *2,500—MRA.
From Grays INT, S. C.; to Columbia, S. C., VOR; MEA 1,400.
From Columbia, S. C., VOR; to *Blythewood INT, S. C.; MEA 2,000. *3,000—MRA.
From Blythewood INT, S. C.; to Charlotte, N. C., VOR; MEA 2,000.
From Pulaski, Va., VOR; to Marie INT, W. Va.; MEA 6,000.
From Elkins, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 5,000.
From Morgantown, W. Va., VOR; to Millsboro INT, Pa.; MEA 4,000.
From Millsboro INT, Pa.; to Pittsburgh, Pa., VOR; MEA 3,000.
From Pittsburgh, Pa., VOR; to Turnpike INT, Pa.; MEA 3,000.
From Turnpike INT, Pa.; to *Mercer INT, Pa.; MEA **4,000. *4,000—MRA. **3,000—MOCA.
From Mercer INT, Pa.; to *Hadley INT, Pa.; MEA **4,000. *4,000—MRA. **3,000—MOCA.
From Hadley INT, Pa.; to Erie, Pa., VOR; MEA *4,000. *3,000—MOCA.

§ 610.6038 *VOR civil airway 38.*

From Iowa City, Iowa, VOR; to Prairie INT, Iowa; MEA 2,100.
From Prairie INT, Iowa; to *Annawan INT, Iowa; MEA **4,000. *4,000—MRA. **2,100—MOCA.
From Annawan INT, Iowa; to Triumph INT, Ill.; MEA *6,000. *2,000—MOCA.
From Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Peotone, Ill., VOR; MEA 2,000.
From Peotone, Ill., VOR; to Thayer INT, Ind.; MEA 2,000.
From Thayer INT, Ind.; to Fort Wayne, Ind., VOR; MEA *4,000. *2,200—MOCA.
From Fort Wayne, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,600.
From Findlay, Ohio, VOR; to Columbus, Ohio, VOR; MEA 2,500.
From Columbus, Ohio, VOR; to *Glenford INT, Ohio; MEA 2,500. *3,000—MRA.
From Glenford INT, Ohio; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Elkins, W. Va., VOR; MEA 5,000.

§ 610.6039 *VOR civil airway 39.*

From South Boston, Va., VOR; to Gordonsville, Va., VOR; MEA 3,000.
From Gordonsville, Va., VOR; to Herndon, Va., VOR; MEA 3,000.
From Herndon, Va., VOR; to Lisbon INT, Md.; MEA 2,500.
From Lisbon INT, Md.; to Hereford INT, Md.; MEA *3,000. *2,500—MOCA.
From Lancaster INT, Pa.; to Allentown, Pa., VOR; MEA 2,500.
From Allentown, Pa., VOR; to Stroudsburg, Pa., VOR; MEA 2,700.
From Stroudsburg, Pa., VOR; to Poughkeepsie, N. Y., VOR; MEA 3,000.
From Poughkeepsie, N. Y., VOR; to Gardner, Mass., VOR; MEA 3,500.
From Gardner, Mass., VOR; to Concord, N. H., VOR; MEA 4,000.
From Concord, N. H., VOR; to Kennebunk, Maine, VOR; MEA 2,500.

§ 610.6040 *VOR civil airway 40.*

From Peru INT, Ohio; to Wellington, Ohio, VAR; MEA 2,000.
From Wellington, Ohio, VAR; to Bergholz INT, Ohio; MEA 2,500.
From Bergholz INT, Ohio; to Pittsburgh, Pa., VOR; MEA 2,700.

§ 610.6041 *VOR civil airway 41.*

From Pittsburgh, Pa., VOR; to Palestine INT, Pa.; MEA 2,500.
From Palestine INT, Pa.; to Youngstown, Ohio, VOR; MEA 3,000.

§ 610.6042 *VOR civil airway 42.*

From Flint INT, Mich.; to Windsor, Ontario, Canada, VOR; MEA #2,700. #For that airspace over U. S. Territory.
From Windsor, Ontario, Canada, VOR; to Cleveland, Ohio, VOR; MEA 2,000.
From Cleveland, Ohio, VOR; to Atwater INT, Ohio; MEA 2,500.
From Atwater INT, Ohio; to *Sebring INT, Ohio; MEA **3,500. *3,500—MRA. **2,500—MOCA.
From Sebring INT, Ohio; to Power Point INT, Pa.; MEA 2,600.
From Power Point INT, Pa.; to Pittsburgh, Pa., VOR; MEA 2,500.
From Pittsburgh, Pa., VOR; to *Latrobe INT, Pa.; MEA 3,000. *4,000—MCA Latrobe INT, eastbound.
From Latrobe INT, Pa.; to Johnstown, Pa., VOR; MEA 4,500.
From Johnstown, Pa., VOR; to Martinsburg, W. Va., VOR; MEA 4,500.
From Martinsburg, W. Va., VOR; to Dawsonville INT, Va.; MEA 3,000.
From Dawsonville INT, Va.; to Washington, D. C., TVOR; MEA 2,000.

§ 610.6043 *VOR civil airway 43.*

From Columbus, Ohio, VOR; to Tiverton INT, Ohio; MEA 2,500.
From Tiverton INT, Ohio; to *Mount Hope INT, Ohio; MEA **4,000. *4,000—MRA. **2,500—MOCA.
From Mount Hope INT, Ohio; to Marchand INT, Ohio; MEA *4,000. *2,500—MOCA.
From Marchand INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.
From Youngstown, Ohio, VOR; to Kingsville INT, Ohio; MEA 2,200.
From Kingsville INT, Ohio; to Erie, Pa., VOR; MEA 2,000.

§ 610.6044 *VOR civil airway 44.*

From Louisville, Ky., VOR; to *Georgetown INT, Ky.; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From *Georgetown INT, Ky.; to York, Ky., VOR; MEA **5,000. *3,000—MRA. **2,500—MOCA.
From York, Ky., VOR; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 4,000.
From Morgantown, W. Va., VOR; to Martinsburg, W. Va., VOR; MEA 5,000.
From Martinsburg, W. Va., VOR; to INT Martinsburg, rad. 100 T and Baltimore, Md., rad. 280 T VOR; MEA 3,000.
From INT Martinsburg, rad. 100 T and Baltimore, Md., rad. 280 T VOR; to Baltimore, Md., VOR; MEA 2,000.
From Baltimore, Md., VOR; to Engleside INT, Md.; MEA 1,500.

§ 610.6045 *VOR civil airway 45.*

From Lexington, Ky., VOR; to York, Ky., VOR; MEA 2,600.
From York, Ky., VOR; to Columbus, Ohio, VOR; MEA 2,500.
From Columbus, Ohio, VOR; to Carey INT, Ohio; MEA 2,400.
From Carey INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.
From Int. Waterville, Ohio, VOR 330° M and Litchfield, Mich., VOR 091° M rads.; to *Leslie INT, Mich.; MEA 2,300. *3,000—MRA.
From Leslie INT, Mich.; to Lansing, Mich., VOR; MEA 2,300.

§ 610.6046 *VOR civil airway 46.*

From Glen Cove INT, N. Y.; to Riverhead, N. Y., VOR; MEA 1,700.
From Riverhead, N. Y., VOR; to Newport INT, R. I.; MEA *3,000. *1,500—MOCA.
From Newport INT, R. I.; to Nantucket, Mass., VOR; MEA *2,000. *1,500—MOCA.
From Riverhead, N. Y., VOR via S alter.; to *White Cap INT, N. Y., via S alter.; MEA 1,500. *6,000—MRA.
From *White Cap INT, N. Y., via S alter.; to Newport INT, R. I., via S alter.; MEA **6,000. *6,000—MRA. **1,500—MOCA.

§ 610.6047 *VOR civil airway 47.*

From Louisville, Ky., VOR; to Nabb INT, Ind.; MEA 2,100.
From Nabb INT, Ind.; to Cincinnati, Ohio, VOR; MEA 2,400.
From Cincinnati, Ohio, VOR; to Dayton, Ohio, VOR; MEA 3,000.
From Hamilton INT, Ohio; to Cincinnati, Ohio, VOR, southbound only; MEA 2,300.
From Cincinnati, Ohio, VOR via W alter.; to Dayton, Ohio, VOR via W alter.; MEA 2,500.
From Dayton, Ohio, VOR via W alter.; to Findlay, Ohio, VOR, via W alter.; MEA 2,300.
From Dayton, Ohio, VOR; to *Sidney INT, Ohio; MEA 2,200. *3,000—MRA.
From *Sidney INT, Ohio, to Findlay, Ohio, VOR; MEA 2,200. *3,000—MRA.
From Findlay, Ohio, VOR; to Waterville, Ohio, VOR; MEA 2,100.
From Waterville, Ohio, VOR; to Milan INT, Mich.; MEA 2,300.
From Milan INT, Mich.; to Detroit, Mich., ILS loc. (Willow Run Airport); MEA 2,300.
From Detroit, Mich., ILS loc. (Willow Run Airport); to Midcraft INT, Mich.; MEA 2,300.

§ 610.6048 *VOR civil airway 48.*

From Burlington, Iowa, VOR; to Peoria, Ill., VOR; MEA 1,900.
From Peoria, Ill., VOR; to Pontiac, Ill., VOR; MEA 2,300.

§ 610.6049 *VOR civil airway 49.*

From Dillon, Mont., VOR; to *Butte, Mont., VOR; MEA 11,500. *10,200—MCA Butte VOR, southbound.
From Butte, Mont., VOR; to INT Butte, Mont., 343 and Helena, Mont., 253 mag. rads.; MEA 9,000.
From INT Butte, Mont., 343 and Helena, Mont., 253 mag. rads.; to Avon INT, Mont.; MEA 9,000.

N. J., VOR; MEA 1,500.

From Selinsgrove, Pa., VOR; to Williamsport, Pa., VOR; MEA 3,500.

From Clemson INT, S. C.; to Cleveland INT, S. C.; MEA 4,000.

Ohio, VOR; MEA 2,600.

From Avon INT, Mont.; to Wolf Creek INT, Mont.; MEA 9,500.

From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,600—MCA Great Falls VOR, southwestbound.

§ 610.6050 *VOR civil airway 50.*

From Kirksville, Mo., VOR; to Quincy, Ill., VOR; MEA 2,500.

From Kirksville, Mo., VOR via S. alter.; to Warren INT, Mo., via S. alter.; MEA *2,500. *2,100—MOCA.

From Warren INT, Mo., via S alter.; to Quincy, Ill., VOR via S alter.; MEA 2,000.

From Quincy, Ill. VOR; to Springfield, Ill., VOR; MEA 2,000.

From Springfield, Ill.; to *Mt. Zion INT, Ill.; MEA 2,300. *4,000—MRA.

From Mt. Zion INT, Ill.; to *Arcola INT, Ill.; MEA 2,300. *3,000—MRA.

From Arcola INT, Ill.; to Terre Haute, Ind., VOR; MEA 2,300.

From Terre Haute, Ind., VOR; to Cloverdale INT, Ind.; MEA 2,300.

From Cloverdale INT, Ind.; to Monrovia INT, Ind.; MEA 2,300.

§ 610.6051 *VOR civil airway 51.*

From Miami, Fla. VOR; to New River INT, Fla.; MEA 1,300.

From New River INT, Fla.; to Belle Glade INT, Fla.; MEA 2,000.

From Belle Glade INT, Fla.; to Vero Beach, Fla., VOR; MEA *2,000. *1,400—MOCA.

From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Daytona Beach, Fla., VOR; to Jacksonville, Fla., VOR; MEA 1,300.

From Jacksonville, Fla., VOR; to Folkston INT, Ga.; MEA 1,300.

From Folkston INT, Ga.; to *Waycross INT, Ga.; MEA 1,600. *1,800—MRA.

From Waycross INT, Ga.; to Alma, Ga., VOR; MEA 1,600.

From Jacksonville, Fla., VOR via E alter.; to Colesburg INT, Ga., via E alter.; MEA 1,200.

From Colesburg INT, Ga., via E alter.; to Alma, Ga., VOR via E alter.; MEA *1,400, *1,200—MOCA.

From Jacksonville, Fla., VOR via W alter.; to Callahan INT, Fla., via W alter.; MEA 1,200.

From Callahan INT, Fla., via W alter.; to Hilliard INT, Fla., via W alter.; MEA 1,300.

From Hilliard INT, Fla., via W alter.; to Alma, Ga., VOR via W alter.; MEA 1,600.

From Alma, Ga., VOR; to *Red Dog INT, Ga.; MEA 1,800. *3,100—MRA.

From *Red Dog INT, Ga.; to Macon, Ga., VOR; MEA 1,800. *3,100—MRA.

From Macon, Ga., VOR.; to *McDonough INT, Ga.; MEA **3,000. *2,500—MRA. **2,100—MOCA.

From McDonough INT, Ga.; to Kennesaw INT, Ga.; MEA *8,000. *3,000—MOCA.

From Kennesaw INT, Ga.; to Chattanooga, Tenn., VOR; MEA *4,000. *3,500—MOCA.

From Alma, Ga., VOR via W alter.; to Powersville INT, Ga., via W alter.; MEA *6,800. *1,700—MOCA.

From Powersville INT, Ga.; via W alter.; to Atlanta, Ga., VOR via W alter.; MEA *3,500. *2,300—MOCA.

From Atlanta, Ga., VOR via W alter.; to Kennesaw INT, Ga., via W alter.; MEA 3,000.

From Kennesaw INT, Ga., via W alter.; to Chattanooga, Tenn., VOR via W alter.; MEA *4,000. *3,500—MOCA.

From Chattanooga, Tenn., VOR; to Crossville, Tenn., VOR; MEA 4,200.

From Chattanooga, Tenn., VOR via E alter; to Georgetown INT, Tenn., via E alter.; MEA 3,000.

From Georgetown INT, Tenn., via E alter; to Crossville, Tenn., VOR via E alter.; MEA 5,000.

From Crossville, Tenn., VOR; to Highway INT, Tenn.; MEA 4,200.

From Highway INT, Tenn.; to Campbellsville INT, Ky.; MEA *5,000. *3,000—MOCA.

From Campbellsville INT, Ky.; to Louisville, Ky., VOR; MEA *3,000. *2,400—MOCA.

From Louisville, Ky., VOR; to Nabb INT, Ky.; MEA 2,100.

From Nabb INT, Ky.; to Hartsville INT, Ind.; MEA *4,800. *2,100—MOCA.

From Hartsville INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,300.

From Indianapolis, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,300.

From Lafayette, Ind., VOR via E alter.; to Newland INT, Ind., via E alter.; MEA 2,300.

From Newland INT, Ind., via E alter.; to Chicago Heights, Ill., VOR via E alter.; MEA 2,000.

From Lafayette, Ind., VOR; to Shelby INT, Ind.; MEA 2,300.

From Shelby INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.

From Chicago Heights, Ill., VOR; to City INT, Ill.; MEA 2,000.

§ 610.6052 *VOR civil airway 52.*

From Des Moines, Iowa, VOR; to *Knoxville INT, Iowa; MEA 2,200. *3,400—MRA.

From Knoxville INT, Iowa; to Ottumwa, Iowa, VOR; MEA 2,200.

From Des Moines, Iowa, VOR via S alter.; to Ottumwa, Iowa, VOR via S alter.; MEA 2,500.

From Ottumwa, Iowa, VOR; to *Quincy, Ill., VOR; MEA 2,600. Via N alter.; MEA 2,600. *2,600—MCA Quincy VOR, northwestbound.

From Quincy, Ill., VOR; to St. Louis, Mo., VOR; MEA 2,000. Via N alter.; MEA 2,000,

§ 610.6053 *VOR civil airway 53.*

From Charleston, S. C., VOR; to *Holly Hill INT, S. C.; MEA 1,400. *3,800—MRA.

From Holly Hill INT, S. C.; to Columbia, S. C., VOR; MEA 1,400.

From Columbia, S. C., VOR; to Spartanburg, S. C., VOR; MEA 2,300.

From Spartanburg, S. C., VOR; to Asheville, N. C., VOR; MEA 6,000.

From Asheville, N. C., VOR; to *Roan Mt. INT, N. C.; MEA 8,500. *7,000—MCA Roan Mt. INT, southbound.

From Roan Mt. INT, N. C.; to Tri-City, Tenn., VOR; MEA 6,000.

From Tri-City, Tenn., VOR; to Hilton INT, Va.; MEA 5,500.

From Hilton INT, Va.; to Daley INT, Ky.; MEA 6,200.

From *Daley INT, Ky.; to Lexington, Ky., VOR; MEA 3,500. *5,000—MCA Daley INT, southeastbound.

From Lexington, Ky., VOR; to *Mt. Eden INT, Ky.; MEA 2,200.

From *Mt. Eden INT, Ky.; to Louisville, Ky., VOR; MEA 2,200. *4,000—MRA.

From Louisville, Ky., VOR; to *Henryville INT, Ind.; MEA 2,600. *3,100—MRA.

From Henryville INT, Ind.; to Banta INT, Ind.; MEA 2,600.

From Banta INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,300.

From Indianapolis, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,300.

From Indianapolis, Ind., VOR via W alter.; to Lafayette, Ind., VOR via W alter.; MEA 2,100.

From Lafayette, Ind., VOR; to Peotone, Ill., VOR; MEA 2,000.

From Peotone, Ill., VOR; to Chicago Midway Arpt, Ill., TVOR; MEA 2,300.

§ 610.6054 *VOR civil airway 54.*

From Quitman, Tex., VOR; to Texarkana, Tex., VOR; MEA 1,700.

From Texarkana, Ark., VOR; to Malvern INT, Ark.; MEA 2,500.

From Malvern INT, ARK.; to Little Rock, Ark., VOR; MEA 1,800.

From Texarkana, Ark., VOR via N alter.; to Benton INT, Ark., via N alter.; MEA *3,000. *2,500—MOCA.

From Benton INT, Ark., via N alter.; to Little Rock, Ark., VOR via N alter.; MEA 1,800.

From Little Rock, Ark., VOR via N alter.; to Lonoke INT, Ark., via N alter.; MEA 1,500.

From Lonoke INT, Ark., via N alter.; to *Round Pond INT, Ark., via N alter.; MEA **2,500. *2,500—MRA. **1,600—MOCA.

From Round Pond INT, Ark., via N alter.; to Memphis, Tenn., VOR via N alter.; MEA 1,700.

From Little Rock, Ark., VOR; to Biscoe INT, Ark.; MEA 1,500.

From Biscoe INT Ark.; to Memphis, Tenn., VOR; MEA *2,500. *1,700—MOCA.

From Memphis, Tenn., VOR; to Muscle Shoals, Ala., VOR; MEA 2,400.

From Muscle Shoals, Ala., VOR; to *Tanner INT, Ala.; MEA 2,200. *4,500—MRA.

From Tanner INT, Ala.; to Huntsville, Ala., VOR; MEA 2,200.

From Huntsville, Ala., VOR; to Chattanooga, Tenn., VOR; MEA 4,000.

From Chattanooga, Tenn., VOR; to *Crandall INT, Ga.; MEA 3,000. *6,000—MCA Crandall INT, eastbound.

From Crandall INT, Ga.; to Murphy INT, N. C.; MEA *6,600. *6,000—MOCA.

From Murphy INT, N. C.; to Harris INT, N. C.; MEA *6,600. *5,700—MOCA.

From Harris INT, N. C.; to Cleveland INT, S. C.; MEA *8,000. *7,500—MOCA.

From Cleveland INT, S. C.; to Spartanburg, S. C., VOR; MEA 4,000.

From Spartanburg, S. C., VOR; to Charlotte, N. C., VOR; MEA 2,100.

§ 610.6055 *VOR civil airway 55.*

From Dayton, Ohio, VOR; to Fort Wayne, Ind., VOR; MEA 2,200.

From Dayton, Ohio, VOR, via W alter.; to *Dawn INT, Ohio, via W alter.; MEA 2,200. *3,500—MRA.

From Dawn INT, Ohio, via W alter.; to Fort Wayne, Ind., VOR, via W alter.; MEA 2,200.

From Fort Wayne, Ind., VOR; to Goshen, Ind., VOR; MEA 2,300.

From Goshen, Ind., VOR; to South Bend, Ind., VOR; MEA 2,400.

From South Bend, Ind., VOR; to Keeler, Mich., VOR; MEA 2,000.

From Keeler, Mich., VOR; to Pullman, Mich., VOR; MEA 2,100.

From Pullman, Mich., VOR; to Muskegon, Mich., VOR; MEA 1,900.

From Muskegon, Mich., VOR; to Pentwater INT, Mich.; MEA 2,000.

From Pentwater INT, Mich.; to Green Bay, Mich., VOR; MEA 2,700.

§ 610.6056 *VOR civil airway 56.*

From Montgomery, Ala., VOR; to Columbus, Ga., VOR; MEA 2,100.

From Montgomery, Ala., VOR via N alter.; to Kent INT, Ala., via N alter.; MEA 2,000.

From Kent INT, Ala., via N alter.; to Columbus, Ga., VOR via N alter.; MEA 2,000.

From Columbus, Ga., VOR; to *Hamilton INT, Ga.; MEA 1,800. *2,400—MRA.

From Hamilton INT, Ga.; to *Junction City INT, Ga.; MEA **3,000. *3,000—MRA. **2,400—MOCA.

From Junction City INT, Ga; to Macon, Ga., VOR; MEA *3,000. *2,400—MOCA.

From Macon, Ga., VOR; to Augusta, Ga., VOR; MEA *2,700. *1,800—MOCA.

From Augusta, Ga., VOR; to Columbia, S. C., VOR; MEA 2,000.

From Columbia, S. C., VOR; to Florence, S. C., VOR; MEA 1,500.

From Columbia, S. C., VOR via N alter.; to *Blythewood INT, S. C., via N alter.; MEA 2,000. *3,000—MRA.

From *Blythewood INT, S. C.; via N alter.; to Florence, S. C., VOR via N alter.; MEA **3,000. *3,000—MRA. **1,900—MOCA.

§ 610.6057 *VOR civil airway 57.*

From Graham, Tenn., VOR; to Bowling Green, Ky., VOR; MEA *2,400. *1,700—MOCA.

From Bowling Green, Ky., VOR; to Scotland, Ind., VOR; MEA *3,000. *2,500—MOCA.

§ 610.6058 *VOR civil airway 58.*

From Bergholz INT, Pa.; to Ellwood City, Pa., VOR; MEA 2,500.

From Ellwood City, Pa. VOR; to Echo INT, Pa.; MEA 3,000.

From Echo INT, Pa.; to Philipsburg, Pa., VOR; MEA 4,000.

From Philipsburg, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,000.

From Williamsport, Pa., VOR; to Avoca INT, Pa.; MEA 4,500.

From Avoca INT, Pa.; to Wilkes-Barre, Pa., VOR; MEA 3,500.

From Wilkes-Barre, Pa., VOR; to Poughkeepsie, N. Y., VOR; MEA 4,000.

From Poughkeepsie, N. Y., VOR; to Hartford, Conn., VOR; MEA 3,000.

From Hartford, Conn., VOR; to Salem INT, Conn., MEA 2,000.

§ 610.6060 *VOR civil airway 60.*

From Albuquerque, N. Mex., VOR; to *Otto, N. Mex., VOR; MEA 12,000. Via S alter.; MEA 10,000. *10,000—MCA Otto VOR, westbound.

From Otto, N. Mex., VOR; to Las Vegas, N. Mex., VOR; MEA 10,000.

From Las Vegas, N. Mex., VOR; to Conchas Dam INT, N. Mex.; MEA 9,500.

From Conchas Dam INT, N. Mex.; to Tucumcari, N. Mex., VOR; MEA 7,500.

From Tucumcari, N. Mex., VOR; to *Pleasant Hill INT, N. Mex.; MEA 7,000. *15,500—MRA.

From Pleasant Hill INT, N. Mex.; to Farwell INT, Tex.; MEA *13,000. *5,500—MOCA.

From Farwell INT, Tex.; to Lubbock, Tex., VOR; MEA *10,000. *6,500—MOCA.

§ 610.6061 *VOR civil airway 61.*

From Fort Worth, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 2,600.

From Wichita Falls, Tex., VOR; to Lawton, Okla., VOR; MEA 2,200.

§ 610.6062 *VOR civil airway 62.*

From Santa Fe, N. Mex., VOR; to Anton Chico, N. Mex., VOR; MEA 10,000.

From Anton Chico, N. Mex., VOR; to School INT, N. Mex.; MEA 8,000.

From School INT, N. Mex.; to Field INT, N. Mex.; MEA *11,500. *7,800—MOCA.

From Field INT, N. Mex.; to *Pleasant Hill INT, N. Mex.; MEA **15,500. *15,500—MRA. **5,800—MOCA.

From Pleasant Hill INT, N. Mex.; to Farwell INT, Tex.; MEA *13,000. *5,500—MOCA.

From Farwell INT, Tex.; to Lubbock, Tex., VOR; MEA *10,000. *6,500—MOCA.

§ 610.6063 *VOR civil airway 63.*

From Waco, Tex., VOR; to *Ennis INT, Tex.; MEA **2,400. *2,400—MRA. **2,000—MOCA.

From Ennis INT, Tex.; to Sabine INT, Tex.; MEA *4,500. *1,800—MOCA.

From Sabine INT, Tex.; to Sulphur Springs, Tex., VOR; MEA 1,800.

From McAlester, Okla., VOR; to Fayetteville, Ark., VOR; MEA *3,500. *2,800—MOCA.

From Fayetteville, Ark., VOR; to Springfield, Mo., VOR; MEA 2,600.

From Springfield, Mo., VOR; to Wilton INT, Mo.; MEA *3,500. *2,500—MOCA.

From Wilton INT, Mo.; to Columbia, Mo., VOR; MEA 2,600.

From Columbia, Mo., VOR; to Quincy, Ill., VOR; MEA 2,000.

From Quincy, Ill., VOR; to Burlington, Iowa, VOR; MEA 2,600.

From Burlington, Iowa, VOR; to Moline, Ill., VOR; MEA 2,300.

From Moline, Ill. VOR; to Janesville, Wis., VOR; MEA 2,200. Via W alter.; MEA 2,200.

From Janesville, Wis., VOR; to Milwaukee, Wis., VOR; MEA 2,500. Via W alter.; MEA 2,500.

§ 610.6064 *VOR civil airway 64.*

From *Long Beach, Calif., VOR; to Corona INT, Calif.; westbound, MEA 5,000; eastbound, MEA 7,000. *5,000—MCA Long Beach VOR, eastbound.

From Corona INT, Calif.; to Perris INT, Calif.; MEA 8,000.

From *Perris INT, Calif.; to **Thermal, Calif., VOR; MEA 12,000. *11,000—MCA Perris INT, eastbound. **12,000—MCA Thermal VOR, westbound.

From Thermal, Calif.; to Blythe, Calif., VOR; MEA 7,000.

§ 610.6065 *VOR civil airway 65.*

From Bonner Springs INT, Kans.; to St. Joseph, Mo., VOR; MEA 2,400.

From St. Joseph, Mo., VOR; to Lamoni, Iowa, VOR; MEA 2,400.

§ 610.6066 *VOR civil airway 66.*

From *San Diego, Calif., VOR; to Jamul, Calif., LF/RBN, eastbound; MEA 8,000; westbound, MEA 4,500. *4,000—MCA San Diego VOR, eastbound.

From Jamul, Calif., LF/RBN; to *Seeley INT, Calif.; MEA **11,000. *7,000—MCA Seeley INT, westbound. **8,000—MOCA.

From Barrett Lake, Calif., FM; to Jamul, Calif., LF/RBN, westbound only; MEA 6,000.

From Seeley INT, Calif.; to Yuma, Ariz., VOR; MEA *6,000. *4,000—MOCA.

From Yuma, Ariz., VOR; to Gila Bend, Ariz., VOR; MEA 4,000.

From Gila Bend, Ariz., VOR; to Tucson, Ariz., VOR; MEA 7,000.

From Gila Bend, Ariz., VOR via N alter.; to Toltec INT, Ariz., via N alter.; MEA *10,000. *5,000—MOCA.

From Toltec INT, Ariz., via N alter.; to Tucson, Ariz., VOR via N alter.; MEA 7,000.

From *Tucson, Ariz., VOR; to Douglas, Ariz., VOR; MEA 10,000. *9,000—MCA Tucson VOR, southeastbound.

From Douglas, Ariz., VOR; to Animas INT, N. Mex.; MEA 10,000.

From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; eastbound; MEA 8,600; westbound; MEA 10,000.

From Columbus, N. Mex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500.

From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500. *10,000—MRA.

From Columbus, N. Mex., VOR via N alter.; to El Paso, Tex., VOR via N alter.; MEA 9,200.

From El Paso, Tex., VOR; to Hudspeth, Tex., VOR; MEA 8,000.

From Hudspeth, Tex., VOR; to Culberson, Tex., VOR; MEA 8,000.

From Culberson, Tex., VOR; to Orno INT, Tex.; MEA 6,300.

From Orno INT, Tex.; to Monahans INT, Tex.; MEA 8,000.

From Monahans INT, Tex.; to Midland, Tex., VOR; MEA *5,000. *4,300—MOCA.

From Midland, Tex., VOR; to Big Spring, Tex., VOR; MEA 4,400.

From Big Spring, Tex., VOR; to Abilene, Tex., VOR; MEA 4,000.

From Abilene, Tex., VOR; to Breckenridge INT, Tex.; MEA *3,500. *3,100—MOCA.

From Breckenridge INT, Tex.; to Chapel INT, Tex.; MEA *4,000. *2,500—MOCA.

From Chapel INT, Tex.; to Fort Worth, Tex., VOR; MEA 2,500.

From Fort Worth, Tex., VOR; to Prosper INT, Tex.; MEA 2,100.

From Prosper INT, Tex.; to Princeton INT, Tex.; MEA *2,900. *2,100—MOCA.

From Princeton INT, Tex.; to Sulphur Springs, Tex., VOR; MEA *2,000. *1,800—MOCA.

§ 610.6067 *VOR civil airway 67.*

From Waterloo, Iowa, VOR; to Mason City, Iowa, VOR; MEA 2,500.

From Mason City, Iowa, VOR; to Rochester, Minn., VOR; MEA 2,500. Via W alter.; MEA 2,800.

§ 610.6068 *VOR civil airway 68.*

From *Albuquerque, N. Mex., VOR; to Corona, N. Mex., VOR; MEA 12,000. Via N alter.; MEA 10,000. *10,000—MCA Albuquerque VOR, southeastbound.

From Albuquerque, N. Mex., VOR via S alter.; to Bernardo INT, N. Mex., via S alter.; MEA 10,000.

From Bernardo INT, N. Mex. via S. alter.; to Corona, N. Mex., VOR via S. alter.; MEA 9,500.

From Corona, N. Mex., VOR; to Roswell, N. Mex., VOR; MEA 9,000. Via N alter.; MEA 9,000.

From Roswell, N. Mex., VOR; to *Hagerman INT, N. Mex.; MEA 6,000. *6,500—MRA.

From *Hagerman INT, N. Mex.; to Hobbs, N. Mex., VOR; MEA 6,000. *6,500—MRA.

From Hobbs, N. Mex., VOR; to *Pipe Line INT, Tex.; MEA 5,300. *5,000—MRA.

From Pipe Line INT, Tex.; to Midland, Tex., VOR; MEA 4,000.

From Hobbs, N. Mex., VOR via S alter.; to Midland, Tex., VOR via S alter.; MEA 5,300.

From Midland, Tex., VOR; to San Angelo, Tex., VOR; MEA 4,400. Via S alter.; MEA 4,400.

From San Angelo, Tex., VOR; to Junction, Tex., VOR; MEA 3,600.

From San Angelo, Tex., VOR via S alter.; to Junction, Tex., VOR via S alter.; MEA 3,500.

From Junction, Tex., VOR; to Boerne INT, Tex.; MEA *3,600. *3,400—MOCA.

From Boerne INT, Tex.; to San Antonio, Tex., VOR; MEA 2,800.

From Junction, Tex., VOR, via N alter.; to *Fredericksburg INT, Tex., via N alter.; MEA **4,000. *4,000—MRA. **3,400—MOCA.

From Fredericksburg INT, Tex., via N alter.; to *Gaudalupe INT, Tex., via N alter.; MEA 3,000. *4,000—MRA.

From Guadalupe INT, Tex., via N alter.; to San Antonio, Tex., VOR, via N alter.; MEA 3,000.

From San Antonio, Tex., VOR; to *Elmendorf INT, Tex.; MEA 2,200. *4,000—MRA.

From *Elmendorf INT, Tex.; to Corpus Christi, Tex., VOR; MEA 2,200.

From Corpus Christi, Tex., VOR; to Kingsville INT, Tex.; MEA 1,700.

From Kingsville INT, Tex.; to Brownsville, Tex., VOR; MEA 1,400.

§ 610.6069 *VOR civil airway 69.*

From Pine Bluff, Ark., VOR; to Biscoe INT, Ark.; MEA 1,500.

From Biscoe INT, Ark.; to *Hillemann INT, Ark.; MEA **3,000. *3,000—MRA. **1,400—MOCA.

From Hillemann INT, Ark.; to Walnut Ridge, Ark., VOR; MEA *2,500. *1,500—MOCA.

From Walnut Ridge, Ark., VOR; to Farmington, Mo., VOR; MEA *2,700. *2,500—MOCA.

From Farmington, Mo., VOR; to *Crystal City INT, Mo.; MEA 2,500. *3,000—MRA.

From Crystal City INT, Mo.; to Troy, Ill., VOR; MEA 2,200.

From Troy, Ill., VOR; to Springfield, Ill., VOR; MEA 2,000.

From Springfield, Ill., VOR; to Pontiac, Ill., VOR; MEA *2,500. *2,300—MOCA.

From Pontiac, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Chicago Midway Airport, Ill., TVOR; MEA 2,000.

§ 610.6070 *VOR civil airway 70.*

From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR; MEA 1,300.

From Palacios, Tex., VOR; to Galveston, Tex., VOR; MEA *1,500. *1,400—MOCA.

From Galveston, Tex., VOR; to High Island INT, Tex.; MEA 1,400.

From High Island INT, Tex.; to Lake Charles, La., VOR; MEA *2,000. *1,400—MOCA.

ville INT, Ky.; MEA *5,000. *3,000—MOCA. 1,800. MOCA.

From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 1,300.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 1,200.
From Baton Rouge, La., VOR; to *Hammond INT, La., MEA 2,000. *2,000—MRA.

§ 610.6071 *VOR civil airway 71.*

From Pine Bluff, Ark., VOR; to Tucker INT, Ark.; MEA 1,500.
From Tucker INT, Ark.; to Little Rock, Ark., VOR; MEA 1,800.
From Flippin, Ark., VOR; to *Ozark INT, Mo.; MEA 3,000. *5,500—MRA.
From Ozark INT, Mo.; to Springfield, Mo., VOR; MEA 3,000.
From Springfield, Mo., VOR; to *Schell City INT, Mo.; MEA 2,500.
From *Schell City INT, Mo.; to Butler, Mo., VOR; MEA 2,500. *4,000—MRA.
From Springfield, Mo., VOR via W alter.; to *Nevada INT, Mo., via W alter.; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From Nevada INT, Mo., via W alter.; to Butler, Mo., VOR via W alter.; MEA 2,500.
From Butler, Mo., VOR; to Grandview INT, Mo.; MEA 2,400.
From Grandview INT, Mo.; to Kansas City, Mo., VOR; MEA 3,000.

§ 610.6072 *VOR civil airway 72.*

From Troy, Ill., VOR; to Vandalia, Ill., VOR; MEA 2,000.
From Vandalia, Ill., VOR; to *Arcola INT, Ill.; MEA **3,000. *3,000—MRA. **2,200—MOCA.
From Arcola INT, Ill.; to State Line INT, Ind.; MEA *3,100. *2,200—MOCA.
From State Line INT, Ind.; to Lafayette, Ind., VOR; MEA 2,000.
From Lafayette, Ind., VOR; to Radnor INT, Ind.; MEA 2,300.
From Radnor INT, Ind.; to Kokomo INT, Ind.; MEA 2,200.
From Findlay, Ohio, VOR; to Carey INT, Ohio; MEA 2,100.
From Carey INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,000.
From Cleveland, Ohio, VOR; to Chagrin Falls INT, Ohio; MEA 3,000.
From Brecksville, Ohio, FM; to Chagrin Falls INT, Ohio, eastbound only; MEA 2,500.
From Chagrin Falls INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.
From Youngstown, Ohio, VOR; to *Hadley INT, Pa.; MEA 2,500. *4,000—MRA.
From Hadley INT, Pa.; to *Hickory INT, Pa.; MEA 4,000. *5,000—MRA.
From Hickory INT, Pa.; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to Elmira, N. Y., VOR; MEA 4,500.
From Elmira, N. Y., VOR; to Binghamton, N. Y., VOR; MEA 3,500.
From Binghamton, N. Y., VOR; to *Sidney INT, N. Y.; MEA 3,500. *4,500—MRA.
From Sidney INT, N. Y.; to Albany, N. Y., VOR; MEA 4,500.

§ 610.6073 *VOR civil airway 73.*

From *Wichita, Kans., VOR; to Hutchinson, Kans., VOR; MEA 3,400. *3,400—MCA Wichita VOR, northwestbound.
From Hutchinson, Kans., VOR; to Salina, Kans., VOR; MEA 2,800.

§ 610.6074 *VOR civil airway 74.*

From Dodge City, Kans., VOR; to Anthony, Kans., VOR; MEA *3,100. *2,900—MOCA.
From Anthony, Kans., VOR; to Ponca City, Okla., VOR; MEA 2,600.
From Ponca City, Okla., VOR; to Tulsa, Okla., VOR; MEA 2,400. Via S alter.; MEA 2,400.
From Tulsa, Okla., VOR; to *Coweta INT, Okla.; MEA 2,600. *3,000—MRA.
From Coweta INT, Okla.; to *Bunch INT, Okla.; MEA 2,600. *3,000—MRA.
From Bunch INT, Okla.; to Fort Smith, Ark., VOR; MEA 2,600.
From Tulsa, Okla., VOR, via N alter.; to Salina INT, Okla., via N alter.; MEA 2,000.
From Salina INT, Okla., via N alter.; to Fort Smith, Ark., VOR, via N. alter.; MEA *4,000. *2,600—MOCA.
From Fort Smith, Ark., VOR; to *Paris INT, Ark.; MEA 4,000. *5,500—MRA.
From Paris INT, Ark., to Little Rock, Ark., VOR; MEA 4,000.

§ 610.6075 *VOR civil airway 75.*

From Flat Rock, Va., VOR; to Gordonsville, Va., VOR; MEA 2,000.
From Petersburg INT, W. Va.; to Morgantown, W. Va., VOR; MEA 6,000.
From Morgantown, W. Va., VOR; to Wheeling, W. Va., VOR; MEA 4,000.
From Wheeling, W. Va., VOR; to Bergholz INT, Ohio; MEA 3,000.
From Bergholz INT, Ohio; to Chippewa INT, Ohio; MEA 2,500.
From Chippewa INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,200.

§ 610.6076 *VOR civil airway 76.*

From Lubbock, Tex., VOR; to Big Spring, Tex., VOR; MEA 6,000.
From Big Spring, Tex., VOR; to San Angelo, Tex., VOR; MEA 4,000. Via N alter.; MEA 4,000.
From San Angelo, Tex., VOR; to Eden INT, Tex.; MEA 3,500.
From Eden INT, Tex.; to Brady INT, Tex.; MEA *5,000. *3,500—MOCA.
From Brady INT, Tex.; to *Kingsland INT, Tex.; MEA **7,500. *4,000—MRA. **3,100—MOCA.
From *Kingsland INT, Tex.; to *Lake Travis INT, Tex.; MEA **3,000. *3,600—MRA. **2,500—MOCA.
From Lake Travis INT, Tex.; to Austin, Tex., VOR; MEA 3,000.
From Austin, Tex., VOR; to *McDade INT, Tex.; MEA 2,000.
From *McDade INT, Tex.; to Sealy INT, Tex.; MEA **3,700. *2,800—MRA. **1,700—MOCA.
From Sealy INT, Tex.; to Houston, Tex., VOR; MEA 2,000.
From Houston, Tex., VOR; to Galveston, Tex., VOR; MEA 1,700.

§ 610.6077 *VOR civil airway 77.*

From San Angelo, Tex., VOR via E alter.; to *Paint Rock INT, Tex., via E alter.; MEA 3,500. *6,000—MRA.
From Paint Rock INT, Tex., via E alter.; to Abilene, Tex., VOR via E alter.; MEA *6,000. *3,300—MOCA.
From Abilene, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 3,000. Via E alter.; MEA *3,800. *3,000—MOCA.
From Wichita Falls, Tex., VOR; to *Chickasha INT, Okla.; MEA **2,800. *3,000—MRA. **2,400—MOCA.
From Chickasha INT, Okla.; to Oklahoma City, Okla., VOR; MEA *2,800. *2,400—MOCA.
From Wichita Falls, Tex., VOR, via E alter.; to Bray INT, Okla., via E alter.; MEA *2,800. *2,500—MOCA.
From Bray INT, Okla., via E. alter.; to *Blanchard INT, Okla., via E alter.; MEA **2,800. *2,800—MRA. **2,400—MOCA.
From Blanchard INT, Okla., via E alter.; to Oklahoma City, Okla., VOR via E alter.; MEA 2,400.
From Oklahoma City, Okla., VOR; to Ponca City, Okla., VOR; MEA 3,100.
From Ponca City, Okla.; to *Milton INT, Kans.; MEA **4,000. *4,000—MRA. **2,500—MOCA.
From Milton INT, Kans.; to Wichita, Kans., VOR; MEA 2,900.
From *Wichita, Kans., VOR; to Topeka, Kans., VOR; MEA 3,000. *3,000—MCA Wichita VOR, northeastbound.
From Topeka, Kans., VOR; to St. Joseph, Mo., VOR; MEA 2,400.
From St. Joseph, Mo., VOR; to Lamoni, Iowa, VOR; MEA 2,400.
From Lamoni, Iowa, VOR; to *Osceola INT, Iowa; MEA 2,300. *4,300—MRA.
From Osceola INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,300.

§ 610.6078 *VOR civil airway 78.*

From Huron, S. Dak., VOR; to Watertown, S. Dak., VOR; MEA 3,000. Via S alter.; MEA *3,100. *3,000—MOCA.
From Watertown, S. Dak., VOR; to Madison INT, Minn.; MEA *3,700. *3,000—MOCA.
From Madison INT, Minn.; to Litchfield INT, Minn.; MEA *6,600. *2,300—MOCA.
From Litchfield INT, Minn.; to Minneapolis, Minn., VOR; MEA *3,000. *2,300—MOCA.

§ 610.6079 *VOR civil airway 79.*

From Culberson, Tex., VOR; to Arno INT, Tex.; MEA 6,300.
From Arno INT, Tex.; to Wink, Tex., VOR; MEA *4,300. *3,800—MOCA.
From Wink, Tex., VOR; to Hobbs, N. Mex., VOR; MEA 5,000.
From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 5,500.

§ 610.6080 *VOR civil airway 80.*

From Sioux Falls, S. Dak., VOR via S alter.; to Redwood Falls, Minn., VOR via S alter.; *3,000. *2,800—MOCA.

§ 610.6081 *VOR civil airway 81.*

From Midland, Tex., VOR; to Mustang INT, Tex.; MEA 4,000.
From Mustang INT, Tex.; to *Pat INT, Tex.; MEA 4,000. *5,800—MRA.
From Pat INT, Tex.; to Lubbock, Tex., VOR; MEA 5,100.
From Lubbock, Tex., VOR; to Amarillo, Tex., VOR; MEA 5,500. Via E alter.; MEA 5,500.

§ 610.6082 *VOR civil airway 82.*

From Minneapolis, Minn., VOR; to Rochester, Minn., VOR; MEA 2,800.
From Rochester, Minn., VOR; to La Crosse, Wis., VOR; MEA 2,600.
From Minneapolis, Minn., VOR via S alter.; to Lakeville INT, Minn., via S alter.; MEA 2,500.
From Lakeville INT, Minn., via S alter.; to Rochester, Minn., VOR via S alter.; MEA 2,800.
From Rochester, Minn., VOR via S alter.; to La Crosse, Wis., VOR via S. alter.; MEA 2,500.

§ 610.6083 *VOR civil airway 83.*

From Carlsbad, N. Mex., VOR; to Roswell, N. Mex., VOR; MEA 5,000.
From Roswell, N. Mex., VOR; to Corona, N. Mex., VOR; MEA 9,000. Via E alter.; MEA 9,000.
From Corona, N. Mex., VOR; to Otto, N. Mex., VOR; MEA 10,000.
From Otto, N. Mex., VOR; to Santa Fe, N. Mex., VOR; MEA 10,000.

§ 610.6084 *VOR civil airway 84.*

From Bradford, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR to Chicago, Midway Arpt, Ill., TVOR; MEA 2,000.
From Wheeling, Ill., VOR; to *Papi INT, Ill.; MEA **2,500. *2,500—MRA. **2,000—MOCA.
From Papi INT, Ill.; to Pullman, Mich., VOR; MEA 2,000.
From Pullman, Mich., VOR; to Lansing, Mich., VOR; MEA 2,300.
From Lansing, Mich., VOR; to Selfridge, Mich., VOR; MEA 2,900.
From Selfridge, Mich., VOR; to U. S.-Canadian Border; MEA 2,500.
From U. S.-Canadian Border; to Buffalo, N. Y., VOR; MEA 2,100.

§ 610.6085 *VOR civil airway 85.*

From Rock River, Wyo., VOR; to *Casper, Wyo. VOR; MEA 11,000. Via W alter.; MEA 11,000. *9,500—MCA Casper VOR, southbound.

§ 610.6086 *VOR civil airway 86.*

From Butte, Mont., VOR; to *Whitehall, Mont., VOR; MEA 10,000. *9,100—MCA Whitehall VOR, westbound.
From Whitehall, Mont., VOR; to Bozeman, Mont., VOR; MEA 9,000.

§ 610.6087 *VOR civil airway 87.*

From Gila Bend, Ariz., VOR; to Hassayampa, Ariz., VOR; MEA 5,000.

§ 610.6088 *VOR civil airway 88.*

From Tulsa, Okla., VOR; to White Oak INT, Okla.; MEA 2,300.
From White Oak INT, Okla.; to *Waco INT, Mo.; MEA **6,500. *6,500—MRA. **2,600—MOCA.
From Waco INT, Mo.; to Avilla INT, Mo.; MEA *6,500. *2,600—MOCA.
From Avilla INT, Mo.; to Springfield, Mo., VOR; MEA 2,600.
From White Oak INT, Okla.; to Joplin, Mo., LOM; MEA #*3,900. #Utilizing Joplin LOM. *2,600—MOCA.
From Joplin, Mo., LOM; to Avilla INT, Mo.; MEA #2,600. #Utilizing Joplin LOM.
From Springfield, Mo., VOR; to Conway INT, Mo.; MEA 2,500.
From *Conway INT, Mo.; to Vichy, Mo., VOR; MEA 2,600. *4,700—MRA.
From Vichy, Mo., VOR; to *Crystal City INT, Mo.; MEA **3,000. *3,000—MRA. **2,500—MOCA.

§ 610.6089 *VOR civil airway 89.*

From Denver, Colo., VOR; to Cheyenne, Wyo., VOR; MEA 7,500.
From Denver, Colo., VOR via E alter.; to Gill INT, Colo., via E alter.; MEA 7,500.
From Gill INT, Colo., via E alter.; to Hereford INT, Wyo., via E alter.; MEA 7,500.
From Hereford INT, Wyo., via E alter.; to Cheyenne, Wyo., VOR via E alter.; MEA 7,300.
From Cheyenne, Wyo., VOR via E alter.; to Scottsbluff INT, Nebr., via E alter.; MEA 7,300.
From Scottsbluff INT, Nebr., via E alter.; to Chadron, Nebr., VOR via E alter.; MEA 6,500.
From Cheyenne, Wyo., VOR; to *Porter INT, Nebr.; MEA 7,300. *8,000—MRA.
From *Porter INT, Nebr.; to Chadron, Nebr., VOR; MEA 7,300. *8,000—MRA.
From Chadron, Nebr., VOR; to Rapid City, S. Dak., VOR; MEA 5,600. Via E alter.; MEA 5,600.

§ 610.6090 *VOR civil airway 90.*

From Litchfield, Mich., VOR; to Windsor, Ontario, Canada VOR; MEA 2,300.

§ 610.6091 *VOR civil airway 91.*

From Idlewild, N. Y., VOR; to Syosset INT, N. Y.; MEA *2,000. *1,500—MOCA.
From Syosset INT, N. Y.; to Wilton, Conn., VOR; MEA 1,600.
From Wilton, Conn., VOR; to Poughkeepsie, N. Y., VOR; MEA 3,000.
From Poughkeepsie, N. Y., VOR; to Albany, N. Y., VOR; MEA 3,000.
From Poughkeepsie, N. Y., VOR via W alter.; to Albany, N. Y., VOR via W alter.; MEA 5,000.
From Poughkeepsie, N. Y., VOR via E alter.; to Brainard INT, N. Y., via E alter.; MEA 4,000.
From Brainard INT, N. Y., via E alter.; to Albany, N. Y., VOR via E alter.; MEA 3,000.
From Albany, N. Y., VOR; to Keesville INT, N. Y.; MEA 6,000.
From *Keesville INT, N. Y.; to Plattsburg, N. Y., VOR; MEA 3,000. *4,000—MCA Keesville INT, southbound.
From Glens Falls INT, N. Y.; to Albany, N. Y., VOR, southbound only; MEA 3,000.
From Keeseville INT, N. Y.; to Plattsburg, N. Y., VOR northbound; MEA 4,000.
From Plattsburg, N. Y., VOR; to U. S.-Canadian Border; MEA 1,500.

§ 610.6092 *VOR civil airway 92.*

From Chicago Heights, Ill., VOR; to Wheeler INT, Ind.; MEA 2,000.
From Wheeler INT, Ind.; to Goshen, Ind., VOR; MEA 2,100.
From Goshen, Ind., VOR; to Bryan INT, Ohio; MEA 3,000.
From Bryan INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.
From Waterville, Ohio, VOR; to Republic INT, Ohio; MEA, 2,000.
From Republic INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,500.
From Mansfield, Ohio, VOR; to *Mount Hope INT, Ohio; MEA 2,500. *4,000—MRA.
From Mount Hope INT, Ohio; to Bergholz INT, Ohio; MEA 2,500.
From Bergholz INT, Ohio; to Pittsburgh, Pa., VOR; MEA 2,700.
From Pittsburgh, Pa., VOR; to *Connellsville INT, Pa.; MEA 3,000. *4,000—MCA Connellsville INT, southeastbound.
From Connellsville INT, Pa.; to Front Royal, Va., VOR; MEA *6,000. *5,000—MOCA.
From Front Royal, Va., VOR; to Plains INT, Va.; MEA 4,000.
From Plains INT, Va.; to Springfield, Va., LF/RBN; MEA 3,000.
From Springfield, Va., LF/RBN; to Washington, D. C., TVOR; MEA 1,800.

§ 610.6093 *VOR civil airway 93.*

From Riverdale, Md., LF/RBN; to Baltimore, Md., VOR; MEA 1,600.
From Baltimore, Md., VOR; to Norris INT, Pa.; MEA 2,000.
From Norris INT, Pa.; to Lancaster INT, Pa.; MEA *3,000. *2,000—MOCA.
From Lancaster INT, Pa.; to Allentown, Pa., VOR; MEA 2,500.
From Allentown, Pa., VOR; to Wilkes-Barre-Scranton, Pa., VOR; MEA 3,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Eddy INT, N. Y.; MEA 4,500.
From Eddy INT, N. Y.; to Albany, N. Y., VOR; MEA 5,500.
From Albany, N. Y., VOR; to Greenfield INT, Mass.; MEA 6,500.
From Grafton, N. Y., FM; to Albany, N. Y., VOR, westbound only; MEA 3,000.
From *Greenfield INT, Mass.; to Concord, N. H., VOR; MEA 5,000. *5,500—MCA Greenfield INT, westbound.
From Concord, N. H., VOR; to Hiram INT, Maine; MEA 4,000.
From Hiram INT, Maine; to Augusta, Maine, VOR; MEA 3,000.
From Augusta, Maine, VOR; to Bangor, Maine, VOR; MEA 2,300.
From Bangor, Maine, VOR; to Princeton, Maine, VOR; MEA 2,500.
From Princeton, Maine, VOR; to Houlton, Maine, VOR; MEA 2,500.
From Houlton, Maine, VOR; to Presque Isle, Maine, VOR; MEA 2,700.

§ 610.6094 *VOR civil airway 94.*

From *Salt Flat, Tex., VOR; to Carlsbad, N. Mex., VOR; MEA 10,800. *9,800—MCA Salt Flat VOR, northeastbound.
From *Carlsbad, N. Mex., VOR; to Hobbs, N. Mex., VOR; MEA 5,000. *8,100—MCA Carlsbad VOR, southwestbound.
From Abilene, Tex, VOR; to Cisco INT, Tex.; MEA 3,100.
From Cisco INT, Tex., to *Mill INT, Tex.; MEA **6,500. *3,500—MRA. **2,800—MOCA.
From Mil INT, Tex.; to Joshua INT, Tex.; MEA *3,500. *2,300—MOCA.
From Joshua INT, Tex.; to Britton, Tex., VOR; MEA 2,000.
From Britton, Tex., VOR; to Waxahachie INT, Tex.; MEA 2,600.
From Waxahachie INT, Tex.; to *Kemp INT, Tex.; MEA 1,900. *4,000—MRA.
From Kemp INT, Tex.; to Gregg County, Tex., VOR; MEA *4,000. *2,300—MOCA.

§ 610.6095 *VOR civil airway 95.*

From *Phoenix, Ariz., VOR; to Verde River INT, Ariz., northbound, MEA,11,000; southbound, MEA 7,500. *7,000—MCA Phoenix VOR, northeastbound.
From Verde River INT, Ariz.; to Winslow, Ariz., VOR; MEA 11,000.

§ 610.6096 *VOR civil airway 96.*

From Lafayette, Ind., VOR; to Radnor INT, Ind.; MEA 2,300.
From Radnor INT, Ind.; to Fort Wayne, Ind., VOR; MEA 2,200.
From Fort Wayne, Ind., VOR; to *Antwerp INT, Ohio; MEA 2,600.
From *Antwerp INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000. *2,600—MCA Antwerp INT, southwestbound.

§ 610.6097 *VOR civil airway 97.*

From Miami, Fla., VOR; to Cypress INT, Fla.; MEA 1,300.
From Cypress INT, Fla.; to Seminole INT, Fla.; MEA *2,500. *1,100—MOCA.
From Seminole INT, Fla.; to *La Belle INT, Fla.; MEA **5,000. *5,000—MRA. **1,200—MOCA.
From La Belle INT, Fla.; to *Arcadia INT, Fla.; MEA **5,000. *2,500—MRA. **1,200—MOCA.
From Arcadia INT, Fla.; to Parish INT., Fla.; MEA *2,500. *1,200—MOCA.
From Parish INT, Fla.; to Tampa, Fla., VOR; MEA 1,500.
From Tampa, Fla., VOR; to *Crystal INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla.; to *Shrimp INT, Fla.; MEA **1,500. *6,000—MRA. **1,000—MOCA.
From Shrimp INT, Fla.; to Scallop INT, Fla.; MEA *4,000. *1,000—MOCA.
From Scallop INT, Fla.; to Lobster INT, Fla.; MEA *6,000. *1,000—MOCA.
From Lobster INT, Fla.; to *St. Marks INT, Fla.; MEA **2,000. *2,000—MRA. **1,000—MOCA.
From St. Marks INT, Fla.; to Tallahassee, Fla., VOR; MEA 1,500.
From Tampa, Fla., VOR via E alter.; to *Hudson INT Fla., via E alter.; MEA **1,500. *2,000—MRA. **1,300—MOCA.
From Hudson INT, Fla., via E alter.; to Cross City, Fla., VOR via E alter.; MEA *2,500. *1,200—MOCA.
From Cross City, Fla., VOR via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA 1,500.
From Tallahassee, Fla., VOR; to Albany, Ga., VOR; MEA 1,500.
From Albany, Ga., VOR; to *Junction City, INT, Ga.; MEA **3,500. *3,000—MRA. **1,600—MOCA.
From Junction City INT, Ga.; to Concord INT, Ga.; MEA *2,800. *2,200—MOCA.
From Concord INT, Ga.; to Atlanta, Ga., VOR; MEA *2,500. *2,000—MOCA.
From Atlanta, Ga., VOR; to *Nelson INT, Ga.; MEA 3,000. *5,500—MCA Nelson INT, northbound.
From Nelson INT, Ga.; to Murphy INT, N. C.; MEA *7,000. *5,500—MOCA.
From Murphy INT, N. C.; to *Tallassee INT, Tenn.; MEA 7,600.
From *Tallassee INT, Tenn.; to Knoxville, Tenn., VOR; MEA 4,500. *7,000—MCA Tallassee INT, southbound.
From Atlanta, Ga., VOR via E alter.; to Norcross, Ga., VOR via E alter.; MEA 3,000.
From Norcross, Ga., VOR via E alter.; to Silver City INT, Ga., via E alter.; MEA 3,000.
From Silver City INT, Ga., via E alter.; to Harris INT, N. C., via E alter.; MEA 6,800.
From Harris INT, N. C., via E alter.; to *Rasar INT, Tenn., via E alter.; MEA 7,600. *7,000—MCA Rasar INT, southbound.
From *Rasar INT, Tenn., via E alter.; to Knoxville, Tenn., VOR via E alter.; MEA 5,000. *7,000—MCA Rasar INT, southbound.
From Knoxville, Tenn., VOR; to Norris INT, Tenn., MEA 3,000.

From Norris INT, Tenn.; to Richmond INT, Ky.; MEA 5,000.
From Richmond INT, Ky.; to Lexington, Ky., VOR; MEA 3,100.
From Lexington, Ky., VOR; to *Georgetown INT, Ky.; MEA 2,500. *3,000—MRA.
From Georgetown INT, Ky.; to *Dry Ridge INT, Ky.; MEA 2,500. *2,800—MRA.
From Dry Ridge INT, Ky.; to Cincinnati, Ohio, VOR; MEA 2,000.
From Cincinnati, Ohio, VOR; to *Acton INT, Ind.; MEA 2,300. *4,000—MRA.
From *Acton INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,200. *4,000—MRA.
From Cincinnati, Ohio, VOR via W alter.; to Indianapolis, Ind., VOR via W alter.; MEA 2,300.
From Cincinnati, Ohio, VOR via E alter.; to Rushville INT, Ohio, via E alter.; MEA 2,300.
From Rushville INT, Ohio, via E alter.; to Indianapolis, Ind., VOR via E alter.; MEA 2,900.
From Indianapolis, Ind., VOR; to Radnor INT, Ind.; MEA 2,100.
From Radnor INT, Ind.; to Newland INT, Ind.; MEA *3,700. *2,000—MOCA.
From Newland INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.
From Chicago Heights, Ill., VOR; to City INT, Ill.; MEA 2,000.
From City INT, Ill.; to *Lake Forest INT, Ill.; MEA **3,000. *3,600—MRA. **2,500—MOCA.
From Lake Forest INT, Ill.; to Fox Lake INT, Ill.; MEA *3,600. *2,100—MOCA.
From Fox Lake INT, Ill.; to Woodstock INT, Ill.; MEA *2,500. *2,000—MOCA.
From Woodstock INT, Ill.; to Janesville, Wis., VOR; MEA 2,400.
From Janesville, Wis., VOR; to Lone Rock, Wis., VOR; MEA 3,100.
From Janesville, Wis., VOR via W alter.; to Argyle INT, Wis., via W alter.; MEA 2,200.
From Argyle INT, Wis., via W alter.; to Lone Rock, Wis., VOR via W alter.; MEA 2,400.
From Lone Rock, Wis., VOR; to La Crosse, Wis., VOR; MEA 2,600.
From La Crosse, Wis., VOR; to *Wabasha INT, Wis.; MEA 2,600. *3,000—MRA.
From Wabasha INT, Wis.; to Diamond Bluff INT, Wis.; MEA 2,600.
From Diamond Bluff INT, Wis.; to Minneapolis, Minn., ILS loc.; MEA 2,400.
From Minneapolis, Minn., ILS loc.; to Hamel INT, Minn.; MEA 2,500.
From Hamel INT, Minn.; to *St. Nicholas INT, Minn.; MEA 3,000.
From *St. Nicholas INT, Minn.; to Alexandria, Minn., VOR; MEA 2,500. *3,000—MRA.

§ 610.6098 *VOR civil airway 98.*

From Fort Wayne, Ind., VOR; to Pulaski INT, Ohio; MEA 2,600.
From Pulaski INT, Ohio; to Ogden INT, Mich.; MEA *2,600. *2,300—MOCA.
From Ogden INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.
From Carleton, Mich., VOR; to U. S.-Canadian Border; MEA 2,300.
From U. S.-Canadian Border; to Massena, N. Y., VOR; MEA 2,000.
From Massena, N. Y., VOR; to U. S.-Canadian Border; MEA 2,000.

§ 610.6099 *VOR civil airway 99.*

From Newport, Oreg., VOR; to Newberg, Oreg., VOR; MEA 5,500.
From Newberg, Oreg., VOR; to Winlock INT, Wash.; MEA 5,000.
From Winlock INT, Wash.; to Olympia, Wash., VOR, northbound, MEA 4,000; southbound, MEA 5,000.
From Olympia, Wash., VOR; to Rosedale INT, Wash.; MEA 3,000.
From Rosedale INT, Wash.; to Port Madison INT, Wash.; MEA 5,500.
From Port Madison INT, Wash.; to *Tulalip INT, Wash.; MEA 6,300. *6,300—MCA Tulalip INT, southwestbound.
From Tulalip INT, Wash.; to Bellingham, Wash., VOR; MEA 4,000.
From Bellingham, Wash., VOR; to Vancouver, British Columbia, LFR; MEA *2,000. *For that airspace over U. S. territory.

§ 610.6100 *VOR civil airway 100.*

From North Platte, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *10,000. *4,300—MOCA.
From Sioux City, Iowa, VOR; to Alden INT, Iowa; MEA *7,000. *2,800—MOCA.
From Alden INT, Iowa; to Waterloo, Iowa, VOR; MEA *3,000. *2,300—MOCA.
From Waterloo, Iowa, VOR; to Polo, Ill., VOR; MEA *4,700. *3,100—MOCA.
From Wheeling, Ill., VOR; to *White Fish INT, Ill.; MEA 2,000. *3,500—MRA.
From White Fish INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.
From Keeler, Mich., VOR; to *LeRoy INT, Mich.; MEA **2,500. *2,500—MRA. **2,100—MOCA.
From LeRoy INT, Mich., to *Jackson INT, Mich.; MEA **5,200. *5,200—MRA. **2,300—MOCA.
From Jackson INT, Mich.; to Salem, Mich., VOR; MEA *5,200. *2,400—MOCA.
From *LeRoy INT, Mich.; to Salem, Mich., VOR; MEA #2,500. *2,500—MRA. #Utilizing Jackson LF/RBN.

§ 610.6101 *VOR civil airway 101.*

From Ogden, Utah, VOR; to Hansels INT, Utah; northwestbound, MEA 9,000; southeastbound, MEA 11,000.
From Hansels INT, Utah; to *Burley, Idaho, VOR; MEA 11,500. *10,000—MCA Burley VOR, southeastbound.

§ 610.6102 *VOR civil airway 102.*

From Lubbock, Tex., VOR; to Guthrie, Tex., VOR; MEA 4,500.
From Guthrie, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 3,000.

§ 610.6103 *VOR civil airway 103.*

From Elkins, W. Va., VOR; to Clarksburg INT, W. Va.; MEA 5,000.
From Clarksburg INT, W. Va.; to Wheeling, W. Va., VOR; MEA 3,000.
From Wheeling, W. Va., VOR; to Bergholz INT, Ohio; MEA 3,000.
From Bergholz INT, Ohio; to Wilmot INT, Ohio; MEA 2,500.
From Wilmot INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,500.

§ 610.6104 *VOR civil airway 104.*

From U. S.-Canadian Border, VOR; to Massena, N. Y., VOR; MEA 1,500.
From Massena, N. Y., VOR; to Plattsburg, N. Y., VOR; MEA 4,700.

§ 610.6105 *VOR civil airway 105.*

From Phoenix, Ariz., VOR; to Prescott, Ariz., VOR; MEA 10,000.
From Rock Springs INT, Ariz.; to Phoenix, Ariz., VOR southbound only; MEA 7,500.
From Phoenix, Ariz., VOR via E alter; to Knob INT, Ariz., via E alter., northbound, MEA 8,000; southbound, MEA 6,500.
From Knob INT, Ariz., via E alter.; to Ranch INT, Ariz., via E alter.; MEA 8,000.
From Ranch INT, Ariz., via E alter.; to Prescott, Ariz., VOR via E alter.; MEA 9,000.
From Prescott, Ariz., VOR; to Las Vegas, Nev., VOR; MEA 11,000.

§ 610.6106 *VOR civil airway 106.*

From Charleston, W. Va., VOR; to Walnut Grove INT, W. Va.; MEA 3,000.
From Walnut Grove INT, W. Va.; to *Clara INT, W. Va.; MEA **4,000. *5,000—MRA. **3,000—MOCA.
From Clara INT, W. Va.; to Benson INT, W. Va.; MEA *4,000. *3,000—MOCA.
From Benson INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.
From Morgantown, W. Va., VOR; to Johnstown, Pa., VOR; MEA 5,000. Via N alter.; MEA 4,500.
From Johnstown, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.
From Selinsgrove, Pa., VOR; to Wilkes-Barre-Scranton, Pa., VOR; MEA 3,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Poughkeepsie, N. Y., VOR; MEA 4,000. N. H.; VOR.
From Poughkeepsie, N. Y., VOR; to Gardner, Mass., VOR; MEA 3,500.
From Gardner, Mass., VOR; to Hudson INT, N. H.; MEA 3,000.
From Hudson INT, N. H.; to Kennebunk, Maine, VOR; MEA 2,000.

§ 610.6107 *VOR civil airway 107.*

From *Los Angeles, Calif., VOR; to Fillmore, Calif., VOR; MEA 5,000. *3,000—MCA Los Angeles VOR, northwestbound.
From Shoreline INT, Calif.; to Los Angeles, Calif., VOR, southeastbound only; MEA 3,000.
From *Fillmore, Calif., VOR; to Hines INT, Calif.; northbound; MEA 11,000; southbound; MEA 7,000. *9,000—MCA Fillmore VOR, northbound.
From Hines INT, Calif.; to Pinos INT, Calif.; northbound; MEA 11,000; southbound; MEA 9,500.
From Pinos INT, Calif.; to *Maricopa INT, Calif.; MEA 11,000. *9,500—MCA Maricopa INT, southeastbound.
From Maricopa INT, Calif.; to McKettrick INT, Calif.; northwestbound; MEA 6,000; southeastbound; MEA 11,000.
From McKettrick INT, Calif.; to Coalinga, Calif., VOR; MEA 6,000.
From Coalinga, Calif., VOR; to *Oakland, Calif., VOR; MEA 7,000. *2,500—MCA Oakland VOR, southeastbound.
From Larry INT, Calif.; to Mount Hamilton INT, Calif., northbound only; MEA 6,500.
From Mount Hamilton INT, Calif.; to Mount Day INT, Calif., northbound only; MEA 6,000.
From Mount Day INT, Calif.; to Mission INT, Calif., northbound only; MEA 5,000.
From Mission INT, Calif.; to Oakland, Calif., VOR northbound only; MEA 3,500.
From Oakland, Calif., VOR; to *Geyserville INT, Calif.; MEA 6,000. *8,500—MRA.
From Geyserville INT, Calif.; to Ukiah, Calif., VOR; MEA 6,000.
From Ukiah, Calif., VOR; to Red Bluff, Calif., VOR; MEA 9,000.

§ 610.6109 *VOR civil airway 109.*

From Paso Robles, Calif., VOR; to Coalinga, Calif., VOR; MEA 7,000.
From *Coalinga, Calif., VOR; to Fresno, Calif., VOR; MEA 3,000. *5,000—MCA Coalinga VOR, southwestbound.

§ 610.6110 *VOR civil airway 110.*

From INT San Francisco rad.; 218 T and Salinas rad., 319 T. VOR; to San Francisco, Calif., VOR; MEA 5,000.
From San Francisco, Calif., VOR; to INT San Francisco rad., 038 T and Modesto rad., 273 T. VOR; MEA 5,000.

§ 610.6111 *VOR civil airway 111.*

From Salinas, Calif., VOR; to INT 094 rad., San Francisco and 032 rad., Salinas VOR; MEA *7,000. *5,500—MOCA.

§ 610.6112 *VOR civil airway 112.*

From *Portland, Oreg., VOR; to The Dalles, Oreg., VOR; MEA 7,000. *4,700—MCA Portland VOR, eastbound.
From The Dalles, Oreg., VOR; to Pendleton, Oreg., VOR; MEA 4,000.
From Pendleton, Oreg., VOR; to Lamar INT, Wash.; MEA 4,000.
From Lamar INT, Wash.; to Spokane, Wash., VOR; MEA 5,000.

§ 610.6113 *VOR civil airway 113.*

From Paso Robles, Calif., VOR; to Los Banos INT, Calif.; MEA 7,000.
From *Los Banos INT, Calif.; to Modesto, Calif., VOR; MEA 3,000. *7,000—MCA Los Banos INT, southbound.
From *Modesto, Calif., VOR; to **West Point INT, Calif.; MEA 8,000. *4,000—MCA Modesto VOR, northeastbound. **10,000—MCA West Point INT, northeastbound.
From West Point INT, Calif.; to *Reno, Nev., VOR; MEA 13,000. *10,500—MCA Reno, Nev., VOR, southwestbound.

§ 610.6114 *VOR civil airway 114.*

From Pueblo, Colo., VOR; to Purgatoire INT, Colo.; MEA 7,500.
From Purgatoire INT, Colo.; to Clayton INT, Tex.; MEA *10,000. *8,900—MOCA.
From Clayton INT, Tex.; to Dalhart, Tex., VOR, northbound, MEA *10,000; southbound, MEA *7,200. *6,200—MOCA.
From Dalhart, Tex., VOR; to Amarillo, Tex., VOR; MEA 5,300.
From Amarillo, Tex., VOR; to Childress, Tex., VOR; MEA 5,000.
From Dalhart, Tex., VOR; via N alter.; to Amarillo, Tex., VOR via N alter.; MEA 5,200.
From Amarillo, Tex., VOR via S alter.; to Childress, Tex., VOR via S alter.; MEA 4,700.
From Childress, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 3,100.
From Wichita Falls, Tex., VOR; to Alvord INT, Tex.; MEA 2,600.
From Alvord INT, Tex.; to Denton INT, Tex.; MEA *3,000. *2,600—MOCA.
From Denton INT, Tex.; to Dallas, Tex., VOR; MEA 2,000.
From Dallas, Tex., VOR; to *Kemp INT, Tex.; MEA 2,000. *4,000—MRA.
From Kemp INT, Tex.; to Gregg County, Tex., VOR; MEA *4,000. *2,300—MOCA.
From Dallas, Tex., VOR via N alter.; to Quitman, Tex., VOR via N alter.; MEA 2,000.
From Quitman, Tex., VOR via N alter.; to Gregg County, Tex., VOR via N alter.; MEA 1,800.
From Gregg County, Tex., VOR; to *Converse INT, La.; MEA **3,400. *3,400—MRA. **1,700—MOCA.
From *Converse INT, La.; to Alexandria, La., VOR; MEA **3,400. *3,400—MRA. **1,700—MOCA.
From Gregg County, Tex., VOR via N alter.; to Shreveport, La., VOR via N alter.; MEA 2,400.
From Shreveport, La., VOR via N alter.; to *Converse INT, La., via N alter.; MEA **3,000. *3,400—MRA. **1,700—MOCA.
From *Converse INT, La., via N alter.; to Alexandria, La., VOR via N alter.; MEA **3,400. *3,400—MRA. **1,700—MOCA.
From Alexandria, La., VOR; to Baton Rouge, La., VOR; MEA 1,300.
From Baton Rouge, La., VOR; to New Orleans, La., VOR; MEA 2,000.

§ 610.6115 *VOR civil airway 115.*

From Crestview, Fla., VOR; to Andalusia INT, Ala.; MEA 1,500.
From Andalusia INT, Ala.; to Montgomery, Ala., VOR; MEA 2,500.
From Montgomery, Ala., VOR; to Birmingham, Ala., VOR; MEA 2,800.
From Birmingham, Ala., VOR; to Chattanooga, Tenn., VOR; MEA 4,000.
From Chattanooga, Tenn., VOR; to Knoxville, Tenn., VOR; MEA 3,000.
From Knoxville, Tenn., VOR; to Rutledge INT, Tenn.; MEA 3,500.
From Rutledge INT, Tenn.; to *Whirlwind INT, W. Va.; MEA 6,000. *4,000—MRA.
From Whirlwind INT, W. Va.; to Charleston, W. Va., VOR; MEA 3,500.

§ 610.6116 *VOR civil airway 116.*

From Kansas City, Mo., VOR; to Excelsior INT, Mo.; MEA 2,400.
From Excelsior INT, Mo.; to Tina INT, Mo.; MEA *3,000. *2,400—MOCA.
From Tina INT, Mo.; to Excello INT, Mo.; MEA *5,000. *2,000—MOCA.
From Excello INT, Mo.; to Warren INT, Mo.; MEA *2,500. *2,000—MOCA.
From Warren INT, Mo.; to Quincy, Ill., VOR; MEA 2,000.
From Quincy, Ill., VOR; to Peoria, Ill., VOR; MEA 2,000.
From Peoria, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Naperville, Ill., VOR; MEA 2,000.
From Naperville, Ill., VOR; to Beacon INT, Ill.; MEA 2,500.
From Beacon INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.
From Keeler, Mich., VOR; to *LeRoy INT, Mich.; MEA **2,500. *2,500—MRA. **2,100—MOCA.
From LeRoy INT, Mich.; to *Jackson INT, Mich.; MEA **5,200. *5,200—MRA. **2,300—MOCA.
From Jackson INT, Mich.; to Salem, Mich., VOR; MEA *5,200. *2,400—MOCA.
From *LeRoy INT, Mich.; to Salem, Mich., VOR; MEA #2,500. *2,500—MRA. #Utilizing Jackson LF/RBN.
From Salem, Mich., VOR; to Midcraft INT, Mich.; MEA 2,000.
From Midcraft INT, Mich.; to Windsor, Ontario, Canada VOR; MEA #2,300. #For that airspace over U. S. Territory.
From Windsor, Ontario, Canada VOR; to Tilbury INT, Ontario, Canada; MEA #2,000. #For the airspace over U. S. Territory.
From Tilbury INT, Ontario, Canada; to Blue Pike INT, Pa.; MEA 2,000.
From Blue Pike INT, Pa.; to Erie, Pa., VOR; MEA 2,300.
From Erie, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to Stonyfork INT, Pa.; MEA 4,500.
From Stonyfork INT, Pa.; to *Grover INT, Pa.; MEA **5,000. *5,000—MRA. **4,500—MOCA.
From Grover INT, Pa.; to Colley INT, Pa.; MEA *5,000. *4,500—MOCA.
From Colley INT, Pa.; to Wilkes-Barre-Scranton, Pa., VOR; MEA 4,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Branchville INT, N. J.; MEA 3,500.
From Branchville INT, N. J.; to Paterson INT, N. J.; MEA 3,000.

§ 610.6117 *VOR civil airway 117.*

From El Centro, Calif., LFR; to *Wister INT, Calif.; MEA 3,000. *4,000—MCA Wister INT, northwestbound.
From Wister INT, Calif.; to Thermal, Calif., VOR; MEA 5,000.
From *Thermal, Calif., VOR; to **Daggett, Calif., VOR; MEA 12,000. *12,000—MCA Thermal VOR, northbound. **10,000—MCA Daggett VOR, southbound.

§ 610.6118 *VOR civil airway 118.*

From Rock River, Wyo., VOR; to Laramie, Wyo., VOR; MEA 11,000.
From Laramie, Wyo., VOR; to *Cheyenne, Wyo., VOR; MEA 11,000. *9,000—MCA Cheyenne VOR, westbound.

§ 610.6119 *VOR civil airway 119.*

From Huntington, W. Va., LF/RBN; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Wheeling, W. Va., VOR; MEA 2,600.
From Wheeling, W. Va., VOR; to Graham INT, Pa.; MEA 2,700.
From Graham INT, Pa.; to Fitzgerald, Pa., VOR; MEA 3,500.
From Fitzgerald, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.

§ 610.6120 *VOR civil airway 120.*

From Mullen Pass, Mont., VOR; to Charlo INT, Mont., eastbound, MEA 12,700; westbound, MEA 10,000.
From Charlo INT, Mont.; to Augusta INT, Mont.; MEA 12,700.
From Augusta INT, Mont.; to Great Falls, Mont., VOR, westbound, MEA 12,700; eastbound, MEA 7,000.
From Augusta INT, Mont.; to Great Falls, Mont., VOR, eastbound only; MEA 7,000.
From *Great Falls, Mont., VOR; to Lewistown, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.
From Lewistown, Mont., VOR; to Miles City, Mont., VOR; MEA 3,000.

§ 610.6121 *VOR civil airway 121.*

From North Bend, Oreg., VOR; to Eugene, Oreg., VOR; MEA 5,000.

§ 610.6122 *VOR civil airway 122.*

From Crescent City, Calif., VOR; to Medford, Oreg., VOR; MEA 8,000.
From Talent INT, Oreg.; to Klamath Falls, Oreg., VOR; MEA 10,000.

§ 610.6123 *VOR civil airway 123.*

From Woodstown, N. J., VOR; to Echelon INT, N. J.; MEA 1,500.
From Echelon INT, N. J.; to Hightstown INT, N. J.; MEA *2,500. *1,500—MOCA.
From Hightstown INT, N. J.; to Walling INT, N. J.; MEA *3,500. *1,500—MOCA.
From Walling INT, N. J.; to Coney Island INT, N. Y.; MEA *2,500. *1,500—MOCA.
From Coney Island INT, N. Y.; to La Guardia, N. Y., ILS loc.; MEA 1,500.
From La Guardia, N. Y., ILS loc.; to New Rochelle INT, N. Y.; MEA 1,500.
From New Rochelle INT, N. Y.; to Wilton, Conn., VOR; MEA 2,000.

§ 610.6124 *VOR civil airway 124.*

From Burley, Idaho, VOR; to Pocatello, Idaho, VOR; MEA 7,000.

§ 610.6125 *VOR civil airway 125.*

From Anthony, Kans., VOR; to Hutchinson, Kans., VOR; MEA 2,800.

§ 610.6126 *VOR civil airway 126.*

From City INT, Ill.; to Chicago Heights, Ill., VOR; MEA 2,000.
From Chicago Heights, Ill., VOR; to Wheeler INT, Ind.; MEA 2,000.
From Wheeler INT, Ind.; to Goshen, Ind., VOR; MEA 2,100.
From Goshen, Ind., VOR; to Bryan INT, Ohio; MEA 3,000.
From Bryan INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.
From Waterville, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,000.
From Cleveland, Ohio, VOR; to Perry INT, Ohio; MEA 2,500.
From Perry INT, Ohio; to Kingsville INT, Pa.; MEA 2,300.
From Kingsville INT, Pa.; to Erie, Pa., VOR; MEA 2,000.
From Erie, Pa. VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa. VOR; to Stonyfork INT, Pa.; MEA 4,500.
From Stonyfork INT, Pa.; to *Grover INT, Pa.; MEA **5,000. *5,000—MRA. **4,500—MOCA.
From Grover INT, Pa.; to Colley INT, Pa.; MEA *5,000. *4,500—MOCA.
From Colley INT, Pa.; to Wilkes-Barre-Scranton, Pa.; VOR; MEA 4,500.
From Wilkes-Barre, Pa., VOR; to Huguenot, N. Y., VOR; MEA 3,500.
From Huguenot, N. Y., VOR; to Wilton, Conn., VOR; MEA 2,700.

§ 610.6127 *VOR civil airway 127.*

From Livingston, Mont., VOR; to Helena, Mont., VOR; MEA 11,000.

§ 610.6128 *VOR civil airway 128.*

From Chicago, Midway Airport, Ill., TVOR; to Peotone, Ill., VOR; MEA 2,300.
From Peotone, Ill., VOR; to Lafayette, Ind., VOR; MEA 2,000.

From Augusta INT, Mont.; to Great Falls, Mont., VOR, westbound, MEA 12,700; eastbound, MEA 7,000.
From Augusta INT, Mont.; to Great Falls, Mont., VOR, eastbound only; MEA 7,000.
From *Great Falls, Mont., VOR; to Lewistown, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.
From Lewistown, Mont., VOR; to Miles City, Mont., VOR; MEA 3,000.

§ 610.6121 *VOR civil airway 121.*

From North Bend, Oreg., VOR; to Eugene, Oreg., VOR; MEA 5,000.

§ 610.6122 *VOR civil airway 122.*

From Crescent City, Calif., VOR; to Medford, Oreg., VOR; MEA 8,000.
From Talent INT, Oreg.; to Klamath Falls, Oreg., VOR; MEA 10,000.

§ 610.6123 *VOR civil airway 123.*

From Woodstown, N. J., VOR; to Echelon INT, N. J.; MEA 1,500.
From Echelon INT, N. J.; to Hightstown INT, N. J.; MEA *2,500. *1,500—MOCA.
From Hightstown INT, N. J.; to Walling INT, N. J.; MEA *3,500. *1,500—MOCA.
From Walling INT, N. J.; to Coney Island INT, N. Y.; MEA *2,500. *1,500—MOCA.
From Coney Island INT, N. Y.; to La Guardia, N. Y., ILS loc.; MEA 1,500.
From La Guardia, N. Y., ILS loc.; to New Rochelle INT, N. Y.; MEA 1,500.
From New Rochelle INT, N. Y.; to Wilton, Conn., VOR; MEA 2,000.

§ 610.6124 *VOR civil airway 124.*

From Burley, Idaho, VOR; to Pocatello, Idaho, VOR; MEA 7,000.

§ 610.6125 *VOR civil airway 125.*

From Anthony, Kans., VOR; to Hutchinson, Kans., VOR; MEA 2,800.

§ 610.6126 *VOR civil airway 126.*

From City INT, Ill.; to Chicago Heights, Ill., VOR; MEA 2,000.
From Chicago Heights, Ill., VOR; to Wheeler INT, Ind.; MEA 2,000.
From Wheeler INT, Ind.; to Goshen, Ind., VOR; MEA 2,100.
From Goshen, Ind., VOR; to Bryan INT, Ohio; MEA 3,000.
From Bryan INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.
From Waterville, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,000.
From Cleveland, Ohio, VOR; to Perry INT, Ohio; MEA 2,500.
From Perry INT, Ohio; to Kingsville INT, Pa.; MEA 2,300.
From Kingsville INT, Pa.; to Erie, Pa., VOR; MEA 2,000.
From Erie, Pa. VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa. VOR; to Stonyfork INT, Pa.; MEA 4,500.
From Stonyfork INT, Pa.; to *Grover INT, Pa.; MEA **5,000. *5,000—MRA. **4,500—MOCA.
From Grover INT, Pa.; to Colley INT, Pa.; MEA *5,000. *4,500—MOCA.
From Colley INT, Pa.; to Wilkes-Barre-Scranton, Pa.; VOR; MEA 4,500.
From Wilkes-Barre, Pa., VOR; to Huguenot, N. Y., VOR; MEA 3,500.
From Huguenot, N. Y., VOR; to Wilton, Conn., VOR; MEA 2,700.

§ 610.6127 *VOR civil airway 127.*

From Livingston, Mont., VOR; to Helena, Mont., VOR; MEA 11,000.

§ 610.6128 *VOR civil airway 128.*

From Chicago, Midway Airport, Ill., TVOR; to Peotone, Ill., VOR; MEA 2,300.
From Peotone, Ill., VOR; to Lafayette, Ind., VOR; MEA 2,000.

From Lafayette, Ind., VOR; to Horton INT, Ind.; MEA 2,300.
From Horton INT, Ind.; to *Maxwell INT, Ind.; MEA **4,000. *4,000—MRA. **2,300—MOCA.
From Maxwell INT, Ind.; to Rushville INT, Ind.; MEA *4,000. *2,300—MOCA.
From Rushville INT, Ind.; to Cincinnati, Ohio, VOR; MEA 2,300.
From Cincinnati, Ohio, VOR; to York, Ky., VOR; MEA 2,500. Via S alter.; MEA 2,500.
From York, Ky., VOR; to Charleston, W. Va., VOR; MEA 2,500.
From Charleston, W. Va., VOR; to Pulaski, Va., VOR; MEA 6,000.
From Pulaski, Va., VOR; to Abeam Cove INT, Va.; MEA 6,000.
From Abeam Cove INT, Va.; to Greensboro, N. C., VOR; MEA 3,000.
From Greensboro, N. C., VOR; to Raleigh, N. C., VOR; MEA 2,500.
From Greensboro, N. C., VOR via S alter.; to Moncure INT, N. C., via S alter.; MEA 2,100.
From Moncure INT, N. C., via S alter.; to Raleigh, N. C., VOR via S alter.; MEA 1,600.
From Greensboro, N. C., VOR via N alter.; to *Reid INT, N. C., via N alter.; MEA 2,300.
From *Reid INT, N. C., via N alter.; to Raleigh, N. C., VOR via N alter.; MEA 3,500. *3,500—MRA.
From Raleigh, N. C., VOR; to LaGrange INT, N. C.; MEA 2,500.
From LaGrange INT, N. C.; to New Bern, N. C., VOR; MEA 1,400.

§ 610.6129 *VOR civil airway 129.*

From Polo, Ill., VOR; to Argyle INT, Wis.; MEA 2,200.
From Argyle INT, Wis.; to Lone Rock, Wis., VOR; MEA 2,400.
From Lone Rock, Wis., VOR; to La Crosse, Wis., VOR; MEA 2,600.
From La Crosse, Wis., VOR; to Eau Claire, Wis., VOR; MEA 2,700.

§ 610.6130 *VOR civil airway 130.*

From Albany, N. Y., VOR; to Brainard INT, N. Y.; MEA 3,000.
From Brainard INT, N. Y.; to Colebrook INT., Mass.; MEA 4,600.
From Brainard INT, N. Y.; to Albany, N. Y., VOR, northwestbound only; MEA 3,000.
From Colebrook INT, Mass.; to Hartford, Conn., VOR; MEA 3,000.
From Hartford, Conn., VOR; to Norwich, Conn., VOR; MEA 2,000.
From Norwich, Conn., VOR; to Lafayette INT, R. I.; MEA 1,600.

§ 610.6131 *VOR civil airway 131.*

From Emporia, Kans., VOR; to *Pomona INT, Kans.; MEA **2,800. *2,800—MRA. **2,500—MOCA.
From Pomona INT, Kans.; to Topeka, Kans., VOR; MEA 2,300.

§ 610.6132 *VOR civil airway 132.*

From Cheyenne, Wyo., VOR; to Akron, Colo., VOR; MEA 7,300.
From Akron, Colo., VOR; to Goodland, Kans., VOR; MEA 5,800.
From Goodland, Kans., VOR; to Great Bend INT, Kans.; MEA *8,500. *5,000—MOCA.
From Great Bend INT, Kans.; to Sterling INT, Kans.; MEA *4,500. *3,300—MOCA.
From Sterling INT, Kans.; to Hutchinson, Kans., VOR; southeastbound; MEA 3,000. northwestbound; MEA 4,000.

§ 610.6133 *VOR civil airway 133.*

From Parkersburg, W. Va., VOR; to Mansfield, Ohio, VOR; MEA 2,500.
From Mansfield, Ohio, VOR; to Peru INT, Ohio; MEA 2,500.
From Peru INT, Ohio; to Middle INT, Mich.; MEA *2,500. *2,000—MOCA.
From Middle INT, Mich.; to Detroit River INT, Mich.; MEA *2,500. *2,000—MOCA.
From Detroit River INT, Mich.; to Salem, Mich., VOR; MEA 2,300.
From Salem, Mich., VOR; to Flint INT, Mich.; MEA 2,600.

§ 610.6134 *VOR civil airway 134.*

From Evergreen, Ala., VOR; to *Shady Grove INT, Ala.; MEA **3,500. *3,500—MRA. **2,100—MOCA.
From Shady Grove INT, Ala.; to Columbus, Ga., VOR; MEA *3,500. *2,100—MOCA.
From Columbus, Ga., VOR; to *Hamilton INT, Ga.; MEA 1,800. *2,400—MRA.
From Hamilton INT, Ga.; to Atlanta, Ga., VOR; MEA 2,400.

§ 610.6135 *VOR civil airway 135.*

From Yuma, Ariz., VOR; to Blythe, Calif., VOR; MEA 5,000.
From Blythe, Calif., VOR; to Needles, Calif., VOR; MEA 6,000.
From Needles, Calif., VOR; to Las Vegas, Nev., VOR; MEA 8,000.

§ 610.6136 *VOR civil airway 136.*

From Pulaski, Va., VOR; to Wirtz INT, Va.; MEA 5,500.
From Wirtz INT, Va.; to Penhook INT, Va.; MEA 5,000.
From Penhook INT, Va.; to South Boston, Va., VOR; MEA 3,000.
From South Boston, Va., VOR; to Raleigh, N. C., VOR; MEA 2,000.

§ 610.6137 *VOR civil airway 137.*

From *Thermal, Calif., VOR; to **Arrowhead INT, Calif.; MEA 14,000. *12,000—MCA Thermal VOR, northwestbound. **12,500—MCA Arrowhead INT, southeastbound.
From Arrowhead INT, Calif.; to *Palmdale, Calif., VOR; MEA 12,000. *11,000—MCA Palmdale VOR, southeastbound.
From *Palmdale, Calif., VOR; to Victory INT, Calif., northwestbound, MEA 10,000; southeastbound, MEA 6,000. *8,000—MCA Palmdale VOR, northwestbound.
From Victory INT, Calif.; to White Oaks INT, Calif.; MEA 10,000.
From White Oaks INT, Calif.; to *Maricopa INT, Calif.; MEA 12,000. *12,000—MCA Maricopa INT, southeastbound.
From Maricopa INT, Calif.; to McKettrick INT, Calif., northwestbound, MEA 6,000; southeastbound, MEA 11,000.
From McKettrick INT, Calif.; to Coalinga, Calif., VOR; MEA 6,000.
From Coalinga, Calif., VOR; to Benito INT, Calif.; MEA *8,500. *7,500—MOCA.
From Benito INT, Calif.; to Salinas, Calif., VOR; MEA 6,000.

§ 610.6138 *VOR civil airway 138.*

From Rock River, Wyo., VOR; to Cheyenne, Wyo., VOR; MEA 10,500.
From *Cheyenne, Wyo., VOR; to Sidney, Nebr., VOR; MEA 7,300. *8,500—MCA Cheyenne VOR, westbound.
From Rock River, Wyo., VOR, via N alter.; to Cheyenne, Wyo., VOR, via N alter.; MEA 10,500.
From Cheyenne, Wyo., VOR, via S alter.; to Sidney, Nebr., VOR, via S alter.; MEA 7,300.

§ 610.6139 *VOR civil airway 139.*

From Norwich, Conn., VOR; to Lafayette INT, R. I.; MEA 1,600.
From Lafayette INT, R. I.; to Providence, R. I., ILS loc.; MEA 1,600.
From Providence, R. I., ILS loc.; to Boston, Mass., ILS loc.; MEA 2,000.

§ 610.6140 *VOR civil airway 140.*

From Amarillo, Tex., VOR; to Sayre, Okla., VOR; MEA 4,700.
From Sayre, Okla., VOR; to *Union INT, Okla., MEA **3,200. *4,000—MRA. **3,000—MOCA.
From Union INT, Okla.; to Oklahoma City, Okla., VOR; MEA *3,200. *3,000—MOCA.
From Amarillo, Tex., VOR via N alter.; to Sayre, Okla., VOR via N alter.; MEA 4,700.
From Sayre, Okla., VOR via N alter.; to Oklahoma City, Okla., VOR via N alter.; MEA **3,500. **3,300—MOCA.
From Oklahoma City, Okla., VOR; to Drumright INT, Okla.; MEA 3,700.
From Drumright INT, Okla.; to Tulsa, Okla., VOR; MEA 3,100.
From Tulsa, Okla., VOR; to Salina INT, Okla.; MEA 2,000.
From Salina INT, Okla.; to Fayetteville, Ark., VOR; MEA 2,600.
From Tulsa, Okla., VOR via N alter.; to *Chelsea INT, Okla., via N alter.; MEA 2,000. *2,600—MRA.
From Chelsea INT, Okla., via N alter.; to Fayetteville, Ark., VOR via N alter.; MEA 2,600.
From Fayetteville, Ark., VOR; to Flippin, Ark., VOR; MEA 3,100.
From Flippin, Ark., VOR; to Walnut Ridge, Ark., VOR; MEA 2,100.
From Walnut Ridge, Ark., VOR; to Dyersburg, Tenn., VOR; MEA 1,700.
From Dyersburg, Tenn., VOR; to Nashville, Tenn., VOR; MEA *3,500. *3,000—MOCA.
From Dyersburg, Tenn., VOR via S alter.; to Graham, Tenn., VOR via S alter.; MEA 2,000.
From Graham, Tenn., VOR via S alter.; to Nashville, Tenn., VOR via S alter.; MEA 3,000.
From Nashville, Tenn., VOR; to *Hartsville INT, Tenn.; MEA **5,000. *5,000—MRA. **3,400—MOCA.
From Hartsville INT, Tenn.; to Corbin, Ky., VAR; MEA *5,000. *3,400—MOCA.
From Corbin, Ky., VAR; to Daley INT, Ky.; MEA *6,000. *4,000—MOCA.
From Daley INT, Ky.; to Gap Mills INT, W. Va.; MEA *8,000. *6,000—MOCA.
From Gap Mills INT, W. Va.; to Montebello, Va., VOR; MEA 6,000.
From Montebello, Va., VOR; to *Casanova INT, Va.; MEA 6,000. *4,000—MRA.
From Casanova INT, Va.; to Herndon, Va., VOR; MEA 3,000.
From Baltimore, Md., VOR; to Port Deposit INT, Md.; MEA 2,000.
From Port Deposit INT, Md.; to Woodstown, N. J., VOR; MEA 1,600.
From Woodstown, N. J., VOR; to Coyle, N. J., VOR; MEA 1,500.
From Coyle, N. J., VOR; to Idlewild, N. Y., VOR; MEA 1,500.

§ 610.6141 *VOR civil airway 141.*

From Nantucket, Mass., VOR; to Boston, Mass., VOR; MEA *3,000. *1,500—MOCA.
From Boston, Mass., VOR; to Concord, N. H., VOR; MEA 2,000.
From Concord, N. H., VOR; to Lebanon, N. H., LF/RBN; MEA 5,000.
From Lebanon, N. H., LF/RBN; to Plattsburg, N. Y., VOR; MEA 6,000.

§ 610.6142 *VOR civil airway 142.*

From Erie, Pa., VOR; to Buffalo, N. Y., VOR; MEA 4,000.
From Buffalo, N. Y., VOR; to Medina INT, N. Y., VOR; MEA 2,000.
From Medina INT, N. Y.; to Rochester, N. Y., VOR; MEA 2,000.

§ 610.6143 *VOR civil airway 143.*

From Charlotte, N. C., VOR; to *Bradley INT, N. C.; MEA **2,500. *3,000—MRA. **2,300—MOCA.
From Bradley INT, N. C.; to Greensboro, N. C., VOR; MEA *2,500. *2,300—MOCA.
From Charlotte, N. C., VOR via W alter.; to Mooresville INT, N. C., via W alter.; MEA 2,300.
From Mooresville, INT, N. C., via W alter.; to Greensboro, N. C., VOR via W alter.; MEA 3,000.
From Greensboro, N. C., VOR; to Penhook INT, Va.; MEA 3,000.
From Penhook INT, Va.; to Montebello, Va., VOR; MEA 6,000.
From Front Royal, Va. VOR; to Dawsonville INT, Va.; MEA 4,000.

§ 610.6144 *VOR civil airway 144.*

From Chicago, Midway Airport TVOR, Ill., to Peotone, Ill., VOR; MEA 2,300.
From Peotone, Ill., VOR; to Thayer INT, Ind.; MEA 2,000.
From Thayer INT, Ind.; to Fort Wayne, Ind., VOR; MEA *4,000. *2,200—MOCA.
From Fort Wayne, In., VOR; to Findlay, Ohio, VOR; MEA 2,600.
From Findlay, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.
From Mansfield, Ohio, VOR; to *Briar Hill INT, Ohio; MEA 2,500. *4,000—MRA.
From Briar Hill INT, Ohio; to Baltic INT, Ohio; MEA 2,500.
From Baltic INT, Ohio; to *Moorefield INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From *Moorefield INT, Ohio; to Cameron INT, W. Va.; MEA 3,000. *3,000—MRA.
From Cameron INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.
From Morgantown, W. Va., VOR; to Front Royal, Va., VOR; MEA 5,000.
From Front Royal, Va., VOR; to Plains INT, Va.; MEA 4,000.
From Plains INT, Va.; to Springfield INT, Va.; MEA 3,000.
From Springfield INT, Va.; to Washington, D. C., TVOR; MEA 1,800.

§ 610.6145 *VOR civil airway 145.*

From Utica, N. Y., LFR; to Watertown, N. Y., VOR; MEA 3,000.
From Watertown, N. Y., VOR; to U. S.-Canadian Border, VOR; MEA 2,000.

§ 610.6146 *VOR civil airway 146.*

From Wilkes-Barre-Scranton, Pa., VOR; to Huguenot, N. Y., VOR; MEA 3,500.
From Huguenot, N. Y., VOR; to Newburg INT, N. Y.; MEA 2,500.
From Newburg INT, N. Y.; to Poughkeepsie, N. Y., VOR; MEA 3,000.
From Poughkeepsie, N. Y., VOR; to Bradley INT, Conn.; MEA 3,000.
From Bradley INT, Conn.; to Woodstock INT, Conn.; MEA *3,500. *2,500—MOCA.

§ 610.6147 *VOR civil airway 147.*

From Philadelphia, Pa., ILS loc.; to Pottstown, Pa., VOR; MEA 2,000.
From Pottstown, Pa., VOR; to Allentown, Pa., VOR; MEA 2,500.
From Allentown, Pa., VOR; to Crystal Lake, Pa., LF/RBN; MEA 3,500.
From Crystal Lake, Pa., LF/RBN; to Elmira, N. Y., VOR; MEA 4,000.
From Elmira, N. Y., VOR; to Burns INT, N. Y.; MEA 3,500.
From Burns INT, N. Y.; to Avon INT, N. Y.; MEA 3,500.
From *Avon INT, N. Y.; to Rochester, N. Y., VOR; MEA, 2,000. *3,000—MRA and 3,000—MCA Avon INT, southbound.

§ 610.6148 *VOR civil airway 148.*

From Denver, Colo., VOR; to Parker INT, Colo.; MEA 7,000.
From Parker INT, Colo.; to Kiowa, Colo., VOR; MEA 7,700.
From Kiowa, Colo., VOR; to Thurman, Colo., VOR; MEA 7,200.
From Thurman, Colo., VOR; to Int. 077 rad. Akron, Colo., VOR and 224 rad. Imperial, Nebr., VOR; MEA 5,900.
From Int. 077 rad. Akron, Colo., and 224 rad.; to Imperial, Nebr., VOR; MEA 5,600.
From Imperial, Nebr., VOR; to North Platte, Nebr., VOR; MEA 4,500.

§ 610.6149 *VOR civil airway 149.*

From Allentown, Pa., VOR; to Crystal Lake, Pa., LF/RBN; MEA 3,500.
From Crystal Lake, Pa., LF/RBN; to Binghamton, N. Y., VOR; MEA 3,500.
From Binghamton, N. Y., VOR; to Sherrill INT, N. Y.; MEA 3,500.

§ 610.6150 *VOR civil airway 150.*

From San Francisco, Calif., TVOR; to *Stinson Beach INT, Calif.; MEA 3,000. *5,500—MCA Stinson Beach INT, northeastbound.
From Stinson Beach INT, Calif.; to Richmond INT, Calif.; MEA 5,500.
From Richmond INT, Calif.; to Elmira INT, Calif., northeastbound, MEA 3,000; southwestbound, MEA 4,000.
From Elmira INT, Calif.; to Sacramento, Calif., VOR; MEA 2,000.
From Sacramento, Calif., VOR; to *West Point INT, Calif.; eastbound, MEA 8,000; westbound, MEA 5,000. *10,000—MCA West Point-INT, northeastbound.
From West Point INT, Calif.; to *Reno, Nev., VOR; MEA 13,000. *10,500—MCA Reno VOR, southwestbound.

§ 610.6151 *VOR civil airway 151.*

From Woonsocket INT, Mass.; to *Millbury INT, Mass.; MEA 2,000. *3,000—MCA Millbury INT, northwestbound.
From Millbury INT, Mass.; to Gardner, Mass., VOR; MEA 3,000.
From Gardner, Mass., VOR; to Keene, N. H., LF/RBN; MEA 4,000.

§ 610.6152 *VOR civil airway 152.*

From Tampa, Fla., VOR; to Katy INT, Fla.; MEA 1,500.
From Katy INT, Fla.; to Orlando, Fla., VOR; MEA 1,700.
From Tampa, Fla., VOR via N alter.; to Dade City INT, Fla., via N alter.; MEA 1,500.
From Dade City INT, Fla., via N alter.; to Orlando, Fla., VOR via N alter.; MEA *2,500. *1,700—MOCA.
From Tampa, Fla., VOR via S alter.; to Lakeland, Fla., VOR via S alter.; MEA 1,900.
From Lakeland, Fla., VOR via S alter.; to Orlando, Fla., VOR via S alter.; MEA 1,700.
From Orlando, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 1,300.

§ 610.6153 *VOR civil airway 153.*

From Caldwell, N. J., VOR; to Stillwater, N. J., VOR; MEA 2,500.
From Stillwater, N. J., VOR; to Wilkes-Barre, Pa., VOR; MEA 3,500.
From Wilkes-Barre, Pa., VOR; to *Sidney INT, N. Y.; MEA 4,000. *4,500—MRA.
From Sidney INT, N. Y.; to Syracuse, N. Y., VOR; MEA *4,500. *3,500—MOCA.

§ 610.6154 *VOR civil airway 154.*

From Meridian, Miss., VOR; to Montgomery, Ala., VOR; MEA *2,000. *1,600—MOCA.
From Montgomery, Ala., VOR; to Columbus, Ga., VOR; MEA 2,100.
From Montgomery, Ala., VOR via N alter.; to Kent INT, Ala., via N alter.; MEA 2,000.
From Kent INT, Ala., via N alter.; to Columbus, Ga., VOR via N alter.; MEA 2,000.
From Columbus, Ga., VOR; to *Hamilton INT, Ga.; MEA 1,800. *2,400—MRA.
From Hamilton INT, Ga.; to *Junction City INT, Ga.; MEA **3,000. *3,000—MRA. **2,400—MOCA.
From Junction City INT, Ga.; to Macon, Ga., VOR; MEA *3,000. *2,400—MOCA.
From Macon, Ga., VOR; to *Dublin INT, Ga.; MEA **2,400. *4,000—MRA. **1,800—MOCA.
From Dublin INT, Ga.; to *Lotts INT, Ga.; MEA **4,000. *4,000—MRA. **1,600—MOCA.
From Lotts INT, Ga.; to Savannah, Ga., VOR; MEA 1,400.

§ 610.6155 *VOR civil airway 155.*

From Gordonsville, Va., VOR; to *Casanova INT, Va.; MEA 3,000. *4,000—MRA.
From Casanova INT, Va.; to Front Royal, Va., VOR; MEA 4,000.

§ 610.6156 *VOR civil airway 156.*

From Elkins, W. Va., VOR; to Grottoes INT, Va.; MEA 7,000.
From Grottoes INT, Va.; to Gordonsville, Va., VOR; MEA 5,000.

§ 610.6157 *VOR civil airway 157.*

From Wilmington, N. C., VOR; to LaGrange INT, N. C.; MEA *2,300. *1,400—MOCA.
From LaGrange INT, N. C.; to Rocky Mount, N. C., VOR; MEA 1,400.
From Rocky Mount, N. C., VOR; to Lawrenceville, Va., VOR; MEA 1,300.
From Lawrenceville, Va., VOR; to Richmond, Va., VOR; MEA 1,500.

§ 610.6159 *VOR civil airway 159.*

From Miami, Fla., VOR; to New River INT, Fla.; MEA 1,300.
From New River INT, Fla.; to West Palm Beach, Fla., VOR; MEA 1,200.
From West Palm Beach, Fla., VOR; to Vero Beach, Fla., VOR; MEA 1,200.
From Vero Beach, Fla., VOR; to Orlando, Fla., VOR; MEA 1,300.
From Orlando, Fla., VOR; to *Ocala INT, Fla.; MEA **2,500. *4,000—MRA. **1,700—MOCA.
From Ocala INT, Fla.; to Cross City, Fla., VOR; MEA *2,000. *1,200—MOCA.
From Cross City, Fla., VOR; to *Perry INT, Fla.; MEA **2,000. *2,500—MRA. **1,200—MOCA.
From Perry INT, Fla.; to Greenville INT, Fla.; MEA *3,500. *1,500—MOCA.
From Greenville INT, Fla.; to *Quitman INT, Ga.; MEA **3,500. *3,000—MRA. **1,500—MOCA.
From Quitman INT, Ga.; to Albany, Ga., VOR; MEA *3,000. *1,500—MOCA.

§ 610.6160 *VOR civil airway 160.*

From Denver, Colo., VOR; to Sidney, Nebr., VOR; MEA 7,000.

§ 610.6161 *VOR civil airway 161.*

From Fort Worth (Carter), Tex., ILS loc.; to Roanoke INT, Tex.; MEA 2,000.
From Roanoke INT, Tex.; to *Fox INT, Tex.; MEA 2,000. *3,500—MRA.
From Fox INT, Tex.; to Ardmore, Okla., VOR; MEA *3,500. *2,400—MOCA.
From Ardmore, Okla., VOR; to Tulsa, Okla., VOR; MEA *4,600. *2,400—MOCA.
From Tulsa, Okla., VOR; to Butler, Mo., VOR; MEA *4,300. *2,300—MOCA.
From Butler, Mo., VOR; to Blue Springs, Mo., VOR; MEA *4,000. *2,400—MOCA.
From Blue Springs, Mo., VOR; to Lawson INT, Mo.; MEA 2,400.
From Lawson INT, Mo.; to *Jameson INT, Mo.; MEA **2,900. *3,000—MRA. **2,400—MOCA.
From Jameson INT, Mo.; to Lamoni, Iowa, VOR; MEA *2,900. *2,400—MOCA.
From Lamoni, Iowa, VOR; to *Osceola INT, Iowa; MEA 2,300. *4,300—MRA.
From Osceola INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,300.
From Des Moines, Iowa, VOR; to *Mingo INT, Iowa; MEA 2,700. *5,000—MRA.
From Mingo INT, Iowa; to Waterloo, Iowa, VOR; MEA 2,700.
From Waterloo, Iowa, VOR; to Rochester, Minn., VOR; MEA 2,500.
From Rochester, Minn., VOR; to Diamond Bluff INT, Wis.; MEA 2,800.
From Diamond Bluff INT, Wis.; to Minneapolis, Minn., ILS loc.; MEA, 2,400.

§ 610.6162 *VOR civil airway 162.*

From Harrisburg, Pa., VOR; to Allentown, Pa., VOR; MEA 3,000.
From Harrisburg, Pa., VOR via S alter.; to Reinholds INT, Pa., via S alter.; MEA *4,500. *2,500—MOCA.
From Reinholds INT, Pa., via S alter.; to Allentown, Pa., VOR via S alter.; MEA 2,500.

§ 610.6163 *VOR civil airway 163.*

From Brownsville, Tex., VOR; to Alice, Tex., VOR; MEA 1,400.
From Alice, Tex., VOR; to *Elmendorf INT, Tex.; MEA 2,200. *4,000—MRA.
From Elmendorf INT, Tex.; to San Antonio, Tex., VOR; MEA 2,200.

From San Antonio, Tex., VOR; to Spring Branch INT, Tex.; MEA *3,000. *2,600—MOCA.

From Spring Branch INT, Tex.; to *Kingsland INT, Tex.; MEA **4,000. *4,000—MRA. **2,800—MOCA.

From Kingsland INT, Tex.; to Lometa, Tex., VOR; MEA *4,000. *2,800—MOCA.

From San Antonio, Tex., VOR via W alter.; to *Guadalupe INT, Tex., via W alter.; MEA 3,000. *4,000—MRA.

From Guadalupe INT, Tex., via W alter.; to *Fredericksburg INT, Tex., via W alter.; MEA 3,000. *4,000—MRA.

From Fredericksburg INT, Tex., via W alter.; to Lometa, Tex., VOR via W alter.; MEA *4,000. *3,100—MOCA.

From Lometa, Tex., VOR; to *Mill INT, Tex.; MEA **5,000. *3,500—MRA. **2,800—MOCA.

From Mill INT, Tex.; to Mineral Wells, Tex., VOR; MEA *3,500. *2,400—MOCA.

From Mineral Wells, Tex., VOR; to Fort Worth, Tex., VOR; MEA 2,500.

From Fort Worth, Tex., VOR; to Ardmore, Okla., VOR; MEA *3,000. *2,600—MOCA.

From Ardmore, Okla., VOR via W alter.; to *Blanchard INT, Okla., via W alter., MEA **2,800. *2,800—MRA. **2,500—MOCA.

From Blanchard INT, Okla., via W alter.; to Oklahoma City, Okla., VOR via W alter.; MEA 2,400.

§ 610.6164 *VOR civil airway 164.*

From Bradford, Pa., VOR; to Stonyford INT, Pa.; MEA 4,500.

From Stonyford INT, Pa.; to Williamsport, Pa., VOR; MEA 4,000.

From Williamsport, Pa., VOR; to Crystal Lake INT, Pa.; MEA 4,500.

From Crystal Lake INT, Pa.; to Stroudsburg, Pa., VOR; MEA 3,500.

From Williamsport, Pa., VOR via S alter.; to Stroudsburg, Pa., VOR via S alter.; MEA 4,000.

§ 610.6165 *VOR civil airway 165.*

From *Long Beach, Calif., VOR; to Berry INT, Calif.; MEA 8,000. *6,500—MCA Long Beach VOR, northbound.

From *Berry INT, Calif.; to **Palmdale, Calif., VOR; MEA 9,000. *9,000—MCA Berry INT, northbound. **9,000—MCA Palmdale VOR, southbound.

From *Palmdale, Calif., VOR; to Victory INT, Calif., northwestbound, MEA 10,000; southeastbound, MEA 6,000. *8,000—MCA Palmdale VOR, northwestbound. *9,000—MCA Palmdale VOR, southbound.

From Victory INT, Calif.; to White Oaks INT, Calif.; MEA 10,000.

From White Oaks INT, Calif.; to *Bakersfield, Calif., VOR, southbound, MEA 10,000; northbound, MEA 6,000. *7,000—MCA Bakersfield VOR, southbound.

From Bakersfield, Calif., VOR; to Coalinga, Calif., VOR; MEA 3,000.

§ 610.6166 *VOR civil airway 166.*

From Martinsburg, W. Va., VOR; to Parkton INT, Md.; MEA 4,000.

From Parkton INT, Md.; to West Chester, Pa., VOR; MEA 2,000.

From Hoopes INT, Del.; to Philadelphia, Pa., ILS loc.; MEA 1,800.

From Philadelphia, Pa., ILS loc.; to Mount Holly INT, N. J.; MEA 1,800.

From Mount Holly INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,500.

§ 610.6167 *VOR civil airway 167.*

From Point Pleasant INT, N. J.; to Idlewild, N. Y., VOR; MEA *2,500. *1,500—MOCA.

From Idlewild, N. Y., VOR; to Syosset INT, N. Y.; MEA *2,000. *1,500—MOCA.

From Syosset INT, N. Y.; to Bridgeport INT, Conn.; MEA *2,000. *1,500—MOCA.

From Bridgeport INT, Conn.; to Hartford, Conn., VOR; MEA 2,000.

§ 610.6168 *VOR civil airway 168.*

From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 3,500.

From Allentown, Pa., VOR; to Belle Mead INT, N. J.; MEA 2,500.

From Belle Mead INT, N. J.; to New Brunswick INT, N. J.; MEA 2,000.

From New Brunswick INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,500.

§ 610.6169 *VOR civil airway 169.*

From Sidney, Nebr., VOR; to Scottsbluff INT, Nebr.; MEA 5,800.

From Scottsbluff INT, Nebr.; to Chadron, Nebr., VOR; MEA 6,500.

From Chadron, Nebr., VOR; to Rapid City, S. Dak., VOR; MEA 5,600. Via E alter.; MEA 5,600.

§ 610.6170 *VOR civil airway 170.*

From Milwaukee, Wis., VOR; to Sun Fish INT (Lake Michigan); MEA 2,300.

From Sun Fish INT (Lake Michigan); to Pullman, Mich., VOR; MEA *2,700. *2,000—MOCA.

From Pullman, Mich., VOR; to Hickory INT, Mich.; MEA 3,000.

From Hickory INT, Mich.; to *Leslie INT, Mich.; MEA **3,500. *3,000—MRA. **3,000—MOCA.

From Leslie INT, Mich.; to Salem, Mich., VOR; MEA 2,500.

From Erie, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000. Via N alter.; MEA 4,000.

From Bradford, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.

From Selinsgrove, Pa., VOR; to Reinholds INT, Pa.; MEA 4,000.

From Reinholds INT, Pa.; to West Chester, Pa., VOR; MEA 2,500.

§ 610.6171 *VOR civil airway 171.*

From Louisville, Ky., VOR; to *Martinsburg INT, Ind.; MEA **3,000. *3,600—MRA. **2,600—MOCA.

From Martinsburg INT, Ind.; to *Mitchell INT, Ind.; MEA **3,000. *3,000—MRA. **2,600—MOCA.

From Mitchell INT, Ind.; to Scotland, Ind., VOR; MEA 2,000.

From Scotland, Ind., VOR; to Terre Haute, Ind., VOR; MEA 2,000.

From Terre Haute, Ind., VOR; to State Line INT, Ind.; MEA 2,000.

From State Line INT, Ind.; to Peotone, Ill., VOR; MEA *2,500. *2,000—MOCA.

From Peotone, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.

From Sycamore INT, Ill.; to Janesville, Wis., VOR; MEA 2,100.

From Janesville, Wis., VOR; to Mendota INT., Wis.; MEA 2,700.

§ 610.6172 *VOR civil airway 172.*

From Des Moines, Iowa, VOR; to *Monroe INT, Iowa; MEA 2,200. *3,500—MRA.

From Monroe INT, Iowa; to Grinnell INT, Iowa; MEA 2,200.

From Grinnell INT, Iowa; to Polo, Ill., VOR; MEA *8,600. *2,200—MOCA.

From Grinnell INT, Iowa; to Cedar Rapids, Iowa, LF/RBN; MEA #2,200. #Utilizing Cedar Rapids LF/RBN.

From Cedar Rapids, Iowa, LF/RBN; to Polo, Ill., VOR; MEA #*3,200. #Utilizing Cedar Rapids LF/RBN. *2,200—MOCA.

From Int. 071° T rad. Des Moines, VOR and 268° T rad. Polo, VOR via S alter.; to Big Rock INT, Iowa, via S alter.; MEA *7,500. *2,200—MOCA.

From Big Rock INT, Iowa, via S alter.; to Moline, Ill., VOR via S alter.; MEA 2,200.

From Moline, Ill., VOR via S alter.; to Polo, Ill., VOR via S alter.; MEA 2,200.

From Int. 071° T rad. Des Moines, VOR and 268° T rad. Polo, VOR; to Big Rock INT, Iowa; MEA #2,200. Via S alter.; MEA #2,200. #Utilizing Cedar Rapids LF/RBN.

From Polo, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.

From Sycamore INT, Ill.; to Glen Ellyn INT, Ill.; MEA *3,000. *2,500—MOCA.

From Glen Ellyn INT, Ill.; to Chicago, Midway Airport, Ill., TVOR; MEA 2,500.

§ 610.6173 *VOR civil airway 173.*

From Springfield, Ill., VOR; to Roberts, Ill., VOR; MEA *2,800. *2,000—MOCA.

From Roberts, Ill., VOR; to Mateno INT, Ill.; MEA *2,800. *2,000—MOCA.

From Mateno INT, Ill.; to Chicago, Ill., TVOR; MEA 2,300.

§ 610.6174 *VOR civil airway 174.*

From Vichy, Mo., VOR; to Troy, Ill., VOR; MEA 2,200.

From Troy, Ill., VOR; to Vernon INT, Ill.; MEA 2,100.

From Vernon INT, Ill.; to *Farina INT, Ill.; MEA **3,100. *3,100—MRA. **2,100—MOCA.

From *Farina INT, Ill.; to Carlisle INT, Ind.; MEA **3,100. *3,100—MRA. **2,100—MOCA.

From Carlisle INT, Ind.; to Scotland, Ind., VOR; MEA 2,000.

From Scotland, Ind., VOR; to *Mitchell INT, Ind.; MEA 2,000. *3,000—MRA.

From *Mitchell INT, Ind.; to **Martinsburg INT, Ind.; MEA ***3,000. *3,000—MRA. **3,600—MRA. ***2,600—MOCA.

From Martinsburg INT, Ind.; to Louisville, Ky., VOR; MEA *3,000. *2,600—MOCA.

From Louisville, Ky., VOR; to *Georgetown INT, Ky.; MEA **3,000. *3,000—MRA. **2,500—MOCA.

From *Georgetown INT, Ky.; to York, Ky., VOR; MEA **5,000. *3,000—MRA. **2,500—MOCA.

From York, Ky., VOR; to Eureka INT, Ky.; MEA 2,500.

From Eureka INT, Ky.; to *Gay INT, W. Va.; MEA **4,000. *4,000—MRA. **2,500—MOCA.

From Gay INT, W. Va.; to *Clara INT, W. Va.; MEA **4,000. *5,000—MRA. **3,000—MOCA.

From Clara INT, W. Va.; to Elkins, W. Va., VOR; MEA 5,000.

From Elkins, W. Va., VOR; to Petersburg INT, W. Va.; MEA 6,800.

From *Petersburg INT, W. Va.; to Front Royal, Va., VOR; MEA 5,300. *6,000—MCA Petersburg INT, westbound.

From Front Royal, Va., VOR; to Plains INT, Va.; MEA 4,000.

From Plains INT, Va.; to Springfield INT, Va.; MEA 3,000.

From Springfield INT, Va.; to Washington, D. C., TVOR; MEA 1,800.

§ 610.6175 *VOR civil airway 175.*

From Vichy, Mo., VOR; to Wilton INT, Mo.; MEA 2,200.

From Wilton INT, Mo.; to Columbia, Mo., VOR; MEA 2,600.

§ 610.6176 *VOR civil airway 176.*

From Centralia, Ill., VOR; to Cisne INT, Ill.; MEA 2,100.

From Cisne INT, Ill.; to Scotland, Ind., VOR; MEA *3,000. *2,100—MOCA.

§ 610.6177 *VOR civil airway 177.*

From Naperville, Ill., VOR; to Janesville, Wis., VOR; MEA 2,200.

From Janesville, Wis., VOR; to Mills INT, Wis.; MEA 2,200.

§ 610.6178 *VOR civil airway 178.*

From Farmington, Mo., VOR; to Paducah, Ky., VOR; MEA 2,400. Via S alter.; MEA 2,400.

§ 610.6179 *VOR civil airway 179.*

From Paducah, Ky, VOR; to Centralia, Ill., VOR; MEA 2,000.

§ 610.6180 *VOR civil airway 180.*

From Austin, Tex., VOR; to *Smithville INT, Tex.; MEA 2,000. *2,300—MRA.

From Smithville INT, Tex.; to Eagle Lake, Tex., VOR; MEA *3,000. *2,000—MOCA.

From Eagle Lake, Tex., VOR; to Galveston, Tex., VOR; MEA 1,600.

§ 610.6181 *VOR civil airway 181.*

From Sioux Falls, S. Dak., VOR; to Watertown, S. Dak., VOR; MEA 3,000.

§ 610.6182 *VOR civil airway 182.*

From *Portland, Oreg., VOR; to The Dalles, Oreg., VOR; MEA 7,000. *4,700—MCA Portland VOR, eastbound.

From The Dalles, Oreg., VOR; to Eight Mile INT, Oreg.; MEA 5,000.

From Eight Mile INT, Oreg.; to Ukiah INT, Oreg.; MEA 9,000.

From Ukiah INT, Oreg.; to *Baker, Oreg., VOR; MEA **14,000. *10,200—MCA Baker VOR, westbound. **11,000—MOCA.

§ 610.6183 *VOR civil airway 183.*

From *Santa Barbara, Calif., VOR; to Maricopa INT, Calif.; MEA 9,000. *8,000—MCA Santa Barbara VOR, northeastbound.

From Maricopa INT, Calif.; to *Bakersfield, Calif., VOR; northeastbound, MEA 3,000. Southwestbound, MEA 7,000. *3,000—MCA Bakersfield VOR, southwestbound.

§ 610.6184 *VOR civil airway 184.*

From Erie, Pa., VOR; to *Hickory INT, Pa.; MEA 3,500. *5,000—MRA.

From Hickory INT, Pa.; to Fitzgerald, Pa., VOR; MEA 3,500.

From Fitzgerald, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.

§ 610.6185 *VOR civil airway 185.*

From Savannah, Ga., VOR; to *Kildare INT, Ga.; MEA 1,300. *3,500—MRA.

From Kildare INT, Ga.; to Augusta, Ga., VOR; MEA 1,800.

From Augusta, Ga., VOR; to *Laurens INT, S. C.; MEA 2,300. *2,700—MRA.

From Laurens INT, S. C.; to Spartanburg, S. C., VOR; MEA 2,300.

From Spartanburg, S. C., VOR; to Asheville, N. C., VOR; MEA 6,000.

From Augusta, Ga., VOR via W alter.; to Honea INT, Ga., via W alter.; MEA 2,000.

From Honea INT, Ga., via W alter.; to Greenville, S. C., ILS loc., via W alter.; MEA 4,000.

From Greenville, S. C., ILS loc., via W alter.; to Tigerville INT, S. C., via W alter.; MEA 4,000.

From Tigerville INT, S. C., via W alter.; to Asheville, N. C., VOR via W alter.; MEA 6,000.

From Asheville, N. C., VOR; to Piedmont INT, Tenn.; MEA 8,000.

From Piedmont INT, Tenn.; to Knoxville, Tenn., VOR; MEA 6,000.

From Asheville, N. C., VOR via E alter.; to Ottway INT, Tenn., via E alter.; MEA 8,000.

From Ottway INT, Tenn., via E alter.; to Knoxville, Tenn., VOR via E alter; MEA 6,000.

§ 610.6186 *VOR civil airway 186.*

From St. Louis, Mo., VOR; to *Fidelity INT, Ill.; MEA 2,000. *3,000—MRA.

From Fidelity INT, Ill.; to Gillespie INT, Ill.; MEA *3,000. *2,000—MOCA.

From Gillespie INT, Ill.; to Vandalia, Ill., VOR; MEA 2,000.

§ 610.6187 *VOR civil airway 187.*

From Chicago Heights, Ill., VOR; to *Bull Head INT, Ill.; MEA 2,500. *2,500—MRA.

From Bull Head INT, Ill.; to *Papi INT, Ill.; MEA 2,500. *2,500—MRA.

From Papi INT, Ill.; to *Taylor INT, Wis.; MEA **4,500. *4,500—MCA Taylor INT, southbound. **2,000—MOCA.

From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.

From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.

From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

From Chicago Heights, Ill., VOR via E alter.; to Beacon INT, Ill., via E alter.; MEA 2,000.

From Beacon INT, Ill., via E alter.; to White Fish INT, Ill., via E alter.; MEA 2,500.

From White Fish INT, Ill., via E alter.; to Taylor INT, Ill., via E alter.; MEA *3,500. *2,000—MRA.

From Taylor INT, Ill., via E alter.; to Racine INT, Wis., via E alter.; MEA *3,000. *2,000—MOCA.

From Racine INT, Wis., via E alter.; to *New Berlin INT, Wis., via E alter.; MEA **3,000. *3,500—MRA. **2,100—MOCA.

From New Berlin INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter.; MEA 2,300.

§ 610.6188 *VOR civil airway 188.*

From Carleton, Mich., VOR; to Detroit River INT, Mich.; MEA 2,000.

From Detroit River INT, Mich.; to Pelee INT, Canada; MEA *#2,500. *2,000—MOCA. #For that airspace over U. S. Territory.

From Pelee INT, Canada; to *Gill INT, U. S.; MEA **#6,000. *6,000—MRA. **2,000—MOCA. #For that airspace over U. S. territory.

From Gill INT, U. S.; to Perry Ohio, LF/RBN; MEA *#9,000. *2,500—MOCA. #For that airspace over U. S. territory.

From Gill INT, U. S.; to Perry, Ohio, LF/RBN; MEA *#6,000. *2,500—MOCA. #Utilizing Perry LF/RBN.

From Perry, Ohio, LF/RBN; to Fitzgerald, Pa., VOR; MEA 3,500.

From Fitzgerald, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,000.

From Williamsport, Pa., VOR; to Crystal Lake INT, Pa.; MEA 4,500.

From Crystal Lake INT, Pa.; to Stroudsburg, Pa., VOR; MEA 3,500.

From Stroudsburg, Pa., VOR; to Caldwell, N. J., VOR; MEA 2,600.

§ 610.6190 *VOR civil airway 190.*

From Grants, N. Mex., VOR; to INT Santa Fe 240 and Albuquerque, VOR 010 mag. rads.; MEA 10,000.

From INT Santa Fe 240 and Albuquerque, VOR 010 mag. rads.; to Santa Fe, N. Mex., VOR; MEA 9,000.

From *Santa Fe, N. Mex., VOR; to **Las Vegas, N. Mex., VOR; MEA 12,500. *11,600—MCA Santa Fe VOR, eastbound. **11,300—MCA Las Vegas VOR, westbound.

From Las Vegas, N. Mex., VOR; to Dalhart, Tex., VOR; MEA *13,000. *9,000—MOCA.

From Dalhart, Tex., VOR; to Gage, Okla., VOR; MEA *5,700. *5,200—MOCA.

From Gage, Okla., VOR; to Capron INT, Okla.; MEA 3,500.

From Capron INT, Okla.; to Ponca City, Okla., VOR; MEA *3,500. *2,500—MOCA.

From Ponca City, Okla., VOR; to *Waco INT, Mo.; MEA **7,000. *6,500—MRA. **2,500—MOCA.

From Waco Int, Mo.; to Avilla INT, Mo.; MEA *6,500. *2,600—MOCA.

From Avilla INT, Mo.; to Springfield, Mo., VOR; MEA 2,600.

From Joplin, Mo., LOM; to Avilla INT, Mo.; MEA #2,600. #Utilizing Joplin LOM.

From Springfield, Mo., VOR; to Farmington, Mo., VOR; MEA *4,600. *2,800—MOCA.

From Farmington, Mo., VOR; to Evansville, Ind., VOR; MEA 2,500.

§ 610.6191 *VOR civil airway 191.*

From Walnut Ridge, Ark., VOR; to Farmington, Mo., VOR; MEA *2,700. *2,500—MOCA.

From Farmington, Mo., VOR; to *Crystal City INT, Mo.; MEA 2,500. *3,000—MRA.

From Crystal City INT, Mo.; to Troy, Ill., VOR; MEA 2,200.

From Troy, Ill., VOR; to *Mt. Zion INT, Ill.; MEA **4,000. *4,000—MRA. **2,300—MOCA.

From Mt. Zion INT, Ill.; to Roberts, Ill., VOR; MEA *4,000. *2,200—MOCA.

From Roberts, Ill., VOR; to Mateno INT, Ill.; MEA *2,800. *2,000—MOCA.

From Mateno INT, Ill.; to Chicago, Midway Arpt. Ill., TVOR; MEA 2,300.

From Chicago O'Hare, Ill., TVOR; to Taylor INT, Wis.; MEA *3,000. *2,100—MOCA.

From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.

From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.

From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

§ 610.6192 *VOR civil airway 192.*

From Grants, N. Mex., VOR; to Ladrones INT, N. Mex.; MEA 11,000.

From *Ladrones INT, N. Mex.; to Corona, N. Mex., VOR; MEA 9,500. *10,000—MCA Ladrones INT, northwestbound.

From Corona, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA *11,000. *9,000—MOCA.

§ 610.6193 *VOR civil airway 193.*

From Pullman, Mich., VOR; to Grand Rapids, Mich., ILS/LOM; MEA 2,200.

From Grand Rapids, Mich., ILS/LOM; to White Cloud, Mich., VOR; MEA 2,200.

From White Cloud, Mich., VOR; to Traverse City, Mich., LFR; MEA 2,700.

§ 610.6194 *VOR civil airway 194.*

From Homer INT, Ga.; to Royston, Ga., VOR; MEA 2,200.

From Royston, Ga., VOR; to Honea INT, S. C.; MEA 2,200.

From Honea INT, S. C.; to *Laurens INT, S. C.; MEA **2,700. *2,700—MRA. **2,000—MOCA.

From *Laurens INT, S. C.; to Union INT, S. C.; MEA *3,000. *1,900—MOCA.

From Union INT, S. C.; to Charlotte, S. C., VOR; MEA 2,000.

From Charlotte, N. C., VOR; to Norwood INT, N. C.; MEA *3,000. *1,800—MOCA.

From Norwood INT, N. C.; to Moncure INT, N. C.; MEA *3,500. *1,800—MOCA.

From Moncure INT, N. C.; to Raleigh, N. C., VOR; MEA 1,600.

From Raleigh, N. C., VOR; to Rocky Mount, N. C., VOR; MEA 1,700.

From Raleigh, N. C., VOR via S. alter.; to Rocky Mount, N. C., VOR via S. alter.; MEA 2,500.

From Rocky Mount, N. C., VOR; to Cofield, N. C., VOR; MEA *1,400. *1,200—MOCA.

From Cofield, N. C., VOR; to Corapeake INT, Va.; MEA *1,500. *1,200—MOCA.

From Corapeake INT, Va.; to Norfolk, Va., ILS loc.; MEA 1,500.

From Norfolk, Va., ILS localizer; to Whitehurst INT, Va.; MEA 1,500.

§ 610.6195 *VOR civil airway 195.*

From Oakland, Calif., VOR; to Sacramento, Calif., VOR; MEA 4,000.

From Bay Point, Calif., FM; to Sacramento, Calif., VOR, eastbound only; MEA 2,000.

From Sacramento, Calif., VOR; to Williams, Calif., VOR; northwestbound, MEA 3,000; southeastbound, MEA 2,000.

From Oakland, Calif., VOR, via W alter.; to Rio INT, Calif., via W alter.; MEA 4,000.

From Rio INT, Calif., via W alter.; to Williams, Calif., VOR, via W alter.; MEA 5,000.

From Bay Point, Calif., FM, via W alter.; to Rio INT, Calif., northeastbound only, via W alter.; MEA 2,000.

From Williams, Calif., VOR; to Red Bluff, Calif., VOR; MEA 3,000.

§ 610.6196 *VOR civil airway 196.*

From Rock River, Wyo., VOR; to Wheatland INT, Wyo.; MEA 11,000.

From Wheatland INT, Wyo.; to Chadron, Nebr., VOR; MEA *10,000. *8,000—MOCA.

§ 610.6197 *VOR civil airway 197.*

From Waterville, Ohio, VOR; to Carleton, Mich., VOR; MEA 2,100.

§ 610.6198 *VOR civil airway 198.*

From San Antonio, Tex., VOR; to Eagle Lake, Tex., VOR; MEA 2,500.
From Eagle Lake, Tex., VOR; to Arcola INT, Tex.; MEA 1,600.
From Arcola INT, Tex.; to Galveston, Tex., VOR; MEA 2,200.

§ 610.6199 *VOR civil airway 199.*

From Fresno, Calif., VOR; to Los Banos INT, Calif.; MEA 3,000.
From Los Banos INT, Calif.; to *San Francisco, Calif., VOR; MEA 7,000. *4,500—MCA San Francisco VOR, eastbound.
From Hillview INT, Calif.; to San Francisco, Calif., VOR westbound only; MEA 3,000.
From San Francisco, Calif., VOR; to Stinson Beach INT, Calif.; MEA 3,000.
From Stinson Beach INT, Calif.; to Marin INT, Calif.; MEA 4,000.
From Martin INT, Calif.; to Fort Ross INT, Calif.; MEA 6,000. *10,500—MRA.
From Fort Ross INT,, Calif.; to Ukiah, Calif., VOR; MEA 6,000.

§ 610.6200 *VOR civil airway 200.*

From Ukiah, Calif., VOR; to Williams, Calif., VOR; MEA 7,000.
From *Williams, Calif., VOR; to Mount Lola INT, Calif.; MEA 13,000. *10,000—MCA Williams VOR, northeastbound.
From Mount Lola INT, Calif.; to Reno, Nev., VOR; MEA 11,000.

§ 610.6201 *VOR civil airway 201.*

From Corbina INT, Calif.; to *Los Angeles, Calif., VOR; MEA 3,500. *6,000—MCA Los Angeles VOR, northeastbound.
From Los Angeles, Calif., VOR; to Berry INT, Calif.; MEA 9,000.

§ 610.6202 *VOR civil airway 202.*

From *Tucson, Ariz., LFR; to Kinsley INT, Ariz.; MEA **14,000. *12,000—MCA Tucson LFR, southbound. **12,000—MOCA.
From Kinsley INT, Ariz.; to Mescal INT, Ariz.; MEA *14,000. *10,000—MOCA.
From Mescal INT, Ariz.; to Cochise, Ariz., VOR; MEA 10,000.

§ 610.6203 *VOR civil airway 203.*

From Albany, N. Y., VOR; to Sacandaga INT, N. Y.; southbound, MEA 3,000; northbound, MEA 6,000.
From Sacandaga INT, N. Y.; to Tupper Lake INT, N. Y.; MEA *7,000. *6,000—MOCA.
From *Tupper Lake INT, N. Y.; to Massena, N. Y., VOR; MEA 4,500. *6,000—MCA Tupper Lake INT, southbound.

§ 610.6204 *VOR civil airway 204.*

From Hoquiam, Wash., VOR; to *Olympia, Wash., VOR; MEA 4,300. *2,800—MCA Olympia VOR, westbound.

§ 610.6205 *VOR civil airway 205.*

From Springfield, Mo., VOR; to *Bolivar INT, Mo.; MEA 2,500. *5,500—MRA.
From Bolivar INT, Mo.; to Blue Springs, Mo., VOR; MEA 2,400.
From Blue Springs, Mo., VOR; to Kansas City, Mo., VOR; MEA 2,400.
From Springfield, Mo., VOR via W alter.; to *Schell City INT, Mo., via W alter.; MEA 2,500. *4,000—MRA.
From Schell City INT, Mo., via W alter.; to Blue Springs, Mo., VOR via W alter.; MEA *4,000. *2,400—MOCA.

§ 610.6206 *VOR civil airway 206.*

From Blue Springs, Mo., VOR; to Lexington INT, Mo.; MEA 2,400.
From Lexington INT, Mo.; to Kirksville, Mo., VOR; MEA *3,100. *2,400—MOCA.

§ 610.6207 *VOR civil airway 207.*

From Denver, Colo., VOR; to Gill INT, Colo.; MEA 7,500.
From Gill INT, Colo.; to Egbert INT, Wyo.; MEA 7,500.

§ 610.6208 *VOR civil airway 208.*

From *Los Angeles, Calif., VOR; to Oceanside, Calif., VOR; MEA 4,000. *2,000—MCA Los Angeles VOR, southbound.
From *Oceanside, Calif., VOR; to Mesa Grande INT, Calif., eastbound, MEA 9,000; westbound, MEA 7,000. *5,000—MCA Oceanside VOR, eastbound.
From Mesa Grande INT, Calif.; to *Thermal, Calif., VOR; MEA 11,000. *11,000—MCA Thermal VOR, southwestbound.
From Thermal, Calif., VOR; to Needles, Calif., VOR; MEA *10,000. *6,500—MOCA.

§ 610.6209 *VOR civil airway 209.*

From *Los Angeles, Calif., VOR; to Fillmore, Calif., VOR; MEA 5,000. *3,000—MCA Los Angeles VOR, northwestbound.
From Shoreline INT, Calif.; to Los Angeles, Calif., VOR southeastbound only; MEA 3,000.
From *Fillmore, Calif., VOR; to Paso Robles, Calif., VOR; MEA **12,500. *10,500—MCA Fillmore VOR, northwestbound. **9,500—MOCA.

§ 610.6210 *VOR civil airway 210.*

From *Los Angeles, Calif., VOR; to Alhambra INT, Calif., northeastbound, MEA 12,000; southwestbound, MEA 3,000. *9,000—MCA Los Angeles, VOR, northeastbound.
From Alhambra INT, Calif.; to Hawkins INT, Calif., northeastbound, MEA 12,000; southwestbound, MEA 9,000.
From Hawkins INT, Calif.; to Daggett, Calif., VOR; MEA 12,000.

§ 610.6211 *VOR civil airway 211.*

From Cotulla, Tex., VOR; to Junction, Tex., VOR; MEA *4,000. *3,500—MOCA.

§ 610.6212 *VOR civil airway 212.*

From Ukiah, Calif., VOR; to *Fort Ross INT, Calif.; MEA 6,000. *10,500—MRA.
From *Fort Ross INT, Calif.; to **Geyserville INT, Calif.; MEA 10,500. *10,500—MCA Fort Ross INT, northeastbound. **6,500—MRA.
From Geyserville INT, Calif.; to Williams, Calif., VOR; MEA 8,500.
From Williams, Calif., VOR; to Wheatland INT, Calif.; MEA 4,000.
From Wheatland INT, Calif.; to Auburn INT, Calif.; eastbound, MEA 7,000; westbound, MEA 4,000.
From Auburn INT, Calif.; to *Coloma INT, Calif.; eastbound, MEA 7,000; westbound, MEA 6,000.
From *Coloma INT, Calif.; to Tahoe INT, Calif.; northeastbound, MEA 13,000; southwestbound, MEA 9,500. *9,500—MCA Coloma INT, northeastbound.
From Tahoe INT, Calif.; to *Reno, Nev., VOR; MEA 13,000. *12,000—MCA Reno VOR, southwestbound.

§ 610.6213 *VOR civil airway 213.*

From Rocky Mount, N. C., VOR; to Boykins INT, Va.; MEA 1,500.

§ 610.6215 *VOR civil airway 215.*

From Muskegon, Mich., VOR; to White Cloud, Mich., VOR; MEA 2,000.

§ 610.6216 *VOR civil airway 216.*

From Janesville, Wis., VOR; to *Wind Lake INT, Wis.; MEA **3,000. *3,000—MRA. **2,400—MOCA.
From Wind Lake INT, Wis.; to Sun Fish INT, Wis.; MEA *3,500. *2,000—MOCA.
From Sun Fish INT, Wis.; to Muskegon, Mich., VOR; MEA 2,000.
From Muskegon, Mich., VOR; to Saginaw, Mich., LF/RBN; MEA *4,000. *2,400—MOCA.

§ 610.6217 *VOR civil airway 217.*

From Naperville, Ill., VOR; to *Lake Forest INT, Ill.; MEA **3,000. *3,600—MRA. **2,500—MOCA.
From Lake Forest INT, Ill.; to *Bristol INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.
From Bristol INT, Wis.; to Milwaukee, Wis., ILS loc.; MEA 2,000.
From Milwaukee, Wis., ILS loc.; to Maitland INT, Wis.; MEA 2,000.
From Maitland INT, Wis.; to Green Bay, Wis., VOR; MEA 2,700.

§ 610.6218 *VOR civil airway 218.*

From Sycamore INT, Ill.; to Naperville, Ill., VOR; MEA 2,000.
From Naperville, Ill., VOR; to Beacon INT, Ill.; MEA 2,500.
From Beacon INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.
From Keeler, Mich., VOR; to *Kalamazoo INT, Mich.; MEA 2,200. *2,500—MCA Kalamazoo INT, northeastbound.
From Kalamazoo INT, Mich.; to *Hickory INT, Mich.; MEA 3,000. *2,500—MCA Hickory INT, southwestbound.
From Hickory INT, Mich.; to Lansing, Mich., VOR; MEA 2,200.
From Lansing, Mich., VOR; to Flint INT, Mich.; MEA 2,400.

§ 610.6219 *VOR civil airway 219.*

From Janesville, Wis., VOR; to *New Berlin INT, Wis.; MEA **3,500. *3,500—MRA. **2,400—MOCA.

§ 610.6220 *VOR civil airway 220.*

From Kremmling, Colo., VOR; to Ward INT, Colo.; MEA 16,000.
From Ward INT, Colo.; to Longmont INT, Colo.; MEA 16,500.
From *Longmont INT, Colo.; to Roggen INT, Colo.; MEA 10,500. *16,500—MCA Longmont INT, westbound.
From Roggen INT, Colo.; to Akron, Colo., VOR; MEA 7,000.

§ 610.6221 *VOR civil airway 221.*

From Fort Wayne, Ind., VOR; to Litchfield, Mich., VOR; MEA 2,700.
From Litchfield, Mich., VOR; to Jackson INT, Mich.; MEA 2,300.
From Jackson INT, Mich.; to Salem, Mich., VOR; MEA 2,400.
From Salem, Mich., VOR; to Belle INT, Mich.; MEA 2,700.

§ 610.6222 *VOR civil airway 222.*

From San Antonio, Tex., VOR; to *Smithville INT, Tex.; MEA 2,500. *2,300—MRA.
From Smithville INT, Tex.; to Round Top INT, Tex.; MEA *3,000. *1,700—MOCA.
From Round Top INT, Tex.; to Sealy INT, Tex.; MEA *3,700. *1,700—MOCA.
From Sealy INT, Tex.; to Houston, Tex., VOR; MEA 2,000.

§ 610.6223 *VOR civil airway 223.*

From Herndon, Va., VOR; to Harrisburg, Pa., VOR; MEA 3,000.

§ 610.6224 *VOR civil airway 224.*

From Carleton, Mich., VOR; to U. S.-Canadian Border; MEA 2,300.

§ 610.6225 *VOR civil airway 225.*

From Key West, Fla., VOR; to *Cape Romano INT, Fla.; MEA **3,000. *6,000—MRA. **1,300—MOCA.
From Cape Romano INT, Fla.; to Fort Myers, Fla., VOR; MEA *3,000. *1,300—MOCA.
From Fort Myers, Fla., VOR; to *Dixie Ranch INT, Fla.; MEA **1,500. *4,000—MRA. **1,300—MOCA.

From Dixie Ranch INT, Fla.; to Vero Beach, Fla., VOR; MEA *1,500. *1,300—MOCA.

§ 610.6226 *VOR civil airway 226.*

From Williamsport, Pa., VOR; to Avoca INT, Pa.; MEA 4,500.
From Avoca INT, Pa.; to Stillwater, N. J., VOR; MEA 3,500.
From Stillwater, N. J., VOR; to Paterson INT, N. J.; MEA 2,500.

§ 610.6227 *VOR civil airway 227.*

From Louisville, Ky., VOR; to *Martinsburg INT, Ind.; MEA **3,000. *3,600—MRA. **2,600—MOCA.
From Martinsburg INT, Ind.; to *Mitchell INT, Ind.; MEA **3,000. *3,000—MRA. **2,600—MOCA.
From Mitchell INT, Ind.; to Sanders INT, Ind.; MEA *3,000. *2,600—MOCA.
From Sanders INT, Ind.; to *Paragon INT, Ind.; MEA 2,500. *3,000—MRA.
From Paragon INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,200.

§ 610.6228 *VOR civil airway 228.*

From Wheeling, Ill., VOR; to *Bull Head INT, Ill.; MEA 2,000. *2,500—MRA.
From Bull Head INT, Ill.; to South Bend, Ind., VOR; MEA 2,300.

§ 610.6229 *VOR civil airway 229.*

From Wilmington, N. C., VOR; to New Bern, N. C., VOR; MEA 1,400.
From New Bern, N. C., VOR; to Cofield, N. C., VOR; MEA *1,300. *1,200—MOCA.

§ 610.6230 *VOR civil airway 230.*

From Salinas, Calif., VOR; to Mendota INT, Calif.; MEA 7,000.
From Mendota INT, Calif.; to Fresno, Calif., VOR; MEA 3,000.

§ 610.6231 *VOR civil airway 231.*

From *Missoula, Mont., VOR; to Charlo INT, Mont.; MEA 12,700. *10,500—MCA Missoula VOR, northbound.

§ 610.6232 *VOR civil airway 232.*

From Hill City, Kans., VOR; to Salina, Kans., VOR; MEA *7,900. *3,800—MOCA.

§ 610.6233 *VOR civil airway 233.*

From Springfield, Ill., VOR; to Peoria, Ill., VOR; MEA 2,000.
From Peoria, Ill., VOR; to Bradford, Ill., VOR; MEA 2,000.
From Bradford, Ill, VOR; to *Annawan INT, Ill.; MEA 2,000. *4,000—MRA.
From Annawan INT, Ill.; to Moline, Ill., VOR; MEA 2,000.

§ 610.6234 *VOR civil airway 234.*

From Anton Chico, N. Mex., VOR; to Conchas Dam INT, N. Mex.; MEA 7,500.
From *Conchas Dam INT, N. Mex.; to Dalhart, Tex., VOR; MEA 10,000. *8,500—MCA Conchas Dam INT, northeastbound.

§ 610.6235 *VOR civil airway 235.*

From *Utah Lake, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 14,000. *12,500—MCA Utah Lake VOR, northeastbound.

§ 610.6236 *VOR civil airway 236.*

From Bonneville, Utah, VOR; to Cedar Mountain INT, Utah; westbound, MEA 10,000; eastbound, MEA 11,000.
From Cedar Mountain INT, Utah; to Ogden, Utah, VOR; northeastbound, MEA 11,000; southwestbound, MEA 9,000.

§ 610.6237 *VOR civil airway 237.*

From Needles, Calif., VOR; to Mead INT, Nev.; MEA 9,000.
From *Mead INT, Nev.; to Mormon Mesa, Nev., VOR; MEA 7,000. *7,000—MCA Mead INT, northbound.

§ 610.6238 *VOR civil airway 238.*

From Boothwyn INT, Pa.; to Woodstown, N. J., VOR; MEA 1,800.
From Woodstown, N. J., VOR; to Atlantic City INT, N. J.; MEA 1,500.

§ 610.6239 *VOR civil airway 239.*

From *Wildwood INT, N. J.; to Woodstown, N. J., VOR; MEA 1,500. *2,000—MRA.
From Woodstown, N. J., VOR; to Boothwyn INT, Pa.; MEA 1,800.

§ 610.6240 *VOR civil airway 240.*

From *Dog INT, La.; to Mobile, Ala., VOR; MEA **1,500. *3,900—MRA. **1,400—MOCA.

§ 610.6242 *VOR civil airway 242.*

From Mobile, Ala., VOR; to *Bon Secour INT, Ala.; MEA 1,600. *2,000—MRA.

§ 610.6243 *VOR civil airway 243.*

From Chattanooga, Tenn., VOR; to Smithville INT, Tenn.; MEA 4,400.
From Smithville INT, Tenn.; to *Hartsville INT, Tenn.; MEA **4,000. *5,000—MRA. **3,500—MOCA.
From Hartsville INT, Tenn.; to Bowling Green, Ky., VOR; MEA *4,000. *3,500—MOCA.

§ 610.6244 *VOR civil airway 244.*

From Crestview, Fla., VOR; to Dothan, Ala., TVOR; MEA 1,500.

§ 610.6246 *VOR civil airway 246.*

From Dayton, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.

§ 610.6247 *VOR civil airway 247.*

From Douglas, Wyo., VOR; to Crazy Woman, Wyo., VOR; MEA 7,500.

§ 610.6248 *VOR civil airway 248.*

From Paso Robles, Calif., VOR; to Belridge INT, Calif.; MEA 5,000.
From Belridge INT, Calif.; to Bakersfield, Calif., VOR, eastbound, MEA 2,000; westbound, MEA 3,000.

§ 610.6249 *VOR civil airway 249.*

From Caldwell, N. J., VOR; to Huguenot, N. Y., VOR; MEA 3,000.

§ 610.6250 *VOR civil airway 250.*

From Bergholz INT, Pa.; to Ellwood City, Pa., VOR; MEA 2,500.
From Ellwood City, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

§ 610.6251 *VOR civil airway 251.*

From West Chester, Pa., VOR; to Pottstown, Pa., VOR; MEA 2,000.
From Pottstown, Pa., VOR; to Captain INT, Pa.; MEA 2,000.
From Captain INT, Pa.; to Caldwell, N. J., VOR; MEA 2,500.

§ 610.6252 *VOR civil airway 252.*

From Binghamton, N. Y., VOR; to Huguenot, N. Y., VOR; MEA 4,000.
From Huguenot, N. Y., VOR; to Paterson INT, N. J.; MEA 2,500.

§ 610.6254 *VOR civil airway 254.*

From Reinholds INT, Pa.; to Pottstown, Pa., VOR; MEA 2,000.
From Pottstown, Pa., VOR; to Columbus INT, N. J.; MEA 2,000.

§ 610.6256 *VOR civil airway 256.*

From Reinholds INT, Pa.; to Pottstown, Pa., VOR; MEA 2,000.
From Pottstown, Pa., VOR; to Warrington INT, Pa.; MEA 2,000.

§ 610.6258 *VOR civil airway 258.*

From Charleston, W. Va., VOR; to Marie INT, W. Va.; MEA 6,000.
From Marie INT, W. Va.; to Rock Camp INT, W. Va.; MEA *7,000. *6,000—MOCA.
From Rock Camp INT, W. Va.; to Roanoke, Va., VOR; MEA 6,000.

§ 610.6260 *VOR civil airway 260.*

From Charleston, W. Va., VOR; to *Leonard INT, W. Va.; MEA 6,000. *9,000—MRA.
From Leonard INT, W. Va.; to *Greenbrier INT, W. Va.; MEA **9,000. *9,000—MRA. **6,000—MOCA.
From Greenbrier INT, W. Va.; to Roanoke, Va., VOR; MEA 6,000.

§ 610.6401 *Hawaii VOR civil airway 1.*

From Hilo, T. H., VOR; to Hibiscus INT, T. H.; MEA *3,000. *1,000—MOCA.

§ 610.6402 *Hawaii VOR civil airway 2.*

From Lihue, T. H., VOR; to *Makai INT, T. H., MEA **5,000. *5,000—MCA Makai INT, westbound. **3,000—MOCA.
From Makai INT, T. H.; to Honolulu, T. H., VOR; MEA 4,000.
From Barbers Point, T. H., FM; to Honolulu, T. H., VOR northeastbound only; MEA 2,000.
From Lihue, T. H., VOR via S alter.; to Hula Girl INT, T. H., via S alter.; MEA *4,000. *3,000—MOCA.
From Hula Girl INT, T. H., via S alter.; to Makai INT, T. H., via S alter.; MEA 4,000.
From Makai INT, T. H., via S alter.; to Honolulu, T. H., VOR via S alter.; MEA 4,000.
From Barbers Point, T. H., FM via S alter.; to Honolulu, T. H., VOR via S alter., northeastbound only; MEA 2,000.
From Honolulu, T. H., VOR; to *Lanai, T. H., VOR; MEA 5,000. Via S alter.; MEA 5,000. *5,000—MCA Lanai VOR, eastbound.
From Lanai, T. H., VOR; to Pineapple INT, T. H.; MEA 5,000.
From Pineapple INT, T. H.; to Rainbow INT, T. H.; MEA 4,000.
From Rainbow INT, T. H.; to Upolu, T. H., VOR; MEA 5,000.
From Upolu, T. H., VOR; to Paradise INT, T. H.; MEA 5,000.
From Paradise INT, T. H.; to Hilo, T. H., VOR; MEA 4,000.
From Hilo, T. H., VOR; to 25 miles E of Hilo VOR; MEA *2,000. *1,000—MOCA.

§ 610.6403 *Hawaii VOR civil airway 3.*

From Hilo, T. H., VOR; to Grass Shack INT, T. H.; MEA *3,000. *1,000—MOCA.

§ 610.6404 *Hawaii VOR civil airway 4.*

From South Port Allen INT, T. H.; to Hula Girl INT, T. H.; MEA *7,000. *1,000—MOCA.
From Hula Girl INT, T. H.; to Honolulu, T. H., VOR; MEA 4,000.
From Barbers Point, T. H., FM; to Honolulu, T. H., VOR, northeastbound only; MEA 2,000.
From *Honolulu, T. H., VOR; to Kaneohe INT, T. H.; MEA 6,000. *6,000—MCA Honolulu VOR, northeastbound.
From Kaneohe INT, T. H.; to North Lanai INT, T. H.; MEA *9,000. *1,000—MOCA.
From North Lanai INT, T. H.; to North Maui INT, T. H.; MEA *14,500. *1,000—MOCA.

§ 610.6405 *Hawaii VOR civil airway 5.*

From Rainbow INT, T. H.; to *Maui, T. H., VOR; MEA 4,000. *4,000—MCA Maui VOR, southbound.
From Maui, T. H., VOR; to North Maui INT, T. H.; MEA *14,500. *7,000—MOCA.

§ 610.6406 *Hawaii VOR civil airway 6.*

From Lanai, T. H., VOR; to *Maui, T. H., VOR; MEA 6,500. *6,500—MCA Maui VOR, westbound.

§ 610.6407 *Hawaii VOR civil airway 7.*

From Lanai, T. H., VOR; to North Lanai INT, T. H.; MEA *9,000. *5,500—MOCA.

§ 610.6408 *Hawaii VOR civil airway 8.*

From Pineapple INT, T. H.; to *Maui, T. H., VOR; MEA 5,000. *4,000—MCA Maui VOR, southwestbound.

§ 610.6409 *Hawaii VOR civil airway 9.*

From South Honolulu INT, T. H.; to Honolulu, T. H., VOR; MEA *6,000. *5,000—MOCA, northbound and 1,000—MOCA, southbound.

§ 610.6410 *Hawaii VOR civil airway 10.*

From Upolu, T. H., VOR; to Paradise INT, T. H.; MEA 5,000.
From Paradise INT, T. H.; to Grass Shack INT, T. H.; MEA *3,000. *1,000—MOCA.
From Grass Shack INT, T. H.; to Hibiscus INT, T. H.; MEA 3,000.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9586; Filed, Nov. 27, 1956; 8:45 a. m.]

[Amdt. 10]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.12 *Green civil airway 2* is amended to read in part:

From Grand Rapids, Mich., LFR; to Clarksville INT, Mich.; MEA 2,000.
From Clarksville INT, Mich.; to Lansing, Mich., LFR; MEA 2,400.

Section 610.13 *Green civil airway 3* is amended to read in part:

From Sacramento, Calif., LFR; to *Auburn INT, Calif.; MEA 3,500. *7,500—MCA Auburn INT, northeastbound. (Deletes MCA Sacramento LFR.)

Section 610.15 *Green civil airway 5* is amended by adding:

From North Scituate INT, R. I.; to Boston, Mass., LFR; MEA 1,800.

Section 610.101 *Amber civil airway 1* is amended to read in part:

From *Whittier INT, Alaska; to **Anchorage, Alaska, LFR; MEA 9,000. *8,600—MCA Whittier INT, westbound. **6,700—MCA Anchorage LFR, southeastbound.
From Anchorage, Alaska, LFR; to Susitna INT, Alaska; MEA 1,500.
From Susitna INT, Alaska; to McDougall INT, Alaska; MEA 3,700.
From McDougall INT, Alaska; to *Skwentna, Alaska, LFR; MEA 4,200. *7,000—MCA Skwentna LFR, westbound.

Section 610.102 *Amber civil airway 2* is amended to read in part:

From Las Vegas, Nev., LFR; to Enterprise, Utah, LFR; MEA 10,000.
From Crystal, Nev., FM; to Las Vegas, Nev., LFR, southwest bound only; MEA 6,500.

Section 610.210 *Red civil airway 10* is amended to read in part:

From Shreveport, La., LFR; to Minden INT, La.; MEA 1,700.
From Minden INT, La.; to Monroe, La., LFR; MEA 1,900.

Section 610.230 *Red civil airway 30* is amended to read in part:

From New Orleans, La., LFR; to Cat INT, La.; MEA 1,500.
From Cat INT, La.; to Bon Secour INT, Ala.; MEA 1,100.

Section 610.240 *Red civil airway 40* is amended to read in part:

From Skilak INT, Alaska; to Anchorage, Alaska; MEA 1,500.

Section 610.282 *Red civil airway 82* is amended to read in part:

From Skwentna, Alaska, LFR; to McDougall INT, Alaska; MEA 4,200.
From McDougall INT, Alaska; to Willow INT, Alaska; MEA 2,500.

Section 610.626 *Blue civil airway 26* is amended to read in part:

From *Nenana, Alaska, LFR; to Fairbanks, Alaska, LFR; MEA 3,900. *6,000—MCA Nenana LFR, southbound.

Section 610.661 *Blue civil airway 61* is amended to delete:

From Springfield, Mo., LFR; to Belton INT, Mo.; MEA 2,500.
From Belton INT, Mo.; to Kansas City, Mo., LFR; MEA 3,000.

Section 610.670 *Blue civil airway 70* is amended to read in part:

From Alvord INT, Tex.; to St. Joseph INT, Tex.; MEA 2,600.
From St. Joseph INT, Tex.; to Ardmore, Okla., LF/RBN; MEA 2,200.

Section 610.1001 *Direct routes, U. S.* is amended to delete:

From Fort Smith, Ark., LF/RBN; to Springfield, Mo., LFR; MEA 3,800.
From Kelly (San Antonio), Tex., LFR; to Yoakum, Tex., LF/RBN; MEA 2,200.
From Losoya INT, Tex.; to Yoakum, Tex., LF/RBN; MEA 1,800.
From Ponca City, Okla., LF/RBN; to Viola, Kans., LF/RBN; MEA 2,500.
From Richmond, Tex., LFR; to Yoakum, Tex., LF/RBN; MEA 1,500.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Big Spring, Tex., LFR; to Int. 45° brg. from Big Spring LFR and 336° brg. from Abilene LFR; MEA 4,000.
From Int. 45° brg. from Big Spring LFR and 336° brg. from Abilene LFR; to Wichita Falls, Tex., LFR; MEA 3,000.
From Charlotte, N. C., VOR; to Pulaski, Va., VOR; MEA 6,000.
From El Dorado, Ark., VOR; to Quitman, Tex., VOR; MEA 3,400.
From Lake Charles, La., VOR; to Lufkin, Tex., VOR; MEA 2,000.
From Maytown INT, Fla.; to Orlando, Fla., VOR; MEA 1,300.
From Meridian, Miss., VOR; to New Orleans, La., VOR; MEA 5,500.
From Tyler, Tex., LF/RBN; to Waco, Tex., LFR; MEA 1,900.
From Alice, Tex., VOR; to Cotulla, Tex., VOR; MEA 1,800.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Florence, N. C., VOR; to Int. 056 rad. Florence VOR and 202 rad. Raleigh-Durham VOR; MEA 2,100.
From Int. 056 rad. Florence VOR and 202 rad. Raleigh-Durham VOR; to *Murray INT, N. C.; MEA 2,100. *3,300—MRA.
From Murray INT, N. C.; to Raleigh-Durham, N. C., VOR; MEA 2,100.

Section 610.6005 *VOR civil airway 5* is amended to read in part:

From Cincinnati, Ohio, VOR; to Appleton, Ohio, VOR; MEA 2,500.
From Appleton, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500. Via E alter.; MEA 2,500.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From Sacramento, Calif., VOR via N alter.; to *Auburn INT, Calif., via N alter.; MEA 3,500. *7,500—MCA Auburn INT, northeastbound. (Deletes MCA at Sacramento VOR.)

Section 610.6007 *VOR civil airway 7* is amended to delete:

From Montgomery, Ala., VOR via E alter.; to Birmingham, Ala., VOR via E alter.; MEA *4,000. *3,500—MOCA.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From *Saco INT, Ala., to **Shady Groove INT, Ala.; MEA 1,800. *2,000—MRA. **2,700—MRA.
From Montgomery, Ala., VOR; to Birmingham, Ala., VOR; MEA *3,000. *2,600—MOCA.
From Birmingham, Ala., VOR; to Muscle Shoals, Ala., VOR; MEA 2,500.
From Montgomery, Ala., VOR via W alter.; to Birmingham, Ala., VOR via W alter.; MEA 2,600.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 8,000.
From Logandale, Nev., FM; to Las Vegas, Nev., VOR southwestbound only; MEA 6,500.

Section 610.6008 *VOR civil airway 8* is amended by adding:

From *Mormon Mesa, Utah, VOR via S alter.; to Bryce Canyon, Utah, VOR via S alter.; MEA 15,000. *10,000—MCA Mormon Mesa VOR, northeastbound.
From Bryce Canyon, Utah, VOR via S alter.; to *Hanksville, Utah, VOR via S alter.; MEA 13,000. *11,000—MCA Hanksville VOR, southwestbound.
From Hanksville, Utah, VOR via S alter.; to Grand Junction, Colo., VOR via S alter.; MEA 13,000.

Section 610.6010 *VOR civil airway 10* is amended to read in part:

From Carleton, Mich., VOR; to North Perry INT, Ohio; MEA 2,000.
From North Perry INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Dayton, Ohio, VOR; to *Mechanicsburg INT., Ohio; MEA 2,500. *3,500—MRA.
From Mechanicsburg INT, Ohio; to *West Jefferson INT, Ohio; MEA 2,500. *3,500—MRA.
From West Jefferson INT; to Appleton, Ohio, VOR; MEA 2,500.
From Appleton, Ohio, VOR; to *Moorefield INT, Ohio; MEA 2,500. *3,000—MRA.
From Moorefield INT, Ohio; to *Adena INT, Ohio; MEA 2,500. *3,500—MRA.
From Adena INT, Ohio; to Wheeling, W. Va., VOR; MEA 2,500.
From Dayton, Ohio, VOR via N alter.; to Appleton, Ohio, VOR via N alter.; MEA 2,500.

From Appleton, Ohio, VOR via N alter.; to Wheeling, W. Va., VOR via N alter.; MEA 2,500.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From Zuni, N. Mex., VOR via S alter.; to Lava INT, N. Mex., via S alter.; MEA 10,000.
From Lava INT, N. Mex., via S alter.; to Suwanee INT, N. Mex., via S alter.; MEA 10,500.
From Suwanee INT, N. Mex., via S alter.; to Albuquerque, N. Mex., VOR via S alter.; MEA 9,000.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Houston, Tex., VOR via E alter.; to Daisetta INT, Tex., via E alter.; MEA 1,600.
From Daisetta INT, Tex., via E alter.; to Lufkin, Tex., VOR via E alter.; MEA *4,000. *1,500—MOCA.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Shawnee INT, Okla., via S alter.; to Prague INT, Okla., via S alter.; MEA *6,000. *2,300—MOCA.
From Prague INT, Okla., via S alter.; to Tulsa, Okla., VOR via S alter.; MEA *4,300. *3,100—MOCA.

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Shawnee INT, Okla., via W alter.; to Prague INT, Okla., via W alter.; MEA *6,000. *2,300—MOCA.
From Prague INT, Okla., via W alter.; to Tulsa, Okla., VOR via W alter.; MEA *4,300. *3,100—MOCA.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Haslet INT, Tex., via N alter.; to *Lewisville INT, Tex., via N alter.; MEA **3,000. *3,000—MRA. **1,900—MOCA.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From Oklahoma City, Okla.; VOR to Calumet INT, Okla.; MEA 2,500.
From Calumet INT, Okla.; to Gage, Okla., VOR; MEA *3,900. *3,600—MOCA.

Section 610.6018 *VOR civil airway 18* is amended to delete:

From Meridian, Miss., VOR via N alter.; to Tuscaloosa, Ala., VOR via N alter.; MEA 2,500.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Shreveport, La., VOR; to Monroe, La., VOR; MEA *2,000. *1,800—MOCA.
From Shreveport, La., VOR via N alter.; to Monroe, La., VOR via N alter.; MEA *2,500. *1,900—MOCA.
From Monore, La., VOR via S alter.; to Jackson, Miss., VOR via S alter.; MEA *2,400. *1,700—MOCA.
From Jackson, Miss., VOR; to Meridian, Miss., VOR; MEA 2,000. Via S alter.; MEA 2,000.
From Meridian, Miss., VOR; to Abernant INT, Ala.; MEA *3,500. *2,000—MOCA.
From Abernant INT, Ala.; to Anniston, Ala., VOR; MEA *3,000. *1,600—MOCA.
From Temple INT, Ga.; to Chattahoochee INT, Ga.; MEA 2,700.
From Chattahoochee INT, Ga.; to Atlanta, Ga., ILS loc.; MEA 2,200.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From LaGrange, Ga., VOR; to Atlanta, Ga., VOR; MEA 2,000. (deletes MRA at Madras INT).

Section 610.6021 *VOR civil airway 21* is amended to read in part:

From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 8,000.
From Logandale, Nev., FM; to Las Vegas, Nev., VOR southwestbound only; MEA 6,500.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From New Orleans, La., VOR; to *Dog INT, La.; MEA **3,900. *3,900—MRA. **2,000—MOCA.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From Modesto, Calif., VOR; to Sacramento, Calif., VOR; MEA 2,000.

Section 610.6023 *VOR civil airway 23* is amended by adding:

From Modesto, Calif., VOR via W alter.; to Sacramento, Calif., VOR via W alter.; MEA 2,000.

Section 610.6025 *VOR civil airway 25* is amended to read in part:

From San Ardo INT, Calif.; to *Agnew, Calif., VOR; MEA 6,000. *4,000—MCA Agnew VOR, southeastbound.
From Campbell INT, Calif.; to Agnew, Calif., VOR, northwestbound only; MEA 4,000.
From Agnew, Calif., VOR; to Stinson Beach INT, Calif.; 3,000.

Section 610.6027 *VOR civil airway 27* is amended to read in part:

From Salinas, Calif., VOR via E alter.; to *Agnew, Calif., VOR via E alter.; MEA 6,000. *4,000—MCA Agnew VOR, southeastbound.
From Ames INT, Calif., via E alter; to Agnew, Calif., VOR via E alter., northwestbound only; MEA 3,000.
From Agnew, Calif., VOR via E alter.; to Oakland, Calif., VOR via E alter.; MEA 3,000.

Section 610.6035 *VOR civil airways 35* is amended to read in part:

From *Tamiami INT, Fla.; to **Copeland INT, Fla.; MEA 1,200. *2,700—MRA. **2,000—MRA.
From Copeland INT, Fla.; to Fort Myers, Fla., VOR; MEA *2,000. *1,100—MOCA.

Section 610.6037 *VOR civil airway 37* is amended to read in part:

From Turnpike INT, Pa.; to *Mercer INT, Pa.; MEA **4,000. *4,000—MRA. **3,000—MOCA.
From Mercer INT, Pa.; to *Hadley INT, Pa.; MEA **4,000. *4,000—MRA. **3,000—MOCA.
From Hadley INT, Pa.; to Meadville INT, Pa.; MEA *4,000. *3,000—MOCA.
From Meadville INT, Pa.; to Erie, Pa., VOR; MEA 3,000.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Findlay, Ohio, VOR; to Appleton, Ohio, VOR; MEA 2,500.
From Appleton, Ohio, VOR; to Parkersburg, W. Va., VOR; MEA 2,500.

Section 610.6038 *VOR civil airway 38* is amended by adding:

From Findlay, Ohio, VOR via S alter.; to Appleton, Ohio, VOR via S alter.; MEA 2,500.

Section 610.6043 *VOR civil airway 43* is amended to read:

From Appleton, Ohio, VOR; to *Briar Hill INT, Ohio; MEA 2,500. *4,000—MRA.
From Briar Hill INT, Ohio; to *Mount Hope INT, Ohio; MEA **4,000. *4,000—MRA. **2,500—MOCA.
From Mount Hope INT, Ohio; to Marchand INT, Ohio; MEA *4,000. *2,500—MOCA.
From Marchand INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.
From Youngstown, Ohio, VOR; to Erie, Pa., VOR; MEA 2,500.

Section 610.6045 *VOR civil airway 45* is amended to read in part:

From York, Ky., VOR; to Appleton, Ohio, VOR; MEA 2,500.
From Appleton, Ohio, VOR; to Carey INT, Ohio; MEA 2,500.
From Carey INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 610.6056 *VOR civil airway 56* is amended to delete:

From Montgomery, Ala., VOR via N alter.; to Kent INT, Ala., via N alter.; MEA 2,000.
From Kent INT, Ala., via N alter.; to Columbus, Ga., VOR; MEA 2,000.

Section 610.6056 *VOR civil airway 56* is amended to read in part:

From Montgomery, Ala., VOR; to Kent INT, Ala.; MEA 2,000.
From Kent INT, Ala.; to Columbus, Ga., VOR; MEA 2,100.
From Columbus, Ga., VOR; to *Junction City INT, Ga.; MEA 1,700. *3,000—MRA.
From Junction City INT, Ga.; to *Roberta INT, Ga.; MEA 1,700. *3,500—MRA.
From Roberta INT, Ga.; to Macon, Ga., VOR; MEA 1,700.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From Midland, Tex., VOR; to *Sterling INT, Tex.; MEA 4,400. *5,000—MRA.
From Sterling INT, Tex.; to San Angelo, Tex., VOR; MEA 4,400.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From Big Spring, Tex., VOR; to *Jack INT, Tex.; MEA 4,000. *6,200—MRA.
From Jack INT, Tex.; to San Angelo, Tex., VOR; MEA 4,000.

Section 610.6077 *VOR civil airway 77* is amended to read in part:

From Oklahoma City, Okla., VOR; to Ponca City, Okla., VOR; MEA 2,500.
From Wichita Falls, Tex., VOR; to Ft. Sill INT, Okla.; MEA *2,800. *2,400—MOCA.
From Ft. Sill INT, Okla.; to *Chickasha INT, Okla.; MEA **2,800. *3,000—MRA. **2,500—MOCA.
From Chichasha INT, Okla.; to Oklahoma City, Okla. VOR; MEA *2,800. *2,500—MOCA.

Section 610.6077 *VOR civil airway 77* is amended by adding:

From San Angelo, Tex., VOR; to *Rowena INT, Tex.; MEA 3,800. *5,000—MRA.
From Rowena INT, Tex.; to Abilene, Tex., VOR; MEA 3,800.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From Bergholz INT, Pa.; to Wheeling, W. Va., VOR; MEA 3,000.
From Wheeling, W. Va., VOR; to Millsboro INT, Pa.; MEA 3,000.
From Millsboro INT, Pa., to Grantsville, Md., VOR; MEA 5,000.
From Grantsville, Md., VOR; to Front Royal, Va., VOR; MEA 5,000.

Section 610.6100 *VOR civil airway 100* is amended to read in part:

From *LeRoy INT, Mich.; to Jackson INT, Mich.; MEA **5,200. *2,500—MRA. **2,300—MOCA.
From Jackson INT, Mich.; to Salem, Mich., VOR; MEA 2,400.
From *LeRoy INT, Mich.; to Jackson INT, Mich.; MEA #2,500. *2,500—MRA. #Utilizing Jackson LF/RBN.

Section 610.6104 *VOR civil airway 104* is amended to read in part:

From Massena, N. Y., VOR; to *Malone INT, N. Y.; MEA 2,500. *3,000—MCA Malone INT, eastbound.

From Malone INT, N. Y.; to Plattsburgh, N. Y.; VOR; MEA 4,700.

Section 610.6110 *VOR civil airway 110* is amended to read:

From Saratoga INT, Calif.; to Agnew, Calif., VOR; MEA 5,000.
From Agnew, Calif., VOR; to Int. Agnew VOR 038 T rad. and Modesto VOR 273 T rad.; MEA 5,000.

Section 610.6111 *VOR civil airway 111* is amended to read:

From Salinas, Calif., VOR; to Int. 094 rad. Agnew VOR and 032 rad. Salinas VOR; MEA *7,000. *5,500—MOCA.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From Purgatoire INT, Colo.; to Dalhart, Tex., VOR; MEA *10,000. *8,900—MOCA.

Section 610.6115 *VOR civil airway 115* is amended to read in part:

From Montgomery, Ala., VOR; to Birmingham, Ala., VOR; MEA 2,600.
From Birmingham, Ala., VOR; to Lehigh INT, Ala.; MEA 2,500.
From Lehigh INT, Ala.; to Chattanooga, Tenn., VOR; MEA 4,000.

Section 610.6116 *VOR civil airway 116* is amended to read in part:

From *LeRoy INT, Mich.; to Jackson INT, Mich.; MEA **5,200. *2,500—MRA. **2,300—MOCA.
From Jackson INT, Mich.; to Salem, Mich., VOR; MEA 2,400.
From *LeRoy INT, Mich.; to Jackson INT, Mich.; MEA #2,500. *2,500—MRA. #Utilizing Jackson LF/RBN.

Section 610.6154 *VOR civil airway 154* is amended to delete:

From Montgomery, Ala., VOR via N alter.; to Kent INT, Ala., via N alter.; MEA 2,000.
From Kent INT, Ala., via N alter.; to Columbus, Ga., VOR via N alter.; MEA 2,000.

Section 610.6154 *VOR civil airway 154* is amended by adding:

From Montgomery, Ala., VOR via S alter.; to *Omaha INT, Ga., via S alter.; MEA **3,000. *3,000—MRA. **2,000—MOCA.
From Omaha INT, Ga., via S alter.; to Columbus, Ga., VOR via S alter.; MEA 2,000.

Section 610.6154 *VOR civil airway 154* is amended to read in part:

From Meridian, Miss., VOR; to Safford INT, Ala.; MEA 2,000.
From Safford INT, Ala.; to Montgomery, Ala., VOR; MEA *2,000. *1,200—MOCA.
From Montgomery, Ala., VOR; to Columbus, Ga., VOR; MEA 2,000.
From Columbus, Ga., VOR; to *Junction City INT, Ga.; MEA 1,700. *3,000—MRA.
From Junction City INT, Ga.; to *Roberta INT, Ga.; MEA 1,700. *3,500—MRA.
From Roberta INT, Ga.; to Macon, Ga., VOR; MEA 1,700.

Section 610.6187 *VOR civil airway 187* is amended to read in part:

From Beacon INT, Ill., via E alter.; to *White Fish INT, Ill., via E alter.; MEA 2,500. *3,500—MRA.

Section 610.6188 *VOR civil airway 188* is amended to read in part:

From Carleton, Mich., VOR; to Jefferson, Ohio, VOR; MEA 2,000.
From Jefferson, Ohio, VOR; to Meadville INT, Pa.; MEA 3,000.
From Meadville INT, Pa.; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6194 *VOR civil airway 194* is amended to read in part:

From Cofield, N. C., VOR; to Corapeake INT, Va.; MEA 1,200.

Section 610.6199 *VOR civil airway 199* is amended to read in part:

From Los Banos INT, Calif.; to *Agnew, Calif., VOR; MEA 7,000. *4,500—MCA Agnew VOR, eastbound.
From Hillview INT, Calif.; to Agnew, Calif., VOR westbound only; MEA 3,000.
From Agnew, Calif., VOR; to Stinson Beach INT, Calif.; MEA 3,000.

Section 610.6200 *VOR civil airway 200* is amended to read in part:

From Williams, Calif., VOR; to *Sutter Buttes INT, Calif.; MEA 4,000. *11,000—MCA Sutter Buttes INT, northeastbound.
From Sutter Buttes INT, Calif.; to Mt. Lola INT, Calif.; MEA 13,000.
From Mt. Lola INT, Calif., to *Reno, Nev., VOR; MEA 11,000. *10,000—MCA Reno VOR, westbound.

Section 610.6221 *VOR civil airway 221* is amended by adding:

From Belle INT, Mich.; to U. S.-Canadian Border; MEA *4,500. *2,700—MOCA.
From Dolphin INT, Ontario, Canada; to Erie, Pa., VOR; MEA *#2,500. *2,000—MOCA. #For that airspace over U. S. territory.

Section 610.6241 *VOR civil airway 241* is added to read:

From Crestview, Fla., VOR; to Dothan, Ala., TVOR; MEA 1,500.
From Dothan, Ala., TVOR; to *Omaha INT, Ga.; MEA 2,000. *3,000—MRA.
From Omaha INT, Ga.; to Columbus, Ga., VOR; MEA 2,000.
From Columbus, Ga., VOR; to Madras INT, Ga.; MEA 2,100.
From Madras INT, Ga.; to Atlanta, Ga., VOR; MEA 2,000.

Section 610.6244 *VOR civil airway 244* is amended to delete:

From Crestview, Fla., VOR; to Dothan, Ala., TVOR; MEA 1,500.

Section 610.6253 *VOR civil airway 253* is added to read:

From *Utah Lake, Utah, VOR; to **Timple INT, Utah; ***15,000. *12,000—MCA Utah Lake VOR, northwestbound. **15,000—MRA. ***13,000—MOCA.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 13, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9638; Filed, Nov. 27, 1956; 8:45 a. m.]

[Amdt. 2]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

ELIMINATION OF ALBUQUERQUE ADIZ

The Department of Defense has advised the Administrator that the Albuquerque ADIZ is no longer required for the security control of air traffic on or after December 1, 1956. Accordingly, Part 620 is hereby amended to eliminate the designation of the Albuquerque ADIZ from the provisions of that part.

Since a military function of the United States is involved and the amendment constitutes a relaxation of the present requirements, compliance with the notices, procedures and effective date provisions of section 4 of the Administrative Procedure Act is not required.

1. Amend § 620.13 (c) (2) by deleting the words "Albuquerque ADIZ" as they appear in subdivisions (i), (ii) and (iii), and by deleting subdivision (iv).

2. By deleting paragraph (d) of § 620.21.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interpret or apply secs. 1201-1204, 64 Stat. 825; U. S. C. 701-704)

This amendment shall become effective December 1, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9697; Filed, Nov. 27, 1956; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED GRAPEFRUIT JUICE [1]

On May 4, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2981) regarding a proposed revision of United States Standards for Grades of Frozen Concentrated Grapefruit Juice (7 CFR 52.1221-52.1232).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following revised United States Standards for Grades of Frozen Concentrated Grapefruit Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

The proposed revised United States Standards for Grades of Frozen Concentrated Grapefruit Juice which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference subject to the following change: Section 52.1228 (b) (2) is changed to read: "(2) Not more than 10 percent free and suspended pulp;".

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1221 Product description.
52.1222 Styles of frozen concentrated grapefruit juice.
52.1223 Grades of frozen concentrated grapefruit juice.

FILL OF CONTAINER

52.1224 Recommended fill of container.

FACTORS OF QUALITY

52.1225 Ascertaining the grade.
52.1226 Ascertaining the rating for the factors which are scored.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.
52.1227 Color.
52.1228 Defects.
52.1229 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1230 Explanations and methods of analyses.

LOT CERTIFICATION TOLERANCES

52.1231 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1232 Score sheet for frozen concentrated grapefruit juice.

AUTHORITY: §§ 52.1221 to 52.1232 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1221 *Product description.* Frozen concentrated grapefruit juice is the frozen product of concentrated, unfermented juice obtained from sound, mature grapefruit (Citrus paradisi) of the white fleshed varieties only. The fruit is prepared by sorting and by washing prior to extraction of the juice to assure a clean product. Upon extraction of such juice, it is concentrated; and single-strength grapefruit juice is admixed to the concentrate. The concentrated grapefruit juice is packed in accordance with good commercial practice and is frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.1222 *Styles of frozen concentrated grapefruit juice*—(a) *Style I; unsweetened.* The Brix value of the finished concentrate is not less than 38 degrees nor more than 42 degrees.

(b) *Style II; sweetened.* The Brix value of the finished concentrate is not less than 38 degrees nor more than 48 degrees. Frozen concentrated grapefruit juice of this style contains not less than 3.47 pounds of soluble grapefruit solids per gallon and additional nutritive sweetening ingredient(s).

§ 52.1223 *Grades of frozen concentrated grapefruit juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh grapefruit juice; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated grapefruit juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1224 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of frozen concentrated grapefruit juice as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.1225 *Ascertaining the grade.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(a) *Factors not rated by score points.* (1) Faculty of reconstituting properly.
(2) Appearance of fresh juice.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	40
Defects	20
Flavor	40
Total score	100

§ 52.1226 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.1227 *Color*—(a) (*A*) *classification.* Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good color may be given a score of 34 to 40 points. "Very good color" means that the color is bright and typical of freshly extracted grapefruit juice and is free from any trace of browning.

(b) (*B*) *classification.* If the reconstituted juice possesses a "good color" a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule), "Good color" means that the color is typical of freshly extracted grapefruit juice which may be slightly dull or show traces of browning but is not off color for any reason.

(c) (*SStd.*) *classification.* If the reconstituted juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule).

§ 52.1228 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from juice cells and pulp and from seeds or portions thereof, dark specks, and other defects in the reconstituted juice.

(b) (*A*) *classification.* Frozen concentrated grapefruit juice of which the reconstituted juice is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present:

(1) Juice cells only in such amounts as do not materially detract from the appearance or drinking quality of the juice;

(2) Not more than 10 percent free and suspended pulp;

(3) Practically no seeds or portions thereof that could not pass readily through round perforations of ⅛ inch in diameter;

(4) Only such small seeds or portions thereof that could pass through round perforations of ⅛ inch in diameter as do not materially detract from the appearance or drinking quality of the juice; and

(5) Other defects that are not more than slightly objectionable.

(c) (*B*) *classification.* If the reconstituted juice is reasonably free from defects a score of 14 to 16 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present:

(1) Juice cells only in such amounts as do not seriously detract from the appearance or drinking quality of the juice;

(2) Not more than 10 percent free and suspended pulp;

(3) Practically no seeds or portions thereof that could not pass readily through round perforations of ⅛ inch in diameter;

(4) Only such small seeds or portions thereof that could pass through round perforations of ⅛ inch in diameter as do not seriously detract from the appearance or drinking quality of the juice; and

(5) Other defects that are not materially objectionable.

(d) (*SStd.*) *classification.* Frozen concentrated grapefruit juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1229 *Flavor*—(a) (*A*) *classification.* Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of freshly extracted grapefruit juice with not more than a trace of bitterness. To score in this classification frozen concentrated grapefruit juice shall meet the following requirements for the respective style:

(1) *Style I; unsweetened.* The ratio of Brix value to acid is not less than 9 to 1 nor more than 14 to 1 and the recoverable oil content is not less than 0.010 ml. nor more than 0.050 ml. per 100 grams.

(2) *Style II; sweetened.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 13 to 1 and the recoverable oil content is not less than 0.010 ml. nor more than 0.050 ml. per 100 grams.

(b) (*B*) *classification.* If the reconstituted juice possesses a good flavor a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or

of recoverable oil per 100 grams of concentrate.

(f) *Free and suspended pulp.* "Free and suspended pulp" means particles of membrane, core, peel and other similar extraneous material that settle out on centrifuging by the following method:

(1) Skim floating fruit cells and pulp from the sample of reconstituted juice, and

(2) Fill graduated centrifuge tubes, of a capacity of 50 ml. with the skimmed reconstituted grapefruit juice and place in a suitable centrifuge. Adjust the speed according to diameter, as indicated in Table II, and centrifuge for exactly 10 minutes. As used herein, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE II

Diameter	Approximate revolutions per minute
10 inches	1,609
10½ inches	1,570
11 inches	1,534
11½ inches	1,500
12 inches	1,468
12½ inches	1,438
13 inches	1,410
13½ inches	1,384
14 inches	1,359
14½ inches	1,336
15 inches	1,314
15½ inches	1,292
16 inches	1,271
16½ inches	1,252
17 inches	1,234
17½ inches	1,216
18 inches	1,199
18½ inches	1,182
19 inches	1,167
19½ inches	1,152
20 inches	1,137

LOT CERTIFICATION TOLERANCES

§ 52.1231 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated grapefruit juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than four points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1232 *Score sheet for frozen concentrated grapefruit juices.*

Factors	Score points	
Size and kind of container		
Container mark or identification		
Label		
Liquid measure (fluid ounces)		
Brix value (soluble solids (corrected for acid))		
Anhydrous citric acid (percent by weight)		
Brix value to acid ratio (—:1)		
Recoverable oil (ml./100 grams)		
Free and suspended pulp (percent)		
Reconstitutes properly (Yes) (No)		
Appearance of fresh juice (Yes) (No)		
Color	40	(A) 34–40 (B) 28–33 (Std.) 0–27
Defects	20	(A) 17–20 (B) 14–16 (Std.) 0–13
Flavor	40	(A) 34–40 (B) 28–33 (Std.) 0–27
Total score	100	
Grade		

[1] Indicates limiting rule.

Effective time and supersedure. The revised United States Standards for Grades of Frozen Concentrated Grapefruit Juice (which is the second issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Frozen Concentrated Grapefruit Juice which have been in effect since December 10, 1951.

Dated: November 21, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56–9702; Filed, Nov. 27, 1956; 8:48 a. m.]

with the refractometric method for sugars and sugar products, outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" and to which the applicable correction for acid is added:

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE [1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39
2.2	.43
2.4	.47
2.6	.51
2.8	.54
3.0	.58
3.2	.62
3.6	.70
3.8	.74
4.0	.78
4.2	.81
4.4	.85
4.6	.89
4.8	.93
5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by Stanley Ward Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, p. 447, Aug. 15, 1939.

(e) *Recoverable oil.* "Recoverable oil" is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
Three-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 400 grams of the thawed concentrate, mixed with water to approximately two-liters, in a three-liter flask and insert in the separatory trap. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 4 equals the volume

[1] Filed as part of original document.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 923—MILK IN THE APPALACHIAN MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 923), regulating the handling of milk in the Appalachian marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

a. The provisions of subparagraphs (1) and (2) of § 923.11 (b), specifically:

(1) Any day during the months of March through July, and

(2) On not more than 15 days during any of the months of August through February,

do not tend to effectuate the declared policy of the act, inasmuch as:

1. Payment to producers under this order is on the basis of individual handler pools;

2. In this market, the individual handler type of pooling tends to promote an adequate but not excessive supply of milk;

3. The provisions to be terminated serve no purpose for promotion of orderly marketing conditions in this market, and termination of said provisions will not impair effective regulation under this order;

4. The effect of these provisions is disturbing to marketing conditions and could cause serious injury to dairy farmers who supply the marketing area.

b. Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance;

2. This action is necessary to facilitate and maintain the orderly marketing of milk in this market.

It is therefore ordered, That the provisions of subparagraphs (1) and (2) of § 923.11 (b), specifically:

(1) Any day during the months of March through July, and

(2) On not more than 15 days during any of the months of August through February,

be and hereby are terminated effective immediately.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 21st day of November 1956, to be effective as of November 28, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56–9704; Filed, Nov. 27, 1956; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5692]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DOLCIN CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Order modifying cease and desist order, Dolcin Corporation et al., New York, N. Y., Docket 5692, October 29, 1956]

In the Matter of Dolcin Corporation, and Victor van der Linde, George Shimmerlik, and Albert T. Wantz, Individually and as Officers of Dolcin Corporation

Order modifying, so as to accord with the decree of the Court of Appeals for the District of Columbia Circuit of July 1, 1954, paragraph 1 (c) of the order to cease and desist of December 2, 1952, 18 F. R. 1110, requiring respondents to cease misrepresenting in advertising the therapeutic properties of its medicinal preparation "Dolcin".

The paragraph of the order as thus modified and the Commission's ruling on respondents' objections and reaffirmance of the original decision are as follows:

That said preparation will afford significant relief of severe aches, pains and discomforts or permanent relief of any aches, pains and discomforts of rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations of any such condition in excess of affording relief of aches, pains or fever within the foregoing limits.

It is further ordered, That the respondents' requests in all additional respects for modification of said decision be, and the same hereby are, denied.

It is further ordered, That the Commission's decision of December 2, 1952, as hereinbefore modified be, and it hereby is, reaffirmed as the decision of the Commission.

Issued: October 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56–9690; Filed, Nov. 27, 1956; 8:46 a. m.]

[Docket 6437]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

POST GRADUATE HOSPITAL SCHOOL OF NURSING, INC., AND HERBERT L. KELLNER

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Nature; personnel or staff: § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities:* Subpart—*Using misleading name*—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Post Graduate Hospital School of Nursing, Inc., et al., Chicago, Ill., Docket 6437, November 1, 1956]

In the Matter of Post Graduate Hospital School of Nursing, Inc., a Corporation, and Herbert L. Kellner, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its responsible officer, selling correspondence courses in practical nursing from their office in Chicago, with representing falsely in advertising the ease of learning their course and the time and attention required to do so; educational qualifications required; opportunities and earnings assured persons completing the course and their eligibility for state licensing examinations, and employment by hospitals and institutions or in good positions located by respondents; that the course was conducted by personnel of an accredited resident school of nursing and included an optional week of residence hospital training with live patients; and that corporate respondent was a hospital conducting a nursing school.

Following entry of an agreement containing consent order to cease and desist, the hearing examiner made his initial decision, including order to cease and desist, which became, on November 1, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Post Graduate Hospital School of Nursing, Inc., a corporation, and Herbert L. Kellner, individually and as an officer of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a course of instruction in practical nursing, or any similar or related course of instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That practical nursing may be learned at home in a short time by devoting only part-time attention to said study, or that respondents' course is a complete course in practical nursing or that respondents' course is anything other than their entire course in practical nursing.

2. That persons completing respondents' course are trained or professional

practical nurses or have the privileges, benefits and responsibilities which accompany those titles.

3. That some high school education, or an equivalent qualification, is not required to become a trained practical nurse.

4. That persons completing respondents' course will as a result thereof be able to command or receive, either through their own efforts or through respondents' efforts on their behalf, exceptional wages or high-paying positions for their services as practical nurses.

5. That persons completing respondents' course will be eligible to apply for or to take licensing examinations in any State.

6. That the diploma given by respondents to persons completing their course will aid, advance or further their nursing careers, except as evidence of completion of respondents' course of study in practical nursing.

7. That the residence course offered by respondents in conjunction with their correspondence course in nursing consists of actual hospital work on live patients unless and until such is a fact.

8. That respondents' nursing course is recognized or accepted by the nurses licensing authorities of the various States of the United States, or any one of said States.

9. That persons completing respondents' course of instructions are eligible for employment or will be employed as practical nurses by hospitals or institutions unless it is clearly revealed that such persons will not be eligible for employment and will not be employed in those States that now have, or may hereafter enact, a law making it mandatory for practical nurses to be licensed and that such persons will not be eligible for employment and will not be employed in most of the hospitals and institutions in other States as practical nurses.

10. That respondents' course is given, graded or supervised by the staff of a fully accredited or accepted resident school of nursing.

11. By use of the word "Hospital" or any other word or words of similar import or meaning, as a part of a corporate or trade name, or by use of pictorial depictions, or in any other manner, that respondents own, operate or control a hospital, clinic, or any other medical center.

It is further ordered, That the allegations of the complaint that respondents falsely represented that practical nursing is easy to learn and that persons completing their course will be located in good positions secured for them by respondents be and hereby are dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents, Post Graduate Hospital School of Nursing, Inc., and Herbert L. Kellner shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 1, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-9691; Filed, Nov. 27, 1956; 8:47 a. m.]

[Docket 6586]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

STEIN BROTHERS FUR CO., INC., AND MORRIS S. LAVIN

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Stein Brothers Fur Co., Inc., et al., Wichita, Kans., Docket 6586, Nov. 6, 1956]

In the Matter of Stein Brothers Fur Company, Inc., a Corporation, and Morris S. Lavin, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a Wichita, Kans., furrier with violating the Fur Products Labeling Act through false and deceptive labeling, invoicing and advertising which, variously, used names of other animals than those producing a particular fur, failed to disclose that certain products were composed of flanks or of second hand used fur, failed in other respects to conform to statutory requirements, and failed to maintain adequate records upon which their claims of price reductions and comparative pricing were based.

Following entry of an agreement between the parties containing a consent order to cease and desist, the hearing examiner made his initial decision, including order to cease and desist, which, by order of Oct. 31, became on Nov. 6 the decision of the Commission.

Said order is as follows:

It is ordered, That respondent Stein Brothers Fur Company, Inc., a corporation, and its officers, and respondent Morris S. Lavin, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction in commerce, or the sale, advertising or offering for sale in commerce, or the transportation or or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is a fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on the labels attached to fur products the name or names of any animal or animals other than the name or names provided for in Paragraph A (1) above.

3. Setting forth on labels attached to fur products:

a. Non-required information mingled with required information;

b. Required information in handwriting;

c. Required information in abbreviated form.

4. Failing to set forth on labels attached to fur products:

a. The names of the pieces composing the fur products;

b. The term "second hand used fur" where applicable.

5. Failing to use labels that have a minimum dimension of one and three fourths inches by two and three fourths inches.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is a fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product.

2. Failing to set forth on invoices the item number of the fur product.

3. Failing to disclose that the fur products are composed of pieces, when such is the fact.

4. Failing to use the term "second hand used fur" when such term applies.

5. Setting forth on invoices the name or names of any animal or animals other than the name or names provided for in Paragraph B (1) (a).

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That fur products contain or are composed of used fur, when such is the fact.

2. Fails to use the term "second hand used fur" wherever applicable.

D. Failing to maintain and preserve full and adequate records disclosing the facts upon which claims of price reductions and comparative pricing are made in their advertising as required by § 300.44 (e) (Rule 44 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 31, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-9698; Filed, Nov. 27, 1956; 8:48 a. m.]

[Docket 6542]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BECKMAN-HAMMER FURS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; fictitious marking: § 13.235 *Source or origin:* Maker or seller, etc.: § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Beckman-Hammer Furs, et al., Beverly Hills, Calif., Docket 6542, November 7, 1956]

In the Matter of Beckman-Hammer Furs, a Corporation, Harry L. Hammer and Arthur L. Cornsweet, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a Beverly Hills, Calif. furrier with violating the Fur Products Labeling Act through false and deceptive labeling, invoicing and advertising which, variously, identified certain furs by names of animals other than those producing the fur, failed to disclose that certain fur was secondhand, and misrepresented prices and values and source of stocks, and failed to maintain adequate records as basis for purported reduced prices, and otherwise failed to conform with the requirements of the act.

Following entry of a consent order, the hearing examiner made his initial decision, including order to cease and desist, which by order of October 31, became on November 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Beckman-Hammer Furs, a corporation and its officers, and Harry L. Hammer and Arthur L. Cornsweet, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offer for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

3. Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in Paragraph A (2) (a) above.

4. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form;

(b) Non-required information mingled with required information;

(c) Required information in handwriting.

5. Failure to show on labels attached to fur products an item number or mark assigned to fur products, in violation of § 300.40 (a) (Rule 40 (a)) of the rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth required information in abbreviated form.

3. Failing to set forth on invoices an item number or mark assigned to fur products, in violation of § 300.40 (a) (Rule 40 (a)) of the rules and regulations.

4. Failing to set forth on invoices of fur products that such products are "second hand", when such is a fact

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Represents directly or by implication

(a) That the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent, regular course of their business;

(b) That fur products are of a certain value or quality unless such representations or claims are true in fact;

(c) That they have purchased the entire stock of an exclusive furrier, or terms of like import, when such is not the fact.

2. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

3. Makes pricing claims or representations of the types referred to in Paragraph C–1 and 2 above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based, as is required by § 300.44 (e) (Rule 44 (e)) of the aforesaid rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 31, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56–9699; Filed, Nov. 27, 1956; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 203—CONDUCT OF MEMBERS AND EMPLOYEES AND FORMER MEMBERS AND EMPLOYEES OF THE COMMISSION

MISCELLANEOUS AMENDMENTS

The Securities and Exchange Commission has adopted certain amendments to its regulation regarding Conduct of Members and Employees and Former Members and Employees of the Commission. The Commission deems these amendments to be included within the exception in section 4 (a) of the Administrative Procedure Act applicable among other things, to "rules of agency organization, procedure or practice," and deems notice and public procedures of the character specified in that section to be unnecessary. The Commission deems that the amendment is not subject to the provisions of section 4 (c) of the Administrative Procedure Act relating to the effective date of substantive rules.

Statutory basis. These amendments are adopted pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 19 (a) of the Securities Act of 1933, section 23 (a) of the Securities Exchange Act of 1934, section 20 (a) of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 (a) of the Investment Company Act of 1940, and section 211 (a) of the Investment Advisers Act of 1940.

Text of amendments. The regulation regarding conduct of members and employees and former members and employees of the Commission is hereby amended as follows:

1. Rule 1 (§ 203.1) is amended by adding a new paragraph (g) as follows:

§ 203.1 *General statement of policy.* • • •

(g) Fail reasonably to restrict his personal business affairs so as to avoid conflicts of interest with his official duties.

2. Rule 2 (§ 203.2) is amended by adding a new sentence to paragraph (c), amending paragraph (f) and adding a new paragraph (g) as follows:

§ 203.2 *Outside or private employment.* • • •

(c) • • • An employee who intends to perform services for compensation or to engage in any business shall report his intention to do so to the Director of Personnel prior to such acceptance or performance.

• • • • •

(f) No employee shall publish any article or treatise or deliver any prepared speech or address relating to the Commission or the statutes and rules that it administers without having obtained clearance from the Commission. The proposed publication or speech will be examined to determine whether it contains confidential information or whether there is any reason why the publication or delivery of the employee's private views on the subject matter would be otherwise inappropriate. Clearance for publication or delivery will not involve adoption of or concurrence in the views expressed, and any such publication or speech shall include at an appropriate place by way of footnote or otherwise the following disclaimer of responsibility:

The Securities and Exchange Commission, as a matter of policy, disclaims responsibility for any private publication by any of its employees. The views expressed herein are those of the author and do not necessarily reflect the views of the Commission or of the author's colleagues upon the staff of the Commission.

(g) No employee shall hold office in or be a director of any company which has public security holders, except not for profit corporations, savings and loan associations, and similar institutions, whose securities are exempted under sections 3 (a) (4) or 3 (a) (5) of the Securities Act of 1933.

3. Rule 3 (§ 203.3) is amended as follows:

a. Paragraph (f) is amended by changing "thirty" to "sixty."

b. Paragraph (l) is amended by substituting "five days" for "three days."

c. Paragraph (m) is amended and a new paragraph (o) has been added.

The changes in the amended paragraphs and the added paragraph will read as set forth below:

§ 203.3 *Securities transactions.* • • •

(f) No member or employee shall purchase any security which is the subject of a registration statement filed under the Securities Act of 1933, or of a letter of notification filed under Regulation A, or any other security of the same issuer, while such a registration statement or letter of notification is pending or during the first sixty days after its effective date.

• • • • •

(l) Members and employees shall report every transaction in any security or commodity within five business days. (Reports submitted by employees in field offices must be placed in the mails within five days of the date of each transaction.) • • •

(m) At the time of taking the Oath of Office a new member or employee shall fill in the information required on Form SE–P–4 relating to securities owned by him or his spouse or any trust or estate of which he is a trustee or other fiduciary or beneficiary, and relating to accounts with securities firms, and relatives who are partners or officers of securities firms, investment companies, investment advisers or public utilities.

• • • • •

(o) Any member or employee who is a trustee or other fiduciary or a beneficiary of a trust or estate holding securities not exempted by paragraph (n) of this section shall report the existence and nature of such trust or estate to the Director of Personnel together with such further information as may be requested from time to time. The transactions of such trust or estate shall be exempt from the provisions of this section except to the extent that the Commission shall otherwise direct in view of the circumstances of the particular case.

4. Rule 4 (§ 203.4) is amended by changing § 203.1 (f) to read § 203.1 (f), and (g).

5. Rule 6 (c) (§ 203.6 (c)) is amended by adding a sentence at the end as follows:

§ 203.6 *Practice by former members and employees of the Commission.* • • •

(c) • • • As used in this section, the term "representative" or "representative capacity" shall include not only the usual type of representation by an attorney, etc., but also representation of a corporation in the capacity of an officer, director, or controlling stockholder thereof.

6. Rule 9 is amended by inserting a phrase after the word "obligations". The amended section will read as follows:

§ 203.9 *Payment of tax obligations of employees.* Failure of an employee to pay his just tax obligations (except where there exists a bona fide dispute as to the employee's liability therefor) may be cause for removal or other disciplinary action.

The foregoing amendments shall become effective December 10, 1956, except that they shall be effective immediately with respect to members and employees of the Commission having actual knowledge thereof.

(Secs. 19, 23, 48 Stat. 85, 901 as amended; sec. 20, 40 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 77s, 77sss, 78w, 79t, 80a–37, 80b–11)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 2, 1956.

[F. R. Doc. 56–9687; Filed, Nov. 27, 1956; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c; 21 F. R. 609, 8492, 8493) are amended as indicated below.

1. Section 141c.202 is amended to read as follows:

§ 141c.202 *Chlortetracycline hydrochloride ointment, chlortetracycline calcium ointment, chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream)*—(a) *Potency.* If it is tetracycline hydrochloride ointment or tetracycline ointment, proceed as directed in § 141c.218 (a), and if it is chlortetracycline ointment proceed as directed in § 141c.201 (a), except § 141c.201 (a) (10), and in lieu of the directions in § 141c.201 (a) (4) and (8) (iii) prepare the sample as follows: Place a representative portion of the sample (usually approximately 1.0 gram, accurately weighed) in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake ointment and ether until homogeneous. Shake with a 25-milliliter portion of 0.01*N* HCl. Remove the acid layer and repeat the extraction with three 25-milliliter quantities of 0.01*N* HCl. Combine the extracts and make the proper estimated dilutions in 0.1 *M* monopotassium phosphate buffer, pH 4.5. The sample may also be prepared by placing a representative portion of the sample (usually 1.0 gram, accurately weighed) in a glass blending jar containing 200 milliliters of 0.01*N* HCl. Using a high-speed blender, blend the mixture for approximately 3 minutes and make proper estimated dilutions in 0.1 *M* monopotassium phosphate buffer, pH 4.5. The potency is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

2. Section 141c.204 is amended in the following respects:

a. The section headnote is changed to read: "§ 141c.204 *Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.*"

b. Paragraph (a) *Potency* is amended by changing the words "or tetracycline," in the second sentence to read ", tetracycline, or tetracycline phosphate complex,".

3. Part 141c is amended by adding the following new section:

§ 141c.232 *Tetracycline phosphate complex*—(a) *Moisture, potency, toxicity, pH, crystallinity, extinction coefficient.* Proceed as directed in § 141c.220 (a), (b), (c), (d), (e), and (f).

(b) *Solubility.* To approximately 250 milligrams of the sample in a glass-stoppered tube add 5 milliliters of carbon-dioxide-free distilled water. Maintain at 25° C. ±2° C. for 1 hour with occasional agitation, and filter. Determine the amount of tetracycline hydrochloride activity in the clear filtrate by the following method: Dilute 1.0 milliliter of the filtrate to 25.0 milliliters with water. Transfer a 10.0-milliliter aliquot of this solution to a 100-milliliter volumetric flask, add about 75 milliliters of water and 5.0 milliliters of 5*N* NaOH, and then make to 100 milliliters with water, and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of the solution at 380 mμ compared with water as a blank. Use a suitable spectrophotometer for the absorbance measurements.

$$\text{Milligrams per milliliter} = \frac{\text{Absorbance at 380 m}\mu \times 2{,}500}{S}$$

where $S = E^{1\%}_{1\text{ cm}}$, value of pure tetracycline hydrochloride as determined by method described in § 141c.218 (e).

4. Section 146c.202 is amended as follows:

a. The section headnote is changed to read: "§ 146c.202 *Chlortetracycline hydrochloride ointment, chlortetracycline calcium ointment, chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream)*".

b. Paragraph (a) *Standards of identity,* • • • is amended by changing the first two sentences to read as follows: "Chlortetracycline hydrochloride ointment, tetracycline hydrochloride ointment, and tetracycline ointment are crystalline chlortetracycline hydrochloride, chlortetracycline calcium, tetracycline hydrochloride, or tetracycline in a suitable and harmless ointment base."

c. Paragraph (a) is further amended by inserting a new sentence, reading as follows, immediately before the last sentence: "The tetracycline used conforms to the requirements of § 146c.220 (a)."

d. Paragraph (c) *Labeling* is amended by inserting in subparagraph (1) (iv), immediately before the words "24 months" the words "12 months, if it is an aqueous base and contains cortisone or a derivative of cortisone,".

e. Paragraph (c) (3) is amended by inserting immediately following the words "tetracycline hydrochloride ointment," the phrase "or tetracycline ointment,".

f. In paragraph (d) *Request for certification; samples,* subparagraph (1) is amended by inserting after the words "tetracycline hydrochloride" the phrase "or tetracycline".

g. Paragraph (d) (2) (ii) is amended to read:

(ii) The chlortetracycline hydrochloride or tetracycline hydrochloride or tetracycline used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient, if it is tetracycline hydrochloride or tetracycline.

h. Paragraph (d) (3) (ii) is amended by inserting after the words "tetracycline hydrochloride" the words "or tetracycline".

5. Section 146c.204 is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read:

§ 146c.204 *Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, tetracycline capsules, and tetracycline phosphate complex capsules are capsules composed of crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, with or without one or more suitable sulfonamides, analgesic substances, antihistaminics, and with or without one or more suitable and harmless vitamin substances, buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings, enclosed in a gelatin capsule. Each capsule shall contain not less than 50 milligrams of chlortetracycline hydro-

chloride, tetracycline hydrochloride, tetracycline or tetracycline phosphate complex, unless it is intended solely for veterinary use and is conspicuously so labeled. Its moisture content is not more than 2 percent if it contains chlortetracycline hydrochloride, not more than 3 percent if it contains tetracycline, not more than 4 percent if it contains tetracycline hydrochloride, and not more than 9 percent if it contains tetracycline phosphate complex, except that in no case shall it be more than 3 percent if it contains vitamins. The chlortetracycline hydrochloride used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). The tetracycline used conforms to the requirements of § 146c.220 (a). The tetracycline phosphate complex used conforms to the requirements of § 146c.232. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. In paragraph (c) *Labeling*, subparagraph (1) (iii) is amended by inserting after the word "tetracycline" the phrase ", or tetracycline phosphate complex,".

c. Paragraph (c) (1) (iv) is amended by inserting after the word "tetracycline," the following new clause: "or with the date that is 18 months after the month during which the batch was certified if it is tetracycline phosphate complex,".

d. Paragraph (c) (3) is amended by inserting after the words "or tetracycline," the phrase ", or tetracycline phosphate complex," and by inserting after the words " 'tetracycline capsules,' " the words " 'Tetracycline phosphate complex capsules,' ".

e. In paragraph (d) *Request for certification* * * *, subparagraph (1) is amended by changing the words "or tetracycline used" to read "tetracycline, or tetracycline phosphate complex used".

f. Paragraph (d) (2) (ii) is amended to read as follows:

(ii) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch; potency, toxicity, moisture, pH, crystallinity and extinction coefficient if it is chlortetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, and solubility if it is tetracycline phosphate complex.

g. Paragraph (d) (3) (ii) is amended to read as follows:

(ii) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

6. Part 146c is amended by adding the following new section:

§ 146c.232 *Tetracycline phosphate complex*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline phosphate complex is the crystalline sodium metaphosphate complex of a kind of tetracycline. It is so purified and dried that:

(1) Its potency is not less than 750 μg. per milligram on the anhydrous basis.

(2) It is nontoxic.

(3) Its moisture content is not more than 9 percent.

(4) Its pH in an aqueous suspension prepared by adding 10 milligrams per milliliter is not less than 2.0 and not more than 4.0.

(5) Its extinction coefficient $E^{1\%}_{1\,cm.}$ is 305 ±15 at 380 mμ, calculated on the anhydrous basis.

(6) Its solubility does not exceed 10 milligrams per milliliter at 25° C.

(b) *Packaging; labeling; request for certification, samples; fees.* Tetracycline phosphate complex conforms to all requirements and procedures prescribed for tetracycline by § 146c.220 (b), (c), (d), and (e), except that it shall be labeled with an expiration date that is 18 months after the month during which the batch was certified.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: November 21, 1956.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-9725; Filed, Nov. 27, 1956; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter G—Regulations Under Tax Conventions

[T. D. 6215]

PART 512—ITALY

Release of excess tax withheld, and exemption from, or reduction in rate of, withholding of tax at source in the case of residents of Italy and of Italian corporations or other entities, as affected by the income tax convention between the United States and Italy signed on March 30, 1955.

Sec.
512.1 Introductory.
512.2 Dividends.
512.3 Dividends received by addressee not actual owner.
512.4 Patent and copyright royalties.
512.5 Private pensions and life annuities.
512.6 Interest.
512.7 Beneficiaries of a domestic estate or trust.
512.8 Release of excess tax withheld at source.
512.9 Information to be furnished in ordinary course.
512.10 Effective date.

AUTHORITY §§ 512.1 to 512.10 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 512.1 *Introductory*—(a) *Pertinent provisions.* The income tax convention between the United States and Italy, signed March 30, 1955, referred to in this Treasury decision as the convention, provides in part as follows, effective January 1, 1956.

ARTICLE I

The taxes referred to in this Convention are:

(a) In the case of the United States: the Federal income tax, including surtaxes.

(b) In the case of Italy:

(1) Tax on land (l'imposta sul reddito dei terreni).

(2) Tax on buildings (l'imposta sul reddito dei fabbricati).

(3) Tax on movable wealth (l'imposta sui redditi di ricchezza mobile).

(4) Tax on agricultural income (l'imposta sui redditi agrari).

(5) Complementary tax (l'imposta complementare progressiva sul reddito).

ARTICLE II

(1) As used in this Convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Italy" means the Italian Republic.

(c) The term "permanent establishment" means a branch, office, factory, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(d) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Italian enterprise".

(e) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(f) The term "United States enterprise" means an enterprise carried on in the United States by a resident of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(g) The term "Italian enterprise" means an enterprise carried on in Italy by a resident of Italy or by an Italian corporation or other entity; the term "Italian corporation or other entity" means a corporation or other entity created or organized in Italy or under Italian laws, or a partnership so created or organized.

(h) The term "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue as authorized by the Secretary of the Treasury; and in the case of Italy, the Ministry of Finance, General Directorship for Direct Taxation.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under the tax laws of such State.

* * * * *

ARTICLE VII

(1) The rate of tax imposed by one of the contracting States upon dividends received from sources within such State by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall not exceed 15 percent.

(2) It is agreed, however, that the rate of tax imposed at the source on dividends shall not exceed five percent if the shareholder is a corporation controlling, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and if not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends received from its own subsidiary corporations. Such reduction of the rate to five percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(3) Each of the contracting States reserves the right to increase the rates of tax provided in this Article and, if either State so increases such rates in the case of residents or corporations or other entities of the other State, either State may terminate this Article by giving written notice of termination to the other State, through diplomatic channels, on or before the thirtieth day of June of any calendar year, and in such event this Article shall cease to be effective on and after the first day of January in the year next following that in which notice is given.

ARTICLE VIII

Royalties and other amounts received as consideration for the right to use copyrights, patents, designs, secret processes and formulas, trade-marks and other like property (including in such royalties and other amounts rentals and like payments in respect of motion picture films or for the use of industrial, commercial, or scientific equipment) from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State.

* * * * *

ARTICLE X

* * * * *

(2) Private pensions and life annuities received from sources within one of the contracting States by individuals residing in the other contracting State shall be exempt from taxation in the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for past services rendered or by way of compensation for injuries received.

(4) The term "life annuities", as used in this Article, means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

* * * * *

ARTICLE XIV

(1) Dividends and interest paid by an Italian corporation to a recipient, other than a citizen or resident of the United States or a United States corporation or other entity, shall be exempt from all income taxes imposed by the United States.

* * * * *

ARTICLE XVII

The competent authorities of the contracting States shall exchange such information (being information available under the respective taxation laws of the contracting States) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or for the administration of statutory provisions against tax avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those (including a court) concerned with the assessment and collection of the taxes which are the subject of the present Convention or the determination of appeals in relation thereto. No information shall be exchanged which would disclose any trade secret or trade process.

ARTICLE XVIII

Each of the contracting States may collect such taxes, which are the subject of this Convention, imposed by the other contracting State (as though such taxes were taxes imposed by the former State), as will ensure that the exemptions or reduced rates of taxes granted under the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

ARTICLE XIX

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed by, or which may hereafter be granted to, such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XX

The competent authorities of the two contracting States may prescribe regulations necessary to interpret and carry out the provisions of this Convention and may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XXI

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Rome as soon as possible.

(2) The present Convention shall become effective on the first day of January of the calendar year in which such exchange takes place. It shall continue to be effective for a period of five years beginning with such first day of January and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective on the first day of January following the expiration of the six-month period.

(b) *Meaning of terms.* As used in §§ 512.1 to 512.10, any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws.

§ 512.2 *Dividends*—(a) *Paid by an Italian corporation.* Dividends paid on or after January 1, 1956, by an Italian corporation are exempt from United States tax under the provisions of Article XIV (1) of the convention if the recipient is not a United States citizen, resident, Corporation, or other entity.

(b) *Received from United States sources*—(1) *Rate of 15 percent.* The rate of the United States tax imposed upon dividends received from sources within the United States on or after January 1, 1956, by a nonresident alien individual who is a resident of Italy, or by an Italian corporation or other entity, shall not exceed 15 percent under the provisions of Article VII (1) of the convention if such alien, corporation, or other entity has not had a permanent establishment in the United States at any time during the taxable year in which such dividends are received. This subparagraph does not apply to dividends falling within the scope of paragraphs (a) and (c) of this section.

(2) *Personal services.* If a nonresident alien individual who is a resident of Italy performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax prescribed by subparagraph (1) of this paragraph, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

(c) *Dividends paid by a related corporation*—(1) *Rate of 5 percent.* Under the provisions of Article VII (2) of the convention, dividends received from sources within the United States on or after January 1, 1956, by an Italian corporation which controls, directly or indirectly, at the time the dividend is paid, 95 percent or more of the entire voting power in the corporation paying the dividend are subject to United States tax at a rate not in excess of 5 percent if (i) not more than 25 percent of the gross income of the paying corporation for the 3-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporation from its own subsidiary corporations, if any), (ii) the relationship between the paying corporation and the Italian corporation has not been arranged or maintained primarily with the

intention of securing the reduced rate of 5 percent, and (iii) the Italian corporation at no time during the taxable year in which such dividends are received has had a permanent establishment within the United States.

(2) *Information to be filed with Commissioner.* Any corporation (hereinafter referred to as the claimant) which claims or contemplates claiming that dividends paid or to be paid by it are subject to a rate not in excess of 5 percent shall file the following information with the Commissioner of Internal Revenue as soon as practicable:

(i) The date and place of its organization;

(ii) The number of outstanding shares of stock of the claimant having voting power and the voting power thereof;

(iii) The person or persons beneficially owning such stock of the claimant and their relationship to the Italian corporation;

(iv) The amounts by years (for the 3-year period immediately preceding the taxable year in which the dividend is paid) of the gross income of the claimant, of the interest and dividends included in such gross income, and of the interest and dividends received by the claimant from its own subsidiary corporations, if any; and

(v) The relationship between the claimant and the Italian corporation receiving the dividend.

(3) *Notification by Commissioner.* As soon as practicable after such information is filed, the Commissioner will determine whether the dividends concerned fall within the scope of Article VII (2) of the convention and will notify the claimant of his determination. If the dividends fall within the scope of that article, this notification may also authorize the release, pursuant to § 512.8 (a) (3), of excess tax withheld from the dividends concerned.

(d) *Effect of address in Italy.* For the purpose of paragraph (e) (2) of this section, every nonresident alien (including a nonresident alien individual and fiduciary) whose address is in Italy shall be deemed by United States withholding agents to be a nonresident alien individual who is a resident of Italy not having a permanent establishment within the United States; and every foreign corporation or other entity (including a partnership) whose address is in Italy shall be deemed by such withholding agents to be an Italian corporation or other entity not having a permanent establishment within the United States.

(e) *Withholding of United States tax from dividends*—(1) *Exempt from withholding.* No withholding of United States tax is required in the case of dividends paid by an Italian corporation.

(2) *Rate of 15 percent.* Withholding at source, as required under the internal revenue laws, in the case of dividends (other than dividends falling within the scope of subparagraphs (1) and (3) of this paragraph) received from sources within the United States by nonresident aliens (including nonresident alien individuals or fiduciaries) and by foreign corporations and other entities (including partnerships), whose addresses are in Italy, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue has notified the withholding agent that the reduced rate of withholding shall not apply. This provision is based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived. As to action by a recipient who is not the owner of the dividend, see § 512.3.

(3) *Rate of 5 percent.* If, in accordance with paragraph (c) (3) of this section, the Commissioner of Internal Revenue has notified the claimant corporation that the dividends fall within the scope of Article VII (2) of the convention, the reduced withholding rate of 5 percent, to the extent withholding of United States tax is required, shall apply to any dividends subsequently paid by such corporation and received by the Italian corporation, unless the stock ownership of the claimant corporation, or the character of its income, materially changes; or unless the Commissioner determines that the relationship between the two corporations concerned is being maintained primarily with the intention of securing the reduced rate of tax. In such instance, if such change in stock ownership or character of income occurs, the claimant corporation shall promptly notify the Commissioner of the then existing facts with respect thereto. The continued application of the rate not in excess of 5 percent is also dependent upon the continued fulfillment of paragraph (c) (1) (iii) of this section.

(4) *Evidence of tax withheld.* The rate at which United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which §§ 512.1 to 512.10 are published in the FEDERAL REGISTER to any person whose address is in Italy at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 512.3 *Dividends received by addressee not actual owner*—(a) *Additional tax to be withheld*—(1) *Nominee or representative.* The recipient in Italy of any dividend from which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 512.2 (e) (2), who is a nominee or representative through whom the dividend is received by a person other than one described in § 512.2 (b) as being entitled to the reduced rate, shall withhold an additional amount of United States tax equivalent to the United States tax which would have been withheld if the convention had not been in effect (30 percent as of the date of approval of §§ 512.1 to 512.10) minus the 15 percent which has been withheld at the source.

(2) *Fiduciary or partnership.* A fiduciary or a partnership with an address in Italy which receives, otherwise than as a nominee or representative, a dividend from which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 512.2 (e) (2) shall withhold an additional amount of United States tax from the portion of the dividend included in the gross income from sources within the United States of any beneficiary or partner, as the case may be, who is not entitled to the reduced rate of tax in accordance with § 512.2 (b). The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) *Released amounts of tax.* If any amount of United States tax is released pursuant to § 512.8 (a) (2) by the withholding agent in the United States with respect to a dividend paid to such a person (nominee, representative, fiduciary, or partnership) with an address in Italy, the latter shall withhold from such released amount any additional amount of United States tax, otherwise required to be withheld from the dividend by the provisions of subparagraphs (1) and (2) of this paragraph, in the same manner as if at the time of payment of the dividend United States tax at the rate of only 15 percent had been withheld at source therefrom.

(b) *Returns filed by Italian withholding agents.* The amounts withheld pursuant to paragraph (a) of this section by any withholding agent in Italy shall be deposited, without converting the amounts into United States dollars, with the Italian Ministry of Finance, General Directorship for Direct Taxation, on or before the 15th day after the close of the quarter of the calendar year in which the withholding in Italy occurs. The withholding agent making the deposit shall render therewith such appropriate Italian form as may be prescribed by the Ministry of Finance. The amounts so deposited should be remitted by the Ministry of Finance by draft in United States dollars, on or before the end of the calendar month in which the deposit is made, to the District Director of Internal Revenue, Baltimore 2, Maryland, U. S. A., except that on and after January 1, 1957, the amounts so deposited should be remitted to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., U. S. A. The remittance should be accompanied by such Italian forms as may be required to be rendered by the withholding agent in Italy in connection with the deposit.

§ 512.4 *Patent and copyright royalties*—(a) *Exemption from tax.* (1) Royalties and other amounts received from sources within the United States on or after January 1, 1956, by a nonresident alien individual who is a resident of Italy or by an Italian corporation or other entity, as consideration for the right to use copyrights, patents, designs, secret processes and formulas, trademarks, and otherlike property are exempt from United States tax under the provisions of Article VIII of the convention if such alien, corporation, or other entity at no time during the taxable year in which such items are received has a permanent establishment in the United States.

(2) The provisions of this section shall apply to rentals and like payments in respect of motion picture films or for the use of industrial, commercial or scientific equipment.

(b) *Exemption from withholding of United States tax*—(1) *Notification by letter.* To avoid withholding of United States tax at source in the case of the income to which this section applies, the nonresident alien individual who is a resident of Italy, or the Italian corporation or other entity, shall notify the withholding agent by letter in duplicate that the income is exempt from United States tax under the provisions of Article VIII of the convention. The letter of notification shall be signed by the owner of the income, or by his trustee or agent, and shall show the name and address of the obligor and the name and address of the owner of the income. It shall contain a statement (i) that the owner is neither a citizen nor a resident of the United States but is a resident of Italy, or, in the case of a corporation or other entity, that the owner is an Italian corporation or other entity, and (ii) that the owner has at no time during the current taxable year had a permanent establishment in the United States.

(2) *Use of letter for release of excess tax.* If the letter is also to be used as authorization for the release, pursuant to § 512.8 (a) (4), of excess tax withheld from the income to which this section applies, it shall also contain a statement (i) that, at the time when the royalties or other amounts were received from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of Italy, or, in the case of a corporation or other entity, the owner was an Italian corporation or other entity, and (ii) that the owner at no time during the taxable year in which such royalties or other amounts were received had a permanent establishment in the United States.

(3) *Manner of filing letter.* The letter of notification, which shall constitute authorization for the payment of the royalties and other amounts without withholding of United States tax at source, shall be filed with the withholding agent for each successive 3-calendar year period during which such income is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1956. Each letter filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once a letter has been filed in respect of any 3-calendar year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the taxpayer. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from United States tax granted by Article VIII of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the royalties and other amounts as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(4) *Disposition of letter.* Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

§ 512.5 *Private pensions and life annuities*—(a) *Exemption from tax.* Private pensions and life annuities, as defined in Article X (3) and (4) of the convention, which are received from sources within the United States on or after January 1, 1956, by a nonresident alien individual who is a resident of Italy are exempt from United States tax under the provisions of Article X (2) of the convention.

(b) *Exemption from withholding of United States tax*—(1) *Notification by letter.* To avoid withholding of United States tax at source in the case of the items of income to which this section applies, the nonresident alien individual who is a resident of Italy shall notify the withholding agent by letter in duplicate that the income is exempt from United States tax under the provisions of Article X (2) of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of Italy.

(2) *Use of letter for release of tax.* If the letter is also to be used as authorization for the release, pursuant to § 512.8 (a) (4), of excess tax withheld from such items of income, it shall also contain a statement that the owner was, at the time when the income was received from which the excess tax was withheld, neither a citizen nor a resident of the United States but was a resident of Italy.

(3) *Manner of filing letter.* The letter of notification shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax granted by the convention in respect to such income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of such income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(4) *Disposition of letter.* Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Director of International Operations, Internal Revenue Service, Washington 25, D. C.

§ 512.6 *Interest*—(a) *Paid by an Italian corporation.* Interest paid on or after January 1, 1956, by an Italian corporation is exempt from United States tax under the provisions of Article XIV (1) of the convention if the recipient is not a United States citizen, resident, corporation, or other entity. Such interest is, therefore, not subject to the withholding of the United States tax at source.

(b) *Other interest.* Except for interest falling within the scope of paragraph (a) of this section, the convention does not change the rate of United States tax imposed pursuant to sections 871, 881, and 882 of the Internal Revenue Code of 1954 upon interest. The withholding of United States tax with respect to interest received from sources within the United States (other than that paid by Italian corporations) by nonresident alien individuals who are residents of Italy, or by Italian corporations or other entities, is not changed by the convention.

§ 512.7 *Beneficiaries of a domestic estate or trust*—(a) *Entitled to benefit of convention.* If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien individual who is a resident of Italy and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in rate of, United States tax granted by Articles VII, VIII, and XIV of the convention with respect to dividends, interest, and copyright royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items, and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Withholding of United States tax.* In order to be entitled in such instance to the exemption from, or reduction in rate of, withholding of United States tax the beneficiary must otherwise satisfy such requirements and shall, where applicable, execute and submit to the fiduciary of the estate or trust in the United States the letter of notification prescribed in § 512.4 (b).

(c) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

§ 512.8 *Release of excess tax withheld at source*—(a) *Amounts to be released*—(1) *Dividends and interest paid by Italian corporation.* If United States tax at the statutory rate has been withheld on or after January 1, 1956, from dividends and interest paid by an Italian corporation to a recipient other than a United States citizen, resident, corporation, or other entity, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(2) *Dividends received from United States sources.* If United States tax at the statutory rate has been withheld on

or after January 1, 1956, from dividends described in § 512.2 (b) and received from sources within the United States by a nonresident alien (including a nonresident alien individual and fiduciary) or by a foreign corporation or other entity (including a partnership), whose address at the time of payment was in Italy, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 512.2 (e) (2).

(3) *Dividends paid by a related corporation.* If United States tax at the statutory rate has been withheld on or after January 1, 1956, from dividends which fall within the scope of Article VII (2) of the convention, the withholding agent shall, if so authorized in accordance with § 512.2 (c) (3), release and pay over to the corporation from which the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 512.2 (e) (3).

(4) *Copyright royalties, private pensions, and life annuities.* If a taxpayer furnishes the withholding agent the authorization of release prescribed in § 512.4 (b) (2) or § 512.5 (b) (2) and United States tax at the statutory rate has been withheld on or after January 1, 1956, from the copyright royalties or other like amounts, private pensions, or life annuities in respect of which such authorization is prescribed, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(b) *Amounts not to be released.* The provisions of this section do not apply to excess tax withheld at source which has been paid by the withholding agent to the internal revenue officer entitled to receive payment of the tax withheld under chapter 3 of the Internal Revenue Code of 1954.

(c) *Statutory rate.* As used in this section, the term "statutory rate" means the rate prescribed by chapter 3 of the Internal Revenue Code of 1954 and the regulations thereunder, as though the convention had not come into effect.

§ 512.9 *Information to be furnished in ordinary course.* An information return on Form 1042 Supplement, with respect to persons having addresses in Italy, is not required for the calendar year 1956. In the case of payments of income made on and after January 1, 1957, see section 1461 of the Internal Revenue Code of 1954, and the regulations thereunder for provisions relating to the exchange of information under an income tax convention with a foreign country.

§ 512.10 *Effective date*—(a) *Payments on or after January 1, 1956.* In order to give the convention effective application at the earliest practicable date, the exemptions from, and reductions in the rate of, withholding of United States tax at source granted by §§ 512.1 to 512.10 are hereby made effective beginning January 1, 1956, contingent upon compliance with the applicable provisions of §§ 512.1 to 512.10.

(b) *Taxable years beginning in 1955 and ending in 1956.* If, in the case of a taxable year beginning in 1955 and ending in 1956, a taxpayer has no permanent establishment in the United States at any time during that part of the taxable year which follows December 31, 1955, then he shall, for purposes of this Treasury decision, be deemed not to have had a permanent establishment in the United States at any time during the taxable year.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting release of excess tax withheld, and exemption from, or reduction in the rate of, withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 21, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9710; Filed, Nov. 27, 1956; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

MOBILIZATION AND TRAINING

In Part 861, §§ 861.1001 to 861.1010 are revised to read as follows:

Sec.
861.1001 General.
861.1002 Definitions.
861.1003 Qualification for assignment.
861.1004 Ready Reserve agreements.
861.1005 Training Category A units.
861.1006 Training.
861.1007 Mobilization assignment Reserve sections.
861.1008 Training requirements of mobilization assignees.
861.1009 Termination of assignment.
861.1010 Training attachments for mobilization assignees.

AUTHORITY: §§ 861.1001 to 861.1010 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 8062, 8076, 8077, 8221, 8224, 8261, 70A Stat. 493, 496, 502, 505; 10 U. S. C. 8062, 8076, 8077, 8221, 8224, 8261.

DERIVATION: AFR 45-3, June 27, 1956.

§ 861.1001 *General.* Sections 861.1001 to 861.1010 govern the assignment of Air Force Reservists to Air Force Reserve Training Category A units and to Mobilization Assignment Reserve Sections and establishes criteria for retention therein.

§ 861.1002 *Definitions*—(a) *Mobilization positions.* Those military spaces contained in Reserve Force Non-Table of Organization and Equipment Space and Grade Authorization Vouchers issued by Headquarters USAF.

(b) *Mobilization assignee.* A member of the Air Force Reserve not on extended active duty who is assigned to a mobilization position.

(c) *Training attachment.* Attaching a Reservist—for training purposes only—to a unit or activity other than the one to which he is assigned.

(d) *Air Reserve Records Center.* That part of the Continental Air Command Headquarters located at 3800 York Street, Denver 5, Colorado.

(e) *Selective assignees.* Those obligors involuntarily selected to fill certain mobilization positions within units of the Air Force Reserve, Air National Guard of the United States, and major air commands within the continental United States.

(f) *Personal hardship.* Limited to a serious illness or injury of the Reservist concerned, or to the death or serious illness or injury of a member of his immediate family. "Immediate family" includes spouse, child, mother, father, brother, sister or any person who stands in loco parentis to the Reservist.

(g) *Ready Reservists.* Those Reservists who may be ordered to extended active duty involuntarily in time of war, national emergency declared by Congress or proclaimed by the President, or when otherwise authorized by law.

(h) *Standby Reservists.* Those Reservists who may be ordered to extended active duty involuntarily only in time of war, national emergency declared by Congress, or when otherwise authorized by law.

§ 861.1003 *Qualification for assignment*—(a) *General requirements.* Any Air Force Reservist not on extended active duty may be assigned to an Air Force Reserve Training Category A unit, or to a mobilization position, provided that:

(1) He is qualified in accordance with §§ 861.1 to 861.14, is eligible for award of Availability Classification Code AA, and possesses Ready status;

(2) He volunteers in writing for such assignment on AF Form 1288, "Application for Reserve Assignment";

(3) A vacancy exists for which he is qualified by grade and skill;

(4) He submits with his application a certificate identical to that shown below if he is a civilian employee of the Federal Government. The certificate must be signed by his supervisor in the employing agency or another official designated by the employing agency. The supervisor has the right to withdraw the certificate at any time prior to a national emergency.

Date ----------

CERTIFICATE OF AVAILABILITY OF FEDERAL EMPLOYEE

I concur in the reserve assignment of ----------,
(First name, middle initial)

---------- ---------- ----------
(Last name) (Grade) (AFSN)

In the event of partial or full mobilization he will be made available for active military service.

I certify that no delay in his entry on active duty will be requested by this employing agency if he is ordered to active military service during a period of mobilization.

Approved:

(Signature of supervisor)

(Typed name and title of position)

(b) *Restrictions of assignments.* (1) Air Force Reserve commissioned officers serving on active duty as warrant officers or airmen, and Air Force Reserve warrant officers serving on extended active duty as airmen, are not eligible for assignment to Training Category A units, or to mobilization positions.

(2) Reservists who are civilian employees of the Department of Defense or any of its military departments will not be given mobilization assignments to the same position or within the immediate activity in which they are employed as civilians. However, they may be given a mobilization assignment, Training Category D.

(c) *Assignment of obligors.* Ready Reservists who possess Reserve service obligations may be selectively assigned to vacancies in Air Force Reserve Training Category A units and to mobilization positions. Those assigned to Air Force Reserve Training Category A units will be known as "Selective Assignees (Training Category G)," and those assigned to mobilization positions of major air commands will be known as "Mobilization Assignees (Training Category G)."

(d) *Participation of retired airmen.* Retired Regular airmen who were transferred to the Air Force Reserve with at least 20 but fewer than 30 years of active military service may participate as airmen for pay, provided that they waive retired pay.

§ 861.1004 *Ready Reserve agreements.* Any Air Force Reservists not on extended active duty who desire assignment to an Air Force Reserve Training Category A unit or to a mobilization position must possess or accept Ready Reserve status. Standby Reservists and Ready Reservists who are eligible to elect Standby status must accomplish a signed statement identical to that shown in this section. Reservists must accept or retain Ready Reserve status for 2, 3, 4, or 5 years, the period selected being contingent upon the desires of the Reservist. They will be relieved from assignment at the expiration of the contracted period unless the agreement is renewed prior to expiration.

Date ----------

CERTIFICATE OF READY RESERVE STATUS

I agree to (accept) (retain) * Ready Reserve status for a period of ---------- (2, 3, 4, or 5 years) in order to become eligible for the Ready Reserve assignment for which application is made, and of which application this agreement is a part. I understand that I will not be released from such assignment for the period specified, except at the discretion of the (title of commander or chief of activity to which assigned), and that this agreement will be terminated if I am relieved from such assignment.

(Signature)

(Type grade, first name, middle initial, last name)

* Strike out word not applicable.

§ 861.1005 *Training Category A units.* Air Force Reserve Training Category A units are Air Force Unit Manning Document organizations that are activated or organized in accordance with specific instructions issued by the Department of the Air Force, and manned by qualified Air Force Reserve personnel not on extended active duty. Training Category A units include combat and support type units. The following information is provided concerning these units:

(a) All Training Category A units are Ready Reserve Units.

(b) All Reservists, other than selective assignees, assigned to such units are in Pay Group A.

(c) Training Category A units are assigned to, administered, and trained by Continental Air Command.

§ 861.1006 *Training.* The provisions of paragraphs (a) (1), (b), and (c) of § 861.1008 apply to individuals assigned to Training Category A units that are not organized to serve as units upon mobilization. Remaining provisions of this paragraph apply only to Training Category A units that are organized to serve as units upon mobilization. These units will conduct 48 unit training assemblies and a 15-day encampment annually. The provisions of this section do not apply to selective assignees.

(a) *Minimum inactive duty training requirements.* Personnel must attend all scheduled unit training assemblies or perform appropriate duties or equivalent training, unless excused under paragraphs (c) and (d) of this sectiton.

(b) *Active duty training requirement.* All personnel must perform a normal 15-day tour of active duty for training with their unit of assignment each fiscal year. However, the following exceptions may be permitted at the discretion of the Commander, Continental Air Command, or authorized subordinate commanders:

(1) Any tour of active duty for school training of at least 15 days' duration may satisfy the annual active duty training requirement.

(2) Personnel assigned after completion of the annual unit encampment need not perform active duty training until the next such encampment.

(3) Reservists assigned to Training Category A units that are not organized to serve on active duty as units will perform short tours of active duty for training as determined by the Commander, Continental Air Command.

(4) The active duty training requirement for those units whose low manning status makes unit training impracticable may be waived for the 12-month period following the date of unit activation. Reservists assigned to these units are authorized, and will be encouraged, to perform a short tour of active duty for training or a tour of active duty for school training at locations the Commander, Continental Air Command, deems appropriate.

(c) *Failure to meet minimum training requirements.* Whenever a member of a Training Category A unit fails to attend a unit training assembly, or fails to perform the required annual active duty training tour, the appropriate commander will determine if the absence is excusable. The Commander, Continental Air Command, may excuse absences caused by personal hardship, as defined in § 861.1002 (f) or other extraordinary circumstances beyond the control of the Reservist. A Reservist will be immediately relieved from assignment when:

(1) His unexcused absences exceed 10 percent of the annually scheduled unit training assemblies;

(2) He fails to perform the required annual active duty and is not excused, or,

(3) He has so many excused absences that:

(i) He is ineligible to retain his Availability Classification Code AA, or,

(ii) His retention is not in the best interest of the Air Force.

(d) *School training or special tours.* Personnel on active duty tours for school training or special tours will be excused from scheduled unit training assemblies.

§ 861.1007 *Mobilization assignment Reserve sections.* Mobilization assignment Reserve sections are administrative sections of the major air command headquarters and their subordinate organizations to which are assigned Reservists authorized by Reserve Force Non-Table of Organization and Equipment Space and Grade Authorization Vouchers issued by Headquarters USAF. Reservists so assigned will be used in partial or full mobilization to meet augmentation attrition, and replacement requirements. The following Mobilization assignment Reserve sections are established:

MOBILIZATION ASSIGNMENT RESERVE SECTION

(Individual requirement)

	Training category	Pay group	Assigned to—	Inactive duty training by—	Type of inactive duty training
Mobilization assignment reserve section.	A	A	Major air command.	Major air command.	Individua lon-the-job
Do	B	B	do	do	Do.
Do	B	B	do	Continental air command.	Individual specialized training.
Do	C	D	do	do	Individual general training.
Do	D	D	do	None	Must earn a minimum of 15 points annually, excluding gratuitous points.
Do	G	None	do	do	None permitted.

§ 861.1008 *Training requirements of mobilization assignees.* Mobilization assignees must participate in authorized training activities to the extent provided in paragraph (a) of this section and must perform an anual tour of active duty, unless excused as outlined in paragraph (c) of this section. The training requirements outlined in this section apply to all personnel in pay status.

(a) *Minimum inactive duty training requirements*—(1) *Mobilization assign-*

ees (training Category "A"). Mobilization assignees who require proficiency in an aeronautical skill and certain other mobilization assignees specifically authorized by Headquarters USAF will be assigned to this training category. All Reservists, so assigned, are required to perform a minimum of 48 inactive duty training periods annually, 24 of which must be performed each half fiscal year.

(2) *Mobilization assignees (training Category "B")*. These Reservists may not participate in flying activities. All mobilization assignees in this training category are required to perform a minimum of 24 inactive duty periods annually, 12 of which must be performed each half fiscal year or each half academic year, as appropriate.

(3) *Mobilization assignee (training Category "C")*. These Reservists are required to perform a minimum of 12 training periods in general training annually, six of which must be performed each half fiscal year.

(4) *Mobilization assignees (training Category "D")*. Mobilization assignees whose civilian occupations are so closely allied to their military specialties that they do not require frequent inactive duty training will be assigned to this program element. However, they must earn at least 15 points annually.

(5) *Mobilization assignees (training Category "G")*. Obligors who are selectively assigned to mobilization positions are assigned to this program element. They are not authorized to perform inactive duty training or active duty for training while so assigned.

(b) *Active duty training requirement.* All mobilization assignees in pay status must perform a normal 15-day tour of active duty for training with their unit of assignment each fiscal year. However, in exceptional instances, in the interest of better training, they may train with the unit to which attached for inactive duty training, or with other units not further from their place of residence than the unit of assignment, provided the major air command of assignment approves. At the discretion of the major air command having custody of the field personnel records, and with the concurrence of the major air command of assignment, if different, the following exceptions may be permitted:

(1) Mobilization assignees assigned subsequent to July 1 of any fiscal year need not perform active duty for training during the balance of that fiscal year.

(2) Any special tour of at least 15 days, or any school tour of at least 9 academic days, is acceptable in lieu of the annual active duty training tour.

(3) Any tour of active duty not credited toward the annual active duty training tour may be credited toward the minimum inactive duty training requirement on the following basis: A special tour of at least 15 days or a school tour of at least 9 academic days is equal to 50 percent of the minimum inactive duty training requirement of the half fiscal year in which performed.

NOTE: This provision does not apply to Reservists enrolled in specialized training.

(c) *Failure to meet minimum training requirements.* The commander of the major air command responsible for the Reservist's inactive duty training may excuse him from the required number of training periods if the absences are caused by personal hardship or other extraordinary circumstances beyond the Reservist's control. In the same circumstances, Reservists may also be excused from performing the annual tour of active duty training if the major air command of assignment approves.

(1) A Reservist will be immediately relieved from assignment whenever he has so many excused absenses that:

(i) He is ineligible to retain Availability Classification Code AA.

(ii) His retention is not in the best interest of the Air Force.

(2) In addition to subparagraph (1) of this paragraph, mobilization assignees will be relieved under the following conditions:

(i) *Mobilization assignees participating in specialized training.* Whenever such an assignee fails to attend a scheduled training period or to perform the required annual active duty training tour, the appropriate commander will determine if the absence is excusable. At any time that an individual's unexcused absences exceed 10 percent of the training periods required for an academic year, or he fails to perform the required annual active duty and is not excused, he will be immediately relieved from assignment.

(ii) *All other mobilization assignees.* At the end of each half fiscal year, commanders will determine whether the Reservist attended the required number of training periods, and the required active duty, if appropriate. If unexcused absences exceeded 10 percent of the training periods required for a fiscal year, or if the Reservist failed to perform the required annual active duty and was not excused, the commander will immediately relieve him from assignment.

NOTE: Notwithstanding any other provisions of §§ 861.1001 to 861.1010, no Reservist may be excused from meeting the participation requirement (15 earned points) for retention of active status prescribed in §§ 861.1 to 861.14.

§ 861.1009 *Termination of assignment.* Air Force Reserve orders reassigning mobilization assignees will announce the termination of the Ready Reserve contract and designate the individual a Standby Reservist, unless he is assigned to another Ready Reserve unit or mobilization position. If the Reservist is an obligor and is not assigned to another Ready Reserve position, or is not mandatorily designated a Standby Reservist, he will be reassigned to the Ineligible Reserve Section (ConAC) as outlined in §§ 861.1 to 861.14. If the individual is designated a Standby Reservist, DD Form 889 will be submitted.

(a) Except for obligors, mobilization assignees who fail to meet the minimum participation requirements specified in § 861.1008, and who are not excused will be immediately relieved from assignment. Unless assigned to a program element with a lower participation requirement, they will be reassigned to the Non-affiliated Reserve Section and reported to Selective Service System on DD Form 889, when:

(1) They are fully qualified and apply for such an assignment, and

(2) They have already earned, or enough time remains for them to earn 15 points during their year for retention of active status.

(b) Major air command units of Reserve assignment may request that a Reservist be relieved from assignment if he is surplus or unsuitable for such assignment.

(c) Copies of all reassignment orders will be furnished to the unit and/or major air command of assignment.

§ 861.1010 *Training attachments for mobilization assignees.* Whenever practicable, a person occupying a mobilization position will perform inactive duty training with the unit or activity to which assigned. However, when the place of assignment makes this impracticable he may be attached for training to another activity or unit. This does not apply to Reservists receiving inactive duty training at Air Reserve Centers. Direct communication between appropriate units is authorized for this purpose.

(a) Mobilization assignees not enrolled in Air Reserve Center courses may be granted training attachments to any Regular Air Force activity, if the commander of the unit to which attachment is requested agrees. Such training attachments may not be made to Air Force Reserve units.

(b) Mobilization assignees who do not require regularly scheduled inactive duty training may voluntarily participate in authorized training, without pay, at their unit of assignment. They may also be given nonpay training attachments to any Regular Air Force activity or Air Force Reserve unit, if the commanders concerned agree. Mobilization assignees enrolled in Air Reserve Center courses may not be given training attachments with other organizations.

(c) Rated mobilization assignees on flying status who are authorized to participate in flying activities may be given flying training attachments to an appropriate Regular Air Force unit.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-9681; Filed, Nov. 27, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF WITHDRAWAL OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF MALATHION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

In accordance with 120.8 *Withdrawal of petitions without prejudice* of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, has withdrawn its petition for establishment of tolerances for residues of malathion (O,O-dimethyl dithiophosphate of diethylmercaptosuccinate) on the raw agricultural commodities asparagus, barley (grain form), blackberries, boysenberries, carrots, collards, corn (grain form and forage), cottonseed, currants, dandelions, dewberries, endive (escarole), figs, garlic, gooseberries, guavas, horseradish, kohlrabi, leeks, loganberries, mushrooms, nectarines, oats, parsley, parsnips, pecans, peppermint, pumpkins, quinces, radishes, raspberries, rice, rye, salsify (including tops), shallots, spearmint, Swiss chard, water cress, walnuts, wheat (grain form), meat (of cattle, swine, chickens, ducks, geese, and turkeys), chicken eggs, and milk, notice of which was published in the FEDERAL REGISTER of July 31, 1956 (21 F. R. 5724). This withdrawal is without prejudice to a future filing.

Dated: November 20, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-9682; Filed, Nov. 27, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 150-44]

ESTABLISHMENT OF OFFICE OF ADMINISTRATIVE ASSISTANT TO THE COMMISSIONER, INTERNAL REVENUE SERVICE AND ABOLITION OF OFFICE OF ASSISTANT COMMISSIONER OF INTERNAL REVENUE (ADMINISTRATION)

By virtue of the authority vested in me as Secretary of the Treasury, including that conferred by section 2 of Reorganization Plan No. 1 of 1952, the office of Assistant Commissioner of Internal Revenue (Administration), as established in Treasury Department Order No. 150-24, dated April 10, 1953 is hereby abolished. It is determined that there shall be in the National Office of the Internal Revenue Service the office of Administrative Assistant to the Commissioner.

This order is effective December 1, 1956.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

NOVEMBER 16, 1956.

[F. R. Doc. 56-9711; Filed, Nov. 27, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. A plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a. m., on December 21, 1956:

SEWARD MERIDIAN

T. 8 S., R. 14 W.,
Sec. 33.

Within the described area are 620 acres of public land.

2. The lands are located approximately a mile due east of the town of Seldovia but are not accessible by maintained roads. The terrain is generally very rough, mountainous, heavily covered with spruce timber with mixed vine undergrowth, and marshy ground with dense alder undergrowth. The soil is rocky forest loam. Very little, if any, of the lands are suitable for agricultural use.

3. Jurisdiction of interest in the W½SW¼NW¼ of said section was transferred to the Office of the Territories, Department of the Interior pursuant to section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), by order dated September 5, 1952, and published in the FEDERAL REGISTER of September 11, 1952 at page 8196. These lands will not be subject to appropriation under the public land laws except (1) leasing under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C. 181 et seq.) as amended.

4. The remaining lands are subject to disposition as follows:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections, will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on December 21, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., March 22, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on March 22, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans' preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to the notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, P. O. Box 1740, Anchorage, Alaska.

VIRGIL O. SEISER,
Manager.

[F. R. Doc. 56-9732; Filed, Nov. 27, 1956; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

NOVEMBER 1956 MONTHLY SALES LIST; AMENDMENT

The price listing for the Commodity Credit Corporation Monthly Sales List for November 1956 is amended as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669).

The November 1956 Sales List is amended, effective November 1, 1956, by deleting the words "roller process" under the offering of nonfat dry milk for domestic-restricted use (animal and poultry feed).

Issued: November 21, 1956.

[SEAL] WALTER C. BURGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-9733; Filed, Nov. 27, 1956; 8:52 a. m.]

Commodity Stabilization Service

SUGAR BEETS IN CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

NOTICE OF HEARING ON WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq), notice is hereby given that a public hearing will be held as follows:

At Berkeley, California, in the Assembly Room in the basement of the Farm Credit Administration Building, 2180 Milvia Street, on December 12, 1956, at 10:00 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in California, southwestern Arizona, western Nevada, and Southern Oregon, during the crop year 1957 on farms with respect to which applications for payments under the said act are made, and (2) pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1957 crop of sugar beets in California, southwestern Arizona, western Nevada, and southern Oregon, to be paid under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the said act.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matters.

While testimony on all points relative to fair wages and prices is desired, it is requested with respect to the wage hearing that witnesses be prepared to offer testimony and recommendations regarding equitable wage rate provisions for workers employed in the hand labor operations of thinning, hoeing, weeding, and harvesting of sugar beets, and the requirements for adequate record keeping by producers.

A. A. Greenwood and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 23d day of November 1956.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division.

[F. R. Doc. 56-9734; Filed, Nov. 27, 1956; 8:52 a. m.]

Office of the Secretary

COLORADO AND UTAH

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 1, 1953, that a major disaster occasioned by drought existed in the State of Colorado; and the President determined on June 15, 1956, that a major disaster occasioned by drought existed in the State of Utah.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on November 16, 1956, to be affected by the above-mentioned major disasters:

Colorado: Alamosa, Costilla.
Utah: Duchesne, Uintah.

Done at Washington, D. C., this 21st day of November 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-9706; Filed, Nov. 27, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. SR-2-1179, SR-2-1180]

AERO FINANCE CORP. AND PENINSULAR AIR TRANSPORT

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matters is assigned to be held on December 11, 1956, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 23, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9736; Filed, Nov. 27, 1956; 8:52 a. m.]

[Docket No. 8097]

ROUTE 26 INTERIM LOCAL SERVICE INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled investigation is assigned to be held on December 18, 1956, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 23, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9737; Filed, Nov. 27, 1956; 8:52 a. m.]

[Docket No. 7762]

ANITA HERMAN

NOTICE OF PREHEARING CONFERENCE

In the matter of the complaint filed by Anita Herman.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 10, 1956, at 2:00 p.m., e. s. t., in Room E-210, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., November 23, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-9738; Filed, Nov. 27, 1956; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11681]

JOSEPH THOMAS COLLINS

NOTICE OF PLACE OF HEARING

In the matter of Joseph Thomas Collins, Thiensville, Wisconsin; suspension of amateur radio operator license.

The hearing on the above-entitled matter presently scheduled for Monday, December 3, 1956, will be held at 10:00 a. m. in Room 498, the United States Post Office, Court House and Custom House, 517 East Wisconsin Avenue, Milwaukee, Wisconsin.

Dated: November 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9726; Filed, Nov. 27, 1956; 8:51 a. m.]

[Docket Nos. 11722; 11723; FCC 56-1137]

HUNTINGTON-MONTAUK BROADCASTING CO. INC. (WGSM) AND WINSLOW TURNER PORTER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of Huntington-Montauk Broadcasting Company, Inc. (WGSM), Deer Park, Long Island, New York, Docket No. 11722, File No. BP-9436; Winslow Turner Porter, Bath, Maine, Docket No. 11723, File No. BP-9730; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1956;

The Commission having under consideration its Order of May 29, 1956, designating the above-captioned applications and others for a consolidated hearing and a petition to sever filed on July 13, 1956, by Huntington-Montauk Broadcasting Company, Inc.;

It appearing that the application of Huntington-Montauk Broadcasting Company, Inc. (WGSM), was consolidated with those of Middlesex Broadcasting Corporation (WTAO), Cambridge, Massachusetts, and Winslow Turner Porter, Bath, Maine, because of questions of mutual interference between the present and proposed operations of WTAO and those proposed by WGSM and Winslow Turner Porter;

It further appearing that since the issuance on September 18, 1956 of an Order by the Hearing Examiner accepting an amendment to the WTAO application and removing it from hearing, there is no longer a connection between the applications of Huntington-Montauk Broadcasting Company, Inc., and Winslow Turner Porter;

It further appearing, that Huntington-Montauk Broadcasting Company, Inc. has requested that its application be severed from that of Winslow Turner Porter;

It further appearing, that hearings are still necessary on each application but that more expeditious action may be obtained through separate hearings;

It is ordered, That the petition of Huntington-Montauk Broadcasting Company, Inc. requesting that its application be severed from that of Winslow Turner Porter is granted; and that the above-entitled applications will be heard in separate proceedings;

It is further ordered, That hearing on the application of Huntington-Montauk Broadcasting Company, Inc. be held, at a time and place to be specified in a subsequent order, on the following issues: [1]

1. To determine the area and population that would gain or lose primary service from the proposed operation of Station WGSM, and the availability of other primary service to such area and population.

2. To determine whether the operation proposed by Station WGSM would cause interference to Stations WMBL, Morehead City, North Carolina, and WVCH, Chester, Pennsylvania, or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposal of Station WGSM would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the application should be granted.

It is further ordered, That the Carteret Broadcasting Company, licensee of Station WMBL, and James M. Tisdale, licensee of Station WVCH, which were parties intervenor in the heretofore consolidated proceeding, are made parties to the proceeding.

Released: November 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9727; Filed, Nov. 27, 1956; 8:51 a. m.]

[Docket No. 11723; FCC 56-1138]

WINSLOW TURNER PORTER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Winslow Turner Porter, Bath, Maine, Docket No. 11723, File No. BP-9730; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1956;

The Commission having under consideration its Order of May 29, 1956, designating the above-captioned application and others for consolidated hearing; a petition to change and enlarge issues filed on June 22, 1956, by Winslow Turner Porter; a partial opposition filed on June 29, 1956, by Middlesex Broadcasting Corporation (WTAO); a comment filed on July 2, 1956, by the Broadcast Bureau; and the Order adopted this day severing the instant proceeding from that involving the application of Huntington-Montauk Broadcasting Company, Inc. (Docket No. 11722);

It appearing that petitioner seeks the modification of Issue 7, as set forth in our Order of May 29, 1956, to eliminate reference to interference by his proposed operation to the existing operation of Station WTAO, in support of which it is alleged that interference to Station WTAO will occur only in an area where interference already exists from another station; and that petitioner also seeks the inclusion of an issue to determine whether if the application of Middlesex Broadcasting Corporation (WTAO) for an increase in power is granted, the proposal of Winslow Turner Porter would comply with § 3.28 (c) of the Commission's rules;

It further appearing that Middlesex Broadcasting Corporation opposes the requested modification of Issue 7, alleging that new interference would be created; while the Broadcast Bureau supports the request, agreeing with petitioner that the interference to Station WTAO will be confined to an area in which interference now exists;

It further appearing that while no party has supported his allegations with engineering data, the Commission's own determination, based on information contained in the applications, indicates that no new interference will be created, thus allowing a grant of the relief requested;

It further appearing that by an order of September 18, 1956 an amendment to the application of Middlesex Broadcast Company specifying a different frequency was accepted by the Hearing Examiner and its application removed from hearing, thereby rendering moot petitioner's request for an issue relating to § 3.28 (c) of the rules;

It is ordered, That the request of Winslow Turner Porter for modification of Issue 7 as set forth in our Order of May 29, 1956, to eliminate reference to interference from the operation proposed by petitioner to Station WTAO is granted, and the request for an issue relating to § 3.28 (c) of our rules is dismissed as moot;

It is further ordered, That hearing on the above-captioned application be held at a time and place to be subsequently specified on the following issues:

1. To determine area and population which would receive primary service from the proposed operation of Winslow Turner Porter and the availability of other primary service to such area and population.

2. To determine whether the proposed operation of Winslow Turner Porter would cause interference to Station WHEB, Portsmouth, New Hampshire, or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the application should be granted.

[1] Issues for hearing on the application of Winslow Turner Porter will be specified in a separate order.

It is further ordered, That WHEB, Inc., licensee of Station WHEB, is made a party to the hearing.

Released: November 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9728; Filed, Nov. 27, 1956; 8:51 a. m.]

[Docket Nos. 11789; 11790; FCC 56M-1074]

TRADEWINDS BROADCASTING CO. (WCBQ)

ORDER CONTINUING HEARING

In re applications of M. R. Lankford, tr/as The Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, Docket No. 11789, File No. BP-10370; for construction permit to replace expired construction permit and Docket No. 11790, File No. BMP-6920; for modification of construction permit.

On the oral request of counsel for the Broadcast Bureau, and without objection by counsel for the other parties, *It is ordered,* This 21st day of November 1956, that the hearing now scheduled for November 28, 1956, is further continued to Wednesday, January 9, 1957, at 10 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9729; Filed, Nov. 27, 1956; 8:51 a. m.]

[Docket Nos. 11836, 11837 FCC 56-1151]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

CORRECTED ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Earl S. Walden, Homer T. Goodwin and Leroy Durham d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200; Troyce H. Harrell & Kermit S. Ashby d/b as Star of the Plains Broadcasting Company, Slaton, Texas, Docket No. 11837, File No. BP-10499; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1956;

The Commission having under consideration the above-captioned applications of Earl S. Walden, Homer T. Goodwin, and Leroy Durham d/b as Plainview Radio, and Troyce H. Harrell and Kermit S. Ashby d/b as Star of the Plains Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1050 kilocycles with powers of one kilowatt and 250 watts, respectively, daytime only, Plainview Radio proposing to utilize a directional antenna, at Plainview and Slaton, Texas, respectively;

It appearing that each of the applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; that the proposed operation of the Star of the Plains Broadcasting Company would cause objectionable interference to Station KCCO, Lawton, Oklahoma; and that the proposed operation of the Star of the Plains Broadcasting Company may not comply with § 3.28 (c) of the Commission's rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 10, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that counsel for Station KCCO, by letter dated August 27, 1956, advised the Commission that Station KCCO will appear and participate in the event the Star of the Plains Broadcasting Company application is designated for hearing; and

It further appearing that the Star of the Plains Broadcasting Company filed an amendment on September 6, 1956, specifying a change in transmitter site and reduced antenna height, but that the amendment makes no appreciable change in the interference problems; and

It further appearing that a timely reply was filed by Plainview Radio; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by the Star of the Plains Broadcasting Company would involve objectionable interference with Station KCCO, Lawton, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposal of the Star of the Plains Broadcasting Company would comply with § 3.28 (c) of the Commission's rules, and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the Progressive Broadcasting Company, licensee of Station KCCO, is made a party to the proceeding.

Released: November 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9730; Filed, Nov. 27, 1956; 8:52 a. m.]

[Docket No. 11874; FCC 56M-1077]

CHARLES HENRY CONEY

ORDER SCHEDULING HEARING

In the matter of Charles Henry Coney, Coney Dock, Beach Haven, New Jersey, and 722 52d Street, Palm Beach, Florida; suspension of restricted radiotelephone operator permit.

It is ordered, This 21st day of November 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 18, 1957, in Orlando, Florida.

Released: November 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9731; Filed, Nov. 27, 1956; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6515]

DETROIT EDISON CO.

NOTICE OF APPLICATION

NOVEMBER 20, 1956.

Take notice that The Detroit Edison Company (Applicant), a corporation, organized and existing under the laws of the State of New York, and qualified to do business as a foreign corporation in the State of Michigan, with its principal place of business in Detroit, Michigan, on November 16, 1956, filed an application for authorization, pursuant to section 202 (e) of the Federal Power Act, for an increase in the amount of electric energy which it is currently authorized to export from the United States to Canada.

By order issued November 6, 1953, Applicant was authorized to transmit to The Hydro-Electric Power Commission of Ontario (Hydro), a maximum of 250,000,000 kwh of electric energy per year at a maximum rate of transmission of 300,000 kva by means of a 120,000 volt overhead line crossing the Detroit River between Detroit, Michigan, and Windsor, Ontario, and a 115,000 volt overhead

line crossing the St. Clair River between Marysville, Michigan, and Sarnia, Ontario. Applicant presently seeks authorization to increase to 500,000,000 kwh the maximum amount of electric energy to be exported to Hydro annually at a maximum transmission rate of not to exceed the thermal limits of the aforesaid transmission facilities.

Applicant states that the increased amount of energy which it seeks to export will be used to supplement the generating sources available to Hydro, a portion of which have been or will be utilized by the latter in furnishing electric energy to the Niagara Mohawk Power Corporation as a result of that company's recent loss of generating facilities at its Schoellkopf plant. The application indicates that all of the energy to be exported will be on an interruptible basis and subject to prior demands of customers located within the State of Michigan; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the aforesaid application, should on or before the 10th day of December, 1956, file a petition or protest with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.7, 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9692; Filed, Nov. 27, 1956; 8:47 a. m.]

[Docket No. G-10887]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 21, 1956.

Supplement to notice of application and date of hearing, dated November 15, 1956.

After the second full paragraph on the first page of said notice insert the following paragraph:

During 1957 Applicant proposes to construct and operate, as integral parts of its existing natural gas system, "Gathering" and "Transmission" facilities in an amount not to exceed $4,335,000, as also described in the application solely by Account Numbers under the FPC Uniform System of Accounts, as needed and as the exigencies of Applicant's business make appropriate, all of which are necessary to the transportation and sale of natural gas in interstate commerce, and some of which, being subject to the jurisdiction of the Commission under section 7 (c) of the act, require a certificate of public convenience and necessity.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9693; Filed, Nov. 27, 1956; 8:47 a. m.]

[Docket No. G-11261]

IROQUOIS GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 21, 1956.

Take notice that Iroquois Gas Corporation (Iroquois), a New York Corporation, and a subsidiary of National Fuel Gas Company (National), having its principal place of business at 45 Church Street, Buffalo, New York, filed on October 19, 1956, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity for the acquisition and operation by Iroquois of all the facilities of Republic Light, Heat and Power Company, Inc. (Republic) and also for authority to abandon the service which Iroquois is presently rendering to Republic, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

The properties which Iroquois seeks to acquire consist principally of transmission and distribution properties located in and near Buffalo in Chautauqua, Niagara, Genessee, Livingston, Ontario and Erie Counties, New York.

Republic also is a subsidiary of National, and it is proposed to merge Republic into Iroquois for the purpose of simplifying the corporate structure of the National group of companies and completing the unified administration of the two organizations. Upon the filing of a certificate of consolidation with the Department of State of New York, each of the 96,746 outstanding shares of the $100 par common stock of Republic will be automatically converted into an outstanding $100 par share of the common stock of Iroquois. No other consideration will be paid. Anticipated expenses of Iroquois amount to $23,235. National holds all the long-term debt of Republic except for notes held by the Manufacturers and Traders Trust Company in the amount of $288,594 with an interest rate of 3 percent and $649,333 with an interest rate of 3¼ percent. Manufacturers and Traders Trust Company has consented to the consolidation. Republic will assign its gas purchase contracts to Iroquois after the merger.

Iroquois proposes to continue to render the same service as Republic is presently rendering subject to regulation by the New York Public Service Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 10, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 6, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9694; Filed Nov. 27, 1956; 8:47 a. m.]

[Docket No. G-11130]

SHELDON GAS CO.

NOTICE OF APPLICATION

NOVEMBER 20, 1956.

Take notice that The Sheldon Gas Company (Applicant), a partnership composed of Russell H. Sheldon and Bert L. Sheldon (also known as R. H. Sheldon and Son), successor to The Bert L. Sheldon Co., having its principal place of business in Dunkirk, Ohio, filed on September 24, 1956, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing The Ohio Fuel Gas Company (Ohio Fuel) to establish physical connection of its natural gas transportation facilities with certain proposed facilities of, and sell natural gas to Applicant for resale in the Village of Dunkirk, Ohio, and on the lines of Applicant located in Lynn, Cessna, Pleasant, and Blanchard Townships, Hardin County, Ohio, and Delaware Township, Hancock County, Ohio, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

The late Bert L. Sheldon, an individual doing business as The Bert L. Sheldon Co., has been supplying the Village of Dunkirk and surrounding area with natural gas from his own wells in the area. In order to provide a more dependable source of supply and to provide complete gas service to Dunkirk, Applicant proposes to construct and operate 2.2 miles of 2-inch lateral pipeline from a connection with Ohio Fuel's 12-inch Line D-322 approximately 3 miles west of Kenton, Ohio, to its existing distribution system at Dunkirk and vicinity.

Applicant desires to obtain the following volumes of natural gas from Ohio Fuel to supplement its local production:

Year of service	Annual Mcf	Peak day Mcf
1957	12,000	100
1958	15,000	140
1959	17,000	180
1960	22,000	200
1961	27,000	250

Applicant estimates that the cost of the proposed construction will be $7,000 to $7,500, which will be financed from its own liquid assets.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9695; Filed, Nov. 27, 1956; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CERTAIN FEDERAL EMPLOYEE POSITIONS IN CONTINENTAL UNITED STATES

SCHEDULE SURETY BOND

The Public Housing Administration will receive sealed proposals for a position schedule surety bond covering certain Federal employee positions in various locations throughout the Continental United States. Bidding will be limited to corporate surety companies holding certificates of authority from the Secretary of the Treasury under the Act of July 30, 1947, as amended (6 U. S. C. 1–15), as acceptable sureties on Federal bonds. Approximately one hundred forty-nine (149) positions are to be bonded in penalty amounts ranging from $1,000 to $10,000 as follows: 8 at $1,000; 29 at $3,700; 8 at $5,000; 51 at $6,000; and 53 at $10,000. The bond will be conditioned upon the faithful performance of the duties of the individuals occupying the positions bonded and will run solely in favor of the United States. The effective date of the bond will be January 1, 1957 and the term will be two years.

Requests for Invitation to Bid and Specifications should be directed to the Project Fiscal Management Branch, Public Housing Administration, Washington 25, D. C. Bids will be opened at 2 o'clock p. m., e. s. t., on December 17, 1956, in Room 911, Longfellow Building, Washington, D. C.

Date approved: November 20, 1956.

CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 56-9689; Filed, Nov. 27, 1956; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Gen. Admin. Order X-1, Revised]

ASSISTANT DIRECTOR FOR PLANS AND READINESS

ESTABLISHMENT OF POSITION

By virtue of the authority vested in me by the National Security Act of 1947, as amended; Reorganization Plan No. 3 of 1953; Defense Production Act of 1950, as amended; and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Plans and Readiness who will:

a. Coordinate, in a staff capactly, the development of integrated mobilization plans and the programming of preparedness measures to meet various mobilization and war situations, including attack with atomic weapons. This includes:

(1) Coordinating the preparation of mobilization plans by ODM program areas and by departments and agencies having mobilization planning and operating responsibilities;

(2) Coordinating the development of a wartime organizational structure, including the delineation of responsibilities and plans for the establishment of proposed wartime agencies;

(3) Coordinating the preparation, clearance, and maintenance of draft orders, proposed legislation, and other emergency action documents to implement approved mobilization and wartime plans;

(4) Scheduling and conducting periodic reviews of mobilization plans and the readiness status of preparedness programs and emergency action documents supporting such plans.

b. Assure that all Defense Mobilization Orders and other instructions delegating or assigning mobilization planning and operating functions, prepared for issuance by the Office of Defense Mobilization, are consistent with mobilization plans and preparedness program objectives.

c. Develop policies, plans, and post-attack readiness programs to assure the continuity of the Federal Government in a national emergency. This includes:

(1) Advising and assisting Executive Branch departments and agencies in identifying essential wartime functions and personnel requirements for such functions;

(2) Advising and assisting Executive Branch agencies in providing for the maintenance of executive direction by designation of successors in command and delegation of authority;

(3) Developing an integrated emergency relocation plan for the central government; providing assistance to all branches of the Federal Government and their respective agencies in establishing emergency relocation sites; assisting the areas and units within the Office of Defense Mobilization responsible for activating a wartime agency by making arrangements with appropriate agencies for the acquisition, maintenance, and servicing of sites for such wartime agencies; and for providing assistance in developing sites to the state of operational readiness;

(4) Advising the Director on matters pertaining to the national dispersion policy and keeping him informed on the decisions of Executive Branch agencies with respect to the location of new facilities for such agencies;

(5) Developing, in cooperation with other departments and agencies, a program to assure the continuity of essential wartime functions of the Federal Government at the regional level; and serving as the central point within the Office of Defense Mobilization for providing guidance to regional organizations and for keeping the ODM staff informed of regional activities and proposals; and

(6) Examining and reporting on the adequacy of personal, procedural, and technical links between attack warning and effective national action.

d. Direct the establishment, operation, maintenance, and management of facilities needed to support central governmental direction in a national emergency, including an interagency communications system.

e. Develop, schedule, and monitor periodic mobilization exercises and integrated military, civil defense, and governmental exercises for testing Government readiness; plan and direct, in a staff capacity, the Office of Defense Mobilization agency tests and the Office of Defense Mobilization's participation in governmental exercises; and report to the Director on the results of such exercises.

f. Develop policies and readiness measures for wartime censorship and coordinate wartime censorship plans with related plans for allied nations.

g. Advise and assist the Director on such other functions as he may assign from time to time.

2. The Assistant Director for Plans and Readiness shall maintain adequate records to reflect the activities outlined above, and furnish reports required by the Director.

3. This order does not alter any functions or authority delegated or assigned to other Assistant Directors of the Office of Defense Mobilization.

4. This order supersedes General Administrative Order–X–1, dated September 20, 1954, as amended December 17, 1954.

5. This order is effective November 23, 1956.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-9709; Filed, Nov. 27, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3524]

NATIONAL FUEL GAS CO. ET AL.

NOTICE OF FILING OF MERGER OF TWO SUBSIDIARIES

NOVEMBER 19, 1956.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Republic Heat, Light and Power Company, Inc., File No. 79–3524.

National Fuel Gas Company ("National"), a registered holding company and its wholly owned public-utility subsidiaries, Iroquois Gas Corporation ("Iroquois") and Republic Heat, Light and Power Company, Inc. ("Republic"), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9, 10 and 12 of the act and Rules U-43 and U-44 thereunder, with respect to the following proposed transactions:

Iroquois and Republic are both gas companies engaged in the production of natural gas and in the distribution of natural and mixed gas. The service areas of both are located in the western part of New York State with the City of Buffalo as the center, and are for the most part contiguous. According to the application-declaration, except with respect to uniformity of rates, both Iroquois and Republic operate as a single company with substantially the same executive personnel and many services and facilities presently used by both companies in common.

It is proposed to merge Republic into Iroquois by the filing with the Department of State of the State of New York a Certificate of Consolidation. In order to accomplish the merger, Iroquois will increase its authorized common stock from 400,000 to 500,000 shares of $100 par value common stock. Republic's presently outstanding 96,746 shares of common stock will be converted into a like number of shares of Iroquois common stock and Republic's common stock will be cancelled. Iroquois will then acquire Republic's assets and assume its liabilities.

It is stated that the proposed merger is subject to the jurisdiction of the New York Public Service Commission and that various phases of the proposed transactions are under the jurisdiction of the Federal Power Commission. Applications have been filed with these Commissions seeking their approval to the extent of their respective jurisdiction and orders issued by such Commissions will be supplied by amendment. It is further stated that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses in connection with the proposed transactions are estimated in the aggregate of $23,735, including $5,700 of estimated counsel fees and expenses. National will bear $500 of the total expenses while Iroquois will pay the remainder.

Notice is further given that any interested person may, not later than December 3, 1956, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant and permit to become effective the application-declaration, as filed or as it may be amended, pursuant to the provisions of Rule U-23 promulgated under the act, or the Commission may grant exemption from its rules as provided by Rules U-20 (a) and U-100 thereof, or take such action as may be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-9688; Filed, Nov. 27, 1956; 8:45 a. m.]

[File No. 24SF-2037]

MILNEAL ENTERPRISES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 21, 1956.

I. Milneal Enterprises, Inc., a Nevada corporation, c/o Erastus J. Milne, 139 North Virginia Street, Reno, Nevada, filed with the Commission on March 3, 1955, a Notification on Form 1–A and Offering Circular relating to a proposed offering of 40,000 shares at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof, and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file any Form 2–A reports of sales as required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-9683; Filed, Nov. 27, 1956; 8:45 a. m.]

[File No. 24NY-4204]

BACKERS DISCOUNT & FINANCE CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 21, 1956.

I. Backers Discount & Finance Co., Inc. (hereinafter referred to as "Issuer"), 683 Mt. Prospect Avenue, Newark, New Jersey, filed with the Commission on January 20, 1956, a notification on Form 1–A and an offering circular, and amendments subsequently filed thereto, relating to an offering of 600,000 shares of 10 cents par value common stock at 50 cents per share or $300,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder. Marlin Securities Co., a sole proprietorship of 630 Broad Street, Newark, New Jersey, is named as the underwriter of this offering.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to file, as required by Rule 221, a letter dated August 2, 1956, from Nick Scafuri, president of the issuer, to the underwriter, announcing that a quarterly dividend had been declared by the board of directors on the issuer's outstanding shares, which was used as sales literature in connection with the subject offering and which was misleading in failing to state that (a) the issuer's officers, directors and insiders holding 740,000 shares of the issuer's outstanding stock had waived the payment of this dividend on their shares in order that such dividend could be paid to purchasers of the shares sold under this filing; and (b) that as of June 30, 1956, earned surplus of only $1,185.23 was available for the payment of dividends which was substantially less than the amount of approximately $12,000 required if the dividend payment had been made on all shares.

2. The issuer has failed to file reports of sales on Form 2–A as required by Rule 224.

B. The notification on Form 1–A and the offering circular dated February 6, 1956, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly with respect to:

1. The statements in response to Item 3 of Form 1–A and in the offering circular that of the 740,000 shares issued to officers and directors, 500,000 shares had been issued to Nick Scafuri, president, when, in fact, Scafuri received only 425,000 shares and Richard Ballin, named in the offering circular as counsel for the issuer and the underwriter in connection with the subject offering, Abram I. Melrod, also named in the offering circular as counsel for the issuer, and Saul Marshall, accountant for the issuer, each received 25,000 shares; and

2. The statement in Footnote (a) on the front cover page of the offering circular that $10,000 had been paid to the underwriter prior to the offering for expenses and that $2,500 is to be paid as additional expense money to the underwriter as each 100,000 shares are sold under the filing when, in fact, only $1,500 had been paid to the underwriter prior to the offering, and the entire proceeds on the sale of the first 19,500 shares sold were retained by the underwriter.

C. That a telegram to the underwriter from the issuer announcing the declaration of a quarterly dividend payable to

all stockholders of record on May 31, 1956, and used in connection with the offering under the notification was misleading in failing to state that (a) the issuer's officers and directors and insiders had agreed to forego dividends on their holdings of 740,000 shares of stock in order that such dividend could be paid on shares sold under the filing, and (b) the available earnings and surplus of the issuer were insufficient to pay the entire dividend.

D. That the use of the offering circular and sales material in connection with the offering would and did operate as a fraud and deceit upon the purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9684; Filed, Nov. 27, 1956; 8:45 a. m.]

[File No. 24SF-2234]

GAS HILLS MINING AND OIL INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 21, 1956.

I. Gas Hills Mining and Oil Incorporated, a Wyoming corporation, whose last known principal office was located at Kemmerer, Wyoming, filed with the Commission on January 4, 1956, a Notification on Form 1-A and an offering circular and subsequently filed amendments thereto relating to a proposed offering of 1,200,000 shares of common stock, par value 5 cents per share, at 25 cents per share or $300,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder. Philip Gordon & Co., Inc., 39 Broadway, New York, N. Y., was named as the underwriter.

II. The Commission has reasonable cause to believe that Philip Gordon & Co., Inc. was permanently enjoined on September 27, 1956 by the Supreme Court of the State of New York from selling securities or engaging in the business of a broker or dealer in securities within or from the State of New York.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9685; Filed, Nov. 27, 1956; 8:45 a. m.]

[File No. 24FW-853]

AMERICAN STATES OIL CO. AND J. TOM GRIMMETT

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 21, 1956.

I. American States Oil Company ("Issuer"), Pauls Valley, Oklahoma, and J. Tom Grimmett, Post Office Box 308, Pauls Valley, Oklahoma, as selling stockholder, having filed with the Commission on August 10, 1954, a notification on Form 1-A relating to a proposed public offering of an indeterminate number of shares of the issuer at a price not to exceed $50,000, to be sold by and on behalf of the selling stockholder, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable grounds to believe:

A. That the terms and conditions of Regulation A have not been complied with in that:

1. The issuer and the selling stockholder, J. Tom Grimmett, failed to disclose in Item 3 of Form 1-A information concerning the sale of a substantial number of unregistered shares of the issuer by Grimmett within one year prior to the filing of the notification;

2. The aggregate price of all of the issuer's shares offered and sold under the filing by the selling stockholder, J. Tom Grimmett, substantially exceeded the permissible amount allowed under Rule 217 (a) of Regulation A.

B. That the United States District Court for the Southern District of New York entered on July 18, 1956, a final judgment enjoining J. Tom Grimmett from further violating the registration provisions of the Securities Act of 1933 in the sale of shares of stock of American States Oil Company.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9686; Filed, Nov. 27, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 140]

MOTOR CARRIER APPLICATIONS

NOVEMBER 23, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1366 Sub 2, filed September 12, 1956, HERMAN CONDIT, doing business as CONDIT TRUCKING CO., 20 Edgewood Road, Denville, N. J. Applicant's representative: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier,* over irregular routes, transporting: *Pumps* and *pump materials,* from Rockaway, N. J., to points in Ohio and West Virginia; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Virginia.

Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 23, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 2165 Sub 7, filed October 24, 1956, FRED D. LANGDON, 91 Maple Avenue, Lyndonville, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Chemicals,* from Lebanon, Pa., to Middleport, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, on return.

HEARING: January 18, 1957, at the Seneca Hotel, Rochester, N. Y., before Examiner Alton R. Smith.

No. MC 17211 Sub 4, filed October 25, 1956, J. E. SERVAIS, doing business as JESCO MOTOR EXPRESS, 139 Columbus Road, Mt. Vernon, Ohio. Applicant's representative: Ralph W. Sanborn, 810 Hartman Bldg., Columbus 15, Ohio. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Empty glass containers,* from Mount Vernon, Ohio, to points in Connecticut, Delaware, those in Illinois on and south of U. S. Highway 40, those in that part of Indiana on and south of a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 40 to U. S. Highway 31, thence on and west of a line extending along U. S. Highway 31 to Sellersburg, Ind., and thence along U. S. Highway 31W to the Indiana-Kentucky State line, points in Iowa, Kentucky (except Ashland, Louisville, Newport, Covington and points within five miles of Covington), points in Maryland, Massachusetts, Minnesota, Missouri (except St. Louis, Mo., and points within ten miles of St. Louis), points in New Jersey, New York, Ohio, and those in that part of Pennsylvania on and east of U. S. Highway 19, points in Rhode Island, Tennessee, Virginia, those in that part of West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line and extending south along U. S. Highway 119 to U. S. Highway 19, thence along U. S. Highway 19 to Gauley Bridge, W. Va., and thence on and south of a line beginning at Gauley Bridge and extending west along U. S. Highway 60 to the West Virginia-Ohio State line (except Grafton, W. Va. and points within two miles of Grafton), points in Wisconsin and the District of Columbia; and *cullet,* and *rejected or damaged shipments of empty glass containers,* from points in Connecticut, Delaware, those in that part of Illinois on and south of U. S. Highway 40, those in that part of Indiana on and south of a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 40 to U. S. Highway 31, thence on and west of a line extending along U. S. Highway 31 to Sellersburg, Ind., and thence along U. S. Highway 31W to the Indiana-Kentucky State line, points in Iowa, Kentucky (except Ashland, Louisville, Newport, Covington and points within five miles of Covington), Maryland, Massachusetts, Minnesota, Missouri (except St. Louis, Mo., and points within ten miles of St. Louis, Mo.), New Jersey, New York, Ohio, those in that part of Pennsylvania on and east of U. S. Highway 19, Rhode Island, Tennessee, Virginia, those in that part of West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line and extending south along U. S. Highway 119 to U. S. Highway 19, thence along U. S. Highway 19 to Gauley Bridge, W. Va. and on and south of a line extending from Gauley Bridge west along U. S. Highway 60 to the West Virginia-Ohio State line (except Grafton, W. Va., and points within two miles of Grafton), points in Wisconsin and the District of Columbia, to Mount Vernon, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania and West Virginia.

NOTE: Duplicating authority should be eliminated.

HEARING: January 11, 1957, at the Ohio Public Utilities Commission, Columbus, Ohio, before Examiner Reece Harrison.

No. MC 11185 Sub 100, filed October 17, 1956, J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City 29, Mo. Applicant's representative: J. F. Miller, 500 Board of Trade Bldg., Kansas City, Mo. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Uncrated airplane parts and equipment* (except airplane engines), which parts and equipment because of their delicate nature require special handling and special equipment, between Grand Prairie, Tex. and Garland, Tex., on the one hand, and, on the other, Columbus, Ohio. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 14, 1957, at the Ohio Public Utilities Commission, Columbus, Ohio, before Examiner Reece Harrison.

No. MC 20723 Sub 3, filed November 5, 1956, ELAM Z. MARTIN, Leola, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *common carrier,* over irregular routes, transporting: *Pallets, knocked down pallets,* and *pallet parts,* from Leola, Pa. to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia; *lumber* from points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia to Leola, Pa. Applicant is authorized to transport lumber from Philadelphia, Pa., Baltimore, Md. and Camden, N. J. to points in Lancaster Co., Pa., and from Wilmington, Del. to Leola, Witmer and Ronks, Pa.

HEARING: January 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 24379 Sub 23, filed October 1, 1956, LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Ave., Detroit, Mich. Applicant's representative: Robert H. Levy, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier,* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Flint, Mich., and Toledo, Ohio, over U. S. Highway 23, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (2) between Lansing, Mich., and Flint, Mich., over Michigan Highway 78, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (3) between junction Michigan Highways 78 and 13 and Saginaw, Mich., over Michigan Highway 13, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (4) between Boardman, Ohio and junction U. S. Highways 422 and 22, as follows: From Boardman over U. S. Highway 224 to junction U. S. Highway 422, thence over U. S. Highway 422 to junction U. S. Highway 22, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations;

NOTE: Applicant proposes to serve the junction of U. S. Highways 422 and 22 as a point of joinder only.

(5) between junction U. S. Highways 27 and 112 and junction U. S. Highways 27 and 6, over U. S. Highway 27, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations;

NOTE: Applicant proposes to serve the termini, junction U. S. Highways 20 and 27 and junction U. S. Highways 27 and 6, for joinder purposes only.

(6) between St. Joseph, Mich., and junction U. S. Highways 31 and 6, over U. S. Highway 31, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations;

NOTE: Applicant proposes to serve junction U. S. Highways 20 and 31 and junction U. S. Highways 6 and 31 as points of joinder only.

(7) between Toledo, Ohio and Jackson, Mich., as follows: From Toledo over U. S. Highway 223 to junction U. S. Highway 127, thence over U. S. Highway 127 to Jackson, and return over the same route, serving no intermediate point, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations;

NOTE: Applicant proposes to serve the junction of U. S. Highways 127 and 112 as a point of joinder only.

(8) between Joliet, Ill., and E. Liverpool, Ohio, as follows: From Joliet over U. S. Highway 30 to junction U. S. Highway 30N, thence over U. S. Highway 30N to junction U. S. Highway 30, thence over U. S. Highway 30 to E. Liverpool, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in con-

nection with applicant's authorized regular route operations; and (9) between junction U. S. Highways 112 and 19 and Elkhart, Ind., over U. S. Highway 19, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania, and irregular route operations in New Jersey, New York, and Ohio.

HEARING: January 28, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 28060 Sub 13, filed October 18, 1956, WILLERS INC., doing business as WILLERS TRUCK SERVICE, 1400 N. Cliff., Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn cribs*, and *grain bins*, and *related items*, (manufactured and distributed separately or along with the corn cribs and grain bins, as more fully described in the application) between Sioux Falls, S. Dak., and points in Iowa, Nebraska, North Dakota and Minnesota.

HEARING: January 28, 1957, at U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner Charles H. Riegner.

No. MC 31323 Sub 7, filed August 20, 1956, T. L. MYDLAND, 1401 Jefferson Highway (P. O. Box 10086, Jefferson Branch), New Orleans, La. Applicant's representative: Robert A. Ainsworth, Jr., National Bank of Commerce Bldg., New Orleans 12, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Food*, and *such merchandise*, as is dealt in by wholesale retail and chain grocery and food business houses, and in connection therewith, *equipment*, *materials* and *supplies* used in the conduct of all such houses, and *empty containers and such incidental facilities* (not specified) used in transporting the commodities specified in this application between New Orleans, La., and the commercial zone thereof, on the one hand, and, on the other, Fort Walton Beach, Fla., and points within ten (10) miles thereof.

NOTE: Applicant states the proposed transportation will be under individual contracts or agreements with persons who operate retail stores.

Issues originally published in FEDERAL REGISTER of September 6, 1956, as above.

HEARING: January 18, 1957, at Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 35628 Sub 201, filed November 13, 1956, INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, S. W., Grand Rapids, Mich. Applicant's representative: Leonard D. Verdier, Jr., 300 Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metal in bulk), and those requiring special equipment, serving the site of the General Motors Euclid Division plant, located on Ohio Highway 91 near Darrowville, Ohio, as an off-route point in connection with applicant's authorized regular route operations (1) between Akron, Ohio and Cleveland, Ohio, over Ohio Highway 8, and (2) between Salem, Ohio and Cleveland, Ohio, over Ohio Highway 14. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 14, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 36144 Sub 3, filed September 4, 1956, LAW & INGHAM TRANSPORTATION COMPANY, INC., 118½ Amherst St., Nashua, N. H. Applicant's representative: Thomas J. O'Loughlin, Jr., 18 Baker Street, Hudson, N. H. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over a REGULAR ROUTE, between Nashua, N. H., and Lowell, Mass., over U. S. Highway 3, serving all intermediate points; and over IRREGULAR ROUTES, between points in Hillsboro County, N. H., on the one hand, and, on the other, points in that part of Franklin County, Mass., on and east of Massachusetts Highway 63 and points in Worcester, Middlesex, Essex, Suffolk, and Norfolk Counties, Mass. Applicant is authorized to conduct regular and irregular route operations in Massachusetts and New Hampshire. Issues originally published in FEDERAL REGISTER of September 26, 1956.

HEARING: January 15, 1957, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 20.

No. MC 42065 Sub 4, filed September 18, 1956, ALEX MANCULICH, doing business as SANITARY TRANSFER, 4808 Penn Ave., Pittsburgh 24, Pa. Applicant's representative: Frederick L. Kiger, Grant Bldg., Pittsburgh, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products, empty containers therefor*, and *materials, equipment* and *supplies* incidental to the production of bakery products, from Cleveland, Ohio to points in Pennsylvania lying on and west of the eastern boundary lines of the Counties of Potter, Clinton, Centre, Mifflin, Huntingdon and Franklin, and *damaged* and *returned* shipments of the above named commodities on return.

NOTE: Applicant states that the above authority is requested solely for the distribution of the named commodities in Pennsylvania because the contract shipper by reason of a change in company policy with originate shipments at its Cleveland plant instead of its Pittsburgh plant. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, Ohio, and Maryland.

HEARING: January 4, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 59.

No. MC 48880 Sub 6, filed August 28, 1956, HARRY C. GOODWIN AND GENIO D. ARCIPRETE, doing business as GOODWIN & COMPANY, 675 Concord Ave., Cambridge, Mass. Applicant's representative: George C. O'Brien, Ten State Street, Boston 9, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aluminum products*, generally handled in warehouse stock, as more fully described in the application, from Boston and Cambridge, Mass., and points within ten (10) miles of Boston and Cambridge, to points in Massachusetts, Rhode Island, Connecticut, New Hampshire, and points in Vermont on and south of a line beginning at the New York-Vermont State line and extending through Orwell, Brandon, Bethel, and Thetford, Vt., to the Vermont-New Hampshire State line. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 21, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner Robert H. Murphy.

No. MC 50404 Sub 46, filed October 23, 1956, THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, P. O. Box 37, Cincinnati, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Catalyst (glue hardener)*, in drums, when moving on tank vehicles carrying liquid glue, from Addyston, Ohio, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Wisconsin.

NOTE: Applicant holds authority to transport liquid glue from Addyston, Ohio, to points in the above-specified states and now seeks the right to haul along with this glue incidental shipments of catalyst.

HEARING: January 15, 1957, at the Ohio Public Utilities Commission, Columbus, Ohio, before Examiner Reece Harrison.

No. MC 50404 Sub 47, filed November 9, 1956, THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, P. O. Box 37, Cincinnati, Ohio. Applicant's representative: Herbert Baker, 50 West Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Varnish*, in bulk, in tank vehicles, from Columbus, Ohio, to points in DeKalb County, Ill.

HEARING: January 9, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 58.

No. MC 52949 Sub 21, filed July 9, 1956, JAMES A. HANNAH, INC., P. O. Box 89, Lamont, Ill. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Blooming Grove, Wis. (near Madison), to points in Illinois on and west and north of a line beginning at the Wisconsin-Illinois State line and extending along U. S. Highway 14 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 64, thence along Illinois Highway 64 to the Mississippi River; and (2) from Rockford, Ill., to points in Wisconsin on and south of Wisconsin Highway 60; *mineral solvents*, in bulk, in tank vehicles, from Lemont, Ill., and points within five (5) miles thereof to points in Iowa on and west of U. S. Highway 69; *anhydrous ammonia, acqua ammonia*, and *nitrate fortified fertilizer solution*, in bulk, in tank vehicles, from Lockport, Ill., and points within five (5) miles thereof, to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; *petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, to points in Illinois on and north of U. S. Highway 50, points in Iowa on and east of U. S. Highway 69, points in Indiana on and north of a line beginning at Vincennes, Ind., and extending along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to Bloomington, and thence along Indiana Highway 46 to the Indiana-Ohio State line, points in Michigan on and south of a line beginning at Lake Michigan and extending along an unnumbered highway via North Muskegon to junction U. S. Highway 31, thence along U. S. Highway 31 to Muskegon, thence along Michigan Highway 46 to Saint Louis, Mich., and on and west of a line beginning at Saint Louis and extending along U. S. Highway 27 to Lansing, Mich., thence along U. S. Highway 127 to junction U. S. Highway 223, thence along U. S. Highway 223 to the Michigan-Ohio State line, and those in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 69 to junction U. S. Highway 151, thence along U. S. Highway 151 through Madison to Fond du Lac, Wis., and on and south of Wisconsin Highway 23; *waste or used petroleum products*, from Milwaukee, Wis., to Chicago, Ill., and *returned shipments* of the above-described commodities on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

NOTE: Duplicating authority to be eliminated.

Issues originally published in FEDERAL REGISTER of September 19, 1956.

HEARING: January 23, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 56082 Sub 17, filed October 8, 1956, DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N. Y. (also P. O. Box 209, Dunkirk, N. Y.). Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Natick Township (Middlesex County), Mass., to points in Delaware and the District of Columbia. *Empty malt beverage containers*, on return. Applicant is authorized to conduct operations in New York, Pennsylvania, and Ohio.

HEARING: January 23, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner Robert H. Murphy.

No. MC 59117 Sub 7, filed August 13, 1956, VINCENT ELLIOTT, doing business as ELLIOTT TRUCK LINES, 433 North Smith St., Box 1, Vinita, Okla. Applicant's representative: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing materials* and *fertilizer*, between Dallas and Fort Worth, Tex., and Kansas City, Mo., on the one hand, and, on the other, points in Cherokee, Craig, Creek, Delaware, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Tulsa, Wagoner and Washington Counties, Okla. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 8, 1957, at Mayo Hotel, Tulsa, Okla., before Examiner Lucian A. Jackson.

No. MC 59117 Sub 8, filed October 19, 1956, VINCENT ELLIOTT, doing business as ELLIOTT TRUCK LINES, 433 North Smith, Box 1, Vinita, Okla. Applicant's representative: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer solutions, including urea solution and U. A. L. solutions*, but excepting anhydrous ammonia or those manufactured from petroleum or its by-products, in bulk, in tank vehicles equipped for protection against heat and cold, from Grand River Chemical Company Plant near Pryor, Okla. to points in Louisiana, Texas, Arkansas, Missouri, Kansas, and Mississippi.

HEARING: January 9, 1957, at Mayo Hotel, Tulsa, Okla., before Examiner Lucian A. Jackson.

No. MC 59120 Sub 13, filed August 29, 1956, EAZOR EXPRESS, INC., 15–26th St., Pittsburgh, Pa. Applicant's representative: Henry M. Wick, Jr., 1211 Berger Bldg., Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Creosote, enamel*, and *alcoholic solvents*, in bulk, in tank vehicles, in shipper-owned equipment, from Manor, Pa., to Westinghouse, N. Y. (at or near Cheektowaga, N. Y.); and (2) *shipper-owned equipment* used in the transportation of the above commodities, from Westinghouse, N. Y. (at or near Cheektowaga, N. Y.) to Manor, Pa. Applicant is authorized to conduct operations in New York and Pennsylvania. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 9, 1957, in the Fulton Bldg., 101–115 Sixth St., Pittsburgh, Pa., before Examiner Reece Harrison.

No. MC 59759 Sub 5, filed October 16, 1956, FOOD PRODUCTS TRUCKING CO., a Corporation, 235 Keats Ave., Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *contract carrier*, or irregular routes, transporting: *Such merchandise as is distributed by a premium stamp redemption center in redemption of stamps*, and in connection therewith *equipment, materials and supplies used in the conduct of such business*, under special and individual contracts or agreements, with persons (as defined in section 203 (a) of the Interstate Commerce Act), the business of which is the redemption of premium stamps issued by those who operate retail businesses, from Linden, N. J., to Philadelphia, Pa., and points in Fairfield County, Conn., and points in New Jersey and New York within 80 miles of Newark, N. J., and *returned refused and rejected shipments of the commodities specified*, on return movements.

HEARINGS: January 23, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 62537 Sub 58, filed October 30, 1956, GREAT LAKES FORWARDING CORPORATION, 666 Tifft St., Buffalo 5, N. Y. Applicant's representative: S. S. Eisen, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, from Boston, Mass., to points in Maine, New Hampshire, Rhode Island and Vermont. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, Connecticut, Massachusetts, Maryland, New Jersey, Delaware, Rhode Island, Michigan, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Mississippi, Missouri, New Hampshire, North Carolina, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 24, 1957, at the New Post Office and Court House Bldg., Boston, Mass., before Examiner Robert H. Murphy.

No. MC 64932 Sub 219, filed September 19, 1956, ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Ave., Chicago, Ill. Applicant's representative: Jack Goodman, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup* and *vegetable oils*, in bulk, in tank vehicles, from Decatur, Ill., to points in Kansas. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

HEARING: January 22, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 69876 Sub 9, filed November 7, 1956, BURKS-PELZ TRANSFER, INC., 915 N. St. Joseph, Evansville, Ind. Applicant's representative: William J. Guenther, 1511–1514 Fletcher Trust Bldg., Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ice cream* and *frozen dessert specialties* using shipper owned trailers, from Evansville, Ind.,

to points in Illinois, Kentucky, Tennessee and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is a common carrier under Certificate No. MC 52543 which authorizes the transportation of *household goods*, over irregular routes. Section 210 (dual operations) may be involved.

HEARING: January 16, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Walter R. Lee.

No. MC 71219 Sub 1, filed November 8, 1956, FRIEDMAN TRANSFER AND CONSTRUCTION CO., INC., 19 East Commerce St., Youngstown, Ohio. Applicant's representative: Ewald E. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such commodities as building contractors' equipment, heavy and bulky articles, machinery* and *machine parts*, and *articles requiring specialized handling or rigging*, between points in Columbiana, Trumbull and Mahoning Counties, Ohio, on the one hand, and, on the other, points in Illinois, Indiana and Michigan. Applicant is authorized to conduct operations in Maryland, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: January 17, 1957, in the Old Post Office Bldg., Public Square and Superior Ave., Cleveland, Ohio, before Examiner Reece Harrison.

No. MC 82492 Sub 9, filed October 22, 1956, WM. J. HANDS, doing business as MICHIGAN & NEBRASKA TRANSIT CO., 900 Monroe Ave., N. W., Grand Rapids, Mich. Applicant's representative: L. F. Richardson, Michigan National Tower, Lansing 8, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, and *articles distributed by meat-packing houses*, as defined by the Commission, from Storm Lake, Iowa, to points in the lower peninsula of Michigan. Applicant is authorized to conduct operations in Iowa, Indiana, Michigan, and Ohio.

HEARING: January 22, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 87205 Sub 2, filed August 16, 1956, PERKINS TRUCKING CO., INC., 46–25 54th Ave., Maspeth 78, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between points in Nassau and Suffolk Counties, N. Y. Applicant is authorized to conduct operations in New York, New Jersey and Connecticut. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 31, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 88656 Sub 1, filed October 15, 1956, RALPH M. BISHOP, doing business as BISHOP'S EXPRESS, 37 Upton St., Adams, Mass. Applicant's representative: Andrew J. Dilk, Greylock National Bank Bldg., Adams, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, from Arlington, Vt., to points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey. Applicant is authorized to conduct operations in Vermont, Massachusetts and Connecticut.

NOTE: Applicant holds Permit No. MC 111327 for the transportation of such commodities as are dealt in by chain retail department stores. Dual operations under section 210 may be involved.

HEARING: January 21, 1957, at the Federal Bldg., Albany, N. Y., before Examiner Alton R. Smith.

No. MC 89706 Sub 25, filed August 30, 1956, MOTORWAY CORPORATION, 1185 Alum Creek Drive, Columbus, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Bldg., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sugar*, from New York, N. Y., Yonkers, N. Y., Philadelphia, Pa., and Baltimore, Md., to points in West Virginia and that part of Kentucky on and east of a line beginning at Maysville, Ky., extending over Kentucky Highway 11 to junction U. S. Highway 25E near Barboursville, Ky., extending over U. S. Highway 25E to the Kentucky-Tennessee State line, including points on the portion of highways specified, and extending to points in Scioto, Lawrence, Jackson, Gallia, Athens, Meigs, and Washington Counties, Ohio. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 16, 1957, at the Ohio Public Utilities Commission, Columbus, Ohio, before Examiner Reece Harrison.

No. MC 92983 Sub 181, filed November 5, 1956, ELDON MILLER, INC., Box 232, 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acetic acid* and *vinegar, including blends thereof*, in bulk, in tank vehicles, between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Oklahoma. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, Louisiana, Missouri, Oklahoma, Texas, Tennessee, West Virginia, Kansas, Ohio, Iowa, South Dakota, North Dakota, Tennessee, Colorado, and Nebraska.

HEARING: January 21, 1957, at U. S. District Court Rooms, Memphis, Tenn., before Examiner William R. Tyers.

No. MC 95540 Sub 278, filed October 30, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packing houses*, as defined by the Commission, from Orangeburg, S. C., to points in Florida, Georgia, New Jersey, New York, and Pennsylvania. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Ohio, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New York, Pennsylvania, North Carolina, South Carolina, Tennessee, Texas, Virginia, Nebraska, Wisconsin, and the District of Columbia.

HEARING: January 15, 1957, at 10:00 o'clock a. m., United States Standard Time, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Walter R. Lee.

No. MC 100666 Sub 24, filed September 24, 1956, B. E. MELTON, P. O. Box 312, Nashville, Ark. Applicant's representative: Max G. Morgan, 443–54 American National Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing materials* and *asbestos siding*, from points in the New Orleans, La., Commercial Zone, as defined by the Commission, to points in Texas, Arkansas and Oklahoma. Applicant is authorized to conduct operations in Louisiana and New Mexico.

HEARING: January 24, 1957, at U. S. Court Rooms, Little Rock, Ark., before Examiner William R. Tyers.

No. MC 103378 Sub 81, filed November 5, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, 500 Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Bainbridge, Ga., to that part of Alabama beginning at a point on the Alabama-Florida State line on U. S. Highway 29 near Flomaton, Ala., thence over U. S. Highway 31 to Evergreen, Ala., thence over Alabama Highway 83 to Midway, Ala., thence over Alabama Highway 47 to Awin, Ala., thence over Alabama Highway 10 to Oak Hill, Ala., thence over Alabama Highway 100 to Snow Hill, Ala., thence over Alabama Highway 11 to its intersection with U. S. Highway 80, thence over U. S. Highway 80 to U. S. Highway 31, thence over U. S. Highway 31 to Prattville, Ala., thence over Alabama Highway 14 to Wetumpka, Ala., thence over Alabama Highway 9, to its intersection with Alabama Highway 22, thence over Alabama Highway 22 to Alexander City, Ala., thence over Alabama Highway 63, to Georgia-Alabama State line at a point above Rock Mills, Ala. Applicant is authorized to conduct operations in Florida, Georgia, and Alabama.

HEARING: January 23, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 157.

No. MC 103435 Sub 70, filed September 12, 1956, BUCKINGHAM TRANSPORTATION, INC., Omaha & West Blvd., Rapid City, S. Dak. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, (a) between Minneapolis, Minn., and Miles City, Mont.: from Minneapolis over U. S. Highway 12 to Miles City, and return over the same route, serving no intermediate points and (b) between Mobridge, S. Dak., and Buffalo, S. Dak.: from Mobridge over South Dakota Highway 8 to Buffalo, and return over the same route, serving no intermediate points, as alternate routes in connection with applicant's authorized regular route operations. Applicant requests that service at Mobridge be restricted to point of joinder with its authorized routes. (c) *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities requiring the use of tank vehicles, and currency, over a regular route, between Lusk, Wyo., and Hill Field (near Ogden), Utah: from Lusk over U. S. Highway 20 to Casper, Wyo., thence over Wyoming Highway 220 to junction U. S. Highway 287, thence over U. S. Highway 287 to Rawlings, Wyo., thence over U. S. Highway 30 to junction U. S. Highway 30–S, thence over U. S. Highway 30–S to junction U. S. Highway 89, and thence over U. S. Highway 89 to Hill Field, and return over the same route, serving no intermediate points.

NOTE: The purpose of route (c) is to remove the restriction in Certificate No. MC 103435 Sub 23 confining shipments originating at Rapid City, S. Dak Air Force Base. Applicant is authorized to conduct operations in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, Utah, Montana and North Dakota.

Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 25, 1957, at 11:00 o'clock a. m., United States Standard Time, at Alex Johnson Hotel, Rapid City, S. Dak., before Examiner Charles H. Riegner.

No. MC 104675 Sub 4, filed September 6, 1956, FRONTIER DELIVERY, INC., 620 Elk St., Buffalo, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Pennsylvania, New Jersey and New York to the following ports of entry on the international boundary line between the United States and Canada: Buffalo, Niagara Falls, Alexandria Bay, Rooseveltown, Rouses Point and Champlain, N. Y., and *unclaimed shipments* of the above mentioned commodities on return. Applicant is authorized to conduct operations in New York and Pennsylvania. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 15, 1957, at the Hotel Buffalo, Washington & Swann Sts., Buffalo, N. Y., before Examiner Alton R. Smith.

No. MC 107515 Sub 234, filed September 7, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products, articles distributed by meat packing-houses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, from Montgomery and Birmingham, Ala., to points in Illinois, Ohio, Indiana, Missouri, Michigan and Wisconsin. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 23, 1957, at Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Lucian A. Jackson.

No. MC 107515 Sub 242, filed November 6, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Shelled nuts*, requiring refrigeration, from points in Kansas, Missouri, and Illinois, to points in Alabama, Georgia, North Carolina, South Carolina, and Florida.

HEARING: February 6, 1957, at the Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 107515 Sub 243, filed November 8, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Mississippi and Louisiana, to points in Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana.

HEARING: January 15, 1957, at Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 108449 Sub 40, filed October 25, 1956, INDIANHEAD TRUCK LINE, INC., 1947 W. County Road "C", St. Paul 13, Minn. Applicant's representative: Glenn W. Stephens, 121 W. Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wood preservative oil*, in bulk, in tank vehicles, from Merrill, Wis. and points within five (5) miles of Merrill to points in Illinois, Iowa, and Minnesota.

HEARING: January 11, 1957, at Federal Court Bldg., Marquette Ave. South and Third Sts., Minneapolis, Minn., before Examiner Charles H. Riegner.

No. MC 108449 Sub 41, filed November 2, 1956, INDIANHEAD TRUCK LINE, 1947 West County Road "C", St. Paul 13, Minn. Applicant's representative: Glenn W. Stephens, 121 W. Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement* and *lime*, in bulk, in hopper vehicles, between points in Nebraska, South Dakota, North Dakota, Iowa, Minnesota, Illinois, Wisconsin, and the Upper Peninsula of Michigan, with no authority sought to transport between points within any one state except in the use of Highway 23 in Minnesota.

HEARING: January 15, 1957, at Federal Court Bldg., Marquette Ave. South and Third Sts., Minneapolis, Minn., before Examiner Charles H. Riegner.

No. MC 109451 Sub 66, filed October 25, 1956, ECOFF TRUCKING, INC., 112 Merrill St., Fortville, Ind. Applicant's representative: William J. Guenther, 1511–14 Fletcher Trust Bldg., Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry bulk commodities*, except cement, in tanks, hopper type vehicles or other special equipment, (1) between points in Indiana, Illinois, Michigan and Ohio; (2) from Mosher, Mo., to points in Illinois and Indiana; and *Methylol Uria*, in bulk, in tank vehicles, from South Point, Ohio to Gorham, N. H.

HEARING: January 17, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Walter R. Lee.

No. MC 108456 Sub 9, filed November 6, 1956, BLAKE BROWN AND HOWARD BROWN, doing business as BROWN BROTHERS, P. O. Box 59, Curwensville, Pa. Applicant's representative: Henry M. Wick, Jr., 1211 Berger Bldg., Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Candy*, from Chicago, Ill., to Punxsutawney, Falls Creek, Johnstown, Altoona, DuBois, and Huntingdon, Pa. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

HEARING: January 29, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 108461 Sub 49, filed October 16, 1956, WHITFIELD TRANSPORTATION, INC., 280 West Amador, P. O. Box 1350, Las Cruces, N. Mex. Applicant's representative: Loyal G. Kaplan, Suite 924, City National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in sacks, (on flat bed, or flat bed and hopper combination trailers), (1) from Portland, Colo., to points in New Mexico; and (2) from El Paso, Texas, to points in New Mexico. Applicant is authorized to conduct operations in New Mexico, Colorado, Arizona, and Texas.

HEARING: January 11, 1957, at the Hotel El Paso Del Norte, El Paso, Tex., before Examiner Gerald F. Colfer.

No. MC 108736 Sub 6, filed September 10, 1956, A. H. VIETOR, doing business as ALBERT LEA TRANSFER CO., 423 Adams Ave., Albert Lea, Minn. Applicant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Eggs*, shelled (egg albumen, whites or yolks), *poultry* (desiccated (dry) or frozen and dressed), from points in Faribault and Freeborn Counties, Minn., to points in Illinois, Indiana, Kentucky, Michigan (Lower peninsula), Missouri, New York, New Jersey, Ohio, Pennsylvania, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 18, 1957, at Federal Court Bldg., Marquette Ave., South and Third Sts, Minneapolis, Minn., before Examiner Charles H. Riegner.

No. MC 108987 Sub 5, filed February 27, 1956, POOLE TRANSFER, INC., 807 E. 4th St., Muscatine, Iowa. Applicant's representatives: Grover C. Hoff, 1121 Ridgely Bldg., Springfield, Ill., and Paul

E. Rink, First National Bank Bldg., Rock Island, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Oelwein, Iowa, and points in the Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone as defined by the Commission. Service to be restricted to traffic originating at or destined to Oelwein, Iowa, on the one hand, and, on the other, traffic originating at or destined to points in the Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone as defined by the Commission. Applicant is authorized to conduct regular route operations in Illinois, Iowa and Minnesota, and irregular route operations in Illinois, Iowa and Nebraska. Issues originally published in FEDERAL REGISTER of April 4, 1956.

HEARING: January 11, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 54.

No. MC 109451 Sub 64, filed September 7, 1956, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's representative: William Guenther, 1511-14 Fletcher Bldg., Indianapolis, Ind. For authority to operate as a contract carrier, over irregular routes, transporting: *Alcohol solvents*, in bulk, in tank vehicles, from Ficklin, Ill., to Wichita, Kans., (2) *Nitric Acid*, in bulk, in tank vehicles, from Sterlington, La., to Terre Haute, Ind., (3) *Acids*, in bulk, in tank vehicles, from Cincinnati, Ohio, and Chicago Heights, Ill., to points in Indiana, Michigan, Illinois, Missouri, Kentucky, Pennsylvania, Wisconsin and Iowa. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Tennessee, Georgia, Michigan, Wisconsin and Kentucky. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 18, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Walter R. Lee.

No. MC 110388 Sub 3, (Correction) UNION PACIFIC MOTOR FREIGHT COMPANY, a corporation, Omaha, Nebr.; Applicant's representative: W. R. Rouse, Vice President, U. P. R. R. Company, 1416 Dodge Street, Omaha, Nebr., published page 8612, issue of November 8, 1956. Due to a typographical error the publication of the foregoing date was incorrect with respect to the amendment sought. Correctly stated the proposed amendment reads:

No shipment shall be transported by the Union Pacific Motor Freight Company between any two of the following points, or through, or to, or from, more than one of the said points: Omaha, Grand Island, North Platte, Nebr., Marysville, Kans., Denver, Colo., *also the key points of Cheyenne, Wyo.*, and Julesburg, Colo., on traffic from Denver, Colo., or beyond; * * *.

NOTE: The line above appearing in italics was omitted from the previous publication.

HEARING: Remains as assigned January 21, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Donald R. Sutherland.

No. MC 110420 Sub 132, filed October 29, 1956, QUALITY CARRIERS, INC., Calumet St., Burlington, Wis. Applicant's representative: Glenn W. Stephens, 121 W. Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Clinton, Iowa, to points in North Dakota. Applicant is authorized to conduct operations in Iowa, Wisconsin, Illinois, Indiana, Minnesota, Michigan, Missouri, Ohio, Kentucky, Arkansas, South Dakota, Tennessee or Nebraska.

HEARING: January 29, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 110841 Sub 6, filed August 29, 1956, PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N. J. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, clay*, and *pitch*, in bulk and in bags, from points in Cumberland, Salem, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, N. J.; to points in Massachusetts, Rhode Island and Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 31, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 111181 Sub 2, filed October 16, 1956, NUCERA BEVERAGE TRANSPORTATION CO., 51 Carmen Ave., Bordentown, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from points in the New York, N. Y., and the Philadelphia, Pa., Commercial Zones, as defined by the Commission, to points in New Jersey; *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages, on return.

HEARING: January 29, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 111196 Sub 9, filed November 14, 1956, R. KUNTZMAN, INC., 1805 West State St., Alliance, Ohio. Applicant's representative: Herbert Baker, 50 West Broad St., Columbus 15, Ohio. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A, and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) Between Alliance, Ohio and Canton, Ohio, over U. S. Highway 62, serving no intermediate points; (2) between Alliance, Ohio and Cleveland, Ohio, from Alliance over Ohio Highway 619 to junction Ohio Highway 44, thence over Ohio Highway 44 to junction Ohio Highway 14, thence over Ohio Highway 14 to Cleveland, and return over the same route, serving no intermediate points; (3) between Canton, Ohio and junction Ohio Highways 14 and 91, from Canton over Ohio Highway 8 to Akron, thence over Ohio Highway 91 to its junction with Ohio Highway 14, and return over the same route, serving no intermediate points, but serving the junction of Ohio Highways 14 and 91 for purposes of joinder only; (4) between Akron, Ohio and junction of Ohio Highway 44 and U. S. Highway 224, over U. S. Highway 224, serving no intermediate points, but serving junction of U. S. Highway 224 and Ohio Highway 44 for purposes of joinder only; (5) between Alliance, Ohio and Ashtabula, Ohio, from Alliance over Ohio Highway 225 to U. S. Highway 224, thence over U. S. Highway 224 to Ohio Highway 46, thence over Ohio Highway 46 to Ashtabula, and return over the same route, serving no intermediate points; and (6) between Alliance, Ohio, on the one hand, and, on the other, points within twelve miles of Alliance, Ohio. RESTRICTION: Applied-for authority to be limited to the handling of traffic only which originates at or is destined to Alliance, Ohio, or points within twelve miles of Alliance. Applicant is authorized to conduct operations in Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

HEARING: January 18, 1957, at Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 111401 Sub 75, filed November 2, 1956, GROENDYKE TRANSPORT, INC., 2204 North Grand, P. O. Box 632, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer solutions, including urea solutions, and U. A. L. solutions*, in bulk, in specialized vehicles, from the site of the Grand River Chemical Company plant near Pryor, Okla., to points in Louisiana, Texas, Arkansas, Missouri, Kansas, Mississippi, and New Mexico.

HEARING: January 9, 1957, at Mayo Hotel, Tulsa, Okla., before Examiner Lucian A. Jackson.

No. MC 111472 Sub 39, filed September 28, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: Glenn W. Stephens, 121 W. Doty St., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described by the Commission, from West Bend, Wis., to points in South Carolina and North Carolina. Applicant is authorized to conduct operations in Wisconsin, Wyoming, Mississippi, Kentucky, Arkansas, Tennessee, Minnesota, Alabama, Arizona, California, Georgia, Idaho, Montana, Michigan, New Mexico, New York, Iowa, Oklahoma, Oregon, Texas, Utah, Washington, Illinois, Indiana, Ohio, Missouri, Kansas, Nebraska, North and South Dakota, Pennsylvania, Maryland, Louisiana, Delaware, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Colorado, Virginia, and West Virginia.

HEARING: January 25, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 111472 Sub 40, filed September 28, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: Glenn W. Stephens, 121 W. Doty St., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described by the Commission, from West Bend, Wis., to points in Virginia and West Virginia. Applicant is authorized to conduct operations in Wisconsin, Wyoming, Mississippi, Kentucky, Arkansas, Tennessee, Minnesota, Alabama, Arizona, California, Georgia, Idaho, Montana, Louisiana, Michigan, New Mexico, New York, Iowa, Oklahoma, Oregon, Texas, Utah, Washington, Illinois, Indiana, Ohio, Missouri, Kansas, Nebraska, North and South Dakota, Pennsylvania, Maryland, Delaware, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Colorado, Virginia, and West Virginia.

HEARING: January 25, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 111472 Sub 41, filed October 12, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: Glenn W. Stephens, 121 W. Doty St., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural implements, farm machinery, farm tractors*, and *parts thereof*, transported at the same time, in the same vehicle, with the proposed commodities, from Bettendorf, Iowa, and Rock Island, Ill., to points in Texas and Louisiana. Applicant is authorized to conduct operations in all States except California, Florida, Kentucky, North Carolina, South Carolina, Nevada, and the District of Columbia.

HEARING: January 24, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 112020 Sub 22, filed September 4, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton St., Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish oils, fish solubles, fish sediments*, and *liquid fish products*, in bulk, in tank vehicles, from points in Mississippi, Louisiana and Texas, to points in Illinois, Indiana and Wisconsin. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 21, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 112497 Sub 61 (Amended), filed August 13, 1956, HEARIN TANK LINES, INC., 6440 Rawlins St. (P. O. Box 3096), Baton Rouge 5, La. Applicant's Representative: Wilmer B. Hill, Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fluorine*, in shipper-owned trailers, from Baton Rouge, La., to Santa Susana, Calif., Cleveland, Ohio, Buffalo and Model City, N. Y., and *empty shipper owned trailers*, from the above-described destination points to Baton Rouge, La., on return. Issues originally published in FEDERAL REGISTER of August 29, 1956, as above.

HEARING: January 16, 1957, at Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 112497 Sub 62, filed September 10, 1956, HEARIN TANK LINES, INC., 6440 Rawlins St., P. O. Box 3096, Istrouma Branch, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wood preservatives*, in bulk, in tank vehicles, from points in St. Charles, Orleans, St. Bernard and Jefferson Parishes, La., to points in Mississippi, Arkansas, and Texas.

HEARING: January 16, 1957, at Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 112497 Sub 67, filed October 19, 1956, HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's representative: Harry C. Ames, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anthol, cymene, esterified tall oil, liquid soap, nalene, paracymene, para methane, hydro peroxide, pinene, pine oil, pine pitch, pine tar, rosin, rosin liquor, rosin sizing, rosin solution, synthetic gums and resins, tall oil, tall oil fatty acids, tall oil pitch, terpineol, turpentine*, and *zinc resinates*, in bulk, in tank vehicles, from Bay Minette, Ala., and Pensacola, Fla., to points in Arkansas, Delaware, Illinois, Indiana, Kentucky, Maryland, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Tennessee, Georgia, and Louisiana.

HEARING: January 17, 1957, at Jung Hotel, New Orleans, La., before Examiner Lucian A. Jackson.

No. MC 113396 Sub 1, filed October 12, 1956, NADEAU TRANSPORT LIMITED, 8 Academie Street, Danville, Quebec, Canada. Applicant's representative: S. Harrison Kahn, 726-734 Investment Bldg., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ground Wood Pulp*, in bulk, from ports of entry on the International Boundary line between the United States and Canada at or near Norton, Derby Line and Highgate Springs, Vt.; Rouses Point, Champlain and Trout River, N. Y.; and at or near the junction of Maine Highway 27 with the International Boundary line between the United States and Canada, to points in Maine, New Hampshire, Vermont, Massachusetts, and New York. Applicant is authorized to conduct operations in New Hampshire and Vermont.

HEARING: January 10, 1957, at the Washington County Court House, Montpelier, Vt., before Examiner Robert H. Murphy.

No. MC 113410 Sub 8, filed November 2, 1956, DAHLEN TRANSPORT, INC., 875 North Prior Ave., St. Paul 4, Minn. Applicant's representatives: Gerald L. Phelps and John R. Sims, Jr., Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bulk, in tank vehicles or other specialized equipment, (1) from points in Faribault County, Minn., to points in Iowa, Illinois, Wisconsin, Nebraska, South Dakota and North Dakota; (2) from points in Wright County, Iowa to points in Minnesota, Illinois, Wisconsin, Nebraska, South Dakota, and North Dakota.

HEARING: January 11, 1957, at Federal Court Bldg., Marquette Ave: South and Third Sts., Minneapolis, Minn., before Examiner Charles H. Riegner.

No. MC 113514 Sub 21, (Amended) filed October 9, 1956, SMITH TRANSIT, INC. (formerly Chemical Transports, Inc.), 305 Simons Bldg., 1528 Main St., Dallas, Tex. Applicant's representative: W. D. White, 17th Floor Mercantile Bank Bldg., Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Flour*, in bulk, in specialized equipment, between points in Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Utah, Washington, Wisconsin, Wyoming, Virginia, West Virginia, California, and Michigan.

NOTE: Applicant is under common control with Chemical Express (Texas corporation) who holds contract carrier authority in Permit MC 115135 Sub 1 to transport cement from Maryneal, Tex. to points in New Mexico, as more fully set forth in instant application. Applicant requests that said contract carrier permit of Chemical continue to be held by it. Section 210 (dual operations) may be involved.

HEARING: January 14, 1957, in Federal Court Bldg., Marquette Ave. South and Third Sts., Minneapolis, Minn., before Examiner Charles H. Riegner.

No. MC 113855 Sub 8, filed September 7, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Ave., North, Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, and Alan Foss, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tractors;* and *tractor excavating, grading or loading attachments*, from Wichita and Hutchinson, Kans., to points in Minnesota, North Dakota and Montana. Applicant is authorized to conduct operations in Minnesota, North Dakota, South Dakota, Illinois, Iowa and Wisconsin. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 23, 1957, at U. S. Court Rooms, Bismarck, N. Dak., before Examiner Charles H. Riegner.

No. MC 113855 Sub 11, filed October 1, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Avenue North, Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Materials handling equipment, and component parts and attachments thereof;* and *tractor attachments and equipment*, from Portland, Oreg., to points in the United States, and *damaged shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Oregon.

HEARING: January 21, 1957, in U. S. Court Rooms, Fargo, N. Dak., before Examiner Charles H. Riegner.

No. MC 114019 Sub 7, filed November 5, 1956, THE EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packing-house products, and commodities used by packing houses*, as defined by the Commission, from Cudahy, Wis., to points in Connecticut, Delaware, Kentucky, Maine, New Hampshire, New Jersey, Maryland, Massachusetts, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant holds contract carrier authority under Permit No. MC 9685 and subs thereunder—section 210 (dual operations) may be involved. Applicant is authorized to conduct operations in Wisconsin, Indiana, Illinois, Iowa, Michigan, Ohio, Pennsylvania, New York, Kentucky, Missouri, Minnesota, West Virginia, Maryland, New Jersey, Virginia, Massachusetts, and the District of Columbia.

HEARING: January 25, 1957, at the New Post Office and Court House Bldg., Boston, Mass., before Examiner Robert H. Murphy.

No. MC 114091 Sub 16, filed November 14, 1956, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 Seventh St. Rd., Louisville 16, Ky. For authority to operate as a *common carrier*, over irregular routes transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Hamilton County, Ohio to points in Kentucky. Applicant is authorized to conduct operations in Kentucky, Illinois, Indiana, and Tennessee.

HEARING: January 30, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 37.

No. MC 115840 Sub 1, filed October 19, 1956, COLONIAL FAST FREIGHT LINES, INC., 1201–First Ave., N., Birmingham, Ala. Applicant's representative: Bennett T. Waites, 531–34 Frank Nelson Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe and pipe fittings*, from Tuscaloosa, Ala., and ten miles thereof, to points in Florida, Georgia, Tennessee, Mississippi, and points in Louisiana east of the Mississippi River, and *damaged shipments* of the above specified commodities on return.

HEARING: January 22, 1957, at Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Lucian A. Jackson.

No. MC 115890 Sub 9, filed November 9, 1956, A & A TRUCKING, INC., Southwestern Blvd. and Big Tree Road, Hamburg, N. Y. Applicant's representative: Noel F. George, Suite 300, Barr Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment other than refrigeration, serving the plant site of the Euclid Division, General Motors Corporation, located about one and one-half miles south of Hudson on Ohio Highway 91, as an off-route point in connection with carrier's authorized regular route operations between Akron and Cleveland, Ohio over Ohio Highway 8. Applicant is authorized to conduct operations in Ohio, New York, and Pennsylvania.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 116015 Sub 1, filed November 13, 1956, ROGER C. DOTY, Willsboro, N. Y. Applicant's representative: John J. Brady, Jr., 75 State St., Albany 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rough lumber*, from points in Essex and Clinton Counties, N. Y., and Addison County, Vt., to points in New Jersey, Connecticut, Massachusetts, Pennsylvania, New York, and Vermont.

HEARING: January 21, 1957, at the Federal Bldg., Albany, N. Y., before Examiner Alton R. Smith.

No. MC 116053 Sub 1, filed September 14, 1956, W. B. NEW, 48 53d St., Gulfport, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Treated* and *untreated poles, piling* and *lumber*, from Gulfport and Gautier, Miss., to points in Louisiana and Alabama. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 21, 1957, at Jung Hotel, New Orleans, La., before Joint Board No. 165.

No. MC 116158 (Amended) filed August 10, 1956, published in the August 29, 1956 issue, page 6531, ROBERT H. BURNHAM AND LAURENCE M. BURNHAM, doing business at BURNHAM BROS. TRUCKING, 52 Fletcher St., Ayer, Mass. Applicant's representative: Joseph Levco, 209 Washington St., Boston, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Automatic mechanical pin setting machines* and *parts thereof* when moving with shipments of the described machines, from Boston, Mass. to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia; *damaged and returned shipments of automatic mechanical pin setting machines and parts* on return. Applicant is authorized to conduct operations under the second proviso of section 206 (a) (1), Interstate Commerce Act, in Massachusetts. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 22, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner Robert H. Murphy.

No. MC 116160, filed August 13, 1956, ALDEN C. EHLER AND GORDON N. OWEN, doing business as O & E MOBILE HOME TRANSFER COMPANY, P. O. Box 11, Essex Center, Vt. Applicant's representative: Douglas C. Pierson, Burlington, Vt. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* and *house trailers* between points east of the Mississippi River, on the one hand, and, on the other, points in Vermont.

HEARING: January 11, 1957, at the Washington County Court House, Montpelier, Vt., before Examiner Robert H. Murphy.

No. MC 116173, filed August 21, 1956, LAKELAND BUS LINES, INC., Route 46, Dover, N. J. Applicant's representative: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, moving in express service, except articles of a corrosive, poisonous, inflammable or explosive nature, in packages, not exceeding 80 lbs. in weight and not exceeding 12 cubic feet in dimension, between the Borough of Manhattan, New York, N. Y., on the one hand, and, on the other, applicant's authorized regular route operations contained in Certificates Nos. MC 109802 and Sub 5, with the restriction that all traffic be delivered or picked up at the carrier's terminals or delivered to or received from applicant's motor busses. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 28, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116176, filed August 20, 1956, ANDERSON TAYLOR, doing business as ANDY TAYLOR TRUCKING COMPANY, 300 S. E. Sixth St., Plainview, Tex. Applicant's representative: Graddy Tunnell, Skaggs Bldg., Plainview, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural irrigation equipment*, between Plainview, Tex., and points within one hundred miles of Plainview, on the one hand, and, on the other, points within an area enclosed by a line beginning at Laredo, Tex., and extending along the International Boundary between the United States and Mexico to Douglas, Ariz., thence along U. S. Highway 80 to Benson, Ariz., thence along Arizona Highway 86 to junction U. S. Highway 666, thence along U. S. Highway 666 to junction New Mexico Highway 78, thence along New Mexico Highway 78 to junction U. S. Highway 260, thence along U. S. Highway 260 to Deming, N. Mex., thence along U. S. Highway 70 to Tularosa, N. Mex., thence along U. S. Highway 54 to Duran, N. Mex., thence along New Mexico Highway 3 to Encino, N. Mex., thence along U. S. Highway 285 to Denver, Colo., thence east along U. S. Highway 36 to Belleville, Kans., thence south along U. S. Highway 81 to Waurika, Okla., thence along Texas Highway 79 to Wichita Falls, Tex., thence along U. S. Highway 277 to Abilene, Tex., thence along U. S. Highway 83 to Laredo, Tex. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 11, 1957, at Caprock Hotel, Lubbock, Tex., before Examiner Lucian A. Jackson.

No. MC 116179, filed August 23, 1956, ANDREW KOMAR, doing business as KOMAR'S TRUCKING, R. D. 2, Box 164c, Bound Brook, N. J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery* (for the manufacture of paper and cardboard), from Linden, N. J., to points in Georgia, Illinois, Indiana, Michigan, Massachusetts, Missouri, New York, Ohio, and Pennsylvania. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 30, 1957 at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116198, filed September 12, 1956, DON'S TRUCKING, INC., Georgetown, Ill. Applicant's representative: Alfred H. Reichman, 318 North Hickory St., Champaign, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Alabama, Arkansas, Louisiana and Mississippi to points in Benton, Boone, Clay, Clinton, Daviess, Dubois, Fountain, Gibson, Greene, Hendricks, Jasper, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Newton, Owen, Parke, Pike, Pulaski, Putnam, Sullivan, Tippecanoe, Virgo, Warren and White Counties, Ind., and Champaign, Christian, Clark, Clay, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Ford, Gallatin, Grundy, Hamilton, Iroquois, Jasper, Jefferson, Kankakee, LaSalle, Lawrence, Livingston, Macon, Marion, McLean, Montgomery, Piatt, Richland, Saline, Shelby, Vermilion, Wabash, Wayne, White and Williamson Counties, Ill. Applicant as a contract carrier under Permit No. MC 114668, is authorized to perform operations between certain territory in Illinois, Indiana, Kentucky, and Ohio, transporting fertilizer and fertilizer materials. Dual operations under section 210 may be involved. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 30, 1957, at the U. S. Court Rooms, and Federal Bldg., Springfield, Ill., before Examiner Walter R. Lee.

No. MC 116207, filed September 14, 1956, FREDERICK GEORGE PRIOR, 416 Edinboro Road South (R. R. #6), Guelph, Ontario, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crockery, stoneware, dinnerware, including pottery, china, fire-brick, fireclay, and vitrified products such as sewer pipe and flue lining*, of the Robinson-Ransbottom Pottery Co., of Roseville, Ohio, on the instructions of its Canadian subsidiary The Robinson Clay Product Co. of Canada Limited, of Concord, Ontario, Canada, from the site of the Robinson-Ransbottom Pottery Co., plants at Roseville, Parral, Dover, Mogadore, Strasburg, Midvale and Malvern, Ohio, and Clearfield, Pa., to the International Boundary line between the United States and Canada at the port of entry at Niagara Falls, N. Y.

HEARING: January 17, 1957, at the Hotel Buffalo., Washington & Swann Sts., Buffalo, N. Y., before Examiner Alton R. Smith.

No. MC 116208 Sub 1, filed October 26, 1956, C. W. SMITH, doing business as LOADER TRANSPORT, 302 West 13th St., Peru, Ind. Applicant's representative: Kenneth W. Maxfield, 1229 Ferguson Ave., Fort Wayne, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Manure loaders* and *accessories thereto*, when shipped in connection therewith, from the Plant of Freeman Loader Manufacturing Company, Peru, Ind., to Allis Chalmers Manufacturing Company branch offices and dealers in the States of Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, Michigan, Massachusetts, Maryland, Nebraska, North Carolina, North Dakota, New York, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia and Wisconsin, and *damaged* or *defective* shipments of the above commodities on return.

HEARING: January 16, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Walter R. Lee.

No. MC 116223, filed September 26, 1956, MARTEL EXPRESS LTD., a corporation, 499 Main Street, Franham, Quebec, Canada. Applicant's representative: John J. Wackerman, 73 Main St., Montpelier, Vt. For authority to operate as a *common carrier*, over irregular routes, transporting: *Woodflour*, from Bath, Maine, and Ogdensburg, N. Y., to the International Boundary line between the United States and Canada at the ports of entry of Rouses Point, N. Y., and North Troy, Vt.

HEARING: January 10, 1957, at the Washington County Court House, Montpelier, Vt., before Examiner Robert H. Murphy.

No. MC 116235, filed October 2, 1956, PACKAGE PAVEMENT COMPANY, INC., Homestead Drive, Carmel, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Machinery, equipment and materials* used in or in connection with road construction, from Carmel, N. Y., to points in Connecticut, New York and New Jersey, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

HEARING: January 29, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116244 Sub 1, filed October 11, 1956, DON LEIBOLD, 218 Madison St., Cuba City, Wis. Applicant's representative: R. W. Peterson, Tenney Bldg., 110 East Main St., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products, dairy supplies, equipment and materials used in connection therewith*, as more fully described in the application, between points in that part of Wisconsin, Illinois, Iowa, and Minnesota commencing at Minneapolis and St. Paul, Minn., thence south on U. S. Highway 169 to the Minnesota-Iowa State Line, thence over U. S. Highway 169 to junction U. S. Highway 34, thence east on U. S. Highway 34 to the East boundary of Iowa, thence across the Mississippi River and east on U. S. Highway 34 to Galesburg, Ill., thence east and south on U. S. Highway 150 to Peoria, Ill., thence east on U. S. Highway 24 to its junction with U. S. Highway 54, near Gilman, Ill., thence north on U. S. Highway 54 to Chicago, Ill., thence north and west on U. S. Highway 12 through the states of Illinois, Wisconsin, and Minnesota to the point of beginning.

HEARING: January 9, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Examiner Charles H. Riegner.

No. MC 116251, filed October 15, 1956, A. M. TOWNSEND and CHARLES GARRETT, doing business as TOWNSEND & GARRETT, East Ninth St., Williamstown, W. Va. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Timber*, rough and finished, *including but not limited to posts, poles and lumber*, between points in Wood and Pleasants Counties, W. Va., on the one hand, and, on the other, points in Ohio, Pennsylvania, and Kentucky.

HEARING: January 16, 1957, at the Ohio Public Utilities Commission, Columbus, Ohio, before Examiner Reece Harrison.

No. MC 116255, filed October 15, 1956, COX CAR LEASING, INC., 2245 East 11th Street, Tulsa, Okla. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Motor vehicles especially equipped for servicing and treating oil wells and oilfield installations*, and *motor vehicles to be so equipped*, in driveaway service, between Tulsa and Oklahoma City, Okla., on the one hand, and, on the other, points in Michigan, Kansas, Louisiana, Arkansas, Texas, New Mexico, Pennsylvania, Maryland, New Jersey, Massachusetts, Delaware, North Carolina, Virginia, South Carolina, Florida, Illinois, Kentucky, Missouri, Wisconsin, Ohio, New York, West Virginia, Mississippi, Alabama, Colorado, Utah, Wyoming, Montana and North Dakota, including points on the Montana-North Dakota-Canada International Boundary.

HEARING: January 7, 1957, at Mayo Hotel, Tulsa, Okla., before Examiner Lucian A. Jackson.

No. MC 116259, filed October 17, 1956, E. B. STENSON, doing business as STENSON TRUCKING SERVICE, Route 1, Oshkosh, Wis. Applicant's representative: John T. Porter, 708 First National Bank Bldg., Madison 3, Wis.

For authority to operate as a *contract carrier*, over irregular routes, transporting: *Concrete products*, (Precast) and adhesives, from points within five (5) mile of Oshkosh, Wis., to points in Minnesota, and Iowa on and east of U. S. Highway 169, Illinois on and north of U. S. Highway 136, and the upper peninsula of Michigan.

HEARING: January 9, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Examiner Charles H. Riegner.

No. MC 116268, filed October 23, 1956, FORTCO, INC., 470 N. Broadway, Yonkers, N. Y. Applicant's representative: Charles H. Trayford, 155 E. 40th St., New York 16, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry sugar*, in bulk, from Brooklyn, Long Island City, and Yonkers, N. Y. to points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Sussex Counties, N. J., and those in Fairfield, Litchfield, and New Haven Counties, Conn.

HEARING: January 22, 1957, at the Federal Bldg., Albany, N. Y., before Examiner Alton R. Smith.

No. MC 116276, filed October 29, 1956, JOHN F. STANG, doing business as LOCK CITY TRANSPORTATION CO., 327 6th Ave., Menominee, Mich. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Green Bay, Wis., to points in the Upper Peninsula of Michigan located on and east of Michigan Highway 77, extending from Grand Marais, Mich., to Blaney Park, Mich., and on and east of an imaginary line extending directly south from Blaney Park to Lake Michigan; (2) from Escanaba, Gladstone, Kipling and Wells, Mich., to points in Wisconsin located in an area bounded on the south by U. S. Highway 10, from Lake Michigan to its junction with Wisconsin Highway 13, and on the west by Wisconsin Highway 13 from its junction with U. S. Highway 10, to Bayfield, Wis., including points on the specified highways; *Residual Fuel Oil*, as defined by the Commission, in bulk, in tank vehicles, (1) from Green Bay, Wis., to points in the Upper Peninsula of Michigan located west of Michigan Highway 77, extending from Grand Marais, Mich., to Blaney Park, Mich., and west of an imaginary line extending from Blaney Park to Lake Michigan; (2) from Wausau, Wis., to points in the Upper Peninsula of Michigan; (3) from St. Paul, Minn., to points in Wisconsin located on and west of U. S. Highway 51, extending from the Wisconsin-Illinois state line to Wausau, Wis., on and north of Wisconsin Highway 52 extending from Wausau to its junction with U. S. Highway 45, and on and west of U. S. Highway 45, extending from its junction with Wisconsin Highway 52 to the Michigan-Wisconsin state line; points in the Upper Peninsula of Michigan located on and west of U. S. Highway 45; and points in North Dakota and South Dakota located on and east of U. S. Highway 281; (4) from Superior, Wis., to points in Minnesota, points in Gogebic, Ontonagon, Iron, Baraga, Houghton, and Keweenaw Counties, Mich., and those in North Dakota located on and east of U. S. Highway 281.

NOTE: Applicant holds authority in Certificates Nos. MC 4761 Sub 3 and MC 4761 Sub 6, as a common carrier, to transport petroleum products from the origin to the destination area described above in Route 1 under petroleum and petroleum products. Applicant states that it will surrender to the Commission for cancellation the above mentioned certificates upon grant of the authority sought in the instant application and the issuance of a Permit thereof.

HEARING: January 10, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Examiner Charles H. Riegner.

No. MC 116294, filed November 6, 1956, R. H. REED, doing business as REED MOBILE HOMES, 295 Ohio River Blvd. (Bellevue), Pittsburgh 2, Pa. Applicant's representative: Henry M. Wick, Jr., 1211 Berger Bldg., Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, in tow-away service, between points in Pennsylvania and Ohio on the one hand, and, on the other, points in Pennsylvania, Ohio, West Virginia, Indiana, Maryland, Delaware, New York, and New Jersey.

HEARING: January 10, 1957, in the Fulton Bldg., 101–115 Sixth St., Pittsburgh, Pa., before Examiner Reece Harrison.

MOTOR CARRIERS OF PASSENGERS

No. MC 116140, filed July 30, 1956, CAPITAL TRANSIT, INC., South Main St., Concord, N. H. Applicant's representative: Joseph Kovner, 88 N. Main St., Concord, N. H. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *mail*, *express*, and *newspapers* in the same vehicle with passengers, between Manchester, N. H. and Plymouth, N. H., from Manchester over U. S. Highway 3 to Plymouth, and return over the same route, serving all intermediate points; (also, from Manchester over U. S. Highway 3 to junction unnumbered highway, thence over unnumbered highway via Hooksett and Suncook to junction U. S. Highway 3 and thence over U. S. Highway 3 to Concord, and return over the same route, serving all intermediate points); (also between Manchester, N. H. and Concord, N. H., from Manchester over U. S. Highway 3A to Concord, and return over the same route, serving all intermediate points); (also from Manchester over U. S. Highway 3A to Hooksett, N. H. and thence over unnumbered highway to Hooksett Village, and return over the same route, serving all intermediate points).

NOTE: The authority sought is subject to restrictions that no passengers shall be picked up for transportation in either direction wholly within the following areas: 1. On that portion of the routes authorized in the City of Manchester south of the intersection of Beech and Webster Streets, and between points in Manchester south of the intersection of Front Street and Dunbarton Road; (2) between the underpass formerly on U. S. Highway 3, south of Franklin, and a point one-half mile north of Tilton on U. S. Highway 3; (3) between a point on U. S. Highway 3 one mile south of Pearl Street and Court Street in the city of Laconia and The Weirs, except that passengers may be picked up and discharged at Laconia, Lakeport, and The Weirs on vericles operating schedules to connect with trains leaving Concord for Boston in the afternoon or evening, and with trains leaving Concord for points in the north in the afternoon or evening.

Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 14, 1957, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 186.

No. MC 116140 Sub 1, filed July 30, 1956, CAPITAL TRANSIT, INC., South Main St., Concord, N. H. Applicant's representative: Joseph Kovner, 88 N. Main St., Concord, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at Allenstown, Andover, Ashland, Belmont, Boscawen, Bow, Bradford, Bristol, Canterbury, Chichester, Concord, Contoocook, Danbury, Dunbarton, Epsom, Franklin, Gilmanton, Gilmanton Iron Works, Henniker, Hooksett, Hopkinton, Laconia, Loudon, Meredith, New Hampton, New London, North Sanbornton, Pembroke, Penacook, Pittsfield, Plymouth, Potter Place, Salisbury, Sanbornton, Suncook, Sutton, The Weirs, Tilton, Warner, Webster, West Andover, Wilmot Flat, and Winnisquam, N. H., and extending to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia. Issues originally published in the FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 14, 1957, at the New Hampshire Public Service Commission, Concord, N. H., before Examiner Robert H. Murphy.

No. MC 116157, (Corrected) FRED SHANHOLTZ, doing business as MIDDLE RIVER BUS COMPANY, Baltimore, Md. Applicant's representative: John N. Maguire, 825 Eastern Avenue, Essex 21, Md. The original publication in the FEDERAL REGISTER issue of August 10, 1956, indicated the proposed operations would be contract carrier. This was in error, the operations sought are: As a *COMMON* carrier transporting Passengers and their baggage, in the same vehicle with passengers, in charter operations, beginning and ending at Essex, (Baltimore County), Md., and extending to points in New York, Delaware, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: Remains as assigned December 11, 1956, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 116189, filed September 4, 1956, PAT & GORDON, INC., P. O. Box 466, Mt. Ephraim, N. J. Applicant's representative: Harry Adler, 143 E. Commerce Street, Bridgeton, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at Mt. Ephraim and points within 15 miles thereof, and extending to points in Pennsylvania, New York, Delaware, Maryland, District of Columbia and Virginia. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 24, 1957, at Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner T. Kinsey Carpenter.

No. MC 116234, (Correction) ALSTON RICHARD LA FOLLETTE, doing business as L & M TRANSPORTATION SERVICE, R. D. 1, Winchester, Va., published page 8164, issue of October 24, 1956. In addition to the Passengers and their baggage shown in the publication referred to above, applicant also seeks authority to transport: *express* and *newspapers* in the same vehicle with passengers.

HEARING: Remains as assigned December 5, 1956, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 245.

No. MC 116236, filed October 4, 1956, MALONEY AND O'CONNOR TRANSPORTATION CO., INC., 18 W. Falls St., Niagara Falls, N. Y. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, limited to the transportation of not more than seven (7) passengers in any one vehicle, but not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, (1) between points in Niagara County, N. Y.; (2) between points in Niagara County, N. Y., on the one hand, and, on the other, points in New York; (3) between points in Niagara County, N. Y., on the one hand, and, on the other, Ports of Entry on the International Boundary between the United States and Canada at Buffalo, N. Y., Niagara Falls, N. Y., and Lewiston, N. Y.

HEARING: January 16, 1957, at the Hotel Buffalo, Washington & Swann Sts., Buffalo, N. Y., before Examiner Alton R. Smith.

BROKERAGE LICENSE

No. MC 12650, filed September 11, 1956, OLYMPIC TRAVEL SERVICE, INC., 1118 Cortelyou Road, Brooklyn 18, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For a license as a *broker* (BMC 5) at Brooklyn, N. Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of groups of *passengers and their baggage* in the same vehicle with passengers, in special or charter service, in round-trip all-expense tours between New York City, N. Y., points in Westchester, Nassau and Suffolk Counties, N. Y., Bergen, Passaic, Essex, Hudson, and Union Counties, N. J., on the one hand, and, on the other points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia.

NOTE: Application indicates that applicant proposes to act as ticket and sales agent for motor carriers and other carriers in arranging packaged tours for groups of people, either church or other religious organizations, or recreational organizations to places of interest, amusement, or recreation.

Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: February 1, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2488 Sub 2, filed October 15, 1956, W. R. McGWINN, 533 River Road, Grand River, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, in bulk, in dump or hopper trucks, from Fairport Harbor, Ohio, to points in Crawford, Erie, McKean, Mercer, Potter, Venango and Warren Counties, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodity, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 599 Sub 6, filed September 17, 1956, BINGLER VACATION TOURS, INC., 140 Market St., Paterson, N. J. Applicant's representative: Edward G. Weiss, Citizens Trust Bldg., 140 Market Street, Paterson, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, during the racing season at Charles Town Race Track, beginning and ending at New York, N. Y., and extending to Charles Town Race Track, Charles Town, W. Va. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Delaware, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6423, published in the October 24, 1956, issue of the FEDERAL REGISTER on page 8166. Application filed November 15, 1956, for temporary authority under section 210a (b).

No. MC–F 6445 (correction) published in the November 15, 1956, issue of the FEDERAL REGISTER on page 8909. The address of ARROW TRANSPORTATION COMPANY OF DELAWARE, doing business as ARROW TRANSPORTATION COMPANY, was incorrectly shown as 3215 N. W. 35th Avenue. It should read 3125 N. W. 35th Avenue, Portland 10, Oreg.

No. MC–F 6453. Authority sought for control by RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Texas, of DENVER-AMARILLO EXPRESS, P. O. Box 1188, Amarillo, Texas, and for acquisition by H. E. ENGLISH and O. B. ENGLISH, both of Dallas, of control of DENVER-AMARILLO EXPRESS through the acquisition by RED BALL MOTOR FREIGHT, INC. Applicant's representative: Reagan Sayers, 303 Century Life Bldg., Fort Worth, Texas. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Denver, Colo., and Manzanola, Colo., between Pueblo, Colo., and Amarillo, Tex., between Raton, N. Mex., and Taos, N. Mex., between Taos, N. Mex., and Santa Fe, N. Mex., between Bois City, Okla., and Keyes, Okla., between Denver, Colo., and Dumas, Tex., between Amarillo, Tex., and Soncy Helium Plant near Soncy, Tex., between Dalhart, Tex., and Manzanola, Colo., and between Amarillo, Tex., and Channing and Wheeler, Tex., serving certain intermediate and off-route points; alternate route for operating convenience only between Sayre, Okla., and Amarillo, Tex.; *general commodities*, except Class A and B explosives, articles requiring other than van-type equipment, and household goods as defined by the Commission, between Enid, Okla., and Oklahoma City, Okla., serving no intermediate points; *government-owned compressed gas trailers, empty or loaded with compressed gases other than liquefied petroleum gas*, between specified points in Texas, Oklahoma, Colorado and New Mexico, serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between Denver, Colo., and the U. S. Ordnance plant at Remaco, Colo.; *class A and B explosives*, between Denver, Colo., and the site of the U. S. Ordnance Plant at Remaco, Colo. Vendee is authorized to operate as a *common carrier* in Louisiana, Texas, Arkansas, and New Mexico. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–9700; Filed, Nov. 27, 1956; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 23, 1956.

Protests to the granting of an application must be prepared in accordance with

Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32941: *Tobacco from Virginia to Charleston, S. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on tobacco, unmanufactured, leaf or scrap, carloads from Newport News, Norfolk, Petersburg, Portsmouth, Richmond, and Suffolk, Va., to Charleston, S. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 94 to Agent Spaninger's tariff I. C. C. 1384.

FSA No. 32942: *Peanut hulls from and to points in Alabama.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on peanut hulls, ground (peanut hull meal), carloads from Columbus, Ga., and points in Alabama to points in Alabama and Pensacola, Fla.

Grounds for relief: Circuitous routes and intrastate rail carrier competition.

Tariff: Supplement 7 to agent Spaninger's tariff I. C. C. 1551.

FSA No. 32943: *Road aggregates in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on road aggregates and related articles, carloads between points in southern territory (including Florida Peninsula) and points in trunkline territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 84 to Agent Spaninger's I. C. C. 1469.

FSA No. 32944: *Concrete pipe from Price, Miss., to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe, carloads from Price, Miss., to points in southern territory.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Agent Spaninger's tariff I. C. C. No. 1554.

FSA No. 32945: *Frozen fruit juices from Fort Pierce, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on frozen citrus fruit or pineapple juice and related articles, carloads from Fort Pierce, Fla., to points in southern, Official (including Illinois) and western trunkline territories.

Grounds for relief: Short-line distance, formula, circuity, grouping, and market competition.

Tariff: Supplement 7 to Agent Spaninger's tariff I. C. C. 1547.

FSA No. 32946: *Fertilizer from Medicine Hat, Alberta, Canada, to western trunk-line territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Medicine Hat, Alberta, Canada, to points in western trunk-line territory.

Grounds for relief: Short-line distance formula, circuity, grouping, and market competition.

Tariff: Supplement 2 to Canadian Pacific Railway Company tariff I. C. C. No. W-1048.

FSA No. 32947: *Commodity rates between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on agricultural insecticides, tank-car loads, and vegetable oils, tank-car loads between points in Texas.

Grounds for relief: Intrastate rail carrier competition.

Tariff: Supplement 32 to Agent Brown's tariff I. C. C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32948: *Commodity rates between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on agricultural insecticides, tank-car loads, and vegetable oils, tank-car loads between points in Texas.

Grounds for relief: Intrastate rail carrier competition.

Tariff: Supplement 32 to Agent Brown's tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-9701; Filed, Nov. 27, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF MARIANNE MOK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Marianne Mok, L. S. Claim No. 27, $16,786.49 in the Treasury of the United States.

Albert, Mary, Koos, Barend and Maurits Gompertz, Caroline Muys, Julie Elzas, Elly Cohen, Helene and Rebekka Gersons, Mina Leuchtmann, Polly van Leer, Julie Weyl, and Minny de Vries, L. S. Claim No. 254, $1,681.07 in the Treasury of the United States.

Foundation "Eekhoornfonds", Amsterdam, L. S. Claim No. 257, $392.08 in the Treasury of the United States.

Nederlandsch Israelitisch Armbestuur and Centraal Tehuis voor Israelieten in Nederland, L. S. Claim No. 322, $1,117.43 in the Treasury of the United States.

M. E. de Graaf, L. S. Claim No. 842, $1,013.67 in the Treasury of the United States.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9712; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ANNA ABAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Mrs. Anna, Mrs. Bertha, Erik and Mathijs Abas, L. S. Claim No. 92, $2,523.18 in the Treasury of the United States.

Clothilde Belinfante-Oppenheimer, Willem, Dora and Ada Belinfante, L. S. Claim No. 284, $506.83 in the Treasury of the United States.

A. and R. Hartog, and E. Cohen, L. S. Claim No. 470, $1,013.66 in the Treasury of the United States.

Jacob Santcroos, Maurice and Betty Ritmeester, Louis Springer and Gerrit Goudsmit, L. S. Claim No. 747, $1,013.67 in the Treasury of the United States.

Mozes Wolff, L. S. Claim No. 815, $506.83 in the Treasury of the United States.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9713; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MATHILDE BALOG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Mathilde Balog and Ravel Frijda, L. S. Claim No. 416, $1,364.47 in the Treasury of the United States.

Petronella v. d. Hoevan-Reuvers, L. S. Claim No. 490, $3,120.00 in the Treasury of the United States.

Josephus Houthakker, L. S. Claim No. 495, $3,121.02 in the Treasury of the United States.

Claudine van Oosten Slingelandt, L. S. Claim No. 633, $1,040.00 in the Treasury of the United States.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order

No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Claudine van Oosten Slingelandt, L. S. Claim No. 633, Central Pacific Railway Company 4/49 Bond No. 8326, in the principal amount of $500.

Gerard van Sijll and Dirk Heuff, L. S. Claim No. 722, Atchison Topeka and Santa Fe Railway Company 4/95 Bond No. 59190, in the principal amount of $1,000; Kansas City Southern Railway Company 3/50 Bond No. 27288, in the principal amount of $1,000.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9714; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF FREDERIKA ABAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Frederika and Dr. Otto Abas, L. S. Claim No. 234, $7,461.57 in the Treasury of the United States.

Benjamin, Henriette and Ester Mossel, L. S. Claim No. 316, $1,160.00 in the Treasury of the United States.

Hugo Elias, Joice and Carla Wolff, Elisa Van Os, Bettina, Henriette and Eva van der Voort, L. S. Claim No. 813, $506.83 in the Treasury of the United States.

Andries and Mrs. Johanna Teeuw, Geertruida and Carolina Spieker, L. S. Claim No. 852, $220.00 in the Treasury of the United States.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Frederika and Dr. Otto Abas, L. S. Claim No. 234, Southern Pacific Company 4/49 Bond No. 21673, and Philippine Railway Company 4/37 Bonds Nos. 3732 and 4706, all in the principal amount of $1,000 each; Southern Pacific Company 4/49 Bond No. 1907, in the principal amount of $500.

Mirjam, Eva, Otto, Jacobus, Judith, Eliza, Jan and Anna Kann, Ilse Fraenkel, Jean Sonder, Barbara Kayton, Edward Cann, Eliza Izkovitch, Catharina and Anselm Daniels, Donald Kayton, L. S. Claim No. 831, Kansas City Southern Railway Company 3/50 Bond No. 23223, Norfolk and Western Railway Company 4/96 Bonds Nos. 18639 and 27868, Atchison, Topeka and Santa Fe Railway Company 4/95 Bonds Nos. 5721 and 13612, all in the principal amount of $1,000 each.

Andries and Mrs. Johanna Teeuw, Geertruida and Carolina Spieker, L. S. Claim No. 852, Norfolk and Western Railway Company 4/96 Bond No. 7213, in the principal amount of $500, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18519 (16 F. R. 10101, October 3, 1951) in and to Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 36139, in the principal amount of $1,000.

Vesting Orders Nos. 18519 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9715; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF FRIEDERIKE ABAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Friederike and Dr. Otto Abas, L. S. Claim No. 267, $2,378.14.

Mrs. V., M., A., Tsipore, and Dr. D. I. Jacobs, and Mrs. G. Mok, L. S. Claim No. 282, $568.79.

Henri Cosman, Samuelszoon; Hartog and Rosa Cosman; Betsy Wolter; Henri Cosman, Simonszoon; Bertha Root, and Bernard Rooseboom, L. S. Claim No. 345, $3,404.24.

Kaatje van Esso, L. S. Claim No. 393, $682.24.

Anton van Raalte, L. S. Claim No. 675, $3,362.14.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Friederike and Dr. Otto Abas, L. S. Claim No. 267, Missouri-Kansas-Texas Railroad Company 5/67 Bond No. 3655, in the principal amount of $500.

Mrs. V., M., A., Tsipore and Dr. D. I. Jacobs, and Mrs. G. Mok, L. S. Claim No. 282, San Antonio & Aransas Pass Railway Company 4/43 Bond No. 2835, in the principal amount of $1,000; Union Pacific Railroad Company 4/47 Bond No. 56455, in the principal amount of $1,000.

Henri Cosman, Samuelszoon; Hartog and Rosa Cosman; Betsy Wolter; Henri Cosman, Simonszoon; Bertha Root, and Bernard Rooseboom, L. S. Claim No. 345, Philippine Railway Company 4/37 Bond No. 3186, in the principal amount of $1,000.

Kaatje van Esso, L. S. Claim No. 393, Cities Service Company 5/58 Debenture No. 45613, in the principal amount of $1,000; Missouri-Kansas-Texas Railroad Company 5/67 Bond Nos. 4393, 4395 and 4404, in the principal amount of $500 each; Southern Pacific Company 4/49 Bond Nos. 13864 and 15507, in the principal amount of $1,000 each.

Anton van Raalte, L. S. Claim No. 675, International Power Securities Corporation 6½/55 Bond No. 1734, in the principal amount of $1,000.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9716; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ADRIANUS VAN OOSTEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Adrianus van Oosten, L.S. Claim No. 311, $161.00 in the Treasury of the United States, and North American Trust Shares 1956, Distribution Type, Ctfs. Nos. CC17990 and CC17991 for 50 shares each, presently held in the Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Mrs. D., Albertine and Herman Kuit, L. S. Claim No. 551, $16.10 in the Treasury of the United States, and North American Trust Shares 1956, Distribution Type, Ctf. No. AA64272 for 10 shares, presently held in the Safekeeping Department, Federal Reserve Bank of New York, New York City.

Huibrecht Sigmond, L. S. Claim No. 615, $88.55 in the Treasury of the United States, and North American Trust Shares 1956, Distribution Type, Ctf. No. BB12692 for 25 shares, and Ctfs. Nos. AA64267, AA64268 and AA64269 for 10 shares each, presently held in the Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Mrs. Rosalia van Rijn-Kersemaekers, Rosemarie and Cornelia van Rijn, L. S. Claim No. 692, $6,524.01 in the Treasury of the United States; North American Trust Shares 1956, Distribution Type, Ctfs. Nos. DD40023, DD40033, DD40025, DD40032, DD40029, DD40031, DD40028, DD40027, DD40030, DD40026, DD40024 and DD40034 for 100 shares each, presently held in the Safekeeping Department, Federal Reserve Bank of New York, at New York City; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Corporate Trust Shares, Distributive Type, Ctf. No. 8563 for 100 shares.

Elisabeth Smelik, L. S. Claim No. 827, $32.20 in the Treasury of the United States, and North American Trust Shares, Distribution Type, Ctfs. Nos. AA64270 and AA64271 for 10 shares each, presently held in the Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9717; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF HERMAN MANSFELD ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Herman Mansfeld, L. S. Claim No. 266, $4,932.86 in the Treasury of the United States.

Emmy Gomperts, L. S. Claim No. 436, $392.08 in the Treasury of the United States.

Moritz Gomperts, L. S. Claim No. 707, $2,146.63 in the Treasury of the United States.

Floretta Jacobs, Leo Polk, Johannes Abels, Elisabeth Kottelaar, Willem van Leeuwen, Roosje, Eleazar, Eliazar (The Hague, Holland), Eliazar (Amsterdam, Holland) De Wind, Mietje de Wind-Kadiks, Willem Koppenberg, Johanna Derksen, Charles Ut, Franciscus Mook, Jelke Oostergo, Helena van Zuiden, Simon, Mozes and Salomon Rosenbach, Hartog Bed, Stichting Hulp aan Oorlogspleegkinderen als voogdes over de minderj. Johny de Rooy, Josephina Lewijt, Salomon, Fenny and Simon de Vries, Rachel de Casseres-de Vries, Jacob and Marie Lobatto, Henriette Brandon-Schulze and Rachel Coppenhagen-Cohen, L. S. Claim No. 826, $1,568.32 in the Treasury of the United States.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9718; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF JACOBUS BARTELS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Jacobus Bartels, L. S. Claim No. 275, Southern Pacific Company 4½/81 Bond No. 12552, in the principal amount of $1,000.

Pieter Buisman, L. S. Claim No. 317, Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 53302, in the principal amount of $1,000; Central Pacific Railway Company 4/49 Bond No. 60258, in the principal amount of $1,000; Central Pacific Railway Company 4/49 Bond Nos. 2293 and 7810, in the principal amount of $500 each.

Henriette Wertheim and Bertha Cohen, L. S. Claim No. 335, American & Foreign Power Company 5/2030 Bond Nos. 46003, 46048, 46049 and 46512, in the principal amount of $1,000 each; Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 12242, 12243, 13934 and 13935, in the principal amount of $500 each.

Gerarda van Schermbeek, Mathilda Kersten, Margaretha van Eupen and Elisabeth Struben, L. S. Claim No. 347, Central Pacific Railway Company 4/49 Bond No. 16049, in the principal amount of $1,000; Cities Service Company 5/58 Debenture Nos. 3740, 7768, and 30600, in the principal amount of $1,000 each.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9719; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF WILHELMINA BARONESS VAN PALLANDT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Wilhelmina Baroness van Pallandt, L. S. Claim No. 639, $1,013.67 in the Treasury of the United States.

N. V. Provinciaal Grondbezit N. V., L. S. Claim No. 671, $2,310.00 in the Treasury of the United States.

Milena Hurgronje, L. S. Claim No. 734, $392.08 in the Treasury of the United States.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Wilhelmina Baroness van Pallandt, L. S. Claim No. 639, Atchinson, Topeka and Santa Fe Railway Company 4/95 Bonds Nos. 23191, 26636 and 84327, Chicago and Erie Railroad Company 5/82 Bond No. 6495, Cities Service Company 5/58 Debenture No. 11824, Kansas City Southern Railway Company 3/50 Bonds Nos. 359 and 476, and Union Pacific Railroad Company 4/47 Bonds Nos. 73164 and 78930, all in the principal amount of $1,000 each; Atchinson, Topeka and Santa Fe Railway Company 4/95 Bond No. 42239, in the principal amount of $500.

Christine Swellengrebel and Benudine Rooyaards, L. S. Claim No. 703, Atchison Topeka and Santa Fe Railroad Company 4/95 Bonds Nos. 918, 3432 and 79437, Central Pacific Railway Company 4/49 Bonds Nos. 801, 13469 and 19147, Norfolk and Western Railway Company 4/96 Bonds Nos. 6947 and 31646, all in the principal amount of $1,000 each.

Milena Hurgronje, L. S. Claim No. 734, Cities Service Power and Light Company 5½/49 Debenture No. 4834, International Hydro-Electric System 6/44 Debentures Nos. 5720 and 20537, and Southern Railway Company 4/56 Bond No. 44020, all in the principal amount of $1,000 each.

N. V. Provinciaal Grondbezit N. V., L. S. Claim No. 671, All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18519 (16 F. R. 10101, October 3, 1951) in and to Illinois Central Railroad Company 4/58 Bond No. 27996, in the principal amount of $500.

Vesting Orders Nos. 18519 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9720; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF REBECCA BOSBOON ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Rebecca Bosboon, David Bosboom, Ester and David Cardozo and Johanna Lierens, L. S. Claim No. 699, $1,568.32 in the Treasury of the United States.

Greta Tal, Max and Isidore Spangenthal, Magdalena Wolff and Jozef Bos, L. S. Claim No. 738, $898.91 in the Treasury of the United States.

Jacob Kinsbergen, Jack Corday, Maurits Cohen, Judith Hartz, Jacob and Theresia Knoop, Elisabeth, Salomon and Maurits van der Kar, David Drukker, Esther, Abraham, Betje and Salomon Slap, and Aaltje de Lange, L. S. Claim No. 758, $6,822.35 in the Treasury of the United States.

Mrs. Elisabeth, Abraham and Eva Tas, L. S. Claim No. 762, $784.16 in the Treasury of the United States.

E. A. van Veen and E. R. Vleyra, L. S. Claim No. 771, $392.08 in the Treasury of the United States.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 16, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9721; Filed, Nov. 27, 1956; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF BILHA DE LEEUWE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Mrs. Bilha de Leeuwe, Schoschanna Davidson, Trewie and Sophia Herschel, Adele Kredriet, Rebecca Brocker, Elisabeth Veterman, Carolina Hoek and Bertha Koopmans, L. S. Claim No. 47, $83,553.55 in the Treasury of the United States.

Mrs. E. R. Fellner, L. S. Claim No. 86, $1,681.07 in the Treasury of the United States.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. Bilha de Leeuwe, Schoschanna Davidson, Trewie and Sophia Herschel, Adele Kredriet, Rebecca Brocker, Elisabeth Veterman, Carolina Hoek and Bertha Koopmans, L. S. Claim No. 47, International Hydro-Electric System 6/44 Debentures Nos. 4031, 6057, 8009, 9934, 11542, 21111, 22120, 22794, 22857, 27803, 28270, 28392, 28524 and 28529, and Cities Service Company 5/58 Debenture No. 5474, all in the principal amount of $1,000 each.

Mrs. E. R. Fellner, L. S. Claim No. 86, Cities Service Power and Light Company 5½/49 Debenture No. 5557, Kansas City Southern Railway Company 5/50 Bond Nos. 9230 and 18373, all in the principal amount of $1,000 each.

Helene de Beer, L. S. Claim No. 280, Kansas City Southern Railway Company 3/50 Bond No. 14404, in the principal amount of $1,000.

Jan and Anna Kann, L. S. Claim No. 522, Norfolk & Western Railway Company 4/96 Bond Nos. 19661, 22280, 22283 and 34037, in the principal amount of $1,000 each.

Dorothy Beenhouwer, L. S. Claim No. 640, Cities Service Company 5/58 Debenture No. 33927, in the principal amount of $1,000, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 7902, in the principal amount of $1,000.

Vesting Orders Nos. 18521 and 18520.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9722; Filed, Nov. 27, 1956; 8:50 a. m.]

DIMITRI P. RIABOUCHINSKY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Dimitri P. Riabouchinsky, Paris 15, France, Claim No. 62865, Vesting Order No. 666, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 1,661,091.

Executed at Washington, D. C., on November 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9723; Filed, Nov. 27, 1956; 8:51 a. m.]

DR. ALBERTO QUENTIN

REVOCATION OF NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The claim described below having been dismissed the Notice of Intention to Return Vested Property (20 F. R. 382, January 15, 1955) is hereby revoked.

Claimant, Claim No., and Property

Dr. Alberto Quentin, Florence, Italy, Claim No. 40934, property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,137,061 and property described in Vesting Order No. 94 (7 F. R. 6693, August 25, 1942) relating to Patent Application Serial No. 287,028 (now United States Letters Patent No. 2,297,246) and Patent Application Serial No. 314,727 (now United States Letters Patent No. 2,375,944); subject, however, to a royalty-free non-exclusive license agreement dated March 16, 1944 (License No. 604) by and between the Alien Property Custodian and Libbey Owens Ford Glass Company, Toledo, Ohio, relating to each of the above patents and to a royalty-free non-exclusive license agreement dated December 30, 1943 (License No. 448) by and between the Alien Property Custodian and Gillinder Brothers, Inc., Port Jervis, New York, relating to Patent No. 2,375,944.

Executed at Washington, D. C., on November 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9724; Filed, Nov. 27, 1956; 8:51 a. m.]

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FEDERAL REGISTER

VOLUME 21 NUMBER 231

Washington, Thursday, November 29, 1956

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect that the interest rate on new loans made by the Federal Land Bank of Spokane on applications filed on and after November 19 1956, with a national farm loan association will be 5 percent per annum, § 10.41 of Title 6 of the Code of Federal Regulations (21 F. R. 8645) is hereby amended, effective November 19, 1956, by substituting the line "Spokane-------- 5" for the line "Spokane-------- 4½" in the table therein.

The Federal Land Bank of Wichita has adopted a rate of interest of 4½ percent per annum for loans made through national farm loan associations on applications dated on and after December 1, 1956, and the Federal Land Bank of Omaha has adopted a rate of interest of 4½ percent per annum on all loans, including refinancing loans, on applications taken on and after December 1, 1956. In order to reflect these changes in interest rates, said § 10.41 of Title 6 of the Code of Federal Regulations is hereby amended, effective December 1, 1956, by inserting the lines "Wichita-------- 4½" and "Omaha-------- 4½" immediately below "Spokane" in the table therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 655. Interprets or applies secs. 12 "Second", 17 (b), 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831 (b))

[SEAL] R. B. TOOTELL, *Governor.*

[F. R. Doc. 56-9763; Filed, Nov. 26, 1956; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (s) (1) and (2) is added to § 6.302 as set out below.

§ 6.302 *Department of State.* * * *

(s) *Operations Coordinating Board.* (1) One Confidential Assistant to the Executive Officer.

(2) One Private Secretary to the Deputy Executive Officer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-9765; Filed, Nov. 28, 1956; 8:49 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (l) (15) of § 6.310 is revoked and paragraph (l) (28) is added as set out below.

§ 6.310 *Department of the Interior.* * * *

(l) *Office of Territories.* * * *

(28) One Staff Assistant to the Governor of Alaska.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-9764; Filed, Nov. 28, 1956; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54251]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE LAWS

Upon the written request of the Secretary of Defense, who deems such action necessary in the interest of national defense, and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and revised Treasury Department Order No. 165, as amended (T. Ds. 53654 and 53966), I

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respect to hardboard from Sweden,

Thence East 520.3 feet for a corner;

Thence N. 35 deg. 30' E. 5,578.7 feet for

FEDERAL REGISTER

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hereby waive compliance with the navigation laws administered by the Bureau of Customs to the extent necessary to permit the oil screw "Joseph H. Moran II," official number 251547, to engage in coastwise towing, notwithstanding the restrictive endorsement on the vessel's document, between continental United States ports and Puerto Rico for a period of 60 days from November 23, 1956.

(64 Stat. 1120; 46 U. S. C. prec. sec. 1)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc. 56-9766; Filed, Nov. 28, 1956; 8:49 a. m.]

[T. D. 54252]

PART 14—APPRAISEMENT

ANTIDUMPING

In accordance with recent findings by the Acting Secretary of the Treasury, modifying the finding of dumping with respect to hardboard from Sweden, § 14.13 (b) of the Customs regulations is amended to read as follows:

(b) The following findings of dumping are currently in effect:

Merchandise	Country	Treasury Decisions
Hardboard	Sweden	53567, modified by 54168, 54199.
Cast iron soil pipe, other than "American Pattern".	United Kingdom.	53034.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 20, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9767; Filed, Nov. 28, 1956; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1364]

[72043]

TEXAS

TRANSFERING CERTAIN LANDS FROM THE DEPARTMENT OF THE INTERIOR TO THE DEPARTMENT OF THE NAVY FOR USE IN CONNECTION WITH THE U. S. NAVAL AUXILIARY AIR STATION AT PORT ISABEL, TEXAS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described lands in Cameron County, Texas, acquired by the United States and being presently administered by the Fish and Wildlife Service of the Department of the Interior as a part of the Laguna Atascosa National Wildlife Refuge, are hereby transferred from the Department of the Interior to the Department of the Navy for use in connection with the U. S. Naval Auxiliary Air Station at Port Isabel, Texas: *Provided, however,* That the use of Tracts "P" and "S" shall remain subject to the primary jurisdiction of the Fish and Wildlife Service for wildlife purposes:

TRACT "G"

A tract of land beginning at a bolt in the centerline of the Buena Vista Road, said point marks the Northwest corner of Block 65, Bayside Garden Subdivision, Santa Isabel Grant, Cameron County, Texas, and said point being on line between the Buena Vista Grant and the Santa Isabel Grant, Cameron County, Texas;

Thence along the centerline of the Buena Vista Road N. 0 deg. 59' W. 581.5 feet and N. 0 deg. 28' W. 8,205.7 feet;

Thence N. 89 deg. 32' E. 40 feet to the East line of the Buena Vista Road;

Thence along the East line of the Buena Vista Road N. 0 deg. 28' W. 948.3 feet;

Thence East 1,650 feet for the place of beginning of this tract;

Thence East 520.3 feet for a corner;

Thence N. 35 deg. 30' E. 2,837.2 feet for a corner;

Thence S. 54 deg. 30' E. 1,600 feet for a corner;

Thence S. 35 deg. 30' W. 1,900 feet for a corner;

Thence S. 23 deg. 43' E. 5,037.4 feet for a corner;

Thence West 1,825.3 feet (previous instrument gave 1,800 feet) for a corner;

Thence N. 45 deg. 09' W. 2,470 feet for a corner;

Thence N. 646.3 feet (previous instrument gave 640 feet) for a corner;

Thence N. 34 deg. 52' E. 1,100 feet for a corner;

Thence N. 55 deg. 08' W. 1,762 feet for a corner;

Thence North 480 feet to the place of beginning of this tract, containing 330.4 acres, more or less. All bearings are coordinated to Port Isabel Airport bearings.

TRACT "H"

A tract of land beginning at a bolt in the centerline of Buena Vista Road, said point being the Northwest corner of Block 65, Bayside Gardens Subdivision, Santa Isabel Grant, Cameron County, Texas, and said point being on the line between the Buena Vista Grant and the Santa Isabel Grant, Cameron County, Texas;

Thence along the North line of Bayside Gardens Subdivision, along the South line of the Buena Vista Grant N. 88 deg. 58 min. 30 sec. E., 6,184.4 feet and N. 45 deg. 29 min. E. 145.3 feet to the place of beginning of this tract;

Thence N. 45 deg. 29 min. E. 1,802 feet for a corner;

Thence N. 44 deg. 31 min. W. 2,244.8 feet for a corner;

Thence South 2,869.3 feet for a corner;

Thence N. 88 deg. 58 min. 30 sec. E. 289 feet to the place of beginning, containing 55.96 acres, more or less.

TRACT "P"

A tract of land beginning at a bolt in the centerline of the Buena Vista Road, said point marks the Northwest corner of Block 65, Bayside Gardens Subdivision, Santa Isabel Grant, Cameron County, Texas, and said point is on line between the Buena Vista Grant and the Santa Isabel Grant, Cameron County, Texas;

Thence along the South line of the Buena Vista Grant N. 88 deg. 58' 30" E. 10,419.3 feet for the place of beginning of this tract;

Thence N. 44 deg. 31' W. 5,780 feet for a corner;

Thence S. 45 deg. 29' W. 514.9 feet for a corner;

Thence North 948.5 feet for a corner;

Thence S. 44 deg. 31' E. 6,598.5 feet to a point in the South line of the Buena Vista Grant;

Thence along the South line of the Buena Vista Grant S. 88 deg. 58' 30" W. 206.8 feet to the place of beginning containing 25.3 acres, more or less. All bearings are coordinated to Port Isabel Airport bearings.

TRACT "S"

A tract of land beginning at a bolt in the centerline of the Buena Vista Road, said point being the Northwest corner of Block 65 Bayside Gardens Subdivision, Santa Isabel Grant, Cameron County, Texas, and said point is on the line between the Santa Isabel Grant and the Buena Vista Grant, Cameron County, Texas;

Thence along the centerline of the Buena Vista Road N. 0 deg. 59' W. 581.5 feet and N. 0 deg. 28' W. 8,205.7 feet;

Thence N. 89 deg. 32' E. 40 feet to a point in the East line of the Buena Vista Road;

Thence along said East line N. 0 deg. 28' W. 1,301.7 feet to the place of beginning of this tract;

Thence N. 35 deg. 30' E. 5,578.7 feet for a corner;

Thence N. 4 deg. 23' W. 2,362 feet for a corner;

Thence N. 0 deg. 38' W. 709.5 feet for a corner;

Thence N. 71 deg. 31' E. 3,067.5 feet for a corner;

Thence N. 38 deg. 15' E. 1,728 feet for a corner;

Thence N. 32 deg. 21' E. 324.4 feet for a corner;

Thence N. 23 deg. 14' W. 1,164.9 feet to a duck pond;

Thence N. 66 deg. 46' E. 150 feet for a corner;

Thence S. 23 deg. 14' E. 1,243.9 fee for a corner;

Thence S. 32 deg. 21' W. 410.9 feet for a corner;

Thence S. 38 deg. 15' W. 1,780.3 feet for a corner;

Thence S. 71 deg. 31' W. 3,003 feet for a corner;

Thence S. 0 deg. 38' E. 595.3 feet for a corner;

Thence S. 4 deg. 23' E. 2,412.3 feet for a corner;

Thence S. 35 deg. 30' W. 5,840.6 feet to a point in the East line of the Buena Vista Road;

Thence along the East line of the Buena Vista Road N. 0 deg. 28' W. 255.4 feet to the place of beginning, containing 52 acres, more or less. All bearings are coordinated to the Port Isabel Airport bearings.

The areas described aggregate 463.66 acres.

The use of the lands by the Department of the Navy shall be subject to the condition that the Department of the Navy will:

1. Cooperate with the Fish and Wildlife Service with relation to flight plans, both arrival and departures, over adjoining lands of the Laguna Atascosa National Wildlife Refuge.

2. Assume all responsibility for any damage incurred by it that may result from existing Fish and Wildlife Service installations.

3. Survey and monument the boundaries between tracts "G" and "H" and the Laguna Atascosa National Wildlife Refuge.

4. Provide for fencing the boundary described in condition No. 3 above.

5. Construct a new roadway along the boundary described in condition No. 3 above where any alterations to the old roadway take place.

It is intended that the lands described above shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes of the Department of the Navy.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1956.

[F. R. Doc. 56-9748; Filed, Nov. 28, 1956; 8:47 a. m.]

[Public Land Order 1365]

[Anchorage 028022]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE UNIVERSITY OF ALASKA AS A COSMIC RAY RESEARCH STATION

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved and set apart under the jurisdiction of the Department of the Interior for use by the University of Alaska as a cosmic ray research station:

CORNER NO. 1

Corner No. 1 consists of a rock cairn atop the small peak bordering the major inactive crater of Mt. Wrangell. The peak lies approximately 1.8 miles on a line about 4 degrees east of north from the north boundary of the active crater of Mt. Wrangell. The peak may be further defined as lying on the edge of both the major inactive crater of Mt. Wrangell and the smaller inactive crater lying atop the northwest edge of the aforesaid major inactive crater. The peak is approximately 14,000 feet high and has an approximate latitude of 62°00'50" N. and longitude of 144°05'06" W.

For location of the peak with respect to established bench marks, the following distances and directions were measured from the Valdez and Gulkana Quadrangle maps of the Alaska Reconnaissance topographic series, scale 1:250,000 (1951). Azimuths are given using true north as 0° and proceeding clockwise with increasing angles.

Benchmark	Distance to peak	Azimuth from benchmark
	Miles	*Degrees*
VABM 2601	32.3	133.2
VABM 2943	32.3	108.7
VABM 30.17	30.7	100.1
VABM 1440	34.09	63.5
BM 1240	30.9	24.0

Starting from corner No. 1, the boundary runs due east 5280 feet to corner No. 2, thence due south 5280 feet to corner No. 3, thence due west 5280 feet to corner No. 4, thence due north 5280 feet to corner No. 1. No monuments are located at corners 2, 3 and 4 since these points lie on a snowfield which has a tendency to be unstable.

The area described contains 640 acres.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1956.

[F. R. Doc. 56-9746; Filed, Nov. 28, 1956; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Amdt. 7]

REG. 8—BERYL REGULATION: PURCHASE PROGRAM FOR DOMESTICALLY PRODUCED BERYL ORE

INSPECTION AND ACCEPTANCE

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended, Regulation 8, entitled "Beryl Regulation: Purchase Program for Domestically Produced Beryl Ore", as heretofore amended, is further amended by adding the following paragraph at the end of section 4:

(h) Any producer desiring to deliver beryl ore under the program in lots consisting of one or more railroad carloads shall notify the Commissioner, Defense Materials Service, General Services Administration, Washington 25, D. C., so that consideration may be given to the making of special arrangements for delivery to the Government in the most expeditious and economical manner.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: November 21, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-9774; Filed, Nov. 28, 1956; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment would change the definition of "Ready-to-cook poultry" to include the removal of kidneys; require licensed graders to be Federal or State employees; provide for limited license graders; set forth prohibited acts in connection with employees of the Service as grounds for denial of service; and make other minor changes in the programs.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than thirty (30) days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change the definition of "Ready-to-cook poultry" contained in § 70.1 *Definitions*, to read as follows:

"Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be), head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs, lungs, and kidneys have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry prepared as described in this paragraph.

2. Change paragraph (a) of § 70.30 *Licensed graders and inspectors*, to read as follows:

(a) Any person, who is a Federal or State employee, possessing proper qualifications as determined by an examination for competency and who is to perform grading service may be licensed by the Secretary as a grader.

3. Add a new paragraph (d) to § 70.30 which reads as follows:

(d) To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to grade poultry on the basis of the United States classes, standards, and grades, provided that all such grading is performed under the immediate supervision of a grader licensed in accordance with paragraph (a) of this section and all product graded is check graded by a grader licensed in accordance with paragraph (a) of this section. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate. All limited licenses issued by the Secretary are to be countersigned by the officer in charge of the Poultry Grading Service of the Agricultural Marketing Service or by any other official of such service designated by such officer.

4. Change § 70.34 *Financial interest of inspectors and graders*, to read as follows:

§ 70.34 *Financial interest of inspectors and graders.* No inspector or grader shall render service on any product in which he is financially interested.

5. Change § 70.64 *Interfering with a grader or inspector*, to read as follows:

§ 70.64 *Interfering with a grader, inspector or employee of Service.* Any interference with or obstruction or any attempted interference or obstruction of or assault upon any grader, licensee, inspector or employee of the Service in the performance of his duties. The giving or offering, directly or indirectly, any money, loan, gift, or anything of value to an employee of the Service or the making or offering of any contribution to or in any way supplementing the salary, compensation or expenses of an employee of the Service or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service. This is not intended to prevent the exchange of usual social courtesies which are wholly free of any embarrassing or improper implications.

6. Change paragraph (c) of § 70.131 *Grading service on a fee basis*, to read as follows:

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day or at a time other than during the grader's normal working hours, he shall be charged for such service at a rate one and one-half times the rate which would be applicable for such service if performed during the grader's normal working hours.

7. Change paragraph (a) (2) of § 70.138 *Grading performed on a resident basis*, to read as follows:

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader;

8. Change the first sentence of paragraph (b) of § 70.171 *Issuance and disposition of dressed poultry inspection certificates*, to read as follows:

(b) The original and a copy of each inspection certificate, issued pursuant to §§ 70.170 to 70.174, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. • • •

9. Change the first sentence of paragraph (a) (2) of § 70.182 *Dressed poultry and ready-to-cook* poultry, to read as follows:

(2) Only such ready-to-cook poultry which has been graded on an individual carcass basis by a grader or by a limited licensee, pursuant to § 70.30 (d) and thereafter check graded by a grader may be individually identified with the appropriate grade mark, and any container of such ready-to-cook poultry may also be so identified. • • •

10. Change the first sentence of paragraph (b) of § 70.201 *Issuance and disposition*, to read as follows:

(b) The original and a copy of each grading certificate, issued pursuant to §§ 70.200 to 70.202, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. • • •

11. Change paragraph (a) of § 70.284 *Temperatures and cooling and freezing procedures*, to read as follows:

§ 70.284 *Temperatures and cooling and freezing procedures.* (a) All dressed poultry and ready-to-cook poultry that is prepared in the official plant shall be cooled immediately after processing so that the internal temperature is reduced to 40° F. or less. Poultry to be shipped from the plant in packaged form shall be maintained at 40° F. or less except that during the packaging operations, the internal temperature may rise to a maximum of 55° F. provided that immediately after packaging the poultry is placed under refrigeration at a temperature that will promptly lower the temperature of the product to 40° F. or less, or placed in a freezer promptly. Poultry held at the plant in packaged form in excess of 24 hours shall be held at 36° F. or less. The Administrator may approve, upon written request, the shipment of packaged poultry from the plant prior to cooling to 40° F. if such poultry is handled in accordance with subparagraphs (1) and (2) of this paragraph.

Issued at Washington, D. C., this 26th day of November 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56-9769; Filed, Nov. 28, 1956; 8:49 a. m.]

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956-57 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $175,251.38 will be necessarily incurred during the fiscal year November 1, 1956, through October 31, 1957, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of $0.0075 per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Sat. 753, as amended; 7 U. S. C. 608c)

Dated: November 26, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9756; Filed, Nov. 28, 1956; 8:47 a. m.]

[7 CFR Part 933]

ORANGES, GRAPEFRUIT AND TANGERINES GROWN IN FLORIDA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956-57 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $170,000 will be necessarily incurred during the fiscal period August 1, 1956, to July 31, 1957, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as each handler's share of such expenses, the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, at $0.005 per standard packed box of fruit shipped by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," "fiscal period," and "standard packed box" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 26, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9770; Filed, Nov. 28, 1956; 8:49 a. m.]

[7 CFR Part 1001]

[Docket No. AO-267-A1]

LIMES GROWN IN FLORIDA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Redlands Farm Labor Camp, Homestead (Modello), Florida, beginning at 10:00 a. m., e. s. t., December 10, 1956, with respect to proposed amendments to the marketing agreement and Order No. 101 (7 CFR Part 1001), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of limes grown in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Florida Lime Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Add, at the end of § 1001.8 *Grower*, the following proviso: "*Provided*, That as used in § 1001.22 the term grower shall include only those who have a proprietary interest in the production of not less than 10 bearing lime trees."

2. Delete paragraph (b) of § 1001.30 *Procedure* and substitute therefor the following:

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of telephone communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

3. Delete from § 1001.32 *Annual report* the words "prior to March 31 of each fiscal year" and substitute therefor the words "as soon as practicable after the close of each fiscal year."

4. Delete the last sentence in paragraph (b) of § 1001.41 *Assessments*.

5. Delete paragraph (a) of § 1001.42 *Accounting* and insert, in lieu thereof, the following:

§ 1001.42 *Accounting*. (a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraph (2) of this paragraph, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operation of the following fiscal year unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Upon approval by the Secretary, such reserve may be established and used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

6. Add, after the first sentence in § 1001.45 *Marketing research and development*, the following: "The committee may, to the extent necessary to carry out the projects established pursuant to this section, exempt the handling of limes from the the requirements of the regulations established under § 1001.52."

7. Add, after subparagraph (3) of paragraph (a) of § 1001.52 *Issuance of regulation*, the following:

(4) Establish pack specifications for the grading and packing of limes and require that all limes handled shall be packed in accordance with such pack specifications and shall be identified by appropriate labels, seals, stamps, or tags, affixed to the containers by the handler under the supervision of the committee or an inspector of the Federal-State Inspection Service, showing the particular pack specifications of each lot.

8. Revise the provisions of § 1001.56 *Limes not subject to regulation* so as to require all limes handled pursuant to paragraph (d) of such section to conform to the regulations issued under § 1001.52.

9. Amend subparagraph (3) of paragraph (a) of § 1001.60 *Reports* to read as follows:

(3) the date of each such disposition, the destination, by State, zone, or market area, of each lot of limes handled, and identification of the carrier transporting such fruit;

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, P. O. Box 19, Lakeland, Florida.

Done at Washington, D. C., this 23d day of November 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 56-9757; Filed, Nov. 28, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

FIXING OPERATION AND MAINTENANCE CHARGES

BURNS INDIAN VILLAGE, WARM SPRINGS AGENCY

NOVEMBER 19, 1956.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U. S. C. 1001) and pursuant to the acts of August 11, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon, by Order No. 551, Amendment No. 1 approved June 5, 1951 (16 F. R. 3456-3457), a notice is hereby given of intention to modify § 130.105 *Charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited in the Burns Indian Village, Warm Springs Agency jurisdiction, Oregon, as follows:

To establish a basic water charge for the Burns Indian Village, Warm Springs Agency, of $1.25 per acre per annum. The basic water charge for the Warm Springs Unit is to remain at $2.00 per acre per annum.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] PERRY E. SKARRA,
Acting Area Director.

[F. R. Doc. 56-9749; Filed, Nov. 28, 1956; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF SODIUM 2,2-DICHLOROPROPIONATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 35 parts per million for residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid in or on cottonseed.

The analytical methods proposed in the petition for determining residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid are as follows:

1. A sample of ground cottonseed is extracted with ethyl ether. The marc is extracted with acidulated water and then with ether. The ether is extracted with dilute alkali. The alkaline extract is acidified and the naturally occurring keto acids coupled with 2,4-dinitrophenylhydrazine. The coupled extract is passed through a reverse phase partition chromatographic column to separate the keto acid hydrazones from the 2,2-dichloropropionic acid. The 2,2-dichloropropionic acid is hydrolyzed to pyruvic acid. This solution is coupled with 2,4-dinitrophenylhydrazine, and the pyruvic acid hydrazone extracted and determined colorimetrically.

2. The method consists of adding an aliquot of chlorine, Cl^{36}, tagged 2,2-dichloropropionic acid of known specific activity and of known organic-bound chlorine content to the sample to be analyzed. The sample is subsequently extracted with a suitable solvent, and the extracts are purified in such a way as to separate an appreciable portion of the sodium 2,2-dichloropropionate from any interfering substance apt to be present. The purified sample is then autoclaved with a suitable base at 15 pounds pressure for 1 hour, and the chloride liberated is determined by potentiometric titration. Concurrently, the radioactivity of the autoclaved solution is also measured. From a knowledge of the radioactivity and the chloride content of the autoclaved solution, the initial sodium 2,2-dichloropropionate content of the sample may be calculated.

Dated: November 21, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-9740; Filed, Nov. 28, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11752; FCC 56-1159]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (NEW ORLEANS, LA.-MOBILE, ALA.)

MEMORANDUM OPINION AND ORDER

In the matter of amendment of § 3.606, Table of Assignments, Rules Governing Television Broadcast Stations (New Orleans, La.-Mobile, Ala.); Docket No. 11752.

1. The Commission has before it for consideration the Motion for Reconsideration filed on October 29, 1956, by Loyola University, New Orleans, Louisiana, in the above-entitled proceeding, directed against the Commission's action of October 17, 1956 (FCC 56-945), denying the Motion filed by the University on August 29, 1956, insofar as it requested amendment of the Notice of Rule Making, issued on June 26, 1956, so as to substitute for the Commission's outstanding rule making proposal to shift Channel 4 from New Orleans to Mobile, Alabama, a proposal to delete Channel 6, the only other present VHF assignment at New Orleans. The Commission concluded in its decision that the proposal for elimination of all VHF assignments at New Orleans should be considered in conjunction with its more limited proposal and that, since the proposal was being construed as a counterproposal in the proceeding, amendment of the notice of rule making or further rule making on the proposal was unnecessary.

2. In support of its instant Motion, Loyola University urges that the Commission's decision of October 17, 1956, makes it appear that the University is seeking to remove both of the VHF assignments presently assigned to New Orleans and that it is made a party to the proceeding to prosecute this proposal as an alternative to the Commission's proposal—which would eliminate only one of the VHF assignments in New Orleans—when, in fact, it is opposed to both proposals. The University states that it is opposed to the removal of either Channel 4 or 6 from New Orleans and that the purpose of its Motion is to persuade the Commission to change its proposal from one which would leave New Orleans an "intermixed" community to one which would deintermix the community by deleting all VHF assignments in conformity with the objectives of its Report and Order of June 26, 1956, in the general television allocation proceeding in Docket No. 11532. The University states that this would place it in a position to oppose the revised deintermixture proposal in its entirety.

3. The Commission is of the view that Loyola University's instant request should be denied. We believe that the changes in channel assignments which we have tentatively proposed in the New Orleans area are entirely consistent with the objectives of our report and order in the general allocations proceeding, and we are not convinced by the University's instant petition that our prior denial of its request for amendment of the present notice of rule making is in error or that the proposal to delete both VHF frequencies at New Orleans should be substituted now for the Commission's proposal in this proceeding. Moreover, in our action of October 22, 1956, on the University's motion, we made it clear that the proposal to delete both VHF assignments from New Orleans would be considered as a counterproposal in this proceeding in conjunction with the Commission's proposal, and while we indicated that the University might prosecute this counterproposal in the proceeding, our decision in no way compels it to do so. Loyola University, or any other interested party, may fully prosecute or oppose this or any other proposal affecting the New Orleans area in the proceeding, and all proposals will be carefully considered along with the Commission's proposal in an effort to determine which, if any of them, offer improved opportunities for improving the immediate television situation in the New Orleans area.

4. In view of the foregoing: *It is ordered*, That the Motion for Reconsideration of Loyola University, is denied.

Adopted: November 20, 1956.

Released: November 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9771; Filed, Nov. 28, 1956; 8:49 a. m.]

FEDERAL MEDIATION AND CONCILIATION SERVICE

[29 CFR Ch. XII]

NOTICE OF PROPOSED REVISION OF CHAPTER

Notice is hereby given that the Director of the Federal Mediation and Conciliation Service has under consideration a complete revision of Chapter XII, Title 29, including changes in and addition to its present regulations, which present regulations are fully set forth in 15 F. R. 60, 19 F. R. 7179 and 20 F. R. 9341. Slight editorial modifications have been made in Parts 1401 and 1402. Notices (§ 1402.1) pursuant to section 8 (d) (3) of the Labor-Management Relations Act, 1947, as amended, are to be in writing and should be filed at the office of the regional director of the region in which the dispute exists or at the office of the Director of the Service. The suggested Form F-7 has been somewhat modified and a new copy No. 5 has been added to permit of its service upon the opposite party involved in the negotiations (use optional). No change is proposed in Part 1403. A new Part 1404 is to be added to set forth the existing arbitration policies, functions and procedures of the Service. The text of the proposed revision of Chapter XII would be as follows:

only those arbitrators who are experi-

PART 1401—AVAILABILITY OF INFORMATION

§ 1401.1 *Places at which information may be obtained.* Any individual, employer or union, or representative thereof, desiring information regarding the operations of the Service within a region should communicate with the regional office of the Service in the region in which the labor dispute or other matter exists with respect to which information is sought. General inquiries for information concerning the Service should be addressed to the Federal Mediation and Conciliation Service, 14th and Constitution Avenue NW., Washington 25, D. C. Regional offices of the Service are located as follows:

Region No. and Address

1—Room 1016, Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.
2—Jefferson Building, 1015 Chestnut Street, Philadelphia 7, Pa.
3—Room 645, Peachtree at 7th Street Building, 50 Seventh Street NE., Atlanta 5, Ga.
4—Room 435, Old Federal Building, Public Square and Superior Street, Cleveland 14, Ohio.
5—Room 1515, Consumers Building, 220 South State Street, Chicago 4, Ill.
6—Room 404, Old Custom House Building, 815 Olive Street, St. Louis 1, Mo.
7—714 U. S. Court House, Seattle 4, Wash.
8—332 Appraisers Building, 630 Sansome Street, San Francisco 11, Calif.

§ 1401.2 *Nondisclosure of information.* Public policy and the successful effectuation of the Federal Mediation and Conciliation Service's mission require that commissioners and employees maintain a reputation for impartiality and integrity. Labor and management or other interested parties participating in mediation efforts must have the assurance and confidence that information disclosed to commissioners and other employees of the Service will not subsequently be divulged, voluntarily or because of compulsion.

§ 1401.3 *Confidential records.* All files, reports, letters, memoranda, minutes, documents or other papers (hereinafter referred to as "confidential records") in the official custody of the Service or any of its employees, relating to or acquired in its or their official activities under Title II of the Labor-Management Relations Act, 1947, as amended, are hereby declared to be confidential. No such confidential records shall be disclosed to any unauthorized person, or be taken or withdrawn, copied or removed from the custody of the Service or its employees by any person, or by any agent or representative of such person without the prior consent of the Director.

§ 1401.4 *Notices of disputes nonconfidential.* Written notices of disputes received pursuant to section 8 (d) (3) of the Labor-Management Relations Act, 1947, as amended, are not confidential records of the Service. Parties at interest have the right to receive certified copies of any such notice of dispute upon written request to the regional director of the region in which the notice is filed. The notice of dispute and a conformed copy should be filed in the office of the regional director of the region in which the dispute exists, or if the filing party so desires, at the office of the Director of the Service; and if the dispute is occurring in two or more regions such notice may be filed with the regional director for any of such regions, or filed at the office of the Director of the Service, at Fourteenth and Constitution Avenue NW., Washington 25, D. C. A conformed copy of such notice of dispute should be served upon the other party to the contract.

§ 1401.5 *Compliance with subpoenas.* No officer, employee or other person officially connected in any capacity with the Service, shall produce or present any confidential records of the Service or testify on behalf of any party to any cause pending in any arbitration or other proceedings or court or before any board, commission, committee, tribunal, investigatory body or administrative agency of the United States or of any State, Territory, the District of Columbia or any municipality with respect to facts or other matters coming to his knowledge in his official capacity or with respect to the contents of any confidential records of the Service, whether in answer to an order, subpoena, subpoena duces tecum or otherwise, without the prior written consent of the Director. Whenever any subpoena or subpoena duces tecum calling for confidential records or testimony as described above shall have been served upon any such officer, employee or other person, he will appear in answer thereto, and unless otherwise expressly directed by the Director, respectfully decline, by reason of this section, to produce or present such confidential records or to give such testimony.

PART 1402—PROCEDURES OF THE SERVICE

§ 1402.1 The notice of dispute filed with the Federal Mediation and Conciliation Service pursuant to the provisions of section 8 (d) (3) of the Labor-Management Relations Act, 1947, as amended, shall be in writing. The following Form F–7, for use by the parties in filing a notice of dispute, has been prepared by the Service:

FMCS Form F–7
Revised November 1956

NOTICE TO MEDIATION AGENCIES

To: Regional Office, Federal Mediation and Conciliation Service; and
To: (Appropriate State or Territorial agency.) Date ----------

You are hereby notified that written notice of the proposed termination or modification of the existing collective bargaining contract was served upon and a dispute exists with the other party to this contract.

Phone No. ----------

1. (a) Name of employer (if more than one company or an association, submit names and addresses on separate sheet in duplicate).

Address of establishment affected (street) (city) (State).

(If more than one establishment, list addresses on separate sheet.)

(b) Employer Official to communicate with (name and title).

Address: Phone No. ----------

---------- ---------- ----------
(Street) (City) (State)

2. (a) International union -- Local No. -- AFL-CIO ( ) Independent ( ) Phone No. -- Address of local union:

---------- ---------- ----------
(Street) (City) (State)

(b) Union Official to communicate with ---------- Phone No. ----------. Address:

---------- ---------- ----------
(Street) (City) (State)

3. Number of employees in bargaining unit or units in the negotiations ----------.

4. Nature of business of establishment affected:

(a) Principal products, or services rendered ----------.

(b) Type of establishment (factory, mine, wholesaler, over-the-road trucking, etc.) ----------.

5. (a) Expiration date of contract --- (b) Contract date reopening ----------.

6. Name of official filing this notice ------. Title ----------.

Address ---------- Phone No. ----------.

Check on whose behalf this notice is filed: Union ---------- Employer ----------.

Signature ----------.

(Attach copies of any statement you wish to make to the Mediation Agencies.)

Copies of this Form F–7 are obtainable at the national, regional and field offices of the Service. This form may be duplicated for use by representatives of employers or unions provided it is copied in full without change.

PART 1403—FUNCTIONS AND DUTIES

Sections 202 (c) and 203, Title II, of the Labor-Management Relations Act, 1947, as amended (P. L. 101, 80th Congress, 61 Stat. 153, as amended), authorize mediation and conciliation services in labor-management disputes, and suitable procedures for cooperation between the Federal Mediation and Conciliation Service (hereinafter called the Federal Service) and State and local mediation agencies.

Sec.
1403.1 Definitions.
1403.2 Policies of the Federal Mediation and Conciliation Service.
1403.3 Obtaining data on labor-management disputes.
1403.4 Assignment of mediators.
1403.5 Relations with State and local mediation agencies.

AUTHORITY: §§ 1403.1 to 1403.5 issued under sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172. Interpret or apply sec. 203, 61 Stat. 153; 29 U. S. C. 173.

§ 1403.1 *Definitions.* As used in this part, unless the context clearly indicates otherwise.

(a) The term "commerce" means trade, traffic, commerce, transportation or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(b) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor-management dispute

burdening or obstructing commerce or the free flow of commerce.

(c) The term "labor union" or "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(d) The term "State or other conciliation services" means the official and accredited mediation and conciliation establishments of State and local governments, which are wholly or partially supported by public funds.

(e) The term "proffer its services," as applied to the functions and duties of the Federal Mediation and Conciliation Service, means to make mediation services and facilities available either on its own motion or upon the request of one or more of the parties to a dispute.

§ 1403.2 *Policies of the Federal Mediation and Conciliation Service.* It is the policy of the Federal Mediation and Conciliation Service:

(a) To facilitate and promote the settlement of labor-management disputes through collective bargaining by encouraging labor and management to resolve differences through their own resources.

(b) To encourage the States to provide facilities for fostering better labor-management relations and for resolving disputes.

(c) To proffer its services in labor-management disputes in any industry affecting commerce, except as to any matter which is subject to the provisions of the Railway Labor Act, as amended, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption to commerce.

(d) To refrain from proffering its services: (1) In labor-management disputes affecting intrastate commerce exclusively, (2) in labor-management disputes having a minor effect on interstate commerce, if State or other conciliation services are available to the parties, or (3) in a labor-management dispute when a substantial question of representation has been raised, or to continue to make its facilities available when a substantial question of representation is raised during the negotiations.

(e) To proffer its services in any labor-management dispute directly involving Government procurement contracts necessary to the national defense, or in disputes which imperil or threaten to imperil the national health or safety.

(f) To proffer its services to the parties in grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement only as a last resort and in exceptional cases.

§ 1403.3 *Obtaining data on labor-management disputes.* When the existence of a labor-management dispute comes to the attention of the Federal Service upon a request for mediation service from one or more parties to the dispute, through notification under the provisions of section 8 (d) (3), Title I of the Labor-Management Relations Act, 1947, or otherwise, the Federal Service will examine the information to determine if the Service should proffer its services under its policies. If sufficient data on which to base a determination is not at hand, the Federal Service will inquire into the circumstances surrounding the case. Such inquiry will be conducted for fact-finding purposes only and is not to be interpreted as the Federal Service proffering its services.

§ 1403.4 *Assignment of mediators.* The Federal Service will assign one or more mediators to each labor-management dispute in which it has been determined that its services should be proffered.

§ 1403.5 *Relations with State and local mediation agencies.* (a) If under State or local law a State or local mediation agency must offer its facilities in a labor-management dispute in which the Federal Service is proffering its services, the interests of such agencies will be recognized and their cooperation will be encouraged in order that all efforts may be made to prevent or to effectively minimize industrial strife.

(b) If, in a labor-management dispute there is reasonable doubt that the dispute threatens to cause a substantial interruption to commerce or that there is more than a minor effect upon interstate commerce, and State or other conciliation services are available to the parties, the regional director of the Federal Service will endeavor to work out suitable arrangements with the State or other conciliation or mediation agency for mediation of the dispute. Decisions in such cases will take into consideration the desires of the parties, the effectiveness and availability of the respective facilities, and the public welfare, health, and safety.

(c) If requested by a State or local mediation agency or the chief executive of a State or local government, the Federal Service may make its services available in a labor-management dispute which would have only a minor effect upon interstate commerce when, in the judgment of the Federal Service, the effect of the dispute upon commerce or the public welfare, health, or safety justifies making available its mediation facilities.

PART 1404—ARBITRATION

§ 1404.1 The labor policy of the United States Government is designed to foster and promote free collective bargaining. Voluntary arbitration and fact-finding are tools, in appropriate cases, of free collective bargaining and may be desirable alternatives to economic strife. The parties assume broad responsibilities for the success of the private juridical system they have chosen. The Service will assist the parties in their selection of arbitrators.

§ 1404.2 *Composition of roster maintained by the Service.* It is the policy of the Service to maintain on its roster only those arbitrators who are experienced, qualified, and acceptable, and who adhere to ethical standards. Applicants for inclusion on its roster must not only be well-grounded in the field of labor-management relations, but, also, possess experience in the labor arbitration field or its equivalent. (Arbitrators employed full time as representatives of management or labor are not included on the Service's roster.) After a careful screening and evaluation of the applicant's experience, the service contacts representatives of both labor and management, as qualified arbitrators must be acceptable to those who utilize its arbitration facilities. The responses to such inquiries are carefully weighed before an otherwise qualified arbitrator is included on the Service's roster.

§ 1404.3 *Security status.* The arbitrators on the Service's roster are not employees of the Federal Government, and, because of this status, the Service does not investigate their security status. Moreover, when an arbitrator is selected by the parties, he is retained by them and, accordingly, they must assume complete responsibility for the arbitrator's security status.

§ 1404.4 *Procedures: How to request arbitration services.* The Service prefers to act upon a joint request which should be addressed to the Director of the Federal Mediation and Conciliation Service, Washington 25, D. C. In the event that the request is made by only one party, the Service may act if the parties have agreed that either of them may seek a panel of arbitrators. A brief statement of the nature of the issues in dispute should accompany the request, to enable the Service to submit the names of arbitrators of specialized competence. The request should also include a copy of the collective bargaining agreement or stipulation. In the event that the entire agreement is not available, a verbatim copy of the provisions relating to arbitration should accompany the request.

§ 1404.5 *Arbitrability.* Where either party claims that a dispute is not subject to arbitration, the Service will not decide the merits of such claim. The submission of a panel should not be construed as anything more than compliance with a request.

§ 1404.6 *Nominations of arbitrators.* When the parties have been unable to agree on an arbitrator, the Service will submit to the parties the names of three, five, seven or more arbitrators, as requested, or will make a direct appointment upon being duly advised that a panel is not desired. Together with the submission of a panel of suggested arbitrators, the Service furnishes a short statement of the background, qualifications, and experience of each of the nominees. In selecting names for inclusion on a panel, the Service considers many factors, but the desires of the parties are, of course, the foremost consideration. If at any time a company or a union, or both, suggests that a name or names be omitted from a panel, such name or names will generally be omitted. The Service will not, however, place names on a panel at the request of one

party unless the other party has knowledge of such request and has no objection thereto, or unless both parties join in such request. If the issue described in the request appears to require special technical experience or qualifications, arbitrators who possess such qualifications will, where possible, be, included in the list submitted to the parties. Where the parties expressly request that the list be composed entirely of technicians, or that it be all-local or non-local, such request will be honored, if qualified arbitrators are available. Two of the methods of selection from a panel are—(a) at a joint meeting, alternately striking names from the submitted panel until one remains, and (b) each party separately advising the Service of its order of preference by numbering each name on the panel. In almost all cases, an arbitrator is chosen from one panel of names. However, if a request for another panel is made, the Service will comply with the request, providing that additional panels are permissible under the terms of the agreement or the parties so stipulate. Subsequent adjustment of disputes is not precluded by the submission of a panel or an appointment. A substantial number of issues are being settled by the parties themselves after the initial request for a panel and after selection of the arbitrator. Notice of such settlement should be sent promptly to the arbitrator and to the Service. The arbitrator should be compensated whenever he receives insufficient notice of settlement to enable him to rearrange his schedule of arbitration hearings or working hours.

§ 1404.7 *Appointment of arbitrators.* After the parties notify the Service of their selection, the arbitrator is appointed by the Director. If any party fails to notify the Service within 15 days after the date of mailing the panel, all persons named therein shall be deemed acceptable to such party. The arbitrator, upon appointment notification, is requested to communicate with the parties immediately to arrange for preliminary matters such as date and place of hearing. There is an advantage to the parties of advising the Service of the arbitrator selected, as the standards and procedures established by the Service, including those governing the range of fees, apply to the appointed arbitrator. Also, the names of arbitrators who have not completed a pending arbitration are not ordinarily included on panels requested by the same parties.

§ 1404.8 *Status of arbitrators after appointment.* After appointment, the legal relationship of arbitrators is with the parties rather than the Service, though the Service does have a continuing interest in the proceedings. Industrial peace and good labor relations are enhanced by arbitrators who function justly, expeditiously and impartially so as to obtain and retain the respect, esteem and confidence of all participants in the arbitration proceedings. The conduct of the arbitration proceeding is under the arbitrator's jurisdiction and control, subject to such rules of procedure as the parties may jointly prescribe. He is to make his own decisions and write his own opinions based on the record in the proceedings. He may not delegate this duty and responsibility to others in whole or in part without the knowledge and prior consent of both parties. The powers of the arbitrators may be exercised by a majority unless otherwise provided by agreement or by law, and, unless prohibited by law, they may proceed in the absence of any party who, after due notice, fails to be present or to obtain a postponement. The award, however, must be supported by evidence as an award cannot be based solely upon the default of a party.

§ 1404.9 *Prompt decision.* Early hearing and decision of industrial disputes is desirable in the interest of good labor relations. The parties should inform the Service whenever a decision is unduly delayed. The Service expects to be notified if and when (a) an arbitrator cannot schedule, hear and determine issues promptly, and (b) he is advised that a dispute has been settled by the parties prior to arbitration. The arbitrator is also expected to keep the Service informed of changes in address, occupation or availability, and of any business connections with or of concern to labor or management. The award shall be made not later than thirty (30) days from the date of the closing of the hearing, or the receipt of a transcript and any post-hearing briefs, or if oral hearings have been waived, then from the date of receipt of the final statements and proof by the arbitrator, unless otherwise agreed upon by the parties or specified by law. However, a failure to make such an award within thirty (30) days shall not invalidate an award. The Service, however, when nominating arbitrators, takes notice of any arbitrator's failure to comply with its policies and procedures. The parties can expedite awards. They may advise the Service and the arbitrator if an early decision is desired. If such notice is given, the Service will so advise the arbitrator at the time of his appointment. The parties can also request that an opinion follow the award, or that an opinion be omitted in appropriate cases. The parties may also provide in their agreement or in their arbitration stipulation or request that an award must be rendered within a fixed time after the close of the hearing in order to be valid, unless the time is enlarged by agreement of the parties. Such a provision, however, would operate to nullify an award made after such period of time and should therefore be carefully drafted so as not to cause hasty and ill-considered decisions.

§ 1404.10 *Importance of impartiality.* Interviews with or communications by the arbitrator to and from one party without the knowledge and consent of the other party, are easily misunderstood and should be avoided since they can result in a loss of confidence in the integrity, fairness and judgment of the arbitrator. Likewise, the arbitrator should refrain from giving unsolicited advice in his opinion, or award or other document for the same reason. Arbitrators are called upon to decide issues which the parties have been unable to resolve and, consequently, difficult decisions are inevitable. Their acceptability can be advanced not alone by the soundness of the decisions, but also by the orderly and impartial manner in which the entire arbitration proceeding is conducted.

§ 1404.11 *Arbitrator's award and report.* At the conclusion of the hearing and after the award has been submitted to the parties, each arbitrator is required to file a copy with the Service. The Service then evaluates awards with a view to determining whether they meet the accepted professional standards as to form, clarity and logic. The arbitrator is further required to submit a report showing a breakdown of his fees and expense charges so that the Service may be in a position to check conformance with its fee policies. Cooperation in filing both award and report within fifteen (15) days after handing down the award is expected of all arbitrators. It is the policy of the Service not to release arbitration decisions for publication without the consent of both parties. Furthermore, the Service expects the arbitrators it has nominated or appointed not to give publicity to awards they may issue, except in a manner agreeable to both parties.

§ 1404.12 *Fees of arbitrators.* No administrative or filing fee is charged since the Service is required by law to provide such facilities. The current policy of the Service permits its nominees or appointees to charge a fee for their services not exceeding $150 per day. The Service expects its arbitrators in fixing the fee for a case to give due consideration to the financial condition of each party, the accepted standards for the area in which the dispute arises, the complexity of the issues involved and the length of time consumed preliminary to and in the course of the hearing; in the study of the evidence and preparation of the award. In those rare instances where arbitrators fix wages or other terms of a new contract, the responsibilities involved are so grave that the arbitrators are not subject to the above fee restriction. The parties may prefer to agree with the arbitrator upon a fixed fee in advance of the arbitration. This, however, could result in unnecessarily prolonging an arbitration hearing. The parties can reduce the cost of arbitration by the careful preparation of exhibits and evidence and by the stipulation of undisputed facts. The parties may also stipulate that the arbitrator devote not more than a specified number of days to the study and preparation of the opinion and award. There is, however, some risk in so doing since the award and opinion may not be satisfactory or sufficiently clear if such restriction is made in other than simple, routine cases. The Service is not concerned with whether the fees and expenses of the arbitrator are paid by only one of the parties or are divided between them. Nevertheless, unless the parties agree otherwise, (a) the fee and expenses of the arbitrator shall be paid equally by the parties, (b) the expenses of witnesses for either side shall be paid by the parties producing such witnesses, (c) the total cost of the stenographic record, if any is made, and all transcripts thereof, shall be prorated equally by all parties ordering copies, and (d) the expenses of any witnesses or the cost of any briefs produced at the direct request of the arbitrator, shall be borne equally by the parties unless the arbitrator in his award assesses such expenses or any part thereof against any specified party or parties.

§ 1404.13 *Conduct of hearings.* The Service does not prescribe detailed or specific rules of procedure for the conduct of an arbitration proceeding because it favors flexibility in labor relations. It believes that the parties and experienced arbitrators know best how arbitration proceedings should be conducted if wise decisions and industrial peace are to be achieved. Questions such as hearing rooms, submission of pre-hearing or post-hearing briefs, and recording of testimony, are left to the discretion of the individual arbitrator and the parties. The Service does, however, expect its arbitrators and the parties to conform to applicable laws, and to be guided by ethical and procedural standards as codified by appropriate professional organizations and generally accepted by the industrial community and experienced arbitrators. In cities where the Service maintains offices, the parties are welcome upon request to the Service to use its conference rooms when they are available.

All interested persons are invited to submit views and comments on the proposed revision (excepting Part 1403) in writing to the Federal Mediation and Conciliation Service, Washington 25, D. C., within thirty (30) days from the publication of this notice in the FEDERAL REGISTER.

JOSEPH F. FINNEGAN,
Director.

NOVEMBER 23, 1956.

[F. R. Doc. 56-9773; Filed, Nov. 28, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

CHIEF, BRANCH OF LAND ET AL.

REDELEGATIONS OF AUTHORITY

Section 7 of the Redelegations of Authority published in the FEDERAL REGISTER March 9, 1955 (20 F. R. 1412), is hereby amended to read as follows:

SEC. 7. *Land activities.* (a) The Chief of the Branch of Land may:

(1) Negotiate for the purchase of all interests in real estate and other rights and privileges pertaining to real property necessary for the Administration's program; and for the disposition of land and property rights, except purchase or disposition of electric utility system properties;

(2) Approve appraisals, accept options, and authorize the purchase of all interests in real estate necessary for the Administration's program; and authorize payment action thereon;

(3) Execute agreements under which the Administration receives or grants permits, franchises, or other rights or privileges pertaining to real property; execute trust fund agreements for the accomplishment of work for others relating to real property owned by the Government and other agreements necessary for the protection of land rights obtained by the Government, except those involving power contracts; authorize the publication of advertisements, notices, or proposals when required by law therefor; and authorize payment action thereon as required;

(4) Issue the necessary purchase orders for procuring title services.

(b) The Principal Negotiator and the Principal Title Officer each may exercise the authority delegated by (a) (1) of this section, and, when the amount involved does not exceed $1,500, the authority delegated by paragraphs (a) (2) and (a) (3) of this section.

(c) The Principal Title Officer may exercise the authority delegated by (a) (4) of this section when the amount does not exceed $1,500, and the Law Clerk (Land) for land activities may exercise similar authority when the amount involved does not exceed $100.

(Secretary's Order No. 2696, as amended, 17 F. R. 6795, 19 F. R. 433, 19 F. R. 5933; Secretary's Order No. 2735, as amended January 19, 1954; Secretary's Order No. 2563, 15 F. R. 3193; Secretary's Order No. 2753, 19 F. R. 2145)

WM. A. PEARL,
Administrator.

[F. R. Doc. 56-9741; Filed, Nov. 28, 1956; 8:45 a. m.]

Bureau of Land Management

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 19, 1956.

The Department of Agriculture has filed an application, Serial No. Oregon 03219, for the withdrawal of the lands described below, from appropriation under the general mining laws.

The applicant desires the land for recreation purposes and associated uses in connection with the administration and management of the Rogue River National Forest.

For a period of 30 days from the date of publication of the notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, whose address is 1001 North East Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

Fish Lake Recreational Area:
T. 36 S., R. 4 E.,
Sec. 34: SE¼ (unsurveyed),
Sec. 35: S½ (unsurveyed).
T. 37 S., R. 4 E.,
Sec. 2: Lots 1, 2, 3, SW¼NW¼,
Sec. 3: Lots 1, 2, 3, 4, 5, 6, 7, 8,
Sec. 4: Lots 1, 2, W½SE¼.
Dead Indian Soda Springs Recreation Area:
T. 37 S., R. 3 E.,
Sec. 22: S½NE¼, SE¼.
Lake O'Woods Recreation Area:
T. 36 S., R. 5 E.,
Sec. 34: S½,
Sec. 35: NE¼NE¼, S½N½, S½.
T. 37 S., R. 5 E.,
Sec. 2: Lots 1, 2, NW¼, E½SW¼,
Sec. 3: Lots 1, 2, 3, 4, 5, 6, 7, 8, E½NE¼,
Sec. 10: Lots 1, 2, 3, 4, 5, 6,
Sec. 11: Lots 1, 2, 3, 4, E½W½,
Sec. 14: Lots 1, 2, 3, E½NW¼, NW¼SW¼,
Sec. 15: Lots 1, 2, 3, 4, 5, NW¼SW¼, S½S½,
Sec. 22: Lot 1, NW¼NE¼, NE¼NW¼.
Four Mile Lake Recreation Area:
T. 35 S., R. 5 E.,
Sec. 31: SE¼SE¼.
Sec. 32: S½S½.
T. 36 S., R. 5 E.,
Sec. 4: NW¼NW¼, S½NW¼, SW¼,
Sec. 5: All,
Sec. 6: NE¼,
Sec. 8: NE¼,
Sec. 9: NW¼.
Recreation Creek Recreation Area:
T. 35 S., R. 6 E.,
Sec. 26: W½E½, E½W½,
Sec. 35: W½.
Huckleberry City Recreation Area:
T. 31 S., R. 4 E.,
Sec. 15: N½.

Total, 6,410.59 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 56-9742; Filed, Nov. 28, 1956; 8:45 a. m.]

[Classification Order No. 499]

CALIFORNIA

SMALL TRACT CLASSIFICATION

NOVEMBER 21, 1956.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 180.63

acres in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended.

SAN BERNARDINO BASE AND MERIDIAN

T. 5 N., R. 2 W.,
Sec. 17, S½NE¼NE¼SW¼, SE¼NE¼SW¼, E½SE¼SW¼, E½SW¼SE¼SW¼, SW¼SW¼SW¼.
Sec. 18, SW¼SW¼, S½N½SW¼, NW¼SE¼SW¼, SW¼NW¼SE¼, W½SE¼NW¼SE¼, E½SW¼SE¼, N½SW¼SE¼SE¼, E½SE¼SE¼SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to Veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to November 21, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 56-9743; Filed, Nov. 28, 1956; 8:45 a. m.]

[Classification Order No. 501]

CALIFORNIA

SMALL TRACT CLASSIFICATION

NOVEMBER 21, 1956.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling approximately 330 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 1 S., R. 7 E., S. B. M.,
Sec. 6, S½S½N½, N½S½, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, N½SW¼SE¼ (unsurveyed).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to November 21, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer - in - Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 56-9744; Filed, Nov. 28, 1956; 8:46 a. m.]

[Classification Order No. 503]

CALIFORNIA

SMALL TRACT CLASSIFICATION

NOVEMBER 23, 1956.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 190 acres in Kern County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938, (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 9 N., R. 13 W., S. B. M.,
Sec. 8, N½NE¼, N½S½NE¼, NW¼SW¼, NW¼NE¼SW¼, W½SW¼SW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to November 21, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer - in - Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 56-9745; Filed, Nov. 28, 1956; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Fairbanks 010087, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for classified military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CAPE PRINCE OF WALES AREA, SEWARD PENINSULA

Beginning at a point designated as Corner Number 1, from which USC & GS Monument "Cape Mountain" at latitude 65°34'34.839" North, longitude 168°00'28.542" West bears Northwest approximately 700 feet, and from which point U. S. LM No. 336 bears North 84° 29' East 4,019.50 feet, said point of beginning being common to the following corners of U. S. Mineral Survey No. 336A: Corner Number 1 of "Fourth of July Lode," Corner Number 3 of "Monroe Lode," Corner Number 4 of "Planet Lode," thence along 3–4 line of "Monroe Lode" North 66° 45' East 279.10 feet to Corner Number 2; thence along the 4–1 line of said claim South 33° 00' East 1,052.80 feet to Corner Number 3, common to Corner Number 1 "Monroe Lode" and Corner Number 3 "Madison Lode;" thence along the south limit line of said "Madison Lode" North 66° 45' East 70 feet to Corner Number 4; thence South 48° 20' East 3,120 feet, more or less, to point of intersection with longitude 167°59' West, which point is Corner Number 5; thence due North 1,800 feet to Corner Number 6; thence due East 7,571 feet to point of intersection with longitude 167°56' West, which point is Corner Number 7; thence due North 6,550 feet to Corner Number 8; thence due East 5,060 feet to Corner Number 9 and the point of intersection with longitude 167°54' West; thence due South approximately 14,250 feet to point of intersection with the mean high tide line of the Bering Sea and Corner Number 10; thence meandering along the said mean high tide line in a Northwesterly direction 13,500 feet more or less, to point of intersection of the mean high tide line with longitude 167°59' West, which point is Corner Number 11; thence due North 2,950 feet, more or less, to a point South 267.72 feet from Corner Number 5 above described, which point is Corner Number 12; thence North 48° 20' West 3,400 feet, more or less, to point of intersection with south end line of "Monroe Lode," U. S. Mineral Survey 336–A, which point is Corner Number 13; thence along the said line South 66° 45' West 128.27 feet to Corner Number 14, which is common to Corner Number 2 "Monroe Lode," thence across "Planet Lode" North 48° 20' West 1,085.34 feet to point of intersection with the north end line of said claim and south end line of "Fourth of July Lode" which point is Corner Number 15; thence along the exterior lines of the said "Fourth of July, Lode" as follows: South 55° 47' West 293.84 feet to Corner Number 16, which is Corner Number 2 of the claim; North 18° 07' West 704 feet to Corner Number 17; North 38° 50' West 410.50 feet to Corner Number 18; North 55° 47' East 531.90 feet to Corner Number 19; South 40° 16' East 413.20 feet to Corner Number 20; South 21° 08' East 692.60 feet to Corner Number 1 and the Point of Beginning.

Containing approximately 2,700 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-9747; Filed, Nov. 28, 1956; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS FOR HEALTH, MEDICAL RESEARCH AND SCIENTIFIC RESEARCH PROGRAMS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of Health, Education, and Welfare to negotiate, without advertising, under section 302 (c) (5) (9) and (10) of the act, contracts for supplies and services, relating to authorized health, medical care, medical research and scientific research programs of the Department of Health, Education, and Welfare.

2. In connection with the procurement of supplies hereunder, this authority shall be exercised for procurement only of those supplies required in connection with the accomplishment of programs authorized by the National Health Survey Act, Public Law 652, 84th Congress, the Act to Provide Research and Technical Assistance Relating to Air Pollution Control, Public Law 159, 84th Congress, and the Water Pollution Control Act, Public Law 660, 84th Congress,, and authorized programs of the National Cancer Institute, provided that such procurement is for supplies of a highly technical, experimental or developmental nature.

3. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304, 305 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any official or employee of the Department of Health, Education, and Welfare.

5. This delegation supersedes Delegation of Authority No. 228, dated March 24, 1955, and shall be effective as of the date hereof.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-9751; Filed, Nov. 28, 1956; 8:47 a. m.]

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

SEPTEMBER 30, 1956.

Regulation	Termination date	Unit	Quantity: Program limitation	Quantity: Purchases during quarter [1]	Quantity: Cumulative purchases through end of quarter [1]
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2, asbestos.	1,500	0	1,499
		Short tons, crude No. 3		0	850
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	50	1,007
Chrome	June 30, 1957	Long dry tons, chrome ore and/or chrome concentrates.	200,000	13,908	126,531
Columbium-tantalum	Dec. 31, 1958	Pounds, contained combined pentoxide.	15,000,000	0	15,600,461
Manganese: Butte-Phillipsburg	June 30, 1958	Long ton units, recoverable manganese.	6,000,000	420,118	2,934,171
Deming	do	do	6,000,000	0	[2] 6,215,258
Wenden	do	do	6,000,000	0	6,108,316
Domestic small producers.	Jan. 1, 1961	Long ton units, contained manganese.	28,000,000	1,473,960	9,042,915
Mercury	Dec. 31, 1957	Flasks, prime virgin mercury	125,000	0	5
Mica	June 30, 1962	Short tons, hand-cobbed mica or equivalent.	25,000	746	9,416
Tungsten	July 1, 1958	Short ton units, tungsten trioxide.	3,000,000	3,835	2,996,469

[1] Quantities represent deliveries.
[2] Includes adjustment of 9,678 long ton units.

Dated: November 19, 1956.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 56-9750; Filed, Nov. 28, 1956; 8:47 a. m.]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE PROFESSIONAL ENGINEERING SERVICE CONTRACT

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for the period ending June 30, 1957, to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (4) of the act, a contract required by the Southwestern Power Administration in the administration of its program, viz., a professional engineering service contract for topography, alignment, and land ties for a 29-mile 69-kilovolt transmission line and associated terminal facilities from Southwest City, Missouri, to Bentonville, Arkansas, as authorized by Title II of the Public Works Appropriation Act, 1957, approved July 2, 1956, Public Law 641, 84th Congress, 2d Session (70 Stat. 474).

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or employee of the Interior Department.

4. This delegation shall be effective as of the date hereof.

FRANKLIN G. FLOETE,
Administrator.

NOVEMBER 23, 1956.

[F. R. Doc. 56-9788; Filed, Nov. 27, 1956; 2:49 p. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DEPUTY COMMISSIONER ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO POWER, DUTIES, AND FUNCTIONS

Section II, Delegations of Final Authority, paragraph B is amended to read as follows:

B. The Deputy Commissioner is authorized to exercise all the powers, duties, and functions vested in the Commissioner, but may not redelegate such powers, duties, or functions. He shall serve as Acting Commissioner in the absence of the Commissioner. In the absence of both the Commissioner and the Deputy Commissioner, one of the following officials shall serve as Acting Commissioner: *Provided*, That he shall so serve only in the absence of all the officials above him:

Assistant Commissioner.
Assistant Commissioner for Management.
Assistant Commissioner for Development.
General Counsel.
Assistant Commissioner for Administration.

The Acting Commissioner is authorized to exercise all the powers, duties, and functions, while so acting, which are vested in the Commissioner, but may not redelegate such powers, duties, or functions.

Date approved: November 21, 1956.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 56-9752; Filed, Nov. 28, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

DEPARTMENT OF COMMERCE

Office of the Secretary

EDWARD ABBOTT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 12, 1956, 21 F. R. 4030, and 20 F. R. 8937, December 3, 1955.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 18, 1956.

EDWARD ABBOTT.

NOVEMBER 19, 1956.

[F. R. Doc. 56-9762; Filed, Nov. 28, 1956; 8:48 a. m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

PROCLAMATION

In pursuance of the requirement contained in section 8 (a) of the Railroad Unemployment Insurance Act, as amended, 62 Stat. 577 (45 U. S. C. 1952 ed., § 358 (a)), the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1956, was $332,269,697.61.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 21st day of November 1956.

[SEAL] HORACE W. HARPER,
Acting Chairman.
THOMAS M. HEALY,
Member.

By the Railroad Retirement Board:

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 56-9753; Filed, Nov. 28, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Mexican Change List No. 196]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 29, 1956.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying the appendix containing assignments of Mexican broadcast stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of change or commencement of operation
XEDF	Nuevo Laredo, Tamaulipas (correction in operating characteristics).	*900 kilocycles* 5 kw D/1 kw N	DA-1	U	III	Dec. 29, 1956
XEYJ	Nueva Rosita, Coahuila (correction in call letters).	*1,300 kilocycles* 1 kw D/100 w N	ND	U	IV	Sept. 29, 1956
XEJL	Guamuchil, Sinaloa (new)	*1,400 kilocycles* 1 lk D/250 w N		U	IV	Mar. 29, 1957
XEAL	Manzanillo, Colima (new)	*1,490 kilocycles* 500 w D/250 w N		U	IV	Do.
XEJJ	Jalapa, Veracruz (change in operating characteristics).	*1,550 kilocycles* 10 kw	ND	U	I-B	Sept. 29, 1956
XEXO	Nuevo Laredo, Tamaulipas (change in classification).	50 kw D	DA-N		II	Do.
XERN	Montemorelos, Nuevo Leon (change in call letters).	*1,220 kilocycles* 250 w D/100 w N		U	IV	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9772; Filed, Nov. 28, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3679]

KROY OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 23, 1956.

In the matter of trading on the American Stock Exchange in the 20-cent par value Capital Stock of Kroy Oils Limited, File No. 1-3679.

I. The 20-cent par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On November 14, 1956, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from November 15, 1956, to November 24, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from November 25, 1956, to December 4, 1956, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-9755; Filed, Nov. 28, 1956; 8:47 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

NOVEMBER 23, 1956.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils, Limited, File No. 1-3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils, Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the Act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 25, 1956, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices for a period of ten days from the date of said order. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December 1955, and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 14, 1956, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from November 15, 1956, to November 24, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from November 25, 1956 to December 4, 1956, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-9754; Filed, Nov. 28, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 26, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32949: *Scrap iron from Illinois to central and trunk line territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron and articles taking the same rates, carloads, from points in Illinois and St. Louis, Mo., to points in central and trunk-line territories.

Grounds for relief: Circuitous routes.

Tariff: Supplement 132 to Agent Hinsch's ICC 4430.

FSA No. 32950: *Substituted service, rail for motor, Missouri-Kansas-Texas and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested motor and rail carriers. Rates on freight loaded in highway truck trailers and transported on railroad flat cars, between Kearny, N. J., or Philadelphia, Pa., on the one hand, and Oklahoma City, Okla., Dallas, Fort Worth, Houston or San Antonio, Texas on the other.

Grounds for relief: Motor truck competition

FSA No. 32951: *Clay from Mississippi to Mount Vernon, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads, from Aberdeen, Amory, and Holly Springs, Miss., to Mount Vernon, Illinois.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32952: *Liquefied petroleum gas in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads, between points in southern territory.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Agent C. A. Spaninger's ICC 1561.

FSA No. 32953: *Logs from Abingdon, Va., to Lexington, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on logs, native wood, Canadian wood or Mexican pine, carloads, from Abingdon, Va., to Lexington, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 137 to Agent C. A. Spaninger's ICC 1297.

FSA No. 32954: *Sulphuric acid from Fox, Ala., to Savannah, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads, from Fox, Ala., to Savannah and Port Wentworth, Ga.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 133 to Agent C. A. Spaninger's ICC 1357.

FSA No. 32955: *Sulphuric acid from Le Moyne, Ala., to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads, from Le Moyne, Ala., to points in Alabama, Florida, and Georgia.

Grounds for relief: Short-line distance formula and circuity.

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Tariff: Supplement 133 to Agent C. A. Spaninger's ICC 1357.

FSA No. 32956: *Caustic soda from Evans City, Ala., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads, from Evans City, Ala., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 241 to Agent C. A. Spaninger's ICC 1351.

FSA No. 32957: *Cleaning compounds from Baltimore, Md., to Jacksonville, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cleaning, scouring, washing compounds, soap, and soap powders, carloads, from Baltimore, Md., to Jacksonville and South Jacksonville, Fla.

Grounds for relief: Competition with all-rail carriers.

Tariff: Supplement 222 to Agent C. A. Spaninger's ICC 754.

FSA No. 32958: *Corn syrup from trunkline and New England territories to central territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on syrup, corn, sorghum, rye or wheat (glucose), carloads, returned from original shipping point, from points in trunkline and New England territories to points in central territory.

Grounds for relief: Rail carrier competition, circuity, and grouping.

Tariff: Supplement 208 to Agent H. R. Hinsch's ICC 4542.

FSA No. 32959: *Iron or steel pipe from Texas to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron or steel pipe or tubing, carloads, from Lone Star and Bond, Texas, to Avondale, West Bridge Jct., Marrero and Harvey, La.

Grounds for relief: Circuitous route.

Tariff: Supplement 82 to Agent Kratzmeir's ICC 4170.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9759; Filed, Nov. 28, 1956; 8:48 a. m.]

[Ex Parte No. 206]

INCREASED FREIGHT RATES, EASTERN AND WESTERN TERRITORIES, 1956

POSTPONEMENT OF PROCEEDINGS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of November A. D. 1956.

Upon consideration of the record in the above-entitled proceeding and of the petitions and motion listed in the apendix for modification of the Commission's orders of October 1, November 7, and November 15, 1956; and good cause appearing therefor:

It is ordered, That the schedule of dates appearing in our order of October 1, 1956, as amended on November 7 and 15, 1956, be postponed to the extent indicated below:

Paragraph	From—	Postponed to and including—
3 (f) Verified statements in opposition	Dec. 24, 1956	Feb. 1, 1957
3 (g) Reply verified statements	Jan. 14, 1957	Feb. 15, 1957
3 (h) Cross-examination hearing at Washington, D. C.	Jan. 24, 1957	Feb. 25, 1957
Cross-examination hearing at Salt Lake City, Utah	Feb. 4, 1957	Mar. 6, 1957
3 (i) Commission oral argument, Washington, D. C.	Feb. 11, 1957	Mar. 19, 1957
3 (j) Memorandum briefs	do	Do.

It is further ordered, That our order of November 15, 1956, setting for hearing the petition of the railroads operating in Southern Region be, and it is hereby modified by postponing the hearing now set for the offices of the Commission at Washington, D. C., beginning at 10:00 o'clock a. m., December 12, 1956, to January 7, 1957, at the same hour and place before Division 2; and that the said order be further modified by postponing the oral argument now set for the offices of the Commission at Washington, D. C., beginning at 10:00 o'clock a. m., December 19, 1956, to January 11, 1957, at the same hour and place before the Commission.

It is further ordered, That the said petitions and motion to the extent indicated above, be and they are hereby granted; in all other respects they are denied.

It is further ordered, That except as modified herein, the orders of the Commission entered in this proceeding shall remain in full force and effect.

And it is further ordered, That a copy of this order shall be served on all parties to this proceeding and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX

1. Motion dated November 19, 1956, of the National Industrial Traffic League.
2. Petition dated November 13, 1956, of the George A. Hormel & Co., et al.
3. Petition dated November 13, 1956, on behalf of The People of the State of California and The Public Utilities Commission of said State.
4. Petition dated November 9, 1956, of Mountain Pacific States Conference of Public Service Commissions.
5. Petition dated November 13, 1956, of The Midwest Association of Railroad and Utilities Commissioners et al.
6. Petition dated November 13, 1956, of The Los Angeles Chamber of Commerce and amendment thereto dated November 16, 1956.
7. Petition of Northwest Liquedfied Petroleum Gas Transportation Committee dated November 13, 1956.
8. Petition dated November 9, 1956, of Georgia-Alabama Textile Traffic Association et al.
9. Petition dated November 15, 1956, of the Tanners Council of America.
10. Petition dated November 19, 1956, of the National Association of Railroads and Utilities Commissioners.
11. Petition dated November 14, 1956, of the Board of Trade of the City of Chicago.
12. Petition of the Tennessee Valley Authority dated November 15, 1956.

[F. R. Doc. 56-9760; Filed, Nov. 28, 1956; 8:48 a. m.]

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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 232

Washington, Friday, November 30, 1956

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter I—Security of Waterfront Facilities

[CGFR 56-51]

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

CERTAIN VESSELS OPERATING ON NAVIGABLE WATER OF UNITED STATES OTHER THAN GREAT LAKES AND WESTERN RIVERS

It is hereby found that compliance with the notice of proposed rule making, public rule making procedures thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest since this amendment of 33 CFR Part 125 is to give effect to Executive Order 10173, as amended, and in the public interest should be placed in effect as soon as possible.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended, § 125.53 is amended by revising the headnote, and paragraph (a) (1) and (2) thereof to read as follows:

§ 125.53 *Requirements for credentials; certain vessels operating on navigable waters of the United States other than the Great Lakes and Western Rivers.*

(a) • • •

(1) Towing vessels, barges, and lighters operating in the navigable waters of the continental United States other than the Great Lakes and Western Rivers.

(2) Harbor craft, such as water taxis, junk boats, garbage disposal boats, bum boats, supply boats, repair boats, and ship cleaning boats, which in the course of their normal operations service or contact vessels, foreign or domestic, public or merchant, in the navigable waters of the continental United States other than the Great Lakes and Western Rivers.

(40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, 15 F. R. 7005, 3 CFR, 1950 Supp., E. O. 10277, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F. R. 4607, 3 CFR, 1952 Supp.)

This amendment shall become effective November 30, 1956.

Dated: November 7, 1956.

[SEAL] A. C. RICHMOND, *Vice Admiral, U. S. Coast Guard Commandant.*

[F. R. Doc. 56-9817; Filed, Nov. 29, 1956; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6587]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FRED BENIOFF CO. AND HOMER HARRIS

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act: § 13.155 *Prices:* Comparative; fictitious marking: Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Using misleading name—Goods:* § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 69f) [Cease and desist order, Fred Benioff Co., et al., San Francisco, Calif., Docket 6587, November 7, 1956]

In the Matter of Fred Benioff Co., a Corporation, and Homer Harris, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a San Francisco furrier with violating the Fur Products Labeling Act through false and deceptive labeling, invoicing and advertising, which, variously, deceptively identified certain furs by names of animals

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FEDERAL REGISTER

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other than those producing them, failed to disclose names of animals producing other furs, or that certain products were composed of artificially colored fur or of paws, tails, bellies or waste fur; misrepresented prices as reduced from regular prices which were in fact fictitious; deceptively used claims of comparative and percentage savings, and failed to maintain adequate records as basis for such claims; and otherwise failed to conform to the requirements of the act.

Following entry of an agreement between the parties containing consent order to cease and desist, the hearing examiner made his initial decision including order to cease and desist which, by order of October 31, became on November 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Fred Benioff Co., a corporation, and its officers, and respondent Homer Harris, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, in commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

3. Setting forth on labels attached to fur products:

a. Non-required information mingled with required information;

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product.

2. Failing to set forth on invoices the item number of the fur product.

3. Setting forth on invoices the name or names of an animal or animals other than the name or names provided for in paragraph B (1) (a).

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact;

c. That fur products are composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is the fact.

2. Uses the name or names of any animal or animals other than the name or names set forth in the Name Guide and as permitted by the rules and regulations in violation of section 5 (a) (5) of the act.

3. Represents that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business.

D. Making use of comparative prices and percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

E. Making pricing claims or representations referred to in Paragraphs C (3) and D above, unless there is maintained and preserved by respondents full and adequate records disclosing the facts upon which such claims and representations are based as required by Rule 44 (e) of the regulations (§ 300.4 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 31, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 56-9816; Filed, Nov. 29, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 223]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport, authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
GRAND MARAIS, MICH. Grand Marais, 850'. BRL–DTV–GMI. Procedure No. 1. Amendment No. 4. Effective date: December 15, 1956. Supersedes No. 3, dated August 3, 1954. Major changes: (1) Uses new form; (2) lowers procedure turn altitude and distance item 5; (3) lowers missed approach altitude item 12; (4) Adds note: Sliding scale, etc.				S side of W course: 291° outbound. 111° inbound. 2,100' within 10 miles.	1,600	109—3.0	T–dn C–dn S–dn 13 A–dn	300–1 400–1 400–1 800–2	300–1 400–1 400–1 800–2	Not applicable.	Within 3 miles, climb to 2,100' on E course GMI–LFR. ADF procedure not authorized. AIR CARRIER NOTE: Sliding scale not authorized.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
HOUGHTON, MICH. Houghton County Memorial, 1,001'. BRL–STV–CMX. Procedure No. 1. Amendment No. 4. Effective date: December 15, 1956. Supersedes Amendment 3, dated August 1, 1954. Major changes: (1) Uses new form; (2) limits procedure turn to 10 miles column 5; (3) revises distances items 7 and 12.				W side of N course: 018° outbound. 198° inbound. 2,500' within 10 miles.	2,000	200—3.0	T–dn C–dn S–dn A–dn	300–1 400–1 400–1 800–2	300–1 500–1 500–1 800–2	200–½ 500–1½ 500–1½ 800–2	Within 3 miles, climb to 2,900' on S course CMX–LFR and hold within 20 miles of LFR. ADF procedure not authorized.
NORTH PLATTE, NEBR. Lee Bird Field, 2,779'. SBRAZ–VDT–LBF. Procedure No. 1. Amendment No. 6. Effective date: December 15, 1956. Supersedes Amendment 5, dated October 14, 1953. Major changes: (1) New form; (2) limits procedure turn to 10 miles; (3) adds transition route from VOR.	North Platte VOR	029—3.5	4,200	E side of S course: 167° outbound. 347° inbound. 4,200' within 10 miles.	3,700	352—1.9	T–dn C–dn S–dn 35 A–dn	#300–1 400–1 400–1 800–2	#300–1 500–1 500–1 800–2	*200–½ 500–1½ 500–1½ 800–2	Within 1.9 miles, climb to 4,500' on N course within 20 miles. CAUTION: 2,983' mean sea level tower 1.7 miles NW of airport, and 3,270' mean sea level tower 3.9 miles NW of airport. *300–1 required for takeoff on runways 26 and 30. #No reduction in 2-engine or less aircraft takeoff minimums authorized on runways 26 and 30.
OMAHA, NEBR. Omaha, 982'. SBRAZ–VDT–OMA. Procedure No. 1. Amendment No. 11. Effective date: December 15, 1956. Supersedes Amendment 10, dated July 1, 1954. Major changes: (1) New form; (2) limits procedure turn to 10 miles; (3) revises notes to standardize with ACA–511.4 wording where possible; (4) numbered missed approach procedure.	California FM (final)	154—11.1	1,900	W side of N course: 334° outbound. 134° inbound. 2,400' within 10 miles.	1,900	139—4.4	#T–dn C–d C–n S–d 14L S–n 14L A–dn	*300–1 500–1½ 500–1½ 400–1 400–1½ 800–2	*300–1 500–1½ 500–2 400–1 400–1½ 800–2	**200–½ 500–1½ 500–2 400–1 400–1½ 800–2	Within 4.4 miles (1) Climb to 2,700' on SE course within 20 miles. (2) Climb to 2,500' on SE course, proceed to E course OMA–LFR at 2,500' within 20 miles. (3) Climb to 2,500' on SE course and intercept ADF track 090° outbound from OMA–LFR within 20 miles. CAUTION: Bluff 1,339' mean sea level 1.3 miles E of airport. TV towers 1,739' mean sea level 4.6 miles WNW and 1,705' mean sea level 2.6 miles SW, stack 1,132' mean sea level 0.7 mile SSE of LOM. #Climb to 2,000' mean sea level prior to proceeding in westerly direction. *No reduction in 2-engine or less aircraft takeoff minimums authorized except on runways 14L, 32R, 17L, and 35R. **300–1 takeoff minimums required on runways 2, 20, 35L, 17R, 14R, 32L, 26, and 8 for more than 2-engine aircraft.

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
LIHUE, KAUAI HAWAII Lihue Airport, 148'. BVOR-LIH. Procedure No. 1. Amendment No. 3. Effective date: December 15, 1956. Supersedes Amendment 2, dated December 1, 1953. Major changes: New format. Lowers missed approach altitude from 5,000' to 4,000'.				E side of course:* 025° outbound. 205° inbound. 2,000' within 10 miles. Beyond 10 miles not authorized account warning area to NE.	#700	320—0.5	%T-d T-n C-d C-n A-d A-n	500–1 700–2 600–1½ 800–3 1,000–2 1,000–3	500–1 700–2 600–1½ 800–3 1,000–2 1,000–3	500–1 700–2 600–2 800–3 1,000–2 1,000–3	#Contact 3 miles before reaching VOR station; make left turn, climb to 3,000' on course 025° within 12 miles; reverse course climbing to 4,000' over VOR station. *High terrain to W. %Takeoffs on runway 21 restricted to 600–2. AIR CARRIER NOTE: Sliding scale not applicable to takeoffs, runway 21.
OMAHA, NEBR. Omaha, 982'. BVOR-DTV-OMA. Procedure No. 1. Amendment No. 2. Effective date: Dec. 15, 1956. Supersedes Amendment 1, dated July 9, 1954. Major changes: (1) New form; (2) limits procedure turn to 10 miles; (3) revises notes to standardize.	Omaha LFR	134—15.6	2,700	E side of course: 129° outbound. 309° inbound. 2,400' within 10 miles.	2,400	#309—10.1	T-dn C-dn S-dn 32L and 32R A-dn	*300–1 1,000–3 1,000–3 1,000–3	*300–1 1,000–3 1,000–3 1,000–3	**200–½ 1,000–3 1,000–3 1,000–3	Within 10 miles, climb to 2,700' on course of 309° outbound within 20 miles. CAUTION: Bluff 1,339' mean sea level 1.3 miles E. of airport. TV towers 1,739' mean sea level 4.6 miles WNW and 1,705' mean sea level 2.6 miles SW, stack 1,132' mean sea level 0.7 mile SSE of LOM. #Climb to 2,000' mean sea level prior to proceeding in a westerly direction. *No reduction in 2-engine or less aircraft takeof. minimums authorized except on runways 14L, 32R, 17L, and 35R. **300–1 takeoff minimums required on runways 2, 20, 35L, 17R, 14R, 32L, 26 and 8 for more than 2-engine aircraft.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
BILLINGS, MONT. Municipal, 3,612'. ILS–BIL–LOM–B1. Combination ILS/ADF. Procedure No. 1. Amendment original. Effective date: December 15, 1956. Supersedes ADF LOM–B1 procedure No. 1, Amendment No. 1, dated August 4, 1956. Major changes: New ILS procedure; combines ADF procedure.	BIL–VOR	LOM	329—1.7	5,200	S side of course: 275° outbound. 095° inbound. 5,200' within 10 miles. Not authorized beyond 10 miles.	ILS 4,800	4,783—4.1 ADF 4,783	3,794—0.6	T-dn C-dn	300–1 400–1	300–1 500–1	*200–½ 500–1½	Within 4.1 miles of LOM climb to 5,200' on E course BIL–LFR within 20 miles of station. Approach light not installed. *300–1 required for takeoff on all runways except 9–27. CAUTION: Standard clearance over obstructions not provided on ADF final approach (terrain 3,805' mean sea level at BIL VOR).
	BIL–LFR	LOM	267—6.0	5,200					S-dn Runway 9				
	Park City FM	LOM	057—12.8	5,200					ILS	300–¾	300–¾	300–¾	
	Lavinia FM	LOM	154—30.0	6,000					ADF	400–1	400–1	400–1	
									A-dn ILS	600–2	600–2	600–2	
									ADF	800–2	800–2	800–2	
JOPLIN, MO. Joplin, 980'. ILS–JLN. LOM–JL. Combination ILS–ADF. Procedure No. 1. Amendment No. 2. Effective date: December 15, 1956. Supersedes Amendment 1, dated September 8, 1956. Major changes: (1) Transition altitudes column 5, lines 3, 4, 5 revised due to 1,679' tower 4.6 miles SSW of airport; (2) missed approach revised to 1,679' tower.	Intersection NW course ILS and E course CNU–LFR (final ILS).	Glide path intercept via localizer.	130—21.4	ILS 2,500	W side of NW course: 310° outbound. 130° inbound. 2,500' within 10 miles.	ILS 2,100 ADF 2,000	2,127—4.0	1,153—0.6	T-dn C-d C-n	300–1 400–1 400–1½	300–1 500–1 500–1½	200–½ 500–1½ 500–1½	Within 4 miles, climb to 2,700' on SE course ILS or on 130° course from JLN–LOM within 20 miles, or when directed by ATC: (1) Make left turn, climbing to 2,500' and proceed to JLN–LOM. *All installed components of ILS must be operating; otherwise, alternate minimums of 800–2 apply.
	Intersection NW course ILS and E course CNU LFR.	LOM via localizer course.	130—23.0	ILS 2,500					S–dn 13 ILS	@ 300–¾	300–¾	300–¾	
	Intersection SE course ILS and SW course SGF–LFR.	LOM via localizer course.	310—21.6	ILS 2,700					ADF	400–1	400–1	400–1	
	Neosho VOR	LOM	336—23.0	ADF and ILS 2,700					A–dn *ILS	600–2	600–2	600–2	
	Intersection SE course ILS and R233 SGF VOR.	LOM via localizer course.	310—21.6	ILS 2,700					ADF	800–2	800–2	800–2	
JOPLIN, MO. Joplin, 980', ILS–IJLN. Combination VOR–ILS. Procedure No. 2. Amendment No. 2. Effective date: December 15, 1956. Supersedes Amendment 1, dated September 8, 1956. Major changes: (1) Transition altitudes column 5, lines 2 and 3 revised due to 1,679' tower 4.6 miles SSW of airport.	Intersection SE course ILS and SW course SGF LFR or R233 SGF–VOR.	Intersection#	310—13.3	Final 1,800	E side of SE course: 130° outbound. 310° inbound. 2,300' within 10 miles of intersection#.	No glide slope Altitude over intersection# 1,800	No outer marker Altitude over and miles from intersection# 1,800—3.7	No middle marker	T-dn C-d C-n S-dn 31 A-dn	300–1 500–1 500–1½ 500–1 800–2	300–1 500–1 500–1½ 500–1 800–2	200–½ 500–1½ 500–1½ 500–1 800–2	Within 3.7 miles after passing intersection#, climb to 2,500' on NW ILS course within 20 miles #Intersection SE course ILS and R351 Neosho VOR. Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
	ILS–LOM	Intersection#	130—8.4	2,700									
	Intersection NW course ILS and E course CNU–LFR via ILS localizer course.	Intersection#	130—31.0	2,700									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. tion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
MEMPHIS, TENN. Municipal, 291'. ILS—IMEM. LOM-BXS. Combination ILS and ADF. Procedure No. 1. Amendment No. 3. Effective date: December 15, 1956. Supersedes Amendment No. 2, dated May 14, 1955. Major changes: Adds transitions from Waverly and Bruins to Island Intersection; adds final from Island Intersection; revises statute to nautical miles; revises courses. Changes field elevation.	Memphis LFR	LOM	293—4.7	1,500	S side of W course: 267° outbound. 087° inbound. 1,700' within 10 miles.	ILS 1,700	1,650—4.3	540—0.6	T-dn	300-1	300-1	200-½	Climb to 1,500' on E course of MEM ILS or 4.2 miles after passing LOM (ADF) climb to 1,500' on course of 087° within 20 miles.
	Cuba FM	LOM	193—16.0	2,000		ADF 1,200 over LOM			C-dn	500-1	500-1	500-1½	
	Oakville Intersection	OM	267—8.3	1,500					S-dn 9 ILS	200-½	200-½	200-½	NOTES: 400-¾ required when G/S not utilized—470' mean sea level tower located 1 mile E of LOM.
	Bruins MHW	LOM	049—18.7	1,700					ADF	400-1	400-1	400-1	
	Memphis VOR	OM	274—8.7	1,500					A-dn ILS	600-2	600-2	600-2	AIR CARRIER NOTES: Takeoff at less than 200-½ not authorized on runway 14-32.
	Waverly Intersection	Island Intersection#.	087—4.5	1,700					ADF	800-2	800-2	800-2	#Island Intersection: Intersection W course ILS and bearing 216° to Bruins Radiobeacon.
	Bruins MHW	Island Intersection#.	036—15.0	1,700									
	Island Intersection# (final).	LOM	087—5.2	ILS 1,700 ADF 1,200									
	Radar transition within 25 miles		All directions.	2,300									
	When radar provides 3 mile separation from towers located 8 miles NNE of airport.		----------	1,800									
	Sector S of ILS localizer within 15 miles		----------	1,500									
MEMPHIS, TENN. Municipal, 291'. ILS-IMEM. Procedure No. 2. Amendment No. 2. Effective: December 15, 1956. Supersedes Amendment 1, dated May 14, 1955. Major changes: Adds radar fix (final). Raises transition 2,000' from Fisherville. Lowers S-DN. Corrects courses, and changes statute to nautical miles. Change field elevation.	Memphis LFR	Oakville Intersection.	061—4.8	1,500	S side of E course: 087° outbound. 267° inbound. 1,500' within 10 miles.	No glide slope			T-dn	300-1	300-1	200-½	Within 2.8 miles climb to 1,700 on W course ILS within 20 miles.
	Memphis VOR	Oakville Intersection.	353—1.1	1,500		Oakville Intersection 1,000	Oakville Intersection 2.8	----------	C-dn	500-1	500-1	500-1½	
	Fisherville FM	Oakville Intersection.	241—13.9	2,000					S-dn 27	400-1	400-1	400-1	AIR CARRIER NOTE: Takeoff at less than 200-½ not authorized on runway 14-32.
	8 mile radar fix on E course ILS (final).	Oakville Intersection.	267—5.0	1,000					A-dn	800-2	800-2	800-2	
	Radar transition within 25 miles		All directions.	2,300									
	When radar provides 3 mile separation from towers located 8 miles NNE of airport.		----------	1,800									
	Sector S of ILS localizer within 15 miles		----------	1,500									

4. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Condition	Precision approach: 2 engines or less: 65 knots or less	Precision approach: 2 engines or less: Over 65 knots	Precision approach: More than 2 engines: Over 65 knots	Surveillance approach: 2 engines or less: 65 knots or less	Surveillance approach: 2 engines or less: Over 65 knots	Surveillance approach: More than 2 engines: Over 65 knots	Missed approach procedure
1	2	3	4	5	6	7	8	9	10	11
CHICAGO, ILL. O'Hare International 666'. Procedure No. 1. Effective date: December 15, 1956. Amendment original. Supersedes: None. Major changes: None.	All sectors within 20 miles 2,500'. Sectors measured from airport.	14R, 14L, 18, 22, 27, 9.	T-dn	----------	----------	----------	300-1	300-1	200-½	Make immediate turn to 050°, climbing to 2,500' to SE course NBU LFR. Proceed via SE and NW course NBU LFR to Mundelein Intersection, or when directed by ATC climb to 2,500' proceed to ORD ILS LOM.
			C-dn	----------	----------	----------	400-1	500-1	500-1½	
			S-dn	----------	----------	----------	400-1	400-1	400-1	
			A-dn	----------	----------	----------	800-2	800-2	800-2	
MEMPHIS, TENN. Municipal, 291'. Procedure No. 1. Amendment No. 1. Effective date: December 15, 1956. Supersedes amendment, Original, dated March 8, 1954. Major changes: Revises airport elevation. Lowers minima on runways 17 and 21. Raises terminal area altitude.	2,300' within 25 miles. #1,800' when radar provides 3 miles separation from TV towers located 8 miles NE of airport. 1,500' in sector S of localizer and within 15 miles.	All	T-dn	----------	----------	----------	300-1	300-1	200-½	Climb to 2,300', proceed to Memphis VOR or LFR. AIR CARRIER NOTE: Takeoff at less than 200-½ not authorized on runway 14-32. CAUTION: #TV towers 1,349' mean sea level; 1,340' mean sea level and 979' mean sea level 8 miles NE of airport.
		14	NA	----------	----------	----------	NA	NA	NA	
		32	C-d	----------	----------	----------	500-1	500-1	500-1½	
		All other	C-dn	----------	----------	----------	500-1	500-1	500-1½	
		All	A-dn	----------	----------	----------	800-2	800-2	800-2	

These procedures shall become effective on the dates indicated on the proced ures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9384; Filed, Nov. 29, 1956; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 16]

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART F—DEBARRED, INELIGIBLE, AND SUSPENDED BIDDERS

A new § 1.605–4 provides that notice of suspension will be given to bidders concerned. The content of the notice is prescribed in § 1.605–4. Requests for information additional to that contained in the notice will be referred to the Department of Justice.

§ 1.605 *Suspension of bidders.* • • •

§ 1.605–4 *Notice of suspension.* The firm or individual concerned shall be furnished a written notice by the Secretary of the department concerned, or his authorized representative, of the suspension within 10 days after the effective date of the suspension. The notice of suspension shall state: (a) that the suspension is based on information that the firm or individual has committed irregularities of a serious nature in business dealings with the Government; (b) that the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue; (c) that bids and proposals will not be solicited from the firm or individual and if received will be considered and awards of contracts may be made only if it is determined to be in the interest of the Government by the Secretary of the department or his authorized representative to do so; and (d) that the suspension is effective throughout the Department of Defense. All inquiries concerning suspended contractors shall be referred to the Secretary of the department concerned or his authorized representative for appropriate action. The department shall not give further information to the contractor or his representatives concerning the reasons for suspension beyond that stated in the notice of suspension set forth above. Further inquiries or requests for information concerning the reasons for suspension shall be referred to the Department of Justice.

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

In view of the fact that negotiation of contract might, in some cases, be justifiable under more than one of the exceptions to section 2 (c) of the Armed Services Procurement Act, a study is being made with a view to uniformizing the practices of the Departments as to selection of the appropriate exception under this section 2 (c). The following revisions to §§ 3.210–2, 3.210–3 and 3.212 establish specific exceptions under section 2 (c) of the act; additional conclusions concerning the above-mentioned study will be reflected in future amendments to this subchapter.

1. The revised portion of § 3.210–2 reads as follows:

§ 3.210–2 *Application.* • • •

(h) When the contemplated procurement is for studies or surveys other than those which may be negotiated under § 3.205 or § 3.211;

2. The revised § 3.210–3 reads as follows:

§ 3.210–3 *Limitation.* The authority of this section shall not be used when negotiation is authorized by the provisions of § 3.211, § 3.213, § 3.214, § 3.215 or § 3.216. Every contract that is negotiated under the authority of this § 3.210 shall be accompanied by a signed statement of the contracting officer justifying its use, and a copy of such statement shall be sent to the General Accounting Office with a copy of the contract negotiated and executed hereunder.

3. The revised portion of § 3.212 reads as follows:

§ 3.212 *Classified purchases.* • • •

§ 3.212–3 *Limitation.* In order for this authority to be used, the required determination to be made by any Secretary must be made in accordance with the requirements of Subpart C of this part. The authority of this section shall not be used when negotiation is authorized by the provisions of § 3.210.

PART 4—COORDINATED PROCUREMENT

SUBPART B—POLICIES AND GENERAL PRINCIPLES

Section 4.202 has been revised by the addition of a new reference:

§ 4.202 *Responsibilities under single procurement.*

§ 4.202–1 *Single department procurement.* The Procuring Department is generally responsible for the following, under single department procurement (for specific assignment of procurement responsibilities, see Department of Defense Instruction Number 4115.1, dated October 12, 1955, Subject: Department of Defense Procurement Assignments, and any amendments thereto):

(a) Operational phases of procurement planning (phasing the submission of requirements, consolidating requirements, analyzing the market, and determining patterns for the phased placement of orders in such a manner as to assure meeting the needs of the Departments at the lowest possible price to the Government, and at the same time avoiding unnecessary peaks and valleys of production).

(b) Purchasing.

(c) Contract administration, including arrangements for followup and expediting.

(d) Acquisition of licenses under patents or other proprietary rights covering the subject matter of the procurement and the settlement of patent infringement claims arising out of the procurement. Approval of the Department or Departments whose funds are to be charged for the acquisition of licenses or settlement of claims will be obtained.

(e) Arrangement for inspection.

(f) Arrangement for transportation.

§ 4.202–2 *Joint procurement.* Responsibilities for procurement by a joint agency are as set forth in the individual agency charter.

§ 4.202–3 *Plant cognizance procurement.* Responsibilities for procurement and mobilization planning are as set forth in Department of Defense Instruction Number 4115.1, dated October 12, 1955, Subject: Department of Defense Procurement Assignments, and any amendments thereto.

PART 5—INTERDEPARTMENTAL PROCUREMENT

SUBPART A—PROCUREMENT UNDER FEDERAL SUPPLY SCHEDULE CONTRACTS

The list of items in § 5.103–2, subject to mandatory purchase from contractors on Federal Supply Schedules, has been revised as follows:

§ 5.103–2 *List of Federal Supply Schedule Contracts which are mandatory upon the Department of Defense*—(a) *Mandatory nationally.*

Class	Title of Schedule
7, 14	Gasoline and Lubricating Oil—Service Station Deliveries.
8	Tires and Tubes (Other Than Aircraft), Part II (Commercial tires and tubes only).
8, 45, 60	Brake Lining, Clutch Facings, Oil Filter Elements, and Tire Chains, Etc., Part IV. (Selected items only are mandatory upon DOD.)
17	Spark Plugs, Part II.
17	Electric Lamps, Part VI.
17	Household and Quarters Lamps, Part VII.
18	Purchase, Maintenance, Repair, and Rental of Micro-Photographic Equipment, and Supplies, Part IV.
26	Household and Quarters Furniture, Part I.
26	Household and Quarters Furniture, Part II.
26	Household and Quarters Furniture, Part III.
26	Household and Quarters Furniture, Part IV.
26	Office Furniture, Wood and Steel, Including Steel Insulated Filing Cabinets, Part V.
27	Floor Coverings, Part I.
35	Books, Part I, Sections A and B. (Section A only is mandatory upon DOD.)
35	Periodicals and Law Books, Part II. (Law Book Section only is mandatory upon DOD.)
53	Drafting-Room and Office Supplies, Part I.
53	Envelopes, Printed and Plain, Part V.

Class	Title of Schedule
54, 104	Typewriters (Manual and Electric); Purchase, Exchange, Allowances, and Repair Parts; Maintenance and Reconditioning of Electric Typewriters, Part I.
54	Office Equipment, Part III, Sections A and B.
54	Offset Duplicating Blankets and Plates, Direct Image and Photographic (Metal and Paper Type), Part IV.
66	Vacuum Cleaners and Repair Parts, Accessories and Attachments, Part II.
83	Aircraft Tires (Casings and tubes).
103	Recording and Transcription Service, Part I.

(b) *Mandatory in Washington, D. C., and contiguous area.*

Class	Title of Schedule
16, 17	Dry Batteries.
18, 51, 53	Photographic Paper and Film, and Other Sensitized Materials and Photographic Chemicals, Classes 18 and 51, Part II, and Class 53, Part III. (Class 51 and 53 items only are mandatory upon DOD.)
26	Executive Type Furniture, Class 26, Part VI. Also Class 25, Smoking Stands, Class 53, Desk Trays, and Class 54, Baskets, Wastepaper.
27	Window Coverings, Part III.
42	Abrasives, Casters, Door Closers, Padlocks, Steel Strapping, etc.
51	Gases, Industrial, Medicinal, and Refrigeration; Part III.
53	Rubber Stamps, Part IV.
57	Laboratories and Special Apparatus and Supplies, Section C.
58	Fire Extinguishers, Repair Parts, and Accessories.
67	Feed and Forage, Part I.
67	Seed, Part II.
70	Agricultural Materials (Fertilizers, peat, and soil conditioners).
89	Subsistence Items.
89	Ice.
103	Correct Time Service.
103	Regraining of Offset Duplicating Plates, Part II.
103	Wiping Cloth Service, Part IV.

PART 6—FOREIGN PURCHASES

SUBPART A—BUY AMERICAN ACT AND OTHER STATUTORY PROHIBITIONS ON FOREIGN PURCHASES

Following the annual review of items excepted from Buy American Act by reason of nonavailability, it was determined to take no action with respect to the list, except to change the nomenclature of one item (olives).

§ 6.109 *Armed Services list of supplies excepted from Buy American Act.*

§ 6.109–1 *Supplies and materials to be procured for public use.*

Acetylene black.
Agar, bulk.
Aluminum, pig and ingot.
Antimony, as metal or oxide.
Asbestos, amosite.
Bananas.
Beef extract.
Bismuth.
Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the U. S. and for which domestic editions are not available.
Brazil nuts.
Cadmium.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Chalk, English.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa beans.
Coconut and coconut meat in shredded, desiccated or similarly prepared form.
Coffee, raw or green bean.
Copper, refined, in ingots, cathodes or other refinery shapes.
Copra.
Cork, wood or bark and waste.
Damar gum.
Diamonds, industrial.
Emetine, bulk.
Ergot, crude.
Fiber, coir abaca and agave.
Goat and kid skins.
Graphite, crystalline, flake.
Hog bristles.
Hyoscine, bulk.
Iodine, crude.
Ipecac, root.
Jute and jute burlaps.
Kaurigum.
Lac and shellac.
Logs, veneer, and lumber from Alaskan yellow cedar, balsa, greenheart, lignum vitae, mahogany and teak.
Menthol, natural, bulk.
Mercury.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Nux vomica, crude.
Oiticica oil.
Olive oil.
Olives, green; plain (unpitted) and stuffed, bulk.
Opium, crude.
Petroleum, crude, petroleum fuels, and petroleum lubricants.
Platinum and platinum group metals, refined, as sponge, powder, ingots, or cast bars.
Pulp for paper production.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin, crude.
Selenium.
Silk, unmanufactured.
Sperm oil.
Spices and herbs.
Talc, steatite.
Tapioca, tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of tartar.
Tea.
Tin, in bars, blocks and pigs.
Vanilla beans.
Wax, carnauba.

PART 7—CONTRACT CLAUSES

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

A new § 7.204–16 sets forth the contract clause prescribed for use in cost-reimbursement type contracts with commercial concerns when negotiated overhead rates are to be used (see Part 3, Subpart G, of this subchapter). In the near future, a clause will be prescribed for use in contracts with nonprofit and educational institutions. Section 7.204–16 reads as follows:

§ 7.204–16 *Negotiated overhead rates.* Insert the following clause in all contracts with commercial concerns where negotiated overhead rates pursuant to Part 3, Subpart G, of this subchapter, are to be used:

NEGOTIATED OVERHEAD RATES

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment", the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of each period specified in the Schedule, shall submit to the Contracting Officer or his authorized representative, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Part 15, Subpart B, as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (i) the agreed final rates, (ii) the bases to which the rates apply, (iii) the periods for which the rates apply, and (iv) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Schedule or at billing rates acceptable to the Contracting Officer or his authorized representative, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in the Schedule shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the clause of this contract entitled "Disputes."

PART 12—LABOR

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

Subpart H of this Part 12 has been extensively revised to codify DoD Directive 4105.43, 9 June 54, subject, "Non-

discrimination in Employment Under Defense Procurement". The subpart now also includes recent interpretations, by the President's Committee on Government Contracts, of Executive Orders 10479 and 10557. Certain editorial changes have also been effected. The above-mentioned Directive will shortly be rescinded, in view of its codification. Subpart H, as revised, reads as follows:

Sec.
12.801 Policy.
12.802 Basic requirement.
12.803 Applicability.
12.804 Special requirements or emergencies.
12.805 Interpretations.
12.806 Administration.
12.806–1 Educational responsibility.
12.806–2 Posting of notices.
12.806–3 Compliance reviews.
12.806–4 Complaints.
12.806–5 Incomplete complaints.
12.806–6 Processing of complaints.
12.806–7 Reporting channels.

AUTHORITY: §§ 12.801 to 12.806–7 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162.

§ 12.801 *Policy.* The President has stated that the policy of the Government is to promote equal employment opportunity for all qualified persons employed or seeking employment on Government contracts because such persons are entitled to fair and equitable treatment in all aspects of employment on work paid for from public funds, and that contracting agencies and Government contractors are obligated to insure compliance with, and successful execution of, the equal employment opportunity program of the Government. In stating this policy, the President has directed that the head of each contracting agency shall be primarily responsible for obtaining compliance by any contractor or subcontractor and shall take the appropriate measures to bring about compliance. The President's Committee on Government Contracts provides guidance to contracting agencies concerning the program. The Committee has announced that the objectives of the program can best be achieved through the processes of education, persuasion, mediation, and conciliation. (Executive Orders 8802 of June 25, 1941, 9346 of May 27, 1943, 10479 of August 13, 1953, and 10557 of September 3, 1954.)

§ 12.802 *Basic requirement.* Contracts entered into by the Departments' except as set forth in § 12.804, shall contain the following clause:

NONDISCRIMINATION IN EMPLOYMENT

(a) In connection with the performance of work under this contract, the Contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of the nondiscrimination clause.

(b) The Contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

§ 12.803 *Applicability.* The nondiscrimination requirements are applicable to contracts and first-tier subcontracts as herein provided.

(a) The clause set forth in § 12.802 shall be included in all contracts involving the employment of labor, except:

(1) The clause shall not be included in—

(i) Contracts to be performed outside the continental United States where no recruitment of workers within the continental United States is involved;

(ii) Contracts to meet special requirements or emergencies, if recommended by the President's Committee on Government Contracts (see § 12.804); and

(iii) Purchase orders on Standard Form 44.

(2) The clause shall be modified:

(i) In purchase orders for $1,000 or less which are not within the above exceptions, by deleting the last sentence of paragraph (a) and all of paragraph (b);

(ii) In contracts for $5,000 or less, other than purchase orders for $1,000 or less, by deleting the last sentence of paragraph (a) when in the judgment of the contracting officer administration of the posting requirement of a clause is impracticable. For example, contracts for off-the-shelf items and contracts requiring delivery of supplies or performance of services within 60 days from the date of the contract.

(b) Notwithstanding paragraph (b) of the clause, a contractor is not required to insert any nondiscrimination clause in subcontracts of the kind described in (a) (1) (i) and (ii) of this section.

§ 12.804 *Special requirements or emergencies.* Where special requirements or emergencies are such that use of the clause set forth in § 12.802 in a contract or subcontract is impracticable, the contracting officer may request authority to omit the clause. Such requests shall be submitted in accordance with Departmental procedures, together with all pertinent facts, to the Assistant Secretary of Defense (Supply and Logistics), for coordination with the President's Committee on Government Contracts.

§ 12.805 *Interpretations.* The President's Committee on Government Contracts has published the interpretations set forth below of Executive Orders 10479 and 10557.

(a) "Standard commercial supplies" means an article:

(i) Which in the normal course of business is customarily manufactured for stock and is customarily maintained in stock by the manufacturer or by any distributor or other commercial dealer for the marketing of such article; or

(ii) Which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

(b) The obligation to include the nondiscrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(c) Inclusion of the nondiscrimination clause is not required in contracts the performance of which does not involve the employment of persons.

(d) The nondiscrimination clause does not refer to, extend to, or cover the activities or business of the contractor which are not related to, or involved in, the performance of the contract entered into.

(e) The obligation to include the nondiscrimination clause exists even though the contract is required to be awarded to the lowest responsible bidder.

(f) The obligation to include the nondiscrimination clause exists even though the contract is between the Federal Government and a State agency or subdivision of a State.

§ 12.806 *Administration.*

§ 12.806–1 *Educational responsibility.* (a) Contracting officers and other personnel concerned with procurement shall, in accordance with Departmental procedures, be apprised of their responsibility in obtaining compliance with the nondiscrimination clause through education and, where appropriate, mediation, conciliation, and persuasion.

(b) The Departments shall publicize the nondiscrimination policy to prospective contractors and shall make available to contractors information concerning their responsibilities under the nondiscrimination clause.

§ 12.806–2 *Posting of notices.* In all instances, except where the nondiscrimination clause may have been modified as authorized by § 12.803 (a) (2), contracting officers shall furnish to contractors copies of the notice entitled "Equal Economic Opportunity" (U. S. Government Printing Office: 1954 0–300378 or 1955 0–364036), which shall be obtained by contracting officers in accordance with Departmental procedures. Contractors shall obtain from the contracting officer copies for first-tier subcontractors.

§ 12.806–3 *Compliance reviews.* (a) Both routine and special compliance reviews shall be conducted in accordance with Departmental procedures to ascertain the extent to which contractors are complying with the provisions of the nondiscrimination clause and to furnish educational data in connection with the program.

(b) A routine compliance review consists of a brief review of the practices of the contractor to ascertain compliance with the requirements of the clause. This type of review shall include a verification that the notice is appropriately posted and that the clause is included in subcontracts where required. A routine compliance review shall be considered a normal part of contract administration.

(c) A special compliance review consists of a comprehensive review of the employment practices of the contractor with respect to the requirements of the nondiscrimination clause. In addition to discussions with management, personnel conducting special compliance reviews should, when appropriate, discuss the contractor's employment practices with employment sources, minority groups, and interested civic groups. Special compliance reviews shall be conducted (1) from time to time, (2) when special circumstances warrant, and (3) when requested by proper authority.

§ 12.806–4 *Complaints.* The Departments will promptly investigate complaints based upon alleged noncompliance with the provisions of the nondiscrimination clause, provided such complaints contain the following identifying information:

(a) The name and address of the contractor or subcontractor alleged to have violated the provisions of the nondiscrimination clause,

(b) A description of the acts believed to be in violation of the nondiscrimination clause, including, where known, names of contractor's personnel involved, and dates of alleged incidents,

(c) The name and address of each person who believes himself aggrieved by the alleged violation of the clause, and

(d) Other pertinent information which will assist investigation and resolution of the complaint.

§ 12.806–5 *Incomplete Complaints.* To avoid unwarranted investigation of allegations which do not provide the essential information set forth in § 12.806–4, Departments may return such allegations to the originating source, specifying the additional information required.

§ 12.806–6 *Processing of complaints.* Complaints may be submitted to the President's Committee on Government Contracts, the Secretary of Defense, or the Military Departments. Complaints submitted to the Military Departments in accordance with § 12.806–4, and determined to involve a Government contract or subcontract, shall be processed in accordance with departmental procedures which will asure—

(a) Prompt investigation of statements and allegations contained in the complaint. Such investigations should include, where necessary, (1) a review of the pertinent personnel practice of the contractor or subcontractor concerned, (2) the circumstance under which the discriminatory action is alleged to have taken place, and (3) such other factors which may determine whether the contractor or subcontractor in the particular case complied with the provisions of the nondiscrimination clause set forth in the contract concerned.

(b) Resolution of complaints by conciliatory means whenever possible.

(c) The preparation and submission, through prescribed channels, of a report to the President's Committee on Government Contracts setting forth (1) a copy of the complaint together with a summary of the investigative action performed by the Department concerned, (2) corrective action taken or recommended by the Department where investigation discloses a need for such action, (3) recommendations or comments in connection with the complaints which investigation disclosed as unfounded, and (4) information that the Department considers should be brought to the attention of the President's Committee.

§ 12.806–7 *Reporting channels.* Reports in connection with complaints shall be forwarded, in duplicate, through Departmental channels to the Assistant Secretary of Defense (Supply and Logistics) for transmittal to the President's Committee on Government Contracts.

SUBPART I—EMPLOYMENT RESTRICTIONS FOR SECURITY PURPOSES

Section 12.901 has been revised as follows: Secretarial approval is no longer required prior to the employment of aliens on aircraft, aircraft parts, or aeronautical accessories contracts. Section 12.901, as revised, reads as follows:

§ 12.901 *Restrictions on hiring of aliens and other individuals.* It shall be the policy of each Department, in the interest of safeguarding the national security, to require written consent of the Secretary of the Department concerned (in accordance with procedures prescribed by that Department) prior to (a) the employment of any alien on any contract classified "Top Secret," "Secret," or "Confidential," and (b) the employment of any individual on any Top Secret or Secret contract.

PART 13—GOVERNMENT PROPERTY

SUBPART E—CONTRACT CLAUSES

Section 13.504: In recognition of the passage of title to the Government of special tooling upon acquisition thereof when progress payments are made under a contract, the Special Tooling Clause (§ 13.504) has been revised so as to require transfer of title only when such transfer has not previously been effected, pursuant to another clause of the contract. This revision has been made as a result of a question raised by California State tax officials, and results in unequivocal exemption from tax of special tooling purchased by a defense contractor for performance of a defense contract containing a progress payments clause. A minor editorial change has also been made to this § 13.504.

§ 13.504 *Special tooling clause for fixed-price contracts.* The following clause shall be used in fixed-price contracts for supplies or services (except contracts for experimental, developmental, or research work) for the performance of which the contractor furnishes special tooling, under the conditions set forth in 13.302 (b) (1), but is not for use in contracts in which special tooling is called for as a separate item in the Schedule (§ 13.302 (a)).

SPECIAL TOOLING

(a) The term "special tooling" as used in this clause, includes all jigs, dies, fixtures, molds, patterns, special taps, special gauges, special test equipment, and other special articles of equipment and manufacturing aids acquired or manufactured by the Contractor for use in the performance of this contract, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the production of such supplies or parts hereof, or the performance of such services, called for by this contract, as are peculiar to the needs of the Government. The term does not include: (i) items of tooling or equipment heretofore acquired by the Contractor, or replacements thereof, whether or not altered or adapted for use in the performance of this contract; (ii) items of tooling or equipment which are usable for the production of supplies or parts thereof, or for the performance of services, which are not peculiar to the needs of the Government, or (iii) general or special machine tools or similar capital items.

(b) The Contractor agrees not to use any items of special tooling except in the performance of this contract, or except as otherwise provided by this clause, without prior written approval of the Contracting Officer. The Contractor may, with the approval of the Contracting Officer, use the special tooling in the performance of other contracts with the Government, or subcontracts under Government contracts, provided that the Contractor agrees not to include in the price or prices for any such contracts or subcontracts, involving the use of such special tooling, the cost of such tooling or any allowance or charge to cover depreciation or amortization which has previously been charged against this contract.

(c) As and when any substantial portion of usable special tooling is no longer needed by the Contractor for the performance of this contract, and of other Government contracts and subcontracts as to which approval has been obtained under paragraph (b) above, the Contractor shall promptly notify the Contracting Officer thereof, and shall furnish to the Contracting Officer a list of the products, parts or services for the manufacture or performance of which such special tooling was used or designed. Upon completion or termination of all work under this contract, or of this contract and other Government contracts and subcontracts as to which approval has been obtained under paragraph (b) above, the Contractor shall furnish a final list in the same form covering all items not previously reported under this paragraph. Special tooling which has become obsolete as a result of changes in design or specification need not be reported, except as provided for in paragraph (d).

(d) In the event of any changes in design or specifications which affect interchangeability of parts, the Contractor shall, unless otherwise agreed to by the Contracting Officer, give the Contracting Officer notice of any part which is not interchangeable with the new or superseding part and the usable special tooling for each part covered in such notice shall be retained by the Contractor subject to the provisions of paragraph (i), pending disposition under paragraph (f).

(e) At the time it furnishes any list or notice under (c) or (d) above, the Contractor may designate those items of special tooling (either specifically or by listing the particular products, parts, or services for which such items were used or designed) which it desires to retain, together with a written offer: (i) to retain any or all of such items, free and clear of any Government interest, for an amount designated therein, which should ordinarily not be less than the then fair value of such items (which fair value takes into account, among other things, the value of such items to the Contractor for use in further work by it); or (ii) to retain any or all such items for such period of time and subject to such terms and conditions as may be agreed to by the parties hereto, subject to ultimate retention or disposition of such items in accordance with paragraph (f) hereof.

(f) Within 90 days after receipt of any list or notice under paragraph (c) or (d) hereof, or such further period as may be agreed upon by the parties, the Contractor shall furnish to the Contractor: (i) a list specifying the particular products, parts, or services for which the Government may require special tooling, together with a request that the Contractor transfer title (to the extent not previously transferred under any other clause of this contract) and deliver to the Government all usable items of special tooling which were used or designed for the manufacture or performance of any designated portion of such products, parts, or services, and which were on hand when production of such products or parts, or performance of such services, ceased; or (ii) an acceptance or rejection of any offer made by the Contractor under par-

agraph (e) above, or a request for further negotiation with respect thereto; or (iii) subject to the provisions of paragraph (j) hereof, a direction to the Contractor to sell, or to dispose of as scrap, for the account of the Government, any or all of the special tooling covered by such list; or (iv) a statement with respect to any or all of the special tooling covered by such list that the Government has no further interest therein and waives its rights therein; or (v) any combination of the foregoing, as the circumstances warrant. The Contractor shall promptly comply with any request by the Contracting Officer under this paragraph to transfer title to any items of special tooling, and shall, subject to the provisions of paragraph (j) hereof, (1) immediately prepare such items for shipment by proper packaging, packing, and marking, in accordance with any instructions which may be issued by the Contracting Officer, and shall promptly deliver such items to the Government, as directed by the Contracting Officer, or (2) if a storage agreement has been entered into, prepare such items for storage in accordance therewith, as directed by the Contracting Officer. Any items of special tooling so delivered or stored shall be accompanied by such operation sheets or other appropriate data as are necessary to show the manufacturing operations or processes for which such items were used or designed. If the Contracting Officer has requested further negotiations under (ii) of this paragraph, the Contractor agrees that it will enter into such negotiations in good faith with the Contracting Officer. Any items of special tooling which are not disposed of by transfer of title and delivery to the Government, or by acceptance of an offer of the Contractor made under paragraph (e), or of such offer as modified in the course of negotiations, shall be disposed of in the manner set forth in (iii) or (iv) of this paragraph.

(g) If the Contracting Officer accepts an offer of the Contractor to retain any items of special tooling, or if any such items are sold to third parties or disposed of as scrap, the net proceeds shall: (i) be deducted from the amounts due to the Contractor under this contract and the contract amended accordingly; or (ii) be otherwise paid as the Contracting Officer may direct.

(h) The Contractor agrees that it will follow its normal industrial practice in maintaining property control records on all the special tooling, and that it will make such records available for inspection by the Government at all reasonable times. The Contractor further agrees that, to the extent practicable, it will identify by appropriate stamp, tag or other mark all special tooling subject to this clause.

(i) The Contractor agrees that between the date any usable items of special tooling are no longer needed by it, within the meaning of this clause, and the date of final disposition of such items under this clause, it will take all reasonable steps necessary to maintain the identity and existing conditions of such items, unless the Contracting Officer has directed that such items be disposed of as scrap or has given notice under (f) (iii). The Contractor shall not be required to keep any such items in place.

(j) Any preparation of items for shipment required of the Contractor under paragraph (f) of this clause, or any disposal as scrap under paragraph (f) (iii), or any action required of the Contractor under paragraph (i), shall be taken pursuant to written instructions of the Contracting Officer, which shall (i) provide for an equitable adjustment of the contract price to cover any additional cost, to the Contractor, not taken into account in the negotiation of this contract, of complying with such instructions, which adjustment shall be made in accordance with the procedure set forth in the clause of this contract entitled "Changes," or (ii) otherwise provide for payment to the Contractor of any such additional cost. Any failure of the Contracting Officer to issue the Contractor specific disposition instructions shall be construed as an instruction to the Contractor to take the action required under paragraph (i) with provision for equitable adjustment or payment as provided for above.

The following paragraph relating to subcontracts shall be used in cases where the Contracting Officer deems the use of such paragraph to be necessary in order to protect the Government's interest in special tooling which may be acquired under such subcontracts:

(k) The Contractor agrees that, in placing any subcontracts or purchase orders under this contract which involve the use of special tooling, the full cost of which is charged to such subcontract or purchase order, it will include therein appropriate provisions to obtain rights comparable to those granted to the Government by this clause, and agrees that it will exercise such rights for the benefit of the Government, as the Contracting Officer may direct.

In appropriate cases, the following alternative clause, relating to subcontracts may be used:

(k) The Contractor agrees that, in placing any subcontracts or purchase orders under this contract which involve the use of special tooling, the full cost of which is charged to such subcontract or purchase order, it will to the extent consistent with its normal business practice include appropriate provisions therein to obtain rights comparable to those granted to the Government by this clause, and agrees that it will exercise such rights for the benefit of the Government, as the Contracting Officer may direct.

PART 14—INSPECTION AND ACCEPTANCE

SUBPART A—INSPECTION

NOTE: Section 14.104 *Inspection under Subcontracts*, and § 14.105 *Contract Clauses*, have been renumbered § 14.105 and § 14.106, respectively. The § 14.104 *Rejection of Nonconforming Supplies or Services*, published at 21 F. R. 1098, February 17, 1956, remains in effect.

PART 16—PROCUREMENT FORMS

SUBPART B—FORMS FOR NEGOTIATED PROCUREMENT

1. Pursuant to the revised §§ 16.206 and 16.207, contractors are now authorized to reproduce the following DoD forms: DD Forms 33 and 784. Sections 16.206 and 16.207 now read as follows:

§ 16.206 *Cost and Price Analysis (DD Form 633).* DD Form 633 is designed for submission of cost data by contractors. This form shall be used whenever price analysis is required, except where the contractor's accounting system makes its use impractical, and where the contractor submits the necessary data in an acceptable form. Contractor reproduction of DD Form 633 is also authorized.

§ 16.207 *Cost Analysis for Contract Price Redetermination (DD Form 784).*

§ 16.207–1 *General.* DD Form 784 (Cost Analysis for Contract Price Redetermination) is designed to assure, to the fullest extent practicable, the uniform submission of cost data by contractors when such data are required for contract price redetermination. Contractor reproduction of the form is authorized.

§ 16.207–2 *Conditions for use.* DD Form 784 shall be prepared by the contractor for the submission of cost data required for contract price redetermination except in those instances where the contractor and the appropriate departmental official have agreed upon an alternative method of cost analysis presentation.

§ 16.207–3 *Forms superseded.* This form replaces existing departmental forms currently used solely for this purpose.

SUBPART H—MISCELLANEOUS FORMS

1. Pursuant to the revised § 16.806, contractors are now authorized to reproduce the following DoD form: DD Form 783. Section 16.806 reads as follows:

§ 16.806 *Royalty Report Form (DD Form 783).*

§ 16.806–1 *General.* DD Form 783 is approved for use by contractors in making reports as required by paragraph (a) of the Reporting of Royalties clause of § 9.110 of this subchapter, or for individual reports by contracts as required by the Reporting of Royalties clause of former § 9.103 (prior to Revision No. 1, 4 January 1955, 1955 edition), notwithstanding the fact that the contract clause of former § 9.103 requires the reporting of all royalties. While it is preferred that contractors use DD Form 783 (and contractor reproduction of the form is authorized), the contractor may submit the royalty information in such other form as is considered desirable by the contractor, provided such other form contains all of the information required by the Reporting of Royalties clause of the contract.

§ 16.806–2 *Forms superseded.* DD Form 783, as revised 1 April 1955, supersedes all previous editions and all other forms promulgated by the military departments for the reporting of royalties under individual contracts.

2. A new § 16.812 provides various forms for use as releases and assignments in connection with the "Allowable Cost, Fixed Fee, and Payment" clause (7.203–4) of cost-reimbursement type contracts. Section 16.812 reads as follows:

§ 16.812 *Release and assignment forms.* (a) The forms set forth below are approved for use in complying with paragraphs (e) and (f) of the Allowable Cost, Fixed Fee, and Payment clause set forth in § 7.203–4 of this subchapter. Forms differing from the approved forms may be used if the contracting officer determines that such forms meet the applicable requirements of the clause. Checks received by Army and Air Force contracting officers pursuant to paragraph 2 of the assignments in (d) and (e) below shall be forwarded to the finance officer named in the contract.

(b) Set forth below is an approved form for the contractor's release required by paragraph (e) of the clause in § 7.203–4.

CONTRACTOR'S RELEASE

Contract No. --------

Pursuant to the terms of Contract No. -------- and in consideration of the sum of -------- Dollars ($------) which has been or is to be paid under the said contract to

---

(Contractors name and address)

(hereinafter called the Contractor) or to its assignees, if any, the Contractor, upon payment of the said sum by the United States of America (hereinafter called the Government), does remise, release, and discharge the Government, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract, except:

1. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor, as follows:

2. Claims, together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of the said contract, which are not known to the Contractor on the date of the execution of this release and of which the Contractor gives notice in writing to the Contracting Officer within the period specified in the said contract.

3. Claims for reimbursement of costs, (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the said contract relating to patents.

The Contractor agrees, in connection with patent matters and with claims which are not released as set forth above, that it will comply with all of the provisions of the said contract, including without limitation those provisions relating to notification to the Contracting Officer and relating to the defense or prosecution of litigation.

In witness whereof, this release has been executed this ------ day of ---------- 19---.

(Contractor)

Witnesses:

By ----------

Title ----------

[NOTE: In the case of a corporation, witnesses are not required, but the certificate below must be completed.]

CERTIFICATE

I, ----------, certify that I am the ---------- of the corporation named as Contractor in the foregoing release; that ---------- who signed said release on behalf of the Contractor was then ----------

(Official title)

of said corporation; that said release was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

[CORPORATE SEAL]

(c) Set forth below is an approved form for the assignee's release required by paragraph (e) of the clause in § 7.203–4.

ASSIGNEE'S RELEASE

Contract No. --------

Pursuant to the terms of Contract No. -------- and in consideration of the sum of ---------- Dollars ($------) which has been or is to be paid under the said contract by the United States of America (hereinafter called the Government) to the Contractor or its assignees, the ----------

---

(Assignee's name and address)

(i) A corporation organized and existing under the laws of the State of ----------,

(ii) A partnership consisting of ----------

(iii) An individual trading as ----------

(hereinafter called the Assignee), upon receipt of that part of the said sum due under its assignment, does remise, release and discharge the Government, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract and assignment, except:

1. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor, as follows:

2. Claims, together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of the said contract, which are not known to the Contractor or Assignee on the date of the execution of this release and of which the Contractor or Assignee gives notice in writing to the Contracting Officer within the period specified in the said contract.

3. Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the said contract relating to patents.

The Assignee agrees, in connection with claims which are not released as set forth above, that final payment under the said contract does not modify the requirements and limitations imposed on the Contractor or Assignee by the contract or the assignment, including without limitation those provisions relating to notification to the Contracting Officer and relating to the defense or prosecution of litigation.

In witness whereof, this release has been executed this ---------- day of ---------- 19---.

(Assignee)

Witnesses:

By ----------

Title ----------

[NOTE: In the case of a corporation, witnesses are not required, but the certificate below must be completed.]

CERTIFICATE

I, ----------, certify that I am the ----------

(Official title)

of the corporation named as Assignee in the foregoing release; that ---------- who signed said release on behalf of the Assignee was then ---------- of

(Official title)

said corporation; that said release was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

[CORPORATE SEAL]

(d) Set forth below is an approved form for the contractor's assignment of refunds, rebates, and credits required by paragraph (f) of the clause in § 7.203–4.

CONTRACTOR'S ASSIGNMENT OF REFUNDS, REBATES, AND CREDITS

Contract No. --------

Pursuant to the terms of Contract No. -------- and in consideration of the reimbursement of costs and payment of fee, as provided in the said contract and any assignment thereunder, the ----------

---

(Contractor's name and address)

(hereinafter called the Contractor) does hereby:

1. Assign, transfer, set over and release to the United States of America (hereinafter called the Government), all right, title and interest to all refunds, rebates, credits or other amounts (including any interest thereon) arising out of the performance of the said contract, together with all the rights of action accrued or which may hereafter accrue thereunder.

2. Agree to take whatever action may be necessary to effect prompt collection of all refunds, rebates, credits or other amounts (including any interest (thereon) due or which may become due, and to promptly forward to the (------*) checks (made payable to the Treasurer of the United States) for any proceeds so collected. The reasonable costs of any such action to effect collection shall constitute allowable costs when approved by the Contracting Officer as stated in the said contract and may be applied to reduce any amounts otherwise payable to the Government under the terms hereof.

3. Agree to cooperate fully with the Government as to any claim or suit in connection with refunds, rebates, credits or other amounts due (including any interest thereon); to execute any protest, pleading, application, power of attorney or other papers in connection therewith; and to permit the Government to represent it at any hearing, trial or other proceeding arising out of such claim or suit.

In witness whereof, this assignment has been executed this ------ day of ---------- 19---.

(Contractor)

Witnesses:

By ----------

Title ----------

[NOTE: In the case of a corporation, witnesses are not required, but the following certificate must be completed.]

CERTIFICATE

I, ----------, certify that I am

(Official title)

the ---------- of the corporation named as Contractor in the foregoing assignment; that ---------- who signed said assignment on behalf of the Contractor was then ---------- of said

(Official title)

corporation; that said assignment was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

[CORPORATE SEAL]

In the blank space designated by an asterisk (------*) in the foregoing form, insert in contracts of the Departments of the Army and Air Force the words "Contracting Officer"; in contracts of the Department of the Navy, insert "Navy Department, U. S. Navy Regional Accounts Office, Washington 25, D. C."; in contracts of the Marine Corps, insert "Disbursing Officer, Special Accounts Section (Code CDG) Hqs. Marine Corps, Washington 25, D. C."

(e) Set forth below is an approved form for the assignee's assignment of refunds, rebates, and credits required by paragraph (f) of the clause in § 7.203–4.

ASSIGNEE'S ASSIGNMENT OF REFUNDS, REBATES, AND CREDITS

Contract No. --------

Pursuant to the terms of Contract No. ---------- and in consideration of the reimbursement of costs and payment of fee, as provided in the said

contract and assignment thereunder, the ----------
(Assignee's name and address)
(i) A corporation organized and existing under the laws of the State of ----------
(ii) A partnership consisting of ----------
(iii) An individual trading as ----------, (hereinafter called the Assignee) does hereby:

1. Assign, transfer, set over and release to the United States of America (hereinafter called the Government), all right, title and interest to all refunds, rebates, credits or other amounts (including any interest thereon) arising out of the performance of the said contract, together with all the rights of action accrued or which may hereafter accrue thereunder.

2. Agree to take whatever action may be necessary to effect prompt collection of all refunds, rebates, credits or other amounts (including any interest thereon) due or which may become due, and to promptly forward to the (-------*) checks (made payable to the Treasurer of the United States) for any proceeds so collected. The reasonable costs of any action to effect collection shall constitute allowable costs when approved by the Contracting Officer as stated in the said contract and may be applied to reduce any amounts otherwise payable to the Government under the terms hereof.

3. Agree to cooperate fully with the Government as to any claim or suit in connection with refunds, rebates, credits or other amounts due (including any interest thereon); to execute any protest, pleading, application, power of attorney, or other papers, in connection therewith; and to permit the Government to represent it at any hearing, trial or other proceeding arising out of such claim or suit.

In witness whereof, this assignment has been executed this ____ day of ---------- 19__.

(Assignee)

Witnesses:

By ----------
Title ----------

[NOTE: In the case of a corporation, witnesses are not required, but the following certificate must be completed.]

CERTIFICATE

I, ----------, certify that I am
(Official title)
the ---------- of the corporation named as Assignee in the foregoing assignment; that ---------- who signed said assignment on behalf of the Assignee was then ---------- of said
(Official title)
corporation; that said assignment was duly signed for and in behalf of said corporation by authority of it governing body and is within the scope of its corporate powers.

[CORPORATE SEAL]

In the blank space designated by an asterisk (-------*) in the foregoing form, insert in contracts of the Departments of the Army and Air Force the words "Contracting Officer"; in contracts of the Department of the Navy, insert "Navy Department, U. S. Navy Regional Accounts Office, Washington 25, D. C."; in contracts of the Marine Corps, insert "Disbursing Officer, Special Accounts Section (Code CDG) Hqs., Marine Corps, Washington 25, D. C."

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

R. C. LANPHIER, Jr.,
Deputy Assistant Secretary of Defense (Supply and Logistics).

[F R. Doc. 56-9775; Filed, Nov. 29, 1956; 8:45 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

EFFECT OF FINDING OF PRACTICAL VALUE UPON LICENSES PREVIOUSLY ISSUED

This amendment to Title 10, CFR Part 50, "Licensing of Production and Utilization Facilities," is published for the purpose of adding § 50.24 *Effect of finding of practical value upon licenses previously issued,* to the regulation. Inasmuch as this amendment is designed to clarify existing regulations and not to effect any change in the Commission's procedures and requirements, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure are unnecessary, and that good cause exists why the regulation should be made effective without the customary period of notice.

Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Licensing of Production and Utilization Facilities," is hereby amended by adding the following section to follow § 50.23:

§ 50.24 *Effect of finding of practical value upon licenses previously issued.* The making of a finding of practical value pursuant to section 102 of the act will not be regarded by the Commission as grounds for requiring:

(a) The conversion to a Class 103 license of any Class 104 license prior to the date of expiration contained in the license; or

(b) The conversion to a Class 103 license of any construction permit, issued under section 104 of the act, prior to the date designated in the permit for expiration of the license.

(60 Stat. 755–775; 42 U. S. C. 1801–1819)

Dated at Washington, D. C., this 23rd day of November 1956.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-9830; Filed, Nov. 29, 1956; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 26]

PART 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November 1956.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 28, dated October 3, 1956, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on October 23, 1956 (21 F. R. 8097), pursuant to the provisions of Section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 28 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Appendix A attached to said Notice No. 28, dated October 3, 1956, except as revised by the specific modifications set forth as follows:

1. In § 73.314 paragraph (a) table, the entry "Sulfur dioxide" is changed.
2. Section 74.525 (c) (4) is changed.
3. Section 74.576 (b) is changed.
4. Section 77.817 (a) (1) is changed.

The regulations, as changed, read as set forth below.

It is further ordered, That this order shall become effective February 16, 1957, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5, Commodity List (15 F. R. 8261, 8263, 8267, 8269, 8271, Dec. 2, 1950) (49 CFR 72.5, 1950 Rev.) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Ammonium bichromate	F. S.	73.153, 73.154, 73.235	Yellow	100 pounds.
*Reducing compounds, paint, varnish, lacquer, etc. *See* *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid.				
*Removing compounds, paint, varnish, lacquer, etc. *See* *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid.				
*Sporting powder. *See* Black powder or Propellant explosives, class B explosives.				
Storage batteries, wet. *See* Batteries, electric storage, wet.				
Add				
Explosive release device	Expl. C	No exemption, 73.102		150 pounds.
Monochloroacetic acid, liquid	Cor. L	73.244, 73.294	White	1 quart.

PART 73—SHIPPERS

In § 73.9 amend paragraph (a) (17 F. R. 7279, Aug. 9, 1952) (49 CFR 1950 Rev., 1955 Supp., 73.9) to read as follows:

§ 73.9 *Import and export shipments.* (a) Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by rail freight, rail express, motor vehicle, or water must comply with all requirements of the regulations in Parts 71–78 of this chapter. Except for shipments from Canada conforming with § 73.8, the importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed in Parts 71–78 of this chapter, and the forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping papers as prescribed in this part. Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

• • • • • •

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

In § 73.22 amend paragraph (f) (20 F. R. 4413, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.22) to read as follows:

§ 73.22 *Specification containers prescribed.* • • •

(f) Where the regulations require spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) metal drums, spec. 37D, 37E, 37F, 37G, and 37H metal drums manufactured prior to August 30, 1955, may be continued in use for commodities and gross weights for which they were previously authorized until further order of the Commission.

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.77 amend paragraph (b) (16 F. R. 11776, Nov. 21, 1951) (49 CFR 1950 Rev., 1955 Supp., 73.77) to read as follows:

§ 73.77 *Pentaerythrite tetranitrate.* • • •

(b) Pentaerythrite tetranitrate must be packed wet with not less than 40 percent by weight of water in specification containers 5 or 5B (§ 78.80 or § 78.82 of this chapter) metal barrels or drums, 17H (§ 78.118 of this chapter) metal drums (single-trip), or 10B (§ 78.156 of this chapter) wooden barrels or kegs, with inside containers which must be bags made of at least 10-ounce cotton duck, rubber, or rubberized cloth, which must be securely closed. The dry weight of pentaerythrite tetranitrate in one container must not exceed 300 pounds. These bags containing the pentaerythrite tetranitrate must then be placed in a rubber bag, rubberized cloth bag, or bag made of suitable watertight material and then placed in the barrel, keg, or drum. Any empty space in the outside bag must be filled with water and this bag securely closed.

• • • • • •

2. In § 73.88 amend paragraph (e) (2) (21 F. R. 6342, Aug. 23, 1956) (49 CFR 73.88, 1950 Rev.) to read as follows:

§ 73.88 *Definitions of class B explosives.* • • •

(e) • • •

(2) Starter cartridges, jet engine, consist of plastic and/or rubber cases, each containing a pressed cylindrical block of propellant explosive and having in the top of the case a small plastic compartment that encloses an electric squib, small amounts of black powder, and smokeless powder, which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

• • • • • •

3. In § 73.91 amend paragraph (a) (3); add paragraph (f) (4) (21 F. R. 6342, Aug. 23, 1956) (15 F. R. 8294, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp. 73.91) to read as follows:

§ 73.91 *Special fireworks.* (a) • • •

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds except as provided in subparagraph (5) of this paragraph. Not permitted for illuminating projectiles and aeroplane flares.

• • • • • •

(f) • • •

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes without inside containers may be used for not more than 50 track torpedoes provided the smallest dimension of the box is not less than 6 inches.

• • • • • •

4. In § 73.100 amend paragraph (d); add paragraph (z) (19 F. R. 8526, Dec. 14, 1954) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp. 73.100) to read as follows:

§ 73.100 *Definitions of class C explosives.* • • •

(d) Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene-trinitramine not exceeding 400 grains per linear foot, overspun with tapes, yarns and plasties or waterproofing compounds. Wire countering is permissable.

• • • • • •

(z) Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning.

5. Amend entire § 73.102 (15 F. R. 8296, Dec. 2, 1950) (49 CFR 73.102, 1950 Rev.) to read as follows:

§ 73.102 *Explosive cable cutters or explosive release devices.* (a) Explosive cable cutters or explosive release devices must be packed in strong wooden or metal boxes.

(b) Each outside container must be plainly marked "Explosive Cable Cutters" or "Explosive Release Devices" and "Handle Carefully—Keep Fire Away."

SUBPART C—FLAMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.118 cancel paragraph (d) (21 F. R. 4432, June 23, 1956) (49 CFR 73.118, 1950 Rev.)

§ 73.118 *Exemptions for flammable liquids.* • • •

(d) [Cancel.]

2. In § 73.122 amend paragraph (a) (3) and Note 1 thereto (21 F. R. 6343, Aug. 23, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.122) to read as follows:

§ 73.122 *Acrolein, inhibited.* (a) • • •

(3) Spec. 105A500W (§ 78.288 of this chapter) tank cars, which must be stenciled near the specification number "For Acrolein Only".

NOTE 1: Spec. 105A500W tank cars stencilled 105A300W because of safety valve settings may also be used. Safety valve settings as low as 150 pounds per square inch are authorized provided cars are stencilled above the commodity stencilling "Safety valves • • • lbs.", the stars to be replaced by the appropriate figures to indicate the valve setting.

• • • • •

3. In § 73.123 add paragraph (a) (6) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.123, 1950 Rev.) to read as follows:

§ 73.123 *Ethyl chloride.* (a) • • •

(6) Spec. MC330 (§ 78.336 of this chapter). Tank motor vehicle.

• • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.157 amend paragraph (a) (1) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.157, 1950 Rev.) to read as follows:

§ 73.157 *Benzoyl peroxide, chlorobenzoyl peroxide (para), lauroyl peroxide, or succinic acid peroxide, wet.* (a) • • •

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal containers or lining, spec. 2F (§ 78.25 of this chapter), or with inside paper bags lined with polyethylene at least 0.002 inch thick and not over 1 pound dry weight capacity each; or aluminum drums of at least 16 gauge United States standard, tightly sealed. Gross weight not over 200 pounds.

• • • • •

2. In § 73.182 amend paragraph (b) (4) and (5) (21 F. R. 4432, June 23, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.182) to read as follows:

§ 73.182 *Nitrates.* • • •

(b) • • •

(4) In burlap bags not exceeding 200 pounds net weight, water-resistant, made tight against sifting, and made of not less than 7½-ounce burlap. Ammonium nitrate-carbonate mixtures, calcium nitrate, potassium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

(5) In multi-wall paper bags not exceeding 110 pounds net weight, of at least 4-ply construction including moisture-barrier ply, and made tight against sifting. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture. Ammonium nitrate-carbonate mixtures, calcium nitrate, potassium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

3. In § 73.206 add paragraph (a) (6) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206, 1950 Rev.) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* (a) • • •

(6) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip), with air-tight metal inside containers which must have closing device securely fastened by positive means (not friction). Inside metal containers must be cushioned on all sides by incombustible packing material. Authorized for lithium metal or lithium hydride only.

• • • • •

4. In § 73.221 add paragraph (a) (6) and (7) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.221, 1950 Rev.) to read as follows:

§ 73.221 *Liquid peroxides other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.* (a) • • •

(6) Spec. 1F (§ 78.10 of this chapter). Polyethylene carboys in plywood drums. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

(7) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside Spec. 2S (§ 78.35 of this chapter) polyethylene drum. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

5. In § 73.223 amend paragraph (a) (3); cancel paragraph (a) (4) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.223, 1950 Rev.) to read as follows:

§ 73.223 *Peracetic acid.* (a) • • •

(3) Spec. 1D or 1F (§ 78.4 or § 78.10 of this chapter). Carboys.

(4) [Cancel.]

• • • • •

6. In § 73.234 add paragraph (a) (3) (19 F. R. 1278, Mar. 6, 1954) (49 CFR 73.234, 1950 Rev.) to read as follows:

§ 73.234 *Sodium nitrite.* (a) • • •

(3) Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter). Fiber drums, gross weight 425 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to authorized net weight of 400 pounds.

7. Add § 73.235 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.235, 1950 Rev.) to read as follows:

§ 73.235 *Ammonium bichromate.* (a) Ammonium bichromate must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.154.

(2) Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter). Fiber drums, gross weight not over 425 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to a net weight of 400 pounds.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.247 add paragraph (a) (18) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.247, 1950 Rev.) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(18) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes having inside containers of securely closed soft-lead tubes having not more than 65 fluid ounces capacity each, which tubes shall be individually packed in securely closed steel tubes, with not more than 3 such steel tubes fastened together as a unit. The inside units shall be surrounded on all sides with incombustible mineral material. Authorized for titanium tetrachloride only.

In § 73.249 amend paragraph (a) (10) (21 F. R. 3010, May 5, 1956) (49 CFR 73.249, 1950 Rev.) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate liquid.* (a) • • •

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with not more than one glass inside container not over 1 gallon capacity containing sodium hydroxide solution not over 25 percent strength and packed in a strong fiberboard box. Dry chemicals for photographic development process not classed as dangerous articles, contained in suitable inside packages, may be packed in the same outside box. The marking requirements of § 73.401 (c) shall not apply.

• • • • •

3. § 73.251 add paragraph (a) (2) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.251, 1950 Rev.) to read as follows:

§ 73.251 *Boron trichloride.* (a) • • •

(2) Spec. 105A300W, 106A500 or 106A500X (§ 78.286 or § 78.275 of this chapter). Tank cars.

4. In § 73.257 amend paragraph (a) (9) (21 F. R. 672, Jan. 31, 1956) (49 CFR 73.257, 1950 Rev.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test (Mullen or Cady) double-wall corrugated fiberboard or 325-pound test (Mullen or Cady) double-faced corrugated fiberboard, with not more than 12 inside glass bottles, having acid-proof closures, of not over 32 ounces capacity each. Inside glass bottles must be separated and cushioned by suitable corrugated fiberboard partitions. The box must be equipped with top and bottom pads. (See § 78.205–32 of this chapter.)

• • • • •

5. In § 73.263 cancel paragraph (a) (16); add paragraph (d) (21 F. R. 672, Jan. 31, 1956) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) • • •

(16) [Cancel.]

• • • • •

(d) Hydrochloric acid mixtures of not over 28 percent strength, or cleaning compounds, liquid, containing not over 28 percent hydrochloric (muriatic) acid, in addition to the provisions of paragraphs (a) and (b) of this section, may be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes constructed of at least 275-pound test (Mullen or Cady) double-wall corrugated fiberboard or 325-pound test (Mullen or Cady) double-faced corrugated fiberboard, with not more than 12 inside glass bottles, having acid-proof closures, of not over 32 ounces capacity each. Inside glass bottles must be separated and cushioned by suitable corrugated fiberboard partitions. The box must be equipped with top and bottom pads. (See § 78.205–32 of this chapter.)

6. In § 73.266 add paragraph (c) (6) (15 F. R. 8318, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water.* • • •

(c) • • •

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside aluminum bottles constructed of at least 99 percent pure aluminum of not over 5 pounds or 5 pints capacity each. Each bottle shall be individually partitioned and surrounded by incombustible mineral packing material in the outside shipping container. Bottle closure shall be by means of a threaded aluminum cap, fitted with polyethylene gasket or other equally efficient closing device. A venting device which will not leak liquid under conditions normally incident to transportation is permitted.

• • • • •

7. In § 73.268 add paragraph (j) (15 F. R. 8320, Dec. 2, 1950) (49 CFR 73.268, 1950 Rev.) to read as follows:

§ 73.268 *Nitric acid.* • • •

(j) Nitric acid of not over 50 percent concentration, when offered for transportation by rail express, may in addition to the provisions of paragraph (i) of this section be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§ 78.168, § 78.169, § 78.170, § 78.185, § 78.190, or § 78.205 of this chapter). Wooden or fiberboard boxes with not over 12 inside glass ampoules having capacity not over 4 fluid ounces each. Each glass ampoule must be well cushioned with incombustible mineral packing material, such as vermiculite or other equally efficient material, and be packed in a cylindrical cardboard tube having wall thickness of at least ⅛ inch, with the inside coated with wax, and be equipped with metal bottom and with metal screw-cap top. The inside packages must be separated by efficient means.

8. In § 73.271 add paragraph (d) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* • • •

(d) Spec. MC310 or MC311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles when tanks are clad with 20 percent type 316 stainless steel. Authorized for phosphorus oxychloride only.

9. In § 73.289 amend paragraph (a) (10) (21 F. R. 672, Jan. 31, 1956) (49 CFR 73.289, 1950 Rev.) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(10) Spec. 1F, 1G, or 1H (§ 78.10, § 78.11 or § 78.13 of this chapter). Polyethylene carboys in wooden boxes, plywood drums or boxes, or metal crates.

• • • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
Change		
Difluoroethane	79	ICC–106A500, 106A500X, 110A500W, Note 12.
Difluoromonochloroethane	100	ICC–106A500, 106A500X, 110A500W, Note 12.
Monochlorotetrafluoroethane	125	ICC–106A500, 106A500X, 110A500W, Note 12.
Sulfur dioxide	125	ICC–106A500, 106A500X, 110A500W, Note 12, 105A-300, 105A300W.
Add		
Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.)	Note 6	ICC–105A100AL–W.

• • • • •

(f) Except as authorized by § 73.8, tank cars made in foreign countries, except Canada, must not be used in domestic traffic until they have been tested in this country and proper reports rendered as required by the specifications that apply.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.346 add paragraph (a) (15) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(15) Spec. 21B (§ 78.223 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

2. In § 73.358 add paragraph (a) (10) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev. 1955 Supp., 73.358) to read as follows:

10. Add § 73.294 (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.294, 1950 Rev.) to read as follows:

§ 73.294 *Monochloroacetic acid, liquid.* (a) Monochloroacetic acid, liquid, must be packed in specification containers as follows:

(1) In containers prescribed in § 73.245 (a) (1), (2), (3), (6), or (7).

(2) Spec. 103 A–N–W or 103 A–W (§ 78.299 or § 78.281 of this chapter). Tank cars. 103 A–W tank cars must be nickel clad at least 20 percent.

(3) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles. Tanks must be made from Type 316 stainless steel or be suitably lined.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.302 amend paragraph (a) (1) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.302, 1950 Rev.) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) • • •

(1) In containers not exceeding 2 inches outside diameter and of not more than 4 fluid ounces capacity.

• • • • •

2. In § 73.314 amend paragraph (a) table; amend paragraph (f) (19 F. R. 8528, Dec. 14, 1954) (20 F. R. 8103, Oct. 28, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, liquid.* (a) • • •

(10) Spec. 42B (§ 78.107 of this chapter). Aluminum drums.

3. In § 73.359 add paragraphs (a) (10) and (b) (8) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1955 Supp., 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) • • •

(10) Spec. 42B (§ 78.107 of this chapter). Aluminum drums.

(b) • • •

(8) Spec. 42B (§ 78.107 of this chapter). Aluminum drums.

• • • • •

4. In § 73.391 amend paragraph (b) Note 1 (20 F. R. 952, Feb. 15, 1955) (49

CFR 1950 Rev., 1955 Supp., 73.391) to read as follows:

§ 73.391 *Radioactive materials class D poison, definition.* • • •

(b) • • •

NOTE 1. For purposes of Parts 71–78 of this chapter 1 millicurie is that amount of any radioactive material which disintegrates at the rate of 37 million atoms per second. One thousand millicuries is equal to one curie.

• • • • • •

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 73.414 amend the label in paragraph (a); amend the label in paragraph (b) (21 F. R. 674, Jan. 31, 1956) (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.414, 1950 Rev.) as follows:

§ 73.414 *Radioactive materials labels.*

(a) • • •

(Red printing on white)

• • • • • •

(b) • • •

(Blue printing on white)

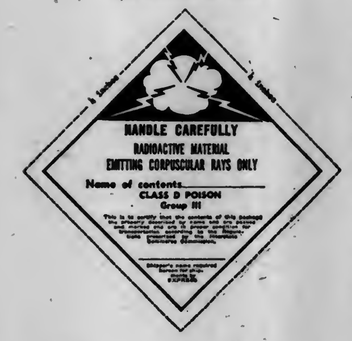

• • • • • •

SUBPART I—SHIPPING INSTRUCTIONS

In § 73.427 amend paragraph (a) (21 F. R. 673, Jan. 31, 1956) (49 CFR 73.427, 1950 Rev.) to read as follows:

§ 73.427 *Shipping order and bill of lading description.* (a) The shipper when offering for transportation by carriers by rail freight, rail express, highway, or water any class A, class B, or class C explosive, flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, as defined by this part, must describe such article in the shipping order, bill of lading or other shipping paper by the shipping name used in § 72.5 (see commodity list) of this chapter and may add a further description not inconsistent therewith. Abbreviations must not be used. For shipments of blasting caps and/or electric blasting caps the shipper must, in addition, show the number of caps in the shipment.

(No change in Note 1.)

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

In § 74.525 amend the introductory text of paragraph (b); amend paragraph (c) (3); add paragraph (c) (4) (15 F. R. 8346, Dec. 2, 1950) (20 F. R. 952, 953, Feb. 15, 1955) (49 CFR 1950 Rev., 1955 Supp., 74.525) to read as follows:

§ 74.525 *Loading packages of explosives in cars, selection, preparation, inspection of car and certificate.* • • •

(b) Certified closed cars must be inspected inside and outside, other cars must be inspected as applicable to the type of car, and must conform to the following specifications:

• • • • • •

(c) • • •

(3) Car certificate: The following certificate, printed on strong tag board measuring 7 by 7 inches, or 6 by 8 inches, must be duly executed in triplicate by the carrier, and by the shipper, if he loads the shipment; the original must be filed by the carrier at the forwarding station on a separate file; and the other two must be attached, one to each outer side of car to the fixed placard board or to the side of wooden car between car initials and the car door, or as otherwise provided. (See § 74.549.)

----------Railroad

CAR CERTIFICATE

No. 1. ---------- Station, ----------, 19--

I hereby certify that I have this day personally examined ---------- car No. ----------; and that car structure has no loose boards, holes or cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the kingbolts and draft bolts are properly protected and that there are no uncovered pieces of metal or nails projecting from the car which might cause injury to packages or containers of explosives; also that the floor is in good condition and has this day been cleanly swept before the car was loaded; that I have examined all the axle boxes and that they are properly covered, packed, and oiled, and that the air brakes and hand brakes are in condition for service.

(Railway employe inspecting car)

No. 2. ---------- Station, ----------, 19--

I hereby certify that I have this day personally examined the above car; that the floor is in good condition and has been cleanly swept and that car structure has no loose boards, holes, cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the kingbolts and draft bolts are protected, and that there are no uncovered pieces of metal or nails projecting from the car which might cause injury to packages or containers of explosives; that the explosives in or on this car have been loaded and braced and the car has been placarded, according to the Regulations for the transportation of explosives prescribed by the Interstate Commerce Commission; that the doors of car so equipped fit or have been stripped so that sparks cannot get in at the joints or bottom.

(Shipper)

(Railway employe inspecting loading and bracing)

NOTE 1: Both certificates must be signed; certificate No. 1 by the representative of the carrier. For all shipments loaded by the shipper he or his authorized agent must sign certificate No. 2, and the representative of the carrier must certify as to loading, bracing and general conditions. When the car is not loaded by the shipper, certificate No. 2 must be signed only by the representative of the carrier. A shipper must decline to use a car not in proper condition.

(4) Car certificates remaining on hand and which were authorized by regulations in effect prior to February 16, 1957, may be used for closed car inspections until stocks are exhausted.

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend entire § 74.538 *Loading and storage chart* (15 F. R. 8349, 8350, Dec. 2, 1950) (16 F. R. 11780, Nov. 21, 1951) (17 F. R. 9839, Nov. 1, 1952) (18 F. R. 5273, Sept. 1, 1953) (19 F. R. 1281, Mar. 6, 1954) (20 F. R. 4418, June 23, 1955) (20 F. R. 8106, Oct. 28, 1955) (21 F. R. 674, Jan. 31, 1956) (21 F. R. 3013, May 5, 1956) (21 F. R. 6346, Aug. 23, 1956) (49 CFR 1950 Rev., 1955 Supp., 74.538) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) Explosives or other dangerous articles must not be loaded, transported, or stored together, except as provided in the Loading and Storage Chart of Explosives and Other Dangerous Articles shown in this section.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
CLASS A EXPLOSIVES																							
Low explosives or black powder	(a)			X							X						X	X	X	X	X	X	X
High explosives or propellant explosives, class A	(b)			X	X			X			X						X	X	*X	X	X	X	X
Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine pentaerythrite tetranitrate, tetrazene	(c)	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	(d)		X	X		X	X				*X						*X	*X	**X	*X	*X	X	X
Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [2]	(e)			X	X			X			X						X	X	X	X	X	X	X
Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A [3]	(f)			X	X			X			X						X	X	X	X	X	X	X
Detonating fuzes, class A, with or without radioactive components	(g)		X	X		X	X				X						X	X	X	X	X	X	X
CLASS B EXPLOSIVES																							
Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	1			X																*X		X	
Propellant explosives, class B, jet thrust units (jato) class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	2			X																*X		X	
Fireworks, special or railway torpedoes	3	X	X	X	*X	X	X	X														X	
CLASS C EXPLOSIVES																							
Small arms ammunition	4			X																			
Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	5			X																			
Percussion fuzes, tracer fuzes or tracers	6			X																			
Time, combination or detonating fuzes, class C	7																						
Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	8																						
Fireworks, common, highway fusees or railway fusees	9																X	X	X	X	X	X	X
Flammable liquids or compressed flammable gases, red label	10																X	X	X	X	X	X	X
Flammable solids or oxidizing materials, yellow label	11																X	*X	X	X	X	X	X
Acids or corrosive liquids, white label	12																X	X	X	X	X	X	X
Compressed nonflammable gases, green label	13																X	X	X	X	X	X	X
Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	14																X	X	X	X	X	X	X
Radioactive materials (class D poisons)	15																X	X	X	X	X	X	X

See footnotes at end of table.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition, or ammunition with empty, inert-loaded or solid projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators •,♦	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A •	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	Fireworks, special or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridges, empty primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fusees or railway fusees	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids or corrosive liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials (class D poisons)
CLASS C EXPLOSIVES—con.																							
Time, combination or detonating fuzes, class C	7			X																			
Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	8			X																			
Fireworks, common, highway fusees or railway fusees	9	X	X	X	•X	X	X	X														X	
OTHER DANGEROUS ARTICLES																							
Flammable liquids or compressed flammable gases, red label	10	X	X	X	•X	X	X	X														X	
Flammable solids or oxidizing materials, yellow label	11	X	•X	X	••X	X	X	X												▸X		X	
Acids or corrosive liquids, white label	12	X	X	X	•X	X	X	X	▸X	▸X									▸X			X	
Compressed nonflammable gases, green label	13	X	X	X	•X	X	X	X														X	
Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	14	X	X	X	X	X	X	X	X	X	X					X	X	X	X				
Radioactive materials (class D poisons)	15	X	X	X	X	X	X	X															

• Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with articles named in vertical and horizontal columns 3, 9, 10, 11, 12, and 13. Loading and transportation of blasting caps or electric blasting caps in any quantity with articles named in vertical or horizontal columns b, c, e, or f is prohibited.

▸ Unless loaded in opposite ends of car, acids or other corrosive liquids, white label, must not be loaded with yellow label articles, ammunition for cannon with or without projectiles or propellant explosives, except that shippers loading carload shipments of white label and yellow label articles may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

• Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

♦ Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

• Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives or with blasting caps and detonating primers.

NOTE 1: Charged electric storage batteries must not be loaded in the same car nor stored with any class A explosive.

NOTE 2: Cyanides or cyanide mixtures must not be loaded or stored with acids or corrosive liquids.

NOTE 3: Gas identification sets may be loaded and transported with all articles named except those in column c.

NOTE 4: Nitric acid, when loaded in the same car with other acids or other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank, set on edge, should be nailed across the car floor at least 12 inches from the nitric acid carboys, and the space between the plank and the carboys of nitric acid should be filled with sand sifted ashes, or other incombustible absorbent material.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

1. In § 74.576 add paragraph (b) (15 F. R. 8354 Dec. 2, 1950) (49 CFR 74.576, 1950 Rev.) to read as follows:

§ 74.576 *Intermediate shippers and carriers.* • • •

(b) Every carrier offering or delivering for rail transportation any loaded motor vehicle or any loaded motor vehicle trailer, semi-trailer, or container containing any shipment of an explosive or other dangerous article shall show on the shipping order, shipping paper, transfer sheet, or other billing issued in lieu thereof, in addition to the description of the vehicle or container, the proper and definite name of the commodity as shown in § 72.5 of this chapter and the color or kind of label or kind of placards applied.

2. In § 74.600 add paragraph (c) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 74.600, 1950 Rev.) to read as follows:

§ 74.600 *In case of a wreck.* • • •

(c) Whenever a car placarded "Dangerous—Class D Poison" is involved in a wreck resulting in damage to any container of radioactive material, such container should be isolated as far as practicable from human contact. The shipper and the Bureau of Explosives must be notified immediately. Cars, building, equipment, or areas in which radioactive materials have been spilled must not be again placed in service or occupied until it has been determined that no dangerous contamination exists.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.803 amend paragraph (a) (15 F. R. 8361, 8362, Dec. 2, 1950) (49 CFR 77.803, 1950 Rev.) to read as follows:

§ 77.803 *Import shipments by domestic carriers by motor vehicles.* (a) Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by motor vehicle must comply with all requirements of Parts 71–78 of this chapter. Except for shipments from Canada conforming with § 73.8 of this chapter, the importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed in Parts 71–78 of this chapter, and the forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping papers as prescribed in Parts 71–78 of this chapter.

• • • • •

2. In § 77.817 amend entire paragraph (a) (20 F. R. 953, Feb. 15, 1955) (21 F. R. 4433, June 23, 1956) (49 CFR 1950 Rev., 1955 Supp., 77.817) to read as follows:

§ 77.817 *Shipping papers.* (a) Every motor carrier operating a motor vehicle transporting explosives or other dangerous articles shall require the driver of the vehicle to have in his possession, and the driver shall keep in his possession during the course of such transportation, a manifest, memorandum receipt, bill of lading, shipping order, shipping paper, or other memorandum setting forth the following information for each class of such article being transported: The shipping name, the total quantity by weight, volume, or otherwise as appropriate of each kind of explosive or other dangerous article, and the prescribed label when required for the outside container of such article. For shipments of blasting caps or electric blasting caps the shipper must, in addition, show the number of caps in the shipment.

(1) Every carrier offering or delivering for rail transportation any loaded motor vehicle or any loaded motor vehicle trailer, semi-trailer, or container containing any shipment of an explosive or other dangerous article shall show on the shipping order, shipping paper, transfer sheet, or other billing issued in lieu thereof, in addition to the description of the vehicle or container, the proper and definite name of the commodity as shown in § 72.5 of this chapter and the color or kind of label or kind of placards applied.

3. In § 77.820 amend paragraph (a) (15 F. R. 8363, Dec. 2, 1950) (49 CFR 77.820, 1950 Rev.) to read as follows:

§ 77.820 *Waybills, manifests, etc.* (a) The waybill, manifest, dispatch, memorandum receipt, bill of lading, transfer sheet, or interchange record, when prepared for shipments and used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in § 72.5 of this chapter, and show color of label applied. (See § 77.817.)

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend entire § 77.848 *Loading and storage chart* (15 F. R. 8368, 8369, Dec. 2, 1950) (16 F. R. 11781, Nov. 21, 1951) (17 F. R. 9839, 9840, Nov. 1, 1952) (18 F. R. 5274, Sept. 1, 1953) (20 F. R. 4418, June 23, 1955) (20 F. R. 8106, Oct. 28, 1955) (21 F. R. 674, Jan. 31, 1956) (21 F. R. 3013, May 5, 1956) (21 F. R. 6347, Aug. 23, 1956) (49 CFR, 1950 Rev., 1955 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) Explosives or other dangerous articles must not be loaded, transported, or stored together, except as provided in the Loading and Storage Chart of Explosives and Other Dangerous Articles shown in this section.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition, or ammunition with empty, inert-loaded or solid projectiles or without projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators •,♦	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A •	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	Fireworks special or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridges, empty primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fusees or railway fusees	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids or corrosive liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials (class D poisons)
CLASS A EXPLOSIVES																							
Low explosives or black powder	(*)			X							X						X	X	X	X	X	X	X
High explosives or propellant explosive, class A	(*)			X	X			X			X						X	X	X	X	X	X	X
Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanylnitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitromannite, nitroguanidine pentaerythrite tetranitrate, tetrazene	(*)	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	(*)		X	X		X	X				• X						• X	• X	•• X	• X	• X	X	X

See footnotes at end of table.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [a]	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A [a]	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	Fireworks, special or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fuses or railway fuses	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids or corrosive liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials (class D poisons)
CLASS A EXPLOSIVES—continued																							
Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [a]	(a)			X	X			X			X								X	X	X	X	X	X
Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A [a]	(f)			X	X			X			X								X	X	X	X	X	X
Detonating fuzes, class A, with or without radioactive components	(a)		X	X		X	X				X								X	X	X	X	X	X
CLASS B EXPLOSIVES																							
Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	1			X																[b]X		X	
Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	2			X																[b]X		X	
Fireworks, special or railway torpedoes	3	X	X	X	[c]X	X	X	X														X	
CLASS C EXPLOSIVES																							
Small arms ammunition	4			X																			
Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	5			X																			
Percussion fuzes, tracer fuzes or tracers	6			X																			
Time, combination or detonating fuzes, class C	7			X																			
Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	8			X																			
Fireworks, common, highway fuses or railway fuses	9	X	X	X	[c]X	X	X	X														X	

See footnotes at end of table.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [a]	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A or igniters, jet thrust (jato), explosive, class A [a]	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Propellant explosives, class B, jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engines, class B	Fireworks, special or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fuses or railway fuses	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids or corrosive liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials (class D poisons)
OTHER DANGEROUS ARTICLES																							
Flammable liquids or compressed flammable gases, red label	10	X	X	X	[d]X	X	X	X														X	
Flammable solids or oxidizing materials, yellow	11	X	[d]X	X	[d]X	X	X	X														X	
Acids or corrosive liquids, white label	12	X	X	X	[d]X	X	X	X	[e]X	[e]X												X	
Compressed nonflammable gases, green label	13	X	X	X	[d]X	X	X	X															
Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	14	X	X	X	X	X	X	X	X	X	X	X								X	X	X	X
Radioactive materials (class D poisons)	15	X	X	X	X	X	X	X														X	

[a] Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with articles named in vertical and horizontal columns 3, 9, 10, 11, 12, and 13. Loading and transportation of blasting caps or electric blasting caps except as prescribed in § 77.835, in any quantity, with articles named in vertical or horizontal columns b, c, e, or f is prohibited.

[b] Acid or other corrosive liquids, white label, must not be loaded above or adjacent to flammable solids or oxidizing materials, yellow label, ammunition for cannon with or without projectiles, or propellant explosive, except that shippers loading truckload shipments of white label and yellow label packages may load such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

[c] Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

[d] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

[e] Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives or with blasting caps and detonating primers.

NOTE 1: Charged electric storage batteries must not be loaded in the same vehicle with explosives, class A.

NOTE 2: Cyanides or cyanide mixtures must not be losded or stored with acids or corrosive liquids.

NOTE 3: Gas identification sets may be loaded and transported with all articles named except those in column c.

NOTE 4: Nitric acid, when loaded in the same motor vehicle with other acids or other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank, set on edge, should be nailed across the motor vehicle floor at least 12 inches from the nitric acid carboys, and the space between the plank and the carboys of nitric acid should be filled with sand, sifted asbes, or other incombustible absorbent material.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

In § 78.131–6 paragraph (a) table, change the last number in the second column to read "480" instead of "450" (20 F. R. 4419, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp., 78.131–6) to read as follows:

§ 78.131 *Specification 37A; steel drums.*

§ 78.131–6 *Capacities, weights, type, and gauges.* (a) • • •

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness in the black (gauge, United States standard)[1]		Minimum ring gauge bolted type [2]
			Body sheet [2]	Head sheet	
5	60	Straight side	26	26	Lug or plain ring seal.
5	80	....do	24	24	
10	160	....do	24	24	
55	180	....do	26	26	18, plain.
55	275	....do	24	24	18, plain.
55	350	....do	24	24	16, 2-inch overlap.
55	480	....do	22	22	16, 2-inch overlap.

(Footnotes remain the same.)

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

In § 78.165–8 amend footnote 2 to paragraph (a) table (20 F. R. 8109, Oct. 28, 1955) (49 CFR 1950 Rev., 1955 Supp., 78.165–8) to read as follows:

§ 78.165 *Specification 14; wooden boxes nailed.*

§ 78.165–8 *Parts and dimensions.* (a) • • •

[2] Tops and bottoms may be made of paper covered veneer board of good quality Douglas fir, or lumber of equal quality, having minimum thickness of ⅛ inch and free from decay, objectionable knots that interfere with nailing, splits, gaps, and other defects that materially lessen the strength. Paper covering shall be at least Kraft untreated linerboard having a basis weight of 42 pounds per 1,000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board. Board ends must be provided with such reinforcement as may be necessary to provide strength for nailing.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. In § 78.205–32 amend the heading (21 F. R. 676, Jan. 31, 1956) (49 CFR 1950 Rev., 1955 Supp., 78.205–32) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205–32 *Special box; authorized only for electrolyte (acid), corrosive battery fluid, hydrochloric acid mixtures of not over 28 percent strength, or cleaning compounds, liquid, containing not over 28 percent hydrochloric (muriatic) acid.* • • •

2. In § 78.214–8 amend paragraph (a) (18 F. R. 5278, Sept. 1, 1953) (49 CFR 1950 Rev., 1955 Supp., 78.214–8) to read as follows:

§ 78.214 *Specification 23F; fiberboard boxes.*

§ 78.214–8 *Type authorized.* (a) Of solid fiberboard; 1-piece, or 3-piece without recessed heads, fitted with lining tube or lining tubes as prescribed in § 78.214–15, except that lining tubes are not required for boxes used for shipments of electric blasting caps packed in accordance with § 73.66 (g) (1) of this chapter, or when box is constructed of 1-piece of not less than 600-pound test board weighing not less than 300 pounds per 1,000 square feet. Boxes having handholes are authorized when approved by the Bureau of Explosives.

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

In § 78.245–1 amend paragraph (c) (17 F. R. 7287, Aug. 9, 1952) (49 CFR 1950 Rev., 1955 Supp., 78.245–1) to read as follows:

§ 78.245 *Specification 51; steel portable tanks.*

§ 78.245–1 *Requirements for design and construction.* • • •

(c) On and after August 31, 1953, every uninsulated portable tank shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.265–7 paragraph (b), amend only the third sentence within; in § 78.265–10 paragraph (b), amend only the last two sentences within (21 F. R. 4567, 4568, June 26, 1956) (49 CFR 1950 Rev., 1955 Supp., 78.265–7, –10) to read as follows:

§ 78.265 *Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.265–7 *Riveting.* • • •

(b) • • • Riveted seams and joints must be made metal to metal without interposition of other material, with the exception that the use of 2 liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between 2 rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible.

• • • • • •

§ 78.265–10 *Expansion dome.* • • •

(b) • • • When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

• • • • • •

2. Amend § 78.285–7 paragraph (a) (21 F. R. 4598, June 26, 1956) (49 CFR 78.285–7, 1950 Rev.) to read as follows:

§ 78.285 *Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.285–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

3. In § 78.293–17 paragraph (b), amend only the table titled, "Record of Hydrostatic Tests on Tanks" (21 F. R. 4612, 4613, June 26, 1956) (49 CFR 1950 Rev., 1955 Supp., 78.293–17) to read as follows:

§ 78.293 *Specification 110A500–W; metallic arc fusion-welded steel tanks to be mounted on a car.*

§ 78.293–17 *Inspection and reports.* • • •

(b) • • •

(Place)_____

(Date)_____

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered_____to_____Inclusive.

Size_____inches outside diameter by_____inches long.

Made by_____Company.

For_____Company.

Serial Nos. of tanks tested	Actual test pressure (pounds per square inch)	Total expansion (c. c.)[1]	Permanent expansion (c. c.)[1]	Percent ratio of permanent expansion to total expansion	Tare weight pounds[2]	Capacity in pounds of water at 60° F.

(Signed)_____

(NOTE: Footnotes remain the same.)

• • • • • • •

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

In § 78.336–1 amend paragraph (c) (21 F. R. 676, Jan. 31, 1956) (49 CFR 1950 Rev., 1955 Supp., 78.336–1) to read as follows:

§ 78.336 *Specification MC 330; Steel cargo tanks.*

§ 78.336–1 *Requirements for design and construction.* • • •

(c) On and after August 31, 1953, every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

[F. R. Doc. 56–9798; Filed, Nov. 29, 1956; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

EXPORT-IMPORT BANK OF WASHINGTON

Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 6.140 as set out below.

§ 6.140 *Export-Import Bank of Washington.* • • •

(c) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–9819; Filed, Nov. 29, 1956; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 423.1]

PART 323—LAND DEVELOPMENT

REVOCATION OF PART

Part 323, Title 6, Code of Federal Regulations (13 F. R. 9402) is hereby revoked.

Dated: November 26, 1956.

[SEAL] D. H. SMITH,
Acting Administrator, Farmers Home Administration.

[F. R. Doc. 56–9823; Filed, Nov. 29, 1956; 8:51 a. m.]

Subchapter C—Production and Subsistence Loans

[Administration Letter 329 (400)]

PART 341—POLICIES AND AUTHORITIES

REVOCATION OF SECTION

Section 341.9, Title 6, Code of Federal Regulations (20 F. R. 395), relating to the making and servicing of loans to poultrymen to finance commercial laying flocks, is hereby revoked.

Dated: November 26, 1956.

[SEAL] D. H. SMITH,
Acting Administrator, Farmers Home Administration.

[F. R. Doc. 56–9822; Filed, Nov. 29, 1956; 8:51 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT II

This supplement to the regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 4847, 5205, 5259, 5685, 5959, 6879, 7611 and 7612 (hereinafter referred to as "the regulations"), is for the purpose of clarifying the amount of compensation payable to producers under the circumstances set forth below.

1. Producers who (i) entered into a "Soil Bank Acreage Reserve Agreement 1956" on the basis of underplanting the allotment or Soil Bank corn base, (ii) substantially complied with respect to underplanting the allotment or Soil Bank corn base but not to the extent of the smaller of the number of acres which the producer agreed to place in the acreage reserve or the number of acres in the acreage reserve, and (iii) subsequent to determination of the number of acres underplanted, and not later than the date specified in § 485.111 (b), plowed under or otherwise physically incorporated into the soil by clipping, mowing, or cutting an acreage of the eligible commodity, shall be entitled to compensation as follows:

(a) With respect to the number of acres by which the allotment or Soil Bank corn base was underplanted, compensation shall be payable at the rate per acre set forth in the agreement;

(b) With respect to the acreage of the eligible commodity plowed under or similarly disposed of, which together with the acreage underplanted does not exceed the smaller of the number of acres which the producer agreed to place in the acreage reserve or the number of acres in the acreage reserve, compensation shall be payable at a rate per acre determined in accordance with the provisions of the regulations pertaining to compensation for reduction of acreage by such means. The appraised yield for the field on which the adjustment took place shall be determined by the county committee on the basis of the actual condition of the crop before such adjustment took place.

2. The regulations, including the provisions of § 485.110 (e) relating to liens and encumbrances, shall be applicable under the circumstances covered by this clarification.

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 27th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–9828; Filed, Nov. 29, 1956; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Basis and purpose. The regulations contained in §§ 711.1 to 711.30 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281 et seq.), hereinafter referred to as the "act", and govern the review of farm marketing quotas of commodities under section 363 of the act.

The purpose of this revision is to revise the Marketing Quota Review Regulations approved February 21, 1947 and published in the FEDERAL REGISTER on February 27, 1947 (12 F. R. 1383; 7 CFR 711.1 to 711.36), as amended. The principal changes are as follows: (1) written answers to be prepared by the county committee in all cases, (2) hearings to be scheduled within 60 days after filing of applications unless the State committee authorizes more time due to volume of work, (3) determinations by review committee to be made within one week after hearing is completed unless more time is required because of delay in obtaining transcripts or the holding of other hearings, (4) request of the Secretary to reopen any hearing to be made within 45 days after the mailing of the review committee's determination, (5) alternate members of the review committee may be designated to serve without regard to their order of appointment, (6) clarification as to which review committeemen shall hear cases remanded for further proceedings by a court, (7) hearings to be scheduled by the State Administrative Officer, (8) elimination of requirement that notice of appointment of review committee members be made part of the record of hearings and (9) clarification of duties of State Administrative Officer and clerk to the review committee in case of court proceedings. In addition, substantial editorial changes have been made.

In accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), notice was published in the FEDERAL REGISTER on October 16, 1956 (21 F. R. 7917), that the Secretary of Agriculture had under consideration the revision of the Marketing Quota Review Regulations. The data, views and recommendations submitted by interested persons have been duly considered within the limits of the applicable provisions of the act.

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AUTHORITY: §§ 711.1 to 711.30 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375.

§ 711.1 *Effective dates.* The Marketing Quota Review Regulations approved February 21, 1947 and published in the FEDERAL REGISTER on February 27, 1947 (12 F. R. 1383; 7 CFR 711.1 to 711.36), as amended, shall remain in effect and apply to all hearings held in 1956 and such regulations are superseded as of midnight, December 31, 1956. The provisions of §§ 711.1 to 711.30 are effective January 1, 1957.

DEFINITIONS

§ 711.2 *Definitions.* The following terms, unless the context or subject matter otherwise requires, shall have the following meanings:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the applicable Division, Commodity Stabilization Service, United States Department of Agriculture. The applicable Division shall be the Cotton Division in the case of cotton; the Oils and Peanut Division in the case of peanuts; the Tobacco Division in the case of tobacco; and the Grain Division in the case of rice and wheat.

(e) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(f) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(g) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees (21 F. R. 8385).

(h) "Quota" means a farm marketing quota established under the act.

(i) "Application" means an application for review of a quota under section 363 of the act.

(j) "Clerk to the review committee" means the county office manager or other person designated by the county committee to serve as clerk to the review committee in the county.

(k) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture.

(l) "County office manager" means the person employed by the county committee to execute the policies of the county committee and to be responsible for the day-to-day operations of the office of the county committee (hereinafter referred to as the "county office"), or the person acting in such capacity.

(m) "State Administrative Officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee (hereinafter referred to as the "State office"), or the person acting in such capacity.

THE REVIEW COMMITTEE

§ 711.3 *Eligibility as review committeeman.* Any farmer who meets the eligibility requirements for county committeeman prescribed in the regulations governing the Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees (21 F. R. 8385) in a county within the area of venue, and is not a member of a county committee shall be eligible to serve as a regular or alternate member of a review committee. If the area of venue consists of only one county these eligibility requirements must be met in that county or in a nearby county. No person whose legal residence is in one State shall be eligible to serve on a review committee in another State.

§ 711.4 *Appointment.* Three eligible farmers shall be appointed as regular members and three eligible farmers shall be appointed as alternate members to serve on each review committee. The Secretary shall make the appointments and designate one of the regular members as chairman and another regular member as vice-chairman. Notice of appointment shall be sent to the State committee, which shall in turn notify the farmers and the clerk to the review committee. Appointments may be made before, during, or after the period during which applications are required to be filed. Notwithstanding the foregoing, the Secretary shall have the continuing power to revoke or suspend any appointment made pursuant to the regulations in this part, and subject to the provisions of the act to make such other appointment as he may deem proper.

§ 711.5 *Oath of office.* Each farmer appointed as a regular or alternate member shall, as soon as possible after appointment, execute an oath of office on Form MQ–59, "Oath of Review Committeeman", duly subscribed and sworn to or affirmed before a notary public. The oath of office is as follows:

I, ----------, do solemnly swear (or affirm) that I will faithfully, justly, and honestly perform, to the best of my ability all the duties developing upon me as a member of a committee for the review of farm marketing quotas as established by the Secretary of Agriculture through local committees under and by virtue of Title III of the Agricultural Adjustment Act of 1938, as amended. I understand that under the Marketing Quota Review Regulations the review committee may take into consideration only such matters as the county committee was authorized to consider in establishing the farm marketing quota being reviewed, and I further swear (or affirm) that I will fully observe and comply with this provision of the Marketing Quota Review Regulations in serving as a member of the review committee. So help me God.

No person shall act as review committeeman unless such oath of office has been duly executed and filed with the State office or the clerk to the review committee.

§ 711.6 *Composition.* Three regular members shall act as a review committee for the prescribed area of venue established pursuant to the regulations in this part. In the absence of the chairman, the vice-chairman shall perform the duties and exercise the powers of the chairman and in the absence of both the chairman and vice-chairman, the other regular member shall, as acting chairman, perform the duties and exercise the powers of the chairman. The State Administrative Officer shall schedule hearings and designate alternate members to serve in the event of the absence of regular members, in case of vacancies, or in case alternate members are deemed to be better qualified to serve in a particular case, but not more than two alternate members may serve concurrently. The State Administrative Officer shall arrange for notifying review committeemen of the schedule of hearings. No regular or alternate member shall serve in any case in which quota will be reviewed for a farm in which such member, any of his relatives, or business associates is interested, nor shall any regular or alternate member serve where he had acted as State, county or community committee member on a quota to be reviewed by the review committee.

§ 711.7 *Vacancies*—(a) *Filling of vacancies.* If a vacancy occurs on a review committee, the State committee shall recommend an eligible person to fill the vacancy unless it appears that the work of the review committee for the calendar year is already completed or that the remaining members and alternates can handle any unfinished business of the review committee in its area of venue.

(b) *Only two review committeemen present for hearing.* Where only two review committeemen are present for a hearing, although a full committee was scheduled for the hearing, at the request or with the consent of the applicant in writing, a hearing conducted by two members of the review committee, one of whom shall be a regular member, shall be deemed to be a regular hearing of the review committee as to such case, and the determination made by such members shall constitute the determination of the review committee. In the event that the members cannot agree upon a determination, such fact shall be set forth in a determination and a new hearing shall be scheduled by the State Administrative Officer.

(c) *Vacancy after hearing is begun.* Where a single vacancy occurs after a hearing is begun and before the final determination, the remaining two members of the review committee shall henceforth constitute an entire review committee for the purposes of such hearing. If more than one such vacancy occurs, or if the two remaining members cannot agree upon a determination, there shall be a new hearing. Such new hearing may be by the remaining regular members and designated alternate members or by three regular members including newly appointed regular members, as scheduled by the State Administrative Officer.

§ 711.8 *Term.* Appointment as regular or alternate members shall be for a term of one calendar year and such members may be reappointed for succeeding terms. Notwithstanding the foregoing, a review committee may continue in office to conclude hearings before it which are begun during such year and make final determinations thereof. Cases heard by a review committee and remanded by a court for further proceedings during the same year shall be heard by the same review committee; if any member of such review committee is no longer in office, a regular or alternate member shall serve in his stead. Where practicable, cases remanded by a court for further proceedings in a year subsequent to the year in which heard by a review committee shall be heard by the review committee then in office for that area of venue.

§ 711.9 *Effect of changes in composition of review committee.* Nothing contained in the foregoing provisions relating to any vacancy or revocation or suspension of appointment, and nothing done pursuant to such provisions, shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with the regulations in this part, in

which the member of the review committee, whose office has become vacant, participated, or as affecting in any way any court proceeding which may be instituted, pursuant to the provisions of the act, for the review of such determination.

§ 711.10 *Compensation.* The members designated to serve as review committeemen in particular cases shall receive compensation at the same rate as that received by the members of the county committee which established the quotas sought to be reviewed. No member of a review committee shall be entitled to receive compensation for services as such member for more than thirty days in any one year. Payment of compensation, reimbursement for travel expenses and rates therefor, shall be made under such conditions as may be prescribed by the Deputy Administrator.

§ 711.11 *Area of venue.* An area of venue for a review committee shall be established by the State committee taking into consideration the requirement of section 363 of the act that review committee members must be from the county in which the quota was established or from nearby counties, the prompt handling of applications for review, transportation problems and the limit of 30-day service by review committeemen during their term of office.

§ 711.12 *Jurisdiction.* A review committee shall have jurisdiction to hear all timely filed applications respecting quotas established or denied by official written notice for farms within its area of venue. In all cases, the review committee shall consider only such matters as, under applicable provisions of the act and regulations of the Secretary, are required or permitted to be considered by the county committee in the establishment of the quota sought to be reviewed.

APPLICATION FOR REVIEW OF QUOTAS

§ 711.13 *Manner and time of filing.* (a) Any farmer who is dissatisfied with his quota may, within fifteen days after the date of mailing to him of notice of such quota on Form MQ–24, "Notice of Farm Acreage Allotment and Marketing Quota", or Form MQ–93, or other official notice of farm marketing excess, file a written application for review thereof by the review committee. Such review shall include any of the following factors entering into the determination of the quota:

(1) Farm acreage allotment.

(2) Acreage of the commodity on the farm.

(3) Normal yield for the farm.

(4) Actual production for the farm.

(5) Farm marketing excess.

(6) Determination by the county committee of the land constituting the farm.

(b) Unless application for review is made within such period, the original determination of the quota shall be final. An application shall be in writing and addressed to, and filed with, the county office manager for the county from which the notice of quota was received. Any application (Form MQ–53 available on request) whether made on Form MQ–53 or not, shall contain the following:

(1) Date of application and commodity (including type where applicable, e. g. upland cotton, flue-cured tobacco).

(2) Correct full name and address of applicant.

(3) Brief statement of each ground upon which the application is based.

(4) A statement of the amount of quota which it is claimed should have been established.

(5) Signature of applicant.

§ 711.14 *Examination by county committee.* As soon as practicable, the county committee and county office manager shall examine the applications and the following action shall be taken:

(a) If the application is not filed within the prescribed 15-day period, the county office manager shall send a notice of untimely filing on Form MQ–54 by certified mail to the applicant at the address shown on the application;

(b) If the increase, adjustment or other determination requested in the application is found to be proper in whole or in part, the county committee shall notify the applicant thereof and, upon withdrawal of the application by the applicant, shall revise the quota within the limits of the act and regulations and mail a notice of revised quota to the applicant. Where any such adjustment is approved as provided in the applicable regulations for the commodity, a charge of the amount so approved, but not to exceed the amount approved by the review committee if the application is not withdrawn, shall be made against applicable reserves;

(c) If the application does not contain substantially the information required under § 711.13, the county office manager shall send a notice of insufficiency on Form MQ–55 by certified mail to the applicant at the address shown on the application. The applicant may file an amended application within 15 days from the date of mailing the notice of insufficiency;

(d) All applications remaining which are not disposed of under paragraphs (a) to (c) of this section shall be listed and a report thereof sent to the State committee with a request that hearings be scheduled. The county committee, in each case scheduled for a hearing, shall prepare a written answer to the application setting forth all of the pertinent facts relating to the case, pointing out the provisions of applicable regulations under which the quota being reviewed was established, explaining the data used, how the quota was established, pointing out why the quota should not be revised, if such be the case, and any other matters deemed pertinent. The answer shall set forth the foregoing so as to include all the issues of fact which are known to be in dispute.

§ 711.15 *Withdrawal of applications.* An application may be withdrawn upon the written request of the applicant. Any application so withdrawn shall be endorsed "Dismissed at the Request of the Applicant." This endorsement shall be made by the clerk to the review committee or by the chairman of the review committee.

HEARING AND DETERMINATION

§ 711.16 *Place of hearing.* The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place in the county as may be designated by the State Administrative Officer, or by the review committee in cases arising under § 711.19: *Provided, however,* That the place of hearing may be in some other county if agreed to in writing by the applicant.

§ 711.17 *Schedule of and notice of hearing.* The State Administrative Officer shall schedule applications for hearings and forward such schedule to the clerk to the review committee who shall give written notice on Form MQ–56 to the applicant by depositing such notice in the United States mail, certified and addressed to the last known address of the applicant at least ten days prior to the time appointed for the hearing and copies of such notice shall also be sent to the county committee and the State office. If the applicant requests waiver of such ten day period, the hearing may be scheduled earlier upon consent of the other interested parties. The notice of the hearing shall specify the time, place and nature of the hearing and contain a statement of the statutory authority for the hearing and that the application will be heard by the review committee duly appointed for the area of venue in which the applicant's farm is located. Applications for review shall be scheduled for hearing as soon as possible within a period not to exceed 60 calendar days from the date of filing unless a later date is approved by the State committee upon a showing that due to volume of work it is not possible to hear the cases within such 60-day period.

§ 711.18 *Review committee examination of notices of insufficiency and untimely filing.* The review committee shall examine each application where a notice of insufficiency or untimely filing was sent. If it concurs in the action taken by the county office manager, an order of dismissal on Form MQ–57 shall be issued, as provided in § 711.24. If it does not concur, the State Administrative Officer shall be advised and shall schedule a hearing.

§ 711.19 *Continuances.* Hearings shall be held at the time and place set forth in the notice of hearing or in any subsequent notice amending or superseding the prior notice, but may, without notice other than an announcement at the hearing by the chairman of the review committee, be continued from day to day or adjourned to a different place in the county or to a later date or to a date and place to be fixed in a subsequent notice to be issued in the manner provided in the regulations in this part. In the event a full committee of three is not present those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing un-

less the hearing is held pursuant to § 711.7 (b).

§ 711.20 *Conduct of hearing*—(a) *Open to public.* Except as otherwise provided in the regulations of this part, each hearing shall take place before the entire review committee and shall be presided over by the chairman of such committee. The hearing shall be open to the public and shall be conducted in a fair and impartial manner and in such a way as to afford the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture, and all persons appearing on behalf of such parties, reasonable opportunity to give and produce evidence relevant to the quota being reviewed.

(b) *Consolidation of hearings.* Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consolidated by the review committee on its own motion or at the request of the State Administrative Officer and heard at the same time on the same record.

(c) *Representation.* The applicant and the Secretary may be represented at the hearing. The county committee shall be present or represented at the hearing.

(d) *Order of procedure.* At the commencement of the hearing, the chairman of the review committee shall read or cause to be read the pertinent portions of the application for review. The written answer of the county committee shall be submitted and shall be made a part of the record of the hearing. If the applicant asserts and shows to the satisfaction of the review committee that he has not been informed of the county committee's position in time to afford him adequate opportunity to prepare and present his case, the review committee shall continue the hearing, without notice other than announcement thereof at the hearing, for such period of time as will afford the applicant reasonable opportunity to meet the issues of fact and law involved. After answer by the county committee and following such continuance, if any, as may be granted by the review committee, evidence shall be received with respect to the matters relevant to the quota under review in such order as the chairman of the review committee shall prescribe.

(e) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall, before proceeding to testify, be sworn, after which he shall give such information respecting his appearance as the review committee may request. The review committee shall confine the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repetitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the review committee.

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes (stenographic or mechanical recording) at the hearing as will enable it to make a summary of the testimony received at the hearing. The testimony received at the hearing shall be reported verbatim and a transcript thereof made if (1) the applicant requests such transcript prior to the time the hearing begins and provides for its preparation and for the payment of the expense thereof, or (2) the State committee representative requests that such transcript be made and provides therefor. Immediately upon the completion of any such verbatim transcript, three legible copies thereof shall be furnished to the review committee and one copy shall be furnished to the State office without charge.

(g) *Written arguments and proposed findings.* The review committee shall permit the applicant, the members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture to file written arguments and proposed findings of fact and conclusions, based on the evidence adduced at the hearing, for the consideration of the review committee within such reasonable time after the conclusion of the hearing as may be prescribed by the review committee. Such written arguments and proposed findings shall be filed in triplicate with the clerk to the review committee and an additional copy thereof shall be provided to the other party.

§ 711.21 *Nonappearance of applicant.* If, at the time of the hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of the absent applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant, the review committee may thereupon close the hearing as to such applicant, and, without further proceedings in the case, make an order dismissing the application, or continue the hearing to a later date.

§ 711.22 *Amendments.* Upon due application, and within the discretion of the review committee, the right of amendment of the application and of all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the review committee may deem right and proper.

§ 711.23 *Determination by review committee.* As soon as practicable after hearing on any sufficient application, the review committee shall make a determination upon the application. This determination shall be made within one week after the hearing is completed unless factors beyond the control of the review committee, such as delay in receiving a verbatim transcript of the testimony, the hearing of other cases in the area of venue, or other valid reason, prevent the preparation of the determination within such period of time. If it is determined by the review committee that the application should be denied, the review committee shall so indicate. If it is determined that the application should be granted in whole or in part, the review committee shall establish the quota which it finds to be proper. Each determination made by the review committee shall be in writing, shall contain specific findings of fact and conclusions, together with the reasons or basis therefor, and shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing. The determination shall also show the review committee's rulings upon the proposed findings and conclusions filed by the applicant. The concurrence of two members of the review committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the review committee as will indicate his concurrence therein or his dissent therefrom. In case of an increase in the quota, the review committee shall specifically state in the determination in what respect, if any, the county committee has failed properly to apply the act and regulations of the Secretary thereunder. If such increase is based upon evidence not available to the county committee, the findings of the review committee shall so indicate. The appropriate county office manager shall make available to the review committee such clerical and stenographic assistance as may be required.

§ 711.24 *Service of determination.* A copy of the determination, or of any order dismissing the application, certified by the clerk to the review committee as a true and correct copy of the signed original, shall be served upon the applicant by depositing the same in the United States mails, registered and addressed to the applicant at his last known address. The copy of the determination or order shall contain at the top thereof the following statement: "To all persons who, as operator, landlord, tenant, or sharecropper, are or will be interested in the above-named commodity on the above-identified farm in the year for which the marketing quota being reviewed is established:" and such statement shall constitute notice to all such persons. The clerk to the review committee shall make a notation on the original determination or order of the date and place of such mailing. The clerk to the review committee forthwith shall forward two copies of such determination or order to the State office, and one copy to the county committee.

§ 711.25 *Reopening of hearing.* The review committee (a) on its own motion, or upon due application therefor, may, within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee, reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document, and (b) upon application by the Secretary or on his behalf by the Deputy Administrator, made for any purpose within a period of forty-five days from the date of mailing to the applicant of a copy of the determination of the review committee, shall reopen the hearing.

§ 711.26 *The record.* The record of the proceedings shall be prepared by the clerk to the review committee and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notices of quota and hearing and any other written notice in connection with the application.

(b) Copies of such pertinent proclamations, announcements, general regulations, regulations in this part, and apportionments, national, State, or county, issued by the Secretary in respect to the quota in question, as may be presented at the hearing by or on behalf of the Secretary.

(c) The answer of the county committee to the allegations contained in the application.

(d) The summary of the testimony prepared by the review committee, if a verbatim transcript is not made, or a transcript of the testimony where a verbatim transcript is made, in accordance with § 711.20 (f), to which shall be annexed any documentary evidence received at the hearing.

(e) Any written arguments or proposed findings of fact and conclusions which may have been filed in connection with the hearing.

(f) The written determination of the review committee.

(g) A list of all papers included in the record, and a certificate by the clerk to the review committee, stating that such record is true, correct and complete.

Any interested person desiring a copy of the record or any part thereof shall be entitled to same upon application to the clerk to the review committee and upon payment of the actual cost of supplying such copy.

COURT PROCEEDINGS

§ 711.27 *Procedure in the case of court proceedings*—(a) *Duty of review committee.* The review committee is required, by section 365 of the act, upon the institution of any suit against the review committee for the purpose of reviewing its determination upon any application for review, to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the review committee. Any suit for review is required to be instituted by the applicant within fifteen days after a notice of the review committee's determination is mailed to him by registered mail. Such suit may be instituted in the United States District Court or in any court of record of the State having general jurisdiction, sitting in the county or the district in which the applicant's farm is located. The bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the review committee. Any member of the review committee served with papers in such suit shall immediately forward such papers to the clerk to the review committee. No member of the review committee shall appear or permit any appearance in his behalf or in behalf of the review committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from or on behalf of the Secretary.

(b) *Duty of clerk to review committee.* Upon the institution of a suit the clerk to the review committee shall immediately take the following action:

(1) Notify the State office by telephone or by telegraph of the name of the plaintiff and commodity, the name of the court in which the suit is instituted, and the time within which appearance must be made in such suit in behalf of the review committee.

(2) Send to the State Administrative Officer all legal papers (summons and complaint or petition) served on any member of the review committee, together with a statement as to the date the determination of the review committee was mailed to the applicant, and summons was served on the review committee.

(3) Send to the State office the complete record provided for in § 711.26, by certified mail.

(4) The clerk to the review committee shall retain in his file a copy of all documents sent to the State office pursuant to this section.

(c) *Duty of State Administrative Officer.* The State Administrative Officer shall:

(1) Furnish the Attorney-in-Charge, Office of the General Counsel, promptly by prepaid telegram, name of the plaintiff and commodity, name of the court in which the suit is instituted and the time within which appearance must be made in such suit in behalf of the review committee.

(2) Transmit promptly by certified mail to the Attorney-in-Charge, Office of the General Counsel, (i) the record provided in § 711.26, (ii) a copy of all legal papers (summons and complaint or petition) and (iii) a statement as to the dates the determination of the review committee was mailed to the applicant and the summons was served on the review committee.

(3) Transmit promptly to the Director, by air mail (unless regular mail is faster) a copy of all legal papers (summons and complaint or petition) and a statement as to (i) the name of the plaintiff and commodity, (ii) the name of the court in which the suit is instituted, (iii) the date the determination of the review committee was mailed to the applicant, (iv) the date the summons was served on the review committee, (v) the time within which appearance must be made in such suit in behalf of the review committee.

MISCELLANEOUS

§ 711.28 *Forms and instructions.* The Deputy Administrator shall issue such forms and instructions as are necessary for carrying out these regulations. The following forms, as revised from time to time, are prescribed for use in connection with review of quotas:

(a) MQ–53—Application for Review.

(b) MQ–54—Notice of Untimely Filing.

(c) MQ–55—Notice of Insufficiency.

(d) MQ–56—Notice of Hearing.

(e) MQ–57—Order of Dismissal.

(f) MQ–58—Determination of Review Committee.

(g) MQ–59—Oath of Review Committeeman.

§ 711.29 *Availability of records.* The clerk to the review committee shall carefully keep and preserve a record of all applications and of all proceedings relating to the review of such applications. All records and documents required to be sent to the Director by the regulations in this part shall be forwarded to the Hearing Clerk for filing. All such records shall be available for public inspection at the respective offices of the clerk to the review committee and the Hearing Clerk.

§ 711.30 *Special provisions applicable to Puerto Rico.* (a) Notwithstanding the provisions of the regulations in this part, the Caribbean Area Agricultural Stabilization and Conservation Committee (hereinafter referred to as the "ASC Committee") shall perform, insofar as applicable, the duties and assume such responsibilities and be subject to the limitations as are otherwise required of State and county committees except as provided herein. The Director, Caribbean Area Agricultural Stabilization and Conservation Office, shall recommend members and alternates for appointment to serve on review committees and establish the area of venue for review committees. Any farmer who is eligible to vote in a referendum for which a quota has been proclaimed but who did not in any respect participate in the determination of any quota for the review of which the review committee is established, shall be eligible to serve as a member of a review committee. The clerk to the review committee shall be the ASC district supervisor of the district in which the review committee will hold its hearings.

(b) In the event of court proceedings instituted in Puerto Rico, the following action shall be taken by the clerk to the review committee:

(1) Notify the Director, Caribbean Area ASC office, of the name of the plaintiff and commodity, the name of the court in which the suit is instituted, and the time within which appearance must be made in such suit on behalf of the review committee.

(2) Send to the Director, Caribbean Area ASC office, all legal papers (summons and complaint or petition) served on any member of the review committee, together with a statement as to the date the determination of the review committee was mailed to or otherwise served on the applicant, and summons was served on the review committee.

(3) Send the complete record provided for in § 711.26 by certified mail to the Director, Caribbean Area ASC office.

(4) Retain in his file a copy of all documents sent to the Director, Caribbean Area ASC office pursuant to this section.

(c) In the event of court proceedings instituted in Puerto Rico, the following action shall be taken by the Director, Caribbean Area ASC office:

(1) Furnish the Attorney-in-Charge, Office of the General Counsel, promptly, by telephone, the name of the plaintiff

committee.

committee that the application should shall reopen the hearing.

and commodity, name of the court in which the suit is instituted and the time within which appearance must be made in such suit in behalf of the review committee.

(2) Transmit promptly by certified mail, to the Attorney-in-Charge, Office of the General Counsel, the information and documents received from the clerk to the review committee pursuant to paragraph (b) (2) and (3) of this section.

(3) Transmit promptly to the Director, by air mail a copy of all legal papers (summons and complaint or petition) and a statement as to the name of the plaintiff and commodity, name of the court in which the suit is instituted, the date the determination of the review committee was mailed to the applicant, the date the summons was served on the review committee and the time within which appearance must be made in such suit in behalf of the review committee.

(d) Where it is impractical or impossible to use the United States mail to serve the applicant with notice of hearing or determination or order, use shall be made of such other method of service as is available. However, when such other method is used, the ASC Committee shall make provision for keeping an accurate record of the date and method of delivery to the applicant.

Done at Washington, D. C., this 27th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9829; Filed, Nov. 29, 1956; 8:52 a. m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

ANNOUNCEMENT AND APPORTIONMENT OF THE NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR THE 1957-58 MARKETING YEAR

§ 725.801 *Basis and purpose.* (a) Sections 725.801 and 725.802 are issued to announce the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1956, and to establish the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1957. The findings and determinations by the Secretary contained in § 725.802 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others as provided in a notice (21 F. R. 7493) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since flue-cured tobacco growers are making plans for their 1957 farming operations and will soon be preparing plant beds and purchasing fertilizer and other materials, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for flue-cured tobacco for the 1957-58 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.802 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1957*[1]—(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 3,144 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 795 million pounds and a normal year's exports of 490 million pounds.

(b) *Total supply.* The total supply of flue-cured tobacco for the marketing year beginning July 1, 1956, is 3,642 million pounds consisting of carryover of 2,258 million pounds and estimated 1956 production of 1,384 million pounds.

(c) *Carryover.* The estimated carryover of flue-cured tobacco at the beginning of the marketing year for such tobacco beginning July 1, 1957, is 2,367 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning July 1, 1956, of 1,275 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of flue-cured tobacco which will make available during the marketing year beginning July 1, 1957, a supply of flue-cured tobacco equal to the reserve supply level of such tobacco is 777 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 777 million pounds would result in undue restriction of marketings during the 1957-58 marketing year and such amount is hereby increased by 20 percent. The national marketing quota as so increased is further increased by 201,000 pounds pursuant to section 313 (e) of the act relating to minimum flue-cured tobacco State acreage allotments. Therefore, the amount of the national marketing quota for flue-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1957, is 932,201,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Alabama[1]	500
Florida	15,093
Georgia	72,119
North Carolina	469,285
South Carolina	82,539
Virginia	71,284
Reserve[2]	1,781

[1] Increased to 500 acres pursuant to section 313 (e) of the act.

[2] Acreage reserved for establishing allotments for new farms.

[1] Rounded to the nearest million pounds (except for increase pursuant to section 313 (e) of the act).

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended, 46, as amended, 47, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 27th day of November 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-9827; Filed, Nov. 29, 1956; 8:52 a. m.]

PART 729—PEANUTS

ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR PEANUTS OF THE 1957 AND SUBSEQUENT CROPS

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729.813 Instructions and forms.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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AUTHORITY: §§ 729.810 to 729.865 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, 90 as amended; 66 Stat. 27; secs. 106, 112, 377, 70 Stat. 191, 195, 206; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1377, 1388.

GENERAL

§ 729.810 *Basis and purpose.* The regulations contained in §§ 729.810 to 729.865 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281 et seq.), hereinafter referred to as the act, and govern the establishment of farm allotments and normal yields, the determination of farm peanut acreages, the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident to administration of peanut allotment and marketing quota programs. The regulations contained in §§ 729.810 to 729.865 shall apply to the 1957 and subsequent crops of peanuts and shall remain in effect until amended, superseded or cancelled, except that §§ 729.840 to 729.863 relating to marketing quotas shall not be effective with respect to any crop of peanuts for which producers have disapproved quotas in a referendum held pursuant to section 358 (b) of the act. The purpose of the regulations in §§ 729.810 to 729.865 is to provide the procedure for effectively administering the peanut allotment and marketing quota provisions set forth in the act. Prior to preparing the regulations in §§ 729.810 to 729.865 public notice of the intention to formulate such regulations was published in the FEDERAL REGISTER (21 F. R. 6680) in accordance with the Administrative Procedure Act (5 U. S. C. 1003). Views and recommendations received in response to such notice have been duly considered within the limits prescribed by the act. These regulations shall be effective upon filing with the Director, Division of the Federal Register, as it has been, and is hereby, determined and found that, because farm operators must be notified of 1957 peanut allotments as soon as practicable, compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest.

§ 729.811 *Definitions.* As used in §§ 729.810 to 729.865 and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise required:

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Areas" means:

(1) The Southeastern Area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) "Base period" means the three calendar years immediately preceding the year for which farm allotments are currently being established.

(d) "Buyer" means a person who:

(1) Buys or otherwise acquires peanuts from a producer;

(2) Buys or otherwise acquires farmers' stock peanuts from any person; or

(3) Markets, as a commission merchant, broker, or cooperative any peanuts for the account of a producer and who is responsible to the producer for the amount received for the peanuts.

(e) "Committees:" (1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated in a State by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(f) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operation of the ASC county office, or the person acting in such capacity.

(g) "Cropland" means farmland which in the preceding year was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable non-crop open pasture, and (3) any land which constitutes or will constitute if tillage is continued, an erosion hazard to the community.

(h) "Current year" means the calendar year for which allotments are being established.

(i) "Deputy Administrator" means the Deputy Administrator, Production Adjustment or the Acting Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(j) "Director" means the Director or the Acting Director of the Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture.

(k) "Effective farm allotment" means the "farm allotment" as hereinafter defined minus any part of such allotment released to the county committee and any reduction in allotment resulting from violation of marketing quota regulations in a prior year or plus any acreage added by the county committee through reapportionment of released acreage, and any increase granted for types of peanuts determined to be in short supply.

(l) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the effective farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less. Furthermore, the excess acreage for the farm shall be zero in any case where (1) through error on the part of the State or county office, the operator was officially notified in writing of an allotment larger than the effective farm allotment; (2) the county office manager finds that the operator, acting solely on the basis of the information contained in the erroneous notice, picked or threshed peanuts from acreage in excess of the effective farm allotment but not in excess of the allotment stated in the erroneous notice; (3) the extent of error in the erroneous notice was such that the operator would not reasonably be expected to question the allotment of which he was erroneously notified; and (4) the State administrative officer concurs in the county office manager's finding. Where the operator receives a corrected notice of allotment after the peanuts are planted but before they are picked or threshed, the excess acreage shall be zero if the acreage picked or threshed does not exceed the allotment stated in the erroneous notice, provided the county office manager and State administrative officer determine that the acreage planted for picking or threshing is in excess of the allotment only because the operator was given an erroneous notice of allotment.

(m) "Excess peanuts" means peanuts in excess of the farm marketing quota determined pursuant to § 729.842 (b).

(n) "Farm" means all adjacent or nearby farmland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farmland which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land in-

the announcement and apportionment (e) of the act).
729.854 Payment of penalty.

No. 232——5

cluded in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(o) "Farm allotment" means the farm peanut acreage allotment for the current year crop of peanuts established pursuant to §§ 729.810 to 729.823 plus any increase in allotment granted by review committee action. (See § 729.829.)

(p) "Farm peanut acreage" means the acreage on the farm planted to peanuts less the acreage not picked or threshed as determined by the county office manager in accordance with the applicable subparagraph (1), (2), or (3) below:

(1) If any of the acreage planted to peanuts on the farm is to be hogged-off, the farm operator shall so notify the county office manager who will arrange to have the hogged-off acreage inspected by a representative of the county committee to determine if any of the peanuts from the hogged-off acreage have been or can be dug. Either the hogged-off acreage or the picked or threshed acreage shall be measured to establish the exact acreage picked or threshed. However, if the planted acreage of peanuts on a farm is not in excess of the larger of the effective farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be hogged-off, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be hogged-off, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been hogged-off in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (2) and (3) hereof shall be the farm peanut acreage.

(2) If any acreage planted to peanuts on the farm is to be left in the ground, the farm operator shall so notify the county office manager who will arrange to have such acreage inspected at a time when the nuts can no longer be removed from the ground by digging to determine if any peanuts from such acreage have been dug. Either the acreage of peanuts left in the ground or the picked or threshed acreage of peanuts shall be measured to determine the exact picked or threshed acreage. However, if the planted acreage is not in excess of the larger of the effective farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be left in the ground, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be left in the ground, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been left in the ground in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (1) and (3) shall be the farm peanut acreage.

(3) Any acreage of peanuts that is dug shall be considered as picked or threshed, unless the farm operator arranges with the county office manager for a representative of the county committee to inspect the dug peanuts that are in such condition that they can not then or in the future be picked or threshed, and furnishes satisfactory evidence from which the percentage of the total farm peanut production represented by the quantity of dug peanuts which have not been and can not in the future be picked or threshed can be determined. Such percentage of the acreage of dug peanuts shall be the acreage to be deducted from the planted acreage under the provisions of this subparagraph.

Provided, however, That:

(4) The farm peanut acreage shall be considered equal to the effective farm allotment on a farm for which such allotment equals or exceeds one acre, if the acreage in excess of the effective farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the effective farm allotment, whichever is larger;

(5) The farm peanut acreage shall be considered equal to one acre on a farm for which the effective farm allotment is equal to or less than one acre and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of this subparagraph and of subparagraph (4) of this paragraph shall not apply unless a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the larger of the effective farm allotment, or one acre, is disposed of on the farm in a manner approved by the county committee so that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further,* That these acreage limits and those prescribed in subparagraph 4 shall not be applicable if the State committee concurs in findings and recommendations of the county committee that the excess acreage was picked or threshed notwithstanding a bona fide effort on the part of the producer to comply with the effective farm allotment.

(q) "Farm peanut history acreage" means the sum of (1) the farm peanut acreage, (2) the acreage diverted from the production of peanuts under provisions of the Soil Bank Act, (70 Stat. 188, 191, 195) and (3) the acreage temporarily released to the county committee under provisions of § 729.825 of these regulations; except that, the farm peanut history acreage for any year shall not exceed the farm peanut allotment for such year: *Provided,* That for any year within the period 1956 to 1959 inclusive the farm peanut history acreage shall be equal to the farm allotment if the farm owner or operator on or before June 1 of such year signs a Form MQ–31, Request to Preserve Acreage History, to effectuate the purposes of Section 377 of the Act.

(r) "Farmers' stock peanuts" means picked or threshed peanuts produced in the continental United States which have not been shelled, crushed, cleaned (except for removal of foreign material) or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(s) "Market" means to dispose of peanuts including farmers' stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone.

(t) "Marketing card": (1) "Excess penalty card" means MQ–77–Peanuts or MQ–77–VC–Peanuts, Peanut Excess Penalty Marketing Card. MQ–77 will be issued for farms in the Southeastern area and in the Southwestern area. MQ–77–VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is in excess of the larger of the effective farm allotment or one acre. Each lot of peanuts identified by an excess penalty card is subject to the marketing penalty prescribed in § 729.851 (b) at the time the peanuts are marketed.

(2) "Within quota card" means MQ–76—Peanuts or MQ–76–VC Peanuts, Peanut Within Quota Marketing Card. MQ–76 will be issued for farms in the Southeastern area and in the Southwestern area. MQ–76–VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is not in excess of the larger of the effective farm allotment or one acre. A within quota card authorizes the marketing of all peanuts produced on the farm without payment at the time of marketing of the penalty prescribed in § 729.851.

(u) "Marketing year" means for each crop of peanuts the period beginning August 1 of the current year and ending July 31 of the following year.

(v) "New farm" means a farm on which peanuts will be picked or threshed in the current year but on which no peanuts were picked or threshed (or no allotment history was preserved under provisions of the Soil Bank Act (70 Stat. 188, 191, 195), or Sec. 377 of the Act) in any year during the base period.

(w) "Offices": (1) "ASC County Office" means the office of the Agricultural Stabilization and Conservation county committee.

(2) "ASC State Office" means the office of the Agricultural Stabilization and Conservation State committee.

(x) "Old farm" means any farm on which peanuts were picked or threshed in one or more years during the base period, including also any farms for which old farm allotments were established or which were eligible for old farm allotments for the preceding year, if peanuts were planted for harvest for nuts on any such farm in any year during the base period and the county committee determines that no peanuts were picked or threshed from the farm in any such year because of abnormal conditions affecting production. For 1956 and subsequent years any part of the farm peanut allotment which is diverted from the production of peanuts under provisions of the Soil Bank Act (70 Stat. 188, 191, 195) shall be considered as picked or threshed peanut acreage for purposes of this paragraph. For any year during the period 1956–1959 for which the farm owner or operator requests preservation of unused acreage allotment by filing Form MQ–31 on or before June 1 of such year with the county committee (to effectuate the purposes of section 377 of the Act) the entire acreage allotment for the farm shall be considered to have been picked or threshed for purposes of determining future allotments.

(y) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(z) "Peanuts" means all peanuts produced, excluding any peanuts which are not picked or threshed either before or after marketing from the farm:

(aa) "Person" means an individual(s), partnership, association, farmers' cooperative association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(bb) "Pound" means that quantity of farmers' stock peanuts equal to one pound standard weight. If peanuts have been graded at the time of marketing, the poundage shall be the weight thereof excluding foreign material and excess moisture (excess moisture means moisture in excess of seven percent in the Southeastern and Southwestern areas and eight percent in the Virginia-Carolina area). If shelled peanuts are marketed, the poundage therefor shall be converted to the weight of farmers' stock peanuts by multiplying the number of pounds of shelled peanuts by 1.5 and the result shall be the number of pounds of peanuts considered as marketed.

(cc) "Preceding year" means the calendar year immediately preceding the year for which allotments are being established.

(dd) "Producer" means a person who, as owner, landlord, tenant, or sharecropper is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(ee) "Quota peanuts" means peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.842.

(ff) "Sales memorandum" means:

(1) Form MQ–93—Peanuts which may be used (i) by buyers to record and report data with respect to purchases of peanuts identified by either within quota or excess penalty cards, (ii) to record and report data with respect to purchases of peanuts that are not identified by a marketing card, and (iii) by shellers to record and report data with respect to peanuts shelled for producers in instances where all of the shelled peanuts are returned to the producer.

(2) Form MQ–94—Peanuts which may be used by buyers in the Southeastern and Southwestern areas to record and report data with respect to purchases of peanuts identified by either a within quota or an excess penalty card if the peanuts have been inspected by the Federal-State Inspection Service.

(3) Form MQ–76–A–VC—Peanuts, ten copies of which are attached to each Form MQ–76–VC. This form may be be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ–76–VC.

(4) Form MQ–77–A–VC—Peanuts, ten copies of which are attached to each Form MQ–77–VC. This form may be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ–77–VC.

(5) Any form furnished by the buyer for recording and reporting purchases of peanuts, provided (i) the State committee determines that the use of forms other than those enumerated in subparagraphs (1) through (4) of this paragraph will not operate to reduce effective administration of the program in the State and (ii) the form proposed for use by the buyer is approved by the State administrative officer of each State in which the buyer will purchase peanuts as being consecutively numbered and containing the necessary language and spaces for recording and reporting the same information as that required by Form MQ–93—Peanuts for purchases of farmers' stock peanuts.

(gg) "Secretary" means the Secretary or the Acting Secretary of the United States Department of Agriculture.

(hh) "State Administrative Officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(ii) "Tillable acreage available" means the acreage of cropland on the farm which the county committee determines is available for the production of peanuts in the current year, taking into consideration land uses and other crops grown on the farm and customary rotation practices: *Provided,* That the tillable acreage available for the production of peanuts for a farm shall not exceed the cropland on the farm minus the total of the current year acreage allotments established for other crops for the farm. If the current year acreage allotments for one or more crops are not established for the farm prior to the determination of the tillable acreage available and it has been announced that acreage allotments will be in effect, the farm acreage allotments established for such crops for the last year allotments were in effect shall be used.

(jj) "Tillable acreage factor" means the factor determined for the county (or for a community in a county, if the county committee determines that there is a wide variation between communities in the percentage of the tillable acreage available that is customarily devoted to peanuts) by dividing the tillable acreage available for all old farms in the county (or community) into the sum of the farm peanut allotments established in the preceding year for all old farms in the county (or community).

(kk) "Yields": (1) "Normal yield" means the normal yield per acre for the farm as determined under § 729.821 or § 729.823, whichever is applicable, of these regulations.

(2) "Actual yield" means the actual yield per acre for the farm obtained by dividing the farm peanut acreage into the total production of peanuts for the farm.

§ 729.812 *Extent of calculations and rule of fractions.* (a) Farm allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty thousandths of an acre or less shall be dropped. For example, 8.051 would be 8.1 and 8.050 would be 8.0.

(b) The farm peanut acreage shall be expressed in tenths of an acre and fractions of less than one-tenth of an acre shall be dropped. For example 8.09 would be 8.0.

(c) The percentage of excess peanuts for a farm, hereinafter referred to as "percent excess" shall be expressed in tenths of a percent and fractions of less than one-tenth of a percent shall be dropped, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of one percent.

(d) The converted penalty rate (see §729.851 (b)) shall be expressed in tenths of a cent and fractions of less than a tenth of a cent shall be dropped, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

(e) The amount of penalty with respect to any lot of peanuts, or the amount of damages due Commodity Credit Corporation under an agreement made pursuant to § 729.855 shall be expressed as dollars and in whole cents. Fractions of less than a cent shall be dropped.

(f) The quantity of peanuts marketed, the farm marketing quota, and the normal and actual yield per acre, shall be expressed in whole pounds. Fractions of less than a pound shall be dropped.

§ 729.813 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations contained in §§ 729.810 to 729.865. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 729.814 *Determination of farm data.* The county committee shall obtain or determine the following information and data for each old farm.

(a) The name and address of the operator.

(b) The total acreage of all land in the farm.

(c) The acreage of cropland in the farm.

(d) The tillable acreage available for the farm.

(e) The farm peanut acreage for each year during the base period.

(f) The farm peanut history acreage for each year during the base period.

(g) The peanut acreage allotment for the farm for the preceding year.

(h) Such other information and data as may be necessary to carry out the provisions of §§ 729.810 to 729.865.

The information and data provided for in this section shall be obtained from acreage measurements and other records in the office of the county committee, if not available from these sources, these data and information may be obtained from reports made by operators or other interested persons or may be appraised or determined by the county committee on the basis of production and marketing records or other available information.

§ 729.815 *Apportionment of State peanut allotment to farms.* Adjusted acreages for all old farms in the State shall be determined in accordance with § 729.817. Preliminary acreage allotments for old farms shall be calculated by multiplying the adjusted acreage for each old farm by a factor obtained by dividing the total of the adjusted acreages for all old farms in the State into the current year State peanut acreage allotment (minus the acreage reserve for late allotments and corrections pursuant to § 729.818 and the acreage reserve for adjustment pursuant to § 729.817 (b) (5) if allotment adjustments are to be made after adjusted acreages have been determined). Farm allotments shall be determined pursuant to § 729.819.

§ 729.816 *Basis of farm allotment.* A farm allotment shall be determined for each old farm on the basis of the following factors as hereinafter applied: the preceding year peanut acreage allotment for the farm; the farm peanut history acreages for each of the years during the base period; abnormal conditions affecting farm peanut acreage; tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts: *Provided, however,* That in establishing farm allotments pursuant to §§ 729.810 to 729.830, the following acreages shall not be taken into consideration: the peanut acreage harvested in excess of the farm allotment established for each of the years during the base period; the peanut acreages harvested or the acreage allotments established as a result of allotments made under provisions of §§ 729.527, 729.627 and 729.727 of the Marketing Quota Regulations for the 1954, 1955 and 1956 Crops of Peanuts, the peanut acreage harvested or the allotment established as a result of allotments made under provisions of § 729.827, the peanut acreage harvested or the acreage allotment established under release and reapportionment provisions of regulations applicable to each year of the base period (§ 729.525 of the Marketing Quota Regulations for the 1954 Crop of Peanuts; § 729.625 of the Marketing Quota Regulations for the 1955 Crop of Peanuts; § 729.725 of the Marketing Quota Regulations for the 1956 Crop of Peanuts and § 729.825 for the 1957 and subsequent crops of peanuts) and: *Provided, further,* That an allotment shall not be determined for any farm on which one acre or less of peanuts was harvested (including acreage on which history was preserved under provisions of the Soil Bank Act (70 Stat. 188, 191, 195), or section 377 of the Act) in each year of the base period, unless the county committee determines from available information that more than one acre of peanuts will be harvested on the farm in the current year.

§ 729.817 *Determination of adjusted acreage.* The county committee shall determine an adjusted acreage for each old farm in the county (excluding farms on which not more than one acre of peanuts was harvested in any year of the base period unless the county committee determines from available information that more than one acre of peanuts will be harvested on any such farm in the current year) as follows:

(a) If peanuts were produced in the preceding year on a farm for which no farm allotment was established because no peanuts were produced on such farm during the base period applicable to the preceding year, the county committee shall, on the basis of tillable acreage available, labor and equipment available for the production of peanuts, crop-rotation practices, and soil and other physical factors affecting the production of peanuts, determine an adjusted acreage for the farm which is fair and equitable in comparison with the adjusted acreages for other farms in the community which are similar with respect to such factors: *Provided,* however, such adjusted acreage determined for the farm shall not exceed 75 percent of the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor.

(b) For each old farm, excluding farms described in paragraph (a) of this section, the county committee shall adjust farm peanut history acreages for the preceding year and establish adjusted acreages as provided below:

(1) The county committee shall examine the farm peanut history acreage for the preceding year and if abnormal conditions affected such acreage, the farm peanut history acreage shall be increased to compensate for any reduction in the acreage resulting from such abnormal conditions; however, the acreage as so increased shall not exceed the farm allotment established for the farm for such year.

(2) If a farm allotment was not established for the preceding year for a farm on which peanuts were produced in any one or more years of the base period applicable to the preceding year, the county committee shall determine an acreage for the farm which shall be considered the preceding year farm allotment for purposes of establishing an adjusted acreage for the farm. Such acreage shall be established in accordance with the marketing quota regulations applicable to the crop of peanuts produced in the preceding year.

(3) The county committee shall compare the farm peanut history acreage for the preceding year for each farm with the farm allotment established for the preceding year. If the farm peanut history acreage for a farm is less than 75 percent of the farm allotment, a total of the farm peanut history acreages for the three years of the base period shall be determined. The total acreage so determined shall be divided by 3, except that if a farm allotment was established for the farm for only two years of the base period the total shall be divided by 2, or if a farm allotment was established for the farm for only one year of the base period the total shall be divided by 1. If the average of the farm peanut history acreages for the farm, determined in accordance with this subparagraph is less than the preceding year allotment established for the purpose of determining the adjusted acreage for the farm, the average of the farm peanut history acreages shall be considered as the preceding year farm allotment.

(4) The county committee shall examine the preceding year farm allotment for each farm after adjustments, if any, have been made under subparagraph (3) of this paragraph and may adjust such allotments downward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreages established for other old farms in the community which are similar as to the tillable acreage available for the production of peanuts. If a downward adjustment is made, the adjusted acreage for the farm shall be not less than the smaller of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the average peanut history acreage for the farm for the three years of the base period.

(5) An acreage not in excess of 10 percent of the preceding year State peanut acreage allotment shall be made available to the county committees by the State committee for making upward adjustments. The State committee shall determine if upward adjustments are to be made prior to or subsequent to determining adjusted acreages. If upward adjustments are to be made prior to determining adjusted acreages, the county committee shall examine the preceding year farm allotment for each farm after adjustment, if any, has been made under subparagraph (3) of this paragraph and may adjust such allotment upward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreage established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut history acreages for the base period; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. If upward adjustments are to be made prior to determining adjusted acreage, the county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor, or (ii) the largest farm peanut history acreage for the farm for any year of the base period: *Provided, however,* That such limitation shall not be applicable if the State and county committees find that the adjusted acreage as determined under the limitation is relatively smaller in relation to the farm peanut history acreages for the base period, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm, than the adjusted acreages for other old farms in the community which are similar with respect to such factors.

(6) The adjusted acreage for each old farm in the county shall be the preceding year farm allotment plus or minus any upward or downward adjustment made pursuant to subparagraphs (4) and (5) of this paragraph.

(c) The adjusted acreage determined for the farm in accordance with the foregoing provisions of this section shall not exceed the tillable acreage available for the farm.

§ 729.818 *Reserves for late allotments and corrections.* The county committee shall estimate the acreage that will be needed in the county (a) to establish late allotments for old farms on which not more than one acre of peanuts was picked or threshed in any year during the base period, but on which more than one acre of peanuts will be picked or threshed in the current year, and (b) for the correction of errors in farm allotments. The reserve for late allotments and corrections recommended by the county committee shall be subject to adjustment by the State committee and shall be held as a State reserve.

§ 729.819 *Allotments for old farms.* (a) If adjustments are to be made prior to determining preliminary allotments, as provided in § 729.817 (b) (5), the preliminary allotments determined pursuant to § 729.815 shall be the current year farm allotments.

(b) If the State committee determines, as provided in § 729.817 (b) (5), that upward adjustments shall be made subsequent to the determination of preliminary allotments, the county committee shall examine the current year preliminary farm allotment for each farm and may adjust such preliminary allotment upward if it determines that such adjustment is necessary to obtain a farm allotment for the farm which is comparable with the allotments established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut history acreages for the base period; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and the soil and other physical factors affecting the production of peanuts. If an upward adjustment is made, the farm allotment shall not exceed the larger of (1) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor, or (2) the largest farm peanut history acreage for the farm for the base period; *Provided, however,* That such limitation shall not be applicable if the State and county committees find that the allotment as determined under such limitations is relatively smaller in relation to the farm peanut history acreage for the base period, and the tillable acreage available for the production of peanuts on the farm, than the allotment for other old farms in the community which are similar with respect to such factors. The current year farm allotment shall be the preliminary allotment for the farm determined in accordance with § 729.815 plus any additional acreage allotted to the farm as an upward adjustment from the acreage made available to the county committee by the State committee pursuant to § 729.817 (b) (5).

§ 729.820 *Allotment for farms divided or combined*—(a) *Divisions.* If land operated as a single farm in the preceding year will be operated in the current year as two or more farms, the current year allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the divided farms in the same proportion as the acreage of cropland available for the production of peanuts for each such divided farm bears to the cropland available for the production of peanuts for the entire tract; except that the peanut acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for the current year consists of two or more tracts which were separate and distinct farms before being combined for any year of the base period, be apportioned among the tracts in the same proportion that each contributed to the farm allotment for the year for which combined: *Provided,* That with the recommendation of the county committee and the approval of the State committee, the allotment determined for a divided farm pursuant to the preceding provisions of this paragraph may be increased or decreased by not more than the larger of one acre or ten percent of the allotment established for the entire farm with corresponding increases or decreases made in the allotment apportioned to the other divided farm or farms: *Provided, further,* That if a farm is to be divided in settling an estate, the allotment may be apportioned among the divided farms in accordance with this paragraph or on such basis as the State committee determines will result in equitable allotments.

(b) *Combinations.* If two or more tracts which were operated as separate farms in the preceding year are combined and operated as a single farm for the current year, the current year allotment shall be the sum of the current year allotments determined, or which otherwise would have been determined, for each of the tracts composing the combination.

§ 729.821 *Normal yields*—(a) *County.* Each year the State committee shall determine a county normal yield for each peanut producing county. The normal yield for any county shall be the average yield per acre of peanuts for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any year in the five-year period, production data are not available, or there was no actual yield, an appraised yield for such year shall be determined by the State committee on the basis of yields obtained in similar nearby counties during such year and shall be used as the actual yield for such year. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of the five-year period is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the county normal yield per acre. The most reliable yield data available to the State committee from its own records and from the Agricultural Marketing Service shall be used in computing county normal yields.

(b) *Farm.* The normal yield for a farm shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee, taking into consideration soil and other physical factors, abnormal weather conditions, the normal yield for the county, and the yield for the farm in years for which data are available.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 729.822 *Allotments for new farms.* (a) The farm allotment for a new farm shall be that acreage which the county committee, with the approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producer(s) on the farm; the tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. The farm allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor: *Provided, however,* That such limitation shall not be applicable if the State and county committees find that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors: *And provided further,* That the allotment determined under this section shall be reduced to the farm peanut acreage when it is deter-

mined that such acreage is less than 75 percent of the allotment.

(b) Notwithstanding any other provisions of this section, an allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) An application for a new farm allotment is filed by the farm operator and farm owner with the county committee prior to a closing date established by the State committee. In no event is the closing date to be earlier than January 15, or later than February 15 of the calendar year for which application for an allotment is being filed.

(2) A producer on the farm shall have had experience in growing peanuts either as a sharecropper, tenant, or as a farm operator or farm owner during at least two of the five years immediately preceding the current year: *Provided, however,* That a producer who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry in the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five years from date of discharge.

(3) The farm operator is largely dependent on the farm for his livelihood.

(4) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for the current year.

(c) One-half of one percent of the national peanut acreage allotment shall be available for establishing allotments for new farms; except that, if the total of the acreages required to establish allotments and reserves for old farms hereunder in any State is less than the State allotment, the balance of each State allotment shall, upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms as determined by the State and county committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments determined by the State and county committees does not exceed one-half of one percent of the State's share of the current year national peanut acreage allotment, no adjustment will be made in the new farm allotments determined by the State and county committees and there shall be made available to each such State an acreage equal to the total of the new farm allotments.

(2) For any State for which the total of the new farm allotments determined by the State and county committees exceeds one-half of one percent of the State's share of the national acreage allotment there shall be made available for new farm allotments in each such State an acreage equal to one-half of one percent of the State's share of the national acreage allotment;

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments by the State and county committees that is in excess of the acreage made available under subparagraph (2) of this paragraph. The farm allotments determined by the State and county committees for new farms which receive acreage under subparagraph (2) of this paragraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage made available to the State for establishing allotments for such farms; and

(4) If the total of the acreage required to establish fair and reasonable allotments and reserves for all old farms in the State and for all new farms in the State that meet the eligibility requirements set forth in paragraph (b) of this section is less than the State acreage allotment plus the acreage allocated to new farms in the State under this section, the balance of such acreage shall, upon approval of the Director, be available for establishing allotments, on the basis of factors specified in § 729.822 (a), for farms on which no peanuts were picked or threshed during the base period if each of the following conditions has been met:

(i) An application for an allotment is filed by the farm operator and farm owner with the county committee prior to the closing date established by the State committee which shall not be earlier than February 1 or later than March 1 of the calendar year for which application for an allotment is being filed.

(ii) The applicant is largely dependent on the farm for his livelihood.

(iii) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for the current year.

(5) Not more than one per centum of the national acreage allotment shall be apportioned among new farms.

§ 729.823 *Normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines on the basis of the factors set forth in § 729.821 (b).

MISCELLANEOUS (ALLOTMENTS)

§ 729.824 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If peanuts are marketed or are permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact were produced on a different farm, the acreage allotments next established for both such farms shall be reduced, as hereinafter provided, except that such reduction for any farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketings.

(b) If proof of the disposition of any amount of peanuts is not furnished as required by these regulations, the acreage allotment next established for the farm on which such peanuts are produced shall be reduced, as hereinafter provided, except that if the operator establishes to the satisfaction of the State and county committees that failure to furnish proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made.

(c) Any reduction made under this section shall be made with respect to the current year farm allotment, provided it can be made 30 days prior to the beginning of the normal planting season for the county in which the farm is located, as determined by the State committee. If the reduction cannot be made effective with respect to the current year crop, such reduction shall be made with respect to the farm allotment next established for the farm. This section shall not apply if the farm allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the current year farm allotment shall be that percentage which the amount of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the amount of such peanuts involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting seasons, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar: *Provided,* That the estimate of such actual production of peanuts on the farm shall not exceed the harvested acreage of peanuts on the farm multiplied by the average actual yield per acre on farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm, as so estimated by the county committee multiplied by the farm allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of peanuts for which satisfactory proof of disposition of peanuts on the farm is not shown, the amount of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated as above, less the amount of peanuts for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be computed on the portion of the allotment derived from the farm involved in the violation.

(f) If the farm involved in the violation has been divided prior to the reduction, the percentage of reduction for the allotments for the divided farms shall be the same as though no division had been made.

§ 729.825 *Release and reapportionment*—(a) *Release of acreage allotments.* Any part of the acreage allotted for the current year to an individual farm in any county under the provisions of §§ 729.819 and 729.822 on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee by a closing date established by the State committee, which shall not be earlier than March 1 or later than July 1 of the current year, shall be deducted from the allotment to such farm. If any part of the farm allotment is permanently released (i. e., for the current year and all subsequent years), such release shall be in writing and signed by both the owner and the operator of the farm. If the entire current year farm allotment is permanently released, the farm shall not thereafter during the current year be eligible for a farm allotment as either an old farm or as a new farm, and the farm peanut history acreages and farm allotments for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year.

(b) *Reapportionment of released acreage allotment.* The farm allotments released under paragraph (a) of this section may be reapportioned by the county committee, to other farms in the same county receiving allotments, in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. Such reapportionment shall be made on the basis of applications filed on form MQ–30—Peanuts by farm owners or operators with the county committee not later than a closing date established by the State committee, which shall not be earlier than March 1 or later than July 15 of the current year.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) *Credit for acreage allotment released for the current year only.* The release for the current year only of any part of the acreage allotted to individual farms pursuant to paragraph (a) of this section shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment. Any increase in the allotment for a farm because of reapportionment under paragraph (b) of this section shall not operate to increase the allotment for any subsequent year for the farm.

§ 729.826 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production in 1950 or any subsequent year for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided,* That such allotment shall not exceed 50 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of peanuts from the farm by the owner of the farm at the time of its acquisition by the Federal, State, or other agency, (2) any peanuts produced on such farm have not been accounted for as required by these regulations, or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of peanuts produced on or marketed from such farm.

§ 729.827 *Additional acreage allotment for farms producing types of peanuts in short supply.* (a) The additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for the current year less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any of the three years of the base period on the basis of the average picked or threshed acreage of peanuts of such type or types (excluding excess acreage) on each such farm during such period. The reserve for the correction of errors shall be determined by the State committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of one percent of the additional acreage apportioned to the State.

(b) The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.828 *Approval of determinations and notice of farm allotment.* The State committee shall review farm allotments and normal yields and the State committee may correct or require the correction of any determination made in connection therewith. Farm allotments shall be approved by the State committee and official notice of the farm allotment of Form MQ–24 shall not be issued for a farm until such allotment has been so approved. A form MQ–24, Notice of Farm Acreage Allotment and Marketing Quota, shall be prepared and mailed to the operator of each farm for which a farm allotment is established. Forms MQ–24 that are prepared for farms for which the farm allotments are reduced in accordance with § 729.824 shall be mailed to operators by certified mail.

§ 729.829 *Application for review.* Any producer who is dissatisfied with the farm allotment or marketing quota established for his farm, may within fifteen days after mailing of the official notice, file application in accordance with applicable regulations (Part 711 of this chapter) to have such allotment or quota reviewed.

§ 729.830 *Right to appeal normal yield determination.* Any producer who is dissatisfied with the normal yield established for his farm may file an appeal for reconsideration of the determination. The request for appeal and facts constituting a basis for such consideration must be submitted in writing and postmarked or delivered to the county committee within fifteen days after the date of mailing the notice of farm normal yield. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within fifteen days after the date of mailing of the notice of the decision of the county committee. If the applicant is dissatisfied with the decision of the State committee, he may, within fifteen days after the date of mailing of the notice of the decision of the State committee, appeal to the Deputy Administrator, Production Adjustment whose decision shall be final.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 729.840 *Identification of farms.* Each farm as operated for the current year shall be identified by a farm serial number and all records pertaining to farm allotment and marketing quotas for the current year crop of peanuts shall be identified by the farm serial number.

§ 729.841 *Measurement of farms.* The peanut acreage on farms shall be measured to determine compliance with farm allotments in accordance with instructions issued by the Deputy Administrator. If, after the picking or threshing of peanuts on a farm is completed, it is discovered that the picked or threshed acreage for the current year exceeds the effective farm allotment (or one acre if the effective farm allotment is less than one acre) because the farm operator received an erroneous notice in writing regarding the number of acres planted to peanuts on the farm or the farm peanut acreage; a statement of all the facts and circumstances causing the error and the county office manager's recommen-

dation shall be referred to the State administrative officer. Upon recommendation of the county office manager and approval by the State administrative officer, the farm peanut acreage shall be considered equal to the larger of one acre or the effective farm allotment, if all of the following conditions are met:

(1) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county office in reporting, computing, or recording, peanut acreages for the farm;

(2) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(3) The extent of error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 729.842 *Amount of farm marketing quota.* (a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts on the farm peanut acreage.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual yield per acre multiplied by the effective farm allotment.

§ 729.843 *Marketing quotas not transferable.* Farm marketing quotas are not transferable in whole or in part from one farm to another farm and peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm. If any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm the allotment next established for each such farm shall be reduced as provided in § 729.824.

§ 729.844 *Issuance of marketing cards.* (a) A marketing card shall be issued to the operator of each farm on which peanuts are produced in the current year for use by any producer for marketing his share of the peanuts produced on the farm. If the county office manager finds that it will serve a useful purpose, additional marketing cards may be issued in the name of the operator and delivered to other producers on the farm or the marketing card may be issued in the name of the operator and one or more producers on the farm.

(b) If the county committee determines that such action is necessary to enforce the provisions of these regulations, the issuance of a marketing card may be withheld for any farm until the committee provides for an estimate to be made of the peanut production on such farm. The estimated production on each such farm will be used in determining, after all peanuts produced on such farms have been marketed or otherwise disposed of, whether the marketing card issued for each farm was properly used.

(c) Upon return to the ASC county office, of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. A new marketing card of the same kind shall also be issued to replace a card which has been determined by the county office manager to have been lost, stolen, mutilated, or destroyed.

(d) Within quota card: A farm is eligible for a within quota card under any one of the following conditions:

(1) The farm has no excess acreage.

(2) The acreage planted to peanuts on the farm is in excess of the effective farm allotment but an agreement on Form MQ–92—Peanuts is executed and approved in accordance with § 729.855.

(3) The farm has excess acreage which consists of peanuts grown only for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station, or peanuts produced by farmers for experimental purposes pursuant to an agreement with a publicly owned experiment station: *Provided*, That, the Director of the publicly owned agricultural experiment station furnishes the State administrative officer a list by counties showing the following information for farms in the State on which peanuts are grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station:

(ii) Name of the owner, and name of the operator if different from the owner of each farm in the State on which peanuts are grown for experimental purposes only;

(iii) The acreage of peanuts grown on each farm for experimental purposes only; and

(iv) A signed certification stating that such acreage of peanuts was grown on each farm for experimental purposes only and was necessary for carrying out the experiment; and the peanuts were produced under the direction of representatives of the publicly-owned agricultural experiment station.

(e) Excess penalty card: An excess penalty card shall be issued for a farm if the farm peanut acreage exceeds the larger of the effective farm allotment or one acre and the farm is not eligible for a within quota card under paragraph (d) of this section.

(f) Indebted to U. S.: If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any marketing card issued for such farm shall bear the notation "Indebted to U. S." on the front cover thereof. On the inside back cover of the card the amount and type of the indebtedness, the name of the debtor, and any other data considered necessary to facilitate proper handling of the debt shall be entered. A notation showing "PMQ" (Peanut marketing quota) as the type of indebtedness shall constitute notice to any peanut buyer that until the amount of penalty (including accrued interest) is paid, a lien on the crop of peanuts with respect to which the penalty was incurred and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest shall be in effect in favor of the United States. A notation showing indebtedness of any type other than "PMQ" shall constitute notice to any peanut buyer that subject to prior liens the net proceeds from any price support loan or purchase settlement due the debtor shall be paid by check drawn to the order of "Treasurer of the United States" to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notation and information concerning indebtedness to the United States shall not constitute a waiver by the indebted producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

§ 729.845 *Person authorized to issue cards.* The county office manager shall sign marketing cards for farms in the county as issuing officer. The issuing officer may designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each person so designated shall place his initials immediately beneath the name of the issuing officer.

§ 729.846 *Successors-in-interest.* Any person who suceeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall to the extent of such succession, have the same rights as the producer to the use of any marketing card issued for the farm.

§ 729.847 *Invalid marketing cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted, incorrect, contradictory, or illegible;

(3) It is lost, destroyed, or stolen;

(4) Any erasure or alteration has been made and not properly initialed; or

(5) The converted penalty rate on an excess penalty card has been altered.

(b) If any marketing card becomes invalid (other than by loss, destruction or theft) the operator, or the person having the card in his possession, shall return it to the ASC county office from which it was issued. If any marketing card is lost, destroyed, or stolen, the producer to whom the card was issued shall give immediate written notice of such fact to the ASC county office from which the card was issued.

(c) If a marketing card is invalid because an entry is not made as required either through omission or incorrect entry, (except incorrect entry of converted penalty rate) and the proper entry is later made or corrected and initialed by the issuing officer or a person designated by the issuing officer to sign his name in issuing marketing cards as provided in § 729.845, then such card shall be valid; or if the invalid card is not made valid in this manner, it shall be cancelled and a new card issued in its place.

§ 729.848 *Report of misuses of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of an ASC State or county office or any person engaged in buying or handling peanuts, to believe that a marketing card is being misused in any manner shall be reported immediately by such committeeman, employee, or person to the ASC county office or to the ASC State office.

MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

§729.849 *Extent to which marketings from a farm are subject to penalty.* The penalty for a farm having excess acreage shall be determined as follows:

(a) If the peanuts produced on the farm are properly marketed with an excess penalty card issued for the farm, the penalty shall be paid on each lot of peanuts marketed from the farm in an amount determined by multiplying the converted penalty rate for the farm by the number of pounds in the lot.

(b) If the peanuts produced on the farm are not properly marketed with an excess penalty card issued for the farm but the disposition of the peanuts produced on the farm is accounted for to the satisfaction of the State committee, the total amount of penalty for the farm shall be determined by multiplying the total quantity of peanuts marketed from the farm by the converted penalty rate for the farm.

(c) If the disposition of peanuts produced on the farm is not accounted for to the satisfaction of the State committee or if any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, a penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate.

(d) If the representative of the county committee is prevented by the operator or other producer or person from determining the farm peanut acreage, the farm will be deemed to have excess acreage and the penalty for the farm shall be determined by multiplying the quantity of peanuts marketed from the farm by the basic penalty rate. If, however, the operator furnishes a complete and correct report containing the information specified in § 729.857 (b), the penalty for the farm shall be determined in accordance with paragraph (b) of this section. The procedure outlined in this section shall not be deemed to affect the right of the Secretary to obtain a measurement as provided for in the Act.

(e) Notwithstanding the foregoing provisions of this section, the penalty will not be applicable to the shriveled, damaged, split, and broken peanut kernels which are obtained in the process of shelling farmers' stock peanuts for use by the producer as seed in the following year, if the quantity of peanuts shelled by or for the producer is not in excess of the seed requirements for his farm as determined by the county office manager.

§ 729.850 *Identification of marketings.* (a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time the peanuts are marketed. Each marketing of peanuts without a marketing card shall be subject to a penalty at the basic penalty rate (See § 729.851 (a)) unless the marketing consists of shriveled, damaged, split, and broken peanut kernels which were produced in shelling not in excess of that quantity of farmers' stock peanuts for a producer which the county office manager determines is reasonable for seed purposes on the producer's farm. The marketing of such shriveled, damaged, split, and broken kernels that are not identified by a marketing card will be identified by Form MQ–93—Peanuts partially executed by the county office manager to show the quantity of peanuts that is reasonable for seed purposes on the producer's farm for the following year. Buyers will record and report purchases of shelled peanuts from producers that are not identified by within quota cards on Form MQ–93—Peanuts: *Provided, however*, That a person who is not engaged in the business of buying peanuts for movement into the regular channels of trade shall not be required to make a record and report of purchases of peanuts from producers if the county office manager has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records and make the buyer's reports as required by these regulations in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the ASC county office.

(b) A buyer who resells any farmers' stock peanuts shall keep, as part of or in addition to the records maintained by him in the conduct of his business, such records as will enable him to certify, in connection with any such resale of farmers' stock peanuts, that such peanuts were identified to him by valid marketing cards when purchased from farmers and that any penalty due was collected and remitted. The records maintained by the buyer with respect to such peanuts shall be available for examination in accordance with § 729.862.

§ 729.851 *Rate of penalty.* (a) The basic penalty rate shall be equal to 75 percent of the support price for peanuts for the marketing year.

NOTE: The exact amount of the penalty rate for each crop of peanuts will be issued as an annual amendment to this section as soon as the basic rate of the loan or support price is announced.

(b) The converted penalty rate for a farm shall be determined as follows:

(1) Compute the percent excess for a farm by dividing the farm peanut acreage into the excess acreage.

(2) Multiply the percent excess for the farm by the basic penalty rate.

§ 729.852 *Persons to pay penalty.* (a) The penalty due on peanuts purchased directly from a producer shall be paid by the buyer who may deduct an amount equivalent to the penalty from the price paid to the producer except that the penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer. The buyer shall not be relieved of any liability with respect to the amount of penalty because of any error which may occur in executing a sales memorandum. If the buyer fails to collect or to pay the penalty due on any marketing of peanuts from a farm, he and all producers on the farm shall be jointly and severally liable for the amount of the penalty.

(b) Notwithstanding any other provisions of §§ 729.840 to 729.865, if the county office manager finds that peanuts produced on a farm on which there is excess acreage have been or probably will be sold to persons who are not engaged in the business of buying peanuts for movement into the regular channels of trade and determines that it would be administratively impracticable to effect the collection of the marketing penalty from such persons, the county office manager may, on the basis of county office records or other available information, estimate the actual yield and the production for the farm and determine the amount of penalty due on the quantity of peanuts marketed to such persons. The amount of penalty shall be determined by multiplying the converted penalty rate by the estimated total production for the farm. The amount of penalty may be collected from the operator or producer before the marketing card is issued if he agrees to payment of the penalty in this manner. If the county office manager determines that satisfactory information is not available for estimating the yield for the current crop, a normal yield for the farm shall be determined and it shall be considered to be the estimated actual yield for the purpose of determining the amount of penalty. An excess penalty card shall be issued for the farm. If the penalty is paid before the excess penalty card is issued, the penalty rate on the card shall be shown as "zero". If the county committee determines, after marketing of the crop for the farm has been completed that the actual production for the farm was less than the estimated production, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.856. If the county committee determines, after marketing of the crop for the farm has been completed that the actual production for the farm was more than the estimated production, the county committee shall immediately redetermine the amount of penalty due and shall make demand upon the producer for the amount of unpaid penalties.

§ 729.853 *Marketings subject to penalty.* In addition to marketings subject to penalty that are identified by excess penalty cards, the marketing of peanuts under any of the following conditions shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.851.

(a) *Producer marketings.* (1) Any marketing of peanuts by a producer which is not identified by a valid marketing card shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.851 (a) unless the peanuts marketed consist of shriveled, damaged, split, and broken peanut kernels as described in § 729.850 (a) or unless the marketing is within the term of the proviso contained in § 729.850 (a).

The penalty due under the provisions of this paragraph shall be determined by multiplying the pounds marketed by the basic penalty rate, and such amount of penalty shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(2) Notwithstanding the provisions of § 729.849, if any producer falsely identifies or fails to account for the disposition of any peanuts produced on a farm, an amount of peanuts equal to the normal yield of the excess acreage for the farm shall be deemed to have been marketed subject to penalty. A penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate, and such amount of penalty shall be paid by the producer.

(b) *Buyer's marketings.* The part or all of any marketing of peanuts by a buyer which such buyer represents to be a resale, but which when added to prior sales by such buyer is in excess of the total amount of his prior purchases shall be deemed to have been marketed subject to penalty at the basic rate unless and until such buyer furnishes proof acceptable to the State committee showing that such marketing is not a marketing subject to penalty. Any penalty due under this paragraph shall be paid by the buyer making the resale.

(c) *Marketings not reported.* Any marketing of peanuts, which, under §§ 729.840 to 729.865, a buyer is required to report, but which is not so reported within the time and in the manner therein required, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes a report of such marketing which is acceptable to the State committee. The penalty shall be determined by multiplying the pounds marketed by the basic penalty rate and such amount of penalty shall be paid by the buyer who fails to make the report as required.

§ 729.854 *Payment of penalty.* (a) A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, or interest thereon, but any such draft or check shall be received subject to collection and payment at par. With respect to penalties which were due and unpaid on May 28, 1956, the person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of six percent per annum from such date until paid; with respect to other penalties the person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of six percent per annum from the date the penalty becomes due until the date of payment of such penalty. For purposes of this section such other penalties become due as follows:

(1) Within two calendar weeks following the week in which peanuts are marketed subject to penalty. If the buyer of such peanuts does not remit the penalty within this period interest shall begin to accrue on Monday of the third calendar week following the week in which the peanuts were marketed; or, as to any other case;

(2) Two weeks from the date of written notice to the producer, or buyer of the amount of any penalty owed including but not limited to (i) penalties resulting from violation of a Form MQ–92 agreement, and (ii) penalties determined on the basis of normal yield (cases involving failure to account for disposition or false identification of peanuts).

(b) Until any penalty is paid, a lien on the crop of peanuts with respect to which such penalty is incurred, and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest shall be in effect in favor of the United States.

§ 729.855 *Use of agreement to permit marketings from overplanted farms.* (a) Within quota card issued on basis of agreement. If the State committee determines that the agreement provided for in this section will serve a useful purpose, it may authorize its use in the State. Where the use of the agreement is authorized, the county office manager may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the effective farm allotment, issue a within quota card with respect to the farm in the manner prescribed in § 729.844 if the operator executes an agreement form in which he represents that the farm peanut acreage will not exceed the larger of the effective farm allotment or one acre and such form is approved by the county committee.

(b) *Form of agreement.* The agreement referred to in this section shall be on Form MQ–92—Peanuts. If the county committee has reason to believe that a within quota card issued pursuant to this section would be used as a device to evade the payment of penalty or the terms and conditions of the price support program, the agreement shall not be approved by the county committee and a marketing card shall not be issued for the farm until the farm peanut acreage has been determined.

(c) *Payment of penalty.* If any penalty becomes due for a farm for which an agreement has been executed and approved, the amount of the penalty shall be determined in accordance with § 729.849. At the request of the county office manager, the operator shall surrender the marketing card issued for the farm showing thereon the required record of all peanuts marketed. After collecting the amount of any penalty due, an excess penalty card shall be issued for the farm if marketings from the farm have not been completed.

§ 729.856 *Request for refund of penalty.* After the marketing of peanuts from the farm has been completed and the disposition of any other peanuts produced on the farm can be shown, the producer or any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 729.840 to 729.865. Such request shall be filed with the ASC county office within two years after the payment of the penalty. No refund shall be made because of peanuts kept on the farm for seed or for home consumption. In each instance where an excess penalty card was issued for a farm showing the minimum converted penalty rate (one-tenth of a cent) and in each instance of violation of agreement where the minimum converted penalty rate is used to compute the amount of penalty, because of the rule of fractions, the county office manager shall recompute the amount of penalty for the farm by multiplying the total pounds of peanuts marketed from the farm by the percent excess by the basic penalty rate. If the penalty for the farm has already been collected and such amount exceeds the revised amount of penalty computed for the farm by more than $3.00, a refund shall be made to the producer in accordance with this section.

RECORDS AND REPORTS

§ 729.857 *Producer's records and reports.* (a) Report on marketing card. Each marketing card issued with respect to a farm on which peanuts are produced shall be returned to the ASC county office as soon as marketings from the farm are completed or at such earlier time as the county office manager may request. Failure to return the marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced as provided in § 729.824 of these regulations.

(b) *Additional reports by producers.* (1) In addition to any other reports which may be required under §§ 729.840 to 729.865 the operator of each farm or any other producer on the farm (even though the farm has no excess acreage) shall, upon written request from the State administrative officer sent by certified mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the same to the ASC State office within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(i) The farm peanut acreage;

(ii) The total production of peanuts on the farm peanut acreage;

(iii) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed;

(iv) The quantity of peanuts not marketed; and

(v) In the case of a farm for which an agreement was approved under § 729.855 the gross value received for each lot of peanuts.

(2) Failure to file the report as requested or the filing of a report which is found by the State committee to be false shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for such farm shall be reduced as provided in § 729.824.

§ 729.858 *Records and reports of buyers and others.* The following paragraphs shall apply to all marketings except marketings within the terms of the proviso contained in § 729.850 (a).

(a) *Record of marketings.* (1) Each buyer shall keep such records as will enable him to furnish the ASC State office the following information with respect to each lot of peanuts marketed to or through him by a producer:

(i) Serial number of the marketing card presented by the producer to identify each marketing;

(ii) Name of producer and either the name of the operator of the farm or the farm serial number;

(iii) Date of marketing;

(iv) Number of pounds marketed;

(v) Amount of any penalty due and the amount of any deduction for penalty from the amount paid the producer;

(2) This record may be kept by the buyer maintaining a file on his copies of sales memoranda.

(3) Records of all resales of farmers' stock peanuts by the buyer shall be maintained and the name of each person to whom such resale was made shall be shown on the buyer's record in accordance with § 729.850 (b).

(b) *Sales memorandum.* Buyers will record and report each purchase of farmers' stock peanuts on a sales memorandum. The State office copies of sales memoranda, with remittances covering the penalties due on purchases of excess peanuts, shall be forwarded to the ASC State office by means of MQ–79—Peanuts, Buyers Weekly Report and Transmittal to the ASC State office, not later than the end of the second calendar week following the week in which the peanuts were marketed.

(c) *Report of shelled peanuts purchased or acquired from producers.* Any person who purchases shelled peanuts from a producer shall record the transaction on the marketing card, execute a sales memorandum, collect the penalty and report such marketings to the State office in the same manner as purchases of farmers' stock peanuts purchased from producers are recorded and reported to the State office, unless the marketing consists of shriveled, damaged, split and broken peanut kernels which were produced in shelling farmers' stock peanuts for a producer. Persons who shell peanuts for producers and purchase or retain a quantity of shriveled, damaged, split, and broken peanut kernels which were produced in shelling the farmers' stock peanuts for the producer shall record and report such purchase or acquisition of the shriveled, damaged, split, and broken peanut kernels on Form MQ–93—Peanuts, unless the peanuts are identified to the seed sheller by valid within quota marketing cards. The State office copies of Form MQ–93—Peanuts with remittances covering the penalty due on the purchase of excess peanuts subject to penalty shall be forwarded to the State office not later than the end of two calendar weeks after the buyer has ceased his shelling operation for the season. If the peanuts to be shelled for the producer are identified to the sheller by a valid within quota marketing card and the sheller retains a quantity of the shriveled, damaged, split, and broken peanut kernels which were produced in shelling the farmers' stock peanuts for the producer he shall keep such records as will enable him to show the following information regarding each transaction:

(1) Serial number of within quota marketing card presented by the producer;

(2) Name and address of the producer;

(3) Date of shelling;

(4) Pounds of farmers' stock peanuts shelled;

(5) Pounds of shelled peanuts returned to the producer; and

(6) Pounds of shelled peanuts retained by sheller.

The record maintained by the sheller with respect to such peanuts shall be available for examination in accordance with § 729.862.

(d) *Additional records and reports.* Each buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or peanut-threshing machine shall keep such records and furnish such reports to the ASC State office in addition to the foregoing, as the State committee may find necessary and require to insure the proper identification of the marketings of peanuts and the collection of penalties due thereon.

§ 729.859 *Record and report of peanuts shelled for producers.* Any person who shells peanuts for a producer and does not retain any of the shelled peanuts shall make a record of the shelling of each lot of such peanuts by executing Form MQ–93—Peanuts and shall forward the State office copies of the form to the State office by letter not later than two calendar weeks following the week in which the peanuts are shelled.

§ 729.860 *Separate records and reports from persons engaged in more than one business.* Any person who is required under these regulations to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business shall keep such records as will enable him to make the required reports separately for each such business.

§ 729.861 *Failure to keep records or make reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut-picking or peanut-threshing machine, who fails to make any report or keep any record as required in accordance with §§ 729.840 to 729.865 or who makes any false report or record, is guilty of a misdemeanor and upon conviction thereof is subject to a fine of not more than $500.00.

§ 729.862 *Examination of records and reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or threshing machine, shall make available for examination upon written request by the State administrative officer or the Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State administrative officer or the Director has reason to believe are relevant to any matter under investigation in connection with enforcement of the Act and regulations issued thereunder and which are within the control of such person.

§ 729.863 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person in accordance with these regulations shall be kept by him until three years following the end of the marketing year pertaining to such records and reports. Records shall be kept for such longer period of time as may be requested in writing by the Director.

§ 729.864 *Information confidential.* All data reported to or as required by the Secretary pursuant to the provisions of §§ 729.840 to 729.864 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of State or county committees, and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing, under Title III of the Act.

§ 729.865 *Redelegation of authority.* Any authority delegated to the State committee by these regulations may be redelegated by the State committee to any member of the State committee, the county committee or any member thereof, or any employee of a State or county committee.

NOTE: The record-keeping and reporting requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

Done at Washington, D. C., November 27, 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Secretary of Agriculture.

[F. R. Doc. 56–9818; Filed, Nov. 28, 1956; 1:00 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

ORDER ESTABLISHING BUDGET OF EXPENSES OF THE ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR THE CROP YEAR BEGINNING JULY 1, 1956

Pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), notice of proposed rule making with respect to the expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1956, was published in the FEDERAL REGISTER of September 13, 1956 (21 F. R. 6939). The aforesaid notice afforded interested persons the opportunity of submitting written data, views, or arguments concerning the proposal to the Department for consideration prior to the issuance of the order. No such documents were received during the period provided for in the notice.

After consideration of all relevant matters it is hereby found and determined that the budget of expenses of the Almond Control Board and the rate of assessment shall be as follows:

§ 909.306 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1956*—(a) *Budget of expenses.* The budget of expenses for said crop year shall be in the total amount of $28,300, such amount being reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year shall be, in lieu of the rate of assessment specified in § 909.121 (a) of said agreement and order, eight hundredths (0.08) of a cent for each pound of edible almond kernels received by each handler for his own account, except receipts from other handlers on which assessments have been paid.

It is hereby found and determined that good cause exists for making this document effective on its publication in the FEDERAL REGISTER, instead of waiting 30 days after its publication (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), for the reasons that: (1) The action will apply to all almonds received by handlers for their own accounts during the crop year which began on July 1, 1956, and no useful purpose would be served by delaying such effective date; (2) prior notice of such action was given all interested parties in the notice of proposed rule making which was published on September 13, 1956; and (3) no advance or special preparation for operations hereunder will be needed.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 27, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-9825; Filed, Nov. 29, 1956; 8:51 a.m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

SUSPENSION OF FEE STRUCTURE FOR FAMILY INCOME AND RENT SURVEYS FOR LOCAL HOUSING AUTHORITIES

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on suspension of this schedule of fees and postponement of the effective date thereof are impracticable and unnecessary for the reason that such procedure, because of the nature of these rules, serves no useful purpose.

The fee structure for family income and rent surveys conducted by the Bureau of the Census for local housing authorities (§ 50.15) and published in 21 F. R. 1849 is suspended pending revision of the fees. During the interim the fee for any surveys conducted will be on an actual cost basis.

Effective: October 23, 1956.

(Sec. 3, 49 Stat. 293, as amended; 15 U. S. C. 192a)

A. ROSS ECKLER,
Acting Director,
Bureau of the Census.

[F. R. Doc. 56-9777; Filed, Nov. 29, 1956; 8:45 a. m.]

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 202—OPTICS AND METROLOGY

HAEMACYTOMETERS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

1. Section 202.408, *Haemacytometers,* is amended to read as follows:

§ 202.408 *Haemacytometers.* Each haemacytometer chamber and each cover glass which passes the specification is marked with a National Bureau of Standards precision seal. In general, work will be discontinued when a substantial number of items in a lot fail to comply with the specifications, and the fee will be computed on the basis of the number of items tested plus a special handling charge.

Item	Description	Fee
202.408a	Single Neubauer haemacytometer chamber—testing single cell chamber (having Neubauer ruling) and 2 cover glasses for conformity with specification	$3.50
202.408b	Single Fuchs-Rosenthal haemacytometer chamber—testing single cell chamber (having Fuchs-Rosenthal ruling) and 2 cover glasses for conformity with specification	5.50
202.408c	Double Neubauer haemacytometer chamber—testing double cell chamber (having 2 Neubauer rulings) and 2 cover glasses for conformity with specification	4.00
202.408d	Double Fuchs-Rosenthal haemacytometer chamber—testing double cell chamber (having 2 Fuchs-Rosenthal rulings) and 2 cover glasses for conformity with specification	8.00
202.408e	Quadruple haemacytometer chamber—testing quadruple cell chamber (having 2 Neubauer rulings and 2 Fuchs-Rosenthal rulings) and 2 cover glasses for conformity with specification	10.00
202.408f	Cover glasses—testing cover glasses when not accompanying chamber, each	.25
202.408z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

[SEAL] A. V. ASTIN,
Director, National Bureau of Standards.

Approved: November 21, 1956.

L. S. ROTHSCHILD,
Acting Secretary of Commerce.

[F. R. Doc. 56-9776; Filed, Nov. 29, 1956; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 52—INSURANCE

PART 123—INSURANCE

FEES FOR INSURED MAIL

After consideration of the views expressed regarding the proposed amendment by the Department of the regulations relating to fees for insured mail (page 6418, August 25, 1956, FEDERAL REGISTER), the following amendments to Title 39 of the Code of Federal Regulations are adopted to become effective January 2, 1957:

In § 52.2 *Fees* amend the table in paragraph (a) to read as follows:

Liability:	*Fee*
$0.01 to $10	$0.10
$10.01 to $25	.15
$25.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.35

Liability for insured mail is limited to $200.

In § 52.3 *Mailing* amend subparagraph (1) of paragraph (d) to read as follows:

(1) Parcels on which the 10-cent fee is paid are not numbered and should be listed on separate sheets or grouped together. Prepare only one copy.

(R. S. 161, 396, as amended, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f)

In § 123.3 *Fees and limits of insurance* amend the table in paragraph (a) under the caption "Canada only" to read as follows:

CANADA ONLY	
$0.01 to $10	$0.10
$10.01 to $25	.15
$25.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.35

(R. S. 161, 396, as amended, 398, as amended, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 372, 39 U. S. C. 246f)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 56-9790; Filed, Nov. 29, 1956; 8:46 a. m.]

PART 112—PARCEL POST

PART 123—INSURANCE

MISCELLANEOUS AMENDMENTS

In § 112.1 *Chart of rates and mailing conditions* amend the country item "Turks Island (including Caicos Islands)" as follows:

Under the heading "Air Parcel Post rates" insert ".94" in the column "First 4 ounces", and ".19" in the column "Each additional 4 ounces".

The foregoing amendment is effective immediately.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

In § 123.3 *Fees and limits of insurance* amend subparagraph (1) of paragraph (b) by inserting the following in proper order in the table of countries:

Malaya	100.00

The foregoing amendment is effective December 1, 1956.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 56-9791; Filed, Nov. 29, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 908, 918]

[Docket No. AO-243-A3, AO-219-A7]

MILK IN CENTRAL ARK., AND MEMPHIS, TENN. MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Memphis, Tennessee, on September 5, 1956, pursuant to notice thereof which was issued August 23, 1956 (21 F. R. 6489), upon proposed tentative marketing agreements and orders, as amended, regulating the handling of milk in the Central Arkansas and Memphis, Tennessee, marketing areas.

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on October 31, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 3, 1956 (21 F. R. 8463). Within the period reserved therefor, interested persons filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator.

In arriving at the findings and conclusions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (21 F. R. 8463, Doc. 56-8943) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

It is hereby ordered that all of this decision be published in the FEDERAL REGISTER.

Filed at Washington, D. C., this 26th day of November 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56-9789; Filed, Nov. 29, 1956; 8:46 a. m.]

[7 CFR Part 969]

[Docket No. AO-254-A2]

AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Redlands Farm Labor Camp, Homestead (Modello), Florida, beginning at 10:00 a. m., e. s. t., December 11, 1956, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of avocados grown in South Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Avocado Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Add, at the end of § 969.8 *Grower,* the following proviso: "*Provided,* That, as used in § 969.22 the term 'grower' shall include only those who have a proprietary interest in the production of not less than 10 bearing avocado trees."

2. Delete the first sentence of § 969.22 (a) (2) and substitute therefor the following: "Only growers who are present at such nomination meetings, or who reside outside the production area and are represented at such nomination meetings by duly authorized agents, shall participate in the nomination and election of nominees for grower members and their alternates."

3. Delete paragraph (b) of § 969.30 *Procedure* and substitute therefor the following:

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided,* That such meetings shall be subject to the establishment of telephone communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

4. Delete from § 969.32 *Annual report* the words "prior to March 31 of each fiscal year" and substitute therefor the words "as soon as practicable after the close of each fiscal year."

5. Delete the last sentence in paragraph (b) of § 969.41 *Assessments.*

6. Delete paragraph (a) of § 969.42 *Accounting* and insert, in lieu thereof, the following:

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraph (2) of this section, each person entitled to a proportionate refund of the excess assessment shall be credited with

such refund against the operation of the following fiscal year unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such period may be carried over into following fiscal years as a reserve. Upon approval by the Secretary, such reserve may be established and used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

7. Add, after the first sentence in § 969.45 *Marketing research and development*, the following: "The committee may, to the extent necessary to carry out the projects established pursuant to this section, exempt the handling of avocados from the requirements of the regulations established under § 969.51."

8. Add, after subparagraph (3) of paragraph (a) of § 969.51 *Issuance of regulations*, the following new subparagraph:

(4) Establish pack specifications for the grading and packing of avocados and require that all avocados handled shall be packed in accordance with such pack specifications and shall be identified by appropriate labels, seals, stamps or tags, affixed to the containers by the handler under the supervision of the committee or an inspector of the Federal-State Inspection Service, showing the particular pack specifications of each lot.

Any regulation issued pursuant to the provisions of this section may prescribe requirements applicable to the handling of avocados of any variety or varieties to destinations within the production area which are different from those applicable to the handling of the same variety to destinations outside the production area.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112 Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, P. O. Box 19, Lakeland, Florida.

Done at Washington, D. C., this 27th day of November 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-9824; Filed, Nov. 29, 1956; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 125]

MONTHLY REPORTS OF RAILROAD ACCIDENTS

NOTICE OF FURTHER RULE-MAKING PROCEEDINGS

NOVEMBER 26, 1956.

On January 26, 1956, the Commission issued a notice consolidating into a single rule-making proceeding (a) the revision of its Rules Governing Monthly Reports of Railroad Accidents and (b) the question of whether the monthly reports of railroad accidents filed on Form T should be made confidential.

Following the receipt and consideration of the written views of interested persons, the Commission, on November 23, 1956, issued revised Rules Governing Monthly Reports of Railroad Accidents, to become effective January 1, 1957.

The Commission will give further consideration as to whether the monthly reports of railroad accidents filed on Form T should be made confidential, and to whether further changes should be made in the Rules Governing Monthly Reports of Railroad Accidents. Accordingly, interested persons may file with the Commission, on or before February 1, 1957, written statements of their views on these matters. Requests for oral argument must be filed on or before February 15, 1957.

The Commission will consider the written statements already filed by interested persons in the consolidated rule-making proceeding instituted on January 26, 1956.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9793; Filed, Nov. 29, 1956; 8:46 a. m.]

NOTICES

POST OFFICE DEPARTMENT

SUSPENSION OF MAIL SERVICE WITH HUNGARY; SUSPENSION OF MONEY-ORDER SERVICE TO EGYPT

The following is the text of Order No. 56232, dated November 23, 1956:

Because of the closing of their border, it is ordered that all mail service, including money order service, with Hungary shall be suspended effective at once.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

The Postal Administration of Great Britain, which acts as intermediary in the exchange of money orders between the United States and Egypt, announces that its international money-order service to Egypt has been temporarily interrupted.

Therefore, applications for money orders payable in Egypt should not be accepted until further notice.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 56-9792; Filed, Nov. 29, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF THE NETHERLANDS FOR BENEFIT OF HENRIETTE POLAK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Henriette Polak, L. S. Claim No. 238, $1,290.00 in the Treasury of the United States.

Berg Stichting, Amsterdam, Holland, and Vereeniging "Pro Juventute", Amsterdam, Holland, L. S. Claim No. 315, $1,117.43 in the Treasury of the United States.

Adolf and Lodewijk Schrijver, Netty Spoor and Herman Krijn, L. S. Claim No. 761, $506.83 in the Treasury of the United States.

Prosper Koe, L. S. Claim No. 830, $784.16 in the Treasury of the United States.

(All right, title and interest acquired by the Attorney General pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Ver. "Centraal Israelietisch Krankzinnigengesticht in Nederland," L. S. Claim No. 404, Kansas City Southern Railway Company 5/50 Bond No. 14713, in the principal amount of $1,000.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9802; Filed, Nov. 29, 1956; 8:48 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF JACOBUS LIONI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Jacobus Lioni, L. S. Claim No. 116, $952.08 in the Treasury of the United States, and Northern Pacific Railway Company 4/97 Bond No. 65414, in the principal amount of $1,000, presently in custody of the Safekeeping Department, Federal Reserve Bank of New York, at New York City;

Rudolf Dentz, L. S. Claim No. 127, $15,158.40 in the Treasury of the United States, and Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 2206, in the principal amount of $1,000 presently in custody of the Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Hubertina Edersheim, L. S. Claim No. 198, $5,695.41 in the Treasury of the United States.

Anna and Maria Boasson, L. S. Claim No. 235, $640.00 in the Treasury of the United States.

Emma van Dam, L. S. Claim No. 601, $1,681.07 in the Treasury of the United States.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to):

Rudolf Dentz, L. S. Claim No. 127, Central Pacific Railway Company 4/49 Bond No. 20088, in the principal amount of $1,000.

Hubertina Edersheim, L. S. Claim No. 198, Pennsylvania Railroad Company 4½/70 Debenture No. 43445, in the principal amount of $1,000.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Rudolf Dentz, L. S. Claim No. 127, Cities Service Power and Light Company 5½/52 Debenture No. 17671, Norfolk & Western Railway Company 4/96 Bonds Nos. 16790, 17649, 22381 and 22384, Union Pacific Railroad Company 4/47 Bonds Nos. 31111 and 33493, Cities Service Company 5/58 Debentures Nos. 5621, 14879, 16613 and 16619, Kansas City Southern Railway Company 5/50 Bonds Nos. 1824, 2830, 3165, 7866, 8437, 8439, 11115 and 14234, Southern Pacific Company 4/49 Bonds Nos. 3260 and 21052 and Central Pacific Railway Company 4/49 Bond No. 20297, all in the principal amount of $1,000 each.

Hubertina Edersheim, L. S. Claim No. 198, Pennsylvania Railroad Company 4½/70 Debentures Nos. 43443 and 43444, and Missouri-Kansas-Texas Railway Company 4/90 Bond No. 31726, all in the principal amount of $1,000 each.

Anna and Maria Boasson, L. S. Claim No. 235, Atchison, Topeka & Santa Fe Railroad Company 4/95 Bond No. 125520, in the principal amount of $1,000.

Emma van Dam, L. S. Claim No. 601, Oregon-Washington Railroad & Navigation Company 4/61 Bond No. 3631, in the principal amount of $1,000.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9803; Filed, Nov. 29, 1956; 8:48 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF WENDELINA GERLAGH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States as noted below, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below):

Wendelina Gerlagh, Henriette Heymans, Maria Vuyck, Hendrik Brusse, Hertha Visser and "Het Algemeen, Nederlands Verbond", Hague, Holland, L. S. Claim No. 11, $1,013.66. Atchison, Topeka and Santa Fe Railway Company 4/95 Bonds Nos. 56750, 89953 and 89954, Cities Service Company 5/58 Debenture No. 34629, and Missouri-Kansas-Texas Railway Company 4/90 Bonds Nos. 28724 and 29197, all in the principal amount of $1,000 each; Union Pacific Railroad Company 4/47 Bond No. 5175, in the principal amount of $500.

De Nederlandsche Blindenbond, and Nationale Federatie "De Nederlandsche Bond tot Kinderbescherming", both of Hague, Holland; Stichting Nederlandsch Palestina Opbouwfonds "Keren Hajesod", Nederlandsche Federatie van Instellingen tot Oprichting en Instandhouding van Medischen Opvoedkundige Bureaux, Het Nederlandsche Gennotschap tot Reclassering, Nederlandsche Vereeniging tot Bevordering van de Arbeid voor Onvolwaardige Arbeidskrachten, and Vereeniging "Hulp voor Onbehuisden", all of Amsterdam, Holland; De Nederlandsche Vereeniging voor Psychiatrie en Neurologie, Utrecht, Holland, L. S. Claim No. 75, $1,420.00. Cities Service Company 5/69 Debenture No. 14306, in the principal amount of $1,000; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to Cities Service Company 5/69 Debenture No. 14304, in the principal amount of $1,000.

Het Centraal Israelitisch Weeshuis, Utrecht, Holland; Het Israelitisch Oude Mannen en Vrouwenhuis, Hague, Holland; Truida Edersheim and Mauritz Franken, L. S. Claim No. 373, $1,020.00. Southern Railway Company 5/94 Bond No. 55929, in the principal amount of $1,000.

The "Rosalie Gomperts-Springer" foundation, Amsterdam, Holland, L. S. Claim No. 438, Havana Electric Railway Company 5/52 Bond No. 8711, in the principal amount of $1,000.

The Synod of the Nederlands Hervormde Kerk, Hague, Holland, L. S. Claim No. 484, $2,234.86. Southern Pacific Company 4½/69 Bond No. 15408, in the principal amount of $1,000.

Henri, Julie, Helene, Albertine, Richard, Leonore and Louise Lansberg, and Nederlandsche Vereniging tot bescherming van Dieren, Hague, Holland, L. S. Claim No. 556, International Power Securities Corporation 6½/55 Bond No. 1951, in the principal amount of $1,000.

Leopold Ries, and Het Nederlandsche Kanker, Instituut, Amsterdam, Holland, L. S. Claim No. 680, $392.06. Cities Service Company 5/58 Debenture No. 19455, and Southern Railway Company 4/56 Bond No. 17481, all in the principal amount of $1,000 each.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9804; Filed, Nov. 29, 1956; 8:48 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF B. MEURS-EDERSHEIM ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Mrs. B. Meurs-Edersheim, L. S. Claim No. 131, $1,291.73 in the Treasury of the United States.

Isidoor, E. E. Salm, Emanuel and Salomon Hertzberger, and Mrs. H. Leydesdorff, L. S. Claim No. 183, $784.16 in the Treasury of the United States.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to):

Mrs. B. Meurs-Edersheim, L. S. Claim No. 131, Pennsylvania Railroad Company 4½/70 Debenture No. 43441, in the principal amount of $1,000.

Rozette van Zuiden, Helene Hiegentlich and Gedula Blumenzweig, L. S. Claim No. 156, Southern Railway Company 4/56 Bond No. 43864, in the principal amount of $1,000.

Mrs. V., Dr. D. I., M., A., and Tsipore Jacobs, and Mrs. G. Mok, L. S. Claim No 159, Union Pacific Railroad Company 4/47 Bond No. 53342, in the principal amount of $1,000.

Isidoor, E. E. Salm, Emanuel and Salomon Hertzberger, and Mrs. H. Leydesdorff, L. S. Claim No. 183, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 41074, in the principal amount of $500.

Abraham Haas, L. S. Claim No. 454, Southern Railway Company 4/56 Bond No. 604, in the principal amount of $1,000.

Mrs. Maria Muller, L. S. Claim No. 618, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 15734, in the principal amount of $500.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Rozette van Zuiden, Helene Hiegentlich and Gedula Blumenzweig, L. S. Claim No. 156, Kansas City Southern Railway Company 5/50 Bond No. 10467, in the principal amount of $1,000.

Isidoor, E. E. Salm, Emanuel and Salomon Hertzberger, and Mrs. H. Leydesdorff, L. S. Claim No. 183, Atchison, Topeka & Santa Fe Railway Company 4/95 Bonds Nos. 2917, 11144 and 93671, in the principal amount of $1,000 each, and Bond No. 41072 in the principal amount of $500; Cities Service Power and Light Company 5½/52 Debenture No. 9745, in the principal amount of $1,000.

Abraham Haas, L. S. Claim No. 454, International Hydro-Electric System 6/44 Debentures Nos. 5596 and 27249, in the principal amount of $1,000 each.

Mrs. Maria Muller, L. S. Claim No. 618, Southern Pacific Company-San Francisco Terminal 4/50 Bonds Nos. 12601, 13390 and 15134, in the principal amount of $1,000 each.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9805; Filed, Nov. 29, 1956; 8:48 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF AGATHA VAN LEEUWEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Mrs. Agatha van Leeuwen, L. S. Claim No. 272, $392.08 in the Treasury of the United States.

Baptist Parish (Doopsegezinde Gemeents), Arnhem, Netherlands, L. S. Claim No. 274, $1,100.00 in the Treasury of the United States.

Tamme Huizinga, L. S. Claim No. 496, $1,013.67 in the Treasury of the United States.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Tamme Huizinga, L. S. Claim No. 496, Kansas City Southern Railway Company 3/50 Bond Nos. 18156 and 23772, in the principal amount of $1,000 each.

Miss Dorothea Havie, L. S. Claim No. 828, Cities Service Company 5/69 Debenture No. 41522, in the principal amount of $1,000.

Willem, Gerrit and Mrs. C. van Dam, L. S. Claim No. 849, Cities Service Company 5/58 Debenture No. 48784, in the principal amount of $1,000.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9806; Filed, Nov. 29, 1956; 8:48 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF MARIANNE HENDRIX ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Marianne Hendrix, L. S. Claim No. 244, $23,936.88 in the Treasury of the United States.

Hendrix von Beuningen and Ida Verhoeff, L. S. Claim No. 250, $1,654.93 in the Treasury of the United States.

Jeanette, Willem and Cornelis Pelle, Betsy Kielstra and Henriette van der Woude, L. S. Claim No. 433, $5,531.60 in the Treasury of the United States.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Hendrik van Beuningen and Ida Verhoeff, L. S. Claim No. 250, Cities Service Company 5/66 Debentures Nos. 2564/5, Cities Service Company 5/69 Debenture No. 45750, Missouri-Kansas-Texas Railway Company 4/90 Bond No. 19374, and Union Pacific Railroad Company 4/47 Bonds Nos. 7936, 21778, 37039 and 86057, all in the principal amount of $1,000 each.

Ingeborg Hesselink van Suchtelen, L. S. Claim No. 480, Cities Service Company 5/58 Debenture No. 38594, in the principal amount of $1,000.

Remmet van Heyst, L. S. Claim No. 481, Atchison Topeka & Santa Fe Railway Company 4/95 Bond No. 17965, in the principal amount of $1,000.

Mrs. Sandrina van Voorthuizen-van der Graaff, L. S. Claim No. 779, Missouri-Kansas-Texas Railroad Company 4/62 Bond No. 1411, and Missouri-Kansas-Texas Railroad Company 5/62 Bond No. 2205, all in the principal amount of $500 each.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9807; Filed, Nov. 29, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MRS. S. SAMUEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to:

Mrs. S. Samuel, J. G. Hartogensis and Mr. M. Drielsma, curator for I. H. Hartogensis, L. S. Claim No. 8, Chesapeake & Ohio Railway Company 4½/92 Bond No. 46882, and Southern Pacific Company 4½/69 No. 63129, all in the principal amount of $1,000 each.

Marguerite and Jack Bottenheim, and Monique van Beek, L. S. Claim No. 167, Union Pacific Railroad Company 4/47 Bond No. 1828, in the principal amount of $500.

Cash in the Treasury of the United States as noted below, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below:

Dr. Jacques Hartogs, L. S. Claim No. 3, $4,150.30. Atchison, Topeka and Santa Fe Railway Company 4/55 Bond No. 16027, and Cities Service Company 5/69 Debenture No. 37550, all in the principal amount of $1,000 each.

Mrs. S. Samuel, J. G. Hartogensis and Mr. M. Drielsma, curator for I. H. Hartogensis, L. S. Claim No. 8, $1,215.00. Atchison, Topeka & Santa Fe Railway Company 4/95 Bonds Nos. 770, 60433 and 70552, Louisville & Jeffersonville Bridge and Railroad Company 4/45 Bonds Nos. 1785 and 1983, New York Central and Hudson River Railroad Company 3½/97 Bond No. 56526, Norfolk & Western Railway Company 4/96 Bond No. 17023, St. Louis Southwestern Railway Company 4/89 Bond No. 16270, Southern Pacific Company 4½/69 Bond No. 63130, and Union Pacific Railroad Company 4/47 Bond No. 60744, all in the principal amount of $1,000 each.

Marguerite and Jack Bottenheim, and Monique van Beek, L. S. Claim No. 167, $640.00. Southern Pacific Railroad Company 4/55 Bond No. 81008, Union Pacific Railroad Company 4/47 Bond No. 9172, all in the principal amount of $1,000 each; Union Pacific Railroad Company 4/47 Bond No. 17192, in the principal amount of $500.

Mrs. E. and Jacob Gompen, and Mrs. Bertha Vas Nunes, L. S. Claim No. 435, Western Pacific Railroad Company 5/46 Bonds Nos. 3687/90, inclusive, in the principal amount of $100 each.

Marcus and Siegbert de Lange, L. S. Claim No. 641, $8,186.82.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9814; Filed, Nov. 29, 1956; 8:49 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF HET NEDERLANDSCH KANKERINSTITUUT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(Cash in the Treasury of the United States):

Het Nederlandsch Kankerinstituut, Het Nederlandsch Genootschap tot Reclassering, and Vereeniging tot Behoud van Natuurmonumenten in Nederland, L. S. Claim No. 330, $1,364.47.

Nederlandsche Zionistenbond, L. S. Claim No. 606, $1,681.07.

Het Nederlandsch Israelitisch Jongensweeshuis, Het Nederlandsch Israelitisch Meisjesweeshuis, Het Nederlandsch Israelitisch Armbestuur, De Vereeniging "De Joodsche Invalide", De Vereeniging tot Werkverschaffing aan Hulpbehoevende Blinden, De Sophia Vereeniging tot Bescherming van Dieren, and Het Koninklijk Nederlandsch Geleide-Hondenfonds, L. S. Claim No. 796, $392.08.

Foundation "Clara-Stichting", % Mr. Ph. Vos, Treas., L. S. Claim No. 855, $62,199.59.

Lehmann Ourhaan, also known as Lehmann Auerhaan, and De Nederlandsche Israelitische Hoofdsynagoge, L. S. Claim No. 861, $682.23.

All of Amsterdam, Holland. Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9808; Filed, Nov. 29, 1956; 8:48 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF MARIA DE JONGE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to):

Maria and Robert de Jonge, L. S. Claim No. 173, Southern Railway Company 4/56 Bond No. 5009, in the principal amount of $1,000.

(All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. Magdalena Leccius de Ridder-Heuff, L. S. Claim No. 679, Central Pacific Railway Company 4/49 Bond No. 9246, and Kansas City Southern Railway Company 3/50 Bond No. 1092, all in the principal amount of $1,000 each.

Gerrit Termolen, L. S. Claim No. 764, Cities Service Power & Light Company 5½/52 Debenture No. 43135, in the principal amount of $1,000.

Jan Vinkenborg, Helena van der Vinne, Frederik and Henriette Arkema, L. S. Claim No. 775, Missouri-Kansas-Texas Railroad Company 5/67 Bond No. 2887, in the principal amount of $500.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9809; Filed, Nov. 29, 1956; 8:48 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF FELIX HIRSCHEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Cash in the Treasury of the United States as noted below, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below:

Felix Hirschel, L. S. Claim No. 46, $1,495.00. Cities Service Company 5/58 Debenture No. 2435, in the principal amount of $1,000, and Southern Pacific Railroad Company 4/55 Bond No. 1745, in the principal amount of $500.

Hans and Rudolf Bodlander, Margaret Frankley and Martin Mamlok, L. S. Claim No. 304, Cities Service Company 5/50 Debentures Nos. 23489 and 74444, in the principal amount of $1,000 each.

Alexander, Paul and Oscar Tonn, Mrs. Dorothy Tittler, Herman and Arthur Sawady, and Oswald and James Springer, L. S. Claim No. 748, Southern Pacific Company—San Francisco Terminal 4/50 Bonds Nos. 5952 and 16532, in the principal amount of $500 each.

Marcus van Zuiden, Geertruida and Martha Stern, Vogeline Huisman, Bernard and Jozef Simmeren, Betje Kliphuis, Philip van Gelder, Abraham, Aaltje and Johannes Koekkoek, Betje Pels, Reina Buchner, Aaltje Blok, and Karolien and Alexander Roseboom, L. S. Claim No. 822, $1,568.32.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9810; Filed, Nov. 29, 1956; 8:49 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF M. MOCK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

M. Mock, L. S. Claim No. 34, $4,425.63 in the Treasury of the United States.

Mrs. Ella Schwarz, L. S. Claim No. 245, $6,805.11 in the Treasury of the United States, and eleven (11) shares of Chicago, Milwaukee, St. Paul & Pacific Railroad Company no par value common stock, evidenced by Certificate No. CC06781, registered in the name of the Attorney General of the United States, presently in custody of the Safekeeping Depart-

ment, Federal Reserve Bank of New York at New York City.

Studiefonds Frenkel-Serphos, Rotterdam, Holland, L. S. Claim No. 415, $8,518.21 in the Treasury of the United States.

Mrs. S. Samuel, Mrs. J. Harms, J. G. and K. Hartogensis, and Mr. M. Drielsma, curator for I. H. Hartogensis, L. S. Claim No. 182, all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to The Chesapeake & Ohio Railway Company 4½/92 Bonds Nos. 30 and 31, in the principal amount of $1,000 each, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Central Pacific Railway Company 4/49 Bonds Nos. 36495, 40391 and 53198, The Chesapeake & Ohio Railway Company 4½/92 Bond No. 46884, Louisville & Jeffersonville Bridge and Railroad Company 4/45 Bond No. 3193, New York Central & Hudson River Railroad Company 3½/97 Bond No. 5507, and St. Louis Southwestern Railway Company 4/89 Bonds Nos. 861 and 1124, all in the principal amount of $1,000 each.

Vesting Orders Nos. 18520, 18521 and 18620.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9811; Filed, Nov. 29, 1956; 8:49 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF RACHEL VAN ESSO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Mrs. Rachel van Esso, L. S. Claim No. 200, $1,681.07 in the Treasury of the United States.

Bertha Deen, Klaartje Velleman, Willem Beekman and Frouktje Gosler, L. S. Claim No. 226, $4,093.41 in the Treasury of the United States.

Hendrik Hijmans, L. S. Claim No. 232, $320.00 in the Treasury of the United States, and Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 17349, in the principal amount of $500, presently held in the Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Wolf de Leon, L. S. Claim No. 625, all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 F. R. 10101, October 3, 1951) in and to Cities Service Company 5/69 Debentures Nos. 25298 and 25304, in the principal amount of $1,000 each.

Charlotte and Evert Vles, L. S. Claim No. 777, all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Cities Service Company 5/69 Debenture No. 41977, in the principal amount of $1,000.

Vesting Orders Nos. 18520, 18521 and 19242.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9812; Filed, Nov. 29, 1956; 8:49 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF ALEXANDER BOEKMAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Cash in the Treasury of the United States as noted below, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below:

Alexander, Emma, Alexander Simon and Simon Boekman, Robert and George Aron, and Benjamin Elzas, L. S. Claim No. 305, $392.08.

Marie and Anna Hertzberger, Rosa van Beever and Esther Spanjer, L. S. Claim No. 312, Union Pacific Railroad Company 4/47 Bond No. 45953, in the principal amount of $1,000.

Paula Dannheiser, Max Vet, Elisabeth Hertz, Sara Lobbes, Elisabeth de Jong and Elza Citroen, L. S. Claim No. 482, Cities Service Company 5/58 Debenture No. 42245, in the principal amount of $1,000.

Beatrice Moser and Gertrude Strauss, L. S. Claim No. 720, The New York Central Railroad Company 4½/2013 Bonds Nos. 58717/9, inclusive, in the principal amount of $1,000 each.

Wilhelm Weinberg, L. S. Claim No. 797, $1,681.07.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-9813; Filed, Nov. 29, 1956; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Aberdeen Area Office Redelegation Order 2, Amdt. 4]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATION OF AUTHORITY WITH RESPECT TO MINERAL LEASES AND PERMITS

Order 2 (19 F. R. 8756), as amended, (20 F. R. 6304; 21 F. R. 3973; 21 F. R. 8369) is further amended as hereinafter indicated.

FUNCTIONS RELATING TO LANDS AND MINERALS

Section 2.16 (a) is amended to read as follows:

SEC. 2.16 *Mineral leases and permits.* (a) The granting of permission to negotiate permits and leases of tribal and individually owned trust or restricted lands for coal, sand, gravel, pumice, and building stone, and the approval of permits and leases for coal, sand, gravel, pumice and building stone.

BEN REIFEL,
Area Director.

Approved: November 26, 1956.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 56-9831; Filed, Nov. 29, 1956; 8:53 a. m.]

Geological Survey

[Power Site Cancellation No. 116]

QUINAULT RIVER, WASHINGTON

POWER SITE CLASSIFICATION NO. 152 CANCELED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 C. F. R. 4.623; 12 F. R. 4025), Power Site Classification No. 152, approved September 20, 1926, is hereby cancelled insofar and to the extent that it affects the following described lands:

WILLAMETTE MERIDIAN, WASHINGTON

T. 23 N., R. 9 W.,
Sec. 1, lot 4;
Sec. 2, lots 1, 5, 7, 8, 9, and NW¼SW¼;
Sec. 3, NE¼SW¼;
Sec. 4, S½SW¼;
Sec. 5, S½S½;
Sec. 7, lots 3, 4, 5, 6, NE¼NE¼, S½NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 8, lot 6, N½NE¼NE¼, N½SW¼NE¼NE¼, NW¼NE¼, and N½NW¼;
Sec. 9, lots 1, 5, and 6;
Sec. 10, lot 1, SW¼NE¼SW¼, W½SE¼NE¼SW¼, W½SE¼SW¼, and W½E½SE¼SW¼;
Sec. 16, lots 2, 5, NE¼SE¼, and S½SE¼;
Sec. 19, lot 1;
Sec. 20, lots 1, 2, 3, 4, 5, SE¼SW¼, and SE¼;
Sec. 21, lots 1, 2, NW¼NE¼, S½NW¼, and NW¼SW¼;
Sec. 29, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 30, lots 1, 2, 3, 4, SE¼NE¼, and SE¼;
Sec. 31, lot 1.

T. 23 N., R. 10 W.,
Sec. 13, lot 5, N½NE¼, SW¼NE¼, N½NW¼, and SE¼NW¼;
Sec. 14, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 23, lots 1, 2, 3, and 4.

The area described aggregates 3,120.20 acres.

Dated: November 23, 1956.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 56-9778; Filed, Nov. 29, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

BLOOMFIELD STEAMSHIP CO.

NOTICE OF APPLICATION TO PERMIT OPERATION OF VESSEL BY CHARTERER

Notice is hereby given of the application of Bloomfield Steamship Company for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, 46 U. S. C. 1223, to permit operation of its owned vessel SS "Genevieve Peterkin" by the charterer of said vessel, States Marine Corporation, on a voyage commencing on or about December 3, 1956, carrying lumber and lumber products from United States North Pacific ports to United States Atlantic ports, north of Cape Hatteras.

Any person, firm, or corporation having an interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Secretary, Maritime Administration, on or before December 3, 1956, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

Dated: November 29, 1956.

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-9875; Filed, Nov. 29, 1956; 9:30 a. m.]

Office of the Secretary

WILLIAM E. VAUGHN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 1, 1956, 21 F. R. 3827.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 18, 1956.

Dated: November 21, 1956.

WILLIAM E. VAUGHN.

[F. R. Doc. 56-9815; Filed, Nov. 29, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7287, etc.; FCC 56-1173]

TELEVISION CITY, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of: Television City, Inc., McKeesport, Pennsylvania; Docket No. 7287 File No. BPCT-147; WCAE, Incorporated, Wilkinsburg, Pennsylvania; Docket No. 8782, File No. BPCT-293; William G. Matta and George C. Matta, d/b as Matta Enterprises, Braddock, Pennsylvania; Docket No. 11006, File No. BPCT-1467; Wespen Television, Inc., Irwin, Pennsylvania; Docket No. 11007, File No. BPCT-1732; Irwin Community Television Company, Irwin, Pennsylvania; Docket No. 11008, File No. BPCT-1742; for television construction permits (Channel 4).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1956;

The Commission having under consideration its Order herein released November 9, 1956 (FCC 56-1081), in which a previous order was modified to allow Television City, Inc. to amend its application to show the steps taken to replace Irwin D. Wolf in its organization and in which the record in this proceeding was reopened for the limited purpose of taking evidence to show the steps taken by Television City, Inc., to replace Mr. Wolf's participation; the Order of the Chief Hearing Examiner specifying that the further hearing commence December 3, 1956; a petition for reconsideration of the Commission's November 9 Order filed by WCAE, Inc., on November 16, 1956; and a petition for immediate stay of further proceedings filed by WCAE, Inc. on November 16, 1956;

It appearing that the posture of this proceeding is such that it would conduce to the more orderly dispatch of the Commission's business if the hearing now scheduled to commence on December 3, 1956 be postponed so that the Commission may have an opportunity to carefully consider the arguments made in the petition for reconsideration and in any oppositions and replies which may hereinafter be filed;

It is ordered, That the petition for immediate stay is granted to the extent that the hearing now scheduled to commence December 3, 1956 is continued to December 17, 1956.

Released: November 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9820; Filed, Nov. 29, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6712]

CAROLINA POWER & LIGHT CO. AND CAROLINA ALUMINUM CO.

NOTICE OF APPLICATION

NOVEMBER 26, 1956.

Take notice that on November 16, 1956, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Carolina Power & Light Company (hereinafter called "Power Company") and Carolina Aluminum Company (hereinafter called "Aluminum Company") seeking an order authorizing and approving the proposed sale by Power Company of certain of its facilities to Aluminum Company. Power Company is a corporation organized under the laws of the State of North Carolina and doing business in the States of North and South Carolina with its principal business office at Raleigh, North Carolina. Aluminum Company is a corporation organized under the laws of the State of North Carolina and doing business in said State with its principal business office at Badin, North Carolina. Aluminum Company is also domesticated in the State of Texas. Power Company proposes to sell to Aluminum Company the following:- (1) Power Company's 110 kv steel tower, double circuit, transmission line extending from the Narrows Plant of Aluminum Company near Badin, North Carolina, a distance of approximately 2.45 miles to the 110 kv Badin Substation located near the aluminum plant of Aluminum Company near the Town of Badin, North Carolina, (2) the 110 kv Badin Substation located near the aluminum plant of Aluminum Company near the Town of Badin, North Carolina, (3) the 110 kv Narrows Substation of Power Company located near the Narrows Plant of Aluminum Company in Montgomery County, North Carolina, and (4) the Westinghouse frequency changer installed in the rotary station of Aluminum Company near the Badin Substation.

The transmission line, substations and frequency changer, above described, have been and are being used for exchanges of electrical energy in connection with the storage and release of water at Aluminum Company's reservoirs for the account of Power Company and for the interchange of electrical power and energy between Power Company and Aluminum Company. The facilities above described have been and are being used by Aluminum Company for transmitting electric energy between its generating stations and Aluminum Company's aluminum smelter at Badin, North Carolina and also by Aluminum Company for the interchange of power and electric energy with Duke Power Company. After the proposed sale, the proposed use of said facilities will be the same as the present use thereof. The consideration is stated in the application to be $150,000.

Any person desiring to be heard or make any protest with reference to said application should on or before the 17th day of December 1956, file with the

Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9783; Filed, Nov. 29, 1956; 8:45 a. m.]

[Docket No. E-6713]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

NOVEMBER 27, 1856.

Take notice that on November 23, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (hereinafter called "Pacific"), a corporation organized under the laws of the State of Maine, and doing business in the States of Oregon, Washington, Wyoming, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of $20,000,000 in principal amount of its First Mortgage Bonds, __ percent Series, due 1987, and 90,000 shares of its __ percent Serial Preferred Stock, par value of $100 per share. The bonds are to mature thirty years from the date thereof. The Preferred Stock will constitute a new series of Pacific's presently authorized Serial Preferred Stock. Pacific proposes to invite competitive bidding for the purchase from it of said Bonds and Preferred Stock. The interest rate to be borne by the Bonds (which shall be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid to Pacific for the Bonds (which price shall be not less than the principal amount of the Bonds and not more than 102¾ percent of said principal amount), are to be determined by competitive bidding. The dividend rate to be borne by the Preferred Stock (which shall be a multiple of 1/25 of 1 percent, and the price (exclusive of accumulated dividends), to be paid to Pacific for the Preferred Stock (which price shall be not less than $100 per share nor more than $102.75 per share), are to be determined by competitive bidding. The proceeds from the sale of said Bonds and Stock will be used by Pacific in part to finance its construction program.

Any person desiring to be heard or to make any protest with reference to said application, should on or before the 14th day of December 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9833; Filed, Nov. 29, 1956; 8:53 a. m.]

[Docket No. G-10202 etc.]

TEXAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 26, 1956.

In the matters of The Texas Company, Docket No. G-10202; The Pure Oil Company, Docket No. G-10272; Earl F. Wakefield, Docket No. G-10328; United Producing Company, Inc., Docket No. G-10546; Cabot Carbon Company, Docket No. G-10673; The Chicago Corporation, Docket No. G-10722; Champlin Refining Company, Docket No. G-10723.

Take notice that the persons captioned above, hereinafter jointly and severally referred to as Applicant, filed, as hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing each Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in each application which is on file with the Commission and open for public inspection.

Each applicant in each docket as hereinafter indicated proposes to sell natural gas in interstate commerce from production of certain units, leases or acreage located in the Mocane Field, Beaver County, Oklahoma, to Colorado Interstate Gas Company for resale.

Docket Nos.; Dates Filed; Applicants and Addresses

G-10202; 4-4-56; The Texas Company, 135 East 42d Street, New York 17, N. Y.

G-10272; 4-16-56, 6-20-56; The Pure Oil Company, 35 East Wacker Drive, Chicago 1, Ill.

G-10328; 4-30-56; Earl F. Wakefield, 307-8 Union National Bank Building, Wichita 2, Kans.

G-10546; 6-11-56; United Producing Company, Inc., P. O. Box 1913, Charleston, W. Va.

G-10673; 6-29-56, 10-4-56; Cabot Carbon Company, 77 Franklin Street, Boston 10, Mass.

G-10722; 7-9-56; The Chicago Corporation, P. O. Box 9365, Ft. Worth 7, Tex.

G-10723; 7-9-56; Champlin Refining Company, P. O. Box 9365, Ft. Worth 7, Tex.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, December 17, 1956, at 9:30 a. m. (e. s. t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9784; Filed, Nov. 29, 1956; 8:45 a. m.]

[Docket No. G-11475]

CHAS. T. MCCORD, JR.

NOTICE OF APPLICATION

NOVEMBER 23, 1956.

Take notice that Chas. T. McCord, Jr. (applicant), having his principal place of business at Shreveport, Louisiana, filed on November 13, 1956, an application for a certificate of public convenience and necessity, seeking authorization to render service as hereinafter described, subject to the jurisdiction of the Commission and as more fully described in his application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas which is produced from the Huxley Field, Shelby County, Texas, to Texas Eastern Transmission Corporation for transportation in interstate commerce for resale.

Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 or 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10), on or before December 10, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9785; Filed, Nov. 29, 1956; 8:45 a. m.]

[Docket No. G-11500]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

NOVEMBER 23, 1956.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, having its principal place of business at Shreveport, Louisiana, filed on November 19, 1956, an application for a certificate of public convenience and necessity authorizing it to construct and operate certain facilities, subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in its application which is on file with the Commission and open for public inspection.

In Docket No. G-11500, Texas Eastern requests authority to construct, install, and operate approximately 16 miles of 6⅝-inch O. D. pipeline from a point in the Huxley Field, Shelby County, Texas, from a central point on its 24-inch Provident City-Castor line, together with main-line tap and appurtenant facilities, at an estimated overall capital cost of $376,000, through which it proposes to transport gas produced in the Huxley Field and purchased by it from the producers thereof.

Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 or 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10), on or before December 10, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9786; Filed, Nov. 29, 1956; 8:45 a. m.]

[Docket No. G-11512]

SOHIO PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sohio Petroleum Company (Sohio), on October 24, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date [1]

Supplemental Agreement, dated April 15, 1955; Texas Illinois Natural Gas Pipe Line Company; Supplement No. 4 to Sohio's FPC Gas Rate Schedule No. 19; November 24, 1956.

Notice of change, undated; Supplement No. 5 to Sohio's FPC Gas Rate Schedule No. 19; November 24, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until April 24, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 23, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9787; Filed, Nov. 29, 1956; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Sohio if later.

[2] Commissioner Digby dissenting.

[Docket No. G-11513]

SUN OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Sun Oil Company (Sun), on October 24, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing:

Description; Purchaser; Rate Schedule Designation; and Effective Date [3]

Notice of change, dated October 17, 1956; Standard Oil Company of Texas; Supplement No. 7 to Sun's FPC Gas Rate Schedule No. 29; November 24, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory; or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 24, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 23, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9779; Filed, Nov. 29, 1956; 8:45 a. m.]

[3] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Sun, if later.

[Docket No. G-11514]

TEXAS GAS CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Texas Gas Corporation (Texas Gas) on October 24, 1956, tendered for filing a proposed change in its presently effective rate schedule, for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing.

Description; Purchaser; Rate Schedule Designation; and Effective Date [4]

Notice of change, undated; Texas Eastern Transmission Corporation; Supplement No. 8 to Texas Gas's FPC Gas Rate Schedule No. 1; November 24, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 24, 1957 and until such fur-

[4] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Texas Gas, if later.

ther time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 23, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9780; Filed, Nov. 29, 1956; 8:45 a. m.]

[Docket No. G-11515]

BRACKEN OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Bracken Oil Company (Bracken), on October 25, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increasd rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated October 22, 1956; Mississippi River Fuel Corporation; Supplement No. 7 to Bracken's FPC Gas Rate Schedule No. 1; November 25, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 25, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 23, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9781; Filed, Nov. 29, 1956; 8:45 a. m.]

[Docket No. G-11516]

LA GLORIA OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

La Gloria Oil and Gas Company (La Gloria), on October 29, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated October 1, 1956; Texas Eastern Transmission Corporation; Supplement No. 9 to La Gloria's FPC Gas Rate Schedule No. 2; November 29, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 29, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 23, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9782; Filed, Nov. 29, 1956; 8:45 a. m.]

[Project No. 2000]

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION V. POWER AUTHORITY OF THE STATE OF NEW YORK

ORDER INVESTIGATING COMPLAINT, CONSOLIDATING PROCEEDINGS, AND FIXING HEARING

The New Hampshire Public Utilities Commission (the New Hampshire Commission) filed a complaint on September 28, 1956, stating that the Governor and Council of the State of New Hampshire has designated the New Hampshire Commission as the bargaining agency on behalf of the State of New Hampshire for the procurement of a portion of the power capacity and power output of Project No. 2000, that the Power Authority of the State of New York (the Power Authority) has failed to act on application made June 22, 1955, by the New Hampshire Commission for a portion of such power in the amount of 100,000 kw of firm capacity of Project No. 2000, that the Power Authority and the New Hampshire Commission are in disagreement within the contemplation of Article 28 of the license for Project No. 2000, and that consequently the New Hampshire Commission is requesting that the Federal Power Commission determine and fix the applicable portion of power capacity and power output of Project No. 2000 to be made available to the State of New Hampshire by the Power Authority, as Licensee for Project No. 2000, pursuant to Article 28 of the license.

A copy of the complaint was served on the Power Authority which filed its answer thereto on October 10, 1956. In its answer the Power Authority states, among other things, that the economic marketing area of Project No. 2000 is within approximately a 150-mile area from the Project at Massena, New York, that on Sepetmber 20, 1956, the Power Authority advised the New Hampshire Commission that no part of the State of New Hampshire is within the economic market area of Project No. 2000, and that it was turning down the request made by the New Hampshire Commission on June 22, 1955. In addition, it appears that the Power Authority is of the view that the request made by the New Hampshire Commission was not for a reasonable portion of the power capacity and power output of Project No. 2000.

Article 28 of the license issued to the Power Authority for the construction, operation, and maintenance of Project No. 2000 in the International Rapids section of the St. Lawrence River, reads as follows:

ARTICLE 28. The Licensee shall make a reasonable portion of the power capacity and a reasonable portion of the power output available for use within the economic market area in neighboring States and shall cooperate with agencies in such States to insure compliance with this requirement. In the event of disagreement between the Licensee and the power marketing agencies (public and private) in any of the other States within the economic market area, the Licensee further agrees that the Commission may determine and fix the applicable portion of power capacity and power output to be made available hereunder and the terms applicable thereto: *Provided*, That if any State shall have designated a bargaining agency for the procurement of such power capacity and power output on behalf of such State, the Licensee shall cooperate and deal only with such agency in that State.

In its answer filed October 10, 1956, the Power Authority refers to a request made by the Department of Public Utilities of the Commonwealth of Massachusetts which was made the subject of an investigation by the Commission's order issued June 28, 1956. The Power Authority contends that both Massachusetts and New Hampshire have unduly delayed their respective requests made under Article 28 of the license for Project No. 2000.

The issues involved in this investigation on the complaint by the New Hampshire Commission and the answer thereto by the Power Authority are similar to those involved in the investigation instituted by the aforesaid order of the Commission issued June 28, 1956.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Federal Power Act, and the provisions of the license for Project No. 2000 issued thereunder, that a hearing be held on the issues presented by the complaint filed by the New Hampshire Commission and answer thereto filed by the Power Authority, and that, for purpose of hearing, this investigation should be consolidated with the aforesaid investigation instituted by order issued June 28, 1956, as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 306 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on January 28, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., for the purpose of investigating the matters involved in and the issues presented by the complaint filed by the New Hampshire Commission and answer thereto and determining and fixing the applicable portion of power capacity and power output of Project No. 2000, if any, to be made available to the New Hampshire Commission, and the terms applicable thereto, pursuant to Article 28 of the license.

(B) The investigation instituted herein is consolidated for hearing with the investigation instituted by the Commission's order issued June 28, 1956 in the Matter of Department of Public Utilities of the Commonwealth of Massachusetts v. Power Authority of the State of New York.

(C) Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8) on or before December 21, 1956.

Issued: November 26, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9832; Filed, Nov. 29, 1956; 8:53 a. m.]

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[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Bracken if later.

[2] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by La Gloria if later.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3526]

OHIO EDISON CO.

ORDER GRANTING APPLICATION REGARDING THE ACQUISITION OF UTILITY ASSETS

NOVEMBER 26, 1956.

Ohio Edison Company ("Ohio Edison"), a registered holding company and a public utility company, has filed an application with this Commission pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act"), regarding a transaction which is summarized as follows:

Ohio Edison has a contract with the Delaware Rural Electric Cooperative, Inc. ("Cooperative"), an Ohio corporation, involving the sale of electric energy to the Cooperative for resale by it to its customers in and adjacent to Delaware County, Ohio. Energy heretofore has been delivered to the Cooperative at a point approximately 3 miles north of the Cooperative's Oxford Substation in Delaware County, and was transmitted to this substation over a transmission line, 2.7 miles in length, owned by the Cooperative. Pursuant to negotiations of Ohio Edison with the Cooperative in September 1955, it was agreed that energy would in the future be delivered to the Cooperative at its Oxford Substation and also at a proposed delivery point to be known as the Hartford Substation of the Cooperative. In connection with the new contract, Ohio Edison purchased the 2.7-mile transmission line feeding energy to the Oxford Substation.

Ohio Edison's application requests approval by this Commission of the purchase of the aforesaid transmission line from the Cooperative for a cash consideration of $14,700. The line was constructed by the Cooperative in 1952 at a cost of $14,729.35 and placed in service in February 1953. Since the line is in effect part of the transmission line which delivers energy to the Oxford and Hartford Substations, and since Ohio Edison has contracted to deliver energy to these substations, Ohio Edison believes that it is appropriate for it to own the entire transmission line.

The acquisition of the transmission line, insofar as it involves accounting matters, is subject to the jurisdiction of the Public Utilities Commission of Ohio and the Federal Power Commission, but in other respects is not subject to the jurisdiction of any State or Federal commission other than this Commission.

No fees, commissions or expenses were paid or incurred or are to be paid or incurred by Ohio Edison in connection with the transaction other than payroll costs and expenses which are insignificant.

Notice of said filing having been duly given in the manner prescribed in Rule U-23 (Holding Company Act Release No. 13303) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that no fees or commissions are to be paid, and that the application should be granted:

It is ordered, pursuant to Rule U-23 and the applicable provisions of said act, that said application be granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9834; Filed, Nov. 29, 1956; 8:53 a. m.]

[File No. 70-3527]

YANKEE ATOMIC ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUANCE AND SALE AND ACQUISITION OF COMMON STOCK AND NOTES OF UTILITY SUBSIDIARY; ACQUISITION OF OUTSTANDING NOTES BY SUCH SUBSIDIARY; AND REQUEST THAT EXEMPTIONS BE CONTINUED

NOVEMBER 26, 1956.

In the matter of Yankee Atomic Electric Company, New England Power Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Companies, Public Service Company of New Hampshire, Montaup Electric Company, File No. 70-3527.

Notice is hereby given that Yankeee Atomic Electric Company ("Yankee"), a public-utility subsidiary of New England Electric System, a registered holding company; New England Power Company ("NEPCO"), a public-utility subsidiary of New England Electric System and an exempt holding company; The Connecticut Light and Power Company ("Connecticut Light"), a public-utility company and an exempt holding company; The Hartford Electric Light Company ("Hartford"), a public-utility company and an affiliate of a public utility company; Western Massachusetts Com-

panies ("Western Massachusetts"), an exempt holding company; Public Service Company of New Hampshire ("New Hampshire"), a public-utility company and an exempt holding company; and Montaup Electric Company ("Montaup"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 3, 6, 7, 9, 10, and 12 of the act as applicable to transactions therein proposed, which are summarized below:

Through the consummation of the issuance and sale of common stock and non-interest bearing short-term promissory notes, incident to the organization and original financing of Yankee and heretofore authorized by the Commission (Holding Company Act Release No. 13048, November 25, 1955), Yankee now has outstanding common stock and such notes held by stockholder companies as follows:

	Number of shares	Aggregate par value	Percent of total	Amount of notes
New England Power Co.	1,500	$150,000	30.0	$150,000
The Connecticut Light & Power Co.	750	75,000	15.0	75,000
Boston Edison Co.	475	47,500	9.5	47,500
Central Maine Power Co.	475	47,500	9.5	47,500
The Hartford Electric Light Co.	450	45,000	9.0	45,000
The Connecticut Power Co.	25	2,500	.5	2,500
Western Massachusetts Electric Co.	350	35,000	7.0	35,000
Public Service Co. of New Hampshire	350	35,000	7.0	35,000
Montaup Electric Co.	225	22,500	4.5	22,500
New Bedford Gas & Edison Light Co.	125	12,500	2.5	12,500
Cambridge Electric Light Co.	100	10,000	2.0	10,000
Central Vermont Public Service Corp.	175	17,500	3.5	17,500
Total	5,000	500,000	100.0	500,000

According to the present filing design work is already in progress with respect to Yankee's 134,000 kilowatt nuclear power plant the total capital cost of which is estimated at approximately $35,000,000. It is stated that the Atomic Energy Commission will provide financial assistance in Yankee's preliminary research and development program up to a total of $5,000,000 and will waive use charges on the nuclear fuel during the first five years of the plant's operation. It is further stated that plant construction will begin in 1957 with completion contemplated in 1960.

Yankee now proposes to issue and sell 5,000 additional shares of common stock of the aggregate par value of $500,000. The proceeds will be used to retire its outstanding short-term notes. The shares will be offered at a price of $100 a share as fixed by Yankee's board of directors to the stockholder companies during a 15-day subscription period on the basis of one new share for each share presently held. In addition Yankee proposes, from time to time prior to June 30, 1957, to issue to the above named stockholder companies non-interest bearing promissory notes in the aggregate amount of $1,000,000. Such notes will mature not more than one year from the date of issue. The stockholder companies propose to acquire the additional shares of Yankee common stock and the short-term notes in the proportions indicated in the table above. Treasury funds will be used to effectuate such acquisitions and the stockholder companies subject to the provisions of sections 9 and 10 of the act seek Commission approval thereof. Nepco and Connecticut Light request that the exempt holding company status (Holding Company Act Release No. 13048) be continued.

It is stated that New England Power Service Company, an affiliated service company, will perform incidental services in connection with the proposed transactions and such services will be performed at the actual cost thereof estimated not to exceed $2,500. Other expenses to be borne by Yankee are the original issue stamp taxes of $550 and a state filing fee of $250 making total estimated expenses of Yankee $3,300. Expenses in connection with the proposed acquisition of securities and the preparation of regulatory Commission applications by applicant companies, other than Yankee, are estimated not to exceed $10,000 in the aggregate.

It is represented that the Massachusetts Department of Public Utilities has jurisdiction over the proposed issuance of common stock by Yankee. An application is now pending before that commission and a copy of its order will be supplied by amendment.

Notice is further given that any interested person may, not later than December 13, 1956, at 5:30 p. m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective in a manner similar to the procedure provided for in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9835; Filed, Nov. 29, 1956; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32073]

BOSTON AND MAINE RAILROAD

INCREASED FARES, 1956

NOVEMBER 19, 1956.

By petition filed on November 14, 1956, the Boston and Maine Railroad requests this Commission to authorize it to increase its one-way and round-trip coach fares and its 12-ride, 20-ride and 46-ride commutation ticket fares by the amount of 20 cents per ride, and to increase its first-class fare wherever necessary to insure that its first-class fares shall in no instance be lower than its coach fares.

The petitioner further asks that it be granted special permission to make such increased fares effective by publication, on one day's notice, of conversion tables whereby the amounts of such increased fares may be computed, such conversion tables to be filed as supplements to existing schedules, and to take effect without suspension; that where the application of such increased fares will result in creating new departures or changing existing departures from section 4 of the Interstate Commerce Act the Commission, by the entry of a special order, authorize such departures; and that the Commission enter an order modifying all its outstanding orders to the extent necessary to permit the proposed increase in fares.

The petition hereinbefore described has been docketed as No. 32073, Increased Fares, Boston and Maine Railroad, 1956, and is assigned for public hearing before Examiner James J. Williams, at the Post Office and Court House Building, Boston, Mass., on January 9, 1957.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioner, the Governors and the regulatory authorities of the States traversed by petitioner and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-9794; Filed, Nov. 29, 1956; 8:46 a. m.]

VOL 21

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UNIVERSITY OF MICHIGAN
MAIN READING ROOM

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Washington, Saturday, December 1, 1956

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Order No. E-10788; Docket No. 4870 etc.]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

TEMPORARY AUTHORIZATION FOR NATIONAL DEFENSE TRANSPORTATION; ORDER EXTENDING EXEMPTIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of November 1956.

In the matter of military exemptions for Certificated Air Carriers, Certificated Alaskan Air Carriers, Certificated Cargo Carriers, Large Irregular, Supplemental, and Irregular Transport Carriers, Docket No. 4870 et al.

The Board by Order No. E-9756, November 18, 1955, extended until December 1, 1956, the authorizations granted by Board Orders Nos. E-6933, E-6934 and E-6935, dated October 31, 1952, and Board Order No. E-6740, dated August 27, 1952, which respectively permitted Certificated Air Carriers (other than Alaskan), Certificated Air Cargo Carriers, Certificated Alaskan Air Carriers, and Large Irregular and Irregular Transport Carriers to engage in certain military charter operations not otherwise permitted by the Civil Aeronautics Act of 1938, as amended, the Board's Economic Regulations, or individual exemption authorizations.

Applications for further extension of their exemption authority have been filed by Seaboard & Western Airlines, Inc., on September 14, 1956; Flying Tiger Line, Inc., on October 2, 1956; Slick Airways, Inc. on October 5, 1956; Alaska Airlines, Inc., on October 10, 1956; Alaska Coastal Airlines, Cordova Airlines, Inc., Northern Consolidated Airlines, Inc., and Wien Alaska Airlines, Inc., on October 26, 1956; the Aircoach Transport Association, Inc. (ACTA) on behalf of its members on October 31, 1956; and the Independent Military Air Transport Association (IMATA) on behalf of its members, on October 31, 1956.

In support of the aforesaid applications, the carriers generally allege that the circumstances which warranted the grant of the present exemption authorizations still exist and that the said exemptions should be extended until December 1, 1957, or later.

The Department of Defense, by letter of November 1, 1956, has advised the Board that the aforesaid exemptions have resulted in facilitation of the movement of military traffic and the realization of certain economies, and that the Department would benefit substantially from their extension.

ACTA also filed on August 2, 1956, a separate application, assigned Docket 8152, in which it requests military exemptions for Supplemental Carriers since it interprets the Board's Order E-9744 in the Large Irregular Air Carrier Investigation as taking the new class of carriers therein established, the Supplemental Air Carriers, out of the scope of the military exemption authorizations of Order E-9756. On the other hand, IMATA, by letter to the Board, dated August 14, 1956, urges that the military exemption authorization to the Large Irregulars already applies to the Supplemental Air Carriers.

A question has also arisen as to the applicability of the military exemptions to intra-Alaskan operations by large Irregular Carriers, Irregular Transport Carriers and Supplemental Air Carriers. More specifically, we have received inquiries as to whether these carriers can carry military furlough traffic within Alaska; also as to whether they can carry military plane-load traffic within Alaska under contracts with a government contractor.

At the outset, we wish to make clear that the circumstances which warranted grant of the military exemptions authorized by Orders Nos. E-6933, E-6934, E-6935, E-6740, and E-9756 continue to exist and that therefore, these exemptions should be renewed for another year, or until December 1, 1957. Accordingly, we find that the enforcement of the provisions of section 401 of the Act, applicable Economic Regulations and Orders to the extent that they would otherwise prevent the air transportation

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authorized herein, would be an undue burden upon the affected carriers by reason of the unusual circumstances affecting such operations and is not in the public interest.

It is not our intention that an air carrier holding economic authority as a Supplemental Air Carrier pursuant to Board decision in Docket No. 5132 et al. be precluded from military exemptions now in effect or which are granted herein. We will therefore dismiss ACTA's application (Docket No. 8152) and provide that every air carrier holding economic authority from the Board as a Large Irregular Carrier, Irregular Transport Carrier, Supplemental Air Carrier, and/or other classification of air carrier established by Board decision in Docket No. 5132 et al. receive military exemptions.

In Order No. E–5166, adopted March 2, 1951, we pointed out that the exemption authority granted therein to irregular carriers for the movement of military furlough traffic would not permit an individual carrier to engage in operations which in and of themselves violate the limitations of its individual operating authority. Inasmuch as no irregular[1] carrier is presently authorized to operate within Alaska, it follows that the present military exemption authority does not permit such carriers to carry military furlough traffic within Alaska. We see no reason for expanding this authority herein. On the other hand, no similar restriction exists or should be imposed on the carriage of plane-load military traffic by such carriers within Alaska.

As to carriage of plane-load-military traffic by irregulars under contract with a government contractor, we cannot find that Order No. E–9756 was intended to extend exemptions to operations performed under contracts with government contractors except in the case of Certificated Alaskan Air Carriers. We do not believe it is in the public interest at this time to enlarge this area of permissible exempted operations.

Accordingly, it is ordered, That:

1. The effectiveness of § 207.11 of the Economic Regulations, which provides that the limitations of §§ 207.5 to 207.10, inclusive, shall not apply to or in respect of charter trips performed pursuant to contracts with any department of the Defense Department, be and it hereby is extended until December 1, 1957, unless sooner revoked;

2. All air carriers holding certificates of public convenience and necessity authorizing the air transportation of cargo only be and they hereby are exempted from the provisions of section 401 of the act insofar as such provisions would otherwise prevent such carriers from engaging in interstate, overseas, and foreign air transportation of persons pursuant to contracts with any department of the Defense Department;

3. All certificated Alaskan air carriers be and they hereby are exempted from the provisions of section 401 of the act insofar as such provisions would otherwise prevent such certificated Alaskan carriers from engaging in the interstate air transportation of persons and property within the Territory of Alaska (a) pursuant to contracts between such air carriers and any department of the Defense Department, or (b) pursuant to requests of any department of the Defense Department in connection with contracts between other persons and such department;

4. Every air carrier holding economic authority as a Large Irregular Carrier, Irregular Transport Carrier, Supplemental Air Carrier, and/or other classification of air carrier established by Board decision in Docket No. 5132 et al. be and it hereby is exempted from the provisions of section 401 of the act, Part 291 of the Economic Regulations, its respective individual exemption order, interim operating authorization and/or similar exemption authority issued hereafter in Docket No. 5132 et al. to the extent necessary to permit such carrier (a) to engage in interstate, overseas, or foreign air transportation of persons and property without limitation as to frequency and/or regularity pursuant to contracts with any department of the Defense Department calling for the provision of air services in plane-load capacities; and (b) subject to all other applicable frequency and/or regularity restrictions, to engage in overseas and interstate air transportation, except within the Territory of Alaska, of uniformed military personnel traveling at their own expense to or from military bases designated by departments of the Defense Department where such transportation is arranged through the representatives of two or more such carriers at a military installation even though the total operations performed by a group of carriers so represented may exceed the limitations as to frequency and/or regularity imposed by their respective authorizations;

5. The exemption authority granted in paragraph 4 above shall apply only to an air carrier which holds economic operating authority as a Large Irregular Carrier, Irregular Transport Carrier, Supplemental Air Carrier, and/or other classification of air carrier established by Board decision in Docket No. 5132 et al. which economic authority is effective at the time it performs the operations described in said paragraph;

6. The authorization granted in paragraph 4 (a) above shall be effective with respect to each carrier only if such carrier is awarded a contract or contracts by a department of the Defense Department for the aforementioned air transportation, and then only with respect to the particular transportation provided for by such contract;

7. The authority granted herein by paragraphs 2, 3 and 4 above shall expire on December 1, 1957, unless sooner revoked;

8. ACTA's application in Docket No. 8152 be and it hereby is dismissed;

9. Any prayer for relief in Docket No. 4870 not granted herein be and it hereby is denied;

10. This order may be amended or revoked at any time in the discretion of the Board without hearing.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56–9873; Filed, Nov. 30, 1956; 8:51 a. m.]

[1] By irregular carrier we mean carrier authorized to operate pursuant to Part 291 of the Economic Regulations as a Large Irregular Carrier, to an individual exemption order as an Irregular Transport Carrier, or to an interim operating authorization as a Supplemental Carrier.

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 418—WHEAT CROP INSURANCE

PART 420—MULTIPLE CROP INSURANCE

ACTION TAKEN WITH RESPECT TO DURUM WHEAT

The Board of Directors of the Federal Crop Insurance Corporation, by resolution; adopted at its Board meeting of October 31, 1956, and approved by the Assistant Secretary of Agriculture on November 9, 1956:

(1) Rescinded, effective beginning with the 1957 crop year, resolutions adopted at Board of Directors' meetings held on November 9, 1954, December 7, 1954, and October 4, 1955 (19 F. R. 8233; 20 F. R. 8071), by which limitations were placed on insuring durum wheat, other than red durum, in the States of North Dakota, South Dakota, Montana, and Minnesota, and

(2) Directed the Manager of the Corporation to notify insureds affected, under the provisions of the applicable regulations, of the changes in their contracts made necessary by the adoption of the resolution.

The resolution was adopted after the Board determined that the limitations placed on insuring durum wheat by the rescinded resolutions were no longer necessary due to the improved situation with respect to insuring durum wheat, and is based on authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501–1519).

(Sec. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

[F. R. Doc. 56–9845; Filed, Nov. 30, 1956; 8:46 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023–Allotments–(Cigar-filler and Binder Tobacco–57)–1]

PART 723—CIGAR-FILLER AND BINDER TOBACCO

MARKETING QUOTA REGULATIONS, CIGAR-FILLER AND BINDER TOBACCO; 1957–58 MARKETING YEAR

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–15) and Public Law 540, 84th Congress and is made for the purpose of amending the definition of cropland as now defined in paragraph (g) of § 723.812 to include the provisions of section 112 (1) of Public Law 540.

Since tobacco farmers are making their 1957 farming plans and need to know the 1957 tobacco acreage allotments for their farms as soon as possible, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

Section 723.812, paragraph (g), is hereby amended by the addition, at the end thereof, of the following sentence: "Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into under the Conservation Reserve Program by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses under such contract."

(Sec. 375, 52 Stat. 66 as amended; 7 U.S.C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended, 7 U.S.C. 1313)

Done at Washington, D. C., this 28th day of November 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–9867; Filed, Nov. 30, 1956; 8:49 a.m.]

[1023-Allotments-(Burley, Flue-cured, Fire-cured, Dark Air-cured and Virginia Sun-cured Tobacco-57)-1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED; DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO; 1957–58 MARKETING YEAR

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–15) and Public Law 540, 84th Congress and is made for the purpose of amending the definition of cropland as now defined in paragraph (g) of § 725.812 to include the provisions of section 112 (1) of Public Law 540.

Since tobacco farmers are making their 1957 farming plans and need to know the 1957 tobacco acreage allotments for their farms as soon as possible, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

Section 725.812, paragraph (g), is hereby amended by the addition, at the end thereof, of the following sentence: "Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into under the Conservation Reserve Program by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses under such contract."

(Sec. 375, 52 Stat. 66 as amended; 7 U.S.C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended, 7 U.S.C. 1313)

Done at Washington, D. C., this 28th day of November 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–9868; Filed, Nov. 30, 1956; 8:50 a.m.]

[1023–Allotments–(Maryland Tobacco–57)–1]

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, MARYLAND TOBACCO; 1957–58 MARKETING YEAR

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–15) and Public Law 540, 84th Congress, and is made for the purpose of amending the definition of cropland as now defined in paragraph (g) of § 727.812 to include the provisions of section 112 (1) of Public Law 540.

Since tobacco farmers are making their 1957 farming plans and need to know the 1957 tobacco acreage allotments for their farms as soon as possible, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

Section 727.812, paragraph (g), is hereby amended by the addition, at the end thereof, of the following sentence: "Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into under the Conservation Reserve Program by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses under such contract."

(Sec. 375, 52 Stat. 66 as amended; 7 U.S.C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended, 7 U.S.C. 1313)

Done at Washington, D. C., this 28th day of November 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–9869; Filed, Nov. 30, 1956; 8:49 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Regs. 814.15, Amdt. 4; 814.16, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

QUOTAS AND DIRECT CONSUMPTION PORTION; PUERTO RICO, 1956

Basis and purpose. These amendments are issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulations 814.15 and 814.16, as amended (20 F. R. 9901; 21 F. R. 105, 5819, 7207, 8794) which established allotments of the 1956 mainland and local quotas for Puerto Rico and the direct-consumption portion of the mainland quota. Revision of Sugar Regulation 814.15, Amendment 3, and Sugar Regulation 814.16, Amendment 2, is necessary to: (1) Give effect to Amendment 8 of Sugar Regulation 811 (21 F. R. 9201) which increased the mainland quota for the area to 1,123,926 short tons, raw value, and the direct-consumption portion thereof to 131,159 short tons, raw value, as a result of an increase of 100,000 short tons, raw value, in United States sugar requirements, and further increased the mainland quota for the area by 792 short tons, raw value, as a result of prorating a 3,326 short tons, raw value, deficit in the Virgin Islands quota and (2) prorate a 2,174 short tons, raw value, deficit in mainland allotments declared by five allottees and a 183 short tons, raw value, deficit in the allotment of the direct-consumption portion of the mainland quota declared by one allottee, to other allottees able to utilize additional allotments.

The revised allotments set forth herein are established in accordance with findings heretofore made by the Secretary in the course of this proceeding (20 F. R. 9901; 21 F. R. 105, 7207), which provide that this order shall be revised without further notice or hearing for the purpose of (1) adjusting allotments to take account of any change in the quota for the area resulting from (a) any change in sugar requirements for continental United States and (b) the proration of a deficit in the quota for another supply area, and (2) allotting any deficit in the allotment for any allottee.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that these amendments become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when filed with the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered, that Sugar Regulations 814.15, as amended, and 814.16, as amended, are hereby further amended to read as follows:

§ 814.15 *Allotment of 1956 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1956 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1956 sugar quota for local consumption in Puerto Rico are hereby allotted to the following processors in quantities which appear in columns (1) and (2) opposite their respective names:

Processor	Short tons Mainland allotment	Raw value Local allotment
Antonio Roig, Sucesores, S. en C.	29,702	21,608
Asociacion Azucarera Cooperativa	33,503	000
Central Aguirre Sugar Co., a trust	114,579	1,600
Central Coloso, Inc	63,042	551
Central Eureka, Inc	41,242	606
Central Gummani, Inc	13,193	000
Central Igualdad, Inc	29,245	16,971
Central Juanita, Inc	44,809	2,217
Central Mercedita, Inc	65,843	23,472
Central Monserrate, Inc	26,926	97
Central San Francisco	8,818	2,129
Central San Vicente, Inc	64,495	55
Compania Azucarera del Camuy, Inc	14,715	000
Compania Azucarera del Toa	32,876	000
Cooperativa Azucarera Los Canos	41,946	000
Eastern Sugar Associates, a trust	111,433	14,084
Fajardo Sugar Company	113,894	14
Land Authority of Puerto Rico	78,542	000
Mario Mercado e Hijos	32,928	501
Meyaguez Sugar Company, Inc	8,359	120
Plata Sugar Company	54,578	278
Soller Sugar Company	13,007	000
South Porto Rico Sugar Co. of Puerto Rico	87,043	15,697
All other persons	000	000
Total	1,124,718	100,000

§ 814.16 *Allotment of the direct-consumption portion of 1956 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1956 sugar quota for Puerto Rico, amounting to 131,159 short tons, raw value, is hereby allotted as follows:

Allottee:	*Direct-consumption allotment, short tons, raw value*
Central Aguirre Sugar Co., a trust	6,629
Central Roig Refining Co	20,359
Central San Francisco	1,309
Porto Rican American Sugar Ref. Inc.	81,945
Western Sugar Refining Co	20,767
All other persons (raw sugar only)	150
Total	131,159

(b) *Restrictions on marketing.* * * *

(3) During the calendar year 1956 no person shall bring into the continental United States direct-consumption sugar from Puerto Rico which is principally not of crystalline structure after 5,126 short tons, raw value, of such sugar has been brought in within the allotments established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Issued at Washington, D. C., this 29th day of November 1956.

[SEAL] WALTER C. BERGER,
Administrator, Commodity Stabilization Service.

[F. R. Doc. 56–9901; Filed, Nov. 29, 1956; 2:13 p.m.]

[Sugar Reg. 814.23, Amdt. 4]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1956

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.23 (20 F. R. 9851, 21 F. R. 5343, 6081, 9052) which established allotments of the 1956 sugar quota for the Mainland Cane Sugar Area totaling 586,150 short tons, raw value. This amendment is necessary to allot the increase in quota for the area established by Sugar Regulation 811, Amendment 8 (21 F. R. 9201) which increased continental sugar requirements from 8,775,000 to 8,875,000 short tons, raw value, and which declared and prorated an additional deficit in the 1956 quota for the Virgin Islands of 178 tons totaling 3,326 short tons, raw value. The increase in requirements increased the area quota by 6,887 tons and of the additional deficit prorated, 22 tons were prorated to the Mainland Cane Sugar Area. Such increases in the area quota totaling 6,909 tons, result in a total quota of 593,059 tons to be allocated by this order.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from (1) any change in sugar requirements for the continental United States and (2) the proration of a deficit in the quota for another supply area.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (21 F. R. 5343, 6081).

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this amendment shall be effective when filed with the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: It is hereby ordered, that § 814.23, as amended, be further amended to read as follows:

§ 814.23 *Allotment of the 1956 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1956 sugar quota for the Mainland Cane Sugar Area of 593,059 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors:	*Allotments (short tons, raw value)*
Albania Sugar Co	6,647
Alice C. Plantation & Refinery, Inc	7,809
Alma Plantation, Ltd	7,513
J. Aron & Company, Inc	13,264
Billeaud Sugar Factory	7,916
Breaux Bridge Sugar Coop., Inc	7,258
J. M. Burguieres Co., Ltd., The	6,244
Burton-Sutton Oil Co., Inc	6,677
Caire & Craugnard	3,291
Caldwell Sugars Coop., Inc	12,114
Catherine Sugar Co., Inc	6,938

Processors—Continued	Allotments (short tons, raw value)
Columbia Sugar Co	5,313
Cora-Texas Manufacturing Co., Inc	2,413
Dugas & LeBlanc, Ltd	11,171
Duke & Bourgeois Sugar Co., Inc	8,550
Eruth Sugar Co., Ltd	4,839
Evan Hall Sugar Coop., Inc	21,299
Evangeline Pepper & Food Products, Inc	4,957
Fellsmere Sugar Producers Assoc	8,450
Frisco Cane Co., Inc	901
Glenwood Coop., Inc	14,077
Godchaux Sugars, Inc	34,724
Helvetia Sugar Coop., Inc	6,884
Iberia Sugar Coop., Inc	13,104
LaFourche Sugar Co	14,960
Harry L. Lews & Co., Inc	9,754
Levert-St. John, Inc	8,675
Loisel Sugar Co., Inc	5,390
Louisiana State Penitentiary	3,712
Lula Factory, Inc	11,486
Meeker Sugar Coop., Inc	3,439
Milliken & Farwell, Inc	12,357
Okcolanta Sugar Refinery, Inc	11,966
M. A. Patout & Son, Ltd	7,969
Poplar Grove Plt'g. & Ref. Co., Inc	6,309
St. James Sugar Coop., Inc	12,363
St. Mary Sugar Coop., Inc	12,843
Slack Bros., Inc	3,202
Smedes Bros., Inc	4,584
South Coast Corp., The	43,440
Southdown Sugars, Inc	39,948
Sterling Sugars, Inc	11,824
J. Supple's Sons Plt'g. Co., Ltd	4,406
United States Sugar Corp	108,073
Valentine Sugars, Inc	12,233
Vermilion Sugar Co., Inc	2,289
Vida Sugars, Inc	4,477
A. Wilbert's Sons Lbr. & Sh. Co	8,817
Young's Industries, Inc	6,090
Louisiana State University	100
Any other person	000
Total	593,059

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 29th day of November 1956.

[SEAL] WALTER C. BERGER,
Administrator, Commodity Stabilization Service.

[F. R. Doc. 56-9902; Filed, Nov. 29, 1956; 2:13 p. m.]

[Sugar Reg. 814.32, Amdt. 4]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1956

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.32 (20 F. R. 9853; 21 F. R. 2589, 6083, 9053) which established allotments of the 1956 sugar quota for the Domestic Beet Sugar Area totaling 1,904,878 short tons, raw value. This amendment is necessary to allot the quota for the area established by Sugar Regulation 811, Amendment 8 (21 F. R. 9201). Such quota, based on sugar requirements of 8,875,000 short tons, raw value, and a deficit in the 1956 sugar quota for the Virgin Islands of 3,326 short tons, raw value, totals 1,927,333 short tons, raw value. Thus, the quantity to be allotted in this amendment is 22,455 short tons, raw value, greater than the quota previously allotted.

This amendment is also necessary to prorate a deficit of 12,462 short tons, raw value, in the allotments of seven allottees under this order. On the basis of advice from each allottee, the Secretary of Agriculture has determined that seven allottees are unable to fully utilize their respective allotment of the Domestic Beet Sugar Area quota and that there is a deficit in the allotments of such allottees amounting to 12,462 short tons, raw value. Thus, a deficit of 12,462 short tons, raw value, is declared and prorated to other allottees who have indicated they can effectively use additional allotments.

The revised allotments set forth herein are established in accordance with findings heretofore made by the Secretary in the course of this proceeding (21 F. R. 2589, 6083), which provide that this order shall be revised, without further notice or hearing, for the purpose of (1) adjusting allotments to take account of any change in the quota for the area resulting from (a) any change in sugar requirements for continental United States, and (b) the proration of a deficit in the quota from another supply area, and (2) allotting any deficit in the allotment for any allottee.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this amendment shall be effective when filed with the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act; it is hereby ordered, that § 814.32, as amended, be further amended to read as follows:

§ 814.32 *Allotment of the 1956 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* The 1956 sugar quota for the Domestic Beet Sugar Area of 1,927,333 short tons, raw value, is hereby allotted to the following processors in short tons, raw value, equivalent to the quantities expressed in hundredweight refined beet sugar, which appear opposite their respective names:

	Allotments (hundredweight, refined sugar)
Amalgamated Sugar Co., The	4,574,177
American Crystal Sugar Co	5,403,239
Buckeye Sugars, Inc	172,362
Franklin County Sugar Co	171,000
Garden City Co., The	202,776
Great Western Sugar Co., The	7,631,463
Holly Sugar Corp	6,014,100
Layton Sugar Co	176,391
Menominee Sugar Co	119,030
Michigan Sugar Co	1,410,000
Monitor Sugar Div. of Robt. Gage Coal Co	625,215
National Sugar Manufacturing Co., The	62,105
Northern Ohio Sugar Co	456,906
Spreckels Sugar Co	3,911,053
Superior Sugar Refining Co	89,794
Union Sugar Div. of Consolidated Foods Corp	1,500,000
Utah-Idaho Sugar Co	3,505,305
Any other person	000
Total	36,024,916

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 29th day of November 1956.

[SEAL] WALTER C. BERGER,
Administrator, Commodity Stabilization Service.

[F. R. Doc. 56-9900; Filed, Nov. 29, 1956; 2:13 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 94]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.394 *Navel Orange Regulation 94*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 29, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 2, 1956, and ending at 12:01 a. m., P. s. t., December 9, 1956, is hereby fixed as follows:

(i) District 1: 924,000 cartons;
(ii) District 2: 28,600 cartons;
(iii) District 3: 115,500 cartons;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 30, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9933; Filed, Nov. 30, 1956; 11:15 a. m.]

PART 919—MILK IN SOUTHWEST KANSAS MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 919), regulating the handling of milk in the Southwest Kansas marketing area, hereinafter referred to as the "order", it is hereby found that:

(a) The provision of § 919.51 (a) limiting the increase of the Class I price by 25 cents to the months of September, October, and November 1956 will not tend to effectuate the declared policy of the act during the month of December 1956.

(b) Notice of proposed rule making, public procedure thereon, and 30 days prior notice to the effective date hereof are found to be impracticable, unnecessary and contrary to the public interest in that (1) the issuance of this suspension order is necessary to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; (2) unless this suspension order is effective for December 1956, there will occur a substantial drop in the Class I price; (3) in view of the extreme drought conditions, such a drop in price would seriously curtail milk production; (4) this suspension order has been requested by a substantial majority of the producers whose milk is regulated by the order and has not been opposed by handlers of most of the milk regulated by the order; (5) this suspension order does not require of persons affected substantial or extensive preparation prior to its effective date; and (6) the time intervening between the date of this suspension order and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the following provision be and hereby is suspended for the month of December 1956.

In § 919.51 (a) the words "September, October, and November".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9846; Filed, Nov. 30, 1956; 8:47 a. m.]

[Orange Reg. 305]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.814 *Orange Regulation 305*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 3, 1956. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 3, 1956; the recommendation and supporting information for continued regulation subsequent to December 2, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 27, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section, will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 3, 1956, and ending at 12:01 a. m., e. s. t., January 7, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box; or

(iii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{2}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§ 51.1140 to 51.1186 of this title).

(2) As used herein, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Bronze," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Stand-

ards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 28, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9897; Filed, Nov. 30, 1956; 8:52 a. m.]

[Grapefruit Reg. 253]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.815 *Grapefruit Regulation 253*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 3, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 3, 1956; the recommendation and supporting information for continued regulation subsequent to December 2, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 27, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 3, 1956, and ending at 12:01 a. m., e. s. t., January 7, 1957, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided,* That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used herein, "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "damage," "serious damage," "scars," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title) and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 28, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9899; Filed, Nov. 30, 1956; 8:52 a. m.]

[Tangerine Reg. 181]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.816 *Tangerine Regulation 181*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions effective not later than December 3, 1956: Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until December 3, 1956; the recommendation and supporting information for continued regulation subsequent to December 2, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 27, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 3, 1956, and ending at 12:01 a. m., e. s. t., December 6, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches, capacity 1,726 cubic inches).

(2) During the period beginning at 12:01 a. m., e. s. t., December 6, 1956, and ending at 12:01 a. m., e. s. t., January 7, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches, capacity 1,726 cubic inches).

(3) As used in this regulation, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 28, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9898; Filed, Nov. 30, 1956; 8:52 a. m.]

[Lemon Reg. 670]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.777 *Lemon Regulation 670*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 28, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 2, 1956, and ending at 12:01 a. m., P. s. t., December 9, 1956, is hereby fixed as follows:

(i) District 1: 32,550 cartons;

(ii) District 2: 148,800 cartons;

(iii) District 3: 23,250 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 29, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9918; Filed, Nov. 30, 1956; 8:58 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 20 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 384—GENERAL ORDERS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

a. Paragraph (b) *Nickel scrap and nickel alloy scrap,* subparagraph (1) *Nickel-copper alloy scrap* is amended to read as follows:

(1) *Nickel-copper alloy scrap.* License applications to export nickel-copper alloy scrap (including monel scrap), Schedule B No. 654502 will be considered for approval only where the scrap is to be exported under a conversion agreement providing that not less than 90 percent of the nickel content of the nickel-copper scrap exported will be returned to the United States in the form of nickel metal. Applicants for licenses to export the nickel-copper alloy scrap described above are required to comply with the following:

(i) A statement of past participation in exports (Form IT– or FC–821) shall be submitted to the Bureau of Foreign Commerce in accordance with the procedure set forth in § 373.4. In order to be considered during the fourth quarter of 1956, the Form IT– or FC–821 must be received in the Bureau of Foreign Commerce no later than December 7, 1956. The Report shall be broken down by countries of destination and shall show the total quantity in pounds (gross scrap weight) of exports from the United States made by the applicant during the twelve-month period, October 1, 1955 through September 30, 1956. In preparing the form, the heading above items (c) and (d) shall be changed to read "October 1, 1955–September 30, 1956".

(ii) The following certification shall be included on the application:

I (we) certify that not less than 90% of the nickel content of the scrap exported will be returned to the United States in the form of nickel metal.

(iii) A copy of the Bill of Lading covering each return shipment of nickel metal to the United States shall be forwarded to the Bureau of Foreign Commerce, Att: FC–2630, Washington 25, D. C., no later than 30 days after receipt of shipment in the United States.

b. Paragraph (c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other*

[1] This amendment was published in Current Export Bulletin No. 775, dated November 27, 1956.

crude forms including remelt ingots, subparagraph (2) *Refined copper, Schedule B No. 641200* is amended by adding two subdivisions to read as follows:

(iii) *Toll or conversion agreements.* The provisions of subdivision (ii) of this subparagraph do not apply to an application for a license to export refined copper produced in the United States under a toll or conversion agreement from materials received from foreign sources. In these cases the applicant shall make the following certification on the license application:

I (we) certify that the refined copper described in this license application was produced in the United States under a toll or conversion contract from materials received from foreign sources.

(iv) *Intransit shipments.* The provisions of subdivision (ii) of this subparagraph do not apply to an application for a license to export refined copper produced in a foreign country and passing intransit through the United States to a foreign destination. (See § 372.6 for other requirements regarding applications for licenses covering intransit shipments.)

2. Part 384 General Orders is amended by adding a new section to read as follows:

§ 384.4 *Order extending validity period of licenses expiring on November 30, 1956.* In view of the work stoppage at United States ports which began on November 15, 1956, the validity period of any outstanding export license which expires on November 30, 1956 is hereby extended until December 31, 1956. In the event the work stoppage continues beyond November 30, 1956, the validity period of any outstanding export license, including such license expiring on November 30, 1956 which expires between November 30, 1956 and the last day of the month during which the work stoppage terminates, is hereby extended to the last day of the month following the month in which the work stoppage terminates.

This amendment shall become effective as of November 27, 1956.

(Sec. 3, 63 Stat. 7, as amended; 56 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-9847; Filed, Nov. 30, 1956; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6430]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WAYNE SCHOOL, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Reputation, success, or standing; § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* Sec. 13.143 *Opportunities.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1615 *Earnings and profits;* § 13.1670 *Jobs and employment;* § 13.1697 *Opportunities in product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Wayne School, Inc., et al., Chicago, Ill., Docket 6430, Nov. 1, 1956]

In the Matter of Wayne School, Inc., a Corporation Trading as Wayne School of Practical Nursing, and E. P. Sorensen and W. H. Hoehne, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation and its officers, engaged in Chicago in selling and distributing a correspondence course in practical nursing, with representing falsely in advertising and by statements of sales representatives the ease of learning their course and the time and attention required to do so; the educational requirements, opportunities for high-paying positions, earnings assured to, and value of diploma to, "graduates"; that their course was recognized and accredited by licensing authorities; that "graduates" were eligible for State licensing examinations; and that hospitals and institutions would hire them, among other things.

Following entry of an agreement between the parties containing a consent order to cease and desist, the hearing examiner made his initial decision, including order to cease and desist, which became, on November 1, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Wayne School, Inc., a corporation, and its officers and Wayne School, Inc., trading as Wayne School of Practical Nursing, or under any other name, and respondents E. P. Sorensen and W. H. Hoehne, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a course of instruction in practical nursing, or any other similar or related course of instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That practical nursing may be learned at home in a short time by devoting only part-time attention to said study, or that respondents' course is a complete course in practical nursing, or that respondents' course is anything other than their entire course in Practical Nursing.

2. That persons completing respondents' course are trained or professional practical nurses, or have the privileges, benefits and responsibilities which accompany those titles.

3. That some high school education, or an equivalent qualification, is not required to become a trained practical nurse.

4. That persons completing respondents' course will as a result thereof be able to command or receive, either through their own efforts or through respondents' efforts on their behalf, exceptional wages or high-paying positions for their service as practical nurses.

5. That persons completing respondents' course will be eligible to apply for or to take licensing examinations in any State.

6. That the diploma given by respondents to persons completing their course will aid, advance or further their nursing careers, except as evidence of completion of respondents' course of study in practical nursing.

7. That the residence course offered by respondents in conjunction with their correspondence course in nursing consists of actual hospital work on live patients unless and until such is a fact.

8. That respondents' nursing course is recognized or accepted by the nurses licensing authorities of the various States of the United States, or any one of said States.

9. That persons completing respondents' course of instructions are eligible for employment or will be employed as practical nurses by hospitals or institutions unless it is clearly revealed that such persons will not be eligible for employment and will not be employed in the States of Arkansas, Idaho, Louisiana, Nevada, New York, or any other states that may have, or may hereafter enact, a law making it mandatory for practical nurses to be licensed and that such persons will not be eligible for employment and will not be employed in most of the hospitals and institutions in other states as practical nurses.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents, Wayne School, Inc., E. P. Sorensen and W. H. Hoehne shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 1, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-9849; Filed, Nov. 30, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1465—LIMITATIONS ON COMMENCEMENT AND COMPLETION OF RENEGOTIATION

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

MISCELLANEOUS AMENDMENTS

1. Section 1465.2 *Commencement of renegotiation proceedings* is amended by deleting in its entirety the last sentence of paragraph (a) thereof.

2. Section 1470.3 *Filing of financial statement* is amended by deleting paragraph (d) in its entirety and inserting in lieu thereof the following:

(d) (1) *Fiscal years ending on or before June 30, 1956.* Except as otherwise provided in § 1467.4 (d) (2) of this subchapter with respect to fiscal years ending on or before June 30, 1956, the Standard Form of Contractor's Report, including both RB Form 1 and RB Form 1B, or the Statement of Non-Applicability, whichever is appropriate, shall be filed on or before the first day of the fifth calendar month following the close of the fiscal year of the contractor, whether or not any specific request for filing has been made.

(2) *Fiscal years ending after June 30, 1956.* Except as otherwise provided in § 1467.31 (d) of this subchapter with respect to fiscal years ending after June 30, 1956, every contractor who is required to file a financial statement for any such fiscal year shall file the Standard Form of Contractor's Report, including both RB Form 1 and RB Form 1B, on or before the first day of the fifth calendar month following the close of such fiscal year, whether or not any specific request for filing has been made. Any contractor who is entitled to file the Statement of Non-Applicability for any such fiscal year, and who elects so to do, shall file such statement on or before the first day of the fifth calendar month following the close of such fiscal year.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: November 28, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-9799; Filed, Nov. 30, 1956; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1967]

PART 198—SULPHUR PERMITS AND LEASES

On pages 5802 to 5805, inclusive, of the FEDERAL REGISTER of August 3, 1956, there was published a notice of proposed rule making to implement revision of the sulphur regulations approved August 16, 1932. Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed regulations.

After careful consideration of comments and suggestions submitted within the 30-day period, it has been determined that they do not warrant a change in the proposed regulations set forth below. Consequently, the proposed regulations are hereby adopted.

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 26, 1956.

Part 198, Title 43 of the Code of Federal Regulations is revised as follows:

GENERAL

Sec.
198.1 Statutory authority.
198.2 Definitions.
198.3 Area and limitation on holdings.
198.4 Qualifications of applicant.
198.5 Permits and leases for lands disposed of with reservation of sulphur.
198.6 Requirements when lands are within a withdrawal.
198.7 Protection of pre-existing mining claims.

SULPHUR PROSPECTING PERMITS

198.8 Application for permit.
198.9 Rights conferred.
198.10 Permit bond.
198.11 Cancelled permits.
198.12 Reward for discovery.
198.13 Expiration of permit.

SULPHUR LEASES

198.14 Form of lease.
198.15 Lease bond.
198.16 Royalty.
198.17 Rental.
198.18 Minimum production.
198.19 Application for lease by competitive bidding.
198.20 Notice of lease offer.
198.21 Bid deposits.
198.22 Award of lease.
198.23 Renewal leases.
198.24 Relinquishment of lease.
198.25 Cancellation of lease.

TRANSFER OF PERMITS AND LEASES

198.26 Transfers, including subleases.
198.27 Overriding royalties.

AUTHORITY: §§ 198.1 to 198.27, inclusive, issued under sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply secs. 1 to 6, 44 Stat. 301–302, as amended; 30 U. S. C. 271–276.

GENERAL

§ 198.1 *Statutory authority.* (a) Sections 1 to 7 of the Act of April 17, 1932 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701, 30 U. S. C. 271–276), authorize the Secretary of the Interior to:

(a) Issue permits to prospect for sulphur in public lands or in public lands disposed of with a reservation of such deposits to the United States located in the States of Louisiana and New Mexico.

(b) Lease such lands containing valuable deposits of sulphur.

§ 198.2 *Definitions.* The following terms, as used in this part or in any lease or permit approved under the regulations in this part, shall have the meanings here given:

(a) *Land Office, or appropriate land office.* The Land Office, Bureau of Land Management, Santa Fe, New Mexico, for lands covered by a permit, lease, or application therefor, situated in the State of New Mexico, and the Eastern States Land Office, Bureau of Land Management, Washington 25, D. C., for lands covered by a permit, lease, or application therefor, situated in the State of Louisiana.

(b) *Manager.* The Manager of the appropriate land offices as defined in paragraph (a) of this section.

(c) *Appropriate State Supervisor.* State Supervisor, Bureau of Land Management, Santa Fe, New Mexico, when the lands covered by a permit, lease or application therefor are situated in the State of New Mexico, and Eastern States Supervisor, Bureau of Land Management, Washington 25, D. C., when the lands covered by a permit, lease or application therefor are situated in the State of Louisiana.

§ 198.3 *Area and limitations on holdings.* Except where the rule of approximation applies, a sulphur permit or lease may not include over 640 acres in reasonably compact form entirely within a 6-mile square. No person, association or corporation may hold more than three sulphur permits or leases in any one State during the life of such permits or leases.

§ 198.4 *Qualifications of applicant.* (a) As used in this section, "applicant" means an applicant for a permit under § 198.8, for a lease under § 198.12, the successful bidder to whom a lease is awarded under § 198.22, or an assignee or transferee under § 198.26.

(b) Permits and leases may be issued to citizens of the United States, association of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(c) All applicants must file with the Manager statements and evidence as follows (unless previously filed, in which event a reference by serial number to the record and the land office in which filed, together with a statement as to any amendment, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorporated.

(ii) That it is authorized to hold permits and leases for sulphur deposits and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock, of all the stock owned by aliens and of all the stock owned by those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class, of the corporation.

(4) That holdings of sulphur permits or leases do not exceed the number specified in § 198.3.

§ 198.5 *Permits and leases for lands disposed of with reservation of sulphur.* Where lands included in a permit or lease have been disposed of with reservation of sulphur deposits, a permittee or lessee must make full compliance with the law under which such reservation was made. See the Acts of March 4, 1933 (47 Stat. 1570; 30 U. S. C. 124); December 29, 1916 (39 Stat. 862; 43 U. S. C. 291–301); June 17, 1949 (63 Stat. 201); June 21, 1949 (63 Stat. 215; 30 U. S. C. 54) and August 13, 1954 (68

Stat. 703), and other laws authorizing such reservations.

§ 198.6 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for sulphur permit or lease is within a withdrawal which does not preclude disposition of the sulphur deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a sulphur permit or lease. Where he recommends that a special stipulation be required to protect the interests of the United States, an appropriate stipulation may be included in the lease or permit.

§ 198.7 *Protection of pre-existing mining claims.* Mining claims for sulphur deposits on lands such as specified in § 198.1 (a) situated in Louisiana which were valid on April 17, 1926, or on such lands in New Mexico, on July 16, 1932, if duly maintained, may be patented under the law under which they were initiated. Otherwise, such deposits may be secured only under the Act of April 17, 1926 (44 Stat. 301), as amended July 16, 1932 (47 Stat. 701, 30 U. S. C. 271–276).

SULPHUR PROSPECTING PERMITS

§ 198.8 *Application for permit.* An application for a permit must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form of application is required, but the application should include the information and evidence called for in §§ 198.4 and 198.19 (a) (1) and (2).

§ 198.9 *Rights conferred.* Two-year permits issued and Form 4–701 [1] grant the permittee the exclusive right to prospect and explore the lands described therein to determine the existence of, or workability of, the sulphur deposits. Only such material may be removed from the land as is necessary to experimental work or the demonstration of the existence of such deposits in commercial quantities.

§ 198.10 *Permit bond.* Prior to the issuance of a permit for lands entered or patented with a reservation of the sulphur deposits to the United States, or lands within a reclamation project, the applicant must furnish an approved corporate surety bond of at least $1,000 (Form 4–1130) or a personal bond in similar amount (Form 4–1131) secured by negotiable Federal securities in the amount of the bond. The right is reserved to require the applicant, in any case where deemed necessary, to furnish a permit bond.

§ 198.11 *Cancelled permits.* Upon cancellation of a sulphur permit for any reason, the land will not be open to sulphur permit applications until the cancellation is noted on the records of the land office.

§ 198.12 *Reward for discovery.* (a) Upon a satisfactory showing that valuable deposits of sulphur have been discovered by a permittee within the area covered by his permit before the permit expires, and that the land is chiefly valuable therefor, the permittee shall be entitled to a preference right lease for all or part of the land embraced in his permit in a reasonably compact form. An application for a preference right lease by a sulphur permittee must be filed not later than 30 days after his permit expires. The application must be filed in the appropriate land office and describe the land desired, show the date valuable sulphur deposits were discovered, specify fully the extent and mode of occurrence of the deposits as disclosed by prospecting work, and show any change in the information contained in the application for sulphur permit. The application must be accompanied by the first year's lease rental at the rate of 50 cents per acre or fraction thereof. The lease will be on Form 4–1313 and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right sulphur lease, unless otherwise specified therein. If the sulphur permit expires and the application for sulphur lease is finally rejected, royalty for the sulphur mined will be charged at the sulphur permit rate and such mining will not constitute a trespass.

(b) If the lands are unsurveyed, the sulphur permittee, prior to the issuance of a lease, will be required to deposit with the appropriate State Supervisor the estimated cost of making a survey of the lands as officially determined by the Bureau of Land Management. This survey will be an extension of the public land surveys over the lands applied for, and the lands to be included in the sulphur lease will be conformed to the subdivision of such survey.

(c) If the sulphur permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee or lessee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 198.4 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee or lessee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 198.4 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 198.4 (c) (1) and (4).

§ 198.13 *Expiration of permit.* Unless a lease application is filed pursuant to § 198.12 the permit will expire at the end of its period without notice to the permittee. No extension of the term will be granted.

SULPHUR LEASES

§ 198.14 *Form of lease.* Leases shall be issued on Form 4–1313.

§ 198.15 *Lease bond.* A compliance bond, in no event less than $5,000, with approved corporate surety (Form 4–1113), or the lessee's personal bond in similar amount (Form 4–1114), will be required prior to the issuance of a lease. Personal bonds must be secured by negotiable Federal securities in the amount of the bond.

§ 198.16 *Royalty.* Leases based upon discovery of valuable sulphur deposits under a sulphur permit shall provide for a royalty of 5 percent of the quantity or gross value of the output of sulphur at the point of shipment to market. Leases for lands known to contain valuable deposits of sulphur and not covered by sulphur permits or leases shall provide for such royalty as will be determined prior to the issuance of the lease, but in no case shall the royalty be less than 5 percent of the quantity or gross value of the output of sulphur at the point of shipment to market.

§ 198.17 *Rental.* Leases shall provide for the payment, in advance, of an annual rental of 50 cents for each acre or part thereof covered by the lease, beginning with date of the lease, such rental for any year to be credited against the first royalties as they accrue under the lease during the year for which the rental was paid.

§ 198.18 *Minimum production.* Leases will require the payment of a royalty on a minimum annual production beginning with the sixth year of the lease, unless operations are interrupted by strikes, the elements, or casualties not attributable to the lessee, or unless, on application and showing made, lease operations are suspended by the Department of the Interior for the reasons specified in section 39 of the Mineral Leasing Act of February 25, 1920, as amended, (30 U. S. C. 209).[2]

§ 198.19 *Application for lease by competitive bidding.* (a) An application for a lease must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) If the requested lands are surveyed, they should be described by legal subdivisions, showing meridian, State, township, range, and section; if not surveyed, by metes and bounds connected by courses and distance with some corner of the public land survey. When possible, the approximate legal subdivisions of unsurveyed lands should be stated.

(3) Evidence that the land is valuable for its sulfur content, with a statement as to the character, extent, and mode of occurrence of the sulfur deposits.

(b) The application must be signed by applicant, or by his attorney in fact, supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

§ 198.20 *Notice of lease offer.* Notice of offer of lands or deposits for lease will be by publication once a week for four consecutive weeks or for such other period as may be determined, in a newspaper of general circulation in the county or parish in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the lands and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared. The right is reserved to reject any and all bids, and should a bid be rejected, the deposit made by the bidder will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. (See 18 U. S. C. 1860).

§ 198.21 *Bid deposits.* The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids, must submit with his bid, certified check, cashier's check, bank draft, money order, or cash for one-fifth of the amount of the bid, and evidence of qualifications as required by § 198.4.

§ 198.22 *Award of lease.* Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four lease forms will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 198.20 and file a bond as required by § 198.15. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence such as specified in § 198.12 (c), in order that the Manager of the appropriate land office may determine to whom the lease may be issued.

§ 198.23 *Renewal leases.* An application for a renewal lease must be filed in the appropriate land office within 90 days prior to the expiration of the lease term. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the issuance of a renewal lease, the lessee will be required to submit a new bond as prescribed in § 198.15. Each application for renewal must be accompanied by a filing fee of $10, which will not be returnable.

§ 198.24 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 198.25 *Cancellation of lease.* If the lessee fails to comply with the general regulations in force at the date of the lease, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Mineral Leasing Act (30 U. S. C. 188). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

TRANSFERS OF PERMITS AND LEASES

§ 198.26 *Transfers, including subleases.* (a) Permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a permit or lease will create a new permit or lease for the transferred portion. A discovery made before or after the partial assignment, either on the retained or the assigned portions will not inure to the benefit of the other, nor will approval of a transfer extend the life of the permit or the renewal periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the appropriate land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by § 198.4 must be submitted simultaneously. Before a transfer of a permit or lease will be approved, the consent of the surety to the substitution of the transferee as principal, or a new bond with the transferee as principal, must be submitted if the original permit or lease required the maintenance of a bond. If the transfer is for part of the land only, it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the permittee or lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. The account under the permit or lease must be in good standing before approval of transfer will be given. A transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

(b) An application for approval of any instrument transferring a lease or permit, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or leasee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Department as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 198.12 (c).

[1] A copy of this, as well as of every other form mentioned in this part, may be obtained from the Land Office, Santa Fe, New Mexico, or from the Director, Bureau of Land Management, Washington 25, D. C. Copies of Forms 4–701 and 4–1313 were filed with the Federal Register Division as part of the original document.

[2] See showing required under § 191.26 of this title, as amended.

(e) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the permit or lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all permit or lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

§ 198.27 *Overriding royalties.* (a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interests at any time exceeds one percent of the gross value of the output at the point of shipment to market, they shall be subject to reduction or suspension by the Secretary to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of marginal or low grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or, in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary.

[F. R. Doc. 56-9838; Filed, Nov. 30, 1956; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 74, Amdt. 1]

PART 292—PROCEDURE TO BE FOLLOWED BY OPERATORS IN THE RENDITION TO THE MARITIME ADMINISTRATION OF ANNUAL AND FINAL ACCOUNTINGS UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

SUBSEQUENT ADJUSTMENTS

Effective with respect to accountings submitted for the calendar year 1956 and thereafter, Part 292 is hereby amended by deleting paragraph (c) of § 292.3 *Accounting requirements* and substituting therefor the following new paragraph:

(c) *Subsequent adjustments.* (1) At the time of the submission of the accounting for each accounting period as required under this part, the Operator shall determine whether adjustments during such period affecting any preceding accounting period or periods would, if carried back to such preceding period or periods, operate to increase or decrease to the extent of $10,000 or more, (i) the amount otherwise recapturable and/or (ii) the amount otherwise required to be deposited in the Special Reserve Fund and, if so, the Operator shall either (*a*) submit a revised accounting for such preceding accounting period or periods taking such adjustments into account or (*b*) include in the current accounting an adjustment of amounts recapturable and/or required to be deposited in the Special Reserve Fund with respect to such prior period or periods that will produce the same result as though a revised accounting were submitted for such prior period or periods: *Provided,* That, except as otherwise provided herein, adjustments applicable to a preceding accounting period shall be taken into account in the year in which recorded; *And provided further,* That, notwithstanding the foregoing, any subsidy payable must be calculated at the rates established for the voyages on which the subsidizable expense involved was incurred.

(2) If, in any instance, at the time of the submission of an accounting, no such adjustment affecting any preceding accounting period has occurred subsequent to the submission of the accounting for such period, the Operator shall submit to the Administration an appropriate certification to that effect over the signature of a duly authorized officer.

NOTE: The reporting requirements under this Amendment 1 to General Order 74 have been approved by the Bureau of the Budget in accordance with the Federal Reports Acts of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: November 9, 1956.

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 56-9870; Filed, Nov. 30, 1956; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 125—RAILROAD ACCIDENTS: REPORTS AND CLASSIFICATION

MONTHLY REPORTS OF RAILROAD ACCIDENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of November A. D. 1956.

The matter of rules governing monthly reports of railroad accidents being under consideration; and

It appearing that the Commission by notice dated December 1, 1955 (20 F. R. 8964-71), informed the rail carriers subject to the Commission's Rules Governing the Monthly Reports of Railway Accidents and other interested parties of proposed revisions of the rules, and that interested parties were permitted to file statements in writing on or before thirty days after the date of the notice of December 1, 1955, containing their views with respect to the proposed rules;

It further appearing that the Commission by notice dated January 26, 1956 (21 F. R. 698), extended the time for filing written statements to and including March 31, 1956;

It further appearing that written statements were filed by Railway Labor Organizations on December 29, 1955 and November 2, 1956, and by the Association of American Railroads on March 28, 1956.

And it further appearing that consideration has been given to the above mentioned statements:

It is ordered, That common carriers subject to the Accident Reports Act (45 U. S. C. 38-43), shall make to the Commission monthly reports of accidents in the form and manner set forth in Appendix A attached hereto, and made a part hereof;

It is further ordered, That 49 C. F. R. §§ 125.10 to 125.60, inclusive, be deleted in their entirety and that §§ 125.10 to 125.60, inclusive, as set forth below, be substituted therefor;

It is further ordered, That the order of December 31, 1921, in the matter of "Rules Governing Monthly Reports of Railway Accidents" and supplemental orders of September 21, 1932, December 17, 1932, October 24, 1935, January 14, 1936, June 8, 1936, October 30, 1936, January 28, 1939, December 11, 1947, and July 22, 1948, be, and they are hereby, vacated and set aside, effective January 1, 1957, except insofar as they apply to reports of accidents occurring before January 1, 1957;

It is further ordered, That a copy of this order shall be served on common carriers subject to the provisions of the Accident Reports Act, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the director, Division of Federal Register;

And it is further ordered, That this order shall be effective on January 1, 1957.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

These rules are issued by authority of the Accident Reports Act approved May 6, 1910, section 1 of which requires "that it shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate or foreign commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, District of Columbia, a monthly report under oath, of all collisions, derailments, or other accidents resulting in injury to persons, equipment, or roadbed arising from the operation of such railroad under such rules and regulations as may be prescribed by the said Commission, which report shall state the nature and causes thereof and the circumstances connected therewith."

Sec.

125.10 Purpose.

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125.55 Codes for accident reporting.

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125.60 Electric railways; form of report.

AUTHORITY: §§ 125.10 to 125.60 issued under sec. 12, 24 Stat. 383, as amended, sec. 1, 36 Stat. 350; 49 U. S. C. 12, 45 U. S. C. 38. Interpret or apply sec. 20, 24 Stat. 386, as amended, sec. 3, 36 Stat. 351; 49 U. S. C. 20, 45 U. S. C. 40.

§ 125.10 *Purpose.* The purpose of reporting accidents arising from the operation of a railroad to this Commission is to carry out the intent of the Congress as expressed in the Accident Reports Act approved May 6, 1910, namely, the disclosure of the hazards inherent in the provision of common carrier transportation by railroad insofar as such disclosure may appear from accident experience. Accident reporting, therefore, being in the interest of the remedial and regulatory process, its requirements apply exclusively to collisions, derailments, and other accidents arising from the actual operation of a railroad. The purpose of this revision of the accident reporting rules is to promote accuracy and uniformity of reporting among the carriers and to comprehend changes in railroad operations which have occurred in recent years.

GENERAL INSTRUCTIONS

§ 125.11 *Definition of "arising from the operation of a railroad".* The term is limited to the physical operation and maintenance of equipment, track, and roadbed of a railroad and includes only the:

(a) Operation of trains, locomotives, or cars.

(b) Transportation in railroad cars of persons, freight, mail, baggage, express, or other material including loading and unloading of such cars.

(c) Any necessary handling and care, by railroad employees, of persons and lading on cars in transit.

(d) Work performed on railroad property (except as indicated in § 125.15 (a)) by railroad employees who in the course of their regular duty are engaged in the operation, construction, servicing, or maintenance of existing lines, as follows:

(1) Construction, servicing, or maintenance of locomotives or cars or of any of the facilities used for doing this work.

(2) Construction, installation, or repair of tracks or roadbed or of any of the facilities used for doing this work.

(3) Construction, installation, servicing, or maintenance of signal structures or equipment including highway crossing protection or of any of the facilities used for doing this work.

(4) Construction, installation, servicing, or maintenance of communication structures or equipment or of any of the facilities used for doing this work.

(5) Construction, installation, servicing, or maintenance of other fixed railroad structures, including signs, under, over, or beside tracks.

(6) Physical operation of all railroad facilities and equipment which includes those acts which were performed in and about freight houses and passenger stations (including the loading and unloading of cars), yard offices, car dumpers, or storehouses or any other facilities used for providing railroad service.

§ 125.12 *Definition of "accidents".* (a) An accident is an occurrence arising from a collision, derailment or other happening incurred in the physical operation of a railroad as herein defined in § 125.11.

(b) The Accident Reports Act requires the reporting of collisions, derailments or other accidents resulting in injury to persons, equipment or roadbed, arising from the operation of a railroad. As used in the act, the term "other accidents" requires that said accidents should include only such accidents as involve the physical movement and maintenance of trains, locomotives, or cars, and the maintenance and use of tracks and roadbed.

(c) An "accident" as herein used which results in external or internal injury to a person presupposes an occurrence, such as a blow, impact of a locomotive, car, machinery, equipment, tool, material or other object, a slip, a trip or fall, or any mishap, usually unforeseen, resulting from an action arising in the operation of a railroad as defined in § 125.11.

(d) The act makes clear that "accident" and "injury" are not synonymous terms, and, therefore an injury must be the result of an accident, or in other words, some physical agency arising from the operation of a railroad as herein defined in § 125.11 must inflict injury as defined in paragraph (c) of this section.

§ 125.13 *Occurrences not to be classed as "Accidents arising from the operation of a railroad".* (a) In the absence of any such mishap as mentioned in § 125.12 (c), the application of physical exertion alone shall not be classed as an accident.

(b) Disability through aggravation of an unfavorable physical condition in connection with a mishap as defined in § 125.12 (c) shall not be classed as a reportable accident if all of the evidence is nonconflicting and clearly indicates that such mishap of itself would have been insufficient to cause reportability.

(c) Disability resulting alone from the accentuation of an unfavorable physical condition, in the absence of a mishap, shall not be classed as an accident.

(d) Disability resulting from illness or disease shall not be classed as an accident.

(e) Disability representing the cumulative effect of repetitive use of tools or appliances or repetitive exposure to the elements or to chemicals, fumes, gases and the like, shall not be classed as an accident. This limitation does not apply to disability arising from a single exposure to chemicals, fumes, gases and the like.

(f) Disability resulting from contact with animals, insects, reptiles, poisonous weeds or leaves, or like objects not arising from the operation of a railroad as herein defined in § 125.11.

(g) Occurrences determined to be suicides by a coroner or other public authority.

§ 125.14 *"Accidents" to be reported.* A reportable accident is an accident arising from the operation of a railroad as herein defined in § 125.11 that results in one or more of the following circumstances:

(a) Death of a person: A death resulting from an accident within 24 hours following its occurrence is reportable as a fatality; if death occurs after the expiration of the 24-hour period, the casualty is reportable as an injury and also as a subsequent fatality.

(b) Injury to an employee sufficient to incapacitate him from performing fully and acceptably and without extra assistance all of the duties customarily included in the assignment of the employee at the time of injury for more than three days (72 hours) in the aggregate during the ten days (240 hours) immediately following the accident. This rule applies to employees on duty, and to those classed as not on duty, but does not apply to employees classed as passengers or trespassers.

(1) Incapacitation, which includes Sundays, holidays, and lay-off days, begins: Whenever the pain or inconvenience resulting from the accident becomes so serious that it would prevent

the injured person from performing all of his duties whether or not there is necessity or opportunity for him to do so at the time, and

(2) Incapacitation ends: Whenever the injured person has recovered sufficiently to be able to resume performance of all of his duties whether or not there is necessity or opportunity for him to do so at the time.

(c) Injury to a person other than an employee if the injury is sufficient to incapacitate the injured person from following his customary vocation or mode of life for a period of more than one day. This rule applies also to employees classed as passengers or trespassers.

(d) Damage to equipment, tracks, or roadbed amounting to more than $750 which also results in a reportable casualty, a collision, or a derailment.

When there is uncertainty as to the extent of disability, all the circumstances surrounding an injury will be thoroughly investigated, including any medical attention rendered, which will be submitted to the chief medical officer of the carrier, and in the light of all such circumstances and medical attention the professional opinion of the chief medical officer will govern the determination and duration of physical incapacitation under these rules.

An accident to be reportable must be established directly or indirectly as having occurred at a specified place and date.

§ 125.15 *"Accidents" not to be reported.* (a) No accident shall be considered as arising from the operation of a railroad as herein defined in § 125.11 above which occurs off owned or leased railroad property or on that part of railroad property not directly used in transportation, except when occurring in train or switching operations by a reporting carrier on industrial or private premises, or on public or private property adjacent to the railroad right-of-way which is caused by an agency arising from the operation of a railroad on railroad property.

(b) No accident resulting in damage to property or a personal casualty is reportable if it arises from some agency located either on or off railroad premises which agency is not an employee then engaged in, or a part of the railroad used in, transportation. However, any resultant collision or derailment which causes a reportable casualty or damage of more than $750 to a moving train, locomotive, or car must be considered as arising from the operation of a railroad as herein defined in § 125.11.

(c) No accidents and resulting casualties are reportable when caused by an extraordinary force of nature as defined by the United States Weather Bureau (for example, such as floods, earthquakes, hurricanes, tornadoes, and electrical storms). However, any resultant collision or derailment which causes a reportable casualty or damage of more than $750 to a moving train, locomotive, or car must be considered as arising from the operation of a railroad as herein defined in § 125.11.

(d) The consequences of horseplay or assault by persons upon one another on railroad trains or on that part of a railroad used in transportation are not considered as arising from the operation of a railroad as herein defined in § 125.11.

(e) Unless caused by moving trains, locomotives, or cars, or the action of railroad employees on duty engaged in the operation of a railroad as herein defined in § 125.11 above, accidents to all classes of non-employees either lawfully or unlawfully on railroad property are not reportable, except accidents resulting in casualties to passengers boarding or alighting from passenger trains at passenger stations.

(f) Accidents at highway or street crossings, or on parts of highways within railroad right-of-way, not involving the presence or operations of trains, locomotives, cars, track cars, or similar equipment and not involving employees then engaged in the operation of a railroad as herein defined in § 125.11.

(g) Accidents in or about living quarters not arising from the operation of a railroad as herein defined in § 125.11.

§ 125.16 *Doubtful cases.* The reporting officer of a railroad will ordinarily determine the reportability or nonreportability of a casualty after an examination of all the evidence available to the railroad. The Commission, however, cannot delegate authority to private parties to decide matters of judgment where facts are in dispute. In all such instances, the decision must be that of the Commission alone. The reporting railroad may directly request a ruling as to reportability or it may report the case as "claimed but not admitted by carrier". These cases are given special examination by this Commission. Facts stated by a railroad which tend to refute the claim of an injured person are given consideration. When all the facts available to the Commission are found to be insufficient to prove the claim, the case will not be allocated to the reporting railroad. Such cases will be eliminated from the I. C. C. records and the reporting officer of the carrier advised of the action taken in the matter.

§ 125.17 *Joint operations.* "Joint operations" is a term intended to cover operations conducted on terminal or other tracks used jointly or in common by two or more reporting carriers, or where the equipment of one carrier moves as its own train over the track of another carrier.

Locomotives, with or without crews, if loaned or leased by one carrier to another, are not thereby made subject to the rules relative to "joint operations".

Trains or locomotives of a nonreporting carrier which may become involved in reportable accidents on the line of a reporting carrier do not fall under the rules pertaining to "joint operations"; such accidents, however, should be included in the report of the reporting carrier.

If a reportable accident occurs on a private siding or track of like character, it should be reported by the carrier having possession of the locomotive concerned or employing the persons involved, but not as a joint-operation accident.

The question of responsibility among carriers for accidents classifiable under the rules applicable to joint operations is not to be considered in relation to the making of reports concerning them, but all carriers involved should make reports as respectively required.

(a) Train accidents resulting in casualties and damage to equipment, track, or roadbed, in excess of $750 or collisions and derailments with damage to equipment, track, or roadbed in excess of $750, occurring on tracks used by two or more reporting carriers should be severally reported by the carrier or carriers whose equipment or employees are involved and the carrier whose superintendent is in immediate charge of the track on which the accident occurs. Each carrier concerned in such an accident should report the casualties, if any, and the damage to its equipment and other items of expense as provided in the report form and state (estimating, if unknown) the casualties, if any, and the amount of damage sustained by the other carriers involved, the names of which should be respectively indicated before casualties and the items of damage.

If a reportable train accident, though occurring on jointly used track, involves only the equipment and employees of the carrier whose superintendent is in immediate charge of such track, the accident need be reported only by the carrier concerned.

(b) Train-service accidents occurring on terminal or other tracks used jointly or in common by two or more reporting carriers involving employees on duty should be reported by each of the carriers concerned. Casualties to other persons should be reported by the carrier whose equipment is involved.

(c) Casualties to railroad employees on an adjacent track of another railroad should be reported by both railroads, whether or not a joint operation is involved.

(d) In all cases involving joint operation, whether one or more trains are involved, each carrier will be allocated casualties to all persons on its own train. Casualties to employees not on train, whether on or off duty, will be allocated to the employing railroad. Casualties to all other classes of persons not on train will be allocated to the railroad on whose tracks the accident occurred.

Classification of Railroad Accidents

§ 125.21 *Primary groups and their definitions.* Reportable railroad accidents are divided into three groups which are:

Group I. Train accidents,
Group II. Train-service-accidents, and
Group III. Nontrain accidents.

(a) *Group I.* Train accidents are those arising directly from the operation or movement of trains, locomotives, or cars which result in:

(1) A reportable casualty with more than $750 damage to equipment, track, or roadbed;[1] or

(2) Collisions or derailments with more than $750 damage to equipment, track, or roadbed.[1]

[1] Excluding cost of clearing wreck.

(b) *Group II.* Train-service accidents are those arising directly from the operation or movement of trains, locomotives, or cars which result in a reportable casualty but not more than $750 damage to equipment, track or roadbed.[1]

(c) *Group III.* Nontrain accidents are those which do not result directly from the operation or movement of trains, locomotives, or cars. They include those specific reportable casualties resulting from movements of locomotives or cars made by shop employees on shop tracks as well as all reportable casualties that occur where no locomotive or car operation or movement was involved but which are includible under § 125.11.

Group I—Train Accidents

§ 125.22 *Classification.* Train accidents should be classified as:

(a) A collision (class C) which is a violent impact of a train, locomotive, or car with some other train, locomotive, or car while both are on rails. Accidents, however, in which cars, not in suitable condition to withstand common train usage, that, when coupled in trains, may be damaged through ordinary train movements, should be classified as other train accidents, and not as collisions. (Accidents caused by trains, etc., striking bumping posts, or track motor cars and like roadway machines not equipped with A. A. R. couplers except when operating under train rules and subject to the protection afforded to trains, are not classifiable as collisions.)

Reports of collisions, in addition to furnishing the information required by sections of these rules having general application, should describe briefly the method of operation in use for the track involved, stating whether a signal system was in use, and, if in use, whether it was manual, controlled manual or automatic block; interlocking or C. T. C.; cab signals or automatic train control.

For collisions involving any question of train orders, the information should show whether they were on Form "19" or Form "31" (A. A. R. Standard Code of Train Rules).

In the case of a collision, the number of main tracks in use in the locality of the accident should be stated.

Collisions should be classified as follows:

(1) Rear-end collisions: A rear-end collision is a collision in which the trains or locomotives involved are bound in the same direction on the same track.[2] Collisions in which all of the equipment involved is employed in a switching movement are to be included in subparagraph (7) of this paragraph.

(2) Head-on collisions: A head-on collision is a collision in which the trains or locomotives involved are bound in opposite directions on the same track.[2] Collisions in which all of the equipment involved is employed in a switching movement are to be included in subparagraph (7) of this paragraph.

(3) Broken-train collisions: A broken-train collision is a collision in which a moving train breaks into parts and a violent impact of two or more of the uncoupled parts of the same train occurs, or one or more of the parts collide with another train, locomotive, or car. Collisions in which all of the equipment involved is employed in a switching movement are to be included in subparagraph (7) of this paragraph.

(4) Side or raking collisions: This class does not include collisions of trains with cars classifiable under subparagraph (6) of this paragraph or collisions of equipment employed in switching movements classifiable under subparagraph (7) of this paragraph. An accident caused by parts of equipment on one track coming in contact with equipment on a separate track as a result of a derailment should be classified as a derailment while one due to bulging equipment or improper loading of cars, unless a derailment occurs, should be classified as another train accident.

(5) Crossing collisions at railroad crossings: The term "crossing collisions at railroad crossings" is used herein to mean collisions occurring at crossings or junctions involving trains, locomotives, or cars operated on intersecting tracks.[3] This class does not include accidents due to striking automobiles or other highway vehicles.

(6) Collisions of trains with cars not in trains: This class does not include collisions of trains with cars, operating under train rules and subject to the protection afforded to trains, which should be classified under subparagraphs (1), (2), (3), (4), or (5) of this paragraph in accordance with the circumstances of the particular case.

(7) Switching collisions: The term "switching collisions" is used herein to mean collisions occurring to equipment being switched, as in making up or breaking up trains, shifting or setting out cars, etc., including accidents to locomotives involved in such service. A collision should not receive this classification when two or more locomotives, trains, or cuts of cars are involved unless both or all such units of equipment are employed in switching movements at the time of accident, but it should be classified under subparagraph (1), (2), (3), (4), (5), (6), or (8) of this paragraph, in accordance with the circumstances of the particular case.

(8) Collisions not elsewhere classifiable: This class includes collisions between light locomotives moving to or from enginehouse or servicing facilities, and other collisions not elsewhere classifiable but does not include collisions between locomotives and cars when engaged in switching movements as described in subparagraph (7) of this paragraph.

(b) A derailment (class D) is a failure of the tread of any wheel of a locomotive or car to set on the rail of the track the locomotive or car is intended to be on. (Does not include derailments of track motor cars and like roadway machines not equipped with A. A. R. couplers.) In reporting derailments the information required by provisions of these rules having general application should be furnished, and there should be indicated in particular, by initials and number, or name, the equipment causing the derailment.

If a derailment is the result of a public highway grade-crossing accident, a supplement to a Form T, in addition to a Form T, should be supplied.

If a derailment is the result of the breaking of a rail, a Form R, in addition to a Form T, should be supplied.

(c) Other train accidents (class O) include all train accidents other than collisions and derailments.

If any such other train accident is the result of a public highway grade-crossing accident, a supplement to a Form T, in addition to a Form T, should be supplied.

Group II—Train-Service Accidents

§ 125.23 *Train-service accidents.* (a) Train-service accidents (class S) include all other accidents of trains.

(b) If a train-service accident is the result of a public highway grade-crossing accident, a supplement to a Form T, in addition to a Form T, should be supplied.

Group III—Nontrain Accidents

§ 125.24 *Nontrain accidents.* Nontrain accidents should include those casualties which are outlined in § 125.21. The classification of persons to whom reportable casualties occur in nontrain accidents and the classification of such accidents should be in accordance with the "Instructions" given in Form V.

Form and Arrangement of Reports

§ 125.25 *Forms used and duplicate reports.* (a) Monthly reports of railroad accidents should be made on forms provided by the Interstate Commerce Commission or on forms identical therewith in arrangement, size, and in color and weight of paper, and every reporting carrier is required to retain in its files a duplicate of each report rendered to the Commission. For the reporting railroads' files, this duplicate should also show the name or names of the casualty or casualties reported and the precise location at which the accident occurred.

(b) The forms provided, which are of five kinds, are designated as Form V, T, Supplement to T, R, and F.

(c) Each sheet of each report should show in the appropriate place the name of the company for which it is filed, the month and year to which the report relates, and all other particulars called for by the form. Each sheet of each report following Form V should bear the autograph signature of a responsible officer or employee.

§ 125.26 *Form V (Verification).* A report should be made on this form each month, even though no reportable (train,

[1] Excluding cost of clearing wreck.

[2] The time-table or schedule direction should govern the classification of collisions in classes 125.22 (a) (1) and (a) (2) if at the time of the accident either of the trains or locomotives is at rest, or if its incidental movement temporarily differs from its schedule direction.

[3] Crossing collisions covered should be reported by each carrier affected. Casualties to persons and items of damage should be reported in the same manner as described in connection with "joint operation" accidents.

train-service, or nontrain) accident occurred during the month covered. Such report should include an oath or verification, made by the proper officer of the reporting carrier, as provided for attestation on Form V, which should show the number of train and train-service accidents that occurred during the month for which the report is made, and the number of sheets, inclusive of Form V. If no reportable accident occurred during the month, that fact should be stated on this form. Form V should also show the total number of locomotive and motor-train miles run during the month, computed in accordance with Train-Mile, Locomotive-Mile and Car-Mile accounts in the Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission. If any reportable nontrain accidents occurred during the month, they should be reported in the tables provided on Form V, but if none occurred, that fact should be stated as required.

§ 125.27 *Form T (Train and train-service accidents).* (a) A separate Form T sheet should be used for each reportable train accident or train-service accident and should show the required particulars concerning the accident.

(b) Information called for by each of the questions shown on T sheets should be supplied except in the instance of questions the answers to which would not be significant in which case the space provided for the answer should be blanked out.

§ 125.28 *Supplemental Form T.* A supplement to each Form T sheet also should be used for each reportable:

(a) Derailment due to highway grade-crossing accident.

(b) Other train accident due to a highway grade-crossing accident.

(c) Train-service accident due to a highway grade-crossing accident.

§ 125.29 *Form R (Rail failures).* In case of reportable train accidents resulting from rail failures, particulars of the failures should be reported on Form R, and all the information called for on that form should be furnished additionally to that required on Form T.

§ 125.30 *Form F (Subsequent fatalities).* If, as the result of an injury, a person dies more than 24 hours after the occurrence of the accident the casualty should be reported as an injury and, in addition, a memorandum of the death should be given on Form F in accordance with the requirements of that form. This additional report is to be made in connection with the report for the month in which the accident occurred, if practicable, otherwise it should separately accompany the first monthly report filed after the death has come to the knowledge of the carrier. A single Form F may contain reports of more than one such fatality, provided all persons included therein were injured during the same month.

§ 125.31 *Classification symbols.* Symbols indicating the class of train accidents or of train-service accidents and the class of persons involved should be entered in the appropriate spaces on Form T as follows:

(a) *Class of accident.* Sheets carrying reports of collisions are to be marked C; those relating to derailments, D; those relating to other train accidents, O; and those relating to train-service accidents, S.

(b) *Class of person.* The designation of the class of person should include the applicable capital letter preceding the name of the class, to which should be added the number of the "Reporting Division" with such other descriptive detail as may be appropriate.

§ 125.32 *Arrangement and numbering of sheets.* (a) All the forms in a monthly report should be arranged in the order V, T, R, and F. Supplements to T sheets should follow the T sheet to which each refers. All Forms T should be further grouped in accordance with the character of the accidents and arranged in the order C, D, O, and S. Collisions should be subgrouped in order by subclasses; as, for example, all of C–1, followed by all of C–2, followed in turn by all of C–3, etc., throughout the series. All sheets are to be numbered consecutively, beginning with No. 1 for Form V each month. When properly arranged and numbered, all sheets including Form V, should be securely fastened.

(b) In no case should the report for any month include a Form T sheet completed for an accident that did not occur during the month covered by the report. Should it be discovered by a carrier that the report of a particular accident on a Form T has, through mistake or otherwise, been improperly omitted from its regular monthly accident report, the sheet covering such accident should be separately transmitted to the Bureau of Transport Economics and Statistics, with a suitable letter of explanation.

PARTICULARS TO BE REPORTED

§ 125.40 *General.* (a) The codes shown in the index § 125.55, have been designed, so far as that is practicable, to indicate the primary causes of the accidents reported. As to each specific reportable accident, the Reporting Officer should first examine all the evidence available to the railroad from which he should determine the cause of accident. The code number should be entered on the Form T sheet to be sent to the Interstate Commerce Commission.

(b) In addition to reporting the number of the code under which each accident should be classified, the Reporting Officer should supply sufficient information to not only enable the Interstate Commerce Commission to verify the code number selected but also to classify all other data called for as they pertain to each of the accidents reported.

§ 125.41 *Yard.* A system of tracks within defined limits provided for the making up or breaking up of trains, for the storing of cars, and for other purposes over which movements not authorized by timetable, or by train order, may be made, subject to prescribed signals and rules or under special instructions.

§ 125.42 *Train, locomotives and cars.* For the purpose of reporting railroad accidents, a train is defined as a unit of equipment, or a combination of units of equipment (exclusive of light locomotives), in condition for movement over tracks by self-contained motor equipment. A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A light locomotive is a locomotive in condition for movement by its own motor equipment, uncoupled to cars, work equipment, or dead locomotives. A motor car is a self-propelled unit of equipment designed to carry freight or passenger traffic, and is not to be considered a locomotive. (Train or train-service accidents may result from the movement of cars without the use of a locomotive.) Track motor cars and like roadway machines not equipped with A. A. R. couplers are not regarded as "cars" within the meaning here used.

In reporting accidents involving trains, locomotives, or cars, sufficient particulars should be given to show definitely to which of the four classes of service described below the equipment was assigned. Definite information is required in this respect and descriptive terms of local application, such as "milk", "transfer", "mine", etc., should not be used to designate classes of trains. In connection with this matter, a light engine involved in an accident should be classified as belonging to that class of service to which its assignment at the time of the accident was related.

(a) Transportation service: Freight includes trains run between terminals or stations containing loaded or empty freight-train cars and trains consisting of a locomotive and caboose running light in connection with such service. Trains which contain passenger-train cars shall be classed as freight trains whenever the number of freight-train cars is in excess of the number of passenger-train cars in them.[4]

(b) Transportation service: Passenger includes trains run between terminals or stations containing loaded or empty passenger-train cars. Trains which contain freight-train cars shall be classed as passenger trains whenever the number of passenger-train cars is in excess of the number of freight-train cars in them.[4]

(c) Work service includes nonrevenue trains run in the administration and upkeep service of the railroad, such as official trains, inspection trains, pay trains, special trains running with company fire apparatus to save the railroad's property from destruction, and trains run for the purpose of transporting the railroad's employees to and from work when no transportation charge is made; wrecking trains; construction and upkeep trains run in connection with maintenance and improvement work, the cost of operating such trains being chargeable to the appropriate capital or maintenance accounts for rail-line operations; and material and supply trains run in connection with operation.

Work service trains do not include solid fuel trains and other freight trains

[4] Passenger-equipped box or refrigerator cars are counted as passenger-train cars.

laden with company material and running from station to station under the same operating conditions as ordinary revenue freight trains.

(d) Yard service includes the handling of equipment being switched or used in switching other equipment, as, for example, in making up or breaking up trains, serving industrial tracks, storing, weighing, or classifying cars, and other like operations. Operations incidental to a road run when performed by a road train crew are not included.

When significant, state the number of cars in the train; where and when locomotives, cars, and brakes were last inspected; and under what orders the train was moving and what were its rights of track at the particular time and place of the accident.

§ 125.43 *Negligence of employees.* (a) All of the codes of causes in § 125.55 numbered between 1000 and 1999, and some but not all of those numbered between 6000 and 6999, refer to those situations in which it is known that the direct or immediate cause of the train or train-service accident was the negligence, mistake, or misconduct of railroad employees. These include such matters as, for example, improper handling of switches, misunderstanding of or error in giving signals, excessive speed in violation of instructions, failure of trackmen to protect while replacing rails, etc.

(b) All of the codes of causes not specifically referred to in the preceding paragraph refer to those situations in which it is known that the direct or immediate cause of the accident was not the negligence, mistake, or misconduct of railroad employees. In these instances there may or may not be present an indirect negligence of railroad employees which contributed to the accident. These include such matters as, for example, the failure of inspectors or maintenance men to discover defects in equipment, track, and roadbed. Because a complete knowledge of these matters cannot be acquired, it is not practicable to place such accidents in usable categories which would indicate contributory negligence. Therefore they should be reported in their proper codes as defects.

(c) There is another form of contributory negligence which is brought about by a prior direct negligence. For example, the prior negligence of a first crew in running through a switch may be the contributing cause of a following train being derailed. But to the crew of the following train, this accident was due to a defective switch and not necessarily its own negligence. Such an accident should be reported under the proper one of the cause codes which go to defective track.

§ 125.44 *Defective equipment.* All of the codes of causes in § 125.55 numbered 2000 to 2999, and some but not all of those numbered between 6000 and 6999, refer to those situations in which it is known that defects in or failure of equipment were the direct or immediate cause of the train or train-service accident. The report should show, whenever significant, details as to:

Number and initials of locomotive or car.

Manufacturer and type of equipment or part.

Weight, number and other identifying marks.

Year of manufacture and year of placing in service.

When, where, and by what class of employees the equipment was last inspected, whether any defects were noted, and, if any, what remedies were applied.

The following relates to explanation of certain specific codes:

(a) On locomotives other than steam, Code 2110, relates only to fires in wiring connecting electrical apparatus. Fires within electrical apparatus should be listed under the respective kinds of electrical equipment involved (see Codes 2103 to 2107, inclusive).

(b) Fires caused by steam generating boiler or appurtenances should be coded under that equipment in Code 2109 and not in Code 2112.

(c) Body center plate should be coded in Code 2212 along with truck center plate and not in car structure Code 2703.

(d) Body side bearings should be coded in Code 2215 and not in Code 2703.

(e) Modified friction type journal bearing assemblies, referred to in Codes 2206, 2319, and 2322, are intended to cover all forms of improvements in A. A. R. standard oil and waste friction bearing assemblies which utilize the friction bearing (as contrasted with roller bearings, Codes 2207, 2320 and 2323), and include such features as waste retainers, sealed journal boxes, fitted bearings, iron bearings, pads, rings or other non-waste lubrication, etc., or a combination of these features.

(f) Axle journals broken "cold", referred to in Codes 2318, 2319, and 2320, are intended to include axle journals which have been subjected to burning by previous hot boxes, including those which were reclaimed by turning off the burned portion and restored to service.

(g) Accidents caused by wheels broken or rendered otherwise defective as a result of defective or improperly operated brakes should be coded under the proper wheel codes, numbered 2301 to 2316, rather than under codes relating to brakes in the 2400 or 2500 series or under negligence codes. Where a wheel causes an accident due to being unable to rotate because of, for example, a seized armature bearing or a seized journal roller bearing, the accident should be coded under the proper defective part which seized namely Codes 2104 or 2207.

(h) Couplers pulled out or down by defective sills (Code 2615) relate to defects in that portion of the center sills between the bolster and the end of the car. Other sills, such as end or side sills may be incidentally damaged thereby, but all accidents caused by defective side sills, end sills and the portion of the center sill between bolsters not involving a pulled-out coupler should be coded under Code 2701.

§ 125.45 *Defective way and structures.* All of the codes of causes in § 125.55 numbered 3000 to 3999, and some but not all of those numbered between 6000 and 6999, refer to those situations in which it is known that defects in or improper maintenance of way and structures were the direct or immediate cause of the train or train-service accident, including accidents which occur as the result of ordinary wear and weather conditions. This category does not, however, include accidents due to such conditions as are named in § 125.46 below. The report should show, whenever significant:

Manufacture and type of apparatus or part.

Weight, number, and other identifying marks.

Year of manufacture and year of placing in service.

When and by what class of employee inspected, whether any defects were noted, and, if any, what remedies were applied.

The following relates to explanation of certain specific codes:

(a) Rail with welded joints, Codes 3202, 3204, 3302, 3307, and 3308 relate to track where at least one end of each rail is welded to the adjoining rail.

(b) All Codes 3400 to 3499 covering special work, namely switches, crossings, derails, etc., should have failure or absence of bolts, nuts, lockwashers, etc., holding the respective parts coded under the part indicated. For example, switch lug bolt defects should be classified under Code 3413 Switch lug or rod.

(c) The codes provided for signal failures are substantially the same as the causes specified by the Interstate Commerce Commission, Bureau of Safety and Service, except that "Undetermined" causes should not be included under Codes 3500 to 3599 but should be classified as "Unascertained Causes" under the 4900 to 4999 series.

(d) Mules (sometimes called barney cars), referred to in Code 3914 are car pushers operated by cables on narrow gage track between standard gage track to lift cars up an incline for unloading. This code covers all related parts including the operating cables. Winches and similar car moving devices are also included in Code 3914.

(e) Train accidents caused by mechanical locomotive or car washing machines should be classified in Code 3918.

§ 125.46 *Accidents due to miscellaneous causes.* (a) Included in this category are train accidents in codes of causes numbered 4000 to 4999 in § 125.55, and train-service accidents in codes of causes numbered 6900 to 6999.

(b) Train accidents which are reportable under § 125.15 (b) or (c) and are due to extraordinary forces of nature, as defined by the U. S. Weather Bureau, should be classified in the codes of causes numbered 4300 to 4399 and include such causes as obstructions of track due to floods, earthquakes, hurricanes, tornadoes, and electrical storms, in contrast to causes involving defective maintenance of way and structures, and wear and tear due to use and ordinary weather conditions, which are classified by codes numbered 3000 to 3999 (see § 125.45 above). An exception is that all signal or interlocking apparatus failures caused by lightning are classifiable under appropriate Codes 3505, 3515 or

and the class of persons involved should

For the purpose of reporting railroad

cars are counted as passenger-train cars.

3535 respectively and not in the 4300 to 4399 series. Also classifiable under 4300 to 4399 codes are accidents, such as those caused by destruction or damage of bridges or timber tunnel linings by accidental fires, which are reportable under § 125.15 (b) and (c).

(c) To be included in this category also are accidents caused by coal, ballast or parts of equipment or lading of another train falling on or afoul of track, throwing track out of alignment or wedging in switch, and other unforeseen happenings or obstructions of similar character. Parts of the equipment or lading of a train which, by falling on or afoul of the track, cause an accident to the same train, are not to be regarded as obstructions classifiable under 4300 to 4399 codes, but should be properly classified under other appropriate codes.

§ 125.47 *Casualties.* In reporting casualties to persons, personal injuries should be sufficiently described to indicate:

(a) The part of body injured and the specific nature and extent of the injury received which should be reported in sufficient detail to enable the Interstate Commerce Commission to classify the injury. Indefinite terms such as "mashed", "crushed", "injured", "hurt", etc., should not be used. In case of loss of any part, the extent should be indicated, as, for example, tip of index finger of right hand, two middle fingers to second joint of left hand, left arm to elbow, loss of right eye, etc.

(b) The actual number of days of disability if ascertained at the time the report is made but, if the disability has not terminated by that time or is not ascertainable, an estimate of the number should be shown in the appropriate column on Form T, or the absence of an estimate fully explained. When the injury is of a permanent nature, that fact may be stated in lieu of the number of days' disability.

(c) The degree to which the person is maimed, if at all.

§ 125.48 *Damage.* (a) The question on Form T which calls for the amount of damage occasioned by an accident should be answered only in the case of train accidents. The question should not be answered as to train service or nontrain accidents.

(b) Amounts of damage should not only include damage to equipment (including damage to foreign cars), track, or roadbed of the reporting railroad but should include comparable expenses of *all* reporting railroads. Other expenses of reporting railroads occasioned by the accident (such as overhead; cost of clearing wrecks, loss and damage, etc.), all expenses of nonreporting railroads, and contingent expenses because of personal injuries are not to be included. If the amount of damage is not known at the time the report is filed, it should be estimated as accurately as practicable and the fact that it is estimated should be stated.

CLASSIFICATION OF PERSONS

§ 125.50 *Classification of persons.* For the purpose of permitting an appropriate classification, sufficient particulars of each person involved in a train or train-service accident should be given on Form T. The aggregate of all persons of each class involved in all railway accidents should be given on Form V.

The classes "employees" (A and B) apply to any person having such classification or relationship to a reporting railroad. As used herein, it is intended to include every person in the service of the reporting carrier who is subject to its continuing authority to supervise and direct the manner of rendering his service.

When a casualty is known or believed to be an employee of another reporting railroad that fact should be stated and appropriate class symbols indicating the customary occupation of the employee, with the name of the railroad by which he is employed, should be entered.

(a) *Employees on duty, class (A).* (1) Employees on duty are those persons who are engaged in the operation of a railroad as herein defined in § 125.11, or who are customarily engaged in other work than that defined in § 125.11 but who, in the course of duty, may be required to engage in some of the work herein defined in § 125.11; or on occasion be exposed, in the performance of required duty, to the operation of a railroad as herein defined in § 125.11.

(2) Ordinarily the fact that the employee is or is not under pay will determine whether he is or is not "on duty". There may, however, be exceptions such as employees "trading time" or doing work which they are expected to do but actually perform before pay starts or after pay stops. Such persons must be considered as "employees on duty".

(b) *Employees not on duty; class (B).* (1) Employees not on duty are those persons who are on railroad property, before and after duty; for purposes connected with their employment; or with other railroad permission. An employee is "not on duty" until he actually begins duty in the operation of a railroad as herein defined in § 125.11 above; while he has been relieved from the performance of any and all service for a definite time; when he has wilfully left the vicinity of his post of duty contrary to accepted or tolerated practice; or when he has completed his duty.

(2) Employees (including members of train and engine crews deadheading between terminals) on trains for the purpose of travel and riding in that part of the train assigned to the use of passengers should be included in class (D) as passengers. Employees trespassing should be included in class (F) as trespassers.

(c) *List of employee reporting divisions.* The following list of 128 Reporting Divisions into which all the distinctive classes of railroad positions are grouped is derived from the "Rules Governing the Classification of Steam Railroad Employees and Reports of Their Service and Compensation" prescribed by the Interstate Commerce Commission to be effective on January 1, 1951 (49 CFR 127.1–127.7). The returns on all accident report forms should, with respect to the classification of employees, be made in conformity with these Reporting Divisions. For each employee reported on Form T as killed or injured there should be given the correct number of the Reporting Division to which the employee is properly assignable, and also the payroll or distinctive class title of his occupational position. The letter (A) or (B) should be used to indicate respectively whether he was on or off duty at the time of accident. Abbreviations or contractions may be used in the indication of position titles if their meaning is sufficiently clear. For example, to indicate a casualty sustained by a road freight brakeman (through freight) on duty, the proper designation of class of person on Form T should be A–117, Road freight brakemen and flagmen (through freight), while that of a casualty incurred in a train or train-service accident by a Train attendant on duty would be A–101, Train attendants.

LIST OF REPORTING DIVISIONS FOR EMPLOYEES

Division No.	Reporting division
	I. EXECUTIVES, OFFICIALS, AND STAFF ASSISTANTS
1	Executives, general officers, and assistants.
2	Division officers, assistants, and staff assistants.
	II. PROFESSIONAL, CLERICAL, AND GENERAL
3	Professional and subprofessional assistance.
4	Supervisory or chief clerks (major departments).
5	Chief clerks (minor departments) and assistant chief clerks and supervising cashiers.
6	Clerks and clerical specialists (A).
7	Clerks (B) and (C).
8	Mechanical device operators (office).
9	Stenographers and secretaries (A).
10	Stenographers and typists (B).
11	Storekeepers, sales agents, and buyers.
12	Ticket agents and assistant ticket agents.
13	Traveling auditors or accountants.
14	Telephone switchboard operators and office assistants.
15	Messengers and office boys.
16	Elevator operators and other office attendants.
17	Lieutenants and sergeants of police.
18	Patrolmen and watchmen.
19	Traffic and various other agents, inspectors, and investigators.
20	Claim agents or investigators.
21	Freight claim agents or investigators.
22	Chief claim agents or investigators.
23	Miscellaneous trade workers (other than plumbers).
24	Motor vehicle and motor car operators.
25	Teamsters and stablemen.
26	Janitors and cleaners.
	III. MAINTENANCE OF WAY AND STRUCTURES
27	Roadmasters, general foreman, and assistants.
28	Maintenance of way and scale inspectors.
29	Bridge and building gang foremen (skilled labor).
30	Bridge and building carpenters.
31	Bridge and building ironworkers.
32	Bridge and building painters.
33	Masons, bricklayers, plasterers, and plumbers.
34	Maintenance of way and structures helpers and apprentices.
35	Portable steam equipment operators.
36	Portable steam equipment operator helpers.
37	Pumping equipment operators.
38	Gang foremen (extra gang and work-train laborers).
39	Gang foremen (bridge and building, signal and telegraph laborers).
40	Gang or section foremen.
41	Extra gang men.
42	Section men.
43	Maintenance of way laborers (other than track and roadway) and gardeners and farmers.
44	General and assistant general foremen and inspectors (signal, telegraph, and electrical transmission).
45	Gang foremen (signal and telegraph skilled trades labor).
46	Signalmen and signal maintainers.
47	Linemen and groundmen.
48	Assistant signalmen and assistant signal maintainers.
49	Signalmen and signal maintainer helpers.

LIST OF REPORTING DIVISIONS FOR EMPLOYEES—Continued

Division No.	Reporting division
	IV. MAINTENANCE OF EQUIPMENT AND STORES
50	General, assistant general, and department foremen.
51	General and assistant general foremen (stores).
52	Equipment, shop, electrical, material and supplies inspectors.
53	Gang foremen and gang leaders (skilled labor).
54	Blacksmiths.
55	Boilermakers.
56	Carmen (A and B).
57	Carmen (C and D).
58	Electrical workers (A).
59	Electrical workers (B).
60	Electrical workers (C).
61	Machinists.
62	Molders.
63	Sheet-metal workers.
64	Skilled trades helpers (M. of E. and stores).
65	Helper apprentices (M. of E. and stores).
66	Regular apprentices (M. of E. and stores).
67	Coach cleaners.
68	Gang foremen (shops, engine houses, and power plants).
69	Gang foremen (stores and ice, reclamation, and timber-treating plants).
70	Classified laborers (shops, engine houses, and power plants).
71	General laborers (shops, engine houses, and power plants).
72	General laborers (stores and ice, reclamation, and timber-treating plants).
73	Stationary engineers (steam).
74	Stationary firemen, oilers, coal passers, and water tenders.
	V. TRANSPORTATION (OTHER THAN TRAIN ENGINE, AND YARD)
75	Chief train dispatchers.
76	Train dispatchers.
77	Train directors.
78	Station agents (supervisory, major stations, nontelegraphers).
79	Station agents (smaller stations, nontelegraphers).
80	Station agents (telegraphers and telephoners).
81	Chief telegraphers and telephoners or wire chiefs.
82	Clerk-telegraphers and clerk-telephoners.
83	Telegraphers, telephoners, and towermen.
84	Stationmasters and assistants.
85	Supervising baggage agents.
86	Baggage agents and assistants.
87	Baggage, parcel room, and station attendants.
88	General foremen (freight stations, warehouses, grain elevators, and docks).
89	Assistant general foremen (freight stations, warehouses, grain elevators, and docks).
90	Gang foremen (freight station, warehouse, grain elevator, and dock labor).
91	Callers, loaders, scalers, scalers, and perishable-freight inspectors.
92	Truckers (stations, warehouses, and platforms).
93	Laborers (coal and ore docks and grain elevators).
94	Common laborers (stations, warehouses, platforms, and grain elevators).
95	Stewards, restaurant and lodging-house managers, and dining-car supervisors.
96	Chefs and cooks (restaurants or dining cars).
97	Waiters, camp cooks, kitchen helpers, etc.
98	Officers, workers, and attendants on barges, launches, ferry boats, towing vessels, steamers, and shore workers.
99	Transportation and dining-service inspectors.
100	Parlor and sleeping car conductors.
101	Train attendants.
102	Bridge operators and helpers.
103	Crossing and bridge flagmen and gatemen.
104	Foremen (laundry) and laundry workers.
	VI (a). TRANSPORTATION (YARDMASTERS, SWITCHTENDERS, AND HOSTLERS)
105	Yardmasters.
106	Assistant yardmasters.
107	Switch tenders.
108	Outside hostlers.
109	Inside hostlers.
110	Outside hostler helpers.
	VI (b). TRANSPORTATION (TRAIN AND ENGINE)
111	Road passenger conductors.
112	Assistant road passenger conductors and ticket collectors.
113	Road freight conductors (through freight).
114	Road freight conductors (local and way freight).
115	Road passenger baggagemen.
116	Road passenger brakemen and flagmen.
117	Road freight brakemen and flagmen (through freight).
118	Road freight brakemen and flagmen (local and way freight).
119	Yard conductors and yard foremen.
120	Yard brakemen and yard helpers.
121	Road passenger engineers and motormen.

LIST OF REPORTING DIVISIONS FOR EMPLOYEES—Continued

Division No.	Reporting division
	VI (b). TRANSPORTATION (TRAIN AND ENGINE)—continued
122	Road freight engineers and motormen (through freight).
123	Road freight engineers and motormen (local and way freight).
124	Yard engineers and motormen.
125	Road passenger firemen and helpers.
126	Road freight firemen and helpers (through freight).
127	Road freight firemen and helpers (local and way freight).
128	Yard firemen and helpers.

(d) *Passengers on trains, class (D).* Passengers on trains are those persons who are on, or boarding, or alighting from, railroad cars for the purpose of travel.

(e) *Nontrespassers, class (E).* Nontrespassers are those persons who are lawfully on that part of railroad property which is used in railroad operation, as herein defined in § 125.11 above, other than those herein defined as employees, passengers, or trespassers, and persons adjacent to railroad premises when injured as the result of the operation of a railroad.

(f) *Trespassers, class (F).* (1) Trespassers are those persons who are on that part of railroad property which is used in railroad operation, as herein defined in § 125.11, whose presence is prohibited, or forbidden, or unlawful.

(2) Whenever persons are classed as "trespassers" the report should state the circumstances that warrant such a classification and, if possible, the regular occupation of such persons killed or injured.

(3) A person should not be classed as a trespasser on a highway grade crossing unless the crossing is protected by gates, or other similar barriers, which were closed when the person went on the crossing, or unless the person attempted to pass over or under trains or cars at the crossing.

CODES FOR ACCIDENT REPORTING

§ 125.55 *Codes for accident reporting.* The following contains information pertaining to the codes that are to be used in connection with accident reports. Certain codes should be inserted by the Reporting Officer in reports furnished to the Commission; namely, the following:

(a) On Form T, Class of Person.

(b) On Form T, Reporting Division number and title of employee's position (from list in § 125.50).

(c) On Form T, cause of train or train-service accident (to be looked up in Alphabetical Index).

(d) On Form V, cause of nontrain accident (from list).

(e) On Form V Section A, Reporting Division number and title from list in § 125.50.

All other coding will be done by the Commission.

TRAINS OR CARS

1. Freight.
2. Passenger.
3. Work.
4. Yard.
5. Train, handled by hostler.
6. Standing cars.
7. Runaway cars.
8. Industrial.
9. Unknown.

KIND OF EQUIPMENT

1. Locomotive.
2. Freight-train car (or work equipment), or
3. Passenger-train car (including rail motor car).

KIND OF TRACK

1. Main line track.
2. Branch line track, or
3. Way switching, yard switching, or other track.

HIGHWAY CROSSING PROTECTION

0. Gates, automatic.
1. Gates, manual.
2. Watchman.
3. Employee other than watchman.
4. Audible and visual signal.
5. Audible signal.
6. Visual signal.
7. Fixed signs.
8. Unprotected.

CLASS OF PERSON

Employees on duty (A).
Employees not on duty (B).
Passengers (D).
Nontrespassers (E).

TRESPASSERS—EMPLOYEES

Trespassers, employees (F):
1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

TRESPASSERS—OTHER THAN EMPLOYEES

Trespassers, under 14 years of age (G):
1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

Trespassers, 14 to 21 years of age (H):
1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

Trespassers, adult hoboes or tramps (I):
1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

Trespassers, adults except hoboes or tramps (J):
1. Walking along track (a).
2. Crossing tracks at public highway crossings (b).
3. Crossing tracks at other places (c).
4. On or getting on or off trains (d).
5. Not otherwise classed (e).

NATURE OF INJURY

1. Bruise.
2. Sprain or strain.
3. Cut or laceration.
4. Electrical shock or burn.
5. Other burn.
6. Dislocation.
7. Fracture.
8. Amputation.
9. Not classifiable above, such as concussion, nervous shock, internal injuries, etc.

Each of the above classes should be subdivided to show the part of the body injured and other information as follows:

1. One eye, causing blindness therein.
2. Both eyes, causing total blindness.

classification, sufficient particulars of turns on all accident report forms

49 | Signalmen and signal maintainer helpers.

8. Other injury to eyes.
4. Scalp.
5. Nose.
6. Ears.
7. Mouth or teeth.
8. Skull.
9. Face or head (other part).
10. Collar bone.
11. Ribs.
12. Spine.
13. Back (other part).
14. Chest (other part).
15. Abdomen (not internal injury).
16. Other body injury (external).
17. Internal body injury.
18. Private parts.
19. Shoulder.
20. Upper arm.
21. Elbow.
22. Lower arm.
23. Wrist.
24. Hand.
25. Finger or thumb.
26. Hip.
27. Upper leg.
28. Knee.
29. Lower leg.
30. Ankle.
31. Foot.
32. Toes.
33. Heel.

STATES AND TERRITORIES

1. Alabama.
2. Arizona.
3. Arkansas.
4. California.
5. Colorado.
6. Connecticut.
7. Delaware.
8. Florida.
9. Georgia.
10. Idaho.
11. Illinois.
12. Indiana.
13. Iowa.
14. Kansas.
15. Kentucky.
16. Louisiana.
17. Maine.
18. Maryland.
19. Massachusetts.
20. Michigan.
21. Minnesota.
22. Mississippi.
23. Missouri.
24. Montana.
25. Nebraska.
26. Nevada.
27. New Hampshire.
28. New Jersey.
29. New Mexico.
30. New York.
31. North Carolina.
32. North Dakota.
33. Ohio.
34. Oklahoma.
35. Oregon.
36. Pennsylvania.
37. Rhode Island.
38. South Carolina.
39. South Dakota.
40. Tennessee.
41. Texas.
42. Utah.
43. Vermont.
44. Virginia.
45. Washington.
46. West Virginia.
47. Wisconsin.
48. Wyoming.
49. District of Columbia.
50. Alaska.
51. Hawaii.
52. Puerto Rico.

CODE OF CAUSES

TRAIN ACCIDENTS

1. NEGLIGENCE OF EMPLOYEES

TRAIN ORDERS

1001. Error in transmission or copying, telegraph.
1002. Error in transmission or copying, telephone.
1003. Error in transmission or copying, radio.
1004. Misunderstanding by train or engine crew.
1005. Other improper handling by dispatcher.
1006. Other improper handling by operator.
1007. Other improper handling by train or engine crew (including failure to pick up, read or obey):
1088. Other negligence in connection with train orders.*

CAB SIGNALS

1101. Operation of train contrary to cab signal indications without authority to do so.
1188. Other negligence in connection with cab signals.*

AUTOMATIC TRAIN CONTROL

1201. Failure to operate train in accordance with signal indications after forestalling.
1288. Other negligence in connection with automatic train control.*

FIXED SIGNALS

1302. Train order signal improperly displayed.
1303. Manual block signal improperly displayed.
1304. Other signal improperly displayed (involving negligence).
1305. Failure to regard indication of switch indicator.
1306. Failure to stop at stop signal or sign.
1307. Exceeding restricted speed after passing signal displaying restricted speed indication.[1]
1308. Exceeding restricted speed after stopping at signal displaying "stop, then proceed at restricted speed" indication.[1]
1309. Failure to control speed so as to stop at next signal after passing signal displaying "stop at next signal" indication, including failure to immediately reduce speed to medium speed[2] on passing such signal.
1310. Exceeding medium speed after passing signal displaying medium speed indication.[2]
1311. Failure to provide flagging protection ahead of train after stopping at stop signal requiring such protection before train may pass signal.
1312. Other operation of train contrary to fixed signal indications without authority to do so.
1388. Other negligence in connection with fixed signals.*

HAND SIGNALS (INCLUDING LANTERN SIGNALS)

1401. Failure to give hand signals.
1402. Failure to pass hand signal, including failure to be in position to pass.
1403. Failure to regard hand signal, including failure to watch for.
1404. Failure to stop when hand signal could not be seen.
1405. Wrong hand signal given.
1406. Misunderstanding of hand signals given by member of own train or yard crew.
1407. Acceptance of hand signal given by member of another train or yard crew.
1488. Other negligence in connection with hand signals.

TRAIN FLAGGING (INCLUDING USE OF LANTERNS, TORPEDOES AND FUSEES)

1501. Failure to flag.
1502. Failure to go back or ahead a sufficient distance.
1503. Torpedoes, failure to use or place properly.
1504. Fusees, failure to use or place properly.
1505. Other improper flagging, including failure to carry flagman's equipment.
1506. Failure to regard flag, including failure to watch for.
1507. Torpedoes, failure to regard.
1508. Fusees, failure to regard.
1588. Other negligence in connection with train flagging.*

AIR BRAKES

1601. Insufficient air pressure, failure of engineman to regard.
1602. Improperly releasing air brakes.
1603. Emergency or severe application from locomotive, unjustifiable.
1604. Failure to make prompt use of air brakes upon dynamic braking becoming inoperative.
1605. Failure to make prompt use of pneumatic air brakes upon electro-pneumatic brake becoming inoperative.
1606. Improper handling of independent straight air brake.
1607. Other improper handling by engineman.
1608. Failure to test.
1609. Application from train, unjustifiable.
1610. Pressure retaining valves, failure to set sufficient number.
1611. Pressure retaining valves, failure to reset after descending hill.
1612. Failure to have sufficient air brakes in service.
1613. Air not fully coupled.
1614. Other improper handling of air brakes by train or yard crew.
1688. Other negligence in connection with air brakes.*

HAND BRAKES

1701. Failure to control by hand brake.
1702. Failure to secure by hand brake including failure to set hand brakes on sufficient number of cars.
1703. Failure to test properly.
1704. Premature release of hand brake.
1788. Other negligence in connection with hand brakes.*

SWITCHES

1801. Hand-operated switch, improperly set.
1802. Hand-operated switch, thrown under train.
1803. Hand-operated switch, failure to latch or secure lever.
1804. Hand-operated switch, failure to see that points fitted up.
1805. Reverse movement before train had cleared spring switch.
1806. Equipment fouling switch.
1888. Other negligence in connection with switches.*

OTHER FORMS OF NEGLIGENCE

1901. Excessive speed or failure to control in yard limits.
1902. Excessive speed in other than yard limits.
1903. Headlight improperly used.
1904. Superior train, failure to clear.

*Including information insufficient to classify.

[1] Restricted speed is defined as speed such as to permit stopping short of any obstruction and in no case exceeding 20 m. p. h.

[2] Medium speed is defined as speed not exceeding 40 m. p. h.

1905. Meeting point, overrunning.
1906. Disregard of slow flag or other protection placed by maintenance or other nontrain employees.
1907. Failure to whistle or otherwise warn in accordance with rules or instructions.
1908. Failure to sufficiently reduce speed in accordance with rules or instructions where view was obstructed by weather conditions.
1909. Failure to sufficiently reduce speed in accordance with rules or instructions where view was obstructed by other than weather conditions.
1910. Failure of engineman to keep proper lookout, not otherwise classified.
1911. Intentional movements of locomotives, trains or cars, not authorized.
1912. Locomotives, trains or cars improperly secured, unexpected movement of.
1913. Low water in locomotive boiler.
1914. Premature opening of cover plates on diesel locomotive crankcase, after overheating of lubricating oil.
1915. Other improper handling of locomotives, rail motor cars or trains by enginemen.
1916. Running of locomotive or rail motor car by unauthorized person.
1917. Absence of man on or at leading car being pushed.
1918. Cutting off cars at excessive speed.
1919. Cutting off cars without rider to control.
1920. Failure or inability of rider to get on cars to control.
1921. Failure to sufficiently slow down cars in retarder.
1922. Stop or excessively slow down cars in retarder.
1923. Failure to place skate ahead of car.
1924. Failure to remove skate from under car.
1925. Failure to return skate to skate-placing mechanism.
1926. Attempted or actual coupling at excessive speed.
1927. Coupling not properly made.
1928. Improper shifting of cars on or off floats or vessels.
1929. Other improper handling in switching.
1930. Improper movement of locomotives by hostlers.
1931. Turntable or transfer table, failure to align, latch or secure.
1932. Failure of maintenance or other nontrain employees to protect when obstructing track.
1933. Joint failure to protect and disregard of restricting signal.
1934. Joint failure to protect and excessive speed.
1935. Failure by supervisors (Terminal Trainmaster, Yardmaster, etc.) to convey correct information.
1988. Other negligence of employees.*

2. DEFECTS IN OR FAILURES OF EQUIPMENT

STEAM LOCOMOTIVES[3]

2001. Boiler explosions.
2002. Boilers or appurtenances, other failures of or defects in.
2003. Rods, main and side, crank pins and collars.
2004. Other machinery.
2088. Other defects in steam locomotives (including tenders).*

LOCOMOTIVES OTHER THAN STEAM[3] INCLUDING PROPULSION EQUIPMENT OF RAIL MOTOR CARS[4]

2101. Crankcase and air box explosions.
2102. Internal combustion engines and turbines, other failures of, or defects in.
2103. Generators and motor-generator sets.
2104. Traction motor armature bearing seized.
2105. Traction motors, other failures of or defects in.
2106. Current collection systems.
2107. Electrical control and conversion equipment (including batteries).
2108. Hydraulic, mechanical or other non-electrical power transmission to axles.
2109. Steam generating boiler or appurtenances.
2110. Fires from short circuits or grounds in wiring.
2111. Fires from fuel or lubricating oil leaks.
2112. Other fires, not otherwise classified.
2113. Fumes from internal combustion engine or appurtenances.
2188. Other defects on locomotives other than steam.*

TRUCKS

2201. Truck side frame, bent or broken.
2202. Equalizer, bent or broken.
2203. Pedestal tie bar, loose or defective.
2204. Journal box, non-integral type.
2205. Journal bearing assembly, defects, including fires caused by (standard friction bearing type).
2206. Journal bearing assembly, defects, including fires caused by (modified friction bearing type).
2207. Journal bearing assembly (roller bearing type), seized or otherwise defective, including fires caused by.
2208. Transom, bent or broken.
2209. Truck bolster, bent or broken.
2210. Truck bolster anchor, loose or defective.
2211. Snubbing device in truck bolster guides, locked, broken or otherwise defective.
2212. Center plate.
2213. Center pin, broken or missing.
2214. Side bearing, improper clearance.
2215. Side bearing, broken, defective or missing.
2216. Spring plank, bent or broken.
2217. Swing hanger broken.
2218. Swing hanger pin, broken or missing.
2219. Spring or snubber, missing or defective.
2220. Spring seat or support bar, missing or defective.
2221. Truck safety hanger, loose or defective.
2222. Truck, insufficient weight on any wheel.
2223. Truck, stiff, improper lateral or improper swivelling.
2288. Other truck defects.*

WHEELS AND AXLES

2301. Cast-iron wheel, flange broken.
2302. Cast-iron wheel, tread or rim defective.
2303. Cast-iron wheel, broken, overheating.
2304. Cast-iron wheel, broken, other causes.
2305. Cast-steel wheel, flange broken.
2306. Cast-steel wheel, tread or rim defective.
2307. Cast-steel wheel, broken, overheating.
2308. Cast-steel wheel, broken, other causes.
2309. Wrought-steel wheel, flange broken.
2310. Wrought-steel wheel, tread or rim defective.
2311. Wrought-steel wheel, broken, overheating.
2312. Wrought-steel wheel, broken, other causes.
2313. Wheel, other or unknown composition, broken.
2314. Wheel, flange worn.
2315. Wheel, loose or out of gage.
2316. Wheel, tire loose or broken.
2317. Axle, broken between journals.
2318. Axle, standard friction-bearing journal broken, cold.
2319. Axle, modified friction-bearing journal broken, cold.
2320. Axle, roller-bearing journal broken, cold.
2321. Axle, standard friction-bearing journal defective, overheating.
2322. Axle, modified friction-bearing journal defective, overheating.
2323. Axle, roller-bearing journal defective, overheating.
2387. Other defects in wheels.*
2388. Other defects in axles.*

AIR BRAKES AND APPURTENANCES

2401. Air compressor.
2402. Air reservoir, or its fittings, safety valve or check valve.
2403. Air brake control valve.
2404. Brake pipe, or fittings, broken or defective.
2405. Air brake hose, broken or burst.
2406. Air brake parts, falling off.
2407. Air brake, sticking.
2408. Air brake, defective, due to snow and ice.
2409. Air brake failure, excessive piston travel.
2410. Air brake, inoperative or inefficient, not otherwise provided for.
2488. Other air brake defects.*

HAND BRAKES, BRAKE RIGGING AND APPURTENANCES

2501. Hand brake operating mechanism.
2502. Hand brake chains, broken or defective.
2503. Foundation brake rigging, disconnected, displaced, bent or broken.
2504. Brake beam (unit type), displaced, bent or broken.
2505. Brake beam (hanger type), displaced, bent or broken.
2506. Brake beam safety hanger, displaced, bent or broken.
2507. Brake head, falling off.
2508. Brake shoe, falling off.
2509. Disc or band brake.
2510. Insufficient hand brake braking power, not otherwise provided for.
2587. Other hand brake defects.*
2588. Other brake rigging defects.*

COUPLERS, DRAFT GEAR AND RELATED PARTS

2601. Coupler, broken, not pulled out.
2602. Coupler, improper height.
2603. Jackknifing of couplers.
2604. Couplers passing in attempting to make coupling.
2605. Knuckle, broken or defective.
2606. Knuckle lock or locklift assembly.
2607. Uncoupling device.
2608. Friction buffer or diaphragm.

Coupler or draft gear pulled out or down, due to failure of

2609. Coupler.
2610. Coupler rivets or swivel pin.
2611. Coupler yoke.
2612. Coupler key.
2613. Coupler key retainer.
2614. Striking casting or coupler carrier.
2615. Sills or draft lugs.
2616. Draft gear carrier.
2617. Cushion underframe parts.
2618. Other parts causing coupler or draft gear to drop.
2686. Other defects in couplers.*
2687. Other defects in draft gear.*
2688. Other defects in cushion underframe.*

CAR STRUCTURE

2701. Sills, bent or broken.
2702. Body bolster.
2703. Other underframe parts.
2704. Sides, spreading or buckling.
2705. Drop end, falling off.
2706. Passenger car—end gate, falling off.
2707. Floor, material falling from or through.
2708. Side door, falling off.
2709. Drop door, open or defective.
2710. Hatch, dome or manhole cover.
2711. Stake pocket or load retainer.
2788. Other defects in car structure.*

OTHER PARTS OF EQUIPMENT

2901. Air dump cars, dumping mechanism.
2902. Crane boom on car or tiedowns for.

*Including information insufficient to classify.

[3] See separate groups below for locomotive trucks, wheels, axles, air brakes, hand brakes, couplers and draft gear.

[4] Consisting of multiple-unit electric cars and self-propelled cars powered by internal combustion engines or other methods.

2903. Snow plow, flanger, ditcher or spreader defects.
2904. Steam heat connections, dragging or falling off.
2905. Car water tanks.
2906. Axle-driven generator drive or other forms of axle or wheel drives.
2907. Axle-driven generator falling off.
2908. Internal combustion power plant for car electrical auxiliaries or refrigeration.
2909. Fuel tanks for Code 2908 above.
2910. Storage battery box falling from car or dragging.
2987. Other defects in car electrical or mechanical equipment for lighting, heating, cooling, radio, etc. (not propulsion).*
2988. Other equipment defects.*

3. Defects in or Improper Maintenance of Way and Structures

ROADWAY STRUCTURES

3001. Bridge or trestle, timber construction.
3002. Bridge or trestle, masonry, concrete, or steel construction.
3003. Tunnel, unlined or timber-lined.
3004. Tunnel, concrete or masonry-lined.
3088. Other defects in roadway structures, including culverts.*

TIES AND TIE PLATES

3101. Treated wood tie, weak, broken, split, decayed or mechanically cut.
3102. Untreated wood tie, weak, broken, split, decayed or mechanically cut.
3103. Steel, concrete or other non-wood tie.
3104. Metallic tie plate, broken or otherwise defective.
3105. Non-metallic tie plate, or non-metallic inserts in metallic tie plate, broken or otherwise defective.
3188. Other defects in ties and tie plates.*

RAIL

3201. Broken control-cooled rail, with bolted joints, transverse defect.
3202. Broken control-cooled rail, with welded joints, transverse defect.
3203. Broken non-control cooled rail, with bolted joints, transverse defect.
3204. Broken non-control cooled rail, with welded joints, transverse defect.
3205. Broken rail, fracture due to driving wheel burns.
3206. Broken rail, vertical or horizontal split head.
3207. Broken rail, compound or detail fractures from shelling.
3208. Broken rail, fillet crack.
3209. Broken rail, bolt hole crack.
3210. Rail bent by failing rocks or otherwise.
3288. Other defects in rails.*

RAIL JOINTS AND FASTENINGS

3301. Angle bars or bolts, broken, loose or missing.
3302. Welded joint, fracture in weld.
3303. Compromise joints, including double switch points.
3304. Spikes or other fastening, broken, loose or insufficient in number.
3305. Rail braces or gage rods.
3306. Track with bolted joints, thrown out by expansion, due to insufficient gap in joints or insufficient ballast shoulder.
3307. Track with welded joints, thrown out by expansion, due to insufficient number of rail anchors.
3308. Track with welded joints, thrown out by expansion, due to insufficient ballast shoulder.
3309. Rail spreading or turning over, not otherwise provided for.
3387. Other defects in rail joints.*
3388. Other defects in rail fastenings.*

*Including information insufficient to classify.

SPECIAL WORK (NOT INCLUDING INTERLOCKING APPARATUS)

3401. Frog, rigid, self-guarded type.
3402. Frog, rigid, other types.
3403. Frog, spring.
3404. Frog, guard rail, missing.
3405. Frog, guard rail, other defects.
3406. Railroad crossing, rigid.
3407. Railroad crossing, movable.
3408. Switch, lost motion or out of adjustment.
3409. Switch point.
3410. Switch point reinforcement.
3411. Switch point guard.
3412. Switch point protector.
3413. Switch lug or rod.
3414. Switch stand.
3415. Switch latch.
3416. Switch lock.
3417. Spring switch.
3418. Derail.
3488. Other defects in special work.*

SIGNAL SYSTEMS

Cab signal or automatic train control, false proceed failure, due to

3501. Sand, rust or other deposit on rails.
3502. Failure of relay or similar device.
3503. Circuit open, crossed, grounded or foreign current.
3504. Apparatus broken, defective or out of adjustment.
3505. Failure of apparatus due to sleet, ice, snow, weather or lightning.
3506. Failure of apparatus due to obstruction.
3507. Error in making connections or adjustments.
3508. Other causes of false proceed failure in connection with cab signal or automatic train control.

Interlocking or block signal (including CTC but not including train order or manual block signal) false proceed failure, due to

3511. Sand, rust or other deposit on rails.
3512. Failure of relay or similar device.
3513. Circuit open, crossed, grounded or foreign current.
3514. Apparatus broken, defective or out of adjustment.
3515. Failure of apparatus due to sleet, ice, snow, weather or lightning.
3516. Failure of apparatus due to obstruction.
3517. Error in making connections or adjustments.
3518. Failure of electric locking.
3519. Failure of mechanical locking.
3520. Other causes of false proceed failure in connection with interlocking or block signal.

Interlocked switch moved directly ahead of, or under train, due to

3531. Sand, rust or other deposit on rails.
3532. Failure of relay or similar device.
3533. Circuit open, crossed, grounded or foreign current.
3534. Apparatus broken, defective, or out of adjustment.
3535. Failure of apparatus due to sleet, ice, snow, weather or lightning.
3536. Failure of apparatus due to obstruction.
3537. Error in making connections or adjustments.
3538. Failure of electric locking.
3539. Failure of mechanical locking.
3540. Other causes of switch moved ahead of, or under train.

Signal aspect obscured, due to

3551. Smoke, fog or smog.
3552. Ice, snow, rain.
3553. Improper location of signal.
3554. Other causes of obscured signal aspect.
3588. Other defects in signal systems.*

OTHER WAY AND STRUCTURE ITEMS

3901. Guard rail improperly placed or secured.[5]
3902. Improper superelevation of track.
3903. Improper alignment of track.
3904. Improper surface of track.
3905. Improper gage of track.
3906. Improper curvature for traffic conditions and equipment used.
3907. Dirty ballast or other poor drainage.
3908. Soft track not otherwise provided for.
3909. Rigid track not otherwise provided for.
3910. Insufficient side clearance.
3911. Insufficient overhead clearance.
3912. Car retarder.
3913. Skates and skate-placing mechanism.
3914. Mules, car dumping equipment and car shakeout devices.
3915. Float bridges.
3916. Fueling facilities.
3917. Sanding facilities.
3918. Water columns and other water supply facilities for servicing equipment.
3919. Turntables and transfer tables.
3920. Dragging equipment detectors.
3921. Rail lubricators.
3922. Catenary, third rail or other wayside current collection apparatus.
3988. Other defects in way and structures.*

4. Miscellaneous Causes

IMPROPER LOADING

4001. Load too high for proper clearance.
4002. Load too wide for proper clearance.
4003. Load top heavy or other unbalanced loading.
4004. Car overloaded.

Load shifted, due to improper or defective

4005. Steel banding.
4006. Steel banding retainer.[7]
4007. Cable, chain or rope.
4008. Stakes, blocking, bracing or other fastenings.

Load struck structure, track or roadway or other equipment due to improper or defective

4009. Car floor.[6]
4010. Steel banding.
4011. Steel banding retainer.[7]
4012. Cable, chain or rope.
4013. Stakes, blocking, bracing or other fastenings.
4014. Load on two or more cars, failure to adjust for curves, failure to properly block coupler or failure to make uncoupling mechanism inoperative.
4088. Other improper loading of cars.*

NEGLIGENCE OF NONEMPLOYEES

4101. Failure to control movement of locomotive or car.
4102. Failure to secure locomotive or car.
4103. Improper use of hand-operated switch or derail.
4104. Swinging car door left open.
4105. Car drop doors left open.
4106. Tractors, lift trucks, cranes and other portable machines not in clear.
4107. Chutes, ramps, conveyors, pipes and other loading or unloading devices not in clear.
4108. Dirt or other obstructions on track.
4188. Other negligence of nonemployees.*

MALICIOUS ACTS OR OTHER MISBEHAVIOR OF NONEMPLOYEES

4201. Switch stand run into by vehicle.
4202. Switch or derail padlock, tampered with.
4203. Other tampering with switch or derail.
4204. Obstruction placed on track.

[5] Other than at special work.
[6] Improper floor only (for defective floor use Code 2707).
[7] Improper steel banding retainer (for defective load retainer use Code 2711).

4205. Track or structure tampered with.
4206. Signal system tampered with.[8]
4207. Brakes or chocks tampered with.
4208. Incendiarism.
4288. Other malicious acts or misbehavior of nonemployees.*

OBSTRUCTIONS, EXTRAORDINARY FORCES OF NATURE, ETC.

4301. Landslides or boulders on, or foul of track.
4302. Snow or ice on track.
4303. Animals on track.
4304. Switch, derail or frog obstacles in.
4305. Roadway machine obstructing track.
4306. Accidents caused by other train accidents.
4307. Track or structures damaged or washed out by floods.
4308. Bridge or trestle, timber construction, damaged by accidental fire.
4309. Timber tunnel lining damaged by accidental fires.
4310. Car damaged by accidental fire.*
4386. Other accidental fires.*
4387. Other track obstructions.*
4388. Other extraordinary forces of nature.*

RAIL-HIGHWAY GRADE CROSSING ACCIDENTS [10]

Kind of highway vehicle struck by locomotive or car

4401. Passenger automobile.
4402. Bus.
4403. Truck.
4404. Other vehicle.

Kind of highway vehicle which ran into side of locomotive or car

4411. Passenger automobile.
4412. Bus.
4413. Truck.
4414. Other vehicle.
4421. Vehicle ran into roadway structure to avoid locomotive or car.
4422. Accident caused by sudden brake application to avoid highway crossing accident.
4423. Highway vehicle struck by locomotive or car at private crossing.
4424. Highway vehicle ran into side of locomotive or car at private crossing.
4488. Other highway grade crossing accidents.*

COMBINATION OF TWO OR MORE CAUSES

Wheel flange worn and—

4501. Switch point worn.
4502. Switch and adjoining frog too close together.
4503. Improper surface of track.
4504. Tight gage of track.
4505. Improper loading of car.

Loose wheel and—

4511. Switch point worn.
4512. Improper surface of track.
4513. Tight gage of track.
4514. Improper loading of car.

Truck stiff, close side bearing clearance or improper swivelling and—

4521. Switch point worn.
4522. Improper surface of track.
4523. Tight gage of track.
4524. Improper loading of car.
4525. Wheel flange worn.

Excessive side bearing clearance and—

4531. Improper surface of track.
4532. Improper superelevation of track on curve.
4533. Improper loading of car.

Slack action and—

4541. Improper surface of track.
4542. Tight gage of track.
4543. Improper loading of car.
4551. Heavy impact and weakened condition car.
4552. High locomotive tractive effort and light cars on sharp curve.
4588. Other combinations of two or more causes.*

OTHER ASCERTAINED CAUSES

4801. Rocking or swaying of car.[11]
4802. Rail slippery.[12]
4803. Car blown out of siding by wind.[13]
4804. Unable to control locomotive or cars on grade.[13]
4805. Use of helper locomotive, not otherwise provided for.[13]
4806. Emergency or severe application of air brakes.[13]
4807. Slack action, not otherwise classified.[13]
4808. Handling bad order equipment, including use of chains, bars, etc., in place of standard coupler.[13]
4809. Cars parted, not otherwise classified.[13]
4810. Hand lantern failure.[13]
4811. Accepted signal intended for another crew.[12]
4812. Fumes from internal combustion engine.[11]
4813. Vision obscured by smoke, steam, fog, smog, ice, snow, rain, etc.[13]

Use of, or operation of [13]

4814. Crain car.
4815. Snow plow, flanger, ditcher or spreader.
4816. Air dump car.
4817. Fueling, watering or sanding facilities.
4818. Mules, car dumpers or shakeout devices.
4819. Turntables or transfer tables.
4820. Float bridges.
4821. Car retarder.
4822. Skates or skate-placing mechanism.
4888. Accident investigated—other ascertained cause.

UNASCERTAINED CAUSES

Accident investigated—cause undetermined on

4901. Defective locomotive.
4902. Defective freight train car (or work equipment)
4903. Defective passenger train car (including rail motor car)
4904. Unknown material dragging.
4905. False proceed failure of cab signal or automatic train control.
4906. False proceed failure of interlocking or block signal (including CTC).
4907. Interlocked switch moved directly ahead of, or under train.
4908. Other defects in signal system.
4909. Other defects in maintenance of way and structures.
4910. Cars found collided or derailed.
4948. Accident investigated—cause undetermined.

Accident not investigated

4988. Accident not investigated.

*Including information insufficient to classify.
[8] Including automatic train control and highway crossing protection.
[9] Not including fires caused by overheated journals (see Codes 2205 to 2207). For locomotive fires see Codes 2110 to 2112.
[10] All codes under this heading cover accidents at *public* highway crossings, unless specifically stated otherwise in the wording of the code.

[11] No defect.
[12] No negligence.
[13] No negligence or defect.

TRAIN-SERVICE ACCIDENTS

5. Specified Groups of Causes

COUPLING OR UNCOUPLING LOCOMOTIVES OR CARS, OR MANIPULATING AIR OR STEAM CONNECTIONS [14]

Coupling or uncoupling locomotives or cars

5001. Adjusting coupler, negligence.
5002. Adjusting coupler, knuckle pin missing.
5003. Adjusting coupler, other defective parts.
5004. Adjusting coupler, other causes.
5005. Uncoupling device, operating of, negligence.
5006. Uncoupling device, operating of, defective.
5007. Uncoupling device, operating of, other causes.
5008. Caught between, or by parts of couplers, negligence.
5009. Caught between, or by parts of couplers, defective parts.
5010. Caught between, or by parts of couplers, other causes,
5011. Coming in contact with objects, other than couplers, negligence.
5012. Coming in contact with objects, other than couplers, defective parts.
5013. Coming in contact with objects, other than couplers, other causes.
5014. Stumbling, slipping or falling, negligence.[15]
5015. Stumbling, slipping or falling, defective parts.[15]
5016. Stumbling, slipping or falling, other causes.[15]
5048. Other accidents in connection with coupling or uncoupling locomotives or cars.*

Manipulating air or steam connections [14]

5051. Struck by air or steam connections, negligence.
5052. Struck by air or steam connections, defective.
5053. Struck by air or steam connections, other causes.
5054. Struck by back-up hose or fittings, negligence.
5055. Struck by back-up hose or fittings, defective.
5056. Struck by back-up hose or fittings, other causes.
5057. Burn from steam connections, negligence.
5058. Burn from steam connections, defective.
5059. Burn from steam connections, other causes.
5060. Coming in contact with objects, negligence.
5061. Coming in contact with objects, defective parts.
5062. Coming in contact with objects, other causes.
5063. Stumbling, slipping or falling, negligence.[15]
5064. Stumbling, slipping or falling, defective parts.[15]
5065. Stumbling, slipping or falling, other causes.[15]
5088. Other accidents in connection with manipulating air and steam connections.*

OPERATING LOCOMOTIVES AND RAIL MOTOR CARS [16]

A. Operating steam locomotives

5101. Shaking grates or dumping ash pans, negligence.

[14] Including turning angle cocks or steam valves.
[15] Not otherwise classified.
[16] Consisting of multiple-unit electric cars and self-propelled cars powered by internal combustion engines or other methods.

5102. Shaking grates or dumping ash pans, defective.
5103. Shaking grates or dumping ash pans, other causes.
5104. Fueling, watering or sanding, negligence.
5105. Fueling, watering or sanding, defective servicing equipment or structure.
5106. Fueling, watering or sanding, other causes.
5107. Shoveling coal or using other hand tools, negligence.
5108. Shoveling coal or using other hand tools, defective tools.
5109. Shoveling coal or using other hand tools, other causes.
5110. Burn from firebox, steam or hot water, negligence.
5111. Burn from firebox, steam or hot water, defective parts.
5112. Burn from firebox, steam or hot water, other causes.
5113. Coming in contact with objects on the locomotive, negligence.
5114. Coming in contact with objects on the locomotive, defective parts.
5115. Coming in contact with objects on the locomotive, other causes.
5116. Stumbling, slipping or falling, negligence.[17]
5117. Stumbling, slipping or falling, defective parts.[17]
5118. Stumbling, slipping or falling, other causes.[17]
5119. Running of steam locomotives by unauthorized person.
5146. Other accidents while operating steam locomotives, negligence.*
5147. Other accidents while operating steam locomotives, defective parts.*
5148. Other accidents while operating steam locomotives, other causes.*

B. Operating locomotives other than steam, including rail motor cars[16]

5151. Fueling, watering or sanding, negligence.
5152. Fueling, watering or sanding, defective servicing equipment of structure.
5153. Fueling, watering or sanding, other causes.
5154. Using hand tools, negligence.
5155. Using hand tools, defective tools.
5156. Using hand tools, other causes.
5157. Burn from hot oil, steam, or hot water, negligence.
5158. Burn from hot oil, steam, or hot water, defective equipment.
5159. Burn from hot oil, steam, or hot water, other causes.
5160. Operating steam generating boiler and appurtenances, negligence.
5161. Operating steam generating boiler and appurtenances, defective.
5162. Operating steam generating boiler and appurtenances, other causes
5163. Electrical flash, shock or burn, negligence.
5164. Electrical flash, shock or burn, defective generator or m-g set.
5165. Electrical flash, shock or burn, defective traction motor.
5166. Electrical flash, shock or burn, defective control or conversion equipment.
5167. Electrical flash, shock or burn, defective wiring.
5168. Electrical flash, shock or burn, other defects.
5169. Electrical flash, shock or burn, other causes.
5170. Failure to disengage or ground current collecting devices in emergency.
5171. Fumes from internal combustion engine or appurtenances.
5172. Coming in contact with objects on the locomotive, negligence.
5173. Coming in contact with objects on the locomotive, moving parts improperly guarded.
5174. Coming in contact with objects on the locomotive, other defective equipment.
5175. Coming in contact with objects on the locomotive, other causes.
5176. Stumbling, slipping, or falling, negligence.[17]
5177. Stumbling, slipping, or falling, due to oil leaks.
5178. Stumbling, slipping, or falling, other defective equipment.[17]
5179. Stumbling, slipping, or falling, other causes.[17]
5180. Running of locomotive or rail motor car by unauthorized person.
5186. Other accidents while operating locomotives other than steam including rail motor cars, negligence.*
5187. Other accidents while operating locomotives other than steam including rail motor cars, defective parts.*
5188. Other accidents while operating locomotives other than steam including rail motor cars, other causes.*

OPERATING HAND BRAKES

5201. Setting or releasing hand brake, negligence.
5202. Setting or releasing hand brake, defective mechanism.
5203. Setting or releasing hand brake, defective chains.
5204. Setting or releasing hand brake, defective foundation brake rigging.
5205. Setting or releasing hand brake, defective brake step.
5206. Setting or releasing hand brake, defective handhold.
5207. Setting or releasing hand brake, other defective equipment.
5208. Setting or releasing hand brake, wheel spun (no negligence or defect).
5209. Setting or releasing hand brake, other causes.
5210. Cars coming together at excessive speed, failure to apply hand brakes in time, negligence.
5211. Cars coming together at excessive speed, failure to apply hand brakes in time, defect.
5212. Cars coming together at excessive speed, failure to apply hand brakes in time, other causes.
5213. Insufficient braking power.
5214. Coming in contact with objects, including lading, negligence.
5215. Coming in contact with objects, shifted lading.
5216. Coming in contact with objects, defective car structure.
5217. Coming in contact with objects, other defects.
5218. Coming in contact with objects, other causes.
5219. Stumbling, slipping or falling, negligence.[17]
5220. Stumbling, slipping or falling, defective parts.[17]
5221. Stumbling, slipping or falling, other causes.[17]
5286. Other accidents, while operating hand brakes, negligence.*
5287. Other accidents, while operating hand brakes, defective parts.*
5288. Other accidents, while operating hand brakes, other causes.*

OPERATING SWITCHES

5301. Coming in improper contact with moving switch lever or ball, negligence.
5302. Coming in improper contact with moving switch lever or ball, defective switch.
5303. Coming in improper contact with moving switch lever or ball, other causes.
5304. Coming in improper contact with switch stand cover (paved streets).
5305. Coming in improper contact with other parts of switch, negligence.
5306. Coming in improper contact with other parts of switch, defective switch.
5307. Coming in improper contact with other parts of switch, other causes.
5308. Coming in contact with locomotive or car.
5309. Coming in contact with other objects, negligence.
5310. Coming in contact with other objects, defective switch.
5311. Coming in contact with other objects, other causes.
5312 Stumbling, slipping or falling, negligence.[17]
5313. Stumbling, slipping or falling, defective switch.[17]
5314. Stumbling, slipping or falling, other causes.[17]
5386. Other accidents while operating switches, negligence.*
5387. Other accidents while operating switches, defective parts.*
5388. Other accidents while operating switches, other causes.*

PERSONS ON MOVING LOCOMOTIVES OR CARS COMING IN CONTACT WITH FIXED STRUCTURES

5401. Parts of bridges, negligence.
5402. Parts of bridges, defective structure.
5403. Parts of bridges, other causes.
5404. Parts of buildings, negligence.
5405. Parts of buildings, defective structure.
5406. Parts of buildings, other causes.
5407. Platforms or platform canopies, negligence.
5408. Platforms or platform canopies, defective.
5409. Platforms or platform canopies, other causes.
5410. Other loading or unloading structures or devices, negligence.
5411. Other loading or unloading structures or devices, defective parts.
5412. Other loading or unloading structures or devices, other causes.
5413. Staging, scaffolding, or other temporary structures, negligence.
5414. Staging, scaffolding, or other temporary structures, defective.
5415. Staging, scaffolding, or other temporary structures, other causes.
5416. Fueling, watering or sanding structures, negligence.
5417. Fueling, watering or sanding structures, defective.
5418. Fueling, watering or sanding structures, other causes.
5419. Signs, switch stands, switch machines or dwarf signals, negligence.
5420. Signs, switch stands, switch machines or dwarf signals, defective.
5421. Signs, switch stands, switch machines or dwarf signals, other causes.
5422. Other pipes, poles or wires, negligence.
5423. Other pipes, poles or wires, defective.
5424. Other pipes, poles or wires, other causes.
5486. Coming in contact with other fixed structures, negligence.*
5487. Coming in contact with other fixed structures, defective.*
5488. Coming in contact with other fixed structures, other causes.*

GETTING ON OR OFF LOCOMOTIVES OR CARS

5501. Losing, or not finding handhold, negligence.
5502. Losing, or not finding handhold, handhold defective or missing.
5503. Losing, or not finding handhold, other causes.
5504. Losing, or not finding foothold, negligence.
5505. Losing, or not finding foothold, ladder, step, stirrup, or footboard defective or missing.

*Including information insufficient to classify.

[16] Consisting of multiple-unit electric cars and self-propelled cars powered by internal combustion engines or other methods.

[17] Not otherwise classified.

5506. Losing, or not finding foothold, other causes.
5507. Missed footing on porter's step box.
5508. Stepping or falling between car and high platform.[18]
5509. Stepping or falling between car steps and low platform.
5510. Stepping or falling into open passenger car trap door, high platform,[19] defective trap door.
5511. Stepping or falling into open passenger car trap door, high platform,[18] no defects.
5512. Struck partly opened passenger car trap door, high platform,[19] defective trap door latch.
5513. Struck partly opened passenger car trap door, high platform,[18] no defects.
5514. Caught ring, glove, or clothing.
5515. Starting, stopping or lurch of locomotive or cars.
5516. Falling from or through bridge or trestle.
5517. Coming in contact with locomotive or car door, negligence.
5518. Coming in contact with locomotive or car door, defective door.
5519. Coming in contact with locomotive or car door, defective door holdback device.
5520. Coming in contact with locomotive or car door, other causes.
5521. Coming in contact with other parts of locomotive, car or lading, while boarding or alighting.
5522. Coming in contact with fixed structures.
5523. Coming in contact with temporary or movable structures.
5524. Coming in contact with trucks, baggage, mail, express or freight.
5525. Coming in contact with locomotive or car on adjacent track.
5526. Coming in contact with other objects, negligence.
5527. Coming in contact with other objects, defective equipment.
5528. Coming in contact with other objects, defective structure.
5529. Coming in contact with other objects, other causes.
5530. Carrying objects while boarding or alighting.
5531. Stumbling, slipping, or falling on passenger car steps, negligence.[19]
5532. Stumbling, slipping or falling on snow or ice on passenger car steps.
5533. Stumbling, slipping or falling on passenger car steps, defective steps.[19]
5534. Stumbling, slipping or falling on passenger car steps, other causes.[19]
5535. Stumbling, slipping or falling on snow or ice on station platform.
5536. Stumbling, slipping or falling on defective station platform.
5537. Stumbling, slipping or falling on station platform, other causes.
5538. Stumbling, slipping or falling, excessive speed of locomotive or car for boarding or alighting.
5539. Other stumbling, slipping, or falling, negligence.
5540. Other stumbling, slipping or falling on snow or ice.
5541. Other stumbling, slipping or falling on loose, sharp or slippery footing on ground (mud, oil, trash, stones, etc.).
5542. Other stumbling, slipping or falling on uneven footing (holes in ground, ties, etc.).
5543. Other stumbling, slipping or falling, on defective equipment.[17]
5544. Other stumbling, slipping or falling, on defective structure.[17]
5545. Other stumbling, slipping, falling or jumping, other causes.
5546. Jumping or attempting to jump from equipment in anticipation of accident.
5586. Other accidents getting on or off locomotives or cars, negligence.*
5587. Other accidents getting on or off locomotives or cars, defective parts.*
5588. Other accidents getting on or off locomotives or cars, other causes.*

ACCIDENTS AT PUBLIC RAIL-HIGHWAY CROSSINGS

5601. Pedestrian struck by locomotive or car.
5602. Passenger automobile struck by locomotive or car.
5603. Bus struck by locomotive or car.
5604. Truck struck by locomotive or car.
5605. Motorcycle struck by locomotive or car.
5606. Other vehicle, machine or animal struck by locomotive or car.
5607. Pedestrian ran into, or drawn into locomotive or car.
5608. Passenger automobile ran into side of locomotive or car.
5609. Bus ran into side of locomotive or car.
5610. Truck ran into side of locomotive or car.
5611. Motorcycle ran into side of locomotive or car.
5612. Other vehicle, machine or animal ran into side of locomotive or car.
5613. Vehicle ran into roadway structure to avoid locomotive or car.
5614. Accident caused by sudden brake application to avoid highway crossing accident.
5615. Pedestrian passing over, through or under cars on crossing.
5688. Highway crossing accidents due to other causes.*

STRUCK OR RUN OVER BY LOCOMOTIVES OR CARS AT PLACES OTHER THAN PUBLIC RAIL-HIGHWAY CROSSINGS

5701. Standing, walking, or running on or along track.
5702. Crossing track at private crossing.
5703. Crossing track not at crossing.
5704. While on public thoroughfare (track in street).
5705. Sitting or lying on track or near track not in clear.
5706. While working on or along track, negligence.
5707. While working on or along track, improper instructions.
5708. While working on or along track, improper protection.
5709. While working on or along track, defective protective devices.
5710. While working on or along track, other causes.
5788. Other accidents to persons by locomotives or cars at places other than public rail-highway crossings.*

6. MISCELLANEOUS CAUSES

FREIGHT, BAGGAGE, EXPRESS OR MAIL

6001. Handling freight.
6002. Lading on car shifted (except as classified in Code 5215).
6003. Lading on car projecting beyond equipment clearance line.
6004. Handling baggage, express or mail.
6005. Locomotive or car striking baggage, express, freight or mail, or striking baggage trucks or similar objects.
6006. Baggage or similar articles falling from luggage rack in passenger car.
6007. Baggage or similar articles in passenger car aisle or vestibule, tripping over.
6088. Other accidents involving freight, baggage, express or mail.*

*Including information insufficient to classify.

[18] Not otherwise classified.

[19] Station platform at level of car floor (car steps not used).

[19] Including folding steps controlled by the operation of trapdoor.

BRAKING OF SECURING EQUIPMENT [20]

6101. Emergency or severe application of air brakes, negligence of engineman.
6102. Emergency or severe application of air brakes, negligence of train crew.
6103. Emergency or severe application of air brakes, burst or parted air hose.
6104. Emergency or severe application of air brakes, other defective equipment.
6105. Blocking or chocking cars.
6188. Other accidents in braking or securing equipment.*

DOORS, WINDOWS, AND RELATED PARTS

6201. Falling from unguarded, or improperly open, doors.

Operating of or unexpected movement of doors and related parts, as follows

6211. Locomotive door, defective.
6212. Locomotive door, no defect.
6213. Freight car door, defective.
6214. Freight car door, no defect.
6215. Caboose door, defective.
6216. Caboose door, no defect.
6217. Baggage car door, defective.
6218. Baggage car door, no defect.
6219. Power-operated passenger car door, defective.
6220. Power-operated passenger car door, no defect.
6221. Hand-operated passenger car door, defective.
6222. Hand-operated passenger car door, no defect.
6223. Passenger car trap door, defective.[21]
6224. Passenger car trap door, no defect.[21]
6225. Passenger car end gate, defective.
6226. Passenger car end gate, no defect.
6227. Gondola car end gate, defective.
6228. Gondola car end gate, no defect.
6229. Hopper car drop door, defective.
6230. Hopper car drop door, no defect.
6241. Car door falling off.
6242. Loose or swinging door projecting beyond equipment clearance line.

Operating of, or unexpected closing of, windows, as follows

6251. Locomotive, caboose or passenger car window, defective.
6252. Locomotive, caboose or passenger car window, no defect.
6261. Glass breaking in locomotive or car door or window.
6288. Other accidents involving doors, windows and related parts.*

SERVICING OR MAINTENANCE ACCIDENTS INVOLVING TRAIN OPERATION [22]

Servicing locomotives or cars while train is in service

6301. Fueling, watering or sanding locomotive or rail motor cars.
6302. Lubrication of locomotive or cars.
6303. Icing of refrigerator cars.
6304. Servicing of car mechanical refrigeration equipment.
6305. Cleaning or washing of locomotive or cars.
6306. Icing or watering of passenger cars.
6307. Servicing of passenger car heating, lighting or air-conditioning equipment.

Repair of equipment at points other than in shops or established maintenance facilities

6321. Locomotive or car coming against locomotive or car being repaired under flag or signal protection.

[20] Not including hand brake accidents classified under Codes 5201 to 5299.

[21] Including folding steps controlled by the operation of the trap door.

[22] For other servicing or maintenance accidents see Nontrain Accidents Codes 7001 to 9999.

Not otherwise classified.

switch.

or missing.

6322. Locomotive or car coming against locomotive or car being repaired without flag or signal protection.
6323. Locomotive or car being repaired on the road or in yard, not otherwise provided for.
6324. Rerailing locomotives or cars or handling rerailing devices.
6325. While working around wrecks, not otherwise provided for.

Maintenance of way and structures

6331. Track motor car struck by locomotive or car, failure to provide adequate means of protection.
6332. Track motor car struck by locomotive or car, failure to properly utilize the means of protection provided.
6333. Track motor car, jumping from, in anticipation of being struck by locomotive or car.
6334. Other on-rail roadway machines struck by locomotive or car.
6335. Removing obstacles from track.
6368. Other servicing or maintenance accidents.*

STUMBLING, SLIPPING, FALLING, CAUGHT, ETC., NOT ELSEWHERE CLASSIFIED

Stumbling, slipping or falling on, or from, locomotives or cars, as follows [23]

6501. On snow or ice.
6502. On passenger car buffer or foot plate, defective.
6503. On passenger car buffer or foot plate, no defect.
6504. In passenger cars, not elsewhere classified.
6505. Stepping or jumping between locomotives or cars in the same train (Use Codes 6502, 6503 or 6504 for passenger cars).
6506. Falling from, not otherwise classified.
6507. Stumbling, slipping or falling on, not otherwise classified.

Stumbling, stepping, slipping or falling, other than on, or from, locomotives or cars, as follows [23]

6511. On snow or ice.
6512. Falling off or through bridges, trestles or retaining walls, equipped with handrails.
6513. Falling off or through bridges, trestles or retaining walls, not equipped with handrails.
6514. On stairways, ramps, station platforms, etc.
6515. Falling into transfer table, turntable, inspection or other pits.
6516. Stepping or tripping into holes or depressions.
6517. On switch or signal parts in place.
6518. On rails, ties or other parts of track in place.
6519. On loose or piled track material.
6520. On nails, splinters or other sharp materials or sharp trash.
6521. On coal, boards or other loose material or loose trash.

Caught, pinched or crushed except while riding on locomotives or cars, as follows

6531. Between locomotives or cars and fixed structures.
6532. Between locomotives or cars and other obstructions.
6533. Between locomotives or cars on adjacent tracks.
6534. Caught by nails or splinters.
6535. While standing, walking or running beside locomotives or cars, not elsewhere classified.
6588. Other stumbling, slipping, falling, caught, pinched or crushed.*

FLYING OR FALLING OBJECTS, BURNS AND SIMILAR CAUSES

6601. Sparks, cinders or other flying objects, in eye.
6602. Stones or other objects "picked up" by train.
6603. Other injuries by flying objects.[24]
6611. Coal, coke or other material or lading from tenders or cars.
6621. Electrical flash, shock or burn from locomotive or car.[25]
6622. Electrical flash, shock or burn from from third rail.[25]
6623. Electrical flash, shock or burn from catenary construction.[25]
6624. Electrical flash, shock or burn from other sources.[25]
6631. Fire or explosion of fuses or torpedoes.
6632. Fire or explosion on locomotive.[25]
6633. Fire or explosion on freight-train car (or work equipment).
6634. Fire or explosion on passenger-train car or rail motor car.
6635. Fire or explosion along right-of-way.
6636. Burned by hot or corrosive substances.
6637. Other burns, not elsewhere classified.
6641. Overcome by fumes or gases, not elsewhere classified.
6688. Other flying [24] or falling objects, burns and similar causes.*

OTHER ASCERTAINED CAUSES

6801. Crossing over, under or between locomotives or cars.[17]
6802. Locomotive or car coming against car placed for loading or unloading.
6803. Sudden starting, stopping, lurch or jerk of locomotive or car, not elsewhere classified.
6804. Poling or roping cars.

While riding on locomotive or car, caught or coming in contact with

6811. Locomotive or car on adjacent track in the clear.
6812. Locomotive or car on adjacent track not in the clear.
6813. Projections beyond the equipment clearance line on other locomotive or car.
6814. Objects along the roadway, other than fixed structures.
6815. Caught by passenger car buffer or foot plate, defective.
6816. Caught by passenger car buffer or foot plate, no defect.
6817. Passenger car diaphragm, curtain missing.
6818. Passenger car diaphragm, curtain left open.
6819. Passenger car diaphragm, curtain defective.
6820. Passenger car diaphragm, curtain properly in place.
6888. Accident investigated — other ascertained cause.

UNASCERTAINED CAUSES

6948. Accident investigated—cause undetermined.
6988. Accident not investigated.

NONTRAIN ACCIDENTS

7. EQUIPMENT

STEAM LOCOMOTIVES

Servicing of steam locomotives, including facilities used for doing this work

7001. Fueling, watering or sanding.
7002. Lubricating or cleaning.
7003. Maintenance of servicing facilities.

Maintenance of steam locomotives, including facilities used for doing this work

7011. Use of portable tools.[26]
7012. Use of scaffolds, ladders, etc.
7013. Use of cranes, hoists, turntables, etc.
7014. Use of shop machinery.[27]
7015. Use of lift trucks and other portable material-handling equipment.
7016. Use of paint spraying or paint removing equipment.
7021. Maintenance of shop buildings or storehouses.
7022. Maintenance of shop machinery.[27]

Accidents at steam locomotive servicing or maintenance facilities, due to

7031. Flying objects.
7032. Falling objects.
7033. Electrical flash, shock or burn.
7034. Fire or explosion.
7035. Hot or corrosive substances.
7036. Fumes or gases.
7037. Stumbling, slipping or falling.
7038. Moving locomotive for repairs.
7039. Unexpected movement of locomotive.
7088. Other causes.*

LOCOMOTIVES OTHER THAN STEAM

Servicing of locomotives other than steam, including facilities used for doing this work

7101. Fueling, watering or sanding.
7102. Lubricating, washing or cleaning.
7103. Construction or reconstruction of servicing facilities.
7104. Maintenance of servicing facilities.

Maintenance of locomotives other than steam, including facilities used for doing this work

A. Diesel engine

7111. Use of portable tools.[26]
7112. Use of scaffolds, ladders, etc.
7113. Use of cranes, hoists, etc.
7114. Use of shop machinery.[27]
7115. Use of lift trucks or other portable material-handling equipment.
7116. Use of paint spraying or paint removing equipment.

B. Locomotive electrical equipment

7121. Use of portable tools.[26]
7122. Use of scaffolds, ladders, etc.
7123. Use of cranes, hoists, etc.
7124. Use of shop machinery.[27]
7125. Use of lift trucks and other portable material-handling equipment.

C. Other locomotive parts

7131. Use of portable tools.[26]
7132. Use of scaffolds, ladders, etc.
7133. Use of cranes, hoists, etc.
7134. Use of shop machinery.[27]
7135. Use of lift trucks and other portable material-handling equipment.
7136. Use of paint spraying or paint removing equipment.

D. Construction or maintenance of facilities

7141. Construction, reconstruction or removal of shop buildings or storehouses.
7142. Maintenance of shop buildings or storehouses.
7143. Installation or removal of shop machinery.[27]
7144. Maintenance of shop machinery.[27]

Accidents at servicing or maintenance facilities for locomotives other than steam, due to

7171. Flying objects.
7172. Falling objects.
7173. Electrical flash, shock or burn.
7174. Fire or explosion.

*Including information insufficient to classify.

[23] See Codes 5501 to 5599 for similar accidents while getting on or off locomotives or cars.

[17] Not otherwise classified.

[24] Not including missiles thrown or firearms discharged at trains.

[25] Except while operating locomotives (see Codes 5101 to 5199).

[26] Including hand tools and portable power tools.

[27] Including machine tools and other fixed processing equipment.

7175. Hot or corrosive substances.
7176. Fumes or gases.
7177. Stumbling, slipping or falling.
7178. Moving locomotive for repairs.
7179. Unexpected movement of locomotive.
7188. Other causes.*

FREIGHT-TRAIN CARS (OR WORK EQUIPMENT)

Construction or rebuilding of freight-train cars (or work equipment) including facilities used for doing this work

A. Car bodies

7301. Use of portable tools.[26]
7302. Use of scaffolds, ladders, etc.
7303. Use of cranes, hoists, transfer tables, etc.
7304. Use of shop machinery.[27]
7305. Use of lift trucks and other portable material-handling equipment.
7306. Use of paint spraying or paint removing equipment.

B. Car trucks

7311. Use of portable tools.[26]
7312. Use of cranes, hoists, transfer tables, etc.
7313. Use of shop machinery.[27]
7314. Use of lift trucks and other portable material-handling equipment.
7315. Use of paint spraying or paint removing equipment.

C. Construction or maintenance of facilities

7321. Construction, reconstruction or removal of shop buildings or storehouses.
7322. Maintenance of shop buildings or storehouses.
7323. Installation or removal of shop machinery.[27]
7324. Maintenance of shop machinery.[27]

Servicing of freight-train cars (or work equipment) including facilities used for doing this work

7331. Lubricating.
7332. Cleaning.
7333. Icing.
7334. Servicing of car mechanical refrigeration equipment.
7335. Servicing of car heaters.
7336. Construction, reconstruction or removal of servicing facilities.
7337. Maintenance of servicing facilities.

Maintenance of freight-train cars (or work equipment) including facilities used for doing this work

A. Car bodies

7341. Use of portable tools.[26]
7342. Use of scaffolds, ladders, etc.
7343. Use of cranes, hoists, transfer tables, etc.
7344. Use of shop machinery.[27]
7345. Use of lift trucks and other portable material-handling equipment.
7346. Use of paint spraying or paint removing equipment.

B. Car trucks

7351. Use of portable tools.[26]
7352. Use of cranes, hoists, transfer tables, etc.
7353. Use of shop machinery.[27]
7354. Use of lift trucks and other portable material-handling equipment.
7355. Use of paint spraying or paint removing equipment.

C. Construction or maintenance of facilities

7361. Construction, reconstruction or removal of shop buildings or storehouses.
7362. Maintenance of shop buildings or storehouses.
7363. Installation or removal of shop machinery.[27]
7364. Maintenance of shop machinery.[27]

Accidents at facilities for construction, rebuilding, servicing or maintenance of freight-train cars (or work equipment) due to

7371. Flying objects.
7372. Falling objects.
7373. Electrical flash, shock/or burn.
7374. Fire or explosion.
7375. Hot or corrosive substances.
7376. Fumes or gases.
7377. Stumbling, slipping or falling.
7378. Moving car for repairs.
7379. Unexpected movement of car.
7388. Other causes.*

PASSENGER-TRAIN CARS [28]

Servicing of passenger-train cars [28] including facilities used for doing this work

7501. Lubricating, washing or cleaning.
7502. Icing, watering or battery charging.
7503. Servicing of heating, lighting or air-conditioning equipment.
7504. Fueling, watering or sanding of rail motor car propulsion equipment.
7505. Construction, reconstruction or removal of servicing facilities.
7506. Maintenance of servicing facilities.

Maintenance of passenger-train cars [28] including facilities used for doing this work

A. Car bodies

7511. Use of portable tools.[26]
7512. Use of scaffolds, ladders, etc.
7513. Use of cranes, hoists, transfer tables, etc.
7514. Use of shop machinery.[27]
7515. Use of lift trucks and other portable material-handling equipment.
7516. Use of paint spraying or paint removing equipment.

B. Car trucks

7521. Use of portable tools.[26]
7522. Use of cranes, hoists, transfer tables, etc.
7523. Use of shop machinery.[27]
7524. Use of lift trucks and other portable material-handling equipment.
7525. Use of paint spraying or paint removing equipment.

C. Heating, lighting, air-conditioning equipment of all cars, and propulsion equipment of rail motor cars

7531. Use of portable tools.[26]
7532. Use of scaffolds, ladders, etc.
7533. Use of cranes, hoists, transfer tables, etc.
7534. Use of shop machinery.[27]
7535. Use of lift trucks and other portable material-handling equipment.

D. Construction or maintenance of facilities

7541. Construction, reconstruction or removal of shop buildings or storehouses.
7542. Maintenance of shop buildings or storehouses.
7543. Installation or removal of shop machinery.[27]
7544. Maintenance of shop machinery.[27]

Accidents at facilities for servicing or maintenance of passenger-train cars,[28] due to

7551. Flying objects.
7552. Falling objects.
7553. Electrical flash, shock or burn.
7554. Fire or explosion.
7555. Hot or corrosive substances.
7556. Fumes or gases.
7557. Stumbling, slipping or falling.
7558. Moving car for repairs.
7559. Unexpected movement of car.
7588. Other causes.*

OTHER EQUIPMENT

Floating equipment

7901. Construction, rebuilding or dismantling of floating equipment.
7902. Operation of floating equipment.
7903. Servicing of floating equipment.
7904. Maintenance of floating equipment.

Work equipment

(Classified under freight-train cars Codes 7301 to 7399.)

Miscellaneous equipment

A. Operation (except on public highways) of

7941. Passenger automobiles.
7942. Buses.
7943. Trucks.
7944. Other highway vehicles and machines.

B. Servicing of

7951. Passenger automobiles.
7952. Buses.
7953. Trucks.
7954. Other highway vehicles and machines.

C. Maintenance of

7961. Passenger automobiles.
7962. Buses.
7963. Trucks.
7964. Other highway vehicles and machines.
7988. Accidents involving other equipment, not elsewhere classified.*

8. WAY AND STRUCTURES

BRIDGES [29] AND TUNNELS [30]

Construction, reconstruction, removal [31] or maintenance of bridges and tunnels, including facilities used for doing this work [32]

A. Bridges [29]

8001. Use of hand tools at site.
8002. Use of portable power tools at site.
8003. Use of scaffolds, ladders, etc. at site.
8004. Use of paint spraying or paint removing equipment at site.
8005. Use of cranes, derricks, piledrivers, etc. at site.
8006. Loading or unloading material on cars or trucks.
8007. Moving cars in bridge work.
8008. Use of machinery and other equipment at shop.[32]

B. Tunnels [30]

8011. Use of hand tools at site.
8012. Use of portable power tools at site.
8013. Use of scaffolds, ladders, etc. at site.
8014. Loading or unloading material on cars or trucks.
8015. Moving cars in tunnel work.
8016. Use of machinery and other equipment at shop.[32]

Accidents while engaged in bridge and tunnel work, due to

8071. Flying objects.
8072. Falling objects.
8073. Electrical flash, shock or burn.
8074. Fire or explosion.
8075. Fumes or gases.
8076. Stumbling, slipping or falling.
8088. Other causes.*

*Including information insufficient to classify.

[26] Including hand tools and portable power tools.

[27] Including machine tools and other fixed processing equipment.

[28] Including rail motor cars.

[29] Including trestles, culverts and elevated structures.

[30] Including subways and snowsheds.

[31] Under, over or beside operating tracks.

[32] See Codes 8121 to 8124 under "Other Structures" for Bridge and Building Department shop facilities.

OTHER STRUCTURES [23]

Construction, reconstruction, removal or maintenance [21] of buildings or other structures including facilities used for doing this work [24]

A. Freight or passenger stations

8101. Use of hand tools at site.
8102. Use of portable power tools at site.
8103. Use of scaffolds, ladders, etc. at site.
8104. Use of paint spraying or paint-removing equipment at site.
8105. Use of cranes, derricks, piledrivers, etc. at site.
8106. Loading or unloading material on cars or trucks.
8107. Moving cars in station building structure work.
8108. Use of machinery and other equipment at shop.[24]

B. Roadway buildings

8111. Use of hand tools at site.
8112. Use of portable power tools at site.
8113. Use of scaffolds, ladders, etc. at site.
8114. Use of paint spraying or paint removing equipment at site.
8115. Use of cranes, derricks, etc. at site.
8116. Loading or unloading material on cars or trucks.
8117. Moving cars in roadway building structure work.
8118. Use of machinery and other equipment at shop.[24]

C. Bridge and building department shop facilities [25]

8121. Construction, reconstruction or removal of shop buildings or storehouses.
8122. Maintenance of shop buildings or storehouses.
8123. Installation or removal of machinery and other shop equipment.
8124. Maintenance of machinery and other shop equipment.

D. Wharves, docks or floatbridges [26]

8131. Use of hand tools at site.
8132. Use of portable power tools at site.
8133. Use of scaffolds, ladders, etc., at site.
8134. Use of cranes, derricks, piledrivers, etc., at site.
8135. Loading or unloading material on cars, trucks or vessels.
8136. Moving cars in wharf work.
8137. Use of machinery and other equipment at shop.[24]

E. Grain elevators or warehouses

8141. Use of hand tools at site.
8142. Use of portable power tools at site.
8143. Use of scaffolds, ladders, etc., at site.
8144. Use of paint spraying or paint removing equipment at site.
8145. Use of cranes, derricks, piledrivers, etc., at site.
8146. Loading or unloading material on cars or trucks.
8147. Moving cars in grain elevator or warehouse work.
8148. Use of machinery and other equipment at shop.[24]

F. Other miscellaneous structures [27]

8161. Use of hand tools at site.
8162. Use of portable power tools at site.
8163. Use of scaffolds, ladders, etc., at site.
8164. Use of paint spraying or paint removing equipment at site.
8165. Use of cranes, derricks, piledrivers, etc., at site.
8166. Loading or unloading material on cars or trucks.
8167. Moving cars in miscellaneous structure work.
8168. Use of machinery and other equipment at shop.[24]

Accidents while engaged in work on other structures, due to

8171. Flying objects.
8172. Falling objects.
8173. Electrical flash, shock or burn.
8174. Fire or explosion.
8175. Fumes or gases.
8176. Stumbling, slipping or falling.
8188. Other causes.*

ROADBED [27]

Construction, reconstruction, removal or maintenance of roadbed, including facilities for doing this work [28]

A. Earth or rock cuts or fills [29]

8201. Use of hand tools at site.
8202. Use of portable power tools at site.
8203. Loading or unloading material on cars or trucks.
8204. Moving cars or other on-track machines for earthwork at site.
8205. Moving off-track roadway machines at site.
8206. Use of machinery and other equipment at shop.[24]

B. Retaining walls and cribbing

8211. Use of hand tools at site.
8212. Use of portable power tools at site.
8213. Use of scaffolds, ladders, etc. at site.
8214. Use of cranes, derricks, piledrivers, etc. at site.
8215. Loading or unloading material on cars or trucks.
8216. Moving cars in retaining wall work.
8217. Use of machinery and other equipment at shop.[24]

Accidents while engaged in roadbed work, due to

8271. Flying objects.
8272. Falling objects.
8273. Fire or explosion.
8274. Fumes or gases.
8275. Stumbling, slipping or falling.
8288. Other causes.*

TRACK

Construction, reconstruction, removal [30] or maintenance of track, including facilities used for doing this work

A. Ties, switch timbers and tie plates

8301. Inserting or removing by use of hand tools.
8302. Inserting or removing by use of power tools.
8303. Loading or unloading cars or trucks.
8304. Moving cars in tie work.
8305. Machining or other processing at shop.

B. Rail and fastenings

8311. Laying or removing (with bolted joints) by use of hand tools.
8312. Laying or removing (with bolted joints) by use of power tools.
8313. Laying or removing (with welded joints) by use of hand tools.
8314. Laying or removing (with welded joints) by use of power tools.
8315. Welding, building-up, cutting or hardening rail at site.
8316. Welding, building-up, cutting or hardening rail at shop.
8317. Loading or unloading cars or trucks.
8318. Moving cars in rail work.

C. Special work [31]

8321. Laying or removing by use of portable tools at site.
8322. Laying or removing by use of cranes or derricks at site.
8323. Welding, building-up, cutting or hardening at site.
8324. Welding, building-up, cutting or handening at shop.
8325. Loading or unloading material on cars or trucks
8326. Moving cars in installing or removing special work.
8327. Use of machinery and other equipment at shop in fabricating or assembly of special work.

D. Track and roadway shop facilities

8331. Construction, reconstruction or removal of shop buildings or storehouses.
8332. Maintenance of shop buildings or storehouses.
8333. Installation or removal of machinery and other shop equipment.
8334. Maintenance of machinery and other shop equipment.

Accidents while engaged in track and roadway work, due to

8371. Flying objects.
8372. Falling objects.
8373. Electrical flash, shock or burn.
8374. Fire or explosion.
8375. Fumes or gases.
8376. Stumbling, slipping or falling.
8388. Other causes.*

SIGNAL SYSTEM

Construction, reconstruction, installation, removal, servicing or maintenance of signal structures or equipment, including facilities used for doing this work.

A. Block, interlocking and highway crossing signals [32]

8401. Use of hand tools at site.
8402. Use of portable power tools at site.
8403. Use of scaffolds, ladders, etc. at site.[33]
8404. Use of paint spraying or paint removing equipment.
8405. Use of cranes or derricks at site.
8406. Loading or unloading material on cars or trucks.
8407. Moving cars in signal work.
8408. Use of machinery and other equipment at shop.

B. Signal shop facilities

8421. Construction, reconstruction or removal of shop buildings or storehouses.
8422. Maintenance of shop buildings or storehouses.

[21] Under, over and beside operating tracks.
[23] Facilities such as enginehouses, locomotives and car shops, storehouses, fuel, water and sanding stations, etc. are listed under the respective equipment maintained or serviced and not under this section (see Codes 7001 to 7999).
[24] See Codes 8121 to 8124 under "C" in this section for Bridge and Building Department shop facilities.
[25] For track, signal or communication shops, see codes under these respective items.
[26] Including car dumpers, mules, hoists and related facilities.

*Including information insufficient to classify.
[27] Including retaining walls and cribbing.
[28] See Codes 8331 to 8334 under "Track" for shop facilities for this work.
[29] Including ditch or pipe drainage, stabilizing by grouting, piling or planting.
[30] On or beside operating tracks.

[31] Including switches, frogs, derails and railroad crossings, not including interlocking apparatus for switches, etc.
[32] Including automatic block, automatic train-control, cab signals, manual block and train-order signals, interlocking (including automatic and remote control interlocking), centralized traffic control; also automatic crossing gates, audible and visible, highway crossing protection.
[33] Including fixed ladders and platforms on signal posts or signal bridges.

8423. Installation or removal of machinery and other shop equipment.
8424. Maintenance of machinery and other shop equipment.

Accidents while engaged in signal work, due to

8471. Flying objects.
8472. Falling objects.
8473. Electrical flash, shock or burn.
8474. Fire or explosion.
8475. Hot or corrosive substances.
8476. Fumes or gases.
8477. Stumbling, slipping or falling.
8488. Other causes.*

COMMUNICATION SYSTEM

Construction, installation, removal, servicing or maintenance of communication structures or equipment, including facilities used for doing this work

A. Telephone, telegraph and radio communications [44]

8501. Use of hand tools at site.
8502. Use of portable power tools at site.
8503. Use of ladders, lineman's climbing irons, etc.
8504. Use of pole-setting or other hoisting equipment at site.
8505. Loading or unloading material on cars or trucks.
8506. Moving cars in communications work.
8507. Use of machinery and other equipment at shop.

B. Communications shop facilities

8521. Construction, reconstruction or removal of shop buildings or storehouses.
8522. Maintenance of shop buildings or storehouses.
8523. Installation or removal of machinery and other shop equipment.
8524. Maintenance of machinery and other shop equipment.

Accidents while engaged in communications work, due to

8571. Flying objects.
8572. Falling objects.
8573. Electrical flash, shock or burn.
8574. Fire or explosion.
8575. Hot or corrosive substances.
8576. Fumes or gases.
8577. Stumbling, slipping or falling.
8588. Other causes.*

OTHER WAY AND STRUCTURES

Operating, servicing and maintenance of track motor cars and other roadway machines, including facilities for maintaining same

A. Operation of track motor cars and other roadway machines [45]

8901. Track motor cars striking each other.
8902. Track motor cars striking other roadway machines.
8903. Track motor cars leaving the track while in motion.
8904. Track motor cars, jumping from, in anticipation of nontrain accident.
8905. Other nontrain accidents involving operation of track motor cars.
8906. Other nontrain accidents involving operation of other roadway machines, not elsewhere classified.

*Including information insufficient to classify.
[44] Consisting of telephone and telegraph systems (including carrier current and radio), teletype, facsimile, television, telautograph, train identification, inductive and radio train communication and public address systems.
[45] For track motor car and other roadway machine accidents involving operation of locomotives or cars see Code numbers 4305, 6331 through 6334.

B. Servicing or maintenance of roadway machines

8911. Use of portable tools.[50]
8912. Use of shop machinery.[46]
8913. Construction, reconstruction or removal of shop buildings or storehouses.
8914. Maintenance of shop buildings or storehouses.
8915. Installation or removal of shop machinery.[46]
8916. Maintenance of shop machinery.[46]

Power plants, substations, power transmission systems and power distribution systems [47]

A. Power plants

8921. Construction, reconstruction, installation or removal of power plant buildings and machinery.
8922. Operation of power plant buildings and machinery.
8923. Servicing of power plant buildings and machinery.
8924. Maintenance of power plant buildings and machinery.

B. Substations

8931. Construction, reconstruction, installation or removal of substations.
8932. Operation of substations.
8933. Servicing of substations.
8934. Maintenance of substations.

C. Power transmission systems

8941. Construction, reconstruction, installation or removal of power transmission systems.
8942. Operation of power transmission systems.
8943. Servicing of power transmission systems.
8944. Maintenance of power transmission systems.

D. Power distribution systems

8951. Construction, reconstruction, installation or removal of power distribution systems.
8952. Operation of power distribution systems.
8953. Servicing of power distribution systems.
8954. Maintenance of power distribution systems.

Construction, reconstruction, installation, removal or maintenance of fences and signs [48]

8961. Use of portable tools at site.[50]
8962. Use of paint spraying equipment at site.
8963. Use of paint spraying equipment at shop.
8964. Use of machinery at shop.[49]

Accidents while engaged in other way and structures work, due to

8971. Flying objects.
8972. Falling objects.
8973. Electrical flash, shock or burn.
8974. Fire or explosion.
8975. Hot or corrosive substances.
8976. Fumes or gases.
8977. Stumbling, slipping or falling.
8988. Other causes.*

9. MISCELLANEOUS CAUSES

Accidents in and about freight or passenger stations [50]

9001. Operating freight stations, and the freight portion of combination stations.
9002. Handling freight within stations, to or from cars, between cars or within cars, by hand.
9003. Handling freight within stations, to or from cars, between cars or within cars, by power.
9004. Operating passenger stations, and the passenger portion of combination stations.
9005. Handling baggage, express and mail by hand.
9006. Handling baggage, express and mail by power.
9007. Other accidents within stations, not elsewhere classified.[51]
9008. Other accidents to station employees outside stations, not elsewhere classified.[52]

Accidents involving material handling facilities

9101. Operating storehouse buildings and equipment and storage yards.
9102. Operating car dumpers, gantry cranes, mules, skip hoists, shakeout devices, etc.

Accidents in and about yard offices

9201. Accidents to yard office employees and others within yard offices.
9202. Accidents to yard office employees outside yard offices.

Other miscellaneous accidents

9701. Accidents to crossing and bridge flagmen and gatemen.
9702. Accidents to patrolmen and watchmen.
9703. Accidents to commissary and laundry employees.

Accidents not elsewhere classified, due to

9871. Flying objects.
9872. Falling objects.
9873. Electrical flash, shock or burn.
9874. Fire or explosion.
9875. Hot or corrosive substances.
9876. Fumes or gases.
9877. Stumbling, slipping or falling.
9888. Accident investigated—other ascertained cause.

UNASCERTAINED CAUSES

9948. Accident investigated—cause undetermined.
9988. Accident not investigated.

[46] Including machine tools and other fixed processing equipment.
[47] Power plants and distribution systems supplying heat, light, power and related services for shops, enginehouses, freight and passenger stations, etc., and located within or adjacent thereto, should be coded as part of the respective facilities served and not in this group.
[48] Over or beside operating tracks, or along right-of-way boundaries.
[49] Including machine tools and other fixed processing equipment.
[50] Including hand tools and portable power tools.

ELECTRIC RAILWAYS

§ 125.60 *Electric railways; form of report.* (a) All carriers by electric railway subject to the Accident Reports Act, approved May 6, 1910, shall render their monthly accident reports to this Commission on Form L, as adopted for such carriers and shall be subject in all other respects to the provisions of "Rules Governing Monthly Reports of Railroad Accidents". (§ 125.10–125.55.)

[50] See Code numbers 8101 to 8108 and 8171 to 8188 for accidents involving the construction, reconstruction, removal or maintenance of these facilities.
[51] Such as taking train orders.
[52] Such as those around team tracks, grain elevators, stock loading pens, coal and ore wharves, track scales, and other places normally staffed by employees under the station agent's jurisdiction.

(b) Such rules shall be construed in such manner as to be conformable with the tenor of the modified requirements concerning electric railway companies indicated in this section.

[F. R. Doc. 56-9800; Filed, Nov. 30, 1956; 8:47 a. m.]

PART 184—CHART OF ACCOUNTS FOR CLASS II MOTOR CARRIERS OF PROPERTY

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 23d day of November A. D. 1956.

The matter of accounting regulations prescribed for motor carriers of property being under consideration pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 546, 54 Stat. 921, 49 U. S. C. 304 and 320); and,

It appearing that a notice of proposed rule making was issued September 18, 1956, announcing that a condensed uniform system of accounts for Class II motor carriers of property was under consideration, such notice being published in the FEDERAL REGISTER issue of October 4, 1956 (21 F. R. 7630) pursuant to provisions of section 4 (a) of the Administrative Procedure Act, and, after consideration of all written views and comments received in that connection on or before October 31, 1956, as provided in such notice;

It is ordered, That:

Effective date. Effective January 1, 1957, all Class II common and contract motor carriers of property shall maintain their accounts in conformity with the chart of accounts, which is set forth below and made a part hereof, and in accordance with the instructions embraced therein.

Notice. A copy of this order shall be served on each Class II common or contract motor carrier of property subject to Part II of the act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

Sec.
184.0 Order of the Commission.
184.1 Classification of carriers.
184.2 Instructions.
184.3 Pickup and delivery.
184.4 Optional accounts.
184.5 Accounts prescribed.

AUTHORITY: §§ 184.0 to 184.5 issued under sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U. S. C. 320.

§ 184.0 *Order of the Commission.* Effective January 1, 1957, all Class II common and contract motor carriers of property shall maintain their accounts in conformity with the regulations in this part.

§ 184.1 *Classification of carriers.* Class II carriers are those having average annual gross operating revenues (including interstate and intrastate) of $200,000, but less than $1,000,000, from property motor carrier operations. The average annual revenues shall be determined in accordance with provisions of § 182.01-1 *Classification of carriers* of this subchapter.

§ 184.2 *Instructions.* Except as otherwise provided in § 184.3, entries recorded in the accounts prescribed for Class II motor carriers shall conform to the texts of corresponding Class I accounts, each such text being hereby separately referred to and made a part hereof. Accounts for Class II carriers shall be maintained according to the definitions and instructions prescribed for Class I carriers, as currently in effect or as interpreted, amended, or modified from time to time.

§ 184.3 *Pickup and delivery.* Class II common carriers which derive an average of 75 percent or more of their revenues from the intercity transportation of general commodities and which have average annual gross revenues of $500,000 or more, based on the three calendar years ended December 31, 1956, and on the latest three calendar years thereafter, shall separate expenses between line haul and pickup and delivery as provided in § 182.01-27 *Allocation of expenses between line haul and pickup and delivery* of this subchapter, all the other provisions of which are hereby specifically referred to and made a part hereof.

§ 184.4 *Optional accounts.* Any Class II carrier subject to the provisions of this chart of accounts may, at its option, conform its accounting to the regulations prescribed for Class I carriers; provided however, that the exercise of such option shall not interfere with assembling or grouping such accounts, as hereinafter prescribed, for annual report purposes.

§ 184.5 *Accounts prescribed.* Accounts maintained by Class II carriers shall be designated as follows and shall include the substance of the several Class I accounts to which they respectively correspond:

BALANCE SHEET—ASSET SIDE

ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS		CLASS I ACCOUNTS	
	Current assets		*Current assets*
100	Cash and working funds	1000	Cash.
		1020	Working funds.
104	Special deposits	1040	Special deposits.
		1041	Interest special deposits.
		1042	Dividend special deposits.
		1043	Miscellaneous special deposits.
108	Notes receivable	1080	Notes receivable.
110	Receivables from affiliated companies	1100	Receivables from affiliated companies.
		1101	Loans and notes receivable.
		1105	Interest and dividends receivable.
		1109	Accounts receivable.
112	Accounts receivable—other	1120	Accounts receivable—agents, customers, and interline.
		1130	Accounts receivable—other.
117	Prepayments	1170	Prepayments.
		1171	Prepaid taxes and licenses.
		1172	Prepaid insurance.
		1173	Prepaid interest.
		1174	Prepaid rents.
		1175	Prepaid stationery and printed matter.
		1176	Prepaid tires and tubes.
		1179	Miscellaneous prepayments.
118	Material and supplies	1180	Material and supplies.
119	Other current assets	1060	Temporary cash investments.
		1140	Subscribers to capital stock.
		1160	Interest and dividends receivable.
		1190	Other current assets.
	Property and investments		*Tangible property*
120	Carrier property	1200	Carrier operating property.
		1300	Carrier operating property leased to others.
121	Land and structures	1201	Land and land rights.
		1210	Structures.
122	Revenue equipment	1220	Revenue equipment.
123	Service cars and equipment	1230	Service cars and equipment.
124	Other carrier property	1240	Shop and garage equipment.
		1250	Furniture and office equipment.
		1260	Miscellaneous equipment.
		1270	Improvements to leasehold property.
		1280	Undistributed property.
		1290	Unfinished construction.
140	Noncarrier property	1400	Noncarrier property.
			Intangible property
150	Organization, franchises and permits	1500	Organization, franchises and permits.
		1501	Organization.
		1511	Franchises.
		1541	Patents.
155	Other intangible property	1550	Other intangible property.

BALANCE SHEET—LIABILITY SIDE—Continued

ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS		CLASS I ACCOUNTS	
	Deferred credits and reserves—Continued		*Reserves*
250	Reserve for depreciation—carrier property	2500	Reserve for depreciation—carrier operating property.
		2590	Reserve for depreciation—carrier operating property leased to others.
251	Reserve for depreciation—structures	2510	Reserve for depreciation—structures.
252	Reserve for depreciation—revenue equipment.	2520	Reserve for depreciation—revenue equipment.
253	Reserve for depreciation—service cars and equipment.	2530	Reserve for depreciation—service cars and equipment.
254	Reserve for depreciation—other carrier property.	2540	Reserve for depreciation—shop and garage equipment.
		2550	Reserve for depreciation—furniture and office equipment.
		2560	Reserve for depreciation—miscellaneous equipment.
		2570	Reserve for depreciation—improvements to leasehold property.
		2580	Reserve for depreciation—undistributed property.
260	Reserve for amortization—carrier property.	2600	Reserve for amortization—carrier operating property.
261	Reserve for depreciation and amortization—noncarrier property.	2610	Reserve for depreciation and amortization—other property.
269	Other reserves	2680	Reserve for adjustments—investments and advances.
		2650	Reserve for uncollectible accounts.
		2660	Insurance reserves.
		2680	Injuries, loss, and damage reserves.
		2690	Other reserve.
	Capital and surplus		*Capital stock*
270	Capital stock	2700	Preferred capital stock.
		2710	Common capital stock.
		2790	Capital stock subscribed.
272	Premiums and assessments on capital stock.	2720	Premiums and assessments on capital stock.
			Noncorporate capital
280	Sole proprietorship capital	2800	Sole proprietorship capital.
281	Partnership capital	2810	Partnership capital.
			Unappropriated surplus
290	Unearned surplus	2900	Unearned surplus.
293	Earned surplus	2930	Earned surplus.

INCOME ACCOUNTS

ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS		CLASS I ACCOUNTS	
	I Carrier Operating Income		*I Carrier Operating Income*
	Revenues		*Revenues*
300	Operating revenues	3000	Operating revenues.
310	Freight revenue—intercity common carrier.	3100	Freight revenue—intercity common carrier.
311	Freight revenue—intercity contract carrier.	3110	Freight revenue—intercity contract carrier.
312	Freight revenue—local cartage	3120	Freight revenue—local cartage.
313	Intercity transportation for other Class II and Class I motor carriers.	3130	Intercity transportation for other Class I motor carriers.
390	Other operating revenue	3900	Other operating revenue.

BALANCE SHEET—ASSET SIDE—Continued

ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS		CLASS I ACCOUNTS	
	Property and investments—Continued		*Investment securities and advances*
160	Investments and advances—affiliated companies.	1600	Investments and advances—affiliated companies.
165	Other investments, advances and special funds.	1650	Other investments and advances.
			Special funds
		1701	Sinking funds.
		1761	Depreciation funds.
		1781	Miscellaneous special funds.
	Deferred and miscellaneous debits		*Deferred debits*
185	Deferred and miscellaneous debits	1880	Unamortized debt discount and expense.
		1890	Other deferred debits.
			Miscellaneous debit items
		1900	Discount on capital stock.
		1910	Commission and expense on capital stock.
		1920	Reacquired securities.
		1990	Nominally issued securities.

BALANCE SHEET—LIABILITY SIDE

ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS		CLASS I ACCOUNTS	
	Current liabilities		*Current liabilities*
200	Notes payable and matured obligations	2000	Notes payable.
		2020	Matured long-term obligations.
203	Payables to affiliated companies	2030	Payables to affiliated companies.
		2031	Loans and notes payable.
		2035	Interest and dividends payable.
		2039	Accounts payable.
205	Accounts payable	2050	Accounts payable.
		2051	Accounts payable—officers, stockholders and employees.
		2055	Interline account balances.
		2059	Accounts payable—other.
207	Salaries and wages payable	2070	Wages payable.
209	C. o. d.'s unremitted	2090	C. o. d.'s unremitted.
212	Taxes accrued	2120	Taxes accrued.
219	Other current and accrued liabilities	2100	Dividends declared.
		2150	Interest accrued.
		2160	Matured interest.
		2190	Other current liabilities.
	Equipment and other long-term obligations		*Advances payable*
220	Advances payable—affiliated companies	2200	Advances payable—affiliated companies.
230	Equipment and other long-term obligations.	2250	Other advances payable.
			Equipment and other long-term obligations
		2300	Equipment obligations.
		2330	Bonds.
		2380	Other long-term obligations.
	Deferred credits and reserves		*Deferred credits*
240	Deferred credits	2400	Unamortized premium on debt.
		2450	Other deferred credits.

INCOME ACCOUNTS—Continued

ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS		CLASS I ACCOUNTS	
I	*Carrier Operating Income*—Continued	I	*Carrier Operating Income*—Continued
	Expenses—Continued		*Expenses*—Continued
438	Other terminal expenses	4345	Employees' welfare expenses.
		4380	Other terminal expenses.
		4385	Operating rents.
439	Joint terminal facilities—net	4391	Joint terminal facilities—debit.
		4396	Joint terminal facilities—credit.
440	Traffic	4400	Traffic.
441	Supervision, office and other expenses.	4410	Supervision.
		4420	Office and other expenses.
443	Tariffs and schedules	4430	Tariffs and schedules.
448	Other traffic expenses	4445	Employees' welfare expenses.
		4450	Advertising.
		4480	Other traffic expenses.
		4485	Operating rents.
450	Insurance and safety	4500	Insurance and safety.
451	Supervision, office and other expenses.	4510	Supervision.
		4520	Office and other expenses.
453	Public liability and property damage.	4530	Public liability and property damage.
454	Workmen's compensation	4540	Workmen's compensation.
455	Cargo, loss and damage	4550	Cargo, loss and damage.
456	Fire, theft and collision	4560	Fire, theft and collision.
457	Other insurance expense	4570	Other insurance expense.
458	Other insurance and safety department expense.	4545	Employees' welfare expenses.
		4580	Other insurance and safety department expense.
		4585	Operating rents.
460	Administrative and general	4600	Administrative and general.
461.0	Supervision	4610	Supervision.
461.1	Salaries—general officers	4611	Salaries—General officers.
461.2	Salaries—revenue accounting	4612	Salaries—revenue accounting.
461.3	Salaries—other general office employees.	4613	Salaries—other general office employees.
462	Other general office expenses	4620	Office and other expenses.
		4621	Expenses—general officers.
		4622	Expenses—general office employees.
		4623	Other general office expenses.
463	Law and outside auditing expenses	4630	Law expenses.
		4635	Outside auditing expenses.
464	Communication service	4640	Communication service.
466	Uncollectible revenues	4660	Uncollectible revenues.
467	Regulatory expenses	4670	Regulatory expenses.
468	Other general expenses	4645	Employees welfare expenses.
		4650	Management and supervision fees.
		4675	Purchasing and store expenses.
		4680	Other general expenses.
		4685	Operating rents.
469	Joint operating expense—net	4691	Joint operating expense—debit.
		4696	Joint operating expense—credit.
500	Depreciation expense	5000	Depreciation expense.
501	Depreciation of structures	5010	Depreciation of structures.
502.0	Depreciation of revenue equipment.	5020	Depreciation of revenue equipment.
502.1	Line haul	5021	Line haul.
502.5	Pickup and delivery	5025	Pickup and delivery.
503	Depreciation of service cars and equipment.	5030	Depreciation of service cars and equipment.
504	Depreciation of shop and garage equipment.	5040	Depreciation of shop and garage equipment.

INCOME ACCOUNTS—Continued

ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS		CLASS I ACCOUNTS	
I	*Carrier Operating Income*—Continued	I	*Carrier Operating Income*—Continued
	Expenses		*Expenses*
400	Operation and maintenance expenses.	4000	Operation and maintenance expenses.
410	Equipment maintenance	4100	Equipment maintenance.
411	Supervision, office and other expenses.	4110	Supervision.
		4120	Office and other expenses.
413.0	Repairs and servicing—Revenue equipment.	4130	Repairs and servicing—revenue equipment.
413.1	Line haul	4131	Line haul.
413.5	Pickup and delivery	4135	Pickup and delivery.
416.0	Tires and tubes—revenue equipment.	4160	Tires and tubes—revenue equipment.
416.1	Line haul	4161	Line haul.
416.5	Pickup and delivery	4165	Pickup and delivery.
418	Other maintenance expenses	4180	Employees welfare expenses.
		4185	Other maintenance expenses.
419	Joint garage expense—net	4191	Operating rents.
		4196	Joint garage expense—debit.
420	Transportation	4200	Joint garage expense—credit.
421	Supervision, office and other expenses.	4210	Transportation.
		4220	Supervision.
423.0	Drivers and helpers	4230	Office and other expenses.
423.1	Line haul	4231	Drivers and helpers.
423.5	Pickup and delivery	4235	Line haul.
425.0	Fuel and oil—revenue equipment	4250	Pickup and delivery.
425.1	Line haul	4251	Fuel for revenue equipment.
425.5	Pickup and delivery	4255	Line haul.
		4260	Pickup and delivery.
		4261	Oil for revenue equipment.
		4265	Line haul.
427.0	Purchased transportation	4270	Pickup and delivery.
427.1	Equipment rents—intercity—with drivers.	4271	Purchased transportation.
427.2	Equipment rents—intercity—without drivers.	4272	Equipment rents—intercity—with drivers.
427.3	Other purchased transportation—intercity.	4273	Equipment rents—intercity—without drivers.
427.5	Equipment rents—pickup and delivery—with drivers.	4275	Other purchased transportation—intercity.
427.6	Equipment rents—pickup and delivery—without drivers.	4276	Equipment rents—pickup and delivery—with drivers.
427.7	Other purchased pickup and delivery.	4277	Equipment rents—pickup and delivery—without drivers.
427.9	Equipment rents—credit	4279	Other purchased pickup and delivery.
428	Other transportation expenses	4245	Equipment rents—credit.
		4280	Employees welfare expenses.
		4285	Other transportation expenses.
430	Terminal	4300	Operating rents.
431.0	Supervision	4310	Terminal.
431.1	Supervisory salaries	4311	Supervision.
431.2	Salaries and fees—billing and collecting.	4312	Supervisory salaries.
431.3	Other office employees	4313	Salaries and fees—billing and collecting.
432	Office and other expenses	4320	Other office employees.
434	Salaries and wages—platform employees.	4340	Office and other expenses.
435	Other terminal employees	4350	Salaries and wages—platform employees.
436	Commission agents	4360	Other terminal employees.
			Commission agents.

INCOME ACCOUNTS—Continued

ACCOUNTS PRESCRIBED FOR CLASS II CARRIERS		CLASS I ACCOUNTS	
I	*Carrier Operating Income*—Continued	I	*Carrier Operating Income*—Continued
	Expenses—Continued		*Expenses*—Continued
	Depreciation expense—Continued		Depreciation expense—Continued
505	Depreciation of furniture and office equipment.	5050	Depreciation of furniture and office equipment.
506	Depreciation of miscellaneous equipment.	5060	Depreciation of miscellaneous equipment.
507	Depreciation of other carrier property.	5070	Depreciation of improvements to leasehold property.
		5080	Depreciation of undistributed property.
510	Depreciation adjustment	5100	Depreciation adjustment.
515	Amortization of carrier property	5150	Amortization chargeable to operations.
		5151	Amortization of carrier operating property.
		5155	Extraordinary property losses.
520	Operating taxes and licenses	5200	Operating taxes and licenses.
521.0	Gasoline, other fuel and oil taxes	5210	Gasoline, other fuel and oil taxes.
521.1	Line haul	5211	Line haul.
521.5	Pickup and delivery	5215	Pickup and delivery.
522.0	Vehicle license and registration fees.	5220	Vehicle license and registration fees.
522.1	Line haul	5221	Line haul.
522.5	Pickup and delivery	5225	Pickup and delivery.
523	Real estate and personal property taxes.	5230	Real estate and personal property taxes.
524	Social security taxes	5240	Social security taxes.
525	Other taxes	5250	Other taxes.
540	Lease of distinct operating unit—debit.	5400	Lease of distinct operating unit—debit.
550	Lease of distinct operating unit—credit.	5500	Lease of distinct operating unit—credit.
	II *Other Ordinary Income*		II *Other Ordinary Income*
610	Income from noncarrier operations—net.	6100	Income from noncarrier operations—net.
650	Interest, dividends, and other nonoperating income.	6300	Interest income.
		6400	Dividend income.
		6500	Other nonoperating income.
	III *Deductions from Ordinary Income*		III *Deductions from Ordinary Income*
710	Interest	7100	Interest.
750	Other income deductions	7300	Amortization of debt discount and expense.
		7400	Amortization of premiums on debt—credit.
		7500	Other deductions.
	IV *Extraordinary Income*		IV *Extraordinary Income*
810	Extraordinary income credits	8100	Extraordinary income credits.
		8400	Delayed income credits.
820	Extraordinary income charges	8200	Extraordinary income charges.
		8600	Delayed income charges.
880	Income taxes	8800	Income taxes.
		8810	Federal income taxes.
		8820	State income taxes.
		8830	Other income taxes.

[F. R. Doc. 56-9821; Filed, Nov. 30, 1956; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter D—Federal Aid to States in Fish and Wildlife Restoration

PART 41—RESTORATION OF GAME BIRDS, FISH AND MAMMALS

DIVISION

Basis and purpose. The Federal Aid to Wildlife Restoration Act of September 2, 1937 (50 Stat. 917), as amended August 18, 1941 (55 Stat. 632), July 24, 1946 (60 Stat. 656), and August 3, 1950 (64 Stat. 399; 16 U. S. C. 669–669i), was further amended by the act of August 12, 1955 (69 Stat. 698; 16 U. S. C. 669g), to authorize the expenditure of program funds for management (exclusive of law enforcement and public relations) of wildlife areas and resources. Thus, the Wildlife Restoration Act now embodies the management authorization contained in the jointly administered Federal Aid to Fish Restoration and Management Act of August 9, 1950 (64 Stat. 430; 16 U. S. C. 777). It now has become necessary to revise the existing regulations to reflect the broadened operational latitude made possible by the amendment of August 12, 1955. Other modifications are deemed desirable to simplify administrative procedures. Accordingly, the regulations under Part 41, Title 50, Code of Federal Regulations, are amended as follows:

1. The heading for Subchapter D is amended to read as set forth above.

2. Part 41 is completely revised to read as follows:

DEFINITIONS

Sec.
41.1 Meaning of terms.

APPORTIONMENT OF FUNDS TO STATES

41.11 Apportionment and certification.

STATE PARTICIPATION

41.16 Notice of desire to participate.

INFORMATION REQUIRED

41.21 General information for the Secretary.
41.22 Hunting and fishing license information.
41.23 Information from State Fish and Game Departments.

PROJECT INITIATION DOCUMENTS

41.26 Preliminary project statement.
41.27 Plans, specifications, and estimates; form and arrangement.
41.28 Project agreements.

PARTICIPATION BY OTHER STATE AGENCIES

41.31 Participation by State subdivisions.

REQUIREMENTS FOR PAYMENTS

41.36 Secretary's approval.
41.37 Economy and efficiency.
41.38 Contracts; competitive bids.
41.39 Lowest responsible bids.
41.40 Copy of contract.
41.41 Form of vouchers.

STATES' RESPONSIBILITIES

41.46 Prosecution; promptness.
41.47 Inspection.
41.48 Reports.
41.49 Samples of materials to be submitted.
41.50 Records and cost accounting.
41.51 Inspection of accounts and records.
41.52 Submission.
41.53 Personnel.
41.54 Records retention period.

PROJECT STANDARDS

41.70 Project standards.

AUTHORITY: §§ 41.1 to 41.70 issued under sec. 10, 50 Stat. 919, as amended, sec. 10, 64 Stat. 434; 16 U. S. C. 669i, 777i.

DEFINITIONS

§ 41.1 *Meaning of terms.* For the purposes of the regulations in this part, terms shall have the meanings ascribed in this section.

(a) *Federal aid act(s).* (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," (50 Stat. 917; 16 U. S. C. 669–669i), commonly referred to as the Pittman-Robertson Act; and (2) The Act of Congress, approved August 9, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," (64 Stat. 430; 16 U. S. C. 777–777k), commonly referred to as the Dingell-Johnson Act.

(b) *Secretary.* The Secretary of the Interior or his authorized representative.

(c) *State.* Any State or Commonwealth (including the Commonwealth of Puerto Rico) of the United States, the Territories of Alaska and Hawaii, and Guam and the Virgin Islands.

(d) *State Fish and Game Department.* Any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions

ordinarily exercised by a State Fish and Game Department, or the Alaska Game Commission, the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii, the Commissioner of Agriculture and Commerce of Puerto Rico, or the Governors of Guam or the Virgin Islands.

(e) *Restoration project, hereinafter referred to as "project(s)."* Acquisition of areas of land or water or interests therein, for feeding, resting, or breeding places for fish or wildlife; restoration, rehabilitation, or improvement, by construction of necessary works or otherwise, of land and water areas for the benefit of fish or wildlife; maintenance of completed projects; management (exclusive of law enforcement and public relations) of fish or wildlife areas and resources; conduct of research into problems of fish or wildlife management, and the coordination of projects necessary to efficient administration affecting fish and wildlife resources.

(f) *Combination project.* A project designed to result in benefits to both fish and wildlife resources in which Federal costs are allocated to apportionments made under the acts in the ratio of estimated benefits to be derived by wildlife and fish, respectively.

(g) *Fish and wildlife to be benefited.* (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

(h) *Completed project.* A project shall be deemed completed when the lands have been acquired or restoration work has been finished, inspected and found to be satisfactorily performed or fish or wildlife research has been completed, as the case may be, in accordance with the provisions of the project agreement.

APPORTIONMENT OF FUNDS TO STATES

§ 41.11 *Apportionment and certification.* As soon as possible after the close of each fiscal year (July 1–June 30), and after receiving notification of the amounts which have become available for the purposes of the acts, the Secretary shall apportion such funds in the manner prescribed in such acts and shall promptly certify to the Secretary of the Treasury and to each State Fish and Game Department the respective sums which he has deducted for administering and executing the acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

STATE PARTICIPATION

§ 41.16 *Notice of desire to participate.* Any State Fish and Game Department desiring to avail itself of the benefits of the acts shall notify the Secretary to that effect within sixty days after it has received from the Secretary a certificate of apportionment of funds available to the State.

INFORMATION REQUIRED

§ 41.21 *General information for the Secretary.* Before any commitment is made obligating Federal funds for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, by or on behalf of the State, information regarding the laws affecting fish or wildlife conservation and the authority of the State and of local officials with respect to the establishment and maintenance of projects; and the existing provisions of the State constitution or laws relating to revenues for the protection, restoration and management of fish or wildlife.

§ 41.22 *Hunting and fishing license information.* Certified information concerning the number of holders of paid hunting licenses and holders of paid fishing licenses of the State in the preceding fiscal year shall be furnished the Secretary by the Fish and Game Department of each State on or before September 15 of each year.

§ 41.23 *Information from State Fish and Game Departments.* The Secretary may, from time to time, request and the State Fish and Game Department shall furnish information relating to the administration and maintenance of any project established under the acts.

NOTE: All record keeping and reporting requirements of the regulations in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PROJECT INITIATION DOCUMENTS

§ 41.26 *Preliminary project statement.* A preliminary project statement shall be submitted for each project to be undertaken, which shall contain such fundamental information as the Secretary may require and which will be specified in form furnished by him, in order that he may determine project suitability.

§ 41.27 *Plans, specifications, and estimates; form and arrangement.* Plans, specifications, and estimates shall be submitted for each project showing in convenient form and detail the work to be performed and its probable cost, in conformity with standards governing form and arrangement prescribed by the Secretary and furnished to the States.

§ 41.28 *Project agreements.* After the Secretary shall have approved a preliminary project statement and the plans, specifications, and estimates of costs, the mutual obligations to be undertaken by the cooperating agencies shall be evidenced by a project agreement to be executed between the State Fish and Game Department and the Secretary for each such project.

PARTICIPATION BY OTHER STATE AGENCIES

§ 41.31 *Participation by State subdivisions.* When any part of the cost of a project is to be furnished by a county or any other subdivision of a State, the plans, specifications, and estimates shall be accompanied by a certified copy of each resolution or order, if any, of the appropriate local officials, or by such other showing as the Secretary may require, respecting the funds that are made available, indicating the control of the money provided for paying such cost, and clearly defining whether the State, county, or other subdivision will own the lands and/or improvements; and stating which agency shall have immediate responsibility for administration and maintenance after completition of the project.

REQUIREMENTS FOR PAYMENTS

§ 41.36 *Secretary's approval.* No payment of any money apportioned under the acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall be made on any project unless the preliminary project statement, the plans, specifications, and estimates, the project agreement, and all other documents that may be necessary or required in the administration of this part, shall have first been submitted to and approved by the Secretary.

§ 41.37 *Economy and efficiency.* No part of the Federal funds set aside on account of any project shall be paid until it has been shown to the satisfaction of the Secretary that appropriate and adequate means, either by advertisement or otherwise, were employed to insure economy and efficiency in the completion of such project.

§ 41.38 *Contracts; competitive bids.* All contracts involving an expenditure in excess of $500 entered into by a State for the execution of a project, except contracts for the purchase or lease of lands, shall be based upon free and open competitive bids.

§ 41.39 *Lowest responsible bids.* If a contract be awarded to other than the lowest responsible bidder, the Federal Government shall not pay more than its pro rata share of the lowest responsible bid, unless it be satisfactorily shown that it was advantageous to the project to accept the higher bid.

§ 41.40 *Copy of contract.* Upon request, a copy of each contract as executed shall be certified by the State Fish and Game Department and promptly furnished to the Secretary.

§ 41.41 *Form of vouchers.* Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended on each project and the amount claimed to be due from the Federal Government on account thereof, shall be submitted to the Secretary by the State Fish and Game Department, either after completion of the project, or if the Secretary has determined that payments may be made as the work progresses, at intervals of not less than one month.

STATES' RESPONSIBILITIES

§ 41.46 *Prosecution; promptness.* The State Fish and Game Department shall carry all approved projects through to satisfactory completion with reasonable promptness.

§ 41.47 *Inspection.* Supervision of each project by the State Fish and Game Department shall include adequate and continuous inspection.

§ 41.48 *Reports.* Progress and completion reports shall be furnished as requested by the Secretary.

§ 41.49 *Samples of materials to be submitted.* Whenever requested, suitable samples of materials to be used in construction work shall be submitted to the Secretary by or on behalf of the State Fish and Game Department to be tested for suitability and conformity with standard specifications.

§ 41.50 *Records and cost accounting.* Records of the cost of land acquired, improvements made thereon, construction work, overhead costs, and of maintenance done by or on behalf of the State shall be kept separately for each project.

§ 41.51 *Inspection of accounts and records.* The accounts and records, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 41.52 *Submission.* Papers and documents required by the acts or by the regulations in this part to be submitted to the Secretary may be delivered to the Commissioner of Fish and Wildlife, Department of the Interior, Washington 25, D. C., or to such other representative as he may designate and from the date of such delivery shall be deemed submitted.

§ 41.53 *Personnel.* The State Fish and Game Department shall maintain an adequate and competent force of employees to initiate and carry projects through to satisfactory completion. Personnel employed by a State Fish and Game Department to carry out project work under the acts shall be selected on the basis of their competence to perform the services required and shall conduct their duties in a manner acceptable to the Secretary.

§ 41.54 *Records retention period.* The records, accounts, and supporting documents required to be maintained under the regulations in this part shall be retained by the State Fish and Game Department until such time as the Secretary shall have made a final audit of the project accounts and notified such department of the acceptability of project claims and accomplishments and for a period of three years following the receipt of such notification.

PROJECT STANDARDS

§ 41.70 *Project standards.* Standards for Federal aid projects are as follows:

(a) Sufficient funds must be available for expenditure by the State Fish and Game Department for the purpose of originally financing the costs of the projects.

(b) Projects must be substantial in character and design.

(c) The acquisition of lands under a project must be at prices determined by the Secretary to be fair and reasonable.

(d) Projects for development, maintenance or management shall have as their objectives the improvement of conditions suitable for fish or wildlife, the upkeep and repair of structures that have been acquired or constructed under either Federal Aid Act or the management of fish and wildlife areas and resources.

(e) Projects dealing with fish or wildlife surveys and investigations shall be limited to problems having direct management application.

(f) With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Acts shall be limited to the extent of the benefits to fish or wildlife resulting from such projects.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated November 27, 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-9848; Filed, Nov. 30, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

PROPELLER FEATHERING HOSE ASSEMBLIES

The proposed regulation § 514.40 establishes minimum performance standards for propeller feathering hose assemblies which are to be used in civil aircraft of the United States.

Section 514.40 is proposed for adoption. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 514.40 is added under Subpart B of this part to read as follows:

§ 514.40 *Propeller Feathering hose assemblies (rubber and wire braid construction)–TSO–C42*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for propeller feathering hose assemblies of the following types which are to be used in civil aircraft of the United States:

(i) Type 1 (pressure line) hose assemblies which are intended to be used in the line connecting the feathering pump outlet to the propeller governor.

(ii) Type 2 (supply line "fire-resistant") hose assemblies which are intended to be used in the line connecting the oil supply to the feathering pump where this entire line is located aft of the firewall.

(iii) Type 3 (supply line "fireproof") hose assemblies which are intended to be used in the line connecting the oil supply to the feathering pump where this line is located wholly or in part forward of the firewall.

New models of propeller feathering hose assemblies manufactured for use in civil aircraft on or after the effective date of this section shall meet the "performance" and "identification of product" sections of Military Specification MIL–H–8795 (ASG) dated January 6, 1956,[1] or MIL–H–8790 dated August 22, 1956,[1] with the following exception and shall also meet the appropriate fire test requirements listed below.

(2) *Exception.* The hydraulic impulse test requirements in MIL–H–8795 (ASG) and MIL–H–8790 need not be met for the purposes of this section.

(3) *Pressure line (type 1) hose assembly fire test*—(i) *Test setup and flame requirements.* (a) For the purpose of this test, a length of hose five times the outside diameter or longer shall be subjected to a flame of the size and temperature specified in (*d*) and (*e*) of this subdivision while the hose is in a horizontal position. The entire end fitting shall also be subjected to this flame.

(*b*) The hose assembly shall be installed horizontally in the test setup in such a manner that it includes at least one full 90° bend so that the pressure existing inside the hose will exert an axial force on the end fitting equal to the inside area of the hose multiplied by the internal pressure.

(*c*) During the test the end fitting which is subjected to flame shall be vibrated at the rate of 2,000 cycles per minute through a total amplitude of not less than ⅛ inch, i. e., a displacement of 1/16 inch on each side of the neutral position.

(*d*) The flame temperature shall be 2,000° F., plus or minus 50° F. as measured within ¼ inch of the surface of the hose and end fitting at the point nearest the flame. Suitable shielded thermocouples or equivalent temperature measuring devices shall be used for measuring the flame temperature. A sufficient number of these shall be used to assure that the specified temperature exists at least along the entire end fitting and along the hose for a distance of not less than three times its outside diameter.

(*e*) The flame diameter shall not be less than three times the maximum diameter of the hose or three times the

[1] Copies of these specifications may be obtained by addressing a request to the Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio.

his request, by or on behalf of the State, sponsibility for administration and construction work shall be submitted to

maximum diameter of the end fitting (whichever is greater). The length of the flame shall be such that it extends beyond the end fitting and hose when they are in place during the test, for a distance of not less than three times the maximum diameter of the hose or three times the maximum diameter of the end fitting, whichever is greater.

(*f*) During the test SAE 20 oil or equivalent shall be circulated through the hose assembly, and the oil shall enter the hose assembly at a temperature of not less than 200° F.

NOTE: Items (*d*) and (*e*) above, concerning flame size and distribution, will be revised in accordance with agreements reached with the SAE A–3 Flame Test Subcommittee, when its study of this problem is completed.

(ii) *Fire test procedure—(a) Part I.*

Pressure: 150 psi (minimum).
Oil flow rate: 1.3 quarts/minute (maximum).
Duration: 4 minutes, 30 seconds.

(*b*) *Part II (which shall immediately follow Part I).*

Pressure: 1650 psi (minimum).
Oil flow rate: 14 quarts/minute (maximum; any lower flow rate is acceptable).
Duration: 30 seconds.

(iii) *Criteria for acceptability.* The hose assembly under test shall be considered acceptable if it complies with these test conditions without evidence of leakage.

(4) *Supply line "fire-resistant" (type 2) hose assembly fire test—(i) Test set-up and flame requirements.* Same as subdivision (i) of subparagraph (3) of this paragraph.

(ii) *Fire test procedure.*

Pressure: 30 psi (minimum).
Oil flow rate: 1.3 quarts/minute (maximum).
Duration: 5 minutes.

(iii) *Criteria for acceptability.* Same as subdivision (iii) of subparagraph (3) of this paragraph.

(5) *Supply line "fireproof" (type 3) hose assembly fire test—(i) Test setup and flame requirements.* Same as subdivision (i) of subparagraph (3) of this paragraph.

(ii) *Fire test procedure.* Test shall be conducted as described in subdivision (ii) of subparagraph (4) of this paragraph except that upon completion thereof test shall be extended for an additional 10 minutes, making the total duration 15 minutes.

(iii) *Criteria for acceptability.* Same as subdivision (iii) of subparagraph (3) of this paragraph.

(b) *Marking.* The following marking is required in lieu of that specified in § 514.3:

(1) Name or trademark of the manufacturer responsible for compliance with this TSO.

(2) Model designation.

(3) Date of manufacture.

(4) Applicable TSO number, followed immediately by "Type Number" (as "Type 1", etc.). This identification must be legibly stamped on a steel (or other fireproof material) band securely affixed to the hose assembly.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–9837; Filed, Nov. 30, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

WHEAT

OFFICIAL GRAIN STANDARD OF THE UNITED STATES

Notice is hereby given that the United States Department of Agriculture has under consideration a proposed revision of the Official Grain Standards of the United States for wheat (7 CFR 26.101 et seq., as amended) promulgated under the authority of the United States Grain Standards Act, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.)

The need for a revision of the official standards for wheat has been emphasized by various advisory boards and committees and by Agricultural trade missions. Requests for a revision of the standards also have been made by national organizations of producers, handlers and processors of wheat. All suggestions have been directed to changes in the standards that will reflect improvement in the quality of wheat as marketed. The Department arranged a conference in September 1955 for the purpose of determining more specifically what changes, if any, should be made in the official wheat standards to make them more acceptable under present-day production and marketing conditions. This conference was attended by representatives of national associations of growers, shippers, processors and others interested in the production, marketing and utilization of wheat. Specific changes were recommended by this group, all aimed at improvement in the quality of United States wheat in domestic and export commerce. Following the conference, studies were conducted by the Department to determine the effect of the recommended changes on the practical application of the standards and the marketing of the crop. As a result, the following changes are offered for consideration:

(1) A reduction in the minimum moisture requirement for tough wheat.

(2) The incorporation of a special grade for wheat of low moisture content.

(3) A reduction in the limits of total foreign material and elimination of the factor "matter except other grains."

(4) A reduction in the limits of shrunken and broken kernels.

(5) A reduction in the limits of wheats of other classes.

(6) The expression of dockage in terms of half rather than whole percents.

(7) A change in the limits of dark, hard, and vitreous kernels in the subclasses Hard Winter Wheat and Yellow Hard Winter Wheat of the class Hard Red Winter Wheat.

(8) The elimination of smut dockage and the designation of all smutty wheat as "Light Smutty," "Medium Smutty," or "Heavy Smutty."

(9) The incorporation of more specific sanitation requirements in the wheat standards.

(10) The elimination of "Amber Mixed Durum" and "Mixed Durum" as a part of the grade designation in the class Mixed Wheat.

(11) The incorporation of other changes of minor importance.

It is proposed that consideration be given to revising the Official Grain Standards of the United States for Wheat to read essentially as follows:

§ 26.101 *Terms defined.* For the purposes of the Official Grain Standards of the United States for Wheat:

(a) *Wheat.* Wheat shall be the grain of common wheat (Triticum vulgare), club wheat (T. compactum), and durum wheat (T. durum) which, before the removal of the dockage consists of 50 percent or more of one or more of these wheats and not more than 10.0 percent of other grains for which standards have been established under the United States Grain Standards Act and which, after the removal of the dockage contains 50 percent or more of whole kernels of one or more of these wheats.

(b) *Classes.* Wheat shall be divided into the following seven classes: Hard Red Spring Wheat, Durum Wheat, Red Durum Wheat, Hard Red Winter Wheat, Soft Red Winter Wheat, White Wheat, and Mixed Wheat.

(c) *Hard Red Spring Wheat.* The class Hard Red Spring Wheat shall include all varieties of hard red spring wheat and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following three subclasses:

(1) *Dark Northern Spring Wheat.* The subclass Dark Northern Spring Wheat shall be Hard Red Spring Wheat with 75 percent or more of dark, hard, and vitreous kernels.

2. *Northern Spring Wheat.* The subclass Northern Spring Wheat shall be Hard Red Spring Wheat with 25 percent or more but less than 75 percent of dark, hard, and vitreous kernels.

(3) *Red Spring Wheat.* The subclass Red Spring Wheat shall be Hard Red Spring Wheat with less than 25 percent of dark, hard, and vitreous kernels.

(d) *Durum Wheat.* The class Durum Wheat shall include all varieties of white (amber) durum wheat and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following three subclasses:

(1) *Hard Amber Durum Wheat.* The subclass Hard Amber Durum Wheat shall be Durum Wheat with 75 percent or more of hard and vitreous kernels of amber color.

(2) *Amber Durum Wheat.* The subclass Amber Durum Wheat shall be Durum Wheat with 60 percent or more but less than 75 percent of hard and vitreous kernels of amber color.

(3) *Durum Wheat.* The subclass Durum Wheat shall be Durum Wheat with less than 60 percent of hard and vitreous kernels of amber color.

(e) *Red Durum Wheat.* The class Red Durum Wheat shall include all varieties of red durum wheat and may include not more than 10.0 percent of wheats of other classes.

(f) *Hard Red Winter Wheat.* The class Hard Red Winter Wheat shall include all varieties of hard red winter wheat and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following three subclasses:

(1) *Dark Hard Winter Wheat.* The subclass Dark Hard Winter Wheat shall be Hard Red Winter Wheat with 75 percent or more of dark, hard, and vitreous kernels.

(2) *Hard Winter Wheat.* The subclass Hard Winter Wheat shall be Hard Red Winter Wheat with 40 percent or more but less than 75 percent of dark, hard, and vitreous kernels.

(3) *Yellow Hard Winter Wheat.* The subclass Yellow Hard Winter Wheat shall be Hard Red Winter Wheat with less than 40 percent of dark, hard, and vitreous kernels.

(g) *Soft Red Winter Wheat.* The class Soft Red Winter Wheat shall include all varieties of soft red winter wheat and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following two subclasses:

(1) *Red Winter Wheat.* The subclass Red Winter Wheat shall be Soft Red Winter Wheat which may contain not more than 10.0 percent of soft red winter wheat grown west of the Great Plains area of the United States.

(2) *Western Red Wheat.* The subclass Western Red Wheat shall be Soft Red Winter Wheat containing more than 10.0 percent of soft red winter wheat grown west of the Great Plains area of the United States.

(h) *White Wheat.* The class White Wheat shall include all varieties of white wheat, and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following four subclasses:

(1) *Hard White Wheat.* The subclass Hard White Wheat shall be White Wheat with 75 percent or more of hard (not soft and chalky) kernels and may contain not more than 10.0 percent of wheat of the white club varieties.

(2) *Soft White Wheat.* The subclass Soft White Wheat shall be White Wheat with less than 75 percent of hard (not soft and chalky) kernels and may contain not more than 10.0 percent of wheat of the white club varieties.

(3) *White Club Wheat.* The subclass White Club Wheat shall be White Wheat consisting of wheat of the white club varieties and may contain not more than 10.0 percent of other white wheats.

(4) *Western White Wheat.* The subclass Western White Wheat shall be White Wheat containing more than 10.0 percent of wheat of the white club varieties and more than 10.0 percent of other white wheats.

(i) *Mixed Wheat.* The class Mixed Wheat shall include all mixtures of wheat not provided for in the classes Hard Red Spring Wheat, Durum Wheat, Red Durum Wheat, Hard Red Winter Wheat, Soft Red Winter Wheat, and White Wheat.

(j) *Grades.* Grades shall be the numercial grades, sample grade, and special grades provided for in § 26.103.

(k) *Dockage.* Dockage shall be weed seeds, weed stems, chaff, straw, grain other than wheat, sand, dirt, and any other material other than wheat, which can be removed readily from the wheat by the use of appropriate sieves and cleaning devices; also underdeveloped, shriveled, and small pieces of wheat kernels removed in properly separating the material other than wheat and which cannot be recovered by properly rescreening or recleaning. (See also paragraph (b) of § 26.102.)

(l) *Foreign material.* Foreign material shall be all matter other than wheat which is not separated from the wheat in the proper determination of dockage.

(m) *Other grains.* Other grains shall be rye, oats, corn, grain sorghums, barley, hull-less barley, flaxseed, emmer, spelt, einkorn, Polish wheat, poulard wheat, cultivated buckwheat, and soybeans.

(n) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of wheat and other grains which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

(o) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of wheat and other grains which have been materially discolored and damaged by heat.

(p) *Wheats of other classes.* Wheats of other classes shall be wheats other than that specified in the respective paragraph (a), (b), (c), (d), or (e) of § 26.103.

(q) *Shrunken and broken kernels.* Shrunken and broken kernels shall be all kernels and pieces of kernels of wheat and other matter that will pass readily through a 0.064 x 3/8 sieve.

(r) *0.064 x 3/8 sieve.* A 0.064 x 3/8 sieve shall be a metal sieve 0.032 inch thick perforated with slotted holes 0.0640 inch by 0.375 (3/8) inch with approximately 2,633 perforations per square foot.

(s) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

§ 26.102 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of wheat:

(a) *Basis of determination.* Each determination of dockage, temperature, odor, garlic, live weevils or other insects injurious to stored grain, contamination by animal filth, and distinctly low quality shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from dockage.

(b) *Percentages.* All percentages shall be upon the basis of weight. The percentage of dockage shall be expressed in terms of whole and half percents. A fraction of a percent of dockage when equal to or greater than one-half shall be expressed as one-half and when less than one-half shall be disregarded.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method prescribed by the United States Department of Agriculture, as described in Service and Regulatory Announcements No. 147, issued by the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture, as described in Circular No. 921 issued June 1953, or as determined by any method which gives equivalent results.

§ 26.103 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for the subclasses Dark Northern Spring Wheat, Northern Spring Wheat, and Red Spring Wheat of the class Hard Red Spring Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—				
		Damaged kernels		Foreign material	Wheats of other classes	
		Total	Heat-damaged kernels		Total	Durum and/or Red Durum
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1 [1] [2] Heavy	60	2.0	0.1	0.5	5.0	1.0
1 [2]	58	2.0	0.1	0.5	5.0	1.0
2 [2]	57	4.0	0.2	1.0	5.0	2.0
3	55	7.0	0.5	2.0	10.0	3.0
4	53	10.0	1.0	3.0	10.0	10.0
5	50	15.0	3.0	5.0	10.0	10.0

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 Heavy to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is contaminated by animal filth; or which is otherwise of distinctly low quality.

[1] Applies to each of the subclasses Dark Northern Spring, Northern Spring, and Red Spring Wheat.
[2] The wheat in grades No. 1 Heavy and No. 1 of this class may contain not more than 3.0 percent, in grade No. 2 not more than 5.0 percent, and in grade No. 3 not more than 8.0 percent of shrunken and broken kernels.

to the hose assembly.

Red Winter Wheat.

with less than 60 percent of hard and vitreous kernels of amber color.

(d) *Grades and grade requirements for the subclasses Red Winter Wheat and Western Red Wheat of the class Soft Red Winter Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—					
		Damaged kernels		Foreign material	Wheats of other classes		
		Total	Heat-damaged kernels		Total	Durum and/or Red Durum	
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
1	60	2.0	0.1	0.5	5.0	0.5	
2	58	4.0	0.2	1.0	5.0	1.0	
3	56	7.0	0.5	2.0	10.0	2.0	
4	54	10.0	1.0	3.0	10.0	10.0	
5	51	15.0	3.0	5.0	10.0	10.0	

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is contaminated by animal filth; or which is otherwise of distinctly low quality.

[1] The wheat in grade No. 1 of this class may contain not more than 3.0 percent, in grade No. 2 not more than 5.0 percent, and in grade No. 3 not more than 8.0 percent of shrunken and broken kernels.

(e) *Grades and grade requirements for the subclasses Hard White Wheat, Soft White Wheat, White Club Wheat, and Western White Wheat of the class White Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—					
		Damaged kernels		Foreign material	Wheats of other classes		
		Total	Heat-damaged kernels		Total	Durum and/or Red Durum	
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
1	60	2.0	0.1	0.5	5.0	0.5	
2	58	4.0	0.2	1.0	5.0	1.0	
3	56	7.0	0.5	2.0	10.0	2.0	
4	54	10.0	1.0	3.0	10.0	10.0	
5	51	15.0	3.0	5.0	10.0	10.0	

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is contaminated by animal filth; or which is otherwise of distinctly low quality.

[1] The wheat in grade No. 1 of this class may contain not more than 3.0 percent, in grade No. 2 not more than 5.0 percent, and in grade No. 3 not more than 8.0 percent of shrunken and broken kernels.

(f) *Grades and grade requirements for Mixed Wheat.* (See also paragraph (h) of this section.) Mixed wheat shall be graded according to the numerical and Sample grade requirements of the class of wheat which predominates in the mixture, except that the factor "wheats of other classes" and the grade specifications for "No. 1 Heavy" shall be disregarded.

(b) *Grades and grade requirements for the subclasses Hard Amber Durum Wheat, Amber Durum Wheat, and Durum Wheat of the class Durum Wheat and for the class Red Durum Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—					
		Damaged kernels		Foreign material	Wheats of other classes		
		Total	Heat-damaged kernels		Total	Soft Red Winter, White, and/or Red Durum	
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
1	60	2.0	0.1	0.5	5.0	1.0	
2	58	4.0	0.2	1.0	5.0	2.0	
3	56	7.0	0.5	2.0	10.0	5.0	
4	54	10.0	1.0	3.0	10.0	10.0	
5	51	15.0	3.0	5.0	10.0	10.0	

Sample grade: Sample grade shall be wheat which does not meet requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is contaminated by animal filth; or which is otherwise of distinctly low quality.

[1] Red Durum Wheat of any grade may contain not more than 10.0 percent of wheats of other classes.

[2] The wheat in grades No. 1 and No. 2 of each of these classes may contain not more than either (a) 5.0 percent of shrunken and broken kernels or (b) 8.0 percent of shrunken and broken kernels together with broken kernels of wheat of any size which remain in the sieved sample, and the wheat in grade No. 3 may contain not more than either (a) 8.0 percent of shrunken and broken kernels or (b) 12.0 percent of shrunken and broken kernels together with broken kernels of wheat of any size which remain in the sieved sample.

(c) *Grades and grade requirements for the subclasses Dark Hard Winter Wheat, Hard Winter Wheat, and Yellow Hard Winter Wheat of the class Hard Red Winter Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—					
		Damaged kernels		Foreign material	Wheats of other classes		
		Total	Heat-damaged kernels		Total	Durum and/or Red Durum	
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
1	60	2.0	0.1	0.5	5.0	0.5	
2	58	4.0	0.2	1.0	5.0	1.0	
3	56	7.0	0.5	2.0	10.0	2.0	
4	54	10.0	1.0	3.0	10.0	10.0	
5	51	15.0	3.0	5.0	10.0	10.0	

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is contaminated by animal filth; or which is otherwise of distinctly low quality.

[1] The wheat in grade No. 1 of this class may contain not more than 3.0 percent, in grade No. 2 not more than 5.0 percent, and in grade No. 3 not more than 8.0 percent of shrunken and broken kernels.

(g) *Grade designation for all classes and subclasses of wheat.* The grade designation for wheat shall include in the order named the number of the grade or the words "Sample grade," as the case may be; the word "Heavy" when applicable; the name of the applicable subclass, or in the case of Red Durum Wheat and Mixed Wheat the name of the class; the name of each applicable special grade; and when applicable the word "dockage" together with the percentage thereof. In the case of Mixed Wheat, the grade designation shall also include, following the name of the class, the name and approximate percentage of hard red spring, durum, red durum, hard red winter, soft red winter, and white wheat contained in the mixture.

(h) *Special grades, special grade requirements, and special grade designations for wheat*—(1) *Tough wheat*—(i) *Requirements.* Tough wheat shall be wheat which contains more than 13.5 percent but not more than 16.0 percent of moisture.

(ii) *Grade designation.* Tough wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not tough, and there shall be added to and made a part of the grade designation the word "Tough."

(2) *Low moisture wheat*—(i) *Requirements.* Low moisture wheat shall be wheat which contains not more than 10.0 percent of moisture.

(ii) *Grade designation.* Low moisture wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not low in moisture, and there shall be added to and made a part of the grade designation the words "Low Moisture."

(3) *Smutty wheat*—(i) *Requirements.* Smutty wheat shall be wheat which has an unmistakable odor of smut or which contains balls, portions of balls, or spores, of smut in a quantity equivalent to more than 14 balls of average size in 250 grams of wheat.

(ii) *Grade designation.* Smutty wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not smutty; and

(*a*) In the case of smutty wheat which has an unmistakable odor of smut or which contains smut in a quantity equivalent to more than 14 balls but not more than 25 balls in 250 grams of wheat, there shall be added to and made a part of the designation the words "Light Smutty"; and

(*b*) In the case of smutty wheat which contains smut in a quantity equivalent to more than 25 balls but not more than 45 balls in 250 grams of wheat, there shall be added to and made a part of the grade designation the words "Medium Smutty"; and

(*c*) In the case of smutty wheat which contains smut in a quantity equivalent to more than 45 balls in 250 grams of wheat, there shall be added to and made a part of the grade designation the words "Heavy Smutty."

(4) *Garlicky wheat*—(i) *Requirements.* Garlicky wheat shall be wheat which contains two or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of wheat.

(ii) *Grade designation.* Garlicky wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not garlicky; and

(*a*) In the case of garlicky wheat which contains two or more but not more than six green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of wheat, there shall be added to and made a part of the grade designation the words "Light Garlicky"; and

(*b*) In the case of garlicky wheat which contains more than six green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of wheat, there shall be added to and made a part of the grade designation the word "Garlicky."

(5) *Weevily wheat*—(i) *Requirements.* Weevily wheat shall be wheat which is infested with live weevils or other insects injurious to stored grain.

(ii) *Grade designation.* Weevily wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not weevily, and there shall be added to and made a part of the grade designation the word "Weevily."

(6) *Ergoty wheat*—(i) *Requirements.* Ergoty wheat shall be wheat which contains more than 0.3 percent of ergot.

(ii) *Grade designation.* Ergoty wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not ergoty, and there shall be added to and made a part of the grade designation the word "Ergoty."

(7) *Treated wheat*—(i) *Requirements.* Treated wheat shall be wheat which has been scoured, limed, washed, sulfured, or treated in such a manner that the true quality is not reflected by either the numerical grade or the Sample grade designation alone.

(ii) *Grade designation.* Treated wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not treated, and there shall be added to and made a part of the grade designation a statement indicating the kind of treatment.

The following alternative proposals will be given consideration:

1. *Shrunken and broken kernels.* Section 26.103 (a), (c), (d), and (e). Consideration will be given to an alternative proposal to fix the limits of shrunken and broken kernels at 5.0 percent in grades No. 1 Heavy and No. 1 for the class Hard Red Spring Wheat, and grade No. 1 for the classes Hard Red Winter Wheat, Soft Red Winter Wheat, and White Wheat.

2. *Wheats of other classes.* Section 26.103 (a) (b), (c), (d), and (e). Consideration will be given to an alternative proposal to fix limits of wheats of other classes at 3.0 percent in grades No. 1 Heavy and No. 1 for the class Hard Red Spring Wheat and in grade No. 1 for all other classes.

The United States Grain Standards Act requires that public notice be given of the modification of standards adopted under its provisions not less than 90 days in advance of the effective date of such modification. If revised standards for wheat are promulgated, they should be made effective on or about June 1, 1957.

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), informal public hearings will be held at Chicago, Illinois; Kansas City, Missouri; Minneapolis, Minnesota; and Portland, Oregon; at which interested parties may submit their views and opinions orally or in writing with respect to the desirability of promulgating the suggested changes and related matters. The times and places of such hearings will be as follows:

Chicago, Illinois, beginning at 10:00 a. m. on January 7, 1957, in the Lincoln-Douglas Room of the La Salle Hotel.

Kansas City, Missouri, beginning at 10:00 a. m. on January 9, 1957, in the Georgian Room of the Hotel Continental.

Minneapolis, Minnesota, beginning at 10:00 a. m. on January 11, 1957, in Room 100 of the Minneapolis Grain Exchange.

Portland, Oregon, beginning at 10:00 a. m. on January 15, 1957, in the Marine Room of the Hotel Multnomah.

Written data, views, or arguments may also be submitted to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than January 25, 1957. Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received by the Director not later than January 25, 1957, and to other information available in the United States Department of Agriculture before a decision is made as to what revisions, if any, shall be promulgated.

B. W. Whitlock, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearings. In case this designee is unable to conduct the hearings, any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is hereby authorized to conduct such hearings.

Issued this 27th day of November 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-9826; Filed, Nov. 30, 1956; 8:45 a. m.]

[7 CFR Part 970]

IRISH POTATOES GROWN IN MAINE

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Maine Potato Administrative Committee, established pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, issued

under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.204 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Maine Potato Administrative Committee, established pursuant to Marketing Agreement No. 122 and Order No. 70, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending July 31, 1957, will amount to $52,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 122 and Order No. 70, shall be $1.25 per carload, or equivalent thereof, 80 cents per truckload of 25,000 pounds or more, and 50 cents per truckload of less than 25,000 pounds, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 28, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-9866; Filed, Nov. 30, 1956; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 10, 40, 41, 42]

[Draft Release No. 56-29]

TYPE CERTIFICATION OF AIRCRAFT WITH TURBO-PROP REPLACEMENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation which will permit a change from reciprocating engines to engines employing different principles of operation or propulsion, subject to certain conditions, without the necessity of complying with all of the requirements currently applicable to a new type certificate on the aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by February 1, 1957. Copies of such communications will be available after February 6, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The airworthiness requirements with which a particular aircraft is required to comply are established by the date of application for the type certificate. After the type certificate is issued, the holder of the type certificate or an applicant for a supplemental certificate, at his option, can obtain approval of changes in the design either in accordance with the requirements in effect at the time of the original application for the type certificate or in accordance with later requirements in effect at the time of the change.

Prior to May 18, 1954, the regulations placed no specific limit on the extent of changes to the airplane which could be approved in this manner nor did they define a new type design for which a new application for type certification would be required. Amendment 4b-1 effective on that date, among other things, lists certain changes in design which if made to an aircraft would require it to be considered as a new type. In such a case, a new application for type certification would be required and the regulations together with all amendments thereto effective on the date of the new application would have to be complied with (§ 4b.11 (a)). One such change which would require a new type certificate is a change to engines employing different principles of operation or propulsion (§ 4b.11 (e) (2)).

Interest has been shown recently within the aviation industry in the installation of turbo-propeller engines on airplanes presently equipped with reciprocating engines. In accordance with § 4b.11 (e) (2) such a change would require a showing of compliance with the latest airworthiness requirements of Part 4b. It has been contended that in the case of airplanes originally certificated some time ago, showing of compliance with all of the latest requirements might be burdensome, impractical, and not essential to safety. It is also contended that modifications to an airplane consisting only of a change from reciprocating to turbo-propeller engines should not necessarily require showing of compliance with all the latest effective provisions of Part 4b, especially with respect to provisions wholly unrelated to this change.

In order to encourage the modernization of transport category airplanes, it is being proposed herein that in certificating a turbo-propeller-powered airplane which previously was type certificated with the same number of reciprocating engines, it shall be acceptable to show compliance with the provisions of Part 4b in effect on the date of the application for the original type certificate, and certain later provisions of the Civil Air Regulations in effect on the date of application for a supplemental or new type certificate which are applicable or related to the powerplant of the turbo-propeller-powered version. Such provisions shall be complied with in addition to or in lieu of the provisions which were in effect in Part 4b on the date of the original application for type certification for the reciprocating-engine-powered airplane. In general, the latter provisions with which compliance would have to be shown would consist of those applicable to the powerplant installation, airplane performance, and cockpit standardization and, such other requirements as the Administrator might find are otherwise related to the change in engines and are necessary to assure that the level of safety of the turbine-powered airplane is equivalent to that generally intended by Part 4b.

With respect to the powerplant provisions and the additional provisions subject to the Administrator's further consideration, this proposal would make applicable the currently effective provisions of Part 4b, including an amendment to Part 4b which the Board may adopt as a result of the 1956 Airworthiness Review. With respect to the performance requirements, this proposal would require compliance with those requirements which the Board may adopt as a result of the performance proposal for turbine-powered airplanes of current design, which is contained in Civil Air Regulations Draft Release No. 56-20.

In addition, since a change in engines would require a rather extensive change in the cockpit to accommodate the new instruments and controls for turbine engines, it is considered that compliance with the latest cockpit standardization requirements could be accomplished without any undue burden. Therefore, it is proposed to make the latest cockpit standardization requirements applicable, with the exception of such detailed requirements the compliance with which the Administrator finds is impracticable or does not contribute materially to standardization.

If other changes to the airplane are made simultaneously with or subsequent to such an engine change, then compliance would also have to be shown with all requirements related to the additional changes in effect on the date of the new application for a supplemental or type certificate. In this regard, if an airplane converted to turbo-propeller power is to be certificated for operation at altitudes, speeds, or weights higher than those which are applicable to the reciprocating-engine-powered airplane, compliance would be required with all of the latest provisions of the regulations which are related to such changes.

In order to assure that all airplanes converted to turbo-propeller power will meet the minimum requirements considered essential to safety, this proposed regulation will be retroactive and will require compliance with the provisions of the Civil Air Regulations set forth herein for all such airplanes for which application for a supplemental or new type certificate is made prior to the effective date of this proposed regulation.

Except as applied to the change from reciprocating to turbine propeller engines, this proposal is not intended to alter the provisions of § 4b.11 in any respect.

It is proposed that this Special Civil Air Regulation terminate 5 years after its adoption, and that its substantive effect be incorporated into Part 4b of the Civil Air Regulations as experience indicates is appropriate.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board the adoption of a Special Civil Air Regulation to read substantially as follows:

Contrary provisions of § 4b.11 (a) as it applies to § 4b.11 (e) (2) of Part 4b of the Civil Air Regulations notwithstanding, the following provisions shall be applicable to the certification of a turbo-propeller-powered airplane which was previously type certificated with the same number of reciprocating engines:

1. The provisions of Part 4b in effect on the date of application for the original type certificate issued for the airplane as equipped with reciprocating engines and, in addition thereto or in lieu thereof, the following provisions of the Civil Air Regulations effective on the date of application for a supplemental or a new type certificate (see paragraph 2):

(a) The performance requirements applicable to turbine-powered airplanes;

(b) The powerplant installation requirements of Part 4b applicable to the turbo-propeller-powered airplane;

(c) The requirements of Part 4b for the standardization of cockpit controls and instruments except where the Administrator finds that showing of compliance with a particular detailed requirement would be impracticable and would not contribute materially to standardization; and

(d) Such other requirements of Part 4b applicable to the turbo-propeller powered airplane as the Administrator finds are related to the change in engines and are necessary to assure that the level of safety of turbo-propeller airplanes is equivalent to that generally intended by Part 4b.

2. Airplanes converted to turbo-propeller power, for which application for a supplemental or a new type certificate is made prior to the effective date of this Special Civil Air Regulation, shall comply with all of the provisions of the Civil Air Regulations incorporated herein effective on the date of this special regulation, rather than those provisions of the regulations effective on the date application was made for the supplemental or the new type certificate.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., November 23, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 56-9874; Filed, Nov. 30, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 56-49]

TERMINATION OF CERTAIN APPROVALS OF EMBARKATION-DEBARKATION LADDERS

The regulations and specifications for embarkation-debarkation ladders (flexible) for merchant vessels were considered as Item X of the Agenda at a public hearing held by the Merchant Marine Council on April 24, 1956, in Washington, D. C. The revised regulations regarding embarkation-debarkation ladders were published in the FEDERAL REGISTER dated September 6, 1956 (21 F. R. 6708-6713), and become effective December 5, 1956. The major changes provided in these regulations are:

(1) Permit the optional use of both chain and manila rope ladders as pilot ladders.

(2) After January 1, 1957, the use of wire rope ladders as pilot ladders is prohibited.

(3) With respect to flexible ladders at lifeboat stations, such ladders are to be only chain ladders, but existing approved ladders on board passenger and cargo vessels may be continued in use so long as they are maintained in good condition.

(4) In the specification regulations for embarkation-debarkation ladders, the provisions with respect to aluminum alloy spacer ears were removed.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authorities cited below, certain approvals of embarkation-debarkation ladders described below are terminated effective December 5, 1956, because these ladders do not comply with the revised Coast Guard requirements. Any of the ladders manufactured prior to December 5, 1956, may be continued in service so long as such equipment is in good and serviceable condition, except that wire rope suspension ladders (Approval Nos. 160.017/8/0, 160.017/9/0, and 160.017/12/0) may not be continued in service for pilots' use after January 1, 1957.

Termination of Approval No. 160.017/5/2, Type 241-B embarkation-debarkation ladder, chain suspension, aluminum ears, dwg. No. 241-B dated Feb. 21, 1950, revised Dec. 9, 1953, manufactured by Great Bend Manufacturing Corp., George Washington Bridge Plaza, Fort Lee, N. J.

Termination of Approval No. 160.017/8/0, Viking, Type B-3 embarkation-debarkation ladder, wire rope suspension, wood ears, dwg. No. 561-S1604-31, revised Nov. 14, 1949, manufactured by Viking Marine Co., 2614 Western Ave., Seattle 1, Wash.

Termination of Approval No. 160.017/9/0, Master, Model 100, embarkation-debarkation ladder, wire rope suspension, steel ears, dwg. No. E-1003, dated July 16, 1952, manufactured by The Marine Ladder Manufacturing Co., P. O. Box 2192, San Francisco, Calif.

Termination of Approval No. 160.017/12/0, Model CTL-6/WR embarkation-debarkation ladder, wire rope suspension, steel ears, steel rungs, dwg. No. CTL-6/WR dated Jan. 28, 1952, manufactured by Great Bend Manufacturing Corp., George Washington Bridge Plaza, Fort Lee, N. J.

Termination of Approval No. 160.017/15/0, Type 10 PL-A embarkation-debarkation ladder, chain suspension, aluminum ears, dwg. dated Feb. 18, 1953, rev. 2, dated Sept. 23, 1954, manufactured by H. K. Metal Craft Mfg. Co., 3775-3789 10th Ave. at 203d St., New York 34, N. Y.

Termination of Approval No. 160.017/18/2, Fig. 017-A. C. embarkation-debarkation ladder, chain suspension, aluminum ears, dwg. No. 017-1, rev. G-2, dated Jan. 21, 1954, manufactured by Allain Marine Sales Co., 2122 Kentucky St., New Orleans, La.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.017)

Dated: November 16, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56-9850; Filed, Nov. 30, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

HANSEATISCHE REEDEREI EMIL OFFEN & CO. AND VAASAN LAIVA OY

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8178, between Hanseatische Reederei Emil Offen & Co., a German company, and Vaasan Laiva Oy, a Finnish company, is a new joint service agreement of the parties covering operation under the trade name "Hanseatic-Vaasa-Line," in the trade from Pacific Coast ports of the United States to Europe. This agreement, upon approval, will supersede and cancel present joint service Agreement No. 8062, between the same parties in the same trade.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the

rule, communications must be received

visions shall be complied with in addition

respect.

manufactured prior to December 5, 1956, St., New Orleans, La.

written statements with reference to the

agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 28, 1956.

By order of the Federal Martime Board.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 56-9871; Filed, Nov. 30, 1956; 8:50 a. m.]

MEMBER LINES OF FAR EAST CONFERENCE ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 17-20-2, between the member lines of the Far East Conference modifies membership agreement of Fern-Ville Far East Lines joint service with that conference (Agreement No. 17-20, as amended) to include Aktieselskabet Standard and Fearnley & Egers Befragtningsforretning in the joint service membership of the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 28, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 56-9872; Filed, Nov. 30, 1956; 8:51 a. m.]

[Docket No. M-72]

ISBRANDTSEN CO., INC., ET AL.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held before an Examiner pursuant to section 5 (e) of the Merchant Ship Sales Act of 1946, as amended (Public Law 591, 81st Congress) (50 U. S. C. App. 1738), on December 10, 1956, at 9:30 a. m., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the applications of Isbrandtsen Company, Inc., and others, to bareboat charter dry-cargo vessels owned by the Government for use in world-wide bulk commodity trade, principally for the carriage of coal to foreign ports, and also for the carriage of such cargoes as shall from time to time be available. All applications to charter vessels for such purpose which are received before the close of business on December 7, 1956 will be considered in this proceeding.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charters as may be granted and to protect privately owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present, and oral argument may be had before the Examiner at the conclusion of the receipt of evidence, in lieu of briefs. An initial decision will be issued. The time for filing exceptions thereto is hereby restricted to seven (7) days, and no replies to exceptions will be received.

Dated: November 29, 1956.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 56-9922; Filed, Nov. 30, 1956; 9:21 a. m.]

[Docket No. M-69 (Sub. No. 3)]

AMERICAN EXPORT LINES, INC., ET AL.

NOTICE OF FURTHER HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that this proceeding has been reopened, and that a further public hearing will be held pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong.) (50 U. S. C. App. 1738), on December 6, 1956, at 9:30 a. m., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of American Export Lines, Inc., and others, to bareboat charter vessels owned by the Government for the carriage of Government-sponsored bulk cargoes and other approved bulk cargoes. All applications to charter such vessels for such purpose which are received before the close of business on December 5, 1956, will be considered in this proceeding.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charters as may be granted and to protect privately owned vessels against competition from vessels chartered as a result of this proceeding.

All person having an interest in the application will be given an opportunity to be heard if present.

Dated: November 29, 1956.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 56-9923; Filed, Nov. 30, 1956; 9:21 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11722; FCC 56M-1082]

HUNTINGTON-MONTAUK BROADCASTING CO., INC. (WGSM)

ORDER SCHEDULING HEARING

In re application of Huntington-Montauk Broadcasting Company, Inc. (WGSM), Deer Park, Long Island, New York; Docket No. 11722, File No. BP-9436; for construction permit.

It is ordered, This 26th day of November 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which was directed by the Commission in its order entered November 20, 1956, the said hearing to commence January 25, 1957, in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-9863; Filed, Nov. 30, 1956; 8:49 a. m.]

[Docket No. 11723; FCC 56M-1084]

WINSLOW TURNER PORTER

ORDER SCHEDULING HEARING

In re application of Winslow Turner Porter, Bath, Maine; Docket No. 11723, File No. BP-9730; for construction permit.

It is ordered, This 26th day of November 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which was directed by the Commission in its order entered November 20, 1956, the said hearing to commence January 23, 1957, in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-9864; Filed, Nov. 30, 1956; 8:49 a. m.]

[Docket No. 11827; FCC 56M-1083]

PRAIRIE BROADCASTING CO. (WPRE)

ORDER CONTINUING HEARING

In re application of Prairie Broadcasting Company (WPRE), Prairie du Chien, Wisconsin; Docket No. 11827, File No. BP-10155; for construction permit.

Pursuant to "Notice of Desire to Withdraw" filed on November 23, 1956, by counsel for protestant in the above-entitled proceeding, which now is awaiting Commission action: *It is ordered*, This 26th day of November 1956, that the hearing in this proceeding now scheduled for November 26, 1956, be, and the same is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-9865; Filed, Nov. 30, 1956; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11138]

TEXAS GAS TRANSMISSION CORP. AND SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 27, 1956.

Take notice that on September 25, 1956, Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation, having its principal place of business at 416 West Third Street, Owensboro, Kentucky, and Southern Natural Gas Company (Southern), a Delaware corporation, having its principal place of business at the Watts Building, Birmingham, Alabama, filed a joint application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity to each Applicant authorizing the construction, installation and operation of certain natural gas facilities, as hereinafter described, and the emergency exchange of gas, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

In order to enable Southern to deliver to Texas Gas, the following facilities are proposed: Southern will construct and operate a meter and regulator station and appurtenant facilities at the intersection of Texas Gas' 18-inch pipeline system and Southern's pipeline at a point near Perryville, Morehouse Parish, Louisiana.

Texas Gas will construct and operate at the same point a tie-in to Southern's meter station and a tap on its pipeline.

In order to enable Texas Gas to deliver to Southern, the following facilities, which are already in place, will be utilized, maintained and operated:

Texas Gas' meter and regulator station and appurtenant facilities located at the intersection of Texas Gas' 26-inch pipeline system and Southern's pipeline at a point in Morehouse parish, near Perryville, Louisiana.

Southern's tie-in to Texas Gas' meter station at the same point and a tap on its own line.

It is estimated that the facilities which Southern proposes to construct will cost approximately $6,700. Texas Gas' tie-in facilities will cost approximately $1,200. Both will be financed by the respective companies from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 17, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such joint application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9852; Filed, Nov. 30, 1956; 8:48 a. m.]

[Docket No. IT-5971, etc.]

DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES

NOVEMBER 27, 1956.

In the matter of United States Department of the Interior, Southwestern Power Administration; Docket Nos. IT-5971 — IT-6056 — E-6337 — E-6340 — E-6407.

Notice is hereby given that the United States Department of the Interior, on behalf of the Southwestern Power Administration, has filed with the Federal Power Commission for confirmation and approval for a period of five years, pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 881), the schedules of rates and charges for the sale of electric energy sold by Southwestern Power Administration, which are as follows:

Rate Schedule F-1; wholesale firm power service. This schedule of rates for wholesale firm power service is available in the area served by Southwestern Power Administration (Government), and applicable to wholesale power customers who, by contract, purchase firm power service.

Amount of energy with firm power service. Energy associated with firm power service will be made available in such amounts as the customer may require, except that when such customer utilizes an auxiliary source of power supply in conjunction with service purchased from the Government, the Government may limit the amount of energy furnished so that the total obligation of the Government to provide service during each billing period is proportionate to the contract demand as related to the customer's system annual maximum power requirement, and such obligation of the Government shall generally parallel the normal load factor and load patterns of such customer's system load. The procedures for metering and determining the amount of power and energy delivered shall be established in a written operating agreement.

Character and condition of service. Alternating current, approximately sixty cycles per second, single or three phase. Power and energy will be delivered at such point or points of delivery and at such voltage or voltages as are specified by contract.

Monthly rates.

Demand charge: $1.60 per kilowatt of billing demand.

Energy charge: $0.002 per kilowatt-hour for the first 150 kilowatt-hours per kilowatt of billing demand. $0.003 per kilowatt-hour for the next 290 kilowatt-hours per kilowatt of billing demand. $0.005 per kilowatt-hour for energy in excess of the first 440 kilowatt-hours per kilowatt of billing demand.

Adjustments for conditions of service. (a) A discount of $0.10 per kilowatt of billing demand per month will be allowed on the total monthly charge for firm power service if delivery of power and energy is made from the 69 kv, 138 kv, or 161 kv transmission facilities owned or leased by the Government, and if transformation and sub-station facilities are required at the point of delivery and are furnished by the power customer at no cost to the Government.

(b) A discount of $0.40 per kilowatt of billing demand per month will be allowed on the total monthly charge for firm power service if delivery of power and energy is made from, and at the voltage of, the 138 kv or the 161 kv transmission facilities owned or leased by the Government, or at low or intermediate voltages from sub-stations directly connected to such transmission facilities, and if the Government is thereby relieved of additional transmission costs.

Minimum bill. $1.60 per month per kilwatt of contract demand less applicable discounts for conditions of service.

Contract demand. The contract demand will be the maximum rate in kilowatts which the Government is, by contract, obligated to deliver energy to the customer.

Billing demand. The billing demand for any month will be, as specified by contract, either (i) the contract demand of the highest thirty-minute integrated demand recorded during such month, whichever is the greater, or (ii) the contract demand or the highest scheduled demand during such month, whichever is the greater.

be available. All applications to charter vessels for such purpose which are re-

ditions that may be necessary or appropriate to protect the public interest in

In re application of Prairie Broadcasting Company (WPRE), Prairie du Chien,

approximately $6,700. Texas Gas' tie-in facilities will cost approximately $1,200.

tomers who, by contract, purchase firm power service.

uled demand during such month, whichever is the greater.

Adjustment for billing demand—For reduction in demand. In the event of one or more reductions in customer's demand during any billing period, each of which continues for two hours or more, due to the inability of the Government to supply the contract demand, the billing demand for such period shall be reduced for each such reduction in demand by an amount equal to the reduction in demand (in kilowatts) times the ratio that the number of hours of each such reduction bears to the total number of hours in such billing period.

For power factor. None. The customer normally will be required to maintain a power factor at the point of delivery of not less than ninety percent (90%) lagging.

Rate Schedule P–1; wholesale peaking power service. This schedule of rates for wholesale peaking power service is available in the area served by Southwestern Power Administration and applicable to wholesale power customers who, by contract, purchase peaking power service.

Amount of energy with peaking power service. Energy associated with peaking power service will be made available in the amount of 1,800 kilowatt-hours per kilowatt of contract demand during each fiscal year which shall be the twelve-month period beginning on July 1 of each year, except that such additional amount of energy as the Government determines is available, but not to exceed a total of 2,400 kilowatt-hours per kilowatt of contract demand per fiscal year, will be made available, to customers which can demonstrate a need for such additional energy.

Character and condition of service. Peaking power service will be delivered as three-phase alternating current, at approximately sixty cycles per second, at such point or points of delivery and at such voltages as are specified by contract.

Monthly rates.

Demand charge: $1.60 per kilowatt of billing demand.

Energy charge: $0.002 per kilowatt-hour for the first 150 kilowatt-hours per kilowatt of billing demand. $0.003 per kilowatt-hour for the next 50 kilowatt-hours per kilowatt of billing demand.

Such energy charges shall be applied so that notwithstanding monthly variations in the delivery of energy permitted by contract, the energy charge shall be $0.002 per kilowatt-hour for the first 1,800 kilowatt-hours per kilowatt of contract demand per fiscal year, and $0.003 per kilowatt-hour for energy in excess of 1,800 kilowatt-hours per kilowatt of contract demand per fiscal year.

Discounts for conditions of service. (a) A discount of $0.10 per kilowatt of billing demand per month will be allowed on the total monthly charge for peaking power service if delivery of power and energy is made from the 69 kv, 138 kv, or 161 kv transmission facilities owned or leased by the Government, and if transmission and sub-station facilities are required at the point of delivery and are furnished by the power customer at no cost to the Government.

(b) A discount of $0.40 per kilowatt of billing demand per month will be allowed on the total monthly charge for peaking power service if delivery of power and energy is made from, and at the voltage of, the 138 kv or the 161 kv transmission facilities owned or leased by the Government, or at lower or intermediate voltages from sub-stations directly connected to such transmission facilities; and if the Government is thereby relieved of additional transmission costs.

Minimum bill. $1.60 per month per kilowatt of contract demand less applicable discounts for conditions of service.

Contract demand. The contract demand will be the maximum rate in kilowatts which the Government is, by contract, obligated to deliver energy to the customer.

Billing demand. The billing demand for any month will be, as specified by contract, either (i) the contract demand or the highest thirty-minute integrated demand recorded during such month, whichever is the greater, or (ii) the contract demand or the highest scheduled demand during such month, whichever is the greater.

Adjustment for billing demand—For reduction in demand. In the event of one or more reductions in customer's demand during any billing period, each of which continues for two hours or more, due to the inability of the Government to supply the contract demand, the billing demand for such period shall be reduced for each such reduction in demand by an amount equal to the reduction in demand (in kilowatts) times the ratio that the number of hours of each such reduction bears to the total number of hours in such billing period.

For power factor. None. The customer normally will be required to maintain a power factor at the point of delivery of not less than ninety percent (90%) lagging.

Rate Schedule "IC"; wholesale power service (interruptible capacity). This schedule of rates is available in the service area of Southwestern Power Administration, at such times and in such amounts as Southwestern in its sole judgment determines is available, and is applicable to wholesale power customers for (interruptible capacity) power service delivered under appropriate contracts.

Character and conditions of service. Alternating current, approximately sixty cycles, three phase, Interruptible Capacity will be delivered at such point or points of delivery and at such voltage or voltages as specified in appropriate contracts.

Demand charge. $0.045 per kilowatt per day.

Rate Schedule "EE"; wholesale power service (excess energy). This schedule of rates is available in the service area of Southwestern Power Administration, at such times and in such amounts as Southwestern in its sole judgment determines is available and applicable to wholesale power customers for (Excess Energy) power service delivered under appropriate contracts.

Character and conditions of service. Alternating current, approximately sixty cycles, three phase. Energy will be delivered at such point or points of delivery and at such voltage or voltages as specified in appropriate contracts.

Energy charge. $0.0015 per kilowatt-hour.

All of the above rate schedules are to become effective upon confirmation and approval by the Federal Power Commission.

It is requested that Rate Schedules "A-Revised", "P. S.", "E. C.", "S. E.", and "E. E.", submitted on December 29, 1954, Rate Schedule "P. S." submitted on March 11, 1955, and Rate Schedule "S. E.", submitted April 6, 1955, be withdrawn from consideration by the Commission in lieu of the Rate Schedules described above.

In addition, an extension is requested of the confirmation and approval by the Commission for an interim period not to exceed one year, of the rates and compensations contained in the following electric service agreements:

1. Agreement for the Sale and/or Exchange of Electric Power and Energy between the United States of America and the Texas Power & Light Company, dated April 4, 1947, designated as Contract ISPA–177.

Rates and compensations contained in this Agreement were originally confirmed and approved by the Commission on July 7, 1947, Docket IT–6056.

2. Agreement for the Sale and Exchange of Electric Power and Energy between the United States of America and the Southwestern Gas and Electric Company, dated December 27, 1950, designated as Contract Kspa–396.

Rates and compensations contained in this Agreement were originally confirmed and approved by the Commission on February 14, 1951, Docket E–6304.

3. Agreement for the Sale and Exchange of Electric Power and Energy between the United States of America, Public Service Company of Oklahoma, Oklahoma Gas and Electric Company, dated July 10, 1950, designated as Contract Ispa–356.

Rates and compensations contained in this Agreement were originally confirmed and approved by the Commission on February 7, 1951, Docket E–6337.

It is requested and recommended that the Commission (1) confirm and approve for the periods specified the rates and compensations contained in the listed Rate Schedules and electric service agreements, including the applicability of Rate Schedule "P–1" to further peaking power service to the Arkansas Power and Light Company in lieu of the rates specified in the contract of January 29, 1952, and (2) determine that the rates specified in the Arkansas Power and Light Company-Reynolds Metals Company contract are no longer effective and applicable.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing, should submit the same in writing on or before December 17, 1956, to the Federal Power Commission, Washington 25, D. C. The proposed rates in their entirety are on file with the Commission and available for inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9853; Filed, Nov. 30, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3230]

GOODALL-SANFORD, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 26, 1956.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The issuer, by letter dated October 4, 1956, notified the applicant Exchange that there were less than 250 holders of the common stock. Burlington Industries, Inc. was stated to hold 595,047 of the 605,718 outstanding shares, 5 shares were held by directors, 13 shares were Treasury stock, and the remaining 10,653 shares were held by only 241 stockholders. Dealings on the applicant Exchange were suspended before the opening of the trading session November 5, 1956.

Upon receipt of a request, on or before December 12, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–9840; Filed, Nov. 30, 1956; 8:46 a. m.]

[File No. 7–1834]

BESTWALL GYPSUM CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 26, 1956.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Bestwall Gypsum Company, Common Stock, File No. 7–1834.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 11, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–9839; Filed, Nov. 30, 1956; 8:46 a. m.]

[File No. 24NY–3832]

LORING PHARMACAL CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 27, 1956.

I. Loring Pharmacal Company, Inc., a New York Corporation of 220 Fifth Avenue and 747 Madison Avenue, New York City, N. Y., filed with the Commission on October 25, 1954, a Notification on Form 1–A and an offering circular, and subsequently filed amendments thereto, relating to a proposed offering of 150,000 shares of its 10 cents par value Common Stock at $2.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file Form 2–A reports of sales of securities as required by Rule 224 of Regulation A, and has ignored requests made for the filing of such reports.

III. *It is ordered,* Therefore, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–9841; Filed, Nov. 30, 1956; 8:46 a. m.]

[File No. 24SF–1984]

OKONA URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 27, 1956.

I. Okona Uranium Corp., a Nevada corporation, 710 South Fourth Street, Las Vegas, Nevada, and P. O. Box 1241, Globe, Arizona, filed with the Commission on October 25, 1954, a Notification and Offering Circular relating to a proposed offering of 300,000 shares of its $1.00 par value Common Stock at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder. Sequoyah Securities Company, 1029 North Walker Street, Oklahoma City, Oklahoma, was named as underwriter for this offering.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file any 2–A reports of sales as required by Rule 224 under Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–9842; Filed, Nov. 30, 1956; 8:46 a. m.]

[File No. 24 NY–3848]

BERNARD ROSEN AND JULIAN BERCOVICI

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 27, 1956.

In the matter of Bernard Rosen and Julian Bercovici as "One More Chance Company", File No. 24 NY–3848.

Bernard Rosen and Julian Bercovici as general partners in a proposed limited partnership to be formed under New York law and called "One More Chance Company", to produce a theatrical venture with principal offices to be located in New York, N. Y., having filed with the Commission on November 12, 1954, a Notification on Form 1–A and offering circular, relating to a proposed offering of preformation limited partnership interests agreements not to exceed $175,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

The Commission having been advised that the terms and conditions of said Regulation A have not been complied with in that the issuers have failed to file Form 2–A reports of sales, as required by Rule 224 of Regulation A, and have ignored requests by the Commission's staff for such reports;

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–9843; Filed, Nov. 30, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES, 1956

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 26th day of November A. D. 1956.

It appearing that in this proceeding, on November 7, 1956, the Commission entered an order setting for hearing at Kansas City, Mo., beginning on November 26, 1956, a motion filed by certain railroads for an interim 7 percent increase in freight rates, with certain exceptions, from, to, via, and within eastern and western territories;

And it further appearing that in this proceeding the Commission entered an order on November 15, 1956, as amended on November 23, 1956, setting for hearing at Washington, D. C., beginning on January 7, 1957, a petition of certain railroads operating in the southern region for authority to increase their freight rates and charges from, to, via, and between all points on their lines in the amount of 7 percent, with certain exceptions;

Upon consideration of requests for clarification as to whether the evidence adduced at the hearing in Kansas City beginning on November 26, 1956, shall constitute a part of the record in connection with the petition of the Southern Railroads set for hearing on January 7, 1957; and good cause appearing therefor:

It is ordered, That the first ordering paragraph of the Commission's order of November 15, 1956, be, and it is hereby, amended to read as follows:

"*It is ordered,* That the said petition be set for hearing at the office of the Commission in Washington, D. C., beginning at 10:00 o'clock a. m., United States standard time, on January 7, 1957, before Division 2. Evidence in support of said petition will be limited to the verified statements referred to in the preceding paragraph, except that evidence adduced at the hearing beginning on November 26, 1956, at Kansas City, Mo., on the motion of the eastern and western railroads for an emergency increase in freight rates shall constitute a part of the record on this petition. If cross-examination of a witness is desired at the hearing beginning on January 7, 1957, request therefor must reach such person or his attorney on or before December 31, 1956. The Commission should be notified promptly of such request for cross-examination."

And it is further ordered, That a copy of this order be served on all parties to this proceeding, and that a notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–9795; Filed, Nov. 29, 1956; 8:47 a. m.]

[Ex Parte 207]

WESTERN TERRITORY

INCREASED FARES, 1956

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 26th day of November A. D. 1956.

It appearing that on November 21, 1956, a petition was filed by agents and attorneys for and on behalf of certain western railroads described in the petition for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish tariffs containing a general increase of five percent in passenger fares and charges within western territory as set forth in the petition, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid tariffs;

It further appearing that on November 26, 1956, special permission order No. 70982 was issued to permit the filing of tariffs containing the proposed increase in fares and charges, which tariffs will be subject to protest, suspension, or rejection;

It further appearing that the petitioners will file simultaneously with the publication of the said tariffs verified statements in justification of said fares, and that a copy of said petition and verified statements will be furnished to any interested party upon request addressed to Mr. Roland J. Lehman, Room 1211, 80 East Jackson Blvd., Chicago 4, Ill.;

And it further appearing that the above petitioners request that the following outstanding orders be further amended to the extent necessary to permit the proposed fares and charges to be established: No. 11775, Arkansag Rates and Fares, 59 I. C. C. 471; No. 11761, Iowa Passenger Fares and Charges, 60 I. C. C. 55; No. 11762, Michigan Passenger Fares, 60 I. C. C. 245; No. 11776, Minnesota Fares and Charges, 59 I. C. C. 502; No. 11860, Montana Rates and Fares, 60 I. C. C. 61; No. 11829, Nebraska Rates, Fares, and Charges, 60 I. C. C. 305; No. 28846, Increases in Texas Rates, Fares, and Charges, 253 I. C. C. 723; No. 26550, Passenger Fares and Surcharges as amended in Ex Parte No. 202, Increased Fares, Eastern and Western Railroads, 1956, 298 I. C. C. 378; No. 12085, North Dakota Rates, Fares, and Charges, 61 I. C. C. 504, as amended.

Upon consideration of the above-described petition, and good cause appearing therefor:

It is ordered, That protests to the entry of an order further modifying the Commission's orders in Nos. 11775, 11761, 11762, 11776, 11860, 11829, 12085, 28846, 26550, and Ex Parte No. 202 may be filed with the Commission on or before December 28, 1956. Protest should specify the particular order objected to, and the reason therefor, and a copy should be furnished to Mr. Roland J. Lehman, Room 1211, 80 East Jackson Boulevard, Chicago 4, Ill.

It is further ordered, That a copy of this order be served upon the petitioning railroads, upon the parties in Ex Parte No. 202 and upon the Governor of each of the States of Arkansas, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota and Texas; and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–9796; Filed, Nov. 29, 1956; 8:47 a. m.]

[Special Permission 70982]

[Ex Parte 207]

CERTAIN RAIL CARRIERS

AUTHORIZATION TO DEPART FROM TARIFF-PUBLISHING RULES

At a General Session of the Interstate Commerce Commission held in its office in Washington, D. C., this 26th day of November 1956.

Upon consideration of a petition filed November 21, 1956, filed by H. B. Siddall, Alternate Agent, and A. H. Ritter, Agent, for and on behalf of certain rail carriers, which among other things requests authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish and file a general increase of five percent in passenger fares and charges, except that round-trip, first-class, station-to-station fares are to be increased from 166⅔ of the current one-way first-class fares to 180 percent of the proposed one-way first-class fares, for application generally within western territory and on the lines of the petitioning carriers outside that territory, as set forth in the petition, and for modification of all outstanding orders of the Commission to the extent necessary to permit the filing of the aforesaid increases in fares and charges;

For good cause shown: *It is ordered:*

1. Carriers for and on whose behalf the above-mentioned petition was filed, and their tariff-publishing agents, are hereby authorized to depart from the Commission's tariff-publishing rules when providing for increased fares and charges (exclusive of commutation fares) as set forth in the petition in the following manner:

(a) By publication and filing of a master tariff of increased fares and charges.

(b) By publication and filing of connecting link supplements to one or more tariffs connecting such tariff or tariffs with the master tariff of increased fares and charges.

(c) By publication and filing of tariffs or supplements of specific increased fares and charges.

(d) By publication and filing by carriers of individual or blanket supplements to their local tariffs containing conversion table.

2. Connecting link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted until further ordered. All other relief from the Commission's tariff-publishing rules authorized herein shall continue until further ordered.

3. (1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short form method shall bear notation reading substantially as follows:

The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 70982 of November 26, 1956.

(2) Other tariffs or supplements containing specific increased fares or charges shall bear notation reading:

This publication is issued under authority of Interstate Commerce Commission Permission No. 70982 of November 26, 1956.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased fares and charges, which tariffs will be subject to protest, suspension, or rejection.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–9797; Filed, Nov. 29, 1956; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 27, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32960: *Citrus fruit from Florida to the West and Southwest.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on citrus fruit, viz: grapefruit, oranges, tangerines, lemons, limes, and kumquats, carloads from points in southern territory to points in southwestern and western trunk-line terrritories.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 92 to Agent Spaninger's tariff I. C. C. 1211.

FSA No. 32961: *Liquefied petroleum gas from the Southwest to the South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from points in Kansas, Oklahoma, and Texas to points in southern territory.

Grounds for relief: Circuity and grouping.

Tariff: Supplement 95 to Agent Kratzmeir's tariff I. C. C. 4118.

FSA No. 32962: *Bituminous coal from Kentucky to Logansport, Ind.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous coal and coal briquettes, carloads from mines in western Kentucky to Logansport, Ind.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 37 to Illinois Central Railroad Tariff I. C. C. E–1850. Supplement 115 to Agent Spaninger's tariff I. C. C. No. 1224.

FSA No. 32963: *Fertilizer from the Southwest to the South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from points in southwestern territory to points in southern territory.

Grounds for relief: Circuitous route.

Tariff: Supplement 173 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 32964: *Dried fruits from Pacific Coast to New Orleans, La.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dried fruits, carloads from Pacific Coast points to New Orleans, La.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 45 to Agent Prueter's I. C. C. 1574.

FSA No. 32965: *Beans, peas, and lentils—Pacific Coast to Memphis, and New Orleans.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dried beans, peas, and lentils, carloads from South Pacific Coast points to Memphis, Tenn., and New Orleans, La.

Grounds for relief: Circuitous routes and grouping.

Tariff: Supplement 45 to Agent Prueter's I. C. C. 1574.

FSA No. 32967: *Glycerine from Texas to Official Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on glycerine, other than crude, carloads from Dallas, Houston, and Velasco, Texas to points in New Jersey, New York, and West Virginia.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 270 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32968: *Rubber from Baton Rouge and North Baton Rouge, La., to Official Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber, artificial, synthetic or neoprene, crude, carloads from Baton Rouge and North Baton Rouge, La., to Maspeth, N. Y., Lebanon, Pa., and Brookville, Ind.

Grounds for relief: Short-line distance formula and circuity.

FSA No. 32969: *Rubber from Baton Rouge and North Baton Rouge, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber, artificial, synthetic or neoprene, crude, carloads from Baton Rouge and North Baton Rouge, La., to Long Beach, N. J.

Grounds for relief: Short-line distance formula and circuity.

FSA No. 32970: *Sodium phosphates from eastern points to West Point, Miss.* Filed by The St. Louis-San Francisco Railway Company for itself and interested rail carriers. Rates on di-sodium phosphate, tri-sodium phosphate, or phosphate of sodium (soda), carloads from Camden and Newark, N. J., Chester, Marcus Hook, and Morrisville, Pa., and North Claymont, Del., to West Point, Miss.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32971: *Scrap paper between the South and Illinois Territory.* Filed by The St. Louis-San Francisco Railway Company, for itself and interested rail

carriers. Rates on paper, scrap or waste, carloads between points in southern territory, on the one hand, and points in Illinois Freight Association territory and Ohio River Crossings, on the other.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32972: *Soybeans from Choat and Mermet, Ill., to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soybeans, carloads from Choat and Mermet, Ill., to Baton Rouge and New Orleans, La.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32973: *Aluminum from Chalmette and New Orleans, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum ingots and pigs, carloads from Chalmette and New Orleans, La., to Chicago, Ill., and points grouped therewith.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32974: *Liquefied petroleum gas from Kentucky and West Virginia to Rocky Mount, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied petroleum gas, carloads from Catlettsburg, Ky., Hubball and Kermit, W. Va., to Rocky Mount, N. C.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 1 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 32975: *Liquefied petroleum gas from Kentucky and West Virginia to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied petroleum gas, carloads from Catlettsburg, Ky., Hubball and Kermit, W. Va., to Cherry Point and Havelock, N. C.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 1 to Agent C. A. Spaninger's I. C. C. 1561.

FSA No. 32976: *Benzol from Alabama to Louisiana.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on benzol (benzene), tank-car loads from Birmingham, Fairfield, North Birmingham, Pratt City, Tarrant, Thomas, and Woodward, Ala., to Baton Rouge and North Baton Rouge, La.

Grounds for relief: Market competition.

Tariff: Supplement 1 to Agent C. A. Spaninger's I. C. C. 1561.

FSA No. 32977: *Petroleum from Pensacola, Fla., to Opelika, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on petroleum and petroleum products tank-car loads from Pensacola, Fla., to Opelika, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 1 to Agent C. A. Spaninger's I. C. C. 1561.

FSA No. 32978: *Petroleum products from Duncan, Ala., to Cedartown, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on Petroleum products, carloads, from Duncan, Ala., to Cedartown, Ga.

Grounds for relief: Circuitous route.

Tariff: Supplement 1 to Agent C. A. Spaninger's I. C. C. 1561.

FSA No. 32979: *Petroleum from Jacksonville, Fla., to Douglas, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on petroleum and petroleum products, tank-car loads from Jacksonville, Fla., and points grouped therewith to Douglas, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 1 to Agent C. A. Spaninger's tariff I. C. C. 1561.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32966: *Petroleum products from Superior, Wis., to Minnesota.* Filed by The Duluth, Missabe and Iron Range Railway Company, for itself and interested rail carriers. Rates on gasoline and refined oils, tank-car loads from Superior, Wis., to points in Minnesota.

Grounds for relief: Motor truck competition.

Tariff: Duluth, Missabe and Iron Range Railway Tariff I. C. C. No. A-140.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9801; Filed, Nov. 29, 1956; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 28, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32980: *Alcohol from Louisville, Ky., to Philadelphia, Pa.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on alcohol, in bond, and ethyl alcohol, partially denatured, carloads from Louisville, Ky., to Philadelphia, Pa.

Grounds for relief: Water competition.

Tariff: Supplement 208 to Agent H. R. Hinsch's I. C. C. 4542.

FSA No. 32981: *Grain and grain products to Gulf Ports.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, seeds, and related articles, carloads from points in western trunk-line, Illinois Freight Association, and southwestern territories.

Grounds for relief: Rail carrier competition, circuity, grouping, and port equalization.

FSA No. 32982: *Vegetables from Florida to the Southwest.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on vegetables, carloads from points in Florida to points in southwestern territory.

Grounds for relief: Short-line distance formula, circuity, grouping, and motor truck competition.

Tariff: Supplement 71 to Agent C. A. Spaninger's I. C. C. 1402.

FSA No. 32983: *Plaster from Indiana to Arkansas and Missouri.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on gypsum plaster and related articles, and gypsum wallboard, carloads from East Shoals and Willow Valley, Ind., to points in Arkansas and southern Missouri.

Grounds for relief: Rail carrier competition, circuity, and market competition.

Tariff: Supplement 27 to Agent Kratzmeir's I. C. C. 4149.

FSA No. 32984: *Fullers earth from Florida and Georgia to Boyne City, Mich.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, viz: Fullers earth, carloads from Jamieson, Magnet Cove, Quincy, Fla., Attapulgus, Faceville, Quality, and Rodenbery, Ga., to Boyne City, Mich.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 50 to Agent C. A. Spaninger's I. C. C. 1491.

FSA No. 32985: *Fullers earth from Florida and Georgia to Montague, Mich.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, viz: Fullers earth, carloads, from Jamieson, Magnet Cove, Quincy, Fla., Attapulgus, Faceville, Quality, and Rodenbery, Ga., to Montague, Mich.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 50 to Agent C. A. Spaninger's I. C. C. 1491.

FSA No. 32986: *Newsprint paper from Mobile, Ala., to Columbus, Miss.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads from Mobile, Ala., to Columbus, Miss.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 59 to Agent C. A. Spaninger's I. C. C. 1466.

FSA No. 32987: *Newsprint paper from Mobile, Ala., to Florida.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on Newsprint paper, carloads from Mobile, Ala., to Miami, St. Petersburg, and Tampa, Fla.

Grounds for relief: Rail carrier competition, circuity, and market competition.

Tariff: Supplement 59 to Agent Spaninger's I. C. C. 1466.

FSA No. 32988: *Scrap iron in official territory.* Filed by The Pennsylvania Railroad Company, for itself and interested rail carriers. Rates on scrap iron, carloads between points in official territory.

Grounds for relief: Circuitous routes.

Tariff: The Pennsylvania Railroad Company's tariffs I. C. C. Nos. 3521 and 3524.

FSA No. 32989: *Starch from St. Louis-East St. Louis to the South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on starch or dextrine, carloads from St. Louis, Mo., and East St. Louis, Ill., to points in Florida, Georgia, and South Carolina.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 32990: *Rates from, to, and by way of Perkins, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on all commodities, carload or less-than-carload between Perkins, Ark., on the one hand, and interstate points, on the other; also between interstate points over routes by way of Perkins, Ark.

Grounds for relief: Rail carrier competition, circuity, grouping, and opening of a new route and new station.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9844; Filed, Nov. 30, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRANZ ERNSTBRUNNER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Franz Ernstbrunner, $95.40 in the Treasury of the United States.

Maria Ernstbrunner (Miss), $95.40 in the Treasury of the United States.

Josef Ernstbrunner, $95.40 in the Treasury of the United States.

Walburga Ernstbrunner, Bruderndorf, Austria, $95.40 in the Treasury of the United States.

Alois Ernstbrunner, Rieggers, Austria, $95.40 in the Treasury of the United States.

Karl Weber, $79.50 in the Treasury of the United States.

Franz Weber, $79.50 in the Treasury of the United States.

Aloisia Faltin, Nondorf, Austria, $79.50 in the Treasury of the United States.

Walburga Weber, Bruderndorf, Austria, $79.50 in the Treasury of the United States.

Maria Katzenbeisser, Hoermanns, Austria, $79.50 in the Treasury of the United States.

Rembert Steinbrunner, $26.50 in the Treasury of the United States.

Paula Moerzinger, $26.50 in the Treasury of the United States.

Franz Faltin, Nondorf, Austria, $26.50 in the Treasury of the United States.

Maria Minixhofer, $89.44 in the Treasury of the United States.

Maria Ernstbrunner (Mrs.), Rieggers, Austria, $387.55 in the Treasury of the United States.

Claim No. 63240, Vesting Order No. 4258.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9854; Filed, Nov. 30, 1956; 8:48 a. m.]

ANNA BECCADILLI DI BOLOGNA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Beccadilli di Bologna, Princess Castelcicala, Palermo, Italy, Claim No. 42540, Alexander A. Kingsland, Rome, Italy, Claim No. 42954, $6,075.15 in the Treasury of the United States, ⅓d thereof to Anna Beccadilli di Bologna, Princess Castelcicala, and the remaining ⅔ds to Alexander A. Kingsland. Vesting Order No. 1090.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9855; Filed, Nov. 30, 1956; 8:48 a. m.]

JEAN BAPTISTE PAUL VAU

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Baptiste Paul Vau, Saint-Ouen (Seine), France, Claim No. 41462, Vesting Order No. 666, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to U. S. Letters Patent Nos. 2,196,346 and 2,207,041.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9856; Filed, Nov. 30, 1956; 8:48 a. m.]

CHIZUKO AND SEIJI AKATA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Chizuko Akata, Tokyo, Japan, Claim Number 27463, Vesting Orders Nos. 1501 and 9271, $20.78 in the Treasury of the United States.

Seiji Akata, A. P. O. 500, San Francisco, California, Claim Number 27464, Vesting Orders Nos. 1501 and 9271, $16.22 in the Treasury of the United States.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9857; Filed, Nov. 30, 1956; 8:48 a. m.]

PARFUMERIE ROGER & GALLET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Parfumerie Roger & Gallet, Paris, France, Claim No. 43882, Vesting Order No. 255, property described in Vesting Order Number 255 (7 Fed. Reg. 8908, November 3, 1942), relating to United States Trademark Registration No. 161,581.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9858; Filed, Nov. 30, 1956; 8:48 a. m.]

MRS. P. VAN BEVEREN-VAN BEEK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. P. van Beveren-van Beek, Thorbeckelaan 681, s'Gravenhage, The Netherlands, Claim No. 61426, Vesting Order No. 17947, $262.82 in the Treasury of the United States.

Executed at Washington, D. C., on November 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-9859; Filed, Nov. 30, 1956; 8:48 a. m.]

NATIONAL ARC

FSA No. 32919: *Petroleum from Jacksonville, Fla., to Douglas, Ga.* Filed by carloads from East Shoals and Willow State points over routes by way of Perkins, Ark.

[Vesting Order SA-151]

DEUTSCH'SCHE STEINBRUCHER MALZFABRIK, A. G.

In re: Debt owing to Deutsch'sche Steinbrucher Malzfabrik, A. G.; F-34-84, F-28-3366.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Chemical Corn Exchange Bank, 165 Broadway, New York 15, New York, arising out of an account entitled, "Ungarische Filiale Der Creditanstalt-Bankverein, Budapest, Hungary, Blocked Custodian Cash Account, No. C-80095," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Deutsch'sche Steinbrucher Malzfabrik, A. G., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on November 27, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-9860; Filed, Nov. 30, 1956; 8:48 a. m.]

FEDERAL REGISTER
VOLUME 21 NUMBER 234
Washington, Tuesday, December 4, 1956

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
UNIVERSITY OF MICHIGAN
DEC 6 1956
MAIN READING ROOM

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of Title 24, Code of Federal Regulations, is amended as follows:

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

Section 221.19 is amended to read as follows:

§ 221.19 *Interest rate.* The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 5 percent. Interest shall be payable in monthly installments of the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

Section 232.7 is amended to read as follows:

§ 232.7 *Interest rate.* The mortgage shall bear interest, not exceeding 4½ percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

Section 241.10 is amended to read as follows:

§ 241.10 *Interest rate.* The mortgage shall bear interest, not exceeding 4½ percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715e)

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

Section 243.11 is amended to read as follows:

§ 243.11 *Interest rate.* The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor but in no case shall such interest be in excess of 5 percent per annum computed on unpaid balances.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715e)

Issued at Washington, D. C., December 3, 1956.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-9946; Filed, Dec. 3, 1956; 10:32 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 507—AIRWORTHINESS DIRECTIVES

Section 1.24 of the Civil Air Regulations provides, "Where the Administrator finds, as a result of service experience, that an unsafe condition exists with respect to a design feature, part, or characteristic of any product, and that such a condition is likely to exist or develop in other products of the same type, he shall provide notice thereof for all operators of products of that type." Implementation of the provisions of this section will be accomplished by the Administrator through the issuance of Airworthiness Directives, and publication thereof in the FEDERAL REGISTER as Part 507 of the regulations of the Administrator.

(Continued on p. 9449)

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FEDERAL REGISTER

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Airworthiness Directives issued prior to June 17, 1950, were published in Appendix A to Part 1 of the Civil Air Regulations (15 F. R. 3872–3926). This part supersedes Appendix A to Part 1, and includes all Airworthiness Directives issued subsequent to the issuance of such appendix, so that all Airworthiness Directives issued by the Administrator will be codified in one part for the convenient reference of the users thereof.

Since the substance of the Airworthiness Directives contained in this part have been published in Appendix A to Part 1, or by individual notice to operators of aircraft; and since compliance with the provisions of such directives cannot, in the interest of safety, be suspended to permit normal rule-making procedures in accordance with section 4 of the Administrative Procedure Act, the following regulations are adopted to become effective on publication in the FEDERAL REGISTER.

Section 1.2–1 and Appendix A—Airworthiness Directives of Chapter I of this title, as published in 15 F. R. 3872–3926, June 17, 1950; amended 15 F. R. 8623–8627, December 6, 1950, are hereby rescinded and the following Part 507 is adopted to read as follows:

Subpart A—General

Sec.
- 507.1 Basis and purpose.
- 507.2 Definitions.
- 507.3 Criteria for determining compliance dates.

Subpart B—Airworthiness Directives

507.10 General.

AUTHORITY: §§ 507.1 to 507.3 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553.

SUBPART A—GENERAL

§ 507.1 *Basis and purpose*—(a) *Basis.* The basis of this part is § 1.24 of the Civil Air Regulations.

(b) *Purpose.* The purpose of this part is to provide notice to aircraft operators when, as a result of service experience, an unsafe condition is discovered in a product; and to prescribe the conditions and limitations, including inspections, under which the product may be operated.

§ 507.2 *Definitions.* Unless otherwise specified herein, all words and phrases defined in Part 1 of the Civil Air Regulations shall have the same meaning when used in this part.

§ 507.3 *Criteria for determining compliance dates.* The following criteria will be used by the Administrator in determining the compliance date a product must be modified to comply with the Airworthiness Directives in Subpart B of this part:

(a) When an unsafe condition is discovered in a product, which renders the aircraft unairworthy, the corrective action specified in the Airworthiness Directive must be taken immediately.

(b) When an unsafe condition is discovered in a product, which may at some future date render the aircraft unairworthy, a compliance date in the future will be prescribed in the Airworthiness Directive.

(1) In determining the compliance date under paragraph (b), the Administrator will take into account the nature and amount of work involved, the availability of parts, recommendations of the manufacturer and operators, and the effectiveness of operating restrictions which may mitigate the condition.

SUBPART B—AIRWORTHINESS DIRECTIVES

§ 507.10 *General.* The Airworthiness Directives listed in this subpart specify the products for which an unsafe condition has been found by the Administrator, and the conditions, limitations, or inspections, if any, under which the product may continue to be operated:

(a) *Summary of airworthiness directives.*

39–24–1 Douglas (Was Service Note 1 of AD–618–3 and Service Note 1 of AD–669–3)

A. *Inspection.*

1. *Attach angles.* Inspect wing attaching angles, part numbered 570602–20 and –21, for cracks between the attaching bolt holes. The inspection should be conducted with at least a four power magnifying glass at each periodic inspection not to exceed 450 hours flight time. A more detailed inspection should be made at the time of removal of the wings for the wing doubler inspection specified below. All paint should be removed from the angles at that time to permit examination with a high power magnifying glass.

2. *Wing doublers.* Inspect the wing attach angle doublers for cracks along the bent up flange portion at the wing attachment joint at the following intervals of wing doubler time:

(a) On aircraft having less than 8,000 hours doubler flight time; inspect at 8,000 hours, or less, and at intervals not to exceed 4,000 hours thereafter.

(b) On aircraft having more than 8,000 hours doubler flight time; where doublers have not been inspected during the last 4,000 hours, such doublers should be inspected immediately and intervals should not exceed 4,000 hours thereafter. Where doublers have been inspected during the last 4,000 hours, inspection should be made at the next 4,000-hour period and at intervals not to exceed 4,000 hours thereafter.

The wings should be completely removed to permit thorough cleaning of the doublers and inspection with a high power glass. Dy-Chek may be used in lieu of a high power glass in conducting the inspection.

3. *Center section line in outer wing joint.* Inspection and rework should be made in accordance with the procedures outlined in A. D. Note 52–22–3.

B. *Replacement required.* (Jig fixtures, Douglas Parts A652–5110506–1–1F2 and A652–5110506–1F2 or equivalent, must be used to accomplish the replacement of the following attach angles and doublers.)

1. *Defective angles.* In case defective angles are found, they must be replaced by angles extruded 99° or the heavier type angles as outlined in Douglas Service Bulletin No. 146, before allowing further operation. In case defective angles are found and they are identified as being angles extruded 99°, they must be replaced by the heavier type angles as outlined in Douglas Service Bulletin No. 146 before allowing further operation.

2. *Doublers.* In case cracked doublers are found at any of the specified inspections, they must be replaced. All lower surface outer panel wing attach angle doublers (Part Nos. 570602–206, –207, –208, and –209) must be replaced at or before 16,000 hours total doubler time. After October 15, 1944, no aircraft will be permitted to continue in operation having 16,000 hours total doubler time except as covered under Section C below. (Douglas Service Bulletin No. 220 dated March 11, 1944, contains information on acceptable methods of accomplishing this rework.) After replacement of the doubler as described in the paragraph above, it will be satisfactory to add the auxiliary gussets and shims, as shown on Douglas Drawing 570602, Change LLL.

3. *Refer to A. D. Note 52–22–3.*

C. *Outer wing heavy doubler installation.* When the numbers 570602–206 and –207 doublers have been replaced with 0.072 material instead of 0.064 material and the 570602–208 and –209 doublers have been replaced with 0.064 material instead of 0.051 material as recommended in Douglas Service Bulletin DC–3 No. 220, they need not be replaced at 16,000 hours provided the following are accomplished:

1. Complete inspection as required by A–2 above is conducted at 16,000 hours and no cracks are found.

2. Complete inspection as required by A above is conducted at intervals not to exceed 2,000 hours after the 16,000-hour inspection has been completed.

3. Canceled August 15, 1955.

41–47–1 Douglas (Was Service Note 3 of AD–618–3 and Service Note 3 of AD–699–3)

Each time a control surface is overhauled or repaired, the surface should be rebalanced. Douglas Service Bulletin No. 207 contains instructions on rebalancing.

43–7–1 Fairchild (Was Service Note 2 of AD–724–2)

At each periodic inspection, examine the wing center-section front and rear spars for wood deterioration and weakened glue joints due to moisture accumulation. Method of inspection and repair, if necessary, are covered in Fairchild Service Maintenance Bulletin 45–62–1 dated March 10, 1945, which has been reproduced for CAA personnel.

43–12–1 Douglas (Was Service Note 4 of AD–669–3)

At each periodic inspection, check the elevator hinge brackets and if cracks are present the brackets should be replaced. Due to the possibility of vibration causing fatigue failures, continuous operation of the airplanes in the range of engine speeds between 1,300 and 1,600 r. p. m. should be avoided. A minimum engine speed of 1,700 r. p. m. during cruising flight is recommended. (Douglas Service Letter dated January 15, 1943, covers this same subject.)

44–20–2 Boeing (Was Service Note 1 of AD–719–1 and Service Note 1 of AD–726–1)

Inspect by visual means all square aluminum alloy 24SRT tubing for cracks in the following locations: wing spars, front spar fuselage bulkhead, rear spar fuselage bulkhead, and fin and stabilizer attachment

bulkheads. These inspections shall be conducted at intervals specified and in the following manner:

A. *SA–307B.* In the inspection of 24SRT members in this model airplane, it is recommended that the visual inspection procedure outlined for Boeing Model 314 and A–314 under A. D. 45–4–1 be followed. If defects are located, they shall be reported to the CAA for evaluation. Past experience has shown that once cracking starts, it may progress at a rapid rate, thus requiring closer inspections and corrective action. It shall also be the operator's responsibility to keep a record of all cracks on this model airplane. This record shall be revised periodically to show the status of existing cracks and to record newly developed cracks. Copies of the original report and all revised pages should be submitted to the CAA for examination.

1. *Inspections of readily accessible areas.* These inspections shall be conducted at intervals not to exceed 150 hours of operation or 90 days, whichever occurs first. This inspection is intended to cover only those portions of 24SRT tubing that are accessible to visual inspection through available inspection panels, removal of gap strips and the openings in the nacelles.

2. *Detailed inspections.* These inspections will be conducted annually or at engine overhaul periods, whichever occurs first. This inspection is required of all 24SRT tubing visible through all available inspection panels, removal of gap strips, leading edges, wing tips, stress plates and fuel tanks. The use of at least a 10 power glass will be required. To more thoroughly cover the wing area, it will be necessary for a man to crawl outboard in the wings as far as possible.

B. *SA–307B–1.* At intervals not to exceed 850 hours of operation or 120 days, whichever occurs first. If defects are located, they shall be repaired in a manner satisfactory to the CAA.

C. *S–307.* At intervals not to exceed 700 hours of operation or 120 days, whichever occurs first. If defects are located, they shall be repaired in a manner satisfactory to the CAA.

44–52–1 BOEING (Was Service Note 1 of AD–558–1 and Service Note 1 of AD–524–1)

Inspect immediately and every 250 hours thereafter the outer wing panel 17SRT aluminum alloy spar chord members for cracks. Unless special openings are installed, the outer panels may have to be removed to permit thorough inspection. If cracks are found, the members should be repaired or replaced in a manner satisfactory to the CAA. If replacement 24ST tubing is installed no further inspection will be necessary. Boeing Service Bulletin No. 1 of D–6134 describes a satisfactory method of installation of inspection openings in the lower surface of the outer wing. Boeing S. B. No. 2 of D–6134 covers replacement of 17SRT spar chords with 24ST spar chords.

45–4–1 BOEING (Was Service Note 1 of AD–704–1)

The 24SRT aluminum alloy tubular members must be inspected for stress-corrosion and fatigue cracks by visual and X-ray methods in accordance with the instructions listed below:

Stress corrosion cracks. Inspection periods and locations. (a) Inspection required every 250 hours of operation or 60 days, whichever occurs first. Inspect the visible portion of all readily accessible aluminum alloy 24SRT members for cracks.

(b) Inspection required every 750 hours of operation or 120 days, whichever occurs first. Inspect the visible faces of all aluminum alloy 24SRT tubing structure for cracks. In addition, inspect by X-ray the inaccessible face of the spar chord members from Station 6 to Station 13 which is hidden by the wing skin attached to the chord (i. e., chord face areas hidden by gusset plates used to attach web members are excluded).

(c) Inspection required annually. Inspect by X-ray all inaccessible portions of 24SRT spar chord members for their entire length. This inspection period may coincide with the inspection periods in paragraph (b) above.

Inspection procedures. The required visual inspection for new or elongated cracks shall be done in a manner satisfactory to the Civil Aeronautics Administration. The following procedure is an acceptable method for making these visual inspections:

(a) Clean the surfaces of the members with a rag as necessary and closely examine the members (especially around gussets) with the naked eye. Direct a light on each member at varying angles so that no defects will be overlooked. Make certain to inspect all sides of each member using a mirror where necessary.

(b) Examine any suspicious indication with a magnifying glass (10 power or over preferred). A crack will appear to have jagged edges and considerable depth. A scratch will appear to have smooth edges and the bottom of the groove should be visible.

(c) If a new crack is found, the finish (if other than Roxalin Clear Primer) should be removed around the crack to facilitate inspection. Extreme care should be exercised while stripping areas immediately adjacent to gusset plates in order to prevent the stripping solvent from entering the inaccessible regions between the gussets and members. The crack should be further inspected for corrosion and its length measured to the nearest 1/16 inch. The two ends of a stress corrosion crack should be marked with a sharp indelible pencil, and Roxalin Clear Primer No. 3200 brushed over the stripped area.

(d) Inspect known cracks for elongation by noting the pencil lines placed at the previous ends of each crack the same as for new cracks (see (c) above).

The required X-ray inspections should be done with suitable equipment and by a company or personnel that have demonstrated to the Civil Aeronautics Administration that their procedure will adequately show the condition of the hidden faces of the chord members.

Identification and limits. Stress corrosion types of failures are denoted by longitudinal fissures in the members. These cracks may have a small transverse component. They vary in length and, as time elapses, may run together or continue from one rivet hole to another. If stress-corrosion cracks are within certain limits the airplane may be operated without reinforcing the affected member; however, if the magnitude, direction, or location of the crack is such as to violate any of the following provisions, the affected member shall be reinforced or replaced in a manner satisfactory to the Civil Aeronautics Administration.

(1) No crack should be allowed to exceed eight inches in length. Diagonal (or transverse) cracks should in no case extend transversely in the member for a distance greater than the largest rivet or bolt diameter in the nearest fitting.

(2) Cracks should not be allowed in joints, fittings, rivet holes, reduced sections, etc., unless it can be determined that the affected area is not critical or that adequate margins of safety exist to compensate for such cracks.

(3) If two or more parallel cracks exist in the same face, none should exceed six inches in length.

(4) If numerous small longitudinal cracks exist in one face of a member but are not joined by diagonal or transverse cracks, the length of the member so affected should not exceed twelve inches.

Fatigue cracks. Inspection periods and locations. Inspection required every 35 hours of operation. Inspect the visible portions of all the wing spar 24SRT diagonal tube members, between Stations 1 and 30 on the front spar and between Stations 5 and 23 on the rear spar, for fatigue cracks at intervals not to exceed 35 hours flight time.

Inspection procedures. Same as parts (a) and (b) of the inspection procedures for stress corrosion cracks.

Identification and limits. Fatigue types of failures are denoted by fine hairline transverse cracking in the members. These cracks generally emanate from rivet holes under gussets and progress transversely or diagonally around the periphery of the tube. They may also originate from a longitudinal crack, scratch or other stress-raising discontinuity. In case fatigue cracks of any length are found, the defective member should be reinforced before flight is continued and upon arrival at the home base, the member should be replaced. A proposed repair to take care of this contingency should be submitted to the Civil Aeronautics Administration for approval. It shall also be the operators' responsibility to keep a record of all the cracks on each airplane. This record shall be revised periodically to show the status of existing cracks and to record newly developed cracks. Copies of the original reports and all revised pages should be submitted to the Civil Aeronautics Administration for examination.

46–1–1 CESSNA (Was Service Note 1 of AD–722–5)

Improper flap chain operation, characterized by jumpy chain action, may lead to the chain jumping the idler and jamming. Improper operation is probably due to incorrect chain tension or excessively worn sprockets or both. The chain tension can be checked at the flap screw inspection opening by pressing the chains together at a point approximately 4 inches inboard of the flap screw sprocket. The distance between the chains should not be less than 1/4 nor more than 3/4 inches. The chain tension may be adjusted by means of the adjustable arm or the idler. The sprockets are considered excessively worn and should be replaced when the teeth are one-half the thickness of the sprocket web. In addition, the chain guard on the idler should be checked to make certain that it has not been bent or worn through. Inspect all chain links for cracks and replace any links that are found cracked. It is recommended that the chain be replaced every 1,000 hours. (Cessna Service Bulletin No. 100 dated July 13, 1945, covers this same subject.)

46–1–2 CESSNA (Was Service Note 2 of AD–722–5)

When airplane has been subjected to a hail storm, a careful inspection should be made for damage to plywood reinforcements under fabric covering, even when hail has not caused apparent damage. (Cessna Service Bulletin No. 101 dated July 19, 1945, also covers this subject.)

46–4–1 CULVER (Was Service Note 7 of AD–730–2)

Inspect immediately and after every 100 hours of operation, the landing gear throttle stop operation and mechanism for proper clearance. Install placard (Culver Dwg. 7132) "Never unlock landing gear with throttle retarded below cruising setting." (Culver Service Memorandum No. 22 dated October 26, 1945, covers this same subject.)

46–4–2 CULVER (Was Service Note 6 of AD–730–2) (Applies only to Model LCA having Stromberg Model NA–S3A1 carburetors installed)

When inspecting or replacing carburetor float needle or needle seat, a check should be made to assure that when a rubber tipped needle is used, a seat having rounded edges is installed. Sharp edged seats, when used with a rubber tipped needle, will cause sticking and cutting of the rubber tip. (This matter is also covered by Continental Service Bulletin No. M45–6 dated May 25, 1945, and Stromberg Aircraft Carburetor Service Bulletin No. 71.)

46–5–1 BOEING (Was Mandatory Note 4 of AD–558–1 and Mandatory Note 4 of AD–524–1)

Compliance required not later than next major overhaul.

Replace the elbow located between the engine fuel pump discharge port and the fuel discharge line with a steel elbow of the type AN822–10 or an equivalent steel elbow to suit the particular pump and discharge line installation. Also, ascertain that there is adequate clearance between the elbow and adjacent engine parts. (Boeing Service Bulletin No. 3 of D–6134 dated December 17, 1945, covers this same subject.)

46–6–1 RYAN (Was Service Note 5 of AD–749–1) (Applies only to serials 1001 to 2249, inclusive)

At each periodic inspection examine the front fin spar at its attachment to the fuselage for cracks. If no cracks are found and if spar has been reinforced at the critical section by means of a wood plug pressed into the end of the spar, no further action is mandatory. If cracks are found, the spar should be repaired by cutting the spar member approximately 3 1/4 inches above the lower bend and splicing on, by means of 3/16-inch bolts, a 1 1/8 by 0.058 inch x-4130 spar replacement section. (Ryan Service Bulletin No. 1044 covers the installation of the wood plug and Ryan drawing SK–1879 covers the splice repair.)

46–6–2 KINNER (Was Mandatory Note 8 of AD–749–1 and Special Note 11 of AM–231) (Applies only to airplanes with R–5 Series 2 engines with the following serial numbers: 371, 378, 379, 380, 383, 386, 398, 399, 400, 401, 404, 405, 406, 407, 409, 410, 411, 413, 414, 415)

Install master rod (Part No. 835) before exceeding 200 hours total operation with the early type rod. This replacement should preclude further master rod failures and involves the rebalancing of the crankshaft and rod assembly. (Kinner Service Bulletin No. E–1–8 dated July 24, 1942, covers this same subject.)

46–6–3 KINNER (Was Mandatory Note 5 of AD–707–2; 9 of AD–749–1; Special Note 12 of AM–231 and 4 of AD–336) (Applies only to airplanes having R–5 Series 2 (military R–540–2) engines, R–55 (R–540–1) engines or the following R–56 (R–540–3) engines: 12005 to 12319 inclusive, 12805 to 12846 inclusive, 12938 to 12948 inclusive, 12950 to 12952 inclusive, 12954 to 12961 inclusive, 12963 to 12973 inclusive, 12975 to 12976 inclusive, 13034 to 13037 inclusive, 13040 to 13056 inclusive)

Rework required immediately, if total engine time has already exceeded 500 hours, or if not, rework must be accomplished before exceeding 500 hours.

Grind the master rod knuckle pin holes to a fit of 0.0003 to 0.0008 inch (tight) with the knuckle pins. This will necessitate reboring the connecting rod bushings, replacement of the knuckle pins and wrist pin bushings. The letter "O" preceding the engine serial number will indicate that this rework has already been accomplished. (Kinner Service Bulletins No. KCE–3 and KCE–4 cover this same subject.)

46–6–4 CONSOLIDATED VULTEE (Was Service Note 3 of AD–2–571–2) (Applies only to airplanes equipped with a propeller spinner)

Inspect the propeller spinner attaching lugs after each 25 hours of operation for cracks or signs of impending failure. If cracks are found, the lugs should be reinforced or the spinner should be removed entirely.

46–6–5 STINSON (Was Service Note 1 of AD–556–1)

After each 100 hours of operation, make a visual inspection (using at least a four power magnifying glass) of the main spar lower fittings at the outer wing panel to inner wing panel connection for small fatigue cracks at the fish-mouth weld connecting the fittings to the chord tubes of the spar. These cracks are most likely to originate at the inboard corners of the fish-mouth weld on the outer panel fitting. If any cracks are found, repairs should be made before further operation of the aircraft. Proposed methods of repair should be submitted for engineering approval.

46–11–1 NORTH AMERICAN (Was Service Note 2 of AD–2–575–3) (Applies only to Army serial numbers below 41–34249 and Navy serial numbers below 0–43692)

Inspection required at each periodic inspection unless doubler angles are installed.

Inspect the inboard end of the landing gear retracting strut attachment support channel, Part No. 55–14102 or 86–14102–1 at the wing outer panel joint, for cracks. If cracks are found in any channel, it shall be reinforced as follows:

A. For cracks less than 2 inches long, install 0.062-inch–2 9/32-inch x 1-inch x 6 3/4-inch long SAE No. 4130 steel, cadmium-plated (or 0.091 inch–24ST alclad) doubler angles in the upper corners of the inboard ends of each cracked channel. Drill a 1/8-inch stop hole at the end of each crack. Attach the 2 9/32-inch leg by picking up the existing rivet pattern through the wing skin and the channel upper flange. The rivets through the wing attach angle should be replaced with AN3 bolts, or equivalent. Attach the 1-inch leg to the side of the channel using a row of seven AN442–AD4 rivets or equivalent, at approximately 1 1/8-inch spacing.

B. For cracks over 2 inches long, install 0.062–2 9/32-inch x 1 3/8-inch x 6 3/4-inch long SAE No. 4130 steel, cadmium-plated, doubler angles in the upper corners of the inboard ends of each channel containing a crack over 2 inches long. Drill a 1/8-inch stop hole at the end of each crack. Attach 2 9/32-inch leg as described in Paragraph A. Attach 1 3/8-inch leg to the side of the channel using two rows of seven AN442–AD4 rivets, or equivalent, at approximately 1 1/4-inch spacing.

C. For cases where no cracks are found, install the same doubler angles as required in Paragraph A, except that they need not exceed 4 inches in length, or inspect at each periodic inspection.

In order to permit installation of rivets with the wing outer panel installed on the airplane, approved type blind 5/32-inch rivets may be used in the 1-inch or the 1 3/8-inch leg of the doubler angle.

(Supplement No. 1 to North American Service Bulletin dated March 6, 1946, covers this subject also.)

46–11–2 DOUGLAS (Was Mandatory Note 1 of AD–762–7)

To be accomplished not later than July 1, 1948.

The co-pilot oxygen regulator must be relocated from its position below the autopilot control handle to station 101 aft of the windshield defroster control plate and knob, in order to eliminate a fire hazard and contamination of the oxygen regulator in the event hydraulic fluid drips on the regulator from the autopilot control valve. (Douglas Service Bulletin No. C–54–247 dated November 16, 1945, covers this same subject.)

46–11–3 DOUGLAS (Was Mandatory Note 2 of AD–762–7.) (Applies only to all C54–DC (R5D) airplanes built at Santa Monica and to all C54A (R5D–1), C54B (R5D–2) and C54D–DC (R5D–3) airplanes built at Chicago up to and including C54D–DC AAF Serial No. 42–72698, and R5D–3 Navy Serial No. 56519. All subsequent airplanes have been reworked prior to delivery by the Douglas Company)

To be accomplished not later than next engine change.

Due to the possibility of the landing gear door stud shearing and preventing the landing gear from extending, the old thin stud, Douglas Dwg. No. 1167048 should be replaced with the new thick stud, Douglas Dwg. No. 1329227. In order to accomplish this change, the thin stud should be removed from each landing gear door sleeve assembly, part No. 4167071. The existing stud hole should be drilled to (0.4459, 0.4531) diameter and tapped 1/2–20 NF–3 to a depth of 1/2 inch. The new thick stud, Douglas part No. 1329227 should be installed and locked in place with an 0.063 inch drill rod pin 3/4 inch long pressed through the side of the sleeve assembly end, Dwg. No. 2167063. (Douglas Service Bulletin No. C–54–275 dated January 21, 1946, which is reproduced for Civil Aeronautics Administration personnel, covers this same subject.)

46–21–1 CESSNA (Was Mandatory Note 8 of AD–722–5) (Applies only to AT–17 and UC–78 Series airplanes)

Inspection required immediately.

On all AT–17 or UC–78 Series airplanes that have not been recovered with Grade A fabric at time of (or subsequent to) the original civil certification, inspect the fabric on wings and control surfaces to determine that the fabric complies with Grade A fabric standards and has a sample breaking strength of at least 56 lbs. The lacing cord should also be checked and should have a breaking strength of at least 56 lbs. when tested double. This inspection will require the testing of one or more samples of fabric and cord, the location from which the samples are to be taken and the number necessary will be determined by the Civil Aeronautics Administration representative.

46–12–2 DOUGLAS (Was Service Note 12 of AD–669–3)

Inspection required immediately and every 100 hours thereafter on all aircraft which have beryllium copper engine mount to fire wall attach fittings installed.

Inspect the Engine Mount to Fire Wall Attach Fittings, P/N 5–81486–4 (with four-power magnifying glass min.) in the fillet of the spot face for cracks or flaws in the material. If evidence of defects are found, replace with P/N 1042764. If cracks are not found, inspect every 100 hours until next engine change. P/N 5–81486–4 should be replaced with P/N 1042764 at engine change. (Douglas Service Bulletin No. 238 covers this same subject.)

46–13–1 LOCKHEED (Was Service Note 2 of AD–723–2)

When replacing the landing gear actuating cylinder flexible hose, Part No. 55252–3, the length of ferrules should be compared. If longer ferrules are found on the new hoses, an elbow should be inserted between the hose and the cylinder aft port, to prevent possible damage to the hose by the landing gear scissors. (Lockheed Service Letter No. 18–28, dated June 15, 1945, revised December 10, 1945, covers this same subject.)

46–13–2 LOCKHEED (Was Mandatory Note 18 of AD–723–2) (Applies only to airplanes used in scheduled air carrier operation)

Compliance required not later than April 30, 1946.

In order to comply with CAR Special Regulation 333, the present fuel system plumbing equipment shall be replaced with a dual fuel system in accordance with Lockheed Service Bulletin No. 18/SB–113, dated August 17,

ditions and limitations, including inspections, under which the product may be operated.

Inspection and rework should be made in accordance with the procedures outlined in A. D. Note 52–22–3.

following locations: wing spars, front spar fuselage bulkhead, rear spar fuselage bulkhead, and fin and stabilizer attachment

In addition, inspect by X-ray the inaccessible face of the spar chord members from Sta-

length of the member so affected should not exceed twelve inches.

be made to assure that when a rubber tipped needle is used, a seat having rounded edges

1945, or any other dual fuel system approved by the Administrator.

46-13-3 LOCKHEED (Was Mandatory Note 6 of AD-723-2)

Compliance required before next 10 hours of operation.

The oil tanks should be examined to determine whether or not they are of the hopper type, and appropriate action in one of the following manners must be taken:

1. If a hopper type oil tank is installed and is to be retained in accordance with Aircraft Specification A-723-4 (for use with oil dilution), the following action must be taken (Applies only to serial numbers 2294 and up):

(a) Install a propeller feathering reserve oil tank (part No. 174399) forward of the firewall. (Lockheed Service Bulletin No. 18/SB-115 dated April 18, 1945, covers this same subject.)

(b) Rework the hopper assembly to provide better support at the sump by installing a new support assembly (part No. 174321). After every 100 hours remove plate and elbow on bottom of sump housing (part No. 114690) and inspect hopper with a light and mirror. (Lockheed Service Bulletin No. 18-99 dated September 29, 1943, covers this same subject.)

2. If the hopper type oil tank is to be removed, the following action must be taken (applies only to serial numbers 2294 and up, except serial numbers 2359, 2403, 2464, and 2465):

Remove the hopper type oil tank and propeller feathering lines and replace with a conventional type tank (part No. 73662), fitted with a standpipe to provide a reservoir of oil for propeller feathering, and install a separate feathering line from the oil tank to the feathering pump. (Lockheed Service Bulletin No. 18-100 dated March 3, 1944, covers this same subject.)

3. On airplanes which have conventional oil tanks other than part No. 73662, the standpipe at the outlet in each tank must be revised in one of the following manners, whichever is applicable. (Applies to all Series 18 airplanes, except Models 18-07 and 18-40, with serial numbers 2293 and below, 2359, 2403, 2464, and 2465.)

(a) If the tanks are equipped with the standard $3^{31}/_{32}$-inch long standpipes (part No. 164101), the standpipe in each tank should be removed and a new $4^{15}/_{16}$-inch standpipe (part No. 164101, Change "D") installed.

(b) If the tanks are equipped with oil stick gauge foam guards, the existing standpipe in each tank should be cut off near the bottom of the tank, the foam guard cut off approximately 5.38 inches from the bottom surface of the oil tank outlet connection boss, and a new standpipe assembly (part No. 173806) installed.

(Lockheed Service Bulletin No. 18-105 dated October 19, 1943, covers this same subject.)

46-13-4 DOUGLAS (Was Service Note 10 of AD-618-3 and Service Note 11 of AD-669-3) (Applies to all models except conversions from the C-47 series)

1. Inspect visually for cracks all landing gear rear brace strut fittings, P/N 230659, that have not been removed and magnetically inspected at last airplane overhaul. This inspection should be accomplished prior to next flight.

2. If crack is less than $1/8$ inch long it may be ground or filed out, being careful to remove all marks and scratches, without removing the fitting until the next overhaul. If cracks are found to be longer than $1/8$ inch, the fitting must be removed and repaired in accordance with paragraph 3 below.

3. Cracks in weld area can be repaired by grinding away all existing weld and rewelding. If cracks extend through spacer plate, the spacer plate may be cut back beyond the end of crack, all old weld removed, and a new section of spacer plate lap welded to the remaining portion of the spacer plate and then seam welded to the side plates. Cracks extending through the side plates for a maximum of $1/4$ inch may be repaired by grinding a "V" on the outside surface of the plate to a minimum of $1/16$ inch beyond the end of the crack and welding. The weld must be ground smooth.

4. If fitting is removed, rivets may be replaced with spacers and $3/16$-inch AN bolts having a ream fit through the bulkhead and fitting in order to facilitate installation.

5. In order to insure that parts in the airplane continue to remain satisfactory for service, the following inspection procedure should be followed:

a. Visually inspect landing gear rear brace strut fitting at periods not to exceed 1,000 hours.

b. Remove and magnetically inspect rear brace strut fitting at each major overhaul.

(The Inspection and Repair outlined above are covered by Douglas Service Bulletin No. 233, Section IV.)

The inspections outlined above will not be necessary when the landing gear rear brace strut fitting, P/N 230659, is replaced by the new fitting, P/N 4341810.

(Supplement to Douglas Service Bulletin No. 233, as revised October 24, 1946, covers this same subject.)

46-13-5 DOUGLAS (Was Mandatory Note 10 of AD-618-3 and Mandatory Note 12 of AD-669-3)

To be accomplished not later than April 1, 1947.

Replace all canvas control boot assemblies either with the new rubber control column boot assemblies of the same part number (No. 5035184-16 and -17), as called for on Douglas Service Bulletin No. 231, or with one of the following boot assemblies:

(a) Thompson Co. (H. I. Thompson Company, 1733 Cordova St., Los Angeles 7, California), No 11-21001, Change B, for Models DC3-C/C-47 and DC-3-D/C117A.

(b) Thompson Co. No. 11-21002, Change A, for Model DC-3.

(c) American Airlines Drawing No. CDS-6132.

Pending replacement, the canvas boots should be inspected prior to each flight to determine that the top of the boot is tight around the control assembly and the pocket around the base is eliminated.

46-14-1 FAIRCHILD (Was Mandatory Note 5 of AD-724-2)

Inspect indexing of fixed pitch wood propeller on engine crankshaft. To reduce possibility of crankshaft failure, fixed pitch wood propeller must be installed in the 90° position (blades at right angles to the crankthrow.)

46-14-2 FAIRCHILD (Was Mandatory Note 4 of AD-724-2)

Compliance required immediately.

The aluminum alloy cockpit heat control valve box and valve must be replaced with a valve and box made of ferrous metal at least .018 inch thick. If ordinary steel is used, it should be suitably protected against corrosion. In lieu of the foregoing it will be satisfactory to remove the valve box and to seal the opening in the firewall with an overlapping sheet of ferrous metal secured with the present bolts and nuts. (Fairchild Service Bulletin No. 45-62-10 dated July 9, 1945, covers this same subject.)

46-17-1 NORTH AMERICAN (Was Mandatory Note 5 of AD-2-575-3)

To be accomplished prior to original certification or at first periodic inspection thereafter.

Inspect the universal joint pins in the flap control push-pull tubes, part No. 19-152642, connecting the outer and inner flap for broken pins. Replace all broken pins with new pins and install a close fitting rubber hose over each universal joint to hold in place any pins which may break in the future. (North American Service Bulletin dated March 6, 1947, covers this subject also.)

46-21-1 FAIRCHILD (Was Mandatory Note 6 of AD-702-2; 2 of AD-706-1; 4 of AD-517-2; 5 of AD-535-2; 4 of AD-564-2; 5 of AD-633-2; 5 of AD-600-2; 4 of AD-667-2)

Compliance required at next periodic inspection.

To correct the freezing of the upper and lower universal joints on the landing gear oleo shock struts, install new universal joints, Fairchild parts Nos. 3330 and 3328. (Fairchild Service Bulletin 46-24-1-A, revised December 23, 1946, covers this same subject.)

46-23-1 ERCO (Was Mandatory Note 4 of AD-718-6) (Applies only to serial numbers 113 to 362, inclusive)

To be accomplished within next 50 hours of operation.

Trouble in service has indicated the necessity for replacing the original muffler on the serial numbers listed above with a new muffler, Erco part No. 145-40517. (Erco Service Department Memorandum No. 7 dated February 1, 1946, covers this same subject.)

46-23-2 ERCO (Was Mandatory Note 5 of AD-718-6) (Applies only to serial numbers 113 to 263, inclusive)

The flexible hose in the engine breather line should be inspected immediately. If the inner liner of this hose is an amber color, it is susceptible to contraction and possible clogging. Hose which shows evidence of clogging should be replaced at once by hose supplied by Erco or by equivalent hose such as AN-884 or AN-878. If hose has an amber lining but is still in satisfactory condition, it may be continued in service for a maximum of 25 hours, whereupon it must be replaced by satisfactory hose as described above. (Erco Service Department Memorandum No. 11 dated February 1, 1946, covers this same subject.)

46-23-3 ERCO (Was Mandatory Note 3 of AD-718-6) (Applies only to serial numbers 113 to 1306, inclusive)

To be accomplished immediately.

Due to the possibility of a defective fitting on the upper end of the control column shaft (Erco part No. 415-52129) in the aileron control system, the system should be tested to a load of 94 pounds, applied at the periphery of the control wheel. The ailerons should be blocked for the test. Each control wheel should be tested. The neutral position of the wheel should be noted before the test and if undue slack exists in the system it should be tightened. After the test, again note the neutral position and, if the position has changed more than about 5 degrees, the control column (part number above) should be replaced. If, after the test, the neutral position is within about 5 degrees of the original position, the ailerons should be freed and the system operated with the nose wheel on and off the ground. If the system operated freely and a visual inspection indicates that the system is in good condition, no change is necessary. An appropriate log book entry shall be made to indicate that the above has been complied with. (Erco Service Bulletin No. 7 covers this same subject.)

46-23-4 GLOBE (Was Mandatory Note 1 of AD-766-5) (Applies only to serial numbers 33 to 54, inclusive, plus 54, 56, 57, 58, 60, 61, and 64)

Due to an inadvertent error in the manufacture of these airplanes, the following reinforcement of the rivet seam attaching the upper skin of the outer wing panels to the main spar is to be accomplished as follows. In lieu of immediate accomplishment, the maximum weight may be reduced from 1,570

pounds to 1,490 pounds. This may require elimination of the baggage allowance. In any case, the reinforcement outlined below must be accomplished not later than September 1, 1946. After completion of the reinforcement, the placard may be removed and the weight increased to the maximum specified in the Aircraft Specification.

In the length of the seam from $1\frac{1}{2}$ inches to $4\frac{3}{4}$ inches outboard of the outer panel attachment bolt, the number of rivets should be increased to not less than five. Since the heads of the bolts through the end fitting of the spar cause interference at the originally intended spacing, the rivets may be spaced unequally, but the minimum spacing may not be less than $\frac{3}{8}$ inch. In the length of the seam from $4\frac{3}{4}$ inches to $11\frac{1}{2}$ inches outboard of the outer panel attachment bolt, sufficient rivets should be added to make the spacing approximately $\frac{3}{4}$ inch. The added rivets may be either Cherry CR163-4-10 or AN456-AD4. (Globe Customer Service Maintenance Bulletin No. 1 covers this same subject.)

46-23-5 NOORDUYN (Was Mandatory Note 1 of AD-2-578-1)

Required at next periodic inspection.

Inspect the trailing edge of the horizontal stabilizer to determine whether or not drain holes are present in the metal trailing edge cover. If the holes are not present, it will be necessary to remove enough fabric to permit inspection of the ribs. Defective or deteriorated wood must be replaced and drain holes approximately $1/8$ inch diameter spaced to drain all pockets must be drilled.

46-23-6 NOORDUYN (Was Mandatory Note 2 of AD-2-578-1) (Applies only to airplanes equipped with fuel-burning cabin heaters)

Required at next periodic inspection.

The Surface Combustion fuel-burning heater must be made inoperative by disconnecting and plugging the fuel line as near the engine as practicable unless the following modifications are accomplished:

(a) A fire resistant bulkhead must be installed between the heater and the belly fuel tank. A firewall having the fire resistant qualities specified in CAR 03.4700 will be acceptable.

(b) A fuel shut-off valve, controllable from the pilots' compartment must be installed in the fuel line between the engine and the heater.

(c) Shrouds must be installed on the heater exhaust and drain lines to isolate the lines from the airframe.

46-24-1 BOEING (Was Mandatory Note 4 of AD-743-3)

Compliance required at next periodic inspection.

The lower wings lack adequate drainage just forward of the ailerons with the result that water is entrapped by the dural angle forming the lower rear edge of the wing at the aileron gap. Since this will cause eventual deterioration of the rib ends a No. 30 hole should be drilled through the fabric and the dural angle just outboard of the rib at the inboard end of the aileron cutout and each of the twelve ribs outboard of this station. The holes should be drilled aft of the rear spar and just forward of the 120° bend in the dural angle. Care should be exercised to avoid damage to the rear spar while effecting this work. As a safety measure, a stop should be used on the drill to prevent penetration in excess of one-half inch.

46-24-2 DOUGLAS (Was Mandatory Note 3 of AD-762-7)

To be accomplished not later than next periodic inspection.

Revise the magneto wires forward of the firewall in accordance with Douglas Service Bulletin No. C-54-283 dated March 19, 1946. This is necessary to prevent burning of the magneto ground wire conduit which will cause the magneto to short out. (The reference service bulletin is reproduced for CAA personnel.)

46-27-1 DOUGLAS (Was Mandatory Note 5 of AD-762-7)

To be accomplished not later than November 1, 1946.

Inspect immediately the spar webs in the wing integral tank area to ascertain if reinforcements have been installed in accordance with Douglas Service Bulletin C-54-205 dated October 1, 1945. If not already installed, reinforcements must be added by November 1, 1946. Pending rework, airplanes which do not have reinforcements may be operated if daily inspection shows there is no leakage. Fuel should be carried in outer wing tanks as cracks may develop that might not be detected. (The reference bulletin is reproduced for CAA personnel.)

46-27-2 DOUGLAS (Was Mandatory Note 4 of AD-762-7)

Inspection to be accomplished immediately and at periods not to exceed 35 hours thereafter.

Numerous reports have been received of cracks occurring in the nose wheel brace strut collar, P/N 5102824, in the region where the steering lugs meet the collar body. If cracks are found, repairs should be made as outlined in Douglas Service Bulletin C-54-209S (Supplement) dated May 31, 1946. After repairs have been accomplished, inspection must be continued at intervals not to exceed 35 hours.

Douglas Service Bulletin C-54-209S (Supplement) dated August 12, 1946, contains the information which is included in the supplement dated May 31. In addition, the later supplement outlines a method for the installation of steel brace rods to the nose wheel brace strut collar. Although the addition of the steel brace rods is not mandatory, it is recommended by the Douglas Company. If the steel brace rod installation has been incorporated in addition to the rework to the nose wheel brace strut collar which is required in the above paragraph, the 35-hour periodic inspections will not be required. (The reference bulletin is reproduced for CAA personnel.)

46-30-1 LUSCOMBE (Was Mandatory Note 1 of AD-694-4) (Applies only to serial numbers 2201 to 2614, inclusive; 2616 to 2632, inclusive; 2635; 2637; 2639; 2642; and 2645)

Compliance required prior to completion of next 10 hours of operation.

Replace the adjustment screw now installed in the lower end of the control stick horn, which is located beneath the floor boards with an AN520-10-44 screw in order to prevent interference with the lower fuselage skin on the forward flange of the landing gear bulkhead. (Luscombe Service Bulletin No. 2-46 covers this same subject.)

46-31-1 STINSON (Was Mandatory Note 1 of AD-764-1)

Compliance required at time of civil certification or, if already certificated, prior to next periodic inspection.

The hinged back of the rear seat must be permanently fastened to preclude the possibility of interference with the rear control stick.

46-31-2 STINSON (Was Service Note 1 of AD-764-1)

After each 25 hours of operation make a visual inspection of the torque tube on welded bellcrank assemblies located in the fuselage immediately aft of the rear seat for cracks in the bellcrank around the torque tube. If any cracks are found, replace or reinforce part before further operation of the aircraft. Bellcranks manufactured from a casting and installed on L-5 airplanes, serial number 42-98885 and subsequent, are considered satisfactory. If inspection indicates that this more satisfactory part is installed, the 25-hour inspections may be discontinued.

46-31-3 BOEING (Was Mandatory Note 5 of AD-743-3) (Applies to all airplanes with crop dusting or seeding hopper installations)

Superseded by 49-23-1.

46-33-1 GLOBE (Was Mandatory Note 3 of AD-766-5) (Applies only to serial numbers 3 to 184, inclusive; 189; and 191 to 196, inclusive)

Replace present aluminum alloy torque knees on main landing gear struts with forged steel knees, Globe part No. 64B19-3. On any of the above-listed airplanes equipped with Adel main landing gear struts this replacement is not required. (Globe Customer Service Maintenance Bulletin No. 3 covers this same subject.)

46-33-2 GLOBE (Was Mandatory Note 2 of AD-766-5) (Applies only to serial numbers 3 to 174, inclusive)

Compliance required prior to October 1, 1946.

Install stiffeners, Globe part No. 11-213-1471-1 R&L, on the flange of the upper bulkhead at Fuselage Station 167, with six rivets per stiffener, to prevent the formation of cracks originating at the joggles in the flange outboard of the stabilizer attachment points. Any crack should be stop drilled. If it extends into the web of the bulkhead an 0.040-inch 24ST alclad reinforcing plate extending to the flange should be installed on the web with rivets spaced not more than three-fourths of an inch apart. (Globe Customer Service Maintenance Bulletin No. 2 covers this same subject.)

46-36-1 CONTINENTAL (Was Mandatory Note 8 of AD-675-2; 11 of AD-728-1; 1 of AD-761-2; 1 of AD-759-3; 2 of AD-751-1; 11 of AD-729-1; 6 of AD-718-6; 8 of AD-746-1; 11 of AD-696-3; 11 of AD-691-1; 10 of AD-694-4; 9 of AD-737-1; 8 of AD-730-2; 8 of AD-720-1; 6 of AD-709-1; 5 of AD-740-1; 9 of AD-725-1; 9 of AD-703-1 and 2 of AD-611-1) (Applies to airplanes having Continental A-65 Series engines with serial numbers from 3456658 to 4109568, inclusive; or Continental A-65, A-75, or A-80 Series engines which have had A-21422 piston pins or new three-ring pistons installed since September 25, 1945)

Compliance required immediately if possible, but in any event not later than 50 hours of engine operation after August 27, 1946.

A certain percentage of piston pins installed in engines of the above numbers and distributed as replacement parts are subject to failure without warning. The weakness of these pins cannot be detected by normal inspection methods. Piston pin breakage can result in complete engine failure. It is the owner's responsibility to avoid this risk by making the changes outlined in (A) and (B) below at the earliest possible time.

(A) Replace piston pin part No. A-21422 (0.626-inch inside diameter) with thick wall piston pin No. A-25127 (0.5945-inch inside diameter). The engine manufacturer has given assurance that every possible effort will be made to supply the required quantity of replacement piston pins.

(B) Simultaneously with (A) above, all pistons should be examined for skirt cracks and the necessity for rework of the bottom rib. This rework involves reducing the height of the rib until it is at least $1/16$ inch wide and rounding all sharp corners.

(C) As an acceptable alternate to (A) and (B) above, cam ground pistons, part No. 40731, which necessitate using piston pins of greater outside diameter, may be installed. This change will likewise remove the possibility of piston pin failure and piston skirt

cracking. (Continental Motors Service Bulletin M46–6 covers this same subject.)

46–36–2 PIPER (Was Mandatory Note 3 of AD–780–3) (Applies to serial numbers 12–1 to 12–207, inclusive)

Compliance required prior to November 1, 1946.

Several instances have been reported of loosening of the cap screws attaching the air scoop to the carburetor on these aircraft, thus creating a hazard. These cap screws should be removed and drilled for safety wire. They should then be reinserted and safety wire installed.

(Piper Service Bulletin No. 90 dated July 17, 1946, covers this same subject.)

46–36–3 PIPER (Was Mandatory Note 2 of AD–780–3) (Applies only to serial numbers 12–1 to 12–285, inclusive)

Compliance required not later than next periodic inspection.

To prevent possible failure of the tail pipe and cracking of the muffler, install the additional brace tube, Piper part No. 10860 and new clamp, part No. 80002–28. The new brace will form, together with the original brace, a "V" instead of a single leg. A careful inspection of the muffler should be made and if any cracks are present, a new muffler should be installed. (Piper Service Bulletin No. 92 dated August 7, 1946, covers this same subject.)

46–37–1 PIPER (Was Mandatory Note 12 of AD–691–2 and Mandatory Note 1 of AD–780–3) (Applies to J3C–65 and J3C–658, serial numbers 14027 and up and all PA–12)

Compliance required by November 1, 1946.

To prevent possible failure of the fuel strainer bowl, replace the present thin fuel strainer bowl gasket with a ⅛ inch thick cork and neoprene gasket supplied by Piper. The bowl seat nut should be tightened only finger tight. The bowl should be carefully examined for signs of flaws or cracks and should be replaced if any are found. (Piper Service Bulletin No. 89 dated July 11, 1946, covers this same subject.)

46–37–2 PIPER (Was Mandatory Note 13 of AD–691–2) (Applies to serial numbers 14027 through 17959, inclusive)

Compliance required immediately.

Affected airplanes should be examined immediately to ascertain that the fuel strainer is properly installed. The strainer should be installed with the IN port adjacent to the firewall and the OUT port facing the carburetor. If the strainer is not installed as above, it should be reversed for proper fuel flow. (Piper Service Bulletin No. 91 covers this same subject.)

46–38–1 GRUMMAN (Was Mandatory Note 4 of AD–654–1)

Compliance required prior to November 1, 1946.

Reroute to vacuum system tubing in the engine compartments to prevent raw fuel from lodging in the check valve, thus deteriorating the valve and possible seeping through. The flap system storage tank should be inspected and if fuel is found it should be thoroughly flushed. The check valves in the vacuum system are to be removed and inspected for wear and deterioration. Presence of fuel in the flap system storage tank is sufficient cause for the replacement of the check valves. (Grumman Service Bulletin No. 19 dated July 18, 1946, covers this same subject.)

46–38–2 ERCO (Was Mandatory Note 8 of AD–718–6) (Applies to serial numbers 113 to 2706 except 2683, 2685, 2687, and 2691)

Compliance required prior to November 1, 1946.

(a) To provide additional bearing area and more positive locking action for the aileron control stop adjustment screw, add an AN315–3R nut on the adjustment screw at the forward side of the stops and a star type AN936–B10 lock washer (external teeth) between the jam nut and rear side of stops (Ercoupe part No. 415–52145).

(b) Inspect the welds which attach the aileron control stops to the control column cross member carefully for cracks. Also determine that welds are complete around the ends of the stops. Repair if cracked welds or insufficient welds are found.

(c) Inspect the adjustment of the two upper turnbuckles in the chain and cable system to be certain these turnbuckles do not touch the sprockets before the quadrant touches the stops. Readjust all three turnbuckles if necessary to insure freedom from this turnbuckle-sprocket interference. Erco Service Department Bulletin No. 13 covers this same subject.)

46–38–3 ERCO (Was Mandatory Note 7 of AD–718–6) (Applies to serial numbers 345 to 2134, inclusive)

To be accomplished prior to November 15, 1946.

In order to prevent possible fuel system failure, the dural elbow fitting AN914–2D between the fuel filter and the carburetor should be replaced with elbow fitting AN–914–2. (Erco Service Bulletin No. 12 dated July 11, 1946, covers this same subject.)

46–39–1 STINSON (Was Mandatory Note 5 of AD–709–1 and Special Note 6 of AD–346)

Inspect the lower tube members of the oleo truss for wear where the drip pan contacts the tubes. Damaged members should be repaired or replaced. The flanges on both sides of the drip pan should be bent to eliminate abrasive contact with tube members. (Stinson Division Service Bulletin No. 224 covers this same subject.)

46–39–2 DOUGLAS (Was Mandatory Note 8 of AD–762–7)

Superseded by 48–12–2.

46–39–3 DOUGLAS (Was Service Note 2 of AD–762–7)

Pending accomplishment of Note 46–24–2, the magneto wires forward of the firewall must be inspected for chafing each 100 hours of operation.

46–39–4 DOUGLAS (Was Mandatory Note 7 of AD–762–7)

To be accomplished not later than November 15, 1946.

Instances of valve freezing, due to ice forming in the detent chamber, have been reported on fuel tank selector and crossfeed valves. To prevent valve freezing, the Parker and Hydro Aire valves must be reworked by filling the detent chamber with Dow Corning compound No. 4 and installing a washer to retain the compound and to act as a water shield. (Douglas drawings 4331597 and 2331524 cover this same subject.)

46–39–5 DOUGLAS (Was Mandatory Note 6 of AD–762–7) (Applies only to C–54 B and other C–54 series airplanes having the C–54 B fuel system)

To be accomplished not later than December 1, 1946.

The main fuel line supporting brackets at wing stations 357, 378, and 399 are subject to vibration failure and are to be replaced with redesigned brackets. In addition, the United Carr clips at wing station 378 are to be replaced by Adel clips. (Douglas Service Bulletin No. DC–4–5 covers this same subject.)

46–39–6 DOUGLAS (Was Service Note 1 of AD–762–7)

Superseded by 48–3–1.

46–40–1 FAIRCHILD (Was Mandatory Note 4 of AD–707–2; 3 of AD–706–1; 3 of AD–667–2; 4 of AD–600–2; 4 of AD–633–2; 4 of AD–535–2)

To eliminate the possibility of engine failure due to air-lock in the fuel system, the fuel tank selector valve should be placarded immediately to specify that fuel be fed from only one tank at a time. This placard should read: "Caution. Operate on One Tank at a Time Only." (Fairchild Service Bulletin No. 44–7–C dated February 10, 1944, covers this same subject.)

46–40–2 FAIRCHILD (Was Mandatory Note 2 of AD–667–2; 3 of AD–633–2; 3 of AD–535–2; 3 of AD–564–2; 3 of AD–600–2) (Applicable to serial numbers 3300 to 3319, inclusive, and 3350 to 3358, inclusive, except seaplanes)

Compliance required at next 100-hour inspection.

Unless previously accomplished, reinforce the oleo tubes at the piston end by installing sleeve. Fairchild part SK–1636. Sleeve may be attached by using two AN–435–5–4 rivets or by welding through four 5/16-inch holes drilled in the piston tube. All damaged parts should be replaced. (Fairchild Service Bulletins 40–5, revised July 3, 1945, and 44–6–C dated May 8, 1944, cover this same subject.)

46–41–1 BELLANCA (Was Mandatory Note 2 of AD–773–5) (Applies to serial numbers 1060 to 1111, inclusive)

Compliance required prior to November 15, 1946.

Replace rudder bellcrank (Bellanca part No. 9817) located at the left and right ends of the rudder torque tube with parts furnished by the manufacturer which are stamped "heat-treat" in ink. (Bellanca Service Bulletin No. 2 dated August 26, 1946, covers this same subject.)

46–41–2 BELLANCA (Was Mandatory Note 1 of AD–773–5) (Applies to serial numbers 1061, 1063 to 1075, inclusive)

Compliance required prior to November 15, 1946.

Remove the steel bushing at the aileron control column sprocket and replace with a bronze bushing. Also remove the cadmium plating from the pin (AN 395) in the area of the bushing. The sprocket should turn freely when reassembled. (Bellanca Service Bulletin No. 1 dated July 16, 1946, covers this same subject.)

46–41–3 BELLANCA (Was Mandatory Note 3 of AD–773–5) (Applies to serial numbers 1060 to 1065, inclusive)

Compliance required prior to November 15, 1946.

Replace universal joints connecting the control wheel axle with the control system yoke with the "Apex UJ–402" universal joints furnished by the airplane manufacturer. (Bellanca Service Bulletin No. 3 covers this same subject.)

46–42–1 GLOBE (Was Mandatory Note 4 of AD–766–5) (Applies only to serial numbers 3 to 228, inclusive)

Compliance required prior to December 1, 1946.

Replace the aluminum alloy cabin heater valve assembly with one constructed completely of firewall material equivalent to Globe Valve Assembly, part No. 11–440–3623. This will provide a complete firewall of firewall material. (Globe Customer Service Maintenance Bulletin No. 4 covers this same subject.)

46–43–1 DOUGLAS (Was Service Note 13 of AD–669–3 and Service Note 11 of AD–618–3) (Applies only to DC3C and DC3D series airplanes and to DC3 airplanes having C–47 type outer wings installed)

Inspection required at next periodic inspection and at intervals not to exceed 450 hours thereafter.

Inspect the outer wing attach angles for signs of corrosion. This corrosion may be found in the form of blisters on the surface of the angle with small cracks running across the surface of the blister. Cavities often exist under the blisters and if the corrosion has progressed sufficiently, may extend through the angle. This corrosion is intergranular in type and if found, the complete wing attach angle affected must be replaced. Evidence of the corrosion can be found on the outer surfaces of the angles; therefore, the wings need not be removed to complete the inspection. This inspection may be accomplished at the same time as the attach angle inspection required in Note 39–24–1. (Douglas Service Bulletin No. 243 covers this same subject and gives additional information regarding the causes of this difficulty.)

46–43–2 DOUGLAS (Was Mandatory Note 12 of AD–618–3 and Mandatory Note 13 of AD–669–3) (Applies only to DC3 series aircraft having the No. 4118923 magnesium alloy casting Rudder Pedal Slide Tube Support)

To be accomplished not later than January 1, 1947.

Install a third AN3–21 bolt in the existing hole between the two holes now having AN3–21 bolts in the attachment of the Rudder Pedal Slide Tube Support, No. 4118923 and –1, to its Pedal Assembly (5118929, 5118931, and 5118928). If necessary, to correct misalignment among the three holes, it is permissible to use 24ST or 4130 bushings with 1/32-inch wall thickness. This additional bolt is necessary to insure the 100 percent margin of safety required on the magnesium casting. (Douglas Service Bulletin C–47–101 covers this same subject.)

46–44–1 CESSNA (Was Mandatory Note 1 of AD–768–4) (Applies only to serial numbers 8001 to 8108, inclusive)

Compliance required prior to January 1, 1947.

Remove the auxiliary rudder stops (two bolts) to eliminate the possibility of the flange of the bellcrank on the rudder bars catching on the bolt heads and locking the system. These bolts are at the center of the cockpit just forward of the rudder pedals. Removal of the fairing which forms a tunnel along the floor from the seat to the pedals is necessary for access to the bolts. (Cessna Service Letter No. 2–140 covers this.)

46–44–2 CESSNA (Was Mandatory Note 2 of AD–768–4) (Applies only to serial numbers 8001 to 9619, inclusive)

Compliance required prior to January 1, 1947.

Reinforce attachment of the safety belt brackets to the skin of the fuselage by the addition of three AN 456 AD 5 rivets at the safety belt end of each bracket. Make certain that the rivets pass through both bracket and fuselage skin to insure a good connection. (Cessna Service Letter No. 10–120 and 140 covers this same subject.)

46–44–3 CESSNA (Was Mandatory Note 3 of AD–768–4) (Applies only to serial numbers 8001 to 9619, inclusive)

Compliance required prior to January 1, 1947.

Rework attachment of windshield upper edge by the installation of a retaining channel deeper than the original and extending the entire width of the fuselage. The channel consists of two pieces; one a 0.040-inch 24ST alclad strip, 1⅞ inches x 42 inches, outside of the windshield and with the rear edge inserted between the fuselage top skin and the front flange of the spar U channel; the other a 0.032-inch 24ST alclad strip, 1 13/16 inches x 44 inches, inside of the windshield and overlapping the above-mentioned spar flange. These strips are secured to the top skin and spar flange by a single row of 44 AN 456AD4 rivets. A piece of felt, 2¾ inches x 44 inches x 1/16 inch thick, SAE F–55 or equivalent, should be folded over the edge of the windshield and cemented thereto to provide a seal and a tight fit in the channel. This modification is necessary to insure that the windshield will not pull out at the top and alter the airflow, thereby seriously affecting the operational characteristics of the airplane. (Cessna Service Letter No. 14–120 and 140 covers this same subject.)

46–44–4 CESSNA (Was Mandatory Note 4 of AD–768–4) (Applies to serial numbers up to and including 9721)

Replacement required prior to December 1, 1946.

All U. S. Rubber Co. P–212 and P–212L Series flexible ducts installed in the carburetor hot air system should be replaced by U. S. Rubber Co. P–208–S duct or P–208 duct coated with Neoprene by Cessna or its distributors. (Cessna Service Letter No. 16–120 and 140 covers this same subject.)

46–44–5 CESSNA (Was Mandatory Note 5 of AD–768–4) (Applies only to serial numbers 8001 to 8517, inclusive)

Compliance required prior to January 1, 1947.

Replace each of the four internal wrenching bolts which attach the engine to the engine mount with an AN6 bolt and a special offset washer. AN6–47 bolts should be used at the upper fittings and AN6–35 bolts at the lower fittings. The special washer is made of 4130 steel ⅞ inch in diameter and ¼ inch in thickness with a through hole 0.377 inch in diameter and the O. D. machined to a 0.600-inch diameter a depth of ⅛ inch. The 0.600-inch diameter offset fits into the aft end of the attachment fitting and the head of the replacement bolt bears directly on the special washer. Also, an AN960–616 washer should be added between the nut and the AN970–6 washer at the front face of the rubber bushing. This change is made to prevent the bolts from pulling through the 1½-inch diameter x 0.049-inch plate welded to the front of each fitting. (Cessna Service Letter No. 18 covers this same subject.)

46–46–1 ERCO (Was Mandatory Note 9 of AD–718–6) (Applies only to serial numbers 2623 to 2994, inclusive)

Compliance required prior to January 1, 1947.

Install a new fuselage gas tank overflow line (Erco part No. 415–48162) and replace the imperial brass compression sleeve number 60F with a rubber washer number A549, Kohler Company of A–64–3, Hayes Industries, Inc. (Erco Service Department Bulletin No. 15 dated August 24, 1946, covers this same subject.)

46–46–2 NORTH AMERICAN (Was Mandatory Note 6 of AD–2–575–3)

To be accomplished prior to January 1, 1947.

Inspect all airplanes having Vest Two-Place Chum Seats installed prior to October 9, 1946, to determine that an elevator rear stop is installed on the horizontal stabilizer rear spar directly in front of the elevator horn and that the modification incorporates revised self-aligning rudder balance brackets, rudder balance cable, rudder pedal adjustment bar and reinforcement plates on forward side of firewall at the balance pulley bracket attachment points in accordance with Vest Installation Instructions dated October 9, 1946.

46–46–3 CESSNA (Was Mandatory Note 10 of AD–722–5)

Inspection required not later than January 1, 1947.

Inspect the aileron and flap hinge brackets for evidence of cracking where the bearing is staked into the hinge bracket. If cracks are found, the hinge brackets should be replaced.

46–46–4 CESSNA (Was Mandatory Note 9 of AD–722–5)

Superseded by 49–20–1.

46–49–1 ERCO (Was Mandatory Note 10 of AD–719–6) (Applies to all airplanes equipped with Magnesium Die Cast Nose Wheel, casting No. 34206)

Compliance required prior to February 1, 1947.

Due to an increasing number of failures of the Magnesium Die Cast Nose Wheel (which bears the number 34206 in raised letters), it appears essential that this wheel be replaced by a Permanent Mold Aluminum Alloy Nose Wheel (casting No. 34204) which the manufacturer is making available to all distributors and dealers. The replacement wheel, tire, and tube should be statically and dynamically balanced before use. Care should be exercised in removing the old nose wheel to avoid damaging the axle, oleo, and supporting structure. (Ercoupe Service Department Bulletin No. 16 dated October 28, 1946, covers this same subject in greater detail.)

46–50–1 WACO (Was Special Note 2 of AM–166)

Inspection required before next flight—rework (if needed) not later than April 1, 1946.

Inspect the fuel line (or lines) connecting the fuel strainer and the carburetor to determine that this line is made up of either:

(a) Rigid metal tubing with flexible hose connections at each end, or

(b) Approved type flexible hose assembly.

Aircraft found to have fuel line installations not conforming to either (a) or (b) shall be altered to conform as soon as possible. (Waco Service Bulletin No. 154 also covers this subject.)

47–2–1 DOUGLAS (Was Mandatory Note 9 of AD–762–7)

To be accomplished at next engine change.

Replace present low carbon steel bolts and brass nuts on exhaust collector rings with stainless steel bolts and nuts. This change is necessary in order to eliminate stretching of these bolts, corrosion, and other maintenance problems connected with the present type bolts used in the exhaust collector system. (Douglas Service Bulletin DC–4 No. 10 covers this same subject.)

47–2–2 DOUGLAS (Was Mandatory Note 10 of AD–762–7) (Applies to all C–54 series aircraft and DC–4 aircraft, serial numbers 42904 to 42943, inclusive; 42948 to 42952, inclusive; 42962 to 42996, inclusive; and 43065)

To be accomplished not later than July 1, 1947.

Inspect the clevis shear bolts in the vertical stabilizer forward attach fitting (Station 953), P/N 4106204 and –1, for loose or stretched bolts. In some instances, the lower 5/16-inch bolts, when being checked for tightness, have broken. In order to overcome the difficulty, the stabilizer attaching fittings should be reworked and bolts be replaced with high heat-treated bolts. (Douglas Service Bulletin DC–4, No. 11, covers this same subject.)

47–2–3 DOUGLAS (Was Mandatory Note 11 of AD–762–7)

To be accomplished not later than August 1, 1947.

Because of failures in service of the main 9-inch Douglas aluminum accumulator, it is necessary to replace it with at least one 7½-inch steel accumulator, Bendix P/N 406920 or Vickers P/N AA14308B, or Vickers 10-inch accumulator Model AA–14310. (Douglas Service Bulletin DC–4 No. 9, and Addendum dated January 6, 1956, cover this same subject.)

47–2–4 DOUGLAS (Was Mandatory Note 12 of AD–762–7) (Revised May 24, 1948)

To be accomplished not later than March 15, 1947.

Relocate engine primer solenoid to prevent fuel leaking into firewall junction box. This change shall be accomplished in accordance with Item 25 of Douglas Service Bulletin C–54–266, dated May 17, 1946, or Part 2A, Item 4; and Part 2C, Item 12 of Douglas Service Bulletin DC–4 No. 66, dated June 18, 1947.

47–2–5 DOUGLAS (Was Mandatory Note 13 of AD–762–7)

To be accomplished not later than next periodic inspection.

Inspect the entire electrical system for evidence of damage due to chafing, heat, or foreign matter; and of loose terminals and connections. Pay particular attention to wiring subjected to heat from voltage regulators; the buss to the main cabin junction box; and any screws projecting into cable ducts. Correct any unsatisfactory conditions.

47-2-6 DOUGLAS (Was Service Note 3 of AD-762-7) (Applies to C54-DC series airplanes incorporating brake pressure accumulators and all DC-4's up to serial number 43065)

Rework the hydraulic hand pump shutoff valve 5241991 by replacing the valve retainer, spring and plunger with a sleeve and new type packings. The existing part Nos. 5241991 and 4242103 are to be removed and Nos. 2343816-4 and 2343816-6 restamped on the valve assembly and valve body, respectively. Also, change placard at the hand pump shutoff valve control to read "brakes, cowl flaps, nose wheel steering and windshield wiper" in the forward position and "landing gear, wing flaps, and main accumulator" in the rear position. (Douglas Service Bulletin DC-4, No. 3, covers this same subject.)

47-2-7 CULVER (Was Service Note 1 of AD-778-2)

Inspection required after each 100 hours of operation.

Inspect landing gear retraction system to determine that adjustments are as follows:

(1) With the landing gear extended and no load on the wheels, the push-pull rod adjustments should be such that the center joint of the retraction links attached to each shock strut will withstand a minimum upward pressure of 25 pounds without movement.

(2) The length of the push-pull rods in the wing should be so adjusted that the retraction links attached to both main gear struts are under equal pressure.

(3) The down limit switch should be adjusted to cut off when the gap between the down stop and the horn on the actuating mechanism is 0.015 inch to 0.020 inch. Maintenance of these adjustments is necessary to prevent damage to the retraction system. (Culver Service Memorandum No. 12, dated November 27, 1946, covers this same subject.)

47-2-8 CULVER (Was Mandatory Note 1 of AD-778-2) (Applies only to serial numbers V-1 to V-21, inclusive)

Compliance required prior to April 1, 1947.

To provide a complete firewall constructed material, remove the cold air scoop from the firewall and cover the firewall opening with a plate of suitable firewall material. (Culver Service Bulletin No. 5 covers this same subject.)

47-2-9 CULVER (Was Mandatory Note 2 of AD-778-2) (Applies only to serial numbers V-1 to V-150, inclusive)

Compliance required prior to April 1, 1947.

Replace the brazed cabin heater valve box mounted on the firewall with a similar welded valve box which has fire resistant properties equivalent to the firewall. (Culver Service Bulletin No. 7 covers this same subject.)

47-2-10 DOUGLAS (Was Service Note 14 of AD-669-3) (Applies to all DC-3C (C-47 Series) Aircraft and all DC-3 Aircraft having C-47 Elevators Installed)

Reports have been received indicating that the 5115210-5 and 5115210-9 elevator ribs at the inboard and outboard ends of the trim tab cutout were found to be cracked on the left hand elevator. All reports thus far were on surfaces which incorporated ribs made of 0.020 material. In September 1944, the ribs were increased in gauge to 0.040 for new production and so far no difficulties have been reported. It is recommended that all 0.020 ribs be inspected at intervals not to exceed 130 hours. These ribs can be reinforced by the addition of an 0.040 doubler as shown in Figure 1 of Douglas Service Bulletin 244, Section I. After the doubler has been installed, these parts should be inspected at each engine change period. The elevators should be rebalanced after the reinforcing doublers have been installed.

It is also recommended that all surfaces incorporating 0.040 ribs be inspected at each engine change period in order to preclude the possibility of cracks occurring in these heavier ribs.

(Douglas Service Bulletin No. 244, Section I, outlines the recommended doubler installation mentioned above.)

47-5-1 CESSNA (Was Mandatory Note 11 of AD-722-5) (Applies only to Model T-50 airplanes having a fuel shutoff valve located in each engine nacelle. These valves are controlled by "T" shaped handles located below the pilot and copilot seats)

Compliance required prior to original certification or, if previously certificated, not later than March 1, 1947.

To prevent the pilot or copilot from inadvertently operating the fuel shutoff valves by striking the "T" shaped fuel shutoff valve handles with their feet, the "T" shaped handles are to be changed to circular shaped handles. To accomplish this a ring having an inside diameter of 3½ inches is to be formed of ¼-inch x 0.035 steel tubing and slid over each "T" shaped handle and welded in place. This will result in a handle of this appearance:

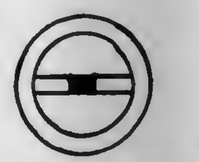

47-5-2 CESSNA (Was Service Note 3 of AD-722-5)

Superseded by 51-18-1.

47-6-1 GLOBE (Was Service Note 1 of AD-765-5)

To be accomplished prior to April 1, 1947, and upon each 100 hours operation thereafter.

Inspect main landing gear retraction system to determine that adjustments are as follows:

(1) When the side brace is against the down stop the middle joint should be ⅛ inch to ¼ inch above dead center. (3/16 inch to 5/16 inch if measured from edges of links in accordance with Globe Customer Service Maintenance Bulletin No. 7).

(2) When the side brace is against the down stop and the down lock plunger is fully extended, covering at least one-half of the adjustment screw head, the clearance between the plunger and the screw head should be from 0.001 inch to 0.005 inch.

(3) When the side brace is against the down stop the limit switch plunger should be depressed approximately 1/32 inch beyond the cut-off point.

(4) The turnbuckle in the emergency extension cable should be adjusted so that on manual extension of the gear both down locks operate before the hand crank has been wound to the full down position. After it has been determined that the turnbuckle adjustment is satisfactory in this respect it should be determined also that with the hand crank wound to the full up position the cable length is sufficient to permit the up limit switches to cut off.

(Globe Customer Service Maintenance Bulletin No. 7 covers this same subject.)

47-6-2 GLOBE (Was Mandatory Note 5 of AD-766-5) (Applies only to serial numbers 3 to 408, inclusive; 1004 to 1319, inclusive; and 2001 to 2329, inclusive)

Compliance required prior to April 1, 1947.

Replace the warning placard located at the landing gear emergency extension crank with a revised placard, Globe part No. 11-532-3735, having the added instruction: "Crank back to the full up position before the next retraction of the landing gear." Complete rewinding is necessary to prevent damage to the retraction system. (Globe Customer Service Maintenance Bulletin No. 6 covers this same subject.)

47-6-3 GLOBE (Was Mandatory Note 6 of AD-766-5) (Applies only to serial numbers 314 to 408, inclusive; 1038 to 1350, inclusive; and 2011 to 2350, inclusive)

Compliance required prior to April 1, 1947.

Replace the present collars at the attachment of the elevator cables to the control wheel shafts with redesigned collars, Globe part No. 11-532-1816-2. This is necessary to prevent fouling of the elevator cable links with the control wheel shafts. (Globe Customer Service Maintenance Bulletin No. 8 covers this same subject.)

47-6-4 GLOBE (Was Mandatory Note 7 of AD-766-5) (Applies only to serial numbers 3 to 408, inclusive; 1004 to 1224, inclusive; and 2001 to 2324, inclusive)

Compliance required prior to April 1, 1947.

Replace the AN960-616 washers under the nuts at the attachment of the main landing gear retraction links to the shock struts with AN940-616 washers. This is necessary for proper retention of the bushings in the retraction links. (Globe Customer Service Maintenance Bulletin No. 10 covers this same subject.)

47-6-5 GLOBE (Was Mandatory Note 8 of AD-766-5) (Applies to serial numbers 2 to 408, inclusive; 1001 to 1216, inclusive; and 2001 to 2137, inclusive)

Compliance required prior to April 1, 1947.

Replace the present battery vent plugs of the tubular (deeply inserted) type of the Reading Model R-24L battery with the high non-spill ball seat type vent plugs. Clean and treat that part of the firewall and fuselage which has been subjected to the spill battery acid with a solution of sodium bicarbonate. This is necessary to prevent corrosion due to acid spillage. (Globe Customer Service Maintenance Bulletin No. 14 covers this same subject.)

47-6-6 GLOBE (Was Mandatory Note 9 of AD-766-5) (Applies only to serial numbers 3 to 406, inclusive; 1001 to 1460, inclusive; and 2001 to 2329, inclusive)

Compliance required prior to April 1, 1947.

Cut off the egress end of the engine breather line to terminate the line one inch above the grill opening. This will prevent clogging of the line due to formation of ice during cold weather operation or the entry of foreign matter caused by the propeller blast. (Globe Customer Service Maintenance Bulletin No. 11 covers this same subject.)

47-6-7 DOUGLAS (Was Service Note 12 of AD-618-3, Supplement 1; Service Note 15 of AD-669-3, Supplement 1)

To be accomplished not later than the next periodic inspection, or in the case of scheduled air carrier aircraft, at the next major inspection.

Check the pull necessary to trip the trigger on the CO_2 fire extinguishing system. If the trigger pull exceeds 50 pounds due to wear of the aluminum conduit covering the fire extinguisher release cable, this conduit must be replaced immediately. This procedure is to be repeated at each specified inspection period until such time as the aluminum cable conduit is replaced by stainless steel conduit. (Douglas Service Bulletin DC-3 No. 246, dated November 22, 1946, covers this same subject.)

47-6-8 BEECH (Was Service Note 1 of AD-757-2 and Service Note 1 of AD-2-582-2)

Compliance required immediately and after each 100 hours of operation thereafter.

Remove the battery covers from the right and left hand wing stubs. Inspect the starter solenoid and main buss lead wires. In the right wing these wires are numbered 4 and 5.

In the left wing they are numbered 2 and 3. If these wires show signs of chafing on the cold air duct junction box or any other part of the structure they should be supported by an insulated clip to give ample clearance. (Beech Service Bulletin No. C18-5 covers this same subject.)

47-6-9 BEECH (Was Mandatory Note 1 of AD-2-582-2 and Mandatory Note 4 of AD-757-2) (Applies to all airplanes equipped with 33 inch tires)

Compliance required at next periodic inspection.

To prevent collapse of the landing gear due to cracking of the shock cylinder retracting leg attachment lugs or failure of the retracting legs the following items should be complied with:

(1) Check the rear leg and lug lengths to ascertain whether they have been previously modified. Rear legs (Beech P/N 18820) 22⅞ inches between hole centers should be installed only with cylinders having original lugs (approximately 1⅞ inches from centerline of holes to outside of cylinder wall). Rear legs 23 19/64 inches between hole centers should be installed only with cylinders having short modified lugs (approximately ⅞ inch from centerline of holes to outside of cylinder wall). Legs 23 19/64 inches long with a 1¾ inches diameter reinforcing tube welded to the original ends should be replaced with Beech P/N 804-188416 (23 19/64 inches long, 1⅝ inches diameter tube).

(2) Inspect the shock cylinder lugs for cracks. If cracks are found in the lugs either the cylinder must be replaced or the cracks repaired. Contact Aircraft Division, 8th Floor, City Hall Building, Kansas City 6, Missouri, for repair methods. (Beech Service Bulletin C18-6 covers this same subject.)

47-6-10 CESSNA (Was Mandatory Note 6 of AD-768-4) (Applies to serial numbers up to and including 9669)

Compliance required prior to April 1, 1947.

Install carry-through bar between the ends of the aileron control chain that is installed at the top of the control "T" to make a continuous loop at this chain installation so that both control wheels operate positively in the same direction. This is necessary to prevent possible locking of aileron system at full throw. (Cessna Service Letter No. 17, dated September 19, 1946, covers this same subject.)

47-6-11 CESSNA (Was Service Note 1 of AD-768-4) (Applies only to serial numbers 8001 to 8799, inclusive)

Compliance required at next periodic inspection and upon each 100 hours of operation thereafter until revised door posts are installed.

Inspect the forward door posts for cracks, particularly the flange section leading from the post to the instrument panel at the base of the windshield and the post itself below the rivet cluster at the top. All inside fairing attached to the post between the top and the floor should be removed to permit a thorough inspection. Cracks in the above mentioned flange not over ¾ inch in length may be repaired by stopdrilling. If there are longer cracks in the flange or any cracks in the door post structure itself, the door post should be replaced with the later type post, Cessna part Nos. 0411867-2 and 0411867-3, in accordance with installation instructions supplied by Cessna. (Cessna Service Letter No. 20 dated October 8, 1946, covers this same subject.)

47-7-1 BELLANCA (Was Mandatory Note 4 of AD-773-5) (Applies to all serial numbers up to and including 1200)

To be accomplished not later than next periodic inspection.

Check fuel selector valve handle for proper indexing on valve by setting handle in L-ON and in R-ON position, by disconnecting the fuel line, and by blowing through line when there should be free passage of air. After tank positions have been set, the valve handle and shank should be permanently marked to identify the index position. Attach handle positively to shank by drilling through one side of the handle and half-way through the shank with a drill of number 53 size and inserting a pin of 1/16-inch diameter drill rod. (Bellanca Service Bulletin No. 4 covers inspection of the valve handle installation.)

47-7-2 FAIRCHILD (Was Service Note 3 of AD-724-2)

At each periodic inspection, determine if any looseness exists in elevator hinge attachments to rear spar of stabilizer. All loose hinges should be tightened. This will necessitate cutting oval shaped openings in the lower surface of the stabilizer just forward of the rear spar. After nuts are drawn up and safetied the openings should be covered with fabric patches. (Fairchild Service Bulletin 44-2-C dated January 14, 1944, covers this same subject.)

47-7-3 FAIRCHILD (Was Service Note 4 of AD-724-2)

Prior to original certification and at each periodic inspection thereafter, and as otherwise noted make the following inspections:

(1) Inspect the wing center section bottom surface for cracks. This inspection should be made after each severe landing. Cracks extending into the spar flange area indicate cracked spar flanges and should be investigated very thoroughly.

(2) Inspect the butt ends of the spars to assure that the putt plates are in place and properly attached.

(3) Inspect the strap hinge fittings for looseness. Clearance between the spar webs and hinge plates is not critical as long as the plates are bolted tight to the bushings if the bushings protrude. If bushings are loose, replace.

(4) Inspect the plywood spar webs for checks or cracks. This inspection should always be made after any damage to the landing gear. Cracks other than those parallel to the face grain generally indicate serious damage to the spar web.

(5) Inspect the trailing edge of the wing center section and outer panel over flap area for deterioration due to accumulated moisture.

(6) Inspect the forward face of front spar and belly skin at engine cut out in wing center section for oil soaking and skin separation.

(These inspections and methods of repair are covered in greater detail in Fairchild Service Bulletin 47-62-1 dated January 24, 1947, which has been reproduced for C. A. A. personnel. Owners may obtain copies from Fairchild Personal Planes Division of Fairchild Engine and Airplane Corp., Hagerstown, Maryland.)

47-7-4 FAIRCHILD (Was Mandatory Note 6 of AD-724-2)

Compliance required at next periodic inspection.

In order to eliminate the possibility of the control sticks becoming disengaged, both front and rear control sticks should be reworked by drilling through stick and socket, and installing and safetying an AN393-51 clevis pin. Washer AN960-10L and Cotter AN380-2-2. (Fairchild Service Bulletin 44-62-2 dated October 31, 1944, covers this same subject.)

47-7-5 FAIRCHILD (Was Mandatory Note 7 of AD-724-2)

Compliance required at next periodic inspection.

In order to eliminate the possibility of foreign objects entering the torque tube, install a boot at the point where the elevator control enters the torque tube in the front cockpit, and where the control stick enters the torque tube bracket in the rear cockpit. Also install cover plates on the sides of the torque tube bracket in the rear cockpit. (Fairchild Service Bulletin 44-62-5 dated October 10, 1944, covers this same subject.)

47-7-6 FAIRCHILD (Was Mandatory Note 8 of AD-724-2)

Compliance required at next periodic inspection.

In order to reinforce the forward attachment of the vertical fin, trim the leading edge as required and install bracket, Fairchild part No. 66317 and either maple filler block, Fairchild part No. SK-2089-1, or blocks, Fairchild part Nos. 66300-22 and 66300-23. (Fairchild Service Bulletin 44-62-1 dated October 31, 1944, covers this same subject.)

47-10-1 CESSNA (Was Mandatory Note 7 of AD-768-4) (Applies only to serial numbers 8001 to 12695, inclusive)

Superseded by 48-5-4.

47-10-2 LOCKHEED (Was Mandatory Note 1 of AD-763-3) (Applies only to serial numbers 2021 to 2054, inclusive)

Compliance required prior to March 1, 1947.

Install an AN-3161-P15 (or equivalent) nontrip-free circuit breaker in the elevator tab control circuit. The breaker is to be located in the pilots' control stand, with access through a plate immediately forward of the control quadrant. Minor wiring changes to connect the circuit breaker are also necessary. (LAC Service Bulletin 049/SB-4 covers this same subject.)

47-10-3 LOCKHEED (Was Mandatory Note 2 of AD-763-3) (Applies only to serial numbers 2021 to 2079, inclusive)

Compliance required prior to March 1, 1947.

(NOTE: 47-10-2 must be complied with prior to or in conjunction with this Note.)

Install non-trip-free circuit breakers in the rudder and elevator auxiliary boost motor circuits, in place of switches and relays, and revise the wiring of the circuits as necessary. (LAC Service Bulletin 049/SB-22 covers this same subject and is reproduced for CAA personnel.)

47-10-4 LOCKHEED (Was Mandatory Note 4 of AD-763-3) (Applies only to serial numbers 2021, 2022, 2026, 2027, 2028, 2034, and 2035)

Compliance required prior to March 15, 1947.

Add 12 grounding jumpers between the engine autosyn transmitters and their support brackets. (LAC Service Bulletin 049/SB-20 covers this same subject.)

47-10-5 LOCKHEED (Was Mandatory Note 6 of AD-763-3) (Applies only to serial numbers 2021 to 2088, inclusive)

Compliance required prior to March 15, 1947.

Inspect landing gear selector valve (Bendix part No. 403875-0-1) installed in forward cargo compartment. Those valves bearing serial numbers 1 through 120 and identified by letter "R" following the serial number have been reworked to incorporate a new type poppet. All unreworked valves should be replaced with reworked valves. (LAC Service Instruction 049/SI-34 covers this same subject.)

47-10-6 LOCKHEED (Was Mandatory Note 7 of AD-763-3) (Applies to all serial incorporating Parker 4-1042-11-2 plug valves in the fuel system)

Compliance required prior to March 15, 1947.

Rework all fuel tank shut-off and fuel cross transfer valves by installing new type shaft sealing rings, valve caps, packing caps, cap gaskets and cap attachment screws. This rework also applies to valves previously reworked, as identified by the use of countersunk head screws with star lock washers or fillister head screws. (LAC Service Instruction 049/SI-74, revised September 9, 1946, or subsequent, covers this same subject.)

47-10-7 LOCKHEED (Was Mandatory Note 8 of AD-763-3) (Applies only to serial numbers 2021 to 2088, inclusive)

Compliance required prior to April 1, 1947.

Replace the existing restrictor valve (part No. 664044) in each main landing gear down line with a winterized type restrictor valve (LAC part No. 667489) (LAC Service Instruction 049-SI-75, covers this same subject.)

47-10-8 LOCKHEED (Was Mandatory Note 9 of AD-763-3) (Applies only to serial numbers 1975 to 1978, inclusive; 1980; and 2021 to 2059, inclusive)

Compliance required prior to August 9, 1946.

Rework the elevator booster shifter horn assembly by reducing the width of the teeth on 278488 gear. 0.120 inch should be removed from each end of all the teeth. (LAC Service Bulletin 049/SB-19 covers this same subject.)

47-10-9 LOCKHEED (Was Mandatory Note 11 of AD-763-3) (Applies to all serials up to and including 2088)

Compliance required after each engine change.

When found necessary as a result of engine replacement in a quick-change power plant unit, add seal plates to the engine oil lines where they pass through the engine fire seals, and add cover plates to the alternate oil line cutouts in the fire seals. (LAC Service Instruction 49/51-39 and LAC Service Bulletin 49/SB-63 cover this same subject for Models 49-51 and 49-46, respectively.)

47-10-10 LOCKHEED (Was Mandatory Note 12 of AD-763-3) (Applies to all serials up to and including 2088)

Compliance required immediately.

Remove all soundproofing pads adjacent to and surrounding the voltage regulators. (LAC Service Bulletin 49/SB-171 covers this same subject.)

47-10-11 LOCKHEED (Was Mandatory Note 13 of AD-763-3) (Applies to all serials up to and including 2088)

Compliance required not later than 200 hours of operation after March 1, 1947.

Replace all Fenwal Type S-2223 fire detector units on fire seals and firewalls and in nacelles and cabin heater compartments with Type 17343-3-450 fire detector units (100 units for each Model 49-51 aircraft, 116 units for each Model 49-46 aircraft). (LAC Service Bulletin 49/SB-65 covers this same subject.)

47-10-12 LOCKHEED (Was Mandatory Note 14 of AD-763-3) (Applies to all Model 49-51 aircraft, serials up to and including 2088)

Deleted.

47-10-13 LOCKHEED (Was Mandatory Note 15 of AD-763-3 (Applies to all serials up to and including 2075)

Compliance required prior to July 1, 1947.

(a) On all firewalls, replace aluminum alloy bulkhead fittings for fuel, oil, and hydraulic lines with nickel steel fittings or others of equivalent fire resistance. (LAC Service Bulletin 49/SB-108 covers this same subject.)

(b) In nacelle zones 1 and 2 replace all tubing having cut-length hose connections with flexible coupled hose assemblies. (LAC Service Bulletin 49/SB-103 covers this same subject.)

47-10-14 LOCKHEED (Was Mandatory Note 16 of AD-763-3) (Applies to all serials up to and including 2088)

Compliance required prior to April 15, 1947.

Install a single flexible hose assembly between each fuel pump and flowmeter in place of the combination of short hose assembly and tube with hose couplings. (LAC Service Bulletin 49/SB-143 covers this same subject.)

47-10-15 LOCKHEED (Was Mandatory Note 17 of AD-763-3) (Applies to all serials up to and including 2075)

Compliance required prior to recertification.

Prior to recertification of all aircraft whose certificates were revoked by direction of the Administrator on July 11, 1946, the following Service Documents must be complied with.

Lockheed Service Bulletins:

*49/SB-50, revised August 24, 1946—Revision of Cabin Air Recirculating Fan.

49/SB-58, dated July 22, 1946—Sealing of Main Landing Gear Doors.

49/SB-86, dated July 18, 1946—Rerouting of Thermocouple Wires.

*49/SB-91, revised September 10, 1946—Replacements of Electrical Power Feed-Through Studs.

*49/SB-93, revised August 11, 1946—Rework of Exhaust System Ball Joints and Collector Segment.

49/SB-95, dated July 22, 1946—Insulation of Generator Circuit Breakers.

(a) 49/SB-97, revised October 28, 1946—Sealing, Draining, and Ventilation of Nacelles.

49/SB-98, dated July 26, 1946—Removal of Engine Filtered Air Components and Plumbing.

*49/SB-100, revised August 27, 1946—Replacement of Fuel Pressure Warning Units.

49/SB-101, revised August 6, 1947—Modification of Hydraulic Pump Case Drain Lines.

49/SB-102, dated July 23, 1946—Relocation of Engine Fuel Pump Lines.

49/SB-104, revised July 23, 1946—Replacement of Windshield Wiper Motor Circuit Fuse.

49/SB-106, dated July 22, 1946—Replacement of Windshield Heater Wire.

49/SB-109, revised August 22, 1946—Provision for Vacuum Pump Cooling.

49/SB-113, revised August 6, 1946—Replacement of Aluminum Electrical Wires and Terminals.

49/SB-114, revised July 31, 1946—Protection of Electrical Receptable.

49/SB-115, dated July 23, 1946—Insulation of Galley Circuit Breaker.

49/SB-116, revised August 2, 1946—Installation of Generator Field Circuit Breaker (Switch Type).

*49/SB-117, revised September 5, 1946—Insulation of Right Angle Electrical Terminals and Electrical Wiring.

49/SB-118, revised August 10, 1946—Support of Electrical Wiring in Main Gear Wheel Well.

49/SB-119, revised July 27, 1946—Sealing of Main Landing Gear Door Hinge.

49/SB-119A, revised August 13, 1946—Sealing of Main Landing Gear Doors.

*49/SB-121, revised September 16, 1946—Installation of Fire Resistant Hoses and Double Hose Clamps in Nacelle Zones 2 and 3.

49/SB-122, dated July 25, 1946—Installation of Stainless Steel CO_2 Lines.

*49/SB-123, revised August 27, 1946—Replacement of Alcohol Tank, Supply Lines and Vent Line (4—pump system).

49/SB-125, dated June 23, 1946—Removal of Cargo Compartment Insulation.

49/SB-126, dated July 23, 1946—Protection of Electrical Junctions and Disconnects at Fire Wall.

49/SB-127, revised July 31, 1946—Sealing of Cabin Heater Panel.

49/SB-131, revised August 10, 1946—Rerouting of Drain Line for Deicer Distributor Oil Separator.

49/SB-132, revised August 12, 1946—Attachment of Electrical Wire Bundles in Forward Passenger Compartment.

49/SB-133, revised July 31, 1946—Installation of Brass Liners and Double Hose Clamps in Line Between Sump Tank and Propeller Feathering Pump.

(a) 49/SB-134, revised October 28, 1946—Installation of Protective Shield for Engine Torquemeter Plumbing.

49/SB-135, revised August 11, 1946—Addition of Fuselage Drain Provisions.

49/SB-136, dated July 31, 1946—Protection of Cabin Heater Flexible Fuel Line.

49/SB-137, dated July 27, 1946—Addition of Double Hose Clamps on Inboard Fuel Tank Interconnection Line.

*49/SB-138, revised September 25, 1946—Provisions for Increase of CO_2 Capacity.

*49/SB-155, revised August 28, 1946—Installation of Copper Wires in Lieu of Aluminum Wires.

**49/SB-161, dated August 29, 1946—Replacement of Alcohol Tank, Supply Lines, and Vent Line (2—pump system).

Lockheed Service Instructions:

*49/SI-22, revised October 10, 1946—Installation of Engine Plumbing and Electrical Wiring Heat Protective System.

*49/SI-41, revised August 16, 1946—Nacelle Fire Extinguishing System Revisions.

49/SI-105, revised August 7, 1946—Replacement of Hydraulic Secondary Return Line.

Lockheed Service Information Letters:

*No. 42, revised September 10, 1946—Inspection and Maintenance of Exhaust System Ball Joints (Canceled).

No. 56, dated August 10, 1946—Periodic Inspection of Vacuum Pump Pressure Hose.

No. 57, revised August 15, 1946—Fuselage Fire Control and Smoke Elimination Procedures.

No. 58, revised August 15, 1946—Combatting Belly Cargo Compartment and Fuselage Fires.

No. 60, dated August 10, 1946—Inspection of Fuel Line Between Engine Pump and Flowmeter (Canceled).

TWA Engineering Order (for TWA Aircraft only):

TWA Engineering Order No. 2762—Rework of Auxiliary Hydraulic Supply Tank and Discharge Line.

47-10-16 LOCKHEED (Was Mandatory Note 18 of AD-763-3) (Applies to all Model 49-46 serials up to and including 2075 and to all Model 49-51 airplanes) (This Note supersedes Supplement No. 1 to AD-763 (Special) dated August 26, 1946)

Compliance required prior to June 1, 1947.

All Model 49-51 aircraft shall be converted to Model 49-46 aircraft. Prior to recertification of Model 49-46 aircraft converted from Model 49-51 aircraft, the following Service Bulletins in addition to those listed in Note 47-10-15 must be complied with:

***49/SB-1, revised June 7, 1946—Installation of Two-Speed Supercharger Controls.

* Service Documents identified by an asterisk and by (a) have been revised subsequent to issuance of AD-763 (Special) dated August 21, 1946, as indicated by the later revision date effective in each instance. Aircraft previously recertificated in accordance with AD-763 (Special) should be checked for compliance with these later revisions within next 200 hours of operation.

** Service Bulletin 49/SB-161 was not called for in AD-763 (Special), but has subsequently been found necessary, inasmuch as Bulletin 49/SB-123 does not adequately describe changes to 2—pump anti-icing systems. Aircraft incorporating 2—pump anti-icing systems should be checked for conformity with Bulletin 49/SB-161 prior to certification.

*** Service Bulletin 49/SB-1 was not listed in AD-763 (Special), Supplement No. 1, dated August 26, 1946, but must be complied with to permit use of new performance values shown in the Operation Manual for Model 49-46 aircraft, Lockheed Report No. 5817. All Model 49-46 aircraft certificated in accordance with that Supplement to AD-763 (Special) should be checked for compliance with Bulletins 49/SB-1, 230 and 231 within next 200 hours of operation.

*49/SB-14, revised July 27, 1946—Installation of Bendix Direct Fuel Injection System.

49/SB-24, dated June 5, 1946—Rework of Engine Cowl Diaphragm Structure.

49/SB-124, revised July 27, 1946—Rewiring of Engine Fire Detector System.

Wright Aeronautical Corporation Bulletin C18-23, dated October 4, 1946—Fuel Injection Tube Installation.

**49/SB-230, dated November 3, 1946—Engine Oil Cooler Temperature Control Regulators—Recalibration of.

**49/SB-231, dated November 2, 1946—Engine Oil Pump Pressure and Engine Oil Pressure Gauge Range Markings—Adjustment of.

47-10-17 LOCKHEED (Was Mandatory Note 19 of AD-763-3) (Applies to all serials up to and including 2075)

Compliance required prior to resumption of cabin supercharger operation.

Prior to resumption of cabin supercharger operation, the following Lockheed Service Bulletins must be complied with:

49/SB-107, revised November 22, 1946—Replacement of Cabin Supercharger Drive Shafts.

49/SB-141, revised August 7, 1946—Replacement of Cabin Supercharger.

49/SB-156, revised September 17, 1946—Installation of Supercharger Oil Temperature Indicator.

The revision dates given for these three Bulletins are later than those listed in the Supplement to AD-763 (Special) dated September 25, 1946. Aircraft on which the cabin supercharging equipment was rendered operative in accordance with that Supplement should be checked for compliance with these later revisions dates within the next 150 hours of operation.

47-10-18 LOCKHEED (Was Mandatory Note 20 of AD-763-3) (Applies to all Model 49-46 aircraft)

Compliance required not later than 100 hours of operation after March 1, 1947, or during conversion of Model 49-51 aircraft to Model 49-46 aircraft, whichever occurs first.

The hose connections in the fuel line between air metering chamber and fuel injection pump shall be changed to incorporate fire resistant hose and double hose clamps, using Wright Aeronautical Corporation part Nos. 856864 and 855408.

47-10-19 LOCKHEED (Was Mandatory Note 21 of AD-763-3) (Applies to all serials up to and including 2088, except as noted)

Compliance required not later than 100 hours of operation after June 10, 1947.

(a) In each cabin heater installation, relocate and waterproof the fuel solenoid valve and replace and reroute the fuel pump bypass line. (LAC Service Bulletin 49/SB-73 covers this same subject.)

(b) In zone 2 of each nacelle, install heat protective shield between propeller feathering line and cowl diaphragm. (LAC Service Bulletin 49/SB-150 covers this same subject.) (Applies to all serials up to and including 2082.)

(c) In each outboard nacelle main junction box, replace existing mounting nuts (Tinnerman) and PK screws with AN 366 nuts and NAS 221 screws. (LAC Service Bulletin 49/SB-152 covers this same subject.)

(d) Drill one ¼-inch drain hole on lower center line of spinner fairing lower panel assembly for each engine. (LAC Service Instruction 49/SI-95 covers this same subject.)

47-10-20 LOCKHEED (Was Mandatory Note 22 of AD-763-3) (Applies to all serials up to and including 2075)

Compliance required prior to June 1, 1947.

Replace all existing alcohol tanks with new type heavier tanks, LAC part No. 296424. Replace existing tank cradles with new cradles, LAC part No. 296465. (LAC Service Bulletin 49/SB-110, revised October 2, 1946, or subsequent, covers this same subject.)

47-10-21 LOCKHEED (Was Mandatory Note 23 of AD-763-3) (Applies to serials up to and including 2088)

Compliance required prior to July 1, 1947.

Install steel torque links, LAC part No. 293882, on each main landing gear. (LAC Service Instruction 49/SI-100A covers this same subject.)

47-10-22 LOCKHEED (Was Mandatory Note 24 of AD-763-3) (Applies to serials 1975, 1976, 1977, and 2021 through 2065)

Compliance required prior to March 1, 1947.

Install steel retainer washer (American La France part No. 2CD-3054C) in place of existing aluminum alloy retainer washer on fire extinguisher selector valve. (LAC Service Bulletin 49/SB-27 covers this same subject.)

47-10-23 LOCKHEED (Was Mandatory Note 25 of AD-763-3) (Applies to serials 1975, 1976, and 2021 through 2059)

Compliance required immediately.

Install AC364-524 steel nuts in place of any AC364-B524 brass nuts which may be installed on bolts through bathtub fittings at wing station 80 (5 nuts per fitting, 170 nuts per airplane should be checked). (LAC Service Bulletin 49/SB-42 covers this same subject.)

47-10-24 LOCKHEED (Was Mandatory Note 27 of AD-763-3) (Applies to all serials up to and including 2088)

Compliance required prior to June 1, 1947.

Install thermal relief valve and bypass line in fuel cross-feed line adjacent to No. 4 cross transfer valve. (LAC Service Bulletin 49/SB-48 covers this same subject.)

47-10-25 LOCKHEED (Was Mandatory Note 28 of AD-763-3) (Applies to all serials incorporating Eclipse Type 1193, Model 1, Style A generators on which the serials numbers are not followed by the letter "M")

Compliance required prior to March 1, 1947.

Replace the twelve mounting head to yoke bolts in each generator with new ¼-inch bolts (part Nos. 63937 referred to in Eclipse-Pioneer Bulletin No. 70). (LAC Service Bulletin 49/SB-64 covers this same subject.)

47-10-26 LOCKHEED (Was Mandatory Note 29 of AD-763-3) (Applies to all serials up to and including 2075)

Compliance required prior to June 1, 1947.

Reroute flap and fan motor drain lines to return direct to main hydraulic system instead of through aspirator, and install check valves at points where drain lines connect to the main system. (LAC Service Bulletin 49/SB-169 covers this same subject.)

47-10-27 LOCKHEED (Was Mandatory Note 30 of AD-763-3) (Applies to all serials up to and including 2078)

Compliance required prior to July 1, 1947.

Install new type fuel tank vent outlets and add extension to fuel dump chutes. (LAC Service Bulletin 49/SB-201 covers this same subject.)

47-10-28 LOCKHEED (Was Mandatory Note 31 of AD-763-3) (Applies to all serials up to and including 2088)

Compliance required prior to July 1, 1947.

Enlarge holes in elevator cable seals in aft pressure bulkhead to 0.19±0.031-inch diameter. (LAC Service Bulletin 49/SB-208 covers this same subject.)

47-10-29 LOCKHEED (Was Mandatory Note 32 of AD-763-3) (Applies to all serials prior to 2080 on which metal ailerons are installed)

Compliance required prior to April 1, 1947.

Between aileron stations 69.5 and 99.7, install drain holes in the lower aileron surface outboard of each rib and forward of each stringer (17 holes total). (LAC Service Bulletin 49/SB-214 covers this same subject.)

47-10-30 LOCKHEED (Was Mandatory Note 33 of AD-763-3) (Applies to serials 2047 up to and including 2075 and to serials prior to 2047 which have had 68092 surge box flapper valves replaced by 285750 valves in accordance with Lockheed SI-15, dated June 18, 1946)

Compliance required prior to April 1, 1947.

Replace fuel tank surge box flapper valves, LAC part No. 285750, with new type valve, LAC part No. 285750-600 (LAC Service Instructions 49/SI-15, revised August 10, 1946, and 49/SI-15A, revised August 3, 1946, or subsequent, cover this same subject.)

47-10-31 LOCKHEED (Was Service Note 1 of AD-763-3) (Applies to all serials up to and including 2088)

At periods not to exceed 100 hours the webs of all landing gear torque arms should be examined closely at the knee bolt ends for the presence of cracks. When a nose gear arm is found to be cracked, it should be replaced with a new part. When either main gear arm is found to be cracked, the 283557 or 292132 aluminum alloy torque link assemblies on both main gears should be replaced with 293882 steel torque link assemblies. When Note 47-10-21 is complied with, this periodic inspection procedure for the main gear may be discontinued.

47-10-32 LOCKHEED (Was Service Note 2 of AD-763-3) (Applies only to serial numbers 2021 to 2067, inclusive)

At each periodic inspection, examine the upper wing surface forward of the aileron beam and just outboard of station 458 joint for the presence of buckles. If serious buckles are found the skin in that area should be replaced and gussets added. After the entire affected area (approximately 5 inches by 36 inches) has been reworked in this manner, no further periodic inspections will be required. (LAC Service Instruction 49/SI-26 covers this same subject.)

47-10-33 LOCKHEED (Was Service Note 4 of AD-763-3)

Difficulties have been experienced with cylinder heads turning or unscrewing slightly on certain Wright 739C18BA1 and 2 engines. This condition has occurred on older type cylinders having barrels designated as "light type" barrels. Later type cylinders have "heavy type" barrels on which this turning tendency has been eliminated. Heavy type cylinder barrels have a circumferential groove on the mounting flange to distinguish them from the light type barrels.

Following procedure shall be established for inspection and replacement as necessary of light barrel cylinders:

(a) Prior to certification or next 60 hours of operation:

(1) Mark detonation pick-up bosses on light barrel cylinders with yellow paint for ready identification.

(2) Scribe front of these light barrel cylinders by marking heavy flange near bottom of cylinder head and continuing scribe line down seven barrel fins. Dark paint may be used as background for scribe lines. Wright Aeronautical have provided a scribing tool which may be used for this purpose. The

* Service Bulletin 49/SB-14 has been revised subsequent to issuance of AD-763 (Special), Supplement No. 1, dated August 26, 1946. Model 49-46 aircraft certificated in accordance with that AD Supplement should be checked for compliance with this later revision within next 200 hours of operation.

** Service Bulletin 49/SB-1 was not listed in AD-763 (Special), Supplement No. 1, dated August 26, 1946, but must be complied with to permit use of new performance values shown in the Operation Manual for Model 49-46 aircraft, Lockheed Report No. 5817. All Model 49-46 aircraft certificated in accordance with that Supplement to AD-763 (Special) should be checked for compliance with Bulletins 49/SB-1, 230 and 231 within next 200 hours of operation.

Bulletin 49/SB-143 covers this same subject.)

for compliance with these later revisions within next 200 hours of operation.

with Bulletins 49/SB-1, 230 and 231 within next 200 hours of operation.

next 200 hours of operation.

(Special) should be checked for compliance with Bulletins 49/SB-1, 230 and 231 within next 200 hours of operation.

(LAC Service Bulletin 49/SB-201 covers this same subject.)

used as background for scribe lines. Wright Aeronautical have provided a scribing tool which may be used for this purpose. The

scribe line should be on front of cylinders where it can be easily seen with engines installed in airplanes.

(b) After each succeeding 35 to 60 hours of operation:

(1) Inspect scribe lines for signs of cylinder head turning.

(2) Cylinder heads which have turned 1/32 inch or more since prior inspection should have valve clearances checked and reset to normal cold clearances if necessary, provided total head turning does not exceed 1/8 inch.

(3) Cylinders on which heads have turned more than 1/8 inch total shall be replaced immediately with heavy barrel cylinders.

(c) At first engine overhaul, light barrel cylinders Nos. 1, 11, 13, 15, and 17 shall be replaced with heavy barrel cylinders. Replaced cylinders may be used in other locations provided total amount of turning has not exceeded 1/8 inch.

47-10-34 LOCKHEED (Was Service Note 5 of AD-763-3) (Applies to all serials up to and including 2088)

(a) Revised exhaust system ball joint assemblies (Solar part Nos. CV-611 and CV-615-1 through CV-615-18), reworked in accordance with Solar E. O. Nos. 16696 and 16697, as called for in LAC Service Bulletin 49/SB-93 and Note 47-10-15, above, may continue to be used, provided a rigid inspection for condition is made in accordance with LAC Service Information Letter No. 42, except that the lowest periodic inspection interval listed on each operator's approved aircraft maintenance specification may be used instead of the 30 hour period referred to in the Lockheed Letter.

(b) The revised exhaust system ball joints described in part (a) of this Note may be reinstalled after completion of the 250 hour period referred to in LAC Service Information Letter No. 42, provided that each ball joint is disassembled as far as practicable at the end of these 250 hour periods and unsatisfactory parts are replaced. This 250 hour disassembly period may be increased upon application by an operator and approval by the CAA, provided the service record of the components used by the operator justified the increase requested.

(c) When the revised exhaust system ball joints, described in part (a) of this Note, are replaced by new type Solar ball joint parts as listed in LAC Service Bulletin 49/SB-94, the overhaul period for exhaust system ball joints may be established as the same as the engine overhaul period approved for the operator involved. Intermediate inspections similar to those described in LAC Service Information Letter No. 42 shall be conducted on the new type ball joint assemblies at intervals as specified in the operator's approved aircraft maintenance specification.

47-10-35 LOCKHEED (Was Service Note 6 of AD-763-3)

Superseded by 48-18-3.

47-10-36 LOCKHEED (Was Service Note 7 of AD-763-3) (Applies to all serial numbers up to and including 2088)

Between the edges of the inboard and outboard nacelle attach angles, the rivets used to attach the leading edge lower skin to the front beam should be inspected for looseness at periods not to exceed 200 hours of operation. When loose rivets are found the following corrective action should be taken:

Add stiffener to lower surface of leading edge skin between stations 287 and 299, install 3/32-inch rivets in place of existing 1/8-inch rivets used to attach lower leading edge skin to front beam between station 287 and outboard nacelle, and install six 10-32 screws in place of six rivets in this same rivet line (two each at stations 263, 287, and 312). After this rework has been accomplished, no further periodic inspections will be required. (LAC Service Instruction 49/SI-121 covers this wing leading edge reinforcement and rivet replacement.)

47-10-37 LOCKHEED (Was Service Note 8 of AD-763-3) (Applies to all serials up to and including 2071)

At periods not to exceed 500 hours, check the tightness of the inboard pair of bolts in the outboard fulcrum and the outboard pair of bolts in the inboard fulcrum of each main landing gear, using a torque wrench. A continuous record should be kept to show whether these bolts become more loose with time; therefore, these bolts should not be tightened during the periodic inspection.

When any of these eight bolts loosen to a torque wrench reading of approximately 900 inch pounds, all fulcrum bolts (16 per airplane) should be removed, the fitting holes counter sunk 0.064 x 45° to accommodate the bolt head fillets, the bolts replaced and tightened to a torque wrench reading of 2300-2500 inch pounds. The 500-hour inspection may then be discontinued. (Lockheed Service Bulletin 49/SB-51, revised March 3, 1947, covers this same subject.)

47-10-38 LOCKHEED (Was Service Note 9 of AD-763-3) (Applies to all serials up to and including 2059)

At periods not to exceed 500 hours, inspect the shank end of each main landing gear drag link crosshead assembly for signs of cracks in the fillet region. If cracks are found, install new type crosshead assembly, LAC part No. 288982, and, if necessary, replace the 283418 drag links with 288983 drag links. The periodic inspection procedure may be discontinued when the new type crosshead assembly is installed. (LAC Service Instruction 49/SI-27 covers this same subject.)

47-10-39 LOCKHEED (Was Service Note 10 of AD-763-3) (Applies to all serials up to and including 2046 on which all-metal ailerons are not installed)

At periods not to exceed 250 hours, inspect the aileron inboard of the trim tab for evidence of cracks in the trailing edge and in the aft portions of the ribs. When cracks are found, parts of heavier gauge should be installed and the aileron rebalanced. The periodic inspection may be discontinued when this modification has been made. (LAC Service Bulletin 49/SB-52 covers this same subject.)

47-10-40 LUSCOMBE (Was Mandatory Note 11 of AD-694-4) (Applies to serial numbers 1934 to 2200, inclusive)

Compliance required prior to May 1, 1947.

Determine if the attachment of the rudder control arm to the torque tube has been reinforced by a steel strap that extends completely around the torque tube and is securely welded to both the fore and aft flanges of the rudder control arms and the torque tube. If the reinforcing steel strap is not properly located and welded to both flanges, a repair should be made. (Luscombe Service Bulletin No. 4-46 covers this same subject.)

47-11-1 NORTH AMERICAN (Was Mandatory Note 1 of AD-782-3) (Applies only to serial numbers NAV-4-2 to NAV-4-550, inclusive)

To be accomplished immediately.

Remove present rudder-nose gear steering bellcrank, part 145-34175 and replace with new part of the same number furnished by North American. The replacement part is to be identified by a yellow dot and the stamp (SPL). (North American Service Bulletin No. 21 dated January 23, 1947, covers this same subject.)

47-11-2 NORTH AMERICAN (Was Mandatory Note 2 of AD-782-3) (Applies to all airplanes equipped with Hartzell HC12x20-1 propeller hubs and 8628 blades)

To be accomplished not later than May 1, 1947.

Vibration tests of the Hartzell HC12x20-1 propeller with these airplanes indicate that the propeller diameter should be reduced from 86 inches to 84 inches. This is accomplished by cutting one inch from the tip of each 8628 blade, and making the shortened blade 8428R. The blade rework must be performed either by the Hartzell Factory or by a certificated propeller repair agency. (Paragraph "B" of North American Field Service Bulletin No. 20 dated January 28, 1947, covers this rework.)

Upon compliance with this Note, the presently required placard against engine operation between 1950 and 2150 RPM and over 2250 RPM may be removed.

47-12-1 DOUGLAS (Was Mandatory Note 14 of AD-762-7) (Applies to all C-54 and R5D series airplanes, and the following DC-4 airplanes: 42904 to 42943, inclusive; 42948 to 42952, inclusive; 42962 to 42996, inclusive; 43065 to 43069, inclusive; 43071; 43072; and 43102. DC-4 production airplanes Nos. 43070, 43090, and subsequent except 43102, as noted above, will be modified prior to delivery)

To be accomplished not later than January 1, 1948.

If the clear view panel in the windshield is opened in flight when the landing gear and flaps are extended, exhaust fumes enter the cabin. This causes considerable discomfort to passengers and may create a hazard which would affect the safe operation of the airplane. In order to prevent the exhaust fumes from entering the cabin under these conditions, all openings around the control cables and flap buss system at the side of the fuselage must be sealed and additional means for exhausting main cabin and cockpit ventilating air provided, unless tests made by the operator of the individual airplane show no unsatisfactory condition of carbon monoxide entering cabin with open windows when landing gear down and flaps extended. (Douglas Service Bulletin No. DC-4, No. 32, covers this same subject.)

47-12-2 DOUGLAS (Was Mandatory Note 15 of AD-762-7) (Applies only to DC-4 and C-54 series airplanes equipped with Pratt & Whitney R-2000-11 engines)

To be accomplished not later than July 15, 1947.

A considerable number of center main bearing failures have occurred in the R-2000-11 engine. These failures include roller bearing part No. 24966 and plain bearing part Nos. 97387 and 97387-B.

To remedy this unsatisfactory condition as soon as possible, the following shall be accomplished:

Remove from service at the first opportunity, but in no case later than July 15, 1947, all plain type center main bearings of the above part numbers. Install either the super-inspected roller bearing (same part number as above) or incorporate the 2SD13-G or equivalent type main components of the power section crankcase, details of which can be obtained from Pratt & Whitney instructions dated January 15, 1947, entitled "Power Section Service Fix for R-2000-7 and R-2000-11 Engines." Super-inspected roller bearings may be procured through Pratt & Whitney or bearings in stock may become eligible if they are disassembled, inspected, and the inner race magnafluxed.

In cases where operating specifications do not so provide, main oil screen (on right side of rear accessory housing) checks will be accomplished at each routine inspection or at least at every 75 hours of operation to detect failure of bearing. This precautionary inspection must be conducted immediately and also after change to the super-inspected roller bearing. However, this precautionary inspection is waived after complete modification has been accomplished to the 2SD13-G or equivalent type components in view of the greatly improved reliability and durability which these components have demonstrated in comparable service.

47-13-1 TAYLORCRAFT (Was Mandatory Note 12 of AD-696-3)

Superseded by 51-9-3.

47-13-2 TAYLORCRAFT (Was Service Note 1 of AD-696-3)

Inspection required each 25 hours of engine operation on Taylorcraft Models BC-65, BCS-65, BC12-65, BCS12-65, BC12-D, BCS12-D, and BC12-D1 airplanes.

This inspection applies only to fuel hose bearing white dash lines and having end fittings marked "CAA, SNA, (date)." Examine the two flexible fuel lines to determine whether the hose inner liner has collapsed or failed thus causing a restriction to the flow of fuel. Particular attention should be given to the hose close to the fittings on the fuel strainer. Defective hose appears soft or spongy when squeezed with the fingers. Any defective hose is to be replaced immediately. (This information is contained, in part, in Taylorcraft Service Bulletin No. 60 dated June 14, 1946.)

47-14-1 BELLANCA (Was Mandatory Note 5 of AD-773-5) (Applies to serial numbers 1060 to 1409, inclusive)

Compliance required prior to June 1, 1947.

Replace the aluminum alloy inboard flap hinge brackets with X4130 steel brackets, Bellanca part No. 7998-1. (Bellanca Service Bulletin No. 7 dated January 14, 1947, covers this same subject.)

47-14-2 BOEING (Was Mandatory Note 3 of AD-719-1 and Mandatory Note 3 of AD-726-1)

Compliance required prior to May 15, 1947.

Inspect the attachment of the main landing gear motors to the retracting unit. Determine, by testing, that the keys in these locations have been heat treated to 200,000-220,000 pounds per square inch. All keys that do not meet this strength specification should be replaced. Aircraft which have had this attachment revised to include an additional gear box for the hand retracting drive are not subject to this inspection. (TWA EO No. 3489 covers this same subject.)

47-16-1 DOUGLAS (Was Mandatory Note 16 of AD-762-7)

To be complied with not later than September 1, 1947.

A. In those aircraft having the ammeter shunts in the positive generator leads, install two circuit breakers or circuit breaker switches in each nacelle junction box and reconnect each ammeter lead through one of these circuit breakers. Any type or variety of 10-ampere circuit breaker may be used, with the exception of the automatic-reset type.

B. Install a circuit breaker or circuit breaker switch in the main junction box and connect in series with the voltmeter circuit wire PJ-34 at the (d. c.) buss. Any type or variety of 10-ampere circuit breaker may be used, with the exception of the automatic-reset type. The non-override variety of circuit breaker is preferable.

C. Install four Heinemann type AM 1614-15-28-2 or equivalent, 15-ampere circuit breaker switches or circuit breakers, at the regulator location, in the leads to the "B" terminal of the voltage regulators; wires PA-530, PA-531, PA-730, and PA-731. The usual thermal circuit breaker or fuse does not provide sufficient protection to meet the peculiar requirements of a protective device for a generator field circuit application.

Additional information on the foregoing changes are described by Douglas Drawing No. 4350951 entitled "Rework of Generator Field Lead and Volt-Ammeter Lead Circuit Protection." A Douglas Aircraft Service Bulletin on this subject is also being issued.

47-16-2 DOUGLAS (Was Mandatory Note 17 of AD-762-7)

To be accomplished not later than June 1, 1947.

In case of leakage of the oil dilution solenoid, fuel may flow down the flexible conduit between the solenoid and the firewall junction box and into the junction box, thus creating a fire hazard. To correct this condition, remove the existing flexible conduit and wire between the solenoid and junction box and install new 18-gauge wire. Support wire with AN755-4-4-8 clamps spaced approximately ten inches apart.

This change is similar to the removal of the flexible conduit for the primer solenoid as covered in item 25 of Douglas Service Bulletin 266 in accordance with Note 47-2-4. (Part 2A, Item 4 of Douglas Service Bulletin DC-4 No. 66, dated June 18, 1947, covers this same subject.)

47-16-3 TAYLORCRAFT (Was Mandatory Note 11 of AD-700-1; Mandatory Note 12 of AD-699-1; and Mandatory Note 13 of AD-696-3)

Compliance required immediately.

Inspect wing strut attachment fittings on lower fuselage longerons for cracks or evidence of poor weld. If cracks or defects are found, the fitting should be replaced or reinforced.

47-20-1 AERONCA (Was Service Note 1 of AD-759-3 and Service Note 1 of AD-761-2)

Inspection required each 25 hours of engine operation.

The metal gascolator bowls installed in these aircraft should be removed to completely clean the strainer screen and to remove accumulations of water from the gascolator bowl. The wings should be slowly rocked prior to this cleaning in order that water lying on the flat bottom of the tank will settle into the gascolator bowl. In addition, if operating conditions are such that large quantities of water are found in the gascolator bowl during these inspections, the bowl should be removed more frequently and the carburetor bowl should also be drained periodically. (Aeronca "Service Helps and Hints" No. 15, dated August 23, 1946, No. 18, dated November 25, 1946, and the supplement to these bulletins, dated September 26, 1947, cover this same subject.)

47-20-2 AERONCA (Was Mandatory Note 2 of AD-761-2 and Mandatory Note 2 of AD-759-3) (Applies to 7AC airplanes having serial numbers 226 to 3721; and 11AC, serial numbers 1 to 351)

Compliance required at next periodic inspection but not later than August 1, 1947.

To prevent the oleo strut assembly from separating in flight, replace the fibre piston with aluminum pistons. (Supplementary to Aeronca Service Helps and Hints No. 12 dated February 11, 1947, covers this same subject.)

47-20-3 ERCO (Was Mandatory Note 11 of AD-718-6) (Applies to all Ercoupes up to and including serial number 3642 which incorporate fuel pumps with a metal filter bowl, and bearing AC part No. 1539076 on the pump mounting flange)

Inspection to be accomplished immediately, alteration to be made not later than the next periodic inspection.

Inspect immediately and at each 25 hours thereafter until the following alteration is completed, the fuel pump lines near the pump for failure and leakage due to chafing. Alter fuel pump lines not later than next periodic inspection as follows:

Remove the fuel pump top and rotate it 120° clockwise (two screw holes from the original position). Replace the pump inlet port fittings with AN 842-4D elbow and the outlet port fittings with (415-48101-40) elbow having 1/16-inch restriction. Drill two 3/4-inch diameter holes in right front engine cooling baffle and install grommets (AN 931-9-13). Route fuel pump hoses through respective holes; shorten outlet hose (415-48101-2) and install fuel pump hose (415-48101-2 and 415-48101-3) onto respective elbows securing them with two hose clamps (AN 746-4). Safety-wire clamps.

Close extra unused hole in baffle with button plug (415-40589-1) or equivalent. (Erco Service Department Memorandum No. 42 dated January 9, 1947, covers this same subject.)

47-20-4 ERCO (Was Mandatory Note 12 of AD-718-6) (Applies to serial numbers 113 through 4399)

To be accomplished prior to August 1, 1947.

A positive locking device must be installed on the zipper in the baggage compartment bottom to prevent its opening and permitting articles to fall through and foul the controls. (Erco's Ercoupe Service Department Bulletin No. 17 dated January 6, 1947, covering this same subject, provides a satisfactory method for safetying the bottom baggage compartment zipper.)

47-20-5 ERCO (Was Mandatory Note 13 of AD-718-6) (Applies to serial numbers 800 through 2037)

Compliance required prior to October 1, 1947.

Cracks have occurred in the belly skin at the rear-most rivet attaching the center section belly skin outer stiffeners (Erco part No. 415-13056 L/R) to the belly skin.

To prevent similar failures where cracks have not yet developed, install 0.064-inch 24ST alclad angles 1/2 inch wide with legs of 1 3/32 inches and 1/2 inch (Erco part number 415-13068). Attach the 1 3/32 inches leg to the outboard side of the aft end of each belly skin outer stiffener with two AN470AD3-4 rivets (3/32-inch diameter, universal head, A17ST, 1/4 inch long) and to the center section rear beam with one AN470AD3-5 rivet. (AN430 type round head rivets may be used.)

If cracks are found in the belly skin, drill relief holes at the ends of the cracks and install triangular shaped patch plates as follows in addition to the angle stiffeners described above. Prepare the patch plates of 0.032 inch 24ST alclad material of such a shape that it will pick up the last two rivets which attach the aft end of the belly skin outer stiffener to the belly skin and the three rivets attaching the rear beam to the belly skin which are in line with and to either side of the stiffener. Remove the above-mentioned existing rivets and attach the patch plates through these holes using AN470AD3-3 and -4 rivets. Attach the patch plate to the belly skin with six additional AN470AD3-3 rivets, three through each side of each plate. (Erco's Ercoupe Service Department Bulletin No. 18 dated January 9, 1947, covers this same subject.)

47-20-6 ERCO (Was Mandatory Note 14 of AD-718-6) (Applies only to serial numbers 113-3784, inclusive, except the following which have new design incorporated: 3719, 3720, 3723, 3724, 3726, 3729, 3732, 3735, 3738, 3741, 3742, 3744, 3745, 3747, 3750, 3753, 3756, 3759, 3762, 3764, 3765, 3767, 3768, 3771, 3774, 3777, 3780, 3783)

Compliance required not later than next 100-hour inspection unless visual inspection indicated immediate repair is required.

Flexing of the lower aileron skin has resulted in fatigue cracks in the beam in the balance weight area. Inspect the beam and lower aileron skin carefully for cracks and drill relief holes at the ends of all cracks. Then add reinforcement plates (Erco part Nos. 415-16039-5 and -6) to the front face of the aileron beam and lower surface of the lower aileron skin, respectively, following the procedure outlined in Ercoupe Service Department Bulletin No. 20. (Blind, Type A, AN 450-4-10 may be used in lieu of Dupont Explosive DR134A-8 and DR134A-10 rivets, respectively.) Use new longer AN526C632-7 truss head screws to reinstall the balance weight. Check the aileron rigging and the aileron bellcrank pushrod for

this wing leading edge reinforcement and rivet replacement.)

propeller with these airplanes indicate that the propeller diameter should be reduced

ity which these components have demonstrated in comparable service.

To be accomplished not later than June 1, 1947.

spective holes; shorten outlet hose (415–48101–2) and install fuel pump hose (415–

the balance weight. Check the aileron rigging and the aileron bellcrank pushrod for

freedom from binding in the rod end under full aileron travel before again placing the airplane in operation. (Ercoupe Service Department Bulletin No. 20 dated February 17, 1947, covers this subject in greater detail.)

47–20–7 Erco (Was Mandatory Note 15 of AD–718–6) (Applies only to serial numbers 113 to 3335, inclusive)

Compliance required not later than next 100-hour inspection unless visual inspection indicated immediate repair is required.

Cases of fatigue failure indicate a need for reinforcing the rudder at the control horn attachment. Remove the rudders from the airplane and rudder control horns and the center rudder hinges from the rudders. Clean surface of both the inboard and outboard skin in the area of the control horn, inspect carefully for cracks and, if cracks are found, drill relief holes at their ends. Drill number 27 (0.144-inch) holes through the outboard skin in line with the center and aft rudder horn attachment bolt holes. Install the "T" shaped reinforcement plate (ERCO part No. 415–24–14–3) between the existing reinforcement plate (415–24007) and the rudder channel on the outboard side (hinge side). Replace the rudder control horn using the special bolts (Erco part Nos. 415–24014–1 and 415–24014–2) through the forward and center hinge attachment holes, taking care to use the longer screw in the center hole. Lock special screws by adding washers, AN960–A6L, and self-locking nuts, AN365–632, to the ends projecting through the outboard skin. Drill two No. 9 (0.196-inch) holes in reinforcement plate to match hinge holes and replace hinge taking care to realign with the upper and lower hinges. Replace rudders on airplane taking care to avoid looseness or binding at pushrod attachment to the rudder horn. Check rigging in accordance with Ercoupe Service Department Memorandum No. 35. (Ercoupe Service Department Bulletin No. 23, dated February 4, 1947, covers this subject in greater detail.)

47–20–8 Erco (Was Mandatory Note 16 of AD–718–6)

Compliance required prior to July 1, 1947.

(a) Install a new battery box drain tube to extend at least ½ inch below the fuselage belly skin if this has not been already incorporated in the airplane.

(b) Examine the fuselage structure and controls carefully for corrosion. If corrosion is found on the structure, the affected areas should be washed with an alkaline solution and followed by a thorough clear water rinse. Corroded controls should be replaced.

(c) Examine the baggage compartment for deterioration. If damage is evident, wash the affected area with a diluted alkaline solution and rinse with clear water. Reinforce any damaged areas with 10½-ounce single filled water-resistant canvas, double sewn with 16–4 glace finished thread.

(d) Install decalcomania (Erco part No. 415–54062) on the top of the battery box cover.

Ercoupe Service Department Memorandum No. 44 dated February 17, 1947, and Ercoupe Service Department Bulletins No. 8 dated May 24, 1946, and No. 22, dated February 3, 1947, also cover the above subjects.

47–20–9 Erco (Was Service Note 1 of AD–718–6)

Compliance required at each 100-hour inspection and immediately after each electrical system malfunction.

Check the operation of the voltage regulator by observing the ammeter reading after starting and until the battery becomes charged. A normal operation would indicate a charging rate up to 11–13 amperes for periods of time up to 20 minutes after starting. The charging rate should reduce to two amperes or less within two hours of operation. (Ercoupe Service Department Memorandum No. 23 covers this same subject.)

47–21–1 Fairchild (Was Mandatory Note 7 of AD–707–2 and Mandatory Note 4 of AD–706–1) (Applicable to all airplanes not equipped with No. 8 terminal wire)

Compliance required prior to August 1, 1947.

Replace the terminal wire which runs from starter relay to buss bar with a No. 8 wire, AN Spec. AN–J–C–48a, Fairchild part No. FS6108–26. (Fairchild Service Bulletin 47–24–1 dated January 8, 1947, covers this same subject.)

47–21–2 Fairchild (Was Mandatory Note 8 of AD–707–2 and Mandatory Note 5 of AD–706–1)

Compliance required prior to July 1, 1947.

Replace the landing light fuse with one of 20 ampere capacity. (Fairchild Service Bulletin 47–24–1 dated January 8, 1947, covers this same subject.)

47–21–3 Fairchild (Was Mandatory Note 9 of AD–707–2 and Mandatory Note 6 of AD–706–1) (Applicable to model F24W41A, serial 373 and up, and all models F24W46, F24W46S, F24R46, F24R46A and F24R46S)

Compliance required before August 1, 1947.

Inspect forward rudder cable turnbuckles which attach to idler brackets located in lower fuselage truss aft of baggage compartment. Turnbuckles should swivel freely. Turnbuckle eyes with shank bent or filed down or which are otherwise damaged should be replaced. Select an eye which swivels freely in idler bracket and use a clevis bolt of sufficient length to prevent binding. If shank of eye is bent, check alignment of rudder cable. (Fairchild Service Bulletin No. 47–24–2 dated April 22, 1947, covers this same subject.)

47–21–4 North American (Was Mandatory Note 3 of AD–782–3) (Applies to serial numbers NAV4–2 through 21, 24 through 29, 32, 35, 36, 40, 42 through 47, 57, 192, 199, 251)

To be accomplished not later than August 1, 1947.

The original fuel filler scupper will collect spilled gasoline since no drain line is provided. In addition, the thickness of material is insufficient to prevent damaging by the filler hose nozzle. To eliminate these conditions, a redesigned scupper with drain line is to be installed per NAA Drawing 145–89010. (NAA Field Service Bulletin No. 2 covers this same subject.)

47–21–5 North American (Was Mandatory Note 4 of AD–782–3) (Applies to serial numbers NAV4–11 through 21 and 44 through 47)

To be accomplished not later than August 1, 1947.

Replace the original propeller control with one that incorporates a positive friction lock in accordance with NAA Kit Drawing 145–89011. (NAA Field Service Bulletin No. 5 covers this change.)

47–21–6 North American (Was Mandatory Note 5 of AD–782–3) (Applies to serial numbers NAV4–11 through 22, 24, 26 through 29, 32, 33, 41, 42, 44 through 47, 62, 63, 192, 199)

To be accomplished not later than at first engine overhaul.

On certain Continental E–185 engines it is necessary to increase the compressive force on the valve springs to prevent rough engine operation at or near rated RPM. This may be accomplished by installing Continental No. 520023 spacers under all valve spring inner retainers. All engines having serial numbers 1395 and above have been modified by Continental Engines having this rework are identified by a yellow mark underneath the engine data plate. (NAA Field Service Bulletin No. 11 and Continental Motors Bulletin No. E–112 cover this rework.)

47–21–7 North American (Was Mandatory Note 6 of AD–782–3) (Applies to serial numbers NAV4–10 through 20, 22 through 26, 28, 29, 31 through 49, 51, 52, 55 through 58, 60, 63, 73, 76, 79, 82 through 84, 88 through 95, 99 through 104, 106, 108, 110, 112 through 116, 120 through 122, 124, 125, 130, 133, 141, 151, 153, 158, 163, 171)

To be accomplished prior to August 1, 1947.

Some airplanes were delivered with a cork or rubber filler strip cemented to the upper surface of the 145–42201–71 carburetor air intake scoop where the scoop fits over the flange of the air mixing chamber. This strip may become dislodged and drawn into the air induction system. To prevent this, replace the filler strip with a 3⅛-inch by ⅝-inch dural strip of 0.093-inch thickness, flush-riveted to the scoop. (NAA Field Service Bulletin No. 15 covers this subject.)

47–21–8 North American (Was Mandatory Note 7 of AD–782–3) (Applies to serial numbers NAV4–2 through 411)

To be accomplished not later than August 1, 1947.

Short circuits have been reported caused between the generator lower terminal and the fitting on the hydraulic pump inlet hose. To prevent such short circuits, install a self-threading insulator No. 145–54053 (or equivalent) on the generator lower terminal stud. (NAA Field Service Bulletin No. 18 covers this change.)

47–21–9 North American (Was Mandatory Note 8 of AD–782–3) (Applies to all serials up to and including number NAV–4–947)

Compliance required prior to September 1, 1947.

Due to malfunctioning of the hydraulic system, which has resulted in the failure of components of that system, including actuating cylinders, the following modifications must be accomplished.

(a) If an engine driven hydraulic pump is installed in the airplane, rework the hydraulic power system to install the manually controlled relief valve, North American part No. 145–58027, and replace the existing placard "Hyd. System Pull Off" with new placard "Hyd. Power On." (North American Field Service Bulletin No. 26 covers this same subject.)

(b) Install the swivel head type nose gear actuating cylinder, North American part No. 145–58014. (North American Field Service Bulletin No. 19 covers this same subject.)

(c) Visually inspect all flap and landing gear actuating cylinders for evidence of cracks or other damage. Any cylinders found to be damaged should be replaced.

47–21–10 North American (Was Mandatory Note 9 of AD–782–3) (Applies to serial numbers NAV4–2 through NAV4–1010 which incorporate Hartzell HC12X20–1 propellers)

To be accomplished not later than September 1, 1947.

The propeller control piston guide pins, Hartzell part No. A–11, require additional safetying in order to prevent loosening and subsequent loss of engine oil. This is accomplished by the installation of a 3/32-inch steel dowel through the guide pin. (NAA Field Service Bulletin No. 30 covers this rework.)

47–21–11 Republic (Was Mandatory Note 1 of AD–769–2) (Applies to serial numbers 5 to 174, inclusive)

Compliance required prior to July 1, 1947.

In order to prevent short circuiting of terminal studs on the firewall, remove each stud, enlarge the hole (0.316 drill) and insert a bushing (part No. 17F82080–1). (Republic Seabee Service Bulletin No. 1, dated December 18, 1946, covers this same subject.)

47–21–12 Republic (Was Mandatory Note 2 of AD–769–2) (Applies to serial numbers 66 to 239, inclusive)

Compliance required prior to July 1, 1947.

To correct a production error, place "No Smoking" decalcomania in a conspicuous location in the airplane. (Republic Seabee Service Bulletin No. 3 dated December 31, 1946, covers this same subject.)

47–21–13 Republic (Was Mandatory Note 3 of AD–769–2) (Applies to serial numbers 5 to 234, inclusive)

Compliance required prior to July 1, 1947.

Inspect the rivets of the forward end of the elevator control push-pull tube in front of the instrument panel for size, looseness and replacement as necessary. If the installation has been made with four 5/32-inch diameter rivets, replace with six 3/16-inch rivets (3 on each side evenly spaced). If four 3/16-inch diameter rivets are already installed and looseness exists, replace the loose rivets and install two additional 3/16-inch rivets (one on each side evenly spaced). Republic Seabee Service Bulletin No. 6 dated January 16, 1947, covers this same subject.)

47–21–14 Republic (Was Mandatory Note 4 of AD–769–2) (Applies only to serial numbers 5 to 500, inclusive)

Compliance required at the next 25-hour inspection or by August 1, 1947, whichever occurs first.

To prevent fouling of the lower elevator cable on the elevator balance weight in the tail boom, incorporate Republic part No. SK–17–14052–2 in the lower elevator control cable system. This elevator control cable guide is installed on the cross channel, in the tail boom, with the existing bolts holding the two inboard rudder pulley brackets. (Republic Service Bulletin No. 14 dated March 31, 1947, covers the same subject.)

47–21–15 Republic (Was Mandatory Note 5 of AD–769–2) (Applies to serial numbers 488 to 602, inclusive)

Compliance required as soon as possible, but not later than July 1, 1947.

Inspect the radio filter mounted on left-hand rear engine baffle. Filters in steel boxes 4 inches by 2 inches should be further inspected and reworked or replaced as described below, in order to minimize the possibility of a short circuit. Those filters which are in a smaller box need not be reworked.

1. If the coil is bolted to the box and the condenser is fastened in place with a clamp, the filter is satisfactory. If the coil is bolted to the box but the condenser is glued in place, the filter may be used provided a 1⅛-inch diameter clamp is added to fasten the condenser in place.

2. Filters in which the coil is not bolted to the box should be replaced by a new filter assembly, Republic part No. SK–17–83053–1. (Republic RC–3 Seabee Service Bulletin No. 15 dated April 8, 1947, covers this same subject.)

47–21–16 Republic (Was Mandatory Note 6 of AD–769–2) (Applies to serial numbers 5 to 250, inclusive)

To be accomplished not later than the next 25 hours of operation subsequent to July 1, 1947, and in any case not later than September 1, 1947.

In order to provide a fuel strainer drain which is leakproof and air-tight:

1. Remove the existing drain cock or plug from the fuel strainer located near the right hand wing fairing.

2. Install adapter 17P65058–1 in the strainer and install W7600–1/8 drain cock in the end of adapter. Use seal-lube when installing these parts. (Seabee Service Bulletin No. 7 dated February 5, 1947, covers the same subject.)

47–21–17 Republic (Was Mandatory Note 7 of AD–769–2) (Applies to serial numbers 5 to 125, inclusive)

To be accomplished not later than the next 25 hours of operation subsequent to July 1, 1947, and in any case not later than September 1, 1947.

In order to provide an improved backfire screen, remove existing screen from flexible hot air tube, install new type screen with flush end at the carburetor air duct end of hot air tube, locating it to prevent interference with the carburetor air duct or the old screen which will be reinstalled. Securely attach new screen to tube (Republic Seabee Bulletin No. 2 covers this same subject.)

47–21–18 Republic (Was Mandatory Note 8 of AD–769–2) (Applies to serial numbers 5 through 303, 305 through 367, 369 through 398, 400 through 445, 448 and 449, 451 through 454, 456 through 459, 461 through 466, 469 and 470, 472, 474, 479 and 482)

Compliance required prior to next flight.

Prior to each flight until reinforced support bracket is installed, inspect mixture control support at carburetor air filter housing for evidence of cracking. Support bracket must be installed not later than the next 25 hours of operation after July 1, 1947, and in no case later than August 1, 1947. (Republic Seabee Service Bulletin No. 11 dated March 10, 1947, covers this same subject.)

47–21–19 Republic (Was Mandatory Note 9 of AD–769–2) (Applies to serial numbers 5 to 238, inclusive)

Compliance required not later than the next 25 hours of operation subsequent to July 1, 1947, but in no case later than September 1, 1947.

Inspect parking brake, battery, mixture and carburetor heat flexible controls for presence of brass ferrule or AN 742D3 clamp on split sleeve at operating end of these controls. If clamp or ferrule is not installed, split metal sleeve can open permitting casing to slide out when control is actuated thus rendering the control ineffective. The above clamp should be installed immediately. (Seabee Service News No. 10, dated January 13, 1947, covers this subject.)

47–21–20 Republic (Was Mandatory Note 10 of AD–769–2) (Applies to serial numbers 426 through 484, except 446, 447, 452, 455, 460, 468, 471, 473, 475, 480, 481 and 483)

Compliance required not later than the next 25 hours of operation subsequent to July 1, 1947, and in any case not later than September 1, 1947.

In order to prevent excessive loss of oil through oil pressure gauge line in case of its failure, install a restrictor fitting at the engine end of that line. (Seabee Service Bulletin No. 13, dated March 17, 1947, covers this same subject.)

47–21–21 Republic (Was Service Note 1 of AD–769–2) (Applies to serial numbers 5 to 236, inclusive)

Inspection required immediately and periodically as noted below.

Inspect two slots at upper end of each tip float strut (part No. 17W23001) very carefully for cracks. Slots are located inside of wing contour, therefore, struts must be removed from wing at upper attachment for proper inspection. If any cracks are present, strut shall be replaced prior to further operation. All struts without relief holes at ends of slots as recommended by manufacturer shall be inspected for cracks at 50-hour intervals. (Republic Seabee Service Bulletin No. 12 covers this same subject.)

47–21–22 Republic (Was Service Note 2 of AD–769–2)

Inspection required before next flight and at each subsequent 25 hours of operation.

If no tab type lock washers are installed, check tightness of engine mounting bolts to torque of 25 foot-pounds on ⅜-inch bolts and 30 foot-pounds on 7/16-inch bolts. If it is found that loosening has occurred it will be necessary to install tab type lock washers under all engine mounting bolts. (AMI part No. 15175 for ⅜-inch bolts, AMI part No. 15176 for 7/16-inch bolts.)

If tab type lock washers have been installed previously and tabs are in place, inspection is required only at the regular 100-hour periods. (Aircooled Motors Service Bulletin No. 47 pertains to this subject.)

47–21–23 Republic (Was Service Note 3 of AD–769–2) (Applies to engine serial numbers 23001 to 24083, inclusive)

Compliance required before the next flight and after 5 hours of operation following each installation of fan.

Inspect the engine cooling fan capscrews for tightness. If tab locks are installed ascertain whether the locks are still in place. If the capscrews or the locks have loosened remove the capscrews, fan and pulley sheave. Clean and inspect parts for wear. Reassemble carefully using part No. 17778 drilled head capscrews with plain washers. Torque to 20 foot-pounds, operate engine up to 1500 r. p. m. for 5 minutes, retorque and safety with 0.041-inch stainless steel wire. Visually inspect locking wire and capscrews after 5 hours of operation. Reassemble in this manner every time the fan is removed.

Obtain the new capscrews, washers, and wire from your Seabee distributor or the engine manufacturer. (Franklin Service Bulletin No. 57 dated June 9, 1947, which supersedes Bulletin No. 50 covers this same subject.)

47–22–1 Luscombe (Was Mandatory Note 12 of AD–694–4) (Applies only to airplanes equipped with Edo 60–1320 floats)

Compliance required immediately if possible but in any event not later than August 1, 1947.

All seaplanes should be inspected to determine whether the bulkhead reinforcements of Luscombe Drawing 46701 are presently installed at fuselage station 4 (rear float strut attachment). If not, those reinforcements shown on Luscombe Drawing 58730 must be installed to insure the structural integrity of the float installation. Each seaplane should also be inspected to determine conformity of Model 8A with Luscombe Drawing 58700 and Models 8C and 8D with Luscombe Drawing 58725.

47–22–2 Freedman (Was Mandatory Note 13 of AD–694–4; 7 of AD–778–2; 13 of AD–766–5 and 11 of AD–768–5) (Applies only to airplanes equipped with Freedman Propellers)

Superseded by 48–48–1.

47–22–3 Piper (Was Mandatory Note 4 of AD–780–3) (Applies only to serial numbers 12–1 and up to 12–249 except serial numbers 12–221, 12–236, 12–239 and 12–244)

Compliance required prior to August 1, 1947.

Reinforce the upper end of the tie strap on the landing gear with a 0.125 x 1½ x 4½, 4130 steel plate. Bend and trim to fit and install over end of strap by edge welding. (Piper Service Bulletin No. 93 dated August 8, 1946, covers this same subject.)

47–25–1 Culver (Was Mandatory Note 3 of AD–778–2) (Applies to serial number V–1 and up)

Compliance required prior to August 15, 1947.

In order to correct the possibility of unequal fuel feed from the two tanks, with the attendant possibility of air lock, rework the fuel system to incorporate a sump tank (PN11202–1) in former location of feed "T" fitting and revised fuel feed and vent lines. (Culver Service Bulletin No. 17 covers this same subject.)

47–25–2 Culver (Was Mandatory Note 4 of AD–778–2)

Compliance required prior to August 15, 1947.

Install wing fillets, Culver part No. 10477, at junction of fuselage and wing trailing edge. Attach with #6 x ¼ P. K. screws (12)

or equivalent (Culver Service Bulletin No. 13 covers this same subject.)

47-25-3 CULVER (Was Mandatory Note 5 of AD-778-2) (Applies only to serial numbers V-1 to V-130, inclusive)

Compliance required prior to August 15, 1947.

Inspect the nose gear drag link for the type of connection used to attach the aft fitting. The ¾-inch diameter tube must butt the aft fitting. If otherwise, replace the link or rework accordingly. (Culver Service Bulletin No. 1 covers this same subject.)

47-25-4 CULVER (Was Mandatory Note 6 of AD-778-2) (Applies only to aircraft certificated for night flying)

Compliance required prior to August 15, 1947.

Provide adequate illumination for compass by installing a Lucite reflector. Culver part No. 11850, between the instrument panel and sub-panel. The reflector is attached by means of the two upper attachment screws for the compass with its straight end extending to the nearest instrument light bulb. All paint should be scraped off the top half of this bulb. Other means of providing equivalent illumination of the compass are acceptable. (Culver Service Bulletin No. 14 covers this same subject.)

47-25-5 CULVER (Was Service Note 2 of AD-778-2)

Inspect the nose-main gear interconnection tube located in the nose wheel well for evidence of corrosion and apply AN-G-3a grease to the unpainted aft end every 50 hours of operation. Since the aft end of the tube slides through a trunnion just aft of the wing spar any pitting or scaling of the tube surface in this area may result in binding and failure of the landing gear retraction system and necessitates replacement of the tube. Where climatic conditions promote accelerated corrosive action, as in coastal regions, the tube should be inspected during each daily line check. (Culver Service Memorandum dated September 25, 1946, covers this same subject.)

47-25-6 GLOBE (Was Mandatory Note 10 of AD-766-5) (Applies only to serial numbers 3 to 157, inclusive, and No. 159)

Compliance required prior to August 1, 1947.

Remove the carburetor flexible air duct, part No. 11-440-3405 and metal air intake scoop, at point of attachment at rear right engine cylinder and outboard connection to the right exhaust heater shroud. Replace with flexible air duct, Globe part No. 11-440-3648, and elbow, Globe part No. 11-440-3729. This is necessary to prevent collapsing of the air duct when the carburetor air heater is used. (Globe Customer Service Maintenance Bulletin No. 5 covers this same subject.)

47-25-7 GLOBE (Was Mandatory Note 11 of AD-766-5) (Applies only to serial numbers 1001 to 1119, inclusive)

Compliance required prior to August 1, 1947.

If an oil radiator is or has been installed, inspect the forward end of the engine's left oil galley outlet port and remove steel sleeve, Continental part No. 25206, if found to be installed. This is necessary to insure that positive lubrication is being provided the No. 6 cylinder connecting rod bearing. (Globe Customer Service Maintenance Bulletin No. 13 covers this same subject.)

47-25-8 GLOBE (Was Mandatory Note 12 of AD-766-5) (Applies only to serial numbers 2001 to 2329, inclusive)

Superseded by 51-2-2.

47-25-9 BELLANCA (Was Mandatory Note 6 of AD-773-5) (Applies to serial numbers 1060 through 1560, inclusive)

Compliance required prior to August 1, 1947.

Inspect the fin and stabilizer fittings to which the tail bracing tie rods attach for cracks and at each 25 hour inspection thereafter up to the next 100 hour check. Replace fittings if cracks are found not later than the next 100 hour check or September 1, 1947, whichever comes first and add reinforcing gussets. (Bellanca Service Bulletin No. 6 covers this same subject.)

47-25-10 CONSOLIDATED VULTEE (Was Service Note 4 of AD-2-571-2) (Applies to all serials equipped with wood elevator tabs)

Compliance required not later than September 1, 1947, and each 20 hours of operation thereafter.

The elevator tabs should be closely inspected to determine if any sign of glue failure, dry rot, or cracking of plywood exists adjacent to glue joints. Attachment of aluminum alloy extension to tab may have weakened the trailing edges of wood tabs or weathering of wood may have caused deterioration. If any failure or deterioration is found, the tab should be immediately replaced or repaired in an adequate manner.

47-26-1 CESSNA (Was Mandatory Note 9 of AD-768-4) (Applies only to serial numbers 8001 to 13799, inclusive)

Superseded by 48-4-1.

47-26-2 CESSNA (Was Mandatory Note 10 of AD-768-4) (Applies to serial numbers 8000 to 13777, inclusive)

Pending compliance with this note the following placard shall be installed immediately on the instrument panel: "All Acrobatics Prohibited. Reduce Cruising Airspeed in Rough Air."

Compliance with modifications listed below required prior to August 1, 1947. After August 1, placard is not valid, and airplanes are not to be flown until modifications are accomplished.

Inspect the wing leading edge for indications of buckling in the skin which may result from failure of the spot welds attaching the skin to the nose ribs. If there is any buckling of the skin at the ribs, other than at the extreme nose radius, the fabric should be cut open on the bottom surface just forward of the front spar for thorough inspection of the affected nose ribs. Any buckled nose ribs should be repaired or replaced. Upon completion of the above the following reinforcements should be accomplished.

1. Leading edge:

(a) On covered wings install four Cherry CR 163-4-4 rivets in the upper surface leading edge at each nose rib from No. 2 to No. 10, inclusive. No. 30 holes should be drilled through the fabric skin and rib flange at chordwise locations determined by use of a template supplied by Cessna. (If template is not available holes can be located by finding 3/32-inch jig hole (or flush rivet in early airplanes) in leading edge skin at tip of each nose rib and drilling holes 1½ inches, 2¾ inches, 4 inches, and 5¼ inches aft from the jig hole, as measured along the curved surface of the leading edge, and exactly in line with the jig hole and the rivet through the skin and nose rib flange just forward of the front spar.) Use only light pressure on drill to avoid bending rib flange where spot welds have failed. Be sure that hole is drilled through both the skin and the nose rib flange.

(b) On wings being recovered the Cherry rivets should be carefully drilled out before removing the fabric. Before the new fabric is applied AN 456-AD4 rivets should be installed.

2. Upper Surface Fabric Attachment:

(a) On covered wings install four Cherry CR 163-4-4 rivets in each rib one rivet midway between each of the fabric attachment clips (5 inches clip spacing) from No. 1 to No. 5, as numbered aft from the front spar. No. 30 holes should be drilled for the rivets through the fabric at the middle of the reinforcing tape and through the rib flange. A 7/16-inch x 0.015-inch pyralin washer should be used under each rivet head and should be stuck to the fabric with dope. On wings having P-K screws installed in accordance with Cessna Service Letter Nos. 35 and 37, replacement of the screws with Cherry rivets is optional.

(b) On recovering wings, the rivets should be carefully drilled out before removing the fabric to prevent damage to the ribs. When the new fabric covering is applied, standard Cessna fabric attachment clips may be substituted for the Cherry rivets of P-K screws. In this event a clip should be installed midway between each of the present clips from the front spar to the rear spar and from the rear spar to the trailing edge. Holes for the additional clips should be made with a No. 40 drill and a template supplied by Cessna.

(Cessna Service Letter No. 42 dated May 20, 1947, also covers this subject and supersedes Cessna Service Letters Nos. 37 and 38.)

47-27-1 WACO (Was Mandatory Note 4 of AD-648-1)

Compliance required not later than next periodic inspection.

Inspect tank area in wings for damage to plywood tank support and wing spars caused by collection of moisture in the boxed area of the fuel tank.

1. Remove the left and right fuel tanks and inspect the condition of the plywood tank support and the front and rear spars.

2. If the plywood supports are found to be in poor condition they should be replaced using new plywood.

3. If the spars have been affected by the accumulated moisture, repairs should be made in accordance with C. A. A. requirements or in extreme cases the spar should be replaced.

4. In order to provide drainage of the tank compartment three holes 3/16 inch in diameter should be drilled through the plywood support at the extreme rear of the support as close to the rear spar as possible without damaging the spar. These drain holes should, of course, extend through the fabric covering.

5. The drain holes should be drilled in all tank compartments at the time the fuel tanks are removed for this inspection.

The above inspection and recommended remedial measures also covered by Waco Aircraft Company Service Letter No. 3.

47-27-2 DOUGLAS (Was Service Note 4 of AD-762-7) (Applies to all C-54-DC series and DC-4 airplanes)

Inspection required at intervals not to exceed 150 hours.

Open the quick-opening type inspection doors in the bottom of the outer wing and center wing section surfaces forward of the front spar and aft of the center spar. Inspect spar web structure for loose rivets, cracks, or other irregularities. Pay particular attention in the fuel tank areas for evidence of fuel leaks which will indicate cracked spar webs or rivet and seam leaks.

All spar web cracks which are found after accomplishment of Note 46-27-1 (Service Bulletin C-54-205, "Rework—Integral Fuel Tanks") or cracks that are located in areas to which the Service Bulletin C-54-205 does not apply, should be repaired in accordance with Douglas Drawings No. 5354811, "Service Rework—Station 463, Outer Wing, Center Spar," and No. 3344236, "Repair—Integral Tank Spar Web Crack."

47-27-3 DOUGLAS (Was Service Note 5 of AD-762-7) (Applies to all DC-4, C-54 series aircraft)

Superseded by 51-9-2.

47-27-4 DOUGLAS (Was Mandatory Note 18 of AD-762-7) (Applies to all C-54 and DC-4 series airplanes having exhaust collector rings made up of top segments parts Nos. 5174842-56 L. H. and 5174529-56 R. H.)

To be accomplished not later than the first engine change subsequent to July 15, 1947, but in any event not later than October 15, 1947.

Several reports have been received of cracking failure of the collector ring "Y" outlet assembly due to breathing of the exhaust stack. This induces failure which creates a fire hazard. This type of exhaust collector "Y" is not reinforced with a flange and is shown on page 4, Douglas Service Bulletin No. DC-4 #31. To correct this condition weld a scalloped stiffener flange on the exhaust collector aft of the "Y" outlet assembly. (Douglas Service Bulletin No. DC-4 #68 covers this same subject.)

Until this repair is accomplished, inspection for cracks should be made immediately and at periods not to exceed 50 hours of operation.

47-30-1 AERONCA (Was Mandatory Note 3 of AD-759-3 and Mandatory Note 3 of AD-761-3) (Applies only to serial numbers 7AC-1 to 4795, inclusive, and 11AC-1 to 11AC-502, inclusive)

Compliance required not later than November 1, 1947.

To prevent failure of lift strut wing fitting due to tie-down loads, replace front lift strut wing attachment fittings with Aeronca No. 2-893 fittings. (Aeronca Service Helps and Hints #13 dated August 14, 1946, and supplement thereto covers this same subject.)

47-30-2 CESSNA (Was Mandatory Note 12 of AD-722-5)

Compliance required no later than next 100-hour inspection.

Inspect the ends of the brake pedal links, part No. 53046, for reinforcing doubler plates around the fitting holes. If the doubler is not in evidence, remove the links and rivet two 0.040-inch x ½-inch x approximately 2-inch length—24ST aluminum alloy reinforcing doubler plates to each end of each link using two ⅛-inch A17ST rivets through both doublers and the link on the far side of the joggle from the fitting holes.

47-30-3 CESSNA (Was Mandatory Note 13 of AD-722-5) (Applies to all UC-78 and AT-17 series airplanes)

Compliance required prior to October 15, 1947.

Inspect the wing of 5,400 and 5,700 pound gross weight airplanes to determine that the wing has been properly identified as a 5,700 pound wing. The 5,700 pound wing has the following salient identification features:

a. Laminated (8 to 10 ply) birch plywood reinforcement on the rear face of the rear spar (instead of spruce block found on the 5,100 pound wing) extending continuously through the center section from nacelle to nacelle. Ends of this plywood plate are scarfed out just inboard of each nacelle bearing block.

b. Continuous plywood flanges 1 to 1½ x 1/16 inch are found on both sides of the lower cap strips of wing ribs between the front and rear spars on 5,700 pound wings.

c. The diagonal in nose ribs of the 5,700-pound wing is 5/16 x 7/16 instead of 5/16 x 5/16 found in the 5,100-pound wing.

Wings which cannot be identified as outlined above are not eligible for certification above 5,100 pounds gross weight.

47-30-4 CESSNA (Was Service Note 4 of AD-722-5)

Inspect the landing gear chains and chain dampener mechanism for the following at each 100-hour inspection. The landing gear chain should be tight and pressing firmly against the drive and idler sprockets. With the chain pulling tight against the idler sprockets the slotted dampener link should permit movement of the spring dampeners. The dampener spring is correctly adjusted when compressed to ⅜ inch. All sprockets should be inspected for excessive wear. The sprockets are considered excessively worn and should be replaced when the teeth are one-half the thickness of the sprocket web. All guards should be inspected to make sure there is no danger of binding or jamming. Inspect all links of the landing gear chain for cracks and replace any links that are found cracked. It is recommended that the chain be replaced every 1,000 hours.

47-30-5 AERONCA (Was Service Note 2 of AD-759-3 and Service Note 2 of AD-761-3)

Inspection required not later than September 15, 1947, and each 50 hours thereafter on Model 7AC airplanes having serial numbers prior to No. 7AC-6797 and Model 11AC airplanes having serial numbers prior to No. 11AC-1697.

Due to difficulties in the manufacture of the exhaust stacks for these airplanes, it is necessary to inspect the stack "Y" junction for evidence of failure or deterioration. This inspection should be accomplished as follows:

A. Initial inspection (not later than September 30, 1947). The exhaust stacks on these airplanes should be removed from the airplane and checked visually in the vicinity of the "Y" junction for evidence of burning or flaking, tapped with a hammer for evidence of soft spots, and inspected to determine whether the stack is obstructed in any way.

B. Periodic inspection (each fifty hours). The exhaust stacks should be reinspected visually in the vicinity of the "Y" junction by removing the cabin and carburetor heater muffs each fifty hours of engine operation.

This information is also contained in Aeronca Service Helps and Hints No. 25 dated May 13 1947.

47-30-6 BEECH (Was Mandatory Note 2 of AD-2-582-2) (Applies only to airplanes equipped with M-3 generators which do not have three-pole-single-throw relays installed for generator control)

To be accomplished prior to certification or, if certificated, on next periodic inspection but not later than October 1, 1947.

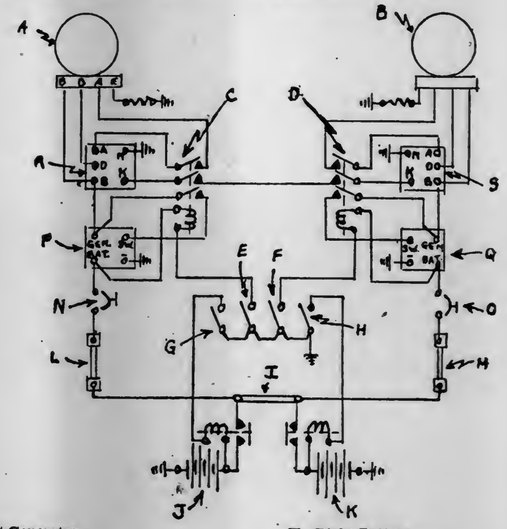

A—Left Generator.
B—Right Generator.
C—Left Gen. Contr. Relay.
D—Right Gen. Contr. Relay.
E—Left Gen. Switch.
F—Right Gen. Switch.
G—Left Battery Switch.
H—Right Batt. Switch.
I—Main Bus.
J—Left Battery.
K—Right Battery.
L—Left Ammeter Shunt.
M—Right Ammeter Shunt.
N—50 amp. Circuit Brkr.
O—50 amp. Circuit Brkr.
P—Left Cutout.
Q—Right Cutout.
R—Left Volt. Regulator.
S—Right Volt. Regulator.

FIGURE 1.

In accordance with Figure 1 (Page 39) install a three-pole-single-throw relay, General Electric No. CR2791-B100G3 or equivalent, for the control of each generator. The operating coil of the left generator relay should be controlled by a single-pole-single-throw "On-Off" switch mounted on the pilot's control panel adjacent to the left battery switch, and should be labeled "Left Gen. SW.". The operating coil of the right generator relay should be controlled by a single-pole-single-throw "On-Off" switch mounted on the pilot's control panel adjacent to the right battery switch and should be labeled "Right Gen. Sw.". The battery and generator switches should be located adjacent to each other in the order shown on Figure 1, and should be provided with a suitable gang-bar such that pilot can throw the four switches to the "Off" position in a single operation.

The generator control relays may be mounted in any convenient junction box or in a separate box provided therefor. Choice of relay location should be such that the length of generator field leads are kept to a minimum.

47-30-7 BEECH (Was Mandatory Note 3 of AD-2-582-2) (Applies only to aircraft which are not equipped with generator circuit protective devices)

To be accomplished prior to certification or, if certificated, on next periodic inspection but not later than October 1, 1947.

In accordance with Figure 1 install a 50 amp trip-free circuit breaker, Spencer Thermostat Co. PLM-50 or equivalent, between the battery terminal of each generator cutout and its respective ammeter shunt. The circuit breakers should be accessible in flight and lobeled respectively: "Left Gen. Circuit" and "Right Gen. Circuit."

1947.

Inspect the fin and stabilizer fittings to which the tail bracing tie rods attach for there is no danger of binding or jamming. Inspect all links of the landing gear chain for

J—Left Battery.

FIGURE 1.

47–30–8 AERONCA (Was Mandatory Note 9 of AD–675–2 and Mandatory Note 7 of AD–702–1)

Compliance required not later than September 30, 1947.

In order to prevent the seat belt anchorage from failing during a crash landing, it has been found necessary to modify the seat installation as follows:

1. If there is no need for an adjustable seat, the rear sliding lugs on each side of the seat should be bolted to the slide tube using 3/16-inch AN bolts. Location of bolt approximately 1 1/2 inches below and 3/8 inch forward of center of seat cross tube.

2. If the seat is to remain adjustable, the rear sliding lugs on the seat are to be reinforced with two 0.094-inch, 1025 steel gussets. Weld corner gussets between fore and aft sides of seat cross tube and back face of seat slide lugs. Gussets are "L" shaped approximately 1 inch wide, extending around bottom lip of lugs. (Aeronca Service Memorandum M–76 dated May 15, 1947, covers this same subject.)

47–31–1 NORTH AMERICAN (Was Mandatory Note 10 of AD–782–3) (Applies to all serials up to and including number NAV–4–947)

To be accomplished not later than October 1, 1947.

To reduce the possibility of nose gear hydraulic actuating cylinder line failures due to inflexibility, the cylinders must be removed and reinstalled with the lines therefrom leading aft. Each of the present lines must be replaced with a longer line incorporating a U-bend. (North American Field Service Bulletin No. 28 covers this same subject.)

47–31–2 NORTH AMERICAN (Was Mandatory Note 11 of AD–782–3) (Applies to serial numbers NAV–4–2 through NAV–4–850)

To be accomplished not later than November 1, 1947.

Remove carburetor vapor return line hose part No. 75696 and install fire-resistant hose part No. 76701. This change is necessary to prevent premature failure of the vapor return line in the event of an engine compartment fire. (NAA Field Service Bulletin No. 23 dated April 11, 1947, covers this rework.)

47–31–3 NORTH AMERICAN (Was Mandatory Note 12 of AD–782–3) (Applies to serial numbers NAV–4–2 through NAV–4–1010 which incorporate Koehler Model 2250 fuel strainers)

To be accomplished not later than November 1, 1947.

To preclude the possibility of loss of fuel pressure due to air leakage into the fuel system through the CCA–1550–1/8 drain cock on the Koehler Model 2250 fuel strainer, remove this drain cock and install Whittaker Model 7600–1/8 drain cock. (NAA Field Service Bulletin No. 32 dated May 1, 1947, covers this rework.)

47–32–1 BELL (Was Mandatory Note 1 of AD–1H–1) (Applies only to serial numbers 2 through 13)

Compliance required at next 100-hour inspection.

Rework the stabilizer damper frame clamp with a 1/16-inch saw cut, as shown in Bell Service Bulletin No. 47C7, revised June 12, 1947, in order to permit a clamping action which will prevent the loosening of the subject part of the main rotor mast.

47–32–2 BELL (Was Mandatory Note 2 of AD–1H–1) (Applies only to serial numbers 2 through 6 and 8 through 28)

Compliance required not later than next 25-hour inspection after September 15, 1947.

The correct amount of fixed ballast for the Model 47B helicopters, as listed in Bell Service Bulletin 47C27, dated June 25, 1947, should be installed in accordance with the instructions also contained in that Bulletin. Compliance is required in order that the correct center of gravity range may be maintained.

47–32–3 BELL (Was Mandatory Note 3 of AD–1H–1) (Applies only to serial numbers 2 through 6, 10 through 17, and 20 through 22)

Compliance required not later than next 25-hour inspection after September 15, 1947.

To insure proper operation of the tail rotor control pedal adjustment mechanism at all times, replace the existing pawl stop, part No. 47–722–059–1 in each pedal assembly with a modified pawl stop, part No. 47–722–057–1. Check length of each pedal adjustment mechanism and adjust if necessary to 4 27/64 inches, tolerances +.000, —1/32 inch, measured from the center of the pedal adjustment mechanism assembly AN–392–41 pin to lower end of pawl. (Bell Service Bulletin 47C23 dated April 10, 1947, also covers this subject.)

47–32–4 BELL (Was Mandatory Note 4 of AD–1H–1) (Applies only to serial numbers 2 through 6, 10 through 17, and 20 through 22)

Compliance required not later than next 25-hour inspection after September 15, 1947.

Placard the anti-torque rotor blades, "Do Not Use for Handling Helicopter," to warn ground personnel against using the anti-torque rotor blades as hand-holds when hand-maneuvering the rotorcraft on the ground. Mishandling of these blades may cause unseen damage to them, which, in turn, may result in failure of the blades in flight. The stainless steel leading edge should be inspected carefully, particularly near the root, for cracking. (Bell Service Bulletin 47C16 dated March 25, 1947, covers this same subject.)

47–32–5 BELL (Was Mandatory Note 5 of AD–1H–1)

Compliance required before next flight.

Remove the main rotor mast spinner assembly from all Model 47B helicopters, in order that the possibility of its jamming the mast control tubes, in the event it becomes loose during flight, is eliminated. (Bell Service Bulletin 47C38 dated May 15, 1947, also covers this same subject.)

47–32–6 BELL (Was Mandatory Note 6 of AD–1H–1) (Applies only to serial numbers 5, 8, 9, 10, 11, 12, 15, 16, 20, 21, 22, 24, 25, 26, 27, 30, 31, 35, 36, 37, 39, 41, 42, 43, 45, 51 and 52)

Compliance required before next flight.

Replace the 14ST pillow blocks, 47–120–111–1, on the main rotor hub, with 4340 steel pillow blocks, 47–120–111–5, and inspect the hub assembly in accordance with Bell Service Bulletin 47C45 (Revised) dated May 27, 1947. In order to avoid possible structural failure of pillow blocks if extreme misapplication of flight controls are applied, reference "Flight Manual" 47B series, Section II, Paragraph 14B.

47–32–7 BELL (Was Mandatory Note 7 of AD–1H–1) (Applies to all serial numbers with Aircooled 6V4–178–B3, –B32, 0–335–1, or 0–335–3 engines)

Compliance required not later than next 25-hour inspection after September 15, 1947.

To eliminate chafing of intake manifold balance pipe against the oil tank an extra piece of hose, Aircooled part #11868, should be installed on the pipe at the side of the tank where the oil filler is mounted and approximately 1 1/2 inches from the hose which connects the two manifold pipes. (Franklin Service Bulletin No. 55 dated May 28, 1947, pertains to this same subject.)

47–32–8 BELL (Was Mandatory Note 8 of AD–1H–1) (Applies to serial numbers 2 through 5, 7 through 11, 13 through 17, 19 through 25, 27 through 78)

Compliance required not later than 25 hours operation after September 15, 1947.

The stabilizer bar dampers should be inspected for the presence of an "AL" stamped on one of the attachment lugs. If such a marking does not appear, thoroughly inspect visually for leakage or other defects and replace if necessary with part No. A12141 (Houds) (stamped "AL"). A cracking or failing of the phenolic abutments has been reported, wherein the subject dampers have been rendered ineffective, thus affecting the flight characteristics of the helicopter. (Bell Service Bulletin 47C47 covers this same subject.)

47–32–9 BELL (Was Mandatory Note 9 of AD–1H–1)

Compliance required not later than next 25-hour inspection after September 15, 1947.

Diagonal external brace, 47–267–036 or 42–267–037, as applicable, should be installed on the horizontal stabilizer, of all Model 47B series helicopters. These braces will provide external support to the stabilizers. (Bell Service Bulletin 47C21 dated June 11, 1947, covers this same subject.)

47–32–10 BELL (Was Mandatory Note 10 of AD–1H–1)

Compliance required at the next 50-hour transmission teardown inspection.

Replace the main rotor mast assembly with mast assembly, 47–130–100–2. (Bell Service Bulletin 47C24, dated June 26, 1947, also covers this same subject.)

47–32–11 BELL (Was Mandatory Note 11 of AD–1H–1)

Compliance required not later than the next 25-hour inspection after September 15, 1947.

The antenna mast should be supplemented with antenna mast support, 47–762–023–1. This support is intended to relieve the antenna loads from the lead-in mast. (Bell Service Bulletin 47C33 dated June 12, 1947, also covers this same subject.)

47–32–12 BELL (Was Mandatory Note 12 of AD–1H–1)

Compliance required not later than the next 25-hour inspection after September 15, 1947.

In order to provide more strength in the lateral cycle control system, the disc links should be replaced with forward and aft links, 47–725–047. (Bell Service Bulletin 47C35 dated June 18, 1947, also covers this same subject.)

47–32–13 BELL (Was Mandatory Note 13 of AD–1H–1)

Compliance required at the next 100-hour teardown inspection.

Additional strength in the anti-torque rotor control system has been found desirable as a result of service experience. This may be accomplished by replacing the aluminum alloy rivets in the tail rotor pitch adjustment rod assembly with steel rivets. (Bell Service Bulletin 47C44 dated June 16, 1947, also covers this same subject.)

47–32–14 BELL (Was Service Note 1 of AD–1H–1) (Applies only to serial numbers 5, 6 and 10)

Inspection required at intervals not to exceed 100 hours.

In order to prevent misalignment of the tail rotor drive quill and tail rotor drive shaft and power plant installation, due to the shifting of the engine mount assembly, caused by the insufficient clamping of the engine mount to the rubber mounts, the following action should be taken:

1. Inspect AN365–524 nuts on AN5–20A bolts in the "clamp" ends of the 47–612–111–1 engine mount assembly for bottoming of nuts. If this condition is found, proceed as outlined in steps 2, 3, and 4.

2. Remove bolts from "clamps" and install AN960–516 washers as required under the head of each bolt. Replace bolts in "clamps" and install nuts loosely.

3. Check installation of engine mount assembly on rubber mounts 47–600–011–1. Front face of left mount "clamp" must be

5/32 inch aft of front face of metal case of rubber mount.

4. Torque nuts to 100–140 inch-pounds.

(Bell Service Bulletin No. 47C10 also covers this same subject.)

47–32–15 SIKORSKY (Was Mandatory Note 1 of AD–2H–1)

Compliance required prior to next flight.

Inspect the chain and sprockets of the control system for an accumulation of excessive grease and foreign matter. Excessive grease and any foreign matter adhering to the chain and sprockets should be removed prior to the next flight in order to prevent possible malfunctioning of the flight control system. The recommended procedure as contained in the Sikorsky Service Information Circular No. 17 dated June 2, 1947, should be followed at the first disassembly of these parts.

47–32–16 SIKORSKY (Was Service Note 1 of AD–2H–1)

Superseded by 48–17–3.

47–32–17 BELLANCA (Was Mandatory Note 7 of AD–773–5) (Applies to serial numbers 1060, and up)

Compliance required prior to October 15, 1947.

Improper positioning of the inspection covers on the top surface of each wing at the landing gear retracting sprocket can cause malfunctioning of the gear retracting mechanism. This cover is held in place by two spring clips, and if the cover is installed with the clips running in a chordwise direction, it is possible that the ends of the clips will bear against the chain and force it off the sprocket, jamming the system. Inspect the covers on your airplane for proper installation, and paint arrows on the cover and wing surface so that the arrows point toward each other when the spring clips run spanwise. (Bellanca Service Bulletin #10 covers this same subject.)

47–32–18 BELLANCA (Was Service Note 1 of AD–773–5) (Applies to serial numbers 1075, and up)

Compliance required prior to October 15, 1947, and after each 25 hours of operation.

Remove the washer and cotter pin from the clevis bolt which holds on the aileron idler sprocket located at the top center of the control yoke and back off the sprocket. Lubricate the entire bearing surface of the clevis pin with oil. Reinstall sprocket and washer, and safety with new cotter pin of same type (AN–360–3–3). (Bellanca Service Bulletin No. 9 covers the same subject, and the installation of a grease fitting to avoid removing the sprocket.)

47–33–1 DOUGLAS (Was Mandatory Note 19 of AD–762–7) (Applies to all DC–4 and C–54 type aircraft except production DC–4 aircraft serial numbers 42952, 42992, and subsequent)

The following is to be accomplished to reduce the possibility of wear of the outboard elevator hinge parts: Inspect immediately for wear, proper installation and operation unless already accomplished, and at periods thereafter not to exceed 250 hours flight time, or in the case of Scheduled Air Carrier Operations, at each major inspection closest to 250 hours until the following mandatory rework is accomplished.

This mandatory rework shall be accomplished not later than October 15, 1947.

(a) Each horizontal stabilizer outer hinge bracket, P/N 5109899, must be reworked as follows:

(1) Line ream 0.3745–0.3755-inch diameter holes through the two lugs at each hinge point.

(2) Press in 3323408–A–2 Bushings, 2 req., made from 9/16 inch diameter Corrosion Resistant Steel Bar, Spec. An–QQ–S–771, Comp. FM, Cond. B., or bushing, P/N 1356866, which may be purchased from the airplane manufacturer.

(3) Machine shoulders of bushings on inside of lugs to obtain clearance for bearing in eyebolt of 0.563 inch, plus 0.005 inch and minus 0.001 inch. Minimum thickness of shoulder on each bushing after machining should not be less than 0.020 inch.

(4) Line ream hole 0.3120–0.3140 inch in diameter through bushings after pressing into hinge fitting.

(5) Remove outboard elevator hinge eyebolt assembly, P/N 2110992, and install new assembly, P/N 2328991.

(6) Re-install elevators using 2357035–15 bolt through bushed hinge bracket and new eyebolt assembly, with 1357162 washer (two required—one under head of bolt and one under nut), AN310–5 nut and AN380–2–2 cotter pin.

(b) The horizontal stabilizer outer hinge bracket, P/N 5109899, was replaced in later production aircraft and on some aircraft in the field with P/N 3323406. This latter bracket incorporates a 5/16-inch bolt with eyebolt P/N 2328991, and must be reworked in accordance with parts 1, 2, 3, 4, and 6 of paragraph (a) above.

(Douglas Service Bulletin DC–4, #73 dated September 23, 1947, covers this same subject. An earlier issue of this Service Bulletin dated June 12, 1947, called for NAS 55–15 bolts in paragraph (a) (6), above. It is satisfactory to leave the NAS 55–15 bolts installed on airplanes reworked as per the original issue of the Service Bulletin.)

47–33–2 DOUGLAS (Was Mandatory Note 14 of AD–618–3, Supplement 2 and 15 of AD–669–3, Supplement 2)

To be accomplished not later than the first engine change after September 1, 1947, but in any event not later than December 1, 1947.

In order to preclude cowl flap hydraulic line failures and possible subsequent fires, replace grommets and lines forward of the firewall with AN833–4 elbows and AN924–4 nuts, or equivalent, and new fire resistant flexible hose assemblies of proper length.

47–33–3 BEECH (Was Mandatory Note 5 of AD–757–2 and Mandatory Note 4 of AD–582–2)

To be accomplished prior to certification or, if certificated, on next periodic inspection but not later than November 1, 1947.

In order to provide better tail cone drainage, add two drain holes in the tail cone and two one-quarter inch drain holes in the fuselage bulkhead No. 15 as shown in Figure 2. (Beech Service Bulletin No. C18–7 covers this same subject.)

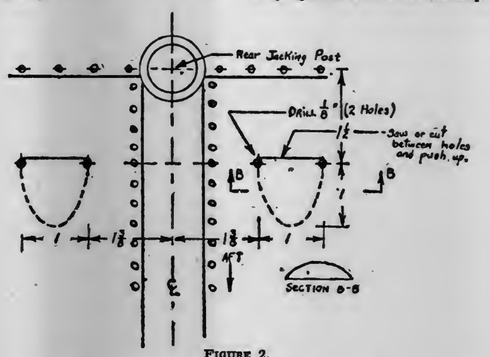

FIGURE 2.

47–33–4 BEECH (Was Service Note 2 of AD–757–2)

Compliance required prior to October 15, 1947, and each 100 hours of operation thereafter.

Inspect gaskets between fuel tank liquidometer units and tanks for fuel leakage. If leakage is evident, replace gasket with Armstrong No. 710 gasket, Beech part No. 189631, without use of sealing compound. (Installation of 189631 gasket eliminates necessity for continued inspections.)

47–33–5 BEECH (Was Service Note 3 of AD–757–2 and Service Note 1 of AD–765–1) C18S and AT–11 Airplanes: Inspection required prior to certification or, if certificated on next periodic inspection but not later than November 1, 1947, and each 100 hours of operation thereafter.

D18S Airplanes (Serial Numbers prior to A–378): Inspection required each 25 hours of normal operation or each 10 hours where the airplane is flown for pilot's transition or instrument training.

Inspect the horizontal stabilizer front spar and sub-spar for cracks at the points of attachment to the fuselage. At each annual inspection remove stabilizer and the stabilizer lower front skin panel and check for evidence of cracks. If cracks are found the center section of the main spar must be revised or replaced with one having the lower flange-web radius cut-out approximately 2 inches from either end. Two 0.064-inch dural channels (404–186053) should be installed between the new attachment fittings (437–166095 and 6) and the main spar web. At the main attachment fittings and 0.032-inch dural doubler (404–186052) should be riveted to the lower skin, the main spar, and the center nose rib flanges.

The forward part of the upper flanges of each stabilizer—fuselage attaching angle should be cut off as far back as the sixth screw hole. The corresponding 12 holes in the stabilizer should be plugged. A three screw outboard section of the gang nut on each side of the stabilizer sub-spar should be removed and the corresponding holes in the #13 bulkhead angle plugged. The revision of the stabilizer attachments eliminates the necessity for further inspection for cracks except as made during the normal periodic inspection. (Beech Service Bulletin No. D18–48 revised April 1, 1948, covers this same subject.)

47–33–6 BEECH (Was Mandatory Note 1 of AD–770–1 and Mandatory Note 1 of AD–765–1) (Applies to serial number AA–1 to AA–21, inclusive, and AA–23 to AA–26, inclusive)

Compliance required prior to November 1, 1947.

To eliminate the possibility of cracks developing in the stabilizer main spar and sub-spar, the center section of the main spar must be replaced with one having the lower flange-web radius cut-out approximately 2 inches from either end. Two 0.064-inch dural channels (404–186053) should be installed between the new attachment fittings (437–186095 and 6) and the main spar web.

instructions also contained in that Bulletin. Compliance is required in order that the corrected

The stabilizer bar dampers should be inspected for the presence of an "AL" stamped

sembly on rubber mounts 47-600-011-1. Front face of left mount "clamp" must be

facturer.

dometer units and tanks for fuel leakage.

scribed between the new attachment fittings (437-186095 and 6) and the main spar web.

At the main spar attachment fittings, an 0.032-inch dural doubler (404-186052) should be riveted to the lower skin, the main spar, and the center nose rib flanges.

The forward part of the upper flanges of each stabilizer-fuselage attaching angle should be cut off as far back as the sixth screw hole. The corresponding 12 holes in the stabilizer should be plugged. A three screw outboard section of the gang nut on each side of the stabilizer sub-spar should be removed and the corresponding holes in the #13 bulkhead angle plugged. The revision of the stabilizer attachment eliminates the necessity for further inspection for cracks except as made during the normal periodic inspection. (Beech Service Bulletin No. D18C-3 covers this same subject.)

47-33-7 BEECH (Was Mandatory Note 2 of AD-770-1 and Mandatory Note 3 of AD-765-1) (Applies to airplanes with static alternate source selector valve)

Compliance required prior to October 15, 1947.

The present alternate static source does not comply with the Civil Air Regulations. The static selector valve should be removed and the AN6270-4-22 flexible hose connected to the Beech 407-184756 static pressure tube by means of an AN815-4D union. (Beech Service Bulletin D18-47 covers this same subject.)

47-34-1 BEECH (Was Mandatory Note 2 of AD-765-1) (Applies to airplanes having inside filler neck on 80-gallon nose fuel tanks)

Compliance required prior to November 1, 1947.

To prevent flight with the nose tank fuel cap off or unlocked, and to eliminate a fire hazard in the event of fuel tank or cap leakage, the following items are to be accomplished:

(a) On tanks equipped with a cam type filler cap, install new filler neck, filler neck gasket, and screws suitable for use with the expansion type filler cap. (Tanks having an expansion type filler cap previously installed do not require this change.)

(b) Replace the cam or expansion type filler cap with revised expansion type filler cap assembly, Beech part No. 404-189676.

(c) Install a safety guard, Beech part No. 404-189689, on forward side of nose door cover plate in a manner to prevent closing the nose compartment door when the filler cap is not in place or locked.

(d) Drill a ¼-inch diameter hole in the lower skin of the nose compartment just forward of bulkhead No. 2 at the centerline of the airplane to provide drainage for the forward compartment under the fuel tank.

(Beech Service Bulletin D18-49 covers this same subject.)

47-34-2 BEECH (Was Mandatory Note 3 of AD-770-1 and Mandatory Note 4 of AD-765-1) (Applies to airplanes which do not have drain provisions at bulkhead No. 15)

Compliance required prior to December 1, 1947.

To provide additional drainage, to prevent freezing of trapped moisture in the tail cone which could jam the elevator control system, a ¾-inch diameter hole should be drilled near the front of the tail cone outer section on the centerline of the lower surface. A suitable marine grommet should be installed to provide for negative pressures. Also a ½-inch diameter hole should be drilled on each side of the jack pad through the lower part of bulkhead No. 15. (Beech Service Bulletin D18-46 covers this same subject.)

47-34-3 BEECH (Was Service Note 2 of AD-765-1) (Applies to airplanes having 80-gallon nose fuel tanks)

Inspection required each 100 hours of operation.

Inspect the pinked tape applied with EC 870 cement to the sheet metal fuel cell enclosure for general condition and attachment to the fuel cell enclosure. Effect repairs, if necessary, to maintain the cell enclosure fume and fuel tight.

For 80-gallon nose fuel tanks having an inside filler neck, inspect the filler cap assembly for security of the chain and its attachment to the filler cap and anchor bar. If necessary, repairs should be accomplished to maintain the fuel cap assembly in good condition. (Beech Service Bulletin No. D18-49 covers this same subject.)

47-35-1 SIKORSKY (Was Mandatory Note 1 of AD-7L-1) (Applies to serial numbers 43-46500 to 43-46502 and 43-46504 to 43-46539, inclusive)

Compliance required before November 15, 1947.

To reduce the possibility of loss of flight control due to failure of the main rotor links from lack of lubrication, the links should be reworked in accordance with the following instructions. This change involves the removal and inspection of main rotor link, part No. VS 36181 and machining of oil grooves.

1. Strip paint from the subject links with a paint remover or lacquer thinner, Specification No. AN-TT-T-256 or equivalent. Do not use scraper or wire brush on links, because small cracks may be filled in and covered.

2. Visually inspect main rotor links, part No. VS 36181 by one of the following methods for cracks around link pin hole and longitudinally along what was the flash line in original forging. (See Figure 3.) If cracks are present, links should be scrapped.

(a) Visual inspection after re-anodizing; or

(b) By caustic etching; or

(c) By an approved fluorescent-black light method.

3. Machine oil grooves. (See Figure 3.)

4. Remove burrs and clean after machining.

5. Inspect the two bearings removed from each of the three subject links.

(a) If bearings removed are part No. AT-16, replace with part No. AT-16-OH bearings on assembly. (Bearing AT-16-OH is an AT-16 bearing with an oil hole added to its outer race.)

(b) If bearings removed are part No. AT-16-OH and retainers washers are damaged or show evidence of foreign matter, they are to be replaced.

(Sikorsky Service Bulletin R-4B No. 10 and Army T. O. 01-230HA-15 also cover this same subject.)

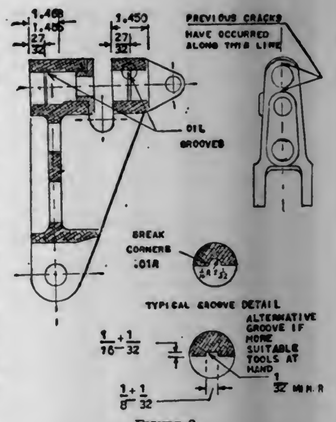

FIGURE 3.

47-35-2 SIKORSKY (Was Mandatory Note 2 of AD-7L-1) (Applies to AAF serial numbers 43-46500 and 43-46504 to 43-46567, inclusive)

Compliance required prior to November 15, 1947.

To compensate for an increased overhang of the tail rotor gear box, a diagonal brace that changes the aft boom load distribution shall be installed in accordance with the following instructions:

a. Fit the two tube brace assemblies, Sikorsky part Nos. S38566 and S38567, in telescopic position, to lower right longeron and upper left longeron. (See Figures 4 and 5.)

(1) Insert bolts, part No. AN4-13, into halves of clamp of each section of brace; attach washers, part No. AN960-416, and nuts, part No. AN310-4.

(2) Locate brace so that its center and that of vertical tube, part No. S38505-23, forward of it, are a maximum of 1⅛ inches apart. (See Figure 4.)

(3) Tighten securely four bolts, part No. AN4-13, which hold subject brace in position.

(4) Secure nuts, part No. AN310-4, with cotter pins.

b. Mark with a pencil the overlap of tube brace assembly, part No. S38566, on assembly, part No. S38567. (See Figure 5.)

c. Fashion a wedge, using a piece of wood 1 x 3 x 14 inches, and "V" notch both ends. (See Figure 6.)

d. Insert wedge approximately parallel to telescopic brace.

(1) Tap alternately the ends of wedge forcing the subject assembly to extend 1/16 inch beyond the pencil line requested in paragraph 2, b. (Extra extension of 1/16 inch permits brace to assume the desired stress load.)

(2) Wrap longerons with friction tape at point of wedge contact, or insert cardboard

or any suitable material at ends of wood wedge to prevent paint abrasion.

e. With wedge securely in position, using drill No. 40 (0.098 inch), drill two holes through brace at 90 degrees to each other. (See Figure 5.)

(1) Enlarge holes, using drill No. C (0.242 inch) and ream to 0.250 inch.

f. Bolt two sections of brace together with bolts, part No. AN24-17, nuts, part No. AN320-4, and secure with cotter pins.

g. Remove the wood wedge.

h. If paint on longerons of tail fuselage has been damaged, touch up with paint.

(Sikorsky Service Bulletin R-4B No. 8 and Army Technical Order 01-230HA-11 also cover this same alteration.)

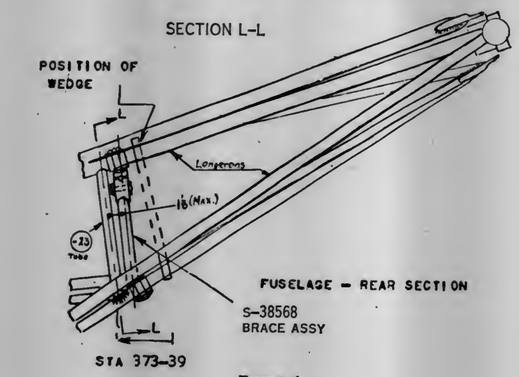

FIGURE 4.

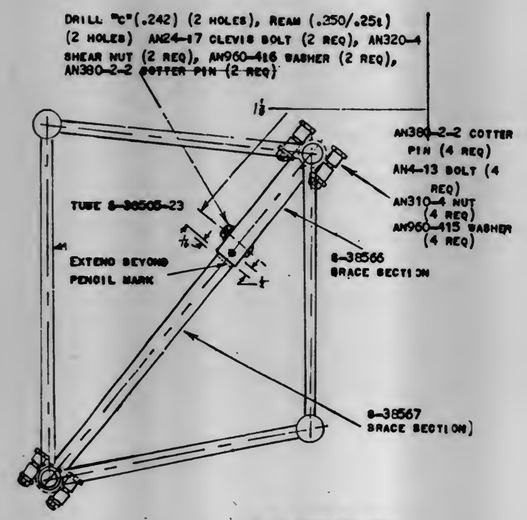

FIGURE 5.

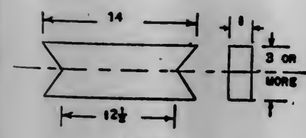

FIGURE 6.

FIGURE 7.

47-36-1 DOUGLAS (Was Mandatory Note 1 of AD-3L-1)

Compliance required prior to November 15, 1947, on all serial numbers.

To reduce the possibility of failure of the wing bulkhead assemblies and subsequent loss of the ailerons:

1. Machine face of boss on fitting assemblies part Nos. 4154028 and 4154028-1, to 0.335 inch, and ream bore to 0.9007 plus 0.0000, minus 0.0005 inch. (See Figure 7.) Replace bearing AN209K4A with self-aligning bearing, part No. AN200KS4 and stake in six places each side. Install reworked fitting assemblies, part Nos. 4154028 and 4154028-1, on original bulkheads as follows:

(a) On installations using two screws, part No. 1029421-416-11, or two bolts, part No. AN4-6A, and three rivets, enlarge the rivet holes in the fitting and bulkhead to 0.191 inch diameter and countersink the holes in bulkhead 100 degrees. Install fitting using two screws, part No. 1029421-416-11 or NAS214-11, or two bolts, part No. AN4-6A, originally installed, two washers, part No. AN960D416, and two nuts, part No. AN365-428, in the top and bottom holes, and three screws, part No. S-1029421-10-12, three washers, part No. AN960D10, and three nuts, part No. AN365-1032, in the three remaining holes.

(b) On installations using four or five screws, part No. S-1029421-10-12, reinstall fitting assemblies with original screws, washers, and nuts.

2. Inspect bulkhead assemblies, part Nos. 5153663 and 5153663-1, for cracks. If cracks are found, replace bulkhead as follows:

Remove damaged bulkhead by drilling out the attaching rivets. Using damaged bulkhead as a pattern, fabricate a new bulkhead from 0.081-inch 24S0 aluminum alloy sheet, condition A, annealed (Specification No. QQ-A-362 or AN-A-13). After forming new bulkhead, heat-treat in accordance with AN 01-1A-1, Section V, then apply one coat of zinc chromate primer.

Hold new bulkhead in place on the airplane and check for proper alignment between the upper and lower surfaces of the wing and wing tip. (Drill holes to match existing holes in the angle, skin, and fitting.) Install bulkhead using rivets, part No. AN426AD-(o), length and diameter as required).

Install reworked fitting assemblies on new bulkheads as follows:

(a) For fitting assemblies which incorporate two ¼-inch bolt holes and three rivet holes, enlarge the rivet holes to 0.191 inch diameter. Drill corresponding holes in bulkhead and countersink 100 degrees. Install fitting assembly using two screws, part No. 1029421-416-11 or NAS214-11, two washers, part No. AN960D416, two nuts, part No. AN365-428, three screws, part No. S-1029421-10-12, three washers, part No. AN960D10, and three nuts, Part No. AN365-1032.

(b) For fitting assemblies which incorporate four 0.191-inch diameter holes, drill corresponding holes in new bulkhead and countersink 100 degrees. Install fitting assembly using four screws, part No. S-1029421-10-12, four washers, part No. AN960D10, and four nuts, part No. AN365-1032.

Reinstall aileron and check alignment of fitting assembly. Install washers, part No. AN960D416 or AN960A416L, or shim stock, as required, to take up the end play between the bearing inner race and bracket assembly, aileron hinge support.

Army Technical Order 01-40AT-40 covers this same subject.

47-36-2 DOUGLAS (Was Mandatory Note 2 of AD-3L-1)

Compliance required prior to operation in cold weather and not later than next engine overhaul.

To preclude collapse of the oil screen during cold weather starting, replace oil screen assembly No. 51887 with oil screen assembly Nos. 51887M or 107547. Part No. 51887 may be reworked to part No. 51887M by incorporating reinforcing spring No. 107542 and adding the letter "M" to the part number.

47-40-1 NORTH AMERICAN (Was Mandatory Note 13 of AD-782-4) (Applies to serial numbers NAV-4-2 through NAV-4-1110) Superseded by 48-8-3.

47-40-2 CONTINENTAL ENGINES (Was Mandatory Note of Airworthiness Directive Supplement dated October 3, 1947) (Applies only to the following: Airplanes having Continental C75-12 or -12F engines with serial numbers below 1794-6-12 except 1788-6-12; airplanes having Continental C85-12, -12F or -12FHJ engines with serial numbers below 20668-6-12 except; 20656-6-12, 20658-6-12, 20659-6-12, 20661-6-12, and 20666-6-12; airplanes having Continental C125-1 or -2 engines with serial numbers below 1046-6-12 except: 1034-6-12, 1037-6-12 through 1042-6-12, and 1044-6-12)

Compliance required immediately if engine has attained or passed 600-hour major overhaul period, but in any event not later than December 31, 1947, or 600 hours of operation, whichever occurs first.

A certain percentage of piston pins installed in engines of the above numbers and distributed as replacement parts are subject to failure without warning. The weakness of these pins cannot be detected by normal inspection methods. Piston pin breakage can result in complete engine failure. It is the owner's responsibility to avoid this risk by making the following change at the earliest possible time.

Replace Piston Pin Assembly No. 22248-A1 (0.6875 inside diameter) with thick wall Piston Pin Assembly No. 25121-A1 or 25262-A1 (0.5945 inside diameter). Supplies of the heavy wall pins are adequate so that immediate replacement can be effected. (Continental Service Bulletin No. M47-9 covers this same subject.)

47-41-1 NORTH AMERICAN (Was Mandatory Note 7 of AD-2-575-4) Superseded by 50-38-1.

47-41-2 BELL (Was Mandatory Note 14 of AD-1H-2)

Compliance required not later than next after receipt of parts from Bell Aircraft Corporation, but, in any event, not later than January 1, 1948.

To prevent excessive vibration and subsequent failure of the main oil line from the oil cooler to the oil filter, 2 additional supports must be installed for this oil line, one each at the bends near the oil filter and oil cooler. (Bell Service Bulletin 47C28 (revised), dated July 1, 1947, covers this same subject.)

47-41-3 BELL (Was Mandatory Note 15 of AD-1H-2)

Compliance required not later than next 50-hour inspection after December 1, 1947.

To prevent failure of the fuel line connecting the fuel shut-off valve and auxiliary fuel pump, replace the rigid aluminum line with a flexible hose line. On serial numbers 2 through 5, 7 through 11, 13 and 14, replace Part No. 47-686-001-37 with Part No. AN856A6A or AN6270-6-14. (Bell Service Bulletin 47C46 dated June 19, 1947 covers the above installation.)

47-41-4 BELL (Was Mandatory Note 16 of AD-1H-2)

Compliance required not later than next 50-hour transmission teardown inspection after December 1, 1947.

To improve attachment of the inner race bearing on the bottom of the main rotor mast and to prevent possible chipping, the lower mast plug should incorporate a bolted retaining washer. (Bell Service Bulletin 47C41 dated June 26, 1947 covers the detail installation.)

47-41-5 BELL (Was Mandatory Note 17 of AD-1H-2) (Applies to all models in 47B series, through serial No. 78)

Compliance required at next 100-hour inspection.

In order that the bearings will be securely locked in the gimbal ring, the fibre bearing seals should be replaced with steel bearing seals, Part No. 27-120-127-1. This alteration is covered by Bell Service Bulletin 47C30 dated July 10, 1947.

47-41-6 BELL (Was Mandatory Note 18 of AD-1H-2) (Applies to all models of 47B series, through serial No. 71)

Compliance required prior to next periodic inspection.

The butt plate screws of the main rotor blade should be staked in accordance with Bell Service Bulletin 47C50 dated July 22, 1947 to prevent them from working loose in service.

47-41-7 BELL (Was Mandatory Note 19 of AD-1H-2) (Applies to all models of 47B series, through serial No. 60)

Compliance required at next 25-hour inspection.

Steps should be taken to prevent the possibility of the lateral cyclic control bungee spring jumper from jamming the controls, in the event of a failure of the bungee spring, by falling down and becoming wedged against the tubular fuselage structure. Such action may be accomplished by riveting Bell Part No. 47-725-034-5 to the lateral bungee jumper, with 2-AN470-AD3-5 rivets spaced laterally 3/16 inch apart, in such a position that it will straddle the lower rod end of the vertical control rod emanating from bellcrank 47-725-016-1. This alteration is covered in detail by Bell Service Bulletin 47C34 dated July 16, 1947.

47-41-8 BELL (Was Mandatory Note 20 of AD-1H-2) (Applies to all models of 47B series, through serial No. 78)

Compliance required at next 100-hour inspection.

The stabilizer bar mixing levers shoud be reworked by cutting away the lower inboard edge of a 2-inch radius from a center position 1½ inches from the vertical centerline of the center hole. The cut should not be more than ⅛ inch at its deepest point and the sharp corners, resulting from the removal of this segment, should be rounded by a ½-inch radius. This reworking will eliminate the interference between those levers and the stabilizer bar damper, which may exist when the stabilizer bar is depressed 5°.

(Complete instructions are carried by Bell Service Bulletin 47C52, dated July 9, 1947.)

47-41-9 BELL (Was Service Note 2 of AD-1H-2) Superseded by 47-51-11.

47-42-1 DOUGLAS (Was Mandatory Note 20 of AD-762-7)

To be accomplished not later than April 1, 1948.

To prevent the possibility of the gust lock control becoming engaged in flight or during taxiing, a latch assembly must be installed to safety the control handle in the gust lock "Off" position. Early aircraft incorporated a short gust lock control handle. In later aircraft, the control handle design was changed and the length of the handle increased to provide more leverage. On aircraft incorporating the short gust lock control handle, latch assembly, P/N 3356892, must be installed. In aircraft incorporating the new and longer handle, latch assembly, P/N 4356957, must be installed and the gust lock handle link assembly, P/N 4248396, must be reworked by removing and replacing the spring, P/N 2356732 (or 1248420), and plunger, P/N 1248421, with new bolt, P/N 1356885.

In addition to the above, the elevator and rudder gust lock in the tail section and the aileron gust lock in the fuselage center section must be reworked by removing shaft, P/N 1165889, and replacing with new piston, P/N 2356840. After completing the rework, care must be exercised in properly rigging the gust lock control system.

(NOTE: Some operators have obtained approval of a gust lock latch of their own design. In such cases, the Douglas designed latch need not be installed, however, the remainder of the rework described above must be accomplished.) (Douglas Service Bulletin DC-4 #79 covers this same subject.)

47-42-2 DOUGLAS (Was Mandatory Note 21 of AD-762-7)

To be accomplished as soon as possible but in any case not later than the first engine change after November 15, 1947.

It has been found that on some airplanes certain rework has been accomplished on the fire seal between the accessories section and the nacelle at the upper cowling former at the point where the carburetor airscoop skin rests on top of the firewall. This rework creates a hazardous condition by providing an opening from the accessories section into the nacelle, through the access hole under the non-ram air intake fairing.

Inspect all airplanes to ascertain that a fire seal is provided in this area. If the cowling fire seal has been cut away it must be replaced either with the original type seal or with a new type seal. (Douglas Service Bulletin DC-4 No. 19 covers a new type fire seal.)

47-42-3 DOUGLAS (Was Mandatory Note 22 of AD-762-7)

All the provisions of items A through O of this Note apply to airplanes used for carrying passengers under the provisions of Parts 41, 42 and 61 of the Civil Air Regulations. On these airplanes the changes are to be accomplished not later than November 1, 1948.

Only items A (12), A (15), C, D, F, J, K (1), K (2), L, M, O (2), O (4), O (5), and O (7) apply to airplanes other than those indicated above. On these airplanes the changes are to be accomplished not later than the first engine change after November 1, 1948.

As a result of investigation of power plant fires which have occurred in this type aircraft, the following changes are to be accomplished:

A. 1. Seal all cracks and baffles in oil cooler fairing and provide additional drain holes.

2. Rework cowl tail pipe shroud to eliminate all cracks and gaps and seal shroud to cowl panel joint.

3. Seal inner ring corners at oil cooler joints.

4. Reinforce exhaust shroud to prevent damage when used as a step and seal same.

5. Provide accessory compartment vent opening in oil cooler fairing panel.

6. Seal joints between all engine accessory sections cowling panels to prevent leakage of flame into accessory section.

7. Eliminate engine accessory compartment vent opening in the side accessory section cowl panel.

8. Seal pressure transmitter and fire warning switch holes on firewall.

9. Close gap between aft oil cooler fairing and nacelle skin aft of fire wall.

10. Rework the hydraulic suction line connecting to the shut-off valve aft of the firewall to prevent failure at fittings due to rigidity of the line.

11. Relocate the hydraulic pressure and automatic pilot lines to move them farther away from the exhaust shroud.

12. Add a check valve in the automatic pilot delivery line behond the firewall.

15. Change the nacelle firewall miscellaneous line connector assembly on the right side of the firewall from dural to steel.

16. Change carburetor air scoop adapter sleeve to provide a tight and flexible connection.

17. Replace exhaust stack nuts with special long-type nuts, extending past stud ends, on exhaust pipe attachments to engine and safety wire the nuts in place.

18. Change nuts and bolts used on the four bolt flanges at the top of the exhaust collector ring to stainless steel.

19. Seal main landing gear door hinges on inboard nacelles.

20. Install means to prevent exhaust nipples from telescoping and pulling out of cylinder exhaust ports, in the event of exhaust port stud failure.

(Douglas clamp assembly Part No. 4244017 may be used.)

(Douglas Service Bulletin C-54-250 covers the above items respectively. Items 13 and 14 of that Bulletin are not required by this note.)

B. Rework forward edge of exhaust shroud to eliminate gaps leading into engine accessory section. (Part I, Douglas Service Bulletin C-54-234, covers this same subject.)

C. Add two fire detectors on forward face of firewall in vicinity of shut-off valve location. (Douglas Service Bulletin No. C-54-252 covers this same subject.)

D. Relocate engine primer Solenoid to prevent fuel from running into electrical junction box on rear face of firewall. (Item 12, Douglas Service Bulletin DC-4 #66, covers this same subject.)

E. Install extended tail pipes on exhaust collectors. (Douglas Service Bulletin C-54-289 covers this same subject.)

NOTE: Some of the above-mentioned changes were accomplished at the time Army or Navy airplanes were converted for civil certification. However, it will be necessary to check for compliance, in order to insure that items A to E, inclusive, are complied with.

F. Improve the seal at the point where the top of the oil radiator duct fits against the cutout in the bottom of the accessories section diaphragm. (Part 1 of Douglas Service Bulletin DC-4 #49 covers this same subject.)

G. Revise sealing of engine section drain line support adjacent to oil cooler shroud by installing a drain manifold. (Part B of Douglas Service Bulletin DC-4 #66 covers this same subject.)

H. Replace dural oil inlet elbow on oil cooler with new type steel elbow. (Part F, 9 of Douglas Service Bulletin DC-4 #66 covers this same subject.)

I. Improve sealing of engine accessories section diaphragm at the four cutouts for the exhaust collector ring supports. (Part 2 of Douglas Service Bulletin DC-4 #49 covers this same subject.)

J. Replace micarta fairleads with fairleads of fire resistant material for propeller governor and carburetor air preheat control cables on inner ring and for all engine control cables on firewall. (Douglas Service Bulletin DC-4 #55 covers this same subject.)

K. 1. Install seven fire warning detectors in Zone 1 (engine power section), on the cowl flap ring brackets and install separate set of warning lights in the cockpit for each engine.

2. Add an additional fire warning detector in Zone 2 (engine accessories section), on top of the oil cooler housing at approximately the center of the section. (Douglas Service Bulletin DC-4 #57 covers the above two items.)

L. Replace open relays in junction box behind firewall with sealed relays and provide a drain for the junction box. (Douglas Service Bulletin DC-4 #61 covers this same subject.)

M. Attach nacelle junction box cover plate on forward face of firewall directly to firewall rather than to the junction box. (Douglas Service Bulletin DC-4 #65 covers this same subject.)

N. Inspect and seal all holes in the inner ring around the carburetor air preheat control and install fire resistant fairlead in retainer. (Douglas Service Bulletin DC-4 #55 covers this same subject in part.)

O. 1. Inspect and rework, or seal if necessary, inner ring cut-outs for cowl flap actuating bell cranks to provide metal-to-metal contact between inner ring and cowl flap bell crank bracket on aft side of inner ring. Dimple inner ring to accomplish metal-to-metal contact, or fill gap with washers made from Johns Manville #96 wire woven asbestos sheet impregnated with neoprene.

2. Inspect and rework diaphragm, inner ring and firewall for excess holes, gaps and rubber grommets. Close and seal all holes and gaps, and install fireproof grommets or equivalent.

3. Inspect and seal, with Johns Manville #96 or equivalent, gaps that may exist where the carburetor airscoop casting passes through the accessory section inner ring.

4. Inspect and seal with Johns Manville #96 split seal or equivalent the hole where the engine oil line (from the intermediate rear section to the main oil sump) passes through the plate in the accessory section diaphragm at the bottom of the engine.

5. Inspect and seal with Johns Manville #96 or equivalent any gaps that may exist where the plate mentioned in item 4, above, mates with the outer section of the accessory section diaphragm.

6. Inspect and seal gaps existing between the diaphragm and the three engine crank case bosses. The magneto vent lines pass through the gaps around two of these bosses; the manifold pressure take-off line at right top of engine being the third.

7. Provide a fluid shut-off means at a point behind the firewall in the line leading from the oil tank to the feathering pump on airplanes having the feathering pump located on the engine side of the firewall. This may be accomplished by a shut-off valve tied in to the present shut-off valve linkage aft of the firewall, or a flapper type check valve.

NOTE: Items 0-1 through 0-7 are to be developed and accomplished by the operators affected, since Douglas has not prepared Service Bulletins to cover these changes.

47-42-4 DOUGLAS (Was Mandatory Note 1 of AD-781-1) Superseded by 48-6-1.

47-42-5 DOUGLAS (Was Mandatory Note 2 of AD-781-1) (Applies to the following DC-6 airplanes: AAL serial numbers 42854 to 42865, inclusive; serial numbers 42879 and 42880; UAL serial numbers 42866 to 42875, inclusive; and Panagra serial numbers 42876 to 42878, inclusive)

To be accomplished not later than August 1, 1948.

In order to prevent window curtain interference when opening emergency exit doors, remove hook assemblies, 2346313, -500, from curtain track, 5337482, and from the window curtain assemblies, 3343932-512, and replace with new slides, 1335554 and hooks 1345849 on each side of the four forward and the two aft cabin emergency exit door window frames. (Douglas Service Bulletin DC-6 number 15 covers this same subject.)

47-42-6 DOUGLAS (Was Mandatory Note 3 of AD-781-1) (Applies to the following DC-6 airplanes: AAL serial numbers 42854 to 42865, inclusive; serial numbers 42879, 42880 and 42882 to 42891, inclusive; UAL serial numbers 42866 to 42875, inclusive; and 43000 to 43009, inclusive; Panagra numbers 42876 to 42878, inclusive; NAL serial numbers 43055 and 43056; and AAF number 42881).

To be accomplished not later than August 1, 1948.

In the main cabin, Station 890, stencil "Fire Extinguisher" on forward side of bulkhead 12 inches from the floor at the right hand edge of the lounge door. (Douglas Service Bulletin DC-6 number 18 covers this same subject.)

47-42-7 DOUGLAS (Was Mandatory Note 4 of AD-781-1) (Applies to the following DC-6 airplanes: AAL serial numbers 42855 to 42858, inclusive; and UAL serial numbers 42866 to 42869, inclusive)

To be accomplished not later than next engine change.

In order to prevent possible injury to flight crew members, it is necessary to install a spring in the handle operating mechanism of both windshield corner window assemblies. The purpose of the spring is to return the operating mechanism handle to a flush position when released in the open window position. To accomplish this, remove the AN393-35 pin and the NAS 75-3-007 bushings from the attaching point of 2335660 wedge and the upper end of 4335656 channel on 5243829 windshield corner window assembly. Install 5243829F-4 clips on the inside of each leg of channel. Rework 2335658F-6 link. Install 5243829F-2 spring to clips and eye bolt. Install wedge to upper end of channel. Repeat the foregoing operations for removal and installations of identical parts to 5243829-1 windshield corner window assembly. (Douglas Service Bulletin DC-6 number 19 covers this same subject.)

47-42-8 DOUGLAS (Was Mandatory Note 5 of AD-781-1) (Applies to DC-6 airplane serial numbers 42854, 42855, 42857, 42858, 42860 to 42865, inclusive; 42867, 42869 to 42880, inclusive; 42882 to 42891, inclusive; 43000, 43001, 43003 to 43009, inclusive; 43055 and 43056)

To be accomplished not later than next No. 3 inspection (or not later than next 150 hours for non-air carrier operations).

Certain cases have been found wherein the 5240452 horizontal stabilizers do not have the rivet pattern specified on drawings numbers 5248752 and 5249045. The following specific cases should be inspected and rivets should be added if the numbers are less than the following:

Referring to Drawing 5248752 "Horizontal Stabilizer Rear Spar Assembly," zone 4, directly outboard of station 63:

1. There should be at least 12 AD5 rivets top and bottom through the web and cap between the -14 and -12 stiffeners, not counting those through the stiffeners.

2. There should be at least 4 AD5 rivets through the -68 doubler, spar web and spar cap.

3. There should be at least 6 AD5 rivets top and bottom between the -12 stiffener and the -68 doubler through web and cap.

With reference to drawing number 5249045 "Horizontal Stabilizer Panel and Spar Structure Assembly," zone 3, section L-L, directly inboard of station 69.5 both top and bottom, the existing rivet pattern of either ⅛ or 5/32 rivets should be continued inboard with AD5 rivets using the present pattern of ¾ inch O. C. to within 3⅛ inches from the end of the spar cap. Existing ½-inch rivets are satisfactory.

It should be noted that the foregoing inspections and riveting can be accomplished without removing the elevators. (Douglas Service Letter A-214-529.010/RLT and attached sketches, dated July 14, 1947, covers the same subject.)

47-42-9 DOUGLAS (Was Mandatory Note 6 of AD-781-1) (Applies to serial numbers 42854, 42855, 42858 through 42865, 42869 through 42880, 42882 through 42891, 43000 through 43009, 43055 and 43056)

To be accomplished not later than next No. 3 inspection (or not later than next 150 hours for non-carrier operations).

Certain cases have been found where the aileron hinge plates at wing stations 421, 495, 585, and 675 were fabricated from oversgauge stock resulting in an interference fit between the plate and the clevis fitting. The following hinge plates and fittings should be

mast plug should incorporate a bolted re-

the spring, P/N 2356732 (or 1248420), and

side of the firewall from dural to steel.

this same subject.)

hand edge of the lounge door. (Douglas

following hinge plates and fittings should be

inspected to determine whether or not they conform with the tolerances listed below. If plates are found which exceed the widths noted below, they should be reworked with emery cloth to specified limits and touched up with zinc chromate primer. Fittings which have been installed over an over-size plate should be anodized and carefully inspected before being reinstalled.

Station	Hinge No.	Plate	Thickness	Fitting	Slot width
421	1	3320118	0.249 .237	4334619	0.249 .254
485	2	3323460	*.238 .243	4345756	.334 .350
585	3	3323461	.311 .297	4345755	.311 .316
675	4	3323462	.249 .237	4345754	.249 .254

*Thickness of .003 angle not included.

Total thickness should not exceed .334. (Douglas Service Letter A-214-529.004/RLT dated July 21, 1947, and attached sketches cover this same subject.)

47-42-10 DOUGLAS (Was Mandatory Note 7 of AD-781-1) (Applies to the following airplanes: serials 42854 through 42887, inclusive, and serials 43000, 43001 and 43055)

To be accomplished not later than January 1, 1948.

Some operators have experienced malfunctioning of the DC-6 landing gear anti-retract mechanism, thereby preventing retraction of the landing gear. Pending redesign of the anti-retract mechanism of the landing gear control valve assembly, P/N 3319922, the anti-retract mechanism may be permanently disconnected if desired, however if connected, it must be revised in accordance with this note.

In order to correct this unsatisfactory condition, which is due to slippage and lost motion in the anti-retract cable system, it is necessary to accomplish the following:

1. Remove clamp P/N 1338701 from Arens downlock control cable assembly, P/N 4334802. Install 21-inch dural tube, P/N 1356157, around lower end of the Arens control cable (the upper end of the tube should be flanged). Install AN-735-7 clamp at lower end of tube. (Prior to installing dural tube push 4-inch (7/16 I. D. x 9/16-inch O. D.) synthetic rubber tube over lower end until it clears sufficiently to allow installation of clamp below it.)

On upper end of dural tube, P/N 1356157, install trunnion, P/N 1356154, which incorporates a bushing, P/N B-162-0688, and clips, P/N 1356156. Attach this assembly to the wheel well cover plate stiffener approximately 21 3/8 inches below upper end of cover plate.

Remove down-lock control cable clamp, P/N 1340559, located 4 1/16 inches from Station 114.5 and install new clamp, P/N 1356158, on angle, P/N 5249561-366, 1 1/16 inches from Station 114.5.

(Douglas Drawing 5334338, Change "H" covers this modification.)

2. To correctly adjust the landing gear downlock mechanism in order to maintain the required load of 100 pounds on the cable number 108 with the oleo fully extended, the oleo should be fully retracted into the shock strut cylinder and then permitted to fully extend, at least 8 to 10 times, checking and maintaining the 100-pound load after each operation.

(Douglas Drawing 7354206, page 28, covers this same subject.)

47-42-11 DOUGLAS (Was Mandatory Note 8 of AD-781-1) (Applies to the following aircraft: serial numbers 42854 to 42894, inclusive; 43000 to 43012, inclusive; 43055, 43056, and 43062)

Rework to be accomplished not later than December 15, 1947. (See Note 47-42-19.)

Cracks have been found near the ends of the tail stub extension of the horizontal stabilizer front spar caps, top and bottom, just inboard of the stabilizer joint. In order to prevent cracks from traveling to a point which may impair the airworthiness of the aircraft, the rework described below shall be accomplished. Until such time as the rework is accomplished, inspect the area in question at every number 2 inspection period according to instructions contained in Douglas Telegram A-214-529, 012/RLT, dated July 25, 1947.

A. Cut a 7/8-inch diameter hole through skin and doubler only, 1 5/16 inches inboard and 2 1/2 inch aft of inboard fitting attaching bolt. Use special tools furnished by Douglas Aircraft Company, being careful not to scratch the spar cap. Strip primer off 7/8-inch diameter area on spar cap and inspect for cracks with high power lens (40-power). If cracks are found, make a record of the location and extent of crack.

B. Drill 0.250-inch diameter stop hole through spar cap, 1 5/16 inches inboard and 2 1/2 inch aft of inboard fitting attaching bolt and burr, regardless of whether cracks are found. If cracks are found that will extend inboard beyond the location of the stop hole, do not operate airplane until further salvage rework instructions have been obtained. Cover holes in skin and doubler with sheet metal plug and fabric patch cemented in place. (Douglas E. O. number 5339013 (Salvage E. O. serial number 375) describes the rework of installing the stop hole.)

47-42-12 DOUGLAS (Was Mandatory Note 9 of AD-781-1) (Applies to DC-6 serial numbers 42866, and 42868 to 42875, inclusive)

To be accomplished not later than February 1, 1948.

In order to provide adequate fastening of the rubber cushions on the reinforcing strap assembly of the astrodome, the following must be accomplished:

1. Remove the existing rubber strip cushions, P/N 5249604-36, all traces of cement and adhering rubber from reinforcing strap assembly, P/N 5249604-38.

2. Butt cushion assembly P/N 2356419 against pad P/N 5249604-42, locate and drill four No. 40 (0.098) holes through strap P/N 5249604-38 and attach with AN-426-AD-3-5 rivets.

3. Reinstall reinforcing strap assembly P/N 5249604-38, using eight AN-960-D-10L washers and eight AN-365-1032 nuts.

(Douglas Service Bulletin DC-6 number 45 covers this same subject.)

47-42-13 DOUGLAS (Was Mandatory Note 10 of AD-781-1) (Applies to serial numbers 42854 to 42896, inclusive; 43000 to 43018, inclusive; 43035 to 43042, inclusive; 43055 to 43057, inclusive; 43062 to 43064, inclusive; and 43105)

To be accomplished not later than April 1, 1948.

To prevent the possibility of the gust lock control becoming engaged during flight or in taxiing, a latch control assembly, P/N 4356957, is to be installed to safety the control handle in the gust lock "Off" position. The gust lock link assembly, P/N 4248396, must also be reworked by removing and replacing spring, P/N 2356732 (or 1248420) and plunger, P/N 1248421, with new bolt P/N 1356885.

In addition to the above, the elevator and rudder gust lock in the tail section and the aileron gust lock in the fuselage center section must be reworked by removing shaft, P/N 1165869, and replacing with new piston, P/N 2356840. After completing the rework, care must be exercised in properly rigging the gust lock control system. (Douglas Service Bulletin DC-6 number 75 covers this same subject.)

47-42-14 DOUGLAS (Was Mandatory Note 11 of AD-781-1) (Applies to serial numbers 42854 to 42880, inclusive; 42882 to 42884, inclusive; 43000 and 43001)

To be accomplished not later than first blower overhaul after January 1, 1948.

To prevent bearing failures in the Voltage Regulator Blowers, replace the bearings formerly packed with lubricant Z815 with new bearings containing lubricant Z801. (Douglas Service Bulletin DC-6 number 43 describes the complete rework.)

47-42-15 DOUGLAS (Was Service Note 1 of AD-781-1)

Canceled June 28, 1948.

47-42-16 DOUGLAS (Was Service Note 2 of AD-781-1)

Remove combustion chamber of surface combustion model 63A66 thermal anti-icing heaters and model A63A68 cabin and thermal anti-icing heaters for inspection and pressure test at each 500-hour interval of heater operation. Also carefully inspect downstream end of the combustion chambers at each periodic inspection.

47-42-17 DOUGLAS (Was Service Note 3 of AD-781-1) (Applies to the following aircraft serial numbers: Douglas 43061; AAL 42854 to 42865, inclusive; 42879 to 42880, inclusive; 42882 to 42896, inclusive; and 43035 to 43044, inclusive; UAL 42866 to 42875, inclusive; and 43000 to 43024, inclusive; Panagra 42876 to 42878, inclusive; National 43055 to 43058, inclusive; Sabena 43062 to 43064, inclusive; Braniff 43105 to 43106, KLM 43111 to 43112, inclusive; and AAF 42881)

Inspection required at each 300 hours (or at each 150 hours for non-air carrier operations).

Inspect the center spar web between stations 167 and 184 for cracks in the web along the lower row of rivets which attach the spar web to the leg of the upper spar cap. For aircraft with the 10 tank fuel system this inspection can be properly made only by removing the fuel tank inspection opening near the affected area, since the spar web attaches to the forward side of the spar cap leg and small cracks in the web cannot be detected without close examination. If cracks are found during this inspection or, if between the inspections, leaks occur which are caused by cracks in the center spar web between stations 167 and 184, the spar web must be reinforced by installing a doubler in accordance with Douglas Drawing 5356664.

When the spar web reinforcement has been incorporated the special inspection required by this Note may be eliminated. All DC-6 aircraft not mentioned above will be reinforced at the factory. (Douglas Service Bulletin DC-6 Number 29, "Rework Center Spar Web, Station 167-184, Integral Wing Fuel Tank DC-6 Airplane," covers the same reinforcement as described on Drawing 5356664.)

47-42-18 DOUGLAS (Was Service Note 4 of AD-781-1)

Superseded by 48-42-1.

47-42-19 DOUGLAS (Was Service Note 5 of AD-781-1) (Applies to the following aircraft: serial numbers 42854 to 42894, inclusive; 43000 to 43012, inclusive; 43055, 43056, and 43062)

Inspection required at every engine change.

After the stop holes are drilled in the tail stub extension of the horizontal stabilizer front spar caps, as required by A. D. Note 47-42-11, inspect for signs of cracks, or progress of cracks, at each engine change period. If the aircraft has been modified to incorporate the Elevator Fifth Hinge Modification, the inspection period may be extended to every other engine change period, but not to exceed 3,000 hours of airplane operation. If cracks progress beyond the stop hole, operation of the airplane must be discontinued

until additional corrective measures have been determined.

47-42-20 ERCO (Was Mandatory Note 17 of AD-718-7) (Applies only to serial numbers 1033 to 1327, inclusive)

Compliance required not later than next 100-hour inspection.

One of the above airplanes may contain a control column shaft, Part No. 415-52129, which is defective at its lower bearing fitting.

In order to ascertain whether the fitting is defective withdraw the shaft from the control column so the surface of lower control shaft fitting, Part No. 415-52126, which bears on the lower bakelite bushing, can be examined. If a steel sleeve is found brazed to this lower shaft fitting's bearing surface, the shaft should be replaced and the defective shaft returned to the manufacturer. (Ercoupe Service Policy Letter No. B-10, covering the subject will be issued to each Ercoupe distributor.)

47-42-21 ERCO (Was Service Note 2 of AD-718-7) (Applies only to serial numbers 113 to 4729, inclusive)

Superseded by 54-26-2.

47-43-1 CESSNA (Was Mandatory Note 12 of AD-768-5) (Applies to serial numbers up to and including 11842)

Compliance required prior to January 1, 1948.

Reroute the lower end of the primer line located on the left side of the firewall and rotate the strainer fitting so that it points downward and to the left at an angle of 60 degrees to the horizontal. Slip approximately 6 inches of vinylite tubing over the upper and lower ends of this primer line and install a shield around this line between the two pieces of vinylite tubing. This will preclude the possibility of fuel coming in contact with the left exhaust manifold in the event of a failure in this primer line. (Cessna Service Letter No. 34, dated March 24, 1947, covers this same subject.)

47-43-2 CESSNA (Was Mandatory Note 13 of AD-768-5) (Applies to serial numbers 8001 to 8480, inclusive)

Compliance required prior to January 1, 1948.

To eliminate the possibility of confusion in the operation of the fuel selector valve, remove the embossed pointer from the selector valve handle and ascertain that the selector valve handle is installed so that the handle indicates correctly the position of the selector valve as shown by the valve placard.

47-43-3 CESSNA (Was Mandatory Note 14 of AD-768-5) (Applies only to seaplanes operated without spreader struts between floats)

Compliance required prior to January 1, 1948.

Due to the independent suspension of the floats, racking loads imposed by rough water operation can cause extensive structural damage. As a result, the following inspections and modifications are necessary:

1. Replace all loose and sheared rivets at the joints between the instrument panel and door posts and between the instrument panel and the fuselage skin with AD-5 rivets. In case of damage to the instrument panel at the sheared rivets, an 0.040-inch 24ST alclad channel, 1 inch wide with 5/8-inch flanges, extending the full length of the rivet pattern should be installed with one flange against and riveted to the skin and with the web picking up the rivets through the door post and panel.

2. Inspect the formed brace channel fittings which attach the front and rear door posts to the rear edge of the fuselage carry through spars for cracks in the flanges. If cracks are found the fitting should be replaced or repaired by stop drilling the crack and installing a flat 0.051-inch 24ST alclad strip, cut to the width and contour of the flange, with 2 or 3 AD-4 rivets above and below the crack.

3. Inspect the front carry through spar for cracks, particularly below the inboard bolt hole in the attachment of the door post to the spar. If cracks are found the channel should be replaced.

4. Inspect fuselage fitting, Cessna part No. 0440109, to which rear outboard float brace attaches, for cracks in flange at bolt head and along weld bead. Replace with new fitting if cracked.

5. Inspect fitting at fuselage, Edo part No. 88-S-145, to which front outboard float brace attaches, for cracks in weld at bend in top plate and at inboard end of insert where weld is ground off. If cracked, replace with revised fitting having three welded inserts at bend.

6. Replace inboard float brace struts to which outboard struts attach directly, with struts modified to incorporate a universal joint at the attachment of the outboard struts.

7. Add spreader struts, Edo part No. 88-5-175, and diagonal wires, Edo part No. 92-S-200-4, between the floats.

8. Rivet 0.051-inch 24 ST alclad doubler, Cessna part No. 0440113, to the fuselage skin below each door just aft of the main landing gear bulkhead. If the fuselage skin is buckled in this area sufficient 1/4-inch rivets should be added to the standard pattern to remove the buckles.

Cessna Service Letters No. 45 dated July 30, 1947, and No. 47 dated August 15, 1947; Edo Drawing 88-03-00A, Change 1, dated May 15, 1947; and Edo Service Bulletin No. 3 dated August 30, 1947, cover this same subject.)

47-43-4 CESSNA (Was Service Note 2 of AD-768-5) (Applies to serial numbers 8001 to 12349, inclusive)

Inspection required upon each 100 hours of operation until horns are reinforced.

Remove the forward part of the tunnel fairing on the cockpit floor and inspect the control cable horns on the rudder bar for signs of bending which probably is caused by excessive foot pressure during application or release of the parking brakes and results in a reduction of the rudder travel. Bent parts which can be straightened without cracking should be reinforced by the installation of Cessna part No. 0411303 or its equivalent. Cracked parts should be replaced with Cessna part No. 0310168 made of 0.080-inch steel. (Cessna Service Letter No. 43 dated July 7, 1947, covers this same subject.)

47-43-5 CESSNA (Was Service Note 3 of AD-768-5) (Applies to serial numbers 8001 to 13780, inclusive)

Inspection required upon each 100 hours of operation until reinforcing channels are installed at all hinge fittings.

Inspect for fatigue cracks in the elevator spar web at the hinges. These cracks start either at the rivets or at an edge of the fitting and progress around the fitting until the elevator breaks loose from the hinge fitting. If cracks less than one-half inch in length are found a reinforcing channel, Cessna part No. 0434151 at the outboard hinge or 0434152 at the inboard hinge, should be installed on the aft side of the spar with the flanges riveted between the spar flanges and the skin with two AN455AD3 rivets per flange. Four AN442AD4 rivets should be used to attach each fitting to the spar web and reinforcing channel. If any cracks are longer than one-half inch the spar should be replaced and the reinforcing channels added. (Cessna Service Letter No. 46 dated July 31, 1947, covers this same subject.)

47-43-6 CESSNA (Was Service Note 4 of AD-768-5) (Applies to serial numbers 8001 to 10209, inclusive)

Inspection required whenever airplane is tied down in high winds without controls locked and upon each 100 hours of operation until Cessna parts 0422200-2 and 0422200-3 are installed.

Inspect the aileron support ribs for indications of buckling or cracking, particularly in the narrow part of the web at the aft edge of the lightening hole and in the top flange just forward of the doubler plate. Any damaged support rib should be replaced with Cessna parts 0422200-2 (left) and 0422200-3 (right) which are made of 0.051-inch material and have a shorter lightening hole. (Cessna Service Letter No. 46 dated July 31, 1947, covers this same subject.)

47-43-7 CESSNA (Was Service Note 5 of AD-768-5) (Applies to serial numbers 8001 to 10650, inclusive)

Superseded by 51-21-1.

47-43-8 CESSNA (Was Service Note 6 of AD-768-5) (Applies to all aircraft equipped with Beech R003 propeller having R003-201 blades and Continental C-85 series engine)

Compliance required prior to January 1, 1948, and thereafter upon completion of each 25 hours of operation.

Remove the R003-201 propeller blades and visually inspect the propeller blade retainer ferrule for cracks at the fillet joining the cylindrical outer surface of the ferrule with the retaining face of the flange. Particular caution should be exercised not to injure or contaminate the thrust bearing which must be pressed away from the flange for the inspection. The propeller manufacturer's assembly and service instructions are to be followed during disassembly and reassembly of the propeller. If any indication of a crack is found, both blades should be replaced with the R003-225 blades. The 25-hour inspection may be discontinued if R003-225 blades are installed. The R003-225 blades are sufficiently similar to the R003-201 blades to be considered aerodynamically interchangeable in the same diameter without a flight test. (Beech Aircraft Co. propeller Service Letter No. 1 covers this same subject.)

47-43-9 BOEING (Was Service Note 3 of AD-743-4) (Applies to all aircraft equipped with Army-McCauley propeller having 41D5926 hub and SS135-6 blades)

Superseded by 54-12-2.

47-43-10 LOCKHEED (Was Mandatory Note 21 of AD-723-3) (Applies to all serial numbers)

Compliance required prior to February 1, 1948.

Inspect all Aiñte Model 2CD1722 operating heads for the CO_2 bottles (fire extinguishing system) and nitrogen bottles (emergency landing gear extension system) to determine whether these heads have been stamped with the letter "L" adjacent to the swivelnut. If the head is not marked in this manner, disassemble the head and examine the cable sheave for part number. All 2CD2248 sheaves should be reworked by rounding the inner shoulder of the ramp at its lower end throughout a distance of 1 1/4 inches, to eliminate possible jamming of the mechanism. When reworked sheaves are installed, the operating heads should be identified by the letter "R" stamped adjacent to the swivelnut. (Lockheed Service Bulletin 18/SB-140 covers this same subject.)

47-43-11 LOCKHEED (Was Mandatory Note 22 of AD-723-3) (Applies to all serial numbers)

Compliance required prior to next periodic inspection.

Remove bolts connecting the elevator push-pull rod to the elevator horn and bellcrank and ascertain that the shank diameter falls within the limits of 0.248 to 0.250. Bolts outside these limits should be replaced with NAS 54-12 bolts. In view of the similarity of the Lockheed bolts with the standard AN

bolt, it is suggested that they be replaced with close tolerance bolts, NAS 54–12 and the push-pull rod, part No. 72149 placarded "Use NAS 54–12 bolt."

47–47–1 PIPER (Was Mandatory Note 5 of AD–780–3) (Applies to serial numbers 12–221, 12–236, 12–239, 12–244, 12–250 and up to 12–3561 and 12–3901 to 12–3988)

Compliance required prior to January 15, 1948.

Reinforce the upper end of the tie strap on the landing gear with a 4130 steel plate (Piper #10028–13). Install over end of strap by edge welding. As a further reinforcement, install a trapezoidal gusset plate (Piper #10028–14) on each side of this upper strap attachment by forming and edge welding on assembly. (Piper Service Bulletin Number 97 dated July 10, 1947 covers this same subject.)

47–47–2 PIPER (Was Mandatory Note 6 of AD–780–3) (Applies to serial numbers 12–1 to 12–796 inclusive, 12–815, 12–817 to 12–822 inclusive, 12–825 to 12–831 inclusive, 12–833, 12–835 to 12–848 inclusive, 12–863 to 12–893 inclusive, 12–895 to 12–901 inclusive)

Compliance required as soon as practicable but not later than January 15, 1948.

To eliminate the possibility of a short circuit occurring between the battery terminal bases and the battery box, a wood filler block ¼ inch x 1½ inches x 10 inches (Piper part No. 11367) should be fastened to the upper inside edge of the battery box with 2 #6–32 x ½ flat head machine screws. Any insulating spacer which will accomplish this same objective may also be used. On completion of this change appropriate entry shall be made in the aircraft log book.

If the Reading R24L Battery has been replaced with an S24 Battery and proper spacer channels (Piper parts no. 10926 and 10927) are installed, the above change is unnecessary. (Piper Service Bulletin No. 98 dated July 28, 1947 covers this same subject.)

47–47–3 PIPER (Was Mandatory Note 7 of AD–780–3) (Applies to all PA–12S seaplanes equipped with Edo 89–2000 Floats)

Compliance required by January 15, 1948.

Racking loads imposed by rough water operation can result in damage to the airplane fuselage structure. The following inspection and modification, therefore, is necessary:

1. Inspect fuselage members to which the float braces are attached, particularly in the left side truss. Any parts damaged or bent shall be properly repaired or replaced.

2. Install wire pulls (Edo Part No. 89–S–176) inboard at the lower end of the front and rear float struts and add the diagonal brace wires (Edo Part No. 92–S–200–9) between the floats. (Edo Service Bulletin No. 4 dated September 5, 1947 contains detailed instructions for this change.)

47–47–4 PIPER (Was Mandatory Note 8 of AD–780–3) (Applies to serial numbers 12–1 to 12–1989 inclusive, 12–1991 to 12–1993 inclusive, 12–1997, 12–1999, 12–2001 to 12–3443 inclusive, 12–3461 to 12–3465 inclusive, 12–3481, 12–3535 to 12–3542 inclusive, 12–3553, 12–3901, 12–3903 to 12–3934 inclusive, 12–3936, 12–3940, 12–3941, 12–3943 to 12–3954 inclusive, 12–3961, 12–3964 to 12–3970 inclusive, 12–3988)

Compliance required prior to February 1, 1948.

To prevent possible malfunctioning of the starter solenoid and damage to the starter cable installation, the following changes shall be accomplished as soon as practicable:

1. The starter solenoid, Part No. 1456 shall be replaced by the solenoid, Part No. 1453, or Part No. 1464.

2. To eliminate the possibility of pinching by the landing gear, the starter cable installation, running from the starter solenoid forward under the fuselage to the engine, shall be rerouted in accordance with Piper Drawing SK–206.

(Piper Service Bulletin No. 102 dated October 6, 1947, covers this same subject.)

47–47–5 MARTIN (Was Service Note 1 of AD–795–1)

The Stewart-Warner 921–B heaters in the cabin heating and wing thermal de-icing systems shall be inspected in accordance with the following: Any heaters indicating impending failure as a result of these inspections shall be replaced immediately:

1. Inspect combustion chamber and heat exchanger end plates on each end of the cabin heaters for signs of cracks at each 30 hours of airplane operation. For wing heaters this inspection should be conducted at each 60 hours of airplane operation.

2. Remove cabin heater for complete inspection and pressure test every 300 hours of airplane operation. In the case of wing heaters this inspecion should be conducted at not less than every 600 hours of airplane operation.

3. Item (2) is to be repeated every 100 hours of airplane operation after the first 300 hours inspection for cabin heaters and every 200 hours of operation after the first 600 hour inspection in the case of wing heaters.

NOTE: The above inspection periods may be varied within reasonable limits to suit the normal inspection periods of scheduled air carrier operators at the discretion of the assigned C. A. A. Maintenance Inspector. If heater operating time is logged separately from airplane operating time, the inspections specified in (2) and (3) above may be conducted on the basis of heater operating time except that, if this is done, both wing and cabin heaters should be inspected after the first 300 hours and each 100 hours thereafter.

47–47–6 MARTIN (Was Service Note 2 of AD–795–1) (Applies to all airplanes with HSP 23260 propellers with YB2H17F3–48R blades and Westinghouse D–30 generators)

Compliance required at first major (long period) inspection and thereafter as specified below.

Carefully inspect the engine accessory section rear cover for signs of fatigue cracks particularly near the generator mounting pad at the first long period inspection and at every short period inspection thereafter until engine overhaul. After engine overhaul, the same inspection sequence shall be observed.

47–47–7 BEECH (Was Mandatory Note 1 of AD–777–1) (Applies to serial numbers D1 to D491, inclusive)

Compliance required prior to next annual inspection.

Replace the engine identification plate containing either E–165–4 or E–165–4A model designation with an identification plate, furnished by the engine manufacturer, having E–185–1 stamped in the engine designation block. The engine model designation, E–165–4 or E–165–4A, stamped on the airplane's identification plate should be permanently deleted through the use of a sharp pointed instrument. (Beech Service Bulletin No. 35–3 covers this same subject.)

47–47–8 BEECH (Was Mandatory Note 2 of AD–777–1) (Applies to serial numbers D210 to D558 inclusive, D560 to D574 inclusive, D580 to D668 inclusive, and D670 to D678 inclusive)

Compliance required as soon as possible but not later than January 15, 1948.

To prevent the top carburetor baffle from cutting through the aluminum alloy fuel line located between the engine driven fuel pump and the carburetor, remove the rubber grommet in this baffle and enlarge the cut out in the baffle for the grommet to permit a minimum of ½-inch clearance between the fuel line and the baffle. No grommet is required for the above modification. Inspect fuel line for chafing or wear at the point where the line passes through the baffle. If necessary, replace the line with a new part, Beech Part No. 35–924058 or the equivalent. (Beech Service Bulletin No. 35–4 covers this same subject.)

47–47–9 CULVER (Was Mandatory Note 9 of AD–778–3) (Applies only to aircraft equipped with Sensenich Model C2FB1 propeller with C276A2 blades)

Superseded by 50–47–2.

47–47–10 REPUBLIC (Was Mandatory Note 13 of AD–769–2)

Compliance required prior to February 1, 1948.

To prevent possible float strut failures during rough water landings, install Wing Reinforcing Angles 17W21028, Float Strut Brace Assemblies 17W22013, Spacers 17W22011 and Lugs 17W22010. (Republic Service Bulletin No. 19 dated September 9, 1947 covers this same subject.)

47–47–11 REPUBLIC (Was Mandatory Note 14 of AD–769–2)

Compliance required as soon as possible but in any event not later than January 15, 1948.

To prevent inadvertent reversal of propeller if propeller reverse control wire fails at control valve attachment, install a spring between the reverse control link and the bracket supporting the reverse control. (Seabee Service Bulletin No. 21 dated October 14, 1947 covers this subject.)

47–47–12 REPUBLIC (Was Mandatory Note 12 of AD–769–2) (Applies to RC–3 serial numbers 5 through 1035 inclusive except the following which have been modified at the factory: 767, 915, 948, 949, 957, 959 through 999 inclusive, 1004 through 1010 inclusive, 1014, 1019 through 1025 inclusive. Serial 1036 and up have been modified at the factory prior to delivery).

Compliance required not later than December 31, 1947.

To prevent excessive drop-off in engine RPM when carburetor heat is used, anti-swirl vanes, Republic Part No. 17P 69014–20 must be installed in the air duct below the carburetor. (Republic Seabee Service Bulletin No. 18 dated August 26, 1947 covers this same subject.)

47–47–13 REPUBLIC (Was Mandatory Note 11 of AD–769–2)

To be accomplished not later than next 100-hour inspection or January 15, 1948.

If the Hartzell propeller hub model on your airplane is HC–12X20–3, determine the counterweight length and position on the hub in order that the hub designation can be amended as necessary in accordance with the following:

a. Plain counterweights 4.650 inches in length—the designation HC–12X20–3 is unchanged.

b. Notched counterweight 4.50 inches in length—add suffix letter "C" to designation so that it reads HC–12X20–3C.

c. Plain counterweight 4.50 inches in length—a ⅛-inch slug must be added to these counterweights and suffix letter "A" added to the hub designation so that it reads HC–12X20–3A. Any of these hubs on which the slugs have not been added to the counterweights must be removed from service until the counterweight slugs are affixed.

Revise the reverse thrust operation placard as follows:

For airplanes with 6A8–215–B8F engines, serial numbers 23,001 to 23,280, inclusive and HC12X20–2 propeller:

Warning. Reversing propeller in flight prohibited. Operate reverse lever in low pitch only. Maximum 1,750 r. p. m. in reverse pitch.

For airplanes with 6A8–215–B8F engines, serial numbers 23,001 F to 23,280 F, inclusive, and 23,281 and up and all –B9F engines and (a) HC–12X20–3 or 3–A propellers:

Warning. Reversing propeller in flight prohibited. Operate reverse lever in low pitch only. Maximum 2,300 r. p. m. in reverse pitch.

or (b), HC–12X20–2 or –3C propellers:

Warning. Reversing propeller in flight prohibited. Operate reverse lever in low pitch only.

47–47–14 REPUBLIC (Was Service Note 4 of AD–769–2) (Applies to engine serial numbers 23001 to 24065 inclusive)

Compliance required at each 25-hour inspection.

Drain the oil from the engine and inspect the sump oil inlet screen assembly as follows:

Insert a finger through the drain hole in the sump; locate the oil screen and with direct side pressure attempt to move the oil screen horizontally. If appreciable horizontal movement is caused by hard pressure or if the oil screen is not directly over the drain hole, the oil inlet assembly may be cracked and requires replacement. The late type assembly includes a non-floating oil screen. Until this late type float and assembly is installed fill with no more than 11 quarts of oil and mark the filler cap accordingly.

When the late type parts have been incorporated, the above inspection is no longer required and 12 quarts of oil may be placed in the sump and the filler cap should be re-marked accordingly.

The above inspection should be made immediately when any unexplained oil pressure drop is apparent. (Franklin Service Bulletin No. 58 dated June 11, 1947 covers this same subject.)

47–49–1 LOCKHEED (Was Mandatory Note 34 of AD–763–3) (Applies to all serials up to and including 2088)

Compliance required prior to December 31, 1947.

Relocate the rudder trim tab cockpit control unit to comply with provisions of CAR 04.439–T regarding plane and sense of motion of control.

(LAC Service Instruction 49/SI–18 covers this same subject.)

47–49–2 LOCKHEED (Was Mandatory Note 35 of AD–763–3) (Applies to all serials up to and including 2088)

Compliance required prior to February 15, 1948.

Inspect nose landing gear emergency extension line in nose wheel well (LAC Part No. 272239–164) to ascertain whether adequate clearance exists with respect to the nose gear actuating cylinder. If adequate clearance does not exist, replace this line with a new part, LAC 285106–311 or equivalent (LAC Service Bulletin No. 49/SB–164 covers this same subject.)

47–49–3 LOCKHEED (Was Mandatory Note 36 of AD–763–3) (Applies to all serials up to and including 2080, except 2033, 2058 and 2071 through 2075)

Compliance required at next engine change period.

Inspect all attachments of rudders to torque tube flanges for evidence of stripped threads or elongated holes. (This does not require removal of rudders.) When such evidences are found, redrill holes to next larger size and/or install new nuts as required. (LAC Service Bulletin 49/SB–256 covers this same subject.)

47–49–4 LOCKHEED (Was Mandatory Note 37 of AD–763–3) (Applies to serials 2068—2088 inclusive)

Compliance required within next 50 hours of operation unless the 1⅝16 inches headless drive pin has been installed.

Inspect attachments of rudder pedal lever arms to the clip assembly in the 284587 rudder pedal slot cover guide assemblies to determine whether it is possible for the flat head pin to cause jamming of the system. If any possibility of jamming exists, the flat head pin should be replaced with a headless drive pin 1⅜16 inches long. (LAC Service Bulletin 49/SB–260 covers this same subject.)

47–49–5 LOCKHEED (Was Mandatory Note 38 of AD–763–3) (Applies to all serials up to and including 2088)

Compliance required prior to February 15, 1948.

Replace quick-disconnect fasteners used to attach aileron control cable housing on radio operator's floor (LAC Part No. 28717–8) with screws and AN366F8–32 nut plates. (LAC Service Bulletin 49/SB–300 covers this same subject.)

47–49–6 LOCKHEED (Was Mandatory Note 39 of AD–763–3) (Applies to serials 2076 to 2088, inclusive)

Compliance required not later than next No. 3 inspection (or not later than next 150 hours for non-air carrier operations).

The rear oil pressure gage operational placard on the flight engineer's panel, LAC Part No. 296770, must be removed or replaced with new placard, LAC Part No. 296995 or equivalent (LAC Service Bulletin 49/SB–245 covers this same subject).

47–49–7 LOCKHEED (Was Mandatory Note 40 of AD–763–3) (Applies to all serials up to and including 2088, unless equipped with MLG drag strut dampers)

Compliance required prior to February 1, 1948.

a. Replace the NAS58A65 bolt used to connect the two halves of each MLG upper drag link assembly, LAC Part Nos. 283418 and 288983, with a ⅝-inch diameter high strength bolt, LAC Part No. 297902. (LAC Service Bulletin 49/SB–368 covers installation of MLG shock strut dampers.)

b. Reduce MLG shock strut inflation pressures to provide a static extension of two inches at maximum landing weight.

47–49–8 LOCKHEED (Was Service Note 8 of AD–763–3) (Applies to all serials up to and including 2046)

At periods not to exceed 250 hours, inspect the aileron leading edge ribs at stations 571 and 577, the adjacent leading edge skin and the counterbalance supports for signs of cracks. When cracks are found, install heavier supports, new rib elements, new leading edge skin, and rib reinforcements, as required. When both ribs have been reinforced and heavier supports installed, this periodic inspection may be discontinued. (LAC Service Bulletin 49/SB–162 covers this same subject.)

47–49–9 LOCKHEED (Was Service Note 9 of AD–763–3) (Applies to all Model 49 serials up to and including 2088 and to Model 649 and 749 serials 2501 through 2513, inclusive)

At each engine change period, inspect the wing attaching pins at station 80 to determine whether any of these pins are working upward through the fittings. If any pin has worked up until only the lower chamfered portion protrudes, replace the station 80 cover strip with a new 0.064 24ST alclad strip. When this strip has been replaced the periodic inspection of that joint may be discontinued. (LAC Service Bulletin 49/SB–151 covers this same subject.)

47–49–10 LOCKHEED (Was Service Note 10 of AD–763–3) (Applies to all Model 49–46 airplanes which are equipped with astrodomes during pressurized cabin operations, unless permanently sealed off)

a. Prior to next flight, provide an internal cover plate for the astrodome opening fabricated of 3/16-inch 24 ST aluminum alloy or equivalent, with provisions for installing this plate in the astrodome opening in the event of loss of the astrodome (LAC Service Bulletin 49/SB–331 covers this same subject).

b. Prior to the next flight, provide a navigator's safety harness with suitable attachments to the floor structure beneath the astrodome. (LAC Service Bulletin 49/SB–264 covers this same subject.)

c. Prior to next flight, install a placard adjacent to the astrodome opening, reading as follows: "Wear safety harness whenever using astrodome. Check security of harness attachment to floor after each installation."

d. Prior to each flight, closely inspect each astrodome for cracks, crazing or other defects, with particular attention given to area around radius adjacent to the flange. When any defects are found, the dome should be replaced at least before the next departure from a terminal base. (LAC Service Information Letter No. 101 covers the necessary inspection procedure.)

e. If new type laminated astrodome assembly and ring, LAC Parts 298679 and 298735, respectively, are installed with necessary seals and attachments, the requirements of parts (a), (b), and (c), above, may be disregarded. The preflight inspection called for in (d) above, should be continued. (LAC Service Bulletin 49/SB–324, revised April 30, 1947, covers installation of the new type astrodome and mounting ring.)

47–49–11 LOCKHEED (Was Service Note 11 of AD–763–3) (Applies to serials as noted)

At periods not to exceed 50 hours of operation, inspect the following fuel system elements to determine that they are tight and will not permit leakage or other hazardous conditions:

a. Fuel dump valve shaft gland nuts (serials up to and including 2075).

b. Valves on drain lines from outboard portion of inboard fuel tanks, fuel system crossfeed lines, and cabin heater fuel lines (serials 2047 to 2088 inclusive, and 2501 to 2503 inclusive).

If safety wiring of these items is provided, the required inspections may be discontinued. (Lockheed Service Bulletin 49/SB–215 covers item a. above, and Lockheed Service Instruction 49/SI–10A covers item b. above.)

47–49–12 LOCKHEED (Was Service Note 12 of AD–763–3) (Applies to all serials which incorporate short type metal aft doors for the main landing gear)

At periods not to exceed 250 hours inspect the metal aft doors of the main landing gear for signs of cracks in the vicinity of the forward hinge attachments. When cracks are found, satisfactory reinforcements and doublers should be installed.

When doublers have been installed (doublers only are necessary if the doors are not already cracked) the periodic inspections may be discontinued. (LAC Service Bulletin 49/SB–274 covers this same subject.)

47–50–1 AERONCA.

Superseded by 49–2–3.

47–50–2 CESSNA Applies to Serial Nos. up to and including 14,289.

Inspection required upon each 100 hours of operation until fuselage rear bulkhead (tail post) has been reinforced.

Inspect the lower right-hand corner of the cut-out in the fuselage rear bulkhead for cracks which usually extend down to the rivet holes at the nearest anchor nut. If cracks are found, install the new type bulkhead with reinforcement channel added per Cessna Drawing No. 0412169. (Cessna Service Letter No. 46 dated July 31, 1947, covers this same subject.)

47–50–3 PIPER.

Inspection required after each 100 hours of operation.

Inspect the front and rear canvas seat installations and note the condition of canvas,

eyelets, and lacing. Any parts showing signs of wear, tearing, fraying or sub-standard material the failure of which could cause possible interference with the control system should be replaced. Check the tautness of the canvas to insure that position clearance with all parts of the elevator control system exists when the seats are occupied. (Piper Service Bulletin No. 45 covers this same subject.)

47–50–4 STINSON.
Compliance required as soon as possible but not later than March 1, 1948.
To prevent loss of elevator control, the elevator push pull tube assemblies, P/N 76–62204, should be inspected for security and proper staking of nut which secures rod end and D–4 bearing in housing P/N 76–62206. If there is no cotter pin securing this nut, it should be staked to the rod in at least three places.

47–50–5 AERONCA, PIPER, LUSCOMBE Applies to airplanes equipped with Edo Model 92–1400 floats.
Compliance required by February 15, 1947.
To prevent the possible failure of the wirepull attachment on Edo Model 92–1400 floats, install redesigned wirepull (Edo Part No. 92–S–239 on J3C–50S and J3C–65S, Edo Part No. 92–S–229 on PA–11S, Edo Parts No. 92–S–237 and –239 on 57AC, Edo Part No. 92–S–237 on S11AC, and Edo Parts No. 92–S–233 and –235 on Luscombe 8 series) under each of the front and rear strut attachment fittings. (Edo Service Bulletin No. 2 dated August 15, 1947, contains detailed instructions for making this change.

47–50–6 PIPER Applies to all J3 series airplanes incorporating landing gear approved for 1220 lbs. maximum weight and PA–11 airplane Serial Nos. 11–1 to 11–352 inclusive, 11–354 to 11–357 inclusive, 11–359, 11–361 to 11–369 inclusive, 11–371 to 11–375 inclusive, 11–377 to 11–385 inclusive, 11–387, 11–396 to 11–402 inclusive, 11–413, 11–414, and 11–430.
Compliance required at next periodic inspection but not later than March 15, 1948.
Inspect the shock struts for cracks at the ends of the stop bolt slots. Damaged struts shall be properly repaired or replaced. To eliminate possible cracking of the shock struts at the ends of the slots, the rubber stop discs, Piper Part No. 81232–13, four per airplane, shall be replaced with four leather discs, Piper Part No. 81232–30 or may be made from belting leather, 1 1/16 inch diameter x 3/16 inch thick. (Piper Service Bulletin No. 103 dated September 29, 1947, covers this same subject.)

47–50–7 PIPER.
Superseded by 48–37–1.

47–50–8 SIKORSKY.
Compliance required at each 200-hour inspection COMIOD.
Disassembly and inspection of the vertical hinge pins and bearings is a mandatory procedure and should be accomplished at each 200-hour inspection period.
The helicopters which utilize Torrington No. 4479 bearings at the vertical hinge pins are subject to replacement of these bearings at each 200-hour inspection period.
The procedure followed is explained on page 4 of Sikorsky Service Bulletin No. 7 dated August 4, 1947.
Helicopters which utilize Smith 14TR–X1 bearings at the vertical hinge pins are subject to inspection at each 200-hour interval and replacement of the bearings is not required unless the installation shows sign of serious wear or damage.
Helicopters which utilize Torrington No. 4479 bearings at the vertical hinge pins can be reworked to incorporate Smith 14TR–X1 bearings at the vertical hinge pins if desired by the owner.
The procedure to follow for this exchange of bearings is as explained on page 2 of Sikorsky Service Bulletin No. 7 dated August 4, 1947.

47–50–9 FAIRCHILD.
Inspection required each 100 hours of operation.
Inspect the landing gear fittings near the lower longeron attachment and also the fuselage fittings for cracks. Cracks in the strut not exceeding 1/8 inch in length may be repaired by electric arc welding. Cracks in excess of 1/8 inch in length should be stop drilled and oxyacetylene welded, and the landing gear strut should be reheat treated to 180,000 pounds per square inch. (Fairchild Service Bulletin No. 41–8 dated June 23, 1941, covers this same subject.)

47–50–10 ERCO Applies to Serial Nos. 113 through 2468 for fuselage tank replacements; Serial Nos. 113 through 2622 for wing tank replacements.
Superseded by 55–22–2.

47–50–11 STINSON.
Compliance required prior to March 1, 1948.
The front ash trays shall be modified to the self-contained type or a "No Smoking" placard installed.
(Stinson Service Bulletin No. 246 covers a satisfactory method of modifying these ash trays.)

47–50–12 STINSON Applies to Serial Nos. 108–1 through 108–3500.
Compliance required every 100 hours of operation.
Inspection of the stabilizer leading edge attachment to the fuselage should be made for fatigue cracks after each 100 hours of operation. If fatigue cracks are present, reinforcements to the stabilizer fitting should be added. Inspection may be discontinued after reinforcement is installed. (Stinson Service Bulletin No. 254 dated September 5, 1947, covers this same subject.)

47–50–13 BELLANCA, STINSON Applies only to aircraft equipped with Koppers Model Aeromatic F200 propellers.
Compliance required no later than the next 25-hour propeller lubrication and at 25 hours of operation thereafter.
Inspect propeller hub as follows:
Remove balancing band from both ends of hub barrel after index marking each to facilitate proper reassembly. Examine the other surfaces of the hub completely for indications of line cracks or fractures. The areas of primary concern are (1) those beneath the balancing bands, (2) the weld joint where hub barrel and mounting tube meet, and (3) the weld joint where mounting tube and mounting flange meet.
Defective hubs should be removed from service. (Koppers Service Bulletin No. 12, dated October 9, 1947, covers this same subject.)

47–51–1 CURTISS (Applies to Model E serial numbers AAF 43–47403 through 43–47419, Models A&D modified by United Services for Air, Inc., and Model F)
Superseded by 54–14–1.

47–51–2 CURTISS (Applies to all Model E and F horizontal stabilizer and elevator assemblies)
Compliance required by March 1, 1948.
The attachment bolts in the elevator hinges and the spring and trim tab bellcranks, located in the stabilizer, tend to loosen with resultant elongation of the holes and grooving of the bolts.
1. Replace the eight AN5–14 hinge bolts on the 20–130–5701 elevator installation with NAS55–14 or AN175–14 bolts.
2. Replace the eight AN4–26 bolts on the 20–130–5700 elevator installation with NAS54–26 or AN174–26 bolts.
3. Replace four AN23–11A and two AN23–12A bolts through 20–110–5020 or 20–110–5112 blocks on each of the outboard stabilizer ribs with four NAS53A–7 or AN173–7A and two NAS53A–10 or AN173–10A bolts. Replace six existing bolts on each of the inboard hinges with NAS53A–7 or AN173–7A bolts.
4. Fabricate spacers from 24ST material having an O. D. of 0.590 to 0.594 inch, 1.562 +0.005, −0.000 inches in length and drill concentric hole lengthwise 0.250 inch in diameter. Install spacer between the two hub bearings on "Idler Assem-Elev Trim Tab" P/N 20–530–5722 and "Idler Assem-Elev Trim Tab (L. H.)" P/N 20–530–5775 so that the AN24 bolts attaching the idlers to their mating bracket may be so tightened as to prevent rotation of the bolt in the inner bearing race or in the holes of the bracket.
5. Fabricate 0.75 diameter × 1.012 inches +0.005, −0.000 spacers (Curtiss part No. 20–530–5709–1201) from 24ST alclad and drill 0.250. Install these spacers between the two hub bearings in the 20–530–5709 spring tab bellcranks.
6. Part No. 1007–D–4–250 shoulder bushings should be installed in each 20–130–5775–2 bracket.

47–51–3 CURTISS (Applies to Model E serial numbers AAF43–47403 through 43–47419 and Model F)
Inspection required every 100 hours of operation until rework is accomplished.
The aileron closure rib assembly 20–030–5039 has failed on some aircraft by cracking at the point of attachment to gusset and adjacent to the bolts which secure the aileron hinge assembly.
1. The rib assembly should be inspected and if cracks are found the following rework should be accomplished.
(a) Remove the aileron from the airplane.
(b) Remove aileron hinge assembly 20–030–5042 from the aileron closure rib 20–030–5039 located at wing station 273.875.
(c) Drill out the ten 671D–5AD–5 rivets and two C71D–5AD–8 rivets which secure gusset 20–030–5039–6 to the bottom of ribs 20–030–5039–504 and 20–030–5039–505.
(d) Drill out the eight AN442AD5–5 rivets which secure gusset 20–030–5039–6 to the sides of ribs 20–030–5039–504L and 20–030–5039–505.
(e) Open the inspection doors nearest each side of the aileron closure rib assembly.
(f) Working thru these inspection doors drill out the fourteen AN442AD4–4 rivets which secure angles 20–030–5039–3 to the sides of the ribs 20–030–5039–504 and 20–030–5039–505. It will not be necessary to remove the twenty-eight 671D–4AD–4 rivets which secure the angles 20–030–5039–3 to the wing trailing edge closure skin.
(g) Working through same inspection doors drill out the eighteen AN 442 AD4–4 rivets which secure the angels 20–030–5039–506 to ribs 20–030–5039–504 and 20–030–5039–505. The ribs are now free and can be removed from the airplane.
(h) Fabricate new lower ribs 20–030–5037–504 and 20–030–5039–505 using the removed ribs as templates.
(i) Fabricate one left-hand and one right-hand angle "A" 7.06 inches long x 0.90-inch leg x 0.70-inch leg, bend radius 0.09, from 0.064–24 SO–AlC (AN–A–13 Condition A) and heat treat to 56,000 p. s. i. (Spec. AN–QQ–H–186).
(j) Fabricate one left-hand and one right-hand angle "B" 9.25 inches long x 0.90-inch leg x 0.70-inch leg, bend radius 0.09, from 0.064–24 SO–AlC (AN–A–13 Condition A) and heat treat to 56,000 p. s. i. (Spec. AN–QQ–H–186).
(k) Working through the inspection doors located in the trailing edge closure skin secure the ribs 20–030–5039–504 and 20–030–5039–505 to angles 20–030–5039–506 and 20–030–5039–3.
(l) Install angles "B" with a 0.90-inch leg against ribs 20–030–5039–504 and 20–030–5039–505 in upper inside corners of assembly using six AN 442 AD4–4 rivets for each angle. Rivet the 0.70-inch flange to top gusset using four AN 442 AD6–8 rivets outboard and five LS 1127–6–8 rivets inboard of opening in gusset. Trim angle to match openings in rib and gusset and end curvature of ribs.
(m) Install angles "A" with 0.90-inch leg against ribs 20–030–5039–504 and 20–030–5039–505 in lower inside corners of assembly using two AN 442 AD4–4 rivets at inboard end and four AN 442 AD5–6 rivets to pick up leg of gusset 20–030–5039–6L and 6R and 671D–5AD rivets on bottom. Trim end of angle to curvature of rib.
(n) Drill the necessary bolt holes in ribs 20–030–5039–504 and 20–030–5039–505 for attaching hinge assembly 20–030–5042 and install same using AN24–8A bolts, AN960D416 washer and AN364–428 nuts.
(o) Install the aileron.
Curtiss-Wright Service Information Letter SBS:GS:wd–1482 dated January 6, 1947, and its enclosures, also cover this same subject. This letter and its enclosures may be obtained from the Curtiss-Wright Corp., Airplane Division, Columbus, Ohio, upon request.

47–51–4 CURTISS (Applies to all C–46 series airplanes incorporating Hamilton Standard propellers)
Compliance required by March 1, 1948.
To eliminate failure of the propeller flexible feathering line, an anti-heat shield shall be installed in accordance with the following instructions:
(a) Remove the engine cowling adjacent to the propeller feathering line and inspect the flexible propeller feathering hose and lagging material (if installed) for disintegration and deterioration. Replace hose if deterioration is evident.
(b) Fabricate the anti-heat shield and attaching clamps as shown in Figure 8.
(c) Place anti-heat shield over the flexible hose and mount the shield on the engine mount by use of the clamps shown in Figure 8. The shield should be centered over the flexible hose. It may be necessary to rebend the metal feathering line slightly to achieve proper centering.
(d) Upon completion of installation, check operation of propeller feathering system.
The above information is also contained in Army Air Forces Technical Order 01–25L–105 dated April 2, 1947. Copies of this Technical Order are not available for distribution by the CAA.

47–51–5 CURTISS (Applies to Model E, serial numbers AAF43–47403 through 43–47419, and Model F)
Compliance required by March 1, 1948.
The aileron horns part 20–050–5715 have failed due to cracking of the horn between the attaching bolt holes and the outer edge. Inspection should be made to determine if this part has been replaced by part No. SK–10213. If not, part 20–050–5715 which is a casting should be replaced by a machined horn manufactured from 24ST material in accordance with Curtiss-Wright Drawing No. SK–10213.
Army Technical Order 01–25L–102 also covers this same subject.

47–51–6 CURTISS (Applies to all C–46 series aircraft)
Superseded by 48–44–2.

47–51–7 CURTISS.
Compliance required not later than March 1, 1948, and each 1,000 hours of operation thereafter.
Inspect the landing gear drag strut support structure inside nacelle to determine if landing gear drag strut No. 20–720–1018 attaching bolts at the 70 percent spar have loosened and if angle assembly 20–720–1024–1 and bulkhead assemblies 20–720–1021–1 and 20–720–1023–6 are loose. All defective parts, loose or sheared attachment rivets should be replaced and loose bolts tightened.
To accomplish the above, it is necessary to remove one outer panel or provide an access door in order to gain access to the interior of the center panel.
Curtiss-Wright Service Information Letter No. 735 dated August 20, 1947, covers an acceptable wing panel door installation.

47–51–8 REPUBLIC (Applies to all Seabee airplanes with steerable tailwheels)
Compliance required not later than the next 25-hour inspection.
To preclude the possibility of the steerable tail wheel control cable fouling on the tail wheel quadrant arms, install horns 3 9/16 inches long, fabricated from 0.091 aluminum plate, pointing rearward to arms of quadrant assembly No. 17F42093–1. Drill out stop rivet and attach using AN441–4–5 rivets. Then attach cable clips over horn and arm with AN24–11 bolts. (Republic Service Bulletin No. 17, Supplement No. 2, dated October 16, 1947, also covers this same subject.)

47–51–9 BEECH
Superseded by 49–29–2.

47–51–10 BEECH (Applies to serial numbers AA–8; AA–9, AA–11, AA–13, AA–16, and AA–18)
Compliance required prior to March 1, 1948.
Replace the present windshield glass with birdproof glass in accordance with Beech Drawing No. 407–185500, Pilot's Windshield and Window Installation. (Beech Service Bulletin D18C–4 covers this same subject.)

47–51–11 BELL.
Service experience indicates that the transmission pinion gear bearing life can be extended to 100 hours of operation providing rework in accordance with Bell Service Bulletin No. 47C4 dated December 4, 1947, has been accomplished. New bearings part No. 47–820–358–1 must be installed in the upper spider assembly pinion gears and bearings part No. 47–620–357–1 must be installed in the lower stage spider assembly pinion gear at the 100 hour tear-down inspection. (In order to assist in determining the service life of these bearings, it is recommended that removed bearings be tagged with any pertinent information and returned to Bell Aircraft Corporation, Attention: Helicopter Division, Buffalo, New York.) (Bell Service Bulletin 47C4 revised December 4, 1947, covers this same subject.) This note supersedes 47–41–9.

47–51–12 DOUGLAS (Applies to all converted C–47 series aircraft with ram non-ram (hydraulic) type carburetor air scoop)
To be accomplished not later than March 1, 1948.
Compliance with the following items is necessary to preclude carburetor icing:
1. The carburetor alcohol system must be used.
2. The accessory cowling and engine fire seal must maintain not more than 1/4-inch clearance of the collector ring.
3. The cable system for operation of the hot air door must be rigged to 30 pounds tension.
(Part B of Douglas Service Bulletin DC–3 #251 dated April 15, 1947, covers this same subject. Part A of the same Bulletin is not mandatory, but optional compliance may be accomplished when parts are available.)

47–51–13 BELLANCA (Applies to serial numbers 1060 through 1513, 1545, 1548, 1551 through 1560)
Compliance required not later than May 1, 1948.
To eliminate the possibility of an engine compartment fire entering the fuselage through the firewall cabin heater opening, remove the aluminum cabin heat control valve and replace with a steel valve of new design Bellanca Drawing No. 15067–40. (Bellanca Service Bulletin No. 11 dated June 20, 1947, covers this same subject.)

47–51–14 SIKORSKY.
Compliance required at each removal and replacement of the power take-off assembly.
In order to prevent failure of the pinion and ring gears in the main gear box due to improper installation of the power take-off assembly, the following tear down, inspection, and assembly procedure should be followed:
(a) Disconnect and remove the front end of the intermediate drive shaft.
(b) Remove the cotter pin and nut in the center of the spline coupling, part No. S635104, and remove the spline coupling with attached brake disc.

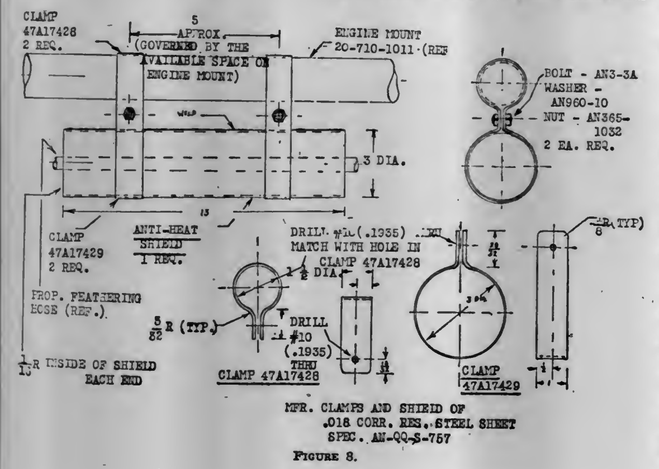

FIGURE 8.

of bearings is as explained on page 2 of

with four NAS53A-7 or AN173-7A and two

four AN 442 AD6-8 rivets outboard and five

(c) Check the backlash in the power take-off gears. This should be .003 to .005 inch between the ring gear and pinion.

(d) Remove the five retaining nuts and washers securing the power take-off to the main gear box lower housing.

(e) Using a fibre mallet, for starting, remove the power take-off.

Caution: Do not use a screwdriver or pry bar on the mating surfaces, as the slightest deformation of the surfaces may cause gear failure.

(f) Inspect the shims, part No. S-635117, and gasket, part No. S-635115, for dents and tears. Only shims and gaskets in perfect condition should be considered serviceable.

Also, the mating surfaces of the housings should be free from rough spots or tool deformations.

(g) With a micrometer, measure the total thickness of the shims. If it is necessary to replace a shim, and the backlash was within limits, the replacement shim must have the same total thickness as the parts removed.

(h) Lightly coat with Prussian blue the teeth of the power take-off pinion.

(i) Place gasket part No. S-635115 in gasket recess.

(j) Replace the shims over the five studs in the lower case of the main gear box, install the power take-off housing assembly, and secure the five washers and nuts.

(k) Check the backlash between the ring gear and pinion, which must be between 0.003 to 0.005 inch.

(l) After the power take-off has been fastened securely in place, the gear box must be operated by hand by turning the end of the pinion shaft protruding from the power take-off. After a few revolutions, remove the power take-off and check the tooth pattern. The correct tooth pattern is shown in Figure 9. The necessary adjustment for proper tooth pattern and backlash should be accomplished by shimming with power take-off housing shims. Shims are to provide adjustments for both mounting distance of ring gear and pinion and also tooth pattern.

(m) When the proper tooth pattern and backlash have been obtained, install the power take-off and securely tighten retaining nuts.

(n) Replace the spline coupling with brake disc attached and secure with washer, nut, and cotter pin.

(o) Reassemble the front end of the intermediate drive shaft.

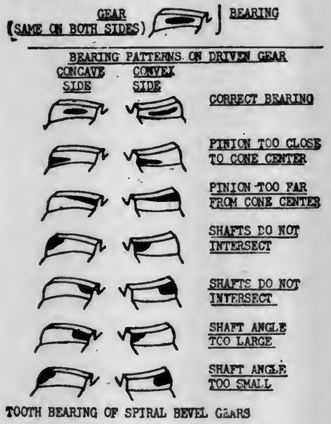

FIGURE 9.

Similar instructions are contained in AAF Technical Order No. 01-230 HC-16, dated March 6, 1946, and in Bureau of Aeronautics Aircraft Bulletin No. 6 dated March 28, 1947.

47-51-15 DOUGLAS (Applies to serial numbers 42854 through 42880; 42882 through 42888; 42890; and 42891; 43000 through 43003; 43005 through 43009; 43055; and 430546)

To be accomplished not later than next No. 8 inspection.

In order to prevent malfunctioning of the brakes, the original Raybestos brake lining, part No. 9520535 must be replaced with Goodyear BL-56 lining, part No. 9521091. This new lining is identified with two yellow dots. (Douglas Service Bulletin DC-6 #1 covers this same subject.)

47-51-16 DOUGLAS (Applies to serial numbers 42854 through 42880, inclusive; 42882 through 42891, inclusive; 43000 through 43009, inclusive; 43055; and 43056)

To be accomplished not later than August 1, 1948.

In order to increase the strength of the flap support assembly at wing station 378 and to replace the temporary rework outlined in Douglas Company Service Letter of May 12, 1947, which was necessitated by failure of the flap hinge support assembly on an airplane in flight, the following must be accomplished:

(a) Remove the two Shafer bearings, p/n AB-4A from flap link assembly, p/n 4325008 and press in new Shafer bearings, p/n AB-5A and stake in place.

(b) Remove outboard flap link support assembly, p/n 5107188, and line ream (0.312-0.313) diameter through to permit use of 5/16-inch bolt for attachment of upper end of link assembly, p/n 4325008. Assembly, p/n 5107188 becomes p/n 5107188-500 after rework.

(c) Press out old bushings, p/n 1338719, two places in flap hinge bracket assembly, p/n 3320998, and press in new bushings, p/n 1338719-500.

(d) After replacing p/n 5107188-500, replace p/n 4325008, using bolts, p/n 2356375-22; washers, p/n 124682-5-12-6 and p/n AN960-516; nut, p/n AN310-5 and cotter pin, p/n AN380-2-3.

(Douglas Service Bulletin DC-6 #66 covers this same rework.)

48-1-1 DOUGLAS.

Because of cracking and failure in the locking groove of Goodyear Model 20DHBM wheels, Assembly No. 530402-M, resulting from the use of the old one-piece flange and lock ring, the following must be accomplished:

I. Not later than the next scheduled inspection at which necessary facilities are available, and at each succeeding No. 3 inspection until II is accomplished:

(1) Remove the wheel-retaining flange from all wheels which are used with, or ever have been used with, the one-piece retaining flange P/N's 511033 or 530405-M and lock ring P/N 511051-1.

(2) Clean and etch the wheel lock ring groove and carefully inspect to determine if any cracking has started. Remove from service all wheels found to be cracked.

(3) Measure the diameter of the lock ring groove at the locking surface. The nominal diameter is 0.440 inch +0.002 inch. When the groove has worn to more than 0.500 inch diameter and less than 0.563 inch, remove wheel from service until it has been reworked to provide a true radius in the outer side of the groove and the thrust surface is made parallel to the end of the wheel. This radius should be 0.220 inch +0.001 inch. Wheels reworked in this manner must be inspected at each 500 hours or the closest major inspection period thereto. Remove from service any wheels in which the groove has worn to a diameter equal to or exceeding 0.563 inch.

II. To be accomplished not later than August 1, 1948.

Remove from service all one-piece flanges and lock rings and replace by two-piece flange P/N 530735-M and studs P/N511284-6. (Goodyear Service Bulletin No. 1 covers this same subject.)

48-1-2 PIPER (Applies to Serial Nos. 12-1 through 12-1989; 12-1991 through 12-1993; 12-1997; 12-1999; 12-2001 through 12-3443; 12-3445 through 12-3450; 12-3452 through 12-3457; 12-3461 through 12-3465; 12-3481; 12-3535 through 12-3542; 12-3553; 12-3901; 12-3903 through 12-3934; 12-3936; 12-3940; 12-3941; 12-3943 through 12-3954; 12-3961; 12-3964 through 12-3970; and 12-3988)

Compliance required by February 1, 1948, and at each periodic inspection with modification not later than June 1, 1948.

Inspect for interference between the nose cowl and starter ring gear casting and for tightness of the cowl attachments. Replace gear casting if scored deeper than 1/32 inch.

Prior to June 1, 1948, install cowl support braces, Piper P/N 11410, to insure proper position and support of cowl. (Piper Service Bulletin No. 100 dated October 20, 1947, covers this same subject.)

48-1-3 REPUBLIC.

Compliance required by February 1, 1948, and at each 25-hour inspection until bushing is installed.

Inspect elevator trim tab for excessive play by holding control rod and measuring vertical movement of trailing edge. If play exceeds 1/4 inch, ream clevis pin hole in horn and press in a 1/4-inch O. D. cadmium plated steel bushing. If wear has reduced edge distance below 5/32 inch, a new horn with steel bushing should be installed (Republic Seabee Service Bulletin No. 20 dated October 10, 1947, and Supplement No. 1 thereto dated November 10, 1947, contain detailed information on this subject.)

48-2-1 BELL (Applies to all 47B Series, through Serial No. 78)

Compliance required before next 25 hours of operation.

Reinforce the tail rotor drive shaft bearing hangers by riveting reinforcement plates, Bell P/N 47-267-001-152, -153, -154, -155, -156, and -157, to the appropriate hangers with AN-470-AD3-4 rivets. (Bell Service Bulletin 47C56 dated September 10, 1947, also covers this subject.)

48-2-2 DOUGLAS (Applies to aircraft with Wilcolator Fire Detectors installed in the engine power section of the nacelle)

Compliance required by next engine change.

Revise the method of attachment of the A-4981 Wilcolator fire detectors located on the cowl flap support wing in Zone 1 by clamping the detector to its mounting plate with a retainer strip of 0.062 thickness low carbon steel sheet, cadmium plated, secured with the same screws which attach the detector to the support box. Failure of the supports is caused by vibration during engine operation. (Douglas Service Bulletin DC-4 No. 75 covers this same subject.)

48-2-3 DOUGLAS.

Superseded by 48-15-3.

48-2-4 DOUGLAS (Applies to Serial Nos. 42854 through 42880; 42882 through 42896; 43000 through 43017; 43035 through 43038; 43055, 43056, 43062, and 43063)

Compliance required by the next No. 3 inspection.

To prevent the brake lining from becoming wedged between brake disc and housing, replace the present adjustment pin Goodyear P/N 511940-1 and spring plate Goodyear P/N 512139 by the single piece adjusting pin Goodyear P/N 9510744. (Douglas Service Bulletin DC-6 No. 90 covers this same subject.)

48-2-5 DOUGLAS (Applies to Serial Nos. 42854 through 42880; 42882 through 42884; 43000 and 43001)

Compliance required by the first engine change after March 1, 1948.

To prevent the hot exhaust burning through the exhaust stack recess sheet on the upper and lower outboard accessory cowling, remove the present shield on the inboard side of the cowling and install a screw fastened exhaust chute of 0.042 thickness corrosion resistant steel sheet on the outboard side of the recess sheet. An air gap must exist between the exhaust chute and the recess sheet to allow a flow of ram air for heat dissipation. (Douglas Service Bulletin DC-6 No. 30 covers this same subject.)

48-2-6 DOUGLAS (Applies to Serial Nos. 42854 through 42896; 43000 through 43018; 43025; 43055 through 43057; 43062 through 43064; and 43105)

Compliance required by March 1, 1948.

As a fire protection measure, close off the dead air space between the upper and lower wing surfaces within the engine nacelle by installing cover plates over the open access hole in the lower surface of the wing in the right and left inboard nacelles between center and front spars and between stations 130 and 167. (Douglas Service Bulletin DC-6 No. 92 covers this same subject.)

48-3-1 DOUGLAS (Applies to airplanes with Pratt & Whitney Military R-2000 and Twin Wasp D Series engines)

To avoid crankshaft bending and associated failures, effective immediately, avoid steady operation between 2,310 and 2,510 r. p. m. Not later than March 1, 1948, marck tachometer with a red radial band in the above range. (P and W operation instructions are being revised to include this limitation.)

48-3-2 DOUGLAS (Applies to all Model C-54DC and DC-4 aircraft)

In order to prevent the emergency air brake valve from seizing due to infrequent operation, the following should be conducted. At intervals not to exceed 1,000 hours, except at the discretion of the CAA agent, the interval may be increased to coincide with a regular overhaul period, but should in no case exceed 1,700 hours.

Connect a gauge to one brake port on each side of the airplane and discharge the air brake cylinder from one of the flight compartment controls. The initial air pressure indications on the gauges at the brakes should not be less than 400 p. s. i. Allow 5 minutes for change in pressure due to temperature and again note the air pressure indications on the gauges at the brakes. These second observed pressure indications should hold steadily for a period of at least 5 minutes. This will check the functioning of one of the pull mechanisms, the air brake control valve, shuttle valve, lines and fittings. Push in the control to release air pressure on brakes and operate other air brake control to insure that both pull mechanisms are operating properly.

48-3-3 PIPER (Applies to Serial Nos. 11-1 through 11-301, and 11-1350 through 11-1400, except Serial Nos. 11-233, 11-243, 11-261, 11-266, 11-281, 11-296, and 11-300)

Compliance required by April 1, 1948.

In order to prevent engine malfunctioning due to insufficient fuel flow when less than five gallons of fuel are in the wing tank and the airplane is operated in prolonged glides and dives, a header tank (Piper part No. 10725) must be installed in the fuel system. Until the header tank is installed, avoid prolonged glides and dives when less than five gallons fuel are in the main tank. (Piper Service Bulletin No. 99 dated July 29, 1947, covers this subject.)

48-3-4 GRUMMAN (Applies to Serial Nos. J-1 through J-25)

Compliance required within the next 100 hours of operation.

To prevent landing gear hydraulic hose failures due to chafing against the landing gear strut, install landing gear hinge type flex hose guides Grumman parts Nos. 109557-1 and 109557-2 in accordance with Grumman Service Bulletin No. 3 dated November 4, 1947.

48-3-5 CURTISS-WRIGHT.

Compliance required by March 1, 1948.

To eliminate hydraulic leaks which can cause a fire, hydraulic tube P/N 20-575-1116-64 located at fuselage station 50.5 between the brake accumulator and brake metering valve, should be inspected for evidence of chafing on tube assembly tension arm P/N 20-530-1130-1. If insufficient clearance exists, the hydraulic lines must be rerouted and damaged lines replaced.

48-3-6 BELL (Applies to all 47B Series through Serial No. 78)

Compliance required at next 25-hour inspection.

If the play between the two bolts which connect links 47-612-048, to the side and aft sprag systems and the adapter plate, exceeds 0.010 inch, bushing 78B6-8-11 should be added to the tube assembly fittings and the clevis end of the link; bushings 75B6-8-11-5 should be added to the opposite end of the link; and bushings 75B6-8-8, 47-612-053-1 or 47-612-053-2 should be installed in the adapter plate. (Bell Service Bulletin 47C62 dated December 2, 1947, covers this subject and gives more detailed reaming and dimensional information.)

48-4-1 CESSNA.

Superseded by 48-25-3.

48-4-2 AERONCA (Applies to 7AC Serial Nos. 7AC-1 through 7AC-7129; 11BC Serial Nos. 11BC-1 through 11BC-173; and 11AC Serial Nos. 11AC-1 and up)

Compliance required by March 1, 1948.

Inspect the wing leading edge for buckled nose ribs or loose PK screws by pressing leading edge skin with hand to nose ribs. If the skin can be depressed beyond the normal wing contour, other than the extreme nose radius, indicated by section A-A in Figure 10, the fabric should be cut open on the bottom surface just forward of the front spar for thorough inspection. Item No. 1 below should be accomplished on all wings whether damage has occurred or not, whereas Item No. 2 pertains only to damaged ribs found in the above inspection. Repair need not be made if buckling is confined to area forward of section A-A of Figure 10.

1. To help prevent further failures of the nose ribs five additional No. 4 x 1/4 PK screws or, as an alternate, Cherry CR163-4-2 rivets or equivalent are to be installed in all nose ribs. Four PK screws or rivets are to be installed on the top surface and one PK screw or rivet is to be installed in the bottom as shown in Figure 10. Apply dope liberally under the PK screw head before tightening. It is not necessary to remove the fabric to accomplish this modification.

2. Damaged ribs should be cut away at the top and bottom of spar. The new nose ribs are installed by means of two gussets on the side of the ribs as shown in Figure 10. Factory kits, Aeronca part Nos. 5-185-2 and 5-190-2, are to be used.

(Aeronca Helps and Hints No. 17 with three supplements thereto covers this same subject.)

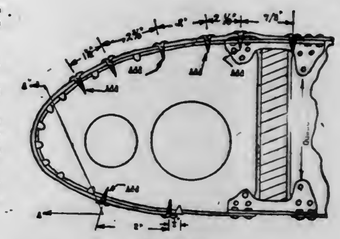

FIGURE 10.

1. All dimensions are approximate.

2. Insure maximum edge distance in repair flange when drilling holes for PK screws or rivets.

3. Insure that PK screw or rivet does not go through skin at dimple of flange or at flange cut-out on repair rib.

48-4-3 DOUGLAS.

To be accomplished at every 8,000 hours of total airplane flight time.

Superseded by 49-38-2.

48-5-1 DOUGLAS (Applies to all aricraft equipped with Pacific Aviation oil shutoff valves)

Compliance required at first engine change after March 1, 1948, but not later than May 1, 1948.

Replace the present "O" rings in the oil shutoff valves with rings of H222-90 high temperature material or AMS-3228B material. There has been reported leakage attributed to the fact that the material in the "O" rings is not capable of withstanding the operating temperature of the oil. (Douglas Service Bulletin DC-3 No. 256 covers this same subject.)

48-5-2 SUPERIOR (Formerly Culver).

Superseded by 50-4-2.

48-5-3 BELLANCA (Applies to 14-13 and 14-13-2 Serial Nos. 1060 through 1576)

Compliance required by March 15, 1948.

Install a 3/16-inch bolt with self-locking nut and 3 washers (installed as spacers) through each of the brackets which retain the trim tab brass trunnions at the tab and elevator. Install the bolt 7/16 of an inch above the trunnion centerline to prevent spreading of the brackets. (Bellanca Service Bulletin No. 14 covers this same subject.)

48-5-4 CESSNA.

Compliance required by April 1, 1948.

Install the following operational limitations placard in full view of pilot:

"This airplane is to be operated in accordance with the flight limitations of the Operation Manual."

This refers to the various Airplane Flight Manuals which are required equipment for landplane, skiplane, and seaplane as listed in Aircraft Specification A-768, Item 403 and NOTE 9, and which must be carried in the aircraft at all times. Airplane Flight Manuals may be obtained from Cessna dealers and the Cessna Aircraft Company, Wichita, Kansas. (Cessna Service Letters Nos. 32 and 40 dated February 10 and May 6, 1947, respectively, cover this same subject.)

48-5-5 GRUMMAN.

Superseded by 54-26-1.

48-6-1 (Applies to all aircraft having 6 or more seats (including crew) installed used in scheduled and non-scheduled passenger air carrier operations.)

Cancelled July 12, 1948.

March 6, 1946, and in Bureau of Aeronautics Aircraft Bulletin No. 6 dated March 28, 1947.

II. To be accomplished not later than August 1, 1948.

Bulletin DC-6 No. 90 covers this same subject.)

48-6-2 COMMONWEALTH.

Compliance required by March 15, 1948.

Inspect the jury struts for indication of excessive corrosion (inside) or cracks and if either is noted, replace the jury strut. Drill a 1/8-inch diameter hole at the lower rear edge of all jury struts to provide adequate drainage.

48-6-3 RYAN (Formerly North American) (Applies to all airplanes equipped with Hartzell propeller blade Models 8428, 8428C, and 8428R having Serial Nos. below 61,000)

Compliance required by April 15, 1948.

Examine all Model 8428, 8428C, and 8428R blades having Serial Numbers below 61,000 in bright daylight or strong artificial light on the front face in the area approximately 4 inches outboard of the blade clamp. Any fillers used in the blade will be discernible to the naked eye. If fillers are found in this area, the paint should be carefully removed and the fillers removed from the blade. Defects that can be eliminated by removing material to form a shallow saucer not over 1/8 inch at its deepest point, 3/8 inch in width overall, and 1 inch in length overall, should be repaired. Following removal of the defects, the area from which paint has been removed should be repainted and the propeller rebalanced before being returned to service. Blades having defects that cannot be repaired by the above method or by methods described in the applicable portions of CAM 18, should be returned to the propeller manufacturer. The exact location and the extent of rework necessary to remove any defect should be recorded in the log book. Areas having maximum material removed may not have additional material removed for subsequent injuries.

48-6-4 LOCKHEED.

Canceled June 6, 1949.

48-6-5 DOUGLAS.

Compliance required by November 1, 1948.

To prevent failure of the aileron hinge eyebolts and the rudder trim tab and elevator trim tab hinges and control horns, the following changes must be made:

1. On airplanes having aileron assemblies P/N 5166075, -1, -500, -501, or -503, replace No. 3 hinge eyebolt P/N 1166013 with new eyebolt P/N 5078609. Airplanes having aileron assemblies P/N5078609, -1, -500, -501, -502, or -503, do not require this hinge replacement.

2. On elevator and rudder trim tabs replace all hinges and control horns with new parts made of steel.

3. Replace the standard AN bolts in elevator trim tab and rudder trim tab hinges and control horns with new special close tolerance high strength bolts using new AN310 type nuts, AN960 washers and AN380 cotter pins.

Inspection should be accomplished in accordance with Note 51-9-2 except in the case of aircraft in which the standard "AN" rudder and elevator hinge bolts have not been replaced with new close tolerance high strength bolts using new AN310 type nuts, AN960 washers and AN380 cotter pins. In such cases, inspection should be accomplished at intervals not to exceed 1000 hours. (Douglas Service Bulletin DC-4 No. 83 covers the above rework.)

48-7-1 CESSNA (Applies to 120 and 140 Serial Nos. 8001 through 14329)

Compliance required by May 1, 1948, and at each annual inspection thereafter.

Inspect the two bolts attaching the horizontal stabilizer to the fin post for tightness and proper length. If no bolt threads extend through the fiber lock rings of the anchor nuts inside the stabilizer attachment fitting, or if the bolts show any indication of having backed off when checked with a wrench, they should be replaced with AN4-5A bolts on Serial Nos. 10091 and up, or AN3-5A bolts on earlier serial numbers. In making the tightness check use caution to avoid stripping the threads in the anchor nut. If the new bolts do not develop at least three inch pounds torque in the anchor nut, AN4-H5A or AN3-H5A (drilled head) bolts should be substituted and safetied together with wire. Check the clearance of the elevator horn and horn bolts with respect to the cutouts in the fin spar and increase it to a minimum of 1/8 inch wherever necessary. (Cessna Service Letter No. 52 covers this same subject.)

48-7-2 DOUGLAS (Applies to DC-6 Serial Nos. 42854 through 42896; 43000 through 43024; 43035 through 43064; and 43015 through 43110)

To be accomplished not later than the first engine change after March 1, 1948, but in any event not later than June 1, 1948.

To prevent failure in the engine supercharger control actuator when shifting from low to high blower and vice versa, it is necessary to provide over-travel in the engine supercharger control linkage by installing a new Geneva-Loc supercharger actuator lever, a new Bendix link-supercharger actuating link and a new four-hole mounting support bracket. (Douglas Service Bulletin DC-6 No. 127 covers this same subject.)

48-7-3 DOUGLAS (Applies to DC-6 Serial Nos. 42854 through 42896; 43000 through 43024; 43035 through 43053; 43055 through 43064; 43103 through 43119; 43129 and 43132) (NOTE: Some of the above airplanes may have had part of the changes installed before delivery from the factory.)

Compliance required by September 15, 1948.

To provide safer and more satisfactory operation of all the doors, the following reworks must be accomplished:

1. Install new latch bolts on all emergency exit doors, main passenger door, crew door, heater compartment door, and belly cargo compartment doors, to incorporate a notch which allows slow depressurization before the door can be fully opened in the event the handles are inadvertently turned toward the "Open" position while the cabin is pressurized.

2. Rework the operating and locking mechanisms of the passenger, crew, and emergency exit doors, to increase their strength and prevent malfunctioning.

3. Install visual inspection plugs in the passenger, crew, and emergency exit doors to allow individual inspection of each lock bolt to determine if it is properly locked.

(4) Install an assist handle above the main cabin door handle to prevent accidental grabbing of the inside door handle. (NOTE: Even in cases where the door handles have been changed so that the handle points downward when the door is closed and locked, it will still be necessary to install the assist handles.)

48-7-4 FAIRCHILD.

Superseded by 48-45-1.

48-8-1 BEECH (Applies to Model 35 airplanes having Serial Nos. below D-1095 except D-923, D-925, D-940, D-954, D-975, D-983, D-1003, D-1006, D-1013, D-1025, D-1031, D-1038, D-1042, D-1048 through D-1050, D-1052, D-1053, D-1056 through D-1062, D-1064, D-1066 through D-1068, D-1071, D-1072, D-1074, D-1075, D-1077 through D-1081, D-1083, and D-1085 through D-1093)

Compliance required by November 1, 1948.

To preclude possible engine malfunctioning as a result of starter gear chipping caused by improper engagement of the starter mechanism, accomplish the following:

1. Remove the starter assembly from the engine and replace the original starter pinion and clutch assembly with the new assembly, Part No. DR1885537. Check the solenoid linkage adjustment to ascertain that the pinion and clutch assembly can move rearward to contact the starter adapter. If the linkage prevents full disengagement of the pinion, remove the toggle link pin and turn the plunger shaft outward until full retraction is obtained. Check to make sure that at least two threads are still engaged. Reinstall the starter assembly.

2. Install the new resistor coil, P/N DR1885541, on the starter battery and ground power terminals. The coil must hang downward from the terminals.

3. Make all electrical connections as covered in Beech Starter Latching Relay Installation Instructions.

(Continental Service Bulletin No. M47-19 dated August 31, 1947, and Beech Service Letter No. 10, Model 35, cover this same subject.)

48-8-2 AERONCA AND LUSCOMBE (Applies to all Aeronca 7 and 11 Series and Luscombe 8 Series aircraft equipped with Cleveland Model 6:00 DMB wheels, Assembly No. C-38500)

Compliance required after initial 500 hours of operation and each 100 hours of operation thereafter.

Remove the tires and inspect the wheel flanges for fatigue cracks. The wheel should be replaced if cracks are found.

48-8-3 RYAN (Formerly North American) (Applies to Serial Nos. NAV-4-2 through NAV-4-1110)

To be accomplished as soon as possible but not later than April 1, 1948.

To insure full opening of the fuel shut-off valve when the control knob is pushed to the full "On" position, conduct the following inspection:

Determine that the fuel shut-off valve flexible control is adequately supported along its length from the instrument panel to the shut-off valve to prevent buckling of the flexible control when it is moved to the "On" position while valve motion is restrained by the fingers to simulate moderate valve friction. One additional support clip must be added adjacent to the present support clip at the valve end of the flexible control to prevent rotation of the present clip and resultant misalignment of the flexible control if the clip attaching screw should become loose. Other additional support clips along the flexible control may be necessary. Also determine that the control is properly rigged with respect to valve detents and that excess wire has been cut from the valve end of the control wire to prevent snagging of the end of the wire in the upholstery.

48-8-4 LUSCOMBE.

Superseded by 48-49-1.

48-9-1 DOUGLAS.

To be accomplished not later than April 15, 1948.

Because of the hazards involved, the transfer of fuel between tanks must be prohibited. The following placard shall be installed in the cockpit in full view of the pilots:

"Fuel cross-feed system not intended for transferring fuel from one tank to another and should not be used for this purpose. When using cross-feed system, turn off tank(s) not in use."

In addition to the placard, the CAA approved Flight Manual must be revised to incorporate proper fuel system operation procedures in accordance with the above placard. Approved Flight Manual pages may be obtained from the airplane manufacturer.

48-9-2 DOUGLAS.

To preclude the probability of short circuits occurring in the electrical distribution bus which runs from nacelles number one to four, and which is impracticable to protect by circuit protective devices, the following must be accomplished to assure that this bus will be in a fault-free condition.

I. Inspection required by April 1, 1948, and thereafter at intervals not to exceed 400 hours (or in the case of scheduled air carrier operators at each routine check period).

Determine that at least 1/2-inch clearance is maintained between the bus and protuberances likely to "ground" the bus in the nacelle areas. Note particularly this clearance at the engine control pulleys and the pulley guide brackets.

II. Inspection required not later than July 1, 1948, and thereafter at intervals not to exceed 8,000 hours.

In those installations where the large No. 1/0 nacelle-to-bus feeder cables are run in metallic conduit, such cables must be pulled out for inspection. Replace by new cable ANA Spec. ANJC48a or Douglas DESSM2001, where chafing or mechanical deterioration of the insulation is evident.

(NOTE: Oil-soaked insulation alone is not considered as sufficient cause to require the replacement of this cable.)

III. Not later than June 1, 1948.

Determine that the bus supporting brackets are of approved Douglas Aircraft Company standard quality and that Adel or equivalent cushioned nongrounding type bus clamps are used for clamping the bus onto the brackets. Any sub-standard brackets and clamps must be replaced.

(Douglas Service Letter No. A214TS-1245/WRD-530 dated October 10, 1947, covers this same subject.)

48-9-3 LUSCOMBE (Applies to airplanes below Serial No. 5C82 equipped with Kollsman airspeed instruments)

Compliance required by April 1, 1948.

To obtain more accurate airspeed readings remove small baffle LAC P/N 181112, which is attached to the fuselage at the airspeed static tube opening. Installation of this baffle provides inaccurate airspeed readings ranging from approximately +6 MPH at stall to approximately +15 MPH at minimum trim speed.

48-10-1 DOUGLAS.

To be accomplished prior to return to service in class "A" operation—with cabin supercharging and thermal de-icing operative (with the exception of heat windshield de-icing) and with cabin heaters inoperative.

Rework must be accomplished in accordance with the following Douglas Company data:

Service Bulletin DC-6 #204A, "Procedure for Disconnecting #2 and #3 Alternate Fuel Cells," dated December 18, 1947, or Service Bulletin DC-6 #204B, "Fuel Tank Vent System Revision," as revised February 19, 1948.

Service Bulletin DC-6 #200, "Revised Heater Fuel Pressure Regulator Diaphragms," as revised February 26, 1948.

Service Bulletin DC-6 #201, "Removal-Heater Fuel Pressure Regulator Static Balance Lines," dated December 6, 1947.

Service Bulletin DC-6 #202, "Heater Fuel Pump Check Valve—Rework," dated December 9, 1947.

Service Bulletin DC-6 #208, "Cabin Heater and De-icer Fuel System Revision," as revised February 20, 1948.

Service Bulletin DC-6 #226, Section I of V, "Fire Extinguisher System for Boiler Room," as revised February 19, 1948.

Service Bulletin DC-6 #226, Section II of V, "CO_2 Piping," as revised February 21, 1948.

Service Bulletin DC-6 #226, Section III of V, "Installation Fire Detector Boxes and Conduit," dated February 12, 1948.

Service Bulletin DC-6 #226, Section IV of V, Electrical Rework," as revised February 26, 1948.

Service Bulletin DC-6 #226, Section V of V, "Sealing of Forward and Aft Baggage Compartment and Inverter Compartment Blower Duct," as revised February 24, 1948.

Service Bulletin DC-6 #233, "Fuel Overboard Drains for Wing Nose Area," dated January 14, 1948.

Service Bulletin DC-6 #247, "Drainage Holes and Dams for Fuselage and Wings," as revised February 18, 1948.

Service Bulletin DC-6 #252, "Heater Exhaust Louver Removal," as revised February 17, 1948.

Service Bulletin DC-6 #262, "Installation of Combustion Heater Backfire Switches," dated February 24, 1948.

Superchargers with #7357594 stamped on gear box housing and 5357091 stamped on the impeller housing (scroll) are satisfactory for "A" operation. These superchargers will be eligible for either "A" or "C" operation when reworked and identified as shown in Douglas Service Bulletin DC-6 #258.

Service Bulletin DC-6 #225, "Alcohol Windshield De-icing System," as revised February 24, 1948.

Service Bulletin DC-6 #246, "Relocation of Manual and Automatic Pressure Relief Valve," as revised February 17, 1948.

Service Bulletin DC-6 #224, "Transparent Openings for Belly Compartments," as revised February 24, 1948.

Service Bulletin DC-6 #217, "Installation of Fire Axe," as revised December 23, 1947.

Service Bulletin DC-6 #214, "Modification of Main Junction Box and Annex," as revised February 16, 1948.

Service Bulletin DC-6 #230, "Rerouting of Heater Accessory Compartment Power Cables," as revised February 16, 1948.

Service Bulletin DC-6 #149, "Fuse Protection for Flight Instrument Transformers," dated December 5, 1947.

Service Bulletin DC-6 #237, "Addition of Fuse on Master Switch for Buffet," as revised February 21, 1948.

Service Bulletin DC-6 #248, "Conduit Clipping to Combustible Fluid Lines," as revised February 13, 1948, and Addendum dated February 13, 1948.

Service Bulletin DC-6 #212, "Protective Shield at Forward and Aft Cargo Compartment Lights," as revised January 7, 1948.

Service Bulletin DC-6 #206, "Rework of Battery Leads to Prevent Shorting," dated December 9, 1947.

Service Bulletin DC-6 #218, "Addition of Phenolic Sheet Insulation to AC Circuit Breaker Guard Assembly," dated December 17, 1947.

Service Bulletin DC-6 #221, "Revision of Heater Fire Extinguisher Buttons," dated December 20, 1947.

Service Bulletin DC-6 #210, "Protection for Outer Wing Booster Pump Lead-In," as revised December 22, 1947.

Service Bulletin DC-6 #213, "Starter and Generator Power Cable in Wing," as revised December 19, 1947.

Service Bulletin DC-6 #242, "Relocation of Tail Heater Control Can," as revised February 17, 1948.

Service Bulletin DC-6 #203, "Hand Fire Extinguisher Support Bracket Revision," as revised February 17, 1948.

Service Bulletin DC-6 #260, "Installation of AAL Type Master Switch Arrangement and Emergency Inverter," as revised February 24, 1948. (This installation not required on aircraft incorporating one set of vacuum operated flight instruments.)

Service Bulletin DC-6 #267, "Installation Heater Safety Relays," dated Fabruary 27, 1948.

Service Bulletin DC-6 #205, "Rework of DC-6 Fuel Tank and Cell Vent Chambers," as revised February 23, 1948.

Service Bulletin DC-6 #207, "Guard for Fuel Booster Pump Switches," as revised December 19, 1947.

Service Bulletin DC-6 #253, "Fireproofing of Wing De-icer Ducts in Nacelles," as revised February 24, 1948.

Service Bulletin DC-6 #219, "Rework of Whittaker Firewall Shut-Off Valves," dated December 19, 1947.

Service Bulletin DC-6 #114, "Fuel Flow Transmitter Line Replacement," dated October 29, 1947.

Service Bulletin DC-6 #261, "Installation of Oil Separator for Vacuum Pump Drain Lines," dated February 25, 1948.

Service Bulletin DC-6 #249, "Boiler Room Duct Revision," dated February 24, 1948.

Service Bulletin DC-6 #232, "Wing Heater Exhaust Insulation Cover," as revised February 16, 1948.

Service Bulletin DC-6 #234, "Tail Heater Ground Blower Check Valve Revision," as revised January 23, 1948.

The rework outlined in the data listed above is based upon an airplane which incorporates certain production changes. Therefore, in order to satisfactorily complete the required rework, some aircraft[1] must also be revised in accordance with the following:

Service Bulletin DC-6 #62, "Rework-Cabin Pressure Control Valve Linkage," dated September 2, 1947.

Service Bulletin DC-6 #111, "Cabin Heater Fire Extinguisher Bottle," dated October 22, 1947. (Partial accomplishment only is required, which is to include: Support #5333704-10, Pipe #5332568-518 and attaching parts.)

Service Bulletin DC-6 #119, "Aft Baggage Compartment Smoke Detector Pick-Up Pipe Revision," dated December 6, 1947. (To be accomplished only if Modification Item 59 has not been accomplished.)

Service Bulletin DC-6 #16, "Installation of Additional Dams and Drain Plug in Fuselage Bottom," dated June 26, 1947.

Service Bulletin DC-6 #161, "Rear Lounge Hot Air Supply Duct Sound Trap Installation," dated January 30, 1948. (Need not be accomplished on Serial Nos. 42854 thru 42891, 43000 thru 43009, 43055, and 43061 unless Service Bulletin DC-6 #59, "Improved Aft Lounge, Heating," dated September 16, 1947, has been accomplished.)

Service Bulletin DC-6 #95, "Revision-Ground Blower Duct and Check Valve and Air Duct Connection Improvement," dated October 21, 1947. (Accomplish portion covered by Service Change No. 354 and that portion of Service Change No. 358 which includes cable assemblies 1342327-502 and -504, hook #1342315, latch assembly 1342314, AN960-10L Washers, AN486-4 Clevis, AN393-11 and -13 pins, AN380-2-2 cotters and AN365-428 nuts.)

In addition to the above, the following must also be accomplished on all aircraft:

1. Inspect the Wing Structure around the fuel tanks in accordance with Douglas Service Letter to all operators dated December 29, 1947 (ref. A214TS-2521/WRD 529.37). Any damage found as a result of the inspection must be satisfactorily repaired.

2. The Airplane Flight Manual for each airplane must be revised to include CAA approved procedures covering "Fuel Usage," "Fire Fighting" and "Smoke Evacuation from the Cockpit." This information, pages 1 and 2 of Section I, and pages 31 through 65 of Section III, as revised February 26, 1948, for aircraft incorporating Hamilton Standard Propellers, or pages 1 and 2 of Section I, and pages 31 through 71 of Section III, as revised February 26, 1948, for aircraft incorporating Curtiss Propellers, should be obtained from the Douglas Company.

3. Disconnect the cabin heater electrically and block off all fuel lines to this heater.

48-10-2 BELL.

Compliance required by April 1, 1948.

As a precautionary measure, remove main wood rotor blades and inspect area between the outboard edge of face plates and inboard edge of fiber glass cover, and also the extreme

[1] (Serial Nos. of airplanes affected by this rework are listed on the pertinent Service Bulletin(s).) (Also, additional information may be obtained from the "Supplement" to "Cross Reference List-Service Changes and Modification Items" which has been prepared and revised by the Douglas Company as of February 11, 1948.)

bolts on Serial Nos. 10091 and up, or AN3-5A

and clutch assembly with the new assembly,

this bus will be in a fault-free condition.

January 14, 1948.

Transmitter Line Replacement," dated October 29, 1947.

February 11, 1948.)

butt end for wood checks or cracks. When inspection is completed, the extent of check, cracks and wood condition found should be reported to the manufacturer who has provided forms for this purpose in his Service Bulletin. Report also if inspection results reveal no checks or cracks.

Upon completion of inspection and prior to flight the cracks should be filled with Minnesota Mining and Manufacturing Co. 3M adhesive filler No. EC612. After the filler has dried, five brush coats of Minnesota Mining and Manufacturing Co. adhesive sealer No. EC498 should be applied to the inspected area. If no checks or cracks are present, only the five brush coats of sealer must be applied. (Bell Service Bulletin No. 47C47, revised March 4, 1948, contains more detailed information on this subject.)

48-11-1 Douglas.

To be accomplished prior to return to service in class "B" operation—with cabin heating and thermal de-icing, including windshield, operative, but with cabin supercharging inoperative.

Rework must be accomplished in accordance with the following Douglas Company data:

1. Accomplish all rework covered by data listed in Note 48-10-1 for Class "A" operation with the exception of the rework outlined in Service Bulletins #258, #225 and #230. Also accomplish paragraphs "1" and "2" but do not accomplish "3" of Note 48-10-1.

2. Rework in accordance with the following must also be accomplished:

Service Bulletin DC-6 #223, "Stainless Steel Heater Discharge Ducts and Windshield Anti-Icing Ducts," as revised February 24, 1948.

Service Bulletin DC-6 #38, "Heater Fire Warning Switch—Installation of" dated October 6, 1947.

Service Bulletin DC-6 #250, "Cabin Heater Shut-Off Control," dated February 19, 1948.

Service Bulletin DC-6 #211, "Main Cabin Heater Exhaust—Revision of," as revised February 23, 1948.

Service Bulletin DC-6 #227, "Cabin Heater Scoop Segregation," as revised February 24, 1948.

Service Bulletin DC-6 #243, "Revise Cabin Heater Ignition Conduit in Boiler Room and Hell-Hole Area," as revised January 26, 1948.

Service Bulletin DC-6 #245, "Heater and Buffet Power Cable Conduit," as revised February 24, 1948.

The rework outlined in the data listed above is based upon an airplane which incorporates certain production changes. Therefore, in order to satisfactorily complete the rework required, some aircraft [2] must also be revised in accordance with the following:

Service Bulletin DC-6 #40, "Heater Exhaust Fire Detector—Replacement of," dated September 3, 1947. (Accomplish partially.) [2]

Service Bulletin DC-6 #71, "Installation—Oil Trap and Drain, Cabin Heater Combustion Air Duct," dated September 3, 1947. (Accomplish Electrical Phase of Service Bulletin only.)

Service Bulletin DC-6 #96, "Windshield Deicing Air Discharge Revision," dated December 22, 1947.

Service Bulletin DC-6 #141, "Improvements in DC-6 Cabin Pressure and Cabin Air Conditioning Systems," dated February 19, 1948.

Service Bulletin DC-6 #150, "Revision—Cockpit and Windshield Heat Control System and Windshield Air Exhaust," dated December 11, 1947.

[2] (Serial Nos. of airplanes affected by this rework are listed on the pertinent Service Bulletin(s).) (Also, additional information may be obtained from the "Supplement" to "Cross Reference List—Service Changes and Modification Items" which has been prepared and revised by the Douglas Company as of February 11, 1948.)

Service Bulletin DC-6 #160, "Cabin Air Mixing Valve Actuator," dated February 2, 1948.

Service Bulletin DC-6 #179, "Ground Blower Electrical Wiring Revision," dated December 29, 1947.

Service Bulletin DC-6 #28, "Installation of Ammeter and Selector Switch for Functional Check of Pitot and Air Scoop Anti-Icing Heaters," dated August 20, 1947. (Must be accomplished completely except that P/N 3320167-516 nameplate, 1 req., shall be deleted.)

In addition to the above, the following must also be accomplished in all aircraft:

a. Disconnect the superchargers and drain and flush supercharger oil system.

48-11-2 Douglas.

To be accomplished prior to return to service in Class "C" operation—with cabin supercharging, cabin heating, and thermal deicing including thermal windshield de-icing, in operation.

Rework must be accomplished in accordance with the following Douglas Company data:

1. Accomplish all rework covered by data listed in Notes 48-10-1 and 48-11-1 for classes "A" and "B" operation, including paragraphs "1" and "2" but excluding paragraph "3" of Note 48-10-1, and excluding paragraph "a" of Note 48-11-1.

2. Rework in accordance with the following must also be accomplished:

Service Bulletin DC-6 #258, "Cabin Supercharger Revisions and Bearing Oil Leakage Control," dated February 13, 1948. (Also, all superchargers must incorporate low speed drive shaft per Douglas Installation Drawing No. 5350684-C.)

Service Bulletin DC-6 #257, "Relocation of Cabin Supercharger Oil Cooler," as revised February 18, 1948.

The rework outlined in the data listed above is based upon an airplane which incorporates certain production changes. Therefore, in order to satisfactorily complete the rework required, some aircraft [2] must be revised in accordance with the following:

Service Bulletin DC-6 #13, "Installation of an Oil Pressure Warning Switch for Each Cabin Supercharger Gear Box," dated August 28, 1947.

48-11-3 Sikorsky (Applies to Serial Nos. SS-5102, 5103, 5106, 5107, 5109, 5115, 5117, 5118, 5119, 5121, 5122, 5126, 5127, 5128, 5130, 5132, 5133, and 5135)

Superseded by 50-8-1.

48-11-4 Republic.

Compliance required by April 15, 1948.

To provide security for the hydraulic pump handle attachment, the four self-locking nuts now used should be replaced by three AN310-4 and one AN310-5 castle nuts and cotters. The fulcrum bolt is already drilled for a cotter. The present clevis bolts may be drilled for the cotter or may be replaced by two AN24-17 and one AN24-13 clevis bolts. (Republic Service Bulletin No. 22 covers this same subject.)

48-11-5 Bell.

Compliance required at next 25-hour inspection.

To provide increased strength, install main rotor drag brace, Bell P/N 47-110-146-2, in place of the existing part. (Bell Service Bulletin 47C31 also covers this subject.)

48-12-1 Douglas (Applies to all aircraft as specified by Civil Air Regulations Amendments 41-3, 42-2 and 61-2)

To be accomplished not later than the dates specified in the above amendments as revised by special Civil Air Regulations Serial Nos. 385, 390, 390A, 390B and any subsequent regulations affecting these compliance dates.

All air carrier aircraft must be modified to comply with the fire prevention requirements as outlined in CAR Amendments 41-3, 42-2 and 61-2. The modifications outlined in the following listed Douglas Service Bulletins and Note 47-42-3 are required for compliance with these amendments. Other modifications shown to be equivalent to those covered by the Service Bulletins will also be acceptable.

Service Bulletin #62, "Install Smoke Detector in Belly Baggage Compartment"; Service Bulletin #66, "Engine Section Piping and Fitting Revision"; Service Bulletin #69, "Installation of Enclosed Waste Container in Lavatory."

In addition to the above it will be necessary to ascertain that all interior materials and finishes comply with the applicable sections of CAR 04.3824, .3825, .4913 and .493. Safety Regulation Release 259 outlines acceptable procedures for complying with these particular requirements.

48-12-2 Douglas (Applies to all C-54DO Series and the following DC-4 airplanes: 42904 through 42943, 42948 through 42952, 42982 through 42996, 43065 through 43068, 43071, 43072, 43093, 43094, and 43102)

To be accomplished not later than the date established in accordance with the provisions of special civil air regulation serial number SR-329, or any subsequent regulation affecting this compliance date.

As a result of investigation of heater fires, the following changes are to be accomplished in the nose and cabin heater installation:

1. Install steel firewall at station 260 (cabin forward bulkhead) from ceiling level to top of bulkhead to provide isolation between heater compartment and the space between cabin ceiling and top of fuselage. Also, replace present wood panels under heaters with metal panels. (Douglas Service Bulletin DC-4 No. 47 covers this same subject.)

2. (a) Install all heater control components in airtight steel containers.

(b) Replace present heater fuel supply pumps with a single electric driven pump attached to No. 2 main fuel tank.

(c) Provide shrouds around all heater fuel line fittings in fuselage.

(d) Install a fire detector and extinguisher system for the nose heater and cabin heaters.

(Douglas Service Bulletins DC-4 No. 64 and 64 addendum cover this same subject.)

In some cases, operators have obtained approval from CAA regional offices for systems which differ in arrangement and detail from the above provisions. Designs which have been separately approved in this manner are considered to meet the intent of this Note.

This supersedes Note 46-39-2.

48-12-3 Lockheed (Applies to all aircraft as specified by Civil Air Regulations Amendments 41-3, 42-2 and 61-2)

To be accomplished not later than the dates specified in the above amendments as revised by special Civil Air Regulations Serial Nos. 385, 390, 390A, 390B and any subsequent regulations affecting these compliance dates.

All air carrier aircraft must be modified in all necessary respects to comply with the aircraft fire prevention requirements outlined in CAR Amendments 41-3, 42-2, and 61-2. Compliance with those requirements may be completed as follows:

1. Revise the smoke detection system in accordance with LAC Service Bulletin 49/SB-401. (Other rework shown to be equivalent to that covered by this Service Bulletin will also be acceptable.) (Applies to Serial Nos. 2512 through 2515, 2519 through 2543, 2545 through 2550, 2552 through 2555, 2560, and 2561 only.)

2. Inspect all cabin interior fabrics and finishes to determine that any substitutes or replacements for the materials originally installed comply with the applicable sections

of CAR 04.3824, .3825, .4913 and .493. Safety Regulation Release 259 outlines acceptable procedures for complying with these particular requirements.

48-12-4 Lockheed (Applies to all aircraft as specified by Civil Air Regulations Amendments 41-3, 42-2, and 61-2)

To be accomplished not later than the dates specified in the above amendments as revised by special Civil Air Regulations Serial Nos. 385, 390, 390A, 390B and any subsequent regulations affecting these compliance dates.

All air carrier aircraft must be modified in all necessary respects to comply with the fire prevention requirements outlined in CAR Amendments 41-3, 42-2, and 61-2. Compliance with the requirements may be completed by accomplishing the modifications outlined in the following listed Lockheed Service Bulletins. Other rework shown to be equivalent to that covered by the Service Bulletins will also be acceptable.

49/SB-175, "Installation of Cabin Door Louver Covers and Door Stops"; 49/SB-179, "Inspection and Replacement of Crew Seat Upholstery Covers"; 49/SB-180, "Rework of Receptacles for Used Towels, Paper, and Waste"; 49/SB-181, "Rework of Baggage Compartment Lining"; 49/SB-183B, "Installation of Smoke Detectors"; 49/SB-184, "Installation of CO_2 Provisions in Cargo Compartment"; 49/SB-188, "Enclosure of Cabin Heater Fuel Control System Components"; 49/SB-191, "Replacement of Fire Wall and Fire Seal Fittings and Cable Seals," "Installation of CO_2 Fire Extinguisher Check Valves"; 49/SB-153, "Sealing of Access Doors in Stub Wing Fillet"; 49/SB-216, "Relocation of Fenwal Fire Detectors"; 49/SI-44, "Installation of Metal Main Landing Gear Aft Doors."

48-12-5 Bell.

Compliance required at next 100-hour teardown inspection if less than 600 hours have been accumulated. (If over 600 hours have been accumulated, this change must be accomplished immediately.)

Replace the dural shear screws in the transmission spider assembly with steel shear screws (P/N 47-620-485-1). (Bell Service Bulletin No. 47C66, revised February 10, 1948, also covers this same subject.)

48-13-1 Beech (Applies to all airplanes equipped with pilot's reclining seats and having the generator control box mounted on bulkhead No. 5)

To be accomplished not later than July 1, 1948.

To prevent a short circuit between the hot terminal of the generator control box and bulkhead No. 5, rivet a 0.016 phenolic sheet 1¾ x 3 inches between the bulkhead web and the first horizontal angle immediately above the generator control box. The sheet should extend downward from the angle to the web cutout and provide positive insulation between the web and the hot post of the generator control box. If a phenolic strip has previously been installed at this point, an additional strip will not be necessary. (Beech Service Letter No. D18-23 covers this same subject.)

48-13-2 Bell (Applies to all aircraft equipped with Franklin 6V4-178-B3 and B32 engines)

Compliance required at next preflight inspection.

Inspect fuel pump rocker pins to determine type. If pin has retaining rings which snap on each end, replace with new type pin having a head on one end and a staked washer on the other. Until new type pin is installed, daily inspection to determine the condition of the snap ring locks is required. A red paint dab for identification should be placed on all fuel pumps incorporating rocker pin change. Replacement pins are available through Aircooled Motors, Inc. (Franklin Service Bulletin No. 64 covers this same subject.)

48-13-3 Piper (Applies to airplanes with battery hold-down of metal bracket with fibre insulation at its end.)

Compliance required by October 1, 1948.

To eliminate battery short circuits caused by defective battery hold down brackets, replace brackets by wood blocks, Piper part Nos. 84682-3 and 84682-9 or equivalent. (Piper Service Bulletin No. 105 dated February 18, 1948, covers this same subject.)

48-13-4 Piper (Applies to Serial Nos. 12-1 through 12-3450; 12-3452; 12-3454 through 12-3467; 12-3469 through 12-3471; 12-3473 through 12-3491; 12-3493 through 12-3504; 12-3506; 12-3507; 12-3511 through 12-3520; 12-3522 through 12-3531; 12-3533; 12-3535 through 12-3543; 12-3545 through 12-3548; 12-3553; 12-3901 through 12-3958; 12-3960 through 12-3962; 12-3965 through 12-3976; 12-3983; 12-3984; 12-3988; 12-3990 through 12-3994)

Compliance required by May 1, 1948.

To avoid arcing between the fuse-clip and the wire attachment plate on the fuse block caused by loosening of the fuse-clip attaching rivets, replace rivets by No. 4 machine screws and stake threads. Piper Service Bulletin No. 105 dated February 18, 1948, covers this same subject.)

48-13-5 Lockheed (Applies to all aircraft equipped with Hamilton Standard 2C15 propeller blades)

Canceled June 28, 1948.

48-13-6 Bellanca (Applies to Serial Nos. 1060 through 1310)

Compliance required after each 25 hours of operation.

To prevent failure of the four engine-cowl-support brackets, Bellanca P/N 9892-13, mounted on the fire wall and possible cowl loss in flight, the brackets should be closely examined for cracks. If cracks are noted, heavier brackets available from the factory should be installed, in which case inspection is no longer required. (Bellanca Service Bulletin No. 16 dated December 8, 1947, covers this same subject.)

48-13-7 Aeronca (Applies to Serial Nos. 11AC-1 through 11AC-931)

Compliance required at next periodic inspection but not later than May 1, 1948.

To eliminate interference and failure of the turnbuckle forks at the attachment points of the two elevator control cables to the horn located on the bottom of the control column, inspect to determine that AN161-16RS turnbuckle forks have been replaced by AN160-16S forks. The distance between the bottom of the fork slot to the center of the attachment bolt on the new fork is $1\frac{5}{32}$ inch and the original fork is only $\frac{7}{8}$ inch. (Aeronca Service Helps and Hints No. 19 cover this subject.)

48-14-1 Piper (Applies to Serial Nos. 12-1 through 12-1869; 12-1872; 12-1873; 12-1878; 12-1879; 12-1881; 12-1883; 12-1885 through 12-1900; 12-1901 through 12-1921; 12-2001 through 12-2008; 12-2010 through 12-2012; 12-2016; 12-2017; 12-2036 through 12-2038; 12-2042; 12-2043; 12-2047; 12-2050; 12-2051)

Compliance required prior to August 1, 1948.

To prevent possible fuel leakage at the connection of the elbow fitting with the rear fuel valve, replace elbow with Piper P/N 11610. (Piper Service Bulletin No. 104 dated January 30, 1948, covers this same subject.)

48-14-2 Grumman (Applies to all G-21A (converted TRF-5 and JRF-6B) with reverse direction mixture controls)

Superseded by 50-15-1.

48-14-3 Beech.

Compliance required by next periodic inspection but not later than July 1, 1948.

Inspect the lower member of the center section main wing spar in the landing gear nacelle area for evidence of wear caused by chafing of the cabin heater control housing. To prevent chafing either use clamps to support housing or cover control housing with 20 inch length of synthetic rubber hose.

48-14-4 Douglas (Applies to all aircraft prior to Model C-54G)

Compliance required by November 1, 1948.

Because of fire hazard install a tail pipe shroud deflector on each tail pipe shroud assembly to prevent flame from a Zone 1 fire entering the engine accessory section through the space existing between the shroud and cowling. AN3-3A bolts may be substituted for the AN3C-3A bolts called out in the Service Bulletin. (Douglas Service Bulletin C-54-289 addendum covers this same subject.)

48-15-1 Martin (Applies to Serial Nos. 9125 and 9159 through 9167)

Compliance required by July 1, 1948.

As a fire protection measure, remove the existing coriac-type cable from the automatic pilot system and install shielded copper type cable. (Martin Service Bulletin No. 9 dated December 30, 1947, covers this same subject.)

48-15-2 Martin.

Compliance required by July 1, 1948.

As a fire protection measure, replace the oil tank vent line (Martin P/N 2021A83751) running forward from the fire wall, with fire resistant hose (Martin P/N 2021A84127 or equivalent). (Martin Maintenance Note No. 28 dated January 22, 1948, covers this same subject.)

48-15-3 Douglas.

Compliance required by November 1, 1948.

Because of service failures of hydraulic pressure regulator valves, the following must be accomplished:

1. (a) Modify Douglas hydraulic pressure regulator valve P/N 5104005, P/N 5231848, or P/N 5327293 to the equivalent of Douglas regulator P/N 5332857, or

(b) Convert Douglas hydraulic pressure regulator valve P/N 5104005, P/N 5231848, or P/N 5327293 to Douglas regulator P/N 5332857, or

(c) Install Douglas hydraulic pressure regulator P/N 5332857, or

(d) Install Bendix hydraulic pressure regulator P/N 407484, or

(e) Install Air Associates hydraulic pressure regulator valve P/N HC-3600, or

(f) Install Vickers hydraulic pressure regulator valve P/N AA-34551, P/N AA-34552, or P/N AA-34585 which must have the letter "C" or subsequent terminating the regulator serial number, i. e., "Serial No. 00000C," "Serial No. 00000D," etc.

2. Install a hydraulic fluid filter with Purolator core in regulators listed in 1. (a) through (d) above.

(Douglas Service Bulletin DC-4 No. 22, "Rework of Hydraulic Pressure Regulator Valve" with addendum, "Optional Installation of Hydraulic Pressure Regulators" covers part 1. Douglas Service Bulletin C-54-239, "Installation of Filter in Hydraulic Regulator Operating Line," covers part 2.)

48-16-1 Beech (Applies to Models D18C and D18C-T only)

Compliance required at each 1,000 hours periodic inspection.

In order to determine that no fatigue cracks are present in or near the welds of the outer wing panel front spar lower root fitting, cut a 2 inch hole (if not already provided by previous precautionary action) through the lower skin 3½-inch outboard of the wing fillet between the two rows of rivets at the front spar and by removing the rivets attaching the lower gap strip near the spar, cut the outer skin and doubler back 1 inch, remove the paint, and inspect the fitting welds and the tube near the fitting end for cracks with a magnifying glass of at least ten power and adequate light.

and revised by the Douglas Company as of February 11, 1948.)

to comply with the fire prevention require-

installed comply with the applicable sections

(Beech Service Bulletin No. D18C-6, revised January 9, 1948, covers this same subject.)

48-17-1 DOUGLAS (Applies to all aircraft as specified by Civil Air Regulations Amendments 41-3, 41-18, 42-2, 42-8, 61-2, and 61-16)

To be accomplished not later than the dates specified in the above amendments and any subsequent regulations effecting these compliance dates.

All air carrier aircraft must be modified to comply with the fire prevention requirements as outlined in CAR Amendments 41-3, 41-18, 42-2, 42-8, 61-2, and 61-16. The modification outlined in the following listed Douglas Service Bulletins are required for compliance with these amendments. Other modifications shown to be equivalent to those covered by the service bulletins will also be acceptable.

DC-3 #250, "Installation of Fire Detector in Engine Accessory Section and Smoke Detector in Aft Cargo Compartment"; DC-3 #252, "Rear Baggage Compartment Access Door and Vent"; DC-3 #258, "Elimination of Holes in Fire Wall, Addition of Control Cable Seals, Replacement of Dural Plates and Fittings With Steel Plates and Fittings, Replacement of Fluid Carrying Lines Forward of Fire Wall With Steel or Fire Resistant Flexible Hoses"; DC-3 #259, "Installation of Shut-off Valves on Lines Carrying Combustible Fluids Into the Engine Accessory Section." (Installation of additional fuel valves listed on Page 2 of this Bulletin is recommended but is not mandatory.)

NOTE: It will be noted that Service Bulletins DC-3 #258 and #259 apply to all DC-3C and DC-3D (C-47 and C-117) Series airplanes only with P & W R-1830 engines. Since there are various differences in early DC-3 power plant installations with P & W S1C3-G engines and Wright GR-1820 engines, it will be the operator's responsibility to use these two Bulletins as a guide and develop the fire prevention items for other DC-3 Series airplanes accordingly.

In addition to the above, it will be necessary to ascertain that all interior materials and finishes comply with applicable sections of CAR 04b.3824, 04b.3825, 04b.4913, and 04b.493. Safety Regulation Release 259 outlines acceptable procedures for complying with these particular requirements.

48-17-2 MARTIN (Applies to Serial Nos. 9125 through 9127; 9129 through 9131; and 9158 through 9167)

Compliance required by June 1, 1948.

To eliminate the fire hazard due to the insulation becoming saturated with hydraulic fluid, remove the fibre glass and rubberized hair and vinyl linings from both the forward and aft belly cargo compartments. (Martin Service Bulletin No. 26 dated February 24, 1948, covers this subject.)

48-17-3 SIKORSKY.

Compliance required at each 400-hour inspection.

In order to preclude any malfunctioning of the main rotor gear box due to the normal wear which may be expected to occur in the primary and secondary planet pinion shafts (Sikorsky P/N S-535524), these parts should be rotated 180° or replaced by new parts after 400 hours of operation. If rotated, replacement by new parts should be made after an additional 400 hours. (Sikorsky Aircraft Service Information Circular No. 8 Revision "B" dated January 13, 1948, covers this same subject.)

48-17-4 DOUGLAS (Applies to all aircraft equipped with Pesco Vacuum Pumps and Separators)

To be accomplished not later than the date established in accordance with the provisions of special civil air regulation serial number SR-329, or any subsequent regulation affecting this compliance date.

In case of malfunctioning of vacuum pumps or other vacuum pump system components, fire can occur within the lines and burn through the hose connections into the engine compartment. To prevent such occurrences a hose liner must be installed between the exhaust port vacuum pump fitting and the separator line or a stainless steel flexible hose must be installed between the pump and the separator. (Douglas Service Bulletin DC-4 No. 85 as revised March 10, 1948, covers this same subject.)

48-18-1 GRUMMAN (Applies to all G-21A (converted OA-9, JRF-1 through JRF-5, and JRF-6B under TC 654))

Superseded by 53-24-1.

48-18-2 SIKORSKY (Applies to Serial Nos. SS-5101 through SS-5157)

Compliance required at first main gear box overhaul but in any event not later than the next 400 hours of operation.

To prevent cracks caused by stress concentration at the corners of the internal splines on the bevel drive gear (Sikorsky P/N S-535360), a 1/32-inch radius relief should be formed at the lower end of each spline. The procedure for accomplishing this modification is given in Sikorsky Aircraft Information Circular No. 40 and No. 40 Revision "A".

48-18-3 LOCKHEED.

Compliance required every 300 hours of operation.

1. Cabin supercharger drive shafts should be inspected at periods not to exceed 300 hours of operation in accordance with instructions and procedures specified in LAC Service Bulletin 49/SB-107, revised November 22, 1946. Concurrent with the foregoing inspection, the rear drive shaft universal joint, clutch end bearing, carbon oil seal and overriding clutch, should be completely overhauled. All defective parts are to be replaced and clutch end bearing 111GE is to be replaced regardless of condition. The sheet-metal retainer (LAC P/N 257643) is to be replaced as soon as practicable with bronze retainer (LAC P/N 299449).

2. The replacement of clutch end bearing 111GE will not be necessary if the supercharger is reworked to provide a double bearing support for the rear universal joint, and overrunning clutch assembly. This rework will also require replacing the present carbon faced oil seal with a slinger type and modify the supercharger housing to suit. The preflight inspections for oil seal damage can be dispensed with when slinger type seals have been installed. (LAC Service Bulletin 49/SB-393 covers this same subject.)

48-18-4 LOCKHEED (Applies to Serial Nos. 1975 through 1980 and 2021 through 2088)

Compliance with the following was required prior to September 19, 1947, by direct notification of operators.

Add thermocouple to cabin supercharger bevel gear housing, and direct reading indicator in cockpit to record temperatures of the rear supercharger universal coupling support bearing. (LAC Service Bulletin 49/SB-390 covers this same subject.)

48-19-1 BELL.

Compliance required by June 15, 1948.

To provide continuous oil submersion of stabilizer bar damper replenishing valves, the dampers should be rotated 30° down from their present position. This is accomplished by replacing the existing damper support frames, 47-140-132-1, with redesigned frames, 47-140-013. (Bell Service Bulletin 64 covers this subject.)

48-19-2 LOCKHEED.

Compliance required at next No. 1 inspection, and thereafter at periods not to exceed 550 hours of operation.

Inspect the two fittings, P/N 256019, "Lever-Cockpit Torque Tube," in the elevator control system for the presence of cracks or other signs of failure at the rivet attachment points, particularly at the base of the arm. Remove and replace any defective parts. The periodic inspection may be discontinued if the two levers are replaced with new parts, LAC No. 302349, or are reinforced with additional fittings, LAC No. 302337, or their equivalents. (LAC Service Bulletin 49/SB-456 covers the lever substitution or reinforcement.)

48-19-3 DOUGLAS (Applies to Serial Nos. 42854 through 42896; 43000 through 43024; 43035 through 43052; 43055 through 43058; 43061 through 43064; and 43105 through 43110)

Compliance required by September 15, 1948.

Due to two failures in flight and to reported excessive looseness in the elevator trim tab operating mechanism, the following must be accomplished:

1. Rework drum, P/N 4344461 into drum, P/N 4357010-4, by boring hole in end of drum 0.8755-0.8745 diameter, 0.188-0.189 deep and concentric within 0.002 full indicator reading, and press in bushing 4357010-2 into hole. Remove nut, P/N 2335472, press in nut, P/N 2357008, in place so that two holes in nut match two holes in drum, P/N 4357010-4, and insert two pins, P/N 1335480, and stake in place. This rework changes Jackshaft mechanism assembly, P/N 434460, into P/N 4357010.

2. Rework push-pull tubes, P/N 2344790, into P/N 2357984-2 by cutting off swaged end of tube 1/8 inch so that new tube length is 10 inches. Insert large end of plug, P/N 2357980, into tube 1 3/4 inches, drill two 0.161 diameter holes (#20 drill) and attach plug to tube with two rivets, P/N AN 430 AD5-16. Machine hex end on socket, P/N 2331924, and install in end of tube opposite to plug, P/N 2357980. Rework end assemblies, P/N 2331925 into end assemblies, P/N 2357983, and install with locknuts, P/N AN 316-5R and washer 1357982.

Reassemble trim tab mechanism and install on aircraft. (Douglas Service Bulletin DC-6 No. 123 covers this same subject.)

48-21-1 BELLANCA (Applies to all aircraft equipped with Franklin Model 6A4-150-B3 and B31 engines)

Compliance required after each 25 hours of operation.

To prevent possible binding of accelerator pump linkage in Marvel-Schebler MA-3-SPA carburetor, check for worn accelerator pump linkage. Worn parts should be replaced. Marvel-Schebler have a kit (Part A668-581) available for this purpose. (Franklin Service Bulletin No. 61 covers this same subject.)

48-22-1 PRATT & WHITNEY DOUBLE WASP ENGINE (Applies to aircraft powered with Double Wasp Engines equipped with water alcohol injection system)

Compliance required prior to next flight.

If water injection lines to carburetor are incorporated, the water system should be blanked off. This should be accomplished by disconnecting water feed line and installing 1/2-inch pipe plug in regulator entrance. Water vent line should be disconnected at regulator and 1/4-inch pipe plug installed. Water tank should be drained and pump disconnected to preclude inadvertent water flow or pump failure from dry running. If impracticable to secure lines with tape to prevent vibration, they should be removed and stored until system reactivated. Operation of aircraft should be restricted to dry take-off powers pending correction.

Water alcohol injection systems may be reactivated provided either of the following two modifications are accomplished:

1. (a) Incorporate general control solenoid valve part 40R1009 (or equivalent approved by Pratt and Whitney (P & W No. 139262)) in vapor vent line extending from water tank to water regulator and,

(b) Incorporate Mansfield and Green Company check valve 31-B (P & W No. 139263) in water feed line extending from water pump to water regulator. The installation of these parts should be accomplished in accordance with instructions issued by Pratt and Whitney.

2. (a) Incorporate hydraulically operated check valve Airite Products No. 1015 (or equivalent approved by Pratt and Whitney) in vapor vent line extending from water tank to water regulator and,

(b) Incorporate Parker check valve No. 527-10D (or equivalent approved by Pratt and Whitney) in water feed line extending from water pump to water regulator. The installation of these parts should be accomplished in accordance with Consolidated-Vultee drawing 6121501-P.

48-22-2 RYAN (Formerly North American) and BEECH (Applies to all aircraft equipped with Continental E185-1 and -3 engines having Serial Nos. 1000 through 4568 and 10,000 through 10,025)

Superseded by 49-2-4.

48-23-1 RYAN (Formerly North American)

Superseded by 48-40-1.

48-24-1 MARTIN (Applies to Serial Nos. 9125 through 9133, and 9158 through 9167)

Compliance required by September 1, 1948.

Reinforce the Nos. 1 and 2 (top and middle) rudder hinge brackets and fairing in accordance with Martin Service Bulletin No. 31, dated March 22, 1948. Other reinforcements shown to be equivalent to those covered in the Service Bulletin will also be acceptable.

48-24-2 DOUGLAS.

Superseded by 49-27-3.

48-25-1 DOUGLAS. (Applies to all C-54DC Series and DC-4 airplanes prior to Serial No. 43095, operated in scheduled and non-scheduled air carrier passenger service)

Compliance required by May 1, 1949.

Because of previous fires and the fire hazard which exists in Zone 3, it is necessary that the following be accomplished:

1. To increase the effectiveness of the fire warning system in the nacelles, seven fire detector units must be installed in the nacelle (Zone 3) aft of the firewall at the following approximate locations:

(a) 1 unit at the top of nacelle approximately 15 inches forward of the front spar.

(b) 1 unit at each wing section fireseal.

(c) 1 unit at the aft end of the nacelle area under the fuel tank and near the fuel supply lines.

(d) 3 units on the aft face of the firewall (one near the top and one at each side).

These fire detectors should be connected into the existing engine accessory compartment fire detector circuit, and the entire system wired into the circuit of the audible warning system. (Douglas Service Bulletin DC-4 No. 60 covers this same subject.)

2. Revise the present fire extinguisher system in nose wheel well in order to install two additional 15 pounds CO_2 bottles. Provide additional plumbing aft of the firewall in each nacelle by running a perforated line across the top of the nacelle directly aft of the oil tanks and then diagonally aft and down to a point under the bottom wing skin aft of the front spar, at which point it will cross the nacelle and run diagonally forward and up to the original starting point. The discharge pipes tee into the present 3/4 ring O. D. supply pipes for the accessory section. All aluminum CO_2 supply pipes between firewall and front spar and between the inboard and outboard fireseal ribs of each nacelle are to be replaced with steel pipe. (Douglas Service Bulletin DC-4 No. 67 covers this same subject.)

48-25-2 CESSNA (Applies to all aircraft equipped with Cessna welded exhaust muffler assemblies)

Inspection required each 25 hours of operation.

Remove the carburetor air heater muff and cabin heater muff and inspect the muffler assemblies for any evidence of cracks paying particular attention to the areas of the mufflers and stacks adjacent to where the exhaust stacks and tailpipe are welded to the muffler assembly. The present placard calling for inspection of the mufflers every 100 hours should be revised to call for this inspection every 25 hours. This directive is intended to apply to only those aircraft equipped with exhaust muffler assemblies that are fabricated by welding exhaust stacks to muffler.

48-25-3 CESSNA.

Inspection required each 100 hours of operation.

Inspect wing drag wire system for loose or broken drag wires and inspect ribs for damage. Inspection openings should be installed aft of the rear spar just inboard of Rib 5 and just outboard of Rib 10 if not already installed. Drag wires should be rerigged if loose, or replaced if broken, and drag ribs should be repaired or replaced if buckled. No. 6 drag wires in the outer wing panel found broken are to be replaced with No. 8. Buckling of the intermediate rib flanges at the spar cutouts does not render the wing unairworthy; however, reinforcement with Cessna P/N 10004-58 is recommended. If the flanges are cracked the reinforcement should be installed. (Cessna Service Letters 27 and 39 cover this same subject.)

48-26-1 LOCKHEED (Applies to aircraft equipped with Curtiss C632S-A14/850-4C2-0 propellers)

Compliance required by July 7, 1948, and August 1, 1948.

To avoid failures under certain operating conditions, the following engine speed restrictions must be observed and two placards covering these restrictions must be installed in the cockpit. (Temporary placards must be installed not later than July 8, 1948, and permanent placards to be supplied by Lockheed installed not later than August 1, 1948.) One placard must be in full view of the pilots and one in full view of the flight engineer. Placard should read as follows:

"In flight avoid continuous operation below 1,625 r. p. m. and between 1,725 and 1,850 r. p. m., 1,900 and 2,000 r. p. m. and between 2,100 and 2,375 r. p. m. On ground avoid continuous operation between 1,200 and 1,450 r. p. m." For visual reference, all tachometers in the airplane must be marked as follows not later than August 1, 1948: "Red Band 1,200 to 1,625 r. p. m. Green band 1,625 to 1,725 r. p. m. with green radial line at 1,675 r. p. m. Red band 1,725 to 1,850 r. p. m. with green radial line at 1,875 r. p. m. Red band 1,900 to 2,000 r. p. m. Green band 2,000 to 2,100 r. p. m. with green radial line at 2,050 r. p. m. Red band 2,100 to 2,375 r. p. m. with green radial line at 2,400 r. p. m. Yellow band 2,400 to 2,800 r. p. m. with red radial line at 2,800 r. p. m."

48-26-2 REPUBLIC.

Superseded by 49-3-1.

48-27-1 LOCKHEED (Applies to all Model 49 aircraft modified to permit operation at 93,000 pounds take-off and 83,000 pounds landing weights, and Model 49 aircraft, redesignated as Model 149, and modified to permit 100,000 pounds take-off and 83,000 pounds landing weights)

Compliance required not later than next wing change or aircraft overhaul and in no event later than February 1, 1949.

In order to comply with the requirements of Civil Air Regulations, fuel dump stand pipes must be installed. (LAC Service Bulletin 49/SB-403 and LAC Service Instruction 49/SI-12 dated September 25, 1946, cover this same subject.) Pending the accomplishment of the above change, operations are permissible at the increased weights.

48-27-2 SIKORSKY.

Superseded by 49-4-2.

48-27-3 LOCKHEED (Applies to airplanes equipped with Curtiss C632S-A/850-4C2-0 propellers)

Compliance required by August 1, 1948, and February 1, 1949.

To increase the ability of the propeller hubs to withstand excessive stresses under certain operating conditions the hubs must be returned to Curtiss-Wright Corporation, Propeller Division, for shot peening of the threaded portion of the hub barrels. Effective August 1, 1948, hubs not peened before accumulating 2,500 hours of operating time are to be permanently removed from Constellation operation. Hubs not peened before accumulating 2,000 hours of operating time are to be temporarily withdrawn from operation until shot peened. Peening must be accomplished on all hubs by February 1, 1949, regardless of accumulated operating time.

48-28-1 TEMCO (Formerly Globe)

I. Inspection required at each 20 hours operation until compliance with item II below is made. Cracks are occurring in the last bulkhead (Station 185) of the fuselage at the bottom rudder hinge and stop fitting, and the bulkhead must be inspected for such cracks. If cracks are found, a repair must be made in accordance with Item II below.

II. Compliance required not later than September 1, 1948.

To preclude the possibility of a structural failure in the rear bulkhead of the fuselage, at the bottom rudder hinge and stop, a steel reinforcement must be made as follows:

1. If cracks are found in the bulkhead drill No. 50 (0.07 Diameter) check holes at end of each crack.

2. Fabricate and install a steel reinforcement fitting as defined in TEMCO Drawing 11-213-5074.

The Texas Engineering and Manufacturing Company, Inc., will furnish free of charge the steel reinforcement fitting described in Item 2 above. (TEMCO Customer Service Maintenance Bulletin No. 26 covers this same subject.)

48-28-2 DOUGLAS.

To be accomplished not later than April 1, 1949.

As a fire protection measure in order to prevent burn through, replace the present cabin heater combustion ducts with corrosion resistant steel ducts. (Douglas Service Bulletin DC-4 No. 89 covers this same subject.)

48-29-1 RYAN (Formerly North American) (Applies to all Navion airplanes employing Carter Engine Driven Fuel Pumps not presently equipped with vent drain lines)

To be accomplished as soon as possible but not later than October 15, 1948.

Several instances of rupture of the main diaphragm of Carter fuel pumps have occurred. This is considered a fire hazard, since fuel can then squirt from the pump breather hole onto the engine. To correct this condition the pump breather should be provided with an overboard drain to carry fuel clear of the airplane if the diaphragm ruptures. Before installing the drain line, the fibre screen and snap ring must be removed from the pump breather opening. The drain line should vent into a low pres-

sure area so that any fuel leaving this drain will not be in the proximity of any engine or cabin heater exhaust and will not contact the airplane or enter any air intake line, in ground or flight operation. (Ryan Navion Service Letter No. 47 covers this same subject.)

48-31-1 GRUMMAN.

To be accomplished by September 15, 1948.

Inspect Upper Terminal (P/N 17257-1) of stabilizer strut (P/N 17256) for cracks extending radially from the outside edge of the ears to the inside of the hole in which the shoulder bushings are pressed. Cracked terminals should be replaced with steel terminals. All terminals without cracks may be left in service if inspected every 100 hours. (Grumman Aircraft Engineering Corp. Service Bulletin No. 22 dated July 1, 1948, covers this same subject.)

48-32-1 TIMM (Applies to all serial numbers)

Compliance required as indicated below:

Instances have been reported of throttle quadrants pulling off the fuselage skin to which they were glued and nailed during manufacture. Both front and rear cockpit throttle quadrants must therefore be inspected for looseness immediately and if found loose must be repaired prior to the next flight.

This inspection should be repeated frequently until such time as the throttles are reinforced as described below, or in an equivalent manner. Reinforcements must be installed not later than January 1, 1949.

1. Insert four AN-3 bolts through wood plate on outboard side of throttle quadrants through support blocks and fuselage skin using one bolt at each plate corner. Install large flat washers or metal backing plates beneath bolt heads and nuts to avoid crushing wood. Loose throttle quadrants should be reglued prior to making this reinforcement.

48-33-1 LOCKHEED (Applies to all 49-46, 149-46, 649-79 and 749-79 Models, through serial number 2588)

Compliance with new placard restrictions required immediately. Placards to be installed not later than December 1, 1948.

Remove existing fuel placards and install three new placards covering fuel system operational procedure.

A. The placard to be removed from the 49-46 airplane is located on the Flight Engineer's lower instrument panel and reads:

"Caution:

Do Not Land With More Than 900 Gallons of Fuel In Each Outer Tank."

B. The placard to be removed from the 649 airplane is located on the Flight Engineer's uppermost panel and reads:

"Fuel Load Restrictions Model 749. Takeoff: Do Not Take-Off With Less Than the Following Fuel Loads:

The placards to be added read as follows:

1. "This Airplane Must Be Fueled, and Fuel Used, in Accordance With the Charts in the Approved Operating Manual." (LAC, Part M302166.)

2. "At All Times, Fuel in Tanks 2 and 3 Must Not Exceed Fuel in Tanks 1 and 4 respectively." (LAC, Part M302163.)

3. "Fuel Transfer From One Tank to Another Is Not Permitted. When Operating the Fuel System on Crossfeed, the Tanks Not Being Used Must Be Turned Off." (LAC, Part M302109.)

On Models 49-46, 149, 649, and 749 install placard 1 on Pilot's instrument panel and placards 1, 2, and 3 on Flight Engineer's uppermost instrument panel. Placard 3 has been installed on airplane serial number 2577 and subsequent, prior to delivery. (LAC Service Bulletin 49/SB-439, dated March 23, 1948 covers this same subject.)

48-34-1 BEECH (Applies to all Model AT-11, C18S airplanes which have been modified in accordance with Beech Service Bulletin D18-48 referred to in AD 47-33-5 and all Beech D18C and D18C-T airplanes which have been modified in accordance with Beech Service Bulletin D18C-3 referred to in AD 47-33-6.)

Inspection required at next periodic inspection.

Inspect the NAS 144 bolts (identified by the stamped bolt head), installed in the revised stabilizer attachment fittings to determine that the depth of the outer dimension of the bolt head conforms to the acceptable limit of 0.226 inch ±0.010 inch. Bolts that do not meet this specification are under strength and must be replaced. Inspect the fuselage to stabilizer attachment fitting, Part No. 437-186096, to determine that this fitting has not cracked where the lower ¼-inch rivet attaches the fitting to the fuselage. (Beech Service Bulletin No. D18-51 covers this same subject.)

48-34-2 (Applies to all aircraft engaged in sulphur dusting. Replaces Airworthiness Maintenance Bulletin No. 63.)

Compliance at time of original certification or if previously certificated and Airworthiness Maintenance Bulletin No. 63 has not been complied with, compliance required by October 1, 1948.

To decrease the hazards from fire during dusting operations involving the use of sulphur dust the following fire preventive measures, formerly in Airworthiness Maintenance Bulletin No. 63, must be complied with:

(1) The engine exhaust system must be so arranged that it will not discharge exhaust gases under or along the bottom of the airplane.

(2) The fuselage aft of and in the vicinity of the hopper must be completely bonded. All fittings and struts adjacent to the hopper should be bonded to each other and the hopper to the fuselage.

(3) The agitator should be provided with sealed bearings or the bearings should be readily accessible for lubrication.

(4) The hopper gate should be of nonferrous material, well fitted to its guide channels to prevent friction and accumulation of dust in the channels and should be bonded to the hopper.

(5) The lower surface of the fuselage, in the immediate vicinity and three feet aft of the spreader discharge opening must be covered with thin gage metal, plywood or equivalent fire resistant material. Where fabric on the bottom of the fuselage is not eliminated in this installation, the protective covering, to be installed on the outside of the fabric, must be secured in such a manner that will prevent accumulation of dust between the protective covering and the fabric. This may be accomplished by using sealants such as acetate doped fabric tape or other adhesives to bond the protective covering to the fabric.

These mandatory measures are discussed in more detail in Safety Regulation Release No. 89.

Aircraft which do not comply with these measures shall be restricted, against the use of sulphur for dusting, on the operation limitations.

48-37-1 PIPER.

Superseded by 48-46-1.

48-38-1 AERONCA (Applies to Serial Numbers 15AC-1 to 15AC-227 inclusive, or S15AC-1 to S15AC-227 inclusive)

Compliance required before operation at temperatures below freezing, but in any case not later than December 1, 1948.

To prevent the possible loss of engine oil pressure and subsequent engine damage during cold weather starting, the present oil cooler installed on the suction side of the engine oil pump must be revised and installed on the pressure side of the pump.

This change involves the following:

1. Installation of an oil cooler adapter assembly, Continental Motors Corporation's Drawing 530536 and 530697, replacing pressure oil screen. This pressure oil screen is then used in adapter assembly.

2. Install new suction oil screen, Continental Motors Corporation's Part No. A 20878.

3. Replace present oil cooler by-pass spring with a 35 p. s. i. spring.

4. Replumb oil cooler with different fittings and line arrangement.

(Aeronca Service Helps and Hints Bulletin No. 35 covers this same subject.)

48-39-1 AERONCA (Applies to all Model 7 Series Aircraft)

To be accomplished as soon as possible but not later than November 1, 1948.

Inspect front and rear control stick socket castings, Part No. 2-705, for cracks at the ears to which the push-pull tube attaches. If found cracked, the castings should be replaced. To prevent future failures the bolt, nut and washer now installed are to be replaced with a clevis bolt, AN24-16 (11/16 grip) and an AN320-4 shear nut so that excessive loads cannot be placed on the socket ears.

48-40-1 RYAN (NORTH AMERICAN).

Superseded by 49-11-1.

48-40-2 MARTIN.

Superseded by 48-44-3.

48-40-3 CONSOLIDATED-VULTEE.

Superseded by 49-43-1.

48-41-1 CONSOLIDATED-VULTEE (Applies to all Model 240 Aircraft)

Compliance required as indicated.

I. Inspect wing bulkhead flanges and stringers at their intersections in the fuel tank area for cracks and repair as necessary at each Number 2 inspection (or equivalent periodic inspection approximating 100 hours) until permanent repairs and rework are accomplished.

II. Complete rework in accordance with CVAC Service Bulletin No. 240-166A dated September 27, 1948 or equivalent should be accomplished not later than the next engine change.

48-41-2 STINSON.

Superseded by 49-18-2.

48-42-1 DOUGLAS (Applies to all DC-6 airplanes)

Superseded by 49-37-1.

48-42-2 LOCKHEED (Applies to all Lockheed Model 18 aircraft operated in scheduled and non-scheduled air carrier passenger service)

To be accomplished not later than the date established in accordance with the provisions of special civil regulation serial number SR-329, or any subsequent regulation affecting this compliance date.

All Lockheed Model 18 aircraft mentioned above must be modified to comply with the fire prevention requirements as outlined in CAR Amendments 41-3, 42-2, and 61-2. Compliance with these requirements may be accomplished by completing the modifications outlined in the following listed Lockheed Service Bulletins. Other rework shown to be equivalent to that covered by the Service Bulletins will also be acceptable.

LOCKHEED SERVICE BULLETINS

Item	CAR 4	No.	Title
1	.3824	18/SB-122	Revision to Waste Paper Container.
		18/SB-123	Installation of No Smoking Placard.
2	.38250	18/SB-124	Installation of Fire Detection and Extinguishing System.

LOCKHEAD SERVICE BULLETINS—Continued

Item	CAR 4	No.	Title
2	.38251	18/SB-125	Installation of Hydraulic Reservoir Oil Tank Guard.
		18/SB-126	Installation of Windshield Alcohol Tank Guard.
		18/SB-127	Sealing of Baggage Compartment.
3	.43	18/SB-135	Material Substitution—Propeller Feathering Reserve Oil Tank Support.
4	.4700	18/SB-130	Firewall Revision.
5	.49		
	.4900	18/SB-128	Replacement of Power Plant Lines and Fittings.
	.4901	18/SB-129	Installation of Emergency Oil Shut-Off Valves.
	.4902	18/SB-131	Revision to Cabin Heater Ducts.
	.4902	18/SB-133	Replacement of Firewall and Power Plant Lines and Fittings.
		18/SB-136	Installation of Dual Fuel System Fire-Resistant Plumbing Provisions for Selective Shut-off-Propeller.
		18/SB-141	Anti-Icing System (Airplanes having Standard Systems) Provisions for Selective Shut-off-Propeller.
		18/SB-141A	Anti-Icing System (Airplanes with Tank and Pump in L. H. Nacelle).

In addition to the above, inspect cabin interior fabrics and finishes to determine that these materials or any substitutes or replacements for the materials originally installed comply with the applicable sections of CAR 4.3824, 0.3825, 0.4913 and 0.493. Safety Regulation Release 259 outlines acceptable procedures for complying with these particular requirements.

48-43-1 MARTIN (Applies to all Model 202 aircraft)

To be accomplished as soon as practicable, but not later than January 1, 1949.

In order to eliminate excessive hydraulic fluid leakage, the following shall be accomplished:

1. Replace the system emergency and flap synchronizer by-pass valves, P/N 2021A82089, (Hydro-Aire #4010) with new valves P/N 2021A82089-01 (Hydro-Aire # 4030). (This same subject is covered by GLM Maintenance Note No. 89).

2. Replace the nose gear steer-valve P/N 2021A80590, by new valve P/N 2021A23493, 2021A23508 or 2021A82131. (This same subject is covered by GLM Service Bulletin No. 46.)

3. Replace the two hydraulic test outlet dustcaps, P/N's 155-32-10 and 155-32-20, by new sealing caps, P/N's 2021A82133 and 2021A82134. (This same subject is covered by GLM Maintenance Note No. 88.)

4. Install safety wiring on main and landing gear pressure relief valves, Airex Nos. D-1068-3500 and 1265-900. (This same subject is covered by GLM Service Bulletin No. 67.)

5. Replace all 24ST aluminum alloy tubing used in 3000 psi hydraulic pressure lines with new 61ST tubing. (This same subject is covered by GLM Service Bulletin No. 66.)

6. Install proper size AN6246 leather backup rings at the accumulator and pressure ports of the system unloading valve, Vickers Model AA-34582, at the ports of the emergency brake valve Bendix No. 146251 and at all other ports where a universal type fitting connection is used. (GLM Standard Practice Sheet #35028 describes the correct method of assembling these connections.)

48-43-2 CESSNA AND AERONCA (Applies to all Cessna Model 170 and Aeronca Model 15AC airplanes equipped with Continental C-145-2 engines serial numbers 3001-8-2 to 3775-8-2, inclusive)

Compliance required not later than December 31, 1948.

Some piston pin plugs of the loose fit type with which the engines as noted were originally equipped, are subject to rapid and excessive wear which may eventually cause disintegration of the piston pin plugs, failure of pistons, and complete engine failure due to oil stoppage caused by metal particles on the screen and in the system.

To preclude the possibility of such failures, Piston Pin and Plug Assemblies, Part No. 25262-A1 (with loose fit plugs), should be removed and replaced with Piston Pin and Plug Assemblies, Part 530830 (with press fit plugs) as soon as possible, and in no case later than the compliance date shown.

Pending installation of the new assemblies, oil screens should be inspected prior to each flight. If aluminum particles are evident on the screen the airplane should be removed from service until the change is accomplished. (Continental Service Bulletins Numbers M48-20 and M48-25 cover this same subject.)

48-43-3 CURTISS-WRIGHT.

Deleted 1-31-49.

48-44-1 DOUGLAS. (Applies to all DC-4 and C-54 Series Aircraft)

To be accomplished not later than March 1, 1949.

In order to preclude nose gear retraction malfunction due to particles of disintegrated packing clogging the present upline orifice fitting, it is necessary to install an orifice fitting having a floating pin in the orifice hole and to replace the present packing used on the retracting cylinder with a more satisfactory packing. To accomplish this change:

1. Replace the present upline orifice fitting with a union fitting and rework the existing T fitting to include an orifice fitting (0.063-inch diameter floating pin in 0.090-inch diameter orifice hole) in the pipe threaded end.

2. (a) Replace the existing chevron packing on the nose gear piston assembly with two synthetic chevron packings and two leather chevrons. Install two dural packing rings on each respective end of the piston head.

(b) Replace existing packing on the nose gear cylinder end assembly with one dural packing ring, three synthetic chevron packings, and one leather chevron packing.

(c) Install two new washers over the end of the cylinder barrel. (Douglas Service Bulletin DC-4 #78 dated 5-4-48 covers this same subject.)

48-44-2 CURTISS-WRIGHT.

Compliance required at original certification and at every 7,500 hours of operation thereafter, or at the approved airframe overhaul period for air carriers.

Check the center wing-to-fuselage attaching bolts, parts Nos. AN8-23A, AN8-25A, and AN8-31A, to determine that they are properly torqued. The proper torque value for these bolts is between 480 to 690 inch-pounds as per Curtiss-Wright Drawing No. 20-230-1000.

For access to the 30 percent spar fitting, a 1½-inch diameter hole can be cut in the wing center section lower skin beneath the fitting, just forward of the beam, and far enough inboard so that the resultant opening will be completely covered upon re-installation of the wing root fairing.

This supersedes Note 47-51-6.

48-44-3 MARTIN.

Superseded by 49-9-1.

48-45-1 FAIRCHILD (Applies to all M-62 Series Aircraft)

Compliance required at each annual inspection.

(1) Inspect plywood butt plates for separation from wing spar ends. Remove only if loose and inspect spar end for rot which requires repair or replacement. Separation of spar laminations does not require replacement if the glue joints between spar webs and caps are sound. Glue new butt plates to spar ends working glue into any cracks between laminations.

(2) Cut a total of sixteen ½-inch diameter inspection holes in wing lower skin. These should be centered at the front edges of both spars at four approximately equally spaced sparwise stations in each outer panel. Use caution to avoid cutting the spars and ribs. Inspect spars for rot and separation of the plywood webs from the caps. Deteriorated parts should be scrapped or repaired. Dope fabric patches over holes.

(3) Provide ¼-inch drain holes in lower skin with centers not more than ¼ inch from front face of spars and from outer edge of each rib wherever holes are missing or have greater spacing. Clean out all dirt built up above edges of holes to insure complete drainage. Install seaplane grommets at all drain holes in areas splashed by water from landing wheels.

This supersedes note 48-7-4.

48-46-1 PIPER (Applies to all J3 Series and PA-11 Aircraft)

Superseded by 51-15-1.

48-47-1 CONSOLIDATED-VULTEE.

Superseded by 48-51-2.

48-47-2 BELLANCA.

Superseded by 48-50-1.

48-48-1 FREEDMAN PROPELLERS (Applies to Cessna 120 and 140, Culver V and V2, Globe GC-1A and GC-1B and Luscombe 8E airplanes equipped with Freedman propellers

Compliance required prior to August 1, 1947.

Freedman Aircraft Engineering (formerly Freedman Burnham) hubs, Models PC-203, PX-203 and PY-203 must be removed from engines rated above 80 h. p., with the exception of the PX-203 hub on the Franklin Model 4AC-199 engine. The propellers may be replaced by any propeller listed as approved on the latest revision of the pertinent aircraft specification.

This supersedes Note 47-22-2.

48-48-2 DOUGLAS (Applies to all DC-6 aircraft not equipped with steel vacuum pump discharge lines aft of the firewall and Chicago Metal Hose assemblies from the oil separator to the Pesco pump)

To be accomplished as soon as practicable, but not later than May 1, 1949.

In cases of malfunctioning of vacuum pumps or other vacuum pump system components, fire can occur within the lines and burn through the hose connection into the engine compartment. To prevent such occurrences, replace the present Aeroquip Hose P/N 360-10WD-15½, existing between oil separator and Pesco Vacuum pump, with a new Chicago Metal Hose Assembly No. 9273-1. (Douglas Service Bulletin No. 383 covers this same subject.) Also, to prevent fire from entering the zone behind the firewall, replace the dural vacuum pump discharge line, aft of the firewall, with a steel line. (Douglas Service Bulletin DC-6 #401 covers this same subject.)

48-48-3 CURTISS-WRIGHT (Applies to all C-46A, C-46D, C-46E, and C-46F airplanes)

Superseded by 50-19-1.

48-49-1 LUSCOMBE (Applies to all Model 8 series aircraft)

Compliance required by January 15, 1949.

If the present vertical stabilizer rear spar fuselage attachment fitting number 18419 is fabricated of 0.049 thickness steel or has been replaced by a new 0.049 thickness steel fitting from the Luscombe Airplane Corporation, this Airworthiness Directive does not apply.

Inspect the vertical stabilizer rear spar fuselage attachment fitting number 18419 for evidence of cracks in the flange of the fitting adjacent to the ⅜-inch tube welded across the web between the flanges. If the present fitting has been fabricated of 0.035 thickness steel and the ⅜-inch tube has been welded to the flanges with a satisfactory 360-degree weld and/or a partial weld (180°) provided

the flange of the fitting has been locally widened to a minimum of 5/16-inch edge distance at the 3/4-inch cross tube and there is no evidence of cracks in the flange, the fitting is considered satisfactory. However, if the fitting is cracked or does not have a satisfactory weld around the entire circumference of the bushing, the fitting must be reworked by making a complete 360° weld around the 3/4-inch tube attaching it to the flange in addition to welding any existing crack. As an alternate repair or reinforcement, weld one-half of an AN 960-616 washer or equivalent to each flange of the 18419 fitting so that the flat cut edge is parallel to the web of the fitting. In any event the fitting should be removed for reworking. If more than one crack is found in each flange, or if any crack has occurred between the bushing and the fitting web, the fitting must be replaced.

The Luscombe Airplane Corporation will furnish without charge a new fitting fabricated of 0.049 thickness steel for each old fitting fabricated of 0.035 thickness steel found to be defective. Luscombe Service Bulletin 3-47, dated 11-26-47, covers this same subject.

This supersedes Note 48-8-4.

48-49-2 NOORDUYN (Applies to all Army UC-64, UC-64A, UC-64AS, and UC-64B aircraft)

Compliance required as soon as possible but not later than February 1, 1949.

On airplanes equipped or about to be equipped with EDO Model 55-7170A floats, the float brace wire plates, Part No. 16-31131, must be reinforced in accordance with Noorduyn Service Bulletin No. E5/44, dated August 22, 1944, (obtainable upon request from Canadian Car and Foundry Company, Ltd., Montreal 3, Canada), or Army Air Forces Technical Order No. 01-155CB-13, dated October 9, 1944. Other reinforcements shown to be equivalent to those covered in the Service Bulletin or the Technical Order will also be acceptable.

48-49-3 DOUGLAS (Applies to all DC-6 airplanes)

Compliance required not later than March 1, 1949.

To reduce the probability of a loss of power for electrical circuits considered to be essential in flight, these essential circuits were designed to be connected directly to the master bus. Other less essential circuits are connected to the master bus through a 500 ampere Burndy Limiter (fuse).

In an undetermined number of aircraft some of the essential circuits were inadvertently connected to the distribution bus rather than to the master bus.

It is necessary, therefore, that all DC-6 aircraft be inspected and such rewiring as necessary be done to assure that the following circuit protectors are connected to the master bus:

Radio Master (B1-102), Fuel Booster Pumps (B1-63, 97), Inverter Power (B1-111, 116), Propeller Booster (Curtiss Propellers only, F1-28, 29), Propeller Control (Curtiss: B1-141, 142, 143, 144. Hamilton Standard: B1-188, 189, 190, 191), Propeller Synchronizer (B1-145), Governor Control (Hamilton Standard only, B1-192), Generator Control Panel (Eclipse Generator System only, B1-246, 247, 248, 149. Reference Douglas Service Bulletin DC-6 #329). (Douglas Service Letter A214-T. 3333/TFW dated October 22, 1948 covers this same subject.)

48-50-1 FRANKLIN ENGINES (Applies to all aircraft equipped with Franklin Model 6A4-150-B3 and B31 engines with serial numbers 11,000 to 14,000, inclusive)

Compliance required after each 25 hours of operation.

To prevent possible cylinder base flange failure, visual inspection for cracks just above the base flange should be made every 25 hours of operation on the early type cylinders until replaced by the later type cylinders. Early type cylinders have a flat section which extends 3/8 inch to 7/8 inch from the outer edge of the base flange. On late type cylinders the flat section has been practically eliminated by extending the ribbed section close to the edge of the flange.

It is urgently recommended that early type cylinders be replaced at the earliest opportunity. (Franklin Service Bulletin No. 69 covers this same subject and offers special discounts effective through January 1949, for cylinder replacements).

This supersedes Note 48-47-2.

48-50-2 BEECH.

Superseded by 50-20-2.

48-50-3 MARTIN.

Compliance required prior to reinstalling autopilot servo control systems.

Provide guards at joints of the stabilizer and wing flap torque tube systems in accordance with, or equivalent to, Martin Service Bulletin No. 72, dated October 22, 1948.

48-50-4 CONSOLIDATED-VULTEE.

Compliance required by May 1, 1949.

1. Install steel nose gear upper centering cam, Bendix P/N 157627 in lieu of bronze cam.

2. Install main nose landing gear shock strut bearing and packing nut lock pins, in six places, Bendix P/N 54201 in lieu of lock rings.

3. Rework nose gear steering mechanism.

4. Install nose gear centering guides in nose wheel well.

Consolidated-Vultee Aircraft Corp. Service Bulletin Nos. 240-104A, -161, -162A, -167, and -201; CVAC Service Information Letter No. 310, and Bendix Service Bulletin No. L. G. 504, also cover these same subjects.

48-51-1 BEECH (Applies to airplanes equipped with Beech half-circle type control wheels)

To be accomplished as soon as possible, but not later than March 1, 1949.

To preclude the possibility of failure of the control column wheel shaft due to too great a counterbore depth in the shaft, the following inspection should be accomplished: (Bow-tie type control wheels attached to the control shaft by three bolts through a flange on the shaft are satisfactory and need not be inspected.)

1. Drill a 3/8-inch hole in the center of the hub of the control wheels. Do not allow the drill to go more than one inch into the hub or the pin securing the wheel will be damaged.

2. Place a narrow scale or straight wire through the 3/8-inch hole and obtain the distance from the bottom of the counterbore (not the peak of the counterbore cone) to the face of the hub.

3. Insert a small hook scale or bent wire in the hole and obtain the distance from the end of the shaft to the face of the hub.

4. Subtract the distance obtained in Step No. 3 from the distance obtained in Step No. 2 to obtain the depth of the counterbore in the end of the shaft. If this distance is over 1 1/16 inches, the shaft must be replaced. All shafts having a counterbore less than 1 1/16 inches deep are satisfactory. (Beech Service Bulletin No. C18-9 dated November 22, 1948, covers this same subject.)

48-51-2 CONSOLIDATED-VULTEE.

Recently reported difficulties concerning the horizontal tail surfaces for Convair Model 240 aircraft have indicated the necessity of conducting thorough and frequent inspections of all critical items to detect any fatigue cracks and to minimize the development of hazardous conditions. The several reported difficulties appear to result from tail vibrations induced by the engines and/or propellers at certain RPM's. Pending completion of the necessary investigations and determination of adequate remedial measures, the following must be accomplished:

A. To be accomplished daily on the left horizonal surfaces. (NOTE: Time limit may be extended to each number three operation upon incorporation of AD 49-44-2 and CVAC Service Bulletins 240-219 and 240-247.)

Utilizing available inspection openings but without removing any surfaces, conduct a close, visual inspection of the following:

1. Horizontal stabilizer skin, rear spar and hinge brackets.

2. Elevator skin, leading edge ribs, spars, hinge brackets and balance weight installations.

3. Tab skin, spar, hinge brackets and balance weight installations.

Particular care should be taken to detect any evidence of loose balance weights, sheared rivets or cracked hinge brackets. Any failed parts should be adequately repaired or replaced prior to the next flight.

NOTE: Inspection procedures which have been satisfactorily demonstrated to the Civil Aeronautics Administration agent to provide equivalent safety may be accepted in lieu of the inspection procedures outlined above.

NOTE: The following static balance tolerances about the respective hinge lines must be retained after rework of any surface:

1. Left elevator, including flight tab: 72-87 inch pounds tail heavy with the seal curtain removed.

2. Right elevator, including trim tab: 0-15 inch pounds nose heavy with the seal curtain removed.

3. Elevator flight tab: 6-8 inch pounds nose heavy.

B. To be accomplished at periods not to exceed 50 hours until close tolerance bolts and bushings have been installed in elevator tab hinges in accordance with CVAC service bulletin 240-205.

Remove all elevator flight tab hinge pins and inspect the pins, bushings and bearings for sign of wear. Worn parts should be replaced.

This supersedes Note 48-47-1.

48-52-1 DOUGLAS (Applies to all DC-6 aircraft)

To be accomplished not later than June 1, 1949.

1. Revise method of connecting power leads to main bus through Burndy limiters.

2. Reroute generator and starter cables in No. 4 nacelle to eliminate possibility of abrasion of power cables.

3. Install stainless steel combustion air intakes ducting on all heaters.

4. Revise wing heater exhaust outlets to preclude nacelle fluids contacting exhaust piping.

5. Install expansion turbine oil drain and filling drain.

6. Install ducting from the wing and tail heater combustion air blowers to the outside skin of the nacelles and tail section. Ducting within the nacelles to be of stainless steel.

7. Delete present wing heater 1.4 pounds CO_2 bottles and eject the fuselage nose CO_2 banks to either wing heater. CO_2 to go into the heater de-icing and combustion air and into the area surrounding the heaters. Controls for the new system to be grouped with and worked in the same sequence as the tail and cabin heater fire extinguishing system.

Douglas DC-6 Service Bulletins No. 220, revised 2/18/48; 270, dated 3/8/48; 231, revised 1/19/48; 259, revised 3/12/48; 255, revised 2/26/48; 256, revised 2/12/48; and 272, revised 4/8/48; cover the above items consecutively.

49-1-1 RYAN (NORTH AMERICAN).

Superseded by 49-28-1.

49-2-1 LOCKHEED.

Canceled January 17, 1949.

49-2-2 ERCO.

Compliance required as indicated.

Superseded by 52-2-2.

49-2-3 AERONCA.

Superseded by 49-11-2.

49-2-4 CONTINENTAL ENGINES. (Applies to all airplanes equipped with Continental Model E185-3 engines serially numbered 4514-D and below, E185-1 engines serially numbered 4566-D and below, and E165-2 engines serially numbered 10024 and below)

Superseded by 50-32-1.

49-3-1 REPUBLIC.

Compliance required by December 1, 1949.

To prevent possible failure of the diaphragms in the two AC fuel pumps on Franklin Model 6A8-215-B8F and -B9F engines and to provide a drain line to carry fuel away from the engine compartment in case of a diaphragm failure replace the fuel pumps with new fuel pumps, AMI Part Nos. 15436 and 15439, and install drain lines. Aircooled Motors, Inc. Kit Part No. 15464 contains parts and instructions for making these replacements. (Franklin Service Bulletin No. 71 covers this same subject.)

This supersedes Note 48-26-2.

49-4-1 BEECH (Applies to Model 35 serial Nos. D-1 to D-1300, inclusive, except D-69, D-315, D-356, D-754, D-827, D-1117, D-1120, D-1201, D-1251, D-1274, D-1278, D-1285, D-1289, D_1290, D-1291, D-1293, D-1295, D-1296, D-1298 and D-1299)

To be accomplished at next 100-hour inspection but not later than May 1, 1949.

Remove aileron control wheel drive chain assembly from the control arm of the specified aircraft, which have not had the chain replaced by Beech facilities, and visually inspect the pin through each link for proper up-set heads on each end of the pin. Chains having end ferrules dyed green have been replaced by Beech facilities and need not be inspected. (Beech Service Bulletin No. 35-8, revised January 3, 1949, covers this same subject.)

49-4-2 SIKORSKY.

Superseded by 49-21-1.

49-5-1 LOCKHEED (Applies to all 749 aircraft equipped with Curtiss 850-4C2-0 propeller blades)

Compliance required by March 25, 1949.

Magnetically inspect the shank section, as far outboard as the 18-inch station, of all 850-4C2-0 blades delivered before November 1, 1948, having less than 700 hours service and which have not been magnafluxed since delivery, using a coil not greater than 27 inches in diameter and providing at least 8,000 ampere turns, inspection of blades with lowest service time should be accomplished first wherever possible. Curtiss Service Bulletin No. 47 covers this same subject.

49-5-2 FRANKLIN ENGINES (Applies to all airplanes equipped with Franklin 6A4-150-B3 and 6V4-178-B32 engines having AC fuel pumps)

Compliance required at next major overhaul.

To prevent possible failure of the diaphragm in the AC fuel pumps in Franklin 6A4-15-B3 engines in Bellanca Model 14-13 airplane and Franklin 6V4-178-B32 engine in Bell Helicopter Models 47 by leakage of oil between the diaphragm layers, install a special seal gasket between the lower pump body and the diaphragm. (The special seal gasket is incorporated in the fuel pump overhaul kit, Aircooled Motors Part No. RA-115 or AC Part No. 1539072.) It is advisable to install a new diaphragm at the same time. (Franklin Service Bulletin No. 72 covers this same subject.)

49-5-3 RYAN (Applies to airplanes equipped with Continental Model E185-3 engines having Serial Nos. 4289-D to 5110-D inclusive, and engines which have been equipped at overhaul with Tri-Metal front main bearing inserts and bronze thrust washers in accordance with Continental Bulletin No. M48-7)

To be accomplished as soon as possible but not later than the first major engine overhaul.

Because of unsatisfactory service experience with Continental E185-3 engines equipped with No. 530497 Tri-Metal front main bearing inserts, and with Nos. 530494, 530495, 530544 thrust washers and 530545 dowel pins, these parts must be replaced with the original silver main thrust bearing inserts, Continental No. 40644. (Continental Service Bulletin M48-30 covers this same subject. Ryan Navion Field Service Bulletin No. 5 outlines the interim precautions to be taken on airplanes equipped with the unsatisfactory thrust washers until silvermain thrust bearings are installed in accordance with this note.)

49-6-1 MARTIN.

Superseded by 49-9-1.

49-6-2 DOUGLAS.

To be accomplished at every 8,000 hours of total flight time.

Replace the following attachment bolts: (1) fuselage to center wing, (2) outer wing to center wing, (3) vertical stabilizer to fuselage, (4) horizontal stabilizer to fuselage and, (5) engine mount to firewall. The 8,000-hour period may be extended to 16,000 hours when studs 2325933 or 2340697, 2353832, 4329243 and 4333164 are replaced with studs 2361992, 2361993, 4361995 and 4361994, respectively, having letter "R" stamped on thread end and bolts in all other attachments listed are placed with NAS bolts with threads rolled after heat treatment. Bolts and studs removed from the airplane are to be scrapped and are not to be used again. (Douglas Service Bulletin DC-6 #410 contains a list of all studs and bolts affected and their replacements.)

49-6-3 BOEING.

Superseded by 50-11-1.

49-6-4 BOEING.

The eleven convolution type altitude compensating bellows, Bendix P/N 390935, shall be replaced with new bellows after each 100 hours of operation until the nine convolution type Bendix P/N 391003 is available and has been installed in the carburetor.

49-6-5 STINSON.

Superseded by 49-16-2.

49-7-1 BEECH.

Superseded by 49-28-2.

49-7-2 NORTH AMERICAN.

Compliance required not later than April 1, 1949.

Accidents have occurred in the above model aircraft from engine stoppage on take-offs and landings when operating on the left tank standpipe outlet with the fuel in the tank down to the level of the standpipe.

Such engine stoppages have occurred because pilots not fully familiar with the fuel system have misinterpreted the left tank fuel gage as indicating total available fuel quantity with selector valve on the Left Hand Main (standpipe) position, unaware that the change to Reserve or Right Hand Main position must be made before the fuel level in the left tank drops to 20 gallons.

To preclude the possibility of pilot error with regard to the foregoing, the following placard shall be installed in each cockpit: "CAUTION: Unless Left Tank is full, use Reserve or Right Tank for Take-off and Landing."

49-7-3 CONSOLIDATED-VULTEE.

Compliance required not later than April 1, 1949.

Several accidents have occurred in the above model aircraft from engine stoppage on take-offs and landings when operating on the right tank standpipe outlet with the fuel in the tank down to the level of the standpipe.

Such engine stoppages have occurred because pilots not fully familiar with the fuel system have misinterpreted the right tank fuel gage as indicating total available fuel quantity with selector valve on Right Hand Main (standpipe) position, unaware that the change to Reserve or Left Hand Main position must be made before the fuel level in the right tank drops to 17 gallons.

To preclude the possibility of pilot error with regard to the foregoing, the following placard shall be installed with each cockpit: "CAUTION: Unless Right Tank is full, use Reserve or Left Tank for Take-off and Landing."

49-8-1 BOEING.

Superseded by 50-18-1.

49-9-1 MARTIN.

Superseded by 49-15-2.

49-9-2 RYAN (Applies to airplanes equipped with Adel electric booster pumps. The following Adel pumps do not require modification in accordance with this directive: (1) Pumps with serial numbers above 2451, (2) Pumps having a red painted band on the pump housing, (3) Pumps having the letters "G" or "S" suffixed to the pump serial number)

To be accomplished as soon as possible but not later than April 1, 1949.

Several instances of air leakage into the fuel system have been reported on Navions equipped with Adel electric booster pumps. It has been determined that air can enter the fuel system through the 0.062-inch diameter hole in the plate at the rear of the Adel pump inlet chamber. This hole was originally provided to prevent overboard drainage of fuel through a faulty pump shaft seal while the pump was running.

All of the pumps affected require blocking of the hole at the rear of the pump inlet chamber. This is accomplished in the field by means of an Adel manufactured wire plug which is inserted into the hole through the pump inlet port. Pumps with serial numbers below 1600 which do not have the letter "R" suffixed to the serial number also require replacement of the pumpshaft running seal spring.

Adel Accessories Service Bulletin No. 147-49 describes these changes. The required plug and spring and copies of the Adel Bulletin and Ryan's covering Service Letter No. 57, may be obtained from the Ryan Aeronautical Company, San Diego, California.

49-11-1 RYAN (Applies to airplanes equipped with Carter fuel pumps. Continental P/N 530509 (Carter M687-S and M688-S) or Continental P/N 50275)

To be accomplished as soon as possible but not later than April 15, 1949.

Due to Carter fuel pump lower diaphragm failures, caused by diaphragm deterioration due to excessive pump temperatures when pumps are run dry, the two Carter pumps should be connected in series to insure that fuel will be continuously flowing both pumps and that the pumps will not overheat.

It is therefore required that all parallel Carter pump fuel systems be converted to the series pump arrangement, or, as an alternative, that either an approved Ryan fuel system incorporating an Adel electric booster pump or an equivalent approved fuel system be installed. Ryan Navion Field Service Bulletin No. 7 also covers this subject and describes means for connecting the fuel pumps in series. In addition, the daily inspections for looseness of the pump lower bowl, which are specified in Section II of Ryan's Bulletin No. 7, should be continued.

This supersedes Note 48-40-1.

49-11-2 AERONCA (Applies to serial numbers 7AC-1 to 7AC-7170 inclusive, 7BCM-1 to 7BCM-339 inclusive; 11CC-150 inclusive; and all 11AC and 11BC serial numbers)

Compliance required at next periodic inspection but not later than May 1, 1949.

To prevent failure of the rear fuselage-wing [illegible] x 1/4 4130 steel plate should be welded in [illegible] 1726 fuel flight [illegible]

25 hours of operation on the early type cylinders, the following must be accomplished:

Superseded by 49-11-2.

tinental Bulletin No. M48-7)

standpipe.

spection but not later than May 1, 1949.

To prevent failure of the rear fuselage-wing attachment fitting, reinforcement is to be accomplished by either of the following methods:

1. Cut on both sides of the rear spar fuselage carry through tube, at each end, a vertical slot ¼ inch long. Insert a ⅝-inch by 0.083 (or heavier wall) 4130 steel, square or round tube having a minimum length of 2½ inches and weld both sides of slot top and bottom of tube. Drill and ream bolt hole 0.250 +0.001, −0.000.

2. Insert in each rear spar fuselage wing attachment fitting, on both sides of airplane, a ⅝-inch by 0.083 (or heavier wall) 4130 steel tube having a minimum length of 4⅜ inches. The insert tube should have a 0.250 +0.001, −0.000 hole drilled 9/16 inch from outer end of tube, and reamed prior to installation. Bolt insert tube in fitting, then drill two vertical 0.250 +0.001, −0.000 holes through the fuselage carry though tube and the insert tube at 3 and 4 inches, respectively, from end of fitting. Four AN-4-11A bolts and AN 365/428 nuts or equivalent are required to bolt in the two insert tubes.

3. Insert through the entire length of the rear spar fuselage carry through tube a ⅝ inch by 0.083 (or heavier wall) 4130 round or square tube. The insert tube should have a hole drilled and reamed 0.250+0.001 minus 0.000, 9/16 inch from each end of the tube to line up with the original bolt holes. The insert tube should be secured to the fuselage carry through tube by means of one AN4-11A bolt and AN365-428 nut or equivalent through both tubes anywhere between the longerons (drill and ream 0.250, + 0.001, minus 0.000) or by welding both ends of the tubes together.

Airplanes having the ⅝ inch by 0.065 reinforcement tube installed prior to the issuance of this revision need not change to the 0.083 wall tube. Aeronca Service Helps and Hints No. 43 covers this same subject.

This supersedes Notes 47-50-1 and 49-2-3.

49-12-1 CURTISS WRIGHT (Applies to all C-46A, C-46D, C-46E and C-46F airplanes)

To be accomplished as soon as possible but not later than the next 25 hours of operation and at each 500 hours of operation thereafter.

Inspect the aileron trim tab motor support bracket (Part No. S-20-030-5050), attached to the aft face of the 70 percent rear spar at wing station 178.36 for cracks. Defective parts should be replaced.

49-12-2 RYAN (Applies to all Navion airplanes equipped with Romec engine-driven fuel pumps)

To be accomplished as soon as possible, but not later than May 1, 1949.

On some of the Romec fuel pumps, a 1/16-inch hole has been drilled through the ⅛-inch pipe plug which closes the vent opening at the top of the pump. This is a fire hazard since, in the event of pump seal failure, fuel could squirt from this hole into the generator which is directly above the fuel pump, and into the engine compartment. It is therefore required that all drilled vent plugs be replaced by undrilled plugs.

The Ryan factory has accomplished this change in production, starting with airplane serial number 1823. Undrilled vent plugs are being painted with zinc chromate primer at the Ryan factory.

49-13-1 AERONCA.
Superseded by 49-15-1.

49-13-2 BELLANCA (Applies to Model 14-13, 14-13-2 and 14-13-3 aircraft as indicated by serial numbers below)

Compliance required by July 1, 1949.

1. (Applies to serial numbers 1060 through 1567, and 1570 through 1573.) In order to strengthen the fitting on the rear wing spar to which the landing gear drag strut attaches, Bellanca Part No. 7560, a 0.065 x 1¼ x 1⅜ 4130 steel plate should be welded in place at the forward intersection of the two channel sections. (Bellanca Service Bulletin No. 18 covers this same subject.)

2. (Applies to all serial numbers prior to 1589.) In order to prevent over-stressing the landing gear drag strut, a suitable stop should be provided at the lower end of the landing gear retracting screw. The stop should be so installed and adjusted as to limit the drag strut travel to that necessary to fully extend the gear. (Bellanca Service Bulletin No. 24 covers this same subject.)

49-14-1 PIPER (Applies to Model J3 Series, Serial Nos. 14027 and up; PA-11, Serial Nos. 11-1 to 11-910; and PA-12, all airplanes)

To be accomplished by April 20, 1949.

Inspect the fittings (Part No. 40861) at each end of the elevator connector tube (Part No. 40261) to determine if the end fittings are riveted to the tube with two rivets 90° apart. If not, attach the end fitting to the tube with two 1/8" diameter, ¾ inch long soft steel, flat or round head rivets 90° apart; or replace with a new connector tube assembly. Full forward position of the control stick will expose the rearward fitting and full rearward position of the stick will expose the forward fitting. (Piper Service Bulletin No. 111 covers the same subject.)

49-14-2 CESSNA.
Superseded by 51-10-4.

49-14-3 CONTINENTAL ENGINES.
Superseded by 49-47-1.

49-14-4 STINSON.
Superseded by 49-18-2.

49-15-1 AERONCA (Applies to all Models 11AC and 11BC aircraft)

To be accomplished not later than July 1, 1949.

In order to prevent the seat belt anchorage from failing during crash landings, it has been found necessary to modify the seat installation as follows:

1. If there is no need for an adjustable seat, the rear sliding lugs on each side of the seat should be bolted to the slide tube using 5/16 or ¼-inch diameter AN bolts.

2. If the seat is to remain adjustable, two 1/8 7 x 19 steel snare cables looped around each end of the seat frame cross tube and the lower end of the vertical side fuselage tube located aft of the seat should be installed so that they will be taut with the seat in the most forward position. Any approved type cable clamp may be used for joining the ends of the cable. (Aeronca Helps and Hints No. 42 covers this same subject.)

This supersedes Note 49-13-1.

49-15-2 MARTIN (Applies to all Model 202 aircraft)

I. To be accomplished prior to return to service.

The wing splice attachment fitting, Station 187, must be inspected and re-worked in accordance with the procedures outlined in Martin Service Bulletin No. 73, revised May 10, 1949, including the following amendments; Amendment 1, revised October 14, 1948; Amendment 2, revised May 10, 1949; Amendment 3, dated October 5, 1948; Amendment 4, dated October 15, 1948; Amendment 5, dated December 27, 1948; Amendment 6, dated May 10, 1949.

II. Compliance required as indicated.

The inspections outlined in the above Service Bulletin No. 73 must be conducted on all aircraft as follows:

1. Conduct the inspections outlined above in Service Bulletin 73 at maximum intervals of 900 hours and beginning with the last inspection conducted at approximately 1500 hours total flight time, the succeeding intervals shall not exceed 600 hours.

2. Conduct the inspections of amendments 2 and 6 of Service Bulletin 73 between 1500 and 1700 total flight hours and at maximum intervals of 200 hours thereafter.

As an added precautionary measure do not operate the aircraft in excess of ninety percent of the placard V_{ne} and V_{no} speeds as shown on aircraft specification A-795. In the event any turbulence is encountered in flight, immediately reduce the speed to a maximum of 170 m. p. h. and further reduce the speed to a maximum of 150 m. p. h. dependent upon the severity of the turbulence. (Suitable revisions to the operating manual will be provided.)

III. Compliance required as indicated.

1. Compliance with the Glenn L. Martin Schedule No. 202-87-1, calling for the return of 202 aircraft to the Glenn L. Martin Company factory during 1949 for incorporation of modifications described in Martin Service Bulletin No. 87 is hereby directed.

2. After this has been accomplished on each airplane, Items I and II above are no longer applicable to that airplane.

This note, effective April 6, 1949, supersedes 49-9-1.

49-15-3 BEECH (Applies to all Model C18S and AT-11 aircraft equipped with: (1) Nose fuel tank or (2) Wing fuel tank vents which discharge below the wings)

Compliance required not later than next annual inspection.

As a result of fuel or vapors discharged from fuel tank vents entering the tail wheel well, fuel fumes in hazardous concentrations may collect in the airplane's cockpit and cabin. To preclude this condition, the following must be accomplished:

1. If the airplane is equipped with a nose fuel tank, install adjacent to the fuel tank selector valve a suitable placard which reads "Use Nose Tank for Warm Up-Take-Off on Main Tanks—At Safe Altitude use nose Tank."

2. On airplanes with wing tank vents extending below the wing, accomplish either 2 (a) or 2 (b) or 2 (c).

(a) Using an adequate tube splice, extend the rear fuel tank vents to a distance of seven inches below the wing skin. The ends of these vents are to be scarfed at 45° with the scarfed surface facing aft.

(b) Relocate the outlet end of each rear tank vent to a point approximately twenty-seven inches outboard of its present position.

(c) Install a suitably designed fabric or equivalent fumeproof panel over the opening of fuselage bulkhead No. 12 to act as a draft barrier.

3. If the wing fuel tanks are equipped with two vent systems (one system having the vent outlet below the wing and the other, above) the system with the vent outlet below the wing should be removed from the rear tanks unless Item 2 is complied with.

(Beech Service Bulletin No. C18-10 dated January 31, 1949 covers this same subject.)

49-16-1 GRUMMAN (Applies to Model G-21A Serial Nos. B-34, B-35, B-38 through B-42, B-45 through B-51, B-53, B-54, B-55, B-57 through B-61, B-63, B-64, B-65, B-67, B-68, B-70, B-71, B-74, B-76, B-77, B-82, B-83, B-85 through B-90, B-92, B-96 through B-99, B-101, B-106, B-107, B-111, B-116, B-118, B-119, B-120, B-124, B-125, B-127 through B-134, B-137 through B-141, B-143, B-144, and B-145)

Compliance required as indicated.

By June 1, 1949, inspect the fuel tank baffles at wing stations 42, 54, and 75 through the hand holds in bottom of integral fuel tanks. If baffles are found riveted to angle stiffeners, no further action is required. If baffle stiffeners are attached by spot-welds, inspect for cracks. Airplane may continue in service, if no cracks are found in baffles, providing inspection is repeated each 100 hours. If cracking is not extensive and no spot welds are broken from ribs, the airplane may be operated if inspected each 50 hours. Extensively cracked baffles should be repaired by replacing spot welded baffles with riveted baffles. For further details, contact Grumman Aircraft Engineering Corporation, Bethpage, N. Y.

49-16-2 STINSON (Applies to all Model 108-2 and 108-3 Series aircraft, Serial Nos. 2250 and up)

Compliance required at next periodic inspection but not later than July 1, 1949.

To prevent wing fabric loosening along the upper surface of the front and rear spars in the area of the fuel tank causing a spoiler action, remove the fuel tank and inspect the upper surface wing fabric for proper installation, looseness and deterioration. The fabric should be wrapped securely around spar flange ending at spar web. If fabric is not installed in this manner or it is loose, the following shall be accomplished.

1. Resecure fabric to wing structure using at least a 4-inch width of surface tape as reinforcement. Dope to upper wing fabric along spar and wrap securely around spar flange stopping at spar web.

2. Reinstall fuel tanks.

3. Seal ⅛-inch crevice on upper wing surface (between fuel tank and spare) flush with wing contour using perma-plastic sealing compound compatible with doped fabric surface. (3-M Weatherstrip cement manufactured by the Minnesota Mining and Manufacturing Co., or equivalent, is acceptable.)

4. All rework should be in accordance with Civil Aeronautics Manual 18.

This supersedes Note 49-6-5.

49-17-1 CONSOLIDATED-VULTEE.
Superseded by 49-44-2.

49-18-1 CURTISS-WRIGHT (Applies to all Models of C-46 series airplanes used in passenger operation under provisions of Parts 41, 42, or 61 of the Civil Air Regulations as specified in Sections 41.20 (f), 61.30, and Amendment 42-8)

To be accomplished not later than the dates specified in above amendments as revised by special Civil Air Regulation No. 329 and any subsequent regulations affecting these compliance dates.

(This note pertains only to combustion heater fire protection aspects of the above Regulation Amendments. Separate Notes will be issued covering fire protection for the powerplant installation and for the baggage and cargo compartments of the airplane.)

(1) Each heater exhaust pipe shall be completely enclosed with well-ventilated, fireproof shrouds.

(2) Each heater combustion chamber shall be drained to the exterior of the airplane. All such drain lines shall be of fireproof construction and contain no traps in the normal flight or ground attitudes.

(3) The heater fuel components presently mounted on top of each heater shall be located in fuel and fume proof enclosures, ventilated and drained to the exterior of the airplane.

(4) The thermal overheat switches for each heater shall be rigged to shut-off the fuel supply and ignition circuits of the heaters when overheating occurs. These switches must also be arranged so as to prevent their automatically recycling to "On" once overheating has occurred. The present overheat switches are not intended to be used as cycling switches. If cycling to produce the required heat is necessary, it must be accomplished at a lower temperature by an additional cycling switch controlling a cycling solenoid.

(5) A manual fuel shut-off valve shall be provided. (USAF Technical Order 01-25LA-211 describes such an installation.)

(6) Adequate fire extinguisher and fire detector installations shall be provided for each heater. The fire detector installation shall contain at least one detector centrally located over the heaters in the heater area and one detector in the ventilating air duct of each heater just aft of the combustion chamber. The fire extinguisher system should provide at least 1 pound of CO_2 for each heater directed into the inlet side of the ventilating air stream. Instructions for operating this CO_2 system should also require that the ventilating air duct valve be closed when CO_2 is injected to the heater. With the arrangement as described, no flight tests of CO_2 contamination of the pilot's compartment or cabin area need be conducted. As outlined in the Airworthiness Directive concerning fire protection for the baggage and cargo compartments, however, flight tests to establish smoke evacuation procedures for the cargo compartments when these compartments are carrying cargo, will need to be accomplished. The results of these tests will determine the procedure to be followed to rid the airplane of noxious gases.

(7) Revision pages for the Airplane Flight Manual must be prepared to cover emergency fire procedures as well as smoke and other noxious gas elimination procedures.

49-18-2 STINSON.
Superseded by 49-42-1.

49-19-1 CURTISS-WRIGHT.
Superseded by 52-19-1.

49-20-1 CESSNA Applies to all Model T-50 (AT-17 series and UC-78 series) aircraft.

Compliance required on or before the next periodic inspection but not later than October 1, 1949, and at each annual inspection thereafter except as noted below. For former military aircraft compliance is also required prior to original civil certification.

The annual inspection may be discontinued when neoprene coated felt or equivalent non-absorbing padding under the gas tank has been installed and proper drainage and ventilation of fuel tank compartment is provided (see Note 45-20-1).

Remove fuel tanks and inspect rear spar and the area just outboard of rear spar fuselage fittings at the inside corner of the fuel tank compartment for indications of wood deterioration. If spar deterioration is found and does not exceed 1 inch of spar depth the spar may be repaired by the following method:

Remove the damaged wood of the spar and fit with a matched inlay by gluing to the spar with the ends of the inlay tapered in a ratio of no less than 15 to 1. A bottom reinforcement strip or plate of an approximate thickness of 0.4 of the depth of thickness of the inlay with a maximum of 0.4-inch thickness is to be matched and glued to the bottom surface of the spar. This bottom reinforcing strip should extend approximately 3 inches beyond the end of the glue line of the inlay strip. The installation of this reinforcement plate may require a rework of the spacer block at the attachment fitting and a rework of the fore and aft stringers where they attach to the bottom surface of the spar. The following contingencies apply in the repair of the spars:

(1) In the "5700 pound" wing spar, the material for the inlay lamination and bottom reinforcement strip or plate should be fabricated from birch, maple, or its equivalent.

(2) In the "5100 pound" wing spar, the material for the inlay lamination and bottom reinforcement strip or plate may be fabricated from spruce.

Workmanship, gluing process, quality of materials and other limitations and repair requirements of CAM 18 apply except where otherwise noted. After completion of the spar repair and repair or replacement of deteriorated gussets, stringers, etc., as necessary; the drain holes should be incorporated in wings in accordance with NOTE 45-20-1, if not already installed. If the drain holes are installed, it should be ascertained that they are open. The felt padding under fuel tanks should be inspected for evidence of absorption of moisture, and the padding replaced, if necessary, with neoprene coated felt or equivalent nonabsorbing material.

This supersedes Note 46-46-4.

49-20-2 CONSOLIDATED-VULTEE.
Cancelled September 26, 1949.

49-21-1 SIKORSKY.
Superseded by 49-44-1.

49-22-1 LOCKHEED (Applies to all Model 49, 149, 649 and 749 aircraft)
Superseded by 49-52-1.

49-23-1 BOEING Applies to all Model 75 series airplanes with crop dusting or seeding hopper installations.

Compliance required prior to next periodic inspection.

Inspect to determine whether fuselage bottom truss was altered for installation of hopper throat. All alterations involving the removal or revision of the truss members require that equivalent structural strength be provided. One open bay in the bottom truss either immediately forward or immediately aft of the cross member (streamline tube) at Station 2L is permissible provided that it is limited to a rectangle bounded by the longerons, the above-mentioned cross member and a ⅜ x 0.035, or larger, x-4130 tube parallel to the steamline tube and not more than eight inches forward or aft thereof. The inside corners of this open rectangle should have 0.065-inch x-4130 gussets, or equivalent, extending along the longerons at least 2 inches. (Boeing Report No. WD-10645 covers this same subject and includes an alternate alteration recommended as preferable to the above. Copies of the report are obtainable from the Boeing Airplane Co., Wichita Division, Wichita 1, Kansas.)

This supersedes Note 46-31-3.

49-24-1 DOUGLAS.
Superseded by 49-37-1.

49-25-1 CURTISS-WRIGHT Applies to all models of C-46 series airplanes used in passenger operation under provisions of Parts 41, 42, or 61 of the Civil Air Regulations as specified in Sections 41.20 and 61.30 and Amendment 42-8.

To be accomplished not later than the dates specified in the above amendments, as revised by Civil Air Regulation No. 329, and any subsequent regulations affecting these compliance dates.

When engaged in passenger-carrying operations, all applicable cargo-compartment fire-prevention measures including those concerning controls, wiring, lines, equipment, tie-down and lining materials, etc., must be complied with unless these cargo compartment(s) are not utilized and are placarded accordingly.

(NOTE: This Airworthiness Directive pertains only to the baggage and cargo-compartment fire-protection aspects of the above Regulation Amendments. Airworthiness Directives 49-19-1 and 49-18-1 have been issued covering fire protection for the powerplant installation and for the cabin-heater installation, respectively.)

(1) Lower forward cargo compartment. When access provisions suitable for ready entrance by a crew member are available for use, the lower forward cargo compartment can be classified in the "B" category and as such must meet the requirements of CAR 4b.38251 (b). (It is recommended that a mask suitable for protecting a crew member from the effects of both smoke and fire-extinguishing agents be provided, since entry into the compartment will be a necessary part of any fire-fighting procedure.)

(NOTE: That portion of 4b.38251 requiring cargo-compartment fire-detection means need not presently be complied with.)

(2) Lower rear cargo compartment. This compartment must be considered a "C"—category compartment unless provisions suitable for ready entrance by a crew member are provided. As a "C"—category compart-

ment, compliance with CAR 4b.38251 (c)

To preclude the possibility of engine mal-

taches, Bellanca Part No. 7300, a 0.065 x 1¼ 2 and 6 of Service Bulletin 73 between 1500 operated if inspected each 50 hours. Exten-

ment, compliance with CAR 4b.38251 (c) must be shown. If the compartment is modified to provide suitable access, compliance with the requirements of CAR 4b.38251 (b) for a "B"—category compartment must be demonstrated.

(NOTE: That portion of 4b.38251 requiring cargo-compartment fire-detection means need not presently be complied with.)

(3) It must be demonstrated that hazardous quantities of smoke or extinguishing agent cannot enter crew or passenger compartments as a result of a cargo-compartment fire. (4b.38252.) If the cargo compartment is determined to be in the "B" category, utilizing portable fire extinguishers, it is not necessary to test for excessive extinguishing agent concentrations. "C"-category compartments protected by built-in, remotely operated fire extinguishing systems will necessitate tests to determine that hazardous quantities of the agent cannot enter crew or passenger-occupied areas. Crew and passenger compartment smoke evacuation procedures must be established.

Tests to determine smoke evacuation procedures, and, where necessary, to determine fire-extinguishing-agent concentrations in crew or passenger compartments, should simulate fire conditions as nearly as possible in flight. Where it can be established that the airplane is identical or sufficiently similar to others on which tests have been conducted, it will not be necessary to repeat these tests.

(NOTE: Carbon-dioxide concentrations in excess of 3 percent by volume in crew compartment are considered hazardous.)

(4) The provisions of Safety Regulation Release No. 259, "Compliance of Equipment and Materials Used in Air-Carrier Aircraft With Fire-Prevention Requirements," must be considered in demonstrating compliance with this directive.

(5) AIRPLANE FLIGHT MANUAL. Appropriate changes to the Airplane Flight Manual shall be prepared to cover the emergency procedures associated with cargo and baggage-compartment fire control.

49-26-1 BEECH Applies to all Model 35 and A-35 airplanes equipped with an automatic reel trailing antenna

Compliance required by January 1, 1950.

Because of reported cases of jamming of the controls due to the rear antenna guide rail being knocked loose by the movable pulley assembly (Part No. 1X007) when the antenna wire was broken or came loose in flight, the following should be accomplished:

(1) Tack a plywood block to the wood antenna strip in the aft section of the fuselage, with ¾-inch No. 18 flathead nails. The rear end of the block should be at least 1¼ inches forward of the center line of the aft pulley.

(2) Stretch a rubber bumper ring over the block. Beech Service Bulletin Model 35 No. 13 and Model A-35 No. 4 dated March 15, 1949, covers this same subject.

49-26-2 PRATT & WHITNEY (Applies to all aircraft equipped with Pratt and Whitney R-2800 series engines and with AC Model LS-87 spark plugs)

Superseded by 54-4-1.

49-27-1 CONSOLIDATED-VULTEE Applies to all Army Model BT-13, BT-13A (Navy SNV-1); Army BT-13B (Navy SNV-2); and Army BT-15 aircraft

Compliance required not later than November 1, 1949.

Certain cases of engine failures at take-off in these aircraft have been traced to fuel starvation as a result of accumulations of water or ice in a short segment of the fuel line, between the fuel selector valve and the emergency pump unit. The segment of fuel line from the valve outlet port to a point approximately 12 inches forward forms a water trap which cannot be drained without disconnecting the line.

To preclude the possibility of engine malfunctioning from ice accumulation in this line, either of the following modifications must be accomplished:

1. Provide a new support bracket for the fuel selector valve which will raise the bottom of the valve, and the lowest point of the fuel line from the valve to the emergency fuel pump unit inlet port, to a height slightly above the level of the emergency pump unit inlet when the aircraft is in the 3 point position on level terrain, or

2. Provide a new selector valve, having the outlet port not lower than the inlet ports, and installed in such a manner that there will be a continuous up slope in the fuel lines from the fuel tank outlet to the emergency pump unit inlet when the aircraft is in the 3 point attitude.

49-27-2 PIPER Applies to Model PA-12, Serial Nos. 12-1 and up, and Model PA-14, Serial Nos. 14-1, through 14-193

To be accomplished not later than October 1, 1949.

Several aileron (and flap on Model PA-14) aluminum bellcrank castings (P/N 40092) have been found with cracks across the ears of the forked end. These cracks are believed caused by excessive tightening of the bolt which attaches the push rod to the castings. Inspect the forked end of these bellcrank castings and replace those found cracked. (Piper Service Bulletin No. 109, dated November 9, 1948, covers this same subject.)

49-27-3 DOUGLAS Applies to all Model C54-DC and DC-4 Series aircraft.

To be accomplished as indicated below:

1. Prior to 5,000 hours total airplane time, or at next scheduled inspection at which necessary facilities are available, on airplanes with more than 5,000 hours total time, inspect nose gear yoke and fittings, P/N 5087950 and either 5087951 or 5180402 to determine if the half-inch radius fairs in properly with the journal. All parts having a poor radius condition must be replaced immediately with parts having the correct radius fairing into the journal. This inspection does not have to be repeated if already accomplished.

2. Parts having a good radius must be replaced at each 17,500 hours airplane operation time. If the replacement parts have been shot peened, as per Douglas Aircraft Company recommendations, the replacement time may be extended to 30,000 hours airplane operation time.

3. Unused parts having a poor radius may be used, after being reworked according to Douglas Aircraft Company recommendations.

4. All used nose gear yoke end fittings having not more than 17,500 hours total time may be reinstalled and used for a total time of 30,000 hours if Zyglo Inspection reveals no cracks; the radius of the journal is properly reworked to meet the limiting dimensions of Douglas E. C. 1361954 and the part is shot-peened in accordance with Douglas Aircraft Company Standards.

5. At the time of replacement of parts as per Item 1, or at the next major aircraft overhaul period, rework bushing, P/N 1087938, to incorporate a ⅛-inch radius on the inside diameter at the flanged end of the bushing. Rework ring, P/N 2103390, by providing a 0.031-inch radius on the inside edges.

(Douglas Service Letters A-214-T.51/WBM dated January 7, 1948; A-214 TS2249/WBM dated November 25, 1947; and A-214 TS1572/WBM dated October 20, 1947, cover the above.)

This supersedes Note 48-24-2.

49-28-1 RYAN (NORTH AMERICAN) Applies to all Navion airplanes equipped with Product Techniques, Inc., Propeller Spinners.

To be accomplished as specified below:

In order to preclude the possibility of continued use of any unsatisfactory spinners which may be in existence, the following steps must be taken:

1. Spinners not previously installed on an aircraft must be inspected before installation for the thickness of the bulkhead. This may be accomplished by measuring the thickness of the bulkhead at the perimeter; measurements should be taken about one-half inch from the edge for best accuracy. The manufacturing process used in fabricating the bulkheads reduces the gage of the material about 0.012 inch at the perimeter. Bulkheads measuring less than 0.045 inch at this point must be replaced with heavier gage steel bulkheads.

2. Spinners which have partially completed the inspections previously required by AD Note 49-1-1 may continue in service until the next 10 hour inspection at which time the bulkhead should be gaged as specified above and replaced if under 0.045-inch thickness.

3. Spinners having satisfactorily passed the five inspection periods required by AD Note 49-1-1 must be inspected for bulkhead thickness, as specified above, within the next 50 hours of flight, and replaced if under 0.045-inch thickness.

It has been determined that bulkheads of 0.058-inch and .064-inch cadmium plated steel are satisfactory and do not require the periodic inspections previously specified in Note 49-1-1. However, bulkheads made of thinner gage steel, or of aluminum, are unsatisfactory.

This supersedes Note 49-1-1.

49-28-2 BEECH.

Superseded by 51-14-1.

49-29-1 REPUBLIC, GRUMMAN Applies to all RC-3 and G-44 Aircraft equipped with Hartzell HC-12 x 20 Controllable Propellers

Superseded by 53-6-2.

49-29-2 BEECH Applies to all Model D18S, D18C and D18C-T aircraft.

Compliance required not later than December 1, 1949.

Inspect the control linkages with rudder return springs for wear at the forward end of the springs. If the linkages are worn ½-inch or more below the surface for half the tube circumference or greater they should be replaced, otherwise the linkage is considered serviceable. Synthetic rubber bushings should be installed between the springs and the linkages at the forward end of the spring to prevent further wearing of the linkages. To hold the bushings, retaining clips should be installed over the ends of the springs and the last coil of the spring closed by tack welding to prevent the clip from backing off.

If the rudder return springs have not been installed previously on the rudder control linkages the complete linkages should be replaced with those incorporating springs and synthetic bushings. It will also be necessary to install spring brackets to the rear stabilizer spar. (Beech Service Bulletin D18-54 covers this same subject and cancels and supersedes Service Bulletins D18-36 and D18-50 and Service Letter D18-26.)

This supersedes Note 47-51-9.

49-30-1 DOUGLAS AND CONSOLIDATED-VULTEE Applies to all DC-6 and 240 aircraft equipped with Curtiss Model C632S-A propellers

Compliance required as soon as possible but not later than August 15, 1949.

Because of a number of cracks having been discovered in the threaded portion of the hub barrels of the C632S-A propellers preflight visual inspections must be made in accordance with Curtiss Instructions to All Owners, dated May 12, 1949.

It is strongly recommended that wherever the necessary equipment is available, magnetic inspections be made in accordance with Curtiss Instructions entitled, "Field Magnetic Inspection of C632S-A Hubs."

Any hubs revealing cracks must be retired from service immediately.

The above inspections are to remain in effect as long as these propellers are in service regardless of any rework accomplished.

Operational procedures for the Douglas DC-6 during ground run, take-off and climb, as recommended by the Douglas Company telegram of May 25, 1949, must also be complied with.

49-30-2 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft

Compliance required at next scheduled engine change.

Instances have been reported in which the augmenter vanes showed a tendency to bind under high temperature. To preclude the possibility of such instances in the future, the following must be accompanied on each of the four augmenter tubes:

1. Increase the I. D. of the augmenter van shaft bushing to 0.509+0.005 −0.0000 inch.

2. Reduce the O. D. of the augmenter vane shaft to +0.000 −0.005 inch.

This subject is also covered by Convair-Liner Service Information Letter No. 407.

In the event that it is desired to secure the specified clearance between the shaft and bushing by increasing the bushing I. D. only, this is an acceptable alternative. However, the 0.514-inch upper limit for the bushing I. D. should not be exceeded.

49-31-1 BEECH Applies to Model 35 and A-35 aircraft, serial Nos. D-1 to D-1935, inclusive, equipped with hand emergency fuel pumps which have not been modified to incorporate the double "O" ring shaft seal, Beech Part No. 35-924070

Compliance required not later than October 1, 1949, and each 100 hours of aircraft operation thereafter.

To prevent possible hazardous loss of engine power resulting from introduction of air into the airplane's fuel system, inspect the hand emergency fuel pump installation for indications of a defective "O" ring shaft seal. A defective shaft seal may be indicated by fluctuating engine fuel pressure, fuel fumes in the cabin or evidence of fuel leaks around the hand pump's shaft. If a defective shaft seal exists, accomplish proper repair or replace the single "O" ring shaft seal with the double "O" ring shaft seal, Beech Part No. 35-924070. After the double "O" ring shaft seals are installed, the 100-hour inspection is no longer required. (Beech Service Bulletin Model 35, No. 14—Model A35, No. 5 dated July 6, 1949, covers this same subject.)

49-31-2 REPUBLIC Applies to all Model RC-3 (Seabee) airplanes

Compliance required not later than October 1, 1949.

In order to eliminate the possibility of engine failures resulting from fuel starvation due to incorrect procedures of checking the fuel tank capacity, the following placard must be installed in the vicinity of the fuel tank filler neck:

"Warning. Do not check fuel with engine running, or within five minutes after shutdown. Always insert stick with calibrated side facing ground."

Republic Service Bulletin No. 23, dated June 3, 1949, covers the same subject.

49-32-1 FLEETWINGS Applies to all Model F-5 and F-401 aircraft

Compliance required as soon as possible but not later than September 1, 1949.

Because of recent accident believed to be due to failure of the rear engine support strut or its attachments, conduct close inspection of all engine support members and their attachments. Cracked or damaged member should be replaced or repaired.

49-33-1 DOUGLAS Applies to all Model DC-6 airplanes equipped with Hamilton Standard Model 43D60/6851A-0 propellers

Compliance required not later than September 10, 1949.

As a precautionary measure against fatigue failure, Hamilton Standard Model 43D60/6851A-0 propeller blades may not be operated in excess of 3,500 hours unless the taperbores have been remachined and reshotpeened by the manufacturer. In addition, any blades of this model which have sustained damage sufficient to change their face or edge alignment shall be withdrawn from service pending final results of manufacturers test program.

49-34-1 CONSOLIDATED-VULTEE Applies to all Model 240 airplanes incorporating activated reversing propellers

Compliance required as soon as possible but in any event not later than August 29, 1949.

Two cases have been experienced in which inadvertent reversal of the propellers occurred in flight during approach for landing.

To minimize the possibility of inadvertent reversal, an item shall be added to the "before landing" cockpit check list requiring that the reverse throttle stop override handles be checked to assure that they are in the retracted ("in") position.

49-34-2 BELL Applies to all Model 47D1 helicopters

Compliance required as soon as possible but not later than September 2, 1949, and daily thereafter.

As a result of several fatigue failures of the attaching clamps on the ventral fin and at the attaching bolt holes of the fixed tab, these parts should be visually inspected daily until a permanent fix is available. If cracks are detected, either in the AN735 clamps, the ventral fin, or the fixed tab, the effected part should be replaced prior to the next flight. (Bell Service Bulletin No. 70 covers the same subject.)

49-35-1 KOPPERS PROPELLERS

Superseded by 49-42-1.

49-35-2 BELL Applies to all Model 47B, 47B3, 47D, and 47D1 Series helicopters

Superseded by 49-52-2.

49-36-1 LOCKHEED

Superseded by 49-49-1.

49-37-1 DOUGLAS Applies to all Model DC-6 airplanes.

Canceled February 6, 1950.

49-38-1 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft incorporating original type nose strut outer cylinder, Bendix Part No. 156842.

To be accomplished on number 1 inspection on all nose landing gear struts whose total operating time exceeds 1,000 hours.

Cracking of the nose gear landing struts in the areas directly below the drag link attachment legs, has been experienced on some CV-240 service aircraft whose total time exceeds approximately 1,000 hours. These cracks appear to be the result of repeated loadings experienced by the gear during landings. In order to insure the continued airworthiness of the aircraft, the nose landing gear shall be examined closely, using visual means, for evidence of any cracks in the areas directly below the drag strut attachment lugs.

When cracks are found, it may be possible to repair the damage by grinding, blending and polishing, depending upon the extent and depth of the cracks. All struts not eligible for such repairs are to be retired from service (Bendix Service Bulletin L. G. 509 covers the subject).

The above-described inspection may be discontinued on those struts which have been reinforced by the addition of a support clamp and eye bolts, or their equivalent, to alleviate the loading condition which caused the development of cracks.

Struts reworked in accordance with Bendix Service Bulletin L. G. 511 and incorporating a support clamp and eye bolts in accordance with Bendix Service Bulletin LG 510 are eligible for service and do not require the above inspection. (Bendix Service Bulletin L. G. 310 covers this same subject.)

49-38-2 DOUGLAS Applies to all Model DC-4 and C-54 aircraft.

To be accomplished at every 9,000 hours of total airplane flight time.

In those cases where the present bolts have or will have accumulated more than 9,000 hours time, prior to the next regular overhaul period, the first replacement time may be extended, at the discretion of the C. A. A. inspector, to coincide with a regular overhaul period but in no case should the adjustment time exceed 1,500 hours accumulated after January 26, 1948. Thereafter the bolt replacement shall be at the 9,000 or 18,000 hour period, whichever is applicable.

Replace the following bolts: Fuselage to Center Wing Attachment; Outer Wing to Center Wing Attachment; Vertical Stabilizer Attachment to Fuselage Tail, Station 953; Engine Mount to Fire Wall Attachment; Horizontal Stabilizer to Fuselage Tail Assembly Attachment.

The 9,000-hour period may be extended to 18,000 hours when studs 4105725-1 and -2 in outer wing attachment have been replaced with special studs Nos. 4357723-1 and -2 having letter "R" stamped on thread end and bolts in all other attachments listed are replaced with NAS bolts with threads rolled after heat treatment.

The bolt part numbers and the number of bolts required are shown on pages 4 and 5 of the Douglas Service Magazine of August 1947. Bolts removed from the airplane are to be scrapped and are not to be used again. (Douglas Service Letter No. 66, Supplement No. 2, dated July 18, 1951, covers this same subject relative to wing alignment at Station 421.)

This supersedes Note 48-4-3.

49-39-1 CESSNA Applies to all Model 120 and 140 aircraft, Serial Numbers 8001 to 15035 inclusive.

Superseded by 50-31-1.

49-40-1 LUSCOMBE Applies to all Model 11A aircraft.

Compliance required on or before the next periodic inspection but not later than December 1, 1949.

To preclude the possibility of the elevator trim tab actuating horn becoming disconnected from the trim tab, with consequent serious vibration of the horizontal tail surfaces, it is necessary to rework the attachment of the trim tab horn by adding more rigidity to the attachment.

This rework can be accomplished by fabricating two blocks from solid 24 ST aluminum alloy that will fit inside the inboard end of the trim tab, one located at the extreme inboard end to which the steel trim tab horn attaches and other one located diagonally chordwise inside the trim tab, with the forward end located approximately 2½ inches and the aft end approximately 1 inch from the inboard end of the trim tab. These blocks, which actually are equivalent to solid ribs, should be approximately ¾ inch wide and shaped in elevation to fit the inside contour of the trim tab. The attachment of these ribs should be effected by four AN456-AD4 rivets in each, drilled on assembly, with the rivets driven through both upper and bottom skins of the trim tab. The trim tab horn should be attached to the trim tab through their regular attaching holes, riveting the horn with two AN456AD4 rivets to the chordwise end of the inboard revised solid rib and the two remaining holes as originally attached with two AN456AD4 rivets. The aluminum alloy blocks or ribs should be finished with a protective coating of zinc chromate prior to assembly to the trim tab. An equivalent modification to that described above and in Luscombe Service Bulletin is acceptable. Luscombe Service

Bulletin No. 1-1149, dated January 25, 1949

a water trap which cannot be drained without disconnecting the line.

In order to preclude the possibility of continued use of any unsatisfactory spinners

Any hubs revealing cracks must be retired from service immediately.

tember 10, 1949.

a support clamp and eye bolts in accordance

that described above and in Luscombe Service Bulletin is acceptable. Luscombe Service

Bulletin No. 1–1149, dated January 25, 1949, covers this same subject.

49–40–2 PRATT & WHITNEY Applies to Double Wasp CA Series (–3, –5, –15, –18) and Military R–2800–C Series (–22, –22W, –34, –34W, –57, –73, –77, –81, –83, –85) engines.

To be accomplished at next overhaul but in no case later than March 1, 1950.

To preclude the possibility of complete loss of power as a result of failure of the supercharger impeller thrust bearing, the engine must be modified to incorporate a new thrust plate Part No. 127770 with larger (No. 51) oil feed holes. Also Part No. 84012 thrust spacer must be reworked to incorporate circumferential oil skates. Details of this modification and rework are given in Pratt & Whitney Service Bulletin No. 892, Rev. B.

As a precautionary measure, it is recommended that the engine be operated with minimum use of high ratio supercharger and that particular attention be directed toward keeping oil sludge to a minimum until the above modification has been accomplished.

49–40–3 PRATT & WHITNEY Applies to all R–3800B series (–21, –27, –43, –51, –59, –63, –71, –75, –79) engines installed in certificated aircraft.

Canceled January 4, 1954.

49–41–1 LOCKHEED Applies to all Model 649, 749 and 749A aircraft equipped with Curtiss Model C632S–A propellers and Wright Model 749C18BD–1 engines.

Compliance required on items 1, 2 and 3 by October 11, 1949.

In order to reduce the possibility of subjecting propellers to excessive stresses and to detect hub cracks which may have been caused by such stresses, the following steps are to be taken:

1. Change present 2100–2375 RPM restriction to 2050–2375. Placard airplane or mark tachometer with green radial line for single point operation at 2025 RPM. Other restrictions listed in AD 48–26–1 still apply.

2. Limit gross weight to 102,000 pounds maximum.

3. On hubs having more than 1,500 hours total service time, visually inspect for cracks the rear outboard portions of the hub barrels. Inspection is to be continued at intervals as close to ten hours as practical but not exceeding 20 hours maximum. It is strongly recommended that whenever the necessary equipment is available, magnetic inspections be made at the same intervals in accordance with Curtiss Instruction entitled "Field Magnetic Inspection of C6832–S–A Hubs." Remove from service any hub showing a crack. To facilitate these inspections, the propeller power unit is covered or sealed to prevent the entrance of water in the unit. As an alternate to the removal of the spinner, these inspections may be conducted through three five inch diameter holes located in the side of the spinner in accordance with instructions issued by Curtiss.

4. All C632S–A hubs (Part 116366) with over 2,000 hours total time shall be retired from service as soon as possible and not later than November 30, 1949.

5. Items 1 and 2 above also apply when the C–632S–B hub (Part No. 129914) is used to replace the C632S–A hub (Part No. 116366).

49–42–1 KOPPERS PROPELLER Applies to all aircraft equipped with Model F200 "Aeromatic" Propellers (Does not apply to "Aeromatic Model 220 Propellers")

Superseded by 50–34–1.

49–42–2 PRATT & WHITNEY.

Superseded by 49–46–2.

49–43–1 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft with Muff Type Augmenter Installation.

Compliance required as noted below:

1. To be accomplished immediately and each day thereafter: To avoid a possible fire hazard inspect corrugated augmenter tube for cracks or burned areas. This inspection is to be conducted from the rear end of the augmenter by means of an extension mirror and light, or equivalent means.

2. To be accomplished at each #1 inspection. Inspect the augmenter tube from both the front and rear ends for cracks or burned areas as described above.

3. Cracked or burned augmenters are to be replaced immediately unless the defects fall within the following limits:

(a) Augmenter tubes which are found to have a crack, or cracks, in the outer shell may be flown in scheduled operation to a base station for replacement if the cracks are less than ¾-inch long, no more than three cracks exist in the outer shell, and no two cracks are within 6 inches of each other.

(b) Augmenter tubes found to have small cracks at the ends of seam welds on the wear band (doubler) at the forward end of the outer shell, are considered airworthy. Such cracks, when confined to the wear band, do not affect the safety of the tube and have shown no tendency to progress to a dangerous condition.

4. The inspections specified in (1) and (2) are not necessary on the following augmenter types:

CVAC Part No. 240-6220195 with any of the following forward augmenter sections: 240–6221107, 240–622107–250, –252, –260, –262, –264, –268, –280, –290, –300, –314, –360.

This supersedes Note 48–40–3.

49–43–2, LUSCOMBE Applies to all Model 8 Series aircraft.

Compliance required before December 15, 1949, or at the next 100-hour inspection, whichever occurs first.

As a result of several cases of excessive tightening of the attachment bolts for the stabilizer-fuselage front fittings thereby crushing the spacers and spar flanges, the following inspections and/or replacement are necessary:

Inspect for crushing of the stabilizer front spar and the aluminum alloy reinforcing spacers. A slight set in the spar flange is not considered critical as long as no cracks exist in the spar.

If appreciable crushing of the spar flange or cracks are found, the spar must be repaired and the aluminum alloy reinforcing spacers must be replaced. If spacers are crushed, they must be replaced.

Spacers should be replaced with similar spacers fabricated of 4130 steel of at least 0.049-inch thickness and may be attached to the spar using blind rivets the same size as the original rivets. An acceptable alternate replacement spacer may be made by cutting a ⅜-inch by 0.049-inch steel tube to fit between the spar flanges. The steel spacers should be zinc-chromated prior to reassembly.

Excessive tightening of the attachment bolts should be avoided on reassembly. (A torque value of 50 to 75 inch-pounds should be sufficient.)

49–44–1 SIKORSKY Applies to all Model S–51 Helicopters.

Superseded by 56–13–2.

49–44–2 CONSOLIDATED-VULTEE Applies to all Model 240 Series aircraft.

To be accomplished not later than August 1, 1950.

Due to difficulties being located during the special inspections of the horizontal tail presently required by Airworthiness Directive 48–51–2, mandatory corrective action is now considered to be necessary. These difficulties include cracking of the left elevator leading edge ribs, cracking of the left elevator structure at the elevator flight tab hinge brackets, excessive wearing of the tab hinge pins, and loosening of the balance weights on the elevators and rudder. If allowed to progress, these difficulties could result in tail flutter or other hazardous conditions; therefore, it is considered necessary that the following rework be accomplished on all individual Convair Model 240 Series aircraft:

1. Install the revised elevator flight tab assembly, CVAC Part No. 240–2210401–78. (CVAC Service Bulletin No. 240–56A covers this same subject.)

2. Reinforce the left elevator leading edge ribs outboard of Station 111.6, and strengthen the means of attaching the rudder and both left and right elevator balance weights. (CVAC Service Bulletin No. 340–176A covers this same subject.)

3. Replace the present tab hinge pins and bushings with close tolerance bolts and bushings. (CVAC Service Bulletin No. 240–205 covers this same subject.)

4. Reinforce the left elevator ribs at the flight tab hinge points. (CVAC Service Bulletin No. 240–225 covers this same subject.)

5. Reinforce the left elevator leading edge ribs and the carry-through structure from leading edge ribs to the corresponding ribs aft of the spar, at Stations 111.6 and inboard. (CVAC Service Bulletin No. 240-268 covers reinforcement of the nose ribs. The portion of CVAC Service Bulletin No. 240-219 pertaining to Stations 111.6 and inboard, covers reinforcement of the carry-through structures.)

6. Replace 4 of the 10 rivets in each of the inboard elevator hinge brackets which attach CVAC Part No. 240–2110702 to the bracket assembly with 3/16-inch close tolerance steel bolts or steel rivets. (CVAC Service Information Letter No. 415 covers this same subject and shows location of the specific rivets to be replaced.)

7. Between horizontal stabilizer Station B. L. 50.50 and B. L. 59.50, add 4 rivets (#AN462–4–14 blind rivets may be used) to both the upper and lower surfaces. The rivet line should be 0.44 inch aft of the aft face of the vertical leg of the front spar cap (approximately ½ inch aft of the leading edge of the skin, i. e., ½ inch aft of the butt joint between the stabilizer leading edge skin and the inter-spar skins). The rivets should be evenly spaced between B. L. 50.50 and B. L. 59.50 and not closer than ⅝ inch to any existing rivet. (CVAC Service Difficulties and Parts Failures Report No. 245 covers this same subject.)

Although evidence indicates that horizontal tail failures will be materially reduced after incorporation of the above, some additional cracking may yet occur. Therefore, special inspections required by AD 48–51–2 must be continued until sufficient evidence of trouble-free operation has been applied to the CAA to warrant discontinuance of these inspections.

This supersedes Note 49–17–1.

49–45–1 LUSCOMBE Applies to all Model 11A aircraft.

Compliance required as soon as possible but not later than next 25 hours operation time and at each 25-hour period thereafter until reinforcement of main landing gear aft canted fuselage bulkhead is accomplished.

Inspect for buckling, cracks or other evidence of failure of permanent set of the main landing gear aft fuselage canted bulkhead in the web and/or flange in the area adjacent to the steel landing fear trunnion and fuel line. Inspect fuselage wing lift strut attach fitting for cracks in the radii of the flanges attaching it to each aft fuselage canted bulkhead. Usually evidence of failure of the aft canted bulkhead can be determined by a crack in the fuselage canted bulkhead web extending from the fuel line hole to the flange attaching the bulkhead to the belly skin and/or buckle in the cabin floor located approximately 1 inch directly aft of the bulkhead under the carpet flooring and/or loose rivets attaching the flange of the canted bulkhead to the belly skin. If the

difficulties are not revealed as indicated above, a 2-inch hole cut in the cabin floor located approximately 3 inches aft and inboard of that part of the canted bulkhead supporting the door will allow access for detailed examination of the aft side of the rear fuselage canted bulkhead. Removal of seat and floor carpet is necessary to accomplish this inspection.

If loose rivets in the bulkhead flange at the attachment to the belly skin, cracks or permanent set in excess of ⅛ inch are found in the web of the bulkhead adjacent to the steel trunnion, the bulkhead must either be satisfactorily repaired or replaced. If noticeable permanent set in the web is apparent (under ⅛ inch), the web of the bulkhead may be reworked by straightening. If cracks are found in the fuselage wing lift strut attach fitting it should be replaced or the cracks should be stop drilled and the full length of each cracked flange reinforced with a ¾-inch by ¾-inch by 0.064-inch 24 ST angle.

In addition, the following modifications must be made:

A collar must be incorporated on the front end of the hinge pin that passes through the front and rear main landing gear steel trunnions which are riveted to the two fuselage canted bulkheads. This tubular collar should be fabricated of 4230 steel and be at least ⅝ inch long and of sufficient thickness to effect a snug bearing fit against the forward end of the steel tube composing the socket of the forward steel trunnion. A ¼-inch bolt should be used to attach the collar to the hinge pin using the existing ¼-inch hole in the extreme forward end of the hinge pin.

A curved doubler of 0.064-inch 24ST should be placed over the existing 0.040-inch floor skin connecting the flanges of the two main landing gear canted bulkheads. This doubler should pick up the existing floor skin and bulkhead top flange rivet pattern in the vicinity of the landing gear steel trunnion, extending in length at least 3 inches to either side of a vertical plane through the centerline of the landing gear hinge pin and picking up at least 6 of the existing rivets in each of the canted bulkheads. Blind type rivets may be used to attach this doubler.

The rivet pattern attaching the flange of the aft canted fuselage bulkhead to the belly skin between the openings in the fuselage skin which allow entrance of the main landing gear legs should be inspected for rivet size and pattern. The first 20 rivets inboard from these openings must be 5/32-inch A17ST spaced approximately ½ inch apart.

If the 2-inch inspection holes have been cut in the floor, they must be reinforced by at least a 4-inch diameter 0.040-inch 24ST doubler on the underneath side of the floor skin and a quick removable inspection cover placed on top side to be used for subsequent 25-hour inspections, if applicable.

Any equivalent structural modification to preclude a failure, or permanent set in the aft canted bulkhead at the attachment of the main landing gear trunnion will be considered satisfactory.

49–45–2 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft equipped with Curtiss propellers.

Compliance required not later than the next engine change.

The following must be accomplished to insure proper operation of the throttle reverse stop override installation:

1. Rerig the reverse lock solenoid linkage, reworking and replacing parts of the linkage as shown on Figure 1, Sheets 1 and 2, of Convair Service Bulletin No. 240–273.

2. Determine that the load on the first throttle reverse detent is 15 +3, —0 pounds.

3. Remove the armature (P/N West Coast Electric Company No. 35–31–C–3A) in the reverse throttle lock solenoid and install a new armature (P/N West Coast Electric Company No. 35–31–C–3AS). The new armature has the letter "S" stamped on that end of the armature that has two threaded holes.

The above items are also covered by Convair Service Bulletin No. 240–273.

49–46–1 DOUGLAS Applies to all Model DC–4 and DC–6 aircraft equipped with vacuum systems, incorporating oil Separators Other Than The Type Mentioned in Item 2 Below.

To be accomplished not later than April 1, 1950.

To guard against the possibility of excessive air temperatures in the vacuum system discharge line, one of the following modifications must be accomplished to this system:

1. Install a fusible plug in the side of the vacuum pump discharge port at the right angles to the axis of the discharge port boss. Some pumps incorporate a plugged hole in the discharge port which may be enlarged to a ⅜-inch pipe tapped hole to accommodate the fusible plug. This plug should employ an AN–840–6D fitting with a binary eutectic mixture of 67.8 percent tin and 32.2 percent cadmium, which has a melting point of 351° F. A drawing describing the design of such a plug is shown below. The ⅜-inch fusible plug fitting is intended for pumps such as the Model 3P–211 and 3P–485. For smaller pumps such as the 3P–207, and AN–840–6D fitting, incorporating the same modification as shown below, should be used. Incorporation of an overboard drain line clamped to the fusible plug is recommended but is not mandatory.

Brass fittings of the same design as the above dural fittings are acceptable. On installations which do not use an overboard discharge line the possibility exists that the plug may damage other nacelle components if it can hit them upon being out of the adapter as high velocity. Therefore, if no overboard discharge line is provided, the installation must be made in such a manner that the plug will not be directed toward any vulnerable components when it issues from the adapter.

2. Replace the present oil separator with a new oil separator, Genisco No. 40081 or equivalent. The new separator incorporates a pressure relief valve and can be disassembled for cleaning.

(Douglas Service Letter A–129–T–1271/WB–11–Q–4, dated April 1, 1949, covers this same modification.)

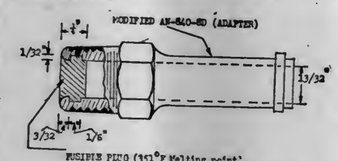

VACUUM SYSTEM FUSIBLE PLUG

FIGURE 11.

49–46–2 PRATT & WHITNEY Applies to all Military R–2800–B series engines installed in Certificated Curtiss C–46 aircraft (R–2800–21, –27, –41, –43, –51, –59, –63, –71, –75, –79)

Superseded by 49–48–3.

49–47–1 CONTINENTAL ENGINES.

Superseded by 49–50–1.

49–47–2 BELL Applies to all Model 47B, 47B3, 47D, and Model 47D1 Serial Numbers 145 through 164.

Compliance as indicated.

As a result of recent failures occurring to the tail rotor drive system the following inspections and replacements must be accomplished:

1. Not later than the next 25 hours of operation and at each 50 hour period thereafter the following inspection procedure must be accomplished until the tail rotor drive shaft parts as described below are incorporated:

(a) Remove and disassemble tail boom extension for complete inspection.

(b) Visually inspect bearings for wear, cracks, chips, and brinelling.

(c) Inspect surfaces of shaft for dents, cuts, and signs of fatigue.

(d) Conduct a magnaflux inspection of the tail boom extension drive shaft, examining particularly the shaft surface for approximately three inches of length from each end of the shaft.

(e) Magnaflux 47–644–C14 sleeve inspecting for cracks at thread roots closest to flange.

2. To compensate for shaft misalignment and flight distortion of the shaft assembly, the following modifications shall be accomplished not later than February 15, 1950:

(a) Installation of a redesigned extension drive shaft part Nos. 47–644–126 and 47–644–181.

(b) Installation of a spline coupling in the tail rotor drive shaft forward of the universal joint part Nos. 47–644–177 and 47–644–130.

Bell Service Bulletin No. 69, dated November 11, 1949, covers this subject.

49–48–1 BEECH Applies to all Model 35 and A35 airplanes equipped with Thompson TF–1100, TF–1100–1 or TF–1100M Engine Driven Fuel Pumps

Compliance required not later than February 1, 1950.

To prevent complete or partial loss of carburetor fuel inlet pressure resulting from misalignment of pump relief valve spring, replace Thompson TF–1100, TF–1100–1 or TF–1100M engine driven fuel pump with improved Thompson pump, TF–1100–M2 or TF–1100–2, or another eligible pump listed on Aircraft Specification A–777. Thompson TF–1100, TF–1100–1 and TF–1100M pumps may be converted to TF–1100–M2 or TF–1100–2 pumps by the pump manufacturer. (Beech Distributor Letter No. D–49–615 dated September 23, 1949, covers this same subject.)

49–48–2 HARTZELL PROPELLERS Applies to all Hartzell Controllable Propellers with Model 8433 Metal Blades when installed on Continental E–185 Series Engines not having Crankshaft Dampers

Superseded by 53–6–2.

49–48–3 PRATT & WHITNEY.

Superseded by 50–7–2.

49–49–1 LOCKHEED Applies to all Model 49 series aircraft equipped with Eclipse-Pioneer Model PB–10 automatic pilots

Compliance required prior to reconnection in aircraft.

Prior to reconnection in the aircraft of the Eclipse-Pioneer Model PB–10 Automatic Pilot, it is necessary to modify the installation to include provisions designed to safeguard the aircraft in the event of malfunctioning of the autopilot. This modification has been determined to consist of the following interdependent changes:

Modify the Master Direction Indicator and wiring at the autopilot controller plug and amplifier to change the direction signal from the rudder channel to the aileron channel; install resistors in series with the variable phase of aileron, rudder and elevator servo motors to reduce servo forces; install aileron servo disconnect interlock switch and change wiring to this switch from the existing rudder servo disconnect interlock switch.

An acceptable method of accomplishing this modification is described in LAC Service Bulletin No. 49/SB–576.

This supersedes Note 49–36–1.

49–50–1 CONTINENTAL ENGINES Applies to all Continental C–75, C–85, C–90, C–125 and C–145 engines equipped with generators, except those engines listed below. (A–65 series engines are no longer subjected to compliance with this note)

To be accomplished prior to May 2, 1949, and upon each 100 hours of operation after inspection has been accomplished, or at major overhaul, as indicated.

To preclude possible engine failure as a result of distintegration of the generator drive coupling rubber disc, inspect and/or replace the disc as follows:

I. Old type—without metal retainer cup.

(1) Inspect rubber disc, Part No. 22348 prior to May 2, 1949 and at 100 hour intervals after this inspection, and replace if deterioration or cracks are noted. Special attention should be given corners of slot to detect beginning of cracks or tears.

(2) Above periodic inspection may be discontinued by installing the improved type of coupling incorporating metal retainer cup Part No. 352030.

II. Improved type—with metal retainer cup.

(1) Rubber disc Part No. 25120 must be replaced at major overhaul.

NOTE: Engines with the following serial numbers are excluded from the inspection requirements of this directive. However, if rubber disc Part No. 25120 is incorporated, it must be replaced at major overhaul.

C–75: Serial No. 5257–7–12 and all higher numbers.

C–85: Serial No. 30568–8–12 and all higher numbers.

C–90: Serial No. 41132–8–12 and all higher numbers and including Nos. 41122 and 41124 through 41127.

C–125: Serial No. 8108–8–2 and all higher numbers.

C–145: Serial No. 3470–8–2 and all higher numbers.

All "C" model engines reworked at Continental Motors Corporation since September 1, 1948.

Description of generator drive couplings is contained in Continental Motors Corporation Service Bulletin Number M49–4.

This supersedes Note 49–47–1.

49–52–1 LOCKHEED Applies to all Model 49, 149, 649, and 749 aircraft.

Compliance required as indicated.

Numerous instances of malfunctioning of the elevator booster system have been reported, causing longitudinal hunting of the airplane and, in one instance, injury to some passengers when operation of the elevator boost shifter mechanism was accomplished. Also, in other instances, it has sometimes been impossible to actuate the shifter mechanism, probably as a result of frozen moisture accumulating on the mechanism. To minimize further difficulties of these natures, the following must be accomplished:

A. Booster unit rework and lubrication. At or prior to next engine overhaul period, rework all aileron, rudder and elevator booster control valves, as follows:

1. Drill six ⅛-inch water drain holes in the valve cap;

2. Line ream the bushing, P/N 266146–3, to 0.6270-inch/0.6285-inch diameter;

3. Replace AN 913–1 plug with AN 286–2 lubricator;

4. Pack cap assembly with AN–G–25 grease, or equivalent;

5. Re-identify valve and cap assemblies by adding a –2 to each part number.

Relubricate booster control valves with AN–G–25 grease or equivalent at each engine overhaul period. This lubrication interval may be increased as substantiated by service experience.

B. Rework of elevator shifter latches. At or prior to the next number 3 inspection, all elevator shifter latches, LAC p/n 278416, shall be reworked to remove the end which hooks around the anchor pin, LAC p/n 278484. (The overcenter spring on the shifter walking beam eliminates the necessity for the locking action of these hooks.) The shifter control system shall then be checked as follows: With the shifter walking beam in "boost on" position, the control system should be rigged so that (1) when cockpit control is in full down position, the reworked latch is in firm contact with the anchor pin but acts as a stop device only; (2) when the cockpit control release button is depressed, the control springback is approximately 0.25 inch.

C. Rework of elevator booster power levers. As soon as practicable but not later than next engine change, the feel lever bolt holes in the elevator walking beam assembly shall be chamfered in accordance with LAC SD 67471.

D. Flight manual revisions. To be accomplished not later than July 15, 1949. Dependent upon the airplane model involved, ascertain that the Model 49 and Model 149 Flight Manuals incorporate approved revision dated March 4, 1949, or that revised Model 649/749 Flight Manual dated February 5, 1949 is being utilized. (The 49/149 revision and Section III, paragraph 2 of the revised 649/749 Manual outline the shifting technique to be followed when shifting is desired.)

(Lockheed Service Bulletin 49/SB–578 dated October 25, 1949 covers Item A and Lockheed Service Information Letter No. 425, dated February 28, 1949, covers Item D, above. Item C is covered by Lockheed telegram to all operators dated January 16, 1949, and similar information is contained in Lockheed Service Bulletin 49/SB–502. TWO EO 4681A describes an approved method of complying with Item B. (The replacement link assemblies called for in LAC Service Bulletin 49/SB–502 utilize new latch hooks, p/n 303689. Installation of these new link assemblies does not preclude the necessity of removing the hook ends of the latches, as specified in Item B of this Note.

This supersedes Note 49–22–1.

49–52–2 BELL Applies to all Model 47B, 47B3, 47D, and 47D1 series helicopters

Compliance required as indicated.

As a result of recent accidents, the following precautionary measures should be taken:

1. The main rotor hub (Bell P/N 47–120–136–1) must be replaced if it has been involved in an accident or sudden stoppage, for any reason, in which the following has occurred:

a. One or both main rotor blades were damaged to the extent that the steel core shows through the wood at any point.

b. A drag brace end fitting or the equalizer horn, or both, are damaged or distorted.

(Bell Service Bulletin No. 65, dated August 2, 1949, covers the subject of this portion of the Directive.)

2. All aluminum main rotor hubs (Bell P/N 47–120–136–1) must be replaced after 600 hours of operation if used with the 178 hp engine and after 300 hours if used with the 200 hp engine, unless it is necessary to replace them sooner as a result of being affected by the requirements of paragraph 1 above. In order to assist those operators who possess a part which has over 600 hours accumulated at the time of receipt of this Directive, the following latitude in replacing the parts is permitted:

Accumulated time on hub at time of this directive (hours):	*Replacement limit*
0–500	At 600 hours.
501–800	Within the next 100 hours.
801–899	At 900 hours.
900 and up	Before the next flight.

Hubs with less than 300 hours must be inspected visually (with a 10- to 20-power glass) at 300 hours, in addition to the inspections required by the manufacturers "Erection and Maintenance Manual" for the particular Model. During this inspection, specific attention must be directed toward locating fatigue cracks in the shot-peened fillet radius, particularly on the leading edge side. The discovery of cracks in any portion of this radius is cause for immediate replacement of the part. In addition to the execution of the Form ACA 1226, "Malfunctioning and Defects Report," such a discovery should be reported immediately to the Bell Aircraft Corp., together with the number of hours accumulated on the hub, the serial number of the hub, model and serial number of the helicopter on which it was installed, and a statement to indicate whether or not the part had been involved in an accident such as described in paragraph 1 above.

This supersedes Note 49–35–2.

50–1–1 MOONEY Applies to all Model M–18L aircraft.

Compliance required as soon as possible but not later than next 25 hours operating time and at each 25-hour period thereafter until reinforcement of engine mount lugs is accomplished.

Inspect the four engine mount lugs for cracks. If cracks are evident, reweld the lugs to mate with the mount holes on the engine and weld an X–4130 0.058-inch strap ½ x 3 inches to the lug and the side tube member. Further inspections are not necessary after the above reinforcement of the lugs is made. (Mooney Service Bulletin No. 4 covers this same subject.)

50–2–1 AIR ASSOCIATES Applies to all Model M–264 Safety Belts incorporating Warren McArthur end fittings, P/N 225–AS26 (Air Associates P/N M–1842) installed in aircraft not engaged in scheduled or irregular air carrier operation.

Superseded by 50–18–3.

50–3–1 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft.

Superseded by 50–6–3.

50–4–1 BRIGGS AND STRATTON Applies to all aircraft equipped with Army Air Force Type A–8 ignition switches manufactured by Briggs and Stratton.

Initial compliance required not later than March 1, 1950, and every 100 hours operation thereafter.

A serious hazard may exist on this type switch after considerable use has worn the internal switch lever stops, allowing overtravel past the "off" position. Such overtravel may allow the magneto ground to be broken and permit the engine to fire when the switch is in the "off" position.

Type A–8 ignition switches manufactured by Briggs and Stratton can be identified by the name Briggs and Stratton stamped on the rear of the switch case. Another distinguishing feature of this switch is a formed sheet metal lever which is not found on other makes of Type A–8 switch.

1. Inspection should consist of the following: Check switch lever for overtravel past the "off" position. The sketch below shows the location of the switch lever in the "off"

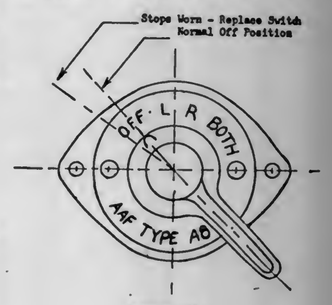

FIGURE 12.

position. The pointer projecting from the lever points to the middle "F" in the word "OFF." When the lever can be turned to a point beyond the centerline of the "O" in the word "OFF," the rotation stops have become worn and the switch should be replaced.

2. This inspection must be repeated at 100 hour intervals.

3. Inspection may be discontinued if switch is replaced by Type A–8 of another make or by some other satisfactory type ignition switch.

50–4–2 SUPERIOR (CULVER) Applies to all Model V, Serial V–3 through V–357 and Model V2, Serial V2–503 through V2–517 not previously modified in accordance with Superior Service Bulletin No. 18.

Compliance required at the next 100-hour inspection but not later than February 1, 1951.

The teeth of the final pinion, Part No. 10528, in the gear reduction train of the landing gear retraction motor have inadequate strength to sustain the shock loads due to abrupt reversal of the landing gear retraction switch and to maladjusted limit switches. As stripping of these teeth makes the emergency extension system inoperative, gears 10528 and 10529 should be replaced with gears 11520 and 11521 which have stronger teeth and are obtainable from the Superior Aircraft Company, University Airport, 2501 North Hillside, Wichita 15, Kansas.

(Superior Service Bulletin #18 dated November 19, 1947, covers this same subject.)

This supersedes Note 48–5–2, and eliminates placard installation provisions of that note.

50–5–1 PIPER Applies to all Piper Aircraft manufactured between November 1945 and November 1946, inclusive.

Compliance required at next periodic inspection but not later than March 1, 1950.

In order to minimize the possibility of understrength Nicopress sleeves in the control system, check the major dimension of the pressed portions of all sleeves. If this dimension exceeds .353 inch, the sleeve should be repressed to this dimension by two presses with National Telephone Supply Company's hand tool 51–M–850. The go-gage furnished with the tool may be used to check the .353-inch dimension. In repressing the sleeves, the hand tool used should be carefully adjusted in accordance with the manufacturer's instructions and the sleeves should be recompressed with the larger axis in the same plane as during the original press.

If new Nicopress sleeves are installed, three presses with the hand tool should be used as recommended by the sleeve manufacturer.

50–5–2 SHAKESPEARE CONTROLS Applies to Shakespeare Vernier Type Flexible Push-Pull Controls, Models 3A–42 and 3A–81, installed in Beech Model 35 and A–35, Ryan Navion, and any other certificated aircraft

To be accomplished not later than April 1, 1950.

A serious accident recently occurred on an aircraft employing a Vernier throttle control of the above type due to unscrewing of the male thread adapter which secures the outer casing of the flexible control to the body tube, at the instrument panel end. This resulted in the pilot's being unable to control the throttle. The means employed in these controls to secure this connection is the machining of some imperfect threads on the brass adapter. This method of locking is not considered satisfactory, as assembly and disassembly of these components can result in rendering this locking means ineffective. The control manufacturer has advised that a staking operation to positively secure this connection is now being incorporated on all their Vernier type flexible controls during manufacture.

To prevent the possibility of the adapter becoming separated from the body tube on aircraft in service equipped with the subject Vernier control, all such controls must be inspected to ascertain whether these components are positively secured by staking, drilling and lock-wiring, or equivalent means. If the adapter is not found to be so secured in the body tube, it should be locked by one of the foregoing locking means. Beech Engineering Service Bulletins Nos. 35–16 and A35–7, dated November 23, 1949, cover this subject as it applies to their Model 35 and A–35 airplanes.

50–6–1 BELL Applies to all Model 47D1 helicopters

Compliance required not later than March 31, 1950.

Ventral fin installation, Bell Part No. 47–267–056 should be replaced by the revised ventral fin and fixed tab installation, Bell Part No. 47–267–063. The new installation is designed to eliminate the possibility of those fatigue failures which have been experienced in the old design.

Upon completion of the above modifications, the inspections required by AD–49–34–2 may be discontinued. (Bell Service Bulletin No. 71 covers the same subject.)

50–6–2 BOEING Applies to all Model 75 Series aircraft

Compliance required at each annual inspection. For military aircraft, compliance also required prior to original certification.

Remove the center section gas tank and inspect both front and rear spars for cracks, checks and warping. Defective spars should be replaced or repaired in accordance with CAM 18. Ascertain that all drain holes are open.

Repeated removal of the tank at each annual inspection is not necessary if, after accomplishment of the items mentioned above, the gap between the gas tank and the upper surface of the center section is sealed by doping on grade A fabric tape, or equivalent sealing means, to prevent moisture entering the tank compartment.

This supersedes Note 45–51–1.

50–6–3 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft

Superseded by 50–19–2.

50–7–1 ERCO Applies to Ercoupe Models 415C (which incorporate adjustable elevator trim tabs), 415CD, and 415D airplanes.

To be accomplished by September 1, 1950.

To preclude the possibility of elevator flutter in the event the elevator trim tab control wire fails, elevator trim tab stop and spring, Erco Part Nos. 415–SK–287 and 415–22035 should be installed. (Engineering and Research Corporation "Ercoupe" Service Memorandum No. 55 and 55A" cover this same subject).

50–7–2 PRATT & WHITNEY Applies to all Military R–2800 B series engines installed in Certificated Curtiss C–46 aircraft (R–2800–21, –27, –41, –43, –51, –59, –63, –71, –75, –79).

Superseded by 50–22–1.

50–8–1 SIKORSKY Applies to all Model S–51 Helicopters.

Compliance required at each 25-hour inspection.

Inspect the upper longerons, Drawing S–520879, of the S–10–20–3008 tail cone mounting assembly for cracks in the area adjacent to the generator support plate and clamps, and in all the welds on the longerons adjacent to the clamps. If cracks are found, the defective member should be reinforced or replaced prior to continuing flight. (Sikorsky Service Information Circular No. 38, Revision A, dated January 4, 1950, covers this same subject.)

This supersedes Note 48–11–3.

50–9–1 NORTH AMERICAN Applies to all Model BC–1A; AT–6, –6A, –6B, –6C, SNJ–2, –3 and –4 aircraft.

To be accomplished prior to original certification.

Inspect the horizontal stabilizer rear spar connection for cracked fittings and the installation of shims as follows:

(1) Remove the fuselage to vertical stabilizer fairing assembly and the rear fairing assemblies at the horizontal stabilizer.

(2) Remove the ¼-inch bolts which attach the rear spar connection fitting to the spar assembly.

(3) Remove paint from connection fittings and inspect for cracks. Check with a machinist's square or other means to determine if fitting is pre-set. Replace any cracked or pre-set fitting and repaint all others. New fittings may be made of 24ST or X4130 bar stock to the same dimensions as the old fittings.

(4) Inspect the fit between the spar and the sides of the base fitting with a feeler gauge. Also inspect the fit between fitting P/N 77–21021 and the spar. If gaps exist, shims are necessary.

(5) Fabricate 24ST shims 3⅛ inches x 15/16 inch and of necessary thickness, and place on either side of spar flanges maintaining a parallel over-all dimension to fit inside of fitting P/N 77–21021 within maximum clearance of 0.010.

(6) Drill holes through the shims to match those in the fitting. Remove all chips and reinstall the various parts.

(North American Service Bulletin dated March 6, 1946, covers this subject also.)

50–10–1 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft incorporating original type nose strut inner cylinders, Bendix Part No. 155285

Superseded by 50–36–1.

50–10–2 RYAN (NORTH AMERICAN) Applies to all Navion airplanes, Serial Nos. NAV4–2 through NAV4–1790

To be accomplished as indicated below.

The above aircraft employ flexible hose, Ryan Drawing 145–42202, between the exhaust shroud and the carburetor heat valve. This hose has shown a tendency to deteriorate with age and may collapse, resulting in a considerable loss of engine power.

An inspection of these hoses should be made not later than March 20, 1950 and after each 25 hours of aircraft operation until replacement is made with the hose mentioned below. All hoses found to be in poor condition should be replaced immediately by wire reinforced hose. Arrowhead Rubber Company hose type 8AX (Ryan Drawing No. 145–42202–3) or equivalent is satisfactory.

The installation of the above wire reinforced air intake hose in replacement of the original hose should be accomplished in all aircraft by September 1, 1950. (Ryan Service Letter No. 67 dated February 7, 1950, also covers this subject.)

50–11–1 BOEING Applies to all Model 377 aircraft

Canceled January 2, 1956.

50–12–1 HAMILTON STANDARD Applies to all aircraft equipped with Continental engines, models W–670–6A (R–670–3, –5, W–670–6N (R–670–4), W–670–16 (R–670–8, –11, –11A) and Hamilton Standard Ground Adjustable Propellers having Blades, Model 11C1 (Navy 4350, 4350F, 4350F1).

Compliance required not later than April 15, 1950.

To minimize the possibility of propeller blade shank fatigue failures as a result of non-compliance with a mandatory engine operation restriction, the following precautionary measures should be taken:

(1) Check the marking on the engine tachometer and and correctly mark it, if nec-

essary, with a red arc which covers the entire r. p. m. range above the higher side of the 1,900 r. p. m. graduation.

(2) Install placard in aircraft to read: "Avoid all engine operation above 1,900 r. p. m. except during take-off."

(3) Check position of the propeller and correctly index, if necessary, in the zero degree position (blades in line with crankthrow).

50–13–1 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft

Compliance required as indicated.

Failures of the wing portion of the aileron hinge brackets and bracket supports have been experienced on Convair Model 240 aircraft. These failures have been the result of excessive lateral vibration of the ailerons experience mainly during engine operation between 1,000 to 1,200 r. p. m., in aircraft incorporating Hamilton Standard propellers. In order to preclude the possibility of these failures progressing to such a state that the airworthiness of the airplane is impaired, it is considered necessary that the following be accomplished on Convair Model 240 series aircraft:

A. To be accomplished on all individual CV–240 series aircraft incorporating Hamilton Standard propellers at every number 2 operation, until Part B, below, is accomplished.

Inspect the aileron in area of hinge brackets, aileron hinge brackets and bracket supports with a ten-power glass, for signs of fatigue cracking. Special attention should be paid to the areas around the rivet holes utilized for attaching the brackets to the bracket supports and to that portion of the bracket supports in the areas at which the bracket supports extend from the wing trailing edge structure. Any failed parts should be adequately repaired or replaced prior to the next flight.

B. To be accomplished by January 1, 1951, on airplanes incorporating Hamilton Standard propellers.

Incorporate steel aileron hinge brackets and incorporate measures to increase the lateral rigidity of the wing portion of the aileron hinges. (CVAC Service Bulletin 240–289 covers this same subject.)

50–14–1 CURTISS-WRIGHT Applies to all Model C–46E and F aircraft.

Superseded by 51–10–6.

50–15–1 GRUMMAN Applies to all Model G–21A (converted JRF–5, JRF–6B) equipped with reverse direction mixture controls.

Compliance required not later than next 25-hour inspection.

To conform with conventional mixture control operation ("forward" for full rich position) on aircraft equipped with Bendix NAR9B carburetors with manual mixture control, rotate the position of the mixture bellcranks 180° on the carburetors and reverse the tooth segments on the cockpit control end for end. Revise the cockpit control placard accordingly.

On aircraft equipped with Bendix NAR9C2 carburetors with automatic mixture control, the cockpit quadrant is already arranged in the correct sense and requires no revision. It should be noted that an additional Manual Lean position is provided forward of Full Rich and caution must be exercised to prevent inadvertently positioning the control incorrectly if the Manual Lean sector of the quadrant is retained.

This supersedes Note 48–14–2.

50–16–1 DOUGLAS. Applies to all Model DC–6 airplanes below Serial No. 43149.

Compliance required as soon as possible but in any event not later than January 1, 1951.

1. Conduct electrical and mechanical functional check of propeller reverse mechanism, throttle system.

2. a. Rework fish mouth in the 2345735 throttle latch assembly to assure a more positive lock.

b. Rotate the 2333338 arm-throttle reverse 20° clockwise on the shaft of the 4333339 lock assembly or replace with new 2333338 "F" change parts.

(Douglas General Service Letters DC–6 # 19, dated November 18, 1949, and DC–6 # 23, dated January 20, 1950, cover the above two items.)

50–17–1 CESSNA Applies to all Models 120 and 140 aircraft, Serial Numbers 8001 to 15035, inclusive, on which the 0.051 reinforcing channel or 0.040 reinforcing angles have not been installed.

Superseded by 50–31–1.

50–17–2 PIPER-STINSON Applies to all model 108–Series

Compliance required as indicated.

A number of cases have been reported of broken core strands in the rudder cables where they pass over the pulley at Fuselage Station 18.75 (first pulley aft of rudder pedals). To preclude failures, the following is therefore required:

1. Within the next 25 hours and at every 100 hours thereafter the following should be accomplished. Remove the rudder cables from the pulleys, bend the cables in a tight "U" where they pass over the pulley, being careful that permanent kinks are not formed, and inspect either visually or by touch. Replace all cables showing signs of breakage.

2. The above inspection may be discontinued and the normal inspections resumed if the following is done: Remove the AN210–3A pulleys at Fuselage Station 18.75; modify the pulley brackets and install two larger pulleys, Part No. 41001–2, and two cable guards, Part No. SK253–2, in accordance with detailed instructions in Piper Service Bulletin No. 114 or an equivalent modification.

50–18–1 BOEING Applies to all Model 377 aircraft equipped with General Electric BH4 Turbo-superchargers.

Canceled April 30, 1951.

50–18–2 DOUGLAS Applies to all Model DC6 Aircraft equipped with Hamilton Standard 43D60/6841A–O, 6851A–O, and 6873A–O Propeller Blades and R–2800–83AM4, R–2800–83A or CA Type Engines.

To have been accomplished by April 28, 1950.

A recent propeller blade tip failure of a Hamilton Standard 43D60/6851A–O propeller on a DC–6 powered with R–2800–CA–15 engines probably resulted from a worn 4½ order engine crankshaft Torsional damper Part No. 101169. Until further notice or until the engines are known definitely to comply with P & W Service Bulletin No. 1033 dated November 30, 1949, all DC–6 aircraft using Hamilton Standard 6841A–O, 6851A–O and 6873A–O blades and R–2800–83AM4 or CA type engines shall be placarded to avoid all operation between 1,800 and 1,975, between 2,025 and 2,175 and between 2,225 and 2,450 r. p. m. Only acceleration and deceleration through placarded ranges shall be permitted. For gross weights above 80,000 pounds, 2,450 r. p. m. is permissible for normal climb. For gross weights below 80,000 pounds, climbing r. p. m. between 2,450 and 2,600 permissible. For gross weights above 80,000 pounds avoid operation above 2,450 r. p. m. except for take-off and emergencies. For R–2800–83A engine installations, operating restriction presently covered in Aircraft Specification A–781, Note 5C (1) applicable and until further notice operation between 1,800 and 1,975 and between 2,025 and 2,175 shall be prohibited.

50–18–3 AIR ASSOCIATES Applies to Model M–264 Safety Belts incorporating Warren McArthur end fittings, P/N 275–AS26 (Air Associates P/N M–1842).

Compliance required as indicated below.

Warren McArthur end fittings, P/N 275–AS26, (Air Associates P/N M–1842) have been found to be of insufficient strength for use in two-person belts. These fittings are not marked, have a fitting plate thickness of 1/8 inch, and may be identified by comparison with the sketch shown. One-person belts using these fittings must be modified not later than the next annual inspection (or the next seat overhaul for aircraft on a continued maintenance basis) so that the label will read "Approved for One Person." This may be done by blanking out the words "or two" and the letter "S" in the word "persons" on the label with India ink or an equally effective method. All such belts presently used in two-person applications shall be removed and replaced by other belts approved for two persons not later than May 1, 1950.

Care should be taken not to confuse these fittings with another Warren McArthur fitting P/N 13971 (also known as P/N 314–AS12) which is identical in appearance except that the fitting plate thickness is 9/32 inch.

This supersedes Note 50–2–1.

WARREN MCARTHUR FITTING No. 275–AS26
FIGURE 13

50–18–4 CONTINENTAL ENGINES Applies to all Model C–145 engines.

Superseded by 50–20–1.

50–19–1 CURTISS-WRIGHT Applies to all Model C–46A, D, E and F aircraft.

Superseded by 50–26–1.

50–19–2 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft.

Compliance required as indicated.

Failures of the rudder flight tab balance weight brackets and of the rudder closing spar ahead of the flight tab have been experienced on service aircraft. In order to preclude the possibility of these failures progressing to such an extent that the airworthiness of the airplane is impaired, it is considered necessary that the following be accomplished on all CVAC Model 240 series aircraft:

A. To be accomplished as soon as practicable but not later than next number one inspection and to be repeated at each number two inspection thereafter.

Inspect the rudder flight tab balance weight brackets for cracks in the neck down areas approximately 1 inch from the flight tab and also adjacent to the edges of the counterweight. Inspect the rudder closing spar for cracks in the areas adjacent to the rudder flight tab hinge brackets. All cracks, when found, must be replaced or suitably repaired before next flight.

B. To be accomplished by January 1, 1951.

Reinforce the rudder flight tab balance weight brackets, and the attachment of the brackets to the tab and to the balance weight. (CVAC Service Bulletin 240–355A covers this same subject.)

NOTE: Although evidence indicates that these failures will be materially reduced after incorporation of the above, sufficient evidence of trouble free operation is not available. Therefore, it will be necessary that the inspections outlined under Part A, above, be continued at each Number Three Inspection after the incorporation of Part B, until sufficient evidence of trouble-free operation has been supplied to the CAA to warrant discontinuance of this inspection.

This supersedes Note 50–6–3.

50–20–1 CONTINENTAL ENGINES Applies to all Model C145 engines, Serially numbered 3000 to 5031 inclusive, except: Nos. 3612, 4650, 4652, 4654, 4671, 4676, 4679, 4683, 4690, 4710, 4855, 4889, 4904, 4996, 4997, 5002 through 5021, 5023 through 5029

Compliance required by June 1, 1950, and each 25-hour period of operation thereafter.

To minimize possible engine operation difficulty due to crankcase and/or cylinder barrel failures, the following inspection procedure should be accomplished as indicated.

(1) Visually inspect crankcase for cracks giving special attention to those areas around each cylinder base.

This portion of the inspection need not be accomplished on new type crankcases (P/N's 530636 and 530837) which are incorporated on all serially numbered engines above No. 4383, and on all engines overhauled by the manufacturer after September 1, 1949. This new type crankcase can be identified by thru-bolts (extending through both halves of crankcase) located ahead of the front cylinder and adjacent to nose oil seal. The old style crankcase (P/N's 6642 and 6643) requiring inspection has studs at this location extending through one crankcase half only.

(2) Visually inspect cylinder barrels for cracks at the base flange fillet. New flanged-typed cylinder base nuts, Part Nos. 531001 and 531003 have been made available for service operation. This portion of the inspection may be discontinued upon accomplishing one additional 25-hour inspection including a torque check after installation of these new flanged nuts.

During installation of new cylinder base nuts, special attention should be given to the removal of paint and burrs from the cylinder flange nut seat and to compliance with the engine manufacturer's torque limits of 500 plus or minus 10 inch-pounds for the 1/16 studs and through bolts, and 420 plus or minus 10 inch-pounds for 3/8 studs. Improperly torqued nuts are a major contributing factor to cylinder barrel, cylinder base studs, and crankcase failures. The engines exempted from this inspection, as indicated above, have had the new flanged nuts installed at the manufacturer's plant.

Since small cracks are more easily detectable by oil leaks, it is recommended that each inspection include a run-up with a clean engine.

(Continental Motors Corp. Service Bulletin No. M50–2 covers this same subject.)

This supersedes note 50–18–4.

50–20–2 BEECH Applies to all Model AT–11 and C18S aircraft.

Superseded by 50–28–1.

50–22–1 PRATT & WHITNEY Applies to all Military R–2800 B series engines installed in Certificated Curtiss C–46 aircraft (R–2800–21, –27, –41, –43, –51, –59, –63, –71, –75, –79).

To be accomplished at next overhaul but not later than August 1, 1950, provided the following inspections are made:

1. Prior to next flight, inspect impeller shaft end play as described below, and

2. Continue similar inspections thereafter at intervals not to exceed 40 hours of operation.

The above inspections can be accomplished by removing the carburetor and measuring the end play of the impeller shaft at any convenient point. End play in excess of 0.010 inch is cause for accomplishment of the modification listed below.

Supercharger impeller thrust bearing failures with resulting complete loss of power have been reported; their failure is believed due principally to sludged oil feed passages. As a precautionary measure, it is recommended that the engine be operated with minimum use of high ratio supercharger and that particular attention be directed toward keeping oil sludge to a minimum and maintaining open oil screens until modifications (a) and (b) or (a) and (c) below have been accomplished.

(a) Install a modified thrust bearing plate in accordance with P & W Service Bulletin No. 847. This Service Bulletin covers the use of thrust plates No. 74576 modified to, or which already incorporate, four oil skates and enlarged (3/32") oil holes. Some R–2800–21, –27, –31, –41, –43, –51, –59, –63, –79 engines may already incorporate this part.

(b) Incorporate "outside in" lubrication system modification in accordance with methods approved by C. A. A. This modified system is similar to that incorporated in the R–2800–C engine configuration, and is covered by Pratt & Whitney Special Instruction No. 5F–50. Companies having C. A. A. approval of this modification or other modification which can be accomplished, are as follows:

Air Carrier Engine Service, Miami, Fla. (Bulletin No. B–12–48).

Aircraft Engine Service, Inc., Division of Aerodex, Inc., Miami, Fla.

Aircraft Service Corporation, Miami, Fla. (Engineering Authorization No. 52).

American Airmotive, Miami, Fla. (Engineering Directive No. 28B–1–49).

Opa Locka Aircraft Engine Station, Opa Locka, Fla. (Dwg. No. 2800–01).

Pacific Airmotive, Linden, N. J.

Pacific Airmotive, Burbank, Calif. (Dwg. No. 648 B).

Slick Airways, Inc., San Antonio, Tex.

Miner's Aircraft Engine Service, Seattle, Wash.

Alaska Airlines, Inc., Everett, Wash.

American Air Service, Charlotte, N. C.

The Steward-Davis Co., Gardena, Calif.

Pratt & Whitney Service Bulletin No. A–441, dated July 9, 1945, describes a similar modification. However, copies of this bulletin and the special engine parts required for this modification are no longer available from Pratt & Whitney.

(c) Alternative impeller bearing and lubrication system modifications are acceptable provided they accomplish essentially equivalent lubrication to that of (b) above. Modifications based on design data which differs from the above modifications require C. A. A. engineering approval.

This supersedes Note 50–7–2.

50–23–1 PIPER Applies to all Model PA–17 aircraft and PA–15 aircraft equipped with PA–17 type landing gear shock struts.

Compliance required by July 15, 1950.

Inspect landing gear shock strut end fittings, Part No. 11808 (four per airplane) for cracks or other defects in the small bend radii. Replace fittings found to be defective. Excessive tightening of the attachment bolts may induce failure by restricting rotation of the fitting on the bolt, therefore, the end fittings should be installed free to rotate. (Piper Service Letter No. 129, dated October 28, 1949, covers the same subject.)

50–23–2 DOUGLAS Applies to all Model DC–6 aircraft.

To be accomplished as indicated below:

1. All P/N 5245424 and P/N5248748 nose gear yoke end fittings which have not been shot peened in the journal radius prior to original installation or by subsequent rework should be removed for inspection after being in service for a period not to exceed 6,000 hours. Nose gear yoke end fittings which have already accumulated service time in excess of 6,000 hours should be removed for inspection as soon as practical but not later than September 1, 1950. Shot peening can be distinguished by the dull gray color and coarse surface of the shot peened area.

2. Fittings removed at the 6,000 hour period may be used for an additional 4,000 hours or a total service life of 10,000 hours if inspected and reworked as follows:

a. Strip anodic surface from part, and subject to Zyglo inspection paying particular attention to the journal radius. If no cracks are found, the radius should be polished to remove all blemishes and then shot peened. This inspection and shot peening must be done by the Douglas Aircraft Company, an agency approved by that company, or by a method that has been substantiated as being equivalent to the procedure recommended by the Douglas Company.

b. Inspect the base radius of the spot faces of the six mounting holes. Parts having zero radius (sharp corner) to 0.031 radius at this point must be reworked to obtain an 0.062 spot face radius. It will be permissible to increase the original spot face diameter of 1 1/4 inches to 1 1/4 inches to obtain the 0.062 radius. Parts having 0.031 or better radius need not be reworked. Parts should be re-anodized after completion of all work.

c. Inspect the inside diameter of the 2103390 ring. All sharp edges should be given a .031 radius.

d. Inspect the inside diameter of the flanged end of the 2333253 bushing to see that it has a 1/8-inch radius and rework if necessary.

3. Fittings shot peened at time of original installation may be operated for a maximum service period of 10,000 hours provided they do not have the zero spot face radius at the mounting holes. Parts falling in this category should be removed at the normal gear overhaul period of 8,000 hours for rework of the spot face radius.

4. All fittings should be scrapped after reaching a total service life of 10,000 hours.

(Douglas General Service Letter DC–6 No. 26 dated April 7, 1950, covers the same subject.)

50–24–1 RYAN (NORTH AMERICAN) Applies to all Model Navion series aircraft prior to Serial NAV–4–1948, equipped with Landing Gear Fairings.

Compliance required at next periodic inspection but not later than October 1, 1950.

The installation of landing gear fairing on the Navion series airplanes increases the load on the landing gear control lever when it is moved from the "up" to the "down" position. The increase in force has, in a few instances, caused failure of the threaded end fitting, Part No. 145–58145–3, on the gear selector control rod. In order to preclude further failures of this nature, it will be necessary that the above-outlined rod end be replaced on airplanes incorporating landing gear fairings with a similar heat-treated rod end thoroughly checked for hardness in all areas. A rod end which has been thoroughly checked for hardness in all areas and which is identified by a dark gray-black color over the plating, is installed at the factory on airplane serial numbers NAV–4–1948 and subsequent, and is available for replacement purposes. (Navion Field Service Bulletin No. 8 covers this subject.)

50–25–1 PIPER-STINSON Applies to all Model 108 Series aircraft.

Compliance required not later than September 1, 1950.

Reports have been received of fuel seepage into the space between the inner cabin trim and the outer fabric covering of the fuselage. This results in soaking of insulating material in the cabin wall. The source of the fuel can be spillage during filling of tanks, thermal expansion of fuel in full tanks, or tank leakage. This fuel runs to the under surface of the wing, adhering to the lower curved surface of the trailing edge of the wing at the flap well, thence inboard to the fuselage and across the rear window. Since the window seal is often not perfectly tight the fuel may then enter the cabin wall.

To preclude the fire hazard of fuel soaked insulation within the cabin wall due to these causes, a drip strip similar to that shown in the accompanying sketch should

be installed on the underside of each wing

nism, throttle system.

AS26, (Air Associates P/N M-1842) have been

This supersedes Note 50-6-3.

and that particular attention be directed

if inspected and reworked as follows:

shown in the accompanying sketch should

be installed on the underside of each wing. This drip strip will prevent fuel from flowing from the wing to the fuselage. (Piper Service Bulletin No. 115, dated March 31, 1950 covers this same subject.)

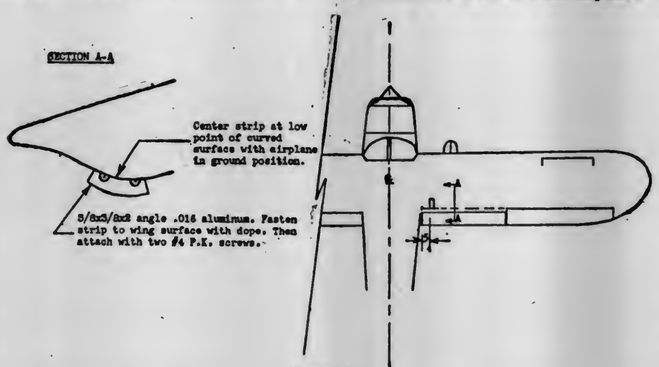

FIGURE 14.

50-26-1 CURTISS-WRIGHT Applies to all C-46A, D, E and F aircraft.

Compliance required not later than August 1, 1950, and at each 500 hours thereafter.

Thoroughly inspect the landing gear side braces Parts Nos. 20-310-1028 and 20-310-1029 for cracks in the vicinity of the welds at either end of the struts, using magnetic or X-ray inspection.

If cracks are found, the following will apply:

1. For one crack only in the weld proper less than ½ inch in length and 0.060 inch deep that does not penetrate into the tube member itself, stress relieve by grinding out the crack and polishing to remove all grinding marks. No reweldng required.

2. For more than one crack in the weld proper or cracks larger than those mentioned in item 1 above that do not penetrate into the tube member itself, repair by grinding out the cracks and rewelding in a welding jig (using the oxyacetylene torch method) and re-heat treat the tube assembly to 180,000 p. s. i. and Rockwell C-38.

3. If cracks are found in the tube member itself, the part should be replaced by a completely new assembly or repaired by replacing the tube and refabricating to the original specifications.

4. Part No. S51E105 is considered a satisfactory replacement for P/N 20-310-1028. When P/N S51E105 is installed it should be inspected by magnetic particle or X-ray method of inspection prior to initial installation and at periods not to exceed 1,000 hours of operation thereafter.

This supersedes Note 50-19-1.

50-28-1 BEECH Applies to all Model AT-11 and C18S aircraft.

To be accomplished at next 100-hour inspection and at each 100 hours inspection thereafter.

Inspect the wing center section steel truss joints in the nacelle region for fatigue cracks using magnetic particle inspection with portable equipment as recommended by Beech Service Bulletin No. C18-11, dated February 1, 1950, and revised June 23, 1950. If cracks are found they are repairable within the limits of Part B of this Service Bulletin provided the oleo drag legs, Beech Part 734-188005, or Martin Part 90-1000001, are installed in accordance with the manufacturer's recommendations.

Upon installation of the oleo drag legs, the inspection period may be extended to 1,000-hour intervals.

Airplanes repaired in accordance with Beech Service Bulletin No. C18-8, dated November 10, 1948 (AD 48-50-2), are considered airworthy until such time as cracks are found on inspection when inspected in accordance with Part A of Beech Service Bulletin No. C18-11 dated February 1, 1950 (Revised June 23, 1950). Upon installation of the oleo drag legs and compliance with Part A of Beech Service Bulletin C18-11 in its entirety the inspection period may be extended to 1,000-hour intervals.

Beech Service Bulletin No. C18-11 may be obtained from the Beech Aircraft Corporation, Wichita 1, Kansas. In requesting this bulletin from Beech, provide serial number and identification number of aircraft involved.

In lieu of compliance with the above inspection at the next 100 hours inspection period, the aircraft may be operated an additional 100 hours provided the affected areas of the steel truss are given a daily visual inspection using an 8-power magnifying glass after the affected joints are thoroughly cleaned of all grease and dirt and other foreign material. If cracks are found on visual inspection the truss must be given magnetic particle inspection together with full compliance with Beech Service No. C18S-11 revised June 23, 1950.

This supersedes Note 50-20-2.

50-29-1 CURTISS-WRIGHT Applies to all Model C-46A, C-46D, C-46E and C-46F aircraft.

Compliance required as soon as practical but not later than the next 25 hours of operation and at each 200 hours thereafter.

Inspect the lower surface of the wing center section for loose rivets (5/32-A17ST modified brazier head) in the area of the front and rear spars between Stas. 82.5 and 107.5. If more than 50 rivets are found loose along either the front or rear spar on either R. H. or L. H. wing center section between the stations mentioned above, they should be replaced immediately following the procedure outlined by Civil Aeronautics Manual 18.20-3 (e) (4) (ii) (a).

If less than 50 rivets are found loose at any of the above specified locations, the rivets need not be replaced until the time of next major overhaul.

50-30-1 REPUBLIC Applies to all Model RC-3 aircraft.

Superseded by 53-23-3.

50-31-1 CESSNA Applies to all Models 120 and 140 aircraft, Serial Numbers 8001 to 15035, inclusive, on which the .051 reinforcing channel or .040 reinforcing angles have not been installed.

Compliance required as soon as possible and not later than August 1, 1950, except as indicated below.

Because two fin spar fatigue failures have occurred in flight, indicating inadequate inspection due to the difficulty of such inspection, the fin must be removed for inspection. Inspection can then be best accomplished by removing five rivets in the fin bottom rib skin attachment and all attaching rivets through the spar and doubler flanges to permit raising the adjacent skin. The front face of the spar and the spar reinforcing channel should then be carefully inspected for flange buckles or cracks with at least an 8-power magnifying glass in the bend radii and in the adjacent flange rivet or clearance holes in the region of the bottom rib attachment. Modify in accordance with item 1 or 2 herein:

1. If failure exists, the spar must be replaced with a spar incorporating an .051 24ST alclad fin spar reinforcing channel, Cessna Part No. 0431129, or equivalent.

2. If no failure exists, reinforcing angles, Cessna Part Nos. 0431145 and 1431145-1 or equivalent, must be installed. (Cessna Service Letter No. 62 dated April 10, 1950 covers this same subject.)

Some of the first airplanes were manufactured using spot welded instead of riveted construction. The following applies to these aircraft and should be accomplished not later than September 1, 1950:

Drill out center of spots with No. 30 drill. Carefully pry skin loose from spar and root rib using a thin lever. Inspect and accomplish 1 or 2 above replacing all drilled spot welds with ⅛-inch rivets as required. In case that sheet or underlying structure is left with a damaged hole which cannot be properly filled with a ⅛-inch rivet, replace with 5/32-inch rivet or add an additional ⅛-inch rivet on each side of damaged hole.

This supersedes Note 50-17-1.

50-32-1 CONTINENTAL ENGINES Applies to all airplanes equipped with Continental Model E185-3 engines serially numbered 4514-D and below, E185-1 engines serially numbered 4566-D and below and E165-2 engines serially numbered 10024 and below. This includes Ryan (North American) Navion, Beech Model 35 and Luscombe Model 11A airplanes.

Compliance required each 10 hours of operation as indicated.

Note 49-2-4 describes an inspection procedure to preclude the possibility of sudden oil pump failure (and almost immediate complete engine failure resulting therefrom) due to shearing of the square corners of the oil pump drive gear shaft.

There have been a few recent oil pump failures which could have been avoided by continuation of periodic wear checks of the oil pump drive until the related parts are proven satisfactory by tear-down inspection and/or replacement. Therefore, the following should be accomplished on all engines in the serial number ranges indicated above which have not already complied with Continental Service Bulletin No. M48-15:

Remove tachometer drive cable and insert tapered flat end of Continental Drive Fit Indicator (P/N 530757) in slot of tachometer drive shaft, tapping slightly to be sure it is tight in place. By holding the graduated indicator with one finger, and imoving the bar with another, a reading (in degrees) of total backlash is obtained. Total backlash should not exceed 15°.

If total backlash does not exceed 15°, the wear check should be repeated at 10-hour intervals until the engine is overhauled and oil pump parts are dimensionally inspected and/or replaced, to determine whether or not excessive wear is accumulating. An accumulation of an additional 5° indicated wear in 20 hours, over the original reading, whether a total of 15° is reached

or not, is sufficient to warrant replacement of parts as hereafter noted.

A reading of more than 15° on the indicator indicates excessive wear, a potential failure, and requires immediate replacement of worn parts prior to further operation of the airplane. Parts affected include the oil pump drive gear, oil pump housing, accessory case, and cam gear. The cam gear need not be replaced if concentricity check shows total runout of square hole to be less than 0.004 inch.

At the time of major overhaul (or first disassembly), oil pump drive parts as per Continental Service Bulletin No. M48-15, should be checked and replaced if necessary. These parts are the oil pump drive gear and cam gear.

The wear check can be made at any Continental Authorized Service Station, and involves only a few minutes for accomplishment. (Continental Service Bulletins Nos. M48-14, with supplements Nos. 1 and 2, and M48-15, cover this same subject.)

This supersedes Note 49-2-4.

50-34-1 KOPPERS PROPELLER Applies to all aircraft equipped with Model F200 "Aeromatic" Propellers (Does not apply to "Aeromatic Model 220 Propellers.")

Compliance required in all cases no later than April 1, 1952.

1. Stinson Model 108-2 and 108-3 aircraft: Compliance required no later than first 200 hours of propeller operation.

2. Stinson Model 108 and 108-1 aircraft: Compliance required no later than first 400 hours of propeller operation.

3. If the total propeller operation time is unknown, or if a reasonably accurate estimate of total time cannot be made, compliance is required not later than the next 50 hours of operation. (Except for Stinson series aircraft, compliance is required by not later than the next 50 hours of operation if the total operation time as of August 29, 1949 exceeds 500 hours.)

Blade retaining flanges, P/N 3277 must be replaced with P/N 3277-1. When this change is accomplished a "-1" (dash one) is to be suffixed to the propeller assembly number on the nameplate to indicate compliance. Koppers Service Bulletin No. 24 covers this same subject.

Stinson Models 108-2 and 108-3 only: (Compliance Required by May 16, 1949). To avoid the possibility of crankshaft or propeller failures resulting from excessive torsional vibration in the 2,700 to 2,800 r. p. m. range, all engine operation must be restricted to 2,650 r. p. m. maximum and propeller readjusted in accordance with Koppers Service Bulletin No. 22. As a further safety measure it is required that propellers which have accumulated any operating time in the 2,650 to 2,800 r. p. m. range be equipped with new blade retainer flanges P/N 3277-1. (Koppers Service Bulletin No. 23-E covers this same subject.)

This supersedes note 49-42-1.

50-36-1 CONSOLIDATED-VULTEE Applies to all Model 240 aircraft incorporating original type nose strut inner cylinders, Bendix P/N 155285.

Compliance required at next No. 1 operation unless already accomplished, on all nose landing gear struts whose total time exceeds 1,000 hours, and at each No. 3 operation thereafter.

Due to recently reported failures of the nose strut inner cylinder the following is required:

Visually inspect P/N 155285 with an 8-power or higher glass for cracks in the area below the scissors lug boss approximately 4 inches above axle housing paying particular attention to the machined radius just below the scissors lug boss. Clean and remove paint from this area. Any evidence of cracks will require replacement of part. Parts with cracks may be repaired in accordance with the limits and procedures specified in Bendix Service Bulletin LG 518. CVAC Service Bulletin 240-366 is reprint of Bendix Bulletin LG 518.

This supersedes Note 50-10-1.

50-37-1 LUSCOMBE Applies to all Model 8C airplanes with a Continental A-75 carburetor engine installed but not equipped with either wing fuel tanks, or an engine-driven fuel pump and the Chevrolet AC-R1 hand pump.

To be accomplished prior to the next annual inspection, but in no case later than October 1, 1951.

It has come to our attention that some Luscombe 8C airplanes equipped with carburetor engines and fuselage fuel tanks are in service without appropriate modifications to the fuel system. Because of the marginal rate of fuel flow which can exist with the gravity feed fuselage fuel tank, engine failure may occur during take-off and climb under low fuel conditions. To eliminate this hazard, the airplane should be modified to provide either an engine-driven fuel pump and a hand operated Chevrolet AC-R1 wobble pump, or two 11.5 gallon wing fuel tanks and revised fuel system replacing the 14 gallon fuselage tank system.

Another satisfactory installation is to provide one 11.5-gallon wing fuel tank. This tank must not feed through the fuselage tank but must feed the engine directly. A placard must also be placed on the instrument panel or at the fuel valve reading, "For take-off and landing, use 11.5-gallon wing tank only."

Luscombe Service Letter, dated August 4, 1947, titled "Method of Effecting Engine Change for Increased Horsepower" pertains to this same subject. This Service Letter can be obtained from the Luscombe Airplane Corporation, Dallas, Texas.

50-38-1 NORTH AMERICAN Applies to all Model AT-6 series aircraft.

To be accomplished at the next annual inspection and at each succeeding annual inspection thereafter.

Several recent incidents have indicated that the inspections presently required are not sufficiently comprehensive to reveal all areas of the airplane which may have been adversely affected by inter-granular corrosion, and that the required inspections should be repeated periodically. Accordingly, in order to minimize the possibility of structural failure due to such corrosion, the following must be accomplished:

Inspect all accessible structural aluminum alloy components for evidence of intergranular corrosion, particularly in the following locations: At the upper and lower deck and the most forward and two aft bulkheads in the monocoque fuselage; frame around the baggage door; inboard end of horizontal stabilizer spars; fuel cell doors in the wing center section; wing attach angles; two inboard ribs on each outer wing; trailing edge ribs above flaps; and the outboard rib of the wings, especially at the trailing edge. Full use should be made of all access provisions to accomplish as thorough an inspection as possible.

In conducting these inspections, full reliance cannot be placed on visual examination alone. A screwdriver or other instrument should be used to explore for dull sounding areas and for material which may be penetrated easily by pressure applied to the screwdriver tip or similar sharp point. Areas adjacent to joints and sheared edges should be examined thoroughly.

Formed material in particular has been found to be subject to rapid inter-granular corrosion, because of poor heat treatment of parts which were formed in the annealed condition, and later heat treated.

All corroded parts must be replaced.

This supersedes Note 47-41-1.

50-38-2 BELL (a) Applies to all Models 47B, 47B-S, 47B3, 47B3-S, 47D and 47D-S. (b) Applies to Model 47D1, Serial Numbers 145 through 164, 174 through 183.

Compliance required before November 15, 1950.

Service difficulties have been experienced involving fan bearing failure due to improper adjustment of the cooling fan belt. This allows the cooling fan to move forward and jam the cyclic controls. To prevent such failures, fan belt tension should be properly adjusted. In addition, a fan shaft washer should be incorporated to prevent the fan from jamming the cyclic control in case bearing failure does occur.

Bell Service Bulletin No. 61 dated July 20, 1950, covers this subject for models under (a).

Bell Service Bulletin No. 72 dated August 4, 1950, covers this subject for models under (b).

50-39-1 CESSNA Applies to all Models 190 and 195 aircraft, up to and including Serial No. 7586.

Inspection required not later than November 25, 1950, on aircraft having 300 hours or more service and at each 100 hours operation on all aircraft.

Service experience has indicated that close inspection of rudder cables is necessary in order to detect premature cable fraying at the forward pulley. Due to the difficulty of inspection and since some failures may have occurred in core strands, the following methods are recommended: Detach the rudder cable from the rudder bellcrank in the aft fuselage or at the rudder horn at the pedal and pull the cable through the inspection openings immediately aft of the rudder pedal or through the tunnel at the aircraft centerline in the cabin. The cable should then be carefully inspected, by flexing, at a point 9 to 10 inches aft of the swagged fitting at the forward end of the cable for broken strands. Replace all cables showing signs of breakage.

The above inspection may be discontinued when at least the next larger size pulleys are installed. (Cessna Service Kit, SK 9050-1 provides the larger pulley and inspection opening for those aircraft prior to Serial Number 7587.)

50-40-1 BOEING Applies to all Model 377 Aircraft.

A. Compliance required not later than December 15, 1950, unless already accomplished, and at the periodic inspections nearest a 700-hour interval thereafter if not reinforced as indicated below:

Thoroughly inspect the nose gear spindle for circumferential cracks in the area adjacent to the weld between the nose gear spindle shaft, Part No. 9-13735, and the spindle bearing, Part No. 6-25978. Since these cracks are extremely fine, a close magnaflux, dye penetrant or equivalent inspection is required. (Etching process is not recommended.)

If cracks are found, either of the following steps should be taken:

(1) Remove the cracks with ⅜-inch diameter grinding tool such that not more than 0.08 inch of the spindle shaft and not more than 0.10 inch of the weld is removed. (Boeing Service Letter No. 94 covers this subject.)

If cracks extend beyond these limits the spindle should be reinforced per item (2) below:

(2) Reinforce the nose gear spindle by machining inside of spindle and inserting a ½-inch wall steel tube 25 inches long, Part No. 5-39516-3. (Boeing Service Letter No. 138A covers this same subject.)

B. (Part No. 15-22594) compliance required as indicated.

1. Thoroughly inspect the nose landing gear terminal Part No. 15-22594, for cracks in the trapezoidal cutout as soon as prac-

ticable, but not later than November 1, 1952,

cates that a satisfactory level of safety is be-

wood shank or ferrule must be removed from

ticable, but not later than November 1, 1952, unless already accomplished, and continuing at periodic intervals not to exceed 800 hours thereafter. This cutout is viable by removing the cover plate on the lower end of the strut and turning the nose gear segment. If cracks are found, the strut may be reworked in accordance with item 2 below, and provided cracks are removed, strut may be returned to service.

2. If not already accomplished, at the next landing gear overhaul, grind the sides of the trapezoidal cutout to a 0.50-inch radius at corners to conform to the sketch shown in Boeing's Service Letter 148A. The inspection of item 1 above must also be continued after rework until service experience shows that further cracking will not occur.

50-41-1 TAYLORCRAFT Applies to all Model B series aircraft, Serial No. 1001 and up.

Compliance required not later than November 15, 1950.

Reports have been received of interference between the elevator horn bolt and the fin cover plate apparently caused by improper field installation of the cover plate through bolt. Cases are known where the bolt has worn through the cover plate and such interference may result in jamming of the elevator control system. An inspection of the parts should be made and if evidence of interference is noted, suitable means of preventing the cover plates from interfering with the elevator horn bolt should be incorporated; a spacer bushing at least ¼ x 0.028 x 1¼ inches installed around the cover plate through bolt is considered satisfactory. (Taylorcraft, Inc., Service Bulletin 65 covers this same subject.)

50-41-2 MARTIN Applies to all Model 202 aircraft.

Compliance required not later than December 1, 1950.

To maintain a sufficient hydraulic reservoir capacity for the operation of the hydraulic units in the event of failure in the emergency brake system, install a hydraulic fuse (Simmonds P/N G45-6E-402-80) or equivalent, adjacent to the main line tee in the emergency brake system between the main line and the emergency brake accumulator. (Martin 202 Service Bulletin No. 105 covers this same subject.) When the manually operated charging valve is installed in accordance with A. D. 51-11-1, this hydraulic fuse is no longer required.

50-42-1 BEECH Applies to Model A35 aircraft, Serial Nos. D-1501 to D-2200 inclusive not having the cambered elevator tabs installed.

Compliance required at next 100 hours inspection but not later than November 15, 1950.

All aircraft should be modified as follows:

(1) Replace the elevator tabs (non-cambered) with cambered tabs (lower surface cambered) Part No. 35-660040-52 and -53 or,

(2) Restrict rear c. g. limit by appropriate revisions to loading schedules and Airplane Flight Manual to comply with the following c. g. limits:

(+83.7) to (+84.4) at 2,650 lbs.

(+75.9) to (+84.4) at 2,140 lbs. or less

Straight line variation between forward c. g. limits.

Beech Service Bulletin No. A35-8 dated April 3, 1950, covers this same subject.

50-43-1 DOUGLAS Applies to all Model DC-6 aircraft.

To be accomplished on or before the next major inspection where facilities are available and in any event by December 15, 1950, unless already accomplished at last previous tire change, and thereafter at the regular major inspection nearest to 330 hours. This inspection period may be extended to tire replacement periods by the assigned CAA agent when the airline's service experience indicates that a satisfactory level of safety is being maintained.

Remove the tires from all Goodyear main wheels, Model L20HBMF, wheel assemblies 9540049 and 9540332, and thoroughly inspect by Zyglo or equivalent methods the critical areas of the wheel, such as:

1. Brake drive flange area.
2. Tire bead radius of the fixed flange.
3. Tire bead seat radius of the demountable flange.
4. Radius of the demountable flange step.
5. The flange retaining ring groove in the wheel.

If cracks are found in any of the critical areas at one of these inspections, the wheel should be retired from service.

50-46-1 DOUGLAS Applies to all Model DC-3 and C-47 series aircraft which utilize a standpipe in the engine oil tank for propeller feathering oil reserve.

Compliance required not later than the first engine change after December 1, 1950.

There have been several cases of inability to feather the propeller due to inadequate feathering oil supply, following loss of engine oil. To correct this condition ascertain the quantity of oil retained in the tank by the propeller feathering standpipe with the airplane in the level flight attitude. If the quantity so retained is less than 1½ gallons, rework the standpipe so that at least this quantity is retained.

Aircraft employing C-47 type oil tanks, Douglas Part No. 5110511 with Douglas Part No. 1355088 standpipe will be considered satisfactory.

50-47-1 SENSENICH PROPELLERS Applies to Sensenich controllable and constant speed propeller models C3FR4, CS3FR5, C2FM and CS2FM. Some of the airplanes on which these are installed are Bellanca 14-13 (165 hp); Goodyear GA-2B; Stinson 108-2 and -3; Monocoupe 90AL-115; Piper PA-12, -14, -16; and Piper PA-20 with Lycoming 0-235-C1 engine.

Compliance required after each 300 hours of propeller operation, except for any aircraft not listed above compliance required after each 500 hours. If the accumulated time is over 300 or 500 hours, compliance is required prior to next 50 hours of operation and after each 300 or 500 hours of operation thereafter, whichever is applicable.

The propeller blades should be removed from the hub, and the wood blade shank and the split retaining ring groove in the blade ferrule should be carefully inspected for cracks. The lag screws should be check-tightened to 160 inch-pounds torque. Blades with broken lag screws, cracked wood shank or ferrule must be removed from service. The ferrule and all ferrous metallic parts of the hub should be magnetically inspected.

The blades are subjected to excessive vibratory stresses when operation beyond the allowable engine RPM ratings inadvertently occurs. It is recommended, therefore, that the accuracy of the tachometer be checked in order to preclude such operation. Operation between 1,800-2,000 r. p. m. is to be avoided when the nose landing gear is extended. (Sensenich Service Bulletins Numbers 133, 134 and 135 cover these same subjects.)

This supersedes note 47-47-9.

50-48-1 MARTIN Applies to all Model 202 and 202A aircraft except Serial Numbers 14081 and 14082.

Compliance required not later than February 1, 1951.

To reduce the possibility of nose gear centering cam failures which result in the inability to extend the nose landing gear, cut off the locking ears of the upper centering cam (P/N 202 SD61541) and fair in this cut area to the cam contour. (Martin 202/202A Service Bulletin No. 115 covers this same subject.)

50-48-2 COLLINS RADIO Applies to all Model 51R-1 and 51R-2 Receivers incorporating Allite or Thordarson 90/150 cycle Filters in their Tone Localizer Indicator Circuits and to all Model 51R-1 Receivers which have not been modified in accordance with Collins 51R-1 Service Bulletin No. 7a. This note applies only to receivers installed in air carrier aircraft.

Compliance required by July 1, 1951.

A. To minimize the possibility of complete or partial in-service failure of the 90/150 cycle tone localizer system, replace all Allite and Thordarson 90 and 150 cycle filters with Collins Radio Company approved replacement filters as follows:

Remove				Replace with—Collins No.
Function	Collins No.	Thordarson No.	Allite (Schrader) No.	
90 cycle...	673 0160 00	T-51677	C-222220-1	673 0206 00
150 cycle..	673 0161 00	T-51678	C-222220-2	673 0207 00

United Transformer Company Part No. F5024, 150 cycle filters, Collins Part No. 673 0161 00, are satisfactory and should not be replaced.

Collins 51R-1 and 51R-2 Service Bulletin No. 14 dated September 21, 1950 covers this same subject.

B. To minimize the possibility of course reversal due to the loss of automatic gain control action, modify the Model 51R-1 receiver in accordance with Collins 51R-1 Service Bulletin No. 7a dated August 29, 1950.

50-52-1 HAMILTON STANDARD Applies to all Convair Model 240 series, Douglas DC-6 and Martin Models 202 and 202A aircraft equipped with Hamilton Standard 2H17 series blades.

Compliance required daily until further notice.

There have been several cases in which a crack has been detected in Hamilton Standard 2H17 blades during routine ground inspections and recently there was a case in which a section of the blade tip shell was lost in flight requiring an unscheduled landing. In order to eliminate the possibility of other blade failures, the following precautionary measures must be taken:

(1) Thoroughly clean the entire surface of each blade to remove oil, grease, dirt, etc., so that an adequate inspection of the entire blade surface can be made.

(2) Carefully examine visually at close range (12"-14") and in detail, the entire surface of each blade for cracks and surface

defects in accordance with Hamilton Standard Service Bulletins Numbers 177 and 193. Any suspected areas should then be more closely examined by using a suitable magnifying glass, permanent magnet or any other suitable means as required.

(3) If any cracks are found in the blade surface, it must be retired immediately from service. All doubtful cases should be referred to the propeller manufacturer.

This Directive supplements previous Hamilton Standard information on the same subject to all affected operators.

51-1-1 DOUGLAS Applies to all Douglas DC-6 aircraft.

To be accomplished as indicated below:

(a) All airplanes at each 300 hours of flight time—Inspect for broken studs at the front spar lower and upper fittings at wing joint Station 421. Also inspect lower, forward front spar fittings, P/N 4332884 and -1, and upper forward fitting, P/N 4332885 and -1, for cracks in area approximately 2 inches outboard of fitting face.

(b) If broken stud is found, replace both studs at spar fittings with parts having threads rolled after heat treat, install bolt with threads rolled after heat treat at center spar, and replace lower fitting P/N 4332884 and -1 and upper fitting P/N 4332885 and -1 with newly designed heavier fittings P/N 4397872 and -1 and P/N 4397873 and -1, respectively. Return of an airplane to service prior to the availability of the newly designed fittings is permissible by installation of new fittings of the old design (P/N 4332884 and 4332885), providing replacement is made at or before 8,000 hours of service on those parts. Spotface new fittings after installation to align with adjacent fittings.

If records show previous case of broken parts at front spar fitting, and only corrective action taken was the replacement of studs with threads rolled after heat treat, inspect fittings at each 300 hours of operation until same replacement action outlined above is taken at next engine change period.

(c) Continue inspections outlined in (a), above, until following replacement action is accomplished:

1. If not previously incorporated, install studs at the front spar and bolts at the center spar which have threads rolled after heat treat. (See A. D. 49-6-2.)

2. Replace the lower forward front spar fittings P/N 4332884 and -1 with new heavier P/N 4397872 and -1 and replace the upper forward front spar fitting P/N 4332885 and -1 with new heavier P/N 4397873 and -1 spot-facing fittings after installation.

(d) Replacement action outlined in Items (c) 1 and 2, above, to be accomplished not later than January 1, 1952. (Douglas General Service Letter DC-6 #61 covers this same subject.) Refer to Douglas Service Letter #66, Supplement #2 dated July 18, 1951, for wing alignment at Station 421.)

51-2-1 DOUGLAS Applies to all Douglas Model DC-3 series aircraft with ramp type main entrance doors hinged at the bottom.

Compliance required as indicated below:

(1) At next number 1 inspection or equivalent and at regular intervals not to exceed approximately 100 hours, inspect the main entrance door hinges and locking and warning mechanisms for alignment and/or adjustment until the rework of item (2) below is accomplished.

(2) Compliance required by July 1, 1951.

A. Install an inspection window for at least the uppermost main entrance door locking bayonet. The installation to be in a manner to permit visual observation of the bayonets in the locked position so that it can be determined by visual means that the door is properly closed and locked. The bayonets and adjacent structure should also be appropriately marked with a paint stripe to indicate when the bayonets are in the locked position.

B. Provide means to retard disengagement of bayonets by creeping due to vibration or other loads in flight. A notched bayonet installation similar to that covered in Metropolitan Airparts Service Bulletin No. MAP-1A for their airstairs Model A; or similar to the notched bayonet installation used on the Douglas DC-6 and Super DC-3 main entrance doors; or a spring loaded positive over center latching mechanism will be considered to meet this objective.

(3) Compliance required by January 1, 1953.

To reduce the possibility of inadvertent opening of the door in flight install stops to positively limit the lock mechanism travel in accordance with Metropolitan Airparts Service Bulletins Nos. MAP-4A, MAP-5A, or MAP-6A (for Models A, C, or D Airstair Doors respectively) or equivalent.

51-2-2 TEMCO (formerly Globe) Applies to all Model GC-1A and GC-1B airplanes through Serial No. 3760, except those equipped with Hanlon-Wilson muffs.

Compliance required by February 15, 1951.

To prevent engine malfunctioning due to pieces of asbestos from the carburetor heat muff entering the carburetor, remove all asbestos strips on the right-hand (carburetor heat) muff. After removal of the asbestos, peen the muff collars to provide a tight fit on the exhaust stacks.

This supersedes Note 47-25-8.

51-3-1 MOONEY Applies to Model M-18 series aircraft, Serial Nos. 1 through 82 and 201 through 236.

Compliance required not later than March 15, 1951.

There have been reported failures of the fuel line due to vibration and relative motion between the fuel tank and the fuel shut-off valve. To preclude the possibility of recurrence of this type failure, cut the fuel line at a point approximately four inches from the fuel tank outlet and install a 4-inch length of ⅜-inch ID approved aromatic resistant flexible hose and hose clamps at this point. (Mooney Service Bulletin No. 6 covers this same subject.)

51-3-2 MARTIN Applies to all Model 202 and 2-2A aircraft.

Compliance required by April 1, 1951, on all aircraft having main landing gears with 4,000 hours service or more, and thereafter every 4,360 cycles of landing gear operation.

Due to reported occurrences of cracks, the main landing gear crankshafts (P/N 202SD82019 and 202SD82021) should be replaced with new crankshafts bearing the same part numbers and having a ground radius around the periphery of the hole for the retract pin. (Martin Service Bulletin No. 128, dated October 4, 1950, covers this same subject.)

51-4-1 MARTIN Applies to all Model 202 aircraft.

Compliance required not later than April 1, 1951.

In order to eliminate a fire hazard due to the possibility of flow from the tank to the engine compartment in case of the failure of the carburetor vapor vent return line, install a swing type check valve at each fuel tank where the vapor vent line attaches to the tank so that flow can take place only toward the fuel tank. (Martin Service Bulletin No. 138, dated November 30, 1950, covers this same subject.)

51-4-2 WARNER ENGINES Applies to all Warner engines except those with the letter "A" stamped after the serial number on the engine nameplate. The letter "A" indicates that the modifications hereinafter discussed have already been accomplished.

Compliance required as indicated.

As a precautionary measure to preclude serious flight hazards resulting from failure of the ⅝-inch cylinder hold-down studs P/N S506, the following inspections or replacements should be accomplished.

A. Compliance required as soon as possible but not later than 4/1/51 and at each 100 hours of operation thereafter.

1. Check the cylinder hold-down nuts to determine that they are tightened to a torque of 180 inch-pounds desired to a 200 inch-pounds maximum.

(a) If one or more of the studs is found to be broken, replace all of the studs for the particular cylinder.

(b) Loose cylinder hold-down nuts are a good indication that the stud may have stretched to the extent that fatigue failure may soon result. If one or more of the nuts is found loose, it is recommended that all of the studs in the cylinder be replaced.

(c) When installing a cylinder with oil on the stud threads, tighten nuts to 200 inch-pounds desired to 225 inch-pounds maximum. (Warner Service Letter No. A-15 discusses procedures for inspecting and replacing ⅝-inch studs and nuts.)

B. Compliance not required, but will eliminate foregoing mandatory inspections.

1. Replace Cylinder stud P/N S506 and Nut N-511 with ⅜-inch Stud S-911 and Nut N-910.

2. Replace gasket between cylinder barrel and crankcase with an "O" type ring.

3. Stamp letter "A" after serial number on engine nameplate when this modification has been completed.

(Warner Service Letter No. A-17 explains the details connected with the replacement of these parts.)

The Warner Aircraft Co., P. O. Box 229, Niles, Mich., which purchased the assets of the Warner Div. of the Clinton Machine Co., Detroit, Mich., have a large supply of replacement part stocks that will be held in their inventory for an indefinite period. Warner Service Letter No. A-17 should be consulted before ordering these replacement parts. If either Letter A-17 or Letter A-15 is not available, copies may be obtained from the Warner Aircraft Co., Box 229, Niles, Mich.

51-5-1 PRATT & WHITNEY Applies to DC-6 and CV-240 aircraft equipped with R-2800-34M1, -83AM3, -83AM4, and Double Wasp CA series engines using anti-detonant injection (wet power) for take-off.

Compliance required as soon as possible but not later than February 15, 1951.

A. Each operator of an airplane covered shall select a power which he undertakes to maintain. If that power is less than the corresponding value available during the type certification tests of the airplane, the operating weights of the entire fleet shall be reduced to values such as will enable the airplanes to perform as indicated in the approved airplane flight manual with the power selected.

B. The power actually developed by each engine shall be measured each time it reaches each of the following stages.

1. Upon installation of overhauled engines in aircraft.

2. At the No. 3 inspection nearest to the midpoint of the authorized service time between overhauls.

3. At the nearest No. 3 inspection or some convenient point near or at the end of the authorized service time between overhauls.

C. The procedures and methods employed in making these power measurements shall be acceptable to the CAA.

1. The frequency of the power measurements should be continued as indicated above until the results obtained on each operator's fleet have been evaluated for the purpose of establishing whether more frequent or less frequent measurements are warranted.

2. Operators not employing line maintenance practices which will reasonably insure

the continued availability of the selected power will start this program making more frequent power measurements than indicated above.

D. An airplane incorporating an engine which at any of the required power measurements, fails to develop the selected power shall not be dispatched unless:

1. The power is restored to the selected value, or

2. The engine is replaced by one developing the selected power, or

3. The operating weights of the individual airplane are reduced as specified in "A".

E. If, on a fleet wide basis, the initial powers measured during any individual power measurement are consistently below the selected power, the operator shall:

1. Initiate or improve line maintenance to the extent necessary to give reasonable assurance that the selected power is continuously available, or

2. Make more frequent measurements of power, or

3. Select a lower value of power representative of the initially measured values and reduce operating fleet weights as specified in "A".

F. An acceptable method for power measurement and data correction utilizing static ground runups in the aircraft is described by AAL in their instructions on "Convair Ground Power Check." This information has been distributed by ATA to all the airlines involved. Alternative methods providing equivalent or greater accuracy will be acceptable.

G. Results of the above power checks are to be submitted regularly and promptly to the assigned CAA field agents.

51-7-1 RYAN (NORTH AMERICAN) Applies to all Navion airplanes having serial numbers 1789 through 2019; 2021 through 2026; 2028 through 2142; 2144 through 2169; 2171 through 2177; and 2180.

To be accomplished as indicated below.

It has been found that on some of these airplanes throttle housing slippage has occurred at the point where the cable housing is swaged to the ferrule at the instrument panel end. This slippage can result in erratic throttle operation. An inspection of these controls for evidence of housing slippage must be made not later than March 5, 1951. Any control showing evidence of slippage shall be replaced immediately.

It has been found that housing slippage may be caused by the inner shaft in the control head striking the end of the housing when the throttle is moved to the full open position. To prevent such occurrence, a special stop nut must be installed on the throttle shaft in place of the existing jam nut. This special nut, which will prevent the inner shaft from striking the end of the housing, is being furnished by the Ryan Company and must be installed by July 15, 1951. (Ryan Field Service Bulletin No. 9, dated September 1, 1950, covers this same subject.)

51-8-1 CONTINENTAL ENGINES Applies to all Continental Model E185 engines serial numbered 2600 and below which have not been major overhauled since November 1, 1947, by Continental Motors Corporation or July 1, 1948, by field overhaul agencies.

Superseded by 51-26-3.

51-8-2 BEECH Applies to all Model 35, A35, and B35 aircraft, Serial Nos. D-583 to D-2500 inclusive with the following exceptions: D-2319; 2459; 2472 through 2474; 2476 through 2483; 2485; 2488; 2489; 2491; 2492; 2494; 2496; and 2498.

Canceled September 26, 1955.

51-8-3 TEMCO (Formerly Globe) Applies to Model GC-1A and GC-1B aircraft—all serial numbers.

Compliance required at next periodic inspection but not later than May 1, 1951.

Inspect the horizontal stabilizer front spar attachment to the fuselage bulkhead for looseness. First remove all fairing or interfering items. Support the horizontal stabilizers on the fuselage so that their position cannot change; remove the four AN3 bolts which attach the front stabilizer spar to the fuselage bulkhead. If there is no deformation or elongation of these bolt holes and if the holes in the stabilizer spar and the fuselage bulkhead are in correct alignment, the AN3 bolts should be reinstalled, torquing them to 25-30 inch-pounds.

If there is a deformation or elongation of the attach bolt holes, a repair can be accomplished by reaming these 3/8-inch holes to 1/4-inch diameter with the stabilizer firmly blocked in the proper position with the fuselage. The AN3 bolts, nuts, and washers are to be replaced with AN 4 bolts, nuts, and washers, and they should be torqued to 80-90 inch-pounds in reassembling the stabilizer front spar attachment. The empennage and fairing which were removed for this inspection and repair are then reassembled on the airplane.

If the AN3 attachment bolts are retained, this inspection should be repeated at each periodic or annual inspection. If the AN4 attachment bolts are installed, only the normal inspections of this attachment need be made.

51-9-1 PRATT & WHITNEY Applies to Boeing Model 377 aircraft equipped with Wasp Major TSB3-G or B5 engines using anti-detonant (wet power) for take-off.

Compliance required as soon as possible but not later than May 1, 1951.

A. Each operator of an airplane covered shall select a power which he undertakes to maintain. If that power is less than the corresponding value available during the type certification tests of the airplane, the operating weights of the entire fleet shall be reduced to values such as will enable the airplanes to comply with the transport category performance requirements with the take-off power selected. Appropriate flight manual revisions shall be made to indicate whatever changes in performance have resulted.

B. The power actually developed by each engine shall be measured each time it reaches each of the following stages:

1. Upon installation of overhauled engines in aircraft;

2. At the No. 3 inspection nearest to the midpoint of the authorized service time between overhauls; and

3. At the nearest No. 3 inspection or some convenient point near, or at, the end of the authorized service time between overhauls.

C. The procedures and methods employed in making these power measurements shall be acceptable to the CAA.

1. The frequency of the power measurements should be continued as indicated above until the results obtained on each operator's fleet have been evaluated for the purpose of establishing whether more frequent or less frequent measurements are warranted;

2. Operators not employing line maintenance practices which will reasonably insure the continued availability of the selected power will start this program making more frequent power measurements than indicated above.

D. An airplane incorporating an engine which at any of the required power measurements fails to develop the selected power shall not be dispatched unless:

1. The power is restored to the selected value, or

2. The engine is replaced by one developing the selected power, or

3. The operating weights of the individual airplane are reduced as specified in "A".

E. If, on a fleet-wide basis, the initial powers measured during any individual power measurement are consistently below the selected power, the operator shall:

1. Initiate or improve line maintenance to the extent necessary to give reasonable assurance that the selected power is continuously available, or

2. Make more frequent measurements of power, or

3. Select a lower value of power representative of the initially measured values and reduce operating fleet weights as specified in "A".

F. Results of the above power checks are to be submitted regularly and promptly to the assigned CAA field agents.

51-9-2 DOUGLAS Applies to all Model DC-4 and C54-DC series aircraft.

Compliance required as indicated.

A. To be accomplished at intervals not to exceed 2,000 hours of flight time. Torque check all empennage control surface hinge bolts by first making a visual check of the slippage stripe across the nut and the adjacent area for signs of any relative motion and then applying a tightening force to the nut equal to the minimum torque specified in the Douglas Maintenance Manual for the nut and bolt combination. If the nut does not move with the application of this force and the condition of the stripe indicates no previous movement, the assembly may be left intact. When any looseness is found, the assembly should be removed and thoroughly inspected.

B. To be accomplished at each major overhaul period. In addition to the control surface hinge bolts mentioned in part "A" above, remove the nuts from all rudder and elevator bracket attaching bolts and rudder and elevator hinge eye-bolts. All nuts, bolt or stud threads, and mating surfaces must be cleaned of dirt, grease, oil, or dye and thoroughly dried. All parts should be checked for wear and replaced as necessary. Upon reassembly, all nuts should be torqued to the recommended values specified in the Douglas Maintenance Manual for the particular model airplane. All torqued or re-torqued bolts should be identified by a narrow painted line across the nut and adjacent surface so any movement of the nut will be readily discernible. This marking should be done as soon as possible after torquing. Bolt heads should not be torqued or re-torqued unless it is impossible to reach the nut because of inaccessibility. If it should be necessary to torque or re-torque the bolt head, it should be marked in the same manner as described for the nut.

C. Airline operators with CAA accepted maintenance inspection programs need only torque check 15 percent of fleet or minimum of two airplanes, whichever is greater, at each 2,000-hour period or in multiples of major inspection closest to 2,000 hours. This period may be increased in 1,000-hour steps until the major aircraft over-haul period is reached provided no defects are found. Thereafter, the torque check shall be accomplished on each aircraft at the aircraft major overhaul period. Where the CAA accepted maintenance inspection program includes procedures equivalent to this Airworthiness Directive and above deviation, the CAA accepted maintenance program may be followed in lieu of this Airworthiness Directive.

This supersedes Note 47-27-3.

51-9-3 TAYLORCRAFT Applies to all Taylorcraft aircraft below Serial No. 13001 incorporating a push-pull type fuel shut-off control.

Compliance required not later than June 1, 1951.

To prevent accidental operation of the fuel shut-off valve during flight, a safety device must be installed on this control. The device is to prevent inadvertent operation of the fuel shut-off valve by requiring a definite and positive movement by the pilot before the control can be operated. Taylorcraft Part No. B12-947-3 or equivalent is considered satisfactory. Part No. B12-947 which was previously installed in some Taylorcraft airplanes must be replaced by this improved

part. (Taylorcraft Service Bulletin No. 66 dated December 6, 1950, covers this same subject.)

This supersedes 47-13-1.

51-10-1 DOUGLAS Applies to all Model DC-6 aircraft.

Compliance required at first engine change after receipt of parts but not later than June 1, 1952.

In order to increase the strength of the wing flap operating link assembly at wing station 281, and to replace the temporary reworks of the present links as outlined in Douglas General Service Letter DC-6 No. 60, the following should be accomplished:

a. Replace wing flap operating link assembly, P/N 4330069, with new heavier link, P/N 4393814.

b. Visually inspect 4330069 links every 60 hours of operation until replacement per item "a" above, is accomplished. If links have been reworked and shot-peened per Douglas General Service Letter DC-6 No. 60, inspect every 500 hours of operation until replacement is made. (Douglas General Service Letter DC-6 No. 60 covers this same subject.)

51-10-2 LUSCOMBE Applies to all Model 8 series aircraft.

Compliance required by the next periodic inspection, but not later than June 1, 1951, and at each annual re-certification thereafter.

Due to recurring failures of the control cables, all cables should be carefully inspected at each section which passes either over a pulley or through a fairlead. To properly inspect the cables, they should be removed from the airplane to the extent necessary to expose the sections to be inspected. Care should be taken that the method of inspection is not damaging to the cable; i. e., do not sharply bend any strand or the whole cable and do not "bird-cage" the cable to the extent of putting permanent set in the strands or the whole cable. Any unairworthy cables must be replaced.

In re-installing the control cables, the rigging of the entire control system should be checked and properly adjusted. The control surface travels may be obtained from Aircraft Specification A-694. Care should be taken that none of the cables drag across or rub against any structure or equipment due to misalignment of the fairleads. Luscombe Airplane Corporation Service Bulletin No. 1-51 furnishes further information on this subject and Luscombe Airplane Corporation, Garland, Texas, should be contacted for further information, if needed, in rigging controls.

51-10-3 CURTISS-WRIGHT Applies to all Model C-46 aircraft.

To be accomplished as indicated below:

A. Due to service failures and low margin of safety, retire from service by July 1, 1951 all Goodrich main wheels, Model 1900M (Hayes Assembly No. H-3-38-M-1), having Serial Nos. AE-8701 or lower. Any wheels with prefix serial number "38" are eligible regardless of serial number.

B. Remove the tires and inspect all Goodrich main wheels, Model 1900M (Hayes Assembly No. H-3-38-M-1) at the periodic inspection following each 85th landing or at the regular periodic inspection nearest to 330 hours, whichever occurs first. Regardless of the number of landings, this inspection period may be extended, by the assigned CAA Agent, to the regular periodic inspection nearest to 330 hours, and then to tire replacement periods, when the operator's service experience and quality of wheel maintenance indicates that a satisfactory level of safety is being maintained. The initial inspection period, when applying this A. D. revision, shall consider the accumulated time and number of landings since the last wheel inspection. Inspection shall be by the Zyglo, Dy-Chek, or equivalent method and shall include the critical areas such as: (1) Brake drive flange area; (2) Tire bead radius of the fixed flange; (3) Tire bead seat radius of the demountable flange; (4) Radius of the demountable flange step; (5) The flange retaining ring groove in the wheel.

If cracks or other signs of fatigue failure are found in any of the critical areas, the wheel must be retired from service.

51-10-4 CESSNA Applies to Model 190 aircraft, Serial Nos. 7004 through 7594.

Inspection required not later than May 1, 1951, and every 25 hours of operation thereafter until new cowl mounting ring channels and channel stiffening angles are installed.

Due to cracking and failures of the cowl mounting ring channels which, if undetected, may result in the cowl moving forward into the propeller, the cowl mounting channels must be closely inspected for cracks with particular attention being paid to the sections which bear against the cowl mounting lugs. This inspection must be repeated every 25 hours of operation until the presently installed 1010 steel cowl mounting channels are replaced with 4130 steel cowl mounting channels, Cessna P/N 0352161, 0352163, and 0352163-1, and aluminum alloy cowl channel reinforcing angles, Cessna P/N 0352146, 0352147-1, 0352147-2, 0352152-5, and 0352152-6 are installed. In the event that inspection reveals any indication of cracks, the new cowl mounting channels and reinforcing angles must be installed immediately. (Cessna Service Letter No. 13 dated March 29, 1951, covers this same subject.)

51-10-5 TEMCO (Formerly Globe) Applies to Model GC-1A and GC-1B aircraft, serial numbers 3711 and below.

Compliance required at next periodic inspection but not later than May 1, 1951.

(This Airworthiness Directive Supplements AD-48-28-1.)

The two most forward AN3-4 bolts in each flange of reinforcement 11-213-5074 (4 bolts in all), installed to comply with AD-48-28-1, interfere with the tail wheel shock strut cylinder at the upper extreme of its travel. The tail wheel shock strut should be removed from the airplane and the shock strut and the tail wheel support channel, P/N 11-212-1484, carefully inspected for damage. Any damaged part should be replaced or repaired.

Re-examination of this reinforcement P/N 11-213-5074, shows that the two forward AN3-4 bolts in each flange (4 bolts in all), are not necessary to achieve the required strength. Therefore, remove these bolts, leaving the two most rear AN3-4 bolts in each flange of the reinforcement (4 bolts in all). The flanges of the 11-213-5074 reinforcement may be cut off along a line located 3/8 inch forward of the center-line of the two rear 9/16-inch bolt holes in each flange, if necessary to accommodate a repair of the tail wheel shock strut support channel. Re-install the tail wheel shock strut.

51-10-6 CURTISS-WRIGHT Applies to all Model C-46 series aircraft.

Compliance required at next periodic inspection, not to exceed 100 hours, and each 200 hours or nearest regular inspection period thereafter.

Inspect all aileron, rudder and elevator hinge fittings and adjacent structure for cracks, loose rivets, worn bolts and condition of bearings. If defects are found, the part should be replaced by an undamaged part or repaired.

This supersedes note 50-14-1.

51-11-1 MARTIN Applies to all Model 202 and 202A airplanes except as noted.

Compliance required as specified herein. Compliance with this note cancels the requirements of A. D. 50-41-2.

In order to comply with the recommendations of the Martin 202 Modification Board, the following items must be accomplished.

In all cases, modifications which are demonstrated to provide a level of safety equivalent to that provided by the modifications listed herein will be acceptable in lieu of the listed modifications.

Compliance required by August 16, 1951.

1. Decrease breaker rating for propeller anti-icing circuit to 5 amperes to accomodate No. 20 wire. (Applies to Model 202 airplanes only.)

2. Install negative pressure scoop on battery vent line.

Compliance required by November 16, 1951.

1. Add manually operated charging valve in the emergency brake hydraulic system in accordance with Glenn L. Martin Company Service Bulletin No. 185.

Compliance required by December 1, 1951.

1. Provide circuit protection for voltmeter.

2. Provide circuit protection at main bus for generator trip light circuit.

3. Provide circuit protection for ammeter wires.

Compliance required by February 1, 1952.

1. Install circuit breaker in circuit breaker panel with wire routed back to auxiliary bus control relay.

51-11-2 CESSNA Applies to all Model 190 and 195 aircraft Serial Nos. 7004 to 7474 and 7476 to 7479, inclusive.

Compliance required not later than June 1, 1951, and upon each 100 hours of operation thereafter until reinforcing doublers are installed at outboard hinge fittings.

Inspect for fatigue cracks in the elevator spar webs at the outboard hinges. This may be accomplished by loosening the two attaching bolts as necessary to facilitate inspection for cracks at the bolt holes. Cracks extending less than 3/4 inch beyond the hinge fitting should be stop-drilled and reinforcing doublers, Cessna P/N 10008-11-2 and -3, should be installed on the forward side of the spar. If any cracks are longer than 3/4 inch, the spar should be replaced and the reinforcing doublers added. (Cessna Service Letter No. 10 dated November 18, 1949 covers this same subject.)

51-11-3 FRANKLIN ENGINES Applies to all Franklin 6V4-178 Engines serially numbered 17588 and below and all Franklin 6V4-200-C32 engines serially numbered 26034 and below.

Superseded by 51-28-2.

51-11-4 TEMCO (Formerly Globe) Applies to Models GC-1A and -1B and includes all serial numbers.

Compliance required as indicated.

A. At each 100-hour or annual inspection, all bushings in all landing gear pivot points should be inspected for wear that would allow fore and aft travel of the main landing gear. The total fore and aft travel of the wheels, measured at the center of the axle, due to the cumulative slack in the worn bushing, should not be more than 3/8 inch. This check should be made with the hydraulic pressure relieved on the system and with the landing gear in two positions: 1) unlocked and in an intermediate position near to, but not in, the full down position; and 2) with the landing gear just entering the wheelwell. If the total fore and aft travel of the wheel of either landing gear is more than 3/8 inch in either position, the landing gear assembly must be repaired as necessary to reduce this travel to less than 3/8 inch.

B. At the next 100-hour or annual inspection, whichever occurs first, unless already accomplished, install spacer in Emergency Landing Gear Pull Down System to prevent inadvertent unthreading of drive screw. (Temco Service Bulletin No. 28 covers this same subject.)

C. At each 100-hour or annual inspection, the emergency extension system should be inspected for proper adjustment in accordance with paragraph 8, 9, and 12 of Temco Service Bulletin No. 28.

51-12-1 WRIGHT ENGINES Applies to all Models C9GB, C9GC, C9HD, and Military R-1820 series engines.

Compliance required as soon as possible, but not later than April 1, 1952.

To preclude piston pin failures, piston pins part numbers 68827, 117691, and 131061, which have not been carburized, must be replaced at each engine overhaul. Piston pins numbers 117691 and 131061 retain the same part number when carburized, but may be identified by the symbol "C" on the recessed end of the pin. Piston pins number 68827 were never carburized and therefore should not be reused. It is suggested that orders for carburized piston pins be placed well in advance of required delivery date. (Wright Service Bulletin No. C9-156A covers this same subject.)

51-12-2 MARTIN Applies to all Model 202 and 202A airplanes except as noted.

Superseded by 51-19-4.

51-13-1 MARTIN Applies to all Model 202 and 202A series aircraft as noted.

Compliance required as indicated.

I. Applies to all serial numbers except 9125 through 9127 and 9129 through 9131.

A. Compliance required every other No. 3 inspection period, approximately 620 hours flight time, or 6 months, whichever occurs first.

1. Inspect the wing top cover splice angles with a 2 to 6 power glass (may be conducted with paint on). On Model 202 series aircraft, except serial numbers 9149 and 9150, these angles are P/N U23435 through U23442 (wedge assemblies Nos. 2021A12633 and 2021A12624). On Model 202 aircraft, serial numbers 9149 and 9150, and on all Model 202A series aircraft, these angles are P/N A12025, A12026, U29403, U29404, U29407, and U29408 (wedge assemblies Nos. 2021A12023 and 2021A12024).

2. If cracks are found, the top cover wedge assembly must be replaced as outlined in Item B below.

3. Continue the inspections outlined in Item 1 above until the replacement action outlined in Item B below is accomplished.

B. Compliance required not later than January 1, 1953.

1. Replace all wing top cover wedge angles with new angles as follows: On Model 202 series aircraft, except serial numbers 9149 and 9150, the new angles are P/N 202A-3000068-1 and -2 through 202A3000071-1 and -2 (wedge assemblies Nos. 2021C12336-9 and -10). On Model 202A aircraft, serial numbers 9149 and 9150, and on all Model 202A series aircraft, the new angles are P/N 202A-3000072-1 and -2 through 202A3000074-1 and -2 (wedge assemblies Nos. 2021C12090-9 and -10).

2. At the time of wedge assembly replacement, the outer wings must be reinstalled with the engines removed, and the mating faces shimmed to a maximum permissible gap of 0.020 inch. The rear spar fitting must also be shimmed to a zero gap for approximately the upper half of its area.

3. Each airplane must have a torque check on the attach angle bolts immediately after the first flight after any outer wing installation. If the torque is within 15 percent of the installation torque, it is satisfactory.

4. After the new wedge angles are incorporated, the inspection outlined in above Item A is no longer applicable to that airplane.

II. Applies to serial numbers 9125 through 9127 and 9129 through 9131.

A. Compliance required every 170 hours flight time. Conduct the inspection outlined in above Item 1A on angles P/N U23435 through U23442 (wedge assemblies Nos. 2021A12623 and 2021A12624) until cracks are found and/or the replacement action outlined in Item B below is accomplished.

B. Compliance required not later than May 15, 1952. Replace all wing top cover angles with new angles P/N 202A3000068-1 and -2 through 202A3000071-1 and -2, wedge assemblies Nos. 2121C12336-9 and -10, and when accomplished, the inspections outlined in above Item A are no longer applicable to that airplane.

III. Applies to all Model 202 and 202A series.

A. Compliance required every 12,000 flight hours. Replace all wing top cover attach angle bolts and spar web splice bolt. (Martin 202/202A Service Bulletins Nos. 180, 184, and 187 cover this same subject.)

51-14-1 BEECH Applies to all Model 35 and A35 aircraft equipped with unmodified Adel 20653 Electric Fuel Pump installation.

Compliance was required as soon as possible, but in any event, not later than April 1, 1949.

To prevent the possibility of air leakage into the airplane's fuel system through a leaking shaft seal of the unmodified 20653 pump, this pump and associated installation components are to be removed from the airplane. Aircraft equipped with a modified fuel booster pump installation, which consists of a modified Adel 20653 electric-driven fuel pump (identified by either a ⅛-inch red band around the pump body, or the suffix "H" in the pump serial number, in series with a modified Thompson TF-1100 engine-driven fuel pump (identified by a "2" or "M2" stamped after the TF-1100 on the name plate) installed in accordance with Beech Installation Instructions, revised March 31, 1949, are not affected by this Airworthiness Directive. (Beech Letter D-49-540 dated January 7, 1949, and Installation Instructions for the Model 35 Electric-Driven Auxiliary Fuel Pump, revised March 31, 1949, cover this same subject.)

This supersedes Note 49-28-2.

51-14-2 CURTISS-WRIGHT Applies to all C-46A and D series aircraft.

Superseded by 55-9-2.

51-15-1 PIPER Applies to all Model J3 series and PA-11 aircraft.

Compliance required prior to March 15, 1948, and periodically as noted below:

1. At each 500 hours of flight operation, the four forked clevis ends (Piper Part No. 11281) which thread into the lower end of the wing lift struts should be removed, cleaned and carefully inspected for straightness and cracks at the thread roots. Fluorescent magnetic particle inspection or inspection with at least a 10-power lens should be used or the clevis ends replaced.

2. At each 100 hours of flight operation these same four forked clevis ends should be visually inspected for condition. Defective clevis ends should be replaced.

3. At each 1,000 hours of flight operation, the four clevis end fittings (Piper Part No. 11281) should be replaced with new fittings. The removed fittings must be scrapped.

4. When these aircraft models receive structural damage to the wing structure, wing attaching structure, or fuselage structure in the vicinity of the lift strut attaching points the clevis end fittings must be replaced.

5. Clevis end fittings salvaged from damaged aircraft will not be used as replacement parts.

This supersedes Note 48-46-1.

51-15-2 FRANKLIN ENGINES Applies to all Franklin 6A4-165-B3 engines serially numbered 33046 and below incorporating original crankcase (Left half No. 18305; Right half No. 18306). These two parts form crankcase assembly, P/N 18553. The number of each crankcase half is located on each casting below the Number 1 and 6 cylinder location.

To be accomplished by July 15, 1951.

Effective on and after this date, all applicable crankcase with 500 hours of operation since new or 250 hours since last overhaul should be inspected as follows: Remove crankcase cover and visually inspect the webbing near the main journal area for cracks.

(1) Crankcases found to be free of cracks should be inspected at 250-hour intervals thereafter. In the event that the conditions described in (2) and (3) are detected, the provisions of (2) and (3) will apply.

(2) Crankcases found with (a) surface indications, hairline cracks, or small wall cracks and (b) cracks starting at main bearing stud hole on the opposite side from main bearing support, may be operated further at the option of the owner. Such crankcases should be inspected at 50-hour intervals thereafter to determine progress of cracks.

(3) Crankcases found fractured or with cracks that have progressed to the extent that they enter the main bearing supports (usually from back near (a) main bearing stud hole and (b) drilled oil hole) indicate that a complete break soon will occur. Such crankcases should be replaced with the reinforced crankcase assembly, P/N 18925, at which time no further inspection is required.

Crankcase assembly P/N 18925 may be identified by casting No. 18905 appearing below No. 1 cylinder location and casting No. 18906 appearing below No. 6 cylinder location. (Franklin Service News No. 10 covers this subject.)

51-16-1 BELLANCA Applies to all Models 14-13 and 14-13-2 airplanes.

Compliance required within the next 25 hours of operation, but not later than August 1, 1951.

As a result of a recent failure of the elevator trim tab in flight, the modification of the trim tab attachment to the elevator as shown in the following sketch should be made: (Bellanca Service Bulletin No. 14, Models 14-13 and 14-13-2, covers this same subject.)

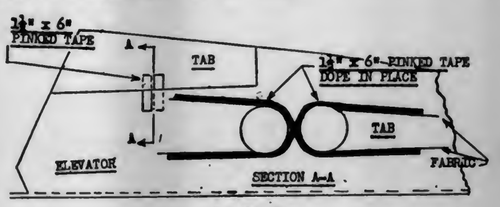

FIGURE 15.

202A5051027, 202A5051036, and 202A5051037 cover this same subject. (Applies to Model 202 airplanes only.)

C. Compliance required by January 1, 1952.

1. Redesign heater fuel control box to make leak tight and provide adequate draining.

2. Relocate emergency high heat switches to eliminate leg. (Applies to Model 202 airplanes only.)

3. Redesign fire-detection circuit to eliminate stepping relay. (Applies to Model 202 airplanes only.)

D. Compliance required by April 1, 1952.

1. Improve the landing gear position indicating system so as to reduce the possibility of obtaining a "safe" indication when gear is in an unsafe condition. (Martin Service Bulletins Nos. 168A (for Model 202A) and 168 (for Model 202) cover this same subject.)

E. Compliance required prior to reactivation of the autopilot.

1. Accomplishment of the reduced gear ratio and installation of field rheostat in rudder servo motor circuit to reduce stall torque. Prototype installation to be approved by a Regional Office of CAA (Aircraft Engineering). (Martin Service Bulletins Numbers 104A and 114 cover this same subject.) (Applies to Model 202 airplanes only.)

F. Compliance required before accumulation of 8,000 hours total operating time.

1. Accomplish reinforcement of the nacelle structure. (Martin Service Bulletins Numbers 144 (for Model 202) and 145 (for Model 202A) cover this same subject.)

This supersedes Note 51-12-2.

51-20-1 CURTISS-WRIGHT Applies to all C-46A, D, E and F aircraft equipped with C-4 cockpit light assembly.

Compliance required no later than November 1, 1951.

To eliminate an electrical fire hazard existing in the pilot's compartment, the following rework must be accomplished:

1. Rework the C-4 cockpit light rheostat assembly in accordance with Figure 17. Fabricate insulator strip per Figure 17 (a), and install as shown in Figure 17 (b). (U. S. A. F. T. O. Number 03-5G-12, dated September 8, 1950, covers this same subject.)

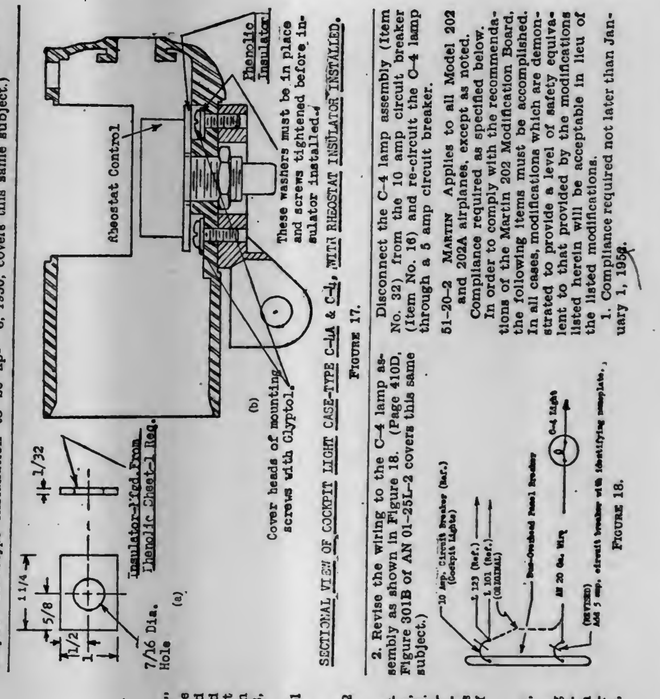

SECTIONAL VIEW OF COCKPIT LIGHT CASE-TYPE C-4A & C-4, WITH RHEOSTAT INSTALLED.

FIGURE 17.

2. Revise the wiring to the C-4 lamp assembly as shown in Figure 18. (Page 410D, Figure 301B of AN 01-25L-2 covers this same subject.)

FIGURE 18.

Disconnect the C-4 lamp assembly (Item No. 32) from the 10 amp circuit breaker (Item No. 16) and re-circuit the C-4 lamp through a 5 amp circuit breaker.

51-20-2 MARTIN Applies to all Model 202 and 202A airplanes, except as noted.

Compliance required as specified below.

In order to comply with the recommendations of the Martin 202 Modification Board, the following items must be accomplished. In all cases, modifications which are demonstrated to provide a level of safety equivalent to that provided by the modifications listed herein will be acceptable in lieu of the listed modifications.

1. Compliance required not later than January 1, 1958.

2. Rework the C-4 lamp assembly (Item No. 32) from the 10 amp circuit breaker through a 5 amp circuit breaker as noted in Item 1 above.

3. Compliance required before accumulation of 1,000 hours total operating time.

Install a placard adjacent to the pilot's control wheel which will read as follows: "Maximum Speed 250 MPH IAS."

4. Compliance required before accumulation of 2,000 hours total operating time.

Rework the elevator trim tab control system in accordance with Martin Service Bulletin No. 202-27-1. (Martin Service Bulletin No. 202-27-1 covers this same subject.)

5. Compliance required before accumulation of 3,000 hours total operating time.

Rework the aileron control system in accordance with Martin Service Bulletin No. 202-27-2. (Martin Service Bulletin No. 202-27-2 covers this same subject.)

6. Compliance required before accumulation of 4,000 hours total operating time.

Rework the rudder control system in accordance with Martin Service Bulletin No. 202-27-3. (Martin Service Bulletin No. 202-27-3 covers this same subject.)

7. Compliance required before accumulation of 5,000 hours total operating time.

Rework the elevator control system in accordance with Martin Service Bulletin No. 202-27-4. (Martin Service Bulletin No. 202-27-4 covers this same subject.)

8. Compliance required before accumulation of 6,000 hours total operating time.

Rework the aileron control system in accordance with Martin Service Bulletin No. 202-27-5. (Martin Service Bulletin No. 202-27-5 covers this same subject.)

9. Compliance required before accumulation of 7,000 hours total operating time.

Rework the rudder control system in accordance with Martin Service Bulletin No. 202-27-6. (Martin Service Bulletin No. 202-27-6 covers this same subject.)

10. Compliance required before accumulation of 8,000 hours total operating time.

Rework the elevator trim tab control system in accordance with Martin Service Bulletin No. 202-27-7. (Martin Service Bulletin No. 202-27-7 covers this same subject.)

51-16-2 BELLANCA Applies to all Model 14-19 airplanes Serial Nos. 2002 through 2075.

Compliance required within the next 25 hours of operation, but not later than August 1, 1951.

As the result of a recent failure of the elevator trim tab in flight, the modification of the trim tab attachment to the elevator as shown in the following sketch should be made: (Bellanca Service Bulletin No. 2, Model 14-19, covers this same subject.)

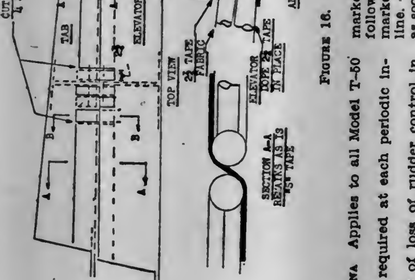

FIGURE 16.

51-18-1 CESSNA Applies to all Model T-50 aircraft.

Compliance required at each periodic inspection.

Two reports of loss of rudder control in flight as a result of fatigue failure of rudder torque tube have been received. Failures occur in the lower rib and pylon area. For complete inspection of the affected area, a section of the fabric should be opened by cutting along the leading edge upwards to permit removal of a ten-inch section of the leading edge wood block then aft along the lower rib flange. This method will facilitate closing. (Replacement of removed wood leading edge section with lacing cord similar to original fastening is satisfactory.) Since the rudder torque tube is not heat-treated, cracks up to approximately ¾ inch in length may be stop-drilled and welded. Where cracks have progressed further, it is recommended that the lower section of the torque tube be replaced by splicing between the No. 1 and No. 2 ribs in accordance with Manual 18 practice.

This supersedes Note 47-5-2.

51-19-1 BELL Applies to all Model 47 helicopters.

Superseded by 51-23-2.

51-19-2 PIPER Applies to Models PA-18 Serial Nos. 18-487 to 18-730 inclusive; PA-20 Serial Nos. 20-554 to 20-690 inclusive; and PA-22 Serial Nos. 22-1 to 22-90 inclusive.

Compliance required by August 31, 1951.

Over age oil radiator hose was installed in an undetermined number of Piper airplanes. Inspect immediately to determine that the proper hose marked with a solid white line and a broken red line and AN-H-35 or MIL H-6000 are installed. Defective hose are marked "Aromatic Resistant Gates Vulco" followed by a date with the opposite side marked by a solid white line and broken red line. All defective hose should be replaced as soon as possible but not later than August 31. This information supersedes that in Piper Service Letter No. 165 dated March 23, 1951.

51-19-3 RYAN Applies to all Navion Model B aircraft.

Superseded by 52-8-2.

51-19-4 MARTIN Applies to all Model 202 and 202A airplanes except as noted.

Compliance required as specified below.

In order to comply with the recommendations of the Martin 202 Modification Board, the following items must be accomplished. In all cases, modifications which are demonstrated to provide a level of safety equivalent to that provided by the modifications listed herein will be acceptable in lieu of the listed modifications.

A. Canceled December 22, 1952.

B. Compliance required by October 15, 1952.

1. Provide system independent of wing heat for windshield anti-icing, de-icing, defogging and birdproofing. Glenn L. Martin Service Bulletins Nos. 178 and 183 together with GLM Dwgs. Nos. 202A5051026, 202A5051027, 202A5051036, and 202A5051037 cover this same subject. (Applies to Model 202 airplanes only.)

C. Compliance required by January 1, 1952.

1. Redesign heater fuel control box to make leak tight and provide adequate draining.

2. Relocate emergency high heat switches to eliminate leg. (Applies to Model 202 airplanes only.)

3. Redesign fire-detection circuit to eliminate stepping relay. (Applies to Model 202 airplanes only.)

D. Compliance required by April 1, 1952.

1. Improve the landing gear position indicating system so as to reduce the possibility of obtaining a "safe" indication when gear is in an unsafe condition. (Martin Service Bulletins Nos. 168A (for Model 202A) and 168 (for Model 202) cover this same subject.)

E. Compliance required prior to reactivation of the autopilot.

1. Accomplishment of the reduced gear ratio and installation of field rheostat in rudder servo motor circuit to reduce stall torque. Prototype installation to be approved by a Regional Office of CAA (Aircraft Engineering). (Martin Service Bulletins Numbers 104A and 114 cover this same subject.) (Applies to Model 202 airplanes only.)

F. Compliance required before accumulation of 8,000 hours total operating time.

1. Accomplish reinforcement of the nacelle structure. (Martin Service Bulletins Numbers 144 (for Model 202) and 145 (for Model 202A) cover this same subject.)

This supersedes Note 51-12-2.

51-20-1 CURTISS-WRIGHT Applies to all C-46A, D, E and F aircraft equipped with C-4 cockpit light assembly.

Compliance required no later than November 1, 1951.

To eliminate an electrical fire hazard existing in the pilot's compartment, the following rework must be accomplished:

1. Rework the C-4 cockpit light rheostat assembly in accordance with Figure 17. Fabricate insulator strip per Figure 17 (a), and install as shown in Figure 17 (b). (U. S. A. F. T. O. Number 03-5G-12, dated September 8, 1950, covers this same subject.)

SECTIONAL VIEW OF COCKPIT LIGHT CASE-TYPE C-4A & C-4, WITH RHEOSTAT INSTALLED.

FIGURE 17.

2. Revise the wiring to the C-4 lamp assembly as shown in Figure 18. (Page 410D, Figure 301B of AN 01-25L-2 covers this same subject.)

FIGURE 18.

Disconnect the C-4 lamp assembly (Item No. 32) from the 10 amp circuit breaker (Item No. 16) and re-circuit the C-4 lamp through a 5 amp circuit breaker.

51-20-2 MARTIN Applies to all Model 202 and 202A airplanes, except as noted.

Compliance required as specified below.

In order to comply with the recommendations of the Martin 202 Modification Board, the following items must be accomplished. In all cases, modifications which are demonstrated to provide a level of safety equivalent to that provided by the modifications listed herein will be acceptable in lieu of the listed modifications.

1. Compliance required not later than January 1, 1958.

2. Rework the C-4 lamp assembly (Item No. 32) from the 10 amp circuit breaker through a 5 amp circuit breaker as noted in Item 1 above.

3. Compliance required before accumulation of 1,000 hours total operating time.

Install a placard adjacent to the pilot's control wheel which will read as follows: "Maximum Speed 250 MPH IAS."

4. Compliance required before accumulation of 2,000 hours total operating time.

Rework the elevator trim tab control system in accordance with Martin Service Bulletin No. 202-27-1. (Martin Service Bulletin No. 202-27-1 covers this same subject.)

5. Compliance required before accumulation of 3,000 hours total operating time.

Rework the aileron control system in accordance with Martin Service Bulletin No. 202-27-2. (Martin Service Bulletin No. 202-27-2 covers this same subject.)

6. Compliance required before accumulation of 4,000 hours total operating time.

Rework the rudder control system in accordance with Martin Service Bulletin No. 202-27-3. (Martin Service Bulletin No. 202-27-3 covers this same subject.)

7. Compliance required before accumulation of 5,000 hours total operating time.

Rework the elevator control system in accordance with Martin Service Bulletin No. 202-27-4. (Martin Service Bulletin No. 202-27-4 covers this same subject.)

8. Compliance required before accumulation of 6,000 hours total operating time.

Rework the aileron control system in accordance with Martin Service Bulletin No. 202-27-5. (Martin Service Bulletin No. 202-27-5 covers this same subject.)

9. Compliance required before accumulation of 7,000 hours total operating time.

Rework the rudder control system in accordance with Martin Service Bulletin No. 202-27-6. (Martin Service Bulletin No. 202-27-6 covers this same subject.)

10. Compliance required before accumulation of 8,000 hours total operating time.

Rework the elevator trim tab control system in accordance with Martin Service Bulletin No. 202-27-7. (Martin Service Bulletin No. 202-27-7 covers this same subject.)

51-16-2 BELLANCA Applies to all Model 14-19 airplanes Serial Nos. 2002 through 2075.

Compliance required within the next 25 hours of operation, but not later than August 1, 1951.

As the result of a recent failure of the elevator trim tab in flight, the modification of the trim tab attachment to the elevator as shown in the following sketch should be made: (Bellanca Service Bulletin No. 2, Model 14-19, covers this same subject.)

FIGURE 16.

51-18-1 CESSNA Applies to all Model T-50 aircraft.

Compliance required at each periodic inspection.

Two reports of loss of rudder control in flight as a result of fatigue failure of rudder torque tube have been received. Failures occur in the lower rib and pylon area. For complete inspection of the affected area, a section of the fabric should be opened by cutting along the leading edge upwards to permit removal of a ten-inch section of the leading edge wood block then aft along the lower rib flange. This method will facilitate closing. (Replacement of removed wood leading edge section with lacing cord similar to original fastening is satisfactory.) Since the rudder torque tube is not heat-treated, cracks up to approximately ¾ inch in length may be stop-drilled and welded. Where cracks have progressed further, it is recommended that the lower section of the torque tube be replaced by splicing between the No. 1 and No. 2 ribs in accordance with Manual 18 practice.

This supersedes Note 47-5-2.

51-19-1 BELL Applies to all Model 47 helicopters.

Superseded by 51-23-2.

51-19-2 PIPER Applies to Models PA-18 Serial Nos. 18-487 to 18-730 inclusive; PA-20 Serial Nos. 20-554 to 20-690 inclusive; and PA-22 Serial Nos. 22-1 to 22-90 inclusive.

Compliance required by August 31, 1951.

Over age oil radiator hose was installed in an undetermined number of Piper airplanes. Inspect immediately to determine that the proper hose marked with a solid white line and a broken red line and AN-H-35 or MIL H-6000 are installed. Defective hose are marked "Aromatic Resistant Gates Vulco" followed by a date with the opposite side marked by a solid white line and broken red line. All defective hose should be replaced as soon as possible but not later than August 31. This information supersedes that in Piper Service Letter No. 165 dated March 23, 1951.

51-19-3 RYAN Applies to all Navion Model B aircraft.

Superseded by 52-8-2.

51-19-4 MARTIN Applies to all Model 202 and 202A airplanes except as noted.

Compliance required as specified below.

In order to comply with the recommendations of the Martin 202 Modification Board, the following items must be accomplished. In all cases, modifications which are demonstrated to provide a level of safety equivalent to that provided by the modifications listed herein will be acceptable in lieu of the listed modifications.

A. Canceled December 22, 1952.

B. Compliance required by October 15, 1952.

1. Provide system independent of wing heat for windshield anti-icing, de-icing, defogging and birdproofing. Glenn L. Martin Service Bulletins Nos. 178 and 183 together with GLM Dwgs. Nos. 202A5051026,

(a) Cover heater ignition interlock relay box tightly. (Applies to Model 202 airplanes only.)

(b) Cover autopilot servo control relay box tightly. (Applies to Model 202 airplanes only.)

(c) Cover AC distribution panel tightly or replace with enclosed relays.

(d) Enclose all uncovered relays in the DC distribution panel in a box or replace with enclosed relays.

(e) Cover heating and ventilating control box tightly.

2. Compliance required not later than November 15, 1951.

Either replace present dural crossfeed line with a continuous piece of fire-resistant hose where it passes through the fuselage and relocate the fittings to a location outboard of the fuselage, or provide adequately drained liquid and vapor-proof shroud for the fuel crossfeed line where it passes through the main electrical compartment in the fuselage. (Glenn L. Martin Service Bulletin No. 173 covers one method of compliance with this item.) (Applies to Model 202 airplanes only).

3. Compliance required not later than March 1, 1952.

Make electrical hydraulic pump explosion proof. (Glenn L. Martin Service Bulletin No. 188, issued for the Model 202A, covers this same subject and may be used for both 202 and 202A airplanes.)

4. Compliance required not later than March 1, 1952.

Install separate circuit breakers for the pitot tube heater circuits. (Glenn L. Martin Service Bulletin No. 118, issued for the Model 202A, covers this same subject and may be used for both 202 and 202A airplanes.)

5. Compliance required not later than March 1, 1952.

Replace all 75ST aileron hinge fittings with steel parts. (Glenn L. Martin Maintenance Note No. 164 covers this same subject.) (Applies to Model 202 airplanes only.)

51-20-3 UNITED Applies to the following aircraft: Model UH-12, Serial Nos. 105 to 135, incl. (Incorporating the collective pitch ballast system); Model UH-12A, Serial Nos. 136 to 176, incl., and 178, 180 and 181.

Compliance required as noted below.

In order to preclude the possibility of protrusion of the bushings from the collective pitch ballast system bracket with resultant reduction of the pitch range of the main rotor blades and restricted controllability, the following should be accomplished:

(a) As soon as possible but not later than September 1, 1951, and at each 25-hour inspection period thereafter, visually inspect the collective pitch ballast system bracket P/N 31125-1 for protrusion of either upper or lower bushing P/N 31120-1. Particular inspection should follow each application of grease to the bracket.

(b) If the bushing(s) are found to be protruding, the assembly should be reworked by installing set screws in accordance with United Helicopters Mandatory Bulletin No. 19.

(c) Inspection of the bracket as specified in Part "a" may be discontinued after the rework described in Part "b" has been accomplished. (Hiller Helicopters Mandatory Service Bulletin No. 19 covers this same subject.)

51-21-1 CESSNA Applies to Model 120 and 140 aircraft, Serial Nos. 8001 to 10650, incl., and/or any other serial numbers not having steel reinforcing channel, Cessna Part No. 0433131 or equivalent installed.

Compliance required prior to December 1, 1951.

Inspect bottom rib of rudder for kinks or cracks in the rib flanges just aft of the rudder horn fitting. If there is any damage, the bottom rib assembly should be replaced with Cessna Part No. 0433106, since the damage may progress until the rib breaks in two with the loss of rudder control. On installing Part No. 0433106, which is an assembly of the rib, the control horn and a steel reinforcing channel (Part No. 0433131), AD-4 protruding head type rivets should be used wherever rivets or spotwelds were used on the original installation; six additional rivets for attachment of aft part of steel channel to bottom rib and four AD-4 protruding head type or Cherry 163-4-4 rivets added to attach the skin to each flange of the steel reinforcing channel. If no damage to the bottom rib assembly is detected, installation of the steel reinforcing channel only is necessary. This may be accomplished by drilling out existing rivets for attachment of control horn and installing the steel reinforcing channel (Part No. 0433131), above the bottom rib with flanges up, using existing rivet holes. The completed installation should be the same as for the installation of the complete lower rib outlined above. The reinforcing channel, Part No. 0433131, is 4 17/32 long with 5/8 flanges, planform to fit inside lower rib installed as near horn flange as possible. Flanges removed on forward inch of channel. Material 0.036 1025 steel or 0.051 24ST, ALCLAD or equivalent. It is recommended that the length of the chains to the steerable tail wheel be so adjusted that under static conditions the coil springs are not extended more than 1/8 inch, since excessive tautness of the chains contributes to the rib failures. (Cessna Service Letter No. 46, dated July 31, 1947, covers this same subject.)

This supersedes Note 47-43-7.

51-21-2 PIPER Applies to all Model PA-12 airplanes.

Compliance required not later than October 15, 1951, and each 100 hours of operation thereafter unless reinforcements are installed.

Carefully inspect aileron hinge brackets to false spar attachment fittings, Part No. N10931, (3 per wing), for cracks at the bend between the channel and flat portions of the fittings. If cracked fittings are found, add reinforcement bracket Part No. 12047. With reinforcement brackets Part No. 12047 installed, special inspections may be discontinued. (Piper Service Bulletin No. 107, dated September 24, 1948, covers this same subject.)

51-21-3 LUSCOMBE Applies to Model 11a airplanes.

Compliance required prior to 50 hours additional flight time and not later than October 15, 1951, and each 50 hours thereafter unless Luscombe part No. 11-5417-D is installed.

Inspect rudder control system bellcrank, P/N 11-5417, located under forward cabin floor, for cracks, loose rivets, or deformation. If this bellcrank is damaged in any way, it must be repaired or replaced with the late type, P/N 11-5417-D.

The early type bellcrank may be identified by its having four rivets or four AN3 bolts attaching the center bearing block to the bellcrank. The late type bellcrank has ten rivets attaching the center bearing block to the bellcrank, and this bearing block is longer to accommodate the added rivets.

If the early type bellcrank is installed and is found undamaged, or is repaired and reinstalled, this inspection must be repeated each fifty hours of flight time. If the late type bellcrank is found to be installed, or is installed to replace the early type, only routine maintenance inspections are required.

In installing either type of bellcrank in the rudder system, the system must be rigged in accordance with Luscombe Airplane Corporation drawing 11-5402. Care must be taken not to overtension the rudder cables, since this overtensioning can cause failure of the bellcrank.

51-22-1 SIKORSKY Applies to all Model S-51 helicopters.

Compliance required within the next 25 hours of operation, but not later than November 1, 1951.

Due to the reported failures of Gear Shaft (Generator Drive—Tail Drive Transmission System) P/N S-10-35-1004, all shafts in service shall be replaced by shafts which have been jig drilled (i. e., the taper pin hole is located squarely with respect to the splines) and which have been stoned and polished to deburr and remove any sharp radii where the taper pin hole intersects the splines. (Sikorsky Service Information Circular Number 172, dated August 30, 1951, covers this same subject.)

51-22-2 FRANKLIN ENGINES Applies to Model 6V4-178 and 6V4-200 series engines.

Superseded by 51-28-2.

51-23-1 BELL Applies to all Model 47 helicopters.

Superseded by 51-26-1.

51-23-2 BELL Applies to all Model 47 helicopters.

Superseded by 51-27-1.

51-23-3 PIPER Applies to Model PA-16 aircraft, Serial Numbers 16-1 and up; PA-20 aircraft, Serial Numbers 20-1 through 20-802; and PA-22 aircraft, Serial Numbers 22-1 through 22-348.

Compliance required as soon as possible, but not later than October 15, 1951.

Install insulators of sufficient area inside the battery box cover over the battery terminals to positively prevent a metallic contact between the wing nuts or terminals and cover. Hard fiber rubber or phenolic insulating materials of 1/16 inch minimum thickness may be used. (Piper Service Bulletin Number 118 covers this same subject.)

51-23-4 SIKORSKY Applies to all model S-51 helicopters.

Compliance required as indicated.

1. Compliance required prior to next flight. Inspect all main rotor Link Assemblies

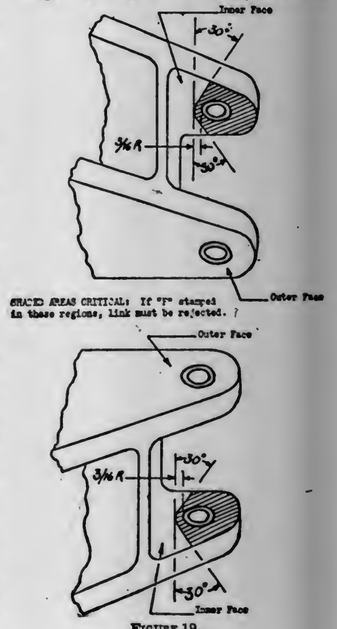

FIGURE 19.

(P/N S510348) received from the manufacturer between June 1 and September 6 inclusive for location of the identification stamp "F". Links with the "F" metal-stamped in the critical area on the inner faces of the ears should be retired from service. Those with the "F" stamped on the outer faces or on non-critical areas of the inner faces of the ears should be polished locally with emery and crocus cloth to remove the "F" and the links may be returned to service. (Sikorsky Information Circular Number 175, dated September 7, 1951, covers this same subject.)

2. Main Rotor Link Assemblies (P/N S510348) shall be retired from service when a total flight time of 720 hours on the link has been accumulated. (Sikorsky Information Circular Number 122, Revision C, dated June 16, 1952, covers this same subject.)

51-24-1 LYCOMING ENGINES Applies to all Lycoming GO-435-C2 Engines serially numbered 1815-11 and below not having the letter "P" stamped on the upper right-hand corner of each cylinder rocker box and installed in Navion Model B aircraft.

To be accomplished by June 1, 1952, or next overhaul, whichever occurs first.

To prevent loosening of the exhaust valve seats in Lycoming GO-435-C2 engines installed in Navion Model B airplanes, the exhaust valve seats are to be peened in the cylinder head. The cylinders must be removed from the engine for this operation. When peening is accomplished, stamp "P" 1/8 inch high on upper right-hand corner of cylinder rocker box flange face near exhaust push rod. (Lycoming Service Bulletin No. 145 also covers this subject.)

51-24-2 MARTIN Applies to all Model 202 aircraft.

Compliance required at the 3,000-hour period following the modification of the fin attachments per Martin 202 service Bulletin Number 99 and every 3,000 hours thereafter.

To insure that the fin to fuselage attachments contain no structural defects, and to reduce the possibility of fretting corrosion, accomplish the following inspections and shim installations:

(1) Determine that the three fin pins (P/N 2021A11549, 2021A14243 and 2021A14244) are not worn to less than 0.292 inch in width, and are securely attached to the fin.

(2) Inspect the three fuselage receptacles (P/N 2021U27375 and 2021U27415 left and right) for the three fin pin attachments. Replace any receptacle whose slot is greater than 0.357 inch in width.

(3) Using a 4- to 6-power glass, inspect the fin forward attach plate (P/N 2021D26541), the fuselage chords (P/N 2021D25001 and 25002), and the four reinforcing straps (P/N 2021U43293, 43294 and 43295 left and right) for evidence of cracks or fretting corrosion.

(4) Cracks or fretting corrosion found in Item 3 should be removed with complete crack removal verified by satisfactory etch inspection. Reworked surfaces should be refinished to a polished finish. All bolt holes should be chamfered and polished to an 0.020-inch radius. If a crack is found in a hole in any reinforcing strap, the strap must be replaced.

(5) Etch inspect the fin rear chords (P/N 2021D14234), using a 10- to 15-power glass, to detect cracks in the chords. Cracks and any surface roughness must be removed. If cracks are found in a splice hole or any splice holes have been distorted, such that the hole bushings are no longer a press fit, the holes are to be reamed oversize and oversize bushings installed. (If the hole had a crack, re-etch inspect the area to insure crack removal.) If the diameter of a hole exceeds 0.843 inch, that fin chord must be replaced.

(6) Minimum thicknesses of refinished structural members are:

Part	Number	Minimum thickness (inch)
Fin attach plate	2021U43641	0.177
Fin rear chord	2021D14233 and 4	.312
Fuselage attach plate	2021D26541	.050
Fuselage chord	2021D25001 and 2	.250
Reinforcing strap	2021U43293, 4 and 5	.187

(7) When reinstalling fin, insert shims of 1310 clear 01 vinyl sheet (or equivalent), press polished both sides, to fit between the faying service of the fin, fuselage and reinforcing straps at the fin rear spar attachment. Insert similar shims between the faying surfaces of the fuselage and fin attach plates at the fin front spar attachment. (Martin 202 Service Bulletin No. 182 covers this same subject.)

51-25-1 CESSNA Applies to all Model T-50 aircraft.

Compliance required prior to February 1, 1952, and as noted.

To preclude trapping water in the horizontal stabilizer forward of the rear spar which may result in glue line deterioration between laminations, compliance with the following items is necessary:

1. Grommets must be installed sufficiently near the forward face of the rear spar and outboard edge of all ribs to drain any water which may be trapped. All grommets not so located must be relocated accordingly. Marine-type grommets are recommended at least at the inboard ribs.

2. All grommets which are plugged must be opened preferably with a sharp edged tool and/or relocated in accordance with Item 1 above. Special care should be taken to make sure that foreign matter is not allowed to build up on the inside around the drain openings.

3. Where grommets are mislocated, plugged, clogged with dirt or extraneous matter or have not been installed, the rear spar must be inspected for deterioration by cutting small triangular openings at the ribs adjacent to the fuselage and at alternate ribs outboard. If lamination separation is disclosed, a new spar should be installed or the stabilizer replaced with one having drainage provisions in accordance with Item 1 above. Upon accomplishment of the above, the grommet openings should be inspected at each 100 hours thereafter to maintain proper drainage. This inspection should include insertion of a bent or curved tool through the grommet openings to ascertain that dirt or other extraneous matter has not built up around the opening to restrict drainage. Where grommets are found clogged, inspection and compliance in accordance with Item 3 above should be repeated.

51-25-2 MARTIN Applies to all Model 202 and 202A airplanes.

Compliance required by January 1, 1952.

Install cover over D7231-125 Inverter Remote Reset Circuit Breaker terminals to prevent inadvertent shorting between "Main" and "Control" terminals. Compliance may be made in same manner or equivalent to Martin Service Instruction Letter No. 8 dated September 10, 1951.

This supersedes the first item in A. D. 51-11-1 requiring the redesign of the DC input circuit breaker mounting.

51-26-1 BELL Applies to all Model 47 helicopters.

A. Compliance required by October 15, 1951, unless Bell Service Instruction 67S1 has been accomplished already.

To provide additional strength to preclude the possibility of tail rotor failures, wrap each tail rotor blade across the junction of the stainless steel leading edge at the root end area of each blade with two strips of unidirectional fiberglass cloth, Bell P/N 47-642-020-14. (Bell Service Bulletin No. 75 covers this same subject.)

B. Compliance required daily.

Inspect the rail rotor stainless steel leading edge for evidence of loosening or lifting. Carefully inspect the 3/32 radius, the flanges of leading edge at forward edge of reinforcement plates, and the entire root area for cracks. Replace blades immediately if any of these conditions exist. (Bell Service Bulletin No. 75, revised October 11, 1951, covers this same subject.)

This supersedes A. D. 51-23-1.

51-26-2 LEAR Applies to all L-2 series automatic pilots.

Compliance required at next 100-hour airplane inspection, but not later than January 1, 1952.

Inspect all L-2 series autopilot servos to determine whether servo clutches have a green dot on the shaft at the output end of servo capstan shaft, or a green dot on or below the servo name plate, or a yellow dot on the clutch housing. All clutches not so marked must be replaced. Replacement clutches will be supplied by Lear upon request. (Lear Service Bulletin No. L2-16 dated October 26, 1951, covers this same subject.)

This applies only to Servo Models 121C, 121D, 121F, 121G, 121H, 121J, manufactured prior to March 1, 1952. Reference Lear Service Bulletin No. L-2-44, dated May 24, 1954.

51-26-3 CONTINENTAL ENGINES Applies to all Continental Model E185 engines serially numbered 2600 and below which have not been major overhauled since November 1, 1947, by Continental Motor Corp., or July 1, 1948, by field overhaul agencies.

To be accomplished as soon as possible, but not later than January 1, 1952.

To preclude valve failures as caused by partially deflated hydraulic valve lifters, the engine must be inspected and modified, if necessary, to assure proper oil flow to the lifters and zero valve lash under all operating conditions. This will require either a partial engine disassembly or a special test as outlined below:

(1) Partial disassembly method: Remove the cylinders and the hydraulic units of the valve lifters. Check each valve lifter guide bore for proper position of the oil feed hole.

(2) Special test (alternate method): By application of air pressure to the crankcase oil galley lines after removal of each rocker arm, determine the number of degrees of crankshaft rotation that the oil groove on each valve lifter is in registration with the oil feed hole. A minimum of 145 degrees registration is required.

If any oil feed hole is shown by the method chosen to be drilled incorrectly, the end of the hole must be enlarged.

As lack of oil flow to the rocker boxes also can result in valve mechanism malfunctioning, the diameter of the push rod holes should be checked. If 1/32-inch diameter, replace with push rods incorporating 1/16-inch diameter holes. (Continental Motors Corp. Service Bulletins Nos. M48-12 and M51-2, Supplement No. 1, cover this same subject and describe both of the above compliance methods.)

This supersedes Note 51-8-1.

51-27-1 BELL Applies to all Model 47 helicopters incorporating engine mount assembly P/N 47-612-111-1 or -5.

Compliance required as indicated.

1. Compliance required daily after first 300-hour inspection.

(a) Remove paint from welds in tube cluster at mount housing at both sides of mount assembly. Use solvent to remove paint.

(b) With the engine mount under load, either by operating the engine with maximum collective pitch without becoming airborne, or by placing equivalent pilot and passenger weights in the seat and hoisting helicopter until wheels are clear of ground (or any equivalent loading means), inspect the outboard surface of welds with at least a 10-power magnifying glass and the inboard surfaces of welds with an inspection mirror (use magnifying if available). Give particular attention to forward tube in left cluster (from top of mount to housing) and aft tube in right cluster. (Oil appearing on surface of weld or tube after cleaning is evidence of a crack and must be examined carefully.) Replace mount if crack is found.

(c) Clean welds in upper forward tube (under collective pitch disc bracket) with a cloth. Carefully inspect welds under disc bracket for cracks using a flashlight and mirror. Give particular attention to weld which joins diagonal tube (right side) to forward tube. Replace mount immediately if a crack is found in these areas. Apply grease or other corrosion preventive on areas where paint has been removed.

2. Compliance required at each 600 hours of engine mount service.

(a) Replace engine mount assembly after 600 hours of operation have been accumulated. (Bell Service Bulletin No. 74, revised February 2, 1953, covers this same subject.)

This supersedes Note 51-23-2.

51-27-2 BOEING Applies to all Model B-377 aircraft equipped with Goodrich H-3-626 and H-3-650 wheel assemblies.

To be accomplished as indicated below.

As a precautionary measure to preclude serious hazards which may result from fatigue cracks in Goodrich H-3-626 and H-3-650 wheel assemblies, all wheels shall be carefully inspected with at least a 4x magnifying glass at the periodic inspection following each 50th landing. These inspections shall be conducted until the wheels are retired from service. The wheels must be retired at the time replacement wheels are made available. Due to the fact that a large quantity of B-377 wheel halves were delivered to the operators without being assigned a serial number, the following description will identify both the wheel to be replaced and also the replacement wheel. The wheels to be retired from service are those wheels which have a tapered spoke and no reinforcing beading around the inner side of the spoke cut-out area. Replacement wheels are those wheels which have a reinforcing bead around the inner side of the spoke cut-out area and have either straight or tapered spokes. (Goodrich Service Bulletin No. 27, dated Nov. 14, 1951, covers this identification problem in further detail.)

Type I—Cracks Progressing Across a Spoke.

The wheel should be rejected when there is more than one crack of this type to a spoke, when there is more than one crack in each spoke cut out, or when a crack is in excess of 1" in length.

Type II—Cracks Progressing Radially Across the Brake Drum Mounting Flange.

More than one crack of this type in any one spoke cut out will be cause for rejection.

Type III—Cracks in the Tie Bolt Recess and the Junction of the Drum Mounting Area.

This type crack is in a non-critical area and is cause for wheel rejection only when either of the following conditions occur:

1. The crack extends to the spoke cut out.

2. Developed cracks on either side of the recess progress to within 1⅜ inches of each other.

The above wheel crack limitations are based on the recommendations of the B. F. Goodrich Co. Goodrich Service Bulletin No. 17 covers this subject and illustrates the three types of wheel cracks.

51-27-3 PIPER Applies to all Model PA-22 aircraft, Serial Nos. 22-1 through 22-354.

Compliance should be made before next flight in freezing temperature, but not later than December 15, 1951.

Driving rain or washing may cause an accumulation of water in nose wheel oleo housing which can freeze in lower bearing and render rudder system inoperative. To provide drainage, locate a 5/16-inch hole on aft side of nose wheel oleo housing, P/N 13035, centered 9/16 inch above lower edge of housing. Unless oleo strut is removed from housing, use extreme care not to damage oleo strut while drilling drain hole. Insure strut is drained. Fill upper end of housing and upper bearing area with generous amount of cup grease to seal against water. (Piper Service Bulletin No. 119, dated November 7, 1951, covers this same subject.)

51-28-1 CONSOLIDATED VULTEE Applies to all Model CV-240 aircraft.

Compliance required as indicated.

1. Not later than the first number one inspection after January 15, 1952, lag and shield propeller feathering line in the engine accessory section with asbestos tape, wire, vinylite tubing and steel-sleeve for end fittings as described in Convair Service Bulletin No. 240-419-A or in a manner to provide equivalent resistance to fire and absorption of fuel and oil.

2. Not later than March 1, 1952, revise the engine oil breather line to eliminate aluminum components as described in Convair Service Bulletin 240-419-A to use steel tubing or to use a fire resistant hose assembly.

3. Not later than first scheduled engine change after January 15, 1952, relocate fire detectors and revise detector circuits to employ split systems as described in Convair Service Bulletin Number 240-419-A.

4. Not later than the first scheduled engine change after January 15, 1952, replace fire detector wiring in all circuits forward of firewall with Rockbestos type RSS 74 Firezone wire or wire of equivalent fire resistance. (Wire conforming to Air Forces Specification 32659 is considered equivalent.)

5. Not later than March 1, 1952, install CO_2 operated engine accessory section ventilation outlet closure door. This modification is described in Convair Service Bulletin 240-374.

6. Not later than the first scheduled engine change after March 1, 1952, either remove all aluminum fire detector terminal junction boxes located forward of the firewall and mount units on fireproof brackets, or change aluminum fire detector terminal boxes and brackets to fireproof material.

7. Not later than the first scheduled engine change after March 1, 1952, check firewalls and firewall access door fasteners to assure that no aluminum rivets or Dzus fasteners or other nonfireproof components have been installed. If any are found, they are to be replaced with fireproof components. Original firewall accessory door fasteners, which are satisfactory, have these Dzus part numbers: Studs AJ5-20 and -35; Grommet GA5-312; and Spring S5-200.

8. Not later than the first scheduled engine change after March 1, 1952, improve ADI valve sealing in accordance with Whittaker Service Bulletin Number 49-9 or install an enclosure which will provide overboard drainage if leakage occurs from this valve.

51-28-2 FRANKLIN ENGINES Applies to Model 6V4-178 series engines prior to Serial No. 17690 and 6V4-200 series engines prior to Serial No. 26235.

Compliance required as indicated.

To preclude the possibility of oil pump failure, oil pump gears (P/N 10673 and 17736) must be inspected at each 300 hours of operation. Excessively galled gears must be replaced. If same part numbers are used for replacements, the 300-hour inspections will still apply. If carbo-nitrided oil pump drive gear, P/N 19377, and oil pump driven gear, P/N 19373, are installed, no further inspection is required. When these new carbo-nitrided gears are installed, suffix "P" must be stamped after the serial number of the engine on the name plate—example: #17000P. (Franklin Service Bulletin No. 86, revised November 1, 1951, covers this same subject.)

This supersedes Notes 51-22-2 and 51-11-3.

51-28-3 RYAN Applies to all Model ST3KR (Military PT-22) aircraft.

To be accomplished by February 1, 1952, or next 100-hour inspection, whichever is first.

The fuel selector valve handles for these aircraft are usually placarded "Always take off with fuel feeding from Reserve." However, there have been fatal accidents which resulted from failure to observe this procedure, or from failure to return to the Reserve position when landing with a low fuel supply. Therefore, the following placard must be installed, or the existing placard revised to read: "Always take off and land with fuel feeding from RESERVE."

51-29-1 BELL Applies to all Model 47 series helicopters.

Compliance required as indicated.

1. Replace the tail rotor gear box shaft, P/N 47-645-028-1 or 47-645-051-1, when it has accumulated 900 hours of operation.

2. Any shaft having already accumulated 900 hours of operation must be replaced by February 1, 1952. In the interim, conduct the following inspection after every 25 hours of operation: Remove tail rotor and inspect attachment bolt hole for cracks. Replace the shaft if a crack is found, or the hole is elongated over 0.010 inch. (Bell Service Bulletin No. 83 covers this same subject.)

51-29-2 CURTISS-WRIGHT Applies to all Model C-46 series aircraft.

Compliance required by February 1, 1952, and each 500 hours thereafter.

Inspect the main landing gear side brace attachment fittings, Parts No. 20-310-1033 L&R, for cracks particularly from the edge of the forging to the lower inboard attaching bolt hole. If defects are found, the parts should be replaced by undamaged parts.

In view of unavailability of parts and controlled inspection procedures under which satisfactory operation has existed, it will be considered satisfactory to operate the aircraft with a cracked fitting under the following procedure until further notice. Inspect at periodic intervals not to exceed 150 hours with approximately an 8-power magnifying glass or dye penetrant or any equivalent method. If cracks extend beyond bolt hole, either through or around the hole, the fitting must be replaced.

51-29-3 DE HAVILLAND Applies to all Model 104 "Dove" aircraft.

Compliance required as indicated.

As a result of a recent accident found to be due to a crack developing in the wing center section spar, lower boom, the de Havilland Aircraft Company, in agreement with the British Air Registration Board, issued the following mandatory instruction in which the CAA concurs:

1. On all "Dove" aircraft which have completed 2,000 or more flying hours, the following inspection should be carried out immediately:

"Remove the large inspection cover located on the front face of the center section spar in the cabin. This will reveal five lightening holes in the front web between the inter-web stiffeners. With the aid of a powerful flashlight and inspection mirror, thoroughly inspect the center section spar lower boom Part No. 4FS7067 for general condition throughout its length paying particular attention to both flanges of the channel section adjacent to the outer stiffeners at each side. Drag members Part No. 4FS1797 Left Hand and Part No. 4FS1798 Right Hand and the Vertical Stiffener Castings Part No. 4FS7023 Left Hand and Part No. 4FS7024 Right Hand should be inspected for any signs of damage and also security to the fuselage skin and Center Section Spar Lower Boom."

2. All aircraft which have 2,500 hours service life are not to be flown pending replacement or modification of the center section lower spar boom (P/N 4FS7067).

(a) Center section lower spar booms incorporating Mods. 538 and 686 have a 10,000 hour service life. Spar booms incorporating Mod. 538 only must incorporate Mod. 686 not later than 3,600 flying hours from date of incorporation of Mod. 538.

3. The safe life wing lower spar boom in region of root joint is 5,000 hours irrespective of accomplishment of Mod. 539. Mod. 780 must be incorporated at or prior to 5,000 hours operation. Mod. 780 supersedes Mod. 539. (Reference de Havilland TNS Series CT (104) No. 119 dated March 4, 1955, which also cancels TNS Series CT (104) Nos. 61, 62, 67, and 100 Issue 2.)

51-29-4 MARTIN Applies to all Model 202A aircraft.

Compliance required as indicated.

1. Compliance required at each engine change. Magnaflux inspect the upper engine mount stud, P/N 2021D10146-1. If a crack is found, the stud is to be replaced with a new stud, P/N 404-5000006-1. The inspection applies to the original stud only, and can be discontinued on that particular engine mount upon installation of the new stud.

2. Compliance required at 4,000 hours of operation. Replace the upper engine mount stud, P/N 2021D10146-1 with a new stud, P/N 404-5000006-1, at which time the inspection required in paragraph 1 can be discontinued. (Martin Service Bulletin No. 201 covers this same subject.)

52-1-1 BELL (Applies to all Model 47B, 47B3, 47D Helicopters and to Model 47D1 Helicopters Serial Numbers 145 to 164, inclusive)

Compliance required at next 300-hour overhaul, but not later than March 1, 1952.

To provide locks of increased tensile strength which will resist shearing should the blade grip adapters tend to loosen, remove the existing lockwire or blade grip adapter locks (P/N 47-120-154-1), check the torque (3,000-3,300 inch-pounds) of the adapters, and install revised locks (P/N 47-120-154-2). (Bell Service Bulletin No. 76 covers this same subject.)

52-1-2 BELL (Applies to all Model 47B and 47B3 Helicopters and to Model 47D Helicopters Serial Numbers 1 to 79, inclusive)

Compliance required at next 300-hour overhaul, but not later than March 1, 1952.

To increase the safety of the main rotor blade equalizer horns and drag brace fittings, which have failed in accidents involving damage to the main rotor, replace the existing equalizer horn (P/N 47-120-027-2) and drag brace fitting (P/N 47-110-145-2) with revised parts P/N 47-120-167-1 and P/N 47-110-235-1, respectively. (Bell Service Bulletin No. 77 covers this same subject.)

52-1-3 BELL (Applies to all Model 47B and 47B3 Helicopters and to Model 47D Helicopters Serial Numbers 1 to 100, inclusive)

Compliance required at next 300-hour overhaul, but not later than March 1, 1952.

To provide lubrication provisions designed to prevent seizing of the bearings, replace the existing damper lever and link assemblies (P/N 47-140-158 and -159) with the 47-140-158-1 lever and 47-140-159-1 link assembly. (Bell Service Bulletin No. 78 covers this same subject.)

52-1-4 BELL (Applies to all Model 47B and 47B3 Helicopters and to Model 47D Helicopters Serial Numbers 1 to 100, inclusive)

Superseded by 52-21-1.

52-1-5 BELL (Applies to all Model 47B and 47B3 Helicopters and to Model 47D Helicopters Serial Numbers 1 to 110, inclusive)

Compliance required at next 300-hour overhaul, but not later than March 1, 1952.

To provide a tail rotor blade grip retaining bolt of increased service life, replace each existing 47-641-026-1 bolt with the 47-641-052-1 bolt, and torque to 160-190 inch-pounds. Also, replace the 47-641-036-1 flat washer type micarta seal in the blade yoke on Models 47B and 47B3 helicopters with the 47-641-042-1 cup seal type. (Bell Service Bulletin No. 80 covers this same subject.)

52-1-6 BELL (Applies to all Model 47 series Helicopters having covered tail booms)

Compliance required at next 300-hour overhaul, but not later than March 1, 1952.

To prevent the main rotor striking the tail boom as a result of boom deflection when yawing at high forward speed, install the 47-706-211-1 or -2 spoiler on the tail boom. (Note: Spoiler must not be installed on any helicopter having an uncovered tail boom.) (Bell Service Bulletin No. 81 covers this same subject.)

52-1-7 (Applies to all Model 47D1 Helicopters having 47-661-030-1 hub assembly in the cooling fan. Refer to Bell Service Bulletin No. 72)

Compliance required at the next 300-hour overhaul, but not later than March 1, 1952.

To reduce the possibility of throwing blades in flight, rework the existing 47-661-030-1 hub and re-assemble the fan using the parts provided in the modification kit. (Note: Do not install old fan blades.) Balance modified fan assembly (assigned P/N 47-661-036-5) in accordance with specified Erection and Maintenance procedure prior to installation. (Bell Service Bulletin No. 82 covers this same subject.)

52-1-8 HILLER (Formerly United) [Applies to all Model UH-12, 12A and 12B Helicopters, Serial Numbers 104 and up. (Incorporating chrome plated Main Rotor Blade Incidence Arms P/N 31114-1)]

Compliance required not later than the next 25-hour inspection, or not later than February 1, 1952, whichever occurs first and also as noted below:

As a precautionary measure to preclude possible serious danger which could result from failure of the Main Rotor Blade Collective Pitch Incidence Arms (P/N 31114-1), the following should be accomplished:

a. Inspect all main blade incidence arms (P/N 31114-1) to determine if chrome plated arms are installed.

b. If chrome plated arms are installed, remove and magnaflux or magnaglow inspect each arm for possible minute cracks in the circumferential area of the flange radii.

c. If the arm has had 100 hours service and cracks are not found, the part may be reinstalled and further compliance with this note is not required. If the arm has less than 100 hours service, it must again be inspected at 100 hours or not to exceed 125 hours of service. If cracks are found in any arm, it must be replaced immediately.

d. This note also applies to spare and replacement chrome plated arms which should be inspected at 25 and 100 hours service as indicated above. (Hiller Helicopter's Mandatory Service Bulletin No. 20 covers this same subject.)

52-2-1 CONSOLIDATED-VULTEE (Applies to all Model BT-13, -13A, -13B and BT-15 aircraft with bronze rear spar to center section attachment fittings)

Compliance required as indicated.

When it has been determined that the rear spar to center section attachment fittings are bronze castings, compliance with this Airworthiness Directive should be effected every 24 hours flying time or every six months non-flying time, which ever occurs first.

(1) Inspect visually the rear spar to center section attachment fittings on both sides of the rear spar for evidence of cracks. All cracked fittings (see below) should be replaced with new fittings of equivalent or greater strength.

(2) A magnet may be used to determine if the fitting is a steel casting.

(3) Fittings that have been made from aluminum alloy forgings can be readily differentiated from those made from bronze castings by visual inspection.

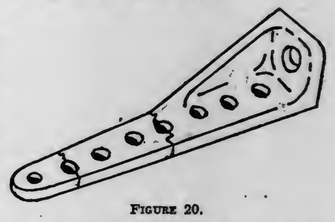

FIGURE 20.

52-2-2 ERCO (Applies to all Model 415 Series and Models E and G)

Compliance required as indicated.

As a result of several Ercoupe accidents, the following precautionary measures should be taken:

1. Before the next flight and at each 25-hour inspection:

(a) Inspect the aileron balance assembly (ERCO P/N 415-16009) and ailerons for cracks in support structure and skin, respectively. Repair or replace defective parts.

(b) Inspect the four No. 6-32 screws which attach the balance weight support to the aileron for looseness and damage. Replace defective screws with AN526-632 screws, taking care not to overstress during tightening.

2. Before next flight and at each 100-hour inspection thereafter, inspect the aileron hinges and aileron control system for excessive looseness or wear in hinge pins or bearings. If, with one aileron blocked in the neutral position, the total play of the other aileron, measured at the trailing edge, exceeds 7/16 inch, all the joints and bearings should be checked and those which are loose should be tightened or replaced.

3. If the aileron balance weights have been removed in accordance with ERCO Service Bulletin Number 57, Item 1 above does not apply and the maximum free play referred to in Item 2 above must be reduced to 5/8 inch.

4. Before the next flight, determine that the air speed instrument is distinctly marked in accordance with the operating limitations. Engineering and Research Corporation Service Memorandum Number 56 covers this same subject.

This superseded Note 49-2-2.

52-2-3 MARTIN (Applies to all Model 202 and 202A aircraft)

Compliance required not later than May 1, 1952.

Relocate such oxygen bottles as necessary from lower center section to location in upper right forward baggage compartment in order to eliminate the high pressure line now in the bottom of the fuselage.

52-3-1 RANGER ENGINES (Applies to all 6-440-C Series engine models)

To be accomplished as indicated.

To preclude the failure of cast pistons, the following inspections and modifications should be accomplished at engine overhaul

Goodrich Co. Goodrich Service Bulletin No. of operation. Excessively galled gears must attention to both flanges of the channel sec-

or when installing new or replacement pistons.

1. Inspection.

a. Inspect pistons by the fluorescent penetrant inspection method, or an equivalent, for cracks especially in areas around the piston pin boss and on the reinforcing web inside the piston. If cracks are found in these locations, the piston should be discarded.

b. Inspect pistons to ascertain if a 3/32-inch radius has been added at the inner ends of the ID of the piston pin bosses. Pistons which do not incorporate this radius should be modified as shown below in order to relieve stress concentrations. Pistons with cracks in this location which cannot be removed by the following modification should be discarded also.

2. Modification.

After thoroughly cleaning the piston, place it head down on the bench; insert cutter No. AT-390, or an equivalent, between the piston pin bosses, facing in the direction of the boss to be cut. Insert handle No. AT-391, or an equivalent, through the opposite boss and engage with cutter. Cut radius by rotating cutter in a clockwise direction until the outer end of the 3/32-inch radius blends into the surface at the end of the piston pin boss.

Repeat this procedure for the opposite piston pin boss.

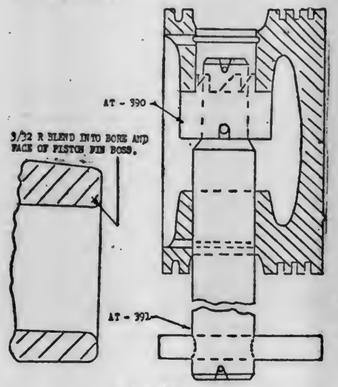

FIGURE 21.

Blending tools No. AT-390 and AT-391 are no longer available from the engine manufacturer. Drawings for those tools may be obtained from Fairchild Engine and Airplane Corporation, Farmingdale, Long Island, New York.

52-4-1 MARTIN (Applies to all Model 202 aircraft)

Compliance required not later than May 1, 1952.

Provide adequate drain for throttling valve vent in the cabin heater fuel supply line.

52-4-2 MARTIN (Applies to all Model 202 and 202A aircraft)

Compliance required not later than August 1, 1952.

Provide separate protection for each inverter control and warning light circuit. Also provide separate protection for T & B warning lights in forward area. (Trans World Airlines Engineering Order No. 5717 covers this same subject.)

52-4-3 MARTIN (Applies to all Model 202 and 202A aircraft)

Compliance required not later than May 1, 1952.

Eliminate pressure gage or place in heater fuel control box. (Trans World Airlines Engineering Order No. 5794 covers the elimination of the pressure gage.)

52-4-4 MARTIN (Applies to all Model 202 and 202A aircraft)

Compliance required not later than July 1, 1952.

Provide two separate and individually protected circuits for instrument panel lighting—each circuit to provide adequate panel illumination for necessary flight instruments. (G. L. Martin Company Service Bulletin 118 and Trans-World Airlines Engineering Order 5643 cover this same subject for the 202A.)

52-4-5 MARTIN (Applies to all Model 202 and 202A aircraft)

Compliance required not later than November 1, 1952.

Install an engine oil quantity indicating system. (Trans-World Airlines Engineering Order No. 5789 covers this same subject.)

52-4-6 MARTIN (Applies to all Model 202 and 202A aircraft)

Compliance required not later than May 1, 1952.

Relocate the cabin heater (1) fuel failure light, (2) low heat warning light and (3) MANUAL-OFF-AUTO switch to the cockpit. (G. L. Martin Service Bulletin 110 issued for the 202A together with Trans-World Airlines Engineering Orders Nos. 5422 and 5820 cover this same subject and can be used for both 202 and 202A.)

52-4-7 MARTIN (Applies to all Model 202 and 202A aircraft except as noted)

Compliance required not later than July 1, 1952.

The following controls and their wiring are common to two wing anti-icing heaters. The controls listed are identical in each nacelle. Modify the system so each of the controls serves only one heater:

1. Emergency high heat 400° cut-out switch.
2. Firewall shut-off switch.
3. Fuel pump circuit breaker (supplies power to ignition controls and master fuel controls).
4. Fuel shut-off relay.
5. Wiring to the master and auxiliary solenoid valves.
6. Fuel booster pump relay (has dual power input but single ground on the control circuit).
7. Ignition relay (202 only).
8. Ignition transformer (202 only).
9. Ignition circuit breaker (202 only).
10. AC safety relay (202 only). (Trans-World Airlines Engineering Order 5838 covers this same subject for the 202A.)

52-4-8 MARTIN (Applies to all Model 202 and 202A aircraft)

Compliance required not later than May 1, 1952.

Relocate the anti-icing heater controls to the main bus. (Trans-World Airlines Engineering Order 5759 covers this same subject.)

52-5-1 MARTIN (Applies to all Model 202 and 202A aircraft)

Cancelled December 22, 1952.

52-5-2 MARTIN (Applies to all Model 202 and 202A aircraft)

Compliance required as indicated.

Due to a reported occurrence of cracks in the center wing rear spar lower chord fitting at the Station 187 rib, the following shall be accomplished:

A. Inspect within the next 100 hours. Inspect the fittings (P/N 2021U44473 and 2021U44474) with a 10-power magnifying glass after removal of the paint with a solvent. Pay particular attention to the intersection of the spar leg with the other legs of the fitting.

B. If cracks are discovered in the base or extending into the base of a fitting, the part must be replaced.

C. If cracks are found in the vertical legs only, the part can either be replaced or remain installed in the airplane. If remaining installed, the fitting must be inspected every 85 hours in accordance with Items (A) and (B). Other inspection intervals may be approved based on the evaluation of the actual crack location by the manufacturer.

D. For fittings that do not show any cracks, loosen the two bolts through the fitting, the spar stiffener and the spar chord tang. Also loosen the two spar web splice bolts through the fitting, the spar web stiffeners and Rib 187 web. If any gap appears between the fitting and its mating surfaces, install shims so as to reduce this gap to less than 0.010 inch.

E. New parts installed shall be shimmed in accordance with Item (D). (Glenn L. Martin Service Instruction Letter No. 17 covers this same subject.)

52-5-3 BELL (Applies to all Bell Model 47 Helicopters incorporating engine mount assembly, P/N 47-612-11-1 or -5)

Compliance recommended upon receipt of parts, but required not later than the next 25-hour inspection following receipt of parts or April 1, 1952, whichever occurs first.

As a precautionary measure against the serious consequences resulting from the failure of this particular engine mount, Safety Strap Kit, P/N 47-612-132, must be installed. This kit can be obtained free of charge from the Bell Aircraft Corporation, and must be installed in accordance with Bell Service Bulletin No. 87.

A. D. 51-27-1 remains in effect and is used in conjunction with this directive. (Bell Service Bulletin No. 87 dated February 12, 1952, covers this same subject.)

52-6-1 DOUGLAS (Applies to all Models DC-3 and C-47 type aircraft)

Superseded by 52-22-3.

52-7-1 BELL (Applies to all Model 47D1 helicopters prior to serial number 477)

Compliance required by May 15, 1952.

To provide simplified loading limitations, remove the existing loading chart decal from the left-side of the instrument panel and install loading limitation decal 47-796-109-1 at the same location. In addition, provide stowage space and install the fuel tank dip stick 47-686-025. (Bell Service Bulletin No. 86 covers this same subject.)

52-7-2 RYAN (Applies to all Navion Aircraft equipped with Hartzell HC-12X20-1 through -7 propellers having serial numbers below 4300)

Superseded by 53-6-2.

52-7-3 PIPER (Applies to all Model J3 series and PA-11 aircraft)

Compliance required prior to November 1, 1952.

1. Revise the present front and rear wing lift strut as follows:

(a) Cut 1/2 inch from lower end of barrel assembly and strut end.

(b) Remove the flanges and weld metal which extends through upper and lower strut surface, taking care not to damage struts.

(c) Remove barrel assembly from strut by applying a slight pull through an old forked fitting.

(d) Inspect strut for (internal) rust, bending, excessive wear, or other damage, and replace strut if necessary.

(e) Clean surplus old weld or rough edges from slots in the strut ends.

(f) Increase depth of these slots (approximately 1/8 inch so the new barrel's lower flange will extend 3/32 inch beyond the strut end.

(g) Insert new plate and barrel assembly, P/N 12521, with its center line parallel with the center line of the strut.

(h) Weld fitting into strut around the slots and lower strut end.

(i) Refinish strut.

(j) Install new forked fitting, P/N 13710, and AN315-7R lock nut.

(k) Due to the importance of this rework, care must be exercised and it is recommended that only competent welders with extensive recent welding experience should undertake this work.

2. After installing reworked lift struts rerig the aircraft in accordance with appropriate Piper Service Manual instructions.

3. Placard all lift struts, "No step."

4. Compliance with A. D. 51-15-1, covering the periodic inspection of lower lift strut fork fittings, P/N 11281, may be discontinued after compliance with this airworthiness directive. (Piper Service Bulletin No. 120, dated March 28, 1952, covers this same subject.)

52-8-1 LOCKHEED (Applies to certificated Army and Navy versions of the Model 18 aircraft designated C57, C57B, R50-1, R50-2, R50-3, R50-5, R50-6, C60, C60A, and C59)

Compliance required at next annual inspection, but in no event later than June 1, 1953.

Inspect all Lockheed Model 18 series aircraft which have been converted from a military version to civil status, for compliance with Lockheed Drawing No. 50829, Change A, to provide seal at the inboard end of the integral fuel tanks (inside fuselage) to prevent gasoline fumes from accumulating in the passenger compartment in case of fuel tank leakage. Inspection of the area can be accomplished by removal of the overhead panels adjacent to the fuselage skin in the No. 3 and No. 4 baggage compartments or by removing floor panels in the cabin.

Diaphragms and vents must be installed in accordance with Lockheed Drawing No. 50829 (or equivalent). Drawing No. 50829, Change A, covering the required installation may be obtained from Lockheed Aircraft Corporation, Burbank, California.

52-8-2 RYAN (Applies to all Navion Model B aircraft and cancels A. D. Note 51-19-3 upon compliance)

Compliance required not later than June 15, 1952.

Due to reports of engine malfunction caused by collapse of flexible ducts in the air induction system, it is necessary to replace the section P/N 146-42207 ducting between the carburetor air filter assembly and the carburetor air mix box with wire reinforced ducting, or its equivalent. (Ryan Field Service Bulletin No. 16, dated February 12, 1952, covers this same subject.)

This supersedes A. D. Note 51-19-3.

52-10-1 CURTISS-WRIGHT (Applies to all Model C-46 aircraft)

Compliance required as soon as possible, but not later than August 1, 1952.

To provide circuit protection for the leads to both ammeters in the electric power system, the following shall be accomplished:

In those aircraft having the ammeter shunts in the positive generator leads, install a circuit breaker or fuse in each ammeter lead as close as practicable to the shunt.

52-11-1 EMIGH (Applies to all Trojan A-2 Model aircraft)

Compliance required by August 1, 1952.

As a result of a reported failure of the welded joint in the elevator control tube socket, the following, or equivalent, should be accomplished, to preclude the possibility of recurrence of this type failure:

(a) Install a 1/4-inch AN steel bolt through the elevator control tube socket as shown below and secure with an elastic stop nut. Two installations will be necessary, one on the Pilot's side and one on the Passenger's.

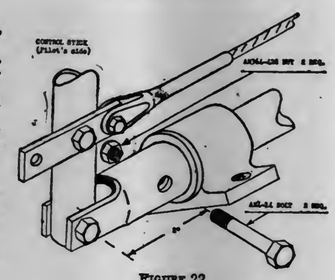

FIGURE 22.

(b) Due to the limited amount of clearance, it is recommended that the bolts be installed in the direction and location as shown. Ascertain that adequate clearance is provided when the control stick is operated throughout its full range.

52-11-2 CONSOLIDATED-VULTEE (Applies to all Model 240 Aircraft)

Compliance required not later than the first major engine overhaul after February 1, 1953.

To improve further the engine nacelle fire resistance of CV-240 aircraft, steel facings must be installed over certain aluminum alloy components of the engine cowl panels, the oil cooler duct, and the nacelle structure forward of the firewall.

Convair Service Bulletin No. 240-425, Revision 2, describes these changes in detail. Preliminary information on this modification is contained in Convairogram No. 30, dated April 8, 1952.

52-12-1 BOEING (Applies to all Model 377 aircraft)

Compliance required as specified below:

In order to reduce the hazard of fire resulting from overheating of the freon compressor motors, compliance with the following is required:

A. Compliance required before any installation of overhauled or new compressor motor after October 1, 1952. (Not required if Item B accomplished or airplane operated in accordance Item C.)

Replace the following Westinghouse compressor motor magnesium parts with corresponding aluminum parts:

	P/N (Mg)	P/N (AL.)
Inlet cooling cap	P14A9709	P35A9046
Front bearing bracket	P14A9712	P35A9044
Fan	A14B3724	P35A9042

B. Compliance required prior to October 1, 1952. (Not required if both motors previously modified in accordance item A or if airplane operated in accordance item C.)

Install at temperature sensing switch, adjusted to actuate at 100° or less, in the cooling air outlet of each freon compressor motor. Install circuits and equipment so that this overheat switch, as well as the motor thermoguard switch, will illuminate a cockpit warning light or will open the compressor motor power circuit, or both.

C. In the event the modifications outlined in A or B are not completed in accordance with the above requirements, aircraft may be operated with the refrigeration systems made inoperative.

52-12-2 CURTISS-WRIGHT (Applies to all Model C-46 series aircraft operated under CAR Part 42)

Compliance required as indicated.

In accordance with CAR 42.11 and to comply with Air Carrier standards, the main passenger cabin door locking means on all C-46 aircraft used for Air Carrier passenger operation must be equipped with both internal and external handles so that the door can be opened from either inside or outside in case of emergency. Aircraft not so equipped must be modified to comply by September 1, 1952.

52-12-3 LOCKHEED (Applies to Models 49-46, 149-46, 649-79, 649A-79, 749-79, 749A-79, C-121A, and VC-121B aircraft)

Compliance required as indicated.

Inspect the following by August 1, 1952:

1. Bulkhead ring at Station 527.6 for cracks in channel bend radius Part Numbers 283984-2 and -3 for Models 49 and 149, and Parts Numbers 285772-2 and -3 for all other models, as well as bracket Part Number 252886 for all models.

2. Inspect for and replace any missing or broken screws through the outer flange of the bulkhead 527 visible under fillet.

If no cracks are found on first inspection, reinspect at 2,000-hour intervals until total airplane time reaches 8,000 hours. After 8,000 hours, reinspect at approximately 600-hour intervals. If cracks are found, operation may continue prior to repair provided cracks are marked and reinspected at approximately 200-hour intervals and, further, provided: (1) Total length of all cracks on one side of airplane does not exceed sum of 2½ inches not counting cracks, if any, in bracket 252886; (2) Cracks in bracket 252886 left or right do not exceed sum of 2 inches. If cracks exceed either 2½ inches in the channel or 2 inches in bracket, repair by either the interim fix method or final fix. The interim fix may be accomplished by bolting steel blocks tightly to each side of bulk-head ring webs in the vicinity of the cracks, with additional bolts through the steel flange of the ring and tapped into the steel blocks. (Lockheed Service Bulletin No. 49/SB-714 covers this repair.)

The final fix consists primarily of replacing the aluminum alloy bracket, P/N 252886, with a heat-treated alloy steel bracket of approximately the same dimensions except for gage, and adding 0.078-inch heat-treated alloy steel doublers to the cracked channels, all parts securely bolted together. (Lockheed Service Bulletin No. 49/SB-715 describes this reinforcement.)

If the interim fix as described by Lockheed Service Bulletin No. 49/SB-714, or equivalent, has been complied with, the inspection period may be increased to approximately 400-hour intervals until the final fix is applied. If the final fix, as described in Service Bulletin No. 49/SB-715, or equivalent, is complied with, no further inspections are necessary.

The term "approximately" is used in connection with the inspection periods to provide flexibility so that these periods may be integrated with operators' regular inspection periods, nearest to the periods specified herein.

52-13-1 COLLINS RADIO (Applies to all Models 51R-1 and 51R-2 Radio Receivers)

Compliance required by November 1, 1952.

To eliminate failures of 90/150 cycle tone localizer filters due to electro-deposition of copper from the coil windings to the laminated iron core, modify the receiver in accordance with Collins 51R-1 and -2 Service Bulletin No. 21, dated May 7, 1952, by removing the B+ voltage from the 90 and 150 cycle filter input circuits.

52-13-2 LOCKHEED (Applies to all Lockheed Constellation (49 series) airplanes with Hamilton Standard Reversing Propellers)

Items I, II and III are to be accomplished by means of a progressive modification program to be submitted to and approved by

must be replaced.

slots and lower strut end.

the CAA. This program shall begin no later than August 1, 1952, and shall be completed no later than November 1, 1953.

I. In order to prevent inadvertent actuation of the propeller reversing solenoid valves, protect the reversing solenoid circuits from all other electrical circuits and protect the reversing solenoid circuits from each other. This is to be accomplished in accordance with Attachment A and the following instructions which pertain to specific features to be considered in isolation of the circuits. Airplanes which have other features not specifically referred to in this list shall be treated in an equivalent manner:

A. The multiple pin connector assembly at the reverse coordinating relay panel must comply with Item 2 of Attachment A.

B. Protect the following exposed terminals as specified in Item 3 of Attachment A:

(1) Exposed terminal on "A" relays in reverse coordinating relay panel;

(2) Exposed terminals at throttle reversing switches (not required if Item IIA (1) is installed).

C. Modify Hamilton Standard Relay box, where used, to shield the reversing solenoid circuit relay contacts, etc., from all other circuits which are energized at any time except when reversing is desired.

Reversing relay boxes which have separate pin connectors for the reversing solenoid wire and the remaining circuits shall be so installed that it will not be possible inadvertently to interchange any connectors on any two relay boxes.

D. Reversing Solenoid Circuit Wiring: Modify in accordance with Item 4 of Attachment A.

II. Other circuit modifications:

A. All airplanes shall be modified in one of the following ways:

(1) Install an additional switch in the reversing solenoid circuit which will prevent the application of power to the circuit until the switch has been closed by operation of the landing gear actuated throttle reversing lock system, or

(2) Comply with Hamilton Standard Service Bulletin No. 221.

III. Pedestal design (same compliance date as Item I).

A. Reversing throttle switch and lock bar assembly: Modify the assembly by adding a stop pin and plate for the lock bar and cutting clearance notches on No. 1 and No. 4 switch triggers.

IV. Maintenance Practices.

A. At each nearest scheduled service to 350 hours:

(1) Inspect the points specified in Item IB and any other critical points in the systems where two or more solenoid wires run together. These inspections may be discontinued if the modifications made to the system are of the type described in Items 1 (a) or 1 (b) of Attachment A.

(2) Perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switches open when the throttles are moved forward out of the reverse position.

(3) If Item IIA (1) is installed, perform an electrical check of the switch to assure that it opens when the throttle lock bar is in the locked position.

B. At any time that an electrical fault occurs in a circuit which is carried in the same bundles or the same conduit as the reversing solenoid circuit, representative terminal points in the faulty circuit are to be inspected to determine whether any damage may have occurred within the bundles or conduit. If there is evidence of possible damage, all the wiring involved is to be removed and inspected. Damaged wiring is to be replaced as necessary.

V. Operating Instructions:

Comply with Item 5 of Attachment A.

VI. (NOTE: Propeller governor design changes which are under development and whose purpose is to provide a high pressure hydraulic circuit by-pass to safeguard against inadvertent reversing and to provide ability to feather even when the reversing solenoid is energized, are still under consideration and may be the subject of a future Directive.)

ATTACHMENT A

Criteria for isolation of reversing circuits at terminal points and connections:

1. Terminal Strips. The following methods of isolation can be used:

(a) Elimination of connections at terminal strips by using continuous wiring,

(b) Providing separate, covered terminal strip for reversing lead connections,

(c) Isolating the solenoid lead stud, terminals and associated hardware from all other nearby studs or terminals by enclosing these components in an insulating cover which is so designed or secured to the wiring that the wire will stay in place in case of breakage at the terminal or so that the broken wire and terminal will remain insulated by the cover from contact with other circuits if the wire comes off its terminal. The nature of the cover design or provisions for its attachment must be such that its installation will not be overlooked during maintenance,

(d) Removing or grounding studs adjacent to solenoid valve lead stud and securing all adjacent wiring and the reversing solenoid lead to prevent contact of broken leads with reversing solenoid terminal or contact of broken reversing solenoid lead with other terminals. If the adjacent studs are grounded, rather than removed, the studs must be identified distinctively so that they will not inadvertently be used for the attachment of wires serving other circuits.

2. Multiple Pin Connector Assemblies. The following methods of isolation can be used:

(a) Elimination of pin connectors by using continuous wiring,

(b) Providing separate pin connectors for each reversing solenoid circuit,

(c) Deactivating all pins adjacent to the one carrying the reversing solenoid circuit. These pins are to be retained in the connector but identified distinctively so that they will not be used inadvertently. When distinctively identified, these pins may also be used for circuits which cannot supply sufficient energy to actuate the reversing solenoid or circuits which are energized only when reversing is desired. At the points where wires are attached to the connector pins, all exposed metal parts are to be protected with insulating covers so secured that contact between circuits cannot occur in case of failure at the connection or in case foreign material is left in the connector assembly.

3. Exposed Terminals on Relays and Switches. Protect these terminals in either one of the following ways:

(a) As specified in Item 1 (c) for terminal strips, or

(b) If the terminal is a type which cannot be protected as specified above, cover all exposed metal components with insulating material and secure all wires so that no wire can touch another terminal if the wire breaks or falls off its own terminal. Install insulating barriers as necessary to prevent inadvertent contact between broken or loose wires and other terminals.

4. Reversing Solenoid Circuit Wiring. Modify in one of the following ways:

(a) Physically isolate the wiring from all other circuits.

(b) If the wiring is run in bundles with other wires, a shielded wire is to be used. The shielding shall be grounded at both ends and a protective cover shall also be provided over the shielding. The shielding shall be carried as close as possible to the terminal points.

5. Operating Instructions. Not later than August 1, 1952, all operating instructions regarding unfeathering procedures shall specify that the following practices are to be observed and shall indicate that the reason is to guard against inadvertent reversing during the unfeathering operation:

(a) If unfeathering is being accomplished at night the wing illumination lights or landing lights are to be used to permit observation of propeller operation.

(b) The propeller is to be watched during unfeathering and the button is to be released when rotation starts. (This should normally be in one or two seconds.)

(c) The tachometer is not to be used as a guide for determining when unfeathering is to be terminated.

52-14-1 DOUGLAS (Applies to all DC-6, DC-6A and DC-6B airplanes with Hamilton Standard propellers except as otherwise indicated)

Items I and II are to be accomplished by means of a progressive modification program to be submitted to and approved by the CAA. This program shall begin no later than August 1, 1952, and shall be completed no later than August 1, 1953.

I. In order to prevent inadvertent actuation of the propeller reversing solenoid valves, protect the reversing solenoid circuits from all other electrical circuits and protect the reversing solenoid circuits from each other. This is to be accomplished in accordance with Attachment A and the following instructions which pertain to some of the specific features to be considered in isolation of the reversing circuits from other circuits. Other features which are not specifically referred to in this list shall be treated in an equivalent manner:

A. Modify the following multiple pin connector assemblies as specified in Item 2 of Attachment A: (See A. D. 52-13-2 for Attachment A.)

1. Firewall connector (if the reversing solenoid lead has not already been removed).

2. Connector at the front of the control pedestal.

3. Connector at Hamilton Standard Relay Box (if used).

B. Modify the following terminal strips as specified in Item 1 of Attachment A:

1. Firewall junction box terminal strip (if used).

2. Terminal strip at synchronizer compartment (if used).

3. Terminal strip within propeller control box located behind pilot's seat.

C. Protect the following exposed terminals as specified in Item 1 (c) of Attachment A:

1. Exposed terminals at secondary throttle lock relays located behind pilot's seat.

2. External A_2 and A_3 terminals on "C" relays in propeller control box behind pilot's seat.

D. Hamilton Standard reversing relay box (if used): Reversing solenoid circuit relay contacts, etc., to be shielded from all other circuits which are energized at any time except when reversing is desired. Reversing relay boxes which have separate pin connectors for the reversing solenoid wire and the remaining circuits shall be so installed that it will not be possible inadvertently to interchange any connectors on any two relay boxes.

E. Pressure Seal Disconnect: Modify in one of the following ways:

1. By-pass the pressure seal by using continuous wiring.

2. Provide a separate connector for the reversing solenoid lead.

3. Pins adjacent to the reversing solenoid pins shall be deactivated or used only in circuits which cannot provide sufficient energy to activate the reversing solenoid or circuits which are energized only when reversing is desired. Also, provide an insulating shield for the reversing solenoid pins on both sides of the pressure seal.

The reversing solenoid wire shall be secured to this shield or in some equivalent manner to prevent the wire from falling free in case the terminal pin comes out of the socket.

4. Isolate the solenoid valve lead insert on both sides of the seal by covering both the socket and the wire terminal with insulation which will cover all exposed metal parts when the wire is in place, when the wire terminal has come out of the socket, or when the wire is broken at any point up to the point at which it is secured in the bundle. The nature of the insulation or the provisions for securing it in place must be such that its installation will not be overlooked during maintenance.

F. Reversing Solenoid Circuit Wiring: Modify in accordance with Item 4 of Attachment A.

G. Other circuit modifications:

1. All airplanes with fuselage numbers below 233 shall be modified to comply with Hamilton Standard Service Bulletin No. 221.

II. Reverse Solenoid Lock Assembly.

A. Comply with Douglas Service Bulletin DC-6, No. 356, dated March 9, 1949, to prevent excessive deflection of lock assembly components.

B. The "Reverse operable" warning device shall be clearly visible when the lock is open just a sufficient amount to permit pulling the throttles into the reverse regime.

III. Maintenance Practices (To be instituted not later than August 1, 1952).

A. At each nearest scheduled service to 350 hours:

1. Inspect all points specified in Items IB, IC and IE. These inspections may be discontinued if the modifications made to the system are of the type described in Items E1 or E2 above; Items 1A or 1B of Attachment A and Items 2A or 2B of Attachment A.

B. At any time that an electrical fault occurs in a circuit which is carried in the same bundles or the same conduits as the reversing solenoid circuit, representative terminal points in the faulty circuit are to be inspected to determine whether any damage may have occurred within the bundles or conduit. If there is evidence of possible damage, all the wiring involved is to be removed and inspected. Damaged wiring is to be replaced as necessary.

C. At each nearest scheduled service to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switches open when the throttles are moved forward out of the reverse position.

D. Conduct the mechanical functional test specified in AD 50-16-1 at each nearest schedule service to 350 hours.

IV. Operating Instructions: Comply with Item 5 of Attachment A.

V. (NOTE: Propeller governor design changes, which are under development and whose purpose is to provide a high pressure hydraulic circuit by-pass to safeguard against inadvertent reversing and ability to feather even when the reversing solenoid is energized, are still under consideration and may be the subject of a future Directive.)

52-14-2 CONSOLIDATED-VULTEE (Applies to all Convair 240 airplanes with Hamilton Standard propellers except as otherwise indicated. Item IV also applies to all Convair 340 airplanes with Hamilton Standard propellers)

Items I through IV are to be accomplished by means of a progressive modification program to be submitted to and approved by the CAA. This program shall begin no later than August 1, 1952, and shall be completed no later than August 1, 1953.

I. The following changes to the electrical circuits are to be accomplished: (Note: These changes apply to airplanes which have not been modified since they were manufactured. See Item II for modified airplanes):

A. Insulate exposed terminals at unfeathering relay, install insulating separator between throttle microswitches, and secure wires as specified in Convairogram No. 4, dated March 7, 1951.

II. To prevent inadvertent actuation of the reversing solenoid valves, the following changes to the electrical circuits are to be accomplished to protect the reversing solenoid circuits from all other circuits and to protect the reversing solenoid circuits from each other: (Note: These changes are known to apply to some aircraft which were modified by operators so that they differ from the originally manufactured configuration. Other airplanes which have design features in the reversing solenoid circuits which are similar to those outlined below, but which are not specifically referred to in this list, should have these points protected in a manner equivalent to that described herein.)

A. Modify the following multiple pin connector assemblies as specified in Item 2 of Attachment A: (See A. D. Card 52-13 for Attachment A:)

1. Connector at wing-fuselage disconnect.

2. Connector at Hamilton Standard reversing box No. 80340 (covered by change specified in Item C.)

B. Modify the following terminal strips as specified in Item 1 of Attachment A:

1. Terminal strip at firewall junction box

2. Terminal strip in junction box at fuselage station No. 109

C. Hamilton Standard reversing relay box: Reversing solenoid circuit relay contacts, etc., to be shielded from all other circuits which are energized at any time except when reversing is desired. If reversing relay boxes are used which have separate pin connectors for the reversing solenoid wire and the remaining circuits, it shall not be possible inadvertently to interchange any connectors in the two relay boxes.

D. Reversing Solenoid Circuit Wiring: Modify in accordance with Item 4 of Attachment A.

E. Protect the exposed terminals of the secondary throttle lock relays, (if used), as specified in Item 3 of Attachment A.

F. Install insulating separator between throttle microswitches, and secure wires as specified in Convairogram No. 4, dated March 7, 1951.

III. Other circuit modification: All airplanes are to be modified to comply with Hamilton Standard Service Bulletin No. 221.

IV. Reverse Solenoid Lock Assembly on all airplanes which do not have "lift up" throttles, either (a) install a warning light system as described in Convair Service Bulletin No. 240-381 except that the system shall be so arranged that it will indicate to the crew when the solenoid lock has just started to move to the open position, or (b) adjust the lock actuating handles so that not less than one inch of movement is required before the lock opens.

V. Maintenance Practices (To be instituted not later than August 1, 1952):

A. At each nearest scheduled service to 350 hours:

1. Inspect all points specified in Items I and IIB. The inspections of Item IIB may be discontinued if the modifications made to the system are of the type described in Items 1 (a) or 1 (b) of Attachment A.

B. At any time that an electrical fault occurs in a circuit which is carried in the same bundles or the same conduits as the reversing solenoid circuit, representative terminal points in the faulty circuit are to be inspected to determine whether any damage may have occurred within the bundles or conduit. If there is evidence of possible damage, all the wiring involved is to be removed and inspected. Damaged wiring is to be replaced as necessary.

C. At each nearest service to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switches open when the throttles are moved forward out of the reverse position.

D. At any time that operations are performed which may affect the relative position of the solenoid lock and throttle switches, but in any event at intervals not to exceed 1500 hours: Check the relationship between the position of the pedestal strikers when they are: (a) In contact with the solenoid latch; (b) at the point where the detent roller contacts the first detent cam, and (c) when the reversing microswitches are actuated. It shall not be possible for the switches to be actuated before the latch and the detent engage the striker and the cam. This determination shall be made by positive measurements rather than observation of engine RPM at which these actions take place.

VI. Operating Instructions: Comply with Item 5 of Attachment A.

VII. (NOTE: Propeller governor design changes which are under development and whose purpose is to provide a high pressure hydraulic circuit bypass to safeguard against inadvertent reversing and ability to feather even when the reversing solenoid is energized, are still under consideration and may be the subject of a future Directive.)

52-15-1 BOEING (Applies to all Model 377 airplanes with Hamilton Standard propellers)

Items I and II are to be accomplished by means of a progressive modification program to be submitted to and approved by the CAA. This program shall begin no later than August 1, 1952, and shall be completed no later than April 1, 1953.

I. In order to prevent inadvertent actuation of the propeller reversing solenoid valves, protect the reversing solenoid circuits from all other electrical circuits and protect the reversing solenoid circuits from each other. This is to be accomplished in accordance with Attachment A (see A. D. 52-13-2) and the following instructions which pertain to specific features to be considered in isolation of the reversing circuits from other circuits. Other features which are not specifically referred to in this list shall be treated in an equivalent manner.

A. If any multiple pin connector assemblies are used in the reversing solenoid circuits, they are to be modified as specified in Item 2 of Attachment A.

B. Modify the following terminal strips as specified in Item 1 of Attachment A:

(1) Terminal strip at RH and LH wing break junction shield.

(2) Terminal strip at pilot's pedestal.

C. Protect the following exposed terminals as specified in Item 3 of Attachment A:

(1) Exposed terminal to which the solenoid valve leads are connected on "A" relays in propeller relay shield.

(2) Exposed terminals at throttle reversing switches.

D. Reversing solenoid circuit wiring shall comply with Boeing Service Bulletin Number 79 unless the circuits are completely isolated from all other circuits. The shielding on the wire shall be grounded at both ends and a protective cover shall be provided over the shielding wherever it runs in conduit with other wires.

E. Other circuit modifications: All airplanes shall be modified to comply with Hamilton Standard Service Bulletin No. 221.

II. Pedestal Assembly. Make one of the following modifications:

A. Increase the height of the quadrant stop at the positive idle position by one-eighth of an inch. In addition, change the present positive taper on the stop and the sliding member of the throttle to a zero taper or a negative taper of not more than 3 degrees.

B. Add a plate to throttle quadrant. The plate is to be hinged at its rearward edge and its forward edge should be so located that it will act as a stop in the forward idle position. It shall not be possible to force the plate open solely by pulling rearward on the throttles. In addition, remove the positive taper from the existing quad-

changes which are under development and points.

A. Insulate exposed terminals at unfeathering relay, install insulating separator

both sides of the pressure seal.

throttles are moved forward out of the reverse position.

force the plate open solely by pulling rearward on the throttles. In addition, remove the positive taper from the existing quad-

rant stop and the sliding member of the throttle and provide a zero taper or a negative taper of not more than 3 degrees.

III. Maintenance Practices (To be instituted not later than August 1, 1952).

A. At each nearest scheduled service to 350 hours:

(1) Inspect all points specified in Items IB and IC. The inspections of Item IB may be discontinued if the modifications made to the system are of the type described in Items 1 (a) or 1 (b) of Attachment A.

B. At any time that an electrical fault occurs in a circuit which is carried in the same bundles or the same conduits as the reversing solenoid circuit, representative terminal points in the faulty circuit are to be inspected to determine whether any damage may have occurred within the bundles or conduit. If there is evidence of possible damage, all the wiring involved is to be removed for inspection. Damaged wiring is replaced as necessary.

C. At each scheduled service nearest to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switches open when the throttles are moved forward out of the reverse position.

IV. Operating Instructions.

A. Comply with Item 5 of Attachment A.

B. If the pedestal assembly is modified in accordance with Item IIB, the operating instructions for airplanes so modified shall specify that the plate be opened for takeoff and that it shall be closed immediately following takeoff. The plate shall remain closed during all other regimes of flight except that it shall again be opened just prior to landing.

V. (NOTE: Propeller governor design changes which are under development, and whose purpose is to provide a high pressure hydraulic circuit bypass to safeguard against inadvertent reversing and ability to feather even when the reversing solenoid is energized, are still under consideration and may be the subject of a future Directive.)

52-15-2 MARTIN (Applies to all Model 202 airplanes with Hamilton Standard Reversing propeller installations)

I. Prior to reactivation of the reversing feature of the propellers:

A. Modify the following terminal strips and pin connector assemblies as specified in Items 1 and 2 of Attachment A: (See A. D. 52-13-2.)

(1) Terminal strip at nacelle firewall junction box.

(2) Terminal strip at center wing panel.

(3) Terminal strip at fuselage station 225.

(4) Terminal strip at nose junction box.

(5) 19 pin connector assembly at the propeller control relay box.

B. Modify Hamilton Standard propeller reversing relay box at the front of the control pedestal to shield the reversing solenoid circuit relay contacts, etc., from all other circuits which are energized at any time except when reversing is desired. Reversing relay boxes which have separate pin connectors for the reversing solenoid wire and the remaining circuits, shall be so installed that it is not possible inadvertently to interchange any connectors on the two relay boxes.

C. Rewire the feathering button circuit so that the wire from the feathering button to the fixed terminal for the auxiliary pump on the "A" relay is not energized when feathering is being accomplished and so that the hold in coil on the feathering button is inoperative during unfeathering. Isolate reversing circuit relay contacts in the propeller control relay box in a manner equivalent to the change specified in Item IB. Protect the exposed relay terminals as specified in Item 3 of Attachment A.

D. Modify the reversing solenoid circuit wiring in acordance with Item 4 of Attachment A.

E. Revise the reversing circuits to comply with Hamilton Standard Service Bulletin Number 236.

F. In order to prevent reversing of a normally operating propeller when unfeathering the other propeller: If the reversing solenoid circuits for the two propellers are adjacent to each other in any connectors, at terminal strips, in wire bundles, or any other points where contact may occur between the two circuits due to a fault, isolate the two circuits from each other as specified in Attachment A and observe the maintenance practices in Item IIA.

G. The "reverse operable" warning device shall be clearly viable when the lock is open just a sufficient amount to permit moving the throttles into the reverse regime. It shall not be possible for the flag to catch on its track or on the control pedestal and remain held in the up position.

H. Incorporate throttle pedestal cover plate No. 2021A19719 which has a steel track to prevent lifting the throttles before they reach the idle position.

I. If an alternate manually controllable ground circuit is installed to permit unfeathering in case of an open blade switch circuit, the alternate circuit shall be removed.

J. Increase the height of the throttle quadrant stop at the positive idle position so that a lift of at least ¼ inch is required to lift the pin over the stop.

II. Maintenance Practices (to be instituted when reversing is reactivated):

A. At each nearest scheduled service to 350 hours:

(1) Inspect all points specified in IA (1) through IA (4) unless the modifications made to the system conform to Items 1 (a) or 1 (b) of Attachment A.

(2) Perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switches open when the throttles are moved forward out of the reverse position.

B. At any time that an electrical fault occurs in a circuit which is carried in the same bundles or the same conduits as the reversing solenoid circuit, representative terminal points in the faulty circuit are to be inspected to determine whether any damage may have occurred within the bundles or conduit. If there is evidence of possible damage, all the wiring involved is to be removed and inspected. Damaged wiring is to be replaced as necessary.

III. Operating Instructions: (Comply with Item 5 of Attachment A.)

IV. (NOTE: Propeller governor design changes which are under development and whose purpose is to provide a high pressure hydraulic circuit bypass to safeguard against inadvertent reversing and to provide ability to feather even when the reversing solenoid is energized are still under consideration and may be the subject of a future Directive.)

52-16-1 MARTIN (Applies to all model 202A airplanes)

Item I is to be accomplished by means of a progressive modification program to be submitted to and approved by the CAA. The program shall begin no later than August 10, 1952, and shall be completed no later than May 1, 1953.

I. In order to prevent inadvertent actuation of the propeller reversing solenoid valves, protect the reversing solenoid circuits from all other electrical circuits and protect the reversing solenoid circuits from each other. This is to be accomplished in accordance with Attachment A (see A. D. 52-13) and the following instructions which pertain to specific features to be considered in isolation of the circuits. Other features which are not specifically referred to in this list shall be treated in an equivalent manner.

A. Comply with TWA Engineering Orders 5686, 5776, and 5887.

B. Modify the 19 pin connector at the propeller control relay box as specified in Item 2 of Attachment A.

C. Modify the Hamilton Standard relay box on the front of the control pedestal to shield the reversing solenoid relay contacts, etc., from all other circuits which are energized at any time except when reversing is desired. Reversing relay boxes which have separate pin connectors for the reversing solenoid wire and the remaining circuits, shall be so installed that it will not be possible inadvertently to interchange any connectors between the relay boxes.

D. Modify the configuration of the propeller control relay box in a manner equivalent specified in Item I (C).

E. Modify reversing solenoid circuit wiring in accordance with Item 4 of Attachment A.

II. The following maintenance practices are to be instituted not later than August 10, 1952.

A. At each nearest scheduled service to 350 hours:

1. Inspect all points covered by TWA Engineering Orders 5686 and 5776.

2. Perform an electrical check of the reverse safety switches at the pedestal to assure that the switches are open when the reversing throttles are moved forward out of the reverse position.

B. At any time that an electrical fault occurs in a circuit which is carried in the same bundles or the same conduits as the reversing solenoid circuit, representative terminal points in the faulty circuit are to be inspected to determine whether any damage may have occurred within the bundles or conduit. If there is evidence of possible damage, all the wiring involved is to be removed and inspected. Damaged wiring is to be replaced as necessary.

III. Operating Instructions: Comply with Item 5 of Attachment A.

IV. (NOTE: Propeller governor design changes which are under development and whose purpose is to provide a high pressure hydraulic circuit by-pass to safeguard against inadvertent reversing and to provide ability to feather even when the reversing solenoid is energized, are still under consideration and may be the subject of a future Directive.)

52-16-2 MARTIN (Applies to all Model 404 airplanes)

Item I is to be accomplished by means of a progressive modification program to be submitted to and approved by the CAA. This program shall begin no later than August 10, 1952, and shall be completed no later than December 15, 1952.

I. In order to prevent inadvertent actuation of the propeller reversing solenoid valves, protect the reversing solenoid circuits from each other. This is to be accomplished in accordance with Attachment A (see A. D. 52-13) and the following instructions which pertain to specific features to be considered in isolation of the circuits. Other features which are not specifically referred to in this list shall be treated in an equivalent manner.

A. Modify the terminal strip in the engine nose junction box (if used) to comply with Item 1 of Attachment A.

B. Modify the pin connector and internal configuration of Hamilton Standard control box to shield the reversing solenoid circuit relay contacts, etc., from all other circuits which are energized at any time except when reversing is desired. Reversing relay boxes which have separate pin connectors for the reversing solenoid wire and the remaining circuits shall be so installed that it will not be possible inadvertently to interchange any connectors on the two relay boxes.

C. Modify the fuselage terminal strip to conform to Item I of Attachment A.

D. Reversing Solenoid Circuit Wiring: Comply with Item 4 of Attachment A.

II. Maintenance practices to be initiated not later than August 10, 1952.

A. At each nearest scheduled service to 350 hours:

1. Inspect all points covered by Items I and III unless the modifications made to the system conform to Items 1 (a) or 1 (b) of Attachment A.

2. Perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switches open when the throttles are moved forward out of the reverse position.

B. At any time that an electrical fault occurs in a circuit which is carried in the same bundles or conduit as the reversing solenoid circuits, representative terminal points in the faulty circuit are to be inspected to determine whether any damage may have occurred within the bundles or conduit. If there is evidence of possible damage, all the wiring involved is to be removed and inspected. Damaged wiring is to be replaced as necessary.

III. Operating Instructions: Comply with Item 5 of Attachment A.

IV. (NOTE: Propeller governor design changes which are under development and whose purpose is to provide a high pressure hydraulic circuit by-pass to safeguard against inadvertent reversing and to provide ability to feather even when the reversing solenoid is energized, are still under consideration and may be the subject of a future Directive.)

52-17-1 BELLANCA (Applies to all Model 14-13 series aircraft)

Compliance required by August 15, 1952, with chain tension inspections to be repeated at intervals not to exceed 100 hours.

In order to prevent landing gear retracting chain malfunctionings, install chain guard, Bellanca Part No. SK491 or equivalent (see following drawings), in both wings at the rear spar landing gear chain sprocket. Chains should be inspected and adjusted for proper tension. When correctly adjusted, chains should feel approximately as tight as the aileron cables. Bellanca Service Bulletins No. 20, dated March 22, 1948, and No. 27, dated Setpember 11, 1950, cover the same subject.

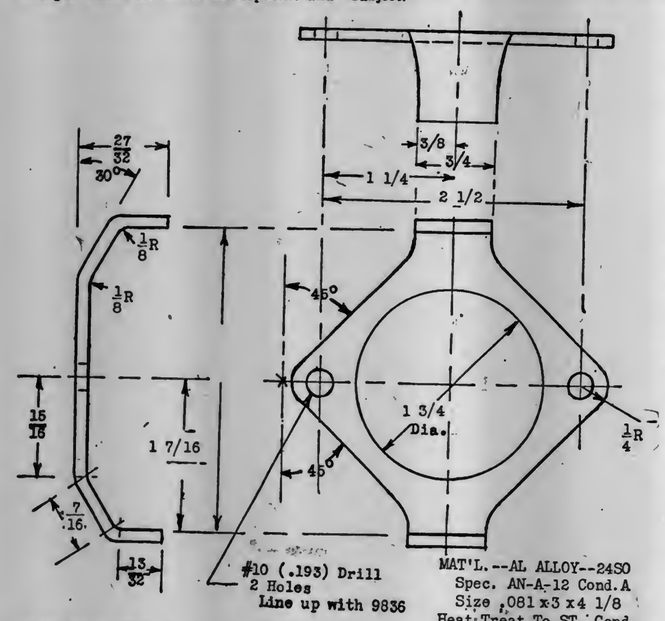

CHAIN GUARD DETAILS

FIGURE 23.

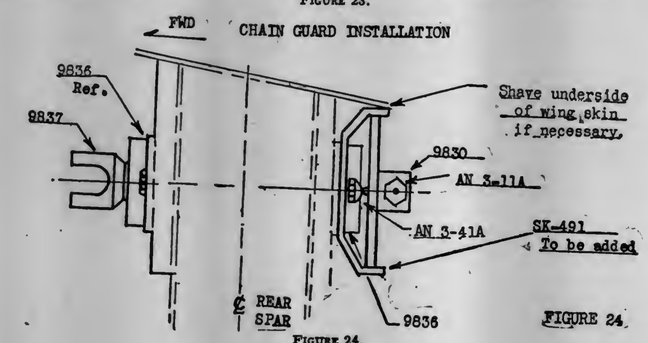

FIGURE 24.

FIGURE 24

52-17-2 CURTISS-WRIGHT Applies to all Model C-46 series aircraft.

Compliance required as noted.

As a result of a number of failures the following precautionary measures must be taken:

1. Compliance required not later than December 1, 1952, and at each No. 3 inspection thereafter.

Inspect the tail wheel shimmy damper support, Part No. 20-360-3108-4, for cracks or damage which might lead to subsequent failure. Particular attention should be paid to the radius formed by the intersection of the vertical and lower horizontal surface on the forward side of the part. A general inspection of the shimmy damper assembly should be made and it should be determined that it is properly adjusted. All cracked or damaged parts must be replaced.

The following method of adjustment of the shimmy damper as outlined in Air Force Technical Order AN01-25LA-2, Section IV, Paragraph 8 (f) is quoted below for your convenience:

(a) Position the shimmy damper on the mounting bracket and attach the two ⅜-inch bolts, nuts, and washers, using a 9/16-inch open-end wrench in conjunction with a 9/16-inch socket and a ratchet.

(b) Before installing the link assembly to the shimmy damper arm, the arm must be positioned to allow for maximum travel of the unit in actual operations. This is accomplished by slowly actuating the arm toward the rear of the airplane until the movement stops. From this point reverse the action until the arm has made an arc of 67 degrees. It is now in a neutral position and will assure correct operation when completely installed.

(c) With the arm in neutral and making sure not to move it from this position, attach the link assembly to it with the 5/16-inch bolt, nut, washer and cotter pin using a ½-inch open-end wrench, a ½-inch socket, and a ratchet.

(d) Make sure that the tail wheel is locked in position. The pin on the centering disc will then be properly set for attaching the eyebolt of the link assembly. If the eyebolt hole does not match with the pin on the centering disc when the tail wheel is locked and the actuating arm is in neutral, adjustment must be made by loosening the lock nut on the eyebolt and turning the eyebolt until the proper length is obtained. Be sure to tighten the lock nut again.

(e) Secure the link assembly to the centering disc by installing the 1¼-inch castellated nut and washer drawing up the nut with a crescent wrench. Insert a cotter pin on this nut.

2. Compliance required as noted.

Tail wheel locks for the subject model airplane have been manufactured which do not comply with the material specifications and in some cases physical dimensions of the approved drawings. The approved tail wheel lock P/N 20-360-1033, is a forged steel part of 8740 or N-S-16 material heat treated to 150,000 lbs. per square inch, with a Rockwell hardness of C-33 to C-38; however, a cast steel lock complying with the physical dimensions, heat treat and hardness of the approved drawing will also be considered acceptable.

The original compliance date for the following inspection was March 1, 1953; however, in view of a recent accident involving the installation of an unapproved tail wheel lock, it must be ascertained prior to February 15, 1956, that all tail wheel locks meet the stated specifications of an acceptable part. Any tail wheel locks which do not comply with the approved drawing, No. 20-360-1033, in regard to material, heat treat or physical dimensions as mentioned above, must be replaced with an approved part.

It should be noted that some unsatisfactory parts in circulation bear the correct part number, therefore this fact cannot be

wiring in accordance with Item 4 of Attachment A.

A. Comply with TWA Engineering Orders 5686, 5776, and 5887.

A. At each nearest scheduled service to 350 hours:

considered a satisfactory means of determining that an approved part is installed in the airplane.

52-18-1 CURTISS-WRIGHT Applies to all Model C-46 aircraft equipped with Curtiss Dwg. Part No. S20-480-1101-2 carburetor adapter gasket.

Compliance required not later than December 1, 1952.

Several instances of splitting and tearing of the neoprene carburetor adapter gasket, Part No. S20-480-1101-2, permitting portions of gasket material to block the carburetor air passage has resulted in abrupt engine cut-out. To eliminate the occurrence of this hazardous condition, either of the following changes or an approved equivalent shall be accomplished:

(a) Install new gasket and clamping assembly per USAF T. O. 01-25LA-79.

(b) Install carburetor adapter flange, Slick Airways Part No. 00391-2.

As a precautionary measure, the subject gaskets shall be inspected for signs of looseness and splitting during each periodic inspection until accomplishment of the above.

52-18-2 DOUGLAS Applies to all Model DC-6, DC-6A and DC-6B series aircraft.

To be accomplished as indicated.

I. Inspection.

A. At intervals not to exceed 250 hours for airplanes having in excess of 4,000 flight hours periodically inspect the forward flange of the lower front spar cap at Station 120½ at left and right hand using dy-check inspection method or equivalent. This is the location of the bolt that attaches the inboard nacelle inboard attach angle to the spar cap flange. This bolt must be removed for this inspection. Any crack found must be properly repaired prior to further flight. This inspection shall be continued until the area is reinforced as outlined in item II below.

B. At intervals not to exceed 35 flight hours for airplanes having in excess of 4,000 flight hours, perform a visual inspection of the forward flange of the lower front spar cap left hand and right hand at the bolt attachment of the lower inboard nacelle inboard attach angle paying particular attention to the upper and forward exposed area of the flange adjacent to the bolt. The spar area shall be thoroughly cleaned before inspection. Any suspicion of cracking shall be checked using dy-check method or equivalent with the bolt removed. Airplanes that have been repaired wherein the cracks have been ground out of the flange and the flange area reinforced in accordance with Douglas Dwg. 5482662-A shall also be visually inspected.

C. No special inspection is required on airplanes having a total service time under 4,000 hours.

II. Reinforcement.

Aircraft not incorporating the reinforcement during production shall have the spar cap and other reinforcements added in the inboard nacelle area according to Douglas Dwgs. 5482863 and 5482950. Reinforcement should be accomplished by September 1, 1953, on airplanes having over 4,000 hours flying time by that date. Airplanes with less than 4,000 hours time as of September 1, 1953, should be reinforced prior to accumulation of 4,000 hours flying time. Any airplane incorporating the temporary repair per Douglas Dwg. 5482662-A shall have the permanent reinforcement incorporated at the next engine change not to exceed 1,500 hours. High time airplanes and those with repaired flanges should be given priority in accomplishing these reinforcements. (Douglas Service Bulletin No. 532 covers this same subject.)

52-19-1 CURTISS WRIGHT Applies to all Models of C-46 series airplanes used in passenger operation under the provisions of Parts 41, 42, and 61 of the Civil Air Regulations as specified in 41.20 (f), 61.31 (b), and Amendment 42-2 dated November 1, 1946.

Item (5) of this directive must be accomplished by November 1, 1952. Item (4) should be accomplished as soon as possible but not later than September 30, 1953; however, this extension will only be given in those cases wherein the CAA regional office has determined that justification exists, the other items should be accomplished as soon as possible but not later than April 1, 1953.

(This note pertains only to the powerplant fire protection aspects of the above Regulations. Notes 49-18-1 and 49-25-1 cover the fire prevention for the cabin heater installation, and for the baggage and cargo compartments of the airplane respectively.)

Recent experience with the C-46 aircraft in passenger operation has brought to light several instances in which the adequacy of the powerplant fire protection installation provided is questionable. This directive, which cancels and supersedes A. D. 49-19-1, therefore is intended to correct those installations wherein such inadequacies may exist.

(1) Shut-Off Valves: Install fluid shut-off valves, which may be opened and closed in flight, aft of the firewall in all fuel, oil, and hydraulic lines. USAF Technical Order 01-25LA-190 covers this same subject. If propeller or carburetor anti-icing systems are employed and use alcohol or other flammable fluids as the anti-icing medium, the systems described in USAF T. O. AN 01-25LA-2, pages 458-464, are satisfactory except that shut-off valves or a selector valve which can be opened and closed in flight must be provided aft of the firewall, to shut off the flow to either engine. The system should be such as to shut off the pump automatically, or otherwise guard against hazardous pressures, when the flow to both nacelles is stopped. (no shut-off valve will be required for the feathering pump oil lines, see Section 3 below.)

(2) Engine Firewalls: Engine firewalls must be rendered fireproof by adequately sealing all openings such as the filtered air duct opening, the oil cooler control rod and filtered air control rod openings, other powerplant control openings, holes through the firewall for electric conduits, and any other firewall openings.

(3) Propeller Feathering Pump Installation: The portion of the propeller feathering oil line forward of the firewall between the firewall and the pump shall be of steel or other fireproof material. The line between the pump and governor shall be of fire resistant material with coupled hose assemblies used in any flexible connections. Electrical conduit for the pump motor and other electrical components forward of the firewall which are essential for propeller feathering shall be fire resistant or protected in a manner to render them fire resistant. The feathering pump can be considered an adequate means of shutting off the flow of oil in the feathering line.

(4) Fire Extinguisher System:

(a) CO_2 Quantity and Rate. The fire extinguisher system must be improved to provide at least 35# CO_2 per shot which must be discharged into the nacelle at a rate of not less than 17½#/sec (the rate of discharge will be affected by the number of bottles, the discharge valve sizes, the line sizes, and the nozzle area). The portion of the two-shot fire extinguisher system which is described in USAF Technical Order 01-25LA-205 is satisfactory. (Note: Civil Aeronautics Board Draft Release No. 52-15, proposes to require a two-shot fire extinguisher system in these airplanes in the near future. Operators, therefore, may consider it more practical to accomplish both changes at the same time.

(b) Distribution System. The piping and nozzle arrangements shall be such as to spray the bulk of the discharge in the power section with a smaller amount (approximately 7 percent) being sprayed over the oil cooler. In this regard, it will be acceptable, if desired, to split the power section portion of the discharge so as to spray approximately one-third of it from 5 nozzles located around the upper half of the engine mounting ring.

(c) Nozzle Location and Spray Pattern. The location of the nozzles and pattern of their spray are important for effective fire extinguishing and shall be substantially as follows:

1. For the power section, a nozzle shall be located at the rear and the base of each cylinder, discharging the CO_2 in a fan spray radially away from the crankcase. The provisions of USAF Technical Order 01-25LA-162 pertaining to replacement of engine cylinder fire extinguisher nozzle bracket must be accomplished.

2. For the oil cooler, a nozzle or nozzles shall be located above the forward end of the cooler directing fan sprays down and forward on each side of the cooler and duct.

3. The 5 nozzles located around the upper half of the mounting ring, if used, shall be such as to direct a fan spray radially outward as well as a fan spray radially inward over the accessories.

(5) Fire Detectors. The Fenwal continuous type fire detectors, which were originally provided must be removed and replaced with unit or continuous type fire detectors conforming with CAA Technical Standard Order, TSO-C11 or TSO-C11a. If unit type detectors are used, they shall be spaced as specified below. Continuous type detectors, if used, shall be so installed as to provide equivalent coverage.

(a) Engine Nacelles. Fire detectors, spaced not over 7 inches apart, shall be installed on the lower half of the forward side of the firewall at its outer periphery, and along the horizontal diameter.

(b) Engine Mount Ring and Oil Cooler Supports. Additional fire detectors, spaced not over 18 inches apart, shall be provided for the upper two-thirds of the engine mount ring. Also, a fire detector shall be installed on each oil cooler support approximately two to three inches above the oil cooler.

(c) Warning Light Covers. Fire-warning-light covers or shutters which are capable of dimming or shutting off the light entirely, must be removed.

(6) Engine Compartment Lines: The following lines carrying inflammable fluids or vapors in the engine compartment shall be fire resistant and items (a) through (g) inclusive shall also have fireproof firewall fittings. Flexible connections in lines attached to the engine or subject to relative motion or pressure shall employ fire resistant coupled hose assemblies: (a) carburetor bleed back lines, (b) cabin heater fuel lines, (c) oil dilution lines, (d) fuel pressure transmitter lines, (e) oil pressure transmitter lines, (f) manifold pressure lines, (g) all other hydraulic oil lines, (h) all engine fuel lines, (i) engine primer lines, (j) engine breather lines, (k) engine supercharger drain lines, (l) oil separator return lines, (m) vacuum system pressure lines, (n) all main oil lines, (o) engine oil cooler lines, (p) hydraulic pump drain lines, (q) exhaust collector drain lines, (r) oil tank vent lines, (s) fuel pump drain lines.

The fire extinguisher distribution tubing and fittings ahead of the firewall must be of steel or other fireproof material. Flexible connections in the distribution tubing ahead of the firewall must be at least of fire resistant construction, and shall use coupled hose assemblies rather than hose clamp connections.

(7) Airplane Flight Manual: Appropriate changes to the airplane flight manual shall be prepared to cover emergency procedures associated with the above changes.

(8) More detailed information on methods of complying with this Directive is being furnished to CAA Agents.

52-20-1 DOUGLAS (Applies to Models DC-6, DC-6A, DC-6B aircraft below Serial No. 43274)

To be accomplished as soon as practicable, but not later than February 1, 1954.

To reduce the likelihood of electrical fire and the loss of electrical and electronic equipment essential to continue flight, it is necessary to provide adequate overvoltage protection. There are two systems involved, known as the "Eclipse Generator System" and the "General Electric Generator System." The changes required in each of these systems are as follows:

Eclipse: Replace the four B-14 type generator contactors with a high-voltage (120-volt rating) contactors of sufficient capacity to interrupt an overvoltage generator. Overvoltage relays are already installed in the Eclipse system, and these should be retained.

General Electric: Install overvoltage sensing relays and either (1) replace the four generator control relays, G. E. P/N 3GTR-77A102, with a high voltage (120-volt rating) relay of sufficient capacity to interrupt an overvoltage generator, or (2) rework the G. E. P/N XRP-12 reverse current circuit breakers so as to trip out simultaneously with the generator control relay to provide for necessary additional interruption capacity. Except for the General Electric alternate (2) fix, this same subject is described in Douglas Service Bulletin DC-6 No. 470. The General Electric Company has service information available for the G. E. system alternate (2) rework.

52-20-2 WRIGHT ENGINES (Applies to all Model C18BA and C18BD Engines)

Compliance required as soon as possible but not later than October 31, 1952.

To prevent crankpin sludge from washing into the master rod bearing oil supply passages causing failure of the bearing, the use of oil dilution must be discontinued and the dilution lines disconnected or removed. This restriction on oil dilution is to continue until an adequate sludge controlling device is developed and incorporated in these engines.

52-21-1 BELL (Applies to Model 47 helicopters as noted below)

Compliance required by October 15, 1952.

To prevent engine mount shifting on the rubber Lord mounts, the following applicable Lord mount guards must be installed:

1. 178 H. P. Engines—Models 47B, 47B3, and 47D Helicopters. If not already incorporated, install two 47-612-123-1 guards on engine mount. When properly installed, a 5/32-inch torque offset exists between engine mount clamp and rubber Lord mount. This offset is at the rearward side of right hand Lord mount and the forward side of left hand Lord mount.

2. 200 H. P. Engines—All Model 47 Helicopters. Inspect the two 47-612-123-3 guards to be sure they have 7/32-inch ears. If no guards are installed or the ears are less than 5/16 inch they must be replaced with the new type guards. When properly installed, a ¼-inch torque offset exists between engine mount clamp and rubber Lord mount. This offset is at the rearward side of right hand Lord mount and the forward side of left hand Lord mount. (Bell Service Bulletin No. 79, Rev. A, dated July 7, 1952, covers this same subject.)

This supersedes A. D. 52-1-4.

52-22-1 BEECH (Applies to all Model 35 aircraft, Serial Nos. D-1 through D-1500)

Compliance required as soon as possible but not later than October 15, 1952.

Visually inspect the front and rear spars steel trusses through the fuselage for cracks. Particular attention should be given to the lower horizontal member of the forward truss. If cracks are found the affected truss must either be replaced or repaired, in accordance with manufacturer's recommendations, prior to further flight. (Beech Service Bulletin No. 35-24, dated August 14, 1952, covers this same subject.)

52-22-2 BOEING (Applies to all Model 377 aircraft equipped with Hamilton Standard 2J17 series propeller blades)

Superseded by 53-2-1.

52-22-3 DOUGLAS (Applies to all Models DC-3 and C-47 type aircraft)

Compliance required as indicated.

The following inspections and rework pertain to the center wing lower skin attach angles and doublers which are covered by Parts A3 and B3 revisions of A. D. 39-24-1 published in Airworthiness Directive issue No. 52-6:

1. All Unreworked Airplanes Over 8,000 Hours.

(a) Install witness holes at the front and center spars per Douglas Dwg. 5406787, view B and C, within a period not to exceed 1,500 flying hours from effective date of this A. D. (Sept. 15, 1952), and make visual inspection for cracks in the wing skin through the witness holes, using at least an 8-power glass. Periodic inspection shall be made at intervals not to exceed 1,500 hours thereafter, with wings removed. Any cracks found must be repaired as mentioned in Items (b) or (c) below:

(b) If a crack is found at the first witness hole only, either forward or aft of the spars, make interim repair immediately per Douglas Dwgs. 3481664 and/or 3481679 for the front and center spar, respectively. Of course, permanent repair per Dwg. 5406787 "D" may be made in lieu of the interim repair. See part 2 (b) for permanent repair instructions applicable aircraft with interim repairs.

(c) If a crack is found at the second or furthest witness hole, either forward or aft of the center spar, or if the crack extends beyond the existing doubler on the front spar, make complete repair immediately per Douglas Dwg. 5406787 "D".

(d) On airplanes free from cracks, with 16,000 to 36,000 hours total aircraft time, make complete repair per Dwg. 5406787 "D", or approved equivalent, at the next major overhaul not to exceed 5,000 hours or a maximum total aircraft time of 38,000 hours, whichever occurs first. On airplanes over 36,000 hours, make complete repair per Dwg. 5406787 "D", or approved equivalent within the next 2,000 hours.

2. Reworked Airplanes (per Douglas Dwgs. 3481664 and/or 3481679).

(a) Inspect the repaired area with wing removed at periods not to exceed 1,500 hours, as mentioned in Item 1 (a) above, until complete rework per Dwg. 5406787 "D" is accomplished. If any new cracks or crack progression is found at a previously installed interim repair, make complete repair per Dwg. 5406787 "D", or equivalent prior to next flight.

(b) On airplanes with a total aircraft time under 37,500 hours, make complete repair per Dwg. 5406787 "D", or approved equivalent, at the next major overhaul period, but not to exceed 5,000 hours from time interim repair is made, or a maximum total airplane time of 38,000 hours, whichever occurs first. On airplanes over 37,500 hours, make complete repair per Dwg. 5406787 "D", or equivalent, within the next 500 hours.

3. Reworked Airplanes (per Douglas Dwg. 5406787).

When the rework shown on Douglas Dwg. 5406787, or approved equivalent, has been accomplished, the center wing shall be subject to the same inspection and rework time schedule as established for the outer wing with heavy doublers in A. D. Note 39-24-1.

4. All Aircraft.

All aircraft, regardless of time or configuration, shall have a careful external inspection of the center wing angle and skin at intervals presently established by Part A1 of A. D. Note 39-24-1 for attach angles. (Douglas General Service Letter, DC-3, No. 1, Supplement #1, dated June 17, 1952, covers this same subject.)

This supersedes A. D. 52-6-1.

52-23-1 EDISON FIRE DETECTORS (Applies to all aircraft equipped with Edison P/N 35534 Fire Detectors installed in junction boxes)

To be accomplished not later than next engine change after January 1, 1953.

In order to prevent grounding of either or both terminals of Edison P/N 35534 fire detectors due to inadequate clearance between the detector terminals and the structure to which the junction box and detector assembly are mounted, or the junction box cover in some instances, the following corrective action must be accomplished.

The dimensions of the P/N 35534 Edison fire detector should be compared with the dimensions of the junction box employed by each operator to assure that there is sufficient clearance between the detector terminals and the structure to which it is mounted, or the cover. Sufficient clearance will depend on the construction of the junction box, but 5/16 of an inch may be used as a general guide. If such clearance does not exist an appropriate modification should be made, or appropriate insulation provided between the terminals and the structure or the junction box cover, as the case may be. (Douglas General Service Letter DC-6 #115, dated January 29, 1952, covers this same subject.)

52-23-2 RYAN (Applies to all Navion Serial Nos. NAV-42-1 and above)

Compliance required as indicated.

Inspect as soon as practical but not later than December 1, 1952, at 100 hour intervals thereafter, and after any unusually hard landing, the main landing gear retract link assembly (P/N 143-33165-10) on all affected serial numbers for cracks in or near end fitting welds. Also inspect for cracks, the area around small drive-screw plugs in each end fitting. Replace all defective parts with later type assembly having fish mouth welds at end fittings. Upon installation of revised assembly this inspection is no longer required. (Ryan Navion Field Service Bulletin #13, dated April 15, 1951, covers this same subject.)

52-24-1 RYAN (Applies to all Model Navion aircraft, Serial Nos. NAV-4-2 and above)

Compliance required as soon as possible but not later than November 1, 1952.

In order to eliminate the possibility of the aileron control chain jamming, each end of the fiber channel chain guard should be reworked as shown in the sketch below. The chain and guard are on the control column. (Ryan Navion Field Service Bulletin #18 dated September 3, 1952, covers this same subject.)

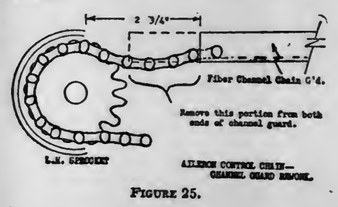

FIGURE 25.

52-25-1 DOUGLAS (Applies to all Model DC-3 aircraft equipped with vacuum systems)

To be accomplished not later than May 1, 1953.

To guard against the possibility of excessive air temperatures and associated fire hazards in the vacuum system discharge line, one of the following modifications must be accomplished:

1. Install a fusible plug in the side of the vacuum pump discharge port at right angles to the axis of the discharge port boss. Some pumps incorporate a plugged hole in the discharge port which may be enlarged to a ⅜-inch pipe tapped hole to accommodate the fusible plug. This plug should employ an AN-840-8D fitting with a binary eutectic mixture of 67.8 percent tin and 32.2 percent cadmium, which has a melting point of 351° F. A drawing describing the design of such a plug is shown below. The ⅜-inch plug fitting is intended for pumps such as the Model 3P-211 and 3P-485. For smaller pumps such as the 3P-207, and AN-840-6D fitting, incorporating the same modification as shown below, should be used. Brass fittings of the same design as the above dural fittings are acceptable. Incorporation of an overboard drain line clamped to the fusible plug is recommended but is not mandatory. On installations which do not use an overboard discharge line the possibility exists that the plug may damage other nacelle components if it can hit them upon being blown out of the adapter at high velocity. Therefore, if no overboard discharge line is provided, the installation must be made in such a manner that the plug will not be directed toward any vulnerable components when it issues from the adapter, or

2. Employ an oil separator equivalent in principle to the Genisco No. 40081 incorporating a pressure relief valve which can be disassembled for cleaning. Douglas Service Letter A-129-T-1271/WB-11Q-4 dated April 1, 1949, covers this type of modification.

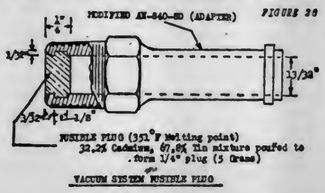

FIGURE 26.

52-25-2 ERCOUPE (Applies to Model 415-C and -CD aircraft having a 5.00 x 4 nose wheel and using Federal skis.)

To be accomplished not later than December 1, 1952.

To eliminate instances of the nose ski coming off when operating on Federal Aircraft Works Model A-1500 skis, a supplementary safety device should be installed. A simple and suitable device is a rectangular plate (approximately ⅛ inch thick and ½ inch longer than axle diameter) installed to end of axle stub so that ends of plate will prevent retaining nut from backing off if lock washer fails. This plate, which will also provide for visual inspection of retaining nut, to be held in place by a safetied through bolt. This modification can easily be made and installed in the field. Drawing (No. ES-B-203) describing such an installation is available from Federal Aircraft Works, Minneapolis, Minnesota. Federal Service Bulletin No. 100 also covers this subject.

52-26-1 RYAN (Applies to all Model Navion aircraft, Serial Nos. NAV-4-2 and subsequent)

Compliance required as indicated.

Inspect as soon as practical, but not later than February 1, 1953, and at 100 hour intervals thereafter the area in the vicinity of the stabilizer fuselage attachment for cracks. Particular attention should be given to the stabilizer spar web (gusset) immediately outboard of the root rib and the fuselage attaching fitting. If cracks are found in the fuselage fitting, P/N 143-31004-13, the entire part should be replaced. Cracks in the root rib may be repaired in accordance with CAM # 18. Cracks in the spar web (gusset) require the replacement of the gusset with a new part made in accordance with the following sketch.

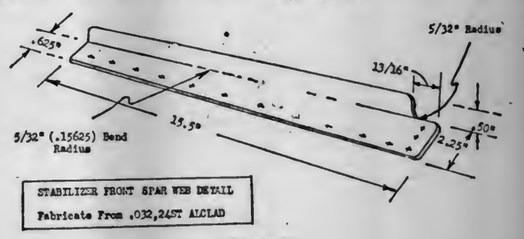

FIGURE 27.

Periodic inspections of stabilizer spar web only may be discontinued after installation of new gussets. (Ryan Navion Field Service Bulletin # 17 dated September 26, 1952, covers this same subject.)

52-27-1 DOUGLAS (Applies to all Model DC-6 Series Aircraft (Fuselage Nos. 1 to 213 inclusive))

Compliance required as indicated.

Superseded by 53-8-2.

52-27-2 DOUGLAS (Applies to Model DC-6 Aircraft (Fuselage Nos. 1 to 166, inclusive))

Compliance required as indicated.

The following inspections and rework pertain to the outboard front spar splice plate, Douglas Part No. 4325272 at Station 166 in the area of the inboard nacelle. This special inspection does not apply to splice plates that have been reworked by removing the aft attach tab or to new redesigned splice plates or when Douglas Service Bulletin 532 has been accomplished.

1. Inspection.

A. Conduct following inspection as soon as practical but not later than the next 50 houre operation unless already accomplished and continuing thereafter at intervals of regular inspection periods nearest to 500 flying hours from the time of initial inspection until the splice plate is replaced. Using at least an 8-power magnifying glass and/or Dy-Check method or equivalent, make inspections for cracks in the chordwise direction in the area of the milled radius of the aft attach tab of the lower front spar splice plate. Alternate inspection procedures which will provide equivalent safety may be approved. If cracks are found, incorporate the rework of the Item 2 before the next scheduled flight.

B. The above inspection must be continued periodically at intervals not to exceed 400 flying hours on all splice plates that have been reworked as per Item 2 (a) until the splice plate is replaced. If a crack is found beyond the stop drill hole prior to the replacement period as indicated in Item 2 (c) the splice plate must be replaced before the next scheduled flight.

2. Rework.

A. If cracks are found in 1⅜ inches long, stop drill using a ¼-inch drill and ream with a 17/64-inch reamer. The drill hole center must be located at a distance of 1⅜ inches from the aft edge of the splice plate in line with the crack.

B. If cracks are found greater than 1⅜ inches long, the splice plate must be replaced before the next flight.

C. Splice plates reworked in accordance with Item 2 (a) above, must be replaced within 1,500 flying hours from time rework is accomplished.

(Douglas Service Letter #123, dated May 29, 1952, also covers this same subject.)

52-28-1 AERONCA (Applies to all Model 11AC aircraft equipped with the auxiliary fuel tank installation)

Compliance required not later than January 31, 1953.

Accidents have occurred in the above model aircraft due to misuse of the fuel transfer system. These accidents have been caused by pilots attempting to transfer fuel while taking-off or in a climb attitude. To preclude the possibility of pilot error with regard to the foregoing, the following placard, or its equivalent, shall be displayed near the fuel transfer system shut-off valve and in view of the pilot: "Transfer fuel in level flight or glide only and when main tank is half full or less. Valve is to be closed except while transferring fuel."

52-28-2 BELLANCA (Applies to Models 14-13, 14-13-2, 14-13-3 aircraft, Serial Nos. up to No. 1584)

Compliance required as soon as practicable, but not later than next engine overhaul after January 1, 1953.

In order to eliminate possible hazard due to excessive pressure from the engine-driven fuel pump, install a high-pressure relief valve between the fuel pump outlet and the inlet side of the hand wobble pump. (Bellanca Service Bulletin No. 23 covers this same subject.)

52-28-3 BELL (Applies to all 47 Series helicopters with the 47-645-002 gear box installed)

Compliance required as directed.

Replace the tail rotor gear box shaft, P/N 47-645-077-1, when it has accumulated 900 hours of operation. (Bell's Mandatory Service Bulletin No. 83, Revision A, dated October 2, 1952, covers this same subject.

52-28-4 BELL (Applies to Models 47B, 47B3, 47-D and 47D-1 helicopters (prior to Serial No. 477)

Compliance required as soon as possible, but not later than January 10, 1953.

Magnetically inspect tail rotor pinion shaft, P/N 30-613-361, for damage and for cracks originating in the keyway or fillet area. Replace shaft immediately if worn, damaged, cracked or if it does not pass the magnetic inspection satisfactorily. If the shaft passes the above inspections satisfactorily, or if a new shaft is being installed, accomplish the following prior to assembly: Place shaft in a lathe which is equipped with a grinding attachment. Use a ⅛-inch grinding wheel to increase the width of the recess at each side of bearing boss and grind a 0.030- to 0.040-inch radius at bottom of recesses. Reworked diameters of the shaft at the recesses at each side of the bearing boss are acceptable down

to 0.763 inch and 0.604 inch respectively. These minimums must not be exceeded. Width of recesses are not to exceed 0.140 inch. There must not be any signs of the old radii or scratches. (Bell Mandatory Service Bulletin No. 84, Rev. B, dated April 29, 1953, covers the same subject.)

52-28-5 DOUGLAS (Applies to all Model DC-6 Series aircraft (Fuselage Nos. 1 to 213 inclusive))

Compliance required as indicated.

The following inspections and rework pertain to the center wing lower surface access hole structure at Station 149.

1. Inspection.

(a) Conduct following inspection as soon as practical but not later than the next 50 hours operation unless already accomplished and continuing thereafter at regular periodic inspection intervals nearest to 500 hours from the time of initial inspection until permanent repair is made as outlined in 2 (b). Using at least an 8-power magnifying glass and/or Dy-Chek method or equivalent, make inspections for cracks in the lower wing skin and doubler at the aft access hole paying particular attention to the corner areas. Alternate inspection procedures which will provide equivalent safety may be approved. If cracks are found, make repairs as indicated in Item 2 before the next scheduled flight.

(b) Periodic visual inspection must be continued at the most frequently established inspection period between 15 and 35 flying hours for airplanes reworked as per Item 2 (a) until the rework of Item 2 (b) is accomplished. If a crack is found beyond the stop drill hole prior to the replacement period as indicated in Item 2 (c) make repair as per Item 2 (b) before the next scheduled flight.

2. Repair.

(a) If cracks are found in either the lower wing skin or doubler less than one inch long, stop drill using a ¼-inch drill or ⅜-inch drill hole if space permits. The combined length of the crack and drill hole should not exceed 1¼ inches in total length.

(b) If cracks are found in either the lower wing skin or doubler greater than one inch long, or if the cracks extend under the adjacent angle which cannot be visually inspected, incorporate the rework on Douglas Dwg. No. 5400661 before the next scheduled flight. In cases where only one corner of the access hole is cracked, Douglas approved interim repair may be used subject to replacement with permanent rework, per Dwg. No. 5400661, within a period not to exceed 1,500 hours from time interim repair is made.

(c) The rework of Item 2 (a) must be replaced with the rework reinforcement of Item 2 (b) within 3,000 flying hours from time rework of Item 2 (a) is accomplished. (Douglas Service Letter #130, dated July 10, 1952, also covers this same subject.)

52-29-1 HILLER (Applies to all Hiller Models UH-12, -12A, -12B helicopters)

Compliance required by February 1, 1953, and thereafter following any unusually hard landing, or following any maintenance work requiring loosening of the cardan joint assembly attachment to fuselage, or removal of the forward tail rotor drive tube or tail boom assembly.

Separation of the components of the forward tail rotor drive slip joint assembly, and eventual power loss to the tail rotor, may result from a severely hard landing, or from misalignment of the yoke, and cam followers of the Tee fitting following tail rotor drive system maintenance work of the nature described above. The condition may not be detected immediately, as it is possible to transmit torque to the tail rotor with the Tee fitting cam followers bearing on the outside of the yoke fingers. Failure of the Tee fitting under such conditions, however, will eventually result.

The following procedure, or equivalent, is necessary to permit inspection for proper alignment at the times specified by the compliance requirements above.

On the outboard surface of the fingers of the yoke, and adjacent to the slot, lightly scribe two marks; one at 0.72 inch and one at 0.78 inch aft of the closed end of the yoke slot. Then lightly scribe a mark through exact center of bearing cap on cam follower, at right angles to the yoke slot. With the helicopter at rest in a level attitude the line on the bearing cap of the cam follower must lie within the marks scribed on the yoke fingers. If correction is found necessary, refer to the maintenance manual, Section V, Sub-Sections 5-206—5-223.

The following part numbers are given for reference:

UH-12B (Military HTE-2, H-23B):
Yoke P/N 24539-1.
Tee Assembly P/N 24564-3.
Fwd. Slip Joint Assy. P/N 24565.

UH-12, -12A (Military HTE-1, H-23A):
Yoke P/N 24523-1.
Tee Fitting P/N 24526-1.
Cam Followers P/N 24543-2.
Fwd. Slip Joint Assy. P/N 24500-9.

The following Military Publications cover this subject:
Navy BuAer Dispatch 131746Z, September 13, 1952.
Air Force TO 01-255HB-31, September 19, 1952.
(Hiller Field Service Letter CD-2992 covers this procedure.)

53-1-1 BELL Applies to Model 47D1 helicopters, serial numbers 477 to 625, inclusive.

Compliance required at next 300-hour tear-down inspection but not later than February 28, 1953.

In order to improve the method of mounting the tail rotor gear box assembly and to avoid the possibility of distorting the S10R bearing when tightening the existing clamp, install sleeve P/N 47-640-058-1 on assembly 47-640-044-3. Clamping ring P/N 47-644-197-1 and clamp P/N 47-640-046-1 are replaced by the riveted sleeve. (Mandatory Service Bulletin No. 90, Revision B, dated December 8, 1952, covers this same subject. Service Bulletin No. 90, Revision A, also covers the same subject but Revision B simplifies the installation and completes the parts called out.)

53-1-2 BEECH Applies to Model 35, A35, B35 and C35 airplanes, Serial Nos. D-1 through D-2900, equipped with Beech 35-921171 or 35-924065 Fuel Selector Valve-Hand Pump Units.

Compliance required as soon as possible but not later than June 1, 1953.

To prevent binding or stiff operation of the fuel selector valve, accomplish inspections and rework in accordance with Beech service instructions as follows: (1) Install AN934-6 "O" ring on indexing ball plug in place of lead washer, Beech Part No. 105090-L-067-6-020, (2) Provide 1/32-inch clearance between selector valve cone and index ball retaining plug, (3) Install Beech 35-921217 spacer beneath fuel selector valve cone to restrict possible vertical cone movement to 1/32 inch. The 35-924065 and 35-921171 fuel units are identifiable by the feature permitting the fuel tank selector valve and hand emergency fuel pump to be operated by the same handle. (Beech Service Bulletin 35-22, A35-16, B35-9, C35-7 dated October 1, 1952, covers this same subject.)

53-2-1 BOEING Applies to all Model 377 aircraft equipped with Hamilton Standard 2J17 series propeller blades, except 2J17Z3-BW.

Superseded by 54-17-1.

53-2-2 HILLER Applies to all Model UH-12, -12A and -12B helicopters.

Superseded by 56-9-1.

53-3-1 RYAN Applies to all Model Navion B aircraft equipped with Hartzell HC-12 x20-8C/9333C-O propellers.

Compliance required not later than March 15, 1953.

Vibration tests conducted subsequent to the initial tests of the Hartzell HC-12 x 20-8C/9333C-0 propeller installed on the Lycoming GO-435 engine revealed vibration characteristics of a hazardous nature. Therefore, to prevent possible blade cracks and/or failures, the existing RPM restriction placard should be revised as follows:

"Avoid continuous ground operation between 1675 and 2150 engine rpm."

53-4-1 PIPER Applies to all Model PA-18 aircraft which have not had the control stick retention device modified to incorporate a through bolt.

Compliance required by April 1, 1953.

In order to prevent the control stock inadvertently pulling out of the socket, continue the existing hole for the retention pin on the quick detachable control stick spring device through the control stick and socket and install an AN3-14 or AN3-14A through bolt. (Piper Service Letter No. 162 dated March 6, 1951 covers this same subject.)

53-5-1 BOEING, CONSOLIDATED VULTEE, DOUGLAS, LOCKHEED Applies to all Boeing 377, Convair 240 series, Douglas DC-6 series, and Lockheed 749 series airplanes with Curtiss reversing propellers.

Items I through IV are to be accomplished by means of progressive modification program to be submitted to and approved by the CAA. This program shall begin no later than September 1, 1953, and shall be completed no later than March 1, 1954. (For Boeing 377 completion must be no later than July 1, 1954.) The replacement program in item III and the maintenance and inspection program in item V shall be instituted no later than April 1, 1953.

I. Revise propeller slip rings, brush cap connector plug and harness to provide isolation of the reverse slip ring and brushes by relocating them between the "Common" and "Bonding" slip rings and brushes, which are both maintained at ground potential. Curtiss Information Reports have been issued to cover this subject, as follows: Convair 240 series, Report #245S dated Nov. 5, 1951; Douglas DC-6 series, Report #249S dated Dec. 4, 1951; Boeing 377, Report #258S dated Mar. 21, 1953; Lockheed 749 (C634S Propeller), Report #250S dated Apr. 15, 1952; Lockheed 749 (C632S Propeller), Report #267S dated May 14, 1952.

II. A. Install Curtiss Brush Cap part number 148764, which, has provisions for a separate brush cap connector for the reversing lead. This change may be accomplished after or simultaneously with I above, and in accordance with Curtiss Information Report No. 273-S, dated January 15, 1953.

B. Isolate the reversing circuit from the propeller brush cap to (and including) the "I" terminal on the reverse pitch relay, in the manner described below. Where applicable, the same isolation shall be provided for the extension of the reversing circuit to the secondary reverse lock relay.

(1) Terminal Strips. Any one of the following methods of isolation may be used:

(a) Elimination of connections at terminal strips by using continuous wiring.

(b) Providing separate covered terminal strip for reversing lead connections.

(c) Isolating the reversing lead stud, terminals, and associated hardware from all nearby studs and terminals, by enclosing these components in an insulating cover which is so designed or secured to the wiring that the wire will stay in place in case of breakage at the terminal; or so that the broken wire and terminal will remain insulated by the cover from contact with other circuits if the wire comes off its terminal. The nature of the cover design or provisions

for its attachment must be such that its installation will not be overlooked during maintenance.

(d) Removing or grounding studs adjacent to the reversing lead stud and securing all adjacent wiring and the reversing lead to prevent contact of broken leads with reversing terminal or contact of broken reversing lead with other terminals. If the adjacent studs are grounded, rather than removed, the studs must be identified distinctively so that they will not inadvertently be used for the attachment of wires serving other circuits.

(2) Multiple Pin Connector Assemblies. Any one of the following methods of isolation may be used:

(a) Elimination of connectors by using continuous wiring.

(b) Providing separate connectors for each reversing circuit.

(c) Deactivating all pins adjacent to the one carrying the reversing circuit. These pins are to be retained in the connector but identified distinctively so that they will not be used inadvertently. When distinctively identified, these pins may also be used for circuits which cannot supply sufficient energy to drive the pitch-change motor or to release the pitch change motor brake, or for circuits which are energized only when reversing is desired. At the points where wires are attached to the connector pins, all exposed metal parts are to be protected with insulating covers so secured that contact between circuits cannot occur in case of failure of the connection or in case foreign material is left in the connector assembly.

(3) Exposed Terminals on Relays or Switches.

(a) As specified in Item (1) (c) above for terminal strips, or

(b) If the terminal is a type which cannot be protected as specified above, cover all exposed metal components with insulating material and secure all wires so that no wire can touch another terminal if the wire breaks or falls off its own terminal. Install insulating barriers as necessary to prevent inadvertent contact between broken or loose wires and other terminals.

(4) Reverse Circuit Wiring. Modify in one of the following ways:

(a) Physically isolate the reverse wire from all other circuits.

(b) If the wiring is run in bundles with other wires, a shielded wire is to be used. The shielding shall be grounded at both ends, and a protective cover shall be provided over the shielding. The shielding shall be carried as close as possible to all terminal points.

(5) Nacelle Filter. If the reverse wire and, where applicable, the lead to the secondary reverse lock relay, is enclosed in conduit or shielding for its entire length from the brush cap to the "I" terminal of the reverse pitch relay, the lead may be routed so as to by-pass the nacelle filter thus eliminating the need for isolating the condenser terminals. If the reverse wire is isolated in such manner that filtering is still necessary, provide an additional filter which is physically separated from the existing nacelle filter.

III. Comply with A. D. Note 56–8–1.

IV. On unmodified C632S Series propellers which have both the reverse pitch circuit and the feathering circuit opened by the same limit switch when the propeller blades are at the reverse pitch position modify the propeller limit switch arrangement so that it will be possible to energize the increase pitch circuit by operating the feathering control even when the propeller is in reverse pitch. Curtiss Information Reports have been issued to cover this subject, as follows: CV–240 Series, Report No. 245S, dated Nov. 5, 1951; DC–6 Series, Report No. 249S, dated Dec. 4, 1951; L–749 Series, Report No. 267S, dated May 14, 1952.

V. Maintenance Practices.

A. At each nearest scheduled service to 350 hours:

(1) Inspect all points specified in Items II B (1) and II B (3). The inspections of Item II B (1) may be discontinued if the modifications made to the system are of the type described in Items II B (1) (a) or II B (1) (b).

B. At any time that an electrical fault occurs in a circuit which is carried in the same bundles or the same conduits as the reverse wire, representative terminal points in the faulty circuit are to be inspected to determine whether any damage may have occurred within the bundles or conduit. If there is evidence of possible damage, all the wiring involved is to be removed for inspection. Damaged wiring will be replaced as necessary.

C. At each scheduled service nearest to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switches open when throttles are moved forward out of the reverse position.

D. At any time that operations are performed which may affect the relative position of the solenoid lock and throttle switches, but in any event at intervals not to exceed 1,500 hours: Check the relationship between the position of the pedestal strikers when they are: (a) in contact with the solenoid latch; (b) at the point where the detent roller contacts the first detent cam; and (c) when the reversing microswitches are actuated. It shall not be possible for the switches to be actuated before the latch and the detent engage the striker and the cam. This determination shall be made by positive measurements rather than observation of engine RPM at which these actions take place.

53–6–1 CESSNA Applied to all Model T–50 aircraft.

Compliance required as soon as possible, but not later than July 1, 1953.

To guard against the possibility of fire or smoke due to inadequate electrical protection of the landing light motor circuits, install a 10 ampere fuse or circuit breaker, in the manner shown, for each motor circuit.

FIGURE 28.

53–6–2 HARTZELL PROPELLERS Applies to all aircraft equipped with Hartzell Model HC12x20 propellers.

Compliance required as indicated.

I. A number of fatigue cracks have been discovered in the original Hartzell hub spider (type C–49). Because these fatigue cracks may result in loss of propeller blades, all hub spiders with serial numbers listed below must be removed from service. The new hub spider (type C–157), or later improved versions of the original hub spider (type C–49), with serial numbers other than those listed in "A" below, may be used as replacements.

A. All HC12x20 hub assemblies, regardless of model dash number, with the following serial numbers have the original hub spider (type C–49): Serial Nos. 1 through 4303, 4307 through 4316, 4318, 4319, 4321, 4323, 4324, 4325, 4328, 4329, 4332 through 4336, 4341. These must be removed from service.

B. After compliance, a suffix "C" must be added to the hub assembly model dash number. Thus HC12x20–1 becomes HC12x20–1C, and HC12x20–1A becomes HX12x20–1AC.

C. Hub assembly models with the "C" suffix, such as HC12x20–7C and HC12x20–8C, have the new hub spider (type C–157).

D. Hub spiders must be removed from service as follows:

1. All spiders which will have accumulated 500 or more hours of service prior to September 1, 1953, must be removed from service no later than September 1, 1953. To achieve this, it is imperative that all orders be received by the propeller manufacturer prior to June 1, 1953.

2. After September 1, 1953, all remaining spiders must be removed from service upon accumulating 500 hours.

E. Hubs with serial numbers listed in "A" above but having less than 500 hours service must undergo a special inspection as outlined below every six calendar months, or at 200 and 400 hours of service, whichever occurs first.

1. Remove and tear down propeller, making careful visual examination of the hub retaining shoulders for presence of cracks, corrosion, and tool marks in the fillet section.

2. Inspect the hub spider by magnetic particle inspection.

3. If examination reveals either cracks or severe corrosion as evidenced by pitting, the hub must be replaced prior to further flight.

4. If no cracks, corrosion, or tool marks are noted in the fillet area, the hub may be returned to service, subject to subsequent inspection or replacement per this Airworthiness Directive.

5. If tool marks are noted in the fillet section, this area should have tool marks removed by a polishing operation until a mirror-like finish is obtained. The hub may then be returned to service, subject to subsequent inspection or replacement per this Airworthiness Directive.

6. Questionable cases should be referred to the propeller manufacturer for recommendations.

F. Hartzell Bulletins No. 8 (Seabee and Widgeon), Mandatory, dated May 28, 1949; No. 10, dated October 26, 1948; No. 16, Mandatory, dated November 16, 1949; No. 19, Mandatory, dated March 7, 1952; and Supplement to Bulletin No. 19, dated April 3, 1952, cover this same subject.

II. Service experience indicates Hartzell propellers with metal blades in combination with the Continental E–185 series engines not having crankshaft dampers (suffix "D" to engine serial number indicates dampered crankshaft) are subject to critical vibrational stresses in the hub spider. The following provisions apply to such installations:

A. Comply with Section I of this A. D.

B. After June 1, 1953, no Hartzell propellers with metal blades will be eligible on Continental E–185 series engines not having crankshaft dampers.

C. Hartzell metal blades are eligible for use on Continental E–185 series engines having dampered crankshafts.

D. Hartzell plastic blades are eligible for use on any Continental E–185 series engine.

E. Hartzell Service Bulletin No. 16, Mandatory, dated November 16, 1949, also covers this subject.

This supersedes notes 49–29–1, 49–48–2, and 52–7–2.

53–6–3 BEECH Applies to D185 airplanes Serial Nos. A–1 through A–482, except for A–472 and A–473 and those airplanes equipped with oleo drag legs.

Compliance required at next periodic inspection and each 1,000 hours thereafter until the oleo drag legs are installed.

Inspect the wing center section steel truss joints in the nacelle at the landing gears lower slide tube clusters using portable magnetic particle inspection equipment.

If cracks are found they are repairable within the limits of Part B of Beech Service Bulletin No. D18–58, dated September 11, 1951, and revised February 1, 1952, provided the oleo drag legs of Part C of the service bulletin are installed.

53–7–1 DE HAVILLAND Applies to Model DHC–2 (Beaver) aircraft, Serial Nos. 1 to 483 inclusive.

Compliance required as indicated.

There have been instances of the elevator outboard hinge becoming loose in its attachments to the horizontal stabilizer rib. Rivet holes have become enlarged permitting the fitting to "work." The de Havilland Aircraft of Canada, Limited, in agreement with the Canadian Department of Transport, issued the following mandatory instructions in which the CAA concurs:

Inspection intervals: 50 hours, pending incorporation of the repair scheme described below.

Repair scheme: The repair scheme described herein is not mandatory until a defect appears. See Figure 29.

The following parts are required.

C2-TP-179ND	Hinge plate	2 required	(1 each end of T/P).
C2-TP-181ND	Angle	2 required	
CR 162-6-8	Cherry rivet	10 required	
CR 162-6-10	Cherry rivet	12 required	
CR 163-6-8	Cherry rivet	6 required	

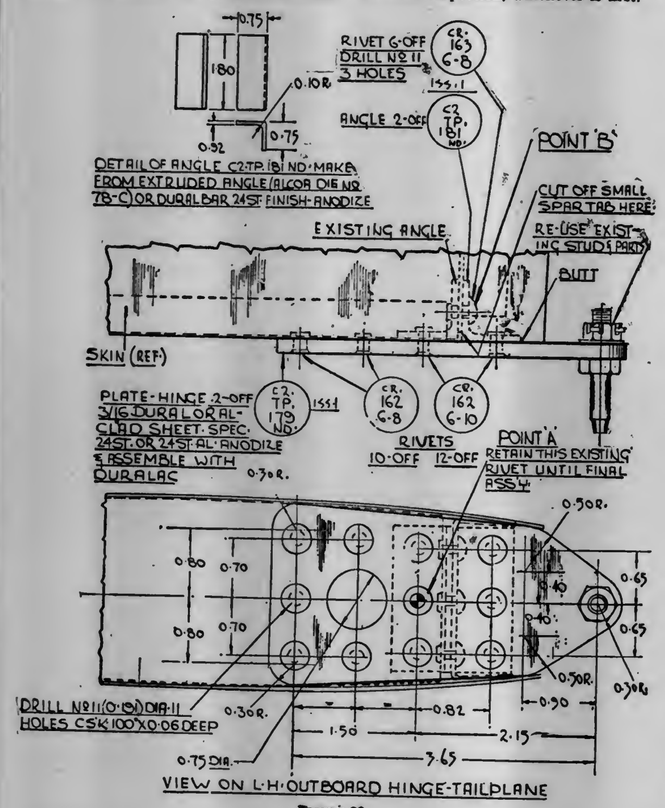

FIGURE 29.

Procedure:

1. Remove tailcone.
2. Remove elevator.
3. Locate extreme outboard elevator hinges on tailplane.
4. Drill out 4 rivets retaining hinge plates.

Important: Do not drill out rivet at Point "A" until angle C2–TP–181ND has been riveted. (See drawing.)

5. Remove small tab at outboard ends of rear spar on tailplane.
6. Drill out 3 rivets at Point "B" securing angle C2–TP–139. (Angle must still remain in position secured by 1 rivet at Point "A.")
7. Locate new angle C2–TP–181ND on spar rear face and flush with outer skin of end rib.
8. Rivet angles C2–TP–139 and –181ND to spar as shown at Point "B."
9. Drill out rivet at Point "A."
10. Make or secure new hinge plate C2–TP–179ND and assemble as shown.
11. Assemble studs to new hinge plates.
12. Replace elevator and tailcone.

(De Havilland Technical News Sheet Series B, No. 60, dated February 10, 1953, Subject "Tailplane—Elevator Outboard Hinge—Mod. 2/901" covers this same subject.)

53–8–1 RYAN Applies to all Navion aircraft except those incorporating Palo Alto Airport Co. or Symon Engineering Co. Horizontal stabilizer modifications.

Compliance required by June 15, or next 100-hour inspection, whichever is first.

Inspect both 145–21404–1 and –2 front fittings on the horizontal stabilizer for proper rivet edge distance. If the entire outboard edge of the steel fitting extends past the outboard edge of the butt rib, no further action is required. On the other hand, if the edge of the fitting disappears behind the rib, it will be necessary to ascertain that at least 1/16 inch of material (steel fitting) extends beyond the edge of all rivet holes. Whenever the edge distance is found to be less than 1/16 inch, a new fitting should be installed with proper edge distance. A method of conducting the above inspection is described in Ryan Field Service Bulletin No. 19, dated February 16, 1953, which covers this same subject.

53–8–2 DOUGLAS Applies to all Model DC–6 series aircraft (Fuselage Nos. 1 to 213 inclusive)

Compliance required as indicated.

The following inspections and rework pertain to the center wing lower skin panel and stringers inboard of Station 60 at both sides of the two access doors (fore and aft). The accomplishment of this change is for repair of details which have failed due to fatigue and to make general reinforcement of the affected area.

1. Inspection.

(a) Conduct following inspection as soon as practical but not later than the next fifty hours of operation unless already accomplished and continuing thereafter at periodic intervals nearest to 500 flying hours from the time of initial inspection until permanent rework is accomplished as outlined in Items (2) and (3) below. Using at least an 8-power magnifying glass and/or Dy-Chek method or equivalent, make inspection for cracks in the door doubler, bottom wing skin and stringers in the area of Station 52 between the front and center spars. If cracks are found in any of these details, make repairs as indicated in Item 2 before next scheduled flight.

(b) If no cracks are found in any of the details mentioned in (a) above, install preventive reinforcements as outlined in item (3).

2. Repair.

(a) If a crack is found in the lower skin panel at Station 52 greater than 2½ inches long or if cracked stringers are found in the area of Station 52, make repair and modify the door doubler splice as per Douglas Dwg. 5460214. (Refer to Kit "A" of Douglas Service Bulletin No. 521.)

NOTE: This repair must be supplemented by reinforcing remaining areas of rework as outlined in Part (3) (c).

(b) If a crack is found in the skin less than 2½ inches long (without stringers being cracked), in the area of Station 52, make repair as per Douglas Dwg. 5460328–501. (Refer to Kit "F" of Douglas Service Bulletin No. 521.)

NOTE: This repair must be supplemented by reinforcing remaining areas of rework as outlined in Part (3) (c).

(c) If a crack is found in the door doubler only in the area of Station 52, repair per Douglas Dwg. 5460328–1. (Refer to Kit "E" of Douglas Service Bulletin No. 521.)

NOTE: This repair must be supplemented by reinforcing remaining areas of rework as outlined in Part (3) (c).

3. Preventive Reinforcement.

(a) If no cracks are found in the area of Station 52 on airplane fuselage Nos. 1–69, install reinforcements to the stringers and door doubler no later than May 1, 1953, as per Dwg 5460275–1 or Douglas Service Bulletin No. 440. (Refer to Kit "B" of Douglas Service Bulletin No. 521.)

(b) If no cracks are found in the area of Station 52 on airplane fuselage Nos. 70–213, install reinforcement to the door doubler as per Dwg. 5460275–501 no later than September 1, 1953. (Refer to Kits "C" and "D" of Douglas Service Bulletin No. 521.)

(c) If cracks are found by inspection and repaired by reinforcements as outlined in Part 2 (a), (b) or (c), these repairs must be

A. At each nearest scheduled service to 350 hours:

have the new hub spider (type C–157).

bulletin are installed.

Important: Do not drill out rivet at Point

edge of the fitting disappears behind the

Part 2 (a), (b) or (c), these repairs must be

supplemented by reinforcing the stringers and/or door doublers at all other areas outlined in 3 (a) and (b). This should be accomplished no later than May 1, 1953, on airplanes having fuselage numbers 1 through 69 and no later than September 1, 1953, or a period not to exceed 1,500 flying hours (whichever occurs first), on airplanes having fuselage numbers 70 to 213 inclusive. Airplanes incorporating local reinforcements shall be given an external inspection at periods not to exceed 35 flying hours in addition to the 500-hour inspection outlined in Part 1 (a) until the complete rework has been accomplished.

(See Douglas Service Bulletin No. 521 dated May 29, 1952, and Douglas Service Letter No. 128 dated June 27, 1952, for applicable models subject to the above-mentioned reworks.)

This supersedes note 52–27–1.

53–8–3 BOEING, CONSOLIDATED-VULTEE, DOUGLAS, LOCKHEED, MARTIN Applies to all Boeing 377, Convair 240 and 340 series, Douglas DC–6 series, Lockheed Constellation (49 series), and Martin 202 and 404 series airplanes with Hamilton Standard reversing propellers incorporating low pitch stop assemblies which have wedge return spring.

Superseded by 53–15–1.

53–9–1 PRATT & WHITNEY Applies to Pratt & Whitney R–2000 series engines overhauled by San Antonio Air Depot between July 1, 1952, and April 9, 1953.

Compliance required prior to further carriage of passengers or cargo in aircraft with such engines installed. Aircraft may be ferried to base where inspection is to be conducted.

Several operators of C–54 aircraft utilizing military overhauled engines, have experienced failures of Link (Knuckle) Pins in the subject engines due to improper overhaul, inspection, or assembly procedures. The failures have occurred in comparatively low time engines, and cracked pins have been found in engines with zero TSO.

To preclude the possibility of further failures of this nature, engines falling within the category as noted must be disassembled and the link pins magnetically inspected, eliminating any found with cracks, then reassembled in accordance with manufacturer's instructions, prior to further flight. Date of overhaul and identification of overhaul base stamped on exterior surface of engine nose housings.

53–9–2 DE HAVILLAND Applies to all Model DHC–2 Beaver aircraft.

Compliance required as indicated.

Inspect as soon as practical but not later than the next 100-hour flying time and at 100-hour intervals thereafter for skin cracks on the fuselage side panel at front door step. (Reference sketch below for typical cracks and method of repairing.) Any cracks found should be stop drilled at each end and repaired in accordance with directions in sketch. 100-hour inspection may be discontinued upon incorporation of recommended repair. (De Havilland Technical News Sheet, Series B, No. 59—Issue 2, dated January 15, 1953, covers this same subject.)

53–9–3 HILLER Applies to all UH–12, UH–12A, UH–12B, HTE–1, HTE–2, H–23A and H–23B Model helicopters.

Compliance required as soon as possible but no later than the next 25-hour inspection and as indicated in part "C" below.

The following has been found necessary to prevent fatigue failure of the clevis head on the outboard tension torsion bar pins, P/N51414–1:

a. Inspect P/N51414–1 pins to determine the fillet radius under the clevis head. If radius is less than 0.030 inch the pin must be scrapped and replaced with a pin having at least 0.030 inch radius before further flight.

b. If radius is 0.030 or greater and the pin has less than 500 hours total time it may be reinstalled. If a featheredge is found at the base of the clevis it should be carefully removed.

c. All 51414–1 pins must be replaced when they have accumulated a total of 500 hours of flight time. (Hiller Service Bulletin No. 36 covers this procedure.)

53–9–4 CONTINENTAL ENGINES Applies to all aircraft equipped with Continental W670–9A (Ordnance-Tank) engines and ground adjustable propellers having blades 11C1 (Hamilton Standard model designation) or 4350, 4350F, or 4350F1 (Navy model designation)

Compliance required not later than May 15, 1953.

VIEW ON FUSELAGE SIDE PANEL AT FRONT DOOR STEP SHOWING TYPICAL METHOD OF REPAIRING SKIN CRACKS.

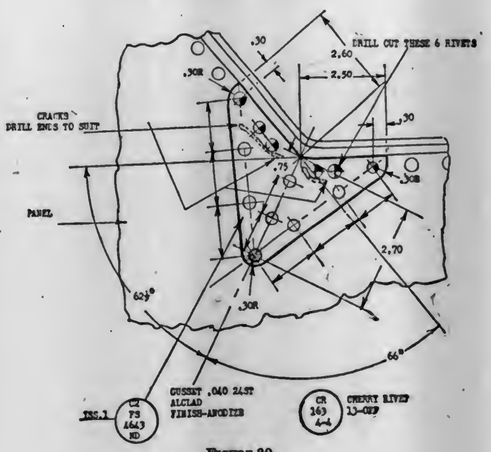

FIGURE 30.

In the absence of suitable propeller vibration stress data, the following precautionary measures should be taken to minimize the possibility of propeller blade fatigue failures:

(1) Disassemble propeller and inspect for cracks by etching the shank areas of the blades under the hub clamp rings.

(2) Cut propellers to between 102 inches maximum and 100 inches minimum diameter.

(3) Set blade angle so that static r. p. m. is between 1,500 and 1,975.

(4) Install propeller on engine in the zero degree position (blades in line with crankthrow).

(5) Placard airplane, "Do not exceed 1,900 r. p. m. for all operations except takeoff."

(6) Remove all nicks and gouges from tip region and maintain propeller blades as outlined in Civil Aeronautics Manual 18.

53–10–1 CURTISS-WRIGHT Applies to all C–46 series aircraft.

To be accomplished not later than November 1, 1953.

To guard against the possibility of excessive air temperatures and associated fire hazards in the vacuum system discharge line, one of the following modifications must be accomplished:

1. Install a fusible plug in the side of the vacuum pump discharge port at right angles to the axis of the discharge port boss. Some pumps incorporate a plugged hole in the discharge port which may be enlarged to a ⅜-inch pipe tapped hole to accommodate the fusible plug. This plug should employ an AN–840–8D fitting with a binary eutectic mixture of 67.8 percent tin and 32.2 percent cadmium, which has a melting point of 351° F. A drawing describing the design of such a plug is shown below. The ⅜-inch fusible plug fitting is intended for pumps such as the Model 3P–211. Brass fittings of the same design as the above dural fittings are also acceptable. Incorporation of an overboard drain line clamped to the fusible plug is recommended, but is not mandatory. On installations which do not use an overboard discharge line the possibility exists that the plug may damage other nacelle components if it can hit them upon being blown out of the adapter at high velocity. Therefore, if no overboard discharge line is provided, the installation must be made in such a manner that the plug will not be directed toward any vulnerable components when it is blown from the adapter.

Also, incorporation of steel lines with fire resistant hoses and utilizing hose liners and clamps in the vacuum discharge line is recommended if cracking and drying out of the flexible hose assemblies is experienced.

In lieu of this fusible plug installation:

2. An oil separator equivalent in principle to the Genisco No. 40081 incorporating a presure relief valve which can be disassembled for cleaning must be provided. (Genisco Co. is located at 2233 Federal Ave., Los Angeles 64, Cal.)

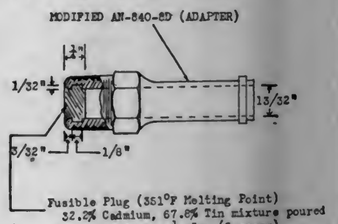

VACUUM SYSTEM FUSIBLE PLUG

FIGURE 31.

53–10–2 DE HAVILLAND Applies to Model DHC–2 (Beaver) aircraft, Serial Nos. 1 to 401 inclusive.

Compliance required as indicated.

After the aircraft has acquired 500 hours of flying time and pending the incorporation of the recommended repair, the wings should be inspected for cracks in lower wing skin at ends of the short stringers at the root end station of the wing leading edges at 50-hour intervals. If no cracks are evident reinforcements should be installed on the bottom surface of the wing as a preventive measure. The Civil Aeronautics Administration concurs in this mandatory action by the Canadian Department of Transport. (De Havilland Technical News Sheet Series B, No. 59—Issue 2 dated January 15, 1953, available from De Havilland Aircraft of Canada, Ltd., Toronto, Ontario, Canada covers this same subject and describes method of reinforcement.)

53–11–1 BEECH Applies to all Model 35 aircraft, Serial Nos. D–1 through D–1500.

Compliance required as soon as possible but not later than July 15, 1953, and each periodic inspection thereafter as indicated.

Visually inspect fuselage bulkheads 256.9 and 272 (Stabilizer front and rear spar attachment bulkheads) for cracks, buckles or distortion and associated cracks or buckles in the fuselage skin in the vicinity of the bulkheads.

Check the static balance of the ruddevators (movable tail surfaces) to ascertain that the static balance is within acceptable limits. This check of static balance must also be made each time the ruddevators are repaired or repainted.

All damaged structure must be repaired or replaced and the ruddevators balanced in accordance with manufacturer's service bulletin prior to further flight.

Periodic Inspection. Visually inspect bulkheads 256.9 and 272 as indicated above at each periodic inspection. (Beech Service Bulletin No. 35–26, dated May 20, 1953, covers this same subject.)

53–11–2 DE HAVILLAND Applies to Model DHC–2 (Beaver) aircraft, Serial Nos. 1 to 445 inclusive.

Compliance required as indicated.

Cases have been reported of chafing of the engine oil sump by section assemblies. (P/N C2–E–105ND) and (P/N C2–E–107ND) of accessory firewall. An enlarged flange clearance is required to be incorporated as soon as possible but not later than the next 100 hours.

The CAA concurs in this mandatory action by the Canadian Department of Transport. (De Havilland Technical News Sheet, Series B, No. 64 dated March 23, 1953, available from De Havilland Aircraft of Canada, Ltd., Toronto, Ontario, Canada, covers this same subject and describes method of repair.)

53–12–1 HILLER Applies to all UH–12, UH–12A, UH–12B, HTE–1, HTE–2, H–23A and H–23B helicopters incorporating horizontal stabilizers with short spar inserts or without spar inserts.

Compliance required as indicated below.

Replacement of the horizontal stabilizer assembly, P/N 37001 on the above helicopters has been found necessary to prevent fatigue failure of the stabilizer spar. (Hiller Service Bulletin No. 26 covers this procedure.)

a. Stabilizer assemblies P/N 37001–9 incorporating short spar inserts (5.75 inches) must be removed from service when they have accumulated 600 hours total time. The replacement stabilizer is identified as 37001–14 and incorporates a long spar insert.

b. Stabilizer assemblies P/N 37001–7 (without spar insert and identified as 37001) must be removed from service when they have accumulated 1,600 hours total time. The replacement stabilizer is identified as 37001–12 and incorporates a long spar insert.

c. Stabilizer assemblies P/N 37001–12 and –14 incorporate long spar inserts (10.29 inches). Attachment to the aft bulkhead socket is made by two AN 174–17 bolts. The total service life of these assemblies is not limited.

53–12–2 DE HAVILLAND Applies to Model DHC–2 (Beaver) aircraft, Serial Nos. 1 to 451 inclusive.

Compliance required as indicated.

Cases have been reported of loss of seals in the flap hydraulic hand pump No. 430RDH. To prevent the above condition a modification (No. 2/926) was incorporated on production aircraft and should be incorporated on aircraft in service as soon as possible but not later than the next 100 hours.

The Civil Aeronautics Administration concurs in this mandatory action by the Canadian Department of Transport. (De Havilland Technical News Sheet, Series B. No. 63 dated March 19, 1953, available from De Havilland Aircraft of Canada, Ltd., Toronto, Ontario, Canada, covers this same subject and describes method of repair.

53–13–1 DE HAVILLAND GYPSY QUEEN ENGINES Applies to all Model 70–4 engines, and to those 70, 70–2, and 70–3 engines incorporating Modification G. 1493.

Compliance required not later than September 1, 1953.

In order to prevent the loss of propeller control because of failure of the oil transfer mechanism, Modification G. 1920, as described in De Havilland Engine Service Modification News Sheet GQ. 70 dated May 8, 1953, must be accomplished. Should Modification G. 1728 not be incorporated, it is strongly recommended that it be embodied concurrently with Modification G. 1920.

The Civil Aeronautics Administration concurs in this mandatory action. (De Havilland Modification News Sheet GQ. 70 dated May 8, 1953, available from De Havilland Aircraft Co. representative at Linden Airport, Linden, N. J., covers this same subject and describes method of repair.)

53–15–1 BOEING, CONSOLIDATED-VULTEE, DOUGLAS, LOCKHEED, MARTIN Applies to all Boeing 377, Convair 240 and 340 series, Douglas DC–6 series, Lockheed Constellation (49 series), and Martin 202 and 404 series airplanes with Hamilton Standard reversing propellers incorporating low pitch stop assemblies which have wedge return spring.

Superseded by 54–1–2.

53–15–2 LOCKHEED Applies to all Model 049, 149, 649 and 749 series aircraft.

Compliance required as indicated.

At the first arrival at the main base, unless already accomplished, inspect for cracks in the forward flange of the lower front spar cap at wing station 326, left and right, with particular reference to spar cap joggle areas using dye penetrant inspection method or equivalent.

1. If crack is found in the forward flange and does not extend into the vertical leg, stop drill the crack unless it terminates in a rivet hole and make permanent repair or install the serviceable repair in accordance with LAC Dwg. 325800. When serviceable repair is used, a visual inspection must be conducted at periodic intervals not to exceed 50 hours with dye penetrant inspection or equivalent method to be used at periods not to exceed every 200 hours until incorporation of the reinforcement per LAC Dwg. 325667 change "A" or equivalent.

2. If crack in the front spar flange extends into the vertical leg, remove tank sealant as necessary for skin and web inspection using dye penetrant inspection method or equivalent. Reinforcement per LAC Dwg. 325667 change "A" or equivalent is necessary before resuming commercial operation and normal inspection procedures.

3. If no cracks are found, reinspect using dye penetrant inspection method or equivalent on all aircraft with 10,000 hours or more total flight time, at intervals not to exceed 200 hours, and on all other aircraft at each major airframe inspection period until such time as reinforcement per LAC Dwg. 325667 change "A" or equivalent is accomplished.

53–15–3 HARTZELL PROPELLERS Applies to all Hartzell Model HC82XF–1 controllable pitch propellers installed on Cessna 180 aircraft.

Compliance required as indicated below.

A number of recent in-service failures of the pitch change link screws (P/N A–98) on Hartzell HC82XF–1 propellers have resulted in exposing the occupants to hazardous situations. All such propeller failures have resulted in forced landings, some of which caused major damage to the aircraft. Due to the serious nature of these failures, the following inspections and replacements are necessary:

I. Inspection.

A. Prior to Aug. 1, 1953, visually inspect all link screws to determine:

(1) If any are broken.

(2) If any are cracked or bent.

(3) If any are not fully seated on the conical seat.

B. If any are found broken, cracked, bent or not fully seated on the conical seat, prior to further flight replace with screws as noted in Item II.

C. If visual inspection proves satisfactory, the propeller may be flown subject to compliance with Item II.

II. Replacement. Compliance required prior to Sept. 1, 1953.

A. Replace all original A–98 link screws with improved A–98–B link screws in accordance with Hartzell Service Bulletin No. 24, dated May 28, 1953.

B. Propellers with serial numbers not listed in Service Bulletin No. 24 may not have the improved screws. Owners of these propellers shall check with the propeller manufacturer for verification.

53–16–1 BELLANCA Applies to all Model 14–19 series airplanes.

Compliance required prior to Sept. 15, 1953, and to be repeated at intervals not to exceed 100 hours flight time.

Inspect elevator trim tab system for looseness by checking free play of the trim tab. Total free play of the tab trailing edge at the maximum chord should not exceed 0.20 inches. Excessive free play may be due to excessively worn parts and/or looseness in the adjustment of the trim tab system. Excessive free play can usually be removed by acomplishing the following:

Remove retaining pin from trim tab control handle and remove handle. Pull tab control rod as far forward as possible. Add required thickness of shim or washer to take up increased length. Replace handle and pin.

Center fabric hinge should also be inspected for deterioration and replaced if necessary. (Bellanca Service Bulletin No. 4 covers the same subject.)

53–17–1 MOONEY Applies to all Model M–18 series aircraft.

Compliance required by October 15, 1953.

To prevent possible fouling of controls and the control stick by foreign objects, install canvas boot P/N 22–7 around control stick and secure to floor boards. These boots are available from Mooney Aircraft, Inc., Box 72, Kerrville, Tex. (Mooney Service Bulletin No. 11 covers this same subject.)

53–17–2 FRANKLIN ENGINES Applies to all aircraft equipped with Franklin 6A4–150–B3 and 6A4–165–B3 engines.

Canceled September 27, 1954.

FIGURE 30.

FIGURE 31.

and incorporates a long spar insert.

inspection procedures.

Canceled September 27, 1954.

53-18-1 CESSNA Applies to all Model T-50 aircraft.

Compliance required by November 1, 1953.

As a result of reported failures of the outer bearing in the Goodrich Model 751A/M, G-3-49A, 7.50-10 main gear assembly, each resulting in loss of a wheel, the following should be accomplished if the outer bearing has not been replaced since the airplane was converted from military to civil operation. If the outer bearing has been replaced subsequent to that time, compliance only with Item (1) is required.

1. Not later than the date specified above, replace the 1 1/16-inch washer located between the axle nut and the inner bearing cone with a washer 1 1/8-inch outside diameter, 0.953+.0.005-inch inside diameter and 0.093+0.005-inch thick manufactured from SAE 1010 or equivalent. This precautionary measure will not prevent bearing failure but may prevent the wheel from coming off the axle during landing in the event of a bearing failure.

2. At the time of Item (1) above and at every 100 hours of operation thereafter until the bearing is replaced, check wheel side movement, inspect bearing and replace bearing as necessary. Replacement should be accomplished with Timken Cone No. 07100 and Cup No. 07196 or an equivalent bearing. (B. F. Goodrich Co. Service Bulletin No. 36, revised April 20, 1953, covers this same subject and supplies information for the fabrication of the new washer and for ordering proper replacement bearings.)

53-19-1 DOUGLAS Applies to all DC-4 and C-54-DC series aircraft utilizing Eclipse-Pioneer Type 901 generators.

To be accomplished by the next engine overhaul, but not later than April 1, 1954.

In view of the fire hazard existing in the use of the magnesium cooling fan in the Eclipse-Type 901 generator in the DC-4 and C-54 series aircraft installation, the magnesium fan blades or the fan as a unit must be removed. (Eclipse-Pioneer Service Bulletin No. 505 covers the above subject.)

53-20-1 MARTIN Applies to all Model 202 airplanes with Hamilton Standard reversing propeller installations in which the reverse feature is not used, and in which the normal reverse pitch stop ring has been relocated to act essentially as a low pitch stop.

Compliance required as indicated.

With the reverse pitch stop ring relocated to act as a low pitch stop, and with inadvertent energization of the reverse solenoid valve, the stop ring will fail under the extreme loads resulting from high oil pressure surge plus the high blade twisting moments attendant to rapid pitch change toward low pitch. This failure will result in the jamming of the pitch changing mechanism, or an inadvertent propeller reversal. To preclude any hazardous incidents, modification of the internal mechanism of the propeller dome, or modification of the propeller control system is necessary. Accomplish items I, or II, or III below.

1. Comply with A. D. Note 52-15-2.

A. Item I of A. D. Note 52-15-2 is to be accomplished by means of a progressive modification program to be submitted to and approved by the Civil Aeronautics Administration. The program shall begin no later than November 1, 1953, and shall be completed no later than August 1, 1954.

B. Item III shall be instituted when reversing is reactivated.

II. Modify the internal mechanism of the propeller dome. The modifications include removal of the normal low pitch stops, and incorporation of a dum valve which opens just above the normal low pitch position to maintain oil pressure of 50 to 100 p. s. i. on the decrease pitch side of the piston.

A. Replace the present Oil Transfer Housing 70451 or 77828 with Engine Shaft Extension Assembly 70300.

B. Remove the present Low Pitch Stop Lever Assembly 71042, 71676 or 76149 from the propeller entirely.

C. Replace the present Piston Sleeve 68425 with a new Piston Sleeve 72259 and Snap Ring 67698. Since the piston sleeve is pressed into the piston, the internal diameter of the sleeve must be machined after assembly.

D. Purchase Orders for the above parts must be submitted to Hamilton Standard by November 1, 1953.

E. Hamilton Standard Service Bulletin No. 264 covers this same subject.

F. Compliance required prior to November 1, 1954.

III. Modify the propeller control system.

A. At the "A" or unfeathering relays in the propeller relay control box, disconnect the wires that run through the nose junction box and into the reversing control boxes (Hamilton Standard P/N 72400) to connect the "A" relays with the throttle microswitches.

(1) Either physically remove the full run of these wires from the "A" relay terminal to the nose junction box terminal strip, or

(2) Physically remove the portion from the "A" relays to the pin connector in the propeller control relay box, and disconnect these wires from the mating pin in the external portion of the pin connector. Insulate the exposed ends of these wires, and secure them from movement in such manner as to preclude their becoming grounded or contacting any terminals.

B. Modify the reverse solenoid circuit wiring from the reverse solenoids to the terminal on the "A" relays by providing continuous wires physically isolated from all other circuits.

C. Comply with Item IC of A. D. Note 52-15-2.

D. Revise the reversing solenoid circuits to comply with Hamilton Standard Service Bulletin No. 236, Ref. 955.

E. Provide positive mechanical stops for both throttle levers so they cannot be moved into the reverse range.

(1) Item 2, of NWA Mechanical Order No. 479, dated 11-21-50 is considered acceptable to accomplish this.

(2) Comply with Items 3 and 4 of NWA Mechanical Order No. 479, dated November 21, 1950.

F. Items IIIA, IIIB, IIIC, IIID, and IIIE of this Note are to be accomplished by April 1, 1954.

G. No later than November 1, 1953, all operating instructions regarding unfeathering procedures shall specify that the following practices are to be observed, and shall indicate that the reason is to guard against jamming the pitch changing mechanism or possible inadvertent reversal during the unfeathering operation:

(1) If unfeathering is being accomplished at night the wing illumination lights or landing lights are to be used to permit observation of propeller operation.

(2) The propeller is to be watched during unfeathering and the button is to be released when rotation starts. (This should normally be in one or two seconds.)

(3) The tachometer is not to be used as a guide for determining when unfeathering is to be terminated.

53-20-2 BEECH Applies to Model 35, A-35, B-35 and C-35 Airplanes, Serial Nos. D-1 Through D-2900, equipped with 35-924065 fuel unit.

Compliance required not later than December 1, 1953.

Unless the handle of the 35-924065 fuel unit is down and engaged with the selector valve rotor, mismanagement of the fuel system may occur during tank selection and result in complete loss of engine power from fuel starvation. To assure that all flight personnel are properly informed regarding selector valve operation, Beech 35-534353 precautionary placard is to be installed on the instrument panel in front of and in clear view of the pilot. An acceptable location if above the fuel gauge switch between the altimeter and the cutout for the directional gyro. The 35-921171 and 35-924230 fuel selector units installed in some Model 35 series aircraft do not require selector valve handle engagement for proper tank selection. Replacement of the 35-924065 fuel unit in affected aircraft with the 35-924230 fuel unit will eliminate the need for compliance with this directive. (Beech Service Letter No. 35-27, A35-19, B35-12 and C35-10 dated October 15, 1953, covers this same subject.)

53-21-1 DE HAVILLAND Applies to all Model DHC-2 (Beaver) aircraft.

Compliance required as indicated.

Several cases have been reported where mechanics in the field upon assembling DHC-2 wings to fuselage have installed extra washers, packing, etc., to the rear spar wing bolt in order to take out any end play. It should be pointed out that a clearance is purposely provided in this fitting as the rear wing attachment is not designed to take drag loads.

All Beaver aircraft should be inspected as soon as possible but not later than December 1, 1953, to see that no washers, bushings, etc., have been installed in this fitting and if found they should be removed immediately.

In assembling the wing to fuselage, the front spar must be attached and then the rear wing bolt should be installed. It is quite normal that the rear spar wing fitting should not touch either inboard side of the fuselage fitting, but in most cases the wing fitting is almost against the forward side. The gaps in the fittings front and rear should not be packed with washers or spacers.

The Civil Aeronautics Administration concurs in this mandatory action by the Canadian Department of Transport. (De Havilland Technical News Sheet, Series B, No. 67, dated August 31, 1953, available from De Havilland Aircraft of Canada, Ltd., Toronto, Ontario, Canada, covers this same subject.)

53-21-2 GRUMMAN Applies to all Model G-21A (converted OA-9, JRF-1 through JRF-5 and JRF-6B) aircraft.

Compliance required as indicated.

1. Inspect the threaded portion of the horizontal stabilizer strut lower adjustable end fitting P/N 12561-3, by a magnetic particle inspection method, as soon as practicable, but not later than November 15, 1953, and at 1,000 hour intervals thereafter. Replace fitting if crack is found.

2. Replace these fittings every 3,200 hours. If 3,200 hours is reached before the first inspection, fittings may be used for 50 hours after this inspection provided no cracks are found. (Grumman Aircraft Engineering Corporation Customer Bulletin G-21A No. 3, dated March 20, 1953, covers this same subject.

53-23-1 CONSOLIDATED-VULTEE Applies to all Model 240 airplanes.

Compliance required at each number one inspection (regular inspection period nearest 100 hours).

There have been several failures of the nose landing gear clutch plate P/N 240-5250117 which have resulted in damage to the fuselage and exposed some of the flight control components to possible damage. To prevent the possibility of serious damage, the following special periodic inspection is required.

Effective immediately inspect nose landing gear clutch plate P/N 240-5250117 at each number one inspection using magnetic particle, dye penetrant, or any other equivalent inspection method. If any cracks or other damage are found, replace damaged parts with new parts of same number or comply with changes described in Convair Service Bulletin No. 240-332 which incorporates a stronger clutch plate, P/N 240-5257113. If P/N 240-5257113 is installed, these special periodic inspections may be discontinued.

53-23-2 DE HAVILLAND Applies to Model DHC-2 (Beaver) aircraft, Serial Nos. 164 to 407 inclusive.

Compliance required not later than December 15, 1953.

When filling the fuel tanks, it is possible for spilled fuel to seep down between the fuel tank filler neck recess box and the aircraft's outer skin. This permits gasoline fumes to accumulate in the tank bays beneath the floor and can create a fire hazard. The aircraft should be inspected to ascertain if a satisfactory seal exists between the filler neck recess box (C2-FS-1005ND) and the outer skin (C2-FS-3829ND). If seal is unsatisfactory, fill gap with either "Goodyear Pliabond" or "Minneapolis Mining EC776" metal sealing compounds or equivalent. In the interim, until resealing is accomplished, a "No Smoking" placard should be installed in the cabin. The Civil Aeronautics Administration concurs in this mandatory action by the Canadian Dept. of Transport. (De-Havilland Tech. News Sheet No. 68, Series B, dated September 15, 1953, covers this same subject and provides re-sealing instructions.)

53-23-3 REPUBLIC Applies to all Model RC-3 aircraft.

Compliance required within the next 25 hours of operation but not later than December 1, 1953, and thereafter at each 25-hour period of operation or every 6 months, whichever occurs first.

Cases of severe corrosion of the right and left upper and lower lift strut fittings, fuselage wing lift strut fittings and wing lift strut fittings have been reported. Since the strength of these fittings are of primary importance to the safe operation of the airplane, the following inspections should be made and corrective action taken.

Fitting 17W22002 is located on the upper end of the lift strut and fitting 17W22003 is located on the lower end of the lift strut. Fitting 17F11013 is located in the fuselage and is attached to fitting 17W22003. Fitting 17W22004 is located in the wing and is attached to fitting 17W22002.

Inspect thoroughly and test the fitting with a pointed instrument to determine whether corrosion is present. One 1¼-inch diameter inspection hole should be cut in the upper and one in the lower surface of the wing in accordance with Republic Aviation Service Bulletin No. 25, Supplement No. 2, in order to accomplish the inspection of the portion of the fitting 17W22004 which lies inside the wing skin. This inspection will require the aid of a light as well as a sharp pointed instrument. The holes should be covered with United Carr Fastener Corporation Plug Button No. 51021, Seabee spare parts Item No. 1379, or equivalent.

A fitting may appear satisfactory but actually may be corroded under the surface. Such corrosion which may be intergranular in nature may actually result in a much greater loss of strength than would be indicated by the loss of metal from the surface. If the fitting has only slight surface corrosion, the corrosion should be carefully removed and the fitting should be suitably treated against further corrosion. Fittings which have deteriorated beyond slight surface corrosion should be replaced. Republic Aviation Service Bulletin No. 25, including Supplements Nos. 1 and 2, covers this same subject in detail.

This supersedes Note 50-30-1.

53-24-1 GRUMMAN Applies to all G-21A (converted OA-9, JRF-1 through JRF-5 under TC 654) aircraft.

To be accomplished by January 15, 1954, and to be repeated at intervals not to exceed 100 hours flight time.

Inspect upper terminal (P/N 12561-1) of stabilizer strut (P/N 12560) and the stabilizer forward attachment fittings (P/N 12548 and P/N 12093) for cracks extending radially from the outside edge of the ears to the inside of the hole into which the shoulder bushings are pressed. All parts showing defects should be replaced. (Grumman Aircraft Engineering Corp. Service Bulletin No. 21 dated March 17, 1948, and Customer Bulletin No. 5 dated October 30, 1953, cover this same subject.)

This supersedes Note 48-18-1.

53-24-2 HILLER Applies to all Model UH-12, UH-12A and UH-12B helicopters.

Compliance required as indicated below.

There have been several recent failures of the tail rotor pitch change rod on UH-12B helicopters, resulting in loss of directional control. This pitch change rod, P/N 25036 or 25009, must be reinforced and/or inspected as follows on all UH-12 series helicopters.

(1) Prior to the next flight and thereafter at periods not to exceed 10 hours operating time, remove the tail rotor pitch change arm and inspect the pitch change rod, P/N 25036 or 25009, in the shoulder area by dye penetrant method. If cracks are found the rod must be removed from service.

If no cracks are found, the pitch change rod is considered satisfactory for an additional 10 hours operating time. On reassembling the parts determine that chamfer of hole in arm does not interfere with radius on rod. If interference is noted, enlarge chamfer on arm to clear. Reinstall arm on pitch change rod, making sure woodruff key or bolt properly locates arm and that arm bottoms on shoulder. Install washer and nut on rod and torque to 50-75 inch pounds (UH-12 and -12A models) or 100-150 inch pounds (UH-12B models).

This periodic inspection must be continued until such time as the rod is reinforced as set forth in part (2) below.

(2) When the pitch change rod is reinforced by the addition of bracket, Hiller P/N 25104, the 10-hour inspections may be discontinued. Installation of this bracket is described in Hiller Service Bulletin No. 41. The service life of this installation is limited to 300 hours from time of modification.

This bracket, P/N 25104, should be installed as soon as possible but not later than January 31, 1954.

(3) In lieu of the modification described in Part (2) above, a new type pitch change rod P/N 25042 may be installed in accordance with Hiller Service Bulletin No. 43. This rod has a service life of 2500 hours and only normal inspection procedures are required after its installation.

53-24-3 MOONEY Applies to all model M-18L aircraft which have not had the landing gear bell crank cover installed.

Compliance required by February 28, 1954.

In order to prevent baggage from jamming or fouling the landing gear retraction bell crank P/N 35-1, install bell crank covers, P/N 1028-1 with installing angles P/N 1028-2. (Mooney Service Bulletin No. 12 covers this same subject.)

53-24-4 PIPER Applies to all Model PA-18, -20 and -22 aircraft.

Compliance required not later than February 1, 1954.

In order to preclude the possibility of loss of fuel and hydraulic oil and fire in flight caused by chafing of these lines between the firewall and muffler, the following should be accomplished:

(a) To prevent contact with the muffler, reroute the fuel primer line, and wheel brake hydraulic line if necessary, so that they do not pass behind the muffler.

(b) Use clamps to fasten the lines to the firewall to prevent movement and vibration of these lines. (Piper Aircraft Corp. Service Letter No. 213 covers this alteration.)

53-25-1 DOUGLAS Applies to Model DC-6 Series Aircraft as indicated below:

Compliance required as indicated.

There have been several instances wherein cracks have been found in the aileron-cross upper pivot end. In order to preclude the occurrences of additional failures of this part, an inspection should be made as described below. The accomplishment of this Directive is for inspection and/or replacement of the upper pivot end of the aileron-cross bell crank tube located in the center wing fuselage section at Station 479.

1. Inspection (Fuselage Nos. 1 through 434).

Following inspection must be conducted:

(A) On all DC-6A and DC-6B aircraft and on all DC-6 aircraft incorporating the DC-6B type dual flying tab installation, as soon as practicable but not later than the next 50 hours of operation, unless the inspection has already been accomplished:

(B) On all DC-6, -6A and -6B aircraft at each airplane overhaul period or after each 2,000 hours of operation, whichever occurs first and after each time the airplane is exposed to high ground gust conditions. This inspection is to be repeated at each 2,000-hour period until parts are replaced as described below. Using at least an 8-power magnifying glass and/or dye penetrant method or equivalent, make inspection for cracks at the shoulder corner radius of the aileron-cross upper pivot end P/N 4359401, that supports the bell crank bearing. If cracks are found install new parts as indicated in Item 2 before next scheduled flight.

2. Rework (Fuselage Nos. 1 through 434).

If cracks are found in the aileron-cross upper pivot end P/N 4339401, the part should be replaced with a new pivot end assembly P/N 4492248 and a new bell crank arm assembly P/N 4492247 in accordance with the rework procedures outlined in Douglas Service Letter No. 153 Supplement No. 2 dated December 4, 1953. New parts will be installed in production effective on fuselage Nos. 435 and subsequent.

3. Preventive installation (DC-6 Series as indicated).

To eliminate the tendency for the aileron control tabs to flap during high ground gust conditions, a preloaded centering spring mechanism P/N 3405566 may be installed on DC-6 series aircraft as listed in Douglas Service Letter No. 159 dated May 28, 1953. A new trim tab mechanism will be installed in production effective on fuselage Nos. 420 and subsequent.

4. Operations information.

During ground operation in high gust conditions with gust locks on, any tendency for the control wheel to move may be resisted by holding the wheel in neutral. Restraint should not be applied by holding wheel against the stops. The CAA Approved Airplane Operating Manual should be revised to include this information.

(Douglas Service Letter No. 153 dated April 28, 1953, also covers this same subject.)

53-25-2 SIKORSKY Applies to all Model S-55 helicopters.

Superseded by 54-16-1.

53-26-1 BRIGGS AND STRATTON Applies to all airplanes equipped with AAF Type B-5 ignition switch manufactured by Briggs and Stratton. Affected airplanes include Beech Models D18S (Serial Nos. A-1 through A-537), D18C, D18C-T, C18S and AT-11 having the AAF Type B-5 Briggs and Stratton switch installed.

Compliance required not later than April 1, 1954.

Design of the Briggs and Stratton AAF Type B-5 switch will permit foreign objects to enter the master ignition switch portion of the switch assembly. As a result, the magnetos of both engines connected to the switch may accidentally become grounded. Gaps in the enclosure of the Briggs and Stratton

master switch can allow entry of foreign

if any of the following malfunctions of the

54-4-1 AC SPARK PLUG Applies to all en-

ing 70451 or 77828 with Engine Shaft Extension Assembly 70300.

personnel are properly informed regarding selector valve operation, Beech 35-534353

with changes described in Convair Service Bulletin No. 240-332 which incorporates a

stabilizer strut (P/N 12560) and the stabi-

Letter No. 213 covers this alteration.)

the enclosure of the Briggs and Stratton

master switch can allow entry of foreign objects; whereas, AAF Type B-5 switches produced by other manufacturers are tightly sealed. These latter switches are not considered hazardous.

Briggs and Stratton AAF Type B-5 Switches are identified by:

(1) The letters "AAF Type B-5" on the face of the switch and

(2) The words "Briggs & Stratton Corp., Milwaukee, Wisconsin—U. S. A." stamped on the master switch enclosure. Determination of whether the switch carries the designation of (2) above will probably necessitate examination with a flashlight and mirror or removal of the switch from its mount in the airplane.

If AAF Type B-5 switches manufactured by Briggs and Stratton are installed, accomplish either of the following:

(a) Replace the Briggs and Stratton AAF Type B-5 switch with a Type B-5 switch having the master ignition switch portion adequately sealed against entry of foreign objects.

(b) Remove the master ignition and battery switch portion of the Briggs and Stratton AAF Type B-5 in the following manner:

1. Remove the switch assembly from its mount or the airplane.

2. Drill out the three rivets attaching the master switch portion to the face plate of the ignition switch assembly.

3. The six electrical wires connecting the master switch portion to the threaded terminals are to be disconnected at the threaded terminals and discarded with the master switch portion.

4. Clean the ignition switch brass ground strip to make a good electrical contact and rivet it to the case with AN rivet.

5. Reinstall the modified Type B-5 ignition switch assembly in the airplane. Minor rework of the airplane electrical system may be required if the electrical master switch was connected through the Type B-5 master ignition and battery switch.

NOTE: Proper precautions should be observed when the ignition switch is removed or disconnected since the engine magnetos are not grounded.

(Beech Service Bulletin; Model D18S, D18C, D18C-T, C18S, AT-11; No. 64, issued November 10, 1953, covers this same subject.)

53-26-2 SANDERS (Formerly ERCO) Applies to all Model 415 series (Ercoupe) aircraft.

Compliance required at every 100 hours.

There have been several failures of the rudder horn attachments. These failures will reduce aileron effectiveness at low speeds. The following inspection should be made and corrective action taken where necessary:

A load of 10 pounds should be applied to the trailing edge of the rudder while the controls are locked in neutral position. The trailing edge should not deflect more than ½ inch. If the deflection exceeds ½ inch, the control system should be checked to establish that the deflection is in the rudder. Once established, the rudder should be removed and the main spar inspected for cracks. The outboard skin should also be removed sufficiently to inspect the rudder horn attaching structure. Any parts found cracked or deformed should be replaced. (Ercoupe Service Bulletin No. 25, dated July 31, 1953, covers this same subject.)

54-1-1 HAMILTON STANDARD Applies to all Hamilton Standard reversing propellers.

Compliance required as indicated.

Subsequent to December 31, 1954, Hamilton Standard Model 67000 reverse solenoid valves shall not be used on civil aircraft.

Analysis has shown that unwanted reversal of Hamilton Standard propellers could possibly occur with use of the Hamilton Standard Model 67000 reverse solenoid valve if any of the following malfunctions of the valve were experienced:

1. A broken plunger spring. This could cause the valve to open fully.

2. A film of oil between the armature and the valve body. This could cause the valve to remain fully open.

3. A foreign particle lodged between the valve and its seat. This could cause a pressure build-up in the reverse oil passage.

Although there is no record of such malfunctions of this valve on civil aircraft, the potential hazards that exist indicate the desirability of precluding future use of this obsolete component.

54-1-2 HAMILTON STANDARD Applies to Hamilton Standard reversing propellers Models 43D, 43E, 34D, 34E, 232 and 242 incorporating low pitch stop assemblies with wedge return springs; and Models 43E, 34D, 232, and 242 incorporating low pitch stop assemblies with wedge inserts.

Compliance required as indicated.

Investigations of three recent incidents in commercial service in which the propeller inadvertently reversed during approach, have indicated the possibility that the low pitch stop wedge, under vibratory conditions, can move forward from its position under the stop levers, allowing the propeller to travel into the reverse range upon governor demand for lower pitch. Therefore, to minimize the forward forces applied against the stop wedge by piston-to-stop-lever contact at the low pitch position, it is necessary to remove the two degree pitch angle from the stop lever and wedge contact surfaces.

Prior to June 1, 1954, rework all low pitch stop levers and wedges as specified in Hamilton Standard Service Bulletin No. 273 and its Supplement No. 273A.

This supersedes note 53-15-1.

54-1-3 SIKORSKY Applies to all Model S-55 helicopters.

Compliance required prior to next flight.

Finger fuel strainer installed on all tanks should be removed and inspected to determine whether it incorporates a small disc screen located inside the body of the strainer. This disc screen should be removed if found to be incorporated, since it would tend to restrict fuel flow if it became clogged with foreign material. (Sikorsky Service Information Circular 1430-410, dated Nov. 9, 1953, covers the same inspection and modification.

54-2-1 LYCOMING ENGINES Applies to all Model O-290-D2 engines.

Compliance required by February 1, 1954, and at each subsequent 100 hour inspection.

In order to preclude the possibility of serious engine damage from incipient detonation under certain atmospheric and altitude conditions, the magneto timing of all Lycoming O-290-D2 engines must be set at 18° BTC. To insure that the magneto timing does not change substantially from this setting, it should be checked and reset, if necessary, at each subsequent 100 hour inspection. (Lycoming Service Bulletin No. 169 covers this same subject, but recommends that the timing be checked every 50 hours.)

54-2-2 FEDERAL SKIS Applies to all Piper (Stinson) 108 and Cessna 170, 170A and 170B airplanes equipped with Federal Models AWB-2500 and AWB-2500A wheel skis and Piper PA-20 airplanes equipped with Federal Model AWB-2100 wheel skis.

Compliance required as soon as possible but not later than February 15, 1954.

To preclude the possibility of the ski dropping down against the mechanical rigger and possible subsequent damage to the aircraft structure, the rigging arrangement must be revised in accordance with Federal Aircraft Works Drawing No. 11D1077.

54-3-1 AIRCRAFT BELT AND TRIM (SAFETY BELT) Applies to Model LBM-1900 Safety belts.

Superseded by 54-20-1.

54-4-1 AC SPARK PLUG Applies to all engines equipped with AC LA-87 spark plugs, except Pratt and Whitney R-1830 engines of 1,200 hp or less and Wright R-1820 engines of 1,200 hp or less.

Compliance required prior to March 1, 1954.

A. In order to preclude possibilities of engine failure, when using AC LS-87 spark plugs in engines for which they are not approved, these spark plugs must be removed from all engines with the exceptions of the R-1820 having a T. O. rating of 1,200 hp or less and the R-1830 having a T. O. rating of 1,200 hp or less.

B. On R-1820 and R-1830 engines of 1,200 hp or less, the LS-87 plug is limited to a maximum of 120 hours of service with no reconditioning permitted. Plugs having over 120 hours must be removed from service.

This supersedes A. D. Note 49-26-2.

54-5-1 CURTISS-WRIGHT Applies to all C-46 series aircraft equipped with landing gear retraction cylinder heads, Curtiss-Wright Part No. S20-313-3044.

Compliance required as soon as practicable but not later than July 15, 1954.

As a result of several failures of the landing gear retraction cylinder head emanating from fatigue cracks occurring in the radius of the O ring groove, it has been found necessary to inspect and rework the landing gear retraction cylinder head to provide a more serviceable part.

Remove the landing gear retraction cylinder head and inspect the upper and lower radii of the O ring groove for cracks by means of a dye penetrant. If cracks are found the part should be replaced. In the event no cracks are present the upper and lower radii of the O ring groove should be increased to 0.040 inch as shown in the sketch below and again inspected by means of a dye penetrant. If no cracks are found after this inspection, the part may be returned to service; however, if cracks are evident, the part should be replaced.

NOTE: Smooth machine finish (RMS-32 or better) with no tool marks or discontinuities. No change in size of O ring necessary.

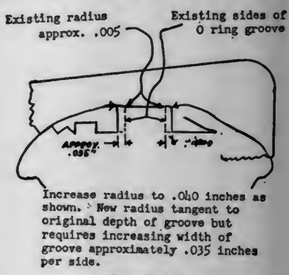

FIGURE 32.

54-5-2 SENSENICH PROPELLERS Applies to all Model M76AM-2 propellers installed on Lycoming Model O-290-D and O-290-D2 engines.

Compliance required by March 15, 1954, and at intervals not to exceed each 25 hours operation thereafter.

To eliminate the possibility of blade tip failures on Model M76AM-2 propellers installed on the above Lycoming engines, all nicks, gouges and scratches within eight inches of the blade tip should be removed. Care should be taken to be sure all trace of the damage is removed. Minor damaged areas may be removed by using coarse emery cloth. The repaired area should then be polished with fine emery cloth. Rebalancing is not necessary when repairing minor damage areas as defined in Civil Aeronautics Manual 18 (18.30-15).

(Sensenich Service Bulletin No. R-2 covers this same subject.)

54-6-1 DOUGLAS Applies to Model DC-6, DC-6A and DC-6B series aircraft.

Compliance required as soon as practicable but not later than July 1, 1954, for DC-6A and DC-6B aircraft, and November 1, 1954, for DC-6 aircraft.

To eliminate possible inadvertent discharge of CO_2 into cabinet heater or hydraulic accessories compartment accompanied by operation of cabin master depressurization control (or closing of the control valve on early DC-6 aircraft), when discharging CO_2 into a nacelle, rework the two Kidde ¾-inch stop valves P/N 870003 by replacing spring P/N 201496 with heavier spring P/N 30568. The reworked valve should be reidentified as P/N 871107. (Douglas General Service Letter No. DC-6 #176 revised December 31, 1953, also covers this subject.)

54-6-2 MARTIN Applies to all Model 202 aircraft.

Compliance required at next overhaul but not to exceed the next 1,000 operating hours.

Several instances have been found of unsatisfactory wing scarf splice bushing installations which result in applying undesirable bending loads on the bolts because of incomplete lining of the holes. To eliminate this condition, inspect the wing lower chord scarf splices at wing stations 187 L. H. and R. H. If a bushing is found that does not meet the length requirements specified in Martin 202 Service Instruction Letter No. 29, that bushing must be removed and a correct one installed in accordance with Service Instruction Letter No. 29, before the airplane is returned to service. (Martin S, I. L. No. 29 covers this same subject.)

54-8-1 MARTIN Applies to all Martin 202, 202A, and 404 aircraft.

Compliance required as indicated.

Several cases of finding cracks in the nose landing gear piston and fork assembly (P/N 202SD84483) have been reported. These cracks were located in the change of cross section fillets which blend the barrel section of the terminal into the legs of the lower fork. To preclude further difficulties of this nature, all aircraft must be inspected and reworked as follows:

I. Compliance required not later than July 1, 1954.

Inspect the piston and fork assembly in the fillets which blend the barrel section of the terminal into the legs of the fork. The inspection must be accomplished with the aid of a 20-power enlarging lens, dye penetrant or magnaflux. Any assembly found to incorporate fillets of less than 1½₂-inch radius must be further inspected or reworked as follows:

If a crack is found, rework the part in accordance with Item II.

If no cracks exist, the part must be reinspected, as above, every number one inspection but not to exceed 115 hours of service until reworked in accordance with Item III. Should cracks be found in reinspection, the part must be reworked in accordance with Item II.

II. Compliance required prior to return to service.

If a crack is found, the piston and fork assembly may be repaired by grinding out the crack within the following limits:

(The crack lengths, specified below, are based upon the total length of a crack or cracks in a single fork leg fillet. The depths of material removable pertain to the fork leg cross section and should be measured from the plane of the fork leg surface.)

(A) A crack measuring up to 2 inches may be ground out to a maximum depth of 0.065 inch.

(B) A crack measuring from 2 to 4 inches in length may be ground out to a maximum depth of 0.055 inch.

(C) A crack measuring over 4 inches in length may be ground out to a maximum depth of 0.040 inch.

The reworked area is to be blended smoothly into the fork leg surface. The surface finish after grinding must be equivalent to RMS-32 with no tool marks present.

NOTE: Piston and fork assemblies not repairable within the above stated limitations must be replaced.

III. Compliance required not later than March 1, 1955.

If no cracks exist, rework the fillets which blend the barrel section of the terminal into the legs of the fork to a radius of ¾ ±1/32 inch. This new fillet should be ground tangent to the lowest point of material removed (Ref. Item II) or the fork leg surface, as the case may be. Further, it is important that the fillet be blended into the surface of the terminal so that a smooth transition of cross sectional area is obtained, especially in the crotch of the fork. The surface finish after this rework must be equivalent to RMS-32 with no tool marks present.

(Martin Service Instruction Letters Nos. 30A and 404-64A, for the Models 202 and 404 aircraft respectively, cover this same subject.)

54-9-1 RANGER ENGINES Applies to all 6-440-C series engine models.

To be accomplished as indicated.

To preclude the failure of carburetor hotspot heater assembly Part Nos. 7683, 7697, 7699 or 7708, due to corrosion from accumulations of exhaust products which in some instances have been found to completely close the inner passages, the following inspection should be accomplished by July 31, 1954, and additionally, as indicated below:

1. Remove the manifold pipes and inspect the hotspot casting for cracks on both the outside surfaces and the inside carburetor air passages, particularly at the bottom.

2. If no cracks are evident, the hotspot may be replaced with the hot air supply blocked off, per Ranger Engine Service Bulletin No. 91. Since no appreciable benefit in icing protection is provided by the use of the hotspot, it will be permissible to operate the engine with the hotspot blocked off. If the hotspot is blocked off, it is suggested that hot lubricating oil be applied to coat thoroughly the internal passage walls formerly used for exhaust gas circulation through the hotspot; this will tend to retard further corrosion.

3. If it is desired to continue to use a heated hotspot, it should be checked initially, and at 400-hour intervals to ascertain that the hot air passages are unobstructed with carbon or other exhaust gas products. This can most easily be accomplished by blocking off one hot air boss with a plate and pouring into the other hot air passage, 120 cc. of oil or gasoline. If this will not all be contained in the hotspot casting, a new hotspot casting should be utilized since no satisfactory method is known whereby all of the deposits can be removed.

4. If the hotspot has been used unheated since the last overhaul, only the initial inspection in (1) above need be performed before normal overhaul.

54-10-1 HAMILTON STANDARD Applies to all Hamilton Standard Model 23260, 24260, and 34D series propellers using wedge insert type low pitch assemblies.

Compliance required as indicated below.

In order to preclude any possibility of reverse system malfunction caused by breakage of the servo piston shaft as a result of fatigue in highly stressed areas:

1. At the earliest opportunity, but not later than the first overhaul subsequent to June 1, 1954, dimensionally inspect the internal diameter of all 75361 and previous wedge insert type servo piston shafts for a maximum of 0.688 inch.

2. Magnetically inspect the stop return spring seat thread area of the shafts at the period specified in item 1 above, and at every overhaul subsequent to that period.

(Hamilton Standard Service Bulletin No. 287, revised March 5, 1954, covers these same inspections.)

54-11-1 DE HAVILLAND Applies to all Model DHC-2 (Beaver) aircraft, Serial Nos. 1 to 618 inclusive, with the exception of the agricultural model.

Compliance required as indicated.

Special Inspection—Attachment Brackets—Tailplane—Fuselage Joint Part No. C2-FS-543A and CS-FS-544A.

Inspect subject brackets for cracks and distorted rivets at the location indicated in figure 33 and replace the tailplane front attachment ¼-inch diameter bolts Part No. NAS 54AN12 at intervals not exceeding 1,000 flying hours. If brackets are defective, replace with new parts. If existing ⅛-inch diameter rivets are distorted, replace with 5/32-inch diameter rivets as outline in figure 33.

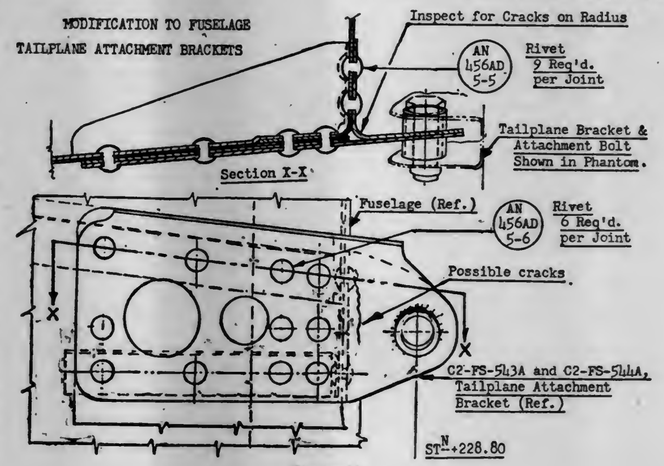

FIGURE 33.

If the aircraft has exceeded 1,000 flying hours, this inspection should be performed at some convenient opportunity not exceeding 200 hours subsequent to the date of this directive.

The Civil Aeronautics Administration concurs in this mandatory action by the Canadian Department of Transport. (De Havilland Technical News Sheets, Series B, No. 73 dated March 26, 1954, and Series B, No. 75 dated April 21, 1954, available from De Havilland Aircraft of Canada, Ltd., Toronto, Ontario, Canada, covers this same subject.)

54-12-1 MARTIN Applies to all Model 404 aircraft.

Compliance required as indicated.

An analysis of the design and the service experience of Model 404 main landing gear oleo drag struts, P/N E100008, has resulted in the establishment of a 6,500-hour service life figure for these assemblies.

It will be permissible to continue these assemblies in service not to exceed 8,500 hours total service time, provided the drag strut piston rods and forked end fittings are subjected to the following inspections when they attain 6,500 hours of service and every 250 service hours thereafter until replacement is made with new drag strut assemblies, P/N E100050, in accordance with Item 5. (See item 6 for increasing inspection interval to 500 hours.)

NOTE: A 10X to 30X enlarging lens must be used when accomplishing the visual examination portion of these inspections.

1. Perform dye penetrant inspection for cracks on the entire threaded portion of the piston rod, P/N SE997512. (The location at which a crack would be most likely to occur is through the root of a thread which lies in or adjacent to the faying plane between the piston terminal, P/N SE997514, and the lock nut, P/N SE997515, when these parts are in their installed position on the drag strut piston rod.)

2. Perform a dye penetrant or a Zy-Glo inspection for cracks on the end bosses of the forked end fitting, P/N SE997590. In order to inspect these areas satisfactorily, it is necessary to remove the bronze bushings, P/N SE997517, from the end bosses. (Laboratory analysis of drag strut forked end fittings which failed during landing gear repeat load tests determined the origin of the crack, in each instance, to be located at the inner surface of the 5/16-inch bolt hole adjacent to the bronze bushing. It is essential, therefore, that these and all other surfaces lying in the plane of the least cross-sectional area be scrutinized most critically.)

3. If the above inspections reveal minute indications of a crack not clearly definable, the area in question should be subjected to a macro etch inspection.

a. The steel piston rod may be etched with a saturated aqueous solution of ammonium persulphate.

b. The forged aluminum forked end fittings may be etched with a 30 percent aqueous solution of sodium hydroxide.

4. A piston rod or forked end fitting found to contain a crack must be scrapped.

5. Reinspection of parts found to be satisfactory shall be made every 250 service hours (or 500 hours per item 6), until replacement struts of the new configuration, P/N E100050, becomes available. Original struts, P/N E100008, must be replaced at 8,500 hours service life, at which time the inspection program can be discontinued. (When the new design drag struts become available, no attempts should be made to interchange assembly components, but a complete replacement of old design struts with new design struts should be effected.)

6. The 250-hour inspection interval may be increased to 500 hours provided the following is accomplished:

a. Chamfer all edges of the cross bolt hole in the P/N SE 99759C oleo drag strut fork fitting.

b. Maintain a minimum torque of 900 inch-pounds on the piston rod jam nut.

c. Instruct the pilots to use the brakes in such a maner as to minimize the strut bottomings.

(Martin Service Instruction Letter No. 404-65 covers this same subject.)

54-12-2 MCCAULEY PROPELLERS Applies to all McCauley propellers having 41D5926 hub with SS-135-6 blades and D-1093 hub with SS-135-6M or SS-138-6 blades.

Compliance required as indicated.

On the basis of satisfactory vibration stress surveys conducted on the 102-inch diameter configuration, these propellers were approved vibrationwise for installation on the Continental W670-6A and W-670-6N and Lycoming R680 engines. When installed on the Continental engine, the propeller must be indexed in the zero degree position (blades in line with the crankthrow) and operation is to be restricted between 1,500 and 1,650 r. p. m.

Additional approvals were given for the installation of propellers in reduced diameters at a time when the effects on the vibratory stresses resulting from such a reduction were not generally appreciated. Accordingly, some installations were made where the propeller diameter was reduced, as in the Fairchild M62C. Service experience with this installation and a more thorough knowledge of the vibration problems indicate that diameters below the normal two percent reduction that is usually permissible on the basis of a stress survey have resulted in serious failures. Accordingly, to preclude additional propeller failures, the following should be performed.

Compliance required prior to July 1, 1954.

(a) To preclude failures due to vibratory conditions, remove from service all of these propellers in diameters outside the 102 to 100 inch limits.

(b) To preclude fatigue failures due to corrosion or galling in the blade shank region and/or hub, disassemble propellers maintained in service (diameters 102 to 100 inch) and magnetically inspect hub and blades at intervals not exceeding 100 hours. The propeller blade and hub surface must be kept free from corrosion at all times.

If 100 hours operating time has not been accumulated since an inspection was conducted on the propeller as provided in A. D. 47-43-9, it will be satisfactory to operate until 100 hours have been accumulated.

This supersedes A. D. 47-43-9.

54-13-1 SIKORSKY Applies to all Model S-55 helicopters.

Compliance required as indicated.

1. The twelve (12) AN73A bolts which clamp the S510170 Retainer to the bottom of S10-10-4302 Rotating Star, and the eight (8) AN73A bolts which clamp the S510156 Retainer to the top of the S10-10-4302 Rotating Star should be replaced. The 20 new bolts should be torqued to 25-35 inch-pounds. These replacements are to be accomplished every 60 hours until the AN74A bolts called for in item 2 are incorporated.

2. At the next major overhaul period of the star assembly S10-10-4300, replace the 20 AN73A bolts covered in item 1 with 1/4-inch diameter AN74A bolts. The AN74A bolts should be relocated between the existing holes. When the AN74A bolts have been incorporated, the replacements of item 1 are no longer required.

3. At the next major overhaul period of the star assembly S10-10-4300, replace the 12 AN509-10R-35 screws which secure the clamp, the S12-10-4015 Liner, and the Y96PW1-DB bearings to the S12-10-4013 Stationary Star. The screws should be torqued to 35-40 inch-pounds.

(Sikorsky Service Information Circular No. 1410-222 dated March 4, 1952, through Revision D dated April 15, 1954, covers this same subject.)

54-14-1 CURTISS-WRIGHT Applies to all Model C-46 series aircraft.

Compliance required as indicated.

A. Inspection.

1. Carefully inspect the outboard horizontal stabilizer rib, which supports the outboard elevator hinge, left and right, Part No. 20-110-5014-2 and angles, Part No. 20-110-5014-4 for cracks in the area from the rib end to a point at least 6 inches forward of the trailing edge of the stabilizer.

(a) On aircraft which do not have the modification described in paragraph B (1) and B (2) below, this inspection is required every 100 hours.

(b) On aircraft which do have the modification described in paragraphs B (1) and B (2) below, this inspection is required every 800 hours.

(c) Deleted March 28, 1955.

B. Replacement.

1. If cracks are found in the angles, P/N 20-110-5014-4, remove and replace with a similar angle fabricated from 0.040 24ST or 0.040 24SO aluminum alloy sheet. Specification No. AN-A-13, Condition A, heat treat in accordance with Specification AN O1-1A-1.

2. If cracks are found in the rib, P/N 20-110-5014-2, reinforce each rib as follows:

(a) Fabricate (per airplane) four angles, P/N 20-110-5014-1201 from 0.051 24STAL sheet, 15 inches long with 0.62 x 0.71 inch leg, and install at top and bottom on outboard side of rib and extending forward from the forward edge of hinge block assembly, P/N 20-110-5112-3 or 20-110-5070-502. 24ST aluminum alloy extrusion, Alcoa Die No. 12883, may be used as an alternate material if desired. Pick up existing rivets in the rib and skin.

(b) Fabricate (per airplane) four angles, P/N 20-110-5014-1202 from 0.051 24 STAL sheet, 8.80 inches long with 0.62 x 0.71 inch legs and install angles on inboard side of rib at top and bottom, picking up the six bolts in the hinge block assembly P/N 20-110-5112-3 or 20-110-5020-502, and extending forward 8.80 inches from the end of the rib. 24ST aluminum alloy extrusion Alcoa Die No. 12883 may be used as an alternate material if desired. In addition to picking up the existing rivets, add three additional rivets at top and bottom between the existing rivets through the web of the rib assembly, and add four rivets, both top and bottom through the flange of the rib and leg of the angle.

(c) To assemble reinforcement angles called for in parts (a) and (b), the following modifications to the existing structure are necessary:

(1) Cut clip, Part No. 20-110-5033-1 to clear angles—1201 and install.

(2) Cut angle Part No. 20-110-5014-5 to clear angles—1202 and install.

(3) Cut skin, Part No. 20-110-5001-66 to clear angles—1202 and replace rivets.

(Army Technical Order 01-25L-103 or Curtiss-Wright Service Information Letter: SBS:ASF:asf-7195, dated October 26, 1946, and its enclosures cover this same subject.)

This supersedes A. D. 47-51-1.

54-15-1 DE HAVILLAND Applies to all Model DHC-2 (Beaver) aircraft, Serial Nos. 1 to 680 inclusive.

Compliance required by August 30, 1954.

Inspect all rudder, elevator, and aileron control cable terminals for damaged threads at the turnbuckle. Most reported defects have concerned the right-hand threads on turnbuckle terminals but all threaded terminals at turnbuckles should be inspected at the following locations:

Control cable circuit	Location	Number of turnbuckles
Ailerons	1. Base of control column	2
	2. Outboard wing inspection Panels.	4
Elevators	3. Hatch on underside of rear fuselage.	2
Rudder	4. Rear fuselage interior	2

Damaged or defective cables must be replaced.

If any evidence of defects is found, de Havilland will supply replacement cables.

The Civil Aeronautics Administration concurs in this mandatory action by the Canadian Department of Transport. (De Havilland Technical News Sheet Series B, No. 76 dated June 23, 1954, available from de Havilland Aircraft of Canada, Limited, Postal Station "L", Toronto, Canada, covers this same subject.)

54-16-1 SIKORSKY Applies to all Model S-55 helicopters.

Compliance required as indicated.

1. (a) The rear accessory covers of main transmission S14-35-4000 and S14-35-4300 should be inspected for cracks in the areas surrounding the points of attachment of the generator to the cover. Prior to the inspection, the paint in these areas should be removed. The inspections should be accomplished by the dye penetrant method. Covers found with cracks should be replaced immediately. These inspections are to be accomplished at every intermediate inspection.

(b) Vibration isolators S-14-35-4442 and S14-35-4443 have been designed by the manufacturer to prevent further failures. When these parts are installed in accordance with Sikorsky Information Circular No. 1435-443, the inspection outlined in item 1 (a) above will be required at every major inspection for the first two inspections and then at every second major inspection if the cover has been operated without the isolator. If the cover has never been operated without the isolator, the inspection should be accomplished at the regular transmission overhaul period.

(c) The retirement time for vibration isolators is specified in Sikorsky Information Circular S14-00-354, Rev. Z.

2. (a) The upper and lower ends of the main transmission support assembly, S14-20-2503, both fore and aft, must be inspected visually for cracks at every intermediate inspection. Particular attention should be directed at the underside of the attachment points, the welded joints and the small drive screws. Assemblies found with cracks are to be replaced immediately.

(b) Prior to or at the next intermediate inspection and at every transmission overhaul thereafter, the S14-20-2503 support assemblies must be subjected to a Magnaflux inspection. Any cracks detected are cause for replacement.

3. The forward and aft lugs, to which the S14-20-2503 supports are attached, on the upper housing of the main transmission must be inspected at every major inspection. This inspection should be directed at each face of each lug in the area surrounding the bushing. Any crack detected is cause for replacement.

4. (a) The main rotor control servo brackets, S14-40-2113, S14-40-2143 and S14-40-2411 should be inspected for cracks in the area of the bracket ears. Prior to the inspection, all paint should be removed. The inspections should be accomplished by the dye penetrant method. Parts found with cracks should be replaced immediately. The exposed surfaces of brackets found satisfactory for return to service should be protected with several coats of zinc chromate primer. Extreme care should be taken in the installation procedure of either new or old brackets. These inspections are to be accomplished every 30 hours.

(b) The inspections of 4 (a) will no longer be necessary when steel servo brackets S14-40-2415 are installed in accordance with Sikorsky Service Information Circular No. 1440-457 dated March 24, 1954.

5. The main rotor scissors bracket assembly S10-14-1447, should be inspected for sufficient edge distance at the bolt hole through which the scissors assembly S10-10-4350, is secured. A minimum edge diameter of 5/32 inch is allowable. Any S10-10-1447 brackets with less than 5/32 inch edge distance should be replaced. These inspections are to be performed on those helicopters with the S10-10-1400 Timken rotor head and are to be accomplished every 30 hours.

(Sikorsky Service Information Circular No. 1435-383 dated September 3, 1953, as amended by Revision A dated April 28, 1954, and Revision B dated June 18, 1954, covers the same subject, except that Section II of the Circular is amended by paragraph 1 (c) above.)

This supersedes A. D. Note 53-25-2.

54-17-1 HAMILTON STANDARD Applies to all Hamilton Standard 2J17 steel propeller blades installed on Boeing 377 aircraft.

Superseded by 55-21-1.

54-18-1 RYAN Applies to all Navion aircraft.

Compliance required as indicated.

Inspection of a number of Navions has revealed an undesirable condition in which there is relative motion between the wing and fuselage at the wing to fuselage attachment necessitating installation of additional shear carrying attachment angles between the fuselage and wing. This condition is most prevalent in, but not limited to, older Navions and can be readily detected when the wing root fillets have been removed and a sharp fore and aft shaking force is applied to the wing tip. If loose, the applied force can be made to develop a motion of the wing mass which is opposite to the motion of the fuselage mass, and the looseness will be definitely seen and felt.

It is therefore necessary that all Navions be inspected for this condition as soon as practicable but not later than October 15, 1954. In case the wings and fuselage seem to move as a unit mass and feel "solid" to the person applying the force, the corrective action outlined below may be delayed until the next annual inspection of the airplane. If a loose condition is evident, immediate corrective action as indicated in items 1 and 2 below is necessary.

1. Determine whether there is any looseness due to elongated holes at the six bolt locations (two outboard and two inboard forward wing attachment bolts and two aft wing attachment bolts). If no elongated holes are found, the corrective action in item 2 should be accomplished. If elongated holes are evident proceed as follows (including item 2):

(a) Ream each of the four forward wing attachment bolt holes (AN5 inboard and AN6 outboard) to receive the next larger size bolts. Remove and replace only one bolt at a time and torque to 140 inch-pounds. (If the next large size bolts had already been installed previously for other reasons, the rework in accordance with this directive should be brought to the attention of the local CAA Agent for detail consideration.)

(b) Remove the two AN5-65A aft attachment bolts, tube spacers, washers and units and install two 4 1/2-inch long 0.064 24ST alclad doubler strips to each end of the bottom inside flange of frame 142.57. Rivet each strip to the frame with four 5/32 diameter rivets and drill and ream to 0.3125 diameter to match the existing 5/16 diameter bolt hole in each frame. The two tube spacers must be shortened to fit within the channel and the two AN5-65A bolts should be installed and torqued to 140 inch-pounds.

2. Install the following wing to fuselage chordwise shear attachment:

(a) An 0.064 24S-T4 alclad angle should be fabricated to conform to the wing contour and attached to the lower longeron, inboard flange (both sides of airplanes). This angle should extend from the wing front spar reference plane to approximately one inch aft of the wing center spar reference plane (approximately 22 1/2 inches long). Attachment to the upper longeron should be made with eight AN-3 bolts. Attachment to the wing skin should be with fifteen 5/32 rivets (may be blind). Caution should be used in drilling through the wing skin to avoid injuring the fuel tank.

(b) Flange of angle attaching to wing skin may be cut to conform to existing holes in wing skin for tubing which may pass through this area.

(Ryan Navion Field Service Bulletin No. 21 covers this same subject.)

54-19-1 PIPER Applies to Model PA-18A and PA-18A Restricted Category aircraft with dusting venturi, up to and including Serial No. 18-3752.

Compliance required not later than October 15, 1954.

There have been several instances of excessive CO concentration in the cockpit when the dusting venturi is used. Such contamination has serious adverse effects upon pilot reaction. To prevent CO from entering the cockpit, a new trim plate should be installed and a new brake line cover plate should be placed over the brake line where the line enters the bottom of the fuselage. (Piper Service Letter No. 225 dated August 23, 1954, covers the same subject.)

54-19-2 SIKORSKY Applies to all model S-55 helicopters.

Compliance required before October 1, 1954.

To insure against the loosening of the servo pilot valve lock nut and subsequent improper servo operation, safety clips, Sikorsky P/N S14-40-5194, should be installed and safetied to P/N S14-40-3227-24 lockwasher. (Sikorsky Service Information Circular 1440-458 covers this same subject.)

54-20-1 AIRCRAFT BELT AND TRIM (SAFETY BELT) Applies to Model LBM-1900 (Dwg. No. 19001) safety belts manufactured prior to April 1, 1954.

Compliance required as soon as possible but not later than March 1, 1955.

Based on a complaint alleging non-compliance with strength standards of CAA Technical Standard Order C22, verification tests were conducted by the National Bureau of Standards at CAA request, which reveal that the belt assemblies of this make and model manufactured prior to April 1, 1954, with LBM-1900-3 and -3A buckles, were under strength, for a majority of specimens tested. These tests are considered as evidence of non-conformance with the terms of the TSO.

Therefore, TSO labeled belts of this model as noted above which were manufactured prior to April 1, 1954, can no longer be considered as complying with the prescribed airworthiness standards and, accordingly, must not be used in civil aircraft.

Belts of this model manufactured subsequent to April 1, 1954, incorporate a buckle of improved design and tests reveal this belt assembly to be in accordance with TSO-C22 tension test requirements.

This supersedes A. D. Note 54-3-1 and revision 54-7 dated March 29, 1954.

54-20-2 SIKORSKY Applies to all Model S-55 helicopters.

Compliance required as indicated.

In order that cracks in the fore and aft transmission support assemblies (S14-20-2503) may be detected, these assemblies

should be inspected daily, without removing the support assemblies from the helicopter, in accordance with the following procedure:

1. Remove the paint, grease and foreign matter from all welds and from the areas of the tubes within three inches of a weld on both upper and lower ends.

2. Inspect for cracks all areas of the tubes within two inches of a weld and all welds visually, and, where possible, with the assistance of a five to seven power glass.

3. Assemblies found with a crack should be replaced immediately.

4. Protect the exposed areas of metal with any suitable corrosion preventive.

The manufacturer is presently investigating the reasons for the occurrence of such cracks and a permanent repair is expected in the near future which, when incorporated, will make these daily inspections unnecessary. These inspections are in addition to those required by A. D. Note 54–16–1.

(Revision C to Sikorsky Information Circular No. 1435–383 covers this same subject.)

When transmission support, S14–20–4603, is installed in place of support S14–20–2503, the above inspection may be performed at every intermediate inspection rather than on a daily basis.

(Sikorsky Service Information Circular No. 1420–548, dated December 3, 1954, covers the installation instructions.)

54–21–1 AC DIAPHRAGM TYPE FUEL PUMPS Applies to all aircraft powered by Continental, Aircooled or Lycoming engines which are equipped with AC diaphragm type fuel pumps.

Compliance required as soon as possible but not later than November 30, 1954.

The occurrence of severe fuel leakage in flight, caused by loosening of AC fuel pump surge chambers, has revealed the existence of AC fuel pumps not adequately safetied to prevent loosening of the sediment bowl and the surge chamber.

The following should be accomplished:

1. Inspect sediment bowl cap screw and surge chamber (if there is one) for adequate safetying.

2. If not safetied, lockwiring or equivalent must be accomplished in accordance with good aircraft practice. One acceptable method of safetying is described by Lycoming Service Bulletin No. 174.

54–22–1 LOCKHEED Applies to Model 49, 649, 749, and 1049 airplanes as noted in referenced Service Bulletins.

Compliance required by April 1, 1955.

A recent engine fire resulted in a premature failure of a flexible hose in the feathering line and in penetration of fire from Zone 1 into Zone 2.

1. To increase the fire resistance integrity of the propeller feathering line between the pump and the governor, replace the existing flexible hose assemblies meeting current fire resistance requirements. The following Lockheed Service Bulletins cover this subject: No. 49/SB–786 for Model 049 through 749 airplanes and No. 1049/SB–2195 for Model 1049 airplanes. The following hose assemblies may also be considered acceptable for this application:

(a) Aeroquip 680–10S hose assemblies with Aeroquip 304 protective sleeves over end fittings.

(b) Resistoflex SSFR–3800–10 hose assemblies.

2. To increase the fireproof integrity of the Zone 1 fire seal diaphragm against burnthrough into Zone 2 in the event of a power section fire install steel plates over the lower engine cowling longerons adjacent to the diaphragm. The following Lockheed Service Bulletins cover this subject: No. 49/SB–760 for Model 649/749 airplanes and No. 1049/SB–2115 for Model 1049 airplanes.

54–22–2 PRATT & WHITNEY ENGINES Applies to all Pratt & Whitney Wasp Jr. and Military R–985 series engine, except those used in helicopters.

Compliance required as soon as possible but not later than April 1, 1955.

In order to avoid crankshaft cracking at the thrust nut threads and possible loss of the propeller while in flight, the following rework must be accomplished:

Incorporate a larger root radius, approximately 0.010-inch radius, in the crankshaft thrust bearing nut mating threads. As specified in P&W's Service Bulletin No. 1488, this rework may be accomplished by hand methods without removing the engine from the aircraft. Exercise extreme care to insure smoothly blended thread roots, a closely controlled undercut depth, and a careful inspection for cracks. After completion of the thread rework, the minimum permissible minor diameter (now specified as 2.630 inches in P&WA Service Bulletin No. 1488) shall not be less than 2.623 inches.

The preliminary r. p. m. operating restriction recommended in CAA's General Maintenance Alert Bulletin No. 73, need not be observed either before or after the thread rework, since it has been determined that maximum shaft stresses usually occur at the maximum take-off r. p. m. Crankshafts produced by P&W in the future will incorporate rolled threads which have the larger root radius.

54–23–1 DOUGLAS Applies to all Model DC–6, DC–6A and DC–6B series aircraft.

Compliance required as indicated.

As a result of a recent fuselage failure leading to rapid loss of cabin pressure and on the basis of information on other previous structural failures in the same locality, all fuselages in the propeller plane areas must be inspected and/or reworked as follows between Stringer 23 to 26 and between Stations 217 and 280 on the left side and Stations 238 and 280 on the right side:

1. (a) For aircraft with total service time greater than 10,000 hours the two specified areas shall be subjected to a thorough external inspection at each scheduled daily inspection but not to exceed 40 hours of operation. This inspection shall consist of close visual check for any evidence of skin cracks of any size or cracks in the toilet service panel pan, together with application of hand pressure at numerous points to detect any evidence of structural softness caused from stringer failures or failures of attachments of stringers to frames. For aircraft in which forward toilet has been removed, the service panel pan inspection door shall be readily openable or removable to permit the inspection of that pan.

(b) If any skin cracks or evidence of structural softness is found, the airplane shall be flown unpressurized until thorough internal inspection of the area is accomplished and any failures properly repaired.

(c) In any event, a thorough internal inspection of the specified areas and repair of all failures shall be accomplished within the next 2,000 hours of operation.

(d) Following the first complete internal inspection and/or repairs as necessary, external inspection per item 1 (a) above shall be continued at intervals not to exceed 500 hours of operation, and complete internal inspection and/or rework shall be accomplished when any evidence of cracks or structural softness are found but in any event at periods not to exceed each 2,000 hours of operation.

2. For aircraft with total time of less than 10,000 hours, the inspections of item 1 (a) above shall be conducted at periods not to exceed every 200 hours operation time. Action in item 1 (b) above shall be taken when any evidence of skin cracks or structural softness is found.

3. When rework is made in accordance with Douglas Service Bulletin No. 602 revised September 29, 1955, for the Model DC–6, Service Bulletin No. 602 revised September 22, 1955, for the Model DC–6B and Service Bulletin No. 610 dated October 14, 1955, for the Model DC–6A; or equivalent, the inspections of items 1 and 2 above may be discontinued.

54–23–2 DOUGLAS Applies to all Model DC–6 Series aircraft.

Compliance required as indicated.

The following inspections and/or rework must be accomplished:

1. Inspect the nose-gear upper torque link P/N 8488A–46 for cracks at the shoulder recess corner radius, using dye penetrant method, 8-power glass, or equivalent, as soon as practicable but not later than the next 100 hours of operation unless already accomplished. If cracks are found, the part should either be replaced with an undamaged part incorporating at least a 0.312-inch corner radius and a 0.030-inch edge radius at the shoulder recess, or reworked in accordance with Douglas Service Bulletin No. 641 mentioned below. Failure of P/N 8488–46 was initiated by fatigue cracks at the shoulder recess corner radius, probably due to tool or grinding marks. In addition inspect the area of the shoulder recess corner radius at the lower end of P/N 8488–46 for tool or grinding marks. The affected area should be free of cracks and polished to a 32 microinch finish as recommended in Douglas Service Bulletin No. 641. (The part may also be replaced with improved part P/N 8488A–46–1 Change "H" or P/N 8488A–46A–1 as specified in Service Bulletin No. 641.)

If no cracks are found, and it is determined that the part already incorporates the radii specified above, no further inspection or replacement is required.

2. If no cracks are found but it is determined that sharp edges exist at the shoulder recess, the part should be periodically inspected at intervals nearest to 300 flying hours until the part is reworked by adding a 0.312-inch corner radius with an 0.030-inch edge radius at the shoulder recess or until the part is replaced with one incorporating the proper radii. When rework is accomplished, a dye penetrant inspection of the reworked area should be made before the part is returned to service, with no further inspections required thereafter. Rework or replacement should be made not later than August 8, 1955.

(Douglas Service Bulletin No. 641 dated October 18, 1955, covers the above.)

54–23–3 HAMILTON STANDARD Applies to propeller blades installed on Douglas DC–6, Convair 240 series, and Martin 202 and 202A aircraft.

Compliance required at 5,000 hours of operation.

It has been determined that, after about 5,000 hours of operation, some 2H17 blade models have a substantial reduction in fatigue resistance. The blade models involved are of the stiffener type such as 2H17AA3. All blades of the models tabulated below must be removed from service when they have accumulated 5,000 hours service time.

Blades affected: 2H17K3, 2H17U3, 2H17AA3. (Hamilton Standard Service Bulletin No. 305 dated June 17, 1954, covers this same subject.)

54–24–1 BELL Applies to all Models 47 except 47G Serial Nos. 1286, 1267, 1294, 1295, and 1299 and subsequent.

Compliance required no later than next 25-hour inspection.

In order to preclude improper installation of anti-torque pedal assembly for dual controls, install two stop assemblies, Part No. 47–722–165–1. Bell Mandatory Service Bulletin No. 98 dated October 29, 1954, covers this same subject and outlines the details for the installation.

54–24–2 LOCKHEED Applies to Lockheed Model 1049C, Serial Nos. 4520 through 4548; Model 1049E, Serial Nos. 4549 through 4556, 4558 through 4560, and 4563 through 4565; Model 1049D, Serial Nos. 4163 through 4166.

Compliance required as indicated.

1. Perform a visual inspection of the outer wing main beam web between stations 551 and 637, left and right, for cracks as soon as practical, and re-inspect at intervals of approximately 125 hours until this area is reinforced as outlined in paragraph 2 below. If cracks are found repair and reinforce as per paragraph 2 immediately. Inspection for fuel stains alone as an indication of a crack is not sufficient due to the presence of sealant on the inside of the tank surface.

2. Reinforce the main beam web between wing stations 551 and 637, left and right as soon as possible, convenient with aircraft check periods, but not later than 1,000 hours after receipt of parts from the manufacturer or March 1, 1955, which ever occurs first. This may be accomplished by the addition of extruded aluminum alloy (75ST6) stiffeners (LS347–3), one between each of the original stiffeners in this area. Lockheed Service Bulletin No. 1049/SB–2559 describes this reinforcement.

54–24–3 LOCKHEED Applies to all Model 49, 149, 649, 749, and 1049 aircraft.

Compliance required no later than the next regularly scheduled landing gear overhaul for all subject type aircraft.

Failures of Bendix No. 405308 main landing gear actuating cylinder assembly are continuing to occur and may result in flight hazards due to inability to actuate the landing gear. Bendix Pacific Division issued their Service Bulletin No. 71 dated December 26, 1952, for rework and inspection of these assemblies. Lockheed has written to all operators, August 20, 1954, specifying additional rework.

It is necessary, in order to increase service life of these cylinders, to either replace them with cylinders of the new Bendix design (which incorporate a 3/16-inch radius in the barrel) or to accomplish the following:

1. Rework cylinder assemblies 405308–0–1, –0–2, –0–3, –0–4, –0–5 and –1, to provide a 3/32-inch relief radius at the juncture of the barrel bore relief area and bottom of the barrel, and to spot-peen this 3/32-inch radius area.

2. Magnetically inspect the barrel internally and externally prior to and following the rework per item 1 above. If the barrel is cracked, it must be scrapped.

(Bendix Service Bulletin No. 71 and Lockheed letter FS/93931 to operators dated August 20, 1954, cover this same subject.)

54–24–4 MARTIN Applies to all Model 202 and 202A aircraft.

Compliance required as indicated.

Several cases of cracks in the main landing gear trunnion fittings (P/N 2021A23307, 2021A23308, 2021A23309, 2021A23310) have been reported. These cracks have been in the area of the boss and the web. To preclude failure of these parts all aircraft must be inspected and reworked as follows:

I. Compliance required as soon as practical but not later than December 10, 1954, unless already accomplished.

Thoroughly clean fittings and inspect using a dye-penetrant inspection method. If a crack is found, rework the part in accordance with Item II. If no cracks exist the part must be reinspected using an 8-power magnifying glass, dye-penetrant method or equivalent every 250 hours plus or minus 75 hours.

II. Compliance required prior to return to service if a crack is found.

The fitting may be repaired by grinding provided the crack does not exceed either two inches in length or exceed 0.060 inch in depth. Parts having cracks exceeding either of the above limitations must be replaced. Repaired parts must be etch inspected. Repaired parts must be reinspected using an 8-power magnifying glass, dye-penetrant method or equivalent every 250 hours plus or minus 75 hours.

III. New parts of the same design (P/N 2021A23307) through 23310 must be inspected at the first regular inspection period of approximately 1,000 hours after installation, and thereafter at every 250 hours plus or minus 75 hours using an 8-power magnifying glass, dye-penetrant method or equivalent.

IV. Replacement parts of the improved design (P/N 2021A23307–1 through 23310–1) must be inspected visually at the first regular inspection period of 1,000 hours after installation, and thereafter at intervals not exceeding 500 hours. At 7,500 hours after installation, and thereafter at every 250 hours plus or minus 75 hours, inspect the fittings using a dye-penetrant method or equivalent.

(NOTE: All specified inspection intervals are based on an average landing frequency of one per hour. Where average landing frequency exceed this, there should be a corresponding decrease in the inspection intervals.)

(Martin telegram of November 3, 1954, to all 202 and 202A operators covers this subject.)

54–25–1 DOUGLAS Applies to all DC–6, DC–6A, and DC–6B low pressure (8,000'–20,000') aircraft and DC–6B high pressure (8,000'–25,000') aircraft as indicated below.

Compliance required as indicated.

One DC–6 operator has experienced the loss of the aft left-hand emergency exit door, during pressurized flight, due to the failure of the bottom hinge, P/N 4329913, with subsequent breakage at the top hinge, P/N 4329911. In addition to being undersize, inspection showed evidence of a previous small crack at the door skin recess radius. As a safeguard against the possibility of future occurrences of this nature, the action outlined below shall be taken.

I. Fuselage 1 to 69 Inclusive.

A. Operate unpressurized until following dimensional inspection of both upper and lower hinges on all exits has been completed.

B. Inspect the hinges in the area of the door skin recess to confirm the following dimensions: (This may be accomplished with door installed.)

1. The thickness, or vertical dimension, should be at least 0.615 inch.

2. One horizontal side of the hinge should be 0.629 inch and the other horizontal side should be 0.711 inch.

3. An average horizontal dimension of at least 0.665 inch will be satisfactory.

C. Action.

1. If dimensions are found to be below the above minimums, operate unpressurized until inspection for cracks can be made.

2. If the hinges are found to meet the above minimums, normal pressurized operation may be continued for a maximum of 150 hours before crack inspection.

D. Crack Inspection. Inspect the hinges at the door skin recess radius and in line with the door skin attach rivet hole, for cracks. Removal of sealant and paint from hinge surface will be required. A dye penetrant or equivalent method of inspection will be satisfactory.

E. Replacement.

1. If dimensional inspection reveals a part to be undersized but crack inspection reveals no cracks, aircraft may be operated at a maximum of 2 p. s. i. pressure differential until part is replaced.

2. If dimensional inspection reveals parts of proper size and crack inspection reveals no cracks, normal pressurized operation may continue for a maximum of 2,000 hours, by which time all hinges must be replaced.

3. If dimensional inspection reveals parts of proper size but crack inspection reveals cracks in any part, operate aircraft unpressurized until cracked part is replaced. Uncracked parts will be replaced per E–2 above.

II. Fuselage 70 to 155 Inclusive. (Also applies to any subsequent aircraft having door skin attach rivet holes in the hinge fitting.)

A. This group of airplanes contained hinges at delivery which had a shallower door skin recess and are, therefore, stronger than those used in aircraft, Fuselage 1–69 inclusive. These aircraft will normally have hinges incorporating the door skin attach rivet hole, which was removed at Fuselage 156 and subsequent. However, some hinges, on airplanes prior to 156 may also have this rivet hole removed.

B. On aircraft having 15,000 hours or more of service time, do not operate at a pressure differential of more than 2 p. s. i. until the hinges can be inspected for the dimensions noted in I–B above. On those aircraft under 15,000 hours of service time, normal pressure operation is satisfactory and dimensional inspection per I–B above must be accomplished with 150 hours of operation.

C. Action.

1. If dimensions are found to be below the above minimums, operate unpressurized until inspection for cracks can be made.

2. If hinges are found to meet the above minimums normal pressurized operation may be continued for a maximum of 400 hours before crack inspection.

D. Crack Inspection. Same as I–D above.

E. Replacement.

1. If dimensional inspection reveals a part to be undersized, but crack inspection reveals no cracks, aircraft may be operated at a maximum of 2 p. s. i. until part is replaced. Such part shall be replaced within 2,000 hours of operation.

2. If dimensional inspection reveals parts of proper size and crack inspection reveals no cracks, normal pressurized operation may continue for a maximum of 4,000 hours, by which time all hinges that have rivet holes in the skin recess or that do not have dimensions in excess of those given in III–A must be replaced. Fittings that do not have rivet holes and are large enough to meet the dimensions given in III–A may be reworked in accordance with III–D–2.

3. If dimensional inspection reveals parts of proper size, but crack inspection reveals crack in any part, operate aircraft unpressurized until cracked part is replaced. Uncracked parts will be replaced per E–2 above.

III. Fuselage 156 to 213 Inclusive. (Also applies to any prior aircraft having no door skin attach rivet hole in the hinge fitting.)

A. On aircraft having 15,000 hours or more of service time, do not operate at a pressure differential of more than 2 p. s. i. until the hinges can be inspected for the dimensions indicated below. On those aircraft under 15,000 hours of service time, normal pressure operation is satisfactory and inspection for dimensions indicated below must be accomplished with 150 hours of operation.

1. The thickness, or vertical dimension should be at least 0.615 inch.

2. One horizontal side of the hinge should be 0.675 inch and the other side should be 0.757 inch.

B. Action.

1. If dimensions are found to be at least as great as the minimum dimensions of I–B above, normal pressurized operation may be continued for a maximum of 400 hours before crack inspection.

2. If dimensions are found to be below the minimum specified in I–B above, operate unpressurized until inspection for cracks can be made.

C. Crack Inspection. Same as I–D above.

D. Replacement.

1. If any part is below the minimum

54–26–1 GRUMMAN Applies to all Model G–

at each 100-hour inspection will be required

1. If any part is below the minimum dimensions of III-A, but meets the minimum dimensions of I-B, replace per II-E-2 above.

2. If part meets the minimum dimensions of III-A and has no cracks, the part may be continued in service with normal pressure operation, however, the door skin recess radius must be increased to 3/32 inch minimum prior to 20,000 hours of operation or the hinge replaced with new parts having the increased radius.

3. If any part is cracked, operate unpressurized until that part is replaced.

IV. Fuselage 214 through 522. (High Pressure Only—Model DC-6B.)

A. This group of airplanes has the high pressure exit doors installed. Normal pressure operation is satisfactory and inspection per IV-B below must be accomplished within the next 150 hours of operation.

B. Inspect the hinges for skin attach rivet holes in the skin recess area and for the presence of the 3/32-inch radius of the skin recess.

C. Action.

1. If hinges inspected under IV-B above are found to have skin attach rivet holes, normal pressurized operation may be continued for a maximum of 400 hours before crack inspection.

D. Crack Inspection. Same as I-D above.

E. Replacement.

1. Any hinges found with skin attach rivet holes and crack inspection reveals no cracks, the part must be replaced with hinge fittings having no skin attach rivet holes within 4,000 hours of operation and should be inspected each 400 hours for cracks until replaced.

2. Any hinges found without skin attach rivet holes and crack inspection reveals no cracks, the part may be continued in service with normal pressure operation; however, the hinge must be reworked or replaced in accordance with III-D.2 above.

3. If any part is cracked, operate unpressurized until that part is replaced.

V. All old hinges removed must be scrapped and replaced by hinges having the dimensions given under III-A above, and having a skin recess radius of 3/32-inch minimum.

(Douglas Service Letter No. 220 revised November 24, 1954, including Supplement No. 2 dated March 31, 1955, also applies to this same subject.)

54-25-2 WRIGHT ENGINE: Applies to all Model 975C18CB1, 972TC18DA1, and 972TC18DA2 engines.

Compliance required as indicated.

I. Compliance required by November 1, 1955.

To alleviate front intermediate cam drive gear failures and associated possible engine overspeeding, the following intermediate cam drive gears must be removed from the front cam drive gear train:

Part Nos. 138608, 138608 N, 171385, 171238, or 171387.

These gears may still be used in the rear cam drive configuration. Intermediate cam drive gears incorporating increased tooth width and thick hubs must be used in the front cam drive configuration. The following gears comply with this requirement:

Part No. 171347, 171348, or 171994.

II. Compliance required at next and each subsequent overhaul.

To insure proper assembly of cam drive gear configurations, the following Assembly Instructions must be followed and applicable measurements recorded on engine build up sheets:

TC18DA Overhaul Manual:
Section V. Instruction 17.
Section VIII. Instruction No. 2 plus referenced Table of Limits fits including Reference No. 238.

(Wright Aeronautical Division Service Bulletins Nos. C18C-83 and TC18-92 cover these same subjects.)

54-26-1 GRUMMAN Applies to all Model G-44 and G-44A aircraft.

Compliance required by June 15, 1955.

There have been reported numerous instances of the landing gear locking mechanism failing because of either hydraulic system leaks or failure of the mechanical locks. These malfunctions have been reported in both the up and down position of the landing gear. To prevent future similar malfunctions, provide a more positive means of holding the gear in its locked position, both in the fully extended and fully retracted positions. Grumman Service Bulletin No. 24, October 18, 1954, accomplishes this by providing a closed center hydraulic system. This arrangement provides hydraulic pressure to hold the gear in the selected position and unwanted extension or retraction is prevented even though the mechanical locks may fail or leaks develop in the hydraulic system.

This supersedes A. D. Note 48-5-5.

54-26-2 VEST (FORMERLY ERCO) Applies to all Ercoupe Model 415 series aircraft and Models E and G.

Compliance required as indicated.

As a result of continual fraying and failure of control cables P/N 415-52148 or P/N 415-52172 in the control column assembly where they wrap around the control quadrant P/N 415-52130 or P/N 415-52122 the following inspection must be conducted until such time as a control quadrant is installed which is considered satisfactory by the Administrator:

After every 100 hours of operation remove control cables P/N 415-52148 or P/N 415-52172 and inspect them for any signs or indications of fraying or failure. Replace any cables which are not found to be in perfect condition. It is important that the cables be removed for the inspection since it has been found that inspection of the cables while in place will not always reveal defects. Also determine whether the aileron stop screw may be bearing on the cable, and, if so, it should be replaced by new stop bolt ERCO P/N 415-52164-2.

Modifications approved by the Civil Aeronautics Administration which are believed to eliminate the fraying difficulties are described in the following data:

1. Drawing No. 514, change "A," Met-Co-Aire Co., Fullerton Municipal Airport, Fullerton, Calif.;

2. Drawing No. New 101, change "A," J. V. Newman, Bates Aviation Inc., Hawthorne Municipal Airport, Hawthorne, Calif.

3. Drawing No. 12, dated November 1, 1954, Ed's Airmotive, 430 Windsor Way, Renton 2, Wash.;

4. Drawing No. 415-52137, change "1," dated February 21, 1955, Vest Aircraft Parts Division, Denver, Colo.

When one of these or an equivalent CAA approved modification has been installed, the special 100-hour inspection outlined above may be dispensed with and normal inspection periods resumed.

Rigging of controls should follow the process outlined in Ercoupe Service Department Bulletin No. 13 and Ercoupe Service Department Memorandum No. 35.

This supersedes A. D. Note 47-42-21.

55-1-1 RYAN Applies to all Navion aircraft.

Compliance required as indicated.

Some Navion aircraft have been found to have cracks in fuselage frame 143-31004-16 at Station 294.1 inboard from the top stringer cutout at W. L. 21.00.

It is therefore necessary that all Navions be inspected for this condition as soon as practicable but not later than March 15, 1955. Inspection may be made by removing the inspection plate on the left side of the fuselage beneath the horizontal stabilizer and looking forward to view the aft side of the points in question. If no crack is visible, no further immediate action is necessary, however, a thorough inspection of the frame at each 100-hour inspection will be required thereafter until the reinforcement indicated in items 2 or 3 as indicated below is completed.

If a crack is visible at either side of the frame, determine if it has extended beyond the nearest rivet inboard of the cutout (hereafter called the critical rivet). If it has not, the repair as indicated in item 1 may be used as an interim fix in lieu of the permanent repair indicated in item 2 or 3 which is mandatory in the case of a crack extending beyond the critical rivet.

1. Interim repair for cracks not extending beyond the critical rivet:

a. When crack extends to the critical rivet, remove the rivet and relocate nearby or if crack has not reached the critical rivet, stop-drill end of crack.

b. Install a modified diamond-shaped 0.125 24ST alclad gusset to right and left outer fuselage surfaces catching two existing rivets on each side of frame through W. L. 21 stringer, five existing rivets through the frame above the stringer cutout and three existing rivets through frame below the cutout. Add two AD4 rivets through the frame between the three existing rivets below the cutout. Additional AD4 rivets through the gusset and skin should be added as necessary.

c. Check the cracked area at each 100-hour inspection to determine if crack has extended beyond the critical rivet. If so, it will be necessary to apply item 2 or 3.

2. Permanent Repair:

a. Remove the cracked frame and strip off the angles and doublers and attach to new frame. Do not notch new frame to receive top stringers.

b. Cut top stringers forward and aft of frame location.

c. Install new frame in fuselage and attach skin. Where rivets do not properly fill holes use next size larger rivet.

d. Secure top stringers forward of frame by adding a 0.040 24ST alclad angle 3 inches long to the forward portion of the stringer and attaching it to the frame flange with an existing AD4 rivet through the frame flange, skin and external gusset patch.

e. Install gusset patch as indicated in item 1. b. above.

3. In lieu of item 2 above, an equivalent frame repair in accordance with Civil Aeronautics Manual 18 will be accepted as an alternate for a new frame. This, however, may be difficult due to the presence of existing doublers and stiffeners on the forward face of the frame which is further complicated by the attachment of the W. L. 21 shear web to the aft side of the frame. Such alternate repairs must be submitted to a CAA Aircraft Engineering office for approval prior to installation.

(Ryan Field Service Bulletin No. 22 covers this same subject.)

55-2-1 DE HAVILLAND Applies to Model 104 "Dove."

Compliance required as soon as practical but not later than April 1, 1955.

A case has occurred in which the mild steel rivet locking the stud, Part No. 4CF.607 to the spindle, Part No. 4CF.605ND in the aileron differential pulley assembly has sheared, allowing the spindle to unscrew from the stud to such an extent that it, together with the pulley, was on the point of becoming disengaged from the pulley bracket. The de Havilland Aircraft Company, in agreement with the British Air Registration Board, issued the following mandatory instructions in which the CAA concurs:

"In order to prevent a recurrence of this defect, Dove Modification No. 765 (Class 2B) 'To introduce H. T. S. Pin for locking Stud on Aileron Differential Pulley Spindle' has been introduced and operators are advised that it has been decided by the Air Registration Board that this modification shall be classified essential.

"This modification can be embodied with materials obtained from local sources by

following the instructions in the relevant modification leaflet. Copies of the modification leaflet can be had on application to the de Havilland Aircraft Co. Ltd., in the normal manner, together with the H. T. S. pin called for by the leaflet for those operators who are unable to obtain this item locally. The pin is 3/32-inch diameter, 0.8 inch long, Part No. DHS.94/3/80. The alternative material which may be used is silver steel or any other steel of over 50 tons ultimate tensile stress."

(De Havilland Technical News Sheet Series CT. (104) No. 114 dated November 1, 1954, covers this same subject.)

55-2-2 LYCOMING ENGINES Applies to Model O-320 engines below Serial Number 612 installed in aircraft equipped with fixed pitch propellers.

Compliance required as soon as possible but not later than February 28, 1955.

Several immediate forced landings have occurred with aircraft equipped with the above engine and propeller combinations due to rapid loss of engine oil from the engine accessory drive adapter gasket location. To preclude this possibility, all such engines should be inspected to insure that the proper gasket is installed under the lower accessory drive adapter cover. For engines with fixed pitch propellers, Lycoming Part No. 69551, gasket must be installed at this location.

(Lycoming Service Bulletin No. 176 covers this same subject.)

55-3-1 CONSOLIDATED-VULTEE Applies to all Model 340 aircraft.

Compliance required as indicated.

A CV-340 was involved in a flight accident due to the AN 310-4 nut coming off of the AN 174-33 bolt that attaches the left hand elevator servo tab idler to the structure resulting in flutter of the elevator servo tab, with subsequent failures to the elevator control system and loss of elevator control. As a precautionary measure, the following is required: As soon as practical but not later than the next 15 hours service, inspect the control systems for the servo tab on the left elevator and on the right elevator trim tab of all CV-340 aircraft. Inspection is to cover all nuts, bolts, idlers, bell cranks, push rods and general security check of all nuts and bolts.

55-3-2 HARTZELL PROPELLERS Applies to all Hartzell propellers with metal blades installed on Continental E-185, E-225, and O-470 and Lycoming O-320 and O-340 series engines.

Compliance required by March 1, 1955, and at intervals not to exceed each 25 hours operation thereafter.

To eliminate the possibility of blade tip failures on Hartzell propellers with metal blades installed on the above engines, all nicks, gouges and scratches within 15 inches of the blade tip should be removed. Care should be taken to be sure all trace of the damage is removed. Minor damaged areas may be removed by using coarse emery cloth. The repaired area shall then be polished with fine emery cloth. Rebalancing is not necessary when repairing minor damage areas as defined in Civil Aeronautics Manual 18, section 18.30-15 (b) (3) (ii).

Propellers having severe nicks, gouges or scratches should be forwarded to the propeller manufacturer, or approved propeller repair station for inspection and repair.

(Hartzell Service Bulletin No. 31 dated December 31, 1954, covers this same subject.)

55-4-1 FEDERAL SKIS Applies to all Cessna Model 180 aircraft equipped with Federal Model AWB-2500A wheel skis.

Compliance required as soon as possible but no later than next 100-hour inspection.

Instances have been reported of the main skis pitching downward against the forward limiting cables during normal flight causing the airplane to assume a dive attitude with a resulting loss of altitude before recovery. To preclude the possibility of the serious consequences that might result should this condition occur at low altitudes, the following corrective action must be accomplished:

1. Replace the existing mechanical rigger with Federal Number 11G1064-3 mechanical rigger.

2. Install Federal Number 11D1059-5 preloaded bungee assembly in each of the forward limiting cables and adjust the cables so that the skis when in the "up" position on the wheel, will be allowed to pitch nose down minus 12° to 14° in flight without extending the bungee units. This angle is measured between the top of the ski channel and the horizontal reference line of the airplane.

(Federal Service Bulletin No. 102 covers the same subject.)

55-5-1 BELL Applies to all Model 47 Series Helicopters.

Compliance required at the expiration of 50 flying hours total time. 25 additional flying hours may be acceptable provided the inspection called for in Bell's Mandatory Service Bulletin No. 97, Rev. "A" is complied with.

In order to prevent seizing, binding or brinelling of pitch control link bearings in the tail rotor pitch control links, P/N 47-641-032-1, it is necessary that these links be replaced with a newly-designed tail rotor control link, P/N 47-641-070-1. This new control link incorporates a spherical type bearing in place of the self-aligning ball type bearing.

(Bell Mandatory Service Bulletin No. 97, Rev. "A" dated December 3, 1954, covers this same subject and outlines the details for the installation.)

55-5-2 HAMILTON STANDARD Applies to all Hamilton Standard 43E60 propellers with 6903 blades installed on Lockheed 1049 series aircraft powered by Wright 972TC18DA Series engines.

Compliance required as indicated.

Analysis of loadings and stresses in the Hamilton Standard 43E60/6903 propeller when installed as noted has shown that it is desirable to improve the strength characteristics of the propeller barrel assembly by shotpeening the barrel and spider in specified areas, and by substituting stronger barrel bolts. Therefore, in order to preclude any failures from this cause:

At the earliest opportunity, but not later than the first overhaul subsequent to May 1, 1955, accomplish the rework of the hub barrels and spiders, and replace the barrel bolts as specified in Hamilton Standard Service Bulletin No. 316 dated September 10, 1954.

55-6-1 TWIN NAVION Applies to all Dauby, Riley and TEMCO Twin Navion conversions.

Compliance required not later than May 1, 1955.

In order to avoid the hazard of fuel and fumes entering the passenger compartment, it is necessary to install vented and drained fuel and fumeproof enclosures for all fuel tanks located in the fuselage. (Ref. CAR 3.442 (c))

TEMCO Aircraft Corporation Twin Navion conversion service bulletin No. 2 covers this same subject and kits approved by the CAA for accomplishing the necessary alteration are available from TEMCO.

55-7-1 DOUGLAS Applies to all DC-7 aircraft.

Superseded by 55-11-1.

55-7-2 PIPER Applies to all Model PA-22 aircraft except Serial Nos. 22-2377, 22-2379, 22-2385, 22-2388, 22-2389, 22-2391, 22-2394 and up.

Compliance required by June 1, 1955.

Numerous instances have been reported of cracking in the leading edge of the streamlined tube of the landing gear at the point where the tube joins the inboard end of the axle. To prevent future failures, this joint should be reinforced by welding a steel strap reinforcement. (Piper Service Letter No. 124 dated August 30, 1954, covers the same subject.)

55-8-1 BEECH SAFETY BELT BUCKLES Applies to all Beech Safety Belt Buckles, Part No. 113652.

Compliance required as soon as possible but not later than September 1, 1955.

Inspect Beech safety buckles by checking the buckle level attachment pin for snap ring retainers installed at each end.

All Beech buckles with buckle level dowel type attaching pin retainers in lieu of buckle lever attaching pins with snap ring retainers should be retired from service by replacement with the newer improved safety buckle with through pin and snap ring retainers.

(Beech Service Bulletin No. OS-55-1 issued January 25, 1955, covers this same subject.)

55-8-2 HAMILTON STANDARD Applies to Hamilton Standard 2J17 steel propeller blades installed on Boeing 377 aircraft.

Superseded by 55-21-1.

55-8-3 HILLER Applies to all UH-12A and UH-12B helicopters through series No. 701.

Compliance required as soon as possible but not later than June 1, 1955.

There have been numerous failures of the forward tail rotor drive slip joint (UH-12A Drawing Number 24500-9 and UH-12B Drawing Number 24565). Some of these failures have been traced to improper maintenance, particularly in the failure to comply with rigging instructions (Handbook of Maintenance Instructions Sec. 5 Part 5-212). Bottoming of the cam follower rollers in the yoke slot, or the disengagement of the followers by traveling beyond the open end of the slot can result in failure of the cam follower studs and loss of power to the tail rotor, and directional control. A severely hard landing also can cause bottoming of the cam followers, as described above. To correct this condition a new type cam follower stud has been designed with a larger diameter. Threads in the shank have been eliminated. To prevent further failures of cam follower studs replace the existing cam follower assemblies (Torrington CR 10) with new assemblies CR 10T. The procedure described in Hiller Mandatory Service Bulletin No. 44 covers this same subject. (NOTE: It is always advisable to inspect the forward slip joint assembly for proper rigging and condition of rollers after any hard landing.)

55-8-4 PIPER Applies to Model PA-22 Serial Nos. 22-1621, 22-1622, 22-1623, 22-1624, 22-1625, 22-1627, 22-1630, 22-1633, 22-1634, 22-1637.

Compliance required as soon as possible but not later than July 1, 1955.

The Hypass #48P6 ignition filters should be removed from the magnetos and replaced with magneto filter, Piper No. 63149 (Lear) obtainable from the Piper Service Department. It has been found that the Hypass #48P6 filters short and ground out the magnetos when subjected to a temperature which has been reported to be equal to the engine accessory temperature after a series of take-offs have been performed.

55-9-1 BOEING Applies to all Model 377 aircraft incorporating Hamilton Standard propellers.

To be accomplished as soon as practicable but not later than June 30, 1955.

Loss of Manual RPM control can occur as a result of tripping of the fast-acting magnetic circuit breaker before the slow-acting fuse is blown on a faulted branch. Improved circuit protective coordination and resultant reliability in the manual control function should be provided by replacing the "Manual" 10 amp magnetic circuit breaker with a 5 amp thermal type breaker, and replacing the four 5 amp fuses in the syn-

chronizer unit with 2 amp slo-blo fuses.

1. Remove the bolts from the two upper

iary fuel system until this modification has

these same subjects.)

however, a thorough inspection of the frame

materials obtained from local sources by

the airplane to assume a dive attitude with

where the tube joins the inboard end of the

with a 5 amp thermal type breaker, and replacing the four 5 amp fuses in the syn-

chronizer unit with 2 amp slo-blo fuses. (Hamilton Standard Service Bulletin No. 283 dated December 21, 1953, covers this same subject.)

55-9-2 CURTISS-WRIGHT Applies to all C-46 series aircraft.

Compliance required as indicated.

(1) For Models C-46A and C-46D.

At each 3,000 hours of operation inspect visually and at each major overhaul inspect by means of Zyglo or equivalent method control column base assemblies P/N 20-530-3076-5, arm assemblies P/N 20-530-1049-1 and -3, terminal assemblies P/N 20-530-1286-1 and -3, and upper terminal assemblies P/N 20-530-1059. Also inspect for cracks around the rivets which retain the assemblies to the torque tube P/N 20-530-1163-2.

(2) For Models C-46E and C-46F.

Due to recent similar failures reported on these models, the assemblies corresponding to the above Model C-46A and C-46D assemblies must be similarly inspected.

All defective parts must be replaced.

This supersedes A. D. Note 51-14-2.

55-9-3 DOUGLAS Applies to all DC-6 series aircraft incorporating Hamilton Standard propellers prior to Serial No. 473.

To be accomplished as soon as practicable but not later than August 1, 1955.

Loss of Manual RPM control can occur as a result of tripping of the fast-acting magnetic circuit breaker before the slow-acting fuse is blown on a faulted branch. Improved circuit protective coordination and resultant reliability in the manual control function should be provided by replacing the "Manual" 10 amp magnetic circuit breaker with a 5-amp thermal type breaker, and replacing the four 5-amp fuses in the synchronizer unit with 2-amp slo-blo fuses. (Douglas Service Letter DC-6 No. 171 dated November 17, 1953, and Hamilton Standard Service Bulletin No. 283 dated December 21, 1953, cover this same subject.)

55-9-4 HAMILTON STANDARD Applies to all Hamilton Standard 24260 propeller hub barrels used on Boeing 377 aircraft.

Compliance required as indicated.

As a result of cracks occurring in several 24260 hubs when installed as noted, it is considered desirable to improve the strength characteristics of the hub by reworking and shotpeening the areas subject to such failures. Therefore, in order to minimize the possibility of failures of the nature indicated, accomplish the following:

Inspection: Inspect at every overhaul.

Rework: Rework hubs at the earliest opportunity, but not later than at the next overhaul following June 15, 1955, for hubs with 6,000 or more hours of total operating time. (Hamilton Standard Service Bulletin No. 327 dated November 18, 1954, outlines the required rework.)

55-10-1 DOUGLAS Applies to all DC-6 Series aircraft.

Superseded by 55-11-1 and 54-23-2 as revised December 5, 1955.

55-11-1 DOUGLAS Applies to all DC-6 aircraft; DC-6A through fuselage No. 543; DC-6B through fuselage No. 590; DC-7 through fuselage No. 566 (except fuselage No. 486); and C-118A airplane Serial No. 42881 (fuselage No. 29).

Compliance required as indicated below.

As a result of recent landing accidents in which the nose landing gear collapsed due to failure at the end fitting of yoke P/N 5488450 on a DC-7 and yoke P/N 524570 on a DC-6, and as a result of fatigue cracks being found on subsequent inspections of DC-6 series as well as DC-7 aircraft, the following inspections must be accomplished at intervals not to exceed 500 hours of operation and should be included as part of any major inspection necessitated by over weight or hard landing.

1. Remove the bolts from the two upper spotfaced holes in the L. H. and R. H. flanges of the nose gear yoke. P/N 5245790 is used on DC-6 series aircraft and P/N 5488450 is used on DC-6 series and DC-7 aircraft.

2. Inspect the bolt holes and radius of the spot face for signs of cracks by means of dye penetrant or equivalent. To obtain good results with dye penetrant inspection, it may be necessary to heat the parts being inspected to 90-100° F. to facilitate the dye to penetrate the cracks. Also inspect the surface at the end of the ½-inch radius where the end flange blends into the cylindrical portion of the yoke.

3. a. If cracks are found the part must be replaced with P/N 5488450-503 or with new parts P/N 5538558 for DC-6 series and P/N 5536557-1 for DC-7 and DC-7B aircraft.

b. If no cracks are found, and as an interim measure, the old nose gear yoke assemblies P/N 5245790 and 5488450 may be reworked by remachining the spot faces to incorporate a 0.125-inch radius and reworking the ½-inch radius of the yoke, when necessary, in accordance with paragraphs 3 and 4 of DC-6 Service Bulletin No. 607 or DC-7 Service Bulletin No. 56 mentioned below. After remachining, shot peen the spot face radii, the flange and radius where flange blends into the cylindrical portion of the yoke, then clean and apply protective finish. When parts are reworked, as described above, they should be reinstalled using special large washers in accordance with the pertinent Service Bulletin. The inspections outlined in paragraph 2 above must be continued on these reworked parts until they are replaced with parts listed in paragraph 3.a above.

4. When cracked or reworked parts have been replaced with new parts mentioned in paragraph 3.a above, the special inspections required in paragraph 2 above may be discontinued.

(Douglas Service Bulletin No. 607 dated July 22, 1955, for DC-6 series and Service Bulletin No. 56 dated July 22, 1955, for DC-7 cover the above.)

This supersedes A. D. Note 55-7-1 and those portions of 55-10-1 which cover this same subject.

55-11-2 PIPER Applies to Model PA-23 Serial Nos. 23-1 to 23-142 inclusive, 23-144 to 23-162 inclusive, 23-164 to 23-173 inclusive, 23-175 to 23-177 inclusive, 23-179 to 23-183 inclusive, and 23-186.

Compliance required by August 1, 1955.

In order to eliminate excessive pressures in the hydraulic system due to thermal expansion which can result in failure of the hydraulic actuating cylinders, it will be necessary to install thermal relief valves in the landing gear retraction line, landing gear extension line and the flap retraction line. These relief valves are to be installed in accordance with the sketch and instructions contained in Piper Thermal Relief Valve Kit 754 095. (Piper Service Bulletin No. 136 dated April 26, 1955, covers this same subject.)

55-12-1 PIPER Applies to Model PA-23 Serial Nos. 23-1 to 23-208 inclusive.

Superseded by 55-14-2.

55-13-1 PIPER Applies to Model PA-23, Serials 23-160 to 23-162 inclusive, 23-166 to 23-168 inclusive, 23-170, 23-172, 23-177, 23-193 to 23-219 inclusive, 23-221 to 23-224 inclusive, 23-226 to 23-229 inclusive, 23-231 to 23-234 inclusive, and 23-237.

Compliance required by August 1, 1955.

It has been found that all the PA-23 models listed above have installed two flexible fuel valve controls that have been found to flex excessively at the splice. The addition of an idler bellcrank should be accomplished by the use of Piper Kit #754 103 and the instructions included. Owners of PA-23's with auxiliary fuel tanks must not operate the auxiliary fuel system until this modification has been accomplished. (Piper Immediate Action Service Bulletin No. 139 applies to this malfunction.)

55-14-1 BELL Applies to Model 47G helicopters below Serial No. 1317.

Compliance required as soon as possible, but no later than September 15, 1955.

In order to provide additional support for the No. 1 bearing hangar, P/N 47-644-148-15, and the forward cross tube of the tail boom, P/N 47-267-088-1, it is mandatory that the support bracket installation be completed in accordance with Bell Drawing 47-267-402-1. (Bell's Mandatory Service Bulletin No. 99, dated April 29, 1955, covers this same subject and outlines the details for the installation.)

NOTE: This does not eliminate the need for the mandatory daily pre-flight inspection for cracks in the No. 1 bearing hangar area called for in Bell's Maintenance and Overhaul Manual.

55-14-2 PIPER Applies to Model PA-23 Serial Nos. 23-1 to 23-208 inclusive.

Compliance required by August 1, 1955.

Because of possible damage to the hydraulic actuating cylinders for the landing gear system and flap system at the two end plug retaining pins, as a result of excessive pressures caused by thermal expansion, it is necessary that these cylinders be inspected and replaced or modified as follows:

1. If the cylinder housing is upset or fractured, it must be replaced by a new reinforced cylinder P/N 455927. (Piper Service Bulletin No. 138 dated May 9, 1955, covers this same subject.)

2. If the cylinder housing is not upset or fractured, it must either be replaced by P/N 455927, or reinforced by adding two retaining plugs in accordance with Piper Service Letter No. 250 dated June 8, 1955.

This supersedes A. D. Note 55-12-1.

55-15-1 BOEING Applies to all Boeing 377 series aircraft equipped with Hamilton Standard propellers.

Compliance required by first scheduled engine change after November 1, 1955, but not later than November 1, 1956.

To increase the fire resistance integrity of the propeller feathering system against damage by a powerplant fire, all flexible hose components of propeller feathering lines forward of the firewall in Zone 2 must be replaced with lines and fittings which will meet current fire resistance requirements. The following hose assemblies are considered acceptable for this application:

(a) Aeroquip 680-10S hose assemblies with Aeroquip 304 protective sleeves over end fittings (Aeroquip assembly P/N 304000).

(b) Resistoflex SSFR-3800-10 hose assemblies.

(c) Aeroquip 309009 hose assemblies.

55-15-2 CONSOLIDATED VULTEE Applies to all Convair 240 and 340 series aircraft equipped with Hamilton Standard propellers.

Compliance required by first scheduled engine change after November 1, 1955, but not later than November 1, 1956.

To increase the fire resistance integrity of the propeller feathering system against damage by a powerplant fire, all flexible hose components of propeller feathering lines forward of the firewall in Zone 2 must be replaced with lines and fittings which will meet current fire resistance requirements. Convair Service Air-Gram No. 123 dated October 8, 1954, covers this subject. The following hose assemblies may also be considered acceptable for this application:

(a) Aeroquip 680-10S hose assemblies with Aeroquip 304 protective sleeves over end fittings (Aeroquip assembly P/N 304000).

(b) Resistoflex SSFR-3800-10 hose assemblies.

(c) Aeroquip 309009 hose assemblies.

55-15-3 DOUGLAS AND LOCKHEED Applies to all Douglas DC-3 and C-47 series aircraft, DC-4 and C-54 series aircraft; and all Lockheed 18 series aircraft equipped with Hamilton Standard propellers used in air carrier passenger operations.

Compliance required by first scheduled engine change after November 1, 1955, but not later than November 1, 1956.

To increase fire resistance integrity of the propeller feathering system against damage by a powerplant fire, all flexible hose components of propeller feathering lines forward of the firewall must be replaced with lines and fittings which will meet the current fire resistance requirements. However, if the feathering line in Zone 1 includes a section of steel tubing, flexible hose assemblies located forward of the cylinders and connecting to the governor are not affected by this directive.

The following flexible hose assemblies are acceptable for use in this application:

(a) Resistoflex SSFR-3800-10 hose assemblies.

(b) Aeroquip 680-10S hose assemblies with Aeroquip 304 protective sleeves over end fittings (Aeroquip assembly P/N 304000).

(c) Aeroquip 309009 hose assemblies.

(d) Aeroquip 309009-8S hose assemblies (where feathering system requires this size).

55-15-4 DOUGLAS Applies to all DC-6 series airplanes below Fuselage No. 487 equipped with Hamilton Standard propellers.

Compliance required by first scheduled engine change after November 1, 1955, but not later than November 1, 1956.

To increase the integrity of the propeller feathering system in the event of a powerplant fire, all existing propeller feathering lines located forward of the firewall must be replaced with lines and flexible hose assemblies which will meet current fireproof and fire resistant requirements.

(a) Replace the existing flexible hose portion of the feathering line between the union on the forward pipe assembly and the elbow on the inner ring with a new hose assembly Aeroquip P/N 304004-10-17½. Douglas General Service Letter DC-6 No. 206 dated August 26, 1954, covers this subject. Resistoflex SSFR-3800-10 hose assembly and Aeroquip 309009-10S hose assembly are also considered acceptable for this application.

(b) The existing flexible hose assembly connecting to the governor is not affected by this directive.

(c) Remove the existing short 304 sleeves or flexible metal sleeve from the feathering pump supply line, Aeroquip P/N 304002-16D-12 3/8, and install a fireproof cover, Douglas P/N 3500614-1. Douglas General Service Letter DC-6 No. 206 dated August 26, 1954, covers this subject. Aeroquip 601000 hose assembly equipped with Aeroquip 304 full length protective sleeve or Aeroquip 680-16S hose assembly equipped with Aeroquip 304 short sleeves covering the end fittings are also considered acceptable for this application.

55-15-5 DOUGLAS Applies to all DC-7 aircraft below Fuselage No. 486 equipped with Hamilton Standard propellers.

Compliance required by first scheduled engine change after November 1, 1955, but not later than November 1, 1956.

To increase the integrity of the propeller feathering system in the event of a powerplant fire, all existing propeller feathering lines located forward of the firewall in Zone 2 must be replaced with lines and flexible hose assemblies which will meet current fireproof and fire resistant requirements.

(a) Install Aeroquip 304 protective sleeves on the propeller feathering line forward of the feathering pump, in accordance with Aeroquip Drawing 304005-10S-46. Resistoflex SSFR-3800-10 hose assembly and Aeroquip 309009-10S hose assembly are also considered acceptable for this application.

(b) Remove the existing short 304 sleeves from the feathering pump supply line between the oil tank and feathering pump and install a fireproof cover, Douglas P/N 3500614-2. Aeroquip 601000 hose assembly equipped with Aeroquip 304 full-length protective sleeve, or Aeroquip 680-16S hose assembly equipped with Aeroquip 304 short sleeves covering the end fittings are also considered acceptable for this application.

Douglas Service Bulletin DC-7 No. 74 dated July 19, 1955, covers this same subject.

55-15-6 LOCKHEED Applies to Lockheed 049-149 aircraft, Serial Nos. 1963 through 1980, 2021 through 2088; 649-749 aircraft, Serial Nos. 2503 through 2590, 2610, 2611, 2614 through 2618; 1049C aircraft, Serial Nos. 4501 through 4548; 1049E aircraft, Serial Nos. 4549 through 4555, 4558 through 4559, and 4563 through 4565; 1049D aircraft, Serial Nos. 4163 through 4166.

Compliance required by April 1, 1956, for Model 1049 aircraft and Oct. 1, 1956, for Models 049/149 and 649/749 aircraft.

To improve the fire-resistance integrity of the above aircraft, revisions to the system supplying cooling air to the accessory section of the powerplant installation are considered necessary.

For 049-149 aircraft and 649-749 aircraft, the revision consists of installing a shut-off valve in a fireproof duct.

For the 1049C and E aircraft, the revision consists of replacing a section of aluminum duct between the oil cooler scoop, and the existing shut-off valve, with a fireproof duct. This section is in Zone 1, and provides a possible Zone 1 to Zone 2 firepath.

Lockheed Service Bulletins 49/718, for 049/149 aircraft; 1049/2384, for 1049 aircraft; and 49/391A, for 649-749 aircraft, cover these subjects.

55-16-1 BELL Applies to all Model 47 helicopters with 47-641-025-1 or 47-641-057-1 tail rotor hubs, and all spares.

Compliance required prior to next flight.

Recent serious accidents have been caused by failure of the tail rotor hubs P/N 47-641-025-1 and 47-641-057-1. Imperfections such as corrosion, tool marks, scratches, and pitting in the fillet set up stress concentrations which cause failure of the hub spindle. Consequently, immediate and complete inspection of the fillet area of the tail rotor hub must be accomplished as follows:

1. Inspect the inboard fillet area on both spindles of the hub for accuracy of the radius using a 10-power magnifying glass. Fillets must have a true continuous radius all around the spindles and also must have a smooth machine finish free of corrosion and pitting. When inspected under a magnifying glass, tool marks appear greatly exaggerated, and by a smooth machine finish is meant having extremely fine, uniform, closely-spaced and uninterrupted tool marks. No copper plating is allowed in the fillet.

2. Hubs not meeting these requirements must be replaced.

(Bell Service Bulletin No. 96, Revision B dated July 15, 1955, covers this subject.)

(This covers the same inspection as the CAA telegram of July 13, 1955.)

55-16-2 MARTIN Applies to Martin 202, 202A, and 404 aircraft equipped with Hamilton Standard propellers.

Compliance required by first scheduled engine change after November 1, 1955, but not later than November 1, 1956.

To increase the fire-resistance integrity of the propeller feathering system against damage by a powerplant fire, all flexible hose components of propeller feathering lines forward of the firewall must be replaced with lines and fittings which will meet current fire-resistant requirements. The following hose assemblies are considered acceptable for this application:

(a) Aeroquip 680-12S hose assemblies with Aeroquip 304 protective sleeves over end fittings (Aeroquip assembly P/N 304000-12S).

(b) Resistoflex SSFR-3800-10 hose assemblies utilizing -12 connections.

(c) Aeroquip 309009-12S hose assemblies.

55-17-1 LOCKHEED Applies to all Lockheed Constellation and Super Constellation airplanes.

Compliance required by December 1, 1955, unless already accomplished.

A recent failure of wing flap torque tube assembly, P/N 326605-3, on a Model 1049C is attributed to a defective bolt, P/N AN23-19. Initial over-torque of the bolt is suspected as the cause of failure of the bolt. It is therefore necessary that all Constellation and Super Constellation airplanes be inspected to ascertain proper installation of bolts, including bolt torque, on all wing flap torque tubes.

Proper torque value for the AN23-19 bolts is 10 to 20 inch-pounds. Nut torque must be checked with a torque wrench and all overtorqued bolts replaced. If necessary, the next size longer bolt (P/N AN23-20) may be used to facilitate installation within proper torque tolerances. Washers may be used as required, but not to exceed two under the head or two under the nut, to prevent the nut from bottoming on the shank.

55-18-1 CONSOLIDATED VULTEE Applies to all Convair Model CV-240 and CV-340 aircraft.

Compliance required as soon as practicable but not later than January 1, 1957.

1. Because of instances of inadvertent propeller reversing due to malfunctioning of the solenoid operated throttle locks and improper operation of throttles at time of touchdown on landing, a more positive means of preventing inadvertent movement of the throttles into the reverse segment of the throttle quadrant must be installed.

2. This modification consists of the installation of a protective device which will require a separate and distinct motion by the flight crew member accomplishing the reversing, in order to place the throttles in the reverse pitch range. It must also provide safeguards against disarming or unlocking of this protective device when the throttle levers are further forward than idle setting or, if it is possible to unlock at a forward power setting, movement of the throttles toward idle from slow cruise or landing gear warning positions shall re-engage the lock prior to reaching the idle position.

3. Convair Bulletins Nos. 240-460A and 340-141A covering this modification are an acceptable method of compliance. Alternate designs may be acceptable if the objectives of this directive, as expressed in paragraph 2 above, have been met. However, because of the many technical considerations involved, all alternate methods of accomplishing this modification should be referred to CAA for engineering evaluation and approval.

55-18-2 DOUGLAS Applies to all Model DC-6 Series aircraft that are not equipped with the new Douglas type propeller reverse thrust mechanical throttle lock gate.

Compliance required as soon as practicable but not later than January 1, 1957.

1. Because of instances of inadvertent propeller reversing due to malfunctioning of the solenoid operated throttle locks and improper operation of throttles at time of touchdown on landing, a more positive means of preventing inadvertent movement of the throttles into the reverse segment of the throttle quadrant must be installed.

2. This modification consists of the installation of a protective device which will require a separate and distinct motion by the flight crew member accomplishing the reversing, in order to place the throttles in the reverse pitch range. It must also provide

safeguards against disarming or unlocking

mandatory modification and information in

In addition, items V (E) and VI (E) specify

whenever the indicator shows that the

safeguards against disarming or unlocking of this protective device when the throttle levers are further forward than idle setting or, if it is possible to unlock at a forward power setting, movement of the throttles toward idle from slow cruise or landing gear warning positions shall re-engage the lock prior to reaching the idle position.

3. Douglas Service Bulletin DC–6 No. 557 revised October 15, 1954, covering this modification is an acceptable method of compliance. This bulletin also provides for the continuous operation of the feathering motors during reverse thrust, installs timers to control feathering pump operation during feathering, and deletes the propeller governor pressure cutout switch from the holding circuit. These latter changes, although desirable, are not mandatory.

4. It is possible that some aircraft have already been modified by installation of a protective device which differs in arrangement and detail from the provisions of the Douglas bulletin. Such alternate designs may be acceptable if the objectives of this directive, as expressed in paragraph 2 above, have been met. However, because of the many technical considerations involved, all alternate methods of accomplishing this modification should be referred to CAA for engineering evaluation and approval.

55–19–1 Hiller Applies to all UH–12, UH–12A, and UH–12B Model helicopters.

Compliance required as indicated.

There have been several instances of cracking and failure of the tail boom rear bulkhead casting adjacent to the gear box attachment holes. Cause of the cracking is not definitely known, but may be caused by flight loads or by damage incurred when the bulkhead is riveted to the tail boom. The following inspections are required:

(1) Prior to the next flight and every 25 hours operating time thereafter, remove the tail rotor gear box in accordance with the pertinent Hiller Service Manual. Inspect the tail boom rear bulkhead P/N 62201 for evidence of cracking, using dye or fluorescent penetrant methods.

(2) Daily, inspect the visible portions of the tail boom rear bulkhead P/N 62201 for visible evidence of cracking or failure.

(3) If cracks or other damage are found during the above inspections, the P/N 62201 (magnesium) bulkhead must be scrapped and replaced with the P/N 62202 (aluminum) bulkhead in accordance with Hiller Service Bulletin No. 49, revised August 23, 1955, prior to further flight. If a P/N 62202 bulkhead is not available, a new P/N 62201 bulkhead may be installed provided the inspections called for in paragraphs (1) and (2) above are continued.

(4) As soon as the P/N 62202 bulkhead has been installed in accordance with Hiller Service Bulletin No. 49, revised August 23, 1955, the special inspections called for in paragraphs (1) and (2) above may be discontinued.

55–19–2 Thompson Engine Driven Fuel Pumps Applies to all Thompson TF–1100–2 and TF–1100–M2 pumps.

Superseded by 55–26–2.

55–20–1 De Havilland Applies to all Model 104 "Dove" aircraft.

Compliance required prior to original certification or by next airworthiness certificate renewal unless already accomplished.

Attention of operators of the Dove Aircraft is drawn to the manufacturer's recommendation for periodic inspection of the alclad engine mount pickup fittings, P/N 4W1137 and 4W1141. Several cases of fitting failures have been reported. Unless this failure is detected at an early stage, the bottom flange of the front false spar may be subjected to excessive loads and may crack as a result. Accordingly, the De Havilland Aircraft Company, in agreement with the British Air Registration Board, issued the following mandatory modification and information in which the CAA concurs.

1. To prevent fractures and to give increased strength, Modification No. 524 has been devised to change the fittings from aluminum alloy to steel and at the same time to reduce the limits from 0.0009 inch to 0.0003 inch and from 0.0018 inch to 0.0009 inch.

2. Upon incorporation of Modification 524 (and the repair R4W169), the 30-hour periodic inspections specified in TNS CT (104) Nos. 49 and 50 may be discontinued. (De Havilland Technical News Sheet CT (104) No. 65 dated August 4, 1955, covers this same subject.)

55–20–2 Douglas Applies to all Douglas DC–7 aircraft Serial Nos. 44122 to 44146 inclusive, 44171 to 44174 inclusive, 44261 to 44289 inclusive and 44679 to 44684 inclusive.

Compliance required as soon as possible but not later than February 1, 1956.

Revising the injection pump timing on the engines creates higher exhaust gas temperatures across the top surface of the wing along the left-hand side of the outboard nacelle. In order to reduce the wing skin temperature, an additional heat shield must be installed between the center and rear spars and replace the aft section of the existing heat shields between the front and center spars adjacent to the upper left side of the outboard nacelle in the exhaust path area. (Douglas Service Bulletin DC–7 No. 77 dated July 1, 1955, covers this same subject.)

55–20–3 Martin Applies to all Model 202, 202A, and 404 aircraft.

Compliance required as indicated.

Several cases of nose gear steering shaft failures have occurred at the machined splines, due to torsional fatigue. Accordingly, the following inspections using dye penetrant, magnetic particle or vapor blast, are required to check for the presence of cracks.

1. New type shafts, Menasco P/N 526681, installed on all 202 and 202A aircraft, and on all 404 aircraft incorporating shimmy dampeners, must be inspected every 2,500 hours. On 404 aircraft not incorporating shimmy dampeners, the inspection must be conducted every 1,000 hours. Cracked shafts should be removed from service pending instructions from Martin.

2. Original type shafts, Menasco P/N 511681, which have never cracked, may be continued in service subject to the same conditions and inspections as the new type in item 1 above, providing the 1.628 ±0.005-inch relief cut is added. This is accomplished by grinding the serration run out circumferentially to a relief diameter of 1.628 inches starting 5/8 inch from upper shoulder, with 1/16-inch corner radii. Cracked shafts may be ground down to a minimum diameter of 1.530 inches to remove cracks. If cracks are removed, the shaft may be returned to service, but must be reinspected as required in the following paragraph 3.

3. All original type shafts which have been ground to remove cracks must be inspected at 325-hour intervals. Shafts may be ground down to a 1.530-inch minimum diameter to remove cracks. If cracks are removed, the shafts may be returned to service, continuing this inspection. If cracks are not removed at the 1.530 diameter, the shaft must be replaced.

55–21–1 Hamilton Standard Applies to all Hamilton Standard 2J17 steel propeller blades installed on Boeing 377 aircraft.

Compliance required as specified herein.

This note consolidated all items of A. D. Notes and telegraphic instructions issued on the subject propeller blades prior to September 2, 1955. Only those items that are still in effect are included. Where applicable, original compliance dates are shown.

In addition, items V (E) and VI (E) specify shorter intervals for inspections of de-icer electrical resistance. Also, item IX requires ammeters in the propeller de-icer circuits. These requirements are considered necessary as a result of investigation into a recent military accident, wherein the de-icer shorting to the blade shell caused the nucleus for a fatigue crack.

This note will be revised to include requirements concerning propeller blades which have been renovated by Hamilton Standard in accordance with programs submitted to CAA.

I. The inspection and maintenance procedures given in Hamilton Standard Service Bulletin No. 302, except as modied by this A. D. Note, must be accomplished on a continuing basis.

II. No external de-icers shall be used on the exposed metal portions of the blade.

III. Blades of the "stiffener type" shall not be used.

IV. The following rpm restrictions shall be included in the aircraft placard:

(A) For aircraft having zinc plated blades:

(1) "Avoid ground running under static conditions above 2,600 r. p. m." Compliance required by October 1, 1954.

(2) "Avoid continuous ground operation between 1,400 and 2,000 r. p. m." Compliance required by October 1, 1954.

(3) "Avoid continuous operation in flight below 1,750 r. p. m. except 1,400 r. p. m. may be used for level cruise but not for descent." Compliance required by October 1, 1954.

(B) For aircraft having nickel-plated blades:

(1) "Avoid ground running under static conditions above 2,500 r. p. m. This shall be accomplished by increasing the settings of the low pitch stops in the propeller hub." Compliance required by April 15, 1955.

(2) "Avoid continuous ground operation between 1,400 and 1,900 r. p. m." Compliance required by May 26, 1955.

(3) "Avoid continuous operation in flight below 1,750 r. p. m. except 1,400 r. p. m. may be used for level cruise but not for descent." Compliance required by October 1, 1954.

V. Propeller blades in service that have not been renovated or rebuilt by Hamilton Standard. Blade se..al numbers below 649,400.

(A) Conduct hand magnetic inspection of entire blade at 400–500 hour intervals of operation.

(B) Blades on which corrosion was found and repaired within acceptable tolerances must not have these reworked areas covered with any material which would preclude discovery of a crack or other defect. Direct inspection, the use of hand magnetic inspection procedures or equivalent, must remain effective.

(C) Conduct hand magnetic inspection of garter area daily on blades on which corrosion was found and repaired. On blades on which no corrosion was found, conduct similar inspection at 65-hour intervals of operation.

(D) Conduct electrical leakage check in accordance with Section G–3 of Hamilton Standard Service Bulletin No. 302 at 120-hour intervals of operation for blades with serial numbers below 619,000 and at 500–600 hour intervals for blades with serial numbers from 619,000 to 649,400.

(E) Conduct electrical resistance check in accordance with Section G–4 of Hamilton Standard Service Bulletin No. 302 as follows:

(1) Within 65 hours after each de-icer circuit energization. (Note: When propeller deicing is used regularly over an extended period of time, resistance checks may be conducted at 65-hour intervals of operation rather than after each use.) A means should be provided at the de-icer circuit switches that will clearly indicate when a switch has been operated to energize the circuits. Maintenance procedures and instructions should be established to provide for the resistance check within the specified time whenever the indicator shows that the de-icer circuits have been energized.

(2) At each composite service, not to exceed 200 hours.

VI. New propeller blades incorporating special treatment of unplated area and an 8-inch rubber sleeve in place of narrow garter previously used. These new blades can be identified by (1) presence of 8-inch sleeve in place of narrow garter, (2) serial numbers above 649,400, (3) model designation 2J17H3–8W change AE or later (zinc plate), or 2J17Z3–8W change R or later (nickel plate).

(A) At 260 hours of operation, each operator or separate division thereof shall on at least 12 blades, remove the sleeve, and inspect the exposed area for corrosion, and the entire blade visually and hand magnetically for other defects. If the blade satisfactorily passes inspection, a new sleeve shall be installed prior to further service. These inspections shall be repeated at 600 hours of operation, and at 600-hour intervals thereafter.

(B) Blades which were inspected at 130 hours of operation shall be reinspected as in (A) above at 400 hours of operation, and at 600-hour intervals thereafter.

(C) Blades other than these pilot blades shall be inspected as in (A) above at 600 hours total time, and at 600-hour intervals thereafter.

(D) Conduct electrical leakage check in accordance with Section G–3 of Hamilton Standard Service Bulletin No. 302 at the time of hand magnetic inspection specified in item (A), (B), and (C) above.

(E) Conduct electrical resistance check in accordance with Section G–4 of Hamilton Standard Service Bulletin No. 302 as follows:

(1) Within 65 hours after each de-icer circuit energization. (Note: When propeller deicing is used regularly over an extended period of time, resistance checks may be conducted at 65-hour intervals of operation rather than after each use.) A means should be provided at the de-icer circuit switches that will clearly indicate when a switch has been operated to energize the circuits. Maintenance procedures and instructions should be established to provide for the resistance check within the specified time whenever the indicator shows that the de-icer circuits have been energized.

(2) At each composite service, not to exceed 200 hours.

VII. Check strength of hand magnets for conformance with Hamilton Standard Service Bulletin No. 302 or equivalent before each use, or daily when in continued use.

VIII. To supplement the above precautions, prior to July 30, 1955, install a monitoring device to indicate and signal to the flight crew any roughness or excessive vibration in a nacelle so that the crew can determine which nacelle is involved and act accordingly to avert possible subsequent blade failure. If engine analyzer is used in the system, signal lights may be installed later. Supplement information in operations manual instructing flight crews to check vibration indicators at least hourly for any indication of progressive unbalance.

IX. Prior to April 1, 1956, install a current load meter (ammeter) in the propeller de-icer circuit of each aircraft to indicate to the flight crew a de-icer heater resistance change.

X. Factory renovated propeller blades incorporating special treatment of unplated area and an eight inch rubber sleeve in place of narrow garter previously used. These blades can be identified by (1) presence of eight inch sleeve in place of narrow garter, (2) serial numbers below 649,400, (3) model designation 2J17H3–8W prior to change AE (zinc plate), or 2J17Z3–8W prior to change R (nickel plate).

(A) At 130 hours of operation, each operator or separate division thereof shall on at least 12 blades, remove the sleeve, and inspect the exposed area for corrosion, and the entire blade visually and hand magnetically for other defects. If the blade satisfactorily passes inspection, a new sleeve shall be installed prior to further service. These inspections shall be repeated at 400 hours of operation, and at 600-hour intervals thereafter.

(B) At 260 hours of operation, each operator or separate division thereof shall on at least 12 blades, other than the blades specified in (A) above, remove the sleeve, and inspect the exposed area for corrosion, and the entire blade visually and hand magnetically for other defects. If the blade satisfactorily passes inspection, a new sleeve shall be installed prior to further service. These inspections shall be repeated at 600 hours of operation, and at 600-hour intervals thereafter.

(C) Blades other than these pilot blades shall be inspected as in (A) and (B) above at 600 hours total time and at 600-hour intervals thereafter.

(D) Conduct electrical leakage check in accordance with Section G–3 of Hamilton Standard Service Bulletin No. 302 at the time of hand magnetic inspection specified in item (A), (B), and (C) above.

(E) Conduct electrical resistance check in accordance with Section G–4 of Hamilton Standard Service Bulletin No. 302 as follows:

(1) Within 65 hours after each de-icer circuit energization. (Note: When propeller de-icing is used regularly over an extended period of time, resistance checks may be conducted at 65-hour intervals of operation rather than after each use.) A means should be provided at the de-icer circuit switches that will clearly indicate when a switch has been operated to energize the circuits. Maintenance procedures and instructions should be established to provide for the resistance check within the specified time whenever the indicator shows that the de-icer circuits have been energized.

(2) At each composite service, not to exceed 200 hours.

This supersedes A. D. Notes 54–17–1 and 55–8–2 and telegraphic instructions of the following dates: April 1, 6, 7, 8, 22; May 3, 26; June 8; July 29; August 16, and September 1, 1955.

55–21–2 Piper Applies to all Model PA–23 aircraft through Serial No. 23–321, except Serial Nos. 23–310, –311, –315, and –319.

Compliance required as indicated.

The wing front spar attachment fitting P/N 17079 at the centerline of the fuselage must be inspected and reinforced as indicated below. This is a welded steel fitting bolted to the front face of the front spar web and is accessible through the wing bottom access panel.

I. Compliance required prior to next flight and at every 15 hours thereafter. Visually inspect the wing front spar attachment fitting and if any damage is found such as bent flanges or any other visible distortion contact the Piper Corporation for further instruction prior to returning airplane to flight status.

II. Compliance required prior to November 1, 1955. If inspection of item I discloses no defects install reinforcement fitting assembly in accordance with Piper reinforcement kit 754112 or equivalent. The inspections required in item I are not required after incorporating the fitting reinforcement. (Piper Service Bulletin No. 142 dated October 4, 1955, covers this same subject.)

55–22–1 Beech Applies to all Beech Model 35 airplanes, Serial Nos. D–1 through D–550, equipped with unmodified oil tank check valves.

Compliance required as soon as possible but not later than January 1, 1956.

To prevent complete loss of the engine oil supply resulting from failure of oil supply line hose connects caused by engine counter rotation, the check valve located at oil tank outlet requires valve modification or removal of the valve internal parts. Modified valves supplied by Beech Aircraft (Beech Part No. 35–939082) include 1/16-inch holes drilled in the face of the valve poppet to prevent pressure buildup in the oil supply line in case of engine counter rotation. Modified valves are not available from Beech Aircraft. Unmodified valves should have the internal parts (poppet pivot pin, spring and poppet) removed.

(Beech Service Bulletin Model 35, No. 30, issued July 15, 1955; Service Letter Model 35, No. 44, issued March 28, 1950; and Service Letter Model 35, No. 18, issued July 18, 1947, cover this same subject.)

55–22–2 Erco Applies to serial numbers 113 through 2466 for fuselage tank replacement; serial Nos. 113 through 2622 for wing tank replacements.

Inspection required each 25 hours; replacement at time leakage discovered.

Unless the terneplate fuselage fuel tank has been replaced with a stainless steel tank and the terneplate wing fuel tanks replaced with aluminum alloy or stainless steel tanks, the tanks should be inspected frequently for signs of leakage at intervals not greater than 25 hours. If tank leakage is observed, the tank should be replaced with one of stainless steel or aluminum alloy, as required, before the next flight.

Erco Service Department Bulletins No. 10 and No. 10A and Memorandums No. 31 and 43 pertain to the inspection and replacement of these tanks.

This supersedes A. D. Note 47–50–10.

55–22–3 Piper Applies to all Model PA–22 aircraft.

Compliance required as soon as possible but not later than November 30, 1955.

To prevent rain water from entering the fuel tanks, all Piper PA–22 aircraft must be equipped with new type fuel tank cap Piper P/N 454039 installed. This cap incorporates a redesigned venting system and a gasket seal of black composition rubber ring in place of the fiber gasket on the old type caps.

55–22–4 Vickers-Armstrongs Applies to all Model Viscount aircraft.

Compliance required as indicated.

Cracks have been found in the tailplane center section main spar extending along the lines of rivets attaching the web plate.

Accordingly, Vickers-Armstrongs (Aircraft) Ltd. issued Preliminary Technical Leaflet No. 52 dated 19th August 1955, covering this subject. The British Air Registration Board considers Modification D.1384, the initial and repetitive inspections recommended therein mandatory in which the CAA concurs.

Aircraft complying with the limitations specified in P. T. L. No. 52 will be considered serviceable.

55–22–5 Vickers-Armstrongs Applies to all Model Viscount aircraft.

Compliance required as indicated.

A crack has been found in one of the side brackets supporting the top outboard attachment fitting of the left inboard nacelle. The part number of the bracket being 7003/1140, (i. e., pre. Md. D.460).

Accordingly, Vickers-Armstrongs (Aircraft) Ltd. issued Preliminary Technical Leaflet No. 40, Issue 2, dated 10th August 1955, covering this subject. The British Air Registration Board considers the following inspections recommended therein mandatory in which the CAA concurs.

1. Inspect the brackets on the front of the leading edge member for cracks at or before the next Check III, i. e., approximately 600 hours.

2. Inspect the brackets behind the leading edge member for cracks at or before the next Check IV.

If cracked brackets are found, replace with brackets conforming to Modification No. 1031.

55–23–1 Boeing Applies to all Model 377

fore, the inside surfaces of the spar carry

The De Havilland Service strongly recom-

forcements. If cracks are found, replace the

55–23–1 BOEING Applies to all Model 377 aircraft.
Superseded by 56–1–2.

55–23–2 LOCKHEED Applies to Super Constellation Models 1049C, D, E, and G, Serial Nos. 4163 through 4166, 4520 through 4581, 4583 through 4605, 4608 through 4615, and 4620.
Compliance required as indicated.
1. Inspect the outer wing main beam web between wing stations 510 and 668 left and right for cracks as soon as practical and repeat at 125-hour intervals until reinforcement in accordance with paragraph 2 below is accomplished. If cracks are found repair immediately in accordance with Lockheed Repair Manual, Report 8882, and continue 125-hour inspections until reinforcement per paragraph 2 below is accomplished. Inspection for fuel stains alone as an indication of a crack is not sufficient because of the presence of fuel sealant on the forward side of the web.
2. To be accomplished as soon as possible, but not later than next scheduled progressive overhaul time, and in no case later than December 1, 1956, whichever occurs first: Reinforce the main beam web, left and right, between wing stations 510 and 668. This shall be accomplished by the addition of three extruded 75S–T6 stiffeners, (LS2186 or LS6097) or equivalent between each of the original stiffeners. The LS347–3 stiffeners added previously in accordance with A. D. Note 54–24–2 on some of these aircraft may be retained. In these cases, one new (LS2186 or LS6097 or equivalent) stiffener must be added between each of these and the original stiffeners in this area.
(Lockheed Service Bulletin No. 1049/SB–2753 also covers this subject.)

55–23–3 LOCKHEED Applies to Constellation and Super Constellation aircraft, Serial Nos. 1963 through 1980, 2021 through 2088, 2503 through 2590, 2610, 2611, and 2614 through 2677, 4001 through 4024, 4163 through 4166, 4501 through 4581, 4583 through 4594, 4602 through 4604, and 4613 through 4615.
Compliance required as indicated.
1. As soon as possible, but not later than next 250 hours conduct magnetic particle or magnaglow inspections on main landing gear downlock spring cylinder assembly rod end P/N 295168 for cracks in the threaded portion. If cracks are found replace the part immediately. Repeat inspection, magnetic particle or 20-power magnifying glass at 300-hour intervals until replacement in accordance with paragraph 2 is accomplished.
2. Replace downlock spring cylinder assembly P/N 270104 with new assembly P/N 475211 as soon as practical but not later than the next progressive or base overhaul period approximately 2,500 hours. Concurrently with this replacement, line ream the lugs on the downlock strut assembly to (0.3770 inch–0.3780 inch) diameter and replace the spacer P/N 268225–2 with bushing P/N LS3859–4–1094 and replace bolt AN23–21 with AN23–22 attaching the lower end of the spring cylinder assembly to the downlock strut.
(Lockheed Service Bulletins 49/860 and 1049/2709 also cover this subject.)

55–24–1 LUSCOMBE (TEMCO) Applies to all Luscombe Series 8 aircraft.
To be accomplished by March 1, 1956, and at every annual periodic inspection thereafter.
Extreme surface corrosion has been found to exist inside the fuselage spar carry through structures P/N 28018 and 28019 of Luscombe Series 8 aircraft, particularly in those airplanes which are located near coastal areas. If allowed to progress, such corrosion could deteriorate the spar carry through members until a structural failure occurred.
This corrosion is internal and cannot be detected by an external inspection. Therefore, the inside surfaces of the spar carry through members must be inspected. This may be accomplished by either of the two following acceptable methods:
(1) Remove wings from the airplane and also the wing attachment fittings. The ends of both the front and rear spar superstructures will then be open so that an internal inspection of these hat-section members can be made.
(2) Use of this method of inspection will not require the removal of the wings from the airplane. One-half inch holes may be drilled through the top wing skin directly over each spar carry through member so that a visual inspection can be made directly into the bottom of the hat sections. The airframe structure has adequate margins of safety in this area so that the existence of the ½-inch inspection holes will not impair the structural integrity of the airplane. Five of these ½-inch holes should be drilled over each of the spar carry through hat sections, one hole at the middle of each spar carry through, one hole 5 inches from each outboard end of the wing attachment fittings and one hole approximately centrally located between this latter hole and the middle hole. This will provide a distance of approximately 7½ inches between holes and should render it possible to inspect all of the internal surface of the hat-section spar carry through members. After the inspection has been made, the ½-inch holes must be covered with a small patch of aircraft fabric doped to the surface of the wing skin or by the insertion of a rubber or neoprene seal plug, or equivalent. This method will also provide a ready means of rechecking the spar carry through members for corrosion during the time of subsequent inspections.
If any evidence of corrosion is found to exist, the affected spar carry through member should be removed and replaced with an identical new part.
The above inspections may be discontinued if both spar carry through structures are replaced with new parts that are identical to the original and properly anodized and painted to prevent corrosion.

55–25–1 BELL Applies to Model 47G helicopters below Serial No. 1450 which have hydraulic boost system installed.
Compliance required as soon as practical but not later than January 15, 1956.
The manufacturer advises that the lateral cyclic bellcrank, P/N 47–725–073–1 attachment bolt P/N AN174–34 is too short, positioning the threaded area in the forward lateral bellcrank support bracket hole, which may result in the threads flattening out and elongating the support bracket bolt hole.
It is therefore requested that the bolt holes in the bellcrank support bracket be inspected for elongation and the bolt replaced with a longer bolt. If the bolt holes are found elongated beyond permissible tolerance (maximum hole diameter of 0.2520 inch) doubler plates must be added. Redrill and line ream new holes. Replace the AN174–34 bolt with a new longer bolt P/N AN174–35, unless doubler plates are added, in which case install AN174–36 bolts.
(Bell's Mandatory Service Bulletin No. 104, dated November 11, 1955, covers this same subject.)

55–25–2 DE HAVILLAND Applies to all Model 104 "Dove" aircraft.
Compliance required as indicated.
Cases have occurred recently where cracks have been found in the left-hand front fin attachment brackets, Part Number 4FS.1749 (Pre. Dove Model 7, "Individual fin attachment and rudder control pulley bracket"), and Part Number 4FS.6781 (Dove Mod. 7, "To introduce single casting for front fin attachments and control pulley brackets"). The cracks generally emanate from the top rivet hole in the left row and pass through the flange.
The De Havilland Service strongly recommends inspection of the fin attachment brackets at an early date with which the CAA concurs and considers mandatory.
Inspect both front fin attachment brackets for cracks, using a magnifying glass after removing the paint, as soon as practical, but not later than the next 25 hours operation unless already accomplished, and thereafter at each check II (approximately 100-hour periods). Access can be made by entering through bulkhead No. 5.
Should any cracks be found, install new front fin attachment and pulley brackets, Part No. 4FS.9165 L. H. and 4FS.9166 R. H. (Ref. Dove Modification 903) and secure to bulkhead No. 6 using 2BA bolts and nuts or equivalent in the top six holes. Rivets are used in the other positions.
Repetitive inspection may be discontinued when the new front fin attachment and pulley brackets per Modification 903 are installed. (De Havilland Technical News Sheet CT (104) No. 112, Issue 2, dated September 1, 1954, covers this same subject.)

55–25–3 DE HAVILLAND Applies to all Model 104 "Dove" aircraft.
Compliance required as soon as practical but not later than February 15, 1956, unless already accomplished.
A case has recently occurred where the presence of corrosion at the main earth connection, situated on the fuselage nose decking in the vicinity of nose frame 4, has reduced the efficiency of this earthing point sufficiently to cause overheating of the cockpit lighting cables.
The De Havilland Service strongly recommends that the following inspection be carried out at the earliest opportunity in order to ascertain the condition of this connection with which the CAA concurs and considers mandatory.
Method.
1. Examine earth post situated in nose floor, and ascertain if it has a protective coating of blue oil base paint D. T. D. 827. (If it is protected, do not disturb unless it appears to be in a bad condition.)
2. If no protection is evident, dismantle terminal, clean floor surface locally at the terminal with a stiff bristle brush, to ensure removal of any corrosion and to provide good electrical contact between mating faces of terminal assembly. Reassemble terminal, using corrosion washer D. H. S. 439 G in place of lead plated brass washer 4F.781. All other mating surfaces must be clean and free from corrosion. If steel washer shows signs of deterioration, it must be replaced by another one, cadmium plated. Completed assembly must be painted liberally with blue oil base paint D. T. D. 827 to prevent ingress of moisture.
(De Havilland Technical News Sheet CT (104), No. 121, Issue 2, dated July 14, 1955, also covers this same subject.)

55–25–4 SIKORSKY Applies to all S–55 helicopters.
Compliance required as indicated.
A recent failure of the tail cone skin in the area where the tail cone is spliced to the fuselage has been reported in a Model S–55 helicopter. Since this is the means of attaching the tail cone to the fuselage and to preclude further failures, the following inspections and reinforcements for the splice area are considered necessary.
1. Tail cones with less than 1,500 hours, add reinforcements at the next major inspection or within the next 150 hours.
2. Tail cones with 1,500 hours to 2,000 hours, inspect the skin for cracks at the next major inspection or within the next 150 hours. If no cracks are found, add reinforcements. If cracks are found, replace the skin and add reinforcements.
3. Tail cones with 2,000 hours or more, inspect the skin for cracks at the next intermediate inspection or within the next 50 hours. If no cracks are found, add reinforcements. If cracks are found, replace the skin and add reinforcements.
4. The inspection procedures to be followed, the reinforcements to be added and the method of attaching the reinforcements are explained in detail in Sikorsky Information Circular No. 1420–632.

55–26–1 DOUGLAS Applies to Douglas A–26 aircraft having rear fuselage fuel tank installation.
To be accomplished prior to actuation of fuselage fuel tank.
Because of an explosion in the air and loss of aircraft, instructions were issued October 12, 1955, to deactivate the rear fuselage fuel tank on the above aircraft until further notice.
If the following modification, or its equivalent, is accomplished this fuel tank may be reactivated:
1. Provide fume tight closure and sealing of bulkheads at Stations 332 and 369. This should include tight fitting grommets or fairleads around control cables, or other members passing through bulkhead.
2. Remove all electrical equipment and oxygen tanks, if installed, from the tank compartment. Relocate elsewhere in the airplane as required.
3. Provide insulation around any electrical terminals in tank bay.
4. Provide adequate ventilation airscoop on top or side of tank compartment and exit vent on bottom. Provide drain holes in bottom of compartment to assure complete fuel drainage.
5. Ascertain that fuel tank, filler, cap, scupper, drain, and attaching lines and fittings are airworthy.

55–26–2 THOMPSON ENGINE DRIVE FUEL PUMPS Applies to all Thompson TF–1100–2 and TF–1100–M2 pumps.
Compliance required as indicated.
To prevent TF–1100 fuel pump failure resulting from excessive drive pin wear, accomplish the following:
1. Remove pump from certificated airplanes and replace with Thompson TF–1900 pump having larger diameter drive pin not later than August 1, 1956. TF–1100 pumps may be converted to TF–1900 pumps when modified in accordance with Thompson Service Bulletin ESD–182A and Amendment ESD–182B.
2. Until installation of the TF–1900 pump, the drive pin (Thompson Part No. TF–1191) in the TF–1100 pumps should be replaced with an unused pin at the next 100-hour aircraft inspection and each 100 hours thereafter. At the time of pin replacement, inspect the drilled hole in the TF–1100 rotor for excessive elongation and, if necessary, replace rotor. (Thompson Products Service Bulletin ESD–176A covers this same subject.)
This supersedes A. D. Note 55–19–2.

56–1–1 BELL Applies to Bell Model 47G, Serial Nos. 666 through 14.11 and Model 47G–2, Serial Nos. 1342 through 1412.
Compliance required as soon as possible, but not later than January 31, 1956.
Ventral fin support angle braces, P/N 47–267–085–5 and –6 chafe the tail boom longeron, P/N 47–267–057–111 due to interference of these parts. The longeron must be inspected on both sides for wear and damage. Any damage of the longeron in excess of 0.008 inch, based on the diameter of the undamaged tube, must be repaired. ½-inch clearance must be provided between the support angle braces and the longeron. Additional rework of the 47–267–057–167 angle brace by the welding of a ⅛-inch steel plate, ¾-inch x 3 inches, to the back of this part may be necessary to provide adequate clearance, if repair of the longeron by means of a split tube sleeve has been accomplished. (Bell Mandatory Service Bulletin No. 103 dated 9–30–55 covers this same subject and outlines the details of the inspection and repairs.)

56–1–2 BOEING Applies to all Model 377 aircraft.
Compliance required as indicated.
As a result of cracks discovered at wing spar splice bolt holes the following inspection and possible rework is required.
At the next basic check period and subsequent thereto, at each basic check period but not to exceed an interval of 2,000 hours flight time, the number 1 bolt hole in each rear spar station 246 joint and numbers 1 and 6 bolt holes in each front and rear spar station 510 joints shall be carefully inspected by use of boroscope or equivalent method.
If cracks are found, the splice should be reworked in accordance with instructions contained in Boeing Service Letter No. 289.
Within the next 500 flight hours, unless recently accomplished, the outboard bolt holes in each front and rear spar station 47.75 joints shall be inspected for cracks by use of boroscope or equivalent method. If cracks are found, they shall be repaired in accordance with Boeing instructions.
This supersedes A. D. Note 55–23–1.

56–2–1 AERO DESIGN Applies to Model 560A Commanders, Serial Nos. 231 through 269.
Compliance required by April 1, 1956.
Due to loss of an augmenter tube in flight, new type support clamps are required at the aft end of the augmenter tubes and at nacelle frames 148.75 and 158.75. Also, new support clips bolted through the augmenter tube at the aft end are required. Parts will be furnished by Aero Design and the rework is described in Aero Commander Service Bulletin No. 31.
This supersedes CAA telegram of December 5, 1955, which required immediate inspection and installation of a 10–32 machine screw through the bell mouth and augmenter tube.

56–2–2 HAMILTON STANDARD Applies to all Hamilton Standard Model 5U18 governors installed on Douglas DC–7 Series aircraft.
Compliance required as indicated.
Prior to August 1, 1956, replace all governor drive gear shafts P/N 67035 with Shafts P/N 321822 in Hamilton Standard 5U18 governors installed on Douglas DC–7 Series aircraft. Shafts with less than 1,000 hours must be replaced first.
Until removal from service, all P/N 67035 shafts which have accumulated less than 1,000 hours total time shall be magnetically inspected at 200-hour intervals of operation until they reach 1,000 hours. Use the direct method with calibration level No. 1 described on page 30 of Hamilton Standard Overhaul Manual No. 163B. This inspection should include the inside surface as well as the outside surface. Any magnetic indications longer than 1/16 inch from the corners of the high or low pitch ports are cause for immediate rejection of the shaft. Demagnetize shafts before returning to service.

56–2–3 ROLLS-ROYCE Applies to all Dart 506 and 510 engines.
Compliance required as indicated.
Due to the possibility of low stage compresser impeller failure, all impellers, Part Nos. RK13782, RK17877, RK19795, RK20156 and RK20181, must be removed from service and not reused after a maximum of 725 hours service time.
The British Air Registration Board considers this parts replacement program mandatory and the CAA concurs.
Operation beyond 725 hours total time is not authorized.

56–3–1 LOCKHEED Applies to all Model 49–46, 149, 649, 649A, 749, 749A and 1049–54 aircraft.
Compliance required as indicated.
As a result of cracks discovered in Lockheed 749A wing skin and stiffeners, the following inspection shall be accomplished on the various model aircraft as indicated. Inspect, using X-ray or visual means, for cracks in the lower wing skin and stiffeners, left and right from wing station 191 through station 206 between the front beam and stringer No. 6. Lack of fuel leakage is not considered evidence of absence of cracks in this area. The X-ray inspection method is recommended if equipment is available. If the X-ray process is used, the method described in Lockheed's letter F/S 125611 or a Lockheed approved equivalent is necessary to the success of this inspection. If the inspection is accomplished visually, the tank sealant must first be removed from the affected area. However, cracks under the stringers cannot be detected by the visual method.
If cracks are found, repair prior to further operation. Any CAA/LAC approved repair may be used.
1. For Models 649, 649A, 749, 749A and 1049–54.
(a) Inspect aircraft with 20,000 hours or more as soon as practical but not later than the next 500 flight hours. Inspect aircraft with over 15,000 hours at the next block overhaul, providing the total hours at such overhaul time do not exceed 20,500 hours. In the case of aircraft for which no block overhaul time has been established and whose flight time falls between 15,000 and 18,000 hours, inspect the affected area within the next 2,500 hours.
(b) Reinspect at 2,500-hour (maximum) intervals if the X-ray inspection method is used or at 800-hour (maximum) intervals if the visual inspection method is used.
(c) These repetitive inspections may be discontinued when permanent reinforcements of the affected area are accomplished. Lockheed Sketch No. 11755 describes a satisfactory permanent reinforcement.
2. For Models 49–46 and 149.
(a) Inspect aircraft with 25,000 hours accumulated flight time or more as soon as practicable but not later than the next 500 flight hours. Inspect aircraft with over 20,000 hours at the next block overhaul or major overhaul period, provided the total hours at such overhaul time do not exceed 25,500 hours.
(b) Reinspect at 2,500-hour (maximum) intervals if X-ray inspection used or at 800-hour (maximum) intervals if visual inspections conducted.
(c) These repetitive inspections may be discontinued when permanent reinforcements of the affected area are accomplished. Lockheed Sketch No. 11755 describes a satisfactory permanent reinforcement.

56–3–2 PRATT & WHITNEY Applies to all P&W Double Wasp CA and CB, and Military R–2800–34, –52W, –57, –73, –77, –83 and –101 Series engines using water injection.
Compliance required as indicated.
As a result of engine fires reported due to fuel leakage of the derichment valve cover of PR58 carburetors, the following must be accomplished to reduce the possibility of the derichment valve cover loosening with subsequent fuel leakage:
A. At each scheduled inspection which requires the engine cowl to be opened (approximately 100-hour intervals), inspect for fuel leakage while subjected to boost pump pressure. If leakage is noted, either retorque derichment valve cover screws to stop leakage as outlined in B below, or replace derichment valve diaphragm as outlined in C below.
This leakage inspection may be made at alternate scheduled inspections which require the engine cowl to be opened (approximately 200-hour intervals) provided four locating screws with a shank to act as dowels

are installed to eliminate lateral movement of the derichment valve cover.

B. The first time leakage is noted it is permissible to retighten the derichment valve cover screws to 20 to 30 pound-inches torque. If this retorquing corrects the leakage, it will be satisfactory to continue to use the subject diaphragm. NOTE: This retightening can be accomplished only once on a leaking diaphragm.

C. At overhaul and whenever a derichment valve diaphragm is replaced:

1. The derichment valve diaphragm holding surfaces of the derichment valve body and diaphragm cover should be lapped to assure that they are flat and to roughen their surfaces. This lapped surface roughness will aid in holding the diaphragm by minimizing cold flow of the diaphragm rubber.

2. The derichment valve diaphragm and the surfaces which clamp it should be dry when the parts are assembled and in particular should be free of oil.

3. During assembly of the parts, the derichment valve cover screws should be tightened to a torque of 20 to 30 pound-inches. After a period of at least twenty minutes the screws should be retightened to the same torque value.

Caution: Do not loosen the screws before retightening.

(P&WA Alert Bulletin No. 43 also covers this subject.)

56-3-3 RYAN Applies to all Navion aircraft.

Compliance required as indicated.

Cracks starting at the wing center line attaching bolt hole in the wing rear spar junction fittings (P/N 145-14070) at wing station O have been found on a number of Navion aircraft.

To correct this, it will be necessary to inspect all Navions for this condition as soon as practicable but not later than May 1, 1956. Access to these fittings may be gained through the main wheel wells.

If no cracks are found, 3/16 inch thick 1010 steel (or equivalent) end plates, properly radiused for a snug fit, should be installed in each fitting prior to the next 50 hours of flight time.

If cracks are found, they should be stop drilled with a No. 60 (0.040) drill and the end plates as described above should be installed prior to the next flight.

No further inspections will be necessary upon installation of these end plates.

(Ryan Navion Service Bulletin No. 23 dated December 5, 1955, covers this same subject.)

56-4-1 CHAMPION Applies to Model 7EC aircraft, Serial Nos. 300 to 370 inclusive.

To be accomplished as soon as practicable but not later than April 1, 1956.

Inspect front and rear control stick socket castings, Part No. 2-705, for cracks at the ears to which the push-pull tube attaches. If found cracked, the castings should be replaced. If a standard AN bolt, nut and washer are installed, replace with a clevis bolt, AN 24-16 (11/16 grip), and an AN320-4 shear nut so that excessive loads cannot be placed on the socket ears.

56-4-2 CONVAIR Applies to all CV-240 and CV-340 aircraft.

Compliance required as soon as possible but not later than February 1, 1957, for Model 240 and August 1, 1957, for Model 340.

As a result of a recent accident involving a nacelle fire, additional fire protection for the nacelle is required.

The following changes or equivalent must be made to accomplish the above:

1. Replace aluminum alloy engine fuel supply lines, and sleeves, nuts and tube unions, with steel lines in the wheel well area (zone 3), except for lines and fittings outboard of the main landing gear beam. This does not apply to lines and fittings between cross-feed valves.

2. Replace present flexible hose assemblies in the engine fuel supply system in the wheel well area (zone 3), including AN fittings, with steel tubing and/or fireproof flexible lines, except for lines and fittings outboard of the main landing gear beam. Flexible lines qualifying as fireproof may incorporate either steel or aluminum fittings.

3. a. CV-340 airplanes only. Replace aluminum alloy propeller pump suction line in left-hand nacelle wheel well (zone 3) with a steel line.

b. CV-240 airplanes only. Replace aluminum alloy propeller pump suction line in wheel well area (zone 3) with a steel line. (Both nacelles.) (Original flexible hose connections will be satisfactory if provided with a steel liner.)

4. Protect existing oil hose assemblies in wheel well area (zone 3) with asbestos sleeves or equivalent.

5. Replace all micarta pulleys in wheel well area (zone 3) with aluminum alloy pulleys.

Convair Service Bulletins Nos. 240-467 and 340-167 cover items 1 through 4. Convair Service Bulletins Nos. 240-468 and 340-166 cover item 5. These bulletins also contain some items which are not mandatory but are recommended.

56-4-3 DOUGLAS Applies to all DC-6 aircraft, fuselage 1 through 172.

Superseded by 56-13-1.

56-4-4 SIKORSKY Applies to all Model S-55 helicopters.

Superseded by 56-10-2.

56-5-1 BELL Applies to Model 47 helicopters: Model 47D1 Serial No. 477 and subsequent, Model 47G Serial Nos. 667 through 692, 694 through 1511, Model 47G2 Serial Nos. 1342 through 1418, Model 47H1 Serial Nos. 1347, 1349 through 1356, 1356, and 1360, all Model 47 modified to include 47-644-172-3 tail rotor extension drive shaft and all 47-644-172-3 shafts in stock.

Compliance required by March 1, 1956.

As a result of manufacturing error some Bell Model 47 tail rotor extension drive shafts P/N 47-644-172-3 were bored too deep resulting in a weakened wall section. Bell has issued Service Bulletin No. 106 requiring an immediate mandatory inspection by X-ray or by method described in the Service Bulletin.

This supersedes telegraphic A. D. of February 3, 1956.

56-6-1 CONTINENTAL ENGINES Applies to O-470 Series and E Series engine serial numbers listed below excepting (a) any remanufactured engine shipped from Continental Motors Corp. after May 1, 1955, and (b) engine serial numbers listed under Exceptions.

Compliance required as soon as possible but not later than July 1, 1956.

To prevent serious engine damage in flight, the following must be accomplished:

1. Replace present piston pin assembly with piston pin assembly P/N 539467 in the following serially numbered engines:

Engine model	Engine serial Nos.	Exceptions
O-470-A	41258 to 41679, 40015-2-A, 40021-2-A, 40028-2-A, 40045-2-A, 40054-2-A, 40074-3-A, 40110-3-A, 40125-3-A, 40154-3-A, 40168-3-A, 40176-3-A, 40177-3-A, 40203-3-A, 40204-3-A, 40242-3-A, 40264-3-A, 40267-3-A, 40293-3-A, 40334-3-A, 40371-3-A, 40418-3-A, 40424-3-A, 40438-3-A, 40444-3-A, 40485-3-A, 40494-3-A, 40567-3-A, 40579-3-A, 40581-3-A, 40601-3-A, 40619-3-A, 40647-3-A, 40651-3-A, 41008-3-A, 41025-3-A, 41032-3-A, 41033-3-A, 41038-3-A, 41039-3-A, 41068-3-A, 41094-3-A, 41109-4-A, 41175-4-A, 41181-4-A, 41187-4-A, 41189-4-A, 41196-4-A, 41251-4-A, 41254-4-A.	
O-470-B	50001 to 50256	50189, 50241, 50245, 50246, 50247, 50250, 50251, 50252.
O-470-J	45001 to 45533	45520, 45521, 45525, 45529.
E-225-4, E-225-8	30163 to 30715.	
E-185-8, E-185-11	22200 to 22269.	
E-185-9	6128 to 6135.	

In addition, replace piston pin assembly, P/N 535145, with piston pin assembly, P/N 539467, in any O-470 or E Series engine that was overhauled in the field and in which it is known that P/N 535145 was installed at time of overhaul. (Continental Motors Corporation Service Bulletin No. M56-2, Supplement #1, dated March 12, 1956, further discusses this subject.)

2. Replace present oil pump gear assembly with oil pump gear assembly P/N 539525 in the following serially numbered engines:

Engine model	Engine serial Nos.	Exceptions
O-470-B	50076 to 50256	50189, 50241, 50245, 50246, 50247, 50250, 50251, 50252.
O-470-J	45001 to 45533	45447, 45448, 45456, 45457, 45462, 45463, 45466, 45468, 45473, 45474, 45481, 45484, 45489, 45491, 45494, 45495, 45500, 45503, through 45514, 45516, 45519, 45520, 45522, 45523, 45525, 45526, 45528, 45529, 45532.

3. Replace present exhaust valves with exhaust valve P/N 539449 in the following serially numbered engines:

Engine model	Engine serial Nos.	Exceptions
O-470-A	40001 to 40673	
O-470-A	41001 to 41679	
O-470-J	45001 to 45489	45487

Continental Motors Corp. Service Bulletin M56-2, dated February 14, 1956, further discusses this subject and offers special discounts for replacement parts ordered prior to July 1, 1956, from bona fide Continental aircraft engine spare parts distributors.

56-6-2 PRATT & WHITNEY Applies to all P&WA engines.

Compliance required as indicated.

As a result of engine fire reported due to cylinder failure as a result of stud failures, the following must be accomplished to reduce cylinder and stud failures:

A. If a cylinder flange attaching stud fails during engine operation, the adjacent studs may be subjected to severe overstress. The same is true if an attaching nut becomes loosened to the extent that there is clearance between the nut and the cylinder flange. If more than two adjacent studs have broken, or the nuts have become loose, there is a probability that the cylinder flange has been overstressed.

B. If, during line inspection or at engine teardown prior to overhaul, a nut is found to be loose or there has been failure of a stud, replace that stud and the two adjacent studs.

C. If more than two adjacent studs have failed or if more than two adjacent nuts are known to have been loose during engine

operation, the cylinder should be scrapped or rebarreled and all the studs on the cylinder mounting pad replaced.

D. If only two adjacent studs have failed or two adjacent nuts have been found loose, the cylinder should be replaced, but it need not be scrapped provided that the nuts adjacent to the failed studs or loose nuts are found to be at least to minimum torque and that the cylinder flange has not become distorted more than 0.003 inch; also, that the flange and area above the flange are magnafluxed and show no crack indicators. If the bottom of the cylinder flange is not perfectly flat, but is not distorted more than 0.003 inch, it should be lapped flat before reinstallation. Before a replacement cylinder is installed, the crankcase studs immediately adjacent to the two broken or loose ones should be replaced.

E. During cylinder installation, securely tighten the cylinder flange attaching nuts. (P&WA Service Bulletin No. 1000 describes approved methods and torques.)

(This subject is also covered in P&WA Alert Bulletin No. 42 entitled "Cylinder Attachment Inspection and Maintenance.")

56-8-1 CURTISS PROPELLERS Applies to all Model C632S, C634D and C634S propellers.

Compliance required as indicated.

I. Replace low pitch limit switches P/N 110425 at not more than the following intervals:

	Hours
Douglas DC-6 Series Aircraft	3,500
Lockheed 749 Series Aircraft	3,500
Lockheed 1049 Series Aircraft	3,500
Convair 240 Series Aircraft	1,000

Curtiss Service Bulletin No. 52 dated December 29, 1949, and appropriate service manuals also cover these recommendations.

II. Disassemble and visually inspect low pitch limit switches P/N 154592 at not more than the same intervals. Inspect for proper switch operation and for mechanical and electrical condition. Failure or malfunction other than normal service wear shall be cause for replacement of switch parts or of the assembly. Switches not revealing adverse conditions may be returned to service.

This supersedes section III of A. D. Note 53-5-1.

56-9-1 HILLER Applies to all UH-12 Series helicopters.

Compliance required as indicated.

Failures of tail rotor tension-torsion (T-T) bars, P/N 55003, have occurred in the threaded portion of the bars adjacent to the Rosan inserts in the yoke. These failures caused loss of the tail rotor and directional control of the helicopter. The failures were caused by excessive stresses in the T-T bars which resulted from adverse accumulation of machining and assembly tolerances and from unfavorable orientation of the T-T bar within the blade assembly. Excessive wear of the oilite bushings in the tail rotor blade root fitting may also cause high stresses in the bars.

1. To prevent recurrences of these T-T bar failures the following actions are required before the 100 hour replacement time of the T-T bars specified in telegraphic A. D. dated 11-1-55 has been accumulated.

(a) Disassemble the tail rotor blade sufficiently to determine the diametral clearance between the outside diameter of the tail rotor yoke and the inside diameter of the oilite bushings within the blade root fitting. If the differences in diameters exceed 0.005 inch, replace the bushings as necessary to obtain diametral clearances of 0.001 inch to 0.003 inch.

(b) Determine the run-out of the T-T bar at the Rosan insert in the yoke and at the end block in the blade root fitting. Methods of measuring the run-out are covered in Hiller Service Bulletin No. 53.

(c) Determine the orientation of the axes of the T-T bar as originally assembled. The major axis of the T-T bar elliptical section must be 90 degrees plus or minus 15 degrees to the blade chord.

(d) If the major axis of the T-T bar elliptical section is found to be within 15 degrees of the perpendicular to the blade chord upon initial inspection and if the run-out is not greater than tolerances specified in Hiller Service Bulletin No. 53, the T-T bar may be continued in further use as provided in Item 3 below. If one or both of the above conditions are not satisfied at the initial inspection, the T-T bar shall be replaced with a new bar at the time of this inspection.

2. Repeat the inspection for diametral clearance specified in Item 1 (a) at not to exceed every 150 hours of operation.

3. Replace the T-T bars at not to exceed every 600 hours of operation regardless of the conditions found in the 150 hour inspection periods.

4. Replaced T-T bars shall be mutilated to preclude further use in this application.

This supersedes A. D. Note 53-2-2 and telegraphic A. D. dated November 1, 1955.

56-9-2 MARTIN Applies to all Model 202, 202A, and 404 aircraft.

Compliance required by September 1, 1956.

In order to eliminate shearing of rivets securing the rudder torque tube flange, P/N 2021U42196, to the rudder torque tube, P/N 2021D19331, caused by gust buffeting with gust locks not engaged and resulting in loss of adequate and/or positive rudder control, it is necessary to replace the 5/16-inch rivets with 1/4-inch 24ST heat treated rivets. (Martin Service Instruction Letters No. 202/202A-36 and No. 404-69 cover this same subject.)

56-10-1 DE HAVILLAND Applies to all Model DHC-3 Otter aircraft.

Compliance required as indicated.

As a precautionary measure pending final information on a fatal accident possibly caused by failure in the flap system, the Canadian government has issued the following directive for all Otter aircraft, in which the CAA concurs and considers compliance mandatory.

"Prior to next flight and every fifty hours thereafter all Otter aircraft flap controls including hydraulic lines valves, etc. to be inspected for proper functioning and any deterioration due to fatigue. Effective immediately all flight operations to be restricted to use of not more than climb [fifteen degrees] flap setting. Special attention should be given to inspection of flaps hydraulic system to insure that no leaks exist between pump and actuating cylinder. Also inspect all flap hinge arms and brackets for cracks, signs of warpage or restricted motions."

56-10-2 SIKORSKY Applies to all Model S-55 helicopters.

Compliance required as indicated.

As a result of fatigue failures in the horizontal hinge pin assembly, P/N S10-10-3331 and S10-10-3331-1 with 900 hours service must be replaced by June 15, 1956, or prior to the accumulation of 1,200 hours, whichever occurs first. Parts with 1,200 hours or more must be replaced prior to further service. Thereafter, P/N S10-10-3331 and P/N S10-10-3331-1 are to be retired at not more than 900 hours. This note will be cancelled upon the issuance of the mandatory retirement time in Sikorsky's Service Information Circular No. 1400-354, Revision Z.

This supersedes A. D. Note 56-4-4.

56-11-1 DE HAVILLAND Applies to all Model 104 "Dove" aircraft.

Compliance required by May 31, 1956.

As a result of the two accidents caused by pilots feathering the wrong propeller after engine failure, the British Air Registration Board has classified the following as an essential modification. The CAA concurs.

The left-hand needle (oil pressure) of the combined oil pressure and temperature gauge for the starboard engine could be mistakenly interpreted as applying to the port engine. To minimize the possibility of such confusion either Part A or Part B of Dove Modification 879 must be incorporated as soon as possible but not later than May 31, 1956:

Part A. To turn the instruments clockwise through 90° and put temporary markings on the instrument bezel.

Part B. To turn the instruments clockwise through 90° and re-mark the dials to give correct presentation or to fit modified instruments with vertical lettering and figures. (Dove Modification 879 is covered in de Havilland Service Technical News Sheet Series CT (104) No. 132 dated April 13, 1956.)

56-12-1 DOUGLAS Applies to all DC-4 and C-54 Series aircraft.

Compliance required as indicated.

Accidents involving collapse of the nose gear shock strut, P/N 8066 and 8066A, indicate that the steel piston tube, P/N 8066-4, fractured as a result of corrosion and repeated loading over an extended period of time. Initial fractures may originate at the bottom of a corroded groove adjacent to the top edge of the aluminum fork, P/N 8066A-60 or on the inside in the vicinity of the top of the internal reinforcing sleeve. Accordingly, the following must be accomplished:

1. Inspect as soon as practical but not later than October 1, 1956, unless equivalent inspection conducted within the last landing gear overhaul, all nose gear piston tubes, P/N 8066-4, both on the inside and on the outside diameters, for evidence of fatigue and/or excessive corrosion in the vicinity of the edges of the internal reinforcing ring and spacer tube or liner and in the vicinity of the top edge of the external sleeve, for evidence of cracks.

2. If cracks are found, the part must be replaced.

3. If corrosion exists, it should be removed and the part provided with protection against the potential development of corrosion in the future.

4. Reinspect at each gear overhaul to insure that fatigue cracks and/or corrosion do not exist.

(Douglas Service Bulletin DC-4 (C-54) No. 111 dated April 19, 1956, covers this same subject and outlines the methods of inspection with the limitations of each.)

56-13-1 DOUGLAS Applies to all DC-6, DC-6A and DC-6B aircraft.

Compliance required as indicated.

Numerous instances have been reported on wing skin and stringer 22 cracking aft of the main landing gear fittings at the center spar, Stations 122 and 175, on DC-6 aircraft having high flight time. The following must be accomplished as indicated on all DC-6 series aircraft having in excess of 10,000 hours total flight time.

1. Accomplish inspection of the wing skin in area aft of the center spar at approximately Stations 122 and 175, especially for cracks emanating from the radii in the skin cut-outs, as soon as practicable but not later than next periodic inspection nearest 300 hours. In case complete radii cannot be inspected directly by visual means from underneath the lower wing surface, then a reliable alternate method of inspection must be employed. X-ray may fall into this category. If a skin crack is detected, stringer 22 must also be inspected for cracks. Any skin crack or stringer 22 crack found during the inspection must be repaired prior to further passenger flight.

2. Skin cracks less than 3/4 inch in length are to be repaired as outlined on Service Rework Dwg. 5593157.

3. Skin cracks in excess of 3/4 inch but less than 1 1/2 inches in length are to be repaired as outlined on Service Rework Dwg. 5613739.

4. Skin cracks in excess of 1 1/2 inches in length at Station 175 are to be repaired as outlined in Service Rework Dwg. 5610926 together with the preventive rework shown on 5593157 and 5610629.

5. Skin cracks in excess of 1 1/2 inches in length at Station 122 will require entire skin is to be replaced. Hubs with 480 hours or

5007396, and P/N 5007162 with P/N 5007390

AIRCRAFT—Continued

5. Skin cracks in excess of 1½ inches in length at Station 122 will require entire skin replacement between center and rear bottom spar caps, Wing Station 60 to Station 149, together with the preventive rework shown on 5593157 and 5610629.

6. Stringer cracks (in horizontal leg only) are to be repaired as outlined on Service Rework Dwg. 5610629. Cracks found in stringer 22 which are more extensive than through one horizontal leg of the stringer will require a complete stringer replacement.

7. All aircraft which do not require repairs are to be reinspected at each periodic inspection period nearest 2500 hours until preventive repairs per 5593157 and 5610629 are installed.

8. After rework per paragraphs 1 through 6 has been accomplished or preventive rework per Dwgs. 5593157 and 5610629 is installed, no further special inspection periods are required. Also, further special inspections are not required on DC–6 aircraft upon which kits A and B of Douglas Service Bulletin DC–6 No. 569 have been incorporated.

(Douglas Alert Service Bulletin No. A–673 revised May 8, 1956, covers the above subject.)

This supersedes A. D. Note 56–4–3 and revision published in issue No. 56–7.

56–13–2 SIKORSKY Applies to all S–51 helicopters.

Compliance required as indicated.

As a result of recent service experience, the main rotor hubs are to be retired from service at the times indicated.

1. Main rotor hubs, S10–10–1015 and S510117, are to be replaced every 480 hrs. Magnaflux inspections are to be conducted at the 200–240 hour interval.

2. Main rotor hubs, S10–10–1033, with 1/16-inch or larger chamfer at the base on the outer edge of each arm, with 240 hours of service, must be replaced by September 15, 1956, or prior to the accumulation of 480 hours, whichever occurs first. The S510122 outer arm locknuts are to be checked for looseness every 30 hours. With any indication of looseness, the hub is to be removed and a Magnaflux inspection for cracks at the root radius of the threads on the outer arm is to be conducted. Any hub with a crack is to be replaced. Hubs with 480 hours or more must be replaced prior to further service. After September 15, 1956, all hubs are to be replaced every 240 hours.

3. Main rotor hubs, S10–10–1033, with chamfer less than 1/16 inch at the base on the outer edge of each arm are to be replaced every 960 hours. Magnaflux inspections are to be conducted every 200–240 hours of service.

(Service Information Circular No. 76 Revisions D & F cover the same subject.)

This supersedes A. D. Note 49–44–1.

56–14–1 DE HAVILLAND Applies to all Model DHC–3 Otter aircraft.

Compliance required as indicated.

When placing the flap selector lever in the up position, ratchet valve fouling or failure has occurred. This causes rapid flap retraction and a subsequent buildup in control column forces to a level greater than the capability of one man to maintain control. The following restrictions are considered mandatory by the Canadian authorities, with which the CAA concurs: (1) Flap selector must not be placed in the up position under 200 feet altitude, (2) Flap selector must not be placed in the up position at speeds in excess of 66 knots (76 miles per hour), (3) The use of flaps is restricted to not more than 15 degrees. The aircraft should be temporarily placarded accordingly. These restrictions are to remain in effect until modification to prevent the possibility of rapid flap retraction now under development is incorporated.

56–14–2 DOUGLAS Applies to all DC–3 Series aircraft operated at weights in excess of 25,200 pounds.

Compliance required as indicated.

It has come to our attention that there are numerous instances wherein DC–3 Series aircraft have been approved for operation at landing and takeoff weights in excess of 25,200 pounds, in accordance with pertinent notes of Aircraft Specifications A–618 or A–669, that have main landing gear axle assemblies installed which are structurally unsatisfactory for the higher weights. The two axle assemblies involved are DACO P/N 5007396, and P/N 5007162 with P/N 5007390 torque collar.

Therefore, all DC–3 Series aircraft in which either of these assemblies is installed must be operated at weights not to exceed 25,200 pounds for landing or takeoff until satisfactory axle assemblies are installed. Note 9 of DC–3 Aircraft Specification A–618 and Note 10 of DC–3A Aircraft Specification A–669 contain a list of axle assemblies and the maximum weights for which each is structurally satisfactory.

56–14–3 DOUGLAS Applies to all DC–6, DC–6A and DC–6B aircraft having total flight time in excess of 11,000 hours.

Compliance required as indicated.

Approximately 25 cracks have been found in the aft tang of the upper front spar cap, both LH and RH, in the area of the fuselage-to-wing attachment at Wing Station 60. Five of these cracks have been reported on DC–6B aircraft with total operating times varying from slightly over 11,000 hours to approximately 15,000 hours. The remainder of the cracks were found in DC–6 aircraft. Three of the cracks have progressed into the main section of the cap beyond structural limitations and require replacement of the cap.

The following procedure must be followed:

1. If not already accomplished, inspection must be accomplished within the next 400 to 450 hours of operation.

2. If no cracks are found, or if found and temporary repairs are made in accordance with the manufacturer's recommendations, the inspection must be repeated at periods not to exceed 2,500 hours of operating time.

3. When permanent repairs are accomplished in accordance with the manufacturer's recommendations, subsequent inspections may then be made at the operator's normal inspection periods.

(Douglas Alert Service Bulletin DC–6 No. A–678 as revised April 30, 1956, contains the latest information published by the manufacturer relative to the subject aircraft and Service Bulletin DC–6 No. 678 dated May 28 contains satisfactory permanent rework instructions for Model DC–6 aircraft only.)

(b) *Index of airworthiness directives (revised June 30, 1956).*[1]

AIRCRAFT

(Also see applicable engine, propeller and equipment notes)

AERO DESIGN AND ENGINEERING COMPANY, BETHANY, OKLA.

Civil model	Approval No.	Applicable notes
560A	TC 6A1	56–2–1 (Augmenter tube support clamps).

AERONCA MANUFACTURING CORPORATION, MIDDLETOWN, OHIO (ALSO SEE CHAMPION FOR 7 SERIES)

Civil model	Approval No.	Applicable notes
KCA, 65–C, 8–65–C, 65–CA	TC 675	46–36–1 (Continental piston pins).
	TC 675	46–36–1 (Continental piston pins).
8–65–CA		47–30–8 (Seat modification).
65–LA	TC 702	47–30–8 (Seat modification).
65–TC, 65–TAC, YO–58.	TC–728	46–36–1 (Continental piston pins).
O–58–A, O–58–B, SO–58–B.	TC 751	46–36–1 (Continental piston pins).
11AC	TC–761	46–36–1 (Continental piston pins). 47–20–1 (Gascolator bowl cleaning). 47–20–2 (Oleo piston). 47–30–1 (Lift strut wing attachment fittings). 47–30–5 (Exhaust stack inspection). 48–4–2 (Wing rib rework). 48–13–7 (Turnbuckle fork replacement). 49–11–2 (Wing attach fitting). 49–15–1 (Seat anchorage rework). 52–28–1 (Fuel transfer placard).

AERONCA MANUFACTURING CORPORATION, MIDDLETOWN, OHIO (ALSO SEE CHAMPION FOR 7 SERIES)—Continued

Civil model	Approval No.	Applicable notes
11AC	TC 761	47–20–1 (Gascolator bowl cleaning). 47–30–5 (Float wirepull fitting). 48–4–2 (Wing rib rework). 48–13–7 (Turnbuckle fork replacement). 49–11–2 (Wing attach fitting). 49–15–1 (Seat anchorage rework). 52–28–1 (Fuel transfer placard).
11BC	TC 761	47–20–1 (Gascolator bowl cleaning). 48–4–2 (Wing rib rework). 49–11–2 (Wing attach fitting). 49–15–1 (Seat anchorage rework).
11CC	TC 796	47–20–1 (Gascolator bowl cleaning). 48–4–2 (Wing rib rework).
15AC	TC 802	49–11–2 (Wing attach fitting). 49–38–1 (Oil cooler installation). 49–43–2 (Continental C–145–2 engines).

BEECH AIRCRAFT CORPORATION, WICHITA, KANS.

Civil model	Approval No.	Applicable notes
Army AT–11, Navy SNB–1.	2–582	47–6–8 (Starter solenoid and buss lead wires). 47–6–9 (Landing gear retracting mechanism). 47–30–6 (Generator relay control switch). 47–30–7 (Tripfree circuit breaker). 47–33–3 (Tail cone drain holes). 47–33–5 (Horizontal stabilizer spar). 48–14–3 (Wing center section spar). 48–34–1 (Stabilizer attachment fittings). 48–51–1 (Control wheel shaft inspection). 49–15–3 (Fuel tank vent system). 50–28–1 (Landing gear slide tube).
C18S	TC 757	47–6–8 (Starter solenoid and buss lead wires). 47–6–9 (Landing gear retracting mechanism). 47–33–3 (Tail cone drain holes). 47–33–4 (Fuel tank gaskets). 47–33–5 (Horizontal stabilizer spar). 48–14–3 (Wing center section spar). 48–34–1 (Stabilizer attachment fittings). 48–51–1 (Control wheel shaft inspection). 49–15–3 (Fuel tank vent system). 50–28–1 (Landing gear slide tube).

[1] Notes pertaining to engines, propellers and some equipment items are also listed separately. Because of the interchanging of parts, it is often impossible to list all aircraft to which a note on an engine or equipment item could apply. Therefore, to determine that all applicable notes are compiled with, reference should be made to notes pertaining to engines, propellers, equipment, etc., as well as the aircraft.

AIRCRAFT—Continued

BEECH AIRCRAFT CORPORATION, WICHITA, KANS.—Continued

Civil model	Approval No.	Applicable notes
D17S	TC 649	48–51–1 (Control wheel shaft inspection).
D18S, D18C	TC 765	47–33–5 (Horizontal stabilizer spar). 47–33–6 (Stabilizer spar replacement). 47–33–7 (Alternate static source). 47–34–1 (Expansion type filler cap). 47–34–2 (Tail cone drain holes). 47–34–3 (Fuel cell seal). 48–13–1 (Generator control box insulation). 48–16–1 (Wing spar fittings). 48–34–1 (Stabilizer attachment fittings). 49–29–2 (Rudder spring bushings). 53–6–3 (Wing center section truss joints).
D18C–T	TC 770	47–33–6 (Stabilizer spar replacement). 47–33–7 (Alternate static source). 47–34–2 (Tail cone drain holes). 47–51–10 (Birdproof windshield). 48–16–1 (Wing spar fittings). 48–34–1 (Stabilizer attachment fittings). 49–29–2 (Rudder spring bushings).
35	TC 777	47–47–7 (Engine identification plate). 47–47–8 (Fuel line chafing). 48–8–1 (Starter rework). 49–4–1 (Aileron control chain). 49–26–1 (Trailing antenna rework). 49–31–1 (Emergency fuel pump "O" rings). 49–48–1 (Thompson fuel pump). 50–5–2 (Shakespeare controls). 50–32–1 (Oil pump rework). 50–42–1 (Elevator tab replacement). 51–14–1 (Fuel booster pump removal). 52–22–1 (Spar truss rework). 53–1–2 (Fuel selector valve rework). 53–11–1 (Fuselage bulkhead cracks). 53–20–2 (Fuel selector valve placard). 55–22–1 (Oil outlet check valve).

BELL AIRCRAFT CORPORATION, FORT WORTH, TEX.

Civil model	Approval No.	Applicable notes
47B, 47B–S, 47B2, 47B2–S.	HTC 1	47–32–1 (Stabilizer damper frame clamp rework). 47–32–2 (Ballast installation). 47–32–3 (Tail rotor control pedal pawl stop). 47–32–4 (Anti-torque rotor blades placard). 47–32–5 (Main rotor mast spinner). 47–32–6 (Main rotor hub pillow blocks). 47–32–7 (Intake manifold balance pipe chafing). 47–32–8 (Stabilizer bar dampers). 47–32–9 (Horizontal stabilizer brace). 47–32–10 (Rotor mast assembly replacement). 47–32–11 (Antenna mast support). 47–32–12 (Lateral cyclic control disc links). 47–32–13 (Tail rotor rivet replacement). 47–32–14 (Engine mount clamps). 47–41–2 (Oil line supports). 47–41–3 (Fuel line replacement). 47–41–4 (Main rotor mast plug retaining washer). 47–41–6 (Main rotor blade butt plate screws). 47–41–7 (Cyclic control bungee spring jumper). 47–41–8 (Stabilizer bar mixing levers rework). 47–51–11 (Transmission pinion gear bearings). 48–2–1 (Tail rotor drive shaft bearing hangar reinforcement). 48–3–6 (Bushings installation). 48–10–2 (Rotor blade rework). 48–11–5 (Rotor drag brace replacement). 48–12–5 (Shear screw replacement). 48–13–2 (Fuel pump rocker pin). 49–5–2 (Fuel pump diaphragm). 49–47–2 (Tail rotor drive shaft). 49–52–2 (Main rotor hub inspection). 50–38–2 (Cooling fan rework). 51–29–1 (Tail rotor reinforcement). 51–27–1 (Engine mount replacement). 51–29–1 (Tail rotor gear box shaft). 52–1–1 (Blade grip adapter locks). 52–1–2 (Equalizer horn and drag brace fitting). 52–1–3 (Damper lever and link). 52–1–5 (Rotor blade grip retaining bolt). 52–1–6 (Tail boom spoiler). 52–5–3 (Engine mount safety strap). 52–21–1 (Lord mount guards). 52–28–3 (Tail rotor gear box shaft). 52–28–4 (Tail rotor pinion shaft). 54–24–1 (Anti-torque pedal stops). 55–5–1 (Pitch control link). 55–16–1 (Tail rotor hub fillet).
47B3	HTC 1	47–32–8 (Stabilizer bar dampers). 47–32–9 (Horizontal stabilizer brace). 47–32–10 (Rotor mast assembly replacement). 47–32–11 (Antenna mast support). 47–32–12 (Lateral cyclic control disc links). 47–32–13 (Tail rotor rivet replacement). 47–41–2 (Oil line support). 47–41–3 (Fuel line replacement). 47–41–4 (Main rotor mast plug retaining washer). 47–41–5 (Gimbel ring bearing seals). 47–41–6 (Main rotor blade butt plate screws). 47–41–7 (Cyclic control bungee spring jumper). 47–41–8 (Stabilizer bar mixing levers rework). 47–51–11 (Transmission pinion gear bearings). 48–2–1 (Tail rotor drive shaft bearing hangar reinforcement).

AIRCRAFT—Continued

BELL AIRCRAFT CORPORATION, FORT WORTH, TEX.—Continued

Civil model	Approval No.	Applicable notes
47B3	HTC 1	48–3–6 (Bushings installation). 48–10–2 (Rotor blade rework). 48–11–5 (Rotor drag brace replacement). 48–12–5 (Shear screw replacement). 48–13–2 (Fuel pump rocker pin). 49–5–2 (Fuel pump diaphragm). 49–47–2 (Tail rotor drive shaft). 49–52–2 (Main rotor hub inspection). 50–38–2 (Cooling fan rework). 51–26–1 (Tail rotor reinforcement). 51–27–1 (Engine mount replacement). 51–29–1 (Tail rotor gear box shaft). 52–1–1 (Blade grip adapter locks). 52–1–2 (Equalizer horn and drag brace fitting). 52–1–3 (Damper lever and link). 52–1–5 (Rotor blade grip retaining bolt). 52–1–6 (Tail boom spoiler). 52–5–3 (Engine mount safety strap). 52–21–1 (Lord mount guards). 52–28–3 (Tail rotor gear box shaft). 52–28–4 (Tail rotor pinion shaft). 54–24–1 (Anti-torque pedal stops). 55–5–1 (Pitch control link). 55–16–1 (Tail rotor hub fillet).
47D	HTC 1	48–10–2 (Rotor blade rework). 48–12–5 (Shear screw replacement). 48–13–2 (Fuel pump rocker pin). 49–5–2 (Fuel pump diaphragm). 49–47–2 (Tail rotor drive shaft). 49–52–2 (Main rotor hub inspection). 50–38–2 (Cooling fan rework). 51–26–1 (Tail rotor reinforcement). 51–27–1 (Engine mount replacement). 51–29–1 (Tail rotor gear box shaft). 52–1–1 (Blade grip adapter locks). 52–1–2 (Equalizer horn and drag brace fitting). 52–1–3 (Damper lever and link). 52–1–5 (Rotor blade grip retaining bolt). 52–1–6 (Tail boom spoiler). 52–5–3 (Engine mount safety strap). 52–21–1 (Lord mount guards). 52–28–3 (Tail rotor gear box shaft). 52–28–4 (Tail rotor pinion shaft). 54–24–1 (Anti-torque pedal stops). 55–5–1 (Pitch control link). 55–16–1 (Tail rotor hub fillet).
47D1	HTC 1	49–34–2 (Ventral fin inspection). 49–47–2 (Tail rotor drive shaft). 49–52–2 (Main rotor hub inspection). 50–6–1 (Ventral fin replacement). 50–38–2 (Cooling fan rework). 51–26–1 (Tail rotor reinforcement). 51–27–1 (Engine mount replacement). 51–29–1 (Tail rotor gear box shaft). 52–1–1 (Blade grip adapter locks). 52–1–6 (Tail boom spoiler). 52–1–7 (Engine cooling fan). 52–5–3 (Engine mount safety strap). 52–7–1 (Loading decal). 52–21–1 (Lord mount guards). 52–28–3 (Tail rotor gear box shaft). 52–28–4 (Tail rotor pinion shaft). 53–1–1 (Gear box mounting sleeve). 54–24–1 (Anti-torque pedal stops). 56–5–1 (Tail rotor extension drive shafts).
47G	HTC 1	54–24–1 (Anti-torque pedal stops). 55–5–1 (Pitch control link). 55–14–1 (Bearing hanger support bracket). 55–16–1 (Tail rotor hub fillet). 55–25–1 (Bellcrank attachment bolt replacement).
47G2	HTC 1	56–1–1 (Ventral fin support angle braces). 56–5–1 (Tail rotor extension drive shaft).
47H1	HTC 1	56–5–1 (Tail rotor extension drive shaft).

BELLANCA AIRCRAFT CORPORATION, NEW CASTLE, DEL.

Civil model	Approval No.	Applicable notes
14–13, 14–13–2, 14–13–3.	TC 773	46–41–1 (Rudder bellcrank replacement). 46–41–2 (Aileron control bushing). 46–41–3 (Control wheel universal joints). 47–7–1 (Fuel selector valve indexing). 47–14–1 (Flap hinge bracket replacement). 47–25–9 (Fin and stabilizer fittings). 47–32–17 (Landing gear inspection covers). 47–32–18 (Aileron idler sprocket cotter pin). 47–50–13 (Koppers propeller hub). 47–51–13 (Cabin heat control valve). 48–5–3 (Trim tab bracket bolts). 48–13–6 (Engine cowl brackets). 48–21–1 (Accelerator pump linkage). 48–50–1 (Franklin cylinder base flanges). 49–5–2 (Fuel pump diaphragm). 49–13–2 (Landing gear drag strut rework). 50–47–1 (Sensenich propeller blades). 51–16–1 (Trim tab modification). 52–17–1 (Landing gear chain guard). 52–28–2 (Fuel pump relief valve). 53–16–1 (Elevator trim tab looseness).
14–19	TC 1A2	51–16–2 (Trim tab modification).

AIRCRAFT—Continued

BOEING AIRCRAFT COMPANY, SEATTLE, WASH.

Civil model	Approval No.	Applicable notes
247-D	ATC 558	44-52-1 (17SRT spar chords). 46-5-1 (Fuel pump elbow).
S-307	TC 719	44-20-2 (24SRT tubing). 47-14-2 (Landing gear motor attachment keys).
SA-307B, SA-307B-1.	TC 726	44-20-2 (24SRT tubing). 47-14-2 (Landing gear motor attachment keys).
314, A-314	TC 704	45-4-1 (24SRT tubing).
377	TC 812	49-6-4 (Carburetor compensating bellows). 50-40-1 (Nose gear rework). 51-9-1 (Engine power measurment). 51-27-2 (Goodrich wheels). 52-12-1 (Freon compressor motor). 52-15-1 (Propeller reversing rework). 53-5-1 (Curtiss propeller reversing circuits). 55-9-1 (Propeller circuit breaker replacement). 55-15-1 (Fire resistant propeller feathering lines). 56-1-2 (Rear spar splice bolt holes).

BOEING AIRPLANE COMPANY, WICHITA DIVISION, WICHITA, KANS.

A75L3, 75, A-75, B-75, E-75, A75-J1, D75N1.	TC 743	46-24-1 (Wing drain holes). 49-23-1 (Fuselage truss). 50-6-2 (Wing spar inspection).

CALL AIRCRAFT COMPANY, AFTON, WYO.

A, A-2, A-3	TC 758	47-40-2 (Continental C75 & C85 piston pins).

CESSNA AIRCRAFT COMPANY, WICHITA, KANS.

T-50	TC 722	46-1-1 (Flap chain). 46-1-2 (Wing covering). 46-12-1 (Fabric inspection). 46-46-3 (Aileron and flap hinge brackets). 47-5-1 (Fuel shut-off valve handle). 47-30-2 (Brake pedal link reinforcement). 47-30-3 (Inspection of wings for identification). 47-30-4 (Landing gear chains). 49-20-1 (Wing spar inspection). 51-18-1 (Rudder torque tube). 51-25-1 (Horizontal stabilizer grommets). 53-6-1 (Landing light motor circuit). 53-18-1 (Goodrich wheel bearing).
120, 140	TC 768	46-44-1 (Rudder stop bolts). 46-44-2 (Safety belt bracket reinforcement). 46-44-3 (Windshield retaining channel). 46-44-4 (Carburetor hot air ducts). 46-44-5 (Engine mounting bolts). 47-6-10 (Aileron carry-through bar). 47-6-11 (Forward door post cracks). 47-26-2 (Wing leading edge rework). 47-40-2 (Continental C75 & C85 piston pins). 47-43-1 (Primer line relocation). 47-43-2 (Fuel selector valve handle). 47-43-3 (Seaplane spreader struts). 47-43-4 (Rudder control cable horns). 47-43-5 (Elevator spar web reinforcement). 47-43-6 (Aileron support ribs). 47-45-6 (Beech RX63-201 propeller blades). 47-50-2 (Fuselage bulkhead). 48-5-4 (Operation limitations placard). 48-7-1 (Stabilizer attaching bolts). 48-23-2 (Welded exhaust muffler). 48-25-3 (Wing drag wire system). 48-43-1 (Freedman propeller hubs). 50-31-1 (Fin spar reinforcement). 51-21-1 (Rudder rib flanges).
170	TC 799	48-43-2 (Continental C-145-2 engines). 54-2-2 (Federal ski rigging).
190	TC 790	50-39-1 (Rudder cable inspection). 51-10-4 (Cowl mounting channels). 51-11-2 (Elevator spar).
195	TC 790	50-39-1 (Rudder cable inspection). 51-11-2 (Elevator spar).

CHAMPION AIRCRAFT CORP., ST. PAUL, MINN.

7AC	TC 759	46-36-1 (Continental piston pins). 47-20-1 (Gascolator bowl cleaning). 47-20-2 (Oleo piston). 47-30-1 (Lift strut wing attachment fittings). 47-30-5 (Exhaust stack inspection). 48-4-2 (Wing rib rework). 48-39-1 (Control stick rework). 49-11-2 (Wing attach fitting).
8TAC	TC 759	46-36-1 (Continental piston pins). 47-20-1 (Gascolator bowl cleaning). 47-30-1 (Lift strut wing attachment fittings). 47-30-5 (Exhaust stack inspection). 47-30-6 (Float wirepull fitting). 48-4-2 (Wing rib rework). 48-39-1 (Control stick rework). 49-11-2 (Wing attach fitting).
7BCM	TC 759	47-20-1 (Gascolator bowl cleaning). 48-39-1 (Control stick rework). 49-11-2 (Wing attach fitting).
7EC	TC 759	56-4-1 (Control stick socket).

AIRCRAFT—Continued

COMMONWEALTH AIRCRAFT, INC., VALLEY STREAM, LONG ISLAND, N. Y.

Civil model	Approval No.	Applicable notes
Rearwin 175, 180, 185	TC 729	46-36-1 (Continental piston pins). 47-40-2 (Continental C-75 and C-85 piston pins). 48-6-2 (Jury struts).
Rearwin 180F, 190F	TC 729	48-6-2 (Jury struts).

CONVAIR, A DIVISION OF GENERAL DYNAMICS CORPORATION, SAN DIEGO, CALIF.

Army BT-13, BT-13A (Navy SNF-1); Army BT-13B (Navy SNV-2); Army BT-15.	2-571	46-6-4 (Propeller spinner attaching lugs). 47-25-10 (Elevator tab failure). 49-7-3 (Fuel system placard). 49-27-1 (Fuel line rework). 52-2-1 (Bronze rear spar fittings).
240	TC 793	48-22-1 (Double Wasp engine—water alcohol injection). 48-41-1 (Wing bulkhead—fuel tank area). 48-50-4 (Nose gear rework). 48-51-2 (Horizontal tail surface inspection). 49-30-1 (Curtiss C6320-A propeller hub). 49-30-2 (Augmenter vane rework). 49-34-1 (Cockpit check list). 49-38-1 (Nose gear strut inspection). 49-43-1 (Augmenter tube inspection). 49-44-2 (Horizontal tail rework). 49-45-2 (Throttle reverse stop rework). 50-13-1 (Aileron hinge bracket). 50-19-2 (Rudder tab bracket). 50-36-1 (Nose strut cylinder). 50-52-1 (Hamilton Standard 2H17 blades). 51-5-1 (Engine power measurement). 51-25-1 (Fire protection modifications). 52-11-2 (Steel nacelle facings). 52-14-2 (Propeller reversing rework). 53-5-1 (Curtiss propeller reverse circuit). 53-23-1 (Nose landing gear clutch plate). 54-1-2 (Hamilton Standard propeller reversing system). 54-23-3 (Hamilton Standard 2H17 blade removal). 55-15-2 (Fire resistant propeller feathering lines). 55-18-1 (Propeller reverse protective device). 56-4-2 (Nacelle fire protection).
340	TC 6A6	54-1-2 (Hamilton Standard propeller reversing system). 55-3-1 (Elevator servo tab inspection). 55-15-2 (Fire resistant propeller feathering lines). 55-18-1 (Propeller reverse protective device). 56-4-2 (Nacelle fire protection).

CULVER (SEE SUPERIOR AIRCRAFT COMPANY)

CURTISS-WRIGHT CORPORATION, AIRPLANE DIVISION, COLUMBUS, OHIO (SLICK AIRWAYS, INC., L. B. SMITH AIRCRAFT CORP., SKYWAYS INTERNATIONAL, AND RIDDLE AIRLINES)

C-46A, C-46D	TC 789	47-51-2 (Elevator hinge bolts).
	TC 772	47-51-4 (Propeller antiheat shield). 47-51-7 (Landing gear drag strut). 48-3-5 (Hydraulic lines). 48-44-2 (Wing attach bolts). 49-12-1 (Aileron trim tab motor support bracket). 49-18-1 (Combustion heater fire protection). 49-25-1 (Cargo compartment fire protection). 50-22-1 (Supercharger impeller thrust bearings). 50-26-1 (Landing gear side braces). 50-29-1 (Wing center section rivets). 51-10-3 (Goodrich wheel inspection). 51-10-6 (Control surface fittings). 51-20-1 (Cockpit light rework). 51-29-2 (Inspection main landing gear side brace). 52-10-1 (Ammeter circuit protection). 52-12-2 (Cabin door lock). 52-17-2 (Tail wheel rework). 52-18-1 (Carburetor gasket modification). 52-19-1 (Powerplant fire protection). 53-10-1 (Vacuum system discharge line). 54-5-1 (Landing gear retraction cylinder head). 54-14-1 (Horizontal stabilizer ribs). 55-9-2 (Control column inspection).
C-46E, C-46F	TC 772	47-51-2 (Elevator hinge bolts).
	TC 786	47-51-3 (Aileron rib rework).
	TC 808	47-51-4 (Propeller antiheat shield).
	TC 789	47-51-5 (Aileron horn).
	TC 3A-2	47-51-7 (Landing gear drag strut). 48-3-5 (Hydraulic lines). 48-44-2 (Wing attach bolts). 49-12-1 (Aileron trim tab motor support bracket). 49-18-1 (Combustion heater fire protection). 49-25-1 (Cargo compartment fire protection). 50-22-1 (Supercharger impeller thrust bearings). 50-26-1 (Landing gear side braces). 50-29-1 (Wing center section rivets). 51-10-3 (Goodrich wheel inspection). 51-10-6 (Control surface fittings). 51-20-1 (Cockpit light rework). 51-29-2 (Inspection main landing gear side brace). 52-10-1 (Ammeter circuit protection). 52-12-2 (Cabin door lock). 52-17-2 (Tail wheel rework). 52-18-1 (Carburetor gasket modification). 52-19-1 (Powerplant fire protection). 53-10-1 (Vacuum system discharge line). 54-5-1 (Landing gear retraction cylinder head). 54-14-1 (Horizontal stabilizer ribs). 55-9-2 (Control column inspection).

AIRCRAFT—Continued

DE HAVILLAND AIRCRAFT CO. LTD., HATFIELD, HERTS, ENGLAND

Civil model	Approval No.	Applicable notes
104 Dove	TC 807	51-29-3 (Wing center section spar). 56-11-1 (Oil pressure and temperature gauge modifications).
DHC-2	TC 806	53-7-1 (Elevator hinge attachment). 53-9-2 (Fuselage skin cracks). 53-10-2 (Wing skin cracks). 53-11-2 (Engine oil sump chafing). 53-12-2 (Hydraulic hand pump seals). 53-21-1 (Wing rear spar attachment bolt). 53-23-2 (Fuel tank filler neck). 54-11-1 (Tailplane attachment brackets). 54-15-1 (Control cable turnbuckle threads). 55-2-1 (Aileron pulley locking pin). 55-20-1 (Engine mount pickup fittings). 55-25-2 (Front fin attachment brackets). 55-25-3 (Earth post corrosion).
DHC-3	TC 815	56-10-1 (Flap control inspection). 56-14-1 (Flap restriction placard).

DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIFORNIA

A-26B, A-26C	LTC 3	47-36-1 (Wing fitting rework). 47-36-2 (Oil screen replacement). 55-26-1 (Fuselage fuel tank modification).
DC-3 and DST models with Pratt & Whitney engines.	TC 669	39-24-1 (Attach angles and doublers). 41-47-1 (Control surface rebalance). 43-12-1 (Elevator hinge brackets). 46-12-2 (Engine mount fittings). 46-13-4 (Landing gear brace strut fittings). 46-13-5 (Canvas control boot). 46-43-1 (Attach angle corrosion). 46-43-2 (Rudder pedal slide tube support bolt). 47-2-10 (Elevator rib inspection and reinforcement). 47-6-7 (Fire extinguisher trigger). 47-33-2 (Cowl flap hydraulic lines). 47-51-12 (Carburetor air scoop). 48-5-1 (Oil shut-off valve "O" rings). 48-17-1 (Fire prevention modifications). 50-46-1 (Oil tank standpipe). 51-2-1 (Ramp type door rework). 52-22-3 (Attach angles and doublers). 52-25-1 (Vacuum system rework). 55-15-3 (Fire resistant propeller feathering lines).
DC-3 and DST models with Wright engines; (Notes marked "*" also apply to Army B-18, -18A, and -18B).	TC 618	39-24-1* (Attach angles and doublers). 41-47-1* (Control surface rebalance). 46-12-2 (Engine mount fittings). 46-13-4* (Landing gear brace strut fittings). 46-13-5 (Canvas control boot). 46-43-1* (Attach angle corrosion). 46-43-2 (Rudder pedal slide tube support bolt). 47-6-7 (Fire extinguisher trigger). 47-33-2 (Cowl flap hydraulic lines). 48-5-1 (Oil shut-off valve "O" rings). 48-17-1 (Fire prevention modifications). 50-46-1 (Oil tank standpipe). 51-2-1 (Ramp type door rework). 52-22-3 (Attach angles and doublers). 52-25-1 (Vacuum system rework). 55-15-3 (Fire resistant propeller feathering lines).
C-54-DC, C-54A-DC, C-54B-DO and C-54D-DO.	TC 762	56-14-2 (Landing gear axle). 46-11-2 (Oxygen regulator relocation). 46-11-3 (Landing gear door stud). 46-24-2 (Revision of magneto wires). 46-27-1 (Spar web reinforcements). 46-27-2 (Nose wheel brace strut collar). 46-39-3 (Magneto wires inspection). 46-39-5 (Fuel line supporting brackets). 47-2-1 (Exhaust collector ring bolts). 47-2-2 (Stabilizer attach fittings and bolts). 47-2-3 (Accumulator replacement). 47-2-4 (Engine primer solenoid). 47-2-5 (Electrical system inspection). 47-2-6 (Hydraulic hand pump shut-off valve). 47-12-1 (Seal fuselage openings to prevent CO in cabin). 47-12-2 (Center main bearings R-2000-11 engine). 47-16-1 (Circuit breaker). 47-16-2 (18-gauge wire in oil dilution solenoid). 47-27-2 (Spar web inspection—tank area). 47-27-4 (Exhaust collector ring "Y" outlet reinforcement). 47-33-1 (Stabilizer hinge brackets). 47-42-1 (Gust lock rework). 47-42-2 (Cowling fire seal). 47-42-3 (Fire prevention changes). 48-1-1 (Goodyear wheel rework). 48-2-2 (Fire detector clamp). 48-3-1 (Propeller operating limits). 48-3-2 (Emergency air brake). 48-6-5 (Control surface attachment rework). 48-9-1 (Fuel transfer placard). 48-9-2 (Electrical distribution bus). 48-12-1 (Fire prevention requirements). 48-12-2 (Nose and cabin heater rework). 48-14-4 (Tail pipe shroud deflector). 48-15-3 (Hydraulic pressure regulator rework). 48-17-4 (Pesco vacuum pumps). 48-25-1 (Fire warning system). 48-28-2 (Cabin heater combustion ducts). 48-44-1 (Nose gear orifice fitting). 49-27-3 (Nose gear yoke end fittings). 49-38-2 (Bolt replacement). 49-46-1 (Vacuum system fusible plug).

AIRCRAFT—Continued

DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIFORNIA—Con.

Civil model	Approval No.	Applicable notes
C-54DO, C-54A-DC, C-54B-DO and C-54D-DO.	TC 762	51-9-2 (Elevator and rudder hinge brackets and bolts). 53-19-1 (Generator cooling fan). 55-15-3 (Fire resistant propeller feathering lines). 56-12-1 (Nose gear piston tube).
C54E-DC	TC 762	46-11-2 (Oxygen regulator relocation). 46-24-2 (Revision of magneto wires). 46-27-1 (Spar web reinforcements). 46-27-2 (Nose wheel brace strut collar). 46-39-3 (Magneto wires inspection). 46-39-4 (Fuel tank valve rework). 46-39-5 (Fuel line supporting brackets). 47-2-1 (Exhaust collector ring bolts). 47-2-2 (Stabilizer attach fittings and bolts). 47-2-3 (Accumulator replacement). 47-2-4 (Engine primer solenoid). 47-2-5 (Electrical system inspection). 47-2-6 (Hydraulic hand pump shut-off valve). 47-12-1 (Seal fuselage openings to prevent CO in cabin). 47-12-2 (Center main bearings R-2000-11 engine). 47-16-1 (Circuit breaker). 47-27-2 (Spar web inspection—tank areas). 47-27-4 (Exhaust collector ring "Y" outlet reinforcement). 47-33-1 (Stabilizer hinge brackets). 47-42-1 (Gust lock rework). 47-42-2 (Cowling fire seal). 47-42-3 (Fire prevention changes). 48-1-1 (Goodyear wheel rework). 48-2-2 (Fire detector clamp). 48-3-1 (Propeller operating limits). 48-3-2 (Emergency air brake). 48-6-5 (Control surface attachment rework). 48-9-1 (Fuel transfer placard). 48-9-2 (Electrical distribution bus). 48-12-1 (Fire prevention requirements). 48-12-2 (Nose and cabin heater rework). 48-17-4 (Pesco vacuum pumps). 48-25-1 (Fire warning system). 48-28-2 (Cabin heater combustion ducts). 48-44-1 (Nose gear orifice fitting). 49-27-3 (Nose gear yoke end fittings). 49-38-2 (Bolt replacement). 49-46-1 (Vacuum system fusible plug). 51-9-2 (Elevator and rudder hinge brackets and bolts). 53-19-1 (Generator cooling fan). 55-15-3 (Fire resistant propeller feathering lines). 56-12-1 (Nose gear piston tube).
C-54G-DC	TC762	46-24-2 (Revision of magneto wires). 46-27-2 (Nose wheel brace strut collar). 46-39-3 (Magneto wires inspection). 46-39-5 (Fuel line supporting brackets). 47-2-1 (Exhaust collector ring bolts). 47-2-2 (Stabilizer attach fittings and bolts). 47-2-3 (Accumulator replacement). 47-2-4 (Engine primer solenoid). 47-2-5 (Electrical system inspection). 47-2-6 (Hydraulic hand pump shut-off valve). 47-12-1 (Seal fuselage openings prevent CO in cabin). 47-12-2 (Center main bearings R-2000-11 engine). 47-16-1 (Circuit breakers).
DC-4	TC762	46-27-2 (Nose wheel brace strut collar). 46-39-4 (Fuel tank valve rework). 47-2-1 (Exhaust collector ring bolts). 47-2-2 (Stabilizer attach fittings and bolts). 47-2-3 (Accumulator replacement). 47-2-4 (Engine primer solenoid). 47-2-5 (Electrical system inspection). 47-2-6 (Hydraulic hand pump shut-off valve). 47-12-1 (Seal fuselage openings prevent CO in cabin). 47-12-2 (Center main bearings R-2000-11 engine). 47-16-1 (Circuit breakers).

AIRCRAFT—Continued

DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIFORNIA—Con.

Civil model	Approval No.	Applicable notes
DC-4	TC 762	47-27-2 (Spar web inspection—tank areas). 47-27-4 (Exhaust collector ring "Y" outlet reinforcement). 47-33-1 (Stabilizer hinge brackets). 47-42-1 (Gust lock rework). 47-42-2 (Cowling fire seal). 47-42-3 (Fire prevention changes). 48-1-1 (Goodyear wheel rework). 48-2-2 (Fire detector clamp). 48-3-1 (Propeller operating limits). 48-3-2 (Emergency air brake). 48-6-5 (Control surface attachment rework). 48-9-1 (Fuel transfer placard). 48-9-2 (Electrical distribution bus). 48-12-1 (Fire prevention requirements). 48-12-2 (Nose and cabin heater rework). 48-15-3 (Hydraulic pressure regulator rework). 48-17-4 (Pesco vacuum pumps). 48-25-1 (Fire warning system). 48-28-2 (Cabin heater combustion ducts). 48-44-1 (Nose gear orifice fitting). 49-27-3 (Nose gear yoke end fittings). 49-38-2 (Bolt replacement). 49-46-1 (Vacuum system fusible plug). 51-9-2 (Elevator and rudder hinge brackets and bolts). 53-19-1 (Generator cooling fan) 55-15-3 (Fire resistant propeller feathering lines). 56-12-1 (Nose gear piston tube).
DC-6	TC 781	47-42-5 (Curtain hook replacements). 47-42-6 (Fire extinguisher placard). 47-42-7 (Windshield handle spring). 47-42-8 (Horizontal stabilizer rivets). 47-42-9 (Oversize aileron hinge plates). 47-42-10 (Landing gear anti-retract mechanism). 47-42-11 (Horizontal stabilizer front spar cap cracks). 47-42-12 (Astrodome reinforcement). 47-42-13 (Gust lock rework). 47-42-14 (Voltage regulator bearings). 47-42-16 (Combustion chamber inspection). 47-42-17 (Wing center spar web cracks). 47-42-19 (Horizontal stabilizer front spar cap inspection). 47-51-15 (Brake relining). 47-51-16 (Flap support rework). 48-2-4 (Brake adjusting pin replacement). 48-2-5 (Outboard accessory cowling rework). 48-2-6 (Inboard nacelle cover plates). 48-7-2 (Engine supercharger control actuator). 48-7-3 (Door rework). 48-10-1 (Ungrounding modifications—Class A). 48-11-1 (Ungrounding modifications—Class B). 48-11-2 (Ungrounding modifications—Class C). 48-22-1 (Water-alcohol injection system). 48-48-2 (Vacuum pump line replacement). 48-49-3 (Electrical circuit inspection). 48-52-1 (Additional modifications items). 49-6-2 (Attachment bolt replacement). 49-30-1 (Curtiss C632S-A propeller hubs). 49-33-1 (Hamilton Standard propeller blades). 49-46-1 (Vacuum system fusible plug). 50-16-1 (Propeller reverse mechanism). 50-18-2 (Engine operation placard). 50-25-2 (Nose gear yoke end fitting). 50-43-1 (Goodyear L10HBMF wheel inspection). 50-52-1 (Hamilton Standard 2H17 blades). 51-1-1 (Front spar fittings and studs). 51-5-1 (Engine power measurements). 51-10-1 (Wing flap operating link). 52-14-1 (Propeller reversing rework). 52-18-2 (Spar cap rework). 52-20-1 (Overvoltage protection). 52-27-2 (Outboard front spare splice plate). 52-28-5 (Center wing lower access hole). 53-5-1 (Curtiss propeller reversing circuit). 53-8-2 (Center wing lower skin panel). 53-25-1 (Aileron control system). 54-23-1 (Fuselage cracks). 54-23-2 (Nose gear torque link). 54-25-1 (Emergency exit hinges). 55-9-3 (Propeller circuit breaker replacement). 55-11-1 (Nose gear yoke end fitting). 55-15-4 (Fire resistant propeller feathering lines). 55-18-2 (Propeller reverse protective device). 56-13-1 (Wing skin and stringer inspection). 56-14-3 (Front spar cap tang cracks).
DC-6A, DC-6B	TC 6A3 TC 6A4	52-14-1 (Propeller reversing rework). 52-18-2 (Spar cap rework). 52-20-1 (Overvoltage protection). 52-27-2 (Outboard front spar splice plate). 52-28-5 (Center wing lower access hole). 53-5-1 (Curtiss propeller reversing circuit). 53-8-2 (Center wing lower skin panel). 53-25-1 (Aileron control system). 54-6-1 (Kidde CO_2 discharge valve). 54-23-1 (Fuselage cracks). 54-23-2 (Nose gear torque link). 54-25-1 (Emergency exit hinges). 55-9-3 (Propeller circuit breaker replacement). 55-11-1 (Nose gear yoke end fitting). 55-15-4 (Fire resistant propeller feathering lines). 55-18-2 (Propeller reverse protective device). 56-13-1 (Wing skin and stringer inspection). 56-14-3 (Front spar cap tang cracks).

AIRCRAFT—Continued

DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIFORNIA—Con.

Civil model	Approval No.	Applicable notes
DC-7	TC 4A10	54-23-2 (Nose gear torque link). 55-11-1 (Nose gear yoke end fitting). 55-15-5 (Fire resistant propeller feathering lines). 55-20-2 (Wing skin heat shields).

EMIGH AIRCRAFT CORPORATION, DOUGLAS, ARIZ.

Trojan A-2	TC 801	52-11-1 (Elevator control tube socket).

ENGINEERING & RESEARCH CORPORATION, RIVERDALE, MD. (SEE FORNEY MFG. CO.)

FAIRCHILD AIRCRAFT DIVISION OF FAIRCHILD ENGINE & AIRPLANE CORP., HAGERSTOWN, MD.

22C7F	ATC 517	46-21-1 (Landing gear universal joints). 46-40-2 (Oleo tube reinforcement).
22C7G	ATC 564	46-21-1 (Landing gear universal joints). 46-40-2 (Oleo tube reinforcement).
24C8C	ATC 535	46-21-1 (Landing gear universal joints). 46-40-1 (Fuel tank selector valve placard). 46-40-2 (Oleo tube reinforcement).
24C8CS	ATC 535	46-40-1 (Fuel tank selector valve placard).
24C8E	ATC 600	46-21-1 (Landing gear universal joints). 46-40-1 (Fuel tank selector valve placard). 46-40-2 (Oleo tube reinforcement).
24C8ES	ATC 600	46-40-1 (Fuel tank selector valve placard).
24G	ATC 633	46-21-1 (Landing gear universal joints). 46-40-1 (Fuel tank selector valve placard). 46-40-2 (Oleo tube reinforcement).
24GS	ATC 633	46-40-1 (Fuel tank selector valve placard).
24J	TC 663	46-6-3 (Kinner master rod knuckle pin). 46-21-1 (Landing gear universal joints). 46-40-1 (Fuel tank selector valve placard). 46-40-2 (Oleo tube reinforcement).
24JS	TC 663	46-6-3 (Kinner master rod knuckle pin). 46-40-1 (Fuel tank selector valve placard).
24K	TC 667	46-21-1 (Landing gear universal joints). 46-40-1 (Fuel tank selector valve placard). 46-40-2 (Oleo tube reinforcement).
24KS	TC 667	46-40-1 (Fuel tank selector valve placard). 46-40-2 (Oleo tube reinforcement).
24R-9, 24R-40	TC 706	46-21-1 (Landing gear universal joints). 46-40-1 (Fuel tank selector valve placard). 47-50-9 (Landing gear fittings).
24R-9S, 24R-40S	TC 706	46-40-1 (Fuel tank selector valve placard). 47-50-9 (Landing gear fittings).
24R-46, 24R-46S	TC 706	46-40-1 (Fuel tank selector valve placard). 47-21-1 (Starter relay terminal wire). 47-21-2 (20 ampere landing light fuse). 47-21-3 (Rudder cable turnbuckles). 47-50-9 (Landing gear fittings).
24R-46A	TC 706	46-40-1 (Fuel tank selector valve placard). 47-21-3 (Rudder cable turnbuckles). 47-50-9 (Landing gear fittings).
24W-9, 24W-40, 24W-41.	TC 707	46-6-3 (Kinner master rod knuckle pin). 46-21-1 (Landing gear universal joints). 46-40-1 (Fuel tank selector valve placard). 47-50-9 (Landing gear fittings).
24W-9S, 24W-40S, 24W-41S.	TC 707	46-6-3 (Kinner master rod knuckle pin). 46-40-1 (Fuel tank selector valve placard). 47-50-9 (Landing gear fittings).
24W-41A	TC 707	46-6-3 (Kinner master rod knuckle pin). 46-21-1 (Landing gear universal joints). 46-40-1 (Fuel tank selector valve placard). 47-21-3 (Rudder cable turnbuckles). 47-50-9 (Landing gear fittings).
24W-46, 24W-46S	TC 707	46-6-3 (Kinner master rod knuckle pin). 46-40-1 (Fuel tank selector valve placard). 47-21-1 (Starter relay terminal wire). 47-21-2 (20 ampere landing light fuse). 47-21-3 (Rudder cable turnbuckles). 47-50-9 (Landing gear fittings).
M62A, M-62B	TC 724	46-7-1 (Wing center section spars). 47-7-2 (Elevator hinge attachments). 47-7-3 (Wing inspection). 47-7-4 (Control stick safetying). 47-7-5 (Torque tube cover). 47-7-6 (Vertical fin attachment). 48-45-1 (Wing spar inspection).
M-62A3, -4	TC 724	46-7-1 (Wing center section spars). 46-14-2 (Cockpit heat control valve). 47-7-2 (Elevator hinge attachments). 47-7-3 (Wing inspection). 47-7-4 (Control stick safetying). 47-7-5 (Torque tube cover). 47-7-6 (Vertical fin attachment). 48-45-1 (Wing spar inspection).
M-62O	TC 724	46-14-1 (Propeller indexing). 47-7-2 (Elevator hinge attachments). 47-7-3 (Wing inspection). 47-7-4 (Control stick safetying). 47-7-5 (Torque tube cover). 47-7-6 (Vertical fin attachment). 48-45-1 (Wing spar inspection).

AIRCRAFT—Continued

FLEETWINGS, DIVISION OF KAISER CARGO, INC., BRISTOL, PA.

Civil model	Approval No.	Applicable notes
F-5, F-401	ATC 680 2-540	49-32-1 (Engine support struts).

FORNEY MFG. CO. AVIATION DIV., FT. COLLINS, COLO.

415-C, 415-CD, 415-D, 415-E, 415-G (formerly Erco).	TC 718 TC 787	46-23-1 (Muffler replacement). 46-23-2 (Engine breather line hose). 46-23-3 (Aileron control column fitting). 46-36-1 (Continental piston pins). 46-38-2 (Aileron control stop). 46-38-3 (Fuel system elbow fitting). 46-46-1 (Fuselage gas tank overflow line). 46-49-1 (Nose wheel replacement). 47-20-3 (Fuel pump line alteration). 47-20-4 (Baggage compartment zipper). 47-20-5 (Belly skin reinforcement). 47-20-6 (Aileron reinforcement). 47-20-7 (Rudder reinforcement). 47-20-8 (Battery box drain). 47-20-9 (Voltage regulator check). 47-40-2 (Continental C75 and C85 piston pins). 47-42-20 (Control column shaft). 50-7-1 (Elevator trim tab stop). 52-2-2 (Aileron inspection). 52-25-2 (Federal nose ski). 53-26-2 (Rudder horn attachment). 54-26-2 (Control cable fraying). 55-22-2 (Ternepiste fuel tank).

FUNK AIRCRAFT COMPANY, COFFEYVILLE, KANS.

B85C	TC 715	47-40-2 (Continental C75 and C85 piston pins).

GLOBE AIRCRAFT CORPORATION, FORT WORTH, TEX. (SEE VEST AIRCRAFT CO.)

GOODYEAR AIRCRAFT CORPORATION, AKRON, OHIO

GA-2B	TC 784	50-47-1 (Sensenich propeller blades).

GRUMMAN AIRCRAFT ENGINEERING CORPORATION, BETHPAGE, LONG ISLAND, N. Y

G-21, G-21A	TC 654	46-38-1 (Vacuum system tubing). 49-16-1 (Fuel tank baffles). 50-15-1 (Mixture control rework). 53-21-2 (Horizontal stabilizer strut).
G-44, G-44A	TC 734	53-24-1 (Stabilizer strut terminals). 48-31-1 (Stabilizer strut terminals). 53-6-2 (Hartzell propeller hubs).
G-73	TC 783	54-26-1 (Landing gear valve placard). 48-3-4 (Landing gear hose guides).

HILLER HELICOPTERS, PALO ALTO, CALIF.

UH-12, UH-12A, UH-12B	HTC 6H1	51-20-3 (Collective pitch ballast system bracket). 52-1-8 (Collective pitch incidence arms). 52-29-1 (Tail rotor drive slip joint assembly inspection). 53-9-3 (Outboard tension bar pins). 53-12-1 (Horizontal stabilizer spar). 53-24-2 (Tail rotor pitch change rod). 55-8-3 (Cam follower assembly replacement). 55-19-1 (Tail boom rear bulkhead). 56-9-1 (Tail rotor torsion bar).

HOWARD INDUSTRIES INCORPORATED, CHICAGO, ILL.

DGA-18K	TC 739	46-6-2 (Kinner master rod replacement). 46-6-3 (Kinner master rod knuckle pin).

LOCKHEED AIRCRAFT CORPORATION, BURBANK, CALIF.

18-07, 18-08, 18-14, 18-40, 18-50, 18-56.	TC 723	46-13-1 (Landing gear hose furrules). 46-13-2 (Dual fuel system). 46-13-3 (Hopper oil tanks). 47-43-10 (Fire extinguisher bottle rework). 47-43-11 (Elevator push-pull rod bolts). 48-42-2 (Fire prevention modification). 52-8-1 (Fuel tank seal).
49-46	TC 763	47-10-2 (Elevator tab control circuit breaker). 47-10-3 (Rudder and elevator circuit breakers). 47-10-4 (Engine autosyn transmitter jumpers). 47-10-5 (Landing gear selector valve). 47-10-6 (Fuel tank shut-off valves). 47-10-7 (Landing gear down line restriction valve). 47-10-8 (Elevator booster shifter horn). 47-10-9 (Oil line cover plates). 47-10-10 (Soundproofing around voltage regulators). 47-10-11 (Fire detector replacement).

AIRCRAFT—Continued

LOCKHEED AIRCRAFT CORPORATION, BURBANK, CALIF.—Continued

Civil model	Approval No.	Applicable notes
49-46	TC 763	47-10-13 (Fire resistant firewall fittings). 47-10-14 (Fuel pump flexible hose). 47-10-15 (Requirements for recertification Lockheed 49). 47-10-16 (Conversion of 49-51 to 49-46). 47-10-17 (Cabin supercharger rework). 47-10-18 (Fire resistant fuel line). 47-10-19 (Cabin heater fuel solenoid valve). 47-10-20 (Alcohol tank replacement). 47-10-21 (Landing gear torque links). 47-10-22 (Fire extinguisher selector valve washer). 47-10-23 (Bathtub fitting steel nuts). 47-10-24 (Cross-feed relief valve). 47-10-25 (Generator mounting bolts). 47-10-26 (Flap drain line rerouting). 47-10-27 (Fuel tank vent outlets). 47-10-28 (Elevator cable seal holes). 47-10-29 (Aileron drain holes). 47-10-30 (Fuel tank surge box flapper valves). 47-10-31 (Landing gear torque arm). 47-10-32 (Upper wing surface inspection). 47-10-33 (Cylinder barrel replacement). 47-10-34 (Exhaust system ball joint rework). 47-10-36 (Wing leading edge rework). 47-10-37 (Landing gear fulcrum bolts). 47-10-38 (Landing gear drag link crosshead). 47-10-39 (Aileron trailing edge). 47-49-1 (Rudder trim tab control relocation). 47-49-2 (Nose gear extension line clearance). 47-49-3 (Rudder torque tube attachments). 47-49-4 (Rudder pedal pins). 47-49-5 (Control cable housing fasteners). 47-49-6 (Oil pressure gauge placard). 47-49-7 (Drag link bolt replacement). 47-49-8 (Aileron rib and skin inspection). 47-49-9 (Wing attaching pins). 47-49-10 (Astrodome rework). 47-49-11 (Fuel system inspection). 47-49-12 (Landing gear doors). 48-12-4 (Fire prevention requirements). 48-18-3 (Cabin supercharger driveshaft). 48-18-4 (Supercharger bearing thermocouple). 48-19-2 (Elevator lever). 48-27-1 (Fuel dump standpipes). 48-33-1 (Fuel system placards). 49-49-1 (PB-10 automatic pilot). 49-52-1 (Elevator booster system rework). 52-12-3 (Bulkhead ring and bracket). 53-13-2 (Propeller reversing rework). 53-15-2 (Wing lower front spar cap). 54-22-1 (Flexible hose replacement). 54-24-3 (Landing gear actuating cylinder). 55-15-6 (Cooling air system rework). 55-17-1 (Flap torque tube bolts). 55-23-3 (Landing gear downlock spring cylinder assembly). 56-3-1 (Wing skin and stiffeners inspection).
149-46	TC 763	48-19-2 (Elevator lever). 48-27-1 (Fuel dump standpipes). 48-33-1 (Fuel system placards). 49-49-1 (PB-10 automatic pilot). 49-52-1 (Elevator booster system rework). 52-12-3 (Bulkhead ring and bracket). 52-13-2 (Propeller reversing rework). 53-15-2 (Wing lower front spar cap). 54-22-1 (Flexible hose replacement). 54-24-3 (Landing gear actuating cylinder). 55-15-6 (Cooling air system rework). 55-17-1 (Flap torque tube bolts). 55-23-3 (Landing gear downlock spring cylinder assembly). 56-3-1 (Wing skin and stiffeners inspection).
649-79, 649A-79, 749-79, 749A-79.	TC 763	47-49-9 (Wing attaching pins). 47-49-11 (Fuel system inspection). 47-49-12 (Landing gear doors). 48-12-3 (Fire prevention requirements). 48-19-2 (Elevator lever). 48-26-1 (Engine speed restrictions—Curtiss propellers). 48-27-1 (Fuel dump standpipes). 48-27-3 (Propeller hub peening). 48-33-1 (Fuel system placards). 49-5-1 (Curtiss 850-4C2-0 propeller blades). 49-41-1 (Curtiss C632S-A propeller hub). 49-49-1 (PB-10 automatic pilot). 49-52-1 (Elevator booster system rework). 52-12-3 (Bulkhead ring and bracket). 52-13-2 (Propeller reversing rework). 53-5-1 (Curtiss propeller reversing circuit). 53-15-2 (Wing lower front spar cap). 54-22-1 (Flexible hose replacement). 54-24-3 (Landing gear actuating cylinder). 55-15-6 (Cooling air system rework). 55-17-1 (Flap torque tube bolts). 55-23-2 (Landing gear downlock spring cylinder assembly). 56-3-1 (Wing skin and stiffeners inspection).
1049 Series	TC 6A5	54-22-1 (Flexible hose replacement). 54-24-2 (Wing main beam web inspection). 54-24-3 (Landing gear actuating cylinder). 55-15-6 (Cooling air system rework). 55-17-1 (Flap torque tube bolts). 55-23-2 (Outer wing main beam web) 55-23-3 (Landing gear downlock spring cylinder assembly). 56-3-1 (Wing skin and stiffeners inspection).

AIRCRAFT—Continued

LUSCOMBE AIRPLANE CORPORATION, DALLAS, TEX. (SEE TEMCO AIRCRAFT CORP. AND OTIS T. MASSEY)

MASSEY, OTIS T., FORT COLLINS, COLO.

Civil model	Approval No.	Applicable notes
8, 8A, 8B, 8C, 8D, 8E (Luscombe).	TC 694	46-30-1 (Control stick horn adjustment screw). 46-36-1 (Continental piston pins). 47-10-40 (Rudder control arm reinforcement). 47-22-1 (Bulkhead reinforcement for seaplanes). 47-40-2 (Continental C75 and C85 piston pins). 47-50-5 (Float wirepull fitting). 48-9-3 (Kollsman airspeed baffle). 48-48-1 (Freedman propeller hubs). 48-49-1 (Vertical stabilizer spar fitting). 49-43-2 (Stabilizer spar inspection). 50-37-1 (Fuel system modifications—Model 8C only). 51-10-2 (Control cable inspection). 55-24-1 (Corrosion inspection).

MARTIN COMPANY (GLENN L.), BALTIMORE, MD.

Civil model	Approval No.	Applicable notes
202	TC 795	47-47-5 (Stewart-Warner 921B heaters). 47-47-6 (Engine accessory section inspection). 48-15-1 (Automatic pilot cable). 48-15-2 (Oil tank vent hose). 48-17-2 (Cargo compartment insulation). 48-22-1 (Water-alcohol injection system). 48-24-1 (Rudder hinge brackets). 48-43-1 (Hydraulic system rework). 48-50-3 (Control system guards). 49-15-2 (Wing modifications). 50-41-2 (Brake system hydraulic fuse). 50-48-1 (Nose gear cam). 50-52-1 (Hamilton Standard 2H17 blades). 51-3-2 (Landing gear crankshafts). 51-4-1 (Fuel vent line check valve). 51-11-1 (Modification Board items). 51-13-1 (Wing top cover splice angles). 51-19-4 (Modification Board items). 51-20-2 (Modification Board items). 51-24-2 (Fin inspection). 51-25-2 (Circuit breaker cover). 52-2-3 (Oxygen bottle relocation). 52-4-1 (Fuel line vent). 52-4-2 (Inverter control protection). 52-4-3 (Pressure gage). 52-4-4 (Lighting circuit protection). 52-4-5 (Oil quantity indicator). 52-4-6 (Relocation cabin heater lights and switch) 52-4-7 (Heater control modification). 52-4-8 (Anti-icing heater controls). 52-5-2 (Center wing spar rework). 52-15-2 (Propeller reversing rework). 53-20-1 (Hamilton Standard propeller pitch stop). 54-1-2 (Hamilton Standard propeller reversing system). 54-6-2 (Wing scarf splice bushing). 54-8-1 (Nose gear piston and fork assembly). 54-24-4 (Landing gear trunnion fittings). 55-16-2 (Fire resistant propeller feathering lines). 56-9-2 (Rudder torque tube rivets).
202A	TC 795	55-20-3 (Nose gear steering shaft). 51-3-2 (Landing gear crankshafts). 51-11-1 (Modification Board items). 51-13-1 (Wing top cover splice angles). 51-19-4 (Modification Board items). 51-20-2 (Modification Board items). 51-25-2 (Circuit breaker cover). 51-29-4 (Engine mount stud). 52-2-3 (Oxygen bottle relocation). 52-4-2 (Inverter control protection). 52-4-3 (Pressure gage). 52-4-4 (Lighting circuit protection). 52-4-5 (Oil quantity indicator). 52-4-6 (Relocation cabin heater lights and switch). 52-4-7 (Heater control modification). 52-4-8 (Anti-icing heater controls). 52-5-2 (Center wing spar rework). 52-16-1 (Propeller reversing rework). 53-20-1 (Hamilton Standard propeller pitch stop). 54-1-2 (Hamilton Standard propeller reversing system). 54-8-1 (Nose gear piston and fork assembly). 54-24-4 (Landing gear trunnion fittings). 55-16-2 (Fire resistant propeller feathering lines). 56-9-2 (Rudder torque tube rivets).
404	TC 1A7	55-20-3 (Nose gear steering shaft). 52-16-2 (Propeller reversing rework). 54-1-2 (Hamilton Standard propeller reversing system). 54-8-1 (Nose gear piston and fork assembly). 54-12-1 (Landing gear oleo drag struts). 55-16-2 (Fire resistant propeller feathering lines). 55-20-3 (Nose gear steering shaft). 56-9-2 (Rudder torque tube rivets).

MEYERS AIRCRAFT COMPANY, TECUMSEH, MICH.

Civil model	Approval No.	Applicable notes
OTW-160	TC 736	46-6-3 (Kinner master rod knuckle pin).

AIRCRAFT—Continued

MONOCOUPE AIRPLANE & ENGINE CORP., MELBOURNE, FLA.

Civil model	Approval No.	Applicable notes
90AL-115	TC 306	50-47-1 (Sensenich propeller blades).

MOONEY AIRCRAFT, INCORPORATED, WICHITA, KANS.

Civil model	Approval No.	Applicable notes
M-18 Series	TC 803	50-1-1 (Engine mount reinforcement). 51-3-1 (Fuel line rework). 53-17-1 (Control stick boot). 53-24-3 (Landing gear bell crank).

NOORDUYN AVIATION, LTD., MONTREAL, CANADA

Civil model	Approval No.	Applicable notes
Army UC-64, -64A, -64B.	2-573	46-23-5 (Horizontal stabilizer drain holes). 46-23-6 (Surface combustion fuel burning heater). 48-49-2 (Float wire brace).

NORTH AMERICAN AVIATION, INCORPORATED, INGLEWOOD, CALIF.

Civil model	Approval No.	Applicable notes
Army BC-1A, AT-6, AT-6A, -6B, -6C; Navy SNJ-2, -3, -4.	2-575	46-11-1 (Landing gear retracting strut attachment support channel). 46-17-1 (Flap control universal joint pins). 46-46-2 (Elevator stop). 49-7-2 (Fuel system placard). 50-9-1 (Stabilizer spar fittings and shims); 50-38-1 (Fuselage structure corrosion).

NORTHWESTERN AERONAUTICAL CORPORATION, MINNEAPOLIS MUNICIPAL AIRPORT MINNEAPOLIS, MINN.

Civil model	Approval No.	Applicable notes
Porterfield CP-65 CS-65.	TC 720	46-36-1 (Continental piston pins).
Porterfield 75-C	TC 611	46-36-1 (Continental piston pins).

PIPER AIRCRAFT CORPORATION, LOCK HAVEN, PA.

Civil model	Approval No.	Applicable notes
AE-1, HE-1	TC 725	46-36-1 (Continental piston pins).
J-3	ATC 660	47-50-3 (Canvas seat inspection). 51-15-1 (Clevis bolt inspection). 52-7-3 (Lift strut rework).
J3C-40, -50, -50S	TC 691	47-50-3 (Canvas seat inspection). 47-50-5 (Float wirepull fitting). 51-15-1 (Clevis bolt inspection). 52-7-3 (Lift strut rework).
J3C-65, J3C-65S	TC 691	46-36-1 (Continental piston pins). 46-37-1 (Fuel strainer gasket). 46-37-2 (Fuel strainer position). 47-40-2 (Continental C75 and C85 piston pins). 47-50-3 (Canvas seat inspection). 47-50-5 (Float wirepull fitting). 47-50-6 (Shock strut cracks). 49-14-1 (Elevator connector tube fitting). 50-5-1 (Nicopress sleeve rework). 51-15-1 (Clevis bolt inspection). 52-7-3 (Lift strut rework).
J3F-50, -50S, -60, -60S, -65, -65S.	TC 692	47-50-3 (Canvas seat inspection). 49-14-1 (Elevator connector tube fitting). 51-15-1 (Clevis bolt inspection). 52-7-3 (Lift strut rework).
J3L, J3L-S, J3L-65, J3L-65S.	TC 698	47-50-3 (Canvas seat inspection). 49-14-1 (Elevator connector tube fitting). 51-15-1 (Clevis bolt inspection). 52-7-3 (Lift strut rework).
J3P	TC 695	47-50-3 (Canvas seat inspection). 51-15-1 (Clevis bolt inspection). 52-7-3 (Lift strut rework).
J4, J4A, J4A-S	TC 703	46-36-1 (Continental piston pins).
J4E	TC 740	46-36-1 (Continental piston pins). 47-40-2 (Continental C75 and C85 piston pins).
J5A, J5A-80	TC 725	46-36-1 (Continental piston pins). 47-40-2 (Continental C75 and C85 piston pins).
J5C	TC 725 2-563.	46-36-1 (Continental piston pins).
PA-11	TC 691	47-40-2 (Continental C75 and C85 piston pins). 47-50-5 (Float wirepull fitting). 47-50-6 (Shock strut cracks). 48-3-3 (Header tank installation). 49-14-1 (Elevator connector tube fitting). 50-5-1 (Nicopress sleeve rework). 51-15-1 (Clevis bolt inspection). 52-7-3 (Lift strut rework).
PA-12	TC 780	46-36-2 (Airscoop rework). 46-36-3 (Muffler brace). 46-37-1 (Fuel strainer gasket). 47-22-3 (Landing gear tie strap). 47-47-1 (Landing gear reinforcement). 47-47-2 (Battery box insulating spacer). 47-47-3 (Seaplane fuselage inspection). 47-47-4 (Starter solenoid replacement). 48-1-2 (Cowl support braces). 48-13-3 (Battery hold-down brackets). 48-13-4 (Fuse-clip attachment). 48-14-1 (Fuel line elbow). 49-14-1 (Elevator connector tube fittings). 49-27-2 (Aileron bellcrank castings). 50-5-1 (Nicopress sleeve rework). 50-47-1 (Sensenich propeller blades). 51-21-2 (Aileron hinge brackets).

AIRCRAFT—Continued

PIPER AIRCRAFT CORPORATION, LOCK HAVEN, PA.—Continued

Civil model	Approval No.	Applicable notes
PA-14	TC 797	49-27-2 (Aileron bellcrank castings). 50-47-1 (Sensenich propeller blades).
PA-15	TC 800	50-23-1 (Shock strut fittings).
PA-16	TC 1A1	50-47-1 (Sensenich propeller blades). 51-23-3 (Battery box insulation).
PA-17	TC 805	50-23-1 (Shock strut fittings).
PA-18	TC 1A2	51-19-2 (Oil radiator hose). 53-4-1 (Control stick attachment). 53-24-4 (Fuel-hydraulic lines).
PA-18 (Restricted)	RTC 7	54-19-1 (Brake line cover plate).
PA-20	TC-1A4	54-19-1 (Brake line cover plate). 50-47-1 (Sensenich propeller blades). 51-19-2 (Oil radiator hose). 51-23-3 (Battery box insulation). 53-24-4 (Fuel-hydraulic lines). 54-2-2 (Federal ski rigging).
PA-22	TC 1A6	51-19-2 (Oil radiator hose). 51-23-3 (Battery box insulation). 51-27-3 (Nose wheel drain). 53-24-4 (Fuel-hydraulic lines). 55-7-2 (Landing gear tube reinforcement). 55-8-4 (Ignition filter replacement). 55-22-3 (Fuel tank cap).
PA-23	TC 1A10	55-11-2 (Thermal relief valves). 55-13-1 (Idler bellcrank installation). 55-14-2 (Hydraulic cylinder replacement). 55-21-2 (Wing front spar attachment fitting).

PORTERFIELD (SEE NORTHWESTERN AERONAUTICAL CORPORATION)

REPUBLIC AVIATION CORPORATION, FARMINGDALE, N. Y.

Civil model	Approval No.	Applicable notes
RC-3	TC-769	47-21-11 (Firewall stud bushings). 47-21-12 ("No Smoking" placard). 47-21-13 (Elevator push-pull tube rivets). 47-21-14 (Elevator control cable guide). 47-21-15 (Radio filters). 47-21-16 (Fuel strainer drain). 47-21-17 (Backfire screen). 47-21-18 (Mixture control support bracket). 47-21-19 (Control clamps or brass ferrules). 47-21-20 (Oil pressure gauge line restrictor). 47-21-21 (Tip float struts). 47-21-22 (Engine mounting bolt lock washers). 47-21-23 (Engine cooling fan). 47-47-10 (Float strut rework). 47-47-11 (Propeller reverse control spring). 47-47-12 (Carburetor anti-swirl vanes). 47-47-13 (Hartzell propeller hub counterweight). 47-47-14 (Oil screen inspection). 47-51-8 (Tailwheel horns). 48-1-3 (Elevator trim tab bushing). 48-11-4 (Hydraulic pump handle). 49-3-1 (Fuel pump diaphragms). 49-31-2 (Fuel tank placard). 53-6-2 (Hartzell propeller hubs). 53-23-3 (Strut fitting inspection).

RYAN AERONAUTICAL COMPANY, SAN DIEGO, CALIF.

Civil model	Approval No.	Applicable notes
ST-3KR	TC 749	46-6-1 (Front fin spar). 46-6-2 (Kinner master rod replacement). 46-6-3 (Kinner master rod knuckle pin).
Navion	TC 782	51-28-3 (Fuel valve placard). 47-11-1 (Rudder-nose gear steering bellcrank). 47-11-2 (Hartzell propeller blade rework). 47-21-4 (Fuel scupper drain line). 47-21-5 (Propeller control friction lock). 47-21-6 (Valve spring retainer spacers). 47-21-7 (Carburetor air intake scoop filler strip). 47-21-8 (Generator terminal stud indulator). 47-21-9 (Hydraulic system modifications). 47-21-10 (Propeller guide pin dowel). 47-31-1 (Hydraulic cylinder lines). 47-31-2 (Fire-resistant carburetor vapor return line). 47-31-3 (Fuel drain cock). 48-6-3 (Hartzell propeller blade inspection). 48-8-3 (Fuel valve control support clip). 48-29-1 (Fuel pump drain). 49-5-3 (Continental engines bearing inserts). 49-9-2 (Booster pump rework). 49-11-1 (Carter fuel pump rework). 49-12-2 (Romec fuel pump vent plugs). 49-28-1 (Product Techniques propeller spinner). 50-5-2 (Shakespeare controls). 50-10-2 (Air intake hose). 50-24-1 (Landing gear control lever). 50-32-1 (Oil pump rework). 51-7-1 (Throttle housing). 51-24-1 (Exhaust valve seats). 52-8-2 (Carburetor ducting). 52-23-2 (Landing gear retract link). 52-24-1 (Aileron control chain guard). 52-26-1 (Stabilizer spar web). 53-6-2 (Hartzell propeller). 53-6-1 (Horizontal stabilizer fitting). [1] 54-18-1 (Wing to fuselage attachment). [1] 55-1-1 (Fuselage frame cracks). 56-3-3 (Wing rear spar fitting inspection).

[1] Also applies to Riley and Temco Twin Navions.

AIRCRAFT—Continued

RYAN AERONAUTICAL COMPANY, SAN DIEGO, CALIF.—Continued

Civil model	Approval No.	Applicable notes
Navion A and B	TC 782	52-8-2 (Carburetor ducting). 52-24-1 (Aileron control chain guard). 53-3-1 (Hartzell propeller vibration). 53-8-1 (Horizontal stabilizer fitting). [1] 54-18-1 (Wing to fuselage attachment). [1] 55-1-1 (Fuselage frame cracks). 56-3-3 (Wing rear spar fitting inspection).
Riley and Temco Twin Navion Conversions.	TC 2A1	55-6-1 (Fuselage fuel tank enclosures).

SIKORSKY AIRCRAFT DIVISION OF UNITED AIRCRAFT CORP., STRATFORD, CONN.

Civil model	Approval No.	Applicable notes
R-4B	LTC 7	47-35-1 (Main rotor links rework). 47-35-2 (Tail rotor gear box brace).
YR-6A, R-6A, HOS-1.	LTC 29	47-51-14 (Pinion and ring gear inspection).
S-51	HTC 2	47-32-15 (Control system chain and sprockets). 47-50-8 (Vertical hinge pins). 48-17-3 (Planet pinion shafts wear). 48-18-2 (Bevel drive gear splines). 50-8-1 (Tail cone mounting longerons). 51-22-1 (Gear shaft replacement). 51-23-4 (Rotor link assemblies). 56-13-2 (Main rotor hub replacement).
S-55	TC 1H4	54-1-3 (Fuel strainer screen). 54-13-1 (Star assembly bolt replacement). 54-16-1 (Main transmission). 54-19-2 (Servo safety clip). 54-20-2 (Fore and aft transmission support assembly cracks). 55-25-4 (Tail cone skin reinforcements). 56-10-2 (Horizontal hinge pin assembly).

STINSON DIVISION, CONSOLIDATED VULTEE AIRCRAFT CORP., WAYNE, MICH. (SEE VEST FOR STINSON 108 SERIES.)

Civil model	Approval No.	Applicable notes
Army L-5, -5B, -5C, -5D, -5E, -5E-1.	TC 764	46-31-1 (Hinged seat back). 46-31-2 (Torque tube aft of rear seat). 47-50-4 (Elevator push-pull tube).
A	ATC 556	46-6-5 (Wing attach fittings).
HW-75, 10	TC 709	46-36-1 (Continental piston pins). 46-39-1 (Oleo truss wear).
10A, 10B	TC 783	46-39-1 (Oleo truss wear).

SUPERIOR AIRCRAFT COMPANY, WICHITA, KANS.

Civil model	Approval No.	Applicable notes
LCA	TC 730	46-4-1 (Landing gear throttle stop). 46-4-2 (Carburetor float needle). 46-36-1 (Continental piston pins).
LFA	TC 730	46-4-1 (Landing gear throttle stop).
V, V2	TC 778	47-2-7 (Landing gear retraction adjustment). 47-2-8 (Firewall cover plate). 47-2-9 (Cabin heater valve box). 47-25-1 (Fuel system rework). 47-25-2 (Wing fillets). 47-25-3 (Nose gear drag link). 47-25-4 (Compass illumination). 47-25-5 (Nose-main gear interconnection tube). 47-40-2 (Continental C75 and C85 piston pins). 48-48-1 (Freedman propeller hub). 50-4-2 (Landing gear retraction motor rework). 50-47-2 (Sensenich propeller blades).

TAYLORCRAFT, INCORPORATED, CONWAY, PA.

Civil model	Approval No.	Applicable notes
BC, BCS, BC-65, BCS-65, BC12-65, BCS12-65, BC12-D, BC12-D1, BCS12-D1.	TC 696	46-36-1 (Continental piston pins). 47-13-2 (Fuel hose). 47-16-3 (Wing strut fittings). 50-41-1 (Elevator horn bolt). 51-9-3 (Fuel shut-off valve clip).
BF, BFS, BF-60, BFS-60, BF-65, BFS-65, BF12-65, BFS12-65.	TC 699	47-16-3 (Wing strut fittings). 50-41-1 (Elevator horn bolt). 51-9-3 (Fuel shut-off valve clip).
BL, BLS, BL-65, BLS-65, BL-12-65, BLS12-65.	TC 700	47-16-3 (Wing strut fittings). 50-41-1 (Elevator horn bolt). 51-9-3 (Fuel shut-off valve clip).
DC-65, DCO-65	TC 746	46-36-1 (Continental piston pins). 51-9-3 (Fuel shut-off valve clip).

TEMCO AIRCRAFT CORP., GREENVILLE, TEX.

Civil model	Approval No.	Applicable notes
11A (formerly Luscombe).	TC 804	49-40-1 (Trim tab horn attachment). 49-45-1 (Landing gear bulkhead reinforcement). 50-32-1 (Oil pump rework). 51-21-3 (Rudder bellcrank).

TIMM AIRCRAFT CORPORATION, VAN NUYS, CALIF.

Civil model	Approval No.	Applicable notes
Navy N2T	2-573	48-32-1 (Throttle quadrant reinforcement).

AIRCRAFT—Continued

PIPER AIRCRAFT CORPORATION, LOCK HAVEN, PA.—Continued

Civil model	Approval No.	Applicable notes
PA-24	TC 1A9	51-19-2 (Oil radiator hose). 51-23-3 (Battery box insulation). 51-27-3 (Nose wheel drain). 53-24-4 (Fuel-hydraulic lines). 54-2-2 (Federal ski rigging). 55-7-2 (Landing gear tube reinforcement). 55-8-4 (Ignition filter replacement). 55-22-3 (Fuel tank cap). 55-11-2 (Thermal relief valves). 55-13-1 (Idler bellcrank installation). 55-14-2 (Hydraulic cylinder replacement). 55-21-2 (Wing front spar attachment fitting).
PA-25	TC 1A11	51-19-2 (Oil radiator hose). 51-23-3 (Battery box insulation). 51-27-3 (Nose wheel drain). 53-24-4 (Fuel-hydraulic lines). 54-2-2 (Federal ski rigging). 55-7-2 (Landing gear tube reinforcement). 55-8-4 (Ignition filter replacement). 55-22-3 (Fuel tank cap). 55-11-2 (Thermal relief valves). 55-13-1 (Idler bellcrank installation). 55-14-2 (Hydraulic cylinder replacement). 55-21-2 (Wing front spar attachment fitting).
PA-28	TC 1A13	51-19-2 (Oil radiator hose). 51-23-3 (Battery box insulation). 51-27-3 (Nose wheel drain). 53-24-4 (Fuel-hydraulic lines). 54-2-2 (Federal ski rigging). 55-7-2 (Landing gear tube reinforcement). 55-8-4 (Ignition filter replacement). 55-22-3 (Fuel tank cap). 55-11-2 (Thermal relief valves). 55-13-1 (Idler bellcrank installation). 55-14-2 (Hydraulic cylinder replacement). 55-21-2 (Wing front spar attachment fitting).
PA-28-150	TC 1A15	51-19-2 (Oil radiator hose). 51-23-3 (Battery box insulation). 51-27-3 (Nose wheel drain). 53-24-4 (Fuel-hydraulic lines). 54-2-2 (Federal ski rigging). 55-7-2 (Landing gear tube reinforcement). 55-8-4 (Ignition filter replacement). 55-22-3 (Fuel tank cap). 55-11-2 (Thermal relief valves). 55-13-1 (Idler bellcrank installation). 55-14-2 (Hydraulic cylinder replacement). 55-21-2 (Wing front spar attachment fitting).
PA-28-160	TC 1A16	51-19-2 (Oil radiator hose). 51-23-3 (Battery box insulation). 51-27-3 (Nose wheel drain). 53-24-4 (Fuel-hydraulic lines). 54-2-2 (Federal ski rigging). 55-7-2 (Landing gear tube reinforcement). 55-8-4 (Ignition filter replacement). 55-22-3 (Fuel tank cap). 55-11-2 (Thermal relief valves). 55-13-1 (Idler bellcrank installation). 55-14-2 (Hydraulic cylinder replacement). 55-21-2 (Wing front spar attachment fitting).
PA-28-180	TC 1A14	51-19-2 (Oil radiator hose). 51-23-3 (Battery box insulation). 51-27-3 (Nose wheel drain). 53-24-4 (Fuel-hydraulic lines). 54-2-2 (Federal ski rigging). 55-7-2 (Landing gear tube reinforcement). 55-8-4 (Ignition filter replacement). 55-22-3 (Fuel tank cap). 55-11-2 (Thermal relief valves). 55-13-1 (Idler bellcrank installation). 55-14-2 (Hydraulic cylinder replacement). 55-21-2 (Wing front spar attachment fitting).

PORTERFIELD (SEE NORTHWESTERN AERONAUTICAL CORPORATION)

RAWDON AIRCRAFT CORPORATION, ROCKFORD, ILL.

Civil model	Approval No.	Applicable notes
Rawdon Special	2-574	46-36-1 (Continental piston pins). 47-40-2 (Continental C75 and C85 piston pins). 48-48-1 (Freedman propeller hub). 50-47-2 (Sensenich propeller blades).

REPUBLIC AVIATION CORPORATION, FARMINGDALE, N. Y.

Civil model	Approval No.	Applicable notes
RC-3	TC-769	47-21-11 (Firewall stud bushings). 47-21-12 ("No Smoking" placard). 47-21-13 (Elevator push-pull tube rivets). 47-21-14 (Elevator control cable guide). 47-21-15 (Radio filters). 47-21-16 (Fuel strainer drain). 47-21-17 (Backfire screen). 47-21-18 (Mixture control support bracket). 47-21-19 (Control clamps or brass ferrules). 47-21-20 (Oil pressure gauge line restrictor). 47-21-21 (Tip float struts). 47-21-22 (Engine mounting bolt lock washers). 47-21-23 (Engine cooling fan). 47-47-10 (Float strut rework). 47-47-11 (Propeller reverse control spring). 47-47-12 (Carburetor anti-swirl vanes). 47-47-13 (Hartzell propeller hub counterweight). 47-47-14 (Oil screen inspection). 47-51-8 (Tailwheel horns). 48-1-3 (Elevator trim tab bushing). 48-11-4 (Hydraulic pump handle). 49-3-1 (Fuel pump diaphragms). 49-31-2 (Fuel tank placard). 53-6-2 (Hartzell propeller hubs). 53-23-3 (Strut fitting inspection).

RYAN AERONAUTICAL COMPANY, SAN DIEGO, CALIF.

Civil model	Approval No.	Applicable notes
ST-3KR	TC 749	46-6-1 (Front fin spar). 46-6-2 (Kinner master rod replacement). 46-6-3 (Kinner master rod knuckle pin).
Navion	TC 782	51-28-3 (Fuel valve placard). 47-11-1 (Rudder-nose gear steering bellcrank). 47-11-2 (Hartzell propeller blade rework). 47-21-4 (Fuel scupper drain line). 47-21-5 (Propeller control friction lock). 47-21-6 (Valve spring retainer spacers). 47-21-7 (Carburetor air intake scoop filler strip). 47-21-8 (Generator terminal stud indulator). 47-21-9 (Hydraulic system modifications). 47-21-10 (Propeller guide pin dowel). 47-31-1 (Hydraulic cylinder lines). 47-31-2 (Fire-resistant carburetor vapor return line). 47-31-3 (Fuel drain cock). 48-6-3 (Hartzell propeller blade inspection). 48-8-3 (Fuel valve control support clip). 48-29-1 (Fuel pump drain). 49-5-3 (Continental engines bearing inserts). 49-9-2 (Booster pump rework). 49-11-1 (Carter fuel pump rework). 49-12-2 (Romec fuel pump vent plugs). 49-28-1 (Product Techniques propeller spinner). 50-5-2 (Shakespeare controls). 50-10-2 (Air intake hose). 50-24-1 (Landing gear control lever). 50-32-1 (Oil pump rework). 51-7-1 (Throttle housing). 51-24-1 (Exhaust valve seats). 52-8-2 (Carburetor ducting). 52-23-2 (Landing gear retract link). 52-24-1 (Aileron control chain guard). 52-26-1 (Stabilizer spar web). 53-6-2 (Hartzell propeller). 53-6-1 (Horizontal stabilizer fitting). [1] 54-18-1 (Wing to fuselage attachment). [1] 55-1-1 (Fuselage frame cracks). 56-3-3 (Wing rear spar fitting inspection).

[1] Also applies to Riley and Temco Twin Navions.

AIRCRAFT—Continued

RYAN AERONAUTICAL COMPANY, SAN DIEGO, CALIF.—Continued

Civil model	Approval No.	Applicable notes
Navion A and B	TC 782	52-8-2 (Carburetor ducting). 52-24-1 (Aileron control chain guard). 53-3-1 (Hartzell propeller vibration). 53-8-1 (Horizontal stabilizer fitting). [1] 54-18-1 (Wing to fuselage attachment). [1] 55-1-1 (Fuselage frame cracks). 56-3-3 (Wing rear spar fitting inspection).
Riley and Temco Twin Navion Conversions.	TC 2A1	55-6-1 (Fuselage fuel tank enclosures).

SIKORSKY AIRCRAFT DIVISION OF UNITED AIRCRAFT CORP., STRATFORD, CONN.

Civil model	Approval No.	Applicable notes
R-4B	LTC 7	47-35-1 (Main rotor links rework). 47-35-2 (Tail rotor gear box brace).
YR-6A, R-6A, HOS-1.	LTC 29	47-51-14 (Pinion and ring gear inspection).
S-51	HTC 2	47-32-15 (Control system chain and sprockets). 47-50-8 (Vertical hinge pins). 48-17-3 (Planet pinion shafts wear). 48-18-2 (Bevel drive gear splines). 50-8-1 (Tail cone mounting longerons). 51-22-1 (Gear shaft replacement). 51-23-4 (Rotor link assemblies). 56-13-2 (Main rotor hub replacement).
S-55	TC 1H4	54-1-3 (Fuel strainer screen). 54-13-1 (Star assembly bolt replacement). 54-16-1 (Main transmission). 54-19-2 (Servo safety clip). 54-20-2 (Fore and aft transmission support assembly cracks). 55-25-4 (Tail cone skin reinforcements). 56-10-2 (Horizontal hinge pin assembly).

STINSON DIVISION, CONSOLIDATED VULTEE AIRCRAFT CORP., WAYNE, MICH. (SEE VEST FOR STINSON 108 SERIES.)

Civil model	Approval No.	Applicable notes
Army L-5, -5B, -5C, -5D, -5E, -5E-1.	TC 764	46-31-1 (Hinged seat back). 46-31-2 (Torque tube aft of rear seat). 47-50-4 (Elevator push-pull tube).
A	ATC 556	46-6-5 (Wing attach fittings).
HW-75, 10	TC 709	46-36-1 (Continental piston pins). 46-39-1 (Oleo truss wear).
10A, 10B	TC 783	46-39-1 (Oleo truss wear).

SUPERIOR AIRCRAFT COMPANY, WICHITA, KANS.

Civil model	Approval No.	Applicable notes
LCA	TC 730	46-4-1 (Landing gear throttle stop). 46-4-2 (Carburetor float needle). 46-36-1 (Continental piston pins).
LFA	TC 730	46-4-1 (Landing gear throttle stop).
V, V2	TC 778	47-2-7 (Landing gear retraction adjustment). 47-2-8 (Firewall cover plate). 47-2-9 (Cabin heater valve box). 47-25-1 (Fuel system rework). 47-25-2 (Wing fillets). 47-25-3 (Nose gear drag link). 47-25-4 (Compass illumination). 47-25-5 (Nose-main gear interconnection tube). 47-40-2 (Continental C75 and C85 piston pins). 48-48-1 (Freedman propeller hub). 50-4-2 (Landing gear retraction motor rework). 50-47-2 (Sensenich propeller blades).

TAYLORCRAFT, INCORPORATED, CONWAY, PA.

Civil model	Approval No.	Applicable notes
BC, BCS, BC-65, BCS-65, BC12-65, BCS12-65, BC12-D, BC12-D1, BCS12-D1.	TC 696	46-36-1 (Continental piston pins). 47-13-2 (Fuel hose). 47-16-3 (Wing strut fittings). 50-41-1 (Elevator horn bolt). 51-9-3 (Fuel shut-off valve clip).
BF, BFS, BF-60, BFS-60, BF-65, BFS-65, BF12-65, BFS12-65.	TC 699	47-16-3 (Wing strut fittings). 50-41-1 (Elevator horn bolt). 51-9-3 (Fuel shut-off valve clip).
BL, BLS, BL-65, BLS-65, BL-12-65, BLS12-65.	TC 700	47-16-3 (Wing strut fittings). 50-41-1 (Elevator horn bolt). 51-9-3 (Fuel shut-off valve clip).
DC-65, DCO-65	TC 746	46-36-1 (Continental piston pins). 51-9-3 (Fuel shut-off valve clip).

TEMCO AIRCRAFT CORP., GREENVILLE, TEX.

Civil model	Approval No.	Applicable notes
11A (formerly Luscombe).	TC 804	49-40-1 (Trim tab horn attachment). 49-45-1 (Landing gear bulkhead reinforcement). 50-32-1 (Oil pump rework). 51-21-3 (Rudder bellcrank).

TIMM AIRCRAFT CORPORATION, VAN NUYS, CALIF.

Civil model	Approval No.	Applicable notes
Navy N2T	2-573	48-32-1 (Throttle quadrant reinforcement).

AIRCRAFT—Continued

VEST AIRCRAFT CO., DENVER, COLO.

Civil model	Approval No.	Applicable notes
GC-1A, GC-1B (formerly Globe).	TC 766	46-23-4 (Addition of rivets in wing skin). 46-33-1 (Landing gear torque knees). 46-33-2 (Fuselage bulkhead flange stiffener). 46-42-1 (Cabin heater valve replacement). 47-6-1 (Landing gear retraction adjustment). 47-6-2 (Landing gear retraction placard). 47-6-3 (Elevator cable collars). 47-6-4 (Landing gear washers). 47-6-5 (Battery vent plugs). 47-6-6 (Engine breather line). 47-25-6 (Carburetor flexible air duct). 47-25-7 (Oil radiator outlet sleeve). 47-40-2 (Continental C75 and C85 piston pins). 48-28-1 (Fuselage bulkhead rework). 48-48-1 (Freedman propeller hub). 51-2-2 (Asbestos cloth removal). 51-8-3 (Stabilizer spar attachment). 51-10-5 (Fuselage reinforcement rework). 51-11-4 (Landing gear rework).
108, 108-1 (Stinson)	TC 767	47-50-11 (Ash tray modification). 47-50-12 (Stabilizer attachment fitting). 47-50-13 (Koppers propeller hub). 48-50-1 (Franklin cylinder base flange). 50-17-2 (Rudder cable inspection). 50-25-1 (Fuel drip strip). 54-2-2 (Federal ski rigging).
108-2 (Stinson)	TC 767	47-50-11 (Ash tray modification). 47-50-12 (Stabilizer attachment fitting). 47-50-13 (Koppers propeller hub). 49-16-2 (Wing fabric inspection). 50-17-2 (Rudder cable inspection). 50-25-1 (Fuel drip strip). 50-34-1 (Koppers F-200 propeller). 50-47-1 (Sensenich propeller blades). 54-2-2 (Federal ski rigging).
108-3 (Stinson)	TC 767	49-16-2 (Wing fabric inspection). 50-17-2 (Rudder cable inspection). 50-25-1 (Fuel drip strip). 50-34-1 (Koppers F-200 propeller). 50-47-1 (Sensenich propeller blades). 54-2-2 (Federal ski rigging).

VICKERS-ARMSTRONGS LTD., WEYBRIDGE, SURRY, ENGLAND

Viscount 744	TC 814	55-22-4 (Tailplane main spar). 55-22-5 (Nacelle side brackets).

WACO AIRCRAFT COMPANY, TROY, OHIO

INF	ATC 345	46-50-1 (Fuel line rework).
KNF	ATC 313	46-50-1 (Fuel line rework).
RNF	ATC 311	46-50-1 (Fuel line rework).
UKS-7, VKS-7, VKS-7F.	TC 648	47-27-1 (Wing inspection (tank area)).

AIRCRAFT ENGINES

AIRCOOLED MOTORS, INC., SYRACUSE, N. Y.

Civil model	Approval No.	Applicable notes
Franklin 6A4-150-B3 and B-31	TC 238	48-50-1. 49-5-2.
Franklin 6A4-165-B3	TC 238	51-15-2.
Franklin 6V4-178-B32	TC 244	49-5-2.
Franklin 6V4-178	TC 244	51-28-2.
Franklin 6V4-200 series	TC 244	51-28-2.

AVCO MANUFACTURING CORP., LYCOMING-SPENCER DIVISION, WILLIAMSPORT, PA.

GO-435-C2	TC 228	51-24-1.
O-290-D2	TC 229	54-2-1.
O-320	TC 274	55-2-2.

CONTINENTAL MOTORS CORPORATION, MUSKEGON, MICH.

A-65 series	TC 203	46-36-1.
A-75 series	TC 213	46-36-1.
A-80 series	TC 217	46-36-1.
C-75 and C-85 series	TC 233	47-40-2. 49-50-1.
C-90 series	TC 252	49-50-1.
C-125 series	TC 236	47-40-2. 49-50-1.
C-145 series	TC 253	49-50-1. 50-20-1.
C-145-2	TC 253	48-43-2.
E-185 series	TC 246	56-6-1.
E-185-3	TC 246	49-5-3. 50-32-1.
E185-1, E165-2	TC 246	50-32-1.
E-185	TC 246	51-26-3.
E-225 series	TC 225	56-6-1.
O-470 series	TC 273	56-6-1.
W-670-9A		55-9-4.

AIRCRAFT ENGINES—Continued

DE HAVILLAND ENGINE COMPANY, LTD., MIDDLESEX, ENGLAND

Civil model	Approval No.	Applicable notes
Gipsy Queen 70-4		53-13-1.

GLADDEN PRODUCTS CORPORATION, GLENDALE, CALIF.

Kinner R-5 series 2	TC 153	46-6-2.
Kinner R-55 and R-56	TC 153	46-6-3. 46-6-3.

PRATT AND WHITNEY AIRCRAFT, DIVISION OF UNITED AIRCRAFT CORP., EAST HARTFORD, CONN.

All models		56-6-2.
R-2800	Group 5E-8	49-40-2. 50-22-1. 51-5-1.
Double Wasp CA	TC 231	56-3-2. 51-5-1.
Wasp Major TSB3-G or B5	TC 247	51-9-1.
R-2000	Group 5E-5	53-9-1.
Wasp Jr. and R-985	ATC 30, TC 123, 85, 113, Group 5E-1.	54-22-2.

RANGER AIRCRAFT ENGINES, DIVISION OF FAIRCHILD ENGINE & AIRPLANE CORPORATION, FARMINGDALE, LONG ISLAND, N. Y.

6-440-C	TC 216	52-3-1. 54-9-1.

ROLLS-ROYCE LIMITED, DERBY, ENGLAND

Dart 506 and 510	TC 283	56-2-3.

WARNER AIRCRAFT CO., NILES, MICH.

All models		51-4-2.

WRIGHT AERONAUTICAL CORP., WOOD RIDGE, N. J.

C9GB	TC 192	51-12-1.
C9GC	TC 219	51-12-1.
C9HD	TC 243	51-12-1.
Military R-1820 series	Group 5E-10	51-12-1.
C18BA, C18BD	TC 218	52-20-2.
975C18CB1	TC 270	54-25-2.
972TC18DA1, 972TC18DA2	TC 272	54-25-2.

AIRCRAFT EQUIPMENT

AC SPARK PLUG DIVISION OF GENERAL MOTORS CORP., FLINT, MICH.

AC L8-87 spark plugs		54-4-1.
AC Diaphragm type fuel pumps		54-21-1.

AIR ASSOCIATES, TETERBORO, N. J.

M-264 Safety Belt		50-18-3.

AIRCRAFT BELT & TRIM CO., LOS ANGELES, CALIF.

LBM-1900 Safety belts		54-20-1.

BEECH AIRCRAFT COMPANY, WICHITA, KANS.

Part No. 113632 Safety belts		55-8-1.

BRIGGS & STRATTON CORPORATION, MILWAUKEE, WIS.

A-8 Ignition Switch		50-4-1.
B-5		53-26-1.

FEDERAL AIRCRAFT WORKS, MINNEAPOLIS, MINN.

AWB-2500, AWB-2500A, AWB-2100 skis		54-2-2. 55-4-1.

SHAKESPEARE PRODUCTS CO., KALAMAZOO, MICH.

3A-42 and 3A-81 Push-Pull Controls		50-5-2.

AIRCRAFT EQUIPMENT—Continued

THOMAS A. EDISON, INC., WEST ORANGE, N. J.

Civil model	Approval No.	Applicable notes
P/N 35534 Fire Detector		52-23-1.

THOMPSON PRODUCTS, INC., CLEVELAND, OHIO

TF-1100-2 and TF-1100-M2 Fuel Pumps		55-26-2.

AIRCRAFT INSTRUMENTS

ECLIPSE—PIONEER DIVISION BENDIX AVIATION CORPORATION, TETERBORO, N. J.

PB-10 Automatic pilot		49-49-1.

LEAR, INC., LOS ANGELES, CALIF.

L-2 Automatic Pilot		51-26-2.

AIRCRAFT PROPELLERS

CURTISS-WRIGHT CORP., CALDWELL, N. J.

C632S	TC 735	56-8-1.
C634D	TC 883	56-8-1.
C634S	TC 825	56-8-1.

FREEDMAN AIRCRAFT ENGINEERING CORPORATION, CHARLEVOIX, MICH.

PC-203, PX-203 PY-203	TC 704, 746, 747	48-48-1.

HAMILTON STANDARD, DIVISION, EAST HARTFORD, CONN.

11C1 Blades		50-12-1.
2H17 Blades	TC 853	50-52-1. 54-23-3.
2J17 Blades		55-21-1.
5U18 Governors		56-2-2.
Model 67000 reverse solenoid valve		54-1-1.
43D	TC 851	54-1-2.
43E	TC 871	54-1-2. 55-5-2. 54-1-2.
34D	TC 856	54-10-1.
34E	TC 881	54-1-2.
232	TC 853	54-1-2. 54-10-1.
242	TC 870	54-1-2. 54-10-1. 55-9-4.

AIRCRAFT PROPELLERS—Continued

HARTZELL PROPELLER CO., PIQUA, OHIO

Civil model	Approval No.	Applicable notes
HC12x20	TC 485	53-6-2.
HC82xF-1	TC 878	53-15-3.
Metal blades		55-3-2.

KOPPERS CO., BALTIMORE, MD.

F200	TC 820	47-50-13. 50-34-1.

MCCAULEY INDUSTRIAL CORP., DAYTON, OHIO

41D5026	3-4	54-12-2.
D-1093	TC 815	54-12-2.

SENSENICH CORPORATION, LANCASTER, PA.

C3FR4, C3SFR5, C2FM, CS2FM	TC 836, 869, 841, 861	50-47-1.
C2FB3, C2FB1		50-47-2.
M76AM	TC 1P2	54-5-2.

AIRCRAFT RADIO

COLLINS RADIO COMPANY, CEDAR RAPIDS, IOWA

51R-1, 51R-2 Receivers		50-48-2. 52-13-1.

GENERAL

Sulphur Dusters		48-34-2.

This part contains all currently effective Airworthiness Directives issued through June 30, 1956.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9836; Filed, Dec. 3, 1956; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS) [1]

SUBPART—REGULATIONS

On October 4, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 7624) regarding a proposed revision of regulations governing the inspection and certification of fresh fruits and vegetables and other products.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following regulations are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

[1] Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower bulbs; and onion sets.

ADMINISTRATIVE

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51.36 Amount of fees, rates and charges.
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51.41 Fees for additional copies of inspection certificates.

Sec.
51.42 Charges for inspection services on a contract basis.
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FEES AND CHARGES (SHIPPING AREAS)

51.45 Schedule of fees.
51.46 Additional charges for inspections performed at night, Sundays or holidays.
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AUTHORITY: §§ 51.1 to 51.59 issued under Sec. 205, 60 Stat. 1090, as amended, 7 U. S. C. 624.

ADMINISTRATIVE

§ 51.1 *Administration of regulations.* The Administrator, Agricultural Marketing Service, United States Department of Agriculture, is charged with the administration of the regulations in this part, except he may delegate any or all of such functions to any other officer or employee of the Agricultural Marketing Service of the Department, in his discretion.

DEFINITIONS

§ 51.2 *Definitions.* Words used in the regulations in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of such regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Act.* "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.) or any other act of Congress conferring like authority.

(b) *Regulations.* "Regulations" means the regulations in this subpart.

(c) *Department.* "Department" means the United States Department of Agriculture.

(d) *Agricultural Marketing Service.* "Agricultural Marketing Service" means the Agricultural Marketing Service of the Department.

(e) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) *Administrator.* "Administrator" means the Administrator of the Agricultural Marketing Service or any other officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) *Person.* "Person" means any individual, partnership, association, business trust, corporation, organized group of persons (whether incorporated or not), the United States (including, but not limited to, corporate agencies thereof), and any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(h) *Interested party.* "Interested party" means any person who has a financial interest in the product on which inspection is requested.

(i) *Inspector.* "Inspector" means any employee of the Department who is authorized by the Secretary, or any other person licensed by the Secretary, to investigate, sample, inspect, and certify, in accordance with the regulations in this part, to any interested party the quality and/or condition of any product covered under this part, and to perform related duties in connection with such inspection services.

(j) *Applicant.* "Applicant" means any person who has applied for inspection service under the regulations.

(k) *Inspection service.* "Inspection service" means the service established and conducted under the regulations for the determination and certification or other identification of the grade, quality or condition of products.

(l) *Inspection certificate.* "Inspection certificate" means a statement, in written and/or printed form, issued pursuant to the regulations in this part, setting forth, in addition to appropriate descriptive information relative to the particular product and the containers thereof, the quality and/or condition of such product.

(m) *Quality.* "Quality" means the combination of the inherent properties of a product which determines its relative degree of excellence.

(n) *Condition.* "Condition" means the relative degree of soundness or preservation of a product and includes, but is not necessarily limited to, its maturity, decay, freezing or mechanical injury, shriveling, flabbiness, or any other factor which affects its merchantability.

(o) *Lot.* "Lot" means any number of containers which contain a product of the same kind located in the same conveyance or warehouse and which are available for inspection at the same time; *Provided,* That:

(1) Products which differ from each other as to grade, variety, condition, identification marks, or other factors may be deemed to be separate lots;

(2) If the applicant requests more than one inspection certificate covering different portions of such product, the quantity of the product covered by each certificate shall be deemed to be a separate lot; and

(3) If said product is packed in more than one size or type of container, each such size or type may be deemed to be a separate lot.

§ 51.3 *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purpose of said subsection and the provisions in this part, the terms listed in this section shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, including those defined in § 51.2, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspection, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected, or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected, or both, under this part.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this Part of any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

INSPECTION SERVICE

§ 51.4 *Where inspection service is offered.* Products will be inspected at appropriate points indicated in paragraphs (a), (b) and (c) of this section whenever inspectors are available.

(a) *Shipping points.* Inspection is available in all areas covered by cooperative agreements providing for this work with States or other agencies which have been entered into on behalf of the Department pursuant to authority contained in any act of Congress, or any other area which is not covered by a cooperative agreement when the Administrator determines that it is practicable to provide inspection service.

(b) *Destination markets.* Inspection is available in all central markets in which an inspection office is located.

(c) *Other points.* Inspection may be made at any point which may be conveniently reached from any market referred to in paragraph (b) of this section under conditions provided in § 51.40 and to the extent permitted by the time of the nearest inspector.

(d) *Addresses of offices.* Any prospective applicant may obtain an up-to-date list of inspection offices by addressing an inquiry to Fresh Products Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D. C.

§ 51.5 *Kind of service.* Inspection of products may be made according to quality and/or condition, and, in the discretion of the Administrator, for any part thereof.

§ 51.6 *Who may obtain service.* An application for inspection may be made by any interested party, or his authorized agent, or by any Governmental Agency.

§ 51.7 *How to make application.* Application for inspection may be filed in an office of inspection at any market referred to in § 51.4, (a), (b), or (d) or with any inspector. It may be made in writing, orally, by telegraph, or by telephone. If made orally or by telephone, the inspector may require that it be confirmed by applicant in writing or by telegraph. An application may be made for one or more lots, or it may be in the nature of a blanket application for inspection of all designated lots of a given commodity within a particular period, or for all designated lots loaded or received at a specified point.

§ 51.8 *Form of application.* Each application for inspection shall state (a) the name and post-office address of the applicant and the name and capacity of the person, if any, making the application in his behalf; (b) the name and post-office address of the shipper; (c) the kind and quantity of the products involved; (d) the interest of the applicant therein; (e) the identification of the products by (1) grade, brand, or other marks, if practicable, (2) car initials, car number, and name of carrier or number of truck or name of boat, if practicable, and (3) the name and location of the store, warehouse, or other place where the products are located; (f) the particular quality or condition concerning which inspection is requested, to which may be added the time and place at which it is desired that the inspection be made; (g) when the lot is to be inspected in a receiving market, the name and address of the receiver; (h) the name of the shipping point and of the destination, when known; and (i) such other information as may be necessary for identification of the product, or as may be required by the inspector or the Administrator.

§ 51.9 *Filing of application.* An application shall be deemed filed when received at the office of inspection nearest the place where the commodity is located. A record showing the date and time of filing shall be made and kept in such office.

§ 51.10 *When application may be rejected.* An application may be rejected by the inspector in charge of the appropriate office of inspection if the applicant objects to the inspector cutting an adequate number of specimens to determine the interior quality or condition of the product to be inspected, or for failure of the applicant (a) to observe the regulations of this part, (b) to furnish necessary information or to make the commodity reasonably available or accessible for inspection, (c) to pay for previous inspections, or (d) when it appears that to perform the inspection and certification service would not be to the best interests of the Government. Such applicant shall be notified promptly of the reason for such rejection.

§ 51.11 *When application may be withdrawn.* An application may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 51.12 *Authority to request inspection.* Proof of the interest of an applicant in the product involved, or of the authority of any person applying for inspection in behalf of another may be required, in the discretion of the inspector.

§ 51.13 *Accessibility of products.* The applicant shall cause the products for which inspection is requested to be made reasonably accessible for sampling or inspection and to be so placed as to disclose their quality or condition. Samples of the products drawn for examination shall be inspected only under such conditions as, in the opinion of the inspector, will permit a true and correct determination to be made of their quality or condition.

§ 51.14 *Basis of service.* Inspection and certification service for quality and/or condition shall be based upon the appropriate standards promulgated by the United States Department of Agriculture, applicable standards prescribed by the laws of the State where the particular product was produced, specifications of any governmental agency, written buyer and seller contract specifications, or any written specification by an applicant which is approved by the Administrator: *Provided,* That, if such product is regulated pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), or the comparable laws of any State, such inspection and certification shall be on the basis of the standards, if any, prescribed in, or pursuant to, the marketing order and/or agreement effective thereunder.

§ 51.15 *Order of inspection.* Inspection shall, insofar as practicable, be made in the order in which applications are received, except that precedence shall be given (a) to the inspection of lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.), and (b) to appeal inspections. Precedence may also be given to applications made on behalf of the Federal Government or of a State Government.

§ 51.16 *Financial interest of inspector.* No inspector shall inspect any product in which he is financially interested, either directly or indirectly.

§ 51.17 *Postponing inspection.* If the inspector has reason to believe that, because of latent defects due to climatic or other conditions, he is unable to determine the true quality or condition of the product, he shall postpone examination for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition.

§ 51.18 *Official sampling.* Samples may be officially drawn by any duly authorized inspector and delivered, or shipped, for analysis and certification to the nearest designated market or to such market as shall be directed by the Administrator. The container in which such samples are delivered, or shipped, shall contain a statement, signed by the inspector who drew the samples, showing the time and place of the sampling and the brands or other identifying marks of the containers from which the samples were drawn. The certificate based on such samples shall show the time and place of drawing the samples, and the name of the inspector by whom they were drawn.

§ 51.19 *Certificate form.* Certificates shall be issued on forms approved by the Administrator: *Provided,* That when an application for inspection is made by any person for the purpose of determining whether food products for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but the fact of such compliance or non-compliance may be indicated by appropriate stamp or mark on such products or the containers thereof, or otherwise, in the discretion of the inspector.

§ 51.20 *Issuance of certificates.* The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of lots a single certificate may be issued to cover all such lots.

§ 51.21 *Disposition of certificates and samples.* (a) The original certificate, and not to exceed four copies (if requested by applicant prior to issuance), shall be delivered or mailed promptly to the applicant or to a person designated by him. One copy shall be filed in the office of the inspector when the inspection is made by a Federal Government employee, otherwise, it shall be filed in the appropriate office of the cooperating State Agency. One copy shall be forwarded to the Administrator to be kept on file in Washington, except that copies of certificates showing the grades of lots offered for processing or other purposes designated by the Administrator, need not be so forwarded. In the case of any

delegated, to act in his stead.

Act of 1946, as amended by Public Law

partment pursuant to authority con-

product covered by a marketing agreement and/or order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), at least one copy of each certificate covering the inspection of such product shall, on request, be delivered to the administrative agency established thereunder, subject to such terms and conditions as the Administrator may prescribe. Copies may be furnished to other interested parties as outlined in § 51.41.

(b) If it is necessary to take samples of the product to the inspection office for further examination the inspector, after completion of inspection of such samples, shall dispose of them as follows if they have a substantial monetary value: Ascertain from the applicant if the owner wants the samples returned to him at his expense. If he does not want them so returned the inspector shall give them to a nonsectarian charitable organization, or sell them and remit the proceeds to the Agricultural Marketing Service.

§ 51.22 *Advance information.* Upon request of an applicant, all or any part of the contents of a certificate covering an inspection requested by him may be telegraphed or telephoned to him, or to any person designated by him, at his expense. If the application for such information is received after the certificate has been issued, it will be considered as an application for an extra copy of the certificate, and the fees prescribed in § 51.41 shall apply.

APPEAL INSPECTION

§ 51.23 *When appeal may be taken.* An application for appeal inspection may be made whenever any financially interested person is dissatisfied with the determination stated in the original certificate.

§ 51.24 *How to obtain.* An appeal inspection may be obtained by the applicant, or other person financially interested in the product, by filing a request (a) with the inspection office nearest the point where the product is located, or (b) with the inspector who made the original inspection, or (c) with any district supervisory inspection office, or (d) with the Administrator. The application for appeal shall state the reasons therefor, and shall be accompanied by a copy of any previous inspection certificate or inspection report, and any other information which the applicant received regarding the quality or condition of the product at the time of the original inspection. Such application may be made orally or in writing, or by telegraph or telephone. If made orally or by telephone, the application shall be confirmed in writing.

§ 51.25 *Record of filing time.* A record showing the date and time of filing an application shall be made promptly by the receiving office.

§ 51.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if: (a) The reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the product has undergone a material change since the inspection covering the product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be, made accessible for inspection; (d) the lot relative to which appeal inspection is requested cannot be identified positively by the inspector as the lot which was previously inspected; or (e) there is noncompliance with the regulations in this part. Such an applicant shall be notified promptly of the reason for refusal.

§ 51.27 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided,* That the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 51.28 *Order in which made.* Appeal inspections shall be made, insofar as practicable, at the time requested by the applicant and in the order in which applications are received. They shall take precedence over all other pending applications, except inspections covering lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.).

§ 51.29 *Who shall make appeal inspections.* Appeal inspections shall be made by an inspector or inspectors designated therefor by the Administrator and whenever practical, such appeal inspections shall be made by two inspectors.

§ 51.30 *Appeal findings.* The inspector or inspectors making an appeal inspection shall sign and issue an appeal inspection certificate, which shall supersede and refer specifically to the original inspection certificate from which the appeal was taken, and contain a statement as to the quality or condition of the product, as determined by the appeal inspection. In all other respects the provisions of §§ 51.5 to 51.22, insofar as applicable, shall apply to appeal inspection certificates, except that if the applicant for appeal inspection is not the original applicant, a copy of the appeal inspection certificate shall be mailed to the original applicant. All appeal inspection findings shall be referred to the Administrator for final decision before an appeal inspection certificate is issued.

§ 51.31 *Superseded certificates.* When an original inspection certificate shall have been superseded by an appeal inspection certificate, such original inspection certificate shall not thereafter represent the quantity or condition of the product described therein. If the original and all copies of the superseded certificate have not previously been submitted to the person receiving the application for appeal inspection, the officer issuing the superseding certificate shall forward notice of such issuance and of the superseding of the original certificate to such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

LICENSED INSPECTORS

§ 51.32 *Who may be licensed.* Persons possessing adequate qualifications, as determined by such examinations as the Administrator may consider to be appropriate, may be licensed as inspectors of products which may be inspected under the regulations in this part. Such licenses shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. A licensed inspector shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 51.33 *Application to become a licensed inspector.* Application to become a licensed inspector shall be made to the Administrator on forms furnished for that purpose. Each such application shall be filled in and signed by the applicant in his own handwriting, and the application shall contain or be accompanied by:

(a) A statement of present address, age, height and weight of the applicant;

(b) A statement showing education and present and previous occupations, together with names of all employers for whom he has worked with periods of service, during the last five years previous to the date of his application;

(c) A statement by the applicant that he agrees to comply with all the terms and conditions of the regulations in this part relating to the duties of inspectors; and

(d) Such other information as may be required by the Administrator.

§ 51.34 *Suspension or revocation of license of licensed inspector.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed inspector issued pursuant to the regulations in this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7 day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days, the license shall be automatically revoked.

§ 51.35 *Surrender of license.* Upon termination of his services as a licensed inspector, or suspension or revocation of his license, a licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in case of an expired license.

FEES AND CHARGES (DESTINATION MARKETS)

§ 51.36 *Amount of fees, rates, and charges.* For each lot of products inspected, a fee and expenses, determined

in accordance with §§ 51.37 to 51.40 shall be paid by the applicant.

§ 51.37 *Basis for charges.* (a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: For an inspection covering quality and condition, $10.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $6.60 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be $20.00. For an inspection covering condition-only, $8.00 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and $5.40 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be $16.00.

(b) For each lot of peanuts, pecans, or other nuts inspected, the fee shall be $14.00 when the quantity involved is not more than a full carload: *Provided,* That the different grades and varieties of peanuts shall be considered separate lots and the fee for Farmers' stock peanuts (unshelled) shall be $1.50 per ton.

(c) When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided,* That said fractions shall be calculated in terms of fourths or next higher fourths. When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $4.00 per hour, or the charges may be based upon the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled work week, the charge for inspection shall be $2.00 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§ 51.38 *Fees under cooperative agreement.* Fees for inspections made under cooperative agreements pursuant to authority contained in any act of Congress shall be those provided by such agreements.

§ 51.39 *Fees for appeal inspections.* Fees for appeal inspections on all products shall be at the same rate as those set forth in § 51.37, except that when it is found that there was a material error in the determination based upon the original inspection no fee will be charged, and except that appeal inspection for Government agencies shall be on the hourly basis prescribed in § 51.37, plus traveling and other expenses authorized to be charged by the provisions in § 51.40.

§ 51.40 *Traveling, and other expenses.* Such further charges may be made for traveling expenses and other items paid or incurred by the Agricultural Marketing Service in connection with an inspection made at a place where no inspector is located, or appeal inspection where the services of a second inspector are required, as will reimburse the Agricultural Marketing Service. These charges shall be included with the fee for inspection on the bill furnished the applicant.

§ 51.41 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 51.21, may be supplied to any interested party upon payment of a fee of $2.25 for each set of 5, or less, copies.

§ 51.42 *Charges for inspection services on a contract basis.* Irrespective of fees and charges prescribed in the foregoing sections, the Administrator may enter into contracts with applicants to perform inspection services pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection services provided for in such contracts shall be on such bases as will reimburse the Agricultural Marketing Service of the Department for the full cost of rendering such inspection service, including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses, as may be determined by the Administrator.

§ 51.43 *How fees shall be paid.* Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the inspector, and in advance, if required by the inspector.

§ 51.44 *Disposition of fees.* (a) The fees covered by §§ 51.37 to 51.39 shall be disposed of as follows:

(1) Fees for inspections made by salaried inspectors acting exclusively for the Agricultural Marketing Service shall be remitted promptly to the Agricultural Marketing Service.

(2) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organizations shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State as may be due the United States shall be remitted to the Agricultural Marketing Service.

(b) Fees and charges collected pursuant to §§ 51.40 to 51.41 shall be remitted to the Agricultural Marketing Service.

(c) Fees and charges collected pursuant to § 51.42 shall be disposed of in accordance with the terms of the contract. Such portion of the fees collected under a contract which may be due the United States shall be remitted to the Agricultural Marketing Service.

FEES AND CHARGES (SHIPPING AREAS)

§ 51.45 *Schedule of fees.* In the absence of specific provisions therefor contained in cooperative agreements entered into pursuant to § 51.38, the fees to be charged and collected for any inspection service performed in shipping areas shall be based on the applicable rates specified in this section.

(a) *Base fee for fruits and vegetables.* The base fee shall be $10.00 per carload of the customary size for the products in the area from which shipped: *Provided,* That the base fee shall be adjusted on an approximately proportional basis to determine the fee for any lot which is smaller or larger than a carload of the customary size, based either on the number of pounds or the number of containers.

(b) *Additional fee for multiple products.* An additional fee of $0.50 (fifty cents) per commodity shall be charged whenever the lot inspected consists of more than one fruit or vegetable: *Provided,* That the total fee for the inspection of such a lot shall not exceed $12.50.

(c) *Additional fee for certified weight or count.* An additional fee of $2.00 per lot shall be charged for determining certified weight and $1.00 per lot shall be charged for determining certified count.

(d) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be $12.50 per carload of the customary size for such products in the area from which shipped: *Provided,* That the base fee shall be adjusted on an approximately proportional basis to determine the fee for any lot which is smaller or larger than a carload of the customary size based either on the number of pounds or the number of containers: *And provided further,* That the fee for farmers' stock (unshelled) peanuts shall be $1.50 per ton.

(e) *Minimum fee.* The minimum fee for performing any inspection shall be $2.00 regardless of the size of the lot involved.

§ 51.46 *Additional charges for inspections performed at night, Sundays, or holidays.* Whenever inspections are performed at the request of the applicant between the hours of 6 o'clock p. m. and 6 o'clock a. m., on Sundays or on holidays, the charge for inspection shall be $2.00 per hour or portion thereof per inspector in addition to the regular lot fees specified in this subpart.

§ 51.47 *Charges for inspection service on a contract basis.* Irrespective of the fees and charges prescribed in §§ 51.45 and 51.46, the Administrator may enter into contracts with applicants to perform inspection services for the purpose of establishing prescribed minimum charges for specified periods of time whenever the Administrator deter-

§ 51.54 *Interfering with an inspector.*

tinuous marks approved for use shall be

devices marked as shown in Figure 6

IRREGULAR PACK

United States when inspected at

mines that the regular lot fees will not reimburse the Agricultural Marketing Service for the full cost of rendering such inspection services: *Provided*, That the fees and charges actually levied shall in no event be less than the regular lot fees per carload or per ton specified in this subpart.

§ 51.48 *Inspections for government agencies.* Unless otherwise provided in a written agreement between the applicant and the Administrator, the fees to be charged for any inspection service performed at the request of the United States or of any State, or any agency or instrumentality thereof, shall be at the rate of $4.00 per hour.

§ 51.49 *Travel and other expenses.* Charges may be made to cover the cost of travel and other expenses incurred in connection with the performance of any inspection service.

§ 51.50 *Fees for additional copies of certificates.* Additional copies of any inspection certificate, other than those provided in § 51.21, may be supplied to any interested party upon payment of a fee of $2.25 for each set of five, or less, copies.

§ 51.51 *Payment of fees.* Fees shall be paid by the applicant in accordance with directions on the fee bill furnished him by the inspector. Either payment in advance or an advance of funds or surety bond in an amount suitable to the Administrator may be required prior to rendering inspection service.

MISCELLANEOUS

§ 51.52 *Fraud or misrepresentation.* Any willful misrepresentation or any deceptive or fraudulent practice found to be made or committed by any person in connection with: (a) The making or filing of an application for any inspection service; (b) the making of the produce accessible for sampling or inspection; (c) the use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part; (d) the use of a facsimile form which simulates, in whole or in part, any official certificate authorized to be used under the regulations in this part for the purpose of purporting to evidence the U. S. grade of any product; (e) any other violation of the provisions of section 203 (h) of the Agricultural Marketing Act of 1946, as amended by Pub. Law 272, 84th Cong. (see § 51.3); or (f) any other willful violation of the regulations in this part, or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 51.53 *Political activity.* All inspectors are forbidden, during the period of their respective appointments or licenses to take an active part in political management or in political campaigns and a violation by a licensee shall constitute grounds for revocation of his license. All Federal employees are subject to the applicable provisions of the Department's administrative regulation relating to political activity.

§ 51.54 *Interfering with an inspector.* Any further benefits of the act may be denied any applicant or other interested party, who, either personally or through an agent or representative, interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector in the performance of his duties.

§ 51.55 *Compliance with other laws.* None of the requirements in the regulations of this part shall excuse failure to comply with any Federal, State, County, or municipal laws applicable to products covered in the regulations in this part.

§ 51.56 *Identification.* Each inspector shall have in his possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

§ 51.57 *Approved identifications.* (a) The approved grade shield may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Department or by a Federal-State inspection service; (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product has been certified by an inspector as meeting the requirements of the grade shown within the shield. The grade shield approved for use shall be similar in form and design to the examples in Figures 1 and 2 of this section.

Shield using red, white and blue background.

FIGURE 1.

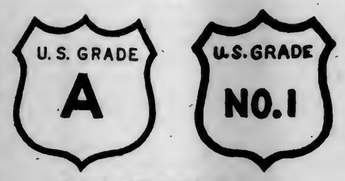

Shields with plain background.

FIGURE 2.

(b) The approved continuous inspection marks may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Department or by a cooperative Federal-State inspection service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices; and (3) the product meets the requirements of one or more of the official U. S. Grades or such quality specifications as may be approved by the Administrator. The continuous marks approved for use shall be similar in form and design to the examples in Figures 3 through 5 of this section.

Statement enclosed within a shield.

FIGURE 3.

PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

FIGURE 4.

PACKED BY

UNDER CONTINUOUS
FEDERAL-STATE
INSPECTION

FIGURE 5.

Statements without the use of the shield.

(c) The grade marks set forth in paragraph (a) of this section and the inspection marks set forth in paragraph (b) of this section may be combined into a consolidated grade and inspection mark for use on products which meet the requirements of both of these paragraphs.

(d) Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspector by stamping the packages with a device having an official inspection mark similar in form and design to Figure 6. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

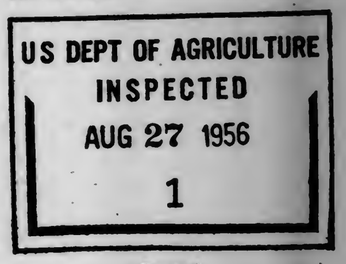

FIGURE 6.

§ 51.58 *Custody of official inspection marking devices.* All official inspection devices marked as shown in Figure 6 shall be kept in the custody of the Agricultural Marketing Service and accurate records shall be kept of these devices. Each inspection office shall keep a record of the devices assigned to it. Such devices shall be distributed only to authorized employees of the Department who shall keep the devices in their possession or control at all times and keep complete records of such devices.

§ 51.59 *Congressional interest in contracts.* No member of, or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in the regulations in this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a member of, or Delegate to Congress, or a Resident Commissioner in his capacity as a farmer.

The regulations contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the regulations which are now in effect.

Dated: November 29, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-9917; Filed, Dec. 3, 1956; 8:52 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR FRESH TOMATOES [1]

On October 30, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 8287) regarding a proposed revision of United States Standards for Fresh Tomatoes.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Fresh Tomatoes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.1855 U. S. No. 1.
51.1856 U. S. Combination.
51.1857 U. S. No. 2.
51.1858 U. S. No. 3.

UNCLASSIFIED

51.1859 Unclassified.

SIZE REQUIREMENTS

51.1860 Size requirements.

APPLICATION OF TOLERANCES

51.1861 Application of tolerances.

TYPES OF PACKS

51.1862 Types of packs.

IRREGULAR PACK

51.1863 Irregular Pack.

COLOR CLASSIFICATION

51.1864 Color classification.

DEFINITIONS

51.1865 Similar varietal characteristics.
51.1866 Mature.
51.1867 Soft.
51.1868 Clean.
51.1869 Well developed.
51.1870 Fairly well formed.
51.1871 Fairly smooth.
51.1872 Damage.
51.1873 Reasonably well formed.
51.1874 Slightly rough.
51.1875 Serious damage.
51.1876 Misshapen.
51.1877 Very serious damage.

AUTHORITY: §§ 51.1855 to 51.1877 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1855 *U. S. No. 1.* "U. S. No. 1" consists of tomatoes of similar varietal characteristics which are mature but not overripe or soft, which are clean, well developed, fairly well formed, fairly smooth, and which are free from decay, freezing injury and sunscald, and free from damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing very serious damage, and including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided*, That not more than a total of 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(b) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 tomatoes required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided*, That the entire lot averages within the required percentage.

§ 51.1856 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 tomatoes: *Provided*, That at least 60 percent, by count, meet the requirements of U. S. No. 1 grade.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of U. S. No. 1 grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes, and 10 percent for tomatoes which are otherwise defective: *Provided*, That not more than a total of 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 51.1858 *U. S. No. 3.* "U. S. No. 3" consists of tomatoes of similar varietal characteristics which are mature but not overripe or soft, which are clean, well developed, which may be misshapen, which are free from decay and freezing injury, and free from serious damage caused by sunscald, and from very serious damage caused by bruises, cuts and broken skins, internal discoloration, sunburn, puffiness, catfaces, other scars, growth cracks, hail, insects, disease, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are very seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective:

Provided, That not more than a total of 5 percent shall be allowed for tomatoes which are very seriously damaged by insects.

UNCLASSIFIED

§ 51.1859 *Unclassified.* "Unclassified" consists of tomatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE REQUIREMENTS

§ 51.1860 *Size requirements.* (a) Tomatoes when packed in Los Angeles type lugs or when packed in other types of containers, and the size is specified according to the size arrangements customarily used in Los Angeles type lugs, shall be within the ranges of diameters specified in Table 1, except when designated as "Irregular sizing."

TABLE I

Los Angeles type lug size arrangements	Minimum diameter	Maximum diameter
	Inches	*Inches*
4 x 4	3 3/16	3 15/16
4 x 5	3	3 9/16
5 x 5	2 14/16	3 3/16
5 x 6	2 11/16	3 3/16
6 x 6	2 5/16	2 15/16
6 x 7	2 5/16	2 11/16
7 x 7	2	2 5/16
7 x 8	1 14/16	2 5/16

(b) Size arrangements not listed in Table I but which meet the diameter requirements for one of the above Los Angeles type lug size arrangements may be certified as meeting the Los Angeles type lug size requirements for the specified size: *Provided,* That there shall not be a variation of more than 2 tomatoes in a layer between the two size arrangements, except that a variation of not more than 4 tomatoes in a layer shall be permitted in sizes smaller than 6 x 7. For example, a 4—4 x 6 offset pack has 24 tomatoes per layer and should be sized in accordance with the diameter requirements for 5 x 5 which has 25 tomatoes per layer. A 4—5 x 9 diagonal pack has 40 or 41 tomatoes per layer and should be sized in accordance with the requirements for 6 x 7 which has 42 tomatoes per layer.

(c) In determining compliance with the above size arrangements the measurement for minimum diameter shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

(d) In lieu of specifying size according to the Los Angeles type lug size arrangements, the size of tomatoes in any type of container may be specified in terms of minimum diameter or in terms of minimum and maximum diameters expressed in whole inches, or whole inches and not less than thirty-second inch fractions thereof, in accordance with the facts, without reference to Los Angeles type lug size arrangements. Such minimum diameter, or minimum and maximum diameters, shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end.

(e) In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.1861 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than one tomato which is soft, affected by decay or is otherwise seriously damaged, and one off-size specimen, may be permitted in any package.

TYPES OF PACKS

§ 51.1862 *Types of packs.* (a) The following terms may be used to describe types of packs of tomatoes in Los Angeles type lugs:

(1) *"Straight Pack."* When specified as "Straight Pack", all layers in any lug shall have the same number of tomatoes: *Provided,* That when an offset or a diagonal arrangement of tomatoes is used, a variation of not more than one tomato shall be permitted in different layers. For example, in a 5 x 5 pack the tomatoes in each layer shall be packed 5 rows wide with 5 tomatoes in each row. In a 4—5 x 9 diagonal pack the tomatoes shall be packed alternately 4 x 5 to the row the short way of the lug with 9 such rows in the layer and with either 40 or 41 tomatoes in each layer. When designated as "Straight Square-Offset Pack" or "Straight Square-Diagonal Pack" the top layer shall be packed with a square arrangement and all lower layers with either an offset or a diagonal arrangement and there may be a variation of not more than one tomato between the top layer and any of the lower layers. Not more than one tomato shall be placed in a wrapper;

(2) *"Extra Row Pack."* When specified as "Extra Row Pack", the lower layers shall not contain more than one additional row one way of the lug. For example, in a 5 x 5 pack, the tomatoes in the lower layers may be packed 5 x 6 but not 6 x 6 or 5 x 7. Not more than one tomato shall be placed in a wrapper;

(3) *"Bridge Pack".* When specified as "Bridge Pack", a part of one additional layer of tomatoes shall be packed in the lug and the remaining tomatoes in the lower layers shall not contain more than one additional row one way of the lug than is contained in the top layer. Not more than one tomato shall be placed in a wrapper;

(4) *"Double Wrap Pack".* When specified as "Double Wrap Pack", the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper; and,

(5) *"Double Wrap Bridge Pack".* When specified as "Double Wrap Bridge Pack", the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper: *Provided,* That part of one additional layer which may have either one or two tomatoes in a wrapper shall be packed in the lug.

IRREGULAR PACK

§ 51.1863 *"Irregular Pack."* Lugs of tomatoes which are not packed in accordance with any of the methods of packing specified in § 51.1862 may be designated as "Irregular Pack".

COLOR CLASSIFICATION

§ 51.1864 *Color classification.* (a) The following terms may be used, when specified, in connection with the grade statement in describing the color of any lot of tomatoes which are characteristically red when ripe:

(1) *Turning.* "Turning" means that there is at least a definite break in color to yellow or pink at the blossom end but not more than one-half of the surface, in the aggregate, is yellow or pink;

(2) *Pink.* "Pink" means that more than one-half but not more than three-fourths of the surface, in the aggregate, shows pink or red color;

(3) *Hard ripe.* "Hard ripe" means that more than three-fourths of the surface, in the aggregate, shows pink or red color;

(4) *Firm ripe.* "Firm ripe" means that more than three-fourths of the surface, in the aggregate, shows red color characteristic of a reasonably well ripened tomato; and,

(5) *Ripe.* "Ripe" means that practically the entire surface shows a good shade of red color characteristic of a well ripened tomato.

(b) Incident to proper color classification, not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the color specified, including therein not more than 5 percent for tomatoes which are green in color, except that any lot of tomatoes which does not meet the requirements of any of the above color designations may be designated as "Mixed Color": *Provided,* That not more than 5 percent of the tomatoes are green in color.

DEFINITIONS

§ 51.1865 *Similar varietal characteristics.* "Similar varietal characteristics" means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft-fleshed, early maturing varieties are not mixed with firm-fleshed, mid-season or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

§ 51.1866 *Mature.* "Mature" means that the contents of two or more seed cavities have developed a jelly-like consistency and the seeds are well developed.

§ 51.1867 *Soft.* "Soft" means that the tomato yields readily to slight pressure.

§ 51.1868 *Clean.* "Clean" means that the tomato is practically free from dirt or other foreign material.

§ 51.1869 *Well developed.* "Well developed" means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue, and usually contain open spaces below the level of the stem scar, are not considered well developed.

§ 51.1870 *Fairly well formed.* "Fairly well formed" means that the tomato is not more than moderately kidney-shaped, lop-sided, elongated, angular or otherwise moderately deformed.

§ 51.1871 *Fairly smooth.* "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

§ 51.1872 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts and broken skins when not shallow or not well healed; or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a shallow, well healed cut one-half inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle three-eighths inch in diameter;

(b) Puffiness when the open space in one or more locules materially affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle one-half inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle three-eighths inch in diameter;

(e) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-eighth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2½ inches in diameter having individual radial cracks one-half inch in length and an aggregate length of all radial cracks of 1 inch, measured from the edge of the stem scar, except that any lot of tomatoes which are at least turning may have growth cracks which are not well healed: *Provided,* That such cracks are not leaking;

(f) Hail injury when deep, rough, or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle three-eighths inch in diameter; and,

(g) Insect injury when the appearance, or the edible or shipping quality of the tomato is materially affected or when any insect is present in the fruit.

§ 51.1873 *Reasonably well formed.* "Reasonably well formed" means that the tomato is not decidedly kidney-shaped, lop-sided, elongated, angular or otherwise decidedly deformed.

§ 51.1874 *Slightly rough.* "Slightly rough" means that the tomato is not decidedly ridged or grooved.

§ 51.1875 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Cuts and broken skins when not shallow or not well healed, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a shallow, well healed cut one-half inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle one-half inch in diameter;

(b) Puffiness when the open space in one or more locules seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle three-fourths inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle five-eighths inch in diameter;

(e) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-eighth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2½ inches is diameter having individual radial cracks three-fourths inch in length and an aggregate length of all radial cracks of one and three-fourths inches, measured from the edge of the stem scar, except that any lot of tomatoes which are at least turning may have growth cracks which are not well healed: *Provided,* That such cracks are not leaking;

(f) Hail injury when deep, rough, or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle five-eighths inch in diameter; and,

(g) Insect injury when the appearance or the edible or shipping quality of the tomato is seriously affected or when any insect is present in the fruit.

§ 51.1876 *Misshapen.* "Misshapen" means that the tomato is decidedly kidney-shaped, lop-sided, elongated, angular or otherwise decidedly deformed: *Provided,* That the shape is not affected to an extent that the appearance or the edible quality of the tomato is very seriously affected.

§ 51.1877 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects, or any combination of defects the seri-

ousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Cuts and broken skins when fresh, or when healed and extending through the tomato wall, or when the appearance of the tomato is very seriously affected;

(b) Puffiness when the open space in two or more locules very seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces when channels extend into the locule, when the wall has been weakened to the extent that slight pressure will cause the tomato to leak, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a fairly smooth catface with an area equivalent to that of a circle 1 inch in diameter;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having a scar with no depth which has an area equivalent to that of a circle 1 inch in diameter;

(e) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-fourth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2½ inches in diameter having individual radial cracks 1 inch in length and an aggregate length of all radial cracks of 2⅞ inches, measured from the edge of the stem scar, except that any lot of tomatoes which are at least turning may have growth cracks which are not well healed: *Provided*, That such cracks are not leaking, are not more than one-eighth inch in depth and that individual radial cracks are not more than three-fourths inch in length;

(f) Hail injury when fresh or very deep, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2½ inches in diameter having fairly smooth, shallow hail marks with an aggregate area equivalent to that of a circle 1 inch in diameter; and,

(g) Insect injury when the appearance or the edible or the shipping quality of the tomato is very seriously affected or when any insect is present in the fruit.

The United States Standards for Fresh Tomatoes contained in this subpart shall become effective 10 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Fresh Tomatoes which have been in effect since September 14, 1953 (§§ 51.1855–51.1876).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER because the packing and shipment of the late fall crop of Florida tomatoes has already begun and it is in the public interest that the standards be in effect as soon as possible; and a reasonable time is permitted, under the circumstances for the preparation for such effective date.

Dated: November 29, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-9919; Filed, Dec. 3, 1956; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6574]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BECKERMAN FUR CORP., AND ABRAHAM BECKERMAN

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1325 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Beckerman Fur Corporation, et al., New York, N. Y., Docket 6574, November 6, 1956]

In the Matter of Beckerman Fur Corporation, a Corporation, and Abraham Beckerman, Individually and as President of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York furrier with violating the Fur Products Labeling Act through falsely and deceptively labeling and invoicing certain of its fur products with respect to the name of the animal producing the fur, by abbreviating information, using fictitious and non-existent animal names and otherwise failing to conform to the statutory requirements.

Following entry of an agreement between the parties for a consent order to cease and desist, the examiner made his initial decision, including order to cease and desist which, by order of October 31, became, on November 6, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Beckerman Fur Corporation, a corporation, and its officers, and respondent Abraham Beckerman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of furs which have been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise falsely identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing: a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

b. That the fur product contains or is composed of used fur, when such is the fact.

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact.

e. The name or other identification, issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

f. The name of the country of origin of any imported furs used in the fur product.

g. The item number of such fur product.

3. Setting forth on labels attached to fur products:

a. Nonrequired information mingled with required information.

b. Required information in handwriting.

c. Required information in abbreviated form.

d. A fictitious or non-existent animal name.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations.

b. That the fur product contains or is composed of used fur, when such is the fact.

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact.

e. The name and address of the person issuing such invoice.

f. The name of the country of origin of any imported furs contained in the fur product.

g. The item number of such fur product.

2. Setting forth on invoices of fur products:

a. Required information in abbreviated form.

b. A fictitious or non-existent animal name.

C. Falsely and deceptively invoicing fur products as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 31, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-9876; Filed, Dec. 3, 1956; 8:45 a. m.]

[Docket 6288]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WM. H. WISE CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Concealed subsidiary or interest; nature. Subpart—*Using misleading name*—Vendor: § 13.2365 *Concealed subsidiary or "alter ego":* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Wm. H. Wise Co., Inc., et al., New York, N. Y., Docket 6288, Nov. 1, 1956]

In the Matter of Wm. H. Wise Co., Inc., a Corporation, The Charming Woman, Inc., a Corporation, and John J. Crawley, Individually and as an Officer of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation engaged in New York City in the sale and distribution of a correspondence course in beauty care, together with its parent corporation and the common president of both, with misrepresenting in advertising the terms of payment for their course, and with using the fictitious trade name "Publishers' Protective Service" to collect their past-due accounts.

The advertising issues were fully adjudicated upon a consent order settlement approved by the Commission on August 19, 1955, 20 F. R. 6768.

Upon trial of the fictitious collection agency issue, respondents' motion to dismiss the complaint was denied by the hearing examiner, and denied by the Commission upon appeal. Upon this basis the hearing examiner made his initial decision including order to cease and desist, from which respondents again appealed. After hearing this matter on briefs and oral argument, the Commission, in an opinion by Chairman Gwynne, issued its Final Order on November 1, 1956, denying respondents' appeal and adopting the initial decision as its own decision.

The order to cease and desist is as follows:

It is ordered, That respondents, Wm. H. Wise Co., Inc., a corporation, The Charming Woman, Inc., a corporation, and their officers; and John J. Crawley, individually and as an officer of said corporation; and the respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution, in commerce as "commerce" is defined in the Federal Trade Commission Act, of a course of instruction in beauty culture, or any courses of study or instruction, or any other product, do forthwith cease and desist from:

1. Using fictitiously any trade or corporate name in collecting past-due accounts;

2. Implying that such fictitious collection agency is an independent organization engaged in the business of collecting past-due accounts.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondents, Wm. H. Wise Co., Inc., a corporation, The Charming Woman, Inc., a corporation, and John J. Crawley, individually and as an officer of said corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision.

Issued: November 1, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-9877; Filed, Dec. 3, 1956; 8:45 a. m.]

[Docket 6405]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NEUVILLE, INC., AND ABNER B. NEUVILLE

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1235 *Indorsements, approval or awards;* § 13.1280 *Price.* Subpart—*Using misleading name*—Goods: § 13.2305 *Indorsements, approval, or awards.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Neuville, Inc., et al., New York, N. Y., Docket 6405, November 2, 1956]

In the Matter of Neuville, Inc., a Corporation, and Abner B. Neuville, Individually and as President of Neuville, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its president, with office in New York City, with falsely representing the usual retail prices of men's hosiery they sold to retail dealers by attaching price tickets which were substantially in excess thereof and with using the name "Academy Award" for their hosiery though such products had received no meritorious award.

Following respondents' answer and hearings in due course, the hearing examiner made his initial decision including findings of fact, conclusions of law, and order to cease and desist.

Upon review of the record, the Commission modified the initial decision and adopted it as thus modified on November 2 as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Neuville, Inc., a corporation, and Abner B. Neuville, as president of Neuville, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hosiery in commerce, as "commerce" is defined in the act, do forthwith cease and desist from:

1. Representing in any manner that certain amounts are the regular and usual retail prices of hosiery when such amounts are in excess of the prices at which such hosiery is usually and regularly sold at retail;

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail prices of merchandise; and

3. Representing through the use of the name or phrase "Academy Award" or any other name or phrase of similar import that they or their hosiery have received a meritorious or other award.

It is further ordered, That the allegation of the complaint, that the price-labeling acts and practices of respondents have the capacity or tendency to mislead dealers and retailers, be and hereby is dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Neuville, Inc., a corporation, and Abner B. Neuville, as president of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the or-

[1] Amended to read as set forth.

der to cease and desist contained in the initial decision as modified.

Issued: November 2, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-9878; Filed, Dec. 3, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54254]

PART 3—DOCUMENTATION OF VESSELS

APPROVALS OF DESIGNATIONS OF HOME PORTS

In order to provide uniform authority for collectors of customs and certain other officers to approve designations of home ports in all cases, subject to prior review in the Bureau in a few unusual circumstances, the following changes are made in § 3.17 of the Customs Regulations:

1. Paragraphs (a), (b), (e), and (f) are amended to read as follows:

§ 3.17 *Home port; definition; change of.* (a) A vessel's home port is that port where marine documents may be issued to vessels (see § 1.1 (c) of this chapter) which has been fixed and determined by the owner with the approval of the collector, assistant collector, or deputy collector in charge of marine work at the port designated or at the port where a temporary document is to be issued to the vessel. It is the port at which the vessel's permanent documents are issued.

(b) Before a marine document is issued to a vessel never before documented or to a documented or previously documented vessel when there has been some change in ownership in whole or in part or when a change in home port is desired, the owner of the vessel shall submit his designation of home port for the vessel on customs Form 1319, signed as provided for in § 3.13 (a), to the office of the collector of customs for the port designated or the port where a temporary document is to be issued. When the designation is filed with the collector at the port designated as home port, it shall be filed in duplicate; when filed at a port where a temporary document is to be issued, it shall be filed in triplicate. If the home port so designated is different from the last previous home port of the vessel, the owner shall also request the collector at the previous home port to forward to the collector at the designated port an abstract of title on customs Form 1332, or on customs Forms 1332 and 1332–A (see § 3.33 (l)).

* * * * *

(e) Any designation presented shall be forwarded to the Bureau for recommendation before approval and before the issuance of any document under such designation if:

(1) A port or place is designated which is other than the port at or nearest the place in the same customs collection district where the vessel business of the owner is conducted;

(2) The vessel is of foreign build and has not been previously documented as a vessel of the United States;

(3) The vessel has been transferred to an alien in whole or in part or has been placed under foreign registry after having been built in the United States or after having been documented as a vessel of the United States;

(4) Title has passed by operation of law before the first documentation as a vessel of the United States or since the date of acquisition of title by the last owner of record, whether by court order, by appointment of a trustee in bankruptcy, or otherwise.

(f) After favorable recommendation by the Bureau if required, the collector, assistant collector, or deputy collector in charge of marine work for the port at which a designation is filed in accordance with paragraph (a) of this section may approve that designation provided recordable instruments covering each sale, gift, or conveyance (including a conveyance in trust), if any, since the date of acquisition of title by the last owner of record are presented with the designation. After favorable recommendation by the Bureau if required, the collector or assistant collector for the district in which any such designation is filed may waive the requirements for production of recordable instruments of conveyances and may approve that designation if he is satisfied that it is impracticable to furnish any such instrument and that the owner has legal title to the vessel.

2. Paragraph (g) is amended by substituting a reference to paragraph (f) for the present reference to paragraph (e).

3. Paragraphs (h) and (i) are amended to read as follows:

(h) In every case in which a favorable recommendation by the Bureau is required before an approval may be granted under paragraph (f) of this section, the collector shall forward a copy of the designation to the Bureau, together with any evidence of title submitted, any necessary statement of the facts and circumstances, and a statement as to whether or not the collector is of the opinion that the applicant has legal title to the vessel. In addition, any statement required by paragraph (c) of this section shall be forwarded. The papers so forwarded will be returned by the Bureau, with its recommendation, for processing by the field officer concerned.

(i) No officer or employee designated to grant approvals of designations of home ports shall approve, nor shall any collector forward to the Bureau for review, any such designation unless it appears that the vessel will be documented as a vessel of the United States substantially simultaneously with the approval of the designation by any such officer or employee after any necessary review. When a designation has been approved and the vessel is not so documented, the approval granted shall be cancelled. The collector, in subsequently transmitting a copy of a new designation by the same owner for review or in forwarding a copy of a designation approved by him, shall indicate in his remarks the date of the previous approval and that it was cancelled because of failure to document the vessel.

(R. S. 4141, sec. 1, 43 Stat. 947, as amended; 46 U. S. C. 17, 18)

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 27, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9904; Filed, Dec. 3, 1956; 8:49 a. m.]

[T. D. 54253]

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

FREE ENTRY OF CERTAIN ALUMINA

Public Law No. 725, 84th Congress, approved July 16, 1956, provides for the suspension of duty on alumina, imported for use in producing aluminum, entered, or withdrawn from warehouse, for consumption during the two-year period beginning July 17, 1956, under regulations to be prescribed by the Secretary of the Treasury. To prescribe regulations governing the entry free of duty of alumina under said Act, the Customs Regulations are amended as follows:

Part 54 is amended by adding at the end thereof the following new centerhead and section:

ALUMINA

§ 54.4 *Alumina to be used in producing aluminum.* Pursuant to Public Law No. 725, 84th Congress,[1] alumina, when imported for use in producing aluminum and entered, or withdrawn from warehouse, for consumption during the two-year period beginning July 17, 1956, may be released without the deposit of duty in the same manner and subject to the same conditions as leather to be used in the manufacture of footwear (see § 10.84 of this chapter), except that the proof of use shall show that the alumina was used in the production of aluminum and the other documents required shall be modified accordingly.

(70 Stat. 554; Pub. Law 725, 84th Cong.)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 27, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9903; Filed, Dec. 3, 1956; 8:49 a. m.]

[1] "That no duty shall be levied, collected, or payable under the Tariff Act of 1930, as amended, with respect to alumina, when imported for use in producing aluminum, under such regulations as the Secretary of the Treasury shall prescribe.

"SEC. 2. This Act shall be effective as to alumina entered, or withdrawn from warehouse, for consumption during the two-year period beginning on the day following the date of the enactment of this Act." (Pub. Law 725, 84th Cong.)

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter A—Alaska

PART 1—ANNETTE ISLANDS RESERVE, ALASKA; METLAKAHTLA INDIANS AND OTHER NATIVES

REVOCATION

NOVEMBER 28, 1956.

Part 1, Annette Islands Reserve, Alaska; Metlakahtla Indians and Other Natives, is revoked in its entirety.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 56-9879; Filed, Dec. 3, 1956; 8:45 a. m.]

Subchapter F—Education of Indians

PART 44—ENROLLMENT OF INDIANS IN PUBLIC SCHOOLS

CONTRACTS WITH PUBLIC SCHOOLS

Paragraph (b) of § 44.4 is revised to read as follows:

(b) The program will be administered to accommodate unmet financial needs of school districts related to the presence of large blocks of nontaxable Indian-owned property in the district and relatively large numbers of Indian children which create situations which local funds are inadequate to meet. This Federal assistance program shall be based on the need of the district for supplemental funds to maintain an adequate school after evidence of reasonable tax effort and receipt of all other aids to the district without reflection on the status of Indian children.

(R. S. 161, sec. 11, 48 Stat. 988; 5 U. S. C. 22, 25 U. S. C. 471)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

NOVEMBER 28, 1956.

[F. R. Doc. 56-9880; Filed, Dec. 3, 1956; 8:45 a. m.]

Subchapter I—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404, 79th Cong., 60 Stat. 238) and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, amendment No. 1; 16 F. R. 5454–7), notice was given of the intention to modify §§ 130.24, 130.26, and 130.28 of Title 25, Code of Federal Regulations, in FEDERAL REGISTER No. 157, Volume 21, dated August 14, 1956 dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts as follows:

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, §§ 130.24, 130.26, 130.28 are modified as follows:

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1947, as assessment of $213,800 for the maintenance and operation of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 71,933.2 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1957, an assessment of $33,900 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 13,617.0 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed, for the season of 1957, an assessment of $19,000 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,986.2 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PERCY E. MELIS,
Area Director.

[F. R. Doc. 56-9881; Filed, Dec. 3, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Security of Vessels

[CGFR 56-54]

PART 124—CONTROL OVER MOVEMENT OF VESSELS

ADVANCE NOTICE OF VESSEL'S TIME OF ARRIVAL TO CAPTAIN OF THE PORT, U. S. COAST GUARD

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature of vessels, harbors, ports, and waterfront facilities in the United States, and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04–8 in Executive Order 10173 (15 F. R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States. The purpose for amending 33 CFR 124.10 is to remove an exemption granted vessels in foreign trade entering the Great Lakes from giving twenty-four hours' notice to the Captain of the Port.

Since the security interests of the United States call for the aforesaid application of the provisions of 33 CFR 6.04–8 in Executive Order 10173 and because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended by Executive Orders 10277 and 10352, the following amendment to § 124.10 is prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

§ 124.10 *Advance notice of vessel's time of arrival to Captain of the Port.* (a) The master or agents of every vessel (foreign and domestic) shall give at least 24 hours' advance notice of the time of such vessel's arrival to the Captain of the Port where the vessel is to arrive. The master or agents of every foreign vessel, as well as every documented vessel of the United States, destined from one port or

place to another port or place shall give

[Public Land Order 1367]

place to another port or place shall give at least 24 hours' advance notice of the time of such vessel's arrival to the Captain of the Port where the vessel is to arrive. For such foreign and domestic vessels, this 24 hours' advance notice of time of arrival is applicable at every port of call. In any case where the port of arrival is not located within the geographical area assigned to a particular Captain of the Port, this advance notice of time of arrival shall be made to the Commander of the Coast Guard District in which such a port or place is located. In a case of force majeure, if it is not possible to give at least a 24 hours' advance notice of time of arrival, then an advance notice as early as practicable shall be furnished.

(b) The master and agents of a vessel entering the Great Lakes shall be exempt from the requirements of paragraph (a) of this section, but the master or agents of such vessel if bound for a United States port shall:

(1) Immediately on the vessel's entry into Lake Ontario inbound, advise the Commander, 9th Coast Guard District, of the vessel's first intended United States port of call and estimated time of arrival in that port.

(2) Upon the vessel's arrival in the first United States port cause to be delivered to the Captain of the Port an itinerary giving the vessel's foreign ports of call during the preceding six months or last visit to a U. S. port whichever is later, the intended ports of call on the Great Lakes, and the estimated dates of arrival.

(3) Thereafter, immediately advise the Commander, 9th Coast Guard District, when the necessity of a deviation from that itinerary becomes known.

(c) The master or agents of a vessel engaged upon a scheduled route need not furnish the advance notice of arrival in individual instances if a copy of the schedule is filed with the Captain of the Port for each port of call named in the schedule and the times of arrival at each such port are adhered to.

(d) In the case of a vessel which is engaged in operations in and out of the same port, either on voyages to sea and return without having entered any other port, or on coastwise voyages within the same Coast Guard District, or from ports within the first, ninth, thirteenth or seventeenth Coast Guard Districts to adjacent Canadian ports, and where no reason exists which renders such action prejudicial to the rights and interests of the United States, the Coast Guard District Commander having jurisdiction may prescribe conditions under which Coast Guard Captains of the Ports may consider such a vessel as being in constructive compliance with the requirements of this section without the necessity for reporting each individual arrival.

(e) Failure to give advance notice will subject the master or agents of a vessel to the penalties of fine and imprisonment, as well as subject the vessel to seizure and forfeiture, as provided in section 2, title II of the act of June 15, 1917, as amended, 50 U. S. C. 192. In addition, such failure may result in delay in the movement of the vessel from the harbor entrance to her facility destination within the particular port.

(f) The requirements of this section do not apply to the following:

(1) Vessels which, during the course of their voyages, do not navigate any portion of the high seas; and

(2) Vessels which are numbered by the Coast Guard.

(g) The term "high seas", as used in this section, shall be construed to mean any portion of the open sea below the low water mark along the coasts and projections of the land across the entrances of bays, sounds and other bodies of water which join the open sea.

(Sec. 1, 40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, Oct. 18, 1950, 15 F. R. 7005, 3 CFR, 1950 Supp., E. O. 10277, Aug. 1, 1951, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, May 19, 1952, 17 F. R. 4607, 3 CFR, 1952 Supp.)

Dated: November 27, 1956.

[SEAL] A. C. RICHMOND,
Vice Admiral,
U. S. Coast Guard,
Commandant.

[F. R. Doc. 56-9906; Filed, Dec. 3, 1956; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1366]

[Oregon 03313]

OREGON

RESERVING PUBLIC LANDS AS AN ADDITION TO MCKAY CREEK NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved as an addition to the McKay Creek National Wildlife Refuge, established by Executive Order No. 4662 of June 7, 1927, as the McKay Creek Bird Refuge, the name of which was changed by Proclamation No. 2416 of July 25, 1940:

WILLAMETTE MERIDIAN

T. 1 N., R. 32 E.,
Sec. 3, lots 9 and 10.

The areas described aggregate 23.5 acres.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

NOVEMBER 27, 1956.

[F. R. Doc. 56-9888; Filed, Dec. 3, 1956; 8:47 a. m.]

[Public Land Order 1367]

[1949862]

FLORIDA

RESERVING PUBLIC LANDS AS AN ADDITION TO SANIBEL NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Florida are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved as an addition to the Sanibel National Wildlife Refuge, which was established on lands acquired pursuant to the provisions of the Migratory Bird Conservation Act of February 18, 1928 (45 Stat. 1222; 16 U. S. C. 715) as amended:

TALLAHASSEE MERIDIAN

T. 46 S., R. 21 E.,
Sec. 12, lots 3 and 4.
T. 46 S., R. 22 E.,
Sec. 7, lots 1 and 2;
Sec. 8, lots 2 and 3;
Sec. 17, lot 6;
Sec. 18, lots 3 and 6;
Sec. 23, SE¼SE¼;
Sec. 24, SW¼SW¼.
T. 46 S., R. 23 E.,
Sec. 19, NW¼NE¼ and NE¼NW¼.

The areas described aggregate 636.96 acres.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

NOVEMBER 28, 1956.

[F. R. Doc. 56-9886; Filed, Dec. 3, 1956; 8:46 a. m.]

[Public Land Order 1368]

[Wyoming 042284]

WYOMING

RESERVING LANDS WITHIN BIGHORN NATIONAL FORREST FOR USE OF FOREST SERVICE FOR RESEARCH PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Bighorn National Forest in Wyoming, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws or the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604 as amended), and reserved for use of the Forest Service, Department of Agriculture, as the Bighorn Experimental Range, in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581; 581a-581k) as amended:

SIXTH PRINCIPAL MERIDIAN

T. 55 N., R. 89 W.,
Sec. 2, W½ and W½E½;
Sec. 3, E½ and E½W½;
Sec. 10, N½NE¼ and NE¼NW¼;
Sec. 11, N½NW¼ and NW¼NE¼.
T. 56 N., R. 89 W.,
Sec. 34, S½SE¼ and SE¼SW¼;
Sec. 35, S½SW¼ and SW¼SE¼.

The areas described aggregate 1,441.44 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

NOVEMBER 28, 1956.

[F. R. Doc. 56-9887; Filed, Dec. 3, 1956; 8:47 a. m.]

[Public Land Order 1369]

[1883220]

NEVADA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 8927 OF OCTOBER 29, 1941, WHICH WITHDREW LANDS FOR USE IN CONNECTION WITH PRODUCTION OF MAGNESIUM METALS AND MAGNESIUM ALLOYS FOR NATIONAL DEFENSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8927 of October 29, 1941, reserving certain lands in Nevada under the jurisdiction of the Secretary of the Interior for use in connection with the production of magnesium metals and magnesium alloys, which was partially revoked by Public Land Order No. 285 of June 16, 1945 and modified by Public Land Order No. 992 of August 13, 1954, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 62 E.,
Sec. 25, N½NE¼, SE¼NE¼, NE¼NW¼, SW¼SE¼, and SE¼SW¼;
Sec. 31, SW¼NE¼, NW¼NW¼, SE¼NW¼; and SE¼SE¼;
Sec. 32, NE¼ and SE¼NW¼;
Sec. 33, NW¼;
Sec. 34, NW¼SE¼, S½SE¼, and W½;
Sec. 35, N½N½, NE¼SW¼, S½SW¼, and W½SW¼SE¼;
Sec. 36.
T. 22 S., R. 62 E.,
Secs. 2, 3, and 4;
Sec. 9, NW¼SE¼.
T. 21 S., R. 63 E.,
Sec. 30, N½ and S½S½;
Sec. 31.
T. 22 S., R. 63 E.,
Secs. 5, 6, 7, 8, 17, and 18;
Sec. 19, NE¼, N½NE¼NW¼, N½S½NE¼NW¼, and N½N½NW¼NW¼;
Secs. 20, 21, 27, 28, 29, 33, and 34.

The areas described aggregate approximately 13,740 acres.

2. The following-described lands were patented to the Reconstruction Finance Corporation, Patent No. 1122851 of October 6, 1947:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 62 E.,
Sec. 36.
T. 21 S., R. 63 E.,
Sec. 31.
T. 22 S., R. 63 E.,
Secs. 5, 6, 7 and 18;
Sec. 8, W½;
Sec. 17, W½;
Sec. 19, NE¼;
Sec. 20, NW¼.

The areas described aggregate 4,759.72 acres.

3. The following-described lands are included in withdrawal application of the City of Henderson, Nevada 017121, and their conveyance to the City is authorized by Public Law 522, 84th Congress (70 Stat. 156). No application will be accepted for such lands:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 62 E.,
Secs. 2, 3, and 4.
T. 22 S., R. 63 E.,
Sec. 8, E½;
Sec. 17, E½;
Sec. 20, E½;
Sec. 21, W½;
Sec. 28, E½ and NW¼.

The areas described aggregate approximately 3,680 acres.

4. The following-described lands are public domain:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 62 E.,
Sec. 25, N½NE¼, SE¼NE¼, NE¼NW¼, SW¼SE¼, and SE¼SW¼;
Sec. 31, SW¼NE¼, NW¼NW¼, SE¼NW¼, and SE¼SE¼;
Sec. 32, NE¼ and SE¼NW¼;
Sec. 33, NW¼;
Sec. 34, NW¼SE¼, S½SE¼, and W½;
Sec. 35, N½N½, NE¼SW¼, S½SW¼, and W½SW¼SE¼.
T. 22 S., R. 62 E.,
Sec. 9, NW¼SE¼.
T. 21 S., R. 63 E.,
Sec. 30, N½ and S½S½.
T. 22 S., R. 63 E.,
Sec. 19, N½NE¼NW¼, N½S½NE¼NW¼, and N½N½NW¼NW¼;
Sec. 20, SW¼;
Sec. 21, E½;
Sec. 28, SW¼;
Secs. 27, 29, 33, and 34.

The areas described aggregate approximately 5,300 acres.

5. The restored lands are located in Clark County, near Las Vegas, Nevada. Because of their adverse soil and water factors, they have no value for agriculture.

6. No application for the lands described in paragraph 4 of this order may be allowed under the homestead, desert-land, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Subject to any valid existing rights and the requirements of applicable law, the lands described in paragraph 4 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, and Desert Land Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to perference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on January 3, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 4, 1957, will be governed by the time of filing. No application under the Small Tract Laws will be accepted for lands in Clark County.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on April 4, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands were opened to applications and offers under the mineral-leasing laws by Public Land Order No. 992 of August 13, 1954. They will be open to location under the United States mining laws beginning at 10:00 a. m. on April 4, 1957.

8. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

NOVEMBER 28, 1956.

[F. R. Doc. 56-9885; Filed, Dec. 3, 1956; 8:46 a. m.]

[Public Land Order 1370]

T. 12 S., R. 1 E.,

890-940 Mc band

of Part 21 of the Commission's rules—Do-

[Public Land Order 1370]

[Montana 011562]

MONTANA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 909 OF JULY 31, 1953

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas as indicated:

MONTANA PRINCIPAL MERIDIAN

BEAVERHEAD NATIONAL FOREST

Hammond Ranger Station Administrative Site:
T. 5 S., R. 2 E.,
Sec. 32, W½NE¼SW¼, NW¼SW¼.
The areas described aggregate 60 acres.

Steel Creek Ranger Station Administrative Site:
T. 3 S., R. 14 W.,
Sec. 4, SW¼NW¼, SW¼SE¼NW¼, NW¼NE¼SW¼, NW¼SW¼;
Sec. 5, S½NE¼, N½SE¼.
The areas described aggregate 260 acres.

Bender Ranger Station Administrative Site:
T. 1 N., R. 17 W.,
Sec. 28, SW¼NE¼, NW¼SE¼.
The areas described aggregate 80 acres.

Elk Creek Administrative Site:
T. 3 S., R. 12 W., unsurveyed,
Beginning at a point which lies S. 37° W. 91.50 chains from the southwest corner of Section 34, T. 2 S., R. 12 W., thence from said point S. 20° W. 20.00 chains, thence S. 70° E. 20.00 chains, thence N. 20° E. 20.00 chains, thence N. 70° W. 20.00 chains to the place of beginning.
The area described contains 40 acres.

O'Dell Lookout Administrative Site:
T. 3 S., R. 13 W., unsurveyed,
Sec. 18, E½SW¼NW¼, W½SE¼NW¼.
The areas described aggregate 40 acres.

Bender Lookout Administrative Site:
T. 1 S., R. 17 W.,
Sec. 4, SE¼NE¼ Lot 5, NE¼SE¼ Lot 5, SW¼NW¼ Lot 6, NW¼SW¼ Lot 6.
The tracts described contain 10 acres.

Sacajawea Memorial Recreation Area:
T. 10 S., R. 15 W.,
Sec. 9, Lot 4;
Sec. 16, Lot 1.
The tracts described contain 83.86 acres.

Elkhorn Recreation Area:
T. 4 S., R. 12 W.,
Sec. 29, NE¼, S½NW¼, S½;
Sec. 30, Lot 4, SE¼SW¼, SE¼;
Sec. 31, Lots 1, 4, 5, 6, 7, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 32, NW¼, N½SW¼, Lots 1, 2.
T. 5 S., R. 12 W.,
Sec. 6, Lots 1, 2, 3.
The areas described aggregate 1,642.44 acres.

Cliff and Wade Lakes Recreation Area:
T. 11 S., R. 1 E.,
Sec. 34, SE¼SE¼;
Sec. 35, SW¼SW¼.
T. 12 S., R. 1 E.,
Sec. 2, That part of Lots 3, 4, 5 not included in HES No. 890; that part of Lots 6 and 9 and NW¼SE¼ and SE¼SE¼ not included in HES No. 1080; and Lots 7, 8;
Sec. 3, Lots 1, 5, 6, 7;
Sec. 11, That part of Lot 1 not included in HES No. 1080, Lots 2, 3, 4, E½SE¼;
Sec. 12, That part of W½W½ not included in HES No. 1080;
Sec. 13, Lots 1, 2, 3, SW¼SW¼;
Sec. 14, Lots 1, 2, 3, 4, 5, NW¼NE¼;
Sec. 23, Lots 1, 2, NE¼NW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 24, Lots 1, 2, 6, 7, 8, 9, and that part of Lots 3, 4, and 5 not included in HES No. 793;
Sec. 25, Lots 1 to 14 inclusive and N½NW¼SE¼;
Sec. 35, Lots 1, 2, 3, S½NE¼NE¼, SE¼NW¼NE¼, E½SE¼NW¼, NE¼NE¼SW¼, N½N½SE¼;
Sec. 36, Lots 1, 2, 3, 4, N½NW¼SW¼.
T. 12 S., R. 2 E.,
Sec. 30, Lots 1, 2, 3, 4, 5.
The areas described aggregate approximately 2,096 acres.

MONTANA PRINCIPAL MERIDIAN

BITTERROOT NATIONAL FOREST

Bluejoint Hot Springs Recreation Area:
T. 1 S., R. 22 W.,
Sec. 31, S½SW¼SE¼.
T. 2 S., R. 22 W.,
Sec. 6, Lot 2 and E½ Lot 3.
The areas described aggregate 93.57 acres.

Ditch Creek Recreation Area:
T. 1 S., R. 22 W.,
Sec. 15, HES No. 1122 and that part of Lot 1 not included in HES No. 1122.
The area described aggregates approximately 80 acres.

Public Land Order No. 909 of July 31, 1953, reserving public lands for use of the Forest Service, Department of Agriculture, as administrative sites and recreational areas, is hereby revoked so far as it affects the W½SE¼, E½SW¼, SE¼NW¼, sec. 29, T. 4 S., R. 12 W., M. P. M., Montana.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

NOVEMBER 28, 1956.

[F. R. Doc. 56-9884; Filed, Dec. 3, 1956; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-1194]

[Rules Amdt. 21-5]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

MISCELLANEOUS AMENDMENTS

In the matter of amendment of §§ 21.501 (g), 21.601 (b) and 21. 701 (b) of Part 21 of the Commission's rules—Domestic Public Radio Services (other than Maritime Mobile).

At as session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of November 1956;

The Commission having under consideration frequency changes required of stations which were authorized to operate in the 890–940 Mc band on an Experimental (Developmental) basis in the domestic common carrier service prior to September 4, 1956, when Part 21 of our rules went into effect, to conform to the channeling prescribed in §§ 21.501 (g), 21.601 (b) and 21.701 (b) thereof, and the problems relative to requiring new stations to conform to the channeling prescribed in these sections; and

It appearing that, the frequency changes required would be costly and premature because of the pendency of the proceedings in Docket Nos. 10797 and 11866, involving, among other things, possible reallocation of frequencies in the 890–940 Mc band, and new technical standards or channeling arrangements may evolve therefrom which may require additional frequency changes by such stations; and

It further appearing that, in view of the foregoing, the public interest would be served by amending §§ 21.501 (g), 21.601 (b) and 21.701 (b) to perscribe a pattern of assignable frequencies in the 890–940 Mc band which would not at this time necesitate changes in existing stations and redesign of equipment already developed for use in the radio services governed by Part 21; and

It further appearing that, the rule changes involved herein are in the nature of recognizing exemptions or relieving restrictions and that the immediate effectiveness of such rules will serve the public interest;

It is ordered, That, the changes in Part 21 of the Commission's rules set forth below are adopted, effective November 28, 1956.

The action taken herein is pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and sections 4 (a) and (c) of the Administrative Procedure Act.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete paragraph (g) of § 21.501 and, in lieu thereof, insert a new paragraph (g) as follows:

(g) For assignment to control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service, on a shared basis with other radio services:

890–940 Mc band

(Subject to final determination of the proceedings in Docket Nos. 10797 and 11866, and subject to the decisions made therein.)

Mc	Mc	Mc	Mc
890.1	898.6	907.2	915.7
890.2	898.7	907.3	915.8
890.3	898.8	907.4	915.9
890.4	898.9	907.5	916.0
890.5	899.0	907.6	916.1
890.6	899.1	907.7	916.2
890.7	899.2	907.8	916.3
890.8	899.3	907.9	916.4
890.9	899.4	908.0	916.5
891.0	899.5	908.1	916.6
891.1	899.6	908.2	916.7
891.2	899.7	908.3	916.8
891.3	899.8	908.4	916.9
891.4	899.9	908.5	917.0
891.5	900.0	908.6	917.1
891.6	900.1	908.7	917.2
891.7	900.2	908.8	917.3
891.8	900.3	908.9	917.4
891.9	900.4	909.0	917.5
892.0	900.5	909.1	917.6
892.1	900.6	909.2	917.7
892.2	900.7	909.3	917.8
892.3	900.8	909.4	917.9
892.4	900.9	909.5	918.0
892.5	901.0	909.6	918.1
892.6	901.1	909.7	918.2
892.7	901.2	909.8	918.3
892.8	901.3	909.9	918.4
892.9	901.4	910.0	918.5
893.0	901.5	910.1	918.6
893.1	901.6	910.2	918.7
893.2	901.7	910.3	918.8
893.3	901.8	910.4	918.9
893.4	901.9	910.5	919.0
893.5	902.0	910.6	919.1
893.6	902.1	910.7	919.2
893.7	902.2	910.8	919.3
893.8	902.3	910.9	919.4
893.9	902.4	911.0	919.5
894.0	902.5	911.1	919.6
894.1	902.6	911.2	919.7
894.2	902.7	911.3	919.8
894.3	902.8	911.4	919.9
894.4	902.9	911.5	920.0
894.5	903.0	911.6	920.1
894.6	903.1	911.7	920.2
894.7	903.2	911.8	920.3
894.8	903.4	911.9	920.4
894.9	903.5	912.0	920.5
895.0	903.6	912.1	920.6
895.1	903.7	912.2	920.7
895.2	903.8	912.3	920.8
895.3	903.9	912.4	920.9
895.4	904.0	912.5	921.0
895.5	904.1	912.6	921.1
895.6	904.2	912.7	921.2
895.7	904.3	912.8	921.3
895.8	904.4	912.9	921.4
895.9	904.5	913.0	921.5
896.0	904.6	913.1	921.6
896.1	904.7	913.2	921.7
896.2	904.8	913.3	921.8
896.3	904.9	913.4	921.9
896.4	905.0	913.5	922.0
896.5	905.1	913.6	922.1
896.6	905.2	913.7	922.2
896.7	905.3	913.8	922.3
896.8	905.4	913.9	922.4
896.9	905.5	914.0	922.5
897.0	905.6	914.1	922.6
897.1	905.7	914.2	922.7
897.2	905.8	914.3	922.8
897.3	905.9	914.4	922.9
897.4	906.0	914.5	923.0
897.5	906.1	914.6	923.1
897.6	906.2	914.7	923.2
897.7	906.3	914.8	923.3
897.8	906.4	914.9	923.4
897.9	906.5	915.0	923.5
898.0	906.6	915.1	923.6
898.1	906.7	915.2	923.7
898.2	906.8	915.3	923.8
898.3	906.9	915.4	923.9
898.4	907.0	915.5	924.0
898.5	907.1	915.6	924.1
		915.7	924.2
		915.8	924.3
		915.9	924.4
		916.0	924.5
		916.1	924.6
		916.2	924.7
		916.3	924.8
		916.4	924.9
		916.5	925.0
		916.6	925.1
		916.7	925.2
		916.8	925.3
		916.9	925.4
		917.0	925.5
		917.1	925.6
		917.2	925.7
		917.3	925.8
		917.4	925.9
		917.5	926.0
		917.6	926.1
		917.7	926.2
		917.8	926.3
		917.9	926.4
		918.0	926.5
		918.1	926.6
		918.2	926.7
		918.3	926.8
		918.4	926.9
		918.5	927.0
		918.6	927.1
		918.7	927.2
		918.8	927.3
		918.9	927.4
		919.0	927.5
		919.1	927.6
		919.2	927.7
		919.3	927.8
		919.4	927.9
		919.5	928.0
		919.6	928.1
		919.7	928.2
		919.8	928.3
		919.9	928.4
		920.0	928.5
		920.1	928.6
		920.2	928.7
		920.3	928.8
		920.4	928.9
		920.5	929.0
		920.6	929.1
		920.7	929.2
		920.8	929.3
		920.9	929.4
		921.0	929.5
		921.1	929.6
		921.2	929.7
		921.3	929.8
		921.4	929.9
		921.5	930.0
		921.6	930.1
		921.7	930.2
		921.8	930.3
		921.9	930.4
		922.0	930.5
		922.1	930.6
		922.2	930.7
		922.3	930.8
		922.4	930.9
		922.5	931.0
		922.6	931.1
		922.7	931.2
		922.8	931.3
		922.9	931.4
		923.0	931.5
		923.1	931.6
		923.2	931.7
		923.3	931.8
		923.4	931.9
		923.5	932.0
		923.6	932.1
		923.7	932.2
		923.8	932.3
		923.9	932.4
		924.0	932.5
		924.1	932.6
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			939.6
			939.7
			939.8
			939.9

Stations operating on these frequencies will not be protected from such interference as may be experienced from the emission of industrial, scientific, and medical equipment on 915 Mc in accordance with § 2.104 (a) of this chapter.[1]

2. Delete paragraph (b) of § 21.601 and, in lieu thereof, insert a new paragraph (b) as follows:

(b) The frequencies listed in § 21.501 (g) are available for assignment to rural subscriber, central office and inter-office stations in this service on a shared basis with other radio services, subject to final determination of the proceedings in Docket Nos. 10797 and 11866, and subject to the decisions made therein. Stations operating in the 890–940 Mc band will not be protected from such interference as may be experienced from the emissions of industrial, scientific, and medical equipment on 915 Mc in accordance with § 2.104 (b) of this chapter.

3. In paragraph (b) of § 21.701 delete the columnar tabulation of frequencies from 890.5 Mc through 939.5 Mc. Delete footnote [1] of this section and in lieu thereof, insert the following footnote:

[1] Frequency assignments in this band shall conform to the channeling specified in § 21.501 (g). Station assignments in the 890–940 Mc band shall be subject to final determination of the proceedings in Docket Nos. 10797 and 11866, and subject to the decisions made therein. Stations operating on these frequencies will not be protected from such interference as may be experienced from the emissions of industrial, scientific, and medical equipment on 915 Mc in accordance with § 2.104 (a) of this chapter.

[F. R. Doc. 56-9909; Filed, Dec. 3, 1956; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

CROSS REFERENCE: For orders affecting the tabulation in § 17.3, see Title 43, Chapter I, Appendix, PLO 1366, *supra*, reserving public lands as an addition to the McKay Creek National Wildlife Refuge, Oregon, and PLO 1367, reserving public lands as an addition to the Sanibel National Wildlife Refuge, Florida.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS OF MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments of Marketing Agreement No. 119 and Order No. 9 (7 CFR Part 909), hereinafter referred to as the "Order", regulating the handling of almonds grown in California. The Order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and any amendments which may be adopted as result of this proceeding will also be effective pursuant to said act. Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112 A, Administration Building, Washington 25, D. C., not later than 30 days after publication of this document in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the presently recommended amendments of the order are formulated, was held in Sacramento, California, on June 5 and June 6, 1956, pursuant to a notice thereof which was published in the FEDERAL REGISTER on May 23, 1956 (21 F. R. 3416). The notice

contained amendments which had been

as sold and delivered at the time they are

brown spots, but is consistent with pres-

contained amendments which had been proposed to the Secretary of Agriculture, hereinafter referred to as the "Secretary", by the California Almond Growers Exchange, a cooperative marketing association, which is a handler of California almonds. The proposed amendments were designed principally to improve procedures in order operations and to clarify certain provisions.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals relating to:

1. Definitions of such terms as "almonds", "shelled almonds", "major variety", "similar variety", "dissimilar variety", mixed variety", "inedible kernel", "edible kernel", "edible kernel weight", "pack", "to process", "to manufacture", "inspection agency", "settlement weight", "crop year", "handler carryover", and "trade demand";

2. The nomination, selection and term of office of Control Board members and alternates, and procedure for Control Board voting by mail or telegram;

3. Method of establishing and changing salable and surplus percentages and board estimates and recommendations pertaining thereto;

4. Surplus withholding requirements;

5. Requirements for surplus and inspection and certification of almonds submitted for disposition in surplus outlets;

6. Methods of deferring satisfaction of such requirements;

7. Transfers of credits for surplus disposition, transfers of almonds among handlers or between a handler's salable and surplus inventories, and adjustments upon increase of the salable percentage;

8. Determination of kernel weight;

9. Surplus disposition requirements and methods;

10. Record and report requirements;

11. Financing program operations; and

12. Conforming changes.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are set forth below. (Numbers in parentheses are those used in the order as proposed to be amended.)

1. *Certain definitions.* "Almonds", § 909.4 (909.4), should be amended to delete the reference to the initial year of operation. Such reference is no longer pertinent to the operation of the program.

"Shelled almonds", § 909.6 (909.6), should be amended to include as additional items those formerly defined as manufactured. Established practice has been to include whole almonds, halves, pieces, and particles of almonds as shelled almonds. In the past, almonds have been considered as sold and delivered at the time they were blanched, diced, sliced, slivered, or roasted. However, the demand for these products has increased significantly during recent years and these products are now manufactured in large quantities and held in inventory for future handling. Therefore, they should no longer be considered as sold and delivered at the time they are manufactured.

Preparation of almonds in these forms may result in a slight change in weight but it was held that use of the weight of the finished product, in lieu of the raw almond weight, in computing a surplus obligation would not result in a significant difference in the total surplus obligation of a handler. Testimony dealt particularly with the loss in weight in blanching which could amount to 6 to 8 percent. However, blanched almonds are produced generally by handlers and no one handler would be benefited unduly relative to other handlers, by calculation of surplus obligations on the basis of the blanched weight. Furthermore, handlers would be relieved from the present burden of keeping records, and reporting to the Board on shelled almonds used in these preparations and, in the case of surplus, from obtaining inspection. Therefore, all almond preparations which are presently considered as "manufactured" should be considered as "shelled almonds."

Under the present order, cut, halved, or broken almonds are treated the same as raw shelled almonds and they should continue to be so treated. All almonds heretofore treated as shelled almonds under the terms of the present order should continue to be so treated and in addition any almonds which are blanched, diced, sliced, slivered or roasted should likewise be so treated. This definition should be further amended to authorize the Secretary, on recommendation of the Board or other pertinent information, to include such additional almond products under the definition of shelled almonds as experience may indicate to be desirable.

The definitions "major variety", § 909.7, "similar variety", § 909.8, and "dissimilar varieties", § 909.9, should be deleted because they will not be used in the proposed amended order. These definitions are used in the present order only in defining "mixed varieties". The latter term is transferred to and explained in the proposed amended § 909.161 (909.62).

"Inedible kernel", § 909.11 (909.8), should be redefined to mean a kernel, piece, or particle of almond kernel which is not edible. The proposed definition of "edible kernel" discussed in the following paragraph makes the definition of "inedible kernel" no longer necessary except to include all almond material not included under the proposed new definition of "edible kernel".

"Edible kernel", § 909.12 (909.7), should be redefined. At the time the order was promulgated, detailed definitions of edible and inedible kernels were necessary. However, United States Standards for Shelled Almonds are now available and provide a readily understood and generally accepted basis for quality determination. Almonds should be classified as edible when they are not "seriously damaged" as defined in such standards. Such definition was unanimously agreed to at the hearing. This redefinition will result in slightly more liberal grading with respect to damage in the form of gumminess, shriveling, and brown spots, but is consistent with present industry practice. The proposed new definition of "edible kernel" is intended to refer to the United States Standards for Shelled Almonds as they are written or as they may be later modified. Changes with respect to what constitutes "serious damage" should be permitted to be made by the Secretary upon consideration of a board recommendation or other information, so that its application may be adjusted to the then current thinking concerning standards for edible kernels where such thinking is not reflected by the description of "serious damage" in the United States Standards. It is intended that any such change would be effective only at the beginning of a crop year unless strongly favored by the industry to be made effective during a crop year.

"Edible kernel weight", § 909.13 (909.9), should be deleted and a new definition "kernel weight" be included to conform with other changes herein recommended. In the past, no surplus obligation has been imposed on lots sold as inedible almonds. This permitted labeling shipments as inedible, even though they contained large percentages of edible almonds to which surplus obligation should apply. At the same time, only the edible kernel content of shipments exported or diverted to other surplus outlets have been credited as surplus disposition. This has resulted in higher quality requirements for surplus credit than are normally used in the salable market. The sale of edible almonds without incurring a surplus obligation should not be permitted and the requirement that almonds credited as surplus be of better quality than salable shipments should be modified. This may be accomplished by accounting for disposition, inventory, and sales on a kernel weight basis rather than on an edible kernel weight basis and other changes herein recommended. The term kernel weight should include all edible and inedible kernels and thus account for the range of kernels included in the new definitions.

"Pack", § 909.19, and "to process", § 909.20, should be deleted. They were included in the present Order because it was contemplated that they would be necessary for the purpose of distinguishing between a handler and a grower. However, the present definition of "handler" § 909.17 (909.13) and of "to handle", § 909.22 (909.16), adequately accomplish this objective.

"To manufacture", § 909.21, should be deleted to conform with the recommendation to include blanched, diced, sliced, slivered, and roasted almonds as shelled almonds. (See discussion of "shelled almonds" under this issue.) A new definition, "almond product", (909.15), should be substituted to provide for manufactured almond products other than those included under the proposed definition of shelled almonds. The weight of almonds in such products is most readily determined at the time of manufacture, rather than at the time of sale, and inventories for sales of such products are not generally maintained. The weight of almonds contained in mixed nuts should also be determined at the time of mixing for the same reasons. It is presently contemplated that almond products will include paste, almond butter, almond oil, and shelled or unshelled nut mixtures. However, any other almond products manufactured by handlers should be included except those falling within the definition of "shelled almonds". It was argued that the Secretary should be empowered to modify the definition of "almond product" upon board recommendation or other pertinent information. However, since the definition of "almond product" covers everything other than those products specified in the definition "shelled almonds", any modification of the definition "almond product" must result from a modification of the definition "shelled almonds". Therefore the authority for the Secretary to modify either of such definitions should be attached to the definition "shelled almonds" rather than to the definition "almond product".

"Inspection agency", § 909.23 (909.17), should be amended by deleting the detailed description of the two agencies as both are now well known to producers and handlers. No change is intended in the agencies named in the present order and Federal-State Inspection Service should continue to be that service performed by the United States Department of Agriculture under cooperative arrangement with a State, and Federal Inspection Service that service performed independently by the Department. Federal-State Inspection Service should be used unless use of the Federal Inspection Service is specifically designated.

"Settlement weight", § 909.24 (909.18), should be amended by deleting the provision for adjustment for inedible kernel weight of almonds received by handlers. This is necessary to make this definition conform with the proposed definition of "kernel weight".

"Crop year", § 909.25 (909.19), should be amended by deleting the proviso applying to the first year of operation, since it is no longer needed.

"Handler carryover", § 909.26 (909.20), should be clarified by specifying that only almonds certified as surplus are excepted from coverage under this term. This is necessary to insure uniform reporting by handlers. Also, the reference to manufactured products should be deleted and "almond product" inserted to conform with the recommendation in regard to § 909.21 (909.15).

"Trade demand", § 909.27 (909.21), should be clarified by specifying that it be on a kernel weight basis, and amended to include all commercial distributors and users. Both of these are in accordance with present practice. There was considerable testimony at the hearing and discussion in a brief to the effect that the Board should include markets in addition to the United States in its estimates of trade demand. Trade demand as defined in the order is used for the purpose of supplying one of the figures used in computing salable and surplus percentages. An objective of the program is to stabilize the United States market. It is conceivable that markets in other countries might be developed that will take almonds at prices comparable to those received in this country. However, no evidence was presented that such has occurred in a year of volume regulation (when prices were below parity) and if comparable prices are obtainable the order does not preclude sales at such prices. Therefore, the present geographical limitation should be retained.

2. *Almond Control Board.* "Membership representation", § 909.41 (909.31), paragraph (e), should be modified by deleting the proviso relating to the first year of operation as it is no longer necessary.

"Selection of original members", § 909.42, is likewise obsolete and should be deleted.

"Successor members", § 909.43 (909.32), should be retitled "nominations" as a conforming change and restated for clarification and inclusion of several changes. It was testified that the proposal submitted should be adopted with minor changes and no opposition was expressed. No change in present meaning other than those discussed below is intended to be made.

The order now requires that the names of all incumbents be placed on the ballot. Since an incumbent may not always be willing to accept renomination, his name should be included only with his concurrence.

The present order permits growers' names to be entered for nomination through petitions filed with the Board but does not indicate when such petitions must be received. It should be required that they be received on or before April 20, thereby giving the Board a reasonable time in which to prepare, mail, and receive the ballots.

Press releases announcing the balloting have been prepared and released in the past by the Department in collaboration with the Board. This is not the general practice under marketing order programs and members of the industry agreed that it would be appropriate for the Board to make such announcements. Therefore, the responsibility for press releases, along with other phases of conducting a ballot for board membership, should be with the Board.

Paragraph (b) should be amended by designating it as a new section, adding the descriptive title, "selection and term of office", (909.33), and changing the starting date. The starting date of the first Tuesday after the 2d Monday in June for the beginning of the term of office should be simplified by changing it to June 10. This would afford a readily identifiable starting date and provide an adequate period within which the Board could prepare for operations during the next year.

"Vacancy", § 909.46 (909.36), should be changed to provide that the Secretary may fill a vacancy on the Board or, if he should deem such action unnecessary, leave the position vacant. If he fills such a vacancy he should consider any recommendations in that regard which may be made by members of the group in which the vacancy exists. Further, it should not be mandatory to fill a vacancy when such action would serve no useful purpose due to reasons such as the improbability of holding a meeting during the remainder of the term.

"Permissive method of voting", § 909.50 (909.40), paragraph (c), should be retitled "voting by mail or telegram" and modified by specifying 10 days as a maximum period in which to vote, requiring that votes be received by the board manager for counting, and providing that failure to vote shall be considered a negative vote.

The new title would be more descriptive than the present. The other changes clarify the manner in which an unassembled vote shall be conducted. Since actions to be so voted on would not be controversial, a short period of time not to exceed 10 days, is deemed adequate for the reply to be returned for counting. It is expected that the manager will follow up on all letters or telegrams sent by him to ascertain that they had been received and whether it will be necessary to poll an alternate due to a member's inability to vote.

The present order is not specific as to who shall receive mail or telegram votes for counting, but testimony indicated that it would be impractical for anyone other than the manager to conduct a mail or telegram vote. It was further indicated that failure to vote should be considered a negative vote since it is intended that this provision be used only when all members can quickly and unanimously agree to the motion.

3. *Percentage determination.* "Method of establishing salable and surplus percentages", § 909.62 (909.47), should be modified to specify that desirable carryover at the end of the crop year be included as one of the factors the Secretary should give consideration to in establishing the salable and surplus percentages. This is in conformity with established practice. It was testified that the ratio of trade demand, adjusted for beginning and ending carryover, to production was not intended to be binding on the Secretary in making his decision but should be considered along with any other relevant information available. "Kernel weight" should be used in lieu of "edible kernel weight" in conformance to the recommended new usage.

"Increase in salable percentage", § 909.63 (909.48), should be modified to specify that the same considerations be used in arriving at an increase in the salable percentage as are used in establishing the original percentage. This change is in conformity with established practice and incorporates it within the order. While the language of the proposed section has been clarified in other respects, no other changes in the meaning are intended.

"Board estimates and recommendations", § 909.64 (909.49), should be amended to substitute "kernel weight" for "edible kernel weight", to require that anticipated imports be considered in estimating trade demand, to include an estimate of desirable carryover at the end of the year, and to delete reference to the first year of program operation which no longer serves a useful purpose.

Since it is proposed that volume regulation be based on kernel weight, instead

of on edible kernel weight, the word "edible" should be deleted.

In estimating domestic trade demand it is necessary that the estimated volume of almonds to be imported be taken into consideration. The inclusion of this factor is necessary because the quantity of domestic almonds which will be required to meet trade demand will be influenced by the quantity of imported almonds entered for consumption. Also it has been necessary to include consideration of desirable carryover at the end of the crop year in calculating the salable percentage and hence such an estimate should be adopted by the Board.

It was testified that verbatim transcripts of all meeting proceedings have been taken in the past to insure that complete reports of the meetings are available to the Department. Such complete reports in the form of transcripts should be continued whether or not estimates and a recommendation are adopted by the Board. In addition to members' views contained in the transcript, members of the Board should be permitted to submit individually their estimates and recommendations to the Secretary for consideration in event that a Board decision on the estimates and recommendations is not reached. However, such supplemental action should not be mandatory as it should be optional with individual members as to whether they wish to submit additional views to the Secretary.

4. *Withholding surplus.* "Surplus obligation", § 909.65, paragraph (a), "requirement for withholding" (909.50), should be retitled "requirement for withholding surplus" and separated from paragraph (b) of § 909.65 in order to separate these two important paragraphs and provide descriptive titles. The proviso at the end of the first sentence should be deleted as this is now covered in proposed § 909.55 "Interhandler transfers".

The recommended change from "edible kernel weight" to "kernel weight" would no longer make it possible to sell as inedible any lot of almonds which could appear, in whole or in part, in salable outlets without being included in receipts and thus subject to a withholding obligation. However, no purpose would be served in volume regulation by including in receipts almond material unsuitable as salable and disposed of by use in animal feed, crushing into oil, or other outlets which permanently remove it from any further sale as almonds. The disposition should be made in a manner permitting accountability to the Board so that an appropriate deduction can be made in handlers' receipts. If certified surplus is so disposed of, it should not be deducted because such an action would upset the application of the volume regulation on the individual handler. Since this disposition matter constitutes an exception to the kernel weight on which percentages are applied, it should be contained in a proviso to the first sentence of proposed § 909.50.

Experience has shown that the provision for an alternate method of determining a handler's surplus obligation in case his records are inadequate is unnecessary in view of the type of records maintained and the procedure for redetermining the kernel weight provided for in § 909.83 (909.61) and should, therefore, be deleted. To conform with the recommended change in requirements for surplus, "edible kernel weight" should be changed to "certified kernel weight" to indicate that such almonds meet surplus requirements.

The requirements for placing almonds in suitable containers, inspection and certification, and identification should be complied with before a lot is credited toward a handler's withholding obligation, and such identification should not be removed except as directed by the Board. The present order does not clearly specify that these requirements be met at or before the time credit is given for withholding.

5. *Surplus requirements.* "Surplus obligation", § 909.65, paragraph (b), "grade requirements for surplus", (909.51) should be retitled "requirements for surplus" and designated as a new section, inasmuch as requirements for surplus deals with inspection requirements which is a topic separate from requirements for withholding.

Under the present order, only the edible kernel content of a lot is eligible for surplus credit. This has proven unnecessarily stringent and has been criticised for requiring that only the edible kernel content be eligible for surplus credit while the surplus obligation is based on the entire kernel weight received. To correct this situation, the weight to be certified as surplus should be the kernel weight less an inedible kernel weight in excess of three percent of the edible kernel content. Since lots eligible for satisfaction of surplus obligations will be permitted to contain, as hereafter set forth, a large percentage of inedible kernels, this tolerance should be applied to the edible content rather than the total kernel weight of a lot. The recommended tolerance approximates the maximum tolerance for seriously damaged kernels (those unsuitable for human consumption) in any grade of almonds in the United States Standards for Shelled Almonds and it is a general practice of handlers to not exceed this tolerance.

The limitation on inedible material in a lot submitted as surplus has proven unduly restrictive resulting in the expense of reworking some poor quality lots to make them acceptable as surplus. To avoid such expense, this limitation should be liberalized to a maximum inedible kernel content of 40 percent of the kernel weight in both shelled and unshelled lots submitted for surplus credit. This tolerance is liberal enough to accommodate practically any lot that might be submitted.

Some concern exists that, as a result of liberalizing the quality requirement for surplus, poor quality almonds may at some time be shipped in export to the detriment of the market. Although no such difficulty is presently anticipated, provision should be made for the Secretary to establish additional requirements on surplus destined for export or for domestic human consumption upon recommendation of the Board or other information. In this way, such requirements can be easily established if needed.

"Inspection and certification of surplus", § 909.84 (909.52), should immediately follow § 909.65 (b) (909.51), since it deals with inspection and certification that a particular lot of almonds meets the requirements for surplus and, should be amended to place an obligation on the handler to cause an inspection certificate to be furnished to the Board. Although the practice has been for the inspection agency to furnish a copy of the inspection certificate to the Board, it is the handler rather than the Board which obtains the inspection and should authorize disposition of the certificates.

It is possible that future changes in inspection and certification requirements will be desirable to conform with changes in industry practices. Therefore, provision should be made allowing the Secretary to modify these requirements when recommended by the Board.

Reference to "edible kernel weight" should be changed to "kernel weight" to conform with the recommended new usage.

"Payment to handlers for services rendered", § 909.67 (909.54), should be modified to delete the schedule of payments (§§ 909.151–909.154, both inclusive) established seven years ago as these rates do not now reflect current costs, and to substitute a provision that would allow the Board to establish a schedule when needed with the approval of the Secretary. It was pointed out that these provisions would become operative only in case of pooling or when the Board acquired almonds given as security upon default. The Board should be authorized to request handlers to perform services incidental to disposition by the Board and to pay for such service according to an established schedule.

6. *Deferment of withholding obligation.* "Deferment of time for withholding surplus and procedure", § 909.66 (909.53) should be amended to extend the period for deferment from March 31 to May 15 in order to allow handlers time to complete the bulk of their shelling operations before deciding which almonds they wish to have certified as surplus. The early date has proven expensive, inasmuch as almonds certified earlier often have to be exchanged to meet domestic needs.

The requirement that deferment be requested prior to handling any almonds of the crop year should be eliminated as unnecessarily restrictive, since compliance is insured by other provisions of the Order.

Specific provision should also be made for offering almonds as security in lieu of withholding. Almonds so used should be owned by the handler free and clear of all liens and incumbrances. This means that the handler should have the same title as would be necessary to permit him to sell and pass clear title to a buyer in normal trade channels. Almonds offered as security should be in a quantity equal to or greater than the quantity for which deferment is desired, as determined by the Board with the approval of the Secretary. The handler should agree in writing to authorize the Board, in case of default, to sell the pledged almonds up to the quantity on which default occurs, as soon as practicable, in the most favorable surplus outlets available, and to remit the proceeds, less board expenses in connection therewith, to the defaulting handler. Pledged almonds in excess of the quantity represented by the default should be returned to the defaulting handler, who should be charged with any board expenses in connection with such excess quantity. The handler should further agree in writing to: store the pledged almonds in bulk storage bins or other containers regularly used by almond handlers, separate and apart from all other almonds; permit inspection of such almonds by the Board or the inspection agency at any time; maintain such almonds insofar as is reasonably practicable in the same condition as when offered as security; store such almonds in a manner that they can be readily identified, weighed, measured, and sampled; and place or cause to be placed on bins or other containers seals, tags, stamps or other means of identification prescribed by the Control Board, and not remove or permit to be removed such identification except under supervision or direction of the Board. The foregoing provisions would make it possible for the Board to insure adequate stocks to guarantee compliance with the withholding requirements.

At present, the bonding rate is 90 percent of the price of Nonpareil medium size almonds and there is no specific method for adjusting the rate as market prices change. Experience has shown that a fixed bonding rate has not always provided adequate security. Bonding requirements should be placed on a more easily established basis by using as the bonding rate the average to the nearest half cent of the full price of Nonpareil shelled almonds, which tend to be used for surplus satisfaction, sizes 20/22, 23/25, and 27/30 kernels per ounce, as published by handlers accounting for the majority of almonds handled during the preceding crop year, and adjusting the bonding rate whenever these prices change 5 percent or more from the bonding rate then in effect. If two or more handler's prices are used they should be weighted by the total quantities of almonds handled by each. This method of establishing and changing the bonding rate should result in adequate security to meet a surplus obligation upon default. However, since experience may later demonstrate that the foregoing method of establishing and adjusting the bonding rate may need to be modified, provision should be made for the Secretary to take such action after considering a board recommendation or other information.

7. *Transfers and adjustments.* "Interhandler transfers", § 909.68 (909.55), should be clarified and broadened to permit transfer to another handler of almonds or of surplus credit so long as the assessment and withholding obligations of the handlers involved are met.

Disposition creditable against a handler's withholding obligation (referred to in the industry as surplus credits) arises from disposition by handlers, particularly during the early fall demand in foreign outlets, in quantities exceeding their withholding obligation. Such surplus credits would normally be retained by the handler who made the disposition in order to satisfy future withholding obligations. However, excess surplus credits arise from sales in export exceeding the needs of the handler or from reductions in the surplus percentage. Where the disposition of some handlers has been at a lesser rate than required to meet their withholding obligations, it should be permitted that handlers with excess surplus credits may transfer such credits to deficient handlers, at mutually agreed upon terms. Such transfers would serve the purpose of encouraging exporting handlers to take advantage of pre-Christmas demands while providing a measure of protection against the industry as a whole disposing of more almonds in surplus outlets than necessary. All such transfers should be made under the supervision and direction of the Board so as to insure that the surplus obligation and assessments will be fully satisfied, although they may be divided between the two handlers in such manner as they may agree upon, subject to the approval of the Board.

"Assistance of the Control Board in accounting for surplus", § 909.69 (909.56), should remain substantially unchanged. It was proposed that an additional sentence be added to this section, requiring handlers to inform the Board of interhandler transfers. However, this result would be accomplished by the interhandler transfer provision of proposed § 909.55, as clarified.

"Application of bonding rate at end of crop year", § 909.71 should be deleted since provisions for establishing and adjusting the bonding rate are contained in proposed § 909.53.

"Exchange of surplus almonds", § 909.72 (909.58), should be amended to conform with the recommended change from edible kernel weight to kernel weight by specifying that the quantity of surplus almonds be in terms of "certified kernel weight". This section should provide for as much freedom in exchanging certified surplus almonds for others as possible, consistent with the satisfaction by the handler of his withholding obligation at all times. It was pointed out that the Board had closely supervised all exchanges and transfers of surplus in the past to insure compliance at all times. The Board should continue all practices necessary to insure compliance. The exchange provisions presently in effect have not been used because it has not been considered possible to comply with the requirement that equal quantities be exchanged. This limitation is not consistent with the intent of the section and should be clarified to allow exchange of surplus for an equal or greater quantity of other almonds. The only requirement for exchange should be that other almonds be on hand and available for inspection and certification as surplus to the extent necessary to satisfy the withholding obligation involved without regard to whether they had been acquired from growers or through interhandler transfer.

"Adjustment upon increase of salable percentage", § 909.73 (909.59), should be amended to change the reference to "edible kernel weight" to "certified kernel weight" to conform with the recommended new usage and to provide that any distribution of pooled surplus to handlers be in a manner that will result in a comparable surplus disposition percentage for each handler who has contributed to the pool, except that the quantity returned should not exceed a handler's total contribution to the pool. The latter is intended to insure, in so far as is practicable, equitable distribution between handlers once under agency and those never under agency, when the weight of the almonds in the pool is insufficient to make full restoration.

8. *Determination of kernel weight.* "Determination of kernel weight", § 909.82 (909.60), should be amended by deleting the word "edible" in the reference to "edible kernel weight" to conform with the recommended new usage. Paragraph (c) of this section relating to determination of kernel weight for mixed and unknown varieties should be shifted in substance to § 909.161 (909.62) which deals with shelling ratios. This will make all the information necessary to convert inshell weight to shelled weight available in one section.

"Redetermination of kernel weight", § 909.83 (909.61), should be amended to specify that carryover, plus deliveries of salable, plus certified surplus, minus beginning carryover, minus almonds on which the surplus obligation has been met by a previous handler, be the redetermined kernel weight. This method of redetermining the kernel weight of almonds received by a handler is presently used to achieve the intent of the present provision. It was proposed that a reference to inspection of records be included. However, this is not necessary since it is covered in proposed § 909.67 entitled "records and verification".

"Varietal shelling ratios for unshelled almonds", § 909.161 (909.62), should be expanded to include the method of determining the kernel weight of mixed or unknown varieties at 60 percent of the inshell weight or, at the handler's option, the weight determined and certified by the inspection agency. This percentage will give maximum protection to the Board and will not create a hardship since only small quantities of mixed and unknown varieties are involved. The present definition of mixed varieties is unnecessarily restrictive in requiring that differentiation be made between similar varieties and limiting the allowable quantity of a dissimilar variety that may be present in a lot before it must be classed as mixed to 6 percent. Therefore the requirement relating to similar varieties should be eliminated and the tolerance for dissimilar varieties should be liberalized to increase the permitted percentage of almonds in a lot which differ materially in shape or appearance.

from the predominant variety from 6 to 10 percent. The shelling ratios should be subject to modification by the Secretary upon recommendation of the Board or other information since changes may be desirable in the future. Also, the word "edible" should be removed from the reference to "edible kernel weight" to conform with the recommended new usage. Inasmuch as the section relates to determination of kernel weight it should be moved from appendix 2 and inserted immediately following § 909.83 (909.61).

9. *Disposition of surplus.* "Conditions governing disposition of surplus", § 909.101 (909.66), paragraph (e), "disposition after August 1", should be amended by changing the date of August 1 to September 1, deleting the reference to paragraph (c), and providing for extension of the date of September 1 by the Secretary upon a board recommendation or other information. It has been necessary in recent years to suspend provisions of the order requiring disposition of surplus almonds by August 1. An additional month should be sufficient in most cases but a later date may be necessary in some years. Disposition should be made in any eligible surplus outlet. This is not clearly implied by reference to paragraph (c) although it was the intent when the Order was promulgated.

"Disposition by handler", § 909.102 (909.67), should be amended to change the termination date from August 1 to September 1 for reasons brought out in connection with § 909.101 (909.66). The intent of the section is to provide for a method that will allow a handler, when he desires, to act as agent of the Board in disposing of his surplus. There was some discussion of arrangements handlers might make with others such as exporters in the course of selling their surplus. Such arrangements should not be specified in the order as they are matters of individual concern so long as the handler acting as agent of the Board carries out his responsibility to make surplus disposition in conformance with board requirements and the provisions of the order. Since the granting of agencies to handlers has caused disposition in surplus outlets to exceed handlers' obligations, the Board, with the approval of the Secretary, should have authority to prescribe rules and regulations governing such disposition as is not technically surplus (derived by applying the surplus percentage to receipts), the eligibility of the almonds for surplus credit, and the crediting of such almonds to the account of the disposing handler or a handler to whom the surplus credit has been transferred pursuant to proposed § 909.55.

"Disposition of proceeds from sales of surplus", § 909.103 (909.68), should be amended to extend for one month the dates of July 31 for closing surplus pool 2 and August 1 for starting surplus pool 3 and provision should be made for further extension by the Secretary in conformance with the recommended changes in § 909.101 (909.66) and § 909.102 (909.67). The title of this section is not descriptive of the content and should, therefore, be changed to "disposition by the Board". Reference to edible kernel weight in paragraph (c) should be changed to certified kernel weight to conform to the recommended change in usage.

10. *Records and reports.* A new section entitled "records and verification", (909.70), should be included to state clearly the type of records that should be maintained and specify that they shall be retained for two years after the end of the crop year. However, it is intended that records under investigation will be retained until its completion regardless of the two year limit. Provision should also be made authorizing entry into a handler's premises by representatives of the Board or the Secretary to inspect and observe almonds and audit such records in order to insure program compliance.

There was considerable discussion as to who should have access to handlers' records and it was suggested that it would be desirable to limit access to certified public accountants and the Department auditors. It should be clearly understood that one of the primary responsibilities of the board manager is to maintain compliance with the requirements of the program. To exercise this responsibility board employees must have freedom to check compliance as necessary and, of course, must have the confidence of the industry. Therefore, the terms of the order should not undertake to specify when the Board should act through its own employees or a certified accountant nor should the order attempt to specify when an audit should be made by the Board or by the Secretary. Ample authority for any such audit should be contained in the order allowing the Board to determine how and by whom a particular audit should be made.

"Record of receipts", § 909.80 (909.71), should be included under the general heading "records and reports" since it deals with the subject of records.

"Report of receipts", § 909.81 (909.72), should be included under the general heading "records and reports", since it deals with the subject of reports, and the reference to "edible kernel weight" contained therein should be changed to "kernel weight" to conform with the recommended change in usage.

"Reports of handler carryover", § 909.111 and "reports of almonds sold and delivered", § 909.112 should be combined in substance to form a new § 909.112 (909.73) entitled "periodic reports", eliminating the requirement that reports be prepared under oath, and requiring instead that they be certified as to correctness to the Board and the Secretary. The requirement that reports be prepared under oath has proven burdensome and it is not necessary to program operations. The requirement for the number and type of container in the present Order should be deleted since it is not now necessary, and may be required through administrative action if it later becomes necessary.

"Verification of reports", § 909.114, should be deleted because provisions are made in § 909.65 (a) (909.50) and § 909.111 (909.70) for access to handlers' premises for inspection of almonds and verification of reports.

"Confidential information", § 909.115 (909.75), should be modified by retitling it "confidential nature of records and reports" and deleting the provision making such information available to board members. Experience has shown that it is not necessary to provide that such information be made available to board members in order to carry out board functions.

11. *Financing program operations.* "Expenses", § 909.120 (909.80) should be amended to delete the reference to the first year of operation, which is no longer necessary.

"Assessments", § 909.121 (909.81) paragraph (a) should be amended to eliminate the unnecessary reference to the method of determining assessments in the event adequate records are not available and to provide a rate of assessment based on actual need. A fixed assessment rate of 0.2 cent per pound was established when the program first went into operation as assurance to those who were apprehensive as to its costs, even though somewhat inconsistent with the concept that the Board should make assessments only to meet authorized (budgeted) expenses. Several years of program operation has proven any apprehensions groundless. In fact, the Board has been able to limit expenses to a level reflecting an assessment rate of only about half the established rate. It was testified that the practice has been to establish an assessment rate after a budget is recommended by the Board in an amount necessary to meet budgeted expenses based on the estimated size of the crop. Therefore, the assessment rate should not be fixed arbitrarily in the order, but should be determined on the basis of the proposed budget.

12. *Conforming changes.* It was testified at the hearing that conforming changes and other clarifying changes in wording, section arrangement, and section numbering would be desirable. Such modifications have been discussed in connection with the sections to which they apply.

Rulings on proposed findings and conclusions. At the conclusion of the hearing, the presiding officer set July 2, 1956, as the time by which briefs from interested parties with respect to testimony presented in evidence at the hearing and the conclusion to be drawn therefrom must be mailed to the Hearing Clerk of the Department. A brief was filed on behalf of the California Almond Growers Exchange by Karl D. Loos, Attorney-at-law and another on behalf of Rosenberg Bros. and Co., Inc., Continental Nut Co., Harter Packing Co., S & W Fine Foods, Inc., Sunset-Sternau Nut Co., and California Almond Orchards by Melville Ehrlich, Attorney-at-law. The brief filed on behalf of the six handlers was in opposition to amendment No's 13, 34, 35, and 37 as proposed and suggested modifications. Every point covered in these briefs was considered carefully along with the testimony in the record in making the finding and reaching the conclusions set forth above. To the extent that the suggested conclusions contained in these briefs are inconsistent with the findings and conclusions herein set forth, requests to reach such conclusions are denied on the basis of the facts found and stated in connection with this decision.

General findings. (a) The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance (15 F. R. 4993) of this marketing agreement and order, and all of said previous findings and determinations are hereby ratified and confirmed, except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The marketing agreement and order, as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(c) The marketing agreement and order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of almonds in the production area covered by this marketing agreement and order, as hereby proposed to be amended, which make necessary different terms applicable to different parts of such area.

Recommended amended marketing agreement and order. The following amended marketing agreement[1] and order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 909.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perfom the duties under this part of the Secretary of Agriculture of the United States.

§ 909.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.).

§ 909.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 909.4 *Almonds.* "Almonds" means (unless otherwise specified) all varieties of almonds (except bitter almonds), either shelled or unshelled, grown in the State of California.

§ 909.5 *Unshelled almonds.* "Unshelled almonds" means almonds the kernels of which are contained in the shell.

§ 909.6 *Shelled almonds.* "Shelled almonds" means raw or roasted almonds after the shells are removed and includes blanched, diced, sliced, slivered, cut, halved, or broken almonds, or any combination thereof. Additional almond products may be included by the Secretary from time to time upon consideration of a recommendation from the Control Board or other pertinent information.

§ 909.7 *Edible kernel.* "Edible kernel" means a kernel, piece, or particle of almond kernel which is free from serious damage as defined in the effective United States Standards for Shelled Almonds. The specifications for "serious damage" as set forth in said standards may be modified by the Secretary after consideration of a recommendation from the Control Board or other pertinent information.

§ 909.8 *Inedible kernel.* "Inedible kernel" means a kernel, piece, or particle of almond kernel which is not an edible kernel.

§ 909.9 *Kernel weight.* "Kernel weight" means the weight of kernels, including pieces and particles, regardless of whether edible or inedible, contained in any lot of almonds, unshelled or shelled.

§ 909.10 *Almonds received for his own account.* "Almonds received for his own account" means all almonds which are received by a handler (including all almonds of his own production), except those which are received by him for storage or processing for the account of any other person and with respect to which such handler performs no handling function.

§ 909.11 *Area of production.* "Area of production" means the State of California.

§ 909.12 *Grower.* "Grower" is synonymous with "producer" and means any person engaging, in a proprietary capacity, in the commercial production of almonds.

§ 909.13 *Handler.* "Handler" means any person handling almonds during any crop year, except that such term shall not include a grower who sells only almonds of his own production at retail at a roadside stand operated by him.

§ 909.14 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association of growers regardless of where or under what laws it may be organized.

§ 909.15 *Almond product.* "Almond product" means any edible preparation other than those included under the definition of "shelled almonds," manufactured entirely or partially from raw shelled almonds, and nut mixtures containing shelled or unshelled almonds.

§ 909.16 *To handle.* "To handle" means to sell, consign, transport, ship (except as a common carrier of almonds owned by another person), or in any other way to put into the channels of trade either within the area of production or from such area to points outside thereof, except that such sales or deliveries by growers to a handler within the area of production shall not be considered as handling.

§ 909.17 *Inspection agency.* "Inspection agency" means the Federal-State Inspection Service or, when specifically designated, the Federal Inspection Service.

§ 909.18 *Settlement weight.* "Settlement weight" means the actual gross weight of any lot of almonds received for his own account by any handler, less adjustments as follows:

(a) For weight of containers,

(b) For excess moisture, and

(c) For trash or other foreign material of any kind.

§ 909.19 *Crop year.* "Crop year" means the 12 months from July 1 to the following June 30 inclusive.

§ 909.20 *Handler carryover.* "Handler carryover" as of any given date means all almonds (except those held as certified surplus) wherever located, then held by handlers for their own accounts (whether or not sold) but not including any almond products.

§ 909.21 *Trade demand.* "Trade demand" means the quantity of almonds (kernel weight basis) which commercial distributors and users such as the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trade will acquire from all handlers during a crop year for distribution in continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone.

§ 909.22 *Control Board.* "Control Board" is synonymous with "Board" and means the Almond Control Board established by this subpart.

§ 909.23 *Part and subpart.* "Part" means the order regulating the handling of almonds grown in the State of California, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

ALMOND CONTROL BOARD

§ 909.30 *Establishment.* A Control Board of ten members, with an alternate member for each such member, is hereby established.

§ 909.31 *Membership representation.* Two members and an alternate for each member shall be selected from nominees submitted by each of the following groups designated in paragraphs (a) through (d) of this section, or from among other qualified persons belonging to such groups; and one member and an alternate member shall be selected from nominees submitted by each of the following groups designated in paragraphs (e) and (f) of this section, or from among other qualified persons belonging to such groups:

(a) The cooperative handlers;

(b) All handlers, other than cooperative handlers;

(c) Those growers who market their almonds through cooperative handlers;

(d) Those growers who market their almonds through other than cooperative handlers;

(e) The group of cooperative handlers or the group of handlers other than cooperative handlers whichever during that part of the then current crop year

[1] The provisions identified with an asterisk (*) apply only to the proposed amendment of the marketing agreement.

through March 31 received for their own account more than 50 percent of the almonds delivered by growers, and

(f) Those growers whose almonds were marketed during that period of the then current crop year through March 31, through the handler group specified in paragraph (e) of this section.

§ 909.32 *Nominations*—(a) *Method.* Nominees for the respective member and alternate member positions shall be chosen by ballot delivered to the Control Board. Nominees chosen as provided herein shall be submitted by the Control Board to the Secretary on or before May 20 of each year together with such related information as he may require. If a nomination for any board member or alternate is not received by the Secretary on or before May 20, he may select such member or alternate from persons belonging to the group to be represented, without nomination. The Control Board shall mail to all handlers and growers, other than cooperative, of record, the required ballots with all necessary voting information, including the names of incumbents willing to accept renomination, and, to the growers the name of any person proposed for nomination in a petition signed by at least 15 such growers and filed with the Board on or before April 20. Distribution of ballots shall be announced by press releases, furnishing pertinent information on balloting, issued by the Control Board through newspapers and other publications having general circulation in the almond producing areas.

(b) *Voting.* (1) Nominees for each member and alternate member position shall be voted upon separately by the group proposing them. The handler or grower group which is determined to be eligible for additional representation pursuant to § 909.31 (e) and (f), respectively, shall nominate such representatives in the same manner prescribed for choosing other nominees.

(2) Each handler may vote for a nominee for each position representing the group to which he belongs. Each handler vote shall be weighted by the quantity of almonds (kernel weight basis computed to the nearest whole ton) handled for his own account through March 31 of the crop year in which nominations are made. The nominee for each position shall be the person receiving the highest weighted vote for the position.

(3) Growers who market their almonds through cooperative handlers shall vote through their respective organizations. Each cooperative shall cast a vote for nominees for each position representing the cooperative grower group and such ballots shall be weighted by the number of growers who are members of, or under contract with, such cooperative. The nominee for each position shall be the person receiving the highest weighted vote for that position.

(4) Growers who market their almonds through other than cooperative handlers shall each have one equal vote. The nominees for each position representing such grower group shall be the person receiving the highest number of votes for that position.

§ 909.33 *Selection and term of office.* Members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 10 and shall serve until their respective successors are selected and qualified.

§ 909.34 *Qualification.* Any person selected as a member or alternate of the Control Board, shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the Control Board shall be deemed vacant.

§ 909.35 *Alternates.* An alternate for a member of the Control Board shall act in the place and stead of such member (a) in his absence, or (b) in the event of his death, removal, resignation or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 909.36 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the Control Board, a successor for his unexpired term shall be selected by the Secretary after consideration of recommendations which may be submitted by members of the group in which such vacancy exists, unless such selection is deemed unnecessary by the Secretary.

§ 909.37 *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 909.38 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 909.39 *Duties.* The Control Board shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall be subject to examination by the Secretary at any time;

(c) To investigate the growing, shipping, and marketing conditions with respect to almonds and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as may be deemed pertinent or as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees; and

(f) To cause the books of the Control Board to be audited by one or more competent certified public accountants at least once for each crop year, and at such other times as the Control Board may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things, the receipt and expenditure of funds pursuant hereto; and to file with the Secretary three copies of all audit reports made.

§ 909.40 *Procedure*—(a) *Organization and rules.* The members of the Control Board shall select a chairman from their membership. The Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Board.

(b) *Quorum.* All decisions of the Control Board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of six members shall be required to constitute a quorum.

(c) *Voting by mail or telegram.* The Control Board may vote by mail or telegram upon written notice to all members, or alternates acting in their place, including in the notice a statement of a reasonable time not to exceed 10 days in which a vote by mail or telegram must be received by the board manager for counting: *Provided,* That voting by mail or telegram shall not be permitted at any assembled meeting of the Board. When any proposition is submitted for voting by mail or telegram, one dissenting vote or failure to vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the Control Board (including successors or alternates), and any agent or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each and every order regulation, decision, determination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

SURPLUS CONTROL

§ 909.45 *General.* In order to effectuate the declared policy of the act, no handler shall handle almonds except in accordance with the terms and conditions of this part.

§ 909.46 *Withholding surplus.* When a surplus percentage has been fixed for any crop year, as hereinafter provided, no handler shall handle almonds except on condition that he comply with the requirements in respect to withholding surplus almonds and the prescribed disposition thereof.

§ 909.47 *Method of establishing salable and surplus percentages.* Whenever the Secretary finds, from the recommendations and supporting information supplied by the Control Board or from any other available information, that to designate the percentages of almonds during any crop year which shall be salable almonds and surplus almonds would tend to effectuate the declared policy of the act, he shall designate such percentages. Except as provided in § 909.50 the salable and surplus percentages shall each be applied to the kernel weight of almonds received by a handler for his own account during the crop year. In establishing such salable and surplus percentages, the Secretary shall give consideration to the ratio of estimated trade demand (minus the handler carryover at the beginning of the crop year plus the desirable handler carryover at the end of the crop year) to the estimated production of almonds (all expressed in terms of kernel weight); the recommendation submitted to him by the Control Board; and such other information as he deems appropriate. The total of the salable and surplus percentages established each crop year shall equal 100 percent.

§ 909.48 *Increase of salable percentage.* Upon request filed prior to May 15 by the Control Board or, if the Board should fail to request, by two or more handlers who have handled at least 15 percent of all almonds handled in the preceding crop year, and after findings of fact (based upon a revision of the estimates required under § 909.49 and other pertinent information) that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable carryover requirements for the crop year, the Secretary may increase the salable percentage. Such findings shall be made in the manner specified in § 909.47.

§ 909.49 *Board estimates and recommendations.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than August 1, the following estimates (kernel weight basis) and recommendations for the crop year, each of which shall be adopted by the affirmative vote of at least six members:

(a) The quantity of almonds to be produced;

(b) The handler carryover as of July 1;

(c) The desirable handler carryover at the end of the crop year;

(d) The trade demand, taking into consideration anticipated imports, economic conditions and the anticipated market price (within the limitations of the act); and

(e) The recommended salable and surplus percentages to be established.

The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended salable and surplus percentages were considered. If, for any reason, the Board fails to make these estimates or to recommend to the Secretary salable and surplus percentages as required hereby, reports representing the views of members with respect to such matters may be submitted to the Secretary who may act on the basis of such reports or other information available to him.

§ 909.50 *Requirement for withholding surplus.* Except as otherwise provided in §§ 909.51 and 909.55, every handler shall withhold from handling a quantity of almonds having a certified surplus kernel weight equal to the surplus percentage of the kernal weight of all almonds such handler receives for his own account during the crop year: *Provided,* That any quantity of almonds disposed of in outlets such as animal feed or crushing into oil, in a manner permitting accountability to the Board, and which is not certified surplus, shall not be included in such receipts. Almonds which are withheld in satisfaction of a surplus withholding obligation shall be in suitable containers which may be prescribed by the Control Board, be inspected and certified as required § 909.52, and be identified by appropriate seals or stamps or tags to be furnished by the Board and to be affixed to the containers by the handlers under the direction and supervision of the inspectors or the Control Board. Such identification shall not be removed except under the supervision of the Board. Almonds so withheld shall be set aside and kept for the account of the Control Board and, from the date of withholding and at all times thereafter, shall be kept by the handler available for inspection by the Board or its agents. Such almonds shall be stored in such manner as to maintain them in the same condition as when certified as surplus except for loss through fire, acts of God, acts of war, riot or other conditions beyond the handler's control. Upon demand of the Control Board they shall be delivered to the Board f. o. b. handler's warehouse or point of storage, except that the Control Board shall not make such demand upon a handler with respect to surplus almonds for which the time for withholding has been deferred pursuant to § 909.53. The quantity of almonds hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The almonds handled by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

§ 909.51 *Requirements for surplus.* A lot of almonds to be eligible for use in satisfying the surplus obligation of a handler must meet the following requirements, and the weight to be certified and credited as surplus shall be the kernel weight less any inedible kernel weight in excess of three percent of its edible kernel content: (a) The almonds in such lots shall be dry and properly cured and shall not vary widely in grade factors; (b) lots of unshelled almonds shall not have more than 10 percent of the almonds by count affected by adhering hulls (where more than 10 percent of the surface is affected), shall not contain more than 5 percent by weight of loose shells, hulls and other foreign material and shall not contain inedible kernels in excess of 40 percent of the kernel weight; and (c) lots of shelled almonds shall not contain, in the aggregate, more than 15 percent by weight of unshelled almonds and shells, loose hulls, and other foreign material and not more than 40 percent inedible kernels. The kernel content of unshelled almonds shall be included in determining edible and inedible kernel weight. The Secretary upon the recommendation of the Board may modify these requirements or establish additional requirements, including grade requirements for lots of surplus for export or disposition into outlets for human consumption as kernels.

§ 909.52 *Inspection and certification of surplus.* Each handler shall cause an inspection to be made of all almonds withheld by him in satisfaction of his surplus obligation, as soon as practicable after withholding or at such time as the Board may require, to determine that such almonds meet the requirements specified in § 909.51 and to ascertain the kernel weight to be certified. Each handler shall obtain an inspection certificate from the inspection agency and cause a copy of such certificate to be furnished to the Board. The handler shall bear the costs of the inspection and the certificate. The inspection certificate shall show, in addition to such other requirements as the Board may specify, the identity of the handler, the kind and number of containers in the lot and any brands or labels, whether the lot is shelled or unshelled, the variety of almonds in unshelled lots, the certified kernel weight contained in the lot and that it meets the requirements for surplus. Certified lots shall be identified as prescribed in § 909.50. Provisions of this section may be modified by the Secretary upon recommendation of the Board.

§ 909.53 *Deferment of time for withholding surplus and procedure*—(a) *Deferment of time.* Compliance by any handler with the requirements of § 909.50 for withholding surplus shall be deferred to any date desired by the handler, but not later than May 15 of the crop year, upon the voluntary execution and delivery by such handler to the Control Board of a written undertaking that on or prior to the desired date he will have fully satisfied his surplus withholding obligation. Such undertaking shall be secured either by almonds owned by the applying handler and pledged to the Control Board or by a bond or bonds to be filed with and acceptable to the Control Board in the amount or amounts hereinafter specified, conditioned upon full compliance with such undertaking.

(b) *Procedure when almonds are offered as security.* If the applying handler desires to pledge almonds as security, such almonds shall be owned by him free and clear of any and all liens or encumbrances and shall be of a quantity equal to or in excess of the quantity for which deferment is desired, such quantity to be determined pursuant to rules and regulations prescribed by the Control Board with the approval of the Secretary. The applying handler shall execute and deliver to the Control Board appropriate instruments which shall authorize the Board, in case of default, to sell the pledged almonds up to the quan-

tity on which default occurs, as soon as practicable, in the most favorable surplus outlets available, and to remit the proceeds, less board expenses in connection therewith, to the defaulting handler. Pledged almonds in excess of the quantity represented by the default shall be returned to the defaulting handler, who shall be charged with any Board expenses in connection with such excess quantity. The applying handler, in pledging almonds to the Board, shall agree in writing that he will: Store the pledged almonds in bulk storage bins or other containers regularly used by almond handlers, separate and apart from all other almonds; permit inspection of such almonds by the Board or the inspection agency at any time; maintain such almonds insofar as is reasonably practicable in the same condition as when offered as security; store such almonds in a manner that they can be readily identified, weighed, measured, and sampled; and place or cause to be placed on the bins or other containers seals, tags, stamps or other means of identification prescribed by the Control Board, and not remove or permit to be removed such identification except under supervision or direction of the Board.

(c) *Procedure when a bond is offered as security.* (1) If the applying handler desires to furnish a bond as security, such bond shall be provided at the handler's expense, shall be acceptable to the Control Board, with a surety or sureties acceptable to the Board, and shall be in an amount computed by multiplying the pounds of almonds, kernel weight basis, for which deferment is desired by the bonding rate. Such bonding rate shall be computed by the manager of the Control Board and shall be the average (to the nearest half cent) of the current season's opening prices per pound for shelled almonds known as Nonpareil shelled count-to-the-ounce almonds 20/22, 23/25, and 27/30, f. o. b. shipping point, in sacks, of any handler or handlers who during the preceding crop year handled 51 percent of the almonds handled by all handlers. Such handler or handlers shall be selected in order of volume handled in the preceding crop year, using the minimum number of handlers to represent a volume of 51 percent of the total volume handled. If the prices of one handler only are involved such average shall be a simple average of such prices. If the prices of two or more handlers are involved for the designated almonds, the simple average price of each such handler shall be weighted by the total quantity of almonds handled by him during the preceding crop year. Handlers whose prices are to be used as aforesaid shall furnish the Board with information necessary to compute the bonding rate. Until the bonding rate can be computed in any new crop year, the bonding rate to be used shall be computed as herein provided on the basis of the most recent price lists of such handlers. In the event the average price so computed from current prices varies by 5 percent or more, from the then current bonding rate, the bonding rate shall be such current average price and the amount of the handler's bond shall be adjusted on the basis of such revised bonding rate. This method of establishing and adjusting the bonding rate may be modified by the Secretary after consideration of a board recommendation.

(2) In case a handler defaults in meeting his deferred surplus obligation, any funds collected by the Board from the bonding company through such default shall be used by the Control Board to purchase from handlers a quantity of almonds, kernel weight basis, up to but not exceeding the quantity on which the default occurred. Purchases shall be made from almonds with respect to which the surplus obligation has been met, and shall be of grades, varieties or sizes, and in such containers as the Board specifies in consideration of available surplus outlets. Purchases shall be at the lowest prices at which such almonds are offered and if more almonds are offered than required by the Board, it shall make the purchases from various handlers as nearly as practicable in proportion to the quantity of their respective offerings at the same price. The Control Board shall dispose of the almonds acquired as soon as practicable in the most favorable surplus outlets and shall remit the proceeds from such sales, less board expenses in connection with such transaction, to the defaulting handler.

(3) If any balance of funds collected should remain, after purchases and dispositions are made pursuant to the provision of this subsection in a quantity equal to the defaulted obligation, such balance shall be remitted to the defaulting handler. If for any reason the Board is unable to purchase a quantity of almonds as large as the quantity of surplus in default by the handler, any remaining balance of funds received because of the default less expenses of the Board, shall be remitted to all handlers, other than the defaulting handler, in proportion to the ratio of each such handler's surplus obligation to the total surplus obligation of all such other handlers for the crop years with reference to which the default occurred.

(d) *Effect of satisfaction.* A handler who has defaulted on his bond shall be credited on his surplus obligation with that quantity of almonds represented by the sums collected divided by the bonding rate.

§ 909.54 *Payment to handlers for services rendered.* The Control Board may pay handlers for necessary services rendered by them in connection with almonds eventually disposed of directly by the Board as surplus including but not limited to storing, shelling, sorting, bleaching, grading, packaging, fumigating, and other services in accordance with such schedule of payments and under such conditions as may be established by the Secretary after recommendation of the Control Board.

§ 909.55 *Interhandler transfers.* Any handler may, upon notice to and under the supervision and direction of the Board, transfer almonds or surplus credits to another handler. Any such transfers shall be accounted for in such manner that the surplus obligation and assessments on the combined transactions of the participating handlers shall be fully met and such surplus withholding obligation and assessments may be divided between such handlers in accordance with their arrangements subject to approval of the Control Board.

§ 909.56 *Assistance of Control Board in accounting for surplus.* The Control Board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring almonds to meet any deficiency in his surplus.

§ 909.57 *Application of salable and surplus percentages after end of crop year.* The salable and surplus percentages established for any crop year shall continue in effect with respect to all almonds for which the surplus obligation has not been previously met, which are received for his own account or handled by any handler after the end of such crop year and before salable and surplus percentages are established for the succeeding crop year. After such percentages are established for the new crop year, the withholding requirements for all such almonds theretofore received for his own account or handled during that crop year shall be adjusted to the newly established percentages.

§ 909.58 *Exchange of surplus almonds.* Any handler who has withheld surplus almonds pursuant to the requirements of § 909.50 and has had the same certified as surplus almonds may exchange therefor, to the extent that such almonds have not been disposed of, a certified kernel weight of other almonds, which he has on hand or which he has acquired, equal to or more than the weight of the almonds withdrawn. Any excess weight may be certified to the handler as additional surplus withheld. Any such exchange shall be made under the supervision and direction of the Control Board with appropriate inspection and certification of the almonds involved.

§ 909.59 *Adjustment upon increase of salable percentage.* (a) Upon any increase in the salable percentage and corresponding decrease in the surplus percentage, the surplus obligation of each handler for the entire crop year to the effective date of such action shall be computed in accordance with such revised salable and surplus percentages. From the surplus almonds that may have been withheld by him and not yet disposed of, any handler authoribed to act and acting as agent of the Board in disposing of surplus pursuant to § 909.66 shall be permitted to select, under the supervision and direction of the Control Board, the particular surplus almonds to be restored to his salable percentage, and such restoration shall be deemed to fulfill the obligation of the Board with respect to such increase.

(b) In the case of handlers who have not been authorized to dispose of their own surpluses, and handlers who have terminated their agencies to dispose of their own surpluses, prior to an increase in the salable percentage, insofar as practicable each such handler shall be permitted to select almonds from his own surplus to be restored to his salable quantity. In the event there are not sufficient surplus almonds held by the Board at the time the salable percentage is increased, to make full restoration, as represented by the increase in the salable percentage, to all such handlers, the restoration to the salable quantities of the respective handlers shall be pro rata on the basis of certified kernel weight poundage of surplus contributed by said handlers during the crop year to the date of increase of the salable percentage: *Provided*, That restoration shall be made in a manner that will result, to the extent practicable, in a comparable percentage of surplus disposition for each such handler and that no handler shall receive almonds in excess of his contribution. Such restoration to the salable quantity shall be deemed to fulfill the obligation of the Board with respect to the increase in the salable percentage.

§ 909.60 *Determination of kernel weight*—(a) *Almonds for which settlement is made on kernel weight.* All lots of almonds, whether shelled or unshelled, for which settlement is made on the basis of kernel weight shall be included in the total kernel weight for any handler at the settlement weight.

(b) *Almonds for which settlement is made on unshelled weight.* Any unshelled almonds for which settlement is made on the basis of unshelled weight shall be included in the total kernel weight for any handler at the settlement weight of such unshelled almonds multiplied by the applicable shelling ratio in accordance with § 909.62.

§ 909.61 *Redetermination of kernel weight.* The Control Board, on the basis of reports by handlers, shall redetermine the kernel weight of almonds received by each handler for his own account during each crop year through each of the following dates: December 31, March 31, and June 30. Such redetermined kernel weight for each handler shall be the basis for computing his surplus obligation for the crop year through such dates, except that adjustment shall be made for almonds on which the obligation has been assumed by another handler. The redetermined kernel weight for each handler as of any date during the crop year shall be his carryover as of that date, plus deliveries of salable almonds (except deliveries, other than certified surplus, to oil mills or animal feed under the supervision of the Board), plus certified surplus for such crop year to that date (whether or not disposed of), minus his carryover at the beginning of the crop year, minus any almonds on which the surplus obligation has been assumed by a previous handler. Weights used in such computation for various classifications of almonds shall be: (a) For unshelled almonds, other than certified surplus, the kernel weight computed by application of shelling ratios authorized pursuant to § 909.62; (b) for unshelled certified as surplus, the certified kernel weight; (c) for shelled almonds other than certified surplus, the net weight; (d) for shelled almonds certified as surplus, the certified kernel weight; and (e) for shelled almonds used in production of almond products, the weight of such almonds.

§ 909.62 *Varietal shelling ratios for unshelled almonds.* (a) The varietal shelling ratios applicable to unshelled almonds for determination of kernel weight are as follows:

	Percent
Major varieties:	
Nonpareil	60
Jordanolo	60
Ne Plus Ultra	50
IXL	50
Mission	40
Drake	40
Peerless	35
Minor varieties:	
King	60
California (California Papershell)	60
Princess	60
Bigelow	55
Harparell	55
Rivers	55
Eureka	54
Klondike	54
Baker	53
Trembath	53
Oakley	52
Silvershell	51
Long IXL	50
Harriott	50
Commercial	49
Frost Proof	49
Smith (Smith's XL)	48
Routier	48
La Marie	48
La Prima	48
Lewelling (Lewelling's Prolific)	47
Proctor	47
Barclay	47
Fairoaks	47
Batham	46
Reams	44
Sellers	43
Marcona	42
Queen	42
Jubilee	42
Walton	41
Gilt Edge	40
Standard	38
Golden State	38
French Langusdoc (Cartagana)	37
Languedoc	37
Hampton	36
Sultana	36
La France	33
Tarragona	33
Philopena	32
Grosse Tender	32
Hardshell	30
Almendro	30
Bidwell	30
Jordan	30
King George	30

(b) Lots of unshelled almonds designated by a handler as unknown or unnamed varieties, or varieties of a name not listed in this section, also lots of mixed varieties (lots containing more than 10 percent by weight of unshelled almonds which differ materially in shape or appearance from the predominant variety in the lot) shall be converted to kernel weight at 60 percent, unless the handler, at his expense, furnishes an inspection certificate applicable to the lot, issued by the inspection agency, showing the kernel weight of the lot. The shelling ratios in this section may be changed by the Secretary, and shelling ratios for other varieties may be specified by him, upon consideration of a Control Board recommendation and other available data.

DISPOSITION OF SURPLUS

§ 909.65 *Prohibition on the handling of surplus.* Except as provided in §§ 909.66 and 909.67 surplus almonds withheld pursuant to the requirements of § 909.50 shall not be handled by any person.

§ 909.66 *Conditions governing disposition of surplus*—(a) *General.* The Control Board shall have power and authority to sell or dispose of any and all surplus almonds withheld upon the best terms and at the highest return obtainable consistent with the ultimate complete disposition of surplus, subject to all conditions of this section.

(b) *Disposition of surplus for export.* Sales of surplus almonds for export to destinations outside the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only on execution of an agreement to prevent sale within or reimportation into the United States; and in case of export to Canada or Mexico, such almonds shall be sold only on the basis of a delivered price, duty paid.

(c) *Exclusion from domestic normal trade channels.* No surplus almonds shall be sold in the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, except for diversion into almond oil, almond butter, poultry or animal feed, or into other channels which the Control Board finds are noncompetitive with existing normal markets for almonds, and with proper safeguards in each case to prevent such almonds thereafter entering the channels of trade in such normal markets.

(d) *Time restriction on disposition.* The Control Board shall not dispose of, or authorize the disposition of, more than 50 percent of the surplus almonds prior to May 15 of any crop year unless disposition in excess of 50 percent is made pursuant to paragraph (b) of this section or unless the salable percentage is increased pursuant to § 909.48.

(e) *Disposition after September 1.* Any surplus almonds remaining unsold as of September 1 shall be disposed of by the Board as soon as practicable through the most readily available surplus outlets. The date of September 1 herein specified may be extended to a later date by the Secretary, upon recommendation of the Board or other information.

§ 909.67 *Disposition by handler.* Upon request of a handler, made prior to the delivery by him of any surplus to the Board in any crop year, the Board shall authorize such handler to act as agent of the Board, upon such reasonable terms and conditions as the Board may specify and subject to the conditions of § 909.66 in disposing of the surplus contributed by such handler for that crop year. Any handler who is authorized to dispose of his surplus may, through arrangement with another handler, dispose of such surplus through such other handler or, in lieu of disposition, may acquire credits for surplus disposition from another handler. In the first

secure sufficient funds to cover the ex- of the United States Government, or members of the said Board and upon the

amount of the handler's bond shall be transfers shall be accounted for in such permitted to select almonds from his

instance, the second handler shall also be subject to the conditions of § 909.66. It shall be the obligation of any handler authorized to dispose of such surplus to effect disposition thereof in accordance with all applicable requirements and conditions. The proceeds of such disposition shall be retained by the handler making the disposition, except that, in case he disposes of the surplus of another handler, the proceeds from that disposition shall be divided between the two handlers on the basis of a mutual agreement. Such authorization shall expire as of September 1 of the next crop year, and any surplus then remaining undisposed of by the handler shall be returned to the Board. Any handler who has been authorized to act as agent of the Board in disposing of his surplus may terminate such agency as of April 1 of the particular crop year by giving written notice to the Board to that effect not later than the previous March 20, in which event such handler shall return to the Board, for disposition by it, all surplus almonds remaining in his possession. In case a handler does not terminate his agency as of April 1, he shall be required to continue to serve as such agent until September 1 of the next crop year. The Board shall not terminate such an agency prior to September 1 unless the agent violates the terms and conditions specified by the Board or other provisions of the order. During the period of such agency the Board, as principal, shall not dispose of the surplus contributed by said agent. The Board, with the approval of the Secretary, may prescribe such rules and regulations as are necessary to regulate disposition of surplus almonds including methods for crediting as surplus any salable almonds sold and delivered to surplus outlets.

§ 909.68 *Disposition by the Board*—(a) *Pools.* Surplus from almonds received by handlers for their own accounts during any crop year, other than surplus disposed of by handlers as agents of the Board as authorized in § 909.67, shall be disposed of by the Control Board in three pools as follows: Pool No. 1—surplus delivered to the Board during a crop year up to April 1 and disposed of during that period; Pool No. 2—surplus delivered to the Board from April 1 to August 31, inclusive, and disposed of during that period, including, in addition to deliveries by handlers not acting as agents, deliveries by handlers who terminate their agencies as of April 1, and also any surplus from Pool No. 1 which was not disposed of prior to April 1, but which is disposed of prior to August 1; and Pool No. 3—all surplus held unsold by the Board on September 1, including, in addition to any surplus turned over to it by handlers whose agencies expired on August 1, any surplus from Pool No. 1 and Pool No. 2 which was not disposed of by the Board prior to September 1.

(b) *Expenses.* Direct expenses incurred by the Control Board in the maintenance and disposition of surplus almonds in each respective pool shall be charged against the proceeds of sales of the almonds in that pool.

(c) *Distribution to handlers.* Net proceeds from the disposition of surplus almonds in each of the three pools shall be distributed by the Board to each handler having an interest in that pool in proportion to his relative contribution thereto in terms of certified kernel weight. In the case of a carryover from one pool to another pool, the Board shall allocate the interests of the appropriate handlers therein on the basis of their respective total deliveries of almonds, in terms of certified kernel weight, to the Board during the pool period in connection with which such carryover first originated.

RECORDS AND REPORTS

§ 909.70 *Records and verification.* Each handler shall keep records which will clearly show the details of his receipts of almonds, withholdings, sales, shipments, inventories, surplus disposition and other pertinent information in respect to his operations pursuant to the provisions of this part. Such records shall be retained by the handler for two years after the end of the crop year to which they apply. Each handler's premises shall be accessible to authorized representatives of the Board and the Secretary for examination and audit of the aforesaid records and for inspection and observation of almonds. The Board shall make such checks of almonds or audits of each handler's records as it deems appropriate or are requested by the Secretary to insure that accurate information as required in this part is being furnished by handlers.

§ 909.71 *Record of receipts.* For the purpose of establishing the surplus obligation and furnishing statistical information to the Control Board necessary for the conduct of its operations, each handler, on receiving almonds for his own account, shall issue to the person from whom so received a receipt therefor. At least two duplicates thereof shall be made at the time of issuance, one of which shall be retained by the handler as a part of his records and the other submitted to the Control Board as hereinafter provided. Such receipts shall be serially numbered and shall accurately show for each lot received, the identity of the handler, the name and address of the person from whom received, the number of containers in the lot, the variety, whether shelled or unshelled, and the settlement weight for each such variety. The character and amount of all adjustments deducted from the gross weight shall be shown with the gross weight on the receipt issued by the handler.

§ 909.72 *Report of receipts.* Each handler receiving almonds for his own account shall tabulate such receipts by varieties and shall submit reports thereof to the Control Board in such form and at such intervals as the Board may prescribe for all receipts issued by him. Such reports shall be accompanied by duplicate copies of the receipts issued pursuant to the provisions of § 909.71 for all almonds included in such report. The Control Board, after checking such reports in such manner as it deems desirable, shall determine in the manner specified in § 909.60 the kernel weight of the almonds so received.

§ 909.73 *Periodic reports.* On or before January 15, and April 15, and July 15 of each crop year, each handler shall file with the Control Board a written report, certified to the Board and to the Secretary by such handler as to its completeness and correctness, showing as of the close of business on December 31, March 31, and June 30, respectively, such information as may be prescribed by the Board for use in redetermination of kernel weight and marketing policy considerations.

§ 909.74 *Other reports.* Upon the request of the Control Board, made with the approval of the Secretary, every handler shall furnish to the Control Board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in this part) such other information as will enable the Control Board to perform its duties and exercise its powers hereunder.

§ 909.75 *Confidential nature of records and reports.* All information contained in handler records made available to the Board or the Secretary, or in reports to the Board, constituting a trade secret or disclosing the trade position, financial condition, or business operations of any handler shall be considered as confidential information. Such information received by the Board, shall be kept in the custody and under the control of one or more employees of the Board, who shall disclose such information to no person except the Secretary.

EXPENSES AND ASSESSMENTS

§ 909.80 *Expenses.* The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate. The recommendation of the Control Board as to the expenses for each such year, together with all data supporting such recommendation, shall be submitted to the Secretary on or before August 1 of the crop year in connection with which such recommendation is made.

§ 909.81 *Assessment*—(a) *Requirement for payment.* Each handler shall pay to the Control Board on demand by the Board, from time to time, such sum, based on such rate per pound of almonds, kernel weight basis, received by him for his own account (except as to receipts from other handlers on which assessments have been paid) as the Secretary finds is necessary to provide funds to meet the authorized board expenses and establishes for the crop year. Upon redetermination of the kernel weight of almonds received by handlers for their own account as provided in § 909.61, such redetermined kernel weight for each handler, adjusted for receipts on which assessments have been paid, shall be the basis upon which he shall pay assessments. At any time during or after a crop year, the Secretary may increase the rate of assessments to apply to all such almonds during such crop year to secure sufficient funds to cover the expenses authorized by § 909.80 or by any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board by each handler on demand.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations under this part may be used and shall be refunded by the Control Board in accordance with the provisions of this part. Such excess funds may be used by the Control Board during the period of four months subsequent to such crop year in paying the expenses of the Control Board incurred in connection with the new crop year. The Control Board shall, however, from funds on hand, including assessments collected during the new crop year, distribute or make available, within five months after the begining of the new crop year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of assessments paid by all handlers during said crop year.

(c) *Disposition of funds upon termination.* Any money collected from assessments hereunder and remaining unexpended in possession of the Control Board upon the termination of this part shall be distributed in such manner as the Secretary may direct.

MISCELLANEOUS PROVISIONS

§ 909.85 *Personal liability.* No member or alternate member of the Control Board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty.

§ 909.86 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 909.87 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 909.88 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 909.89 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 909.90 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions of this part, as well as any amendments to this part, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions of this part at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of almonds who during the crop year have been engaged in the production for market of almonds in the State of California: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such almonds produced for market within said State; but such termination shall be effected only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions of this part, the members of the Control Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant thereto.

(3) *Obligations of persons other than board members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Board and upon the said joint trustees.

§ 909.91 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation hereof or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 909.92 *Amendments.* Amendments hereto may be proposed, from time to time, by any person or by the Control Board.

§ 909.93 *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were contained in one original.*

§ 909.94 *Additional parties.* After the effective date hereof, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.*

§ 909.95 *Request for order.* Each signatory handler hereto requests the Secretary to issue an order pursuant to the act regulating the handling of almonds grown in the State of California in the same manner as provided in this agreement.*

Dated: November 29, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-9920; Filed, Dec. 3, 1956; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NATURAL RESOURCES; NOTICE OF EXTENSION OF TIME

Proposed regulations under sections 611 to 616, inclusive, and section 621 of the Internal Revenue Code of 1954 were published with a notice of proposed rule making in the FEDERAL REGISTER for Saturday, November 3, 1956. Proposed regulations under sections 272, 631, and 632 of the Internal Revenue Code of 1954 were published with a notice of proposed rule making in the same issue of the

FEDERAL REGISTER. Both of these notices provided that consideration would be given to any data, views, or arguments pertaining thereto which were submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication in the FEDERAL REGISTER.

Notice is hereby given that the 30-day period previously allowed is extended, and consideration will be given to any data, views, or arguments pertaining to these proposed regulations that are submitted by December 18, 1956.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

[F. R. Doc. 56-9905; Filed, Dec. 3, 1956; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF ZINEB

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Rohm and Haas Company, Washington Square, Philadelphia, Pennsylvania, proposing the establishment of a tolerance of 25 parts per million for residues of zineb in or on the following raw agricultural commodities: Beet tops, Chinese cabbage, collards, endive, kale, lettuce, mustard greens, romaine, spinach, Swiss chard.

The analytical method proposed in the petition for determining residues of zineb is the method described by W. K. Lowen in Analytical Chemistry, Volume 23, page 1846 (1951).

Dated: November 27, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-9894; Filed, Dec. 3, 1956; 8:48 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXCEPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF HYDROGEN CYANIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of a tolerance of 100 parts per million for residues of hydrogen cyanide in or on spices and tolerances of 25 parts per million for residues of this pesticide chemical in or on the following raw agricultural commodities: Buckwheat, oats, sorghum.

The analytical method proposed in the petition for determining residues of hydrogen cyanide is the method described in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 7th Edition (secs. 22.53, 22.54) and 8th Edition (secs. 22.55, 22.56).

Dated: November 27, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-9895; Filed, Dec. 3, 1956; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11877; FCC 56-1184]

TELEVISION BROADCAST STATIONS
(VANCOUVER, WASHINGTON)

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. On October 12, 1956, KVAN, Inc., permittee of television Station KVAN-TV authorized to operate on Channel 21 in Vancouver, Washington, filed a petition for rule making to amend § 3.606, Table of Assignments, Television Broadcast Stations, so as to assign Channel 2 to Vancouver. Petitioner also requests the Commission to order it to show cause why its outstanding authorization for Station KVAN-TV should not be modified to specify operation on Channel 2 in lieu of Channel 21.

3. In support of its request petitioner alleges that the proposal conforms with the Commission's rules and regulations; that the Commission specifically recognized the separate, distinct character of the Vancouver community and its need and comparative right for its own television facility; and that the change proposed would be the only feasible means of providing Vancouver with an effective facility capable of providing adequate service in the terrain involved, or of holding its own under the severe competitive conditions emanating from the multiple services established in the adjacent Portland metropolis. It further argues that the record in Docket 11532 is replete with information as to the basic limitations and deficiencies found by the UHF station under conditions such as those faced in establishing and operating the Vancouver television station.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. We do not believe, however, that we should direct KVAN, Inc., in this proceeding to show cause why its authorization for Station KVAN-TV should not be modified to specify operation on Channel 2 in place of Channel 21.

6. Channel 3 is presently assigned to Salem, Oregon, a city approximately 55 miles from Vancouver. A television station with a transmitter site some 8 or more miles to the northeast of Vancouver could, under the new separation requirements, be licensed as a Vancouver facility.

7. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 28, 1956, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f), (r) and 307 (b) of the Communications Act of 1934, as amended.

9. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: November 28, 1956.

Released: November 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9910; Filed, Dec. 3, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 56-48]

APPROVAL OF EQUIPMENT AND CHANGE IN MANUFACTURER'S ADDRESS

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authorities cited below with each item of equipment: *It is ordered*, That:

(a) All the approvals listed in this document which extends approval previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five yeafs from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority; and

(c) The change in address of the manufacturer of approved equipment shall be made as indicated below.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 2, 3, 5 AND 6

Approval No. 160.002/38/0, Model 2 adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio. (Extension of the approval published in FEDERAL REGISTER Aug. 24, 1951, effective August 24, 1956.)

Approval No. 160.002/39/0, Model 6 child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio. (Extension of the approval published in FEDERAL REGISTER August 24, 1951, effective August 24, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, and 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.002)

BUOYANT APPARATUS

Approval No. 160.010/22/0, 6.25' x 3.92' x 0.67' buoyant apparatus, 20-person capacity expanded unicellular polystyrene foam core with fibrous glass reinforced polyester resin shell, dwg. No. M-99-11, dated September 29, 1955, revised July 17, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.010)

LIFE RAFTS

Approval No. 160.018/13/1, Type B life raft, for other than ocean and coastwise service, 9.67' x 7.75' x 2.92', 18-person capacity, identified by general arrangement dwg. No. M-99-10, dated April 4, 1951, and revised May 3, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.018/13/0 published in FEDERAL REGISTER October 4, 1951.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.018)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/12/2, Container for emergency provisions, dwg. No. 203-P, dated July 3, 1951, and Specification 203-S-1, dated July 5, 1951, manufactured by Globe Equipment Corp., 30-32 Gold Street, Brooklyn 1, N. Y. (Extension of the approval published in FEDERAL REGISTER August 24, 1951, effective August 24, 1956.)

Approval No. 160.026/21/0, Container for emergency provisions, dwg. No. 101, dated June 11, 1951, manufactured by H. & M. Packing Corp., 913 Ruberta Avenue, Glendale 1, Calif. (Extension of the approval published in FEDERAL REGISTER October 4, 1951, effective October 4, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.026)

SIGNAL PISTOL FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Approval No. 160.028/6/2, Signal pistol, dwg. Nos. SP-100 revised May 24, 1956 and SP-150 revised May 31, 1956, manufactured by Signal Pyrotechnic Co., 4041 Whiteside Street, Los Angeles 63, Calif. (Supersedes Approval No. 160.028/6/1 published in FEDERAL REGISTER December 20, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.028)

LIFEBOATS

Approval No. 160.035/87/1, 14.0' x 5.0' x 2.17' steel, oar-propelled lifeboat, 9-person capacity, identified by general arrangement and construction dwg. No. 49R-1412, dated August 20, 1950, revised October 30, 1950, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y. (Extension of the approval published in FEDERAL REGISTER October 4, 1951, effective October 4, 1956.)

Approval No. 160.035/89/2, 16.0' x 5.71' x 2.3' steel, oar-propelled lifeboat, 12-person capacity, identified by general arrangement and construction dwg. No. 49R-1612, dated August 27, 1950, and revised March 2, 1956, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y. (Supersedes Approval No. 160.035/89/1 published in FEDERAL REGISTER August 24, 1951.)

Approval No. 160.035/97/2, 22.0' x 7.5' x 3.17' steel, motor-propelled lifeboat without radio cabin (Class B), 25-person capacity, identified by general arrangement and construction dwg. No. 49R-2219C dated March 22, 1954 and revised July 16, 1954, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y. (Supersedes Approval No. 160.035/97/1 published in FEDERAL REGISTER October 6, 1954.)

Approval No. 160.035/199/1, 26.0' x 9.0' x 3.83' steel, hand-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 3183 dated April 9, 1956, revised May 2, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/199/0 terminated in FEDERAL REGISTER May 19, 1953.)

Approval No. 160.035/241/1, 36.5' x 12.5' x 5.33' aluminum, hand-propelled lifeboat, 150-person capacity, identified by construction and arrangement dwg. No. 36-7C dated March 20, 1950 and revised June 20, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.035/241/0 terminated in FEDERAL REGISTER June 13, 1955.)

Approval No. 160.035/345/0, 26.0' x 8.3' x 3.6' steel, hand-propelled lifeboat, 46-person capacity, identified by construction and arrangement dwg. No. 60011 dated May 16, 1955 and revised May 15, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/350/0, 18.0' x 6.0' x 2.5' steel oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 18-5, dated February 29, 1956, and revised July 19, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/77/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by W. L. Dumas Manufacturing Co., 14 A Street NW., Miami, Okla.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/4/0, 30-inch plastic ring life buoy, expanded unicellular polystyrene foam core with fibrous glass reinforced polyester resin shell, dwg. No. P-360, dated December 15, 1955, revised June 6, 1956, and specification dated June 4, 1956, manufactured by L. S. Baier & Associates, Marine Plastics Division,

Inc., 421 Southwest Fifth Avenue, Portland 4, Oreg.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4488, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 1333, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 481, 489, 367, 526e, 526p, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.050)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/37/3, Sound powered telephone stations, selective ringing, common talking, drip-proof, bulkhead mounting, dwg. No. 70-525, Alt. 7. Types 2, 8, 17, 2–0, 8–0, 17–0, 2–3, 8–3, 17–3, 2–6, 8–6, 17–6, 2–8, 8–8, 17–8, 2–R, 8–R and 17–R, manufactured by Henschel Corp., Amesbury, Mass. (Supersedes Approval No. 161.005/37/2 published in FEDERAL REGISTER June 25, 1954.)

Approval No. 161.005/42/0, Sound powered telephone station, selective ringing, common talking, bulkhead mounting, splashproof, with internal hand generator bell, dwg. No. B–169, Alt. 1, Type 8D, 8 stations maximum and Type 17D, 17 stations maximum, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass.

Approval No. 161.005/43/0, Sound powered telephone station, selective ringing, common talking, bulkhead mounting, splashproof, with attached 6'' or 8'' hand generator bell, dwg. No. B–170, Alt. 1, Type 8S, 8 stations maximum and Type 17S, 17 stations maximum, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass.

Approval No. 161.005/44/0, Sound powered telephone station, selective ringing, common talking, bulkhead mounting, watertight, with attached 6'' or 8'' hand generator bell, dwg. No. B–171, Alt. 1, Type 8W, 8 stations maximum and Type 17W, 17 stations maximum, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass.

Approval No. 161.005/45/0, Sound powered telephone station, selective ringing, common talking, pedestal mounting, watertight, with attached 6'' or 8'' hand generator bell, dwg. No. B–172, Alt. 1, Type 8WP, 8 stations maximum and Type 17WP, 17 stations maximum, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 113.30–25 (a))

BOILERS, HEATING

Approval No. 162.003/117/0, Model M–800 heating boiler for steam or hot water service, all welded plate construction, dwg. No. DAB–25033, dated July 19, 1951, approved for a maximum design pressure of 30 p. s. i., 268,800 B. t. u. per hour or 269 pounds per hour, approval limited to bare boiler, manufactured by York-Shipley, Inc., York, Pa. (Extension of the approval published in FEDERAL REGISTER October 4, 1951, effective October 4, 1956.)

Approval No. 162.003/118/0, Model M–1200 heating boiler for steam or hot water service, all welded plate construction, dwg. No. DAB–25034, dated July 17, 1951, approved for a maximum design pressure of 30 p. s. i., 420,000 B. t. u. per hour or 420 pounds per hour, approval limited to bare boiler, manufactured by York-Shipley, Inc., York, Pa. (Extension of the approval published in FEDERAL REGISTER October 4, 1951, effective October 4, 1956.)

Approval No. 162.003/119/0, Model M–1500 heating boiler for steam or hot water service, all welded plate construction dwg. No. DAB–25035, dated July 19, 1951, approved for a maximum design pressure of 30 p. s. i., 504,000 B. t. u. per hour or 504 pounds per hour, approval limited to bare boiler, manufactured by York-Shipley, Inc., York, Pa. (Extension of the approval published in FEDERAL REGISTER October 4, 1951, effective October 4, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4434, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR Part 52)

VALVES, SAFETY (STEAM HEATING BOILERS)

Approval No. 162.012/2/1, No. 2568 safety valve, cast iron body and brass base, for low pressure steam heating boilers, dwg. No. K–955–A, dated January 21, 1956, approved in the following sizes for a maximum pressure of 15 p. s. i., manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill.:

Size (inches):	Capacity pound/hour
¾	360
1	580
1¼	870
1½	1,125
2	2,140
2½	3,485
3	4,865

(Supersedes Approval No. 162.012/2/0 published in FEDERAL REGISTER February 6, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.012)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/8/3, Model No. C175–11 backfire flame arrester for carburetors, dwg. No. C175–11, revision B, dated May 18, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/8/2 terminated in the FEDERAL REGISTER April 1, 1955.)

Approval No. 162.015/9/3, Model No. C175–11A backfire flame arrester for carburetors, dwg. No. C175–11A, revision B, dated May 18, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/9/2 terminated in the FEDERAL REGISTER April 1, 1955.)

Approval No. 162.015/10/2, Model No. B175–19A backfire flame arrester for carburetors, dwg. No. B175–19A, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/10/1 terminated in the FEDERAL REGISTER May 12, 1954.)

Approval No. 162.015/11/2, Model No. B175–18 backfire flame arrester for carburetors, dwg. No. B175–18, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/11/1 terminated in the FEDERAL REGISTER April 1, 1955.)

Approval No. 162.015/12/2, Model No. B175–17 backfire flame arrester for carburetors, dwg. No. B175–17, revision B, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/12/1 terminated in the FEDERAL REGISTER May 12, 1954.)

Approval No. 162.015/13/2, Model No. B175–14 backfire flame arrester for carburetors, dwg. No. B175–14, revision B, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/13/1 terminated in the FEDERAL REGISTER May 12, 1954.)

Approval No. 162.015/14/2, Model No. B175–12 backfire flame arrester for carburetors, dwg. No. B175–12, revision A, dated May 27, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/14/1 terminated in the FEDERAL REGISTER May 12, 1954.)

Approval No. 162.015/15/2, Model No. B175–12A backfire flame arrestor for carburetors, dwg. No. B175–12A, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/15/1 terminated in the FEDERAL REGISTER May 12, 1954.)

Approval No. 162.015/16/2, Model No. B175–13B backfire flame arrestor for carburetors, dwg. No. B175–13B, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/16/1 terminated in the FEDERAL REGISTER May 12, 1954.)

Approval No. 162.015/17/2, Model No. B175–13 backfire flame arrestor for carburetors, dwg. No. B175–13, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/17/1 terminated in the FEDERAL REGISTER May 12, 1954.)

Approval No. 162.015/18/2, Model No. B175–13A backfire flame arrestor for carburetors, dwg. No. B175–13A, revision

A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/18/1 terminated in the FEDERAL REGISTER May 12, 1954.)

Approval No. 162.015/19/2, Model No. B175–16 backfire flame arrester for carburetors, dwg. No. B176–16, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/19/1 terminated in the FEDERAL REGISTER May 12, 1954.)

Approval No. 162.015/20/1, Model No. B175–1 backfire flame arrester for carburetors, dwg. No. B175–1, dated May 10, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Supersedes Approval No. 162.015/20/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.015/21/1, Model No. B175–3 backfire flame arrester for carburetors, dwg. No. B175–3, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Supersedes Approval No. 162.015/21/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.015/25/1, Model No. B175–20 backfire flame arrester for carburetors, dwg. No. B175–20, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/25/0 terminated in the FEDERAL REGISTER April 1, 1955.)

Approval No. 162.015/26/1, Model No. B175–21 backfire flame arrester for carburetors, dwg. No. B175–21, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/26/0 terminated in the FEDERAL REGISTER April 1, 1955.)

Approval No. 162.015/27/1, Model No. B175–19 backfire flame arrester for carburetors, dwg. No. B175–19, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Reinstates and supersedes Approval No. 162.015/27/0 terminated in the FEDERAL REGISTER April 1, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 10 and 17, 54 Stat. 165, 166, as amended; 46 U. S. C. 526l, 526p; 46 CFR 162.015)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/6/2, Figure No. ST–4300 flame arrester, cast iron or aluminum body, and aluminum, copper or stainless steel tube bank, dwg. No. ST–10616, dated August 28, 1956, approved for 3'', 4'', 6'' and 8'' sizes, manufactured by Shand and Jurs Co., Carlton and Eighth Streets, Berkeley 10, Calif. (Supersedes Approval No. 162.016/6/1 published in the FEDERAL REGISTER July 17, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4491, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.016)

VALVES, PRESSURE VACUUM RELIEF AND SPILL

Approval No. 162.017/63/0, Morrison Fig. 153B pressure-vacuum relief valve, atmospheric pattern, weight-loaded pressure and vacuum poppets, all brass construction, dwg. No. B4584, dated February 27, 1951, and revised March 12, 1951, and dwg. No. B4585, dated March 6, 1951, approved for size 2½'', manufactured by Morrison Bros. Co., Dubuque, Iowa. (Extension of the approval published in FEDERAL REGISTER August 24, 1951, effective August 24, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4491, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.017)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/35/0, 4'' Style JQ safety relief valve for liquefied chlorine service (corrosive), dwg. No. D–38572, revised September 14, 1956, approved for a maximum set pressure of 300 p. s. i., discharge capacity 15,350 cubic feet per minute of air measured at 60° F. and 14.7 p. s. i. a., manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, and 4491, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.018)

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/7/0, Model No. 60D liquefied compressed gas slip tube liquid level gauge, dwg. No. 176, dated August 10, 1955, manufactured by Metal Goods Manufacturing Co., 106–110 South Park Avenue, Bartlesville, Okla.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4491, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489, 50 U. S. C. 198; 46 CFR Part 38)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/38/0, "Super-Fine 050B" glass fiber insulation type incombustible material in one-half pound per cubic foot density, identical to that referred to in National Bureau of Standards Test Report No. TG10210–1977; FP3368, dated July 26, 1956, manufactured by the L. O. F. Glass Fibers Co., Toledo, Ohio.

Approval No. 164.009/40/0, "Cellamite" asbestos paper type incombustible material identical to that described in Commandant, U. S. Coast Guard letter dated July 10, 1956, file JJ/164.009/40; manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952, Supp.; 46 CFR 164.009)

CHANGE IN ADDRESS OF MANUFACTURER

The addresses of The Marine Ladder Manufacturing Co. previously published in the FEDERAL REGISTER as 2767 13th Avenue SW. Seattle 4, Wash., for Approval No. 160.017/9/0, and 67 Clay Street, San Francisco 11, Calif., for Approval No. 160.017/21/0, have both been changed to P. O. Box 2192, San Francisco, Calif.

Dated: November 28, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56–9808; Filed, Dec. 3, 1956; 8:50 a. m.]

[CGFR 56–50]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment, the following approvals of equipment are terminated because the approvals have expired. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

BUOYANT APPARATUS

Termination of Approval No. 160.010/14/1, 10.0' x 5.0' (11'' dia. body section), elliptical, hollow aluminum buoyant apparatus, 24-person capacity, dwg. No. 3177–1, dated June 13, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER October 4, 1951. Termination of approval effective October 4, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.010)

HAND PROPELLING GEAR, LIFEBOAT

Termination of Approval No. 160.034/10/1, Type X, hand propelling gear identified by hand propelled gear unit dwg. No. 99–2, dated July 7, 1949, revised July 26, 1951, submitted by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER October 4, 1951. Termination of approval effective October 4, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.034)

LIFEBOATS

Termination of Approval No. 160.035/16/1, 22.0' x 6.8' x 2.8' steel, oar-propelled lifeboat, 25-person capacity, identified by general arrangement dwg. No. G–2225, dated June 27, 1951, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Approved FEDERAL REGISTER October 4, 1951. Termination of approval effective October 4, 1956.)

Termination of Approval No. 160.035/174/1, 22' x 7.5' x 3.17' steel, motor-propelled lifeboat without radio cabin, 28-person capacity, identified by construction and arrangement dwg. No. 22–2B, dated September 18, 1947, and revised May 18, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER August 24, 1951. Termination of approval effective August 24, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4461, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Termination of Approval No. 162.005/18/1, Model 5AKS Swivel Type CD General Quick Aid Sno Fog Fire Guard 5-pound carbon-dioxide type hand portable fire extinguisher, Assembly dwg. No. AC–205–X dated July 22, 1947, no revision, Name plate dwg. No. BC–205–2, dated February 4, 1947, Rev. October 22, 1948, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Approved FEDERAL REGISTER August 24, 1951. Termination of approval effective August 24, 1956.)

Termination of Approval No. 162.005/21/0, Model 5AKS Swivel Type CD General Quick Aid Sno Fog Fire Guard 5-pound carbon-dioxide type hand portable fire extinguisher, Assembly dwg. No. BC–205–X, dated July 22, 1947, no revision, Name plate dwg. No. BC–205–2 dated February 4, 1947, Rev. October 22, 1948, manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Approved FEDERAL REGISTER August 24, 1951. Termination of approval effective August 24, 1956.)

Termination of Approval No. 162.005/22/0, Model 10AK Lever Type CD General Quick Aid Sno Fog Fire Guard 10-pound carbon-dioxide type hand portable fire extinguisher, Assembly dwg. No. BC–210–X, dated September 4, 1946, Rev. A dated September 6, 1946, Name plate dwg. No. CC–210–1G, dated March 6, 1950, Rev. 2 dated March 16, 1950, manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Approved FEDERAL REGISTER August 24, 1951. Termination of approval effective August 24, 1956.)

Termination of Approval No. 162.005/23/0, Model 15AK Lever Type CD General Quick Aid Sno Fog Fire Guard 15-pound carbon-dioxide type hand portable fire extinguisher, Assembly dwg. No. BC–215–X, dated August 4, 1944, no revision, Name plate dwg. No. CC–215–1G, dated March 6, 1950, Rev. 2 dated March 16, 1950, manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Approved FEDERAL REGISTER August 24, 1951. Termination of approval effective August 24, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

VALVES, RELIEF (HOT WATER HEATING BOILERS)

Termination of Approval No. 162.013/10/0, Type No. 233 CG multiple relief valve for hot water heating boiler, two (2) ¾" No. 33 relief valves mounted on "Y" base, maximum set pressure 30 p. s. i., combined relieving capacity 485,800 B. t. u. per hour, dwg. No. 233–CG assembly dated August 6, 1951, inlet size 1¼" nominal pipe diameter, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill. (Approved FEDERAL REGISTER October 4, 1951. Termination of approval effective October 4, 1956.)

Termination of Approval No. 162.013/11/0, Type No. 333 CG multiple relief valve for hot water heating boiler, three (3) ¾" No. 33 relief valves mounted on "Y" base, maximum set pressure 30 p. s. i., combined relieving capacity 728,700 B. t. u. per hour, dwg. No. 333 CG assembly dated August 6, 1951, inlet size 1½" nominal pipe diameter, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill. (Approved FEDERAL REGISTER October 4, 1951. Termination of approval effective October 4, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.013)

Dated: November 28, 1956.

J. A. HIRSHFIELD,
Rear Admiral,
U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56–9907; Filed, Dec. 3, 1956; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 022070]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 26, 1956.

Pursuant to vacation order of the Federal Power Commission issued August 9, 1955 (Docket No. DA–144–Montana) the public lands described below are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

MONTANA PRINCIPAL MERIDIAN

T. 5 N., R. 11 W.,
Sec. 5, SW¼, SW¼SE¼;
Sec. 8, N½NE¼, SE¼NE¼;
Sec. 9, Lots 1, 2, 3, 5, NW¼SE¼.

The areas described above total 462.10 acres of public lands. These lands produce grass and forage that are used for support of livestock and wildlife. They include stands of Douglas fir and Lodgepole pine with an understory of bunch grass and browse. The topography varies from rolling to rough surface and steep mountain slopes. The lands are suited for multiple purposes such as recreation, timber production, watershed protection, grazing and wildlife. The physical character of these resources limits them to extensive uses and the tracts are not suited to production of cultivated crops.

The lands are within the exterior limits of the Deer Lodge National Forest as established by Executive order of October 3, 1905, and the above described lands are subject to the National Forest withdrawal and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–283), as amended granting a preference right of application to veterans of World War II and others. The lands have been subject to mining location under the act of August 11, 1955 (69 Stat. 681). Upon publication of this order the lands described shall be subject to operation of public land laws relating to National Forests subject to valid existing rights and the provisions of existing withdrawals.

Inquiries relating to these lands shall be addressed to the Manager, Land Office, 1245 North 29th Street, Billings, Montana.

THEO E. ANHDER,
Manager,
Land Office.

[F. R. Doc. 56–9882; Filed, Dec. 3, 1956; 8:45 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 26, 1956.

The Department of Agriculture has filed an application, Serial No. Nevada 044393, for the withdrawal of the lands described below, from location and entry under the General Mining Laws subject

to existing valid claims. The applicant desires the land as a roadside zone of scenic value.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Reno, Nevada. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are within the Toiyabe National Forest and constitute a strip of land 200 feet on each side of the center line of the Mt. Rose Forest Highway (Nevada 27) through the following legal subdivisions:

MT. DIABLO MERIDIAN, NEVADA

T. 18 N., R. 19 E.,
Sec. 34, S½SW¼.
T. 17 N., R. 19 E.,
Sec. 4, SE¼NE¼, N½SE¼, SW¼SE¼.

Total acreage is 48, more or less.

A. L. SIMPSON,
Acting State Supervisor,
P. O. Box 1551, Reno, Nevada.

[F. R. Doc. 56–9883; Filed, Dec. 3, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CARSON NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Canjilon, Mogote, El Rito, and Lobato Allotments of the Carson National Forest, in Rio Arriba County, State of New Mexico; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the Act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Canjilon, Mogote, El Rito, and Lobato Allotments in the Carson National Forest:

Temporary closure from livestock grazing. (a) The area designated below is hereby closed for the period January 1, 1957 to April 15, 1957, to grazing by horses excepting those that are lawfully grazing on or crossing land in such area pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

The area covered by this order includes all national-forest land in that portion of the Carson National Forest described as follows:

Beginning at a point on the boundary common to the National Forest and the Piedra Lumbre Grant in Section 8, T. 24 N., R. 4 E.; thence northerly and northeasterly along the fenced or rimmed allotment line approximately six and one-half miles to the Forest boundary in Sec. 16, T. 25 N., R. 4 E.; thence along the fenced Forest Boundary approximately one and three-quarter miles east, one mile north, one-half mile east, one mile north, one mile east, one and one-half miles north, one mile west, four miles north to the quarter corner common to Secs. 1 and 2, T. 26 N., R. 4 E.; thence easterly along the fenced allotment line approximately seven miles to a point approximately one-fourth mile north of the section corner common to Sections 35 and 36, T. 27 N., R. 5 E., and Sections 1 and 2, T. 26 N., R. 5 E.; thence south along the fenced allotment line approximately 5½ miles to a point approximately one-fourth mile south of the section corner common to Sections 25, 26, 35, and 36, T. 26 N., R. 5 E.; thence east along the fenced allotment line approximately three and one-fourth miles to a point in the NW ¼ of Section 33, T. 26 N., R. 6 E.; thence northwesterly approximately one and one-half miles along the fenced allotment line, thence easterly along the fenced allotment line approximately 7 miles to a point near the northwest corner of Section 21, T. 26 N., R. 7 E., thence southeasterly and southerly along the fenced or rimmed allotment line approximately 8 miles to a point in Section 22, T. 25 N., R. 7 E., on the north line of the Lobato Allotment, thence east approximately one mile, thence south approximately ten miles along the fenced allotment line, thence west approximately 4½ miles along the fenced allotment line, thence south approximately two miles along the fenced allotment line, thence northwesterly, southwesterly, westerly, and southeasterly, along the fenced lines of the Plaza Blanca and Plaza Colorado Grants to a point in Section 17, T. 23 N., R. 6 E., thence on northwesterly along the fenced allotment line to a point near the southwest corner of Section 10, T. 23 N., R. 5 E., thence north approximately 6 miles to a point near the northwest corner of Section 15, T. 24 N., R. 5 E., thence west, southwesterly, and northwesterly along the fenced and rimmed allotment line to the point at beginning, including all of the Canjilon, Mogote, El Rito, and Lobato grazing allotments.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Fifteen days' notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Carson National Forest is located.

Done at Washington, D. C., this 28th day of November 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–9921; Filed, Dec. 3, 1956; 8:52 a. m.]

Office of the Secretary

NEVADA AND UTAH

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on June 7, 1956, that a major disaster occasioned by drought existed in the State of Nevada; and the President determined on June 15, 1956, that a major disaster occasioned by drought existed in the State of Utah.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on November 23, 1956, to be affected by the above-mentioned major disasters:

Nevada: Clark, Nye.

Utah: Tooele. That part of Box Elder County which lies north and west of a line running north and south from the Idaho line to the point on Great Salt Lake on Range 10 west and along the west side of the Great Salt Lake to the Southern Pacific Railroad and then west along the said railroad to the Nevada line.

Done at Washington, D. C., this 29th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–9896; Filed, Dec. 3, 1956; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

INVENTORIES, SALES, AND ACCOUNTS RECEIVABLE OF RETAILERS

NOTICE OF CONSIDERATION OF PROPOSAL TO CONDUCT 1956 ANNUAL RETAIL TRADE SURVEY

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct a 1956 Annual Retail Trade Survey of year-end inventories; annual sales; and accounts receivable, charge and installment, as of the end of the year, under the provisions of the Act of Congress approved August 31, 1954, 13 U. S. C. 181, 224, and 225. This survey will provide the only continuing source of important information on these phases of retail trade in the various kinds of retail business. On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from non-governmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all retail establishments in the United States, but only from a selected sample, in order to provide, with measurable reliability, annual sales figures, by Census Regions, and national figures on inventories, sales-inventory ratios, and charge and installment accounts receivable as of the end of the year. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms in terms of number of retail

[Docket No. G–11537]

[Docket No. G–11539]

ATOMIC ENERGY COMMISSION

stores operated will be requested to report regardless of the store locations.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census and will receive consideration.

Dated: November 27, 1956.

[SEAL] A. ROSS ECKLER,
Acting Director,
Bureau of the Census.

Approved: SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-9924; Filed, Dec. 3, 1956; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11554; FCC 56M-1091]

PERRY COUNTY BROADCASTING CO. (WWOW)

ORDER CONTINUING HEARING

In re application of Claude P. Stephens and Frank L. Jones, d/b as Perry County Broadcasting Company (WWOW), Hazard, Kentucky, Docket No. 11554, File No. BP-9849; for construction permit.

Pursuant to agreement of all counsel at the informal prehearing conference held today: *It is ordered*, This 28th day of November 1956, that the hearing now scheduled for December 18, 1956, is continued to Monday, January 14, 1957, at 2:00 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9911; Filed, Dec. 3, 1956; 8:51 a. m.]

[Docket No. 11850; FCC 56-1180]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of November 1956;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that notice of proposed rule making (FCC 56-1002) setting forth the above amendment was issued by the Commission on October 19, 1956, and was duly published in the FEDERAL REGISTER (21 F. R. 8154), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before November 16, 1956; and

It further appearing that no comments were received either favoring or opposing the proposed amendment;

It further appearing that the immediate adoption of the proposed amendment would make available another channel for Station WGHF in the Bridgeport-Danbury-Brookfield area, Connecticut, thereby permitting the relaying of its programs and the programs of Station WTMH, Providence, Rhode Island, interchangeably, without interference from other stations in the area;

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the following listed cities:

General Area	Channels	
	Delete	Add
Bridgeport-Danbury-Brookfield, Conn	233, 268	236
Kingston, N. Y.	235	233
New Haven, Conn.	236	
Pittsfield, Mass.	268	

Released: November 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9912; Filed, Dec. 3, 1956; 8:51 a. m.]

[Docket Nos. 11854, 11855; FCC 56M-1096]

DONALD LEWIS HATHAWAY AND CASPER MOUNTAIN TELEVISION CORP.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Donald Lewis Hathaway, Casper, Wyoming, Docket No. 11854, File No. BPCT-2105; The Casper Mountain Television Corporation, Casper, Wyoming, Docket No. 11855, File No. BPCT-2130; for construction permits for new television stations (Channel 6).

A pre-hearing conference in the above-entitled proceeding will be held on Wednesday, December 5, 1956, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 28th day of November 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9913; Filed, Dec. 3, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11536]

TEXAS GULF PRODUCING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Texas Gulf Producing Company (Texas Gulf) on November 1, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; United Fuel Gas Company; Supplement No. 3 to Texas Gulf's FPC Gas Rate Schedule No. 10; December 2, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 2, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: November 28, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9890; Filed, Dec. 3, 1956; 8:47 a. m.]

[1] The stated effective date is the first date after expiration of the required thirty days' notice, or the effective date proposed by Texas Gulf if later.

[2] Commissioner Digby dissenting in opinion.

[Docket No. G-11537]

TEXAS GULF PRODUCING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Texas Gulf Producing Company (Texas Gulf), on October 29, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; Shell Oil Company; Supplement No. 6 to Texas Gulf's FPC Gas Rate Schedule No. 9; November 28, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 28, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: November 28, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9891; Filed, Dec. 3, 1956; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Texas Gulf, if later.

[Docket No. G-11539]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil & Refining Company (Humble) on October 30, 1956, tendered for filing a proposed change in its rate schedule presently effective, subject to refund, for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated October 24, 1956; Southern Natural Gas Company; Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 39; December 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: November 28, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-9892; Filed, Dec. 3, 1956; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Humble if later.

[2] Commissioner Digby dissenting in opinion.

ATOMIC ENERGY COMMISSION

[Docket No. F-40 etc.]

AEROJET-GENERAL NUCLEONICS AND AEROJET-GENERAL CORP.

NOTICE OF APPLICATIONS FOR LICENSES TO TRANSFER AND ACQUIRE A UTILIZATION FACILITY

Please take notice that the following companies have filed applications for licenses to transfer and acquire a utilization facility:

Docket No. F-40, Aerojet-General Nucleonics, San Ramon, California, on November 6, 1956, filed an application under section 104 of the Atomic Energy Act of 1954 for a license to transfer its 100-milliwatt nuclear reactor (designated as AGN-201 Serial 100) located at San Ramon, California, to Aerojet-General Corporation, Azusa, California. This transaction will not involve a physical transfer of the reactor from its present location.

Docket No. F-41, Aerojet-General Corporation, Azusa, California, on November 15, 1956, filed an application under section 104 of the Atomic Energy Act of 1954 for a license to acquire the above-described reactor.

Docket No. F-42, Aerojet-General Corporation, Azusa, California, on November 15, 1956, filed an application under section 104 of the Atomic Energy Act of 1954 for a license to transfer the above-described reactor to the U. S. Naval Postgraduate School, Monterey, California.

Copies of the above-mentioned applications are available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 28th day of November 1956.

For the U. S. Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 56-9916; Filed, Dec. 3, 1956; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-1756]

BORIANA LEASE

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

I. Boriana Lease, Kingman, Arizona, a limited partnership, filed with the Commission on April 20, 1953, a Notification on Form 1-A and a Statement under Rule 219 (b) relative to an issue of 300 income notes at $100 per unit, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable

stock proposed to be purchased by the

by Middlewest Motor Freight Bureau,
Agent, for the Missouri-Kansas-Texas

II. The Commission has reasonable cause to believe that the offering, if continued, would act as a fraud or deceit upon purchasers in that material changes have occurred in the affairs of the company which are not reflected in its Notification or Statement under Rule 219 (b), to wit:

A. One of the general partners, Dan K. Harper, has retired from the partnership.

B. The company has lost its principal asset, its mining lease.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9914; Filed, Dec. 3, 1956; 8:51 a. m.]

[File No. 812-1052]

NATIONAL AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

Notice is hereby given that National Aviation Corporation ("National"), a registered, closed-end, non-diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed purchase by National of not exceeding 25,000 shares of the common stock ($1 par value) of Northeast Airlines, Inc. ("Northeast"), at the public offering price, during the existence of the underwriting syndicate for the public offering of such stock.

The applicant states that Northeast is preparing to issue approximately 750,000 shares of its common stock, which are to be issued and publicly sold on or about December 11, 1956, through an underwriting syndicate, including the firm of Paine, Webber, Jackson & Curtis.

The applicant states that it proposes to purchase the common stock of Northeast from any of the underwriters other than Paine, Webber, Jackson & Curtis. The amount of the Northeast common stock proposed to be purchased by the applicant would constitute approximately 3.3 percent of the total offering by Northeast and would represent approximately 1 percent of the total assets of the applicant.

The application recites that Stuart R. Reed, a director of the applicant, is a special partner in the firm of Paine, Webber, Jackson & Curtis.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person unless the Commission by order grants an exemption therefrom. Since Reed is an affiliated person of an investment banking firm which will be part of the underwriting group of the common stock offering of Northeast referred to above, the purchase of such common stock by the applicant from such underwriters is subject to the provisions of section 10 (f) of the act.

It is represented that the proposed purchase of common stock of Northeast is in the best interest of its stockholders, is consistent with the investment policies of the applicant and consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than December 10, 1956 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as amended, may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9915; Filed, Dec. 3, 1956; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 29, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32991: *Substituted service, rail for motor, M-K-T R. R. Co.* Filed by Middlewest Motor Freight Bureau, Agent, for the Missouri-Kansas-Texas Railroad Company and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Kansas City, Kans., and Muskogee, Okla.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 39 to Middlewest Motor Freight Bureau's tariff MF-I. C. C. No. 223.

FSA No. 32992: *Substituted service, rail for motor, C. & E. I. R. R. Co.* Filed by Middlewest Motor Freight Bureau, Agent, for the Chicago & Eastern Illinois Railroad Company and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and East St. Louis, Ill., or Mitchell, Ill., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 39 to Middlewest Motor Freight Bureau's tariff MF-I. C. C. No. 223.

FSA No. 32993: *Substituted service, rail for motor, M-K-T R. R. Co.* Filed by Middlewest Motor Freight Bureau, Agent, for the Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad Company of Texas, and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between San Antonio, Texas, on the one hand, and Kansas City, Mo., or St. Louis, Mo., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 39 to Middlewest Motor Freight Bureau's tariff MF-I. C. C. No. 223.

FSA No. 32994: *Glassware from, to, and between points in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on glassware, viz.: bottles, carboys, fruit jars, jelly glasses, and related articles, carloads between points in southern territory; also between points in southern territory, on the one hand, and points in official (including Illinois) territory, on the other.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariffs: Supplement 29 to Agent C. A. Spaninger's tariff I. C. C. 1525 and two other tariffs.

FSA No. 32995: *Coal to Mitchell and McManus, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on bituminous fine coal, carloads from mines on the Carolina, Clinchfield and Ohio Railway and the Interstate Railroad to Mitchell and McManus, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 865 to Agent C. A. Spaninger's tariff I. C. C. 1481.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-9893; Filed, Dec. 3, 1956; 8:48 a. m.]

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.305]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following December 1, 1956, paragraph (a) is amended by the deletion of the following:

Quevedo, Ecuador.

2. Effective as of the beginning of the first pay period following December 1, 1956, paragraph (b) is amended by the deletion of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.

Ecuador, all posts except Daule, Guayaquil, Pichilingue, Quevedo and Quito.
Jenane Krater, Morocco.
Zagora, Morocco.
Zliten, Libya.

3. Effective as of November 4, 1956, paragraph (c) is amended by the deletion of the following:

Amman, Jordan.
Budapest, Hungary.

4. Effective as of November 4, 1956, paragraph (d) is amended by the deletion of the following:

Damascus, Syria.
Haifa, Israel; Jerusalem, Jerusalem.
Port Said, Egypt.
Tel Aviv, Israel.

5. Effective as of the beginning of the first pay period following December 1, 1956, paragraph (d) is amended by the deletion of the following:

Libya, all posts except Barce, Cirene, Derna, El Aweila, Garian, Homs, Misurata, Sebha, Tripoli, Wheelus Field, Zavia, Zliten and Zuara.

6. Effective as of the beginning of the first pay period following August 14, 1954, paragraph (a) is amended by the addition of the following:

Dalat, Viet-Nam.

7. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (a) is amended by the addition of the following:

Battambang, Cambodia.

8. Effective as of November 4, 1956, paragraph (a) is amended by the addition of the following:

Alexandria, Egypt.
Budapest, Hungary.
Cairo, Egypt.
Haifa, Israel.
Jerusalem, Jerusalem.
Port Said, Egypt.
Tel Aviv, Israel.

9. Effective as of November 4, 1956, paragraph (b) is amended by the addition of the following:

Amman, Jordan.

10. Effective as of the beginning of the first pay period following December 1, 1956, paragraph (b) is amended by the addition of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Fazenda, Ipanema, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.

Ecuador, all posts except Daule, Guayaquil, Pichilingue and Quito.

11. Effective as of November 4, 1956, paragraph (c) is amended by the addition of the following:

Damascus, Syria.

12. Effective as of the beginning of the first pay period following December 1, 1956, paragraph (d) is amended by the addition of the following:

Libya, all posts except Barce, Cirene, Derna, El Aweila, Garian, Homs, Misurata, Sebha, Tripoli, Wheelus Field, Zavia and Zuara.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: November 21, 1956.

For the Acting Secretary of State.

I. W. CARPENTER, Jr., *Assistant Secretary-Controller.*

[F. R. Doc. 56-9929; Filed, Dec. 4, 1956; 8:45 a. m.]

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FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 811, Amdt. 9]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 and to establish, pursuant to sections 202, 204 and 411 of the act sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1956. This regulation also establishes pursuant to section 207 the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the requirements for the calendar year 1956 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act and to establish quotas and prorations, including the apportionment of portions thereof which certain countries are unable to fill, in accordance with the provisions of the act as amended, and to give effect to such quotas. In addition to the deficits in prorations to full-duty countries found and apportioned in Amendment 5, it was found and determined in Amendment 6 that the Virgin Islands would be unable to fill its quota in excess of 12,000 short tons, raw value. This amendment reflects the full-duty deficit and the Virgin Islands deficit which is increased by this action by 223 tons to the total of 3,549 which is prorated to other domestic areas in § 811.83 (b). The Department has been advised officially that Mexico cannot supply any sugar in 1956 in excess of the 12,042 short tons, raw value, already imported and a deficit in the proration that would otherwise be made in this order, amounting to 3,998 short tons, raw value, is accordingly found and determined and this deficit is prorated to the Dominican Republic and Haiti as participants in the same quota able to supply additional sugar which are, also, members of the International Sugar Agreement.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811, Amendment 8 (21 F. R. 9201). To permit areas for which larger quotas or prorations are hereby established to plan to market or to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective when filed with the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.80, 811.81, 811.82, 811.83 (b), 811.84 (a), and 811.85 (a) and (b) (1) of Sugar Regulation 811, as amended (20 F. R. 9848; 21 F. R. 2805, 4653, 5709, 6609, 7206, 7843, 8180, 8310, 9201), are further amended to read as hereinafter set forth.

1. Section 811.80 is amended to read:

§ 811.80 *Sugar requirements, 1956.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 is hereby determined to be 9,000,000 short tons, raw value.

2. Section 811.81 is amended to read:

§ 811.81 *Basic quotas for domestic areas.* There are hereby established, pursuant to subsection (a) of section 202 of the act, for domestic sugar producing areas for the calendar year 1956 the following quotas:

Area:	Quotas in terms of short tons, raw value
Domestic beet sugar	1,953,952
Mainland cane sugar	601,250
Hawaii	1,090,496
Puerto Rico	1,140,253
Virgin Islands	15,549

3. Section 811.82 is amended to read:

§ 811.82 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1956, the following quotas:

Area:	Quotas in terms of short tons, raw value
Republic of the Philippines	980,000
Cuba	3,089,760
Other foreign countries	128,740

4. Section 811.83 (b) is amended to read as follows:

(b) *Proration of deficit in quota for the Virgin Islands.* The deficit in quota determined by paragraph (a) of this section amounting to 3,549 short tons, raw value, is hereby prorated, pursuant to section 204 (a) of the act to all other domestic areas, as follows:

Area:	Short tons, raw value
Domestic beet sugar	1,449
Mainland cane sugar	446
Hawaii	809
Puerto Rico	845
Total	3,549

5. Section 811.84 (a) is amended to read as follows:

§ 811.84 *Proration of quotas for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Prorations and apportionment of deficits.* Pursuant to section 202 (c) of the act the 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is prorated; pursuant to section 204 (b) it is found that El Salvador is unable to utilize any proration of such quota, Nicaragua is unable to utilize any proration in excess of 4,530 short tons, raw value, and Mexico is unable to fill its proration in excess of 12,042 short tons, raw value, and resulting deficits are apportioned; and pursuant to section 411, adjustments are made and the following adjusted prorations are established:

Country:	Prorations as adjusted short tons, raw value
Dominican Republic	42,329
El Salvador	000
Haiti	4,097
Mexico	12,042
Nicaragua	4,530
Peru	59,305
Unspecified countries	6,437
Total	128,740

6. Section 811.85 (a) and (b) (1) are amended to read as follows:

§ 811.85 *Direct-consumption portion of quotas or prorations*—(a) *Domestic areas.* Pursuant to subsections (a), (b) and (c) of section 207 of the act the quotas established in § 811.81 for offshore domestic areas may be filled by direct-consumption sugar not exceeding the following quantity for each such area:

Area:	Short tons, raw value
Hawaii	30,700
Puerto Rico	133,064
Virgin Islands	000

Of the quantity for Puerto Rico which may be filled by direct-consumpton sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

(b) *Other areas.* (1) Pursuant to subsections (d), (c) and (h) of section 207 of the act, the quotas established in § 811.82 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	Direct-consumption sugar short tons, raw value
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	43,772

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. Supplies previously made available appear adequate to meet distribution requirements. However, sugar prices have risen and further rises in the price of refined sugar have been announced. Accordingly, this action is taken for the purpose of checking the upward price trend and of providing even more ample supplies to consumers.

Quotas. The 125,000 short tons, raw value, by which sugar requirements are increased by this amendment results in increases in the quotas for domestic areas of 68,750 tons and those of Cuba and other foreign countries of 56,250 tons. The increase for domestic areas is distributed to all domestic areas on the basis of their quotas as adjusted by prior increases. These changes are made in § 811.81. The increases amounting to 96 percent of 56,250 tons, or 54,000 tons, for Cuba and the balance of 2,250 tons for "Other foreign countries" are established in § 811.82 in accordance with section 202 (c) (1) of the act.

The Virgin Islands has only a small inventory of sugar which is unlikely to be shipped. Accordingly, the 3,549 tons by which its quota as increased in § 811.81 is determined to represent a deficit and is prorated to other domestic areas in § 811.83 (b), pursuant to section 204 (a) of the act. If shipping proves to be available, the sugar remaining in the Virgin Islands may be brought in pursuant to section 204 (c) of the act despite this action.

The increase in quota for "Other foreign countries" is prorated, 5 percent to "Unspecified countries" and the balance to the Dominican Republic, Haiti, and Mexico, as provided for by sections 202 (c) (1) and 204 (b) of the act, the other specified countries being limited to their present total pursuant to section 411 of the act. The proration to Mexico in excess of their ability to supply sugar, amounting to 3,998 short tons, raw value, was prorated to the Dominican Republic and Haiti, pursuant to section 204 (b) of the act.

In § 811.85 (a) and (b) (1) the portions of the quotas that may be filled by direct-consumption sugar for Hawaii, Puerto Rico and "Other foreign countries" are increased by 440, 1,905 and 765 short tons, raw value, respectively, as provided for in paragraphs (a), (b) and (h) (1) of section 207 of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Done at Washington, D. C., this 30th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9968; Filed, Dec. 4, 1956; 8:48 a. m.]

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ration that would otherwise be made in this order, amounting to 3,998 short tons,

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 93, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, an Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.393 (Navel Orange Regulation 93, 21 F. R. 9162) are hereby amended to read as follows:

(i) District 1: 693,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 30, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-9934; Filed, Dec. 4, 1956; 8:46 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER ESTABLISHING BUDGET OF EXPENSES OF WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1956

Notice of proposed rule making with respect to the budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1956 was published in the FEDERAL REGISTER of November 10, 1956 (21 F. R. 8777), pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR, 1955 Rev. Part 984) effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to the issuance of the final rule. No such documents were received during the time specified in the notice.

Therefore, after consideration of all relevant matters, it is found and determined that the budget of expenses of the Walnut Control Board and the rates of assessment shall be as follows:

§ 984.308 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1956*—(a) *Budget of expenses.* The budget of expenses for said marketing year shall be in the total amount of $99,350, such amount being reasonable and likely to be incurred for board maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the amended agreement and order, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment payable by each handler to the Walnut Control Board shall be 0.10 cent per pound of merchantable unshelled walnuts handled or certified for handling and 0.13 cent per pound of shelled walnuts handled or declared for handling by him during said marketing year.

It is hereby found and determined that good cause exists for making this document effective (See section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) upon publication in the FEDERAL REGISTER, instead of waiting 30 days after publication, for the reasons that (1) the regulation should become effective prior to or as soon as practicable after handling of the 1956 walnut crop begins, since it will apply to all operations during that marketing year; (2) the handling of such crop has begun, and (3) compliance with the aforesaid regulation will require no special preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 30, 1956.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 56-9941; Filed, Dec. 4, 1956; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 89]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005, 3923, 4339, 5043, 5435, 5861, 6748, 7051, 7650, 8143), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (xvi) is added to subparagraph (2) of paragraph (d), relating to Burlington County in New Jersey, to read:

(xvi) That part of Pemberton Township lying south of Pointville Road, west of the Fort Dix Military Reservation, north of State Route 530, and east of the Town of Pemberton and the Pemberton Township line.

2. Subdivisions (v) and (vii) of subparagraph (6) of paragraph (d), relating to Hudson County in New Jersey, are deleted.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the following areas in Hudson County, New Jersey, within the areas quarantined because of vesicular exanthema:

Block 125, Lots 1, 2, and 3, in Secaucus Township; and Block 9, Plot 7, known as 57 County Avenue, in Secaucus Township.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will apply to such areas.

The amendment also excludes a certain area in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such area. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 3, 1264, as amended, 1265, as amended; 21 U. S. C. 112–113, 120, 123, 125. Interprets or applies sec. 3, 68 Stat. 510; 21 U. S. C. 111)

Done at Washington, D. C., this 29th day of November 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 56-9943; Filed, Dec. 4, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 9]

PART 406—CERTIFICATION PROCEDURES

ISSUANCE OF CERTIFICATES

Form ACA–115, "Air Navigation Facility Certificate", is no longer used by the Administration to issue lawful authority to operate a true light. Form ACA–114, "Certification and Lawful Authority to Operate a True Light," is now issued for such lawful authority. In addition, a temporary certificate is no longer issued for such lights.

These proposed rules appeared as a Notice of Proposed Rule Making in 21 F. R. 6573 on August 31, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument and consideration has been given all relevant data presented.

Part 406 is amended as follows:

§ 406.17 *Air navigation certificate and notices.* The following air navigation certificate will be issued by the Administrator to qualified applicants. In addition, the following air navigation notices are required for the construction or alteration of certain structures and landing areas.

(a) *Authorization to operate true light*—(1) *Purpose.* Upon certification by an applicant that a light will be established, maintained and operated as an aid to air navigation in accordance with the applicable requirements of the Administration, the Administrator will issue an authorization to the applicant authorizing him to operate such light as a "true light."

(2) *Application.* The application shall be submitted on Form ACA–114, "Certification and Lawful Authority to Operate a True Light."

(b) *Notice of construction or alteration*—(1) *Purpose.* The purpose of this notice is to advise the Administrator of the construction or alteration of certain structures and landing areas along or near civil airways for which a notice is required under Part 625 of this chapter.

(2) *Submittal of notice.* Notice shall be submitted to the Administrator in accordance with the provisions of Part 625 of this chapter on Form ACA–117, "Notice of Construction or Alteration."

This amendment shall become effective on January 1, 1957.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 309, 602–609, 901, 1001–1009, 52 Stat. 1008–1011, 1015, 1017–1025, as amended, sec. 3, 62 Stat. 1217; 49 U. S. C. 552–559, 621, 641–649, 459)

[SEAL] JAMES T. PYLE,
Acting Administrator, of Civil Aeronautics.

[F. R. Doc. 56-9927; Filed, Dec. 4, 1956; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 10,242]

PART 163—OPERATIONS

FEDERAL INSURANCE RESERVE ACCOUNT; REQUIRED AMOUNTS AND MAINTENANCE

NOVEMBER 30, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), § 163.13 of the rules and regulations for insurance of accounts (24 CFR 163.13) is hereby amended to read as follows, effective December 15, 1956:

§ 163.13 *Required amounts and maintenance of Federal insurance reserve*—(a) *Prior to and at expiration of twenty years from date of insurance.* Each insured institution shall, except as provided in § 163.12, during each of the fiscal years immediately following the date of insurance of its accounts credit to its Federal insurance reserve account an amount equal to at least 5/10 of 1 percent of all insured accounts at the beginning of such fiscal year; and shall build up such reserve account so that, at the closing on the closing date next preceding the stated anniversary of the date of insurance of accounts, such reserve account shall be at least equal to the following percentage of all insured accounts at the beginning of the fiscal year in which such closing date occurs:

1.25 percent at the fifth anniversary.
1.50 percent at the sixth anniversary.
1.75 percent at the seventh anniversary.
2.0 percent at the eighth anniversary.
2.25 percent at the ninth anniversary.
2.50 percent at the tenth anniversary.
2.75 percent at the eleventh anniversary.
3.0 percent at the twelfth anniversary.
3.25 percent at the thirteenth anniversary.
3.50 percent at the fourteenth anniversary.
3.75 percent at the fifteenth anniversary.
4.0 percent at the sixteenth anniversary.
4.25 percent at the seventeenth anniversary.
4.50 percent at the eighteenth anniversary.
4.75 percent at the nineteenth anniversary.

Provided, That if at any such time the amount of the Federal insurance reserve account of an insured institution is less than the amount required by the preceding requirements such institution shall credit to such reserve account, at such time and at each closing date thereafter, an amount at least equal to 25 percent of its net income or such part of such 25 percent as may then be sufficient to cause the amount of such reserve account to equal at least the amount required by the requirements of this paragraph, until the amount of such reserve account equals at least the amount required by the requirements of this subsection (but the amount credited during any fiscal year shall be at least equal to 5/10 of 1 percent of all insured accounts at the beginning of such fiscal year): *Provided further,* That credits to the Federal insurance reserve account need not be made under the foregoing provisions of this paragraph at any closing date if, at the closing on such closing date, the Federal insurance reserve account equals or exceeds 5 percent of all insured accounts at the close of business on such closing date: *Provided further,* That, notwithstanding any other provision of this section except paragraph (b), each insured institution shall have a Federal insurance reserve account at least equal to 5 percent of all insured accounts at the beginning of that half of the institution's fiscal year in which occurs the twentieth anniversary of the date of insurance of the institution's accounts. The term "closing date" as used in this section includes any annual, semiannual, or other closing date.

(b) *Earmarking of undivided profits.* If, at the beginning of that half of an insured institution's fiscal year in which occurs the twentieth anniversary of the date of insurance of the institution's accounts, the Federal insurance reserve account of such institution is less than 5 percent but not less than 3 percent of all insured accounts, such institution, for the purpose of the twenty-year requirement, may earmark undivided profits in an amount which, when combined with the the amount in its Federal insurance reserve account, will equal 5 percent of all insured accounts. The funds so earmarked shall be considered a part of the Federal insurance reserve and be subject to all the limitations which apply thereto until such reserve account exclusive of the undivided profits so earmarked equals 5 percent of all insured accounts: *Provided,* That, at the closing of any fiscal year, undivided profits so earmarked may be released from such earmarking to the extent that the aggregate amount of the Federal insurance reserve account and such earmarked undivided profits exceeds the sum of 5 percent of all insured accounts at the close of such fiscal year and 10 percent of the net income of the insured institution for each fiscal year subsequent to the fiscal year in which occurs the twentieth anniversary of the date of insurance of the institution's accounts. References in this paragraph and in paragraph (c) of this section to ear-

marked undivided profits include earmarked undivided profits which were earmarked under prior regulations.

(c) *After expiration of twenty years from date of insurance.* After the fiscal year in which occurs the twentieth anniversary of the date of insurance of its accounts, each insured institution that has a Federal insurance reserve account which, together with any undivided profits earmarked as provided in paragraph (b) of this section, is, at the closing of any fiscal year, equal to at least 5 percent of all insured accounts at the beginning of such fiscal year shall, during such fiscal year, credit from net income, or from surplus or undivided profits not so earmarked, to its Federal insurance reserve account or to other reserve accounts irrevocably established for the sole purpose of absorbing losses, an amount equal to at least (1) 10 percent of its net income or (2) the amount by which the total of such reserve accounts and of nonwithdrawable accounts (as defined in § 161.4), undivided profits, surplus, and reserve for bad debts is, at the close of such fiscal year, less than 12 percent of all insured accounts at the close of such fiscal year: *Provided*, That any such insured institution may reduce the amount of credit required by the foregoing provisions of this sentence during any fiscal year to the extent that the total amount of credits made to such reserve accounts subsequent to the fiscal year in which occurs the twentieth anniversary of the date of insurance of the institution's accounts, but within a period of not more than five years immediately preceding the fiscal year in which such credit is reduced, less the amount of any such earmarked undivided profits released from earmarking during such period, exceeds the requirements of this paragraph exclusive of this proviso, and for the purpose of determining the amount by which the credit required by this sentence may be reduced the requirements of this paragraph, as amended, shall be deemed to have been in effect during the whole of such period. If for any reason the Federal insurance reserve account, together with any undivided profits earmarked pursuant to paragraph (b) of this section, of any insured institution which has passed the twentieth anniversary of the date of insurance of its accounts and which has built up its Federal insurance reserve account (including undivided profits, if any, so earmarked) to an amount equal to at least 5 percent of all insured accounts is, at the closing of any fiscal year, less than an amount equal to 5 percent of all insured accounts at the beginning of such fiscal year, such institution shall either (1) credit to its Federal insurance reserve account, during such fiscal year, an amount equal to at least 25 percent of its net income, or (2) credit to its Federal insurance reserve account, during such fiscal year, an amount at least equal to such part of such 25 percent as may be sufficient to cause the amount of such reserve account (including undivided profits, if any, so earmarked) at the close of such fiscal year to equal at least 5 percent of all insured accounts at the beginning of such fiscal year and (if such fiscal year is after that in which occurs the twentieth anniversary of the date of insurance of its accounts) credit, during such fiscal year, from net income, or from surplus or undivided profits not so earmarked, to the Federal insurance reserve account or to other reserve accounts irrevocably established for the sole purpose of absorbing losses, an amount equal to at least (i) the remainder of such 25 percent, (ii) 10 percent of its net income, or (iii) the amount by which the total of such reserve accounts and of nonwithdrawable accounts (as defined in § 161.4), undivided profits, surplus, and reserve for bad debts is, at the close of such fiscal year, less than 12 percent of all insured accounts at the close of such fiscal year.

(d) *Applicability of this section as amended.* This section as amended by the amendments adopted on July 17, 1956, effective August 21, 1956, and on November 30, 1956, effective December 15, 1956, shall be applicable to all fiscal years ending after December 31, 1956. The provisions of this section in effect prior to August 21, 1956, shall remain in effect with respect to all fiscal years ending on or after August 21, 1956, but prior to January 1, 1957.

(Sec. 402, 48 Stat. 1256, as amended, 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C. 133y-16 note. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

Resolved further that, as this amendment only clarifies the provisions of the section hereby amended, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 108.12 of the general regulations of the Federal Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act, and, as such amendment only clarifies said provisions, deferment of the effective date thereof is not required under section 4 (c) of said act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 56-9945; Filed, Dec. 4, 1956; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

OSAGE RIVER, MISSOURI

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560 governing the operation of drawbridges across the Mississippi River and tributaries where constant attendance of draw tenders is not required is hereby amended prescribing regulations to permit closure of the draws to navigation of the Missouri Pacific Railroad Company and Missouri State Highway bridges over the Osage River near Osage City, Missouri, revising paragraph (g) (9), as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(g) *Ohio River and Upper Mississippi River.* • • •

(9) Osage River, Mo.; Missouri Pacific Railroad Company and Missouri State Highway Commission bridges near Osage City. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

[Regs., November 19, 1956, 823.01 (Osage River, Mo.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, Acting The Adjutant General.*

[F. R. Doc. 56-9926; Filed, Dec. 4, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1011]

[Docket No. AO-277]

IRISH POTATOES GROWN IN NEW JERSEY

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Hightstown, New Jersey, on May 21–25, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 2631) upon proposed Marketing Agreement No. 129 and proposed Order No. 111 regulating the handling of Irish potatoes grown in New Jersey.

Upon the basis of the evidence introduced at the aforesaid hearing and record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on October 5, 1956, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written

exception thereto was published October 10, 1956, in the FEDERAL REGISTER (21 F. R. 7723). No exceptions to the recommended decision were filed.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(2) The existence of the right to exercise Federal jurisdiction;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the committee to incur expenses and to levy assessments on potatoes handled;

(d) The authority for establishment of potato marketing research and development projects;

(e) The authority for limiting the grade, size, and quality of potatoes which may be handled under the marketing agreement and order;

(f) The authority for establishing minimum standards of quality and maturity;

(g) The authority for special regulations to be made applicable to the handling of potatoes for specified outlets which may be handled under special regulations that are modifications of, or amendments to, grade, size, and quality regulations;

(h) The necessity for inspection and certification of potatoes being handled pursuant to the marketing agreement and order;

(i) The relaxation of regulation in hardship cases and the methods and procedures applicable thereto;

(j) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(k) Additional terms and conditions as set forth in §§ 1011.70 through 1011.91, as published in the FEDERAL REGISTER (21 F. R. 2631) on April 24, 1956, which are common to marketing agreements and marketing orders.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) Prices of Irish potatoes grown in the State of New Jersey have fluctuated widely during the past six years, reflecting disorderly marketing conditions that have adversely affected growers' returns. In addition, during the same period the New Jersey potato industry has lost markets steadily to competing areas. This trend is reflected in the potato acreage and production in New Jersey which has decreased steadily from 1949 to 1955. Since 1949 the potato acreage has decreased from 41,000 acres to approximately 23,000 acres in 1955. Prior to 1949 New Jersey potato acreage had dropped from 69,000 acres in 1945 to 41,000 in 1949. Farm prices for New Jersey potatoes averaged $1.27 per bushel in 1949 and $0.80 per bushel during the 1955 season. For the other seasons, the average farm price received by New Jersey potato growers fluctuated as follows: 1950 season—$0.82 per bushel; 1951 season—$1.11 per bushel; 1952 season—$2.30 per bushel; 1953 season—$0.84 per bushel; and 1954 season—$1.17 per bushel. These farm prices reflected the following percentages of the applicable equivalent parity prices for such potatoes: 1949 season—76 percent; 1950 season—49 percent; 1951 season—65 percent; 1952 season—151 percent; 1953 season—56 percent; 1954 season—81 percent; and 1955 season—59 percent.

New Jersey potato growers are concerned with the increasing competition and losses of markets previously enjoyed by that industry. The bulk of the New Jersey potato crop is marketed during a very short season of approximately six weeks during July and August. During this period New Jersey potatoes are in competition in both interstate and intrastate markets with commercially-produced potatoes from Delaware, Long Island, and Pennsylvania and with non-commercial, home-grown potatoes. The quantity of potatoes marketed during any given period by New Jersey producers or handlers has a direct effect upon the prices of all potatoes, and particularly the price which New Jersey growers receive for their crop.

Whenever there is a surplus of potatoes in a particular market, whether interstate or intrastate, any additional supply of such commodity received on that market has a depressing effect on the price of potatoes therein. In such a situation, if only the better grades, sizes, and qualities of New Jersey potatoes are permitted to move to such market, the depressing effect on New Jersey potato prices could be minimized.

The principal factor contributing to the reduced market for, and the disorderly marketing conditions with respect to New Jersey potatoes is the inferior packs which have been marketed during the past several years. Grades and sizes of New Jersey potatoes are not uniform within packs; and inferior grades and sizes are often included. This lack of uniformity in the New Jersey packs results from the common practice of growers grading and packing potatoes according to their own conceptions of the quality and size composition of the United States official potato grades. The usual packs sold by the New Jersey potato industry are referred to, in the industry, as "number ones" and "number twos" or "seconds." The "number ones" are run over a 1⅞ inch screen; and the "seconds" are the smaller sizes—1½ to 1⅞ inches minimum diameter—which fall through such screen. Also, some potatoes are picked out of both packs because of defects, such as cuts, sunburn, decay, scab, etc. These potatoes are referred to as culls or pick-outs. The "number ones" are generally considered equivalent in quality and size to U. S. No. 1 potatoes by most of the industry. However, less than 5 percent of the New Jersey crop in 1955 was actually certified by the Federal-State Inspection Service as meeting any United States official grade.

The bulk of the New Jersey potato crop which is so graded and packed is sold through shipping point dealers or handlers. Such handlers sell the potatoes and usually arrange for their transportation and delivery to the buyer. The dealers, however, do not have assurance of the actual grade, size, and quality of the potatoes they handle. Because of this fact, it has been the practice for dealers to look to the grower for any adjustments in the selling prices of potatoes involved in disputes by buyers concerning the grade, size, or quality of the produce. Mandatory inspection under the marketing agreement and order of all regulated New Jersey potato shipments made thereunder would assure both handlers and buyers of the grade, size, and quality of the potatoes being handled, and would thus minimize the necessity for adjustments at destination. This would tend to promote more orderly marketing conditions for New Jersey potatoes, and growers' returns would be increased accordingly.

Long Island potatoes usually command a premium over New Jersey potatoes. During the 1950 and 1951 seasons, however, the handling of New Jersey potatoes was regulated under a marketing agreement and order (Order No. 98) program. During the 1950 season, about 75 percent of the New Jersey crop was sold to the government under a price support program. The remainder, sold in commercial channels, was packed under grade and size regulations and returned to New Jersey growers higher prices than potatoes sold by nearby competing producing areas. After June 30, 1951, the price support program was not in effect. Grade and size regulations were continued under the marketing agreement and order program, and the 1951 New Jersey crop was sold in commercial channels. For the second consecutive year, New Jersey potatoes brought higher returns than those produced in such competing areas. During 1952, although New Jersey potato returns were high, the marketing agreement and order was terminated, and Long Island regained its advantage over New Jersey, which usually averaged about 15 cents per hundredweight, but which ranged as much as 50 cents per hundredweight higher on some days. Distribution of the New Jersey potato crop during 1951 was wider than in 1952, and demand for such commodity in most States was greater than in 1952. The evidence discloses that during the years New Jersey

MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended

FEDERAL REGISTER (21 F. R. 2631) upon proposed Marketing Agreement No. 129 and proposed Order No. 111 regulating

decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written

ing disorderly marketing conditions that

and "number twos" or "seconds." The

closes that during the years New Jersey

operated under the marketing agreement and order program, prices received by New Jersey potato growers were increased.

Certain grades and sizes of potatoes return higher prices to growers than other grades and sizes. For example, "number ones" return higher prices than "seconds" and other potatoes, lower in quality and smaller in size, commonly referred to in trade parlance as "culls" or "pickouts." The market for "seconds" is rather limited. Some are sold to truckers, and local or nearby markets; and other outlets for "seconds" are canning and livestock feed. During 1955 "seconds" usually averaged one-third the price of the "number ones" and brought about 30 cents per hundredweight irrespective of their final use (e. g., as table stock, or for canning or livestock feed.) This price returned growers only harvesting and packing costs for such potatoes.

"Pickouts" from New Jersey frequently find their way into commercial channels where they are generally sold at a discount. The sale of "pickouts" thus not only returns discounted prices to growers, but also brings discredit to the reputation of New Jersey potatoes thereby adversely affecting prices received therefor. Prices for New Jersey potatoes marketed and total returns for New Jersey potato growers could be enhanced by prohibiting the shipment of such poor quality potatoes in commercial channels.

The orderly marketing of Irish potatoes grown in New Jersey has been disrupted by reason of the shipment of certain grades, sizes, and qualities of such potatoes which have adversely affected price returns to potato producers. The marketing agreement and order are necessary to authorize regulations governing the sale and transportation of Irish potatoes grown in New Jersey so that more orderly marketing conditions for such potatoes may be established and maintained. The establishment of orderly marketing conditions through a marketing agreement and order and regulations thereunder would tend to establish parity prices for Irish potatoes grown in the State of New Jersey. A marketing agreement and order authorizing regulation for the handling of New Jersey potatoes will assist the New Jersey potato industry in establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for Irish potatoes grown in the production area which will effectuate such orderly marketing of such potatoes as will be in the public interest. The marketing agreement and order, as hereinafter set forth, will tend to promote orderly marketing of New Jersey potatoes. The operation of the marketing agreement and order will tend to establish and maintain such orderly marketing conditions for New Jersey potatoes as will establish parity prices of such potatoes.

(2) All handling of Irish potatoes grown in New Jersey is either in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. The bulk of the New Jersey potatoes moves to markets located outside of New Jersey. The Southern States constitute the principal market for such potatoes. New Jersey and nearby areas, which include Pennsylvania and New York State, are next in importance followed by the North Central States. A small percentage of the New Jersey potato crop moves into New England.

New Jersey potatoes are in competition principally with potatoes grown in Pennsylvania, Long Island, and Delaware. However, the shipping period for New Jersey coincides with that of several other commercial producing areas, including the Central and Western States. Also, potatoes from these competing areas are sold in New Jersey at the same time New Jersey potatoes are moving to market. Daily reports submitted to the New Jersey Department of Agriculture by most dealers operating in New Jersey indicate that 2.4 percent of their shipments in 1955 were destined for New England; 20.2 percent for New Jersey, New York, and Pennsylvania; 18.9 percent for the North Central States and 43.7 percent for Southern States. Only 3.6 percent of their shipments was destined for New Jersey markets. However, there are additional shipments of New Jersey potatoes sold within New Jersey, which are not included in the daily reports by the dealers. Many of these shipments are made by growers to the farmer's markets in Camden and Trenton, New Jersey, or sold directly to roadside stands located within the State. Other shipments are sold through truckers who make their purchases at the farms and may sell the potatoes within the State or may dispose of them outside the State.

Some of the reported shipments to nearby areas may also be consumed within the State. Some chain stores have warehouses located within New Jersey which service their New Jersey and out-of-State retail stores. When a load of New Jersey potatoes is shipped to such a warehouse, the shipper at the time of shipment does not know whether these potatoes will be disposed of within New Jersey or delivered to the out-of-State stores. Also, sales at the farmer's markets and sales in wholesale lots at roadside stands may eventually be shipped in interstate commerce for disposition.

The demand for "seconds" and "pickouts" is not confined to the State of New Jersey. Many of these potatoes are offered on consignment in the Philadelphia market. Others are purchased by itinerant truckers, and, in most cases, the destinations of such potatoes are unknown to the grower at the time of sale. Others move into the current of interstate commerce through roadside stands. While these roadside stands are primarily retail outlets for fruits and vegetables, many such stands wholesale potatoes.

The sale and movement of potatoes grown within the State of New Jersey are directly related whether such sale or such movement is within the State or to points outside thereof, and there is no differentiation in prices for potatoes of similar quality merely due to destination. According to the evidence if the marketing agreement and order regulated only interstate and foreign commerce in New Jersey potatoes the unregulated sale and movement of such potatoes within the State would displace regulated potatoes thereby channeling these additional potatoes into interstate and foreign commerce, which could be a burden, and have a direct adverse effect, on interstate and foreign commerce in New Jersey potatoes.

Shipments of New Jersey potatoes to markets within the State and to markets outside thereof are inextricably intermingled, and it is concluded that it is impractical to effectively regulate the handling of New Jersey potatoes in interstate and foreign commerce without regulating all handling of such commodity.

(3) It is necessary to define the certain terms used in the marketing agreement and order, so their applicability and meaning may be established and to preclude the necessity for redefining such terms when they are later used therein.

The term "potatoes" as used in the marketing agreement and order identifies the agricultural commodity involved, and distinguishes it from other agricultural commodities such as sweet potatoes. The term "potatoes" should be defined to mean all varieties of Irish potatoes which are commonly referred to as such in the production area as hereafter defined. Potatoes are a major agricultural crop grown by farmers in the production area. Reference to "potatoes" has a common and specific meaning for all growers and handlers in the production area. The definition of potatoes as set forth in the marketing agreement and order establishes the identity of the agricultural commodity for which regulation is authorized. This definition establishes the commodity with respect to which handling activities related thereto are subject to the authority of the marketing agreement and order.

The term "production area" as defined in the marketing agreement and order specifies the area in which potatoes must be grown before the handling thereof is subject to regulation. Potatoes are produced for market in all regions of New Jersey. Production, harvesting, and marketing conditions, are generally the same throughout the State. The same varieties are grown throughout the State and potatoes from each region thereof compete in the same markets both within and outside of New Jersey during each season. Exclusion of any portion of the State of New Jersey from the production area would divide a known potato producing section of the United States. All territory included within the boundaries of the State of New Jersey constitutes the smallest regional production area that is practicable consistently with carrying out the declared policy of the act. The term "production area" should, therefore, be defined as hereinafter set forth.

(4) The definition of "handler," which is synonymous with "shipper," is incorporated in the marketing agreement and order as the impact of regulation is upon handlers. This term should have a broad, comprehensive meaning and should include all persons (except common or contract carriers of potatoes owned by others) responsible in any way as principals or agents in the sale or transportation of potatoes. The exception should be made for common and contract carriers for the reason that these agencies transport potatoes for a monetary consideration and do not have a proprietary or agency interest in the commodity.

As a general rule, growers in New Jersey grade and pack their own potatoes. These operations are usually performed by contract labor crews under the direction of the grower on the farm where the potatoes are grown. Arrangements for sale of the potatoes may be consummated by the grower prior to the grading and packing operations or subsequent thereto. Some growers sell their potatoes: through recognized local dealers or through commission merchants operating in nearby terminal markets; directly to itinerant truckers; on farmers' markers and auction markets located in the production area or in nearby out-of-state areas; or to retailers or institutional users of potatoes. The greater part of these sales is made through local dealers who usually sell the potatoes for the account of the grower for a stipulated fee per unit.

The dealer usually arranges for the transportation of the potatoes from the grower's grading shed to destination, however, growers also haul potatoes from the farm directly to market or to a loading point for further movement to market. Such hauling is usually done in trucks owned by the grower. In other instances growers hire common or contract carriers to move the potatoes.

A grower should be deemed to be a handler whenever he sells potatoes, except sales made through a recognized dealer located within the production area, or whenever he transports potatoes except for the purpose of grading or storing the potatoes within the production area. The potatoes so sold directly by the grower have already been graded or packed either to the grower's specifications, or those of the buyer, and nothing further remains to be done to them prior to their being sold or marketed without any intervening agency. In a sale by a grower through a local dealer, the dealer should be considered the handler since he is responsible for negotiating and consummating the sale with the buyer and is usually responsible for the arrangement of transportation of the potatoes from the farm to destination. Since the dealer actually concludes the sale he should be required to assume the responsibility fully of ascertaining the grade, size, and quality of the potatoes he is selling; and dealers testified willingness to accept such responsibility. In some cases a dealer may operate central packing sheds and buy ungraded potatoes from growers. Such dealer grades and otherwise prepares the potatoes for market and performs the other functions of the dealer. Such dealers should similarly be deemed the handlers of the potatoes. The itinerant trucker who buys potatoes from a handler, regardless of whether such person is also the grower of the potatoes, and thereafter sells or transports them should also be considered as a handler since he is performing the handler activities.

Definition of "ship" or "handle" is incorporated in the marketing agreement and order to indicate particular phases of potato marketing and the specific activities which are to be subject to regulation under the marketing agreement and order. With respect to the marketing agreement and order the shipping or handling of potatoes includes the movement of potatoes from the end of the grader to a car or truck and the loading thereof, the transportation of such potatoes (whether or not to market), and the sale of such potatoes. The definition also includes all of these activities which may be carried on with respect to any and all regraded, resorted, or repacked potatoes.

New Jersey potatoes generally, are sorted, graded, and otherwise prepared for market on the farm where grown. Such preparation for market, including the packing of potatoes in bags or other containers, is done by, or under the direction of, the grower. In the counties comprising District No. 3 of the production area (as such district is described in the marketing agreement and order), central packing is a common practice. Ungraded potatoes are hauled, usually in growers' trucks, from the field where grown to central packing sheds operated by local dealers. Such dealers perform, or supervise, the actual grading and other preparation of the potatoes for market. The potatoes which are so hauled to the central packing sheds are sold to the dealers who pay the growers on a pack-out basis. The dealers own the potatoes and sell, or otherwise handle them, as their own property.

The movement of ungraded potatoes from the field where grown to market and the sale of such potatoes in a field-run condition are not a common practice in New Jersey. However, because of the proximity of the production area to large consuming centers, and the easy access which growers and handlers have to such markets, such movement and sale could take place. Should this occur the movement of ungraded potatoes from a grower's field or from any other point, to market for sale in commercial channels in their ungraded form, as well as the actual sale thereof, should be considered as being within the definition of ship or handle. This should be so since such potatoes were not previously prepared for market as such preparation was not considered necessary as a preliminary thereto by the person transporting the potatoes to market or selling them. To exclude such handling from regulation could destroy the effectiveness of the marketing agreement and order program.

The movement of potatoes to a grading shed in the production area where such potatoes are graded and otherwise prepared for market is the usual and common practice in New Jersey. It is not necessary to require that such potatoes, before they move to the grading shed, meet grade and size regulations which may be in effect. The movement of potatoes to storage where they will subsequently be graded and otherwise prepared for market should similarly not be required to comply with current grade and size regulations. The practice in New Jersey with respect to potatoes that are so moved to storage is to have the potatoes graded and otherwise prepared for market before they are handled. Such exceptions from regulation, however, should be limited to the movement of the potatoes to packing sheds and storage located within the State. To permit the movement of potatoes for such purposes to points outside of New Jersey would remove them from the control of the New Jersey Potato Committee (hereinafter described as the administrative agency for the marketing agreement and order), and could make it virtually impossible for the committee to ascertain whether any such potatoes complied with current grade and size regulations at the time the potatoes are marketed or moved to market. Therefore, the movement of ungraded potatoes within the production area for grading or storage therein should not be included in the definition of the terms "ship" and "handle."

(5) (a) The definitions of "Secretary," "act," and "person," as set forth in the notice of hearing, were not in controversy at the hearing. These terms are used in marketing agreements and marketing orders effective under the statute, and indicate the officials of the Department of Agriculture who may exercise authority under the marketing agreement and order, the official citation of the legal authority for the program, and the identity of the individuals and others embraced within the meaning of the term "person." The use of such terms in the marketing agreement and order is essential to the basic framework thereof.

"Producer" should be defined to mean any person who is engaged in the production of potatoes within the production area and who is producing such potatoes for market. The definition of the term producer is necessary for appropriate determinations as to eligibility for exemptions under the marketing agreement and order to vote for and to serve as a producer member or alternate on the New Jersey Potato Committee and for other reasons. The term should be limited to those persons who have an ownership interest in the potatoes produced. It should not include laborers or others who perform work, for a fee or for hire, in producing the potatoes.

"Fiscal period" should be defined to mean the period beginning and ending on the dates as recommended by the committee and approved by the Secretary. This definition provides authority for the committee and the Secretary to set the beginning of a fiscal period relatively close to the opening of a marketing season so that a minimum of expenses may be incurred by the committee prior to receipt of revenue from current shipments to cover such expenses. There is a definite break in shipments between one potato marketing season and another in the State of New Jersey and no difficulty should be encountered in establishing the beginning of one marketing year and the close of another. Such flexibility should facilitate operations under the marketing agreement and order.

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bility should facilitate operations under the marketing agreement and order.

The definition of "committee" is incorporated in the marketing agreement and order to identify the administrative agency responsible for assisting in the administration of the program. Committee means the New Jersey Potato Committee as authorized by the act and which is necessary and incidental to the operation of the marketing agreement and order.

The term "varieties" is defined in the marketing agreement and order so that the committee and the Secretary may give consideration to differences in the characteristics of different varieties of potatoes and differences in regulations which could be recommended and made effective therefor. The bulk of the potatoes produced in New Jersey falls within the general group known as the round white varieties. However, a great deal of experimental and research work is being conducted at the present time with respect to new varieties. Evidence indicates that it is possible that a long white variety may become adaptable for New Jersey. Differences by groups or varieties should be recognized by the committee and the Secretary in their deliberations and the marketing agreement and order should authorize different regulations for different varieties when necessary. It is particularly important, especially in the development of any new variety, that the marketing agreement and order should contain authority to provide special treatment such as freedom from regulation or minimal regulation for such variety. The meaning set forth in the definition of the term "varieties" is appropriate for determining different varieties of potatoes as grown in the production area.

Definitions of "seed potatoes" or "seed" and "table stock potatoes," are incorporated in the marketing agreement and order because regulations are authorized under certain circumstances for each. The term "seed potatoes" or "seed" should be defined to include such potatoes as are certified, tagged, or otherwise appropriately identified as such by the official seed certifying agency of the State of New Jersey. Table stock potatoes should be defined as all potatoes other than seed potatoes. Hence, the total of the table stock and seed potatoes will equal potatoes, to be covered by the marketing agreement and order. Special regulations for seed potatoes should be authorized because such potatoes are produced for a specialized use (i. e., planting) and the demands of the table stock market differ in some respects from those on the seed market. For example, potatoes of the small sizes ordinarily are discounted in the table stock market, while they may bring a premium in the seed market if they are seed potatoes.

"Pack" should be defined as a basis of distinguishing the various shipping units in which potatoes are packaged, as well as the contents of the packages in terms of the quantity of potatoes and the grade and size thereof. The term "pack" is commonly used throughout the New Jersey potato industry and refers to one or more of the combinations of factors relating to the grade and size of particular containers of potatoes and to the size and type of the container. For example, "number ones" and "seconds" are referred to as specific packs. Differences in packs are also recognized by the size of the package. For example, potatoes in ten pound bags often are referred to as a 10-pound pack. It is essential that such differentiation should be authorized in the marketing agreement and order so that appropriate regulations tailored to the particular pack involved, and the market demands therefor, may be made effective and thereby tend to achieve the declared policy of the act. The definition for the term "pack" should, therefore, be set forth in the marketing agreement and order.

Definitions of "grade" and "size," are incorporated in the marketing agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalent of the meanings assigned these terms in (i) the official standards for potatoes (7 CFR 51.1540–51.1559, and 51.1575–51.1587) issued by the United States Department of Agriculture, (ii) the State of New Jersey Standards for White Potatoes issued by the appropriate authority in the production area, or (iii) modifications of, or amendments to, any such standards or variations based thereon. Regulations under the marketing agreement and order may then use such terms (i. e., grade and size) with the constant meaning assigned thereto by such standards or by such modified or amended standards; or such regulations may vary such terms by prescribing, for example, a percentage of a grade. Official inspectors are qualified to certify grades and sizes of potatoes grown in the production area in terms of any of the aforesaid standards, or modifications, amendments, or variations thereof.

"Grading" and "preparation for market," are synonymous in the marketing agreement and order and mean the sorting of potatoes by hand or mechanical means, or both, into grade, quality, or size classifications. New Jersey potatoes are currently sorted into some such classifications, e. g., "number ones," "seconds," and "pickouts." Grading is usually a mechanical operation whereby potatoes are carried by a mechanical conveyor over a series of moving screens and tables where sizes are determined and good quality, as represented by preferred grades and sizes or both, is sorted from the poor, so the potatoes which are to go to preferred price outlets are separated from those going to lower price outlets. This grading or preparation for market is an operation which applies to all potatoes grown in the production area even though the extent to which the potatoes are sorted may vary considerably according to the types of outlets. The definition of grading or preparation for market should also mean the sorting or preparation of potatoes into grades and sizes by any means, including any repacking, regrading, or resorting of potatoes which may have been previously prepared for marketing. The definition should be as set forth in the marketing agreement and order.

The definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipments than for domestic shipments. Export markets may have requirements which differ from the domestic market and special regulations are justified. Export should be defined to include all shipments of potatoes outside the continental United States.

"District" should be defined in the marketing agreement and order as referring to each of the geographical divisions of the production area, as initially established, or as later reestablished, in order to provide a basis for the nomination and selection of committee members and alternates and for regulatory purposes.

(b) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee called the New Jersey Potato Committee composed of twelve members. Establishment of this committee is necessary to aid the Secretary in carrying out the declared policy of the act. Such committee is authorized by the act. The membership also gives potato producers and handlers in the production area a fair and equitable representation on the committee. Committee membership of eight producers and four handlers is equitable and practical. Evidence supports the findings that this plan of representation has received intensive study by the industry and after thorough consideration such division of responsibility between producers and handlers is appropriate.

Provision is made for an alternate for each member of the committee. Circumstances may arise when it is impossible for a member or members to attend particular meetings of the committee or where positions are vacant because of resignations or for other reasons. In such situations it is desirable for the respective alternates to serve in lieu of the members so that there will be no interruption of committee operations and to assure producers and handlers in all districts of the production area representation in the conduct of all committee business. Also, alternates could relieve members by performing other assigned tasks necessary for administration of the program. Such alternates should have the same qualifications as the members in order that the interest of all producers and handlers will be adequately considered at all times in the administration of the marketing agreement and order.

A quorum of the New Jersey Potato Committee should consist of eight members and eight concurring votes should be necessary for passing any motion or approving any action of the committee. Such quorum and voting requirements, constituting a minimum of two-thirds of the membership are deemed reasonable and adequate. The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine it would be unreasonable to call

for an assembled meeting, or when rapid action is necessary because of an emergency. Votes cast at other than assembled meetings should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person, so as to preclude the obtaining of telephone or other types of votes from members or alternates who did not participate in the assembled meeting deliberations.

Each member and alternate selected to represent producers in a particular district should be a producer of potatoes, or an officer or employee of a corporate producer or other type of business unit engaged in producing potatoes, in such district and also be a resident thereof. Persons with such qualifications will be acquainted with the particular problems of producing and marketing potatoes in such district and for that reason can be expected to reflect the views, problems, and economic conditions of producers in such district with respect to committee actions. Each member and alternate representing handlers should be a person who is a handler or who is an officer or employee of a corporate handler or other type of business unit engaged in the handling of potatoes in the State of New Jersey and a resident thereof. Handler representation should be by New Jersey handlers irrespective of the district or districts in which they operate so that they will have the requisite background knowledge and current information relative to the marketing of New Jersey potatoes. Such knowledge and information will enable them to advise the committee with respect to regulations that will most effectively carry out the objectives of the marketing agreement and order and the act. Handler representatives should also be residents of the State in order that they will be readily available for committee meetings, and will have by reason of such residence a direct interest in the problems of marketing potatoes grown in New Jersey.

The selection of committee members and alternates on the basis of districts, as set forth in the marketing agreement and order, provides a practicable and equitable manner of representation. The geographical basis for the extent and selection of the committee membership is related to the acreage and production of potatoes within the production area so that such selection thereby provides an equitable basis for committee representation.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within ten days after notification of appointment so that the composition of the committee will not be unduly delayed. This requirement is necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to indicate his willingness and intention to serve on the committee.

The term of office of committee members and alternates under the proposed program should be for two years beginning on May 1 and ending April 30. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for two years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of marketing season and hence allow adequate time for the committee to organize and start operating.

Provision is made in the marketing agreement and order for staggered terms of office of committee members and alternates. Under this provision one-half of the committee in office on April 30 of each year will continue in office until the next year. The establishment of such staggered terms will provide for more efficient administration of the program in that members and alternates constituting the new half of the committee membership will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the marketing agreement and order. Such continuity is an essential ingredient in the successful administration of the marketing agreement and order.

The terms of office of one-half of the initial committee members and alternates shall be for one year, and of the remainder for two years so that one-half of the total committee membership will terminate at the end of each year. This will facilitate the establishment of staggered terms of office as provided in the marketing agreement and order. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act because such powers are authorized to be granted by the enabling statutory authority. They are necessary so that an agency of the character set forth in the marketing agreement and order can function. The duties established for the committee are generally similar to those specified for administrative agencies under other marketing agreements and marketing orders of this character. These duties should enable the members and alternates of the committee to undertake or perform such activities as may be necessary for the committee to carry out its responsibilities prescribed in the marketing agreement and order. The committee's duties as set forth in the marketing agreement and order are necessary for the discharge of its responsibilities. It should be recognized that these specified duties are not necessarily all inclusive in that there may be other duties which are incidental to and not inconsistent with the terms and conditions of the marketing agreement and order which the committee may need to perform in connection with its operations thereunder.

Committee members and alternates should be reimbursed for reasonable expenses necessarily incurred when they are engaged in committee business. These expenses should be paid because it would be unfair for committee members and alternates, who are to serve on the committee without compensation, in the interest of the industry, to be required to bear such expenses, in addition to the time lost in their business.

Districts are established to provide a basis for the selection of committee membership. It is practical and equitable that selection of committee members and alternates should be on the basis of districts as provided for in the marketing agreement and order. This would provide the geographical basis, as previously discussed, for the selection and representation of such members. The districts as set forth in the marketing agreement and order constitute what are generally known and recognized by the industry as major growing sections within the production area, and such districts represent the best basis which could be devised at this time for providing a fair, adequate and equitable representation on the committee.

A provision for redistricting is necessary so as to enable the committee to consider from time to time when the basis for representation has changed or could be improved and how such improvement should be made. The guides as set forth in the marketing agreement and order which the committee and the Secretary should keep in mind in considering redistricting are appropriate and desirable points of reference upon which the committee and the Secretary should base recommendations and action. The marketing agreement and order should therefore authorize redistricting.

A nomination procedure is provided in the marketing agreement and order to assure the Secretary that the names of appropriate prospective members and alternates will be brought to his attention. The nomination of prospective producer members and alternates by producers at producer meetings in their respective districts and of prospective handler members and alternates at handler meetings is a practical method of providing the Secretary with names of such members and alternates. Such procedure will insure that the Secretary has available a list of nominees whose qualifications have been reviewed, and acted upon, by members of the industry.

Nomination meetings for the purpose of nominating members of the committee and their alternates shall be held or caused to be held by the committee prior to March 1 of each year. Such date will provide the committee with adequate time to prepare and submit a nominee list to the Secretary in time for the Secretary to select the members and alternates to take office on May 1 as provided for in the marketing agreement and order. Such meetings may be held by the committee, or by persons or organizations requested by the committee to hold such meetings.

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duties which are incidental to and not inconsistent with the terms and condi-

quested by the committee to hold such meetings.

At least two nominees should be designated for each position as member, and each position as alternate member, which is vacant or which will become vacant the following April 30, so that the Secretary will have a choice in making his selection, and, in the event the selectee declines to serve, the Secretary will have the names of prospective members or alternates from which to make another appointment.

Nominee lists should be supplied to the Secretary in the manner and form prescribed by him to establish administrative uniformity in the handling of such matters. Such nominations should be presented to the Secretary by March 31 of each year so that the selection of the members and alternates for the new term of office which begins May 1 may be made prior to such date.

The marketing agreement and order provide that only producers shall participate in designating nominees for producer members and alternates and only handlers in designating handler members and their alternates. This is necessary to insure that the interest of each group is properly safeguarded and that the nominees truly reflect the choices of each group. If a person is both a producer and a handler he may vote either as a producer or as a handler by electing the group with which he wishes to participate. Such person may not vote both as a producer and a handler because to do so would enable him to participate in nominations to greater degree than persons who are only producers or only handlers.

A producer or handler should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates regardless of the number of districts in which he produces or handles potatoes. Voting on any other basis would not provide equitable participation or representation. If a producer or handler could cast more than one vote by reason of operating in more than one district such producer or handler would have an advantage in selecting nominees over producers or handlers operating in only one district. Likewise, if more than one vote was permitted, producers or handlers could dominate the elections and nominate the producers and handlers not favored by a majority of producers or of handlers.

A producer who operates in more than one district should be permitted to elect from among the districts in which he produces potatoes the district in which he may vote in order that he may cast his ballot for nominees for committee members and alternates where he believes his main interest lies. The one vote limitation applies to any one position at a nomination meeting. Each producer or handler is allowed one vote for each such position as a committee member and each such position as a committee alternate which is to be filled.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order the Secretary should be allowed to select committee members and alternates without regard to nominations if the committee for some reason should fail to comply with the nomination procedure prescribed therein. Such selection, however, should be on the basis of the representation provided in the marketing agreement and order to insure that all producers and handlers in the production area are fairly and adequately represented on the committee.

Provision should be made for the Secretary to fill any committee vacancy in order to maintain continuity of committee operations. The marketing agreement and order provide several procedures which may be followed by the Secretary in filling such vacancies. This is desirable so that the Secretary will not be forestalled in filling vacancies and so that he may have available adequate means of obtaining the names of qualified persons to fill such vacancies. The Secretary should have authority to select persons to fill committee vacancies from nominations made at meetings of producers or handlers. It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies by reference to nominees on the current nominee list without regard to nominations whenever meetings for such purpose are not conducted. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary should have this authority in order to maintain continuity of committee membership and operations and to assure that all producers and handlers in the production area are adequately represented in the conduct of committee business.

(c) The committee should be required to prepare a budget of expenses at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the marketing agreement and order. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. This will furnish the Secretary with adequate data and information concerning the committee's proposed activities and enable him to determine whether the proposed expenses, and related rate of assessment, are reasonable and likely to be incurred by the committee in carrying out its duties and functions under the marketing agreement and order.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of reasonable expenses by administrative agencies, such as the committee, and the statute also requires that each order issued pursuant to the act shall contain provisions requiring handlers to pay their pro rata share of the necessary expenses.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a specified fiscal period and the total quantity of potatoes so handled by all handlers during the same fiscal period; and such proration of expenses will be equitable among handlers. Since the first handler usually applies for inspection, such handler will be the person who is to pay the assessment. For potatoes which are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the potatoes and should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on potatoes that are handled more than once; and handlers will be able to arrange their operations accordingly. The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act.

At any time during or subsequent to a given fiscal period the committee should be authorized to recommend the approval of an amended budget and to recommend the fixing of an increased rate of assessment to balance the revenues and necessary committee expenses for such period. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets, and, if he finds that the then current rate of assessment is insufficient to cover committee expenses and permit proper administration of the marketing agreement and order, he should be authorized to increase the rate of assessment. So as to avoid inequities, the marketing agreement and order should provide that such increased rate of assessment shall be applied retroactively to all potatoes handled by first handlers during the specified fiscal period.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administering the provisions of the marketing agreement and order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration may be subject to inspection at any time by the Secretary. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible, should the Secretary at any time ask for such an accounting.

Whenever any person ceases to be a member or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible and to

deliver such funds, property, and other assets to such successor as directed by the Secretary. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the successor the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

If the committee were to recommend that the operation of the marketing agreement and order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period with respect to records, funds, and other property. This provides a feasible means whereby the committee's business affairs may be taken care of during periods of relative inactivity with a minimum of expense to the industry and to the Secretary.

The committee should provide periodic reports on its fiscal operations. Audit reports may be requested by the Secretary at appropriate times (such as at the end of each marketing season or at such other times as may be necessary) to maintain appropriate supervision and control of the committee's affairs.

Handlers should be entitled to a proportionate refund of any excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season. Whenever a handler demands payment of any such credit, the proportionate refund should be paid to him.

When the committee is required to wind up its affairs, upon termination of the marketing agreement and order, considerable expense may be involved in the liquidation process. It is appropriate, therefore, in order to meet the expenses of such liquidation that some of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation of the committee in the event that the marketing agreement and order are terminated and would, to the extent practical, spread the cost of liquidation on an equitable basis among handlers during the entire period the program was in effect. However, any funds not required for such liquidation should, to the extent practical, be returned on a pro rata basis to all persons who contributed to the reserve.

(d) Information relative to the marketing and distribution of New Jersey potatoes could be helpful to improve consumer acceptance. In addition, marketing research and development projects or studies relative to the development of new and different food products from New Jersey potatoes or the development of industrial uses for such potatoes could improve market outlets for New Jersey potatoes. The establishment or providing for the establishment for marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes is authorized by the act. The committee should have this authority, therefore, to establish the requisite projects.

The committee oftentimes may be limited in carrying out such research and development projects due to the lack of facilities and trained technicians. However, universities and other agencies have the facilities and the personnel trained to conduct, classify, and interpret such projects. The committee should have the authority to utilize such facilities and personnel to assist it in carrying out proper marketing research and development projects. However, all such projects should receive the prior approval of the Secretary to assure their appropriateness and the proper expenditure of funds therefor.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate such orderly marketing of potatoes as will be in the public interest. The regulation of shipments of potatoes by grade, size, quality, or maturity, or any combination thereof, as authorized in the marketing agreement and order provides a means of carrying out such policy.

The procedures and methods which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, quality, and maturity regulations provide a practical basis for the committee to obtain appropriate and adequate information relating to potato marketing problems. Also, other members of the industry, including both growers and handlers, should be provided with the information regarding the policies and regulations recommended by the committee to enable them to plan their operations accordingly. The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policies are the factors commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to potatoes.

In order that the Secretary may effectively carry out his responsibilities in connection with the marketing agreement and order, the committee should prepare and submit to the Secretary a report on its proposed marketing policy and amendments thereto, relating to the marketing of potatoes during each season. The initial marketing policy forwarded at the beginning of each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with recommendations for regulations. This should give all interested parties the maximum notice of probable regulations. Reports on marketing policy and regulations recommended by the committee should be submitted to the Secretary and presented to the industry as a means of keeping both informed.

The committee should be empowered to consider and recommend any or all authorized regulations for issuance by the Secretary. Evidence shows that authority should be established in the marketing agreement and order to issue regulations with respect to grade, size, quality, or maturity or any combination thereof, in any or all portions of the production area during any period. Such grade, size, quality, or maturity regulations may be applicable to table stock potatoes or to seed potatoes or both. The limitation of shipments of poorer grades, off qualities, badly skinned, and less desirable sizes of potatoes grown in the production area will tend to increase prices of more desirable grades, qualities and sizes and to promote more orderly marketing conditions for, and increase the returns to producers of, such potatoes.

The various standards for potatoes as issued by the United States Department of Agriculture, or by the New Jersey Department of Agriculture, provide a common and acceptable means of determining grade, size, quality, or maturity of potatoes grown in the production area defined in the marketing agreement and order. Such standards are widely used throughout the production area and both producers and shipping point handlers, as well as buyers, are acquainted with such standards and commonly use them in their market transactions. The sizes of potatoes which may be considered for limitation under the authority of the marketing agreement and order because of their depressing effect on potato prices may include not only small potatoes but also excessively large potatoes. Size limitations could be made applicable, for example, to the sizes of potatoes which may be contained in particular packs as a means of promoting more orderly marketing. Lower grades of potatoes, and off quality potatoes including not only the unclassified potatoes as set forth in the Federal and in the State standards for potatoes, which are commonly referred to as culls, but also other potatoes which show excessive defects (e. g. those set forth and described in such standards) generally have a price lowering effect on the market price for good quality potatoes and tend to discourage consumer acceptance. The limitation of shipments by prohibiting movement of potatoes of poor quality or that are badly skinned, and less desirable sizes of potatoes will help to improve orderly marketing conditions for potatoes by enhancing the demand for, and competitive position of, potatoes grown in the production area; and authority therefor should be contained in the marketing agreement and order.

The orderly marketing of potatoes grown in such production area, with the objective of increasing returns to producers of such potatoes, will be promoted by authorizing the regulation of shipments of particular grades, sizes, quali-

ties, or maturity of potatoes differently for different varieties, differently for table stock and seed, differently for different portions of the production area, differently for different packs, and differently for any combination of the foregoing, during any period.

Demand for different varieties of potatoes generally establishes price preferences for different grades, sizes, or both, or quality, or any combinations thereof, of such varieties. Prices for minimum grades and sizes of long white varieties acceptable to consumers may well be different, and usually are different, from those for the minimum grade and sizes of round white varieties. Similarly, minimum grades and sizes of potatoes of the red varieties could receive different demands than for either the round white or the long varieties. New varieties are being introduced, some of which may be adaptable to production in New Jersey, and the marketing conditions could be such as to require a differentiation in regulation between such new varieties and present varieties. This flexibility in the authority to regulate potato shipments should therefore be in the marketing agreement and order.

Small size New Jersey potatoes usually return a premium in the seed market if such potatoes are certified seed potatoes. However, small size potatoes are generally discounted in the table stock market, and it is immaterial whether such potatoes in fact are certified seed potatoes. Therefore, different regulations should be authorized for table stock and seed.

It is possible that weather conditions may differ from one portion of the production area to another and have different effects on potato production, or hail storms and other weather damage may affect potatoes grown in certain portions of the production area, more adversely than in others. Authority should be established in the marketing agreement and order for the committee to consider such differences and to recommend the issuance by the Secretary of appropriate different regulations for such potatoes.

The marketing agreement and order should authorize different regulations for different packs so that this part of the marketing program may assist the industry in furthering such merchandising approaches as are found to be sound. The committee and the Secretary could take account of different supply and demand conditions as they may arise and become apparent for different packs and thereby have available an adequate basis for the issuance of applicable pack regulations.

It may well occur, during the course of a marketing season, that the grade, size, or quality regulation then in effect may become unsuitable as a limitation of shipments regulation at a particular time. This may result from the fact that the supply and demand situation with respect to production area potatoes could have changed so that other grades, sizes, or qualities of potatoes would be able to be marketed at better returns to the growers than under the then current regulation. Authority should be contained in the marketing agreement and order, therefore, to enable the committee and the Secretary to effect an amendment of such current regulation to conform, to the extent practical, the provisions of the regulation to such supply and demand situation. In addition, whenever the limitations of a particular regulation do not tend to effectuate the declared policy of the act, or obstruct such effectuation, the marketing agreement and order should authorize the suspension or termination of such regulation. In this manner, regulations on a current basis could always be in effect.

Due to lack of substantial evidence to support authority in the marketing agreement and order for providing a method for fixing the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging or handling of potatoes, or both, such authority is not included in the marketing agreement and order.

(f) The committee should be authorized to recommend, and the Secretary to establish as permitted by the act, such minimum standards of quality and maturity and such grading and inspection requirements, during any and all periods when the seasonal average price for potatoes may be above parity, as will effectuate such orderly marketing of New Jersey potatoes as will be in the public interest. Some potatoes are of such poor quality that they do not give consumer satisfaction at any time because of the large amount of waste and time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality potatoes, and even when prices are above parity it is not in the public interest, either of the producers or consumers, to permit shipments of such poor quality. Potatoes that are excessively skinned are more susceptible to deterioration than mature potatoes. Here too, consumers do not receive satisfaction with such immature potatoes. The sale of such excessively skinned potatoes tends to disturb market conditions for the commodity even when prices are above parity and discounted prices are received for such immature potatoes, and adversely affects growers' returns. The marketing agreement and order should therefore contain authority for the establishment of such minimum standards of quality and maturity as will effectuate such orderly marketing of New Jersey potatoes as will be in the public interest; and no action will be authorized thereunder which has for its purpose the maintenance of growers prices above the parity level.

(g) The Secretary upon the basis of recommendation and information submitted by the committee or other available information should be authorized to modify, suspend, or terminate grade, size, quality, or maturity regulations with respect to shipments of potatoes for purposes other than disposition in commercial markets as table stock potatoes. The committee should be well qualified because of the experience gained in operating under the marketing program and of the experience and knowledge of individual members to recommend such modifications, suspensions, or terminations as will be in the best interest of the New Jersey potato industry and which will tend to effectuate the declared policy of the act. Potatoes moving to, or sold in, certain outlets, such as those specified in § 1011.54 of the marketing agreement and order, are handled in a different manner or are accepted in different grades, sizes, or qualities, or different prices are returned, or combinations of such considerations may apply. The marketing agreement and order should provide authority for the committee and the Secretary to give appropriate consideration to shipments of potatoes for such purposes so that full opportunity may be taken by this program to improve orderly marketing conditions for potatoes thereby promoting the tendency to increase total returns to potato growers in the production area.

Authority should be provided in the marketing agreement and order for the committee to recommend to the Secretary that he modify, suspend, or terminate regulations with respect to movements of potatoes for export; and the Secretary should be authorized so to act. Export requirements for potatoes differ materially on occasions from domestic market requirements. Certain outlets in the Caribbean area, for example, prefer certain grades, sizes and qualities of potatoes which usually are discounted in the domestic market. Such shipments to export tend to increase total returns to producers in the production area and result in added income for the crop thereby tending to effectuate the declared policy of the act. Other export outlets, Canada for example, prefer grades, sizes, and qualities which are more common to our domestic table stock market. The committee and the Secretary should have the requisite authority to effect the appropriate modification, suspension, or termination of regulations for export shipments differently depending upon the demands of such outlets. Export markets are usually additional outlets for New Jersey potatoes. The authority to modify, suspend, or terminate regulations should be included in the marketing agreement and order to facilitate the movement of New Jersey potatoes to such outlets. For these reasons, the committee should be authorized to recommend, and the Secretary to establish, modification, suspension, and termination of regulations to facilitate export shipments.

The marketing agreement and order should provide that special consideration may be given to shipments of potatoes for charitable purposes. Such shipments are intended for special outlets, and usually the shipments are by way of donation or due to some special consideration between the shipper and the receiver, and are not considered as being in competition with usual table stock shipments.

The committee should be authorized to recommend and the Secretary to provide that potatoes shipped for manufacture or conversion into specified products should not be regulated to the same extent as table stock potatoes or that regulations thereon be suspended or terminated. Shipments of potatoes for manufacture or conversion reduce the supply of such potatoes available for shipment to the table stock market and therefore, such shipments tend to increase the value of the crop. The committee should be given authority to recommend which shipments should be classed as being for manufacture or conversion into specified products because committee members are in a position to appraise market conditions and determine whether such products are competitive with table stock potatoes. New end products may be developed, from time to time, some of which may, and some of which may not, be competitive with table stock potatoes; and the committee would be in a favorable position to assess the competition, if any, between such products and fresh table stock potatoes. It is concluded that the committee and the Secretary should have the necessary authority with respect to such modifications, suspensions and terminations.

The committee should also be authorized to recommend and the Secretary to provide that shipments of potatoes for livestock feed should not be regulated or to recommend and provide the modification or suspension of regulations so as to facilitate the movement of potatoes to such outlets. Livestock feed provides a salvage outlet for potatoes that is not competitive with table stock market. When such outlets are available it would tend to furnish a source of revenue for potatoes that otherwise would not be permitted to be handled because of failure to comply with grade, size, and quality regulations. Off grades, off sizes, and other poor quality potatoes should be allowed to move with freedom from grade and size requirements to livestock feed outlets and thereby augment growers' returns for the total crop.

In order to maintain appropriate identification of shipments of potatoes to special outlets, safeguards are authorized in the marketing agreement and order and may provide for the issuance of Certificates of Privilege to handlers of such potatoes and in addition require that such handlers shall obtain such certificates on all shipments by them to such special outlets.

The authority contained in the marketing agreement and order for modifying, suspending, or terminating regulations should be accompanied by the additional administrative authority for the committee to recommend and for the Secretary to prescribe adequate safeguards to prevent shipments for any of the foregoing purposes from entering the channels of trade contrary thereto. The authority for establishing safeguards should include appropriate requirements or qualifications on shipments which are necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards among others may include: inspection requirements so that the committee may have an accurate record of the potatoes (including the grade, size, and quality thereof, when necessary) shipped to special outlets; application to make such special shipments; requirement for the payment of assessments in connection with such shipments; reports by handlers on the number of such shipments, and the amount of potatoes shipped, and assurances by the receivers or purchasers that the potatoes are to be used for the purposes designated.

Certificates of Privilege may be issued by the committee to authorize handlers to make such shipments and as a means of identifying such shipments. Such Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner which can be made known to all handlers. The Secretary should have the right to modify, change, alter or rescind any or all safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection with the foregoing and the committee should currently notify all persons affected by the indicated action.

The committee should be authorized by the marketing agreement and order to deny or rescind Certificates of Privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the marketing agreement and order which should include the authority to rescind or deny certificates upon the evidence satisfactory to it that a handler to whom a Certificate of Privilege had been issued has handled potatoes contrary to the provisions of the certificate. If the committee rescinds or denies a Certificate of Privilege to any handler such action should be in terms of a specified period of time. Handlers affected by the denial of a certificate or the rescinding of such certificate should have the right of appeal to the committee for a reconsideration.

The committee should maintain detailed records relevant to Certificates of Privilege and submit reports thereon to the Secretary as prescribed in the marketing agreement and order in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

The committee, with the approval of the Secretary, should be authorized to establish minimum quantities below which shipments will not be required to comply with all regulations under the marketing agreement and order. Administrative difficulties of completely regulating small shipments may, under some circumstances, make it uneconomical, undesirable, and impractical to attempt to do so. Under such circumstances, which can be readily determined by the committee, regulation in all respects of such small shipments would not tend to effectuate the declared policy of the act. It may be desirable, for example, to exempt small shipments from mandatory inspection, from payment of assessments, or from both. In such instances, however, handlers would still be required to have such shipments meet the then current grade, size, quality, and maturity regulations. It is concluded, therefore, that the committee should be authorized to recommend, and the Secretary to establish, the minimum quantities which would not be completely subject to regulation under the marketing agreement and order. The committee and the Secretary should use such authority to relieve minimum quantities from regulation whenever practical. The foregoing provisions would thus permit flexible operation of the marketing agreement and order in a practical way. The use of such authority will tend to minimize financial burdens upon handlers making such small shipments.

(h) Provision should be made for mandatory inspection by the Federal-State Inspection Service, or by such other inspection service as the Secretary may approve, of all shipments of potatoes grown in the production area so as to insure compliance under the program. Such inspection requirements should apply to all potatoes shipped under regulations issued under the marketing agreement and order except when relieved from inspection pursuant to §§ 1011.53 and 1011.54 thereof.

Inspection of shipments subject to regulation would furnish the shipper or handler, the buyer, the committee, the Secretary, and other interested parties with an appropriate means of determining whether such shipments of potatoes comply with the requirements of applicable grade, size, quality, and maturity regulations which may be in effect under the marketing agreement and order. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, quality, and maturity of each shipment thereof should be authoritatively established so that the administration of the marketing agreement and order shall be efficient and effective.

Provision should be made in the marketing agreement and order whereby potatoes could be inspected not only by the Federal-State Inspection Service, but also by such other inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if Federal-State inspection is not available. The requirement that no handler shall ship potatoes unless such shipment is inspected by an authorized inspection service approved under the marketing agreement and order is reasonable and necessary for the proper administration of the program.

The responsibility for obtaining inspection should fall on all persons who handle potatoes so that each shipment of such potatoes will be identified and certified with respect to its grade, size, quality, or maturity as regulations may require. Each handler must bear responsibility for determining that each of his shipments is so inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates, which it needs to carry out its responsibility for determining whether shipments are inspected and are otherwise made in conformity with the requirements of the marketing agreement and order and regulations issued pursuant thereto. Handlers, too, would

know whether their potato shipments are in compliance.

Whenever potatoes that have been inspected and certified are dumped thereafter from the containers in which they were so inspected and certified such potatoes lose their identity insofar as the inspection certificate issued is concerned. If any of such potatoes should thereafter be repacked, regraded, or resorted, such repacked, regraded, or resorted potatoes would have a new identity; and any handling of such potatoes should comply with the then current regulations under the marketing agreement and order. Therefore inspection and certification should also be required with respect to such repacked, regraded and resorted potatoes as in the case of handling any other regulated potatoes. The marketing agreement and order should provide that any repacked, regraded, or resorted potatoes shall not be handled unless they are inspected and certified except when exempted by the Secretary. Such inspection and certification of repacked, regraded, or resorted potatoes are necessary so that the shipper thereof as well as subsequent handlers, the committee, and other interested parties may determine if such shipments comply with the regulations in effect and applicable thereto.

The committee should be authorized to recommend rules and regulations which with the approval of the Secretary will modify inspection requirements on repacked, regraded, or resorted potatoes. The regrading, resorting, or repacking of potatoes is not a common practice in the production area because the bulk of the packing operations is done on the farm. Some dealers repack potatoes into consumer size packages for sale to limited outlets. Extension of the inspection and certification requirements to the handling of such repacked, regraded, or resorted potatoes may impose undue hardship on such dealers and also on the Federal-State Inspection Service. It may be desirable and practical to exempt such potatoes from the requirements under rules and regulations recommended by the committee and approved by the Secretary which could provide for such exemption by permitting minimum quantities to be reworked and handled without the additional inspection. Therefore, the marketing agreement and order should authorize the committee to recommend such rules and regulations which would modify, suspend, or terminate inspection requirements on the repacked, regraded, or resorted lots of potatoes.

The committee should be authorized to recommend rules and regulations which with the approval of the Secretary could require all lots of potatoes inspected and certified to be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal-State Inspector or the committee. Such requirement could result in more efficient and effective administration of the program because compliance problems would be minimized. In addition it would be of benefit to growers in areas close to terminal markets who handle their own potatoes, often at late hours, and ship more than one load to market in a given day. If the potatoes are identified by such seals, stamps, or tags prior to any such handling, it would not be necessary to require inspection on the separate loads of the potatoes originally inspected and certified as a single lot. It is, therefore, proper for the committee to have the authority to recommend, and for the Secretary to approve, such requirement when necessary or appropriate to effectuate the declared policy of the act.

The committee, with the approval of the Secretary, should be authorized to specify, insofar as the requirements of the marketing agreement and order are concerned, the length of time inspection certificates may be valid. Potatoes are susceptible to fairly rapid deterioration under unfavorable conditions of weather, temperature, or storage, for example. In order to obtain the maximum benefits from regulation under the marketing agreement and order and assure that at the time of handling the quality of the potatoes is so far as practicable the same as when inspected, the continued application of inspection certificates to certified lots of potatoes should be limited. In this way, the certified grade, size, quality, and maturity of inspected potatoes may be protected by imposing a reasonable time limit on the validity of such certificates. The committee should be able, due to experience and knowledge of the New Jersey potato industry, to recommend to the Secretary the maximum period of time within which such certificates should be considered as reflecting the condition of the inspected potatoes.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee by the inspection service promptly so that it may properly discharge its administrative responsibilities under the program.

(i) Certain hazards are encountered in the production and storing of the potatoes grown in the production area which are beyond the control and reasonable expectation of the grower of such potatoes or the handler who may store them. Because of these circumstances and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned the committee should be given authority to issue exemption certificates to permit qualified applicants to ship their equitable proportion of all shipments from their respective districts. The committee by reason of its knowledge of the conditions and problems applicable to the production and storing of potatoes in the various districts of the production area, should be well qualified to judge each applicant's case in a fair and equitable manner, in the light of the information which the applicant may furnish to substantiate his request for exemption, and to fix the quantity of exempted potatoes which each such applicant may ship. It is reasonable to require all such applicants for exemption to furnish the committee with satisfactory evidence to support their applications.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order. They should, therefore, be incorporated in the marketing agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedures established by the committee for granting exemptions and exemptions granted pursuant to such procedure. This is desirable to guard against inequities in the granting of exemptions, and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) Except as provided in the marketing agreement and order, no handler shall be permitted to handle potatoes the handling of which is prohibited pursuant to the marketing agreement and order; and no handler should be permitted to handle potatoes except in conformity with the marketing agreement and order. If the program is to be effective, compliance therewith is essential; and, hence, no handler should be permitted to evade any provisions. Any such evasion on the part of even one handler, could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair operation of the program.

(k) Provisions in §§ 1011.70 through 1011.73 and §§ 1011.80 through 1011.88 as published in the FEDERAL REGISTER of April 24, 1956 (21 F. R. 2631) are common to marketing agreements and orders now operating. The provisions in §§ 1011.89 through 1011.91 also published in such FEDERAL REGISTER are common to marketing agreements currently in effect. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the marketing agreement or order, or both. These provisions are incidental to, and not inconsistent with, the terms and conditions in section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions should, therefore, be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and record thereof it is found that:

(1) The marketing agreement and order hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefore as will tend to establish as prices to producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at

as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said marketing agreement and order authorize regulation of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in New Jersey" and "Order Regulating the Handling of Irish Potatoes Grown in New Jersey" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order, which will be published with this decision.

Done at Washington, D. C., this 29th day of November 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

No. 235——3

Order[1] Regulating the Handling of Irish Potatoes Grown in New Jersey

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1011.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1011.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (Part 900 of this chapter), a public hearing was held at Hightstown, New Jersey, on May 21–25, 1956, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in New Jersey. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This part, and all the terms and conditions hereof, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in the State of New Jersey (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, (ii) and by protecting the interest of the consumer by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) This part regulates the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This part is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This part prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of Irish potatoes grown in the production area; and

(5) All handling of Irish potatoes as defined in this part is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is, therefore, ordered that on and after the

handle their own potatoes, often at late

support their applications.

correction of the current level of prices at

No. 235——3

effective time hereof, the handling of Irish potatoes grown in New Jersey shall be in conformity to and in compliance with the terms and conditions of this part; and such terms and conditions are set forth in §§ 1011.1 to 1011.88.

DEFINITIONS

§ 1011.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1011.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1011.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1011.4 *Production area.* "Production area" means all territory included within the boundaries of the State of New Jersey.

§ 1011.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the State of New Jersey.

§ 1011.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 1011.7 *Handle.* "Handle" or "ship" means to sell or transport potatoes within the production area or between the production area and any point outside thereof: *Provided,* That the definition of "ship" or "handle" shall not be applicable to shipments of ungraded potatoes for grading or storing within the production area.

§ 1011.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 1011.9 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 1011.10 *Committee.* "Committee" means the New Jersey Potato Committee, established pursuant to § 1011.25.

§ 1011.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1011.12 *Seed potatoes.* "Seed potatoes" or "seed" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of New Jersey, or other seed certification agencies which the Secretary may recognize.

§ 1011.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 1011.14 *Pack.* "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or size limits, or both, as recommended by the committee and approved by the Secretary.

§ 1011.15 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) New Jersey Standards for White Potatoes as issued by the New Jersey Department of Agriculture or amendments thereto, or modifications thereof, or variations based thereon.

§ 1011.16 *Grading.* "Grading" is synonymous with "preparation for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 1011.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 1011.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 1011.32.

COMMITTEE

§ 1011.25 *Establishment and membership.* (a) The New Jersey Potato Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence and perform other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1011.26 *Procedure.* (a) Eight members of the committee shall be necessary to constitute a quorum and eight concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 1011.27 *Selection.* (a) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a producer or handler, respectively, in the district for which selected and shall be residents of such district.

(b) The Secretary shall select six producer members of the committee, with their alternates, from District No. 1, one producer member with his alternate, from District No. 2, and one producer member with his alternate, from District No. 3. The Secretary shall select four handler members of the committee, with their respective alternates, from the production area at large.

(c) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1011.28 *Term of office.* (a) The terms of office of committee members and alternates shall be two years beginning May 1 and ending April 30. The terms of office of members and alternates shall be so determined that one-half of the total producer committee membership and one-half of the total handler committee membership shall terminate each April 30.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1011.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1011.30 *Duties.* It shall be the duty of the committee:

(a) As soon as practical after the beginning of each fiscal period, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and

such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request, and the report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers;

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart; and

(k) To establish, and pay the expenses of, advisory subcommittees for the purpose of consulting with Federal, State, and other appropriate agencies with respect to the establishment of marketing research and development projects pursuant to § 1011.47; and

(l) To set up subcommittees, including a special public relations subcommittee for working with producers, handlers, and the general public in connection with specific regulations, rules, practices, committee services, inspection, terminal marketing practices, transportation, and such other matters that are related to this marketing program.

§ 1011.31 *Expenses and compensation.* Committee members and their respective alternates when acting on committee business may be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart.

§ 1011.32 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. Mercer, Middlesex, Monmouth and all counties lying north thereof in the State of New Jersey;

District No. 2. Burlington, Camden, Gloucester, and Ocean Counties; and

District No. 3. Atlantic, Cape May, Cumberland, and Salem Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That in recommending any such changes in districts or representation, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative position of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part and (4) other relevant factors: *Provided further,* That there shall be no change in the total number of committee members or in the total number of districts.

§ 1011.33 *Nominations.* The Secretary may select the members of the New Jersey Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to March 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and handlers, respectively, in each of the districts designated in § 1011.32 in which the term of office of committee members, and their respective alternates, will commence the following May 1;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following April 30;

(d) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than March 31 of each year;

(e) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(f) Each person who is both a handler and a producer may vote either as a handler or as producer and may elect the group in which he votes; and

(g) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(h) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 1011.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 1011.33, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 1011.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled during a fiscal period by him as the first handler thereof and the total quantity of potatoes handled during such fiscal period by all handlers as first handlers thereof.

§ 1011.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1011.42 *Assessments.* (a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes handled during such fiscal yeriod.

§ 1011.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

cludes all potatoes not included within the definition of "seed potatoes."

selected as committee members or alternates to represent producers or handlers

ords which clearly reflect all of the acts and transactions of the committee and

graphic location of areas of production as they would affect the efficiency of ad-

expired term may be selected by the Secretary from nominations made in the

used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1011.44 *Refunds.* At the end of each fiscal period monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1011.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

REGULATION

§ 1011.50 *Marketing policy—(a) Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, or in different containers, or any other shipping unit;

(2) Supply of potatoes by grade, size, quality, and maturity in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy and it shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 1011.51 *Recommendation for regulations.* The committee shall recommend to the Secretary regulations, or amendments thereto, or modifications thereof, whenever it finds that such regulations as provided in § 1011.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of potatoes for the purposes authorized in § 1011.54. The committee may also recommend amendment, termination, or suspension of any regulation issued under this part.

§ 1011.52 *Issuance of grade, size, quality, and maturity regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, or qualities, of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(2) Regulate the handling of particular grades, sizes, or qualities of potatoes differently, for different varieties, for table stock and seed, for different portions of the production area, for different export outlets, for different packs, or for any combination of the foregoing, during any period; or

(3) Regulate the handling of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary may amend any regulation issued under this subpart whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of any regulation issued or of any modification, suspension, or termination thereof pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 1011.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish minimum quantities below which shipments will be free from regulations issued pursuant to § 1011.42 or § 1011.60, or both.

§ 1011.54 *Handling for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to §§ 1011.42 to 1011.60, inclusive, in order to facilitate the handling of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act. Adequate safeguards may be established pursuant to paragraph (c) of this section to prevent such shipments from entering channels of trade for other than the specified purposes:

(1) Shipments of potatoes for export;

(2) Shipments of potatoes for distribution by relief agencies, or for consumption by charitable institutions;

(3) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products; or

(4) Shipments of potatoes for livestock feed.

(b) Whenever the handling of seed potatoes is not subject to the same regulations as is the handling of table stock potatoes, issued pursuant to §§ 1011.52 to 1011.60, inclusive, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 1011.60 and pay the pro rata share of expenses provided by § 1011.42 in connection with potatoes handled under the provisions of this section; and

(3) Handlers shall obtain Certificates of Privilege from the committee for potatoes to be handled under the provisions of this section. The committee, with the approval of the Secretary, shall prescribe rules governing the issu-

ance and the contents of such Certificates of Privilege.

(4) The committee shall make monthly reports to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any handler if evidence is obtained that potatoes handled by him for the purposes stated in this section have been diverted from such purposes contrary to the provisions of this subpart.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension or termination of regulations pursuant to this section, or of any approval issued by him under the provision of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

INSPECTION AND CERTIFICATION

§ 1011.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to § 1011.52 or § 1011.54, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 1011.53 or § 1011.54 or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection as the Secretary shall designate: *Provided,* That such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated under rules and regulations recommended by the committee, and approved by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal-State or Federal inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate, or evidence thereof in the form of seals, stamps, or tags, is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 1011.65 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1011.66 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 1011.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's district; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of potatoes specified thereon. Such certificates shall be transferred with such potatoes at time of shipment.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reasons of a regulation issued pursuant to § 1011.52 he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's district; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1011.67 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1011.68 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to § 1011.65, § 1011.66, § 1011.67, or any combination thereof.

(b) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied and the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

REPORTS

§ 1011.70 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of potatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such potatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the potatoes were handled, together with the destination of each exempted disposition, and of all potatoes handled pursuant to §§ 1011.53 and 1011.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1011.77 *Compliance.* No handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall handle potatoes except in conformity to the provisions of this part.

§ 1011.78 *Right of the Secretary.* The members of the committee (including successors and alternates), and any

REGULATION

§ 1011.50 *Preparation.* *Marketing policy*—(a) Prior to each marketing during any period; or

(3) Regulate the handling of potatoes by establishing, in terms of grades, sizes, provisions of this section. The committee, with the approval of the Secretary, shall prescribe rules governing the issu-

stamps, or tags, is valid may be established by the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1011.83 *Effective termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart; (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1011.84 *Agents.* The Secretary may by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1011.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1011.86 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty.

§ 1011.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1011.88 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

[F. R. Doc. 56-9944; Filed, Dec. 4, 1956; 8:48 a. m.]

agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1011.79 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1011.80 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1011.81 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal period.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1011.82 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the

Agricultural Research Service

[7 CFR Part 301]

EUROPEAN CHAFER

PROPOSED REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS UNDER QUARANTINE AND REGULATIONS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Chief of the Plant Pest Control Branch, pursuant to § 301.77-2 of the regulations supplemental to the European chafer quarantine (7 CFR 31.77-2), under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), is considering issuing a revision of 7 CFR 301.77-2a, to read as follows:

§ 301.77-2a *Administrative instructions designating regulated areas under the European chafer quarantine and regulations.* Infestations of the European chafer have been determined to exist in the counties and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such counties and other civil divisions, and parts thereof, are hereby designated as European chafer regulated areas within the meaning of the provisions in this subpart:

CONNECTICUT

New Haven County. That area, comprising part of the town of Meriden, included within a circle having a 1-mile radius and center at the intersection of Wilber Cross Parkway (Connecticut Route 15) and U. S. Highway 5.

NEW YORK

Chemung County. That area, comprising part of the city of Elmira, bounded by a line beginning at the intersection of Bonview Street and Ogden Avenue, proceeding south on Ogden Avenue to Roe Avenue, thence east on Roe Avenue to Bridgman Street, thence south on Bridgman Street to Washington Avenue, thence west on Washington Avenue to Hoffman Street and continuing west of Hoffman Street approximately 2,400 feet, thence northerly approximately 2,300 feet, thence easterly approximately 1,600 feet and continuing east on Bonview Street to the point of beginning.

Erie County. That area, comprising part of the city of Buffalo, bounded by a line beginning at the intersection of Delaware Avenue and Humboldt Parkway, proceeding southeast on Humboldt Parkway to East Delavan Avenue, thence west on East and West Delavan Avenues to Delaware Avenue, and thence northerly on Delaware Avenue to the point of beginning.

Monroe County. The entire county.

Niagara County. That area, comprising part of the city of Niagara Falls, included within a circle having a ½-mile radius and center at the intersection of College and Highland Avenues.

Onondaga County. Towns of Cicero, Clay, De Witt, Geddes, and Salina, and the city of Syracuse.

Ontario County. Towns of Canandaigua, Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps, Seneca, and Victor, and the cities of Canandaigua and Geneva.

Oswego County. Town of Minetto.
Seneca County. Towns of Junius and Tyre.
Wayne County. The entire county.

WEST VIRGINIA

Hampshire County. District of Bloomery and town of Capon Bridge.

This revision of administrative instructions would add to the regulated area in New York all presently unregulated parts of the city of Syracuse and the town of Salina, plus the entire towns of Cicero, Clay, De Witt, and Geddes in Onondago County, and the town of Minetto in Oswego County.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 28th day of November 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-9942; Filed, Dec. 4, 1956; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 14, 16]

CONVERSION OF CURRENCY

PROPOSED AMENDMENT TO IMPLEMENT CHANGE IN LAW MADE BY SECTION 3 OF CUSTOMS SIMPLIFICATION ACT OF 1956

Notice is hereby given that, pursuant to section 251 of the Revised Statutes, and section 624 of the Tariff Act of 1930 (19 U. S. C. 66, 1624), it is proposed to amend §§ 14.11 and 16.4 of the Customs Regulations to implement the changes in section 522 (c) of the Tariff Act of 1930 (31 U. S. C. 372 (c)) made by section 3 of the Customs Simplification Act of 1956 (70 Stat. 943). The proposed amendments would permit use for customs purposes in appropriate cases of the rates first certified by the Federal Reserve Bank of New York for certain currencies for a day within the quarter beginning January 1, 1957, and each quarter thereafter. The terms of the proposed amendments, in tentative form, are as follows:

To make clear that the general regulations issued under section 522 of the Tariff Act of 1930, as amended, are applicable where conversion of foreign currency is necessary in connection with certain matters arising under the Antidumping Act of 1921, as amended, § 14.11 of the Customs Regulations is amended by substituting "section 522, Tariff Act of 1930, as amended (31 U. S. C. 372) and § 16.4 of these regulations," for "section 522, Tariff Act of 1930 (31 U. S. C. 372)".

Section 16.4 of the Customs Regulations is amended by redesignating paragraphs (d) and (e) as (e) and (f) and adding a new paragraph (d) as follows:

(d) For the currency of each foreign country listed at the end of this paragraph, there will be published in the Treasury Decisions, for the quarter beginning January 1, 1957 and for each quarter thereafter, the rate or rates first certified by the Federal Reserve Bank of New York for such foreign currency for a day in that quarter. The rate or rates of exchange to be used for customs purposes for any day of exportation within the quarter shall be the rate or rates so certified and published, unless the rate or rates certified by the Federal Reserve Bank for the day of exportation (1) vary by 5 per centum or more from such first certified and published rate or rates in which case notice of such variance and the rate or rates certified for such day shall be published in the Treasury Decisions and such rate or rates shall be used for customs purposes in connection with merchandise exported on such day; or (2) vary by less than 5 per centum from the proclaimed value in which case notice of such variance shall be published in the Treasury Decisions and the proclaimed value shall be used for customs purposes in connection with merchandise exported on such day.

Australia	Japan
Austria	Mexico
Belgium	Netherlands
British Malaysia	New Zealand
Canada	Norway
Ceylon	Portugal
Finland	Sweden
France (Metropolitan)	Switzerland
Germany	Union of South Africa
India	United Kingdom
Ireland	

Redesignated paragraph (e) is amended by adding at the end of the first sentence "as provided in paragraphs (c) and (d) of this section."

Redesignated paragraph (f) is amended by substituting "(e) (4) or (5)" for "(d) (4) or (5)".

The second paragraph of footnote 5 appended to § 16.4 (a) is amended to read as follows:

(e) *Market rate when no proclamation.* (1) If no value has been proclaimed under subsection (a) for the quarter in which the merchandise was exported, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate at noon on the day of exportation, then conversion of the foreign currency involved shall be made—

(A) at the value measured by such buying rate, or

(B) if the Secretary of the Treasury shall by regulation so prescribe with respect to the particular foreign currency, at a value measured by the buying rate first certified under this subsection for a day in the quarter in which the day of exportation falls (but only if the buying rate at noon on the day of exportation does not vary by 5 per centum or more from such first-certified buying rate).

(2) For the purposes of this subsection, the term "buying rate" means the buying rate in the New York market for cable transfers payable in the foreign currency so to be converted. Such rate shall be determined by the Federal Reserve Bank of New York and certified to the Secretary of the Treasury, who shall make it public at such times and to such extent as he deems necessary. In ascertaining such buying rate, the Federal Reserve Bank of New York may, in its discretion—

(A) Take into consideration the last ascertainable transactions and quotations, whether direct or through exchange of other currencies, and

(B) If there is no market buying rate for such cable transfers, calculate such rate (i) from actual transactions and quotations in demand or time bills of exchange, or (ii) from the last ascertainable transactions and quotations outside the United States in or for exchange payable in United States currency or other currency.

(3) For the purposes of this subsection, if the day of exportation is one on which banks are generally closed in New York City, then the buying rate at noon on the last preceding business day shall be considered the buying rate at noon on the day of exportation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 30, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9991; Filed, Dec. 4, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 44]

NEW MEXICO

SMALL TRACT CLASSIFICATION; CERTAIN LAND EXCLUDED

NOVEMBER 27, 1956.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby amend Classification Order No. 44, Small Tract Classification appearing in 21 F. R. 8598 to exclude the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 13 W.,
Sec. 6, W½SE¼NE¼.

The area described aggregates 20 acres.

W. J. ANDERSON,
Acting State Supervisor.

[F. R. Doc. 56-9928; Filed, Dec. 4, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M–73]

STATES STEAMSHIP CO.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER ONE VICTORY-TYPE DRY-CARGO VESSEL

Notice is hereby given that a public hearing will be held before an Examiner pursuant to section 5 (e) of the Merchant Ship Sales Act of 1946, as amended (Public Law 591, 81st Congress) (50 U. S. C. App. 1738), on December 10, 1956, at 9:30 a. m., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of States Steamship Company to bareboat charter one Victory-type dry-cargo vessel owned by the Government for use in berth service on the transpacific route of States Steamship Company for one (1) round voyage beginning late December 1956.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately owned vessels against competition from any vessel chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present, and oral argument may be had before the Examiner at the conclusion of the receipt of evidence, in lieu of briefs. An initial decision will be issued. The time for filing exceptions thereto is hereby restricted to three (3) days, and no replies to exceptions will be received.

Dated: December 3, 1956.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 56–9947; Filed, Dec. 3, 1956; 12:30 p. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[General Order No. 90]

ADMINISTRATIVE ASSISTANT SECRETARY OF LABOR

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS

In accordance with section 4 of Delegation of Authority No. 276 of the Administrator, General Services Administration "Delegation of Authority to Negotiate Contracts for Services Relating to Authorized Advertising Campaigns" dated October 15, 1956, 21 F. R. 7964, authority is hereby delegated as follows:

1. The Administrative Assistant Secretary of Labor is hereby authorized to exercise any of the authority delegated to the Secretary of Labor under such General Services Administration delegation of authority in accordance with the pertinent sections of the Federal Property and Administrative Services Act of 1949, as amended, particularly sections 304 and 307.

2. All contracts entered into by the Administrative Assistant Secretary shall, prior to their execution, have the approval of the Solicitor of Labor.

JAMES P. MITCHELL, *Secretary of Labor.*

NOVEMBER 28, 1956.

[F. R. Doc. 56–9939; Filed, Dec. 4, 1956; 8:47 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Allen Garment Co., Inc., 706 19th Avenue North, Nashville, Tenn.; effective 11–26–56 to 11–25–57 (men's and boys' sport shirts).

Benjamin and Johnes, Inc., 410 Ashe Avenue, Dunn, N. C.; effective 11–14–56 to 11–13–57; 10 learners (women's foundation garments).

Bertha Ann of California, 1311 East Firestone Boulevard, Los Angeles, Calif.; effective 11–20–56 to 11–19–57; 3 learners (women's sportswear).

Blue Bell, Inc., Baldwyn, Prentiss Co., Miss.; effective 11–28–56 to 11–27–57 (women's blouses).

Blue Bell, Inc., Baldwyn, Miss.; effective 11–28–56 to 11–27–57 (men's shirts).

Blue Bell, Inc., Prentiss Co., Booneville, Miss.; effective 11–25–56 to 11–24–57 (women's shirts).

Champion Garment Co., 100½ West Second Avenue, Rome, Ga.; effective 11–14–56 to 11–13–57 (men's and boys' dress and semi-dress pants).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 11–28–56 to 11–27–57 (bib overalls and jackets).

Dury Clothing Co., Inc., 330 Philadelphia Avenue, West Pittston, Pa.; effective 11–29–56 to 11–28–57 (men's trousers).

Eagle Bros., Mahanoy City, Pa.; effective 11–23–56 to 11–22–57 (dress and sport shirts).

Georgia Slacks Co., Lawrenceville, Ga.; effective 11–14–56 to 11–13–57 (men's trousers).

Glen Lyon Bra Co., West Enterprise and Market Streets, Glen Lyon, Pa.; effective 11–18–56 to 11–17–57 (brassieres).

Glen Lyon Bra & Corset Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 11–14–56 to 11–13–57 (corsets and allied garments).

Harrisville Garment Corp., Harrisville, W. Va.; effective 11–24–56 to 11–23–57 (children's and ladies' cotton blouses).

Ideal Dress Co., 95 Bridge Street, Lowell, Mass.; effective 11–14–56 to 11–13–57 (dresses).

Industrial Garment Manufacturing Co., Carolina Avenue, Erwin, Tenn.; effective 12–1–56 to 11–30–57 (men's cotton work clothes).

Linn Manufacturing Co., Linn, Mo., effective 11–22–56 to 11–21–57 (men's trousers).

Monticello Manufacturing Co., Monticello, Miss.; effective 11–24–56 to 11–23–57 (men's cotton work trousers).

Mount Carmel Blouse Corp., 51 North Spruce Street, Mount Carmel, Pa.; effective 11–13–56 to 11–12–57 (ladies' blouses).

Stone Manufacturing Co., New Buncombe Road, Greenville, S. C.; effective 12–1–56 to 11–30–57 (children's and ladies' cotton and nylon slips, etc.)

Thorntown Textile Co., Thorntown, Ind.; effective 11–19–56 to 11–18–57; 10 learners (women's and children's cotton blouses).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Clifton Manufacturing Corp., Clifton, Tenn.; effective 11–15–56 to 5–14–57; 10 learners (children's dresses).

Continental Manufacturing Co., Knoxville, Iowa; effective 11–14–56 to 4–13–57; 20 learners (single pants, shorts).

The Mountain Top Co., 220 South Church Street, Hendersonville, N. C.; effective 11–14–56 to 5–13–57; 10 learners (children's playclothes).

Stanro Dress Co., Inc., 810 George Street, Throop, Pa.; effective 11–16–56 to 5–15–57; 6 learners (ladies' and children's dresses).

True Loom Manufacturing Co., Inc., Lafayette, Tenn.; effective 11–16–56 to 5–15–57; 75 learners (men's sport shirts).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Indianapolis Glove Co., Inc., Mount Ida, Ark.; effective 11–14–56 to 11–13–57; 10 learners for normal labor turnover purposes (gloves).

Kathy Ann Gloves, Gloversville, N. Y.; effective 11–19–56 to 11–18–57; 5 learners for normal labor turnover purposes (leather gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Fairview Hosiery Mills, Inc., 1643 Main Avenue Drive NW., Hickory, N. C.; effective 11–16–56 to 11–15–57; 5 learners for normal labor turnover purposes (seamless).

Mars Hosiery Co., Inc., Johnston School Road, West Asheville, N. C.; effective 11–19–56 to 11–18–57; 5 learners for normal labor turnover purposes (full-fashioned).

Martinat Hosiery Mills, Valdese, N. C.; effective 11–16–56 to 11–15–57; 5 learners for normal labor turnover purposes (seamless).

Quitman Hosiery Mills, Inc., Quitman, Miss.; effective 11–19–56 to 5–18–57; 35 learners for expansion purposes (full-fashioned).

Reading Seaming & Looping Shop, 732 Walnut Street, Reading, Pa.; effective 11–15–56 to 11–14–57; 5 learners for normal labor turnover purposes (seamless).

Villa Rica Hosiery Mills, Villa Rica, Ga.; effective 11–18–56 to 11–17–57; five percent of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The Cashmere Corp. of America, 2765 East 55th Street, Cleveland, Ohio; effective 11–15–56 to 11–14–57; 5 learners for normal labor turnover purposes (sweaters).

Kent Knitting Mills, Inc., Cannon and College Avenues, Chestertown, Md.; effective 11–14–56 to 5–13–57; 10 learners for expansion purposes (sweaters).

Romay, Inc., 154 Grogan Street, Lavonia, Ga.; effective 11–14–56 to 5–13–57; 10 learners for expansion purposes (knitted underwear).

Terre Hill Manufacturing Co., Inc., Blue Ball, Pa.; effective 11–22–56 to 11–21–57; 5 percent of factory production workers engaged in the production of slips and nightgowns of knitted fabrics, for normal labor turnover purposes (ladies' slips, children's slips, etc.) (replacement certificate).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Casey Manufacturing Co., East Main Street, Casey, Ill.; effective 11–16–56 to 11–15–57; 10 percent of factory production workers for normal labor turnover purposes (children's and misses').

Greenup Manufacturing Co., Greenup, Ill.; effective 11–16–56 to 11–15–57; 10 percent of factory production workers for normal labor turnover purposes (shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products for normal labor turnover purposes. The effective and expiration dates, learner rates, occupations, learning periods and the number or proportion of learners authorized to be employed, are as indicated.

Brady Felt Products Co., 2640 Fifth Avenue, Pittsburgh, Pa.; effective 11–20–56 to 5–19–57; not less than 85 cents per hour for a maximum of 240 hours, for the occupations of chenille machine operator and embroidery machine operator; authorizing the employment of 4 learners (embroidered letters and emblems).

Eldred Manufacturing Corp., 675 Sixth Avenue, New York, N. Y.; effective 11–19–56 to 5–18–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers (suits, sport jackets, etc.).

Littlestown Manufacturing Co., Bonneaville Road, Littlestown, Pa.; effective 11–19–56 to 5–18–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 3 learners (boys' suits).

Pioneer Coat Front Corp., 1027 Callowhill Street, Philadelphia, Pa.; effective 11–19–56 to 8–18–57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 5 learners (men's and boys' coat fronts).

Union County Pad Co., Inc., 1180 East Grand Street, Elizabeth, N. J.; effective 11–19–56 to 5–18–57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 40 hours of the 200-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 4 learners (ladies' and men's shoulder pads).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in regulations, Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of November 1956.

[SEAL] MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 56–9889; Filed, Dec. 3, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6351]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF SUPPLEMENTAL APPLICATION

Take notice that on November 26, 1956, a supplemental application was filed by the California Electric Power Company (Applicant), a corporation organized and existing under the laws of the State of Delaware, qualified to do business as a foreign corporation in the States of Arizona, California and Nevada, with its principal place of business in Riverside, California, for authorization, pursuant to section 202 (e) of the Federal Power Act, to export electric energy from the United States to Mexico, to its wholly-owned subsidiary, Industrial Electrica Mexicana, S. A. de C. V., in the amounts and at the rates hereinafter set forth:

Year	In or near Calexico, Calif.		Near Andrade, Calif.		Near Gadsden, Ariz.	
	Kwh.	*Kw.*	*Kwh.*	*Kw.*	*Kwh.*	*Kw.*
1957	154,000,000	34,400	68,700,000	21,300	14,000,000	3,500
1958	195,000,000	40,200	81,800,000	27,200	14,500,000	3,700

The requested authorization would supersede that heretofore granted by order of the Commission issued April 26, 1956, in the above docket, wherein Applicant was authorized to export the following amounts of electric energy:

Year	In or near Calexico, Calif.		Near Andrade, Calif.		Near Gadsden, Ariz.	
	Kwh.	*Kw.*	*Kwh.*	*Kw.*	*Kwh.*	*Kw.*
1956	130,000,000	30,000	42,000,000	18,000	15,000,000	4,000

That authorization was conditioned upon the transmission of those amounts of energy over facilities specified in a Presidential Permit to the Applicant to construct, operate, maintain and connect facilities at the international border between the United States and Mexico, which was signed by the President of the United States on November 5, 1949, as amended by the Amendment thereto, signed by the Chairman of the Federal Power Commission on April 6, 1956 (Docket No. E–6223). The amounts of energy which Applicant presently seeks to export would be transmitted over those same facilities; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the aforesaid application, should on or before the 17th day of December 1956, file a petition or protest with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.7, 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

NOVEMBER 30, 1956.

[F. R. Doc. 56–9940; Filed, Dec. 4, 1956; 8:47 a. m.]

[Docket No. G–11540]

HAYNES B. OWNBY DRILLING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Haynes B. Ownby Drilling Company (Ownby) on November 2, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

ing to Authorized Advertising Campaigns" dated October 15, 1956, 21 F. R.

Miss.; effective 11-25-56 to 11-24-57 (women's shirts).

Mars Hosiery Co., Inc., Johnston School Road, West Asheville, N. C.; effective 11-19-56

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change Dated October 30, 1956; Texas Illinois Natural Gas Pipeline Company; Supplement No. 6 to Ownby's FPC Gas Rate Schedule No. 1; December 2, 1956.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 2, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 29, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9930; Filed Dec. 4, 1956; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-37]

GENERAL ATOMIC DIVISION OF GENERAL DYNAMICS CORP.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on October 25, 1956 General Atomic Division of General Dynamics Corporation, San Diego, California, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate a critical assembly facility on Torrey Pines Mesa in the city and county of San Diego, California.

Dated at Washington, D. C. this 27th day of November 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN, *Deputy Director, Division of Civilian Application.*

[F. R. Doc. 56-9851; Filed, Dec. 4, 1956; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3915]

GULF COAST LEASEHOLDS, INC.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 28, 1956.

In the matter of Gulf Coast Leaseholds, Inc., Common Stock; File No. 1-3915.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the American Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The listing application was approved by the American Stock Exchange on October 5, 1955 and registration became effective on or about November 5, 1955 by lapse of the usual 30-day waiting period. The stock was never admitted to dealings on said Exchange pending revision by the Company of its Form 10 registration application.

On October 25, 1956, the Company's Board of Directors determined to file this application for withdrawal from listing and registration due to its inability to furnish certain required information and to complete its registration application within the near future.

The American Stock Exchange has no objection to the withdrawal.

Upon receipt of a request, on or before December 19, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9932; Filed, Dec. 4, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 30, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32996: *Ammonia from Boutte and Luling, La., to Sheffield, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Boutte and Luling, La., to Sheffield, Ala.

Grounds for relief: Market and rail carrier competition.

Tariff: Supplement 176 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 32997: *Vegetables from Billings, Mont., to official territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dried beans, lentils, peas, and split peas, carloads from Billings, Mont., to points in Indiana, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

Grounds for relief: Circuitous routes.

Tariff: Supplement 33 to Agent Prueter's tariff I. C. C. 1575.

FSA No. 32998: *Sugar from Gulf ports to Gainesville, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from New Orleans, Three Oaks, Gramercy, Reserve, La., Gulfport, Miss., Mobile, Ala., and Pensacola, Fla., to Gainesville, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 327 to Agent J. H. Marque's I. C. C. 380.

FSA No. 32999: *Fertilizer from Centreville, Tenn., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Centreville, Tenn., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 81 to Agent C. A. Spaninger's I. C. C. 1366.

FSA No. 33000: *Sand from Tennessee to Jeffersonville, Ind.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sand, carloads from Camden, Lipe, Hollow Rock, and Sawyers Mill, Tenn., to Jeffersonville, Ind.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 86 to Agent Spaninger's tariff I. C. C. 1469.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-9925; Filed, Dec. 4, 1956; 8:45 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Ownby, if later.

[Notice 141]

MOTOR CARRIER APPLICATIONS

NOVEMBER 30, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under section 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1641 Sub 37, filed August 24, 1956, RAY PEAKE, doing business as PEAKE TRANSPORT SERVICE, Chester, Nebr. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum, petroleum products*, and *petroleum by-products*, in bulk, in tank vehicles, from Sugar Creek, Mo., to destination points in Iowa, Kansas, Nebraska, and South Dakota authorized in carrier's Certificates Nos. MC 1641 and MC 1641 Sub 27. Applicant is authorized to conduct regular route operations in Kansas and Nebraska, and irregular route operations in Iowa, Kansas, Nebraska and South Dakota. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 21, 1957, at Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Harold W. Angle.

No. MC 3102 Sub 12, filed November 1, 1956, SHAW TRANSPORTATION, INC., 710 West 2d Street, Hutchinson, Kans. Applicant's representative: James F. Miller, 500 Board of Trade, 10th & Wyandotte, Kansas City 5, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment, between Wichita, Kans., and Kansas City, Mo. via the Kansas Turnpike, as an alternate route in connection with applicant's authorized regular route operations in Certificate No. MC 3102 dated January 3, 1955, and Certificate No. MC 97806 Sub 2 acquired through purchase (MC-F-6132).

HEARING: January 17, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 7746 Sub 80, filed June 26, 1956, UNITED TRUCK LINES, INC., E. 915 Springfield Ave., Spokane 2, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, commodities in bulk, and household goods as defined by the Commission, (1) between McMinnville, Oreg., and Great Falls, Mont., from McMinnville over U. S. Highway 99W to Portland, Oreg., thence over U. S. Highway 99 to Vancouver, Wash., thence over U. S. Highway 830 to Maryhill, Wash., thence over U. S. Highway 97 to Toppenish, Wash., thence over unnumbered highway to Zillah, Wash., thence over U. S. Highway 410 to Pasco, Wash., thence over U. S. Highway 395 to Spokane, Wash., thence over U. S. Highway 10 to junction U. S. Highway 10N, thence over U. S. Highway 10N to Helena, Mont. (also from Spokane over Washington Highway 2H to junction U. S. Highway 10), thence over U. S. Highway 91 to Great Falls (also from Spokane, Wash., over U. S. Highway 10 to Milltown, Mont.), thence over Montana Highway 20 to Sun River, Mont., thence over U. S. Highway 89 to Vaughn, Mont., thence over combined U. S. Highways 89 and 91 to Great Falls. Return over the same routes to McMinnville. Serving all intermediate points on the proposed routes. Service between McMinnville, Oreg., and Portland, Oreg., restricted to traffic moving to or from Great Falls, Mont., or points beyond Great Falls. (2) Between Stanfield, Oreg., and Great Falls, Mont., from Stanfield over Oregon unnumbered highway to Hermiston, Oreg., thence over Oregon Highway 207 to junction U. S. Highway 730, thence over U. S. Highway 730 to junction U. S. Highway 395, thence over U. S. Highway 395 to Spokane, Wash., thence over U. S. Highway 10 to junction U. S. Highway 10N, thence over U. S. Highway 10N to Helena, Mont. (also from Spokane over Washington Highway 2H to junction U. S. Highway 10), thence over U. S. Highway 91 to Great Falls, Mont. (also from Spokane over U. S. Highway 10 to Milltown, Mont.), thence over Montana Highway 20 to Suh River, Mont., thence over U. S. Highway 89 to Vaughn, Mont., thence over combined U. S. Highways 89 and 91 to Great Falls. Return over the same routes to Stanfield, serving all intermediate points on the proposed routes. Issues originally published in FEDERAL REGISTER of July 25, 1956, as above.

HEARING: January 14, 1957, at the Council Chambers, Civic Center, Great Falls, Mont., before Joint Board No. 399.

No. MC 7746 Sub 83, filed September 24, 1956, UNITED TRUCK LINES, INC., East 915 Springfield Ave., Spokane 2, Wash. Applicant's representative: George R. La Bissoniere, 654 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, commodities in bulk, and household goods, as defined by the Commission, between Spokane, Wash. and Billings, Mont., from Spokane, Wash., over U. S. Highway 10 to Garrison, Mont. (also over Washington Highway 2-H to Junction U. S. Highway 10), thence over U. S. Highway 10-S to junction U. S. Highway 10, thence over U. S. Highway 10 to Billings, Mont., and return over the same route, also from Missoula, Mont. over U. S. Highway 10 to Garrison, Mont., thence over U. S. Highway 10-N to junction two miles west of Three Forks, Mont., thence over U. S. Highway 10 to Billings, Mont., and return over the same route, serving all intermediate points and all points in Spokane County, Wash. as off-route or intermediate points.

HEARING: January 14, 1957, at the Council Chambers, Civic Center, Great Falls, Mont., before Joint Board No. 399.

No. MC 9876 Sub 15, filed November 14, 1956, NATIONAL TRANSPORTATION COMPANY, 251 State Street Extension, Bridgeport 5, Conn. Applicant's representative: Hugh M. Joseloff, 410 Asylum St., Hartford 3, Conn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following alternate routes for operating convenience only, (1) between Springfield, Mass., and Boston, Mass., from Springfield over U. S. Highway 20 to the junction of Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, and return over the same route, serving no intermediate points; (2) between Hartford, Conn., and Boston, Mass., from Hartford over Connecticut Highway 15 to the junction of U. S. Highway 20, thence over U. S. Highway 20 to the junction of Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, and return over the same route, serving no intermediate points; and over the following service route: (1) between Hartford, Conn., and Greenfield, Mass., from Hartford over U. S. Highways 5 and 5A to Springfield, thence over U. S. Highway 5 to Greenfield, and return over the same route, serving the intermediate and off-route points of Windsor and Thompsonville, Conn., and Longmeadow, Springfield, Chicopee, Chicopee Falls, Willimansett, Holyoke, Easthampton, Northhampton, Deerfield, Millers Falls, and Turners Falls, Mass.

NOTE: Applicant is presently authorized to serve all of the above intermediate and off-route points. Applicant states that the above route is to be considered as a single operating right. Applicant is authorized to conduct operations in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland.

HEARING: January 10, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 22.

No. MC 29130 Sub 82, filed November 14, 1956, THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, 119 Walnut Street, Des Moines, Iowa. Applicant's representative: Thomas I. Megan, La Salle Street Station, 139 West Van Buren St., Chicago 5, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Oklahoma City and El Reno, Okla. over U. S. Highway 66-270 serving all intermediate points. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supple-

Ownby, if later.

8:46 a. m.]

8:45 a. m.]

mental of rail service of the Chicago, Rock Island, and Pacific Railway Company, hereinafter called the railroad. Said carrier shall not serve, or interchange traffic at, any point not a station on the rail line of the railroad. All contractual arrangements between said carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission in the future, may find necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service.

HEARING: January 23, 1957, at the Federal Bldg., Oklahoma City, Okla., before Joint Board No. 88.

No. MC 29988 Sub 63, filed November 19, 1956, DENVER-CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver, Colo. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, serving the site of the Ford Motor Car Company plant located in Chicago Heights, Ill., Township, approximately two miles east of Chicago Heights, Ill., at the intersection of Cottage Grove Avenue and U. S. Highway 30, as an off-route point in connection with applicant's authorized regular route operations between Denver, Colo., and Chicago, Ill., and St. Louis, Mo.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Kansas, Missouri, Nebraska, New Mexico, New York, Ohio, Oregon, Pennsylvania, Washington, and Wyoming.

HEARING: February 5, 1957, in Room 852 U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 149.

No. MC 30837 Sub 208, filed September 6, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 — 76th Street, Kenosha, Wis. Applicant's representative: Lyle DeVuyst, Traffic Manager, Kenosha Auto Transport Corporation (same address as applicant). For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from Los Angeles, Calif. to points in the United States. Applicant is authorized to conduct operations throughout the United States. Issues originally published in the FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 28, 1957, at the Federal Bldg., Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 30837 Sub 209, filed October 26, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th St., Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lift trucks*, from El Monte, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 4, 1957, at Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 35624 Sub 11, filed October 22, 1956, DEAN S. AXTELL, 2000 S. W. "G" Street, Grants Pass, Oreg. Applicant's representative: I. R. Perry, P. O. Box 594, Grants Pass, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plywood*, from points in Jackson and Josephine Counties, Oreg., to points in Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Inyo, Kern, Kings, Lassen, Los Angeles, Madera, Marin, Mariposa, Merced, Modoc, Mono, Ponterey, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Bernardino, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sierra, Solano, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba Counties, Calif. Applicant is authorized to conduct operations in California and Oregon.

HEARING: January 22, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11.

No. MC 39140 Sub 175, filed October 30, 1956, A. DUIE PYLE, INC., Chestnut Street, Coatesville, Pa. Applicant's representative: Richard V. Zug, 1418 Packard Bldg., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, and *such materials, supplies and equipment* as are used or useful in the production, assembly and distribution of iron and steel articles, between New Castle, Del., and points in Pennsylvania on and east of U. S. Highway 15. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia and West Virginia, and the District of Columbia.

HEARING: January 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 42614 Sub 20, filed November 6, 1956, CHICAGO AND NORTH WESTERN RAILWAY COMPANY, 400 West Madison St., Chicago, Ill. Applicant's representative: Jordan J. Hillman, Chicago and North Western Railway System, Law Department, 400 West Madison Street, Chicago 6, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Express*, between Sioux City, Iowa, and Omaha, Nebr., from Sioux City over U. S. Highway 75 to Missouri Valley, Iowa, thence over alternate U. S. Highway 30 to Omaha and return over the same routes serving the intermediate points of Sergent Bluff, Salix, Sloan, Whiting, Onawa, River Sioux, Mondamin, Missouri Valley, Loveland, Honey Creek, and Crescent City, Iowa, and Omaha, Nebr., and the off-route points of Blencae and Modale, Iowa. Applicant is authorized to conduct operations ni Illinois, Wisconsin, Iowa, Nebraska and South Dakota.

HEARING: January 15, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

No. MC 43700 Sub 12, filed November 14, 1956, FOWSER FAST FREIGHT, INC., Salem-Pennsville Road, Salem, N. J. Applicant's representative: Harry Adler, 143 E. Commerce St., Bridgeton, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pallets, platforms*, and *skids* and *damaged glassware*, and *closures*, between Salem, N. J., and Millville, N. J., and points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

NOTE: Appplicant has authority to transport glass products, glass containers, and closures, and glassware, from above-described origin points to above-described destination points, and seeks authority in this application to transport the commodities above-described, on return.

HEARING: January 29, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 50404 Sub 48, filed November 16, 1956, THE MAXWELL CO., 2200 Glendale-Milford Road, P. O. Box 37, Cincinnati, Ohio. Applicant's representative: Herbert Baker, 50 West Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paints* and *paint solvents*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Louisville, Ky.

HEARING: January 22, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 208.

No. MC 52465 Sub 14, filed May 14, 1956, WESTERN EXPRESS, a corporation, 2300 9th Ave., North, Great Falls, Mont. Applicant's representative: Ray F. Koby, 527–529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Great Falls, Mont., and Kalispell, Mont., from Great Falls over U. S. Highways 89 and 91 to Vaughn, Mont., thence over U. S. Highway 89 to Browning, Mont., thence over U. S. Highway 2 to Kalispell (also from Great Falls over U. S. Highways 89 and 91 to Vaughn, Mont., thence over U. S. Highway 91 to Shelby, Mont., thence over U. S. Highway 2 to Kalispell) and return over the same routes, serving all intermediate points.

NOTE: All duplicating authority to be eliminated. Issues originally published in the FEDERAL REGISTER of May 30, 1956, as above.

HEARING: January 14, 1957, at the Council Chambers, Civic Center, Great Falls, Mont., before Joint Board No. 82.

No. MC 59292 Sub 11, filed October 31, 1956, THE MARYLAND TRANSPORTATION COMPANY, a Corporation, 1111 Frankfurst Ave., Baltimore 25, Md. Applicant's representative: Spencer T. Money, Mills Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Glass A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Frederick, Md., on the one hand, and, on the other, points in Virginia, Pennsylvania, Maryland, Delaware, District of Columbia, and New Jersey, within 150 miles of Brunswick, Md. Applicant is authorized to conduct regular route operations in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and irregular route operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states no additional nor duplicating authority is sought that the carrier does not already have; the purpose of this application is to obtain Frederick, Md., as an additional gateway to Brunswick, Md., and points within five miles of Brunswick.

HEARING: January 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 59507 Sub 4, filed November 19, 1956, EDGAR H. ALLEN & SON, INC., 825 Fairfield Ave., Kenilworth, N. J. Applicant's representative: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wood poles*, from Whitemarsh, Md., to Washington, D. C., Arlington, Alexandria and Falls Church, Va., and *such incidental facilities* (not specified) used in transporting the commodity specified on return. Applicant is authorized to conduct operations in New Jersey, Connecticut, New York, Delaware, and Pennsylvania.

HEARING: January 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 59531 Sub 71, filed November 14, 1956, AUTO CONVOY CO., a Corporation, 3020 Haskell, Dallas, Tex. Applicant's representative: Jerry Prestridge, Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from Anthony, N. Mex., to points in Texas and Oklahoma, and *damaged shipments of new automobiles* on return. Applicant is authorized to conduct operations in Louisiana, Oklahoma, and Texas.

HEARING: January 24, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 210.

No. MC 61709 Sub 6, filed November 19, 1956, MEINHARDT CARTAGE CO., a corporation, 409 Broadway, Quincy, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and Joliet, Ill., over U. S. Highway 6, serving no intermediate points, but serving Joliet, Ill., for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (1) between Chicago, Ill., and Quincy, Ill., and (2) between Chicago, Ill., and Keokuk, Iowa. Applicant is authorized to conduct operations in Illinois and Iowa.

NOTE: Applicant has irregular route authority in Permit No. MC 108506, dated December 2, 1949—section 210 (dual operations) may be involved.

HEARING: January 29, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 21.

No. MC 63604 Sub 1, filed October 9, 1956, FRANCIS G. FISHER, Three Forks, Mont. Applicant's representative: Joseph B. Gary, Suite 3–6 Golden Rule Building, Bozeman, Mont. For authority to operate as a *contract carrier*, over a regular route, transporting: *Milk* and *cream*, in containers, and *mail, express, newspapers*, and *empty containers* for milk and cream, between Three Forks, Mont., and Francis, Mont., from Three Forks over U. S. Highway 10 to Logan, Mont., thence continue over U. S. Highway 10 for a distance of approximately seven (7) miles to junction unnumbered Gallatin County Highway, thence north over unnumbered Gallatin County Highways to Maudlow, Mont., a distance of approximately twenty-five (25) miles, thence over unnumbered Gallatin County Highways to Francis, a distance of approximately ten (10) miles, and return over the same route, serving no intermediate points.

NOTE: Applicant proposes to operate under a subcontract with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

HEARING: January 16, 1957, at Council Chambers, City Hall, Billings, Mont., before Joint Board No. 82.

No. MC 68183 Sub 6, filed November 19, 1956, YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio. Applicant's representative: Edwin C. Reminger, Standard Bldg., Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of General Motors Euclid Division Plant located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular-route operations (a) between Cleveland, Ohio, and Akron, Ohio, over U. S. Highway 21 to Barberton, Ohio, thence U. S. Highway 224, (b) between Cleveland, Ohio, and Warren, Ohio, over U. S. Highway 422, and (c) between Akron, Ohio, and Warren, Ohio, over Ohio Highway 5. Applicant is authorized to conduct operations in Ohio, West Virginia, Pennsylvania, Maryland, Delaware, and New Jersey.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 70451 Sub 179, filed May 18, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight, serving the site of the Western Electric Company plant, located approximately five miles of Ralston, Nebr., and on the northeast edge of Millard, Nebr., as an off-route point in connection with applicant's regular-route operations between Lincoln, Nebr., and Omaha, Nebr. Applicant is authorized to conduct operations in Minnesota, Iowa, Missouri, Kansas, Nebraska, Illinois, Colorado, Wisconsin, South Dakota, and Wyoming. Issues originally published in the FEDERAL REGISTER of June 6, 1956, as above.

HEARING: January 18, 1957, at the Rome Hotel, Omaha, Nebr., before Joint Board No. 93.

No. MC 78787 Sub 37, filed October 23, 1956, PACIFIC MOTOR TRUCKING COMPANY, 65 Market St., San Francisco 5, Calif. Applicant's representative: R. K. Booth, 65 Market St., San Francisco 5, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New automobiles, new trucks*, and *new buses*, except trailers, in initial movements, in truckaway and driveaway service, (1) from the sites of the General Motors-Chevrolet Plants at Oakland, Calif., to points in Arizona, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, except points in Oregon and Nevada which are stations on the rail lines of Southern Pacific Company and except Carson City, Minden, Austin, Tonopah, and Yerington, Nev.; (2) from the site of the General Motors-Chevrolet Plant at Raymer, Calif. to points in Arizona, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, except points in Arizona which are stations on the rail lines of Southern Pacific Company; *new automobiles*, except trailers, in initial movements, in truckaway and driveaway service, from the site of the General Motors-Buick-Oldsmobile-Pontiac Plant at South Gate, Calif. to points in Arizona, Idaho, Montana, Nevada, Oregon, Utah, and Washington. Applicant is authorized to conduct operations (1) as a contract carrier in California and Nevada; (2) as a common carrier in Arizona, California, Oregon, and Texas.

NOTE: Since applicant holds certificates issued in No. MC 78786 and Subs thereunder to perform certain common carrier operations, section 210 matters may be involved in this proceeding.

HEARING: February 5, 1957, at Room 226, Old Mint Bldg., 5th and Missions Sts., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 98874 Sub 1, filed August 20, 1956, EDWARD T. MOLITOR, doing business as STANDARD TRUCK LINE, 3570 Sixth Ave., San Diego, Calif. Applicant's representative: Robert H. Molitor, 1462 Naranca Ave., El Cajon, Calif. For authority to operate as a *common*

carrier, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between San Diego, Calif., and Long Beach Airport, Long Beach, Calif., International Airport, Los Angeles, Calif., and Lockheed Air Terminal, Burbank, Calif., over U. S. Highway 101 and Alternate U. S. Highway 101 serving the intermediate points of Carlsbad, Encinitas, Oceanside and San Clemente, Calif.

NOTE: Applicant states since about January 1950, and up to December 27, 1955, operations were conducted in the belief that such operations were incidental to transportation by aircraft, and within the purview of section 203 (b) (7a) of the Interstate Commerce Act; that operations were discontinued on December 27, 1955, as a result of conferences and information obtained from representatives of the Interstate Commerce Commission. Issues originally published in the FEDERAL REGISTER of September 19, 1956.

HEARING: January 30, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 75.

No. MC 99061 Sub 1, filed August 22, 1956, Allen M. Murphy, doing business as MURPHY TRANSFER, 212 N. Water St., Rockford, Ill. Applicant's representative: John T. Porter, 708 First Nat'l Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as defined by the Commission, from Rockford, Ill., to points in Illinois within seventy-five (75) miles of Rockford; *gas appliances, electric appliances, air conditioners*, and *such commodities as are dealt in by retail department stores and mail order houses*, from Rockford, Ill., to points in Green, Lafayette, Rock, and Walworth Counties, Wis.; *household goods*, as defined by the Commission, between Rockford, Ill., and points in Illinois within a 75-mile radius of Rockford. Applicant is authorized to conduct operations in Illinois under the second proviso of section 206 (a) (1), Interstate Commerce Act.

HEARING: January 8, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 103051 Sub 24, filed November 19, 1956, WALKER HAULING CO., INC., 624 Penn Ave., NE., Atlanta 8, Ga. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitrogen solutions* and *anhydrous ammonia*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in South Carolina, and points in that part of North Carolina which lie on and west of a line extending from the North Carolina-South Carolina State line along U. S. Highway 321 to Hickory, N. C., and on and south of U. S. Highway 70 from Hickory to Asheville, N. C., and on and east of U. S. Highway 19 from Asheville, N. C. to the North Carolina-Georgia State line. Applicant is authorized to conduct operations in Georgia, Alabama and Tennessee.

HEARING: January 31, 1957, at the Peachtree-Seventh Bldg., 50 Seventh St., NE., Atlanta, Ga., before Joint Board No. 130.

No. MC 103993 Sub 77, filed October 29, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's representative: John E. Lesow, 632 Illinois Bldg., 17 West Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, from points in Los Angeles and Orange Counties, Calif., to points in the United States. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, West Virginia, and Virginia.

HEARING: January 30, 1957, at the Federal Bldg., Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 104128 Sub 73, filed October 15, 1956, FRANK ELSWORTH CAMPBELL, doing business as CAMPBELL'S SERVICE, 9008 East Garvey Blvd., South San Gabriel, Calif. Applicant's representative: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *New trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from McMinnville, Oreg., to points in the United States, except those in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and *damaged and refused shipments* of the above-specified commodity on return. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states no duplication of operating authority is requested or intended.

HEARING: January 29, 1957, at the Federal Bldg., Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 104430 Sub 21, filed November 14, 1956, (Amended) CAPITAL TRANSPORT COMPANY, INC., P. O. Box 789, McComb, Miss. Applicant's representative: Dudley W. Conner, Conner Building, Hattiesburg, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Baton Rouge, Gretna, Destrehan, Goodhope, Norco, and St. Rose, La., to Tuscaloosa, Ala., and points in Mississippi on and north of U. S. Highway 80, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Alabama, Florida, Louisiana, and Mississippi.

NOTE: Duplication with pending and authorized authority to be eliminated.

HEARING: January 17, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 165.

No. MC 105813 Sub 28, filed November 20, 1956, BELFORD TRUCKING CO., INC., 1299 N. W. 23rd Street, Miami 42, Fla. Applicant's representative: Dan R. Schwartz, Suite 713 Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: January 14, 1957, at the Angebilt Hotel, Orlando, Fla., before Examiner Richard Yardley.

No. MC 107064 Sub 15, filed October 29, 1956, FERGUSON-STEERE MOTOR COMPANY, 2808 Fairmount, Dallas, Tex. Applicant's representative: O. Russell Jones, P. O. Box 1437, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, between points in New Mexico and points in Texas on and west of U. S. Highway 83. Applicant is authorized to conduct operations in Texas and New Mexico.

HEARING: January 17, 1957, at Harden Hotel, Hobbs, N. Mex., before Joint Board No. 33.

No. MC 107072 Sub 3, filed November 8, 1956, ANDREW SUWAK, R. D. No. 1, Hickory, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock, inedible packing-house products*, and *materials and supplies* used by meat-packing houses, between points in Ohio, West Virginia and Pennsylvania, on the one hand, and, on the other, points in Maryland, New Jersey and Pennsylvania (except points in Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland Counties, Pa.). Applicant is authorized to conduct operations in Pennsylvania, Ohio and West Virginia.

NOTE: No duplicating authority is sought.

HEARING: January 29, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 107515 Sub 235, filed September 10, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Candy* and *frozen foods*, from Loring, Kans., to points in Mississippi, Alabama, Tennessee, North Carolina, South Carolina, Georgia, and Florida. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: January 16, 1957, at Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 107527 Sub 32, filed August 9, 1956, POST TRANSPORTATION COMPANY, a corporation, 3152 East 26th Street, Los Angeles 23, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Hydrochloric acid* (muriatic) and *caustic soda*, in bulk, in tank vehicles, from Henderson, Nev., to points in Arizona, Colorado and New Mexico. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Utah, and Wyoming. Issues originally published in the FEDERAL REGISTER of August 22, 1956, as above.

HEARING: January 25, 1957, at the Federal Bldg., Las Vegas, Nev., before Examiner F. Roy Linn.

No. MC 107643 Sub 41, filed November 2, 1956, ST. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington Avenue, Portland, Oreg. Applicant's representative: John M. Hickson, Failing Building, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sodium cresylate solution*, in bulk, in tank vehicles, from the site of the General Petroleum Plant at Neptune Beach, Wash., located on Puget Sound, approximately five and one-half (5½) miles northwest (almost due west) of Ferndale, Wash., to Ferndale, Wash.

HEARING: January 16, 1957, at Room 400 U. S. Court House, 5th & Madison Sts., Seattle, Wash., before Joint Board No. 80.

No. MC 107643 Sub 42, filed November 2, 1956, (Amended) published November 21, 1956, ST JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington Avenue, Portland, Oreg. Applicant's representative: John M. Hickson, Failing Building, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, between points in Coos County, Oreg. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, Utah, and Washington.

HEARING: Remains as assigned January 10, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172.

No. MC 108703 Sub 21, filed November 13, 1956, LEE & EASTES, INC., 2326 Airport Way, Seattle 4, Wash. Applicant's representative: Donald D. Fleming, 1405 Hoge Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, (dry and liquid) in tank vehicles, from points in Washington, to points in Oregon, and points in that part of Idaho north of Idaho County, Idaho, and *rejected or contaminated shipments*, on return.

HEARING: January 17, 1957, at Room 400 U. S. Court House, 5th & Madison Sts., Seattle, Wash., before Joint Board No. 81.

No. MC 109280 Sub 6, filed November 6, 1956, LEWIS O. JACOBS, doing business as TERMINAL WAREHOUSE & STORAGE COMPANY, 44-48 Main St., Dubuque, Iowa. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Gratiot, Wis., and South Wayne and Browntown, Wis., (1) from Gratiot over Wisconsin Highway 78 to Wiota, Wis., thence over Wisconsin Highway 176 to South Wayne, and return over the same route, serving the intermediate point of Wiota, Wis.; (2) from Gratiot over Wisconsin Highway 78 to Wiota, Wis., thence continuing over Wisconsin Highway 78 to junction Lafayette County Highway M, thence over Lafayette County Highway M to junction Green County Highway MM, thence over Green County Highway MM to Browntown, and return over the same route, serving the intermediate points of Wiota and Woodford, Wis.; and (3) between Orfordville, Wis., and Beloit, Wis., from Orfordville over Wisconsin Highway 13 to Beloit, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Dubuque, Iowa, and Janesville and Beloit, Wis. Applicant is authorized to conduct operations in Illinois, Iowa and Wisconsin.

HEARING: January 8, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 109584 Sub 30, filed October 15, 1956, ARIZONA-PACIFIC TANK LINES, a Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's representative: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in California to points in Arizona and New Mexico, and *contamined shipments of wine*, on return.

HEARING: January 29, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 167.

No. MC 109584 Sub 32, filed November 8, 1956, ARIZONA-PACIFIC TANK LINES, a Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's representative: R. Y. Schureman, 639 South Spring St., Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Edible and inedible meat fats*, in bulk, in tank vehicles, from points in Arizona, Colorado, Idaho, Oregon, Nevada, Washington, and Utah, to points in California; (2) *liquid shortening, cottonseed oil, soybean oil* and *coconut oil*, in bulk, in tank vehicles, from points in California, to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Washington, and Utah; (3) *coconut oil*, in bulk, in tank vehicles, from points in California to points in Texas; and (4) *rejected and contaminated shipments* of the commodities specified on return movements. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, Oregon, Texas, Utah, and Washington.

NOTE: Duplication of applicant's presently authorized operations should be eliminated.

HEARING: January 22, 1957, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 109761 Sub 7 (Correction) CARL SUBLER TRUCKING, INC., 906 Magnolia Ave., Auburndale, Fla., published page 9085, issue of November 21, 1956. That part of the notice of filing pertaining to the assignment of the application for hearing was not clear due to typographical error. Correctly stated this portion reads:

HEARING: January 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 110193 Sub 27, filed October 29, 1956, SAFEWAY TRUCK LINES, INC., 4625 West 55th St., Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 W. Washington St., Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chocolate, candy, confectionery* and *confectionery supplies*, (1) between Lincoln, Nebr., and Allentown, Pa., and (2) from Lincoln, Nebr., and Omaha, Nebr., to Baltimore, Md., Washington, D. C., Pittsburgh and Allentown, Pa., Buffalo, Rochester, and Syracuse, N. Y., and Toledo and Cleveland, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities in (1) and (2) above, on return. Applicant is authorized to conduct operations in New York and Michigan.

HEARING: January 22, 1957, at Rome Hotel, Omaha, Nebr., before Examiner Harold W. Angle.

No. MC 110193 Sub 28, filed October 29, 1956, SAFEWAY TRUCK LINES, INC., 4625 West 55th St., Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 W. Washington St., Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Fremont, Nebr., to points in Ohio, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Baltimore, Maryland, Washington, D. C., and Wilmington, Del. Applicant is authorized to conduct operations in New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Illinois, Nebraska, Virginia, West Virginia, Wisconsin, Kentucky, Colorado, Minnesota, Indiana, Iowa, Missouri, Kansas, Delaware, New Jersey, and the District of Columbia.

HEARING: January 22, 1957, at Rome Hotel, Omaha, Nebr., before Examiner Harold W. Angle.

No. MC 110525 Sub 318, filed November 9, 1956, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Gerald L. Phelps and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soda ash*, in bulk, in hopper-type vehicles, from Barberton and Painesville, Ohio, and from Wyandotte, Mich., to points in Allegheny County, Pa. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: January 29, 1957, at the Offices of the Interstate Commerce Com-

mission, Washington, D. C., before Examiner William T. Croft.

No. MC 110525 Sub 320, filed November 13, 1956, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's representatives: John R. Sims, Jr., Munsey Building, Washington 4, D. C.; and Gerald L. Phelps, Munsey Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from points in Onondaga County, N. Y., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania (except points in Allegheny County, and the Cities of Johnstown, Josephtown, and Kobuta, Pa.), Rhode Island, Tennessee, Vermont, Virginia, West Virginia (except Morgantown, Fairmont and Follansbee, W. Va.), and the District of Columbia, points in Long Island, N. Y., and those in the New York, N. Y., Commercial Zone, as defined by the Commission; and (2) *hydrogen peroxide*, from Tonawanda, N. Y., to points in Kentucky (except Louisville), points in Long Island, N. Y., and those in the New York, N. Y., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 28, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 111823 Sub 9, filed November 13, 1956, SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Carbon dioxide, liquefied*, in bulk, in tank vehicles and *carbon dioxide, solidified* (dry ice), from Lima, Ohio to points in Indiana and points in the Lower Peninsula of Michigan.

HEARING: January 21, 1957, at Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 9.

No. MC 113094 Sub 6, filed October 15, 1956, R. A. GOULD, INC., P. O. Box 822, Moab, Utah. Applicant's representative: Harry D. Pugsley, Continental Bank Bldg., Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including Class A and B explosives and commodities in bulk*, but excepting petroleum products and acids and chemicals, in bulk, in tank vehicles, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between points in Grand and San Juan Counties, Utah; *ores, concentrates*, and *machinery, supplies, and equipment incidental to or used in the construction, development, and operation of facilities for the discovery, milling and mining of ores and minerals* when such machinery, supplies and equipment are being transported to mining and mill sites in San Juan, Emery, Grand, and Carbon Counties, Utah, and can be readily transported on the dump-type equipment operated by applicant, on return movements only. Applicant is authorized to conduct operations in Colorado and Utah.

HEARING: January 31, 1957, at Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 116146, filed August 6, 1956, JOHN H. McCLANAHAN, doing business as GLADMAN McCLANAHAN AUTO CO., 1700 N. Main St., Las Vegas, Nev. For authority to operate as a *common carrier*, over regular routes, transporting: *Automobiles*, (1) between Las Vegas Nev., and Salt Lake City, Utah, from Las Vegas over U. S. Highway 91 to Salt Lake City, and return over the same route, serving all intermediate points; (2) between Las Vegas, Nev., and Los Angeles, Calif., from Las Vegas over U. S. Highway 91 to Los Angeles, and return over the same route, serving all intermediate points; (3) between Las Vegas, Nev., and Phoenix, Ariz., from Las Vegas over U. S. Highway 95 to Blythe, Calif., thence over U. S. Highway 60–70 to Wickenburg, Ariz., thence over U. S. Highway 60–70 to Phoenix, and return over the same route, serving all intermediate points; (4) between Las Vegas, Nev., and Reno, Nev., from Las Vegas over U. S. Highway 95 to Reno, and return over the same route, serving all intermediate points.

HEARING: January 25, 1957, at the Federal Bldg., Las Vegas, Nev., before Examiner F. Roy Linn.

No. MC 116188, filed September 4, 1956, LAURIE V. BALTZELL, JR., doing business as BALTZELL TRUCK LINES, 1633 Swift Street, North Kansas City, Mo. Applicant's representative: Wilbur B. Ennis, Suite 1633 Dierks Bldg., Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in section, and *component parts thereof* when transported at the same time and in the same vehicles with such buildings, from Kansas City, Kans., and Kansas City, Mo., to points in Iowa, Illinois, Kansas, Missouri, Nebraska and Wisconsin. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: January 23, 1957, at Hotel Pickwick, Kansas City, Mo., before Examiner Harold W. Angle.

No. MC 116256, filed October 15, 1956, GEORGE YONKOVICH, R. R. #2, Ashland, Wis. For authority to operate as a *contract carrier*, over regular routes, transporting: *Ice cream*, from Minneapolis, Minn., to Ashland, Wis.: from Minneapolis over U. S. Highway 8 to junction U. S. Highway 63, thence in a northerly direction over U. S. Highway 63 to junction U. S. Highway 2, and thence over U. S. Highway 2 to Ashland, serving no intermediate points; *Cottage cheese*, from Stillwater, Minn., to Ashland, Wis.: from Stillwater over Wisconsin Highway 64 to junction U. S. Highway 63, thence in a northerly direction over U. S. Highway 63 to junction U. S. Highway 2, and thence over U. S. Highway 2 to Ashland, serving no intermediate points; *Butter*, from St. Paul, Minn., to Ashland, Wis.: from St. Paul over Minnesota Highway 212 to junction with Wisconsin Highway 64, thence over Wisconsin Highway 64 to junction with U. S. Highway 63, thence in a northerly direction over U. S. Highway 63 to junction U. S. Highway 2, and thence over U. S. Highway 2 to Ashland, serving no intermediate points.

HEARING: January 9, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 116281, (correction) FRANK DeLEO, Philadelphia, Pa., published page 9088, issue of November 21, 1956. The docket number shown in that publication as MC 11681 was in error, the correct number assigned is MC 116281.

No. MC 116293, filed November 6, 1956, CHICAGO, SAINT PAUL, MINNEAPOLIS AND OMAHA RAILWAY COMPANY, 400 W. Madison St., Chicago 6, Ill. Applicant's representative: Jordan J. Hillman, 400 W. Madison St., Chicago 6, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Express*, between St. Paul-Minneapolis, Minn. and Sioux City, Iowa, from St. Paul and Minneapolis over Minnesota Highway 13 to Minnesota Highway 101, thence over Minnesota Highway 101 to Shakopee, Minn., thence over U. S. Highway 169 to Mankato, Minn., thence over Minnesota Highway 60 to the Minnesota-Iowa State line, thence over Iowa Highway 33 to LeMars, Iowa, thence over U. S. Highway 75 to Sioux City, Iowa, and return over the same routes, serving the intermediate points of Savage, Shakopee, Belle Plaine, LeSueur, St. Peter, Kasota, Mankato, Lake Crystal, Madella, St. James, Butterfield, Mountain Lake, Bingham Lake, Windom, Wilder, Heron Lake, Miloma, Brewster, Worthington, and Bigelow, Minn., Sibley, Ashton, Sheldon, Hospers, Alton, and LeMars, Iowa, and the off-route point of Henderson, Minn.

NOTE: This application, and companion application of Chicago and North Western Railway Company, involve an integral through service for express shipments between Minneapolis, Minn., and Omaha, Nebr., and applicant's request authority to tack together the separate authorities sought to provide through express service. Applicant states that all intermediate and off-route points at which authority is sought herein are stations regularly served by applicant in its rail service and that the proposed service is limited to express shipments to and from stations served by rail by the two applicants.

HEARING: January 15, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 116298, filed November 9, 1956, SAM B. BLAIR, doing business as B & S BROKERAGE COMPANY, P. O. Box 1027, Albuquerque, N. Mex. Applicant's representative: William J. Torrington, 1219 Simms Building, Albuquerque, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, in refrigerated equipment, from Los Angeles, Anaheim, Pasadena, Ventura, Watsonville, San Martin, Gilroy, Santa Clara, San Jose, Patterson, Modesta, Turlock, Fresno, Sanger, and San Francisco, Calif., to points in New Mexico; and *empty containers or other such incidental facilities* used in transporting the commodities specified on return.

HEARING: January 15, 1957, at New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 167.

No. MC 116304, filed November 13, 1956, LEO J. JEFFREYS, 1305 South Platinum, Deming, N. Mex. For authority to operate as a *contract carrier*, over regular routes, transporting: *Milk, ice cream, frozen foods*, and *dairy products, including eggs*, between El Paso, Tex., and Silver City and Carlsbad, N. Mex., (1) from El Paso over U. S. Highway 54 to Alamogordo, N. Mex., thence over New Mexico Highway 83 to Artesia, N. Mex., thence over U. S. Highway 285 to Carlsbad, N. Mex., and return to El Paso over U. S. Highway 180, serving no intermediate points, and (2) from El Paso to Las Cruces, N. Mex., over U. S. Highway 80 to Deming, N. Mex., thence over U. S. Highway 260 to Silver City, thence return over New Mexico Highway 180 to Lordsburg, N. Mex., thence over U. S. Highway 80 to El Paso, serving no intermediate points, and *empty containers or other such incidental facilities* (not specified), on return.

HEARING: January 17, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 33.

No. MC 116305, filed November 13, 1956, CLYDE MARTIN, doing business as CLYDE MARTIN SERVICE, 801 East Washington St., Phoenix, Ariz. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles and trailers* (wrecked and disabled), between Phoenix, Ariz., on the one hand, and, on the other, points in California, New Mexico, Utah and Nevada.

HEARING: January 21, 1957, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 116308, filed November 15, 1956, THOMAS W. WARD, P. O. Box 276, Dalton and Paxton Roads, Calumet City, Ill. Applicant's representative: W. L. Jordan, 201 National Bldg., Terre Haute, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the plant site of Laketon Asphalt and Refining Company, near Laketon, Wabash County, Ind., to points in Illinois as follows: Chicago, Illinois Commercial Zone, those in Cook County (outside of Chicago Commercial Zone) and those in Du Page, Kankakee and Will Counties and those in that part of Iroquois County on and north of U. S. Highway 24.

HEARING: January 22, 1957, at Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 21.

No. MC 116311, filed November 16, 1956, W. HARRY RUSSELL and WINIFRED D. RUSSELL, doing business as RUSSELL & SON, 703 Wolfin Street, Mt. Vernon, Ind. Applicant's representative: Robert W. Loser, 317 Chamber of Commerce Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Water*, and *crude oil*, in bulk, in tank vehicles, between points in that part of Indiana on and west of U. S. Highway 31 and on and south of U. S. Highway 40, and points in Wabash, Edwards, White, and Gallatin Counties, Illinois.

HEARING: January 30, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 21.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 19778 Sub 29, filed October 19, 1956, CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, a corporation, 516 W. Jackson Blvd., Chicago 6, Ill. Applicant's representative: W. L. Hunter, Law Dept., Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 888 Union Station, Chicago 6, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities* over the following alternate routes, for operating convenience only, in connection with applicant's authorized regular-route operations in Wisconsin; (1) between Sauk City, Wis., and Arlington, Wis., from junction U. S. Highway 12, near Sauk City, over Wisconsin Highway 188 to junction Wisconsin Highway 60, near Prairie du Sac, Wis., thence over Wisconsin Highway 60 to junction U. S. Highway 51, near Arlington, and return over the same route, serving no intermediate points, (2) between Sun Prairie and Madison, Wis., from Sun Prairie over Wisconsin Highway 19 to junction U. S. Highway 51, near Madison, and return over the same route, serving no intermediate points, (3) between Columbus and Sun Prairie, Wis., from Columbus over U. S. Highway 151, and return over the same route, serving no intermediate points, (4) between Watertown and Minnesota Junction, Wis., from junction U. S. Highway 16 near Watertown, over Wisconsin Highway 26 to junction Wisconsin Highway 33, near Minnesota Junction, and return over the same route, serving no intermediate points, (5) between Fond du Lac and Waupun, Wis., from Fond du Lac over U. S. Highway 151 to Waupun, and return over the same route, serving no intermediate points, (6) between Markesan and Pardeeville, Wis., from Markesan over Wisconsin Highway 44 to junction Wisconsin Highway 33, near Pardeeville, and return over the same route, serving no intermediate points, (7) between Winneconne and Oshkosh, Wis., from Winneconne over Wisconsin Highway 116 to junction Wisconsin Highway 110, thence over Wisconsin Highway 110 to Oshkosh, and return over the same route, serving no intermediate points, (8) between Appleton and Green Bay, Wis., from Appleton over U. S. Highway 41 to Green Bay, and return over the same route, serving no intermediate points, and (9) between Richland Center and Muscoda, Wis., from Richland Center over Wisconsin Highway 80 to junction Wisconsin Highway 60, near Muscoda, and return over the same route, serving no intermediate points.

No. MC 67916 Sub 3, THE NEW YORK CENTRAL RAILROAD COMPANY, a corporation, 466 Lexington Ave., New York 17, N. Y. Applicant's representative: Kenneth H. Lundmark, 466 Lexington Avenue, New York 17, N. Y. PETITION FOR REOPENING, RECONSIDERATION AND MODIFICATION OF CERTIFICATES DATED May 18, 1948 and July 31, 1951.

NOTE: The Certificate dated May 18, 1948 is embraced in Certificate dated July 31, 1951.

By petition dated July 20, 1956, applicant petitions that this proceeding be reopened and that the Certificates in the above-entitled proceedings dated May 18, 1948, and July 31, 1951, be reconsidered and modified by the elimination therefrom of the conditions naming Cleveland, Galion, Columbus, Springfield, Dayton, Cincinnati, Bellefontaine and Ansonia, Ohio; Anderson, Indianapolis, Terre Haute, Greensburg and Lafayette, Ind.; Mattoon, East St. Louis, Danville, Kankakee, and Lawrenceville, Ill., as key points, insofar as such key points are applicable to commodities handled in Railway Express service, and milk, cream, newspapers and newspaper supplements moving in rail baggage service, and enable applicant to provide substituted motor-for-rail service in connection with the transportation of those commodities named, free from any restrictive key-point conditions at the points specified above.

No. MC 112520 Sub 13, filed November 10, 1956, SOUTH STATE OIL CO., New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's representative: Dan R. Schwartz, Suite 713 Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied Petroleum Gas*, in bulk, in pressurized tank vehicles, from St. Marks, Fla., to points in Georgia.

No. MC 116246, filed October 11, 1956, J. D. HOBBS, 27 West Longfellow (Claycomo), Kansas City, Mo. Applicant's representative: James F. Miller, 500 Board of Trade Bldg., 10th and Wyandotte, Kansas City 5, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, crushed rock, stone, chat* and *road construction aggregates*, in bulk, in dump trucks, between Morris, Kans., and points in Kansas within 10 miles thereof, on the one hand, and Kansas City, Mo., and points in Missouri within seventy-five (75) miles thereof, on the other.

No. MC 116247, filed October 11, 1956, JOHN BRAS, 5415 Woodson Rd., R. 5, Independence, Mo. Applicant's representative: James F. Miller, 500 Board of Trade Bldg., 10th and Wyandotte, Kansas City 5, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, crushed rock, stone, chat*, and *road construction aggregates*, in bulk, in dump-trucks, between Morris, Kans., and points in Kansas within ten (10) miles thereof, on the one hand, and Kansas City, Mo., and points in Missouri within seventy-five (75) miles thereof, on the other.

No. MC 116249, filed October 11, 1956, RALPH E. JOHNSON, 633 E. 42nd Terrace, North, Kansas City 16, Mo. Applicant's representative: James F. Miller, 500 Board of Trade Bldg., 10th and Wyandotte, Kansas City 5, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, crushed rock, stone, chat* and *road construction aggregates*, in bulk, in dump trucks, between Morris, Kans., and points in Kansas within ten miles thereof, on the one hand, and Kansas City, Mo., and points in Missouri within seventy-five (75) miles thereof, on the other.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 5870 (erroneously shown as MC–F 5879) published in the December 29, 1954, issue of the FEDERAL REGISTER on page 9311. Petition filed November 26, 1956, for reopening and reconsideration of report and order dated August 26, 1955, on the basis of a modified plan under which authority is sought under section 5 to merge the operating rights and property of GENERAL EXPRESSWAYS, INC., (ILLINOIS) and GENERAL EXPRESSWAYS, INC. (IOWA) into SEABOARD GENERAL EXPRESSWAYS, INC. (CONNECTICUT). Time for filing request to intervene and replies to the petition will expire December 26, 1956.

No. MC–F 6454. Authority sought for purchase by ROY J. CHRISTENSEN, doing business as PEAVINE TRANSFER & WAREHOUSE CO., 120 Mary Street, Reno, Nevada, of a portion of the operating rights of PACIFIC MOTOR TRUCKING COMPANY, 65 Market Street, San Francisco, Calif. Applicants' representative: William Meinhold, 65 Market Street, San Francisco 5, Calif. Operating rights sought to be transferred: *General commodities*, without exception, as a *common carrier* over regular routes between Truckee, Calif., and Tahoe City, Calif., serving all intermediate and certain off-route points; *general commodities*, except bulk liquids and except lumber in shipments of more than 10,000 pounds, assembled automobiles, household goods as defined by the Commission, and Class A and B explosives, livestock, and heavy machinery, when transported in special equipment, between Tahoe City, Calif., and the California-Nevada State line, serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Nevada and California. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6455. Authority sought for purchase by SIEBERT TRUCKING CO., 308 – 40th Street, Union City, N. J., of the operating rights and property of MICHAEL LEININGER, doing business as H. & M. TRUCKING CO., 110 Selfridge Avenue, Brant Beach, N. J., and for acquisition by WILLIAM E. SIEBERT, JR., and MARGARET SIEBERT, both of Union City, of control of such rights and property through the purchase. Applicants' representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *Milk, chocolate milk, buttermilk, cream* (including sour cream), *cream cheese*, and *cottage cheese*, in containers, as a *common carrier* over irregular routes from Slate Hill, N. Y., to certain points in New Jersey. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6456. Authority sought for control and merger by BLUE LINES EXPRESS, INC., Lowell Road, Nashua, N. H., of the operating rights and property of HATHORN'S TRANSPORTATION CO., INC., 4 Hazen Street, White River Junction, Vt., and for acquisition by DANA L. CLARK, JR., also of Nashua, of control of such rights and property through the transaction. Applicant's representative: James E. Wilson, 1012 – 14th Street, NW., Washington, D. C. Operations sought to be controlled and merged: Operations under the Second Proviso of section 206 (a) (1) in the transportation of *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between White River Junction, Vt., and certain specified points in Vermont, and between Montpelier, Vt., and St. Johnsbury, Vt., serving all intermediate points. BLUE LINE EXPRESS, INC., is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Rhode Island, Vermont and New York. Application has been filed for temporary authority under section 210a (b).

NOTE: MC 1783 Sub 4 is a matter directly related.

No. MC–F 6458. Authority sought for purchase by JOHN F. IVORY STORAGE CO., INC., 8035 Woodward Avenue, Detroit 2, Mich., of a portion of the operating rights of W. R. HALL TRANSPORTATION AND STORAGE COMPANY, 6th and North Avenue, Grand Junction, Colo., and for acquisition by JOHN F. IVORY, also of Detroit, of control of such rights through the purchase. Applicants' representative: Arthur P. Boynton, 2850 Penobscot Bldg., Detroit, Mich. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between points in Colorado on and west of the Continental Divide, on the one hand, and, on the other, certain points in Colorado, New Mexico, Arizona, Utah and Wyoming. Vendee is authorized to operate as a *common carrier* in Michigan, Louisiana, Maine, New Hampshire, North Dakota, South Dakota, Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, Texas, Mississippi, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–9931; Filed, Dec. 4, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOSEPH VIGROUX

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Joseph Vigroux, Deux Sevres, France, Claim No. 42510, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943.) relating to United States Letter Patent Nos. 2,157,366 and 2,208,204.

Executed at Washington, D. C., on November 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9935; Filed, Dec. 4, 1956; 8:46 a. m.]

MARIA GIUDITTA PUNZI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Giuditta Punzi, Via Carulli 152, Bari, Italy, Claim No. 41789, Vesting Order No. 503, $746.22 in the Treasury of the United States.

Executed at Washington, D. C., on November 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9936; Filed, Dec. 4, 1956; 8:46 a. m.]

JOSEF KUNZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Josef Kunz, Wambacherg 2, Vienna XIII, Austria, Claim No. 38235, Vesting Order No. 201, a one-half interest in property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,074,226.

Executed at Washington, D. C., on November 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9937; Filed, Dec. 4, 1956; 8:46 a. m.]

GUSTAV STUX

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Gustav Stux, Berne, Switzerland, Claim No. 42371, property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,153,653.

Executed at Washington, D. C., on November 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–9938; Filed, Dec. 4, 1956; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
DEC 11 1956

purchase by SIEBERT TRUCKING CO., 308 – 40th Street, Union City, N. J., of tucky, Massachusetts, Maryland, Minnesota, Missouri, Nebraska, New Jersey,

[F. R. Doc. 56-9936; Filed, Dec. 4, 1956; 8:46 a. m.]

UNIVERSITY OF MICHIGAN
DEC 11 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES
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1934

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 236

Washington, Thursday, December 6, 1956

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1957 CROP OF EXTRA LONG STAPLE COTTON

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) for the purposes stated in connection with each of the following amendments. Notice of the proposed establishment of county acreage allotments was published in the FEDERAL REGISTER of September 6, 1956 (21 F. R. 6716) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted have been duly considered. In order that the Agricultural Stabilization and Conservation State and County Committees may perform their assigned functions in an orderly manner and establish farm acreage allotments as early as possible prior to the holding of the extra long staple cotton referendum, it is essential that these amendments be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable, unnecessary and contrary to the public interest and these amendments shall be effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to acreage allotments for the 1957 crop of extra long staple cotton (21 F. R. 8275) are amended as follows:

1. Section 722.1412 (c) (13) is amended to provide that the same factors be considered in determining normal yields for new ELS cotton farms as are considered for old ELS cotton farms in addition to any consideration given to normal yield of other farms in the locality. Section 722.1412 (c) (13) is revised as follows:

(13) "Normal yield" means the average yield per acre of extra long staple lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county and the yield in years for which data are available. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of extra long staple cotton.

2. Section 722.1412 (c) (17) (iii) (*b*) is amended to provide for planted acreage history credit where there is participation in 1956 in the conservation reserve under the Soil Bank Program and is revised as follows:

(*b*) *For 1956.* The acreage of extra long staple cotton measured for purposes of the 1956 marketing quota program, including any acreage not seeded to extra long staple cotton which is eligible for compensation as extra long staple cotton acreage reserve under the Soil Bank Program. If any part of the farm acreage allotment remains uncredited for history purposes, planted acreage history credit resulting from a conservation reserve contract shall be established for farms covered by and eligible for compensation under a Soil Bank Conservation Reserve Contract (Form CSS-811, Soil Bank) as follows and shall be added to the foregoing acreage:

(*1*) Obtain a total of the uncredited history acreage for all allotments established for the farm for the year 1956.

(2) Determine from the conservation reserve contract for the farm the 1956 "permitted acreage" under such contract.

(3) Obtain the sum of the acreage of land on the farm which in 1956 is devoted to soil bank base crops which is chargeable to such "permitted acreage" and the acreage devoted to non-soil bank

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FEDERAL REGISTER

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base crops, counting double cropped acreage only once.

(4) Obtain the unused "permitted acreage" on the farm by subtracting from (2) of this subdivision the smaller of (2) or (3) of this subdivision.

(5) Obtain maximum planted acreage history credit for all allotment crops by subtracting (4) of this subdivision from (1) of this subdivision, disregarding negative credits.

(6) Obtain total planted acreage history credit for all allotment crops which shall be the smaller of (5) of this subdivision or the acreage eligible for compensation under the conservation reserve contract for 1956.

(7) Obtain the percent of the total planted acreage history credit attributable to extra long staple cotton by dividing the uncredited history acreage for such cotton by (1) of this subdivision.

(8) Obtain the planted acreage history credit for extra long staple cotton due to the conservation reserve contract by multiplying (6) of this subdivision by (7) of this subdivision.

The planted acreage history credit consisting of the sum of the measured acreage, and the credit resulting from the acreage reserve and conservation reserve under the Soil Bank Program, shall be adjusted as provided in subsections (g) (3), (i) and (m) (2) of section 344 of the act.

If a written request was filed by June 1, 1956, to preserve acreage history for extra long staple cotton for a farm for the year 1956 as provided in section 377 of the act, the entire 1956 allotment shall be considered to have been planted to extra long staple cotton.

3. Section 722.1416 (e) is amended to establish county acreage allotments and is revised as follows:

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. There are set forth below for each county the computed county acreage allotment, and adjustments from the State reserve for trends, and abnormal conditions affecting the planting of extra long staple cotton, and the county acreage allotments consisting of the sum of the foregoing. Where an asterisk follows the name of the county, farm acreage allotments in that county are determined on the cropland basis as provided in § 722.1417 (c). Farm acreage allotments in the remaining counties are determined on the historical basis as provided in § 722.1417 (d). The cotton producing areas located in the northern part of Puerto Rico are considered as a county and the cotton producing areas in the southern part of Puerto Rico are considered as a county.

ARIZONA

[Acres]

County	Computed county allotment (1)	Adjustment from State reserve for—Trends (2)	Adjustment from State reserve for—Abnormal conditions (3)	County allotment, sum of columns (1), (2), and (3) (4)
Cochise	147	9	0	156
Graham	10,335	0	0	10,335
Maricopa	15,194	310	0	15,504
Pima	2,833	71	0	2,904
Pinal	7,090	276	0	7,366
Santa Cruz	15	3	0	18
Yuma	310	64	0	374
a. State total	35,924	733	0	36,657
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases				0
c. State allotment				36,657

CALIFORNIA

Imperial	107	0	0	107
Riverside	478	0	0	478
a. State total	585	0	0	585
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases				31
c. State allotment				616

FLORIDA

Alachua	99	1	0	100
Bradford	1	0	0	1
Columbia	19	0	0	19
Hamilton	4	0	0	4
Jefferson	1	0	0	1
Lake	270	0	0	270
Madison	76	4	0	80
Marion	322	0	0	322
Orange	47	0	0	47
Putnam	25	0	0	25
Seminole	111	0	0	111
Sumter	92	16	0	108
Suwanee	4	0	0	4
Union	71	1	0	72
Volusia	29	4	0	33
a. State total	1,171	26	0	1,197
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases				104
c. State allotment				1,301

GEORGIA

Berrien	98	0	0	98
Cook	30	0	0	30
a. State total	128	0	0	128
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases				7
c. State allotment				135

NEW MEXICO

[Acres]

County	Computed county allotment (1)	Adjustment from State reserve for—Trends (2)	Adjustment from State reserve for—Abnormal conditions (3)	County allotment, sum of columns (1), (2), and (3) (4)
Dona Ana	16,945	0	0	16,945
Eddy*	69	0	0	69
Luna	24	0	0	24
Otero	9	0	0	9
Sierra	125	0	0	125
a. State total	17,172	0	0	17,172
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases				350
c. State allotment				17,522

TEXAS

Brewster	87	0	0	87
Culberson	70	0	0	70
El Paso	21,505	0	0	21,505
Hudspeth	2,326	0	0	2,326
Jeff Davis	3	0	0	3
Loving	6	0	0	6
Pecos	368	0	0	368
Presidio	60	0	0	60
Reeves	3,102	0	0	3,102
Ward	456	0	125	581
a. State total	27,983	0	125	28,108
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases				1,875
c. State allotment				29,983

PUERTO RICO

North	2,344	0	0	2,344
South	485	0	0	485
a. Total, Puerto Rico	2,829	0	0	2,829
b. Acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases				314
c. Total allotment				3,143

4. Section 722.1417 (c) (1) is amended to provide for deduction from cropland of acreages of tobacco, peanuts, wheat, and rice eligible for compensation in the acreage reserve of the Soil Bank Program and planted acreage history credit resulting from a conservation reserve contract by addition of the following new subdivision (vii):

(vii) The acreage of tobacco, peanuts, wheat, and rice eligible for compensation in the acreage reserve of the Soil Bank Program and planted acreage history credit resulting from a conservation reserve contract.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 343–347, 361–368, 373, 374, 377, 388, 52 Stat. 38, as amended; secs. 106, 112, 70 Stat. 191, 195. 7 U. S. C. 1301, 1343–1347, 1361–1368, 1373, 1374, 1377, 1388)

Done at Washington, D. C., this 28th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9861; Filed, Nov. 29, 1956; 12:30 p. m.]

[Amdt. 2]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1957 CROP OF UPLAND COTTON

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 *et seq.*) for the purposes stated in connection with each of the following amendments. Notice of the proposed establishment of county acreage allotments was published in the FEDERAL REGISTER of July 7, 1956 (21 F. R. 5063) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted have been duly considered. In order that the Agricultural Stabilization and Conservation State and County Committees may perform their assigned functions in an orderly manner and establish farm acreage allotments as early as possible prior to the holding of the upland cotton referendum, it is essential that these amendments be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable, unnecessary and contrary to the public interest and these amendments shall be effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to acreage allotments for the 1957 crop of upland cotton (21 F. R. 7817) are amended as follows:

1. Section 722.813 (c) (13) is amended to provide that the same factors be considered in determining normal yields for new cotton farms as are considered for old cotton farms in addition to any consideration given to normal yields of other farms in the locality. Section 722.812 (c) (13) is revised as follows:

(13) "Normal yield" means the average yield per acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

2. Section 722.816 (e) is amended to establish county acreage allotments and is revised as follows:

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section, (3) the allocation, if any, to the county from the national reserve, and (4) the allocation, if any, to the county from the State acreage reserve for minimum farm allotments. There are set forth below for each county the computed county acreage allotment, allocation from the national acreage reserve for minimum farm allotments, adjustments from the State reserve for trends, abnormal conditions and minimum farm allotments, and the county acreage allotments consisting of the sum of the foregoing. The apportionment to the States from the national reserve as provided in § 722.815 is apportioned among counties on the basis of each county's estimated need for additional acreage for establishing minimum farm allotments as provided in section 344 (f) (1) of the act. Where an asterisk follows the name of the county, farm acreage allotments in that county are determined on the cropland basis as provided in § 722.817 (c). Farm acreage allotments in the remaining counties are determined on the historical basis as provided in § 722.817 (d).

ALABAMA

[Acres]

County	Computed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for—			County allotment, sum of columns (1), (2), (3), (4) and (5)
			Trends	Abnormal conditions	Minimum farm allotments	
	(1)	(2)	(3)	(4)	(5)	(6)
Autauga	8,820	117.1	0	0	182.5	9,119.6
Baldwin	2,322	129.5	0	0	202.0	2,653.5
Barbour	13,973	131.9	0	0	205.7	14,310.6
Bibb	3,505	83.9	0	0	130.7	3,719.6
Blount	15,478	501.0	0	0	781.0	16,760.0
Bullock	8,823	60.1	0	0	93.8	8,976.9
Butler	8,781	207.4	0	0	323.3	9,311.7
Calhoun	5,721	247.1	0	0	385.1	6,353.2
Chambers	9,219	98.6	0	0	153.8	9,471.4
Cherokee	20,439	83.3	0	0	129.8	20,652.1
Chilton	8,553	391.1	0	0	609.6	9,553.7
Choctaw	5,756	254.8	0	0	397.3	6,408.1
Clarke	4,859	387.9	0	0	604.7	5,851.6
Clay	3,506	344.2	0	0	536.6	4,386.8
Cleburne	2,400	209.6	0	0	326.7	2,936.3
Coffee	18,650	95.3	0	0	148.6	18,893.9
Colbert	21,186	131.1	0	0	204.3	21,521.4
Conecuh	11,506	181.3	0	0	282.5	11,969.8
Coosa	1,460	146.6	0	0	228.5	1,835.1
Covington	15,711	191.1	0	0	297.8	16,199.9
Crenshaw	10,762	107.2	0	0	167.1	11,036.3
Cullman	29,834	540.9	0	0	843.1	31,218.0
Dale	8,018	140.5	0	0	219.1	8,377.6
Dallas	26,031	108.5	0	0	169.1	26,308.6
De Kalb	28,510	581.0	0	0	905.8	29,996.8
Elmore	14,279	181.4	0	0	282.8	14,743.2
Escambia	9,901	204.4	0	0	318.7	10,424.1
Etowah	10,045	474.8	0	0	740.2	11,260.0
Fayette	7,906	370.9	0	0	578.3	8,855.2
Franklin	12,426	284.0	0	0	442.8	13,152.8
Geneva	19,866	91.6	0	0	142.9	20,100.5
Greene	12,545	81.4	0	0	126.8	12,753.2
Hale	14,810	116.6	0	0	181.7	15,108.3
Henry	15,181	47.8	0	0	74.4	15,303.2
Houston	25,635	81.5	0	0	127.1	25,843.6
Jackson	22,394	283.8	0	0	442.5	23,120.3
Jefferson	2,926	197.0	0	0	307.0	3,430.0
Lamar	10,093	277.6	0	0	432.7	10,803.3
Lauderdale	26,519	237.2	0	0	369.8	27,126.0
Lawrence	30,522	212.5	0	0	331.3	37,065.8
Lee	9,204	93.2	0	0	145.2	9,442.4
Limestone	49,619	98.4	0	0	153.5	49,870.9
Lowndes	10,296	75.1	0	0	117.0	10,488.1
Macon	16,385	108.3	0	0	168.9	16,662.2
Madison*	57,223	86.3	0	0	134.5	57,443.8
Marengo	15,779	209.2	0	0	326.1	16,314.3
Marion	12,020	344.5	0	0	537.1	12,901.6
Marshall	27,383	303.5	0	0	473.1	28,159.6
Mobile	3,177	126.5	0	0	197.2	3,500.7
Monroe	17,453	186.8	0	0	291.3	17,931.1
Montgomery	10,342	112.7	0	0	175.7	10,630.4
Morgan	26,733	250.0	0	0	389.7	27,372.7
Perry	10,567	159.1	0	0	248.0	10,974.1
Pickens	14,125	215.3	0	0	335.7	14,676.0
Pike	16,442	96.2	0	0	149.9	16,688.1
Randolph	9,037	401.7	0	0	626.2	10,064.9
Russell	10,774	50.3	0	0	78.4	10,402.7
St. Clair	4,438	219.3	0	0	388.6	5,275.9
Shelby	5,855	76.4	0	0	119.1	6,050.5
Sumter	13,543	97.2	0	0	151.6	13,791.8
Talladega	11,842	210.2	0	0	327.6	12,379.8
Tallapoosa	6,587	148.6	0	0	231.7	6,967.3
Tuscaloosa	15,255	278.9	0	0	433.4	15,966.4
Walker	5,590	588.9	0	0	918.0	7,096.9
Washington	2,107	158.3	0	0	246.8	2,512.1
Wilcox	11,123	79.3	0	0	123.7	11,326.0
Winston	6,029	310.2	0	0	483.6	6,822.8
a. State total	933,699	13,727.0	0	0	21,399.1	968,825.1
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases						59,791.9
c. State allotment						1,028,617.0

ARKANSAS—Continued

[Acres]

County	Computed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for—			County allotment, sum of columns (1), (2), (3), (4) and (5)
			Trends	Abnormal conditions	Minimum farm allotments	
	(1)	(2)	(3)	(4)	(5)	(6)
Monroe	38,969	67.9	0	0	105.8	39,142.7
Montgomery	63	19.6	0	0	30.6	113.2
Nevada	4,647	145.9	0	0	227.4	5,020.3
Newton	45	8.3	0	0	8.2	68.4
Ouachita	2,570	211.0	0	0	328.3	3,109.3
Perry	831	70.7	0	0	124.3	1,026.0
Phillips	80,068	65.8	0	0	88.9	80,220.7
Pike	352	27.9	0	0	43.4	423.3
Poinsett	45,457	41.9	0	0	63.9	84,553.9
Polk	27	11.3	0	0	17.6	55.9
Pope	2,446	131.7	0	0	205.3	2,783.0
Prairie	10,659	106.4	0	0	165.8	11,931.2
Randolph	16,729	69.3	0	0	108.0	16,904.3
St. Francis	8,757	177.1	0	0	276.1	9,198.2
Saline	115	17.1	0	0	69.0	66,273.1
Scott	107	26.6	0	0	30.6	153.7
Searcy	150	26.4	0	0	41.1	217.5
Sebastian	296	10.1	0	0	29.7	334.8
Sevier	2,060	171.1	0	0	115.4	795.5
Sharp	140	35.1	0	0	270.1	2,513.2
Stone	2,780	133.5	0	0	204.1	3,121.6
Union	869	145.2	0	0	268.1	1,282.3
Van Buren	22,711	460.4	0	0	226.3	23,788.6
White	37,116	450.6	0	0	624.2	38,245.5
Woodruff	6,288	81.1	0	0	78.9	6,448.6
Yell					138.5	
a. State total	1,382,061	6,553.0	0	0	10,214.6	1,398,828.6
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases						17,960.4
c. State allotment						1,416,819.0

CALIFORNIA

County	Computed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for—			County allotment, sum of columns (1), (2), (3), (4) and (5)
			Trends	Abnormal conditions	Minimum farm allotments	
	(1)	(2)	(3)	(4)	(5)	(6)
Butte	3		0	0	0	3.0
Fresno	203,169	244.0	0	0	381.3	203,794.7
Glenn	8	4.0	0	0	0	12.0
Imperial	49,376	40.8	0	0	63.7	49,480.5
Kern	187,137	24.5	0	0	63.9	187,225.4
Kings	100,212	57.6	0	0	90.1	100,899.9
Los Angeles	27		0	0	0	27.0
Madera	49,536	20.0	0	0	31.3	49,587.3
Merced	31,355	13.0	0	0	20.3	31,388.3
San Benito	21,144	21.1	0	0	33.0	21,198.1
San Bernardino	223	1.0	0	0	0	228.0
San Diego	603	1.6	0	0	1.6	605.6
San Joaquin	314	.3	0	0	.4	314.7
San Luis Obispo	3	.3	0	0	.4	4.0
Santa Barbara	46	0	0	0	0	46.0
Tehama	132	0	0	0	0	132.0
Tulare	155,505	146.1	0	0	0	155,651.1
Yuba	10	0	0	0	0	10.0
a. State total	799,741	581.0	0	0	906.5	801,228.5
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases						9,216.5
c. State allotment						810,445.0

ARIZONA

[Acres]

County	Computed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for—			County allotment, sum of columns (1), (2), (3), (4) and (5)
			Trends	Abnormal conditions	Minimum farm allotments	
	(1)	(2)	(3)	(4)	(5)	(6)
Cochise	14,078	15.3	61.9	0	23.8	14,179.0
Gila	3	.4	0	0	0	4.0
Graham	8,833	16.7	7.0	0	26.9	9,086.0
Greenlee	1,787	4.2	5.0	0	11.6	1,813.0
Maricopa	133,405	81.0	8.0	210.4	126.0	134,198.0
Mohave	242	0	105.7	0	0	350.0
Pima	23,979	2.1	8.0	0	3.2	24,000.0
Pinal	142,173	3.5	674.1	0	5.4	142,833.0
Santa Cruz	2,096	.2	9.4	0	.4	2,105.0
Yavapai*	11	0	0	0	0	11.0
Yuma	32,050	38.4	141.0	0	69.6	32,298.0
a. State total	358,667	165.0	1,053.1	210.4	256.5	360,802.0
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						0
c. State allotment						360,802.0

ARKANSAS

County	Computed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for—			County allotment, sum of columns (1), (2), (3), (4) and (5)
			Trends	Abnormal conditions	Minimum farm allotments	
	(1)	(2)	(3)	(4)	(5)	(6)
Arkansas	10,538	67.6	0	0	105.5	10,711.1
Ashley	24,740	74.2	0	0	115.7	24,929.8
Baxter	66	8.2	0	0	12.9	87.1
Benton	1	1.2	0	0	1.3	3.2
Boone	27	1.2	0	0	1.8	30.0
Bradley	6,015	117.6	0	0	183.4	6,316.0
Calhoun	4,232	70.3	0	0	109.5	4,411.8
Clark	30,260	63.7	0	0	99.4	30,423.1
Clay	4,272	66.8	0	0	138.4	4,427.2
Cleburne	38,413	157.2	0	0	485.5	39,055.7
Cleveland	3,138	282.8	0	0	450.8	3,871.6
Columbia	4,872	218.1	0	0	707.9	5,798.0
Conway	13,996	280.3	0	0	437.6	14,524.0
Craighead	6,189	12.8	0	0	19.7	6,777.6
Crawford	81,890	247	0	0	294.9	82,051.5
Crittenden	247	17.8	0	0	27.7	292.5
Cross	96,644	81.7	0	0	127.3	96,853.0
Dallas	38,115	77.4	0	0	130.7	38,324.0
Desha	2,236	41.8	0	0	64.3	2,434.1
Drew	14,245	144.8	0	0	225.8	43,350.6
Faulkner	12,369	319.5	0	0	498.0	13,186.5
Franklin	441	19.4	0	0	30.3	491.7
Fulton	660	96.2	0	0	140.9	896.1
Garland	16	1.5	0	0	2.4	19.9
Grant	863	74.3	0	0	115.7	1,053.0
Greene	38,598	134.3	0	0	208.6	38,941.0
Hempstead	10,777	180.0	0	0	280.6	11,237.6
Hot Spring	472	58.2	0	0	90.7	620.9
Howard	2,321	72.9	0	0	113.6	2,507.5
Independence	5,474	152.5	0	0	242.5	6,169.0
Izard	1,685	55.6	0	0	368.7	2,324.7
Jackson	43,794	50.3	0	0	92.4	43,936.7
Jefferson	67,422	17.4	0	0	27.1	67,573.7
Johnson	874	65.5	0	0	78.6	918.5
Lafayette	15,031	97.7	0	0	86.6	15,143.1
Lawrence	19,514	96.7	0	0	151.3	19,882.3
Lee	58,615	47.8	0	0	75.4	58,738.8
Lincoln	34,496	42.7	0	0	68.6	34,607.3
Little River	5,628	90.7	0	0	141.4	5,737.3
Logan	1,418	178.7	0	0	280.1	1,650.1
Lonoke	82,765	176.4	0	0	83.2	83,114.8
Marion	65	6.2	0	0	74.6	145.8
Miller	11,206	76.2	0	0	15.0	11,297.2
Mississippi	183,016	30.5	0	0	47.6	183,094.1

FLORIDA

[Acres]

County	Computed county allotment (1)	Allocation from national minimum farm reserve (2)	Adjustment from State reserve for— Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4) and (5) (6)
Alachua	145	11.2	0	0	11.1	167.3
Baker	3	2.4	0	0	2.3	7.7
Bay	61	1.6	0	0	1.6	64.2
Calhoun	642	22.8	0	0	22.6	687.4
Clay	1	2.5	3.0	0	2.4	8.9
Columbia	267	25.6	0	0	25.4	318.0
Dixie	5	.7	0	0	.7	6.4
Duval	1	1.8	0	0	1.7	4.5
Escambia	1,435	75.2	31.0	0	74.5	1,615.7
Gadsden	236	21.5	0	0	21.3	278.8
Gilchrist	1	1.8	0	0	1.8	4.6
Hamilton	1,192	52.9	3.0	0	52.4	1,300.3
Holmes	4,936	140.6	49.0	0	139.1	5,264.7
Jackson	7,779	219.1	0	0	216.8	8,214.9
Jefferson	1,436	45.3	1.0	0	44.9	1,527.2
Lafayette	227	29.7	0	0	29.4	286.1
Leon	1,029	35.1	0	0	34.7	1,098.8
Levy	9	1.8	0	0	1.8	12.6
Liberty	12	.7	0	0	.7	13.4
Madison	2,832	125.0	16.0	0	123.7	3,096.7
Nassau	5	1.5	0	0	1.4	7.9
Okaloosa	1,493	63.4	34.0	0	62.7	1,653.1
Orange	6	0	0	0	0	6.0
Santa Rosa	6,126	55.7	0	0	55.1	6,236.8
Suwannee	687	57.6	0	0	57.0	801.6
Taylor	28	3.4	0	0	3.3	34.7
Union	10	4.3	1.0	0	4.3	19.6
Walton	2,252	90.5	50.0	0	89.5	2,482.0
Washington	924	44.3	0	0	43.8	1,012.1
a. State total	33,780	1,138.0	188.0	0	1,126.0	36,232.0
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases						2,439.0
c. State allotment						38,671.0

GEORGIA

County	Computed county allotment (1)	Allocation from national minimum farm reserve (2)	Adjustment from State reserve for— Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4) and (5) (6)
Appling	4,335	148.7	0	0	231.9	4,715.6
Atkinson	868	54.8	0	0	85.4	1,008.2
Bacon	2,220	118.4	0	0	184.5	2,522.9
Baker	3,225	24.6	0	0	38.3	3,287.9
Baldwin	2,467	46.2	0	0	72.0	2,585.2
Banks	3,048	111.2	0	0	173.4	3,332.6
Barrow	5,427	68.3	0	0	106.6	5,601.9
Bartow	16,101	54.9	0	0	85.5	16,241.4
Ben Hill	5,061	34.7	0	0	54.2	5,149.9
Berrien	3,196	137.3	0	0	214.1	3,547.4
Bibb	1,239	28.6	0	0	44.5	1,312.1
Bleckley	6,606	25.4	0	0	39.5	6,670.9
Brantley	42	2.7	0	0	4.3	49.0
Brooks	8,896	109.0	0	0	170.0	9,175.0
Bryan	192	14.2	0	0	22.2	228.4
Bulloch	14,786	81.2	0	0	126.6	14,993.8
Burke	34,449	23.3	0	0	36.2	34,508.5
Butts	4,231	39.1	0	0	61.0	4,331.1
Calhoun	5,449	13.8	0	0	21.4	5,484.2
Camden	2	0	0	0	0	2.0
Candler	6,598	21.3	0	0	33.2	6,652.5
Carroll	9,421	319.9	0	0	498.5	10,239.4
Catoosa	1,211	115.9	0	0	180.7	1,507.6
Charlton	9	1.7	0	0	2.6	13.3
Chatham	46	2.9	0	0	4.4	53.3
Chattahoochee	144	4.8	0	0	7.4	156.2
Chattooga	4,148	132.6	0	0	206.7	4,487.3
Cherokee	665	122.2	0	0	190.5	977.7
Clarke	1,850	49.7	0	0	77.4	1,957.1

GEORGIA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national minimum farm reserve (2)	Adjustment from State reserve for— Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4) and (5) (6)
Clay	3,452	14.0	0	0	21.7	3,487.7
Clayton	1,058	63.7	0	0	98.2	1,220.9
Clinch	121	17.1	0	0	26.6	164.7
Cobb	898	109.4	0	0	170.5	1,177.9
Coffee	6,983	130.1	0	0	202.9	7,316.0
Colquitt	20,926	56.8	0	0	88.5	21,071.3
Columbia	1,858	59.5	0	0	92.7	2,010.2
Cook	3,774	102.5	0	0	159.7	4,036.2
Coweta	7,252	116.1	0	0	181.1	7,549.2
Crawford	1,740	49.4	0	0	76.9	1,866.3
Crisp	9,432	31.7	0	0	49.5	9,513.2
Dade	276	62.6	0	0	97.6	436.2
Dawson	123	28.3	0	0	44.1	195.4
Decatur	4,096	107.0	0	0	166.8	4,369.8
De Kalb	530	47.9	0	0	74.7	642.6
Dodge	13,097	29.4	0	0	45.8	13,173.2
Dooly	18,641	36.2	0	0	56.4	18,733.6
Dougherty	1,997	23.1	0	0	36.1	2,056.2
Douglas	997	94.2	0	0	146.9	1,238.1
Early	13,429	31.7	0	0	49.5	13,510.2
Echols	44	4.6	0	0	7.3	55.9
Effingham	1,450	77.3	0	0	120.4	1,647.7
Elbert	8,331	153.7	0	0	239.7	8,724.4
Emanuel	16,534	48.4	0	0	75.5	16,657.9
Evans	2,556	37.0	0	0	57.7	2,650.7
Fayette	4,423	74.5	0	0	116.1	4,613.6
Floyd	6,659	73.9	0	0	115.3	6,848.2
Forsyth	1,714	239.8	0	0	373.5	2,327.3
Franklin	7,139	189.5	0	0	295.3	7,623.8
Fulton	1,971	121.0	0	0	188.5	2,280.5
Gilmer	6	1.8	0	0	2.9	10.7
Glascock	4,667	16.2	0	0	25.3	4,708.5
Gordon	9,701	175.1	0	0	273.0	10,149.1
Grady	3,501	181.8	0	0	283.3	3,966.1
Greene	2,843	95.6	0	0	148.9	3,087.5
Gwinnett	3,747	236.8	0	0	369.0	4,352.8
Habersham	348	60.0	0	0	93.5	501.5
Hall	1,963	175.2	0	0	273.2	2,411.4
Hancock	8,649	70.8	0	0	110.3	8,830.1
Haralson	2,416	174.1	0	0	271.5	2,861.6
Harris	1,615	61.2	0	0	95.3	1,771.5
Hart	10,771	236.8	0	0	368.9	11,376.7
Heard	2,544	88.7	0	0	138.3	2,771.0
Henry	10,916	74.4	0	0	115.9	11,106.3
Houston	5,362	38.0	0	0	59.2	5,459.2
Irwin	9,749	26.7	0	0	41.6	9,827.3
Jackson	8,959	157.1	0	0	245.0	9,361.1
Jasper	4,119	45.0	0	0	70.1	4,234.1
Jeff Davis	2,140	123.1	0	0	191.8	2,454.9
Jefferson	19,122	53.2	0	0	82.9	19,258.1
Jenkins	11,358	11.2	0	0	17.4	11,386.6
Johnson	15,624	23.6	0	0	36.9	15,684.5
Jones	539	23.8	0	0	37.0	599.8
Lamar	2,363	55.5	0	0	86.4	2,504.9
Lanier	667	39.2	0	0	61.2	767.4
Laurens	28,494	75.1	0	0	117.2	28,686.3
Lee	3,593	15.1	0	0	23.6	3,631.7
Liberty	118	12.6	0	0	19.7	150.3
Lincoln	2,181	61.3	0	0	95.5	2,337.8
Long	496	26.8	0	0	41.9	564.7
Lowndes	3,214	131.1	0	0	204.4	3,549.5
Lumpkin	46	15.2	0	0	23.8	85.0
McDuffie	6,278	34.9	0	0	54.5	6,367.4
McIntosh	4	.7	0	0	1.2	5.9
Macon	11,574	18.2	0	0	28.3	11,620.5
Madison	9,635	148.7	0	0	231.8	10,015.5
Marion	3,777	28.8	0	0	44.8	3,850.6
Meriwether	11,585	71.4	0	0	111.2	11,767.6
Miller	5,857	61.4	0	0	95.7	6,014.1
Mitchell	12,287	46.8	0	0	73.0	12,406.8

GEORGIA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national minimum farm reserve (2)	Adjustment from State reserve for— Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4) and (5) (6)
Monroe	1,454	34.1	0	0	53.1	1,541.2
Montgomery	3,918	37.5	0	0	58.4	4,013.9
Morgan	13,479	45.3	0	0	70.6	13,594.9
Murray	3,456	111.3	0	0	173.5	3,740.8
Muscogee	182	13.2	0	0	20.7	215.9
Newton	7,214	79.4	0	0	123.9	7,417.3
Oconee	7,627	41.7	0	0	65.0	7,733.7
Oglethorpe	7,141	75.1	0	0	117.2	7,333.3
Paulding	2,485	160.4	0	0	250.1	2,895.5
Peach	2,311	13.2	0	0	20.6	2,344.8
Pickens	364	70.3	0	0	109.6	543.9
Pierce	2,142	120.6	0	0	187.9	2,450.5
Pike	6,023	51.4	0	0	80.1	6,154.5
Polk	5,679	160.5	0	0	250.1	6,089.6
Pulaski	8,645	19.2	0	0	29.9	8,694.1
Putnam	1,611	32.5	0	0	50.6	1,694.1
Quitman	1,578	7.7	0	0	12.1	1,597.8
Randolph	5,564	47.3	0	0	73.8	5,685.1
Richmond	2,355	39.5	0	0	61.7	2,456.2
Rockdale	3,078	62.5	0	0	97.5	3,238.0
Schley	3,831	19.7	0	0	30.7	3,871.4
Screven	16,206	41.4	0	0	64.5	16,311.9
Seminole	4,652	31.2	0	0	48.7	4,731.9
Spalding	2,282	50.1	0	0	78.1	2,410.2
Stephens	799	92.7	0	0	144.6	1,036.3
Stewart	2,913	11.3	0	0	17.5	2,941.8
Sumter	10,405	43.1	0	0	67.1	10,515.2
Talbot	1,316	81.7	0	0	127.4	1,525.1
Taliaferro	1,605	47.2	0	0	73.5	1,725.7
Tattnall	5,071	123.5	0	0	192.5	5,387.0
Taylor	6,868	38.6	0	0	60.3	6,966.9
Telfair	4,636	103.9	0	0	162.0	4,901.9
Terrell	11,842	29.3	0	0	45.8	11,917.1
Thomas	5,845	91.8	0	0	143.0	6,079.8
Tift	6,897	52.9	0	0	82.5	7,032.4
Toombs	7,717	68.5	0	0	106.7	7,892.2
Treutlen	3,346	22.5	0	0	35.2	3,403.7
Troup	1,734	96.6	0	0	150.6	1,981.2
Turner	7,958	24.3	0	0	37.9	8,020.2
Twiggs	3,419	52.7	0	0	82.2	3,553.9
Upson	1,231	59.9	0	0	93.3	1,384.2
Walker	2,359	237.5	0	0	370.0	2,966.5
Walton	18,113	56.5	0	0	88.1	18,257.6
Ware	734	68.4	0	0	106.7	909.1
Warren	10,669	23.8	0	0	37.2	10,730.0
Washington	16,958	49.0	0	0	76.4	17,083.4
Wayne	2,413	82.1	0	0	127.9	2,623.0
Webster	1,652	27.2	0	0	42.4	1,721.6
Wheeler	3,396	51.9	0	0	80.9	3,528.8
White	417	98.7	0	0	135.1	638.8
Whitfield	1,768	232.6	0	0	362.3	2,362.9
Wilcox	11,116	25.0	0	0	39.0	11,180.0
Wilkes	4,057	60.6	0	0	94.5	4,212.1
Wilkinson	2,496	62.0	0	0	96.7	2,654.7
Worth	18,664	24.3	0	0	37.9	18,726.2
a. State total	841,862	10,624.0	0	0	16,560.5	869,046.5
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases						35,766.5
c. State allotment						904,813.0

ILLINOIS

[Acres]

County	Computed county allotment (1)	Allocation from national minimum farm reserve (2)	Adjustment from State reserve for— Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4) and (5) (6)
Alexander	1,657	17	0	0	27	1,701
Jefferson	2	0	0	0	0	2
Massac	2	2	0	0	2	6
Pulaski	1,137	53	0	0	83	1,273
Williamson	1	0	0	0	1	2
a. State total	2,799	72	0	0	113	2,984
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						198
c. State allotment						3,182

KANSAS

Cowley	0	1	0	0	1	2
Montgomery	26	0	0	0	0	26
a. State total	26	1	0	0	1	28
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						2
c. State allotment						30

KENTUCKY

Ballard	13	.4	0	0	.4	13.8
Calloway	100	39.1	0	0	37.1	176.2
Carlisle	43	9.6	0	0	9.1	61.7
Fulton	5,831	47.4	0	50.0	44.9	5,973.3
Graves	128	42.1	0	0	39.9	210.0
Hickman	930	87.1	0	25.0	82.4	1,124.5
McCracken	3	.2	0	0	.2	3.4
Marshall	37	19.1	0	0	18.0	74.1
a. State total	7,085	245.0	0	75.0	232.0	7,637.0
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						329.0
c. State allotment						7,966.0

LOUISIANA

Acadia	12,276	77.8	0	0	121.2	12,475.0
Allen	772	70.8	0	0	110.2	953.0
Ascension	568	47.7	0	0	74.3	690.0
Assumption	31	1.2	0	0	1.8	34.0
Avoyelles	24,041	229.5	1,560.0	0	357.5	26,188.0
Beauregard	345	53.6	0	0	83.4	482.0
Bienville	6,002	191.1	0	0	297.9	6,491.0
Bossier	19,275	133.7	0	0	208.3	19,617.0
Caddo	34,428	90.7	0	0	141.3	34,660.0
Calcasieu	215	9.4	0	0	14.6	239.0
Caldwell	6,732	45.0	219.0	0	70.0	7,066.0
Cameron	174	35.2	0	0	54.8	264.0

(e) *County acreage allotment.* The county acreage allotment shall be the c. State allotment 1,028,017.0

LOUISIANA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national minimum farm reserve (2)	Adjustment from State reserve for— Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4) and (5) (6)
Catahoula	11,298	32.8	826.0	0	51.2	12,210.0
Claiborne	9,185	152.5	0	0	237.5	9,575.0
Concordia	8,768	31.7	716.0	0	49.3	9,565.0
De Soto	9,510	178.6	0	0	278.4	10,207.0
E. Baton Rouge	852	67.6	0	0	105.4	1,025.0
East Carroll	22,904	23.1	2,084.0	0	35.9	25,047.0
East Feliciana	3,638	105.9	0	0	165.1	3,909.0
Evangeline	16,199	138.4	1,562.0	0	215.6	18,115.0
Franklin	52,656	29.7	3,421.0	0	46.3	56,153.0
Grant	3,581	35.2	376.0	0	54.8	4,047.0
Iberia	1,981	64.9	0	0	101.1	2,147.0
Iberville	677	23.8	0	0	37.2	738.0
Jackson	1,139	104.8	0	0	163.2	1,407.0
Jefferson	4	1.6	0	0	2.4	8.0
Jefferson Davis	486	33.2	0	0	51.8	571.0
Lafayette	14,835	123.5	0	0	192.5	15,151.0
Lafourche	124	0	0	0	0	124.0
La Salle	365	32.4	0	0	50.6	448.0
Lincoln	3,850	116.9	0	0	182.1	4,149.0
Livingston	409	61.8	0	0	96.2	567.0
Madison	17,190	10.9	1,296.0	0	17.1	18,514.0
Morehouse	28,279	44.6	2,103.0	0	69.4	30,496.0
Natchitoches	24,115	117.7	0	0	183.3	24,416.0
Orleans	5	1.2	0	0	1.8	8.0
Ouachita	13,209	67.2	1,029.0	0	104.8	14,410.0
Plaquemines	1	0	0	0	0	1.0
Pointe Coupee	10,065	49.6	922.0	0	77.4	11,114.0
Rapides	16,129	131.3	829.0	0	204.7	17,294.0
Red River	11,324	71.5	0	0	111.5	11,507.0
Richland	45,127	19.9	2,996.0	0	31.1	48,174.0
Sabine	2,025	144.2	0	0	224.8	2,394.0
St. Bernard	1	0	0	0	0	1.0
St. Helena	2,349	165.7	0	0	258.3	2,773.0
St. James	17	1.2	0	0	1.8	20.0
St. John the Baptist	14	0	0	0	0	14.0
St. Landry	34,540	141.9	3,593.0	0	221.1	38,496.0
St. Martin	8,932	153.2	0	0	238.8	9,324.0
St. Mary	3	0	0	0	0	3.0
St. Tammany	335	41.0	0	0	64.0	440.0
Tangipahoa	1,515	212.6	0	0	331.4	2,059.0
Tensas	17,976	18.0	1,568.0	0	28.0	19,590.0
Union	5,784	172.0	0	0	268.0	6,224.0
Vermillion	5,455	90.7	0	0	155.3	5,710.0
Vernon	947	209.6	0	0	326.4	1,483.0
Washington	5,721	227.9	0	0	355.1	6,304.0
Webster	6,900	128.6	0	0	200.4	7,229.0
W. Baton Rouge	1,103	19.5	94.0	0	30.5	1,247.0
West Carroll*	24,202	60.2	1,614.0	0	93.8	25,970.0
West Feliciana	2,459	33.6	0	0	52.4	2,545.0
Winn	1,025	71.1	0	0	110.9	1,207.0
a. State total	554,367	4,758.0	26,810.0	0	7,414.0	593,349.0
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases						16,191.0
c. State allotment						609,540.0

MARYLAND

Caroline	24.5	0	0	0	0	24.5
a. State total	24.5	0	0	0	0	24.5
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						.5
c. State allotment						25.0

MISSISSIPPI

[Acres]

County	Computed county allotment (1)	Allocation from national minimum farm reserve (2)	Adjustment from State reserve for— Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4) and (5) (6)
Adams	2,872	65	0	0	101	3,038
Alcorn	14,033	164	0	0	255	14,452
Amite	9,615	252	0	0	394	10,261
Attala	13,235	305	0	0	475	14,015
Benton	11,764	33	0	0	51	11,848
Bolivar	117,508	21	0	0	34	117,863
Calhoun	16,894	115	0	0	180	17,189
Carroll	15,253	103	0	0	161	15,517
Chickasaw	14,460	127	0	0	199	14,786
Choctaw	3,921	361	0	0	564	4,846
Claiborne	5,073	163	0	0	255	5,491
Clarke	4,861	388	0	0	605	5,854
Clay	7,914	134	0	0	210	8,258
Coahoma	87,793	7	0	0	10	87,810
Copiah	9,021	342	0	0	532	9,895
Covington	10,100	279	0	0	436	10,815
De Soto	32,452	59	0	0	91	32,602
Forrest	1,245	144	0	0	224	1,613
Franklin	1,784	143	0	0	222	2,149
George	1,182	131	0	0	204	1,517
Greene	1,109	166	0	0	258	1,533
Grenada	11,892	37	0	0	58	11,987
Hancock	35	6	0	0	9	50
Harrison	13	4	0	0	7	24
Hinds	27,843	251	0	0	392	28,486
Holmes*:						
Adm. Area I	14,907	108	0	0	169	15,184
Adm. Area II	18,996	7	0	0	11	18,914
Humphreys	46,239	13	0	809	20	47,081
Issaquena	9,928	26	0	0	41	9,995
Itawamba	11,254	305	0	0	475	12,034
Jackson	66	5	0	0	9	80
Jasper	7,548	358	0	0	559	8,465
Jefferson	5,416	106	0	0	165	5,687
Jefferson Davis	16,074	157	0	0	246	16,477
Jones	8,600	622	0	0	970	10,192
Kemper	10,919	165	0	0	256	11,340
Lafayette	17,554	88	0	0	137	17,779
Lamar	3,853	227	0	0	354	4,434
Lauderdale	6,306	289	0	0	450	7,045
Lawrence	8,367	198	0	0	309	8,874
Leake	17,515	303	0	0	473	18,291
Lee	27,712	204	0	0	319	28,235
Leflore	70,993	22	0	943	35	71,993
Lincoln	5,852	388	0	0	605	6,845
Lowndes	16,507	142	0	0	221	16,870
Madison	33,439	111	0	0	174	33,724
Marion	10,561	308	0	0	479	11,348
Marshall	34,775	57	0	0	88	34,920
Monroe	29,862	220	0	0	342	30,424
Montgomery	8,177	117	0	0	182	8,476
Neshoba	15,337	365	0	0	569	16,271
Newton	9,347	423	0	0	660	10,430
Noxubee	16,077	117	0	0	182	16,376
Oktibbeha	4,550	220	0	0	342	5,112
Panola	39,384	72	0	0	112	39,568
Pearl River	334	61	0	0	95	490
Perry	1,877	181	0	0	281	2,339
Pike	6,120	335	0	0	522	6,977
Pontotoc	19,995	188	0	0	294	20,477
Prentiss	17,528	114	0	0	178	17,820
Quitman	59,102	4	0	0	6	59,112
Rankin	9,831	317	0	0	493	10,641
Scott	11,319	301	0	0	469	12,089
Sharkey	26,748	9	0	0	13	26,770
Simpson	13,996	232	0	0	362	14,590
Smith	10,799	302	0	0	472	11,573
Stone	149	34	0	0	52	235
Sunflower	118,740	12	0	678	19	119,449
Tallahatchie	58,011	29	0	0	45	58,085
Tate	23,611	43	0	0	66	23,720

MISSISSIPPI—Continued

[Acres]

County	Computed county allotment (1)	Allocation from national minimum farm reserve (2)	Adjustment from State reserve for— Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4) and (5) (6)
Tippah	16,480	106	0	0	164	16,750
Tishomingo	9,582	293	0	0	458	10,333
Tunica	47,039	6	0	669	10	47,724
Union	18,023	144	0	0	224	18,391
Walthall	13,351	193	0	0	300	13,844
Warren	6,422	57	0	0	90	6,569
Washington	81,780	36	0	538	56	82,410
Wayne	6,713	260	0	0	405	7,378
Webster	8,419	160	0	0	250	8,829
Wilkinson	4,457	106	0	0	165	4,728
Winston	13,073	233	0	0	362	13,668
Yalobusha	11,739	83	0	0	129	11,951
Yazoo	42,071	66	0	0	102	42,239
a. State total	1,605,196	13,448	0	3,637	20,963	1,643,244
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						300
c. State allotment						1,643,544

MISSOURI

Bollinger	115	18.1	0	0	26.4	159.5
Butler	17,535	406.8	0	0	596.2	18,538.0
Cape Girardeau	102	3.3	0	0	4.7	110.0
Carter	21	.9	0	0	1.4	23.3
Dunklin	83,233	74.3	0	0	108.9	83,416.2
Howell	22	14.7	0	0	21.5	58.2
Jefferson	3	.8	0	0	1.2	5.0
Mississippi	24,987	39.7	0	2,145.0	58.1	27,229.8
New Madrid	88,973	34.1	0	0	50.0	89,057.1
Oregon	72	27.6	0	0	40.5	140.1
Ozark	26	3.2	0	0	4.6	33.8
Pemiscot	94,674	25.2	0	0	37.0	94,736.2
Ripley	1,881	106.0	0	0	155.3	2,142.3
Scott	16,760	45.9	0	0	67.3	16,873.2
Stoddard	40,708	256.0	0	0	375.1	41,339.1
Vernon	2	.2	0	0	.3	2.5
Wayne	3	4.2	0	0	6.2	13.4
a. State total	369,417	1,061.0	0	2,145.0	1,554.7	374,177.7
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						1,925.3
c. State allotment						376,103.0

NEVADA

Clark	20	9	16	0	0	45
Nye	2,068	991	100	0	0	3,159
a. State total	2,088	1,000	116	0	0	3,204
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						116
c. State allotment						3,320

NEW MEXICO

[Acres]

County	Computed county allotment (1)	Allocation from national minimum farm reserve (2)	Adjustment from State reserve for— Trends (3)	Abnormal conditions (4)	Minimum farm allotments (5)	County allotment, sum of columns (1), (2), (3), (4) and (5) (6)
Bernalillo	2	.8	0	0	1.2	4.0
Chaves	32,387	17.3	0	0	26.9	32,431.2
Curry	1,390	21.6	0	0	33.6	1,445.2
De Baca	423	5.0	0	0	7.8	435.8
Dona Ana	35,977	76.6	0	2,500.0	119.3	38,672.9
Eddy*	28,177	16.6	0	0	25.3	28,219.4
Grant	75	1.3	0	0	2.0	78.3
Guadalupe	13	.1	0	0	.2	13.3
Hidalgo	6,556	4.8	0	0	7.6	6,568.4
Lea	28,776	8.9	0	0	13.9	28,798.8
Luna	13,718	7.9	0	0	12.3	13,738.2
Otero	1,549	3.9	0	0	6.0	1,558.9
Quay	2,501	11.4	0	120.0	17.7	2,650.1
Roosevelt	20,016	21.1	0	0	32.9	20,070.0
Sierra	2,374	7.3	0	40.0	11.3	2,432.6
Socorro	1,929	19.4	0	0	30.1	1,978.5
Valencia	30	2.0	0	0	3.3	35.3
a. State total	175,893	226.0	0	2,660.0	351.9	179,130.9
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						4,898.1
c. State allotment						184,029.0

NORTH CAROLINA

Alamance	87	14.7	0	0	15.3	117.0
Alexander	792	123.7	0	0	129.0	1,044.7
Anson	14,955	239.5	0	0	249.7	15,444.2
Beaufort	1,453	147.6	0	0	134.0	1,754.6
Bertie	6,423	309.5	0	0	322.7	7,055.2
Bladen	4,096	255.5	0	0	226.4	4,617.9
Brunswick	344	31.7	0	0	33.1	408.8
Burke	72	25.4	0	0	26.5	123.9
Cabarrus	5,107	130.4	0	0	136.0	5,373.4
Caldwell	29	13.6	0	0	14.2	56.8
Camden	353	40.4	0	0	42.1	435.5
Carteret	64	10.0	0	0	10.5	84.5
Catawba	2,837	274.8	0	0	286.5	3,398.3
Chatham	646	59.6	0	0	62.1	767.7
Chowan	2,321	119.0	0	0	124.1	2,564.1
Cleveland	33,316	350.3	0	0	365.3	34,031.6
Columbus	2,872	196.4	0	0	204.8	3,273.2
Craven	525	44.0	0	0	45.9	614.9
Cumberland	13,585	335.3	0	0	349.6	14,269.9
Currituck	386	20.9	0	0	21.8	428.7
Davidson	1,074	76.3	0	0	79.5	1,229.8
Davie	2,221	121.6	0	0	126.8	2,469.4
Duplin	3,956	258.6	0	0	269.6	4,484.2
Durham	133	11.9	0	0	12.4	157.3
Edgecombe	12,466	148.7	0	0	155.1	12,769.8
Forsyth	157	17.9	0	0	18.7	193.6
Franklin	9,848	430.1	0	0	448.3	10,726.4
Gaston	3,410	194.8	0	0	203.1	3,807.9
Gates	2,183	145.7	0	0	152.0	2,480.7
Granville	365	34.2	0	0	35.7	434.9
Greene	4,306	144.0	0	0	150.2	4,600.2
Guilford	93	8.0	0	0	8.4	109.4
Halifax	22,142	321.3	0	0	335.0	22,798.3
Harnett	14,873	533.3	0	0	556.1	15,962.4
Hertford	4,470	159.1	0	0	165.9	4,795.0
Hoke	15,594	64.2	0	0	67.0	15,725.2

NORTH CAROLINA—Continued

[Acres]

County	Computed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for— Trends	Adjustment from State reserve for— Abnormal conditions	Adjustment from State reserve for— Minimum farm allotments	County allotment, sum of columns (1), (2), (3), (4) and (5)
	(1)	(2)	(3)	(4)	(5)	(6)
Hyde	270	28.1	0	0	29.3	327.4
Iredell	9,930	653.2	0	0	676.8	11,060.0
Johnston	21,289	864.4	0	0	901.5	23,004.9
Jones	2,890	24.0	0	0	26.0	2,940.9
Lee	1,238	100.1	0	0	106.4	1,452.5
Lenoir	2,473	137.2	0	0	143.1	2,753.3
Lincoln	8,120	262.4	0	0	272.6	8,656.0
Madison	2,680	133.5	0	0	138.7	2,951.7
Martin	8,029	167.3	0	0	174.4	8,380.7
Mecklenburg	2,207	130.2	0	0	135.3	2,472.5
Montgomery	1,931	54.0	0	0	57.2	2,043.1
Moore	13,240	330.4	0	0	366.4	13,936.8
Nash	7,717	513.2	0	0	799.9	9,030.1
New Hanover	25	2.6	0	0	2.7	30.3
Northampton	19,670	196.9	0	0	203.3	20,068.2
Onslow	454	14.1	0	0	14.8	482.9
Orange	103	13.8	0	0	14.4	131.2
Pamlico	247	26.2	0	0	27.3	300.5
Pasquotank	304	36.0	0	0	40.7	383.7
Pender	413	36.0	0	0	37.5	486.5
Perquimans	1,379	137.2	0	0	143.1	1,659.3
Person	1	1.3	0	0	1.4	3.7
Pitt	2,884	324.0	0	0	337.9	3,545.8
Randolph	77	7.8	0	0	8.1	92.9
Richmond	7,490	171.1	0	0	178.4	7,839.5
Robeson	46,082	488.0	0	0	477.5	47,627.5
Rowan	6,619	361.7	0	0	377.1	7,357.8
Rutherford	8,435	537.1	0	0	559.9	9,530.0
Sampson	24,624	680.1	0	0	709.1	26,013.2
Scotland	20,280	40.8	0	0	42.5	20,363.3
Stanly	2,217	146.6	0	0	152.6	2,516.9
Stokes	3,286	209.4	0	0	336.4	3,832.3
Surry	10,652	201.6	0	0	384.4	11,387.8
Swain	3,246	76.4	0	0	79.8	3,481.6
Transylvania	10,691	121.6	0	0	188.5	10,952.1
Tyrrell	3,364	119.1	0	0	65.5	3,548.6
Union	28,215	41.7	0	0	38.3	28,321.7
Vance	7,026	224.0	0	0	349.3	7,668.8
Wake	5,713	243.8	0	0	341.6	55,780.7
Warren	6,220	219.1	0	0	341.6	6,553.3
Washington	5,264	45.4	0	0	153.4	7,874.1
Watauga	7,573	117.7	0	0	281.0	6,553.3
Wayne	20,827	458.4	0	0	714.6	22,000.1
Wilkes	87,999	78.7	0	0	122.7	122.7
Wilson	5,282	86.2	0	0	134.4	5,512.6
Yadkin	9,350	292.5	0	0	106.0	9,947.5
Yancey	47	8.9	0	0	9.3	65.2
State total	464,241	13,784.0	0	0	14,373.0	492,398.0
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases						27,400.7
c. State allotment						727,837.0

TENNESSEE

Bedford	1,406	148.5	0	0	231.5	1,786.0
Benton	2,233	259.5	0	0	373.4	2,866.9
Bledsoe	933	136.7	0	0	213.2	1,282.9
Blount	25	5.9	0	0	9.3	40.2
Bradley	18,282	353.2	0	0	606.9	19,066.1
Campbell	1,426	130.6	0	0	141.4	10,672.1
Cannon	10,441	80.7	0	0	134.4	1,760.2
Carroll	10,447	83.4	0	0	74.4	17.4
Carter	30,946	47.7	0	0	3.3	31,066.1
Cheatham	1	1.2	0	0	1.9	4.1
Chester	12	2.1	0	0	3.3	17.4
Claiborne	26	4.5	0	0	7.2	37.7
Clay	3,249	187.6	0	0	291.4	3,727.4
Cocke	34	5.1	0	0	8.0	47.1
Coffee	1,436	130.6	0	0	10,672.1	10,672.1
Crockett	1	2.1	0	0	3.3	6.4
Cumberland	1	1.2	0	0	1.9	4.1
Davidson	12	2.1	0	0	3.3	17.4
Decatur	3,249	187.6	0	0	291.4	3,727.4
De Kalb	34	5.1	0	0	8.0	47.1

OKLAHOMA

Adair	37	15.2	0	0	22.6	75.8
Alfalfa	68	136.0	0	0	0	68.0
Atoka	1,413	243.4	1,812.4	0	0	3,469.0
Beaver	71	0	0	0	71.0	142.0
Beckham	58,852	19.9	31.1	0	68,993.0	68,993.0
Blaine	13,144	60.5	78.7	0	13,222.2	13,222.2
Bryan	15,767	123.1	191.9	0	16,082.0	16,082.0
Caddo	47,067	83.7	130.6	0	47,281.3	47,281.3
Canadian	13,463	62.4	81.8	0	13,607.2	13,607.2
Carter	1,135	76.0	118.5	0	1,329.5	1,329.5
Choctaw	2,995	136.6	230.9	0	3,412.5	3,412.5
Cimarron	1,545	18.3	25.6	0	1,591.9	1,591.9
Coal	2,814	77.3	130.5	0	3,011.8	3,011.8

TENNESSEE—Continued

[Acres]

County	Computed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for— Trends	Adjustment from State reserve for— Abnormal conditions	Adjustment from State reserve for— Minimum farm allotments	County allotment, sum of columns (1), (2), (3), (4) and (5)
	(1)	(2)	(3)	(4)	(5)	(6)
Dyer	30,802	84.6	0	0	131.9	31,108.5
Fayette	32,969	32.9	0	0	51.4	41,242.4
Franklin	41,163	281.1	0	0	438.3	42,540.4
Gibson	12,133	162.7	0	0	253.7	12,549.4
Grundy	8,522	363.3	0	0	566.5	9,451.8
Hamblen	619	23.6	0	0	36.9	305.5
Hamilton	145	23.6	0	0	36.9	305.5
Hardeman	20,488	99.8	0	0	155.5	20,743.3
Hardin	8,260	66.0	0	0	106.1	8,432.1
Haywood	40,944	37.4	0	0	58.3	41,038.7
Henderson	16,621	182.3	0	0	284.1	17,097.4
Henry	4,476	39.7	0	0	61.8	4,491.1
Hickman	22	6.6	0	0	10.2	38.8
Humphreys	12	5.2	0	0	8.0	25.2
Jackson	5	0	0	0	0	5.0
Lake	9	1.0	0	0	1.5	11.6
Lauderdale	20,287	6.1	0	0	9.6	20,262.7
Lawrence	18,865	404.7	0	0	630.8	19,900.5
Lewis	322	22.9	0	0	35.8	406.7
Lincoln	12,413	208.6	0	0	325.2	12,946.8
Loudon	5	1.4	0	0	2.2	8.6
McMinn	608	124.8	0	0	194.5	927.3
McNairy	18,287	241.1	0	0	350.4	18,861.5
Madison	31,323	177.3	0	0	276.4	31,776.7
Marion	286	36.5	0	0	56.9	379.4
Marshall	357	44.2	0	0	68.8	470.0
Maury	182	28.9	0	0	45.0	255.9
Monroe	557	82.2	0	0	129.2	768.1
Montgomery	1	0	0	0	99.4	347.1
Moore	184	62.7	0	0	0	1.0
Morgan	9,377	252.5	0	0	440.4	10,098.9
Obion	669	53.0	0	0	129.5	881.5
Overton	160	25.3	0	0	39.5	228.8
Perry	18	4.1	0	0	6.4	28.5
Pickett	3	0.4	0	0	0.7	4.1
Polk	4,320	341.7	0	0	532.7	5,194.4
Putnam	1	0.1	0	0	0.2	1.3
Rhea	39	6.1	0	0	9.5	54.6
Roane	18	4.1	0	0	6.4	28.5
Robertson	1,320	341.7	0	0	532.7	5,194.4
Rutherford	41,996	278.6	0	0	433.8	42,708.4
Scott	31	6.2	0	0	9.7	46.9
Sequatchie	44,861	67.0	0	0	106.8	44,634.7
Sevier	512	77.4	0	0	120.6	710.0
Shelby	2,648	274.5	0	0	427.8	3,350.4
Smith	9,257	683.1	0	0	1,068.1	11,010.2
Stewart	61	9.9	0	0	15.4	86.3
Sullivan	117	18.3	0	0	20.7	161.0
Sumner	28	8.4	0	0	13.2	99.6
Tipton	540,366	6,923.0	0	0	10,795.6	558,086.6
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases						11,248.3
c. State allotment						569,334.9

TEXAS

Anderson	10,729	334.7	0	0	521.7	11,585.4
Andrews	3,862	0	0	0	0	3,862.0
Angelina	3,117	83.5	0	0	130.1	3,330.6
Aransas	1,183	4.4	0	0	.6	1,164.0
Archer	2,271	1.4	0	0	2.3	2,274.7
Armstrong	1,620	23.2	0	0	36.2	1,679.4
Atascosa	10,727	62.1	0	0	81.2	10,800.3
Austin	17,137	59.0	0	0	91.9	17,287.9
Bailey	11,317	46.5	0	0	72.5	11,460.0
Bastrop	19,003	10.0	0	0	15.5	19,028.5
Baylor	10,729	334.7	0	0	521.7	11,585.4

RULES AND REGULATIONS

TEXAS—Continued

[Acres]

County	Completed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for— Trends	Abnormal conditions	Minimum farm allotments	County allotment, sum of columns (1), (2), (3), (4) and (5)
	(1)	(2)	(3)	(4)	(5)	(6)
McLennan	68,303	11,8	0	0	108,3	68,480,7
McMullen	6,486	0	0	0	2,961,2	9,447,2
Madison	1,788	21,1	0	0	33,0	1,792,1
Marion	1,811	25,0	0	0	38,9	17,875,9
Martin	1,811	27,8	0	0	66,9	1,907,7
Mason	1,813	12,8	0	0	18,2	6,826,8
Matagorda	789	9,8	0	0	14,4	812,7
Maverick	1,313	37,8	0	0	66,9	1,907,7
Medina	2,645	27,4	0	0	5,6	27,652,4
Menard	789	9,8	0	0	14,4	812,7
Midland	3,6	3,6	0	0	5,6	27,652,4
Milam	60,271	28,1	0	0	43,7	60,342,8
Mills	2,806	12,3	0	0	18,2	2,824,1
Mitchell*	72,276	9,1	0	0	14,3	72,298,8
Montague	3,701	43,9	0	0	84,1	3,839,0
Montgomery	1,170	43,7	0	0	68,1	1,281,8
Moore	330	0	0	0	330,0	
Morris	1,279	97,2	0	0	1,677,8	
Motley	35,972	6,3	0	0	8,3	35,984,6
Nacogdoches	6,308	184,4	0	0	282,5	6,979,9
Navarro	107,390	65,1	0	0	85,9	107,531,0
Newton	418	88,0	0	0	137,1	643,1
Nolan	4,695	2,5	0	0	4,0	45,105,5
Nueces	108,461	12,1	0	0	18,9	104,492,0
Ochiltree	129	0	0	0	0	129,0
Oldham	22	6,3	0	0	9,7	28,0
Orange	1	0	0	0	0	1,0
Panola	6,251	266,6	0	0	400,0	7,407,6
Parker	3,723	60,1	0	0	78,3	3,861,3
Parmer	40,810	30,0	0	0	31,1	40,861,1
Pecos	15,683	4,0	0	0	6,2	15,693,2
Polk	4,861	60,1	0	0	78,2	4,992,3
Potter	112	.6	0	0	.7	118,3
Presidio	2,805	8,0	0	0	12,6	2,825,6
Rains	7,622	65,3	0	0	86,2	7,763,6
Randall	836	21,3	0	0	33,3	890,6
Reagan	899	0	0	0	0	899,0
Real	4	0	0	0	0	4,0
Red River	25,337	77,3	0	0	120,5	25,534,8
Reeves	61,477	2,6	163,0	0	4,0	61,636,6
Refugio	13,261	1,6	0	0	2,4	13,264,9
Roberts	98	0	0	0	0	98,0
Robertson	24,769	35,8	0	0	55,8	24,850,7
Rockwall	18,340	9,3	0	0	14,6	18,363,9
Runnels*	89,918	9,2	0	0	14,3	89,941,6
Rusk	10,758	336,3	0	0	655,6	11,660,8
Sabine	2,373	71,9	0	0	112,0	2,556,9
San Augustine	6,286	69,3	0	0	108,0	6,473,3
San Jacinto	4,019	69,2	0	0	92,4	4,170,6
San Patricio	53,649	8,9	0	0	13,8	53,671,7
San Saba	7,883	14,3	0	0	22,3	7,919,6
Schleicher	9,645	.1	0	0	.1	9,645,2
Scurry	68,162	4,2	0	0	6,6	68,172,7
Shackelford	4,077	6,0	0	0	9,3	4,092,3
Shelby	7,103	303,6	0	0	473,2	7,879,8
Smith	7,223	330,0	0	0	498,8	8,091,8
Somervell	1,331	14,3	0	0	22,3	1,367,6
Starr	26,403	46,0	871,0	0	71,6	27,391,6
Stephens	1,283	12,3	0	0	19,2	1,314,6
Sterling	377	2,8	31,0	0	4,7	403,2
Stonewall	28,016	2,9	0	0	4,5	28,023,4
Sutton	16	0	0	0	0	16,0
Swisher	61,620	11,4	0	0	17,7	51,649,1
Tarrant	9,458	5,7	0	0	9,0	9,472,7
Taylor	36,630	24,7	0	0	38,4	36,693,2
Terrell	8	0	0	0	0	8,0
Terry*	152,062	3,8	0	0	6,0	152,061,8
Throckmorton	12,500	7,6	0	0	11,8	12,579,3
Titus	2,064	189,9	0	0	295,9	2,569,8

TEXAS—Continued

[Acres]

County	Completed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for— Trends	Abnormal conditions	Minimum farm allotments	County allotment, sum of columns (1), (2), (3), (4) and (5)
	(1)	(2)	(3)	(4)	(5)	(6)
Tom Green	57,473	6,8	0	0	10,7	57,490,5
Travis	36,066	18,7	0	0	28,1	36,103,8
Trinity	4,668	80,5	0	0	125,6	4,774,0
Tyler	408	25,7	0	0	40,0	473,7
Upshur	1,948	224,6	0	0	350,2	2,522,8
Upton	162	0	0	0	0	162,0
Uvalde	1,081	3,0	0	0	4,8	1,088,8
Val Verde	19,438	196,9	0	0	306,9	20,938,8
Van Zandt	1,648	0	0	0	0	1,648,0
Victoria	24,879	30,6	0	0	32,1	24,931,7
Walker	6,021	74,1	0	0	115,4	6,210,5
Waller	4,722	31,8	0	0	49,5	4,803,3
Ward	6,729	2,2	615,0	0	3,5	7,349,7
Washington	20,026	129,6	0	0	202,0	20,357,6
Webb	2,001	,9	0	0	1,5	2,003,4
Wharton	71,039	43,7	0	0	68,2	71,150,9
Wheeler	28,499	29,4	0	0	46,0	28,574,4
Wichita	6,706	18,8	0	0	28,4	6,754,0
Wilbarger	49,497	16,3	0	0	25,3	49,538,6
Willacy	92,763	14,4	0	0	22,8	92,799,9
Williamson	105,335	40,4	0	0	63,0	105,438,4
Wilson	6,964	63,6	0	0	99,2	6,116,8
Winkler	2,629	261,2	0	0	381,6	3,271,7
Wise	2,100	54,0	0	0	84,1	2,238,1
Wood	3,377	36,8	0	0	44,9	3,457,7
Yoakum	35,567	0	0	0	0	35,567,0
Young	12,689	261,6	0	0	381,6	8,271,7
Zapata*	2,374	6,0	0	0	7,8	2,388,8
Zavala	8,618	1,3	0	0	2,1	8,621,4
a. State total	7,081,017	10,974,0	0	1,792,0	17,106,2	7,110,888,2
b. State acreage reserve for small farms, for new farms, for farm inequities, and for farm hardship cases						436,613,8
c. State allotment						7,547,502,0

VIRGINIA

Accomack	12	1,3	0	0	,7	14,0
Albemarle	1,786	158,8	0	0	82,2	2,027,0
Alleghany	0	0	0	0	0	0,0
Amelia	7	1,9	0	0	1,0	9,9
Amherst	5	1,3	0	0	,7	7,0
Appomattox	204	20,1	0	0	10,4	234,5
Augusta	22	,1	0	0	,1	22,2
Bath	3,938	188,6	0	0	97,6	4,224,0
Bedford	245	36,4	0	0	18,3	298,7
Bland	210	13,8	0	0	8,1	233,9
Botetourt	1,664	113,6	0	0	58,8	1,856,4
Brunswick	1,416	125,4	0	0	64,8	1,606,2
Buchanan	7	,6	0	0	,3	7,8
Buckingham	66	8,2	0	0	4,2	68,4
Campbell	7	,6	0	0	,3	7,8
Caroline	31	2,9	0	0	1,5	35,4
Carroll	1	1,4	0	0	,7	3,1
Charles City	1,103	1,1	0	0	,5	1,104,6
Chesterfield	3	,6	0	0	,3	3,9
Clarke	1,400	1,9	0	0	,9	1,401,8
Craig	1,400	1,9	0	0	,9	1,401,8
Culpeper	1,400	1,9	0	0	,9	1,401,8
Cumberland	5	1,3	0	0	,7	7,0
Dinwiddie	204	20,1	0	0	10,4	234,5
Franklin	22	,1	0	0	,1	22,2
Frederick	3,938	188,6	0	0	97,6	4,224,0
Giles	245	36,4	0	0	18,3	298,7
Gloucester	210	13,8	0	0	8,1	233,9
Goochland	1,664	113,6	0	0	58,8	1,856,4
Grayson	1,416	125,4	0	0	64,8	1,606,2
Greene	31	2,9	0	0	1,5	35,4
Halifax	66	8,2	0	0	4,2	68,4
Henry	7	,6	0	0	,3	7,8
Highland	8	1,1	0	0	,6	9,7
Isle of Wight	245	36,4	0	0	18,3	298,7
James City	1	1,4	0	0	,7	3,1
King and Queen	2,9	0	0	0	1,5	4,4
King George	404	,3	0	0	,4	404,7
King William	120	6,9	0	0	10,7	137,6
Lancaster	110	0	0	0	0	110,0
Lee	57,2	0	0	0	0	57,2
Loudoun	1,844	0	0	0	0	1,844,0
Louisa	1,400	1,9	0	0	,9	1,401,8
Lunenburg	210	13,8	0	0	8,1	233,9
Mecklenburg	1,664	113,6	0	0	58,8	1,856,4
Nansemond	1,416	125,4	0	0	64,8	1,606,2
Norfolk	31	2,9	0	0	1,5	35,4
Patrick	66	8,2	0	0	4,2	68,4
Pittsylvania	7	,6	0	0	,3	7,8
Powhatan	31	2,9	0	0	1,5	35,4
Prince Edward	7	,6	0	0	,3	7,8
Prince George	66	8,2	0	0	4,2	68,4
Princess Anne	8	1,1	0	0	,6	9,7
Southampton	4,134	209,0	0	0	108,1	4,451,1
Surry	10	2,0	0	0	1,0	13,0
Sussex	1,465	94,2	0	0	48,7	1,607,9
a. State total	15,249	982,0	0	0	608,0	16,738,0
b. State acreage reserve for small farms, for new farms, for farm inequities and for farm hardship cases						1,186,0
c. State allotment						17,924,0

TEXAS—Continued

[Acres]

County	Completed county allotment	Allocation from national minimum farm reserve	Adjustment from State reserve for— Trends	Abnormal conditions	Minimum farm allotments	County allotment, sum of columns (1), (2), (3), (4) and (5)
	(1)	(2)	(3)	(4)	(5)	(6)
Garza	41,464	3,0	0	0	4,6	41,471,6
Gillespie	1,303	11,2	0	0	17,4	4,331,6
Glasscock	10,647	1,2	0	0	,2	10,647,4
Goliad	4,588	34,4	0	0	53,6	4,676,0
Gray	3,530	15,6	0	0	24,2	3,569,8
Grayson	29,990	78,0	0	0	121,6	30,189,6
Greer	1,197	23,8	0	0	81,6	1,330,9
Gregg	3,081	3,0	0	0	4,8	1,088,8
Grimes	14,802	74,9	0	0	116,8	30,993,7
Guadalupe	19,028	69,0	0	0	108,9	19,306,8
Hale	96,483	6,0	0	0	9,3	96,534,8
Hall*	165,402	7,7	0	0	11,9	165,902,6
Hamilton	9,311	21,8	0	0	34,0	9,366,8
Hansford	388	,1	0	0	,2	388,3
Hardeman	33,841	24,2	0	0	37,8	33,903,0
Harris	4,449	22,4	0	0	34,8	4,506,2
Hartley	1	1,2	0	0	1,9	4,1
Harrison	10,039	846,4	0	0	639,9	10,925,3
Haskell	136,254	9,7	0	0	15,0	136,278,7
Hays*	7,546	6,9	0	0	9,1	7,561,0
Henderson	8,789	183,9	0	0	289,9	9,264,8
Hemphill	191,361	174,8	0	0	272,6	191,808,4
Hidalgo	113,267	43,8	0	0	68,3	113,379,1
Hill	191,831	2,3	0	0	3,7	191,837,0
Hockley	24,437	130,3	0	0	187,4	24,744,7
Hood	3,377	36,8	0	0	44,9	3,457,7
Hopkins	25,204	98,6	0	0	153,6	25,456,8
Houston	16,699	3,6	0	0	6,4	16,688,9
Howard*	76,649	1,6	0	0	2,6	76,653,2
Hunt	84,748	33,0	0	0	61,6	84,832,6
Hudspeth	640	1,5	0	0	2,3	716,8
Irion	1,923	6,2	0	0	9,7	1,938,9
Jackson	18,180	24,3	0	0	38,0	18,242,3
Jack	391	82,9	0	0	129,1	603,0
Jasper	22	3,8	0	0	6,0	31,8
Jefferson	489	0	0	0	0	489,0
Jeff Davis	783	,8	0	0	1,3	787,1
Jim Hogg	23,851	14,7	0	0	23,0	23,888,7
Jim Wells	36,323	34,5	0	0	53,8	36,411,3
Johnson	22,664	24,1	0	0	39,1	22,746,2
Jones	114,325	14,4	0	0	22,4	114,361,8
Karnes	22,664	24,1	0	0	39,1	22,746,2
Kaufman	53,460	42,4	0	0	66,1	53,568,5
Kendall	48	0	0	0	0	48,0
Kenedy	3	0	0	0	0	3,0
Kent	30,863	,9	0	0	1,5	30,865,4
Kerr	116	0	0	0	0	116,0
King	9,588	,4	0	0	,6	9,589,0
Kinney	404	,3	0	0	,4	404,7
Kleberg	9,054	5,9	0	0	9,2	9,069,1
Knox	69,096	8,4	0	0	13,1	69,717,5
Lamar	62,787	42,2	0	0	67,4	62,897,6
Lamb	262,307	5,3	0	0	8,2	303,380,5
Lampasas	2,214	15,2	0	0	23,7	2,252,9
La Salle	3,333	3,8	0	0	5,9	3,342,7
Lavaca	30,723	137,6	0	0	31,6	31,078,2
Lee	5,844	57,2	0	0	136,0	9,037,2
Leon	11,406	91,0	0	0	141,9	11,639,9
Liberty	3,024	49,7	0	0	77,6	3,151,3
Limestone	67,535	61,7	0	0	95,3	67,001,4
Live Oak	19,601	18,7	0	0	29,2	19,649,9
Llano	426	2,2	0	0	3,4	431,6
Loving	310	0	20,0	0	0	330,0
Lubbock	231,921	17,0	0	0	26,5	231,964,5
Lynn*	190,566	1,2	0	0	2,0	190,569,2
McCulloch	18,383	4,3	0	0	6,6	18,393,9
McLennan	84,908	64,9	0	0	101,1	85,074,0
McMullen	1,421	2,2	0	0	3,4	1,426,6

3. Section 722.812 (c) (17) (iii) (*b*) is amended to provide for planted acreage history credit where there is participation in 1956 in the conservation reserve under the Soil Bank Program and is revised as follows:

(*b*) *For 1956.* The acreage of cotton measured for purposes of the 1956 marketing quota program, including any acreage not seeded to cotton which is eligible for compensation as cotton acreage reserve under the Soil Bank Program. If any part of the farm acreage allotment remains uncredited for history purposes, planted acreage history credit resulting from a conservation reserve contract shall be established for farms covered by and eligible for compensation under a Soil Bank Conservation Reserve Contract (Form CSS–811, Soil Bank) as follows and shall be added to the foregoing acreage.

(*1*) Obtain a total of the uncredited history acreage for all allotments established for the farm for the year 1956.

(*2*) Determine from the conservation reserve contract for the farm the 1956 "permitted acreage" under such contract.

(*3*) Obtain the sum of the acreage of land on the farm which in 1956 is devoted to soil bank base crops which is chargeable to such "permitted acreage" and the acreage devoted to non-soil bank base crops, counting double cropped acreage only once.

(*4*) Obtain the unused "permitted acreage" on the farm by subtracting from (*2*) of this subdivision the smaller of (*2*) or (*3*) of this subdivision.

(*5*) Obtain maximum planted acreage history credit for all allotment crops by subtracting (*4*) of this subdivision from (*1*) of this subdivision, disregarding negative credits.

(*6*) Obtain total planted acreage history credit for all allotment crops which shall be the smaller of (*5*) of this subdivision or the acreage eligible for compensation under the conservation reserve contract for 1956.

(*7*) Obtain the percent of the total planted acreage history credit attributable to cotton by dividing the uncredited history acreage for cotton by (*1*) of this subdivision.

(*8*) Obtain the planted acreage history credit for cotton due to the conservation reserve contract by multiplying (*6*) of this subdivision by (*7*) of this subdivision.

The planted acreage history credit consisting of the sum of the measured acreage, and the credit resulting from the acreage reserve and conservation reserve under the Soil Bank Program, shall be adjusted as provided in subsections (g) (3), (i) and (m) (2) of section 344 of the act.

If a written request was filed by June 1, 1956, to preserve acreage history for cotton for a farm for the year 1956 as provided in section 377 of the act, the entire 1956 allotment shall be considered to have been planted to cotton.

4. Section 722.817 (c) (3) (i) is amended to provide for deduction from cropland of acreages of tobacco, peanuts, wheat, and rice eligible for compensation in the acreage reserve of the Soil Bank Program and planted acreage history credit resulting from a conservation reserve contract by addition of the following new subdivision (*g*):

(*g*) The acreage of tobacco, peanuts, wheat, and rice eligible for compensation in the acreage reserve of the Soil Bank Program and planted acreage history credit resulting from a conservation reserve contract.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 342–347, 361–368, 373, 374, 377, 388, 52 Stat. 36, as amended; secs. 106, 112, 70 Stat. 191, 195; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1373, 1374, 1388)

Done at Washington, D. C., this 28th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–9862; Filed, Nov. 29, 1956; 12:30 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6582]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN QUILT MANUFACTURING CO. AND ABRAHAM ROTH

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Wool Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Wool Products Labeling Act;[1] § 13.155 *Prices:* Fictitious marking; § 13.170 *Qualities or properties of product or service.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act; § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, American Quilt Manufacturing Co. et al., Chicago, Ill., Docket 6582, November 7, 1956]

In the Matter of American Quilt Manufacturing Co., a Corporation, and Abraham Roth, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its president, engaged in the manufacture and interstate sale from their office in Chicago of wool products, with violating the Wool Products Labeling Act by labeling bed comforters containing substantial amounts of other fibers as "All New Material Consisting of 100 Percent All New Wool", and by failing to label certain of such wool products as required by the act; and with violating the Federal Trade Commission Act by representing on advertising inserts that the comforters were moth proof and bacteria proof, by misrepresenting the constituent fibers, and by labeling with fictitious prices.

Following agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision, including order to cease and desist, which, by order of November 1, became on November 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents American Quilt Manufacturing Co., a corporation, and its officers, and Abraham Roth, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of bed comforters or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, which products contain, purport to contain, or in any way are represented as containing, "wool", "reprocessed wool", or "reused wool" as those terms are defined in said Act, do forthwith cease and desist from:

1. Misbranding such products by falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Misbranding such products by failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner;

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

Provided, That the foregoing provision concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That American Quilt Manufacturing Co., a corporation, and its officers and Abraham Roth, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bed comforters or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing in any manner that their bed comforters or other products are moth proof;

2. Representing in any manner that their bed comforters or other products are bacteria proof;

3. Misrepresenting in any way the constituent fiber or material used in their merchandise or the respective percentages thereof;

4. Representing in any manner that a certain amount is the usual and regular retail price for their products when such amount is in excess of the price at which their products are usually and regularly sold at retail;

5. Furnishing means or instrumentalities to others by and through which they may misrepresent the usual and regular retail price of respondents' products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 1, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56–9978; Filed, Dec. 5, 1956; 8:48 a. m.]

[1] New.

[Docket 6562]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROSLYN FURS, INC., AND MEYER ROSENBERG

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.235 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act.*[1] Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Roslyn Furs, Inc., et al., Toledo, Ohio, Docket 6562, November 22, 1956]

In the Matter of Roslyn Furs, Inc., a Corporation, and Meyer Rosenberg, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a furrier in Toledo, Ohio, with violating the Fur Products Labeling Act through false advertising, false invoicing, and misbranding of fur products, including failure to disclose names of animals producing certain furs or naming other animals, false representations that fur products were being offered for sale from the stock of a business in liquidation, removal or mutilation of required labels, failure to maintain full records on which comparative prices and percentage claims were based, and failure to conform otherwise to requirements of the act.

Following entry of an agreement between the parties containing a consent order to cease and desist, the hearing examiner made his initial decision, including order to cease and desist, which, by order of November 2, became on November 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent Roslyn Furs, Inc., a corporation, and its officers, and Respondent Meyer Rosenberg, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

2. Contains the name or names of an animal or animals other than those producing the furs contained in the fur product;

3. Represents that said fur products are being offered for sale from stock of a business in state of liquidation, when such is not the fact;

B. Making use in advertisements of comparative prices and percentage savings claims unless there are maintained full and adequate records disclosing the facts upon which such prices and claims are based;

C. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produce the fur from which such product was manufactured;

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

3. Setting forth on the labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph C (2) (a) above;

4. Setting forth on labels attached to fur products:

(a) Non-required information mingled with required information;

(b) Required information in handwriting;

(c) Required information in abbreviated form;

D. Removing, mutilating, or causing or participating in the removal or mutilation of, prior to the time said fur products are sold and delivered to the ultimate consumer, labels required by the Fur Products Labeling Act to be affixed to such fur products;

E. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

[1] New.

(b) That the fur product contains or is composed of used fur when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product;

2. Abbreviating required information on invoices;

3. Failing to set forth on invoices the item number of the fur product;

4. Setting forth on invoices the name or names of any animal or animals other than the name or names provided for in paragraph E (1) (a), above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent, Roslyn Furs, Inc., a corporation, and its officers, and respondent Meyer Rosenberg, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 2, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-9979; Filed, Dec. 5, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter C—Aircraft Regulations

[Amdt. 1]

PART 504—RECORDATION OF ENCUMBRANCES AGAINST SPECIFICALLY IDENTIFIED AIRCRAFT ENGINES

PART 505—RECORDATION OF ENCUMBRANCES AGAINST AIRCRAFT ENGINES, PROPELLERS, APPLIANCES, AND SPARE PARTS

DELETION OF REFERENCES

This amendment deletes the references contained in Parts 504 and 505, to the former Part 407, entitled "Recordation Procedures," rescinded in 21 F. R. 3621, effective May 26, 1956. Since this amendment merely eliminates a reference to an obsolete regulation, and imposes no additional burden upon the public, it is adopted to become effective upon publication in the FEDERAL REGISTER.

1. Section 504.3 (a) (3) as published in 20 F. R. 3302, May 14, 1955, is amended by deleting the words "(see § 407.23 of this chapter)".

2. Section 505.3 (a) (3) as published in 20 F. R. 3302, May 14, 1955, is amended by deleting the words "(See § 407.33 of this chapter)".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 503, 52 Stat. 1006, as amended; 49 U. S. C. 523)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9948; Filed, Dec. 5, 1956; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

ADOPTION OF SUMMARY PROSPECTUS RULE; CHANGES IN FORMS S–1 AND S–9

The Securities and Exchange Commission announced today that it has adopted a new rule, Rule 434A (§ 230.434a) providing for the use of summary prospectuses. The Commission has also adopted amendments to its registration Forms S–1 and S–9 (§§ 239.11 and 239.22) specifying the content of such prospectuses for securities registered on those forms. The adoption of these regulations represents a further step in the Commission's program of encouraging the dissemination among prospective investors of information regarding securities registered or in the process of registration under the Securities Act of 1933.

Section 10 (b) of the act, as amended in 1954, authorizes the Commission to adopt rules and regulations permitting the use in making offers of securities of a prospectus which omits in part or summarizes information which must be set forth in the more complete prospectus required to be used in connection with the sale of securities. Rule 434, adopted in November 1955, permits the distribution of bulletins or cards prepared by certain independent statistical services which contain a fair summary of the information contained in a preliminary prospectus filed as a part of the registration statement. The new § 230.434a (Rule 434A) and the related form amendments represent a further implementation of the amended section 10 (b) of the act.

A summary prospectus is not intended to supplant the complete prospectus which must be furnished to every purchaser of securities registered under the act. Its purpose is to supply prospective investors with a condensed or summarized statement of some of the more important information contained in the registration statement so as to enable them to determine whether or not they would be interested in more complete information in regard to the securities being offered.

Summary prospectuses may be used after the filing of the registration statement either before or after the effective date of the registration statement. All such prospectuses must, however, inform prospective investors that a more complete preliminary or final prospectus may be obtained and list the names of one or more persons from whom they may be obtained.

The new regulations supersede the instructions as to newspaper prospectuses previously contained in Forms S–1 and S–9. Under the new regulations the two types of prospectuses have been consolidated into a single set of requirements so that a summary prospectus may be published in a newspaper or other periodical or printed in a form suitable for manual or other distribution.

Under the new regulations the use of summary prospectuses is limited to registrants on Form S–1 or S–9 which are required to file reports under section 13 or 15 (d) of the Securities Exchange Act of 1934. The purpose of this provision is to limit the use of such prospectuses to companies which have published information and financial statements meeting the Commission's disclosure standards.

The rules require, as contemplated by the provisions of the 1954 amendments to section 10 (b) of the act, that a summary prospectus be filed with the Commission as a part of the registration statement prior to its use. Further, under the terms of the statute the Commission may by order suspend the use of a summary prospectus at any time, if it has reason to believe that such prospectus is materially misleading.

In view of the fact that the new regulations provide, for the first time under the Securities Act of 1933, for the use of a summary type of document prepared by the issuer in connection with the offering of securities, the Commission intends to maintain a careful watch over the use of summary prospectuses by issuers, underwriters and dealers, in order to observe the operation and effect of the new regulations.

The text of the new rule is as follows:

§ 230.434a *Summary prospectuses.* (a) A summary prospectus prepared and filed as a part of a registration statement in accordance with this section shall be deemed to be a prospectus permitted under section 10 (b) of the act for the purposes of section 5 (b) (1) of the act if at the time the registration statement is filed the registrant is required to file periodic reports with the Commission pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934 and the form used for registration of the securities to be offered provides for the use of a summary prospectus.

(b) A summary prospectus shall contain the information specified in the instructions as to summary prospectuses in the form used for registration of the securities to be offered. Such prospectus may include any other information the substance of which is contained in the registration statement except as otherwise specifically provided in the instructions as to summary prospectuses in the form used for registration. It shall not include any information the substance of which is not contained in the registration statement except that a summary prospectus may contain any information specified in Rule 134 (a) (§ 230.134a). Negative answers to any item of the form may be omitted.

(c) All information included in a summary prospectus, other than the statements specified below, may be expressed in such condensed or summarized form as may be appropriate in the light of the circumstances under which the prospectus is to be used. The information need not follow the numerical sequence of the items of the form used for registration and no information, other than the capitalization table and the summary of earnings, need be given in tabular form. Every summary prospectus shall be dated approximately as of the date of its first use.

(d) When used prior to the effective date of the registration statement, a summary prospectus shall be captioned a "Preliminary Summary Prospectus" and shall contain the further statement required by Rule 433 (b) (§ 230.433b).

(e) A statement to the following effect shall be prominently set forth in conspicuous print at the beginning or at the end of every summary prospectus:

Copies of a more complete prospectus may be obtained from (insert name or names).

Copies of a summary prospectus filed with the Commission pursuant to paragraph (g) of this section, may omit the names of persons from whom the complete prospectus may be obtained.

(f) The summary prospectus may be printed, mimeographed, typewritten or prepared by any other process which will result in clearly legible copies. If printed, it shall be set in roman type at least as large as 10-point modern type with a leading of at least 2 points, provided that financial or other tabular data need only be set in type at least as large as 8-point modern type with a leading of at least 2 points. Any summary prospectus published in a newspaper, magazine or other periodical need only be set in type at least as large as 7-point modern type. Nothing in this section shall prevent the use of reprints of a summary prospectus published in a newspaper, magazine, or other periodical, if such reprints are clearly legible.

(g) Eight copies of every proposed summary prospectus shall be filed with the registration statement as a part thereof, or as an amendment thereto, at least 5 days (exclusive of Saturdays, Sundays and holidays) prior to the use thereof, or prior to the release for publication by any newspaper, magazine or other person, whichever is earlier. The Commission may, however, in its discretion, authorize such use or publication prior to the expiration of the 5-day period upon a written request for such authorization. Within 7 days after the first use or publication thereof, 5 additional copies shall be filed in the exact form in which it was used or published.

Amendment to Form S–1. The Instructions as to Newspaper Prospectuses are deleted from Form S–1 (§ 239.11) and the following instructions are adopted in lieu thereof:

Instructions as to summary prospectuses. A summary prospectus used pursuant to § 230.434a (Rule 434a) shall at the time of its use contain such of the information specified below as is then included in the registration statement. All other information and documents contained in the registration statement may be omitted.

(a) As to Item 1, the aggregate offering price to the public, the aggregate underwriting discounts and commissions and the offering price per unit to the public; as to Item 2 (a), the name of the managing underwriter or underwriters and a brief statement as to the nature of the underwriter's obligation to take the securities; as to Item 2 (c), a brief statement as to the manner of distribution; as to Item 3, a brief statement of the principal purposes for which the proceeds are to be used; Item 4; Item 5; and Item 6; Item 7, if the registrant was organized within 5 years; as to Item 9, a brief statement of the general character of the business done and intended to be done; Item 11 (a); as to Item 12, a brief statement of the nature and present status of any material pending legal proceedings; Item 13 (a) (1) and (2); as to Item 14 (a), a brief statement as to interest and maturity provisions; as to Item 15, information corresponding to the foregoing; and Item 18 (b) as to outstanding options to purchase securities of any class being registered.

(b) The summary prospectus shall not contain a summary condensation of the information required by Item 21.

(c) The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The Commission may also require the inclusion of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for the protection of investors.

Amendment of Form S–9. The Instructions as to Newspaper Prospectuses are deleted from Form S–9 (§ 239.22) and the following instructions are adopted in lieu thereof:

Instructions as to summary prospectuses. A summary prospectus used pursuant to § 230.434a (Rule 434A) shall at the time of its use contain such of the information specified below as is then included in the registration statement. All other information and documents contained in the registration statement may be omitted.

(a) As to Item 1, the aggregate and per unit offering price to the public and the per unit underwriting discounts or commissions; as to Item 2, a brief statement of the purpose for which the proceeds are to be used; Item 3 (a); as to Item 4 (a), a brief statement as to interest and maturity provisions; and as to Item 5, the long term debt and equity section of the most recent balance sheet of the registrant, or consolidated balance sheet, as may be appropriate.

(b) The summary prospectus shall not contain, except as specified in (a) above, any summary or condensation of the information required by Item 5.

(c) The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The Commission may also require the inclusion of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for the protection of investors.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19 (a) thereof. Inasmuch as the use of summary prospectuses is optional, such action may be made effective less than thirty days after publication. Accordingly, the foregoing action shall be effective as to any registration statement filed on or after December 3, 1956.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 23, 1956.

[F. R. Doc. 56-9967; Filed, Dec. 5, 1956; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54257]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

SHIPPING ARTICLES AND ENFORCEMENT OF SEAMEN'S ACT

The Secretary of the Treasury has transferred to the Commandant, United States Coast Guard, the function of issuing true and certified copies of shipping articles containing the names of crews of vessels bound on foreign voyages from ports of the United States as provided in section 4575 of the Revised Statutes, as amended (46 U. S. C. 676). In view of that action and since it is no longer necessary that shipping articles be presented to collectors of customs in duplicate, § 4.69 of the Customs Regulations is amended to read as follows:

§ 4.69 *Shipping articles and enforcement of Seamen's Act.* No vessel of the United States bound for a foreign port outside the British North American possessions, the West Indies, and Mexico shall be granted final clearance until there has been presented to the collector at the port of final departure the shipping articles of the vessel executed before a shipping commissioner on coast guard Form 705, 705-A, or 705-B; nor shall any vessel, bound for a foreign port, be granted final clearance until the collector is satisfied that there has been full compliance with the pertinent requirements of sections 11 and 13 of the Seamen's Act of March 4, 1915 (46 U. S. C. 599, 672), and the coast guard regulations issued thereunder, relating to allotments of wages, the language test, and the crew.

(R. S. 161, sec. 2, 23 Stat. 118, as amended; 5 U. S. C. 22, 46 U. S. C. 2)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 27, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9984; Filed, Dec. 5, 1956; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

COLVILLE INDIAN IRRIGATION PROJECT, WASHINGTON

NOVEMBER 28, 1956.

On October 27, 1956 there was published in the daily issue of the FEDERAL REGISTER, Volume 21, Number 210, page 8242, Notice of Intention to amend § 130.9, Subchapter L, Chapter I of the Code of Federal Regulations, Title 25. This section deals with the operation and maintenance charges on assessable lands at the Colville Indian Irrigation Project, Washington. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, within thirty days from the date of publication of the notice. No comments have been received. Accordingly, § 130.9 of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter L, Operation and Maintenance Assessments, is amended as follows:

§ 130.9 *Charges.* The annual operation and maintenance charges are hereby fixed for the lands under the various units in the amounts named in this section, on the Colville Indian Irrigation Project, Washington.

(a) The per acre per annum rates for the following units are: Nespelem Unit $4.00; Little Nespelem Unit $4.00. All patent in fee lands and all Indian trust lands to which water can be delivered for irrigation and on which application for water services is made by the water users and approved by the Superintendent of the Indian Reservation, are subject to the above rates.

(b) The per acre per annum rate for the Monse Pumping Unit is hereby fixed at $5.00 per acre for all patent in fee lands for which there are water right contracts, and for all Indian trust lands to which water can be delivered for irrigation. These charges shall apply regardless of whether water is requested or not.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PERRY E. SKARRA,
Acting Area Director.

[F. R. Doc. 56-9950; Filed, Dec. 5, 1956; 8:45 a. m.]

Appendix—Extension of the Trust or Restricted Status of Certain Indian Lands

TRUST PERIODS EXPIRING DURING CALENDAR YEAR 1957

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, and pursuant to section 5 of the act of February 8, 1887 (24 Stat. 388, 389), the act of June 21, 1906 (34 Stat. 325, 326), and the act of March 2, 1917 (39 Stat. 969, 976), and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended will expire during the calendar year 1957, be, and the same are hereby, extended for a further period of one year from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

(R. S. 161; 5 U. S. C. 22)

F. E. WORMSER,
Acting Secretary of the Interior.

NOVEMBER 30, 1956.

[F. R. Doc. 56-9949; Filed, Dec. 5, 1956; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 263—MULTIFAMILY REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

MISCELLANEOUS AMENDMENTS

1. In § 263.1, paragraph (a) is amended by adding to the listed provisions the following:

§ 263.1 *Incorporation by reference.* (a) * * *

§ 232.7 Interest rate.

2. Part 263 is amended by adding a new § 263.8a as follows:

§ 263.8a *Interest rate.* The mortgage shall bear interest, not exceeding 5 percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U. S. C. 1715k)

3. In § 268.1, paragraph (a) is amended by adding to the listed provisions the following:

§ 268.1 *Incorporation by reference.* (a) * * *

§ 232.7 Interest rate.

4. Part 268 is amended by adding a new § 268.7b as follows:

§ 268.7b *Interest rate.* The mortgage shall bear interest, not exceeding 5 percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U. S. C. 1715l)

Issued at Washington, D. C., December 3, 1956.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-9989; Filed, Dec. 5, 1956; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6216]

Subchapter D—Miscellaneous Excise Taxes

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

Subchapter F—Procedure and Administration

PART 301—PROCEDURE AND ADMINISTRATION

On October 2, 1956, notice of proposed rule making with respect to regulations relating to the excise tax on the use of certain highway motor vehicles imposed under subchapter D of chapter 36 of the Internal Revenue Code of 1954 (70 Sat. 390), and with respect to the amendment of § 301.6302 of the regulations on procedure and administration (26 CFR Part 301) to conform to section 286 (b) of the Highway Revenue Act of 1956 (70 Stat. 391), was published in the FEDERAL REGISTER (21 F. R. 7537). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations and the amendment as so published are hereby adopted, subject to the following changes:

PARAGRAPH 1. Sections 41.0–1 (c), 41.4482 (a)–1 (c), 41.4482 (b)–1 (b) and (c) and 41.4482 (c)–1 (c) are revised.

PAR. 2. Section 41.6011 (a)–1 (a) is revised by deleting the third sentence thereof.

PAR. 3. Section 41.6071 (a)–1 is revised as follows:

(A) By substituting "December 1956" for "November 1956" and "January 31, 1957" for "November 30, 1956" in paragraph (a) (1) and by substituting "November 1956" for "October 1956" in paragraph (a) (1) and (2).

(B) By deleting in paragraph (c) "and, in addition, of the tax for such taxable year on the use of any other type highway motor vehicle the first taxable use of which in such taxable year occurs in the last month of such test period while registered in the name of such person".

(C) By redesignating paragraph (e) as paragraph (f) and by inserting the following immediately preceding paragraph (f) as so redesignated:

(e) *Combined return.* In the case of any person who, pursuant to paragraph

(a), (b), or (c) of this section, is required to report the tax on the use of two or more highway motor vehicles within a prescribed time after the close of a particular month, such person shall report the tax for the taxable year on the use of all such vehicles in a single return.

The regulations as adopted are set forth below.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: November 30, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

SUBPART A—INTRODUCTION

Sec.
41.0–1 Introduction.
41.0–2 General definitions and use of terms.
41.0–3 Scope of regulations.

SUBPART B—TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

41.4481 Statutory provisions; imposition of tax.
41.4481–1 Imposition of tax.
41.4481–2 Persons liable for tax.
41.4481–3 Registration.
41.4482 (a) Statutory provisions; definitions; highway motor vehicle.
41.4482 (a)–1 Definition of highway motor vehicle.
41.4482 (b) Statutory provisions; definitions; taxable gross weight.
41.4482 (b)–1 Definition of taxable gross weight.
41.4482 (c) Statutory provisions; definitions; other definitions; State, year, and use.
41.4482 (c)–1 Definition of State, year, and use.
41.4483 Statutory provisions; exemptions.
41.4483–1 State and local governmental exemption.
41.4483–2 Exemption for certain transit-type buses.
41.4483–3 Application of exemptions.
41.4484 Statutory provisions; cross reference.
41.4484–1 Administrative provisions.

SUBPART C—ADMINISTRATIVE PROVISIONS OF SPECIAL APPLICATION TO TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

41.6001 Statutory provisions; notice or regulations requiring records, statements, and special returns.
41.6001–1 Records.
41.6011 (a) Statutory provisions; general requirements of return, statement, or list; general rule.
41.6011 (a)–1 Returns.
41.6071 (a) Statutory provisions; time for filing returns and other documents; general rule.
41.6071 (a)–1 Time for filing returns.
41.6081 (a) Statutory provisions; extension of time for filing returns; general rule.
41.6081 (a)–1 Extension of time for filing returns.
41.6091 Statutory provisions; place for filing returns or other documents.
41.6091–1 Place for filing returns.
41.6101 Statutory provisions; period covered by returns or other documents.
41.6101–1 Period covered by returns.
41.6151 (a) Statutory provisions; time and place for paying tax shown on returns.
41.6151 (a)–1 Time and place for paying tax.
41.6161 (a) (1) Statutory provisions; extension of time for paying tax.
41.6161 (a) (1)–1 Extension of time for paying tax.
41.6302 (b) Statutory provisions; mode or time of collection; discretionary method.
41.6302 (b)–1 Method of collection.
41.7701 Statutory provisions; definitions.
41.7805 Statutory provisions; rules and regulations.
41.7805–1 Promulgation of regulations.

AUTHORITY: §§ 41.0–1 to 41.7805–1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

SUBPART A—INTRODUCTION

§ 41.0–1 *Introduction*—(a) *In general.* The regulations in this part are designated "Highway Motor Vehicle Use Tax Regulations". The regulations relate to the tax imposed by subchapter D of chapter 36 of the Internal Revenue Code of 1954 and to certain related administrative provisions of subtitle F of such Code. Subchapter D of chapter 36 imposes an excise tax on the use of certain highway motor vehicles on the public highways in the United States.

(b) *Division of regulations.* The regulations in this part are divided into three subparts. Subpart A contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, and scope of the regulations. Subpart B relates to the provisions of the Code set forth in subchapter D of chapter 36 thereof (Tax on Use of Certain Vehicles). Subpart C relates to selected provisions of subtitle F of the Code (Procedure and Administration) which have special application to the tax imposed by subchapter D of chapter 36 of the Code.

(c) *Arrangement and numbering.* Each section of the regulations in Subparts B and C of this part is preceded by the section, subsection, or paragraph of the Internal Revenue Code of 1954 which it interprets. The sections of the regulations can readily be distinguished from sections of the Code since—

(1) The sections of the regulations are printed in larger type;

(2) The sections of the regulations are preceded by a section symbol and the part number, arabic numeral 41 followed by a decimal point (§ 41.); and

(3) The sections of the Code are preceded by "Sec.".

Each section of the regulations setting forth law or regulations is designated by a number composed of the part number followed by a decimal point (41.) and the number of the corresponding provision of the Internal Revenue Code of 1954. In the case of a section setting forth regulations, this designation is followed by a hyphen (-) and a number identifying such section. For example, the section of the regulations setting forth section 4481 of the Internal Revenue Code of 1954 is designated § 41.4481, and the regulations pertaining to such section 4481 are designated § 41.4481–1, § 41.4481–2, and § 41.4481–3.

§ 41.0–2 *General definitions and use of terms.* As used in the regulations in this part, unless otherwise expressly indicated—

(a) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(b) The Internal Revenue Code of 1954 means the act approved August 16, 1954 (68A Stat.), entitled "An Act To revise the internal revenue laws of the United States", as amended.

(c) References to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954.

(d) References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code of 1954.

(e) District director means district director of internal revenue.

(f) Tax means the tax on the use of certain highway motor vehicles imposed by section 4481 of the Code.

(g) Highway Revenue Act of 1956 means Title II of the Act approved June 29, 1956 (70 Stat. 387).

(h) The cross references in the regulations in this part to other portions of the regulations, when the word "see" is used, are made only for convenience and shall be given no legal effect.

§ 41.0–3 *Scope of regulations.* The regulations in this part apply to the use after June 30, 1956, and before July 1, 1972, of certain highway motor vehicles on the public highways in the United States.

SUBPART B—TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

§ 41.4481 *Statutory provisions; imposition of tax.*

SEC. 4481. *Imposition of tax*—(a) *Imposition of tax.* A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of more than 26,000 pounds, at the rate of $1.50 a year for each 1,000 pounds of taxable gross weight or fraction thereof.

(b) *By whom paid.* The tax imposed by this section shall be paid by the person in whose name the highway motor vehicle is, or is required to be, registered under the law of the State in which such vehicle is, or is required to be, registered, or, in case the highway motor vehicle is owned by the United States, by the agency or instrumentality of the United States operating such vehicle.

(c) *Proration of tax.* If in any year the first use of the highway motor vehicle is after July 31, the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the 30th day of June following.

(d) *One payment per year.* If the tax imposed by this section is paid with respect to any highway motor vehicle for any year, no further tax shall be imposed by this section for such year with respect to such vehicle.

(e) *Period tax in effect.* The tax imposed by this section shall apply only to use after June 30, 1956, and before July 1, 1972.

[Sec. 4481 as added by sec. 206 (a), Highway Revenue Act 1956]

§ 41.4481–1 *Imposition of tax*—(a) *In general.* A tax is imposed for each taxable year (commencing after June 30, 1956, and ending before July 1, 1972) upon the use, at any time during the taxable year, on the public highways in the United States of any highway motor vehicle which has a taxable gross weight in excess of 26,000 pounds. The tax is imposed upon the use of such a highway motor vehicle only if, at the time of the use of such vehicle, it is registered or required to be registered in the name of a person (whether or not such person is

the person who uses the vehicle). See, however, §§ 41.4483–1 and 41.4483–2, relating, respectively, to exemption from the tax in the case of highway motor vehicles used by a State or any political subdivision thereof and in the case of certain transit-type buses. For definition of the terms "registered", "highway motor vehicle", "taxable gross weight", "taxable year", and "use", see §§ 41.4481–3, 41.4482 (a)–1, 41.4482 (b)–1, and 41.4482 (c)–1 (b) and (c), respectively.

(b) *Rate of tax.* The rate of tax, with respect to each taxable year, is $1.50 for each 1,000 pounds of taxable gross weight or fraction thereof of each highway motor vehicle the use of which at any time during the taxable year is subject to the tax. Thus, any fraction of 1,000 pounds of taxable gross weight in excess of 26,000 pounds of taxable gross weight is treated as 1,000 pounds for purposes of the computation of the tax.

(c) *Computation of tax.* (1) Except as provided in subparagraph (2) of this paragraph, the tax on the use of a particular highway motor vehicle for the taxable year is computed by multiplying the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of $1.50.

(2) If the first taxable use of a particular highway motor vehicle is made after the first month of the taxable year, the tax on the use of such vehicle for such taxable year is computed by multiplying the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of $1.50; by multiplying the resulting figure by the number of months in the taxable year exclusive of those months prior to the month in which such first taxable use was made; and by dividing the resulting figure by 12 (the number of months in the taxable year).

(3) Since the tax is measured from the first day of the month in which the first taxable use of a highway motor vehicle is made, the fact that the vehicle is later sold, destroyed, junked, or otherwise disposed of in the taxable year does not affect the computation of the tax on the use of such vehicle for such taxable year, or give rise to a right to refund or credit. Likewise, the fact that the use of a highway motor vehicle during the taxable year is discontinued or is of an exempt nature in a later part of the taxable year does not affect the computation of the tax or give rise to a right to refund or credit.

(d) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). In the taxable year beginning July 1, 1956, the first taxable use of a particular highway motor vehicle having a taxable gross weight of 29,400 pounds occurs on July 10, 1956, at which time the vehicle is registered in the name of X. A tax of $45 (30 x $1.50) is imposed on the use of such vehicle for the taxable year.

Example (2). On July 1, 1957, X has registered in his name a highway motor vehicle having a taxable gross weight of 29,400 pounds. The vehicle is in "dead storage" until August 10, 1957, at which time X starts using the vehicle on the public highways in carrying on his trucking business. On August 10, 1957, the vehicle is still registered in X's name. Since the first taxable use of this highway motor vehicle during the taxable year occurred on August 10, 1957, X is required to pay a tax of $41.25 (30 x $1.50 x 11/12) for the taxable year.

§ 41.4481–2 *Persons liable for tax.* (a) The person in whose name any highway motor vehicle is registered at the time of the first taxable use of such vehicle in any taxable year is liable for the tax on the use of the vehicle for such taxable year. If thereafter in the same taxable year a taxable use of such vehicle is made while it is registered in the name of another person, such other person is also liable for the tax on the use of such vehicle for such taxable year to the extent that such tax has not previously been paid. In case more than one person is liable for the tax on the use of a particular highway motor vehicle for a taxable year, the liability of all persons for such tax is satisfied to the extent that the tax is paid by any person.

(b) Every person who, at any time in the taxable year, acquires and has registered in his name a secondhand highway motor vehicle shall obtain and keep as a part of his records evidence, which he believes to be true, showing whether there was or was not a taxable use of such vehicle at any time in such taxable year prior to the time when the vehicle was registered in his name. The evidence may take the form of a written statement, signed and dated by the person from whom the vehicle was acquired, showing whether there was or was not a prior taxable use of the vehicle in the taxable year. If the vehicle is acquired from a dealer in highway motor vehicles, the statement may be obtained from such dealer or from the person from whom the dealer acquired such vehicle. If evidence is not obtained showing whether there was or was not a prior taxable use of such vehicle, such person shall keep as a part of his records a written statement of the reasons why he was unable to obtain such evidence.

§ 41.4481–3 *Registration.* (a) For purposes of the regulations in this part, the term "registered" when used with reference to a highway motor vehicle means—

(1) Registered under the law of any State or Territory of the United States or of the District of Columbia, or

(2) Required to be registered under the law of any State or Territory of the United States in which such highway motor vehicle is operated or situated or, in case the vehicle is operated or situated in the District of Columbia, under the law of the District of Columbia.

Any highway motor vehicle which is operated under a dealer's tag, license, or permit is considered to be registered in the name of such dealer. A highway motor vehicle is not considered to be registered solely by reason of the fact that there has been issued a special permit for operation of the vehicle at particular times and under specified conditions.

(b) Any highway motor vehicle which, during any period in the taxable year, is registered both in the name of the owner of such vehicle and in the name of any other person, is considered, for purposes of the regulations in this part, to be registered, during such period, solely in the name of the owner of such vehicle.

§ 41.4482 (a) *Statutory provisions; definitions; highway motor vehicle.*

SEC. 4482. *Definitions*—(a) *Highway motor vehicle.* For purposes of this subchapter, the term "highway motor vehicle" means any motor vehicle which is a highway vehicle.

[Sec. 4482 (a) as added by sec. 206 (a), Highway Revenue Act 1956]

§ 41.4482 (a)–1 *Definition of highway motor vehicle*—(a) *In general.* The term "highway motor vehicle" means any vehicle which is propelled by means of its own motor, whether such motor is powered by gasoline, diesel fuel, special motor fuels, electricity or otherwise, and which is of a type used for highway transportation. Such term does not include any vehicle which moves exclusively on rails. The term does, however, include trolley buses or coaches and other similar type vehicles.

(b) *Motor vehicles.* The term "highway motor vehicle" does not include any vehicle which is not propelled by means of its own motor. For example, trailers and semitrailers used in combination with highway trucks or truck-tractors are not vehicles the use of which is subject to the tax imposed by section 4481 (a). However, trailers or semitrailers customarily used in combination with highway trucks or truck-tractors are taken into account in determining the taxable gross weight (§ 41.4482 (b)–1) of the highway motor vehicle, which is the base of the tax.

(c) *Highway vehicle.* The term "highway motor vehicle" does not include any vehicle which, although propelled by means of its own motor, is of a type not used for highway transportation, that is, of a type designed and manufactured for a purpose other than highway transportation. For example, vehicles such as earth movers, trench diggers, and bulldozers, which are designed and manufactured as self-propelled units for "off-the-road" operations, are not highway motor vehicles for purposes of the regulations in this part. Neither are such motorized vehicles as road graders or rollers, which are designed and manufactured for construction or maintenance of roads, considered to be highway motor vehicles. The same is true of farm tractors, cotton pickers, and other motorized agricultural implements of a similar nature. However, the fact that equipment or machinery having a specialized use (as for example, an air compressor, crane, or specialized oil-field machinery) is mounted on a vehicle which, apart from such equipment or machinery, is of a type used for highway transportation will not remove such vehicle from classification as a highway motor vehicle.

§ 41.4482 (b) *Statutory provisions; definitions; taxable gross weight.*

SEC. 4482. Definitions. • • •

(b) *Taxable gross weight.* For purposes of this subchapter, the term "taxable gross weight", when used with respect to any highway motor vehicle, means the sum of—

(1) The actual unloaded weight of—

(A) Such highway motor vehicle fully equipped for service, and

(B) The semitrailers and trailers (fully equipped for service) customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle, and

(2) The weight of the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on the semitrailers and trailers referred to in paragraph (1) (B).

Taxable gross weight shall be determined under regulations prescribed by the Secretary or his delegate (which regulations may include formulas or other methods for determining the taxable gross weight of vehicles by classes, specifications, or otherwise).

[Sec. 4482 (b) as added by sec. 206 (a), Highway Revenue Act 1956]

§ 41.4482 (b)–1 *Definition of taxable gross weight*—(a) *In general.* The tax imposed on the use of a highway motor vehicle (of a taxable gross weight in excess of 26,000 pounds) is based on the taxable gross weight of such highway motor vehicle. Taxable gross weight of a highway motor vehicle is determined with reference to the sum of (1) the actual unloaded weight of such highway motor vehicle (fully equipped for service); (2) the actual unloaded weight of any one or more trailers or semitrailers (fully equipped for service) customarily used in combination with highway motor vehicles of the same type as such highway motor vehicle; and (3) the weight of the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on any one or more trailers or semitrailers customarily used in combination with highway motor vehicles of the same type as such highway motor vehicle.

(b) *Meaning of terms.* For purposes of the schedule of taxable gross weights prescribed in paragraph (c) of this section—

(1) The term "actual unloaded weight" means the empty (or tare) weight of the truck, truck-tractor, or bus, fully equipped for service.

(2) The term "fully equipped for service" includes body (whether or not designed and adapted primarily for transporting cargo, as for example, concrete mixers); all accessories; all equipment attached to or carried on such truck, truck-tractor, or bus, for use in connection with the movement of the vehicle by means of its own motor or for use in the maintenance of the vehicle; and a full complement of lubricants, fuel, and water. The term does not include driver, any equipment (not including body) attached to or carried on the vehicle for use in handling or transporting cargo; or any special equipment (such as an air compressor, crane, specialized oil-field machinery, etc.) mounted on the vehicle for use on construction jobs, in oil-field operations, etc.

(c) *Schedule of taxable gross weights.* The following schedule of taxable gross weights, based on the sum of the weights referred to in paragraph (a) of this section, is hereby prescribed:

USE TAX SCHEDULE

	Taxable gross weight (in pounds)
1. Single units:	
2 axled truck equipped for use as a single unit with actual unloaded weight of 13,000 pounds or more	27,000
3 or 4 axled truck equipped for use as a single unit with actual unloaded weight of at least 13,000 pounds and less than 16,000 pounds	30,000
3 or 4 axled truck equipped for use as a single unit with actual unloaded weight of 16,000 pounds or more	40,000
2. Combinations:	
2 axled truck-tractor with actual unloaded weight of at least 5,500 pounds and less than 7,000 pounds	30,000
2 axled truck-tractor with actual unloaded weight of at least 7,000 pounds and less than 9,500 pounds	40,000
2 axled truck-tractor with actual unloaded weight of 9,500 pounds or more	50,000
2 axled truck with actual unloaded weight of at least 9,000 pounds and less than 12,000 pounds and equipped for use in combinations	40,000
2 axled truck with actual unloaded weight of 12,000 pounds or more and equipped for use in combinations	55,000
3 or 4 axled truck equipped for use in combinations	60,000
3 or 4 axled truck-tractor	60,000

3. Buses: Actual unloaded weight of vehicle plus 150 pounds for each unit of seating capacity provided for passengers and driver.

Any highway motor vehicle which falls in one of the categories shown in such schedule shall be considered, for purposes of the regulations in this part, to have the taxable gross weight assigned to such category. Any highway motor vehicle which does not fall in one of the categories shown in such schedule shall be considered, for purposes of the regulations in this part, to have a taxable gross weight of 26,000 pounds or less.

§ 41.4482 (c) *Statutory provisions; definitions; other definitions; State, year, and use.*

SEC. 4482 *Definitions.* • • •

(c) *Other definitions.* For purposes of this subchapter—

(1) *State.* The term "State" means a State, a Territory of the United States, and the District of Columbia.

(2) *Year.* The term "year" means the one-year period beginning on July 1.

(3) *Use.* The term "use" means use in the United States on the public highways.

[Sec. 4482 (c) as added by sec. 206 (a), Highway Revenue Act 1956]

§ 41.4482 (c)–1 *Definition of State, year, and use*—(a) *State.* The term "State", as used in the regulations in this part, means any one of the several States, the Territory of Alaska or Hawaii, or the District of Columbia.

(b) *Taxable year.* The term "taxable year", as used in the regulations in this part, means the one-year period beginning with July 1 and ending with the following June 30.

(c) *Use.* The term "use", as used in the regulations in this part with reference to a highway motor vehicle, means the use of the highway motor vehicle on the public highways in the United States, that is, operation of the vehicle, by means of its own motor, on any roadway (whether a Federal highway, State highway, city street, or otherwise) in the United States which is not a private roadway. Thus, for purposes of the tax, there is no use of a highway motor vehicle while the vehicle is in "dead storage". The term "use" does not include operation of a new highway motor vehicle on a public highway in the United States if such operation is merely for the purpose of transporting the vehicle from the point of manufacture or assembly to the consumer, whether direct or with intermediate deliveries to such points as are involved in the distribution process. For example, operation of a new vehicle for the purpose of delivering it from the factory to a branch establishment of the manufacturer, or from the factory or branch establishment to a dealer, distributor, or consumer, does not constitute use of the vehicle within the meaning of the regulations in this part; likewise, the further operation of the vehicle by a dealer or distributor for the purpose of delivering the vehicle to a consumer does not constitute use of the vehicle. Similarly, the operation of a secondhand highway motor vehicle by a dealer or distributor for the purpose of delivering the vehicle to a purchaser does not constitute use of the vehicle within the meaning of the regulations in this part. Furthermore, the term "use" does not include operation of a new or secondhand highway motor vehicle, if such operation is exclusively for the purpose of demonstration of the vehicle by a dealer in, or distributor of, new or secondhand highway motor vehicles. Operation of a highway motor vehicle on a private roadway, or other private property, does not constitute use of the vehicle within the meaning of the regulations in this part.

§ 41.4483 *Statutory provisions; exemptions.*

SEC. 4483. *Exemptions*—(a) *State and local governmental exemption.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed by section 4481 on the use of any highway motor vehicle by any State or any political subdivision of a State.

(b) *Exemption for United States.* The Secretary may authorize exemption from the tax imposed by section 4481 as to the use by the United States of any particular highway motor vehicle, or class of highway motor vehicles, if he determines that the imposition of such tax with respect to such use will cause substantial burden or expense which can be avoided by granting tax exemption and that full benefit of such exemption, if granted, will accrue to the United States.

(c) *Certain transit-type buses.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed by section 4481 on the use of any bus which is of the transit type (rather than of the intercity type) by a person who, for the last 3 months of the preceding year (or for such other period as the Secretary or his delegate may by regulations prescribe for purposes of this subsection), met the 60-percent passenger fare revenue test set forth in section 6421 (b) (2) as applied to the period prescribed for purposes of this subsection.

[Sec. 4483 as added by sec. 206 (a), Highway Revenue Act 1956]

(24 Stat. 388, 389), the act of June 21, 41.6302 (b)–1 Method of collection. 41.7701 Statutory provisions; definitions.

cent per annum, on the amount of the (c) *Combined return.* In the case of any person who, pursuant to paragraph 1954 means the act approved August 16, 1954 (68A Stat.), entitled "An Act To

required to be registered in the name of a person (whether or not such person is

§ 41.4483–1 *State and local governmental exemption.* Use by any State or any political subdivision thereof of any highway motor vehicle is exempt from the tax imposed by section 4481. For definition of the term "State", see § 41.4482 (c)–1. For purposes of this section, the term "use by any State or any political subdivision thereof" means the operation by any State or any political subdivision thereof on the public highways in the United States of any highway motor vehicle, whether or not such highway motor vehicle is owned by the State or the political subdivision.

§ 41.4483–2 *Exemption for certain transit-type buses*—(a) *In general.* Use in any taxable year, or part thereof, of any bus of the transit type by any person who is engaged in the operation of a transit system is exempt from the tax, if such person meets the 60 percent passenger fare revenue test set forth in section 6421 (b) (2) for the applicable period prescribed in paragraph (c) of this section as the test period for such person for such system for such taxable year, or part thereof.

(b) *Buses of the transit type.* The term "transit type", when used in the regulations in this part with reference to a bus, means the type of bus which is designed for the mass transportation of persons within an urban area, as distinguished from the intercity-type bus. A transit-type bus is ordinarily distinguishable from an intercity-type bus by comparison of seats, doors, and baggage facilities. The transit-type bus usually has straight-back seats of the bench type, while the intercity-type bus generally has seats which either can be reclined or are in fact permanently fixed in a reclining position. The transit-type bus is more likely to have an accordion or folding-type door at the front of the bus, and often has a second door in the middle or at the rear for passengers to leave the bus, as opposed to the emergency-type rear door which may or may not be included in the intercity-type bus. The typical transit-type bus does not have facilities for storing baggage whereas the typical intercity-type bus has facilities for storing baggage in a compartment underneath the floor of the bus or in overhead racks, or both. Other characteristics which may be taken into account in distinguishing a transit-type bus from an intercity-type bus include gear ratios, acceleration and maximum speed, and aisle space for standees. The transit-type bus ordinarily has a lower gear ratio to provide for quick starts and because, in general, buses of this type are operated at low speeds. The intercity-type bus ordinarily has a higher gear ratio and can be operated at much higher speeds. The transit-type bus usually has wider aisles, with overhead straps or bars to accommodate standees.

(c) *Test period.* (1) In the case of any person who is engaged in the operation of a transit system at any time in the calendar quarter immediately preceding July 1 of any taxable year, the test period for such system for such taxable year shall be such calendar quarter. However, if passenger fare revenue from scheduled service described in paragraph (e) of this section was derived on less than 30 days during such calendar quarter from operation of such system, the test period for such system for such taxable year shall be the last preceding test period for such system. If such system has no preceding test period, then the test period for such system for such taxable year shall be the calendar quarter beginning with July 1 of such taxable year.

(2) In the case of any person who commences operation of a transit system at any time on or after July 1 of any taxable year, the test period for such system for that part of such taxable year beginning with the first day on which such operation was commenced shall be the calendar quarter in which falls such first day. However, if passenger fare revenue from scheduled service described in paragraph (e) of this section was derived on less than 30 days during such calendar quarter from operation of such system, the test period for such system for such taxable year shall be the following calendar quarter.

(d) The term "transit system", as used in the regulations in this part, means any system for furnishing scheduled common carrier public passenger land transportation service along regular routes.

(e) *60-percent passenger fare revenue test.* For purposes of this section, a person engaged in the operation of a transit system meets the 60-percent passenger fare revenue test set forth in section 6421 (b) (2), for the applicable test period prescribed in this section, if—

(1) During such test period (rather than any different period prescribed in section 6421 (b) (2)) such person derived passenger fare revenue from the operation of such system, and

(2) At least 60 percent of the total of such passenger fare revenue derived by such person during such test period was attributable to fares which were exempt (by reason of section 4263 (a), relating to the exemption for commutation travel, etc.) from the tax on transportation of persons imposed by section 4261.

In determining the total of such passenger fare revenue, the tax imposed by section 4261 is not to be taken into account for that purpose, nor is revenue from such sources as charter fees, rentals of property, advertising receipts, etc., to be included for that purpose.

(f) *Examples.* Application of this section may be illustrated by the following examples:

Example (1). The X Transit Company is engaged in the operation of a transit system in the city of A and surrounding area throughout April, May, and June of 1956 and the taxable year beginning July 1, 1956. It derives passenger fare revenue from the operation of such system for 15 days in April and for the entire months of May and June of 1956. On July 1, 1956, the Company is using 60 buses of the transit type and 40 buses of the intercity type. Each of 20 of the transit-type buses and each of 10 of the intercity-type buses has a taxable gross weight of more than 26,000 pounds. (No tax is imposed on the use of either a transit-type bus or an intercity-type bus having a taxable gross weight of 26,000 pounds or less. See § 41.4481–1.) Use of the 10 intercity-type buses is subject to the tax for the taxable year beginning with July 1, 1956, since the exemption, if any, applies only to transit-type buses. Use of the 20 transit-type buses is not subject to the tax for such taxable year if at least 60 percent of the total passenger fare revenue (not including any tax on the transportation of persons imposed by section 4261) derived by the X Transit Company during April, May, and June of 1956 (the test period perscribed in paragraph (c) (1) of this section) from operation of such system was from fares which were exempt from the tax imposed by section 4261 by reason of section 4263 (a) (relating to the exemption for commutation travel, etc.). If the X Transit Company does not meet the 60-percent passenger fare revenue test for April, May, and June of 1956, the tax attaches for the taxable year beginning with July 1, 1956, with respect to the use of each of the 20 transit-type buses having a taxable gross weight of more than 26,000 pounds.

Example (2). Assume the same facts as those stated in Example (1), except that the X Transit Company commences operation of the transit system on July 15, 1956, and derives passenger fare revenue from operation of the system throughout the following August and September. In such case, the test period is July, August, and September of 1956, and if the test is met for this period, no tax is imposed on the use by the Company of any bus of the transit type in the period July 15, 1956, through June 30, 1957.

Example (3). Assume the same facts as those stated in Example (1), except that the X Transit Company commences operation of the transit system on April 15, 1957, and derives passenger fare revenue from operation of the system throughout the following May and June. In such case the test period is April, May, and June of 1957, and if the test is met for this period, no tax is imposed on the use by the Company of any bus of the transit type in the period April 15 through June of 1957 or in the taxable year beginning on July 1, 1957.

§ 41.4483–3 *Application of exemptions.* Any exemption from the tax on the use of a highway motor vehicle has application only with respect to the use of such highway motor vehicle and not with respect to the highway motor vehicle as such. Furthermore, such exemption is subject to those provisions of § 41.4481–1 (c) relating to proration of the tax and to the effect of an exempt use of a highway motor vehicle after a taxable use has been made. Thus, if a taxable use is made of a highway motor vehicle at any time in the taxable year, the tax is imposed on the use of such vehicle for such taxable year, computed from the first day of the month in which such taxable use occurred, even though at some time in the same taxable year, before or after such taxable use occurred, the use of the vehicle may have been, or may be, exempt. For example, if a highway motor vehicle is operated exclusively by a State in the period July 1 through September 10 of a taxable year, use of such vehicle in such period is exempt from the tax. However, if a taxable use of the vehicle is made on September 11 of such taxable year, the tax imposed on the use of such vehicle for such taxable year is computed from September 1. On the other hand, if a taxable use of the vehicle is made at any time in July of the taxable year, the tax imposed on the use of such vehicle for such taxable year is computed from July 1, even though the vehicle may be operated exclusively by a State in every other month of such year.

§ 41.4484 *Statutory provisions; cross reference.*

SEC. 4484. *Cross reference.* For penalties and administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4484 as added by sec. 206 (a), Highway Revenue Act 1956]

§ 41.4484–1 *Administrative provisions.* For administrative provisions relating to the tax on the use of certain highway motor vehicles, see Subpart C of this part and the applicable sections of the regulations on procedure and administration (Part 301 of this chapter).

SUBPART C—ADMINISTRATIVE PROVISIONS OF SPECIAL APPLICATION TO TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

§ 41.6001 *Statutory provisions; notice or regulations requiring records, statements, and special returns.*

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 41.6001–1 *Records*—(a) *Records to be kept.* Every person is whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds (see the schedule of taxable gross weights prescribed by § 41.4482 (b)–1) is registered at any time in the taxable year shall keep records sufficient to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof. Such records shall show with respect to each such vehicle—

(1) A description of the vehicle (including serial number or other manufacturer's number) in sufficient detail to permit positive identification of the vehicle and of the category of the schedule of taxable gross weights in which such vehicle falls.

(2) In the case of any such vehicle acquired after June 30, 1956, the date on which such person acquired such vehicle and the name and address of the person from whom the vehicle was acquired.

(3) The first month of each taxable year in which occurred a taxable use of each such vehicle while the vehicle was registered in the name of such person; information showing whether such vehicle was operated, while registered in the name of such person, in any prior month in such taxable year; and if such vehicle was so operated, evidence establishing that such operation was not a taxable use.

(4) The date of sale or other transfer to another of any such vehicle, together with the name and address of the person to whom transferred.

(5) In the case of any such vehicle disposed of otherwise than by sale or other transfer, the date and method of disposition of the vehicle.

(6) In the case of a second hand highway motor vehicle acquired at any time in the taxable year, evidence showing whether there was a prior taxable use in such taxable year of such highway motor vehicle (see § 41.4481–2 (b)).

(7) A copy of each return, schedule, statement, or other document filed, pursuant to the regulations in this part or in accordance with the instructions applicable to any form prescribed thereunder, by the person required to keep such records.

(b) *Transit systems.* Every person engaged in the operation of a transit system shall keep records sufficient to show, with respect to each taxable year, whether he meets the 60 percent passenger fare revenue test (see § 41.4483–2 (e)) for the period prescribed as the test period (see § 41.4483–2 (c)) for such system for such taxable year.

(c) *Records of claimants.* Any person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax, or assessable penalty, shall keep a complete and detailed record with respect to the claim.

(d) *Place and period for keeping records.* (1) All records required by the regulations in this part shall be kept, by the person required to keep them, at a convenient and safe location within the United States which is accessible to internal revenue officers. Such records shall at all times be available for inspection by such officers. If such person has a principal place of business in the United States, the records shall be kept at such place of business.

(2) Records required by paragraphs (a) and (b) of this section shall be maintained for a period of at least 3 years after the date the tax becomes due or the date the tax is paid, whichever is the later. Records required by paragraph (c) of this section (including any record required by paragraph (a) or (b) of this section which relates to a claim) shall be maintained for a period of at least 3 years after the date the claim is filed.

§ 41.6011 (a) *Statutory provisions; general requirement of return, statement, or list; general rule.*

SEC. 6011. *General requirement of return, statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

§ 41.6011 (a)–1 *Returns.* (a) Every person in whose name a highway motor vehicle is registered at the time of the first taxable use of such vehicle in any taxable year shall make a return of the tax on the use of such vehicle for such taxable year. Such return shall be made on Form 2290.

(b) Every person (other than a person required under paragraph (a) of this section to make a return) in whose name any highway motor vehicle is registered at a time during the taxable year when a taxable use (other than the first taxable use) of such vehicle occurs shall make a return of the tax on the use of such vehicle for such taxable year on Form 2290 if the district director notifies such person that such tax has not been paid in full. The amount to be reported as tax on such return with respect to the use of such vehicle shall be the unpaid portion of the tax on the use of such vehicle for such taxable year, measured from the first day of the month in which occurred the first taxable use of such vehicle in such taxable year. The district director shall advise such person of the amount of such unpaid tax.

(c) Each return shall be made in accordance with the instructions and regulations applicable thereto.

§ 41.6071 (a) *Statutory provisions; time for filing returns and other documents; general rule.*

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

§ 41.6071 (a)–1 *Time for filing returns*—(a) *Use after June 1956 and before July 1957.* Except as otherwise provided in paragraph (c) of this section—

(1) In the case of any highway motor vehicle the first taxable use of which occurs after June 1956 and before December 1956, the person in whose name the vehicle is registered at the time of such use shall, after November 1956 and on or before January 31, 1957, make a return of the tax on the use of such vehicle for the taxable year ending June 30, 1957; and

(2) In the case of any highway motor vehicle the first taxable use of which occurs in a month after November 1956 and before July 1957, the person in whose name the vehicle is registered at the time of such use shall, after such month and on or before the last day of the following month, make a return of the tax on the use of such vehicle for the taxable year ending June 30, 1957.

(b) *Use after June 1957.* Except as otherwise provided in paragraph (c) of this section—

(1) In the case of any highway motor vehicle the first taxable use of which in any taxable year beginning on or after July 1, 1957, occurs in July of such taxable year, the person in whose name such vehicle is registered at the time of such use shall, after July and on or before August 31 of such taxable year, make a return of the tax on the use of such vehicle for such taxable year.

(2) In the case of any highway motor vehicle the first taxable use of which in any taxable year beginning on or after July 1, 1957, occurs in a month of such taxable year after July, the person in whose name the vehicle is registered at the time of such use shall, after such month and on or before the last day of the following month, make a return of the tax on the use of such vehicle for such taxable year.

(c) *Certain transit-type buses.* In the case of any bus of the transit type, the

first taxable use of which in any taxable year occurs prior to the close of the test period (see §41.4483–2 (c)) with reference to which liability for the tax on the use of such transit-type bus for such taxable year is determined, the person in whose name the bus is registered at the time of such use shall, after such test period and on or before the last day of the following month (but in no event earlier than the time prescribed in paragraph (a) (1) of this section for filing a return) make a return of such tax for such taxable year on the use of such transit-type bus.

(d) *Prior taxable use.* Every person who, pursuant to paragraph (b) of § 41.6011 (a)–1, is required to make a return of the tax on the use of any highway motor vehicle for any taxable year shall make such return on or before the last day of the month following the month in which such person is notified by the district director that such return is required.

(e) *Combined return.* In the case of any person who, pursuant to paragraph (a), (b), or (c) of this section, is required to report the tax on the use of two or more highway motor vehicles within a prescribed time after the close of a particular month, such person shall report the tax for the taxable year on the use of all such vehicles in a single return.

(f) *Delinquent returns.* For additions to the tax in case of failure to file return within prescribed time, see section 6651 and the regulations thereunder.

§ 41.6081 (a) *Statutory provisions; extension of time for filing returns; general rule.*

SEC. 6081. *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

§ 41.6081 (a)–1 *Extension of time for filing returns.* District directors may, upon application of the taxpayer, grant a reasonable extension of time (not to exceed 60 days) in which to file the return. Application for an extension of time for filing the return should be addressed to the district director for the district in which the taxpayer files his returns and must contain a full recital of the causes for the delay. For extensions of time for payment of the tax, see § 41.6161 (a) (1)–1.

§ 41.6091 *Statutory provisions; place for filing returns or other documents.*

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(2) *Corporations.* Returns of corporations shall be made to the Secretary or his delegate in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

• • • • •

(4) *Exceptional cases.* Notwithstanding paragraph (1), (2) • • • of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

§ 41.6091–1 *Place for filing returns*—(a) *Persons other than corporations.* Each return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the district director at Baltimore, Maryland.

(b) *Corporations.* Each return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation. If it has no principal place of business or principal office or agency in any internal revenue district, the return shall be filed with the district director at Baltimore, Maryland.

§ 41.6101 *Statutory provisions; period covered by returns or other documents.*

SEC. 6101. *Period covered by returns or other documents.* When not otherwise provided for by this title, the Secretary or his delegate may by regulations prescribe the period for which, or the date as of which, any return, statement, or other document required by this title or by regulations, shall be made.

§ 41.6101–1 *Period covered by returns.* Each return shall cover a one-year period beginning with July 1 and ending with the following June 30.

§ 41.6151 (a) *Statutory provisions; time and place for paying tax shown on returns.*

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

§ 41.6151 (a)–1 *Time and place for paying tax.* The tax required to be reported on any return is due and payable to the district director with whom the return is required to be filed. Such tax shall be paid at the time prescribed in § 41.6071 (a)–1 for filing the return. For provisions relating to interest on underpayments, see section 6601 and the regulations thereunder. For provisions relating to credits and refunds, see §§ 301.6402–1, 301.6402–2, and 301.6402–4 of this chapter. For provisions relating to abatements, see § 301.6404–1 of this chapter. For provisions relating to limitations on credits or refunds, see §§ 301.6511 (a)–1 and 301.6511 (b)–1 of this chapter.

§ 41.6161 (a) (1) *Statutory provisions; extension of time for paying tax.*

SEC. 6161. *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return • • • required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

§ 41.6161 (a) (1)–1 *Extension of time for paying tax.* If it is shown to the satisfaction of the district director that the payment of the tax upon the date prescribed for the payment thereof will result in undue hardship to the taxpayer, the district director, at the request of the taxpayer, may grant an extension of time (not to exceed 60 days) for the payment of such tax.

§ 41.6302 (b) *Statutory provisions; mode or time of collection; discretionary method.*

SEC. 6302. *Mode or time of collection.* • • •

(b) *Discretionary method.* Whether or not the method of collecting any tax imposed by chapters 21, 31, 32, 33, section 4481 of chapter 36, sections 4501 (a) or 4511 of chapter 37, or sections 4701 or 4721 of chapter 39 is specifically provided for by this title, any such tax may, under regulations prescribed by the Secretary or his delegate, be collected by means of returns, stamps, coupons, tickets, books, or such other reasonable devices or methods as may be necessary or helpful in securing a complete and proper collection of the tax.

[Sec. 6302 (b) as amended by sec. 206 (b), Highway Revenue Act 1956]

§ 41.6302 (b)–1 *Method of collection.* For provisions relating to collection of the tax by means of returns, see § 41.6011 (a)–1.

§ 41.7701 *Statutory provisions; definitions.*

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

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(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

• • • • •

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Delegate.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(13) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to any internal revenue tax.

• • • • •

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

• • • • •

(d) *Cross references*—(1) *Other definitions.* For other definitions, see the following sections of Title 1 of the United States Code:

(1) Singular as including plural, section 1.
(2) Plural as including singular, section 1.
(3) Masculine as including feminine, section 1.

• • • • •

§ 41.7805 *Statutory provisions; rules and regulations.*

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

(c) *Preparation and distribution of regulations, forms, stamps, and other matters.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue.

§ 41.7805–1 *Promulgation of regulations.* In pursuance of section 7805 of the Internal Revenue Code of 1954, the foregoing regulations are hereby prescribed. (See § 41.0–3 relating to the scope of the regulations.)

PAR. 2. In order to conform the regulations on procedure and administration (26 CFR Part 301) to section 206 (b) of the Highway Revenue Act of 1956 (70 Stat. 391), § 301.6302 of such regulations, adopted by Treasury Decision 6119, approved December 31, 1954, is amended as follows:

(A) By inserting "section 4481 of chapter 36," after "33," in section 6302 (b) of the Internal Revenue Code of 1954 as set forth in § 301.6302.

(B) By adding at the end thereof the following historical note:

(Sec. 7805, 68A Stat. 917, 26 U. S. C. 7805)

[F. R. Doc. 56–9982; Filed, Dec. 5, 1956; 8:48 a. m.]

Subchapter D—Miscellaneous Excise Taxes

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES[1]

EXEMPTION

By virtue of the authority vested in me by section 4483 (b) of the Internal Revenue Code of 1954 (70 Stat. 391), as added by section 206 (a) of the Highway Revenue Act of 1956, exemption from the tax imposed by section 4481 of the Internal Revenue Code of 1954 (70 Stat. 390), as added by section 206 (a) of the Highway Revenue Act of 1956, is hereby authorized as to the use by the United States on or after July 1, 1956, of any highway motor vehicle on the public highways in the United States, whether or not such highway motor vehicle is owned by the United States.

(Sec. 4483, Pub. Law 627, 84th Cong.)

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56–9967; Filed, Dec. 5, 1956; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 130—FEDERAL ASSISTANCE UNDER THE LIBRARY SERVICES ACT, PUBLIC LAW 597, 84TH CONGRESS, 2D SESSION, TO PROMOTE THE FURTHER EXTENSION BY THE SEVERAL STATES OF PUBLIC LIBRARY SERVICES TO RURAL AREAS WITHOUT SUCH SERVICES OR WITH INADEQUATE SERVICES

Part 130 establishes regulations for the administration of the Library Services Act under Public Law 597, 84th Congress (70 Stat. 293).

Part 130 reads as follows:

Subpart A—Definitions

Sec.
130.1 Terms.

Subpart B—State Plans

130.2 The State plan; general requirements.
130.3 State agency for administration.
130.4 Authority of State agency.
130.5 Custody of funds.
130.6 Fiscal administration.
130.7 Policies and methods.
130.8 Reports.
130.9 Services.

Subpart C—Federal Financial Participation and Payment

130.10 Federal reimbursement; in general.
130.11 Public nature of funds.
130.12 Allocation between reimbursable and non-reimbursable expenditures.
130.13 Beginning of participation.
130.14 Effect of State rules.
130.15 Determining to which fiscal year an expenditure is chargeable.
130.16 Requirements for payment.
130.17 Submission of budgets.
130.18 Estimates and reports of expenditures.
130.19 Effect of payments.

AUTHORITY: §§ 130.1 to 130.19 issued under sec. 8, Pub Law 597, 84th Cong., sec. 8, 70 Stat. 295.

SUBPART A—DEFINITIONS

§ 130.1 *Terms.* The terms below are defined as follows:

(a) "Act" means the Library Services Act, Public Law 597, 84th Congress, 2d Session, approved June 19, 1956, as amended by Public Law 896, 84th Congress, 2d Session. (Public Law 896 extended the coverage of the act to include Guam.)

(b) "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare.

(c) "Public library services" means library services which are provided free to all residents of a community, district, county or region, and are financially supported in whole or in part from public funds. Generally such term would not include services provided by libraries which are organized to serve a special clientele or purpose such as law, medical, and school libraries.

(d) "Rural area" means any area from which have been excluded (1) all "incorporated and unincorporated places" as defined in the U. S. Census of Population: 1950, Vol. 1, and listed therein, or in any later official United States census, as having a population of over 10,000 persons, and (2) any "minor civil division" or part of a "minor civil division" (or any county or part of a county if it has no minor civil divisions within it), which is within the boundaries of an "urbanized area" and which has a population of over 10,000 persons, as defined and listed in the U. S. Census of Population: 1950, Vol. 1.

(e) "State agency" or "agency" means the State library administrative agency charged by State law with the extension and development of public library services throughout the State.

(f) "State plan" or "plan" means the plan for the further extension of library services meeting the requirements of this part and section 5 (a) of the act.

(g) "Supervision" shall mean guidance by the State agency with authority necessary to assure the observance of the policies and methods of administration adopted by the State agency.

SUBPART B—STATE PLANS

§ 130.2 *The State plan; general requirements*—(a) *Purpose.* A basic condition to the certification of Federal funds to a State for further extension of public library services to rural areas is a State plan found to meet the requirements of section 5 (a) of the act. This plan shall constitute a description of the library extension program in which the State expects Federal financial participation. In addition to a description in the basic continuing plan of the general

[1] This affects § 41.4483.

scope of agency activities to be undertaken, the plan shall also include an annual program and program budget as prescribed in § 130.17. The Commissioner shall approve any plan meeting the requirements of the act. The plan, when approved, constitutes the basis on which Federal payments are made, the Federal Government paying the "Federal share" of the sums expended under the plan.

(b) *Submission.* The State plan and all amendments thereto shall be submitted to the Commissioner by a duly authorized officer of the State agency. The plan shall indicate the official or officials who are authorized to submit plan material.

(c) *Amendment.* The plan must be amended whenever necessary to reflect any material change in the program provided for by the plan, any changes in pertinent State law or in the organization, policies or operations of the library extension program of the State agency.

§ 130.3 *State agency for administration*—(a) *Designation of State agency.* The State plan shall provide for the administration of the plan or the supervision of the administration of the plan by the State agency.

(b) *Supervision by State agency.* All of the activities to be carried out under the plan must be either administered directly by the State agency or their administration must be supervised by the State agency. To the extent that locally controlled libraries participate in the plan, their administration of activities which form a part of the plan must be under the supervision of the State agency. Activities under the plan may be coordinated with activities of locally controlled libraries but only activities and expenditures for activities under State supervision can be considered part of the State plan.

(c) *Organization.* The State plan shall show, by chart or otherwise, the organization of and lines of authority between the units of the State agency involved in the library extension program and shall briefly describe the principal functions assigned to each unit. If any part of the plan is to be administered by local agencies, the plan shall set forth the manner in which the State agency will exercise and make effective its supervision over the operations of the local public agencies with respect to such administration.

§ 130.4 *Authority of State agency.* The State plan shall set forth the authority of the State agency under State law for the administration of the program. If there is any administration by local agencies, the basis under State law for the supervision of such administration by the State agency shall also be described. Copies of, or citations to, all directly pertinent laws and interpretations of laws by appropriate State officials or courts shall be furnished as part of the plan. All copies must be certified as correct by the official authorized to submit plan material.

§ 130.5 *Custody of funds.* The State plan shall designate the State treasurer (or, if there be no State treasurer, the officer exercising similar functions for the State) who will receive and provide for the custody of all funds paid to the State under the Act, subject to requisition or disbursement by the State agency.

§ 130.6 *Fiscal administration.* The State plan shall provide information as to the fiscal administration of the program including sources of funds, the incurrence and payment of obligations, disbursements, accounting and auditing. The State and local agencies participating in the program shall establish and maintain such accounts and supporting documents as will permit an accurate and expeditious audit of the program to be made at any time. Such records shall be maintained until the completion of such audits or for three years, whichever is later.

§ 130.7 *Policies and methods.* The State plan shall set forth the policies and methods which will be followed in administering or supervising the plan, including the criteria used in selecting the rural areas to be served. The State agency, through its duly authorized officer, shall certify that these policies and methods will, in the judgment of the agency, assure that all funds spent under the plan, Federal, State, and local, will be used to maximum advantage in the further extension of public library services to rural areas without such services or with inadequate services.

§ 130.8 *Reports.* The State plan shall provide that the State agency will make such reports as to categories of expenditures made under the act, as the Commissioner may from time to time reasonably require, and will comply with such provisions as he may find necessary to assure the correctness and verification of such reports.

§ 130.9 *Services.* The State plan shall provide that any services furnished under the plan shall be made available free of charge under regulations prescribed by the State library administrative agency.

SUBPART C—FEDERAL FINANCIAL PARTICIPATION AND PAYMENT

§ 130.10 *Federal reimbursement; in general.* The Federal Government will pay from each State's allotment the "Federal share" of the total sums expended under the State plan by the State and its political subdivisions for the further extension of public library services to rural areas without such services or with inadequate services. Any expenditure, therefore, for which the State expects the Federal Government to pay its share, must be included in the plan and must meet the requirements of the act. Such expenditure may include salaries and wages, the purchase of books, other library materials, and equipment, and operational costs, applied to the further extension of public library services to rural areas.

§ 130.11 *Public nature of funds.* The expenditures to be considered in computing Federal participation must be made from public funds. Public funds may include contributions by private organizations or individuals which are deposited in accordance with State law to the account of a unit or agency of State or local government without such conditions or restrictions as would negate their public character.

§ 130.12 *Allocation between reimbursable and non-reimbursable expenditures.* With respect to any activity referred to in the plan, which is only partly for the further extension of public library services to rural areas without such services or with inadequate services, the Federal Government will pay the "Federal share" only of that part of the cost of such activity which is attributable to such further extension. When such allocation of cost is made, the plan must indicate the basis on which the portion of the total cost attributable to such extension is determined.

§ 130.13 *Beginning of participation.* Since the Federal Government pays a share only of what is expended under the State plan, there can be no Federal participation in any expenditure made before the plan is in effect. For the purposes of this section, the earliest date on which a plan may be considered in effect is the date on which it is submitted in substantially approvable form to the Commissioner of Education.

§ 130.14 *Effect of State rules.* Subject to the provisions and limitations of the act and this part, Federal financial participation will be available only in expenditures made under the State plan in accordance with applicable State laws, rules, regulations, and standards governing expenditures by State and local agencies.

§ 130.15 *Determining to which fiscal year an expenditure is chargeable.* In determining to which Federal fiscal year or period expenditures are chargeable for the purpose of earning the State's allotment, State laws and regulations for determining to which State fiscal year or period an expenditure is chargeable will be followed.

§ 130.16 *Requirements for payment.* No payments shall be made to any State from its allotment for any fiscal year unless the Commissioner finds that for such fiscal year:

(a) There will be available for expenditure, from State sources, for all public library services, an amount not less than the amount actually expended from State sources for all public library services in the fiscal year which ended June 30, 1956.

(b) There will be available for expenditure (1) for all public library services, from State and local sources, in the geographic areas covered by the plan, an amount which will be not less than the total amount spent for such services from such sources in such areas during the fiscal year which ended June 30, 1956, and (2) for public library services under the plan, from State and local sources, in the geographic areas covered by the plan, an amount which will be not less than the total amount spent from such sources in such areas for services of the same type during the fiscal year which ended June 30, 1956.

(c) The State will have available for expenditure under the plan from State and local sources sums sufficient to enable the State to receive Federal funds in an amount not less than $10,000 in the case of the Virgin Islands and Guam and $40,000 for the other States.

§ 130.17 *Submission of budgets.* For each fiscal year the State agency shall submit, upon official forms and in accordance with procedures established by the Commissioner:

(a) A description of the particular extension services and projects to be carried out under the plan for that year, noting the rural areas which are to be served; and

(b) A budget of the estimated expenditures to be made in carrying out such services and projects, indicating the sources of all funds available to meet the State and local share of the total so estimated.

§ 130.18 *Estimates and reports of expenditures.* (a) The Commissioner's findings under § 130.16 shall be made on the basis of (1) reports filed by the State containing data as to the amounts spent during the fiscal year ending June 30, 1956, and the amounts available for expenditure during the fiscal year for which the findings are made, and (2) such other information as he may find necessary.

(b) Prior to the beginning of each semi-annual fiscal period, the State agency shall submit to the Commissioner, upon official forms and in accordance with procedures established by the Commissioner, a statement of estimated total expenditures and sources of funds for activities under the plan during such semi-annual period. At the same time, the agency shall submit a report of the total expenditures and obligations made under the plan during the semi-annual period which ended six months prior to the beginning of the period for which such estimate is made.

§ 130.19 *Effect of payments.* (a) Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any Federal requirements.

(b) The final amount to be paid for any period is determined on the basis of expenditures under the State plan with respect to which Federal financial participation is authorized. The State assumes responsibility for the application of Federal funds to authorized plan purposes.

Dated: November 27, 1956.

[SEAL] WAYNE O. REED,
Acting United States Commissioner of Education.

Approved: December 4, 1956.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 56-10022; Filed, Dec. 5, 1956; 8:52 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 56-45]

PART 14—SHIPMENT AND DISCHARGE OF SEAMEN

SUBPART 14.05—SHIPPING ARTICLES

CERTIFICATION OF SHIPPING ARTICLES

The Secretary of the Treasury has transferred to the Commandant, U. S. Coast Guard, the function of issuing true and certified copies of shipping articles containing the names of crews of vessels bound on foreign voyages from ports of the United States as provided in section 4575 of the Revised Statutes, as amended (46 U. S. C. 676). Because this amendment describes the procedures to be followed in the administration of this function, it is hereby found that compliance with the Administrative Procedure Act with respect to notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof is impracticable.

By virtue of the authority vested in me as Commandant, United States Coast Guard, the following amendment to Part 14 is prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

§ 14.05-3 *Certification of shipping articles.* For every vessel bound on any foreign voyage required to have shipping articles, it shall be the duty of the owners of such vessel to obtain from the shipping commissioner or the person performing duties of a shipping commissioner a statement showing that the duplicate copy of the shipping articles is a true and certified copy as required by R. S. 4575, as amended (46 U. S. C. 676).

(R. S. 4551, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 643, 689. Interpret or apply R. S. 4575, as amended, 46 U. S. C. 676)

Dated: November 28, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 56-9983; Filed, Dec. 5, 1956; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

MOTOR CARRIERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of November A. D. 1956.

Upon consideration of the record in the above-entitled proceeding, of the rules and regulations heretofore prescribed herein, of the petitions pending against the order of October 6, 1955 (20 F. R. 7905) of the verified statements filed pursuant to the notice of rule making dated February 24, 1956 (21 F. R. 1721), of those matters under postponement under the order of June 18, 1956 (21 F. R. 4628), and all other matters pending in this proceeding which remain to be disposed of;

And it appearing that the Commission on the date hereof, has made and filed a supplemental report herein setting forth the basis and purpose of its conclusions and findings therein, which report and the prior reports, 51 M. C. C. 461, 52 M. C. C. 675, and 64 M. C. C. 361, are hereby referred to and made a part hereof;

And it further appearing that all of the rules and regulations in this proceeding, whether presently in effect or whether being made effective hereby, should be incorporated into this order as a single document; and good cause appearing therefor:

It is ordered, That the rules and regulations set forth below shall, on the effective date specified in this paragraph, supersede all of the previous rules and regulations heretofore prescribed in this proceeding without disturbing the continuity of application of those rules which previously have been made effective, and that such other rules as are prescribed herein which were the subject of rule making by notice dated February 24, 1956 (21 F. R. 1721), or as to which the effective dates were postponed by order of June 18, 1956 (21 F. R. 4628), be and they are hereby prescribed to become effective on February 1, 1957.

And it is further ordered, That except to the extent that relief has been granted herein, all petitions or pleas for relief filed prior to the date hereof, which seek additional or different relief or further proceedings herein, be, and they are hereby denied.

Sec.
207.1 Applicability.
207.2 Definitions.
207.3 Exemptions.
207.4 Augmenting equipment.
207.5 Interchange of equipment.
207.6 Rental of equipment to private carriers and shippers.

AUTHORITY: §§ 207.1 to 207.6 issued under sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304.

§ 207.1 *Applicability.* The rules and regulations in this part apply to the augmenting of equipment by common and contract carriers of property by motor vehicle in interstate or foreign commerce subject to Part II of the Interstate Commerce Act, 49 U. S. C. 301 et. seq; to the interchange of equipment between such common carriers of property by motor vehicle, and to the lease of equipment by common and contract carriers of property by motor vehicle, with or without drivers, to private motor carriers and shippers.

§ 207.2 *Definitions*—(a) *Authorized carrier.* A person or persons authorized to engage in the transportation of property as a common or contract carrier under the provisions of sections 206, 207, or 209 of the Interstate Commerce Act, 49 U. S. C. 306, 307, or 309.

(b) *Equipment.* A motor vehicle, straight truck, tractor, semitrailer, full trailer, combination tractor-and-trailer, combination straight truck and full trailer, and any other type of equipment used by authorized carriers in the transportation of property for hire.

(c) *Interchange of equipment.* The physical exchange of equipment between motor common carriers or the receipt by one such carrier of equipment from another such carrier, in furtherance of a through movement of traffic, at a point or points which such carriers are authorized to serve.

(d) *Regular employee.* A person not merely an agent but regularly in exclusive full-time employment.

(e) *Agent.* A person duly authorized to act for and on behalf of an authorized carrier.

(f) *Owner.* A person to whom title to equipment has been issued, or who has lawful possession of equipment, and has the same registered and licensed in any State or States or the District of Columbia in his or its name.

(g) *Private carrier.* A person as defined in § 203 (a) (17) of the Interstate Commerce Act.

(h) *Shipper.* A person who consigns or receives property which is transported in interstate or foreign commerce.

§ 207.3 *Exemptions.* The provisions of § 207.4, except paragraphs (c) and (d), relative to inspection and identification of equipment, shall not apply:

(a) *Return of equipment by authorized carriers.* To equipment owned or held under a lease of 30 days or more by an authorized carrier and regularly used by it in the service authorized, and leased by it to another authorized carrier for transportation in the direction of a point which lessor is authorized to serve.

(b) *Rail or express vehicles.* To equipment utilized wholly or in part in the transportation of railway express traffic, or in substituted motor-for-rail transportation of railroad freight moving between points that are railroad stations on railroad billing.

(c) *Commercial zone operations.* To equipment utilized in transportation performed solely and exclusively within any municipality, contiguous municipalities, or commercial zone, as defined by the Commission.

(d) *Vehicles without drivers from rental companies.* To the lease of equipment without drivers by an authorized carrier from an individual, copartnership, or corporation, whose principal business is the leasing of equipment without drivers for compensation.

(e) *Non-powered equipment.* To equipment other than a power unit, provided that such equipment is not drawn by a power unit leased from the lessor of such equipment.

§ 207.4 *Augmenting equipment.* Other than equipment exchanged between motor common carriers in interchange service as defined in § 207.5, authorized carriers may perform authorized transportation in or with equipment which they do not own only under the following conditions:

(a) *Contract requirements.* The contract, lease, or other arrangement for the use of such equipment:

(1) *Parties.* Shall be made between the authorized carrier and the owner of the equipment.

(2) *Written contract required.* Shall be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them in the execution of contracts, leases, or other arrangements.

(3) *Minimum duration of 30 days when operated by lessor.* Shall specify the period for which it applies, which shall be not less than 30 days when the equipment is to be operated for the authorized carrier by the owner or employee of the owner; excepting:

(i) *Equipment used in agricultural or perishable operations.* That such 30-day minimum period shall not apply to equipment, with driver, of a farmer, agricultural cooperative or private carrier of certain perishable property or which is exempt under section 203 (b) (6) of the act, to the extent that such equipment falls within the terms of the exceptions of section 204 (f) (1) or (2) of the act (49 U. S. C. 304 (f)), and is utilized in accordance therewith; *Provided,* That prior to the execution of the lease, the authorized carrier receives and retains a statement signed by the owner of the equipment, or someone duly authorized to sign for the owner, authorizing the driver to lease the equipment for the movement or movements contemplated by the lease, certifying that the equipment so leased meets the qualifications enumerated in section 204 (f) (1) or (2) of the act, and specifying the origin, destination, and the time of the beginning and ending of the last movement which brought the equipment within the purview of section 204 (f).

(ii) *Automobile and tank truck carriers.* That equipment owned by an automobile carrier or tank truck carrier or held by such authorized carriers under lawful leases and used in the transportation of motor vehicles or liquid commodities, in bulk, respectively, may be leased or subleased to other such authorized carriers.

(4) *Exclusive possession and responsibility.* Shall provide for the exclusive possession, control, and use of the equipment, and for the complete assumption of responsibility in respect thereto, by the lessee for the duration of said contract, lease or other arrangement, except:

(i) *Lessee may be considered as owner.* Provision may be made therein for considering the lessee as the owner for the purpose of subleasing under these rules to other authorized carriers during such duration.

(ii) *Household goods, carriers; intermittent operations under long-term lease.* When entered into by authorized carriers of household goods, for the transportation of household goods, as defined by the Commission, such provisions need only apply during the period the equipment is operated by or for the authorized carrier, lessee.

(5) *Compensation to be specified.* Shall specify the compensation to be paid by the lessee for the rental of the leased equipment.

(6) *Duration to be specific.* Shall specify the time and date or the circumstances on which the contract, lease, or other arrangement begins, and the time or the circumstances on which it ends. The duration of the contract, lease or other arrangement shall coincide with the time for the giving of receipts for the equipment, as required by paragraph (b) of this section; and

(7) *Copies of lease and their distribution; copy to be carried on vehicle.* Shall be executed in triplicate; the original shall be retained by the authorized carrier in whose service the equipment is to be operated, one copy shall be retained by the owner of the equipment, one copy shall be carried on the equipment specified therein during the entire period of the contract, lease, or other arrangement, unless a certificate as provided in paragraph (d) (2) of this section is carried in lieu thereof.

(b) *Receipts for equipment to be specific.* When possession of the equipment is taken by the authorized carrier or its regular employee or agent duly authorized to act for it, said carrier, employee or agent shall give to the owner of the equipment, or the owner's employee or agent a receipt specifically identifying the equipment and stating the date and the time of day possession thereof is taken; and when the possession by the authorized carrier ends; it or its employee or agent shall obtain from the owner of the equipment, or its regular employee or agent duly authorized to act for it, a receipt specifically identifying the equipment and stating therein the date and the time of day possession thereof is taken.

(c) *Safety inspection of equipment by the authorized carrier.* It shall be the duty of the authorized carrier, before taking possession of equipment, to inspect the same or to have the same inspected by a person who is competent and qualified to make such inspection and has been duly authorized by such carrier to make such inspection as a representative of the carrier, in order to insure that the said equipment complies with Parts 193 and 196 of this chapter (Motor Carrier Safety Regulations (Rev.), pertaining to "Parts and Accessories Necessary for Safe Operation," and "Inspection and Maintenance,") and if explosives or other dangerous articles are to be transported thereon, further to inspect and check such vehicles or equipment to insure that they or it complies with Part 197 of this chapter (safety regulations pertaining to "Safe Transportation of Explosives"). The person making the inspection shall certify the results thereof on a report in the form hereinafter set forth, which report shall be retained and preserved by the authorized carrier, and if his inspection discloses that the equipment does not comply with the requirements of the said safety regulations, possession thereof shall not be taken. In all instances in which the inspection required by this section is made, the authorized carrier, if an individual, or a member of the co-partnership if the authorized carrier is a co-partnership, or one of the officials thereof if the authorized carrier is a corporation, shall certify on the inspection report that the person who made the inspection, whether an employee or person other than an employee, is competent and qualified to make such inspection and has been duly authorized by such carrier to make such inspection as a representative of such authorized carrier. When equipment other than a power unit is leased, a form of report applicable to such equipment may be used.

REPORT OF VEHICLE INSPECTION

Description of vehicle:
Make ---------- Year ----------
Model ---------- Serial No. ----------
Type: Tractor ---------- Trailer ----------
Semitrailer ----------
License plate: No. ---------- State ----------
Owner's name ----------
Name of authorized carrier ----------

Indicate in the proper column the result of the inspection of each item listed:

Item	Not defective	Defective	Description of defect
Body			
Brakes			
Cooling system			
Drive line			
Emergency equipment			
Engine			
Exhaust			
Fuel system			
Glass			
Horn			
Leaks			
Lights (state which)			
Reflectors			
Speedometer			
Springs			
Steering			
Tires			
Wheels			
Windshield wiper			

Any other items requiring attention ----------

I hereby certify that on the ---------- day of ---------- I carefully inspected the equipment described above and that this is a true and correct report of the result of such inspection.

(Signature of person making inspection)

I hereby certify that on the date stated above the person who made the inspection covered by this report was competent and qualified to make such inspection and was duly authorized to make such inspection as a representative of

----
(Name of authorized carrier)

(Signature of authorized carrier or co-partner or officer of authorized carrier)

Date: ----------

(d) *Identification of equipment as that of the authorized carrier.* The authorized carrier acquiring the use of equipment under this section shall properly and correctly identify such carrier, during the period of the lease, contract, or other arrangement in accordance with the Commission's requirements in Ex Parte No. MC–41; Part 166 of this chapter (Identification of Motor-Carrier Vehicles). If a removable device is used to identify the authorized carrier as the operating carrier, such device shall be on durable material such as wood, plastic, or metal, and bear a serial number in the authorized carrier's own series so as to keep proper record of each of the identification devices in use.

(1) *Identification to be removed when lease terminated.* The authorized carrier operating equipment under this part shall remove any legend, showing it as the operating carrier, displayed on such equipment, and shall remove any removable device showing it as the operating carrier, before relinquishing possession of the equipment.

(2) *Certified statement may be carried on vehicle in lieu of lease.* Unless a copy of the lease, contract or other arrangement is carried on the equipment, as provided in paragraph (a) (7) of this section, the authorized carrier or its regular employee or agent shall prepare a statement certifying that the equipment is being operated by it, which shall specify the name of the owner, the date of the lease, contract or other arrangement, the period thereof, any restrictions therein relative to the commodities to be transported, and the location of the premises where the original of the lease, contract or other arrangement is kept by the authorized carrier, which certificate shall be carried with the equipment at all times during the entire period of the lease, contract, or other arrangement.

(e) *Driver of equipment to be in compliance with safety regulations.* Before any person other than a regular employee of the authorized carrier is assigned to drive equipment operated under this part, it shall be the duty of the authorized carrier to make certain that such driver is familiar with, and that his employment as a driver will not result in, violation of any provision of Parts 192, 193, 195, and 196 of this chapter (Motor Carrier Safety Regulations (Rev.) pertaining to "Driving of Motor Vehicles," "Parts and Accessories Necessary for Safe Operation," "Hours of Service of Drivers," and "Inspection and Maintenance,") and to require such driver to furnish a certificate of physical examination in accordance with Part 191 of this chapter (Motor Carrier Safety Regulations (Rev.) pertaining to "Qualifications of Drivers,") or, in lieu thereof, a photostatic copy of the original certificate of physical examination, which shall be retained in the authorized carrier's file.

(f) *Record of equipment to be maintained; shipping documents to identify the authorized carrier.* The authorized carrier utilizing equipment operated under this part for periods of less than 30 days shall prepare and keep a manifest or other documents covering each trip for which the equipment is used in its service, containing the name and address of the owner of such equipment; point of origin, the time and date of departure, the point of final destination, and the authorized carrier's serial number of any identification device affixed to the equipment. During the time that equipment subject to this part is operated there shall be carried with the equipment, bills of lading, waybills, freight bills, manifests, or other papers identifying the lading, and containing the foregoing information, which shall clearly indicate that the transportation of the property carried is under the responsibility of the authorized carrier, which papers shall be preserved by the authorized carrier. This section shall also apply with respect to vehicles leased for periods of 30 days or more unless the required information is kept at a terminal or office as a part of the records of the authorized carrier.

§ 207.5 *Interchange of equipment.* Authorized common carriers may by contract, lease, or other arrangement, interchange any equipment defined in § 207.2 with one or more other such common carriers, or one of such carriers may receive from another such carrier, any of such equipment, in connection with any through movement of traffic, under the following conditions:

(a) *Interchange agreement to be specific.* The contract, lease, or other arrangement providing for interchange shall specifically describe the equipment to be interchanged; the specific points of interchange; the use to be made of the equipment, and the consideration for such use; and shall be signed by the parties to the contract, lease, or other arrangement, or their regular employees or agents duly authorized to act for them, in the execution of such contracts, leases, or other arrangements.

(b) *Operating authority of carriers participating in interchange.* The certificates of public convenience and necessity held by the carriers participating in the interchange arrangement must authorize the transportation of the commodities proposed to be transported in the through movement and service from and to the point where the physical interchange occurs.

(c) *Through bills of lading required.* The traffic transported in interchange service must move on through bills of lading issued by the originating carrier, and the rates charged and revenues collected must be accounted for in the same manner as if there had been no interchange of equipment. Charges for the use of the equipment shall be kept separate and distinct from divisions of the joint rates or the proportions thereof accruing to the carriers by the applicable accruing to the carriers by the application of local or proportional rates.

(d) *Safety inspection of equipment.* It shall be the duty of the carrier acquiring the use of equipment in interchange to inspect such equipment, or to have it inspected in the manner provided in § 207.4 (c) and equipment which does not meet the requirements of the safety regulations shall not be operated in the respective services of the interchange carriers until the defects have been corrected.

(e) *Identification of equipment as that of the operating carrier.* Authorized carriers operating power units in interchange service shall identify such equipment in accordance with the Commission's requirements in Ex Parte No. MC–41, Part 166 of this chapter (Identification of Motor Carrier Vehicles). Any removable device used to identify the operating carrier shall be on durable materials such as wood, plastic, or metal, and shall bear a serial number in the

operating carrier's own series and such carrier shall keep a proper record of each identification device in use. The authorized carrier operating equipment under this part shall remove any legend, showing it as the operating carrier, displayed on such equipment, and shall remove any removable device showing it as the operating carrier, before relinquishing possession of the equipment. Authorized carriers operating equipment in interchange service under this section shall carry with each vehicle so operated, except trailers and semitrailers, a copy of the contract, or other arrangement, while the equipment is being operated in the interchange service, unless a statement certifying that the equipment is being operated by it and identifying the equipment by company or State registration number, showing the specific point of interchange, the date and time of the assumption of responsibility for the equipment, and the use to be made of the equipment, is carried in the vehicle while it is operated in interchange service. Such statement shall be signed by the parties to the contract or other arrangement or their employees or agent.

(f) *Through movement involving more than two carriers, lessee considered as owner.* For the purpose of this section, a lessee of equipment on a through movement involving more than two carriers, shall be considered the owner of the equipment for the purpose of leasing the equipment for movement to destination or for return to the originating carrier.

§ 207.6 *Rental of equipment to private carriers and shippers*—(a) *Rental of equipment with drivers.* Unless such service is specified in their operating authorities, authorized carriers shall not rent equipment with drivers to private carriers or shippers, except where the vehicle so rented is to be used for transportation which may be performed for compensation within the exemption provisions of section 203 (b) (7) or (8) of the Interstate Commerce Act.

(b) *Rental of equipment without drivers.* Authorized common carriers shall not rent equipment without drivers to private carriers or shippers and authorized contract carriers shall not so rent such equipment without first having obtained approval of the rental contract from this Commission, except that the prohibitions contained in this section shall not apply to authorized carriers transporting property wholly for and on the billing of railroads or where the vehicle so rented is to be used for transportation which may be performed for compensation within the exemption provisions of section 203 (b) (7) or (8) of the Interstate Commerce Act.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-9981; Filed, Dec. 5, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 301]

PROCEDURE AND ADMINISTRATION

JEOPARDY, BANKRUPTCY AND RECEIVERSHIPS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. These proposed regulations relate to the administrative provisions under chapter 70 of Subtitle F of the Internal Revenue Code of 1954. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

The following regulations relating to jeopardy, bankruptcy and receiverships are prescribed under chapter 70 of the Internal Revenue Code of 1954, and except as otherwise specifically provided therein are effective on and after August 17, 1954, and are applicable with respect to taxes imposed under the Internal Revenue Code of 1954:

JEOPARDY, BANKRUPTCY AND RECEIVERSHIPS

JEOPARDY

Sec.
301.6851 Statutory provisions; termination of taxable year.
301.6851-1 Termination of taxable year.
301.6861 Statutory provisions; jeopardy assessments of income, estate, and gift taxes.
301.6861-1 Jeopardy assessments of income, estate, and gift taxes.
301.6862 Statutory provisions; jeopardy assessment of taxes other than income, estate, and gift taxes.
301.6862-1 Jeopardy assessment of taxes other than income, estate, and gift taxes.
301.6863 Statutory provision; stay of collection of jeopardy assessments.
301.6863-1 Stay of collection of jeopardy assessments; bond to stay collection.
301.6863-2 Collection of jeopardy assessment; stay of sale of seized property pending Tax Court decision.
301.6864 Statutory provisions; termination of extended period for payment in case of carryback.

BANKRUPTCY AND RECEIVERSHIPS

301.6871 (a) Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.
301.6871 (a)-1 Immediate assessment of claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.
301.6871 (a)-2 Collection of assessed taxes in bankruptcy and receivership proceedings.
301.6871 (b) Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.
301.6871 (b)-1 Claims for income, estate, and gift taxes in proceedings under the Bankruptcy Act and receivership proceedings; claim filed despite pendency of Tax Court proceedings.
301.6872 Statutory provisions; suspension of period on assessment.
301.6872-1 Suspension of running of period of limitations on assessment.
301.6873 Statutory provisions; unpaid claims.
301.6873-1 Unpaid claims in bankruptcy or receivership proceedings.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

301.7851 Statutory provisions; applicability of revenue laws.

JEOPARDY, BANKRUPTCY AND RECEIVERSHIPS

JEOPARDY

§ 301.6851 *Statutory provisions; termination of taxable year.*

SEC. 6851. *Termination of taxable year*—(a) *Income tax in jeopardy*—(1) *In general.* If the Secretary or his delegate finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Secretary or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(2) *Corporation in liquidation.* If the Secretary or his delegate finds that the collection of the income tax of a corporation for the current or the preceding taxable year will be jeopardized by the distribution of all or a portion of the assets of such corporation in the liquidation of the whole or any part of its capital stock, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable.

(b) *Reopening of taxable period.* Notwithstanding the termination of the taxable period of the taxpayer by the Secretary or his delegate, as provided in subsection (a), the Secretary or his delegate may reopen such taxable period each time the taxpayer is found by the Secretary or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Secretary or his delegate may be reopened by the taxpayer (other than a nonresident alien) if he files with the Secretary or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information as the Secretary or his delegate may by regulations prescribe. If the taxpayer is a nonresident alien the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Secretary or his delegate a true and accurate return of his total income derived from all sources within the United States, in the manner prescribed in this title.

(c) *Citizens.* In the case of a citizen of the United States or of a possession of the United States about to depart from the United States, the Secretary or his delegate may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

(d) *Departure of alien.* No alien shall depart from the United States unless he first procures from the Secretary or his delegate a certificate that he has complied with all the obligations imposed upon him by the income tax laws.

(e) *Furnishing of bond where taxable year is closed by the Secretary or his delegate.* Payment of taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such taxes if the taxpayer furnishes, under regulations prescribed by the Secretary or his delegate, a bond to insure the timely making of returns with respect to, and payment of, such taxes or any income or excess profits taxes for prior years.

§ 301.6851-1 *Termination of taxable year.* For regulations under section 6851, see § 1.6851-1 of this chapter.

§ 301.6861 *Statutory provisions; jeopardy assessments of income, estate, and gift taxes.*

SEC. 6861. *Jeopardy assessments of income, estate, and gift taxes*—(a) *Authority for making.* If the Secretary or his delegate believes that the assessment or collection of a deficiency, as defined in section 6211, will be jeopardized by delay, he shall, notwithstanding the provisions of section 6213 (a), immediately assess such deficiency (together with all interest, additional amounts, and additions to the tax provided for by law), and notice and demand shall be made by the Secretary or his delegate for the payment thereof.

(b) *Deficiency letters.* If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under section 6212 (a), then the Secretary or his delegate shall mail a notice under such subsection within 60 days after the making of the assessment.

(c) *Amount assessable before decision of Tax Court.* The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the taxpayer, despite the provisions of section 6212 (c) prohibiting the determination of additional deficiencies, and whether or not the taxpayer has theretofore filed a petition with the Tax Court. The Secretary or his delegate may, at any time before the decision of the Tax Court is rendered, abate such assessment, or any unpaid portion thereof, to the extent that he believes the assessment to be excessive in amount. The Secretary or his delegate shall notify the Tax Court of the amount of such assessment, or abatement, if the petition is filed with the Tax Court before the making of the assessment or is subsequently filed, and the Tax Court shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) *Amount assessable after decision of Tax Court.* If the jeopardy assessment is made after the decision of the Tax Court is rendered, such assessment may be made only in respect of the deficiency determined by the Tax Court in its decision.

(e) *Expiration of right to assess.* A jeopardy assessment may not be made after the decision of the Tax Court has become final or after the taxpayer has filed a petition for review of the decision of the Tax Court.

(f) *Collection of unpaid amounts.* When the petition has been filed with the Tax Court and when the amount which should have been assessed has been determined by a decision of the Tax Court which has become final, then any unpaid portion, the collection of which has been stayed by bond as provided in section 6863 (b) shall be collected as part of the tax upon notice and demand from the Secretary or his delegate, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded to the taxpayer as provided in section 6402, without the filing of claim therefor. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the Secretary or his delegate.

(g) *Abatement if jeopardy does not exist.* The Secretary or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. Such abatement may not be made after a decision of the Tax Court in respect of the deficiency has been rendered or, if no petition is filed with the Tax Court, after the expiration of the period for filing such petition. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.

(h) *Cross references.* (1) For the effect of the furnishing of security for payment, see section 6863.

(2) For provision permitting immediate levy in case of jeopardy, see section 6331 (a).

§ 301.6861-1 *Jeopardy assessments of income, estate, and gift taxes*—(a) *Authority for making.* If a district director believes that the assessment or collection of a deficiency in income, estate, or gift tax will be jeopardized by delay, he is required to assess such deficiency immediately, together with the interest, additional amounts, and additions to the tax provided by law. A jeopardy assessment may be made before the mailing of the notice of deficiency provided by section 6212, or after the mailing of such notice and at any time before a decision of the Tax Court has become final, or, before the filing of a petition for review of a decision rendered by the Tax Court. However, a jeopardy assessment for a taxable year under section 6861 cannot be made after a decision of the Tax Court with respect to such taxable year has become final (see section 7481) or after the taxpayer has filed a petition for review of the decision of the Tax Court with respect to such taxable year. In the case of a deficiency determined by a decision of the Tax Court which has become final or with respect to which the taxpayer has filed a petition for review and has not filed a bond as provided in section 7485, assessment may be made in accordance with the provisions of section 6215, without regard to section 6861.

(b) *Amount of jeopardy assessment.* If a notice of a deficiency is mailed to the taxpayer before it is discovered that delay would jeopardize the assessment or collection of the tax, a jeopardy assessment may be made in an amount greater or less than that included in the deficiency notice. If a deficiency is assessed on account of jeopardy after the decision of the Tax Court is rendered, the jeopardy assessment may be made only with respect to the deficiency determined by the Tax Court.

(c) *Jurisdiction of Tax Court.* If the jeopardy assessment is made before the notice in respect of the tax to which the jeopardy assessment relates has been mailed pursuant to section 6212 (a), the district director shall, within 60 days after the making of the assessment, send the taxpayer a notice of deficiency pursuant to such subsection. The taxpayer may file a petition with the Tax Court for a redetermination of the amount of the deficiency within the time prescribed in section 6213 (a). If the petition of the taxpayer is filed with the Tax Court, either before or after the making of the jeopardy assessment, the district director is required to notify the Tax Court of

such assessment or of any abatement thereof, and the Tax Court has jurisdiction to redetermine the amount of the deficiency, together with all other amounts assessed at the same time in connection therewith.

(d) *Payment and collection of jeopardy assessment.* After a jeopardy assessment has been made, the district director is required to send notice and demand to the taxpayer for the amount of the jeopardy assessment. Regardless of whether the taxpayer has filed a petition with the Tax Court, he is required to make payment of the amount of such assessment (to the extent that it has not been abated) within 10 days after the sending of notice and demand by the district director, unless before the expiration of such 10-day period he files with the district director a bond as provided in section 6863. Section 6331 provides that, if the district director makes a finding that the collection of the tax is in jeopardy, he may make demand for immediate payment of the amount of the jeopardy assessment and, in such case, the taxpayer shall immediately pay such amount or shall immediately file the bond provided in section 6863. If a petition is not filed with the Tax Court within the period prescribed in section 6213 (a), the district director will be so advised, and, if collection of the deficiency has been stayed by the timely filing of a bond as provided in section 6863, he should then give notice and make demand for payment of the amount assessed plus interest. After the Tax Court has rendered its decision and such decision has become final, the district director will be notified of the action taken. He will then send notice and demand for payment of the unpaid portion of the amount determined by the Tax Court, the collection of which has been stayed by the bond. If the amount of the jeopardy assessment is less than the amount determined by the Tax Court, the difference will be assessed and collected as part of the tax upon notice and demand from the district director. If the amount of the jeopardy assessment is in excess of the amount determined by the Tax Court, the unpaid portion of such excess will be abated. If any part of the excess amount has been paid, it will be credited or refunded to the taxpayer as provided in section 6402, without the filing of claim therefor.

(e) *Abatement of excessive assessment.* The district director may, at any time before the decision of the Tax Court is rendered, abate such assessment, or any unpaid portion thereof, to the extent that he believes the assessment to be excessive in amount.

(f) *Abatement if jeopardy does not exist.* (1) The district director may abate a jeopardy assessment in whole or in part, if it is shown to his satisfaction that jeopardy does not exist. An abatement may not be made under this paragraph after a decision of the Tax Court in respect of the deficiency has been rendered or, if no petition is filed with such court, after the expiration of the period for filing such petition.

(2) After abatement of a jeopardy assessment in whole or in part, the district director may proceed to assess and collect a deficiency in the manner authorized by law as if the jeopardy assessment or part thereof so abated had not existed. If a notice of deficiency has been sent to the taxpayer before the abatement of the jeopardy assessment in whole or in part, whether such notice was sent before or after the making of the assessment, such abatement will not affect the validity of the notice or of any proceedings for redetermination based thereon. The period of limitation on the making of assessments and the beginning of levy or a proceeding in court for collection in respect of any deficiency shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the tenth day after the date on which such jeopardy assessment is abated in whole or in part. The provisions of this subparagraph may be illustrated by the following example:

Example. On March 18, 1958, 28 days before the last day of the 3-year period of limitations on assessment, a jeopardy assessment is made in respect of a proposed deficiency. On May 2, 1958, before the mailing of the notice of deficiency provided by section 6861 (b), this assessment is abated. By virtue of this subparagraph, the last day of the period of limitations for the making of an assessment is June 9, 1958, that is, the thirty-eighth day after the date of the abatement. If the notice of deficiency provided for in section 6861 (b) had been sent before the abatement, the running of the period of limitations on assessment would have been suspended pursuant to the provisions of section 6503 (a).

(3) Request for abatement of a jeopardy assessment, because jeopardy does not exist, shall be filed with the district director, shall state fully the reasons for the request, and shall be supported by such evidence as will enable the district director to determine that the collection of the deficiency is not in jeopardy. See paragraph (e) of this section with respect to the abatement of jeopardy assessments which are excessive in amount.

§ 301.6862 *Statutory provisions; jeopardy assessment of taxes other than income, estate, and gift taxes.*

SEC. 6862. *Jeopardy assessment of taxes other than income, estate, and gift taxes—*(a) *Immediate assessment.* If the Secretary or his delegate believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest, additional amounts, and additions to the tax provided for by law). Such tax, additions to the tax, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the Secretary or his delegate for the payment thereof.

(b) *Immediate levy.* For provision permitting immediate levy in case of jeopardy, see section 6331 (a).

§ 301.6862–1 *Jeopardy assessment of taxes other than income, estate, and gift taxes.* (a) If the district director believes that the collection of any tax (other than income, estate, or gift tax) will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for filing the return or paying such tax has expired, immediately assess such tax, together with all interest, additional amounts and additions to the tax provided by law. For example, assume that a taxpayer incurs on January 18, 1955, liability for admissions tax imposed by section 4231, that the last day on which return and payment of such tax is required to be made is April 30, 1955, and that on January 18, 1955, the district director determines that collection of such tax would be jeopardized by delay. In such case, the district director shall immediately assess the tax.

(b) The tax, interest, additional amounts, and additions to the tax will, upon assessment, become immediately due and payable, and the district director shall, without delay, issue a notice and demand for payment thereof in full. Upon failure or refusal to pay the amount demanded, collection thereof by levy shall be lawful without regard to the 10-day period provided in section 6331 (a). However, the collection of the whole or any part of the amount of the jeopardy assessment may be stayed by timely filing with the district director a bond as provided in section 6863.

§ 301.6863 *Statutory provisions: stay of collection of jeopardy assessments.*

SEC. 6863. *Stay of collection of jeopardy assessments—*(a) *Bond to stay collection.* When a jeopardy assessment has been made under section 6861 or 6862, the collection of the whole or any amount of such assessment may be stayed by filing with the Secretary or his delegate, within such time as may be fixed by regulations prescribed by the Secretary or his delegate, a bond in an amount equal to the amount as to which the stay is desired, conditioned upon the payment of the amount (together with interest thereon) the collection of which is stayed, at the time at which, but for the making of the jeopardy assessment, such amount would be due. Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The taxpayer shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the taxpayer, be proportionately reduced. If any portion of the jeopardy assessment is abated, the bond shall, at the request of the taxpayer, be proportionately reduced.

(b) *Further conditions in case of income, estate, or gift taxes.* In the case of taxes subject to the jurisdiction of the Tax Court—

(1) *Prior to petition to Tax Court.* If the bond is given before the taxpayer has filed his petition under section 6213 (a), the bond shall contain a further condition that if a petition is not filed within the period provided in such section, then the amount, the collection of which is stayed by the bond, will be paid on notice and demand at any time after the expiration of such period, together with interest thereon from the date of the jeopardy notice and demand to the date of notice and demand under this paragraph.

(2) *Effect of Tax Court decision.* The bond shall be conditioned upon the payment of so much of such assessment (collection of which is stayed by the bond) as is not abated by a decision of the Tax Court which has become final. If the Tax Court determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the Tax Court is rendered the bond shall, at the request of the taxpayer, be proportionately reduced.

(3) *Stay of sale of seized property pending Tax Court decision—*(A) *General rule.* Where, notwithstanding the provisions of section 6213 (a), a jeopardy assessment has been made under section 6861 the property seized for the collection of the tax shall not be sold—

(i) if section 6861 (b) is applicable, prior to the issuance of the notice of deficiency and the expiration of the time provided in section 6213 (a) for filing petition with the Tax Court, and

(ii) if petition is filed with the Tax Court (whether before or after the making of such jeopardy assessment under section 6861), prior to the expiration of the period during which the assessment of the deficiency would be prohibited if section 6861 (a) were not applicable.

(B) *Exceptions.* Such property may be sold if—

(i) the taxpayer consents to the sale,

(ii) the Secretary or his delegate determines that the expenses of conservation and maintenance will greatly reduce the net proceeds, or

(iii) the property is of the type described in section 6336.

(C) *Applicability.* Subparagraphs (A) and (B) shall be applicable only with respect to a jeopardy assessment made on or after January 1, 1955, and shall apply with respect to taxes imposed by this title and with respect to taxes imposed by the Internal Revenue Code of 1939.

§ 301.6863–1 *Stay of collection of jeopardy assessments; bond to stay collection—*(a) *General rule.* (1) The collection of a jeopardy assessment of any tax may be stayed by filing with the district director a bond on the form to be furnished by the district director upon request.

(2) The bond may be filed—

(i) At any time before the time collection by levy is authorized under section 6331 (a), or

(ii) After collection by levy is authorized and before levy is made on any property or rights to property, or

(iii) In the discretion of the district director, after any such levy has been made and before the expiration of the period of limitations on collection.

(3) The bond must be in an amount equal to the portion (including interest thereon to the date of payment as calculated by the district director) of the jeopardy assessment collection of which is sought to be stayed. See section 7101 and the regulations thereunder, relating to the form of bond and the sureties thereon. The bond shall be conditioned upon the payment of the amount (together with interest thereon), the collection of which is stayed, at the time at which, but for the making of the jeopardy assessment, such amount would be due. For example, if petition for redetermination is filed with the Tax Court, the bond shall be conditioned upon payment of the amount at the time the decision of the Tax Court becomes final.

(4) Upon the filing of a bond in accordance with this section, the collection of so much of the assesment as is covered by the bond will be stayed. The taxpayer at any time waive the stay of collection of the whole or any part of the amount covered by the bond. If as a result of such waiver any part of the amount covered by the bond is paid, or if any portion of the jeopardy assessment is abated by the district director, then the bond shall at the request of the taxpayer be proportionately reduced.

(b) *Additional conditions applicable to income, estate, and gift tax assessments.* In the case of a jeopardy assessment of income, estate, or gift tax, the bond must be conditioned upon the payment of so much of the amount included therein as is not abated by a decision of the Tax Court which has become final, together with the interest on such amount. If the Tax Court determines that the amount assessed is greater than the corect amount of the tax, the bond will be proportionately reduced at the request of the taxpayer after the Tax Court renders its decision. If the bond is given before the taxpayer has filed his petition with the Tax Court, it must contain a further condition that if a petition is not filed before the expiration of the period provided in section 6213 (a) for the filing of such petition, the amount stayed by the bond will be paid upon notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 percent per annum from the date of the jeopardy notice and demand to the date of the notice and demand made after the expiration of the period for filing petition with the Tax Court.

§ 301.6863–2 *Collection of jeopardy assessment; stay of sale of seized property pending Tax Court decision—*(a) *General rule.* In the case of a jeopardy assessment made after December 31, 1954, of income, estate, or gift tax imposed by the Internal Revenue Code of 1954 or 1939, any property seized for the collection of such assessment shall not (except as provided in paragraph (b) of this section) be sold—

(1) Until the expiration of the period provided in section 6213 (a) within which the taxpayer may file a petition for redetermination with the Tax Court, and

(2) If a petition for redetermination is filed with the Tax Court (whether before or after the making of the jeopardy assessment), until the decision of the Tax Court becomes final, except that a petition for review of the Tax Court decision will not operate as a further stay of the sale of the seized property unless the taxpayer files a bond as provided in section 7485.

(b) *Exceptions.* Notwithstanding the provisions of paragraph (a) of this section, any property seized may be sold—

(1) If the taxpayer files with the district director a written consent to the sale, or

(2) If the district director determines that the expenses of conservation and maintenance of the property will greatly reduce the net proceeds from the sale of such property, or

(3) If the property is of a type to which section 6336 (relating to sale of perishable goods) is applicable.

§ 301.6864 *Statutory provisions; termination of extended period for payment in case of carryback.*

SEC. 6864. *Termination of extended period for payment in case of carryback.* For termination of extensions of time for payment of income tax granted to corporations expecting carrybacks in case of jeopardy, see section 6164 (h).

BANKRUPTCY AND RECEIVERSHIPS

§ 301.6871(a) *Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.*

SEC. 6871. *Claims for income, estate, and gift taxes in bankruptcy and receivership proceedings—*(a) *Immediate assessment.* Upon the adjudication of bankruptcy of any taxpayer in any liquidating proceeding, the approval of a petition of, or against, any taxpayer in any other bankruptcy proceeding, or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided by law) determined by the Secretary or his delegate in respect of a tax imposed by subtitle A or B upon such taxpayer shall, despite the restrictions imposed by section 6213 (a) upon assessments, be immediately assessed if such deficiency has not theretofore been assessed in accordance with law.

§ 301.6871 (a)–1 *Immediate assessment of claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.* (a) Upon the adjudication of bankruptcy of any taxpayer in any liquidating proceeding, or the approval of a petition of, or against, any taxpayer in any other proceeding under the Bankruptcy Act, or the appointment of any receiver for any taxpayer in a receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, the district director shall immediately assess any deficiency of income, estate, or gift tax (together with all interest, additional amounts, or additions to the tax provided by law), determined by him, if such deficiency has not theretofore been assessed in accordance with law. Such assessment shall be made immediately, whether or not a notice of deficiency has been issued, and without regard to the restrictions upon assessments under section 6213.

(b) As used in this section and §§ 301.6871 (a)–2 to 301.6873–1, inclusive, (1) the term "proceeding under the Bankruptcy Act" includes a proceeding under chapters I to VII, inclusive, of the Bankruptcy Act (11 U. S. C. cc. I–VII), or under section 75 or 77, or chapters X to XIII, inclusive, of such act, or any other proceeding under the act; and (2) the term "approval of a petition * * * in any other proceeding under the Bankruptcy Act" includes the filing of a petition under section 75 or chapters XI to XIII, inclusive, of the Bankruptcy Act with a court of competent jurisdiction.

§ 301.6871 (a)–2 *Collection of assessed taxes in any bankruptcy and receivership proceedings.* (a) During a proceeding under the Bankruptcy Act or a receiver-

assessment in whole or in part, the district (other than income, estate, or gift tax), that the amount assessed is greater than the amount which should have been assessed,

ship proceeding in either a Federal or State court, generally the assets of the taxpayer are under the control of the court in which such proceeding is pending, and the collection of taxes cannot be made by levying upon such assets. However, any assets which under applicable provisions of law are not under the control of the court may be subject to levy. See paragraph (b) of this section and § 301.6871 (b)–1 with respect to claims for such taxes. See section 6873 with respect to collection of unpaid claims.

(b) District directors should, promptly after ascertaining the existence of any outstanding liability against a taxpayer in any proceeding under the Bankruptcy Act or in any receivership proceeding, and in any event within the time limited by the appropriate provisions of the Bankruptcy Act, or by the appropriate orders of the court in which such proceeding is pending, file proof of claim covering such liability in the court in which such proceeding is pending. Such proof of claim should be filed whether the unpaid taxes involved have been assessed or not, except in cases where the instructions of the Commissioner direct otherwise; for example, where the payment of the taxes is secured by a sufficient bond. At the same time proof of claim is filed with the bankruptcy or receivership court, the district director will send notice and demand for payment to the taxpayer, together with a copy of such proof of claim.

(c) Under sections 3466 and 3467 of the Revised Statutes and section 64 of the Bankruptcy Act, taxes are entitled to the priority over other claims therein specified, and the trustee, receiver, debtor in possession, or other person designated as in control of the assets of the debtor by the court in which the proceeding under the Bankruptcy Act or receivership proceeding is pending, may be held personally liable for failure on his part to protect the priority of the Government respecting taxes of which he has notice. Sections 75 (l), 77 (e), 199, 337 (2), 455, and 659 (6) of the Bankruptcy Act (11 U. S. C. 203 (l), 205 (e), 599, 737 (2), 855, and 1059 (6)) also contain provisions with respect to the rights of the United States relative to priority of payment. For the filing of returns by a trustee in bankruptcy or by a receiver, see section 6012 (b) (3) and 28 U. S. C. 960. Bankruptcy courts have jurisdiction under the Bankruptcy Act to determine all disputes regarding the amount and validity of taxes claimed in a proceeding under the Bankruptcy Act. A proceeding under the Bankruptcy Act or receivership proceeding does not discharge any portion of a claim of the United States for taxes except in the case of a proceeding under section 77 or chapter X of the Bankruptcy Act. However, the claim may be settled or compromised as in other cases in court.

(d) For the requirement that a receiver, trustee in bankruptcy, or other like fiduciary give notice as to his qualification as such, see section 6036 and the regulations thereunder.

§ 301.6871 (b) *Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.*

SEC. 6871. *Claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.* • • •

(b) *Claim filed despite pendency of Tax Court proceedings.* In the case of a tax imposed by subtitle A or B claims for the deficiency and such interest, additional amounts, and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency in pursuance of a petition to the Tax Court; but no petition for any such redetermination shall be filed with the Tax Court after the adjudication of bankruptcy, approval of the petition in any other bankruptcy proceeding, or the appointment of the receiver.

§ 301.6871 (b)–1 *Claims for income, estate, and gift taxes in proceedings under the Bankruptcy Act and receivership proceedings; claim filed despite pendency of Tax Court proceedings.* (a) If the district director has determined that a deficiency is due in respect of income, estate, or gift tax and the taxpayer has filed a petition with the Tax Court before the adjudication of bankruptcy in any liquidating proceeding or before the approval of a petition in any other proceeding under the Bankruptcy Act or before the appointment of a receiver, the trustee, receiver, debtor in possession, or other like fiduciary, may, upon his own motion, be made a party to the Tax Court proceeding and thereafter may prosecute the appeal before the Tax Court as to that particular determination. No petition shall be filed with the Tax Court for a redetermination of the deficiency after the adjudication of bankruptcy in a liquidating proceeding or after the approval of a petition in any other proceeding under the Bankruptcy Act or after the appointment of a receiver.

(b) Even though the determination of a deficiency is pending before the Tax Court for redetermination, proof of claim for the amount of such deficiency may be filed with the court in which the proceeding under the Bankruptcy Act or receivership proceeding is pending without awaiting final decision of the Tax Court. In case of a final decision of the Tax Court before the payment or the disallowance of the claim in the proceeding under the Bankruptcy Act or receivership proceeding, a copy of the Tax Court's decision may be filed by the district director with the court in which such proceeding is pending.

(c) While a district director is required by section 6871 (a) to make immediate assessment of any deficiency, such assessment is not made as a jeopardy assessment within the meaning of section 6861, and consequently the provisions of that section do not apply to any assessment made under section 6871. Therefore, the notice of deficiency provided in section 6861 (b) will not be mailed. Although such notice will not be issued, a letter will be sent to the taxpayer or to the trustee, receiver, debtor in possession, or other like fiduciary, notifying him in detail how the deficiency was computed, that he may furnish evidence showing wherein the deficiency is incorrect, and that upon request he will be granted a conference by the district director with respect to such deficiency. However, such letter will not provide for such a conference where a petition was filed with the Tax Court before the adjudication of bankruptcy in a liquidating proceeding, before the approval of a petition in any other proceeding under the Bankruptcy Act, or before the appointment of a receiver.

§ 301.6872 *Statutory provisions; suspension of period on assessment.*

SEC. 6872. *Suspension of period on assessment.* If the regulations issued pursuant to section 6036 require the giving of notice by any fiduciary in any proceeding under the Bankruptcy Act, or by a receiver in any other court proceeding, to the Secretary or his delegate of his qualification as such, the running of the period of limitations on the making of assessments shall be suspended for the period from the date of the institution of the proceeding to a date 30 days after the date upon which the notice from the receiver or other fiduciary is received by the Secretary or his delegate; but the suspension under this sentence shall in no case be for a period in excess of 2 years.

§ 301.6872–1 *Suspension of running of period of limitations on assessment.* If any fiduciary in any proceeding under the Bankruptcy Act (including a trustee, receiver, or debtor in possession) or a receiver in any other court proceeding is required, pursuant to section 6036, to give notice in writing to the district director of his qualification as such, then the running of the period of limitations on assessment shall be suspended from the date the proceeding is instituted to the date such notice is received by the district director, and for an additional 30 days thereafter. However, the suspension under this section of the running of the period of limitation on assessment shall in no case exceed 2 years.

§ 301.6873 *Statutory provisions; unpaid claims.*

SEC. 6873. *Unpaid claims*—(a) *General rule.* Any portion of a claim for taxes allowed in a receivership proceeding or any proceeding under the Bankruptcy Act which is unpaid shall be paid by the taxpayer upon notice and demand from the Secretary or his delegate after the termination of such proceeding.

(b) *Cross references.* (1) For suspension of running of period of limitations on collection, see section 6503 (b).

(2) For extension of time for payment, see section 6161 (c).

§ 301.6873–1 *Unpaid claims in bankruptcy or receivership proceedings.* (a) If any portion of the claim allowed by the court in a receivership proceeding, or in any proceeding under the Bankruptcy Act, remains unpaid after the termination of such proceeding, the district director will send notice and demand for payment thereof to the taxpayer. Such unpaid portion with interest as provided in section 6601 may be collected from the taxpayer by levy or proceeding in court within the period of limitation for collection after assessment. For the general rule as to such period of limitation, see section 6502, and for suspensions of the running of the period provided in section 6502, see, for example, section 6503. For suspensions under other provisions of law, see, for example, section 11f of the Bankruptcy Act (11 U. S. C. 29 (f)). Extension of time for the payment of such unpaid amount may be granted in the same manner and subject to the same provisions and limitations as provided in section 6161 (c).

(b) Section 6873 is applicable only where a claim for taxes is allowed in a receivership proceeding or in a proceeding under the Bankruptcy Act. Claims for taxes, interest, additional amounts, or additions to the tax may be collectible in equity or under other provisions of law although no claim was allowed in the proceeding because, for example, such items were not included in a proof of claim filed in the proceeding or no proof of claim was filed. Except in the case of a proceeding under section 77 or chapter X of the Bankruptcy Act, a tax or a liability in respect thereof is not discharged by a proceeding under such act, whether or not a claim is filed in such proceeding, and provisions suspending the running of the period of limitation on the collection of taxes are applicable, whether or not a claim is filed in such proceeding.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

§ 301.7851 *Statutory provisions; applicability of revenue laws.*

SEC. 7851. *Applicability of revenue laws*—(a) *General rules.* Except as otherwise provided in any section of this title—

• • • • •

(6) Subtitle F.

(A) *General rule.* The provisions of subtitle F [including chapter 70, relating to jeopardy, bankruptcy and receiverships] shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. • • •

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[F. R. Doc. 56–9988; Filed, Dec. 5, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR Part 936), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted during the 2-month period of December 1956 and January 1957, among the producers who, during the current marketing season beginning on March 1, 1956 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of California, in the production of any fruit (as such term is defined in the amended marketing agreement and order) for shipment in fresh form to determine whether such producers favor the termination of the said amended marketing agreement and order as to any one or more of the fruits covered thereby. Oscar H. Chapin and Harry J. Krade of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By determining the time of commencement and termination of the period of the referendum, and by giving opportunity to each of the aforesaid producers to cast his ballot, in the manner herein authorized, relative to the aforesaid termination of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing any such fruit or in rendering services for or advancing the interests of the producers of such fruits, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form); and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to the Western Marketing Field Office, Fruit and Vegetable Division, Room 302, 701 K Street, Sacramento 14, California, and the time prior to which such ballots must be received at such office.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to producers at the meeting, and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing any persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation and may be authorized, by the said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7) and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth; and shall forward to the Western Marketing Field Office, Fruit and Vegetable Division, Room 302, 701 K Street, Sacramento 14, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by the said Western Marketing Field Office of all ballots cast in accordance with the provisions hereof, Oscar H. Chapin, who is hereby designated as agent-in-charge, shall: (i) canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and (ii) forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by who challenged, and the reasons therefor; and the number of such challenged ballots shall be

stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the text of the aforesaid amended marketing agreement and order, and of this order, may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., at the offices of the Field Representatives, Fruit and Vegetable Division, Agricultural Marketing Service, Room 302, 701 K Street, Sacramento, California, or at the office of the California Tree Fruit Agreement, 1515 Ninth Street, Sacramento, California.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at said offices of the Field Representatives, or from any referendum agent or appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Dated: November 30, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-9970; Filed, Dec. 5, 1956; 8:46 a. m.]

[7 CFR Part 959]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 959.209 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order during the fiscal period ending June 30, 1957, will amount to $19,150.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended, shall be three-eighths cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 30, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-9960; Filed, Dec. 5, 1956; 8:46 a. m.]

[7 CFR Part 962]

FRESH PEACHES GROWN IN GEORGIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR Part 962), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the growers who, during the calendar year 1956 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Georgia, in the production of peaches for market to determine whether such growers favor the termination of the said amended marketing agreement and order. M. F. Miller and W. R. Cleveland of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid termination of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing fresh peaches grown in the State of Georgia or in rendering services for or advancing the interests of the growers of such peaches, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to the Fruit and Vegetable Division, Agricultural Marketing Service, P. O. Box 19, Lakeland, Florida, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Georgia; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of growers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the growers who are present, and who desire to do so, have had an opportunity to vote. Any grower may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to growers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing any county agricultural agent in the State of Georgia, and any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each county agricultural agent and other person so appointed shall serve without compensation and may be authorized, by the said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance

with the requirements herein set forth; and shall forward to M. F. Miller, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, P. O. Box 19, Lakeland, Florida, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each grower to whom a ballot form was given;

(ii) A register containing the name and address of each grower from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to growers, the mailing list showing the names and addresses to which the notice was mailed, and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by M. F. Miller of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the text of aforesaid amended marketing agreement and order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the Office of W. E. Leigh, Manager, Industry Committee, Georgia Peach Marketing Agreement and Order, currently at 2300 No. Slappey Drive, Albany, Georgia.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Dated: November 30, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-9971; Filed, Dec. 5, 1956; 8:47 a. m.]

[7 CFR Part 1017]

[Docket No. AO 283]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 130 AND ORDER NO. 117

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Caldwell, Idaho on June 20-21, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 3653) upon proposed Marketing Agreement No. 130 and proposed Order No. 117 regulating the handling of onions grown in Malheur County, Oregon, and in all counties south and southeast of the southern boundary of Idaho County in the State of Idaho.

Upon the basis of the evidence introduced at the aforesaid hearing and record thereof, the Deputy Administrator, Agricultural Marketing Service, on November 1, 1956, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exception thereto was published November 6, 1956, in the FEDERAL REGISTER (21 F. R. 8493). No exceptions to the recommended decision were filed.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The definition of the commodity and determination of the production area to be affected by the proposed order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the proposed order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority to incur expenses and to levy assessments on onions handled;

(d) The authority for the establishment of onion marketing research and development projects;

(e) The authority for limiting the grade, size, and quality of onions which may be handled under the proposed order;

(f) The method for fixing the size, capacity, weight, dimensions, or pack, of the containers which may be used in the packaging or handling of onions;

(g) The authority for the institution of so-called shipping holidays with respect to the handling of onions;

(h) The authority for establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity with respect to the onions that may be handled;

(i) The authority for establishing special regulations applicable to the handling of onions for specified purposes or to specified outlets under special regulations that are modifications of, or amendments to, grade, size, and quality regulations;

(j) The authority for the inspection and certification of onions handled pursuant to the proposed order;

(k) The establishment of reporting requirements for handlers;

(l) The requirement of compliance with all provisions of the proposed order and with regulations issued pursuant thereto; and

(m) Additional terms and conditions as set forth in §§ 1017.70 through 1017.73 and §§ 1017.82 through 1017.91 as published in the FEDERAL REGISTER (21 F. R. 3653) on May 29, 1956, which are common to marketing agreements and marketing orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The major portion of the onions grown in the designated counties of Idaho and in Malheur County, Oregon, comprising the "production area" as set forth in the proposed order, enter fresh market channels, with the bulk of such movement going to destinations outside of the production area. Approximately 5,000 to 6,000 carloads of onions are shipped from this area each season between late July and early April.

Onion production from Malheur County, Oregon, in 1955, was 2,700,000 50-pound sacks; and in 1954 it was 3,224,000 50-pound sacks. Idaho production, which is practically all confined to the designated counties of Idaho in the production area of the proposed order, was 2,080,000 50-pound sacks in 1955; and 2,350,000 50-pound sacks in 1954.

The distribution of onions from the production area, also referred to herein as the Idaho-Eastern Oregon production area, is very widespread. For example, Exhibit No. 10, "Carlot Unloads of Cer-

tain Fruits and Vegetables in 100 United States Cities and 5 Canadian Cities for Calendar Year 1955," shows unloads of Idaho onions in 94 U. S. cities and in 5 Canadian cities. Also, unloads of Oregon onions, including onions grown in Malheur County, are listed for 92 U. S. cities and for 4 Canadian cities. The largest number of unloads in the order of volume were made in Los Angeles, New York, Chicago, Philadelphia, Seattle, Detroit, Boston, Cincinnati, Baltimore, and Pittsburgh. While the principal markets range generally east of the Rocky Mountains, through the midwestern, eastern, and southern parts of the United States, a substantial quantity of such onions moves to markets on the west coast. The usual trading areas in such onions outside of the continental United States are Canada, Alaska, Hawaii, the Philippines, Mexico, and Cuba.

The chief competition to such onions is from onions produced in Colorado, Utah, and Washington. These States also produce sweet Spanish onions—the same variety which is mainly grown in the Idaho-Eastern Oregon production area—as a major portion of their onion crops. Additional competition is felt from the northern Texas and California onion deals in years of carry-overs in such States. Also, whenever the eastern States, such as New York, have unusually large onion crops, some competition is present. As a consequence of excessive supplies of onions generally, prices received for Idaho-Eastern Oregon onions, as well as for other onions, tend to be depressed.

Local markets, in the States included in the production area, such as those in Portland, Oregon, and Boise, Idaho, receive onions from the Idaho portion, as well as from the Malheur County, Oregon, portion of the production area. Also, there is a direct relationship between prices received for onions grown in the Idaho-Eastern Oregon production area which are marketed within the production area and for those marketed outside the production area. The sale or transportation of onions grown in the Idaho-Eastern Oregon production area exerts a direct influence upon the sale and transportation of onions from other producing areas. While the major portions of the market for onions produced in this production area lie outside of the production area, markets within the production area provide opportunities for producers and shippers to affect sales there the same as markets outside of the production area. If onions marketed within the production area, or in portions of the States of Idaho or Oregon outside the area, are not subject to regulations under the proposed order and are selling at depressed prices, buyers would take advantage of the depressed situation in the States of the production area by offering similar low prices for onions for shipment to outside markets. Factors which influence the onion market within the production area are soon reflected in prices for onions at terminal markets; and, in turn, factors influencing prices in receiving markets are soon reflected in the production area. Prices for onions in Chicago, for example, affect prices of onions in Ontario, Oregon, and in Boise, Idaho (within the production area), and the reverse is also true. Therefore, the movement and sale of onions grown in the Idaho-Eastern Oregon production area, whether to a market within or outside of the production area, affects prices for all onions grown in such production area.

Production area onions that are shipped to a market within the production area are sometimes diverted to markets outside of the production area and vice versa. It is not always known at the time when onions are first shipped whether such onions will be marketed within the production area or at a point outside. Handlers generally have ready access to market price information; and on very short notice the shipper could promptly divert onions moving to a particular market (whether within or outside the production area) to some other market which offers a better return. Such diversions are common in the onion trade.

Onions grown in any portion of such production area and marketed or transported in either Idaho or Oregon at any given time compete with, and directly affect the price of, other onions from other portions of the production area similarly marketed at such time. For example, onions grown in the Idaho portion of the production area and sold within the State of Idaho are directly in competition with onions grown in Malheur County, Oregon, which are also sold in Idaho. Similarly, Malheur County onions sold within the State of Oregon directly compete with onions grown in the Idaho portion of the production area which are also sold in Oregon. It is essential, therefore, that the sale of all onions grown in the production area which are marketed within either of the States comprising a portion of such area be subject to regulation under the proposed order to effectuate the declared policy of the act.

As a consequence of the interdependence of the markets for onions, as indicated above, it is hereby found that all sale and movement of such onions grown in the production area are either in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce. Therefore, all such movement and sale of onions grown in the production area should be subject to the authority of the act and of the proposed order.

(2) Prices for onions grown in Idaho-Eastern Oregon have fluctuated rather widely during the past several years, reflecting certain marketing conditions that have adversely affected producers' returns.

During the past ten years, from 1946 through 1955, the average farm price received for onions in the production area has exceeded the Idaho and Malheur County, Oregon, parity equivalent price in only three years. The average farm prices paid to growers in the production area per 50-lb. sack, during this ten year period, were consecutively as follows: $0.50, $1.41, $0.75, $0.91, $0.41, $0.99, $1.53, $0.33, $0.70, and $1.04. In 1950, and again in 1953, prices received by producers in this area were so low that they failed to return growing costs and many producers sustained losses which seriously jeopardized their financing of the following year's operation.

The following are the three major varieties of onions produced in the Idaho-Eastern Oregon production area: the yellow Sweet Spanish variety which accounts for the largest part of the crop; the white Sweet Spanish variety; and the white Globe variety. There are also several hybrid strains which fall within these varieties. More than half of the yellow Sweet Spanish are usually moved in jumbo sizes, that is, over three inches in diameter, and the balance are moved as mediums, between one and one half and three inches. Of the white Sweet Spanish variety, a smaller percentage moves as jumbos, and over half of this variety moves in sizes within the medium range. There is usually a price premium paid for the jumbo sizes, particularly for the yellow Sweet Spanish. But this varies from season to season in relation to the percentage of jumbos in a particular crop that is being marketed; e. g., when the supply of jumbos exceeds customers' orders for both jumbos and medium sizes the price premium for jumbos may be reduced. Producers' prices for the white Sweet Spanish variety are usually above the prices for the yellow Sweet Spanish variety.

It has been the practice of some producers and shippers in the production area to ship to fresh market any grades or sizes the trade would take. For instance, in periods of low prices when only top quality onions were shipped and acceptable, the poorer grades and sizes were accumulated on the warehouse floors. As soon as the prices improved, the poorer grades and sizes would be shipped to market in the expectation that such onions would command some of the improved prices. However, the availability or sale of such poor quality onions in competition with good quality onions in the terminal markets brought low prices returning little, if anything, to the producer and depressed the prices for the better quality onions.

Compulsory inspection of onions is a requirement of the State of Oregon. This State requires that onions shipped to market must grade a minimum of 85 percent U. S. No. 1 quality. Idaho does not require inspection of onions and has no minimum grade requirement. The result of this situation is that onions produced in Malheur County, Oregon, which do not meet the Oregon minimum grade requirements because of excessive decay are sometimes transported to Idaho where they are packed and shipped to market. The shipment to market of onions with excessive decay is one of the practices which has a depressing effect on the market prices for onions grown in the production area and which could be corrected by the proposed order.

Medium size onions in the yellow Sweet Spanish variety are quite often in excess supply both in terminal markets and in the production area as they are in direct competition with onions from other late producing areas. A substantial price disadvantage prevails at most times for the medium size onions of this variety. It is especially important that the lower grades in this size of this variety be kept off the market in most years when the possibility of any net profit is remote.

Onions of lower grades include misshapen onions, seeders, doubles, splits, and lots containing excessive invisible decay, such as neck rot. It is a fact that shipment to market of such poor quality onions returns the producer very little. At the same time such poor quality onions displace good quality onions and adversely affect the price of better quality onions, especially since the demand for onions is relatively inelastic, that is, the demand for onions remains approximately the same regardless of price.

Witnesses stated that the shipment of very poor quality onions, including culls, i. e., seriously damaged onions which are normally dumped or given away for stock feed, is never in the interest of the producer or the consumer. Such onions do not give consumers proper value for their expenditures because of the large amount of waste and the time consumed in preparing them. Even when the seasonal average price is above parity it is not in the public interest to ship poor quality onions.

The record shows that efforts have been made by some individual producers and handlers, to market only good quality onions; but such limited efforts have not raised producers' prices appreciably because of the large quantity of poorer grades and sizes of onions generally marketed.

By having authority in the proposed order to regulate by grades, sizes, and quality, it will be possible to remove the lower grades, estimated at 15 to 20 percent of the average annual crop, and to permit the marketing of only the better quality onions, thereby establishing a reputation in the trade for consistently good quality onions from the production area. The withholding of poor grades and qualities, and undesirable sizes, of onions from markets also reduces the available supply of such onions. By reducing the quantity being marketed, as well as eliminating such grades, qualities, and sizes of onions which generally cause discounts from average price, producers' prices for onions should thereby be improved.

At times, especially during harvest, more onions are often graded and loaded into cars than can be sold at going prices; and these unsold cars, referred to as "rollers," are generally shipped to markets. This practice results in glutted supplies in markets, causing unduly depressed prices and extremely low returns to producers for their onions. It would be desirable, under such conditions, to stop all grading, packing, and loading in the production area for a few days, as specified in the "shipping holiday" provisions of the proposed order, so that onion supplies may become adjusted to demand.

The need for a marketing agreement and order program, such as the proposed order, to eliminate certain price depressing practices with respect to onions grown in the production area is clearly established in the record. The establishment of more orderly marketing conditions as may be brought about by marketing agreement and order regulations will tend to establish parity prices to producers for onions grown in the production area. Also, the exercise of the authority in the proposed order with respect to the establishment and maintenance in effect of minimum standards of quality, in terms of grades and sizes, together with grading and inspection requirements, when prices are above the parity level would tend to effectuate such orderly marketing of production area onions as will be in the public interest.

(3) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

The term "onions" should be defined to specify the commodity covered by the proposed order and with respect to which the terms and provisions of the proposed order are applicable. The term "onions" has a specific meaning to all producers of the commodity in the Idaho-Eastern Oregon production area, and to sales managers and to other parties who purchase, ship, and distribute onions to, or in the receiving markets. Such term is so defined as to include all varieties of onions which are grown, as well as those which may be grown, within the production area. It includes such varieties as: Yellow and white Sweet Spanish; red, white, and yellow Globe; all hybrids; and all other varieties and variations of such varieties or any other variety that may be developed and produced at a later date within the production area.

A definition for the term "production area" should be incorporated in the proposed order so as to fix the area in which onions must be grown before the handling thereof is subject to regulation under the proposed order. Such term should be defined to include all territory within the boundaries of Malheur County, Oregon, and all territory in the State of Idaho that is within the boundaries of the counties south and southeast of the southern boundary of Idaho County. While commercial onion production within this production area is concentrated mostly in Southwestern Idaho and in Malheur County, Oregon, there is some commercial production in the Twin Falls area of Idaho. Also, onion production may be developed in any other part of the production area where growing conditions are suitable and economic conditions warrant. This is particularly true in that additional land is being brought under irrigation each year. The same varieties of onions are grown in Malheur County, Oregon, as are grown in the Idaho portion of the production area; and the onion markets for both portions are the same. To exclude any portion of the production area, as defined, would tend to defeat the purpose of the proposed order in that poor quality onions from a section outside the area could then be marketed free from regulations and thereby depress the price of the regulated onions. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the production area, therefore, should be defined as hereinafter set forth.

(4) The term "handler" should be defined as being synonymous with "shipper" and to identify the persons who handle onions in the manner described and set forth in the definition of "handle," because such persons are to be subject to the proposed order and regulations authorized thereunder. A handler should include any individual, partnership, corporation, association, or any other business unit which handles onions. Such persons are responsible for the grade, size, quality, and maturity of the onions delivered to transportation agencies or which are transported to market or sold; and such persons should therefore be considered as handlers. However, common or contract carriers of onions they do not own should not be considered as handlers, even though they transport onions, for the reason that these agencies transport onions for a monetary consideration and do not have a proprietary or agency interest in the commodity or any control over the grade, size, and quality thereof.

The definition of the term "handler" should apply to any person, including a producer, when such person performs any handling activities within the scope of the term "handle." It should include not only the first handler, but each succeeding handler who performs any such handling activities, so as to assure that all such handling of onions will be in accordance with the proposed order and regulations thereunder. With respect to handlers who conduct their businesses other than as individuals (e. g., firms that have sales managers or packing house managers), any handling activities engaged in by employees or officers of such handlers should be construed as handling caused by the principal company, as "handler". Hence, the term "handler" would cover the owner of a firm, even though such person does not personally sell or transport the onions. Such term should also include, in addition to the owner and officers, any other individuals of a firm handling onions who, in a supervisory capacity, are directly responsible for, and consequently cause, the sale or transportation of the commodity. Therefore, a handler would mean any person (except a common or contract carrier of onions owned by another person) who handles onions or causes onions to be handled. In other words, the term "handler" should include not only persons who themselves sell or transport onions, but also those persons who, although they do not themselves sell or transport onions, nevertheless cause their sale or transportation. All persons coming within the meaning of such term should be responsible for complying with the obligations imposed by or pursuant to the proposed order so as to assure that all onions will be properly handled.

"Handle" and "ship" are synonyms. The term "handle" should be defined in the proposed order to determine the particular phases of onion marketing, including selling and transporting activities, which place the onions in commerce within the production area or between the production area and any point out-

Prices for onions in Chicago, for ex-

ducers in this area were so low that they

medium size onions of this variety. It

tions as may be brought about by

out the declared policy of the act; and

the production area and any point out-

side thereof. Handling (transporting or selling) of onions under the proposed order would begin after the harvest of onions and after they have been lifted and are on top of the ground, and include each of the successive selling or transporting activities with respect to such onions. The term "handle" should not be limited to any one action or function, but should include any and all such activities and functions. It is desirable and appropriate that the definition of "handle" should include each of the activities to the extent covered thereby so that each person who performs, or causes to be performed, any such activity with respect to onions would be responsible for seeing to it that the onions are handled in accordance with the proposed order.

The record shows that approximately ten percent of the onions grown in the production area are graded and packed in the field during the harvest season and are moved directly from the field where grown to markets within the production area and to markets outside thereof by the producers. Each such movement is a handling activity and, as such, makes the applicable producer a handler under the proposed order and subject to any rules and regulations pursuant thereto. Onions that are not so disposed of are generally hauled within the production area to storage or to a packing house for grading and packing. Such onions have not as yet been prepared for market by grading and packing and should, for that reason, be exempted from regulation at that time. After they are graded and packed, however, such onions should be handled in conformity to the proposed order, and each handler should be responsible for complying with the regulations thereunder. In other words, each person who is responsible for transporting or selling onions, and is not exempted under the proposed order, would have the responsibility for seeing to it that such onions are of the proper grade, size, and quality at the time of handling and have been inspected prior thereto.

Prior to placing onions in the channels of commerce, i. e., selling or transporting the onions, they are usually graded and packed. If the person handling the onions does not grade and pack such onions himself, it should be his responsibility to assure himself that the onions meet the grade, size, and quality regulations in effect.

Compliance with regulations which are authorized by the proposed order can readily be determined by the person who is grading or preparing such onions for market. The primary responsibility for the grade, size, and quality of the onions in any given unit, or any given lot, should rest with the person responsible for transporting or selling such onions, i. e., placing them in the channels of commerce. In most cases, such person will be the one who graded, or at least was responsible for grading or preparing, such onions for market. Of course, all subsequent handlers of such onions should also have the responsibility for the grade, size, and quality thereof at the time such persons handle the onions.

Some production area onions find outlets other than in fresh market channels, these being for the most part for commercial dehydration into dehydrated onion products. It was testified at the hearing that onions shipped to commercial dehydrators for dehydrating into dehydrated onion products should be excluded from regulation under the proposed order, except for safeguards. Onions sold to commercial dehydrators for processing into dehydrated onion products are an additional source of revenue to the producers and could well increase the over-all return for the onion crop grown in the production area. Since nearly all dehydration of production area onions is carried on in the production area, fairly close supervision of the movement and sale of such onions could be maintained by the committee without undue inconvenience or hardship. However, the committee should have the requisite authority to institute, with the approval of the Secretary, such safeguards as may be necessary to protect the fresh onion market from diversions thereto of onions which do not conform to those being handled in accordance with then current limitation of shipment regulations. Therefore, onions that are transported or sold under then effective safeguards either to commercial dehydrators for processing by such dehydrators into dehydrated onion products, or for canning or freezing, should not be considered as onions "handled," as such term is defined in the proposed order.

With the exception of the activities which are thus specifically exempted, all transportation and sales from the time the onions are harvested until they are disposed of within the production area by a person in his capacity as a retailer, or transported or sold to points outside the production area, should therefore be included within the definition of the term "handle."

(5) (a) The definition of "Secretary" in the proposed order should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by the law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed order is to be operative, and makes it unnecessary to refer to such citations thereafter.

The definition of "person" follows the definition of that term as set forth in the act, and will ensure that it will have the same meaning as used in the act.

A definition of "grading" should be included in the proposed order so as to identify those operations by which field-run onions are sorted or separated so that the onions which are to go to consumer markets will be separated from those which are considered generally unmarketable or marketable in different outlets. Grading is an operation which is common and customary to practically all onion marketing in the production area. The grading operation is usually a combination of mechanical and hand operations. A machine, called a grader, is usually used. The machine or grader usually is a combination of elevators, chains, and eliminators which sift the dirt from the onions. It is so set or arranged that the small or under-size onions drop through, and run off the the grader, usually at the side, on to a moving belt or rollers so that they can be run into a sack or other type of container. Onions which do not drop through the sizing equipment continue on through the machine to the picking table where men or women perform the hand work of picking out the poor quality or undesirable quality from the marketable onions. The onions are also separated, at this time, into grades such as U. S. No. 1 or U. S. No. 2. This is an operation by which the practiced eye examines the onions as they move along the belt or rollers, and the grader hand picks out of the onions as they move along, those onions which are below the quality permitted or desired in the various grades being packed.

There are variations in this process of grading, but the essential feature of the operation is the separation or sorting of field-run onions so that the onions which are not to go to market are removed from the onions which are going to market. The grading operation is closely tied in as part of the process of preparing the onions for market, and serves a specific purpose of making the onions more acceptable to the buyer. Grading is synonymous with "prepare for market."

Definitions of "grade" and "size" are incorporated in the proposed order to enable persons affected thereby to determine the extent, and application, of grade and size limitations thereunder. "Grade" is defined as any one or more of the established grades of onions as defined and set forth in the "United States Standards for Northern Grown Onions," issued by the United States Department of Agriculture, effective July 31, 1944, which standards were published in the FEDERAL REGISTER (21 F. R. 6251).

It was testified that in order to provide needed flexibility in prescribing grade requirement limitations, the definition of "grade" should not be restricted solely to the grades set forth in the foregoing United States Standards. Grades that are elsewhere described, such as in the "Oregon Standards for Onions and Onion Sets, 1940" and "Oregon Standards for Yellow Globe Danver Type Onions 1949," which are now in effect, or in future United States or Oregon or Idaho onion standards, or amendments thereto, or modifications or variations based thereon should also be available for use in describing grades of onions permitted to be handled under the proposed order.

The committee (herein described as the Idaho-Eastern Oregon Onion Committee) should have authority to recommend regulations by grade, in terms of one or more grades specified in the onion standards or based upon modifications or variations of grades set forth in such standards; and the Secretary should

have comparable latitude in issuing grade regulations. For example, the committee may recommend that regulations be issued to limit shipments of onions to those meeting a certain percentage of U. S. No. 1 quality. In this connection, references to sales of production area onions are at times in terms of 85 percent U. S. No. 1 quality. Also, the regulations might specify that shipments must meet a certain grade except for particular modifications for certain defects. The United States Standards and Oregon Standards for onions provide appropriate and commonly accepted bases for determining grades and they have been used as such for a number of years.

It is a common practice in the industry to refer to production area onions by size. "Size" should be defined in the proposed order as any of the sizes recognized by the trade or set forth in any United States, or Oregon or Idaho, Standards for onions, and as such standards may be modified or amended. Examples of sizes recognized by the trade are: "medium" size and "large" or "jumbo" size. Medium size onions, as recognized by the onion industry in the production area, refers to onions that range from a minimum diameter of 1½ inches or 2 inches to a 3 inch maximum diameter. Large or jumbo size onions are referred to as onions that have a diameter of not less than 3 inches. The diameter of the onion is measured as the greatest dimension at right angles to a straight line running from the stem to the root of the onion. Here, too, flexibility should be afforded in fixing the sizes of production area onions that may be handled whenever limitation of shipment regulations are in effect. Hence, the term "size" should be so defined as to enable the achievement of that goal.

"Producer" should be defined to indicate specifically those persons who have the right to vote for the producer nominees for membership on the committee. It is also desirable to define "producer" so that such persons may be distinguished from those who are defined as "handlers." The term "producer" should be defined to mean any person (i. e., individual, partnership, corporation, association, or any other business unit) who is engaged in a proprietary capacity in the production of onions within the production area and who is producing such onions for market. The term "producer" should include any individual who owns and farms land resulting in his ownership of onions produced thereon. A tenant or a landlord who rents a farm and owns all or a portion of the onions produced on the farm should be classified as a "producer." The term "producer" includes persons owning land which they do not farm but, as rental for such land, obtain the ownership of a portion of the onions produced thereon. The term "producer" should be limited to those who have an ownership interest in the onions produced. It should not include laborers or others who perform work for a fee or for hire in producing onions or persons who rent their farms for cash, for the reason that none of such persons has title to the onions thus produced.

"Committee" should be defined to mean the Idaho-Eastern Oregon Onion Committee, established pursuant to § 1017.20 of the proposed order. Such an administrative agency is authorized by section 8c (7) (C) of the act. This section of the act empowers the Secretary of Agriculture to select or provide a method of selecting an agency or agencies to administer a marketing order pursuant to the act. This definition identifies the agency which will be utilized by the Secretary in this particular case.

"Fiscal period" should be defined as set forth in the notice of hearing. It means a period of time beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee. No definite dates are set forth for such purpose in the proposed order so that the committee will have flexibility in its recommendations as to the beginning and ending dates of a particular fiscal period in the light of any changes in the production and shipping season that may take place in the future. At present, onion harvest and marketing generally start in August, with the shipping season extending into March and April of the following year. In the future, through the development of better strains and new varieties of onions, the harvest and shipment thereof may start earlier than August. Also, through improved and better storage facilities it may be possible to extend the shipping season to a date beyond April. The date marking the end of one fiscal period and the beginning of the next such period should fall at a time of little or no activity in the marketing of the then current onion crop and should allow sufficient time for the committee to organize and be prepared to function prior to the start of the next marketing season.

The term "variety" or "varieties" should be defined to include all classifications of onions which are commonly recognized by the trade and officially recognized by the United States Department of Agriculture. The common classifications of onions grown in the production area and usually recognized by growers and also by sellers and the buying trade are: white Sweet Spanish, white Globe, yellow Sweet Spanish, both open pollinated and hybrid strains, and yellow Globe and Southport Red Globe onions. Recognition of distinctions as between these varieties is common throughout the growing area and throughout the trade. Different prices are quoted at times for the different varieties of onions. Regulation may be desirable at different times for different varieties. It may be desirable, in proper situations, to have regulations in effect on the yellow Sweet Spanish onions with a different or no regulation applicable to the white Sweet Spanish onions, and possibly no regulation on any of the other varieties.

The definition makes distinctions between the red, yellow, and white varieties, for example, and serves as a basis for different regulations among the varieties. The definition of variety should also include any new classifications of onion varieties which are officially recognized by the United States Department of Agriculture.

"Export" should be defined in the proposed order as any shipment of onions beyond the boundaries of the continental United States. Shipments of onions to points outside of the continental United States whether such shipments are to a foreign country or elsewhere, are generally made, but the onions may be of different grades, sizes, or qualities than those shipped to domestic markets. This results from different market demands as between domestic and other markets. Further, different foreign markets may demand different grades, sizes, or qualities of onions. Different or special regulations, or even no regulations, could, therefore, be made effective when warranted, with respect to such shipments out of the United States.

"District" should be defined as set forth in the proposed order to provide a basis for the nomination and selection of committee members. The districts (i. e., the geographical divisions of the production areas as established and as set forth in the proposed order represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

The term "pack" is commonly used throughout the onion trade and refers to a combination of factors relating to grade, size, type of container, and quantity of onions. For example, "85% U. S. No. 1 quality, 3 inches min., 50-lb. sacks," is considered by the onion trade as a specific pack. It was testified that the term "pack" should be defined in the proposed order as follows: "Pack" means a quantity of onions in any type of container and which falls within specific weight limits or within specific grade or size limits, or both, recommended by the committee and approved by the Secretary.

Under certain circumstances it may be desirable to regulate shipments of onions on the basis of the quantity of onions of particular grades and sizes which may be packed in containers; and the term "pack" will, by its definition enable the establishment of this type of regulation. Hence, the committee would be able to recommend, for example, that onions shipped in so-called consumer size containers of 5, 10, or 15 pounds, should be limited to a minimum size and a maximum size of a particular grade or quality of onions. It may also be desirable, in order to effectuate the declared policy of the act, to permit the shipment of 50-pound sacks of onions when the size limitation does not prescribe a maximum size. The shipping of large size onions in 50-pound sacks is customary in the onion trade and authority for such differentiation in regulations should be included in the proposed order.

The term "container" should be defined in the proposed order to mean a

sack, box, bag, crate, hamper, basket, carton, package, or any other type of receptacle used in the packaging, or transportation, sale, shipment, or other handling of onions. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles in which onions are sold or move to market for which different regulation could be applicable.

(b) The proposed order should provide for the selection by the Secretary of an administrative committee, called the Idaho-Eastern Oregon Onion Committee, which shall have the responsibility for local administration of the proposed order. The act provides that marketing agreement and order programs be administered locally by agencies which are selected by the Secretary. The record shows that such a local administrative agency should be established which will be representative of the onion industry and responsible in the administration of the program. This committee should consist of ten members, with a like number of alternates, to provide adequate industry representation on the committee, and be authorized to recommend marketing regulations and to take care of other administrative responsibilities.

In order to assure that such committee will represent the onion industry in the production area, six of the ten members should be producers and four should be handlers. Although this is primarily a producers' program, restrictions under the proposed order will be at the handler level; and it is proper for handlers to have representation on the committee. The division of six producers and four handlers gives the majority membership to the producers. Handlers are usually closer to the marketing situation, and their advice and counsel should be available to the committee.

Provision should be made in the proposed order for an alternate for each member of the committee. Circumstances may arise when a member or members may be unable to attend particular meetings of the committee; and positions may become vacant because of resignations or for other reasons. In such situations it is desirable for an alternate to be available to serve in lieu of the absent member so that there will be no interruption of committee operations and to assure producers and handlers in all districts of the production area representation in the conduct of all committee business. Also, alternates could relieve members by performing other assigned tasks necessary for administration of the program. In order that the interests of all producers and handlers would be adequately considered at all times in the administration of the proposed order such alternates should have the same qualifications as members.

Seven of the ten members of the committee should constitute a quorum and seven concurring votes should be required to pass any motion or approve any committee action. Because of the importance of committee actions relative to operations under the proposed order, something more than a simple majority for concurrence should be required. This would result in greater assurance that action taken by the committee will reflect industry support (e. g., that of producers and handlers) than would otherwise be the case if approval of action was merely by a simple majority which could well be only by the producer members. Therefore, at least one handler member's concurrence in any such action should be provided.

The committee should be authorized to vote by telephone, telegraph, or other means of communication when the matter to be considered is of a routine nature and it would be unreasonable to call an assembled meeting, or when rapid action is necessary because of an emergency. Votes cast at other than an assembled meeting should always be confirmed promptly in writing so that the committee will have on file a record of the voting on all committee actions taken by this means. In case of an assembled meeting, however, all votes should be cast in person. This would insure that a person voting on a motion or any committee action will have had an opportunity to participate in the committee's deliberations, so as to hear both sides of the question before he casts his ballot. This will preclude the obtaining of telephone or other types of votes from members or alternates who did not participate in the assembled meeting deliberations.

The proposed order should provide that each committee producer member, and each alternate, selected to represent producers, should be an individual who is a producer, or an officer or employee of a producer, of onions in the district for which selected. A person with such qualifications should be intimately acquainted with the problems of producing or marketing onions grown in such district and should be able adequately to represent his district in committee deliberations. Also, each handler member and each alternate selected to represent handlers, should be an individual who is a handler of onions, or an officer or employee of a handler engaged in the handling of onions, in the portion of the production area of the particular State for which selected. Since some handlers handle onions in each of the districts in the production area, it is impractical to limit handler members to any one district or State. For this reason, the selection of one handler member from each of the two States and two handler members, from the production area at large, should give fair and adequate handler representation on the committee. For the same reason, the handler alternate members should be similarly selected. The geographical basis set forth in the proposed order for the selection of the committee membership is related to the acreage and production of onions within the production area so that such selection provides a practical and adequate basis for committee representation.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed promptly after notification of appointment so that the composition of the committee will not be unduly delayed. This requirement is also necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to indicate his willingness and intention to serve on the committee.

The term of office of committee members and alternates under the proposed program should be for two years beginning on the first day of June and continuing until May 31. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for two years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of a marketing season and hence allow adequate time for the committee to organize and start operating.

Provision is made in the proposed order for staggered terms of office of committee members and alternates. Under this provision one-half of the committee in office on May 31 of each year will continue in office until the next year. The establishment of such staggered terms will provide for more efficient administration of the program in that members and alternates constituting the new half of the committee membership will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the proposed order; and continuity will furnish an essential ingredient in the successful administration of the marketing program. However, the terms of office of one-half of the initial committee members and alternates should be from the time of appointment until the following May 31 and of the other half from the time of appointment until the second following May 31. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act because such powers are authorized to be granted by the enabling statutory authority. They are common to marketing agreements and marketing orders operating under the act and necessary so that an agency of the character set forth in the proposed order can function.

The duties set forth in the proposed order for the committee are generally similar to those specified for administrative agencies under other marketing agreements and marketing orders of this character. These duties should enable the committee, and its members and alternates, to undertake and perform such activities as may be necessary for the committee to carry out its prescribed responsibilities. Such committee duties are necessary for the discharge of this administrative agency's responsibilities.

It should be recognized, however, that specified duties are not necessarily all inclusive, in that there may be other duties which are incidental to and not inconsistent with the terms and conditions of the proposed order which the committee may need to perform in connection with its operations thereunder.

It is appropriate that the members and alternates of the Idaho-Eastern Oregon Onion Committee may receive compensation for the time spent in attending committee meetings. The proposed order authorizes a maximum of $10.00 per day for this purpose, since the time so spent is usually at financial sacrifice to their personal businesses. While the payment of an amount not to exceed $10.00 per day will not in most cases fully compensate for the time such members and alternates spend away from their personal businesses, there are producers and handlers in the production area who are willing to represent the industry by serving on the committee regardless of the personal sacrifice involved. The proposed order should also provide for reimbursement of actual out-of-pocket reasonable expenses incurred on committee business since it would be unfair to request the members and alternates to pay for such expenses incurred in the interest of all onion producers and handlers in the production area.

In order for an alternate to adequately represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings, along with the member so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practical of producer and handler attitudes toward a proposed regulation or other matter. Therefore, the proposed order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings, notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The same compensation and reimbursement that is available to members should also be made available to alternate members when they are so requested to attend such meetings as alternates.

Districts are established in the proposed order to provide a geographical basis for the selection of committee producer members. For this purpose, the production area has been divided into six districts, three in Malheur County, Oregon, and three in the Idaho portion of the production area. This is a usual division of the onion industry in the respective State portions of the production area. The six districts set forth in the proposed order are commonly referred to by onion producers and handlers in connection with their deliberations on local onion problems. The establishment of districts in terms of these commonly accepted divisions also reflects generally recognized geographical divisions of the production area at the present time. Although acreage devoted to onions is not the same in each district it is believed that, for the foregoing reasons, the division of the production area into the six districts, as set forth in the proposed order, provides the most equitable and appropriate basis for the selection of producer members on the committee. In addition, the groupings of three districts each for the Oregon and Idaho portions of the production area are appropriately designated for the selection of individual handler members to represent such groups. A provision for redistricting is necessary so as to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. The shifts or other changes which may take place in the future in the development of new acreage within the production area cannot be foreseen at the present time. Therefore, it is desirable to provide flexibility of operation so that if it should be in the best interests of the administration of the proposed order to change the boundaries of some districts or to change the representation of some districts, the committee may so recommend, and the Secretary take, such action.

The guides and limitations set forth in the proposed order which the committee and the Secretary should keep in mind in considering redistricting are appropriate and desirable points of reference that relate directly to the welfare of onion producers and handlers in the production area. The committee's recommendation for redistricting, or reapportionment of membership, should be made sufficiently well in advance of the time when any such change would affect membership on the committee so that changes can be properly effected by the Secretary and with the least possible inconvenience to all concerned.

It is recognized that the Secretary has the legal authority and responsibility for the selection of the members and alternates on the committee. It is also recognized that the industry bears a heavy responsibility for recommending appropriate nominees to the Secretary so that he may make his selection from such nominees or other eligible persons. The proposed order should provide a means so that the views of the industry can be made known to the Secretary with respect to its recommended selection of members and alternates.

The provisions for presenting nominees to the Secretary for membership on the committee, as outlined in the proposed order, are proper. A separate meeting or meetings of producers and handlers should be held in each district, or each State, as the case may be, to nominate the members and alternates who may be selected to serve on the committee. This would provide a suitable means whereby the views of the industry could be made known. Nomination meetings for members and alternates to serve on the committee should be called by the then current committee, except with respect to the selection of the initial committee membership. Since the membership of the committee will not have been selected by the time the proposed order becomes effective, the Secretary should have the authority to call such initial meetings. The responsibility for calling subsequent nomination meetings should rest with the committee as one of its administrative duties. The committee may work with other organizations or agencies, such as the field office of the Fruit and Vegetable Division of the United States Department of Agriculture or grower and shipper associations, in conducting such nomination meetings. These meetings could, for example, be held at the same time when the associations are conducting their annual or other meetings. This timing could tend to assure maximum attendance of onion producers and handlers.

The committee should be required to hold such meetings for the nomination of successor members and alternates not later than April 1 of each year. Inasmuch as the term of office for committee members and alternates begins June 1 and ends on May 31, these nomination meetings should be held in sufficient time to assure that nominatoins for such members and alternates will be before the Secretary well in advance of the time for him to select members and alternates prior to the beginning of each new term of office. Nominee lists should be supplied to the Secretary in the manner and form prescribed by him so that the Secretary may obtain full and complete reports on nomination meetings.

The proposed order provides that only producers shall participate in designating nominees for producer members and alternates and only handlers shall participate in designating nominees for handler members and their alternates. This is necessary to insure that the interests of each group are properly safeguarded and that the nominees truly reflect the choices of each group. If a person is both a producer and a handler he may vote either as a producer or as a handler by selecting the group with which he wishes to participate. Such persons may not vote both as a producer and a handler because to do so would enable him to participate in nominations to a greater degree than persons who are only producers or only handlers.

Each producer and handler should be limited to one vote on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates regardless of the number of districts in which he produces or handles onions. Voting on any other basis would not provide equitable participaiton or representation. If a producer or handler could cast more than one vote by reason of operating in more than one district, such producer or handler would have an advantage in selecting nominees over producers or handlers operating in only one district. Also, if more than one vote was permitted, large producers or handlers could dominate the elections by means of their partners, agents, subsidiaries, affiliates, and representatives,

for concurrence should be required. This would result in greater assurance that committee will not be unduly delayed. This requirement is also necessary so are necessary for the discharge of this administrative agency's responsibilities.

for members and alternates to serve on the committee should be called by the

by means of their partners, agents, subsidiaries, affiliates, and representatives,

and nominate the producers and handlers not favored by a majority of producers or of handlers.

An eligible producer or handler's privilege of casting only one vote should, however, be construed to mean that one vote may be cast for each applicable position to be filled.

A producer who operates in more than one district should be permitted to select from among the districts in which he produces onions the district in which he will vote. He will thus be able to cast his vote for nominees for a committee member and alternate where he believes his best interest lies. Similarly, a handler who operates both in Malheur County, Oregon, and in the Idaho portion of the production area, should be permitted to select either one of such portions of the production area in which to cast his votes for committee handler members and alternates. In addition, such handler should also be entitled to cast one vote for nominees to serve on the committee as handler member, or alternate, from the production area-at-large.

In order that there will be an administrative agency in existence at all times to administer the proposed order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection should, of course, be on the basis of the representation provided in the proposed order so that the composition of the committee will at all times continue as prescribed therein.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies that occur during a term of office without regard to nominations, if the names of nominees to fill any such vacancy are not submitted to the Secretary within 30 days after such vacancy occurs. This is necessary in order to insure that all portions of the production area are adequately represented in the conduct of committee business.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it incident to the proper administration of the proposed order. Authorized expenses should include such items as salaries for the committee manager, clerical help and field personnel, office equipment, supplies and maintenance, and expenses and compensation for committee members. Expenses may also include the initiation and carrying on of such authorized marketing research and development projects as are designed to assist, improve or promote the marketing, distribution and consumption of onions. However, such expenses should not be used for other industry programs such as advertising.

Expenses incurred by the committee in operating the proposed order must, under the act, be borne by handlers. The most practical way of distributing the costs of the program among handlers is to require each handler who first handles onions to pay his pro rata share of such expenses on the basis of the ratio of his total onion shipments inspected under the proposed order, as the first handler thereof, to the total of such onion shipments by all such handlers, during a particular fiscal period. According to the record, a large percentage of production area onions are inspected by the Federal-State Inspection Service serving that area and, in most cases, the person who first shipped the onions also applied for inspection; and generally such person is the only handler of the onions. In addition, such person is the one who started the commodity on its way to commercial fresh market channels. Therefore, such person, i. e., the first handler, should be the person who is to pay the assessment. For onions which are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the onions and should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on onions that are handled more than once; and handlers will be able to arrange their operations accordingly.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the proposed order for such period. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover authorized expenses incurred by the committee.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis, such as a container, carload, truckload, or other quantity measurement.

Each handler, therefore, who ships onions as the first handler thereof should pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the program's expenses, so that the committee may have adequate funds to carry on its operations on a current basis.

Should developments indicate that assessments collected, or to be collected, during any fiscal period will not provide sufficient income to cover committee expenses, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment to balance necessary committee expenses and revenue. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve an amended budget and, if he finds that the then current rate of assessment is insufficient to cover committee administration of the proposed order, he should be authorized to increase the rate of assessment. Such increased rate should apply to all inspected onions handled under the proposed order, including those previously handled, by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Handlers should be entitled to a proportionate refund of any excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season. However, if a handler should demand payment of any such credit, the proportionate refund should be paid to him.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the proposed order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate of the committee, he should similarly be required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to such successor as the Secretary may designate. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the successor the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

If the committee were to recommend that the operation of the proposed order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period with respect to the committee's records, funds, and other property. This provides a feasible means whereby the committee's business affairs may be taken care of during periods of relative inactivity with a minimum of expense and inconvenience to the industry and to the Secretary.

When the committee is required to wind up its affairs, upon termination of the proposed order, considerable expenses may be involved in the liquidation process. It is appropriate, therefore, in order to meet the expenses of such liquidation that some of the funds remaining

at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of such liquidation in the event the proposed order is terminated and would, to the extent practical, spread the cost of liquidation on an equitable basis among handlers during the entire period the program is in effect. However, any funds not required for such liquidation should, to the extent practical, be returned on a pro rata basis to all persons who contributed to the reserve.

(d) It was testified that the onion industry wishes to avail itself of the opportunity granted by recent amendments to the act which permit the establishment or provisions for establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions. Such authorization should be included in the proposed order.

Through the medium of research investigation, the committee could be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and other factors with respect to onions which would be of value in determining what regulations could be established, in accordance with the act and the proposed order, for the benefit of the onion industry in the production area. As the committee becomes more aware of the value and need for marketing research and development, other projects will undoubtedly be initiated, the need for which may not have been foreseen during the course of the hearing.

The committee should be empowered to engage in such projects (except advertising projects which are not permitted by the act), to spend assessment funds for them, and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by the lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies, such as State universities, and public and private agencies.

Prior to engaging in any such activities, the committee should of course submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for onions, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of onion shipments by grade, size, or quality, or any combination thereof, as authorized in the proposed order, provides a means of carrying out such policy.

The procedures and methods which are outlined in the proposed order for the development of marketing policies provide a practical basis for the committee to obtain appropriate and adequate information relating to onion marketing problems. As a prerequisite to making recommendations with respect to limitations of shipments in accordance with the proposed order, the committee should be required to consider and develop a marketing policy for the handling of onions.

A marketing policy should set forth the over-all plan of the committee for the orderly marketing of onions grown in the production area during the ensuing season, including, to the extent practical, the kinds of regulations that may be desirable. Such marketing policy should be made available to the Secretary and to producers and handlers prior to the beginning of each marketing season. It would thus enable growers and handlers to plan their operations in the light of the committee's marketing policy and the kinds of regulations that may become effective under the proposed order. It would also provide the Secretary with helpful information which should facilitate his consideration and appraisal of the recommendations of the committee for marketing regulations.

The factors set forth in the proposed order which the committee should take into consideration in developing its marketing policy are the factors usually taken into account by growers and handlers in their day-to-day, as well as seasonal, evaluations of the market outlook with respect to onions and provide a practical basis for the committee to obtain appropriate and adequate information relating to onion marketing problems.

In order that the Secretary may effectively carry out his responsibilities in connection with the proposed order, the committee should prepare, and submit to the Secretary, a report on its proposed marketing policy and, as thereafter warranted, amendments thereto, relating to the marketing of onions during such season.

Under certain conditions, the committee may be able to indicate, in its marketing policy, that it intends to recommend such regulations as may be necessary to prevent onions of certain qualities and sizes from entering fresh market channels. The marketing policy could also indicate such limitations as would regulate the grade and size of onions so as to bring to producers improved returns consistent with supply and demand, and to protect the interest of consumers by supplying a better quality and size of onions. In developing a marketing policy, the committee should investigate and give consideration to the then current, as well as anticipated, market prices of onions, including prices by variety, grade, size, and quality for different packs and for different types of containers, and to the volume of onions expected to be sold; also estimates by districts, in the production area, of the available supply of onions by varieties, and by grade, size, and quality; estimated shipments from competing areas; estimated supplies of competing commodities; and estimated harvesting and marketing costs for onions grown in the production area. The committee should, in addition, take into consideration the volume of onions moving from competing areas in determining to what extent regulations should be imposed and to what extent the market may react if the quantity of production area onions that is permitted to be handled is reduced by grade, size, and quality regulations. Also, other factors which may have an influence on the market price for onions, such as the trend and level of consumer income, should be considered by the committee.

The committee's marketing policy should be written in report form and should include not only the committee's proposals for the marketing season and why it has arrived at such conclusions, but also appropriate statistical data and other facts which it considered in arriving at the recommendations. Such report should be as complete as possible so that the Secretary and the industry may know what considerations were involved in the preparation of the marketing policy.

The initial marketing policy forwarded at the beginning of each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with recommendations for regulations. This should give all interested parties the maximum notice of probable regulations. Reports on marketing policies recommended by the committee should be submitted to the Secretary and made available to producers and handlers in the production area as a means of keeping them informed.

It is essential that the committee should be able to change its marketing policy as conditions and facts may warrant. This flexibility should tend to assure that the marketing policy for a particular season will be as up-to-date as possible. Onions are sensitive to weather conditions. If cold or wet weather, or both, should adversely affect the supply or quality of onions, the committee should be in a position to evaluate such facts as they may affect the supply and, in turn, the prices which growers may receive for their onion crop. If the committee finds it desirable and necessary to change its marketing policy, a revised or new marketing policy and report should be prepared by the committee and made available to producers and handlers and the Secretary. The committee should give the same publicity to each revised or new policy report as is given with respect to each initial report for a marketing season.

The Idaho-Eastern Oregon Onion Committee should, as the local administrative agency under the proposed order, be authorized to recommend such grade, size, and quality regulations, as well as any other regulations and amendments

thereto authorized by the proposed order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the proposed marketing program that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations, for promoting more orderly marketing conditions and increased growers' returns for production area onions. The committee should, therefore, have authority to recommend such regulations as are authorized by the proposed order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the suspension or termination of such regulations, as the situation warrants.

The proposed order authorizes the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which are necessary for the improvement of growers' returns and for the development of more orderly marketing conditions for production area onions. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation.

The grade, size, and quality of onions which are shipped at any particular time have a direct effect on returns to growers. It is a fact that poorer grades, and less desirable sizes, of onions marketed return lower prices than do better grades and sizes. It was testified that in some years the price generally received for U. S. No. 2 grade onions was only slightly more than the cost of packing, with little or no return to the grower to cover his costs of production and harvesting. A restriction, under the proposed order, of the shipment of onions of such low grade could result in higher returns for the better grades marketed by eliminating the price depressing effect of poor quality onions.

Excessive supplies of medium size onions of the yellow Sweet Spanish variety are quite often difficult to dispose of at a profitable return to the growers, especially because of the usual higher price differential in favor of the larger sizes. It would, therefore, be necessary that the lower grades and smaller size of this variety be kept off the market under such circumstances. Since size is such an important price factor in the marketing of onions, it is proper that the proposed order should include authority for the issuance of minimum size, maximum size, or a combination of both, when setting up regulations for the handling of onions.

Barring unforseen decreases in onion production, there is generally a sufficient volume of onions harvested in the production area so that the shipment of only the better grades, sizes, and qualities of onions to the fresh market could fill market demands. It is important, therefore, that the proposed order should provide authority for the committee to recommend, and the Secretary to issue, regulations governing the handling of onions so that only such grades, sizes, and qualities of onions may be shipped as could improve growers' returns and, at the same time, make available to consumers acceptable quality onions. Maturity is a factor of grade and, as such, would be included within the authority to regulate by grades. Due to the fact that conditions such as price, supply, and demand vary greatly with different varieties of onions, the authority should be flexible in order to permit different grade and size regulations by different varieties and also during any period.

It was testified at the hearing that onions produced in the production area are grown either from seed or as so-called transplanted onions. The latter onions are initially grown from seed for several months and later transplanted. Such transplanting usually occurs in the production area during the early spring about the same time as onion seeds are planted. The transplanted onions thus have an earlier harvesting time than onions grown from seed without subsequent transplanting. Generally, transplanted onions are marketed immediately after harvesting. This occurs during July and August and takes place much earlier than the harvest time of the bulk of production area onions. Most of these transplants contain a large percentage of seedstems or seeders (i. e., onions containing a seed stalk); and certain of these defects in any lot of onions to be inspected and certified under the United States Standards for Northern Grown Onions could prevent the onions from meeting the requirements of the U. S. grades. However, such condition does not adversely affect the demand for these onions when they are moved promptly into the market for fresh use following the harvest. Such onions usually command a premium price. It is, therefore, appropriate for the proposed order to contain authority whereby onions of such qualities could be permitted to be handled under a qualified grade and size requirement consonant with the supply and market demand. Hence, since the earliest shipments of onions during a marketing season nearly always are comprised of transplanted onions only, the initial regulation for the season, if one is to be made effective, could well be fixed at a level that would authorize the shipment of such grades, sizes, and qualities as could meet the market needs. As the season progresses, and the bulk of the onions grown directly from seed planted in the production area become available for marketing, the regulation could be amended, or terminated, as the situation may warrant, and be replaced by an amendment to the regulation or by a new regulation. In this way the degree and extent of regulation for a particular period of the marketing season could be so established as to tend to effectuate the declared policy of the act with respect to production area onions. Similarly, during remaining portions of the season, situations could arise which may require further consideration, and issuance if necessary, of additional amendments or new regulations. The proposed order should contain the requisite authority to accomplish these ends.

Adverse weather conditions may occur during a crop year in one portion of the production area and not in other portions of such area. This possibility is particularly true with respect to such hazards as hail, wind, and violent rain storms, all of which are beyond the control or reasonable expectation of onion growers. Because of these circumstances, and in order to provide equity among producers and handlers, authority should be provided in the proposed order to permit regulation in any or all portions of the production area, as well as differently for different portions of the production area, of onions handled thereunder. It is contemplated, however, that notwithstanding any relaxation of regulations for an adversely affected portion of the production area onions of the best quality available would be handled. The authority for such different regulations for onions grown in different portions of the production area would, and it was so urged at the hearing, adequately protect the equities of individual producers whose onions were damaged as a result of the adverse weather conditions. For this reason, it was not considered necessary that the proposed order contain any special provisions for granting exemptions to producers or handlers in hardship cases.

The proposed order should contain authority to regulate differently for different packs, This would assist the onion industry in the production area in its merchandising efforts to provide the most acceptable packs to enhance its reputation in the trade. It is a usual practice in the production area to prepare specific packs of onions for market. One such common pack is referred to as: 85% U. S. No. 1, 3 inch min., 50-lb. sacks. The onions in this pack are generally large, and packed to a minimum size with no maximum size limitation. Onions packed in the smaller, so-called consumer size packages such as those containing 5, 10, or 15 pounds are usually limited to onions ranging in size from 2 to 3 inches in diameter of a particular grade and quality. Onions sold for export shipment are sometimes packed in different containers and may be of different sizes and grades than onions shipped to the domestic trade.

Under certain circumstances it may be desirable to regulate shipments of onions differently for containers of different capacities on the basis of the particular grades and sizes which may be packed in such containers. Authority for such flexibility in regulations, included in the proposed order, would tend to effectuate the declared policy of the act.

In connection with the small size packages, it was testified at the hearing that a grade tolerance for defects which may be appropriate for the 50-lb. pack could present a problem when applied to a smaller container, in that only one defective onion in the smaller pack could cause the whole package to fail to meet grade requirements. Thus, the authority to regulate by packs could be used to modify the tolerances that would otherwise be applicable to a particular grade so as to facilitate the packing of the smaller containers which could meet grade and size requirements.

Small shipments, such as sales or shipments of one or a few bags of onions to friends or tourists, could present real operating problems if inspection thereof should be required. Moreover, if each such shipment had to comply with grade, size, and quality regulations, and assessments had to be paid with respect thereto, the cost of administrative supervision involved in enforcement could outweigh the advantages of required compliance. It may, therefore, be desirable to exempt such small or nuisance shipments from meeting grade, size, or quality requirements, or from mandatory inspection, or assessments, or any combination thereof, which could otherwise become unduly burdensome on handlers and producers. The committee should be authorized to recommend, and the Secretary to specify, minimum quantities which would be exempt from inspection, assessment, or grade and size regulations, or any combination thereof under the proposed order. Such authority would provide flexibility in administration and should be used in a practical manner to meet local needs and conditions. However, minimum quantity shipments exempted from regulations should not be of sufficient volume to adversely influence the market; and, in this connection, reports of such shipments by handlers could be of assistance to the committee and the Secretary.

(f) It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of onions. Although the bulk of the onion shipments from the production area are now made in 50-lb. capacity mesh bags (or 85 to 90-pound capacity burlap bags in the case of shipments to processors and repackers), some shipments are made in smaller packages of 5, 10, 15, and 25-pound capacities. It is also probable that new types and different sizes of containers may be developed, some of which may or may not be desirable from the standpoint of grower returns, for the packaging of production area onions. It was testified that certain practices could develop in connection with the use of such containers which would adversely affect growers' returns. An example of such practices is the packaging of 4½ pounds of onions to sell in competition with 5-pound packages at a lower price, The lower priced pack which the receiver or consumer does not perceive to be of a lesser quantity would tend to pull down the price of the 5-pound package. It was testified that there is the practice in the production area to pack 51 or 52 pounds of onions in a 50-pound capacity bag to allow for possible shrinkage. If a shipper were to pack 55 pounds in such a container and sell it without an increased price in order to gain an advantage over his competitors, such a practice could well be at the expense of the growers. The exercise of the authority to regulate containers would enable the committee and the Secretary to correct or preclude any such abuses which may develop and to prohibit the use of any undesirable or deceptive containers. This authority, however, should not be used to close the door on experimenting with new containers or to prevent the commercial use of any new or superior containers which may be developed.

(g) There are times, especially during harvest, when more onions are graded and loaded into cars than can be sold. in the main, these unsold cars are shipped as "rollers" (i. e., cars in transit that have not been sold and which are usually consigned to the shipper). Only a few days of heavy shipments of such rollers, accompanied by slow movement on the consuming end, results in glutted markets and depressed prices for production area onions. As a consequence, the market becomes demoralized and prices often drop below the cost of production, harvesting, and packing. Without some curtailment of shipments that bring supplies more in line with demand, there is little recovery from this condition. Past experience has proven that a substantial curtailment of loadings has resulted in fairly rapid market stabilization, and often in some market recovery.

It was testified at the hearing that the most practical approach to this problem, when the market is glutted, would be the establishment of a so-called "shipping holiday" which would completely stop additional shipments of onions from the production area for a short period of time. In practial effect, this would mean that the grading and packing sheds would be shut down; and grading, packing, loading, and billing would be temporarily discontinued. Such a holiday would permit the removal from the production area of all onions that were already loaded and billed, as well as facilitate the acceptance in the fresh market of unsold rollers. Since the purpose of a shipping holiday is to facilitate the disposition of production area onions that are already in the current of commerce and to prohibit the movement of additional quantities of unsold onions into fresh market channels until such disposition, any onions that had already been loaded and billed prior to the beginning of such holiday would in effect have already been placed in such channels. Therefore, all such loaded and billed onions should be permitted to be handled if they meet the then current applicable grade, size, and other requirements in effect under the proposed order.

The cleaning up of the local supplies and the rollers could thus tend to reduce the quantities of unsold onions to manageable proportions. The shipping holiday would thus restore confidence on the part of buyers and receivers that the glutted condition was over and tend to minimize serious losses to producers.

It was proposed that shipping holidays should be in effect either under glutted conditions, such as were experienced in the past, or on Saturdays and Sundays (over week-ends) so as to eliminate the preparation for market and loading of onions during such periods when receivers and other buyers in the terminal markets are not open for business. Most of the terminal markets are now operating on a five day week, while onion shippers in the production area are still working on a six, and sometimes on a seven, day week. A shipper in the production area is unable to contact many customers on a Saturday, and if he continues to grade, pack and load onions during the week-end, he finds himself on Monday morning with most of the week-end's loadings to sell in addition to those he will load on Monday. This causes a depressing effect on the market price for onions. The proposed order, therefore, should contain authority for shipping holidays in such circumstances and during such periods.

The proposed order should authorize shipping holidays to be declared by the Secretary pursuant to committee recommendations or other available information during week-ends or any other part of the week whenever circumstances warrant. Since a shipping holiday would thus stop the grading and packaging, as well as the loading and billing operations, only those shipments of onions that were already billed not later than the beginning of such holiday would be permitted. During the shipping holiday, however, there should not be any restriction against the sale of onions for future shipment or delivery. Neither should the prohibitions of the shipping holiday apply to any activity that is specifically excluded from the definition of the term "handle".

In order to prevent excessive shipments immediately following the holiday, and to encourage more orderly marketing, the proposed order should prohibit the shipment during, as well as after, the shipping holiday of any onions which were graded, packed, or loaded during the holiday period. This is necessary in order to prevent the accumulation in the production area of onion supplies during the holiday which could be dumped on the market immediately after the holiday thereby tending to minimize the benefits thereof.

The production area grows a large crop of onions which should be moved, to the extent practical, in an orderly fashion during its regular marketing period and while the onions are still in good condition. Hence, as a safeguard for the protection of production area growers and handlers from undue competition from other onion producing sections, as well as to achieve the orderly movement of the crop in good condition, the period of a shipping holiday should not exceed 96 consecutive hours; and there should be a period of not less than 72 hours, between Holidays, in which shipments can be made. A 96-hour period would not only aid greatly in cleaning up unsold, rolling cars and in establishing

confidence among the trade, but it also would be short enough to avoid causing deterioration to such onions as were graded and packed, but not billed, at the time the holiday became effective. The 72-hour period would be conveniently available for the shipment of such onions.

(h) It is not in the public interest to drop all regulations when the seasonal average price of onions exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, in terms of grades or sizes, or both, and such grading and inspection requirements, during any and all periods when the seasonal average price for onions may be above parity, as will effectuate such orderly marketing of production area onions as will be in the public interest. Some onions do not give consumer satisfaction because they are unacceptable in the market place. Consumers do not receive proper value for their expenditures for such onions, and even when prices are above parity it is not in the public interest, either of the producers or consumers, to permit shipments of certain off-quality, lower grades, and discounted sizes of onions. Such shipments displace good quality onions and could destroy the reputation of the production area for quality onions, thereby adversely affecting growers' returns. The proposed order should, therefore, contain authority for the establishment of such minimum standards of quality and maturity as will effectuate such orderly marketing of production area onions as will be in the public interest. It is necessary that such authority should include grading and inspection requirements so that compliance with such minimum standards may be determined whenever such regulations are in effect.

(i) The Secretary, upon the basis of recommendations and information submitted by the committee or upon the basis of other available information, should be authorized to establish special regulations, or to modify, suspend, or terminate, grade, size, quality, and other applicable regulations with respect to the handling of onions, to facilitate shipments of onions for purposes other than disposition in normal domestic fresh market channels.

Onions moving to, or sold in, certain outlets, such as those specified in § 1017.53 of the proposed order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, maturities, packs, or containers, than those required by the domestic fresh onion trade. The proposed order should provide authority for the committee and the Secretary to give appropriate consideration to the handling of onions for such outlets so that full opportunity may be taken, under relevant provisions of this program, to promote the tendency to increase total returns to onion producers in the production area.

Some export markets accept certain grades and sizes which normally are discounted in domestic markets. It should be provided that special regulations, or a modification, suspension, or termination of existing regulations, should be applied to the shipment of onions for export so that this demand can be met. This would result in augmented income for the total onion crop thereby tending to effectuate the declared policy of the act.

Shipments of onions for relief and other charitable purposes should also be given special consideration. Such shipments are intended for special outlets and are usually by way of donation to people in need, or in a disaster area, and, therefore, should be permitted to be made without limitation. Such shipments do not compete with fresh market shipments.

It is the practice in the production area to feed onions to livestock, mainly sheep, and this use provides a salvage outlet for culls and off-grades and offsizes of onions. The movement of such onions to livestock feeders within the production area for feeding to livestock should be permitted without restrictions since the committee would be able to maintain control and supervision of such movement conveniently and without any appreciable cost. Moreover, the value of such onions is too low to bear the cost of inspection and assessments. It would not be practical, however, to permit such free movement to points outside the production area unless some adequate supervision was imposed to assure that onions shipped for livestock feed were so used. Such supervision should be affected through the use of Certificates of Privilege, as hereinafter described. Similarly, since the shipment of onions for planting does not compete with commercial shipments for fresh market use, such handling also should be permitted to be made without restrictions but under proper safeguards.

The committee and the Secretary should have authority to give special consideration to onions which move to processing or other outlets. Shipments of onions for canning and freezing are exempted from regulation by the act, and shipments for dehydration are specifically exempted from regulation by the proposed order; however, it was testified at the hearing that shipments of onions for canning, freezing, or dehydration should be subject to reasonable and appropriate safeguards to assure that no improper diversion of such onions to fresh market channels will be made. The sole purpose of such safeguards for canning and freezing should be to assure the committee by means of reports or similar informational requirements that the onions shipped to such exempted outlets are, in fact, used as intended. No other regulation or restriction, such as is authorized for onions going to fresh market, is implied or intended.

The requirement in the proposed order that the Secretary shall notify the committee of each regulation and each modification, suspension, and termination thereof is appropriate and necessary to enable the committee to be informed of such actions. The committee's obligation to give reasonable notice by such means as it deems adequate, to inform producers and handlers of regulatory orders, with respect to the handling of onions, issued by the Secretary, is also appropriate and necessary for proper and efficient administration of the proposed order.

The authority for issuing special regulations or modifying, suspending, or terminating grade, size, quality, assessment, or inspection regulations with respect to shipments for special purposes should be accompanied by the additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to the provisions of such regulations. Such safeguards may be recommended by the committee and, upon approval by the Secretary, administered by the committee. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental to the proper and efficient administration of the proposed order. Such safeguards for special shipments under § 1017.53 may include requirements for: (1) Inspection so that the committee and the Secretary may be fully informed and have an accurate record of the grade, size, and quality of onions shipped to special outlets; (2) applications to make such special shipments; (3) payments of assessment in connection with such shipments; (4) reports by handlers on the number of such shipments and the amounts shipped; and (5) assurances by handlers, receivers, and processors that the onions are to be used for the purpose designated.

In order to maintain appropriate identification of shipments of onions to special outlets, such safeguards could require the prior application for, and issuance of, certificates of privilege to handlers of such onions. Certificates of privilege issued by the committee would serve not only as the authority for a handler to make such shipments but also as a means of identifying specific shipments. Such certificates of privilege should be issued in accordance with rules and regulations to be established, or approved, by the Secretary on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner which can be made known to all handlers and at all times be under the supervision of the Secretary. The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the proposed order which should include the authority to rescind or deny certificates upon evidence satisfactory to it that a handler to whom a certificate of privilege has been issued has handled onions contrary to the provisions of the certificate. If the committee rescinds or denies a certificate of privilege, such action should be in terms of a specified period of time. Handlers affected by the denial of a certificate or the rescinding of such a certificate should have the right of appeal to the committee for a reconsideration.

In order that the Secretary may retain all rights necessary to carry out the declared policy of the act, he should have

the right to modify, change, alter, or rescind any safeguards prescribed as well as any certificates of privilege issued by the committee. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain records relevant to safeguards and to certificates of privilege and should submit reports thereon to the Secretary when requested in order to supply pertinent information needed by him to discharge his duties under the act and the proposed order.

(j) Inspection of onions grown in the production area by the Federal-State Inspection Service is a common and usual practice for the purpose of determining officially the grade, size and quality of such onions. The Federal-State Inspection Service has operated in Idaho and eastern Oregon for many years. Under the State law in Oregon, all shipments of onions, including those grown in Malheur County, are required to be inspected, and during the past several years shipments of Malheur County onions have been so inspected. Although the State of Idaho does not make it mandatory that Idaho onions be inspected prior to shipment, approximately 80 percent of all such onion shipments have, in fact, been inspected for grade, size, and condition by the Federal-State Inspection Service at the request of the shippers.

Onion producers and handlers throughout the production area are well acquainted with the Federal-State Inspection Service and with the inspections which it offers on shipments of onions. Also, such inspection service is available throughout the entire production area and can be given at all points within the production area upon reasonable notice prior to shipment of the onions to be inspected.

Provision should be made in the proposed order for the inspection by the Federal-State Inspection Service, or by such other inspection service as the Secretary may approve, of onions grown in the production area whenever the handling of onions is regulated under the proposed order. In order to assure that onions will not be shipped without prior inspection in the event the Federal-State Inspection Service is not available to furnish the service, the Secretary should be authorized to designate an appropriate inspection service to perform the inspection. Thus, there should always be an authoritative means of establishing the grade, size, and quality of onion shipments.

Responsibility for obtaining inspection should fall on each person who handles onions. In this way, not only will the handler who first ships or handles onions be required to obtain inspection thereof, but also no subsequent handler may handle onions unless a properly issued inspection certificate, valid pursuant to the terms of the proposed order and applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments is inspected. Even if a handler should receive onions which have not been inspected, he should be responsible for having them inspected prior to his handling them.

Whenever any onions which have been inspected are later dumped from the containers in which they were inspected, such onions lose their identity insofar as the original inspection certificate issued for them is concerned. When any such onions should thereafter be repacked, regraded, or resorted, such onions take on a new identity; and any handling of such onions should comply with regulations issued under the proposed order. Hence, inspection of such onions should be required, as in the case of any other handling of onions, so as to effectuate the declared policy of the act and as a means of effecting compliance. The proposed order should, therefore, provide that any person who handles onions grown in the production area after they have been repacked, regraded, or resorted shall not handle such onions unless they were inspected prior to handling. Such inspection of repacked, regraded, or resorted onions is necessary so that the shipper thereof, as well as subsequent handlers, and the committee may determine if such shipments comply with the regulations then in effect and applicable thereto.

Although it is the general practice in the production area to load and ship onions promptly after inspection, which practice tends to preserve the identity of the inspected onions, there are instances when onions are inspected in a warehouse, for example, toward the end of a day and are loaded and shipped at a later time. It would be appropriate, in these circumstances, if the identity of these onions is to be preserved for later shipment of the lot, for such inspected onions to be properly identified by means of a seal, tag, or other identification on the individual containers, or master containers. The committee, with the approval of the Secretary, should be authorized by the proposed order to prescribe appropriate rules and regulations in that regard, and to procure and furnish such seals, tags, and other identification. This would enable a shipper to obtain inspection of onions in such unusual circumstances and thereafter ship them, within permitted time limits, without another inspection.

In view of the perishable nature of onions and their susceptibility to fairly rapid deterioration under certain conditions, the committee, with the approval of the Secretary, should be authorized to fix the length of time inspection certificates may be valid insofar as the requirements of the proposed order are concerned. This will assure, to the extent practical, that an inspection certificate properly reflects the grade, size, and quality of a particular lot of inspected onions at the time it is handled.

In order that the committee may carry out its duties under the order to determine that specific shipments of onions have been properly inspected and certified and also comply with other applicable regulations, it is necessary that the committee be supplied with appropriate evidence of each such shipment in the form of an inspection certificate.

(k) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the proposed order. It is difficult to anticipate every type of report or kind of information which the committee may require, but it should have the authority to request reports and information as needed, of the type set forth in the proposed order, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

Any reports and records submitted for committee use by handlers should remain under protective classification and be disclosed to none other than persons authorized by the Secretary.

Any reported information released to the industry should be on a composite basis, and no such release of information should diselose either the identity of handlers or their operations.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain complete records on their receipts, handling, and dispositions of onions for not less than two succeeding years.

(l) Except as provided in the proposed order, no handler should be permitted to handle onions the handling of which is prohibited pursuant to the proposed order; and no handler should be permitted to handle onions except in conformity with the proposed order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler, could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(m) The provisions of §§ 1017.70 through 1017.73 and §§ 1017.82 through 1017.91 as published in the FEDERAL REGISTER of May 29, 1956 (21 F. R. 3653), are common to marketing agreements and marketing orders now operating. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the proposed order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the act. The substance of such provisions should, therefore, be included in the proposed order.

General findings. Upon the basis of the evidence introduced in the hearing and record thereof, it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing

bear responsibility for determining that committee be supplied with appropriate in the production area, by establishing

and maintaining such orderly marketing conditions therefor as will tend to establish as prices to the producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The said marketing agreement and order authorize regulation of the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of onions grown in the production area; and

(5) All handling of onions grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon" and "Order Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER.

The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order, which will be published with this decision.

Dated: November 30, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon*

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§ 1017.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Caldwell, Idaho, on June 20–21, 1956, upon a proposed marketing agreement and a proposed marketing order regulating the handling of onions grown in Malheur County, Oregon, and in all counties south and southeast of the southern boundary of Idaho County in the State of Idaho. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all the terms and conditions hereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, (ii) and by protecting the interest of the consumer by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) This order regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms, applicable to different parts of the production

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is, therefore, ordered that on and after the effective time thereof, the handling of onions grown in Malheur County, Oregon, and in all counties south and southeast of the southern boundary of Idaho County in the State of Idaho, shall be in conformity to and in compliance with the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1017.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1017.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047).

§ 1017.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1017.4 *Production area.* "Production area" means all territory included within the boundaries of the County of Malheur in Oregon, and all counties south and southeast of the southern boundary of Idaho County in the State of Idaho.

§ 1017.5 *Onions.* "Onions" means all varieties of onions grown, or which may be grown, within the production area.

§ 1017.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of onions owned by another person) who handles onions.

§ 1017.7 *Handle.* "Handle" is synonymous with "ship" and means to sell or transport onions, or cause onions to be sold or transported, within the production area or between the production area and any point outside thereof. Except as otherwise provided in §§ 1017.56 and 1017.65, this definition of "handle" shall not be applicable to onions that are transported within the production area for grading or storing therein, or to onions that are transported or sold to commercial dehydrators for processing by such dehydrators into dehydrated onion products.

§ 1017.8 *Grading.* "Grading" is synonymous with "prepare for market" and means the sorting or separation of onions into grades and sizes for market purposes.

§ 1017.9 *Grade and size.* "Grade" means any of the officially established grades of onions, and "size" means any of the officially established sizes of onions, as set forth in:

(a) The United States Standards for Northern Grown Onions (21 F. R. 6251), or amendments thereto, or modifications thereof, or variations based thereon; and

(b) Any other United States Standards, or State of Idaho or Oregon Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon.

The term "size" also includes any of the sizes recognized by the onion trade in the production area.

§ 1017.10 *Producer.* "Producer" means any person engaged in the production of onions for market.

§ 1017.11 *Committee.* "Committee" means the Idaho-Eastern Oregon Onion Committee established pursuant to § 1017.20.

§ 1017.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 1017.13 *Variety or varieties.* "Variety" or "varieties" means and includes all classifications of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1017.14 *Export.* "Export" means shipment of onions beyond the boundaries of continental United States.

§ 1017.15 *District.* "District" means each of the geographical divisions of the production area initially established or as reestablished pursuant to § 1017.27.

§ 1017.16 *Pack.* "Pack" means a quantity of onions in any type of container and which falls within specific weight limits or within specific grade or size limits, or both, as may be recommended by the committee and approved by the Secretary.

§ 1017.17 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, or any other type of receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

ADMINISTRATIVE COMMITTEE

§ 1017.20 *Establishment and membership.* (a) The Idaho-Eastern Oregon Onion Committee consisting of ten members, of whom six shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or inability to act, and shall perform other duties as assigned. In the event of the death, removal, resignation or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1017.21 *Procedure.* (a) Seven members of the committee shall be necessary to constitute a quorum and seven concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for voting by telephone, telegraph, or other means of communication and any such vote shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 1017.22 *Selection.* The Secretary shall select the producer and handler members and alternates from the nominee lists submitted pursuant to this part or from among other eligible persons.

(a) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer, or an officer or employee of a producer, in the district for which selected.

(b) Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler, or an officer or employee of a handler in the portion of the production area for which selected.

(c) The Secretary shall select one producer member of the committee, and alternate, from each of the districts established, or reestablished, pursuant to § 1017.27. The Secretary shall also select one handler member of the committee, and his alternate, from the Idaho portion of the production area and one member and his alternate from Malheur County, Oregon, and two handler members, and their respective alternates, from the production area-at-large.

(d) Each person selected by the Secretary as a committee member or alternate shall qualify by filing a written acceptance promptly with the Secretary.

§ 1017.23 *Term of office.* (a) The term of office of committee members and alternates shall be for two years beginning on the first day of June and continuing through May 31. The terms of office of members and alternates shall be so determined that one-half of the total committe membership shall terminate each May 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1017.24 *Powers.* The committee shall have the folowing powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1017.25 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal period, or as soon thereafter as practicable, to meet and organize, to select a

chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to onions, and to engage in such research and service activities which relate to the handling or marketing of onions as may be approved by the Secretary;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its proposed expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request; and the report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information, with other onion marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

§ 1017.26 *Expenses and compensation.* Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and in addition, may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business: *Provided,* That at its discretion the committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 1017.27 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1 (Emmett, Payette, Weiser Area): All territory within the boundaries of Washington, Payette and Gem Counties, in Idaho.

District No. 2 (Oregon Slope): All territory within a boundary following the Snake River northwesterly from its junction with the Malheur River, to the west line of Range 46E; thence south along said west line to the south line of Township 17S, and thence east along said south line to its junction with the Malheur River, and thence northeasterly along the Malheur River to the junction with the Snake River, the point of beginning.

District No. 3 (Ontario, Vale, Jamieson, Brogan): All territory within a boundary starting at the junction of the Malheur River with the Snake River and extending southwestward along the Malheur River to its junction with the south line of Township 17S, E. W. M.; thence westward along this line to its junction with the west line of Range 46E; thence north along this line to its junction with the Snake River; thence northwest along the Snake River to its junction with the north boundary of Malheur County; thence west along the north boundary of Malheur County to the west boundary of the county; thence south along the west boundary of Malheur County to its intersection with the south line of Township 20S; thence east along this line to its junction with the Hyline Canal and Siphon; thence northeast along the Hyline Canal to its intersection with Highway 20; thence east along Highway 20 to Cairo Junction; thence south ⅛ mile to the junction of Highway 20 to Oregon Avenue; thence east along Oregon Avenue to its termination at the Snake River; thence north along the Snake River to its junction with the Malheur River, the point of beginning.

District No. 4 (Nyssa-Adrian): All the area of Malheur County, Oregon, south of District No. 3.

District No. 5 (Parma, Wilder, Nampa, and Notus Area): Canyon County, Idaho.

District No. 6 (Homedale, Marsing, Meredian, Melba, Mountain Home, Glenns Ferry and Twin Falls Area): All counties in the Idaho portion of the production area not included within Districts Nos. 1 and 5.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That in recommending any such changes in districts or representation, the committee shall give consideration to: (1) The relative importance of new producing sections; (2) changes in the relative position of existing districts with respect to onion production; (3) the geographic location of areas of production as they would affect the efficiency of administering this part; (4) other relevant factors: *Provided, further,* That there shall be no change in the total number of committee members or in the total number of districts.

§ 1017.28 *Nominations.* Nominations from which the Secretary may select the members of the Idaho-Eastern Oregon Onion Committee and their respective alternates may be made in the following manner:

(a) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, one or more meetings of producers and of handlers in each of the districts, or portions of the production area, in which the then current terms of office will expire the following May 31;

(b) In arranging for such meetings the committee may, if it deems desirable, cooperate with existing organizations and agencies and may combine its meetings with others;

(c) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal period;

(d) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(e) Each person who is both a handler and a producer may vote either as a handler or as a producer and may select the group in which he will vote; and

(f) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his partners, agents, subsidiaries, affiliates and representatives, in designating nominees for committee members and alternates. In the event a person is a producer engaged in producing onions in more than one district, such person shall select the district within which he may participate as aforesaid in designating nominees. Similarly, a person who is a handler both in Malheur County, Oregon, and in the Idaho portion of the production area, may select either Malheur County or the Idaho portion of the production area in which to cast his vote for the applicable committee handler member and alternate. Each such handler shall also be entitled to cast his vote for the committee member and alternate to represent the production area-at-large. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit such voter to cast one vote for each member and alternate position to be filled in the respective district or portion of the production area, as the case may be, in which he elects to vote.

§ 1017.29 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 1017.28, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 1017.30 *Vacancies.* To fill any vacancy occasioned by the failure of any person, selected as a committee member or alternate, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 1017.28, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district or portion of the production area, as the case may be, that is involved, or from other eligible persons. If the names of nominees to fill any such vacancy are not made

available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 1017.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of such handler's onion shipments inspected pursuant to this part that are handled by him as the first handler thereof during a fiscal period, and the total quantity of such onions handled by all handlers as first handlers thereof during the same period.

§ 1017.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee shall recommend to the Secretary a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report thereon showing the basis for its calculations and recommended rate.

§ 1017.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 1017.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who handles onions as the first handler thereof which are inspected pursuant to this part shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all onion shipments inspected pursuant to this part during such fiscal period.

§ 1017.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including, but not being limited to, books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in each such successor, agency, or person as may be designated by the Secretary the right to all of such property and funds and all claims vested in such person.

(c) The committtee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, and any other committee property during periods of suspension of this part, or during any periods when regulations are not in effect; and, if the Secretary determines such action appropriate, he may direct that such person or persons shall so act as trustee or trustees.

§ 1017.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as provided in this section. Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him. However, the Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee, *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall, to the extent practical, be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1017.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions.

REGULATION

§ 1017.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of onions. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for onions. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for onions, including prices by variety, grade, size, and quality, and by different packs;

(2) Supply of onions by grade, size, quality, and variety in the production area and in other onion producing sections;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for onions;

(5) Orderly marketing of onions as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy; and the committee shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare an amended or revised marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 1017.51 *Recommendations for regulations.* The committee shall recommend regulations to the Secretary whenever it finds that such regulations as provided in § 1017.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of onions for the purposes authorized in § 1017.53. The committee may also recommend amendment, modification, termination, or suspension of any regulation issued under this part.

§ 1017.52 *Issuance of regulations.* (a) Except as otherwise provided in this part, the Secretary shall limit the shipment of onions by any one or more of the methods hereinafter set forth whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, or qualities of any or all varieties of onions, or combinations thereof, during any period or periods;

(2) Regulate the handling of particular grades, sizes, or qualities, of onions differently, for different varieties, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period or periods;

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or

pose of selecting committee members, portions of the production area, in which to fill any such vacancy are not made

and disbursements, funds, property, or keting of onions. In developing its dimensions, or pack of the container, or

containers, which may be used in the packaging or handling of onions;

(4) Regulate the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(5) Limit the shipment of the total quantity of onions by prohibiting the handling thereof during a specified period or periods. No regulation issued pursuant to this subparagraph shall be effective for more than 96 consecutive hours: *Provided*, That not less than 72 consecutive hours shall elapse between the termination of any such period of prohibition and the beginning of the next such period.

(b) In the event the handling of onions is regulated pursuant to paragraph (a) (5) of this section, no handler shall handle any onions which were prepared for market or loaded during the effective period of such regulation. However, during any such period, no such regulation shall be deemed to limit the right of any person to sell or contract to sell onions for future shipment or delivery.

(c) The Secretary may amend any regulation issued under this part whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation or amendment thereof whenever he finds that such regulation or amendment obstructs or no longer tends to effectuate the declared policy of the act.

§ 1017.53 *Handling for specified purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary shall issue special regulations, or modify, suspend, or terminate requirements in effect pursuant to §§ 1017.42, 1017.52, 1017.60, or any combination thereof, in order to facilitate the handling of onions for the following purposes whenever he finds that to do so will tend to effectuate the declared policy of the act:

(a) Shipments of onions for export;

(b) Shipments of onions for relief or to charitable institutions;

(c) Shipments of onions for livestock feed;

(d) Shipments of onions for planting; and

(e) Shipments of onions for other purposes which may be specified.

§ 1017.54 *Minimum quantities.* The committee, with the approval of the Secretary, may establish minimum quantities below which onion shipments will be free from the requirements in, or pursuant to, §§ 1017.42, 1017.52, 1017.53, 1017.60, or any combination thereof.

§ 1017.55 *Notification of regulations.* The Secretary shall notify the committee of each regulation issued, and of each amendment, modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1017.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent onions shipped,

(1) Pursuant to § 1017.53 or § 1017.54; or

(2) To commercial dehydrators for processing by such dehydrators into dehydrated onion products,

from entering channels of trade for other than the purpose authorized therefor.

(b) The committee, with the approval of the Secretary, may also prescribe rules and regulations governing the issuance, and the contents, of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall first file applications with the committee to ship such onions;

(2) Handlers shall obtain inspection provided by § 1017.60, or pay the pro rata share of expenses provided by § 1017.42, or both, in connection with such onions; and

(3) Handlers shall obtain Certificates of Privilege from the committee prior to effecting the particular onion shipment.

(c) The committee may rescind any Certificate of Privilege, or refuse to issue any Certificate of Privilege to any handler if proof is obtained that onions shipped by him for the purposes stated in the Certificate of Privilege were handled contrary to the provisions of this part.

(d) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of onions covered by such applications, the number of such applications denied and certificates granted, the quantity of onions handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1017.60 *Inspection and certification.* (a) During any period in which shipments of onions are regulated pursuant to this subpart, no handler shall handle onions unless such onions are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to §§ 1017.53, 1017.54, or both.

(b) Regrading, resorting, or repacking any lot of onions shall invalidate prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship onions after they have been regraded, resorted, repacked or in any other way further prepared for market, unless such onions are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Upon recommendation of the committee, and approval of the Secretary, all onions that are required to be inspected and certified in accordance with this section, shall be identified by appropriate seals, stamps, tags, or other identification to be furnished by the committee and affixed to the containers by the handler under the direction and supervision of the Federal-State, or Federal inspector, or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When onions are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

REPORTS

§ 1017.65 *Reports.* Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of onions received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such onions; and (4) identification of the inspection certificates relating to the onions which were handled pursuant to §§ 1017.53 and 1017.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the onions received, and of onions disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

EFFECTIVE TIME AND TERMINATION

§ 1017.70 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1017.71 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever

he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production for market of onions: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such onions produced for market, but such termination shall be effective only if announced on or before May 31 of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1017.72 *Proceeding after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession, or under control, of the committee, including claims for any funds unpaid and property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1017.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart; (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

MISCELLANEOUS PROVISIONS

§ 1017.81 *Compliance.* No handler shall handle onions the handling of which has been prohibited or otherwise limited by the Secretary in accordance with provisions of this part; and no handler shall handle onions except in conformity to the provisions of this part.

§ 1017.82 *Right of the Secretary.* The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1017.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1017.84 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1017.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1017.86 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 1017.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1017.88 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 56-9972; Filed, Dec. 5, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 44]

PUBLIC INSPECTION OF ACCEPTED OFFERS IN COMPROMISE; REFILLING OF LIQUOR BOTTLES

Pursuant to the authority conferred upon me as Commissioner of Internal Revenue, it is hereby ordered:

1. *Scope.* For each offer in compromise submitted and accepted on or after the effective date of this order, pursuant to section 7122 of the Internal Revenue Code of 1954 in any case arising under sections 5641 and 5643 of the 1954 Code, relating to refilling of liquor bottles, a copy of the Abstract and Statement relating to the offer shall be available for public inspection for a period of one year in the office of the Assistant Regional Commissioner (Alcohol and Tobacco Tax) accepting the offer.

2. *Limitations.* Information shall not be disclosed concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential statistical data, amount or source of income, profits, losses, or expenditures, or any other matter within the prohibition of Title 18, U. S. C., section 1905.

Issued: November 21, 1956.

Effective date: December 21, 1956.

[SEAL] RUSSELL C. HARRINGTON, *Commissioner.*

[F. R. Doc. 56-9986; Filed, Dec. 5, 1956; 8:49 a. m.]

Office of the Secretary

[Treasury Dept. Order 167-27; CGFR 56-46]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTION WITH RESPECT TO ISSUANCE OF TRUE AND CERTIFIED COPIES OF SHIPPING ARTICLES

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp. Ch. III), there is transferred to the Commandant, U. S. Coast Guard, the function of issuing true and certified copies of shipping articles containing the names of the crews of vessels bound on foreign voyages from ports of the United States, as provided in section 4575 of the Revised Statutes, as amended (46 USC 676).

The Commandant may make provision for the performance by subordinates in the Coast Guard of the function transferred.

Dated: November 27, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-9985; Filed, Dec. 5, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CABBAGE

NOTICE OF PURCHASE PROGRAM XMP 45a

In order to encourage domestic consumption of cabbage by diversion from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a cabbage purchase program was made effective on October 16, 1956, and will continue as needed but no later than December 31, 1956. Purchases under this program will be made in producing areas where surpluses are causing serious marketing problems. Cabbage so purchased will be distributed to nonprofit school lunch programs and other eligible outlets. The quantity to be purchased will depend upon marketing conditions at the time of purchase, the availability of outlets for the use of cabbage without waste, and upon the amount of funds available for such purchases. Information relative to this purchase program may be obtained from: Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

Dated: December 3, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10000; Filed, Dec. 5, 1956; 8:51 a. m.]

Office of the Secretary

KANSAS AND TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; and the President determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on November 26, 1956, to be affected by the above-mentioned major disasters:

KANSAS

Garfield, Rock Creek, Wilmington and Plum Townships of Webaunsee County.

TEXAS

GALVESTON

That part of Liberty County which lies north of the timber belt that is north of Dayton.

Done at Washington, D. C., this 30th day of November 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-9973; Filed, Dec. 5, 1956; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 121]

NEVADA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 160 acres in Washoe County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 19 E., Sec. 34, SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or drawing with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 28, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (2).

E. R. GREENSLET,
State Supervisor.

NOVEMBER 27, 1956.

[F. R. Doc. 56-9960; Filed, Dec. 5, 1956; 8:46 a. m.]

[Classification No. 122]

NEVADA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 160 acres in Washoe County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 20 E., Sec. 34, S½SE¼, NE¼SE¼, SE¼NE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or drawing with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 28, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (2).

E. R. GREENSLET,
State Supervisor.

NOVEMBER 27, 1956.

[F. R. Doc. 56-9959; Filed, Dec. 5, 1956; 8:45 a. m.]

[Classification No. 123]

NEVADA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 305.32 acres in Washoe County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 20 E., Sec. 30, Lots 1 and 2 of NW¼, NE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or drawing with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 28, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (2).

E. R. GREENSLET,
State Supervisor.

NOVEMBER 27, 1956.

[F. R. Doc. 56-9958; Filed, Dec. 5, 1956; 8:45 a. m.]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 29, 1956.

1. Plats of survey of the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a. m. on January 4, 1957:

FAIRBANKS MERIDIAN

T. 10 S., R. 11 E.,
Secs. 19, 28, and 29;
Sec. 30—Lots 1 through 9 inclusive, 9A, 10, 10A, Lots 11 through 24 inclusive, E½NW¼NE¼NE¼, E½E½NE¼, NE¼NE¼SE¼, S½SE¼SE¼SE¼;
Sec. 31—Lots 1 through 16 inclusive, E½E½E½;
Secs. 32, 33 and 34.
T. 11 S., R. 10 E.,
Secs. 27, 28, 33, and 34.
T. 11 S., R. 11 E.,
Secs. 1, 2, 3, 4, 10, 11, 12, and 13.
T. 12 S., R. 10 E.,
Secs. 3, 4, 9, 10, 14, 15, 16, 22, 23, 26, 27, 34, and 35.
T. 12 S., R. 11 E.,
Secs. 1, 2, 3, 4, 10, 11, 12, and 13.
T. 12 S., R. 10 E.,
Secs. 3, 4, 9, 10, 14, 15, 16, 22, 23, 26, 27, 34, and 35.

2. The above lands lie in the vicinity of Buffalo Center (Delta Junction), Alaska, southerly along the Richardson Highway and southeasterly along the Alaska Highway. The area is about 100 miles southeast of Fairbanks. In general, the lands are level to gently sloping bench land and the major vegetative cover is a mixed stand of young birch, aspen, spruce and tamarack. There are scattered areas of poorly drained muskeg throughout, but particularly in T. 10 S., R. 11 E., and T. 11 S., R. 11 E. Portions of the land may be suitable for agricultural purposes.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on January 4, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 28, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on February 28, 1957 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veteran's preference rights under Paragraph 3 (2) above must submit with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands, which shall be filed in the land office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

6. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, P. O. Box 110, Fairbanks, Alaska.

ROBERT L. JENKS,
Acting Manager.

[F. R. Doc. 56-9999; Filed, Dec. 5, 1956; 8:51 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Fairbanks 013469, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for a maneuyer site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CHENA RIVER

A parcel of land situated approximately 20 miles northeast of Fairbanks, in the Fourth Judicial Division, Territory of Alaska. Said parcel being more particularly described as follows:

Commencing at the corner common to the southeast corner Section 24 and northeast corner Section 25, Township 1 North, Range 2 East, Fairbanks Meridian, Alaska; thence due east 3.00 miles to a point and the True Point of Beginning for this description; thence North 7.40 miles, more or less, to a point on the 65°00' North Latitude line; thence East 18.50 miles, more or less, along said Latitude line to a point of intersection with the 146°30' West Longitude line; thence South 5.52 miles, more or less, along said Longitude line to a point that is one-fourth mile north of an existing sled road traversing in an easterly and westerly direction, north of the Chena River; thence in a southwesterly direction, one-fourth mile north of and generally following the main sled roads, for a distance of 20.50 miles, more or less, to a point that is South 2.12 miles, more or less, from the Point of Beginning; thence North 2.12 miles, more or less, to the Point of Beginning.

The above described parcel of land contains 85,200.00 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-9951; Filed, Dec. 5, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Public Roads has filed an application, Serial No. Fairbanks 013138, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws, but excluding grazing.

The applicant desires the land for erosion control purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 4 S., R. 4 E., Fairbanks Meridian,
Sec. 30: That part of U. S. Survey No. 2285 lying West of the right-of-way limits of the Richardson Highway.

Containing 6.06 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-9952; Filed, Dec. 5, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Fairbanks 013539, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for communication facility purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FORT YUKON AREA

PARCEL NO. 1

Commencing at USGS Station "Fort Yukon" W. B. A. Z. M. K., latitude 66°33'39.313" North, longitude 145°12'34.927" West; thence N. 77° 00' W. for a distance of 2,100.00 feet to the True Point of Beginning of Parcel No. 1; thence West 500 feet; thence North 250 feet, more or less to the south right-of-way line of the access road; thence S. 73° 04' E. parallel to and along the above mentioned south right-of-way line for a distance of 522.66 feet; thence South 110 feet, more or less to the True Point of Beginning and containing 2.97 acres, more or less.

PARCEL NO. 2

Commencing at USGS Station "Fort Yukon" W. B. A. Z. M. K., latitude 66°33'39.313" North, longitude 145°12'34.927" West; thence N. 77° 00' W. for a distance of 2,100.00 feet to a point; thence North 172.72 feet to the True Point of Beginning for Parcel No. 2; thence N. 73° 04' W, 522.66 feet along the north right-of-way of the access road; thence North 192 feet, more or less; thence East 500 feet; thence South 327 feet, more or less to the True Point of Beginning and containing 2.06 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-9953; Filed, Dec. 5, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Anchorage 032461, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for an Air Force Station Withdrawal.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

TAZLINA AREA

Commencing at USC & GS Triangulation Station, "Tolsona" at latitude N. 62°06'17" and longitude W. 146°10'20", west 1,500 feet to the point of beginning, thence due north 3,000 feet, thence east 3,000 feet, thence south 3,500 feet, thence west 3,000 feet, thence north 500 feet to the point of beginning, comprising an acreage of approximately 241 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-9954; Filed, Dec. 5, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands has filed an application, Serial No. Anchorage 033231, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the mining laws, but excepting mineral leasing and the disposition of material under the Materials Act.

The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

LANDMARK GAP LAKE

From the point of beginning at approximately 63°06'20" N., 146°04'34" W., being the point of the peninsula, thence southeasterly along the shoreline 10 chains, thence 2 chains easterly, thence 15 chains northerly, thence approximately 2 chains westerly to the shore, thence approximately 10 chains southwesterly along the shore to the point of beginning. Containing approximately 7 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-9955; Filed, Dec. 5, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands has filed an application, Serial No. Anchorage 033230, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the mining laws, but excepting mineral leasing and the disposition of materials under the Materials Act.

The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GULKANA RIVER

Beginning on the west bank of the Gulkana River at the confluence of the Middle Fork (Gulkana River) and the Gulkana River, thence southerly along the Gulkana River for a distance of 15 chains, thence easterly 15 chains, thence northerly approximately 48 chains to the south bank of the Gulkana River, thence downstream along the southern and eastern bank of the Gulkana River approximately 50 chains to the point of the beginning, containing approximately 95 acres.

A strip with a width of 5 chains extending along the south bank of the Gulkana River from the northeastern corner of the above described site to a point immediately south of Huffman's cabin on the outlet of Paxson Lake, containing 80 acres more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-9956; Filed, Dec. 5, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands has filed an application, Serial No. Fairbanks 013618, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the mining laws, but excepting mineral leasing and the disposition of material under the Materials Act.

The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

RICHARDSON HILL CANYON AREA

T. 7 S., R. 6 E., Fairbanks Meridian, Sec. 24: Lots 5 and 11, containing 15.35 acres.

SHAW CREEK AREA

T. 8 S., R. 9 E., Fairbanks Meridian, Sec. 26: Lot 11, containing 6.92 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-9957; Filed, Dec. 5, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands has filed an application, Serial No. Anchorage 033232, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and mining laws, but excepting mineral leasing and the disposition of materials under the Materials Act.

The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

STEPHAN AND SEVENMILE LAKE AREA

TRACT A

From the point of beginning at MC1, being a point of land marked by a 10" birch marked PSSWCMC1, thence S 18° E .15 chains, thence S 41° 30' E 2.41 chains, thence N 45° E 4.15 chains, thence N 50° W 2.82 chains, thence N 10° W 2.61 chains, thence N 16° E 1.85 chains, thence N 19° W 1.52 chains, thence N 72° W 1.73 chains, thence S 71° W 1.65 chains, thence S 52° W 1.55 chains, thence S 18° E 8.18 chains, to the point of beginning, containing approximately 3.87 acres.

TRACT B

From the point of beginning at MC1, being a point of land marked by a 8" spruce marked PSSWCMC1, thence S 77° E .15 chains, thence S 13° W. 3.50 chains, thence S 36° W 1.55 chains, thence S 59° W 2.12 chains, thence S 70° 15' W 2.72 chains, thence N 18° W 5 chains, thence N 40° E 3.85 chains, thence S 77° E 5 chains, to the point of beginning, containing approximately 3.69 acres.

TRACT C

From the point of beginning at MC1, being a point of land marked by a 6" spruce marked PSSMC1, thence N 74° E, 4.55 chains, thence N 85° E, .73 chains, thence S 54° E, .89 chains, thence S 32° E, 2.21 chains, thence S 22° E, 2.53 chains, thence S 66° W, 5.27 chains, thence N 31° 45' W, 6.25 chains, to the point of beginning, containing approximately 3.12 acres.

TRACT D

From the point of beginning at MC1, being a point of land marked by an 8" spruce marked PSSWCMC1, thence N 46° 30' E, .33 chains, thence S 65° E, 1.68 chains, thence S 72° 30' E, 1.56 chains, thence S 45° E, 1.12 chains, thence S 3° E, 1.83 chains, thence S 36° W, 2.18 chains, thence S 25° W, 1.91 chains, thence S 59° W, 2.85 chains, thence S 53° W, 2.83 chains, thence S 61° W, 2.36 chains, thence N 42° W, 5 chains, thence N 46° 30' E, 11.48 chains, to the point of beginning, containing approximately 7.14 acres.

Aggregating approximately 17.82 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-9961; Filed, Dec. 5, 1956; 8:46 a. m.]

Office of the Secretary

[Order 2818]

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

DELEGATION OF AUTHORITY TO NEGOTIATE A PROFESSIONAL ENGINEERING SERVICE CONTRACT

NOVEMBER 29, 1956.

The Administrator, Southwestern Power Administration is authorized to exercise the authority delegated by the Administrator of General Services, on November 23, 1956, to the Secretary of the Interior, for the period ending June 30, 1957, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.), a professional engineering service contract for topography, alignment, and land ties for a 29 mile 69 kv transmission line and associated terminal facilities from Southwest City, Missouri, to Bentonville, Arkansas, as authorized by Title II of the Public Works Appropriation Act, 1957, approved July 2, 1956, Public Law 641, 84th Congress, 2d Session (70 Stat. 474). This delegation of authority shall be subject to all provisions of Title III of the Federal Property and Administrative Services Act with respect to negotiated contracts, and to all other provisions of law.

F. E. WORMSER,
Acting Secretary of the Interior.

[F. R. Doc. 56-9962; Filed, Dec. 5, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN L. CROSS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of August 11, 1956, 21 F. R. 6048.

A. Deletions: None.
B. Additions: None.

This statement is made as of November 15, 1956.

JOHN L. CROSS.

NOVEMBER 15, 1956.

[F. R. Doc. 56-9976; Filed, Dec. 5, 1956; 8:47 a. m.]

ORVILLE K. SCHMIED

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 30, 1956, 21 F. R. 4894.

A. Deletions: South Park Development Company.
B. Additions: None.

This statement is made as of November 29, 1956.

ORVILLE K. SCHMIED.

NOVEMBER 29, 1956.

[F. R. Doc. 56-9977; Filed, Dec. 5, 1956; 8:47 a. m.]

GEORGE A. SANDS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. George A. Sands.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 8, 1956.
4. Title of position: Consultant (Ferro-Alloys).

5. Name of private employer: Electro Metallurgical Division, Union Carbide & Carbon Corporation, 30 E. 42nd Street, New York, New York.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 30, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Union Carbide & Carbon Corp.
Massachusetts Investment Trust
Canada General Fund
Pennroad Corp.
E. I. du Pont de Nemours & Co.
General Motors Corp.
Pennsylvania Railroad Co.
Curtiss-Wright Corp.
Bendix Aviation Corp.
Atlantic Refining Co.
Bank Deposits

GEORGE A. SANDS.

NOVEMBER 29, 1956.

[F. R. Doc. 56-9975; Filed, Dec. 5, 1956; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11735; FCC 56M-1099]

NEVADA TELECASTING CORP. (KAKJ)

ORDER CONTINUING HEARING CONFERENCE

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada; Docket No. 11735.

On the oral request of counsel for the parties: *It is ordered*, This 30th day of November 1956, that the further prehearing conference now scheduled for December 3, 1956, is continued to Tuesday, January 8, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9992; Filed, Dec. 5, 1956; 8:50 a. m.]

[Docket No. 11821; FCC 56-1176]

GOOD MUSIC STATION, INC., AND RKO TELERADIO PICTURES, INC.

MEMORANDUM OPINION AND ORDER STATING ISSUES

In the matter of The Good Music Station, Inc. (Assignor), and RKO Teleradio Pictures, Inc. (Assignee), Docket No. 11821, File Nos. BAPL-114, BALH-236; for assignment of license and construction permit of Station WGMS, Bethesda, Maryland, and license of Station WGMS-FM, Washington, D. C.

1. The Commission has before it for consideration (a) the Commission's Memorandum Opinion and Order released September 13, 1956 (FCC 56-870, Mimeo No. 35755), designating the above entitled applications for oral argument; (b) the transcript of oral argument and briefs of the parties filed pursuant to the Commission's order; and (c) the Commission's Memorandum Opinion and Order released November 1, 1956 (FCC 56-1051, Mimeo No. 37451), ordering an evidentiary hearing to be held upon issues and at a time and place to be specified in a later order.

2. The factual background of this proceeding has been stated fully in the Commission's Memorandum Opinion and Order released September 13, 1956, supra. In brief, the above-entitled applications were granted without a hearing on July 18, 1956; a protest of the grant was filed on August 17, 1956 by Lawrence M. C. Smith, a minority stockholder of Assignor; as a result of Smith's protest, the Commission, by its Order of September 13, 1956, supra, designated the above-entitled applications for oral argument to determine whether "* * * if the facts alleged in the protest were to be proven, grounds have been presented for setting aside the grant * * *"; oral argument was held before the Commission en banc on October 1, 1956; and the Commission thereafter, by its Memorandum Opinion and Order released November 1, 1956, found that certain of the facts alleged, if proved, could provide grounds for setting aside the grant. An evidentiary hearing was, therefore, ordered to be held on issues to be specified in a subsequent Order.

3. Protestant's allegations in this proceeding, as indicated by the pleadings and the oral argument, resolve themselves basically into (a) an attack upon the character qualifications of M. Robert Rogers, a majority stockholder of Assignor, which attack is based on an assertion that Rogers' acts in negotiating an assignment of WGMS and WGMS-FM to RKO Teleradio Pictures, Inc. were a fraud upon the Assignor and upon Protestant and (b) an averment that Assignor, having represented to the Commission in support of its 1954 application to increase power and hours of operation (BP-8769) that the then existing "good music" format would be retained over Station WGMS, assigned the license and construction permit to RKO Teleradio Pictures, Inc., and that RKO proposes to abandon the "good music" format for Station WGMS, though retaining it for WGMS-FM; and that this material alteration of program format, considered in the light of Assignor's prior representation, affects the public interest.

4. The Commission is not a proper forum for settling private disputes. Where, however, as in this proceeding, allegations of fraud are made which bear upon the character qualifications of one who seeks Commission approval for an act involving a broadcast facility, the private dispute may become cognizable as impinging upon the public interest. In a like manner, the Commission, though in no sense purporting to dictate program content or to impose business judgments, is confronted also with an allegation that misrepresentations may have been made to it in the course of prosecuting applications before it. For these reasons, it is believed that the allegations set forth in the protest are sufficient to warrant the matter being set for an evidentiary hearing on the issues specified by the protestant. The Commission, however, is not adopting the issues, and the burden of proceeding with the evidence and the burden of proof as to each issue shall, therefore, be on protestant. Moreover, the Commission does not by its order herein indicate that any issues specified other than those involving possible character qualifications or misrepresentation to the Commission would in its judgment, if fully established by protestant, constitute ground for grant of the protest.

5. *Accordingly, it is ordered*, This 28th day of November 1956, that, pursuant to the Communications Act of 1934, as amended, the evidentiary hearing on the above-entitled application which was ordered by the Commission's Memorandum Opinion and Order released November 1, 1956, be held at the offices of the Commission in Washington, D. C. on the following issues:

(1) To determine whether the contract between the Assignor and Assignee, dated April 14, 1956, and the "Consulting Agreement" of the same date between Rogers, his wife, and the Assignee, and the earlier agreement of Rogers and Underwood with RKO, dated February 25, 1956, were a fraud upon the Assignor corporation and upon Petitioner, and whether said contracts were a breach of the fiduciary obligations of the majority stockholders, directors, and officers of the Assignor.

(2) To determine whether the Assignor corporation or any of its officers, directors, or stockholders had legal capacity and power to enter into said contracts dated April 14, 1956.

(3) To determine whether a grant of the assignment applications would serve the public interest, convenience, and necessity particularly in view of

a. The determination of the foregoing issues;

b. The Assignor's representations to the Commission in 1954, that, if it were granted a construction permit to operate WGMS full time with increased power, WGMS would be continued as a good music station; the Commission's determination, in granting such construction permit, that it is in the public interest for WGMS to operate in this manner as a good music station (BP-8764); and the fact that, before said construction permit has ripened into a license and within less than eight months after increasing its power and hours of operation, The Good Music Station, Inc. seeks to assign the WGMS construction permit, together with its basic license, in a manner that will result in materially altering the good music character of the station;

c. The public interest in avoiding a material change in the character of the program service of the only AM and FM good music stations in the Nation's capital;

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be upon the Protestant;

It is further ordered, That the Protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that;

a. The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

b. The parties to the proceeding shall have 15 days after the issuance of the Examiner's decision to file exceptions thereto and 7 days thereafter to file replies to any such exceptions.

Released: November 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9993; Filed, Dec. 5, 1956; 8:50 a. m.]

[Docket No. 11862; FCC 56M-1098]

BAY RADIO, INC., AND MID-AMERICA BROADCASTERS, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of Bay Radio, Inc. (Assignor) and Mid-America Broadcasters, Inc. (Assignee), Docket No. 11862, File No. BAL-2369; for assignment of license of Station KEAR, San Francisco, California.

It is ordered, This 29th day of November 1956, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10 o'clock a. m., December 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9994; Filed, Dec. 5, 1956; 8:50 a. m.]

[Docket Nos. 11875, 11876; FCC 56-1179]

CHARLES W. DOWDY AND THOMAS D. PICKARD

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Charles W. Dowdy, Tifton, Georgia, Docket No. 11875, File No. BP-10550; Thomas D. Pickard, Ashburn, Georgia, Docket No. 11876, File No. BP-10785; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of November 1956;

The Commission having under consideration the applications of Charles W. Dowdy and Thomas D. Pickard, each for a construction permit for a new standard broadcast station to operate on 1570 kilocycles with a power of one kilowatt, daytime only, at Tifton and Ashburn, Georgia, respectively;

It appearing, that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate his proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter, dated October 17, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was received from each subject applicant; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, Charles W. Dowdy and Thomas D. Pickard, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-9995; Filed, Dec. 5, 1956; 8:50 a. m.]

[Docket No. 11878; FCC 56-1195]

MOBILE COMMUNICATIONS

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the application of J. B. Wathen, III, d/b as Mobile Communications, Docket No. 11878, File No. 2184-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky.

1. The Commission has before it (1) a protest by Newton Z. Wolpert and William A. Houser, co-partners, d/b as Telephone Answering Service (hereinafter called Answering Service or protestant), licensees of station KIF656, a one-way signaling station and holders of a construction permit for two-way station KIJ347, both of which are in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky, timely filed on November 8, 1956, pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of October 9, 1956, granting without hearing the above-entitled application of J. B. Wathen, III, d/b as Mobile Communications (hereinafter called Communications or applicant) for a construction permit to provide a two-way communications service in the Domestic Public Land Mobile Radio Service in the Louisville area; (2) an opposition to the said protest timely filed by Communications on November 19, 1956; and (3) a reply to said opposition.

PRELIMINARY STATEMENT

2. On May 24, 1956, Communications applied for a construction permit for the two-way communications service mentioned in paragraph 1 above. Answering Service had filed with the Commission, on April 17, 1956, an application to provide a similar service at Louisville. A construction permit was issued to Answering Service (station KIJ347) on June 29, 1956. A two-way Domestic Public Land Mobile Radio Service is now being provided at Louisville by station KIG855, operated by Louisville 2-Way Radio Service, Inc. The construction permit at issue here was granted to Communications on October 9, 1956. At no time, prior to the instant protest, had anyone asserted to the Commission that there was, or would be, any problem of destructive competition at Louisville by virtue of the grant of any of these authorizations.

ANSWERING SERVICE'S PROTEST

3. Answering Service alleges that the grant of the Communications application was made after Mr. Wathen had entered into a contract, dated August 22, 1956, on behalf of Communications, with Answering Service, in which it was agreed that the parties would be associated in the communications business and would not compete therein; that the failure of Communications to withdraw its application at issue here was calculated to lead to Commission action inconsistent with Answering Service's interests; that

Answering Service will be economically injured by the grant of the subject application since it would allow Communications to offer an identical service in direct competition with any service offered by Answering Service; that, based upon information and belief (supported by affidavits), Communications' sole purpose in obtaining said authorization was to preclude the assignment of the frequencies to someone else who would use them to offer a common carrier service; that Communications had no intent of actually offering service and that it was seeking a license solely "in order to keep it on the shelf"; that Communications would not be able to operate a common carrier service from the location specified in its construction permit since said location is the residence of Wathen, which is in a highly restricted residential neighborhood; that there is insufficient business in the Louisville area to support three independent two-way radio services and Answering Service, as a prior permittee is entitled to protection from ruinous competition; and that Communications has commenced the construction of radio transmitting facilities at the Washington Building in Louisville (a location different from that specified in its permit) without having first obtained a construction permit therefor.

4. Answering Service requests that the application be designated for hearing upon the following issues:

(a) To determine whether the application of J. B. Wathem (sic) III, dba Mobile Communications, 2184–C2–P–56 was filed and prosecuted in good faith.

(b) To determine whether said Wathem (sic) actually intended or intends to offer a common carrier service to the area of Louisville, Kentucky, under the authorization 2184–C2–P–56.

(c) To determine the nature and extent of the service actually proposed to be rendered by Wathem (sic) under 2184–C2–P–56.

(d) To determine the need for said service.

(e) To determine whether there is a need in Louisville, Kentucky, for two-way radio communications in the Domestic Public Land Mobile Radio Service in addition to the service presently available and that to be offered by petitioners.

(f) To determine whether it is in the public interest to authorize additional common carrier service in an area where no need therefor exists.

(g) To determine whether said Wathem (sic) has commenced the construction of any radio transmitting facilities in violation of section 319 (a) of the Communications Act of 1934, as amended.

(h) To determine whether J. B. Wathem (sic) III has the necessary character qualifications to hold a license from the Commission.

(i) To determine, on the basis of the foregoing, whether the grant of the application 2184–C2–P–56 of J. B. Wathem (sic) III, dba Mobile Communications was in the public interest.

THE OPPOSITION TO THE PROTEST

5. On November 19, 1956, Communications filed its unsworn opposition hereto. The opposition, in summary, is a general denial and urges that Answering Service has not stated facts sufficient to show they are parties in interest or that a grant of the protested construction permit would not be in the public interest, and that the economic injury alleged by Answering Service has not been shown with particularity, all as required by section 309 (c) of the act. The remainder of the opposition raises collateral matters which do not meet the specific allegations of the protest herein and are not deemed relevant or material thereto or to a determination of the propriety of the grant to Communications. The reply to the opposition adds nothing new to the facts already related.

DISPOSITION OF THE PROTEST

6. Without passing on the private rights or interests of the parties to the contract dated August 22, 1956, the Commission desires to consider this contract insofar as it may effect its jurisdiction and the public interest. Pursuant to the last paragraph of the said contract, if it is terminated by either party, the party so terminating may not operate a common carrier communications facility in the Louisville area for a period two years subsequent to such termination. Any termination of service which may be involved is not conditioned on prior approval of the Commission. Since communication service rendered in this area would probably be interstate[1] in character, in part, a termination of such interstate common carrier communication service would be subject to prior approval of the Commission, pursuant to section 214 of our act and Part 63 of the Commission's rules and regulations. Such approval is granted only after there has been a satisfactory showing that neither the present nor future public convenience and necessity would be adversely affected thereby. Thus, if Communications were a licensee in the Domestic Public Land Mobile Radio Service, and if it terminated the aforesaid contract, it would appear to be required to retire from this business without regard to the necessity for obtaining prior approval from this Commission.

7. Because of the apparent conflict between our jurisdiction in the premises and the aforesaid provisions of the contract, and the allegation of Answering Service that there is no need for an additional service in the area involved and that further competition in the area would be ruinous, Answering Service has presented allegations which suffice, in a case involving communications common carriers, to afford it both standing to protest and a basis for hearing under the provisions of section 309 (c) of our act. Further, Answering Service has raised matters concerning the bona fides of the application in its protest (supported by independent affidavits) which, had they been known at the time this application was filed, would have merited careful and substantial consideration when the application was processed.

8. The suggested issues in the protest (a) and (b), will be combined in one issue, since both involve the same matter; issue (c) will be rewritten to reflect certain additional information the Commission would desire to have on the record; issues (d), (e) and (f) will be combined and re-worded since they deal with the issue of need for the service in the area in question; and also to eliminate the conclusion in proposed issue (f) that here is no need for such service; proposed issues (g) and (h) will be adopted as rewritten; and issue (i), which is conclusionary in nature, will be rewritten to include the issues set forth hereinafter. Because of the nature of the matters involved in these issues, we shall adopt them as rewritten, and place the burden of proof thereon on the applicant.

9. Accordingly, in the light of our conclusions in paragraph 8 above, and in order to carry out the intent of Congress with respect to section 309 (c) of our act: *It is ordered*, That this matter is designated for hearing upon the following issues:

A. To determine the nature and extent of service proposed by Communications, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

B. To determine the nature and extent of service proposed by Answering Service, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

C. To determine the nature and extent of service now rendered by Louisville 2-Way Radio Service, Inc., including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

D. To determine the area and population presently covered by the service offered by Louisville 2-Way Radio Service, Inc.

E. To determine the area and population to be covered by the service proposed by Communications.

F. To determine the area and population to be covered by the service proposed by Answering Service.

G. To determine the need for the proposed service of Communications, and the nature and extent of any benefits to the public which will accrue because of Communications' proposed service.

H. To determine whether any disadvantages to the public will accrue because of Communications' proposed service.

I. To determine whether the provisions relating to restraints to be imposed upon the party terminating the contract entered into between Answering Service and Communications, on August 22, 1956, are in the public interest and whether said provisions are consistent with section 214 of our act and Part 63 of our rules.

J. To determine whether Communications has commenced the construction of any facilities for station KIJ350 in violation of section 319 (a) of our act.

[1] Official notice is taken of the fact that Louisville, Kentucky, is located on the Ohio River, which river is the common boundary, at that point, between Kentucky and Indiana.

K. To determine whether Communications is legally qualified to be a grantee in this service.

L. To determine whether Communications intended, when its application was filed, and intends now, to offer a common carrier service in the Louisville area and whether its application was filed and prosecuted in good faith.

M. To determine, apart from legal, financial and technical qualifications, whether Communications is otherwise qualified to be a licensee in the Domestic Public Land Mobile Radio Service.

N. To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the subject application.

10. *It is further ordered*, That, the effective date of the Commission's action of October 9, 1956, granting the above-entitled application is postponed pending a final decision by the Commission with respect to the evidentiary hearing herein provided; and

11. *It is further ordered*, That, the hearing herein, upon the issues specified in paragraph 9 above, shall be held at the Commission's offices in Washington, D. C., on a date, and before an Examiner, to be announced later; and

12. *It is further ordered*, That, the burden of proof on issues A, C, D, E, G, H, I, J, K, L, M and N are placed on the applicant, and the burden of proof on issues B and F are placed on the protestant; and

13. *It is further ordered*, That, Telephone Answering Service, and the Acting Chief, Common Carrier Bureau, are made parties to the proceeding herein; and

14. *It is further ordered*, That, Louisville 2-Way Radio Service, Inc., licensee of station KIG855, the existing two-way Domestic Public Land Mobile Radio Service at Louisville, Kentucky, is made a party intervenor to the proceedings herein with its participation limited to issues, C, D, G and H; and

15. *It is further ordered*, That, the parties desiring to participate herein shall file their appearances not later than December 21, 1956.

Adopted: November 28, 1956.

Released: December 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–9996; Filed, Dec. 5, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6715]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

DECEMBER 3, 1956.

Take notice that on November 29, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas, and doing business in the States of Louisiana and Texas, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of Promissory Notes in the aggregate amount of $16,000,000. Said notes will be issued from time to time, up to and including December 1, 1957, with a maturity not in excess of eleven months from the date of issue, bearing interest at the lender's prime rate in effect at the time of each borrowing. Applicant proposes to use the proceeds for general corporate purposes and to carry on its construction program; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of December 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–9997; Filed, Dec. 5, 1956; 8:51 a. m.]

[Docket No. G–11552]

HOLLANDSWORTH OIL CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Hollandsworth Oil Co. et al. (Hollandsworth) on October 1, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing.

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change dated September 27, 1956; Mississippi River Fuel Corporation; Supplement No. 8 to Hollandsworth's FPC Gas Rate Schedule No. 2; November 1, 1956.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: November 30, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–9965; Filed, Dec. 5, 1956; 8:46 a. m.]

[Docket No. G–9966 etc.]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

ORDER FOR HEARING AND SPECIFYING PROCEDURE

In the matters of Natural Gas Pipeline Company of America, Docket No. G–9966; Texas Illinois Natural Gas Pipeline Company, Docket No. G–10103; Colorado Interstate Gas Company, Docket No. G–10176; Chicago District Pipeline Company, Docket No. G–10214; Pacific Northwest Pipeline Corporation, Docket No. G–10455.

The above entitled proceedings are before the Commission for consideration of hearing.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and in the public interest that the procedure hereinafter prescribed should be followed at the hearing herein set, so that said hearing may be conducted with reasonable dispatch.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the hearing be held commencing on January 7, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above entitled applications.

(B) The procedure at the hearing referred to in the above paragraph (A) shall be as follows:

(i) In the sequence set forth in the heading hereof each applicant shall present all testimony orally upon the record

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Hollandsworth, if later.

[2] Commissioner Digby dissenting in opinion.

cations filed its unsworn opposition hereto. The opposition, in summary, is at that point, between Kentucky and Indiana.

of any facilities for station KIJ350 in violation of section 319 (a) of our act.

State of Texas, and doing business in landsworth, if later.

at the hearing in question and answer form and each witness who testifies shall be cross-examined immediately upon completion of his direct examination. Further examination of the witness may take place after completion of cross-examination.

(ii) Each applicant shall present its evidence as to market demands prior to the presentation of evidence relating to the other matters and issues involved.

(iii) No recess shall be taken during the course of the hearing for purpose of cross-examination.

Issued: November 30, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-9964; Filed, Dec. 5, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-54, etc.]

NORTHERN STATES POWER CO. (DELAWARE) AND (MINNESOTA)

NOTICE OF FILING BY PIONEER SERVICE & ENGINEERING COMPANY OF SECOND SUPPLEMENTAL PETITION FOR APPROVAL OF FEES AND EXPENSES

NOVEMBER 30, 1956.

In the matter of Northern States Power Company (Delaware), File No. 54-54; Northern States Power Company (Minnesota), File No. 70-559; Northern States Power Company (Delaware), File No. 59-50.

Notice is hereby given that Pioneer Service & Engineering Company ("Pioneer") has filed an application entitled "Second Supplemental Petition for Approval of Fees and Expenses" with respect to its services rendered in administering the estate of Northern States Power Company ("Delaware"), a Delaware corporation and registered holding company in process of liquidation under a plan of reorganization approved by the Commission (27 S. E. C. 321, 547) and the United States District Court for the District of Minnesota (80 Fed. Supp. 193) pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935.

Pioneer states that it has kept the books and records of Delaware since January 1, 1948; that it has administered Delaware's residual estate, supervising the exchanges of Delaware's preferred and common stocks for common stock of Northern States Power Company (Minnesota), the surviving holding company, pursuant to the provisions of the plan of reorganization; and that its charges for such services have been limited to cost plus 10 per cent. At the principal fee hearing in these proceedings in 1950, Pioneer submitted an application for approval of its fees and expenses for the two-year period 1948-1949, with testimony in support thereof, as follows:

Fees, 1948-1949	$52,786.61
Expenses, 1948-1949	9,866.32

The testimony indicated that Pioneer had been paid for its services and reimbursed for its expenses on a current monthly basis, and that the company would suffer no hardship if approval of its application should be deferred until consummation of the plan and the filing of its final application. The Commission therefore deferred action on the application pending the completion of Pioneer's services (Holding Company Act Release No. 11145).

The bar date for effecting exchanges under the plan expired on September 30, 1956 (Holding Company Act Release No. 12983), and Pioneer is now in the process of winding up the affairs of Delaware, delivering the residual assets to Minnesota, and making a final accounting to the Court. The instant petition gives an itemized statement of all services rendered and expenditures incurred by Pioneer for 1950 and subsequent years, which are summarized as follows:

Keeping Delaware's books of account and preparing detailed monthly statements for 1950 (no charge for subsequent years)	$420.00
Preparing report of Delaware to this Commission, 1950	265.58
Receiving 2,945 stock certificates representing shares of two series of preferred stock and the Class A common stock of Delaware, processing them for exchange, contacting stockholders in person, by letter, or telephone, and effecting exchanges	2,941.26
Addressing and mailing letters to approximately 4,700 holders of record of uncashed dividend checks issued during the years 1912-1948 inclusive, conducting investigations with respect to the addresses of such holders and the status of their rights, processing several thousand reply letters, and issuing and recording 2,058 checks	7,101.73
Fees, 1949 to date	10,728.57
Expenses, 1949 to date	377.58

Pioneer has been fully paid by Delaware, and this petition is filed to obtain the Commission's approval of such payments.

In addition to the foregoing services, Pioneer states that it has rendered certain special services at the request of the Minnesota company, as follows: (1) Mailing letter to Delaware's 53,082 stockholders with respect to the tax status of dividends paid in 1945, (2) computing amounts due, and preparing and mailing 12,327 checks in payment of accumulated dividends during the years 1949 to 1956 inclusive on Minnesota's common stock held for delivery to Delaware stockholders, and (3) preparing periodic reports to Minnesota concerning Delaware's residual assets and the status of stock exchanges under the plan. Pioneer has received from Minnesota fees aggregating $15,874.65 and reimbursement of expenses aggregating $1,593.46 in payment for such special services.

Supplements to the petition indicate that at the termination of the bar date on September 30, 1956, only thirteen of Delaware's approximately 53,000 stockholders had failed to surrender their certificates for exchange, representing 417¼ common shares of Minnesota's common stock, and that the residual cash to be turned over by Delaware to the Minnesota company will be approximately $142,500.

Pioneer asks that the Commission now approve the payments which it has heretofore received from Delaware for services rendered and expenses paid from 1948 to date, aggregating $63,515.20 for fees and $10,243.90 for expenses, in order that it may make its final report to the Court and terminate these proceedings.

Notice is further given that any interested person may, not later than December 18, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application may be granted as now amended or as further amended, or the Commission may take such other action with respect thereto as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-9966; Filed, Dec. 5, 1956; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR SERVICES OF ARCHITECTURAL AND ENGINEERING FIRMS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for the period ending June 30, 1957, to the Secretary of the Interior to negotiate, without advertising under section 302 (c) (4) of the act, certain contracts required by the Bureau of Reclamation, in the administration of its program, viz., contracts for professional architectural and engineering services for the designing and testing of floodlighting of the Grand Coulee Dam spillway as authorized by Title II of the Public Works Appropriation Act, 1957, approved July 2, 1956, Public Law 641, 84th Congress, 2d Session (70 Stat. 474).

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or employee of the Interior Department.

4. This delegation shall be effective as of the date hereof.

FRANKLIN G. FLOETE, *Administrator.*

NOVEMBER 30, 1956.

[F. R. Doc. 56-9998; Filed, Dec. 5, 1956; 8:51 a. m.]

FEDERAL REGISTER

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THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET OF THE UNITED STATES 1934

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TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

MAXIMUM RATES OF INTEREST

1. Effective January 1, 1957, § 217.6 (Supplement to Regulation Q) is amended to read as follows:

§ 217.6 *Maximum rates of interest payable on time and savings deposits by member banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates[1] of interest payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Maximum rate of 3 percent.* No member bank shall pay interest accruing at a rate in excess of 3 percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed:

(1) On any savings deposit,

(2) On any time deposit having a maturity date 6 months or more after the date of deposit or payable upon written notice of 6 months or more,

(3) On any Postal Savings deposit which constitutes a time deposit.

(b) *Maximum rate of 2½ percent.* No member bank shall pay interest accruing at a rate in excess of 2½ percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed:

(1) On any time deposit (except Postal Savings deposits which constitute time deposits) having a maturity date less than 6 months and not less than 90 days after the date of deposit or payable upon written notice of less than 6 months and not less than 90 days.

(c) *Maximum rate of 1 percent.* No member bank shall pay interest accruing at a rate in excess of 1 percent per annum, compounded quarterly,[2] regardless of the basis upon which such interest may be computed:

(1) On any time deposit (except Postal Savings deposits which constitute time deposits) having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

2. a. The purpose of the amendment is to increase the maximum permissible rates of interest which member banks of the Federal Reserve System may pay on any savings deposit, and on any time deposit having a maturity date not less than 90 days after the date of deposit or payable upon written notice of not less than 90 days. The amendment also eliminates provisions as to maximum rates payable under deposit contracts entered into before specified dates prior to 1936, since, with the passage of time, these provisions have become obsolete and of no significance.

b. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are not followed in connection with this amendment for the reasons and good cause found, as stated in section 2 (e) of the Board's rules of procedure (12 CFR 262.2 (e)), and especially because in connection with this liberalizing amendment such procedures would prevent the action from becoming effective as promptly as necessary.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264 (c) (7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 56-10033; Filed, Dec. 6, 1956; 8:50 a. m.]

[1] The maximum rates of interest payable by member banks of the Federal Reserve System on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of a member bank located outside of the States of the United States and the District of Columbia.

[2] This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals, provided that the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.

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The testimony indicated that Pioneer had been paid for its services and reim- 417¼ common shares of Minnesota's common stock, and that the residual

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Chapter III—Federal Deposit Insurance Corporation

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

MAXIMUM RATES OF INTEREST PAYABLE ON TIME AND SAVINGS DEPOSITS

1. Effective January 1, 1957, § 329.6 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6) is amended to read as follows:

§ 329.6 *Maximum rates*[12] *of interest payable on time and savings deposits by insured nonmember banks*—(a) *Maximum rate of 3 percent.* No insured nonmember bank shall pay interest at a rate in excess of 3 percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed:

(1) On any savings deposit,

(2) On any time deposit having a maturity date 6 months or more after the date of deposit or payable upon written notice of 6 months or more,

(3) On any postal savings deposit which constitutes a time deposit.

(b) *Maximum rate of 2½ percent.* No insured non-member bank shall pay interest at a rate in excess of 2½ percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed, on any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 6 months and not less than 90 days after the date of deposit or which is originally or becomes payable upon written notice of less than 6 months and not less than 90 days.

(c) *Maximum rate of 1 percent.* No insured non-member bank shall pay interest at a rate in excess of 1 percent per annum, compounded quarterly,[13] regardless of the basis upon which such interest may be computed, on any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 90 days after the date of deposit or which is originally or becomes payable upon written notice of less than 90 days.

2. This amendment changes the maximum permissible rate of 2½ percent in paragraph (a) of § 329.6 to 3 percent and the maximum permissible rate of 2 percent in paragraph (b) of § 329.6 to 2½ percent. The amendment also eliminates provisions as to maximum rates payable under deposit contracts entered into before specified dates in 1936, since, with the passage of time, these provisions have become obsolete and of no significance.

[12] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an insured nonmember bank, or at an office of an insured nonmember bank, located outside of the States of the United States and the District of Columbia.

[13] This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals: *Provided*, That the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.

3. The notice and public participation described in section 4 of the Administrative Procedure Act and Part 302 of the Corporation's rules and regulations (12 CFR Part 302) are found to be unnecessary because this amendment does not diminish but enlarges the rights of depositors and insured nonmember banks.

(Sec. 9, 64 Stat. 881; 12 U. S. C. 1819. Interprets or applies sec. 18, 64 Stat. 891; 12 U. S. C. 1828)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 56-10032; Filed, Dec. 6, 1956; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6092]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BROTHERHOOD OF GOOD SAMARITANS TO VICTIMS OF ARTHRITIS AND U. G. ROBINSON

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Brotherhood of Good Samaritans to Victims of Arthritis et al., Atlantic City, N. J., Docket 6092, Nov. 17, 1956]

In the Matter of the Brotherhood of Good Samaritans to Victims of Arthritis, a Corporation, and U. G. Robinson, an Individual

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation and its president, engaged at their office in Atlantic City, N. J., in the interstate sale and distribution of untreated alfalfa seed and vitamin tablets composed of alfalfa leaf meal, under the designation of "Al-Fal-Fay Seed and Vitamin Health Food", which were recommended by them for treatment of arthritis, with representing falsely in advertisements in newspapers, periodicals, etc., that use of their said products constituted an effective treatment and cure for arthritis; would relieve the aches, pains, and discomforts due thereto; and would prevent recurrence of attacks.

Following hearings in due course and submission of proposed findings as to the facts and conclusions presented by counsel, the hearing examiner made his initial decision, including findings and order to cease and desist, which became on November 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents The Brotherhood of Good Samaritans to Victims of Arthritis, a corporation, and its officers, and U. G. Robinson, an individual, and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of the products designated "Al-Fal-Fay Seed and Vitamin Health Food", or any other product of substantially the same composition or possessing substantialy similar properties, whether sold under the same name or under any other name or names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said products, used singly or in combination:

(a) Will have any therapeutic value in the treatment of arthritis or constitute a cure or remedy for such condition.

(b) Will afford relief from the aches, pains and discomforts due to arthritis.

(c) Will prevent the recurrence of attacks of arthritis.

2. Disseminating or causing to be disseminated by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 17, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-10008; Filed, Dec. 6, 1956; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 224]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BRISTOL, TENN. (Bristol, Johnson City, Kingsport), Tri-City, 1,524'. SBRAZ-TRI. Procedure No. 1. Amendment No. 13. Effective date: December 22, 1956. Supersedes Amendment 12, dated March 10, 1956. Major changes: Adds transitions from Yuma and Hilton Intersections.	Bristol Intersection (final)	245—8.9	2,600	N side of NE course: 065° outbound. 245° inbound. 3,000' within 10 miles. Beyond 10 miles not authorized.	2,600	252—2.8	T-dn C-d C-n S-d 27 S-n 27 A-dn	300-1 700-1 700-1½ 500-1 500-1 1,000-2	300-1 800-1 800-1½ 800-1 800-1½ 1,000-2	300-1 800-1½ 800-2 800-1½ 800-2 1,000-2	Within 2.8 miles climb to 5,000' on SW course within 20 miles. AIR CARRIER NOTE: No reduction in landing minimums authorized.
	Tri-City VOR	290—10.8	5,500								
	Hilton Intersection	147—15.2	4,200								
	Yuma Intersection	111—18.7	3,400								
DICKINSON, N. DAK. Dickinson, 2,589'. SBMRAZ-DTV-DIK. Procedure No. 1. Amendment No. 5. Effective date: December 22, 1956. Supersedes Amendment 4, dated December 17, 1954. Major changes: (1) New form, nautical miles; (2) column 5 revised criteria; (3) column 12 revised due to 3,556' mean sea level tower 6.5 miles SW of airport.	Dickinson VOR	Direct	4,000	W side of N course: 348° outbound. 168° inbound. 4,000' within 10 miles.	3,500	168—1.8	T-dn C-d C-n A-dn	300-1 500-1 500-1½ 800-2	300-1 600-1 600-1½ 800-2	200-½ 600-1½ 600-1½ 800-2	Within 1.8 miles make left turn climb on heading of 170° to 4,000' within 20 miles, then make left turn and return to VOR. AIR CARRIER NOTE: Night takeoffs and landings authorized NW/SE runway only. CAUTION: KDIX tower 3.9 miles N DIK-LFR 2,751' mean sea level. Tower 2,960' mean sea level 3.5 miles NE of VOR.
GARDEN CITY, KANS. New Garden City, 2,893'. SBRAZ-VDT-GCK. Procedure No. 1. Amendment No. 8. Effective date: December 22, 1956. Supersedes Amendment 7, dated October 18, 1953. Major changes: (1) New form; (2) limits procedure turn to 10 miles; (3) revises missed approach.	Garden City VOR	Direct	4,000	W side of N course: 348° outbound. 168° inbound. 4,000' within 10 miles.	3,500	133—6.5	T-dn C-d C-n S-d S-n A-dn	300-1 400-1 400-1½ 400-1 400-1½ 800-2	300-1 500-1 500-1½ 500-1 500-1½ 800-2	200-½ 500-1½ 500-2 500-1½ 500-2 800-2	Within 6.5 miles make right turn, climb to 4,300' on S course GCK LFR within 20 miles. Night operation authorized N-S runway only.
HUTCHINSON, KANS. Hutchinson, 1,542'. SBMRLZ-VDT-HUT. Procedure No. 1. Amendment No. 10. Effective date: December 22, 1956. Supersedes Amendment 9, dated December 24, 1954. Major changes: New form—nautical miles.	Hutchinson VOR	Direct	2,800	W side of S course: 170° outbound. 350° inbound. 2,800' within 10 miles. Procedure turn nonstandard to avoid ICT traffic.	2,300	350—2.7	T-dn C-dn S-dn 35 A-dn	300-1 *400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 2.7 miles, climb to 3,000' on N course HUT-LFR within 20 miles, or when directed by ATC turn left and climb to 3,000' on W course HUT-LFR within 20 miles. CAUTION: 2,340' TV tower located 4 miles ESE of airport. Aircraft taking off to N, S, NE, or SE, climb to 2,800' prior to proceeding toward TV tower. *500-1 required when necessary to circle the airport on the W side to effect a landing.
	North Fork Radiobeacon or marker (final).	Direct	2,300								

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
ROCK SPRINGS, WYO. Municipal, 6,752'. SBRAZ-DTV-RKS. Procedure No. 1. Amendment No. 5. Effective date: December 22, 1956. Supersedes Amendment 4, dated January 18, 1954. Major changes: Distance now in nautical miles; speeds in knots; correct course and distance column 3; procedure turn limited to 10 miles; missed approach limited to 20 miles.	Point of Rocks FM (final)	246—13.0	8,700	N side of E course: 066° outbound. 246° inbound. 9,200' within 10 miles.	*8,700	246—2.5	T-dn C-d C-n S-Runway 25 d n A-dn	300-1 %500-1 %500-2 %500-1 %500-2 800-2	300-1 500-1 500-2 500-1 500-2 800-2	#200-½ 500-1½ 500-2 500-1½ 500-2 800-2	Within 2.5 miles climb to 10,000' on W course RKS-LFR within 20 miles. NOTE: *Descent to 8,200' authorized if ILS outer marker aural and visual signal received #300-1 required for night takeoff on all runways except 7-25. %400-1 day, 400-2 night authorized if final approach made from outer marker.
	ILS outer marker (final)	246—1.5	*8,200								
SCOTTSBLUFF, NEBR. Scottsbluff, 3,965'. SBMRLZ-DTV-SCT. Procedure No. 1. Amendment No. 8. Effective date: December 22, 1956. Supersedes Amendment 7, dated February 8, 1954. Major changes: New form—nautical miles.				E side of SE course: 121° outbound. 301° inbound. 5,600' within 10 miles. Not authorized beyond 10 miles account high terrain.	5,100	301—2.6	T-dn C-dn S-dn 30 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 500-1 800-2	*200-½ 500-1½ 500-1½ 800-2	Within 2.6 miles, climb to 6,000' on NW course within 20 miles. AIR CARRIER NOTE: *300-1 required runway 24.
SIOUX CITY, IOWA. Sioux City, 1,097'. SBMRLZ-VDT-SUX. Procedure No. 1. Amendment No. 9. Effective date: December 22, 1956. Supersedes Amendment 8, dated March 30, 1954. Major changes: (1) New form, nautical miles; (2) column 5, distance revised to 10 miles (criteria); (3) revises air carrier note; (4) adds transition route.	Sloan FM (final)	Direct	1,900	E side of S course: 151° outbound. 334° inbound. 2,400' within 10 miles.	1,900	330—1.6	*T-dn C-dn S-dn 31 and 35 A-dn	300-1 500-1 400-1 800-2	300-1 600-1 600-1 800-2	200-½ 600-1½ 600-1½ 800-2	Within 1.6 miles, climb to 3,000' on N course, or when directed by ATC, turn left, climb to 3,000' on W course within 20 miles. CAUTION: 1,318' terrain 1.4 miles ENE of airport. AIR CARRIER NOTE: *300-1 required for all takeoffs on runway 4.
	Sioux City VOR	Direct	2,400								
WESTFIELD, MASS. Barnes Airport, 270'. MRLZ-BAF. Procedure No. 1. Amendment No. 4. Effective date: Dec. 22, 1956. Supersedes Amendment 3, dated April 1, 1954. Major changes: New procedure—relocated facility.	Hadley Intersection (final)	203—6.1	2,000	W side of N course: 023° outbound. 203° inbound. 3,000' within 10 miles.	2,000	203—4.8	*T-d *T-n C-d C-n S-d 20 S-n 20 A-dn	700-1 700-2 800-1 800-2 800-1 800-2 1,500-2	700-1 700-2 800-2 800-2 800-1½ 800-2 1,500-2	700-1 700-2 800-2 800-2 800-1½ 800-2 1,500-2	Within 4.8 miles make a climbing right turn, continue to climb returning to the Westfield LFR, hold N 203° inbound, 023° outbound, right-hand pattern at 3,000'. ADF procedure not authorized. AIR CARRIER NOTE: No reduction for ceiling and visibility is authorized for takeoffs or landings. *800-1 day, 800-2 night required for takeoff to E on runway 9 and SE on runway 15.

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case amount of interest at the rate above prescribed when compounded quarterly. - designated "AJ-Fal-Pay Seed and Vita- are to be placed in appropriate alphabetical sequence within the section amended.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
GOODING, IDAHO. Gooding Municipal, 3,729'. BH-DTV-(GNG. Procedure No. 1. Amendment No. 4. Effective date: Dec. 22, 1956. Supersedes Amendment 3, dated June 30, 1950. Major changes: Raise takeoff minimums for 4-engine aircraft; eliminated en route instructions on missed approach; deleted transitions.				S side of course: 250° outbound. 070° inbound. 5,700' within 10 miles.	4,329	Facility on airport	T-dn C-d C-n A-dn	300-1 600-1 600-2 800-2	300-1 700-1 700-2 800-2	300-1 700-1½ 700-2 800-2	Within 0 mile, turn right, climb to 7,000' on course of 120° from GNG-H within 15 miles.

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
CHADRON, NEBR. Chadron, 3,312'. BVOR-VDTCDR. Procedure No. 1. Amendment: Original. Effective date: December 22, 1956. Supersedes: None. Major changes: None.				E side of course: 197° outbound. 017° inbound. 5,600' within 10 miles.	5,600	017—18.9	T-d C-d A-d	300-1 2,300-3 2,300-3	300-1 2,300-3 2,300-3	300-1 2,300-3 2,300-3	Within 18.9 miles, climb to 5,600' on 011° course from CDR-VOR within 20 miles. Night operations not authorized (runway lights inoperative). No control zone.
COLLEGE STATION, TEX. Easterwood, 332'. BVOR-DTV-CLL. MHW-SOK. Procedure No. 2. Amendment: Original. Effective date: December 22, 1956.	Bryan LFR	118—9.0	1,400	N side of course: 098° outbound. 278° inbound. 1,500' within 10 miles of 050° bearing from Snook Radiobeacon.	1,000 over 050° bearing from Snook Radiobeacon	273—2.8	T-dn C-dn S-dn 28 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 2.8 miles turn left, climb to 1,500' on radial 125° within 20 miles. Procedure authorized only for aircraft equipped to receive CLL VOR and SOK Radiobeacon bearings simultaneously.

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
DICKINSON, N. DAK Dickinson, 2,589'. BVOR-DIK. Procedure No. 1. Amendment No. 3. Effective date: December 22, 1956. Supersedes Amendment 2, dated December 17, 1954. Major changes: (1) New form, nautical miles; (2) column 5 revised criteria; (3) column 12 revised due to tower 3,556' mean sea level 6.5 miles SW of airport.	Dickinson LFR	Direct	4,000	W side of N course: 359° outbound. 179° inbound. 4,000' within 10 miles.	3,500	179—3.6	T-dn C-d C-n A-dn	300-1 500-1 500-1½ 800-2	300-1 600-1 600-1½ 800-2	200-½ 600-1½ 600-1½ 800-2	Within 3.6 miles make left turn climb to 4,000' on 173R DIK VOR within 20 miles, then make left turn and return to VOR. AIR CARRIER NOTE: Night takeoffs and landings authorized NW/SE runway only. CAUTION: KDIX tower 3.9 miles N DIK-LFR 2,751' mean sea level. Tower 2,966' mean sea level 3.5 miles NE of VOR.
GRAND ISLAND, NEBR. Grand Island, 1,840'. BVOR-GRI. Procedure No. 1. Amendment No. 3. Effective date: December 22, 1956. Supersedes Amendment 2, dated October 29, 1955. Major changes: (1) New form for minimums; (2) lowers circling minimums for columns 9 and 10 using LFR.	Grand Island LFR	165—0.9	3,100	W side of course: 349° outbound. 169° inbound. 3,100 within 10 miles.	*2,400	169—0.5	T-dn C-dn A-dn	300-1 *500-1 800-2	300-1 *600-1 800-2	200-½ 600-1½ 800-2	Within 0.5 mile, climb to 3,200' on GRI 169R within 20 miles. *If aircraft, 2-engine or less, are equipped to receive VOR and LFR simultaneously, descent to minimums 100' lower than those indicated are authorized provided descent started after passing LFR.
MASSENA, N. Y. Richards Field, 205'. BVOR-DTVJ-MSS. Procedure No. 1. Amendment No. 4. Effective date: December 22, 1956. Supersedes Amendment 3, dated May 6, 1954. Major change: Adds transition from Malone Intersection.	Malone Intersection	290—20.5	2,500	N side of course: 117° outbound. 297° inbound. 1,700' within 10 miles.	1,200	297—5.4	T-dn C-dn S-dn 27 A-dn	300-1 500-1 500-1 800-2	300-1 600-1 600-1 800-2	200-½ 600-1½ 600-1½ 800-2	Within 5.4 miles, make a climbing right turn to 2,000' return to Massena VOR. CAUTION: 598' tower located approximately 2 miles SW of the airport.
SIDNEY, NEBR. Sidney, 4,300'. BVOR-VDT-SNY. Procedure No. 1. Amendment No. 2. Effective Date: December 22, 1956. Supersedes Amendment 1, dated January 1, 1956. Major changes: (1) New form, nautical miles; (2) column 12, tower height increased to 5,082' mean sea level.				S side of course: 246° outbound. 066° inbound. 8,000' within 10 miles.	5,300	066—4.8	T-d T-n C-d C-n A-dn	300-1 300-2 500-1 500-2 800-2	Not applicable	Not applicable	Within 4.8 miles, climb to 5,500' on course of 066° within 20 miles of VOR. CAUTION: Tower 5,082' mean sea level 2 miles S of airport. Aircraft on W, E, and SE takeoffs climb to 5,600' mean sea level before turning toward tower.
SIOUX CITY, IOWA. Sioux City, 1,097'. BVOR-SUX. Procedure No. 1. Amendment No. 5. Effective date: December 22, 1956. Supersedes Amendment 4, dated March 30, 1954. Major changes: (1) New form, nautical miles; (2) column 5 distance revised to 10 miles (criteria); (3) revises air carrier notes.	Sioux City LFR Sloan FM (final)	Direct Direct	2,400 1,900	E side of course: 133° outbound. 313° inbound. 2,400' within 10 miles.	1,900	313—3.5	*T-dn C-dn S-dn 31 and 35 A-dn	300-1 500-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1½ 400-1 800-2	Within 3.5 miles, climb to 3,000' on course of 330° outbound from SUX-VOR within 20 miles. CAUTION: 1,318' terrain 1.4 miles ENE of airport. AIR CARRIER NOTES: *300-1 required for all takeoffs on runway 4.

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
DICKINSON, N. DAK Dickinson, 2,589'. BVOR-DIK. Procedure No. 1. Amendment No. 3. Effective date: December 22, 1956. Supersedes Amendment 2, dated December 17, 1954. Major changes: (1) New form, nautical miles; (2) column 5 revised criteria; (3) column 12 revised due to tower 3,556' mean sea level 6.5 miles SW of airport.	Dickinson LFR	Direct	4,000	W side of N course: 359° outbound. 179° inbound. 4,000' within 10 miles.	3,500	179—3.6	T-dn C-d C-n A-dn	300-1 500-1 500-1½ 800-2	300-1 600-1 600-1½ 800-2	200-½ 600-1½ 600-1½ 800-2	Within 3.6 miles make left turn climb to 4,000' on 173R DIK VOR within 20 miles, then make left turn and return to VOR. AIR CARRIER NOTE: Night takeoffs and landings authorized NW/SE runway only. CAUTION: KDIX tower 3.9 miles N DIK-LFR 2,751' mean sea level. Tower 2,966' mean sea level 3.5 miles NE of VOR.
GRAND ISLAND, NEBR. Grand Island, 1,846'. BVOR-GRI. Procedure No. 1. Amendment No. 3. Effective date: December 22, 1956. Supersedes Amendment 2, dated October 29, 1955. Major changes: (1) New form for minimums; (2) lowers circling minimums for columns 9 and 10 using LFR.	Grand Island LFR	165—0.9	3,100	W side of course: 349° outbound. 169° inbound. 3,100 within 10 miles.	*2,400	169—0.5	T-dn C-dn A-dn	300-1 *500-1 800-2	300-1 *600-1 800-2	200-½ 600-1½ 800-2	Within 0.5 mile, climb to 3,200' on GRI 169R within 20 miles. *If aircraft, 2-engine or less, are equipped to receive VOR and LFR simultaneously, descent to minimums 100' lower than those indicated are authorized provided descent started after passing LFR.
MASSENA, N. Y. Richards Field, 205'. BVOR-DTVJ-MSS. Procedure No. 1. Amendment No. 4. Effective date: December 22, 1956. Supersedes Amendment 3, dated May 6, 1954. Major change: Adds transition from Malone Intersection.	Malone Intersection	290—20.5	2,500	N side of course: 117° outbound. 297° inbound. 1,700' within 10 miles.	1,200	297—5.4	T-dn C-dn S-dn 27 A-dn	300-1 500-1 500-1 800-2	300-1 600-1 600-1 800-2	200-½ 600-1½ 600-1½ 800-2	Within 5.4 miles, make a climbing right turn to 2,000' return to Massena VOR. CAUTION: 598' tower located approximately 2 miles SW of the airport.
SIDNEY, NEBR. Sidney, 4,300'. BVOR-VDT-SNY. Procedure No. 1. Amendment No. 2. Effective Date: December 22, 1956. Supersedes Amendment 1, dated January 1, 1956. Major changes: (1) New form, nautical miles; (2) column 12, tower height increased to 5,082' mean sea level.				S side of course: 246° outbound. 066° inbound. 6,000' within 10 miles.	5,300	066—4.8	T-d T-n C-d C-n A-dn	300-1 300-2 500-1 500-2 800-2	Not applicable	Not applicable	Within 4.8 miles, climb to 5,500' on course of 066° within 20 miles of VOR. CAUTION: Tower 5,082' mean sea level 2 miles S of airport. Aircraft on W, E, and SE takeoffs climb to 5,600' mean sea level before turning toward tower.
SIOUX CITY, IOWA. Sioux City, 1,097'. BVOR-SUX. Procedure No. 1. Amendment No. 5. Effective date: December 22, 1956. Supersedes Amendment 4, dated March 30, 1954. Major changes: (1) New form, nautical miles; (2) column 5 distance revised to 10 miles (criteria); (3) revises air carrier notes.	Sioux City LFR	Direct	2,400	E side of course: 133° outbound. 313° inbound. 2,400' within 10 miles.	1,900	313—3.5	*T-dn C-dn S-dn 31 and 35 A-dn	300-1 500-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1½ 400-1 800-2	Within 3.5 miles, climb to 3,000' on course of 330° outbound from SUX-VOR within 20 miles. CAUTION: 1,318' terrain 1.4 miles ENE of airport. AIR CARRIER NOTES: *300-1 required for all takeoffs on runway 4.
	Sloan FM (final)	Direct	1,900								

4. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

City and State; airport name elevation; facility: class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
CHICAGO, ILL. Chicago International (O'Hare), 666'. TVOR-ORD. TVOR-18. Amendment: Original. Effective date: December 22, 1956. Supersedes: None. Major changes: None.	API VOR	Direct	2,500	W side of course: 004° outbound. 184° inbound. 2,200' within 10 miles.	1,700 over Intersection 004R and SW course NBU LFR or radar fix 184° 7 miles	178—0.5	T-dn C-dn S-dn 18 A-dn	300–1 500–1 500–1 800–2	300–1 500–1 500–1 800–2	200–½ 500–1½ 500–1 800–2	Turn to 050°, climbing to 2,500' proceed to SE course NBU LFR, thence to Mundelein Intersection.
	CGT VOR	Direct	2,000								
	MDW LFR	Direct	2,000								
	NBU LF	Direct	2,000								
	MDW TVOR	Direct	2,000								
	Wheeling VOR	Direct	2,000								
	Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from inbound fix. Refer to Form ACA-511.5 (GCA-O'Hare) if detailed information on sector altitudes is desired.										
CHICAGO, ILL. Chicago International (O'Hare), 666'. TVOR-ORD. TVOR 22. Amendment: Original. Effective date: December 22, 1956. Supersedes: None. Major changes: None.	API VOR	Direct	2,500	N side of course: 032° outbound. 212° inbound. 2,000' within 10 miles.	1,500 over Intersection ORD 212R and MDW 346R or radar fix From Intersection to TVOR 212° 5 miles	217–0.5	T-dn C-dn S-dn 22 A-dn	300–1 600–1 600–1 800–2	300–1 600–1 600–1 800–2	200–½ 600–1½ 600–1 800–2	Turn to 050° climbing to 2,500'. Proceed to SE course NBU LFR, thence to Mundelein Intersection.
	CGT VOR	Direct	2,000								
	MDW LFR	Direct	2,000								
	NBU LF	Direct	2,000								
	MDW TVOR	Direct	2,000								
	Wheeling VOR	Direct	2,000								
	Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from inbound fix. Refer to Form ACA-511.5 (GCA-O'Hare) if detailed information on sector altitudes is desired.										
HUNTSVILLE, ALA. Redstone (Army), 679'. TVOR-HUA. Radiobeacon-HUA. Procedure TVOR-17. Amendment: Original. Effective date: December 22, 1956.	Huntsville VOR	198—7.5	2,500	W side of course: 351° outbound. 171° inbound. 2,500' within 10 miles.	Abeam Radiobeacon #2,000 TVOR 1,200	167—0.8	T-dn S-d 17 S-n 17 C-d C-n A-dn	300–1 500–1 600–2 900–1 900–2 1,000–2	300–1 500–1 600–2 900–1 900–2 1,000–2	300–1 500–1 600–2 900–1½ 900–2 1,000–2	Turn right and climb to 2,500' on R-351. Military authority required. Airport not available to the general public. #If radiobeacon not received descent below 2,000' not authorized.

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
SIOUX CITY, IOWA. Sioux City, 1,097'. ILS-SUX. LOM-SU. Combination ILS/ADF. Procedure No. 1. Amendment No. 4. Effective date: Dec. 22, 1956. Supersedes Amendment 3, dated March 30, 1954. Major changes: (1) New form, nautical miles; (2) column 6, revised (criteria); (3) column 7 ADF altitude lowered; (4) column 14 revised; (5) minor change columns 8 and 9 altitudes.	SUX-LFR	LOM	Direct	2,400	E side of SE course: 127° outbound. 307° inbound. 2,400' within 10 miles.	ILS 2,200	2,221—4.0	1,291—0.6	*T-dn C-dn	300–1 500–1	300–1 600–1	200–½ 600–1½	Within 4 miles, climb to 3,000' on NW course ILS within 20 miles of LOM, or when directed by ATC: Turn left and climb to 3,000' on W course SUX-LFR within 20 miles. CAUTION: Terrain 1,318' mean sea level 1.4 miles ENE of airport. AIR CARRIER NOTE: *300–1 required for all takeoffs on runway 4.
	SUX-VOR	LOM	Direct	2,400		ADF 1,900			S-dn 31 ILS	200–½	200–½	200–½	
	Sloan FM	LOM	Direct	2,400					ADF	400–1	400–1	400–1	
									A-dn ILS	600–2	600–2	600–2	
									ADF	800–2	800–2	800–2	

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9636; Filed, Dec. 6, 1956; 8:45 a. m.]

[Amdt. 225]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
PEMBINA, N. DAK. Intermediate, 792'. SBMRAZ-VDT-PMB. Procedure No. 1. Amendment No. 2. Effective date: December 29, 1956. Supersedes Form ACA-1725, dated March 17, 1950.	----------	----------	----------	E side of S course: 164° outbound. 344° inbound. 1,900' within 10 miles.	1,400	356—1.4	T-dn C-dn A-dn	300-1 600-1½ 800-2	----------	----------	Within 1.4 miles, climb to 2,000' within 20 miles. Airport suitable for aircraft of 65 K or less, 2-engine or less only.
PHOENIX, ARIZ. Sky Harbor, 1,124'. SBMRAZ-DTV-PHX. Procedure No. 1. Amendment No. 8. Effective date: December 29, 1956. Supersedes Amendment 7, dated March 24, 1956. Major changes: Convert to nautical miles; missed approach and shuttle distances to 20 miles; circling visibility for 2-engine aircraft to 1 mile.	Perryville FM	081—26	2,600	S side of E course: 081° outbound. 261° inbound. 2,600' within 10 miles. 4,100' within 20 miles. Beyond 20 miles not authorized.	2,100	264—1.5	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2	Within 1.5 miles, climb to 5,000' on W course within 20 miles of LFR. SHUTTLE: To 5,000' on W or E courses within 20 miles. CAUTION: Hills and tower 2,830' 5 miles S of airport.
	Phoenix VOR	261—4.5	2,600								

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
FINDLAY, OHIO. Findlay Airport, 800'. BMH-FDY. Procedure No. 1. Amendment No. 1. Effective date: December 29, 1956. Supersedes Amendment Original dated November 3, 1956. Major changes: Final approach altitude revised. Note deleted. Circling minimums raised, straight-in minimums deleted.	Findlay VOR	040—9.7	2,000	E side of course: 180° outbound. 360° inbound. 2,000' within 10 miles.	1,600	BMH on airport	T-dn C-dn A-dn	300-1 800-1 800-2	300-1 800-1 800-2	200-½ 800-1½ 800-2	Within 0 mile of Findlay BMH make a left climbing turn to 2,000'. Hold S in a standard pattern 360° inbound at 2,000'.
GLENS FALLS, N. Y. Warren County, 328'. BMH-GFL. Procedure No. 1. Amendment No. 4. Effective date: December 29, 1956. Supersedes Amendment 3, dated May 21, 1955. Major changes: Circling minimums reduced. Final approach altitude reduced.	Albany LFR	029—34	3,000	E side of course: 190° outbound. 010° inbound. 2,500' within 10 miles.	1,100	Located on airport	T-dn C-dn A-dn	300-1 800-1 1,000-2	300-1 800-1 1,000-2	200-½ 800-1½ 1,000-2	Within 0 mile after passing Glens Falls BMH, make an immediate right climbing turn to 3,000' on a course of 190° within 10 miles. #300-1 required for takeoff on runway 30.

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
FINDLAY, OHIO. Findlay Airport, 800'. VOR-FDY. Procedure No. 1. Amendment No. 2. Effective date: December 29, 1956. Supersedes Amendment 1, dated December 1, 1956. Major changes: Circling minimums revised. Straight in minimums deleted.	Findlay "H"	220—9.7	2,000	E side of course: 220° outbound. 040° inbound. 2,000' within 10 miles.	1,500	040—9.1	T-dn C-dn A-dn	300–1 600–1 800–2	300–1 600–1 800–2	200–½ 600–1½ 800–2	Within 9.1 miles make a climbing left turn, return to Findlay VOR at 2,000'. Hold SW on radial 220° in a 1-minute right hand pattern. CAUTION: Radio tower 1,080' mean sea level 1.5 miles ESE of airport.
GILA BEND, ARIZ. AF-AUX, 858'. BVOR-GBN. Procedure No. 1. Amendment No. 4. Effective date: December 29, 1956. Supersedes Amendment 3, dated February 12, 1955. Major changes: Convert to nautical miles.	Gila Bend LFR	Direct	3,000	S side of course: 250° outbound. 070° inbound. 3,000' within 10 miles.	1,600	163—4.0	T-d C-d A-d	300–1 700–1 800–2	300–1 700–1 800–2	300–1 700–1½ 800–2	Within 0 mile, climb to 5,000' on radial 080° within 20 miles of VOR.
HUNTSVILLE, ALA. Huntsville, 619'. VOR-HSV. VOR-HUA. Rbn—HUA. Procedure No. 1. Amendment No. 4. Effective date: December 29, 1956. Supersedes Amendment 3, August 6, 1955. Major changes: Lowers minima. Removes approach control restriction. Changes let-down radial due runway extension.				W side of course. 336° outbound. 156° inbound. 2,500' within 10 miles.	2,000 VOR Factory Intersection# *1,400	156—6.0 from VOR 156—4.0 from Factory Intersection#*	T-dn C-dn S-dn A-dn	300–1 800–1½ 700–1 1,000–2	300–1 900–1½ 700–1 1,000–2	200–½ 900–2 700–1 1,000–2	Within 6 miles climb to 3,500' on R-156 within 20 miles. #Factory Intersection: HSV R-156/HUA R-030 or 063 bearing from HUA Radiobeacon. *If Factory Intersection not received, descent below 1,400' not authorized and straight-in landing minima are 800'.
PHOENIX, ARIZ. Sky Harbor, 1,124'. BVOR-DTV PHX. Procedure No. 1. Amendment No. 5. Effective date: December 29, 1956. Supersedes Amendment 4, dated April 28, 1946. Major changes: change minimums.	Cave Creek Intersection	145—24	5,000	S side of course: 076° outbound. 256° inbound. 2,600' within 10 miles.* 4,100' within 15 miles. Beyond 15 miles not authorized.	#2,100	256—5.5	T-dn C-dn A-dn	300–1 500–1 800–2	300–1 600–1 800–2	200–½ 600–1½ 800–2	Within 5.5 miles, climb to 5,000' on 258° outbound within 20 miles of VOR. *CAUTION: 2,970' obstruction 4 miles N of course, 13 miles E of VOR. #Descent below 1,900' not authorized until abeam of PHX LFR, inbound. CAUTION: Hills and tower 2,830' 6 miles SSW of airport. **Ocotillo Intersection: Intersection PHX R-146 and HYM R-090.
	Perryville FM	078—29	2,600								
	Phoenix LFR	081—4.5	2,600								
	Thunderbird Intersection	170—10.5	4,000								
	McDowell Intersection	195—13	5,000								
	Ocotillo Intersection**	326—12.2	4,000								
POCATELLO, IDAHO. Phillips Field. Procedure No. 2. Amendment Original. Effective date: February 12, 1955.	PROCEDURE CANCELED, EFFECTIVE NOVEMBER 7, 1956.										

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distances	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
MADISON, WIS. Truax Field, 859'. ILS-MSN. MHW-TAX. Back course approach. Combination ILS-ADF. Procedure No. 2. Amendment: Original. Effective date: December 29, 1956.	MSN-LFR	Truax Intersection#.	338—6.5	2,500	E side of course: 359° outbound. 179° inbound. 2,500' within 10 miles.	No glide slope Altitude over Truax Intersection# 2,000	No outer marker Truax Intersection# 3.7	No middle marker	T-dn C-dn S-dn A-dn	300–1 600–1 400–1 800–2	300–1 600–1 400–1 800–2	200–½ 600–1½ 400–1 800–2	Within 3.7 miles after passing Truax Intersection#, climb to 2,400' within 20 miles. If Truax Radiobeacon not operative, VFR minimums apply. Truax Intersection: Intersection 270° bearing to Truax Radiobeacon and Back Course MSN ILS. (To be shown on AL charts only.)
	Intersection 009R LNR-VOR and Back Course MSN-ILS.	Truax Intersection#.	359—3.0	2,500									
	Mendota VHF Intersection.	Truax Intersection#.	060—4.5	2,500									
	MSN-LOM	Truax Intersection#.	359—8.8	2,500									
MERIDIAN, MISS. Key Field, 297'. ILS-IMEL. LOM-ME. Combination ILS and ADF. Procedure No. 1. Amendment No. 2. Effective date: December 13, 1956. Supersedes Amendment 1, dated April 30, 1955. Major changes: Revise transition and missed approach. Reduce ADF altitude over LOM. Reduce 2-engine night visibility minima. Revise takeoff limitations.	Meridian LFR	LOM	176—8.1	2,000	E side of S course: 184° outbound. 004° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	ILS 1,700 ADF 1,000 over LOM	1,700—4.7	490—0.5	T-dn C-dn S-dn ILS ADF A-dn ILS ADF	300–1 500–1 #300–¾ 500–1 600–2 800–2	300–1 600–1 #300–¾ 500–1 600–2 800–2	200–½ 600–1½ #300–¾ 500–1 600–2 800–2	Within 4.7 miles, after passing LOM (ADF) climb to 2,000' on course of 004° from LOM within 20 miles. #500–1 required when glide slope not used. *300–1 takeoff minima required runway 9. Takeoffs with less than 200–½ not authorized on runways 4, 14, 22 and 32. No approach lights. Overrun lights and high intensity runway lights only.
	Meridian VOR	OM	164—8.0	1,800									

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9739; Filed, Dec. 6, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 6—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Because of the number of outstanding amendments to Part 6 since it was last published in the FEDERAL REGISTER (May 6, 1949, 14 F. R. 2307), Part 6 is recapitulated as of December 1, 1956, to read as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

FIXED PUBLIC SERVICES

DEFINITIONS

Sec.
6.1 Fixed public service.
6.2 Fixed public press service.
6.3 Agriculture service.
6.4 Fixed station.
6.5 Point-to-point telegraph station.
6.6 Point-to-point telephone station.
6.7 Point of communication.
6.8 Authorized service.
6.9 Radiotelegraph.
6.10 Radiotelephone.
6.11 Use of A–3 emission by radiotelegraph stations.
6.12 Use of A–0, A–1, or A–2 emission by radiotelephone stations.
6.13 Radio station.

IN GENERAL

6.20 Assignment of frequencies.
6.21 Facsimile.
6.22 Band width, multiple channel.
6.23 Use of frequencies for radiotelegraph communication within the continental United States.
6.24 Correspondents and points of communication.
6.25 Points of communication, limitations.
6.26 Use of transmitters.
6.27 Experimental research.
6.28 Special temporary authorization.
6.29 License period and expiration time.
6.30 Tolerances.
6.31 Period of construction.
6.32 Equipment and service tests.
6.33 Transmissions during international silent period.
6.34 Frequency measurement.
6.35 Compliance with tariff requirements.
6.36 Posting of license.
6.37 Station identification.
6.38 Experimental points of communication, limitations.
6.39 Inspection of tower lights and associated control equipment.
6.40 Changes in height or location of antenna.
6.41 Quarterly report.
6.42 License, simultaneous modification and renewal.
6.43 Maintenance tests of licensed stations.
6.44 Station inspection.
6.45 Operator license, posting of.
6.46 Operators, place of duty.
6.47 Retention of radio station logs.
6.48 Discontinuance of operation.

ADDITIONAL PROVISIONS; FIXED PUBLIC AND FIXED PUBLIC PRESS SERVICES

6.51 Addressed program material.
6.52 Mobile stations, transmission simultaneously to.
6.53 Addressed press service.

AUTHORITY: §§ 6.1 to 6.53 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303.

FIXED PUBLIC SERVICES

DEFINITIONS

§ 6.1 *Fixed public service.* The term "fixed public service" means a radiocommunication service carried on between fixed stations open to public correspondence.

§ 6.2 *Fixed public press service.*[1] The term "fixed public press service" means a limited radiocommunication service carried on between point-to-point telegraph stations, consisting of transmissions by fixed stations open to limited public correspondence, of news items, or other material related to or intended for publication by press agencies, newspapers, or for public dissemination. In addition, these transmissions may be directed to one or more fixed points specifically named in a station license, or to unnamed points in accordance with the provisions of § 6.53.

§ 6.3 *Agriculture service.* The term "agriculture service" means a limited radiocommunication service carried on between point-to-point telegraph stations for the transmission of agricultural market information.

§ 6.4 *Fixed station.* The term "fixed station" in the fixed public or fixed public press service includes all apparatus used in rendering the authorized service at a particular location under a single instrument of authorization.

§ 6.5 *Point-to-point telegraph station.* The term "point-to-point telegraph station" means a fixed station authorized for radiotelegraph communication.

§ 6.6 *Point-to-point telephone station.* The term "point-to-point telephone station" means a fixed station authorized for radiotelephone communication.

§ 6.7 *Point of communication.* The term "point of communication" means a specific location designated in the license to which a station is authorized to communicate for the transmission of public correspondence.

§ 6.8 *Authorized service.* The term "authorized service" of a point-to-point radiotelegraph or radiotelephone station means the transmission of public correspondence to a point of communication as defined in § 6.7 subject to such special provisions as may be contained in the license of the station or in accordance with § 6.53.

§ 6.9 *Radiotelegraph.* The term "radiotelegraph" as used in this part shall be construed to include types A–0, A–1, A–2, and A–4 emission.

§ 6.10 *Radiotelephone.* The term "radiotelephone" as used in this part shall be construed to include type A–3 emission only.

§ 6.11 *Use of A–3 emission by radiotelegraph stations.* The licensee of a point-to-point radiotelegraph station may be authorized to use type A–3 emission for the following purposes:

(a) Transmission of addressed program material as set forth in § 6.51.

(b) Controlling the transmission and reception of addressed program material.

(c) Controlling the transmission and reception of facsimile material.

§ 6.12 *Use of A–0, A–1, or A–2 emission by radiotelephone stations.* The licensee of a point-to-point radiotelephone station may be authorized to use type A–0, A–1, or A–2 emission for test purposes or for the exchange of service messages.

§ 6.13 *Radio station.* "Radio station" or "station" means a station equipped to engage in radio communication or radio transmission of energy. A station includes all apparatus used at a particular location for one class of service. Radio stations are classified according to the nature of the service they furnish and in each service there may be several classes of radio stations.

IN GENERAL

§ 6.20 *Assignment of frequencies.* Effective December 1, 1954 only those frequencies which are in accordance with § 2.104 (a) of this chapter may be authorized for use by stations in the Fixed Public and Fixed Public Press services. Selection of specific frequencies within such bands shall be made by the applicants therefore. After an application has been filed with the Commission for a particular frequency, its availability for assignment as requested will be determined by study of the probabilities of interference to and from existing services assigned on the same or adjacent frequencies and if necessary, by coordination with other agencies utilizing frequencies in these ranges. The applicant will be notified of the results of such study and coordination. All new assignments of frequencies may be made subject to certain conditions as may be required to minimize the possibility of harmful interference to existing services.

§ 6.21 *Facsimile.* The licensee of a point-to-point radiotelephone or radiotelegraph station may be authorized to use type A–4 emission for the transmission of facsimile service to a point of communication specifically designated in a license. Each such instrument of authorization shall specify the maximum communication band width authorized and the provisions of §§ 2.201 and 2.202 of this chapter shall apply.

§ 6.22 *Band width, multiple channel.* The licensee of a point-to-point radiotelegraph or radiotelephone station may be authorized to use a band width in excess of that authorized for a particular type of emission by § 2.201 of this chapter.

§ 6.23 *Use of frequencies for radiotelegraph communication within the continental United States.* Licensees of point-to-point radiotelegraph stations may use any frequency authorized in a station license for communication between designated points within the continental United States upon the express condition that the use of any frequency above 5000 kilocycles shall be subject to the limitation that no interference shall be caused to international service; and in the event such interference is caused, the licensee shall immediately discontinue the use of the frequency or frequencies producing such interference and operation thereon may be conducted only at times when such interference will not be caused.

§ 6.24 *Correspondents and points of communication.* Each instrument of authorization issued for fixed public or fixed public press service shall authorize communication to the points of communication and to the organizations, agencies, or persons specified therein only, except as provided by § 6.53: *Provided, however,* That in the event of a change in an organization, agency, or person specified or a change in the effective control of such organization, agency, or person, the licensee shall immediately notify the Commission of such change and shall file an application for modification of the instrument of authorization: *And provided further,* That where such change is occasioned by reason of circumstances beyond the control of the licensee, communication under the then outstanding instrument of authorization shall be permitted to continue pending consideration of and action upon the application for modification of the instrument of authorization.

§ 6.25 *Points of communication, limitations.* No point of communication will be regularly authorized in any instrument of authorization for fixed public or fixed public press service in absence of an adequate showing that public correspondence may be transmitted and received from such points, except as provided in § 6.53.

§ 6.26 *Use of transmitters.* The licensee of a point-to-point radiotelegraph or radiotelephone station may use any transmitter of the station for transmission upon any frequency assigned to the station for communication with any point of communication authorized by the station license: *Provided, however,* That the maximum power authorized for the specific frequency as shown in the license is not exceeded.

§ 6.27 *Experimental research.* The licensee of a station may be authorized to use a transmitter which is licensed for fixed public or fixed public press service for experimental research in accordance with the rules and regulations governing the experimental service upon the condition that no interference will be caused to the public service. Class 1 and Class 2 experimental stations authorized to operate as point-to-point telegraph or telephone stations shall comply with the rules governing fixed public radio services in addition to the rules and regulations governing experimental radio services.

§ 6.28 *Special temporary authorization.* Requests for special temporary authority must comply with the applicable provisions of § 1.324 (a) of this chapter, and must be accompanied by a showing that interference will not be caused to the fixed public or fixed public press service for which the station is primarily licensed; and, in addition, such requests must be accompanied by the following:

(a) A statement of the call letters, location, and frequencies of the transmitting station; the call letters, location, and frequencies of the receiving station and the type or types of emission to be employed by both stations.

(b) A statement as to whether or not the frequencies are to be used for contact control purposes only.

(c) A statement of the period for which the temporary authority is desired.

(d) A statement describing the service which is to be rendered.

(e) Where authority is requested to communicate with a new foreign or overseas point, a statement describing the proposed contract, agreement or other arrangement to be made with any foreign administration or carrier, governing the operation of the proposed circuit, together with copies of any documents constituting such proposed contract, agreement or arrangement; and where extension is requested of existing authority to operate a circuit, a statement describing any modification in the contract, agreement or arrangement governing the operation of the circuit, made since the filing of the last preceding application for the authority sought to be extended, together with copies of any documents constituting such modification: *Provided, however,* That if copies of a proposed contract, agreement, arrangement or modification thereof have already been filed under § 43.52 of this chapter, reference to such prior filing may be made in lieu of refiling such documents hereunder.

§ 6.29 *License period and expiration time.* Licenses for stations operating in the fixed public radiocommunications services will be issued for a period of 2 years unless otherwise stated in the instrument of authorization. The date of expiration of such licenses shall be the 1st day of December, and each station license will be issued so as to expire at the hour 3 a. m., eastern standard time. Unless otherwise ordered, when an application for a new station license is granted within three months of the expiration date for licenses of the particular class of station involved, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted more than three months from the normal expiration date, the license shall be issued for the unexpired period of the current license term only.

§ 6.30 *Tolerances.* The operating frequency of stations in the International Fixed Public Radiocommunication Service shall be maintained within a tolerance of plus or minus the assigned frequency as follows:

Frequency range:	Tolerance (percent)
10 to 50 kc	0.1
50 to 535 kc	0.02
1605 to 30000 kc	0.003

§ 6.31 *Period of construction.* Each construction permit for a radio station in the fixed public service will specify the date of grant as the earliest date of commencement of construction and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 6.32 *Equipment and service tests.* (a) Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the other applicable provisions of this part and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 10 days: *Provided,* That:

(1) The engineer in charge of the district in which the station is located is notified 2 days in advance of the beginning of tests.

(2) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(b) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the other applicable provisions of this part, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That:

(1) The engineer in charge of the district in which the station is located is notified 2 days in advance of the beginning of the tests.

(2) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(3) Service tests will not be authorized after the expiration date of the construction permit.

(c) The authorization for tests embodied in paragraphs (a) and (b) of this section shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 6.33 *Transmissions during international silent period.* During the international silent period prescribed for stations in the maritime mobile service, fixed public and fixed public press stations may transmit communications, other than distress or urgent safety messages, to maritime mobile stations required by treaty or statute to maintain a watch on the international distress frequency only if the licensee of such fixed station has made a satisfactory showing to the Commission that the continuation of such communications through the international silent period will not interfere with the maintenance of the prescribed watch by such maritime mobile stations.

[1] This section is not intended as a definition of any press classification. Correspondence admissible under any press classification is determined by the tariffs of the various common carriers on file with the Commission.

§ 6.34 *Frequency measurement.* Each station shall provide for the measurement of all frequencies assigned thereto and establish a procedure for checking them regularly. These measurements shall be made by means independent of the frequency control of the transmitter and shall be of an accuracy sufficient to detect deviations from the assigned frequency within one-half the allowed tolerance.

§ 6.35 *Compliance with tariff requirements.* No licensee authorized to perform common-carrier service by means of radio communication shall engage in such service without compliance with all statutory provisions and regulations of the Commission relative to the filing of tariffs; and nothing contained in this part shall be deemed as a waiver or modification of any such statutory provision or regulation.

§ 6.36 *Posting of license.* The license of a station shall be posted in a conspicuous place in the main transmitter building of the station or kept in such building where it is readily available for inspection purposes.

§ 6.37 *Station identification*—(a) *General.* (1) Every radiotelegraph or radiotelephone station in the International Fixed Public or Fixed Public Press Service shall transmit, as provided below, the identifying call sign or other approved identification signal on each of its assigned frequencies below 50,000 kc on which energy is being radiated.

(b) *When required.* (1) The call sign assigned to each frequency shall be transmitted on that frequency at the beginning and end of each period of use of the frequency.

(2) During regular operation on any frequency, the call sign or other approved identification signal shall be transmitted at least at hourly intervals within the period from 10 minutes before to 10 minutes after each hour. If identification during this period would require an interruption in the transmission of a radiophoto, a telephone conversation, an addressed program or a multiple addressed press message, or a break in the continuity of a "conference" or "leased line" type of service, the identifying signal shall be transmitted at the first break in, at the conclusion of, or simultaneously with, the particular transmission as described below.

(c) *Methods of transmission.* (1) All identifying signals shall be transmitted in such a manner as to permit identification without special equipment other than communication type receivers, except as provided in paragraph (e) of this section. When emissions are being used which are not capable of identification without special equipment, the identifying signal shall be transmitted by one of the following methods:

(i) By interrupting the transmission and transmitting the call sign in a manner which can be identified without special equipment.

(ii) By superimposing the call sign or other approved identification signal on the emission being transmitted without interrupting the transmission as provided for by paragraphs (e) and (f) of this section.

(d) *Emissions to be used.* (1) Except as otherwise provided, the following emissions shall be used for identification:

(i) *Radiotelegraph stations.* The identifying call sign shall be transmitted by International Morse code at a speed not to exceed 25 words per minute and shall consist of the signal "QRA de" followed by the call sign. This transmission shall be made at least three times.

(ii) *Radiotelegraph stations using telephone type emissions.* When telephone type emissions are being used in accordance with Section 6.11 of the Rules, identification may be made by voice and shall consist of announcing three times in English the call sign of the frequency being used.

(iii) *Radiotelephone stations.* The identifying transmission may be made utilizing either telegraph or telephone type emissions. When telegraph emission is used, the transmission shall be made in International Morse Code at a speed not to exceed 25 words per minute and shall consist of the signal "QRA de" followed by the call sign. This transmission shall be made at least three times. When telephone emission is used, the identification shall consist of announcing three times in English the call sign of the frequency being used, provided that all privacy or secrecy devices shall be removed from the circuit during such transmissions.

(e) *Superimposed identification.* (1) Radiotelegraph or radiotelephone stations identifying simultaneously with transmission of traffic—call signs or the general identification signal described below may be superimposed on the emission being transmitted by any method which will make identification possible with communication type receivers provided that approval of any such method shall first have been obtained from the Federal Communications Commission. (Approval by the Federal Communications Commission of any means of identification of complex emissions by superimposing identification of regular transmissions will be given upon satisfactory completion of co-ordinated tests thereof by the applicant and the Commission's Field Engineering and Monitoring Bureau.) Commission approval may be withdrawn if at any subsequent time harmful interference to adjacent frequencies is caused by the superimposed identification. When superimposed identification by call sign is used, the ideitifying signal shall consist of "QTT de (call sign)" transmitted at least three times in International Morse Code at a speed not to exceed 25 words per minute.

(f) *General identification signal.* (1) When an approved method of superimposed identification is used, the identification signal shall consist of "QTT de (abbreviated name of company recorded with the Commission) (abbreviated name of station recorded with the Commission)." (It is suggested that "abbreviated company name" consist of two to five letters such as the initials of the company name and that "abbreviated name of station" consist of two or three letters indicating the name of the city where the licensee's message center is located. Both of these abbreviations shall be notified to the Commission before being used for identification.) This general identification signal shall be transmitted in International Morse Code at a speed not to exceed 25 words per minute and may be transmitted continuously or intermittently as desired provided that it shall be transmitted for at least five minutes total time during the period from 10 minutes before to 10 minutes after each hour that energy is being radiated on the frequency. The same signal may be superimposed on all transmissions being made at a particular station: *Provided, however,* That licensed call signs shall be transmitted on the frequencies to which they are assigned as often as is practicable and reasonable or at least at the beginning and end of each period of use of each frequency.

(g) *Identification by printer.* (1) Notwithstanding the foregoing with respect to methods of transmission, when single channel start-stop 5 unit code printer equipment is being used, the identifying call sign may be transmitted by means of printer signals. When identification is made by printer signals, it shall consist of the call sign for the particular frequency being used and shall be made at least three times at a speed of approximately 60 words per minute.

§ 6.38 *Experimental points of communication, limitations.* Class 1 or Class 2 experimental stations licensed to operate as point-to-point telegraph or telephone stations in the fixed public service may communicate only with other experimental stations located within the continental limits of the United States: *Provided, however,* That upon application the Commission may authorize such a station to communicate with one or more specific points in a territory or possession of the United States or with a specific foreign point. In each such case the Commission will determine the nature of the experimental transmissions which may be made to such point of communication outside the continental United States.

§ 6.39 *Inspection of tower lights and associated control equipment.* (a) The licensee of any fixed public radio station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(1) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(2) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(3) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of paragraph (a) of this section as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights is made.

(3) In the event of any observed failure of a tower light, (i) nature of such failure; (ii) time the failure was observed; (iii) time and nature of the adjustments, repairs or replacements made, (iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within 30 minutes and the time such notice was given; (v) time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each 3 months, (i) the date of inspection and the condition of all tower lights and associated tower lighting control devices; (ii) any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 6.40 *Changes in height or location of antenna.* The licensee of a fixed public radio station, the transmitter of which is authorized at a fixed location, shall not make any changes, without the express authority of the Commission, either in the height or the location of the antenna or its supporting structures, except, when the existing or proposed antenna or structure has a maximum height not in excess of 100 feet above the ground, changes in height or local changes in location may be made without specific authorization. In no case shall any change in the height or location of the antenna or its supporting structures be made without authority when located or proposed to be located within 5 miles of an airport recognized by the Civil Aeronautics Administration or within 5 miles of the center line of an established Federal airway.

§ 6.41 *Quarterly report.* Commencing with the report due May 10, 1943, each licensee of a station at a specific location or of stations under a common transmitter control point, shall, within 40 days after the close of the quarter, submit a quarterly report in duplicate, stating in part I of such report each frequency and associated call letters contained in the license(s), number of hours each such frequency was used to each point of communication for each class of service rendered (such as telegraph, telephone, program or radiophoto), and the total hours each such frequency was used; stating in part II of such report the volume of paid public correspondence transmitted to, received from, and the total with respect to each point of communication named in the license(s); and stating in part III of such report a list of the frequencies which were received from all stations beyond the continental limits of the United States, indicating call letters, locations, type of emissions, and whether such frequencies were received normally or occasionally: *Provided, however,* That this report is not required for stations operating on frequencies above 30,000 kilocycles which are used primarily to control the operation of, or to relay messages to or from, another radio station for which such a report is submitted or for the operation of stations on frequencies above 30,000 kilocycles which are used as an extension to or an integral part of the domestic communication network.

§ 6.42 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 6.43 *Maintenance tests of licensed stations.* Station licensees are authorized to carry on such routine tests as may be required for the proper maintenance of the stations: *Provided,* That the tests shall be so conducted as not to cause interference with the service of other stations.

§ 6.44 *Station inspection.* The licensee of any radio station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 6.45 *Operator license, posting of.* The original license of each station operator shall be posted at the place where he is on duty.

§ 6.46 *Operators, place of duty.* (a) One or more licensed operators of the grade specified by the rules and regulations shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated: *Provided, however,* That:

(1) Subject to the provisions of paragraph (b) of this section, in the case of a station where remote control is used, the Commission may modify the foregoing requirements upon proper application and showing being made so that such operator or operators may be on duty at the control station in lieu of the place where the transmitting apparatus is located.

(2) In the case of two or more stations licensed in the name of the same person to use frequencies above 30,000 kilocycles only, a licensed radio operator of any class except amateur or holder of restricted radiotelephone or radiotelegraph operator permit who has the station within his effective control may be on duty at any point within the communication range of such station in lieu of the transmitter location or control point during the actual operation of the transmitting apparatus and shall supervise the emissions of all such stations so as to insure the proper operation in accordance with the station license.

(b) Authority to employ an operator at the control point in accordance with paragraph (a) (1) of this section shall be subject to the following conditions:

(1) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

(2) The emissions of the transmitter shall be continuously monitored at the control point by a licensed operator of the grade specified for the class of station involved.

(3) Provision shall be made so that the transmitter can quickly and without delay be placed in an inoperative condition in the event there is a deviation from the terms of the station license.

(4) The radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

§ 6.47 *Retention of radio station logs.* Logs of a radio station, when required elsewhere in this part to be made or kept, shall be retained for a period of one year: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 6.48 *Discontinuance of operation.* The licensee of each fixed radio station, except stations operating in Alaska, shall notify the engineer in charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change: (a) Temporary discontinuance of operation for a period of ten days or more; (b) the date of resumption of operation after temporary discontinuance of operation for a period of ten days or more; (c) permanent discontinuance of operation: *Provided, however,* Where any such discontinuance of operation is not voluntary and results from causes beyond the control of the licensee, notice thereof shall be given not later than two days after such discontinuance of operation. In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the engineer of intention to discontinue operation, immediately forward the station license to the Washington, D. C., office of the Commission for cancellation.

ADDITIONAL PROVISIONS; FIXED PUBLIC AND FIXED PUBLIC PRESS SERVICES

§ 6.51 *Addressed program material.* (a) Stations operating in the fixed public service and in the fixed public press service may be authorized to transmit addressed program material to a fixed point or points, specifically named in the instrument of authorization granted to the licensee, beyond the continental limits of the United States intended for

broadcast only by a broadcast station. Any such authorization shall be subject to the condition that no interference is caused to the authorized regular service of the station as defined by § 6.8.

(b) Such stations may also, upon proper application therefor, be authorized to transmit addressed program material to any such fixed point in South or Central America for simultaneous interception and broadcast by a broadcast station at one or more additional points in the same general area upon a showing that public message service to such fixed point of communication will not be unduly impaired. Application for such authority shall be submitted not less than 10 days prior to the proposed date of the first interception. Such application shall show, in addition to the proposed intercept and broadcast points, the South or Central American station or stations over which the program will be broadcast, a full description of the arrangements made for such intercept and broadcast, and the period for which such authority is requested. Authorizations will be limited to the period for which arrangements for broadcasting by South or Central American stations have been made and in no event will extend beyond the term of the point-to-point station license.

§ 6.52 *Mobile stations, transmission simultaneously to.* A point-to-point telegraph station, in addition to the fixed points of communication specified in an instrument of authorization, may be authorized to communicate simultaneously with mobile stations for the transmission of press material destined primarily to fixed points.

§ 6.53 *Addressed press service.* (a) The licensee of a station in the fixed public or fixed public press service may be authorized to transmit, without coordinated reception, addressed press messages to one or more persons at one or more fixed points not specifically named in its license: *Provided, however,* That the licensee, upon institution of addressed press service to any person at any point, shall promptly notify the Commission of the following:

(1) The name and location of the person subscribing to such service,

(2) The date of institution of such service, and

(3) The location of the licensee's station from which such service is transmitted.

Any authority, granted under this paragraph, to transmit addressed press messages to any person or to any point may be terminated by the Commission upon notice to the licensee within 30 days after notification of institution of service to such person or point is filed by the licensee.

(b) In the event of the deletion of service to any point or to any person or any change with respect to the facts reported under paragraph (a) (1) or (3) of this section, the licensee shall promptly notify the Commission of such deletion or change and the date thereof.

(c) On or before the first day of February and the first day of August of each year, the licensee shall submit, for each of its stations authorized to render addressed press service in accordance with provisions of this section, a recapitulative list, as of the first day of January and the first day of July respectively of that year, containing the following: (1) The name and location of each person subscribing to such service, and (2) the date of institution of such service to each person at each point.

[F. R. Doc. 56-10024; Filed, Dec. 6, 1956; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

CHANGES IN SECURITIES ADMITTED TO UNLISTED TRADING PRIVILEGES

On August 1, 1956, the Securities and Exchange Commission published a proposal to amend § 240.12f-2 (Rule X-12F-2) under the Securities Exchange Act of 1934. The Commission has considered all the views and comments received on the proposal and has adopted the amendment in the form stated below.

Rule X-12F-2 deals with the continuation of unlisted trading privileges granted to a security pursuant to section 12 (f) of the act when changes occur with respect to the security. Under the amended rule securities which are also fully listed and registered on another exchange are dealt with separately in a new paragraph (a) (1) under which continuation of unlisted trading privileges will depend upon whether or not the listing on the exchange where the security is fully listed can continue without a new application for registration of the security under the Securities Exchange Act.

Before the amendment, the rule provided that a security admitted to unlisted trading privileges would be deemed to be the security theretofore admitted to such privileges notwithstanding specified changes, including changes in the par value, the number of shares authorized or the number of shares outstanding. Under paragraph (a) (2) of the amended rule if any of such changes occur with respect to a security which is not also fully listed and registered on another exchange, and such change is accompanied by a major change in the capitalization of the issuer as defined in the rule, the unlisted trading privileges will continue only if the Commission finds that, notwithstanding the change, the security is substantially equivalent to the security theretofore admitted to unlisted trading privileges. A major change in capitalization is defined in paragraph (a) (3) of the rule to mean one where, by reason of one or more mergers, consolidations, acquisitions of assets or securities, or similar transactions (not including a sale of securities for cash, a stock dividend or a stock split) the number of outstanding shares of stock of the issuer has been increased by more than 100 percent within any 12 consecutive calendar months. Paragraph (a) (2) provides for notice by the exchange on Form 27 where any change of the type enumerated occurs, unless an application is filed pursuant to paragraph (b) of the rule.

Paragraph (b) of the rule still provides that an exchange may file an application requesting the Commission to make the determination that in spite of any particular change the security shall be deemed to be substantially equivalent to the security previously admitted to unlisted trading privileges. The only changes made in paragraph (b) are those necessary to conform its provisions to paragraph (a) as amended.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 12 (f) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and to carry out its functions under the act, hereby amends Rule X-12F-2 as stated below.

§ 240.12f-2 *Changes in securities admitted to unlisted trading privileges.* (a) (1) Whenever any change occurs with respect to a security admitted to unlisted trading privileges on a national securities exchange and also listed and registered on any other national securities exchange, such security shall be deemed to be the security theretofore admitted to unlisted trading privileges if, notwithstanding such change, a new application for registration pursuant to Regulation X-12B and X-12D1 is not required in order that such security may continue to be listed and registered on such other national securities exchange.

(2) Unless the changes enumerated in subdivision (i), (ii) or (iii) of this subparagraph are accompanied by a major change in the capitalization of the issuer, as defined in subparagraph (3) of this paragraph, a security admitted to unlisted trading privileges on a national securities exchange and not listed and registered on any other national securities exchange shall be deemed to be the security theretofore admitted to such unlisted trading privileges on such exchange although changed in one or more of the following respects:

(i) Title of such security or the name of the issuer;

(ii) The maturity, interest rate, and/or outstanding aggregate principal amount of an issue of bonds, debentures or notes;

(iii) The par value, dividend rate, number of shares authorized and/or the outstanding number of shares of a stock.

Whenever any change enumerated in subdivision (i), (ii) or (iii) of this subparagraph occurs with respect to a security admitted to unlisted trading privileges on a national securities exchange and not listed or registered on any other national securities exchange, the exchange shall notify the Commission of such change by filing Form 27 with the Commission promptly after learning thereof unless an application is filed by such exchange pursuant to paragraph (b) of this section.

(3) A major change in the capitalization of the issuer shall be deemed to have occurred for purposes of this paragraph if, by reason of one or more mergers, consolidations, acquisitions of assets or securities, or similar transactions (not including a sale of securities for cash, a stock dividend, or a stock split), the number of outstanding shares of stock of the issuer has been increased by more than 100 percent within any 12 consecutive calendar months.

(b) Whenever any change occurs with respect to a security admitted to unlisted trading privileges and, after such change, such security is not deemed to be the same security under the provisions of paragraph (a) of this section, such security shall nevertheless be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange if the Commission shall have determined, upon application by such exchange, that the security after such change is substantially equivalent to the security theretofore admitted to unlisted trading privileges. An application filed under this paragraph shall be executed by a duly authorized officer of the exchange and shall contain the following information.

(1) Name of issuer and title of security; and

(2) A brief but comprehensive description of each change proposed to be effected in such security, together with a copy of all written matter submitted to security holders relating to each such change.

This amendment shall be effective January 2, 1957.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 23, 1956.

[F. R. Doc. 56-10017; Filed, Dec. 6, 1956; 8:47 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

PART 259—FORMS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 274—FORMS, INVESTMENT COMPANY ACT OF 1940

MONTHLY REPORTS OF CHANGES IN OWNERSHIP OF EQUITY SECURITIES

On July 18, 1956, the Securities and Exchange Commission announced that it had under consideration a proposed amendment to the Instructions to Form 4 (§ 249.104) under the Securities Exchange Act of 1934. This form is used for monthly reports of changes in ownership of equity securities by the beneficial owners of more than 10 percent of any class of equity securities registered on a national securities exchange, and by officers and directors of the issuer of such securities. Similar changes were proposed for Form U-17-2 (§ 259.217b) under the Public Utility Holding Company Act of 1935 and Form N-30F-2 (§ 274.203) under the Investment Company Act of 1940.

I. The amendment to Form 4 (§ 249.104) is in the form of a revision of Instruction 9 of the Instructions for Form 4 and reads as follows:

9. *Character of transaction.* If the transaction was with the issuer, so state. If it involved the acquisition of securities through the exercise of options, so state and give the exercise price per share. If the transaction was any other purchase or sale and was effected otherwise than in the open market, that fact shall be indicated. If the transaction was other than a purchase or sale, indicate its character, for example, gift, 5 percent stock dividend, etc., as the case may be. The foregoing information may be appropriately set forth in the table or under "Remarks" at the end of the table.

II. The amendment to Form U-17-2 (§ 259.217b) is in the form of a new instruction, to be inserted immediately after Instruction 3 of the Rules and Instructions for Form U-17-2, and reads as follows:

3A. *Character of transaction.* If the transaction was with a registered holding company or one of its subsidiaries, so state. If it involved the acquisition of securities through the exercise of options, so state and give the exercise price per share. If the transaction was any other purchase or sale and was effected otherwise than in the open market, that fact shall be indicated. If the transaction was other than a purchase or sale, indicate its character, for example, gift, 5 percent stock dividend, etc., as the case may be. The foregoing information may be appropriately set forth in the table or under "Remarks" at the end of the table.

III. The amendment to Form N-30F-2 (§ 274.203) is in the form of a new instruction, to be inserted immediately after Instruction 3 of the Rules and Instructions for Form N-30F-2, and reads as follows:

3A. *Character of transaction.* If the transaction was with the investment company, so state. If it involved the acquisition of securities through the exercise of options, so state and give the exercise price per share. If the transaction was any other purchase or sale and was effected otherwise than in the open market, that fact shall be indicated. If the transaction was other than a purchase or sale, indicate its character, for example, gift, 5 percent stock dividend, etc., as the case may be. The foregoing information may be appropriately set forth in the table or under "Remarks" at the end of the table.

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 16 (a) and 23 (a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 17 (a) and 20 (a) thereof; and the Investment Company Act of 1940, particularly sections 30 (f) and 38 (a) thereof. Such action shall become effective January 2, 1957.

(Sec. 23, 48 Stat. 901; sec. 20, 49 Stat. 833; sec. 38, 54 Stat. 841; 15 U. S. C. 78w, 79t, 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 27, 1956.

[F. R. Doc. 56-10018; Filed, Dec. 6, 1956; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 261—CLAIMS FOR REPLACEMENT OF VALUABLES OR THE VALUE THEREOF, SHIPPED PURSUANT TO THE GOVERNMENT LOSSES IN SHIPMENT ACT

REPORT OF SHIPMENT

Part 261, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 577 dated August 13, 1937, as amended) is hereby amended by deleting § 261.6 which reads as follows:

§ 261.6 *Report of shipment.* As promptly as possible after June 30 of each year consignors shall render to the Secretary of the Treasury, Treasury Department, Washington 25, D. C., for the attention of the Bureau of Accounts, Deposits Branch, a consolidated report, on Form 10DD revised, of shipments of valuables made during the preceding twelve months.

(Sec. 6, 50 Stat. 480; 5 U. S. C. 134e)

[SEAL] A. N. OVERBY, *Acting Secretary of the Treasury.*

DECEMBER 4, 1956.

[F. R. Doc. 56-10028; Filed, Dec. 6, 1956; 8:48 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

PART 103—SMALL BUSINESS SIZE STANDARDS

On January 5, 1956, a notice of proposed rule-making was published in the FEDERAL REGISTER (21 F. R. 79), relating to small business size standards. The following regulations are hereby adopted and are to be effective on January 1, 1957.

Sec.
103.1 Purpose.
103.2 Definition of terms.
103.3 Determination of small business for Government procurement.
103.4 Determination of small business for financial and other assistance.
103.5 Protest of small business status.
103.6 Appeals.

AUTHORITY: §§ 103.1 to 103.6 issued under sec. 205, 67 Stat. 234, as amended; 15 U. S. C. 634. Interpret or apply secs. 202, 203, 207, 212, 213, 67 Stat. 232, 233, 235, as amended, 238, as amended; 15 U. S. C. 631, 632, 641, 642.

§ 103.1 *Purpose.* This part establishes criteria and procedures to define and determine which concerns are "small business concerns" within the meaning of the Small Business Act of 1953, as amended (hereinafter referred to as the "act").

year, the licensee shall submit, for each of its stations authorized to render ad-

issuer has been increased by more than 100 percent within any 12 consecutive

(3) A major change in the capitalization of the issuer shall be deemed to

§ 103.2 *Definition of terms.*

(a) "SBA" means the Small Business Administration.

(b) "Annual dollar volume, annual sales and annual receipts" means the annual dollar volume, annual sales and annual receipts of a concern and its affiliates during its most recently completed fiscal year.

(c) "Number of employees," as used in the act or referred to herein in connection with the determination of small business status, except as SBA otherwise determines in a particular industry or part thereof, means the quarterly employment of the concern in question and its affiliates based (1) on the average number of employees reported for the preceding four quarters to the United States Treasury Department under the Old Age and Survivors Insurance Program; or (2) the number of employees as of the most recent quarterly report, whichever more correctly reflects the size of the concern in question. If a concern has not been in existence for a sufficient length of time to have made a quarterly report "Number of Employees" means the average monthly employment of such concern and its affiliates during the period such concern has been in existence.

(d) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence in an area of business activity. In determining whether dominance exists, consideration shall be given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, sales territory and business activity.

(e) "Affiliates": Business concerns are affiliates of each other when either directly or indirectly (1) one concern controls or has the power to control the other, or (2) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors including common ownership, common management and contractual relationships.

(f) "Small Business Certificate" means a certificate issued by SBA pursuant to the authority contained in sections 203 and 212 of the act certifying that the holder of the certificate is a small business concern for the purpose of Government procurement and in accordance with the terms of the certificate.

(g) "Certificate of Competency" means a certificate issued by SBA pursuant to the authority contained in section 212 (d) of the act stating that the holder of the certificate is competent as to capacity and credit, to perform a specific Government procurement contract.

§ 103.3 *Determination of small business for Government procurement*—(a) *General definition.* A small business concern for the purpose of Government procurement is a concern that (1) is not dominant in its field of operation and, with its affiliates, employs fewer than 500 employees, or (2) is certified as a small business concern by SBA.

(b) *Status of non-manufacturer.* Anyone who submits bids or offers in his own name, but who proposes to furnish a product not manufactured by said bidder or offerer is deemed to be a small business concern when (1) he is a small business concern within the meaning of paragraph (a) of this section, and (2) he is a regular dealer as defined in the Walsh-Healey Public Contracts Act, and (3) in the case of a Government procurement reserved for or involving preferential treatment of small businesses or one involving equal bids, such nonmanufacturer shall, in order to qualify as small business, furnish the product of a small business manufacturer or producer in the performance of the contract.

(c) *Status through certification.* Any business concern may apply to the Regional or Branch Office of SBA nearest to such concern's principal place of business for a Small Business Certificate. If the applicant, together with all its affiliates, is not dominant and is otherwise determined to be a small business in its field of operation, even though it has in excess of 500 employees, a certificate will be issued certifying that the applicant is a small business concern within the meaning of the act. The holder of such a certificate will then qualify, subject to the terms of the certificate, as a small business concern for Government procurement purposes. If the applicant is dominant, even though together with all its affiliates it employs fewer than 500 persons, the application for a certificate shall be denied.

(d) *Status through representation.* In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria of paragraphs (a) or (b) of this section, and which has not previously been denied small business status by SBA, may represent that it is a small business. In the absence of a written protest, such concern shall be deemed to be a small business for the purpose of the specific Government procurement involved.

§ 103.4 *Determination of small business for financial and other assistance.* A small business concern for the purpose of financial and other assistance (except procurement assistance) is a business concern, including its affiliates, which is not dominant in its field of operation and can further qualify under the following criteria:

(a) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if it employs 250 or fewer employees;

(2) As large if it employs more than 1,000 employees;

(3) Either as small or large, depending on its industry and in accordance with the employment size standards set forth below in Schedule A, if it employs more than 250 but not more than 1,000 employees.

(b) *Wholesale.* Any wholesale concern is small if its Annual Dollar Volume of Sales is $5,000,000 or less. Any wholesale concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

(c) *Retail.* Any retail concern is classified:

(1) As small if its Annual Sales are $1,000,000 or less;

(2) As small if it is primarily engaged in making retail sales of general merchandise (including department stores and variety stores) or new and used motor vehicles or groceries with fresh meats and its Annual Sales are $2,000,000 or less.

(d) *Service trades.* Any service trades concern is small if its Annual Receipts are $1,000,000 or less except that any hotel or power laundry is small if its Annual Receipts are $2,000,000 or less.

(e) *Construction.* Any concern primarily engaged in construction is small if its average Annual Receipts are $5,000,000 or less for the preceding three years.

(f) *Trucking and warehousing.* Any trucking and warehousing (local and long distance) concern is small if its Annual Receipts are $2,000,000 or less.

(g) *Taxicabs.* Any taxicab concern is small if its Annual Receipts are $1,000,000 or less.

(h) *Certificate of Competency.* A concern which has been issued a Certificate of Competency is a small business concern for the purpose of SBA financial assistance.

(i) *Other standards.* If a concern is engaged in the production of a number of products or the providing of a variety of services which are classified into different industries, the appropriate standard to be used is that which has been established for the industry or activity in which it is primarily engaged. If no standard for an industry or activity has been set out in this Regulation, a concern seeking a size determination should apply for a Small Business Certificate.

§ 130.5 *Protest of small business status.* (a) A bidder or offerer may, prior to award, question the small business status of the apparently successful bidder or offerer by sending a written protest to the contracting officer and to the SBA Regional Office for the region in which the apparently successful bidder or offerer has its principal place of business. Such protest shall contain a statement of the basis for the protest and available supporting facts. SBA will promptly notify the contracting officer of the date such protest was received and will advise the bidder in question that its size status is under review.

(b) The contracting officer in a specific Government procurement may, prior to award, question the small business status of the apparently successful bidder or offerer by sending a written notice to the SBA Regional Office for the region in which the bidder or offerer has its principal place of business. Such notice shall contain a statement of the basis for such notice and available supporting facts. SBA will promptly notify the contracting officer of the date such notice was received and will advise the bidder in question that its size status is under review.

(c) The SBA will as soon as possible and within not more than 10 working days after receipt of a protest or notice

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 103.4 (a) (3)—Continued

Census Classification Code	Industry	Employment size standard [1] (number of employees) 250	500	1,000
	CHEMICALS AND ALLIED PRODUCTS—continued			
2842	Cleaning and polishing preparations	250	500	
2852	Color pigments, inorganic		500	
2821	Cyclic (coal-tar) crudes		500	
2836	Explosives		500	
2871	Fertilizers (mixing only)	250		1,000
2872	Fibers, synthetic		500	
2925	Gases, compressed and liquefied			1,000
2896	Glue and gelatin	250	500	
2894	Gum and wood chem	250		
2903	Gum naval stores (steam distilled)		500	
2861	Hardwood distillation			
2891	Ink, printing	250	500	
2819	Inorganic chemicals, n. e. c			1,000
2897	Insecticides and fungicides	250		
2851	Mixed paints and pigments		500	
2861	Oil mills, cottonseed		500	
2852	Oil mills, linseed			
2853	Oil mills, soybean	250	500	
2844	Oil mills, vegetable, n. e. c	250		
2892	Oils and essential oils, sulfonated	250		
2895	Oils, essential	250		
2829	Oils, marine animal			1,000
2851	Organic chemicals, n. e. c	250		
2834	Paints and varnishes		500	
2823	Plastic materials, resins			1,000
2824	Rubber, synthetic			1,000
2898	Salt		500	
2841	Soap and glycerin			1,000
2822	Softwood distillation	250		1,000
2865	Synthetic dyeing materials, natural	250		
2893	Toilet preparations	250		
2853	Whiting and fillers			
	ELECTRICAL MACHINERY			
3621	Appliances, electrical		500	
3692	Batteries, primary (dry and wet)			1,000
3691	Batteries, storage		500	
3612	Carbon and graphite products			1,000
3669	Communication equipment, n. e. c		500	
3679	Electrical components, n. e. c			1,000
3610	Electrical industrial apparatus, n. e. c	250		
3699	Electrical products, n. e. c		500	
3617	Electrical welding apparatus	250		
3641	Engine electrical equipment			1,000
3651	Lamps, electric			1,000
3693	Medical equipments, electrical		500	
3614	Motors and generators			1,000
3503	Phonograph records			1,000
3661	Radios and related products			1,000
3694	Telephone and telegraph equipment			1,000
3613	Transformers			1,000
3662	Tubes, electronic			1,000
3631	Wire and cable, insulated		500	
3611	Wiring devices and supplies		500	
3693	X-ray and therapeutic apparatus		500	
	FABRICATED METAL PRODUCTS			
3491	Barrels, drums and pails, metal		500	
3443	Boiler shop products	250		
3494	Bolts, nuts, washers and rivets		500	
3471	Coating		500	
3442	Doors, sash and trim, metal	250		
3465	Enameling and lacquering	250		
3467	Engraving on metal	250		
3424	Files			1,000
3431	Fixtures, sanitary	250		
3411	Fixtures and fittings, metal plumbing		500	
3497	Foil, metal	250		
3466	Galvanizing	250		
3429	Hardware, n. e. c	250		

investigate and determine the small business status of the concern and notify the contracting officer and the concern of its decision.

§ 103.6 *Appeals.* (a) Any concern which has been denied small business status by SBA may file an appeal with the Regional Office which issued the denial. The appeal must be in writing, signed by the applicant, and shall contain the basis therefor together with any new supporting facts. The Regional Director shall forward the appeal together with his comments and appropriate files, to the Chairman, Size Standards Committee, Small Business Administration, Washington 25, D. C.

(b) The filing of an appeal shall not extend or in any other way modify the time limit for determinations as set forth in § 103.5 (c).

Dated: November 30, 1956.

WENDELL B. BARNES,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 103.4 (a) (3)

Census Classification Code	Industry	Employment size standard [1] (number of employees) 250	500	1,000
	APPAREL AND RELATED PRODUCTS			
2380	Apparel, n. e. c [2]	250		
2383	Bags, textile	250		
2387	Belts	250		
2331	Blouses and waists	250		
2394	Canvas products	250		
2386	Clothing, leather	250		
2329	Clothing, men's and boys', n. e. c	250		
2363	Coats, children's	250		
2342	Corsets and allied garments	250		
2391	Curtains and draperies	250		
2381	Dress, children's	250		
2361	Dresses, girls' and misses'	250		
2333	Dresses, unit price	250		
2385	Organic chemicals, n. e. c	250		
2629	Embroideries, except Schiffli-machine	250		
2397	Embroideries, Schiffli-machine	250		
2371	Fur goods	250		
2385	Garments, outer, waterproof	250		
2381	Gloves, dress, fabric and combination	250		
2382	Gloves, work, fabric and combination	250		
2258	Handkerchiefs	250		
2226	Hat and cap materials	250		
2252	Hats and caps, cloth, men's and boys'	250		
2512	Household furnishings, n. e. c	250		
2151	Millinery	250		
2323	Neckwear, men's and boys'	250		
2238	Neckwear and scarfs, women's	250		
2369	Outerwear, children's, n. e. c	250		
2339	Outerwear, women's, n. e. c	250		
2384	Robes and dressing gowns	250		
2321	Shirts, dress, and nightwear, men's	250		
2328	Shirts, work		500	
2335	Skirts, women's	250		
2311	Suits and coat finishings	250		
2337	Suits and coats, misses' and boys'	250		
2335	Suits and coats, women's	250		
2383	Suspenders and garters	250		
2299	Textile products, fabricated, n. e. c	250		
2396	Trimmings and art goods	250		
2311	Uniforms and vestments	250		
2315	Trucking, pleating and hemstitching	250		
2322	Underwear, men's and boys'	250		
2341	Underwear, women's and children's	250		
	CHEMICALS AND ALLIED PRODUCTS			
2887	Acids, fatty		500	
2812	Alkalies and chlorine			1,000
2889	Animal oils, n. e. c	250		
2831	Biological products	250		
2822	Boneblack products	250		
2805	Carbon black		500	
2899	Chemical products, n. e. c	250		

[1] The total number of employees listed for each industry includes all employees of affiliates.
[2] The abbreviation n. e. c. means not elsewhere classified.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 103.4 (a) (3)—Continued

Census Classification Code	Industry	Employment size standard [1] (number of employees)		
		250	500	1,000
	FABRICATED METAL PRODUCTS—continued			
3439	Heating and cooking apparatus, n. e. c.		500	
3499	Metal products, fabricated, n. e. c.	250		
3481	Nails and spikes	250		
3432	Oil burners	250		
3468	Plating and polishing	250		
3492	Safes and vaults		500	
3425	Saws and saw blades, hand	250		
3495	Screw-machine products	250		
3444	Sheet-metal work	250		
3463	Stampings, metal	250		
3493	Steel springs		500	
3441	Structural and ornamental products	250		
3411	Tin cans and other tinware			1,000
3422	Tools, edge	250		
3423	Tools, hand, n. e. c.	250		
3496	Tubes, collapsible	250		
3461	Vitreous-enameled products	250		
3489	Wirework, n. e. c.	250		
	FOOD AND KINDRED PRODUCTS			
2042	Animal feeds, prepared	250		
2052	Biscuit, crackers and pretzels		500	
2051	Bread and other bakery products	250		
2021	Butter, creamery	250		
2033	Canning and preserving, except fish	250		
2043	Cereal preparations			1,000
2022	Cheese, natural	250		
2073	Chewing gum		500	
2072	Chocolate and cocoa products		500	
2071	Confectionery products	250		
2094	Corn products			1,000
2025	Dairy products, special	250		
2090	Eggs, liquid, frozen and dried	250		
2032	Fish, cured	250		
2095	Flavorings	250		
2041	Flour and meal	250		
2045	Flours, blended and prepared	250		
2099	Food preparations, n. e. c.	250		
2037	Frozen foods	250		
2034	Fruits and vegetables, dehydrated	250		
2097	Ice, manufactured	250		
2024	Ice cream and ices	250		
2091	Leavening compounds		500	
2085	Liquors, distilled, except brandy			1,000
2082	Liquors, malt		500	
2098	Macaroni and spaghetti	250		
2083	Malt	250		
2011	Meat packing, wholesale		500	
2013	Meats, prepared	250		
2023	Milk, concentrated	250		
2068	Oleomargarine		500	
2035	Pickles and sauces	250		
2015	Poultry dressing, wholesale	250		
2044	Rice cleaning and polishing	250		
2031	Sea food, canned	250		
2092	Shortening and cooking oils		500	
2081	Soft drinks, bottled	250		
2063	Sugar, beet			1,000
2061	Sugar, raw cane	250		
2062	Sugar, refining, cane			1,000
2086	Vinegar and cider	250		
2084	Wines and brandy	250		
	FURNITURE AND FIXTURES			
2599	Furniture and fixtures, n. e. c.	250		
2514	House furniture, metal except upholstered	250		
2511	House furniture, wood, except upholstered	250		
2519	Household furniture, n. e. c.	250		
2512	Household furniture, upholstered	250		
2515	Mattresses and bedsprings	250		
2522	Office furniture, metal		500	

[1] The total number of employees listed for each industry includes all employees of affiliates.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 103.4 (a) (3)—Continued

Census Classification Code	Industry	Employment size standard [1] (number of employees)		
		250	500	1,000
	FURNITURE AND FIXTURES—continued			
2521	Office furniture, wood	250		
2541	Partitions and fixtures	250		
2532	Professional furniture	250		
2531	Public building furniture	250		
2513	Reed and rattan furniture	250		
2591	Restaurant furniture	250		
2561	Screens, window and door	250		
2562	Shades, window		500	
2563	Venetian blinds	250		
	INSTRUMENTS AND RELATED PRODUCTS			
3843	Dental equipment and supplies	250		
3821	Measuring instruments, mechanical		500	
3851	Ophthalmic goods	250		
3831	Optical instruments and lenses	250		
3861	Photographic equipment			1,000
3811	Scientific instruments	250		
3841	Surgical and medical instruments	250		
3842	Surgical appliances and supplies	250		
3872	Watchcases	250		
3871	Watches and clocks		500	
	LEATHER AND LEATHER PRODUCTS			
3121	Belting, industrial leather	250		
3131	Footwear cut stock	250		
3141	Footwear, except rubber		500	
3151	Gloves, leather dress	250		
3152	Gloves, leather work	250		
3171	Handbags and purses	250		
3199	Leather goods, n. e. c.	250		
3172	Leather goods, small	250		
3111	Leather tanning and finishing	250		
3161	Luggage	250		
3192	Saddlery, harness, and whips	250		
3142	Slippers, house	250		
	LUMBER AND PRODUCTS, EXCEPT FURNITURE			
2441	Baskets, fruit and vegetable	250		
2443	Boxes, cigar	250		
2444	Boxes, wooden (except cigar boxes)	250		
2445	Cooperage	250		
2424	Cooperage stock mills		500	
2425	Excelsior mills	250		
2493	Frames, mirror and picture	250		
2492	Lasts and related products	250		
2431	Millwork plants	250		
2432	Plywood plants	250		
2442	Rattan and willow ware, n. e. c.	250		
2421	Sawmills and planing mills, general	250		
2422	Veneer mills	250		
2491	Wood preserving	250		
2499	Wood products, n. e. c.	250		
2433	Wood products, prefabricated	250		
	MACHINERY (EXCEPT ELECTRICAL)			
3503	Bearings, ball and roller			1,000
3564	Blowers and fans	250		
3571	Computing and related machines			1,000
3531	Construction and mining machinery		500	
3563	Conveyors	250		
3562	Elevators and escalators	250		
3519	Engines, internal-combustion			1,000
3511	Engines and turbines, steam			1,000
3522	Farm machinery (except tractors)	250		
3551	Food-products machinery	250		
3567	Furnaces and ovens, industrial	250		
3569	General industrial machinery, n. e. c.	250		
3582	Laundry and dry-cleaning machinery	250		
3581	Laundry equipment, domestic			1,000
3599	Machine shops	250		
3542	Metalworking machinery, n. e. c.		500	

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 103.4 (a) (3)—Continued

Census Classification Code	Industry	Employment size standard [1] (number of employees)		
		250	500	1,000
	MACHINERY (EXCEPT ELECTRICAL)—continued			
3579	Office and store machines, n. e. c.	250		
3532	Oil-field machinery and tools	250		
3554	Paper-industries machinery	250		
3592	Pipe and fittings, fabricated	250		
3566	Power-transmission equipment		500	
3555	Printing-trades machinery		500	
3561	Pumps and compressors		500	
3586	Pumps, measuring and dispensing			1,000
3585	Refrigeration machinery			1,000
3576	Scales and balances	250		
3589	Service and household machines, n. e. c.	250		
3583	Sewing machines			1,000
3559	Special industry machinery, n. e. c.	250		
3568	Stokers, mechanical		500	
3552	Textile machinery	250		
3543	Tools, cutting, jigs, fixtures, etc.	250		
3541	Tools, machine		500	
3521	Tractors			1,000
3505	Trucks and tractors, industrial	250		
3572	Typewriters			1,000
3584	Vacuum cleaners			1,000
3591	Valves and fittings, except plumbers'		500	
3553	Woodworking machinery	250		
	MISCELLANEOUS MANUFACTURES			
3954	Artists' materials	250		
3991	Beauty and barber shop equipment	250		
3981	Brooms and brushes	250		
3963	Buttons	250		
3994	Candles	250		
3955	Carbon paper and inked ribbons	250		
3982	Cork products	250		
3942	Dolls	250		
3985	Fireworks and pyrotechnics	250		
3962	Flowers, artificial	250		
3992	Furs, dressed and dyed	250		
3941	Games and toys, n. e. c.	250		
3994	Hair work	250		
3939	Instruments, musical, n. e. c.	250		
3912	Jewelers' findings	250		
3986	Jewelry and instrument cases	250		
3961	Jewelry, costume	250		
3911	Jewelry (precious metal)	250		
3913	Lapidary work	250		
3952	Lead pencils and crayons	250		
3983	Matches			1,000
3999	Miscellaneous products, n. e. c.	250		
3998	Models and patterns (except paper)	250		
3988	Morticians' goods	250		
3964	Needles, pins, and fasteners	250		
3932	Organs	250		
3951	Pens and mechanical pencils		500	
3933	Piano and organ parts	250		
3931	Pianos		500	
3996	Pipes, tobacco	250		
3971	Plastics, products, n. e. c.	250		
3987	Shades, lamp	250		
3993	Signs and advertising displays	250		
3914	Silverware and plated ware		500	
3989	Small arms		500	
3990	Small arms ammunition			1,000
3997	Soda-fountain and bar equipment	250		
3949	Sporting and athletic goods	250		
3953	Stamps, hand and stencils	250		
3995	Umbrellas, parasols and canes	250		
3943	Vehicles, children's	250		
	PAPER AND ALLIED PRODUCTS			
2661	Bags, paper		500	
2671	Boxes, paperboard	250		

[1] The total number of employees listed for each industry includes all employees of affiliates.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 103.4 (a) (3)—Continued

Census Classification Code	Industry	Employment size standard [1] (number of employees)		
		250	500	1,000
	PAPER AND ALLIED PRODUCTS—continued			
2651	Envelopes	250		
2674	Fiber cans, tubes, drums, etc.	250		
2691	Paper and board, die-cut	250		
2612	Paper and board mills		500	
2641	Paper coating and glazing	250		
2699	Paper products, converted, n. e. c.	250		
2694	Pulp goods, pressed and molded		500	
2611	Pulp mills			1,000
2693	Wallpaper	250		
	PETROLEUM AND COAL PRODUCTS			
2931	Coke ovens, beehive	250		
2932	Coke ovens, byproduct			1,000
2991	Fuels, briquets and packaged	250		
2992	Lubricants, n. e. c.	250		
2951	Paving mixtures and blocks	250		
2999	Petroleum and coal products, n. e. c.	250		
2911	Petroleum refining			1,000
2952	Roofing felts and coatings		500	
	PRIMARY METAL INDUSTRIES			
3334	Aluminum, primary			1,000
3352	Aluminum rolling and drawing			1,000
3331	Copper, primary			1,000
3351	Copper rolling and drawing			1,000
3313	Electrometallurgical products			1,000
3321	Foundries, gray-iron	250		
3322	Foundries, malleable-iron		500	
3361	Foundries, nonferrous	250		
3323	Foundries, steel		500	
3391	Iron and steel forgings		500	
3332	Lead, primary			1,000
3399	Metal industries, primary, n. e. c.	250		
3359	Nonferrous metal rolling, n. e. c.		500	
3339	Nonferrous metals, primary, n. e. c.		500	
3341	Nonferrous metals, secondary	250		
3393	Pipe, welded and heavy-riveted		500	
3312	Steel works and rolling mills (includes 3311, blast furnaces)			1,000
3392	Wire drawing			1,000
3333	Zinc, primary			1,000
	PRINTING AND PUBLISHING INDUSTRIES			
2782	Blankbook making and paper ruling	250		
2781	Bookbinding	250		
2789	Bookbinding work, miscellaneous	250		
2732	Book printing	250		
2731	Books: publishing and printing	250		
2771	Cards, greeting	250		
2794	Electrotyping and stereotyping	250		
2792	Engraving and plate printing	250		
2761	Lithographing	250		
2783	Loose-leaf binders and devices	250		
2711	Newspapers	250		
2721	Periodicals	250		
2793	Photoengraving	250		
2751	Printing, commercial	250		
2741	Publishing, miscellaneous	250		
2791	Typesetting	250		
	RUBBER PRODUCTS			
3021	Footwear, rubber			1,000
3099	Rubber industries, n. e. c.		500	
3031	Rubber, reclaimed		500	
3011	Tires and inner tubes			1,000
	STONE, CLAY AND GLASS PRODUCTS			
3291	Abrasive products	250		
3292	Asbestos products		500	
3251	Brick and hollow tile	250		

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 103.4 (a) (3)—Continued

Census Classification Code	Industry	Employment size standard [1] (number of employees)		
		250	500	1,000
	STONE, CLAY AND GLASS PRODUCTS—continued			
3241	Cement, hydraulic		500	
3265	China decorating for the trade	250		
3259	Clay products, structural, n. e. c	250		
3255	Clay refractories	250		
3271	Concrete products	250		
3221	Containers, glass			1,000
3281	Cut-stone and stone products	250		
3293	Gaskets and asbestos insulations		500	
3211	Glass, flat			1,000
3231	Glass, products of purchased	250		
3229	Glassware, pressed and blown, n. e. c		500	
3294	Graphite, ground or blended	250		
3272	Gypsum products			1,000
3274	Lime	250		
3299	Mineral products, nonmetallic, n. e. c	250		
3275	Mineral wool		500	
3295	Minerals, ground or treated	250		
3297	Nonclay refractories		500	
3254	Pipe, sewer	250		
3261	Plumbing fixtures, vitreous		500	
3264	Porcelain electrical supplies		500	
3269	Pottery products, n. e. c	250		
3296	Sand-lime products	250		
3298	Statuary and art goods	250		
3253	Tile, floor and wall		500	
3263	Utensils, earthenware food		500	
3262	Utensils, vitreous-china food		500	
	TEXTILE MILL PRODUCTS			
2273	Carpets and rugs, n. e. c	250		
2271	Carpets, rugs and carpet yarns, wool			1,000
2298	Cordage and twine	250		
2256	Fabric, knit, mills	250		
2241	Fabric, narrow, mills	250		
2295	Fabrics, coated, except rubberized	250		
2233	Fabrics, cotton broad woven			1,000
2234	Fabrics, rayon and related broad woven		500	
2213	Fabrics, woolen and worsted		500	
2291	Felt goods, n. e. c	250		
2274	Floor coverings, hard surface			1,000
2255	Glove, knit, mills	250		
2281	Hats and hat bodies, fur-felt	250		
2282	Hats and hat bodies, wool felt	250		
2283	Hats, straw	250		
2284	Hatters' fur	250		
2251	Hosiery, full-fashioned mills	250		
2252	Hosiery, seamless, mills	250		
2297	Jute (except felt) and linen goods		500	
2259	Knitting mills, n. e. c	250		
2292	Lace goods	250		
2253	Outerwear, knit, mills	250		
2293	Paddings and upholstery filling	250		
2211	Scouring and combing plants	250		
2299	Textile goods, n. e. c		500	
2261	Textile finishing, except wool	250		
2216	Textile finishing, wool	250		
2294	Textile waste, processed	250		
2223	Thread mills		500	
2254	Underwear, knit, mills		500	
2224	Yarn mills, cotton system		500	
2225	Yarn mills, silk system	250		
2212	Yarn mills, wool, except carpet		500	
2222	Yarn throwing mills	250		
	TOBACCO MANUFACTURERS			
2111	Cigarettes			1,000
2121	Cigars		500	
2131	Tobacco, chewing and smoking		500	
2141	Tobacco, stemming and redrying			
	TRANSPORTATION EQUIPMENT			
3721	Aircraft			1,000
3722	Aircraft engines			1,000
3729	Aircraft equipment, n. e. c	250		
3723	Aircraft propellers			1,000
3732	Boat building and repairing	250		
3741	Locomotives and parts			1,000
3751	Motorcycles and bicycles		500	
3717	Motor vehicles and parts			1,000
3742	Railroad and street cars			1,000
3731	Ship building and repairing			1,000
3716	Trailers, automobile	250		
3715	Trailers, truck	250		
3799	Transportation equipment, n. e. c	250		
3713	Truck and bus bodies	250		

[1] The total number of employees listed for each industry includes all employees of affiliates.

[F. R. Doc. 56-9990; Filed, Dec. 5, 1956; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, paragraph (a) of § 6.20 is amended to read as follows:

§ 6.20 *Deduction of insurance premiums from compensation, retirement pay, or pension.* • • •

(a) The authorization must be in writing over the signature of the insured, or his legal representative, and, whenever practicable, on such forms as may be prescribed by the Veterans Administration. If insured is incompetent and has no legal representative and has a wife to whom benefits are being paid pursuant to section 21 (4), World War Veterans' Act, 1924, as amended, and § 13.201 of this chapter, she may authorize payment of insurance premiums through the deduction system. If insured is incompetent and has no legal representative and an institutional award has been made in his behalf, the authorization may be executed by the Manager of the field station in which the insured is hospitalized or receiving domiciliary care, and in appropriate cases, by the chief officers of State hospitals or other institutions to whom similar awards may have been approved.

2. In § 6.164, immediately after the fourth paragraph of the Total Disability Provision beginning "(b) Pay to the insured • • •" a new paragraph is added as follows:

§ 6.164 *Total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930.* • • •

The insured must file written application for total disability benefits and must file due proof of such total disability: *Provided*, That in the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and due proof may be filed by the beneficiary within six months after the death of the insured. Except as hereinafter provided, the monthly income payments may relate back to a date not exceeding six months prior to the date of death of the insured.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707; 855. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

3. In Part 8, paragraph (a) of § 8.8 is amended to read as follows:

§ 8.8 *Deduction of insurance premiums from compensation, retirement pay, or pension.* • • •

(a) The authorization must be in writing over the signature of the insured, or his legal representative, and whenever practicable, on such forms as may be prescribed by the Veterans Administration. If insured is incompetent and has no legal representative and has a wife to whom benefits are being paid pursuant to section 21 (4), World War Veterans' Act, 1924, as amended, and § 13.201 of this chapter, she may authorize payment of insurance premiums through the deduction system. If insured is incompetent and has no legal representative and an institutional award has been made in his behalf, the authorization may be executed by the Manager of the field station in which the insured is hospitalized or receiving domiciliary care, and in appropriate cases by the chief officers of State hospitals or other institutions to whom similar awards may have been approved.

4. In § 8.98, clause (C) of the Total Disability Income Provision beginning "(C) The insured must file • • •" is amended to read as follows:

§ 8.98 *Total disability income provision for National Service life insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.* • • •

(C) The insured must file written application for total disability income benefits and must file the required proof that clauses (A) and (B) above have been fulfilled. The required proof must be filed while this provision is in force or within 1 year after this provision has ceased to be in effect. In the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and required proof may be filed by the beneficiary within six months after the date of death of the insured. In such cases, except for total disability which is due to one of the specific causes listed in (A) (2), (A) (3) and (A) (4) above, the monthly income payments may relate back to a date not exceeding six months prior to the date of death of the insured.

5. Section 8.108 is revised to read as follows:

§ 8.108 *Forms of policies.* The forms of policies of insurance, listed in paragraphs (a) through (n) of this section, are hereby prescribed for use in granting National Service life insurance applied for in accordance with the provisions of the National Service Life Insurance Act of 1940, amendments and supplements thereto, and regulations promulgated pursuant thereto. Contracts of insurance authorized to be made in accordance with the terms and conditions set forth in the forms and policy plans listed in paragraphs (a) through (n) of this section, are subject in all respects to the provisions of the National Service Life Insurance Act of 1940, amendments and supplements thereto, and all regulations promulgated pursuant thereto, all of which together with the insured's application, required evidence of health, including physical examination, if required, and tender of premium shall constitute the contract: *Provided*, Any such policy that has been or is hereafter issued or reinstated under any provision of the National Service Life Insurance Act, as amended, which provides for premiums being credited to other than the National Service Life Insurance Fund shall not participate in any gains or savings of such fund.

(a) Five-year level premium term plan (VA Form 9–1660).

(b) Ordinary life plan (VA Form 9–1661).

(c) Twenty payment life plan (VA Form 9–1662).

(d) Thirty payment life plan (VA Form 9–1663).

(e) Twenty year endowment plan (VA Form 9–1664).

(f) ------ year endowment plan (VA Forms 9–1665 and 9–1666).

(g) Renewable nonconvertible five-year level premium term plan (VA Form 9–4400).

(h) Five-year level premium term plan (VA Form 9–4401).

(i) Ordinary life plan (VA Form 9–4402).

(j) Twenty payment life plan (VA Form 9–4403).

(k) Thirty payment life plan (VA Form 9–4404).

(l) Twenty year endowment plan (VA Form 9–4405).

(m) Endowment plan maturing at age 60 (VA Form 9–4406).

(n) Endowment plan maturing at age 65 (VA Form 9–4407).

NOTE: Policy plans in paragraphs (g) through (n) of this section are nonparticipating.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective December 7, 1956.

[SEAL] JOHN S. PATTERSON, *Deputy Administrator.*

[F. R. Doc. 56-10023; Filed, Dec. 6, 1956; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—NURSERY STOCK, PLANTS, AND SEEDS

POSTENTRY QUARANTINE

On October 25, 1956, there was published in the FEDERAL REGISTER (21 F. R. 8194) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to the proposed amendment of § 319.37–19 (c) of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–19 (c), as amended). After due consideration of all relevant matters presented, and under the authority of sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 162), § 319.37–19 (c) is hereby amended by revising the item therein relating to "Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage)" to read as follows:

Plants to be grown under postentry quarantine	*Where imported from*
Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage).	Europe (except Belgium and The Netherlands), Asia, New Zealand, and North America north of the United States-Canadian border. (If the United States Department of Agriculture acquires evidence it considers to be conclusive, indicating that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (d By.) Savile (formerly known as C. rhododendri (DC.) d By.), does not occur within any country in the areas named and that it is being prevented entry therein by adequate plant quarantine measures, such plants may be permitted entry in accordance with the provisions of § 319.37–6.)

This amendment exempts Rhododendron spp. (including azaleas) of the categories designated, imported from Belgium, from the list of restricted material that is to be grown under postentry quarantine.

The United States Department of Agriculture has acquired evidence which it considers to be conclusive that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (d By.) Savile, does not occur in Belgium and that the rust is being prevented entry therein by adequate plant quarantine measures. Therefore, such Rhododendron spp. will be permitted entry in accordance with the provisions of § 319.37–6.

The acquired evidence that is considered to be conclusive includes negative rust surveys in Belgium during 1953, 1954, and 1956 by plant pathologists of the Department. Furthermore, the disease has not been observed by either Federal or State inspectors in any Belgian-grown azaleas or rhododendrons grown here under postentry quarantine. There are no known authentic reports in world literature of occurrence of the rust in Belgium, nor has the rust ever been observed on Belgian-grown Rhododendron spp. offered for import into the United States. Also, a formal statement has been received from the Belgian Phytopathological Service affirming that this species of rust does not occur in that country and citing the quarantine measures adopted to prevent its entry from other countries. These quarantine measures are deemed adequate.

Since this amendment relieves restrictions, it is within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly

be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 5, 37 Stat. 316, 7 U. S. C. 159)

This amendment shall become effective December 7, 1956, when it shall supersede the amendment of § 319.37-19 (c), effective October 26, 1956.

Done at Washington, D. C., this 4th day of December 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-10031; Filed, Dec. 6, 1956; 8:49 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Correction

In Federal Register Document 56-9829, published at page 9365 of the issue for Friday, November 30, 1956, the word "developing", appearing in the fourth line of the oath of office, § 711.5, should read "devolving".

PART 729—PEANUTS

ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR PEANUTS OF THE 1957 AND SUBSEQUENT CROPS

Correction

In Federal Register Document 56-9818, appearing at page 9370 of the issue for Friday, November 30, 1956, the title for True D. Morse should read *"Acting Secretary of Labor"*.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 95]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.395 *Navel Orange Regulation 95*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 29, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., December 9, 1956, and ending at 12:01 a. m., P. s. t., July 28, 1957, no handler shall handle any navel oranges, grown in District 2, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.31 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 4, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10029; Filed, Dec. 6, 1956; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 974]

[Docket No. AO-176-A11]

MILK IN COLUMBUS, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Columbus, Ohio, March 6-9, 1956, pursuant to notice thereof which was issued on February 18, 1956 (21 F. R. 1145).

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on October 12, 1956 (21 F. R. 7949), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

(1) The pricing of milk used in the manufacture of ice cream and related products (Class III milk);

(2) Revision of the Class II price formula;

(3) Revision of the Class IV price formula;

(4) The fixing of class prices on a "hundredweight of milk" basis with adjustments for butterfat content in lieu of separate class prices for skim milk and butterfat;

(5) The supply-demand adjustment and level of the Class I price;

(6) The classification of milk disposed of in the form of cream;

(7) The provisions for the allocation of other source milk;

(8) Revision of the method of payment to producers; and

(9) Modification of the producer butterfat differential.

Additional proposals relating to the definitions of "fluid milk plant" and "handler" were made by the major producer association. During the course of the hearing these proposals were modified by proponents. Following a ruling by the hearing examiner that the additional proposals on such definitions, as set forth in the notice of hearing, were not within the scope of the notice, proponents terminated their testimony with respect thereto. It is concluded that the evidence does not support affirmative action on such proposals. Proposals to (1) review the method of accounting for nonfat dry milk and condensed skim milk used in Class I products, and (2) replace the market-wide pool with individual-handler pools, were abandoned by the respective proponents, and no further comments on the latter proposals are necessary in this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

(1) The price formula for Class III milk should be revised. Certain handlers proposed that the price for milk used to produce frozen cream, condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream and ice cream mix (Class III milk) be made the same as the basic formula price. They contended that the Columbus Board of Health relaxed regulations on milk used to produce ice cream and ice cream ingredients when they permitted additional ice cream manufacturers to bring such products into Columbus from plants under fluid milk inspection by the cities of Cleveland and Marion, Ohio. Milk used to produce ice cream and ice cream ingredients by these additional companies is priced primarily under the Cleveland order. Handlers noted the May 1, 1955, amendment to the Federal milk order for the Cleveland marketing area under the terms of which Cleveland producer milk used in manufacture of ice cream and ice cream ingredients is priced at a level approximating prices generally being paid in the Cleveland milkshed for milk used in manufactured milk products. Reference was made to the fact that the Cleveland order price for milk used in ice cream and ice cream ingredients was lower than the Columbus order price for such uses in all months of 1955. In addition, handlers claimed the Class III price in Columbus is not properly aligned with prices of milk used for ice cream in other nearby markets under regulation.

The proposed reduction of prices paid for producer milk used to produce ice cream and ice cream mix was opposed by one handler. This handler presented several reasons in opposition, as follows:

(1) Previous decreases in the Class III price have influenced some handlers to develop supplies of inspected (producer) milk to provide a year-round supply of inspected milk to produce ice cream and related products for sale outside the Columbus marketing area.

(2) A lower price for Class III milk would induce handlers to carry an excessive supply of producer milk for manufacturing purposes.

(3) Plants of handlers manufacturing ice cream do not serve as a "balance wheel" to supplies needed by handlers primarily engaged in bottling fluid milk in the market.

(4) Ice cream represents a year-round outlet for inspected milk rather than a distress outlet for Class I reserves and seasonal excesses of supplies.

(5) Fluid milk handlers would be disadvantaged if a reduced price for (Class III) milk used to produce ice cream and related products were accompanied by an offsetting adjustment in the price for milk used in fluid milk products (Class I milk).

Producers opposed any decrease in the Class III price on the basis that it would reduce returns to producers. They contended that the price formula as proposed, had it been in effect during 1954 and 1955, would have reduced the uniform price between 4.31 and 12 cents per month in 1954, and between 5.39 and 14.6 cents monthly in 1955. In addition, producers noted that the total poundage of milk used to produce ice cream is as high or higher than that used in the corresponding months of previous years, indicating, in their view, no disadvantage in sales of ice cream by handlers at present Class III milk prices under the order.

The action by the Columbus Board of Health to permit ice cream or ice cream ingredients produced from milk under Cleveland health regulations to be brought into Columbus was taken in June 1952 prior to the last amendment to the order. Official notice is taken of the March 10, 1954, decision to amend the Columbus order. As stated in such decision, the price for milk used to produce Class III products (ice cream and related products) was changed by the last amendment to recognize the competitive factor of Cleveland inspected milk in the form of ice cream and ice cream mixes brought into the Columbus market.

Historically, skim milk and butterfat used to produce ice cream and related products in the Columbus market have received a differential over skim milk and butterfat used for manufacturing purposes. Milk produced under the fluid milk regulations of the Columbus health department is required for the production by handlers of ice cream and related products (used later in ice cream or fluid milk products) to be sold in Columbus. Under such regulations of the Columbus health department, cream, condensed skim milk or ice cream mix permitted to enter Columbus from the Cleveland market for ice cream manufacture must be produced under the same health inspection as applies to milk for consumption as fluid milk in the latter market.

Prior to the last amendment to the order skim milk used to produce ice cream was priced, in all months, substantially higher than the price paid for skim milk used for manufacturing purposes. However, in March 1954 the differential in the price of skim milk used to produce ice cream and related products over that processed into other manufactured products was reduced for the months of April through July. Butterfat used to produce ice cream also had been priced higher than the price paid for butterfat used in manufacturing purposes prior to the last amendment to the order. By the last amendment the price differential on butterfat used to produce ice cream and related products over butterfat in manufacturing outlets was eliminated entirely for the months of April through July. This made the price for butterfat in ice cream the same as that for Class IV (regular) uses and slightly higher than the price paid for butterfat processed into butter in such months. Thus, producers currently received little if any economic incentive over the price of uninspected milk for butterfat from milk produced under rigid health regulations and used to produce ice cream and related products in April, May, June and July. The above reductions were made in recognition of the competitive factor of ice cream derived from ice cream ingredients from Cleveland fluid milk plants and the need for an additional incentive to the summer storage by handlers, through seasonally reduced prices, of ice cream ingredients made from producer milk for use in the short production months.

As stated previously, handlers proposed the reduction of prices paid for skim milk and butterfat used to produce ice cream and related products to the level of manufacturing prices for each month of the year. At this level of pricing producers would receive no differential over prices paid for manufacturing milk for producing high quality milk as needed in Columbus for these products. There would be no economic incentive for producers to produce Grade A milk for ice cream and ice cream ingredients even though there is a year-round demand for milk for such preferred uses. There was no showing by handlers that an alternative Grade A milk supply, or its equivalent in terms of ice cream ingredients, is available to them, f. o. b. their plants in Columbus, at the general level of manufacturing milk prices in Ohio, at the Cleveland Class III price, or even at the present Columbus Class III price.

Since the present level of Class III prices, i. e., for milk used to produce ice cream and related products, customarily has been below the uniform price (averaging approximately 45 cents less in 1954 and 38 cents less in 1955), it would not be in the interest of maintaining adequate supplies of milk to reduce the annual average of producer returns at this time by relieving this class of milk from carrying a share of the cost of producing inspected milk for the market. Milk supplies in the market are not burdensome. At the present level of class prices handlers have utilized, on an annual average, in excess of 89 percent of producer receipts in Class I, II, and III (products which require inspected milk) in 1953, 1954, and 1955.

The present Class III formula price recognizes that skim milk used in ice cream and related products has additional value in all months of the year as compared to the value of skim milk used for manufacturing. However, it does not reflect the additional value of butterfat for ice cream uses in the months of April through July. The price of butterfat for such products should be adjusted to reflect in such months its additional value over the manufacturing

level of butterfat. It is concluded that a price for Class III butterfat not less than 6 cents per pound above the Class IV price (as recommended to be revised in another section of this decision) of butterfat in any month will provide at all times a price for butterfat used in ice cream at a reasonable minimum above the butterfat used for manufacturing purposes. Such a differential in price will restore a summer-winter relationship of butterfat pricing in Class III quite similar to that which obtained prior to the last amendment when differential pricing over the manufacturing price level applied in the case of both butterfat and skim milk in this class to compensate producers for the additional expenses of providing Grade A milk for ice cream and related products that are not required of dairy farmers delivering milk to manufacturing plants.

It is further concluded from the above that the price of milk used to produce ice cream and related products should be the basic formula price plus 30 cents for the months of April through July, and plus 60 cents for the period August through March. The supply-demand adjustment would continue to apply in the August–March period. To express the Class III price in terms of a differential over the basic formula price for each month of the year recognizes that all factors affecting the marketing and pricing of ice cream, condensed skim milk or whole milk, and frozen cream may not always coincide with those of most significance in the pricing of Class I milk. The reduction of 10 cents (from 70 to 60 cents) per hundredweight on Class III milk over the basic formula price in the August–March period will offset the slight increase effected for the summer months. This is appropriate since there is no basis in the record for a net increase in the annual average of Class III prices.

(2) The Class II price formula should be restated.

Handlers suggested that the Class II price formula be revised to be the basic formula price, plus 70 cents (plus or minus the supply-demand adjustment). At the present time, the Class II price is computed as the Class I price minus 40 cents. They proposed relating the Class II price to the basic formula price in view of the increased Class I differential proposed by producers. Handlers contended that the price of each such class should be related to the basic formula price in order that fluctuating prices in the one class would not have direct effect upon the price of the other.

Producers proposed that the Class II price formula be the Class I price minus 80 cents to remove any effect of the proposed increased differential of $1.50 for Class I milk on the price level of Class II milk. In another proposal, producers suggested that cream, sour cream, and milk and cream mixtures in fluid form be reclassified to Class I milk. The products proposed for reclassification represent approximately 20 percent of the average monthly volume of Class II milk (1955 data). Producers objected to the handlers' proposal to base Class II prices directly on the basic formula price.

The producers' proposal to reclassify cream, sour cream, and milk and cream mixtures in fluid form to Class II is adopted in another part of this decision. Thus, milk used to manufacture cottage cheese, eggnog and aerated products (such as "Reddi-Wip", "Instant Whip", etc.) would constitute Class II milk under an amended order. Both handlers and producers stressed the importance of maintaining the present level of Class II prices for milk used to produce the products remaining in Class II and no testimony to change the method of arriving at the price for milk used to produce these products was offered.

The proposed increase in the Class I price differential is denied in another part of this decision and it is not necessary to revise the Class II price provisions as a corollary to such proposal. It is concluded, however, that to express the Class II price in terms of a differential (70 cents) over the basic formula price, plus or minus the supply-demand adjustment, would constitute an order improvement. Basing the Class II price directly on the basic formula price for reasons similar to those indicated in establishing a revised pricing formula for Class III milk will make it possible to give consideration to the pricing of milk used to produce Class II products in the future without necessarily involving the Class I price level. This revision would not change the present level of prices for milk used to produce the remaining products classified as Class II.

(3) The Class IV price formula should be revised.

Handlers proposed that the price formula for Class IV milk should be computed as the average of prices paid for milk received from dairy farmers at four selected manufacturing plants in or near the Columbus milkshed. Under the present order, the price per hundredweight for Class IV milk is based upon a formula which employs the prices for nonfat dry milk and butter on the Chicago market. This proposal, as in the present order, provides for division of the Class IV milk price into separate prices for skim milk and butterfat. The proposed price for butterfat in this class would be the same as the price for that portion used to produce butter. On surplus butterfat disposed of to butter plants or processed into butter in the handler's own plant 5 cents per pound of butterfat is deducted as a "make" allowance under the present Class IV price formula, whereas no such allowance is now applicable to butterfat in such class which is (a) used to produce hard cheeses, (b) disposed of as livestock feed or dumped, or (c) in allowable shrinkage (not in excess of 2 percent of butterfat in producer receipts).

Proponents noted that 86 percent of the Class IV butterfat was manufactured into butter in the year 1955. It was stated that the volume of butterfat utilized or disposed of for butter manufacture during the surplus production season has increased since the establishment of regulation for the Columbus market. It was pointed out by proponents that the price for skim milk, particularly in the flush production months, would also be reduced.

Producers opposed any reduction of Class IV milk prices, stating that handlers did not show hardship in disposing of Class IV milk at the present level of prices for skim milk and butterfat in such class. They objected to the pricing of Grade A milk at the same level as ungraded milk used in manufactured products when an individual handler overestimates his necessary reserve requirements and must dispose of such supplies to manufacturing plants. They pointed out also that, as necessary, the producers' association has assumed the cost of diverting surplus producer milk from local handlers to manufacturing outlets during the flush production months. Premiums have been paid on milk produced under the health regulations of the Columbus market and which has been moved by the association to manufacturing plants during the months of seasonally high production.

The price of Class IV skim milk should not be so low that handlers are encouraged to retain milk supplies solely for the purpose of converting substantial quantities into Class IV skim milk products. Comparison of the manufacturing price of skim milk computed from the butter-nonfat dry milk formula (alternate basic price formula) with the price of skim milk computed from the present Class IV price formula illustrates the already favorable prices to handlers for skim milk in Class IV uses in all months of the year. For the year 1955, the price of Class IV skim milk averaged approximately 12 cents per hundredweight less than that established by the butter-nonfat dry milk basic price formula. The level of prices for Class IV skim milk should not provide an outlet sufficiently profitable to attract milk needed for other higher-valued uses, or to discourage the storage of inspected condensed skim milk which is needed for ice cream and other higher-valued uses during the fall and winter months. In view of the above facts, the proposed Class IV price formula as it applies to skim milk is denied.

Butterfat utilized in regular Class IV (products other than butter) is priced at a level 5 cents per pound higher than the price of butterfat used in butter. In view of the nature of the items covered by Class IV milk (as described above) the pricing of butterfat in some Class IV uses should not be distinguished from that in other Class IV uses. However, the level of prices for all such butterfat should be considered.

Official notice is taken of the methods used in computing the prices of butterfat in the butter-nonfat dry milk formula (alternate basic price formula) and in Class IV milk (butter). The two formulas result in approximately the same price for butterfat for use as butter. Such methods of computing butterfat prices may be illustrated as follows:

(1) Butter-nonfat dry milk formula:

$0.57533	(1955-monthly average of Chicago 92-score butter.)
−0.095	Make allowance deduction.
0.54033	
×1.20	Overrun adjustment.
0.648396	($0.64840 per pound of butterfat.)

(2) Class IV—Regular and butter:

$0.57533	(Same price as example 1.)
×1.20	Overrun adjustment.
0.690396	($0.6904 per pound of butterfat—Class IV regular.)
−0.05	
0.640396	($0.6404 per pound of butterfat—Class IV butter.)

In view of the similarity of prices resulting from the two formulas, one formula should suffice in the order. It is noted that the major portion of butterfat disposed of in Class IV outlets is from surplus Grade A milk in the flush production season and generally is disposed of as sweet cream butterfat to nearby manufacturing plants. Since sweet cream butterfat disposed of by handlers receives a premium of one to two cents per pound over prices for uninspected butterfat, it is reasonable that such butterfat should receive a price slightly higher than the price of uninspected butterfat. Therefore, it is concluded that the price of butterfat in Class IV milk should be that as determined by the butter-nonfat dry milk formula. The small increase in the price which would be chargeable to the handler for butterfat used as butter in such class would be largely offset by the decrease which would be effected on other butterfat in Class IV milk. Thus, all Class IV butterfat would be priced in line with the general level of manufacturing prices for butterfat.

The handler's proposed price for Class IV milk would average between 4 cents and 23 cents per hundredweight (3.5 percent milk) less than prices for milk in similar uses in surrounding markets such as Cleveland, Cincinnati, Dayton-Springfield and Portsmouth. The revised price formula for Class IV butterfat provides for alignment of prices of Class IV milk at approximately the same level as prevails for corresponding uses in surrounding regulated markets. In view of the above, the proposed Class IV price formula based upon the average of prices paid for milk received from dairy farmers at four selected manufacturing plants is denied.

(4) The present basis for announcing class prices should not be revised.

Producers proposed that the method of computing and announcing separate prices for skim milk and butterfat in all classes be changed so as to price milk on a hundredweight basis at a given butterfat test, with the addition, or subtraction, of a butterfat differential for butterfat over, or under, the "standard" butterfat test. They testified that there is need for a uniform basis of quoting prices in all Federally regulated markets in Ohio.

Handlers opposed any change in the method of computing and announcing butterfat and skim milk prices. They further opposed any change in the level of skim milk prices which, they felt, could result from the proposed method.

The proposed method of computing and announcing prices would not necessarily change the level of skim milk or butterfat prices in the various classes. The particular butterfat differentials adopted under the proposed system would result in a change in current skim milk prices. However, until there is further opportunity than was possible at this hearing to consider the matter in full detail, it is concluded that the computation of the class prices on a hundredweight basis with a butterfat differential adjustment should not be adopted.

(5) The stated Class I price differential should not be revised.

Producers proposed that the Class I price differential should be $1.50 for all months. This differential would be added to the basic formula price (plus or minus the supply-demand adjustment) in computing the Class I price. At present, the Class I price differential is $2.10 for all months. Producers contended that the present Class I price has not brought an adequate supply of pure and wholesome milk in all months. They noted that in August 1955, 2.8 percent of producer receipts were in Class IV, and in September 2.1 percent of producer receipts were in Class IV, which they claim does not reflect an adequate reserve of milk. In addition, the increased volume of other source milk used by handlers for products that require inspected milk was pointed out as an indicator of a short supply.

One handler opposed any increase in the Class I price as a means of maintaining the same level of returns to producers in the event Class III and IV prices are reduced as proposed by handlers generally. He objected also to any increase in the Class I price differential as an offset to any reduction in price brought about by the proposed supply-demand adjustment. This handler pointed out that the proposed reduction in Class III and Class IV prices with compensating raises in the Class I price would place his firm at a competitive disadvantage. His firm is mainly a fluid milk and cream operation with no Class III milk products and only a small amount of Class IV milk, and would not be benefited by the proposed reduction of Class III prices.

Handlers in general opposed the proposed change in the Class I price differential on other grounds. They pointed out that although surrounding Federally-regulated markets pay various class prices, the uniform prices for such markets are not considerably different. These handlers contended that it would not be necessary to increase the price of Class I milk to obtain a sufficient supply of milk for this market even if reductions of the blend or uniform price to producers were caused by lower Class III and Class IV prices.

Handlers stated that Class I requirements for fluid milk are being fulfilled but that needs for inspected milk in other classes have not been adequate. It is not appropriate that the price of Class I milk should be the sole determinant in supplying high quality milk for other than Class I needs. Other products that require inspected milk should be priced at levels that will enable these products to carry their share of the burden of obtaining an adequate supply of Grade A milk. Since 1952, the available Class I reserve has been between 10 and 20 percent of Class I requirements. Handlers have not found it necessary to obtain supplemental supplies of Grade A milk for Class I requirements since January 1952. It is concluded that supplies of producer milk are adequate to meet Class I requirements, including a reasonable reserve. The functioning of the present Class I price together with the prices adopted for Class II and Class III milk should induce an adequate supply for all requirements of inspected milk.

Official notice is taken of the annual average of blend prices of 3.5 percent milk in 1954 and 1955 for the Federally regulated markets of Cleveland, Dayton-Springfield, and Cincinnati. The 1954 annual averages of uniform prices of 3.5 percent milk were as follows: Cleveland, $4.05; Columbus, $4.05; Cincinnati, $4.05; and Dayton-Springfield, $4.06. The 1955 annual averages of uniform prices of 3.5 percent milk were as follows: Cleveland, $4.11; Columbus, $4.09; Cincinnati, $4.06; and Dayton-Springfield, $4.00. In addition, official notice is taken of the Cincinnati Federal order location differential of 15 cents which is deductible from the above price on milk of Cincinnati producers received at any receiving station located where the production areas of Columbus, Dayton-Springfield and Cincinnati overlap. It may not be concluded from these data that Columbus uniform prices are out of reasonable alignment with those of surrounding regulated markets. Columbus should have no difficulty in competing with other markets for milk supplies. In view of the above, the proposed Class I differential of $1.50 is denied.

The "standard" utilization percentages in the automatic supply-demand adjustor should be revised.

Handlers proposed revisions of the supply-demand adjustment as follows: (1) Express the standard and current utilization percentages in terms of the relationship of producer milk receipts to Class I sales rather than the reciprocal sales-to-receipts ratio; (2) establish a range between maximum and minimum

butterfat and skim milk prices. They

of Class III prices.

range between maximum and minimum

standard utilization percentages for each month within which the current utilization percentage would not effect a change in price; (3) determine the standard utilization percentages from a base period consisting of the period from December 1952 to December 1955 (handlers suggested that if fluid cream is included in Class I utilization the monthly minimum and maximum percentages should be reduced 3 percent); and (4) establish the supply-demand adjustment rate at 3 cents per percentage point when the current utilization percentage deviates from the standard utilization percentage as determined in (3).

Handlers suggested that because of the increased Class I sales a more recent period should be used as the base period. They contended that the trend of Class I sales has been upward at a greater rate than producer receipts since the base period currently used as a "norm" of supply and demand conditions and that the years of 1953, 1954, and 1955 reflect more accurately the supply and demand conditions of the market. They contended further that supply-demand adjustments which have occurred in the flush production months have forced handlers to carry excessive surplus milk as indicated by increasing amounts of milk in Class IV outlets.

Producers supported the use of the supply-demand adjustment as presently calculated until more market experience has been gained under the present method. They stated that the base period currently used for computing the standard utilization percentages represents that period when supply and demand were in best balance; moreover, that the revisions as illustrated by handlers would tend to reduce the effectiveness of the fall production incentive plan. They noted that the recent relationship of producer receipts to Class I sales is more in balance seasonally than in previous periods; that supply-demand adjustments usually have added to the price in the short production season and served to reduce the price during the flush production season. Producers objected to the reduction in blend prices of approximately 7 cents per hundredweight (monthly average—1954–1955) which they expect to occur from adoption of the proposed changes in the supply-demand adjustment formula, without some compensating factor to maintain the present level of uniform prices.

The production of Grade A milk for this market has increased in recent years at approximately the same rate as the demand for Class I milk. This increased production was accomplished while the number of producers delivering milk decreased. However, those producers remaining on the market increased daily deliveries sufficiently to meet the increased demand for Grade A milk. Producer receipts for the year 1955 were 29 percent greater than in 1952; for the same period Class I sales increased 23 percent. Deliveries of producer milk have increased over the preceding year as follows: 18 percent in 1953; 6 percent in 1954; and 3 percent in 1955. Likewise, Class I sales have increased over the preceding year as follows: 11 percent in 1953; 5 percent in 1954; and 5 percent in 1955. The increases in producer receipts represent somewhat greater volumes of milk than the increases in Class I sales since Class I sales are less (about 73 percent) than total producer receipts. Highly similar results are obtained when only data for the short production months of each year are compared. In view of the above, it is concluded that the annual average of the standard monthly Class I percentages should not be changed.

However, in view of revisions as discussed in other portions of this decision, adjustments in such standard Class I percentages should be made (to reflect the inclusion of fluid cream in Class I utilization, and the adjustment for inventory variations). Supply-demand adjustments are utilized to effect limited adjustments in prices in prompt response to changed marketing conditions. Supply-demand adjustments not only reflect the supply-demand conditions related to actual Class I utilization but also are effective in inducing the necessary milk for Class I reserves, Class II milk uses, and those Class III products that require milk of inspected quality.

The annual average of Class I sales in relation to producer receipts have been maintained at approximately the same level but major changes in the supply-demand pattern within the period of a year, i. e., from season to season, have taken place since the base period used in the present formula. These changes in seasonal relationships necessitate revision of the present standard, or "basic", utilization percentages in order to prevent contraseasonal price movements.

In this connection a suggestion was made to express the standard and current utilization percentages as a ratio of producer receipts to Class I sales. Handlers, in their exceptions, pointed out that this method of expressing the relationship of Class I sales and producer receipts is more easily understood. In view of the above, the standard and current utilization percentages have been revised to a ratio of producer receipts to Class I sales.

Producers have responded to seasonal incentives by adjusting their deliveries of milk more nearly in seasonal balance with Class I requirements. Increased production in the months of November, December, and January in relation to Class I sales has resulted in supply-demand adjustments at times that have reduced the Class I price in such months. This is a period when milk production normally is shortest in relation to Grade A requirements.

Producer receipts in the months of August and September have not increased at the same rate as increased Class I utilization. In 1955, for example, producer receipts in these two months were at a level which is considered the minimum necessary to adequately supply the market with a sufficient quantity of pure and wholesome milk. Milk disposed of to Class IV outlets in such months of 1955 amounted to 2.8 percent of producer receipts in August; and 2.1 percent in September. Thus little, if any, reserve milk was disposed of to distress outlets. The standard utilization percentage should be revised in these months when production has not increased at the same rate as Class I sales to provide the market with an adequate supply of milk for Class I, Class I reserves, Class II Milk uses, and Class III products that require Grade A milk.

In addition, producer supplies of milk in relation to Class I requirements have been reduced in the flush production months, since the base period. The range of seasonal variation has decreased with this more balanced seasonal pattern of production. In view of the above, it is concluded that the standard or "basic" utilization percentages should be revised in accordance with the following table in order that continued encouragement may be given for the production of milk in a manner which will satisfy all Grade A requirements throughout the year:

Month for which a price is being computed:	*Standard utilization percentage*
January	128
February	127
March	130
April	135
May	144
June	152
July	147
August	143
September	131
October	128
November	128
December	124

The fall production incentive program provides a measurable seasonal variation in returns as a means of encouraging a seasonal shift in production from the flush production months to the normally short production months. In addition, however, the present order provides for three variable supply-demand adjustment rates according to the season of the year. The present fall production incentive program provides the necessary seasonality in returns to producers. Seasonal supply-demand adjustment rates, of course, have little significance in causing seasonal production adjustments since the supply-demand pattern is frequently such that there is no supply-demand adjustment in operation.

Therefore, it is concluded that the supply-demand adjustment should be computed for each month on the basis of a single rate (approximately 2.5 cents plus or minus) for each point that the current utilization percentage is above or below the standard or "basic" utilization percentage. Revision of the standard and current utilization percentages as a ratio of producer receipts to Class I sales necessitates compensating changes in the ranges of net utilization percentages which determine the rate of supply-demand adjustment as indicated in the following table.

If the net utilization percentage is—	*Supply-demand adjustment shall be— (cents per hundredweight)*
+16 or over	−38
+12 or +13	−28
+8 or +9	−20
+4 or +5	−10
+1 or −1	0
−4 or −5	+10
−8 or −9	+20
−12 or −13	+28
−16 or under	+38

(When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which would have been used in determining the supply-demand adjustment had it been in effect in the previous month.)

The handlers' proposed revision of the supply-demand adjustment also would exclude inventory variations from Class I milk when computing the current utilization percentage under the supply-demand adjustment formula. Handlers claim that supply-demand adjustments are distorted when milk in inventory is actually used for manufacturing purposes in the following month. In addition, it was stated that the basic, or "standard", utilization percentages in the formula were computed by averaging two-month periods over a span of three years, which tended to minimize the effect of inventory variations on Class I milk volume in the base period, whereas the "current utilization percentage" is based on a single recent two-month period.

In those months when the last day of the month falls on a weekend substantial quantities of bulk milk may be included in inventory. At times a substantial proportion of such milk may be later sold to manufacturing outlets as Class IV milk. Thus, milk ultimately used for manufacturing becomes a determining factor in adjusting supply to meet requirements for inspected milk. Any fluid milk and milk products from inventory actually used as Class I milk in the following month will reflect fully in that month's supply-demand adjustment.

In view of the above, it is concluded that inventory variations should not be included in Class I utilization for the purpose of computing current utilization percentages. For the same reasons, the influence of inventory variations should be removed from the basic, or "standard", utilization percentages in the formula against which current utilization percentages are measured. The basic utilization percentages have been so adjusted.

(6) Certain products now included in Class II should be reclassified to Class I.

The producers' association proposed reclassifying to Class I milk from Class II milk all skim milk and butterfat disposed of in fluid form as cream, or as any mixture of cream and milk containing more than 6 percent butterfat.

Health regulations of the city of Columbus require that the products which producers proposed to be reclassified to Class I, i. e., sweet or sour cream, or any mixture of cream and milk containing more than 6 percent butterfat, be made from milk originating on farms under health department inspection. Although a limited reciprocity with the fluid milk inspection of other municipal health authorities is allowed by Columbus health authorities on skim milk and butterfat ingredients for use in ice cream manufacture in Columbus, no reciprocity is granted relative to cream or milk and cream mixtures. As a practical matter most, if not all, the cream and cream mixtures distributed throughout the entire marketing area are produced from Columbus inspected milk supplies.

The above-named products are sold by Columbus handlers on a year-round basis. They compete for the total supply of inspected milk with other items requiring milk of similar quality which previously have been included in Class I. The costs of producing the milk so used must be considered similar to those for the milk already included in Class I. The products to be reclassified should be included in Class I to return to producers a price commensurate with their use value and to bear fully their proportionate share of the cost of inducing an adequate supply of milk of the quality required.

Some opposition was expressed by handler witnesses to the reclassification of cream as Class I on the basis of the resultant increased cost to handlers, but it is noted that the added cost to handlers as compared with the cost if retained as Class II milk under the present order provisions amounts to approximately 1 cent per half pint of single cream.

In view of the above, it is concluded that sweet and sour cream and milk and cream mixtures containing more than 6 percent butterfat should be reclassified Class I milk.

(7) The provisions for the allocation of other source milk should not be revised.

Handlers proposed that skim milk and butterfat disposed of as animal feed, dumped, or accounted for as plant loss be deducted from Class IV milk prior to the allocation of "other source" skim milk and butterfat. Handlers claim it is not practical to operate a plant without some milk being disposed of as animal feed or dumped.

The extent to which producer milk may be given priority assignment to higher-valued uses has been established as the prerogative of the Secretary in formulating provisions which will provide reasonable protection to producers from the substitution of unregulated (unpriced) milk, and thus promote orderly marketing. The provisions for the allocation of milk have been developed in light of the class price structure established by the order. During each of the past several years some producer milk has been disposed of as animal feed, dumped, or lost by shrinkage.

The proposed allocation of milk could provide an incentive for handlers to use unpriced milk in preference to producer milk priced under the order. Thus, producer returns could be jeopardized and subject to considerable instability when handlers use other source milk for products that require inspected milk. Handlers could bring in more milk than was absolutely essential in the confidence that it would be credited at higher-valued uses. Such displacement of producer milk from higher-valued uses would mean that additional producer milk would be accounted for at a lower class price. Producer returns would be decreased by the proposal and correlative adjustments in the class prices would be necessary if producer returns were to be maintained at the present level. Moreover, a complete checking of milk dumped or disposed of as animal feed under the circumstances outlined would be exceedingly difficult and administratively burdensome. In view of the above, the proposed revised allocation of milk in certain Class IV uses is denied.

Handlers proposed that producer milk received at a regulated fluid milk plant and then sent to a nonregulated plant for manufacture into nonfat dry milk (Class IV) should retain its status as producer milk and be reclassified when such milk is returned to the regulated handler for use in other than Class IV products. Producer milk sent to an unregulated plant and then returned to the original handler in the form of nonfat dry milk is now treated as "other source milk" upon its return to the handler's plant. Other source milk, at the present time, is allocated pro rata to the classes when received by the handler under an emergency permit in writing issued by the appropriate health authorities, otherwise it is allocated to the lowest-priced use in the handler's plant.

Producers stated the view that it would not be good precedent from an administrative standpoint to permit producer milk destined for final use as Class I milk within the market to retain its identity as such when manufactured into a milk product, such as the nonfat dry milk referred to, in a plant which also receives noninspected milk for the same use.

One handler, who is engaged primarily in Class I and Clas II milk operations, delivers surplus skim milk in the flush production season to a nonregulated plant for processing into nonfat dry milk. This nonregulated plant has been approved by the Columbus health authorities to process, under their supervision, inspected skim milk into nonfat dry milk for subsequent use in products to be sold in Columbus. This plant also provides facilities for the storage of the nonfat dry milk made from the skim milk received from the handler. Such handler, who has an excess of skim milk in the flush production months, stated that such skim milk would be sold at a loss if it were not processed into nonfat dry milk at the above unregulated plant for his subsequent use. He experiences short supplies of skim milk for Class I uses in the fall months.

Another handler testified that it probably would be advantageous to him if he also could have skim milk, received during the flush production season, manufactured by such nonregulated plant into nonfat dry milk for use in ice cream in the short production months. The proposal, it was claimed, would make available in the short production months low temperature nonfat dry milk derived from inspected milk. It was contended that there are inadequate supplies of skim milk available in the short production months for ice cream and ice cream mix and that handlers in this market have no facilities in their plants to manufacture low temperature nonfat dry milk.

ceding year as follows: 11 percent in reserve milk was disposed of to distress

—12 or —13	+28
—16 or under	+38

health authorities is allowed by Columbus milk from higher-valued uses would have no facilities in their plants to manufacture low temperature nonfat dry milk.

In addition, handlers stated that the storage space for inspected dry milk in the nonregulated plant would alleviate the present lack of storage facilities in the Columbus market.

The handler who maintains the arrangement for the manufacture of nonfat dry milk from inspected milk at the unregulated plant alleged that he has experienced excess "shrinkage" when such nonfat dry milk is classified as other source milk, pointing out that under the order provisions his total receipts of milk are increased by the skim milk equivalent of the nonfat dry milk used, whereas disposition is increased only by the actual pounds of nonfat dry milk. Thus, whenever such handler experiences shrinkage in excess of 2 percent of his producer milk receipts, the difference between the pounds of milk equivalent of the nonfat dry milk and the actual pounds of nonfat dry milk in an amount in excess of 2 percent of producer milk receipts is added to Class I utilization as "excess shrinkage." It was contended that if such milk were designated producer milk there would be no inflation of shrinkage to be accounted for at the Class I price.

Having inspected skim milk processed into nonfat dry milk by a nonregulated plant is at present the practice of only the one handler. Thus, this handler's supply of skim milk is the only nonfat dry milk from an unregulated plant acceptable to Columbus health authorities for Class I and II uses. Outside supplies of manufactured products eligible for the production of ice cream and ice cream mix by handlers are available, however.

Typical examples of a handler's cost have been computed under which the skim milk equivalent of nonfat dry milk has been treated as (1) other source milk, and (2) producer milk, for classification purposes. When the handler's total shrinkage is less than 2 percent of his producer receipts "excess shrinkage" is not, of course, at issue. When total shrinkage is greater than 2 percent, their continues to be little difference in the respective costs of milk to the handler whether such milk is handled as producer milk or as other source milk. More often than not it may be expected that the handler would receive no financial benefit from the proposal.

The skim milk in question is moved to the nonregulated plant during the flush production months. That portion which the transferring handler requires is returned to his plant during the subsequent fall and winter months. Any balance is disposed of by the nonregulated plant to other markets. The time period which elapses between the time of manufacture and the time of final disposition introduces problems of accounting out of proportion to the difficulties complained of by proponent. These problems are enhanced by the fact that the plant of manufacture is not subject to regulation. For these reasons, and since other handlers, who evidenced interest only in the availability of nonfat dry milk for Class III uses, have alternative sources of ingredients for ice cream, the difficulties referred to do not warrant a revision of the order. Therefore, the proposal is denied.

Another handler proposal concerning allocation would permit other source milk received under a written permit issued by the appropriate health authorities for a specific use to be classified in the class in which it is used when producer receipts are less than 120 percent of Class I sales. It was stated that surplus milk in the flush production months could be reduced if other source milk were allocated on such basis since handlers would be relieved of handling as much producer milk in the summer months as a means of assuring adequate supplies each fall.

Producers contended that if it is necessary to receive supplemental supplies of milk from outside sources in the fall months, the market must be short of producer milk. They stated, however, that potential supplies of producer milk are available to meet both long-term increases in demand and short term-needs for additional milk. They also claimed that the proposed revision would lower the uniform price.

As in the case of the proposal for allocating milk used for animal feed or dumped, this proposal could permit other source milk at times to replace producer milk in the higher-valued uses. This market, however, has not been short of producer milk for Class I uses for at least five years. On the other hand there have been occasions when additional milk has been required for cottage cheese, ice cream, and ice cream mix. Other revisions in the order adopted by this decision are provided to insure an adequate supply of producer milk for all products that require Grade A milk. In addition, it is noted that the proposal would have had effect in only two months during the last five years. In view of the needs, under local health requirements, for producer milk for the aggregate of Class I, II, and III uses, and the lack of evidence that alternative supplies are available at lower than order prices, full encouragement to producers to produce the necessary supplies should be given. Priority of classification of producer milk will assist in accomplishing this objective at present class price levels. For these reasons and those stated in connection with the conclusion concerning the proposal on the allocation of milk for animal feed, the proposal is denied.

(8) Handlers should not be required to remit to the market administrator all proceeds from the sale (at class prices) of producer milk for payment through the market-wide pool to producers and associations of producers.

The producers' association proposed that a provision be incorporated under which each handler would be required to make payment to the market administrator for the full utilization value of his milk. Under the proposal the market administrator, in turn, would pay individual producers, or an association which had requested to make distribution to its members, for the value of their milk at the market-wide, minimum uniform price. Thus, the market administrator would act as a collecting agent for monies owed by handlers to producers generally and would be charged with responsibility of payment to the producers.

In support of their proposal proponents testified that such a provision would enable the association, in cases where handlers turn back milk to the association for surplus disposition to manufacturing outlets, to reduce current payments for milk to the extent required to offset any losses on such disposition. Present methods of financing such disposition are either (1) specific assessments on member producers to cover the loss, or (2) reduction of the association's financial reserves. It was alleged that under the proposal the reblending of proceeds among all producers who are members would be facilitated. The association claimed authority under its membership contract to handle all proceeds due members from the sale of milk.

Handlers' opposition was based primarily on their contention that the contact with the producer maintained through the payment of monthly milk checks is an important influence on the quality control of milk.

In the few instances in the past when it has been necessary for the producers' association to divert milk to manufacturing uses at some expense to the association a special deduction (in addition to regular membership deductions or dues) usually has been assessed on milk delivered by members of the association in amounts sufficient to cover expenses associated with the transportation and handling of the diverted milk. Although, as producers suggest, the provision sought would facilitate the financing of milk disposition under the above circumstances and the reblending of proceeds among all producers who are members of the association, such a provision actually would not mitigate any financial or physical burden involved. The association cited no instance in which it was financially embarrassed or unable to carry out its obligation to its members or to the market. The fact that member producers may not fully appreciate the nature and reasons for the special deductions which have been necessary is a matter of internal understanding between the cooperative and its members and is not sufficient reason in itself to alter so significantly the present payment provisions of the order. It may not be concluded from this record that past cases of milk diversion have developed problems of financing or reblending of proceeds of such proportion as to require adoption of the proposed provision as a necessary means of maintaining orderly marketing conditions. The present procedure for making producer payments should be retained.

(9) The butterfat differential to producers should be revised.

The major producers' association would include the prices of Class IV skim milk and butterfat with the prices of Class II and Class III skim milk and butterfat when computing weighted average prices of skim milk and butterfat to be used for determining the producer butterfat differential. Prior to the last amendment to the order the producer butterfat differential was computed by subtracting the weighted average price of Class II and Class III skim milk from the weighted average price of Class II and Class III butterfat. Class II and Class III milk as in effect previous to that amendment are now divided into three categories for pricing purposes (Class II, III, and IV milk). The computation of the producer butterfat differential would be revised to re-establish the differential on a basis comparable to that in effect prior to such amendment.

Certain other producers suggested that the producer butterfat differential be determined by subtracting the weighted average price of skim milk in all the classes from the weighted price of butterfat in all classes.

It is noted that the butterfat content of fluid milk sold by local handlers to consumers in this market was decreased from 4.0 percent to 3.8 percent in February 1948. The innovation of half-gallon paper containers in this market was accompanied by a further reduction in the quantity of butterfat disposed of in fluid form. The volume of fluid milk sold in half-gallon containers had increased in 1955 to about 50 percent of the total volume of Class I milk. Milk used in Class I fluid milk products had a butterfat content of 3.74 in January 1948, but by January 1956 the butterfat content of such milk had decreased to 3.32 percent. There has been a relatively greater increase in the demand for skim milk than for butterfat in this market during recent years. However, the butterfat content of milk received from producers was 4.35 percent in January 1948 and 3.94 percent in January 1956. Butterfat in excess of Class I requirements is utilized in lower-valued uses (Class II, III, and IV). The slightly lower differential as in effect prior to the last amendment will emphasize the need for and encourage additional quantities of skim milk in relation to butterfat. In view of the above facts, it is concluded the order should be amended so that the producer butterfat differential will be the weighted average price of Class II, III, and IV butterfat minus the weighted average price of Class II, III, and IV skim milk.

General findings. (a) The proposed marketing agreement and order, as amended, and as proposed to be further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of October 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order regulating the handling of milk in the Columbus, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers as defined in the order, as proposed hereby to be amended, who during such representative period, were engaged in the production of milk for sale in the marketing area as defined in the order, as proposed hereby to be amended.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

Issued at Washington, D. C., this 3d day of December, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area*

§ 974.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 974.41 (a) and (b) and substitute therefor the following:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of (except that which has been dumped or disposed of as livestock feed) as milk, skim milk, buttermilk, flavored milk or flavored milk drinks;

(2) Disposed of for consumption as sweet or sour cream, and mixtures of cream or milk (or skim milk) containing more than 6 percent butterfat other than eggnog;

(3) Used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; and

(4) Not specifically accounted for under subparagraphs (1), (2), and (3) of this paragraph, or as Class II milk, Class III milk, and Class IV milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese, eggnog, and any mixture containing skim milk or butterfat disposed

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

denied.

responsibility of payment to the producers.

the weighted average price of Class II and Class III butterfat. Class II and

which a hearing has been held.

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been met.

taining skim milk or butterfat disposed

of in containers or dispensers under pressure for the purpose of dispensing an aerated product (such as "Reddi-Wip," "Instant Whip," etc.);

2. Delete from § 974.43 (a) the phrase "milk, skim milk, flavored milk, flavored milk drinks, or buttermilk" and insert in lieu thereof the following: "products specified in § 974.41 (a)."

3. Delete § 974.43 (b) and renumber the present § 974.43 (c) as § 974.43 (b) and § 974.43 (d) as § 974.43 (c).

4. In § 974.43 (a) delete the phrase "paragraphs (c) and (d)" and substitute therefor the phrase "paragraphs (b) and (c)."

4a. Delete from § 974.43 (c) the cross-reference which reads as follows: "and (b) (1) and (2)."

5. Delete § 974.44 (g) (1) and substitute therefor the following:

(1) Computing the aggregate amount of skim milk and butterfat (in whatever form) in items used to produce each of the several items of Class II milk; and

6. Delete from § 974.45 (a) the following phrase: "(other than butterfat used in butter making)".

7. Delete § 974.51 (a) (1), (2) and (3) and substitute the following:

(1) Compute a "current utilization percentage" by dividing the total receipts of producer milk in the month for which a price is being computed and the first preceding month by the total gross volume of Class I milk (less interhandler transfers and inventory variations) for the same months, multiplying the result by 100, and rounding to the nearest whole number. The total gross volume of Class I milk to be used in this computation should include the volume of any milk which was previously classified as other than Class I milk and was reclassified pursuant to § 974.42 (b) during the above described two-month period as Class I milk.

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed pursuant to subparagraph (1) of this paragraph the appropriate standard utilization percentage shown:

Month for which a price is being computed:	Standard utilization percentage
January	128
February	127
March	130
April	135
May	144
June	152
July	147
August	143
September	131
October	128
November	128
December	124

(3) Determine the amount of the supply-demand adjustment as follows:

If the net utilization percentage is:	Supply-demand adjustment
+16 or over	−38
+12 or + 13	−28
+8 or +9	−20
+4 or +5	−10
+1 or −1	0
−4 or −5	+10
−8 or −9	+20
−12 or −13	+28
−16 or under	+38

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which would have been used in determining the supply-demand adjustment had it been in effect in the previous month.

8. Delete § 974.52 (a) and substitute therefor the following:

(a) Add to the basic formula price $0.70 in each month, and add or subtract the supply-demand adjustment as computed in § 974.51 (a) (1), (2) and (3).

9. Delete the proviso in § 974.52 (b) and substitute therefor as follows: "*Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to § 974.53 (a) (2) and (b) (2)."

10. Delete § 974.53 and substitute therefor the following:

§ 974.53 *Class III milk price.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class III milk shall be as follows, as computed by the market administrator:

(a) For each of the months of August through March the prices for skim milk and butterfat shall be computed as follows:

(1) Add to the basic formula price $0.60 in each month and add or subtract the supply-demand adjustment as computed in § 974.51 (a) (1), (2), and (3);

(2) Multiply the price computed in subparagraph (1) of this paragraph by the percentage computed in § 974.51 (b), and then divide by 0.035; the resulting amount shall be the Class III butterfat price per hundredweight: *Provided*, That in no event shall the price of Class III butterfat be less than $0.06 per pound above the price computed pursuant to § 974.54 (b);

(3) Subtract from the price computed pursuant to subparagraph (1) of this paragraph the amount computed in subparagraph (2) of this paragraph multiplied by 0.035, and divide the result by 0.965; the resulting amount shall be the Class III skim milk price per hundredweight.

(b) For each of the months of April through July the prices for skim milk and butterfat shall be computed as follows:

(1) Add to the basic formula price $0.30 in each month;

(2) Compute the prices per hundredweight of butterfat and skim milk in accordance with the procedure outlined in subparagraphs (2) and (3) of paragraph (a) of this section.

11. Delete § 974.54 (b) and substitute therefor the following:

(b) The price per hundredweight of butterfat shall be computed as follows: From the arithmetical average of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month, as reported by the Department of Agriculture for the Chicago market, subtract 3.5 cents, then multiply by 120.

12. Delete § 974.76 and substitute therefor the following:

§ 974.76 *Butterfat differential.* For each month the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by subtracting from the weighted average price per hundredweight of all butterfat from producer milk in Class II milk, Class III milk, and Class IV milk, the weighted average price per hundredweight of all skim milk from producer milk in Class II milk, Class III milk and Class IV milk, and dividing the remainder by 1,000.

[F. R. Doc. 56–10019; Filed, Dec. 6, 1956; 8:47 a. m.]

Agricultural Research Service

[9 CFR Part 82]

PSITTACOSIS OR ORNITHOSIS IN POULTRY

PROHIBITING INTERSTATE MOVEMENT OF CERTAIN POULTRY AND POULTRY PRODUCTS, AND REQUIRING CLEANING AND DISINFECTION OF CERTAIN VEHICLES, PREMISES, AND ACCESSORIES

On July 7, 1956, there was published in the FEDERAL REGISTER (21 F. R. 5065), a notice with respect to a proposed amendment of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding a new Part 82 relating to psittacosis or ornithosis in poultry. After consideration of all data, views, and arguments submitted in connection with the proposed amendment, it has been determined that certain modifications should be made therein. Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120–122), it is now proposed that said Subchapter C be amended by adding a new Part 82 to read:

§ 82.1 *Definitions.* As used in connection with this part, the following terms shall have the meanings set forth in this section.

(a) *Psittacosis or ornithosis.* The contagious, infectious, and communicable disease of poultry known as psittacosis or ornithosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(f) *Branch.* The Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture.

(g) *Federal inspector.* An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock or poultry sanitary work of a State or a political subdivision thereof, who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian specifically approved by the United States Department of Agriculture to perform the function involved.

§ 82.2 *General restrictions.* Poultry affected with psittacosis or ornithosis, and carcasses, parts and offal of such poultry, shall not be moved interstate for any purpose.

§ 82.3 *Cleaning and disinfecting vehicles, premises, and accessories.* (a) Railroad cars, boats, trucks, and other vehicles, and yards and other premises, which have contained poultry affected with psittacosis or ornithosis shall be cleaned and disinfected in accordance with the provisions of §§ 71.4 through 71.11 of this subchapter: *Provided, however*, That such vehicles, and yards and other premises, may be cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian; *And provided, further*, That if such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Branch, such a vehicle may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Coops, containers, troughs, and other accessories used in the handling of interstate movements of poultry affected with psittacosis or ornithosis shall be cleaned and disinfected as soon as possible thereafter and before such accessories are moved from the point of unloading. Such cleaning and disinfecting shall be done under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter. If such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Branch, such an accessory may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(c) Coops, containers, troughs, and other accessories used in the handling of intrastate movements of poultry affected with psittacosis or ornithosis shall not be moved interstate until such accessories have been cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed regulations may do so by filing them with the Chief, Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C. this 4th day of December 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56–10030; Filed, Dec. 6, 1956; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 662, 672, 678, 700]

[Administrative Order 472]

CLAY AND CLAY PRODUCTS INDUSTRY; CEMENT INDUSTRY; STONE, GLASS, AND RELATED PRODUCTS INDUSTRY; CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201, et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 27–A for the clay and clay products industry in Puerto Rico, Industry Committee No. 27–B for the cement industry in Puerto Rico, Industry Committee No. 27–C for the stone, glass, and related products industry in Puerto Rico, and Industry Committee No. 27–D for the construction, business service, motion picture, and miscellaneous industry in Puerto Rico.

Industry Committee No. 27–A is composed of the following representatives:

For the public: David Louisell, Chairman, Berkeley, California, Henry J. Fox, Washington, D. C., Candido Oliveras, Santurce, Puerto Rico.

For the employees: Burl Phares, Columbus, Ohio, Sal Maso, Paterson, New Jersey, David Sternback, San Juan, Puerto Rico.

For the employers: E. L. Torbert, Syracuse, New York, Francisco Ponsa Feliu, San Juan, Puerto Rico, E. Kenneth Koos, Vega Baja, Puerto Rico.

For the purpose of this order the clay and clay products industry in Puerto Rico is defined as follows:

The quarrying or other extraction of common clay, shale, kaolin, ball clay, fire clay and other types of clay; and the manufacture of structural clay products, china, pottery, tile, and other ceramic products and refractories.

Industry Committee No. 27–B is composed of the following representatives:

For the public: David Louisell, Chairman, Berkeley, California, Henry J. Fox, Washington, D. C., Candido Oliveras, Santurce, Puerto Rico.

For the employees: Burl Phares, Columbus, Ohio, Sal Maso, Paterson, New Jersey, David Sternback, San Juan, Puerto Rico.

For the employers: E. L. Torbert, Syracuse, New York, Francisco Ponsa Feliu, San Juan, Puerto Rico, E. Kenneth Koos, Vega Baja, Puerto Rico.

For the purpose of this order the cement industry in Puerto Rico is defined as follows:

The manufacture of hydraulic cement including the extraction of raw materials therefor.

Industry Committee No. 27–C is composed of the following representatives:

For the public: David Louisell, Chairman, Berkeley, California, Henry J. Fox, Washington, D. C., Candido Oliveras, Santurce, Puerto Rico.

For the employees: Burl Phares, Columbus, Ohio, Sal Maso, Paterson, New Jersey, David Sternback, San Juan, Puerto Rico.

For the employers: E. L. Torbert, Syracuse, New York, Francisco Ponsa Feliu, San Juan, Puerto Rico, Xavier Zequeira, Hato Rey, Puerto Rico.

For the purpose of this order the stone, glass, and related products industry in Puerto Rico is defined as follows:

The mining, quarrying, or other extraction and the further processing of all minerals (other than clay, metal ores, chemical and fertilizer minerals, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and similar natural materials: *Provided, however*, That the definition shall not include any product or activity included in the button, buckle, and jewelry industry; the chemical, petroleum, rubber, and related products industry; the electrical, instrument, and related products industry; the jewel cutting and polishing industry; or the metal, machinery, transportation equipment, and allied products industry, as defined in the wage orders for those industries in Puerto Rico; or in the cement industry; the clay and clay products industry; or the construction, business service, motion picture, and miscellaneous industry, as defined in the administrative order appointing Industry Committees Nos. 27–A, 27–B, and 27–D for Puerto Rico.

Industry Committee No. 27–D is composed of the following representatives:

For the public: David Louisell, Chairman, Berkeley, California, Henry J. Fox, Washington, D. C., Candido Oliveras, Santurce, Puerto Rico.

For employees: Burl Phares, Columbus, Ohio, Sal Maso, Paterson, New Jersey, David Sternback, San Juan, Puerto Rico.

For the employers: E. L. Torbert, Syracuse, New York, Francisco Ponsa Feliu, San Juan, Puerto Rico, Gustave E. Padilla, Santurce, Puerto Rico.

For the purpose of this order the construction, business service, motion picture, and miscellaneous industry in Puerto Rico is defined as follows:

The design, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wreck-

—16 or under	+38

ing, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; the production of photographs and blueprints; the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That the definition shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 27–A shall commence its hearings on January 8, 1957, at 2:00 p. m., in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearings of Industry Committee No. 27–A, Industry Comimttees Nos. 27–B, 27–C and 27–D shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 27–A will meet at 10:00 a. m., on January 8, 1957, and Industry Committees Nos. 27–B, 27–C, and 27–D will meet at an hour to be designated by the comimttee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters herein referred to each committee. Copies of these reports may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised and amended on November 4, 1955 (20 F. R. 8285) and May 30, 1956 (21 F. R. 3678), and October 6, 1956 (21 F. R. 7669). As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than December 29, 1956.

Signed at Washington, D. C., this 3d day of December 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56–10027; Filed, Dec. 6, 1956; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES

NOTICE EXTENDING TIME IN WHICH TO FILE VIEWS AND COMMENTS ON PROPOSALS TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN TYPES OF ORANGE JUICE

A request has been received for extension of the date for filing views and comments upon the proposal to establish definitions and standards of identity for certain types of orange juice which was published in the FEDERAL REGISTER on November 6, 1956 (21 F. R. 8511).

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996; 21 F. R. 6581), the Commissioner of Food and Drugs hereby extends until January 31, 1957, the time for filing views and comments upon the proposals to adopt definitions and standards of identity for orange juice, fresh orange juice; stabilized orange juice, processed orange juice; and reconstituted orange juice.

Dated: December 3, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56–10001; Filed, Dec. 6, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CORRECTION

NOVEMBER 29, 1956.

The notice of order providing for opening of public lands pursuant to determination of the Federal Power Commission, Docket No. DA–448 Oregon, published in the FEDERAL REGISTER of November 1, 1956 (F. R. Doc. 56–8830; 21 F. R. 8370) is corrected by deleting from paragraph 5 b the sentence, "The land is by this order opened to location under the United States mining laws without regard to the act of August 11, 1955, supra, beginning 10:00 a. m. on February 27, 1957."

ELTON M. HATTAN,
Acting State Supervisor.

[F. R. Doc. 56–10002; Filed, Dec. 6, 1956; 8:45 a. m.]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CORRECTION

NOVEMBER 29, 1956.

The notice of order providing for opening of public lands pursuant to determination of the Federal Power Commission, Docket No. DA–440, Oregon, published in the FEDERAL REGISTER of November 1, 1956 (F. R. Doc. 56–8858; 21 F. R. 8371), is corrected by deleting from paragraph 5, the sentence, "The land is by this order opened to location under the United States Mining Laws without regard to the act of August 11, 1955, supra, beginning at 10 a. m. on January 26, 1957."

ELTON M. HATTAN,
Acting State Supervisor.

[F. R. Doc. 56–10003; Filed, Dec. 6, 1956; 8:45 a. m.]

OREGON

STOCK DRIVEWAY WITHDRAWAL NO. 57–1; CORRECTION

NOVEMBER 29, 1956.

Notice of Stock Driveway Withdrawal No. 57–1, Oregon 04919, published in the FEDERAL REGISTER August 31, 1956 (F. R. Doc. 56–6999; 21 F. R. 6581), is corrected by deleting E½SW¼ Sec. 14, and substituting N½SW¼ Sec. 14, both in T. 15 S., R. 13 E., Willamette Meridian, Oregon.

ELTON M. HATTAN,
Acting State Supervisor.

[F. R. Doc. 56–10004; Filed, Dec. 6, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 013622, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for recreation sites.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Sec. 12: Lots 7, 8, 9, 10 and 11.
T. 7 S., R. 6 E.,
Sec. 7: Lots 3 and 5.

Containing a total of 55.31 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56–10005; Filed, Dec. 6, 1956; 8:45 a. m.]

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR THE ALASKA RAILROAD

Notice of the proposed withdrawal and reservation of land for the Alaska Railroad at Eklutna, Alaska was published in the FEDERAL REGISTER on October 26, 1954 (19 F. R. 206). This application, which is identified by the serial number Anchorage 024207, has been amended to request the withdrawal of the lands described below from all forms of appropriation under the public land laws including the mining and mineral leasing laws but excepting materials and permitting their disposal in accordance with the provisions of the Materials Act:

SEWARD MERIDIAN

T. 16 N., R. 1 W.,
Sec. 24: S½NE¼SW¼, SE¼SW¼, and that part of S½NW¼SE¼ lying northwesterly of the Alaska Railroad right-of-way.

Containing 63.2 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56–10006; Filed, Dec. 6, 1956; 8:46 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER 499 AND SMALL TRACT CLASSIFICATION ORDER 70, AMDT. 2.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in section 2.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, Shorespace Restoration Order No. 499 and Small Tract Classification Order No. 70, as amended by Amendment No. 1 dated April 1, 1953, and as further amended by the General Amendment to Small Tract Classification Orders No. 1 to 96, Inclusive, is hereby amended as follows:

1. The land description contained in paragraph 1 (a) under Juneau Area, part 3a. Tee Harbor Unit, is amended to include Lot 21A, U. S. Survey 3055. This tract is classified as a Recreation Site and is appraised at $40.

2. The land described in paragraph 3 (page 4), Juneau Area, is amended to include Lot 21A, U. S. Survey 3055 to accord a preference right to this lot to Hans Berg on the basis of a prior valid Forest Service Permit.

3. The provisions of paragraph 10 (page 8) are amended to provide for a 100 foot easement through the southeastern portion of Lot 21A, U. S. Survey 3055, extending from the chords of the curve establishing the line 2–3 on the north side of the Lena Point Highway.

4. This amendment shall become effective immediately.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56–10007; Filed, Dec. 6, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ARTHUR W. McKINNEY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Arthur W. McKinney.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 8, 1956.
4. Title of position: Consultant.
5. Name of private employer: The National Supply Company, P. O. Box 416, Pittsburgh 30, Penna.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 2, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The National Supply Co., Stock, (Officer & Director).
Commonwealth Trust Co., Stock, Director.
The Ohio Oil Co., Stock.
American Cyanamid Co., Stock.
Socony Mobil Oil Co., Stock.
British American Oil, Ltd., Stock.
Ohio Citizens Trust Co., Stock.
Bank Deposits.
Brooks Insurance Agency, Stock.

Dated: November 30, 1956.

ARTHUR W. McKINNEY.

[F. R. Doc. 56–10021; Filed, Dec. 6, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–9966 etc.]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

ORDER OF SEVERANCE AND CONSOLIDATION

In the matters of Natural Gas Pipeline Company of America, Docket No. G–9966; Texas Illinois Natural Gas Pipeline Company, Docket No. G–10103; Colorado Interstate Gas Company, Docket No. G–10176; Chicago District Pipeline Company, Docket No. G–10214; Pacific Northwest Pipeline Corporation, Docket Nos. G–10455, G–10426; Mountain Fuel Supply Company, Docket No. G–10446.

This matter is before the Commission on further consideration of its order issued September 14, 1956, which, among other things, consolidated for hearing the above application of Pacific Northwest Pipeline Corporation (Pacific) in Docket No. G–10426, with the above applications filed in Docket Nos. G–9966, G–10103, G–10176, G–10214, and G–10455 which were theretofore consolidated for hearing by order issued July 25, 1956. Subsequent to the issuance of the order of consolidation, Mountain

Fuel Supply Company (Mountain Fuel) filed on September 28, 1956, a petition which, among other things, requested severance of Docket No. G–10426 and that said docket be consolidated for hearing with Docket No. G–10446. Pacific on October 8, 1956, filed an answer in support of the request of Mountain Fuel, and on November 16, 1956, Pacific filed a motion which, among other things, requested a severance of said Docket No. G–10426 and that said docket be consolidated with Docket No. G–10446.

Pacific, by its application in Docket No. G–10426, seeks a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act for the purpose of delivering natural gas to Mountain Fuel and "to increase maximum daily deliveries" to Colorado Interstate Gas Company by 17,500 Mcf. Heretofore, Pacific and Colorado Interstate were issued certificates for facilities which would permit the transportation of a maximum volume of 118,000 Mcf per day by Pacific to Colorado Interstate. The authorization here sought by Pacific does not propose to increase this maximum daily volume, but rather, the construction of facilities by it in lieu of facilities that would have to be constructed by Colorado Interstate to enable such volumes to be transported through the respective pipeline systems.

Mountain Fuel on May 21, 1956, filed in Docket No. G–10446 an application which was supplemented on June 11, 1956, for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act to construct and operate facilities and to transport natural gas to be purchased from Pacific, all as more fully described in the "Notice of Application and Date of Hearing", which was published in the FEDERAL REGISTER on July 19, 1956 (21 F. R. 5426, 5427). This application came on for hearing on August 16, 1956, and at the opening of the hearing it was adjourned pending further order of the Commission.

Both Pacific and Mountain Fuel aver that the applications filed in Docket Nos. G–10426 and G–10446 are inseparably related.

The Commission finds:

(1) The application filed by Pacific in Docket No. G–10426 is not necessarily dependent upon the applications filed in Docket Nos. G–9966, G–10103, G–10176, G–10214 and G–10455, and should be severed for hearing therefrom.

(2) The application filed by Pacific in Docket No. G–10426 is inseparably related to the application filed by Mountain Fuel in Docket No. G–10446, and these dockets should be consolidated for hearing.

The Commission orders:

(A) The aforesaid application in Docket No. G–10426 be and the same is hereby severed for hearing from Docket Nos. G–9966, G–10103, G–10176, G–10214 and G–10455.

(B) The aforesaid applications in Docket Nos. G–10426 and G–10446 be and the same hereby are consolidated for hearing, to commence at a time and place to be hereafter fixed.

Issued: November 30, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–9963; Filed, Dec. 5, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 27–21]

HAWKER URANIUM MINES LTD.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 30, 1956.

I. Hawker Uranium Mines Ltd. (Hawker), of 10004 Jasper Avenue, Edmonton, Alberta, Canada, having filed with the Commission on October 20, 1953, a notification on Form 1–D relating to a proposed offering of 1,500,000 shares of its common, 5¢ par value stock, to be offered to the public at 20¢ per share for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation D promulgated thereunder; and

II. The Commission having reasonable cause to believe:

That the above notification and offering circular of Hawker contain untrue statements of material fact and omit to state material facts required to be stated therein or necessary to make the statements therein not misleading in the following respects:

1. The notification fails to disclose, as required by Item 5 of Form 1–D, each predecessor and each affiliate of the issuer, in that a predecessor company, Hawker Uranium Mines, Inc., a Delaware corporation, was a predecessor of Hawker, and that North Country Uranium and Minerals Ltd. was an affiliate under common control with Hawker;

2. The offering circular represented S. Donald Moore (Moore) and Augustus R. Hawker were the founders of Hawker who received 2,300,000 shares of its stock in exchange for the assignment of certain properties and transferred a further 15,000 shares to other individuals and associates in consideration for services rendered in connection with the organization of Hawker and preliminary work on properties held, but failed to disclose that Joseph Nastasi (Nastasi) is a promoter; that an agreement existed between Nastasi and Moore pursuant to which Nastasi was entitled to 30 percent of the initial shares issued by Hawker; and that Nastasi was to assist in the distribution of the Hawker shares;

3. The offering circular represented Moore as owning 1,691,501 shares and Augustus R. Hawker 576,000 shares but failed to disclose the percentage of shares issued to them which it was agreed would be issued to Nastasi;

4. The offering circular represented Degaetano Securities Company, 37 Wall Street, New York (5), N. Y. (Degaetano) as the principal underwriter of the issue but failed to disclose that the promoter, Nastasi, was to participate actively to assist Dagaetano in the sale of securities.

III. *It is ordered*, Pursuant to Rule 509 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under section 3 (b) and Regulation D be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10009; Filed, Dec. 6, 1956; 8:46 a. m.]

[File No. 27–114]

BRUTONA URANIUM & METALS CORP.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 30, 1956.

I. Brutona Uranium & Metals Corporation (Brutona), a Delaware corporation, having offices at 398 Avenue Road, Toronto, Ontario, Canada, and 229 South State Street, Dover, Delaware, having filed with the Commission on August 20, 1956, a notification on Form 1–D and an offering circular relating to a proposed offering of 3,000,000 shares of 1¢ par value common stock to be offered to the public at 10¢ per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That pursuant to Rule 501 (b) (7) (ii) of Regulation D, an exemption is not available to Brutona in that Joseph Nastasi is a promoter of Brutona; that he individually and as a controlling person of US-CAN Securities, Inc. (US-CAN) is an underwriter of the securities proposed to be offered by Brutona; that he was a promoter of Hawker Uranium Mines Ltd. (Hawker), and participated in and was connected with the offering of Hawker shares under File Number 27–21, which is the subject of an order under Rule 509;

B. That the offering circular of Brutona contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made not misleading, in that there is a failure to state therein in a clear and concise manner:

(1) That the promoters of Brutona are also the principal stockholders of US–CAN;

(2) The cost of the properties to the promoter transferred to Brutona in exchange for stock;

(3) The amount of cash contributed by the promoters and their associates and the investing public with the resulting percentage of voting control to be held by each in the event that all shares covered by the filing are sold;

(4) The total amount and percentage of proceeds from the proposed issue which the promoter, Edward H. Fingard (Fingard), will receive directly or indirectly on the basis all shares are sold;

(5) The comparative effect on public stockholders and the promoters and their associates in the event of liquidation of the issuer;

(6) The nature and extent of interests of Fingard in property contiguous to property transferred to Brutona, and the failure to disclose that by reason of such interest Fingard may be benefitted by any successful exploratory work on properties transferred to Brutona;

(7) The status of the properties transferred to Brutona, in the event Brutona defaults on cash payments to Fingard, if sufficient funds are not raised through the sales of securities;

(8) That references in the offering circular to well known companies operating uranium mining properties in the Bancroft area where Brutona expects to explore have the benefit of governmental sales contracts providing for a better-than-usual uranium price (because of the low grade quality of the ore in this area) and that contracts of this type are no longer available; and

(9) Whether or not Brutona has qualified or whether or not it could qualify the proposed offering in the Province of Ontario, Canada, and the omission from the offering circular of information relating to (a) the requirements of the laws of Ontario for the escrow of promoters' shares and the limitation on consideration to promoters, and (b) whether or not Brutona could presently meet such requirements, and the effect thereof upon possible future financing by the issuer.

III. *It is ordered*, Pursuant to Rule 509 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under section 3 (b) and Regulation D be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration of the presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10010; Filed, Dec. 6, 1956; 8:46 a. m.]

[File No. 7–1835]

UNITED STATES SHOE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 3, 1956.

In the matter of application by the Cincinnati Stock Exchange for unlisted trading privileges in The United States Shoe Corporation common stock.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 19, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10011; Filed, Dec. 6, 1956; 8:46 a. m.]

[Files Nos. 812–987, 812–988, 812–998]

ALLEGHANY CORP.

ORDER DENYING APPLICATIONS

NOVEMBER 30, 1956.

Alleghany Corporation ("Alleghany"), a registered investment company, certain holders of its 5½ percent Cumulative Preferred Stock, Series A, and certain holders of its common stock and warrants, having filed separate applications for a declaration that no approval or other action of the Commission is required under the Investment Company Act of 1940 with respect to the transactions involved in the exchange of said 5½ percent Cumulative Preferred Stock for 6 percent Convertible Preferred Stock of Alleghany, or, in the alternative, for an order pursuant to section 6 (c) of said act exempting said transactions from the provisions thereof.

Proceedings on said applications having been consolidated, public hearings having been held after appropriate notice, proposed findings and briefs having been filed, the Division of Corporate Regulation having filed Proposed Findings and Conclusions, and exceptions thereto having been filed; and

The Commission having this day entered its Findings and Opinion herein; on the basis of such Findings and Opinion:

It is ordered, That the aforesaid applications be, and they hereby are denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10012; Filed, Dec. 6, 1956; 8:46 a. m.]

[File No. 31–638]

POWER REACTOR DEVELOPMENT CO.

NOTICE OF FILING OF APPLICATION AND NOTICE AND ORDER FOR HEARING

DECEMBER 3, 1956.

Notice is hereby given that Power Reactor Development Company ("PRDC"), a non-profit corporation organized under the laws of the State of Michigan, has filed an application pursuant to section 2 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") for an order declaring it not to be an electric utility company. The allegations contained in the application are summarized as follows:

PRDC is organized for the purpose of advancing the art and technology of producing power by the use of fissionable materials. As of October 31, 1956, the following persons, representing the designated companies, were the members of PRDC:

Ernest R. Acker, President, Central Hudson Gas & Electric Corp.
Walter J. Beckjord, President, The Cincinnati Gas & Electric Co.
George Bisset, Senior Vice President, Potomac Electric Power Co.
Walter Bouldin, Executive Vice President, Alabama Power Co.
Harllee Branch, Jr., President, Georgia Power Co.
Walker L. Cisler, President, The Detroit Edison Co.
John S. Coleman, President, Burroughs Corp.
Stuart Cooper, Chairman, Delaware Power & Light Co.
Errol W. Doebler, President Long Island Lighting Co.
George Ellis, Vice President, Combustion Engineering, Inc.
Robert Ginna, President, Rochester Gas and Electric Corp.
George M. Holley, Jr., President, Holley Carburetor Co.
Alfred Iddles, President, The Babcock & Wilcox Co.
Charles E. Ide, President, The Toledo Edison Co.
Dan E. Karn, President, Consumers Power Co.
Harry M. Miller, President, Columbus and Southern Ohio Electric Co.

Alexander Monteith, Vice President, Westinghouse Electric Corp.
R. George Rincliffe, President, Philadelphia Electric Co.
J. Frank Roberts, Vice President, Allis-Chalmers Manufacturing Co.
Herbert J. Scholz, President, Southern Services, Inc. (as representative of The Southern Co., Alabama Power Co., Georgia Power Co., Gulf Power Co. and Mississippi Power Co.)
Gould W. VanDerzee, Chairman, Wisconsin Electric Power Co.
Charles H. Whitmore, President, Iowa-Illinois Gas and Electric Co.

Under the provisions of its Articles of Incorporation no part of the net earnings of PRDC, if any, may be paid to any member or any private individual or corporation, and members obtain no special privilege from any patents or inventions of PRDC. Each member has one vote, and the company will be financed by membership fees, voluntary contributions of its members, and borrowed funds.

The sole business of PRDC is the development of an atomic reactor for the purpose of demonstrating that such reactor or reactors may be relied upon to provide an economical source of heat. In pursuit of this end PRDC is presently constructing, under a provisional construction permit issued by the Atomic Energy Commission ("AEC"), a fast breeder atomic reactor at Lagoona Beach, Michigan, to be known as the Enrico Fermi Atomic Power Plant. This reactor will produce both steam and plutonium. It is estimated that the steam will be sufficient to supply at least 100,000 kw (electrical) of motive power. The steam will be sold to The Detroit Edison Company ("Detroit Edison") for use in a turbine to be owned by that company on adjacent premises, the sales price of the steam to be the cost of producing an equivalent amount of steam through conventional means. The plutonium produced by the project will be delivered to the United States Government pursuant to the Atomic Energy Act of 1954, and it is expected that the proceeds received from such delivery will exceed the proceeds from the sale of the steam. The proceeds received from the sale of plutonium and steam will be used to meet the expenses of PRDC and to pay interest and principal on any loan obligation which it may incur. Any excess monies received will be devoted to research and development.

It is expected that the cost, direct and indirect, of the facilities to be owned by PRDC will exceed $40,000,000. This cost will be supplied in part by contributions from companies which may become members, in part from loans, and in part from technical contributions by Atomic Power Development Associates, Inc. ("APDA"), a non-profit membership corporation now engaged in some of the initial research and development work which will be utilized in the construction of the proposed reactor. The companies listed in the second paragraph hereof have made commitments to make contributions to PRDC in the aggregate amount of $13,540,000 and it is expected that the total commitments for contributions will be $23,540,000. Arrangements have been made with six New York banks for loans in the aggregate amount of $15,000,000; payment of the loans will be severally and unconditionally guaranteed by certain of the companies which become members.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the application, and that such application not be granted except pursuant to the further order of the Commission:

It is ordered, That a hearing on said application pursuant to the applicable provisions of the act and the rules of the Commission be held on December 18, 1956 at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On said date the hearing room clerk in room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding should file with the Secretary of the Commission on or before December 14, 1956, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether PRDC is primarily engaged in one or more businesses other than the business of an electric utility company, and by reason of the small amount of electric energy sold by such company it is not necessary in the public interest or for the protection of investors or consumers that such company be considered an electric utility company for the purposes of the act.

2. Whether, in the event that the application should be granted, it is necessary or appropriate to impose any terms and conditions with respect to the renewal of such order or the filing of periodic or special reports regarding the business of the company to insure that PRDC continues to be entitled to such order.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission serve copies of this order by registered mail on the applicant herein and on the designated representatives of the member companies, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10013; Filed, Dec. 6, 1956; 8:46 a. m.]

[File No. 70-3521]

W. R. STEPHENS INVESTMENT CO., INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSAL TO EXTEND BANK LOAN

DECEMBER 3, 1956.

W. R. Stephens Investment Company, Inc. ("Investment Company"), a conditionally exempt holding company, having filed, in accordance with the order of the Commission issued March 30, 1956 (Holding Company Act Release No. 13142) modifying the exemption order issued by the Commission December 14, 1954 (Holding Company Act Release No. 12742), a declaration, and amendments thereto, pursuant to sections 7 and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder, regarding a proposal to extend to February 1, 1957 the December 14, 1956 maturity date of its promissory note in the principal amount of $19,602,821.34 to The First National City Bank of New York; and

Due notice (Holding Company Act Release No. 13265 (October 17, 1956)) of the filing of the declaration having been given in the manner prescribed by Rule U-23 of the rules and regulations promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

The Commission having this day made and filed herein its Memorandum Opinion finding it appropriate, for the reasons therein stated, to permit the declaration, as amended, to become effective, forthwith:

It is ordered, That the declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions specified in Rule R-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10014; Filed, Dec. 6, 1956; 8:46 a. m.]

[File No. 812-1048]

MUTUAL INCOME FOUNDATION AND MUTUAL INCOME FOUNDATION, INC.

NOTICE OF APPLICATION FOR ORDER EXEMPTING COMPANY FROM MINIMUM CAPITAL REQUIREMENTS

DECEMBER 3, 1956.

Notice is hereby given that Mutual Income Foundation, Inc. ("Underwriter"), principal underwriter and distributor for the shares of Mutual Income Foundation ("Fund"), a common law trust registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("act"), has filed an application pursuant to section 6 (c) of the act, requesting that an exemption from the requirements of section 14 (a) of the act be granted with respect to an offering by the Fund and the Underwriter of shares of the Fund through a Monthly Purchase Plan.

The Fund has been in existence since May 5, 1933, and has been registered under the act since April 15, 1941. The Fund and the Underwriter propose to offer the Fund's shares through a Monthly Purchase Plan which is proposed to be registered under the act as a periodic payment plan unit investment trust.

Section 14 (a) of the act provides, among other things, that no registered investment company and no principal underwriter for such a company, shall make a public offering of securities of which such company is the issuer unless such company has a net worth of at least $100,000. Section 6 (c) of the act authorizes the Commission by order upon application to exempt any person, security or transaction from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

The Underwriter represents that an exemption from the requirements of section 14 (a) may appropriately be granted since the Fund itself has a net worth in excess of $3,000,000 and the public policy requiring a minimum capital for new investment companies as set forth in section 14 (a) will already have been effectively carried out in the case of a unit investment trust organized solely for the purpose of selling the Fund's shares by means of a periodic payment plan.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than December 19, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10015; Filed, Dec. 6, 1956; 8:46 a. m.]

[File No. 812-1047]

MUTUAL INCOME FOUNDATION ET AL.

NOTICE OF APPLICATION FOR ORDER EXEMPTING THE SALE OF INVESTMENT COMPANY SHARES TO EMPLOYEES AT LESS THAN PUBLIC OFFERING PRICE

DECEMBER 3, 1956.

In the matter of Mutual Income Foundation, Mutual Income Foundation, Inc., Galen Van Meter & Co., Inc., File No. 812-1047.

Notice is hereby given that Mutual Income Foundation ("Fund"), a common law trust registered as an open-end, management diversified investment company under the Investment Company Act of 1940 ("act"), its principal underwriter and distributor, Mutual Income Foundation, Inc. ("Underwriter") and Galen Van Meter & Co., Inc. ("Investment Adviser"), the proposed investment adviser to the Fund, have filed an application pursuant to section 6 (c) of the act for an order exempting from the provisions of section 22 (d) of the act the offering of shares of the Fund at reduced offering prices, but not less than their respective net asset values, to proposed trustees, officers and directors of the Fund and members of its Advisory Committee, and to directors, officers, employees and salesmen of the Underwriter and of the Investment Adviser.

The National Bank of Detroit, the present Trustee of the Fund, is resigning and will be succeeded by individual trustees. Said bank will remain as Custodian of the Fund. Sales of the Fund's shares will be through direct purchases, scheduled investment plans, open accounts, group accumulation plans and monthly purchase plans.

It is proposed that the sales made to any of the above-mentioned persons will be on the same basis and any person making a purchase will be required to sign a statement agreeing not to resell such shares except by regular redemption, in the usual manner, to the Fund. It is the present intention of the Underwriter to waive any sales load to which it would be entitled and to make all sales to such persons at net asset value, except that sales at less than the public offering price will not be made to said persons through group accumulation plans or through monthly purchase plans.

Section 22 (d) of the act, among other things, prohibits the sale of redeemable securities of a registered investment company below the current public offering price described in the prospectus, with certain exceptions not here pertinent. Section 6 (c) of the act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Applicants assert that the instant proposal will in no way adversely affect the shareholders of the Fund, nor will it adversely affect the interest of any future purchasers of their shares, since the Fund will continue to receive the full net asset value for all shares sold. The proposed waiver of sales commissions will be entirely a concession by the Underwriter which will incur very little expense because of this proposal and the amount of the sales load it will forego will be relatively insignificant. It is the viewpoint of the applicant companies that the proposal is a desirable personnel move and will produce lasting benefits to the applicants through the improvement in employee goodwill, without detriment to the interest of any shareholder of the investment company.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than December 19, 1956 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10016; Filed, Dec. 6, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[11786-11788; FCC 56M-1102]

WEST SHORE BROADCASTING CO. ET AL.

ORDER CONTINUING CONFERENCE AND HEARING

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; for construction permits.

The Hearing Examiner having under consideration a "motion for continuance" filed by counsel for James W. Miller on November 30, 1956;

It appearing, that counsel for the other two applicants and the Broadcast Bureau have no objection to the relief requested in the motion;

It is ordered, This 30th day of November 1956, that the motion is granted, and that:

1) The date for the exchange of data among the engineers (Tr. 17) is extended from December 3 to December 17, 1956.

2) The date for the informal engineering conference (Tr. 17) is continued from December 10 to no later than January 3, 1957.

3) The date for the exchange of affirmative written cases is extended from December 21 to January 10, 1957.

4) The date for the further conference is continued from January 7 to January 22, 1957.

5) The date for the beginning of the evidentiary hearing is continued from January 29 to February 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10025; Filed, Dec. 6, 1956; 8:48 a. m.]

[FCC 56-1202]

CONELRAD MANUAL OR GUIDE FOR INDUSTRIAL RADIO SERVICES

NOVEMBER 28, 1956.

This document is issued to explain methods whereby the CONELRAD Radio Alert and CONELRAD Radio All Clear may be received, by radio stations in the Industrial Services and to describe operating procedures during a CONELRAD Radio Alert.

General. All radio stations in the Industrial Radio Services are required to make provisions to receive the CONELRAD Radio Alert.

All radio stations in this service are required to either remain silent or operate under specified conditions and for authorized purposes during the period of a CONELRAD Radio Alert and until the CONELRAD Radio All Clear is issued.

How the CONELRAD Radio Alert may be received. The following basic methods may be used to receive the CONELRAD Radio Alert:

1. The Alert may be received by monitoring any standard FM or TV broadcast station.

NOTE: Every standard, FM and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

a. Discontinue normal program.

b. Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

c. Return carrier to the air for approximately five seconds.

d. Cut the transmitter carrier for approximately five seconds.

e. Return carrier to the air.

f. Broadcast 1000 cycle (approximately) steady state tone for fifteen seconds.

g. Broadcast the CONELRAD Radio Alert Message as follows:

We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver.

h. The CONELRAD Radio Alert Message will then be repeated.

a through f above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution: a through f is a warning that a CONELRAD Radio Alert may follow; the actual CONELRAD Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert Message.)

The CONELRAD Radio Alert Message, as set forth in g above, is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert Message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert Message, above, will be broadcast only in the event of an actual Alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

Equipment is available commercially to automatically receive the CONELRAD Radio Alert from broadcast stations. Such apparatus normally operates in a muted condition. When the CONELRAD Radio Alert is transmitted the device is activated to produce an audible or visual warning by turning on the speaker, ringing a bell, or flashing a light, etc.

2. The Alert may be received from an Air Defense Warning Network or extension thereof; such as the Civil Air Defense Warning Net if applicable to your situation.

Many establishments owned by state or local governments and some commercial installations are either directly tied to an Air Defense Warning Network (such as the Civil Air Defense Warning Network) or an extension of that Network.

Radio stations receiving the Alert by this means must operate in accordance with the CONELRAD regulations when the CONELRAD Radio Alert is transmitted.

NOTE: If the CONELRAD Radio Alert is not received, radio stations must comply with CONELRAD requirements upon receipt of Warning Yellow; if neither the CONELRAD Radio Alert or the Warning Yellow is received, radio stations must comply with CONELRAD requirements upon receipt of Warning Red.

3. The CONELRAD Radio Alert may be received from a point that receives the Alert from 1 or 2 above.

NOTE: It is acceptable for a radio station to make arrangements to have the Alert expeditiously relayed from a point that receives the Alert as in 1 or 2 above. For instance a firm agreement with a broadcast station or other radio station that receives the Alert as in 1 or 2 above to relay the Alert to your radio station by telephone or other means will be considered as complying with the requirements. Caution: Arrangements must be made to receive the Alert at all times when your radio station is open for operation.

4. Radio Station licensees operating radio systems consisting of several mobile units, portable, and/or fixed location stations may elect to receive the CONELRAD Radio Alert at only one point if desired; under such conditions the licensee will be responsible for disseminating the Alert to the other units in the system.

NOTE: Transmission of the CONELRAD Radio Alert is considered as an emergency transmission and may be carried on under the CONELRAD operating requirements.

5. If it is impracticable or undesirable to receive the CONELRAD Alert by any of the methods specified above, the licensee of a radio station or group of stations may request authority to be alerted by other means.

Such request should be addressed to the Secretary, Federal Communications Commission, Washington 25, D. C., and should indicate why the alerting methods specified above are unsuitable. The desired method for receiving the Alert should be described in detail.

NOTE: Radio Stations need not make arrangements to receive the Alert during periods that the station is not open for operation.

Caution should be used upon opening the station for operation to insure that a CONELRAD Radio Alert is not in progress. Normal broadcast station operation or normal channel traffic will indicate that no Alert is in progress.

How radio stations must operate during a CONELRAD Radio Alert. When the CONELRAD Radio Alert is issued, radio stations to which this document applies must comply with the following:

1. No radio transmissions shall be made unless they are of an emergency nature affecting the national safety or the safety of people and property.

The following types of messages are considered as permissible under 1 above:

a. Relaying of the CONELRAD Radio Alert.

b. Transmissions involving the safety, security or protection of equipment and materials.

c. Transmissions involving the safety of people.

NOTE: Necessary transmissions involving the military or Civil Defense as it concerns the Industrial Radio Services may be made during the CONELRAD Radio Alert.

Transmissions involving the safety of people, materials being transported, vehicles or rolling stock, etc., may be made during the CONELRAD Radio Alert.

Transmissions for telemetering or control purposes may be made if such is necessary to the national defense or the protection of people, property or materials.

Radio transmissions necessary for the protection of pipelines, transmission systems or other property and for the expeditious handling of oil, gas or other materials necessary to the national defense may be made during the CONELRAD Radio Alert.

Microwave relay systems may continue to operate for the transmission of messages or intelligence when necessary for the national defense and/or the protection of people or property.

Transmissions necessitated by air attack conditions or impending air attack conditions may be made during the CONELRAD Radio Alert.

Any transmissions not immediately necessary shall be withheld until the CONELRAD All Clear is issued.

The cooperation and judgment of the licensee must be relied upon in interpreting which transmissions are essential.

2. All transmissions must be as short as possible and the carrier shall be removed from the air during periods of no message or intelligence transmissions.

3. No station identification shall be given, at any time after the Alert is received, either by announcement of regularly assigned call signals or by announcement of geographical location.

This does not prevent the use of identifiers if such is necessary to carry on the service.

4. Licensees of radio stations or radio systems may request a modification of 1, 2, or 3 above in the event compliance is not feasible. The requests must be directed to:

The Secretary, Federal Communications Commission, Washington 25, D. C.

The reason why compliance is not feasible must be explained along with the licensees' recommended mode of station or system operation, taking into account due regard for the minimization of navigational aid in accordance with Executive Order 10312.

How the CONELRAD Radio All Clear may be received. The CONELRAD Radio All Clear can be received through the same channels as the CONELRAD Radio Alert is received.

When the CONELRAD Radio All Clear is issued each standard FM and TV broadcast station will transmit 15 seconds of 1000 cycle tone beeps then transmit the following CONELRAD Radio All Clear Message:

CONELRAD Radio All Clear Resume Normal Operation.
I repeat.
CONELRAD Radio All Clear Resume Normal Operation.

Observations indicating broadcast stations are operating in a normal manner will indicate that a CONELRAD Radio All Clear is in effect.

General information. Radio stations operating in the Industrial Radio Services are well suited for use as navigational aids to an enemy force.

Direction finder navigation is not the only electronic means to navigate aircraft; however, countermeasures are available to prevent the use of all normally used systems of electronic navigation.

CONELRAD is a countermeasure against direction finder navigation.

When the CONELRAD Radio All Clear is issued radio stations may return to normal operation unless otherwise restricted by order of the Federal Communications Commission. It is not contemplated at this time that any restrictions will be placed on the return of radio stations to the air after a CONELRAD Radio Alert.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10026; Filed, Dec. 6, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

DECEMBER 3, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 33001: *Asphalt and road oil from Roxana-Wood River, Ill., district.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-products or petroleum, carloads, and petroleum road oil, carloads from East St. Louis, Hartford, Roxana, South Wood River, Wood River, Ill., and St. Louis, Mo., to Evansville, Ind., Henderson and Louisville, Ky.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Supplement 109 to Agent Hinsch's tariff I. C. C. 109.

FSA No. 33002: *Paper from Canada to Kansas and Missouri.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on newsprint paper and ground wood papers, carloads from points in New Brunswick and Quebec, Canada to Topeka, Kans., Kansas City and St. Joseph, Missouri.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 28 to Canadian National Railway's I. C. C. No. E. 501; Supplement 37 to Canadian Pacific Railway Company's I. C. C. No. E. 2597.

FSA No. 33003: *Coal from Alabama mines to Port Wentworth, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Alabama on the St. Louis-San Francisco Railway and the Alabama Central Railroad to Port Wentworth, Ga.

Grounds for relief: Circuity and market competition.

Tariff: Supplement 27 to St. Louis-San Francisco Ry. I. C. C. No. A-580.

FSA No. 33004: *Lumber from Norfolk, Va., to Altavista, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber and logs, mahogany, carloads from Norfolk, Va., to Altavista, Va.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 138 to Agent Spaninger's I. C. C. 1297 and three other tariffs.

FSA No. 33005: *Commodity rates from and to Clifbragg, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on all commodities, other than coal and coke, carloads and less-than-carload between Clifbragg, N. C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Competition with rail carriers, circuity, grouping and establishment of a new station.

FSA No. 33006: *Fine coal from the southwest to Sibley, Iowa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fine coal, carloads from points in Arkansas, Kansas, Missouri, and Oklahoma to Sibley, Iowa.

Grounds for relief: Rail carrier competition, circuity, and market competition.

Tariff: Supplement 133 to Agent Kratzmeir's tariff I. C. C. No. 3920.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-9980; Filed, Dec. 5, 1956; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 4, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33007: *Petroleum products from the Southwest to Missouri.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum products, crude oil, and liquefied petroleum gas, tank-car loads from points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas; also Memphis, Tenn., to points in Missouri on the Kansas City Southern Railway.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 99 to Agent Kratzmeir's I. C. C. 4086.

FSA No. 33008: *Commodities from Idaho, east of McCammon.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dried beans, butter, eggs, frozen foods, fresh fruits, ordinary livestock, frozen poultry and fresh vegetables, carloads from points in Idaho, east of McCammon, Idaho, to points in official, southern, southwestern and western trunk-line territories.

Grounds for relief: Rail carrier competition, circuity, and rates and routes published pursuant to or as a result of the decision in Docket 30297.

Tariff: Supplement 58 to Agent J. P. Haynes' I. C. C. 1514, and other issues listed on pages 2 and 3 of the application.

FSA No. 33009: *Motor-Ocean-Motor class rates between East and Southwest.* Filed by Pan-Atlantic Steamship Corporation, for itself and interested motor carriers. Rates on commodities moving on less truckload and volume class rates via motor-ocean, ocean-motor and motor-ocean-motor routes between points in Connecticut, Delaware, District of of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and points in Texas, on the other, in connection with the Pan-Atlantic Steamship Corporation between the ports of Jersey City, N. J., and Houston, Tex., and motor-lines to and from such points.

Grounds for relief: Competition with rail-water, water-rail, and rail-water-rail carriers, and circuitous routes.

operate in security and Civil Defense measures when your radio station is open for operation.

Radio Alert.

8:48 a. m.]

carriers. Rates on lime coal, carloads Tan carriers, and circuitous routes.

Tariff: Supplement 12 to Pan-Atlantic Steamship Corporation's tariff I. C. C. No. 253.

FSA No. 33010: *Motor-Ocean and Motor-Ocean-Motor commodity column rates from and to Texas.* Filed by Pan-Atlantic Steamship Corporation, for itself and interested motor carriers. Rates on commodities moving on less truckload and volume commodity column rates via motor-ocean, ocean-motor, and motor-ocean-motor routes between Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont, on the one hand, and points in Texas on the other, in connection with the Pan Atlantic Steamship Corporation between ports of Jersey City, N. J., and Houston, Tex., and motor lines to and from such ports.

Grounds for relief: Competition with rail-water, water-rail, and rail-water-rail carriers, and circuitous route.

Tariff: Supplement 4 to Pan-Atlantic Steamship Corporation tariff I. C. C. No. 257.

FSA No. 33011: *Raw shelled peanuts—Southwest to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on peanuts, raw, shelled, not salted, in bags, barrels or boxes, carloads from points in Arkansas, Oklahoma, New Mexico, and Texas to Chicago, Ill., and points grouped therewith in Indiana and Illinois.

Grounds for relief: Truck competition and circuitous route.

Tariff: Supplement 36 to Agent Kratzmeir's I. C. C. 4043.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-10020; Filed, Dec. 6, 1956; 8:47 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 21 NUMBER 238

Washington, Saturday, December 8, 1956

MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10691

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE SPOKANE, PORTLAND & SEATTLE RAILWAY COMPANY AND CERTAIN OF ITS EMPLOYEES REPRESENTED BY THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS

WHEREAS a dispute exists between the Spokane, Portland and Seattle Railway Company, a carrier, and certain of its employees represented by the Brotherhood of Locomotive Engineers, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the Country of essential transportation service;

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said Board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Spokane, Portland and Seattle Railway Company, or by its employees, in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 5, 1956.

[F. R. Doc. 56-10127; Filed, Dec. 7, 1956; 10:04 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; TEXAS

On November 1, 1956, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

TEXAS County:	*Average value*
Atascosa	$35,000
Austin	30,000
Bexar	40,000
Caldwell	40,000
Callahan	35,000
Cameron	40,000
Coke	40,000
Eastland	25,000
Foard	35,000
Frio	40,000
Garza	40,000
Hamilton	28,000
Hardeman	35,000
Haskell	25,000
Hays	30,000
Hidalgo	40,000
Hill	35,000
Jones	40,000
Karnes	40,000
La Salle	40,000
McMullen	40,000
Medina	40,000
Morris	25,000
Palo Pinto	40,000
Parker	40,000
Robertson	25,000
Shackelford	40,000
Taylor	40,000
Travis	80,000
Wilbarger	35,000
Willacy	40,000

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FEDERAL REGISTER

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Williamson	$30,000
Wilson	40,000

(Sec. 41 (l) 50 Stat. 529, as amended; 7 U. S. C. 1015 (l))

Dated: December 4, 1956.

[SEAL] D. H. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-10086; Filed, Dec. 7, 1956; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOCATIONS FOR 1957 CROP

Sec.
721.810 Basis and purpose.
721.811 Definitions.
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721.814 Method of apportioning acreage allocations.
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721.822 Right to appeal.
721.823 Applicability of acreage allocations.
721.824 Notice of farm allocations.
721.825 Applicability of §§ 721.810 to 721.825.

AUTHORITY: §§ 721.810 to 721.825 issued under sec. 375, 52 Stat. 66, sec. 124, 70 Stat. 198; 7 U. S. C. 1375. Interpret or apply secs. 301, 329, 52 Stat. 38, 52; secs. 103, 308, 70 Stat. 189, 206; 7 U. S. C. 1301, 1329.

§ 721.810 *Basis and purpose.* The regulations contained in §§ 721.810 to 721.825 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1956, and govern the establishment of 1957 farm acreage allocations for corn. The purpose of the regulations in §§ 721.810 to 721.825 is to provide the procedure for allocating the county corn acreage allocations among farms.

§ 721.811 *Definitions.* As used in the regulations in this part and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them.

(a) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(b) "Director" means the Director of the Grain Division, Commodity Stabilization Service, U. S. Department of Agriculture.

(c) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(d) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(e) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953, and which was classified as cropland at the time of seeding, but excluding: (1) Bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable non-crop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, a wind erosion hazard to the community. Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allocations, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into under the conservation reserve program by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses under such contract.

(f) "Old county" means a county included within the commercial corn-producing area both in 1956 and 1957.

(g) "New county" means a county included within the commercial corn-producing area in 1957 but which was not included in the 1956 area.

(h) "Historical base period" means the years for which corn acreages are used in establishing 1957 corn acreage allocations.

(1) For old counties the historical base period is the years 1953 through 1956.

(2) For new counties the historical base period is the years 1954 through 1956.

(i) "Old farm" means a farm on which corn was planted in one or more of the three years 1954, 1955 and 1956, including also any farm on which all or any part of the 1956 Soil Bank corn base acreage was diverted from the production of corn under the 1956 acreage reserve or conservation reserve program even though there was no acreage actually planted to corn on the farm in 1956.

(j) "New farm" means a farm on which no corn was planted in 1954, 1955, or 1956, or was considered planted in 1956 because all or a part of the Soil Bank corn base acreage was diverted from the production of corn under the 1956 acreage reserve or conservation reserve program, but on which corn will be planted in 1957.

(k) "Acreage indicated by cropland" means the number of acres computed by multiplying the cropland for a farm by the ratio of historical corn acreage determined for a community or county pursuant to § 721.816 (a) to cropland for the community or county: *Provided*, That if the State committee finds that the historical corn acreage as determined was abnormally high or low due to abnormal weather or to the bringing into cultivation of land not previously so used, the community or county ratio shall be determined on the basis of the ratio of the average of the acreages for the years of the historical base period which the State committee determines is normal. County ratio determinations will be used subject to approval of the State committee.

(l) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(m) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(n) "Previous base acreage" means the 1956 base acreage in counties which were included within the 1956 commercial corn-producing area.

(o) "Corn acreage" for any year for which acreage allotments were not in effect in the county means the number of acres of land on which field corn was planted alone or interplanted with other crops including sweet corn which was produced for feed or silage. For any year in which acreage allotments were in effect in the county, corn acreage means the acreage planted to corn, as adjusted to comply with the acreage allotment or Soil Bank corn base. Acreage planted to corn shall include acreage diverted from the production of corn under the Soil Bank acreage reserve or conservation reserve program.

(p) Corn allocations:

(1) "County allocation" means the corn acreage allotment apportioned to the county as its share of the 1957 acreage allotment for the commercial corn-producing area or the Soil Bank corn base acreage apportioned to the county as its share of the 1957 Soil Bank base acreage for the commercial corn-producing area, as the case may be, as determined on the basis of the acreage planted to corn during the five calendar years, 1951–1955 (plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period, and for the promotion of soil-conservation practices.

(2) "Farm acreage allocations" means the corn acreage allotment and Soil Bank corn base acreage for the farm.

(q) "Commercial corn-producing area" means the area designated by the Secretary pursuant to section 301 (b) (4) of the Agricultural Adjustment Act of 1938, as amended, and includes all counties in which the average production of corn (excluding corn used for silage) during the ten calendar years, 1947–1956, after adjustment for abnormal weather conditions, is 450 bushels or more per farm and 4 bushels or more for each acre of farmland in the county, and also includes any county bordering on such commercial corn-producing area which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farmland in 1957.

§ 721.812 *Extent of calculations and rule of fractions.* All acreage determinations other than the historical acreages shall be rounded to the nearest tenth acre. Fractional acres of fifty-one thousandths of an acre or more shall be rounded upward, and fractional acres of less than fifty-one thousandths of an acre shall be dropped.

§ 721.813 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator, Production Adjustment, Commodity Stabilization Service.

§ 721.814 *Method of apportioning acreage allocations.* The county acreage allocations shall be apportioned to farms in the county on the basis of past acreage of corn (planted and diverted), tillable acres, crop-rotation practices, type of soil, and topography.

§ 721.815 *Report of data for old corn farms in new counties.* To the extent that the information is not available in the ASC county office, the owner, operator, or any other interested person shall furnish the following information regarding the farm in which he has an interest to the ASC county office of the county in which the farm is regarded as located if corn was planted on the farm in 1954, 1955 or 1956:

(a) The names and addresses of the owner and operator.

(b) The total acreage of all land.

(c) The acreage of cropland.

(d) The acreage of corn planted in the years 1954, 1955 and 1956.

(e) The acreage of other crops and land uses.

(f) Other pertinent information requested by the ASC county office relative to operations of the farm.

§ 721.816 *Determination of base acreages for old farms.* To reflect the factors of past acreage of corn, tillable acres, crop-rotation practices, type of soil, and topography, the county committee shall determine for each old farm a base acreage of corn. Each base acreage determined shall be fair and equitable when compared with the base acreages for all other farms in the county. In arriving at the base acreage, consideration shall be given to the corn acreage on the farm during the years 1953, 1954, 1955, and 1956 in old counties and the corn acreage on the farm during the years 1954, 1955, and 1956 in new counties, tillable acres, type of soil, topography, the producer's crop-rotation system for the farm, including the equipment and other facilities available for carrying out such system of crop-rotation, and the base acreages for other farms in the community which are similar with respect to past acreage of corn, tillable acres, type of soil, and topography, and which are similarly operated. Such base acreages shall be established as follows:

(a) *Previous base acreage.* With State committee approval, the previous base acreage may be used as the 1957 base acreage for the farm if it does not vary from the historical average acreage by more than ten percent or two acres, whichever is the larger, and the county committee determines that such use will result in a fair and equitable base acreage for 1957 which meets the requirements prescribed above. If the use of the previous base acreage for farms within the ten percent and two-acre limitation will not result in a fair and equitable base acreage for 1957, or if a previous base acreage has not been established for the farm, a fair and equitable base acreage shall be determined as follows:

(b) *Historical acreage.* The historical acreages for 1954, 1955 and 1956 shall be the corn acreages plus the acreages diverted under the respective corn acreage allotment programs or Soil Bank programs and shall be determined as follows: (1) If the 1954, 1955 or 1956 farm corn acreage allotment was knowingly exceeded, the historical acreage for 1954, 1955 or 1956, as the case may be, shall be the farm corn acreage allotment for the applicable year established under the regulations issued by the Secretary for determining such farm corn acreage allotments, plus the corn acreage in excess of the farm corn acreage allotment; (2) if the 1954, 1955 or 1956 farm corn acreage allotment established under the applicable regulations was not knowingly exceeded and the corn acreage was 90 per centum or more of such allotment, the historical acreage shall be the base acreage established for the farm under the applicable regulations; (3) if the 1954, 1955 or 1956 corn acreage was less than 90 per centum of the farm corn acreage allotment established under said regulations, the historical acreage shall be the smaller of the farm base acreage, or the acreage obtained by multiplying the corn acreage by a diversion credit factor. In such cases the diversion credit factor will be the reciprocal of a decimal fraction which is 90 per centum of the county proration factor as determined under the applicable regulations.

(c) *Historical average acreage.* The historical average corn acreage for any farm shall be the average of the historical acreages for 1953, 1954, 1955 and 1956 in old counties and the average of the historical acreages for 1954, 1955 and 1956 in new counties.

(d) *Adjusted average acreage.* The county committee shall adjust the historical average corn acreage for any farm by eliminating from the period of years used in determining the historical average acreage the corn acreage for any year or years which it definitely finds was not representative of the acreage which normally would have been planted under the established crop-rotation system on the farm because such acreage was:

(1) Abnormally low due to excessive wet weather or flood.

(2) Abnormally low due to drought.

(3) Abnormally high because of weather conditions which caused failure of crops other than corn or which prevented the planting of crops other than corn.

(4) No longer representative because of a change in operations which results in substantial change in the established crop-rotation system for the farm.

(5) Not representative for 1957 because of a definitely established crop-rotation system being carried out on the farm.

When one or more of the years are eliminated in accordance with the provisions of subparagraphs (1) through (5) of this paragraph, the average of the years not so eliminated shall be considered as the adjusted average acreage. If all years of the base period are eliminated, the adjusted average acreage shall be zero.

(e) *Further adjustments.* The historical average acreage or the adjusted average acreage, as the case may be, may be further adjusted so as to make such acreage comparable with those acreages for other farms which are similar with respect to the type of farming operation and to the factors of tillable acreage, topography, and type of soil within the following limitations:

(1) If such acreage is unduly low, the historical average acreage or the adjusted average acreage, as the case may be, may be adjusted upward by not more than 20 percent. However, if the adjusted acreage is zero, the 20 percent limitation will not apply and the acreage shall be adjusted upward, unless the committee determines that corn will not be planted in 1957 under the crop-rotation system for the farm. The acreage thus adjusted shall in no case exceed the acreage indicated by cropland, except as provided in subparagraph (3) of this paragraph.

(2) If such acreage is excessively high because of an increase in corn acreage as a result of diversion from other allotment crops, including sugar beets, the historical average acreage or the adjusted average acreage, as the case may be, may be adjusted downward by not more than 25 percent, but not below the acreage indicated by cropland, except as provided in subparagraph (3) of this paragraph.

(3) The acreage indicated by cropland limitations provided in subparagraphs (1) and (2) of this paragraph shall not apply in the establishment of the base acreage for a farm if the State committee finds that such acreage is not representative of similarly operated farms which are similar also with respect to

tillable acreage, type of soil, and topography because of extreme differences in the type of soil and topography within the different areas of the community or because of the small number of corn farms listed.

(f) *Base acreage.* The base acreage for an old farm shall be that acreage determined under paragraphs (a) through (d) of this section.

§ 721.817 *Determination of base acreages for new farms.* (a) The county committee shall determine a base acreage for use in establishing a corn acreage allocation for each eligible new farm for which a corn acreage allocation is requested for 1957 not later than January 31, 1957, or such earlier date established by the State committee as affording reasonable opportunity for requesting such an allocation. Each request for such an allocation shall include the following information:

(1) The acreage of all land and total cropland on the farm for which an allocation is requested.

(2) The acreage of cropland well suited to corn.

(3) The name and address of the farm owner and, if known, the name and address of the 1957 operator.

(4) Location and description of the farm.

(5) Identification and location of any other farm in which the operator will have an interest in 1957.

(6) Acreage of corn in which the operator had an interest in 1954, 1955 and 1956 and identification and location of land on which such corn was planted.

(7) Corn acreage which would be planted in 1957 under the rotation system planned for the farm.

(8) Reason for requesting a 1957 corn acreage allocation.

(9) Reason for not planting corn on the farm in 1954, 1955, and 1956.

(b) Eligibility for a new farm allocation shall be conditioned upon the following:

(1) The land for which an allotment is requested is well suited for the production of corn; and

(2) The operator is largely dependent for his livelihood on his farming operations; and

(3) The producer establishes to the satisfaction of the county committee that:

(i) The system of farming has changed or is changing to the extent that corn will be included in such system for 1957; or

(ii) The established crop-rotation system followed on the farm will include corn for 1957.

In determining the base acreage for a new farm, the county committee shall take into consideration tillable acres, type of soil, topography, the farming system to be followed by the operator, the extent to which the operator is dependent for his livelihood on his farming operations, the information required of the applicant in his request for an allotment, and the 1957 base acreage, if any, established on other land farmed by the operator: *Provided*, That the base acreage determined for a new farm shall not exceed (*a*) the indicated acreage which would be planted in 1957 under the rotation system planned for the farm, or (*b*) the acreage indicated by cropland, whichever is the smaller.

§ 721.818 *Determination of acreage allocations for old farms.* The 1957 county acreage allotment after deduction of an appropriate reserve for new farms and for appeals, correction of errors, and missed farms, as determined by the county committee, shall be apportioned pro rata among the old farms within the county by the county committee on the basis of the base acreages determined under § 721.816. The farm Soil Bank corn base shall be determined by multiplying such allotment by 1.3677.

§ 721.819 *Determination of acreage allocations for new farms.* The 1957 corn acreage allotments, or Soil Bank corn base acreages, as the case may be, for new farms shall be determined by applying the pro rata reduction factor approved for old farms to the base acreages determined under § 721.817 if there is sufficient reserve acreage. If the use of the reduction factor would result in the apportionment of acreage in excess of the available reserve, the allocations shall be determined by apportioning the available reserve acreage pro rata among the new farms within the county on the basis of the base acreages determined under § 721.817.

§ 721.820 *Supervision, review, and approval by the State committee.* The State committee shall be responsible for the work of the county committee in the apportionment of the county corn acreage allocations, the review of all allocations and reserves, and the correction of any improper determinations made under the regulations in this part. All allocations shall be approved by or on behalf of the State committee and no official notice of an acreage allocation shall be mailed until such allocation has been approved by or on behalf of the State committee.

§ 721.821 *Farms divided or combined.* (a) The 1957 corn acreage allocations determined for a farm shall, if there is a division, be apportioned to each part on the basis of the acreage of cropland on each part, except that, if the county committee determines that this method would result in allocations not representative of the farming operations normally carried out on each part, the allocations may be determined for each part in the same manner as would have been done if such part had been a completely separate farm: *Provided*, That the sum of the allocations thus determined for each part shall not exceed the allocations originally determined for the entire farm which is being divided.

(b) If two or more farms for which the 1957 corn allocations are determined will be combined and operated as a single farm in 1957, the 1957 acreage allocations shall be the sum of the allocations determined for each of the farms comprising the combination.

(c) If a farm, a part of which is owned by the Federal Government and under a restrictive lease to a producer, is to be divided for 1957, the corn acreage allocations attributed to or established for the government-owned tract shall become frozen and shall not be available for apportionment to any other farm.

§ 721.822 *Right to appeal.* (a) Any owner, operator, landlord, tenant, or sharecropper who believes that the acreage allocation for a farm in which he has an interest is not equitable, may file an appeal for reconsideration of the acreage allocation.

(b) The request for appeal of any acreage allocation and facts constituting the basis therefor must be submitted in writing and postmarked or delivered to the county committee within 15 days after the date of mailing the notice of allocation. If the applicant is dissatisfied with the decision of the county committee, he may appeal to the State committee within 15 days after the date of mailing of the notice of the decision of the county committee. If the applicant is dissatisfied with the decision of the State committee, he may, within 15 days after the date of mailing of the notice of the decision of the State committee, appeal to the Director, whose decision shall be final.

§ 721.823 *Applicability of acreage allocations.* If two-thirds or more of the producers voting in the corn referendum to be held on December 11, 1956, pursuant to section 308 of the Agricultural Act of 1956, vote in favor of the use of Soil Bank corn base acreages under that act in lieu of acreage allotments under the Agricultural Adjustment Act of 1938, as amended, the Soil Bank corn base acreages shall be applicable for 1957 and acreage allotments shall not be in effect after the date of the referendum. If less than two-thirds of such producers vote in favor of Soil Bank corn base acreages, acreage allotments shall be applicable for 1957, and Soil Bank base acreages shall not be in effect after the date of the referendum.

§ 721.824 *Notices of farm allocations.* Notice of the 1957 farm acreage allotment and farm Soil Bank base acreage determined under § 721.818 for each old farm shall, to the extent practicable, be mailed by the county committee to the operator of the farm in time to be received prior to the corn referendum on December 11, 1956. Such notice shall state that the acreage allotment or the Soil Bank base acreage shall be applicable for 1957, depending upon the outcome of the referendum. The operator of each old farm shall also be notified of the result of the referendum. The operator of each new farm shall be notified by the county committee of the farm acreage allotment or farm Soil Bank base acreage, whichever is applicable as a result of the referendum.

§ 721.825 *Applicability of §§ 721.810 to 721.825.* Sections 721.810 to 721.825 shall govern the establishment of the farm allocations for the 1957 crop of corn for use in connection with Soil Bank and farm price support programs.

NOTE: The reporting requirements contained herein have been approved by, and subsequent reporting requirements will be

subject to the approval of, the Bureau of Budget in accordance with Federal Reports Act of 1942.

Done at Washington, D. C., this 5th day of December 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-10052; Filed, Dec. 7, 1956; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 94, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, an Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.394 (Navel Orange Regulation 94, 21 F. R. 9400) are hereby amended to read as follows:

(i) District 1: 1,108,800 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 5, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10050; Filed, Dec. 7, 1956; 8:47 a. m.]

[Navel Orange Reg. 96]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.396 *Navel Orange Regulation 96*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 6, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 9, 1956, and ending at 12:01 a. m., P. s. t., December 16, 1956, is hereby fixed as follows:

(i) District 1: 646,800 cartons;
(ii) District 2: 23,350 cartons;
(iii) District 3: 92,400 cartons;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 7, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10129; Filed, Dec. 7, 1956; 11:20 a. m.]

[Lemon Reg. 671]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.778 *Lemon Regulation 671*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 5, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 9, 1956, and ending at 12:01 a. m., P. s. t., December 16, 1956, is hereby fixed as follows:

(i) District 1: 46,500 cartons;
(ii) District 2: 130,200 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 6, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10120; Filed, Dec. 7, 1956; 8:49 a. m.]

[Lime Order 3, Amdt. 4]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this regulation relieves restriction on the handling of limes.

Order, as amended. The provisions in subparagraph (2) (ii) of paragraph (b) of § 1001.303 (Lime Order 3, as amended; 21 F. R. 5033, 5821, 6159, 7021) are hereby further amended, for the period from 12:01 a. m., e. s. t., December 10, 1956, to 12:01 a. m., e. s. t., March 1, 1957, so as to permit the handling of large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which grade at least U. S. No. 2 Mixed Color and are of a size not smaller than 1⅝ inches in diameter: *Provided*, That, not to exceed 5 percent, by count, of the limes in any container may be smaller than 1⅝ inches in diameter. Otherwise, the provisions of the aforesaid subparagraph (2) (ii) of paragraph (b) of § 1001.303 shall remain in full force and effect.

As used herein, the term "U. S. No. 2 Mixed Color" shall have the same meaning as when used in the United States Standards for Persian (Tahiti) Limes (7 CFR 51.1001 et seq.; 18 F. R. 7107).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 6, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10121; Filed, Dec. 7, 1956; 8:49 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

The following rules are designed to carry out the Commission's responsibility under Section 181 of the Atomic Energy Act of 1954 (68 Stat. 953) to provide "such parallel procedures as will effectively safeguard and prevent disclosure of Restricted Data • • • to unauthorized persons with minimum impairment of the procedural rights which would be available if Restricted Data • • • were not involved." Discharge of this responsibility requires the framing of novel procedures, and a delicate balancing of the need to provide adequate protection for Restricted Data with the importance of providing parties and the public with access to the records of administrative proceedings before the Commission and information relating thereto.

Because they may be needed in pending proceedings, the Atomic Energy Commission has found that good cause exists why the regulations in this part should be made effective soon after expiration of a 15-day period of notice of proposed rule making, without the customary 30-day period of notice. The Commission will, however, continue its study of the problems involved in the rules with a view to making such further changes as may from time to time appear to be desirable. Members of the bar and others are invited to subject these rules and the manner of their administration to extended study and to submit any further comments and suggestions they may have to the Commission.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following rules are published as a document subject to codification, effective upon publication in the FEDERAL REGISTER.

1. The following paragraph is added to § 2.790:

(d) Matters of official record in any proceedings subject to this part, which are classified as Restricted Data and are within a category specified in Appendix "A", Part 25 of this chapter, will be made available for inspection by access permittees in accordance with the regulations in Parts 25 and 95 of this chapter.

2. The following subpart is added:

SUBPART H—SPECIAL PROCEDURES APPLICABLE TO ADJUDICATORY PROCEEDINGS INVOLVING RESTRICTED DATA

Sec.
2.800 Purpose.
2.801 Scope.
2.802 Definitions.
2.803 Protection of Restricted Data in proceedings under this subpart.
2.804 Classification assistance.
2.805 Access to Restricted Data for parties—security clearances.
2.806 Obligations of parties to avoid introduction of Restricted Data.
2.807 Notice of intent to introduce Restricted Data.
2.808 Contents of notice of intent to introduce Restricted Data.
2.809 Rearrangement of suspension of proceedings.
2.810 Unclassified statements required.
2.811 Admissibility of Restricted Data.
2.812 Weight to be attached to classified evidence.
2.813 Review of Restricted Data received in evidence.
2.814 Access under Part 25 of this chapter not affected.

AUTHORITY: §§ 2.800 to 2.814 issued under sec. 181, 68 Stat. 948; 42 U. S. C. 2201. Interpret or apply sec. 181, 68 Stat. 953; 42 U. S. C. 2231.

§ 2.800 *Purpose.* The regulations in this subpart are issued pursuant to section 181 of the Atomic Energy Act of 1954 (68 Stat. 919) to provide such parallel procedures in adjudicatory proceedings subject to this part as will effectively safeguard and prevent disclosure of Restricted Data to persons not authorized to receive it, with minimum impairment of the procedural rights which would otherwise be available to the parties if such information were not involved.[1]

§ 2.801 *Scope.* The provisions of this subpart apply to all proceedings under this part involving adjudication as that term is used in the Administrative Procedure Act, except that §§ 2.807 to 2.814, inclusive, apply to such proceedings only upon the service of a notice of hearing pursuant to § 2.735.

[1] Parallel procedures applicable to classified information other than Restricted Data are under consideration.

§ 2.802 *Definitions.* As used in this subpart,

(a) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(b) "Interested party" means a party having an interest in the issue or issues to which particular Restricted Data is relevant. Normally the interest of a party in an issue may be determined by examination of the notice of hearing, the answers and replies;

(c) The phrase "introduced into a proceeding" refers to the introduction or incorporation of testimony or documentary matter into any part of the official record of a proceeding subject to this subpart;

(d) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing;

(e) "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142.

§ 2.803 *Protection of Restricted Data in proceedings under this subpart.* Nothing contained in this subpart shall relieve any person from safeguarding Restricted Data in accordance with all applicable provisions of laws of the United States and rules, regulations or orders of any Government agency.

§ 2.804 *Classification assistance.* Upon request of any party or of the presiding officer, AEC will designate a representative to advise and assist the presiding officer and the parties with respect to security classification of information and the safeguards to be observed.

§ 2.805 *Access to Restricted Data for parties—Security clearances—(a) Access to Restricted Data introduced into proceedings.* (1) Restricted Data which is within a category specified in Appendix "A", Part 25 of this chapter, and which is introduced into a proceeding subject to this subpart, will be made available to any party to the proceeding who has an appropriate security clearance, to appropriately cleared counsel for a party, and to such other appropriately cleared individuals (including employees of a party) as a party intends to use in connection with the preparation or presentation of his case.

(2) Other Restricted Data introduced into a proceeding subject to this subpart will be made available to any interested party having an appropriate security clearance; to appropriately cleared counsel for an interested party; and to such additional appropriately cleared persons (including employees of a party) as the AEC or the presiding officer determines are needed by such interested party for adequate preparation or presentation of his case. Where the interest of the party will not be prejudiced, action upon an application for access under this subparagraph may be postponed until after a notice of hearing, answers and replies have been served pursuant to §§ 2.735 to 2.737, inclusive.

(3) Any party desiring access to Restricted Data introduced into the record of a proceeding subject to this subpart should submit an application for order granting access pursuant to this section.

(b) *Access to Restricted Data not introduced into proceedings.* (1) Upon application showing that access to Restricted Data may be required for the preparation of a party's case, and except as provided in paragraph (h) of this section, the AEC (or the presiding officer if one has been appointed) will issue an order granting access to such Restricted Data to the party upon his obtaining an appropriate security clearance, to appropriately cleared counsel for the party and to such other appropriately cleared individuals as may be needed by the party for the preparation of his case.

(2) Where the interest of the party applying for access will not be prejudiced, the AEC or presiding officer may postpone action upon an application pursuant to this paragraph until after a notice of hearing, answers and replies have been served pursuant to §§ 2.735 to 2.737.

(c) The AEC will process requests for appropriate security clearances in reasonable numbers pursuant to this section. No charge will be made by the AEC for costs of security clearance pursuant to this section.

(d) The presiding officer may certify to the Commission for its consideration and determination any questions relating to access to Restricted Data arising under this section. Notwithstanding the provisions of § 2.748, any party affected by a determination or order of the AEC or the presiding officer under this section respecting access to or the safeguarding of Restricted Data, may appeal forthwith to the Commission from such determination or order. The filing by AEC of an appeal from an order of a presiding officer granting access to Restricted Data shall stay such order pending determination of such appeal by the Commission.

(e) Applications under this section for orders granting access to Restricted Data within a category specified in Appendix "A", Part 25 of this chapter, will normally be acted upon by the presiding officer, if one has been appointed, or by the General Manager. Applications for orders granting access to Restricted Data which is not within such a category will be acted upon by the Commission.

(f) To the extent practicable, each application for order granting access under this section shall describe the subjects of Restricted Data to which access is desired and the level of classification (e. g. Confidential, Secret) of such information; the reasons why access to such information is requested; the names of individuals for whom clearances are requested; and the reasons why security clearances will be requested for such individuals.

(g) Upon the conclusion of a proceeding, the AEC will terminate all orders issued in the proceeding for access to Restricted Data and all security clearances granted pursuant to such orders; and may issue such orders requiring the disposal of classified matter received pursuant to such access orders or requiring the observance of other procedures to safeguard such classified matter as it deems necessary to protect Restricted Data.

(h) There may be incorporated in any order issued pursuant to this section such requirements, conditions and limitations as are deemed necessary to protect Restricted Data.

(i) The Commission may refuse to grant access to Restricted Data which is not within a category specified in Appendix "A" to Part 25 of this chapter upon a determination that the granting of such access will be inimical to the common defense and security.

NOTE: Procedures for granting security clearances are not contained in this part. Criteria, procedures and methods for resolving questions concerning the eligibility of an individual for security clearance are contained in Part 4 of this chapter.

§ 2.806 *Obligation of parties to avoid introduction of Restricted Data.* It shall be the obligation of all parties in a proceeding subject to this subpart to avoid, insofar as is practicable, the introduction of Restricted Data into the proceeding. This obligation shall rest upon each party whether or not all other parties have appropriate security clearances.

§ 2.807 *Notice of intent to introduce Restricted Data.* (a) If, at the time of service of a notice of formal hearing pursuant to § 2.735, it appears to the AEC that it will be impracticable for the AEC to avoid the introduction of Restricted Data into the proceeding, the AEC will include in the notice of hearing a notice of intent to introduce Restricted Data.

(b) If, at the time of service of an answer pursuant to § 2.736, it appears to the party serving the answer that it will be impracticable for the party to avoid the introduction of Restricted Data into the proceeding, the party shall include in the answer a notice of intent to introduce Restricted Data into the proceeding.

(c) If, at any later stage of a proceeding subject to this subpart, it appears to any party that it will be impracticable for the party to avoid the introduction of Restricted Data into the proceeding, the party shall give prompt notice of intent to introduce Restricted Data into the proceeding.

(d) Restricted Data shall not be introduced into a proceeding after the service of a notice of hearing unless a notice of intent has been served and filed in accordance with § 2.808 except that in the discretion of the presiding officer Restricted Data may be introduced without the service and filing of such notice where it is clear that no party will be prejudiced by such introduction.

§ 2.808 *Contents of notice of intent to introduce Restricted Data.* (a) A notice of intent to introduce Restricted Data shall be filed with the AEC and copies served upon all parties to the proceeding. Such notice shall be unclassified and, to the extent consistent with classification requirements, shall contain the following information:

(1) The subject matter of the Restricted Data which it is anticipated will be involved;

(2) The level of classification of such information (e. g., Confidential, Secret);

(3) The stage of the proceeding at which he anticipates a need to introduce such information; and

(4) The relevance and materiality of such information.

(b) In the discretion of the presiding officer, such notice, when required by § 2.807 (c), may be given orally.

§ 2.809 *Rearrangement or suspension of proceedings.* In any proceeding where a party gives notice of intent to introduce Restricted Data, and the presiding officer determines that any other interested party does not have appropriate security clearances, the presiding officer may in his discretion:

(a) Rearrange the normal order of the proceeding in such a manner as to give such interested parties opportunity to obtain appropriate security clearances with minimum delay in completion of the proceeding; or

(b) Suspend the proceeding or any portion thereof until all interested parties have had opportunity to obtain appropriate security clearances: *Provided,* That no proceeding shall be suspended for such reason for more than 100 days except with the consent of all parties or upon a determination by the presiding officer that further suspension of the proceeding would not be contrary to the public interest; or

(c) Take such other action as he determines to be appropriate.

§ 2.810 *Unclassified statements required.* (a) Whenever Restricted Data is offered in evidence at a formal hearing, the party offering such information shall submit to the presiding officer and to all parties to the proceeding an unclassified statement setting forth the information contained in the classified matter as accurately and completely as possible.

(b) In accordance with such procedures as may be agreed upon between the parties or prescribed by the presiding officer, and after notice to all parties and opportunity to be heard thereon, the presiding officer shall determine whether the unclassified statement or any portion thereof, together with any appropriate modifications suggested by any party, may be substituted for the classified matter or any portion thereof without prejudice to the interest of any party or to the public interest.

(c) If the presiding officer determines that the unclassified statement, together with such unclassified modifications as he finds are necessary or appropriate to protect the interest of other parties and the public interest, adequately sets forth the relevant and material information contained in the classified matter, he shall direct that the classified matter be excluded from the record of the proceeding and such determination will be considered by the Commission as a part of the decision in the case where appropriate exceptions are filed to the presiding officer's determination.

(d) If the presiding officer determines that an unclassified statement does not adequately present the relevant and material information contained in the classified matter, he shall include his reasons therefor in his determination. Said determination shall be included as a part of the record and will be considered by the Commission in reviewing the case.

(e) The presiding officer may in his discretion postpone all or part of the procedures established in this section until the reception of evidence has been completed: *Provided,* That service of the statement required in paragraph (a) of this section shall not be postponed where any party does not have access to the Restricted Data.

§ 2.811 *Admissibility of Restricted Data.* Presiding officers shall not receive any Restricted Data in evidence unless:

(a) The relevance, materiality and competence of such information is clearly established; and

(b) The exclusion of such information would prejudice the interests of a party or the public interest.

§ 2.812 *Weight to be attached to classified evidence.* In considering the weight and effect of any Restricted Data received in evidence to which an interested party has not had opportunity to receive access, the presiding officer and the Commission shall give to such evidence such weight as, under the circumstances, is appropriate, taking into consideration any lack of opportunity for such parties to rebut or impeach the evidence.

§ 2.813 *Review of Restricted Data received in evidence.* At the close of the reception of evidence, the presiding officer shall review the record and shall direct that any Restricted Data therein be expunged from the record where such expunction would not prejudice the interests of a party or the public interest. Such directions by the presiding officer will be considered by the Commission in reviewing the case where appropriate exceptions are filed to the directions.

§ 2.814 *Access under Part 25 of this chapter not affected.* Nothing contained in this subpart or any order issued pursuant hereto shall be deemed to abridge access to Restricted Data to which any person may be entitled under the regulations in Part 25 of this chapter.

Dated at Washington, D. C., this 4th day of December 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-10095; Filed, Dec. 7, 1956; 8:53 a. m.]

PART 9—PUBLIC RECORDS

Notice is hereby given that the Atomic Energy Commission has adopted the following rules. Because these rules may be needed in pending proceedings, the Atomic Energy Commission has found that good cause exists that the rules should be made effective upon publication without the customary 30-day period provided by section 4 (c) of the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session.

Sec.
9.1 Scope.
9.2 Definitions.
9.3 Inclusion.
9.4 Exceptions.
9.5 Location.
9.6 Copies.
9.7 Production or disclosure.

AUTHORITY: §§ 9.1 to 9.7 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201. Interpret or apply sec. 3, 60 Stat. 238, 5 U. S. C. 1002.

§ 9.1 *Scope.* This part prescribes the rules governing the Atomic Energy Commission's public records which relate to any proceeding subject to Part 2 and Part 25 of this chapter.

§ 9.2 *Definitions.* As used in this part:

(a) "Public records" means those documents in the custody of the AEC which are available for public inspection.

(b) "Filings" means:

(1) Applications or other documents seeking Commission action, notices, orders, motions, answers, replies, objections, stipulations, exceptions, proofs of service, briefs, transcripts of hearings, exhibits received in evidence, decisions, licenses, permits, rules, and regulations.

(2) Exhibits, attachments and appendices to, amendments and corrections of, supplements to, and transmittals and withdrawals of any of the foregoing.

(c) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration or other establishment in the executive branch of the Government.

(d) "Commission" means the commission of five members or a quorum thereof sitting as a body, as provided by section 21 of the Atomic Energy Act of 1954.

(e) "AEC" means the agency established by the Atomic Energy Act of 1954, comprising the members of the Commission and all officers, employees, and representatives authorized to act in the case or matter whether clothed with final authority or not.

(f) "AEC personnel" means employee, consultants, and members of advisory boards of the AEC.

§ 9.3 *Inclusions.* Except as excluded by § 2.403 of this chapter, the following matters are included in the public records:

(a) All filings in proceedings.

(b) All correspondence or portions of correspondence to and from AEC regarding the issuance, amendment, trans-

fer, renewal, modification, suspension, or revocation of a license or permit or regarding a rule-making proceeding subject to Part 2 of this chapter.

(c) All correspondence or portions of correspondence to and from AEC as to the interpretation or applicability of any statute, rule, regulation, order, license, or permit; and letters of opinion as to such matters signed by the General Counsel.

(d) All filings in court proceedings to which the AEC is a party and all correspondence with the courts of clerks of the court.

§ 9.4 *Exceptions.* The following are not included in the public records:

(a) Documents withheld in accordance with the provisions of § 2.790 (b) and (c) of this chapter.

(b) Documents relating to personnel matters and medical and other personal information, which, under general governmental personnel practices, are not normally made public.

(c) Intra-agency and inter-agency communications, including memoranda, reports, correspondence, and staff papers prepared by members of the Commission, AEC personnel, or by any other Government agency for use within the AEC or within the executive branch of the Government.

(d) Transcript or other records of Commission meetings except those Commission meetings which constitute public hearings.

(e) Correspondence between the AEC and any foreign government.

(f) Records and reports of investigations.

(g) Documents classified as Restricted Data under the Atomic Energy Act of 1954 or classified under Executive Order No. 10501, except that documents classified as Restricted Data which would otherwise be public records defined in § 9.3 and not excepted by this part will be made available in accordance with Part 25 of this chapter or will be made available to members of Congress upon authorization by the Commission.

(h) Correspondence received in confidence by the AEC relating to an alleged or possible violation of any statute, rule, regulation, order, license or permit.

(i) Correspondence with members of Congress or congressional committees, unless and until such correspondence is released by the member of Congress or congressional committee concerned.

(j) Any other document involving matters of internal agency management.

§ 9.5 *Location.* Public records normally will be made available for inspection in the Public Document Room located at 1717 H Street NW., Washington, D. C.

§ 9.6 *Copies.* Copies of public records, not available elsewhere, will be made available upon request and payment of any charges for reproduction.

§ 9.7 *Production or disclosure.* (a) AEC personnel shall not produce or disclose the contents of any material that falls within the scope of § 9.4, except as provided in paragraph (b) of this section.

(b) AEC personnel served with the subpoena requiring the production or disclosure of any material that falls within the scope of § 9.4 shall appear in response thereto and shall respectfully decline to produce or disclose the material called for, basing refusal upon this section: *Provided, however,* That the Commission or the General Manager may authorize the production or disclosure of any material that falls within the scope of § 9.4 if it is deemed that such disclosure is not contrary to the public interest. Any person who is served with such a subpoena shall promptly advise the AEC thereof and of any relevant facts and the Commission or the General Manager will give such instructions as it is deemed advisable.

Dated at Washington, D. C., this 4th day of December 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-10096; Filed, Dec. 7, 1956; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6540]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BENJAMIN BRIAR PIPE CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; forced or sacrifice sales; Usual as reduced, special, etc. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition;* § 13.2345 *Source or origin:* Place: *Domestic product as imported.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Benjamin Briar Pipe Co., Inc., et al., Brooklyn, N. Y., Docket 6540, November 20, 1956]

In the Matter of Benjamin Briar Pipe Company, Inc., a Corporation, and Leo Benjamin, Sarah Benjamin and Nat Friedland, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporate manufacturer of tobacco smoking pipes in Brooklyn, N. Y., with representing falsely by imprints on boxes and containers that certain pipes were "Imported Algerian Briar"; by imprints on their artificially grained Hickok pipes that the pipes were "Straight Grain"; by the statement on display cards that their McAndrews White Bowl pipe "Formerly Sold for $2.50" and was being sold for 59¢ as a "Manufacturer's Closeout"; and on stickers on certain of their Bretton Hall and McAndrews White Bowl pipes that they were "Value $2.50 Value", or "$5.00" or "$7.50 Value".

Following entry of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which, with modification as to named respondents as below indicated, became, on November 20, the decision of the Commission.

The order to cease and desist, as modified by the Commission, is as follows:

It is ordered, That respondent Benjamin Briar Pipe Company, Inc., a corporation, and its officers, and respondent Leo Benjamin, individually and as an officer of said corporation and respondent Nat Friedland, an individual, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of tobacco smoking pipes or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting, directly or by implication, the place of origin of their products or any of the components thereof.

2. Representing, directly or by implication, contrary to the fact, that any of their products are made of briar, or misrepresenting in any manner the species of wood of which their products, or parts thereof, are manufactured.

3. Representing, directly or by implication, that any of their products are "straight grain," unless such is the fact, or misrepresenting in any manner the characteristics of their products.

4. Representing, directly or by implication, that the usual and customary price of any merchandise is in excess of the price at which their merchandise is regularly and customarily sold in the normal course of business.

5. Representing, directly or by implication, that a specified amount is the value of merchandise being offered for sale when such amount is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business, in the same trade territory.

6. Placing in the hands of others means or instrumentalities which may be used to misrepresent the regular and usual retail prices of merchandise.

7. Representing, directly or by implication, through the use of the words "Manufacturers' closeouts" or any other words of the same import or meaning, that they are closing out any line of merchandise, unless such is the fact.

It is further ordered, That the complaint herein be dismissed as to respondent Sarah Benjamin.

It is further ordered, That, as so modified, the initial decision of the hearing examiner shall, on the 20th day of November 1956, become the decision of the Commission.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents Benjamin Briar Pipe Company, Inc., a corporation, and Leo Benjamin and Nat Friedland, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist as modified hereby.

Issued: November 20, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-10036; Filed, Dec. 7, 1956; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of Title 24 is amended in the following respects:

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

1. Section 201.10 is amended to read as follows:

§ 201.10 *Report of loans.* Loans shall be reported on the prescribed form to the Federal Housing Administration at Washington, D. C., within 31 days from the date of the note or date upon which it was purchased. Any loan refinanced as provided in § 201.9 shall likewise be reported on the prescribed form within 31 days from date of refinancing. Any loan transferred as provided in § 201.12 (e) shall be reported on the prescribed form within 31 days from the date of such transfer. In any case, the Commissioner may, in his discretion, accept a late report.

2. In § 201.13, paragraph (b) is amended to read as follows:

§ 201.13 *Insurance charge.* • • •

(b) *When payable.* Such insurance charge for the entire term of the loan shall be paid within 25 days after the date the Commissioner acknowledges receipt to the insured institution of the report of loan: *Provided,* That on loans having a maturity in excess of five years and 32 days, such charge may be paid in installments, the first of which shall be equal to the charge for 3 years and be paid within said 25 days, and the second and succeeding installments, each equal to the charge for one year, shall be paid on the first and each succeeding anniversary of the firs* day of the month following the date of the note.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

1. In § 221.28, paragraph (a) is amended to read as follows:

§ 221.28 *Eligible mortgages in Alaska, Guam, or Hawaii.* (a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska or in Guam or in Hawaii, it is not feasible to construct dwellings on property located in Alaska or in Guam or in Hawaii without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam or in Hawaii, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

2. In § 221.42, the introductory text of paragraph (b) is amended to read as follows:

§ 221.42 *Eligibility of miscellaneous type mortgages.* • • •

(b) A mortgage may be in an amount not exceeding 90 percent of the appraised value of the mortgaged property as of the date the mortgage is accepted for insurance if:

• • • • • •

(Sec. 211, 52 Stat. 28; 12 U. S. C. 1715b)

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

1. In § 232.4, paragraph (f) (2) and (3) is amended to read as follows:

§ 232.4 *Maximum mortgage amounts.* • • •

(f) *Adjusted mortgage amount—rehabilitation projects.* • • •

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the repair or rehabilitation; plus (ii) such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed 90 percent of: (i) The Commissioner's estimate of the cost of the repair or rehabilitation and (ii) the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

2. Section 232.19 is amended by adding a new paragraph (h) as follows:

§ 232.19 *Required supervision of private mortgagors.* • • •

(h) *Advance amortization requirements.* In the event the mortgagor receives income as a result of the rental of the mortgaged property, or a portion thereof, prior to the beginning of amortization, an appropriate amount of advance amortization shall be required in accordance with procedures established by the Commissioner and in effect on the date of the issuance of the commitment.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

1. In § 241.7, paragraph (g) (2) and (3) is amended to read as follows:

§ 241.7 *Maximum mortgage amounts.* • • •

(g) *Adjusted mortgage amount—rehabilitation projects.* • • •

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed the approved percentage of the Commissioner's estimate of the cost of the repair or rehabilitation; plus (ii) such portion of the outstanding indebtedness as does not exceed the approved percentage of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed the approved percentage of: (i) The Commissioner's estimate of the cost of the repair or rehabilitation and (ii) the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

2. In § 241.37, paragraph (b) is amended to read as follows:

§ 241.37 *Rehabilitation projects.* • • •

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or the approved percentage of the Commissioner's estimate of the fair market value, of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715e)

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 263—MULTIFAMILY REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

In § 263.6 paragraphs (c), (d) (2) and (3) are amended to read as follows:

§ 263.6 *Maximum mortgage amounts.* * * *

(c) *Increased mortgage amount—high cost areas.* The Commissioner may, in any geographical area where he finds cost levels so require, increase the maximum dollar amount limitations set out in this section by not to exceed $1,000 per room or per family unit. As to projects located in the Territory of Alaska, Guam, or Hawaii, if the Commissioner finds that because of high costs it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, he may increase the maximum for the principal obligation of mortgages otherwise meeting the requirements of this section in such amounts as he shall find necessary to compensate for such high costs, but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(d) *Adjusted mortgage amount—rehabilitation projects.* * * *

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the repair or rehabilitation; and (ii) such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed 90 percent of: (i) The Commissioner's estimate of the cost of the repair or rehabilitation and (ii) the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U. S. C. 1715k)

Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Section 292a.22 is amended to read as follows:

§ 292a.22 *Mortgage covenant regarding racial restrictions.* The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f)

Issued at Washington, D. C., December 5, 1956.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-10040; Filed, Dec. 7, 1956; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6216]

PART 301—PROCEDURE AND ADMINISTRATION

Correction

In F. R. Document 56-9982, appearing in the issue for Thursday, December 6, 1956, at page 9644, make the following change:

In column 2, page 9651, paragraph (B) should read as follows:

(B) By adding at the end thereof the following historical note:

[Sec. 6302 as amended by sec. 206 (b), Highway Revenue Act 1956]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-1194]

[Rules Amdt. 21-5]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

MISCELLANEOUS AMENDMENTS

Correction

In FEDERAL REGISTER Document 56-9909, appearing at page 9568, issue of Tuesday, December 4, 1956, the following change should be made: In the frequencies listed under § 21.501 (g) "903.3" was inadvertently omitted.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 24]

LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE; CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

REIMBURSEMENT OF COMPENSATION

Notice is hereby given that, pursuant to authority contained in sections 161 and 251 of the Revised Statutes, sections 524 and 624 of the Tariff Act of 1930, as amended (5 U. S. C. 22, 19 U. S. C. 66, 1524, 1624), it is proposed to amend §§ 8.5 and 24.17, Customs Regulations (19 CFR 8.5 and 24.17), relating to examination of merchandise prior to entry and reimbursable customs services.

Notice of a proposal to amend these sections of the Customs Regulations was published in the FEDERAL REGISTER on July 24, 1956 (21 F. R. 5536), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The previous notice related to applications by consignees or their agents in this country for permission to examine, sample, weigh, or perform other operations on merchandise in transit through the United States in bond.

For the reasons given in the previous notice, the proposed amendments provided that such applications might be granted provided the costs to the Government, including the salary and expenses of customs officers or employees assigned to supervise the operation, were paid by the applicant, in accord with the sense of the Congress as expressed in section 501 of the Independent Offices Appropriation Act, 1952 (5 U. S. C. 140).

Upon further consideration of the matter, it is believed that the provisions of the proposed amendment should be extended to include any merchandise covered or to be covered by any kind of entry or withdrawal for transportation in bond to another port or place in the United States or for exportation. Therefore, it is now proposed to amend the regulations as tentatively set forth below:

1. Section 8.5 is amended as follows:

a. Paragraph (a) is amended by inserting "; or unless permitted in accordance with paragraph (b)" after "United States" and by changing the comma after the word "made" to a period and deleting the remainder of the sentence.

b. Paragraph (b) is amended to read:

(b) Merchandise covered or to be covered by any kind of entry or withdrawal for transportation in bond to another port or place in the United States or for exportation may, upon written application by the consignee, his agent, or carrier be permitted by the collector to be examined, sampled, weighed, or transshipped when transshipment is required to be under customs supervision, or to be subjected to some other operation not constituting a manufacture, under the following conditions when the operation is not required for any Government purpose:

(1) The application is supported by a legitimate business reason for the request;

(2) If the merchandise is in possession of a carrier, the concurrence of the carrier is obtained; and

(3) The Government is reimbursed for the compensation, computed in accordance with § 19.5 (b) of this chapter, and other expenses of the customs officer or employee supervising the action permitted.

c. Footnote 4 to § 8.5 (a) is amended by inserting "of perishable merchandise" after the word "inspection" where it first appears.

2. Section 24.17 (a) is amended by adding a new subparagraph designated (10) reading as follows:

(10) When a customs officer or employee is assigned to supervise the examining, sampling, weighing, transshipment, or other operation on merchandise covered or to be covered by any kind of entry or withdrawal for transportation in bond to another port or place in the United States or for exportation in accordance with § 8.5 (b) of this chapter, the compensation and expenses of such officer or employee shall be reimbursed to the Government by the party in interest except when a warehouse proprietor is liable therefor.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 30, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-10049; Filed, Dec. 7, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

IRENE CALENDA BERAUD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Irene Calenda Beraud, Sig ra Cigheri, Viale di Mille, 55, Firenze, Italy; Claim No. 40321; Vesting Order No. 1916; $858.59 in the Treasury of the United States.

All right, title, interest, and claim of any kind or character whatsoever of Irene Calenda Beraud in and to the Trust Estate created under the Last will and Testament of Elizabeth W. Garrett, deceased, such property being in the process of administration by Provident Trust Company of Philadelphia, Pennsylvania, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania.

Executed at Washington, D. C., on November 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10043; Filed, Dec. 7, 1956; 8:46 a. m.]

IGNAZ BERGENTHAL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ignaz Bergenthal, Amsterdam, The Netherlands; Vesting Order No. 14367; Claim No. 59819; $369.96 in the Treasury of the United States, and $3,000.00—National Railroad of Mexico Prior Lien Gold Bonds, due 10/1/26, extended to 1/1/75 at 4½ percent reduced as per agreement, Issue 17, Series 23, Schedule 2 (stamped), with coupons 7/1/56 and subsequent coupons attached, evidenced by Bond Nos.: M1649 at $1,000.00, M1780 at $1,000.00, D19906 at $500.00, D19907 at $500.00, and presently located in the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on November 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10044; Filed, Dec. 7, 1956; 8:46 a. m.]

MATE AND VLADIMIR GASPAROVIC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mate Gasparovic, Hrvatska, Yugoslavia; Claim No. 62392; Voluntary turnover; $61.17 in the Treasury of the United States.

Vladimir Gasparovic, Hrvatska, Yugoslavia; Claim No. 62393; Voluntary turnover; $61.17 in the Treasury of the United States.

Executed at Washington, D. C., on November 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10045; Filed, Dec. 7, 1956; 8:46 a. m.]

SOCIETE HOLDING GENERALE DE BREVETS (SOBRE)

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Holding Generale de Brevets (SOBRE), Mersch-Lez-Luxembourg; Claim No. 37632; Vesting Order No. 296; property described in Vesting Order No. 296 (7 F. R. 9842, November 26, 1942) relating to Patent Application Serial No. 286,279 now United States Letters Patent No. 2,359,814.

Executed at Washington, D. C., on November 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10046; Filed, Dec. 7, 1956; 8:47 a. m.]

MARIA TEODORA CERICOLA ET AL.

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas a notice of intention to return vested property was published in the FEDERAL REGISTER on May 21, 1955 (20 F. R. 3578) with respect to the return to Filomina Pignatello of the sum of $578.87 in the Treasury of the United States;

Whereas information was subsequently received to the effect that Filomina Pignatello died in Italy on July 3, 1955, leaving surviving her five children namely, Maria Teodora Cericola, Donato Cericola, Giuseppina Cericola, Michele Cericola, and Leonardo Cericola and her husband Rocco Cericola;

Whereas the aforesaid individuals have been substituted as claimants in this matter;

Now, therefore, pursuant to section 32 of the Trading With the Enemy Act, as amended, the said Notice of Intention to Return Vested Property is hereby amended by deleting under "Claimant" the name of Filomina Pignatello and substituting therefor the following:

Claimant, Claim No., Property, and Location

Maria Teodora Cericola, Donato Cericola, Giuseppina Cericola, Michele Cericola, Leonardo Cericola, Rocco Cericola, Orsara di Puglia, Foggia, Italy; Claim No. 59636; Vesting Order No. 1542; $578.87 in the Treasury of the United States.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on November 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10047; Filed, Dec. 7, 1956; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 615, Amdt. 3]

HEARING EXAMINERS

DELEGATION OF AUTHORITY TO ISSUE PURCHASE ORDERS AND TO ENTER INTO CONTRACTS FOR SUPPLIES AND EQUIPMENT

DECEMBER 3, 1956.

Section 1 of Bureau Order No. 615, dated June 12, 1956, is amended to add subsection (e) to read:

(e) Hearing Examiners appointed to conduct hearings in accordance with the Department's rules of practice (43 CFR Part 221) are authorized to issue purchase orders for reporter's services under any existing Department contract for stenographic reporting not to exceed $2500 in cost for any one order. Hearing Examiners are also authorized to enter into contracts for supplies and equipment when the amount in any such contract does not exceed $500 and the supplies and equipment purchased are noncapitalized in nature.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 56-10034; Filed, Dec. 7, 1956; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

A. C. M. Corp., Winder, Ga.; effective 11-23-56 to 11-22-57 (men's and boys' dress pants).

Blue Anchor, Inc., Olive Hill, Ky.; effective 11-21-56 to 11-20-57 (utility trousers, shirts, etc.).

Cluett, Peabody & Co., Inc., Bremen, Ga.; effective 11-27-56 to 11-26-57 (men's dress shirts).

Empire Manufacturing Co., Winder, Ga.; effective 11-23-56 to 11-22-57 (work pants, shirts).

Finesilver Manufacturing Co., 816 Camaron Street, San Antonio, Tex.; effective 11-27-56 to 11-26-57 (men's and boys' denim dungarees, work shirts, etc.).

Florence Manufacturing Co., Inc., Florence, S. C.; effective 11-29-56 to 11-28-57 (ladies' cotton house dresses).

The H. D. Lee Co., Inc., 409 East Madison, South Bend, Ind.; effective 11-28-56 to 11-27-57 (men's work clothing).

Linden Apparel Corp., Linden, Tenn.; effective 11-23-56 to 11-22-57 (men's and boys' dungarees).

Oberman Manufacturing Co., Fayetteville, Ark.; effective 11-30-56 to 11-29-57 (men's and boys' pants and shirts).

Putnam Manufacturing Co., Inc., Sparta Highway, Cookeville, Tenn.; effective 11-26-56 to 11-25-57 (men's cotton work pants).

Regina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 12-1-56 to 11-30-57 (women's apparel).

Reliance Manufacturing Co., Magnolia Factory, Laurel, Miss.; effective 12-1-56 to 11-30-57 (men's and boys' sport shirts).

Rice-Stix Factory No. 3, Blytheville, Ark.; effective 11-21-56 to 11-20-57 (sport shirts).

Sandye Shirt Corp., Portland, Tenn.; effective 11-20-56 to 11-19-57 (men's and boys' sport shirts).

Wentworth Manufacturing Co., 148 Darlington St., Florence, S. C.; effective 11-26-56 to 11-25-57 (women's cotton house dresses).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark.; effective 11-23-56 to 11-22-57 (trousers, men's and boys') (10 learners).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

David Manufacturing Co., Hazle and Rose Streets, Beaver Meadows, Pa.; effective 11-23-56 to 5-22-57; 15 learners (children's bathrobes).

Hickerson & Co., Brainerd, Minn.; effective 11-19-56 to 5-18-57; 30 learners (men's and boys' jackets and coats).

Park Avenue Foundations, Inc., Turrell, Ark.; effective 11-19-56 to 5-18-57; 20 learners (brassieres).

Rice-Stix Factory No. 26, Thayer, Mo.; effective 11-23-56 to 5-22-57; 20 learners (ladies' cotton and rayon dresses).

Levi Strauss & Co., Warsaw, Va.; effective 11-23-56 to 5-22-57; 40 learners (men's cotton work trousers).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

The Boss Manufacturing Co., 3012 South Adams Street, Peoria, Ill.; effective 11-26-56 to 11-25-57; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., Oneida, Tenn.; effective 11-23-56 to 5-22-57; 50 learners for expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Childers Hosiery Mill, Inc., Hildebran, N. C.; effective 11-26-56 to 11-25-57; 5 learners for normal labor turnover purposes (seamless).

Crest Hosiery Mill, 245 12th Avenue NE., Hickory, N. C.; effective 11-26-56 to 11-25-57; 5 learners for normal labor turnover purposes (seamless).

J. W. Landenberger & Co., Elkton, Md.; effective 11-23-56 to 11-22-57; 5 learners for normal labor turnover purposes (seamless).

J. W. Landenberger & Co., Elkton, Md.; effective 11-23-56 to 5-22-57; 10 learners for expansion purposes (seamless).

Magnet Mills, Inc., 308 Cullom Street, Clinton, Tenn.; effective 11-29-56 to 11-28-57; 5 percent of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Adelphi Undergarment Co., Blain, Pa.; effective 11-21-56 to 11-20-57; 5 learners for normal labor turnover purposes (ladies' and children's pajamas).

Carolina Corp., Jefferson, S. C.; effective 11-26-56 to 11-25-57; 5 percent of factory production workers for normal labor turnover purposes (knitted cloth).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; effective 11-26-56 to 11-25-57; 5 percent of factory production workers for normal labor turnover purposes (ladies' underwear).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 11-26-56 to 11-25-57; 5 percent of factory production workers for normal labor turnover purposes (ladies' underwear, slips).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

The Infantex Co., 715 Isard Street, Little Rock, Ark.; effective 11-26-56 to 11-25-57; 8 learners for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

The Graham Co., 3720 Gorman, Waco, Tex.; effective 11-26-56 to 5-25-57; not less than 65 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of embroidery machine operator; authorizing the employment of 5 learners for normal labor turnover purposes (embroidery and chenille sport letters, monograms, pennants, banners, etc.)

Pullman Wholesale Tailors, Inc., 130-32 S. W. Temple, Salt Lake City, Utah; effective 11-26-56 to 5-25-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operating, final pressing, hand sewing, finishing operations involving hand sewing; authorizing the employment of 5 learners for normal labor turnover purposes in the manufacture of men's and boys' clothing only (men's suits, topcoats, etc.)

D. L. Rug Co., Inc., 452 North Eight Street, Scranton, Pa.; effective 11-26-56 to 5-25-57; not less than 85 cents per hour for a maximum of 240 hours, for the occupations of sewing machine operator and chenille sewing machine operator; authorizing the employment of 4 learners for normal labor turnover purposes (chenille rugs, loop rugs).

See-Cal Manufacturing Co., 220 Franklin Street, Johnstown, Pa.; effective 11-23-56 to 5-22-57; not less than 87 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 3 learners for normal labor turnover purposes (ladies' belts).

Bernard A. Helder & Son, 801 South Webster Avenue, Scranton, Pa.; effective 11-23-56 to 5-22-57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 1 learner for normal labor turnover purposes (bias binding).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated:

Catherine Needlecraft, Inc., 60 Comercio Street, Mayaguez, P. R.; effective 10-29-56 to 4-28-57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 52 learners for expansion purposes (brassieres).

Fairfield Manufacturing Co., Inc., Carpenter Road and Carolina Streets, Hato Rey, P. R.; effective 10-29-56 to 3-14-57; not less than 50 cents per hour for the first 240 hours and 57 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of assemblers, welders, platers, rackers, dippers, and power press operators; not less than 50 cents per hour for a maximum of 240 hours, for the occupations of box making and packing; authorizing the employment of 156 learners for expansion purposes (drapery pleater hooks) (replacement certificate).

Hartman Tobacco Co. of P. R., Inc., Juncos, P. R.; effective 11-12-56 to 5-11-57; not less than 40 cents per hour for a maximum of 160 hours, for the occupation of sorting; authorizing the employment of 100 learners for expansion purposes (tobacco).

Magnistor Corp., Km. 38.7 Rd. No. 3, Luquillo, P. R.; effective 10-31-56 to 4-30-57; not less than 55 cents per hour for a maximum of 240 hours, for the occupations of grinding, coil winding, mounting and final assembly; authorizing the employment of 32 learners for expansion purposes (magnistors).

St. Regis Paper & Bag Corp. of P. R., 17 Comercio Street, Playa Ponce, P. R.; effective 11-5-56 to 5-4-57; not less than 56 cents per hour for a maximum of 240 hours for the occupation of bag sewer; not less than 56 cents per hour for a maximum of 160 hours, for the occupations of valving and sleeving; authorizing the employment of 10 learners for normal labor turnover purposes (paper bags).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Oklahoma Baptist University, Shawnee, Okla.; effective 11-19-56 to 8-31-57; Printing and publishing; (1) not less than 80 cents per hour for the first 250 hours and 85 cents per hour for the remaining 250 hours of the 500-hour learning period, for the occupation of cylinder press feeder; authorizing the employment of 2 student-workers; (2) not less than 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours of the 600-hour learning period, for the occupation of linotype operator; authorizing the employment of 1 student-worker; (3) not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of proofreader; authorizing the employment of 1 student-worker; (4) not less than 80 cents per hour for the first 250 hours and 85 cents per hour for the remaining 250 hours of the 500-hour learning period, for the occupation of offset pressman; authorizing the employment of 1 student-worker.

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in regulations, Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Each student-worker certificate has been issued upon the employer's representation that the employment of the student-workers at subminimum rates is necessary to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 28th day of November 1956.

VERL E. ROBERTS,
Authorized Representative
of the Administrator.

[F. R. Doc. 56-10035; Filed, Dec. 7, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

GEORGE MUSSMAN ET AL.

ORDER EXTENDING TEMPORARY ORDER DENYING EXPORT PRIVILEGES

In the matter of George Mussman and Automotive Equipment Supply Corporation of 8-10 Bridge Street, New York, New York and 86 rue du President Wilson, Levallois-Perret (Seine), France, Imex-Auto, S. A. R. L., 86 rue du President Wilson, Levallois-Perret (Seine) France, Jacques Bensa, doing business as Americauto, 44 rue Brunel, Paris, France, A. C. I., S. A., also known as Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland, Respondents.

An order having heretofore been made temporarily denying export privileges to the respondents above named (21 F. R. 7703), and said order by its own terms being about to expire, the Investigation Staff has applied for an order extending the same. This application was considered by the Compliance Commissioner, who has recommended that the application be granted to the extent hereinafter provided.

Now, after reading the recommendation of the Compliance Commissioner and considering the entire record herein, and sufficient cause appearing therefor:

It is hereby ordered:

That the order of October 4, 1956, denying license privileges to the respondents herein named be, and the same hereby is, extended to and including the twenty-eighth day of January, 1957.

Dated: December 4, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 56-10048; Filed, Dec. 7, 1956; 8:47 a. m.]

Office of the Secretary

L. KEVILLE LARSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 23,

1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 13, 1956, 21 F. R. 5240.

A. Deletions: None.
B. Additions: None.

This statement is made as of November 30, 1956.

L. KEVILLE LARSON.

NOVEMBER 30, 1956.

[F. R. Doc. 56-10041; Filed, Dec. 7, 1956; 8:46 a. m.]

JOHN V. BURLEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 19, 1956, 21 F. R. 4298 and December 9, 1955, 20 F. R. 9165.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 30, 1956.

JOHN V. BURLEY.

NOVEMBER 30, 1956.

[F. R. Doc. 56-10042; Filed, Dec. 7, 1956; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11821; FCC 56M-1111]

GOOD MUSIC STATION, INC., AND RKO TELERADIO PICTURES, INC.

ORDER CONTINUING PREHEARING CONFERENCE

In the matter of The Good Music Station, Inc. (Assignor), and RKO Teleradio Pictures, Inc. (Assignee), Docket No. 11821, File Nos. BAPL-114, BALM-236; for assignment of license and construction permit of Station WGMS, Bethesda, Maryland, and license of Station WGMS-FM, Washington, D. C.

It is ordered, This 4th day of December 1956, that a prehearing conference is scheduled for Wednesday, December 12, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10087; Filed, Dec. 7, 1956; 8:51 a. m.]

[Docket Nos. 11875, 11876; FCC 56M-1108]

CHARLES W. DOWDY AND THOMAS D. PICKARD

ORDER SCHEDULING HEARING

In re applications of Charles W. Dowdy, Tifton, Georgia, Docket No. 11875, File No. BP-10550; Thomas D. Pickard, Ashburn, Georgia, Docket No. 11876, File No. BP-10785; for construction permits.

It is ordered, this 30th day of November 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 14, 1957, in Washington, D. C.

Released: December 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10088; Filed, Dec. 7, 1956; 8:51 a. m.]

[Docket No. 11806; FCC 56M-1109]

INDIAN CITY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Odis L. Echols, Sr. and Odis L. Echols, Jr., d/b as Indian City Broadcasting Company, Anadarko, Oklahoma, Docket No. 11806, File No. BP-10413; for construction permit.

Counsel for the applicant having informed the Hearing Examiner that he will shortly file a request for dismissal of the application: *It is ordered*, This 3d day of December 1956, that the hearing now scheduled for December 6, 1956, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10089; Filed, Dec. 7, 1956; 8:51 a. m.]

[Docket No. 11821; FCC 56M-1107]

GOOD MUSIC STATION, INC., AND RKO TELERADIO PICTURES, INC.

ORDER SCHEDULING HEARING

In the matter of the Good Music Station, Inc. (Assignor) and RKO Teleradio Picture, Inc. (Assignee), Docket No. 11821, File Nos. BAPL-114, BALH-236; for assignment of license and construction permit of Station WGMS, Bethesda, Maryland and license of Station WGMS-FM, Washington, D. C.

It is ordered, This 30th day of November 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 11, 1957, in Washington, D. C.

Released: December 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10090; Filed, Dec. 7, 1956; 8:51 a. m.]

[Docket No. 11878; FCC 56M-1106]

MOBILE COMMUNICATIONS

ORDER SCHEDULING HEARING

In the matter of the application of J. B. Wathen, III, d/b as Mobile Communications, Docket No. 11878, File No. 2184-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky.

It is ordered, This 30th day of November 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 14, 1957, in Washington, D. C.

Released: December 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10091; Filed, Dec. 7, 1956; 8:51 a. m.]

[FCC 56-1201]

CONELRAD MANUAL OR GUIDE FOR LAND TRANSPORTATION RADIO SERVICES

NOVEMBER 28, 1956.

This document is issued to explain methods whereby the CONELRAD Radio Alert and CONELRAD Radio All Clear may be received, by radio stations in the Land Transportation Radio Services and to describe operating procedures during a CONELRAD Radio Alert.

General. All radio stations in the Land Transportation Radio Services are required to make provisions to receive the CONELRAD Radio Alert.

All radio stations in these services are required to either remain silent or operate under specified conditions and for authorized purposes during the period of a CONELRAD Radio Alert and until the CONELRAD Radio All Clear is issued.

How the CONELRAD Radio Alert may be received. The following basic methods may be used to receive the CONELRAD Radio Alert.

(1) The Alert may be received by monitoring any standard, FM or TV broadcast station.

NOTE: Every standard, FM and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

(a) Discontinue normal program.
(b) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)
(c) Return carrier to the air for approximately five seconds.
(d) Cut the transmitter carrier for approximately five seconds.
(e) Return carrier to the air.
(f) Broadcast 1000-cycle (approximately) steady state tone for fifteen seconds.
(g) Broadcast the CONELRAD Radio Alert Message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver".
(h) The CONELRAD Radio Alert Message will then be repeated.

(a) through (f) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution: (a) through (f) is a warning that a CONELRAD Radio Alert may follow; the actual CONELRAD Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert Message).

The CONELRAD Radio Alert Message, as set forth in (g) above, is worded in a manner suitable for reception by the public; however, the message is also THE CONELRAD Radio Alert. When this CONELRAD Radio Alert Message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert Message, above, will be broadcast only in the event of an actual Alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

Equipment is available commercially to automatically receive the CONELRAD Radio Alert from broadcast stations. Such apparatus normally operates in a muted condition. When the CONELRAD Radio Alert is transmitted the device is activated to produce an audible or visual warning by turning on the speaker, ringing a bell, or flashing a light, etc.

(2) The Alert may be received from an Air Defense Warning Network or extension thereof; such as the Civil Air Defense Warning Net if applicable to your situation.

Many establishments owned by state or local governments and some commercial installations are either directly tied to an Air Defense Warning Network (such as the Civil Air Defense Warning Network) or an extension of that Network.

Radio stations receiving the Alert by this means must operate in accordance with the CONELRAD regulations when the CONELRAD Radio Alert is transmitted.

NOTE: If the CONELRAD Radio Alert is not received, radio stations must comply with CONELRAD requirements upon receipt of Warning Yellow; if neither the CONELRAD Radio Alert or the Warning Yellow is received, radio stations must comply with CONELRAD requirements upon receipt of Warning Red.

(3) The CONELRAD Radio Alert may be received from a point that receives the Alert from 1 or 2 above.

NOTE: It is acceptable for a radio station to make arrangements to have the Alert expeditiously relayed from a point that receives the Alert as in (1) or (2) above. For instance a firm agreement with a broadcast station or other radio station that receives the Alert as in (1) or (2) above to relay the Alert to your radio station by telephone or other means will be considered as complying with the requirements. Caution: Arrangements must be made to receive the Alert at all times when your radio station is open for operation.

(4) Radio station licensees operating radio systems consisting of several mobile units, portable, and/or fixed location stations may elect to receive the CONELRAD Radio Alert at only one point if desired; under such conditions the licensee will be responsible for disseminating the Alert to the other units in the system.

NOTE: Transmission of the CONELRAD Radio Alert is considered as an emergency transmission and may be carried on under the CONELRAD operating requirements.

(5) If it is impracticable or undesirable to receive the CONELRAD Alert by any of the methods specified above, the licensee of a radio station or group of stations may request authority to be alerted by other means.

Such request should be addressed to the Secretary, Federal Communications Commission, Washington 25, D. C. and should indicate why the alerting methods specified above are unsuitable. The desired method for receiving the Alert should be described in detail.

NOTE: Radio stations need not make arrangements to receive the Alert during periods that the station is not open for operation.

Caution should be used upon opening the station for operation to insure that a CONELRAD Radio Alert is not in progress.

Normal broadcast station operation or normal channel traffic will indicate that no Alert is in progress.

How radio stations must operate during a CONELRAD Radio Alert. When the CONELRAD Radio Alert is issued, radio stations to which this document applies must comply with the following:

(1) No radio transmissions shall be made unless they are of an emergency nature affecting the national safety or the safety of people and property.

The following types of messages are considered as permissible under (1) above:

(a) Relaying of the CONELRAD Radio Alert.

(b) Transmissions involving the safety, security or protection of equipment and materials.

(c) Transmissions involving the safety of people.

NOTE: Necessary transmissions involving the military or Civil Defense as it concerns the Land Transportation Radio Services may be made during a CONELRAD Radio Alert. Transmissions involving the safety of passengers, freight or materials being carried, vehicles, rolling stock etc., are transmissions involving the national safety or the safety of people and property and may be made during the CONELRAD Radio Alert.

Transmissions involving stopping, diverting, or rerouting of rolling stock, vehicles, etc. as necessitated by air attack conditions or impending air attack conditions may be made during the CONELRAD Radio Alert.

Microwave relay systems may continue to operate for the transmission of messages and intelligence when necessary for the national defense and/or the protection of people and property.

Transmissions for telemetering or control purposes may be made during the CONELRAD Radio Alert if such is necessary to the national defense or the protection of people and property.

Transmissions not immediately necessary shall be withheld until the CONELRAD Radio All Clear is issued.

The cooperation and judgment of the licensee must be relied upon in interpreting which transmissions are essential.

(2) All transmissions must be as short as possible and the radio frequency carrier shall be removed from the air during periods of no message or intelligence transmissions.

(3) No station identification shall be given, at any time after the Alert is received, either by announcement of regularly assigned call signals or by announcement of geographical location.

This does not prevent the use of identifiers if such is necessary to carry on the service.

(4) Licensees of radio stations or radio systems may request a modification of (1), (2) or (3) above in the event compliance is NOT feasible. The requests must be directed to: The Secretary, Federal Communications Commission, Washington 25, D. C.

The reason why compliance is not feasible must be explained along with the licensees' recommended mode of station or system operation, taking into account due regard for the minimization of navigational aid in accordance with the Executive Order 10312.

How the CONELRAD Radio All Clear may be received. Through the same channels as the CONELRAD Radio Alert is received.

When the CONELRAD Radio All Clear is issued each standard, FM and TV broadcast station will transmit 15 seconds of 1000 cycle tone beeps then transmit the following CONELRAD Radio All Clear Message:

"CONELRAD Radio All Clear
Resume Normal Operation
"I repeat
CONELRAD Radio All Clear
Resume Normal Operation"

Observations showing that broadcast stations are operating in a normal manner will indicate that a CONELRAD Radio All Clear is in effect.

General information. Radio stations operating in the Land Transportation Radio Services are well suited for use as navigational aids to an enemy force.

Direction finder navigation is not the only electronic means to navigate aircraft; however, countermeasures are available to prevent the use of all normally used systems of electronic navigation.

CONELRAD is a countermeasure against direction finder navigaiton.

When the CONELRAD Radio All Clear is issued radio stations may return to normal operation unless otherwise restricted by order of the Federal Communications Commission. It is not contemplated at this time that any restrictions will be placed on the return of radio stations to the air after a CONELRAD Radio Alert.

Adopted: November 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10092; Filed, Dec. 7, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

DECEMBER 5, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33012: *Canned goods from Virginia and West Virginia to southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on canned or preserved foodstuffs and related articles, carloads from points in Virginia and West Virginia to points in southern territory.

Grounds for relief: Short-line distance formula, grouping and circuity.

Tariff: Suplement 31 to Agent Spaninger's tariff I. C. C. 1525.

FSA No. 33013: *Latex from North Bergen, N. J., to Gastonia, N. C.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), natural or synthetic, in carloads and tank-car loads from North Bergen, N. J., to Gastonia, N. C.

Grounds for relief: Short-line distance formula and circuitous route.

Tariff: Supplement 30 to Agent C. W. Boin's tariff I. C. C. A–1079.

FSA No. 33014: *All-freight—Miami, Fla., to Chicago, Ill., Brooklyn and New York, N. Y.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Miami, Fla., to Chicago, Ill., Brooklyn and New York, N. Y.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 58 to Agent Spaninger's tariff I. C. C. 1458.

FSA No. 33015: *Superphosphate from southern territory to Michigan.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), other than ammoniated or defluorinated, in bags, carloads from points in southern territory to points in Michigan.

Grounds for relief: Short-line distance formula and circuitous route.

Tariff: Supplement 24 to Agent Spaninger's tariff I. C. C. 1522.

FSA No. 33016: *Crude rubber—Louisiana and Texas to Lake Zurich, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, namely, artificial, synthetic or neoprene, carloads from Lake Charles and West Lake Charles, La., Baytown, Borger, Houston and Port Neches, Tex., to Lake Zurich, Ill.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 188 to Agent Kratzmeir's I. C. C. No. 4087; Supplement 273 to Agent Kratzmeir's I. C. C. No. 4139.

FSA No. 33017: *Old tin cans from southern territory to points in official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cans, tin, old or used, having value for detinning purposes only, carloads from points in southern territory to points in official territory.

Grounds for relief: Rail carrier competition and circuitous routes.

Tariff: Supplement 128 to Agent Spaninger's tariff I. C. C. 1329.

FSA No. 33018: *Waste or scrap paper between the south and points in Illinois, Indiana, and Missouri.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on paper stock, namely, paper waste or scrap, carloads between St. Louis, Mo., East St. Louis, Ill., and other points in Illinois, Indiana, and Missouri, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula, grouping and circuity.

Tariff: Supplement 6 to Agent R. G. Raasch's tariff I. C. C. 871.

FSA No. 33019: *Scrap iron from Tallahassee, Fla., to Calera, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads from Tallahassee, Fla., to Calera, Ala.

Grounds for relief: Circuity.

Tariff: Supplement 128 to Agent Spaninger's I. C. C. 1329.

FSA No. 33020: *Scrap iron from Hattiesburg, Miss., to New Orleans, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads from Hattiesburg, Miss., to New Orleans, La.

Grounds for relief: Circuity.

Tariff: Supplement 128 to Agent Spaninger's I. C. C. 1329.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–10039; Filed, Dec. 7, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SOUTH SECOND LIVESTOCK AUCTION

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the livestock market known as the South Second Livestock Auction, Albuquerque, New Mexico, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 4th day of December 1956.

[SEAL] H. E. REED, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 56–10037; Filed, Dec. 7, 1956; 8:45 a. m.]

Rural Electrification Administration

[Administrative Order 5574]

ARIZONA

LOAN ANNOUNCEMENT

NOVEMBER 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arizona 23E Greenlee	$52,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–10053; Filed, Dec. 7, 1956; 8:48 a. m.]

[Administrative Order 5575]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 23F Sanborn	$800,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–10054; Filed, Dec. 7, 1956; 8:48 a. m.]

[Administrative Order 5576]

TENNESSEE

AMENDMENT OF LOAN ANNOUNCEMENT

NOVEMBER 2, 1956.

I hereby amend: (a) Administrative Order No. 1556, dated July 1, 1948, by reducing the allocation of $480,000 therein made for "Tennessee 27F Carroll Public" by $210,000 so that the reduced allocation shall be $270,000.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–10055; Filed, Dec. 7, 1956; 8:48 a. m.]

[Administrative Order 5577]

OKLAHOMA

LOAN ANNOUNCEMENT

NOVEMBER 5, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 18W Beckham	$50,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–10056; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5578]

IOWA

AMENDMENT OF LOAN ANNOUNCEMENT

NOVEMBER 6, 1956.

I hereby amend: (a) Administrative Order No. 4830, dated December 21, 1954, by rescinding the loan of $15,000 therein made for "Iowa 82G Monroe".

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–10057; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5579]

NEVADA

AMENDMENT OF LOAN ANNOUNCEMENT

NOVEMBER 6, 1956.

I hereby amend: (a) Administrative Order No. 3525, dated November 14, 1951, by reducing the loan of $38,000 therein made for "Nevada 4F Overton District Public" by $836.23 so that the reduced loan shall be $37,163.77.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–10058; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5580]

VIRGINIA

LOAN ANNOUNCEMENT

NOVEMBER 6, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Virginia 29AA Nelson	$530,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–10059; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administration Order 5581]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 6, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 16M Grant	$200,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–10060; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5582]

WYOMING

LOAN ANNOUNCEMENT

NOVEMBER 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 6P Goshen	$522,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–10061; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5583]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 58S Floyd	$405,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–10062; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5584]

OKLAHOMA

LOAN ANNOUNCEMENT

NOVEMBER 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 6AD Caddo	$900,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56–10063; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5585]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

NOVEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 27Y Marlboro	$150,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–10064; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5586]

NORTH CAROLINA

LOAN ANNOUNCEMENT

NOVEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 63G Hyde	$68,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–10065; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5587]

KANSAS

LOAN ANNOUNCEMENT

NOVEMBER 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 33R Pratt	$345,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–10066; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5588]

IDAHO

LOAN ANNOUNCEMENT

NOVEMBER 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 4AE Bonner	$150,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10067; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5589]

WASHINGTON

LOAN ANNOUNCEMENT

NOVEMBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 47L Douglas District Public	$1,425,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10068; Filed, Dec. 7, 1956; 8:49 a. m.]

[Administrative Order 5590]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 40L Perkins	$360,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10069; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5591]

ILLINOIS

LOAN ANNOUNCEMENT

NOVEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 30L Adams	$455,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10070; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5592]

OKLAHOMA

LOAN ANNOUNCEMENT

NOVEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 23Y Okmulgee	$210,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10071; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5593]

IDAHO

LOAN ANNOUNCEMENT

NOVEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 11N Kootenai	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10072; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5594]

WYOMING

LOAN ANNOUNCEMENT

NOVEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wyoming 16K Hot Springs	$330,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10073; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5595]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 56S Lubbock	$1,685,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10074; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5596]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 19K Turner	$645,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10075; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5597]

NORTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 36F Mountrail	$455,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10076; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5598]

NORTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 19AC Grand Forks	$986,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 56-10077; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5599]

GEORGIA

LOAN ANNOUNCEMENT

NOVEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 45P Sumter	$710,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-10078; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5600]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

NOVEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 19V Laurens	$470,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-10079; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5601]

TENNESSEE

LOAN ANNOUNCEMENT

NOVEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 35H Marion	$670,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-10080; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5602]

KANSAS

LOAN ANNOUNCEMENT

NOVEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 7W Jewell	$1,035,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-10081; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5603]

ARIZONA

LOAN ANNOUNCEMENT

NOVEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arizona 20M Pima	$347,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-10082; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5604]

NORTH CAROLINA

LOAN ANNOUNCEMENT

NOVEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 36Y Randolph	$50,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-10083; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5605]

WYOMING

LOAN ANNOUNCEMENT

NOVEMBER 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wyoming 3R Fremont	$535,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-10084; Filed, Dec. 7, 1956; 8:50 a. m.]

[Administrative Order 5606]

COLORADO

LOAN ANNOUNCEMENT

NOVEMBER 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 18M Gunnison	$15,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 56-10085; Filed, Dec. 7, 1956; 8:50 a. m.]

FEDERAL REGISTER

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Washington, Tuesday, December 11, 1956

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TITLE 3—THE PRESIDENT

PROCLAMATION 3166

UNITED NATIONS HUMAN RIGHTS DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS December 10, 1956, marks the eighth anniversary of the proclamation by the General Assembly of the United Nations of the Universal Declaration of Human Rights as a common standard of achievement for all nations and all peoples, and will be observed by members of the United Nations as Human Rights Day; and

WHEREAS December 15, 1956, marks the one hundred and sixty-fifth anniversary of the adoption of our Bill of Rights as the first ten amendments to the Constitution of the United States:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim December 10, 1956, as United Nations Human Rights Day, and do call upon the citizens of the United States to join with peoples throughout the world in its observance. Let us on this day study the Universal Declaration of Human Rights proclaimed by the United Nations and the Bill of Rights in the Constitution of the United States, and thereby renew and further fortify our conviction that all men are created equal, and that they are endowed by their Creator with fundamental and inalienable human rights.

Particularly, on this United Nations Human Rights Day, let us take to heart the lessons the Hungarian people have written in their blood and in their sacrifice and in their indomitable will to be free: That those who have once known freedom and the free exercise of human rights value them above life itself; That decent men and women everywhere are stirred to a deep and enduring sympathy for the heroic oppressed, a sympathy that surmounts all barriers of geography and race.

Let us resolve to give generously of our substance that the hardships and suffering of the Hungarian people may be relieved and let us pray that this season of tragedy for them may end in the return of rights and freedom and self-government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of December in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-10169; Filed, Dec. 10, 1956; 11:36 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Soil and Water Conservation Loans

[FHA Instructions 442.1, 442.2, and 442.4]

PART 351—POLICIES AND AUTHORITIES

PART 352—PROCESSING LOANS TO INDIVIDUALS

PART 354—PROCESSING LOANS TO ASSOCIATIONS

MISCELLANEOUS AMENDMENTS

1. In § 351.2, paragraphs (b) (2) (xi), (c) (1) (v), (g) (2), (h), and (k) of Title 6, Code of Federal Regulations (21 F. R. 7929, 20 F. R. 1964, 1965), are hereby amended to read as follows:

§ 351.2 *Loans to individuals.* • • •

(b) *Use of loan funds.* • • •

(2) Soil and Water Conservation loan funds may not be used for:

• • • • • •

(xi) That part of the cost of facilities, improvements, and practices which is to be earned by participation in the Agricultural Conservation Program and which can be covered by purchase orders or assignments to material suppliers, contractors, and so forth. Soil and Water Conservation loan funds may be

(Continued on p. 9759)

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FEDERAL REGISTER

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advanced to cover all or part of the cost of work for which the Agricultural Conservation Program payment will be made only when it is not possible to use purchase orders or such assignments. In such instance, the borrower will be required to assign to the Farmers Home Administration all or that portion of the Agricultural Conservation Program payment to be earned for practices for which Soil and Water Conservation loan funds are advanced. Such payments will be applied on his Soil and Water Conservation account as an extra payment. However, assignments to the Farmers Home Administration need not be required when the estimated amount of the assignment likely will be $100 or less.

* * * * * *

(c) *Eligibility.* (1) Before a Soil and Water Conservation loan is made to an individual, the applicant must:

* * * * * *

(v) Plan to improve a farm with the Soil and Water Conservation loan which is of such size and productive capacity that it (*a*) will produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income, and (*b*) is recognized in the community as a farm rather than a rural residence.

* * * * * *

(g) *Loan approval authority.* State Directors are authorized to approve Soil and Water Conservation loans to eligible applicants if they meet administrative requirements. The State Director is authorized to redelegate loan approval authority to:

* * * * * *

(2) Qualified County Supervisors and Assistant County Supervisors except for Soil and Water Conservation loans including more than $1,000 for either irrigation or drainage purposes, provided the borrower's principal indebtedness for Soil and Water Conservation loans (including prior Water Facilities loans) will not exceed $10,000.

* * * * * *

(h) *Supervisory assistance.* All Soil and Water Conservation borrowers will receive supervisory assistance to the extent necessary to assure the success of the borrower's farming operation and the protection of the Government's interest; except that supervisory assistance will not be extended to tenants on borrowers' farms. Soil and Water Conservation borrowers will receive supervisory assistance in developing an Annual Farm and Home Plan for the first full crop year (including an interim plan, if necessary). They also will receive such additional supervisory assistance as is necessary to accomplish the objectives of the loan, including farm and home visits and assistance in keeping records. Supervisory assistance in developing farm and home plans may be discontinued after the first full crop year when the County Supervisor determines that such assistance is no longer needed to accomplish the objectives of the loan. After assistance in the preparation of farm and home plans is discontinued, the County Supervisor will service each loan to the extent necessary to assure that (1) security is being maintained properly, (2) acceptable farming practices are being followed, and (3) the maturities on Farmers Home Administration debts and other debts secured by prior liens are being paid when due.

* * * * * *

(k) *Insurance requirements.* (1) Buildings on the property which is to be taken as security for a Soil and Water Conservation loan will be insured in accordance with Part 306 of this chapter.

(2) When a Soil and Water Conservation loan is secured by a mortgage on chattels, and the loss of such chattels would seriously jeopardize the interests of the Government, the County Supervisor may require the borrower to insure the chattels against hazards customarily covered by insurance in the area.

3. Section 352.1 (d) (3) and (4) (20 F. R. 1968) are hereby revoked, and § 352.1 (a) and (d) (2) (20 F. R. 1967, 1968) are amended to read as follows:

§ 352.1 *Loan forms and routines*—(a) *Form FHA–14, "Farm and Home Plan."* When it appears that an applicant is eligible for an individual Soil and Water Conservation loan, the County Supervisor will prepare Form FHA–14, "Farm and Home Plan," in every case as prescribed in Farmers Home Administration instructions governing "Annual Farm and Home Planning."

* * * * * *

(d) *Title evidence required in connection with real estate security.* * * *

(2) An applicant for a Soil and Water Conservation loan will be required to furnish title evidence in accordance with Part 307 of this chapter. Ordinarily, an applicant will be required to furnish evidence after the County Committee has executed the Form FHA–121, "County Committee Certification (Soil and Water Conservation Loans)." If it appears doubtful to the County Supervisor that the loan will be approved, he need not request the applicant to furnish title evidence until after the proposed loan has been approved conditionally. All title evidence other than the opinion of title and water stock certificates will be returned to the borrower when the loan has been closed. The opinion of title will be retained in the County Office and any water stock certificates will be sent to the State Office when the loan is closed.

3. Section 352.2 (20 F. R. 1968) is hereby amended to read as follows:

§ 352.2 *Loan approval or disapproval.* (a) When a loan is approved, the loan approval official will indicate on Form FHA–476 or attachment any condition that must be met before the loan is closed and specify the security requirements that the applicant will need to meet, such as a first real estate lien or a junior lien subject to certain prior liens, a lien on specified items of chattel property, water rights, and so forth. If an opinion of title was not included in the docket prior to approval and other approval conditions apparently can be met, the applicant will be notified to obtain an opinion of title in accordance with Part 307 of this chapter. When satisfactory title evidence has been obtained, the County Supervisor will proceed with processing the loan, except that, if the title opinion does not conform with the conditions specified by the approval official, the docket will be reconsidered by the loan approval official.

(b) If a loan submitted to the State Director is disapproved, the reasons for such action will be recorded on Form FHA–476, and the County Supervisor will notify the applicant, giving the reasons for disapproval of the loan.

4. Section 352.3 (a) (21 F. R. 1227) is hereby amended to read as follows:

§ 352.3 *Procedures between loan approval and loan closing*—(a) *Meeting loan approval conditions and ordering check.* After a loan has been approved, the County Supervisor will notify the applicant of the approval and of any special conditions with which he must comply before the loan can be closed. As soon as all such special approval conditions have been met, the required legal work, such as curing title defects and establishing water rights, has been completed in accordance with the instructions furnished by the designated attorney, and the borrower has indicated that he is ready to use the loan funds, the County Supervisor will order the loan check.

(1) For an insured loan, the County Supervisor will prepare Form FHA–971, "Request for Check," and forward it to the State Director. Whenever a bank handling a supervised bank account will require the lender's personal check to clear before disbursing funds, the lender will furnish a certified or cashier's check. When suitable arrangements can be made with the lender, the bank draft method may be used to obtain insured loan funds.

(2) For an insured loan with more than one advance, the County Supervisor will request the check for each subsequent advance by submitting Form FHA–971 in sufficient time so that the check will be issued on or about the proposed date of the advance. The County Supervisor will remind the lender, by appropriate notation on Form FHA–971 submitted for each subsequent advance, to insert the date of the loan check in the column for that purpose in the table entitled "Schedule of Advances" on the reverse side of the note.

(3) When Form FHA–971 is received from the County Office, the State Director or other authorized State Office official will attest the signature of the County Supervisor on the Form FHA–971, and (i) if the name of the lender is known, forward the Form FHA–971 to the lender, or (ii) if the National Office is to provide the name of the lender, forward the Form FHA–971 to the National Office, which will select a lender for the loan and forward the Form FHA–971 to such lender.

(4) Upon request, mailed to the Farmers Home Administration, U. S. Department of Agriculture, Washington 25, D. C., the lender will be furnished with a duplicate of the signature card of each employee of the State Office who is au-

thorized to attest the signature of the County Supervisor on Form FHA–971.

5. Section 352.4 (e) (20 F. R. 1969, 21 F. R. 1227) is hereby amended to read as follows:

§ 352.4 *Loan closing.* • • •

(e) *When liens on real estate, interest in real estate, or water rights are to be taken as security for the loan.* (1) When liens on real estate, interest in real estate, or water rights are to be taken as security for the loan, the loan will be closed with the asistance of the designated attorney, or in accordance with the closing instructions of the Attorney in Charge.

(2) The designated attorney, the Attorney in Charge, or the County Supervisor, under the direction of the designated attorney or of the Attorney in Charge, will prepare Form FHA–967.__, "Real Estate Mortgage," if the borrower is receiving an insured Soil and Water Conservation loan; and Form FHA–76.__, "Real Estate Mortgage," if the borrower is receiving a direct Soil and Water Conservation loan. Whenever Form FHA–76.__ is used, the words "But not exceeding the rate of five percent per annum" will be deleted in the refinancing clause. The completed mortgage forms will be reviewed and approved by the designated attorney or by the Attorney in Charge prior to loan closing. All deletions will be initialed by the borrower before the mortgage is executed.

(3) If water stock certificates are taken as security, they should be reissued in the name of the Government, or the borrower and the Government, in accordance with the rules of the company.

(4) If, at the time of loan closing, any changes affecting the title appear since the date of the previous title opinion, the loan will not be closed until all necessary corrections have been made and it is determined that the proposed loan can be made properly.

(5) When the loan is closed, the mortgage recorded, and all legal requirements have been met, the loan funds may be disbursed.

6. Section 354.6 (b) (20 F. R. 7214) is hereby amended to read as follows:

§ 354.6 *Loan approval and issuance of closing instructions, and loan rejection.* • • •

(b) *Rejection of the loan.* If the State Director determines at any time during the processing of a loan that the loan should not be made, he will record the reasons for such action on Form FHA–476 and return the loan docket to the County Supervisor. The County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor.

7. Section 354.7 (20 F. R. 7214, 21 F. R. 3715) is hereby amended to read as follows:

§ 354.7 *Actions between approval and closing of loan*—(a) *Loan approval conditions.* When the County Supervisor receives the loan approval memorandum and loan closing instructions, he will deliver a copy of these two documents to the association. An understanding will be reached with the association regarding compliance with the conditions set forth in the memorandum and the loan closing instructions.

(b) *Change in amount of loan.* If it becomes evident on or before loan closing that the amount of the loan should be decreased or increased, the County Supervisor will request that all distributed docket forms be returned to him for revision.

(c) *Requesting loan check from insured lender.* (1) For an insured loan, the County Supervisor will prepare Form FHA–971, "Request for Check," and forward it to the State Director. Whenever a bank handling a supervised bank account will require the lender's personal check to clear before disbursing funds, the lender will furnish a certified or cashier's check. When suitable arrangements can be made with the lender, the bank draft method may be used to obtain insured loan funds.

(2) For an insured loan with more than one advance, the County Supervisor will request the check for each subsequent advance by submitting Form FHA–971 in sufficient time so that the check will be issued on or about the proposed date of the advance. The County Supervisor will remind the lender, by appropriate notation on Form FHA–971 submitted for each subsequent advance, to insert the date of the loan check in the column for that purpose in the table entitled "Schedule of Advances" on the reverse side of the note.

(3) When Form FHA–971 is received from the County Office, the State Director or other authorized State Office official will attest the signature of the County Supervisor on the Form FHA–971, and (i) if the name of the lender is known, forward the Form FHA–971 to the lender, or (ii) if the National Office is to provide the name of the lender, forward the Form FHA–971 to the National Office, which will select a lender for the loan and forward the Form FHA–971 to such lender.

(4) Upon request, mailed to the Farmers Home Administration, U. S. Department of Agriculture, Washington 25, D. C., the lender will be furnished with a duplicate of the signature card of each employee of the State Office who is authorized to attest the signature of the County Supervisor on Form FHA–971.

(d) *Handling of loan check.* Loan checks will be deposited in a supervised bank account on the date of loan closing. The County Supervisor is authorized to endorse, on behalf of the Farmers Home Administration, a loan check for making an insured loan if it is drawn payable jointly to the borrower(s) and the Farmers Home Administration, provided the following form of endorsement is used: "Endorsed without recourse: Farmers Home Administration, By: ----------, Title: ----------." The State Director also is authorized to endorse such check in the same manner.

Dated: December 5, 1956.

(R. S. 161, sec. 6 (3), 30 Stat. 870, sec. 10 (a) (7), 68 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590 w (3), 590 x–3)

[SEAL] D. H. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56–10117; Filed, Dec. 10, 1956; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR PEANUTS OF THE 1957 AND SUBSEQUENT CROPS

Correction

In Federal Register Document 56–9818, appearing at page 9370 of the issue for Friday, November 30, 1956, the title for True D. Morse should read *"Acting Secretary of Agriculture."*

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Regs. 814.15, Amdt. 5; 814.16, Amdt. 4]

PART 814—ALLOTMENT OF SUGAR QUOTAS

QUOTAS AND DIRECT CONSUMPTION PORTION; PUERTO RICO, 1956

Basis and purpose. These amendments are issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulations 814.15 and 814.16, as amended (20 F. R. 9901; 21 F. R. 105, 5819, 7207, 8794, 9398) which established allotments of the 1956 mainland and local quotas for Puerto Rico and the direct-consumption portion of the mainland quota. Revision of Sugar Regulation 814.15, Amendment 4, and Sugar Regulation 814.16, Amendment 3, is necessary to: (1) Give effect to Amendment 9 of Sugar Regulation 811 (21 F. R. 9592) which increased the mainland quota for the area to 1,140,253 short tons, raw value, and the direct-consumption portion thereof to 133,064 short tons, raw value, as a result of an increase of 125,000 short tons, raw value, in United States sugar requirements, and further increased the mainland quota for the area by 845 short tons, raw value, as a result of prorating a 3,549 short tons, raw value, deficit in the Virgin Islands quota and (2) prorate a 5,017 short tons, raw value, deficit in mainland allotments declared by six allottees and a 281 short tons, raw value, deficit in the allotment of the direct-consumption portion of the mainland quota declared by one allottee, to other allottees able to utilize additional allotments.

The revised allotments set forth herein are established in accordance with findings heretofore made by the Secretary in the course of this proceeding (20 F. R. 9901; 21 F. R. 105, 7207), which provide that this order shall be revised without further notice or hearing for the purpose of (1) adjusting allotments to take account of any change in the quota for the area resulting from (a) any change in sugar requirements for continental United States and (b) the proration of a deficit in the quota for another supply area, and (2) allotting any deficit in the allotment for any allottee.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that these amendments become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when filed with the Federal Register.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered, that paragraph (a) of § 814.15, as amended, and paragraphs (a) and (b) (3) of § 814.16, as amended, be further amended to read as follows:

§ 814.15 *Allotment of 1956 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1956 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further procesesd and marketed within the direct-consumption portion of such quota) and the 1956 sugar quota for local consumption in Puerto Rico are hereby allotted to the following processors in quantities which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment (1)	Local allotment (2)
Antonio Roig, Sucesores, S. en C.	30,546	21,608
Asociacion Azucarera Cooperativa	33,503	0
Central Aguirre Sugar Co., a trust	116,494	1,600
Central Coloso, Inc	64,091	551
Central Eureka, Inc	41,931	606
Central Guamani, Inc	13,410	0
Central Igualdad, Inc	30,007	16,971
Central Juanillo, Inc	45,584	2,217
Central Mercedita, Inc	67,315	23,472
Central Monserrate, Inc	27,371	97
Central San Francisco	8,998	2,129
Central San Vicente, Inc	65,560	55
Compania Azucarera del Camuy, Inc	14,715	0
Compania Azucarera del Toa	33,418	0
Cooperativa Azucarera Los Canos	42,637	0
Eastern Sugar Associates, a trust	113,502	14,064
Fajardo Sugar Company	115,772	14
Land Authority of Puerto Rico	78,542	0
Mario Mercado e Hijos	33,479	801
Mayaguez Sugar Company, Inc	5,359	120
Plata Sugar Company	55,482	278
Soller Sugar Company	13,007	0
So. Porto Rico Sugar Co. of Puerto Rico	87,375	15,607
All other persons	0	0
Total	1,141,098	100,000

§ 814.16 *Allotment of the direct-consumption portion of 1956 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1956 sugar quota for Puerto Rico, amounting to 133,064 short tons, raw value, is hereby allotted as follows:

Allottee:	Direct-consumption allotment short tons, raw value
Central Aguirre Sugar Co., a trust	6,629
Central Roig Refining Co	20,671
Central San Francisco	1,329
Porto Rican American Sugar Ref. Inc	83,199
Western Sugar Refining Co	21,086
All other persons (raw sugar only)	150
Total	133,064

(b) *Restrictions on marketing.* • • •

(3) During the calendar year 1956 no person shall bring into the continental United States direct-consumption sugar from Puerto Rico which is principally not of crystalline structure after 7,031 short tons, raw value, of such sugar has been brought in within the allotments established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Issued at Washington, D. C., this 7th day of December 1956.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56–10145; Filed, Dec. 7, 1956; 3:50 p. m.]

[Sugar Reg. 814.23, Amdt. 5]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1956

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.23 (20 F. R. 9851; 21 F. R. 5343, 6081, 9052, 9399) which established allotments of the 1956 sugar quota for the Mainland Cane Sugar Area totaling 593,059 short tons, raw value. This amendment is necessary to allot the increase in quota for the area established by Sugar Regulation 811, Amendment 9 (21 F. R. 9592) which increased continental sugar requirements from 8,875,000 to 9,000,000 short tons, raw value, and which declared and prorated an additional deficit in the 1956 quota for the Virgin Islands of 223 tons totaling 3,549 short tons, raw value. The increase in requirements increased the area quota by 8,609 tons and of the additional deficit prorated, 28 tons were prorated to the Mainland Cane Sugar Area. Such increases in the area quota totaling 8,637 tons, result in a total quota of 601,696 tons to be allocated by this order.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from (1) any change in sugar requirements for the continental United States and (2) the proration of a deficit in the quota for another supply area.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (21 F. R. 5343, 6081).

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when filed with the Federal Register.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered, that paragraph (a) of § 814.23, as amended, be further amended to read as follows:

§ 814.23 *Allotment of the 1956 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1956 sugar quota for the Mainland Cane Sugar Area of 601,696 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors:	Allotments (short tons, raw value)
Albania Sugar Co	6,744
Alice C. Ref. & Plntg., Inc	7,923
Alma Plantation, Ltd	7,622
J. Aron & Co., Inc	13,458
Billeaud Sugar Factory	8,031
Breaux Bridge Sugar Coop., Inc	7,364
J. M. Burguleres Co., Ltd., The	6,335
Burton-Sutton Oil Co., Inc	6,774
Caire & Graugnard	3,339
Caldwell Sugar Coop., Inc	12,291
Catherine Sugar Co., Inc	7,039
Columbia Sugar Co	5,390
Cora-Texas Mfg. Co., Inc	2,449
Dugas & LeBlanc, Ltd	11,334
Duhe & Bourgeois Sugar Co., Inc	8,675
Erath Sugar Co., Ltd	4,909
Evans Hall Sugar Coop., Inc	21,609
Evangeline Pepper & Food Products, Inc	5,029
Felismere Sugar Producers Association	8,573
Frisco Cane Co., Inc	914
Glenwood Coop., Inc	14,282
Godchaux Sugars, Inc	35,229
Helvetia Sugar Coop., Inc	6,985
Iberia Sugar Coop., Inc	13,295
LaFourche Sugar Co	15,178
Harry L. Laws & Co., Inc	9,896
Levert-St. John, Inc	8,801
Loisel Sugar Co., Inc	5,469
Louisiana State Penitentiary	3,766
Lula Factory, Inc	11,653
Meeker Sugar Coop., Inc	3,489
Milliken & Farwell, Inc	12,537
Okeelanta Sugar Refinery, Inc	12,140
M. A. Patout & Son, Ltd	8,085
Poplar Grove Pltg. & Ref. Co	6,401
St. James Sugar Coop., Inc	12,543
St. Mary Sugar Coop., Inc	13,031
Slack Bros., Inc	3,249
Smedes Bros., Inc	4,650
South Coast Corp	44,073
Southdown Sugars, Inc	40,530
Sterling Sugars, Inc	11,996
J. Supple's Sons Pltg. Co	4,470
United States Sugar Corp	109,647
Valentine Sugars, Inc	12,411
Vermilion Sugar Co., Inc	2,322
Vida Sugars, Inc	4,542
A. Wilbert's Sons Lbr. & Sh. Co	8,946
Young's Industries, Inc	6,178
Louisiana State University	100
All other persons	000
Total	601,696

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 929; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 7th day of December 1956.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56-10146; Filed, Dec. 7, 1956; 3:50 p. m.]

[Sugar Reg. 814.32, Amdt. 5]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1956

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.32 (20 F. R. 9853; 21 F. R. 2589, 6083, 9053, 9400) which established allotments of the 1956 sugar quota for the Domestic Beet Sugar Area totaling 1,927,333 short tons, raw value. This amendment is necessary to allot the quota for the area established by Sugar Regulation 811, Amendment 9 (21 F. R. 9592). Such quota, based on sugar requirements of 9,000,000 short tons, raw value, and a deficit in the 1956 sugar quota for the Virgin Islands of 3,549 short tons, raw value, totals 1,955,401 short tons, raw value. Thus, the quantity to be allotted in this amendment is 28,068 short tons, raw value, greater than the quota previously allotted.

This amendment is also necessary to prorate a deficit of 15,864 short tons, raw value, in the allotment of eight allottees under this order. On the basis of advice from each allottee, the Secretary of Agriculture has determined that eight allottees are unable to fully utilize their respective allotment of the Domestic Beet Sugar Area quota and that there is a deficit in the allotments of such allottees amounting to 15,864 short tons, raw value. Thus, a deficit of 15,864 short tons, raw value, is declared and prorated to other allottees who have indicated they can effectively use additional allotments.

The revised allotments set forth herein are established in accordance with findings heretofore made by the Secretary in the course of this proceeding (21 F. R. 2589, 6083), which provide that this order shall be revised, without further notice or hearing, for the purpose of (1) adjusting allotments to take account of any change in the quota for the area resulting from (a) any change in sugar requirements for continental United States, and (b) the proration of a deficit in the quota from another supply area, and (2) allotting any deficit in the allotment for any allottee.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when filed with the Federal Register.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act; it is hereby ordered, that paragraph (a) of § 814.32, as amended, be further amended to read as follows:

§ 814.32 *Allotment of the 1956 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* The 1956 sugar quota for the Domestic Beet Sugar Area of 1,955,401 short tons, raw value, is hereby allotted to the following processors in short tons, raw value, equivalent to the quantities expressed in hundredweight refined beet sugar, which appear opposite their respective names:

Processor:	*Allotments (hundredweight refined sugar)*
Amalgamated Sugar Co., The	4,650,034
American Crystal Sugar Co	5,492,780
Buckeye Sugars, Inc	175,258
Franklin County Sugar Co	171,000
Garden City Co., The	205,940
Great Western Sugar Co., The	7,758,621
Holly Sugar Corp	6,114,142
Layton Sugar Co	179,258
Menominee Sugar Co	119,030
Michigan Sugar Co	1,410,000
Monitor Sugar Division of Robt. Gage Coal Co	625,215
National Sugar Manufacturing Co., The	62,105
Northern Ohio Sugar Co	456,906
Spreckels Sugar Co	3,976,016
Superior Sugar Refining Co	89,794
Union Sugar Division of Consolidated Foods Corp	1,500,000
Utah-Idaho Sugar Co	3,563,452
Any other person	000
Total	36,549,551

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, 928, 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 7th day of December 1956.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 56-10147; Filed, Dec. 7, 1956; 3:50 p. m.]

[Sugar Determination 876.8 Amdt. 1]

PART 876—SUGARCANE; HAWAII

1956 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), the determination of fair and reasonable prices for the 1956 crop of Hawaiian sugarcane issued July 9, 1956, as Part 876 § 876.8 (21 F. R. 5215), is hereby amended by deleting in 876.8 (b) (2) (i) the figure "30" shown opposite "Olaa Sugar Company, Ltd.", under the column headed "Rate for processing" and substituting in lieu thereof the figure "33".

Statement of bases and considerations—(a) *General.* A public hearing was held in Hilo, Hawaii, on November 7 and 8, 1955, for the purpose of receiving testimony regarding fair and reasonable prices or rates for the 1956 crop of Hawaiian sugarcane. Thereafter a determination was issued providing, among other things, specific rates which certain processors might charge producers for processing sugarcane of the 1956 crop delivered under a new type of tolling agreement. On July 24, 1956, Olaa Sugar Company, Ltd., protested the 1956 determination as it affected the company and indicated that a detailed statement would be submitted later. Subsequently representatives of the company conferred with Department officials and in a letter dated August 20, 1956, stated that it was the company's position that all information on matters affecting the relationship between the company and the growers, the allocation of costs between the parties, and the cost ratio was either not available or not given proper weight in arriving at the 1956 determination. The letter requested that a supplemental hearing be held for the purpose of reviewing and completing the record. Accordingly, the hearing was reopened in Hilo, Hawaii, on September 14, 1956.

Immediately prior to the reopened hearing a representative of the Department conducted a special study of the costs of producing sugarcane by independent growers who deliver sugarcane to the company and of the company costs of processing sugarcane for the first 8 months of 1956.

(b) *Public hearing.* Representatives of Olaa Sugar Company, Ltd., testified at the reopened hearing that the costs of producing and processing sugarcane actually incurred in the first part of 1956 were substantially in excess of the estimated cost as submitted by the company at the original hearing in November 1955. The witness stated that in the early part of 1956 grower tare conditions were extremely poor and high quality ratios and low yields had been experienced by the growers. Because of these and other factors, growers costs per ton of sugar greatly increased over the original estimates. The witness also stated that unusually large amounts of trash, dirt, and rocks in growers' sugarcane had resulted in considerably higher than estimated waste disposal costs. The processor also pointed out that these factors resulted in such poor quality material (bagasse) being available for the fire room that substantially higher quantities of fuel oil had been used than estimated at the original hearing.

The testimony presented by the processor indicated that on the basis of the first 8 months operation, projected for the entire calendar year 1956, the total processing costs per ton of sugar would be $43.22 as compared to the company's estimate of $38.22 presented at the original hearing. Data with respect to growers' costs of production presented by the processor indicated estimated costs of $93.65 per ton of sugar for the calendar year 1956 as compared to the company's estimate of $82.10 presented at the original hearing. The witness stated, however, that these increases in costs did not substantially change the cost ratio indicated by the original estimates.

The witness pointed out that the company had losses on processing growers sugarcane in recent years and had made substantial expenditures in converting from hand to mechanical harvesting methods. He also stated that a profit charge of 5 percent on services furnished growers was unrealistic and that it was inconceivable not to allow an agency fee of 0.75 percent to the company for its services of marketing the growers' sugar, handling the details of sugar shipments, and handling road maintenance to enable growers to transport their sugarcane to the mill. The witness recommended that the determination be amended to provide (1) a profit on services of 10 percent; (2) an agency fee of 0.75 percent, and (3) a rate of processing of 35.00 percent.

The representative of the United Cane Planters Association of Olaa, presented additional data on the cost of producing sugarcane exclusive of harvesting, hauling, road maintenance, and marketing of sugar. These estimated costs were $45.94 per ton of sugar as compared with an estimate of $35.38 submitted at the original hearing. The witness stated that certain items had been deleted in making these estimates while other items had been added, and the sample of costs had been expanded from 620 acres to 1,650 acres. The witness stated that charges for harvesting, hauling, and road maintenance during the early part of the year were 50 to almost 100 percent higher than those estimated by the company at the original hearing. The producer representative opposed any charge for profit on services furnished to producers by the processor and recommended that the proposed charge for an agency fee not be adopted. The witness stated that he was unable to recommend a rate for processing because he did not have the proper charges for hauling, harvesting, road maintenance, and marketing.

(c) *The amended 1956 price determination.* This amendment to the determination changes the processing rate for sugarcane delivered by producers to the Olaa Sugar Company, but in all other respects the determination remains unchanged.

Consideration has been given to the recommendations made at the hearing, to special studies of the costs of producing and processing sugarcane delivered by producers to Olaa Sugar Company, and to other factors customarily considered in fair price determinations. An analysis of all pertinent data indicates that in the light of the financial condition of the company and on the basis of current operating conditions, the rate for processing sugarcane of the 1956 crop as provided in this amendment, is deemed to be fair and reasonable.

During past years Olaa Sugar Company has generally had unprofitable operations because of various factors which have adversely affected the production and processing of sugarcane. The financial results from the sugar operations of this company during the past 5 years have ranged from a profit of $105,000 to a loss of $708,000. During this period the company produced about 53,000 tons of sugar per year. While substantial progress has been made in recent years, its operations have not yet been fully stabilized. In 1954 and 1955 the company made large expenditures for machinery and equipment in the transition from hand to mechanical harvesting methods. In recognition of this situation the Department in 1955 made a special cost study of the company's operations prior to the issuance of its fair price determination. Another special cost study of the company's operations, as well as producers operations was completed prior to the reopened hearing on September 14 in order to have the most reliable data possible upon which to reappraise the processing rate established for this company. Through this study the actual processing costs of the company were obtained for the first 8 months of 1956, as well as the producers' costs of sugarcane for the same period. The adverse weather conditions during the early part of 1956 resulted in excessive quantities of trash and other extraneous material delivered with sugarcane and in low yields of sugar. The cost study indicates that these conditions caused substantial increases in the costs of producing and processing sugarcane. The costs of producing sugarcane rose primarily as a result of higher charges for harvesting, transportation, and road maintenance per ton of sugar, low sugar yields and the recognition of other costs associated with the transition from hand to mechanical harvesting methods. The handling and disposition of excessive quantities of sugarcane trash, higher fuel costs and lower yields of sugar accounted for the major increase in processing costs. An examination of anticipated total returns and total costs of processing and producing sugarcane, indicates that there will be little, if any, profit available for the 1956 crop.

While Olaa Sugar Company has generally had an unfavorable profit record in the past, there is reason to believe that the prospects for profitable operations may be more favorable as new methods of production become standardized and as yields of sugarcane and sugar continue to improve. Likewise, it is expected that producer's costs should decline with the adoption of new varieties and more normal harvesting conditions.

The recommendations of the processor for a 10 percent profit charge on services furnished to producers and for an agency fee of 0.75 percent have not been adopted. The profit charge of 5 percent on services furnished producers specified in the original determination is believed to be adequate. Inasmuch as the administrative costs of the processor for marketing and shipping sugar are recognized in the processor cost ratio, and further, since the producer pays the full costs of road maintenance, including overhead and a 5 percent profit charge, and the full delivery costs on his sugar to the refiner, it is not deemed equitable to allow the processor to charge the producers an agency fee.

Accordingly, I hereby find and conclude that the foregoing amendment to the 1956 price determination is fair and reasonable and will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 5th day of December 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-10113; Filed, Dec. 10, 1956; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 954—MILK IN DULUTH-SUPERIOR, MARKETING AREA

DETERMINATION OF EQUIVALENT PRICE PAID FOR NONFAT DRY MILK

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), and to the applicable provisions of the order, as amended, regulating the handling of milk in the Duluth-Superior milk marketing area (7 CFR Part 954), hereinafter referred to as the "order", it is hereby found and determined as follows:

(1) The average f. o. b. gross factory price per pound of nonfat dry milk for human consumption is no longer being reported to the United States Department of Agriculture by the American Dry Milk Institute, Inc.

(2) In accordance with § 954.52 it is hereby determined that the arithmetical average of the monthly averages of prices per pound, in bags, of spray and roller process extra grade nonfat dry milk, carlots, for human consumption at Chicago, as published for the month by the Agricultural Marketing Service, United States Department of Agriculture, is equivalent to and comparable with the average price of nonfat dry milk as reported to the United States Department of Agriculture by the American Dry Milk Institute, Inc. for such month and announced by the market administrator pursuant to §§ 954.23 (a) and 954.50 (b) (4) of the order.

(3) Notice of proposed rule-making, public procedure thereon, and 30 days' prior notice of the effective date hereof are impracticable, unnecessary and contrary to the public interest in that (1) the American Dry Milk Institute, Inc. is not now reporting and in the future will not report the price required to be used each month under § 954.50 (b) (4) of the order; (2) the essential purpose of this determination is to give to all interested persons notice that such price reported by the American Dry Milk Institute, Inc. is no longer being used in any computations set forth in the order; (3) the determination of an equivalent price immediately is necessary to make possible the announcement of class prices to be paid producers by handlers under the order for the month of December 1956 and subsequent months; and (4) this determination does not require of any person substantial or extensive preparation prior to its effective date.

pliance with the 30-day effective date requirement of the Administrative Pro-

erations—(a) *General.* A public hearing was held in Hilo, Hawaii, on November 7 and 8, 1955, for the purpose of

however, that these increases in costs did not substantially change the cost ratio indicated by the original estimates.

$105,000 to a loss of $708,000. During this period the company produced about

clude that the foregoing amendment to the 1956 price determination is fair and

any person substantial or extensive preparation prior to its effective date.

Issued at Washington, D. C., this 5th day of December 1956 to become effective immediately.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-10111; Filed, Dec. 10, 1956; 8:47 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

TERMINATION OF MODIFICATION OF MINIMUM GRADE STANDARDS FOR PACKED MUSCAT RAISINS

Pursuant to § 989.59 (b) of Marketing Agreement No. 109 and Marketing Order No. 89, as amended (20 F. R. 6435, later further amended, 21 F. R. 8182), regulating the handling of raisins produced from raisin variety grapes grown in California, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the minimum grade standards prescribed in § 989.59 (a) for packed Muscat raisins other than Layer Muscats were modified, effective December 10, 1955 (20 F. R. 9173, as corrected 20 F. R. 9855 and 9988). Such modification provided that: (1) In the case of Soda Dipped Seeded (Valencia) raisins, all the requirements applicable to Soda Dipped Unseeded (Valencia) raisins should apply, other than the moisture and seed tolerance requirements which should be those of Seeded Muscat raisins; and (2) in the case of Unseeded, Uncapstemmed, Loose, Muscat raisins, the limitation with respect to capstems should not apply when the capstems remained attached to the berries, but in no event should the total loose capstems exceed 20 per 16 ounces. In the absence of such modification, the provisions of § 989.59 (a) require that such raisins at least meet the then existing requirements for "U. S. Grade C" as described in effective "United States Standards for Grades of Processed Raisins."

Subsequent to the issuance of the aforementioned modification order, a corresponding modification (21 F. R. 6558, effective September 1, 1956) has been made in "Grade C" of the "United States Standards for Grades of Processed Raisins." Therefore, the modification effective December 10, 1955, is no longer necessary and should be terminated. Accordingly, said modification (20 F. R. 9173, as corrected 20 F. R. 9855 and 9988) is hereby terminated, effective as of the date of the publication of this document in the FEDERAL REGISTER.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making proceedings, or postpone the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) for the reason that such action would accomplish no useful purpose, since the present action merely terminates a requirement which is now included in the modified requirements for "U. S. Grade C," and thus obviates a duplication.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 6, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-10123; Filed, Dec. 10, 1956; 8:49 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PROCEDURES ON DECLARING PATENTS AFFECTED WITH THE PUBLIC INTEREST AND LICENSING OF PATENTS

Notice is hereby given that the following rules have been adopted by the Atomic Energy Commission. These rules will become effective thirty days after publication of this document in the FEDERAL REGISTER.

Subpart C—Procedures on Declaring Patents Affected With the Public Interest and Licensing of Patents

GENERAL

Sec.
2.300 Applicability of subpart.
2.301 Definition.

PROCEDURE FOR DECLARING A PATENT AFFECTED WITH THE PUBLIC INTEREST

2.302 Notice.
2.303 Request for hearing.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153b (2)

2.304 Administrative examination of applications, notice to others, informal conferences.
2.305 Action on applications.
2.306 Request for hearing.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153c

2.307 Administrative examination of applications and informal conferences.
2.308 Notice of application.
2.309 Notice of hearing.

ROYALTIES

2.310 Royalties.

AUTHORITY: §§ 2.300 to 2.310 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 220. Interpret or apply secs. 153, 156, 68 Stat. 945, 947; 42 U. S. C. 2183, 2186.

SUBPART C—PROCEDURES ON DECLARING PATENTS AFFECTED WITH THE PUBLIC INTEREST AND LICENSING OF PATENTS

GENERAL

§ 2.300 *Applicability of subpart.* The provisions of this subpart prescribe the procedures for declaring a patent to be affected with the public interest pursuant to section 153a of the act, and for the granting of a license pursuant to section 153b (2) and 153c of the act. Reference should also be made to Subpart G of this part, which sets forth the rules applicable to all types of proceedings.

§ 2.301 *Definition.* As used in this subpart, "patent owner" means the owner of record in the United States Patent Office of such patent.

PROCEDURE FOR DECLARING A PATENT AFFECTED WITH THE PUBLIC INTEREST

§ 2.302 *Notice.* Prior to a declaration pursuant to section 153a that a patent is affected with the public interest, the AEC shall serve the patent owner with a written notice of intent to declare the patent to be affected with the public interest.

§ 2.303 *Request for hearing.* (a) Upon request by the patent owner for a hearing within 30 days after the issuance of the notice, or such other time as the AEC may provide, the AEC will direct the holding of a formal hearing.

(b) Failure to request a hearing within the time specified may result in a declaration that the patent is affected with the public interest. Such declaration will be served on the patent owner.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153b (2)

§ 2.304 *Administrative examination of applications, notice to others, informal conferences.* Applications for a license pursuant to section 153b (2) under a patent declared to be affected with the public interest will be given a docket or other identifying number and routed to the appropriate AEC officer for administrative examination. AEC will give to others such notice of the filing of the application as is required under the applicable regulations of this chapter and such additional notices as it deems appropriate. The applicant may be required to submit additional information and may be requested to confer informally regarding the application.

§ 2.305 *Action on application.* (a) Prior to denial of any application, the AEC shall serve on the applicant a notice of denial, which shall include an opportunity to request a hearing.

(b) Prior to approval of any application and issuance of a license, the AEC shall serve on the applicant and the patent owner a notice of intent to issue a license which shall include the scope of the proposed license and an opportunity to request a hearing.

§ 2.306 *Request for hearing.* (a) If the applicant requests a hearing within 30 days or such other period of time as the AEC may specify after the issuance of the notice of denial, the AEC will direct the holding of a formal hearing and issue notice of hearing. Failure to request a hearing within the time specified may result in a denial of the request for a license.

(b) If the patent owner or the applicant requests a hearing within 30 days or such other time as the AEC may specify after the issuance of the notice of intent to issue a license, the AEC will direct the holding of a formal hearing and issue notice of hearing. Failure to request a hearing within the time specified may result in the issuance of the license.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153c

§ 2.307 *Administrative examination of applications and informal conferences.* Applications for a license pursuant to section 153c for a patent useful in the production or utilization of special nuclear material or atomic energy will be given a docket or other identifying number and routed to the appropriate AEC Office for administrative examination. AEC will give to others such notice of the filing of the application as is required under the applicable regulations of this chapter and such additional notices as it deems appropriate. The applicant may be required to submit additional information and may be requested to confer informally regarding the application.

§ 2.308 *Notice of application.* Within 30 days after the filing of such application, the AEC will make available to the patent owner all of the information contained in such application.

§ 2.309 *Notice of hearing.* Notwithstanding any other provision of the regulations in this part:

(a) Within 30 days after the filing of the application, the AEC will issue notice of a formal hearing to the applicant and patent owner.

(b) Within 60 days after the filing of the application, a formal hearing will be held.

ROYALTIES

§ 2.310 *Royalties.* The owner of the patent affected by a declaration and a finding made by the Commission pursuant to subsection 153b or 153e of the Atomic Energy Act of 1954 shall be entitled to a reasonable royalty fee from the licensee for any use of an invention or discovery licensed by section 153. Such royalty fee may be agreed upon by such owner and the patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to subsection 157c, as provided in Part 80 of this chapter.

Dated at Washington, D. C., this 4th day of December 1956.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-10094; Filed, Dec. 10, 1956; 8:45 a. m.]

PART 83—WAIVER OF PATENT RIGHTS

Notice is hereby given that the AEC has adopted the following rules. The rules will become effective 30 days from date of publication.

Sec.
83.1 Waiver.
83.2 Limitations.

AUTHORITY: §§ 83.1 and 83.2 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201. Interpret or apply sec. 152, 68 Stat. 944; 42 U. S. C. 2182.

§ 83.1 *Waiver.* The Atomic Energy Commission waives its rights under section 152 of the Atomic Energy Act of 1954 (68 Stat. 944) with respect to inventions and discoveries resulting from the use of the following materials and services:

(a) Source materials, special nuclear materials, and heavy water distributed by the Commission in accordance with the "Schedules of Base Charges for Materials Sold or Leased by AEC for Use in Private Atomic Energy Development and Base Prices Which the AEC Will Pay For Certain Products From Private Reactors."

(b) Radioactive and stable isotopes, irradiation services (this waiver does not include inventions or discoveries made by AEC or AEC contractor personnel in the course of or in connection with the performance of an irradiation service), and radioactive material resulting from the performance of an irradiation service sold or distributed by the AEC in accordance with the prices and charges established by:

(1) Oak Ridge National Laboratory Inventory and Price List of electromagnetically enriched and other stable isotopes.

(2) Oak Ridge National Laboratory Catalog and Price List of radioisotopes, special materials, and services.

(3) National Reactor Testing Station Catalog of Price and charges on irradiation services at the materials testing reactor.

(4) Argonne National Laboratory schedule of charges for irradition services at its irradiation facilities.

(5) Brookhaven National Laboratory schedule of prices and charges for irradiation services and radioisotopes.

(c) Radioisotopes distributed in accordance with prices established in Part 37 of this chapter.

§ 83.2 *Limitations.* (a) Nothing contained in this part shall be deemed to waive any rights in inventions or discoveries where a person or a group of persons acting on behalf of the person requesting the irradiation service works at the AEC facility in connection with the irradiation service. In such event, special arrangements are made.

(b) Nothing contained in this part shall be construed to affect the provisions of any written agreement to which the AEC has or may become a party.

Dated at Washington, D. C., this 4th day of December 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-10097; Filed, Dec. 10, 1956; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. 1, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

MISCELLANEOUS AMENDMENTS

Disclosure of information (1) with respect to agreements with States under section 218 of the Social Security Act (2) obtained in connection with determinations under section 221 of the act (3) to carry out the purposes of section 222 of the act.

Regulation No. 1, as amended (20 CFR 401.1 et seq.) is further amended as follows:

1. Section 401.3 is further amended by amending paragraphs (a), (b), (e), (f), (g), (h), (j), and (o) to read as follows:

§ 401.3 *Information which may be disclosed and to whom.* Disclosure of any such file, record, report or other paper, or information, is hereby authorized in the following cases and for the following purposes:

(a) As to matters directly concerning any claimant or prospective claimant for benefits or payments under Title II of the Social Security Act, to such claimant or prospective claimant or his duly authorized representative; or (except medical information) upon authorization by such claimant or prospective claimant, or his duly authorized representative, to others or to the public when consistent with the proper and efficient administration of the act. Medical information concerning a claimant or prospective claimant shall be disclosed (other than to such claimant or prospective claimant or duly authorized representative) only to such claimant's or prospective claimant's physician or to a medical institution at or of which such claimant or prospective claimant is a patient, and then only upon consent of such claimant or prospective claimant and of the source of such information or, if such source is not available, of a physician in the employ of the Department, and when consistent with the proper and efficient administration of the act. However, statements of wage and medical information may be furnished in such summary form as may be administratively deemed appropriate to the conduct of the old-age and survivor's insurance program under title II; any request for medical information (other than by the claimant's or prospective claimant's physician or medical institution) which is not reasonably necessary for a title II purpose shall be refused.

(b) After death of an individual, any information (except medical information) relating to the individual may be furnished to a surviving relative or to the legal representative of the estate of the individual. Medical information relating to the individual may be furnished to such relative or legal representative, in such summary form as may be administratively deemed appropriate to the conduct of the old-age and survivors insurance program under title II; any request for medical information which is not reasonably necessary for a title II purpose shall be refused. Available information concerning the fact, date, or circumstances of death of the individual may be disclosed to any person. None of the foregoing information shall be disclosed except upon written request stating the purpose thereof, and when efficient administration permits such disclosure, and where such disclosure is considered not detrimental to the individual or to his estate.

* * * * *

(e) Except in the case of medical information relating to an individual, to any officer or employee of an agency of the Federal Government or a State Government lawfully charged with the ad-

trative Procedure Act; 5 U. S. C. 1001 et seq.) for the reason that such action would accomplish no useful purpose, or (2) to all types of proceedings.

§ 2.301 *Definition.* As used in this subpart, "patent owner" means the

§ 2.307 *Administrative examination of applications and informal conferences.* Applications for a license pursuant to

services:

(a) Source materials, special nuclear materials, and heavy water distributed

minations under section 221 of the act (3) to carry out the purposes of section 222 of the act.

any officer or employee of an agency of the Federal Government or a State Government lawfully charged with the ad-

ministration of a Federal or State unemployment compensation law or contribution or tax levied in connection therewith, for the purpose of such administration only.

(f) To any officer or employee of an agency of the Federal Government lawfully charged with the administration of a law providing for public assistance, or work relief, or pension, or retirement, or other benefit payments, only for the purpose of the proper administration of such law, or of the Social Security Act. Medical information relating to an individual may be furnished for such a purpose to such an officer or employee only upon consent of such individual and of the source of such information or, if such source is not available, of a physician in the employ of the Department.

(g) (1) To any officer or employee of an agency of a State Government lawfully charged with the administration of a program receiving aid under titles I, IV, V, X, or XIV of the Social Security Act, information regarding benefits paid or entitlement to benefits under title II of the Social Security Act and, if it has been determined, the date of birth of a recipient or applicant, and also whether a period of disability has been established for such recipient or applicant, the beginning and ending date of such period, and the date determined to be the date of onset of such disability, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant. Medical information relating to an individual may be furnished for such a purpose to such an officer or employee only upon consent of such individual and of the source of such information or, if such source is not available, of a physician in the employ of the Department.

(2) To any officer or employee of an agency of a State Government lawfully charged with the administration of a program receiving aid under the Vocational Rehabilitation Act, for the proper administration of such program only, the information specified in the first sentence of subparagraph (1) of this paragraph and in addition:

(i) The name, address, social security account number, and such other information as may be obtained with respect to the alleged disability, of an applicant for benefits on account of disability or for a determination of disability; and

(ii) The name, address, social security account number, and such other information as may be obtained with respect to the alleged disability, of any individual making inquiry concerning benefits on account of disability or concerning a determination of disability, if no objection is made by such individual to the release of such information.

(h) To a Federal, State, municipal, or hospital official upon written request stating that he has the name or social security account number of a deceased or insane person or a person suffering from amnesia or who is unconscious or in a state equivalent thereto, but cannot establish such person's identity, such identifying data as is available relative to such person which may be determined by the proper officer of the Department to be necessary to assist the requesting officer or agency to make the required identification. Information as to the existence of a legally reportable medical condition of an individual discovered in connection with an application for benefits on account of disability or for a determination of disability may also be furnished to a State or municipal agency required by local law to be furnished such information.

• • • • • •

(j) Any record or information may be disclosed when such disclosure is necessary in connection with any claim or other proceeding under the Social Security Act and is necessary for the proper performance of the duties of any officer or employee of the Department, or of any officer or employee of a State agency to carry out an agreement entered into under section 221 of the Social Security Act.

• • • • • •

(o) In connection with agreements and modifications of agreements for the coverage of State and local employees entered into pursuant to section 218 of the Social Security Act, the following may be disclosed when efficient administration permits:

(1) The name of a State (or instrumentality of two or more States) with whom an agreement or modification has been entered into, the name or title of the official charged with carrying out the State's responsibilities with respect to an agreement, and the date of an agreement or modification;

(2) The contents of an executed agreement or modification;

(3) Information as to whether or not a State (or instrumentality of two or more States) has indicated an intention or desire to enter into such an agreement or modification, but not including information as to provisions being considered for inclusion in the proposed agreement or modifications;

(4) Information reported by a State as to whether or not there is in effect in such State or in a political subdivision thereof a retirement system providing benefits to employees thereof; and any other information reported by the State as to such retirement system if service performed by individuals in positions covered by that system has been included in an agreement under section 218 or a modification thereof;

(5) Statistical information, classified by State and county, with respect to public employment and remuneration therefor (other than information relating to any identified or identifiable employee);

(6) Information reported by a State, after a referendum has been conducted on whether services in positions covered by a retirement system should be excluded from or included under such an agreement, of the number of employees eligible to vote in such referendum, the number who actually voted therein, and the number who voted in favor of inclusion of such service.

2. Section 401.4 is further amended by amending paragraph (b) to read as follows:

§ 401.4 *Definitions.* • • •

(b) "Prospective claimant" includes a living wage earner or self-employed individual, the legal representative of an incompetent wage earner or self-employed individual, the guardian of an infant, the next of kin of a deceased wage earner or self-employed individual, any other person who is equitably entitled by reason of having paid, in whole or part, the burial expenses of the deceased wage earner or self-employed individual, or the legal representative of such next of kin or equitably entitled person;

3. Section 401.6 is further amended by adding a new paragraph (e) reading as follows:

§ 401.6 *Payment for information in specific cases.* • • •

(e) When the request is for medical information relating to an individual, or as to the existence or duration of a disability of an individual, pursuant to § 401.3 (a), (f), or (g), by a person or agency thereby authorized to receive such information, the information shall be furnished without charge.

(Secs. 205, 1102, 49 Stat. 624, as amended, 647, as amended; 42 U. S. C. 405, 1302. Interpret or apply sec. 1106, 53 Stat. 1398, as amended; 42 U. S. C. 1306)

[SEAL] W. L. MITCHELL,
Acting Commissioner of Social Security.

Approved: December 5, 1956.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 56–10051; Filed, Dec. 10, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

TROUT RIVER, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges across navigable water discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required is hereby amended prescribing paragraph (h) (15–a), to govern the operation of the Seaboard Air Line Railroad Company bridge across Trout River at Panama, Florida, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* • • •

(15–a) Trout River, Fla.; Seaboard Air Line Railroad Company bridge at Panama. Between 10:00 p. m. and 6:00 a. m., at least 12 hours' advance notice required. At all other times the regulations contained in § 203.240 shall govern the operation of this bridge.

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[Regs., November 28, 1956, 823.01 (Trout River, Fla.)–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 56–10093; Filed, Dec. 10, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 934, 996, 999]

[Docket Nos. AO–14–A24; AO–83–A20; AO–203–A6; AO–204–A6]

MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD, AND WORCESTER, MASS., MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED AMENDMENTS TO ORDERS, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted in Boston, Massachusetts, on February 28–29, 1956, pursuant to a notice thereof which was issued on February 7, 1956 (21 F. R. 949; F. R. Doc. 56–1059) upon proposed amendments to the tentatively approved marketing agreements and to the orders now in effect, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on October 30, 1956 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on November 2, 1956 (21 F. R. 8405; F. R. Doc. 56–8898).

Rulings. Within the period reserved for exceptions, interested parties filed exceptions to certain of the findings, conclusions, and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

Issues considered. The material issues considered at the hearing were:

1. Reconsideration of the basis of zoning country plants and the Class I and blended price zone differentials.

2. Revision of the basis for arriving at the New England adjustment percentage of per capita disposable income used in the computation of the New England basic Class I price.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Zoning of country plants and Class I and blended price zone differentials.* The procedure for ascertaining mileage distances in the zoning of country plants and for establishing zone differentials under the Boston, Merrimack Valley, Springfield, and Worcester, marketing orders should be revised to provide for the ascertainment of distances and zones for all plants on the basis of the shortest highway distance over paved, first class, all-weather roads, as determined by use of the State maps contained in Mileage Guide No. 6, issued by Household Goods Carrier's Bureau, Washington, D. C. Basic prices should continue to be computed at the 21st (201–210 mile) zone under the Boston order, and at the city under the secondary market orders. The Class I price and blended price differentials should be identical and should vary at the rate of 1.2 cents per hundredweight between nearby 10-mile zones and 1 cent per hundredweight between distant zones beyond the 21st zone, under both the Boston and secondary market orders. The city plant prices and the respective zone differentials for Boston and the secondary market orders should be established at the same level. The New England basic Class I price for the new 21st zone should be adjusted to maintain the present basic level of producer prices.

Under the present provisions of the Boston order the zoning of country plants has been on the basis of rail mileage to Boston from the railroad shipping point for the plant. Zoning under the secondary market orders has been based on highway distances over roads on which milk trucks are permitted to travel or by railroad mileage from the shipping point nearest the plant to the particular market (i. e., Lawrence, Springfield or Worcester), whichever is shorter. Variations in zone differentials under the Boston order reflect variations in freight rates for the movement of milk in tank cars. However, country plant zone Class I prices for the secondary markets are 4 cents lower than the comparable Boston prices for the same zones, which difference was intended to reflect the higher cost of moving milk in carloads in 40-quart cans rather than by tank car.

Both producers and handlers supported zoning on the basis of the shortest highway distance over paved, first class, all-weather roads. They would continue basic pricing at the 21st zone under the Boston order, and at the city under the secondary markets, and they supported the alignment of prices between markets. There was also general agreement for a 1.2-cent variation in differentials between nearby zones and a 1-cent variation between each zone beyond the 21st zone.

Under the present system of zoning the determination of the railroad mileage distance for any particular plant has been made by the Milk Agent of the Boston and Maine railroad. On request, he has determined the railroad shipping point for each plant, and has ascertained the rail mileage from such point to Boston. While it was apparently intended that rail mileages should ordinarily be computed by the route by which the milk actually moves it is obvious that for many plants this is not the case. A large percentage of the country plants in the Boston pool are zoned over routes that have been completely abandoned and as to which the tracks have been removed. In some situations railroad stations have been abandoned, and in other cases the shortest rail mileage is nevertheless based on roundabout routes of extreme length. Offrail plant zoning creates further problems, as selection of the "rail shipping point," which is used only for measurement purposes, is based on ambiguous, unsatisfactory standards and methods and becomes increasingly unrealistic when rail service near the plants is abandoned.

In earlier years rail transportation was used almost exclusively in the movement of milk from country to city plants in New England. More recently the importance of rail transportation has declined while the use of tank trucks has increased. In 1930 almost 93 percent of the milk receipts at Boston were by rail whereas by 1955 only slightly over 51 percent of the milk so moved. The decision of the railroads to compute mileage for rate purposes via routes which have been abandoned may reflect their desire to hold their milk business in the face of mounting truck competition. A similar conclusion may be drawn from the fact that in recent years the railroads have not put into effect tariff increases on milk permitted by the Interstate Commerce Commission. Both of these situations have undoubtedly been of substantial benefit to the milk industry, since they have tended to hold transportation rates down and the greater percentage of milk still moves to market by rail transportation.

The present method of determining zone locations and zone differentials has tended to create inequities between plants. Over the years irregularities have crept into the rail tariff with the result that, instead of graduating smoothly, as distance from the market increases, there are many irregular variations for which there seems to be no clear explanation. These conditions all tend to create competitive problems for handlers and inequities among individual producers. It is likely that new inequities will appear because of the prospective abandonment of additional portions of the railroad network in New England.

Following the issuance of the Secretary's decision (21 F. R. 6932; F. R. Doc. 55–7520) on issues considered at the amendment hearing of April 18–May 5, 1955, a committee of marketing specialists affiliated with producer and handler interests and State universities spent a

identifying data as is available relative to such person which may be determined

2. Section 401.4 is further amended by amending paragraph (b) to read as follows:

lantic Ocean south of Charleston. • • •

(15–a) Trout River, Fla.; Seaboard Air Line Railroad Company bridge at

considerable time studying the problem and the recommendations contained in their formal report, offered in evidence at the hearing, provide a satisfactory basis for revising the zoning and the zone differentials in the Boston and secondary market orders.

An important factor in the selection of the routes over which milk trucks actually travel in moving milk from country plant to city market is the convenience of the individual truckers. Two truckers picking up milk at the same country point may or may not elect to travel the same route. For this reason it would be impractical to use the route over which the milk actually moves as a basis of zoning. While it is recognized that some roads, because of permanent or temporary restrictions, may not be available for trucking use it is evident that the status of any particular road, or part thereof, may and does change. It would be impractical to place on the market administrator the burden of keeping day-to-day check on road conditions in order to establish the zone for each plant. Moreover, it would be confusing to both handlers and producers to have sudden and unanticipated zone changes as a result of temporary changes in road conditions.

The committee has recommended that the State maps contained in Mileage Guide No. 6, issued by the Household Goods Carrier's Bureau be used for purposes of computing mileages and that specific rules be devised to eliminate insofar as possible the need for discretion on the part of the market administrator in the determination of distances. The recommended method would provide for the measurement of distance over roads designated on the Mileage Guide maps as paved, first class, all-weather roads, with such minimum use of second class roads as is necessary in order to reach the plant location. In the event that the maps do not clearly show the mileages between points on a road, such mileage would be obtained from the appropriate State authority on highway mileages. This procedure appears to be practical, promotes equity, and minimizes the discretionary element.

The committee's recommended method of determining distances from country plants to Boston should be adopted. For desirable uniformity, it should also become the single method for determination of distances under the secondary market orders, which now provide for use of the shorter of highway or rail distances. For all plants in the secondary markets, the highway distance has been found to be the shorter. In the Boston market, zoning on the basis of the recommended highway method will generally result in placing the country plant in a zone nearer to Boston than the present rail zone of the plant.

For reasons which are not now evident the present zone differentials as set forth under the Boston order, from their very beginning have reflected some irregularities in the variations between adjacent zones. Through the intervening years these irregularities have tended to become greater. The committee in its studies attempted to analyze and relate transportation charges by commercial truckers to some regular pattern. However, variations in truckers' methods of fixing rates, variations in mileage traveled between the same points by competing truckers, and difficulties in reconciling the quantities charged for with quantities actually shipped, all militate against any precise determination of variation in truck transportation rates. Nevertheless, it was possible to determine that the simple average of the variations in differentials over the zones from which milk moves, or is likely to move, to market by truck is approximately 1.4 cents.

The present zone differentials which are based on rail rates set forth under New England Joint Tariff M No. 7, reflect an average variation of one cent between zones 12 to 21 and of eight-tenths of a cent between zones 21 to 40. It is obvious that competition requires that rail and truck rates conform rather closely to each other, although the degree or effectiveness of competition may vary as between different locations.

While ideally the zone differentials should reflect actual difference in transportation costs it is evident that except in the case of rail movements data are not available to permit such ascertainment with a high degree of precision. It was the committee's conclusion that the variations existing in the nearer zones as compared to the more distant zones were such as to warrant a differentiation which would take this factor into account. The available data on rail and trucking costs support this conclusion.

As previously indicated, the present zone differentials reflect actual differences in rail transportation costs. Available data indicate that trucking rates are somewhat in excess of rail rates. It would be improper to establish zone differentials which do not reflect at least the differences in rail rates. On the other hand, since milk has moved satisfactorily under the present differentials and the railroads have indicated no unwillingness to continue transporting milk under the present rates, there appears to be no reason why the overall allowances should be increased. The primary intent of the proposed rezoning was to promote greater equity among plants and producers. While the revised basis of zoning tends to zone country plants nearer the market by from one to two zones, the physical locations of the plants have not changed and, hence, there is no logical reason why cost of transportation should be reduced thereby.

Preliminary discussions with representatives of railroads which transport milk in New England indicated that they were amenable to zoning on the basis of highway mileages and the smoothing of zone differentials and were willing to revise their rail tariff accordingly if their total revenue from milk would not be significantly affected thereby. Official notice is taken that this revision was made effective on September 1, 1956. Under the circumstances and for reasons stated above it is concluded that the zone differentials and prices should be constructed so as to permit an alignment of rail tariff and order provisions. The committee has recommended a zone variation rate of 1.2 cents for zones five to twenty-one and of one cent for the more distant zones. It has demonstrated that these rates and a Class I price level in the proposed highway zone 21 of 1.8 cents less than that applicable in the present rail zone 21 would neutralize changes in rail revenue in a typical month and at the same time give appropriate weight to variations between rail and trucking costs.

It is inevitable, of course, with the rezoning of plants on an entirely new basis, that producers at some plants will improve their relative position while others may be placed in a relatively less advantageous position. However, the rezoning procedure will tend to create greater equity as between plants and as between producer groups. But it does not follow that producers as a whole should necessarily receive greater returns for milk received at the same plants under otherwise unchanged conditions. The basic level of the Class I price was not an issue at the hearing and it is concluded that the application of a new zoning procedure should not be used as a mechanism for substantially increasing total returns to producers. Accordingly, it is proposed that offsetting adjustments should be made in the Class I pricing formula to maintain overall producer returns, insofar as is practical, at the same level. This can best be accomplished by adjusting the factor of $0.0561, by which the New England basic Class I price index is multiplied to obtain the Class I price, to $0.05592, so as to reflect the reduction of 1.8 cents, referred to above, in the base period price. Similar adjustments should also be made in the bracket prices and the New England basic Class I price, but, in order to eliminate fractions of a cent, these adjustments should be exactly two cents in each instance. This apparent reduction in the basic Class I price is more than offset by the effect of the considerable reduction in mileages from the pool plants to Boston, resulting from the change from rail basis to highway basis of measurement. For the typical month used in the committee's recomputation, all producers would have received an average increase of 0.8 cent per hundredweight, and the handlers' weighted average Class I price would have been increased by 1.1 cents per hundredweight by the above adjustments.

Under the secondary market orders, as under the Boston order, milk moves to market primarily in tanks. Hence, there is no justification for the continuation of zone differentials which reflect costs of can shipments. The zone differentials recommended for the Boston market are equally appropriate in the secondary markets.

The table of zone differentials should be extended indefinitely rather than terminate at the 45th zone as provided under the present order provisions. While there are presently no pool plants located beyond 450 highway miles from Boston, a plant so located should have assurance that in the pricing of its Class I milk due recognition is given to the added cost of moving milk from its actual location. The order provides that for the purpose of determining which zone Class I price applies, Class I milk shall

be allocated in sequence in accordance with the nearness of the plants to market. Application of this principle means that under usual circumstances no milk from beyond the 25th zone is allocated to Class I milk insofar as pool handlers operating more than one pool plant are concerned. Hence, extension of the Class I zone differential schedule will ordinarily have no effect on the price handlers are required to pay for Class I milk disposed of in the marketing area. However, in cases where outside milk is disposed of in Class I uses, there is assurance that the applicable Class I price used in ascertaining the amount of any compensatory payment due on such outside milk is reduced by the transportation allowance from the originating plant to Boston. This principle would apply irrespective of the location of the originating plant.

Because the Class I zone differentials apply also to the blended price, the extension of this schedule would affect the distribution of returns to producers delivering to any plant located more than 450 miles from Boston if such a plant should come into the market. The pricing scheme set forth in the order is intended to assure an adequate but not excessive supply of milk for the fluid milk market. The supply-demand adjustment operates to reduce the price whenever the supply is excessive or to increase the price whenever supplies become short. It should be recognized that the milk is produced for a fluid market and accordingly producers should expect that the price they actually receive reflects the cost of moving such milk to the central market in fluid form. Unless this principle is preserved the most distant producers are subsidized by other producers in the market and the production pattern of the market and the effectiveness of the pricing formula itself are both adversely affected. However, all producers in the market should have assurance that, irrespective of the fact that a plant may be distant from Boston, the indefinite extension of the table of Class I differentials will not cause the Class I price for that plant to fall below the Class II price at such plant location. Likewise, the producers delivering to such a distant plant should have assurance that their blended price will also not be lower than such Class II price.

While the revised basis for zoning country plants will have some slight effect on the cost of Class II milk to handlers with country plants, and accordingly on producer returns for milk disposed of in Class II uses, no change is being made in the Class II differentials on the basis of this hearing. The Class II differentials are intended to reflect the variations in cost of moving milk to market in the form of fluid cream and nonfat dry milk powder, and accordingly are much smaller than the Class I differentials. Hence, the effect of the revised basis of zoning on handler costs or producer returns on Class II milk would be rather inconsequential. An extension of the Class II zone differential schedule beyond the 45th zone was not a consideration at this hearing.

In conjunction with the revision in the basis of zoning and the Class I zone differentials it is proposed that section 43 of the respective orders, which provides for automatic changes in the zone price differentials and other price factors, be deleted. The deletion of this provision at this time is not to be considered as a decision against the principle of automatic adjustments. The railroads have made an adjustment in tariff rates to conform with the schedule herinafter set forth. Such revision obviously should not revise the differentials herein provided. Furthermore, it is not clear at this time what impact future revisions in rail tariffs should have on the established zone differential. The matter of automatic adjustments to reflect changing transportation costs might more properly be a consideration at a later hearing.

2. *Revision of the computation of the New England adjustment percentage.* The statistical basis for arriving at the New England adjustment percentage of per capita disposable income in computing the New England basic Class I price should be revised.

The New England adjustment percentage which is used to adapt national per capita disposable income data to the New England area in the basic Class I price computation has been computed annually on the basis of State and regional figures on "per capita income payments to individual" published regularly in the August issue of the Commerce Department's Survey of Current Business. This series was discontinued by the Commerce Department with the publication of the 1953 data and in September 1955 a new series on Personal Income by States was initiated. Since the 1953 data on "per capita income payments to individual" was the latest published information by States the New England adjustment percentage computed from these data has continued to be used to adjust the national per capita income data in the basic Class I price computation. However, it is desirable that the most current data be used in order to reflect properly current New England conditions.

In announcing the new series the Commerce Department indicated that it included (1) modification of definitions in line with the personal income concept, (2) adjustment of the State series to conform statistically with the national estimates of personal income and (3) improvement of the statistical basis of the State estimates.

The new State personal income series constitute a major improvement in the data hitherto available. Had these data been available at the time of the public hearing held in January 1952, at which time the index of New England per capita disposable personal income was substituted for the department store sales index, it undoubtedly would have been used as the basis for computing the New England adjustment percentage. Comparison of data for the new series with similar data for the old series indicates that the New England area under the new series is in a somewhat more favorable position relative to the country as a whole, than under the old series. Because the New England adjustment percentage on the new basis is different from the old it is necessary, for statistical consistency, that the base of the index of New England per capita disposable income be corrected. Under the old series the base period (1951) national per capita disposable income was $1,527. Under the new series this figure is $1,534. It is concluded that the use of the new series on personal income represents a more satisfactory measure of consumer purchasing power than the new discontinued series on per capita income payments.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and orders, as amended, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable to persons in the respective classes of industrial and commercial activity, specified in a proposed marketing agreement and order upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas; and the minimum prices specified in the proposed marketing agreements and in the orders, as amended, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

Order of the Secretary directing that referenda be conducted; determination of representative periods; and designation of agent to conduct such referenda. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that referenda be conducted among producers (as defined in the orders, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas) who, during the determined representative periods were engaged in the production of milk for sale in the respective marketing areas specified in the aforesaid orders, as amended, and as hereby proposed to be further amended, to determine whether such producers favor the issuance of the respective orders, amending the orders, as amended, which are filed herewith.

In the case of Boston, the month of November 1956, and in the case of Merrimack Valley, Springfield and Worcester, the month of October 1956, is hereby determined to be the representative period for the conduct of such referenda.

Richard D. Aplin is hereby designated agent of the Secretary to conduct such referenda in accordance with the proce-

dure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Marketing agreements and orders. Annexed hereto and made a part hereof are separate marketing agreements and orders, amending the orders, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders now in effect, and as hereby proposed to be amended respectively by the attached orders which will be published with this decision.

This decision filed at Washington, D. C., this 5th day of December 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending Order, as Amended, Regulating Handling of Milk in Greater Boston, Massachusetts, Marketing Area

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. In § 904.41 (a) delete the words "Subject to § 904.43 (c)," and capitalize the word "subtract".

2. Delete § 904.42 and substitute the following:

§ 904.42 *Zone price differentials.* The prices determined pursuant to §§ 904.40, 904.41 and 904.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) Each city plant shall be in the "City Plant" zone.

(b) The zone location of each country plant shall be based upon its highway mileage distance to Boston as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Boston and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Boston, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Distance to Boston (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
Within 40	City plant	+54.0	+38.1
41 to 50	5	+19.2	+4.2
51 to 60	6	+18.0	+4.0
61 to 70	7	+16.8	+3.7
71 to 80	8	+15.6	+3.5
81 to 90	9	+14.4	+3.2
91 to 100	10	+13.2	+3.0
101 to 110	11	+12.0	+2.9
111 to 120	12	+10.8	+2.6
121 to 130	13	+9.6	+2.4
131 to 140	14	+8.4	+2.1
141 to 150	15	+7.2	+1.6
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+0.6
181 to 190	19	+2.4	+0.4
191 to 200	20	+1.2	+0.1
201 to 210	21	(1)	(1)
211 to 220	22	−1.0	−0.6
221 to 230	23	−2.0	−0.7
231 to 240	24	−3.0	−0.9
241 to 250	25	−4.0	−0.9
251 to 260	26	−5.0	−1.2
261 to 270	27	−6.0	−1.3
271 to 280	28	−7.0	−1.5
281 to 290	29	−8.0	−1.6
291 to 300	30	−9.0	−1.8
301 to 310	31	−10.0	−2.3
311 to 320	32	−11.0	−2.4
321 to 330	33	−12.0	−2.5
331 to 340	34	−13.0	−2.8
341 to 350	35	−14.0	−2.8
351 to 360	36	−15.0	−3.0
361 to 370	37	−16.0	−3.1
371 to 380	38	−17.0	−3.3
381 to 390	39	−18.0	−3.4
391 to 400	40	−19.0	−3.5
401 to 410	41	−20.0	−3.5
411 to 420	42	−21.0	−3.5
421 to 430	43	−22.0	−3.5
431 to 440	44	−23.0	−3.5
441 to 450	45	−24.0	−3.5
451 and over	46 and over	(1)	−3.5

[1] No differential.

[2] Class I and blended price differentials applicable to plants located more than 450 miles from Boston shall be obtained by extending the table at the rate of one cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

3. Delete § 904.43.

4. In § 904.47 (c) delete the words "by railway mileage distance" and substitute therefor the words "according to their zone locations".

5. Delete § 904.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 904.48 (e) and substitute the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In § 904.63 delete the words "Subject to § 904.43 (c)," and capitalize the word "subtract".

8. Delete the introductory text of § 904.64 preceding paragraph (a) and substitute therefor the following:

§ 904.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 904.61 (a) shall be subject to the differentials set forth in Column C of the table in § 904.42 and to further differentials as follows:

9. In § 904.65 (a) (2), (3), and (b) insert immediately following the word "zone" each time it appears the word "location".

Order[1] Amending Order, as Amended, Regulating Handling of Milk in Merrimack Valley, Massachusetts, Marketing Area.

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Merrimack Valley, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. § 934.25 (g), (h), and (i), delete the words "to the City Hall in Lawrence" and substitute therefor the words "to Lawrence according to their zone location".

2. In § 934.40 delete the figure "52" and substitute therefor the figure "54".

3. Delete § 934.42 and substitute the following:

§ 934.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 934.40, 934.41, and 934.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Lawrence as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Lawrence and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Lawrence, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Lawrence (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Lawrence shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

4. Delete § 934.43.

5. Delete § 934.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 934.48 (e) and substitute the following:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

been met.

each plant shall be those applicable to the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In the first sentence of § 934.64, delete the words "Class I price differentials applicable pursant to § 934.42" and substitute therefor the words "differentials set forth in Column C of the table in § 934.42,".

8. In § 934.65 (a) and (b) delete the words "location or zone" and substitute therefor the words "zone location".

9. In § 934.66 (a) delete the words "location or zone" and substitute therefor the words "zone location".

Order[1] *Amending Order, as Amended, Regulating Handling of Milk in Springfield, Massachusetts, Marketing Area*

§ 996.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. In § 996.25 (g), (h), and (i), insert immediately preceding the period the words "according to their zone locations".

2. In § 996.40 delete the figure "52" and substitute therefor the figure "54".

3. Delete § 996.42 and substitute the following:

§ 996.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 996.40, 996.41, and 996.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Springfield as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Springfield and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Springfield, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Springfield (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Springfield shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

4. Delete § 996.43.

5. Delete § 996.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 996.48 (e) and substitute the following:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In the first sentence of § 996.64, delete the words "Class I price differentials applicable pursuant to § 996.42" and substitute therefor the words "differentials set forth in Column C of the table in § 996.42,".

8. In § 996.65 (a) and (b) delete the words "location or zone" and substitute therefor the words "zone location".

9. In § 996.66 (a) delete the words "location or zone" and substitute therefor the words "zone location".

Order[1] *Amending Order, as Amended, Regulating Handling of Milk in Worcester, Massachusetts, Marketing Area*

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. In § 999.25 (g), (h), and (i), insert immediately preceding the period the words "according to their zone locations".

2. In § 999.40 delete the figure "52" and substitute therefor the figure "54".

3. Delete § 999.42 and substitute the following:

§ 999.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 999.40, 999.41, and 999.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Worcester as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Worcester and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Worcester, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Worcester (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Worcester shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

4. Delete § 999.43.

5. Delete § 999.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 999.48 (e) and substitute the following:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In the first sentence of § 999.64, delete the words "Class I price differentials applicable pursuant to § 999.42" and substitute therefor the words "differentials set forth in Column C of the table in § 999.42,".

8. In § 999.65 (a) and (b) delete the words "location or zone" and substitute therefor the words "zone location".

9. In § 999.66 (a) delete the words "location or zone" and substitute therefor the words "zone location".

[F. R. Doc. 56-10124; Filed, Dec. 10, 1956; 8:49 a. m.]

[7 CFR Ch. IX]

[Docket No. AO-290]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900); notice is hereby given of a public hearing to be held in the Windsor Room, Columbia Hotel, 1308 Wenatchee Avenue, Wenatchee, Washington, beginning at 10:00 a. m., P. s. t., January 9, 1957, with respect to a proposed marketing agreement and order regulating the handling of apricots grown in designated counties in the State of Washington. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, and to any appropriate modifications thereof.

The Apricot Advisory Committee, Washington State Fruit Commission, Yakima, Washington, submitted and requested a hearing on the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

SECTION 1. *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

SEC. 2. *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

SEC. 3. *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

SEC. 4. *Production area.* "Production area" means all of the territory included within the Counties of Okanogan, Chelan, Douglas, Grant, Yakima, Benton, and Klickitat within the State of Washington.

SEC. 5. *Apricots.* "Apricots" means all varieties of apricots, grown in the production area, classified botanically as Prunus armeniaca.

SEC. 6. *Varieties.* "Varieties" means and includes all classifications or subdivisions of Prunus armeniaca according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

SEC. 7. *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the twelve-month period ending on March 31 of each year or such other date that may be approved by the Secretary pursuant to recommendations by the committee.

SEC. 8. *Committee.* "Committee" means the Washington Apricot Marketing Committee established pursuant to § 20.

SEC. 9. *Grade and size.* "Grade" means any one of the officially established grades of apricots, and "size" means any one of the officially established sizes of apricots, as defined and set forth in:

(a) United States Standards for Apricots issued by the United States Department of Agriculture, effective May 25, 1928, or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for apricots issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

SEC. 10. *Grower.* "Grower" is synonymous with producer and means any person who produces apricots for market and who has a proprietary interest therein.

SEC. 11. *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting apricots owned by another person) who handles apricots or causes apricots to be handled.

SEC. 12. *Handle.* "Handle" and "Ship" are synonymous and mean to sell, consign, deliver, or transport apricots between the production area and any point outside thereof.

SEC. 13. *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to section 31 (m):

(a) "District 1" shall include the counties of Chelan, Okanogan, Douglas, and Grant.

(b) "District 2" shall include the counties of Yakima, Benton, and Klickitat.

SEC. 14. *Export.* "Export" means any shipment of apricots beyond the continental boundaries of the United States.

SEC. 15. *Pack.* "Pack" means a unit of apricots in any type of container and which falls within specific size, weight, or count limits or within specific grade limits, or both.

SEC. 16. *Container.* "Container" means a box, bag, crate, lug, basket, carton, package, or any other type of unit used in the packaging or handling of apricots.

ADMINISTRATIVE BODY

SEC. 20. *Establishment and membership.* (a) There is hereby established a Washington Apricot Marketing Committee consisting of twelve members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Eight of the members and their respective alternates shall be growers. Four of the grower members and their respective alternates shall be producers of apricots in District No. 1 and four of the grower members and their respective alternates shall be producers of apricots in District No. 2. Four of the members and their respective alternates shall be handlers, or employees of handlers. Two of the handler members and their respective alternates shall be handlers of apricots in District No. 1 and two of the handler members with their respective alternates shall be handlers of apricots in District No. 2.

(b) The eight members of the committee who shall be growers are hereinafter referred to as "grower" members of the committee; and the four members of the committee who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee. A grower who handles apricots other than his own production shall not qualify as a grower under this section, or sections 22 and 23, if the apricots of his own production constituted less than 51 percent of the total apricots handled by such person during the previous season.

SEC. 21 *Term of office.* The term of office of each member and alternate member of the committee shall be for 2 years beginning April 1 and ending March 31. Members and alternate members shall serve in such capacities

for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and qualified. The terms of office of such members and alternates shall be so determined that one-half of the total committee membership shall terminate each March 31.

SEC. 22. *Nomination.*—(a) *Initial members.* Nominations for each of the eight grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified, in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in section 23.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 15 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers who are present at such nomination meetings shall participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces apricots. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by duly authorized agents, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles apricots. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

SEC. 23. *Selection.* The Secretary shall select members and alternates on the following basis (unless otherwise apportioned pursuant to section 31 (m):

(a) 4 grower members and 2 handler members with their respective alternates, from District No. 1;

(b) 4 grower members and 2 handler members with their respective alternates, from District No. 2.

SEC. 24. *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in section 22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in section 23.

SEC. 25. *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

SEC. 26. *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in sections 22 and 23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in section 23.

SEC. 27. *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member may designate any other alternate from the same district and group (handler or grower) to serve in his place and stead.

SEC. 30. *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this marketing agreement and order in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this marketing agreement and order;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this marketing agreement and order; and

(d) To recommend to the Secretary amendments to this marketing agreement and order.

SEC. 31. *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation at to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to apricots;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this marketing agreement and order;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in apricot production within the districts and the production area.

SEC. 32. *Procedure.* (a) Eight members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require the concurring vote of at least two-thirds of those present.

(b) The Committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

SEC. 33. *Expenses and compensation.* The members of the committee, and their alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this marketing agreement and order and may also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties: *Provided,* That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the

requested a hearing on the proposed

onymous with shipper and means any person (except a common or contract

March 31. Members and alternate members shall serve in such capacities

following basis (unless otherwise apportioned pursuant to section 31 (m):

other officers as may be necessary, and to define the duties of such officers;

at any or all meetings, notwithstanding the expected or actual presence of the

respective members, and may pay expenses and compensation as aforesaid.

SEC. 34. *Annual report.* The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the apricot industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

SEC. 40. *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this marketing agreement and order during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in section 41.

SEC. 41. *Assessments.* (a) Each person who first handles apricots shall, with respect to the apricots so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of apricots handled by him as the first handler thereof during the applicable fiscal period and the total quantity of apricots so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this marketing agreement and order throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all apricots handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this marketing agreement and order during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

SEC. 42. *Refunds.* (a) If, at the end of a fiscal period, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal period. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any such handler's refund may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided*, That upon termination of this marketing agreement and order any money in the reserve for liquidation, or any money collected from assessments and remaining unexpended, which is not required to defray the necessary expenses of committee liquidation shall be distributed in such manner as the Secretary may direct.

SEC. 43. *Accounting.* All funds received by the committee pursuant to the provisions of this marketing agreement and order shall be used solely for the purposes specified in this marketing agreement and order, and shall be accounted for in the manner provided in this marketing agreement and order. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

SEC. 45. *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of apricots. The expense of such projects shall be paid from funds collected pursuant to section 41.

REGULATIONS

SEC. 50. *Marketing policy.* Each season prior to making any recommendations pursuant to section 51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(a) The estimated total production of apricots within the production area;

(b) The expected general quality and size of apricots in the production area and in other areas;

(c) The expected demand conditions for apricots in different market outlets;

(d) The expected shipments of apricots produced in the production area and in areas outside the production area;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of apricots; and

(h) The type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for apricots, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

SEC. 51. *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of apricots in the manner provided in section 52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for apricots during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

SEC. 52. *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of apricots whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of particular grades, sizes, qualities, maturities, packs, or containers, or any combination thereof, of any variety or varieties of apricots grown in any portion or portions of the production area;

(2) Limit the shipment of apricots by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of apricots, or both.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

SEC. 53. *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to section 52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or

terminated with respect to any or all shipments of apricots in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

SEC. 54. *Special purpose shipments.* (a) Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to sections 41, 52, 55, or any combination thereof, in order to facilitate shipments of apricots for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(1) For export;

(2) For consumption by charitable institutions;

(3) For distribution by relief agencies;

(4) For commercial processing into products;

(5) For shipments below certain minimum quantities;

(6) For such other specified purposes or types of shipments as the committee, with the approval of the Secretary, may prescribe.

(b) The committee shall, with the approval of the Secretary prescribe such rules, regulations, and safeguards as it may deem necessary to prevent apricots handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section.

(c) Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle apricots pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the apricots will not be used for any purpose not authorized by this section. The committee may rescind or deny any authority to make such shipments which have been issued to any shipper if proof is obtained that apricots shipped by him for the purposes stated in this section were handled contrary to the provisions of this marketing agreement and order.

SEC. 55. *Inspection and certification.* (a) Whenever the handling of any variety of apricots is regulated pursuant to section 52, each handler who handles apricots shall, prior thereto, cause each lot of apricots handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation;

(b) Regrading, resorting, or repacking any lot of apricots shall invalidate any prior inspection certificates covering such apricots insofar as the requirements of this section are concerned. During any period in which shipments of apricots are regulated, as aforesaid, no handler shall handle apricots after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such apricots are inspected and covered by an inspection certificate as required in paragraph (a) of this section;

(c) Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

REPORTS

SEC. 60. *Reports.* (a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such information as may be necessary to enable the committee to perform its duties under this part.

(b) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this marketing agreement and order and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

SEC. 61. *Compliance.* Except as provided in this part, no person shall handle apricots, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle apricots except in conformity with the said provisions and the regulations issued thereunder.

SEC. 62. *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

SEC. 63. *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature hereto, and shall continue in force until terminated in one of the ways specified in section 64.

SEC. 64. *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of apricots for market: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of apricots produced for market in the production area; but such termination shall be effective only if announced on or before March 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

SEC. 65. *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subejct to the same obligation imposed upon the committee and upon the trustees.

SEC. 66. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation of this part or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

SEC. 67. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person hereunder shall

fiscal period. Any handler may demand payment of such a refund, and the re-

(h) The type of regulations expected to be recommended during the season.

tion submitted by the committee or from other available information, that a regulation should be modified, suspended, or

regulated, as aforesaid, no handler shall handle apricots after they have been re-

provisions of this part by giving at least one day's notice by means of a press

benefits, privileges, and immunities conferred upon any person hereunder shall

cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

SEC. 68. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

SEC. 69. *Derogation.* Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 70. *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

SEC. 71. *Separability.* If any provision of this part is declared invalid or the applicability of this part to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability of this part to any other person, circumstance, or thing shall not be affected thereby.

SEC. 72. *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

SEC. 73. *Additional parties.* After the effective date of this part, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

SEC. 74. *Order with marketing agreement.* Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of apricots in the same manner as is provided for in this agreement.***

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 S. W. Washington Street, Portland 5, Oregon.

Done at Washington, D. C., this 6th day of December 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 56-10119; Filed, Dec. 10, 1956; 8:48 a. m.]

Commodity Stabilization Service

[7 CFR Part 728]

WHEAT

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS AND COUNTY NORMAL YIELDS FOR THE 1958 CROP OF WHEAT

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1332, 1333, 1334, 1335), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1958 crop of wheat, to determine and proclaim the national acreage allotment for the 1958 crop of wheat, to apportion among States and counties the national acreage allotment for the 1958 crop of wheat, and to formulate regulations for establishing farm acreage allotments and county normal yields for the 1958 crop of wheat.

Section 335 of the act provides that whenever in the calendar year 1957 the Secretary determines (1) that the total supply of wheat for the 1957–58 marketing year will exceed the normal supply for such marketing year by more than 20 per centum, or (2) that the total supply of wheat for the 1956–57 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year does not exceed 66 per centum of parity, the Secretary shall, not later than May 15, 1957, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1958–59 marketing year.

Section 336 of the act provides that between the date of issuance of any proclamation of any national marketing quota for wheat and July 25, the Secretary shall conduct a referendum by secret ballot, of farmers subject to the quota specified therein to determine whether such farmers favor or oppose such quota.

Section 333 of the act provides that the national acreage allotment shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof; but such allotment for any year shall not be less than 55 million acres. Section 332 of the act requires that the Secretary, not later than May 15, 1957, shall ascertain and proclaim the national acreage allotment for the 1958 crop of wheat.

As defined in section 301 of the act, for the purpose of these determinations, "total supply" for any marketing year is the carryover of wheat for such marketing year, plus the estimated production of wheat in the United States during the calendar year in which such marketing year begins and the estimated imports of wheat into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of wheat for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of wheat for the marketing year for which normal supply is being determined, plus 20 per centum of such consumption and exports, with such adjustments for current trends in consumption and for unusual conditions as deemed necessary; "normal year's domestic consumption" of wheat is the yearly average quantity of wheat that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption; "normal year's exports" of wheat is the yearly average quantity of wheat produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports; "marketing year" for wheat is the period July 1–June 30; and "national average yield" of wheat is the national average yield of wheat for the ten calendar years preceding the year in which such national average yield is used, adjusted for abnormal weather conditions and for trends in yields.

Section 334 (a) of the act requires that the national acreage allotment of wheat for the 1958 crop, less a reserve of not to exceed one per centum thereof, be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1947–1956 (plus, in applicable years, the acreage diverted under agricultural adjustment, conservation, and soil bank programs), with adjustments for abnormal weather conditions and trends in acreage during such period. Section 334 (b) of the act requires that the State acreage allotment of wheat for the 1958 crop, less a reserve of not to exceed 3 per centum thereof, be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1947–1956 (plus, in applicable years, the acreage diverted under agricultural adjustment, conservation, and soil bank programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices.

Section 335 (e) of the act provides that if for any marketing year, the acreage allotment for wheat for any State is twenty-five thousand acres or less, the Secretary in order to promote efficient administration of the act and the Agricultural Act of 1949 may designate such State as outside the commercial wheat-producing area for such marketing year. The acreage allotment for any other State shall not be increased by reason of such designation.

Section 106 (a) of Public Law 540, 84th Congress, provides that in the future establishment of State, county, and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended, or base acreages under this title, reserve acreages applicable to any commodity shall be credited to the State, county, and farm as though such acreage had actually been devoted to the production of the commodity. Section 106 (b) of Public Law 540 provides that in applying the provisions of paragraph (6) of Public Law 74, 77th Congress, relating to reduction of the storage amounts of wheat, the reserve acreage of the commodity on any farm shall be regarded as wheat acreage.

Section 334 (c) of the act requires that the allotment to the county may be apportioned among the farms within the county on the basis of past acreage of wheat, tillable acres, crop-rotation practices, type of soil, and topography, and provides that not more than 3 per centum of the State allotment be apportioned to farms on which wheat has not been planted for harvest during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

Section 125 of Public Law 540, 84th Congress, provides that the President shall, with respect to farmlands now or hereafter owned by the Federal Government, restrict insofar as practicable the leasing of such lands for the production of price supported crops in surplus supply, but that nothing contained in this section shall prevent the production of such crops on a national wildlife refuge under cooperative permits where such production is necessary to maintain satisfactory wildlife populations, especially of waterfowl for beneficial use.

Section 377 of the act provides that in any case in which, during any year within the period 1956 to 1959, inclusive, for which acreage planted to such commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to such commodity in such year, but only if the owner or operator of such farm notifies the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment. This section shall not be applicable in any case in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Nothing herein shall be construed to permit the allotment to any other farm of the acreage with respect to which notice is given under this section.

Section 334 (g) of the act, as added by section 2 of Public Law 1021, 84th Congress, provides that if the county committee determines that any farmer is prevented from seeding wheat for harvest as grain in his usual planting season because of unfavorable weather conditions and the operator of the farm notifies the county ASC committee not later than December 1, in any area where only winter wheat is grown or June 1, in the spring wheat area that he does not intend to seed his full wheat allotment because of the unfavorable weather conditions, the entire wheat allotment for such year shall be regarded as wheat acreage for the purpose of establishing future State, county, and farm acreage allotments, but that the provision shall not be applicable in any case in which the amount of wheat of a prior crop required to be stored to avoid or postpone payment of penalty has been reduced because the allotment was not fully planted or because of producing less than the normal production of the farm wheat acreage allotment.

Section 301 (b) (13) of the act provides for the determination of county normal yields of wheat by taking the average yields per acre of wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Provision is also made that if for any year during such 10-year period the data are not available, or there is no actual yield, an appraised yield for such year shall be determined in accordance with regulations issued by the Secretary of Agriculture, and that such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the 10 years upon which the existing normal yield per acre for the county was based.

It is proposed that in connection with apportionment of the national wheat acreage allotment among States a reserve of not to exceed five tenths of one per centum of the national acreage allotment be first deducted therefrom for making additional acreage allotments to counties on the basis of their relative needs for additional allotment because of reclamation or other new areas coming into the production of wheat during the preceding ten calendar years as authorized by section 334 (a) of the act.

It is proposed that in connection with the apportionment of the State acreage allotments among counties the State Agricultural Stabilization and Conservation Committee for each State shall determine the percentage of the State acreage allotment, not in excess of three per centum, which shall be reserved for apportionment to farms in the State on which wheat will be produced for 1958 for the first time since 1954.

It is proposed that the regulations for establishing farm acreage allotments for the 1958 crop of wheat shall be substantially the same as those for the 1957 crop of wheat (21 F. R. 1895) with the following exceptions:

1. The historical acreage for any farm shall be determined on the basis of the average wheat acreage on the farm for the four years 1953 through 1956, including acreage diverted under the 1954, 1955, and 1956 wheat allotment programs, and the wheat acreage placed in the acreage reserve under the 1956 soil bank program.

2. Where the base acreage for the farm determined under the regulations for the 1957 crop of wheat would be substantially the same as that under the proposed regulations, the 1957 base acreage may be used for 1958; and in cases where the base acreage for the farm determined under the regulations for 1956 (20 F. R. 1632) rather than the 1957 base acreage is representative for 1958 because of the established crop rotation system for the farm and such 1956 base acreage would be substantially the same as that under the proposed regulations, the 1956 base acreage may be used for 1958.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, including the determination and allocation of reserves for the 1958 crop of wheat, the date of the referendum, and the formulation of regulations for the establishment of farm acreage allotments and county normal yields for the 1958 crop of wheat, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 5th days of December 1956.

[SEAL] CLARENCE L. MILLER,
Acting Administrator.

[F. R. Doc. 56-10112; Filed, Dec. 10, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

AIRCRAFT POSITION LIGHTS

The proposed regulation § 514.41 establishes minimum performance standards for aircraft position lights which are to be used in civil aircraft of the United States.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

United States Department of Agriculture, 1218 S. W. Washington Street, Portland 5, Oregon.

exports plus 30 per centum thereof; but such allotment for any year shall not be less than 55 million acres. Section 332

Section 335 (e) of the act provides that if for any marketing year, the acreage allotment for wheat for any State

to which notice is given under this section.

the 1958 crop of wheat shall be substantially the same as those for the 1957 crop

publication of this notice in the FEDERAL REGISTER.

Section 514.41 is added under Subpart B of this part to read as follows:

§ 514.41 *Aircraft position lights—TSO–C30b*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for position lights which are to be used in civil aircraft of the United States.[1] New models of position lights manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in SAE Specification AS271, "Aircraft Position Lights," dated October 15, 1952,[2] with the exception listed in subparagraph (2) of this paragraph. Position lights approved by the CAA prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* For the purpose of this section only the standards set forth in subsection 3.3 and section 4 (except subsection 4.3.2.3 and 4.7) need be complied with.

(b) *Marking.* In lieu of the marking requirement of paragraph (c) of § 514.3, the minimum lamp candle power or lamp part number shall be shown.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–10098; Filed, Dec. 10, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

VFR MINIMUMS WITHIN CONTROL ZONES FOR FLIGHTS ISSUED TRAFFIC CLEARANCE, AND SPEED CONTROL AND COMMUNICATION RULES FOR CERTAIN HIGH DENSITY AIRPORTS

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING AND NOTICE OF ORAL ARGUMENT

By notice dated March 15, 1956 (Civil Air Regulations Draft Release No. 56–7) published in the FEDERAL REGISTER on March 21, 1956 (21 F. R. 1748), and notice dated August 15, 1956 (Civil Air Regulations Draft Release No. 56–22) published in the FEDERAL REGISTER on August 22, 1956 (21 F. R. 6302), the Board gave notice through the Director of its Bureau of Safety Regulation that it has under consideration proposed amendments of several parts of the Civil Air Regulations with respect to "VFR Minimums Within Control Zones for Flights Issued Traffic Clearance" and "Speed Control and Communication Rules for Certain High Density Airports." Reference is made to said notices for a full explanation of the purpose and background of the proposed rules. Copies of Draft Releases Nos. 56–7 and 56–22 may be obtained from the Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C.

The Board having received a request which appears to warrant it, notice is hereby given that oral argument will be heard before the Civil Aeronautics Board on December 17, 1956, at 10:00 a. m. in Room 5042, Department of Commerce Building, Washington, D. C., at which interested persons may be heard with respect to the proposed rules. Those desiring to be heard are requested to inform Mr. Oscar Bakke, Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C., at least 5 days in advance of the hearing.

Such oral presentation may be in explanation of, in addition to, or in lieu of written comment submitted pursuant to the previous notices (Draft Releases Nos. 56–7 and 56–22).

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., December 6, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–10099; Filed, Dec. 10, 1956; 8:50 a. m.]

[1] The number and types of position lights for each aircraft category are established in Civil Air Regulations Parts 3, 4b, 6, and 7. In general, air-carrier aircraft use all five types listed in AS271, section 2, while other aircraft are equipped with types I, II, and III only.

[2] Copies may be obtained from the Society of Automotive Engineers, 29 West 39th Street, New York, N. Y.

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[EV 363.2]

IMPORTED CARPETING

MARKING OF COUNTRY OF ORIGIN

DECEMBER 6, 1956.

Treasury Decision 54191 (1) published on September 20, 1956, in volume 91 No. 38 of the weekly Treasury Decisions to become effective at the expiration of 90 days made certain changes in the marking required on imported carpeting pursuant to section 304, Tariff Act of 1930, as amended (19 U. S. C. 1304).

The effective date of Treasury Decision 54191 (1) is hereby suspended until further notice.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 56–10116; Filed, Dec. 10, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH IRISH POTATOES

NOTICE OF DIVERSION PAYMENT PROGRAM XMD 38

In order to encourage the further utilization of fresh Irish potatoes by diverting them from the normal channels of trade and commerce into the manufacture of potato starch and potato flour, in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a diversion payment program was made effective on October 1, 1956, and will continue as needed to and including June 30, 1957, in areas where potato surpluses have created serious marketing problems, where starch and flour manufacturing facilities are available, and where a marketing plan approved by the Department of Agriculture has been established to assist in effectuating the purpose of the program. Payments will be made to processors who participate in the program under contracts with the Department of Agriculture, for potatoes of the specified minimum grade and size diverted into the manufacture of starch and flour. The rate of diversion payment per 100 pounds of potatoes meeting the requirements of Diversion Specification A, which are diverted as prescribed, will be 50 cents for potatoes diverted during the months of October, November, and December, 1956; 40 cents during the months of January, February, and March, 1957; and 30 cents during the months of April, May, and June, 1957. Information relative to this diversion program may be obtained from: Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 6th day of December 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–10122; Filed, Dec. 10, 1956; 8:48 a. m.]

Office of the Secretary

FLORIDA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Florida a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Florida: Indian River, Martin, Okeechobee, St. Lucie.

Pursuant to the authority set forth above, production emergency loans will

not be made in the above-named counties after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 6th days of December 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–10118; Filed, Dec. 10, 1956; 8:48 a. m.]

WATERSHED PROTECTION AND FLOOD PREVENTION LOANS

TRANSFER OF FUNCTIONS TO FARMERS HOME ADMINISTRATION

Pursuant to authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, section 1400 of the Acting Secretary's Order of December 24, 1953 (19 F. R. 74) is further amended so as to assign to the Farmers Home Administration the functions of making loans or advancements vested in the Secretary of Agriculture by the Watershed Protection and Flood Prevention Act (16 U. S. C. 1006a). This amendment will be accomplished by adding paragraph s to read as follows:

SEC. 1400. *Assignment of functions.* * * *

s. The making of loans or advancements under section 8 of the Watershed Protection and Flood Prevention Act (16 U. S. C. 1006a).

Done at Washington, D. C., this 5th day of December, 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–10114; Filed, Dec. 10, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES, NORWAY/NORTH ATLANTIC CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 5300–3, between the member lines of the Norway/North Atlantic Conference, modifies the basic agreement of that conference (No. 5300) to include within the scope thereof the establishment and maintenance of through rates on cargo moving from Norwegian ports to inland points in the United States via North Atlantic ports during the navigation season on the Great Lakes. Agreement No. 5300, as amended, presently covers the trade from Norwegian ports to North Atlantic ports of the United States.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 6, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–10125; Filed, Dec. 10, 1956; 8:49 a. m.]

ALCOA STEAMSHIP CO. AND THREE BAYS LINE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8174, between Alcoa Steamship Company, Inc., and Three Bays Line, covers the transportation of general cargo under through bills of lading from Atlantic and Gulf ports of the United States to ports in the Leeward and Windward Islands, with transshipment at San Juan, Puerto Rico.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 6, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–10126; Filed, Dec. 10, 1956; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

Patent Compensation Board

[Docket No. 24]

BASIC SCIENCE FOUNDATION, INC.

NOTICE OF APPLICATION

Notice is hereby given that Basic Science Foundation, Inc., a non-profit corporation organized and existing under the Membership Corporation Law of the State of New York, has filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for just compensation and/or an equitable award under sections 151a, 151b, 151c, 157b (3), and 173 of the Atomic Energy Act of 1954 and Section 183 of 35 U. S. C. for alleged use by the Government of processes disclosed and claimed in U. S. Patent Application S. N. 316,892.

The application of Basic Science Foundation, Inc. is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

MARGARET H. MELIN,
Acting Clerk, Patent Compensation Board.

DECEMBER 4, 1956.

[F. R. Doc. 56–10110; Filed, Dec. 10, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6714]

IDAHO POWER CO.

NOTICE OF APPLICATION

DECEMBER 3, 1956.

Take notice that on November 28, 1956, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Idaho Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Idaho, Oregon, and Nevada, with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of $20,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1986. Applicant proposes to issued said Bonds under competitive bidding. The purpose for which said Bonds are to be issued in part is to discharge short-term note obligations of Applicant and to finance construction.

Any person desiring to be heard or make any protest with reference to said application should on or before the 18th day of December 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.7, 1.8, or 1.10). The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–10100; Filed, Dec. 10, 1956; 8:46 a. m.]

[Docket No. G–3895 etc.]

GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 3, 1956.

In the matters of General American Oil Company of Texas, Docket No. G–3895; Crescent Corporation[1], Docket No. G–6126; Crescent Corporation, Docket No. G–9297.

Take notice that General American Oil Company of Texas (General American), a Delaware corporation with principal place of business in the Meadows Building, Dallas, Texas, filed an amended ap-

*Copies may be obtained from the Society of Automotive Engineers, 29 West 39th Street, New York, N. Y.

to assist in effectuating the purpose of the program. Payments will be made to processors who participate in the pro-

Pursuant to the authority set forth above, production emergency loans will

the Regulation Office, Federal Maritime Board, Washington, D. C., and may sub-

claimed in U. S. Patent Application S. N. 316,892.

plication on November 14, 1955, in Docket No. G–3895 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (act), authorizing General American to sell natural gas, as hereinafter tabulated, in interstate commerce from production of certain units, leases or acreage located as shown to the purchasers indicated for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection. General American substituted said amended application for: (1) Its original application for a certificate of public convenience and necessity filed in Docket No. G–3895 on October 1, 1954, and (2) its first amendment of the original application filed in Docket No. G–3895 on May 27, 1955.

Crescent Corporation[1] (Crescent), a Delaware corporation with principal place of business at P. O. Box 412, Tulsa 1, Oklahoma, filed an application on November 26, 1954, in Docket No. G–6126 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Crescent to sell natural gas, as hereinafter tabulated, in interstate commerce from production of certain units, leases or acreage located as shown to the purchasers indicated for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Thereafter, Crescent filed an application on September 2, 1955, in Docket No. G–9297 for permission to abandon, as hereinafter tabulated, the sales and service being rendered as described in Docket No. G–6126, pursuant to section 7 (b) of the act.

Crescent sold its interest in the properties listed in the certificate application in Docket No. G–6126 to General American on July 1, 1954. General American's amended certificate application in Docket No. G–3895 covers all the sales from the properties acquired from Crescent for which a certificate of public convenience and necessity is required.

Docket No.; Applicant; Authorization Sought; Source of Gas; and Purchaser

G–3895, as amended, 11–14–55;[2] General American; initial certificate; Perkins Field, Calcasieu Parish, Louisiana; United Gas Pipe Line Company.

G–3895; General American; initial certificate; R. L. Bond No. 2, R. P. Bond No. 2, Smith, L. L. Sherman No. 1, J. R. Sherman No. 1, L. T. Waller No. 1, Hutson-Sales No. 1, Camp No. 1, Cadenhead No. 1, Crump No. 1, Morgan No. 1, Mitchiner No. 1, Knox No. 1, T. G. Knox No. 1, and Williamson-Lewis No. 1 Units, Haynesville Field, Claiborne Paris, Louisiana; Arkansas Louisiana Gas Company.

G–3895; General American; initial certificate; Delaney No. 1, Burnham No. 1, Tinsley No. 2 and Meadors No. 1 Units, Haynesville Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

G–3895; General American; initial certificate; H. B. Lewis Unit No. 1, Haynesville Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

G–3895; General American; initial certificate; R. H. Curry No. 1, Well, Haynesville Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

G–3895; General American; initial certificate; Panhandle Field, Wheeler County, Texas; Lone Star Gas Company.

G–3895; General American; initial certificate; Nona Mills Field (Kountze Area), Hardin County, Texas; Trunkline Gas Company.

G–3895; General American; initial certificate; Cotton Valley Unit, Webster Parish, Louisiana; United Gas Pipe Line Company and Louisiana Nevada Transit Company.

G–3895; General American; initial certificate; Barnhill Lease, Panhandle Field, Hutchinson County, Texas; Shamrock Oil & Gas Corporation.

G–6126; Crescent; initial certificate; Katie Field, Garvin County, Oklahoma; Lone Star Gas Company.

G–9297; Crescent; abandonment; Katie Field, Garvin County, Oklahoma; Lone Star Gas Company.

G–3895; General American; acquisition; Katie Field, Garvin County, Oklahoma; Lone Star Gas Company.

G–6126; Crescent; initial certificate; Arneckeville Field, DeWitt County, Texas; Texas Eastern Transmission Corporation.

G–9297; Crescent; abandonment; Arneckeville Field, DeWitt County, Texas; Texas Eastern Transmission Corporation.

G–3895; General American; acquisition; Arneckeville Field, DeWitt County, Texas; Texas Eastern Transmission Corporation.

G–6126; Crescent; initial certificate; Light Field, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

G–9297; Crescent; abandonment; Light Field, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

G–3895; General American; acquisition; Light Field, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

G–6126; Crescent; initial certificate; Hugoton Field, Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

G–9297; Crescent; abandonment; Hugoton Field, Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

G–3895; General American; acquisition; Hugoton Field, Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

G–6126; Crescent; initial certificate; Poca District, Putnam County, West Virginia; Godfrey L. Cabot, Inc.

G–9297; Crescent; abandonment; Poca District, Putnam County, West Virginia; Godfrey L. Cabot, Inc.

G–3895; General American; acquisition; Poca District, Putnam County, West Virginia; Godfrey L. Cabot, Inc.

G–6126; Crescent; initial certificate; West Edmond Pool, Oklahoma County, Oklahoma; Cities Service Gas Company.

G–9297; Crescent; abandonment; West Edmond Pool, Oklahoma County, Oklahoma; Cities Service Gas Company.

G–3895; General American; acquisition; West Edmond Pool, Oklahoma County, Oklahoma; Cities Service Gas Company.

G–6126; Crescent; initial certificate; Wasson Pool, Gaines and Yoakum Counties, Texas; Shell Oil Company and Coltexo Corporation.

G–9297; Crescent; abandonment; Wasson Pool, Gaines and Yoakum Counties, Texas; Shell Oil Company and Coltexo Corporation.

G–6126; Crescent; initial certificate; Southwest Antioch Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G–9297; Crescent; abandonment; Southwest Antioch Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G–6126; Crescent; initial certificate; Northeast Elmore Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G–9297; Crescent; abandonment; Northeast Elmore Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G–6126; Crescent; initial certificate; Golden Trend Hart Zone, Garvin County, Oklahoma; Warren Petroleum Corporation.

G–9297; Crescent; abandonment; Golden Trend Hart Zone, Garvin County, Oklahoma; Warren Petroleum Corporation.

G–6126; Crescent; initial certificate; Northeast Purdy Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G–9297; Crescent; abandonment; Northeast Purdy Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 3, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56–10101; Filed, Dec. 10, 1956; 8:46 a. m.]

[1] Formerly Deep Rock Oil Corporation.

[2] All references to General American's application in Docket No. G–3895 relate to the application as amended on November 14, 1955.

OFFICE OF DEFENSE MOBILIZATION

C. LEIGH STEVENS

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. C. Leigh Stevens, Owner, Savannah River Lumber Corporation, Savannah, Georgia, as an Advisor, in the Special Assistants Area in the Office of Defense Mobilization. Mr. Stevens' statement of his business interests is set forth below.

Dated: November 26, 1956.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Savannah River Lumber Corporation.
Muskegon Boiler Works.

Dated: November 26, 1956.

C. LEIGH STEVENS.

[F. R. Doc. 56–10115; Filed, Dec. 10, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3501]

PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSAL TO ENTER INTO GAS PURCHASE CONTRACT WITH NON-AFFILIATE

DECEMBER 5, 1956.

Public Service Company of Oklahoma ("Public Service"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, having filed, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), a declaration, and amendments thereto, regarding a proposal to enter into an amended gas fuel purchase contract with Transok Pipe Line Company, a non-affiliated intrastate natural gas pipe line company; and

Due notice (Holding Company Act Release No. 13291 (October 23, 1956) of the filing of the declaration having been given in the manner prescribed by Rule U-23 of the rules and regulations promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

The Commission having this day made and filed its Memorandum Opinion finding it appropriate, for the reasons therein stated, to permit the declaration, as amended, to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and it hereby is, permitted to become effective, forthwith, subject to the terms and conditions specified in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–10103; Filed, Dec. 10, 1956; 8:46 a. m.]

[File No. 70–3531]

NEW ENGLAND ELECTRIC SYSTEM

ORDER REGARDING ACQUISITION BY REGISTERED HOLDING COMPANY OF LIMITED AMOUNTS OF COMMON STOCKS OF CERTAIN SUBSIDIARIES

DECEMBER 5, 1956.

New England Electric System ("NEES"), a registered holding company, has filed an application pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

NEES proposes to expend not to exceed $300,000 in the purchase of shares of common stock of three of its subsidiaries: Haverhill Electric Company ("Haverhill"), Lawrence Electric Company ("Lawrence") and The Lowell Electric Light Corporation ("Lowell"). These companies have outstanding 145,629 shares, 281,963 shares and 167,456 shares of common stock, respectively, of which NEES owns, at the present time, 99,564 shares (68.368 percent), 255,033 shares (90.438 percent) and 99,504 shares (59.421 percent), respectively.

The proposed acquisitions are to be accomplished by purchases through brokers in the over-the-counter market or pursuant to unsolicited offers to sell, at prices not in excess of the asked prices on the over-the-counter market on the day of purchase. The filing states that the high and low, bid and asked prices, from January 1, 1956 through October 31, 1956, for shares of these companies, as reported in the Boston Herald (a morning newspaper of general circulation) were as follows:

	Bid		Asked	
	High	Low	High	Low
Haverhill	40¾	36½	44⅝	40⅜
Lawrence	29¾	28¾	32½	31¼
Lowell	58¾	52¼	62½	56½

No purchases are to be made from officers, directors, employees, or members of their families, of NEES or of any of its subsidiaries. NEES proposes to report to this Commission at weekly intervals all purchases made.

It is proposed by NEES that these acquisitions be made during a thirty day period commencing on the day of the order of this Commission in this proceeding and during such extension or extensions of time as NEES may request. The filing provides that prior to making any extensions NEES will file an amendment to the instant filing setting forth the period of the proposed extension, the filing requesting that such an amendment be deemed effective to extend the period as therein proposed unless within five days this Commission notifies NEES to the contrary.

The subsidiaries of NEES embraced in the instant filing together with Amesbury Electric Light Company ("Amesbury") and Essex County Electric Light Company ("Essex"), two additional subsidiaries of NEES, are contemplating a merger. On the basis of the exchange ratios now being considered in connection with this merger, NEES would own somewhat less than 80 percent of the voting securities of the resulting company. NEES desires to consummate the proposed acquisitions of stock of Haverhill, Lawrence, and Lowell so that, based on the contemplated exchange ratios, NEES will own over 80 percent of the voting securities of the merged company and will thereby be able to extend to this resulting company certain tax benefits through inclusion of its income and expenses in the consolidated Federal income tax return of NEES and its subsidiaries.

The application states that no fees or commissions are to be paid in connection with the proposed acquisitions other than the usual and customary brokerage commissions. Incidental services in connection with the proposed transactions are to be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated at not to exceed $900.

The application further states that no State commission or Federal commission other than this Commission has jurisdiction over the proposed transactions.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–10102; Filed, Dec. 10, 1956; 8:46 a. m.]

[File No. 1–3827]

GREAT SWEET GRASS OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

DECEMBER 4, 1956.

I. The $.100 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8–K and Form 10–K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to

believe that the registrant's current report on Form 8–K for the month of December, 1955, and amendments thereto, and that registrant's annual report on Form 10–K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8–K for the month of August, 1955, was false and misleading in certain respects set forth in said order, and that the Form 8–K report for the month of December, 1955, and the Form 10–K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On November 23, 1956 the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from November 25, 1956 to December 4, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from December 5, 1956 to December 14, 1956, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10104; Filed, Dec. 10, 1956; 8:46 a. m.]

[File No. 1–3679]

KROY OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

I. The 20 cents par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Captial Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May, 1956, on Form 8–K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On November 23, 1956, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from November 25, 1956 to December 4, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from December 5, 1956, to December 14, 1956, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10105; Filed, Dec. 10, 1956; 8:46 a. m.]

[File No. 7–1837]

BESTWALL GYPSUM CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 4, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for Unlisted Trading Privileges in Bestwall Gypsum Company, Common Stock; File No. 7–1837.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 20, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person

making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the aplication and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10106; Filed, Dec. 10, 1956; 8:46 a. m.]

[File No. 7–1836]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 4, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for Unlisted Trading Privileges in El Paso Natural Gas Company, Common Stock; File No. 7–1836.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and San Francisco Stock Exchange.

Upon receipt of a request, on or before December 20, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10107; Filed, Dec. 10, 1956; 8:46 a. m.]

[File No. 70–3528]

DELAWARE POWER & LIGHT CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF NEW PREFERRED STOCK

DECEMBER 4, 1956.

Delaware Power & Light Company ("Company"), a registered holding company and a public-utility company, has filed a declaration and amendments thereo pursuant to section 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the following proposed transaction:

The Company proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 80,000 shares of its __ percent Preferred Stock, Cumulative, par value $100 per share (New Preferred Stock"). The rights and preferences of the New Preferred Stock will be substantially identical with those of the five series presently outstanding except with respect to the dividend rate and redemption prices thereof. The invitation for bids will specify that the amount to be received by the Company shall not be less than $100 nor more than $102.75 per share (plus accrued dividends), and that the dividend rate shall be a multiple of 4-hundredths of one percent (.04 percent).

The net proceeds from the sale of the New Preferred Stock will be applied to the cost of the construction program of the Company and to the retirement of bank loans incurred by the Company for construction purposes.

The Public Service Commission of Delaware has issued an order authorizing the issuance of the New Preferred Stock as proposed.

The Company states its fees and expenses paid and to be paid herein are as follows:

Filing fees, this Commission	$832
Issuance taxes (estimated)	8,800
Berl, Potter & Anderson, legal services	5,000
Lybrand, Ross Bros. & Montgomery, accounting services	4,350
Drexel & Co., financial advisory services	3,000
Printing and engraving (estimated)	15,600
Listing fees	1,000
Miscellaneous (estimated)	4,418
Total	43,000

Townsend, Elliott & Munson, Independent counsel to the underwriters, have fixed their fee at $6,500, plus expenses not to exceed $100, to be paid by the successful bidders.

The Commission has compared the provisions relating to the issuance of the New Preferred Stock in the Company's Certificate of Incorporation with the standards set out in the Commission's "Statement of Policy Regarding Preferred Stock Subject to the Public Utility Holding Company Act of 1935," effective April 1, 1956 (Holding Company Act Release No. 13106), and the Commission has found that the Certificate of Incorporation does not conform in all respects with the protective provisions contained in the Statement of Policy. The Company has consented to the imposition of the protective provisions not contained in the Certificate of Incorporation as conditions in our order entered herein.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the set and the rules promulgated thereunder are satisfied and that it is not necessary to impose any terms or conditions except as set out below, and that the declaration as amended should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50 and to the following additional terms and conditions:

So long as any shares of the New Preferred Stock are outstanding:

1. In computing total consolidated capitalization for the purposes of paragraph 15 of Article Fourth of the Company's Certificate of Incorporation, the Company shall include the principal amount of all outstanding indebtedness of the Company and its subsidiaries represented by bonds, notes or other evidences of indebtedness maturing more than twelve (12) months after the date of issue thereof, but excluding indebtedness of subsidiaries held by the Company.

2. Without the consent (given in writing or by vote at a meeting called for that purpose in accordance with the provisions of paragraph 12 of Article Fourth of the Company's Certificate of Incorporation) of the holders of at least two-thirds of the total number of shares of the Preferred Stock of all series then outstanding, the Company shall not issue any shares of any kind of stock ranking prior to the Preferred Stock more than twelve (12) months after the date as of which the Company was empowered to create or authorize such prior ranking stock.

3. Without the consent (given in writing or by vote at a meeting called for that purpose in accordance with the provisions of paragraph 12 of Article Fourth of the Company's Certificate of Incorporation) of the holders of at least two-thirds of the total number of shares of the Preferred Stock of all series then outstanding, the Company shall not issue any additional shares of any series of the Preferred Stock unless the net earnings of the Company and its subsidiaries on a consolidated basis shall meet the requirements of clause (c) of paragraph 8 (A) of said Article Fourth.

4. If, during any period as of which net earnings of the Company and consolidated net earnings of the Company and its subsidiaries are to be determined for the purposes set forth in clause (c) of paragraph 8 (A) of Article Fourth of the Company's Certificate of Incorporation or in paragraph 3 above, the aggregate amount required to be expended by the Company and its subsidiaries for property additions pursuant to section 5.08 of the Company's Mortgage and Deed of Trust dated as of October 1, 1943, as amended by the Eighteenth Supplemental Indenture dated as of December 1, 1955, shall exceed the amounts deducted, in the determination of such net earnings and consolidated net earnings, on account of depreciation, the amount of such excess, if any, shall also be deducted in determining such net earnings and consolidated net earnings for the purposes aforesaid.

5. If at any time the Company shall have failed to pay dividends in full on

15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any

and the relationship between registrant and Great Sweet Grass Oils Limited, also

ing. Such request should state briefly the nature of the interest of the person

Delaware Power & Light Company ("Company"), a registered holding com-

the set and the rules promulgated thereunder are satisfied and that it is not

5. If at any time the Company shall have failed to pay dividends in full on

any outstanding shares of the Preferred Stock, thereafter and until dividends in full on all shares of the Preferred Stock outstanding shall have been paid, or declared and set aside for payment, for all past quarter-yearly dividend periods, the Company shall not acquire any shares of the Preferred Stock (except by redemption of all shares of the Preferred Stock) unless approval is obtained under the Public Utility Holding Company Act of 1935.

These requirements shall be in addition to and not in lieu of the terms and provisions of the Preferred Stock in the Company's Certificate of Incorporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10108; Filed, Dec. 10, 1956; 8:47 a. m.]

[File No. 70-3483]

MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF FILING OF AMENDED APPLICATION REGARDING THE EXTENSION OF MATURITY DATE OF SHORT TERM NOTES TO BANKS

DECEMBER 4, 1956.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a non-utility subsidiary of American Natural Gas Company ("American"), a registered holding company, has filed an amended application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated the third sentence of section 6 (b) of the act as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

The Commission by order dated June 28, 1956 (Holding Company Act Release No. 13209) approved the issuance of short-term notes by Michigan Wisconsin in amounts not to exceed an aggregate of $25,000,000 pursuant to a credit agreement with several banks. As of November 19, 1956 Michigan-Wisconsin has borrowed under this credit agreement a total of $21,500,000 and expects it will, prior to December 15, 1956, borrow the remaining $3,500,000 available to it under the terms of the agreement. It was intended that this credit agreement would provide the company with temporary financing pending issuance and sale of $25,000,000 principal amount of its first mortgage pipe line bonds and that the proceeds from the sale of these bonds would be used to retire the notes issued under the credit agreement. Consequently, a declaration was filed with this Commission in June 1956, by Michigan Wisconsin with respect to the issuance and sale of these pipe line bonds. The Commission approved the issue and sale of the bonds pursuant to the provisions of Rule U-50, and Michigan Wisconsin received three bids therefor which it rejected on August 1, 1956. Consequently, the contemplated sale of the bonds has not been consummated.

The credit agreement between Michigan Wisconsin and the banks provided, among other things, that loans made thereunder shall be represented by notes having an initial maturity of January 1, 1957, which may be renewed upon 10 days written notice for a period of six months beyond such initial maturity date at the option of the company and with the approval of the Commission. Michigan Wisconsin now desires to exercise its option under the credit agreement to renew until July 1, 1957 the notes evidencing the $25,000,000 principal amount of loans obtained or to be obtained by it under the credit agreement.

The amendment states that the company proposes to reoffer at competitive bidding the $25,000,000 principal amount of its first mortgage pipe line bonds as soon as it is feasible to do so and prior to the maturity of the notes on July 1, 1957, as extended, and proposes to retire the notes from the proceeds of that bond financing.

The amended application states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any person may, not later than December 18, 1956, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the amended application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10109; Filed, Dec. 10, 1956; 8:47 a. m.]

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VOLUME 21 NUMBER 240

Washington, Wednesday, December 12, 1956

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 615, 3d Rev., Amdt. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREA

Pursuant to § 301.78–2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR Supp. 301.78–2, 21 F. R. 3214) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions issued as 7 CFR Supp. 301.78–2a (21 F. R. 3216), effective May 16, 1956, as amended effective June 1, 1956, July 7, 1956, and July 13, 1956 (21 F. R. 3722, 5032, 5208), are hereby further amended by deleting Palm Beach County, Florida, from the list of civil divisions therein designated as Mediterranean fruit fly regulated area within the meaning of the provisions in this subpart, it having been determined by the Chief of the Plant Pest Control Branch that adequate eradication measures have been practiced in said county for a sufficient length of time to eradicate the Mediterranean fruit fly infestation therein. Intensive survey and trapping activities have been carried on in the county, but no Mediterranean fruit flies have been found there for a period of three months. Therefore, it is considered safe to release the county from regulation.

This amendment shall be effective December 12, 1956.

The foregoing amendment relieves restrictions by removing Palm Beach County, Florida, from the list of civil divisions designated as Mediterranean fruit fly regulated area, thereby permitting unrestricted interstate movement from that county of all regulated products, including fruits and vegetables. The amendment must be made effective promptly in order to permit unrestricted movement of regulated products from the county. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 7th day of December 1956.

[SEAL] L. F. CURL,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 56–10131; Filed, Dec. 11, 1956; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 94, Amdt. 2]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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FEDERAL REGISTER

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2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel

oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.94 (Navel Orange Regulation 94, 21 F. R. 9400, 9740) are hereby amended to read as follows:

(i) District 1: 1,247,400 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 7, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–10165; Filed, Dec. 11, 1956; 8:52 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1956, Supp. 9]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

TIME AND MANNER OF FILING APPLICATION AND REQUIRED INFORMATION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 National Agricultural Conservation Program, approved June 14, 1955 (20 F. R. 4281), as amended July 22, 1955 (20 F. R. 5341), August 30, 1955 (20 F. R. 6511), November 10, 1955 (20 F. R. 8491), April 9, 1956 (21 F. R. 2372), April 20, 1956 (21 F. R. 2651), June 29, 1956 (21 F. R. 4999), July 23, 1956 (21 F. R. 5638), and November 19, 1956 (21 F. R. 9102), is further amended as follows:

Section 1101.733 is amended by adding a paragraph (c) as follows:

(c) The final date for filing an application for payment is December 31, 1956, in Rhode Island; January 13, 1957, in Illinois; January 31, 1957, in Indiana and Iowa; March 1, 1957, in Vermont; March 15, 1957, in Arizona; March 31, 1957, in New Jersey; April 30, 1957, in New Hampshire; May 1, 1957, in Nevada; May 15, 1957, in Florida; June 15, 1957, in Minnesota and Pennsylvania; June 30, 1957, in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Kansas, Louisiana, Maine, Montana, New Mexico, South Carolina, Utah, Virginia, and Wyoming; August 1, 1957, in Maryland; December 31, 1957, in Georgia, Idaho, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New York, North Carolina; North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wisconsin. In those States for which the final date for filing an application for payment is earlier than December 31, 1957, the State committee may extend the final date to a date not later than December 31, 1957, when failure to file the application was due to conditions over which the farmer had no control.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 7th day of December 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56–10161; Filed, Dec. 11, 1956; 8:51 a. m.]

[ACP–1956–P. R., Supp. 2]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1956

ALLOCATION OF FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 Agricultural Conservation Program for Puerto Rico, approved January 11, 1956 (21 F. R. 289), as amended March 14, 1956 (21 F. R. 1718), is further amended as follows:

Section 1102.602 is amended by deleting "$839,000.00" in the first sentence and substituting therefor "$868,000."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 7th day of December 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56–10162; Filed, Dec. 11, 1956; 8:51 a. m.]

[ACP–1956–Alaska, Supp. 4]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1956

COUNTY FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 Agricultural Conservation Program for Alaska, approved August 2, 1955 (20 F. R. 5629), as amended November 21, 1955 (20 F. R. 8667), February 21, 1956 (21 F. R. 1262), and April 5, 1956 (21 F. R. 2299), is further amended as follows:

Section 1104.502 is amended by deleting "$27,000" in the second sentence and substituting therefor "$29,000."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 7th day of December 1956.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 56–10163; Filed, Dec. 11, 1956; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 422.1]

PART 322—APPRAISAL OF FARMS

APPRAISAL REPORTS IN CONNECTION WITH FARM HOUSING LOANS

Section 322.1 (a), Title 6, Code of Federal Regulations (21 F. R. 6207), is revised to include a provision with respect to obtaining appraisal reports in connection with Farm Housing Loans, and to read as follows:

§ 322.1 *General*—(a) *Appraisals required.* An appraisal report will be required in connection with each initial Farm Ownership and Farm Housing loan, and in connection with each Soil and Water Conservation loan in excess of $5,000 to be secured by a lien on the farm to be improved. An appraisal report also will be prepared when required by Farmers Home Administration regulations or when requested by the County Committee, County Supervisor, or State Director in connection with making subsequent loans, initial Soil and Water Conservation loans not in excess of $5,000, and servicing loans where real estate is taken as security.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438, sec. 4 (c), 64 Stat. 100; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (i), 42 U. S. C. 1480 (g), 40 U. S. C. 442 (c))

Dated: December 4, 1956.

[SEAL] D. H. SMITH,
Acting Administrator, Farmers Home Administration.

[F. R. Doc. 56–10132; Filed, Dec. 11, 1956; 8:46 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

Subchapter B—Civil Service Regulations

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Part 6 is revised to read as follows:

Sec.
6.1 Method of filling excepted positions and status of incumbents.

SCHEDULE A

6.100 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
6.101 Entire executive civil service.
6.102 Department of State.
6.103 Treasury Department.
6.104 Department of Defense.
6.105 Department of the Army.
6.106 Department of the Navy.
6.107 Department of the Air Force.
6.108 Department of Justice.
6.109 Post Office Department.
6.110 Department of the Interior.
6.111 Department of Agriculture.
6.112 Department of Commerce.
6.113 Department of Labor.
6.114 Department of Health, Education, and Welfare.
6.116 National Security Council.
6.118 General Accounting Office.
6.119 Board of Governors, Federal Reserve System.
6.121 Office of Defense Mobilization.
6.122 Veterans' Administration.
6.123 Federal Civil Defense Administration.
6.124 United States Information Agency.
6.125 Federal Power Commission.
6.126 Securities and Exchange Commission.
6.128 Small Business Administration.
6.129 Federal Deposit Insurance Corporation.
6.131 National Capital Housing Authority.
6.132 United States Soldiers' Home.
6.133 General Services Administration.
6.134 Federal Communications Commission.
6.135 United States Tariff Commission.
6.136 Railroad Retirement Board.
6.138 National Labor Relations Board.
6.140 Export-Import Bank of Washington.
6.141 Farm Credit Administration.
6.142 Housing and Home Finance Agency.
6.144 Selective Service System.
6.145 Civil Service Commission.
6.147 National Advisory Committee for Aeronautics.
6.148 Panama Canal Company, New York.
6.149 Foreign Operations Administration.
6.155 President's Committee on Government Employment Policy.
6.157 Federal Home Loan Bank Board.

SCHEDULE B

6.200 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.
6.202 Department of State.
6.203 Treasury Department.
6.206 Department of the Navy.
6.207 Department of the Air Force.
6.208 Department of Justice.
6.210 Department of the Interior.
6.224 United States Information Agency.
6.225 Federal Power Commission.
6.241 Farm Credit Administration.
6.242 Housing and Home Finance Agency.
6.244 Selective Service System.
6.245 Civil Service Commission.
6.256 District of Columbia Government.

SCHEDULE C

Sec.
6.300 Positions of a confidential or policy-determining character.
6.302 Department of State.
6.303 Treasury Department.
6.304 Department of Defense.
6.305 Department of the Army.
6.306 Department of the Navy.
6.307 Department of the Air Force.
6.308 Department of Justice.
6.309 Post Office Department.
6.310 Department of the Interior.
6.311 Department of Agriculture.
6.312 Department of Commerce.
6.313 Department of Labor.
6.314 Department of Health, Education, and Welfare.
6.315 Executive Office of the President.
6.317 Interstate Commerce Commission.
6.318 General Accounting Office.
6.320 The Tax Court of the United States.
6.321 Office of Defense Mobilization.
6.322 Veterans' Administration.
6.323 Federal Civil Defense Administration.
6.324 United States Information Agency.
6.325 Federal Power Commission.
6.326 Securities and Exchange Commission.
6.327 National Mediation Board.
6.328 Small Business Administration.
6.330 Federal Trade Commission.
6.333 General Services Administration.
6.334 Federal Communications Commission.
6.335 United States Tariff Commission.
6.336 Railroad Retirement Board.
6.337 Civil Aeronautics Board.
6.338 National Labor Relations Board.
6.340 Export-Import Bank of Washington.
6.341 Farm Credit Administration.
6.342 Housing and Home Finance Agency.
6.343 Indian Claims Commission.
6.346 Federal Mediation and Conciliation Service.
6.349 Foreign Operations Administration.
6.350 Foreign Claims Settlement Commission of the United States.
6.351 Air Coordinating Committee.
6.352 Government Patents Board.
6.353 Subversive Activities Control Board.
6.354 Saint Lawrence Seaway Development Corporation.
6.357 Federal Home Loan Bank Board.

AUTHORITY: §§ 6.1 to 6.357 issued under R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633.

§ 6.1 *Method of filling excepted positions and status of incumbents.* (a) The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

(b) To the extent permitted by law and the regulations in this chapter, appointments, position changes, and removals in the excepted service shall be made in accordance with any regulations or practices that the head of the agency concerned finds necessary.

(c) Persons appointed to excepted positions shall not acquire a competitive status by reason of such appointments.

NOTE: See also Part 21 of this chapter, issued pursuant to the Veterans' Preference Act of 1944, as amended, which is applicable to appointments to excepted positions; Part 22 of this chapter which is applicable in cases of discharges, suspensions for more than thirty days, furloughs without pay for thirty days or less, or reduction in rank or compensation of employees entitled to veteran preference; Part 9 of this chapter which is applicable to removals from positions listed in Schedule B of persons who have competitive status; § 2.502 (j) of this chapter under which the Commission may authorize promotions in excepted positions in order to avoid undue hardship or inequity in individual cases of meritorious nature without regard to the restrictions of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law No. 253, 82d Congress), as amended; Part 10 of this chapter which is applicable to employment with reemployment rights; and Part 20 of this chapter which is applicable to reduction in force.

SCHEDULE A

§ 6.100 *Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.* The positions enumerated in §§ 6.101 to 6.199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

§ 6.101 *Entire executive civil service.* (a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk-trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar. No person shall be given more than one appointment under this paragraph.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position in which the appointee will receive compensation aggregating not more than $1,100 a year, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission.

(h) [Reserved.]

NOTE: Paragraph (h), not included in this revision, was revoked effective 30 days after November 20, 1956. See 21 F. R. 8985.

(i) Positions on the Isthmus of Panama, except: Accountant, architect, architectural designer, bookkeeper, calculating machine operator, chemist, clerk (paying more than $175 in United States currency per month), dietitian, draftsman, employee counselor, medical technician, personnel aide, personnel assistant, pharmacist, physician, playground director, statistician, stenographer, storekeeper, surgeon, trained nurse, typist, harbor personnel of the Quartermaster Corps, Department of the Army, air traffic controller and air traffic communicator, Civil Aeronautics Administration, and Veterans' Administration Representative for the Panama Canal Zone with duty station at Balboa, Canal Zone.

(j) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged, and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(k) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment on construction or repair work of employees in recognized trades and crafts or other skilled mechanical crafts and in unskilled, semi-skilled, or skilled manual-labor occupations and supervisory employees in these trades, crafts, and occupations, where the activity is carried on in places where there is no local Board of U. S. Civil Service Examiners to service the employing establishment and because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond one year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(l) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(m) Positions without compensation provided such appointments meet the requirements of applicable laws relating to compensation.

(n) Professional, scientific, and technical experts for temporary, part-time or intermittent employment for consultation purposes.

(o) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional and branch office cities of the Commission where there is no local Board of U. S. Civil Service Examiners to service the employing establishment, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (k) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, and in the International Boundary and Water Commission.

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(p) Physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(q) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(r) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(s) Temporary or intermittent positions when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed, or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a total compensation exceeding $1,270 during such period of one year.

§ 6.102 *Department of State*—(a) *Office of the Secretary.* (1) Two Physical Science Administration Officers (Science Adviser and Deputy Science Adviser), GS–1301–16, and three Physical Science Administration Officers (Assistant Science Advisers), GS–1301–15.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Policy Reports Staff, Executive Secretariat.

(4) Four Assistants to the Director of the Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(b) *Office of the Special Assistant, Intelligence.* (1) Not to exceed 50 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part-time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States, Alaska and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or six months within any one calendar year.

(e) *Operations Coordinating Board.* (1) Thirteen regular or permanent members of the staff of the Board, grades GS–14 and GS–15.

(2) One technical position, GS–9, concerned with the maintenance of telecommunication inventories and facilities available to the United States in carrying out the responsibilities assigned to the Board.

(f) *Bureau of Inspection, Security, and Consular Affairs.* (1) Positions of investigator, evaluator, and other security officers, whose incumbents are directly engaged in the performance of security functions or in the supervision of such activities.

(2) Until December 31, 1956, all positions whose incumbents are exclusively and directly engaged in the administration of the Refugee Relief Act of 1953.

(g) *Bureau of Inter-American Affairs.* (1) Executive Director.

(h) *Office of Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Information Specialist, Public Services Division.

(i) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

§ 6.103 *Treasury Department*—(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

(3) Part-time, intermittent or temporary Deputy Collectors and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS–8, for not to exceed 130 working days a year.

(4) Positions of day ("pick-up") laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pick-up" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(c) *Coast Guard.* (1) Lamplighters.

(d) *Reconstruction Finance Corporation.* (1) Until September 30, 1957, Chief, Public Agency Division.

(2) Until September 30, 1957, five Supervisory Loan Examiners (D. C.) and eight Supervisory Field Representatives (Field).

(e) *Office of Production and Defense Lending.* (1) Until September 30, 1957, one Chief, Loan Administration Division, one Chief, Liquidation Division, and one Assistant Controller (Treasurer), Reconstruction Finance Corporation.

(f) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

§ 6.104 *Department of Defense*—(a) *Office of the Secretary.* (1) Five Special Advisors in the immediate office of the Secretary or Deputy Secretary with re-

sponsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Until December 31, 1960, professional positions in Military Dependent School Systems overseas.

(2) Until December 31, 1960, positions in Attache Systems overseas, including positions in the Naval Research Branch Office in London.

(3) Until December 31, 1960, positions of clerk-translator, translator, and interpreter overseas.

§ 6.105 *Department of the Army*—(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) During the emergency declared by the President to exist on May 27, 1941, all positions in the Department of the Army on the Isthmus of Panama.

(3) Unskilled laborers and munitions handlers engaged in handling Ordnance matériel, including ammunition, where temporary or intermittent employment is necessary.

(4) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of three months training and a maximum of twelve months training, depending upon the individual's previous clinical training.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(6) Positions assigned exclusively to Army Communications Intelligence Activities.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Engineer Department.* (1) Land appraisers employed on a temporary basis for a period not to exceed one year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Department are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating plant operations located at sites outside District or Division Headquarters cities, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate-hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; and in no event can it be used for employment in Civil Service central office and regional and branch office cities or where there is a local Board of U. S. Civil Service Examiners to service the employing establishment.

(d) *U. S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, registrar, teachers (except teachers at the Children's School), hostesses, chapel organist and the choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *Special Services Division.* (1) Until December 31, 1956, positions paid from the appropriation "Welfare of Enlisted Men," which entail responsibility for the direction or supervision of voluntary educational or recreational programs and which, as an integral part of the job, require close working associations with the military personnel for whom such programs are conducted. Positions of librarian, library assistant, recreation leader, and recreation supervisor are included herein.

(f) *National War College, Washington, D. C.* (1) Civilian directors of studies for employment of not to exceed one year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(g) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(h) *Army Language School, Presidio of Monterey, California.* (1) Language instructors when the type of instruction requires a period of actual foreign residence to qualify them for the instruction.

(2) Typists of foreign language material whose duties require them to make corrections in grammar and spelling of the material typed.

(i) *Army War College, Carlisle Barracks, Pennsylvania.* (1) One position of Educational Specialist for Employment of not to exceed one year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(j) *Army Signal Corps.* (1) All positions on ocean-going cable barges operated by the Army Signal Corps.

§ 6.106 *Department of the Navy*—(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities.

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(3) Student trainees in naval shipyards, whose salaries shall not aggregate more than $1,100 a year. Only bona fide students engaged in the study of naval architecture shall be eligible for appointment under this subparagraph. Employment under this subparagraph shall not exceed 90 working days a year.

(4) Until December 31, 1960, positions in the Saipan District.

(5) Until December 31, 1960, two positions of Teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(b) *United States Naval Academy*—(1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Post-graduate School, and the Naval War College.

(c) *United States Naval Home.* (1) Positions of orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) *Naval Research Laboratory, Washington, D. C.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 10 positions at any one time. Employment under this provision shall not exceed one year in any individual case; provided, that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.107 *Department of the Air Force*—(a) *Office of the Secretary.* (1) Five Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(b) *General.* (1) During the emergency declared by the President to exist on May 27, 1941, all positions in the Department of the Air Force on the Isthmus of Panama.

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(3) Until December 31, 1956, positions of librarian, recreation leader and recreation supervisor which entail responsibility for the direction or supervision

of voluntary educational and recreational programs and which, as an integral part of the job, require close working associations with military personnel for whom such programs are conducted.

(4) One Cadet Hostess at the Air Force Academy in Colorado.

(c) *Lookout Mountain Laboratory, Los Angeles, California.* (1) All positions.

§ 6.108 *Department of Justice*—(a) *General.* (1) Field deputy United States marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the United States courts when employed on an intermittent basis.

(3) United States Marshal in the Virgin Islands.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

§ 6.109 *Post Office Department*—(a) *General.* (1) Clerks in fourth class post offices.

(2) Substitute rural carriers.

(3) Special delivery messengers in second, third, and fourth class post offices.

(4) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than $2,870 per annum.

(5) One Administrttive Assistant to each Regional Office Manager (15 positions).

(6) One Administrative Assistant to the Assistant to the Regional Operations Manager (Dallas Office).

(7) One Administrative Assistant to the Assistant to the Regional Operations Manager (Cincinnati Office).

(8) Clerks employed on a part-time basis in third-class post offices in Alaska.

(9) Fourth-class postmaster positions in Alaska.

(10) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

(b) *Office of the Postmaster General.* (1) Two information specialists.

§ 6.110 *Department of the Interior*—(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph.

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year.

(6) Persons employed in field positions the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 and below in nonprofessional mining activities in Alaska, such as drillers, miners, caterpillar operators and samplers, not to exceed 180 working days a year, when the activity is carried on in a remote or isolated area, there is no Board of U. S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U. S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11)[1] Not to exceed March 31, 1957, positions in foreign countries that involve the performance for host governments of technical advisory work to which assignments are made pursuant to section 527 (c) of the Mutual Security Act of 1954, as amended, under inter-agency agreement with the International Cooperation Administration.

(b) *Bureau of Indian Affairs.* (1) All positions in the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin, until December 31, 1958.

[1] Effective 30 days after November 20, 1956. See 21 F. R. 8985.

(2) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(3) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Four Area Managers.

(e) *Office of Territories.* (1) Until December 31, 1957, all positions in Alaska in the Alaska Railroad.

(2) The Clerk of the High Court of American Samoa.

(3) One position of part-time Secretary and one position of Administrative Educational Aid to the U. S. Resident Administrator for Canton Island.

(f) *National Park Service.* (1) Temporary, intermittent or seasonal park rangers at salaries equivalent to GS–4 or below, in positions such as Naturalist, Historian, and Archeologist, for not to exceed 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case; provided that such employment may, with prior approval of the Commission, be extended for not to exceed an additional fifty days in any single year.

(h) *Federal Petroleum Board.* (1) Chairman of the Board.

(2) Two Members of the Board.

§ 6.111 *Department of Agriculture*—(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State Governments, colleges, or universities, for a limited period not to exceed one year.

(4) Local Agents, except veterinarians, employed temporarily outside of Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of

the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS–5 or below; except that for the forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage board positions. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups (exclusive of those covered by § 6.101 (k) and (o) at places other than at central office and regional and branch office cities of the Commission when (*a*) there is no local board of U. S. Civil Service Examiners to service the employing establishment, and (*b*) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) Allotment checkers of the Commodity Stabilization Service.

(vii) Collectors of the Farmers Home Administration.

(6)[1] Positions in foreign countries.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(2) Not to exceed four positions at salaries equivalent to GS–13 or higher, for temporary appointment of not to exceed one year, to render advice or to assist in the administration of critical or emergency programs.

(c) *Rural Electrification Administration.* (1) Until June 30, 1960, not to exceed 12 positions, at grades GS–11 or higher, for employment of persons with extensive experience in the commercial or engineering phases of the telephone industry to provide specialized techniques and training in telephony. Appointments under this authority will be made only to positions of a staff, training, or advisory nature as distinguished from regular operating positions. Employment under this provision shall not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(d) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(e) *Commodity Stabilization Service.* (1) Six Area Directors at a salary equivalent to GS–15.

(2) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(f) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(3) Employees appointed for not to exceed one year to engage exclusively in the making and servicing of the following three types of emergency loans (pursuant to section 2 (a), (b), and (c) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress): (i) Production disaster loans required as a result of floods, freezes, storms, or other natural calamities, (ii) economic disaster loans, and, (iii) special livestock loans: *Provided,* That an appointment may, with the prior approval of the Commission, be extended for additional periods of not to exceed one year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(g) *Agricultural Stabilization and Conservation Committees.* (1) State Administrative Officer.

(2) Members of State Committees.

(h) *Agricultural Marketing Service.* (1) Milk Market Administrators.

(2) All positions on the staffs of Milk Market Administrators.

(3) Positions of Cotton Classers, GS–9 and below, and Clerks, GS–2, employed on a seasonal basis in cotton-classing offices outside the Washington, D. C., Metropolitan Area. Employment under this authority shall not exceed 160 working days a year in the case of Cotton Classers or 130 working days a year in the case of Clerks.

(i) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States, or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40 percent contribution by each of the cooperators. This authority shall also be applicable to positions where the Department of Agriculture's share is less than 40 percent under a current cooperative agreement until such time as the agreement has been renegotiated; but in any event, it will not be applicable in such situations after June 30, 1957.

§ 6.112 *Department of Commerce*—(a) *General.* (1) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.

(2) Agents to take and transmit meteorological observations in connection with airways whose duties require only part of their time, and whose compensation does not exceed $190 a month; for such employment in isolated locations in Alaska the compensation may not exceed $210 a month.

(3) Employment of individuals, firms or corporations for not to exceed one year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292): *Provided,* That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(4) Positions established in connection with activities of the International Geophysical Year, 1957–58, whose duties are performed primarily in field stations beyond the continental limits of the United States. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing. Appointments under this authority shall not exceed two years, provided that with the prior approval of the Commission they may be extended for not to exceed an additional one-year period.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any one calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors and supervisor's clerks and enumerators in the field service for temporary, part-time or intermittent employment for not to exceed one year: *Provided,* That such appointment of supervisor's clerks and enumerators may be extended for additional periods of not to exceed one year each. This subparagraph shall not be authority for employment in full time positions for longer than one year.

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 10 positions at any one time. Employment under this provision shall not exceed one year in any individual case; provided, that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS–13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed two years, and may, with prior approval of the Commission, be extended for an additional period of two years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2) One Private Secretary to the Public Information Officer.

(3) Chief, Program Planning Office.

(4) One Private Secretary to the Chief, Program Planning Office.

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) The position of Commandant, U. S. Maritime Service and Superintendent, U. S. Merchant Marine Academy.

(7) Dean of the U. S. Merchant Marine Academy.

(8) All positions on Government owned vessels or those bareboat chartered to the Government and operated by or for the Maritime Administration.

(9) Chief, Office of Ship Construction and Repair.

(10) One Special Assistant to the Administrator (Tanker Adviser).

(11) Two Special Assistants to the Deputy Administrator.

(i) *Federal Maritime Board.* (1) Secretary to the Federal Maritime Board.

(j) *Office of the Assistant Secretary for International Affairs.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of Foreign Commerce or in other units under the jurisdiction of the Assistant Secretary for International Affairs. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed two years for any individual appointee.

(2) Until June 30, 1958, Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries where the duties require a considerable portion of the employee's time to be spent in travel status in foreign countries. Employment under this authority will not exceed two years for any individual appointee.

(k) *Weather Bureau.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethel, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Until December 31, 1960, Meteorologist Aid and Electronic Technician positions on Guam, Canton Island, Samoa, Wake Island, and in the Trust Territory.

(3) Cook positions on Swan Island.

(l) *Civil Aeronautics Administration.* (1) Medical Officer positions on Canton and Wake Islands.

(2) Laborer positions on Swan Island.

§ 6.113 *Department of Labor*—(a) *Office of the Secretary.* (1) Chairman and two members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* (1) One Minority Groups Consultant.

(c) *Government Contract Committee.* (1) All positions on the staff of the Government Contract Committee established by Executive Order 10479 of August 13, 1953.

(d) *Bureau of Labor Statistics.* (1) Not to exceed 40 positions of Statistical Investigators, GS–3 and GS–4, employed on a temporary or intermittent basis for field-survey work. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Labor Statistics for more than 180 working days in any single year under this authority or under a combination of this and any other authorities for excepted appointment that may be appropriate.

§ 6.114 *Department of Health, Education, and Welfare*—(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

(2) Student medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving twelve weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagragh shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating state, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental internes, externes, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions provided that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field; and provided further that appropriate exclusions of the positions under the authority of Public Law 330, 80th Congress, have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.*

(1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(2) Fifteen positions required in connection with the work of the President's Committee on Education Beyond the High School Level, as follows: Ten professional positions in the field of education and five administrative positions requiring knowledge of, or experience with, citizen and other lay groups participating in matters relating to higher education. Employment under this provision shall not extend beyond December 31, 1956.

§ 6.116 *National Security Council.* (a) All positions on the staff of the Council.

§ 6.118 *General Accounting Office.* (a) Two assistants to the Comptroller General.

§ 6.119 *Board of Governors, Federal Reserve System.* (a) All positions.

§ 6.121 *Office of Defense Mobilization.* (a) Not to exceed 18 non-operating specialist positions at the GS–13 level and above, the incumbents of which are responsible for advisory, staff planning, and coordination duties in the

[1] Effective 30 days after November 20, 1956. See 21 F. R. 8985.

areas of military, industrial, or civilian mobilization.

§ 6.122 *Veterans' Administration*—(a) *General.* (1) Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if, in the opinion of the Veterans' Administration the duties can be satisfactorily performed by such members.

(2) Positions at Veterans' Administration hospitals when filled by paraplegie patients during treatment or convalescence.

(b) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(c) *Department of Veterans' Benefits.* (1) Executive Director for Supervision.

(2) Five Area Management Supervisors.

§ 6.123 *Federal Civil Defense Administration.* (a) Seven Regional Administrators.

(b) Seven Deputy Regional Administrators.

(c) Seven Assistant Regional Administrators for Women's Activities.

(d) Two Labor Specialists GS–13, Industry Office, Technical Advisory Service.

(e) Not to exceed 5 positions requiring Q clearance to be used exclusively for work on top secret projects in cooperation with other agencies and to be filled by persons who have a specialized subject matter background required for the performance of the duties of the position.

(f) Not to exceed 5 positions to be filled by specialists who have had the valuable civil defense experience in other countries required for the performance of the duties of the position.

§ 6.124 *United States Information Agency.* (a) Chief, Office of Security.

(b) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(c) One Chief of Religious Information.

§ 6.125 *Federal Power Commission.* (a) Three special assistants to the Commission.

§ 6.126 *Securities and Exchange Commission.* (a) Director, Division of Corporation Finance; Director, Division of Corporate Regulations; Director, Division of Trading and Exchanges.

(b) Ten positions of Regional Administrator.

§ 6.128 *Small Business Administration*—(a) Not to exceed June 30, 1957, fifteen Regional Directors.

(b) [Reserved.]

(c) Not to exceed June 30, 1957, one Confidential Assistant to the Special Assistant to the Administrator; and one Special Assistant to the Director, Office of Information.

(d) Not to exceed June 30, 1957, Chiefs of the following Divisions: Managerial Assistance, Financial Service, Procurement Assistance, Production Assistance, and Products Assistance.

(e) Not to exceed June 30, 1957, one Assistant Chief, Managerial Assistance Division.

(f) Not to exceed June 30, 1957, Chairman and three Members, Loan Review Committee.

(g) Not to exceed June 30, 1957, two Investigators, Office of the General Counsel.

(h) Not to exceed June 30, 1957, a maximum of thirty-three Branch Office Managers.

(i) Not to exceed June 30, 1957, the position of the top-ranking Financial Specialist in each Regional Office.

(j) Not to exceed June 30, 1957, one Deputy Director, Office of Information.

(k) Not to exceed June 30, 1957, the position of the top-ranking Production Specialist or Industrial Specialist in each Regional Office.

(l) Not to exceed June 30, 1957, two Special Assistants, Office of the Administrator.

(m) Not to exceed June 30, 1957, the Deputy Chairman, Loan Review Committee.

§ 6.129 *Federal Deposit Insurance Corporation.* (a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

§ 6.131 *National Capital Housing Authority.* (a) Executive Director.

§ 6.132 *United States Soldiers' Home.* (a) All positions.

§ 6.133 *General Services Administration*—(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

§ 6.134 *Federal Communications Commission.* (a) [Reserved.]

(b) One Assistant Chief Engineer.

(c) One Assistant Chief Accountant.

(d) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

§ 6.135 *United States Tariff Commission.* (a) The Secretary of the Commission.

§ 6.138 *National Labor Relations Board.* (a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 6.140 *Export-Import Bank of Washington.* (a) The Secretary.

(b) Chiefs of the following divisions: Economics, Engineering, Examining, and Private Capital Participation.

(c) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 6.141 *Farm Credit Administration.* (a) Until December 31, 1956, positions in the Federal Intermediate Credit Banks, the Production Credit Corporations, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

(b) National Farm Loan Association receivers and conservators.

(c) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided*, That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

(d) Until December 31, 1956, positions in the Central Bank for Cooperatives.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* (1) Until December 31, 1956, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(2) Director, Compliance Division.

(3) Until December 31, 1956, six Regional Administrators.

(4) Director, Community Disposition Program.

(b) [Reserved.]

(c) *Federal Housing Administration.* (1) Uhtil December 31, 1956, 80 Field Directors (State, District and Territorial).

(2) Until December 31, 1956, six Regional Directors.

(3) Director, Multi-Family Housing Division.

(4) Director, Title I Division.

(5) Director, Home Mortgage Division.

(d) *Public Housing Administration.* (1) Until June 30, 1957, the position of Special Representative at San Diego, California.

(e) *Federal Flood Indemnity Administration.* (1) Until December 31, 1957, one Assistant Commissioner for Program Studies.

§ 6.144 *Selective Service System.* (a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until July 1, 1957, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

§ 6.145 *Civil Service Commission.* (a) Positions of Members of the International Organizations Employees Loyalty Board.

§ 6.147 *National Advisory Committee for Aeronautics.* (a) Two alien scientists having special qualifications in the field of aeronautical research where such employment is deemed by the Chairman of the National Advisory Committee for Aeronautics to be necessary in the public interest.

§ 6.148 *Panama Canal Company, New York.* (a) All positions on vessels operated by the Panama Canal Company.

(b) Checkers employed on w. a. e. basis.

(c) One Receiving Clerk, one Delivery Clerk, and one Baggage Master-Storekeeper employed on dock (N. Y.).

(d)[1] One General Agent, Panama Canal Line, at Port-au-Prince, Haiti.

§ 6.149 *Foreign Operations Administration.* (a) Not to exceed 25 positions of a policy determining character at salaries in excess of $10,000 but not in excess of $15,000 per annum.

(b) Two private secretaries or confidential assistants to the Director, one to the Deputy Director, and one to each policy determining official receiving a salary of $15,000 per annum.

(c) Not to exceed 30 positions at GS–12 or above when filled by persons who have served overseas with the agency or its predecessor for not less than one year.

(d) The positions of Director for Personnel Security and Integrity, Deputy Director for Personnel Security and Integrity, and Director of the Inspections Division.

(e) One Special and Confidential Assistant to the Director, Office of Labor Affairs.

(f) Deputy Director, Office of Public Reports.

(g) Two Information Specialists, Office of Public Reports.

(h) Staff Assistant, Office of the Military Adviser.

(i) One Private Secretary to the Chairman, International Development Advisory Board.

§ 6.155 *President's Committee on Government Employment Policy.* (a) Executive Director.

§ 6.157 *Federal Home Loan Bank Board.* (a) One Secretary, Federal Home Loan Bank Board.

(b) One Director, Division of Examinations.

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 6.158 *National Security Training Commission.* (a) The Executive Director.

SCHEDULE B

§ 6.200 *Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.* The positions enumerated in §§ 6.201 to 6.299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by the Commission.

§ 6.202 *Department of State.* (a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Positions assigned exclusively to Department of State Cryptographic Security Activities.

(c) Director and Deputy Director, Foreign Buildings Operation.

§ 6.203 *Treasury Department.* (a) Positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Cryptographer, United States Coast Guard.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

§ 6.206 *Department of the Navy.* (a) Positions assigned exclusively to Navy Communications Intelligence Activities.

§ 6.207 *Department of the Air Force.* (a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 6.208 *Department of Justice.* (a) Assistants to cottage officers, National Training School for Boys, when filled by the appointment of bona fide students at colleges or universities at salaries not in excess of $720 per annum, subject to the approval of the Commission.

(b) Field Deputy U. S. Marshals, GS–5, 6, 7, and 8.

§ 6.210 *Department of the Interior.* (a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 6.224 *United States Information Agency.* (a) Persons formerly employed abroad in the Foreign Service of the United States for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

§ 6.225 *Federal Power Commission.* (a) A Chief Engineer.

§ 6.241 *Farm Credit Administration.* (a) Positions of Custodian of Collateral and positions of representatives in the field service of the Central Bank for Cooperatives, the posts of duty of which are in the localities of the borrowing associations with which they are concerned, and the selection of the incumbents of which is either participated in by the borrowing association or is subject to acceptance by the associations.

§ 6.242 *Housing and Home Finance Agency*—(a) *Federal Housing Administration.* (1) Ten Minority-Group Housing Advisors.

§ 6.244 *Selective Service System.* (a) Positions in the Selective Service System when filled by persons who, as commissioned officer personnel in the armed forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 6.245 *Civil Service Commission.* (a) Assistant to the Chairman.

§ 6.256 *District of Columbia Government.* (a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

SCHEDULE C

§ 6.300 *Positions of a confidential or policy-determining character.* The positions enumerated in §§ 6.301 to 6.399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* (1) Five Special Assistants.

(2) Special Assistant for Atomic Energy.

(3) Foreign Affairs Officer (Atomic Energy).

(4) One Special Assistant for International Cooperation Affairs to the Under Secretary.

(5) Two Confidential Assistants and five Private Secretaries to the Secretary.

(6) [Reserved.]

(7) Three Special Assistants to the Under Secretary.

(8) Special Assistant (Fisheries) to the Under Secretary.

(9) Two Confidential Assistants and one Private Secretary to the Under Secretary.

(10) One Private Secretary to the Special Assistant for International Cooperation Affairs to the Under Secretary.

(11) One Staff Assistant.

(12) Secretary of the International Joint Commission—United States and Canada.

(13) One Administrative Assistant to the Staff Assistant.

(14) One Private Secretary to the Chairman, International Joint Commission—United States and Canada.

(15) The Chief of Protocol, Office of the Under Secretary.

(16) One Special Assistant for United Nations Charter Review.

[1] Effective 30 days after November 20, 1956. See 21 F. R. 8985.

Procurement Assistance, Production Assistance, and Products Assistance.

§ 6.141 *Farm Credit Administration.*
(a) Until December 31, 1956, positions

the National Advisory Committee for Aeronautics to be necessary in the public interest.

[1] Effective 30 days after November 20, 1956. See 21 F. R. 8985.

§ 6.225 *Federal Power Commission.*
(a) A Chief Engineer.

Nations Charter Review.

(b) *Bureau of Inspection, Security and Consular Affairs.* (1) Deputy Administrator.
(2) One Staff Assistant to the Deputy Administrator.
(3) Administrator.
(4) One Confidential Staff Assistant to the Administrator.
(5) Director, Office of Security.
(6) Assistant Administrator, Refugee Relief.
(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Congressional Liaison Officer (House).
(2) Deputy Assistant Secretary.
(3) Congressional Liaison Officer (Senate).
(4) One confidential assistant to the Assistant Secretary.
(5) One Private Secretary to the Deputy Assistant Secretary.
(6) One Executive Assistant.
(7) Three Legislative Management Officers.
(8) One Administrative Assistant.
(d) *Office of the Assistant Secretary for Public Affairs.*
(1) [Reserved.]
(2) Two Deputy Assistant Secretaries.
(3) One private secretary to the Assistant Secretary.
(4) Director, UNESCO Relations Staff.
(5) One special assistant to the Assistant Secretary.
(6) One Private Secretary to the Deputy Assistant Secretary.
(7) One Chief, News Division.
(8) One Review Officer.
(9) Director, Official Position Program.
(10) One Private Secretary to the Deputy Assistant Secretary (Domestic Affairs).
(e) *Office of the Deputy Under Secretary for Economic Affairs.* (1) One Deputy Assistant Secretary for Economic Affairs.
(2) One private secretary to the Assistant Secretary.
(3) One Private Secretary to the Deputy Assistant Secretary.
(4) One Special Assistant to the Assistant Secretary.
(5) One Confidential Assistant to the Deputy Under Secretary.
(f) *Office of the Special Assistant—Intelligence.* (1) One Private Secretary.
(2) Special Assistant.
(3) Deputy Special Assistant.
(4) Private Secretary to the Deputy Special Assistant.
(g) *Office of the Counsellor.* (1) One private secretary to the Counsellor.
(2) One Special Assistant to the Counsellor.
(h) *Bureau of Near Eastern, South Asian, and African Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) One private secretary to the Deputy Assistant Secretary.
(4) One Politico-Economic Adviser.
(5) One Politico-Military Adviser.
(6) One Deputy Assistant Secretary (Africa).
(i) *Bureau of International Organization Affairs.* (1) Two Deputy Assistant Secretaries.
(2) One private secretary to the Assistant Secretary.
(3) One private secretary to the Deputy Assistant Secretary.
(4) One Special Assistant to the Assistant Secretary.
(5) One Special Assistant to the Assistant Secretary (Public Affairs).
(j) *Bureau of European Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) One private secretary to the Deputy Assistant Secretary.
(4) Deputy Assistant Secretary (German and NATO Affairs).
(5) Private Secretary to the Deputy Assistant Secretary (German and NATO Affairs).
(6) One Director, Planning Staff.
(k) *Bureau of Far Eastern Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) One private secretary to the Deputy Assistant Secretary.
(4) One Deputy Assistant Secretary for Far Eastern Economic Affairs.
(5) One Regional Planning Advisor.
(l) *Bureau of Inter-American Affairs.* (1) Deputy Assistant Secretary.
(2) One private secretary to the Assistant Secretary.
(3) One Private Secretary to the Deputy Assistant Secretary.
(4) Special Assistant to the Assistant Secretary.
(5) One Special Assistant to the Assistant Secretary (Public Affairs).
(m) *Office of the Legal Adviser.* (1) Deputy Legal Adviser.
(2) One private secretary to the Legal Adviser.
(3) One private secretary to the Deputy Legal Adviser.
(n) *Executive Secretariat.* (1) Director.
(2) Deputy Director.
(o) *Office of the Assistant Secretary for Policy Planning.*
(1) [Reserved.]
(2) Deputy Assistant Secretary for Policy Planning.
(3) Special Assistant to the Assistant Secretary for Policy Planning.
(4) Executive Secretary.
(5) [Reserved.]
(6) Ten Members.
(7) One Private Secretary to the Assistant Secretary for Policy Planning.
(8) One Private Secretary to the Deputy Assistant Secretary for Policy Planning.
(9) One Alternate Department Representative on the National Security Council Planning Board.
(p) *Office of the Assistant Secretary—Controller.* (1) One Private Secretary to the Assistant Secretary—Controller.
(2) Deputy Assistant Secretary for Personnel.
(3) One Private Secretary to the Deputy Assistant Secretary for Personnel.
(4) One Confidential Assistant to the Assistant Secretary—Controller.
(q) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.
(2) Chief, Special Liaison Staff.
(3) Two Assistants to the Chief, Special Liaison Staff.
(4) One Private Secretary to the Chief, Special Liaison Staff.
(5) One Special Liaison Assistant, Special Liaison Staff.
(r) *Office of the Deputy Under Secretary for Policy.* (1) Two Special Assistants and one Confidential Assistant to the Deputy Under Secretary.
(s) *Operations Coordinating Board.* (1) One Confidential Assistant to the Executive Officer.
(2) One Private Secretary to the Deputy Executive Officer.

§ 6.303 *Treasury Department*—(a) *Office of the Secretary.* (1) Six Assistants to the Secretary.
(2) Two confidential assistants to the Secretary.
(3) One confidential assistant to the Under Secretary and each Assistant Secretary.
(4) One assistant to the Under Secretary.
(5) One assistant to the Secretary and Supervisor, Analysis Staff.
(6) One assistant to the Secretary (Legislative).
(7) One Head, Tax Analysis Staff.
(8) One Confidential Assistant to the General Counsel.
(b) *Office of the Treasurer of the United States.* (1) One confidential administrative assistant to the Treasurer of the United States.
(2) One confidential assistant to the Treasurer of the United States.
(c) *Bureau of Customs.* (1) Commissioner of Customs.
(2) One confidential assistant to the Commissioner.
(d) *United States Savings Bonds Division.* (1) National Director.
(e) *Office of Production and Defense Lending.* (1) Until September 30, 1957, one Staff Assistant to the Assistant Secretary of the Treasury, Reconstruction Finance Corporation.
(2) Until September 30, 1957, one Special Assistant to the Assistant Secretary of the Treasury, Reconstruction Finance Corporation.
(3) Until September 30, 1957, two Administrative Assistants, Office of the Assistant Secretary of the Treasury, Reconstruction Finance Corporation.
(4) Until September 30, 1957, the General Counsel, the Director of the Office of Loan Administration and Liquidation, and the Controller (Treasurer), Reconstruction Finance Corporation.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* (1) Two confidential or special assistants and two confidential assistants (private secretaries) to the Secretary of Defense.
(2) Two confidential assistants (private secretaries) to the Deputy Secretary of Defense and one confidential assistant (private secretary) to each of the following: The Assistant Secretary of Defense, Manpower and Personnel; the Assistant Secretary of Defense, International Security Affairs; the Chairman of the Joint Chiefs of Staff; the Chairman of the Research and Development Board; the Defense Liaison Officer to the White House; the Assistant Secretary of Defense, Legislative Affairs; the Assistant Secretary of Defense, Applications Engineering; the Assistant Secretary of Defense, Properties and Installations; the Assistant Secretary of Defense, Health and Medical; the Assistant Secretary of Defense, Supply and Logistics; the General Counsel; the U. S. Military Representative, NATO Standing Group; and the Assistant to the Secretary of Defense, Atomic Energy.
(3) One confidential assistant to the Assistant Secretary of Defense, Supply and Logistics.
(4) [Reserved.]
(5) One Administrative Secretary to the Secretary.
(6) One Special and Confidential Assistant to the Assistant Secretary of Defense, Legislative and Public Affairs.
(7) Three Chauffeurs for the Secretary of Defense.
(8) Two Special Assistants to the Deputy Secretary.
(9) Two Deputy Assistant Secretaries to the Assistant Secretary of Defense for Legislative and Public Affairs.
(10) [Reserved.]
(11) One Confidential Assistant to each of the following: The Assistant Secretary of Defense for Properties and Installation and the Assistant Secretary of Defense for International Security Affairs.
(12) One Executive Assistant to the Assistant Secretary of Defense for Legislative and Public Affairs.
(13) The Defense Advisor and Deputy Defense Advisor to USRO in Paris, France.
(14) Two private secretaries to the Defense Advisor to USRO in Paris, France.
(15) One Director, Office of Personnel Security Policy.
(16) One Deputy Assistant Secretary to the Assistant Secretary of Defense for International Security Affairs.
(17) One Confidential Secretary to the Special Advisor to the Assistant Secretary of Defense, Research and Development.
(b) *Office of Special Operations.* (1) The Director.
(2) Two Private Secretaries to the Director.
(c) *Court of Military Appeals.* (1) One Private Secretary and two Technical Assistants to each Judge of the Court.

§ 6.305 *Department of the Army*—(a) *Office of the Secretary.* (1) One private secretary or confidential assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.
(2) One Deputy or Special Assistant to each Assistant Secretary of the Army.
(3) The General Counsel.
(4) One Special Assistant to the Secretary.
(5) [Reserved.]
(6) One Publications Writer.
(7) One Special Assistant to the Under Secretary of the Army.
(8) One Special Assistant to the Deputy Assistant Secretary of the Army (Manpower and Reserve Forces).
(9) One Special Assistant to the Assistant Secretary of the Army (Logistics) for Procurement.
(10) One Confidential Assistant to the Special Assistant to the Deputy Assistant Secretary of the Army (Manpower and Reserve Forces).
(b) *General.* (1) One Administrative Assistant to the Personal Physician to the President.
(2) One administrative assistant and one private secretary to the Military Aide to the President.

§ 6.306 *Department of the Navy*—(a) *Office of the Secretary.* (1) Three civilian aides or executive assistants to the Secretary and two civilian aides or executive assistants to the Under Secretary and to each Assistant Secretary of the Navy.
(2) One private or confidential secretary to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Navy.
(3) One chauffeur for the Secretary of the Navy.
(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.

§ 6.307 *Department of the Air Force*—(a) *Office of the Secretary.* (1) Three special assistants to the Secretary, and one special assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.
(2) Two Private Secretaries to the Secretary, and one Private Secretary to the Under Secretary, to each Assistant Secretary of the Air Force, and one to each Special Assistant whose appointment is authorized under subparagraph (1) of this paragraph.
(3) The General Counsel.

§ 6.308 *Department of Justice*—(a) *Office of the Attorney General.* (1) The Executive Assistant to the Attorney General.
(2) The Pardon Attorney.
(3) Two private secretaries to the Attorney General.
(4) One chauffeur for the Attorney General.
(5) Two Special Assistants for Public Relations.
(6) One confidential assistant to the Attorney General.
(7) Two Secretaries for the Attorney General.
(8) Two Receptionists for the Attorney General.
(b) *Office of the Deputy Attorney General.* (1) The First Assistant to the Deputy Attorney General.
(2) One confidential assistant (private secretary) to the Deputy Attorney General.
(3) Head of Executive Office for United States Attorneys.
(c) *Office of the Solicitor General.* (1) The First Assistant to the Solicitor General.
(2) One position of Trial Attorney (General)—Second Assistant.
(3) One confidential assistant (private secretary) to the Solicitor General.
(d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to the Assistant Attorney General.
(3) Chief, General Litigation Section.
(4) Chief, Trial Section.
(5) Chief, Special Litigation Section.
(6) Chief, Transportation and Litigation Section.
(7) Chief, Judgments and Judgment Enforcement Section.
(8) Chief, Legislation and Clearance Section.
(9) Chief, Appellate Section.
(10) Chief, Field Office (7 positions).
(11) One confidential assistant (private secretary) to the Assistant Attorney General.
(12) Chief, Economic Section.
(e) *Civil Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to Assistant Attorney General.
(3) Third Assistant to Assistant Attorney General.
(4) Chief, Admiralty and Shipping Section.
(5) Chief, Court of Claims Section.
(6) Chief, Fraud Section.
(7) Chief, General Litigation Section.
(8) Chief, Government Claims Section.
(9) Chief, Japanese Claims Section.
(10) Chief, Patent Section.
(11) Chief, Supreme Court Section.
(12) Chief, Torts Section.
(13) Chief, Veterans Affairs Section.
(14) Chief, Admiralty and Shipping Section, New York.
(15) One confidential assistant (private secretary) to the Assistant Attorney General.
(f) *Criminal Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Second Assistant to Assistant Attorney General.
(3) Chief, Administrative Regulations Section.
(4) Chief, Civil Rights Section.
(5) Chief, General Crimes Section.
(6) Chief, Trial Section.
(7) Chief, Appeals and Research Section.
(8) One confidential assistant (private secretary) to the Assistant Attorney General.
(9) Chief, Organized Crime and Racketeering Section.
(10) Chief, Fraud Section.
(g) *Tax Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, Trial Section.
(3) Chief, Appellate Section.
(4) Chief, Criminal Section.
(5) Chief, Compromise Section.
(6) One confidential assistant (private secretary) to the Assistant Attorney General.
(7) Second Assistant to Assistant Attorney General.
(h) *Lands Division.* (1) The First Assistant to the Assistant Attorney General.
(2) Chief, Lands Acquisition Section.
(3) Chief, Trial Section.
(4) Chief, Appellate Section.
(5) Chief, Legislation and General Section.
(6) One confidential assistant (private secretary) to the Assistant Attorney General.
(7) Second Assistant to Assistant Attorney General.
(8) Chief, Indian Claims Section.

(2) One private secretary to the Assistant Secretary.

Special Assistant to the Deputy Assistant

(2) Chief, Special Liaison Staff.
(3) Two Assistants to the Chief, Special Liaison Staff.

Assistant Secretary of Defense, Applications Engineering; the Assistant Secre-

(5) Chief, Special Litigation Section.

(8) Chief, Indian Claims Section.

(l) *Office of Alien Property.* (1) One Deputy Director.
(2) Chief, Legal and Legislative Section.
(3) [Reserved.]
(4) Chief, Claims Branch.
(5) Chief, Litigation Branch.
(6) Manager, Field Office (5 positions).
(7) One confidential assistant (private secretary) to the Assistant Attorney General.
(8) Chief, Management and Liquidation Branch.
(9) Chief, Inter-custodial and Property Branch.
(10) Second Assistant to Assistant Attorney General.
(j) *Immigration and Naturalization Service.* (1) General Counsel.
(2) One confidential assistant (private secretary) to the Commissioner.
(3) One Deputy Commissioner.
(4) Assistant Commissioner, Examinations Division.
(5) Assistant Commissioner, Investigations Division.
(6) Assistant Commissioner, Enforcement Division.
(7) Assistant Commissioner, Field Inspection and Security Division.
(8) Executive Assistant to the Commissioner.
(k) *Board of Immigration Appeals.* (1) Executive Assistant.
(2) The Chairman.
(3) Four Members of the Board.
(l) *Office of Legal Counsel.* (1) One confidential assistant (private secretary) to the Assistant Attorney General.
(2) The First Assistant to the Assistant Attorney General.
(m) *Bureau of Prisons.* (1) The Director.
(2) Three Assistant Directors.
(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.
(2) Associate Commissioner.
(o) *Office of United States Attorney.* (1) Secretary and confidential assistant to the United States Attorney (ten positions).
(p) *Internal Security Division.* (1) The First Assistant to the Assistant Attorney General.
(2) One Executive Assistant to the Assistant Attorney General.
(3) One Confidential Assistant to the Assistant Attorney General.
(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(5) Chief, Appeals and Research Section.
(6) Chief, Subversive Organizations Section.
(7) Chief, Foreign Agents Registration Section.
(8) Chief, Subversive Activities Section.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* (1) One special and confidential assistant to the Assistant Postmaster General (Bureau of Transportation).
(2) One Executive Assistant to the Postmaster General.
(3) Four Special Assistants to the Postmaster General.
(4) One Receptionist.
(5) One Special Assistant to the Deputy Postmaster General.
(6) One Assistant to the Executive Assistant to the Postmaster General.
(7) Two Confidential Assistants to the Postmaster General.
(8) One Private Secretary to the Executive Assistant to the Postmaster General.
(9) One Secretarial Assistant to the Postmaster General.
(b) *Bureau of Facilities.* (1) [Reserved.]
(2) One confidential assistant to the Assistant Postmaster General.
(3) One private secretary to the Assistant Postmaster General.
(4) One Deputy Assistant Postmaster General.
(5) One Private Secretary to the Deputy Assistant Postmaster General.
(c) *Bureau of Transportation.* (1) Information specialist.
(2) One Special Assistant to the Assistant Postmaster General.
(3) One Technical Assistant to the Assistant Postmaster General.
(4) One Confidential Assistant (Field Operations).
(5) One Deputy Assistant Postmaster General.
(6) One Confidential Assistant to the Assistant Postmaster General.
(7) One Private Secretary to the Assistant Postmaster General.
(d) *Bureau of Personnel.* (1) Confidential assistant to the Assistant Postmaster General.
(2) One Private Secretary to the Assistant Postmaster General.
(e) *Office of the Solicitor.* (1) The Solicitor.
(2) Two Private Secretaries to the Solicitor.
(3) One Deputy Solicitor.
(4) One Private Secretary to the Deputy Solicitor.
(f) *Bureau of Post Office Operations.* (1) Two Confidential Assistants to the Assistant Postmaster General.
(2) Two Special Assistants to the Assistant Postmaster General.
(3) One Staff Assistant to the Assistant Postmaster General.
(4) One Private Secretary to the Assistant Postmaster General.
(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General and Controller.
(2) One Special Representative to the Assistant Postmaster General and Controller.
(3) One Private Secretary to the Assistant Postmaster General and Controller.

§ 6.310 *Department of the Interior*—(a) *Office of the Secretary.* (1) Assistant to the Secretary.
(2) One confidential assistant and one private secretary to the Secretary.
(3) Four special assistants to the Secretary.
(4) Six Confidential Assistants (Field Representatives).
(5) Chauffeur for the Secretary.
(6) Special assistant to the Under Secretary.
(7) Confidential assistant (administrative assistant) to the Under Secretary.
(8) One special assistant and one confidential assistant (administrative assistant) to each of the Assistant Secretaries for Mineral Resources, Public Land Management, and Water and Power Development.
(9) Director, Technical Review Staff.
(10) Assistant Director, Technical Review Staff.
(11) Advisor on International Affairs, Technical Review Staff.
(12) Planning Reports Review Coordinator, Technical Review Staff.
(13) One Confidential Assistant (Administrative Assistant) to the Director, Technical Review Staff.
(14) One Private Secretary to the Under Secretary.
(15) One Assistant to the Secretary (Public Relations).
(b) *Office of the Solicitor.* (1) One confidential assistant to the Solicitor.
(2) Two Special Assistants to the Solicitor.
(3) One Deputy Solicitor.
(4) Five Associate Solicitors.
(5) One Legislative Counsel.
(c) *Fish and Wildlife Service.* (1) The Director.
(2) One private secretary to the Director.
(3) One Assistant Director for Wildlife.
(4) One Associate Director.
(5) One Assistant Director for Field Operations.
(d) *Bureau of Mines.* (1) One private secretary to the Director.
(2) One Assistant Director (Programming).
(3) One Assistant Director (Health and Safety).
(4) One Deputy Director.
(5) One Assistant Director (Helium Activities).
(e) *Geological Survey.* (1) One Private Secretary to the Director.
(f) *Bureau of Reclamation.* (1) One private secretary to the Commissioner.
(2) Three Assistant Commissioners.
(g) *Southeastern Power Administration.* (1) Administrator.
(2) One private secretary to the Administrator.
(h) *National Park Service.* (1) Director.
(2) One private secretary to the Director.
(3) Two Assistant Directors.
(4) One Associate Director.
(i) *Bonneville Power Administration.* (1) Administrator.
(2) One private secretary to the Administrator.
(3) Executive Secretary.
(4) Two Assistants to the Administrator.
(j) *Bureau of Indian Affairs.* (1) [Reserved.]
(2) Two Assistants to the Commissioner.
(3) One Private Secretary to the Commissioner.
(4) One Assistant to the Commissioner (Industrial Development).
(k) *Southwestern Power Administration.* (1) Administrator.
(2) Assistant Administrator.
(3) One private secretary to the Administrator.

(l) *Office of Territories.* (1) One Director.
(2) One Private Secretary to the Director.
(3) Assistant Director (Alaskan Affairs) and Assistant Director (Insular Affairs).
(4) One Governor, American Samoa.
(5) One Secretary of American Samoa.
(6) One Chief Justice of American Samoa.
(7) One Deputy High Commissioner, Trust Territories of the Pacific Islands.
(8) One Private Secretary to the Governor of Virgin Islands.
(9) One Administrative Assistant to the Governor of Virgin Islands.
(10) Deputy Director.
(11) One Private Secretary to the Governor of Alaska.
(12) One Private Secretary to the Governor of Hawaii.
(13) Director, Alaska Road Commission.
(14) One Special Assistant to the Governor of Alaska.
(15) [Reserved.]
(16) One Clerical Assistant to the Governor of Alaska.
(17) Two Household Assistants to the Governor of Alaska.
(18) Director, Alaska Public Works.
(19) Chief Engineer, Alaska Public Works.
(20) Chief Engineer, Alaska Road Commission.
(21) One Administrative Assistant to the Governor of American Samoa.
(22) One Secretary to the Government Secretary of American Samoa.
(23) One Secretary to the Governor of Guam.
(24) One Secretary to the Government Secretary of Guam.
(25) Chief Justice of the Trust Territory.
(26) One Secretary to the High Commissioner of The Trust Territory.
(27) One Secretary to the Deputy High Commissioner of The Trust Territory.
(28) One Staff Assistant to the Governor of Alaska.

§ 6.311 *Department of Agriculture*—(a) *Office of the Secretary.* (1) One administrative assistant to the Secretary.
(2) One assistant to the Secretary (States Relations).
(3) One assistant to the Secretary (Congressional Relations).
(4) One executive assistant to the Secretary.
(5) Five Confidential Assistants to the Secretary.
(6) One private secretary to the Secretary.
(7) Two chauffeurs for the Secretary.
(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.
(9) One Confidential Assistant to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.
(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.
(11) One Staff Assistant-Program Appraisal.
(12) One Special Assistant to the Secretary.
(13) One Private Secretary and Administrative Assistant to the Special Assistant to the Secretary.
(b) *Rural Electrification Administration.* (1) One private secretary and one Assistant to the Administrator.
(2) One Deputy Administrator.
(3) One Assistant Administrator.
(4) One Confidential Assistant to the Administrator.
(c) *Office of the Under Secretary.* (1) One confidential assistant to the Under Secretary.
(2) One private secretary to the Under Secretary.
(d) *Office of the General Counsel.* (1) One Deputy General Counsel.
(2) Three Assistant General Counsels.
(3) One Private Secretary to the General Counsel.
(e) *Foreign Agricultural Service.* (1) Two Assistant Administrators.
(2) One Assistant to the Administrator.
(3) The Administrator.
(4) The Deputy Administrator.
(5) One Private Secretary to the Administrator.
(f) *Farmers Home Administration.* (1) One Deputy Administrator.
(2) Two Assistant Administrators.
(3) One Assistant to the Administrator.
(4) One Confidential Assistant to the Administrator.
(5) One Private Secretary to the Administrator.
(6) One Assistant Administrator (Insured Loan Funds).
(g) *Agricultural Conservation Program.* (1) Chief, Agricultural Conservation Program.
(2) One Assistant Chief.
(3) One Private Secretary to the Chief.
(h) *Federal Crop Insurance Corporation.* (1) The Manager.
(2) One Assistant Manager.
(3) Members of the Board of Directors.
(4) One Private Secretary to the Manager.
(i) *Commodity Stabilization Service.* (1) Administrator.
(2) One Associate Administrator.
(3) Three Deputy Administrators.
(4) Two Assistant Deputy Administrators.
(5) Four Confidential Assistants to the Administrator.
(6) One private secretary to the Administrator.
(7) Director, Livestock and Dairy Division.
(8) Director, Grain Divison.
(9) Director, Transportation and Warehousing Division.
(10) Director, Cotton Division.
(11) Director, Oils and Peanut Division.
(12) Director, Sugar Division.
(13) Director, Tobacco Division.
(14) Director, Price Division.
(15) Director, Foods and Materials Requirements Division.
(16) Director, Soil Bank Division.
(j) *Commodity Credit Corporation.* (1) The President.
(2) The Executive Vice President.
(3) The Secretary.
(4) One Confidential Assistant to the President.
(k) *Extension Service.* (1) Director of Extension Work.
(2) One Assistant Director.
(3) One Confidential Assistant to the Director.
(4) One Private Secretary to the Director.
(l) *Soil Conservation Service.* (1) Chief.
(2) One Deputy Chief.
(3) One Confidential Assistant to the Chief.
(4) One Private Secretary to the Chief.
(m) *Office of the Director, Agricultural Credit Services.* (1) The Director, Agricultural Credit Services.
(2) One Confidential Assistant to the Director.
(3) One Private Secretary to the Director.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* (1) Deputy Under Secretary for Transportation.
(2) Six Confidential Assistants to the Secretary.
(3) Two Private Secretaries to the Secretary.
(4) One Confidential Assistant and two Private Secretaries to the Under Secretary.
(5) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.
(6) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Domestic Affairs.
(7) One Confidential Assistant and one Private Secretary to the Assistant Secretary for International Affairs.
(8) One Confidential Assistant and one Private Secretary to the General Counsel.
(9) One Private Secretary to the Deputy Under Secretary for Transportation.
(10) Administrator, Defense Air Transport Administration.
(11) One Private Secretary to the Administrator, Defense Air Transport Administration.
(12) Deputy General Counsel.
(13) One Private Secretary to the Deputy General Counsel.
(14) One Special Assistant to the Secretary.
(15) One Chauffeur for the Secretary.
(16) One Deputy Assistant Secretary of Commerce for International Affairs.
(17) One Deputy Assistant Secretary of Commerce for Domestic Affairs.
(18) One private secretary to the Deputy Assistant Secretary for Domestic Affairs.
(19) One private secretary to the Deputy Assistant Secretary for International Affairs.
(20) One Executive Director, Foreign-Trade Zones Operations.
(21) One Associate General Counsel (Defense Production Activities).
(22) One Private Secretary to the Associate General Counsel (Defense Production Activities).

(23) One Confidential Assistant to the Administrator, Defense Air Transport Administration.
(24) One Confidential Assistant to the Assistant Secretary for Administration.
(25) Director, Advisory Committee on Export Policy Staff, Office of the Assistant Secretary of Commerce for International Affairs.
(26) Director, Office of International Trade Fairs.
(27) Associate Director, Office of International Trade Fairs.
(28) Director, Office of Strategic Information.

(b) *Inland Waterways Corporation.* (1) Chairman of the Advisory Board.

(c) *Civil Aeronautics Administration.* (1) One confidential assistant to the Administrator.
(2) Deputy Administrator.
(3) General Counsel.
(4) One private secretary to the Administrator, the Deputy Administrator, and the General Counsel.

(d) *Business and Defense Services Administration.* (1) Director, Office of Field Service.
(2) One Special Assistant to the Director, Office of Field Service.
(3) One Private Secretary to the Director, Field Service.
(4) Administrator.
(5) Two Confidential Assistants to the Administrator.
(6) One Private Secretary to the Administrator.
(7) Deputy Administrator.
(8) One Private Secretary to the Deputy Administrator.
(9) One Confidential Assistant to the Deputy Administrator.
(10) Three Assistant Administrators.
(11) One Private Secretary to each of the three Assistant Administrators.
(12) One Assistant Deputy Administrator.
(13) One Private Secretary to the Assistant Deputy Administrator.
(14) Chairman, Industry Evaluation Board.
(15) Director of Industrial Defense.

(e) *Bureau of Census.* (1) One private secretary to the Director.

(f) *Weather Bureau.* (1) One private secretary to the Chief.

(g) *National Bureau of Standards.* (1) One private secretary to the Director.

(h) *Bureau of Public Roads.* (1) Commissioner of Public Roads.
(2) Solicitor.
(3) One confidential assistant to the Federal Highway Administrator.
(4) One private secretary to the Federal Highway Administrator.
(5) One private secretary to the Solicitor.

(i) *Patent Office.* (1) Private secretary to the Commissioner, and to each of the Assistant Commissioners.

(j) *Coast and Geodetic Survey.* (1) One private secretary to the Director.

(k) *Federal Maritime Board.* (1) Two Confidential Assistants to the Chairman.
(2) One Confidential Assistant to each Member of the Board (other than the Chairman).

(l) *Maritime Administration.* (1) General Counsel.
(2) One Director, Office of National Shipping Authority and Government Aid.
(3) One Private Secretary to the Administrator.
(4) One Private Secretary to the General Counsel.
(5) One Private Secretary to the Director, Office of National Shipping Authority and Government Aid.

(m) *Bureau of Foreign Commerce.* (1) The Director.

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* (1) Four special assistants, two confidential assistants, and one confidential assistant (private secretary) to the Secretary of Labor.
(2) One chauffeur for the Secretary of Labor.
(3) One special assistant and one private secretary to the Under Secretary of Labor.
(4) One private secretary to each Assistant Secretary of Labor who is appointed by the President.
(5) One Special Assistant to the Assistant Secretary for International Labor Affairs.
(6) Private Secretary to the Secretary.

(b) *Office of the Solicitor.* (1) One Associate Solicitor.
(2) One private secretary to the Solicitor.

(c) *Office of Information.* (1) Director.
(2) One Private Secretary to the Director.

(d) *Bureau of Employment Security.* (1) Director.
(2) Deputy Director.
(3) One private secretary to the Director.

(e) *Bureau of Labor Statistics.* (1) One private secretary to the Commissioner.
(2) Deputy Commissioner.

(f) *Bureau of Apprenticeship.* (1) Director.
(2) Two Deputy Directors.
(3) One private secretary to the Director.

(g) *Women's Bureau.* (1) Assistant Director.
(2) One private secretary to the Director.
(3) One Special Assistant to the Director.

(h) *Bureau of Labor Standards.* (1) Director.
(2) One Associate Director.
(3) One private secretary to the Director.

(i) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.
(2) One Confidential Assistant to the Administrator.

(j) *Office of International Labor Affairs.* (1) Executive Director.

(k) *Veterans Employment Service.* (1) Chief.

(l) *Bureau of Veterans Reemployment Rights.* (1) Director.

(m) *Bureau of Employees' Compensation.* (1) Director.

§ 6.314 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* (1) Director of Security.
(2) One Confidential Assistant to the Secretary.
(3) [Reserved.]
(4) Publications Writer.
(5) One Deputy Director of Security.
(6) Two Assistants to the Secretary.
(7) One Executive Secretary.
(8) Two confidential secretaries to the Under Secretary.
(9) One Special Representative of the Secretary.
(10) One Assistant to the Secretary.
(11) One Congressional Liaison Officer.
(12) One Assistant Congressional Liaison Officer.
(13) One Assistant to the Under Secretary.

(b) *Office of Vocational Rehabilitation.* (1) Director, Vocational Rehabilitation.

(c) *Social Security Administration.* (1) Director, Bureau of Old Age and Survivors Insurance.
(2) Director, Bureau of Public Assistance.
(3) Director, Bureau of Federal Credit Unions.
(4) One Deputy Commissioner of Social Security.
(5) One Technical Adviser to the Commissioner of Social Security.

(d) *Office of Education.* (1) One Deputy Commissioner of Education.
(2) One Confidential Assistant to the Commissioner of Education.
(3) One Special Assistant to the Commissioner of Education.

(e) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.
(2) One Special Assistant on Federal-State Problems.
(3) One Special Assistant.

(f) *Office of the General Counsel.* (1) General Counsel.
(2) One Associate General Counsel.

(g) *Office of the Assistant Secretary for Program Analysis.* (1) One Special Assistant to the Assistant Secretary.

§ 6.315 *Executive Office of the President*—(a) *Bureau of the Budget.* (1) Assistant to the Director.
(2) Two Assistant Directors.
(3) Two Private Secretaries to the Director.
(4) One Private Secretary to the Deputy Director.
(5) One Private Secretary to each of the two Assistant Directors.
(6) One Private Secretary to the Assistant to the Director.

(b) *Council of Economic Advisers.* (1) One secretary to the Chairman and one to each Member.
(2) One Confidential Assistant to each Member of the Council.
(3) One private secretary to the Administrator.
(4) One Receptionist.
(5) One Confidential Assistant to the Administrative Assistant.
(6) One Confidential Assistant to the Executive Assistant.
(7) Confidential assistant (administrative assistant) to the Under Secretary.

§ 6.317 *Interstate Commerce Commission.* (a) One private secretary to each Commissioner.
(b) Managing Director.

§ 6.318 *General Accounting Office:* (a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.
(b) One Private Secretary to the Comptroller General.

§ 6.320 *The Tax Court of the United States.* (a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

§ 6.321 *Office of Defense Mobilization.* (a) Seven Assistant Directors.

§ 6.322 *Veterans' Administration*—(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.
(2) One confidential assistant (private secretary) to the Administrator.
(3) One Confidential Administrative Assistant to the Administrator.
(4) Six Confidential Assistants to the Special Assistant to the Administrator.
(5) The Deputy Administrator.
(6) The General Counsel.
(7) One Assistant Administrator for Appraisal and Security.

(b) *Department of Medicine and Surgery.* (1) One confidential assistant (private secretary) to the Chief Medical Director.

(c) *Department of Insurance.* (1) The Deputy Administrator.

(d) *Department of Veterans Benefits.* (1) The Deputy Administrator.

§ 6.323 *Federal Civil Defense Administration.* (a) One Executive Assistant Administrator.
(b) One Assistant to the Administrator.
(c) One Assistant Administrator, Field and Congressional Relations; one Assistant Administrator, Civil Defense Planning Staff; one Assistant Administrator, Civil Defense Education Services; one Assistant Administrator, Civil Defense Operations Control Service; and one Assistant Administrator, Civil Defense Technical Advisory Service.
(d) Two Administrative Assistants to the Administrator.
(e) One Administrative Assistant to the Deputy Administrator.
(f) [Reserved.]
(g) One Secretary to the Assistant Administrator, Field and Congressional Relations.
(h) One General Counsel.
(i) One Assistant Administrator, General Administration.
(j) One Courier, Office of the Administrator.
(k) One Assistant Administrator, Inspection.
(l) One Deputy Assistant Administrator, Civil Defense Planning Staff.
(m) One Deputy Executive Assistant Administrator.
(n) One Assistant Administrator, Economic Requirements Service

§ 6.324 *United States Information Agency*—(a) One Secretarial Assistant to the Deputy Director.
(b) One Special Assistant to the Director.
(c) One Secretarial Assistant to the Director.
(d) One Secretary to the Director.
(e) [Reserved.]
(f) One Chief, Office of Research and Intelligence.
(g) One Special Assistant to the Deputy Director.
(h) One Staff Assistant to the Chief, Office of Research and Intelligence.

§ 6.325 *Federal Power Commission.* (a) One private secretary and one confidential assistant to each Commissioner.
(b) One assistant to the Chairman.
(c) General Counsel.
(d) Executive Director.
(e) One Private Secretary to the Executive Director.
(f) One Technical Assistant to each Commissioner.

§ 6.326 *Securities and Exchange Commission.* (a) One General Counsel.
(b) One Chief Accountant.
(c) One executive assistant to the Chairman.
(d) One Associate General Counsel.
(e) One Confidential Assistant to each Member of the Commission (5 positions).
(f) The Executive Director.

§ 6.327 *National Mediation Board.* (a) One private secretary to each member of the National Railroad Adjustment Board.

§ 6.328 *Small Business Administration.* (a) Three Deputy Administrators.
(b) One Special Assistant to each Deputy Administrator.
(c) Two Special and Confidential Assistants to the Administrator.
(d) One General Counsel.
(e) Director, Office of Financial Assistance.
(f) Director, Office of Procurement and Technical Assistance.
(g) Director, Office of Economic Adviser.
(h) Director, Office of Information.
(i) One Special Assistant to the Administrator.
(j) One Private Secretary to the Administrator.
(k) One Confidential Assistant (Private Secretary) to each Deputy Administrator.
(l) Deputy Director, Office of Economic Adviser.
(m) Deputy Director, Office of Procurement and Technical Assistance.
(n) Executive Secretary to the Loan Review Committee and Special Assistant to the Director, Office of Financial Assistance.
(o) One Program Coordinator (Department of Defense).

§ 6.330 *Federal Trade Commission.* (a) One private secretary or confidential assistant to the Chairman.
(b) General Counsel.
(c) Director, Bureau of Litigation.
(d) Director, Bureau of Investigation.
(e) Director, Bureau of Consultation.
(f) Director, Bureau of Economics.
(g) One Secretary of the Federal Trade Commission.
(h) Executive Director.

§ 6.333 *General Services Administration*—(a) *Office of the Administrator.* (1) Three Members of the Board of Review.
(2) The Deputy Administrator.
(3) The Assistant Administrator.
(4) Two Special Assistants to the Administrator.
(5) One Confidential Assistant to the Administrator.
(6) One Special Assistant to the Administrator (Federal Supply and Emergency Procurement).
(7) One Special Assistant to the Administrator (Legislative Liaison).
(8) Director of Public Information and Reports.
(9) The Assistant Administrator for Program Planning and Coordination.
(10) One Confidential Assistant to the Assistant Administrator.

(b) *Public Buildings Service.* (1) The Commissioner.

(c) *Federal Supply Service.* (1) The Commissioner.

(d) *National Archives and Records Service.* (1) The Archivist of the United States.

(e) *Emergency Procurement Service.* (1) The Commissioner.

(f) *Transportation and Public Utilities Service.* (1) The Commissioner.

§ 6.334 *Federal Communications Commission.* (a) One General Counsel.
(b) One Chief Engineer.
(c) One Chief Accountant.
(d) Two assistant general counsels.
(e) One Secretary to the Commission.

§ 6.335 *United States Tariff Commission*—(a) One Private Secretary to each Commissioner.

§ 6.336 *Railroad Retirement Board*—(a) One administrative (confidential) assistant to the Chairman.

§ 6.337 *Civil Aeronautics Board.* (a) Executive Director of the Board.
(b) One confidential assistant to each Member of the Board.
(c) One special assistant to the Chairman of the Board.
(d) General Counsel of the Board.
(e) Director, Bureau of Air Operations.
(f) Director, Bureau of Safety Regulations.
(g) Director, Bureau of Safety Investigations.
(h) Chief, Office of Enforcement.
(i) One Congressional Liaison Officer.
(j) One Private Secretary to the Congressional Liaison Officer.

§ 6.338 *National Labor Relations Board*—(a) One Private Secretary to the Chairman of the Board.
(b) One Solicitor.
(c) One Chief Legal Assistant to each Board Member.

(d) One Confidential Assistant to each Board Member.
(e) One Associate General Counsel, Division of Operations.
(f) One Associate General Counsel, Division of Law.
(g) Two Special Assistants to the General Counsel.
(h) One Confidential Assistant to the General Counsel.
(i) One Special Assistant to the Associate General Counsel, Division of Operations.

§ 6.340 *Export-Import Bank of Washington.* (a) One Executive Vice President.
(b) One Senior Vice President.
(c) One Confidential Assistant to the President.
(d) One Private Secretary to the President.
(e) One Private Secretary to the First Vice President.
(f) The General Counsel.
(g) One Private Secretary to each of the three members of the Board of Directors.
(h) One Special Assistant to the Board of Directors.

§ 6.341 *Farm Credit Administration.* (a) Three Directors of Credit Services.
(b) One General Counsel.
(c) One Special Assistant to the Governor.
(d) One First Deputy Governor.
(e) Four Deputy Directors of Credit Services.
(f) Deputy Governor in Charge of the Finance and Accounts and Administrative Divisions.

§ 6.342 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* (1) One liaison officer.
(2) One Deputy Administrator.
(3) One Assistant Administrator for Plans and Programs.
(4) General Counsel.
(5) Assistant to the Administrator (International Housing Adviser).
(6) Assistant to the Administrator (Racial Relations).
(7) Community Facilities Commissioner.
(8) Deputy Urban Renewal Commissioner.
(9) President, Federal National Mortgage Association.
(10) One Assistant Commissioner, Community Facilities and Special Operations.
(11) Assistant Administrator for Congressional Liaison and Public Affairs.
(12) One Special Assistant to the Administrator.
(13) One Assistant Director for Operations, Division of Slum Clearance and Urban Redevelopment.
(14) One Special Assistant (Administrator's Office).
(15) One Assistant Administrator (Administrator's Office).
(b) *Federal Housing Administration.* (1) One Deputy Commissioner.
(2) One General Counsel.
(3) One Assistant Commissioner for Operations.
(4) One Assistant Commissioner, Technical Standards.
(5) One Assistant to the Commissioner.
(6) One Minority Group Housing Adviser.
(7) One Special Assistant to the Commissioner.
(8) One Assistant Commissioner for Programs.
(9) Director of Examination and Audit.
(10) Director, Program Division.
(11) One Confidential Assistant to the Assistant Commissioner for Programs.
(12) One Administrative Assistant to the Assistant to the Commissioner.
(c) *Public Housing Administration.* (1) One Special Assistant to the Commissioner (Liaison).
(2) One Special Assistant to the Commissioner (Racial Relations).
(3) General Counsel.
(4) Assistant Commissioner for Programs.
(5) Assistant Commissioner for Operations.
(6) One Deputy Commissioner.
(7) One Assistant Commissioner.
(8) One Confidential Assistant to the Commissioner.
(d) [Reserved]
(e) *Federal Flood Indemnity Administration.* (1) One Deputy Commissioner.
(2) One Assistant Commissioner for Indemnity Operations.
(3) One Assistant Commissioner for Loan Contract Operations.
(4) One Assistant Commissioner for Industry and Government Relations.

§ 6.343 *Indian Claims Commission.* (a) One private secretary to each Commissioner.

§ 6.346 *Federal Mediation and Conciliation Service.* (a) One General Counsel.
(b) Two Private Secretaries to the Director.
(c) One Private Secretary to each of the following: The Associate Director, the Assistant Director, and the General Counsel.
(d) One Private Secretary to the National Office Representative.
(e) One Special Representative.

§ 6.349 *Foreign Operations Administration*—(a) *Office of the Director.* (1) Two Assistants to the Director.
(2) One Confidential Assistant (Private Secretary) to the Director.
(3) One Private Secretary to the Director.
(4) One Confidential Assistant to the Deputy Director of Foreign Operations.
(5) Two Chauffeur-Guards for the Director.
(b) *Office of the Deputy Director for Management.* (1) Deputy Director for Management.
(2) Director for Research, Statistics and Reports.
(3) One Confidential Assistant to the Director for Research, Statistics and Reports.
(4) Deputy General Counsel.
(5) Director for Public Reports.
(6) Two Special Assistants for Congressional Liaison.
(7) One Confidential Assistant (Legal) to the General Counsel.
(8) One Assistant to the Deputy Director for Management.
(c) *Office of the Deputy Director for Operations.* (1) Deputy Director for Operations.
(d) *Office of the Deputy Director for Program and Planning.* (1) Deputy Director for Program and Planning.
(e) *Office of the Assistant Director for Refugees and Migration.* (1) Assistant Director for Refugees and Migration; (2) Deputy Assistant Director for Refugees and Migration.
(f) *Office of the Deputy Director for Congressional Cooperation.* (1) Assistant to the Deputy Director for Congressional Cooperation.
(g) *Office of the Deputy Director for Mutual Defense Assistance Controls.* (1) Assistant Deputy Director for Mutual Defense Assistance Controls.
(h) *Office of the Deputy Director for Technical Services.* (1) Deputy Director for Technical Services; (2) Assistant Deputy Director for Technical Services.
(i) *Executive Secretariat.* (1) Executive Secretary; (2) Executive Secretary to the Public Advisory Board; (3) Executive Secretary to the International Development Advisory Board.

§ 6.350 *Foreign Claims Settlement Commission of the United States.* (a) Special Assistant to the Commissioners.
(b) One Confidential Assistant to the Chairman.
(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 6.351 *Air Coordinating Committee.* (a) Executive Secretary.

§ 6.352 *Government Patents Board.* (a) One Confidential Assistant to the Chairman.

§ 6.353 *Subversive Activities Control Board.* (a) One Executive Secretary and Chief Clerk.
(b) One Private Secretary to each Member of the Board.
(c) One Confidential Administrative Assistant to each Member of the Board.

§ 6.354 *Saint Lawrence Seaway Development Corporation.* (a) One Private Secretary to the Administrator.
(b) One Special Assistant to the Administrator.

§ 6.357 *Federal Home Loan Bank Board.* (a) One Assistant to the Board.
(b) One Director, Federal Home Loan Bank Operations.
(c) One General Counsel.
(d) One Director, Division of Supervision.
(e) One Secretary to the Chairman of the Board.
(f) Two Secretaries to Board Members.
(g) One General Manager, Federal Savings and Loan Insurance Corporation.
(h) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.

(E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10141; Filed, Dec. 11, 1956; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

REVISION OF CHAPTER

Chapter I of Title 42 is revised, for purposes of republication, to read as set forth below.

In this revision minor editorial changes have been made, obsolete material has been deleted, and references brought up to date. In addition minor substantive changes have been made, particularly in Part 21. Since the substantive changes made affect only matters of internal management, notice and public procedure thereon are unnecessary.

This revision shall therefore be effective upon publication in the FEDERAL REGISTER.

Dated: December 5, 1956.

L. E. BURNEY,
Surgeon General.

Approved:

M. B. FOLSOM,
Secretary.

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NOTE: Citations to sections of the Public Health Service Act are to the sections as originally enacted and numbered. Many of these have been renumbered or substantially amended. Where the citation specifies "as amended" the current text or numerical designation should be checked through the U. S. Code, U. S. Statutes at Large and the slip laws.

Subchapter A—General Provisions

PART 1—AVAILABILITY OF RECORDS AND INFORMATION

Sec.
1.101 Public inspection of official records.
1.102 Clinical information; disclosure.
1.103 Nonclinical information; disclosure.
1.104 Disclosure upon court or other official order.
1.105 Disclosure to officers and employees of the Service.
1.106 Limitations on release of records.
1.107 Relation to other provisions of law.
1.108 Response to subpoena or other compulsory process.

AUTHORITY: §§ 1.101 to 1.108 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216.

§ 1.101 *Public inspection of official records.* Except as is otherwise provided in this part, the official records of the Public Health Service are available upon request for inspection by persons properly and directly concerned. Requests for permission to inspect official records of the Service are required to be addressed to the Surgeon General of the Public Health Service, Washington 25, D. C., unless otherwise directed in published organizational, procedural, or regulatory statements pertaining to specific records or classes of records. Such requests shall set forth the interest of the applicant in the subject matter of the records sought to be inspected.

§ 1.102 *Clinical information; disclosure.* (a) For the purposes of this section:
(1) "Patient" shall mean any person who is receiving or has received medical care or treatment or an examination at facilities of the Public Health Service or at other facilities by, or under the direction of, personnel of the Service or at its expense.
(2) "Clinical information" shall mean any information received by personnel of the Service from patients or regarding patients and related to their examination, care, or treatment.
(b) Clinical information in the records or in the possession of the Service is confidential and shall be disclosed only as necessary for the performance of the functions of the Service, or as follows:
(1) Upon a reasonable showing of the need therefor, the officer in charge of a hospital, station or other facility of the Service may authorize disclosure to a patient or a person designated by a patient (or, in the case of a deceased patient, to his next of kin or an authorized representative of his estate) of such clinical information as such officer determines to be medically appropriate for disclosure. The information shall not be disclosed to a person other than the patient except on the condition that it shall not be further disclosed for any purpose other than that for which it was shown to be needed. If the patient's examination, treatment or care was requested or arranged for by a governmental agency, the information shall not in any event be disclosed without the consent of that agency.
(2) Any governmental agency which, in accordance with applicable statutes, has requested or arranged for the examination, treatment, or care of a patient by the Service may upon request be furnished clinical information regarding such examination, treatment, or care.
(3) At the direction of the Surgeon General or his designee, clinical information may be furnished State or other public health agencies engaged in collecting data regarding disease.
(4) Nothing in this section shall preclude the officer in charge of any facility of the Service from disclosing (i) information as to the presence of a patient in the facility, or as to his general condition and progress, or (ii) such information regarding the commission of crimes or the occurrence of communicable disease as may be required to be disclosed by hospitals generally by the law of the State in which the facility is located.

§ 1.103 *Nonclinical information; disclosure.* (a) Information in the records or possession of the Service obtained by the Service under an assurance of confidentiality which the Surgeon General or his authorized representative determines to be necessary for the purpose of any research, survey, investigation, or collection of statistical data may be disclosed only with the consent of the person, association, or agency to which such assurance was given, or whenever the Surgeon General specifically determines disclosure to be necessary (1) to prevent an epidemic or other grave danger to the public health or (2) to oppose any legal action related to the activities of the Service and brought against the United States or any of its officers or employees.
(b) Information in the records or in the possession of the Service concerning (1) the discussions of any councils or other bodies advisory to the Service or to the Surgeon General, or of any committees or panels of such councils or bodies, (2) reports made by such committees or panels to such councils or bodies, and (3) action taken or opinions expressed by individual members of such councils, bodies, committees or panels shall not be disclosed except as may be authorized by the Surgeon General with the assent of the council or advisory body involved. In addition, if the council or other advisory body so recommends, disclosure of its final conclusions on any subject considered by it may be prohibited by the Surgeon General.
(c) The following types of information in the records or possession of the Service are confidential and, subject to the provisions of paragraphs (a) and (b) of this section, shall be disclosed only as necessary for the performance of the functions of the Service, or as follows:
(1) Information concerning individuals, business enterprises, or public or private agencies obtained by the Service in connection with communicable disease control, water pollution control, licensing of biological products or the manufacture of such products, or with other regulatory functions of the Service may be disclosed to Federal, State or local authorities carrying on related

(5) One Assistant to the Commissioner.

rector for Management.

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Health Service Act are to the sections as originally enacted and numbered. Many of

quested or arranged for by a governmental agency, the information shall not

ice may be disclosed to Federal, State or local authorities carrying on related

governmental functions to the extent necessary to carry out such related functions.

(2) Information and data obtained and tentative and final conclusions reached in course of or in connection with the conduct of research projects, surveys and investigations may be disclosed at such times and to such extent as the Surgeon General or his designee may determine to be in the public interest.

(3) Information obtained in connection with applications for employment, fellowships, traineeships or commissions or for research or other grants and information obtained for similar purposes may be disclosed upon consent of the person concerned.

§ 1.104 *Disclosure upon court or other official order.* Notwithstanding any other provision of this part, information in the records or in the possession of the Service, except information described in § 1.103 (a) and (b) and information the disclosure of which the Surgeon General determines would impair national security, shall be disclosed upon the order of a judge of a court of competent jurisdiction or of a responsible officer of any agency or body having power to compel appearances before it: *Provided, however,* That (a) clinical information shall be disclosed only in accord with applicable local law regarding the confidentiality of communications to physicians as expressly determined by the court, agency or body, and (b) in the case of an order requiring production of records other than to the court, agency or body involved, the Surgeon General or his designee may determine, in the light of the need to assure the integrity and safety of the records or the efficient administration of the Service, that the records shall be made available for examination or copying at such place as may be designated by him.

§ 1.105 *Disclosure to officers and employees of the Service.* No provision of this part shall be deemed to forbid any officer or employee of the Service to disclose any information to any other officer or employee of the Service in the course of official business.

§ 1.106 *Limitations on release of records.* Records of the Service containing information described or referred to in § 1.102 or § 1.103 shall not be released to or deposited with anyone not an authorized officer or employee of the Service except insofar as may be temporarily necessary for purposes of examination or copying.

§ 1.107 *Relation to other provisions of law.* The provisions of this part are in addition to other applicable provisions of law or regulation and shall not be deemed to authorize or compel disclosure of information inconsistently with such other provisions.

§ 1.108 *Response to subpoena or other compulsory process.* If any officer or employee of the Service is sought to be required, by subpoena or other compulsory process, to produce records of the Service or to disclose any information described in § 1.102 or § 1.103, he shall respond, call attention to the provisions of this part, and respectfully decline to produce records or disclose information inconsistently with such provisions: *Provided,* That where a patient (or, in the case of a deceased patient, his next of kin or an authorized representative of his estate) is a party to litigation or other proceedings in which any other person or party seeks to require the production of records of the Service or the disclosure of information described in § 1.102 before a court, agency or other body described in § 1.104, the patient (or, in the case of a deceased patient, his next of kin or an authorized representative of his estate) or his attorney shall be notified promptly, by mail or other reasonable means at his last address known to the Service, of the demand for the records or information and the officer or employee shall respond to the compulsory process in accordance with its terms, without prejudice, however, to any claim of the patient or his representative to the protection against the disclosure of clinical information set forth in the proviso to § 1.104.

PART 2—ACCEPTANCE AND ADMINISTRATION OF GIFTS

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2.2 Acceptance of gifts by Surgeon General.
2.3 Acceptance of gifts by Secretary.
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2.6 Gifts for patients.

AUTHORITY: §§ 2.1 to 2.6 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply secs. 501, 321, 58 Stat. 709, as amended, 695, as amended; 42 U. S. C. 219, 248.

§ 2.1 *Unconditional gifts.* A gift will be deemed unconditional if it is made to the Public Health Service for the benefit of the Service or for the carrying out of any of its functions, without further specification as to its purpose or the manner of its use; a gift will also be deemed unconditional if limited without further restriction (a) to one or more of the purposes of any part of Title III of the Public Health Service Act or (b) to one or more of the purposes of any Institute established pursuant to Title IV of the Public Health Service Act.

§ 2.2 *Acceptance of gifts by Surgeon General.* The Surgeon General and such officers and employees of the Service as he may designate for such purpose are authorized to accept on behalf of the United States, the following categories of unconditional gifts to the United States made by will or otherwise, for the benefit of the Public Health Service or for the carrying out of any of its functions:

(a) A gift of money not in excess of $1,000;

(b) A gift of personal property such as, but not limited to, recreational equipment, furniture, radio or television sets if the total market value of the property at the time of the gift does not exceed $1,000.

§ 2.3 *Acceptance of gifts by Secretary.* Gifts not within the category specified in § 2.2 may be accepted only by the Secretary, and conditional gifts may be accepted only by the Secretary of Health, Education, and Welfare on the recommendation of the Surgeon General.

§ 2.4 *Deposit and expenditure of money gifts.* Money gifts accepted in accordance with §§ 2.2 and 2.3 shall be deposited in the Treasury of the United States for expenditure as provided by law.

§ 2.5 *Property accounting.* Records of personal property accepted on behalf of the United States under §§ 2.2 and 2.3 shall be kept in accordance with instructions and policies of the Surgeon General.

§ 2.6 *Gifts for patients.* (a) Gifts of money or personal property donated solely for disbursement or distribution by the Service to patients at a designated Service hospital or station or to designated patients at a Service hospital or station shall not be deemed gifts to the United States. Custody of such gifts may be accepted by the medical officer in charge of the facility if in his opinion the gifts will contribute to the well-being of the patients.

(b) Gifts of money accepted under paragraph (a) of this section shall be deposited in the Treasury of the United States to the credit of an appropriate trust fund account of the Service. Disbursement shall be made by the agent cashier of the facility upon the authorization of the medical officer in charge of the facility or of a person designated by him for such purpose in accordance with the terms of the gift. If the facility does not have an agent cashier, the money shall be disbursed by a responsible official designated by the medical officer in charge and provision made for safekeeping and accounting.

(c) Gifts of personal property accepted under paragraph (a) of this section shall be placed in the custody of a responsible official designated by the medical officer in charge and distributed in accordance with the terms of the gift.

Subchapter B—Personnel

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SUBPART A—DEFINITIONS

§ 21.1 *Meaning of terms.* As used in this part, the term:

(a) "Act" means the Public Health Service Act, 58 Stat. 682, as now or hereafter amended.

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Service" means the Public Health Service.

(e) "Surgeon General" means the Surgeon General of the Public Health Service.

(f) "Commissioned officer" or "officer", unless otherwise indicated, means either an officer of the Regular Corps or an officer of the Reserve Corps.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216)

SUBPART B—TITLES

AUTHORITY: §§ 21.11 to 21.13 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 21.11 *Officers other than medical officers.* The titles of officers, other than medical officers, in the junior assistant, assistant, senior assistant, full, and senior grades shall be "dental surgeon", "sanitary engineer", "pharmacist", "nurse officer", "scientist", "dietitian", "therapist", "sanitarian", "veterinarian", or a similar term descriptive of the specialty of such class of officers. The titles of officers, other than medical officers, in the director grade shall be the term "director" preceded by the term "dental", "sanitary engineer", "pharmacist", "nurse", "scientist", "dietitian", "therapist", "sanitarian", "veterinarian", or a similar descriptive term. The titles of officers, other than medical officers, in the grade of Assistant Surgeon General shall be "Assistant Surgeon General", except that following such title there shall be added a parenthetical identification, such as "dental" or "sanitary engineer".

(Sec. 206 (b), 58 Stat. 685, as amended; 42 U. S. C. 207 (b))

§ 21.12 *Designation of specialties.* Scientist officers and other officers having generally descriptive titles, in using their titles in correspondence outside the Agency and in the programs of scientific meetings, may designate their specialties in parentheses following their names and titles, as, for example, Richard Roe, Senior Scientist (Entomologist).

(Sec. 206 (b), 58 Stat. 685, as amended; 42 U. S. C. 207 (b))

§ 21.13 *Military titles.* An officer in uniform may use, for purposes of identification and address, the military or naval title of rank corresponding to the grade markings worn. An officer detailed for duty with the Army, Air Force, Navy, Coast Guard, or Coast and Geodetic Survey may use in official correspondence the title of military or naval rank corresponding to the grade markings worn, as, for example, Richard Roe, Major, U. S. P. H. S., or Richard Roe, Lieutenant Commander, U. S. P. H. S.

SUBPART C—APPOINTMENT

AUTHORITY: §§ 21.21 to 21.58 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 208, 58 Stat. 685, as amended; 42 U. S. C. 209.

PROVISIONS APPLICABLE BOTH TO REGULAR AND RESERVE CORPS

§ 21.21 *Meaning of terms.* The term "approved" as used in this subpart in connection with "school", or "college", "postgraduate school", or "training course" means, except as otherwise provided by law, a school, college, postgraduate school, or training course which has been accredited or approved by a professional body or bodies acceptable to the Surgeon General for such purpose, or which, in the absence of such a body, meets generally accepted professional standards as determined by the Surgeon General.

§ 21.22 *Submission of application and evidence of qualifications—(a) Application form.* Every candidate for examination for appointment as an officer shall submit a written application on such form as may be prescribed by the Surgeon General.

(b) *Documentary evidence.* The application shall be accompanied by such documentary evidence as may be required by the Surgeon General.

§ 21.23 *False statements as disqualification.* Willfully false statements shall be cause for rejection of the application or, as provided in Subpart N of this part, for dismissal.

§ 21.24 *Physical examinations.* Every candidate for appointment as an officer shall undergo such physical examination as the Surgeon General may direct, and no candidate who is not found to be physically qualified shall be appointed as an officer.

§ 21.25 *Eligibility; junior assistant grade—(a) Requirements; all candidates.* Except as provided in § 21.54 and as otherwise provided in this section, every candidate for examination for appointment in the grade of junior assistant:

(1) Shall be a citizen of the United States;

(2) Shall be at least 18 years of age; and

(3) Shall have been granted an academic or professional degree from an approved school, college, or postgraduate school, and, unless the required professional training has been otherwise obtained from an approved school, college, or postgraduate school, shall have majored in the profession in which the examination is being held.

(b) *Additional requirement; nurse officers.* Every candidate for examination for appointment as a nurse officer shall be currently registered as a graduate nurse under a nurse practice act of a State, Territory, or the District of Columbia.

(c) *Special requirement; therapists.* Every candidate for examination for appointment as a therapist shall have received a certificate from an approved school of physical therapy or an approved school of occupational therapy.

§ 21.26 *Eligibility; assistant grade—(a) Requirements; all candidates.* Except as otherwise provided in this section, every candidate for examination for appointment in the grade of assistant:

(1) Shall meet the requirements for eligibility for examination for appointment in the grade of junior assistant;

(2) Shall be at least 21 years of age; and

(3) Shall have had at least 7 years of educational and professional training or experience subsequent to high school, except that a candidate who applies for examination for appointment in the Reserve Corps to serve as a medical or dental intern may be examined for such appointment upon the completion of 6 years of such education, training, or experience.

(b) *Additional requirements; dietitians.* Every candidate for examination for appointment as a dietitian shall have successfully completed an approved training course for dietetic interns.

§ 21.27 *Eligibility; senior assistant grade.* Every candidate for examination for appointment in the grade of senior assistant shall meet the requirements for eligibility for examination for appointment in the grade of assistant and shall have completed at least 10 years of educational and professional training or experience subsequent to high school.

§ 21.28 *Eligibility; grades above senior assistant grade.* Every candidate for examination for appointment in grades above that of senior assistant shall meet the requirements for eligibility for examination for appointment in the grade of senior assistant. Candidates for examination for appointment in the full, senior, or director grade shall have completed at least 7, 14, or 15 additional years, respectively, of postgraduate professional training or experience. When

officers of the Service are unavailable for the performance of duties requiring highly specialized training and experience in special fields related to public health, the Surgeon General may specify that a candidate for appointment to the Regular Corps with such highly specialized training and experience shall be examined for appointment in the full or senior grade upon completion of at least 5 or 12 additional years, respectively, of postgraduate professional training or experience, except that the total number of such appointments during a fiscal year shall not exceed three.

§ 21.29 *Eligibility; all grades; academic and professional education and professional training and experience.* The Surgeon General is authorized, subject to the other provisions of this subpart to adopt additional standards by which the education, training, and experience required under this subpart, and evidence thereof, shall be of such specific kind and quality, pertinent to the particular profession concerned, as in his judgment are necessary to limit the examination to qualified candidates.

§ 21.30 *Boards; appointment of; powers and duties.* The Surgeon General shall from time to time appoint boards and subboards of officers to consider the qualifications of candidates for appointment as officers, and shall refer to such boards the applications of those candidates who are eligible for examination for appointment. Such boards and subboards shall consist of three or more officers, the majority of whom, so far as practicable, shall be of the same profession as the candidate. The Surgeon General shall prescribe the duties of boards and subboards in relation to the examination process not otherwise prescribed in this subpart.

§ 21.31 *General service.* Officers shall be appointed only to general service and shall be subject to change of station.

§ 21.32 *Certification by candidate; requirement of new physical examination.* If a candidate for appointment in the Regular Corps or an officer of the Reserve Corps on inactive service has passed a physical examination within a period of 6 months from the date on which it is contemplated that he will be appointed or called to active duty, he shall, prior to being appointed or called to active duty, certify that to the best of his knowledge and belief he is free from all disease or injury not noted in his record at the time of his examination and that he is willing to serve in any climate. If a candidate for appointment in the Regular Corps, or an officer of the Reserve Corps on inactive service, has not passed a physical examination within a period of 6 months from the date on which it is contemplated that he will be appointed or called to active duty, he may, prior to being appointed or called to active duty, be required to undergo such physical examination as the Surgeon General may direct to determine his physical qualification for appointment or call to active duty in accordance with standards prescribed for original appointment, or he may be appointed or called to active duty after executing the certificate described in this section, but shall be physically examined to determine his physical qualification for continued active service in accordance with standards prescribed for original appointment within a period of 15 days after reporting for duty at his first station.

PROVISIONS APPLICABLE ONLY TO REGULAR CORPS

§ 21.41 *Professional examinations, holding of; subjects to be included.* From time to time the Surgeon General may order examinations to be held in such professions and for such grades as he deems necessary for the purpose of providing merit rolls of eligible candidates for appointment in the Regular Corps and shall, if a professional examination is to be required, prescribe the subjects relating to each such profession in which candidates will be examined.

§ 21.42 *Examinations; junior assistant, assistant, or senior assistant grade.* The examination for appointment to the junior assistant, assistant, or senior assistant grade in the Regular Corps shall consist of (a) a written professional examination relating to the fundamentals of the candidate's profession and their relationship to the activities of the Service, and (b) an examination as to the candidate's general fitness, which shall include an oral interview, and a review and evaluation of the candidate's academic and professional education and professional training and experience, and may include other written tests to determine the candidate's fitness for appointment as an officer.

§ 21.43 *Examination; full grade and above.* The examination for appointment to the full, senior, or director grade in the Regular Corps shall consist of a review and evaluation of the candidate's academic and professional education and professional training and experience. The Surgeon General may, however, direct that the examination of a candidate for appointment to any such grade shall also include an oral interview, a written or oral professional examination, or both.

§ 21.44 *Clinical or other practical demonstration.* In the discretion of the Surgeon General a candidate for appointment to any grade up to and including the senior assistant grade in the Regular Corps may be required to perform successfully a clinical or other practical demonstration which, if required, shall constitute a part of the professional examination.

§ 21.45 *Rating values.* The examination of every candidate for appointment to any grade in the Regular Corps shall be rated by a board appointed pursuant to § 21.30 in accordance with such relative values for each part of the examination as are prescribed by the Surgeon General. No candidate who receives a final rating below 80 shall be appointed in the Regular Corps.

§ 21.46 *Merit roll.* Each board appointed pursuant to § 21.30 to consider the qualifications of candidates for appointment as officers shall assign a numerical rating to each candidate for appointment in the Regular Corps who passes the examination, and shall submit a report to the Surgeon General of the ratings and the relative standing of all such candidates for each grade in each profession. The Surgeon General shall submit each such report with his recommendations to the Secretary, and, if approved by the Secretary, the report shall constitute a merit roll from which the Secretary shall, in accordance with relative standing, recommend available persons to the President for nomination as commissioned officers of the Regular Corps. A board may consider any newly discovered evidence relating to the physical, professional, or personnal qualifications of any candidate examined for appointment. Upon recommendation of such board after review of such evidence, the Surgeon General, with the approval of the Secretary, may correct the rating of a candidate or may qualify or disqualify a candidate. The placing of a candidate's name on a merit roll shall give no assurance of an appointment. A merit roll shall expire when a new merit roll in the same profession and grade has been established, but no merit roll shall continue in effect longer than two years after its approval by the Secretary. Every candidate who has not been nominated by the President for appointment prior to the expiration of a merit roll on which his name appears, shall, unless he requests the opportunity to be reexamined, be rated with the next group of candidates of the same profession for appointment in the same grade and shall be given the same rating he had on the expired merit roll. If two candidates who were examined at the same time receive the same numerical rating, the elder candidate shall assume relative standing on the merit roll over the younger candidate. If a candidate whose name is being transferred from an expired to a new merit roll has the same numerical rating as a candidate whose name is being placed on the new merit roll for the first time, the former shall assume relative standing on the merit roll over the latter. The name of a candidate may be removed from a merit roll in the event that he refuses an appointment when offered. No candidate's eligibility for appointment shall exceed two years unless he again becomes eligible as the result of another examination.

§ 21.47 *Examination; anticipation of meeting qualifications.* A potential candidate for appointment in any grade in the Regular Corps may be examined within a period of nine months prior to the date upon which it is anticipated that he will qualify for appointment under this subpart. Upon successful completion of the examination, his name will be entered on a merit roll. In the event that his name, in order of relative standing among all candidates, precedes that of fully qualified candidates, his name, for purpose of appointment, shall be passed over in favor of fully qualified candidates until such time as he becomes fully qualified, but in no event shall he otherwise lose his relative standing on the merit roll, except as provided in

of officers, other than medical officers, or a similar descriptive term. The titles

physically qualified shall be appointed as an officer.

years, respectively, of postgraduate professional training or experience. When

pointment, or he may be appointed or

the qualifications of candidates for ap-

the merit roll, except as provided in

§ 21.46. If the candidate fails to qualify for appointment at the time that it was anticipated that he would qualify, his name shall be removed from the merit roll.

PROVISIONS APPLICABLE ONLY TO RESERVE CORPS

§ 21.51 *Appointment of officers having specialized training or experience in administration and management.* The Surgeon General may recommend for original appointment in the Reserve Corps candidates who have specialized training or experience in administration and management relating to the functions of the Service. All such candidates shall be subject to the same eligibility requirements for original appointment as are applicable to other candidates, except that such a candidate may substitute experience in administration or management for the requirement of professional training or experience.

§ 21.52 *Waiver of entrance qualifications for original appointment in time of war or national emergency.* If, in time of war or national emergency proclaimed by the President, the Secretary determines that there is need for commissioned personnel to meet the needs of the Service, other than persons eligible for examination for original appointment under the eligibility requirements prescribed in this subpart, he may prescribe standards of eligibility for examination for the original appointment of officers in the Reserve Corps without regard to such eligibility requirements. Such standards shall, however, authorize the examination only of candidates with specialized experience in administration or management or candidates with training or experience in fields relating to public health. The permanent grade of an officer who becomes eligible for examination for appointment pursuant to such standards and who becomes eligible for appointment after passage of an examination shall be limited to the junior assistant or the assistant grade, except that, if upon examination a candidate is found to be exceptionally qualified for the performance of highly specilized duties with the Service pursuant to § 21.55, he may be recommended for appointment to any grade up to and including the director grade. Any appointment made pursuant to this section shall be terminated not later than 6 months following the termination of the war or the national emergency proclaimed by the President.

§ 21.53 *Examination.* The examination of candidates for original appointment as officers to any grade in the Reserve Corps shall consist of a review and evaluation of their academic and other education and their training and experience. In the discretion of the Surgeon General the examination of any such candidate may include an oral interview, a written examination, or both.

§ 21.54 *Students.* A potential candidate for appointment in the Regular Corps who is pursuing a course of instruction which, upon completion, would qualify him under §§ 21.25 or 21.26 for examination for appointment in the junior assistant or assistant grade may be examined for and appointed in the Reserve Corps in the junior assistant grade but shall not be called to extended active duty until the successful completion of such course of instruction, except that he may be called to active duty for purposes of training for periods not to exceed 120 days during any fiscal year.

§ 21.55 *Appointment to higher grades; candidates exceptionally qualified in specialized fields.* Any candidate eligible for examination for appointment in the grade of assistant pursuant to § 21.26 who, upon examination for such purpose, is found exceptionally qualified for the performance of duties requiring highly specialized training or experience may be recommended for appointment in the Reserve Corps in any grade up to and including the director grade without regard to the additional years of postgraduate training or experience prescribed for grades above the assistant grade.

§ 21.56 *Reappointment.* An officer of the Reserve Corps, after being examined and found qualified for reappointment, may be recommended for reappointment to the same grade in the event that his commission expires before he becomes eligible for reappointment to a higher grade, or may be recommended for reappointment to a higher grade to be effective on or after the date on which he meets the qualifications prescribed in this subpart for original appointment to such higher grade.

§ 21.57 *Examination for reappointment.* The examination of an officer of the Reserve Corps on active duty who is being considered for reappointment in such corps shall consist of a review and evaluation of his record with the Service. The examination of an officer of the Reserve Corps on inactive duty who is being considered for reappointment in such corps shall consist of (a) a review and evaluation of his record with the Service while on active duty, if any, and (b) the record of his training or experience during the period of his inactive duty preceding such examination. In the discretion of the Surgeon General the examination for reappointment of an officer, whether on active or inactive duty, may include an oral interview.

§ 21.58 *Physical examination for reappointment.* Every officer of the Reserve Corps being considered for reappointment shall undergo such physical examination as the Surgeon General may direct. An officer on active duty may be recommended for reappointment unless he is found to have a physical disability which is determined to render him physically unfit to perform the duties of his office under section 402 of the Career Compensation Act of 1949, as amended. Except as otherwise provided in § 21.59, an officer not on active duty may be recommended for promotion only if he meets the physical qualifications for original appointment. If an officer is not available to be physically examined because of circumstances which make it impracticable for the Service to require such examination, he may, in the discretion of the Surgeon General, be reappointed without such examination, but shall be examined as soon thereafter as practicable and his physical qualification or disqualification for continued or future active service shall be determined on the same basis as if the physical examination had been given prior to reappointment.

SUBPART D—INCREASED PAY AND ALLOWANCES

§ 21.61 *Duty involving frequent and regular participation in aerial flight.* Except as otherwise designated by the Secretary, all duty performed under competent orders by commissioned officers involving frequent and regular participation in aerial flights shall be as a non-crew member pursuant to section 204 (a) (3) of the Career Compensation Act of 1949, as amended, and shall entitle such officers to the pay authorized by subsection (c) of such section.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interprets or applies sec. 209 (a), 58 Stat. 686, as amended, sec. 204, 63 Stat. 809, as amended; 42 U. S. C. 210 (a), 37 U. S. C. 235, E. O. 10152, 15 F. R. 5489, 3 CFR 1950 Supp.)

SUBPART E—ALLOTMENTS

AUTHORITY: §§ 21.71 and 21.72 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 209 (c) 58 Stat. 686, as amended; 42 U. S. C. 210 (b).

§ 21.71 *Generally.* An officer on active duty may be permitted to allot a part or all of his monthly pay and allowances for the payment of insurance premiums, the purchase of securities of the Federal Government, or for other proper purposes approved by the Surgeon General: *Provided,* That no officer, without the approval of the Surgeon General, may have in force more than two allotments at one time, exclusive of allotments for insurance premiums.

§ 21.72 *On active duty or traveling outside continental United States.* An officer on active duty whose permanent or temporary post of duty is outside the continental United States or in Alaska or who, while stationed in the United States, is traveling on official business outside the continental United States or in Alaska, may be permitted to allot, in addition to allotments for the purposes as indicated in § 21.71, a part or all of his monthly pay and allowances for the support of his family or dependents, except that no officer, without the approval of the Surgeon General, may have in force more than two allotments at one time, exclusive of allotments for insurance premiums.

SUBPART F—LEAVE

AUTHORITY: §§ 21.81 to 21.91 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 219, 64 Stat. 426; 42 U. S. C. 210–1.

DEFINITIONS

§ 21.81 *Meaning of terms.* For the purpose of computing and granting leave pursuant to this subpart:

(a) A "year" or "leave year" means the period beginning July 1 of any calendar year and ending June 30 at the succeeding calendar year, except commencing January 1, 1958, such terms shall mean a calendar year.

(b) "Annual leave" means any period of one work day or more during which an officer is relieved from his scheduled working hours, other than for sick leave, and all non-work days within such period.

(c) A "work day" means a day on which an officer is scheduled to perform more than brief periods of work, including a day when an officer is scheduled to serve as officer of the day, to be on call, or to perform official travel.

(d) A "non-work day" means a day designated by an officer in charge on which an officer has no scheduled working hours, including a day on which an officer is ordinarily scheduled to perform only brief periods of work, such as ward rounds in a hospital.

(e) "Off-work hours" means the period between the normal completion and commencement of scheduled working hours on two consecutive work days.

(f) "Station leave" means authorized absence from duty and station on non-work days, off-work hours, or for a period of less than one work day.

(g) "Sick leave" means any period of one day or more with respect to which an officer is excused from duty because of sickness, disability, or need of medical services.

LEAVE WITH PAY

§ 21.84 *Accrual and accumulation of annual leave.* An officer shall accrue annual leave at the rate of 30 days for each full year of active service with the Service, and for any portion of a year at the rate of one day for each 12 consecutive days of such service. Annual leave accrued during a leave year, but unused at the end of such year, shall be carried forward as accumulated leave for use in succeeding leave years, except that accumulated leave credited to an officer at the beginning of a new leave year in excess of 60 days shall be canceled. Annual leave taken during a leave year shall be charged first against the leave accrued or to accrue during that year. No annual leave shall accrue (a) during any period of such leave immediately preceding the termination or inactivation of a commission, or retirement, (b) during any period in which an officer is placed on leave without pay while detailed pursuant to section 214 (b) or 214 (c) of the act, or (c) during any period of absence without leave.

§ 21.86 *Granting of annual leave.* Within the limitations prescribed in § 21.84, annual leave with pay may be granted, upon application, by the Surgeon General at such time or times and for such periods as are approved by him. Annual leave not exceeding 30 days may be granted as provided herein as an advance of leave not yet accrued or accumulated. A period of absence from duty shall be considered as annual leave only if authorized in advance or if the absence and the reasons therefor are reported as promptly as circumstances permit and the absence is excused by the Surgeon General.

§ 21.87 *Computation of annual leave.* The number of days of annual leave taken shall be computed by counting each work day during the period of leave and all non-work days within such period, but excluding any period of station leave immediately preceding or immediately following such leave, except that in the case of annual leave taken immediately preceding the expiration, termination, or inactivation of a commission, or retirement, each day, following the day on which an officer is released from his assigned station, shall be counted as a day of leave.

§ 21.88 *Station leave.* During off-work hours and on non-work days, during which an officer has no scheduled working hours he shall be entitled to station leave unless the officer in charge otherwise directs. If an officer desires to take station leave for a period of less than one work day or on a non-work day during which he is scheduled to perform only a brief period of work, he must obtain the oral permission of the officer in charge. Station leave shall not be charged as annual leave.

§ 21.89 *Reporting of absence; granting of sick leave.* Absence from duty with pay because of sickness, disability, or need of medical services shall be reported immediately, and sick leave may be granted therefor. The officer responsible for granting sick leave may require every such absence in excess of 3 days to be supported by a medical certificate which shall state the nature of the sickness, disability, or need of medical services. A medical certificate also shall be furnished promptly to the Surgeon General at the end of each period of 30 days of continuous absence. Sick leave may be granted by the Surgeon General to the extent that circumstances justify, but it shall not be granted in advance.

§ 21.90 *Prolonged or frequent absence due to sickness or disability; review of status.* An officer's absence from duty due to sickness or disability for a period of more than 90 consecutive days or for an aggregate of more than 120 days in any one calendar year shall be reported to the Surgeon General, who shall appoint a board to consider whether such officer should be retired.

§ 21.91 *Reporting of whereabouts during annual, sick, or station leave.* During a period of annual, sick, or station leave an officer shall be considered to be in an active duty status and shall be subject to all regulations governing commissioned officers, including those relating to discipline. During all such periods of leave, an officer shall keep the officer in charge informed as to the place or places at which he may be located and shall be subject to recall to duty at any time.

LEAVE WITHOUT PAY WHILE ON DETAIL

§ 21.95 *Leave without pay while on detail.* The Surgeon General, with the approval of the Secretary, may place an officer on leave without pay while detailed pursuant to section 214 (b) or 214 (c) of the act for such period as may be agreed upon by the Surgeon General and the officer.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interprets or applies sec. 214 (d), 58 Stat. 690, as amended; 42 U. S. C. 215 (d))

SUBPART G—PROMOTION

AUTHORITY: §§ 21.101 to 21.142 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 210, 58 Stat. 697, as amended; 42 U. S. C. 211. Other statutory provisions interpreted or applied are cited to text in parentheses.

DEFINITIONS

§ 21.101 *Meaning of terms.* For purposes of this subpart:

(a) A "service promotion" means a permanent promotion, other than to a restricted grade, (1) to the assistant grade upon meeting the requirements for original appointment to such grade, (2) to the senior assistant, full, or senior grade upon completion of 3, 10, or 17 years of service, respectively, in and above the assistant grade, or (3) to such grades because of having seniority over an officer who receives such a promotion.

(b) An "accelerated promotion" means a permanent promotion to the senior assistant, full, or senior grade, other than to a restricted grade, prior to the date on which an officer would be entitled to a service promotion.

(c) A "selected promotion" means a permanent promotion to a restricted grade or to the director grade.

(d) A "temporary promotion" means a promotion which may be terminated at any time, as may be directed by the President.

(e) A "graded position" means a position which the Surgeon General has designated as requiring the services of an officer of a certain grade.

(f) A "restricted grade" means the senior grade or both the full and senior grade in a professional category to which promotions shall be made only if vacancies exist in such grade or grades.

(g) A "seniority list" means a list for each grade of each category in the Regular Corps which shall include the names of all officers of that grade and category in the order of their seniority in grade and relative standing for purposes of examination for promotion.

(h) A "promotion register" means a list for each grade of each category in the Regular Corps which shall include the names of all officers of that grade and category who have passed examinations for permanent promotion to the next higher grade.

(i) A "category" or "profesisonal category" means one of the categories into which the Regular Corps is divided for the purpose of establishing eligibility for promotion pursuant to section 209 (a) of the act.

PROVISIONS APPLICABLE ONLY TO REGULAR CORPS

§ 21.110 *Division of Regular Corps into professional categories.* The Regular Corps is divided into the following professional categories for the purpose of establishing eligibility of officers of such corps for promotion: medical, dental, sanitary engineer, scientist, nurse, pharmacist, veterinarian, sanitarian, dietitian, and therapist.

examination for appointment in the examination, he may, in the discretion of succeeding calendar year, except com-

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the officer.

etitian, and therapist.

§ 21.111 *Prescription of numbers in grade.* The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1956, and ending June 30, 1957:

Director Grade	300
Senior Grade	450
Full Grade	355
Senior Assistant Grade	335
Assistant Grade	60
Junior Assistant Grade	0

(Sec. 206, 58 Stat. 684, as amended; 42 U. S. C. 207)

§ 21.112 *Establishment of seniority lists.* There shall be established for each grade of each category in the Regular Corps a seniority list which shall include the names of those officers of the Regular Corps on active duty, holding permanent commissions in such grade and assigned to such category. The names of officers on each seniority list shall be arranged in the order of their seniority pursuant to section 210 (j) of the act and this subpart.

§ 21.113 *Seniority in grade, junior assistant grade.* The order of seniority of officers of the Regular Corps on each seniority list for the junior assistant grade shall be established in accordance with the length of time each officer must serve before becoming eligible for promotion to the assistant grade. An officer having a shorter period of time to serve before becoming eligible for promotion shall assume seniority over an officer having a longer period of time to serve before becoming eligible for promotion.

§ 21.114 *Officers of the Regular Corps entitled to the same seniority in grade.* If two or more officers of the Regular Corps on the same seniority list are entitled to the same seniority, their relative standing on such list shall be determined as follows:

(a) An officer already in a grade shall have relative standing over an officer originally appointed to the grade.

(b) If two or more officers are originally appointed to the same grade on the same day, they shall have relative standing in accordance with their numerical scores on the examinations for appointment. If their numerical scores are the same, the elder officer shall have relative standing over the younger officer.

(c) If an officer is originally appointed on the same day that another officer is promoted to the same grade, the officer promoted to the grade shall have relative standing over the officer appointed to the grade.

§ 21.115 *Restricted grades.* Officers of the Regular Corps in the nurse, dietitian, and therapist categories shall be permanently promoted to the full and senior grades only if vacancies exist in such grades. Officers of the Regular Corps in the pharmacist and sanitarian categories shall be permanently promoted to the senior grade only if vacancies exist in such grade.

§ 21.116 *Promotion to assistant grade.* Each officer of the Regular Corps in the junior assistant grade, who is examined and found qualified for promotion, shall be eligible for a service promotion to the assistant grade on the first day of the month following the date on which he meets the qualifications prescribed for original appointment to the assistant grade, regardless of length of service in the junior assistant grade.

§ 21.117 *Annual promotion boards; appointment of; powers and duties.* At least once each calendar year on a date to be selected by him, the Surgeon General shall appoint one or more annual promotion boards for each professional category into which the Regular Corps is divided for purposes of promotion to consider the qualifications of officers of the Regular Corps for permanent promotions, and may appoint such subboards as are necessary to assist the boards. Such boards and subboards shall consist of three or more officers, the majority of whom, so far as practicable, shall be of the same profession as the officers to be considered for promotion. The Surgeon General shall prescribe the duties and procedures of boards and subboards in relation to the examination process not otherwise prescribed in this subpart.

§ 21.118 *Officers to be considered for promotion.* The Surgeon General shall submit to the appropriate annual promotion board for consideration for promotion the names of those officers of the Regular Corps who will become eligible for service promotions during such ensuing period of one year or less as he may prescribe and the names of a sufficient number of officers of the Regular Corps to meet the estimated needs of the Service for accelerated or selected promotions during the same period. The number of names referred to a board for consideration for accelerated or selected promotions shall be based (a) upon the number of vacancies in each particular grade existing or anticipated within such period, (b) the number of such vacancies which the Surgeon General determines to fill by means of such promotions, and (c) a determination as to whether the examination for promotion to the full grade or above shall be competitive or noncompetitive.

§ 21.119 *Disqualification of a member of a promotion board.* No member of a promotion board shall participate in the second of the first two consecutive considerations of an officer for promotion to the same grade when the member served as a member of a promotion board which failed to select such officer for promotion on the first of such two consecutive considerations.

§ 21.120 *Physical examination.* Every officer of the Regular Corps being considered for a permanent promotion shall undergo such physical examination as the Surgeon General may direct. An officer shall be recommended for promotion unless he is found to have a physical disability which is determined to render him physically unfit to perform the duties of his office under section 402 of the Career Compensation Act of 1949, as amended. If an officer is not available to be physically examined because of circumstances which would make it impracticable for the Service to require such examination, he may be recommended for promotion without taking such examination, but shall be examined as soon thereafter as practicable.

§ 21.121 *Examination; promotion to the assistant and senior assistant grades.* The examination for permanent promotion to the assistant and senior assistant grades in the Regular Corps shall consist of (a) a written professional examination in such subjects as are prescribed by the Surgeon General relating to the officer's profession, the various activities of the Service, and the Service laws and regulations, and (b) a review and evaluation of the officer's record with the Service, and (c), in the discretion of the Surgeon General, an oral interview to determine the officer's fitness for promotion. If, however, an officer who is to be considered for promotion to the assistant or senior assistant grade is not available to take the written professional examination because of circumstances which make it impracticable for the Service to administer such examination, his examination may, in the discretion of the Surgeon General, consist of a review and evaluation of his record with the Service.

§ 21.122 *Examination for promotion to the full grade and above.* The examination for permanent promotion to the full, senior, or director grade in the Regular Corps shall consist of a review and evaluation of an officer's record with the Service, and may, in the discretion of the Surgeon General, include an oral interview, a written or oral professional examination, or both.

§ 21.123 *Rating values.* The examination of every officer for permanent promotion to any grade in the Regular Corps shall be rated, except as provided in § 21.124, by a promotion board in accordance with relative values prescribed by the Surgeon General for each part of the examination.

§ 21.124 *Competitive examination for selected promotions.* If the Surgeon General prescribes that an examination for selected promotions shall be competitive, he may require that the board considering officers for such promotions shall recommend for promotion, out of the number of officers examined, only those officers who possess such special qualifications as he may prescribe, in which event the board shall rate only those officers who possess such qualifications.

§ 21.125 *Use of ratings in determining eligibility for promotion.* Every officer who receives a rating of 80 or above on a non-competitive examination shall be considered as having passed the examination. Every officer who receives a rating of 80 or above on a competitive examination and who, on the basis of his rating, falls within the number of officers to be selected for promotion, as prescribed by the Surgeon General pursuant to section 210 (c) of the act, shall be considered as having passed the examination.

§ 21.126 *Establishment of promotion registers.* There shall be established for each grade of each category in the Regular Corps a promotion register which

shall include the names of those officers of the Regular Corps who have passed examinations for permanent promotion to the next higher grade in the category to which assigned. The names of officers when originally entered on a promotion register shall be arranged in the order of their relative standing on their seniority list but next below the names of all officers already on such register. If an officer is not promoted within two years from the date his name is placed on a promotion register, he shall be reexamined for promotion. If he passes the examination, he shall retain his standing on the register, and if he fails to pass the examination, his name shall be removed from the register.

§ 21.127 *Recommendation for promotion.* Officers will be recommended to the President for promotion in the order of their standing on a promotion register, and no officer will be recommended ahead of any officer senior to him on such register, except that if an officer on a promotion register becomes eligible for a service promotion pursuant to section 210 (f) of the act, he shall be recommended for promotion ahead of officers above him on such register but junior to him on the seniority list. When an officer is promoted, his name shall be removed from the promotion register of the grade from which promoted.

§ 21.128 *Graded positions.* After considering the relative importance of the duties and responsibilities of a position in relation to the duties and responsibilities of other positions occupied by commissioned officers, the Surgeon General may determine that such position requires the services of an officer of a certain grade and may designate such position as a graded position.

§ 21.129 *Selection of officers for assignment to graded positions.* The Surgeon General may select an officer of the Regular Corps to be assigned to a graded position without regard to seniority or grade. Selection for such an assignment shall, however, be based upon a consideration of the qualifications of an officer for such assignment and his ability to perform the duties and responsibilities of the position as demonstrated by his training, experience, and record with the Service.

§ 21.130 *Temporary promotion upon assignment to a graded position.* If an officer of the Regular Corps is assigned to a graded position pursuant to § 21.129 and if his current permanent or temporary grade is lower than the grade designated for such position, the officer may be recommended to the President for a temporary promotion to such or any lower grade, provided that there is a vacancy in the grade to which the officer is to be recommended for promotion, and in the category of the officer so assigned.

§ 21.131 *Limitations on temporary promotions.* Except as otherwise provided in § 21.132, officers of the Regular Corps shall be recommended to the President for temporary promotions only as provided in § 21.130. Upon a subsequent assignment by the Surgeon General to a non-graded position, an officer shall revert to his permanent grade or to his temporary grade held pursuant to § 21.132. Upon a subsequent assignment by the Surgeon General to a graded position designated as requiring a lower grade, an officer shall revert to his permanent grade or to his temporary grade held pursuant to § 21.132 but shall be eligible for a new temporary promotion pursuant to § 21.130.

§ 21.132 *Temporary promotions in time of war or national emergency.* In time of war or national emergency proclaimed by the President, the Surgeon General may recommend to the President for temporary promotions officers of the Regular Corps, in addition to officers assigned to graded positions. Selection for such a temporary promotion shall be based upon a consideration of the qualifications of an officer for promotion and his ability to perform the duties and responsibilities of the higher grade as demonstrated by his training, experience, and record with the Service. If a temporary promotion is other than upon assignment to a graded position, it may be terminated by the Secretary at any time.

§ 21.133 *Effect of disciplinary action.* Nothing contained in this subpart shall be construed to authorize the promotion of an officer of the Regular Corps if such promotion would be inconsistent with action taken pursuant to the regulations on discipline to reduce the grade, promotion credit, or seniority of such officer.

PROVISIONS APPLICABLE ONLY TO RESERVE CORPS

§ 21.141 *Dividing Reserve Corps into professional categories.* Whenever the number of officers of the Regular Corps on active duty, plus the number of officers of the Reserve Corps who have been on active duty for 30 days or more, exceeds the authorized strength of the Regular Corps, the Surgeon General shall, for the purpose of establishing eligibility of officers of the Reserve Corps for temporary promotions, divide the Reserve Corps into professional categories which shall, to the greatest extent practicable, be the same as the categories into which the Regular Corps is divided pursuant to section 209 (a) of the act. The Surgeon General shall thereupon assign each officer of the Reserve Corps, on the basis of his training and experience, to one of such categories.

§ 21.142 *Temporary promotions; Reserve Corps.* Under the same conditions and subject to the same limitations as are applicable to an officer of the Regular Corps, an officer of the Reserve Corps may be selected for assignment to a graded position, and, if selected and if a vacancy exists among numbers in grade established by the Secretary pursuant to section 210 (1) of the act in the higher grade and in the category of the officer so assigned, he shall be recommended for a temporary promotion to such grade. To the extent that vacancies exist in each grade of each category among numbers in grade established by the Secretary pursuant to section 210 (1) of the act, officers of the Reserve Corps, in addition to officers assigned to graded positions, may be recommended for temporary promotions. In time of war or national emergency proclaimed by the President, officers of the Reserve Corps may be recommended for temporary promotions under the same conditions and procedures as are applicable to officers of the Regular Corps. Any promotion made pursuant to this section may be terminated by the Secretary at any time.

SUBPART H—SEPARATION OF CERTAIN OFFICERS

AUTHORITY: §§ 21.151 to 21.155 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 210, 58 Stat. 687, as amended; 42 U. S. C. 211.

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§ 21.151 *Separation of officers of Regular Corps originally appointed in or above the senior assistant grade.* As soon as practicable after the conclusion of the first 3 years of service of an officer of the Regular Corps originally appointed in or above the grade of senior assistant, the record of such officer shall be reviewed by a board appointed by the Surgeon General composed of three or more commissioned officers of the Regular Corps, the majority of whom, so far as practicable, shall be of the same professional category as the officer whose record is under review. If the board finds such officer not fully qualified for further service and if such finding is approved by the Surgeon General and the Secretary, such officer shall be separated from the Service.

§ 21.152 *Separation of officers because of pregnancy.* An officer who becomes pregnant shall be placed on annual leave upon her own application or at such time as the Surgeon General may determine to be in the interest of the Service, but not later than the end of the sixth month of pregnancy. After the expiration of such leave, an officer who has had not less than 10 months continuous active service immediately prior to such expiration shall, upon application, be granted 90 days of sick leave. If after the expiration of annual and sick leave, if any, the officer has not requested to be returned to duty and has not presented evidence to the Surgeon General that she is physically qualified for duty, the officer, if a member of the Reserve Corps, shall be placed on inactive duty, or, if a member of the Regular Corps, her commission shall be terminated. After being placed on annual leave pursuant to this section, no officer shall be granted sick leave, other than the 90 days of sick leave hereinabove authorized, because of sickness, disability, or need of medical services incident to pregnancy or puerperium.

§ 21.153 *Separation of officers of the Regular Corps for physical reasons under certain circumstances.* If a medical review board, after considering the case of an officer referred to it pursuant to § 21.161, finds (a) that an officer of the Regular Corps has a physical disability which is determined to render him physically unfit to perform the duties of his office under section 402 of the Career Compensation Act of 1949 as amended,

but which does not entitle him to retirement for physical disability or placement upon the temporary disability retired list under such section, or (b) that an officer of the Regular Corps who is physically examined within 15 days from the date of his original appointment pursuant to § 21.32, fails to meet the physical qualifications required for original appointment because of a condition which existed prior to his appointment, it shall report such facts to the Surgeon General. If such report is approved by the Surgeon General and the Secretary, the commission of the officer concerned shall be terminated.

§ 21.154 *Separation of officers of the Regular Corps for refusal to undergo examination under certain circumstances.* If the Surgeon General finds (a) that an officer of the Regular Corps eligible to take an examination for promotion refuses, without good cause, to take such examination, including the physical examination, or (b) that an officer of the Regular Corps whose retirement for physical disability is being considered by a medical review board appointed pursuant to § 21.161 has failed, without good cause, to supply any information or undergo any examination required by such board pursuant to § 21.162, he shall refer the case of such officer to a board of investigation appointed pursuant to § 21.283 for the purpose of determining whether the commission of such officer should be terminated. If the board recommends that the commission of such officer be terminated, and if such recommendation is approved by the Surgeon General and the Secretary, the commission of the officer concerned shall be terminated.

§ 21.155 *Security requirements.* The provisions of Executive Order No. 10450 of April 27, 1953, entitled "Security Requirements for Government Employment", shall be applicable to commissioned officers of the Service; and the Secretary, in accordance with the standards and procedures prescribed therein or adopted pursuant thereto, shall (a) cause investigations to be made of commissioned officers of the Service and of candidates for commission in the Regular or Reserve Corps, in order to ensure that their appointment and their retention in office are clearly consistent with the interests of the national security, and (b) suspend from assigned duties or separate from the Service any such officer upon a determination that such suspension or separation is necessary or advisable in the interests of the national security.

SUBPART I—MEDICAL REVIEW BOARD

AUTHORITY: §§ 21.161 to 21.163 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216.

§ 21.161 *Medical review board.* The Surgeon General shall appoint one or more medical review boards and may appoint such subboards as are necessary to assist the boards. Such boards and subboards shall consist of three or more medical officers and may include one or more dental officers. The Surgeon General shall refer to a medical review board the case of any officer who may be entitled to retirement for physical disability, the case of any officer whose name has been placed upon the temporary disability retired list and who is required to undergo a periodic physical examination, and the case of any officer who after his appointment in the Regular Corps or call to active duty in the Reserve Corps is required pursuant to § 21.32 to undergo a physical examination the results of which indicate a possible physical disqualification for further service. In addition, he may refer to such board the case of any candidate being considered for original appointment to either the Regular or the Reserve Corps, the case of any officer of the Reserve Corps being considered for reappointment, call to active duty, or continued active duty, the case of any officer of the Reserve Corps who having been reappointed without taking a physical examination is subsequently physically examined pursuant to § 21.58, and the case of any officer of the Regular Corps being considered for permanent promotion, in which questions exist concerning the physical qualification of such candidate or officer for appointment, reappointment, call to active duty, continued active duty, or promotion.

§ 21.162 *Powers and duties of medical review boards.* A board or subboard may require an officer whose case has been referred to it to undergo such further physical examination as it may direct and to appear before the board and answer any question or produce any document in his possession pertinent to his health history or his activities at the time when the alleged disability arose or was aggravated. Upon the conclusion of its examination and deliberation, the board shall report its findings and recommendations to the Surgeon General.

§ 21.163 *Action by the Surgeon General.* Upon receipt of a report from a medical review board the Surgeon General may return the report to the board for further investigation and recommendations, or may dissolve the board and appoint a new board to complete the investigation or to reinvestigate the case. Upon receipt of a final report from a medical review board the Surgeon General shall consider such report in determining the action to be taken.

SUBPART J—RETIREMENT

AUTHORITY: §§ 21.171 to 21.184 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 211, 58 Stat. 688; 42 U. S. C. 212.

AFTER THIRTY YEARS OF SERVICE

§ 21.171 *Retirement of officers in the senior grade.* Each officer of the Regular Corps in the senior grade, other than an officer in a restricted grade, who has completed 30 years of service for purposes of retirement and who does not request in writing prior to completion of such service that he be retired within 6 months after completion of such service, shall be retired by the Secretary not later than 6 months after completion of such service.

§ 21.172 *Retirement boards; appointment of.* The Surgeon General shall from time to time appoint retirement boards which shall consist of five or more officers, the majority of whom shall, insofar as practicable, be of the same professional category as the officer being considered for retirement.

§ 21.173 *Referral of records to retirement boards.* If an officer of the Regular Corps who is in the director grade, other than an officer during the period of his assignment in the grade of Assistant Surgeon General or above, or who is in the senior grade in a restricted grade does not request in writing prior to completion of 30 years of service for purposes of retirement that he be retired within 6 months after completion of such service, the Surgeon General shall refer his record, including the record of his physical condition, to an appropriate retirement board which shall review such record to determine his qualifications for continued active service.

§ 21.174 *Powers and duties of retirement boards.* A retirement board shall consider the record referred to it by the Surgeon General, and in addition may require for its consideration an oral or written statement from any officer, including the officer concerned, which it believes to be pertinent to an evaluation of the qualifications of such officer for continued active service. The recommendation of a majority of the members of a board shall be reported to the Surgeon General as the recommendation of the board.

§ 21.175 *Subsequent review of record.* If an officer of the Regular Corps is not retired as a result of a review of his record and if he is not subsequently retired for any other reason, the Surgeon General may again refer his record to a retirement board for review at any time, and shall refer his record to a retirement board for review within 3 months after a date which is 2 years subsequent to the date on which the record of such officer was last reviewed by a retirement board. Each review of his record shall be conducted as prescribed in § 21.174.

§ 21.176 *Prescription of numbers for retirement.* The Surgeon General may from time to time refer to appropriate retirement boards the records of all officers of the Regular Corps in a professional category, other than the record of an officer during the period of his assignment in the grade of Assistant Surgeon General or above, who have completed 30 or more years of service for purposes of retirement and who have not been retired, and may prescribe that, out of the number of such officers, a specified number of them shall be recommended for retirement.

§ 21.177 *Action by the Surgeon General and the Secretary.* If a retirement board finds that an officer should be retired and if such finding is approved by the Surgeon General and the Secretary, the officer concerned shall be retired.

RESTRICTED GRADE RETIREMENTS

§ 21.181 *Voluntary retirement; restricted grades.* An officer of the Regular Corps shall, upon his application and subject to the approval of the Surgeon General, be retired pursuant to section 211 (f) of the act on or after such date as he becomes eligible for retirement pursuant to said section: *Provided,* That he has not been found qualified for a permanent promotion prior to the date upon which the Surgeon General approves his application for retirement.

§ 21.182 *Referral of records to retirement boards.* (a) If an officer does not request in writing within one month subsequent to the date on which he becomes eligible for retirement pursuant to section 211 (f) of the act that he be retired within six months after such date, the Surgeon General shall immediately after the expiration of such month refer his record, including the record of his physical condition, to a retirement board appointed pursuant to § 21.172 which board shall review his record to determine his qualifications for continued active service. In considering each such record the retirement board shall have the powers and duties prescribed in § 21.174.

(b) If the Surgeon General disapproves the application of an officer for retirement pursuant to § 21.181, he shall, not later than one year from the date on which the officer first applied for retirement, submit the officer's record to a retirement board for review as prescribed in paragraph (a) of this section: *Provided,* That the officer is still eligible for retirement at such time.

§ 21.183 *Subsequent review of records.* The records of officers who remain eligible for retirement pursuant to section 211 (f) of the act shall be subject to such additional reviews as are prescribed in §§ 21.175 and 21.176.

§ 21.184 *Action by the Surgeon General and the Secretary.* If a retirement board finds that an officer who is eligible for retirement pursuant to section 211 (f) of the act should be retired and if such finding is approved by the Surgeon General and the Secretary, the officer concerned shall be retired.

DISABILITY RETIREMENT

AUTHORITY: §§ 21.191 and 21.192 issued under sec. 413, 63 Stat. 824; 37 U. S. C. 283.

§ 21.191 *Establishment of medical review board to make findings and recommendations concerning disability retirements and separations.* The Surgeon General shall appoint one or more medical review boards and may appoint such subboards as are necessary to assist the boards for the purpose of making findings and recommendations relating to determinations relative to the disability retirement of commissioned officers of the Public Health Service. The boards and subboards shall be constituted as provided in § 21.161 and shall have the additional powers and duties prescribed in § 21.162. The Surgeon General shall refer to a medical review board the case of any officer who may be entitled to retirement for disability, and the Surgeon General shall have, with respect to cases involving disability retirement or separation, the powers conferred upon him pursuant to § 21.163.

§ 21.192 *Procedures; full and fair hearings.* (a) If the report of the medical review board, which has reviewed the case of an officer for retirement, where the officer did not specifically apply for such retirement, contains a finding that such officer is physically fit to perform the duties of his office and if such report is approved by the Surgeon General, the report shall be transmitted to the Secretary for appropriate action pursuant to paragraph (d) of this section.

(b) If the report of the medical review board, which has reviewed the case of an officer for retirement, recommends that such officer be retired or separated or finds that an officer who has specifically applied for disability retirement is physically fit to perform the duties of his office, and if such report is approved by the Surgeon General, a copy of the report shall be forwarded to the officer concerned who shall be informed that if he feels aggrieved by any of the board's findings or recommendations, he shall have the right, within 30 days of his receipt of the report to request the Surgeon General to grant him a full and fair hearing. If the officer's request for a hearing is received within 30 days of his receipt of the board's report the Surgeon General shall grant such officer a full and fair hearing by such means as the Surgeon General may determine most appropriate under the circumstances. Upon completion of such a hearing, the findings and recommendations of the hearing tribunal, together with the board's report, shall be transmitted through the Surgeon General to the Secretary for appropriate action pursuant to paragraph (d) of this section.

(c) If an officer, upon notification of his right to request a hearing, states in writing that he does not desire a hearing, or if a request for a hearing is not received within 30 days from the officer's receipt of the board's report, the Surgeon General shall forward the report to the Secretary for appropriate action pursuant to paragraph (d) of this section.

(d) Upon receipt by the Secretary of the material transmitted to him the officer concerned shall be retired, separated, or continued on active duty as the Secretary shall determine: *Provided,* That if the Secretary determines to retire, separate, or continue on active duty an officer who has not been given an opportunity to request a full and fair hearing, the Secretary shall return all the material involving such officer to the Surgeon General for a hearing pursuant to paragraph (b) of this section.

SUBPART K—TRAINING

AUTHORITY: §§ 21.201 to 21.204 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 218, 62 Stat. 47; 42 U. S. C. 218a.

§ 21.201 *Definition.* The term "approved educational institution or training program" as used in this subpart means an educational institution or training program which has been accredited or approved by a professional body or bodies acceptable to the Surgeon General for such purpose, or which, in the absence of such a body, meets generally accepted professional standards as determined by the Surgeon General.

§ 21.202 *Assignment of officers to educational institutions for training.* After considering the needs of the Service for officers with knowledge, skill, and experience in the specialties required by Service activities, the Surgeon General may assign an officer, with his consent, to an approved educational institution or training program for purposes of training for such length of time as the Surgeon General shall determine and under such conditions as may be agreed upon by the educational institution or training program and the Surgeon General.

§ 21.203 *Payment of tuition and fees.* When an officer of the Regular Corps is assigned to an educational institution or training program, the institution or training program shall be paid for tuition and other fees and charges, including student health service fees, registration fees, laboratory fees, and diploma fees, in the same amounts as are applicable to other students and in such manner as may be agreed upon by the institution or training program and the Surgeon General.

§ 21.204 *Other necessary expenses.* An officer upon assignment to an educational institution or training program for a period of 3 months or more shall be entitled to reimbursement for necessary expenses incident to his attendance incurred for the purchase of textbooks, equipment, and supplies on an actual cost basis not to exceed a total of $100.00 during each year of such training. Such reimbursement shall be made upon the submission of proper receipt for each item.

SUBPART L—UNIFORMS

AUTHORITY: §§ 21.211 to 21.242 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Statutory provisions interpreted or applied are cited to text in parentheses.

MALE OFFICERS

§ 21.211 *Generally.* The uniforms of male officers of the Service shall be the same as the uniforms now or hereafter prescribed for male commissioned officers of the Coast Guard of corresponding grades, except as follows:

(a) *Insignia.* Public Health Service insignia shall be substituted for Coast Guard insignia other than appropriate insignia of grade.

(b) *Miniature corps device on collar tip.* A metal Public Health Service miniature corps device shall be worn on the left shirt collar tip in lieu of the grade mark worn by commissioned officers of the Coast Guard.

(c) *Chin strap.* There shall be worn on the cap a sliding leather strap faced with gold-colored lace or thread, ½ inch wide, with a center band of maroon running lengthwise, 1/16 inch wide, with brass eyelets at each end, and with two slides of the same width and design as the strap at right angles to the strap.

FEMALE OFFICERS

§ 21.221 *Generally.* The uniforms of female officers of the Service shall be the same as the uniforms now or hereafter prescribed for commissioned officers of the Women's Reserve, U. S. Naval Reserve of corresponding grades, except

that Public Health Service insignia, other than appropriate insignia of grade, shall be worn in lieu of the insignia of the Women's Reserve, U. S. Naval Reserve.

§ 21.222 *Working uniforms.* Female officers while on duty at hospitals, or while performing other professional duties in which white working uniforms are customarily worn, shall wear a conventional white working uniform. A metal miniature corps device shall be worn on the left collar tip and a metal miniature grade mark shall be worn on the right tip of this uniform, each device being worn one inch from the front edge of the collar.

§ 21.223 *Detail to States.* Female officers detailed to State or local health departments while engaged in public health activities, consisting of home visiting or clinical work, may wear the uniform dress, if any, of the State public health department to which detailed, together with the garrison cap with miniature Public Health Service cap device on the left side and a miniature metal grade mark on the right side. While wearing State health department uniforms such officers shall wear the same collar-tip insignia as female officers on hospital duty.

§ 21.224 *Change in uniform.* In the event that changes in the uniform of the Women's Reserve, U. S. Naval Reserve, are prescribed, female officers of the Service may continue to wear any uniforms owned by them at the time they are notified of such changes for a period not to exceed two years thereafter, but uniforms acquired after such notification shall be in accordance with the prescribed changes.

MALE AND FEMALE OFFICERS

§ 21.232 *Insignia.* Public Health Service insignia shall be as follows:

(a) *Corps device.* An ornament of gold-colored metal or gold-colored lace or thread consisting of a fouled anchor and caduceus crossed as in the seal of the Service, 1 inch high and 1 inch wide. Except when incorporated as part of the cap device, the corps device shall be so placed on the uniform that the staff of the caduceus is vertical and the anchor is pointing inward.

(b) *Miniature corps device.* A corps device 11/16 inch high and 11/16 inch wide.

(c) *Cap device.* An ornament of gold-colored metal or gold-colored lace or thread consisting of a shield with a chief with thirteen stars surmounted with a spread eagle, head dextral, with the whole placed on the corps device, with dimensions as follows:

	Inches
Height of shield	13/16
Height of eagle	7/8
Wing spread of eagle	2 1/8
Staff of caduceus	2 1/2
Length of anchor	2 1/2

(d) *Miniature cap device.* A cap device with dimensions as follows:

	Inches
Height of shield	1/2
Height of eagle	1/2
Wing spread of eagle	1 1/16
Staff of caduceus	1 3/16
Length of anchor	1 3/16

(e) *Buttons.* Buttons of the same composition and arrangement as on the corresponding article of uniform clothing of a commissioned officer of the Coast Guard or Women's Reserve, U. S. Naval Reserve, with the corps device of the Public Health Service embossed on the button.

§ 21.233 *Wearing of uniforms in time of war.* In time of war, officers of the Service on active duty shall appear in uniform unless otherwise directed by the Surgeon General.

§ 21.234 *Wearing of uniforms in time of peace.* In time of peace, the Surgeon General shall from time to time designate those stations of the Service at which, and those areas, if any, in which, officers of the Service shall wear uniforms.

§ 21.235 *Uniform of the day; generally.* An officer in charge of a station at which uniforms are required to be worn shall from time to time prescribe the uniform of the day to be worn at the station at seasons of the year and on dress occasions, and the Surgeon General may also prescribe the circumstances under which uniforms need not be worn.

§ 21.236 *Uniform of the day; certain officers.* Officers of the Service detailed for duty with other commissioned services shall wear the Public Health Service uniform of the day most nearly corresponding to that worn by the unit with which such officers are serving.

§ 21.237 *Wearing of uniforms; inactive, retired, or former officers.* Unless authorized by the Surgeon General, officers of the Reserve Corps on inactive duty and retired officers shall not wear uniforms except on occasions of ceremony. The Surgeon General may, however, authorize an officer to wear the uniform of his grade for a period not to exceed 30 days following the termination of his commission, his transfer to inactive duty, or his retirement.

(Sec. 510, 58 Stat. 711, as amended; 42 U. S. C. 228)

OTHER PERSONS

§ 21.241 *Persons authorized to wear similar insignia.* Employees of the Public Health Service while wearing uniforms in accordance with regulations of the Surgeon General approved by the Secretary may wear Public Health Service insignia.

(Sec. 510, 58 Stat. 711, as amended; 42 U. S. C. 228)

§ 21.242 *Wearing of certain insignia, or of ornamental jewelry resembling insignia.* Persons not in uniform and not representing themselves to be commissioned officers of the Public Health Service may wear ornamental jewelry resembling Public Health Service insignia, or may wear the corps device, or cap device, or miniatures thereof, in honor of a commissioned officer of the Public Health Service.

(Sec. 510, 58 Stat. 711, as amended; 42 U. S. C. 228)

SUBPART M—DECORATIONS

AUTHORITY: §§ 21.251 to 21.253 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216, E. O. 9993, 13 F. R. 5093; 3 CFR, 1948 Supp. Interpret or apply sec. 212 (d), 58 Stat. 689, as amended; 42 U. S. C. 213 (d).

§ 21.251 *Military, naval, or foreign government decorations—(a) Decorations evidencing service.* For service in time of war or service in any theatre of operations under circumstances and conditions comparable to service performed by members of the armed forces, commissioned officers of the Service shall be authorized to wear medals, ribbons, or decorations authorized to be worn by members of the armed services to signify such service, such authorization to be governed by the same rules and regulations as are prescribed for the armed forces. No decoration evidencing participation in a particular campaign or engagement shall be worn unless an officer was or is detailed to one of the armed services and was or is assigned to a unit awarded such decoration. No officer shall be entitled to wear a decoration awarded by any of the armed services to their members to signify service in time of peace unless an officer was or is detailed to one of the armed services and is authorized by the service to which detailed to wear such decoration.

(b) *Decorations evidencing personal merit.* Commissioned officers may be awarded, and may accept and wear, military ribbons, decorations, or medals awarded by the United States or by a foreign government for personal merit or achievement under the same circumstances as may now or hereafter be provided by law in the case of members of the armed forces of the United States.

§ 21.252 *Wound or service chevrons; overseas service bars.* Commissioned officers who served with the Army during World War I may wear on an Army type uniform, with respect to such service, the wound or service chevrons as prescribed by the Army (see 10 CFR, 1944 Supp., 709.27). One overseas service bar is authorized to be worn by commissioned officers of an Army type uniform, as prescribed in Army regulations (see 10 CFR, 1946 Supp., 709.27 (d)), for each period of 6 months of active service outside the continental limits of the United States or in Alaska from December 7, 1941, to September 2, 1946, both dates inclusive.

§ 21.253 *Other medals, ribbons, or badges.* Commissioned officers may wear medals, ribbons, or badges awarded to them by the Treasury Department. The distinctive badges adopted by military, hereditary, and patriotic societies composed of persons or descendants of persons who served in the armed forces of the United States or in the Service during the Colonial wars, the War of the Revolution, the War of 1812, the Mexican War, the Civil War, the Spanish-American War, the First World War, and the Second World War, respectively, may be worn on all occasions of ceremony by commissioned officers who are regular members of such organizations and entitled by their rules to wear such decorations.

SUBPART N—DISCIPLINE

AUTHORITY: §§ 21.261 to 21.322 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216.

GENERAL PROVISIONS

§ 21.261 *Applicability.* The provisions of this subpart shall apply to all commissioned officers, whether on leave, active duty, or retired, except that they shall not apply to officers on detail pursuant to section 214 of the act to the extent that this subpart may be inconsistent with the special service in which they are engaged. Officers detailed for duty with other commissioned services shall be subject to the laws for the government of the service to which detailed. During the effective period of any Executive order declaring the Service to be a military service and prescribing that the commissioned corps shall be subject to the Uniform Code of Military Justice, disciplinary action may be initiated, prosecuted, and completed either in accordance with the provisions of such order or in accordance with the provisions of this subpart.

§ 21.262 *Orders of superior officers.* Officers are required to observe and promptly to obey the lawful orders of the Surgeon General and all other official superiors. Such orders may be written or oral, but all countermanding orders shall be in writing unless the original order was oral and is countermanded by the officer who issued it.

§ 21.263 *Officer in charge; designation.* The officer in charge of a station shall have authority over all officers serving with him and shall enforce Service regulations and issue and enforce such lawful orders as he may deem necessary for proper administration of the station. As used in this subpart, "officer in charge" means the officer so assigned by the Surgeon General.

§ 21.264 *Officer in temporary charge; designation.* An officer in charge shall designate an officer assigned to his station to act as the officer in temporary charge in the event of his absence, disability, or death. Such designation may be made without regard to rank or professional category.

§ 21.265 *Officer in temporary charge; authority.* An officer in temporary charge shall make no substantial changes in the regular routine of the station unless such changes are found to be necessary from conditions of emergency or changed circumstances. Any order making such change together with the reasons therefor shall be entered in the files of the station over the signature of the officer in temporary charge.

§ 21.266 *Official correspondence.* All official communications written by officers relative to matters of official business shall be forwarded through the officer in charge.

§ 21.267 *Furnishing information.* No officer shall publish or furnish for publication any official reports of current statistics of the operations of the Service or any information concerning the Service without authority from the Surgeon General; nor shall an officer publish or offer for publication any article dealing with professional subjects or the policy of the Service unless the article shall have been submitted to and approved by the Surgeon General or his designated representative. No reports or information concerning the Service shall be volunteered to the press without the consent of the officer in charge, to whom representatives of the press shall be referred when requesting information.

§ 21.268 *Letters of recommendation.* No officer shall give any letter of recommendation with respect to any article of manufacture or on behalf of any firm or corporation.

§ 21.269 *Outside employment.* No officer on active duty shall render any professional services for remuneration except with written approval of the Surgeon General.

§ 21.270 *Misconduct.* The following actions or conduct shall constitute grounds for disciplinary action pursuant to this subpart:

(a) Willful disobedience of the lawful orders of a superior officer.

(b) Negligence or carelessness in obeying orders.

(c) Excessive use of drugs or intoxicating liquors.

(d) Conduct tending to bring discredit upon the officer or upon the Service, or upon both.

(e) Financial irregularities.

(f) Use of language disrespectful of official superiors or other officers.

(g) Any publication or public statement impugning the professional competency or personal character of another officer.

(h) Waste of public property or knowingly permitting such waste.

(i) Conviction of a felony or an offense involving moral turpitude.

(j) Willful submission of false information in application for appointment or in any proceeding of the Service.

(k) Abusive treatment of subordinate officers or employees, of patients or beneficiaries of the Service, or of members of the public in their dealings with the Service.

(l) Absence without leave.

(m) Violation of any regulation prescribed for the government of the Service.

§ 21.271 *Summary punishment—(a) Officer in charge.* The officer in charge may impose upon an officer subject to his authority the following punishment for misconduct during any period when the latter was so subject: (1) Private reprimand; and (2) suspension of privileges pending immediate report of such misconduct to and instructions from the Surgeon General.

(b) *The Surgeon General.* If an officer is absent without leave for 30 or more days during a calendar year, the Surgeon General may recommend to the Secretary that the commission of such officer be terminated and if the Secretary approves such recommendation, the commission of such officer shall be terminated. If the Surgeon General so determines, he may refer any case of absence without leave to a board of investigation for investigation and recommendations in accordance with the provisions of this subpart.

(c) *Recording of action taken.* Any action taken pursuant to this section shall be entered on the service record of the officer. Such entry shall include the date and nature of the offense and the action taken.

§ 21.272 *Leave of absence during pendency of charges.* An officer authorized to grant leave of absence shall not grant leave to an officer against whom charges are pending, but requests for leave at that time shall be referred to the Surgeon General for action.

§ 21.273 *Grievances.* If any officer shall consider himself aggrieved by another officer and shall fail to secure an adjustment of the matter to his satisfaction, he may report such fact in writing through the officer in charge to the Surgeon General.

BOARDS OF INVESTIGATION

§ 21.281 *Order to appear before board; time limitations.* When an officer is charged by his superior officer, or by any responsible person or persons, with conduct constituting a ground for disciplinary action under this subpart, he may be ordered to appear before a board of investigation, but no officer shall be so ordered to appear or punished for any offense connected with the Service committed more than one year before the issuance of such order. Any period during which an officer is outside the continental United States or in Alaska or any period during which discovery of the offense was prevented by the giving of false information by or in behalf of an officer shall not be counted as part of such one-year limitation.

§ 21.282 *Convocation.* A board of investigation may be convoked by order of the Secretary or the Surgeon General. Such order shall indicate the time and place of assembly.

§ 21.283 *Composition.* The board of investigation shall consist wholly of commissioned officers of the Service and of not less than three members, who shall be appointed by the Secretary upon recommendation of the Surgeon General. The members of the board shall, if practicable, be equal or senior in rank to the accused officer and shall, if practicable, include at least one officer of the same profession as the accused officer.

§ 21.284 *Punishment.* The board shall hear the case and make a report of its findings. If the accused officer is found guilty, the board shall make recommendations as to punishment which shall be limited to the following:

(a) Dismissal from the Service.

(b) Reduction of grade, with a specific recommendation with regard to promotion credit and seniority in the grade to which reduced.

(c) Loss of seniority with a specific recommendation with regard to promotion credit.

(d) Official reprimand by circular letter.

(e) Official reprimand by the Surgeon General.

Stem of caduceus	1 5/16	
Length of anchor	1 5/16	(Sec. 310, 58 Stat. 711, as amended; 42 U. S. C. 228)

and entitled by their rules to wear such decorations.

(f) Any combination of the punishments prescribed in paragraphs (b), (c), (d) and (e) of this section.

§ 21.285 *Service representative.* In connection with any proceeding before a board of investigation, the Surgeon General shall detail an officer of the Service, not liable to be summoned as a witness, to prepare a statement of the charges and specifications against the accused officer and to act in the interest of the Government as Service representative before the board. The Service representative shall not be a member, and shall be independent of the control, of the board. The Service representative shall investigate all the circumstances of the case. All persons connected with the Service shall furnish the Service representative with such information within their knowledge as he may request. He shall have the right to be furnished with such instructions and papers or copies thereof as may be necessary for his guidance.

§ 21.286 *Notice of charges; right to counsel.* When charges are preferred against an officer for the investigation of which a board of investigation is ordered, the officer shall be furnished a copy of such charges and the specifications thereof and shall be notified that he may, if desired, have counsel to aid in his defense.

§ 21.287 *Presiding officer.* The senior officer of the board shall be the presiding officer. He shall (a) preserve order, (b) decide upon matters relating to the routine of business, (c) request the presence of witnesses, (d) administer oaths as required, and (e) adjourn the board from day to day. He shall be authorized at any time to order the exclusion from the room of any person other than the members of the board, the recorder, the stenographer, the accused and his counsel, and the Service representative, and to order a closed session limited to members of the board for the purpose of deliberation upon objections to questions and evidence and upon the validity of challenges and pleas, and of formulating its findings and recommendations. Should any member of the board object to a decision of the presiding officer, the question shall be submitted to and decided by a majority vote of the board.

§ 21.288 *Recorder.* The junior officer of the board shall be recorder. Under the direction and control of the board it shall be his duty (a) to record the proceedings, (b) to append original documents (or authenticated copies thereof) to the record, (c) to have custody of the record and all documents submitted to the board, (d) to assist the board in systematizing the information it may receive, (e) to render the board such assistance as will enable it to present the facts to the convoking authority, (f) to read the charges and specifications when the accused is arraigned, (g) if practicable, to read the record of the proceedings of the preceding session at the opening of each session, (h) as may be directed by the presiding officer, to prepare and send out requests to witnesses to appear and testify, and (i) in conjunction with the presiding officer, to authenticate the proceedings by his signature.

§ 21.289 *Stenographer.* Stenographic assistants shall be employed to record the testimony.

§ 21.290 *The record.* Except as otherwise provided, the entire proceedings of the board shall be fully set forth in the record, which shall be signed by the presiding officer and the recorder. Such record shall be confidential and shall not be disclosed except for the purposes of the proceedings, but the accused and his counsel shall be permitted access to the record for the purpose of preparing the defense of the accused in such proceedings.

§ 21.291 *Oath of board members.* When the board assembles, the recorder shall read the order convoking it. Such order shall be read in the presence of the Service representative, the stenographer, the accused officer, and his counsel. The recorder shall then administer the following oath to each member of the board: "I do solemnly swear (or affirm) that I will carefully and impartially investigate and try the case now about to be opened; that in announcing my conclusions and recommendations to be embodied in the report of this board to be submitted to the convoking authority, I will be governed wholly by the evidence adduced, and I will not be influenced for or against the accused by anything not clearly shown in the recorded evidence; so help me God." The presiding officer shall then administer the same oath to the recorder of the board.

§ 21.292 *Oath of recorder and stenographer.* The recorder and the stenographic assistants shall be sworn by the presiding officer to keep a true record of proceedings, as follows: "I do solemnly swear (or affirm) that I will faithfully perform the duties of recorder (or stenographer) to this board, and that I will not divulge any of the proceedings of the investigation; so help me God."

§ 21.293 *Affirmations.* The closing phrase invoking the Diety in the oaths prescribed in this subpart shall be omitted in cases of affirmation.

§ 21.294 *Sessions.* The board shall sit daily, except Sundays and holidays, until a decision is reached unless temporarily adjourned or dismissed by the authority which convoked it: *Provided*, That the presiding officer may, for good cause, grant a continuance to either party for such time and as often as may appear to be just. When the proceedings of the board have commenced, they shall not be suspended or delayed on account of the absence of any of the members if a majority but not less than three members is present, and in the absence of the accused officer without good cause the board may proceed as if he were present.

§ 21.295 *Challenges.* The presiding officer shall ask the accused whether he objects to being tried by any member of the board, and, in case of objection, he shall state his reasons therefor. The recorder shall enter a minute of the inquiry and of the answer upon the records. A challenged member shall have the right to reply to the accused. All parties except the unchallenged members shall be excluded until a decision has been reached upon the validity of the challenge by the remaining members of the board. Should the challenge be sustained, the facts shall be reported by the presiding officer to the Surgeon General, and if the number of members is reduced below three, the board shall adjourn until instructions are received. Each challenge, whenever the accused wishes to challenge more than one member, shall be received and considered separately.

§ 21.296 *List of witnesses.* The Service representative and the accused shall each furnish the presiding officer a list of his witnesses. Other witnesses may be introduced at a later stage of the investigation upon giving reasonable notice. The notice to testify shall be prepared by the recorder and signed by the presiding officer.

§ 21.297 *Reading of charges and specifications.* The recorder shall read in the presence of the accused the charges and specification of charges preferred against him, and the accused shall be called upon to plead on each specification and charge seriatim, as follows: The recorder shall read the specification of the first charge, and the presiding officer shall then address the accused by name and designation and ask whether he is guilty or not guilty of the specification just read. Each specification shall be read and the accused asked to plead in each instance until all of the specifications of the first charge have been covered. Then the charge shall be read and the accused be required to plead to that. The specifications and charges shall be pleaded to in this manner until all have been covered.

§ 21.298 *Plea to charges.* If the accused officer is present and refuses to plead, the presiding officer shall direct a plea of "not guilty" to be entered.

§ 21.299 *Plea in bar.* A plea in bar of investigation shall be in writing, signed by the accused, and appended to the record. Witnesses may be called and arguments submitted by both parties upon such plea. The board shall deliberate upon the matter in closed session, and, upon reopening, the board's decision shall be announced by the presiding officer. If the plea is sustained, a report shall be forwarded to the convoking authority and the board shall adjourn to await further orders.

§ 21.300 *Preliminary instructions to witnesses.* Witnesses other than the accused shall be present only when testifying, and they shall be warned that they are not to converse on any matter pertaining to the pending investigation.

§ 21.301 *Calling of witnesses; oath.* The witnesses shall be called before the board separately. The presiding officer shall administer to each the following oath: "I do solemnly swear (or affirm) that I will make true answers to such questions as may be propounded to me; so help me God." Witnesses shall be cautioned before giving their testimony to testify only to facts which are within their own knowledge.

§ 21.302 *Verification of testimony.* After the testimony of the witness is closed the whole of his testimony as recorded may be read over to him and, when corrected in such parts as are in error, he shall sign it. The signatures of the witnesses shall be authenticated by the presiding officer of the board.

§ 21.303 *Witness fees.* Upon the application of the presiding officer payment of the usual witness fees to witnesses unconnected with the Government service may be authorized.

§ 21.304 *Evidence; admissibility.* Evidence may be received by the board even though inadmissible under rules of evidence applicable to court procedure. The Service representative or the counsel for the accused may, however, object to the admission of evidence or testimony on the ground that it is irrelevant, immaterial, incompetent, or otherwise improper, and if such objection is overruled by the board he shall be allowed to enter his objection upon the record. Notwithstanding the provisions of § 21.281, whenever it shall appear to the board to be material to the charges to prove or disprove a particular habit of the accused, evidence as to his record in that regard for a period of 3 years prior to the order convoking the board shall be admissible.

§ 21.305 *Depositions.* Depositions of individuals who are unable to appear in person before the board and whose testimony is material to a complete investigation of the case may be received, provided that the accused shall be given an opportunity to have present when the deposition is taken a representative who may cross-examine the witnesses.

§ 21.306 *Order of examination.* The evidence on the part of the Service shall be first taken. The evidence for the defense shall be taken when the Service rests. Either side may rest at pleasure. The examination of witnesses shall close by taking such testimony as may be offered in rebuttal, surrebuttal, impeachment, or to sustain the credibility of those witnesses whose testimony an effort has been made to impeach. The board may recall a witness at any stage of the proceedings, provided that the right of cross-examination by the accused and the Service representative shall not be denied. Each witness shall first be examined in chief by the party who summons him, and then cross-examined by the opposite party. In case of new matter being introduced on cross-examination, the party calling the witness may examine him with respect to such matter, and, under like circumstances, a recross-examination shall be permitted. The board may put such questions to the witness as may be deemed necessary; a question by a member of the board generally shall not be asked until the Service representative and the accused have finished their examinations.

§ 21.307 *Testimony of accused.* The accused may in any case, testify in his own behalf, but his failure to do so shall create no presumption against him. If the accused does testify in his own behalf, he shall be subject to cross-examination concerning any facts to which he has testified.

§ 21.308 *Defense rebuttal.* When the examination of witnesses is closed the accused may present arguments in his defense, in writing or orally, in person or by counsel. This statement, if written, may be read before the board. The whole shall become a part of the record.

§ 21.309 *Reply of Service representative.* The Service representative shall have the right to reply to the defense in writing or orally, and this reply shall become a part of the record.

§ 21.310 *Close of hearing.* When the Service representative and the defense have completed their arguments, the hearing shall be closed. The board may, however, before its finding, authorize reopening for the introduction of new evidence, provided it be shown that the evidence is material and its omission would leave the case incomplete. The board shall then retire to consider the record.

§ 21.311 *Consideration by board.* (a) When the board has sufficiently examined the evidence, the presiding officer shall put the question upon each specification of each charge, beginning with the first, whether the specification is "proved", "not proved", or "proved in part". No written minute of the votes shall be preserved unless so ordered by the unanimous vote of the board. In any oral vote the member of the board who is junior in rank shall vote first. When a majority of the board agrees upon a finding it shall be so recorded.

(b) When the members have voted upon all the specifications of any charge, the question shall be put upon the charge to each member: "Is the accused guilty of the charge, or not guilty?". When a majority decision is arrived at, the result shall be recorded. The board shall then proceed to the next charge and specifications until votes have been taken and decisions recorded upon all the charges and specifications.

(c) When the members of the board have voted upon all the charges, if the accused has been found guilty upon any of them, the members shall proceed to vote upon the punishment to be recommended. Each member shall write down the punishment which he believes should be recommended and shall hand his vote to the presiding officer, who shall announce the result. If a majority shall not have agreed upon the nature and degree of the punishment to be recommended, the presiding officer shall proceed, beginning with the mildest punishment that has been proposed and continuing, if necessary, to the next more severe punishment, and so on, successively, until a punishment to be recommended has been decided upon by a majority of the members of the board.

(d) A finding of guilty shall not be entered on a charge other than a charge specified. In case evidence develops which in the opinion of the Service representative warrants additional charges and specifications, appropriate recommendation shall be made with respect thereto by the Service representative to the Surgeon General. The Service representative shall give due notice to the presiding officer, whereupon the board shall await further instructions from the Surgeon General.

§ 21.312 *Findings and recommendations of board.* After all charges and specifications have been voted upon, the recorder, under the direction of the board, shall draw up the findings, specifying as to each charge whether the accused has been found guilty or not guilty, and, on approval by the board, shall enter such findings upon the record, together with the recommendations of the board as to punishment and clemency if the accused has been found guilty of any charge.

§ 21.313 *Recommendations of board.* In arriving at its recommendations as to the nature and degree of the punishment, if any, to be imposed, the board shall take into consideration all previous convictions and the official record of the accused. If mitigating circumstances have appeared during the proceedings which could not be taken into consideration in determining the degree of guilt found by the verdict, the board may avail itself of such circumstances as grounds for recommending clemency. Any recommendation for clemency shall be inserted immediately after the recommendation as to punishment.

§ 21.314 *Report to accompany record.* The board shall prepare a report to accompany the record and in such report shall review the evidence as a whole, with specific reference to all evidence and to any conclusions of law on controverted questions upon which the findings are based. The report of the board shall be signed by the members concurring; any member or members not concurring, in whole or in part, may submit and sign a minority report.

§ 21.315 *Transmittal of record and report.* After the record (including the transcript of the testimony) and other documents have been signed, they shall be forwarded by the presiding officer to the Surgeon General. The board shall then adjourn pending further orders.

ACTION UPON FINDINGS AND RECOMMENDATIONS OF BOARD

§ 21.321 *Action by Surgeon General.* The Surgeon General shall review the record, report, and recommendations of the board, and may either order further investigation by the board or transmit the papers in the case to the Secretary with his recommendations.

§ 21.322 *Action by the Secretary.* No recommendation for punishment shall be effective until approved by the Secretary. The Secretary shall review the record, report, and recommendations of the board and the recommendations of the Surgeon General, and may either order a further investigation by the

examinations.

board or approve the findings and recommendations in whole or in part; or, upon the basis of the approved findings, he may order punishment or a grant of clemency or other disposition not inconsistent with these regulations. The disposition of a case by the Secretary shall be final.

SUBPART O—BURIAL PAYMENTS

AUTHORITY: §§ 21.331 to 21.333 issued under sec. 12, 68 Stat. 481; 5 U. S. C. 2162.

§ 21.331 *Commissioned officers.* Upon the death of a commissioned officer the Surgeon General or his designee may pay the necessary expenses for those items enumerated in section 2 of the Act of July 15, 1954 (68 Stat. 478; 5 U. S. C. 2152), in accordance with and subject to those limitations prescribed in said Act. Not more than an aggregate of $600.00 shall be paid for the following:

(a) Preparation of remains for burial (including cremation of remains upon request of the person recognized as the one to direct the disposition of the remains);

(b) Casket or urn, with outside box;

(c) Hearse service; and

(d) Funeral director's services.

In addition, an amount not to exceed $50.00 shall be paid for the interment of the remains when the interment is in a cemetery other than a national cemetery.

§ 21.332 *Reimbursement.* In any case where expenses, which are authorized to be paid under § 21.331, are borne by an individual, reimbursement to such individual or his representative may be made for such expenses, subject, however, to the limitations as to amount prescribed in § 21.331.

§ 21.333 *Dependents of commissioned officers.* The Surgeon General or his designee may pay, with respect to a dependent (as defined in section 102 (g) of the Career Compensation Act of 1949, as amended) of a commissioned officer on active duty, who dies while residing with such commissioned officer outside the continental limits of the United States or in Alaska or while in transit to or from such place of duty, the necessary expenses incurred for the transportation of the remains to such person's home or to such other place as the Surgeon General shall determine to be the appropriate place of interment.

SUBPART P—QUARTERS

AUTHORITY: §§ 21.341 to 21.348 issued under sec. 302, 63 Stat. 812, as amended; 37 U. S. C. 252.

§ 21.341 *Definitions.* As used in this subpart, the terms:

(a) "On active duty" and entitled to "active-duty pay" shall apply to a commissioned officer of the Public Health Service while on the active list or while required to perform duty in accordance with law for which he is entitled to active-duty pay: *Provided,* That such terms shall not apply to any officer while absent from duty under conditions which, under the laws governing the Public Health Service, would prevent him from receiving full pay.

(b) "Permanent station" shall mean the place where an officer is assigned to duty under orders which do not in terms provide for the termination thereof.

(c) "Dependent" shall include the officer's lawful wife, and unmarried children under twenty-one years of age, including step-children and adopted children when such step-children or adopted children are in fact dependent upon the officer. It shall also include the father or mother of the officer, if in fact dependent upon such officer for his or her chief support.

(d) "Quarters" includes fuel, water, and electricity and other necessary utilities services.

§ 21.342 *Adequacy of quarters.* For the purposes of this subpart the Surgeon General and, with respect to any station of the Service, the officer in charge of such station shall be competent superior authority as defined in Executive Order 9255 dated October 13, 1942, 3 CFR, 1943 Cum. Supp. The Surgeon General shall determine the adequacy of quarters for the officer in charge. The officer in charge shall determine the adequacy of quarters for officers on duty at the station.

§ 21.343 *Assignment of quarters.* Quarters at each station of the Service, if available, shall be assigned by the Surgeon General to the officer in charge, and such other quarters as may be available for additional officers shall be assigned by the officer in charge to officers on duty whose presence on the station is essential to the prompt and proper performance of Service functions. An officer ordered to assume permanent charge of a station will, in reporting his arrival, state that he has occupied the quarters assigned by the Surgeon General, if such be the case. In the assignment of quarters consideration shall be given to the number, age, and sex of dependents, if any. An officer assigned adequate quarters shall be entitled to rental allowance if by reason of orders of competent authority his dependents are prevented from occupying such quarters.

§ 21.344 *Leaves of absence.* An officer shall be entitled to retain quarters assigned at his station during leaves of absence authorized by laws or regulations, or when on temporary duty. An officer under suspension shall continue to occupy quarters as when on duty status.

§ 21.345 *Voluntary and joint occupancy of quarters.* Quarters at the permanent station shall be conclusively presumed to be adequate while occupied voluntarily by an officer having no dependents, or by an officer with his dependents, jointly by two or more officers, with or without dependents, or jointly by an officer and the dependents of another officer.

§ 21.346 *Permission to occupy unassigned quarters.* Any unassigned quarters at a station may, with the permission of a competent superior authority and so long as not needed for assignment to officers on permanent duty at the station, be occupied by officers not permanently stationed thereat, but no officer unaccompanied by dependents will be permitted to occupy as quarters at a station other than his permanent station more than one room and a bath.

§ 21.347 *Application for quarters.* An officer reporting to a station under orders for permanent duty shall upon arrival make written application to the officer in charge for assignment to quarters. The officer in charge shall assign the reporting officer to quarters if adequate quarters are available or notify said officer in writing that adequate quarters are not available.

§ 21.348 *Appeal to Surgeon General.* In the event an officer assigned to quarters considers the quarters inadequate, he may appeal through the officer in charge to the Surgeon General, giving in detail the reasons for such appeal. The officer in charge shall forward this appeal with an endorsement setting forth his reasons for the assignment. The decision of the Surgeon General as to the adequacy of the quarters assigned shall be final.

SUBPART Q—TRAVEL AND TRANSPORTATION ALLOWANCES

AUTHORITY: §§ 21.351 and 21.352 issued under sec. 303, 63 Stat. 813; 37 U. S. C. 253.

§ 21.351 *Controlling regulations.* Regulations governing the allowances for travel and transportation and the conditions under which such travel and transportation may be performed by commissioned officers of the Public Health Service shall consist of those portions of the document entitled "Joint Travel Regulations", approved by the Federal Security Administrator on January 31, 1951, and approved by the Secretaries having jurisdiction over the other uniformed services, as are applicable to such officers of the Service, together with any revisions or additions to such document, so applicable, as have been approved since January 1, 1951, by said Administrator or the Secretary, as the case may be, or as may hereafter be approved by the Secretary.

§ 21.352 *Instructions by the Surgeon General.* The Surgeon General is authorized to adopt, and from time to time revise or add, administrative instructions relating to methods or procedures appropriate to implementing and enforcing the regulations governing travel and transportation allowances of the commissioned officers of the Service.

SUBPART R—DETERMINATIONS OF STATUS OF DEPENDENT PARENTS FOR PURPOSES OF BASIC ALLOWANCE FOR QUARTERS

AUTHORITY: §§ 21.381 to 21.387 issued under sec. 302, 63 Stat. 812, as amended; 37 U. S. C. 252.

§ 21.381 *Definitions.* For purposes of this subpart the term "parent" shall include a natural father or mother, a father or mother by adoption, a stepfather or stepmother, and any person, including a former stepfather or stepmother, who has stood "in loco parentis" to an officer at any time for a continuous period of not less than five years during the minority of such officer. A stepparent-stepchild relationship shall be deemed to be terminated by the stepparent's divorce from the blood parent, but shall not be deemed to be terminated by the death of the blood parent.

§ 21.382 *Entitlement.* An officer shall be entitled to basic allowance for quarters because of a dependent parent upon the presentation of appropriate evidence, as required in this subpart, to establish the fact (a) that the parent is a parent as defined in § 21.381, and (b) that the parent is dependent upon the officer for over half of his or her support.

§ 21.383 *Proof of dependency.* If any person is claimed as a dependent parent, the officer shall submit form PHS 1637-2 (BF). In addition, the parent concerned shall submit an affidavit on form PHS 1637-3 (BF). The parent's affidavit shall be filed to cover the period from the date basic allowance for quarters is claimed to the date of execution of the affidavit, such period to be not less than one month.

§ 21.384 *Adopted parent.* If the parent claimed as a dependent is a parent by adoption, there shall be submitted, in addition to the evidence required by § 21.383, certified court orders of adoption or such other evidence as is acceptable to establish legally the fact of adoption.

§ 21.385 *Stepparent.* If the parent claimed as a dependent is a stepparent, the stepparent must submit, in addition to the affidavit required by § 21.383, a sworn statement to the effect that he or she married the blood parent of the officer and that he or she has not been divorced from such blood parent.

§ 21.386 *Parent "in loco parentis."* If the parent claimed as a dependent has an "in loco parentis" status, the officer, in addition to the evidence required by § 21.383 to be submitted by him, shall submit a sworn statement setting forth all circumstances relevant to proof of the relationship as may be prescribed by the Surgeon General.

§ 21.387 *Determinations.* Determinations of dependency and parental status, as required by this subpart, may be made by such officers and employees of the Public Health Service as may be designated by the Chief, Division of Finance, Public Health Service.

SUBPART S—CLAIMS FOR COMPENSATION; AVAILABILITY OF CLINICAL INFORMATION

§ 21.401 *Claims for compensation; disclosure of relevant clinical information.* Relevant clinical information in the records or in the possession of the Service concerning a commissioned officer or former officer of the Service may upon request therefor be furnished to a Federal department or agency with which a claim for compensation or other benefit has been filed based on the death of, or an injury or disease incurred by, such officer or former officer.

(Sec. 215, 58 Stat. 690 as amended; 42 U. S. C. 216)

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

LEPROSY DUTY BY CIVIL SERVICE OFFICERS AND EMPLOYEES

Sec.

22.1 Duty requiring intimate contact with leprosy patients; additional pay for civil service officers or employees.

SPECIAL CONSULTANTS

22.3 Appointment of special consultants.

BURIAL PAYMENTS

22.4 Non-commissioned personnel.

AUTHORITY: §§ 22.1 to 22.4 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Statutory provisions interpreted or applied are cited to text in parenthesis.

LEPROSY DUTY BY CIVIL SERVICE OFFICERS AND EMPLOYEES

§ 22.1 *Duty requiring intimate contact with leprosy patients; additional pay for civil service officers or employees.* Every civil service officer or employee of the Service assigned to full-time duty for a period of 30 days or more at a station of the Service devoted to the care of leprosy patients shall receive, while so assigned, in addition to the basic compensation provided by law for his position, a sum equal to 25 per centum of such compensation: *Provided,* That the rate of total basic and additional compensation received by any such civil service officer or employee on June 30, 1952, under laws and regulations then in effect shall not, so long as the officer or employee remains on continuous assignment to such duty, be reduced prior to July 1, 1957, by reason of the foregoing provisions of this section.

(Sec. 209 (g), 58 Stat. 687, as amended; 42 U. S. C. 210 (e))

SPECIAL CONSULTANTS

§ 22.3 *Appointment of special consultants.* (a) When the Public Health Service requires the services of consultants who cannot be obtained when needed through regular Civil Service appointment or under the compensation provisions of the Classification Act of 1949, special consultants to assist and advise in the operations of the Service may be appointed, subject to the provisions of the following paragraphs and in accordance with such instructions as may be issued from time to time by the Secretary of Health, Education, and Welfare.

(b) Appointments, pursuant to the provisions of this section, may be made by those officials of the Service to whom authority has been delegated by the Director of Administration of the Department.

(c) The per diem or other rates of compensation shall be fixed by the appointing officer in accordance with criteria established by the Surgeon General.

(d) No consultant appointed pursuant to the provisions of this section shall be employed for more than 130 working days in any fiscal year unless the Director of Administration, because of special circumstances, shall approve an extension thereof.

(Sec. 208 (c), 58 Stat. 686, as amended; 42 U. S. C. 209 (e))

BURIAL PAYMENTS

§ 22.4 *Non-commissioned personnel.* The following expenses may be allowed in the case of an employee of the Public Health Service who dies either as a result of disease or injury directly attributable to the performance of his official duties, or while detailed for duty outside the continental limits of the United States:

(a) Cost of preparation for burial of remains not to exceed $600.00, restricted to: cost of undertaker's services, embalming, and other preservative methods, casket, outside box when required, and hire of hearse.

(b) Cost of transportation of remains to place of burial. In any case where funeral expenses authorized in this section are borne by individuals, reimbursement to such individuals may be made.

(Sec. 212, 506, 58 Stat. 689, as amended, 710; 42 U. S. C. 213, 224)

Subchapter C—Medical Care and Examinations

PART 31—MEDICAL CARE FOR CERTAIN PERSONNEL OF THE COAST GUARD, COAST AND GEODETIC SURVEY, PUBLIC HEALTH SERVICE, AND FORMER LIGHTHOUSE SERVICE

DEFINITIONS

Sec.

31.1 Meaning of terms.

PROVISIONS APPLICABLE TO COAST GUARD, COAST AND GEODETIC SURVEY AND PUBLIC HEALTH SERVICE

31.2 Persons entitled to treatment.

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PROVISIONS APPLICABLE TO PERSONNEL OF FORMER LIGHTHOUSE SERVICE

31.11 Persons entitled to treatment.

31.12 Use of Service facilities.

31.13 Use of other than Service facilities.

31.14 Application for treatment; active duty personnel.

31.15 Continuance of medical relief after loss of status.

31.16 Retired personnel; extent of treatment.

AUTHORITY: §§ 31.1 to 31.16 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Statutory provisions interpreted or applied are cited to text in parentheses.

DEFINITIONS

§ 31.1 *Meaning of terms.* As used in this part, the term:

(a) "Act" means the Public Health Service Act, approved July 1, 1944, 58 Stat. 682, as amended.

(b) "Service" means the Public Health Service.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "Medical relief station" means a first-, second-, third, or fourth-class station of the Service.

(e) "First-class stations" means a hospital operated by the Service.

(f) "Second-class station" means a medical relief facility, other than a hospital of the Service, under the charge of a commissioner officer.

(g) "Third-class station" means a medical relief facility, other than a hospital of the Service, under the charge of a medical officer or employee of the

Public Health Service, would prevent him from receiving full pay.

nently stationed thereat, but no officer unaccompanied by dependents will be

deemed to be terminated by the step-parent's divorce from the blood parent,

22.1 Duty requiring intimate contact with leprosy patients; additional pay for civil service officers or employees.

able to the performance of his official duties, or while detailed for duty outside

pital of the Service, under the charge of a medical officer or employee of the

Service other than a commissioned officer.

(h) "Fourth-class station" means a medical relief facility designated by the Surgeon General, other than a first-, second-, or third-class station.

(i) "Designated physician" means a physician holding an appointment to act regularly for the Service for a class or classes of specified beneficiaries at a place where there is no medical relief station.

(j) "Designated dentist" means a dentist holding an appointment to perform dental service for the Service for a class or classes of specified beneficiaries.

(k) "Active duty" means active duty status as distinguished from being on inactive status or retired and includes periods of authorized leave or liberty.

(l) "Dependent members of families" in the case of male personnel means the lawful wife, the unmarried children (including stepchildren or adopted children) under 21 years of age, and the father or mother if in fact dependent upon such son for his or her chief support; and in the case of female personnel, the unmarried children (including stepchildren or adopted children) under 21 years of age if their father is dead or they are in fact dependent on such mother for their chief support, the father or mother if in fact dependent upon such daughter for his or her chief support, and the husband if in fact dependent upon such wife for his chief support: *Provided, however,* That in the case of members of the Women's Reserve of the Coast Guard the husbands of such members shall not be considered dependents.

PROVISIONS APPLICABLE TO COAST GUARD, COAST AND GEODETIC SURVEY AND PUBLIC HEALTH SERVICE

§ 31.2 *Persons entitled to treatment.* To the extent and under the circumstances prescribed in §§ 31.2 to 31.10, the following persons shall be entitled to medical, surgical, and dental treatment and hospitalization by the Service:

(a) *Coast Guard.* (1) Commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired;

(2) Regular members of the Coast Guard Reserve when on active duty or when retired for disability;

(3) Temporary members of the Coast Guard Reserve when on active duty or in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty;

(4) Members of the Women's Reserve of the Coast Guard when on active duty or when retired for disability;

(5) Members of the Coast Guard Auxiliary in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty.

(b) *Coast and Geodetic Survey.* Commissioned officers, ships' officers, and members of the crews of vessels of the Coast and Geodetic Survey, including those on shore duty and those on detached duty whether on active duty or retired.

(c) *Public Health Service.* (1) Commissioned officers of the Regular Corps of the Service, whether on active duty or retired;

(2) Commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(Sec. 326, 58 Stat. 697; 42 U. S. C. 253)

§ 31.3 *Use of Service facilities.* Except as otherwise provided in §§ 31.3 to 31.10, the persons specified in § 31.2 shall be entitled to medical, surgical, and dental treatment and hospitalization only at medical relief stations and by designated physicians and designated dentists, and the cost of services procured elsewhere shall not be borne by the Service.

(Sec. 326, 58 Stat. 697; 42 U. S. C. 253)

§ 31.4 *Use of other than Service facilities.* (a) When a person specified in § 31.2 who is on active duty requires immediate medical, surgical, or dental treatment or hospitalization and the urgency of the situation does not permit treatment at a medical relief station or by a designated physician or designated dentist, an officer of the same service as the patient may arrange for treatment or hospitalization at the expense of the Service.

(b) When the circumstances are such that an officer of the same service as the patient is not available to make the necessary arrangements, the treatment or hospitalization may be obtained by or on behalf of the patient at the expense of the Service.

(c) In every case of treatment or hospitalization as defined in paragraph (b) of this section, the responsible superior officer of the patient shall be notified as promptly as possible and a full report shall be submitted by such officer to the Surgeon General through appropriate official channels. As soon as practicable, unless the interests of the patient or the Government require otherwise, treatment or hospitalization shall be continued at a medical relief station or by a designated physician or designated dentist or at another appropriate Federal medical facility.

(d) When the necessary medical relief cannot be obtained from a medical relief station or a designated physician or designated dentist, preference shall be given to other Federal medical facilities when reasonably available and when conditions permit.

(e) Vouchers on proper forms covering expenses for treatment or hospitalization under the circumstances specified in paragraphs (a) and (b) of this section shall be forwarded to the Surgeon General through appropriate official channels. Each such voucher shall be accompanied by or contain a statement of the facts necessitating the treatment or hospitalization. Unreasonable charges for emergency treatment or hospitalization will not be allowed.

(f) Expenses for consultants or special services, or for dental treatment other than emergency measures to relieve pain, shall not be allowed except when authorized in advance by the headquarters of the Service or, in extraordinary cases, when subsequently approved by such headquarters upon receipt of report and satisfactory explanation as to the necessity and urgency therefor.

(Sec. 326, 58 Stat. 697; 42 U. S. C. 253)

§ 31.5 *Application for treatment; active duty personnel.* (a) An applicant for medical relief who is on active duty shall furnish a certificate identifying him. Such certificate, in the case of Coast Guard personnel, shall be signed by an officer of the Coast Guard, and in the case of Coast and Geodetic Survey personnel, shall be signed by an officer of the Coast and Geodetic Survey. Commissioned officers of any of the services mentioned in § 31.2 and officers in charge of units may sign their own certificates. In an emergency, the officer in charge of a medical relief station, or a designated physician or designated dentist, may accept other evidence of status satisfactory to him.

(b) A temporary member of the Coast Guard Reserve except when on active duty or a member of the Coast Guard Auxiliary shall, when applying for medical relief, furnish a statement signed by a responsible superior officer setting forth the facts and circumstances giving rise to the need for medical relief. In emergencies, such statement shall be furnished promptly after the member has received the immediately required care and treatment. Such statement shall be presumptive evidence of the facts stated, but if investigation indicates that the injury, sickness, or disease was not incurred or contracted in the manner stated, further treatment may be denied.

(Sec. 326, 58 Stat. 697; 42 U. S. C. 253)

§ 31.6 *Personnel absent without leave.* No member of any of the services enumerated in § 31.2 shall be entitled when absent without leave to medical relief except at a medical relief station or by a designated physician or designated dentist.

(Sec. 326, 58 Stat. 697; 42 U. S. C. 253)

§ 31.7 *Continuance of medical relief after loss of status.* If a member is separated from any of the services enumerated in § 31.2, except persons specified in § 31.2 (a) (3) and (5) who shall be entitled to treatment after separation under the conditions set forth in such subparagraphs, while undergoing treatment by the Service, his treatment shall be discontinued immediately unless the physician in charge determines that the condition of the patient does not permit interruption of treatment, in which case the treatment shall be discontinued as soon as practicable and the condition of the patient permits. At that time he shall be discharged from treatment and shall not thereafter be afforded medical relief by the Service by reason of his previous service.

(Sec. 326, 58 Stat. 697; 42 U. S. C. 253)

§ 31.8 *Retired personnel; extent of treatment.* (a) A retired member of the Coast Guard, Coast and Geodetic Survey, or Public Health Service specified in § 31.2 shall be entitled to medical, surgical, and dental treatment and hospitalization at medical relief stations of the first-, second-, and third-class, upon presentation of satisfactory evidence of his status.

(b) Elective medical or surgical treatment requiring hospitalization shall be furnished only at hospitals operated by the Service.

(c) Dental treatment shall be furnished to the extent of available facilities only at medical relief stations where full-time dental officers are on duty; at other medical relief stations the dental treatment shall be limited to emergency measures necessary to relieve pain.

(Sec. 326, 58 Stat. 697; 42 U. S. C. 253)

§ 31.9 *Dependent members of families; treatment.* To the extent and under the circumstances prescribed in this part, the Service shall provide medical advice and out-patient treatment at first-, second-, and third-class medical relief stations and hospitalization at first-class stations to the dependent members of families of the following persons:

(a) *Coast Guard.* Commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; and regular members of the United States Coast Guard Reserve and members of the Women's Reserve of the Coast Guard, when on active duty or when retired for disability.

(b) *Coast and Geodetic Survey.* Commissioned officers, ships' officers, and members of the crews of vessels of the United States Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

(c) *Public Health Service.* Commissioned officers of the Regular Corps of the Service, whether on active duty or retired, and commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(Sec. 326, 58 Stat. 697; 42 U. S. C. 253)

§ 31.10 *Dependent members of families; use of Service facilities.* (a) A dependent member of the family of any person specified in § 31.9 shall, upon presentation of satisfactory evidence of such status, be entitled to medical advice and out-patient treatment at first-, second-, and third-class medical relief stations and hospitalization at first-class stations if suitable accommodations are available therein and if the condition of the dependent is such as to require hospitalization, both as determined by the medical officer in charge.

(b) Hospitalization at first-class stations shall be at a per diem cost to the officer, enlisted person, member of a crew or other person concerned. Such cost shall be at such uniform rate as may be prescribed from time to time by the President for the hospitalization of dependents of naval and Marine Corps personnel at any naval hospital.

(c) Hospitalization at first-class stations and out-patient treatment at first-, second-, and third-class stations may include such services and supplies as, in the judgment of the medical officer in charge, are necessary for reasonable and adequate treatment.

(d) Dental treatment shall be furnished to the extent of available facilities only at medical relief stations where full-time officers are on duty.

(Sec. 326, 58 Stat. 697; 42 U. S. C. 253)

PROVISIONS APPLICABLE TO PERSONNEL OF FORMER LIGHTHOUSE SERVICE

§ 31.11 *Persons entitled to treatment.* To the extent and under the circumstances prescribed in this part, the following persons shall be entitled to medical, surgical, and dental treatment and hospitalization by the Service: Lightkeepers, assistant lightkeepers, and officers and crews of vessels of the former Lighthouse Service, including any such persons who subsequent to June 30, 1939, have involuntarily been assigned to other civilian duty in the Coast Guard, who were entitled to medical relief at hospitals and other stations of hte Service prior to July 1, 1944, and who are now or hereafter on active duty or who have been or may hereafter be retired under the provisions of section 6 of the act of June 20, 1918, as amended (33 U. S. C. 763).

(Sec. 610 (b), 58 Stat. 714, as amended; 33 U. S. C. 763c)

§ 31.12 *Use of Service facilities.* Except as otherwise provided herein, the persons specified in § 31.11 shall be entitled to medical, surgical, and dental treatment and hospitalization only at medical relief stations and by designated physicians and designated dentists, and the cost of services procured elsewhere shall not be borne by the Service.

(Sec. 610 (b), 58 Stat. 714, as amended; 33 U. S. C. 763c)

§ 31.13 *Use of other than Service facilities.* (a) When a person specified in § 31.11 who is on active duty requires immediate medical, surgical, or dental treatment or hospitalization and the urgency of the situation does not permit treatment at a medical relief station or by a designated physician or designated dentist, an officer or other appropriate supervisory official of the Coast Guard may arrange for treatment or hospitalization.

(b) In every such case of treatment or hospitalization, a full report thereof shall be submitted to the Surgeon General through Coast Guard headquarters. As soon as practicable, unless the interests of the patient or the Government require otherwise, treatment or hospitalization shall be continued at a medical relief station or by a designated physician or designated dentist or at another appropriate Federal medical facility.

(c) When the necessary medical relief cannot be obtained from a medical relief station or a designated physican or designated dentist, preference shall be given to other Federal medical facilities when reasonably available and when conditions permit.

(d) Vouchers on proper forms covering expenses for treatment or hospitalization under the circumstances specified in paragraph (a) of this section shall be forwarded to the Surgeon General through Coast Guard headquarters. Each such voucher shall be accompanied by or contain a statement of the facts necessitating the treatment or hospitalization. Unreasonable charges for emergency treatment or hospitalization will not be allowed.

(e) Expenses for consultants or special services, or for dental treatment other than emergency measures to relieve pain, shall not be allowed except when authorized in advance by the headquarters of the Service or, in extraordinary cases, when subsequently approved by such headquarters upon receipt of report and satisfactory explanation as to the necessity and urgency therefor.

(Sec. 610 (b), 58 Stat. 714 as amended; 33 U. S. C. 763c)

§ 31.14 *Application for treatment; active duty personnel.* An applicant for medical relief who is on active duty shall furnish a certificate identifying him. Such certificate shall be signed by an officer or other appropriate supervisory official of the Coast Guard. In an emergency, the officer in charge of a medical relief station, or a designated physician or designated dentist, may accept other evidence of status satisfactory to him.

(Sec. 610 (b), 58 Stat. 714 as amended; 33 U. S. C. 763c)

§ 31.15 *Continuance of medical relief after loss of status.* If a person is separated while undergoing treatment by the Service, his treatment shall be discontinued immediately unless the physician or dentist in charge determines that the condition of the patient does not permit interruption of treatment, in which case the treatment shall be discontinued as soon as practicable and the condition of the patient permits. At that time he shall be discharged from treatment and shall not thereafter be afforded medical relief by the Service by reason of his previous service.

(Sec. 610 (b), 58 Stat. 714; as amended, 33 U. S. C. 763c)

§ 31.16 *Retired personnel; extent of treatment.* (a) Any retired person specified in § 31.11 shall be entitled to medical, surgical, and dental treatment and hospitalization at medical relief stations of the first, second, and third class, upon presentation of satisfactory evidence of his status.

(b) Elective medical or surgical treatment requiring hospitalization shall be furnished only at hospitals operated by the Service.

(c) Dental treatment shall be furnished to the extent of available facilities only at medical relief stations where full-time dental officers are on duty; at other medical relief stations the dental treatment shall be limited to emergency measures necessary to relieve pain.

(Sec. 610, (b), 58 Stat. 714; as amended, 33 U. S. C. 763c)

PART 32—MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

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tached duty whether on active duty or retired.

when authorized in advance by the headquarters of the Service or, in extraordi-

§ 31.2 shall be entitled to medical, surgical, and dental treatment and hospital-

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in paragraph (a) of this section shall be forwarded to the Surgeon General

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Sec.
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AUTHORITY: §§ 32.1 to 32.116 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 322, 58 Stat. 696, as amended; 42 U. S. C. 249. Other statutory provisions interpreted or applied are cited to text in parentheses.

DEFINITIONS

§ 32.1 *Meaning of terms.* When used in this part:

(a) "Act" means the act approved July 1, 1944, 58 Stat. 682, entitled "An act to consolidate and revise the laws relating to the Public Health Service, and for other purposes";

(b) The term "Service" means the Public Health Service;

(c) The term "Surgeon General" means the Surgeon General of the Public Health Service;

(d) The term "seamen" includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation, but does not include the owner or joint owners of a vessel or the spouse of any such owner;

(e) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, exclusive of aircraft and amphibious contrivances;

(f) "Medical relief station" means a first-, second-, third-, or fourth-class station of the Service;

(g) "First-class station" means a hospital operated by the Service;

(h) "Second-class station" means a medical relief facility, other than a hospital of the Service, under the charge of a commissioned officer;

(i) "Third-class station" means a medical relief facility, other than a hospital of the Service, under the charge of an acting assistant surgeon;

(j) "Fourth-class station" means a medical relief facility, other than a first-, second-, or third-class station, under the charge of an authorized Government representative;

(k) "Active duty", with respect to an enrollee of the United States Maritime Service, means that the enrollee is on the active list of that service, as distinguished from being on inactive status, and includes absence on authorized leave or liberty.

(Secs. 2, 321, 58 Stat. 682, as amended, 695, as amended; 42 U. S. C. 201, 248)

BENEFICIARIES

§ 32.6 *Persons eligible.* (a) Under this part the following persons are entitled to care and treatment by the Service as hereinafter prescribed:

(1) Seamen employed on vessels of the United States registered, enrolled, or licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade, hereinafter designated as American seamen;

(2) Seamen employed on United States or foreign flag vessels as employees of the United States through the War Shipping Administration;

(3) Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State school ships or on vessels of the United States Government of more than five tons' burden;

(4) Seamen on vessels of the Mississippi River Commission;

(5) Officers and crews of vessels of the Fish and Wildlife Service;

(6) Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Cadet Corps;

(7) Cadets at State maritime academies or on State training ships;

(8) Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty;

(9) Persons afflicted with leprosy.

(10) Seamen on foreign flag vessels other than those seamen employed on foreign flag vessels specified in subparagraph (2) of this paragraph;

(11) Non-beneficiaries for temporary treatment and care in case of emergency.

NOTE: § 32.6 does not list all the persons entitled to care and treatment by the Public Health Service.

(b) Separate regulations govern: (1) The medical care of certain personnel, and their dependents, of the Coast Guard, Coast and Geodetic Survey, and Public Health Service (see Part 31 of this chapter); (2) physical and mental examinations of aliens (see Part 34 of this chapter); (3) care and treatment of narcotic addicts (see Part 33 of this chapter); and (4) Medical Care for Indians. (See Part 36 of this chapter.)

(c) While regulations of the Public Health Service are not required with respect thereto, circular instructions by the Service cover the care and treatment or physical examination of the following:

(1) Persons not otherwise eligible for treatment, for purposes of study;

(2) Persons detained in accordance with quarantine laws;

(3) Persons detained by the Immigration and Naturalization Service, for treatment at the request of that Service;

(4) Persons entitled to treatment under the Employees' Compensation Commission Act and extensions thereof;

(5) Beneficiaries of other Federal agencies on a reimursable basis;

(6) Medical examinations of:

(i) Employees of the Alaska Railroad and employees of the Federal Government for retirement purposes;

(ii) Employees in the Federal classified service, and applicants for appointment, as requested by the Civil Service Commission for the purpose of promoting health and efficiency;

(iii) Seamen for purposes of qualifying for certificates of service; and

(iv) Employees eligible for benefits under the Longshoremen's and Harbor Workers' Compensation Act, as amended, as requested by any deputy commissioner thereunder.

AMERICAN SEAMEN

§ 32.11 *Use of Service facilities.* American seamen (hereinafter referred to in §§ 32.11 to 32.23, inclusive, as seamen) shall, on presenting evidence of eligibility, be entitled to medical, surgical, and dental treatment and hospitalization at medical relief stations of the Service.

§ 32.12 *Use of other than Service facilities.* (a) When a seaman requires medical, surgical, or dental treatment or hospitalization and the urgency of the situation does not permit treatment at a medical relief station, arrangements for necessary treatment or hospitalization at the expense of the Service from public or private medical or hospital facilities other than those of the Service may be made by the officer in charge of a medical relief station or a quarantine station or by the director of a Service district. When such emergency treatment is necessary preference shall be given to other Federal medical facilities when reasonably available and when conditions permit.

(b) If eligibility cannot be established at the time of application by the seamen or by the person who applies in his behalf, the applicant shall be notified that the authorization for treatment is conditional and that the payment of reasonable expenses by the Service for such treatment shall be subject to proof of eligibility.

(c) In every such case of emergency treatment or hospitalization, authorized either conditionally or unconditionally, a full report shall be submitted promptly by the authorizing officer to the Surgeon General. The authorizing officer shall keep himself informed regarding the progress of the case to the end that treatment or hospitalization shall not be unduly and unnecessarily prolonged. As soon as practicable, unless the interests of the patient or the Government require otherwise, treatment or hospitalization shall be continued at a medical relief station or at another appropriate Federal medical facility.

(d) Expenses for consultants or special services, or for dental treatment other than emergency measures to relieve pain, shall not be allowed except when authorized in advance by the headquarters of the Service or, in extraordinary cases, when subsequently approved by such headquarters upon receipt of report and satisfactory explanation as to the necessity and urgency therefor.

(e) Certified vouchers on proper forms covering expenses for emergency treatment or hospitalization shall be forwarded to the Surgeon General by the authorizing officer, and each such voucher shall contain a statement of the facts necessitating the treatment or hospitalization.

§ 32.13 *Application for treatment.* A sick or disabled seaman, in order to obtain the benefits of the Service, must apply in person, or by proxy if too sick so to do, at a medical relief station or to an officer of the Service as specified in § 32.12 and must furnish satisfactory evidence of his eligibility for such benefits.

§ 32.14 *Evidence of eligibility.* (a) As evidence of his eligibility an applicant must present a properly executed master's certificate or a continuous discharge book or a certificate of discharge showing that he has been employed on a registered, enrolled, or licensed vessel of the United States. The certificate of the owner or accredited commercial agent of a vessel as to the facts of the employment of any seaman on said vessel may be accepted in lieu of the master's certificate where the latter is not procurable. When an applicant cannot furnish any of the foregoing documents, his certification as to the facts of his most recent (including his last) employment as a seaman, stating names of vessels and dates of service, may be accepted as evidence in support of his eligibility. Documentary evidence of eligibility, excepting continuous discharge books and certificates of discharge, shall be filed at the station where application is granted. Where continuous discharge books and certificates of discharge are submitted as evidence of eligibility, the pertinent information shall be abstracted therefrom, certified by the officer accepting the application, and filed at the station.

(b) Except as otherwise provided in §§ 32.11 to 32.23, inclusive, documentary evidence of eligibility must show that the applicant has been employed for 60 days of continuous service on a registered, enrolled, or licensed vessel of the United States, a part of which time must have been during the 90 days immediately preceding application for relief. There may be included as a part of such 60 days of continuous service as a seaman time spent in training as (1) an active duty enrollee in the United States Maritime Service, (2) a member of the Merchant Marine Cadet Corps, (3) a cadet at a State maritime academy, or (4) a cadet on a State training ship. The phrase "60 days of continuous service" shall not be held to exclude seamen whose papers show brief intermissions between short services that aggregate the required 60 days: *Provided*, That any such intermission does not exceed 60 days. The time during which a seaman has been treated as a patient of the Service shall not be reckoned as absence from vessel in determining eligibility. When the seamen's service on his last vessel is less than 60 days, his oath or affirmation as to previous service may be accepted.

§ 32.15 *Sickness or injury while employed.* A seaman taken sick or injured on board or ashore while actually employed on a vessel shall be entitled to care and treatment without regard to length of service.

§ 32.16 *Seamen from wrecked vessels.* Seamen taken from wrecked vessels of the United States and returned to the United States, if sick or disabled at the time of their arrival in the United States, shall be entitled to care and treatment without regard to length of service.

§ 32.17 *Lapse of more than 90 days since last service.* Where more than 90 days have elapsed since an applicant's last service as a seaman and he can show that he has not definitely changed his occupation, such period of time shall not exclude him from receiving care and treatment (a) if due to closure of navigation or economic conditions resulting in decreased shipping with consequent lack of opportunity to ship or (b) in the event the applicant has been receiving treatment at other than Service expense.

§ 32.18 *Procedure in case of doubtful eligibility.* When a reasonable doubt exists as to the eligibility of an applicant for care and treatment, the matter shall be referred immediately to the headquarters of the Service for decision. If, in the opinion of the responsible Service officer, the applicant's condition is such that immediate care and treatment is necessary, temporary care and treatment shal be given pending receipt of the decision as to eligibility.

§ 32.19 *False document evidencing service.* The issuance or presentation of a false document as evidence of service with intent to procure the treatment of a person as a seaman shall be immediately reported to the headquarters of the Service.

§ 32.20 *Treatment during voyage; treatment when not arranged for.* The Service shall not be liable for the expense of caring for sick and disabled seamen incurred during a voyage, nor when the care of a seaman has not been arranged for by a responsible officer of the Service.

§ 32.21 *Injury while committing breach of peace.* Seamen injured in street brawls or while otherwise committing a breach of the peace shall not receive treatment at the expense of the Service while in jail or in a hospital other than a hospital belonging to or under contract with the Service.

§ 32.22 *Communicable diseases.* The Service shall not be liable for the expense of caring for seamen who are suffering from communicable diseases and who, in accordance with State or municipal health laws and regulations, are taken to quarantine or other hospitals under charge of local health authorities, unless such patients were admitted at the time at the request of a responsible officer of the Service.

§ 32.23 *Certificate of discharge from treatment.* A certificate of discharge from treatment may, at the discretion of the officer in charge, be given to a hospital patient, but such certificate, when presented at another medical relief station, shall not be taken as sufficient evidence of the applicant's eligibility for care and treatment, but may be considered in connection with other documentary evidence submitted by the seamen.

SEAMEN; EMPLOYEES OF THE UNITED STATES THROUGH WAR SHIPPING ADMINISTRATION

§ 32.41 *Conditions and extent of treatment.* Seamen employed on United States or foreign flag vessels as employees of the United States through the War Shipping Administration shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

SEAMEN; STATE SCHOOL SHIPS AND VESSELS OF THE UNITED STATES GOVERNMENT

§ 32.46 *Conditions and extent of treatment.* Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State school ships or on vessels of the United States Government of more than five tons' burden, shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

SEAMEN; MISSISSIPPI RIVER COMMISSION

§ 32.51 *Conditions and extent of treatment.* Seamen on vessels of the

Mississippi River Commission shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

SEAMEN; FISH AND WILDLIFE SERVICE

§ 32.56 *Conditions and extent of treatment.* Seamen on vessels of the Fish and Wildlife Service shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

MARITIME SERVICE ENROLLEES AND MERCHANT MARINE CADETS

§ 32.61 *Use of Service facilities.* Enrollees in the United States Maritime Service on acitve duty and members of the Merchant Marine Cadet Corps shall, upon written request of the responsible officer of the station or training ship to which such enrollees or cadets are attached, identifying the applicant, be entitled to medical, surgical, and dental treatment and hospitalization at medical relief stations of the Service. Whenever an enrollee or cadet applies for relief without the above-mentioned written request and in the opinion of the responsible Service officer the applicant's condition is such that immediate care and treatment is necessary, temporary care and treatment shall be given pending verification of the applicant's status as an enrollee or cadet.

§ 32.62 *Use of other than Service facilities.* (a) When an enrollee on active duty or a cadet requires medical, surgical, or dental treatment or hospitalization for an emergency condition and the urgency of the situation does not permit treatment at a medical relief station or at a Maritime Service medical facility, arrangements for necessary treatment or hospitalization at the expense of the Service from public or private medical or hospital facilities other than those of the Service may be made by the officer in charge of a medical relief station or a quarantine station, by the director of a Service district, or by the responsible officer of the Service assigned to a Maritime Service station, to a Merchant Marine Cadet Corps school, or to a State maritime academy. When such emergency treatment is necessary preference shall be given to other Federal medical facilities when reasonably available and when conditions permit.

(b) If eligibility cannot be established at the time of application by the enrollee or cadet or by the person who applies in his behalf, the applicant shall be notified that the authorization for treatment is conditional and that the payment of reasonable expenses by the Service for such treatment shall be subject to proof of eligibility.

(c) In every such case of emergency treatment or hospitalization, authorized either conditionally or unconditionally, a full report shall be submitted promptly by the authorizing officer to the Surgeon General. The authorizing officer shall keep himself informed regarding the progress of the case to the end that treatment or hospitalization shall not be unduly and unnecessary prolonged. As soon as practicable, unless the interests of the patient or the Government require otherwise, treatment or hospitalization shall be continued at a medical relief station or at another appropriate Federal medical facility.

(d) Expenses for consultants or special services, or for dental treatment other than emergency measures to relieve pain, shall not be allowed except when authorized in advance by headquarters of the Service or, in extraordinary cases, when subsequently approved by such headquarters upon receipt of report and satisfactory explanation as to the necessity and urgency therefor.

(e) Certified vouchers on proper forms covering expenses for emergency treatment or hospitalization shall be forwarded to the Surgeon General by the authorizing officer, and each such voucher shall contain a statement of the facts necessitating the treatment or hospitalization.

§ 32.63 *Injury while committing breach of peace.* Enrollees on active duty or cadets injured in street brawls or while otherwise committing a breach of the peace shall not receive treatment at the expense of the Service while in jail or in a hospital other than a hospital belonging to or under contract with the Service.

§ 32.64 *Communicable diseases.* The Service shall not be liable for the expense of caring for enrollees on active duty or cadets who are suffering from communicable diseases and who, in accordance with State or municipal health laws and regulations, are taken to quarantine or other hospitals under charge of local health authorities, unless such patients were admitted at the time at the request of a responsible officer of the Service.

§ 32.65 *Absence without leave.* Enrollees on active duty or cadets who are absent without leave shall not be entitled to receive treatment by the Service except at a medical relief station.

CADETS AT STATE MARITIME ACADEMIES OR ON STATE TRAINING SHIPS

§ 32.76 *Conditions and extent of treatment.* (a) Cadets at State maritime academies or on State training ships while they are enrollees in the U. S. Maritime Service shall be entitled to care and treatment by the Service under the same conditions and to the same extent as is provided for enrollees in the U. S. Maritime Service on active duty: *Provided, however,* That the written request of the superintendent or other responsible officer of an academy, including the master of a training ship, shall be acceptable in lieu of the written request of the responsible officer of the Maritime Service.

(b) Cadets at State maritime academies or on State training ships when not enrolled in the U. S. Maritime Service shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen: *Provided, however,* That the written request of the superintendent or other responsible officer of an academy, including the master of a training ship, shall be acceptable in lieu of the documentary evidence of eligibility required of American seamen.

FIELD EMPLOYEES OF THE PUBLIC HEALTH SERVICE

§ 32.81 *Use of Service facilities.* Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty shall, upon presentation of satisfactory evidence of their status, be entitled to medical, surgical, and dental treatment and hospitalization at medical relief stations.

§ 32.82 *Use of other than Service facilities.* (a) Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty shall be entitled to the same care and treatment under the same conditions and to the same extent as is provided for American seamen in § 32.12.

(b) When employees or noncommissioned officers in the field service of the Public Health Service on duty in any foreign place are injured or taken sick in line of duty, the officer in charge shall make the necessary arrangements for treatment or hospitalization. If the patient himself is the only employee or noncommissioned officer of the Service on duty at a foreign place, the treatment or hospitalization may be obtained by or on behalf of the patient. In every such case, a full report shall be submitted to the Surgeon General by the officer in charge or by the patient himself where there is no superior on duty at the foreign place. In all other respects the provisions of § 32.12 shall govern where applicable.

PERSONS AFFLICTED WITH LEPROSY

§ 32.86 *Admissions to Service facilities.* Any person afflicted with leprosy who presents himself for care, detention, or treatment or who may be apprehended prusuant to regulations prescribed under section 332 or 361 of the act and any person afflicted with leprosy who is duly consigned to the care of the Service by the proper health authority of any State, Territory, or the District of Columbia shall be received into the Service hospital at Carville, Louisiana, or into any other hospital of the Service which has been designated by the Surgeon General as being suitable for the temporary accommodation of persons afflicted with leprosy.

(Sec. 331, 58 Stat. 698, as amended; 42 U. S. C. 255)

§ 32.87 *Diagnostic board for arriving patients.* At the earliest practicable date, after the arrival of a patient at the Service hospital at Carville, Louisiana, the medical officer in charge shall convoke a board of not less than three medical officers of the Service, who shall confirm or disapprove the diagnosis of leprosy.

(Sec. 332, 58 Stat. 698; 42 U. S. C. 256)

§ 32.88 *Detention or discharge according to diagnosis.* If the diagnosis of leprosy is confirmed, the patient shall be detained in the hospital as provided in this part; if the diagnosis is not confirmed, the patient shall be discharged.

(Sec. 332, 58 Stat. 698; 42 U. S. C. 256)

§ 32.89 *Examinations and treatmnet.* Patients shall undergo the usual routine clinical examinations which may be required for the diagnosis of primary or secondary conditions, and such treatment as may be prescribed.

(Sec. 332, 58 Stat. 698; 42 U. S. C. 256)

§ 32.90 *Restrictions on movement within reservation.* No patient shall be allowed to proceed beyond the limits set aside for the detention of patients suffering from leprosy except upon authority from the headquarters of the Service and under prescribed conditions applicable to the individual patient. Should any patient violate his instructions in this regard, he shall upon his return, be properly safeguarded to prevent a repetition of the offense, or, at the discretion of the medical officer in charge, be permitted to give bond to the United States of America in a penal sum not exceeding $5,000 conditioned upon his faithful observance of this part.

(Sec. 332, 58 Stat. 698; 42 U. S. C. 256)

§ 32.91 *Isolation or restraint.* There shall be provided the necessary accommodation, within the limits set aside for persons afflicted with active leprosy, for isolation or restraint of patients when in the judgment of the medical officer in charge such action is necessary for the protection of themselves or others. The medical officer in charge shall maintain a separate register in which shall be recorded the names of patients who have been placed in isolation or restraint, and all circumstances attendant upon such isolation or restraint.

(Sec. 332, 58 Stat. 698; 42 U. S. C. 256)

§ 32.92 *Discharge.* The medical officer in charge of the Service hospital at Carville, Louisiana, shall convoke, from time to time, a board of three medical officers for the purpose of examining patients with a view to recommending their discharge. When in the judgment of the board a patient may be regarded as no longer a menace to the public health, he may be discharged, upon approval of the headquarters of the Service, as being either cured or an arrested or latent case.

(Sec. 332, 58 Stat. 698; 42 U. S. C. 256)

§ 32.93 *Notification to health authorities regarding discharged patients.* Upon the discharge of a patient the medical officer in charge shall give notification of such discharge to the proper health officer of the State, Territory, District of Columbia, or other jurisdiction in which the discharged patient is to reside. The notification shall also set forth the clinical findings and other essential facts necessary to be known by the health officer relative to such discharged patient.

(Sec. 332, 58 Stat. 698; 42 U. S. C. 256)

SEAMEN ON OTHER FOREIGN FLAG VESSELS

§ 32.106 *Conditions and extent of treatment; rates; burial.* (a) Except as provided in § 32.41 for seamen on certain foreign flag vessels, seamen on foreign flag vessels may, when suitable accommodations are available and on application of the master, owner, or agent of the vessel, be hospitalized at first-class stations or furnished out-patient treatment, including physical examinations, at first-, second-, and third-class stations at rates prescribed by the Surgeon General with the approval of the Administrator.

(b) Upon similar application, hospitalization of such seamen or private services in connection with their treatment may be arranged for at second- and third-class stations, with the understanding that all expenses shall be paid directly to the vendors by the master, owner, or agent of the vessel. For any professional services which may be furnished by Service personnel in connection with such hospitalization or treatment, the rates charged shall be those prescribed by the Surgeon General with the approval of the Administrator.

(c) If any such seaman dies while receiving treatment by the Service, the expenses of burial shall be paid directly to the vendors by the master, owner, or agent.

NONBENEFICIARIES; TEMPORARY TREATMENT IN EMERGENCY

§ 32.111 *Conditions and extent of treatment.* Persons not entitled to treatment by the Service may receive temporary care and treatment from the Service in case of emergency as an act of humanity. Such temporary care and treatment shall be limited to hospitalization at first-class stations and to out-patient treatment at first-, second-, and third-class stations.

RED CROSS PERSONNEL

§ 32.116 *Emergency medical care when serving with United States Coast Guard.* Red Cross uniformed personnel serving with the United States Coast Guard may be admitted upon proper evidence of their status with the United States Coast Guard to hospitals and second-class medical relief stations of the Public Health Service for emergency medical care and treatment. Hospitalization will be furnished at Service hospitals only and, provided suitable accommodations are available, at a per diem charge to each patient admitted under this regulation equivalent to the uniform per diem reimbursement rate for Government hospitals as approved by the President for each fiscal year.

PART 33—NARCOTIC ADDICTS

Sec.
33.1 Definitions.
33.2 Prisoners; entitlement to industrial good time allowance.
33.3 Prisoners; forfeiture and restoration of good conduct or industrial good time allowances; deductions from term of sentence; partial or total restoration.
33.4 Continuation as ex-prisoner.
33.5 Prisoners, ex-prisoners and probationers; cash and clothing furnished upon discharge.
33.6 Prisoners, ex-prisoners, and probationers; transportation furnished upon discharge.
33.7 Voluntary patients; admission and transportation upon discharge.
33.8 Contrabrand.

AUTHORITY: §§ 33.1 to 33.8 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply secs. 2, 341–345, 58 Stat. 682, as amended, 898–701, as amended; 42 U. S. C. 201, 257–260, 261.

§ 33.1 *Definitions.* When used in this part:

(a) "Act" means the Public Health Service Act, approved July 1, 1944, 58 Stat. 682.

(b) "Habit-forming narcotic drug" or "narcotic" has the meaning prescribed in section 2 (j) of the Act, i. e., "opium and coca leaves and the several alkaloids derived therefrom, the best known of these alkaloids being morphia, heroin, and codeine, obtained from opium, and cocaine derived from the coca plant; all compounds, salts, preparations, or other derivatives obtained either from the raw material or from the various alkaloids; Indian hemp and its various derivatives, compounds, and preparations, and peyote in its various forms; isonipecaine and its derivatives, compounds, salts, and preparations; opiates (as defined in sec. 3228 (f) in the Internal Revenue Code)."

(c) "Addict" has the meaning prescribed in section 2 (k) of the Act, i. e., "any person who habitually uses any habit-forming narcotic drugs so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction."

(d) "Hospital" means the United States Public Health Service Hospital at Lexington, Kentucky, or the United States Public Health Service Hospital at Fort Worth Texas, and such other hospitals operated by the United States Public Health Service as may be hereafter designated by the Surgeon General as being especially equipped for the accommodation of addicts.

(e) "Prisoner" means an addict who has been sentenced to confinement upon conviction of an offense against the United States, including convictions by general courts-martial or by consular courts.

(f) "Probationer" means an addict who has been placed on probation by any court of the United States which has imposed as one of the conditions of such probation that he submit himself for treatment until discharged as cured.

(g) "Voluntary patient" means an addict who signs an application requesting, agreeing, and consenting to submit to treatment and who receives care and treatment at a hospital.

(h) "Ex-prisoner" means a prisoner whose sentence has expired and who, prior to the expiration thereof, applies for and receives further care and treatment.

(i) "Patient" means a "prisoner," "ex-prisoner," "probationer," or "voluntary patient" who is an inmate of a hospital.

(j) "Good conduct allowance" refers to commutation of sentence for good conduct provided by the act of June 21, 1902, as amended (18 U. S. C. 710), made applicable by section 343 of the Public Health Service Act to addicts confined in any institution in execution of a judg-

ment or sentence imposed upon conviction of an offense against the United States.

(k) "Industrial good time allowance" refers to the commutation of sentence for employment in industry provided by section 8 of the act of May 27, 1930 (18 U.S.C. 744h), made applicable by section 343 of the Public Health Service Act to addicts confined in any institution in execution of a judgment or sentence.

(l) "Cure" means, with respect to any patient, that, in the opinion of the medical officer in charge, he is no longer an addict.

(m) "Discharge," with respect to any patient, means release from the hospital pursuant to direction of the medical officer in charge.

(n) "Bureau of Prisons" means the Bureau of Prisons in the Department of Justice.

§ 33.2 *Prisoners; entitlement to industrial good time allowance.* (a) The Surgeon General shall designate industries, and supporting activities, employment in which may form the basis for industrial good time allowances pursuant to this section.

(b) All prisoners regularly assigned by the medical officer in charge to such industries or activities shall be eligible for industrial good time allowances in addition to good conduct allowances, except parole or conditional-release violators while serving the balance of sentences originally imposed, and prisoners assigned to segregation quarters.

(c) The standard industrial good time allowance shall be:

(1) 2 days per month for the first year during which the prisoner is so assigned; 4 days per month during the second, third, and fourth years; 5 days per month during the fifth and succeeding years;

(2) One-half of the foregoing allowances when regularly assigned on a part-time basis.

(d) Allowances at less than the standard rate may be made a condition of the assignment to the designated industries or activities of (1) prisoners serving their second or subsequent terms under sentences of more than one year, (2) prisoners transferred from other institutions for disciplinary reasons or (3) parole or conditional-release violators while serving new sentences.

(e) The medical officer in charge shall either allow or disallow industrial good time to those eligible. Allowances shall be credited for each calendar month as earned. Where computations are made for fractions of a month, resulting allowances of a fraction of a day shall be considered as a full day. The award of industrial good time shall be subject to the approval of the Director of the Bureau of Prisons.

(f) Upon recommendation of the medical officer in charge, and approval by the Surgeon General and the Director of the Bureau of Prisons, prisoners who have performed extraordinarily meritorious service may be granted additional industrial good time allowances; the total industrial good time allowance, however, shall not exceed three days for each month of employment in designated industries or duties for the first year or part thereof, or five days for each such month in any succeeding year or part thereof.

§ 33.3 *Prisoners; forfeiture and restoration of good conduct or industrial good time allowances; deductions from term of sentence; partial or total restoration.* (a) When the medical officer in charge has reason to believe that a prisoner has violated the rules of the hospital, thereby warranting a forfeiture of deductions from sentence for good conduct or industrial good time, or both, he shall appoint a trial court, to be composed of three officers of the hospital to investigate the alleged violation. The prisoner shall be notified of the investigation and given an opportunity to cross-examine all witnesses, unless, in the opinion of the trial court such cross-examination is not feasible, and he shall be permitted to call such witnesses as the court may deem necessary and proper. The prisoner may request the assistance of an officer of the Service to assist him in presenting his case. At the conclusion of the investigation, the trial court shall make formal findings of fact, and, if violations are found, recommendations as to the extent of the forfeiture to be imposed. The medical officer in charge may order further proceedings or upon the basis of the findings of the trial court that one or more violations have occured shall determine the amount of the good conduct or industrial good time allowances that the prisoner shall forfeit. The determination of the medical officer in charge shall be transmitted through the Surgeon General to the Director of the Bureau of Prisons for approval.

(b) The medical officer in charge may recommend a partial or total restoration of forfeited good conduct or industrial good time allowances. Such recommendation, with reasons therefor, shall be transmitted through the Surgeon General to the Director of the Bureau of Prisons for approval.

§ 33.4 *Continuation as ex-prisoner.* (a) When the medical officer in charge, upon examination of a prisoner not less than one month prior to the expiration of his maximum sentence, determines that the prisoner is still an addict and may be cured of such addiction by further treatment, he shall notify the prisoner, on a form prescribed by the Surgeon General, of the advisability of submitting to further treatment and of the estimated maximum time necessary to cure him of his addiction.

(b) Such prisoner may apply for further treatment, on a form prescribed by the Surgeon General, signifying that if his application is accepted, and in consideration of such acceptance, he agrees and consents to submit to care and treatment for the estimated maximum period necessary to cure him or until such earlier date on which he is certified as cured, and to comply with any regulations or rules which may be adopted governing the operation of the hospital and his conduct therein.

§ 33.5 *Prisoners, ex-prisoners, and probationers; cash and clothing furnished upon discharge.* Every prisoner, ex-prisoner, and probationer shall, in the discretion of the medical officer in charge, be furnished upon discharge with cash in amounts not exceeding similar allowances currently made to Federal prisoners on release from a penal, correctional, disciplinary or reformatory institution, and with suitable clothing.

§ 33.6 *Prisoners, ex-prisoners, and probationers; transportation furnished upon discharge.* Every prisoner, ex-prisoner, and probationer shall be furnished with transportation, by the cheapest usually traveled route, to the place of conviction or of bona fide residence within the continental United States, or to such other place within the continental United States as, in the opinion of the medical officer in charge, may afford the best opportunity for permanent rehabilitation.

§ 33.7 *Voluntary patients; admission and transportation upon discharge.* (a) A person seeking admission as a voluntary patient to one of the hospitals of the Service shall submit an application on a form prescribed by the Surgeon General. The medical officer in charge shall cause each applicant to be examined as soon as practicable after the applicant has presented himself for admission to the hospital and shall determine whether the applicant is an addict and whether the applicant may be cured of his addiction by care and treatment in the hospital, and such officer shall estimate the maximum time necessary to effect such cure and advise the applicant of such determinations.

(b) Voluntary patients shall be charged for their subsistence, care, and treatment in the hospital at a rate to be determined by the Surgeon General. Those patients, however, who have been determined by the medical officer in charge, on the basis of information concerning their financial resources and responsibilities, to be financially unable to pay shall not be so charged. The medical officer in charge may determine or redetermine the financial ability of a patient to pay at any time prior to or during the course of care and treatment of such patient at the hospital. In the absence of misrepresentation concerning a patient's financial resources or responsibilities, such determination or redetermination shall not have any retroactive effect upon the pay or non-pay status of the patient.

(c) Upon the discharge of any indigent voluntary patient as cured, the cost of his transportation, including subsistence allowance while traveling, may be paid by the Public Health Service to any place within the continental United States which, in the opinion of the medical officer in charge, will afford the best opportunity for such patient's permanent rehabilitation. Determinations of indigency for this purpose shall be made by the medical officer in charge and may be based upon information submitted by the patient concerning his financial resources and responsibilities.

§ 33.8 *Contraband.* Any article or thing not routinely furnished by the institution to patients or authorized by law or by hospital authorities to be in possession of patients, including any letter or message intended to be received by an inmate of the hospital and introduced by persons other than those authorized by law or by hospital authorities, is contraband.

PART 34—MEDICAL EXAMINATION OF ALIENS

Sec.
34.1 Applicability.
34.2 Definitions.
34.3 Examinations; female aliens.
34.4 Scope of examinations.
34.5 Aliens free of defect, disease, or disability.
34.6 Aliens afflicted with defect, disease, or disability.
34.7 Certificates and notifications; Class A.
34.8 Certificates and notifications; Class B.
34.9 Class A or Class B certificates; helpless aliens.
34.10 Certificates and notifications; Class C.
34.11 Deferral of examination; adequacy of facilities.
34.12 Applicability of Foreign Quarantine Regulations.
34.13 Medical and other care; death.
34.14 Reexamination; convening of boards; expert witnesses; reports.

AUTHORITY: §§ 34.1 to 34.15 issued under sec. 215, 58 Stat. 690, as amended, sec. 234, 66 Stat. 198; 42 U. S. C. 216, 8 U. S. C. 1224. Interpret or apply secs. 322, 325, 58 Stat. 696, as amended, 697, secs. 212, 236, 66 Stat. 182, 200; 42 U. S. C. 249, 252, 8 U. S. C. 1182, 1226.

§ 34.1 *Applicability.* The provisions of this part shall apply to:

(a) The medical examination of (1) aliens applying for a visa at a consulate of the United States, (2) aliens arriving in the United States, and (3) aliens presented or referred by the Immigration Service in connection with determination of their admissibility into the United States, and

(b) The medical and other care, and burial, of aliens admitted to Public Health Service stations and hospitals at the request of the Immigration Service.

§ 34.2 *Definitions.* As used in this part, terms shall have the following meanings:

(a) *Immigration Service.* The Immigration and Naturalization Service of the Department of Justice.

(b) *Dangerous contagious disease.* Any of the following diseases:

1. Actinomycosis.
2. Amebiasis.
3. Blastomycosis.
4. Chancroid.
5. Favus.
6. Filariasis.
7. Gonorrhea.
8. Granuloma Inguinale.
9. Keratoconjunctivitis Infections.
10. Leishmaniasis.
11. Lymphogranuloma Venereum.
12. Mycetoma.
13. Paragonimiasis.
14. Ringworm of scalp.
15. Schistosomiasis.
16. Syphilis, infectious stage.
17. Trachoma.
18. Trypanosomiasis.
19. Yaws.

(c) *Medical certificate.* A document issued to the Immigration Service by a medical examiner, reporting the presence of any physical or mental defect, disease, or disability, or the previous occurrence of one or more attacks of insanity, in an alien.

(d) *Medical notification.* A document issued to a consular authority by a medical examiner, reporting the presence of any physical or mental defect, disease, or disability or the previous occurrence of one or more attacks of insanity, in an alien. Medical notification shall be made on the form prescribed for reporting the results of the medical examination of applicants for visas.

(e) *Medical officer.* A physician of the Public Health Service assigned or detailed by the Surgeon General of the Public Health Service to make mental and physical examinations of aliens.

(f) *Medical officer in charge.* A medical officer charged by the Surgeon General with responsibility for the conduct and supervision of all medical examinations made at a designated place or in a designated area.

§ 34.3 *Examinations; female aliens.* Female aliens shall be examined only in the presence of a female nurse or other female, or by a female physician.

§ 34.4 *Scope of examinations*—(a) *General.* In performing examinations and reexaminations, medical examiners shall give consideration to only those matters that relate to the physical or mental condition of the alien and shall issue certificates or notifications of a defect, disease, or disability or previous occurrence of one or more attacks of insanity as hereinafter provided only if the presence of such defect, disease, or disability or previous occurrence of one or more attacks of insanity has been clearly established.

(b) *Chest X-ray and serologic test*—(1) *Persons subject to.* A chest X-ray examination for tuberculosis and a serologic test for syphilis shall be required as part of the examination of (i) all applicants for immigrant visas, (ii) all students and exchange visitors who are required by a consular authority to have a medical examination upon application for a nonimmigrant visa, (iii) all other applicants for a nonimmigrant visa who are required by a consular authority to have a medical examination if such X-ray examination and serologic test are considered necessary by the medical examiner, and (iv) all applicants for adjustment of status or preexamination in the United States under the immigration laws and regulations: *Provided, however,* That a chest X-ray examination for tuberculosis shall not be required in any case if the alien is 10 years of age or under, and a serologic test for syphilis shall not be required in any case if the alien is 14 years of age or under, unless the medical examiner has reason to suspect that the applicant has tuberculosis or syphilis.

(2) *How and where performed.* (i) All X-ray films used in medical examinations performed under the regulations in this part shall be at least 70 mm. in size. In case of abnormal findings in the lungs, a full-sized film (approximately 14 x 17 inches; 35.6 x 43.2 cm.) shall be used on which to base the diagnosis.

(ii) When necessary X-ray and laboratory facilities are not available to the medical examiner, the applicant shall furnish a chest X-ray film, a reading thereof, and a serologic test report in order that the medical examination may be completed. If X-ray or serologic test facilities necessary for completion of the examination of a visa applicant are not available in the community where the examination is made, the medical examiner shall so state on the medical examination form and the procedures will be completed at the time of examination at the United States port of entry.

(iii) The X-ray reading and serologic test report shall be included in the medical examination report. When the medical examiner's conclusions are based on a study of more than one X-ray film, the medical examination report shall include at least a summary statement of findings in the earlier films, followed by a complete reading of the last film, and dates and details of any laboratory tests for tuberculosis.

(3) *Procedure for transmitting records.* The medical examination report shall be placed in a separate envelope which shall be sealed and attached to the alien's visa in such a manner as to be readily detached by the medical examiner at the United States port of entry. The X-ray film shall be included in this envelope or, in the case of large films, shall be placed in a separate envelope which shall be sealed and given to the alien for presentation at the port of entry. When more than one X-ray film is used as a basis for the medical examiner's conclusions, all films shall be included. However, the X-ray film or films used in connection with the examination of a visa applicant shall not be required to be attached to the visa or otherwise presented to the medical examiner at the United States port of entry when the medical examination report is signed by a commissioned medical officer of the Public Health Service or other medical examiner specified in instructions issued by the Chief of the Division of Foreign Quarantine of the Public Health Service.

(4) *Failure to present records.* If, on examination at the time determination of admissibility is to be made, no X-ray film or medical examination report, including X-ray reading and serologic test report, is presented with the visa in accordance with the provisions of this paragraph, a medical hold shall be issued pending completion of any necessary examination procedures.

§ 34.5 *Aliens free of defect, disease, or disability.* If an alien is found to have no physical or mental defect, disease, or disability and no history of a previous attack of insanity, the medical examiner shall so indicate to the consular or immigration authority concerned.

§ 34.6 *Aliens afflicted with defect, disease, or disability.* If an alien is found to have any physical or mental defect, disease, or disability or to have had one or more attacks of insanity, the medical examiner shall report his findings to the Immigration Service by medical certificate or to the consular authority by medical notification.

§ 34.7 *Certificates and notifications; Class A.* A Class A certificate or Class A

however, shall not exceed three days for each month of employment in designated

§ 33.5 *Prisoners, ex-prisoners, and probationers; cash and clothing furthing not routinely furnished by the institution to patients or authorized by law*

ence of any physical or mental defect, disease, or disability, or the previous oc-

(ii) When necessary X-ray and laboratory facilities are not available to the

§ 34.7 *Certificates and notifications; Class A.* A Class A certificate or Class A

notification shall be issued with respect to aliens who:

(a) Are feeble-minded;

(b) Are insane;

(c) Have had one or more attacks of insanity;

(d) Are afflicted with psychopathic personality, epilepsy, or a mental defect;

(e) Are narcotic drug addicts or chronic alcoholics;

(f) Are afflicted with tuberculosis in any form;

(g) Are afflicted with leprosy;

(h) Are afflicted with any dangerous contagious disease;

Provided, however, That a Class A certificate or Class A notification of a mental defect, disease, or disability shall in no case be issued with respect to an alien having only mental shortcomings due to ignorance, or suffering only from a mental condition (i) attributable to remediable physical causes or (ii) of a temporary nature, caused by a toxin, drug, or disease.

§ 34.8 *Certificates and notifications; Class B.* A Class B certificate or Class B notification shall be issued with respect to an alien who has a physical defect, disease, or disability serious in degree or permanent in nature amounting to a substantial departure from normal physical well-being. The certificate, or notification, shall state the nature and extent of the defect; the degree to which the alien is incapable of normal physical activity; and the extent to which the condition is remediable.

§ 34.9 *Class A or Class B certificates; helpless aliens.* If an alien with respect to whom a Class A or Class B certificate is issued is helpless from sickness, mental or physical disability, or infancy, the medical examiner shall so state in the certificate.

§ 34.10 *Certificates and notifications; Class C.* A Class C certificate or Class C notification shall be issued with respect to an alien who has a defect, disease, or disability other than those for which a Class A or Class B certificate (or notification) is required to be issued.

§ 34.11 *Deferral of examination; adequacy of facilities.* (a) Whenever, upon an examination, it appears to the medical officer in charge that there is doubt about the physical or mental condition of an alien, completion of the examination shall be deferred for such observation and further examination of the alien as may be reasonably necessary to determine his physical or mental condition.

(b) When, in the judgment of the medical officer in charge, a medical examination in the United States or in a territory or possession thereof cannot be satisfactorily completed at a station or place at which it is undertaken, such examination shall be discontinued and such officer shall request of the Immigration Service that the alien be removed to a place where the examination may be satisfactorily completed.

§ 34.12 *Applicability of Foreign Quarantine Regulations.* Aliens arriving at a port of the United States shall be subject to the applicable provisions of Part 71 of this chapter (Foreign Quarantine Regulations of the Public Health Service) with respect to examination and sanitary and quarantine measures.

§ 34.13 *Medical and other care; death.* (a) Upon request by the Immigration Service, an alien detained by it shall be admitted to a hospital or station of the Public Health Service and receive therein necessary medical, surgical, and dental care. An alien found to be in need of emergency care in the course of an examination or reexamination in the United States, or in a territory or possession thereof, shall be given such care to the extent deemed practicable by the medical officer in charge, and if in need of further care he shall be referred to the immigration authority concerned, with the medical examiner's recommendations concerning such further care.

(b) In case of death of an alien the body shall be delivered to the consular or immigration authority concerned; but if such death occurs in the United States, or in a territory or possession thereof, public burial shall be provided upon request of the Immigration Service and subject to its agreement to pay the burial expenses. Autopsies shall not be performed unless approved by the Immigration Service.

§ 34.14 *Reexamination; convening of boards; expert witnesses; reports.* (a) The Surgeon General or, when authorized, the medical officer in charge, shall convene a board of medical officers to reexamine an alien

(1) Upon the request of the Immigration Service for a reexamination by such a board, or

(2) Upon an appeal by an alien who, having received a medical examination in connection with determination of admissibility to the United States (including examination on arrival, adjustment of status, and preexamination as provided in the immigration laws and regulations) has been certified for: feeble-mindedness; insanity; one or more previous attacks of insanity; psychopathic personality; epilepsy; mental defect; narcotic drug addiction; or chronic alcoholism.

(b) Such a board shall consist of three, when practicable, but in no case less than two, medical officers. If a board of two officers is unable to reach agreement, a new board shall be convened and shall reexamine the alien. In the event that a board consists of three medical officers, the decision of the majority thereof shall prevail.

(c) Reexamination shall include:

(1) A medical examination by the board. If the mental condition of the alien is in question and the board does not include at least one officer who has had special training in the diagnosis of mental defects, diseases, and disabilities, the board shall designate a physician with such training who shall also examine the alien, and his report shall be included in the record.

(2) A review of all records submitted by the alien, other witnesses, or the board.

(3) Use of any laboratory or diagnostic methods or tests deemed advisable.

(4) Consideration of statements regarding the alien's physical or mental condition made by a physician after his examination of the alien.

(d) An alien who is to be reexamined shall be notified of the time and place of his reexamination not less than five days prior thereto.

(e) The alien may introduce as witnesses before the board such physicians or medical experts as the board may in its discretion permit, at his own cost and expense: *Provided,* That the alien shall be permitted to introduce at least one expert medical witness. If any witnesses offered are not permitted by the board to testify, the record of the proceedings shall show the reason for the denial of permission.

(f) Witnesses before the board shall be given a reasonable opportunity to examine medical certificates and other records involved in the reexamination and to present all relevant and material evidence orally or in writing until such time as the proceedings are declared by the board to be closed. During the course of the hearing the alien's attorney or representative shall be permitted to examine the alien and he, or the alien, shall be permitted to examine any witnesses offered in the alien's behalf and to cross-examine any witnesses called by the board. If the alien does not have an attorney or representative, the board shall assist the alien in the presentation of his case to the end that all of the material and relevant facts may be adduced.

(g) The findings and conclusions of the board shall be based on its medical examination of the alien and on the evidence presented and made a part of the record of its proceedings.

(h) The board shall report its findings and conclusions to the Immigration Service, and shall also give prompt notice thereof to the alien if the reexamination has been held upon his appeal. The board's report to the Immigration Service shall specifically affirm, modify, or reject the findings and conclusions of prior examining medical officers.

(i) If the board finds that an alien reexamined by it has a defect, disease, or disability, or has had one or more attacks of insanity, not previously certified, it shall issue its certificate in accordance with the applicable provisions of this part.

(j) After submission of its report the board shall not be reconvened, nor shall a new board be convened, in connection with the same application for admission or for adjustment of status, except upon the express authorization of the Surgeon General.

PART 35—HOSPITAL AND STATION MANAGEMENT

Subpart A—General

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AUTHORITY: §§ 35.1 to 35.52 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 321, 58 Stat. 695, as amended; 42 U. S. C. 248.

SUBPART A—GENERAL

§ 35.1 *Hospital and station rules.* The officer in charge of a station or hospital of the Service is authorized to adopt such rules and issue such instructions, not inconsistent with the regulations in this part and other provisions of law, as he deems necessary for the efficient operation of the station or hospital and for the proper and humane care and treatment of all patients therein. All general rules governing the conduct and privileges of patients, and of members of the public while on the premises, shall be posted in prominent places.

§ 35.2 *Compliance with hospital rules.* All patients and visitors in stations and hospitals of the Service are expected to comply with the rules and instructions issued under the authority of the officer in charge.

§ 35.3 *Noncompliance; deprivation of privileges.* Any patient who wilfully fails or refuses to comply with rules or instructions of a hospital or station or with regulations of the Service, may, by the direction of the officer in charge, be deprived of recreational or other privileges accorded patients. Any visitor who wilfully fails or refuses to comply with any such rules, instructions, or regulations may, by direction of the officer in charge, be denied visiting privileges.

§ 35.4 *Noncompliance; discharge or transfer.* (a) If the officer in charge finds, upon investigation, that a patient other than a leprosy patient, by willful and persistent failure or refusal to comply with such rules, instructions, or regulations is seriously impeding the course of his own care and treatment, or that of other patients, he may (1) discharge the patient, or (2) if the patient is not a voluntary patient, arrange for his transfer to the custody of the authority responsible for his admission to the station or hospital. No patient shall be discharged or transferred on account of noncompliance if to do so would seriously endanger his life or health, nor shall any patient be discharged if his failure to comply is due, in the opinion of the officer in charge, to a mental disease or disorder.

(b) If the discharge or transfer of a patient is likely to endanger the health of persons other than the patient or officers or employees of the station or hospital, the officer in charge shall give advance notice to appropriate State, county, or municipal authorities of the discharge or transfer.

§ 35.5 *Entitlement to care after discharge or transfer by reason of noncompliance.* No person otherwise entitled to care, treatment, or hospitalization at Service facilities, or in other facilities at the expense of the Service, shall be denied such care or treatment by reason of his prior discharge or transfer from any such facility under the provisions of § 35.4.

§ 35.6 *Admissions; determination of eligibility for care.* Except as may otherwise be provided for specific classes of patients by the regulations of this chapter, the officer in charge of the station or hospital to which application is made is authorized to determine the eligibility of applicants, as beneficiaries of the Service, for care and for treatment. Such determinations shall be subject to review by the chief of the division of the Service responsible for administration of the station or hospital concerned upon referral made by the officer in charge in doubtful cases or upon appeal made by an applicant who has been denied care or treatment.

§ 35.7 *Admissions; designation of person to be notified.* Every in-patient, at the time of admission to the hospital or station or as soon thereafter as practicable, shall be requested to designate a person or persons to be notified in case of emergency.

§ 35.8 *Safekeeping of money and effects; withdrawals.* (a) A place for the safekeeping of money and effects of patients shall be provided at each station or hospital, and an itemized receipt therefor shall be furnished to the patient and to any other person who places money or effects therein for the benefit of the patient.

(b) Money and effects may be withdrawn only by or on behalf of the patient, by his legally appointed representative authorized to receive or dispose of his property (including the money and effects in the custody of the station or hospital), or by a person who is authorized, under the law of the State in which the station or hospital is located, to receive or dispose of the patient's money and effects. In any case in which the officer in charge has had actual notice of the appointment of a legal representative, withdrawals may be made only by such representative or in accordance with his written directions. No delivery shall be made under this paragraph unless (1) the person receiving the money or effects shall sign an itemized receipt therefor, or (2) the delivery is witnessed by two persons. The provisions of this paragraph do not prohibit withdrawals made necessary by the provisions of this part for the disposition of money and effects left by patients on death or on departure from the station or hospital, or by the provisions of § 35.10.

§ 35.9 *Disposition of money and effects left by other than deceased patients.* Money and effects left on the premises by a patient shall be forwarded promptly to him. If because his whereabouts are unknown his money and effects cannot be delivered to him within 120 days after his departure, his money shall be deposited into the Treasury and credited to the account entitled "Money and Effects of Former Patients (PHS (T) name of patient)," and his effects shall be held for him for six months and then sold in accordance with § 35.49, and the proceeds deposited into the Treasury and credited to the above account.

§ 35.10 *Destruction of effects dangerous to health.* The officer in charge shall cause to be destroyed effects brought into or received in the station or hospital area by patients which, in the judgment of such officer, are dangerous as a source of disease to the health or life of patients or personnel of the station or hospital or visitors therein and cannot otherwise be safely disposed of or rendered harmless by disinfection or other means. The destruction of effects shall be witnessed by at least one officer or employee designated for that purpose by the officer in charge, and appropriate records of the destruction shall be maintained.

§ 35.11 *Clinical records; confidential.* A complete clinical record shall be maintained for each patient admitted to a station or hospital of the Service. Such records shall be confidential and shall not be disclosed except as may be provided elsewhere in regulations of the Service.

§ 35.12 *Solicitation of legal business prohibited.* The solicitation, directly or indirectly, of legal business or of a retainer or agreement authorizing an attorney to render legal services, is prohibited in all stations and hospitals of the Service.

§ 35.13 *Entry for negotiation of release or settlement.* (a) No person shall be permitted to enter a station or hospital of the Service for the purpose of negotiating a settlement or obtaining a general or special release or statement from any patient with reference to any illness or personal injury for which the patient is receiving care or treatment, or

port of the United States shall be subject to the applicable provisions of Part 71 of this chapter (Foreign Quarantine Regu-

(4) Consideration of statements regarding the alien's physical or mental

35.7 Admissions; designation of person to be notified.

bility for care.

for the purpose of conferring with him as an attorney or representative of an attorney with reference to such illness or injury, unless the patient has signified his willingness to have such person enter for such purpose and, in the judgment of the officer in charge, the physical or mental condition of the patient will not thereby be impaired.

(b) Any person entering a station or hospital for a purpose enumerated in paragraph (a) of this section shall register in the manner prescribed by the officer in charge, and shall furnish for the records of the station or hospital the name of each patient by whom he has been received for such a purpose.

§ 35.14 *Solicitation of legal business; negotiation of release or settlement; assistance prohibited.* All employees of the Service and all persons attached in any capacity to a station or hospital, including patients, are forbidden to communicate, directly or indirectly, with any person for the purpose of aiding in the solicitation of legal business or in the negotiation of a settlement or the obtaining of a general or special release or statement from any patient with reference to any illness or personal injury for which the patient is receiving care or treatment therein. No patient is prohibited by this section from communicating on his own behalf with an attorney of his choice or with other persons.

§ 35.15 *Consent to operative procedures.* Except in emergencies when the patient is physically or mentally incapable of consenting and the delay required to obtain the consent of his natural or legal guardian would seriously endanger the patient's health, no operative procedure shall be undertaken unless the patient or, in the case of a minor or incompetent, his natural or legal guardian gives his consent, nor shall any major operative procedure or the administration of a general anaesthetic be undertaken unless such consent has been obtained in writing. The consent or refusal of consent shall be made a part of the clinical record.

§ 35.16 *Autopsies.* An autopsy may be performed on the body of a deceased patient only by direction of the officer in charge and only if consented to in writing by a person authorized under the law of the State in which the station or hospital is located to permit an autopsy under the circumstances of the particular death involved. Restrictions or limitations imposed by the person consenting thereto on the extent of an autopsy shal be observed. Documents embodying consent shall be made a part of the clinical record.

SUBPART B—TRANSFER OF PATIENTS

§ 35.21 *Authorization of transfer.* Except as otherwise provided by law or regulation with respect to certain classes of patients, the officer in charge of a station or hospital of the Service may provide, without any cost to the patient, for the transfer of the patient either from such station or hospital to another station or hospital of the Service or to any non-Service station or hospital at which the patient may be received, or from any non-Service hospital at which he is receiving care or treatment as a patient of the Service to a station or hospital of the Service.

§ 35.22 *Attendants.* Patients shall be transferred by such means and accompanied by such medical, nursing, or other attendants as may be necessary to protect the health and safety of the patient and other persons likely to come into contact with him, including in the case of a prisoner such guards as may be necessary to assure his safekeeping. A female patient requiring the services of attendants shall be accompanied by at least one female attendant. Medical or nursing attendants shall be qualified to care for persons suffering from the type of disease or disorder with which the patient is afflicted and shall be provided with equipment and medicines necessary for the care of the patient.

SUBPART C—DISPOSITION OF ARTICLES PRODUCED BY PATIENTS

§ 35.31 *Retention by patients.* Subject to the rules of the station or hospital, patients may be accorded the privilege of retaining articles produced by them in the course of their curative treatment with the aid of materials furnished by the Service. Articles not retained by patients shall be disposed of as provided in this subpart. The provisions of this subpart do not apply to the products of industrial activities established for narcotic addicts.

§ 35.32 *Board of appraisers.* The officer in charge shall appoint, from the personnel of the station or hospital, a board of three persons to serve at his pleasure. The board shall provide for the sale of articles having commercial value and shall keep appropriate records of such articles and their disposition.

§ 35.33 *Sale: prices; deposit of proceeds.* The board shall determine and redetermine from time to time the prices at which articles are to be sold, and in doing so shall consider the cost of materials used, reasonable handling charges, and the fair market value of the articles. The sale price shall be indicated on each article by tag or other appropriate means, and a list of articles offered for sale and their respective sale prices shall be posted from time to time in the hospital or station area. In its discretion, the board may offer such articles for purchase by other patients or by charitable organizations before offering them for purchase to the general public. No article shall be sold or resold to any officer or employee of the Service. Moneys received from the sale of articles shall be deposited into the Treasury to the credit of the appropriation from which the materials for making such articles were purchased.

§ 35.34 *Resale.* No article purchased under the provisions of this subpart shall be resold in the hospital or station area at a price to exceed the sale price fixed by the board for such article.

§ 35.35 *Unsalable articles.* Articles having no commercial value shall be stored, destroyed, or otherwise disposed of as the officer in charge may direct.

SUBPART D—DISPOSAL OF MONEY AND EFFECTS OF DECEASED PATIENTS

§ 35.41 *Inventory.* Promptly after the death of a patient in a station or hospital of the Service, an inventory of his money and effects left therein shall be made by two or more officers or employees of the Service designated for such purpose by the officer in charge.

§ 35.42 *Notice upon death.* The officer in charge shall notify in writing all persons known to him to whom delivery of the patient's money and effects might be made hereunder, and, in the case of an alien patient, a consul of the country of his apparent nationality. Each person so notified shall be requested to furnish information concerning (a) the existence or whereabouts of any persons to whom delivery of the deceased patient's money and effects may be made pursuant to these provisions, and (b) the permanent residence or home of the deceased.

§ 35.43 *Delivery only upon filing claim; forms; procedure.* (a) Delivery of the money and effects of a deceased patient shall be made only to a person who has filed a claim therefor on a form prescribed by the Surgeon General.

(b) A claimant shall furnish, in addition to the information on the prescribed form, such additional information as the officer in charge may consider necessary to establish the identity of the claimant and the truth of his statements.

(c) A person filing a claim as a legal representatives shall be required to present letters of administration or a certificate of a court attesting his qualification or appointment.

(d) If a claim is made after the money, or proceeds from the sale of the effects, of a deceased patient have been deposited in the Treasury, the claim shall be referred to the General Accounting Office. If the claim is for checks or evidences of indebtedness of the United States which have been transmitted to the issuing agency pursuant to §§ 35.47 and 35.48, the claimant shall be referred to such agency.

§ 35.44 *Delivery to legal representative; to other claimants if value is $1,000 or less.* The money and effects of the deceased patient shall in all cases be delivered to the legal representative, if any, of his estate. If the value is $1,000 or less, and the officer in charge has neither notice nor other knowledge of the appointment or qualification of a legal representative, nor reason to believe that a legal representative will be appointed or qualified, he shall deliver all the money and effects, as soon as practicable after the expiration of 10 days from the sending of notices to one of the following in the indicated order of priority:

(a) A person, if any, designated in writing by the patient to receive the same;

(b) The patient's surviving spouse;

(c) The patient's child or children in equal parts;

(d) The patient's parent or parents in equal parts;

(e) Any other person who would be entitled to receive the money and effects under the law of the patient's domicile:

Provided, That delivery of such money and effects may be made immediately upon application by one of the persons specified above if the officer in charge has neither notice nor other knowledge that a person higher in the indicated order of priority exists.

§ 35.45 *Disposition of effects; exceptions.* Irrespective of the provisions of this subpart, the officer in charge may (a) release from among the effects of the deceased patient so much of the patient's clothing as may be necessary for use in preparation of his body for burial and (b) cause to be destroyed, or otherwise disposed of, such used toilet articles of the patient as appear to have no commercial or other value.

§ 35.46 *Conflicting claims.* In any case in which conflicting claims are filed or the officer in charge considers it to be in the interest of persons who may be ultimately entitled thereto, delivery may be withheld from all persons other than a duly qualified legal representative.

§ 35.47 *Disposition of Government checks.* Notwithstanding any other provisions of this subpart, immediately upon completion of the inventory, checks drawn on the Treasurer of the United States shall be sent by safe means to the department, agency, or establishment of the Government of the United States issuing such checks. The transmittal shall be accompanied by a statement of the reasons therefor and of all available information which may aid the issuing unit in the disposition of the check transmitted. Notice of the disposition of any checks, with identifying information, shall be given to the person or persons, if any, to which money and effects are delivered in accordance with § 35.44.

§ 35.48 *Deposit of unclaimed money; sale of unclaimed effects and deposit of proceeds.* If, within 120 days after sending of notices no claim has been filed pursuant to the provisions of § 35.43, the patient's money, consisting of all types of United States currency and coin, shall be deposited in the Treasury to the credit of the trust-fund account entitled "Money and Effects of Deceased Patients, Public Health Service." If, within six months after the death of a patient, no claim has been filed pursuant to the provisions of § 35.43, his effects (including foreign currency and coin but excluding Postal Savings Certificates and other evidences of indebtedness of the United States) shall be sold at public auction or by sealed bids to the highest bidder and the proceeds deposited to the credit of the trust-fund account entitled "Money and Effects of Deceased Patients, Public Health Service." Postal Savings Certificates and other evidences of indebtedness of the United States shall be transmitted to the issuing department or agency with a statement of the occasion therefor.

§ 35.49 *Sale of unclaimed effects; procedures.* The following provisions shall govern the sale of effects:

(a) *Notice.* Reasonable advance notice of proposed sales shall be posted at such prominent places in the station or hospital area as the officer in charge may designate. In addition, a notice shall be posted at the nearest post office, and notices shall be sent by mail to all known persons to whom delivery of money and effects of the patient may be made under the provisions of this subpart. The officer or employee who posts or sends notices of sales shall make an appropriate affidavit on a copy of the notice as to his action in that respect, including in his affidavit the names of persons to whom copies of the notices were mailed and the mailing dates. The copy of the notice on which the affidavit appears shall be retained in the files of the station or hospital.

(b) *Form and contents of notice.* Notice of proposed sales shall be given on a form prescribed by the Surgeon General. The notice shall include: an inventory of the effects to be offered for sale; the names of the patients from whom the effects were received; the precise date, time, and place when and where the sale will be held; a statement that the articles will be available for inspection immediately prior to sale, if sold at public auction, or on a day and during the hours appointed for the inspection of articles if sold by sealed bid; a statement that the sale is to be held pursuant to the provisions of the regulations in this part, that, if the articles are to be sold by sealed bid, the right to reject all bids is reserved, and that, if otherwise authorized, delivery will be made of effects or proceeds of sales to persons filing claims prior to the sale of effects or prior to the transmittal of proceeds to the Surgeon General.

(c) *Time and place of sales.* All sales shall be held at reasonable hours and at such places within the station or hospital area as the officer in charge may designate.

(d) *Who shall conduct sales.* All sales shall be conducted by the officer in charge or by a responsible officer or employee designated by him.

(e) *Sale and delivery.* All effects offered for sale shall be sold to the highest bidder and delivered to him immediately upon payment of the sale price in cash or by postal money order or certified check and execution of an appropriate receipt by the person to whom delivery is made.

§ 35.50 *Disposition of unsold effects.* The officer in charge shall dispose of effects offered for sale but remaining unsold in such manner as he considers to be proper, but, if practicable, such effects shall be used for the benefit of other patients of the Service.

§ 35.51 *Manner of delivery; costs, receipts.* (a) If a person entitled under this subpart to receive the money and effects of a patient is unable to take possession thereof at the station or hospital, they shall be sent to him at the expense of the United States in the most economical manner available. The records of the station or hospital shall show the names and addresses of persons to whom money or effects have been sent, the date of sending, the means used, an itemized list of the money or effects sent, and a statement by a witnessing officer or employee verifying the foregoing from his own observation.

(b) If not delivered personally by an authorized officer or employee of the Service, money, evidences of indebtedness, and other valuable papers and documents shall be sent by registered mail (or other safe means).

(c) Persons receiving the money and effects of a patient shall be required to execute an itemized receipt therefor.

§ 35.52 *Delivery of possession only; title unaffected.* Except for delivery of effects to purchasers at sales held in accordance with § 35.49, delivery or deposit under this subpart of the money or effects, or the proceeds of a sale of the effects, of a deceased patient constitutes only a transfer of possession and is not intended to affect in any manner the title to such money, effects, or proceeds.

PART 36—INDIAN HEALTH

NOTE: Regulations on Indian health were formerly codified as Parts 84 and 85 of Title 25.

Subpart A—Scope and Definitions

Sec.
36.1 Purpose and effect.
36.2 Meaning of terms.

Subpart B—Availability of Services to Individuals in Programs (Including Facilities Constructed or Supported With Tribal Funds) Operated for Indian Beneficiaries By the Public Health Service

36.11 Services available.
36.12 Persons to whom services will be provided.
36.13 Charges to Indian beneficiaries for services provided in Public Health Service facilities or by Public Health Service personnel.

Subpart C—Contract Services

36.21 Availability of contract services.

AUTHORITY: §§ 36.1 to 36.21 issued under sec. 3, 68 Stat. 674; 42 U. S. C. 2003. Interpret or apply 42 Stat. 208, sec. 1, 68 Stat. 674; 25 U. S. C. 13, 42 U. S. C. 2001.

SUBPART A—SCOPE AND DEFINITIONS

§ 36.1 *Purpose and effect.* (a) The regulations in this part establish the general principles to be followed in the discharge of this Department's responsibilities for continuation and improvement of the Indian health services. Officers and employees of the Department will be guided by these policies in exercising discretionary authority with respect to the matters covered.

(b) The Surgeon General of the Public Health Service is authorized to adopt, and from time to time revise or add, administrative instructions relating to methods or procedures appropriate to implementing these principles, or for their supplementation as to matters not covered, including instructions providing for the continuation or appropriate modification of practices and procedures previously observed in the provision of Indian health services in particular jurisdictions.

§ 36.2 *Meaning of terms.* When used in this part, the term:

(a) "Indian health program" includes the Alaska Native Health Services.

non-Service station or hospital at which the patient may be received, or from any

stored, destroyed, or otherwise disposed of as the officer in charge may direct.

entitled to receive the money and effects under the law of the patient's domicile:

(b) "Indian" includes Indians in the continental United States, and Indians, Aleuts and Eskimos in Alaska.

(c) "Jurisdiction" shall have the same geographical meaning as in Bureau of Indian Affairs usage.

(d) "Bureau of Indian Affairs" means the Bureau of Indian Affairs, Department of the Interior.

SUBPART B—AVAILABILITY OF SERVICES TO INDIVIDUALS IN PROGRAMS (INCLUDING FACILITIES CONSTRUCTED OR SUPPORTED WITH TRIBAL FUNDS) OPERATED FOR INDIAN BENEFICIARIES BY THE PUBLIC HEALTH SERVICE

§ 36.11 *Services available.* Within the limits of available funds, facilities, and personnel, the Public Health Service will make available, within the area served by the local facility, hospital and medical and dental care, including outpatient services, services of mobile clinics and public health nurses, and preventive care including immunizations and health examinations of special groups, such as school children.

§ 36.12 *Persons to whom services will be provided*—(a) *In general.* (1) Services will be made available, as medically indicated, to persons of Indian descent belonging to the Indian community served by the local facilities and program, and non-Indian wives of such persons.

(2) Generally, an individual may be regarded as within the scope of the Indian health and medical service program if he is regarded as an Indian by the community in which he lives as evidenced by such factors as tribal membership, enrollment, residence on tax-exempt land, ownership of restricted property, active participation in tribal affairs, or other relevant factors in keeping with general Bureau of Indian Affairs practices in the jurisdiction.

(b) *Doubtful cases.* (1) In case of doubt as to whether an individual applying for care is within the scope of the program, the Medical Officer in Charge shall obtain from the appropriate Bureau of Indian Affairs officials in the jurisdiction information pertinent to his determination of the individual's continuing relationship to the Indian population group served by the local program.

(2) If the applicant's condition is such that immediate care and treatment are necessary, services shall be provided pending identification as an Indian beneficiary.

(c) *Priorities when funds, facilities, or personnel are insufficient to provide the indicated volume of services.* Priorities for care and treatment, as among individuals who are within the scope of the program, will be determined on the basis of relative medical need and access to other arrangements for obtaining the necessary care.

§ 36.13 *Charges to Indian beneficiaries for services provided in Public Health Service facilities or by Public Health Service personnel*—(a) *In general.* In order to make the most effective use of funds and facilities available for needed health and medical services, individual Indians who are clearly able to pay the costs of hospital care (and of other major items of service specified in instructions of the Surgeon General) will be encouraged to do so, and services may be conditioned upon payment in appropriate cases. No charge may be made for immunizations, health examination of school children or similar preventive services.

(b) *Amount of charges.* Payment may be requested in accordance with a schedule of charges established for the jurisdiction by the Area Medical Officer, but such charges may in no case exceed the cost of providing the service, as determined by the Surgeon General or in accordance with instructions issued by him.

(c) *Circumstances under which payment may be requested; Authority of the Medical Officer in Charge.* Whenever it is established to the satisfaction of the Medical Officer in Charge, from information available from the local Bureau of Indian Affairs officers or from other sources, that an Indian applying for care for himself or his family is able to meet the scheduled charge for the needed care without impairing his prospects for economic independence, he may be asked to pay the scheduled charge. Charges may be reduced in individual cases, or payment may be waived and needed services may nevertheless be provided if, in the judgment of the Medical Officer in Charge, the health objectives in the area served will be advanced thereby.

SUBPART C—CONTRACT SERVICES

§ 36.21 *Availability of contract services.* Availability of contract services to individual Indian beneficiaries will be governed by the terms of the contract.

Subchapter D—Grants

PART 51—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

Sec.
51.1 Definitions.
51.2 Allotments; extent of health problems.
51.3 Basis of allotments.
51.4 Allotments; estimates; time of making; duration.
51.5 Plans; mode of submittal.
51.6 Plans; contents.
51.7 Plans; time of submittal and approval.
51.8 Payments to States; to cooperating agencies.
51.9 Required expenditure of State and local funds; funds of cooperating agencies.
51.10 Expenditure of Federal grant funds.
51.11 Use of Federal grant funds for training.
51.12 Personnel administration on a merit basis.
51.13 Fiscal accounting and control.
51.14 Reports; State health authority; cooperating agencies.
51.15 Audit.

AUTHORITY: §§ 51.1 to 51.15 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 314, 58 Stat. 693, as amended; 42 U. S. C. 246.

§ 51.1 *Definitions.* As used in this part:

(a) "Act" means the Public Health Service Act (58 Stat. 682, as amended; 42 U. S. C. 201).

(b) "Cooperating agency", which term is used only in relation to the heart disease control program, means a county, health district, other political subdivision of the State or other public or nonprofit agency, institution, or other organization in the State, to which payments for a heart disease control program are recommended by the State health authority.

(c) "Financial need" as applied to any State means the relative per capita income as shown by data supplied by the Bureau of Foreign and Domestic Commerce for the most recent five-year-period, available on January 1, preceding the fiscal year for which Federal grant funds are appropriated.

(d) "General health purposes" means the establishment and maintenance of public health services, other than community mental health services, within the meaning of subsection (c) of section 314 of the act.

(e) "Official forms" means forms and instructions supplied by the Public Health Service to the State health authority and to a cooperating agency for use in the submittal of plans or information required with respect to the operation of such plans.

(f) "Plans" refers to the information and proposals submitted by the State health authority pursuant to the regulations in this part for activities of the State and political subdivisions thereof for (1) the prevention, treatment and control of venereal disease, (2) the prevention, treatment and control of tuberculosis, (3) establishing and maintaining public health services, (4) the prevention, treatment and control of mental illness, including emotional, psychiatric and neurological disorders, (5) establishing and maintaining organized community programs of heart disease control, or (6) the prevention, control and eradication of cancer.

(g) "Plans" refers also to the information and proposals for establishing and maintaining organized community programs for heart disease control submitted in lieu of a State plan by a cooperating agency pursuant to this part.

(h) "Political subdivision" includes counties, health districts, municipalities, and other subdivisions of the State established for governmental purposes.

(i) "Population" as applied to any State or political subdivision, means the most recent official estimates of the Bureau of the Census available on January 1, preceding the fiscal year for which Federal grant funds are appropriated.

(j) "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare.

(k) "State" includes any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(l) Insofar as the regulations in this part relate to the State mental health program, "State health authority" means, in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for administering such program, the State mental health authority.

§ 51.2 *Allotments; extent of health problems.* For the purpose of making allotments to the several States:

(a) *Venereal disease.* The extent of the venereal disease problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The varying composite and racial prevalence rates for syphilis;

(2) The extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis;

(3) The total number of syphilis patients brought to treatment in the primary or secondary stages during the previous year;

(4) The varying costs of providing equal services as determined by the inverse function of the syphilitic density, and the direct function of the size of the population of each State;

(5) The need for training centers and demonstrations in selected areas;

(6) The need for facilities for the prevention and control of venereal diseases in localities where there is an unusual concentration of population.

(b) *Tuberculosis.* The extent of the tuberculosis problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The morbidity of the disease;

(2) The mortality attributed to the disease;

(3) The relative need among the States of facilities for diagnosis and treatment of tuberculous persons.

(c) *General health.* The extent of special health problems shall be the relative population density of the several States, in inverse order.

(d) *Mental health.* The extent of the mental health problem shall be determined by the Surgeon General, taking into consideration such factors as:

(1) The prevalence of emotional and psychiatric disorders affecting mental health;

(2) Special conditions which create unequal burdens in the administration of mental health services among the States as indicated by the relative population of large urban and dispersed-population areas.

(e) *Cancer.* The extent of the cancer problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The mortality attributed to the disease;

(2) The relative population density of the several States in inverse order.

§ 51.3 *Basis of allotments.* Allotments to the several States for the purposes specified in § 51.2 shall be computed as follows:

(a) *Venereal disease.* Of the amount available for allotment for venereal disease control programs:

From 20 percent to 40 percent, on the basis of population, weighted by financial need.
From 60 percent to 80 percent, on the basis of the extent of the venereal disease problem.

(b) *Tuberculosis.* Of the amount available for allotment for tuberculosis control programs:

From 20 percent to 40 percent, on the basis of population, weighted by financial need.
From 60 percent to 80 percent, on the basis of the extent of the tuberculosis problem.

(c) *General health purposes.* Of the amount available for allotment for general health purposes other than for mental health:

From 90 percent to 95 percent, on the basis of population, weighted by financial need.
From 5 percent to 10 percent, on the basis of the extent of special health problems.

(d) *Mental health.* Of the amount available for allotment for mental health programs:

From 20 percent to 40 percent, on the basis of population weighted by financial need.
From 60 percent to 80 percent, on the basis of the extent of the mental health problem.

(e) *Heart disease.* Of the amount available for allotment for heart disease control programs:

(1) A portion on the basis of a uniform per capita allotment not to exceed 10 cents per capita for the first 100,000 population or part thereof of each State;

(2) The remaining amount on the basis of the remaining population of each State weighted by financial need.

(f) *Cancer.* Of the amount available for allotment for cancer control programs on a formula basis:

(1) From 40 percent to 60 percent on the basis of population weighted by financial need.

(2) From 40 percent to 60 percent on the basis of the extent of the cancer problem.

§ 51.4 *Allotments; estimates; time of making; duration.* (a) For each fiscal year, the Surgeon General shall, with the approval of the Secretary, determine the amount of the appropriation for each program which shall be available for allotment among the several States.

(b) Prior to the beginning of each fiscal year the Surgeon General shall prepare and make available to the States an estimated schedule of the amounts which it is expected will be allotted to each State during the fiscal year from estimated appropriations.

(c) Allotments for each program for the first six months shall be made prior to the beginning of the fiscal year or as soon thereafter as practicable, and shall equal not less than 60 percent nor more than 70 percent of the total sum determined to be available for allotment during that fiscal year. At the end of the second quarter, the amounts of allotments for the first six-month period which have not been certified for payment to the respective States pursuant to § 51.8 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted.

(d) Allotments for each program for the remaining six months shall be made prior to the beginning of the third quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unallotted from the amount available for allotment during the fiscal year.

(e) The Secretary of the Treasury and the respective State health authorities shall be notified of the amounts of allotments and of the period for which they are made.

§ 51.5 *Plans; mode of submittal.* (a) Each State making application for grants under section 314 of the act or for a cancer control program shall submit plans through its State health authority for each fiscal year for carrying out the purposes for which such grants are made available. A State making application for Federal grant funds for more than one of these purposes may consolidate its plan: *Provided*, That the information specifically required for a State plan is distinguished with respect to each purpose.

(b) Plans of cooperating agencies for heart disease control programs, in lieu of State plans, shall be submitted through the State health authority.

(c) Plans shall be prepared in accordance with official forms supplied by the Public Health Service and may be amended with the approval of the Surgeon General or his designee.

§ 51.6 *Plans; contents.* (a) A plan with respect to any program shall include:

(1) A description of the organization and proposals for conducting, extending, improving, and otherwise modifying health services to carry out in an acceptable manner the purposes for which grants are made available;

(2) A budget for carrying out the services described under subparagraph (1) of this paragraph;

(3) A statement that the plan if approved will be carried out as described and in accordance with this part.

(b) Effective for the fiscal year 1954; and for each subsequent fiscal year, the State health department shall, with respect to its total annual expenditures of Federal and required matching funds for its venereal disease, tuberculosis, heart, cancer, and mental health programs, provide in its State plan for the allocation of such expenditures to such programs in accordance with either of the following procedures:

(1) On the basis of objective criteria set forth in the State plan, allocate to such programs a portion of "supporting expenditures" which, together with any "specialized expenditures" identified for such program, will at least equal the total annual expenditures of Federal and required matching funds;

(2) Identify as "specialized" expenditures for such programs an amount equal to 80 percent or more of the total annual expenditures of Federal and required matching funds for those programs, provided the remaining 20 percent or less of such total expenditures were for purposes within the scope of the applicable approved State plan.

§ 51.7 *Plans; time of submittal and approval.* (a) A plan shall be submitted, as provided in §§ 51.5 and 51.6, prior to the beginning of the period to which it relates: *Provided*, That exceptions to this section may be made by the Surgeon General or his designee when necessary to meet emergencies.

(b) The budget for health services shall not be approved unless each item thereof relates to activities described in the plan.

(c) A plan for a heart disease control program submitted by a cooperating agency as provided in § 51.5 shall not be

approved unless recommended by the State health authority.

§ 51.8 *Payments to States; to cooperating agencies.* (a) Payments from allotments to a State shall be certified to the Secretary of the Treasury only after a plan has been approved. Payments from allotments to a State shall not exceed the allotment to such State or the total estimated expenditure necessary for carrying out the plan whichever is less.

(b) Payments from a State allotment for venereal disease control shall be reduced by the amount such State requests the Public Health Service to utilize in furnishing equipment, services, and supplies for special venereal disease activities.

(c) All payments shall be made to the State, except, with respect to the heart disease control program, amounts from the State's allotment may be certified for payment to a cooperating agency upon recommendation by the State health authority when (1) the State health authority has not prior to August 1 of the fiscal year for which allotment is made, presented and had approved a plan, or (2) the State is not authorized by law to make payments to a cooperating agency. Funds for heart disease control paid to a cooperating agency and remaining unobligated at the termination of the plan for any fiscal year shall be returned to the Treasury of the United States, unless plans for continued cooperation with such agency are submitted and approved for the succeeding fiscal year.

(d) Subject to the foregoing limitations, payments shall be made as follows:

(1) Payment for the first quarter shall be based upon an application for funds showing the estimated requirement for such quarter.

(2) Except for payment to a cooperating agency, payment for the second quarter shall be the amount of the difference between the unpaid balance of the allotment of the respective State for the first six months and the unencumbered cash balance of the respective fund in the State treasury at the beginning of the first quarter. With respect to payment to a cooperating agency from the State's allotment, payment in the second quarter shall be based on the requirements for such quarter and for the estimated unobligated balances at the beginning of the quarter as shown in an application for funds.

(3) Payment for subsequent quarters from the allotments for the final six-month period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirement for such quarter and the estimated unencumbered balance of the respective fund in the State treasury (or with respect to the heart disease control program, in the treasury of the cooperating agency) at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the difference between the estimated requirement and the estimated unencumbered cash balance, except that for payments for cancer control the amount paid for either the third or the fourth quarter, together with the estimated unencumbered balance of Federal grant funds in the State treasury at the beginning of the quarter, shall not exceed 35 percent of the total amount available to the State for the year.

(4) For cancer control any amount in excess of 35 percent of the total allotment to a State remaining unpaid after the third quarter payment, and any unpaid balance in the allotment of a State remaining unpaid after the final payment to a State, shall be available for special project grants.

(5) Payments from allotments shall not be certified unless an application for payment and all required reports and documents have been received.

(6) Supplemental payment in any quarter may be certified upon submission of application accompanied by satisfactory justification.

§ 51.9 *Required expenditure of State and local funds; funds of cooperating agencies.* (a) Moneys paid to any State or to a cooperating agency pursuant to section 314 of the act shall be paid upon the condition that there be expended in the State during the fiscal year for which payment is made and for purposes specified in the plan with respect to which payment is made, public funds of the State and its political subdivision (or, in the case of payments to a cooperating agency having an approved heart disease control plan, funds of the cooperating agency) in amounts which shall be exclusive of any funds derived from loan or grant from the United States and which shall equal, separately for venereal disease control, mental health, general health, and heart disease, 50 percent of the Federal grant funds expended pursuant to the plan.

(b) Moneys paid to any State for tuberculosis prevention and case-finding shall be paid upon the condition that there be expended in the State, during the fiscal year for which payment is made and for direct expenses of prevention and case-finding as specified in the State plan, funds of the State and its political subdivisions (excluding funds spent in the purchase of care in hospitals and sanatoria and funds derived by loan or grant from the United States) in an amount equal to 100 percent of the Federal grant funds expended pursuant to the plan.

(c) Moneys paid to any State for a cancer control program shall be paid upon the condition that there be expended in the State, during such fiscal year and for purposes specified in the State plan, public funds of the State and its political subdivisions (excluding any funds derived by loan or grant from the United States) and contributions made available by voluntary agencies for carrying out the State plan in an amount equal to 50 percent of the amount of Federal grant funds to be expended pursuant to the State plan.

(d) The expenditures required for any one of the above programs mentioned in paragraph (a) or (b) of this section shall be additional to the expenditures required for other programs.

§ 51.10 *Expenditure of Federal grant funds.* (a) Federal grant funds paid to a State or to a cooperating agency shall be expended solely for the purposes specified in plans approved by the Surgeon General or his designee, and in accordance with the regulations in this part.

(b) Except as otherwise authorized by the Surgeon General, the provisions of State or local law which are applicable to the expenditure of moneys appropriated by the State or local subdivision shall apply respectively to Federal moneys paid to the State or to a political subdivision of the State as a cooperating agency.

(c) All encumbrances of Federal grant funds shall be liquidated within two years after the end of the fiscal year in which the encumbrance was incurred unless otherwise authorized by the Surgeon General or other officials to whom he has delegated authority to approve plans. The amount of encumbrances not so liquidated, adjusted by such amounts as otherwise authorized, will be treated for the purpose of determining payments under the regulations in this part as constituting a part of the unencumbered cash balance at the end of the second succeeding fiscal year.

§ 51.11 *Use of Federal grant funds for training.* Use of Federal grant funds for training personnel for State and local health work shall be authorized by the State health authority or by a cooperative agency in accordance with the minimum standards for sponsored training issued by the Public Health Service. Records of authorized training shall be maintained by the State health authority or cooperating agency and shall be audited for compliance with these standards.

§ 51.12 *Personnel administration on a merit basis.* A system of personnel administration on a merit basis shall be established and maintained for personnel employed in programs, the budgets of which provide for the expenditures of Federal grant funds or of State or local funds for matching purposes included in the plan of the State health authority. Standards for evaluating compliance with this requirement shall be contained in the merit-system standards of the Public Health Service in effect at the time of the expenditure.

§ 51.13 *Fiscal accounting and control.* The State and local public health agencies and cooperating agencies receiving Federal grant funds under the regulations in this part shall establish and maintain efficient methods for conducting fiscal affairs (including financial and property controls). Each State agency and cooperating agency shall maintain a separate and distinct fund account for each Public Health Service grant.

§ 51.14 *Reports; State health authority; cooperating agencies.* State health authorities and cooperating agencies shall make such reports pertinent to the operation of their plans and to the purposes for which grants are made available as may be required by the Surgeon General or his designee.

§ 51.15 *Audit.* Audit of the activities and programs described in the plan may be made after prior consultation with the State health authority or the cooperating agency. Records, documents, and information available to the State health authority or cooperating agency pertinent to the audit shall be accessible for purposes of audit.

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

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AUTHORITY: §§ 53.1 to 53.169 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 622, 60 Stat. 1042, sec. 653, 68 Stat. 463; 42 U. S. C. 291e, 291u. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—DEFINITIONS

§ 53.1 *Definitions.* Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) *Area.* A logical hospital service area, taking into account such factors as population distribution, natural geographic boundaries, transportation and trade patterns, all parts of which are reasonably accessible to existing or proposed hospital facilities and which has been designated by the State agency as a base, intermediate, or rural area. Nothing in the regulations in this part shall preclude the formation of an interstate area with the mutual agreement of the States concerned.

(b) *Base area.* Any area which is so designated by the State agency and has the following characteristics: (1) Irrespective of the population of the area, it shall contain a teaching hospital of a medical school; this hospital must be suitable for use as a base hospital in a coordinated hospital system within the State; or (2) the area has a total population of at least 100,000 and contains or will contain on completion of the hospital construction program under the State plan at least one general hospital which has a complement of 200 or more beds for general use. This hospital must furnish internships and residencies in two or more specialties and must be suitable for use as a base hospital in a coordinated hospital system within the State.

(c) *Intermediate area.* Any area so designated by the State agency which: (1) Has a total population of at least 25,000 and (2) contains, or will contain on completion of the hospital construction program under the State plan, at least one general hospital which has a complement of 100 or more beds and which would be suitable for use as a district hospital in a coordinated hospital system within the State.

(d) *Rural area.* Any area so designated by the State agency which constitutes a unit, no part of which has been included in a base or intermediate area.

(e) *Coordinated hospital system.* An interrelated network of general hospitals throughout a State in which one or more base hospitals provide district hospitals and the latter in turn provide rural and other small hospitals with such services relative to diagnosis, treatment, medical research and teaching as cannot be provided by the smaller hospitals individually.

(f) *Hospital.* Public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but not institutions furnishing primarily domiciliary care. The term "hospital", except as applied generally to include public health centers, shall be restricted to institutions providing community service for inpatient medical or surgical care of the sick or injured; this includes obstetrics. It shall exclude Federal hospitals and institutions found to constitute a public hazard.

(g) *Allied special hospital.* Cardiac, eye-ear-nose-throat, isolation, maternity, children's orthopedic, and skin and cancer, as well as other hospitals providing similar specialized types of care commonly given in general hospitals. The term excludes mental, tuberculosis, and chronic disease hospitals.

(h) *Chronic disease hospital (hospital for the chronically ill and impaired).* A hospital for the treatment of chronic illness, including the degenerative diseases, and in which treatment and care is administered by or under the direction of persons licensed to practice medicine or surgery in the State. The term does not include hospitals primarily for the care of mentally ill or

tuberculosis patients, nursing homes, and institutions the primary purpose of which is domiciliary care.

(i) *General hospital.* Any hospital for inpatient medical or surgical care of acute illness or injury and for obstetrics, of which not more than 50 percent of the total patient days during the year are customarily assignable to the following categories of cases: Chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis.

(j) *Mental hospital.* A hospital for the diagnosis and treatment of nervous and mental illness but excluding institutions for the feeble-minded and epileptics.

(k) *Nonprofit hospital, nonprofit diagnostic or treatment center, nonprofit rehabilitation facility, and nonprofit nursing home.* Any hospital, diagnostic or treatment center, rehabilitation facility, or nursing home, as the case may be, owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(l) *Psychiatric hospital.* A type of mental hospital where patients may receive intensive treatment and where only a minimum of continued treatment facilities will be afforded.

(m) *Tuberculosis hospital.* A hospital for the diagnosis and treatment of tuberculosis excluding preventoria.

(n) *Hospital bed.* A bed for an adult or child patient. Bassinets for the newborn in a nursery, beds in labor rooms and in health centers, and other beds used exclusively for emergency purposes are not included in this definition.

(o) *Population.* In computing the population of the State or any area thereof for purposes of the regulations in this part, the State agency shall use the latest figures of civilian population certified by the Federal Department of Commerce with such adjustments as may be necessary to reflect changing local conditions. Such adjustments shall not result in any increase in the total population of the State over the figures certified by the Department of Commerce.

(p) *Public health center.* A publicly owned facility utilized by a local health unit for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

(q) *Local health unit.* A single county, city, county-city, or local district health unit, as well as a State health district unit where the primary function of the State district unit is the direct provision of public health services to the population under its jurisdiction.

(r) *Public health services.* Services provided through organized community effort in the endeavor to prevent disease, prolong life, and maintain a high degree of physical and mental efficiency. In addition to the services which the community already provides as a matter of practice, the term shall include such additional services as the community from time to time may deem it desirable to provide.

(s) *Diagnostic or treatment center.* A facility providing community service for the diagnosis or diagnosis and treatment of ambulatory patients, which is operated in connection with a hospital, or in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State, or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State. This includes outpatient departments and clinics of public or nonprofit hospitals. The applicant must be either (1) a State, political subdivision, or public agency, or (2) a corporation or an association which owns and operates a nonprofit hospital.

(t) *Rehabilitation facility.* (1) A facility providing community service which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical, psychological, social, and vocational evaluation and services under competent professional supervision. The major portion of such evaluation and services must be furnished within the facility; and the facility must be operated either in connection with a hospital or as a facility in which all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State.

(2) An integrated program brings together as a team specialized personnel from the medical, psychological, social, and vocational areas for the purpose of pooling information, interpretations and opinions for the development of a rehabilitation plan of services in which the disabled individual is viewed as a whole. When members of the team contribute to the diagnosis and treatment of illness, their contributions must be coordinated under medical responsibility. These integrated services may be provided in a facility to care for many types of disabilities or a single type of disability.

(3) A disabled person is an individual who has a physical or mental condition which, to a material degree, limits, contributes to limiting, or if not corrected, will probably result in limiting, the individual's performance or activities to the extent of constituting a substantial physical, mental, or vocational handicap.

(u) *Nursing home.* A facility which is operated in connection with a hospital, or in which nursing care and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in the State, for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who do require skilled nursing care and related medical services. The term "nursing home" shall be restricted to those facilities, the purpose of which is to provide skilled nursing care and related medical services for a period of not less than 24 hours per day to individuals admitted because of illness, disease, or physical or mental infirmity and which provide a community service.

(v) *Community service.* A facility renders a community service when the services provided in the facility are available to the general public in accordance with these regulations.

(w) *State.* The 48 States, Alaska, Hawaii, Puerto Rico, Virgin Islands, and the District of Columbia.

(x) *State agency.* As the context may require, the State agency designated by the State pursuant to sections 612 (a) (1), 623 (a) (1), 647 (a) (1), or 653 (a) (1), of the Federal act.

(y) *Surgeon General.* The Surgeon General of the Public Health Service.

(z) *Federal Act.* Title VI of the Public Health Service Act, as amended.

(aa) *Secretary.* The Secretary of Health, Education, and Welfare.

(Sec. 631, 60 Stat. 1046, as amended, sec. 654, 68 Stat. 463; 42 U. S. C. 291l, 291v)

SUBPART B—DISTRIBUTION OF GENERAL HOSPITAL BEDS

§ 53.11 *Plan of distribution.* It is the intention of the regulations in this part to provide for distribution of general hospital beds among the different areas of the State so as to provide comprehensive and adequate types of hospital services to all sizes of communities. In accordance with this intent the general methods by which general hospital beds shall be distributed among base areas, intermediate areas, and rural areas, shall be as provided for in §§ 53.12 to 53.14, inclusive.

§ 53.12 *State allowance.* (a) The number of general hospital beds required to provide adequate hospital services to the people residing in any State shall be:

(1) In States having 12 or more persons per square mile, 4.5 beds per thousand population;

(2) In States having less than 12 and more than 6 persons per square mile, 5 beds per thousand population; and

(3) In States having 6 persons or less per square mile, 5.5 beds per thousand population.

(b) If in any area (base, intermediate, or rural), as determined by the State Agency, there are, as of the date of initial approval of the State plan, more beds than required by these standards, such excess (but no increase in such excess after such date) may be eliminated in calculating the maximum allowance for the State as a whole.

§ 53.13 *Standards for construction program.* (a) The construction program under the State plan shall provide for general hospital beds, existing and proposed, in each area within the State in accordance with the following standards:

(1) In States having 12 or more persons per square mile, 2.5 beds per thousand population in rural areas, 4.0 beds per thousand in intermediate areas, and 4.5 beds per thousand in base areas;

(2) In States having less than 12 but more than 6 persons per square mile, 3 beds per thousand population in rural areas, 4.5 beds per thousand in intermediate areas, and 5 beds per thousand in base areas; and

(3) In States having 6 or less persons per square mile, 3.5 beds per thousand population in rural areas, 5.0 beds per thousand in intermediate areas, and 5.5 beds per thousand in base areas.

(b) In addition, the State agency shall subtract from the total number of beds permitted for each area under § 53.12 the total number of beds permitted for each area under paragraph (a) of this section or the number of beds in existence, whichever is greater. The total number of beds so determined for all areas may, in the discretion of the State agency and without regard to standards specified in § 53.12 and paragraph (a) of this section, be allocated to specific areas or held in reserve for subsequent allocation, or any combination of the two. Any allocation of beds under this paragraph shall be done in such a manner as to meet the special needs of the area or areas concerned, and to facilitate the coordination of hospital services. In allocating beds under this paragraph, the State agency shall give special consideration to hospitals serving persons in rural areas and and communities with relatively small financial resources.

§ 53.14 *Beds classified as general hospital beds.* The count of existing general hospital beds shall include the beds in the hospitals of this category as defined above, and also: (a) Beds in allied special hospitals, and (b) beds in any tuberculosis, mental or chronic disease hospital which are specifically assigned for the care of general patients, except where the beds so assigned in any institution number less than ten. Beds for persons hospitalized for the primary condition of tuberculosis, mental, or chronic disease shall be excluded.

SUBPART C—DISTRIBUTION OF TUBERCULOSIS, MENTAL, AND CHRONIC DISEASE HOSPITAL BEDS

§ 53.21 *State allowance.* (a) The number of beds required to provide adequate hospital services for tuberculosis patients, mental patients, and chronic disease patients in any State shall be:

(1) For tuberculosis patients, 1.5 times the average number of active and probably active new cases of tuberculosis found annually during the latest two-year period for which data are available, as certified by the State Health Department, provided that the total number of beds so determined shall not exceed 2.5 times the annual deaths from tuberculosis in the State over the five-year period from 1940 to 1944. As used in this paragraph, the term "probably active" means the probable clinical status of the disease when activity has not been determined from adequate roentgenologic and laboratory examinations;

(2) For mental patients, 5 per thousand population;

(3) For chronic disease patients, 2 per thousand population except as provided in § 53.61.

(b) The count of existing tuberculosis, mental, and chronic disease hospital beds shall include the beds in the hospitals of those respective categories, as defined in this section, and also beds in any general hospital which are specifically assigned for the care of tuberculosis, mental, and chronic disease patients respectivley, except where the beds so assigned in any institution number less than 10 in any category.

§ 53.22 *Distribution.* (a) Whenever practicable, tuberculosis hospitals receiving grants under the Federal Act shall be built in centers of population and in proximity to general hospitals.

(b) Whenever practicable, mental hospitals receiving grants under the Federal Act shall be located in centers of population and in proximity to general hospitals.

(c) Whenever practicable, chronic disease hospitals shall be built in centers of population and in proximity to general hospitals.

SUBPART D—DISTRIBUTION OF PUBLIC HEALTH CENTERS

§ 53.31 *State allowance.* The number of public health centers in a State (counting those existing as well as those proposed) shall not exceed one per 30,000 State population, except in States having less than 12 persons per square mile the number shall not exceed one per 20,000 population. The following shall be excluded from the count of public health centers:

(a) Existing facilities which the State agency, after consultation with the State health authority, has determined to be unsuitable for use as public health centers, and

(b) Auxiliary facilities such as laboratories and clinics, whether existing or proposed, and whether they are located within the same structure as the health department office or in a separate structure.

§ 53.32 *Distribution.* The general method of distribution of public health centers throughout the State shall conform to the plan of organization of local health units within the State. In instances where the State Health Department is not the State agency designated under section 623 (a) (1) of the Federal Act, the method of distribution shall be determined after consultation with the State health authority.

SUBPART E—DISTRIBUTION OF DIAGNOSTIC OR TREATMENT CENTERS

§ 53.41 *State allowance.* Diagnostic or treatment centers shall be planned in sufficient number to make at least the basic minimum services readily available to all persons in the State, provided that the total number of diagnostic or treatment centers in the State (counting those existing as well as those proposed) shall not exceed one per 10,000 State population. The basic minimum services are clinical laboratory and diagnostic X-ray. The count of existing diagnostic or treatment centers shall exclude:

(a) Offices of private physicians and dentists, whether for individual or group practice;

(b) Industrial clinics for employees only, first aid clinics, and similar facilities not furnishing a community service;

(c) Any diagnostic or treatment center which the State agency determines to be unsuitable in accordance with the objective criteria contained in the State plan. A diagnostic or treatment center shall in any event be regarded as unsuitable if it constitutes a public hazard.

§ 53.42 *Distribution.* (a) In determining the need for additional diagnostic or treatment services in a community as a basis for distribution of diagnostic or treatment centers, consideration shall be given to any such services provided by private physicians and dentists.

(b) Whenever practicable, diagnostic or treatment centers shall be coordinated with existing or proposed hospitals.

SUBPART F—DISTRIBUTION OF REHABILITATION FACILITIES

§ 53.51 *State allowance.* (a) Rehabilitation facilities shall be planned by each State so that all persons in the State shall have access to integrated rehabilitation services for all types of disabilities. The facility or facilities may be programmed in the State or by joint planning with one or more other States to service the residents of such States. In a State with more than 300,000 population the number of integrated service units existing and proposed for each disability, whether in multiple disability type facilities or in a single disability type facility shall not exceed one for the first 300,000 population and one for the major fraction of each unit of 300,000 population in excess thereof, and in a State with less than 300,000 population no more than one such integrated service unit may be planned for each type of disability, whether in multiple type disability facilities or in a single type disability facility. Within such limitations, a State may expand existing facilities to provide for a greater volume or greater variety of services.

(b) Existing facilities which the State agency has determined to be unsuitable in accordance with the objective criteria contained in the State plan shall be excluded from the count of rehabilitation facilities. A rehabilitation facility shall in any event be regarded as unsuitable if it constitutes a public hazard. Only those existing facilities that meet the definition of § 53.1 (t) will be charged against the State allowance.

§ 53.52 *Distribution.* (a) In determining the need for additional rehabilitation services as a basis for distribution of rehabilitation facilities, consideration shall be given to rehabilitation services provided in existing facilities regardless of whether such facilities are rehabilitation facilities as defined in § 53.1 (t).

(b) Whenever practicable rehabilitation facilities shall be constructed in centers of population and in close proximity to medical centers.

SUBPART G—DISTRIBUTION OF NURSING HOME BEDS

§ 53.61 *State allowance.* (a) The number of nursing home beds existing and proposed in a State shall be no less than 1 per thousand of the State's population and shall not, except as herein provided, exceed 3 beds per thousand. The State may, however, plan in excess of 3 nursing home beds per thousand but not to exceed 4 beds per thousand population in which case the State's allowance for chronic disease hospital beds shall be reduced so that the total number of nursing home beds and chronic disease beds existing and proposed shall not exceed 5 beds per thousand of the population.

from time to time may deem it desirable to provide.

renders a community service when the services provided in the facility are

thousand in intermediate areas, and 5.5 beds per thousand in base areas.

category.

(b) Beds in existing facilities which the State agency determines to be unsuitable in accordance with the objective criteria contained in the State plan shall be excluded from the count of nursing home beds. In any event beds in existing facilities which the State agency has determined to be a public hazard shall be excluded from the count of nursing home beds.

SUBPART H—PRIORITY OF PROJECTS

§ 53.71 *Manner of determination.* (a) The general manner in which the State agency shall determine the priority of projects included in the State construction program shall conform with the principles set out in this subpart.

(b) In determining the relative priority of projects, special consideration shall be given to those projects providing services to persons located in rural communities and communities with relatively small financial resources.

§ 53.72 *Balance among categories of hospital facilities.* Insofar as practicable, the State agency shall develop the construction program under Part C in relation to the proportionate need for each of the five categories of hospital facilities (general, mental, tuberculosis, chronic, and health centers). In determining proportionate needs, consideration shall be given to existing hospital facilities and those under construction without assistance under the Federal Act.

§ 53.73 *All categories of facilities; additional facilities as against replacements.* Initial installations and additions to existing facilities shall be given priority over replacements, except:

(a) Where replacement is of minor character and necessary to the provision of needed additional facilities;

(b) Where replacement is essential to eliminate an existing needed facility which constitutes a public hazard.

§ 53.74 *General hospital.* The priority of these projects shall be determined after consideration of the following factors in the order of importance as given:

(a) The relative need for beds in the area (base, intermediate, or rural) in which the project will be located, taking into account the utilization of existing general hospital beds in the area;

(b) The extent to which beds will be made available for groups of the population which for any reason are less adequately served than other groups of the population.

§ 53.75 *Chronic disease hospital.* The priority of these projects shall be determined on the basis of the following factors in the order of importance as given:

(a) Relative need for additional chronic disease beds in the community or communities to be served by the project taking into account existing beds and giving special consideration to projects in which the chronic disease facilities will be operated as subunits of general hospitals;

(b) The extent to which beds will be made available to groups of the population which for any reason are less adequately served than other groups of the population.

§ 53.76 *Public health centers.* Highest priority in this category shall be given to the provision of facilities for local health units serving rural communities and communities with relatively small financial resources. Where the agency designated to administer the State plan is not the State health authority, the State agency shall determine the relative priorities to be established after consultation with the State health authority.

§ 53.77 *Diagnostic or treatment centers.* The priority of diagnostic or treatment center projects shall be determined after consideration of the following factors in the order of importance as given:

(a) The relative need for additional diagnostic or treatment services in the community or communities to be served by the project taking into account existing available services;

(b) The extent to which diagnostic and treatment services will be made available to groups of the population which for any reason are less adequately served than other groups of the population.

§ 53.78 *Rehabilitation facilities.* The priority of rehabilitation facility projects shall be determined after consideration of the following factors in the order of importance as given:

(a) Relative need for additional rehabilitation services in the community or communities to be served by the project taking into account existing rehabilitation services and giving special consideration to:

(1) Projects located in medical centers, medical schools or universities with medical schools or medical centers; and

(2) Projects providing a multiple disability service as distinguished from those providing a single disability service;

(b) The extent to which rehabilitation services will be made available to groups of the population which for any reason are less adequately served than other groups of the population.

§ 53.79 *Nursing homes.* (a) The priority of nursing home projects shall be determined after consideration of the following factors in the order of importance as given:

(1) Relative need for additional nursing home beds in the community or communities to be served by the project taking into account the utilization of existing suitable beds;

(2) The extent to which beds will be made available to groups of the population which for any reason are less adequately served than other groups of the population.

(b) Special consideration shall be given to nursing home projects operated by hospitals.

§ 53.80 *Size and character.* Insofar as practicable and without affecting the priority of facilities serving rural communities and areas with relatively small financial resources, special consideration shall be given to applications for construction of projects of a size and character consistent with efficient and economical operation.

§ 53.81 *Split projects.* Special consideration may be given to projects which are parts of facilities with respect to other parts of which applications have been approved prior to July 1, 1952.

SUBPART I—FLEXIBILITY OF ALLOTMENTS AND TRANSFER OF STATE ALLOTMENTS

§ 53.91 *Flexibility of allotments.* At any time subsequent to 30 days after January 12, 1955 and, thereafter, 30 days after the allotments are made for any fiscal year under Part G, a State may submit a request in writing to the Surgeon General that its allotment or a specified portion thereof for diagnostic or treatment centers, for chronic disease hospitals, or for nursing homes, be added to the allotment for one or both of the other categories. If such request is accompanied by a certification by the State agency (a) that it has afforded a reasonable opportunity to prospective project applicants to make applications for the utilization of funds in the specific category for which such funds were originally allotted and (b) that there have been no approvable applications for the funds sought to be transferred to the other category or categories, the Surgeon General will adjust the allotments in accordance with such request and notify the State agency.

(Sec. 654, 68 Stat. 463; 42 U. S. C. 291v)

§ 53.92 *Transfer of State allotments.* A State may submit a request in writing to the Surgeon General that its allotment or a specified portion thereof under Part G of the Federal Act for any type of facility be added to the corresponding allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility of that type in such other State. Upon a finding by the Surgeon General in the case of a hospital for the chronically ill and impaired, diagnostic or treatment center, or nursing home, or upon a finding by the Surgeon General and the Secretary in the case of a rehabilitation facility, (a) that construction of that facility with respect to which the request is made will meet needs of the State making the request, and (b) that use of the specified portion of such State's allotment, as requested by the State, will assist in carrying out the purposes of Part G of the Federal Act, then the requested portion of the allotment will be transferred and added to the corresponding allotment of the other State to be used for the purpose of paying part of the Federal share of the cost of constructing the facility with respect to which the request is made.

(Sec. 654, 68 Stat. 463; 42 U. S. C. 291v)

SUBPART J—GENERAL STANDARDS OF CONSTRUCTION AND EQUIPMENT

§ 53.101 *General.* (a) Plans and specifications for each project submitted to the Surgeon General for approval, and in the case of rehabilitation facilities, the approval of the Secretary, under the Federal Act shall be prepared in accordance with "General Standards of Construction and Equipment" for facilities of different classes and in different types of locations as prescribed by the

Surgeon General set forth in Subpart M of this part. The Surgeon General may approve, subject also in the case of rehabilitation facilities to the approval of the Secretary, plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled.

(b) The design and construction covered by the plans and specifications must conform with the applicable State and local laws, codes, and ordinances and with the approved State plan. The plans and specifications must be complete and adequate for contract purposes and have the approval and recommendation of the State agency.

(c) Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned.

§ 53.102 *Size of mental and psychiatric hospitals.* No application for construction of a psychiatric hospital with a capacity of more than 500 beds or of a mental hospital with a capacity of more than 3,000 beds shall be approved. This requirement shall not be construed to prevent approval of applications for improvements of psychiatric and mental hospitals with bed capacities equal to or greater than those specified above, if such improvements are designed to provide more intensive treatment facilities within such hospitals.

§ 53.103 *Size of tuberculosis hospitals.* No application for construction of a tuberculosis hospital with a capacity of less than 100 beds shall be approved, except that an application for construction of a tuberculosis hospital with a capacity from 50 to 100 beds may be approved where necessary (a) to provide facilities for an isolated area too small to support a larger hospital, or (b) to expand, remodel, or alter existing hospital facilities.

§ 53.104 *Size of nursing homes.* No application shall be approved for construction of a nursing home, not an addition to a hospital, with a capacity of less than 10 beds.

SUBPART K—NONDISCRIMINATION AND SERVICES FOR PERSONS UNABLE TO PAY THEREFOR

§ 53.111 *General.* The State plan shall provide for adequate hospital, diagnostic or treatment center, rehabilitation facility, and nursing home service for the people residing in a State without discrimination on account of race, creed, or color, and shall provide for adequate facilities of these types for persons unable to pay therefor.

§ 53.112 *Nondiscrimination.* Before a construction application is recommended by a State agency for approval, the State agency shall obtain assurance from the applicant that the facilities to be built with aid under the Act will be made available without discrimination on account of race, creed, or color, to all persons residing in the area to be served by that facility. However, in any area where separate hospital, diagnostic or treatment center, rehabilitation or nursing home facilities, are provided for separate population groups, the State agency may waive the requirement of assurance from the construction applicant if (a) it finds that the plan otherwise makes equitable provision on the basis of need for facilities and services of like quality for each such population group in the area, and (b) such finding is subsequently approved by the Surgeon General. Facilities provided under the Federal Act will be considered as making equitable provision for separate population groups when the facilities to be built for the group less well provided for heretofore are equal to the proportion of such group in the total population of the area, except that the State plan shall not program facilities for a separate population group for construction beyond the level of adequacy for such group.

§ 53.113 *Hospital, diagnostic or treatment center, rehabilitation facility, and nursing home service for persons unable to pay therefor.* Before a construction application is recommended by a State agency for approval, the State agency shall obtain assurance that the applicant will furnish a reasonable volume of free patient care. As used in this section, "free patient care" means hospital, diagnostic or treatment center, rehabilitation facility, or nursing home service offered below cost or free to persons unable to pay therefor, including under "persons unable to pay therefor", both the legally indigent and persons who are otherwise self-supporting but are unable to pay the full cost of needed care. Such care may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as community chests or may be contributed at the expense of the hospital itself. In determining what constitutes a reasonable volume of free patient care, there shall be considered conditions in the area to be served by the applicant, including the amount of free care that may be available otherwise than through the applicant. The requirement of assurance from the applicant may be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Surgeon General, that furnishing such free patient care is not feasible financially.

SUBPART L—METHODS OF ADMINISTRATION OF THE STATE PLAN

§ 53.121 *General.* The State plan shall provide for general methods of administration which are in accord with the principles set out in §§ 53.122 to 53.128.

§ 53.122 *Construction program.* The State hospital, diagnostic or treatment center, rehabilitation facility, and nursing home construction program shall be developed in the following manner:

(a) The State agency shall determine need for hospital facilities of all types, health center facilities, diagnostic or treatment centers, rehabilitation facilities, and nursing homes by applying the ratios heretofore specified and deducting existing facilities, except those justifying replacement under priority regulations.

(b) The State agency shall determine through field investigation, and otherwise, the approximate locations within each area at which needed hospital beds or health centers should most appropriately be built and the approximate locations at which needed diagnostic or treatment centers, rehabilitation facilities and nursing homes should be constructed.

(c) After having determined hospital, public health center, diagnostic or treatment center, rehabilitation facility, and nursing home needs, the State agency shall establish an over-all construction program. This program shall set forth all such needs in accordance with the standards specified in §§ 53.12, 53.21, 53.31, 53.41, 53.51, and 53.61 and shall show the relative need for each project included, irrespective of the availability of funds for construction and for maintenance and operation.

(d) The State agency shall from time to time as necessary, but at least annually, review the over-all hospital, public health center, diagnostic or treatment center, rehabilitation facility, and nursing home construction program. Annually, at a time fixed by the Surgeon General, the agency shall submit to him a report, which shall contain such revisions of the construction program, as the agency considers necessary.

(e) The State agency shall establish a separate construction schedule on such forms and for such periods as the Surgeon General may prescribe. Insofar as funds are available for construction and for maintenance and operation, construction shall be scheduled in the order of relative need.

(Sec. 623, 60 Stat. 1043, as amended; 42 U. S. C. 291f)

§ 53.123 *Personnel administration.* A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(a) Impartial administration of the merit system;

(b) Operation on the basis of published rules or regulations;

(c) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(d) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(e) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(f) Advancement on the basis of capacity and meritorious service; and

(g) Tenure of permanent employees. Substantial compliance with the merit system policies of the Public Health Service as set forth in Subpart N of this part will be deemed to meet the requirements of the regulations in this part.

(Sec. 623, 60 Stat. 1043, as amended; 42 U. S. C. 291f)

§ 53.124 *Fair hearings.* The State agency shall establish such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with any action of the State agency regarding its application.

(Sec. 623, 60 Stat. 1043, as amended; 42 U. S. C. 291f)

§ 53.125 *Construction standards.* The State agency shall adopt general standards of construction and equipment for the various types of hospitals, public health centers, diagnostic or treatment centers, rehabilitation facilities, and nursing homes assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Surgeon General and set forth in Subpart M of this part.

§ 53.126 *Publicizing the State plan.* (a) Prior to the submission of the State plan and its annual revision to the Surgeon General, the State agency shall publish a general description of the provisions proposed to be included in the State plan and shall give reasonable notice of a public hearing at which all interested persons or organizations will be given an opportunity to be heard.

(b) After the Surgeon General has approved the State plan and its annual revisions the State agency shall publish a general description of its provisions in newspapers having general circulation throughout the State and shall make the approved State plan available for examination, upon request, to all interested persons or organizations.

(c) The provisions of this section shall also apply to any revisions of or supplements to the State plan pursuant to Part G of the Federal Act.

§ 53.127 *Processing construction applications.* (a) *Form of application.* Construction applications, including a detailed estimate of the cost of the project, shall be submitted to the Surgeon General through the State agency and shall be executed on forms prescribed by the Surgeon General.

(b) *Order of processing applications.* The State agency shall process applications received in the order of priority, except that the State agency may approve, recommend and forward to the Surgeon General applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority, and

(2) If the State agency certifies to the Surgeon General that financial resources for the construction, maintenance and operation of projects of higher priority are not then available.

The priority of a project under the State plan shall not be affected by the fact that other projects of lower priority have previously been approved and recommended by the State agency.

(c) *Assurances from applicant.* In addition to assurance otherwise required by the State agency, before approving an application, the State agency must have assurance from the applicant:

(1) That actual construction work will be performed by the lump sum (fixed price) contract method, that adequate methods of obtaining competitive bidding will be or have been employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and that the award of the contract will be or has been made to the responsible bidder submitting the lowest acceptable bid: *Provided, however,* That the purchase and installation of equipment which is unique to a hospital, diagnostic or treatment center, rehabilitation facility, or nursing home, as well as kitchen, laundry, laboratory, and pharmacy equipment, need not be considered construction work for the purpose of this section, except that if open competitive bidding is employed to obtain any or all of these items, the award shall be made to the responsible bidder submitting the lowest acceptable bid.

(2) That section 2, Labor Standards (PHS Form 144 as revised) will be included in all construction contracts in excess of $2,000. That construction contracts in excess of $2,000 will prescribe the minimum rates of pay for laborers and mechanics engaged in the construction of the project as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, 49 Stat. 1011, as amended, and the regulations issued pursuant thereto by the Secretary of Labor;

(3) That all construction contracts regardless of amount will include paragraph 8, Section 2, Labor Standards (PHS Form 144 as revised), relating to kickbacks;

(4) That the project will not be advertised or placed on the market for bidding until the final working drawings and specifications have been approved by the Surgeon General and the applicant has been so notified;

(5) That no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, will be entered into without the prior approval of the Surgeon General;

(6) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty per centum (50%) of the contract price, and to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance;

(7) That any change or changes in the contract which (i) makes any major alteration in the work required by the plans and specifications, or (ii) raises the total contract price over the approved estimate of cost of the work covered by the plans and specifications will be submitted to the Surgeon General for prior approval;

(8) That the construction contract will provide that the Surgeon General, the State agency and their representatives will have access at all times to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;

(9) That the applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the project to insure that the completed work conforms with the approved plans and specifications; and

(10) That a hospital, when completed, will be operated and maintained in accordance with minimum standards prescribed by the State agency for the maintenance and operation of hospitals aided under the Federal Act; that a diagnostic or treatment center, rehabilitation facility, or nursing home, when completed, will be operated and maintained in accordance with standards of maintenance and operation, if any, as prescribed by the State for such facilities.

Provided, That except with respect to subparagraph (1) of this paragraph, the State agency, subject to the approval of the Surgeon General, may approve modifications of the assurances required under this paragraph or waive technical compliance with any of the requirements of such assurances, if it finds that the purpose of such assurances and requirements is fulfilled.

(d) *Certification to the Surgeon General.* After the State agency has approved a construction application, it shall recommend it to the Surgeon General for approval and shall certify:

(1) That the application contains reasonable assurance as to title, payment of prevailing rates of wages, and financial support for the non-Federal share of the cost of construction and the entire cost of maintenance and operation when completed;

(i) Availability of funds for the non-Federal share of construction costs shall mean (*a*) funds immediately available, placed in escrow, or acceptably pledged, or (*b*) funds or fund sources specifically earmarked in a sum sufficient for that purpose or (*c*) other assurances acceptable to the Surgeon General.

(ii) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget, on a form prescribed by the Surgeon General, for the two year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet the difference between proposed expenditures and anticipated income from the operation of the constructed addition for the two year period immediately following its completion.

(2) That the plans and specifications are in accord with Subpart M of this part;

(3) That the application is in conformity with the State plan approved by the Surgeon General and contains an assurance that the applicant will conform to the applicable requirements of the plan;

(4) That the application contains an assurance that the applicant will conform to the requirements of §§ 53.111, 53.112, and 53.113 regarding the provision of facilities without discrimination on account of race, creed, or color, and for furnishing needed hospital facilities for persons unable to pay therefor;

(5) That the application contains an assurance that the applicant will conform to State standards for operation and maintenance and to all applicable State laws and State and local codes, regulations, and ordinances;

(6) That the application is entitled to priority over other projects within the State and that in making this determination the State agency has complied with paragraph (b) of this section; and

(7) That the State agency has approved the application.

(e) *Amendments to application.* An amendment to any application approved by the Surgeon General shall be processed in the same manner as an original application, except that the original application's conformity with priority regulations shall suffice for the amendment. Minor changes not provided for under paragraph (c) (7) of this section are not considered amendments.

(Sec. 625, 60 Stat. 1045, as amended, sec. 654, 68 Stat. 463; 42 U. S. C. 291h, 291v)

§ 53.128 *Requests for construction payments.*—(a) *Certification by State agency.* The State agency shall certify to the Surgeon General the amount of payments due to an applicant for the cost of work performed and materials and equipment furnished.

(1) Requests for payment under the construction contract shall be submitted in each of three stages, as follows:

(i) The first installment when not less than 25 percent of the work of construction of the building has been completed,

(ii) The second installment when the mechanical work has been substantially roughed in, and

(iii) The third installment when work under the construction contract is completed and final inspection made.

(2) Requests for payment of the Federal share of other allowable costs such as architect's fee, inspection cost, and cost of equipment shall be included in requests for payments made at one or more of the stages indicated in this paragraph.

(3) All costs that have been determined at the time the third payment for work performed under the construction contract is requested shall form the basis of a request for final payment of the Federal share of the entire project.

(4) With the consent of the Surgeon General, the State agency may adopt a different schedule of payments, but in no case shall such payments be less frequent than those scheduled in this paragraph.

(b) *Inspection by State agency.* As a basis for certification by the State agency that payment of an installment is due an applicant, the State agency, without expense to the Federal Government, shall make adequate inspections to determine that the work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications.

(Sec. 625, 60 Stat. 1045, as amended, sec. 654, 68 Stat. 463; 42 U. S. C. 291h, 291v)

§ 53.129 *Fiscal and accounting requirements.*—(a) *Construction allotments.* (1) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(2) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(b) *Construction payments.* (1) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local or other funds used for matching purposes.

(2) The State agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(3) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Surgeon General for approved construction projects.

SUBPART M—APPENDIX A; GENERAL STANDARDS OF CONSTRUCTION AND EQUIPMENT

§ 53.131 *Introduction.*

The standards set forth in this subpart have been established by the Surgeon General of The U. S. Public Health Service as required by Title VI of the Public Health Service Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the act. They are considered necessary to insure properly planned and well constructed hospitals and public health centers which can be maintained and efficiently operated to furnish adequate services.

Throughout these General Standards reference is made to certain sizes of hospitals such as, "up to and including 100 beds", "over 100 beds", etc. These references are not meant to be applied strictly. They indicate the approximate sizes at which certain changes in requirements will occur.

It should be particularly noted that the small hospital of 50 beds or under presents a special problem. The size of the various departments will be generally smaller and will depend upon the requirements of the particular hospital. Some of the functions allotted separate spaces or rooms in these General Standards may be combined provided that the resulting plan will not compromise the best standards of medical and nursing practice. In other respects the General Standards set forth herein, including the area requirements, will apply.

In the case of types of hospitals not specifically treated herein the Standards for General Hospitals will apply. Due allowance will be made for the specialized or unusual requirements of the particular hospital involved.

Since these are minimum requirements it is desirable only that they form a basis for development of higher standards. In the interest of promoting the development of higher standards it is the intention of the Public Health Service to make suggestions and disseminate the latest information as to current good practice in planning and design of health facilities. This information will be distributed from time to time to State agencies and other interested persons.

No attempt has been made in establishing these standards to comply with all of the various State and local codes and regulations. However, strict compliance with all applicable State and local codes and regulations is required. Likewise, compliance is required with minimum standards of construction and equipment promulgated by the State Agency where such requirements provide a higher standard than these Federal requirements.

§ 53.132 *Site survey and soil investigation.*

1. The apicant shall provide for a survey and soil investigation of the site and furnish a plat of the site. The purpose of this survey and soil investigation is to obtain all information necessary for the design of the building foundations and mechanical service connections and development of the site. It is suggested that this matter be deferred until the Architect has been selected in order that he may co-operate with the Engineer who obtains the data.

2. If any existing structures or improvements on the site are to be removed by the owners or others, the buildings or improvements must be so designated on the plat.

3. Any discrepancies between the Survey and the recorded legal description shall be reconciled or explained.

4. The plat shall indicate:

(a) The courses and distances of property lines.

(b) Dimensions and location of any buildings, structures, easements, rights-of-way or encroachments on the site.

(c) Details of party walls, or walls and foundations adjacent to the lot lines.

(d) The position, dimensions and elevations of all cellars, excavations, wells, backfilled areas, etc., and the elevation of any water therein.

(e) All trees which may be affected by the building operations.

(f) Detailed information relative to established curb and building lines and street, alley, sidewalk and curb grades at or adjacent to the site and the materials of which they are constructed.

(g) All utility services and the size, characteristics, etc., of these services.

(h) The location of all piping, mains, sewers, poles, wires, hydrants, manholes, etc., upon, over or under the site or adjacent to the site if within the limits of the survey.

(i) Complete information as to the disposal of sanitary, storm water and subsoil drainage and suitability of subsoil for rainwater or sanitary disposal purposes if dry wells are used.

(j) Official datum upon which elevations are based and a bench mark established on or adjacent to the site.

(k) Elevations on a grid system of not less than 20-foot intervals to indicate changes of slope, etc., over that portion of the site to be developed.

(l) Elevations of contours, bottoms of excavations, etc.

(m) Contemplated date and description of any proposed improvements to approaches or utilities adjacent to the site.

5. The plat shall bear a certification by the City Engineer or other qualified official, that the true street lines and the officially established grades of curbs, sidewalks and sewers are correctly given.

6. Adequate investigation shall be made to determine the sub-soil conditions. The in-

vestigations shall include a sufficient number

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cant: progress and that the contractor will form to the requirements of §§ 53.111,

68 Stat. 463; 42 U. S. C. 291h, 291v)

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involved.

determine the sub-soil conditions. The in-

vestigations shall include a sufficient number of test pits or test borings as will determine, in the judgment of the Architect, the true conditions.

7. Samples of strata of soil or rock taken in each pit or boring shall be retained in suitable containers. Each sample container shall be identified as to the boring and elevations at which taken and the labels initialed by the Engineer making the soil investigation.

8. The following information shall be noted on the plat:

(a) Thickness, consistency, character, and estimated safe bearing value of the various strata encountered in each pit or boring.

(b) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons and effect on the subsoil.

(c) The elevation of rock, if known and the probability of encountering quicksand.

(d) Average depth of frost effect below surface of ground.

(e) High and low water levels of nearby bodies of water affecting the ground water level.

(f) The probability of freshets overrunning the site.

(g) Whether the soil contains alkali in sufficient quantities to affect concrete foundations.

(h) The elevation and location of the top of workings relative to the site, if the site is underlaid with mines, or old workings are located in the vicinity.

(i) Whether the site is subject to mineral rights which have not been developed.

GENERAL DESIGN AND CONSTRUCTION STANDARDS

§ 53.133 *Site.*

The site of any hospital should be reasonably accessible to the center of community activities. Public transportation should be available within a reasonable distance, especially if an out-patient service is to be maintained.

Hospitals should be located in relation to the center of population, close to where patients live and where competent special medical and surgical consultation is readily available and where employees can be recruited and retained.

The site should not be near insect breeding areas, noise or other nuisance producing industrial developments; airports, railways or highways producing noise or air pollution, or near penal or other objectionable institutions or near a cemetery.

Adequate roads and walks shall be provided within the lot lines to the main entrance, ambulance entrance and service entrance.

The site for a public health center should be convenient to the center of community activities.

§ 53.134 *General hospital.*

Units required in the General Hospital:

Administration Department

Up to and including 100 beds:
- Business office with information counter.
- PBX Board and night information.[1]
- Administrator's office.
- Director of nurses' office.[1]
- Medical record room.
- Staff lounge.
- Lobby.
- Public toilets.

Over 100 beds:
- Business office.
- Information counter.
- PBX Board and night information.[1]
- Administrator's office.
- Director of nurses' office.
- Admitting office.
- Medical social service room.[1]
- Medical record room (should be easily available to O. P. D.)
- Staff lounge.
- Library, conference and board room.
- Lobby.
- Retiring room.[1]
- Public toilets.

Adjunct Diagnostic and Treatment Facilities

Except for the morgue and autopsy, this department preferably should be located convenient to both in- and out-patients.

Laboratory:
- Adequate facilities for chemical, bacteriological, serological, pathological and hematological services. Approximately $4\frac{1}{2}$ sq. ft. per bed should be provided for this purpose.

Basal metabolism and electrocardiography:
- Up to and including 100 beds; No special provisions required. Can be done in bed rooms.
- Over 100 beds: One room near the laboratory.

Morgue and autopsy:[1] may not be required in hospitals under 50 beds if other facilities such as undertaker or coroner are available. Where provided: Combination morgue and autopsy with mortuary refrigerator.

Radiology: Each hospital to have at least 1 radiographic room with adjoining darkroom, toilet, and office. Hospitals of 150 beds and over should have at least 1 additional radiographic room. The radiology department should have ray protection as required.

Physical therapy:[1] In hospitals of 100 beds and over: Space should be provided for electrotherapy, hydrotherapy, massage, and exercise. Equipment to be furnished when competent technician is acquired.

Pharmacy:
- Up to and including 100 beds: Drug room with minimum facilities for compounding.
- Over 100 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital.

Nursing Department

General:
- No room should have more than 4 beds. Each room shall have a lavatory. Nursing units composed of multi-bed rooms shall have a quiet room. No patients' bed rooms shall be located on any floor which is below grade.

Approximately $\frac{1}{3}$ of the hospital beds shall be in one-bed rooms, $\frac{1}{3}$ in two-bed rooms, and $\frac{1}{3}$ in four-bed rooms.[1]

Size of nursing unit: Not more than 35 beds.[1] Larger units permissible, if additional facilities are provided.

Minimum room areas: 80 sq. ft. per bed in two- and four-bed rooms. 100 minimum sq. ft. in one-bed rooms.

Service rooms in each nursing unit:
- Nurses' station.
- Utility room.
- Floor pantry (one per floor).
- Toilet facilities.
- Bedpan facilities.
- One bathroom.
- Stretcher alcove.[1]
- Linen and supply storage.
- Janitors' closet.

Isolation suite: One for each hospital unless contagious disease nursing unit is available in hospital.

Treatment room:[1] One for each two nursing units per floor.

Solarium: One for each nursing floor.[1]

Nurses' toilet room: One for each nursing floor.

In hospitals of 100 beds and over the maternity department shall be housed in a separate wing or floor.

Nursery Department

Full term nursery:
- Area required: Not less than 24 square feet per bassinet, 30 square feet recommended.
- Number of bassinets: No more than 12 bassinets in each full term nursery, 8 recommended.
- Examination and work room: One examination and work room between each two full term nurseries.

Premature nursery: Recommended in hospitals of 16 or more maternity beds and required in hospitals of 25 or more maternity beds.
- Area required: 30 square feet per bassinet.
- Number of bassinets: Not more than six in each premature nursery.
- Workroom: Each premature nursery to have own work areas.

Suspect nursery:
- Area required: 40 square feet per bassinet.
- Number of bassinets: Approximately 10% of full term bassinets. Not more than 6 bassinets in each suspect nursery.
- Workroom: One workroom for each two suspect nurseries.

Formula room: Location in obstetrical nursery area or near kitchen optional.

Surgical Department

(Shall be located to prevent traffic through it to any other part of the hospital)

Operating rooms:
- Major: One operating room for each 50 beds or major fraction thereof up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
- Cystoscopy: One in each hospital over 100 beds highly desirable. Should have an adjoining toilet room. Location in hospital optional.
- Fracture room:[1] One in each hospital over 100 beds. Shall have an adjoining splint room. Location in hospital optional.

Auxiliary rooms:
- Sub-sterilizing facilities.
- Scrub-up facilities.
- Nurses' locker room with toilet.
- Janitors' closet.
- Instrument storage.
- Clean-up room.
- Anesthesia equipment storage.
- Surgical Supervisor station.
- Doctor's locker room with toilet.
- Storage closet.
- Stretcher alcove.[1]
- Storage room for sterile supplies beginning at 100 beds.
- Dark room beginning at 100 beds.[1]

Central sterilizing and supply room:
- Divided into work space, sterilizing space and sterile storage space.
- Adjacent room for storage of unsterile supplies.
- Location in hospital optional.

Obstetrics Department

(Shall be located to prevent traffic through it to any other part of the hospital. Shall be completely separated from Surgical Department)

Delivery rooms: One for each 20 maternity beds.

Labor beds: One for each 10 maternity beds.

Auxiliary rooms:
- Sub-sterilizing facilities.
- Scrub-up facilities.
- Clean-up room or utility room.
- Supervisors' station.
- Nurses' locker room with toilet starting at 50 beds.[1]
- Sterile storage closet.
- Stretcher alcove.[1]
- Janitors' closet.
- Doctors' locker room with toilet starting at 50 beds.

[1] Desirable but not mandatory.

Emergency Department

Accident room:
- With separate ambulance entrance.[1]
- Should be separated from operating suite and obstetrical suite.
- Additional facilities will depend on amount of accident work expected.

Service Department

Dietary facilities:
- Main kitchen and bakery.
- Dietitian's office.
- Dishwashing room.
- Adequate refrigeration.
- Garbage refrigerator.[1]
- Can washing facilities.
- Day storage room.
- Personnel dining space.
- Provide 12 square feet per person; may be designed for multiple seatings.
- Cafeteria or table service optional.

Housekeeping facilities:
- Laundry; unless commercial or other laundry facilities are available, each hospital shall have a laundry of sufficient capacity to process full 7 days' laundry in work week and contain the following areas:
  - Sorting area.
  - Processing area.
  - Clean linen and sewing room separate from laundry.
  - Sewing room may be included in clean linen room in hospitals up to and including 100 beds.
  - Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.
- Housekeeper's office: May be combined with clean linen room in hospitals up to 100 beds.

Mechanical facilities:
- Boiler and pump room.
- Shower and locker facilities.[1]
- Engineers' space.
- Maintenance shops: In hospitals up to and including 100 beds at least one room shall be provided.[1] In larger hospitals separation of carpentry, painting and plumbing should be provided.
- For minimum requirements for mechanical and electrical work see the respective sections.

Employees' facilities:
- Nurses' locker room without nurses' residence:
  - Locker room: one locker for each two hospital beds.[1]
  - Rest room.
  - Toilet and shower room.
- Nurses' locker room with nurses' residence adjacent:
  - Rest room.
  - Lockers as required.
  - Toilet room.
- Female help lockers:
  - Locker room.
  - Rest room.
  - Toilet and shower room.
- Male help lockers:
  - Locker room.
  - Toilet and shower room.
- Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.

Storage:
- Inactive record storage.
- General storage: 20 square feet per bed and to be concentrated in one area insofar as possible. Mechanical maintenance storage may be in a separate area.

Out-Patient Department

(If survey indicated that the out-patient department is unnecessary it may be omitted)

General:
- Out-patient department should be located on the most easily accessible floor. It should have convenient access to radiology, pharmacy, laboratory, and physical therapy.
- The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number of rooms required.
- An out-patient department may be combined with the public health center clinics if the health center is a part of the hospital.

Administrative:
- Waiting space with public toilets.
- Appointment and cashiers' office.
- Social service office.

Clinical:
- History or screening room.
- Examination and treatment rooms:
  - Eye, ear, nose, and throat room.[1]
  - Dental facilities (2 chairs desirable).[1]
- Utility room.

Contagious Disease Nursing Unit[1]

Where 10 or more beds are contemplated for nursing contagious diseases, they should be housed in a separate contagious disease nursing unit.

Patient rooms:
- A maximum of 2 beds in each room.
  - Glazed partition between beds.[1]
- Patient rooms shall have a view window from corridor.
- Each patient room shall have a separate toilet and a lavatory in the room.

Each nursing unit shall contain:
- Nurses' station.
- Utility room.
- Nurses' work room.
- Treatment room.
- Scrub sinks strategically located in the corridor.
- Serving pantry with separated dishwashing room adjacent.
- Doctors' locker space and gown room.
- Nurses' locker space and gown room.
- Janitors' closet.
- Storage closet.
- Stretcher alcove.[1]

Pediatric Nursing Service[1]

Where 16 or more pediatric beds are contemplated, a separate pediatric nursing unit shall be provided and contain the following items:

General:
- Each bed in a multi-bedroom shall be in a clear glazed cubicle.[1]
- Each room shall have a lavatory.
- Patients' rooms wherever possible should have clear glazing between them and in the corridor partitions.

Minimum area:
- 80 square feet per bed in two-bed rooms and over.
- 100 square feet in single rooms.
- 40 square feet per bassinet in nurseries.

Each nursing unit shall contain:
- Nursery with bassinets in cubicles.
- Isolation suite.
- Treatment room.
- Nurses' station: with adjoining toilet room.
- Utility room.
- Floor pantry.
- Play room or solarium.
- Bath and toilet room: with raised free-standing tub and 50% children's fixtures.
- Bed pan facilities.
- Wheelchair and stretcher alcove.[1]
- Janitors' closet.
- Storage closet.

Psychiatric Nursing Unit in the General Hospital[1]

General: Layout and design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. Care must be taken to avoid sharp projections of corners of structure, exposed pipes, heating elements, fixtures, etc., to prevent injury by accident.

Minimum room areas:
- 80 square feet per bed in 4-bed rooms.
- 100 square feet in single rooms.
- 40 to 50 square feet per patient in day rooms.

Each nursing unit shall contain:
- Doctors' office.
- Examination room.
- Nurses' station.
- Day room.
- Utility room.
- Bedpan facilities.
- Pantry.
- Dining room.
- Toilet room.
- Shower and bathroom.
- Continuous tub room (for disturbed patients).
- Patients' laundry (personal) for women's wards only.
- Patients' locker room.
- Storage closet (for recreational and occupational therapy).
- Stretcher closet.
- Linen closet.
- Supply closet.
- Janitors' closet.

§ 53.135 *Tuberculosis hospital.*

Administration Department

From 50 up to and including 200 beds:
- Business office with information counter.[1]
- Medical social service office.[1]
- Medical director's office.
- Secretary's office.[1]
- Supervisor's office.
- Medical record and film filing room.[1]
- Viewing room, library[1] and conference room. Singly or in combination.
- Lobby and waiting room.
- Retiring room.[1]
- Toilets.

Over 200 and up to 500 beds:
- Business office and information counter.[1]
- Business manager's office.[1]
- Secretary.[1]
- Admitting office.[1]
- Two medical social service offices.[1]
- Medical director's office.
- Secretary.
- Assistant medical director's office.
- Supervisor's office.
- Secretary.
- Assistant director of nurses' office.
- Medical record room.[1]
- Library[1] and conference room.
- Staff lounge and locker room.
- Lobby and waiting room.
- Retiring room.[1]
- Toilets.

Adjunct Diagnostic and Treatment Facilities

Except for the morgue and autopsy this department should be preferably located convenient to both in- and out-patients.

Laboratory:
- Adequate facilities for chemical, bacteriological, serological, pathological and hematological services.

Basal metabolism and electrocardiography:
- One room near the laboratory.

Morgue and autopsy:
- From 50 up to and including 200 beds,[1] combination morgue and autopsy room with mortuary refrigerator.
- Over 200 and up to 500 beds:
  - Morgue with mortuary refrigerator.
  - Autopsy room.
  - Shower and toilet room.
  - Separate exit.

Radiology:
- From 50 up to and including 200 beds:[1]
  - Radiographic room.
  - Dark room.
  - Dressing booths.
  - Must be convenient to out-patient department as well as in-patients.

[1] These facilities need not be provided if the Tuberculosis Hospital is in connection with a general hospital in which such facilities exist.

Over 200 and up to 500 beds:
Radiographic room.
Dark room.
Dressing booths.
Viewing room.
Roentgenologist's office.
Film file room.
Must be convenient to out-patient department as well as in-patients.

Pharmacy:
From 50 up to and including 200 beds: [2]
Drug room with minimum facilities for mixing.
Over 200 and up to 500 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital.

Dental and eye, ear, nose, and throat:
From 50 up to and including 200 beds:
Dental facilities (2 chairs desirable).[1]
One eye, ear, nose, and throat room.[1]
Over 200 and up to 500 beds:
Dental facilities (2 chairs desirable).
Eye, ear, nose, and throat room.
Waiting room.

Occupational therapy:
Library.
Barber shop.
Canteen.
Assembly room.
Flexible space for learning and working in crafts and classroom for patient instruction shall be provided.

Nursing Department

General: At least 30 percent of the hospital beds shall be in single rooms.[1] No room shall have more than four beds.[1] Each room shall have a lavatory. No patients' bedrooms shall be located on any floor which is below grade.

Size of nursing unit: No nursing unit shall be larger than 50 beds.

Minimum room areas:
80 square feet per bed in two- and four-bed rooms.
100 square feet in one-bed rooms.

Service rooms in each nursing unit:
Nurses' station.
Utility room.
Floor pantry (one per floor).
Toilet and washroom:
Water closets—1 to each 8 patients.
Lavatories.
Dental basins.[1]
Storage closet for supplies.
Bath and shower room:
Bath tubs and/or showers—1 to 14 patients.
Gowning space.
Bed pan facilities.
Linen closet.
Janitors' closet.
Space for wheel chairs and stretchers.[1]
Storage closet for equipment.

Doctors' office and treatment room—one for each nursing unit.

Solarium: One for each nursing unit.

Sputum technique facilities.

Nurses' toilet room: One for each nursing floor.

Nurses' cloak closet—one for each nursing floor.

Surgical Department

(Shall be located to prevent traffic through it to any other part of the hospital)

From 50 up to and including 200 beds: [2]
Major operating room.
Sterilizing room.
Central supply and work room.
Scrub-up facilities.
Clean-up room.
Storage closet.
Janitors' closet.
Doctors' locker room with toilet and showers.
Nurses' locker room with toilet and showers.

Over 200 and up to 500 beds:
Major operating room: One for each 200 beds or major fraction thereof.
Minor operating and fracture room.
Sub-sterilizing facilities.
Clean-up room.
Scrub-up facilities.
Janitors' closet.
Storage room for sterile supplies.
Anesthesia storage.
Surgical supervisor office.
Doctors' locker room with toilet and shower.
Nurses' locker room with toilet and shower.
Storage closet.
Stretcher alcove.
Central sterilizing and supply room divided into work space, sterilizing space, and sterile storage space.
Adjacent room for storage of unsterile supplies.

Pneumothorax suite:
Pneumothorax room with dressing booths.
Fluoroscopy room.
Waiting space.
From 50 up to and including 200 beds: One pneumothorax suite for 100 beds or major fraction thereof.
Over 200 and up to 500 beds: One pneumothorax suite for 100 beds or major fraction thereof.

Service Department

Dietary facilities:
Main kitchen and bakery.[2]
Dietitian's office and special diets kitchen.[2]
Patients' dishwashing room.
Staff and help dishwashing room.[2]
Adequate refrigeration.[2]
Garbage refrigerator.[1]
Can washing room.
Day storage room.[1]
Help dining room.[2]
Staff dining room.[2]
Patients' dining space—to serve 40 percent of the patients.[1]
Provide 12 square feet per person in dining rooms. May be designed for two seatings. Cafeteria or table service optional.

Housekeeping facilities:
Laundry: [2]
Sorting area.
Processing area.
Clean linen room.
Sewing room.
Laundry capacity shall be adequate to process full 7 days laundry in workweek.
Housekeeper's office.
Incinerator.

Mechanical facilities: [2]
Boiler and pump room.
Engineers' office.
Shower and locker facilities.
Maintenance shops:
Carpentry.
Painting.
Plumbing.
For minimum requirements for mechanical and electrical work, see the respective sections.

Employees' facilities: [2]
Nurses' locker room without nurses' residence:
Locker room with lockers as required.
Rest room.
Toilet and shower room.
Where nurses' residence is adjacent provide only rest room and toilet.
Female help locker room:
Locker room.
Rest room.
Toilet and shower room.
Male help locker room:
Locker room.
Rest room.
Toilet and shower room.

Storage: [2]
General storage. Provide 20 square feet per bed, preferably concentrated in one area.
Record storage.

Out-patient department: [2]
Out-patient department should be located on most easily accessible floor. Must be convenient to radiology, pharmacy, and laboratory departments.
Size will vary in different locations and with the availability of other examination and diagnostic facilities, and is not necessarily proportionate to the size of the hospital. The estimated patient load will determine the number, size, and scope of individual facilities in out-patient department.

Facilities required:
Administrative:
Waiting room with public toilets.
Information, appointment and records office.
Medical social service office.
Janitors' closet.
Clinical:
History or screening room.
Examination rooms.
Dressing booths.
Pneumothorax room.
Fluoroscopy room.
Utility room.
Storage room.

[1] Desirable but not mandatory.
[2] These facilities need not be provided if the Tuberculosis Hospital is in connection with a general hospital in which such facilities exist.

§ 53.136 *Mental hospital.*

General. A mental hospital should be on a large acreage with ample space around all buildings for recreation, attractive landscaping and the proper segregation of the various patient classification groups and building functions; and should be readily accessible to the community which it is to serve. It is strongly urged that mental hospitals be not greater than 1,500 beds.

The mental hospital presents a special problem of patient classification, treatment and supervisory function. In the following minimum requirements an over-all organization is designated with certain supervisory or organizational functions mentioned in their most desirable, but not mandatory, locations and these may, therefore, be changed to other locations.

Patients have been classified and grouped according to behavior, and requirements vary somewhat for each classification. Minimum room area requirements are grouped into the following main categories, as follows:

A. Medical and surgical, and chronic disease classification: 70 square feet per bed in alcoves and four-bed rooms; 100 square feet in single rooms.

B. Tuberculosis classification: 70 square feet per bed in alcoves and four-bed rooms; 100 square feet in single rooms.

C. Reception, convalescent, chronic disturbed, industrial classifications: 70 square feet per bed in alcoves and four- (or more) bed rooms; 80 square feet in single rooms.

D. Infirm and inactive: 60 square feet per bed in four- (or more) bed rooms; 80 square feet in single rooms.

No patient bedrooms shall be located on any floor which is below grade.

Administration. This area includes the administrative, business and public contact functions of the institution.

Location: Near main entrance to institution and close to reception area.

General:
Entrance lobby.
Public toilets (male and female).
Information and telephones (main switchboard).
Post office.
Personnel toilets (male and female).
Mechanical room.

Offices:
Director.
Assistant director.
Conference room.
Business administrator.
Business.
Public relations and services.
Secretaries.
Janitors' closet.

Medical:
Central records office.
Central records room.
Inactive records storage.

Reception. This area includes the reception and treatment of new patients, most of whom will be entering a mental hospital for the first time. Since they are new patients, and in need of very careful treatment, it is necessary to separate and prohibit contact between patients in the following classifications of behavior:

Quiet.
Depressed.
Disturbed.

In addition, each of the above classifications should be separated by sexes, and each classification should have its own complete Nursing Units with all nursing facilities available, and each should be readily accessible to an outdoor area. All safety and security measures should be observed in this group. Intensive care and treatment will be given these new patients in an effort to cure them in the first few weeks of treatment. Should the patient fail to recover in this comparatively short period of time he will be sent to other Nursing Areas for continued treatment. Three other Nursing Areas will be classified according to the behavior of the patients which they are to house.

The Reception Area should be set well apart from the other areas of the hospital, and should contain sufficient diagnostic, treatment, recreational and occupational facilities, to furnish complete treatment in order that these new patients may recover without having been transferred to the other areas of the Mental Hospital.

The number of beds required in this Reception Area must be determined by study of the total Receiving and Intensive Treatment Facilities in the community which is served. The total number of beds in this and the convalescent area should be in accord with the admissions within a three- to six-month period.

Location: Near administration area.

General:
Lobby.
Visitors' toilets (male and female).
Main visitors room with alcoves.
Janitors' closets.
Mechanical room.

Administration:
Medical records office.
Information.
Chief psychiatrist's office and conference room.
Secretaries' offices.
Clinical psychologist's office.
Chief of nursing service and staff.
Chief of social service and offices.
Personnel toilets (male and female).

Staff facilities:
Doctors' toilet room.
Nurses' lounge and toilet room.

Admission:
Ambulance entrance.
Patients' bath and toilet.[1]
Utility room.[1]
Examination and consultation rooms.

Adjunct diagnostic and treatment facilities:
Minor surgery and treatment room.
Portable X-ray storage room.[1]
Dark room.[1]
Small laboratory.[1]
Patients' toilet and shower.
Small treatment room (for shock therapy, etc.).
Patients' exercise room (directly accessible to outdoor exercise yard).

[1] Desirable but not mandatory.

Occupational therapy:
Occupational therapy room (to be located near quiet patient units).
Storage closets.
Occupational therapists' office.[2]
Barber and beauty shop.

Nursing units: The following classifications of nursing units of not more than 25 beds will be required:
Quiet nursing units (male and female).
Depressed nursing units (male and female).
Disturbed nursing units (male and female).
For small reception facilities a combination of patient classifications may be provided in one nursing unit of not more than 25 beds provided that contact between the patients of each classification may be prohibited or limited.

Suggested bed distribution of nursing units:

Each disturbed nursing unit:	*Patients*
Two 4-bed wards	8
Three 2-bed or 3-bed wards	6 or 9
Four or six 1-bed rooms	4 or 6
Two 1-bed rooms (isolation unit) [1]	2
Total	20 to 25

Each depressed nursing unit:	*Patients*
Two 4-bed wards	8
Two 3-bed alcoves	6
Four 1-bed rooms	4
(Isolation unit) [1]	2
Total	20

[1] Desirable but not mandatory.

Quiet unit: Same bed distribution as disturbed nursing units.

Facilities in each nursing unit:
Doctor's consultation room for each two units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Small dining room and pantry:
Essential for disturbed.
Convenient for depressed.
Unnecessary for quiet.
Patients' locker room.
Linen closet.
Patients' shower and bath room.
Patients' dressing room.
Patients' toilets.
Patients' wash room.
Continuous tub room (for disturbed units).
Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).
Occupational therapy storage closet.
Janitors' closet.

Dietary:
Patients' dining room cafeteria service: this dining room will be used by patients from convalescent houses as well as from reception area (two seatings may be used).
Janitors' closet.
Coat room and toilets (male and female) [1]
Kitchen (serving).
Dishwashing room (enclosed).
Employees' toilet.
Patients' toilet (male and female).
Refrigerated garbage storage.
Can washing room.

Convalescent. This area is considered a part of the reception area and will house new patients who have been sent from the reception building, and who are expected to recover within six months to a year. Most of these patients will have the same classification as those in the reception area. Small complete nursing units, separate for each sex, should be provided. Special treatment, such as mechanical fever, electric shock, special electro and hydro therapy, and insulin, etc., can be given in the reception building.

These patients will also use the dining room facilities of the reception area.

In general, while most of these patients are continuing to receive intensive treatment, they are well enough and manageable enough to go freely or be escorted to their activities.

The same security and safety measures are required as those for the reception area.

Location: Grouped by sexes near reception area.

General:
Entrance lobby.
Visitors' room with alcoves.
Visitors' toilets (male and female).
Attendants' locker and toilet room.
Mechanical room.

Nursing units (to contain not more than 50 beds).

Suggested bed distribution of each nursing unit:

	Patients
One 8-bed ward	8
Four 4-bed wards	16
Eleven 1-bed wards	11
Total	35

Facilities in each nursing unit:
Doctors' consultation room (for each two units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Pantry (one for each two nursing units).
Patients' locker.
Patients' toilet room.
Patients' shower or bath room.
Day room (40 to 50 square feet per patient—preferably divided into one large and one small room).
Storage closet (occupational and recreational therapy equipment).
Linen closet.
Janitors' closet.
Patients' wash room.
One-third of the nursing units, for both men and women should have one continuous tub room.[1]

Chronic disturbed. This area should be separate from the main group of mental hospital facilities and set apart from the Nursing Areas of other patient classifications because of possible noise or other disturbance. It will be used to treat restless, noisy, assaultive or suicidal patients and must be designed to provide the greatest security and observation. Since these patients are very active it is necessary to have an outdoor area or exercise yard, and due to the amount of equipment and care these patients require, and the resulting necessary space for treatment, not less than two Nursing Units to a building are recommended.

Location: These buildings to be located away from the other Nursing buildings.

General:
Entrance lobby.
Visitors' room.
Visitors' toilets (male and female).
Beauty shop (female buildings).
Barber shop (male buildings).
Attendants' locker and toilet room.
Pantry (for two nursing units).
Mechanical room.
Enclosed exercise yard (100 square feet per patient).

Treatment facilities:
Hydrotherapist's office and toilet.
Continuous tub room.
Linen closet.
Patients' dressing room.
Janitors' closet.
Exercise room (near outdoor exercise yard).

Storage closet (for small gymnasium equipment).
Nursing units (to contain not more than 30 beds):
Suggested bed distribution of each unit:

	Patients
One 8-bed ward	8
Two 4-bed wards	8
Ten 1-bed rooms	10
Total	26

Facilities in each nursing unit:
Doctors' office with toilet (for each two units).
Examination room.
Nurses' station.
Utility room.
Patients' locker room.
Patients' toilet room.
Patients' wash room.
Patients' shower and dressing room.
Day room (40 to 50 square feet per patient). Preferably divided into (1) small room and (1) large room.
Storage closet (recreational equipment).
Occupational therapy room (one for each two units).
Linen closet.
Janitors' closet.
Dietary:
Dining room—cafeteria service.
Serving kitchen.
Dishwashing room.
Employees' toilet.
Janitors' closet.

Infirm. This area will house patients who are in need of considerable medical care and who may be infirm. The very sick will be transferred to the medical and surgical or chronic disease building, but these infirm patients will need constant and careful nursing. Minimum security and all safety measures will be required, and the nursing units should be complete with all facilities available and readily accessible to an out-door yard or area.

Location: Close to medical and surgical building.
General:
Entrance lobby.
Visitors' room.
Visitor's toilets (male and female).
Barber shop (male buildings).[1]
Beauty shop (female buildings).[1]
Attendants' locker and toilet room (male and female).
Mechanical room.
Enclosed yard (40 square feet per patient).[1]
Nursing units (to contain not more than 60 beds). Suggested bed distribution for each unit:

	Patients
Two 10-bed wards	20
Four 4-bed wards	16
Four 1-bed rooms	4
Total	40

Facilities in each nursing unit:
Doctors' office (for each 3 units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Pantry and dining room (one for each two units).
Patients' locker room.
Patients' wash room.
Patients' toilet room.
Patients' dressing room.
Patients' shower or bath room.
Day room (30 square feet per patient).
Storage closet (for recreational and occupational therapy equipment).
Linen closet.
Wheel chair and stretcher closet.
Janitors' closet.

[1] Desirable but not mandatory.

Dietary:
Serving kitchen.
Dishwashing room.
Employees' toilet.
Janitors' closet.

Inactive. This area will house patients who are lethargic. They need a considerable amount of attention, most of which will be furnished by the physical therapist and occupational therapist. They will be urged into activities furnished in the occupational and recreational therapy buildings, but some of the lighter occupational and physical therapy should be provided in this area. All security and safety measures will be required.

Location: In main group of nursing buildings and near gymnasium and recreation buildings.
General:
Entrance lobby.
Visitors' room.
Visitors' toilets (male and female).
Occupational therapy room.
Attendants' locker and toilet room.
Mechanical room.
Enclosed yard (100 square feet per patient).[1]
Nursing units (to contain not more than 50 beds) suggested bed distribution (of each unit):

	Patients
Three 10-bed wards	30
Two 4-bed wards	8
Four 1-bed rooms	4
Total	42

Facilities in each nursing unit:
Doctors' office (for each 3 units).
Examination room.
Nurses' station.
Utility room.
Bedpan facilities.
Pantry (for each 2 units).
Patients' locker room.
Patients' wash room.
Patients' toilet room.
Patients' shower or bath room.
Patients' dressing room.
Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).
Storage closet (for recreational and occupational therapy equipment).
Linen closet.
Janitors' closet.
Dietary:
Dining room.
Serving kitchen.
Dishwashing room.
Employees' toilet.
Janitors' closet.

Industrial. This area will house patients who are well enough to be occupied on the grounds, farm, industrial buildings, shops, kitchens, laundry, etc. Less supervision and care is necessary than in the other groups, and these patients can go to the out-patient department of the medical and surgical building for examination and treatment.

Location: In main group of nursing buildings near service buildings.
General:
Entrance lobby.
Visitors' room.
Visitors' toilets (male and female).
Attendants' locker and toilet room.
Mechanical room.
Nursing units (to contain not more than 60 beds) suggested bed distribution:

	Patients
Two 16-bed wards	32
Two 8-bed wards	16
Four 1-bed rooms	4
Total	52

Facilities in each nursing unit:
Doctors' office and examination room—one for each 3 units.
Nurses' station.
Patients' toilet.
Patients' dressing room.
Patients' shower room.
Patients' locker room.
Patients' wash room.
Day room (40 to 50 square feet per patient) preferably divided into one small and one large room.
Storage closet (for recreation equipment).
Linen closet.
Janitors' closet.

Medical and surgical. This area will house patients who have been hospitalized from Nursing Units of other classifications for short periods of illnesses, and should be housed in a modern general hospital complete with all facilities to serve the entire mental hospital community. Nursing Units should be arranged for easy segregation of patients and the Adjunct Diagnostic and Treatment facilities are recommended to be on the first or ground floor for easy access to the out-patient department. All security and safety measures should be incorporated in this building. The number of beds shall be approximately 4 percent of the total patients which this building serves.

Location: Between main group of nursing area and reception area.
General:
Entrance lobby.
Information counter.
Visitors' toilets (male and female).
Mechanical room.
Administration:
Chief physician's office.
Medical record room.
Head nurse's office.
Secretaries' offices.
Personnel toilets (male and female).
Staff facilities:
Doctors' locker and shower room.
Nurses' locker and shower room.
Adjunct diagnostic and treatment facilities:
Laboratory: Separate spaces for office, clinical pathology, bacteriology and serology, washing and sterilizing.
Basal metabolism and electrocardiography: Near laboratory and convenient to out-patient department.
Morgue and autopsy room:[1] Combination morgue and autopsy with mortuary refrigerator.
Radiology:
Radiographic room with an adjoining dark room and office.
X-ray therapy suite.[1]
Physical therapy: Suite for electro-therapy, hydro-therapy, and exercise room with adjoining office.
Pharmacy: Drug room with minimum facilities for mixing. (May be in service area).
Nursing units (to contain not more than 30 beds) suggested bed distributions:
Medical wards (25 beds each):

	Patients
Two 4-bed wards	8
Three 2-bed rooms	6
Nine 1-bed rooms	9
Isolation suite[1]	2
Total	25

Surgical wards (25 beds each) same as medical wards.
Employees' wards:[1] Maximum size, 25 to 30 beds.

NOTE: Where isolation suite or contagious disease nursing unit is available the small units in each nursing unit are not required.

Facilities in each nursing unit:
Doctors' examination room (one for each two nursing units).
Nurses' station.
Utility room.
Bed pan facilities.
Pantry (one for each two nursing units).
Patients' bath and shower room.

Supply closet.
Patients' toilet room (male and female).
Day room (approximately .25 square feet per patient). Omit for employees' wards.
Storage closet (recreational and occupational therapy equipment).
Stretcher and wheel chair closet.
Linen closet.
Janitors' closet.
Surgical department: Should be located to prevent traffic through it to any other part of hospital.
Operating rooms:
Major: One for each 50 beds up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
Minor: One in each hospital over 50 beds.
Cystoscopy:[1] One in each hospital over 100 beds. Shall have an adjoining toilet room.
Fracture room: One in each hospital over 100 beds. Shall have an adjoining splint room.
Auxiliary rooms:
Substerilizing facilities.
Scrub-up facilities.
Nurses' locker room with toilet and shower.
Instrument room beginning at 100 beds.
Clean-up room.
Anesthesia equipment storage.
Surgical supervisor's station.
Doctors' locker room with toilet and shower.
Storage closet.
Stretcher closet.
Storage room for sterile supplies beginning at 100 beds.
Janitors' closet.
Dark room beginning at 100 beds.
Central sterilizing and supply room:
Divided into work space, sterilizing space, and sterile storage space.
Adjacent room for storage of unsterile supplies.
Emergency department:
Ambulance entrance.
Receiving bath and toilet.
Utility room.
Supply and stretcher storage.
Emergency operating room, near out-patient department.
Service department:
Kitchen (serving).
Dishwashing room.
Refrigerated garbage room.
Can washing room.
Dining rooms (for ⅓ of patients).
Storage.
General storage (20 square feet per bed).
Housekeepers' office.
Linen storage room.
Sewing room.
Linen sorting room.
Personnel facilities:
Locker and toilet rooms (male and female).
Attendants' locker and toilet rooms (male and female).
Out-patient department:
Waiting room.
Examination and treatment rooms (including eye, ear, nose and throat rooms and gynecology room[1]).
Record room.
Dental facilities (2 chairs desirable).
Electroencephalographic unit.

NOTE: Out-patient department should be convenient to radiology, laboratory, therapy, emergency, etc.

Chronic disease. This area will house patients who have chronic illness, or who are in need of intensive treatment and nursing care or those who, because of infectious diseases, need to be isolated.

Nursing Units of this classification should be attached to the Medical and Surgical building for easy access to the Diagnostic and Treatment facilities.

Not all of these Nursing Units need have maximum safety and security measures.

The number of beds shall be approximately 7.5 percent of the total number of patients which these buildings serve.

Location: Attached to medical and surgical building.
General: Corridors to service department and adjunct facilities.
Nursing units (to contain not more than 30 beds) suggested bed distribution (of each nursing unit):

	Patients
Two 4-bed wards	8
Three 2-bed wards	6
Eight 1-bed rooms	8
Total	22

Facilities in each nursing unit:
Doctors' office (for each 2 units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Pantry (for each 2 nursing units).
Dining room (for ½ of patients in nursing unit).
Patients' locker room.
Patients' wash room.
Patients' toilet.
Patients' dressing room.
Patients' shower or bath room.
Day room (30 square feet per patient).
Closet (recreational and occupational therapy equipment).
Stretcher and wheel chair closet.
Linen closet.
Janitors' closet.

Tuberculosis. For patients of this classification, it is recommended to use the requirements of the tuberculosis hospital. In addition, patients will be grouped according to behavior as Quiet or Disturbed. Security and safety measures comparable to those of the Reception Area are required.

The number of beds shall be determined as approximately 5 percent of the total patients which this building serves.

Gymnasium, Theater, Recreation, Library and Chapel

(Combination or separate buildings acceptable)

Location: Adjacent to main group of nursing and reception areas.
General:
Entrance lobby.
Coat rooms and toilets (male and female).
Personnel toilets (male and female).
Mechanical room.
Theater facilities:
Office.
Hall (seating capacity based on 7 square feet per person with 40 percent attendance of patients and personnel).
Projection booth.
Stage.
Dressing rooms with toilets (two for each sex).
Work shop.
Chapel facilities:
Three offices for ecclesiastics.
Toilets.
Three small prayer rooms.
Portable altars (where chapel is not separate).
Storage rooms.
Gymnasium facilities:
Recreational therapists' office.
Personnel locker and toilet rooms (male and female).
Patients' locker and toilet rooms (male and female).
Basketball court (standard college size plus space for collapsible seating).
Small gymnasium (for exercise equipment).
Storage rooms.
Recreation facilities:
Chief recreational therapist's office.
Bowling alleys (with space for spectators).
Billiard room.
Ping pong room.
Patients' barber shop.
Patients' beauty shop.
Canteen (for light lunch, drinks, etc.):
Office and table areas.
Cooking and fountain areas.
Dishwashing and sterilizing.
Storage.
Garbage refrigeration.[1]
Can washing facilities.
Sales rooms.
Storage room.
Library:
Librarians' office.
Reading room (current and request matter).
Stock room.
Work room and storage space.
Music rooms:
Music therapists' office.
Music room (approximately 500 square feet with portable stage).
Store rooms.
Music rooms (approximately 250 square feet).

Occupational Therapy

Location: Adjacent to main group of nursing areas and reception area.
General:
Entrance lobby.
Patient coat room and toilets (male and female).
Personnel coat room and toilets (male and female).
Mechanical room.
Administration: Office for occupational therapist.
Facilities:
Open floor space (for occupational equipment).
One or more special purpose rooms.
Storage rooms (for materials and equipment).
Industrial therapy occupations should be located near the service group of buildings.

Central Kitchen and Dining Rooms

Location: In main group of nursing buildings.
General: Load on dining rooms, kitchens and preparation will vary; see requirements of each.
Men patients' coat room and toilet.[1]
Women patients' coat room and toilet.[1]
Men attendants' coat room and toilet.
Women's attendants' coat room and toilet.
Dining rooms: Patients' and personnel (capacity 15 square feet per person).
Kitchen:
Dietitians' office and toilet.
Diet kitchen.
Complete cooking and baking facilities.
Dishwashing room.
Preparation (meat and vegetables).
Adequate refrigeration.
Day storage.
Garbage refrigeration.[1]
Can washing facilities.
Janitors' closet.
Personnel lockers and toilets.

Storage Buildings

Location: In service groups of buildings.
General: Area (20 square feet per patient).

Laundry

Adequate to process seven full days of laundry per work week.
Location: In service group of buildings.
Facilities:
Manager's office and toilet.
Receiving room.
Sorting area.
Contaminated receiving room.
Sterilizing room.
Processing room.

[1] Desirable but not mandatory.

Clean linen storage.
Sewing room.
Personnel locker and toilet room.

Heating Plant

Location: In service group of buildings.
General:
Heating plant (to be determined by engineering studies).
Emergency generating facility.
Office.
Personnel toilets.
General repair shop.
Carpenter shop.
Electrical shop.
Plumbing shop.
Paint shop.

Incinerator

As required. See Mechanical Section.

§ 53.137 *Psychiatric hospital.*

General. The principles of psychiatric safety shall be followed throughout. Materials and details of construction shall be such that patients will not be afforded opportunity for escape, suicide, etc. Care must be taken to avoid sharp projections of corners of structure, exposed piping, heating elements, fixtures, hardware, etc.

For requirements of sizes of doors, widths of corridors, sizes of elevators, provisions for ventilation, fire protection, etc., see sections on Details, Finishes, etc.

Administration Department

Up to and including 100 beds:
Business office with information counter.
Chief psychiatrist's office.
Chief psychologist's office (if there is no out-patient department).
Record office.
Director of nurses' office.[1]
Social service offices (if there is no out-patient department to be near receiving).
Staff lounge.
Lobby.
Public toilets.
From 100 to 500 beds:
Business office.
Chief psychiatrist's office.
Chief psychologist's office (if there is no out-patient department).
Social service offices (if there is no out-patient department).
Director of nursing.
Record room.
Staff lounge.
Library and conference room.
Lobby.
Public toilets.
Toilets for administrative personnel.

Receiving Department

Facilities for male and female receiving:
Entrance hall.
Dressing room.
Bath and toilet room.
Medical examination room.
Waiting room.
Stretcher closet.
Clerks' offices.
Doctors' office.

Adjunct Diagnostic and Treatment Facilities

Laboratory:
Up to and including 100 beds:
Office.
Laboratory.
Over 100 beds: Separate spaces for office, clinical pathology, bacteriology, washing and sterilizing.
Basal metabolism and electrocardiography:
Up to and including 100 beds: No special provision necessary.
Over 100 beds: Room near laboratory and convenient to out-patient department.
Morgue and autopsy: Combination morgue and autopsy with mortuary refrigerator.

[1] Desirable but not mandatory.

(Is not required in hospital of less than 100 beds if similar facilities are available nearby.)
Dental facilities (2 chairs desirable).
Eye, ear, nose and throat suite.
Electro-encephalographic suite.
Radiology:
Up to and including 100 beds: One radiographic room and dark room and convenient to out-patient department.
Over 100 beds: At least one additional radiographic room.
Physical therapy:
Electro-therapy.
Hydro-therapy with exercise space.
Continuous tub and pack room.
Small gymnasium, convenient to outdoor area, and to disturbed patients.
Pharmacy: One room with minimum facilities for compounding.
Occupational therapy:
Space for small woodworking tools and benches for carpentry, metal work, leatherwork, printing, weaving, rug making, etc.
Office.
Storage room.

Surgical Department

Operating rooms:
Major: One.
Minor: One, with adjoining splint room.
Auxiliary rooms:
Sub-sterilizing facilities.
Scrub-up facilities.
Clean-up room.
Anesthesia room.[1]
Anesthesia storage.
Doctors' locker room with toilet.
Nurses' locker room with toilet.
Storage closet.
Stretcher closet.
Janitors' closet.
Storage room for sterile supplies and instruments.
Surgical department to be located to prevent traffic through it from other parts of the hospital.
Central sterilizing and supply room—divided into work space, sterilizing space, and sterile storage—adjacent room for storage of unsterile supplies.

Nursing Department

General: The layout and the design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. No patients' bedrooms shall be located on any floor which is below grade. Provision shall be made for the following classifications:
New admissions (male).
New admissions (female).
Quiet ambulant (male).
Quiet ambulant (female).
Medical and surgical.
Disturbed (male).
Disturbed (female).
Alcoholic (male).
Alcoholic (female).
Criminalistic (male).
Criminalistic (female).
Children.
Minimum room areas:
80 square feet per bed in alcoves and four-bed rooms.
100 square feet in single rooms.
40 to 50 square feet per patient in day rooms and preferably divided into one large and one small room.
Facilities for each nursing unit:
Doctors' office and examination room.
Nurses' station and toilet.
Day rooms.
Utility room.
Pantry.
Dining room.
Wash room and toilets.
Patients' locker.
Shower and bath room.
Storage closet (for recreational and occupational therapy).
Supply closet.
Linen closet.
Janitors' closet.
Stretcher closet (medical and surgical unit).
Bedpan facilities (medical and surgical unit).
Isolation suite: In medical and surgical unit.

Service Department

Dietary facilities:
Main kitchen and bakery.
Special diet kitchen.
Dietitians' office.
Dishwashing room.
Adequate refrigerators.
Garbage refrigerator.[1]
Can washing room.
Day storage room.
Staff dining room (12 square feet per person).
Housekeeping facilities:
Laundry (if provided): Capacity shall be adequate to process full 7 days laundry in work week.
Sorting area.
Processing room.
Clean linen and sewing room separate from laundry.
Housekeeper's office: Near linen storage.
Mechanical facilities:
Boiler room and pump room (if provided).
Engineers' office.
Shower and locker room.
Maintenance shops—carpentry, painting, mechanical repair rooms.
Employees' facilities:
Nurses' locker rooms. If no nurses residence:
Locker room.
Rest room.
Toilet and shower room.
Attendants' locker rooms. If no attendants residence (male and female):
Locker room.
Toilet and shower rooms.
Other female help lockers:
Locker room.
Rest room.
Toilet and shower room.
Other male help lockers:
Locker room.
Toilet and shower room.
Storage:
Record space.
General storage: 20 square feet per bed and to be concentrated in one area.

Out-Patient Department (if provided)

General:
Located on the ground floor. Entrance separate from main entrance of hospital.[1] It must be convenient to radiology, laboratory and physical therapy.
The patient load must be estimated in order to determine the number of consultation and examining rooms.
Facilities required:
Administrative:
Waiting room with public toilets.
Cashiers' and appointment office.
Social service offices.
Psychological examination rooms.
Medical examination rooms.
Utility rooms.
Children's rooms.

§ 53.138 *Chronic disease hospital.*

The facilities listed below need not be provided if functionally available in an adjoining hospital.

Administration Department

Business office with information counter, telephone switchboard, and cashier's window.
Administrator's office.
Director of nurses' office.
Medical Director's office.
Medical record room.

Medical social service office.
Combination conference room, doctors' lounge, and staff library.
Lobby and waiting room.
Public telephone.
Public toilets.
Personnel toilets.[1]

Adjunct Diagnostic and Treatment Facilities

Except for the morgue and autopsy room, these facilities should be located convenient to both inpatients and outpatients.
Laboratory:
Adequate facilities for chemical, bacteriological, pathological and hematological services.
Basal metabolism and electrocardiography facilities.
Morgue and autopsy room: In Chronic Disease Hospitals of 100 beds or more. Desirable but not mandatory in Chronic Disease Hospitals of under 100 beds if such services are available locally.
Radiology:
Each Chronic Disease Hospital to have at least one radiographic room with toilet, adjoining dark room, film filing space and dressing facilities.
Pharmacy:
Drug room with minimum facilities for compounding and dispensing. Complete pharmacy may include facilities for bulk compounding and solution preparation depending on policy of hospital.
Physical therapy:
Examination room.
Office and work space for physical therapy staff.
Rehabilitation gymnasium for adults.[2]
Rehabilitation gymnasium for children if children are included in program.[2]
Hydrotherapy area.[2]
Thermotherapy and massage area.[2]
Storage for supplies and equipment.
Outdoor exercise area.[2]
Occupational therapy:
Office and work space for occupational therapy staff.
Therapy area:
In large units space should be divided for diversified work. (Separate room for children is desirable.)
Storage for supplies and equipment.
Toilet facilities for physical therapy and occupational therapy departments.
Facilities for teaching activities of daily living.
Speech and hearing facilities:[2]
Offices for therapists and space for examination and treatment.
Artificial appliance facilities:[2]
Space for fitting and adjustment service.

Out-patient Department

Should be provided only if survey indicates that an Out-patient Department is needed.
Should be located on the most easily accessible floor and have convenient access to radiology, pharmacy, laboratory and rehabilitation facilities.
The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number and type of rooms required.
Administration:
Waiting space with public toilets.
Appointment and cashier's desk.
Medical social service office.
Clinical:
Examination and treatment rooms: Number and specialties to be determined by the character of the patient load.
Utility room.

[1] Desirable but not mandatory.
[2] If required by program.

Nursing Department

General: No patients' room shall have more than 4 beds. Six beds, not more than 3 beds deep from outside wall, will be permitted in Chronic Disease Hospitals of 100 beds or more. Not more than 2 beds per patients' room is desirable. Each patients' room shall have a lavatory. A toilet room with lavatory accessible from adjoining patients' room is recommended. Each nursing unit shall have a separation room. No patients' rooms shall be located on any floor which is below grade.
Size of nursing unit:
Should not be more than 40 beds. Larger units will be permitted if additional service facilities are provided as required.
Minimum patients' room areas:
80 square feet per bed (100 square feet desirable) in multi-bed patients' rooms; 100 square feet per bed (125 square feet desirable) in one-bed patients' rooms.
Service facilities in each nursing unit:
Nurses' station.
Nurses' toilet.
Utility room.
Treatment room.
Floor pantry.
Solarium:
Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room:
Provide 25 square feet per bed for 75 percent of beds on nursing unit.
The percentage of the beds for which solarium and dining area must be provided may be reduced depending on the type of patient to be cared for.
It is recommended that the dining and solarium areas be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities:
If centarlized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 8 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathtub.
1 shower. (A separate bath room for each sex, containing at least one bathtub and one shower, is recommended. A ratio of one bathtub or one shower for each 10 beds is desirable.)
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Patient's laundry.[1]

NOTE:[2] It is recommended that a specially designed nursing unit, similar to that required in the section on Rehabilitation Facilities in a Hospital, be provided for rehabilitation patients in the Chronic Disease Hospital.

Surgical Department[2]

Shall be located to prevent traffic through it to any other part of the hospital.

Major operating room.
Scrub-up facilities.
Anesthesia equipment storage.
Clean-up room.
Storage closet.
Janitor's closet.
Central sterilizing and supply room.

If a surgical department is not included the central sterilizing and supply room must be provided elsewhere in the hospital.

Doctors' locker room with toilet. (Shower desirable but not mandatory.)
Nurses' locker room with toilet. (Shower desirable but not mandatory.)

Dental Department

Facilities for dental diagnosis, treatment and laboratory procedures.

Service Department

Dietary facilities:
Main kitchen and dieto-therapy facilities.
Dietitians' space.
Appropriate food service facilities.
Dishwashing room.
Adequate refrigeration.
Garbage disposal facilities.
Day storage room.
Personnel dining room: Provide 12 square feet per person. May be designed for multiple seating.
Janitor's closet.
Housekeeping facilities:
Laundry; unless commercial or other laundry facilities are available, each Chronic Disease Hospital shall have a laundry of sufficient capacity to process full 7 days laundry in work week and contain the following areas:
Sorting area.
Processing area.
Clean linen and sewing room separate from laundry.
Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.
Housekeeper's office.
Mechanical facilities:
Boiler and pump room.
Desk space for engineer.
Shower and locker facilities.[1]
Maintenance shops: In hospitals up to and including 100 beds at least one room shall be provided. In larger hospitals separation of carpentry, painting, and plumbing should be provided.
Employees' facilities:
Nurses' lockers:[2]
Locker room: one locker for each 2 hospital beds.
Rest room.
Toilet room (Shower desirable but not mandatory.)
Female help lockers:[2]
Locker room.
Rest room.
Toilet room. (Shower desirable but not mandatory.)
Male help lockers:
Locker room.
Toilet room. (Shower desirable but not mandatory.)
Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.
Storage:
Inactive record storage.
Patients' clothes storage room.
General storage: 20 square feet per bed and to be concentrated in one area.
Storage of outdoor equipment.[1]

§ 53.139 *Nurses' residence.*

Rooms:
One nurse per room:[1]
100 square feet in single rooms.
150 square feet in double rooms.
Lavatory in each room.
Closet or wardrobe for each nurse.
No nurses' rooms shall be located on any floor which is below grade.
Common floor facilities:
Lounge with kitchenette to serve 30 to 60 nurses.
Laundry room with 2 trays and 2 ironing boards to serve 30 to 60 nurses.
Bath room: One shower or tub for each 6 beds.
Toilet room: One water closet for each 6 beds and 1 lavatory for each 3 water closets.

[1] May be combined.

Desirable but not mandatory.

Shower and bath room.

Medical record room.

[1] If required by program.

desirable but not mandatory.)

[3] May be combined.

Linen closet.
Janitors' closet.
Telephone facilities.[1]
General facilities:
Lobby.
Office.
Main lounge (with alcoves [1]).
Men's toilet (off lobby).
Storage room for trunks.
Laundry distribution room.[1]
Employees' toilet room.[1]
Boiler room (if facilities not available elsewhere).

§ 53.140 *School of nursing.*

Teaching facilities:
One science laboratory room.
One dietetics laboratory room.
One nursing arts laboratory with adequate facilities.
One classroom to accommodate approximately twice the number of students as the nursing arts laboratory.
One lecture room to accommodate total student body.
One library.
Offices: Offices for instructors.
General:
Storage room convenient to class rooms.
Toilet room.
Janitors' closet.

§ 53.141 *Public health centers.*

Administration:
Where health department administration personnel has no offices in health center:
Waiting room.
Public toilets.
Office for public health nurses.
Staff toilets.
Assembly space: Waiting room may be used for this purpose where health centers serve under 30,000 population.
Where health department administration offices are provided in health centers add:
Health officer's office.
Office for sanitary engineers.
Health education office.
Staff room and library: In health center for over 30,000 population.
Clinical: The clinical services, and extent of such services, provided in the health center will depend on the program contemplated by the health department to take care adequately of the particular needs of the population served by the health center.
For populations up to 30,000:
Two examination rooms for maternal and child health, V. D. and TB clinics.
Consultation room.
Utility room.
Dental room.[1]
For population over 30,000, if the following services are provided, they shall include areas noted as follows:
Maternal and child health:
Demonstration room.
Examining room.
Toilet.
Tuberculosis and X-ray:
X-ray room with dressing booths.
Dark room.
Consultation and viewing room.
Venereal disease:
Examination room.
Treatment room.
Consultation room.
Toilet.
Dental:
Dental facilities (2 chairs desirable).
Small dental laboratory.
Pharmacy: Dispensing room.

[1] Desirable but not mandatory.

Laboratory:
The volume and type of laboratory tests in the health center will vary with local conditions and will determine the size of the laboratory. Such factors as density of population, area to be served, type of center (municipal, county, or rural), its use as a branch of the State Laboratory and availability of other laboratory facilities must be considered.
One room is required for urinalysis, hematology, and dark field examinations for syphilis and storage of biologicals furnished by the State Health Department.
Where food control, sanitation and communicable disease work is contemplated another room shall be furnished for this purpose.
Service:
General storage areas:
Bulk office and janitors' supplies.
Bulk clinical supplies.
Educational material.
Storage closets:
Office supplies.
Medical supplies.
Educational material.
Janitors' closet: Centrally located.
Heating plant.

§ 53.142 *State public health laboratory.*

Administration department:
Director's office.
Secretary's office.
Assistant Director's office.
Information desk and switchboard.
Clerical office.
Office supply room.
Library.
Staff meeting room.
Records and filing room.
Mailing and receiving room for incoming specimens, distribution of containers and of biologicals.
Specimen and emergency treatment room.
Bacteriology department:
Office.
Water, food and milk laboratory.
Enteric disease and agglutination laboratory.
Tuberculosis laboratory.
Diagnostic laboratory.
Incubator room.
Sterile room.
Rabies room.
Adequate refrigeration.
Syphilis serology department.
Office.
Laboratory: Section of room separated by partitions for centrifuges and preparation of specimens.
Chemistry department:
Office.
Laboratory: Facilities for water, food, drug, toxicology, and/or industrial hygiene analyses.
Instrument room: Facilities for darkening.
Research and investigation:
Laboratory: Complete laboratory facilities within unit.
Biologicals department:
Adequate refrigeration.
Deep freeze unit.
Room temperature storage.
Central services:
Culture media and reagent preparation room.
Glassware cleaning room.
Acid cleaning unit.
Sterilizing room for culture media and clean glassware only.
Supply room for storage and issue of sterile supplies, general supplies, chemicals, and glassware. Adjacent to sterilizing and glassware cleaning room.
Bulk storage room.
Janitor service room.
Maintenance and utilities unit: Provisions for metal and woodwork, and glassblowing.
Incinerator (animal).
Animal quarters:
Animal rooms.
Room for cleaning and sterilizing cages.
Preparation room for food and bedding.
Operating and animal inoculation room.
Facilities for personnel:
Men's locker room with washroom and shower.
Women's locker room with washroom and shower.
Rest room.
Lunch room.
Staff toilets.

Additional facilities. If the following activities are included, minimum requirements will be as follows:

Consultation and evaluation service to local laboratories:
Office.
Laboratory.
Manufacture of biologicals: This department, including Blood and Blood Products, shall be adequately isolated from the other laboratories. In the case of smallpox and tetanus vaccine preparation separation may be satisfactory in the same building if a separate entrance is provided and no interior connection exists to this department. A separate mechanical ventilating system must be provided.
Office.
Laboratory: Cubicles for isolation work.
Culture media room.
Sterile room.
Sterilizing room.
Glasswashing room.
Adequate refrigeration.
Deep freeze unit.
Storage room, controlled temperature.
Packaging room.
Blood and blood products:
Laboratory: Space and equipment for processing.
Sterile room.
Office (may be shared with biologicals department).
Adequate refrigeration (may be shared with biologicals department).
Storage room (may be shared with biologicals department).
Pathology department: Laboratory.
Clinical laboratory department: Laboratory.
Virology department: This department shall be efficiently isolated from other laboratories including a separate mechanical ventilating system:
Office.
Laboratory: Cubicles for isolation work.
Sterile room.
Sterilizing room.
Inoculation and operating room.
Animal quarters:
Facilities for storage of food and bedding.
Cleaning and sterilizing of cages.
Locker room with washroom and shower.

§ 53.143 *Diagnostic or treatment centers.*

The extent of the diagnostic, treatment, and ancillary facilities will be determined by the services contemplated and the estimated patient load.

Where the facility is to be an integral part of a hospital, the requirements of Adjunct Diagnostic and Treatment Facilities and Outpatient Department of General Hospital section B–1 shall apply.

Where a diagnostic or treatment center is not to be an integral part of a hospital, then the facilities listed below must be provided unless available for convenient use in an associated health facility.

The planning of diagnostic or treatment centers should provide for the privacy of the patient during interview, examination, and treatment.

Administration facilities:
Administrative, business, and receptionist space.
Medical records space.
Waiting space.
Public telephone.
Diagnostic facilities. (In certain types of specialized projects, such as mental health clinics, the need for radiological and laboratory facilities will be determined by the services contemplated.):
Radiographic room with adjoining dark room.
Utility and sterilizing facilities.
Laboratory.
Diagnostic and treatment facilities: If medical examination and/or treatment are to be included the following shall be added:
Consultation, examination and treatment space is required by the services contemplated.
Service facilities:
Storage.
Janitor's closet.
Employees' locker facilities.
Toilet facilities.
Boiler room.
Incinerator.
Accessible parking space.[1]

§ 53.144 *Rehabilitation facilities (general).*

Wherever possible rehabilitation facilities should be located on the ground floor. The evaluation and treatment facilities should be grouped to facilitate integration of the program and located for convenient access by inpatients and outpatients.

In determining the size of facilities for in and outpatient services, it should be considered that the outpatient load is usually much larger than the inpatient load.

§ 53.145 *Rehabilitation facilities (multiple disability) in a hospital.*

The facilities listed below which are in an existing hospital and which are conveniently located and available for use need not be provided.

Administration

Appointment and cashier's space.
Office for volunteer services coordinator.[1]
Lobby and waiting room.
Public telephone booth.
Public toilets.
Personnel toilets.[1]

Evaluation and Treatment Facilities

Conference and library room.
Medical facilities:
Offices, examination rooms and work space for medical personnel such as physicians and nurses.
Dental facilities: [2]
Office and work space for provision of appropriate dental treatment.
Physical therapy:
Office and work space for physical therapy staff.
Rehabilitation gymnasium for adults.
Rehabilitation gymnasium for children if children are included in program.[1]
Hydrotherapy area.
Thermotherapy and massage area.
Storage for supplies and equipment.
Outdoor exercise area.[1]
Occupational therapy:
Office and work space for occupational therapy staff.

[1] Desirable but not mandatory.
[2] If required by program.

Therapy area:
In large units space should be divided for diversified work (separate room for children is desirable).
Storage space for supplies and equipment.
Facilities for teaching activities of daily living.
Speech and hearing facilities: [3]
Offices for therapists and space for examination and treatment.
Artificial appliance facilities:
Space for fitting and adjustment service.
Psychological facilities:
Office and work space for psychological testing evaluation and counseling.
Social service facilities:
Office space for private interview and counselling.
Vocational facilities:
Office and work space for counseling, evaluation, prevocational programs and placement. A prevocational area is not required for facilities exclusively serving children under the age of 12.
Special education:
Schoolroom for children if children are included in program.
General facilities:
Locker, toilet and shower facilities for patients.
Clean and soiled linen facilities.
Locker and toilet facilities for female volunteers.[1]
Locker and toilet facilities for male volunteers.[1]

Nursing Unit for Adults [1]

General: It is recommended that this unit be located on the ground floor near the treatment area. Approximately one-fifth of the beds should be in two-bed rooms, the remainder in four-bed rooms. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' rooms. A toilet room, with lavatory, accessible from adjoining patients' rooms, is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit:
Not more than 50 beds, 35 to 40 beds recommended.
Minimum patients' room areas:
100 square feet per bed in multi-bed patients' rooms.
Service facilities in each nursing unit for adults:
Nurses' station.
Nurses' toilet.
Utility room.
Examination and treatment room.
Floor pantry.
Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities.
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities.
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).
Patients' laundry.[1]

Nursing Unit for Children [1]

General: It is recommended that this unit be located on the ground floor near the treatment area. No patients room should have more than 4 beds. Provide 2 two-bed rooms in each nursing unit. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' room. A toilet room, with lavatory, accessible from adjoining patient's room is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit:
Not more than 30 beds.
Minimum room areas:
100 square feet per bed in two-bed and four-bed rooms. 80 square feet per bed recommended for crib room if provided.
Service facilities in each nursing unit for children:
Nurses' station.
Nurses' toilet.
Utility room.
Examination and treatment room.
Floor pantry.
Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities.
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet should be provided.
Bedpan facilities:
Bathing facilities:
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).

Service Department

In general the same service facilities will be required as those noted under separate Rehabilitation Facility (Multiple Disability) for Inpatients and Outpatients except that those service facilities which are available in the adjoining hospital need not be duplicated.

§ 53.146 *Separate rehabilitation facility (multiple disability) for inpatients and outpatients.*

Administration

Business office with information counter, telephone switchboard and cashier's window.
Administrator's office.

Director of nurses' office.
Office for volunteer services coordinator.[1]
Case records room.
Library for staff and patients.
Lobby and waiting room.
Public telephone booth.
Public toilets.
Personnel toilets.

Evaluation and Treatment Facilities

Clinical laboratory.[1]
Radiology: [1] Radiographic room with adjoining dark room, toilet and office.
Pharmacy: [1] Drug room with minimum
[1] If required by program.
facilities for compounding.
Conference and library room.
Medical facilities:
Offices, examination rooms and work space for medical personnel such as physicians and nurses.
Dental facilities: [1] Office and work space for provision of appropriate dental treatment.
Physical therapy:
Office and work space for physical therapy staff.
Rehabilitation gymnasium for adults.
Rehabilitation gymnasium for children if children are included in program.[1]
Hydrotherapy area.
Thermotherapy and massage area.
Storage for supplies and equipment.
Outdoor exercise area.[1]
Occupational therapy:
Office and work space for occupational therapy staff.
Therapy area.
In large units space should be divided for diversified work (separate room for children is desirable).
Storage space for supplies and equipment.
Facilities for teaching activities of daily living.
Speech and hearing facilities: [1] Offices for therapists and space for examination and treatment.
Artificial appliance facilities: Space for fitting and adjustment service.
Psychological facilities: Office and work space for psychological testing evaluation and counseling.
Social service facilities: Office space for private interview and counseling.
Vocational facilities:
Office and work space for counseling, evaluation, prevocational programs and placement. A prevocational area is not required for facilities serving children under the age of 12.
Special education: Schoolroom for children are included in program.
General facilities:
Locker, toilet and shower facilities for patients.
Clean and soiled linen facilities.

Nursing Unit for Adults

General: It is recommended that this unit be located on the ground floor near the treatment area. Approximately one-fifth of the beds should be in two-bed rooms, the remainder in four-bed rooms. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' rooms. A toilet room, with lavatory, accessible from adjoining patients' rooms, is recommended. No patients' room shall be located on any floor which is below grade.
Size of nursing unit: Not more than 50 beds, 35 to 40 beds recommended.
Minimum patients' room areas: 100 square feet per bed in multi-bed patients' rooms.

[1] Desirable but not mandatory.
[2] If required by program.

Service facilities in each nursing unit for adults:
Nurses' station.
Nurses' toilet.
Utility room.
Examination and treatment room.
Floor pantry.
Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities.
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).
Patients' laundry.[1]
General: It is recommended that this unit be located on the ground floor near the treatment area. No patients' room should have more than 4 beds. Provide 2 two-bed rooms in each nursing unit. Each patients' room shall have a lavatory. Generous wardrobe space for each patient should be provided in the patients' rooms. A toilet room, with lavatory, accessible from adjoining patients' room is recommended. No patients' room shall be located on any floor which is below grade.

Nursing Unit for Children [2]

Size of nursing unit: Not more than 30 beds.
Minimum patients' room areas: 100 square feet per bed in 2-bed and 4-bed rooms. 80 square feet per bed recommended for crib room if provided.
Service facilities in each nursing unit for children:
Nurses' station.
Nurses' toilet.
Utility room.
Examination and treatment room.
Floor pantry.
Solarium: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
Dining room: Provide 25 square feet per bed for 75 percent of beds on nursing unit.
It is recommended that the dining and solarium area be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Toilet facilities.
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 5 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathroom for each sex.
1 shower to each 8 beds.
1 bathtub.
Stretcher and wheelchair parking space.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.
Telephone alcove (one per floor).

Service Department

Central sterilizing and supply room.
Dietary facilities:
Main kitchen.
Dietitians' space.
Dishwashing room.
Adequate refrigeration.
Garbage disposal facilities.
Day storage room.
Personnel dining space. Provide 12 square feet per person; may be designed for multiple seatings.
Outpatients' dining facilities as required.
Janitor's closet.
Housekeeping facilities:
Laundry; unless commercial or other laundry facilities are available, each Rehabilitation Facility shall have a laundry of sufficient capacity to process full 7 days laundry in work week and contain the following areas:
Sorting area.
Processing area.
Clean linen and sewing room separate from laundry.
Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.
Housekeeper's office.
Mechanical facilities:
Boiler and pump room.
Shower and locker facilities.[1]
Engineers' space.
Maintenance shops: At least one room shall be provided. In large rehabilitation facilities, separation of carpentry, painting and plumbing is recommended.
Employees' facilities:
Female staff and volunteers lockers:
Locker room.
Rest room.
Toilet and shower room.
Female help lockers:
Locker room.
Rest room.
Toilet and shower room.
Male staff and volunteers lockers:
Locker room.
Toilet and shower room.
Male help lockers:
Locker room.
Toilet and shower room.
Storage:
General storage. 20 square feet per bed and to be concentrated in one area.
Storage of out-door equipment.[1]

§ 53.147 *Separate rehabilitation facility (multiple disability) for outpatients only.*

Administration

Business office with information counter, telephone switchboard and cashier's window.
Administrator's office.
Director of nurses' office.
Office for volunteer services coordinator.[1]
Case records room.
Library for staff and patients.
Lobby and waiting room.
Public telephone booth.
Public toilets.
Personnel toilets.[1]

Evaluation and Treatment Facilities

Conference and library room.

Medical facilities:
Offices, examination rooms and work space for medical personnel such as physicians and nurses.
Dental facilities: [1] Office and work space for provision of appropriate dental treatment.
Physical therapy:
Office and work space for physical therapy staff.
Rehabilitation gymnasium for adults.
Rehabilitation gymnasium for children if children are included in program.[1]
Hydrotherapy area.
Thermotherapy and massage area.
Storage for supplies and equipment.
Outdoor exercise area.[1]
Occupational therapy:
Office and work space for occupational therapy staff.
Therapy area: In large units space should be divided for diversified work (separate room for children is desirable).
Storage space for supplies and equipment.
Facilities for teaching activities of daily living.
Speech and hearing facilities: [1] Offices for therapists and space for examination and treatment.
Artificial appliance facilities: Space for fitting and adjustment service.
Psychological facilities: Office and work space for psychological testing evaluation and counseling.
Social service facilities: Office space for private interview and counseling.
Vocational facilities:
Office and work space for counseling, evaluation, prevocational programs and placement. A prevocational area is not required for facilities exclusively serving children under the age of 12.
Special Education:
Schoolroom for children if children are included in program.
General facilities:
Locker, toilet and shower facilities for patients.
Clean and soiled linen facilities.

Nursing Units

Does not apply.

Service Facilities

Dietary facilities.[1]
Housekeeping facilities: Clean and soiled linen storage.
Janitors' closet(s).
Mechanical facilities:
Boiler room.
Maintenance shop.
Employees' facilities:
Female staff and volunteers lockers:
Locker room.
Rest room.
Toilet and shower room.
Female help lockers:
Locker room.
Rest room.
Toilet and shower room.
Male staff and volunteers lockers:
Locker room.
Toilet and shower room.
Male help lockers:
Locker room.
Toilet and shower room.
Storage:
General storage.

§ 53.148 *Single disability rehabilitation facility.*

The requirements for a single disability rehabilitation facility will be dependent upon the specific project program, which shall include, however, services in the four basic areas—medical, psychological, social and vocational. In general the single disability rehabilitation facility will follow the pattern established for the multiple disability rehabilitation facility. In other respects the general standards set forth herein shall apply.

§ 53.149 *Nursing homes.*

General: The facilities listed below need not be provided if functionally available in an adjoining hospital.
Nursing homes should be planned to approximate the home atmosphere as closely as possible. It is desirable that larger bedrooms be provided than are generally provided in General Hospitals, that each bed be equitably placed in relation to the windows, that wardrobe and closet space in patients' rooms be more generous. The use of more open, informal planning, the provision of inviting recreational spaces both indoors and out, the use of decoration, color, furnishings, etc., to minimize institutional effect is recommended.

Administration Department

Business office.[1]
Administrator's office.[2]
Consultation room.[1]
Lobby and waiting room.
Public toilet facilities.
Public telephone.

Ancillary Facilities

Recreation room.
Occupational activities room.
Patients' dining room.
Provide at least 50 square feet per bed for 75 percent of the total beds in the Nursing Home for recreation, occupational activities and patients' dining.
It is recommended that the recreation, occupational activities and patients' dining areas be adjacent so that they can be combined into one room for recreational and other group activity purposes.
Physical therapy services as required.
Patients' laundry.[1]
Storage for occupational and recreational equipment.
Outdoor recreation area.[1]

Nursing Department

General: No patients' room shall have more than 4 beds. Six beds, not more than three beds deep from outside wall, will be permitted in Nursing Homes of over 100 beds. Not more than 2 beds per patients' room is desirable. Each patients' room shall have a lavatory. A toilet room, with lavatory, accessible from adjoining patients' room is recommended. At least one single room with private toilet shall be provided in each nursing unit for each sex for purposes of medical isolation, incompatability, personality conflict, etc. No patients' room shall be located on any floor which is below grade.
Size of nursing unit: Should not have more than 40 beds. Larger units will be permitted if additional service facilities are provided as required.
Minimum patients' room areas: 80 square feet per bed (100 square feet desirable) in multiple bed patients' rooms; 100 square feet per bed (125 square feet desirable) in one-bed patients' rooms.
Service facilities for each nursing unit:
Nurses' station.
Nurses' toilet.
Utility room.
Treatment room.
Floor pantry: one for each nursing floor in multi-story buildings.
Toilet facilities:
If centralized toilets are provided, a toilet room for each sex at a ratio of 1 water closet to each 8 beds will be required. One of the water closet enclosures in each toilet room should be at least 5 feet by 6 feet to permit toilet training.
If toilets provided adjacent to patients' rooms are not large enough, a separate training toilet, at least 5 feet by 6 feet, should be provided.
Bedpan facilities.
Bathing facilities:
1 bathtub.
1 shower. (A separate bath room for each sex, containing at least one bathtub and one shower, is recommended. A ratio of one bathtub or one shower for each 10 beds is desirable.)
Stretcher and wheelchair parking area.
Clean linen storage.
Equipment and supply storage.
Janitor's closet.

Service Department

Dietary facilities:
Kitchen.
Dishwashing room.
Adequate refrigeration.
Garbage disposal facilities.
Personnel dining facilities.
Janitors' closet.
Housekeeping facilities:
Clean linen facilities.
Soiled linen facilities.
If commercial laundry is not available, laundry facilities shall be provided.
Mechanical facilities:
Boiler room.
Maintenance facilities—at least a bench in boiler room. In larger Nursing Homes, separate maintenance facilities should be provided.
Incinerator.[1]
Employees' facilities:
Male locker room and toilet.
Female locker room and toilet.
Storage:
General storage—15 square feet per bed and to be concentrated in one area.
Patients' clothes storage room.
Storage for outdoor equipment.[1]

§ 53.150 *Details.*

The following general requirements apply to all hospitals. Conditions in special hospitals, not covered in the general requirements, are specifically noted.

General Requirements for Hospitals

Door widths: 3 feet 8 inches (3 feet 10 inches preferable) at all:
Bedrooms.
Treatment rooms.
Operating rooms.
X-ray therapy rooms.
Delivery rooms.
Solariums.
X-ray rooms.
Physical therapy rooms.
Labor rooms.
No doors shall swing into the corridor except closet doors. (Does not apply to mental and psychiatric hospitals and mental units in general hospitals.)
Corridor widths: 7 feet, (8 feet preferred). A greater width should be provided at elevator entrances.
Stair Widths: The width of stairways shall be not less than 3 feet, 8 inches. The width shall be measured between handrails where handrails project more than 3½ inches.
Elevators: Platform size—5 feet 4 inches x 8 feet. Door opening—3 feet 10 inches. See also mechanical section.
Laundry chutes: Use optional. Where used 2' 0" minimum diameter.
Nurses' call system: (Does not apply to mental and psychiatric hospitals and mental units in general hospitals.) Call station between each two beds in two-bed rooms and four-bed rooms and one in each one-bed room.

[1] Desirable but not mandatory.
[2] If required by program.

[1] May be combined.

[1] If required by program.

[1] If required by program.

[2] May be combined.

Corridor dome light over each nursing room.
Dome light and buzzer at nurses' station, utility room and floor pantry.

Fire safety: Fire alarm systems, sprinklers and chemical extinguishing systems, fire doors, and portable fire extinguishers shall conform to the requirements of the local and State codes. Where no local or State codes are applicable, the standards of the National Board of Fire Underwriters shall govern. Exit facilities shall follow the recommendations of the Building Exits Code of the National Fire Protection Association.

Ray protection: Rooms or areas containing X-ray equipment shall have ray protection as recommended in National Bureau of Standard's Handbook 41.

Radioisotopes: Where radioisotopes are used or stored, protection against ionizing radiations shall conform with the recommendations established by the National Committee on Radiation Protection which are published in the Handbooks of the National Bureau of Standards.

X-ray equipment: X-ray equipment shall comply with the applicable recommendations contained in the National Electrical Code, and in Handbook 41 as prepared by the National Bureau of Standards.

Ceiling heights: With the following exceptions shall not be less than 9 feet clear:
Ceiling heights for corridors, storage closets and other minor auxiliary rooms may be lower.
Ceiling heights in diagnostic or treatment centers, rehabilitation facilities and nursing homes shall not be less than 8 feet clear, except in rooms containing equipment which requires a greater height.
Ceiling height for laundry shall not be less than 11 feet clear.
Ceiling height for kitchen shall not be less than 10 feet clear.
(Higher ceiling heights for kitchen and laundry are desirable.)

Insulation in ceilings: Ceilings of boiler rooms, kitchens and laundries shall be insulated where the floor directly above them is to be used for hospital purposes.

Parking space: Adequate parking space should be available for all health facilities.

Chronic Disease Hospitals, Rehabilitation Facilities and Nursing Homes

Space allowances: Space allowances shall be consistent with the need in areas used by patients using crutches, wheelchairs or wheel stretchers.

Doors: All doors through which patients will pass shall be at least 3 feet 8 inches wide. Doors at least 3 feet wide will be permitted at individual toilets adjacent to patients' bedrooms.

Corridors: Corridors used by patients shall be at least 8 feet wide. A greater width should be provided at elevator entrances.

Handrails: Handrails will be required on both sides of corridors used by patients in Chronic Disease Hospitals and Nursing Homes. Handrails are not required in corridors of Rehabilitation Facilities.

Thresholds: Thresholds at doorways shall be flush.

Telephone alcoves: Telephone alcoves shall be a minimum of 4 feet square. Phone shall be located on a shelf convenient for patients in wheelchairs. Doors to telephone booths are not recommended.

Drinking fountains: Drinking fountains shall be located in corridors of nursing units and treatment areas and lobby. The fountain shall be accessible to patients in wheelchairs.

Brackets: In rehabilitation facilities brackets should be provided adjacent to patients' beds for braces and crutches.

Water closet stalls: Water closet stalls for patient use shall have handrails on both sides. Curtains are recommended in lieu of doors to stalls.

Toilet rooms: Toilet rooms adjacent to patients' rooms shall permit movement of wheelchairs and shall have handrails on both sides.

Hardware: Hardware on water closet enclosures shall be operable from outside.

Lavatories: Lavatories for patient use shall be supported on brackets to allow wheelchairs to slide under.

Mirrors: Mirrors shall be arranged for the convenience of patients in wheelchairs as well as patients in a standing position.

Bathtubs: Bathtubs shall not be elevated in rehabilitation facilities. It is recommended that bathtubs shall not be elevated in Chronic Disease Hospitals and Nursing Homes. Handrails shall be provided at all bathtubs.

Showers: Showers should be approximately 4 feet square and should have handrails and curtains. Curbs shall be omitted.

Mental Hospitals, Psychiatric Hospitals and Psychiatric Units in General Hospitals

The principles of psychiatric security and safety shall be followed throughout. Materials and details of construction shall be such that patients will not be afforded opportunity for escape, suicide, hiding, etc. Care must be taken to avoid projecting sharp corners, exposed piping, heating elements, fixtures, hardware, etc.

Public Health Centers and Diagnostic or Treatment Centers

Width of corridors shall be not less than 5' 0". Greater width preferred. Windows of examination and treatment rooms shall be glazed with obscure glass to insure privacy.[1]

State Public Health Laboratories

Provide separate air conditioning or ventilation system for bacteriological and virus laboratories with ample supply and exhaust to function properly with closed windows. Emergency showers shall be provided in chemical laboratories. Each chemical laboratory room shall have a minimum of two exits. All windows must be screened.

§ 53.151 *Finishes.*

Floors:
The floors of the following areas shall have smooth, waterproof surfaces which are wear resistant:
Toilets.
Baths.
Bedpan rooms.
Floor pantries.
Utility rooms.
Treatment rooms.
Sterilizing rooms.
Janitors' closets.
The floors of the following areas shall be smooth and easily cleaned:
Pharmacies.
Laboratories.
Patient rooms.
The floors of the following areas shall be waterproof, greaseproof, smooth and resistant to heavy wear:
Kitchens.
Butcher shops.
Food preparation.
Formula rooms.
The floors of the following areas shall have conductive flooring as recommended by the National Fire Protection Association:
Operating rooms.
Delivery rooms.
Anesthesia rooms.
Adjoining spaces.

Walls:
The walls of the following areas shall have a smooth surface with painted or equal washable finish in light color. At the base, they shall be waterproof and free from spaces which may harbor ants and roaches:
Food and drink are prepared, served or stored.
The walls of the following areas shall have waterproof painted, glazed or similar finishes to a point above the splash or spray line:
Kitchens.
Scullieries.
Utility rooms.
Baths.
Showers.
Dishwashing rooms.
Janitors' closets.
Sterilizing rooms.
Spaces with sinks.
The walls of the following areas shall have waterproof glazed, painted or similar surface which will withstand washing to a distance of not less than 5' 0":
Operating rooms.
Delivery rooms.

Ceilings:
The ceilings of the following areas shall be painted with waterproof paint:
Operating rooms.
Delivery rooms.
All scullieries, kitchens and other rooms where food and drink are prepared.
The ceilings of the following areas shall be acoustically treated:
Corridors in patient areas.
Nurses' stations.
Labor rooms.
Utility rooms.[1]
Floor pantries.
Kitchens.[1]

State Public Health Laboratory

Floors:
Resilient, smooth and stain resistant: All laboratories other than chemistry laboratories.
Resilient, smooth and acid resistant: Chemistry laboratories.
Smooth, waterproof, grease-proof, easily cleaned, non-slip, resistant to heavy traffic:
Culture media rooms.
Glasswashing rooms.
Sterilization rooms.
Acid cleaning rooms.
Animal rooms.

Walls:
Waterproof, painted, glazed or similar finishes to a point above the splash or spray line. They shall be without cracks, and in conjunction with floors shall be waterproof and free of cracks and spaces which may harbor ants and roaches:
Laboratories.
Incubator rooms.
Sterilizing rooms.
Culture media rooms.
Glasswashing rooms.
Acid cleaning rooms.
Inoculation and operating rooms.
Animal rooms.
Same as above, but finish to reach to ceiling: Sterile rooms.

Ceilings: Waterproof painted: Sterile rooms.

Shelves and cabinets: Shelves and cabinets which are used for the storage of food, dishes, and cooking utensils shall be so constructed and mounted that there shall be no openings or spaces which cannot be cleaned and which might harbor vermin or insects. Cabinets which are used for the storage of open food containers and dishes shall be dust tight.

Chronic Disease Hospitals, Rehabilitation Facilities and Nursing Homes

Wainscot: A wainscot of durable material should be provided in all rooms used by patients for protection of walls against damage caused by wheelchairs, stretchers and carts. Such a wainscot is desirable but not mandatory in Chronic Disease Hospitals and Nursing Homes.

[1] Desirable but not mandatory.

§ 53.152 *Structural.*

A. *Codes.* All construction shall be in accordance with the applicable local and State building codes and regulations. In areas which are not subject to local or State building codes, the recommendations of the following nationally recognized technical and engineering authorities shall be adopted insofar as such recommendations are not in conflict with the minimum general standards as set forth herein.

1. *American Concrete Institute.* (a) For good engineering practice in the design, erection, allowable working stresses, and for the mixing and placing of concrete on structures built of reinforced concrete.

(b) For standard specifications for cast stone.

2. *American Standards Association.* (a) For standard practice in masonry construction.

(b) For the design and erection of structural steel for buildings (the American Institute of Steel Construction Code).

(c) For good practice in gypsum plastering, including requirements for lathing and furring.

(d) For good practice in the design and erection of reinforced gypsum concrete.

(e) For safe practice in the design and construction of elevators and dumbwaiters.

3. *American Society of Testing Materials.* (a) For the specifications on, and the methods of testing, for metals and the materials of masonry construction.

(b) For the methods of standard fire tests of building construction and materials and for the methods of fire tests of door assemblies.

4. *National Lumber Manufacturers' Association.* (a) For good practice in the use of wood in type of construction of which it is a part, and for the working stresses of stress-grade lumber and its fastenings.

5. *National Board of Fire Underwriters.* (a) For estimated and tested fire-resistance ratings of materials and constructions.

(b) For safe practice in the design and construction of chimneys and metal smoke stacks.

6. *National Bureau of Standards.* (a) Publication BMS 92 and other data for tested fire-resistive ratings of materials and constructions.

B. *Design data—General.* The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice.

Special. Special provisions shall be made for machines or apparatus loads which would cause a greater load than the specified minimum live load.

Consideration shall be given to structural members and connections of structures which may be subject to hurricanes or tornadoes. Floor areas where partition locations are subject to change shall be designed to support, in addition to all other loads, a uniformly distributed load of 25 p. s. f.

Live loads. The following unit live loads shall be taken as the minimum distributed live loads for the occupancies listed:

Hospital wards, bedrooms and all adjoining service rooms which comprise a typical nursing unit (except solariums and corridors), 40 p. s. f.

Solariums, corridors in nursing units and all corridors above first floor, operating suites, examination and treatment rooms, laboratories, toilet and locker room, 60 p. s. f.

Offices, conference room, library, kitchen, radiographic room, corridors, and other public areas on first floor, 80 p. s. f.

Stairways, laundry, large rooms used for dining, recreation or assembly purposes, workshops, 100 p. s. f.

Records File room, storage, supply, 125 p. s. f.

Mechanical equipment room, 150 p. s. f.

Roofs (except use increased value where snow and ice may occur), 20 p. s. f.

Wind (as required by local conditions, but) not less than 15 p. s. f.

Earthquake—for structures located within an area subject to earthquake shocks, refer to "Uniform Building Code" of the Pacific Coast Building Officials Conference.

Reduction of live loads. (a) No reductions shall be applied to the roof live load.

(b) For live loads of 100 pounds or less per square foot, the design live load on any member supporting 150 square feet or more may be reduced at the rate of 0.08 percent per square foot of area supported by the member, except that no reductions shall be made for areas to be occupied as places of public assembly. The reduction shall exceed neither R as determined by the following formula nor 60 percent:

$$R = 100 \times \frac{D+L}{4.33\,L}$$

in which R = reduction in percent.
D = dead load per square foot of area supported by the member.
L = design live load per square foot of area supported by the member.

For live loads exceeding 100 p. s. f., no reduction shall be made, except that the design live loads on columns may be reduced 20 percent.

Supplementary information regarding design loads shall be in accordance with "American Standard Building Code Requirements for Minimum Design Loads in Buildings and Other Structures—Miscellaneous Publication M 179" of the National Bureau of Standards.

C. *Construction.* Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Reasonable care shall be taken to establish proper soil-bearing values for the soil at the building site. If the bearing capacity of a soil is not definitely known or is in question, a recognized load test may be used to determine the safe bearing value.

One-story buildings shall be constructed of not less than one-hour fire-resistive construction throughout except that boiler rooms, heating rooms, and combustible storage rooms shall be of three-hour fire-resistive construction.

Buildings more than one story in height shall be constructed of incombustible materials, using a structural framework of reinforced concrete or structural steel except that masonry walls and piers may be utilized for buildings up to and including three stories in height not accounting for Penthouses. The various elements of such buildings shall meet the following fire-resistive requirements:

	Hours
Walls:	
Party and firewalls	4
Exterior bearing walls	3
Exterior panel and curtain walls	3
Inner court walls	3
Bearing partitions	3
Non-load bearing partitions	1
Enclosures for stairs, elevators and other vertical openings	2
Columns, girders, beams, trusses	3
Floor panels (including beams and joists in same)	2
Roof panels (including beams and joists in same)	2

Stairs and platforms shall be reinforced concrete or structural steel with hard incombustible materials for the finish of risers and treads.

Rooms housing furnaces, boilers, combustible storage or other facilities which may provide fire hazards shall be constructed of a 3-hour fire-resistive construction.

§ 53.153 *Mechanical and electrical.*

1. *Heating; steam systems and ventilation—Codes.* The heating system, steam, system, boilers and ventilation shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Board of Fire Underwriters and the minimum general standards as set forth herein. Where there is no local or State boiler code, the recommendations of the A. S. M. E. shall apply. Gas fired equipment shall comply with the regulations of the American Gas Association.

Boilers. Boilers shall have the necessary capacity when operating at normal rating to supply the heating system, hot water, and steam operated equipment, such as sterilizers, laundry and kitchen equipment. Spare boiler capacity shall also be provided in a separate unit to replace any boiler which might break down, except that spare boiler capacity for heating will not be required in design temperature zone +20° F. or higher as shown by the current edition of the A. S. H. & V. E. Guide. Boilers which supply high pressure steam to sterilizers, kitchens, laundry; etc., shall meet the requirements of the city and State boiler codes for 125 pounds working pressure. It is desirable to operate boilers, supplying steam for laundries, at not less than 105 pounds pressure while boilers for sterilizers and kitchen may operate at 50 pounds pressure.

Heating system. The building shall be heated by a hot water, steam, or equal type heating system.

Steam system. A system of Steam and Return Mains and Appurtenances shall be provided to supply all equipment which requires steam heat.

Boiler accessories. Boiler feed pumps, return pumps and circulating pumps shall be furnished in duplicate, each of which has a capacity to carry the full load. Blow off valves, relief valves, non-return valves, injectors and fittings shall be provided to meet the requirements of the City and State Codes. Where no City or State Codes are in force the recommendations of the ASME shall apply.

Radiation. The necessary radiation shall be furnished in each room and occupied space to maintain a temperature of 70° F. except in operating, delivery, and nurseries where a temperature of 75° F. shall be maintained. In spaces where radiant heat is used, the minimum temperatures specified may be reduced to maintain an equivalent comfort level. Each radiator shall be provided with hand control valve except where individual room automatic control is provided.

Piping. Steam and hot water heating piping shall be installed with standard weight steel or iron pipe and cast iron fittings. Pipe used in heating and steam systems shall not be smaller sizes than prescribed by the latest edition of the American Society of Heating and Ventilating Engineers Guide. The ends of all steam mains and low points in steam mains shall be dripped.

Valves. Steam, return and heating risers, steam, return and heating mains shall be controlled separately by a valve. Each steam and return main shall be valved. Each piece of equipment supplied with steam shall be valved on the supply and return ends.

Thermostatic control. The heating system shall be thermostatically controlled in one or more zones.

Auxiliary heat. Radiation or ventilation systems in operating rooms, delivery rooms, recovery rooms and nurseries shall be ar-

in each one-bed room.

patient use shall have handrails on both

[1] Desirable but not mandatory.

Hospitals and Nursing Homes.

ranged so that an auxiliary source of heat is available independent of the building space heating system. It may be desirable to serve such radiation or ventilation systems with steam which is available the year round.

Coverings. Boilers and smoke breeching shall be insulated with covering not less than 1-inch Magnesia blocks and ½-inch plastic asbestos finish. All high pressure steam and high pressure return piping shall be insulated with covering not less than the equivalent of 1-inch four ply asbestos covering. Heating mains in the boiler room, in unheated spaces, unexcavated spaces, and where concealed, shall be insulated with covering not less than 1-inch asbestos air cell.

Ventilation. Rooms which do not have outside windows and which are used by patients or hospital personnel, such as utility rooms, toilets, bed pan rooms, baths, sterilizer rooms, sterilizer equipment chambers and food storage rooms shall be provided with forced or suitable ventilation to change the air at least once every six minutes.

Kitchens, morgues and laundries which are located inside the hospital building shall be ventilated by exhaust systems which will discharge the air above the main roof or 50' 0" from any window. The ventilation of these spaces shall comply with the State or Local Codes but if no code governs, the air in the work spaces shall be exhausted at least once every six minutes with the greater part of the air being taken from the flat work ironer and ranges. Rooms used for the storage of combustible anesthetic agents, paints and other highly flammable materials shall be ventilated to the outside air with intake and discharge ducts. Oxygen storage and oxygen manifold rooms shall comply with the regulations set forth in the latest edition of the NFPA–56.

The operating and delivery rooms shall be provided with a supply ventilating system with heaters and humidifiers which will change the air at least eight times per hour by supplying fresh filtered air humidified to prevent static. No recirculation will be permitted. The air shall be removed from these rooms by forced system of exhaust. The adjoining sterilizing rooms and sterilizing equipment chambers shall be provided with exhaust ventilation.

Incinerators. Incinerators shall be installed in hospitals except where coal fired boilers suitable for waste destruction are available. If provided, the incinerator shall be designed to completely burn 60 percent wet garbage without objectionable smoke or odor. Where garbage is removed from the premises or disposed of by other means, incinerators will be required for the disposal of dressings, contagious and infectious materials, amputations and general rubbish. Rubbish incinerators shall be designed to completely burn 50 percent wet rubbish without objectionable smoke or odor. Gas or oil fired incinerators are desirable. The incinerator shall be designed with drying hearth, grates and combustion chamber lined with 9" fire brick. The gases shall be carried to a point above the roof of the hospital.

Incinerators for Diagnostic or Treatment Facilities need not conform in all respects to the above requirements but shall be of such design, construction and capacity to fulfill the needs of such facilities.

Tests. The systems shall be tested to demonstrate to the satisfaction of the State agencies having jurisdiction that: The boilers will carry the full load with one boiler in reserve, that the steam supply to all steam heated equipment is ample, that the ventilating equipment meets the minimum requirements and that all systems circulate satisfactorily without leaks or noise.

Health centers, nurses' residences, laboratories, diagnostic or treatment centers, rehabilitation facilities and nursing homes. A spare boiler may not be required for Health Centers, Nurses' Residences, Laboratories, Diagnostic or Treatment Centers, Rehabilitation Facilities and Nursing Homes. Incinerators are recommended in Health Centers, Nurses' Residences, Laboratories, Rehabilitation Facilities and Nursing Homes.

Separate special ventilation or air-conditioning systems are required for the bacteriological and virus laboratories.

Mental hospitals. Radiators, grilles, pipes, valves and equipment shall be so located that they are not accessible to patients. Hot air heating may be used for spaces occupied by mental patients.

2. *Plumbing and drainage.* All parts of the plumbing systems shall comply with all applicable local and State codes and the requirements of the State Department of Health and the minimum general standards as set forth herein. Where no State or local codes are in force or where such codes do not cover special hospital equipment, appliances, and water piping, the Report of the Coordinating Committee for a National Plumbing Code shall apply.

Water service. The water supply available for the hospital shall be tested and approved by the State Department of Health.

The water service shall be brought into the building to comply with the requirements of the local water department and shall be free of cross connections.

Hot water heaters and tanks. The hot water heating equipment shall have sufficient capacity to supply 6½ gallons of water at 125° F. per hour per bed for hospital fixtures, 4 gallons of water at 180° F. per hour per bed for kitchen and 4½ gallons of water at 180° F. per hour per bed for laundry.

The hot water storage tank or tanks shall have a capacity equal to 80 percent of the heater capacity.

Where direct fired hot water heaters are used they shall be of an approved high pressure type. Submerged steam heating coils shall be of copper. Storage tanks shall be of non-corrosive metal or be lined with non-corrosive material to comply with the A. S. M. E. Code for pressure vessels. Tanks and heaters shall be fitted with vacuum and relief valves, and where the water is heated by coal or gas they shall have thermostatic relief valves. Heaters shall be thermostatically controlled.

Water supply systems. From the cold water service and hot water tanks, cold water and hot water mains and branches shall be run to supply all plumbing fixtures and equipment which require hot or cold water or both for their operation. Pipes shall be sized to supply water to all fixtures with a minimum pressure of 15 pounds at the top floor fixtures during maximum demand periods. All plumbing fixtures except water closets, urinals, bedpan washers and drinking fountains shall have both hot and cold water supplies. Every supply outlet or connection to a fixture or appliance shall be protected against back flow in accordance with the provisions of standards for air gaps and backflow preventors as provided by plumbing Standards ASA–A40.4 and A40.6. Wherever the usage of fixture or appliance will permit, water supplied to all fixtures, open tanks and equipment, shall be introduced through a suitable air gap between the water supply and the flood level of the fixture. No connections shall be made which will permit backflow.

Hot water circulating mains and risers shall be run from the hot water storage tank to a point directly below the highest fixture at the end of each branch main. Where the building is higher than 3 stories, each riser shall be circulated. Water pipe sizes shall be equal to those prescribed by the Report of the Coordinating Committee for a National Plumbing Code.

Drainage system. All fixtures and equipment shall be connected through traps to soil and waste piping and to the sewer. Indirect waste connections shall be provided for devices or fixtures in which food, drink, water and ice are processed or stored, dishwashing machines, sterilizers, stills and equipment requiring cooling water. All shall conform to the requirements of the Report of the Coordinating Committee for a National Plumbing Code.

Rain water drains. Leaders shall be provided to drain the water from roof areas to a point from which it cannot flow into the basement or areas around the building. Courts, yards, and drives which do not have natural drainage from the building shall have catch basins and drains to low ground, storm water system, or dry wells. Where dry wells are used they shall be located at least 20' 0" from the building.

Gas piping. Gas appliances shall be approved by the American Gas Association and shall be connected in accordance with the requirements of the company furnishing the gas. Gas outlets shall not be provided in patients' bedrooms.

Oxygen systems. Where oxygen systems are installed the oxygen piping, outlets, manifolds, manifold rooms and storage rooms shall be installed in accordance with the requirements of N. F. P. A. Bulletins No. 56 and No. 565.

Pipe. The building drain, to a point 5' 0" from the building, shall be of cast iron. Soil stacks, drains, vents, waste lines, and leaders shall be of cast iron or steel except drain lines in back-fill or soil shall be of cast iron. Oxygen lines shall be of copper tubing not lighter than type "K" or I. P. S. red brass with fittings of brass or copper. Drains from sinks which use chemicals shall be of approved acid resistant material. Gas piping shall be of black iron with malleable fittings or copper tubing.

Valves. Each main, branch main, riser and branch to a group of fixtures of the water systems shall be valved.

Insulation. Tanks and heaters shall be insulated with covering equal to 1" 4-ply air cell.

Hot water and circulating pipes shall be insulated with covering equal to canvas jacketed 3-ply asbestos air cell.

Cold water mains in occupied spaces and in store rooms shall be insulated with canvas jacketed felt covering to prevent condensation. All pipes in outside walls shall also be insulated to prevent freezing.

Stand pipe system. The stand pipe system shall be installed as required by the local and State departments having jurisdiction. Where no local or State Codes are in force, the stand pipe system shall comply with the requirements of the National Board of Fire Underwriters.

Sprinkler system. To reduce the danger from fire, it is desirable to provide automatic sprinkler systems in those areas which are considered hazardous from a fire safety point of view. Such hazardous areas may include the soiled linen rooms, basement corridors, paint shops, wood working shops, trash rooms, storage rooms, accessible attics, laundry and trash chutes, and entire non-fireproofed buildings.

Plumbing fixtures. The material used for plumbing fixtures shall be of an approved non-absorptive acid resisting material.

Water closets in and adjoining patients' areas shall be of a quiet operating type.

Flush valves shall be designed for quiet operation with non-return stops, back flow preventers and silencers.

Faucet spouts shall have the discharge opening above the rim of the fixture. Goose neck spouts shall be used for patients' lavatories, nurses' lavatories and sinks which may be used for filling pitchers. Knee or elbow action controls shall be used for doctors' wash up, utility and clinic sinks and in treatment rooms. Elbow action spade handles shall be used on other lavatories and sinks used by doctors or nurses.

Drinking fountains. Drinking fountains shall comply with the A. S. A. Z4.2–1942.

Tests. All soil, waste, vent and drain lines shall be tested by water or air test before they are built in.

A smoke or chemical test shall be applied after fixtures have been set. Water pipe shall be hydraulically tested to a pressure equal to twice the working pressure. The tests shall demonstrate to the satisfaction of the State Agency that there are no leaks, that hot water is circulating satisfactorily, that all traps are properly vented, that there is ample supply of hot and cold water to all fixtures, that no fixture or equipment can be back syphoned and that there are no backflow connections.

Sterilizers. Sterilizers and autoclaves shall be provided of the required types and necessary capacity to adequately sterilize instruments, utensils, dressings, water, operating room material, such as gloves, sutures, etc., and as required for laboratories. The sterilizers shall be of recognized hospital types with approved controls and safety features.

Mental, Psychiatric, Tuberculosis and Chronic Disease Hospitals, Rehabilitation Facilities and Nursing Homes. Plumbing fixtures which require hot water and which are accessible to patients shall be supplied with water which is thermostatically controlled to provide a maximum water temperature of 110° F. at the fixture.

Special consideration shall be given to piping, controls, and fittings of plumbing fixtures as required by the types of mental patient and the doctor in charge of planning. No pipes or traps shall be exposed and fixtures shall be substantially bolted through walls. Generally, for disturbed patients, prison type water closets without seats shall be used and shower and bath controls shall not be accessible to patients.

The hot water heat and tank capacities for laundries in T. B. and mental hospitals may be reduced to 40 percent of that required for general hospitals.

Laboratories, nurses' residences and health centers. Emergency quick acting cold water showers are required at convenient points in chemical laboratories.

Only one system of hot water will be required in laboratories, nurses' residences and health centers and the elbow or knee action lavatory and sink faucet handles will be required only in clinical rooms of health centers.

3. *Electrical installations—Codes and regulations.* The installation of electrical work and equipment shall comply with all local and State codes and laws applicable to electrical installations and the minimum general standards as set forth herein. Where such codes and laws are not in effect or where they do not cover special installations the National Electrical Code and standards referenced therein which are applicable shall apply. The regulations of the local utility company shall govern service connections. All materials shall be new and shall equal standards established by the Underwriters Laboratories, Inc. Certificates of approval shall be issued by these departments having jurisdiction before the work will be approved for final payment.

Service. Connections from the service mains, with meter connections and service switches shall be installed as required by the Public Service Company.

Feeders and circuits. Separate power and light feeders shall be run from the service to a main switchboard and from there subfeeders shall be provided to the motors and power and light distributing panels. Where there is only one service feeder, separate power and light feeders from the service entrance to the switchboard will not be required. From the power panels feeders shall be provided for large motors, and circuits from the light panels shall be run to the lighting outlets. Large heating elements shall be supplied by separate feeders from the Power or Light Service as directed by the local Public Service Company. Independent feeders shall be furnished for X-ray equipment.

Switchboard and power panels. Circuit breakers or dead front type fused switches shall be installed to protect all feeders and sub-feeders. Motors shall be connected with breakers or fused switches.

Light panels. Light panels shall be provided on each floor for the lighting circuits on that floor. Light panels shall be located near the load centers not more than 100' 0" from the farthest outlet.

Lighting outlets and switches. All occupied areas shall be adequately lighted as required by duties performed in the space. Patients' bedrooms shall have as a minimum general illumination a night light and a patient's reading light. The outlets for general illumination and night lights shall be switched at the door. Switches in patients' rooms shall be of an approved mercury or equal, quiet operating type, or shall be placed in the corridor. Operating and delivery rooms shall have general illumination and special lights for the tables each on an independent circuit.

Explosion-proof equipment. All electrical equipment in operating, delivery and emergency rooms and anesthesia storage and induction rooms less than 5' 0" above the floor shall be explosion-proof.

X-ray film illuminator. Each operating room shall have a film illuminator.

Receptacles (convenience outlets). Receptacles suitable for the service shall be located where plug-in service is required. Each bedroom shall not have less than two duplex receptacles, with at least one receptacle near the head of each bed. Polarized receptacles for use of special equipment such as portable X-ray, shall be installed in all nursing corridors, not more than 50 feet apart and at locations convenient to operating, delivery, and emergency rooms. At least three three-pole grounded receptacles shall be installed in each operating, delivery, and emergency room.

Emergency lighting. Emergency lighting shall be provided for exits, stairs, and patient corridors which shall be supplied by an emergency service, an automatic emergency generator or battery with automatic switch. Operating and delivery room lights shall be connected with an automatic transfer switch which will throw the circuits to the emergency service in case of current failure. Should an emergency service from the street be used it shall be from a generating plant independent of that used for the main electric service.

Nurses call. Each patient shall be furnished with a nurses' call station which will register a call from the patient; at the corridor door, at the nurses' station, and in each pantry and utility room of the nursing unit. A duplex unit may be used for 2 patients. Indicating lights shall be provided at each station where there are more than two beds in a room. Nurses' call stations will not be required for beds which are used only for children. Operating, delivery and recovery rooms, rooms used for children and nurseries shall have one emergency call each for use of the nurse. Wiring for nurses call systems shall be installed in conduit.

Lighting fixtures. Lighting fixtures shall be furnished for all lighting outlets. They shall be of a type suitable for the space. Should ceiling lights be used in patients' rooms, they shall be of a type which does not shine in the patients' eyes.

Fire Alarms. A manually operated fire alarm system shall be installed in each hospital and nursing home. It is recommended that this system be coded and electrically supervised. The alarm system shall comply with applicable local codes, or in the absence of such codes the "Building Exits Code" shall apply.

Clocks. A clock system is desirable but not mandatory. Where provided, it should be complete with master clock and time indicator clocks in administrative offices, main lobby, and work areas as required.

Tests. Lighting fixtures, all wiring and equipment shall be tested to show that it is free from grounds, shorts or open circuits.

Health Centers, Nurses' Residences, Laboratories, Diagnostic or Treatment Facilities, and Separate Rehabilitation Facilities for Outpatients Only. Emergency lighting and call systems will not be required in health centers, Nurses' Residences, Laboratories, Diagnostic or Treatment Facilities and Separate Rehabilitation Facilities for Outpatients only except as provided for by local and State codes.

Mental hospitals. No lighting fixtures, switches, receptacles or electrical equipment shall be accessible to mental patients.

Nurses' call systems will not be required in areas occupied by mental patients.

4. *Elevators and dumbwaiters—Codes.* The elevator installations shall comply with all local and State Codes, American Standard Safety Code for Elevators, the National Board of Fire Underwriters, the National Electric Codes, and the minimum general standards as set forth herein.

Number of cars. Any hospital or nursing home with patients on one or more floors above the first or where the operating or delivery rooms are above the first floor shall have at least one electric motor driven elevator. Hospitals or nursing homes with a bed capacity of from 60 to 200 above the first floor shall have not less than two elevators. Hospitals with a bed capacity of from 200 to 350 above the first floor shall have not less than 3 elevators, two passenger and one service. A larger number may be required by the hospital plan, a large visitors' traffic and food distribution.

Elevators with a rise of more than 6 stories require special consideration.

Cab. Cabs shall be constructed with fireproof material. Passenger cab platforms shall be not less than 5' 4" x 8' 0" with a capacity of 3,500 pounds. Service elevators shall be of sufficient size to receive a stretcher with patient.

Cab and shaft doors shall be not less than 3' 10" clear opening.

Controls. Elevators, for which operators will not be employed, shall have automatic push-button control, signal control or dual control for use with or without operator. Where two push-button elevators are located together and where one such elevator serves more than three floors and basement; they shall have collective or signal control. Where the car has a speed of more than 100' 0" per minute or has a rise of four or more floors, the elevator shall be equipped with automatic self-leveling control which will automatically bring the car platform level with the landing with no load or full load. Multivoltage or variable voltage machines shall be used where speeds are greater than 150' 0" per minute. For speeds above 350' 0" per minute, the elevators shall be of the gearless type.

Dumbwaiters. Dumbwaiter cabs shall be not less than 24" x 24" x 36" of steel with one shelf to operate at speed of 50' to 100' per minute when carrying a load of 100 pounds. Dumbwaiters serving basement and four floors shall have a minimum speed of 100' 0".

Tests. Elevator machines shall be tested for speed and load with and without loads in both directions and shall be given overspeed tests as covered by the "Safety Code for Elevators."

5. *Refrigeration—Codes.* The refrigerators and refrigerating systems shall be furnished and installed to meet all requirements of the local and State Codes and regulations, the National Board of Fire Underwriters, and the minimum general standards as set forth herein.

This section shall include portable refrigerators, built-in refrigerators, garbage

Centers, Nurses' Residences, Laboratories, for devices or fixtures in which food, drink, shall comply with the A. S. A. Z4.2–1942.

the local Public Service Company. Inde-

refrigeration, ice-making and refrigerator equipment, morgue boxes.

Box construction. Boxes shall be insulated with waterproof, nonabsorbent, verminproof insulation. For the portable boxes, the insulation in the doors and walls shall be equal to 2-inch cork. Outer walls and doors of the walk-in boxes shall have insulation equal to 4-inch cork. Boxes shall be lined with nonabsorbent sanitary material which will withstand the heavy use to which it will be subjected and constructed so as to be easily cleaned.

Refrigerators of adequate capacity shall be provided in all kitchens and other preparation centers, where perishable foods will be stored.

In the main kitchen, a minimum of two separate sections or boxes shall be provided, one for meats and dairy products, and one for general storage.

Refrigerator machines. Toxic, "irritant", or inflammable refrigerants shall not be used in refrigerator machines located in buildings occupied by patients.

The compressors and evaporators shall have sufficient capacity to maintain temperatures of 35° F. in the meat and dairy boxes, and 40° F. in the general storage boxes when the boxes are being used normally. Compressors shall be automatically controlled.

Tests. Compressors, piping, and evaporators shall be tested for leaks and capacity.

6. *Kitchen equipment—Codes.* The kitchen equipment shall be so constructed and installed as to comply with the applicable local and State laws, codes, regulations and requirements, and with the applicable sanitation standards of Public Health Bulletin No. 280, entitled "Ordinance and Code Regulating Eating and Drinking Establishments, recommended by the U. S. Public Health Service," and with the minimum general standards set forth herein.

Equipment. The equipment shall be adequate and so arranged as to enable the storage, preparation, cooking, and serving of food and drink to patients, staff and employees to be done in an efficient and sanitary manner. The equipment shall be selected and arranged in accordance with the types of food service adopted for the hospital.

Adequate cabinets or other facilities shall be provided for the storage or display of food, drink, and utensils, and shall be designed as to protect them from contamination by insects, rodents, other vermin, splash, dust, and overhead leakage.

Adequate facilities shall be provided for the washing and bactericidal treatment of utensils used for eating, drinking, and food preparation. Where utensils are to be washed by hand, there shall be provided an adequate sink equipped with heating facilities to maintain a water temperature of at least 170° F. in the bactericidal treatment compartment throughout the dishwashing period. Where utensils are to be washed by machine, there shall be provided facilities for supplying to the dishwashing machine an adequate supply of rinse water at 170° F., measured at the rinse sprays, throughout the dishwashing period. All tables, shelves, counters, display cases, stoves, hoods, and similar equipment shall be so constructed as to be easily cleaned and shall be free of inaccessible spaces providing harborage for vermin. Where there is not sufficient space between equipment and the walls or floor to permit easy cleaning, the equipment shall be set tight against the walls or floor and the joint properly sealed. All utensils and equipment surfaces with which food or drink comes in contact shall be of smooth, not readily corrodible material free of breaks, corrosion, open seams or cracks, chipped places, and V-type threads. All surfaces with which food or drink comes in contact shall be easily accessible for inspection and cleaning and shall be self-draining, and shall not contain or be plated with cadmium or lead. All water supply and waste line connections to kitchen equipment shall be installed in compliance with the plumbing requirements of these standards.

7. *Laundry—Codes.* The laundry equipment shall be designed and installed to comply with all local and State codes and laws, and the requirements of the State Department of Health and the minimum general standards as set forth herein.

Where laundries are provided they shall be complete with washers, extractors, tumblers, ironer and presses which shall be provided with all safety appliances and sanitary requirements.

Washers. There shall be at least two washers which shall have a combined rated capacity of not less than 12 pounds of dry laundry per day per patient bed, when operating not more than 40 hours per week.

Ironer. Provide one flat work ironer with a capacity equal to 70 percent of the washer capacity when operating 40 hours per week.

Extractor. There shall be not less than one extractor with a daily capacity equal to that given above for the washers and for hospitals with more than 100 beds there shall be two extractors.

Tumbler. Provide a minimum of one tumbler with a rated capacity equal to 25 percent of the washers, when operating 40 hours per week.

Presses. For finished work provide not less than 1 nurses uniform unit consisting of 3 presses or one utility unit with 2 presses which shall be increased for the larger hospitals.

Wash tubs. Provide 2 wash tubs.

Mental and T. B. hospitals. The capacity per bed of laundry equipment for T. B. and mental hospitals shall be 40 percent of that required for general hospitals.

§ 53.154 *Preparation of plans, specifications and estimates.*

The requirements contained herein have been established for the guidance of the Applicant and the Architect to provide a standard method of preparation of drawings, specifications and estimates.

It is expected that the applicant will find it advantageous to submit the material through the State Agency in three stages for its recommendation and approval. However, the applicant may, if he so elects, combine the first two stages.

If the data required under stage 3 is available, it may be submitted without the drawings required under stages one and two.

Copies of the final working drawings and specifications previously submitted under stage three will be submitted for approval with the formal application for the project. The requirements for the material submitted at each of the three stages are as follows.

Drawings and specifications—1. (*First stage*) *program and schematic plans*—(a) *Program.* List in outline form the rooms or spaces to be included in each department, explaining the functions or services to be provided in each, indicating the approximate size, the number of personnel and the kind of equipment or furniture it will contain. Note any special or unusual services or equipment to be included in the facility.

If a hospital project, submit a schedule showing the total number of beds, their distribution in room and in the services, such as medicine, surgery, obstetrics, etc.

(b) *Schematic plans.* Single line drawings of each floor showing the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room should be noted. The proposed roads and walks, service and entrance courts, parking and orientation may be shown on either a small plot plan or the 1st floor plan. Simple vertical space diagram should be submitted at this stage.

(c) *Construction outline.* A brief description of the type of construction.

(d) *Description of site.* If a survey has been made, a plat shall be submitted at this time, if not it should be submitted with the Preliminary Plans (Second Stage). In lieu of a plat of the survey, a description of the site may be submitted at this time. This shall note the general characteristics of the site, easement, availability of electricity, water and sewer lines, main roadway approaches, direction of prevailing breezes, orientation, etc. A map indicating location of the hospital in its geographic area with particular reference to recommendation given under Site III A, should be submitted.

(e) *Preliminary cost estimates.*

2. (*Second stage*) *preliminary plans, elevations, and outline specifications.* (A) Development of the preliminary sketch plans indicating in more detail the assignment of all spaces, size of areas and rooms, indicating in outline, the fixed and movable equipment and furniture.

The plans shall be drawn at a scale sufficiently large to clearly present the proposed design.

The total floor area shall be computed and shown on the drawings.

The drawings shall include (1) a plan of each floor including the basement or ground floor, (2) Roof plan, (3) Approach plan showing roads, parking areas, sidewalks, etc., (4) elevations of all facades, (5) sections through the building.

A print of the "Site Survey and Soil Information" which is described under another section of this manual shall be included unless it has already been submitted in Stage I.

(B) Outline specifications shall provide a general description of the construction including interior finishes; acoustical material, its extent and type; extent of the conductive floor covering; heating and ventilating systems; and the type of elevators.

(C) Revised cost estimates.

3. (*Third stage*) *working drawings and specifications.* (A) All working drawings shall be well prepared so that clear and distinct prints may be obtained; accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Separate drawings shall be prepared for each of the following branches of work: Architectural, Structural, Mechanical, Electrical. They shall include or contain the following:

1. *Architectural drawings.* (a) Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be seeded. All structures and improvements which are to be removed under the construction contract shall be shown. A print of the survey shall be included with the working drawings for the information of bidders only. The survey shall not be made a contract drawing.

(b) Plan of each floor and roof.

(c) Elevations of each facade.

(d) Sections through building.

(e) Scale and full size details as necessary; scale details at one and one-half (1½) inches to the foot may be necessary to properly indicate portions of the work. Full size details may be prepared after award of construction contract.

(f) Schedule of finishes.

2. *Equipment drawings.* (a) Large scale drawings of typical and special rooms indicating all fixed equipment and major items of furniture and movable equipment. The furniture and movable equipment will not be included in the construction contract but should be indicated by dotted lines.

3. *Structural drawings.* (a) Plans of foundations, floors, roofs and all intermediate levels shall show a complete design with sizes, sections, and the relative location

of the various members. Schedule of beams, girders and columns.

(b) Floor levels, column centers, and offsets shall be dimensioned.

(c) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.

(d) Details of all special connections, assemblies and expansion joints shall be given.

(e) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil-bearing pressures.

(f) For special structures, a stress sheet shall be incorporated in the drawings showing:

(1) Outline of the structure.

(2) All load assumptions used.

(3) Stresses and bending moments separately for each kind of loading.

(4) Maximum stress and/or bending moment for which each member is designed, when not readily apparent from (3).

(5) Horizontal and vertical reactions at column bases.

4. *Mechanical drawings.* These drawings with specifications shall show the complete heating, steam piping and ventilation systems; plumbing, drainage and stand pipe systems; and laundry.

(a) *Heating, steam piping and ventilation.* (1) Radiators and steam heated equipment, such as sterilizers, warmers and steam tables.

(2) Heating and steam mains and branches with pipe sizes.

(3) Diagram of heating and steam risers with pipe sizes.

(4) Sizes, types and heating surfaces of boilers, furnaces, with stokers and oil burners, if any.

(5) Pumps, tanks, boiler breeching and piping and boiler room accessories.

(6) Air conditioning systems with refrigerators, water and refrigerant piping, and ducts.

(7) Exhaust and supply ventilating systems with steam connections and piping.

(b) *Plumbing, drainage and stand pipe systems.* (1) Size and elevation of: Street sewer, house sewer, house drains, street water main and water service into the building.

(2) Location and size of soil, waste, and vent stacks with connections to house drains, fixtures and equipment.

(3) Size and location of hot, cold and circulating mains, branches and risers from the service entrance and tanks.

(4) Riser diagram to show all plumbing stacks with vents, water risers and fixture connections.

(5) Gas, oxygen and special connections.

(6) Standpipe system.

(7) Plumbing fixtures and fixtures which require water and drain connections.

(c) *Elevators and dumbwaiters.* Shaft details and dimensions, size car platform and doors; travel, pit and machine room.

(d) Kitchens, Laundry Refrigeration and Laboratories shall be detailed at a satisfactory scale to show the location, size and connection of all fixed and movable equipment.

5. *Electrical drawings.* Drawings shall show all electrical wiring, outlets, and equipment which require electrical connections.

(a) Electrical service entrance with service switches, service feeders to the public service feeders and characteristics of the light and power current. Transformers and their connections if located in the building, shall be shown.

(b) Plan and diagram showing main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.

(c) Light outlets, receptacles, switches, power outlets and circuits.

(d) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the Telephone Co. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the Telephone Company.

(e) Nurses' call systems with outlets for beds, duty stations, door signal lights, annunciators and wiring diagrams.

(f) Doctors' call and doctors' in-and-out systems with all equipment wiring, if provided.

(g) Fire alarm system with stations, gongs, control board and wiring diagrams.

(h) Emergency lighting system with outlets, transfer switch, source of supply, feeders and circuits.

6. *Additions to existing projects.* (a) Procedures and requirements for working drawings and specifications to be followed and in addition the following information shall be submitted:

(1) Type of activities within the existing building and distribution of existing beds, etc.

(2) Type of construction of existing building and number of stories high.

(3) Plans and details showing attachment of new construction to the existing structure and mechanical systems.

(B) Specifications shall supplement the drawings and shall comply with the following:

1. The specifications shall fully describe, except where fully indicated and described on the drawings, the materials, workmanship, the kind, sizes, capacities, finishes and other characteristics of all materials, products, articles and devices.

2. The specifications shall include:

(a) Cover or title sheet.

(b) Index.

(c) Invitation for bids.

(d) General conditions.

(e) Wage schedule, section 2, Labor Standards and Kickback Regulations.

(f) General requirements.

(g) Sections describing material and workmanship in detail for each class of work.

(h) Form of bid bond.

(i) Bid form.

(j) Form of agreement.

(k) Performance and payment bond forms.

3. In order to obtain a standard procedure Standard Specification Forms will be furnished to the State Agency as a guide to the Architect.

(C) Estimates shall show in convenient form and detail the probable total cost of the work to be performed under the contract for construction of new buildings, expansion, remodeling and alteration of existing buildings including provision of fixed equipment contemplated by plans and specifications.

EQUIPMENT

§ 53.155 *Equipment.*

General. Equipment necessary for the functioning of the facility as planned shall be provided in the kind and to the extent required to perform the desired service. The necessary equipment shall be included in the cost of the project and is considered an essential part of the project.

Definition of equipment. The term "equipment" as used herein means all items necessary for the functioning of all services of the facility, including such services as accounting and records, maintenance of buildings and grounds, laundry service, public waiting rooms, public health, and related services. The term "equipment" does not include items of current operating expense such as food, fuel, drugs, dressings, paper, printed forms, soap, and the like.

Classification of equipment. All equipment shall be classified in three groups as indicated below; the basis of classification being the usual methods of purchasing the equipment and suggested accounting practices in regard to depreciation.

Group I. Built-in equipment included in construction contracts. 1. Hospital cabinets and counters, laboratory and pharmacy cabinets, X-ray darkroom equipment, cubicle curtain equipment, shades and venetian blinds and any other built-in equipment, including items which have been included previously under Sections II and III of the General Standards such as: Kitchen equipment, laundry chutes, elevators, dumbwaiters, boilers, incinerators, refrigerating equipment, sterilizing equipment, surgical lighting and the like.

Group II. Depreciable equipment of five years' life or more normally purchased through other than construction contracts. 1. Large items of furniture and equipment having a reasonably fixed location in the building but capable of being moved.

2. Example: Furniture, surgical apparatus, diagnostic and therapeutic equipment, office machines, dental equipment, laboratory and pharmacy equipment (except cabinets) wheeled equipment and the like.

Group III. Non-depreciable equipment of less than five years' life normally purchased through other than construction contract. 1. Small items of low unit cost and suited to storeroom control.

2. *Examples.* Chinaware, silverware, kitchen utensils, bedside lamps, waste baskets, bed pans, dressing jars, catheters, surgical instruments, linens, sheets, blankets, mattresses and the like.

It shall be the responsibility of the applicant to select and purchase all necessary equipment for the complete functioning of all services included in the project in accordance with these standards and any further standards prescribed by the State Agency.

It is essential that the equipment shall be properly apportioned and budgeted to the various services of the facility so that unduly expensive or elaborate equipment is not provided for some services of the project, necessitating the use of cheap and inadequate equipment for other services.

As soon as possible after the award of the construction contract, the applicant shall submit to the Surgeon General through the State Agency for approval a complete list in triplicate of all proposed Groups II and III equipment, including itemized estimate of cost.

SUBPART N—APPENDIX B; MERIT SYSTEM POLICIES OF THE PUBLIC HEALTH SERVICE

§ 53.158 *Introduction.*

The Public Health Service is in accord with other Federal agencies and leaders in the field of public administration who recognize the principle that a system of personnel administration on a merit basis is the most effective method of securing and retaining qualified personnel. The employment of qualified personnel is considered a prerequisite of efficient administration, without which the purposes of sections 314, 623, and 653, of the Public Health Service Act as amended may not effectively be achieved.

Accordingly, the regulations of the Public Health Service contain provisions relative to the establishment of merit systems of personnel administration in State and local health departments and other State agencies administering programs assisted by grants-in-aid from the Public Health Service. Under these regulations the Public Health Service reviews merit systems to determine their conformity with accepted standards of personnel administration.

The application of these policies is required as evidence that minimum standards of efficient personnel administration have been met. They are adopted by the Public Health Service as standards for evaluating compliance with § 51.12 of the regulations

governing grants to States and § 53.123 of the regulations governing the administration of the Hospital and Medical Facilities Survey and Construction program.

§ 53.159 *Jurisdiction.*

These standards are applicable to all personnel, both State and local, engaged in the administration of programs under Titles I, III, IV, V, and X of the Social Security Act, under the Public Health Service Act, and under the Wagner-Peyser Act, as amended, except those hereinafter exempted. The agencies administering these programs are referred to as State agencies.

At the option of the State agencies, the following positions in the several programs may be exempted from application of these standards: members of State and local boards or commissions; members of advisory councils or committees or similar boards paid only for attendance at meetings; State and local officials serving ex officio and performing incidental administrative duties; the executive head of each State agency; one confidential secretary to any of the foregoing exempted officials; janitors; part-time professional personnel who are paid for any form of medical, nursing or other professional service, and who are not engaged in the performance of administrative duties; attorneys serving as legal counsel; members of unemployment compensation appeals tribunals and boards of review representing employer and employee interests. Upon request of the State health authority to the Public Health Service or Children's Bureau, as applicable, exemption of hospital and sanatoria and local health department personnel from application of these standards will be considered on the basis of State and local administration.

§ 53.160 *Merit system organization.*

If a State has a State-wide civil service system operating under standards substantially equivalent to those herein provided, such State civil-service system should be applicable to the State agencies as defined above.

In the absence of a State civil service system with substantially equivalent standards, there will be established a merit system administered by an impartial body herein referred to as the Merit System Council, the members of which are appointed by the administrative agencies or by the Governor on recommendation of the administrative agencies, for stated overlapping terms, and no member of which is otherwise employed as an official or employee of any of the State agencies affected.

In the interests of economy and of efficient administration a joint merit system should serve all the State agencies as defined above unless, because of special circumstances, it is not feasible to establish such a joint system.

§ 53.161 *Prohibition of discrimination.*

Disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of political or religious opinions or affiliations will be prohibited.

§ 53.162 *Limitation of political activity.*

Participation of any employee of the State agencies, except those hereinbefore exempted, in political activity will be prohibited except that an employee should have the right freely to express his views as a citizen and to cast his vote. Such prohibited political activity will include in substance the activities prohibited in the rules of the United States Civil Service Commission.

§ 53.163 *Classification plan.*

A classification plan for all positions in the agency, based upon investigation and analysis of the duties and responsibilities of each position, will be established and maintained. The classification plan will include an appropriate title for each class of position, a description of the duties and responsibilities of positions in the class, and requirements of minimum training, experience, and other qualifications suitable for the performance of the duties of the position.

§ 53.164 *Compensation plan.*

A plan of compensation for all classes of positions in the agency will be established and maintained. Such plan will include salary schedules for the various classes in which the salary of a class is adjusted to the responsibility and difficulty of the work. The salary range for each class will consist of minimum, intervening, and maximum rates of pay to provide for salary adjustments within the range. In arriving at such salary schedules, consideration will be given to the prevailing rates for comparable positions in other departments of the State and to other relevant factors. The State administrative agencies will adopt plans for salary increases based upon quality and length of service. Salary laws and rules and regulations uniformly applicable to departments of the State government will be given consideration in the formulation of the compensation plan.

§ 53.165 *Recruitment and appointment of personnel.*

All positions in the State agencies, except those hereinbefore exempted, will be filled by personnel selected on the basis of merit, and in accordance with standards and procedures set forth in rules and regulations for the merit system adopted by the State agency or the State civil-service authority.

Regulations governing the administration of examinations will include the following provisions:

Examinations will be administered by a Merit System Supervisor, appointed under the merit system. Qualifications for the supervisor will include training and experience in a field related to merit system administration, and known sympathy with the principles of the merit system.

Applicants admitted to examinations will meet the minimum requirements for the positions for which they apply as set forth in the specifications for the positions.

Examinations for entrance to the service will be conducted on an open competitive basis, with adequate publicity, and with a reasonable period for filing applications.

Examinations will be practical in nature, constructed to reveal the capacity of the applicant for the position for which he is competing and his general background and related knowledge, and will be rated objectively. A practical written test will be included, except that where exceptional qualifications of a scientific or professional character are required, and competition through an assembled examination is impracticable, an unassembled examination may be held.

Examinations will also include: A rating of training and experience for the more responsible positions; an oral examination for positions requiring frequent contact with the public, or which involve important supervisory or administrative duties; and a performance test for positions involving the operation of office machines.

The Merit System Supervisor will prepare and establish registers of eligibles in the order of their final scores and will maintain the registers, make certification of eligibility, and keep all examination records.

All positions, not specifically exempted herein, are to be filled from registers of eligibles, except for emergency and provisional appointments for limited periods. Appointments will be made by selection from a limited number of the highest available eligibles on the appropriate register.

In the absence of an appropriate register, provisional appointments may be made pending competitive examination, provided each provisional appointee is certified by the Merit System Supervisor as meeting at least the minimum qualifications established for the class of position, and further provided that no individual may receive successive provisional or emergency appointments.

Personnel selected from registers to fill permanent positions will serve a fixed probationary period. Permanent appointment will be based upon an evaluation in writing of the performance of the employee during the probationary period.

An employee of an agency who has received appointment under a merit system with standards substantially comparable to these will retain the status held by him under such merit system in the event the State agency is placed under the jurisdiction of another merit system.

An employee of an agency in which no comparable merit system has been in operation may, upon the extension of the merits system to such agency, obtain status either through open competitive or qualifying examination as specified in the merit system rules and regulations. Such rules and regulations may permit an employee in the service of the agency to be automatically admitted to the examination covering the position held by him, and may permit him to be retained at the discretion of the State agency, providing he attains a passing grade in such examination.

§ 53.166 *Promotions.*

Whenever practicable a vacancy will be filled by promotion of a qualified permanent employee of the agency upon the basis of capacity, and quality and length of service.

Eligibility of an employee for promotion will be determined on recommendation of the agency and certification by the Merit System Supervisor that the employee meets the minimum requirements and is qualified for promotion to the class of position in question.

§ 53.167 *Furloughs and separations.*

Regulations will be established by the agencies governing furloughs, suspensions, and separations, and governing leaves and the conditions for payment of salary at termination of services. Such regulations will include provisions for adequate competition among employees in classes affected by reduction in force, and for retention of employees based upon systematic consideration of type of appointment, length of service and efficiency.

Employees who have completed the required probationary period of appointment and acquire permanent status will not be subject to separation except for cause, or for reasons of curtailment of work or lack of funds. In the event of separation, permanent employees will have the right of appeal to an impartial body through an established procedure provided for in the merit system rules.

§ 53.168 *Service ratings.*

A system of periodic service ratings for the evaluation of performance will be maintained. The manner in which such ratings are to be used in promotions, salary increases, and separations will be provided for by agency regulation.

§ 53.169 *Personnel records and reports.*

Such personnel records as are necessary for the proper maintenance of a merit system and effective personnel administration will be maintained by the State administrative agency. Periodic reports will be published by the Merit System Council.

PART 55—GRANTS FOR WATER POLLUTION CONTROL

Subpart A—Grants for Water Pollution Control Programs

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SUBPART A—GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

AUTHORITY: §§ 55.1 to 55.8 issued under sec. 10, 70 Stat. 506; 33 U. S. C. 466i. Interpret or apply sec. 5, 70 Stat. 500; 33 U. S. C. 466d.

§ 55.1 *Definitions.* All terms used in this subpart which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given to them in such act. As used in this subpart, the following terms shall have the meaning indicated herein below:

(a) "Federal Act" means the Federal Water Pollution Control Act (70 Stat. 498, et seq.).

(b) "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "State water pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency, other than the State health authority, charged with the responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico and the Virgin Islands.

(g) "Fiscal year" means a twelve-month period beginning on July 1.

(h) "Population" means, with respect to any State, the most recent official estimates of the Department of Commerce available on January 1 preceding the fiscal year for which funds are appropriated pursuant to section 5 of the Federal Act.

(i) "Population density" means the population of the State divided by the area of the State in square miles, except that each of the thirteen States having the greatest population density shall be deemed to have a population density equal to the State having the least population density of such thirteen States.

(j) "Per capita income" means, with respect to any State, the average of the per capita income of such State for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except that, in the absence of such satisfactory data, the per capita income of Alaska shall be deemed to equal the average per capita income of all the States in the continental United States and the per capita incomes of (1) Puerto Rico and (2) the Virgin Islands shall be deemed to equal the per capita income of the State having the lowest per capita income of the continental United States.

§ 55.2 *Basis of allotments to States and interstate water pollution control agencies.* (a) The funds appropriated pursuant to section 5 of the Federal Act for any fiscal year for expenditures for grants to States to assist them in meeting the cost of establishing and maintaining adequate measures for the prevention and control of water pollution shall be allotted among the several States on the basis of $12,000 for each State, in recognition of the fact that a water pollution control problem exists in every State caused by the discharge of untreated or inadequately treated sewage or other wastes into the waters of such State; and the balance on the basis of the following factors:

(1) ⅔ in the ratio that the product of the population of each State and the reciprocal of its per capita income bears to the sum of the corresponding products for all States.

(2) ⅛ on the basis of the ratio of the population density of a State to the population density of all the States.

(3) ⅛ on the basis of the ratio of the number of industrial establishments discharging industrial wastes in each State to the number of such establishments in all the States. The number of such establishments shall be determined on the basis of the latest available data provided by the Department of Commerce.

(b) The funds appropriated pursuant to section 5 of the Federal Act for any fiscal year for expenditures for grants to interstate agencies to assist them in meeting the cost of establishing and maintaining adequate measures for the prevention and control of water pollution shall be allotted among the several interstate agencies on the basis of the following factors:

(1) ⅔ in the ratio that the product of the population of the area served by the interstate agency and the reciprocal of the average per capita income of the interstate agency for the three most recent consecutive years bears to the sum of the corresponding products for all the interstate agencies. For this purpose, per capita income of an interstate agency shall mean the total gross income of all the States comprising such interstate agency divided by the total population of all the States comprising such interstate agency.

(2) ⅛ on the basis of the ratio of the average of the population densities of the States comprising each interstate agency area to the sums of the average of the population densities of each interstate agency area.

(3) ⅛ on the basis of the ratio of the number of industrial establishments discharging industrial wastes in the States comprising the interstate agency to the number of such establishments in all the interstate agency areas. The number of such establishments shall be determined on the basis of the latest available data provided by the Department of Commerce.

§ 55.3 *Allotments; estimates; time of making and duration.* (a) Prior to the beginning of each fiscal year the Surgeon General shall prepare and make available to States and interstate agencies an estimated schedule of the amounts which it is expected will be allotted to each during the fiscal year from estimated appropriations.

(b) Allotments to States and interstate agencies for the first six months shall be made prior to the beginning of the fiscal year or as soon thereafter as practicable and shall equal not less than 60 per centum nor more than 70 per centum of the total sum determined to be available for allotment during the fiscal year.

(c) At the end of the second quarter, or as soon thereafter as practicable, the amounts of allotments for the first six-month period which have not been certified for payment to the respective States and interstate agencies pursuant to § 55.5 shall become available for reallotment among the States and interstate agencies in the same manner as monies which have not previously been allotted.

(d) Allotments to States and interstate agencies for the remaining six months shall be made prior to the beginning of the third quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unallotted from the amount available for allotment during the fiscal year.

(e) The respective State water pollution control agencies and interstate agencies shall be notified of the amounts of allotments and reallotments and of the period for which they are made.

§ 55.4 *Plans; content; mode of submittal; time of submittal.* (a) For each fiscal year each State and interstate agency making application for grants under section 5 of the Federal Act shall submit a plan to the Surgeon General in accordance with procedures and on forms prescribed by the Surgeon General. Such plan shall:

(1) Designate the State water pollution control agency or interstate agency responsible for the administration or supervision of administration of the plan;

(2) Contain a statement that such agency will make such reports in such form and containing such information as the Surgeon General or his designee

agency, based upon investigation and analy- eligibles on the appropriate register. lished by the Merit System Council.

available on January 1 preceding the per capita income of an interstate agency as the Surgeon General or his designee

may from time to time reasonably require to carry out his functions under this Act;

(3) Set forth the policies and methods to be followed in carrying out the plan and its administration, describe the organization and proposals for conducting and extending or improving the State or interstate water pollution control and prevention program and any proposals for training personnel in water pollution control work. State plans shall contain criteria for determining whether the construction of proposed treatment works is in conformity with the plan.

(4) Provide such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan. Such methods will include a description of the procedures which the State will use in determining on the basis of objective criteria the expenditures attributable to water pollution control activities conducted in carrying out the approved plan.

(b) A plan shall be submitted by each State or interstate agency making application for grants under section 5 of the Federal Act prior to the period to which it relates: *Provided*, That exceptions to this provision may be made by the Surgeon General or his designee in the case of plans submitted for the fiscal year 1957 and when necessary to meet emergencies.

§ 55.5 *Amount of Federal grant funds payable.* (a) From the allotment available therefor for each fiscal year, each State and each interstate agency for which a plan has been approved by the Surgeon General, shall be entitled to receive an amount equal to its Federal share of the cost of carrying out its approved plan, including the cost of training personnel for State and local water pollution control work and administering the plan.

(b) For any State the Federal share shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and the Federal share for Hawaii and Alaska shall be 50 per centum, and for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(c) For any interstate agency the "Federal share" shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the average per capita income of the States comprising such interstate agencies bears to the per capita income of the continental United States (excluding Alaska), except that the Federal share in no case shall be more than 66⅔ per centum or less than 33⅓ per centum and shall be promulgated on the basis of the same data used for determining the "Federal share" for any State.

§ 55.6 *Payments to States and interstate agencies.* (a) Payments from allotments to States and interstate agencies shall be certified to the Secretary of the Treasury only after a plan has been approved. Payments from such allotments shall not exceed the allotment to a State or interstate agency or the total Federal share of the estimated expenditures necessary for carrying out the plan, whichever is less.

(b) Subject to the foregoing limitations, payments to States and interstate agencies shall be made as follows:

(1) Payment shall be made for each quarter based upon an application for funds showing the estimated requirements for such quarter. Such payment shall be decreased or increased by the amount that prior payments exceed or are less than the Federal share of the total expenditures for the program.

(2) Payments shall not be certified unless an application for payment and all plans, reports, and documents required by this part have been received.

(3) Supplemental payment in any quarter may be certified upon submission of an application therefor accompanied by satisfactory justification.

§ 55.7 *Audit.* Audit of the expenditures for the activities described in the plans may be made after prior consultation with the States or interstate agencies. Records, documents and information available to the State water pollution control agencies and interstate agencies pertinent to the audit shall be accessible for purposes of the audit.

§ 55.8 *Change in status of State water pollution control agency or interstate agency; disposal of balances.* In the event that a State water pollution control agency shall cease to qualify as such, the unobligated balance of any amounts paid to the State shall be transferred to such other agency of the State which qualifies and is designated in the approved State plan as the State water pollution control agency, and if an interstate agency ceases to qualify as such the unobligated balance of any amount paid to such interstate agency shall be transferred as determined by the Surgeon General to the successor, if any, of such interstate agency or shall be returned to the Treasury of the United States.

SUBPART B—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

AUTHORITY: §§ 55.21 to 55.30, issued under sec. 10, 70 Stat. 506; 33 U. S. C. 466i. Interpret or apply sec. 6, 70 Stat. 502; 33 U. S. C. 466e.

§ 55.21 *Definitions.* All terms used in this subpart which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given to them in such act. As used in this subpart, the following terms shall have the meaning indicated herein below:

(a) "Federal act" means the Federal Water Pollution Control Act (33 U. S. C. 466 et seq.).

(b) "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "State Water Pollution Control Agency" means the State health authority, except that in the case of any State in which there is a single State agency, other than the State health authority, charged with the responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate agency" means an agency of two or more states established by or pursuant to an agreement or compact approved by the Congress, or any agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico and the Virgin Islands.

(g) "Fiscal year" means a twelve-month period beginning on July 1.

(h) "Population" means the official population figures of the latest decennial census for which figures are available as certified by the Secretary of Commerce.

(i) "Per capita income" means the average of the per capita income of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except that in the absence of such satisfactory data, the per capita income of Alaska shall be deemed to equal the average per capita income of all the States in the continental United States and the per capita incomes of (1) Puerto Rico and (2) the Virgin Islands shall be deemed to equal the per capita income of the State having the lowest per capita income in the continental United States.

(j) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(k) "Intermunicipal agency" means an agency of two or more municipalities having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(l) "Treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(m) "Applicant" means any State, municipality, intermunicipal or interstate agency which files an application for a grant of Federal funds under section 6 of the Federal act.

§ 55.22 *Allotments to States.* The funds appropriated for any fiscal year for expenditures for grants for construction of treatment works shall be allotted as soon as practicable as follows:

(a) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and

(b) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sums of such quotients for all the States.

§ 55.23 *Availability of allotments.* The allotment of a State shall be available, in accordance with the provisions of this

subpart, only for payments to meet the cost of construction of treatment works in such State for which Federal grants have been approved by the Surgeon General.

§ 55.24 *Applications for grants.* Applications for grants for the construction of treatment works shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

§ 55.25 *Grant limitations.* (a) Grants under this subpart shall be subject to the following limitations:

(1) No grant shall be made for any work for which a contract was let prior to July 31, 1956.

(2) To be eligible for a grant, a project must result in an operable treatment works which treats or stabilizes sewage or industrial wastes of a liquid nature in order to abate, control, or prevent water pollution.

(3) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Surgeon General and unless such project is included in a comprehensive program developed pursuant to the Federal act.

(4) No grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Surgeon General or in an amount exceeding $250,000, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining cost.

(5) No grant shall be made until the Applicant has made provision satisfactory to the Surgeon General for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof.

(6) No grant shall be made unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 of the Federal act and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

(b) At least 50 per centum of the funds appropriated for such grants for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under.

§ 55.26 *Assurances from applicant.* No grant shall be made until the Surgeon General has received assurances from the Applicant:

(a) That actual construction work will be performed by the lump sum (fixed price) or unit price contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid;

(b) That the project will not be advertised or placed on the market for bidding until the final plans and specifications have been approved by the Surgeon General and the appropriate State agency, and the Applicant has been so notified;

(c) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty percentum (50 percent) of the contract price, and to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance;

(d) That any change or changes in the contract which make any major alteration in the work required by the plans and specifications, or which raise the cost of the project above the latest estimate approved by the Surgeon General, will be submitted to the Surgeon General for prior approval;

(e) That the construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, Territorial and local laws and ordinances;

(f) That the construction contract will provide that the representatives of the Public Health Service and the State will have access to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;

(g) That the Applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms with the approved plans and specifications;

(h) That adequate accounting and fiscal records shall be maintained to reflect the receipt and expenditure of funds for the purpose of this project and all funds, however provided for the payment of the cost of the project, shall be deposited, promptly upon receipt thereof, in a separate construction account or accounts and these funds shall be expended only for costs of the project;

(i) That the declarations, assurances, representations and statements made by the Applicant in the application, and all documents, amendments and communications filed with the Public Health Service by the Applicant in support of its request for a grant, will be fulfilled;

(j) That the Applicant will submit to the Surgeon General such documents and information as he may require;

(k) That the construction contract will require the contractor to comply with the regulations of the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, 40 U. S. C. 276 (c), and any amendments or modifications thereto, to cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and to be responsible for the submission of affidavits required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof;

(l) That the Applicant will demonstrate to the satisfaction of the Surgeon General his ability to pay the remaining cost of the project;

(m) That the Applicant has or will have prior to awarding of the construction contract, a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, as the Surgeon General finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project; and

(n) The Applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Surgeon General.

Provided, That none of these Assurances except paragraphs (a) through (d) required under this section may be waived by the Surgeon General. Paragraphs (a) through (d) may be waived in whole or in part (and subject to such conditions as he deems necessary) if the Surgeon General finds that the purpose of such Assurance is fulfilled.

§ 55.27 *Determining the desirability of projects.* In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, the Surgeon General shall give consideration to the following:

(a) The relation of the estimated cost of the project, including operation and maintenance, to the public interest and to the necessity for the project;

(b) The propriety of Federal aid in construction of the project;

(c) The public benefits to be derived by the construction of the project;

(d) The related projects requiring completion before full benefit can be derived from the project for which the application is made and the degree to which the completion of the related projects in the near future is reasonably assured;

(e) The feasibility of utilizing available facilities; and

(f) The probability that the project will be constructed and put into operation within a reasonable time.

§ 55.28 *Criteria for considering propriety of Federal aid.* The propriety of Federal aid pursuant to section 6 (c) of the act will be determined by the Surgeon General on the basis of one or more of the following criteria:

(a) *Interstate, coastal and Great Lakes waters.* Whether the project is required to control pollution of interstate waters, coastal waters or waters of the Great Lakes (including tributaries of such waters contributing materially to the pollution of such waters), and such pollution is inimical to public water supplies propagation of fish and aquatic life and wildlife, recreational purposes, or agricultural, industrial, or other legitimate water uses.

(b) *International treaty obligations.* Whether the project is required to control pollution in meeting international treaty obligations or agreements.

(c) *Federal impact.* Whether the project involves a pollution problem substantially and adversely affected by (1) Federal installations contributing to the total municipal waste loadings; (2) a water use requirement involving national

agencies shall be certified to the Secretary of the Treasury only after a plan

ity, except that in the case of any State in which there is a single State agency,

allotment of a State shall be available, in accordance with the provisions of this

Surgeon General and the appropriate

cost of the project;

water use requirement involving national

defense; (3) a Federal water resource development; or (4) an influx of population to carry out Federal activities.

(d) *Public health necessity.* Whether the project involves treatment works required to abate a serious public health hazard.

(e) *Financial burden.* Whether the municipality can demonstrate that the construction of needed sewage treatment works involves an extraordinary and excessive financial burden in relation to its economic resources.

§ 55.29 *Payments.* (a) Installment payments of the grant shall be made at the request of the Applicant, shall be based on the cost of the work performed, materials and equipment furnished, and services rendered in connection with an approved project, and shall be made as follows:

(1) A first installment when not less than 25 percent of the construction of the project is completed;

(2) A second installment when not less than 50 percent of the construction of the project is completed;

(3) A third installment when not less than 75 percent of the construction of the project is completed; and

(4) A fourth installment when the project is completed and final inspection by a representative of the Public Health Service is made.

(b) Upon written request and a showing of necessity by the Applicant, the Surgeon General may adopt a different schedule of payments.

(c) The total grant payments for any project shall not exceed the amount of the approved grant or 30 per centum of the actual reasonable cost thereof as determined by the Surgeon General at completion of construction of the treatment works, whichever is the smaller.

§ 55.30 *Expenditure of funds.* Amounts paid to an Applicant shall be expended solely for the carrying out of the purposes for which the grant was approved.

PART 56—GRANTS AND CONTRACTS FOR AIR POLLUTION CONTROL

SUBPART A—GRANTS AND CONTRACTS FOR AIR POLLUTION RESEARCH, TRAINING, AND DEMONSTRATIONS

Sec.
56.1 Allotments.
56.2 Grants for research projects.
56.3 Grants for training and demonstration projects.
56.4 Contracts for research, training and demonstration projects.

AUTHORITY: §§ 56.1 to 56.4, issued under sec. 5, 69 Stat. 322; 42 U. S. C. 1857d.

§ 56.1 *Allotments.* The Surgeon General shall, from time to time, from amounts available therefor, allot and reallot funds for grants and for contracts for air pollution research, training, and demonstration projects.

§ 56.2 *Grants for research projects.* Within the amount of funds allotted therefor, grants for air pollution research projects shall be made by the Surgeon General or his designee after applications therefor have been submitted by State and local government air pollution control agencies, other public and private agencies and institutions, and individuals, and have been recommended by the National Advisory Health Council.

§ 56.3 *Grants for training and demonstration projects.* Within the amount of funds allotted therefor, grants for air pollution training and demonstration projects shall be made by the Surgeon General or his designee upon the basis of applications therefor submitted by State and local government air pollution control agencies, other public and private agencies and institutions, and individuals.

§ 56.4 *Contracts for research, training and demonstration projects.* Within the amount of funds allotted therefor, contracts shall be entered into by the Surgeon General or his designee with public and private agencies and institutions, and individuals, for air pollution research, training, and demonstration projects.

PART 57—GRANTS FOR CONSTRUCTION OF RESEARCH FACILITIES

Sec.
57.1 Definitions.
57.2 Eligible institutions.
57.3 Applications for construction grants.
57.4 Required assurances.
57.5 Approval of grants.
57.6 Amount of grant; limitation.
57.7 Necessary costs of construction.
57.8 Conditions to grant.
57.9 Payments.
57.10 Good cause for other use of completed facility.

AUTHORITY: §§ 57.1 to 57.10 issued under sec. 709, 70 Stat. 720; 42 U. S. C. 292h. Interpret or apply secs. 701–708, 70 Stat. 717–720; 42 U. S. C. 292–292g.

§ 57.1 *Definitions.* When used in this part:

(a) All terms which are defined in sections 2 and 702 of the Public Health Service Act, as amended, shall have the same meaning as given them in such sections.

(b) "Act" means the Public Health Service Act, as amended.

(c) "Construction grant" means a grant of funds for the construction of health research facilities as authorized by title VII of the act.

(d) "Equipment" means those items that are considered depreciable and as having an estimated life of not less than five years. Not included are such items as glassware, chemicals, storage batteries, and books.

§ 57.2 *Eligible institutions.* A public or nonprofit institution shall be eligible to apply for a construction grant upon a determination by the Surgeon General:

(a) That such institution is either controlled and operated by one or more State, county, municipal or other non-Federal, governmental agencies or is owned and operated by one or more nonprofit corporations or associations.

(b) That such institution is authorized to conduct research in the sciences related to health; and

(c) Upon a further determination, after consultation with the Council, that the institution is competent to engage in the type of research for which the facility is to be constructed, taking into consideration among other pertinent factors:

(1) The scientific or professional standing or reputation of the institution and of its existing or proposed officers and research staff;

(2) The availability, by affiliation or other association, of other scientific or health personnel and facilities to the extent necessary to provide effective opportunities for the type of research proposed.

§ 57.3 *Applications for construction grants.* No construction grant shall be made unless an application is filed therefor in the form and manner prescribed by the Surgeon General and is executed by an official or officials legally authorized by the applying agencies, corporations or associations to make on their behalf such application and to provide the required assurances. In addition to any other pertinent information which the Surgeon General may require, each applicant shall:

(a) Furnish in sufficient detail plans and specifications of the facility to be constructed so as to indicate the nature and purpose of all portions of the facility and the type and quality of any features bearing on the costs of construction;

(b) Set forth the estimated total costs of construction of the facility and the basis on which such estimate was made, stating separately the estimated cost of excavation, structures, equipment, and architectural or other special services; and

(c) Furnish information on the extent and manner in which the proposed construction will expand the applicant's capacity for research in the sciences related to health or is necessary to improve or maintain the quality of such research by the applicant.

§ 57.4 *Required assurances.* No construction grant shall be made unless the application therefor contains or is supported by assurances, found by the Surgeon General to be reasonable:

(a) That for not less than 10 years after completion of construction, the facility will be used for the purposes of research in the sciences related to health for which it is to be constructed. Such an assurance shall be supported by evidence indicating that applicant's ownership of, or right otherwise to occupy, the site and to control the use of the facility for such 10-year period;

(b) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility. Such assurance shall be supported by evidence of the amount of funds in escrow or firmly pledged or of funds or fund sources specifically earmarked for such purpose, or other such evidence indicating that funds for the non-Federal share are available: *Provided, however,* That if the applicant is unable to give the assurances as required by this paragraph, the grant may be made notwithstanding on such terms and conditions as prescribed by the Surgeon General after consultation with the Council and on the specific condition that such assurances, together with supporting evidence, will be furnished by the applicant within six months

after such conditional grant or within such other period as determined by the Surgeon General after such consultation; and

(c) That sufficient funds will be available when construction is completed for effective use of the facility for the research for which it is being constructed. Such an assurance shall be supported as to new facilities by a proposed operating budget indicating the amount and source of operating funds for a 2-year period immediately following completion of construction or, as to existing facilities, by a statement of the amount and source of funds that are or will be available for such 2-year period to meet any difference between proposed expenditures and anticipated income.

§ 57.5 *Approval of grants.* The Council shall recommend, and the Surgeon General approve, construction grants only for those proposed facilities which in their judgment will be the more effective in expanding capacity for research in the sciences related to health, in improving the quality of such research, and in promoting an equitable geographical distribution of such research. In so recommending or approving, particular consideration shall be given to facilities that: (a) Will be used for research in disciplines or diseases which have the most urgent need; (b) are adaptable to various methods by which research is organized or advanced; (c) will be in institutions or localities with broad research programs and potentials; (d) will promote a better geographic distribution of research through assistance to established or promising new facilities in various areas of the Nation having at present relatively few such research facilities.

§ 57.6 *Amount of grant; limitation.* (a) The amount of any grant shall be that recommended by the Council or such lesser amount as the Surgeon General deems to be appropriate. Such an amount shall be reserved from any available appropriation, but the amount so reserved may be amended from time to time either upon a revision by the Surgeon General of his estimate of the necessary cost of construction or upon the Surgeon General's approval of an amendment to the application upon recommendation by the Council.

(b) In no event shall the amount payable under a construction grant exceed whichever is the least of the following:

(1) The amount reserved for such grant as determined or redetermined under paragraph (a) of this section;

(2) Fifty percent of the necessary cost of construction as determined by the Surgeon General; or,

(3) Such other percentage of such cost so determined as may be recommended by the Council and approved by the Surgeon General upon making the grant.

§ 57.7 *Necessary costs of construction.* In determining the necessary costs of construction of any facility, the Surgeon General, in addition to other relevant considerations, shall exclude:

(a) The cost of any necessary services, materials or equipment in excess of the lowest, responsible, competitive bid or, where there has been no such bidding, in excess of reasonable costs as the Surgeon General may determine;

(b) The value of any donation or gift of services, materials, or equipment;

(c) The cost of any services, materials, or equipment not reasonably required by the plans and specifications furnished under § 57.3, or approved amendments thereto, and any costs occasioned by special architectural or designed features or the use of special materials not necessary for the conduct of the proposed research program;

(d) The cost of any portion of the facility that is not completed to a sufficient extent that it can be used for the proposed research program, and any architectural or other services specifically related thereto;

(e) The cost of any space or equipment to the extent it is related to purposes other than research in the sciences related to health;

(f) Costs for legal services, for damages whether or not arising out of construction, and for any bonus or any other extra payments not related to furnishing additional services, materials or equipment;

(g) Any costs incurred prior to July 31, 1956.

(h) Any other costs with respect to services performed (except architectural services) or materials or equipment delivered, at any time, pursuant to a contract or agreement entered into by the applicant prior to the filing of application for a construction grant unless (1) such contract or agreement as initially entered into is expressly contingent upon the making of the grant, and (2) Federal participation in all or part of the costs under such a contingent contract or agreement, whether incurred before or after the date of application, is specifically approved in the making of the grant.

§ 57.8 *Conditions to grant.* In addition to any other conditions imposed by law or determined by the Surgeon General to be reasonably necessary to fulfill the purpose of the grant, each construction grant shall be subject to the condition that the grantee institution shall:

(a) Use grant funds solely for the purposes of the construction for which the grant was made.

(b) Use no part of the grant funds for any cost with respect to services performed or material or equipment delivered, at any time, pursuant to a contract or agreement entered into by the applicant prior to the effective date of the construction grant unless such contract or agreement as initially entered into is expressly contingent upon such grant being made.

(c) Secure through performance bonds, insurance, or other equivalent undertakings, protection against contingencies or hazards that reasonably may prevent completion of the construction;

(d) Maintain such fiscal or other records and furnish such progress or other reports relating to the construction as may be directed by the Surgeon General, and permit audit of records and inspection of the site and of the construction in progress at any reasonable time by representatives of the Surgeon General;

(e) Repay to the United States the amount of any grant funds found by the Surgeon General to have been used contrary to law, to these regulations or to the conditions to the grant, and any amount paid in excess of the maximum prescribed in paragraph (b) of § 57.6.

§ 57.9 *Payments.* Upon approval of any grant, the Surgeon General shall reserve from any appropriation available therefor, the amount of the grant, and in the absence of special circumstances shall pay such amount in installments consistent with construction progress as he determines. Such payments shall be governed by the following procedures:

(a) At least 60 days prior to the time a payment is needed by the grantee, he shall submit to the Surgeon General a request for an amount to cover the Federal portion of his necessary expenditures at such time.

(b) Each such request for payment shall be supported by a certification by the grantee institution that the construction with respect to which the payment is requested has substantially complied with the plans and specifications submitted with the grant application, or with amendments thereto approved by the Surgeon General.

§ 57.10 *Good cause for other use of completed facility.* If within 10 years after completion of any construction for which a construction grant has been made the facility shall cease to be used for the research purposes for which it was constructed, the Surgeon General in determining whether there is good cause for releasing the applicant or other public or nonprofit owner from the obligation so to use the facility, shall take into consideration, among other factors, the extent to which:

(a) The facility will be devoted by the applicant or other public or nonprofit owner to other research in the sciences related to health or to other health purposes;

(b) The circumstances calling for a change in the use of the facility were not known, or with reasonable diligence could not have been known to the applicant, at the time of the application, and are circumstances reasonably beyond the control of the applicant or other owner; and

(c) There are reasonable assurances that for the remainder of the 10-year period other facilities not previously utilized for such research will be so utilized and are substantially the equivalent in nature and extent for such purposes.

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

Sec.
61.1 Applicability.
61.2 Purpose of fellowships.
61.3 Establishment.
61.4 Types of fellowships.
61.5 Qualifications.
61.6 Application for fellowships.
61.7 Review of applications for fellowships.
61.8 Awards.
61.9 Benefits.
61.10 Tuition and other expenses.
61.11 Publications.
61.12 Duration of fellowships.
61.13 Termination of fellowships.

pollution control agencies, other public

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ished by the applicant within six months

materials or equipment in excess of the

tion of the site and of the construction

AUTHORITY: §§ 61.1 to 61.13 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply secs. 208 (d), 301 (c), 402 (d), 58 Stat. 688, as amended, 692, as amended, 707, secs. 412, 422, 62 Stat. 465, 598, sec. 433, 64 Stat. 444; 42 U. S. C. 209 (f) 241 (c), 282 (d), 287a, 288a, 289c.

§ 61.1 *Applicability.* The regulations in this part apply to the establishment and award of all fellowships in the Public Health Service, except those financed under programs of the Department of State. (See 22 CFR Part 65.)

§ 61.2 *Purpose of fellowships.* Fellowships in the Public Health Service are for the purpose of encouraging and promoting studies or investigations relating to the physical and mental diseases and impairments of man. Fellowships may be established (a) to provide assistance to individuals for advanced training in research, or for carrying out independent research, or (b) to obtain the assistance and services of individuals for research work of the Public Health Service where the nature of the work or the character of the individual's services render customary employing relationships impracticable or less effective.

§ 61.3 *Establishment.* All fellowships in the Public Health Service shall be established by the Surgeon General. In establishing a fellowship or series of fellowships, the Surgeon General shall in writing prescribe the conditions, in addition to those provided in the regulations in this part, under which the fellowships shall be awarded and held.

§ 61.4 *Types of fellowships.* Fellowships shall be of two general types: (a) Fellowships, hereafter referred to in this part as "regular fellowships", which do not require the performance of services for the Public Health Service and (b) fellowships, hereafter referred to in this part as "service fellowships", which require the performance of services, either full or part time, for the Public Health Service. At the time a fellowship, or series of fellowships, is established, the Surgeon General shall specify whether the fellowship requires the performance of services.

§ 61.5 *Qualifications.* Scholastic and other qualifications shall be prescribed by the Surgeon General for each fellowship, or series of fellowships. Each individual selected for appointment to a fellowship shall (a) possess the qualifications prescribed therefor; (b) be free from any disease or disability that would interfere with his carrying out the purposes of the fellowship; and (c) present satisfactory evidence of general suitability including professional and personal fitness.

§ 61.6 *Applications for fellowships.* Candidates for fellowships shall make application therefor on forms prescribed by the Surgeon General for such purpose. In addition to the information supplied by a candidate in his application, such additional information may be required as may be necessary to determine his qualifications and fitness.

§ 61.7 *Review of applications for fellowships.* The Surgeon General shall appoint one or more Fellowship Boards to examine the qualifications of applicants for fellowships. A Fellowship Board shall report to the Surgeon General each candidate who it finds meets required qualifications, and shall include in such report its recommendations concerning his appointment.

§ 61.8 *Awards.* Awards of regular and service fellowships shall be made by the Surgeon General. Individuals designated to receive the service fellowship shall become employees of the Public Health Service.

§ 61.9 *Benefits.* Individuals awarded fellowships shall be entitled to:

(a) A stipend as fixed by the Surgeon General for the fellowship.

(b) Vacation and other leave as follows:

(1) Individuals appointed to service fellowships shall be entitled to leave as provided by law and regulations for other civilian employees of the Public Health Service.

(2) Individuals awarded regular fellowships may take vacations in accordance with the custom of the institution at which they are working, but not in excess of one month per year. If they are located at a laboratory or other facility of the Federal Government, vacations may be taken as authorized by the Public Health Service. Stipends will not be increased, or be paid beyond the term of a fellowship, on account of vacation an individual might be entitled to but does not take.

(c) Traveling expenses; service fellowships. Individuals awarded service fellowships shall be entitled to transportation and subsistence expenses while traveling on official business on the same basis as other civilian employees of the Public Health Service.

(d) Travel expenses; regular fellowships. Any individual awarded a regular fellowship may, when authorized in advance by the Public Health Service, be granted separate allowances for transportation and subsistence expenses, not exceeding such amounts as may be prescribed by the Surgeon General, on account of (1) travel to the place at which he is to be located during the term of the fellowship; (2) travel required in carrying out the purposes of the fellowship, including attendance at meetings; and (3) travel to return him at the end of the fellowship term to his home or other place he left to carry out the fellowship, provided such return travel is to or from a place outside the continental United States. Allowance will not be made for transportation expenses of dependents or for shipping charges for personal effects or household goods.

(e) *Condition to payments; regular fellowships.* In addition to any requirements imposed under the authority of the Atomic Energy Act of 1946, as amended, or under the authority of the Department of Defense and applicable to any individual receiving a regular fellowship under the regulations in this part, no payments either for stipends, expenses or other benefits shall be made to any individual receiving a regular fellowship unless such individual has subscribed to and filed with the Public Health Service a statement that he does not advocate, and is not a member of and does not support any organization that advocates or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and, except when an alien owing allegiance to other than the United States, that he will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic.

§ 61.10 *Tuition and other expenses.* Separate allowances may be granted for actual tuition costs and related fees, as authorized by the Public Health Service. Payment of such costs and fees may be made by the Service directly to the institution or facility concerned.

§ 61.11 *Publications.* All publications resulting from work carried on under a Public Health Service fellowship are to carry appropriate acknowledgment thereof. The holder of the fellowship shall furnish two copies of each such publication to the Public Health Service.

§ 61.12 *Duration of fellowships.* Appointments to fellowships may be for varying periods, such as for a school year, but shall not exceed sixteen months. Upon the recommendations of a Fellowship Board, the Surgeon General may extend or renew an appointment.

§ 61.13 *Termination of fellowships.* The Surgeon General or his delegate may terminate a fellowship at any time upon the request of the fellow, and shall terminate any fellowship prior to the date it would otherwise expire upon a determination by a Fellowship Board, if approved by the Surgeon General, either that the fellow's performance is unsatisfactory or that he is unfit or unable to carry out the purpose of the fellowship.

PART 63—NATIONAL INSTITUTES OF HEALTH TRAINEESHIPS

Sec.
63.1 Nature and purpose of traineeships.
63.2 Minimum qualifications.
63.3 Award of traineeships.
63.4 Benefits.
63.5 Terms and conditions of award.
63.6 Termination of traineeships.
63.7 Appropriate Institute.

AUTHORITY: §§ 63.1 to 63.7 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply secs. 301, 402, 403, 58 Stat. 691, as amended, 707, as amended, sec. 303, 60 Stat. 423, secs. 412, 422, 62 Stat. 464, 598, sec. 433, 64 Stat. 444; 42 U. S. C. 241, 282, 283, 242a, 287a, 288a, 289c.

§ 63.1 *Nature and purpose of traineeships.* A National Institutes of Health traineeship is an award of funds to an individual for his subsistence during a period in which he is acquiring advanced training in the diagnosis, prevention or treatment of diseases of public health significance. The purpose of such traineeships is to make available in the United States for the community effort against such diseases an increased number of persons having special competence in such diagnosis, prevention or treatment.

§ 63.2 *Minimum qualifications.* Minimum qualifications for any traineeship

shall be established by the Director of the appropriate Institute with the approval of the Surgeon General, and shall be uniformly applicable to all applicants in each traineeship program of such Institute. Such minimum qualifications may include requirements as to age, physical or mental condition, academic degrees, professional or other training or experience, and such other factors as may be necessary to the fulfillment of the purpose of the traineeship. To the extent the Surgeon General finds it not inconsistent with such fulfillment, however, he may in individual cases waive compliance with any minimum qualification so established if he determines that the applicant has substantially equivalent qualifications or has such special training, experience or opportunity for service as make an award particularly appropriate.

§ 63.3 *Award of traineeships.* Subject to the regulations of this part, the Surgeon General or his delegate may award traineeships to these qualified applicants who are best able in his judgment to carry out the purpose of the traineeships. Such awards may be made in the name of the appropriate Institute.

§ 63.4 *Benefits.* Each individual awarded a traineeship shall be entitled to the following benefits:

(a) A stipend fixed in amount by the Surgeon General and payable with respect to a period of one year or such other period, including extensions or renewals, as may be specified by the Surgeon General or his delegate in making awards.

(b) An additional allowance, if requested by the trainee and approved in advance by the Surgeon General or his delegate, for travel, per diem and transportation not exceeding such amounts as may be prescribed by the Surgeon General.

§ 63.5 *Terms and conditions of award.* All traineeship awards shall be subject to the following terms and conditions:

(a) Training must be carried out at an institution found by the Director of the appropriate Institute to provide a well-rounded course of instruction in the particular field in which the traineeship is awarded. A change in the training institution may be made only with the approval of such Director.

(b) No traineeship may be utilized to compensate, nor awarded as consideration, for personal services or employment of the trainee for the United States or for any other person.

(c) In addition to any requirements imposed under the authority of the Atomic Energy Act of 1946, as amended, or under the authority of the Department of Defense and applicable to any individual receiving an award under the regulations in this part, no payments shall be made to any individual receiving such an award, unless such individual has subscribed to and filed with the Public Health Service a statement that he does not advocate, and is not a member of and does not support any organization that advocates or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and, except when an alien owing allegiance to other than the United States, that he will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic.

(d) Additional conditions consistent with the regulations in this part may be established by the Surgeon General or his delegate to the extent he finds them necessary to fulfill the purpose of the traineeship.

§ 63.6 *Termination of traineeships.* The Surgeon General or his delegate may terminate a traineeship at any time upon request of the trainee, and shall terminate any traineeship prior to the date it would otherwise expire upon a determination, made or approved by the Surgeon General, either that the trainee's performance is unsatisfactory or that he is unfit or unable to carry out the purpose of the traineeship.

§ 63.7 *Appropriate Institute.* As used in this part "appropriate Institute" shall mean the National Cancer Institute for traineeships in the field of cancer, the National Institute of Mental Health for traineeships in the field of mental disorders, the National Heart Institute for traineeships in the field of cardiovascular diseases, the National Institute of Dental Research for traineeships in the field of dental diseases and conditions, the National Institute for Allergy and Infectious Diseases for traineeships in the field of allergy and infectious diseases, the National Institute of Arthritis and Metabolic Diseases for traineeship in the field of arthritis, rheumatism and metabolic disease, the National Institute of Neurological Diseases and Blindness for traineeships in the field of epilepsy, cerebral palsy, multiple sclerosis, other neurological and sensory disorders, and any other institute hereafter established by the Surgeon General under section 431 of the Public Health Service Act, as amended, for traineeships in the field of those diseases constituting the responsibility of such institute.

PART 64—NATIONAL INSTITUTES OF HEALTH TRAINING GRANTS

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64.2 Application requirements.
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64.5 Additional conditions; institutional expenses.
64.6 Additional conditions; stipends.
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AUTHORITY: §§ 64.1 to 64.8 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 433, 64 Stat. 444; 42 U. S. C. 289c.

§ 64.1 *Nature and purpose of training grants.* A National Institutes of Health training grant is an award of funds to a qualified educational or training institution, the objective of such grants being to make available for the community effort against diseases of public health significance an increased number of facilities providing adequate training and instruction, and an increased number of persons having special competence, in matters relating to the diagnosis, prevention and treatment of such diseases. Such a grant may have one or both of the following purposes:

(a) To defray the expenses of the institution in providing training and instruction in matters relating to the diagnosis, prevention or treatment of diseases within the responsibility of the appropriate Institute.

(b) To enable the institution to pay stipends and allowances to individuals with respect to a period in which they receive under the direction of such institution training and instruction in matters relating to such diagnosis, prevention or treatment.

§ 64.2 *Application requirements.* Training grants shall be awarded only to those public or other nonprofit institutions which file applications in such form and manner as may be prescribed by the Surgeon General. Such applications shall set forth, in addition to any other pertinent information that may be required, the name and qualifications of the program director who will be responsible for the training and instruction and the following information depending upon the purposes for which the grant is requested:

(a) *Institutional expenses.* Applications which include a request for funds to meet institutional expenses shall set forth the nature and duration of the training and instruction program with respect to which the application is filed, the total amount requested and the purposes for which the funds will be used, stating separately the amounts requested for personal services and the amounts requested for equipment, supplies or other non-personal expenses.

(b) *Stipends.* Applications which include a request for funds to enable the institution to make payments to individuals receiving training shall state the nature and duration of the training and instruction to be provided, and the applicant shall also furnish information concerning the minimum qualifications required of the individuals to be trained or instructed, the rate of stipend and allowances to be paid, and the total amount requested for these purposes.

§ 64.3 *Award of training grants.* Subject to the regulations in this part, the Surgeon General may award training grants to such eligible public or other nonprofit institutions as are best able in his judgment to carry out the purpose of such grants. Such grants may be made in the name of the appropriate Institute, but no such grant may be made unless it has been recommended by the national advisory council for such Institute.

§ 64.4 *Conditions to awards; general.* All training grants awarded under the authority of this part shall be subject to the following conditions:

(a) No essential or significant reduction in the quality or duration of the training and instruction shall be made by the grantee institution unless approved by the Director of the appropriate Institute upon recommendation by the

national advisory council for such Institute.

(b) No substitution may be made for the program director named in the application as responsible for the training and instruction unless the substitute director is found by the Director of the appropriate Institute to have substantially equivalent qualifications with respect to providing the training and instruction for which the grant was awarded.

(c) The fiscal and other records of the institution that relate to the training and instruction for which the grant was awarded shall be available for audit or other reasonable inspection by representatives of the Public Health Service.

(d) Additional conditions consistent with the regulations in this part may be imposed by the Director of the appropriate Institute prior to the award of any training grant if he determines that such conditions are necessary to carry out the purposes of such grant.

§ 64.5 *Additional conditions; institutional expenses.* Amounts awarded to enable institutions to defray the expenses of providing training and instruction shall be subject to the following conditions in addition to those set forth in § 64.4:

(a) The funds awarded may be expended solely for the training and instruction program set forth in the application for the grant and for such other related purposes as are determined by the Director of the appropriate Institute to be necessary to such program.

(b) No part of the funds awarded may be used for the purchase of land or for the construction of buildings.

(c) No funds may be used for indirect costs or overhead in excess of the rate generally applicable to training grants at the time of the award.

§ 64.6 *Additional conditions; stipends.* Amounts awarded to enable institutions to pay stipends and allowances to individuals receiving advanced training shall be subject to the following conditions in addition to those set forth in § 64.4:

(a) No part of the funds requested for stipend payments may be used for any other purpose unless approved by the Director of the appropriate Institute.

(b) No part of the amount awarded may be used as remuneration for employment or for the performance of personal services by the individuals receiving the training and instruction.

(c) No amount may be paid by the institution to any individual who, by reason of age, physical or mental condition, or other relevant factor would not, in the reasonable judgment of the institution, be able to make use of the training and instruction.

(d) No amount may be paid by the institution to an individual who does not meet the minimum qualifications for the training and instruction as established by the institution, nor shall any amount be paid to any individual who has failed to demonstrate satisfactory participation in the training in accordance with the usual standards and procedures of the institution.

§ 64.7 *Payments; repayment of unexpected balances; unauthorized expenditures.* (a) Payments to an institution of amounts awarded under the regulations of this part may be made in advance and shall be in such amounts as are necessary in the judgment of the Director of the appropriate Institute to carry out the training program as set forth in the approved application of the institution or in any extension or renewal thereof. Any funds paid and found in the judgment of such Director to be not necessary for such purposes shall be returned to the United States.

(b) In the event any part of the amount paid an institution is found by the Director of the appropriate Institute to have been expended by the institution for purposes or by any methods contrary to the regulations of this part or contrary to any condition to the award, then such institution, upon being notified of such finding and in addition to any other requirement, shall pay an equal amount to the United States.

(c) Whenever the Director of the appropriate Institute shall find that the application or other documents on the basis of which a grant was awarded under the regulations of this part contain a material misrepresentation by or on behalf of the institution, or whenever he shall find that the institution has not, after a reasonable opportunity, corrected a substantial failure to comply with these regulations or with any condition to the award, he shall promptly notify the institution of such finding. Upon receipt of such notice, such institution, in addition to any other action required by law or these regulations, shall return to the United States immediately all funds not actually expended at the time of its receipt of such notice. If requested by the institution, any such findings may be reviewed by the Surgeon General whose decision shall be final.

§ 64.8 *Appropriate institute.* As used in this part "appropriate Institute" shall mean the National Cancer Institute for training grants in the field of cancer; the National Institute of Mental Health for training grants in the field of mental disorders; the National Heart Institute for training grants in the cardiovascular and related fields; the National Institute of Dental Research for training grants in the field of dental diseases and conditions; the National Institute of Allergy and Infectious Diseases for training grants in the field of allergy and infectious diseases; the National Institute of Arthritis and Metabolic Diseases for training grants in the field of arthritis and metabolic diseases; the National Institute of Neurological Diseases and Blindness for training grants in the field of neurological diseases, blindness, and other sensory disorders; and any other Institute established by the Surgeon General under section 431 of the Public Health Service Act, as amended, for training grants in the field of those diseases constituting the responsibility of such Institute.

Subchapter F—Quarantine, Inspection, Licensing

PART 71—FOREIGN QUARANTINE

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AUTHORITY: §§ 71.1 to 71.700 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply secs. 361–369, 58 Stat. 703–706; 42 U. S. C. 264–272, E. O. 9708, 11 F. R. 3241, 3 CFR, 1946 Supp., E. O. 10399, 17 F. R. 8648, 3 CFR, 1952 Supp., E. O. 10532, 19 F. R. 3209, 3 CFR, 1954 Supp.

NOTE: Information concerning forms called for in this part may be obtained from medical officers in charge of quarantine stations of the Public Health Service or from the Division of Foreign Quarantine, Washington 25, D. C. Pertinent provisions of the International Sanitary Regulations (World Health Organization Regulations No. 2) which are referred to in this part are contained in § 71.700.

SUBPART A—DEFINITIONS AND GENERAL PROVISIONS

§ 71.1 *Definitions.* As used in this part, terms shall have the following meaning:

(a) *Certificate of vaccination.* Certificate of vaccination or revaccination against cholera, smallpox or yellow fever conforming with the rules and models prescribed by the International Sanitary Regulations.

(b) *Communicable disease.* An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an affected person, animal, or arthropod (including insecta and arachnida) or through the agency of an intermediate host, vector or the inanimate environment.

(c) *Contamination.* The presence of undesirable substance or material which may contain pathogenic microorganisms.

(d) *Day.* A period of 24 hours.

(e) *Deratting Certificate.* A certificate issued with respect to a vessel by the competent health authority for a port, in the form prescribed by the International Sanitary Regulations, recording the inspection and deratting of the vessel.

(f) *Deratting Exemption Certificate.* A certificate issued with respect to a vessel by the competent health authority for a port, in the form prescribed by the International Sanitary Regulations, recording the inspection and exemption from deratting of the vessel which has a negligible number of rodents on board.

(g) *Disinfection.* The act of rendering anything free from the causal agents of disease.

(h) *Disinfestation.* The act of destroying the vectors of a communicable disease.

(i) *Disinsecting.* The act of destroying insects or other arthropod vectors of a communicable disease.

(j) *Immunity.* The condition of being protected against a particular disease, either as a result of artificial immunization or through a previous attack of the disease in question.

(k) *Incubation period.* The period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestations of the disease.

(l) *Infected local area.* A local area (as defined in the International Sanitary Regulations):

(1) Where there is more than one case of plague, cholera, yellow fever, or smallpox, or where there is one case of human yellow fever transmitted by Aedes aegypti or other domiciliary vector of yellow fever; or

(2) Where there is an epidemic of typhus or relapsing fever, or

(3) Where there is plague infection among rodents; or

(4) Which constitutes or is part of a yellow fever endemic zone.

(m) *Infected person.* Any person who is suffering from a quarantinable disease or who is considered by the medical officer in charge to be infected with such a disease.

(n) *Infestation.* The condition of harboring vectors.

(o) *International Sanitary Regulations.* The International Sanitary Regulations (World Health Organization Regulations No. 2) adopted by the Fourth World Health Assembly on May 25, 1951.

(p) *Infected vessel or aircraft.* See under particular quarantinable diseases in Subpart F of this part.

(q) *Isolation.* (1) When applied to a person or group of persons, the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spread of infection.

(2) When applied to animals, the separation of an animal or group of animals from other animals or vectors of disease in such manner as to prevent the spread of infection.

(r) *Medical officer in charge.* The medical officer of the Public Health Service responsible for the application of these regulations at a designated place or in a designated area.

(s) *Port under the control of the United States.* Any seaport or airport in the United States, its territories or possessions other than the Canal Zone.

(t) *Pratique.* A certificate issued by a quarantine officer releasing or provisionally releasing a vessel or aircraft from quarantine.

(u) *Quarantine.* The detention of a person, vessel, aircraft or other conveyance, animal or thing, in such place and for such period of time as may be specified in the regulations in this part.

(v) *Quarantine officer.* A medical officer or other specially trained employee assigned to quarantine duty by the Surgeon General.

(w) *Quarantinable diseases.* The specific communicable diseases: Cholera, plague, relapsing fever, smallpox, typhus, and yellow fever.

(x) *Relapsing fever.* Louse-borne relapsing fever.

(y) *Rodents.* Gnawing mammals capable of transmitting or harboring quarantinable diseases.

(z) *Surgeon General.* The Surgeon General of the Public Health Service.

(aa) *Surveillance.* The temporary supervision of a person who has been released from quarantine by the medical officer in charge upon the condition that he will submit himself to further medical examination or inquiry as required.

(bb) *Suspect.* A person who is considered by the medical officer in charge as having been exposed to infection by a quarantinable disease and to be capable of spreading that disease.

(cc) *Suspected vessel or aircraft.* See under particular quarantinable diseases in Subpart F of this part.

(dd) *Typhus.* Louse-borne typhus.

(ee) *Valid.* (1) With respect to a Deratting Certificate or Deratting Exemption Certificate issued for a vessel, a certificate issued by the competent health authority for a port not more than 6 months before presentation of the Cer-

tificate to the quarantine officer, or if the vessel is proceeding to a port designated or approved for the issuance of such Certificates, not more than 7 months before such presentation.

(2) With respect to a certificate of vaccination, a certificate presented within the applicable period of immunity prescribed in § 71.3.

(ff) *Vector.* An animal (including insects), plant, or thing which conveys or is capable of conveying pathogenic organisms from a person or animal to another person or animal.

(gg) *Yellow fever endemic zone.* An area delineated by the World Health Organization in which Aedes aegypti or any other domiciliary vector of yellow fever is present but is not obviously responsible for the maintenance of the virus which persists among jungle animals over long periods of time.

(hh) *Yellow fever receptive area.* An area delineated by the World Health Organization in which yellow fever does not exist but where conditions would permit its development if introduced.

§ 71.2 *Periods of isolation and surveillance.* Except as otherwise provided with respect to infected persons, where isolation or surveillance is authorized in this part the period of such isolation or surveillance shall be reckoned as hereinafter provided and shall not exceed the following appropriate incubation period of the quarantinable diseases:

(a) Plague: 6 days.
(b) Cholera: 5 days.
(c) Yellow fever: 6 days.
(d) Smallpox: 14 days.
(e) Typhus: 14 days.
(f) Relapsing fever: 8 days.

§ 71.3 *Periods of immunity.* The following shall be the recognized period of immunity after successful immunization; in the case of yellow fever, the vaccine must be approved by the World Health Organization:

Cholera: 6 months, beginning 6 days after the first injection of the vaccine and on date of a revaccination during such period of 6 months.

Smallpox: 3 years, beginning 8 days after successful primary vaccination and immediately on revaccination.

Yellow fever: 6 years beginning 10 days after date of original vaccination and from date of a revaccination within such period of 6 years.

§ 71.4 *Compliance with conditions of surveillance.* (a) Every person who is placed under surveillance in accordance with the provisions of this part shall, during the period of surveillance:

(1) Give such information relative to his health and his intended destination and report to designated physicians or medical officers at such times for such medical examinations as may be required;

(2) Upon arrival at any address other than that stated as his intended destination when placed under surveillance, report his address to the medical officer in charge at the port or place of his entry.

(b) A person under surveillance shall, prior to departure from the United States, inform the medical officer in charge at the port or place of his entry, or departure, and such officer shall immediately notify the health authority of the place to which the person is proceeding.

§ 71.5 *Departing persons, things, vessels or aircraft.* (a) If the medical officer in charge has reason to believe that a person proposing to depart from the United States by any means is infected with or has been exposed to infection by a quarantinable disease, he shall so advise the person and notify the local health authorities and the master or commander or person in charge of the vessel, aircraft or other conveyance on which the person proposes to depart.

(b) If the medical officer in charge has reason to believe that a departing vessel, aircraft or land conveyance has or may have on board possible agents of infection or vectors of a quarantinable disease, he shall notify the master, commander, or person in charge and offer to have performed such disinsecting, disinfection, or other measures as are necessary. He shall, if he considers that a risk of infection exists on board at the time of departure, notify all persons proposing to embark upon such ship, aircraft or conveyance and the health authorities at the next port of call or destination of the conditions aboard such vessel, aircraft or conveyance.

§ 71.6 *Sanitary measures previously applied.* Any sanitary measure, other than medical examination, which has been applied prior to the arrival of a vessel or aircraft with respect to the quarantinable diseases shall not be repeated unless:

(a) After the departure of a vessel or aircraft from the port or airport where the measures were applied there is or has been on board an infected person or suspect, or there has occurred any other incident of epidemiological significance either in that port or airport or on board the vessel or aircraft which, in the judgment of the medical officer in charge, requires further application of any such measure, or

(b) The medical officer in charge has ascertained on the basis of definite evidence that the individual measure so applied was not substantially effective.

§ 71.7 *Certificate of measures applied.* (a) The medical officer in charge shall, upon request, issue free of charge to a carrier a certificate specifying the sanitary measures applied to a vessel, an aircraft or a land conveyance, the parts thereof treated, the methods employed, and the reasons why the measures were applied. In the case of an aircraft this information shall on request be entered instead in the General Declaration.

(b) The medical officer in charge shall, upon request, issue free of charge:

(1) To any traveler a certificate specifying the date of his arrival or departure and the sanitary measures applied to him and his baggage;

(2) To the consignor, the consignee, or the carrier, or their respective agents, a certificate specifying the sanitary measures applied to any goods.

§ 71.8 *Designation of vaccinating centers; authenticating stamps.* (a) Yellow fever vaccinating centers, authorized to issue certificates of vaccination against yellow fever, are designated by the Surgeon General. Such designation is made upon application therefor and the presentation of evidence satisfactory to the Surgeon General that a substantial need for the designation exists in the area to be served by the applicant and that the applicant has adequate facilities and professionally trained personnel for the handling, storage, and administration of a safe, potent and pure yellow fever vaccine.

(b) A designated yellow fever vaccinating center shall comply with instructions issued by the Surgeon General or by a delegated officer or employee of the Service for the handling, storage and administration of yellow fever vaccine. If a designated center fails to comply with such instructions, the Surgeon General may, after notice to the center, revoke such designation.

(c) International certificates of vaccination against yellow fever issued by Public Health Service facilities or Department of Defense medical facilities shall be authenticated by the official stamp or seal of such vaccinating centers. All other designated centers shall authenticate such certificates with a stamp of a design and size approved by the Surgeon General.

(d) International certificates of vaccination against smallpox and cholera issued for vaccinations performed in the United States shall be authenticated by:

(1) The stamp or seal of the Public Health Service, of the Department of Defense, or of the State or local health department of the area in which the vaccinating physician practices; or

(2) The stamp approved under paragraph (c) of this section for a yellow fever vaccinating center; or

(3) A stamp issued by the Public Health Service for such purpose.

§ 71.9 *Listing of infected and receptive areas.* Each medical officer in charge shall maintain an accurate listing of (a) ports and other areas infected with quarantinable or other communicable diseases, including yellow fever endemic zones, and (b) yellow fever receptive areas.

SUBPART B—MEASURES AT FOREIGN PORTS

§ 71.11 *Bills of health.* A vessel or aircraft at any foreign port clearing or departing for any port under the control of the United States shall not be required to obtain or deliver a bill of health.

§ 71.12 *Measures prescribed by local health authority: Vessels and aircraft.* A vessel or aircraft at any foreign port or airport clearing or departing for any port under the control of the United States shall comply with sanitary measures prescribed by the health authority for such foreign port or airport in accordance with responsibility imposed by the International Sanitary Regulations to prevent the departure of infected persons or the introduction on board the vessel or aircraft of possible agents of infection or vectors of a quarantinable disease.

SUBPART C—NOTICE OF COMMUNICABLE DISEASE PRIOR TO ARRIVAL

§ 71.31 *Radio report of disease on board.* The master of a vessel destined for a port under the control of the United States shall report promptly by radio to the medical officer in charge at the port of entry and wherever practicable not less than four hours before the expected arrival of the ship, the occurrence or suspected occurrence of any of the following communicable diseases: Anthrax, chancroid, chickenpox, cholera, dengue, diphtheria, favus, gonorrhea, granuloma inguinale, impetigo contagiosa, infectious encephalitis, leprosy, lymphogranuloma venereum, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, ringworm of the scalp, scarlet fever, smallpox, streptococcic sore throat, syphilis, trachoma, tuberculosis, typhoid fever, typhus, yellow fever, or other diseases characterized by fever or skin rash.

(b) The commander of an aircraft destined for a port under the control of the United States shall report promptly by radio (if the aircraft has radio equipment) to the medical officer in charge at or nearest the intended place of first landing in the United States the occurrence or suspected occurrence on board of any of the communicable diseases listed or described in paragraph (a) of this section.

SUBPART D—VESSELS AND AIRCRAFT SUBJECT TO QUARANTINE INSPECTION

§ 71.46 *General provisions.* (a) A vessel or aircraft arriving at a port under the control of the United States shall undergo quarantine inspection prior to entry unless:

(1) In the current voyage the vessel or aircraft has not touched at any port other than ports under the control of the United States or ports in Canada, the Islands of St. Pierre and Miquelon, Iceland, Greenland, the West Coast of Lower California, Cuba, the Bahama Islands, the Canal Zone, the Bermuda Islands, the British Virgin Islands, or the Islands of Aruba and Curacao; or

(2) In the current voyage the vessel or aircraft has received pratique at a port under the control of the United States, and since receiving such pratique has not touched at a port other than those listed in subparagraph (1) of this paragraph; or

(3) The vessel or aircraft possesses a duplicate of a pratique issued at a port in Canada or the Canal Zone, provided that since receiving such pratique the vessel or aircraft has not touched at ports other than those listed in subparagraph (1) of this paragraph.

(b) A vessel or aircraft otherwise exempt from inspection under the provisions of paragraph (a) (1), (2) or (3) of this section shall undergo quarantine inspection prior to entering a port under the control of the United States if the vessel or aircraft:

(1) Has aboard, or during the current voyage has had aboard, a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, scarlet fever, smallpox, streptococcic sore throat, typhoid fever, typhus, or yellow fever, or

(2) Arrives directly from a port where at the time of departure there was present or suspected of being present cholera, plague, relapsing fever, smallpox, typhus, or yellow fever, or

(3) Being exempt from inspection under the provisions of paragraph (a) (1) of this section, on arrival at its first port under the control of the United States has on board a person who has been in a port or area other than those listed in paragraph (a) (1) within 14 days prior to such arrival, or

(4) Being exempt from inspection under the provisions of paragraph (a) (1) or (3) of this section, on arrival at its first port under the control of the United States has on board (i) a psittacine bird (see § 71.152), (ii) an animal or article that does not comply with admission requirements contained in § 71.154, § 71.156, or § 71.157.

(c) Notwithstanding the provisions of paragraph (a) (2) and (3) of this section, a vessel or aircraft having received pratique at a port under the control of the United States, or possessing a duplicate pratique from Canada or the Canal Zone:

(1) Shall comply with any conditions and carry out any additional measures specified in the pratique; and

(2) May be required to undergo quarantine inspection if the medical officer in charge has reason to believe that the entry of the vessel or aircraft would be likely to cause the introduction of communicable disease.

§ 71.47 *Vessels and aircraft of armed services.* (a) Vessels and aircraft belonging to or operated by the armed services of the United States may be exempted from quarantine inspection if the medical officer in charge is satisfied that they have complied with regulations of such armed services meeting the requirements of the regulations in this part. (For applicable regulations of the Armed Forces see Army Regulations No. 42–40; Navy Department General Order No. 20; Air Force Regulation No. 160–26.)

(b) Vessels belonging to or operated by the armed services of any foreign nation may, in the discretion of the medical officer in charge, be exempted from quarantine inspection if a commissioned medical officer of such service certifies that:

(1) Any person on board who is infected or suspected of being infected with a communicable disease will be isolated until it is determined whether or not he is infected with a quarantinable disease, and that

(2) The vessel is from a port where at the time of departure there was not present or suspected of being present cholera, plague, relapsing fever, smallpox, typhus, or yellow fever. When it is determined that any person on board such vessel is infected with a quarantinable disease, the vessel and its entire personnel shall be subject to the provisions of Subpart F of this part.

(c) Notwithstanding the exemption from quarantine inspection of a vessel or aircraft under this section, animals or articles aboard shall be required to comply with the applicable requirements of Subpart J of this part.

§ 71.48 *Exempt vessels and aircraft subject to sanitary regulations.* A vessel or aircraft which has been exempted from quarantine inspection under § 71.46 or § 71.47 shall nevertheless be subject to the provisions of Subpart G of this part.

§ 71.49 *Report of disease or rodent mortality on vessel during stay in port.* The master of any vessel calling at a port under the control of the United States shall promptly report to the medical officer in charge the occurrence of the following on the vessel during its stay in port:

(a) A known or suspected case of communicable disease included in the list or description in § 71.31.

(b) Unusual mortality or evidence of disease among rodents.

SUBPART E—GENERAL REQUIREMENTS UPON ARRIVAL AT PORTS UNDER CONTROL OF UNITED STATES

§ 71.61 *Applicability.* The measures prescribed in this subpart shall be taken with respect to vessels or aircraft which are subject to quarantine inspection pursuant to Subpart D of this part, and with respect to persons and things arriving on such vessels or aircraft.

§ 71.62 *General provisions: Vessels and aircraft; permission for aircraft to discharge persons and cargo—(a) Vessels.* (1) The vessel shall fly a yellow flag. It shall anchor in the quarantine anchorage and await inspection, except as provided in subparagraph (2) of this paragraph.

(2) If the medical officer in charge is of the opinion that proceeding to a designated point would not be likely to cause the introduction of communicable disease, he may direct the vessel to proceed to such a point to await inspection. He shall prescribe necessary measures to ensure that there is no movement of any person or thing onto or from the vessel without his permission, pending quarantine inspection.

(b) *Aircraft.* When an aircraft subject to quarantine inspection in accordance with this part arrives at the place of first landing (see § 71.502) the aircraft commander shall be responsible for the detention of the aircraft, its crew and passengers until they are released by the quarantine officer at the place of first landing. Any baggage, cargo, or other contents on board the aircraft shall be held at such place until released by the quarantine officer. (For procedure in case of emergency or forced landing, see § 71.504.)

§ 71.63. *Persons: Restrictions on boarding and leaving vessels or aircraft, or having contact with persons aboard—(a) Vessels.* Except with the permission of the quarantine officer, no person other than the pilot shall board or be permitted to board any vessel subject to quarantine inspection until after it has been inspected by the quarantine officer and granted pratique. A person boarding such vessel shall be subject to the same restrictions as those imposed on the persons on the vessel. No person shall leave or be permitted to leave any vessel subject to quarantine inspection until after it has been inspected by the quarantine

officer and granted pratique, except with the permission of the quarantine officer.

(b) *Aircraft.* Except with the permission of the quarantine officer, no person shall board or be permitted to board any aircraft subject to quarantine inspection or have contact with the crew or passengers of such aircraft until quarantine inspection of the aircraft, crew, and passengers has been completed. The same restrictions as those imposed on the crew and passengers shall be imposed on a person boarding such aircraft and on a person having contact with a passenger or member of the crew when the quarantine officer considers such contact a possible means of spreading a quarantinable disease.

§ 71.64 *Maritime quarantine declaration.* (a) On arrival of a vessel, the master shall complete a maritime quarantine declaration on the Public Health Service Quarantine Declaration form. The completed form shall be delivered to the medical officer in charge or to the quarantine officer at the time quarantine inspection is begun. The declaration shall also be signed by the ship's surgeon if one is carried.

(b) The master of a vessel and the ship's surgeon, if one is carried, shall furnish all information as to health conditions on board during the voyage which may be required by the quarantine officer or medical officer in charge and shall comply with the regulations in this part and with any directions or requirements of the medical officer in charge pursuant to the regulations in this part.

§ 71.65 *Aircraft declaration and manifest.* (a) When an aircraft is carrying passengers for hire or commercial cargo, the aircraft commander or any other authorized agent of the owner or operator of the aircraft shall deliver a general declaration to the quarantine officer immediately upon the first landing in the United States. Such declaration shall be on a form approved by the Surgeon General and the Commissioner of Customs, and shall include a report showing:

(1) Details of any illness suspected of being of an infectious nature that has occurred aboard the aircraft during the flight;

(2) Details of any other condition on board the aircraft during its flight which may lead to the spread of disease;

(3) Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight (if no disinsecting has been carried out during the flight give details of most recent disinsecting);

(4) Any animals (including birds and insects), and cultures of bacteria, fungi, and viruses, and other infectious agents on board;

(5) Such other information and statements as are indicated on the general declaration form.

(b) Unless the aircraft is arriving directly on a trip that originated in Canada, there shall be delivered with the general declaration a passenger manifest showing the surname, given name, and middle initial of each arriving passenger.

§ 71.66 *Quarantine inspection and controls.* (a) Quarantine inspection of a vessel or aircraft shall include:

(1) Inspection of the vessel or aircraft, its cargo, manifests, and other papers to ascertain the sanitary history and condition of the vessel or aircraft;

(2) Examination of the persons aboard the vessel or aircraft, their personal effects and records to determine the presence, or risk of introduction, of quarantinable and other communicable diseases.

(b) The medical officer in charge may require a vessel or aircraft to remain under quarantine controls until the completion of the measures authorized in this part which in his judgment are necessary to prevent the introduction or spread of a quarantinable or other communicable disease.

§ 71.67 *Persons: Examination.* All persons on board shall be examined, except that on an approved regular line vessel or aircraft which carries a ship or flight surgeon, such examination may be limited to persons designated by the medical officer in charge.

§ 71.68 *Vessels and aircraft: Persons and things; communicable diseases other than quarantinable diseases.* (a) Whenever the medical officer in charge has reason to believe that any arriving vessel or aircraft, or article or thing aboard, is or may be infected or contaminated with any of the communicable diseases listed in paragraph (c) of this section, he may disinsect, disinfect, disinfest, fumigate and take such other related measures respecting such vessel, aircraft, or article or thing aboard, or any part thereof, as he considers necessary to prevent the introduction, transmission, or spread of such communicable diseases.

(b) Whenever the medical officer in charge has reason to believe that any arriving person is suffering or has been exposed to infection from any of the communicable diseases listed in paragraph (c) of this section, he may place such person in isolation or under surveillance and may disinfect or disinfest his person, clothing or baggage as he considers necessary to prevent the introduction, transmission or spread of such communicable diseases.

(c) The communicable diseases authorizing the application of sanitary and quarantine measures under paragraphs (a) and (b) of this section are: Anthrax, chancroid, dengue, diphtheria, favus, gonorrhea, granuloma inguinale, infectious encephalitis, leprosy, lymphogranuloma venereum, meningococcus meningitis, poliomyelitis, psittacosis, ringworm of the scalp, scarlet fever, streptococcic sore throat, syphilis, trachoma, tuberculosis, typhoid fever.

§ 71.69 *Persons: Isolation.* Persons held under isolation pursuant to the provisions of this subpart and Subpart F of this part may be so held at facilities of the Public Health Service or, if such facilities are not available, on ships in quarantine pending other suitable arrangements for isolation and treatment. Such arrangements shall be made as soon as practicable.

§ 71.70 *Persons: Isolation substituted for surveillance.* The medical officer in charge may require isolation where surveillance is authorized in this part whenever he considers the risk of transmission of infection by a suspect to be exceptionally serious.

§ 71.71 *Restriction on movement of articles.* Articles from a vessel or aircraft shall not be carried into the place of detention except by permission of the medical officer in charge.

§ 71.72 *Disinfection of imports.* When the freight manifest of a vessel or aircraft lists articles which may require disinfection under the provisions of this part, the medical officer in charge shall disinfect them on board or request the collector of customs to keep the articles separated from the other freight pending appropriate disposition.

§ 71.73 *Exemption for mails.* Except to the extent that mail contains any of the foods or beverages referred to in § 71.82 (d) which the medical officer in charge has reason to believe comes from a cholera infected local area, or any article or thing subject to quarantine restrictions under Subpart J of this part, nothing in the regulations in this part shall render liable to detention, disinfection or destruction any mail conveyed under the authority of the postal administration of the United States or of any other Government.

SUBPART F—PARTICULAR REQUIREMENTS UPON ARRIVAL AT PORTS UNDER CONTROL OF UNITED STATES

§ 71.81 *Applicability.* In addition to the requirements of Subpart E of this part, the particular requirements prescribed in this subpart (affecting persons, vessels or aircraft, animals, and other imports) shall be observed with respect to vessels or aircraft which are subject to quarantine inspection under Subpart D of this part.

§ 71.82 *Cholera: Vessels and aircraft; things.* (a) For the purpose of applying sanitary and quarantine measures against the spread of cholera:

(1) An infected vessel means a vessel which has on board on arrival a case of cholera or on which a case of cholera has occurred within 5 days prior to arrival.

(2) An infected aircraft means an aircraft which has a case of cholera aboard on arrival.

(3) A suspected vessel means a vessel which has had on board during the voyage a case of cholera more than 5 days prior to arrival.

(4) A suspected aircraft means an aircraft which has had on board during the voyage a case of cholera which has previously disembarked.

(b) An infected or suspected vessel or aircraft shall be detained in quarantine as may be necessary for the effective accomplishment of the applicable sanitary measures prescribed in this subpart.

(c) Personal effects and baggage of any infected person or suspect and any part of the infected or suspected vessel or aircraft considered to be contaminated shall be disinfected. Bedding or linen, human dejecta, bilge water, waste

matter or water, and any matter considered to be contaminated shall not be unloaded or discharged until it has been disinfected.

(d) On arrival of an infected or suspected vessel or aircraft, or a vessel or aircraft arriving from an infected local area, the medical officer in charge may prohibit the unloading of, or may remove all fish, shellfish, fruit or vegetables to be consumed uncooked, or beverages, unless such food or beverages are in sealed containers and the medical officer in charge has no reason to believe that they are contaminated. If any such food or beverage is removed it shall be safely disposed of. If any of said food or beverage forms part of the cargo in a hold of a vessel or freight compartment of an aircraft, the medical officer in charge at the port or airport at which such cargo is to be unloaded shall arrange for its safe disposal. Such other special precautions shall be taken as may be necessary to prevent contamination of food or water supplies of the vessel or aircraft.

(e) If the medical officer in charge considers the water supply of a cholera infected or suspected vessel or aircraft to be contaminated, he shall require the disinfection and removal of any water carried on board and if necessary the disinfection of the water system and of the water containers.

§ 71.83 *Cholera: Vessels and aircraft; persons.* (a) Persons ill from cholera shall be removed and isolated until no longer infectious.

(b) On arrival of an infected vessel or aircraft the medical officer in charge may place under surveillance any person disembarking who produces a valid certificate of vaccination against cholera and may isolate all others disembarking. Such surveillance or isolation shall be reckoned from the date of disembarkation.

(c) On arrival of a suspected vessel or aircraft the medical officer in charge may place under surveillance any person disembarking. Such surveillance shall be reckoned from the date of arrival.

(d) Any person who, within 5 days prior to arrival, has departed from a cholera infected local area or arrives on a healthy vessel or aircraft which has departed from such an area within such time may be placed under surveillance if he has a valid certificate of vaccination against cholera or may be placed in isolation if he does not have such a certificate. The period of isolation or surveillance shall be reckoned from the date of departure of the person, or the vessel or aircraft, from the infected area.

(e) Any person who has departed from an infected local area within 5 days prior to arrival and who has symptoms indicative of cholera may be required to submit to a stool examination.

§ 71.84 *Plague: Vessels and aircraft.* (a) For the purpose of applying sanitary and quarantine measures against the spread of plague:

(1) An infected vessel or aircraft means a vessel or aircraft which has on board on arrival a case of human plague, or a plague infected rodent. A vessel shall also be regarded as infected if a case of plague develops on board in a person more than 6 days after his embarkation.

(2) A suspected vessel means (i) a vessel which, not having a case of human plague on board on arrival, has had on board such a case developed by the person within 6 days of his embarkation or (ii) a vessel on which there is evidence of abnormal mortality of rodents on board, the cause of which is not known on arrival.

(b) An infected or suspected vessel or an infected aircraft shall be detained in quarantine as may be necessary for the effective accomplishment of the applicable sanitary measures prescribed in this part.

(c) On arrival of a vessel which has rodent plague on board the medical officer in charge shall require the deratting of the vessel. The following provisions shall apply to such deratting:

(1) The deratting shall be carried out as soon as the holds have been emptied;

(2) One or more preliminary derattings of a vessel with the cargo in situ, or during its unloading, may be carried out to prevent the escape of infected rodents;

(3) If the complete destruction of rodents cannot be secured because only part of the cargo is due to be unloaded, a vessel shall not be prevented from unloading that part, but the medical officer in charge may apply any measures which he considers necessary to prevent the escape of infected rodents.

(d) If a rodent dead of plague is found on board an aircraft, it shall be deratted.

§ 71.85 *Plague: Vessels and aircraft; persons; things.* (a) Persons ill from plague shall be removed and isolated until no longer infectious.

(b) On arrival of an infected or suspected vessel or infected aircraft the medical officer in charge may:

(1) Require any suspect on board to be disinsected and may place him under surveillance, the period of surveillance being reckoned from the date of arrival of the vessel or aircraft;

(2) Require the disinsecting and, if necessary, disinfection of the baggage of any infected person or suspect and of any other article such as used bedding or linen, and any part of the vessel or aircraft, which the medical officer in charge considers to be contaminated.

(c) On the arrival of a healthy vessel or aircraft which has come from a plague infected local area the medical officer in charge may:

(1) Place under surveillance any suspect who disembarks, the period of surveillance being reckoned from the date of departure of the vessel or aircraft from the infected area;

(2) Require the deratting of the vessel in exceptional circumstances. In such case, the master shall be informed in writing of the reasons for the action.

(d) In exceptional circumstances of an epidemiological nature, when the presence of rodents is suspected on board, an aircraft may be deratted.

§ 71.86 *Smallpox: Persons, general.* (a) All arriving persons shall be subject to vaccination against smallpox unless they present evidence satisfactory to the medical officer in charge of successful vaccination, or of a revaccination, within 3 years prior to arrival or of a previous attack of smallpox.

(b) Any person subject to vaccination under this section shall be offered vaccination; if he is not vaccinated, he may be placed under surveillance, the period of surveillance being reckoned from the date of his departure from the last territory visited prior to his arrival.

(c) Any person subject to vaccination under this section who has visited a smallpox infected local area within 14 days prior to arrival may be required to be vaccinated, or may be placed under surveillance, or may be vaccinated and then placed under surveillance; if he refuses vaccination, he may be isolated. The period of surveillance or isolation shall be reckoned from the date of departure from the infected local area.

§ 71.87 *Smallpox: Infected vessels and aircraft; persons.* (a) For the purpose of applying sanitary and quarantine measures against the spread of smallpox, an infected vessel or aircraft means a vessel or aircraft which on arrival has a case of smallpox aboard or has had a case of smallpox on board during the voyage.

(b) On arrival of an infected vessel or aircraft the medical officer in charge shall detain the vessel or aircraft in quarantine as may be necessary for the effective accomplishment of the following measures:

(1) Persons ill from smallpox shall be removed and isolated until no longer infectious.

(2) Vaccination shall be offered to any person on board who the medical officer in charge considers is not sufficiently protected against smallpox.

(3) The medical officer in charge, taking into consideration the danger of infection, may place under surveillance or in isolation any person disembarking. The period of surveillance or isolation shall be reckoned from the last exposure to infection.

(4) The baggage of any infected person shall be disinfected.

(5) Any other baggage or article, or any part of the ship or aircraft, which the medical officer in charge considers to be contaminated shall be disinfected.

§ 71.88 *Smallpox: Persons; suspects.* The medical officer in charge may apply the provisions of paragraph (b) of § 71.87 to any suspect who disembarks from a vessel or aircraft which is not an infected vessel or aircraft.

§ 71.89 *Typhus and relapsing fever: Vessels and aircraft; persons; things.* (a) A vessel or aircraft on which a case of typhus or relapsing fever has occurred during the voyage shall be detained in quarantine as may be necessary for the effective accomplishment of the following measures:

(1) Removal and isolation of any infected person on board until he is no longer infectious.

(2) Disinsecting of any suspect on board.

(3) Disinsecting and, if necessary, disinfection of the accommodations occupied by any infected person or suspect,

middle initial of each arriving passenger.

soon as practicable.

linen, human dejecta, bilge water, waste

or a plague infected rodent. A vessel shall also be regarded as infected if a

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to vaccination against smallpox unless they present evidence satisfactory to the

cupied by any infected person or suspect,

his clothing, baggage, and any other article which the quarantine officer considers is likely to spread typhus or relapsing fever.

(b) The medical officer in charge may:

(1) Require the disinsecting of any person who has left an infected local area within 14 days prior to arrival, in the case of typhus, and within 8 days prior to arrival, in the case of relapsing fever, and the disinsecting and, if necessary, disinfection of his clothing, baggage, and any other article which the quarantine officer considers is likely to spread typhus or relapsing fever.

(2) Place any person so disinsected under surveillance for a period of not more than 14 days in the case of typhus and not more than 8 days in the case of relapsing fever, such period of surveillance being reckoned from the date of the disinsecting.

§ 71.90 *Yellow fever: Vessels and aircraft; disinsecting.*[1] (a) For the purpose of applying sanitary and quarantine measures against the spread of yellow fever:

(1) An infected vessel means a vessel which has on board on arrival or which during its voyage had on board a case of yellow fever.

(2) An infected aircraft means an aircraft which has on board on arrival a case of yellow fever.

(3) A suspected vessel means a vessel which has left a yellow fever infected local area within 6 days prior to arrival or which arriving within 30 days after leaving such area has Aedes aegypti aboard.

(4) An aircraft shall be regarded as suspected if it has left an airport situated in a yellow fever infected local area bound for a yellow fever receptive area in the United States and on arrival the quarantine officer is not satisfied with a disinsecting carried out prior to departure from such area or in flight and finds live mosquitoes on board.

(b) An infected or suspected vessel or aircraft, or a healthy vessel or aircraft arriving from an infected local area, shall be detained in quarantine until all vectors of yellow fever on board have been destroyed. In yellow fever receptive areas, such vessels shall be moored not less than 400 meters from the land until disinsecting is completed.

(c) On arrival, an infected or suspected aircraft shall be kept tightly closed and disinsecting completed before discharge of passengers, crew, mail, baggage, cargo or other material. No person other than quarantine officials shall be allowed on board until disinsecting is completed.

(d) Every aircraft which has left a local area where Aedes aegypti or any other domiciliary vector of yellow fever exists and arrives in a yellow fever receptive area in the United States free of Aedes aegypti shall be similarly disinsected on arrival if it has not been disinsected prior to departure.

(e) Every aircraft which has left an airport situated in an infected local area and arrives in a yellow fever receptive area in the United States shall be similarly disinsected on arrival in the United States if it has not been disinsected prior to departure.

(f) The medical officer in charge may accept disinsecting in flight as equivalent to disinsecting on arrival (where required by paragraphs (d) and (e) of this section) with respect to compartments accessible in flight if after inspection he determines that such disinsecting has been effective, was accomplished not less than 30 minutes prior to first landing at a United States port and the insecticide and disinsecting methods meet the following requirements.

(1) The insecticide shall be either Insecticidal Aerosol G–382, the formula of which is given below, or an insecticide found by the Surgeon General of the Public Health Service, upon application by an interested person, to be substantially as effective as Insecticidal Aerosol G–382;

FORMULA FOR INSECTICIDAL AEROSOL G–382

	Percent by weight
Pyrethrum extract, purified (20% pyrethrins)	5
DDT (aerosol grade)	3
Cyclohexanone	5
Lubricating oil (SAE 30)	2
Freon "12"	85

(2) The insecticide shall be dispensed in the amount of not less than 5 grams for each 1000 cu. ft. of enclosed space in the aircraft, and shall be released or sprayed throughout all accessible compartments.

(3) The ventilation system shall be stopped and all openings to the exterior kept closed while the insecticide is being released or sprayed, and for a period of not less than three minutes thereafter.

§ 71.91 *Yellow fever: Vessels and aircraft; persons.* (a) On arrival of an infected vessel or aircraft the quarantine officer shall remove and isolate all persons ill with yellow fever until no longer infectious.

(b) In a yellow fever receptive area the medical officer in charge may place in isolation or under surveillance any person arriving from an infected area or disembarking from an infected or suspected vessel or aircraft who does not produce a valid certificate of vaccination against yellow fever, until his certificate becomes valid or for not more than 6 days from the date of last possible exposure, whichever is earlier.

(c) At a port outside the yellow fever receptive area the medical officer in charge, taking into consideration the risk of introduction of yellow fever, may place in isolation or under surveillance any person arriving from an infected area or disembarking from an infected or suspected vessel or aircraft who does not produce a valid certificate of vaccination against yellow fever if such person is bound for a yellow fever receptive area and expects to arrive in such area before his certificate becomes valid or within 6 days from the date of last possible exposure, whichever is earlier. The period of surveillance or isolation authorized by this paragraph shall not extend beyond the earlier of the dates specified herein.

SUBPART G—SANITARY INSPECTION: RODENT AND VERMIN CONTROL

§ 71.101 *General provisions.* Vessels or aircraft arriving at a port under the control of the United States from a foreign port shall be subject to sanitary inspection to ascertain whether there exists rodent, vermin, or insect infestation, contaminated food or water, or other unsanitary condition requiring measures for the prevention of the introduction, transmission, or spread of communicable disease.

§ 71.102 *Disinsecting and disinfection: Vessels, aircraft and persons.* Except as otherwise provided in this part:

(a) Such aircraft which have left an area infected with insect borne communicable disease may be disinsected on arrival if the medical officer in charge has reason to suspect the presence on board of insect vectors of communicable disease.

(b) Such vessels may be disinfested on arrival if the medical officer in charge considers disinfestation necessary to prevent the spread of infection or for the destruction of insects and vermin capable of transmitting communicable disease.

(c) The person, effects and baggage of any vermin infested person arriving aboard a vessel or aircraft shall be disinsected and, if necessary in the judgment of the medical officer in charge, disinfected.

§ 71.103 *Deratting Certificates; Deratting Exemption Certificates; vessels only.* If a valid Deratting Certificate or Deratting Exemption Certificate is not produced with respect to any arriving vessel the medical officer in charge shall:

(a) If he is satisfied that the vessel is free of rodents or is kept in such a condition that the number of rodents on board is negligible, issue a Deratting Exemption Certificate.

(b) If he is satisfied that a Deratting Exemption Certificate should not be issued with respect to such vessel, require the deratting of the vessel. When deratting has been completed to the satisfaction of the medical officer in charge, he shall issue a Deratting Certificate.

§ 71.104 *Deratting: Aircraft only.* An aircraft may be deratted in exceptional circumstances of an epidemiological nature when the medical officer in charge suspects the presence of rodents on board.

§ 71.105 *Issuance of Deratting Certificates and Deratting Exemption Certificates: Approved and designated stations.* In accordance with Article 17 of the International Sanitary Regulations, all quarantine stations of the Public Health Service are approved and designated for the issuance of Deratting Certificates and Deratting Exemption Certificates.

[1] At airports where the hazard of introducing disease carrying insects exists, it is the policy of the United States Public Health Service to conduct "entomological surveillance" of the airport area. This surveillance consists of periodic entomological surveys carried on by entomologists or trained representatives for the purpose of the early detection and prompt eradication of any insect which may unknowingly have been introduced by aircraft.

§ 71.106 *Vessels and aircraft in intercoastal and interstate traffic.* Vessels and aircraft in traffic between ports under the control of the United States shall be subject to sanitary inspection as described in § 71.101, when arriving from a port infected or suspected of being infected with quarantinable disease or when illness on board indicates unsatisfactory sanitary conditions.

§ 71.107 *Application of sanitary measures.* The sanitary measures prescribed by § 71.68 and Subpart F of this part shall be applicable after sanitary inspections made pursuant to this subpart.

SUBPART H—PRATIQUE: VESSELS AND AIRCRAFT

§ 71.121 *General requirement: Vessels only.* Vessels subject to quarantine inspection pursuant to Subpart D of this part shall not enter a port under the control of the United States to discharge cargo or land passengers unless a certificate of free or provisional pratique has been issued to the master.

§ 71.122 *Free pratique: Vessels only.* A certificate of free pratique shall signify that the vessel and its master may enter, discharge cargo, and land passengers.

§ 71.123 *Provisional pratique and remand: Vessels only.* (a) A certificate of provisional pratique shall signify that the vessel may enter, but that additional measures as specified in such certificate must be taken in connection with the discharge of cargo, or the landing of passengers, or the sanitary condition of the vessel. A certificate of free pratique shall be issued after such additional measures have been completed.

(b) The medical officer in charge may remand the vessel to the next port for such additional measures as may be necessary. Vessels arriving at quarantine stations at succeeding ports of call under provisional pratique may, in the discretion of the medical officer in charge at such stations, be directed to proceed under provisional pratique to the next succeeding port for completion of quarantine measures.

(c) Failure to comply with additional measures specified in a certificate of provisional pratique shall constitute a violation of the regulations in this part, and the vessel shall become subject to all measures applicable to vessels first arriving at a port under the control of the United States from a foreign port.

§ 71.124 *Radio pratique: Vessels only.* The medical officer in charge may grant pratique by radio to a vessel upon the basis of information regarding the vessel, its cargo and persons aboard, received prior to arrival of the vessel, when in his judgment, and in accordance with instructions by the Surgeon General, the entry of the vessel will not result in the introduction, transmission or spread of communicable diseases.

§ 71.125 *Presentation of pratique: Vessels only.* Vessels which have undergone quarantine inspection shall present to the Collector of Customs at the port of entry the certificate of pratique, or evidence of radio pratique, issued pursuant to the provisions of this subpart.

§ 71.126 *Pratique and remand: Aircraft only.* When all necessary quarantine and sanitary measures have been applied to the aircraft and persons and things on board, pursuant to the regulations of this part, the quarantine officer shall issue a certificate of free pratique, which may be stamped on a copy or copies of the general declaration, including the traveling general declaration, for presentation to the customs officer in charge. Pending compliance with quarantine requirements the quarantine officer may issue a certificate of provisional pratique for the aircraft, stating the measures to be carried out. When quarantine measures cannot be completed at the place of first landing, the medical officer in charge may remand the aircraft under provisional pratique to the next airport for such additional measures as may be necessary. Aircraft arriving under provisional pratique at succeeding airports may, when quarantine measures cannot be completed there, be directed to proceed under provisional pratique to the next succeeding airport for completion of quarantine measures.

§ 71.127 *Notification of remands: Vessels and aircraft.* The quarantine officer remanding a vessel or aircraft to another port in accordance with this subpart shall give advance notification to the medical officer in charge and customs officer at the port to which the vessel or aircraft is remanded. The notification should be timed to arrive ahead of the vessel or aircraft, and should be made by telephone in the case of aircraft. The notification shall give complete information regarding measures carried out at the port effecting the remand and measures required at the port to which the vessel or aircraft is remanded.

§ 71.128 *Vessels and aircraft not submitting to prescribed measures.* When it is desired not to comply with the requirements for a certificate of free or provisional pratique, a vessel or aircraft shall be allowed to depart forthwith, but shall not call at any other place in the United States in connection with the current voyage or flight. The vessel or aircraft shall, however, be permitted to take on fuel, water, and stores in quarantine subject to measures prescribed by the quarantine officer pursuant to the regulations in this part.

SUBPART I—BORDER QUARANTINE

§ 71.136 *Applicability.* The special provisions of this subpart apply to the entry of persons and things (including conveyances) into the United States by land transit. The Surgeon General may exempt certain areas from these provisions. (See the provisions of Subpart J, regarding the importation of certain things which are applicable at all ports of entry, including border ports.)

§ 71.137 *Ports of entry: Inspection.* A person shall not enter except at established ports of entry, and after such inspection by a quarantine officer as the officer deems necessary to carry out the provisions of the regulations in this part.

§ 71.138 *Infected persons: General rule.* All infected persons shall be removed and isolated until no longer infectious.

§ 71.139 *Persons, conveyances, things: Specific diseases.* For the purpose of preventing the introduction, transmission, or spread of quarantinable disease, the following measures are prescribed:

(a) *Cholera.* (1) Any person who, within 5 days prior to arrival, has departed from a local area infected with cholera may be placed under surveillance if he has a valid certificate of vaccination against cholera or may be placed in isolation if he does not have such a certificate. The period of isolation or surveillance shall be reckoned from the date of departure of the person from the infected area.

(2) If a case of cholera is discovered aboard an arriving train or road vehicle the medical officer in charge may place any suspect under surveillance, the period of surveillance being reckoned from the date of arrival. He may require the disinfection of personal effects and baggage of the infected person or any suspect, and of any other article, such as used bedding or linen, and any part of the train or road vehicle considered to be contaminated.

(3) On arrival of a train or a road vehicle coming from a cholera infected local area or on which a case of cholera has been discovered, the medical officer in charge may prohibit the unloading of, or may remove, all fish, shellfish, fruit or vegetables to be consumed uncooked, or beverages, unless such food or beverages are in sealed containers and the medical officer in charge has no reason to believe that they are contaminated. If any such food or beverage is so removed it shall be safely disposed of.

(b) *Yellow fever.* On arrival in a yellow fever receptive area, any person coming from a yellow fever infected local area who is unable to produce a valid certificate of vaccination against yellow fever may be isolated or placed under surveillance until his certificate becomes valid or for not more than 6 days from the date of last possible exposure, whichever is earlier. Any such person arriving outside a yellow fever receptive area and bound for such an area shall be subject to the applicable measures provided in § 71.91 (c).

(c) *Smallpox.* (1) All arriving persons shall be subject to vaccination, surveillance and isolation as provided in § 71.86.

(2) If a case of smallpox is discovered on an arriving train or road vehicle, all persons and articles aboard such train or road vehicle shall be subject to the measures provided for in subparagraph (2), (3), (4) and (5) of § 71.87 (b) and any part of the train or road vehicle considered by the medical officer in charge to be contaminated shall be disinfected. Any period of isolation or surveillance shall be reckoned from the date of arrival.

(3) The medical officer in charge may apply the measures provided for in subparagraphs (2), (3), (4) and (5) of § 71.87 (b) to any suspect who arrives in the United States by any means of land transit.

to the Collector of Customs at the port of entry the certificate of pratique, or

provisions of the regulations in this part.

transit.

(d) *Plague.* (1) If a case of human plague is discovered on an arriving train or road vehicle, all persons and articles aboard such train or road vehicle shall be subject to the measures provided for in subparagraphs (1) and (2) of § 71.85 (b) and any part of the train or road vehicle considered by the medical officer in charge to be contaminated shall be disinsected and if necessary disinfected.

(2) Any arriving suspect, his baggage and effects, may be disinsected and, if necessary, disinfected, and he may be placed under surveillance, the period of surveillance being reckoned from the date of his last possible exposure.

(e) *Typhus and relapsing fever.* (1) Any person arriving from an area infected with typhus or relapsing fever shall be subject to the measures provided for in § 71.89 (b).

(2) If a case of typhus or relapsing fever is discovered on an arriving train or road vehicle, all persons, their accommodations and articles on board shall be subject to the measures provided for in subparagraphs (2) and (3) of § 71.89 (a).

§ 71.140 *Disinsecting and disinfestation of persons, things, and conveyances.* (a) All vermin infested persons, their wearing apparel, baggage and personal effects shall be disinsected when deemed necessary by the medical officer in charge.

(b) Trains, road vehicles, merchandise, and baggage or other effects may be disinsected or disinfested on arrival if the medical officer in charge considers disinsecting or disinfestation necessary to prevent the spread of infection or for the destruction of insects and vermin capable of transmitting communicable disease.

§ 71.141 *Communicable diseases other than quarantinable diseases.* The provisions of § 71.68 shall be applicable to persons and things (including conveyances) arriving in the United States by land transit.

SUBPART J—IMPORTATION OF CERTAIN THINGS

§ 71.151 *Lather brushes.* (a) Lather brushes made from animal hair or bristles shall not be permitted entry into any port or place under the control of the United States unless (1) such brushes are permanently marked with the name of the manufacturer or other identifying mark, registered with the Surgeon General, (2) and have been determined by the medical officer in charge, in accordance with the following quarantine procedures, to be free from anthrax spores.

(b) The medical officer in charge shall select samples from each shipment of lather brushes and shall subject such samples to laboratory examinations to determine the presence or absence of anthrax spores. If such examinations indicate that the shipment is free from anthrax spores, the medical officer in charge shall furnish the Collector of Customs a certificate to that effect. If such examinations demonstrate that the shipment is not free from anthrax spores, the medical officer in charge shall notify the Collector of Customs that the shipment shall not be permitted entry.

§ 71.152 *Psittacine birds: Definitions; restrictions on entry*—(a) *Definitions.* As used in this section and § 71.153, the term:

(1) "Psittacine birds" includes birds commonly known as parrots, Amazons, African grays, cockatoos, macaws, parakeets, lovebirds, lories, lorikeets, and all other birds of the order Psittaciformes.

(2) "United States" means the continental United States, its territories and possessions (other than the Canal Zone).

(3) "Zoological park" means a place, premises, or an establishment maintained for the exhibition of live animals for recreational or educational purposes. It does not include any place, premises, or establishment that is used for, or whose owner or operator engages directly or indirectly in, selling or trading, or offering for sale or trade, psittacine birds to the public or to dealers in birds.

(b) *Import restrictions.* Psittacine birds shall not be brought into the United States for the purpose of sale or trade. Psittacine birds may be brought in only for the purposes and under the conditions prescribed in subparagraphs (1) to (4), inclusive, of this paragraph, and subject to the provisions of § 71.153.

(1) *Medical research.* Psittacine birds may be brought in for purposes of medical research under conditions prescribed by the Surgeon General to minimize risk of psittacosis infection, if the birds are accompanied by a permit issued by the Surgeon General and if they appear to the quarantine officer to be in good health unless otherwise specified in the permit.

(2) *Zoological parks.* (i) Psittacine birds may be brought in for a zoological park if the birds appear to the quarantine officer to be in good health and they are accompanied by a permit issued by the Surgeon General. On arrival at the Zoological park or at detention facilities approved by the Surgeon General, the birds shall be immediately isolated for at least thirty days where they will not have contact with other birds or with the public. When any bird in isolation displays symptoms suggestive of psittacosis, the owner or operator of the park or detention facility shall have the bird killed promptly and shall immediately notify the nearest quarantine station of the Public Health Service or the Surgeon General. Such owner or operator shall comply with such measures, including preservation of the carcass for examination, as are determined by the Surgeon General to be necessary to prevent the spread of psittacosis.

(ii) Application for a permit under this subparagraph shall be submitted by the owner or operator of the zoological park and shall furnish such information as the Surgeon General may require, including the number and species of birds to be imported, their place of origin, the probable port and date of arrival, a description of the detention facilities to be used for isolation of the birds, and the precautions to be taken to prevent transmission of psittacosis.

(iii) The application shall include a certification that: The birds are not intended for sale or trade; the zoological park is not used for the sale or trade of psittacine birds to the public or to dealers in birds, or for offering psittacine birds for such sale or trade; and neither the owner nor operator of the zoological park engages directly or indirectly in such sale or trade of psittacine birds or in offering them for such sale or trade. Upon receipt of such certification and of such other evidence as he may require, the Surgeon General may designate a place, premises, or an establishment as a zoological park for the purposes of this section; he may then waive the requirement for submission of the certification with subsequent applications for permits in the case of that park. Such designation and waiver shall be subject to revocation at any time in the discretion of the Surgeon General.

(3) *Pets.* A maximum of two psittacine birds may be imported by the owner thereof provided (i) the birds appear to the quarantine officer to be in good health; (ii) not more than two birds are brought in by members of a family comprising a single household; and (iii) the owner submits at the port of arrival of the birds a sworn statement that they are not intended for sale or trade in the United States, that neither he nor any member of his family within his household has imported any other birds under this paragraph in the preceding twelve months, and that the birds have been in the owner's possession for the four months preceding arrival except for any period occasioned by the arrival of the owner and birds on separate conveyances.

(4) *Return to United States.* Psittacine birds taken out of the United States may be admitted if, upon their return:

(i) The requirements of subparagraph (3) of this paragraph are complied with; or

(ii) they are accompanied by a permit for return issued by the Surgeon General, the owner submits a sworn statement as to compliance with the terms of the permit and such other information as the Surgeon General may require, and the birds appear to the quarantine officer to be in good health. Application for such a permit should be made by the owner of the birds prior to their departure from the United States and shall include a sworn statement as to the itinerary, the number and description of the birds, and such other information as the Surgeon General may require.

(c) *Cancellation of permit.* Any permit issued under this section shall be subject to cancellation if procured or used in a manner inconsistent with this part, or if cancellation is otherwise found necessary by the Surgeon General in the interest of the public health.

(d) *Delegation of authority by Surgeon General.* The Surgeon General may delegate his powers and duties under this section to any officer or employee of the Service.

§ 71.153 *Psittacine birds: Exclusion of exposed birds; disposition of excluded birds*—(a) *Exclusion of exposed birds.* Notwithstanding any provision of § 71.152, psittacine birds may not be brought into the United States if, during

shipment, they have been exposed to psittacosis, or have been in contact with birds showing symptoms suggestive of psittacosis or with birds dying from unconfirmed causes.

(b) *Disposal of excluded birds.* (1) Birds appearing healthy which have been exposed to infection as described in paragraph (a) of this section or which are excluded from admission by § 71.152 shall be either exported or destroyed. Exportation shall be permitted only if the owner exports the birds within a reasonable time, as determined by the medical officer in charge; pending exportation, the birds shall be detained at the port of entry at the owner's expense. While so detained, birds that have been exposed as described in paragraph (a) of this section shall be isolated.

(2) Psittacine birds that show, either upon arrival or while held in detention, symptoms suggestive of psittacosis shall be destroyed immediately.

§ 71.154 *Cats, dogs and monkeys*—(a) *Cats: Physical inspection.* No cat shall be brought into a port under the control of the United States from any foreign country other than Bermuda, Denmark, Eire, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(1) The owner submits a sworn statement that the animal was physically inspected within ten days prior to departure for the United States and was found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea, or

(2) The animal is examined by a quarantine officer following arrival at a port under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(b) *Dogs: Physical inspection; rabies immunization; importation for scientific purposes.* (1) No dog shall be brought into a port under the control of the United States from any foreign country other than Bermuda, Denmark, Eire, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(i) The owner submits a sworn statement that the animal was physically inspected within ten days prior to departure for the United States and was found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea, or

(ii) The animal is examined by a quarantine officer following arrival at a port under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(2) No dog shall be brought into a port under the control of the United States from any foreign port other than Australia, Bermuda, Denmark, Eire, New Zealand, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(i) The owner submits a sworn statement that the animal has been immunized with an approved rabies vaccine not more than six months prior to the date of entry, or

(ii) The animal is immunized with an approved rabies vaccine following arrival at a port under control of the United States and prior to release from quarantine, or

(iii) The owner submits a sworn statement to the effect that the animal is destined for a research institution, that it is intended by such institution to be used for scientific purposes, and that immunization will seriously interfere with its use for such purposes.

(c) *Monkeys: Physical inspection; importation from yellow fever areas.* (1) No monkey shall be brought into a port under the control of the United States from any foreign country other than Bermuda, Canada, Denmark, Eire, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(i) The owner submits a sworn statement that the animal was physically inspected within ten days prior to departure for the United States and was found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea, or

(ii) The animal is examined by a quarantine officer following arrival at a port under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(2) Notwithstanding any other provision of this section, a monkey put on board at a port in an endemic yellow fever area, or a monkey coming from such an area, shall not be brought in unless it is free of evidence of yellow fever infection and its owner submits evidence satisfactory to the quarantine officer that, immediately prior either to being put aboard or its arrival, the monkey had been detained in a mosquito-proof structure for not less than nine days.

§ 71.155 *Cats, dogs, and monkeys: Disposition of excluded animals.* A cat, dog, or monkey excluded from entry under the regulations in this part shall be destroyed or deported. Pending deportation it shall be detained under Customs' custody at the owner's expense:

(a) Aboard the vessel on which it arrived, the vessel to be held under provisional pratique; or

(b) At the international airport.

§ 71.156 *Etiological agents and vectors.* (a) A person shall not import into any place under the control of the United States, nor distribute after importation, any etiological agent or insect, animal or plant vector of human disease or any exotic living insect, animal or plant capable of being a vector of human disease unless accompanied by a permit issued by the Surgeon General.

(b) An article or thing coming within the provisions of this section shall not be released from Customs' custody prior to the receipt by the Collector of Customs of a permit therefor issued by the Surgeon General.

§ 71.157 *Dead bodies.* The remains of a person dead from a quarantinable disease shall not be brought into a port under the control of the United States unless it is (a) properly embalmed and placed in a hermetically sealed casket, or (b) cremated.

SUBPART K—SPECIAL PROVISIONS RELATING TO AIRCRAFT

§ 71.501 *Scope.* (a) The term "aircraft", as used in this subpart, means civil aircraft, that is, aircraft not Government-owned and used exclusively in the governmental service of the United States or a foreign country, and includes any Government-owned aircraft engaged in carrying persons or property for commercial purposes.

(b) The term "international airport", as used in this subpart and in Subpart L of this part, means any airport designated by the Secretary of the Treasury or the Commissioner of Customs as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft, by the Attorney General as a port of entry for aliens arriving on such aircraft, and by the Secretary of Health, Education, and Welfare as a place for quarantine inspection.

(c) The term "United States", as used in this subpart, means the mainland, Alaska, the Hawaiian Islands, Puerto Rico and the Virgin Islands.

§ 71.502 *Place of landing.* (a) Every aircraft on an international flight and subject to quarantine inspection under Subpart D of this part shall make its first landing in the United States at an international airport, unless permission to land elsewhere has been granted by the Commissioner of Customs or other authorized customs officer with concurrence of the Public Health Service: *Provided,* That in cases in which such permission is not required by customs regulations, application for permission shall be made to the Surgeon General, for aircraft operated by scheduled airlines, and to the medical officer in charge at or nearest the intended place of first landing, for all other aircraft.

(b) Unless such permission has been granted, the first landing shall also be made at an international airport when conditions at the place of departure cause an aircraft to be subject to quarantine inspection on a flight between ports under control of the United States.

§ 71.503 *Advance notice of arrival.* (a) Notice of intended flight shall be furnished either by or at the request of the aircraft commander to the medical officer in charge at or nearest the intended place of first landing in the case of aircraft coming to a port under the control of the United States from any place outside the United States, and in the case of an aircraft flying between ports under the control of the United States when the aircraft is subject to quarantine inspection. Such notice may be forwarded through the collector or other customs officer in charge in cases in which the customs regulations also require advance notice of arrival. The notice shall be furnished direct to the medical officer in charge in cases in

which advance notice of arrival is not required by customs regulations.

(b) The notice shall specify the type of aircraft, the registration marks on it, the name of the aircraft commander, the place of last departure, the international airport or other place at which landing has been authorized, the number of aliens and citizens on board, and the estimated time of arrival. The notice shall be sent in time to enable the inspecting officers to reach the airport prior to arrival of the aircraft.

(c) Such notice is not required for aircraft of a scheduled airline arriving in accordance with a regular schedule filed with the Collector of Customs for the district in which the place of first landing is situated or with the medical officer in charge or immigration officer in charge at the place of landing.

§ 71.504 *Emergency or forced landing.* When an emergency or forced landing in the United States is made by an aircraft coming from any port not under the control of the United States, or by any aircraft subject to quarantine inspection under Subpart D of this part, the aircraft commander shall not allow any things on board to be removed from the landing place, or allow any person on board to depart from the landing place, without permission of a quarantine officer, unless such removal or departure is necessary for purposes of safety, communication with governmental authorities, or the preservation of life, health, or property. As soon as practicable the aircraft commander, a member of the crew in charge, or the owner of the aircraft shall communicate with the nearest quarantine officer and report in full the circumstances of the flight and of the emergency or forced landing. Mail carried as such may be removed from the aircraft upon landing, but if removed shall be delivered at once to a responsible officer or employee of the Postal Service.

§ 71.505 *Special sanitary treatment.* Any aircraft arriving from any foreign port or place which the quarantine officer declares to be of such menace that it cannot be adequately or safely handled at the airport of first or intended landing shall be required to proceed with all passengers and persons employed on board and all mail, baggage, cargo, or other contents on board, as may be designated by such officer, to an airport indicated by such officer to have adequate facilities for such treatment as shall be prescribed by him.

§ 71.506 *Applicability of regulations: Penalties.* (a) The regulations appearing in this part are applicable to aircraft and to passengers, merchandise, and baggage carried thereon, in the absence of express provision to the contrary.

(b) Any person violating any regulation in this part relating to aircraft or any provision of the regulations made applicable to aircraft by this section shall be subject to punishment by fine or imprisonment as provided for in section 368 (a) of the Public Health Service Act (42 U. S. C. 271 (a)). Any aircraft which violates any regulation in this part relating to aircraft or any provision of the regulations in this part made applicable to aircraft by this section shall be subject to forfeiture as provided for in section 368 (b) of the Public Health Service Act (42 U. S. C. 271 (b)). Such forfeiture may be remitted or mitigated by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare.

SUBPART L—SPECIAL PROVISIONS RELATING TO PORTS AND AIRPORTS

§ 71.601 *Applicability.* The special provisions of this subpart apply to ports and airports under the control of the United States receiving international traffic.

§ 71.602 *Food and drinking water: Ports and airports.* (a) Every port and airport shall be provided with a supply of pure drinking water from a watering point approved by the Surgeon General in accordance with standards established in § 72.102 of this chapter.

(b) All food and water taken aboard a vessel or aircraft at any port or airport intended for consumption thereon shall be obtained from sources approved by the Surgeon General pursuant to Part 72 of this chapter.

§ 71.603 *Disposal of waste matter: Airports and aircraft.* (a) Every airport shall be provided with an effective system for the removal and safe disposal of excrement, refuse, waste water, condemned food, and other matter dangerous to health.

(b) Aircraft inbound or outbound on an international flight shall not discharge over the United States, its territories, or possessions any excrement, garbage, waste or waste water. Arriving aircraft shall discharge such matter only at a servicing area of an airport equipped with a system for safe disposal of said matter.

§ 71.604 *Designation of sanitary airports.* An airport may be designated by the Surgeon General as a sanitary airport after due investigation to establish:

(a) That a sufficient need exists for such designation;

(b) That the airport has at its disposal:

(1) An organized medical service with adequate staff, equipment, and premises;

(2) Facilities for the transport, isolation, and care of infected persons or suspects;

(3) Facilities for efficient disinfection and disinsecting, for the destruction of rodents, and for any other appropriate measure provided for by the regulations in this part;

(4) A bacteriological laboratory, or facilities for dispatching suspected material to such a laboratory;

(5) Facilities for vaccination against cholera, yellow fever, and smallpox.

§ 71.605 *Yellow fever areas: Sanitary requirements: Ports and airports.* (a) Every port situated in a yellow fever receptive area, and the area within the perimeter of every airport so situated, shall be kept free from Aedes aegypti in their larval and adult stages.

(b) Any building within a direct transit area provided at any airport situated in a yellow fever receptive area shall be mosquito proof.

(c) Every person employed at an airport situated in a local area infected with yellow fever and every member of the crew of an aircraft using any such airport shall be in possession of a valid certificate of vaccination against yellow fever.

(d) Every sanitary airport situated in a yellow fever receptive area shall:

(1) Be provided with mosquito-proof dwellings and have at its disposal mosquito-proof sick quarters for passengers, crews and airport personnel; and

(2) Be freed from mosquitoes by systematically destroying them in their larval and adult stages within the perimeter of the airport, and within a protective area extending for a distance of four hundred meters around that perimeter.

§ 71.606 *Perimeter: Airports only.* As used in this subpart, the perimeter of an airport means a line enclosing the airport buildings and any land or water used or intended to be used for the parking of aircraft.

§ 71.607 *Withdrawal of designation.* The designation of an airport as a sanitary airport may be withdrawn by the Surgeon General after reasonable notice to the airport whenever he finds that the airport fails to comply with any applicable sanitary requirement prescribed in this subpart or fails to meet the conditions prescribed in §§ 71.602 and 71.603.

§ 71.608 *Cholera and plague: Persons unloading vessels or aircraft*—(a) *Cholera.* Persons who unload a cholera infected vessel or aircraft, and in the judgment of the medical officer in charge have been exposed to risk of infection, shall be placed under surveillance for a period not to exceed five days from the time they cease unloading.

(b) *Plague.* Persons who unload a vessel or aircraft may be disinsected and placed under surveillance or in isolation for a period not to exceed six days from the time they cease unloading, if the vessel or aircraft is infected or during the voyage has been infected with human or rodent plague, or if inspection of the vessel or aircraft has revealed rodent mortality of undetermined cause, and in the judgment of the medical officer in charge such persons have been exposed to risk of infection.

§ 71.609 *Designation of international airports.* (a) International airports (see § 71.501 (b)) will be designated after due investigation to establish the fact that a sufficient need exists in any particular district or area to justify such designation and to determine the airport best suited for such purpose.

(b) A specific airport will be designated in each case, rather than a general area or district which may include several airports.

(c) The designation as an international airport may be withdrawn if it is found that the volume of business clearing through the port does not justify maintenance of inspection equipment and personnel, if proper facilities are not provided and maintained by the airport, if the rules and regulations of the Federal Government are not complied with, or if it be found that some other location would be more advantageous.

(d) International airports shall be municipal airports, unless particular conditions which prevail warrant a departure from this requirement.

(e) Each international airport shall provide without cost to the Government suitable office and other space for the exclusive use of Federal officials connected with the port. A suitable surfaced loading area shall be provided by each airport at a convenient location with respect to such office space. Such loading area shall be reserved for the use of aircraft entering or clearing through the airport.

(f) International airports shall be open to all aircraft for entry and clearance purposes and no charge shall be made for the use of said airports for such purposes. However, in any case where an international airport authorizes any such aircraft to use such airport for the taking on or discharging of passengers or cargo, or as a base for other commercial operations or for private operations, this paragraph shall not be interpreted to mean that charges may not be made for such commercial or private use of such airport.

(g) All aircraft entering or clearing through an international airport shall receive the required servicing by airport personnel promptly and in the order of arrival or preparation for departure without discrimination. The charges made for such servicing shall in no case exceed the schedule of charges prevailing at the airport in question. A copy of said schedule of charges shall be posted in a conspicuous place at the office space provided for the use of Federal officials connected with the port.

(h) International airports shall adopt and enforce observance of such requirements for the operation of airports, including airport rules, as may be prescribed or recommended by the Civil Aeronautics Administration.

(i) Requirements in addition to all the foregoing may be imposed at a particular airport as the needs of the district or area to be served by the airport may demand.

§ 71.700 *Appendix—Excerpts from International Sanitary Regulations (World Health Organization Regulations No. 2).*

PART I—DEFINITIONS

Article 1

For the purposes of these Regulations—

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"direct transit area" means a special area established in connexion with an airport, approved by the health authority concerned and under its direct supervision, for accommodating direct transit traffic and, in particular, for accommodating, in segregation, passengers and crews breaking their air voyage without leaving the airport;

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"local area" means—

(a) The smallest area within a territory, which may be a port or an airport, having a defined boundary and possessing a health organization which is able to apply the appropriate sanitary measures permitted or prescribed by these Regulations; the situation of such an area within a larger area which also possesses such a health organization shall not preclude the smaller area from being a local area for the purposes of these Regulations; or (b) an airport in connexion with which a direct transit area has been established;

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PART IV—SANITARY MEASURES AND PROCEDURES

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CHAPTER II—SANITARY MEASURES ON DEPARTURE

Article 30

1. The health authority for a port or an airport or for the local area in which a frontier post is situated may, when it considers it necessary, medically examine any person before his departure on an international voyage. The time and place of this examination shall be arranged to take into account the customs examination and other formalities, so as to facilitate his departure and to avoid delay.

2. The health authority referred to in paragraph 1 of this Article shall take all practicable measures—

(a) To prevent the departure of any infected person or suspect;

(b) To prevent the introduction on board a ship, an aircraft, a train, or a road vehicle of possible agents of infection or vectors of a quarantinable disease.

3. Notwithstanding the provisions of subparagraph (a) of paragraph 2 of this Article, a person on an international voyage who on arrival is placed under surveillance may be allowed to continue his voyage. If he is doing so by air, the health authority for the airport shall record the fact on the General Declaration.

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PART VI—SANITARY DOCUMENTS

Article 98

1. The certificates specified in Appendices 1, 2, 3, and 4 shall be printed in English and in French. An official language of the territory of issue may be added.

2. The certificates referred to in paragraph 1 of this Article shall be completed in English or in French.

Article 99

A vaccination document issued by the Armed Forces to an active member of those Forces shall be accepted in lieu of an international certificate in the form shown in Appendix 2, 3, or 4 if—

(a) It embodies medical information substantially the same as that required by such form; and

(b) It contains a statement in English or in French recording the nature and date of the vaccination and to the effect that it is issued in accordance with this Article.

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PART X—TRANSITIONAL PROVISIONS

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Article 115

1. A certificate of vaccination issued in accordance with the Convention of 21 June 1926, as amended by the Convention of 15 December 1944, or in accordance with the Convention of 12 April 1933, as amended by the Convention of 15 December 1944, before the entry-into-force of these Regulations shall continue to be valid for the period for which it was previously valid. Moreover, the validity of a certificate of vaccination against yellow fever so issued shall be extended for two years after the date on which it would otherwise have ceased to be valid.

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NOTE: Forms relating to International Sanitary Regulations filed as part of the original document.

PART 72—INTERSTATE QUARANTINE

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AUTHORITY: §§ 72.1 to 72.204 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 361, 58 Stat. 703; 42 U. S. C. 264.

SUBPART A—DEFINITIONS AND GENERAL PROVISIONS

§ 72.1 *General definitions.* As used in this part, terms shall have the following meaning:

(a) *Bactericidal treatment.* The application of a method or substance for the destruction of pathogens and other organisms. (See § 72.4).

(b) *Communicable diseases.* Any of the diseases enumerated in § 72.2 unless otherwise specified.

(c) *Communicable period.* The period or periods during which the etiologic agent may be transferred directly or indirectly from the body of the infected person or animal to the body of another.

(d) *Contamination.* The presence of a certain amount of undesirable substance or material, which may contain pathogenic micro-organisms.

(e) *Conveyance.* Conveyance means any land or air carrier, or any vessel as defined in paragraph (o) of this section.

(f) *Existing vessel.* Any vessel the construction of which was started prior to the effective date of the regulations in this part.

(g) *Garbage.* (1) The solid animal and vegetable waste, together with the natural moisture content, resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, and similar establishments, or (2) any other food waste containing pork.

(h) *Incubation period.* The period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestation of the disease.

(i) *Interstate traffic.* (1) The movement of any conveyance or the transportation of persons or property, including any portion of such movement or transportation which is entirely within a State or possession, (i) from a point of origin in any State or possession to a point of destination in any other State or possession, or (ii) between a point of origin and a point of destination in the same State or possession but through any other State, possession, or contiguous foreign country.

(2) Interstate traffic does not include the following:

(i) The movement of any conveyance which is solely for the purpose of unloading persons or property transported from a foreign country, or loading persons or property for transportation to a foreign country.

(ii) The movement of any conveyance which is solely for the purpose of effecting its repair, reconstruction, rehabilitation, or storage.

(j) *Minimum heat treatment.* The causing of all particles in garbage to be heated to a boiling temperature and held at that temperature for a period of not less than 30 minutes.

(k) *Possession.* Any of the possessions of the United States, including Puerto Rico and the Virgin Islands.

(l) *Potable water.* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards (See Subpart J, §§ 72.201 to 72.204, inclusive).

(m) *State.* Any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(n) *Utensil.* Includes any kitchenware, tableware, glassware, cutlery, containers, or equipment with which food or drink comes in contact during storage, preparation, or serving.

(o) *Vessel.* Any passenger-carrying, cargo, or towing vessel exclusive of:

(1) Fishing boats including those used for shell-fishing;

(2) Tugs which operate only locally in specific harbors and adjacent waters;

(3) Barges without means of self-propulsion;

(4) Construction-equipment boats and dredges; and

(5) Sand and gravel dredging and handling boats.

(p) *Wash water.* (See § 72.118 (a).)

(q) *Watering point.* The specific place or water boat from which potable water is loaded on a conveyance.

(r) *Shellfish.* Any fresh, frozen, or incompletely cooked oysters, clams, or mussels, either shucked or in the shell, and any fresh, frozen, or incompletely cooked edible products thereof.

§ 72.2 *List of communicable diseases.* For the purposes of this part, the following shall be considered as communicable diseases: Anthrax, chancroid, cholera, dengue, diphtheria, granuloma inguinale, infectious encephalitis, favus, gonorrhea, lymphogranuloma venereum, meningococcus meningitis, plague, poliomyelitis, psittacosis, ringworm of the scalp, scarlet fever, streptococcic sore throat, smallpox, syphillis, trachoma, tuberculosis, typhoid fever, typhus, and yellow fever. (See Executive Order No. 9708, March 26, 1946, 3 CFR, 1946 Supp., as amended by Executive Order 10532, May 28, 1954, 3 CFR, 1954 Supp.)

§ 72.3 *Measures in the event of inadequate local control.* Whenever the Surgeon General determines that the measures taken by health authorities of any State or possession (including political subdivisions thereof) are insufficient to prevent the spread of any of the communicable diseases from such State or possession to any other State or possession, he may take such measures to prevent such spread of the diseases as he deems reasonably necessary, including inspection, fumigation, disinfection, sanitation, pest extermination, and destruction of animals or articles believed to be sources of infection.

§ 72.4 *Effective bactericidal treatment.* Whenever, under the provisions of this part, bactericidal treatment is required, it shall be accomplished by one or more of the following methods:

(a) By immersion of the utensil or equipment for at least 2 minutes in clean hot water at a temperature of at least 170° F. or for one-half minute in boiling water;

(b) By immersion of the utensil or equipment for at least 2 minutes in a lukewarm chlorine bath containing at least 50 ppm of available chlorine if hypochlorites are used or a concentration of equal bactericidal strength if chloramines are used;

(c) By exposure of the utensil or equipment in a steam cabinet at a temperature of at least 170° F. for at least 15 minutes or at a temperature of 200° F. for at least 5 minutes;

(d) By exposure of the utensil or equipment in an oven or hot air cabinet at a temperature of at least 180° F. for at least 20 minutes;

(e) In the case of utensils or equipment so designed or installed as to make immersion or exposure impractical, the equipment may be treated for the prescribed periods of time either at the temperatures or with chlorine solutions as specified above, (1) with live steam from a hose if the steam can be confined, (2) with boiling rinse water, or (3) by spraying or swabbing with chlorine solution;

(f) Any other method determined by the Surgeon General, upon application of an owner or operator of a conveyance, to be effective to prevent the spread of communicable disease.

SUBPART B—RESTRICTIONS ON TRAVEL OF PERSONS

§ 72.11 *All communicable diseases.* A person who has a communicable disease in the communicable period shall not travel from one State or possession to another without a permit from the health officer of the State, possession, or locality of destination, if such permit is required under the law applicable to the place of destination. Stop-overs other than those necessary for transportation conections shall be considered as places of destination.

§ 72.12 *Certain communicable diseases; special requirements.* The following provisions are applicable with respect to any person who is in the communicable period of cholera, plague, smallpox, typhus or yellow fever, or who, having been exposed to any such disease, is in the incubation period thereof:

(a) *Requirements relating to travelers.* (1) No such person shall travel from one State or possession to another, or on a conveyance engaged in interstate traffic, without a written permit of the Surgeon General or his authorized representative.

(2) Application for a permit may be made directly to the Surgeon General or to his representative authorized to issue permits.

(3) Upon receipt of an application, the Surgeon General or his authorized representative shall, taking into consideration the risk of introduction, transmission, or spread of the disease from one State or possession to another, reject it, or issue a permit which may be conditioned upon compliance with such precautionary measures as he shall prescribe.

(4) A person to whom a permit has been issued shall retain it in his possession throughout the course of his authorized travel and comply with all conditions prescribed therein, including presentation of the permit to the operators of conveyances as required by its terms.

(b) *Requirements relating to operation of conveyances.* (1) The operator of any conveyance engaged in interstate traffic shall not knowingly (i) accept for transportation any person who fails to present a permit as required by paragraph (a) of this section, or (ii) transport any person in violation of conditions prescribed in his permit.

(2) Whenever a person subject to the provisions of this section is transported on a conveyance engaged in interstate traffic, the operator thereof shall take such measures to prevent the spread of the disease, including submission of the conveyance to inspection, disinfection and the like, as an officer of the Public Health Service designated by the Surgeon General for such purposes deems reasonably necessary and directs.

§ 72.13 *Responsibility with respect to minors, wards, and patients.* A parent, guardian, physician, nurse, or other such person shall not transport, or procure or furnish transportation for, any minor child or ward, patient or other such person who is in the communicable period of a communicable disease, except in accordance with provisions of this subpart.

§ 72.14 *Members of military and naval forces.* The provisions of this subpart shall not apply to members of the military or naval forces, and medical care or hospital beneficiaries of the Army, Navy, Veterans' Administration, or Public Health Service, when traveling under competent orders, provided that in the case of persons otherwise subject to the provisions of § 72.12 the authority authorizing the travel requires precautions to prevent the possible transmission of infection to others during the travel period.

§ 72.15 *Report of disease.* The master of any vessel or person in charge of any conveyance engaged in interstate traffic, on which a case or suspected case of a communicable disease develops shall, as soon as practicable, notify the local health authority at the next port of call, station, or stop, and shall take such measures to prevent the spread of the disease as the local health authority directs.

SUBPART C—SHIPMENT OF CERTAIN THINGS

§ 72.21 *Lather brushes*—(a) *General requirements.* A person shall not transport, or offer for transportation by the owner or operator of a conveyance, nor shall the owner or operator of a conveyance knowingly transport for another person, in interstate traffic lather brushes made from animal hair or bristles unless:

(1) Such brushes have been imported in compliance with the provisions of § 71.151 of this chapter; or

(2) Such brushes have been manufactured in the United States, its territories, or possessions in compliance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section.

(b) *Treatment.* The hair or bristles used in such brushes, if other than badger hair, shall be subjected to sterilization or to a treatment found by the Surgeon General, upon application of an interested person and the submission by such person of supporting data, to be effective to destroy anthrax spores in the hair or bristles to be treated. Badger hair shall be subject to the requirement of sterilization or other treatment only if the Surgeon General finds, and so notifies the manufacturer, that the hair was secured from areas, or has been stored or handled under circumstances, likely to render it an agent in the spread of communicable diseases from one State or possession to another.

(c) *Sterilization.* Sterilization shall consist of:

(1) Exposure to steam under pressure in an autoclave at a minimum temperature of 120° C. (248° F.) for 15 minutes for bristles and 20 minutes for hair; or

(2) Exposure to streaming steam in an autoclave (not under pressure) at 100° C. (212° F.) for 30 minutes for bristles and 40 minutes for hair.

In either case, the steam temperature shall be measured in the exhaust line at its exit from the autoclave by an indicating thermometer found by the Surgeon General to give reasonable assurance of accuracy, and by a recording thermometer adjusted to read no higher at any time than the indicating thermometer. The time of exposure shall be measured from the moment at which the indicating thermometer reaches the specified sterilization temperature. Recording thermometer charts for each sterilization shall be kept readily available. The hair or bristles shall be sterilized in tied or wrapped bundles not exceeding 2½ inches in diameter and 5 inches in length, or in untied and unwrapped lots not exceeding 2½ inches in depth. The bundle or lots shall be placed on racks or trays in single layers, with the racks or trays separated from each other sufficiently to assure free circulation of the steam and the exposure of all the hair or bristles to such steam. If the hair or bristles are placed in the autoclave in wrapped bundles, the ends of the bundles shall be left open.

(d) *Handling and storage.* Hair or bristles which have been treated, by sterilization or otherwise, shall be marked with the date of treatment, the method used, and name and location of the establishment at which treatment occurred, and shall be so handled and stored as to prevent their contamination or recontamination with anthrax spores.

(e) *Identifying marks.* Lather brushes shall be marked permanently with the name of the manufacturer or with an identifying mark of the manufacturer registered with the Surgeon General.

(f) *Inspection.* Persons engaged in processing or other handling of hair or bristles for use in lather brushes manufactured for transportation in interstate traffic and persons engaged in manufacturing such lather brushes from hair or bristles shall permit authorized representatives of the Surgeon General to make at any reasonable time such inspection of the plants or other places, including the equipment, operations, and products thereof, at which such manufacturing, processing or handling is carried on as may be necessary in the judgment of such representatives to determine compliance with the provisions of this section.

§ 72.22 *Psittacine birds.* (a) The term psittacine birds shall include all birds commonly known as parrots, Amazons, Mexican double heads, African grays, cockatoos, macaws, parakeets, love birds, lories, lorikeets, and all other birds of the psittacine family.

(b) No person shall transport, or offer for transportation, in interstate traffic any psittacine bird unless the shipment is accompanied by a permit from the State health department of the State of destination where required by such department.

(c) Whenever the Surgeon General finds that psittacine birds or human beings in any area are infected with psittacosis and there is such danger of transmission of psittacosis from such area as to endanger the public health, he may declare it an area of infection. No person shall thereafter transport, or offer for transportation, in interstate traffic any psittacine bird from such area, except shipments authorized by the Surgeon General for purposes of medical research and accompanied by a permit issued by him, until the Surgeon General finds that there is no longer any danger of transmission of psittacosis from such area. As used in this paragraph, the term "area" includes, but is not limited to, specific premises or buildings.

§ 72.23 *Garbage.* (a) A person shall not transport, receive, or cause to be transported or received, garbage in interstate traffic and feed such garbage to swine unless, prior to the feeding, such garbage has received minimum heat treatment.

(b) A person transporting garbage in interstate traffic shall not make, or agree to make, delivery thereof to any person with knowledge of the intent or customary practice of such person to feed to swine garbage which has not been subjected to minimum heat treatment.

§ 72.24 *Shellfish.* A person shall not offer for transportation, or transport, in interstate traffic any shellfish handled or stored in such an insanitary manner, or grown in an area so contaminated, as to render such shellfish likely to become agents in, and their transportation likely

origin and a point of destination in the subdivisions thereof) are insufficient to a conveyance engaged in interstate traf-

directs.

establishment at which treatment oc- agents in, and their transportation likely

to contribute to, the spread of communicable disease from one State or possession to another.

SUBPART D—POTABLE WATER: SOURCE AND USE

§ 72.101 *Water for drinking and culinary purposes; general requirement.* Only potable water shall be provided for drinking and culinary purposes by any operator of a conveyance engaged in interstate traffic, except as provided in § 72.115 (b). Such water shall either have been obtained from watering points approved by the Surgeon General, or, if treated aboard a conveyance, shall have been subjected to treatment approved by the Surgeon General.

§ 72.102 *Approval of watering points.* (a) The Surgeon General shall approve any watering point if (1) the water supply thereat meets the standards prescribed in the Drinking Water Standards (see Subpart J of this part), and (2) the methods of and facilities for delivery of such water to the conveyance and the sanitary conditions surrounding such delivery prevent the introduction, transmission, or spread of communicable diseases.

(b) The Surgeon General may base his approval or disapproval of a watering point upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) If a watering point has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases.

(d) Upon request of the Surgeon General, operators of conveyances shall provide information as to watering points used by them.

§ 72.103 *Approval of treatment aboard conveyances.* (a) The treatment of water aboard conveyances shall be approved by the Surgeon General if the apparatus used is of such design and is so operated as to be capable of producing and in fact does produce, potable water.

(b) The Surgeon General may base his approval or disapproval of the treatment of water upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) Overboard water treated on vessels shall be from areas relatively free of contamination and pollution.

§ 72.104 *Sanitation of water boats.* No vessel engaged in interstate traffic shall obtain water for drinking and culinary purposes from any water boat unless the tanks, piping, and other appurtenances used by the water boat in the loading, transportation, and delivery of such drinking and culinary water, have been approved by the Surgeon General.

§ 72.105 *Protection of pier water system.* No vessel engaged in interstate traffic shall make a connection between its non-potable water system and any pier potable water system unless provisions are made to prevent backflow from the vessel to the pier.

SUBPART E—VESSELS: SANITATION FACILITIES AND CONDITIONS

§ 72.111 *Applicability.* The sanitation facilities and the sanitary conditions on vessels engaged in interstate traffic shall comply with the requirements prescribed in this subpart, provided that no major structural change will be required on existing vessels.

§ 72.112 *Inspection.* The Surgeon General may inspect such vessels to determine compliance with the requirements of this subpart.

§ 72.113 *Potable water systems.* The following conditions must be met by vessel water systems used for the storage and distribution of water which has met the requirements of § 72.101:

(a) The potable water system, including filling hose and lines, pumps, tanks, and distributing pipes, shall be separate and distinct from other water systems and shall be used for no other purposes.

(b) All potable water tanks shall be independent of any tanks holding non-potable water or other liquid. All potable water tanks shall be independent of the shell of the ship unless (1) the bottom of the tank is at least 2 feet above the maximum load water line, (2) the seams in the shell are continuously welded, and (3) there are no rivets in that part of the shell which forms a side of a tank. A deck may be used as the top of a tank provided there are no access or inspection openings or rivets therein, and the seams are continuously welded. No toilet or urinal shall be installed immediately above that part of the deck which forms the top of a tank. All potable water tanks shall be located at a sufficient height above the bilge to allow for draining and to prevent submergence in bilge water.

(c) Each potable water tank shall be provided with a means of drainage and, if it is equipped with a manhole, overflow, vent, or a device for measuring depth of water, provision shall be made to prevent entrance into the tank of any contaminating substance. No deck or sanitary drain or pipe carrying any non-potable water or liquid shall be permitted to pass through the tank.

(d) Tanks and piping shall bear clear marks of identification.

(e) There shall be no backflow or cross connection between potable water systems and any other systems. Pipes and fittings conveying potable water to any fixture, apparatus, or equipment shall be installed in such way that backflow will be prevented. Waste pipes from any part of the potable water system, including treatment devices, discharging to a drain, shall be suitably protected against backflow.

(f) Water systems shall be cleaned, disinfected, and flushed whenever the Surgeon General shall find such treatment necessary to prevent the introduction, transmission, or spread of communicable diseases.

§ 72.114 *Storage of water prior to treatment.* The following requirements with respect to the storage of water on vessels prior to treatment must be met in order to obtain approval of treatment facilities under § 72.103:

(a) The tank, whether independent or formed by the skin of the ship, deck, tank top, or partitions common with other tanks, shall be free of apparent leakage.

(b) No sanitary drain shall pass through the tank.

(c) The tank shall be adequately protected against both the backflow and discharge into it of bilge or highly contaminated water.

§ 72.115 *Water in galleys and medical care spaces.* (a) Potable water, hot and cold, shall, be available in the galley and pantry except that, when potable water storage is inadequate, non-potable water may be piped to the galley for deck washing and in connection with garbage disposal. Any tap discharging non-potable water which is installed for deck washing purposes shall not be more than 18 inches above the deck and shall be distinctly marked "For deck washing only".

(b) In the case of existing vessels on which heat treated wash water has been used for the washing of utensils prior to the effective date of the regulations in this part, such water may continue to be so used provided controls are employed to insure the heating of all water to at least 170° F. before discharge from the heater.

(c) Potable water, hot and cold, shall be available in medical care spaces for hand-washing and for medical care purposes excluding hydrotherapy.

§ 72.116 *Water for making ice.* Only potable water shall be piped into a freezer for making ice for drinking and culinary purposes.

§ 72.117 *Drinking fountains and coolers; ice; constant temperature bottles.* (a) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

(b) Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

(c) Constant temperature bottles and other containers used for storing or dispensing potable water shall be kept clean at all times and shall be subjected to effective bactericidal treatment after each occupancy of the space served and at intervals not exceeding one week.

§ 72.118 *Wash water.* (a) Wash water means water suitable for domestic uses other than for drinking and culinary purposes, and medical care purposes excluding hydrotherapy.

(b) Where wash water sytsems installed on vessels do not comply with the requirements of a potable water system, prescribed in § 72.113, they shall be constructed so as to minimize the possibility of the water therein being contaminated. The storage tanks shall comply with the requirements of § 72.114, and the distribution system shall not be cross connected to a system carrying water of a

lower sanitary quality. All faucets shall be labeled "Unfit for drinking."

§ 72.119 *Swimming pools.* (a) Fill and draw swimming pools shall not be installed or used.

(b) Swimming pools of the recirculation type shall be equipped so as to provide complete circulation, replacement, and filtration of the water in the pool every six hours or less. Suitable means of chlorination and, if necessary, other treatment of the water shall be provided to maintain the residual chlorine in the pool water at not less than 0.4 part per million and the pH (a measure of the hydrogen ion concentration) not less than 7.0.

(c) Flowing-through type of salt water pools shall be so operated that complete circulation and replacement of the water in the pool will be effected every six hours or less. The water delivery pipe to the pool shall be independent of all other pipes and shall originate at a point where maximum flushing of the pump and pipe line is effected after leaving polluted waters.

§ 72.120 *Toilets and lavatories.* Toilet and lavatory equipment and spaces shall be maintained in a clean condition.

§ 72.121 *Discharge of wastes.* Vessels operating on fresh water lakes or rivers shall not discharge sewage, or ballast or bilge water, within such areas adjacent to domestic water intakes as are designated by the Surgeon General.

§ 72.122 *Insect control.* Vessels shall be maintained free of infestation by flies, mosquitoes, fleas, lice, and other insects known to be vectors in the transmission of communicable diseases, through the use of screening, insecticides, and other generally accepted methods of insect control.

§ 72.123 *Rodent control.* Vessels shall be maintained free of rodent infestation through the use of traps, poisons, and other generally accepted methods of rodent control.

SUBPART F—LAND AND AIR CONVEYANCES: SERVICING AREAS

§ 72.131 *Applicability.* Land and air conveyances engaged in interstate traffic shall use only such servicing areas within the United States as have been approved by the Surgeon General as being in compliance with the requirements prescribed in this subpart.

§ 72.132 *Inspection and approval.* The Surgeon General may inspect any such areas to determine whether they shall be approved. He may base his approval or disapproval on investigations made by representatives of State departments of health.

§ 72.133 *Submittal of construction plans.* Plans for construction or major reconstruction of sanitation facilities at servicing areas shall be submitted to the Surgeon General for review of the conformity of the proposed facilities with the requirements of this subpart.

§ 72.134 *General requirements.* Servicing areas shall be provided with all necessary sanitary facilities so operated and maintained as to prevent the spread of communicable diseases.

§ 72.135 *Drainage.* All platforms and other places at which water or food supplies are loaded onto or removed from conveyances shall be adequately drained so as to prevent pooling.

§ 72.136 *Watering equipment; general requirements.* All servicing area piping systems, hydrants, taps, faucets, hoses, buckets, and other appurtenances necessary for delivery of drinking and culinary water to a conveyance shall be designed, constructed, maintained and operated in such a manner as to prevent contamination of the water.

§ 72.137 *Water equipment; outlets for nonpotable water.* Outlets for nonpotable water shall be provided with fittings different from those provided for outlets for potable water and each nonpotable water outlet shall be posted with permanent signs warning that the water is unfit for drinking.

§ 72.139 *Watering equipment; ice.* If bulk ice is used for the cooling of drinking water or other beverages, or for food preservation purposes, equipment constructed so as not to become a factor in the transmission of communicable diseases shall be provided for the storage, washing, handling, and delivery to conveyances of such bulk ice, and such equipment shall be used for no other purposes.

§ 72.140 *Employee conveniences.* (a) There shall be adequate toilet, washroom, locker, and other essential sanitary facilities readily accessible for use of employees adjacent to places or areas where land and air conveyances are serviced, maintained, and cleared. These facilities shall be maintained in a clean and sanitary condition at all times.

(b) In the case of diners not in a train but with a crew on board, adequate toilet facilities shall be available to the crew within a reasonable distance but not exceeding 500 feet of such diners.

(c) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

§ 72.141 *Disposal of human wastes.* (a) At servicing areas and at stations where land and air conveyances are occupied by passengers the operations shall be so conducted as to avoid contamination of such areas and stations by human wastes.

(b) Toilet wastes shall be disposed of through sanitary sewers or by other methods assuring sanitary disposal of such wastes. All soil cans and removable containers shall be thoroughly cleaned before being returned to use. Equipment for cleaning such containers and for flushing nonremovable containers and waste carts shall be so designed as to prevent backflow into the water line, and such equipment shall be used for no purpose connected with the handling of food, water or ice.

(c) All persons who have handled soil cans or other containers which have come in contact with human wastes shall be required to wash their hands thoroughly with soap and warm water and to remove any garments which have become soiled with such wastes before engaging in any work connected with the loading, unloading, transporting or other handling of food, water or ice.

§ 72.142 *Garbage disposal.* (a) Water-tight, readily cleanable, non-absorbent containers with close-fitting covers shall be used to receive and store garbage.

(b) Can washing and draining facilities shall be provided.

(c) Garbage cans shall be emptied daily and shall be thoroughly washed before being returned for use.

SUBPART G—LAND AND AIR CONVEYANCES: EQUIPMENT AND OPERATION

§ 72.146 *Applicability.* The sanitary equipment and facilities on land and air conveyances engaged in interstate traffic and the use of such equipment and facilities shall comply with the requirements prescribed in this subpart.

§ 72.147 *Submittal of construction plans.* Plans for the construction or major reconstruction of sanitary equipment or facilities for such conveyances shall be submitted to the Surgeon General for review of the conformity of such plans with the requirements of this subpart, except that submittal of plans shall not be required for any conveyance under reconstruction if the owner or operator thereof has made arrangements satisfactory to the Surgeon General for inspections of such conveyances while under reconstruction for the purpose of determining conformity with those requirements.

§ 72.148 *Water systems; constant temperature bottles.* (a) The water system, whether of the pressure or gravity type, shall be complete and closed from the filling ends to the discharge taps, except for protected vent openings. The water system shall be protected against backflow.

(b) Filling pipes or connections through which water tanks are supplied shall be provided on both sides of all new railway conveyances and on existing conveyances when they undergo heavy repairs. All filling connections shall be easily cleanable and so located and protected as to minimize the hazard of contamination of the water supply.

(c) On all new or reconstructed conveyances, water coolers shall be an integral part of the closed system.

(d) Water filters if used on dining cars and other conveyances will be permitted only if they are so operated and maintained at all times as to prevent contamination of the water.

(e) Constant temperature bottles and other containers used for storing or dispensing potable water shall be kept clean at all times and shall be subjected to effective bactericidal treatment as often

the vessel to the pier.

facilities under § 72.103:

connected to a system carrying water of a

as may be necessary to prevent the contamination of water so stored and dispensed.

§ 72.149 *Drinking utensils and toilet articles.* (a) No cup, glass, or other drinking utensil which may be used by more than one person shall be provided on any conveyance unless such cup, glass, or drinking utensil shall have been thoroughly cleaned and subjected to effective bactericidal treatment after each individual use.

(b) Towels, combs, or brushes for common use shall not be provided.

§ 72.150 *Toilet and lavatory facilities.* (a) Where toilet and lavatory facilities are provided on conveyances they shall be so designed as to permit ready cleaning. On conveyances not equipped with retention facilities, toilet hoppers shall be of such design and so located as to prevent spattering of water filling pipes or hydrants.

(b) Separate facilities for brushing teeth shall be provided in washrooms of all conveyances having sleeping accommodations.

§ 72.151 *Railroad conveyances; food handling facilities.* (a) Both kitchens and pantries of cars hereafter constructed or reconstructed shall be equipped with double sinks, one of which shall be of sufficient size and depth to permit complete immersion of a basket of dishes during bactericidal treatment; in the pantry a dishwashing machine may be substituted for the double sinks. If chemicals are used for bactericidal treatment, 3-compartment sinks shall be provided.

(b) A sink shall be provided for washing and handling cracked ice used in food or drink and shall be used for no other purpose.

(c) Lavatory facilities for the use of the dining car crew shall be provided on each dining car. Such facilities shall be conveniently located and used for hand and face washing only: *Provided, however,* That where the kitchen and pantry on a dining car hereafter constructed or reconstructed are so partitioned or separated as to impede free passage between them lavatory facilities shall be provided in both the kitchen and the pantry.

(d) Wherever toilet and lavatory facilities required by paragraph (c) of this section are not on the dining car, a lavatory shall be provided on the dining car for the use of employees. The lavatory shall be conveniently located and used only for the purpose for which it is installed.

§ 72.152 *Cleanliness of conveyances.* Conveyances while in transit shall be kept clean and free of flies and mosquitoes. A conveyance which becomes infected with vermin shall be placed out of service until such time as it shall have been effectively treated for the destruction of the vermin.

§ 72.153 *Ice.* Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

§ 72.154 *Railroad conveyances; discharge of wastes.* (a) There shall be no discharge of excrement, garbage, waste water or other polluting material from any land conveyance while such conveyance is passing over areas designated by the Surgeon General.

(b) Toilets shall be kept locked when conveyances, occupied or open to occupancy by travelers, are at a station or servicing area unless means are provided to prevent contamination of the area or station.

§ 72.155 *Air conveyances; discharge of wastes.* There shall be no discharge of excrement or garbage from any air conveyance except at servicing areas approved by the Surgeon General.

§ 72.156 *Highway conveyances; discharge of wastes.* There shall be no discharge of excrement, garbage or waste water from a highway conveyance except at servicing areas approved by the Surgeon General.

SUBPART H—LAND AND AIR CONVEYANCES, AND VESSELS: FOOD

§ 72.161 *Applicability.* All conveyances engaged in interstate traffic shall comply with the requirements prescribed in this subpart.

§ 72.162 *Inspection.* The Surgeon General may inspect such conveyances to determine compliance with the requirements of this subpart.

§ 72.163 *General requirements.* All food and drink served on conveyances shall be clean, wholesome, and free from spoilage, and shall be prepared, stored, handled, and served in accordance with the requirements prescribed in this subpart.

§ 72.164 *Source of food and drink; identification and inspection.* (a) Operators of conveyances shall identify, when requested by the Surgeon General, the vendors, distributors or dealers from whom they have acquired or are acquiring their food supply, including milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, bottled water, sandwiches and box lunches.

(b) The Surgeon General may inspect any source of such food supply in order to determine whether the requirements of the regulations in this subpart are being met, and may utilize the results of inspections of such sources made by representatives of State health departments or of the health authorities of contiguous foreign nations.

§ 72.165 *Special food requirements.* Milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, and shellfish served or sold on conveyances shall conform to the following requirements:

(a) Milk and fluid milk products, including cream, buttermilk, skim milk, milk beverages, and reconstituted milk, shall be pasteurized and obtained from a source of supply approved by the Surgeon General. The Surgeon General shall approve any source of supply at or from which milk or fluid milk products are produced, processed, and distributed so as to prevent the introduction, transmission, or spread of communicable diseases. If a source of supply of milk or fluid milk products has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases. Containers of milk and fluid milk products shall be plainly labeled to show the contents, the word "pasteurized", and the identity of the plant at which the contents were packaged by name and address, provided that a code may be used in lieu of address.

(b) Ice cream, other frozen desserts, and butter shall be manufactured from milk or milk products that have been pasteurized or subjected to equivalent heat treatment.

(c) Cheese shall be (1) pasteurized or subjected to equivalent heat treatment, (2) made from pasteurized milk products or from milk products which have been subjected to equivalent heat treatment, or (3) cured for not less than 60 days at a temperature not less than 35° F.

(d) Milk, buttermilk, and milk beverages shall be served in or from the original individual containers in which received from the distributor, or from a bulk container equipped with a dispensing device so designed, constructed, installed, and maintained as to prevent the transmission of communicable diseases.

(e) Shellfish purchased for consumption on any conveyance shall originate from a dealer currently listed by the Public Health Service as holding an unexpired and unrevoked certificate issued by a State authority.

(f) Shucked shellfish shall be purchased in the containers in which they are placed at the shucking plant and shall be kept therein until used. The State abbreviation and the certificate number of the packers shall be permanently recorded on the container.

§ 72.166 *Storage of perishables.* All perishable food or drink shall be kept at or below 50° F., except when being prepared or kept hot for serving.

§ 72.167 *Ice; source and handling.* Ice coming in contact with food or drink and not manufactured on the conveyance shall be obtained from sources approved by competent health authorities. All ice coming in contact with food or drink shall be stored and handled in such manner as to avoid contamination.

§ 72.168 *Places where food is prepared, served, or stored; construction, maintenance, and use.* (a) All kitchens, galleys, pantries, and other places where food is prepared, served, or stored shall be adequately lighted and ventilated: *Provided, however,* That ventilation of cold storage rooms shall not be required. All such places where food is prepared, served, or stored shall be so constructed and maintained as to be clean and free from flies, rodents, and other vermin.

(b) Such places shall not be used for sleeping or living quarters.

(c) Water of satisfactory sanitary quality, under head or pressure, and adequate in amount and temperature, shall be easily accessible to all rooms in which food is prepared and utensils are cleaned.

(d) All plumbing shall be so designed, installed, and maintained as to prevent

contamination of the water supply, food, and food utensils.

§ 72.169 *Utensils and equipment.* (a) All utensils and working surfaces used in connection with the preparation, storage, and serving of food or beverages, and the cleaning of food utensils, shall be so constructed as to be easily cleaned and self-draining and shall be maintained in good repair. Adequate facilities shall be provided for the cleaning and bactericidal treatment of all multiuse eating and drinking utensils and equipment used in the preparation of food and beverages. An indicating thermometer, suitably located, shall be provided to permit the determination of the hot water temperature when and where hot water is used as the bactericidal agent.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned in warm water and subjected to an effective bactericidal treatment after each use. All other utensils that come in contact with food and drink shall be similarly treated immediately following the day's operation. All equipment shall be kept clean.

(c) After bactericidal treatment, utensils shall be stored and handled in such manner as to prevent contamination before reuse.

§ 72.170 *Refrigeration equipment.* Each refrigerator shall be equipped with a thermometer located in the warmest portion thereof. Waste water drains from ice boxes, refrigerating equipment, and refrigerated spaces shall be so installed as to prevent backflow of contaminating liquids.

§ 72.171 *Garbage equipment and disposition.* Watertight, readily cleanable non-absorbent containers with close-fitting covers shall be used to receive and store garbage. Garbage and refuse shall be disposed of as frequently as is necessary and practicable.

§ 72.172 *Toilet and lavatory facilities for use of food-handling employees.* (a) Toilet and lavatory facilities of suitable design and construction shall be provided for use of food-handling employees. (Regarding railroad dining car crew lavatory facilities, see § 72.151.)

(b) Signs directing food-handling employees to wash their hands after each use of toilet facilities shall be posted so as to be readily observable by such employees. Hand washing facilities shall include soap, sanitary towels and hot and cold running water or warm running water in lieu of hot and cold running water.

(c) All toilet rooms shall be maintained in a clean condition.

§ 72.173 *Food-handling operations.* (a) All food-handling operations shall be accomplished so as to minimize the possibility of contaminating food, drink, or utensils.

(b) The hands of all persons shall be kept clean while engaged in handling food, drink, utensils, or equipment.

§ 72.174 *Health of persons handling food.* (a) Any person who is known or suspected to be in a communicable period or a carrier of any communicable disease shall not be permitted to engage in the preparation, handling, or serving of water, other beverages, or food.

(b) Any person known or suspected to be suffering from gastrointestinal disturbance or who has on the exposed portion of the body an open lesion or an infected wound shall not be permitted to engage in the preparation, handling, or serving of food or beverages.

SUBPART I—CERTIFICATION FOLLOWING INSPECTIONS

§ 72.181 *Issuance and posting of certificates.* The Surgeon General may issue certificates based upon inspections provided for in Subparts A to H of this part. Such certificates shall be prominently posted on conveyances.

SUBPART J—DRINKING WATER STANDARDS

§ 72.201 *Definitions of terms.* For the purpose of this subpart the terms designated in this section shall be defined as follows:

(a) "Adequate protection by natural agencies" implies various relative degrees of protection against the effects of polution in surface waters; dilution, storage, sedimentation, the effects of sunlight and aeration, and the associated physical and biological processes which tend to produce natural purification; and, in the case of ground waters, storage in and percolation through the water-bearing material.

(b) "Artificial treatment" includes the various processes commonly used in water treatment, both separately and in combination, such as storage, aeration, sedimentation, coagulation, rapid or slow sand filtration, chlorination, and other accepted forms of disinfection. Rapid sand filtration treatment is commonly understood to include those auxiliary measures, notably coagulation and sedimentation, which are essential to its proper operation.

(c) "Adequate protection by artificial treatment" implies that the method and degree of elaboration of treatment are appropriate to the source of supply; that the works are of adequate capacity to support maximum demands, are well located, designed, and constructed, are carefully and skillfully operated and supervised by properly trained and qualified personnel, and are adequately protected against floods and other sources of pollution. The evidence that the protection thus afforded is adequate must be furnished by frequent bacteriological examinations and other appropriate analyses showing that the purified water is of good and reasonably uniform quality, a recognized principle being that irregularity in quality is an indication of potential danger. A minimum specification of good quality would be conformance to the bacteriological and chemical requirements of this subpart, as indicated in §§ 72.203 and 72.204.

(d) "Sanitary defect" means any faulty structural condition, whether of location, design, or construction of collection, treatment, or distribution works which may regularly or occasionally prevent satisfactory purification of the water supply or cause it to be contaminated from extraneous sources. Among the extraneous sources of contamination of water supply are dual supplies, bypasses, cross connections, interconnections, and back-flow connections.

(e) "Health hazard" means any faulty operating condition including any device or water treatment practice, which, when introduced into the water suply system, creates or may create a danger to the well-being of the consumer.

(f) "Water supply system" includes the works and auxiliaries for collection, treatment, and distribution of the water from the source of supply to the free-flowing outlet of the ultimate consumer.

(g) "The coliform group of bacteria" is defined, for the purpose of this subpart, as including all organisms considered in the coli-aerogenes group as set forth in the Standard Methods for the Examination of Water and Sewage, current edition, prepared, approved, and published jointly by the American Public Health Association and the American Water Works Association, New York City. The procedures[1] for the demonstration of bacteria of this group shall be those specified herein, for:

(1) The completed test, or

(2) The confirmed test when the liquid confirmatory medium brilliant green bile lactose broth, 2 percent, is used, providing the formation of gas in any amount in this medium during 48 hours of incubation at 37° C. is considered to constitute a positive confirmed test, or

(3) The confirmed test when one of the following liquid confirmatory media is used: crystal violet lactose broth, fuchsin lactose broth, or formate ricinoleate broth. For the purpose of this test, all are equivalent, but it is recommended that the laboratory worker base his selection of any one of those confirmatory media upon correlation of the confirmed results thus obtained with a series of completed tests, and that he select for use the liquid confirmatory medium yielding results most nearly agreeing with the results of the completed test. The incubation period for the selected liquid confirmatory medium shall be 48 hours at 37° C. and the formation of gas in any amount during this time shall be considered to constitute a positive confirmed test.

(h) "The standard portion of water" for the application of the bacteriological test may be either:

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.)

(i) "The standard sample" for the bacteriological test shall consist of five (5) standard portions of either:

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.) each.

In any disinfected supply the sample must be freed of any disinfecting agent

[1] This reference shall apply to all details of technique in the bacteriological examination, including the selection and preparation of apparatus and media, the collection and handling of samples, and the intervals and conditions of storage allowable between collection and examination of the water sample.

water or other polluting material from its temporary use under such conditions installed, and maintained as to prevent

within twenty (20) minutes of the time of its collection.[4]

(j) "The certifying authority" is the Surgeon General of the United States Public Health Service or his duly authorized and designated representatives. Reference to the certifying authority shall be applicable only in the cases of those water supplies to be certified for use on carriers subject to the Federal quarantine regulations. "The reporting agency" shall be understood to mean the respective official State health agencies or their designated representatives.

§ 72.202 *As to source and protection.* (a) The water supply shall be:

(1) Obtained from a sourse free from pollution; or

(2) Obtained from a source adequately purified by natural agencies; or

(3) Adequately protected by artificial treatment.

(b) The water supply system in all its parts should be free from sanitary defects and health hazards, and all known sanitary defects and health hazards shall be systematically removed at a rate satisfactory to the reporting agency and to the certifying authority. Approval of public water supplies by the reporting agency and the certifying authority will be conditioned by the existence of:

(1) Rules and regulations prohibiting connections or arrangements by which liquids or chemicals of unsafe, unknown, or questionable quality may be discharged or drawn into the public water supply;

(2) Provisions to enforce such rules and regulations effectively on all new installations; and

(3) A continuous program to detect health hazards and sanitary defects within the water distribution system.

(c) *Applications.* For the purposes of this subpart, responsibility for conditions in the water supply systems shall be considered to be held by:

(1) The water purveyor from the source of supply to the connection to the customer's service piping, and

(2) The owner of the property served and the municipal, county, or other authority having legal jurisdiction from the point of connection to the customer's service piping to the free-flowing outlet of the ultimate consumer.

§ 72.203 *As to bacteriological quality*—(a) *Sampling.* (1) The bacteriological examination of water considered under this section shall be of samples collected at representative points throughout the distribution system.

(2) The frequency of sampling and the location of sampling points on the distribution system should be such as to determine properly the bacteriological quality of the water supply. The frequency of sampling and the distribution of sampling points shall be regulated jointly by the reporting agency and the certifying authority after investigation by either agency, or both, of the source, method of treatment, and protection of the water concerned.

(3) The minimum number of samples to be collected from the distribution system and examined by the reporting agency or its designated representatives each month should be in accordance with the number as determined from the graph presented in Figure 1 of this subpart[5] which is based upon the relationship of population served and minimum number of samples per month:

Population served:	*Minimum number of samples per month*
2,500 and under	1
10,000	7
25,000	25
100,000	100
1,000,000	300
2,000,000	390
5,000,000	500

(4) In determining the number of samples examined monthly, the following samples may be included, provided all results are assembled and available for inspection and the laboratory methods and technical competence of the personnel are approved by the reporting and certifying agencies:

(i) Samples examined by the reporting agency.

(ii) Samples examined by local health department laboratories.

(iii) Samples examined by the water works authority.

(iv) Samples examined by commercial laboratories.

(5) Daily samples collected following an unsatisfactory sample as provided in

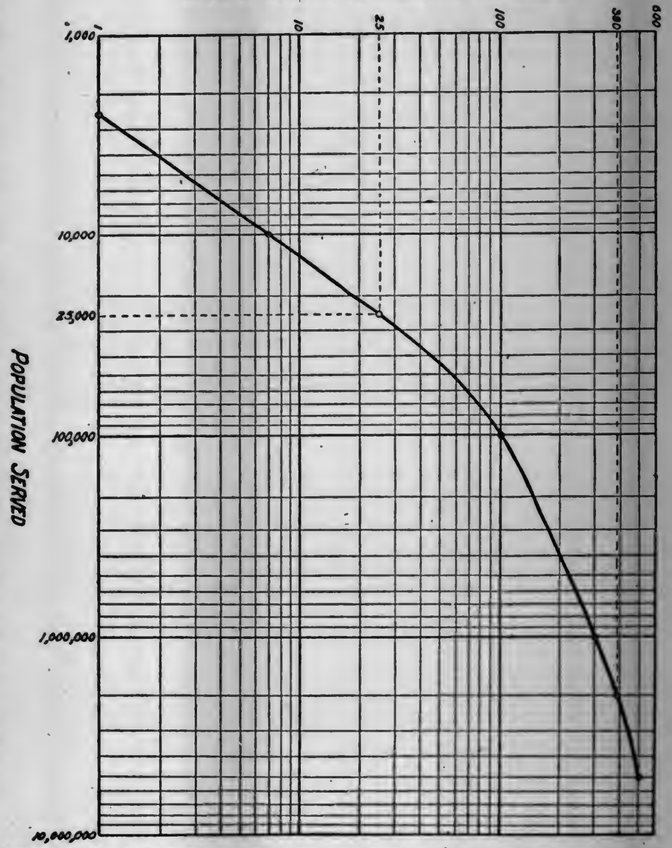

FIGURE 1—Relation between minimum number of samples to be collected per month and population served.

[4] In freeing samples of chlorine or chloramines, the procedure given in the Standard Methods for the Examination of Water and Sewage, current edition, shall be followed.

[5] For the purpose of uniformity and simplicity in application, the number of samples to be examined each month for any given population served shall be determined from the graph in accordance with the following:

For populations of 25,000 and under to the nearest 1.

For populations of 25,001 to 100,000 to the nearest 5.

For populations of 100,001 to 2,000,000 to the nearest 10.

For populations of over 2,000,000 to the nearest 25.

paragraph (b) (2) and (4) of this section, shall be considered as special samples and shall not be included in the determination of the number of samples examined monthly. Neither shall subsequent unsatisfactory samples in this daily series be used as a basis for prohibiting the supply: *Provided*, That (i) immediate and active efforts are made to locate the cause of such contamination, (ii) immediate action is taken to eliminate such cause, and (iii) samples taken following such remedial action are satisfactory.

(6) The laboratories in which these examinations are made and the methods used in making them shall be subject to inspection at any time by the designated representatives of the certifying authority and reporting agency. Compliance with the specified procedures and the results obtained shall be used as a basis for certification, in accordance with the application given in paragraph (b) of this section:

(b) *Application.* Subparagraphs (1) and (2) of this paragraph shall govern when ten milliliter (10 ml.) portions are used and subparagraphs (3) and (4) of this paragraph shall govern when one hundred milliliter (100 ml.) portions are used.[6]

(1) Of all the standard ten milliliter (10 ml.) portions examined per month in accordance with the specified procedure, not more than ten (10) percent shall show the presence of organisms of the coliform group.

(2) Occasionally three (3) or more of the five (5) equal ten milliliter (10 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group: *Provided*, That this shall not be allowable if it occurs in consecutive samples or in more than:

(i) Five (5) percent of the standard samples when twenty (20) or more samples have been examined per month.

(ii) One (1) standard sample when less than twenty (20) samples have been examined per month.

Provided further, That when three or more of the five equal ten milliliter (10 ml.) portions constituting a single standard sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[7]

(3) Of all the standard one hundred milliliter (100 ml.) portions examined per month in accordance with the specified procedure, not more than sixty (60) percent shall show the presence of organisms of the coliform group.

(4) Occasionally all of the five (5) equal one hundred milliliter (100 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group: *Provided*, That this shall not be allowable if it occurs in consecutive samples or in more than:

(i) Twenty (20) percent of the standard samples when five (5) or more samples have been examined per month.

(ii) One (1) standard sample when less than five (5) samples have been examined per month.

Provided further, That when all five of the standard one hundred milliliter (100 ml.) portions constituting a single standards sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[7]

(5) The procedure given, using a standard sample composed of five standard portions, provides for an estimation of the most probable number of coliform bacteria present in the sample as set forth in the following tabulation:

Number of portions		Most probable number of coliform bacteria per 100 ml.	
Negative	Positive	When 5-10 ml. portions are examined	When 5-100 ml. portions are examined
		Less than—	Less than—
5	0	2.2	0.22
4	1	2.2	.22
3	2	5.1	.51
2	3	9.2	.92
1	4	16.0	1.60
		More than—	More than—
0	5	16.0	1.60

§ 72.204 *As to physical and chemical characteristics*—(a) *Physical characteristics.*[8] The turbidity of the water shall not exceed 10 p. p. m. (silica scale), nor shall the color exceed 20 (platinum-cobalt seals.). The water shall have no objectionable taste or odor.

(b) *Chemical characteristics.* The water shall not contain an excessive amount of soluble mineral substance, nor excessive amount of any chemicals employed in treatment. Under ordinary circumstances, the analytical evidence that the water satisfies the physical and chemical standards given in paragraph (a) of this section and subparagraph (1) of this paragraph and simple evidence that it is acceptable for taste and odor will be sufficient for certification with respect to physical and chemical characteristics.

(1) The presence of lead (Pb) in excess of 0.1 p. p. m., of fluoride in excess of 1.5 p. p. m., of arsenic in excess of 0.05 p. p. m., of selenium in excess of 0.05 p. p. m., of hexavalent chrominum in excess of 0.05 p. p. m., shall constitute grounds for rejection of the supply.

These limits are given in parts per million by weight and a reference to the method of analysis recommended for each determination is given in paragraph (c) (1) of this section. Salts of barium, hexavalent chromium, heavy metal glucosides, or other substances with deleterious physiological effects shall not be added to the system for water treatment purposes.

Ordinarily analysis for these substances need be made only semiannually. If, however, there is some presumption of unfitness because of these elements, periodic determination for the element in question should be made more frequently.

Where experience, examination, and available evidence indicate that such substances are not present or likely to be present in the water supplies involved, semiannual examinations are not necessary, provided such omission is acceptable to the reporting agency and the certifying authority.

(2) The following chemical substances which may be present in natural or treated waters should preferably not occur in excess of the following concentrations where other more suitable supplies are available in the judgment of the certifying authority. Recommended methods of analysis are given in paragraph (c) of this section:

Copper (Cu) should not exceed 3.0 p. p. m.

Iron (FE) and manganese (Mn) together should not exceed 0.3 p. p. m.

Magnesium (Mg) should not exceed 125 p. p. m.

Zinc (Zn) should not exceed 15 p. p. m.

Chloride (Cl) should not exceed 250 p. p. m.

Sulfate (SO_4) should not exceed 250 p. p. m.

Phenolic compounds should not exceed 0.001 p. p. m. in terms of phenol.

Total solids should not exceed 500 p. p. m. for a water of good chemical quality. However, if such water is not available, a total solids content of 1,000 p. p. m. may be permitted.

For chemically treated water, i. e., lime softened, zeolite or other ion exchange treated waters, or any other chemical treatments, the following three requirements should be met:

(i) The phenolphthalein alkalinity (calculated as $CaCO_3$) should not be greater than 15 p. p. m. plus 0.4 times the total alkalinity. This requirement limits the permissible pH to about 10.6 at 25° C.

(ii) The normal carbonate alkalinity should not exceed 120 p. p. m. Since the normal alkalinity is a function of the hydrogen ion concentration and the total alkalinity, this requirement may be met by keeping the total alkalinity within the limits suggested below when the pH of the water is within the range given. These values apply to water at 25° C.

pH range	*Limit of total alkalinity (p. p. m. as $CaCO_3$)*
8.0 to 9.6	400
9.7	340
9.8	300
9.9	260
10.0	230
10.1	210
10.2	190
10.3	180
10.4	170
10.5 to 10.6	160

[6] It is to be understood that in the examination of any water supply the series of samples for any month must conform to both of the requirements of either paragraph (1) and (2) or (3) and (4), respectively.

[7] When this occurs, and when waters of unknown quality are being examined, simultaneous tests should be made on multiple portions of a geometric series ranging from 10 ml. to 0.1 ml. or less.

[8] The requirements in this paragraph relating to turbidity and color shall be met by all filtered water supplies. Turbidity and color limits for unfiltered waters and the requirements of freedom from taste or odor for either filtered or unfiltered waters should be based on reasonable judgment and discretion, giving due consideration to all the local factors involved.

Methods for the Examination of Water and Sewage, current edition, shall be followed.

FIGURE 1—Relation between minimum number of samples to be collected per month and population served.

portions of a geometric series ranging from 10 ml. to 0.1 ml. or less.

tion, giving due consideration to all the local factors involved.

10.4	170
10.5 to 10.6	160

(iii) If excess alkalinity is produced by chemical treatment, the total alkalinity should not exceed the hardness by more than 35 p. p. m. (calculated as $CaCO_3$).

(c) *Recommended methods of analysis.*[a] (1) Ions with required limits of concentration.

Arsenic (As): Official and Tentative Methods of Analysis. Association of Official Agricultural Chemists, 1940, p. 390; also "Colorimetric Microdetermination of Arsenic," Morris B. Jacobs and Jack Nagler. Industrial and Engineering Chemistry, Anal. Ed., 14: 442 (1942).

Fluoride (F): Standard Methods for the Examination of Water and Sewage, current edition; also Methods of Determining Fluorides, Committee Report, A. P. Black, Chairman. Journal American Water Works Association, 33: 1965–2017 (1941).

Lead (Pb): Standard Methods for the Examination of Water and Sewage, current edition.

Selenium (Se): Official and Tentative Methods of Analysis. Association of Official Agricultural Chemists, 1940, pp. 11 and 417; also Robinson, W. O. Dudley, H. C., Williams, K. T., and Byers, Horace G.; The Determination of Selenium and Arsenic by Distillation. Industrial and Engineering Chemistry, Anal. Ed., 6: 274 (1934).

Hexavalent Chromium: Standard Methods for the Examination of Water and Sewage, current edition.

(2) Ions and substances with suggested limits of concentration.

Copper (Cu): Standard Methods for the Examination of Water and Sewage, current edition.

Iron (Fe) and Manganese (Mn): Ibid.

Magnesium (Mg): Ibid.

Zinc (Zn): Ibid.

Chloride (Cl): Ibid.

Sulfate (SO_4): Ibid.

Phenolic compounds: Ibid.

With dibromquinonechlorimide as an indicator.

Total solids: Ibid.

Alkalinity: Ibid.

PART 73—BIOLOGIC PRODUCTS

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STANDARDS FOR PRODUCTS: LABELS

73.50 Container labels.
73.51 Proper name on outside label.
73.52 Outside label; additional items.
73.53 Divided manufacturing responsibility to be shown.
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73.70 Tests prior to release.
73.71 Tests: by whom made.
73.72 Ingredients, preservatives, diluents.
73.73 Total solids in serums.
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73.75 Container and closure.
73.76 Standard units or samples.
73.77 Standards of potency; particular products.
73.78 Dating period; date of manufacture.
73.79 Dating period; products in cold storage.

ADDITIONAL STANDARDS: TRIVALENT ORGANIC ARSENICALS

73.90 Tests prior to release.
73.91 Pre-testing by Institute; sample of each lot.
73.92 Expiration date.
73.93 Composition of product.
73.94 Container.
73.95 Final container label.
73.96 Outside label.

ADDITIONAL STANDARDS: POLIOMYELITIS VACCINE

73.100 The product.
73.101 Production of poliomyelitis vaccine.
73.102 Tests for safety.
73.103 Potency test.
73.104 General requirements.
73.105 Equivalent methods.

AUTHORITY: §§ 73.1 to 73.105 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U. S. C. 262. Other statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCES: For Department of Health, Education and Welfare regulations relating to drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.), see 21 CFR, Subchapter C. For exemption from section 505 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355) of new drugs licensed under the Public Health Service Act, see 21 CFR 1.109a. For drugs intended solely for investigational use, see 21 CFR 1.114. For Bureau of Customs regulations relating to viruses, serums and toxins, see 19 CFR 12.21–12.23. For Post Office regulations relating to the admissibility to the United States mails see 39 CFR Parts 14 and 15, esp. § 15. (b) (2).

DEFINITIONS

§ 73.1 *Definitions.* As used in this part:

(a) "Act" means the Public Health Service Act (58 Stat. 682), approved July 1, 1944.

(b) "Secretary" means the Secretary of Health, Education and Welfare.

(c) "Surgeon General" means the Surgeon General of the United States Public Health Service.

(d) "Institutes" means the National Institutes of Health in the Public Health Service.

(e) "State" means a State or the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(f) "Possession" includes, among other possessions, Puerto Rico and the Virgin Islands.

(g) "Biologic product" means any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention, treatment or cure of diseases or injuries of man:

(1) A virus is a product containing the minute living cause of an infectious disease.

(2) A therapeutic serum is the product obtained from the blood of an animal by removing the clot or clot components and the blood cells and intended for administration by a route other than ingestion.

(3) A toxin is a product containing a soluble substance poisonous to laboratory animals or to man in doses of 1 milliliter or less (or equivalent in weight) of the product, and having the property, following the injection of non-fatal doses into an animal, of causing to be produced therein another soluble substance which specifically neutralizes the poisonous substance and which is demonstrable in the serum of the animal thus immunized.

(4) An antitoxin is a product containing the soluble substance in serum or other body fluid of an immunized animal which specifically neutralizes the toxin against which the animal is immune.

(5) A product is analogous:

(i) To a virus if prepared from or with a virus or agent actually or potentially infectious, without regard to the degree of virulence or toxicogenicity of the specific strain used.

(ii) To a therapeutic serum, if composed of whole blood or plasma or containing some organic constituent or product other than a hormone or an amino acid, derived from whole blood, plasma, or serum and intended for administration by a route other than ingestion.

(iii) To a toxin or antitoxin, if intended, irrespective of its source of origin, for the prevention, treatment, or cure of diseases or injuries of man through specific immunization.

(h) "Trivalent organic arsenicals" means arsphenamine and its derivatives (or any other trivalent organic arsenic compound) applicable to the prevention, treatment, or cure of diseases or injuries of man.

(i) "Products" includes biologic products and trivalent organic arsenicals. A product is deemed "applicable to the prevention, treatment or cure of diseases or injuries of man" irrespective of the mode of administration or application recommended, including use when intended, through administration or application to a person, as an aid in diagnosis or in evaluating the degree of susceptibility or immunity possessed by a person, and including also any other use for purposes of diagnosis if the diagnostic substance so used is prepared from or with the aid of a biologic product.

(j) "Proper name", as applied to a product, means the name designated in the license for use upon each container of the product.

(k) "Dating period" means the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results.

(l) "Expiration date" means the date of termination of the dating period.

(m) The word "standards" means specifications and procedures applicable to an establishment or to the production, content, testing, labeling, or release of products prepared therein, which are prescribed in this part and which are designed to insure the continued safety, purity and potency of such products.

(n) The word "continued" as applied to the safety, purity and potency of products is interpreted to apply to the dating period.

(o) The word "safety" is interpreted to apply to the relative freedom from harmful effect to the recipient when a product is prudently administered taking into consideration the character of the product in relation to the condition of the patient at the time.

(p) The word "purity" is interpreted to mean the degree of freedom from extraneous matter, whether harmful to the recipient, deleterious to the product or otherwise, in the finished product.

(q) The word "potency" is interpreted to mean the specific ability or capacity of the product, as indicated by appropriate laboratory tests or by adequately controlled clinical data obtained through the administration of the product in the manner intended, to effect a given result.

(r) "Manufacturer" includes any individual, trust or estate, association, partnership or corporation engaged in the manufacture of a product subject to license under the act.

(s) "Establishment" means that portion of the properties of any manufacturer which is given over to the manufacture of a product subject to license, including equipment and animals used, and the personnel engaged in such manufacture.

(t) "Selling agent" or "distributor" means any person engaged in the unrestricted distribution, other than by sale at retail, of products subject to license.

LICENSES: PROCEDURE

§ 73.2 *Applications.* To obtain a license for any establishment, biologic product or trivalent organic arsenical, the manufacturer shall make application to the Surgeon General on forms prescribed for such purpose, and in the case of an application for a product license, shall submit a description of the production methods, samples of the product and specimens of the labels, enclosures, and containers proposed to be used for such product. No product shall be licensed if any production method relating to such product would, in the judgment of the Surgeon General, impair the assurances of continued safety, purity and potency as provided by the regulations of this part.

§ 73.3 *Inspection of establishments and examination of products prior to licensing.* Licenses shall be issued only after inspection of the establishment and examination of the product for which a product license is desired and upon a determination that the establishment and the product meet the standards prescribed in the regulations in this part. Additional product licenses shall be issued only upon examination of the product and a determination that the product meets the standards prescribed in the regulations in this part.

§ 73.4 *Form of license: domestic establishments.* The following form of license is prescribed for establishments located in any State or possession of the United States:

Establishment License No. --------

This is to certify that ----------
of ----------, through the establishment identified as ----------, located at ---------- is hereby licensed, pursuant to section 351 of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), and regulations thereunder, to propagate or manufacture, and to prepare for sale in the District of Columbia, or for sending, bringing or carrying from any State or possession into any other State or possession or into any foreign country any virus, serum, toxin, antitoxin, or analogous product, or arsphenamine or its derivatives (or any other trivalent organic arsenic compound) for the propagation and manufacture of which the establishment holds an unsuspended and unrevoked license issued by the Secretary of Health, Education, and Welfare pursuant to said act and regulations.

Secretary of Health, Education, and Welfare.

Date ----------

§ 73.5 *Product licenses.* Each product license shall designate:

(a) The manufacturer.

(b) The establishment.

(c) The license number of the establishment.

(d) The proper name of the product, with additional specifications, if any, which may be approved or required for additional labeling purposes.

§ 73.6 *Changes to be reported.* Important changes in location, equipment, management and responsible personnel, or in production methods and labeling of any licensed product or of any product for which an application for a license is pending shall be immediately reported to the Institute by any establishment holding a license, and, unless in case of an emergency, not less than 30 days in advance of the time such changes are made; failure to make such report shall constitute a ground for summary suspension of a license pending reinspection of the establishment or re-examination of the product.

§ 73.7 *Products under development.* A biologic product or trivalent organic arsenical undergoing development, but not yet ready for a product license, may be shipped or otherwise delivered from one State or possession into another State or possession provided such shipment or delivery is not for sale, barter or exchange and is in accordance with section 505 of the Federal Food, Drug, and Cosmetic Act, as amended, and the regulations thereunder.

§ 73.8 *Issuance, revocation or suspension.* A license shall be issued by the Secretary upon the recommendation of the Surgeon General and upon the finding by the Surgeon General that the establishment or the product, as the case may be, meets the standards established by the regulations in this part as herein prescribed or hereafter amended. Licenses shall be valid until suspended or revoked. An establishment or product license shall be revoked upon application of the manufacturer giving notice of intention to discontinue the manufacture of all products or of intention to discontinue the manufacture of a particular product for which a license is held. The Surgeon General shall recommend to the Secretary that a license be suspended or revoked whenever he finds, after notice and opportunity for hearing, that the establishment or the product for which the license has been issued fails to conform to the standards in the regulations in this part as herein prescribed or hereafter amended to insure the continued safety, purity and potency of the manufactured product. In case of suspension, if the faulty condition is not corrected within 60 days or within such other period as may be specified in the notice of suspension, he shall recommend that the license be revoked. Except as provided in § 73.10, prior to the institution of proceedings looking to the suspension or revocation of a license the licensee shall be advised in writing of the facts or conduct which may warrant such action and shall be accorded opportunity within a reasonable period prescribed by the Surgeon General to demonstrate or achieve compliance with the regulations in this part.

§ 73.9 *Licenses heretofore issued.* Any license heretofore issued and in effect upon the effective date of the regulations in this part shall remain in effect unless and until superseded by a new license, or suspended or revoked, pursuant to the regulations in this part.

§ 73.10 *Summary suspension.* Whenever the Surgeon General has reasonable ground to believe that an establishment or product for which a license has been issued fails to conform to the standards prescribed in the regulations in this part, and that by reason of such failure and of failure of the manufacturer to take prompt corrective measures on notice thereof, the distribution or sale of a licensed product would constitute a danger to health, or that the establishment and production methods have been so changed as to require in order to protect the public health a new showing that the establishment or product meets the standards prescribed in the regulations

[a] For the chemical determinations referred to in this report, when given, the methods of analysis recommended by the Association of Official Agricultural Chemists are satisfactory and may be substituted for those recommended in the Standard Methods for the Examination of Water and Sewage, current edition, which are specifically cited.

in this part, he may recommend to the Secretary that the license for the establishment or the product be summarily suspended and the manufacturer be required (a) to notify the selling agents and distributors to whom such product or products have been delivered of such suspension, (b) to furnish complete records of such deliveries and notice of suspension, and (c) to show cause within 60 days or such other period as may be specified in the order why the license should not be revoked.

§ 73.11 *Review Board.* When deemed advisable by the Surgeon General, in matters involving the safety, purity and potency of licensed products or products for which an application for license is pending, the reports of inspection and laboratory examinations, together with any pertinent data the establishment may submit, shall be passed upon by a special board of three officers appointed by the Surgeon General for that purpose. The board shall report its findings to the Surgeon General who will forward its report, together with his findings and recommendations, to the Secretary.

§ 73.12 *Opportunity for hearing.* Any manufacturer whose application for a license has been denied, or whose establishment or product license has been summarily suspended, without prior opportunity for hearing, may appeal from such denial or suspension and shall be entitled to a hearing thereon before a review body constituted as provided in § 73.11. The Surgeon General, upon review of the record, may affirm, reverse, or modify the findings of the review board, or may direct the taking of further testimony, and shall forward his determinations and recommendations to the Secretary.

§ 73.13 *Suspension and revocation: publication.* Notice of suspensoin or revocation of license, with statement of cause therefor, may be published by the Secretary.

§ 73.14 *Reissuance.* An establishment license, previously revoked or suspended may be reissued or reinstated upon inspection of the establishment, or upon examination of the product showing that the reasons for revocation or suspension have been corrected, except that in case of a product license revoked upon application or because of failure to meet changes in standards prescribed by amendment to the regulations in this part after the issuance of such license, only such inspection and examination as may be considered advisable by the Institutes shall be required.

§ 73.15 *Products in short supply; initial processing at other than licensed establishment.* Licenses issued to a manufacturer for an establishment shall authorize persons other than such manufacturer to conduct at places other than such establishment the initial and partial processing of a product for shipment solely to such manufacturer only to the extent that the names of such persons and places are registered with the Surgeon General and he finds, upon application of such manufacturer, that (a) the product is in short supply due either to the peculiar growth requirements of the organism involved or to the scarcity of the animal required for production purposes, and (b) such manufacturer has established with respect to such persons and places such procedures, inspections, tests or other arrangements as will assure full compliance with the applicable regulations of this part related to continued safety, purity and potency. Such persons and places shall be subject to all regulations of this part except §§ 73.2 to 73.14, 73.20 to 73.24, and 73.50 to 73.55. Failure of such manufacturer to maintain such procedures, inspections, tests or other arrangements, or failure of any person conducting such processing to comply with applicable regulations shall constitute a ground for summary suspension or revocation of the authority conferred pursuant to this section on the same basis as provided in §§ 73.10, 73.12 and 73.13 with respect to the summary suspension and the revocation of licenses.

FOREIGN ESTABLISHMENTS AND PRODUCTS

§ 73.20 *Licenses required; products for controlled investigation only.* Any biologic or trivalent organic arsenical propagated or manufactured and prepared in any foreign country and intended for sale, barter or exchange shall be refused entry by collectors of customs unless produced in an establishment holding an unsuspended and unrevoked establishment license and license for the product. Unlicensed products which are not imported for sale, barter or exchange and which are intended solely for purposes of controlled investigation are admissible only if in accord with section 505 of the Federal Food, Drug, and Cosmetic Act, as amended, and the regulations thereunder.

§ 73.21 *Procedure.* Except as otherwise provided in this part, licenses for foreign establishments and products shall be issued, suspended or revoked in the same manner as licenses for domestic establishments and products. Each foreign establishment holding a license and consigning any licensed biologic product or trivalent organic arsenical into any State or possession shall be required to file with the Surgeon General the name and address of any representative or representatives authorized by the establishment to distribute the product, and such representative or representatives shall keep such records of such distribution as are required of domestic licensed establishments, and failure to maintain such records shall constitute ground for revocation of license.

§ 73.22 *Form of license.* Licenses for establishments located in foreign countries shall be in form similar to that for domestic establishments except that they shall authorize preparation for sending, carrying, or bringing for sale barter or exchange from the foreign country designated in the license into any State or possession of the United States and shall specify that it is issued upon the condition that the licensee will permit the inspection during all reasonable hours of the establishment by any officer, agent, or employee of the Department of Health, Education, and Welfare authorized by the Secretary of the Department of Health, Education, and Welfare for such purpose.

§ 73.23 *Smallpox vaccine; importation prohibited.* The importation of smallpox vaccine into any State or possession from any foreign country is prohibited except that smallpox vaccine may be sent from any foreign country, on containers indicating plainly the limited purpose intended, to the Institutes for test or research purposes or for vaccine production.

§ 73.24 *Samples to accompany each importation.* Each foreign importation of a biologic product or trivalent organic arsenical from a licensed establishment, whether or not intended for investigational use only, shall be accompanied by at least two final containers of each lot of any biologic product and by at least 15 final containers of each lot of any trivalent organic arsenical contained in the shipment. Such samples shall be forwarded by the collector of customs at the port of entry to the Institutes for examination. If separate samples are not found accompanying the shipment, samples shall be obtained from the shipment by the collector of customs and forwarded to the Institute.

(Sec. 801, 52 Stat. 1058, as amended; 21 U. S. C. 381)

ESTABLISHMENT INSPECTION

§ 73.30 *Inspectors.* Inspections shall be made by an officer of the Public Health Service having special knowledge of the methods used in the production and control of biologic products and designated for such purpose by the Surgeon General or by any officer, agent, or employee of the Department of Health, Education, and Welfare specifically designated for such purpose by the Secretary.

§ 73.31 *Time of inspection.* The inspection of an establishment for which a license is pending need not be made until the establishment is in operation and is manufacturing the complete product for which a product license is desired. In case the license is denied following inspection for the original license, no reinspection need be made until assurance has been received that the faulty conditions which were the basis of the denial have been corrected. An inspection of each licensed establishment shall be made at least once each year. Inspections may be made with or without notice, and shall be made during regular business hours unless otherwise directed.

§ 73.32 *Duties of inspector.* The inspector shall:

(a) Call upon the active head of the establishment, stating the object of his visit,

(b) Interrogate the proprietor or other personnel of the establishment as he may deem necessary,

(c) Examine the details of location, construction, equipment and maintenance, including stables, barns, warehouses, production laboratories, bleeding clinics maintained for the collection of human blood, shipping rooms, record rooms, and any other structure or appliance used in any part of the propagation, manufacture, and preparation of a product,

(d) Investigate as fully as he deems necessary the methods of propagation, processing, testing, storing, dispensing, recording, or other details of manufacture and distribution of each licensed product, or product for which a license has been requested, including observation of these processes in actual operation,

(e) Obtain and cause to be sent to the Institutes adequate samples for the examination of any product or ingredient used in its preparation,

(f) Bring to the attention of the manufacturer any fault observed in the course of inspection in location, construction, production methods, or administration of a licensed establishment which might lead to impairment of a product,

(g) Inspect and copy, as circumstances may require, any records required to be kept pursuant to § 73.36,

(h) Certify as to the condition of the establishment and of the production methods followed and makes recommendations as to action deemed appropriate with respect to any application for license or any license previously issued.

ESTABLISHMENT STANDARDS

§ 73.35 *Responsible head.* A responsible person shall be in permanent and full control of the establishment in all matters relating to the manufacture of products. A reasonable person is one who has been trained in the manufacturing techniques employed and the fundamental scientific facts upon which the manufacture of products rests, who is capable of enforcing discipline among the employees under his supervision, and to whom sufficient authority has been delegated for such purpose.

§ 73.36 *Records, samples, cultures*—(a) *Production and distribution records.* Records shall be kept, with dates, of the various steps in the manufacture, testing, dispositon, and distribution of each lot, so that at any time these steps as regards any lot number may be traced by an inspector. The records shall be retained, for such interval beyond the expiration date as is considered necessary for the individual product to permit the return of any clinical report of unfavorable reactions. This interval will vary with the type of product and its geographic distribution. A minimum of 6 months after the expiration date with 5 years as the extreme interval under all circumstances is considered adequate. Records of distribution of each lot shall in any event be kept as long as the lot remains the property of the licensed manufacturer.

(b) *Records of recall.* Complete records shall be maintained pertaining to the recall from distribution of any product upon notification from the Institutes of failure to conform with the standards prescribed in the regulations in this part, deterioration of the product or any other factor by reason of which the distribution of the product would constitute a danger to health.

(c) *Sterilization records.* Records including the date, duration, and temperature of each sterilization shall be made by means of automatic registering devices or under a system of recording which gives reasonable assurance of the accuracy and reliability of the record.

(d) *Animal necropsy records.* A necropsy record shall be kep on each animal from which a biologic product has been obtained and which dies or is killed because of disease while employed in production of a product.

(e) *Retention of reference samples.* Reference samples from each lot shall be retained by the manufacturer until the entire lot has become outdated and for 6 months thereafter. Exceptions may be authorized by the Institutes when the lot yields relatively few final containers and when such lots are prepared by the same method in large numbers and in close succession.

(f) *Cultures.* Cultures and other materials while used in the production of licensed products shall be labeled and preserved in a safe and orderly manner.

(g) *Records in case of divided manufacturing responsibility.* If two or more establishments participate in the manufacture of a product, the records of both establishments must show plainly the degree of responsibility of each in the manufacturing process.

§ 73.37 *Physical establishment; construction, equipment and care*—(a) *Work with spore-bearing organisms.* All work with spore-bearing micro-organisms shall be carried out in (1) an entirely separate building with its own entrance, or (2) a portion of a building used for the manufacture of other products constructed in such a manner as to be completely walled-off so that admission to the special unit may be gained only through an entrance independent of the remainder of the building. All containers used shall be permanently marked so as to avoid the possibility of contamination of products.

(b) *Work of a diagnostic nature.* Laboratory procedures of a clinical diagnostic nature involving possibly contaminated materials shall be in space set apart from that used for the production of licensed products, except that production space which is used only occasionally may be used for diagnostic work provided spore-bearing pathogenic micro-organisms are not involved and provided the space is thoroughly cleaned before production is resumed.

(c) *Laboratory and bleeding rooms.* Laboratory rooms for the production of licensed products, including the bleeding rooms and other places where cleanliness is essential, shall be efficiently screened and kept free of flies and other insects or vermin. Building construction shall be such as to insure freedom from dust, smoke and deleterious or obnoxious odors in the laboratory and bleeding rooms and such as to permit thorough cleaning and, when necessary, chemical disinfection of bleeding rooms and rooms for smallpox vaccine animals.

(d) *Stables.* Stables shall be well lighted and well ventilated, and the floors shall be so constructed and cared for as to insure cleanliness.

(e) *Sterilization.* Sterilization equipment and methods used shall be such as to insure the complete destruction of contaminating, living organisms, including living spores. The containers, filling apparatus, and other pieces of apparatus or materials which may come in contact with biologic products during manufacture shall be scrupulously clean. Such equipment shall be absolutely sterile unless the product is protected by subsequent sterilizing treatment.

(f) *Containers used in production.* All containers used in preparation of biologic products shall be of such construction as will readily permit inspection for cleanliness.

(g) *Hot water available.* Hot water shall be provided in bleeding rooms and stables for smallpox vaccine animals.

(h) *Disposal of manure.* No manure shall be stored as to permit the breeding of flies on the premises nor shall the establishment be located in close proximity to off-property manure storage capable of engendering fly breeding.

(i) *Isolation of hog cholera production.* All personnel, animals and equipment used in the production of hog cholera serum shall be kept entirely separate from personnel, animals, and materials used in the production of biologic products for human use.

§ 73.38 *Animals used in production*—(a) *Quarantine and care.* Animals used in production of biologic products shall be kept under competent daily inspection and preliminary quarantine for a period of at least 7 days before use. Only healthy animals free from communicable disease shall be used for production purposes and at all times shall be adequately housed, fed, and humanely treated. Particular care shall be taken during the quarantine period to eliminate those animals of the equine genus which may be infected with glanders, and those of the bovine genus which may be infected with tuberculosis.

(b) *Immunization against tetanus.* All horses used in the production of biologic products, except those which are under active immunization for the production of tetanus antitoxin, shall receive injections of tetanus toxoid in such amounts and at such intervals as experience has shown adequate to insure immunity to tetanus.

(c) *Disposal of used animals.* No animal used for production or testing of products shall be removed from the premises while it is capable of transmitting disease. An animal which is unsuitable because of its physical condition for the production or testing of a product shall not be removed from the premises alive except for the purpose of being utilized for animal by-products. No animal shall be allowed to continue to live unnecessarily when to do so would be an inhumane act.

(d) *Reporting of certain diseases required.* In case of actual or suspected infection with foot and mouth disease, glanders, tetanus, anthrax, gas gangrene, equine infectious anemia, or equine encephalomyelitis among animals intended for use or used for the production of biologic products, the manufacturer shall immediately notify the Institute.

(e) *Smallpox vaccine production animals.* Animals used for propagation of smallpox vaccine shall be thoroughly

cleaned with soap and water at the beginning of the quarantine and at its conclusion. No area of the animal shall be vaccinated which is liable to be contaminated by feces.

(f) *Treatment of vaccinated animals.* Preliminary to taking smallpox vaccine material from vaccinated animals, such animals shall be killed or rendered insensible to pain.

(g) *Restriction on attendants.* Personnel while caring for smallpox vaccine animals shall be excluded from horse stables and paddocks and from contact with horses.

§ 73.39 *Human blood donors.* Only those persons may serve as a source of the whole blood for use in preparing a licensed product whose physical condition is such that the withdrawal of the desired amount of blood will not endanger their health and who are certified by a qualified doctor of medicine as being free of a disease transmissible by blood transfusion as far as can be determined from the donor's personal history, from physical examination and such clinical tests as appear necessary for each donor on the day upon which the blood is withdrawn from the donor, except that this requirement may be modified by the Institute if the licensed product is processed by a method which insures the destruction or complete removal of the causative agent for such disease.

STANDARDS FOR PRODUCTS: LABELS

§ 73.50 *Container labels.* (a) The following items shall appear on the label affixed to each container of a product capable of bearing a full label:

(1) The proper name of the product;

(2) Name, address, and license number of manufacturer;

(3) Lot number;

(4) The expiration date.

(b) If the final container is capable of bearing only a partial label, the final container shall show as a minimum the name (expressed either as the proper or common name), the lot number, and the name of the manufacturer and, if the final container is incapable of bearing any label, the items shall appear only on the outside label.

(c) If the final container is a multiple dose container, the container label must indicate the recommended dose. When the label has been affixed to the container a sufficient area of the container must remain uncovered for its full length or circumference to permit inspection of the contents.

§ 73.51 *Proper name on outside label.* The proper name in the form designated in the product license for such purpose must appear upon the outside label in legible type and shall be given precedence in position and prominence over any trade-mark or trade name used:

(a) The "outside label" is the label of the carton enclosing one or more final containers, except that if no such carton is used the label of the individual final container is regarded as the outside label.

(b) "Legible type" includes only type of a size and character which can be read with ease when held in a good light and with normal vision.

(c) "Precedence in position" of the proper name will have been observed if it is placed above any trade-mark or trade name and provided it is symmetrically arranged with respect to other printing on the label.

(d) "Precedence in prominence" of the proper name will have been observed if the style of type is of the same or greater point size and of equal face, or heavier, than that used in printing the trade-mark or trade name, and if the contrast in color value between the proper name and the background is not less than that between the trade-mark or trade name and the background.

§ 73.52 *Outside label; additional items.* The label affixed to the outside carton shall include, in addition to the proper name and the items required on the label of the final container, the following:

(a) The preservative used and its concentration,

(b) The volume of the contents, if a liquid, or the weight, if a solid, and the potency or dosage if more than one strength is dispensed,

(c) The recommended storage temperature,

(d) The words "Shake Well," or equivalent, when indicated by the character of the product.

(e) The dose and route of administration recommended or reference to such directions in an enclosed circular,

(f) The source of the product when a factor in safe administration,

(g) Minimum potency of product expressed in terms of official standard of potency or, if potency is a factor and no standard of potency has been prescribed, the words "No U. S. standard of potency."

§ 73.53 *Divided manufacturing responsibility to be shown.* If two or more establishments participate in the manufacturing process, the name, address, and license number of each must appear on the label of the final container, if capable of bearing a full label, and on the outside label.

§ 73.54 *Name of selling agent or distributor.* The name and address of the selling agent or distributor of a product may appear on the label under the designation of "selling agent" or "distributor" provided that the name and address of the manufacturer is given precedence in prominence.

§ 73.55 *Products for export.* Labels on packages or containers of products for export may be adapted to meet specific requirements of the regulations of the country to which the product is to be exported provided that in all such cases the minimum labor requirements prescribed in § 73.50 are observed.

STANDARDS FOR PRODUCTS: GENERAL

§ 73.70 *Tests prior to release.*—(a) *Required for each lot.* No lot of any licensed product shall be released by the manufacturer prior to the completion of tests for conformity with the standards applicable to such product.

(b) *Potency.* Tests for potency shall be made on each lot only after completion of those processes of manufacture which may affect the potency of the final product. The tests shall consist of either in vitro or in vivo tests, or both, which have been specifically designed for each product so as to indicate its potency in a manner adequate to satisfy the interpretation of potency given by the definition in § 73.1 (q).

(c) *Identity and safety.* (1) The contents of a final container of each filling of each lot shall be tested for identity and for safety either after the labels have been affixed to the final container or affixed, both outside and inside, to the multiple container storage receptacle just prior to its sealing for storage purposes, except that exceptions to this procedure may be authorized by the Institute to apply when the volume of the final container is very large and when more than one lot is processed each day.

(2) The identity test shall be specific for each product in a manner which will adequately identify it and distinguish it from any other product being processed in the same laboratory. In general, identity may be established either through the physical or chemical characteristics of the product, inspection by macroscopic or microscopic methods, specific cultural tests, or in vitro or in vivo immunological tests.

(3) In general, the safety test shall consist of the parenteral injection of the maximum volume tolerated, but not more than 0.5 ml. into mice weighing approximately 20 grams each and 5.0 ml. into guinea pigs weighing approximately 350 grams each. When the injections are made into at least two animals of each species, there shall result neither significant symptoms nor death during an observation period of not less than 7 days. Variations from this test, either in the volume injected or in the species of test animal used shall be made whenever required because of the human dose level demanded of the product or because of any individual demands of the product itself.

(d) *Sterility.* Samples from final containers selected at random after each filling from each lot of each product shall be tested for sterility. The random sampling shall be made in such a manner that all stages of the filling from the bulk container will have equal chance of being represented. Three final containers shall be selected from each filling from each lot if the total number filled is 100 or less and, if greater, one additional container shall be selected for each additional 50 containers or fraction thereof, but not more than 10 samples need be tested. If the volume of the final container is 1.0 ml. or less, the entire contents of the container shall be cultured. If the volume of the final container is greater than 1.0 ml., the volume cultured shall be not less than 1.0 ml. when each injection is 1.0 ml. or less, and not less than the largest single injection recommended when greater than 1.0 ml., but need not be more than 10 ml. The culture shall be made in one or more tubes of fluid thioglycollate medium, and incubation shall be at 35° to 37° C. with observation for not less than 7 days. The manner of performing the sterility test may vary from the pattern prescribed in this paragraph when

the nature of the product necessitates a change and when this need has been recognized by the Institute.

(e) *Purity.* The purity of a product, as defined in § 73.1 (p), includes the relative freedom from residual moisture and pyrogenic substances whenever these are factors of significance in the safe use of the product. The relative freedom from residual moisture shall be determined by a procedure which will accurately measure the amount of uncombined water or other volatile liquid present in the finished product. The relative freedom from pyrogenic substances shall be determined by the intravenous injection into normal rabbits of not less than 3.0 ml. per kilo of body weight, following which the thermal response shall not exceed 1.1° C. More rigid requirements for the pyrogen test shall be observed when the character of the product and the manner of its prophylactic or therapeutic use make this necessary to meet requirements of safety as defined in § 73.1 (o).

§ 73.71 *Tests: by whom made.* Tests for safety, purity and potency applicable to the product shall be completed for each lot of any licensed product prior to its release by the manufacturer, and samples of any lot of any licensed product, together with the protocols showing the results of applicable tests, may at any time be required to be sent to the Institute for examination.

§ 73.72 *Ingredients, preservatives, diluents.* All ingredients used in a licensed product, and any diluent provided as an aid in the administration of the product shall meet generally accepted standards of purity and quality. Any preservative used shall be sufficiently non-toxic so that the amount present in the recommended dose of the product will not be toxic to the recipient, and in the combination used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 73.73 *Total solids in serums.* Except as otherwise provided by regulation, no liquid serum or antitoxin shall contain more than 20 percent total solids.

§ 73.74 *Permissible combinations.* Licensed products may not be combined with other licensed products, either therapeutic, prophylactic or diagnostic, except as a license is obtained for the combined product. Licensed products may not be combined with nonlicensable therapeutic, prophylactic, or diagnostic substances except as a license is obtained for such combination.

§ 73.75 *Container and closure.* Glass used in the container of a licensed product intended for administration by injection shall be colorless and fully transparent. The quality of the glass and of the closure used shall be such as will not hasten the deterioration of the licensed product or render it less suitable for the use intended within the dating period.

§ 73.76 *Standard units or samples.* Standard units or samples for comparison made available by the Institute shall be applied in testing for potency all forms of diphtheria antitoxin, tetanus antitoxin, botulism antitoxin Type A, botulism antitoxin Type B, perfringens antitoxin, scarlet fever streptococcus antitoxin, vibrion septique antitoxin, antipneumococcic serum (Types I, II, V, VII, and VIII), dysentery antitoxin (Shiga), staphylococcus antitoxin, histolyticus antitoxin, oedematiens antitoxin, and sordelli antitoxin and other products for which such units are available.

§ 73.77 *Standards of potency; particular products.* Diphtheria antitoxin shall have a potency of not less than 500 units per milliliter. Tetanus antitoxin shall have a potency of not less than 400 units per milliliter. Scarlet fever streptococcus antitoxin shall have a potency of not less than 400 units per milliliter. Antitoxins dispensed in the dried state shall represent liquid antitoxins of not less than these potencies.

§ 73.78 *Dating period; date of manufacture.* The dating period shall be determined with reference to the date of manufacture which shall be:

(a) For products for which an official standard of potency exists or which are subject to official potency tests, the last date of satisfactorily passing a potency test;

(b) For products for which no official standard of potency exists or which are not subject to official potency tests,

(1) The date of removal from the animal in case of animal products;

(2) The date of extraction in the case of products used for specific desensitization;

(3) The date of solution in case of venoms, and

(4) The date of cessation of growth in case of other products;

(c) For products which are submitted to the Institute for approval prior to release, the date of official release notice.

§ 73.79 *Dating period; products in cold storage.* The dating period may be determined with reference to the period of issue from cold storage: *Provided,* That, except as may be otherwise prescribed for individual products, the date of such issue is not more than six months after the date of manufacture and the product is kept constantly at a temperature not exceeding 10° C., or not more than 1 year after the date of manufacture if the product is kept constantly at a temperature not exceeding 5° C., or not more than 2 years if the product is kept constantly at a temperature not exceeding 0° C.

ADDITIONAL STANDARDS: TRIVALENT ORGANIC ARSENICALS

§ 73.90 *Tests prior to release.* Tests required to be made, prior to the release of each lot of a licensed product, shall be supplemented in the case of the trivalent organic arsenicals by tests for:

(a) Stability,

(b) Solubility,

(c) Arsenic content,

(d) Moisture,

(e) Relative non-toxicity.

§ 73.91 *Pre-testing by Institute; sample of each lot.* Prior to the release of any lot of the product, the manufacturer shall forward to the Institute no less than 15 ampoules of the largest single-dose size in such lot, together with protocols showing the results of each test required prior to release.

§ 73.92 *Expiration date.* Notification from the Institute that lot samples forwarded in accordance with § 73.91 have satisfactorily passed prescribed tests shall indicate a date which may be taken as the date of manufacture for the purpose of fixing the expiration date. The date of issue shall be the same as the date of manufacture.

§ 73.93 *Composition of product.* Solutions or solutions of mixtures in the concentrations recommended for clinical administration shall be of such hydrogen ion value and tonicity as to be physiologically compatible with human blood.

§ 73.94 *Container.* The product shall be hermetically sealed under vacuum or under a dry non-oxidizing gas in ampoules prepared from glass of the quality prescribed in § 73.75. The contents of any final container shall not exceed 10 maximum human doses.

§ 73.95 *Final container label.* In addition to the labeling requirements stated in § 73.50 the final container label of the trivalent organic arsenicals shall bear the statements required in § 73.96 (b) and (c) and an additional statement giving the amount of the drug contained in the ampoule.

§ 73.96 *Outside label.* The outside label, in addition to the complete proper name and all other items required for products generally shall show conspicuously: (a) If the product is dispensed as a mixture or solution, the name of all admixed substances,

(b) If the ampoule is a multiple dose container, the fact that it is a multiple dose container,

(c) Specific method of preparation, if any, required prior to administration, as, for example, alkalinization.

ADDITIONAL STANDARDS: POLIOMYELITIS VACCINE

§ 73.100 *The product.*—(a) *Proper name and definition.* For the purpose of section 351 (a) (2) of the act and § 73.1 (j), the proper name of this product shall be "Poliomyelitis Vaccine", which shall consist of an aqueous preparation of poliomyelitis viruses types 1, 2, and 3, grown in monkey kidney tissue cultures, inactivated by a suitable method, and combined in equal proportions with a tolerance of five percent of the total volume, applied to one or more of the three components.

(b) *Strains of virus.* Strains of poliomyelitis virus used in the production of vaccine shall be identified by historical records, infectivity tests and immunological methods. Any strain of virus may be used that produces a vaccine meeting the safety and potency requirements of §§ 73.101, 73.102 and 73.103, but the Surgeon General may from time to time prohibit the use of any specific strain whenever he finds that it is practicable to use another strain of the same type that is potentially less pathogenic to

man and that will produce a vaccine of equivalent safety and potency.

(c) *Monkeys.* Only cynomolgus or rhesus monkeys, or other species of equal suitability, in overt good health that have reacted negatively to tuberculin within two weeks prior to use, shall be used as the source of kidney tissue for the production of virus. Each animal shall be examined at necropsy under the supervision of a qualified pathologist for gross signs of disease and, if there is any gross pathological lesion of significance to their use in the preparation of the vaccine, the kidneys shall be discarded. Kidney tissue from monkeys that have been used previously for experimental purposes shall not be used, except that monkeys in overt good health, used for the safety or potency tests with negative clinical findings (§§ 73.102 and 73.103) that have reacted negatively to tuberculin prior to such test, may be used within two weeks of the end of the test period.

§ 73.101 *Production of poliomyelitis vaccine*—(a) *Cultivation of virus.* Virus for preparing vaccine shall be grown with aseptic techniques in monkey kidney cell tissue cultures. Suitable antibiotics in the minimum concentration required may be used. If penicillin is used, not more than 200 units per milliliter may be added.

(b) *Filtration.* Within 72 hours preceding the beginning of inactivation, the virus suspensions shall be filtered or clarified by a method having an efficiency equivalent to that of filtration through an S1 Seitz type filter pad.

(c) *Virus titer.* The 50 percent end-point ($TCID_{50}$) of the virus fluids after filtration shall be 10^{-6} or greater as confirmed by comparison in a simultaneous test (using groups of 10 tubes at 1 log steps or groups of 5 tubes at 0.5 log steps) with a reference virus distributed by the National Institutes of Health. Acceptable titrations of the reference virus shall not vary more than ±10-fold from its labeled titer using 0.5 milliliter inoculum in tissue culture.

(d) *Inactivation of virus.* The virus shall be inactivated, as evidenced by the tests prescribed in § 73.102, through the use of an agent or method which has been demonstrated to the satisfaction of the Surgeon General to be consistently effective in the hands of the manufacturer in inactivating a series of lots of poliomyelitis virus. If formaldehyde is used for inactivation, it shall be added to the virus suspension to a final concentration of U. S. P. solution of formaldehyde of 1:4000, and the inactivation conducted under controlled conditions of pH and time, at a temperature of 36 to 38° C. Three or more virus titers, suitably spaced to indicate rate of inactivation, shall be determined during the inactivation process. Filtration equivalent to that described in paragraph (b) of this section shall be performed after the estimated base-line time (time at which the 50 percent end-point reaches 10°), but prior to sampling for the first single strain tissue culture test required in § 73.102 (b).

(e) *Additional processing.* Single strain or trivalent pools that have failed to pass safety tests prescribed in § 73.102 (b), (c), or (e) may be treated as follows:

(1) Filtration of clarification by a method having an efficiency equivalent to that of filtration through an S1 Seitz type filter pad.

(2) Negative tests performed as described in § 73.102 (b) and (c) must be obtained on each of two successive samples taken so as to be separated by an interval of at least three days while the material is being subjected to treatment with 1:4000 U. S. P. formaldehyde solution and heat at 36°–38° C. The first sample may be taken before incubation is begun and the second sample is to be taken after the incubation of at least 3 days is completed. In the case of single strain pools, the volume tested for each tissue culture safety test shall be at least 500 milliliters and in the case of trivalent pools, at least 1,500 milliliters.

(3) Pools which are positive following such additional processing shall not be used for the preparation of poliomyelitis vaccine.

(f) *Supplemental inactivation.* Supplemental inactivation employing a method capable of reducing the titer of a similarly produced virus suspension by a factor of 10^{-6} may be applied at any point after the filtration step described in paragraph (d) or (e) (1) of this section.

§ 73.102 *Tests for safety.* In the preparation of the product, the following tests relating to safety shall be conducted by the manufacturer.

(a) *The virus pool.* Prior to inactivation each virus pool shall be tested for the presence of B virus and Mycobacterium tuberculosis by suitable animal and culture methods.

(b) *Single strain pool tissue culture tests for poliomyelitis virus.* (1) During inactivation, before pooling to make the final poliomyelitis vaccine, each monovalent bulk strain pool shall be tested for the presence of virus by tissue culture methods. Two samples separated by an interval of at least three days during inactivation at 36°–38° C. shall be tested.

(2) No less than 500 milliliters of each sample shall be subjected to the complete testing process and each test shall be performed on a different monkey kidney tissue culture cell preparation. Each sample shall be inoculated into five or more tissue culture bottles of a suitable capacity, the ratio of the vaccine to the nutrient fluid being approximately 1:1 to 1:3, and the area of the surface growth of cells being at least 3 square centimeters per milliliter of vaccine. The tissue culture bottles shall be observed at least 14 days.

(3) A first subculture shall be made at the end of seven days from date of inoculation by planting at least 2 percent of the volume from each original bottle into suitable tissue culture containers, followed by refeeding.

(4) A second subculture shall be made from each original bottle in the same manner at the end of 14 days from date of inoculation.

(5) The first and second subcultures shall be each observed for at least seven days.

(6) If cytopathogenic effects occur either in the original bottles of the two tests or in the subcultures from them, or if cellular degeneration appears in the original bottles or in the subcultures before degeneration occurs in uninoculated cultures, the pool shall be held until the matter is resolved. If active poliomyelitis virus is indicated, the strain pool shall not be used for inclusion in a final vaccine unless effectively reprocessed as described in § 73.101 (e). If other viruses are present, the pool shall not be used unless it can be demonstrated that such viruses have originated from other than the strain pool being tested.

(c) *Trivalent vaccine pool tissue culture test.* No less than 1,500 milliliters of the trivalent vaccine pool, without final preservative, prepared by pooling the three type pools, each of which has passed all tests described in paragraph (b) of this section, shall be subjected to the complete tissue culture test prescribed in such paragraph in at least two approximately equal tests in separate monkey kidney tissue culture preparations.

(d) *Trivalent vaccine pool lymphocytic choriomeningitis test.* The final vaccine shall be shown to be free of lymphocytic choriomeningitis virus by intracerebral inoculation into 10 or more mice which shall be observed daily for at least 21 days and a negative test shall not be valid unless at least 8 mice survive for this period.

(e) *Final vaccine test for active virus in monkeys.* (1) Vaccine from a sufficient number of final containers selected at random from each filling of each lot shall be pooled to provide a test sample of at least 100 milliliters representing the filling.

(2) Where the number of fillings in a lot is four or more, a test sample from each filling shall be inoculated into a group of five or more monkeys. Where the number of fillings in a lot is less than four, test samples from the several fillings shall be inoculated into a total of not less than twenty monkeys. A preinjection serum sample must contain no neutralizing antibody against the three poliomyelitis virus types in a dilution of 1:4 when tested against not more than 1,000 $TCID_{50}$ doses of virus. At least 80 percent of the test animals representing each filling must survive the test period without significant weight loss, except that if at least 60 percent of the test animals survive the first 48 hours after injection, those animals which do not survive this 48 hour period may be replaced by an equal number of test animals. If less than 60 percent of the test animals survive the first 48 hours, or if less than 80 percent of the animals representing each filling survive the test period without significant weight loss, the test must be repeated.

(3) Vaccine is injected by combined intracerebral, intraspinal, and intramuscular routes into rhesus or cynomolgus monkeys in overt good health, under deep barbiturate anesthesia. The intracerebral injection consists of 0.5 milliliter into the thalamic region of each hemisphere. The intraspinal injection consists of 0.5 milliliter into the lumbar spinal cord enlargement. The intramuscular injection consists of 1.0 milliliter into the right leg muscles. At the same time, an injection of 200 milligrams of cortisone acetate is given into the left leg muscles, and 1.0 milliliter of procaine penicillin (300,000 units) into the right arm muscles. The monkeys are observed for 17 to 19 days and symptoms suggestive of poliomyelitis are recorded.

(4) At the end of the observation period, samples of nervous tissue are taken for virus recovery and identification. Histological sections are prepared from both spinal cord enlargements and examined.

(5) The monkeys inoculated as described in § 73.103 (a) are sacrificed at the time of collection of the final serum samples described in § 73.103 (b). Histological sections are prepared from both spinal cord enlargements and examined.

(6) Doubtful histopathological findings necessitate (i) examination of a sample of sections from several regions of the brain in question, and (ii) attempts at virus recovery from the nervous tissues previously removed from the animal. The test is considered negative if the histological and other studies leave no doubt that poliomyelitis infection did not occur.

§ 73.103 *Potency test.* Each lot of vaccine shall be subject to a potency test which permits an estimation of the antigenic capacity of the vaccine. This is done by means of a simultaneous comparison of the antibody levels produced in monkeys by the vaccine under test with the antibody levels of reference serums distributed by the National Institutes of Health. The potency test shall be performed on samples taken after final processing of the trivalent pool including addition of preservative, and shall be conducted as follows:

(a) *Inoculation of monkeys.* A group of 12 or more rhesus or cynomolgus monkeys shall be used. Animals shall weigh between 4 and 8 pounds and shall be in overt good health. Animals that become ill and then remain ill during the course of immunization shall be excluded from the group. The test shall not be valid unless at least 8 survive the test period. The test vaccine shall be given intramuscularly to each monkey in 3 doses of 1.0 milliliter each at seven day intervals. Only undiluted vaccine shall be used. The initial intramuscular injection is accompanied by the intracerebral injection of 0.5 milliliter into the thalamic region of each hemisphere.

(b) *Serum samples.* A blood sample shall be taken from each monkey prior to vaccination and then again 7 days after the last injection. Serum shall be separated aseptically, and stored under refrigeration.

(c) *Serum-virus neutralization test.* The titers of individual monkey serums shall be determined in comparison with N. I. H. reference serums in tests designed to include controls for all the variables of significance including the following:

(1) Serum toxicity control;

(2) Cell control and cell titration;

(3) Virus titration control (at least 4 tubes/dilution at 1/2 log steps); and

(4) Serum controls using type-specific serums to identify the type of virus used in the neutralization test.

(d) *Interpretation of the test.* Animals showing preinoculation titers of 1/4 or over when tested against not more than 1,000 $TCID_{50}$ of virus, shall be excluded from the test. The geometric mean titer of antibody induced in the monkeys surviving the course of immunization and bleeding, shall be calculated. A comparison of the value so obtained shall be made with the values for the reference serums that were tested simultaneously and expressed as ratios between the mean titer values of the serums under test and the mean titer value of the reference serums.

(e) *Potency requirements.* A lot of vaccine tested against National Institutes of Health reference serums IIA, IIA 1/4, and IIA 1/16 shall be satisfactory if the geometric mean value of the group of individual monkey serums representing the lot of vaccine tested is at least 0.86 times the geometric mean value of the three reference serums for type 1, at least 0.75 times for type 2, and at least 0.48 times for type 3. In applying the foregoing requirements, a variation of 66⅔ percent is acceptable.

§ 73.104 *General requirements*—(a) *Final container tests.* Tests shall be made on final containers for identity, safety, and sterility in accordance with §73.70. In addition, the lot shall not be released unless the test for the presence of living poliomyelitis virus described in § 73.102 (e) is negative.

(b) *Extraneous protein.* Extraneous protein, capable of producing allergenic effects on injection into human subjects, shall not be added to the final virus production medium. If animal serum is used at any stage, its calculated concentration in the final medium shall not exceed 1:1,000,000.

(c) *Dose.* These additional standards are based on a human dose of 1.0 milliliter for a single injection and a total human immunizing dose of three injections of 1.0 milliliter given at appropriate intervals.

(d) *Labeling.* In addition to compliance with the requirements of §§ 73.50 to 73.55, inclusive, the label or the package enclosure shall include an appropriate statement indicating the type and amounts of antibiotics added, if any. The preservative used shall be stated on the label, as well as allergenic substances added, if any, and the source, composition and method of inactivation of the viruses.

(e) *Dating.* The expiration date shall not be more than six months after the date of manufacture or the date of issue. The date of issue shall not be more than three months after the date of manufacture as defined in § 73.78 (c).

(f) *Requirements for samples and reports.* For each lot of vaccine, the following material shall be submitted to the Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland:

(1) A 2,500 milliliter sample, neutralized, not dialyzed, and without final preservative, taken at the latest possible stage of production before the addition of such preservative.

(2) A 200 milliliter bulk sample of the final vaccine containing final preservative.

(3) A total of not less than 200 milliliter sample of the final vaccine in final labeled containers.

(4) Protocols showing the history of the lot and the results of the tests prescribed in these additional standards.

§ 73.105 *Equivalent methods.* Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to poliomyelitis vaccine (§§ 73.100 to 73.104, inclusive) shall be permitted whenever the manufacturer presents evidence to demonstrate that such modification will provide equal or greater assurances of the safety, purity and potency of the vaccine as the assurances provided by such standards, and the Surgeon General so finds and makes such finding a matter of official record.

4. The additional standards relating to poliomyelitis vaccine (§§ 73.100 to 73.105, inclusive) shall be applicable to all virus pools and vaccine in process on the date of publication of these amendments in the FEDERAL REGISTER and thereafter: *Provided, however,* That compliance with any test, method or procedure otherwise required by such additional standards shall be waived as to such material to the extent the Surgeon General of the Public Health Service determines (i) that the production or processing of such material has proceeded to a stage at which it is impossible to comply with any such requirement, and (ii) that the manufacturer has provided evidence satisfactory to the Surgeon General of the use of tests, methods or procedures equivalent to such requirements in assuring the safety, purity and potency of the vaccine.

Subchapter G—Water Pollution Control; Hearing Procedures

PART 81—PUBLIC HEARINGS UNDER THE WATER POLLUTION CONTROL ACT OF 1948

Sec.

81.1 Applicability.
81.2 Definitions.
81.3 Initiation of proceedings for public hearing; appointment of Board.
81.4 Organization and general procedures of the Board.
81.5 Notice of hearing.
81.6 Service.
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81.8 Parties.
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81.10 Presentation of evidence by the Surgeon General.
81.11 Hearing procedure.
81.12 Records of proceedings.
81.13 Oral and written arguments.
81.14 Final findings and recommendations.

AUTHORITY: §§ 81.1 to 81.14 issued under sec. 9, 62 Stat. 1160, as amended, sec. 10, 70 Stat. 506; 33 U. S. C. 466h, 466i. Interpret or apply sec. 5, 70 Stat. 507.

§ 81.1 *Applicability.* The provisions of this part apply only to proceedings arising out of any discharge or discharges causing or contributing to water pollution with respect to which the actions by

strain or trivalent pools that have failed

of inoculation.

barbiturate anesthesia. The intracerebral injection consists of 0.5 milliliter

(2) Cell control and cell titration;

(1) A 2,500 milliliter sample, neutralized, not dialyzed, and without final

tion with respect to which the actions by

the Surgeon General prescribed under paragraph (2) of section 2 (d) of the Water Pollution Control Act as in effect prior to the enactment of the Water Pollution Control Act Amendments of 1956 (70 Stat. 498) on July 9, 1956, have already been completed prior to such enactment. This does not, however, prevent action with respect to any such pollution under and in accordance with the provisions of the Federal Water Pollution Control Act (70 Stat. 498).

§ 81.2 *Definitions.* As used in this part:

(a) "Act" means the Water Pollution Control Act (62 Stat. 1155 et seq., 33 U. S. C. 466–466j) as in effect prior to the enactment of the Water Pollution Control Act Amendments of 1956 (70 Stat. 498).

(b) "Board" means the board appointed by the Secretary pursuant to section 2 (d) (3) of the act (33 U. S. C. 466a (d) (3)).

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Pollution" means any pollution declared to be subject to abatement by section 2 (d) (1) of the act (33 U. S. C. 466a (d) (1)).

(e) "Secretary" means the Secretary of Health, Education, and Welfare.

(f) "Surgeon General" means the Surgeon General of the Public Health Service.

(g) The definitions of terms contained in section 2d (8) and section 10 of the act (33 U. S. C. 466a (d) (8), 466i) shall be applicable to such terms unless the context otherwise requires.

§ 81.3 *Initiation of proceedings for public hearing; appointment of Board.* (a) In any case where the Surgeon General finds that the conditions precedent to the calling of a public hearing under the act exist, he shall so report to the Secretary together with his recommendation as to further action. If it then appears to the Secretary that a public hearing would contribute to the abatement of the pollution, he will call such a hearing, and may either fix the time and place thereof, or authorize the Surgeon General to do so.

(b) Prior to the hearing, the Secretary will appoint a hearing board of five or more persons, as provided in the act, and may designate one of the members as chairman. The Secretary may thereafter revoke appointments to the Board, or the designation of one of its members as chairman and may fill any vacancy in the membership of the Board, or in the office of chairman.

§ 81.4 *Organization and general procedures of the Board.* (a) The Board shall convene for hearing sessions and for such other meetings as may be necessary.

(b) The chairman designated by the Secretary shall preside at all hearing sessions. In case of the absence or incapacity of the chairman, the Board may elect from its members an acting chairman to preside and perform the duties of the chairman.

(c) The hearing shall be conducted by the Board in an informal but orderly manner in accordance with this part. A quorum of the Board for the purpose of the hearing shall consist of not less than five members and not less than a majority of such members shall be persons other than officers and employees of the Department. Questions of procedure during a hearing shall be determined by majority vote of the members present.

(d) The Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Board may authorize the chairman on its behalf to execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the Board as it may deem proper.

(f) The Surgeon General shall provide for the Board such clerical and technical assistance as may be necessary.

(g) The Board shall designate a secretary, from personnel provided by the Surgeon General, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Board, and shall perform such other duties as the Board may prescribe.

§ 81.5 *Notice of hearing.* (a) The Surgeon General shall issue and serve notice of hearing as herein provided and, if the time and place of the hearing have not been fixed by the Secretary, shall fix such time and place.

(b) The notice of hearing shall identify the person or persons discharging any matter causing or contributing to the pollution, and briefly describe the nature of the discharge or discharges and the interstate waters affected thereby. The notice shall include the names of the persons constituting the Board before whom the hearing will be held upon a day and at a time and place specified not earlier than thirty (30) days after the service of the notice.

(c) Notice of hearing shall be served on the following:

(1) Each person named in the notice as discharging any matter causing or contributing to pollution and the water pollution agency or interstate agency, to whom notice or advice, as the case may be, of such pollution has previously been given in accordance with the act.

(2) The water pollution agency or the interstate agency of the State or States, other than that in which the discharge originates, adversely affected by such pollution.

§ 81.6 *Service.* Notice of hearing, findings, conclusions and recommendations of the Board, and any other documents relating to the functions of the Board, may be served by mailing a copy thereof addressed to each person or agency to be served at their respective residences, offices or places of business as ascertained by the Surgeon General or the Board, as the case may be.

§ 81.7 *Publication of notice.* Notice of the public hearing shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the hearing.

§ 81.8 *Parties.* (a) The parties to a hearing shall include the persons and agencies specified in § 81.5 (c).

(b) The Surgeon General shall have all the rights of a party to the hearing.

(c) Upon application and good cause shown, the Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Board may proceed, hear, and receive evidence and take other appropriate action affecting such party.

§ 81.9 *Prehearing procedures.* (a) Upon request made to the Board within fifteen (15) days after the service of the notice of hearing, any party shall be afforded an opportunity for the submission of facts, arguments, or proposals to secure abatement of the pollution where time, the nature of the proceeding, and the public interest permit, and due consideration shall be given the same by the Board. Such submission shall be in writing. The filing of such request shall not operate to delay the hearing.

(b) The Board may, at any time, prior to the conclusion of the hearing, on its own initiative or at the request of any party, call a conference with any or all parties to consider:

(1) The simplification of the issues,

(2) The possibility of obtaining stipulations, admissions of facts, and documents,

(3) The limitation of the number of expert witnesses,

(4) The scheduling of witnesses,

(5) Proposals to abate the pollution by reasonable and equitable measures, and

(6) Such other matters as may aid in the conduct of the hearing or the determination of the issues.

(c) Any prehearing or other conferences may be held with the full Board, with one or more of its members or with one or more other persons, as the Board may direct.

§ 81.10 *Presentation of evidence by the Surgeon General.* The Surgeon General shall arrange for the presentation of evidence concerning the pollution, the person or persons discharging any matter causing or contributing to the pollution and remedial measures, if any, recommended by him.

§ 81.11 *Hearing procedure.* (a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Board shall exclude irrelevant, immaterial or unduly repetitious evidence.

(d) Every party shall have the right to cross-examination, presentation of evidence, objection, argument and other fundamental rights.

(e) Rulings of the chairman on the receipt of evidence and other questions relating to the procedure of the hearing may be appealed to the Board.

§ 81.12 *Record of proceedings.* (a) Testimony given and other proceedings had at a hearing shall be reported verbatim by a reporter. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All written statements, charts, tabulations and similar data offered in evidence at the hearing shall be marked for identification and upon a showing satisfactory to the Board of their authenticity, relevancy and materiality shall be received in evidence and shall constitute a part of the record.

(c) Where the testimony of a witness refers to a statute, or a report or document, the Board shall, after satisfying itself of identification of such statute, report or document, determine whether the same shall be produced at the hearing and physically be made a part of the record or shall be incorporated in the record by reference.

(d) The Board may take official notice of statutes of the United States or of any State and of duly promulgated regulations of any Federal agency.

(e) The Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 81.13 *Oral and written arguments.* (a) Oral argument shall be permitted in the discretion of the Board, and shall be reported as part of the record unless otherwise ordered by the Board.

(b) The Board shall announce at the hearing a reasonable period within which parties and other interested persons may submit (1) written arguments, and (2) proposed findings, conclusions and recommendations for the abatement of the pollution together with supporting reasons therefor. Such material shall be submitted in such number of copies as the Board may direct and shall be based solely upon the evidence presented at the hearing, citing the pages of the transcript of the testimony or of properly identified exhibits where such evidence occurs.

§ 81.14 *Final findings and recommendations.* (a) After consideration of the whole record, and all proposed findings, conclusions and recommendations, the Board shall make its final findings, conclusions and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions and recommendations, the Board shall be terminated and all records pertaining to its functions transferred to the custody of the Surgeon General.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Board shall be served on all parties to the hearing by the Secretary.

[F. R. Doc. 56–10199; Filed, Dec. 11, 1956; 8:52 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. K]

PART 211—CORPORATIONS DOING FOREIGN BANKING OR OTHER FOREIGN FINANCING UNDER THE FEDERAL RESERVE ACT

1. Effective January 15, 1957, Part 211 is revised to read as follows:

Sec.

211.1 Scope and application of this part.
211.2 Definitions.
211.3 Organization, corporate structure and ownership.
211.4 Banking Corporations and Financing Corporations.
211.5 Operations abroad.
211.6 Limited operations in the United States.
211.7 Acceptances by Banking Corporations.
211.8 Issue of obligations by Financing Corporations.
211.9 Investments in stock of other corporations.
211.10 General limitations and restrictions.
211.11 Corporations with agreements under section 25 of the Federal Reserve Act.

AUTHORITY: §§ 211.1 to 211.11 issued under sec. 11(1), 38 Stat. 262; 12 U. S. C. 248(1). Interpret or apply 39 Stat. 755, as amended, 41 Stat. 378, as amended; 12 U. S. C. 601–603, 611–631.

§ 211.1 *Scope and application of this part.* This part is issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board of Governors") under authority of the Federal Reserve Act. It applies to corporations organized under section 25 (a) of that act (U. S. C., title 12, secs. 611–631) for the purpose of engaging in international or foreign banking or other international or foreign financial operations, and to the extent specified in § 211.11, to corporations having an agreement or undertaking with the Board of Governors under section 25 of the act (U. S. C., title 12, secs. 601–604).

§ 211.2 *Definitions.* For the purpose of this part, unless the context otherwise requires—

(a) "Corporation" when spelled with a capital "C" means a corporation organized under section 25 (a) of the Federal Reserve Act.

(b) "Banking" means the business of receiving or paying out deposits, or accepting drafts or bills of exchange.

(c) "Banking Corporation" means a Corporation which is engaged in banking.

(d) "Financing Corporation" means a Corporation which is not engaged in banking except to the extent that it is required by the Secretary of the Treasury to act as fiscal agent of the United States. A Corporation in existence on July 1, 1955 is a Banking Corporation if it was engaged in banking on that date, or a Financing Corporation if not so engaged on that date.

(e) "Abroad" means in one or more foreign countries or dependencies or insular possessions of the United States.

(f) "Goods" includes wares, merchandise, commodities and any other tangible personal property (other than money).

(g) "Person" includes any individual, and any corporation, partnership, association or other similar organization.

(h) "Affiliated" when used with respect to two persons means that, directly or indirectly, either one controls, is controlled by, or is under common control with, the other.

(i) "Capital and Surplus" means (1) paid in and unimpaired capital and (2) surplus.

§ 211.3 *Organization, corporate structure and ownership—(a) Articles of association and organization certificate.* Any number of natural persons, not less than five, desiring to organize a corporation under section 25 (a) of the Federal Reserve Act shall (1) enter into articles of association (see Form F. R. 151,[1] which is suggested as a satisfactory form of articles of association); (2) make an organization certificate on Form F. R. 152;[1] and (3) forward the articles of association and the organization certificate to the Board of Governors. The articles of association shall specify in general terms the objects for which the Corporation is formed, and may contain any other provisions not inconsistent with law which the Corporation may see fit to adopt for the regulation of its business and the conduct of its affairs. Each person intending to participate in the organization of the Corporation shall sign the articles of association and the organization certificate and shall acknowledge the execution of the latter before a judge of some court of record or notary public, who shall certify thereto under the seal of such court or notary.

(b) *Name.* The name of the Corporation is subject to the approval of the Board of Governors, and a preliminary application for that approval may be filed with the Board of Governors on Form F. R. 150.[1] The name shall in no case resemble the name of any other corporation to the extent that it might result in misleading or deceiving the public as to its identity, purpose, connections or affiliations, and in the case of an application with respect to a Financing Corporation the name shall also comply with § 211.10 (c) (2). The name of any Corporation hereafter organized shall so far as practicable indicate the nature of the business contemplated, and shall include the word "international", "foreign", "overseas", or some similar word. No Financing Corporation hereafter organized will be permitted to have the word "bank" or "banking", or any similar word, as part of its name.

(c) *Authority to commence business.* After the articles of association and organization certificate have been filed with and approved by, and a preliminary

[1] Filed as part of original document. Copies available upon request to Federal Reserve System, Washington 25, D. C.

manner in accordance with this part. A

of the public hearing shall be published

vant, immaterial or unduly repetitious evidence.

and recommendations, if any, of the

engaged in banking on that date, or a

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Reserve System, Washington 25, D. C.

permit to begin business has been issued by, the Board of Governors, the association shall become and be a body corporate, but none of its powers, except such as are incidental and preliminary to its organization, shall be exercised until the Board of Governors has issued to it a final permit to commence business. Before the Board of Governors will issue its final permit to commence business, the president, cashier or secretary, together with at least three of the directors, must certify (1) that each director is a citizen of the United States; (2) that a majority of the shares of capital stock is held and owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States, chartered under the laws of the United States or of a State of the United States, or by firms or companies the controlling interest in which is owned by citizens of the United States; and (3) that of the authorized capital stock specified in the articles of association at least 25 per cent has been paid in in cash and that each shareholder has individually paid in in cash at least 25 percent of his stock subscription. Thereafter the cashier or secretary shall certify to the payment of the remaining installments as and when each is paid in, in accordance with law.

(d) *Amendments to articles of association.* The articles of association may contain provisions relative to the procedure whereby amendments thereof may be effected in any manner not inconsistent with section 25 (a) of the Federal Reserve Act, other applicable law, and this part. No amendment of the articles of association shall become effective unless and until it shall have been approved by the Board of Governors.

(e) *General requirements as to capital stock.* No Corporation may be organized under section 25 (a) with capital stock of less than $2,000,000. The par value of each share of stock shall be specified in the articles of association, and no Corporation will be permitted to issue stock of no par value. If there is more than one class of stock, the name and amount of each class and the obligations, rights, and privileges attaching thereto shall be set forth fully in the articles of association. Each class of stock shall be so named, or so described in the stock certificates by which it is represented, as to indicate as clearly as possible its character and any unusual attributes.

(f) *Citizenship of shareholders.* (1) In order to insure compliance at all times with the requirements of section 25 (a) of the Federal Reserve Act relating to the United States citizenship of those who hold, own, or control a majority of the shares of capital stock of a Corporation, such stock shall be issuable and transferable only on the books of the Corporation, and no issue or transfer of stock which would cause a violation of such requirements of law or of related provisions of this part shall be made upon the books of the Corporation. The board of directors of the Corporation, acting directly or through an agent, may, before making any issue or transfer of stock, require such evidence as in their discretion they may think necessary in order to determine whether or not the issue or transfer of the stock would result in such a violation. The decision of the board of directors in each such case shall be final and conclusive as to, and not subject to question by, any person.

(2) If at any time a change in the status of the holder of any shares of a Corporation causes a violation of the requirements of section 25 (a) of the Federal Reserve Act relating to the United States citizenship of those who hold, own, or control a majority of the shares of capital stock of a Corporation, the board of directors shall, when apprised of that fact, forthwith serve on the holder of the shares in question a notice in writing requiring such holder within two months to transfer such shares to a person then eligible to acquire such shares. When such notice has been given by the board of directors, the shares of stock so held shall cease to confer any right to vote or to participate in dividends thereafter declared; and the right to vote and to receive dividends shall resume only after, and only with respect to votes cast and dividends declared after, the shares have been transferred as required above. If on the expiration of two months after such notice the shares shall not have been so transferred, the shares shall promptly be sold at public or private sale by the Corporation, as agent for and for the account of the ineligible holder, to a person then eligible to acquire such shares. In the event such shares cannot be sold for a reasonable price and within a reasonable time at such a public or private sale, the shares will, with the approval of the Board of Governors, be forfeited to the Corporation.

(3) The board of directors shall prescribe in the by-laws of the Corporation appropriate rules for the registration of the shares of stock in accordance with the terms of the law and this part. The certificates of stock issued by the Corporation shall contain provisions sufficient to put the holder on notice of the terms of the law and regulations defining the limitations upon the rights of ownership and transfer.

§ 211.4 *Banking Corporations and Financing Corporations.* A Banking Corporation (a) shall not issue or have outstanding any debentures, bonds, promissory notes or similar obligations except promissory notes due within one year evidencing borrowing from banks or bankers, and (b) shall not engage in the business of issuing, underwriting, selling or distributing securities, except to such limited extent as the Board of Governors may, upon application of the Corporation, exempt activities of the Corporation's branch or agency in a foreign country with respect to obligations of, or obligations unconditionally guaranteed as to principal and interest by, the national government of such country. A Financing Corporation shall not engage in banking except to the extent that it is required by the Secretary of the Treasury to act as fiscal agent of the United States. The Board of Governors may grant permission, subject to such conditions as it may prescribe, for a Banking Corporation to change to a Financing Corporation, or for the reverse.

§ 211.5 *Operations abroad*—(a) *General.* Except as otherwise provided by law or by this part, a Corporation may exercise abroad, through branches or agencies established with the approval of the Board of Governors or through correspondents or other agents, not only the powers specifically set forth in the law or by this part and those incidental thereto, but also such powers as may be usual in the determination of the Board of Governors in connection with the transaction of banking in the case of a Banking Corporation, or other financial operations in the case of a Financing Corporation, in the place in which the Corporation is transacting business. As indicated in § 211.6 (e) (2), the activities of a Financing Corporation abroad are limited by the requirement that it shall not, by its activities abroad, engage or participate, directly or indirectly, in certain activities in the United States.

(b) *Branches.* With the prior approval of the Board of Governors, a Corporation may establish branches or agencies abroad.

§ 211.6 *Limited operations in the United States*—(a) *General.* A Corporation shall not carry on any part of its business in the United States except such as shall be incidental to its international or foreign business. It may not engage in the United States in the business of acting as trustee or in a like fiduciary capacity, or act in the United States as registrar or in any similar capacity with respect to the servicing in the United States of any security issue distributed therein; but it may act as paying agent in the United States with respect to securities issued by a "foreign state" as defined in section 25 (b) of the Federal Reserve Act or by a corporation chartered by such a foreign state and not qualified under the laws of the United States or any State (or the District of Columbia) to do business in the United States. A Corporation may not establish any branch in the United States, but with the prior approval of the Board of Governors may establish agencies in the United States for specific purposes, but not generally to carry on the business of the Corporation. Funds of a Corporation not currently employed in the international or foreign business of the Corporation in accordance with other provisions of this part, if held or invested in the United States, shall be only in the form of (1) cash, (2) deposits with banks, (3) bankers' acceptances or prime open market commercial paper, or (4) direct obligations of the United States or other investment securities of such kinds, and in such amounts, as the Corporation could purchase within the limitations of section 5136 of the Revised Statutes (U. S. C., title 12, sec. 24) if it were a member bank of the Federal Reserve System. Subject to the other provisions of this part, succeeding paragraphs of this section indicate generally the kinds of transactions by a Corporation which may be considered appropriate in the United States.

(b) *Receipt of deposits in United States by Banking Corporations.* (1) A Banking Corporation may receive only such deposits within the United States as may be incidental to or for the purpose of carrying out transactions abroad. Such deposits may be either time or demand, and shall be subject to all the requirements of Part 217 of this chapter (Reg. Q) (which relates to the payment of interest on deposits and related matters) in the same manner as if the Corporation were a member bank of the Federal Reserve System; but no such deposit shall be a "savings deposit" as defined in said Part 217 of this chapter. If a Banking Corporation receives deposits in the United States, it shall maintain reserves against such deposits in the same manner and amount (but in no event less in the aggregate than 10 percent of such deposits) as if it were a member bank of the Federal Reserve System, and shall in like manner submit reports of deposits and be subject to all the requirements of Part 204 of this chapter (Reg. D) (which relates to reserves of member banks).

(2) A deposit received in the United States by a Banking Corporation from a foreign depositor will ordinarily be considered incidental to or for the purpose of carrying out transactions abroad provided the deposit is not to be used to make payments for expenses in the United States of a United States office or representative and in addition the deposit (i) is to be used to make payments for transactions abroad, for goods exported or imported, for other direct costs of export or import, or for carrying out transactions with the Corporation under paragraph (c) or (d) of this section; or (ii) is to be held for reserve or working balance purposes, except that a Banking Corporation shall not receive funds to be held in the United States as time deposits solely for purposes of safekeeping or investment and unrelated to other international or foreign business of the depositor with the Corporation. As used in this paragraph "foreign depositor" means a foreign government, a person conducting business principally at the person's offices or establishment abroad, or a foreign national resident abroad.

(3) A deposit received in the United States by a Banking Corporation from a depositor who is not a foreign depositor will ordinarily be considered incidental to or for the purpose of carrying out transactions abroad provided the deposit is not to be used to make payments for expenses in the United States of a United States office or representative and in addition the deposit (i) is for transmission to a place abroad; or (ii) is to provide collateral or payment for extensions of credit by the Corporation; or (iii) represents proceeds of collections abroad which are to be used to make payments for goods exported or imported or for other direct costs of export or import, or periodically transferred to the depositor's account at another bank; or (iv) represents proceeds of extensions of credit by the Corporation which are to be used for the purposes of the credit extension or to be periodically transferred to the depositor's account at another bank.

(c) *Extensions of credit in United States by Banking Corporations.* It will ordinarily be considered incidental to the international or foreign business of a Banking Corporation for it to engage in any of the following transactions in the United States with respect to extensions of credit—

(1) As principal or as agent for another bank, issue, confirm, or advise letters of credit or other authorizing instrument (or receive and forward to another bank applications therefor) which contemplate the drawing of "qualifying drafts". As used in this paragraph "qualifying drafts" means drafts or bills of exchange drawn, or written receipts given, to cover specific goods in the process of being (i) exported from or imported into the United States, (ii) temporarily stored in the United States as part of such an exportation or importation, (iii) stored abroad, or (iv) shipped within or between places abroad, or to cover (v) performance of specific contracts at places abroad or of specific international or foreign transactions, (vi) cost of operating ships in international or foreign transportation, or (vii) payments in connection with international or foreign transfers of royalties, copyrights or patent rights or with the rendering of services at, or necessary for carrying out projects at, places abroad.

(2) As principal or as agent for another bank, accept, negotiate, present, discount, purchase, or pay "qualifying drafts", if the Corporation or a bank at a place abroad issued, confirmed or advised the authorizing letter of credit or other authorizing instrument or if the office of the Corporation is named in the authorizing instrument as the place of payment or an optional place of payment thereof.

(3) Accept drafts or bills of exchange which are drawn by a bank or banker located in a place abroad for the purpose of furnishing dollar exchange as required by the usages of trade in such place.

(4) Purchase, discount, or lend on, documentary or other drafts which the Corporation is to send to a place abroad for collection.

(5) Make advances to, or acquire the obligations of, foreign governments; or, if the advances or acquisitions are for the purpose of financing activities abroad or payment for goods exported or imported or other direct costs of export or import (but not expenses in the United States of a United States office or representative), make advances to, or acquire the obligations of, a person conducting business principally at the person's offices or establishments abroad or a foreign national resident abroad.

(6) Finance by loan, acceptance, or otherwise—

(i) The shipment (but not production) of specific goods which are being exported, or being accumulated for export as part of an existing export financing arrangement of the Corporation; or

(ii) The storage of specific goods abroad or the shipment of specific goods between places abroad; or

(iii) The importation of specific goods into the United States, which may include lending against the shipping documents pending arrival of the goods from a place abroad; or

(iv) In the case of specific goods whose importation into the United States was financed by the Corporation, the delivery of the goods to the purchaser through domestic transport facilities or the assembly or packaging of the goods for resale without essential change in the nature of the product.

(d) *Other activities in United States by Banking Corporations.* It will ordinarily be considered incidental to the international or foreign business of a Banking Corporation for it to engage in any of the following other activities in the United States—

(1) Buy and sell spot and future foreign exchange.

(2) Receive checks, drafts, bills of exchange, acceptances, notes, bonds, coupons and other securities for collection abroad, and collect such instruments in the United States when received from customers abroad.

(3) Hold securities in safekeeping for, or buy and sell securities upon the order and for the account and risk of, customers abroad with whom other relationships permitted by this part are maintained.

(e) *Activities in United States by Financing Corporations.* (1) It will ordinarily be considered incidental to the international or foreign business of a Financing Corporation for it to engage in any of the following transactions in the United States—

(i) Finance its own authorized activities (e. g., borrow money or issue its own securities) or hold or invest, in accordance with paragraph (a) of this section, funds not currently employed in the international or foreign business of the Corporation.

(ii) Acquire obligations (by purchasing, discounting, or lending thereon) which cover the export of specific goods (including directly related services and other direct costs of the export, but not expenses in the United States of a United States office or representative), have as a primary obligor a foreign government or a person conducting business principally at the person's offices or establishments abroad, and are acquired by the Corporation as part of such export transaction.

(iii) Make advances to, or acquire (by purchasing, discounting, or lending thereon) the obligations of, foreign governments; or, if the advances or acquisitions are for the purpose of financing activities abroad or payment for goods exported or imported (including directly related services and other direct costs of the export, but not expenses in the United States of a United States office or representative), make advances to, or acquire (by purchasing, discounting, or lending thereon) the obligations of, a person conducting business principally at the person's offices or establishments abroad.

(iv) Issue sight letters of credit undertaking to extend credit authorized under other provisions of this paragraph, but in no event contemplating the accepting of any drafts.

(v) Guarantee advances which the Corporation is authorized to make, or

obligations it is authorized to acquire, under other provisions of this paragraph.

(vi) Extend credit, by means of advances, guarantees or otherwise, to a corporation in which the Financing Corporation owns all the voting stock, or all except directors' qualifying shares, to enable such subsidiary to extend credit which the Financing Corporation is itself authorized to extend under other provisions of this paragraph.

(2) A Financing Corporation, in issuing, underwriting, selling or distributing securities abroad, shall not engage or participate in the underwriting, sale or distribution of securities in the United States (except the issuance of its own securities), and may not so engage or participate directly or indirectly or through an agency or on a commission or consignment basis or in any other manner. If a security issue is being sold or distributed partly in and partly outside the United States, a Financing Corporation may not underwrite, even on a standby basis, that portion being sold or distributed in the United States (no matter by whom it is being so sold or distributed).

§ 211.7 *Acceptances by Banking Corporations*—(a) *General.* In accepting drafts or bills of exchange as permitted in §§ 211.5 and 211.6, a Banking Corporation shall comply with the requirements set forth in the succeeding paragraphs of this section.

(b) *Maturity.* No Banking Corporation shall accept any draft or bill of exchange drawn for the purpose of furnishing dollar exchange having at the date of its acceptance more than three months to run, or accept any other draft or bill of exchange having at the date of its acceptance more than six months to run, exclusive in either case of days of grace.

(c) *Limitations.* No acceptances shall be made for the account of any one person in an amount aggregating at any time in excess of 10 percent of the capital and surplus of the Corporation, unless the transaction is fully secured or unless it represents an exportation or importation of goods and there is a primary obligation to reimburse the Corporation which is also guaranteed by a bank or banker. Whenever the aggregate of acceptances outstanding at any time exceeds the amount of the Corporation's capital and surplus, 50 percent of all the acceptances in excess of such amount up to twice the amount of the capital and surplus, and all the acceptances outstanding in excess of such double amount, (1) shall be fully secured, or (2) shall represent exportation or importation of goods and shall have a primary obligation to reimburse the Corporation which is also guaranteed by a bank or banker. In accepting drafts drawn for the purpose of furnishing dollar exchange, a Banking Corporation shall be subject to all the limitations and requirements of Part 203 of this chapter (Reg. C) (which relates to acceptances by member banks of drafts and bills of exchange) that would apply if it were a member bank of the Federal Reserve System.

§ 211.8 *Issue of obligations by Financing Corporations*—(a) *General.* A Financing Corporation is not required to obtain the approval of the Board of Governors before issuing any of its debentures, bonds, promissory notes or other such obligations, but, as specified in § 211.10 (b), it shall in no event have liabilities outstanding at any time exceeding ten times its capital and surplus. Every Financing Corporation shall carry on its business in accordance with sound financial policies, including among other considerations, a proper regard to the relationship between its assets and the maturities of its obligations, so as to give reasonable assurance that the Corporation will be in a position to pay its obligations as they mature. Further requirements are set forth in paragraphs (b), (c) and (d) of this section with respect to secured obligations, unsecured obligations, and information to be made available.

(b) *Secured obligations.* All secured obligations issued by a Financing Corporation (except promissory notes due within one year evidencing borrowing from banks or bankers) shall be secured by collateral which, unless placed under the control of the person or persons owning all the obligations secured thereby, shall be transferred and delivered, free of any prior lien, charge, or encumbrance thereon, to a member bank of the Federal Reserve System as the trustee under a trust indenture executed by the Financing Corporation as security for the obligations of the Corporation issued or to be issued thereunder, which trust indenture shall prescribe the general form of such obligations and shall require that every such obligation shall be authenticated by the certificate of the trustee noted thereon.

(c) *Unsecured obligations.* In the event a Financing Corporation issues or has outstanding any unsecured obligations (except promissory notes due within one year evidencing borrowing from banks or bankers), the Corporation shall comply with the following requirements—

(1) While any such unsecured obligations are outstanding, loans or other credits held by the Corporation, or outstanding with its guarantee, shall not have a maturity of more than ten years.

(2) All unsecured obligations issued by the Corporation (except promissory notes due within one year evidencing borrowing from banks or bankers) shall contain a provision, or shall be issued under an agreement, which shall provide that the Corporation will not, during the time any such obligations remain outstanding—

(i) Issue any obligations, regardless of maturity or payee (except in renewal or retirement of an equivalent amount of indebtedness), if immediately thereafter the fair value of the assets of the Corporation, excluding notes, drafts, bills of exchange and other evidences of indebtedness that are in default as to either principal or interest for a period in excess of six months, would be less than 110 percent of the aggregate principal amount of all borrowings of the Corporation.

(ii) Mortgage, pledge or otherwise subject any of its assets to any lien or charge to secure any indebtedness for borrowed money or to secure any other obligations of the Corporation, unless each person holding any of the Corporation's unsecured obligations (other than obligations specifically subordinated to all other debt of the Corporation), which would remain outstanding after such transaction, either grants his consent or is provided with security substantially equivalent in value (in proportion to obligations held) to that provided by such mortgage, pledge, lien or charge;

(iii) Sell, lease, assign or otherwise dispose of all or substantially all its assets; or

(iv) Declare or pay any dividend (other than a dividend payable in stock of the Corporation) or authorize or make any other distribution (except upon redemption of preferred stock, including payments made for this purpose into a preferred stock sinking fund, in accordance with law and the articles of association of the Corporation) on any stock of the Corporation otherwise than out of the earned surplus of the Corporation as determined in accordance with generally accepted accounting principles.

(d) *Information.* No prospectus, circular, letter, advertisement, or other statement published or issued in any form or manner by a Financing Corporation, or by persons underwriting, selling, or distributing an issue of obligations by the Corporation, shall contain any matter to indicate that any obligations issued by such Corporation or the collateral securing same has in any way received the approval of the Board of Governors or any other agency of the United States or that the collateral securing same has been appraised or approved in any way by the Board of Governors or any other agency of the United States. There shall be set forth on the outside front cover page of every prospectus the following statement in capital letters printed in bold-face roman type at least as large as ten-point modern type and at least two points leaded:

> These securities have not been approved or disapproved by the Board of Governors of the Federal Reserve System or any other agency of the United States nor has the Board or any other agency of the United States passed upon the accuracy or adequacy of this prospectus. These securities are the obligation solely of (Name of Financing Corporation), and no other individual, organization, or group has any direct or indirect responsibility for their payment.

Within forty days after issuing any obligations (except promissory notes due within one year evidencing borrowing from banks or bankers), a Financing Corporation shall file with the Board of Governors copies of all prospectuses and other literature describing or affecting such issue published by the Corporation or its officers or by persons underwriting, selling or distributing the issue, and shall also file with the Board of Governors the information described in subparagraphs (1) through (4) of this paragraph to the extent, if any, that such information is not contained in such prospectuses. The information described in

subparagraphs (1) through (4) of this paragraph is as follows:

(1) The amount of the funded debt outstanding and to be created by the obligations offered, including the net price received and to be received by the Corporation for such obligations, with a brief description of the date, maturity, and character of such debt, rate of interest, character of amortization provisions, and the collateral, if any, provided or to be provided therefor, and a summarized statement of the conditions, if any, under which substitution of collateral is permitted, and if substitution is permissible without notice, a specific statement to that effect.

(2) A balance sheet showing all assets and liabilities, including contingent liabilities, of the Corporation with supporting schedules in the form prescribed by the Board of Governors for reports of condition (Form F. R. 314)[2] and an analysis of surplus showing how and from what sources such surplus was created, all as of the close of business on the date of issuance of the obligations, and giving effect thereto.

(3) A copy of any underlying agreements or indentures affecting the obligations.

(4) A copy of the opinion or opinions of counsel as to the legality of the issue, the validity of any indenture, and the sufficiency of any transfers of collateral executed under any indenture.

§ 211.9 *Investments in stock of other corporations*—(a) *General.* With the prior consent of the Board of Governors and subject to the provisions of section 25 (a) of the Federal Reserve Act and this part, a Corporation may purchase and hold stock in other corporations. The succeeding paragraphs of this section indicate the circumstances in which such consent may be granted upon individual application, those in which such consent is ordinarily not granted, and those in which general consent may be granted upon application as to types of situations. Any consent granted by the Board may be conditional, and the conditions prescribed may apply to activities of the Corporation and also to activities of the corporation in which stock is purchased or held. A Corporation may purchase and hold stock where such purchase is necessary to prevent a loss upon a debt previously contracted in good faith; but stock so acquired shall be disposed of within six months from the date or acquisition unless such time is extended by the Board of Governors. If a Corporation makes a permissible purchase of stock, but a later change in circumstances or in this part causes the holding of the stock to be no longer permissible, the Corporation shall dispose of the stock, or the non-conformity with this part shall otherwise be corrected, as promptly as practicable and in any event within six months unless such time is extended by the Board of Governors. As used in this section, the term "stock" includes all certificates of ownership.

(b) *By Banking Corporations.* Consent of the Board of Governors for a Banking Corporation to purchase and hold stock in other corporations will not be granted except upon individual application setting forth the relevant facts and circumstances. The Board of Governors ordinarily will not grant consent for a Banking Corporation to purchase and hold stock in a corporation not engaged in banking or closely related activities.

(c) *By Financing Corporations.* Subject to applicable requirements of law and of this part and upon application setting forth the proposed program of the Financing Corporation, the Board of Governors may grant its general consent for a Financing Corporation to purchase and hold stock, up to such amounts and in such circumstances as the Board may prescribe, in generally designated types of corporations which are not engaged in banking and also are neither incorporated, nor qualified to do business in the United States, under the laws of the United States or any State (or the District of Columbia), provided such stock is purchased from a foreign seller by negotiations in which no United States office or establishment of the seller participates, and provided further that such purchase or holding does not cause the Financing Corporation to be affiliated with any person engaged in banking or with any person the stock of which the Corporation would be forbidden to purchase or hold under paragraph (d) of this section. In any other instance consent of the Board of Governors for a Financing Corporation to purchase and hold stock will not be granted, except in special cases upon individual application setting forth the relevant facts and circumstances. The Board of Governors ordinarily will not grant consent for a Financing Corporation to purchase and hold stock in a corporation engaged in banking.

(d) *Statutory limitations.* Under section 25 (a) of the Federal Reserve Act, the following limitations apply to the purchase or holding of stock by a Corporation—

(1) The corporation whose stock is purchased or held (i) shall be organized under section 25 (a) of the Federal Reserve Act, the laws of any foreign country or a colony or dependency thereof, or the laws of any State, dependency, or insular possession of the United States; and (ii) shall not be engaged in the general business of buying or selling goods in the United States; and (iii) shall not be transacting any business in the United States except such as in the judgment of the Board of Governors may be incidental to its international or foreign business.

(2) Except with the prior approval of the Board of Governors in addition to any consent of the Board of Governors otherwise required, a Corporation shall not invest an amount in excess of 15 percent of its capital and surplus in the stock of any one corporation engaged in the business of banking, or an amount in excess of 10 percent of its capital and surplus in the stock of any other kind of corporation.

(3) A Corporation shall not purchase, own, or hold any stock in any other corporation organized under section 25 (a) of the Federal Reserve Act or under the laws of any State, which is in substantial competition therewith, or which holds stock in corporations which are in substantial competition with the purchasing Corporation.

§ 211.10 *General limitations and restrictions*—(a) *Liabilities of one borrower.* The total liabilities to a Corporation of any person or government for money borrowed shall at no time exceed in the case of a Banking Corporation 10 percent of its capital and surplus, or in the case of a Financing Corporation 50 percent thereof. For the purposes of this paragraph, the cost to a Corporation of any stock owned by it shall, unless otherwise specified by the Board of Governors in a particular case, be treated as if it were a liability of the issuer of the stock for money borrowed; all bonds, notes or other such obligations, whether or not purchased in the open market, shall be treated as such a liability; the liabilities of a partnership or firm shall include those of the several members thereof; the liabilities of a corporation shall include all liabilities incurred by any subsidiary of the corporation for the benefit of the corporation; and the liabilities of a foreign government shall include those of all its departments or agencies which derive their current funds principally from the general tax revenues of the foreign government. The limitations contained in this paragraph shall not apply (1) to obligations in the form of drafts or bills of exchange drawn in good faith against actually existing values; (2) to obligations arising out of the discount of commercial or business paper actually owned by the person negotiating the same; (3) to the liability of a customer on account of an acceptance made by the Corporation for his account unless the Corporation itself holds the acceptance or the acceptance has matured and the customer has failed to place the Corporation in funds to cover payment of the acceptances; (4) to the extent that liabilities are direct obligations of the United States or are secured or covered by unconditional guarantees, commitments, or agreements to take over or to purchase, made by the United States or by any department or establishment of, or corporation wholly owned by, the United States or by the International Bank for Reconstruction and Development or the International Finance Corporation; (5) to a direct obligation of, or obligation unconditionally guaranteed by, a foreign government or its appropriate financial or central banking authority, and with respect to which an institution described in subdivision (4) has given an unconditional guarantee, commitment or agreement to take over or to purchase (or has accepted a participation) which covers only a portion of the obligation (or a portion of the total credit, in the case of a participation), but covers it to the extent of at least 25 percent and in such manner that any default to the Corporation will necessarily include a default to the governmental agency (any such partial but concurrent guarantee, commitment, agreement or participation by such an institution being hereinafter called a "proportionate governmental guaran-

[2] See § 262.5 of this chapter.

tee"); (6) in the case of a Financing Corporation, to any obligation which is subject to a "proportionate governmental guarantee" and does not exceed 100 percent of the Corporation's capital and surplus; (7) to direct obligations of the national government of a foreign country in which the Corporation has a branch or agency, or obligations fully and unconditionally guaranteed as to principal and interest by such government, provided such branch or agency has outstanding equal or greater liabilities payable in the same currency; or (8) to such other classes of transactions at a branch or agency of a Corporation in a foreign country as the Board of Governors may, upon application of the Corporation, exclude from the limitations of this paragraph due to special circumstances surrounding such transactions in such country.

(b) *Aggregate liabilities of Corporation.* Except with the prior permission of the Board of Governors, the aggregate outstanding liabilities of (1) a Banking Corporation on account of acceptances, monthly average domestic and foreign deposits, borrowings, guaranties, endorsements and any other such obligations, or (2) a Financing Corporation on account of debentures, bonds, notes, guaranties, endorsements and any other such obligations, shall not exceed ten times the amount of the Corporation's capital and surplus. In determining the amount of the liabilities within the meaning of this paragraph, endorsements of bills of exchange having not more than six months to run, drawn and accepted by others, shall not be included.

(c) *Relations of Financing Corporations with affiliated banks.* (1) Whenever a Financing Corporation is affiliated with a bank in the United States, such Corporation shall not incur any liability to such bank that would cause the total liabilities of such Corporation to such bank to exceed 10 per cent of the capital and surplus of such bank, or cause the total liabilities to such bank of all Financing Corporations affiliated with such bank to exceed 20 per cent of such capital and surplus. For the purposes of this paragraph, a Financing Corporation incurs a liability to a bank whenever such bank or any organization affiliated with such bank (other than such Financing Corporation or any organization controlled by it) makes (i) any investment in, or advance on the collateral security of, capital stock or obligations of such Corporation or any organization controlled by it, or (ii) any loan or extension of credit to, or any purchase under repurchase agreement from, such Corporation or any organization controlled by it.

(2) No Financing Corporation hereafter organized shall have a name which is similar to the name of, or identifies the Corporation with, any bank in the United States with which such Financing Corporation is affiliated.

(d) *Sale of securities with guaranty or endorsement.* Whenever a Corporation sells, discounts, or negotiates with its endorsement or guaranty any securities, notes, drafts, bills of exchange, acceptances, bankers' acceptances, or other evidence of indebtedness, it shall enter on its books a proper record thereof, describing in detail each such evidence of indebtedness so sold, discounted, or negotiated, the amounts thereof, the parties thereto, the maturity thereof, and the nature of the Corporation's liability thereon. Every financial statement of the Corporation submitted to the Board of Governors or made public in any way shall show the aggregate amount of all such liabilities outstanding as of the date on which such statement purports to show the financial condition of the Corporation.

(e) *Reports.* Each Corporation shall make at least two reports annually to the Board of Governors at such times and in such form as the Board may require. The Board may, in its discretion, require that statements of condition or such other reports as it may specify be published or made available for public inspection.

(f) *Examinations.* Each Corporation shall be examined at least once a year by examiners appointed by the Board of Governors. Each Corporation shall obtain and make available to such examiners, among other things, such information as to the earnings, finances, management and other aspects of any corporation whose stock is held by the Corporation as may be appropriate for appraising such investment and determining its suitability. When required by the Board of Governors, each Corporation shall cause any organization controlled by it to permit such examiners to examine such organization. The cost of examinations shall be fixed by the Board of Governors and paid by the Corporation.

(g) *Amendments.* This part is subject to amendment by the Board of Governors from time to time.

§ 211.11 *Corporations with agreements under section 25 of the Federal Reserve Act.* In addition to any other requirements to which it may be subject, no corporation having an agreement or undertaking with the Board of Governors under section 25 of the Federal Reserve Act shall purchase or hold any asset, or otherwise exercise any of its powers in the United States or abroad in any manner, which would not be permissible under the provisions of this part if such corporation were a Banking Corporation.

2. The purpose of this revision is to clarify and make more specific the rules applicable to Corporations doing foreign banking or other foreign financing under sections 25 or 25 (a) of the Federal Reserve Act, particularly the rules relating to activities in the United States by such Corporations.

The revision set forth herein was the subject of discussion with interested persons as well as of a notice of proposed rulemaking published in the FEDERAL REGISTER (21 F. R. 1867), and was adopted by the Board after consideration of all relevant matter presented, including the data, views and arguments received from interested persons.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 56-10152; Filed, Dec. 11, 1956; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11838; FCC 56-1212]

[Rules Amdt. 3-45]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (BINGHAMTON AND CORTLAND, N. Y.)

1. The Commission has before it for consideration its notice of proposed rule making, issued on October 4, 1956 (FCC 56-954) and published in the FEDERAL REGISTER on October 10, 1956 (21 F. R. 7739), proposing to assign Channel 56+ to Binghamton, New York, by substituting Channel 72 for Channel 56+ in Cortland, New York, in response to a petition of WBRE-TV, Inc.

2. Comments supporting the proposal were filed by petitioner WBRE-TV, Inc., Wilkes Barre, Pennsylvania. Three Cortland parties filed comments opposing the proposal—The Cortland Chamber of Commerce, the State Teachers College, and Radio Cortland, Inc.

3. In support of its request petitioner submits that the Binghamton area has only one operating television station (Station WNBF-TV on Channel 12); that although a permit is outstanding for Channel 40 in Binghamton, the station has not been constructed;[1] and that the assignment of Channel 56 to Binghamton would make possible a diversified television program service for the area and would comply with the Commission's rules. WBRE-TV represents that it will file an application for a construction permit to operate on Channel 56 if its request is granted. It notes that no applications for Channel 56 in Cortland have been filed and submits that the substitution of Channel 72 for Channel 56 in Cortland would make future television service available to that community.

4. The Cortland Chamber of Commerce, the State Teachers College, and Radio Cortland, Inc., oppose the substitution of Channel 72 for Channel 56 in Cortland. They urge that Channel 72 is less desirable than Channel 56 since technical difficulties have been encountered in operating on the higher UHF channels; that the Cortland area is an important population, industrial, and educational center, which needs the lower channel for commercial and educational purposes, and that the substitution of Channel 72 for 56 in Cortland would greatly reduce the possibility of this area obtaining a local television outlet in the future. It is suggested that Channel 72 could be assigned to Binghamton in order to meet the needs of the area and the wishes of WBRE-TV, Inc.

[1] Southern Tier Radio Service, Inc., was granted a construction permit for a station (WINR-TV) on Channel 40 at Binghamton on September 29, 1954.

5. In reply, WBRE-TV concedes that Channel 56 is superior to Channel 72 at the present time and urges that for that reason it is proposing that Channel 56 be shifted to Binghamton to bring a second television service to this area at this time. WBRE-TV argues that no parties have applied for Channel 56 in Cortland during the time it has been available—almost five years—and that the parties opposing the proposal do not indicate that any feasible steps are contemplated to make use of the channel in Cortland. It urges that the Commission's "crash program" for UHF development can be expected to make the entire UHF band technically feasible for rendering a television service and that, if in the future any party desires to establish a local TV station service in Cortland, it is reasonable to assume that Channel 72 would be satisfactory.

6. WBRE-TV seeks to shift Channel 56 from Cortland, a city of 18,000 persons, to Binghamton, a city of over 80,000, representing that it will apply for a station on this frequency in Binghamton if its proposal is adopted. Petitioner suggests that Channel 72 can replace Channel 56 in Cortland. Three Cortland parties oppose the proposal. However, while they evince an interest in retaining Channel 56 in Cortland, they do not indicate that any substantial steps have been taken or are contemplated to employ this frequency in Cortland in the foreseeable future. The Commission has recognized that difficulties are presented in the operation on the higher UHF channels at this time in light of temporary equipment problems. Accordingly, it has in a number of cases shifted lower UHF channels to communities which proposed to make immediate use of the frequency where the lower channels could be obtained from communities which did not appear ready to proceed with television. When these latter communities do become ready to establish their own stations, it is expected that the equipment problems hindering operation on the higher UHF channels will have been solved. In the subject case a demand for the frequency in Binghamton is indicated and, if the proposal is adopted, a station will be constructed at this time. While the Cortland parties oppose the shift of Channel 56 from their community, it does not appear that they propose to employ this channel in Cortland at the present time. In line with our policy, therefore, we believe that the public interest would be served by making Channel 56 available in Binghamton where it would be used immediately.

7. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

8. In view of the foregoing: *It is ordered,* That, effective January 9, 1957, § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned as follows:

City:	Channel No.
Binghamton, N. Y..	12−, 40−, *46+, 56+
Cortland, N. Y.	72

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: December 5, 1956.

Released: December 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10153; Filed, Dec. 11, 1956; 8:49 a. m.]

[Docket No. 11839; FCC 56-1211]

[Rules Amdt. 3-44]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (NASHVILLE, TENN.)

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on October 5, 1956 (FCC 56-955), and published in the FEDERAL REGISTER on October 10, 1956 (21 F. R. 7740), proposing to amend the Commission's Table of Television Channel Assignments by shifting Channel 5 from Old Hickory, Tennessee, to Nashville, Tennessee, in response to a petition from WLAC-TV, Inc.

2. No comments opposing the proposed amendment were filed. WLAC-TV, Inc., filed comments in support of the proposed amendment urging that the mileage spacing requirements now in effect will permit the assignment of Channel 5 to Nashville and that the public interest considerations which led the Commission originally in the Sixth Report and Order to assign Channel 5 to Nashville will be more fully met by reassigning Channel 5 to Nashville. Petitioner points out that, after rule making in November of 1952, the Commission shifted Channel 5 from Nashville to the small community of Old Hickory, some 11 miles distant, because the then existing mileage spacing requirements prevented this frequency being used at Nashville and in recognition of the fact that the assignment of Channel 5 to Old Hickory would make it possible for a station on this frequency to serve the needs and interests of the Nashville area, as well as Old Hickory itself, and thus substantially satisfy the public interest requirements which led to the assignment of Channel 5 to Nashville in the first instance. Petitioner states that it operates Station WLAC-TV on Channel 5 at Old Hickory, with main studios located in Nashville, and that its present transmitter site for Station WLAC-TV would meet present mileage spacing requirements for a Channel 5 Nashville operation. It urges that in the event Channel 5 is assigned to Nashville, it be directed to show cause why its authorization for Station WLAC-TV should not be modified to specify operation at Nashville instead of Old Hickory.

3. Channel 5, originally assigned to Nashville by the Sixth Report and Order, was shifted to Old Hickory upon discovery that its assignment to Nashville was not in conformity with the Commission's minimum separation requirements. Under the recent amendment to the rules governing minimum separations, the assignment of Channel 5 to Nashville can be accomplished in conformity with these requirements. The Commission believes that the public interest would be served by finalizing the amendment of § 3.606 of the rules, as requested, to reassign Channel 5 to Nashville.

4. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered,* That effective January 9, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

I. Amend to read:

City:	Channel No.
Nashville, Tenn.	*2−, 4+, 5, 8+, 30+, 36+

II. Delete the following:

Old Hickory, Tenn.	5

6. In its petition and comments requesting the amendment of § 3.606 of the rules as herein adopted, WLAC-TV, Inc., also requests the Commission, pursuant to section 316 of the Communications Act, to require it to show cause why its authorization for Station WLAC-TV should not be modified to specify operation at Nashville, rather than at Old Hickory. Inasmuch as the amendment to § 3.606 was effectuated as a result of the permittee's petition, it appears that the use of the modification procedure set forth in section 316 of the act would be inappropriate, and, therefore, petitioner's request is not granted. It is to be noted that the amendment adopted herein does not affect the current authorization for Station WLAC-TV and, if WLAC-TV, Inc., so desires, it may immediately file any necessary application for authority to operate WLAC-TV as a Nashville station. (See § 3.607 (a) of the Commission's rules as recently amended.)

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: December 5, 1956.

Released: December 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10154; Filed, Dec. 11, 1956; 8:49 a. m.]

[Docket No. 11840; FCC 56-1210]

[Rules Amdt. 3-43]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS, MACON, GA.

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on October 4, 1956 (FCC 56-956) and published in the FEDERAL REGISTER on October 10, 1956 (21 F. R. 7740), proposing to amend the Commission's Table of Television Assignments by shifting Channel 13 from Warner Robins, Georgia, to Macon, Georgia, in response to a petition from Southeastern Broadcasting Company, licensee of Station WMAZ-TV on Channel 13 at Warner Robins.

2. No comments opposing the proposed amendment were filed. Southeastern filed comments in support of its request, pointing out that Channel 13 was assigned to Macon by the Commission's Sixth Report and Order; that subsequently the Commission discovered that this assignment had erroneously been made in violation of the minimum mileage requirements of the then existing rules; and that upon request of petitioner, Channel 13 was shifted from Macon to Warner Robins. Petitioner submits that under the recent amendment to the Commission's rules relating to mileage spacing requirements, Channel 13 can now be assigned to Macon upon a showing that a transmitter site is available which would meet the minimum separations specified by the rules. It is urged that in assigning Channel 13 to Warner Robins the Commission was affording recognition to public interest requirements substantially the same as those recognized in assigning the channel to Macon in the first instance. Petitioner states that as a Warner Robins station it must depend upon an audience and advertisers in Macon and that, being the only operating station in the Macon area, it is relied upon by the people of Macon and the surrounding area for television service, and it is maintained that the public interest would be served by identifying WMAZ-TV with the larger city. From the station's present site, mileage spacing requirements would be met and city-grade service is provided to Macon. It further urges that if Channel 13 is assigned to Macon, it be directed to show cause why its authorization for Station WMAZ-TV should not be modified to specify operation at Macon instead of Warner Robins.

3. Macon was originally assigned Channel 13 by the Sixth Report and Order, but this frequency was moved to the nearby smaller community of Warner Robins upon discovery that its assignment to Macon did not meet minimum assignment spacing requirements of the rules. The amendments to the rules governing minimum separations adopted on July 19, 1956, will now permit the assignment of Channel 13 to Macon. The Commission is of the view that the proposed amendment of the Table of Television Assignments to move Channel 13 from Warner Robins to Macon would serve the public interest.

4. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing; *it is ordered*, That effective January 9, 1957, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

I. Amend to read:

City:	Channel No.
Macon, Ga	13+, *41+, 47+

II. Delete the following:

Warner Robins, Ga	13+

6. In its petition and comments requesting the amendment of § 3.606 of the Commission's rules and regulations as herein adopted, Southeastern Broadcasting Company also requests the Commission, pursuant to section 316 of the Communications Act, to require petitioner to show cause why its authorization for Station WMAZ-TV should not be modified to specify operation at Macon instead of Warner Robins. Inasmuch as the amendment to § 3.606 was effectuated as a result of the licensee's petition, it appears that the use of the modification procedure set forth in section 316 of the act would be inappropriate, and, therefore, petitioner's request will not be granted. It is to be noted that the amendment adopted herein does not affect the current authorization for Station WMAZ-TV and, if Southeastern so desires, it may immediately file any necessary application for authority to operate WMAZ-TV as a Macon station. (See § 3.607 (a) of the Commission's rules, as recently amended.)

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: December 5, 1956.

Released: December 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10155; Filed, Dec. 11, 1956; 8:49 a. m.]

[Docket No. 11851; FCC 56-1213]

[Rules Amdt. 3-46]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; RULES GOVERNING TELEVISION BROADCAST STATIONS (BATON ROUGE AND JACKSON, LA.)

1. The Commission has before it for consideration its notice of proposed rule making issued in the above-entitled matter on October 19, 1956 (FCC 56-1013) and published in the FEDERAL REGISTER on October 24, 1956 (21 F. R. 8147) proposing to assign Channel 18 to Baton Rouge, Louisiana, in lieu of Channel 40 in response to a petition filed by the Bayou Broadcasting Corporation. Bayou proposes to accomplish this change by substituting Channel 40 for Channel 18 in Jackson, La. The Commission requested comments on a proposal which would retain Channel 40 in Baton Rouge and substitute Channel 59 for Channel 18 in Jackson.

2. No comments were filed opposing either proposal. Bayou Broadcasting Corporation filed comments in support of the Commission's proposal.

3. Bayou urges that Channel 18 at Jackson is not occupied by an operating station so that no loss of service would result; that Channel 59 would serve the best interests of Jackson in the event there is a need and demand for a UHF channel in that community; that the allocation of Channel 18 to Baton Rouge would make possible an improvement of the technical service of UHF in that city and would provide more effective competition with the existing VHF station; and that the proposal conforms to the rules.

4. The Commission is of the view that the proposal to assign Channel 18 to Baton Rouge by substituting Channel 59 for Channel 18 in Jackson would serve the public interest in that it would provide a more effective utilization of available facilities.

5. Authority for the adoption of the amendment adopted herein is contained in section 4 (i), 301, 303 (a), (b), (c), (d), (e), (f), (g), and section 4 of the Administrative Procedure Act.

6. In view of the foregoing: *It is ordered*, That effective January 9, 1957, the Table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	Channel No.
Baton Rouge, La	2, 18—, 28, *34, 40—
Jackson, La	59

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: December 5, 1956.

Released: December 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10157; Filed, Dec. 11, 1956; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

ABSENCE FROM HEARING AND HANDLING OF APPLICATIONS WITHOUT ORAL HEARING; CORRECTION

DECEMBER 7, 1956.

Clerical errors appearing in F. R. Doc. 56-7741, published in the FEDERAL REGISTER for Wednesday, September 26, 1956 (21 F. R. 7327), in § 1.71 *Appearances; standard of conduct; absence from hearing*, and § 1.241 *Special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto*, are hereby corrected as follows:

1. In § 1.71, immediately following paragraph (c) insert paragraph (d) *Absence from hearing*, which reads:

(d) *Absence from hearing.* If a party or his representative shall, after entering an appearance, attempt to withdraw from the hearing in a manner other than that specified in paragraph (b) of this section, the Commission on its own motion, or on motion of any party to the proceeding, may take such action as, in the interest of justice and the protection of the lawful rights of all parties to the proceeding, the circumstances of the case may warrant, including the striking out of all or any part of any pleading of the offending party, and including the possible dismissal of the action or proceeding, or any part thereof, the entry of an order of default against that party, or the disciplining of the practitioner concerned.

2. In § 1.241 (d) (6), delete the parenthetical material "(except as otherwise provided in paragraph (d) (8) of this section respecting hearings limited to cross-examination)". As thus corrected subparagraph (6) of paragraph (d) *Handling of applications without oral hearing*, will read:

(6) If it is determined that an oral hearing should be assigned, notice thereof will be published in the FEDERAL REGISTER. Subsequent participation in such proceeding will be governed by the provisions of paragraph (c) of this section.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-10140; Filed, Dec. 11, 1956; 8:48 a. m.]

[S. O. 910-A]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR MOVEMENT OF LOADED FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of December A. D. 1956.

Upon further consideration of Service Order No. 910 (21 F. R. 2568) and good cause appearing therefor: *It is ordered*, That:

Section 95.910 *Railroad operating regulations for the movement of loaded freight cars*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., December 8, 1956; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-10138; Filed, Dec. 11, 1956; 8:48 a. m.]

[S. O. 911-A]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of December A. D. 1956.

Upon further consideration of Service Order No. 911 (21 F. R. 2524) and good cause appearing therefor: It is ordered, that:

Section 95.911 *Railroad operating regulations for freight car movement*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., December 8, 1956; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383 as amended; 49 U. S. C. 12. Interpret or applies sec. 1, 24 Stat. 379, as amended, 49 U. S. C. 1)

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-10139; Filed, Dec. 11, 1956; 8:48 a. m.]

[S. O. 912-A]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX AND REFRIGERATOR CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of December A. D. 1956.

Upon further consideration of Service Order No. 912 (21 F. R. 2525) and good cause appearing therefor: *It is ordered*, That:

Section 95.912 *Free time on unloading box and refrigerator cars at ports*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., December 8, 1956; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-10136; Filed, Dec. 11, 1956; 8:47 a. m.]

[S. O. 913-A]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of December A. D. 1956.

Upon further consideration of Service Order No. 913 (21 F. R. 2525) and good cause appearing therefor: It is ordered, that:

Section 95.913 *Free time on freight cars loaded at ports*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., December 8, 1956; that a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-10134; Filed, Dec. 11, 1956; 8:46 a. m.]

[S. O. 914-A]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING EXPORT FREIGHT FROM CARS AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of December A. D. 1956.

Upon further consideration of Service Order No. 914 (21 F. R. 4317) and good cause appearing therefor: It is ordered, that:

Section 95.914 *Free time on unloading export freight from cars at Great Lakes Ports*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 12:01 a. m., December 8, 1956; that a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-10135; Filed, Dec. 11, 1956; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 972]

[Docket No. AO-177-A17]

MILK IN TRI-STATE MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Tri-State marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Gallipolis, Ohio, on August 15-16, 1956, pursuant to notice issued on July 25, 1956 (21 F. R. 5695).

The material issues of record related to:

1. Class I prices, including intra-area differentials, and the supply-demand price adjustment.

2. Allocation of Class I milk to shipping plants.

3. Location differentials.

Proposals with respect to other matters appeared in the notice of hearing, but were not supported at the hearing. These included extension of the marketing area, market-wide pooling, and a method for accounting for solids not fat.

Findings and conclusions. The following findings and conclusions with respect to the material issues are based upon the evidence contained in the record of the hearing:

1. *Class I price.* The Class I price differentials should be increased, and the seasonal pattern of the differentials should be modified. The prices in the several districts in the marketing area should be changed in a manner consistent with changes in plant location differentials. The supply-demand adjustor should be modified for some months to avoid contra-seasonal price changes.

Two proposals were made by producer groups to increase Class I price differentials. One of these would increase the Class I price differential 35 cents per hundredweight in the Huntington and Gallipolis-Scioto districts, and 40 cents in the Athens district, with some modification of the present schedule of seasonal price changes. The other proposal would establish a Class I differential in the Huntington district of $1.75 for March through August, and $2.25 for September through February, with the same seasonal changes in the Gallipolis-Scioto and Athens districts. A proposal made by certain handlers would provide the same price for the Athens and Gallipolis-Scioto districts, and a price 10 cents higher than that for the Huntington district. The same handler group recommended that the supply-demand adjustment be eliminated, and be replaced by a 25-cent increase in the stated Class I differentials.

The problem of the appropriate level of Class I prices in this market was reviewed in a hearing held in January 1955, and a decision thereon of the Secretary issued August 8, 1955. Official notice is here taken of that decision (20 F. R. 5815). It was concluded therein that a general price increase was not justified at that time, but the Class I differentials were modified in a manner that resulted in a 2-cent per hundredweight market-wide increase, and an additional 5 cents per hundredweight in the Athens district. Also, certain products, principally buttermilk and fluid cream disposition, were added to the Class I category. This amendment became effective September 1, 1955.

Some changes in milk utilization have occurred since the January 1955 hearing. Handler representatives contended, however, that the increase in Class I sales during the twelve months preceding this hearing was largely accounted for by the items added to the Class I definition by the September 1, 1955 amendment.

An estimate of the changes insofar as they were not caused by the amendment may be made by combining the Class I and Class II volumes in months prior to the amendment. The sum of the Class I and Class II items in these prior periods represents product utilization closely comparable with that under the present definition of Class I milk. On this basis, the gross utilization by handlers increased about 20 percent in such product uses from 1954 to 1955, and increased about 8 percent for the first seven months of 1956 as compared to the same period of 1955. Such estimated product utilization, on an average annual basis, was equivalent to about 86 percent of producer milk at fluid milk plants in 1954, and about 90 percent in 1955.

Receipts of producer milk at fluid milk plants have not increased as fast as the indicated product utilization. In 1955, receipts were 15 percent over receipts in 1954, and in the first seven months of 1956, 2.3 percent less than in the same period of 1955.

The market is short of an adequate supply of producer milk in the low production months. For the period October through December 1955, Class I sales in the market exceeded producer milk in all plants by 2 to 7 percent in each month. In January 1956, Class I sales about equalled producer milk, and in February 1956, were about 95 percent of producer receipts. During such October-February period, the amount of other source milk used by fluid milk plants for Class I averaged about 1,360,000 pounds per month, or about 8 percent of Class I sales. This was considerably more than the amount of other source milk used in Class I a year previous.

Although conditions vary in the several districts of the marketing area, the situation of shortage of producer milk in some months of the year is general throughout the entire area.

Considerable attention was given in testimony to the price relationships of surrounding Federal order markets. (For purposes of evaluation of these relationships, official notice is taken of the Federal orders in effect for the Cleveland, Columbus, Stark County, Greater Wheeling, Clarksburg, Cincinnati, and Bluefield marketing areas.) It was pointed out that the average annual level of Class I differentials in markets to the east and southeast are higher than the average level in the Tri-State market, and that producers in the intervening areas are attracted by the higher prices. It was also testified that a number of the largest producers formerly supplying the Huntington district had transferred to Charleston, West Virginia,

which is not a Federally regulated market.

There is some overlapping of the production area of the Tri-State market with the production areas for the Greater Wheeling, Clarksburg and Bluefield orders. The average annual Class I differentials in these neighboring markets are: For Wheeling, $1.72; for Clarksburg, $1.97; and for Bluefield, $1.87. The average annual Class I differential in the Huntington district of the Tri-State market is approximately $1.48, and in the Athens district approximately $1.23. The Class I prices under these other orders are subject to location differential credits as follows: Under the Greater Wheeling order, 16.5 cents per hundredweight at Marietta, Ohio, 18 cents at Parkersburg, West Virginia, and 21 cents at Athens, Ohio. Under the Clarksburg order, 22 cents at Marietta, 24 cents at Parkersburg, and 28 cents at Athens; and under the Bluefield order, 26½ cents at Ashland, Kentucky. The Class I prices under the Greater Wheeling and Clarksburg orders are affected by the supply-demand adjustment in the Cleveland order.

There is an overlapping of sales areas of Tri-State handlers and of handlers under the Greater Wheeling and Bluefield orders in areas between the markets. One handler in the Bluefield market complained that the difference between the proposed prices under the Bluefield order and the existing prices under the Tri-State order would give an unfair advantage to Tri-State distributors in Mingo and Logan Counties, West Virginia, and Pike County, Kentucky, where a considerable part of his milk is sold.

To a slight extent there is overlapping of the supply area of the Tri-State market with supply areas of the Cincinnati and Columbus markets, where somewhat lower Class I differentials apply. Price differences with markets to the east and southeast are much wider, however, even after allowing for location differential credits to points in the Tri-State marketing area. In view of the existing price differences, and the relatively short supply in the Greater Wheeling, Clarksburg, and Bluefield markets, as well as shortages experienced in this market for a considerable part of the year, some narrowing of these price differences is desirable. The amount of change which should be made in the differentials at this time would depend, as well, on other factors discussed herein.

In addition to the handler proposal, previously described, to eliminate the supply-demand adjustment, a proposal was made by a producer association to generally increase the rate of adjustment obtainable from this pricing mechanism. The latter proposal would provide a lesser rate of price adjustment on decreases for oversupply than the rate of adjustment for price increases when a relatively short supply is in prospect.

The order amendment of September 1, 1955 made comprehensive changes in the supply-demand adjustment designed to eliminate contra-seasonal adjustments and generally to improve its operation. The new supply-demand formula has generally reflected changing conditions with greater accuracy than the previous formula. It has resulted in additions to the Class I price ranging from 3 to 27 cents, or an average increase slightly less than 15 cents.

A supply-demand adjustment is considered to be a desirable part of the price mechanism for this market to reflect local changes in supply and demand conditions. If it were eliminated and replaced by a fixed addition to the Class I differentials, considerable flexibility and responsiveness of the price to changing market conditions would be lost. The proposal to eliminate the supply-demand adjustment is denied.

The proposal to apply a lesser rate of price adjustment when supply is excessive than when supply is short has decided disadvantages. It could result in criticism in that it would tend to maintain a higher level of prices than needed to assure an adequate supply. It could not be expected to result in price changes designed to correct a condition of oversupply. As a consequence, such a mechanism could result in serious misalignment of prices with conditions in this and other markets.

In the period in which the new supply-demand formula has been in effect, it has provided an increasing price adjustment in response to the higher level of Class I utilization in the market. Inasmuch as the fairly substantial price increases resulting from the supply-demand adjustment have occurred to large extent in recent months, it is too early to judge whether the rate of adjustment should be changed. Conditions in the market, particularly the steady increase in fluid sales which has persisted for some time, make an increase in the level of the Class I differentials a more appropriate method of providing additional incentive to supply milk for this market.

Although no change is recommended in the rate of price adjustment, which now is 3 cents for each percentage of deviation from the base utilization percentages, some changes should be made in the base utilization percentages of individual months to avoid erratic or contra-seasonal price changes. The minimum and maximum percentages which apply in the November Class I price calculation should be reduced by subtracting 4 from each. This change should be made to avoid a drop in the price adjustment, such as occurred from October to November 1955 and again in 1956. (Official notice is taken of market administrator's report.) The base utilization percentages for the March price computation should be increased by adding 2, so as to avoid a contra-seasonal price increase.

Class I price differentials in the Tri-State order are established at separate levels for the three districts of the marketing area. The differentials for the Athens district are lowest, and those for the Gallipolis-Scioto and Huntington districts are 15 and 25 cents higher, respectively. These price differences are for the purpose of improving the distribution of the total producer milk supply among the various parts of the marketing area.

Considerable concern was shown by handlers and producers in the Huntington district over the possible competitive advantage to handlers in the Athens district resulting from the present intra-market differential. It was pointed out that two plants in the Athens district are sending distribution routes into the Huntington district. Various proposals were made to reduce the difference between these two districts to 20 cents, or even to 10 cents.

Two handlers with plants in the Athens district gave testimony in opposition to reducing the intra-area differentials. One handler cited a cost figure of 38.7 cents per hundredweight for moving packaged milk from Marietta to Huntington, and the other a cost of 29 cents for moving packaged milk from Athens to Huntington. Inasmuch as these costs exceed the price differences, apparently there are factors other than producer price differences which provide incentive for distribution by Athens handlers in the Huntington district.

In view of the decrease in location allowances to handlers, recommended elsewhere herein, a comparable reduction should be made in the price differential between the Athens district and the other districts of the marketing area. Otherwise, producers supplying the Athens district plants would receive a lower price on milk moved from such plants to the Huntington market than do producers at out-of-area supply plants which ship milk from comparable distances directly to Huntington handlers. The difference between the Athens and Huntington district prices should be reduced from 25 cents to 20 cents. This would make the price difference between adjoining districts 10 cents in each case.

In the attached proposed amending order language, the annual average of the Class I differentials for the Athens district would be 15 cents higher than the differentials now in the order. Differentials for the Gallipolis-Scioto and Huntington districts would be 10 and 20 cents higher, respectively, than those for the Athens district. In view of general supply and demand conditions affecting this market, such increases in the Class I price differentials appear warranted. These increases, along with price increments which will result from the supply-demand adjustor as long as the market remains short, will make the market more attractive to producers. The annual average of the Class I price differentials for the Athens district would be about $1.38 per hundredweight. So long as the supply-demand adjustor continues to add about the same amount as shown for the last twelve months in the record, or about 15 cents per hundredweight, the resulting price should average about the same as the Wheeling order price adjusted for location to points in the Athens district. The annual average of Class I price differentials for the Huntington district, with the changes recommended herein, would be about $1.58 without the effect of the supply-demand adjustor. This is slightly less than the average of the Bluefield order Class I differentials adjusted for location to Ashland.

Various proposals were made which would change the seasonal pattern of Class I price differentials. The pro-

posal of a producer association which would provide for two seasonal changes per year has been mentioned previously. Another producer association proposed that the month of July be changed from a low differential month to a medium differential month, and the month of August be changed from a medium differential month to a high differential month. A group of handlers recommended that the low differential period be May through August, that the medium differentials apply in March, April, and September, and that the highest differentials apply in October through February. Testimony given in support of these proposals generally supported the desirability of evening out seasonal variations in production to more nearly approach the relatively more stable needs of the fluid market.

Presently, the amount of seasonal change in the Class I differentials, from the lowest to the highest, is 85 cents. The lowest seasonal differential for the Athens district is 80 cents per hundredweight, which applies in April, May, June, and July. An intermediate level of $1.10 applies in the months of February, March, and August, and the highest differential, $1.65, applies for the months of September through January. This pattern of differential changes was established by the amendment made effective September 1, 1955.

In view of the continued pronounced seasonal variation in production, it is concluded that about the same range in price differential changes should be maintained. The changes in the seasonal pattern set forth in the attached amending language are designed to provide incentive for improving the seasonal production-sales relationship, as well as give some consideration to the existing price differences in individual months compared with neighboring markets. For the Athens district, the Class I price differentials would be 95 cents per hundredweight for March through July, $1.40 for February and August, and $1.80 in other months. This schedule of differentials would be 15 cents higher than the present differentials in most months and would be 30 cents higher in February and August, and 15 cents less in March. The greater increase in August is appropriate since this month is just prior to the short production season, and because of the wide difference from the Wheeling order Class I differential. The changes for February and March represent, besides the general increase mentioned, also a seasonally different distribution of returns which is in accord with the producer request for a seasonally higher level in February because of difficult production conditions. Month to month price changes would be more uniform in the new schedule, amounting to either 40 or 45 cents. Class I price differentials for the Gallipolis-Scioto and Huntington districts would be 10 and 20 cents higher, respectively, in each month.

2. *Allocation of Class I milk to shipping plants.* The amount of milk which a fluid milk plant may allocate to a supply plant during the months of February through September pursuant to § 972.34 (c) of the order should be limited by the monthly average amount of milk received from producers at the supply plant in the preceding months of October through January. No allocation of Class I milk should be made between fluid milk plants, except with respect to actual transfers of milk.

Under the provisions of § 972.34 (c), a fluid milk plant may, during the months of February through September, allocate some of its Class I utilization to any supply plant which transferred milk to such fluid milk plant in at least three of the months of October through January immediately preceding. Such allocation does not depend on actual physical transfer of the milk in the February-September period, but the total allocation in each such month, including allocation with respect to actual transfers in the current month, is limited by the smaller of (1) the monthly average allocation on transfers in the preceding October-January period, or (2) a percentage of the total Class I milk in the fluid milk plant in the current month which is the same as the percentage the amount described in (1) above is of the Class I milk in the fluid milk plant in the preceding October-January period.

A producer representative operating a supply plant proposed that an additional limit be placed on such allocation to prevent any allocation greater than the amount of producer milk received at the supply plant in the preceding October-January period. It was pointed out that such an allocation could occur if in the October-January period the supply plant handled other source milk, part or all of which was transferred to a fluid milk plant. In this way the supply plant might build up a credit for "pass-back" allocation in the following February-September period exceeding the volume of producer milk at the supply plant in the prior months of October through January.

The proposed limitation on pass-back allocation would not limit the amount of allocation in relation to the amount of producer milk in the supply plant in the current month of the February-September period. There could be instances in which a supply plant would be handling little, or considerably less, producer milk in these months than it handled in prior fall and winter months, and at the same time might be handling considerable volumes of other source milk representing surplus of unregulated plants. In such an instance, pass-back allocation of Class I utilization could result in giving other source milk in the supply plant a preference over producer milk in the fluid milk plant. It is concluded that the amount of the Class I use in the fluid milk plant in the February-September period, which may be allocated to a supply plant, should, in addition to the other limitations, be limited to the amount of producer milk in the supply plant in the current month.

The provisions of § 972.34 (c) should not be extended to provide for similar allocation of Class I milk to fluid milk plants where no actual transfer of milk in the current month occurs. It was not indicated on the record how a workable provision with this purpose resulting in equitable allocation of utilization could be constructed. In this connection, reference is made to the findings and conclusions on the same matter in the Secretary's decision issued August 8, 1955.

3. *Location differentials.* The rate of location adjustment allowed to plants more than 45 miles and less than 100 miles from designated reference points should be reduced from 2½ cents for each ten miles to 2 cents for each ten miles. No location allowance should be given to plants at distances less than 45 miles.

A producer group proposed that location credits to handlers on Class I milk be reduced to 2 cents, instead of 2.5 cents, for each ten miles up to 100 miles from the nearest reference point stated in the order, and be reduced to 1 cent, instead of 1½ cents, for each ten miles over 100 miles. The producer group also proposed that the smallest mileage to which the location credits apply should be increased from 25 miles to 65 miles. With respect to producer location differentials, it was proposed that these apply only to Class I milk rather than to all milk.

Evidence was submitted by the operator of a milk shipping plant that the cost of moving milk in a 22,000 pound tank truck is about 18 cents per hundredweight for 100 miles. It was also pointed out that it is common for handlers to move milk within the same pricing district of the marketing area for distances in excess of 50 miles. On such milk movements, no location credit is allowed by the order. Proponent asserted such evidence shows that the allowances in the order are generally in excess of current costs of transporting milk.

Two handlers gave evidence, previously mentioned herein, of higher costs for moving milk from plants in Athens and Marietta to Huntington. These costs, however, were for packaged milk, and are not considered to be an appropriate basis for establishing location allowances when a less costly method of moving milk is available.

Official notice is taken of price announcements of the market administrator which show location allowances of 12½ cents per hundredweight to a plant at Circleville, Ohio, and 31 cents to a plant at Welch, West Virginia. Since the time of the hearing, the plant at Welch has become regulated under Order No. 112, regulating the handling of milk in the Bluefield marketing area. The plant at Circleville, Ohio, is about 50 miles from the nearest reference point (Jackson) from which the mileage distance to such plant is computed.

It is concluded that the proposed reduction in the rate of location allowances to handlers should be adopted with respect to distances not exceeding 100 miles. There was no direct evidence as to changes in the cost of movements of milk exceeding 100 miles. It is also concluded that location differentials should not apply for distances less than 45 miles. There are not now any plants to which location differentials apply within such distance, and there is no economic need for a supply plant so near to the plant from which the milk is distributed. Within such a distance milk may be ordinarily moved direct from the farm to the plant.

With respect to proposal to apply producer location differentials only to Class I milk, it is concluded that this proposal should be denied. The differential applied to producer uniform prices of each handler should continue to be at the same rate as allowed handlers with respect to Class I milk. These differentials, as applied to producer prices, represent the difference in value for whole milk as received at plants in various locations.

The provisions with respect to producer location differentials do not need to be modified to take account of the changes in the location credits to handlers, inasmuch as § 972.72 of the order applies the same rate to producer payments as is allowed to handlers on Class I.

Rulings on proposed findings and conclusions. A number of briefs were filed which contained proposed findings and conclusions, and arguments, with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as proposed to be further amended:

1. In § 972.34 (c), add subparagraph (3) as follows:

(3) The quantity of milk received from producers at such supply plant during the current month.

2. Delete paragraph (a) of § 972.41 and substitute the following:

(a) Add the following amounts for the months indicated:

	February and August	March, April, May, June, and July	September, October, November, December, and January
Huntington district plants	$1.60	$1.15	$2.00
Gallipolis-Scioto district plants	1.50	1.05	1.90
Athens district plants	1.40	.95	1.80

3. Delete the table in § 972.41 (b) (2), and substitute the following:

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January	103	107
February	103	107
March	99	103
April	95	99
May	93	97
June	87	91
July	77	81
August	68	72
September	64	68
October	68	72
November	79	83
December	94	98

4. Delete § 972.48 and substitute the following:

§ 972.48 *Location adjustment credits to handlers.* The price for Class I milk at a fluid milk plant or supply plant located outside the marketing area and more than 45 miles from the nearest of the following listed places, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk (§ 972.41) for the district of the marketing area in which such nearest listed place is located, less a location adjustment computed as follows: 2 cents per hundredweight for each 10 miles, or major fraction thereof, up to 100 miles, and 1.5 cents per hundredweight for each 10 miles, or major fraction thereof, in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such fluid milk plant to such nearest listed place:

City Hall, Huntington, W. Va.
City Hall, Ashland, Ky.
City Hall, Portsmouth, Ohio.
City Hall, Jackson, Ohio.
City Hall, Athens, Ohio.
City Hall, Marietta, Ohio.
City Hall, Gallipolis, Ohio.

Issued at Washington, D. C., this 7th day of December 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator.

[F. R. Doc. 56-10166; Filed, Dec. 11, 1956; 8:52 a. m.]

[7 CFR Part 1011]

[Docket No. AO 277]

IRISH POTATOES GROWN IN NEW JERSEY

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

In F. R. Doc. 56-9944, appearing in the issue for Wednesday, December 5, 1956, at page 9596, the referendum was inadvertently omitted. It should read as set forth below:

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum; and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among producers who, during the period January 1, 1956, to November 1, 1956 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of New Jersey, in the production of Irish potatoes for market, to determine whether such producers approve or favor the issuance of an order regulating the handling of Irish potatoes grown therein; and said order is annexed to the decision of the Secretary of Agriculture.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to become effective pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

R. L. Powers, W. J. Higgins, and E. E. Gallahue, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., and at those places within the production area (i. e., the State of New Jersey) announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of said order may be obtained from any referendum agent and any appointee hereunder.

[7 CFR Part 1017]

[Docket No. AO 283]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 130 AND ORDER NO. 117

In F. R. Document 56-9972, appearing in the issue for Thursday, December 6,

1956, the referendum was inadvertently omitted. It should read as set forth below:

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum; and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1955, to June 30, 1956 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area comprising Malheur County, Oregon, and all counties south and southeast of the southern boundary of Idaho County in the State of Idaho, in the production of onions for market, to determine whether such producers approve or favor the issuance of an order regulating the handling of onions grown in said production area; and said order is annexed to the decision of the Secretary of Agriculture.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to become effective pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

R. H. Eaton, E. E. Gallahue, Allan Henry, and F. N. Andary of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., and at those places within the said production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of said order may be obtained from any referendum agent and any appointee hereunder.

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY

DELEGATION OF AUTHORITY FOR ISSUANCE OF PAYMENT CERTIFICATES

DECEMBER 3, 1956.

There is hereby delegated to the Secretary of the Army the authority to exercise all authority delegated to the Secretary of Defense by Defense Mobilization Order I–11 of August 31, 1954, with respect to all requests for payment certificates under section 168 (g) of the Internal Revenue Code of 1954 arising from Department of the Army contracts and subcontracts.

REUBEN B. ROBERTSON, Jr.,
Deputy Secretary of Defense.

[F. R. Doc. 56–10128; Filed, Dec. 11, 1956; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11364, 11663; FCC 56M–1114]

RCA COMMUNICATIONS, INC., AND WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of RCA Communications, Inc., v. The Western Union Telegraph Company, Docket No. 11364; complaint with respect to Area "C" Pacific Traffic under the International Formula. In the matter of RCA Communications, Inc., Docket No. 11663; request for appropriate Commission action with respect to alleged illegal practices of The Western Union Telegraph Company in handling traffic destined to various Far Eastern points.

It is ordered, This 5th day of December 1956, on the Hearing Examiner's own motion, that the hearing in the above-entitled proceeding now scheduled for January 8, 1957, be, and the same is hereby, continued to January 15, 1957, at 10:00 o'clock a. m. at the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–10158; Filed, Dec. 11, 1956; 8:50 a. m.]

[Docket Nos. 11856, 11857; FCC 56M–1116]

RADIO ORLANDO AND ORLANDO RADIO & TELEVISION BROADCASTING CORP.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of Gordon Sherman and Melvin Feldman d/b as Radio Orlando, Orlando, Florida, Docket No. 11856, File No. BP–10339; Orlando Radio & Television Broadcasting Corporation, Orlando, Florida, Docket No. 11857, File No. BP–10671; for construction permits.

Upon oral request of counsel for Orlando Radio and Television Broadcasting Corporation and with the concurrence of counsel for all parties: *It is ordered*, This 5th day of December 1956, that the pre-hearing conference now scheduled herein for December 7, 1956, be, and the same is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–10159; Filed, Dec. 11, 1956; 8:51 a. m.]

[Docket Nos. 11883, 11884; FCC 56–1216]

COLLIER ELECTRIC CO. AND AMERICAN TELEPHONE AND TELEGRAPH CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of the applications of Collier Electric Company, Docket No. 11883, File Nos. 1541/1542/1543–C1–P–56; and American Telephone and Telegraph Company, Docket No. 11884, File Nos. 163/164/165–C1–P–57; for construction permits for point-to-point microwave relay stations at Fort Morgan, Colorado; Sterling, Colorado; and Sidney, Nebraska.

1. On February 21, 1956, Collier Electric Company (hereinafter called Collier) filed applications requesting authority to construct point-to-point microwave relay stations in the 6000 Mc band near Fort Morgan, Colorado; Sterling, Colorado; and Sidney, Nebraska, respectively, to relay off-the-air pick-up of TV broadcast signals of three Denver, Colorado stations to community antenna TV systems at Sterling, Colorado; Sidney and Kimball, Nebraska. Collier owns and operates Sterling Community Television Company (a community television distribution system) at Sterling, Colorado and Sidney Community Television Company (a similar organization) at Sidney, Nebraska. Collier proposes to establish its microwave relay facility on a common carrier basis, i. e., to file appropriate tariffs with this Commission and to hold itself out to serve any members of the public desiring such service from it. Initially, Collier proposes to serve its own community television distribution organizations, as noted above, and Kimball Community Television Company at Kimball, Nebraska, a similar organization to be constructed and operated by a person not in any way connected with Collier.

2. In a letter filed March 8, 1956, American Telephone and Telegraph Company (hereinafter called AT&T) expressed various objections to a proposed grant of the Collier applications alleging, among other things, that "the existing common carriers are willing and able to meet the requirements for intercity television transmission service in the area involved and are prepared to undertake the construction to provide the necessary facilities if an order for such service is received by them". Additionally, AT&T questioned whether a grant of the Collier applications would be in the public interest in view of the fact that Collier would own two of the three community antenna television distribution systems which it proposes to serve. AT&T also stated that the microwave radio facilities proposed by Collier would, in part, closely parallel AT&T's existing central transcontinental radio relay route and that if, and when, AT&T implemented such route with operations in the 6000 Mc band, there might be serious interference between such parallel systems.

3. On July 18, 1956, while the Collier applications were still pending before the Commission, AT&T filed its own applications (identified above) paralleling and duplicating the proposal of Collier, but in the 3700 Mc band. Such duplication is so extensive that AT&T proposes to use the identical sites specified in the Collier applications. Such sites appear to be under the control of Collier or the proposed customer of Collier. Additionally, AT&T proposes that Collier construct and maintain certain towers, dishes, reflectors, power lines, power, auxiliary power, roads and other facilities at the sites proposed. There is no allegation by AT&T that Collier is willing to do these things. Indeed, Collier's pleadings and its prosecution of its applications all infer that it is not willing to do so.

4. By letters of August 15, 1956 to the respective applicants, notice was given, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, of the apparent need for holding a comparative hearing with respect to these competitive applications. Both applicants replied to such letters indicating a disposition to proceed with a hearing, if so required. On September 4, 1956, CoHier filed a petition which is really in the nature of an extension of its reply to our 309 (b) letter, requesting immediate grant of its applications or prompt designation of the applications for comparative hearing.

5. In its petition, Collier contends that the Ashbacker rule (326 U. S. 327) does not apply to this case because the rule is limited in its effect to a situation where two or more applicants file at the same time and where the grant of one application would preclude a grant of other applications because of mutual destructive electrical interference. Collier argues that the applications in this case are not mutually exclusive because the frequencies requested by each applicant are different and the grant to one applicant would not preclude a grant to the other. Collier further argues that, if the Ashbacker rule applies, the applications are not really competitive because AT&T's proposal is incapable of fulfillment (i. e., there is no showing that it can actually obtain the use of Collier's sites; Collier is unwilling to use AT&T service and pay AT&T charges; and the "sincerity" of AT&T in filing the applications is questionable).[1] Finally, Collier asserts that the Commission has found that a grant of its applications would serve the public interest, convenience, or necessity.[2]

6. On September 14, 1956, AT&T filed its opposition to Collier's petition alleging, in substance, that AT&T's proposal in this case is in furtherance of its desire to provide communication service when and where such service is needed and to provide an orderly growth of the existing common carrier nationwide network. AT&T contends that Collier is not a bona fide common carrier because it proposes, at least in part, to serve itself. AT&T also reiterates its opinion that the partial paralleling of the proposed Collier system with that of an existing system of AT&T may lead to future electrical interference between the systems if, and when, AT&T uses some new equipment now under development designated "TH" equipment which will operate in the 6000 Mc band. AT&T also urges that the Ashbacker rule has no application to the existing proceeding and that, therefore, the AT&T applications should be granted without a hearing. AT&T says that the insinuation that its applications are "strike" applications is not worthy of comment and that such applications were filed "with full knowledge on its part that its proposal involves problems which will have to be worked out with its customers". AT&T states that, if it is authorized to provide the service, and if the customers do not wish to provide any of the facilities (sites, etc.), AT&T will amend its applications to furnish all necessary facilities.

7. On October 4, 1956, Collier filed a reply to AT&T's opposition, in which it reiterates much of what has already been summarized above. However, Collier again infers its indisposition to have anything to do with AT&T either by way of taking service from that organization or making its sites available to it. It further contends that it will be a bona fide common carrier and that its proposal would be consistent with Commission policy as developed in regard to other comparative situations, e. g., "U. S. Liberia, Press Wireless, Tropical Telegraph, and the countless miscellaneous common carriers in the Mobile Radiotelephone Services." Attached to Collier's reply is an engineering opinion from a qualified consultant expressing the view that any anticipated future interference between the systems on the 6000 Mc band is speculative at best and can be controlled by proper engineering coordination.

8. It is quite true that the Ashbacker rule literally applies to a situation involving mutually exclusive applications because of the existence of mutual harmful electrical interference. However, the philosophy of the Ashbacker case is quite clear. It states that the Commission should not grant one of two or more pending applications where the grant of one would preclude the grant of the others pending. In dealing with the radio applications of communications common carriers, it is evident that primary factors which may lead to the selection of only one of two or more applicants include the question of public need for more than one service and considerations relating to the desirability of permitting competitive services to operate in a given area. The disposition of such considerations may well lead the Commission to conclude, in a particular case, that only one grant should be made. Accordingly, comparative consideration of all such pending applications is required. This policy has been uniformly followed by us in the past in dealing with such cases. This doctrine has also been approved by judicial decisions (see Northwest Airlines, Inc. vs. Civil Aeronautics Board, 90 U. S. App. D. C. 158, 194 F (2) 339).

9. Collier has not heretofore functioned as a communications common carrier. In the instant situation, it proposes initially to serve at least one organization in which it has no direct or indirect financial interest and it proposes to hold itself out as a common carrier and assume all the legal burdens and obligations accruing to such status. This is all that can be required to be shown at this time insofar as the proposed legal status of the applicant as a common carrier is concerned. Collier is correct in its reference to the fact that the Commission has authorized other entities to engage in the provision of communications common carrier radio service under circumstances where the purveyor of the service, or one closely affiliated with him in interest, is one of the users of the authorized facilities (cf. § 21.511 of the Commission's rules). Parenthetically, however, we wish to note that our present determination in this regard is without prejudice to such later determination as we may make upon a review of the facts after Collier has had a reasonable opportunity to implement its public service offering. Thus, for example, at some reasonable future date the Commission might ascertain what, if any, public service Collier has rendered or is then rendering and determine whether there is a continuing need for either its holding out as a common carrier or its operation as a common carrier.

10. The suggestion of each of the applicants that its applications may be granted without regard to a consideration of the other's has been touched upon above in our discussion of the relation of the Ashbacker rule to this situation. There remains also for disposition the suggestion of Collier that AT&T's applications are incapable of implementation

[1] Collier says "Whether • • • the AT&T applications are "strike" applications is a question not raised here, but not waived • • •"

[2] The basis for this sweeping assertion escapes us in a reading of Collier's pleadings. Suffice to say that our action herein clearly negates any supposition we have affirmatively determined that a grant of the Collier applications would serve the public interest, convenience, or necessity.

and, therefore, may be considered as not competitive and disregarded. This argument overlooks the statutory requirement that no application properly filed in accordance with our rules may be denied without a hearing (section 309 (b) of the Communications Act). Collier does not contend that AT&T's applications are not in accordance with our rules, but merely that they cannot be implemented because AT&T does not have access either to the sites or to the customers who would use the service. Such deficiencies, if true, are of the kind which must be established upon a hearing record since they do not appear to be violative of any statutory or rule requirement.

11. Except as otherwise indicated below, we find and conclude that each of the applicants is qualified legally, financially, technically and otherwise to become a licensee for the service proposed.

12. In view of the foregoing considerations: *It is ordered*, This 5th day of December 1956, that the subject applications are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D. C., on a date, and before an Examiner, to be announced later, upon the following issues:

(1) To determine, with respect to the station sites and facilities proposed, the ability of AT&T to construct and operate the facilities proposed in its subject applications in view of Collier's apparent unwillingness to consummate the arrangements proposed by AT&T.

(2) To determine whether the applicant AT&T knew, or had reason to know, when it filed its applications, that the station sites and facilities proposed for use by it would not be available to its use.

(3) To determine the areas and persons which may be expected to receive service from the proposed facilities of AT&T and Collier, respectively, and the need for either or both services.

(4) To determine the comparative facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant.

(5) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of either, or both, of the respective system applications.

NOTE: Attention of each applicant is directed to the necessity for filing a written appearance within 20 days of the mailing of this order, pursuant to the provisions of § 1.387 of the Commission's rules.

Released: December 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10160; Filed, Dec. 11, 1956; 8:51 a. m.]

NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF ORGANIZATION[1]

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 3 (a) (1) of the Administrative Procedures Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and concurrently publishes in the Notices section of the FEDERAL REGISTER the following amendments to its description of organization in the field in respect to the places at which the public may secure information or make submittals or requests.

There has been established an office designated as the Twelfth Regional Office, with headquarters at 112 East Cass Street, Tampa 2, Florida, effective January 2, 1957.

The following counties in Florida are hereby removed from the Tenth Region and placed in the Twelfth Region, effective January 2, 1957: Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Flagler, Gadsden, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hollsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla.[2]

The second paragraph of the amendments appearing at 12 F. R. 1969 is amended by inserting the phrase ", in addition to the aforesaid counties," between the word "and" and "therefore". As amended this paragraph reads as follows:

The boundary line between the Thirteenth Region and the Thirty-fifth Sub-Region in Indiana is hereby moved to the northern boundary lines of the following counties: Benton, White, Cass, Miami, Wabash, Huntington, Wells, and Adams and, in addition to the aforesaid counties, therefore adds the following counties to the Thirty-fifth Sub-Region: Warren, Tippecanoe, Carroll, Fountain, Clinton, Howard, Tipton, and Grant, effective March 1, 1954.

The addresses of the Regional and Sub-Regional Offices appearing at 19 F. R. 1259 are corrected as follows:

First Region—Boston 8, Mass., 24 School Street.

Second Region—New York 16, N. Y., 2 Park Avenue.

Third Region—Buffalo 2, N. Y., Room 112, United States Courthouse Building, 68 Court Street.

Fourth Region—Philadelphia 7, Pa., 1500 Bankers' Securities Building.

Fifth Region—Baltimore 1, Md., 8th Floor, 104 West Baltimore Street.

Sixth Region—Pittsburgh 22, Pa., 2107 Clark Building.

Seventh Region—Detroit 26, Mich., Room 83, 314 East Jefferson.

Eighth Region—Cleveland 14, Ohio, Ninth-Chester Building.

Ninth Region—Cincinnati 2, Ohio, Ingalls Building, Fourth and Vine Streets.

Thirty-fifth Sub-Region—Indianapolis 4, Ind., 319 North Pennsylvania Street.

Tenth Region—Atlanta 23, Ga., 50 Seventh Street NE.

Eleventh Region—Winston-Salem, N. C., 1831 Nissen Building.

Twelfth Region—Tampa 2, Fla., 112 East Cass Street.

Thirteenth Region—Chicago 3, Ill., 176 West Adams Street.

Fourteenth Region—St. Louis 2, Mo., Room 935, United States Court and Custom House, 1114 Market Street.

Fifteenth Region—New Orleans 13, La., 820 Lowich Building, 2026 St. Charles Avenue.

Thirty-second Sub-Region—Memphis, Tenn., 714 Falls Building, 22 North Front Street.

Sixteenth Region—Fort Worth 4, Tex., 300 West Vickery, Room 2093.

Thirty-third Sub-Region—El Paso, Tex., 405 East Franklin Street.

Thirty-ninth Sub-Region—Houston, Tex., 650 M & M Building, 1 Main Street.

Seventeenth Region—Kansas City 6, Mo., 1400 Federal Office Building, 911 Walnut Street.

Thirtieth Sub-Region—Denver 2, Colo., 403 United States Post Office Building.

Eighteenth Region—Minneapolis 1, Minn., 601 Metropolitan Building, Second Avenue and Third Street.

Nineteenth Region—Seattle 4, Wash., 407 United States Court House, Fifth Avenue and Spring.

Thirty-sixth Sub-Region—Portland 4, Oreg., Room 326, United States Court House.

Twentieth Region—San Francisco, Calif., 856 United States Appraisers Building, 630 Sansome Street.

Thirty-seventh Sub-Region—Honolulu 3, Territory of Hawaii, 334 Federal Building.

Twenty-first Region—Los Angeles 14, Calif., 111 West Seventh Street.

Twenty-fourth Region—Santurce, Puerto Rico, Post Office Box 9176.

Dated: Washington, D. C., December 7, 1956.

By direction of the Board.

FRANK M. KLEILER,
Executive Secretary.

[F. R. Doc. 56-10150; Filed, Dec. 11, 1956; 8:49 a. m.]

[1] This amends Description of Organization which appeared at 13 F. R. 3090, with amendments appearing at 13 F. R. 6266, 15 F. R. 973, 16 F. R. 1969, and 19 F. R. 1259.

[2] The following counties remain in the Fifteenth Region: Bay, Calhoun, Escambia, Franklin, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, and Washington.

FEDERAL POWER COMMISSION

[Docket No. G-11563]

UNION OIL AND GAS CORPORATION OF LOUISIANA

ORDER SUSPENDING PROPOSED CHANGES IN RATES

On October 2, 1956, Union Oil and Gas Corporation of Louisiana (Union) submitted for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description; Purchaser; Rate Schedule Designation; and Proposed Effective Date

Letter agreement, dated May 31, 1956, and notice of change dated October 2, 1956; Texas Gas Transmission Corporation; Supplements Nos. 6 and 7 respectively, to Union's FPC Gas Rate Schedule No. 2; January 1, 1957.

Letter agreement, dated May 31, 1956, and notice of change dated October 2, 1956; Texas Gas Transmission Corporation; Supplements Nos. 6 and 7, respectively, to Union's FPC Gas Rate Schedule No. 3; January 1, 1957.

The proposed increases are based on redetermination price clauses in Union's agreements with Texas Gas Transmission Company. (Union's FPC Gas Rate Schedules Nos. 2 and 3). These agreements provide, in part, for rates during the five-year period commencing January 1, 1957, based upon the three highest prices to be paid during such period by interstate transporters of gas in the area. In support of the increases, Union has submitted data on investment and cost of production for the year ended June 30, 1956.

Additionally, Union relies upon the arm's length nature of the contracts, dedication of reserves, and data relating to the market price. The investment and cost of production data reflect Union's capitalization of exploration costs incurred since 1943, which had been previously expensed. Union has also presented an alternate cost of service which does not reflect the capitalization of previously expensed exploration costs but includes current exploration costs as an operating expense. In both of its cost presentations Union computes Federal income taxes without consideration of the statutory depletion allowance. The costs which Union attributes to "commercial gas fields" were allocated between jurisdictional and non-jurisdictional business on a Btu basis.

The following interested parties have protested the instant proposals and requested the Commission to suspend the use of the new rates and to enter into an investigation and hearing in which they be permitted to intervene:

Memphis Light, Gas & Water Division, Tennessee Public Service Commission, Mid-South Gas Company, Mississippi Valley Gas Company, City of Memphis, Tennessee, Gibson County Utility District, Tennessee, City of Martin, Tennessee, Louisville Gas & Electric Company.

The increased rates and charges proposed in the aforesaid supplements have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rates and charges, and that the above-designated supplements be suspended and the use thereof deferred, as hereinafter ordered.

The Commission orders:

(1) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until February 15, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 7, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-10151; Filed, Dec. 11, 1956; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GARNER SALES CO. ET AL.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Garner Sales Company, Garner, Iowa.

Sales Company of Hawarden, Hawarden, Iowa.

Sheldon Sales Company, Sheldon, Iowa.

Henderson County Livestock Auction, Athens, Texas.

Coastal Cattle Associations, Inc., Beaumont, Texas.

Corsicana Auction Company, Corsicana, Texas.

Houston County Livestock Commission Company, Crockett, Texas.

Crockett Livestock Auction, Crockett, Texas.

Ennis Livestock Commission, Ennis, Texas.

Gainesville Livestock Auction, Gainesville, Texas.

Henderson Livestock Commission Company, Henderson, Texas.

Hubbard Auction Sale, Hubbard Texas.

Jacksonville Livestock Auction, Jacksonville, Texas.

Marshall-Longview Livestock Auction, Inc., Longview, Texas.

Wills Point Livestock Commission Company, Wills Point, Texas.

Notice is hereby given, therefore, that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 6th days of December 1956.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-10130; Filed, Dec. 11, 1956; 8:45 a. m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

DECEMBER 1956 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in December under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 3½ percent per annum.

For periods over 6 months up to and including 18 months, 4 percent per annum.

For periods over 18 months up to and including 36 months, 4½ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

DECEMBER 1956 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale).	Sales price or method of sale
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price,[1] but not less than a price in store (basis the 1956 applicable terminal loan rate for class, grade and quality, plus 24 cents per bushel). Examples of minimum price per bushel: Chicago, No. 1 RW $2.55; Minneapolis, No. 1 DNS $2.58; Kansas City, No. 1 HW $2.53. Noncommercial wheat-producing area: Market price, basis in store,[2] but not less than 133 percent of applicable 1956 county loan rate plus 31 cents per bushel, plus any paid in freight and tax. All Spring wheat (Including Durum) will be priced basis Minneapolis. Export (as wheat): Under Announcement GR-261 revised, as amended, for applicable loan rates for domestic or export sale, except under GR-345 as Dallas, Chicago, and Portland CSS Commodity Offices. Domestic or export: Commercial corn-producing area: Market price, basis in store,[2] but not less than the legal minimum price (1956 minimum loan rate) plus basis point of production for class, grade, and quality plus 15 cents per bushel). Examples of minimum price per bushel, including average paid-in freight: Chicago, No. 2 yellow, $1.84; Minneapolis, No. 3 yellow, $1.78; Kansas City, No. 3 yellow, $1.83; Portland, No. 2 yellow, $2.00; basis in store,[2] but not less than 121 percent of the applicable 1956 loan rate, plus 15 cents per bushel, plus any paid-in freight and tax. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Corn, bulk	Corn is also available as follows: 1. Nonstorable corn at the above offices. Domestic: Market price, basis in store, but not less than the legal minimum price (1956 loan rate basis point of production for class, grade, and quality, plus 12 cents per bushel). Examples of minimum price per bushel including average paid-in freight: Chicago, No. 3 yellow or better, $1.84; Minneapolis, No. 3 yellow or better, $1.78; Kansas City, No. 3 yellow or better, $1.83; Portland, No. 2 yellow or better, $2.00. Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[3]
Oats, bulk	Domestic: Market price,[2] but not less than a price in store (basis the applicable terminal loan rate for class, grade and quality plus 17 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 or better, $0.85. Where a county loan rate is not based on terminal loan rates or where loan rates are the same for all counties in a State, the minimum price shall be basic county loan rate at point of production for grade, class and quality plus 20 cents per bushel, plus any paid-in freight and tax. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price,[2] but not less than a price in store (basis the applicable terminal loan rate for class, grade and quality plus 17 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 barley, $1.41. Where a county loan rate is not based on terminal loan rates or where loan rates are the same for all counties in a State, the minimum price shall be basic county loan rate at point of production for grade, class and quality plus 20 cents per bushel, plus any paid-in freight and tax. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland and Dallas CSS Commodity Offices.[3]
Rye, bulk (as available)	Domestic: Market price,[2] but not less than a price in store (basis the applicable terminal loan rate for class, grade and quality plus 19 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 or better, $1.69. Where a county loan rate is not based on terminal loan rates or where loan rates are the same for all counties in a State, the minimum price shall be basic county loan rate at point of production for grade, class, and quality plus 20 cents per bushel, plus any paid-in freight and tax. Available Minneapolis, Kansas City, Chicago, Dallas and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Chicago and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price,[2] but not less than a price in store (basis the applicable terminal loan rate for class, grade, and quality plus 31 cents per 100 pounds). Example of minimum price per hundredweight: Kansas City, No. 2 or better, $2.73. Where a county loan rate is not based on terminal loan rates or where loan rates are the same for all counties in a state, the minimum price shall be basic county loan rate at point of production for grade, class and quality plus 43 cents per 100 pounds, plus any paid-in freight and tax. Available Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.[3]

DECEMBER 1956 MONTHLY SALES LIST
NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities for the purpose thereof, and (2) shall maintain a bona fide business office in the United States, its territories, or possessions, and (3) shall not be debarred, suspended, or ineligible for participation in CCC programs. In addition, if the buyer is a principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale).	Sales price or method of sale
Dairy products	Domestic prices (except for restricted use) apply "in store" [4] at storage locations of products. Domestic price for restricted use is basis delivered to delivery point named in rail freight rate basis point. No deduction for freight will be made if the "in store" location and the delivery point are in the same city. Export prices are basis f. a. s. port or f. o. b. point of origin. CCC will convert to "in store" price by deducting lowest export rail freight rate. Available through Cincinnati and Portland CSS Commodity Offices for domestic unrestricted use and domestic sale for animal and poultry feed, and through the Boston CSS Commodity Office for other sales and Dairy Division, CSS, USDA, Washington 25, D. C., for other sales.
Nonfat dry milk (in carlots only): spray, roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement LD-143 and amendments. In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound. Export, unrestricted use: Under LD-3 and amendments. Spray process, U. S. Extra Grade: In barrels and drums, 9.0 cents per pound; in bags, 9.05 cents per pound; in bags, 9.5 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 8.15 cents per pound; in bags, 8.55 cents per pound. Export, restricted use (animal and poultry feed): Under LD-23 and amendment. Roller process: Competitive bid on not more than 7,000,000 pounds. Bids received each week (by close of business on Friday) will be considered. Bids must be submitted on the first business day of the following week.
Cheddar cheese, Cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only), 190,000,000 pounds.	Domestic: 38 cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering thereon. Export: Under LD-3 and amendments. 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton linters	Domestic, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO-C-4. Competitive bid on quantities on an "as is, where is" basis. Catalogs showing quantities available may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-4 as amended, but not less than the higher of (1) 105 percent of the market price as determined by CCC, or (2) the domestic loan value plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-2 as amended, and NO-C-8 as amended.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-4, but not less than the higher of (1) 105 percent of the current support price, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-4. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities and location may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 59 (1955) as announced. Dallas CSS Commodity Office.
Wool, shorn 78,000,000 pounds	Domestic or export: Limited to bids for not more than 6,250,000 pounds in December) on competitive bid each Thursday. Terms and conditions as announced. Additional quantities at prices basis cavarkhas, duty paid, as determined by the Boston CSS Commodity Office, reflecting not less than 110 percent of the 1954 schedule of loan rates for net pounds plus an allowance for freight to the Boston storage basis, adjusted for net freight on wool stored outside the Boston storage area.

See footnotes at end of table.

DECEMBER 1956 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale).	Sales price or method of sale
Rice, milled	Domestic: Market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent adjusted for milling plus 38 cents per hundredweight). Examples of minimum prices of milled rice per hundredweight, at mills: Bluebonnet: U. S. No. 2 (7 percent brokens) $11.24; U. S. No. 5 (35 percent brokens) $8.81 Zenith: U. S. No. 2 (7 percent brokens) 9.32; U. S. No. 5 (35 percent brokens) 7.45 Pearl: U. S. No. 5 (35 percent brokens) 7.07 Export: A schedule of prices as announced by Dallas and Portland CSS Commodity Offices. Examples of prices of milled rice per hundredweight, f. a. s. West Gulf Ports (port at option of CCC), or for Texas-Mexico border points and f. a. s. San Francisco Bay area for Pearl: Bluebonnet: U. S. No. 2 (7 percent brokens) $10.20; U. S. No. 5 (35 percent brokens) $7.80 Zenith: U. S. No. 2 (7 percent brokens) 8.70; U. S. No. 5 (35 percent brokens) 6.49 Pearl: U. S. No. 5 (35 percent brokens) 6.50 Specific prices and quantities may be obtained from Dallas CSS Commodity Office for all available varieties and from Portland CSS Commodity Office for Pearl. Special export: Competitive bid on U. S. No. 5 or better under DL-MR-400 as announced by Dallas CSS Commodity Office and GR-PD-48 as announced by Portland CSS Commodity Office.[4] Special export: On "as is" basis: Competitive bid under terms and conditions of DL-MR-53 as announced by Dallas CSS Commodity Office. Domestic (for feed): Other brokens: Competitive bid under DL-BR-1/56 as announced by Dallas CSS Commodity Office. Domestic (unrestricted use) and for export: Other brokens: Competitive bid under DL-BR-1/56 (Minimum price, $6.01 per hundredweight in sacks, $5.86 bulk) as announced by Dallas CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic or export: Offer and acceptance, "as is" in the stated quantities on the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 revised, and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine (bulk in tanks)	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms and conditions of Announcement TB-21 revised, and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.
[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: December 7, 1956.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-10167; Filed, Dec. 11, 1956; 8:52 a. m.]

SALES OF CERTAIN COMMODITIES

DECEMBER 1956 MONTHLY SALES LIST, AMENDMENT

The price listing for the Commodity Credit Corporation Monthly Sales List for December 1956 is amended as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), by the addition of the following:

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Corn, bulk	Special export: Competitive bid basis. Bids to be received daily on and after Dec. 6, 1956, for delivery f. o. b. ships, on track, or in store east coast or Gulf ports, as announced by the Chicago CSS Commodity Office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1053; 7 U. S. C. 1427, sec. 208, 63 Stat. 910)

Issued: December 7, 1956.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-10168; Filed, Dec. 11, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 142]

MOTOR CARRIER APPLICATIONS

DECEMBER 7, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under section 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 126 (Sub No. 18), filed November 7, 1956, HUEY MOTOR EXPRESS, a corporation, 1040 Flint Street, Cincinnati, Ohio. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *commodities in bulk*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, (1) between Warsaw, Ky., and Owenton, Ky., over Kentucky Highway 35 via Bromley, Ky., serving all intermediate points, and serving points within ten (10) miles of Owenton as off-route points, and the off-route point of Glencoe (Gallatin County), Ky.; (2) between Carrollton, Ky., and junction U. S. Highway 227 and Kentucky Highway 35 near Bromley, Ky., over U. S. Highway 227, serving all intermediate points; and (3) serving Munk (Gallatin County) and Verona Boone County), Ky., as off-route points in connection with applicant's authorized regular route operations (a) between Cincinnati, Ohio, and Williamstown, Ky., over U. S. Highway 25, and (b) between Cincinnati, Ohio, and Louisville, Ky., over U. S. Highway 42; and *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, (4) between Owenton, Ky., and Dry Ridge, Ky., over Kentucky Highway 22, serving all intermediate points; and (5) between Owenton, Ky., and Williamstown, Ky., from Owenton over Kentucky Highway 35 to junction Kentucky Highway 36 at Long Ridge, Ky., thence over Kentucky Highway 36 to Williamstown, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kentucky and Ohio.

NOTE: Applicant has (in part) regular route authority with the commodities here involved, from Owenton, over Kentucky Highway 22 to Williamstown, serving all intermediate points and the off-route point of Long Ridge, Ky. Applicant states this

description is ambiguous in that Kentucky Highway 22 connects with applicant's other authority at Dry Ridge, Ky., rather than Williamstown. Parts (4) and (5) above are designed to clarify and correct this ambiguity. Any resulting duplication should be eliminated.

HEARING: February 1, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 665 (Sub No. 54), filed December 3, 1956, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Mo., and Wichita, Kans., from Kansas City, Mo., over city streets of Kansas City, Mo., and Kansas City, Kans., to the entrance of the Kansas Turnpike, thence over the Kansas Turnpike to Wichita, Kans., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kansas, Arkansas, Missouri, and Oklahoma.

HEARING: January 17, 1957, at Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 703 (Sub No. 9), filed November 19, 1956, HINCHCLIFF MOTOR SERVICE, INC., 3400 S. Pulaski Road, Chicago, Ill. Applicant's representative: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, sand, stone, and coal, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Euclid Division of General Motors Corporation Plant, located on Ohio Highway 91 between Hudson, Ohio and Darrowville, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill. and Cleveland and Akron, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 903 (Sub No. 31), filed December 3, 1956, FALWELL FAST FREIGHT, INCORPORATED, P. O. Box 937, Lynchburg, Va. Applicant's representative: Harry C. Ames, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as defined by the Commission, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in North Carolina, Virginia, and West Virginia.

HEARING: January 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 954 (Sub No. 50), filed November 20, 1956, MID-STATES FREIGHT LINES, INC., 5200 S. Pulaski Road, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Corporation plant located at Hudson, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio, over U. S. Highway 41 and 6, which is a portion of applicant's authorized regular route operations between Chicago, Ill., and New York, N. Y. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 1187 (Sub No. 20), filed November 1956, CUSHMAN MOTOR DELIVERY COMPANY, a corporation, 1480 West Kinzie St., Chicago 22, Ill. Applicant's representative: Eugene L. Cohn, 1 North LaSalle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, between junction U. S. Highway 52 and unnumbered highway (Kilby Road), and Cincinnati, Ohio: from junction U. S. Highway 52 and unnumbered highway (Kilby Road), approximately 2 miles east of Harrison, Ohio, over unnumbered highway (Kilby Road) to junction U. S. Highway 50, near Cleves, Ohio, and thence over U. S. Highway 50 to Cincinnati, and return over the same route, serving all intermediate points on said unnumbered highway (Kilby Road) and those on U. S. Highway 50 not within the Cincinnati, Ohio, Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Ohio, Indiana, Michigan, Wisconsin, and Kentucky.

HEARING: February 1, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 1713 (Sub No. 4), filed November 13, 1956, DORSEY OWINGS, Simpsonville, Md. Applicant's representative: Francis J. Ortman, 1366 National Press Bldg., Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper waste*, in mechanical bales, and *rags*, between Washington, D. C., on the one hand, and, on the other, points in York and Lancaster Counties, Pa., and Carroll, Frederick, Howard, Baltimore and Harford Counties, Md. Applicant is authorized to conduct operations in Maryland, West Virginia, Pennsylvania, and the District of Columbia.

HEARING: February 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 1783 (Sub No. 4), filed November 20, 1956, BLUE LINE EXPRESS, INC., Lowell Road, Nashua, N. H. Applicant's representative: James E. Wilson, Continental Building, 14th at K Northwest, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) (a) between White River Junction and Burlington, Vt., from White River Junction over Vermont Highway 14 to Barre, Vt., thence over U. S. Highway 302 to Montpelier, Vt., thence over U. S. Highway 2 to Burlington, and return over the same route, (b) from White River Junction over Vermont Highway 14 to junction Vermont Highway 110, thence over Vermont Highway 110 to East Barre, Vt., thence over U. S. Highway 302 to Barre, Vt., and thence as described above to Burlington, and return over the same route, and (c) from White River Junction over Vermont Highway 14 to junction Vermont Highway 107, thence over Vermont Highway 107 to junction Vermont Highway 12, thence over Vermont Highway 12 to Montpelier, and thence as specified above to Burlington, and return over the same route; (2) between Derby Line, Vt., and Brattleboro, Vt., from Derby Line over U. S. Highway 5 to Brattleboro, and return over the same route; (3) between Montpelier, Vt., and Canaan, Vt., from Montpelier over U. S. Highway 2 to junction Vermont Highway 102, thence over Vermont Highway 102 to Canaan, and return over the same route; (4) between Swanton, Vt., and Bennington, Vt., from Swanton over U. S. Highway 7 to Bennington, and return over the same route; (5) between Fair Haven, Vt., and White River Junction, Vt., from Fair Haven over U. S. Highway 4 to White River Junction, and return over the same route; (6) between Fair Haven, Vt., and Manchester Center, Vt., from Fair Haven over U. S. Highway 4 to junction Vermont Highway 30, thence over Vermont Highway 30 to Manchester Center, and return over the same route; (7) between Swanton, Vt., and East Richford, Vt., from Swanton over Vermont Highway 104B to junction Vermont Highway 105, thence over Vermont Highway 105 to East Richford, and return over the same route; (8) between Fairfax, Vt., and West Danville, Vt., from Fairfax over Vermont Highway 104 to junction Vermont Highway 15, thence over Vermont Highway 15 to West Danville, and return over the same route; (9) between Warren, Vt., and North Hyde Park, Vt., from Warren over Vermont Highway 100B to Waterbury, Vt., thence over Vermont Highway 100 to North Hyde Park, and return over the same route; (10) between East Montpelier, Vt., and Craftsbury, Vt., from East Montpelier over Vermont Highway 12 to Hardwick, Vt., thence over Vermont Highway 12B to Craftsbury, and return

over the same route; (11) between Bloomfield, Vt., and Derby, Vt., from Bloomfield over Vermont Highway 105 to Derby, and return over the same route; (12) between East Berkshire, Vt., and Montgomery Center, Vt., from East Berkshire over Vermont Highway 118 to Montgomery Center, and return over the same route; (13) between Jeffersonville, Vt., and Enosburg Falls, Vt., from Jeffersonville over Vermont Highway 108 to Enosburg Falls, and return over the same route; (14) between Bradford, Vt., and Waits River, Vt., from Bradford over Vermont Highway 25 to Waits River, and return over the same route; (15) between Wells River, Vt., and Groton, Vt., from Wells River over U. S. Highway 302 to Groton, and return over the same route; and (16) between Stockbridge, Vt., and junction Vermont Highway 100 and U. S. Highway 4, from Stockbridge over Vermont Highway 100 to junction U. S. Highway 4, and return over the same route. Service is proposed to and from all intermediate points on the above-specified routes (1) through (16), inclusive. Applicant is authorized to conduct regular route operations in Massachusetts, and New Hampshire, and irregular route operations in Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

HEARING: February 18, 1957, at Washington County Court House, Montpelier, Vt., before Joint Board No. 116.

No. MC 2202 (Sub No. 154), filed November 27, 1956, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron 9, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the New Euclid Division Plant of General Motors Corporation, located on Ohio Highway 91 near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Akron, Ohio, and to and from Cleveland, Ohio. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 3094 (Sub No. 6), filed November 21, 1956, SERVICE MOTOR FREIGHT, INC., 700 Clements Bridge Rd. Barrington, N. J. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place, N.W., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Mineral wool products, glass fibre textile products, calcium silica products* and *air filters* (mineral wool), from Barrington, N. J. to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina and the District of Columbia; (2) *Raw materials and supplies* used in the manufacture and packaging of the above commodities and *returned shipments* of the above commodities from the above described destination territory to Barrington, N. J. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New York, New Jersey, Delaware, and the District of Columbia.

NOTE: Applicant states that it seeks no duplicating rights and would agree to the elimination of any duplications between existing rights and those applied for.

HEARING: February 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 3261 (Sub No. 23), filed November 26, 1956, KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's representative: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, livestock, household goods as defined by the Commission and commodities requiring special equipment, serving the site of the new plant of General Motors Corporation, Euclid Division, located on Ohio Highway 91, near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations (1) between Cleveland, Ohio and Salem, Ohio, over Ohio Highway 14, (2) between Cleveland, Ohio and Canton, Ohio, over Ohio Highways 14 and 8, and (3) between Youngstown, Ohio and Akron, Ohio, over Ohio Highway 18. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 3379 (Sub No. 35), filed November 28, 1956, SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Euclid Division Plant, located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's regular route operations between Cleveland, Ohio and Akron, Ohio, over Ohio Highway 8. Applicant is authorized to conduct operations in Ohio, Maryland, Virginia, West Virginia, and the District of Columbia.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 4405 (Sub No. 283), filed October 4, 1956, DEALERS TRANSIT, INC., 12601 S. Torrence Ave., Chicago 33, Ill. Applicant's representative: James W. Wrape, Sterick Bldg., Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Truck and trailer bodies, assembled and unassembled*, from St. Clair, Mo. to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 31, 1957, at Mark Twain Hotel, St. Louis, Mo., before Examiner Walter R. Lee.

No. MC 8681 (Sub No. 52), filed November 26, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's representative: Louis E. Smith, Suite 503, 1800 N. Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Utility rental property trailers* (designed to be towed by passenger automobiles, excluding house trailers), and *parts thereof* when such parts belong to and move with the unit being transported, in secondary movements by truckaway method, from, to and between points in the United States, and *damaged shipments of the above-described commodities and the above-described units to be returned to the factory for repair*, on return.

HEARING: January 31, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 8681 (Sub No. 53), filed November 26, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's representative: Louis E. Smith, Suite 503, 1800 N. Meridian St., Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Reel Trailers, reel winders, reel dollies, tension wire stringers* and *cable pullers*, set up and uncrated, and *parts thereof* when such parts belong to and move with the unit being transported, from Santa Clara, Calif., to points in the United States and the Territory of Alaska, and *damaged shipments of the above-described commodities*, and the *above described units to be returned to the factory for repair*, on return.

HEARING: February 1, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 28439 (Sub No. 69), filed November 14, 1956, DAILY MOTOR EXPRESS, INC., Pitt & Penn Streets, Carlisle, Pa. Applicant's representative: James E. Wilson, Continental Bldg., 14th at K Streets, N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements* and *agricultural and construction machinery* and *tractors*, equipped with mechanical power or equipped for use with mechanical power, and incidental machinery and implement parts when moving with such implements or machinery, from Racine and West Bend, Wis., Rock Island and Rockford, Ill., and Burlington, Iowa, to points in Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Maine, New Hamp-

shire, Vermont, Virginia, North Carolina, South Carolina, Florida and Pennsylvania.

NOTE: Applicant states it is authorized to transport the above-named commodities in Certificate No. MC 28439 (Sub No. 46), and that this application is filed primarily for the purpose of obtaining clarification of the certificate in question.

HEARING: January 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 29886 (Sub No. 93), filed December 3, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. Applicant's representative: Charles M. Pieroni, 523 Johnson Bldg., Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction, Excavating and Maintenance equipment, including self-propelled construction equipment and non-self-propelled equipment*, such as snow plows, ice control, asphalt and aggregate spreaders, scavenger and leaf collectors, between Minerva, Ohio and points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 7, 1957, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 30837 (Sub No. 210), filed November 16, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Assemblies, sub-assemblies, parts, equipment, accessories, materials, and supplies for self-propelled street sweepers*, from Pomona, Calif. to Ports of Entry on the International Boundary between the United States and Canada at Detroit, Mich. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 28, 1957, at Federal Bldg., Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 30887 (Sub No. 69), filed November 29, 1956, SHIPLEY TRANSFER, INC., 534 Main St., Reisterstown, Md. Applicant's representative: William J. Little, Fidelity Bldg., Baltimore, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia and the District of Columbia. Applicant is authorized to conduct operations in Maryland, West Virginia, New Jersey, Indiana, Delaware, New York, North Carolina, Wisconsin, Pennsylvania, Tennessee, Illinois, Ohio, and Virginia.

HEARING: January 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 32474 (Sub No. 18), filed December 3, 1956, C. A. CONKLIN TRUCK LINE, INC., 247 Pearl Street, Adrian, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the General Motors Euclid Division plant near Darrowville (Summit County), Ohio, in connection with applicant's authorized regular-route operations from and to Cleveland, Ohio.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 38183 (Sub No. 39), filed November 6, 1956, WHEELOCK BROS, INC., 720 East Third Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Kans., and the Kansas-Oklahoma State line, over the Kansas Turnpike, serving the intermediate points of Lawrence, Topeka and Wichita, Kans., and the off-route points of Admire and Emporia, Kans. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, and Missouri.

HEARING: January 17, 1957, at Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 42487 (Sub No. 319), filed August 27, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oreg., Applicant's representative: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Los Angeles, Calif., on the one hand, and, on the other, San Bernardino, Redlands, Riverside, and Santa Ana, Calif., as follows: (a) from Los Angeles over U. S. Highway 66 to San Bernardino; (b) from Los Angeles, over U. S. Highway 70 and 99 to Redlands; (c) from Los Angeles, over U. S. Highway 60 to Riverside; and (d) from Los Angeles over U. S. Highways 101 and By-Pass 101 to Santa Ana; (2) between West Covina, Calif., and junction California Highway 39 and U. S. Highway 101, over California Highway 39; and (3) between Colton, Calif., and junction U. S. Highways 91 and 101, over U. S. Highway 91, and return over the above routes, serving all intermediate points, and off-route points within five (5) miles of the above-specified routes. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states that the above transportation is to be in connection with applicant's authorized regular route operations to and from Los Angeles, California. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: March 4, 1957, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 43608 (Sub No. 9), filed November 30, 1956, SOUTHERN MOTOR EXPRESS, INCORPORATED, 1403 Gaston Ave., Mail: Box 1100, Gastonia, N. C. Applicant's representative: John C. Bradley, Suite 618 Perpetual Bldg., 1111 E. Street, N.W., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Atlanta, Ga., on the one hand, and, on the other, points within 15 miles of Atlanta, Ga. RESTRICTION: Applied-for authority at Atlanta, Ga., to be restricted to the interchange of traffic with other carriers, and with the further restriction that said traffic must originate at or be destined to points beyond Atlanta.

NOTE: Applicant states it seeks the right to join the authority applied for with its present authority, and thereby perform through operations in connection with its presently certificated authority, subject to the above-described restriction. Applicant is authorized to conduct operations in Georgia, Maryland, New Jersey, New York, North Carolina and South Carolina.

HEARING: February 5, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., N.E., Atlanta, Ga., before Joint Board No. 101.

No. MC 52629 (Sub No. 38), filed December 3, 1956, HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth St., Louisville, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission and commodities requiring special equipment, serving the Clayton & Lambert Manufacturing Co. Plant site, near Buckner, Ky., as an off-route point in connection with applicant's authorized regular route operations between Louisville, Ky., and Knoxville, Tenn. Applicant is authorized to conduct operations in Illinois, Kentucky, Georgia, and Tennessee.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 64932 (Sub No. 222), filed October 17, 1956, ROGERS CARTAGE COMPANY, A Corporation, 1934 Wentworth Ave., Chicago 16, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Varnishes* and *resins*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Illinois, Iowa, Indiana, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Kentucky, Michigan, Ohio, Illinois, Indiana, Iowa, Minnesota, Missouri, Wisconsin, Kansas, Alabama, and Tennessee.

HEARING: February 4, 1957, at Mark Twain Hotel, St. Louis, Mo., before Examiner Walter R. Lee.

No. MC 64932 (Sub No. 223), filed November 26, 1956, ROGERS CARTAGE CO., a corporation, 1934 S. Wentworth Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products, metal cutting, drawing and drilling compounds* and *metal grinding compounds*, in bulk, in tank vehicles, from North Aurora, Ill., to points in Indiana, Michigan and Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

HEARING: January 11, 1957, in Room 852 U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 68618 (Sub No. 24), filed August 27, 1956, LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's representative: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, (1) between Los Angeles, Calif., and San Bernardino, Redlands, Riverside and Santa Ana, Calif., from Los Angeles over U. S. Highway 66 to San Bernardino; from Los Angeles over combined U. S. Highways 70 and 99 to Redlands; from Los Angeles over U. S. Highway 60 to Riverside; and from Los Angeles over U. S. Highway 101 to its junction with U. S. Highway 101 By-Pass, thence over U. S. Highway 101 By-Pass to its southern junction with U. S. Highway 101, thence over U. S. Highway 101 to Santa Ana, and return over the above-described routes; (2) between West Covina, Calif., and the junction of California Highway 39 with Alternate U. S. Highway 101, over California Highway 39; (3) between Colton, Calif., and the junction of U. S. Highways 91 and 101, over U. S. Highway 91, serving all intermediate points on the above-described routes, and serving off-route points within five miles of the above-described routes. Applicant is authorized to conduct operations in California, Oregon and Washington. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: March 4, 1957, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 70662 (Sub No. 88), filed November 19, 1956, CANTLEY & TANZOLA, INC., 2835 Santa Fe Ave., Los Angeles 58, Calif. Applicant's representative: Lloyd R. Guerra, 2835 Santa Fe Ave., Los Angeles 58, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Washoe and Churchill Counties, Nev., to points in Mono, Alpine, Eldorado, Placer, Nevada, Sierra, Yuba, Plumas, Lassen, Modoc Counties, Calif., Lake, Harney, Malheur Counties, Oreg., and points in that part of Idaho south of the northern boundaries of Adams, Valley and Lemhi Counties, Idaho, and *contaminated shipments* of the above commodities on return. Applicant is authorized to conduct operations in California, Arizona, Nevada, Utah, Idaho, and Montana.

HEARING: January 31, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 73464 (Sub No. 82), filed November 23, 1956, JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Birmingham, Ala. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree St., Bldg., Atlanta 8, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Mobile, Ala., and Birmingham, Ala., as follows: From Mobile over Alabama Highway 17 to Butler, Ala., thence over Alabama Highway 10 to junction Alabama Highway 79, thence over Alabama Highway 79 to Linden, Ala., thence over U. S. Highway 43 to Tuscaloosa, Ala., thence over U. S. Highway 11 to Birmingham, and return over the same route, serving the intermediate points of Millry, Silas, Butler, and Linden, Ala., and the site of the Marathon Paper Corporation plant located at or near Naheola, Ala., as an off-route point. Applicant is authorized to conduct regular route operations in Alabama, and irregular route operations in Alabama, Georgia, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Tennessee.

HEARING: January 21, 1957, at U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 78118 (Sub No. 4), correction. The name of applicant in the publications of August 29, and October 17, 1956 was shown as WILBUR H. "JONES", in error. The correct name of applicant is: WILBUR H. JOHNS.

No. MC 80430 (Sub No. 85), filed November 20, 1956, GATEWAY TRANSPORTATION CO., a Corporation 2130-2150 South Avenue, La Crosse, Wis. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Corporation plant located at Hudson, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland and Akron, Ohio, over Ohio Highway 8. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 92983 (Sub No. 185), filed December 3, 1956, ELDON MILLER INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Varnishes* and *resins*, in tank vehicles, from St. Louis, Mo., to points in Illinois, Indiana, Iowa, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Iowa, Indiana, and Minnesota.

HEARING: February 4, 1957, at Mark Twain Hotel, St. Louis, Mo., before Examiner Walter R. Lee.

No. MC 95473 (Sub No. 5), filed November 5, 1956, HAROLD A. DAUB, Reinerton, Pa. Applicant's representative: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand*, from points in Cecil County, Md., to points in Berks and Schuylkill Counties, Pa.

HEARING: January 28, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 98088 (Sub No. 5), filed November 9, 1956, LINDLEY TRUCKING SERVICE, INC., 1701 Grand, Granite City, Ill. Applicant's representative: Arthur Hewitt, 1006 Chestnut, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, and Alton, Ill., and points in Nebraska, North Dakota, and South Dakota.

HEARING: February 1, 1957, at Mark Twain Hotel, St. Louis, Mo., before Examiner Walter R. Lee.

No. MC 103378 (Sub No. 82), filed November 27, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret St., Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia* and *nitrogen solutions*, in bulk, in tank vehicles, from Savannah, Ga., to points in Florida and South Carolina, and those in North Carolina lying on and east of a line described as follows: beginning at a point on U. S. Highway 321 near the South Carolina-North Carolina boundary line and extending along U. S. Highway 321 to Blowing Rock, N. C., thence along U. S. Highway 421 to the North Carolina-Tennessee boundary line, thence along the North Carolina-Tennessee boundary line to the Virginia-North Carolina boundary line. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, and Alabama.

HEARING: February 12, 1957, at Peachtree-Seventh Bldg., 50 Seventh Street, N. E., before Examiner Richard Yardley.

No. MC 104340 (Sub No. 128), filed November 26, 1956, LEAMAN TRANSPORTATION COMPANY, INC. 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, trans-

porting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from ports of entry on or adjoining the International Boundary Line between the United States and Canada at or near Buffalo, Lewiston, Niagara Falls and Alexandria Bay, N. Y., to points in New York; and *rejected shipments of the commodities specified* on return movements. RESTRICTION: Applied-for authority to be limited to shipments originating in Canada and destined to points in New York. Applicant is authorized to conduct operations in Connecticut, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia.

HEARING: January 31, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 106398 (Sub No. 73), filed November 23, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, (P. O. Box 8096, Dawson Station), Tulsa 15, Okla. Applicant's representative: John E. Lesow, 632 Illinois Bldg., 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in South Dakota to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: January 25, 1957, at the Alex Johnson Hotel, Rapid City, S. Dak., before Examiner Charles H. Riegner.

No. MC 106943 (Sub No. 59), filed November 26, 1956, EASTERN EXPRESS, INC., 128 Cherry Street, Terre Haute, Ind. Applicant's representative: John E. Lesow, 632 Illinois Bldg., 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, and except household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the new Euclid Division Plant of General Motors Corporation, located on Ohio Highway 91, near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations from and to Cleveland, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Maryland, Missouri, New Jersey, New York, Ohio, and Pennsylvania.

HEARING: January 14, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 107544 (Sub No. 29), filed December 3, 1956, LEMMON TRANSPORT COMPANY, INCORPORATED, P. O. Box 387, Marion, Va. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Tennessee, Virginia, West Virginia, and North Carolina.

NOTE: Applicant is authorized to conduct operations as a contract carrier under MC 113959. Dual operations may be involved.

HEARING: January 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 109467 (Sub No. 4), filed October 2, 1956, SHAW WAREHOUSE COMPANY, a corporation, 115 South 35th Street, Birmingham, Ala. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, and *articles distributed by meat packing houses*, as defined by the Commission, from Birmingham, Ala., to points in Shelby, Chilton, Dallas, Perry, Hale, Sumter, Autauga, Greene, Bibb, Tuscaloosa, Fayette, Marion, Walker, Cullman, Pickens and Marengo Counties, Ala., and *refused, damaged or returned shipments of the above-described commodities* and also, *other perishable commodities requiring refrigeration* on return. Applicant is authorized to conduct operations in Alabama.

HEARING: January 22, 1957, at U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 109475 (Sub No. 3), filed October 5, 1956, CHARLES D. BRUCE, JR., doing business as BRUCE CARTAGE COMPANY, 2450 Holland, Saginaw, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except Class A and B explosives, (1) between Bad Axe, Mich., on the one hand, and, on the other, points in Michigan within 25 miles of Bad Axe, and (2) between Saginaw, Mich., on the one hand, and, on the other, points in Michigan within 60 miles of Saginaw, but not including Flint or Lansing, Mich. RESTRICTIONS: The service by motor vehicle to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of The Chesapeake and Ohio Railway Company. Carrier shall not serve any point not a station on the rail line of the railroad. All shipments transported by carrier shall move on a through bill of lading involving in addition to the motor carrier movement by carrier, and immediately prior or subsequent movement by rail. All contractual arrangements between carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and when it is found to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, rail service. Applicant is authorized to conduct operations in Michigan under authority in Docket No. MC 109475.

HEARING: January 15, 1957, at Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 109640 (Sub No. 16), filed November 26, 1956, RICE TRUCK LINES, INC., 505 East Main Street, Laurel, Mont. Applicant's representative: Jerome Anderson, Electric Bldg., Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Stillwater County, Mont., to Cody, Wyo., and points within five miles thereof, and *contaminated shipments* of the above-specified commodities on return. Applicant is authorized to conduct regular route operations in Idaho, Montana and Wyoming, and irregular route operations in Montana, North Dakota, and Wyoming.

HEARING: January 22, 1957, at Council Chambers, City Hall, Billings, Mont., before Joint Board No. 123.

No. MC 110525 (Sub No. 321), filed November 26, 1956, (Amended), CHEMICAL TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Acids* and *chemicals*, (including but not restricted to those defined by the Commission), in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Missouri; and (2) *Maleic anhydride*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Allegheny County, Pa. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: January 29, 1957, at the Offices of the Interstate Commerce Commission, before Examiner William T. Croft.

No. MC 110555 (Sub No. 2), filed November 13, 1956, JOHN LEBAK, JR., doing business as LEBAK TRUCKING, Crosswicks Road, Bordentown, N. J. Applicant's representative: Robert Watkins, 170 South Broad Street, Trenton, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Commercial refrigerator display cases*, which because of their size require special equipment, *walk-in refrigerator cases, parts of display and walk-in cases* and *compressors*, when transported with display and walk-in cases, including special equipment for handling, from Trenton, N. J., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *metal racks*, and *shelves*, from Battle Creek, Mich., to Trenton, N. J. (3) *Frit*, from Baltimore, Md., and Chicago, Ill., to Trenton, N. J. (4) *Compressors*, from Sidney, Ohio,

to Trenton, N. J. (5) *Paper bags*, from Shelbyville, Ind., to Trenton, N. J. (6) *Mirrors plate glass and thermo pane units*, from Ford City, Pa., New York, N. Y., Philadelphia, Pa., and Toledo, Ohio, to Trenton, N. J. (7) *Sealing compound*, from Bradford, Pa. to Trenton, N. J. (8) *Putty*, and *putty compounds*, from St. Louis, Mo., to Trenton, N. J. (9) *Paint*, and *enamels*, from Philadelphia, Pa. to Trenton, N. J., and *such incidental facilities*, (not specified) used in transporting the commodities specified in this application on return.

NOTE: Section 210 (dual operations) may be involved.

HEARING: February 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 110698 (Sub No. 82), filed November 30, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHIE CANNON, TRUSTEE, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's representative, Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Franklin, Va., to points in New Jersey, New York, Delaware, Maryland, Pennsylvania and the District of Columbia. Applicant is authorized to conduct operations in West Virginia, Maryland, Virginia, Georgia, South Carolinia, North Carolina, Tennessee, New York, New Jersey, Delaware, and Pennsylvania.

HEARING: February 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 110698 (Sub No. 83), filed November 30, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHIE CANNON, TRUSTEE, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Anniston and Evans City, Ala., to Rome, Ga. Applicant is authorized to conduct operations in West Virginia, Maryland, Virginia, Georgia, South Carolina, North Carolina, Tennessee, New York, New Jersey, Delaware, and Pennsylvania.

HEARING: January 25, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 157.

No. MC 111159 (Sub No. 35), filed November 23, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., a corporation, P. O. Box 1123, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Montgomery, Ala., and Jackson, Meridian and Tupelo, Miss., to New Orleans, La.

HEARING: January 29, 1957, at Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 165.

No. MC 112677 (Sub No. 4), filed November 13, 1956, TENNESSEE MOTOR SERVICE, INC., 800 N. Seventh St., St. Louis 1, Mo. Applicant's representative: T. D. Drury, 506 Olive St., St. Louis 1, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Materials, supplies, equipment, and machinery used in the manufacture of shoes and boots* and *finished shoes and boots*, between Trenton, Tenn. and Bernie, Mo. Applicant is authorized to conduct operations in Missouri, Tennessee, Arkansas, and Mississippi.

HEARING: January 17, 1957, at Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 247.

No. MC 113579 (Sub No. 3), filed November 29, 1956, STAHLY CARTAGE CO., 140–A North Main St., Edwardsville, Ill. Applicant's representative: John G. Mudge, 404 Bank of Edwardsville Bldg., Edwardsville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Road oil* and *asphalt*, in bulk, in tank vehicles, from Wood River, Ill., and points within five (5) miles thereof, to points in Missouri. Applicant is authorized to conduct operations in Illinois, Iowa, Missouri, and Wisconsin.

NOTE: Applicant has irregular route authority to transport *Petroleum products*, in bulk, in tank vehicles, from Cahokia, East St. Louis, Hartford, Roxana, and Wood River, Ill., to points in Missouri within 125 miles of East St. Louis. Duplicating authority is to be eliminated.

HEARING: January 23, 1957, at Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 116077 (Sub No. 12), filed November 5, 1956, ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's representative: Charles D. Mathews, Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, (1) between points in Texas, on the one hand, and, on the other, points in Louisiana; and (2) from points in Fort Bend County, Texas, to points in Arkansas, Oklahoma, and Kansas.

NOTE: Applicant states that the proposed operation is to be conducted on a call and demand service.

HEARING: January 14, 1957, at Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Gerald F. Colfer.

No. MC 116077 (Sub No. 14), filed November 15, 1956, ROBERTSON TANK LINES, INC., 5700 Polk Avenue (P. O. Box 9218), Houston, Tex. Applicant's representative: Charles D. Mathews, Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, rendering a call and demand service, transporting: *Fish oils, fish solubles, fish sediments*, and *liquid fish products*, in bulk, in tank vehicles, (1) between points in Jefferson County, Tex., and points in New Mexico, Louisiana, and Arkansas (except Shreveport and Avondale, La., and Springdale, Ark.), and (2) from points in Louisiana to points in Texas, New Mexico and Arkansas (except from New Orleans, La., to points in Arkansas).

HEARING: January 14, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Gerald F. Colfer.

No. MC 116180, filed August 23, 1956, PAUL R. McLAUGHLIN, doing business as McLAUGHLIN TRUCKING CO., Darlington Highway, Florence, S. C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, poles, posts* and *cross ties*, rough, treated and dressed, from Darlington and Florence Counties, S. C., to points in Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia. Issues originally published in FEDERAL REGISTER of September 6, 1956, as above.

HEARING: February 1, 1957, at 11:00 o'clock a. m., United States Standard Time, at U. S. Court Rooms, Columbia, S. C., before Examiner Walter L. Baumgartner.

No. MC 116254 (Sub No. 2), filed November 21, 1956, CHEM-HAULERS, INC., P. O. Box 245, Sheffield, Ala. Applicant's representative: Donald E. Cross, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids*, and *chemicals* (not restricted to those defined by the Commission) and *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Luling and Boutte, La., to points in Louisiana east of the Mississippi River, Alabama, Florida, Georgia, and Mississippi.

HEARING: February 8, 1957, at Peachtree-Seventh Bldg., 50 Seventh Street, NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 116299, filed November 9, 1956, THE BRIDGEPORT UNITED DELIVERY COMPANY, a Corporation, 70 Logan Street, Bridgeport, Conn. Applicant's representative: Paul J. Goldstein, 109 Church St., New Haven, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, restricted to packages or articles weighing 50 pounds or less, from Bridgeport, Fairfield, Stratford, Trumbull, and Milford, Conn., to points in Connecticut, and *returned shipments* of the above-specified commodities from the above-described destination points to the above-specified origin points.

NOTE: Through stock ownership, president of applicant apparently controls Suburban Delivery Company, Incorporated, holder of Permit No. MC 114518. Section 5, control, and section 210, dual operations, appear to be involved.

HEARING: January 11, 1957, at U. S. Court Rooms, Hartford, Conn., before Joint Board No. 227.

No. MC 116300, filed November 21, 1956, JOHN L. NANCE AND KENNETH COL-

LUMS, partnership, doing business as NANCE AND COLLUMS, East Monticello St., Brookhaven, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, from points in Louisiana to points in Mississippi and Alabama.

HEARING: January 29, 1957, at Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 165.

No. MC 116319, filed November 23, 1956, MIDLAND-PACIFIC TRANSPORT INC., 2928 N. Nevada St., Spokane, Wash. Applicant's representative: George R. LaBissoniere, 654 Central Bldg., Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, between points in Multnomah, Clackamas, Polk, Yamhill, Tillamook, Washington, Columbia, Clatsop and Linn Counties, Oreg., on the one hand, and, on the other, points in Washington and those in that part of Idaho on and north of the southern boundaries of Idaho and Lemhi Counties.

HEARING: January 23, 1957, at Davenport Hotel, Spokane, Wash., before Joint Board No. 81.

No. MC 116319 (Sub No. 1), filed November 23, 1956, MIDLAND-PACIFIC TRANSPORT INC., 2928 N. Nevada Street, Spokane, Wash. Applicant's representative: George R. LaBissoniere, 654 Central Bldg., Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials, crushed rock, sand, gravel, aggregate* and *mine ores*, between points in Idaho and Washington.

HEARING: January 23, 1957, at Davenport Hotel, Spokane, Wash., before Joint Board No. 81.

No. MC 116325, filed November 27, 1956, BYRON L. LANG, Jackson, Mo. Applicant's representative: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Wooden pallets*, (1) between Lutesville, Mo., and Jackson, Mo., from Lutesville over Missouri Highway 34 to the junction of Missouri Highway 70, thence over Missouri Highway 70 to Jackson, and return over the same route, serving no intermediate points; (2) from Lutesville, Mo., to Chicago, Ill., from Lutesville over Missouri Highway 51 to Perryville, Mo., thence over Missouri Highway 51 to the Missouri-Illinois State line, thence over Illinois Highway 3 to Chester, Ill., thence over Illinois Highway 13 to Red Bud, Ill., thence over Illinois Highway 159 to Edwardsville, thence over U. S. Highway 66 to Chicago, serving no intermediate points; (3) from Jackson, Mo., to Chicago, Ill., from Jackson over U. S. Highway 61 to Perryville, thence over Missouri Highway 51 to the Missouri-Illinois State line, thence over Illinois Highway 3 to Chester, Ill., thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Edwardsville, thence over U. S. Highway 66 to Chicago, serving no intermediate points.

HEARING: January 22, 1957, at Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 116272, filed October 26, 1956, WILLIAM F. RANSON, doing business as REMO CARTAGE CO., 328 South Spaulding Avenue, Chicago 24, Ill. Applicant's representative: Lewis R. Baron, First National Bank Bldg., Chicago 3, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Baking pans*, used, from points in Illinois and Indiana, points in Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, Lee, Cedar, Johnson, Iowa, Poweshiek, Jasper, and Polk Counties, Iowa, those in Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, and Cape Girardeau Counties, Mo., those in Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, Monroe, Wayne, Washtenaw, Jackson, Calhoun, Kalamazoo, Van Buren, Allegan, Barry, Eaton, Ingham, Livingston, Oakland, Macomb, St. Clair, Lapeer, Genesee, Shiawassee, Clinton, Ionia, Kent, Ottawa, Muskegon, Montcalm, Gratiot, Saginaw, and Tuscola Counties, Mich., and those in Grant, Lafayette, Green, Rock, Walworth, Kenosha, Racine, Milwaukee, Waukesha, Jefferson, Dane, Iowa, Sauk, Columbia, Dodge, Washington, Ozaukee, Sheboygan, Fond du Lac, Green Lake, Marquette, Adams, Juneau, Waushara, Winnebago, Calumet, Door, Kewaunee, Manitowoc, Brown, Outagamie, Waupaca, Portage, Wood, Marathon, Shawano, and Oconto Counties, Wis., to Chicago, Ill., and *baking pans*, used, from Chicago, Ill., to the above-described origin points.

NOTE: Applicant states the used baking pans are transported to Chicago, Ill., for reconditioning, and the reconditioned baking pans are returned to their respective points of origin.

HEARING: January 11, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 116290, filed November 5, 1956, WAYNE GAFFORD, doing business as GAFFORD TRUCKING CO., Route 1, Hart, Mich. Applicant's representative: Clifford W. Prince, 191 N. Michigan Ave., Shelby, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned fruits* and *canned vegetables, empty containers or other such incidental facilities* (not specified) used in transporting said commodities, and *agricultural commodities*, between points in Antrim, Benzie, Grand Traverse, Leelanau, Mason, Manistee and Oceana Counties, Mich., and points in Louisiana, Oklahoma, and Texas.

HEARING: January 10, 1957, in Room 859 Federal Building, Detroit, Mich., before Examiner Thomas F. Kilroy.

MOTOR CARRIERS OF PASSENGERS

No. MC 3705 (Sub No. 17), filed November 26, 1956, WESTWOOD TRANSPORTATION LINES, INC., 149 Liberty Street, Little Ferry, N. J. Applicant's representative: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Rochelle Park, N. J., and Paramus, N. J., from junction of Passaic Street and Rochelle Avenue in Rochelle Park, thence along Rochelle Avenue to Paramus, N. J., thence along Fairview Avenue to its junction with New Jersey Highway 17 Ramp, thence along New Jersey Highway 17 Ramp to junction with New Jersey Highway 17, thence along New Jersey Highway 17 to its junction with New Jersey Highway 4 Ramp, thence along New Jersey Highway 4 Ramp to junction with New Jersey Highway 4, thence along New Jersey Highway 4 to junction with New Jersey Highway 17 Ramp, thence along New Jersey Highway 17 Ramp to junction with New Jersey Highway 17, thence along New Jersey Highway 17 to entrance of Shopping Center, thence returning from Shopping Center along New Jersey Highway 17 to junction with Fairview Avenue Ramp, thence along Fairview Avenue Ramp to junction with Fairview Avenue, thence along Fairview Avenue to Rochelle Park, N. J., thence along Rochelle Avenue to junction of Rochelle Avenue and Passaic Street, serving all intermediate points. Applicant is authorized to conduct operations in Connecticut, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: January 28, 1957, at New Jersey Board of Public Utility Commissioners State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 114340 (Sub No. 11), filed November 20, 1956, THOMAS PARRAN, JR., doing business as SURBURBAN TRANSIT CO., 10715–25 Colesville Road, Silver Spring, Md. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Gaithersburg, Md., and the United States Atomic Energy Commission (Washington Headquarters), near Gaithersburg, Md., from Gaithersburg over U. S. Highway 240 (new route), to the intersection of U. S. Highway 240 and Maryland Highway 118, thence over Maryland Highway 118 to the United States Atomic Energy Commission (Washington Headquarters), near Gaithersburg, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland and the District of Columbia.

NOTE: This route will be tacked to existing authority held by the applicant.

HEARING: January 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3083 (Sub No. 23), filed November 23, 1956, ARMORED MOTOR SERVICE CO., INC., 248 Madison, Hickman Bldg., Box 66, Memphis, Tenn. Applicant's representative: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commodities* as require special protection by guards in armored vehicles while in transit, between Memphis, Tenn., on the one hand, and, on the other, Byhalia, Holly Springs, New Albany, Tupelo, Baldwyn, Booneville, Ripley, Walnut, Olive Branch, Potts Camp, Hickory Flat, Sherman, Guntown, Blue Mountain, Falkner, Ashland, and Saltillo, Miss. Applicant is authorized to conduct operations in Arkansas, Georgia, Kentucky, South Carolina, Tennessee, and West Virginia.

No. MC 19227 (Sub No. 58), filed November 15, 1956, LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 NW. 20th Street, Miami, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers*, equipped with scientific instruments or scientific equipment and the *contents thereof*, in secondary movement, in truckaway service, and (2) *passengers*, who are at the time representatives of manufacturers or owners of the trailers, between points in Florida, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

No. MC 70662 (Sub No. 86), filed October 8, 1956, CANTLAY & TANZOLA, INC., 2835 Santa Fe Avenue, Los Angeles 58, Calif. Applicant's representative: Lloyd R. Guerra, 2835 Santa Fe Avenue, Los Angeles 58, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, from Las Vegas and Nellis Air Force Base, Nev. and points within ten (10) miles thereof, to Indian Springs and Indian Springs Air Force Base, Nev. and points within 10 miles thereof (as more fully described in application), and *rejected and contaminated shipments* of the same products from the specified destination territory to the described origin area. Applicant is authorized to conduct operations in California, Arizona, Utah, Montana, and Nevada.

No. MC 105632 (Sub No. 19), filed November 29, 1956, CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 West Broad Street, Savannah, Ga. Applicant's representative: Walter C. Scott, Jr., Central of Georgia Railway Company, P. O. Box 642, Savannah, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving as l. c. l. freight, between Eufaula, Ala., and Montgomery, Ala., from Eufaula over U. S. Highway 82 to Montgomery, and return over the same route, serving the intermediate and off-route points of Lugo, Batesville, Comer, Midway, Three Notch, Union Springs, Fitzpatrick, Pike Road and Steiner. RESTRICTION: Applied-for authority to be limited to service which is auxiliary to or supplemental of rail service of the Central of Georgia Railway Company. Applicant is authorized to conduct operations in Alabama, Georgia and Tennessee.

No. MC 109637 (Sub No. 39), filed November 19, 1956, GASOLINE TRANSPORT CO., a corporation, 4107 Bells Lane, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Indianapolis, Ind., to Owensboro, Ky.

NOTE: Applicant holds authority in MC 109637 (Sub No. 30) for transportation of petroleum and petroleum products on return trips. Applicant is authorized to conduct operations in Kentucky, Indiana, and Illinois.

No. MC 110525 (Sub No. 317), filed October 23, 1956, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Gibbstown, N. J., to Camp Croft, Spartanburg, S. C. Applicant is authorized to conduct operations in Delaware, Illinois, Iowa, Maryland, Missouri, New Jersey, New York, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

No. MC 111962 (Sub No. 5), filed October 29, 1956, AMERICAN TRANSFER & STORAGE COMPANY, a corporation, 1040 North Lewis St., Tulsa, Okla. Applicant's representative: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Arkansas, Colorado, and Texas, and (2) between points in Arkansas, Colorado, and Texas, on the one hand, and, on the other, points in Oklahoma and Kansas.

NOTE: Applicant states that it has continuously since on and prior to June 30, 1936, and is now transporting household goods. The purpose of this application is to remove the restriction that household goods must move in connection with oil industry commodities so that the household goods authority may be transferred to American Van Lines, Inc.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, §,1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6451 (correction), published in the November 21, 1956, issue of the FEDERAL REGISTER on page 9090. This application should be shown as one for control and merger in lieu of purchase.

No. MC–F 6457. Authority sought for purchase by THE SANTA FE TRAIL TRANSPORTATION COMPANY, Broadway and English Streets, Wichita, Kans., of the operating rights and property of MEDDOCK TRUCK LINE, 1819 South Soto Street, Los Angeles, Calif., and for acquisition by THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, 80 East Jackson Blvd., Chicago, Ill., of control of such rights and property through the purchase. Applicant's representative: R. S. Outlaw, 80 East Jackson Blvd., Chicago, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk as a *common carrier* over regular routes between Huntington Park, Calif., and Clemenceau, Ariz., serving certain intermediate points; alternate route for operating convenience only between Aguila, Ariz., on the one hand, and, on the other, Congress Junction, Ariz.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Los Angeles, Calif., and Holbrook, Ariz., and between Williams, Ariz., and Grand Canyon National Park, Ariz., serving certain intermediate and off-route points; *automobiles*, between Los Angeles, Calif., and Holbrook, Ariz., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between Williams, Ariz., on the one hand, and, on the other, points within 25 miles of Williams except Ashford, Ariz., and except points on Arizona Highway 64 north of Williams. Vendee is authorized to operate as a *common carrier* in Nebraska, Oklahoma, Kansas, Missouri, Arkansas, Colorado, New Mexico and Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6459. Authority sought for purchase by NORTHERN TANK LINE, 8 South 7th Street, Miles City, Mont., of the operating rights and property of L. W. HAGEMAN, doing business as HAGEMAN TRANSPORT COMPANY, P. O. Box 248, Laurel, Mont., and for acquisition by E. G. BALSAM and L. W. BALSAM, both of Miles City, of control of such rights and property through the purchase. Applicants' representative: Robert N. Burchmore, 2106 Field Bldg., Chicago 3, Ill. Operating rights sought to be transferred: *Petroleum and petroleum products*, in bulk, in tank trucks, as a *common carrier* over irregular routes from Byron, Wyo., and points within 15 miles of Byron, to Billings and Laurel, Mont., from Thermopolis, Wyo., and points within 30 miles of Thermopolis, points on U. S. Highways 20 and 310 between Thermopolis and the Wyoming-Montana State line, and points in Wyoming located within 20 miles of the above-described portions of said highways, to Laurel, Mont., from Cody and Powell, Wyo., and points within 20 miles of each, to Billings and Laurel, Mont., from Laurel, Mont., to points in Yellowstone National Park, from Cody, Wyo., to points in Lincoln and Teton Counties, Wyo., from certain points in Wyoming to Chatham, Lucerne, and Worland, Wyo., and from Zube, Wyo., to West Yellowstone, Mont., and certain points in Idaho and Utah; *petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 294, in bulk, in tank vehicles, from Bozeman and Helena, Mont., and points in Montana within five miles of each, to

West Yellowstone, Mont., and to certain points in Idaho; *refined liquid petroleum products*, from Billings, Mont., and Lovell, Wyo., to West Yellowstone, Mont., and to certain points in Idaho and Utah; *refined liquid petroleum products*, during the season extending from the 1st day of July to the 30th day of November, inclusive, of each year, from Cody, Wyo., to West Yellowstone, Mont., and to certain points in Idaho and Utah; *refined liquid petroleum products*, during the season extending from the 1st day of December to the 30th day of June, inclusive, of each year, from Cody, Wyo., to certain points in Idaho and Utah; *crude oil*, from oilfields in Park, Big Horn, Washakie, and Hot Springs Counties, Wyo., to Warren, Mont., and points within five miles of Warren at pipeline head, and from Cody, Wyo., to Billings and Laurel, Mont.; *road oil*, from Billings, Mont., to points in Yellowstone National Park. Vendee is authorized to operate as a *common carrier* in Wyoming, Montana, North Dakota, South Dakota and Minnesota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6462. Authority sought for purchase by RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., of the operating rights of JOHN L. HORNUNG, doing business as HORNUNG FREIGHT LINE, Monroe, Nebr., and for acquisition by J. W. RINGSBY, also of Denver, of control of such rights through the purchase. Applicants' representatives: John F. Mueller, Midland Savings Bldg., Denver, Colo., and Loyal G. Kaplan, 924 City National Bank Bldg., Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Genoa, Nebr., and Omaha, Nebr., and between Genoa, Nebr., and Grand Island, Nebr., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Colorado, Wyoming, Nebraska, Illinois, Iowa, California, Utah, Missouri, and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6463. Authority sought for purchase by COAST TRUCK LINES, INC., 1540 Fourth Avenue South, Seattle, Wash., of the operating rights and property of A. R. HOLEMAN and MILTON JENSEN, doing business as FERNDALE AUTO FREIGHT, P. O. Box 356, Ferndale, Wash., and for acquisition by C. G. SOIKE, also of Seattle, of control of such rights and property through the purchase. Applicants' representative: John W. Newbegin, Secretary-Treasurer, Coast Truck Lines, Inc., 1540 Fourth Avenue South, Seattle, Wash. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Ferndale, Wash., and Bellingham, Wash., and between Ferndale, Wash., and Neptune Beach, Wash., serving certain intermediate and off-route points; *motor fuel anti-knock compound*, in bulk, in tank vehicles, between Ferndale, Wash., and Neptune Beach, Wash., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Washington and Oregon. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6464. Authority sought for purchase by SHAMROCK VAN LINES, INC., 2724 Taylor, Dallas, Texas, of a portion of the operating rights of W. W. JARMON, doing business as JARMON VAN LINES, P. O. Box 1109, Wichita Falls, Texas. Applicants' representative: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Texas. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between Gulfport, Miss., and points within 35 miles of Gulfport, on the one hand, and, on the other, points in Alabama, Louisiana, Florida, and Georgia. Vendee is authorized to operate as a *common carrier* in Texas, New Mexico, Arkansas, Missouri, Kansas, Oklahoma, Louisiana, Colorado, Mississippi, Tennessee, North Carolina, South Carolina and Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6465. Authority sought for purchase by ROOT'S EXPRESS, INC., 25 Liberty Street, Binghamton, N. Y., of the operating rights and property of TAYLOR'S MOTOR EXPRESS, INC., 169 Grant Avenue, Auburn, N. Y., and for acquisition by STANLEY ROOT, also of Binghamton, of control of such rights and property through the purchase. Applicants' representatives: Martin Werner, 295 Madison Avenue, New York 17, N. Y., and Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Syracuse, N. Y., and Geneva, N. Y., serving certain intermediate and off-route points. ROOT'S EXPRESS, INC., is authorized to operate as a *common carrier* in the State of New York under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6466. Authority sought for purchase by CLARK TRANSFER, INC., 236 North 23rd Street, Philadelphia, Pa., of a portion of the operating rights and property of HIGHWAY EXPRESS LINES, INC., 236 North 23rd Street, Philadelphia, Pa., and for acquisition by JAMES P. CLARK, also of Philadelphia, of control of such rights and property through the purchase. Applicants' representative: Robert H. Shertz, 811–819 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk (the foregoing authority is to be restricted to transportation of *film* and *related commodity* as described in Ex Parte No. MC 45 as well as *newspapers* and *magazines*) as a *common carrier* over regular routes between Ocean View, Va., and Richmond, Va., between Charlottesville, Va., and Baltimore, Md., between Orange, Va., and Fredericksburg, Va., between Washington, D. C., and Cumberland, Md., between Waynesboro, Va., and Waynesboro, Pa., between Bel Air, Md., and Havre de Grace, Md., between Baltimore, Md., and Cape Charles, Va., and between Dover, Del., and Salisbury, Md., serving certain intermediate and off-route points; *household goods*, as defined by the Commisison, over irregular routes between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey and between certain points in New Jersey on the one hand, and, on the other, Philadelphia, Pa., and points in Pennsylvania within 15 miles of City Hall, Philadelphia, Pa.; *motion picture films, advertising matter, theatrical accessories and supplies, films, theater supplies, magazines, newspapers, supplies, accessories, and advertising matter* used in, or in connection with, the maintenance and operation of motion picture theatres, *tickets, motion picture and sound equipment and parts thereof*, and *periodicals*, from, to or between points and areas, varying with the commodity transported, in Virginia, New York, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia; *theatrical equipment, materials*, and *supplies*, used in the operation and maintenance of itinerant theatrical productions or exhibitions when moved as a part of such theatrical productions or exhibitions, between points in the United States (except between points in New York, New Jersey and Connecticut within 75 miles of New York, N. Y., including New York City). The *general commodity* authority being retained by HIGHWAY EXPRESS LINES, INC., is to be restricted against the transportation of all of the above-mentioned items except household goods. CLARK TRANSFER, INC., is not a motor carier but was formed for the purpose of taking over a portion of the operating rights of HIGHWAY EXPRESS LINES, INC., which owns all of the capital stock of CLARK TRANSFER, INC. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6460. Authority sought for purchase by CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La., of a portion of the operating rights of MISSALA STAGES, INC., 645 West 20th, Jasper, Ala., and for acquisition by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Texas, of control of such rights through the purchase. Applicants' representative: Grove Stafford, P. O. Box 1711 or Seventh and Murray Streets, Alexandria, La. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Birmingham, Ala., and Jasper, Ala., between Jasper, Ala., and the Alabama-Mississippi State line, near Red Bay, Ala., and between the Alabama-Mississippi State line beyond Red Bay, and Iuka, Miss., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Texas, Louisiana, Arkansas, Alabama, Mississippi, Tennessee, Kentucky, Illinois and Missouri. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–10133; Filed, Dec. 11, 1956; 8:46 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 75]

SPOKANE, PORTLAND AND SEATTLE RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Spokane, Portland and Seattle Railway Company, because of work stoppage, is unable to transport traffic routed over and to points on its lines.

It is ordered, That:

(a) Rerouting traffic: The Spokane, Portland and Seattle Railway Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., December 3, 1956.

(g) Expiration date: This order shall expire at 11:59 p. m., December 17, 1956, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., December 3, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 56–10137; Filed, Dec. 11, 1956; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LEONARD T. WILLISON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 26, 1956, 21 F. R. 4639.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 29, 1956.

Dated: December 5, 1956.

[SEAL] LEONARD T. WILLISON.

[F. R. Doc. 56–10148; Filed, Dec. 11, 1956; 8:48 a. m.]

RALPH M. ALLISON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Ralph M. Allison.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: November 30, 1956.

4. Title of position: Director, General Components Division.

5. Name of private employer: Borg-Warner Corporation, Auburn, Indiana.

JOHN F. LUKENS,
Acting Director of Personnel.

OCTOBER 19, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Borg-Warner Corporation, Chicago, Illinois.
Auburn State Bank, Auburn, Indiana.
Portland Forge Company, Portland, Indiana.
Allison Corporation, Auburn, Indiana.
Bank deposits.

Dated: December 5, 1956.

RALPH M. ALLISON.

[F. R. Doc. 56–10149; Filed, Dec. 11, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 30, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 3 N., R. 22 E.,
Sec. 29, all.

The above area aggregates 640 acres.

E. G. NIELSEN,
Assistant Commissioner.

[73639]

DECEMBER 6, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EARL J. THOMAS,
Acting Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Colorado River Storage Project, Utah

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Utah, for use in connection with the Colorado River Storage Project, Utah, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record, and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 56–10038; Filed, Dec. 11, 1956; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 241

Washington, Thursday, December 13, 1956

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

UNIVERSITY OF MICHIGAN
DEC 17 1956
MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 427.1]

PART 307—TITLE CLEARANCE

PART 327—TITLE CLEARANCE

Part 327, Title 6, Code of Federal Regulations, is revoked, and a new Part 307 entitled "Title Clearance" is established in Title 6, and Subpart A of Part 307 is added to read as follows:

Subpart A—Title Clearance and Loan Closing

Sec.
307.1 General.
307.2 Designated attorneys in initial loan cases.
307.3 Title insurance in initial loan cases.
307.4 Local attorneys in initial loan cases.
307.5 Subsequent loans.
307.6 Additional requirements in connection with loans to homestead entrymen, contract purchasers of farm units from the Bureau of Reclamation, and certain Indians.

AUTHORITY: §§ 307.1 to 307.6 issued under R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100, sec. 510 (g), 63 Stat. 438, sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 7 U. S. C. 1015 (1), 40 U. S. C. 442 (c), 42 U. S. C. 1480 (g), 16 U. S. C. 590w (3), 590x-3 (a) (7). Interpret or apply sec. 3, 60 Stat. 1074, 70 Stat. 801, sec. 12, 60 Stat. 1076, sec. 16, 69 Stat. 553, 70 Stat. 802, sec. 44 (b), (c), 60 Stat. 1069, sec. 502 (b), 63 Stat. 433, sec. 1, 63 Stat. 883, sec. 2 (3), 50 Stat. 869, secs. 9, 10, 68 Stat. 735, 736, 7 U. S. C. 1003, 1005b, 1006a, 1018 (b), (c), 42 U. S. C. 1472 (b), 16 U. S. C. 590s (3), 590x-2, 590x-3.

SUBPART A—TITLE CLEARANCE AND LOAN CLOSING

§ 307.1 *General*—(a) *Farm Ownership, Farm Housing and Individual Soil and Water Conservation loans.* This subpart contains the title clearance and loan closing authorities, policies, and procedures for the following types of loans which involve real estate security:

(1) All initial Farm Ownership, Farm Housing, and individual Soil and Water Conservation loans.

(2) Subsequent direct Farm Ownership, subsequent Farm Housing, and subsequent insured and direct individual Soil and Water Conservation loans, except those in connection with transfers and assumptions or credit sales by the Government.

(b) *Other types of loans and transactions.* Title clearance and closing for all other loans and transactions involving real estate security will be handled as provided in regulations applicable thereto.

(c) *Methods of title clearance and loan closing.* The necessary legal services for title clearance and loan closing will be performed by designated attorneys appointed by the State Director, except that:

(1) In any county or area in a state in which the State Director is not able to obtain the services of a designated attorney, or in exceptional or complex cases in which the State Director determines that it would be more reasonable and practical to do so, he may authorize the County Supervisor to use title insurance in initial loan cases as provided for in § 307.3, or in subsequent loan cases involving land acquisition or refinancing as provided for in paragraphs (a) (2) and (b) (2) of § 307.5.

(2) In any county or area in a state in which the State Director is not able to obtain the services of either a designated attorney or title insurance, or in exceptional or complex cases in which the State Director determines that it would be more reasonable and practical to do so, he may authorize the County Supervisor to use the services of a local attorney as authorized in § 307.4 or paragraphs (a) (1) or (b) (1) of § 307.5, or he may authorize the handling of title clearance and loan closing by or in accordance with the advice or instructions of the Attorney in Charge.

(d) *Definition of terms.* As used in this subpart, "title clearance" includes title examination, "mortgage" includes deed of trust and deed to secure debt, and loan "applicant" and "borrower" refer to the same person.

§ 307.2 *Designated attorneys in initial loan cases*—(a) *Designation of attorneys.* The State Director, upon the advice and concurrence of the Attorney in Charge as to professional qualifications, is au-

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FEDERAL REGISTER

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thorized to designate attorneys to furnish the legal services prescribed in this subpart.

(b) *Costs of title clearance and loan closing.* Neither the Government nor an insured lender will be responsible for any costs of title clearance or loan closing. The costs of title clearance and loan closing will include the costs of abstracts of title, land surveys, attorney's services, obtaining curative material, notary fees, documentary stamps, recordation costs, and any other expenses necessary to make the loan. The loan applicant or the seller, or both, will be responsible for payment of all costs of title clearance and loan closing. Arrangements for the payment of the title clearance and loan closing charges will generally be made by the seller or the loan applicant, or both, in accordance with the usual custom in the locality. In cases involving the purchase of land, the option should contain their agreement. Existing option forms may be modified in this respect, if necessary.

(c) *Services.* Title clearance and loan closing legal services to be provided by designated attorneys will include examining title; preparing, obtaining, or approving simple curative material, conveyance and security instruments; issuing preliminary and final title opinions or certificates of title; and performing other legal services necessary to properly close the loan. The designated attorney will be responsible to the Farmers Home Administration as well as to the applicant or seller, or both, whoever requested his services, and he will be expected to perform these services with diligence and dispatch so that the loan closing can be completed without unnecessary delay. The services to be performed by designated attorneys are indicated more specifically in paragraphs (d) to (i) of this section.

(d) *County Supervisor's responsibilities.* The County Supervisor will:

(1) Provide the loan applicant, and seller if land is being acquired, with the name and address of the designated attorney.

(2) Furnish the designated attorney with (i) information concerning the loan to be made or insured, (ii) Farmers Home Administration forms needed in connection with title clearance and loan closing in the particular case, and (iii) the original and one copy of written waivers on easements, mineral leases, and similar title exceptions or reservations then known to exist and which may be waived administratively in the manner authorized in paragraph (g) of this section.

(3) Notify the designated attorney promptly if the loan will not be made.

(e) *Examination of title.* At the proper time, the County Supervisor will notify the loan applicant, and seller if land is being acquired, that they should employ the designated attorney to examine title and perform the other legal services in connection with title clearance and loan closing, and that they should furnish to the designated attorney any needed abstracts of title or other title evidence. The designated attorney will search title to the property involved by examination of the public records or abstracts of title or by a combination of these methods.

(1) *Examination from public records.* If the designated attorney will examine the public records, an abstract of title will not be required. However, if an abstract or partial abstract is already in existence and available, it should be furnished to the designated attorney for use to the extent possible with a view to saving time and expense.

(2) *Examination of abstracts.* If abstracts of title are used, and if the abstracts or abstractor's certificates do not cover all matters of record affecting the title for the period of time required in subparagraph (3) of this paragraph or if the abstracts or the abstractor's certificates are limited in any other way, they must be revised to cover all necessary matters, or supplemented by the designated attorney's own examination of records or by other competent evidence of title.

(3) *Period of title search.* The title search must cover the shortest period necessary to include one of the following:

(i) A warranty deed from a party other than the United States which has been of record for at least 40 years;

(ii) A Farm Ownership, Farm Housing, or Soil and Water Conservation (not Water Facilities) security instrument;

(iii) A patent or deed from the United States, except that where such a patent or deed recorded within 40 years was issued under the Federal homestead or reclamation laws, the search must cover either (*a*) 40 years or (*b*) the period necessary to include the entry or purchase contract, whichever is shorter.

(f) *Preliminary title opinion.* The designated attorney will issue his preliminary title opinion to the County Supervisor. The preliminary title opinion will be on Form FHA–312, "Preliminary Title Opinion," or if that Form is not legally sufficient in a particular State, the State Director, with the advice of the Attorney in Charge, may approve a satisfactory substitute form.

(g) *County Supervisor's responsibilities after receipt of preliminary title opinion.* Upon receipt of the preliminary title opinion, the County Supervisor will:

(1) Return it to the designated attorney for completion if it is not complete in all respects. If the designated attorney is unable or unwilling to complete it, the County Supervisor will send it, with a full explanation, to the Attorney in Charge, who may approve or disapprove it.

(2) Make arrangements to close the loan if there are no exceptions, reservations, encumbrances or defects, or if the exceptions or reservations are the same as those in the option or otherwise known by the County Supervisor to exist and which have been waived previously, or if the encumbrances are liens and the loan was approved on the basis that it would be made subject to them, or if there are defects which the designated attorney advises can be corrected or eliminated at or before the time of loan closing.

(3) If exceptions or reservations are revealed that are not the same as those waived previously and are related to easements or rights-of-way for roads, utility lines, pipelines, or canals; outstanding gas, oil, mineral, timber, or water rights; or exclusion of parcels of land from the farm which were assumed to be a part of the farm, the County Supervisor will furnish the designated attorney the original and one copy of a memorandum signed by him or by the State Director, waiving any such exceptions or reservations which will not affect adversely the security value or the successful operation of the farm.

(h) *Preparation of deeds, mortgages, and curative instruments.* The designated attorney will prepare or approve deeds, mortgages, affidavits, releases, and other simple curative documents necessary for title clearance and loan closing. Standard FHA forms will be used for such purposes whenever possible.

(i) *Type of estates; joint tenancy, entirety, or other.* (i) In cases in which loan funds are being used to acquire any land and in which it is permissible under State law, title to the entire farm must be vested in the loan applicant and his or her spouse, if any, with the right of survivorship, including any part of the farm to which title is already vested in one or both of them in some other manner, unless the case falls within one of the following exceptions.

(*a*) The State Director may waive this requirement in individual cases for justifiable reasons.

(*b*) If one spouse is a minor or an alien, title may be taken solely in the name of the other spouse who is a citizen or person of legal age, provided the State Director has specifically authorized the making of a loan solely to the citizen or person of legal age, and the designated attorney determines that title must be vested solely in the citizen or person of legal age in order for the Government to obtain a mortgage which in the event of default will be enforceable immediately against the entire interests in the farm.

(ii) In cases in which loan funds are not being used to purchase any land, and

in cases in which exceptions are made as provided for in subdivision (i) of this subparagraph, if title is not held with right of survivorship, the designated attorney must determine that title is vested in such a manner as to enable the Government's mortgage, in the event of default, to be enforceable immediately against the entire interests in the farm.

(2) *Preparation of deeds.* Deeds will be prepared as follows:

(i) Conveyance of title to borrowers must be by general warranty deed except that all conveyances by the Government will be by quitclaim deed, and general warranty deeds will not be required for fiduciary or straw parties. If the grantors or their predecessors in title have acquired the property from the Government through the Farmers Home Administration, or one of its predecessor agencies, a special warranty deed may be used warranting against title defects arising subsequent to the quitclaim deed from the Government.

(ii) The deed should show the exceptions, reservations, liens, and other encumbrances subject to which the loan is being made, and should contain a tie-in description showing that it covers the same land or part of the same land as that designated or described in another deed or mortgage described specifically by date, parties, and place of recordation.

(iii) Each deed should recite a legal consideration.

(3) *Preparation of mortgage.* Mortgages on forms approved by the Farmers Home Administration will be prepared as follows:

(i) *Number of copies.* Ordinarily it will only be necessary to prepare the original and one copy of the mortgage, the original to be recorded and retained in the Farmers Home Administration County Office, and the copy to be delivered to the borrower. However, additional copies will be prepared when needed by interested parties.

(ii) *Name of mortgagee.* Regardless of whether a direct or insured loan is involved, the mortgagee will be the "United States of America," except that if a direct loan is being made by the Government with State Rural Rehabilitation Corporation trust funds, it will be the "United States of America, Trustee of the assets of (name of State Rural Rehabilitation Corporation)."

(iii) *Persons required to execute mortgage.* The mortgage will be executed by the borrower and his spouse and any other persons having an interest in the farm so that, in the event of default, it will be enforceable immediately against all interests in the entire farm.

(iv) *Title exceptions.* The mortgage should show the exceptions, reservations, liens, and other encumbrances subject to which the loan is being made.

(v) *Subsequent and junior mortgages.* If there are any outstanding Farmers Home Administration direct or insured real estate mortgage loans against the property which are being refinanced with the current loan, the mortgages pertaining to such outstanding loans will be superseded and will be released at the time of loan closing, unless under State law, it is necessary to keep the existing mortgages in effect for the purpose of retaining a valid lien with respect to the obligations being refinanced. If any such outstanding Farmers Home Administration real estate loan is not being refinanced:

(*a*) The mortgage with respect thereto will not be superseded or released, but the current loan mortgage will cover the property covered by the outstanding Farmers Home Administration loan mortgage and also any additional land being acquired to round out the farm unit. The existing note or bond and mortgage, and any related mortgagee title policy will remain in force.

(*b*) A provision determined by the designated attorney to be sufficient under State law will be inserted in the current mortgage to make it secure the obligations secured by the other Farmers Home Administration real estate loan mortgages which will remain outstanding as well as the obligations with respect to the current loan, and provide that any default under the current mortgage shall also constitute a default under such other real estate mortgage(s), and that any default under any such other mortgage or under any other mortgage to any other lender shall also constitute a default under the current mortgage.

(vi) *Mortgages by restricted Indians.* If the borrower is a restricted Indian, there will be inserted at the end of the mortgage, after the space provided for acknowledgment by the borrowers, an approval statement to be executed on behalf of the Secretary of the Interior by a duly authorized Area Director or other official of the Bureau of Indian Affairs. Since the Certificate of Approval will have to be executed after execution of the mortgage, it will be necessary, in connection with loans to restricted Indians, to make an exception to the general rule and have both the note or bond and mortgage executed prior to the loan closing date, so that the mortgage will be in shape to be filed for record at the time of loan closing.

(vii) *Special provisions.* Designated attorneys should advise County Supervisors with respect to State laws necessitating changes in mortgage forms in connection with cases which they are handling. Changes in the printed forms should not be made without prior clearance with the National Office of the Farmers Home Administration. When such changes are approved, the designated attorneys will be informed through the County Supervisor.

(*i*) *Loan closing.* The designated attorney will cooperate with the County Supervisor, the loan applicant, the seller if land is being acquired, and other necessary parties to arrange for the time and place of loan closing. The designated attorney will assist with the loan closing to determine that the Government obtains a valid mortgage lien on the property of the priority required by the Farmers Home Administration, subject only to other encumbrances, reservations, and exceptions as have been waived by the County Supervisor or the State Director.

(1) *Disbursement of loan funds.* No loan funds will be disbursed until the loan has been closed in accordance with the requirements of this subpart, except that loan funds may be disbursed at the time of loan closing to pay for a satisfaction or release of a lien which a reputable lienholder has agreed in writing to execute and deliver upon receipt of a specified sum, provided that such release or satisfaction cannot be made available at the time of loan closing through a formal or informal escrow arrangement or otherwise.

(2) *Title examination.* The designated attorney will examine title from the public records or from an extended abstract of title, or both, from the terminal date of his preliminary title examination to and including the time of recording the current mortgage. If there are no entries of record during the period except the documents required in connection with title clearance and any partial releases or subordinations previously approved by the Farmers Home Administration, the loan may be closed. If there are any other entries of record during this period, the loan will not be closed until such entries have been cleared of record or administratively waived. The designated attorney should advise the County Supervisor of the nature of such intervening instruments and as to the legal method by which they may be eliminated and the effect that they may have on obtaining a valid mortgage of the priority required.

(3) *Liens or claims against the loan applicant.* The designated attorney will determine whether there are any judgments or suits pending in State or Federal courts against the loan applicant and his wife, or State or Federal tax claims against them which are or may become liens against all or any part of the farm already owned or being acquired by them; also, whether there are any bankruptcy or insolvency proceedings pending by or against them.

(4) *Certificate of inspection.* The County Supervisor will prepare a certificate of inspection which will show the condition of the farm at or shortly before the time of loan closing. Form FHA–874, "Certificate of Inspection," will be used, except that if it is not satisfactory for use in a particular state, the State Director, with the advice of the Attorney in Charge, may approve a substitute form. The designated attorney will see that the certificate is executed by the County Supervisor or by some other person acquainted with the facts.

(5) *Taxes and assessments.* The designated attorney will ascertain that all taxes and assessments against the property which are due and payable are paid at or before the time of loan closing. Where the seller and the buyer have agreed to prorate any taxes or assessments which are not yet due and payable for the year in which the loan closing takes place, the seller will pay his proportion of the taxes and assessments at the time of loan closing. If the taxes and assessments cannot be paid at the time of loan closing, the amount of taxes and assessments to be paid by the seller will be deducted from the selling price of the land.

(6) *Agreements with prior lienholders.* If other persons hold liens which will remain against the property, it may be necessary for them to execute Form FHA–446, "Agreement with Prior Lienholder."

(i) Form FHA–446 will be used whenever the County Supervisor determines that it is necessary in protection of the Government's interests to obtain an agreement from a prior lienholder that he will not:

(*a*) Declare his security instrument in default or accelerate the indebtedness thereunder for a specified period without the written consent of the State Director.

(*b*) Make advances for purposes other than taxes, insurance, or payments on other prior liens when the prior lienholder's security instrument authorizes advances which the designated attorney determines would under State law have priority over the mortgage being taken or already held or insured by the Government.

(*c*) Enforce any provision in his security instrument which provides that the making of the loan or the taking of a related mortgage by the Government would constitute a default under the prior lienholder's security instrument in the absence of his consent to the transaction.

(*d*) Enforce any other provision of his security instrument which would jeopardize seriously the security position of the Government, without the written consent of the State Director, as long as the Government has an interest in the property.

(ii) Form FHA–446, or another form approved by the State Director and Attorney in Charge, will be used to obtain agreements of prior lienholders to give the Government advance notice of foreclosure in cases in which such agreements are required by a State Instruction. Such agreements will be required by a State Instruction in those States in which the Attorney in Charge determines that the State law permits junior liens of private parties to be extinguished by foreclosure of a prior lien without the junior lienholders being made parties or being given actual notice.

(iii) When Form FHA–446 is used, the designated attorney will determine at the time of loan closing that Form FHA–446 is properly completed, executed and acknowledged by the prior lienholder. If required by State law, Form FHA–446 will also be sealed and witnessed. If recordation is permissible under State law and if the designated attorney is of the opinion that recordation is advisable and would give constructive notice to prior lienholders, including any assignees, Form FHA–446 will be recorded in the county in which the property is located.

(7) *Affidavit of sellers.* If land is being acquired, the designated attorney will see that an affidavit of sellers is properly completed and executed at, or shortly prior to, the time of loan closing. This affidavit may be on Form FHA–875, "Affidavit of Sellers," or if that Form is not legally sufficient in a particular State, the State Director, with the advice of the Attorney in Charge, may approve a satisfactory substitute form. Generally, the affidavit will not be recorded, but where State law permits and if the designated attorney considers it necessary, it will be recorded.

(8) *Deeds and curative material.* The designated attorney will determine that deeds, releases, and curative material are properly completed, executed (sealed and witnessed if required by State law), acknowledged and filed for record at the proper time.

(9) *Promissory note or bond.* The designated attorney will determine that the promissory note or bond is completed, dated the date of loan closing, and properly executed by the borrowers.

(10) *Assignment of future income.* If Form FHA–253, "Assignment of Income from Real Estate Security," is required in a particular case, the County Supervisor will prepare the form and have it available for execution by the borrowers at the time of loan closing. The designated attorney will see that the form is properly completed, executed (sealed and witnessed if required by State law), and acknowledged by the borrowers.

(11) *Mortgage.* The designated attorney will see that the mortgage is dated the date of loan closing, and is properly completed and executed. The mortgage should be sealed and witnessed if required by State law, and it should be acknowledged and filed for record at the proper time.

(12) *Affidavit of borrowers.* The designated attorney will see that an affidavit of borrowers is properly completed and executed at the time of loan closing. This affidavit may be on Form FHA–876, "Affidavit of Borrowers," or if that Form is not legally sufficient in a particular state, the State Director, with the advice of the Attorney in Charge, may approve a satisfactory substitute form. Generally, the affidavit will not be recorded, but where State law permits and if the designated attorney considers it necessary, it will be recorded.

(13) *Other services of designated attorneys.* The designated attorney will assist and advise the County Supervisor when necessary in the preparation, completion, obtaining execution, acknowledgment, recordation, and so forth of documents required in particular cases. Standard Farmers Home Administration forms will be used for such purposes whenever possible. The designated attorney will maintain a close contact with and keep the County Supervisor advised as to the progress of the title clearance and preparation of loan closing material.

(14) *Final opinion.* As soon as possible after the loan has been closed, the designated attorney will issue his final opinion to the County Supervisor. The final opinion will be on Form FHA–313, "Final Title Opinion," or if that Form is not legally sufficient in a particular state, the State Director, with the advice of the Attorney in Charge, may approve a satisfactory substitute form. Since issuance of final opinion will not be held up pending return of recorded instruments, it may not be possible for the final title opinion to show full recording information in all cases, but it should at least show the time of filing, filing number and as much other recording information as is available. Attached to the final opinion will be any documents which the County Supervisor furnished to the designated attorney, and which were not previously returned or are in the possession of the recorder for recordation. Arrangements may be made with the recorder to forward or deliver instruments to the proper parties after recordation.

§ 307.3 *Title insurance in initial loan cases.*—(a) *Approval of title insurance companies.* The State Director may approve any company issuing title insurance policies, licensed to do business in the state, which has or will agree or states in writing (by exchange of letters, publication of services, or otherwise) that it will furnish, for a stated charge, a title insurance binder and a mortgagee or joint protection title insurance policy (hereinafter referred to as "mortgagee title policy"), provided:

(1) The mortgagee title policy is in such form and contains only such standard exceptions as are approved in advance by the State Director with the advice of the Attorney in Charge. If the company issues different types of mortgagee title policies, some of which are acceptable and some of which are not, the State Director will inform the County Supervisor as to the types which are acceptable.

(2) The title insurance company understands that the request for insurance and services will be made by sellers or applicants for loans and that no costs of title clearance, loan closing, or title insurance will be charged to or paid by the Government or an insured lender.

(b) *Title services.* The negotiations and agreements with the title insurance company will include the making available of services of a representative or agent of the company serving the county where the land is located.

(1) There should also be included as many of the following services as will be made available by the company through competent representatives, as determined by the State Director with the advice of the Attorney in Charge.

(i) Advise applicants, and sellers if land is being acquired, regarding the adequacy of the legal description of the farm.

(ii) Examine the records of all matters affecting the title to the property for such period of time as the company determines necessary in order to insure the Farmers Home Administration mortgagee interest in the title.

(iii) Furnish the County Supervisor a title insurance binder disclosing the defects in and encumbrances against the title and the conditions to be met to make the title insurable, and the curative or other actions to be taken before loan closing, and containing a commitment to issue a mortgagee title policy in an amount at least equal to the amount of the loan.

(iv) Advise the County Supervisor, upon his request, as to the nature of outstanding easements, mineral, oil, gas, timber or water rights, and prior sales of part of the farm, to assist him in

determining whether such outstanding interests affect the value of the farm or its operation.

(v) Advise the County Supervisor as to any judgments or suits pending in State or Federal courts or State or Federal tax claims or bankruptcy or insolvency proceedings involving or against the loan applicants which are or may become liens on or otherwise affect any part of the security property.

(vi) Prepare or approve deeds and mortgages on forms furnished by or containing provisions required by the Farmers Home Administration, and affidavits and other simple curative documents necessary to the proper closing of the loan.

(vii) Examine the land records and supervise the loan closing in accordance with closing instructions issued by the Attorney in Charge.

(viii) Issue promptly after loan closing, a mortagee title policy in favor of the Government as it appears as mortgagee, subject only to approved standard exceptions and such outstanding encumbrances, exceptions, and reservations as were waived administratively in writing by the Farmers Home Administration.

(2) If any of the services described in subparagraph (1) of this paragraph are not made available by the title insurance company, such services will be performed by or in accordance with advice from the Attorney in Charge. In this connection, some title insurance companies may not be willing to insure all of the right, title, and interest in the property as required by the loan approval official. In such cases, other forms of title evidence as to the property interests which will not be covered by the mortgagee title policy must be made available by the loan applicant or seller or must otherwise be made available for administrative and legal review. For example, if the mortgagee title policy will not cover essential items such as water rights or mineral interests, the loan approval official will indicate, at the time of loan approval, the additional title evidence that will be required.

(c) *Ordering title insurance.* Application for title examination and insurance will be made by the loan applicant or the seller, or both, to an approved title insurance company selected by the loan applicant or seller, or both. The application will be made on forms furnished by the company, and will request issuance of a form of mortgage title policy which has been approved by the State Director. The applicant for title insurance will instruct the title insurance company to deliver the title binder to the County Supervisor. The application will be for a mortgagee title policy in an amount at least equal to the amount of the loan. The loan applicant also may secure an owner's policy or a combination policy if he desires. The applicant for title insurance will request that the mortgagee named in the policy be the "United States of America," except that if a direct loan is being made with State Rural Rehabilitation Corporation trust funds, the name of the mortgagee will be "United States of America, Trustee of the assets of (name of State Rural Rehabilitation Corporation)."

(1) For loans not involving the purchase of land, the loan applicant is responsible for paying the full cost of title clearance, loan closing, and title insurance.

(2) In a case in which the purchase of land is involved, the loan applicant and the seller should cooperate in obtaining title clearance and title insurance and they should include in the option their agreement for the payment of the costs of such services. Generally, these costs will be divided between the loan applicant and the seller in accordance with the usual custom in the locality. However, a seller is not usually required to pay more than the cost of a policy of title insurance in the amount of the selling price of his land.

(d) *Actions subsequent to issuance of title binder.* Upon completion of the preliminary title search, a copy of the title binder will be mailed or delivered to the County Supervisor. Upon receipt of the binder, the County Supervisor will take the actions required by paragraph (g) of § 307.2, except that he will forward to the Attorney in Charge at one time the title binder, any administrative waivers, a copy of Form FHA–476, "Record of Actions," and copies of the outstanding mortgage(s) in a junior mortgage loan case. If it appears to the Attorney in Charge that there are no objections other than those which can be met in connection with loan closing, he will issue closing instructions to the County Supervisor. These closing instructions will set forth the steps to be taken to clear the title and give the Government a valid mortgage lien of the priority required in the particular case including, among other things, requirements concerning the type of estate to be held by the loan applicant and his wife, and the manner of preparation of the deed and mortgage as provided for in paragraph (h) of § 307.2. The original and two copies of these closing instructions will be sent to the County Supervisor. One copy will be for the County Office loan docket and the County Supervisor will furnish the other copy to the local representative of the title insurance company. Another copy will be forwarded to the issuing office of the title insurance company, if required. Where the closing instructions require that simple curative documents be obtained preparatory to loan closing, the County Supervisor will assist in obtaining execution thereof.

(e) *Loan closing.* After all title requirements in the closing instructions have been met, except those which it appears can be met at the time of loan closing, the County Supervisor will arrange with the title company representative, the borrowers, sellers if any, and any other interested parties for the time and place of loan closing. The title company representative will handle and supervise the loan closing in accordance with the requirements of the closing instructions. The original of the closing instructions will be initialled or certified to by the title company representative and the County Supervisor to show that the requirements thereof have been met. Such action by the title company representative will be binding on the title company in connection with the issuance of its mortgagee title policy. The title company representative who supervises the closing also should be authorized to receive and give receipts for the company's charges.

(f) *Actions subsequent to loan closing.* (1) As soon as possible after loan closing, the mortgagee title policy will be issued and mailed or delivered to the County Supervisor.

(2) As soon as the County Supervisor receives the mortgagee title policy and the recorded loan closing documents, he will forward to the Attorney in Charge at one time the documents required by the closing instructions, in order that the Attorney in Charge may issue a final opinion to the County Supervisor.

§ 307.4 *Local attorneys in initial loan cases.* In any county, area, or case in which the State Director authorizes the County Supervisor to use the services of a local attorney, title clearance and loan closing will be accomplished in accordance with the provisions of § 307.2 with respect to title clearance by designated attorneys, except that:

(a) As soon as the County Supervisor receives the preliminary title opinion, he will forward to the Attorney in Charge at one time the preliminary title opinion, any administrative waivers, a copy of Form FHA–476, and copies of the outstanding mortgage(s) in a junior mortgage loan case.

(b) The Attorney in Charge will issue closing instructions as provided for in paragraph (d) of § 307.3 with respect to title clearance with title insurance.

(c) As soon as the loan has been closed, the local attorney and the County Supervisor will initial or certify the original of the closing instructions to show that the requirements thereof have been met.

(d) As soon as the County Supervisor receives the local attorney's final title opinion, he will forward to the Attorney in Charge at one time the documents required by the closing instructions in order that the Attorney in Charge may issue a final opinion to the County Supervisor.

§ 307.5 *Subsequent loan cases*—(a) *Subsequent loans that do not involve land acquisition.* Title clearance and closing for subsequent loans, either involving or not involving refinancing, but that do not involve land acquisition, will be handled as follows:

(1) *By designated or local attorneys.* Title clearance and loan closing by designated or local attorneys will be the same as provided for in §§ 307.2 and 307.4, respectively, with respect to initial loans, except that:

(i) A preliminary title opinion will not be required. The final title opinion will cover the period subsequent to recordation of the initial loan mortgage. If title clearance is to be handled by a local attorney, the County Supervisor will also forward the initial loan mortgage to the Attorney in Charge.

(ii) If the services of a designated attorney are not available, and if title clearance is handled by a local attorney, and if title insurance was obtained in connection with making the initial loan, the State Director ordinarily will authorize the County Supervisor to use the services of the local attorney who represented the title insurance company in making the initial loan, if his services are available.

(2) *With title insurance.* Title insurance may be obtained only if the initial loan is being refinanced with the subsequent loan. In such cases, title clearance and loan closing will be the same as provided for in § 307.3 with respect to initial loans. The new mortgagee title policy will be for the full amount of the subsequent loan, including the amount of the initial loan being refinanced.

(b) *Subsequent loans involving land acquisition.* Title clearance and loan closing for subsequent loans involving land acquisition, and either involving or not involving refinancing, will be handled as follows:

(1) *By designated or local attorneys.* Title clearance and loan closing by designated or local attorneys will be the same as provided for in §§ 307.2 and 307.4, respectively, with respect to initial loans, except that:

(i) As to land already owned by the loan applicant and mortgaged to the Farmers Home Administration:

(*a*) A preliminary title opinion will not be required.

(*b*) The final title opinion will cover the period subsequent to recordation of the initial loan mortgage.

(c) If title clearance is to be handled by a local attorney, the County Supervisor will also forward the initial loan mortgage to the Attorney in Charge.

(ii) If title clearance is handled by a local attorney, and if title insurance was obtained in connection with making the initial loan, and if the services of a designated attorney are not available, the State Director ordinarily will authorize the County Supervisor to use the services of the local attorney who represented the title insurance company in making the initial loan, if his services are available.

(2) *With title insurance.* Title clearance and loan closing with title insurance will be the same as provided for in § 307.3 with respect to initial loans except that:

(i) In cases in which the initial loan is not being refinanced, the existing mortgagee title policy on the land already owned will remain in effect, and the new mortgagee title policy will cover the entire farm including the land already owned and that being acquired, but will insure only the amount of the subsequent loan.

(ii) In cases in which the initial loan is being refinanced, the new mortgagee title policy will cover the entire amount of the subsequent loan, including the amount of the initial loan being refinanced.

(iii) It will be necessary for the title insurance company to make the usual title examination on the land being acquired, but if the same title insurance company is being used as the one which issued title insurance in connection with the initial loan, it should only be necessary for that company to examine title to the land already owned from the time of issuance of the existing mortgagee title policy.

§ 307.6 *Additional requirements in connection with loans to homestead entrymen, contract purchasers of farm units from the Bureau of Reclamation, and certain Indians.* Whenever loans are made subject to agreements with other agencies, the title clearance and loan closing requirements of special instructions with respect thereto, as well as those of this subpart, will be applicable.

§ 307.7 *Cancellation of loan.* If for any reason it is determined that the loan cannot be made, the County Supervisor will promptly notify (a) the loan applicant, and (b) those of the following parties who are involved in the particular case at the time the determination is made: Sellers if land is being acquired, designated attorney, attorney in charge, local attorney, and title insurance company or its local representative.

Dated: December 6, 1956.

[SEAL] DALE H. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56–10210; Filed, Dec. 12, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR APRICOTS

By virtue of the authority vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Apricots which have been in effect since May 25, 1928. These standards are currently in effect pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.2925 U. S. No. 1.
51.2926 U. S. No. 2.

UNCLASSIFIED

51.2926a Unclassified.

MARKETING AND PACKING REQUIREMENTS

51.2927 Marking and packing requirements.

DEFINITIONS

51.2928 Mature.
51.2929 Well formed.
51.2930 Damage.
51.2931 Serious damage.
51.2932 Diameter.

AUTHORITY: §§ 51.2925 to 51.2932 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2925 *U. S. No. 1.* "U. S. No. 1" shall consist of apricots of one variety which are mature but not soft, overripe, or shriveled and which are well formed, free from decay, cuts, skin breaks, worm holes and from damage caused by limbrubs, russeting, growth cracks, dirt, scab, scale, hail, disease, insects or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of any lot may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay.

§ 51.2926 *U. S. No. 2.* "U. S. No. 2" shall consist of apricots of one variety which are mature but not soft, overripe or shriveled and which are free from decay, worm holes and from serious damage caused by limbrubs, growth cracks, dirt, scale, hail, disease, insects or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of any lot may be below the requirements of this grade, and not more than one-tenth of this amount, or 1 percent, shall be allowed for decay.

UNCLASSIFIED

§ 51.2926a *Unclassified.* "Unclassified" shall consist of apricots which do not meet the requirements of the foregoing grades.

MARKING AND PACKING REQUIREMENTS

§ 51.2927 *Marking and packing requirements.* The minimum size, numerical count, or description of pack of the apricots in any package shall be plainly labeled, stenciled or otherwise marked on the package.

(a) *Numerical count.* When the numerical count is used the apricots in any container shall not vary more than one-fourth inch in diameter.

(b) *Minimum size.* "Minimum size" refers to the diameter of the smallest apricot in the package. It shall be stated in terms of whole and eighth inches, as 1½ inches min., 1⅝ inches min., etc. in accordance with the facts.

(c) *Description of pack.* "Description of pack" refers especially to apricots packed in 4-basket crates and shall be designated according to the arrangement of the apricots in the basket as 4–4, 4–5, 5–5, 5–6, or 6–6. These packs shall not be more than three layers deep. The figures given represent the number of rows of apricots each way in the basket. The bottom layer in any basket shall contain one row less than the two upper layers, i. e., that in a 5–5 pack the apricots in the bottom layer must not be smaller than will pack 4–5.

(d) *Tolerance.* In order to allow for variations incident to proper sizing not more than 10 percent, by count, of the apricots in any package may be below the minimum size specified.

DEFINITIONS

§ 51.2928 *Mature.* "Mature" means having reached the stage of maturity which will insure a proper completion of the ripening process.

§ 51.2929 *Well formed.* "Well formed" means having the shape characteristic of the variety.

§ 51.2930 *Damage.* "Damage" means that the apricot is injured to an extent readily apparent in the process of proper grading and handling. Well healed growth cracks not over three-eighths of an inch in length or smooth shallow limbrubs not more than one-fourth of an inch in diameter or russeting affecting not to exceed one-tenth of the surface of the apricot shall not be regarded as damage.

§ 51.2931 *Serious damage.* "Serious damage" means any deformity, or injury which causes breaking of the skin, or which seriously affects the appearance, but well healed growth cracks not over one-half inch in length shall not be regarded as serious damage.

§ 51.2932 *Diameter.* "Diameter" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end.

Dated: December 10, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-10208; Filed, Dec. 12, 1956; 8:49 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Fourth Revision, Supp. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR 301.76-2a (21 F. R. 9199), effective November 27, 1956, are hereby amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Claude Brown Farm, Box 1783, Parker (12 miles southeast of Parker on east side of Parker-Poston Road).

Ronald Bruce town residence, P. O. Box 43, Parker.

O. B. Francis Farm, P. O. Box 1551, Parker (7½ miles southwest of Parker).

A. R. Hunter Poultry Farm, Route 2, Box 405, Tempe.

Mile Hi Hatchery, P. O. Box 1711, Prescott.

J. H. Munsey town residence, P. O. Box 192, Parker.

W. J. Muse Ranch, Box 1836, Parker.

Stribling Egg Ranch, 936 Mountainview Road, Sunnyslope.

J. A. Tabor town residence, P. O. Box 1965, Parker.

R. H. Thompson residence property, P. O. Box 1836, Parker.

TK Bar Ranch, Kirkland.

CALIFORNIA

I. V. Bag Company (Nick Robolino, owner), located East A and Road 46, 304 North Ninth Street, Brawley. Mail address P. O. Box 1313, Brawley.

J. E. Conrad Ranch, 18782 Livermore Street, Reedley.

Desert Grain and Milling Co., Westmorland.

T. L. Figueroa Ranch, Route 2, Box 159, Heber.

Harry Finney Ranch, Somerset Road, SW¼ of sec. 24, T. 10 N., R. 3 W., near Hinkley.

Bud Frye Ranch, 72155 Frankwood (2 miles north of Reedley), Reedley.

Ernest Furrer Ranch, northeast corner of intersection of county roads West J and 18, El Centro.

Joseph Labandera property, located one-fourth mile south of Elkhorn on Westlawn, east side of street. Mail address Box 1B6, Burrel.

Henry Munger Feed Lot, 299 Main Street, El Centro.

George L. Pulliam (owner) Ranch, Route 1, Box 116A, Calexico.

San Pasqual Land & Cattle Co. property, northwest corner County Roads No. 53 and West E, Westmorland. Mail address 316 Main Street, Brawley.

Marie L. Scheniman property (Scheniman Stables), located at 362 Ross Avenue. Mail address P. O. Box 520, El Centro.

Clayton Taylor Farm, Route 1, Box 24½, El Centro.

Wright Feed Yards, Seeley.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Donald Ellsworth Farm Storage, P. O. Box 107, Queen Creek.

Ralph E. Feffer, Jr., Stable, 336 E. Orangewood Avenue, Phoenix.

Gainey Ranch, P. O. Box 570, Scottsdale.

F. E. Stevenson Dairy, Route 1, Box 730, Scottsdale.

CALIFORNIA

W. Harpain property (dairy), 3949 North Barton Avenue, Fresno.

Raymond J. Mettler property, located SE¼ Sec. 29, T. 28, R. 27. Mail address Route 1, Box 427, Bakersfield.

This amendment shall become effective December 13, 1956.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 316; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 7th day of December 1956.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-10209; Filed, Dec. 12, 1956; 8:49 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53, Amdt. 1]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.53, Determination of Proportionate Shares, Domestic Beet Sugar Area, 1957 Crop, issued September 25, 1956 (21 F. R. 7426), is hereby amended as hereinafter provided:

Paragraphs (j), (k), (l), (m), (n), and (o) are redesignated respectively as paragraphs (k), (l), (m), (n), (o), and (p). Subparagraph (2) of paragraph (i) is redesignated as paragraph (j) and is amended to read as follows:

(j) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers from the State acreage allocation pursuant to paragraph (g) of this section and other unused acreage that the State committee determines should be used for new producers, proportionate shares will be established in an equitable manner for farms which are to be operated by new producers during the 1957-crop year. For the purpose of this section, except where reference is made to new producers in connection with the 1955 or 1956 crop year, the term "new producer" shall mean the operator of a farm for which a 1957-crop farm base may not be established pursuant to the provisions of paragraph (i) of this section. In determining proportionate shares for new producers, the State Committee shall take into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. The entire acreage set aside for new producers shall be allotted to new producers, if requested, unless the State Committee finds that new producers would then be allotted shares out of proportion to the shares established for old producers and such committee obtains the approval of the Director to allot a lesser acreage. Any acreage set aside for new producers and not requested and any acreage allotted to new producers and remaining unused, shall be available for distribution to other farms.

Paragraph (e) is amended to read as follows:

(e) *Requests for proportionate shares.* Any operator (the producer who controls and directs the operations on the farm) or owner (or his representative) of a farm for the 1957-crop season desiring a proportionate share shall file a written request therefor. A form for this purpose may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldmen of sugar companies, or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests. To assure consideration in the initial distribution of acreage pursuant to paragraph (i) or (j) of this section, a request shall be filed on or before the date set forth below for the State: *Provided,* That a request may be accepted after such date for consideration with respect to available acreage, if the State Committee determines that the farm operator or owner was prevented from filing before such date because of absence, illness or other reason beyond his control: *And provided further,* That requests may be accepted generally by the State Committee after such date if the total acreage covered by bona fide requests filed by such date by old producers (the operators of the farms for which bases are established pursuant to paragraph (i) of this section) is less than the acreage available for distribution to old producers, or if acreage is available within the area allotment, as established pursuant to paragraph (h) of this section:

State:	
California:	*Date*
Northern Area	Oct. 26, 1956.
Imperial Area	Mar. 29, 1957.
Colorado	Feb. 1, 1957.
Idaho	Jan. 18, 1957.
Illinois	Mar. 15, 1957.
Indiana	Do.
Iowa	Mar. 1, 1957.
Kansas	Feb. 1, 1957.
Michigan	Feb. 15, 1957.
Minnesota	Feb. 1, 1957.
Montana	Do.
Nebraska	Do.
Nevada	Dec. 15, 1956.
New Mexico	Feb. 15, 1957.
North Dakota	Feb. 1, 1957.
Ohio	Mar. 1, 1957.
Oregon:	
Amalgamated Area	Jan. 18, 1957.
Utah-Idaho Area	Dec. 14, 1956.
South Dakota	Feb. 15, 1957.
Texas	Jan. 25, 1957.
Utah	Feb. 1, 1957.
Washington	Dec. 14, 1956.
Wisconsin	Feb. 15, 1957.
Wyoming	Feb. 1, 1957.

Paragraph (i) is amended to read as follows:

(i) *Establishment of individual proportionate shares for old-producer farms.*—(1) *General.* In establishing proportionate shares for individual farms from area allotments, the State Committee shall consider the factors of past production of sugar beets and ability to produce sugar beets. These factors shall be measured as hereinafter provided in this paragraph in reference to the planted sugar beet acreage record of the farm, or if the farm operator is a tenant in an area where sugar beet production is organized around tenant operators rather than around units of land, they may be measured in reference to the personal planted sugar beet acreage record of the farm operator within the State or allotment area, as specified in procedure formulated by the State Committee, or they may be measured by a combination of such farm and personal records. However, in an area where such personal records are utilized, the farm base for each farm whose operator is not a tenant or is a tenant with no such personal record shall be established solely from the farm record in the period of crop years used in measuring past production. In case of death or incapacity of a tenant, his personal sugar beet production record shall be credited to the administrator or executor of his estate or to a member of his family, if in the year of such death or incapacity, or in the following year, such administrator, executor, or family member continues as a tenant the customary sugar beet operations of the deceased or incapacitated tenant. As used in this paragraph, the term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, if it had been requested by the farm operator, except as a 1956-crop new producer.

(2) *Farm bases.* To give effect to the factors of past production and ability to produce, 1957-crop farm bases shall be established for all farms in the allotment area by one of two methods, as follows:

(i) The farm base for each farm will equal the 1956-crop share established for the farm, but if the operator of the farm is a tenant in an area where personal records of tenants will be utilized, as heretofore provided, it will equal the "1956-crop share established for the farm" operated by him for the 1956-crop year. The State Committee may provide under procedures formulated by it that a farm base will not be established as otherwise provided in this subdivision for a farm on which sugar beets were not planted during a specified period comprising at least the crops of 1954 through 1956 and if such a farm is in an area where personal production records are utilized and it is operated by a tenant, such tenant had no personal production record during such a period.

(ii) The farm base for each farm will be determined by applying a formula which gives consideration to the planted sugar beet record of the farm during not less than three crop years in the period 1950 through 1956, or in an area where personal records will be utilized as heretofore provided, to the personal sugar beet planted acreage record of the farm operator or a combination of such farm and personal records during the same selected years: *Provided,* That if such bases are determined solely from farm records, the farm base for a farm on which sugar beets were planted in either the 1955 or 1956 crop year under a new producer share shall not be less than the "1956-crop share established for the farm," and if such bases are determined by utilizing personal records, the farm base for a farm operated by a tenant who planted sugar beets in either the 1955 or 1956 crop year as a new producer within the State or allotment area, as specified in the procedure formulated by the State Committee, shall not be less than the "1956-crop share established for the farm" operated by him for the 1956 crop year.

(3) *Initial shares.* In any allotment area in which the total of farm bases is smaller than the area allotment less the set-asides of acreage made pursuant to paragraph (g) of this section, initial farm proportionate shares shall be established as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases the area allotment less such set-asides and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases. In any allotment area in which the total of farm bases is in excess of the area allotment less the set-asides of acreage made pursuant to paragraph (g) of this section, initial farm proportionate shares shall be computed by prorating to the farms in accordance with their respective bases the area allotment less such set-asides.

(4) *Adjustments.* Initial proportionate shares shall be adjusted by the State Committee to the extent determined by it to be necessary to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the allotment area, by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

Redesignated paragraph (l) is amended to read as follows:

(l) *Appeals.* A farm operator who believes that the proportionate share established for his farm pursuant to this section is inequitable, may file a written appeal for reconsideration of

such proportionate share at the local Agricultural Stabilization and Conservation county office, not later than the date shown in the notification of proportionate share, as established by the State Committee. The appeal shall be accompanied by a statement of facts constituting the basis for such appeal. The appeal shall be reviewed in such county office and forwarded with recommendations to the Agricultural Stabilization and Conservation State Office. The appeal shall be reviewed and acted upon by the State Committee, or in lieu thereof, by a sugar beet appeals committee to be designated by the State Committee and to be composed of three members, including the State Administrative Officer. Each of the two other members shall be a State committeeman or an employee of the ASC State Office. Any increase in the proportionate share approved by reason of the appeal shall be within the acreage set aside for appeals pursuant to paragraph (g) of this section and any other acreage remaining unused within the State allocation. The operator shall be notified in writing as soon as possible regarding the decision in the case. If the farm operator is dissatisfied with the decision in his case, he may appeal in writing to the Director, whose decision shall be final. In acting upon the appeal, the State Committee, the Sugar Beet Appeals Committee, or the Director shall consider only such matters as under the provisions of this determination are required or permitted to be considered by the State Committee in the establishment of the farm proportionate share to be reviewed.

Redesignated paragraph (m) is amended to read as follows:

(m) *Eligibility for payment under the act.* For any producer of 1957-crop sugar beets on the farm to be eligible for payment under the act, the acreage of sugar beets grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugar beets grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugar beets were sold by him, or were processed by or for him, for the extraction of sugar or liquid sugar for livestock feed, or the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Also, the requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugar beets marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugar beets. In addition, the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a thereto with respect to wage rates and, producer who is also a processor) prices paid for sugar beets shall have been met.

Statement of bases and considerations. This amendment makes a number of relatively minor changes in the original determination, as issued September 25, 1956. These changes chiefly provide clarifying details and a few modifying specifications.

In paragraph (e), the definition of "old producers" is made more specific. Also, provision is made for accepting late-filed requests for proportionate shares, if acreage is available within an area allotment. In addition, the closing date for accepting requests for proportionate shares in Nevada is advanced from February 15 to December 15, as desired by the Nevada ASC State Committee.

To facilitate the outlining of the procedure originally included in paragraph (i) so as to indicate chronological steps of action, paragraphs (j) through (o) are redesignated as paragraphs (k) through (p), respectively, the former subparagraph (i) (2) is redesignated as paragraph (j) and the former subparagraph (i) (1) is rewritten. In addition to indicating more specifically the required steps of action, other changes made in the amended paragraph (i) chiefly clarify the authorized variations in procedure for establishing farm bases, with certain modifications designed to provide more suitable bases for a relatively few farms. Also, with prior approval of the Director of the Sugar Division, a new clause may be made effective in areas where 1956-crop shares are used as 1957-crop bases. This clause provides in effect that in such areas the shares for farms having records of production in the early part of the base period used for the 1956 crop, but having no such records for the last three or more crops may be established as "new-producer farms" rather than "old-producer farms". This clause may also be made effective in such an area for such a farm operated by a tenant who did not plant sugar beets during such last three or more crop years and who otherwise would be credited with a personal production record during the early part of such base period. This clause should facilitate the use of higher percentages of new producer set-asides within the limits of the customary beet producing districts.

The definition of a "new producer", as now included in the redesignated paragraph (j), is simplified through reference to farm bases. Redesignated paragraph (l) is amended to conform to an amendment made effective for the 1956 crop, permitting the use of an appeals committee in the ASC State Office in lieu of the State Committee. Redesignated paragraph (m) is changed to provide in effect that specially-marked weight tickets will constitute the required evidence to be submitted by producers to county committees with respect to sugar beets used for the production of livestock sugar. Also, subject to the submission of acceptable proof, the child labor requirements of the Sugar Act will not apply to such sugar beets.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; secs. 13, 14 Pub. Law 545, 84th Cong.; 7 U. S. C. 1131, 1132)

Issued this 7th day of December 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-10170; Filed, Dec. 12, 1956; 8:45 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 873.8, Amdt. 1]

PART 873—SUGARCANE; FLORIDA

PRICES; 1955 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended, the determination of fair and reasonable prices for the 1955 crop of Florida sugarcane, issued October 3, 1955, as Part 873, § 873.8 (20 F. R. 7418) is hereby amended by deleting the period at the end of § 873.8 (a) (1) and adding the following: *"Provided,* That with respect to surplus over-quota sugar sold by the processor to the Commodity Credit Corporation, the price of raw sugar shall mean the Louisiana 1955 season's average price of raw sugar, i. e., $5.8934 per hundredweight."

Statement of bases and considerations. During the latter part of 1955 the Department undertook a program to purchase approximately 100,000 tons of sugar to relieve the surplus in the mainland cane states of Louisiana and Florida and in parts of the domestic beet sugar areas. Under this program Commodity Credit Corporation purchased approximately 18,500 tons of surplus over-quota bulk sugar from Florida raw sugar processors. The purchase price for this sugar, as well as that purchased from processors in Louisiana, was based on the 1955 Louisiana season's average price of raw sugar (the simple average of the weekly prices of 96° raw sugar, quoted by the Louisiana Sugar Exchange, Inc., for the period October 7, 1955 through April 26, 1956), determined pursuant to paragraph (b) (ii) of Sugar Determination 874.8, less 0.09 cents per pound (differential in price for sugar in bulk). This amendment relates settlement with growers for their share of the sugar sold to CCC to the Louisiana season's average price of raw sugar in lieu of the price of raw sugar as defined in § 873.8 (a) (1).

Accordingly, I hereby find and conclude that the foregoing amendment to the 1955 crop fair price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 7th day of December 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-10171; Filed, Dec. 12, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 21[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.40 *Iron and steel* is amended by adding a new paragraph (f) to read as follows:

(f) *Used standard tee and carbon steel rails and relaying rails, Schedule B Nos. 605110, 605210 and 605300.* License applications to export standard tee rails, used (over 60 lbs per yard), Schedule B No. 605110; carbon steel rails, used, Schedule B No. 605210; and relaying rails, Schedule B No. 605300 shall be supported by the following certification made by the ultimate consignee:

I (we) request that this certification be considered a part of the application for export license filed by _____
(Name of U. S. exporter)
to export to us _____
(Quantity and commodity description)
We certify that these commodities will not be used or resold for rerolling and will be used for the following end use _____

_____
(Signature of ultimate consignee)

_____
(Date of signing)

This part of the amendment shall become effective as of January 2, 1957.

2. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products,* paragraph (c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended in the following particulars:

a. Subparagraph (1) *General* is amended to read as follows:

(1) *General.* License applications to export copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100; refined copper in cathodes, billets, ingots, wire bars, and anodes and other crude forms, except copperweld rods, Schedule B No. 641200 (hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 641300 and copper-base alloy scrap (new and old), Schedule B No. 644000, will be considered for approval in accordance with the procedures described below.

b. In subparagraph (4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots,* subdivisions (i) and (v) are amended to read as follows:

(i) In order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300 and copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

* * * * *

(v) License applications to export "offshore" copper scrap and copper-base alloy scrap (scrap located in United States territories or possessions, including Alaska, outside the continental United States) will be considered for approval without regard to quota limitations established for the export of copper scrap and copper-base alloy scrap where it is shown that the scrap originated in and will be exported from a United States territory or possession. The following certification shall be entered on a license application submitted under the provisions of this subdivision:

I (we) certify that the commodities described in this application originated in (name of United States territory or possession) and will be exported from (name of United States territory or possession).

c. Subparagraph (7) *Time for submission of applications* is amended to read as follows:

(7) *Time for submission of applications.* Applications for licenses to export copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300 and copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, shall be submitted in accordance with the time schedules set forth in § 373.71. The provisions of this subparagraph do not apply to the submission of license applications to export "offshore" scrap. Such applications may be submitted at any time.

This part of the amendment shall become effective as of December 11, 1956.

3. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

The following dates are entered in the column headed "First Quarter, 1957" together with the footnotes indicated for the following commodities:

Dept. of Commerce Schedule B No.	Commodity	Submission dates
630050	Aluminum scrap (new and old).[1]	Jan. 2 to Mar. 15.
630070	Aluminum remelt ingots.[1]	
641300	Copper scrap (new and old) containing 40 percent or more copper.[2]	
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel.[2]	Jan. 2 to Mar. 1.
601170	Rerolling rails [3]	Jan. 2 to Mar. 15.

[1] See § 373.41 (d) for special licensing provisions.
[2] See § 373.41 (c) for special licensing provisions.
[3] See § 373.40 (e) for special licensing provisions.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-10156; Filed, Dec. 12, 1956; 8:45 a. m.]

[1] This amendment was published in Current Export Bulletin No. 276, dated December 11, 1956.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (4) is added to § 6.114 as set out below.

§ 6.114 *Department of Health, Education, and Welfare*—(a) *St. Elizabeths Hospital.* * * *

(4) Three positions of Medical Officers (Radiology Resident), provided that employment under this authority shall not exceed one year in any individual case.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10143; Filed, Dec. 12, 1956; 8:45 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (1) of § 6.314 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10142; Filed, Dec. 12, 1956; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 226]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
DELTA, UTAH. Municipal, 4,755'. SBRAZ-DTV-DTA. Procedure No. 1. Amendment No. 5. Effective date: January 5, 1957. Supersedes Amendment 4, dated April 2, 1955. Major changes: Change to nautical miles; minor corrections.	Delta VOR	300—2.8	7,000	W side of SW course: 188° outbound. 008° inbound. 7,000' within 10 miles.	5,800	018—3.1	T-d T-n C-dn A-dn	500–1 500–2 800–2 800–2	500–1 500–2 800–2 800–2	500–1 500–2 800–2 800–2	Within 3.1 miles, climb to 11,000' on NE course within 20 miles.
GILA BEND, ARIZ. AF AUX, 858'. SBRAZ-DTV-GBN. Procedure No. 1. Amendment No. 4. Effective date: January 5, 1957. Supersedes Amendment 3, dated February 12, 1956. Major changes: Convert to NM.	Gila Bend VOR	134—0.5	3,000	S side of W course: 247° outbound. 067° inbound. 3,000' within 10 miles. Procedure turn maneuvering area limited to 6 miles by danger area.	1,600	166—3.6	T-d C-d A-d	300–1 700–1 800–2	300–1 700–1 800–2	300–1 700–1½ 800–2	Within 0 mile, climb to 5,000' on E course within 20 miles. Night operations not authorized.
IMPERIAL, CALIF. County, 58'. SBMRLZ-DTV-ELC. Procedure No. 1. Amendment No. 1. Effective date: January 5, 1957. Supersedes Amendment Original, dated February 12, 1955. Major changes: Convert to NM.	----------	----------	----------	N side of E course: 068° outbound. 248° inbound. 1,000' within 10 miles.	700	019—4.8	T-dn C-dn A-dn	300–1 700–1 800–2	300–1 700–1 800–2	NA NA NA	Within 0 mile, turn right, climbing to 1,500' on E course within 20 miles of LFR. SHUTTLE: To 1,500' on E course within 20 miles of LFR.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
LAS VEGAS, NEV. McCarran, 2,171'. SBMRAZ-DTV-LAS. Procedure No. 1. Amendment No. 7. Effective date: January 5, 1957. Supersedes Amendment 6, dated December 7, 1955. Major changes: Change to nautical miles; includes transition from Boulder City Intersection.	Goodsprings HW	023—29.0	7,500	E side of SW course: 203° outbound. 023° inbound. 5,000' within 10 miles.	3,700	195—8.5	T-dn C-dn A-dn	800–2 1,500–2 1,500–2	800–2 1,500–2 1,500–2	800–2 1,500–2 1,500–2	Within 0 mile, climb to 6,500' on NE course within 20 miles of LFR. SHUTTLE: To 6,500' on NE and/or SW courses within 20 miles of LFR. Turns on E side of course.
	Las Vegas VOR	012—9.0	5,100								
	Kids Intersection	292—11.2	5,100								
	Intersection SW course LAS LFR and LAS VOR radial 270°.	023—9.5	5,100								
	Boulder City Intersection	312—21.0	6,500								
LAS VEGAS, NEV. McCarran, 2,171'. SBMRAZ-DTV-LAS. BVOR-LAS. Procedure No. 2. Combination LFR/VOR. Amendment No. 5. Effective date: January 5, 1957. Supersedes Amendment 4, dated April 21, 1956. Major changes: Change to nautical miles; includes transition from Boulder City Intersection.	Goodsprings HW	023—29.0	7,500	E side of NE course: 028° outbound. 208° inbound. 5,100' within 10 miles.	4,600 LFR 3,200 VOR	See note*	T-dn C-dn A-dn	800–2 1,000–1 1,000–2	800–2 1,000–1 1,000–2	800–2 1,000–1½ 1,000–2	Within 0 mile, after passing LAS VOR turn left climb to 6,000' on radial 070° within 15 miles of VOR. Alternate missed approach: When directed by ATC, climb to 6,100' on radial 211° within 10 miles of VOR. All turns S of course. *After passing LAS LFR, turn right to 225°, intercept and fly course of 180° to LAS VOR. CAUTION: 4,100' terrain 4 miles SE of LFR.
	Las Vegas VOR	012—9.0	5,100								
	Kids Intersection	292—11.2	5,100								
	Intersection SW course LAS LFR and LAS VOR radial 270°.	023—9.5	5,100								
	Boulder City Intersection	312—21.0	6,500								
LONG BEACH, CALIF. Municipal, 50'. SBMRLZ-DTV-LGB. Procedure No. 1. Amendment No. 12. Effective date: January 5, 1957. Supersedes Amendment 11, dated March 17, 1956. Major changes: Convert to NM.	La Habra FM	208—12.5	1,800	S side of SE course: 118° outbound. 298° inbound. 1,500' within 10 miles. Beyond 10 miles not authorized.	1,000	298—3.4	T-dn C-dn S-dn Runway 30 A-dn	300–1 500–1 500–1 800–2	300–1 600–1 500–1 800–2	*200–½ 600–2 500–1 800–2	Within 3.4 miles, climb to 800' on NW course, then turn left to 200°, continuing climb to intersection S course LAX LFR, and proceed to San Pedro intersection at minimum of 2,500'. *300–1 required for takeoff, runways 16, 16R, 25L, 34R. CAUTION: Circling minimums do not provide standard clearance over 500' hill 1 mile S of airport.
	Intersection SE course LGB LFR and SW course El Toro LFR.	298—15.0	1,400								
	Huntington Beach FM (final).	298—9.6	1,000								
	Long Beach VOR	237—2.1	1,500								
PULASKI, VA. Loving, 2,200'. SBMRAZ-PSK. Procedure No. 1. Amendment No. 1. Effective date: December 29, 1956. Supersedes Form ACA-1725, dated April 5, 1948.	----------	----------	----------	N side of E course: 073° outbound. 253° inbound. 5,000' within 10 miles.	3,700	248—1.8	T-d C-d A-d	1,000–2 1,500–2 2,000–2	----------	----------	Within 1.8 miles, climb to 7,000' on SW course within 20 miles. Night operations not authorized. Air carrier use not authorized.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
SAGINAW, MICH. Tri-City, 667'. BMH-TV-MBS. Procedure No. 2. Amendment No. 1. Effective date: January 5, 1957. Supersedes Amendment Original, dated November 5, 1955. Major changes: Column 12, altitude raised due to 1,160' mean sea level tower increased to 1,647' mean sea level.				S side of course: 275° outbound. 095° inbound. 1,800' within 10 miles.	1,300	At airport	T-dn C-dn A-dn	300–1 600–1 800–2	300–1 600–1 800–2	200–½ 600–1½ 800–2	Within 0 mile, climb to 2,000' on course of 095° within 20 miles of radiobeacon. CAUTION: 1,647' mean sea level tower 11.3 miles 110° from radiobeacon. 947' mean sea level tower 3 miles 170° from airport. 780' mean sea level elevator 2.2 miles W of airport.

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BRYCE CANYON, UTAH CAA Site No. 45, 7,586'. BVOR-DPTVJ-BCE. Procedure No. 1. Amendment No. 1. Effective date: January 5, 1957. Supersedes Amendment Original, dated November 19, 1953. Major changes: Change to nautical miles.				W side of course: 110° outbound. 290° inbound. 11,000' within 20 miles.	10,100	066—8.2	T-dn C-dn A-dn	1,500–3 2,500–3 2,500–3	1,500–3 2,500–3 2,500–3	1,500–3 2,500–3 2,500–3	Within 8.2 miles, climb to 13,000' on radial 045° within 20 miles of BCE VOR.
COLUMBUS, GA. Muscogee County. BVOR-CSG. Procedure No. 1. Amendment No. 3. Effective date: May 20, 1954.	PROCEDURE CANCELED OCTOBER 25, 1956. (FACILITY DECOMMISSIONED; BEING MOVED TO NEW LOCATION.)										

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distances pecified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
DOUGLAS, ARIZ. Bisbee-Douglas Intersection 4,158'. BVOR-DUG. Procedure No. 1. Amendment No. 5. Effective date: January 5, 1957. Supersedes Amendment 4, dated February 12, 1955. Major changes: Change to nautical miles.				N side of course: 298° outbound. 118° inbound. 7,000' within 10 miles.	5,200	118—4.0	T-d T-n C-d C-n A-d A-n	400–1 500–2 1,000–2 1,000–3 2,000–2 2,000–3	400–1 500–2 1,000–2 1,000–3 2,000–2 2,000–3	400–1 500–2 1,000–2 1,000–3 2,000–2 2,000–3	Within 0 mile, turn left (E) and climb to 10,000' on radial 289° within 20 miles of VOR. SHUTTLE: To 7,000' on 298° outbound, 118° inbound, within 10 miles of VOR.
EL PASO, TEX. International, 3,936'. BVOR-ELP. Procedure No. 1. Amendment No. 6. Effective date: January 5, 1957. Supersedes Amendment 5, dated May 26, 1956. Major changes: Add Newman VOR transition.	El Paso LFR	079—0.6	5,000	S side of course: 080° outbound. 260° inbound. 6,500' within 10 miles. Beyond 10 miles not authorized.#	5,000	259—4.6	T-dn C-dn S-dn 26 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2	Within 4.6 miles, turn left to 125° magnetic, climb to 5,000, intercept and proceed on radial 151° within 20 miles. Procedure nonstandard due to terrain N. *Maintain 7,000' until 5 miles W of Hueco Mountain FM. If Hueco Mountain FM not identified maintain 8,000' until over ELP VOR. #CAUTION: High terrain 9 miles E of VOR.
	Hueco Mountain Fan Marker (final).*	260—14.8	5,000								
	Newman VOR	167—9.0	6,000								
HANKSVILLE, UTAH. CAA Site No. 54, 4,480'. BVOR-DPVJ-HVE. Procedure No. 1. Amendment No. 2. Effective date: January 5, 1957. Supersedes Amendment 1, dated June 25, 1955. Major changes: Convert to NM.				S side of course: 090° outbound. 270° inbound. 7,500' within 10 miles.	5,700	283—0.5	T-dn C-dn A-dn	600–2 1,200–2 1,200–2	600–2 1,200–2 1,200–2	600–2 1,200–2 1,200–2	Within 0 mile, climb to 11,000' on radial 050° within 20 miles of VOR.
LAS VEGAS, NEV. McCarran, 2,171'. BVOR-LAS. Procedure No. 1. Amendment No. 7. Effective date: January 5, 1957. Supersedes Amendment 6, dated April 21, 1956. Major Changes: Add Boulder City Intersection; change to nautical miles.	Goodsprings HW	027—20.0	7,500	E side of course: 012° outbound. 192° inbound. 5,100' within 15 miles (within 5 miles LAS LFR). Beyond 15 miles not authorized.	*3,200	At airport	T-dn *C-dn *A-dn	800–2 1,000–1 1,000–2	800–2 1,000–1 1,000–2	800–2 1,000–1½ 1,000–2	Within 0 mile, turn left, climb to 6,000' on radial 070° within 15 miles of VOR. Alternate missed approach: When directed by ATC, climb to 6,100° on radial 211° within 10 miles. All turns S of course. NOTE: *Descent below 4,600' to 3,200' mean sea level and 1,000' ceiling minimums authorized only if position over LFR or Z marker positively determined inbound on final approach. CAUTION: 4,100' terrain 4 miles SE of LFR.
	Las Vegas LFR	192—9.0	5,100								
	Las Vegas LFR (final)	192—9.0	*3,200								
	Kids Intersection	250—13.3	5,100								
	Erie Intersection	321—14.5	6,100								
	Boulder City Intersection	285—18.0	6,500								
OGDEN, UTAH. Municipal, 4,455'. BVOR-DTV-OGD. Procedure No. 1. Amendment No. 5. Effective date: January 5, 1957. Supersedes Amendment 4, dated April 21, 1956. Major changes: Convert to nautical miles.	Huntsville FM	245—17.4	11,000	W side of course: 328° outbound. 148° inbound. 7,500' within 10 miles.	5,300	098—3.7	T-dn C-d C-n A-d A-n	400–1 800–2 800–3 800–2 800–3	400–1 800–2 800–3 800–2 800–3	400–1 800–2 800–3 800–2 800–3	Within 0 miles, climb to 9,000' on radial 259° within 20 miles of OGD VOR. SHUTTLE: to 10,000' on 328° outbound, 148° inbound, within 20 miles. All turns W of course. AIR CARRIER NOTE: Sliding scales not authorized except landings are authorized down to 1 mile visibility, provided ceiling is unlimited, and top of visibility restriction is below 7,500' mean sea level.
	Ogden LFR	245—0.9	11,000								
	Corinne FM/HW (final)	148—19.8	5,255								

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
OGDEN, UTAH. Municipal, 4,455'. BVOR-DTV-OGD. Procedure No. 2. Amendment No. 3. Effective date: January 5, 1957. Supersedes Amendment 2, dated February 12, 1955. Major changes: Convert to nautical miles; lower altitude on final approach.	Huntsville FM	244—17.4	11,000	W side of course: 149° outbound. 329° inbound 7,500' within 10 miles.	5,300	098—3.7	T-dn	400-1	400-1	400-1	Within 0 miles, climb to 9,000' on radial 259° within 20 miles of VOR. SHUTTLE: To 10,000' on 328° outbound, 148° inbound within 20 miles. All turns W of course. AIR CARRIER NOTE: Sliding scales not authorized except landings are authorized down to 1 mile visibility, provided ceiling is unlimited and top of visibility restriction is below 7,500' mean sea level.
	Ogden LFR	246—0.9	11,000				C-d	800-2	800-2	800-2	
	Corinne FM/HW	148—20.0	10,000				C-n	800-3	800-3	800-3	
	Layton FM (final)	329—10.1	5,255				A-d	800-2	800-2	800-2	
							A-n	800-3	800-3	800-3	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date.	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
EL PASO, TEX. International, 3,936'. ILS-1ELP. LOM-EL. Combination ILS and ADF. Procedure No. 1. Amendment No. 10. Effective date: January 5, 1957. Supersedes Amendment 9, May 26, 1956. Major changes: Revise transitions utilizing EWM VOR.	El Paso VOR	LOM	318—3.7	5,000	N side of NE course: 038° outbound. 218° inbound. 5,000' within 10 miles. Beyond 10 miles not authorized.	ILS 5,000	5,000—3.7	4,120—0.3	T-dn	300-1	300-1	200-½	3.7 miles after passing LOM turn left to 125°, climb to 5,000', intercept and proceed S on S course LFR or, intercept and proceed S on radial 151° ELP within 20 miles. Straight-in ILS minima 400-¾ when glide slope not used. Glide slope touch down 2,744' from runway end. Cowert Intersection: NE course ILS/EWM 103° radial.
	El Paso LFR	LOM	327—3.5	5,000		ADF 4,500 over LOM			C-dn	400-1	500-1	500-1½	
	Antelope Intersection	Cowert Intersection.	283—20.0	7,000					S-dn 22 ILS	200-½	200-½	200-½	
	Intersection W course ELP LFR and NE course ILS.	LOM	038—5.2	5,000					ADF	400-1	400-1	400-1	
	Hueco Mountain Intersection.	Cowert Intersection.	294—12.2	7,000					A-dn ILS	600-2	600-2	600-2	
	Newman VOR	Cowert Intersection.	103—3.5	6,000					ADF	800-2	800-2	800-2	
	Cowert Intersection (final)	LOM	218—6.5	ILS 5,000 / ADF 4,500									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
RALEIGH, N. C. Raleigh-Durham, 435'. ILS-1RDU. LOM-RD. Combination ILS and ADF. Procedure No. 1. Amendment No. 1. Effective date: January 5, 1957. Supersedes Amendment Original, dated February 25, 1956. Major changes: Lower ILS minima. Approach lights commissioned. Add final approach to LOM. New format.	Raleigh LFR	LOM	262—6.9	2,000	N side of SW course: 229° outbound. 049° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	ILS 1,600	1,565—3.8	640—0.6	T-dn	300-1	300-1	200-½	Within 3.8 miles after passing LOM (ADF), climb to 1,800' on NE course (038) LFR or 033° radial of VOR within 15 miles. When directed by ATC, turn left, climb to 2,000' on NW course (308°) LFR or R-313 of VOR. 400-¾ required when glide slope not utilized. *All installed components of the ILS must be operating, otherwise alternate minima of 800-2 apply.
	Raleigh VOR	OM	303—10.4	2,000		ADF over LOM 1,000			C-dn	400-1	500-1	500-1½	
	Intersection NW course RDU LFR and NE course RDU ILS.	LOM	229—4.9	2,000					S-dn-5	200-½	200-½	200-½	
	Apex Intersection (final)	LOM	049—3.5	ILS 1,600 / ADF 1,000					ADF	400-1	400-1	400-1	
									A-dn *ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	
WINDSOR LOCKS, CONN. Bradley Field, 173'. ILS-BDL. LOM-BD. Combination ILS-ADF. Procedure No. 1. Amendment No. 9. Effective date, January 5, 1957. Supersedes Amendment 8 dated May 15, 1954. Major changes: Transition changed due to relocation of Westfield LFR. Departure route added.	Weatogue Intersection (final ILS).	LOM	058—3.0	2,300	S side of SW course: 238° outbound 058° inbound. 2,300' within 10 miles.	ILS 2,300	1,650—4.5	415—0.6	T-dn	300-1	300-1	200-½	4.5 miles after passing LOM (ADF), climb to 2,500' on NE course ILS or 058 course from LOM within 15 miles. Alternate missed approach procedure when requested by ATC: Make a climbing right turn to LOM at 2,500'. Deviation from criteria authorized on straight-in landing minimums. Standard clearance not provided over ridge approximately 1 mile N of OM. CAUTION: Unlighted bills 2.4 miles NW of airport approximately 768' mean sea level. IFR departure via Hartford VOR: Departure direct from Bradley Field to the Hartford, Conn., VOR via the 355° radial is authorized at 2,000' MEA. (Departure route only.) *AIR CARRIER NOTE: 400-¾ required with glide slope inoperative.
	Weatogue Intersection (final ADF).	LOM	058—3.0	1,700		ADF 1,700 over LOM			C-dn	400-1	500-1	500-1½	
	Intersection 015° radial Hartford VOR and NE course ILS or 058° from LOM.	LOM	238—15	2,500					S-dn 6 *ILS	200-½	200-½	200-½	
									ADF	400-1	400-1	400-1	
									A-dn	800-2	800-2	800-2	

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-9974; Filed, Dec. 12, 1956; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

TETRACYCLINE-OLEANDOMYCIN PHOSPHATE FOR ORAL SUSPENSION

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for tests and methods of assay and certification of chlortetracycline (or tetracycline) and chlortetracycline- (or tetracycline-) containing drugs (21 CFR Parts 141c, 146c) are amended by adding the following new sections:

§ 141c.233 *Tetracycline-oleandomycin phosphate for oral suspension*—(a) *Potency*—(1) *Tetracycline content.* Proceed as directed in § 141c.231 (a) (1), except prepare the sample as follows: Reconstitute the powder as directed in the labeling of the drug. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and dilute to mark with 0.01N HCl. Further dilute an aliquot of this solution with sufficient 0.1 *M* potassium phosphate buffer (pH 4.5) to give a concentration of 0.24 ug. per milliliter (estimated). The average potency is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(2) *Oleandomycin content.* Proceed as directed in § 141c.231 (c) (1), except prepare the sample as follows: Reconstitute the powder as directed in the labeling of the drug. Dilute an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) with sufficient 0.1*M* potassium phosphate buffer (pH 8.0) to give a concentration of 5.0 ug. per milliliter (estimated). The average potency is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.26 (e) of this chapter.

(c) *pH.* Using the suspension prepared as directed in the labeling, proceed as directed in § 141a.5 (b) of this chapter.

§ 146c.233 *Tetracycline-oleandomycin phosphate for oral suspension.* Tetracycline-oleandomycin phosphate for oral suspension conforms to all requirements and procedures prescribed by § 146c.205 for tetracycline powder, except that:

(a) When reconstituted as directed in the labeling, each milliliter shall contain not less than 16 milligrams of tetracycline and not less than 8 milligrams of oleandomycin as the phosphate salt. The crystalline oleandomycin phosphate used conforms to the standards prescribed by § 146c.231 (a) (1).

(b) The moisture content is not more than 5 percent.

(c) The pH of the suspension when reconstituted as directed in its labeling is not less than 4.0 and not more than 7.0.

(d) Each package shall bear on its label and labeling the total number of grams of tetracycline and oleandomycin (as phosphate) contained therein, and the number of milligrams of each such drug per milliliter when reconstituted as directed in the labeling. The expiration date of the drug shall be 12 months.

(e) In addition to complying with § 146c.205 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the oleandomycin phosphate used in making the batch for potency, toxicity, moisture, pH, and crystallinity. He shall also submit in connection with his request a sample consisting of not less than 7 and not more than 14 immediate containers of the batch and (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the oleandomycin used in making the batch.

(f) The fee for the services rendered with respect to each container in the sample of oleandomycin submitted in accordance with the requirements prescribed by paragraph (e) of this section shall be $4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: December 6, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-10198; Filed, Dec. 12, 1956; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6219]

PART 301—PROCEDURE AND ADMINISTRATION

JUDGMENT CLAIMS

The purpose of this Treasury decision is to eliminate the requirement that judgment claims and certain related documents be filed with the Internal Revenue Service.

Section 301.6402-5, relating to claim for payment of judgment obtained against district director, § 301.6402-6, relating to claim for payment of judgment obtained in United States district court against the United States, and § 301.6402-7, relating to claim for payment of judgment obtained in the Court of Claims against the United States, of the regulations on procedure and administration (26 CFR Part 301), are hereby revoked.

Because this Treasury decision relieves taxpayers from certain technical requirements of existing regulations, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 10, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-10205; Filed, Dec. 12, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

PART 1466—TERMINATION OF RENEGOTIATION

MISCELLANEOUS AMENDMENTS

1. Section 1459.1 (b) (1) *Accounting methods* is amended by inserting "except as otherwise provided in these regulations," before the words "income received or accrued".

2. Section 1466.4 *Renegotiability of amounts received or accrued and allowability of costs paid or incurred after "date of termination"* is amended by adding new paragraphs (e) and (f) to read as follows:

(e) *Costs to be paid or incurred.* With respect to costs which are determined by the Board to be reasonably allocable to performance before the close of the date of termination, but which have not been paid or incurred prior to the completion of renegotiation for the fiscal year of the contractor in which the date of termination occurs, if it is reasonably anticipated that such costs will thereafter be paid or incurred, the following rules will be observed:

(1) If the renegotiation for such fiscal year is concluded by agreement, such costs will be estimated and the amount thereof which is determined by the Board to be reasonably allocable to performance before the close of the date of termination will be allowed conditionally, and there will be included in the agreement an appropriate clause providing for the repayment, as additional excessive profits, of any portion of such amount not thereafter actually paid or incurred by the contractor within two years after the date of termination.

(2) If the renegotiation for such fiscal year is concluded by order, such estimated costs will not be allowed. However, the risk that the contractor will thereafter be required to pay such costs will be taken into consideration under § 1460.12 of this subchapter.

(f) *Limitation on post-termination costs.* Notwithstanding the provisions of paragraphs (d) and (e) of this section, no cost which has not been paid or incurred within two years after the date of termination will be allocated to performance before the close of the date of termination. If, at the time of renegotiation, it appears that a cost has been or is likely to be paid or incurred more than two years after the date of termination, consideration will be given thereto under § 1460.12 of this subchapter together with the other risks assumed by the contractor. The determination of when a cost is paid or incurred shall be made in accordance with the method of accounting employed by the contractor for purposes of renegotiation. The time limitation specified in the first sentence of this subparagraph shall not apply to costs which are accounted for by the completed contract method of accounting.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: December 10, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-10207; Filed, Dec. 12, 1956; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1371]

[Fairbanks 013140]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF TERRITORIAL POLICE AS AN ADMINISTRATION SITE

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska, which is a portion of the lands withdrawn for townsite purposes by Public Land Order No. 808 of February 27, 1952, is hereby withdrawn from sale or disposal and reserved and set apart under the jurisdiction of the Department of the Interior for use by the Department of Territorial Police as an administrative site, under such conditions as may be prescribed by the Department of the Interior:

Lots 1 and 2, United States Survey No. 2770.

The tracts described contain 2.49 acres.

Public Land Order No. 808 of February 27, 1952, is hereby modified to the extent necessary to permit the use of the land by the Department of Territorial Police.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DECEMBER 7, 1956.

[F. R. Doc. 56-10182; Filed, Dec. 12, 1956; 8:47 a. m.]

[Public Land Order 1372]

[884507]

OREGON

REVOKING EXECUTIVE ORDER NO. 3242 OF MARCH 6, 1920, WHICH WITHDREW LANDS FOR USE OF FOREST SERVICE AS FORT ROCK ADMINISTRATIVE SITE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 3242 of March 6, 1920, temporarily withdrawing the following-described public lands in Oregon for use of the Forest Service, Department of Agriculture, as the Fort Rock Administrative Site, is hereby revoked:

WILLAMETTE MERIDIAN

T. 25 S., R. 14 E.,
Sec. 29, SW¼.

The area described contains 160 acres.

The restored land lies one mile north of the Town of Fort Rock, which is situated in the northwest corner of Lake County, Oregon.

The lands have been classified for disposal to a qualified applicant for historic monument purposes pursuant to the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869).

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DECEMBER 7, 1956.

[F. R. Doc. 56-10183; Filed, Dec. 12, 1956; 8:47 a. m.]

[Public Land Order 1373]

[73213]

MONTANA

PARTIAL REVOCATION OF EXECUTIVE ORDER OF SEPTEMBER 10, 1913, WHICH CREATED POWER SITE RESERVE NO. 397

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of September 10, 1913, creating Power Site Reserve No. 397, is hereby revoked so far as it effects the following-described land:

MONTANA PRINCIPAL MERIDIAN

T. 16 N., R. 19 W.,
Sec. 2, NE¼SE¼.

The area described aggregates 40 acres.

The lands are tribal lands of the Flathead Indians and are, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict and others.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DECEMBER 7, 1956.

[F. R. Doc. 56-10206; Filed, Dec. 12, 1956; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11809; FCC 56-1217]

PART 1—PRACTICE AND PROCEDURE

PART 66—APPLICATIONS RELATING TO CONSOLIDATION. ACQUISITION OR CONTROL OF TELEPHONE COMPANIES

In the matter of promulgation of Part 66, rules governing applications filed by telephone companies pursuant to section 221 (a) of the Communications Act of 1934, as amended, to consolidate their properties or a part thereof into a single company, or for authority for one or more companies to acquire the whole or part of the property of another company or other telephone companies, or the control thereof by the purchase of securities, or in any other like manner; Docket No. 11809.

Report and order. 1. On September 4, 1956, the Commission released a notice of proposed rule making proposing to promulgate a new Part 66 of its rules and regulations relating to applications under section 221 (a) of the Communications Act of 1934, as amended. The proposed Part 66 is designed to replace rules and regulations currently appearing in § 1.527 of Part 1 and also includes new provisions to reflect changes in section 221 (a) which became effective on August 2, 1956, under Public Law 914, 84th Congress. This notice was published in the FEDERAL REGISTER on September 8, 1956 (21 F. R. 6842) in accordance with section 4 (a) of the Administrative Procedure Act. Interested persons were given until October 1, 1956, to file comments on the proposed rules and ten days thereafter were allowed for filing comments or briefs in reply to the original comments.

2. The time for filing comments regarding the above-mentioned proposed rule making has expired. The Commission received timely comments from the American Telephone and Telegraph Company (AT&T) on behalf of the Bell System Telephone Companies, the Communication Workers of America AFL-CIO (CWA) and the following telephone associations: United States Independent Telephone Association (USITA), Iowa Independent Telephone Association, Tennessee Telephone Association, Pennsylvania Independent Telephone Association, Texas Telephone Association, California Independent Telephone As-

cycline and not less than 8 milligrams of

judgment claims and certain related

of termination will be allowed condi-

sociation, Michigan Independent Telephone Association, Georgia Telephone Association, Virginia Independent Telephone Association, Wisconsin State Telephone Association, The Nebraska Telephone Association, Ohio Independent Telephone Association. No comments or briefs in reply to the original comments were received, and no one requested a public hearing with respect to this matter.

3. AT&T, while expressing general agreement with Part 66, suggested that various paragraphs of proposed § 66.11 be rearranged to present a more logical order under which applications may be completed. We agree that the rearrangement proposed is more logical and therefore this suggestion is being adopted.

4. AT&T also suggested that §§ 66.11 (h) and 66.12 (e) be combined, the resultant paragraph to become § 66.11 (e) under the rearrangement described above. This change likewise appears desirable and is being adopted.

5. AT&T suggested that § 66.12 (f) (proposed as § 66.12 (g)) be deleted, on the grounds that a realistic estimate of the amount of plant to be retired can only be made after acquisition and actual experience in the operation of the property, and that such data, if furnished in the application would seem to be used primarily for accounting purposes. On the contrary, the Commission requires such data primarily for the purpose of testing the reasonableness of the proposed purchase price, which, among other factors, may have an important bearing on the question whether the proposed transaction is in the public interest. The Commission therefore desires to obtain such forecasts of probable plant retirements in each transaction, and the AT&T suggestion that § 66.12 (f) be deleted is not being adopted.

6. AT&T suggested that the dimensions of the posted notice required by § 66.13 be reduced from 20 x 24 inches to 15 x 18 inches, stating that certain of its associated companies had experienced difficulty in finding printing shops, especially in the smaller towns, capable of printing the 20 x 24 inch notices. Inasmuch as the dimensions suggested by AT&T appear sufficiently large to serve the purpose, this suggestion is being adopted. AT&T also suggests that § 66.13 be supplemented by adding the phrase "or in lieu thereof at a conspicuous place in the city(ies) or town(s) in and around which the property is located" immediately after the phrase "subscribers * * * customarily transact telephone company business". In support of this suggestion, AT&T states that in certain communities the telephone company has no business office, and that the only place where telephone company business is transacted may be some commercial establishment which collects for the company on a commission basis, or the home of the agent who operates the switchboard. Opposition may therefore be encountered in posting notices in premises not under direct control of either the applicant or the vendor. It is believed that the alternative posting provision is required to meet such special circumstances, and therefore this suggestion is being adopted.

7. The Communication Workers of America suggested that a new § 66.13 (e) be added to the proposed rules to require that the applicant serve a copy of the application on the duly recognized or certified collective bargaining representative of the employees employed in the exchange area or areas served by the properties proposed to be acquired, consolidated or merged, and that the applicant certify to the Commission that such notice has been given. This suggestion is discussed below.

8. The United States Independent Telephone Association suggested that the proposed rules should provide that the applicant shall send by registered mail a notification similar to that required in § 66.13 (a) (1) through (5) to the United States Independent Telephone Association and a similar notification to the state association of telephone companies, if any, of the state wherein all or any part of the property is located, and that the applicant shall file certifications with the Commission evidencing such notifications. The state telephone associations listed hereinabove advanced similar suggestions that the rules require that notice of the filing of such applications be furnished to USITA and to the state telephone associations either by the applicant or by the Commission itself. USITA and certain of these state telephone associations argued that, since section 221 (a) provides telephone associations a right to request a hearing mandatorily with respect to such applications, that right may be breached if adequate and timely notice of the filing of applications is not furnished to such associations. USITA argues further that it is not equitable to provide requirements for notification, as proposed in § 66.13, to the general public or to the affected telephone subscribers, who have no statutory rights for a mandatory hearing, without also providing requirements for notice to be given to telephone associations which do have such rights.

9. With regard to the matter of notice, section 221 (a) specifically requires that notice of the filing of applications pursuant thereto with the Commission be given to the governor of each state in which the physical property affected is situated, as well as to the state commissions having jurisdiction over telephone companies in such states. The determination of any others to be notified, as well as the means of giving such notice, is left to the discretion of the Commission. Pursuant to such discretion, the Commission has provided in the proposed rules for general notice to the public to be given by the posting of notices by the applicant, and by publication of such notices in newspapers. In addition a list of all such applications received for filing by the Commission will appear in a Public Notice issued by the Commission through its Office of Reports and Information. Since both USITA and CWA maintain their headquarters in Washington, D. C., the last mentioned public notice will be readily available to them. The Commission is of the opinion that to require applicants to serve individually the organizations for which such service has been requested and furnish affidavits of such service would be an unnecessary burden in view of the adequate general notice otherwise provided for. The suggestions of the CWA and the USITA are therefore not being adopted.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of adopting these rules substantially in the form proposed except as outlined herein;

It is ordered, That under the authority contained in sections 4 (i) and 221 (a) of the Communications Act of 1934, as amended, the Commission's rules and regulations are amended as set forth below, effective January 15, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 221, 70 Stat. 932; 47 U. S. C. 221)

Adopted: December 5, 1956.

Released: December 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Part 1 of the Commission's rules and regulations is amended by deleting § 1.527 in its entirety.

2. New Part 66, as set forth hereinafter, is adopted.

PART 66—APPLICATIONS RELATING TO CONSOLIDATION, ACQUISITION, OR CONTROL OF TELEPHONE COMPANIES

Sec.
66.11 Contents of applications.
66.12 Supporting data and exhibits required with applications.
66.13 Publication and posting of notices.
66.14 General provisions.
66.15 Procedure.

AUTHORITY: §§ 66.11 to 66.15 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154.

§ 66.11 *Contents of applications.* Applications under section 221 (a) shall contain the following information:

(a) The exact name and address of each applicant and of each vendor;

(b) The Government, State, or Territory, under the laws of which each corporate applicant and each vendor was organized;

(c) The name, title and post office address of the person to whom correspondence in regard to the application should be addressed;

(d) A statement as to whether each applicant and each vendor is a carrier subject to the act and what change or changes in status will result from the proposed transaction;

(e) The manner in which the properties, or control, will be acquired and the consideration, in money and otherwise, to be paid by each applicant, together with a statement justifying the proposed purchase price;

(f) In a proposed consolidation or merger, the name of the company resulting therefrom, the capitalization proposed therefor, and the amount and class of capital stock and other securities proposed to be issued;

(g) Statement of action of the stockholders or directors of each applicant and each vendor approving the proposed

transaction, giving date and place of each meeting;

(h) With respect to the property being acquired, a reasonable approximation of the principal plant items being acquired, such as:

(1) Number of poles;
(2) Miles of aerial wire;
(3) Miles of cable by size and type (e. g.—aerial);
(4) Number of telephones;
(5) Type and number of switchboards;
(6) Land and Buildings;
(7) Vehicles;
(8) Other property;

(i) Specific information with respect to the proposed acquisition, consolidation or control, including but not limited to the following:

(1) The type of service currently being provided and the number of subscribers by classes of service;

(2) The quality of the service currently being provided;

(3) The adequacy of the service currently being provided;

(4) The condition of the plant;

(5) Criticisms regarding existing services;

(j) Facts as to any intercorporate relations through holding companies, ownership of securities or otherwise, between the parties to the transaction;

(k) Statement as to whether applicant has extended any financial aid to the vendor during the past five years;

(l) The extent to which the facilities to be acquired or controlled (by purchase, lease, or otherwise) parallel or are competitive with the facilities of the proposed purchaser or others;

(m) A statement as to whether the proposed transaction has been presented to the regulatory authority of each state in which the property is situated, and, if so, the status thereof;

(n) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be acquired, a complete statement describing the manner by which the respective labor forces will be integrated or merged, and the treatment proposed to be accorded employees of the acquired company or companies by the acquiring company, with due regard to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; location of employment; job assignments; seniority; and other conditions of employment.

(o) Specific reasons why the proposed transaction will be of advantage to the persons to whom service is to be rendered and in the public interest, such as:

(1) Improvements in exchange service;
(2) Improvements in toll service;
(3) Improvements in private line service;
(4) Provision of extended area service;
(5) Use of different techniques, such as, conversion from magneto to common battery or manual to dial operation;
(6) Elimination of held orders and provisions for future growth requirements;
(7) Resolution of service criticisms;
(8) Integration with the other operations of the applicant(s);
(9) The approximate time within which the improvements in subparagraphs (1) to (8) of this paragraph will be realized;

(p) Any additional facts or reasons in support of the application.

§ 66.12 *Supporting data and exhibits required with the application.* There shall be filed with and made a part of the original of each application under section 221 (a) the following:

(a) One copy of the charter, articles of incorporation and the bylaws of each applicant, duly certified (such copies as are already on file with the Commission may be incorporated in the application by reference);

(b) In applications involving mergers or consolidations, one copy of resolutions of the stockholders or directors of each of the applicants approving the proposed transaction, such resolutions to be properly attested and accompanied by appropriate excerpts from the minutes, showing the number of votes cast for and against each such resolution;

(c) Map or sketch indicating the facilities of each telephone carrier in the area involved, and the location and ownership of exchange and toll properties before and after consummation of the proposed transaction;

(d) A recent balance sheet and an income statement of each party involved;

(e) A statement showing the original cost of the plant to be acquired and related reserve amounts with respect to the plant items to be acquired as shown on the books of the vendors, if available; estimated amounts shall be shown if actual amounts are not available and the purchase is in excess of $25,000;

(f) Description of the plant to be acquired which applicant expects to retire upon acquisition and the approximate date(s) thereof; estimated portion of total purchase price represented by such plant;

(g) Copy of any contract or contracts, exclusive of right-of-way and attachment contracts and traffic agreements, entered into between the parties to the transaction with respect to any of the telephone properties or service included in the proposed transaction;

(h) With respect to the full-time employees employed in the exchange area or exchange areas served by the properties proposed to be acquired, consolidated, or merged, a table showing for each such employee, by name, job classification, length of service, wage rate and location of employment; except that where twenty-five or more full-time employees are employed in any exchange area served by the properties to be acquired, consolidated or merged with another exchange area or exchange areas, such information with respect to those employees may be given on a group basis by job classification;

(i) Copies of any pension or benefit plans which are referred to in the statements supplied pursuant to § 66.11 (n);

(j) Classes of service currently rendered through the property to be acquired and rates therefor;

(k) Classes of service which applicant proposes to provide and rates therefor, if known, if not known, then estimated, in the following:

(1) Immediately upon acquisition;
(2) After completion of any planned rehabilitation of plant or conversion to dial.

(l) A copy of the action of any regulatory body, referred to in § 66.11 (m).

§ 66.13 *Publication and posting of notices.* (a) Immediately upon the filing of an application under this section the applicant shall post a public notice at least fifteen inches (15") by eighteen inches (18"), with letters of commensurate size, in a conspicuous place at each office where the subscribers, served by the property to be acquired, customarily transact telephone company business, or in lieu thereof, at a conspicuous place in the city(ies) or town(s) in and around which the property is located, for at least thirty (30) days, which notice shall contain the following information, as may be applicable:

(1) Date of first posting of notice;
(2) Name of applicant;
(3) A statement that application has been filed with the Federal Communications Commission;
(4) A general description of the areas wherein the property to be acquired, merged or consolidated, for which the certificate is being sought, is located;
(5) A statement that any member of the public desiring to protest or support the application may communicate in writing with the Federal Communications Commission, Washington 25, D. C., on or before a specified date which shall be thirty (30) days from the date of first posting of the notice.

(b) Immediately upon the filing of an application of the nature described in paragraph (a) of this section, the applicant shall also cause to be published a notice of not less than four (4) column inches in size containing information listed in paragraph (a) (1) through (5) of this section at least once during each of two consecutive weeks, in some newspaper or newspapers of general circulation in the community or communities to be affected, or in lieu of causing a notice to be published, the applicant shall have the alternative of mailing or delivering by messenger a notification containing information similar to that specified in paragraph (a) (1) through (5) of this section, to each subscriber of telephone service in the areas affected.

(c) When the posting, as required by paragraph (a) of this section, has been completed, applicant shall certify such fact to the Commission, stating the dates and places of posting.

(d) When the publication or notification, as required in paragraph (b) of this section, has been completed, the applicant shall submit to the Commission an affidavit evidencing due publication or notification thereof.

§ 66.14 *General provisions*—(a) *Copies required.* The original and five copies of the application shall be furnished to the Commission for its use.

(b) *Additional information.* The applicant shall furnish any additional in-

formation which the Commission may

formation which the Commission may require after a preliminary examination of the application.

(c) *Form.* Applications under section 221 (a) of the Communications Act shall be submitted on paper not more than 8½ inches wide and not more than 14 inches long, with a left hand-margin of at least 1½ inches. This requirement shall not apply to original documents or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations may be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letter press, or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

§ 66.15 *Procedure.* A public hearing is held with respect to each of these applications where a request therefor is made by a telephone company, an association of telephone companies, a State Commission, or a local governmental authority, or in such other cases as the Commission may determine. Where hearings are to be held, reasonable notice thereof is given by the Commission to the Governor of each State in which the physical property affected, or any part thereof, is situated, and to the State Commission having jurisdiction over the telephone companies and to such other parties as the Commission may deem advisable.

[F. R. Doc. 56-10213; Filed, Dec. 12, 1956; 8:50 a. m.]

[Docket No. 11619; FCC 56-1144]

[Rules Amdt. 9-6]

PART 9—AVIATION SERVICES

STANDARD TECHNICAL REQUIREMENTS

Correction

In Federal Register Document 56-9659, published at page 9203 of the issue for Tuesday, November 27, 1956, the following changes should be made:

1. In § 9.180 (a), subparagraph (4) should read as follows:

(4) Aeronautical fixed stations on frequencies from 1605 to 4000 kc with power of 200 watts and below ---------- 0.01
and with power above 200 watts ---------- 0.005

2. The table in § 9.181 (b) should read as follows:

Class of emission	Emission designer	Authorized bandwidth	
		Below 50 Mc	Above 50 Mc
A1	0.1A1	0.25 kc	50 kc.
A2	2.1A2	2.724 kc	
A3	6A3	8.0 kc	
F1	1.7 F1	1.7 kc	
F1	2.5 F1	2.6 kc	
P	(1)	(1)	

[1] To be specified on the authorization.

3. Paragraph (e) of § 9.181 should read as follows:

(e) Emissions other than, or bandwidths in excess of, those listed in paragraph (b) of this section, may be authorized upon a satisfactory showing of need therefor. An application requesting such special authorization shall fully describe the emission desired and the required bandwidth and state the purpose for which such operation is proposed.

4. Paragraph (a) of § 9.188 should read as follows:

§ 9.188 *Type acceptance of equipment.* (a) A manufacturer of a type of transmitter intended for use in these services may request type acceptance for such transmitter by following the type acceptance procedure set forth in Part 2, Subpart F, of this chapter.

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

BURNS INDIAN VILLAGE, WARM SPRINGS AGENCY, OREGON

DECEMBER 4, 1956.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1945 (60 Stat. 238 U. S. C. 1001) and pursuant to the Acts of August 11, 1914 and March 7, 1928 (33 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon by Order No. 551, amendment No. 1 approved June 5, 1951 (16 F. R. 3456-3457), a revised notice is hereby given of intention to modify § 130.105 *Charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited in the Burns Indian Village, Warm Springs Agency jurisdiction, Oregon, as follows:

To establish a basic water charge for the Burns Indian Village, Warm Springs Agency, of $12.65 per acre per annum. The basic water charge for the Warm Springs Unit is to remain at $2.00 per acre per annum.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DON C. FOSTER,
Area Director.

[F. R. Doc. 56-10176; Filed, Dec. 12, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956 Supp. 154]

SAFEGUARD INSURANCE CO. ET AL.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

DECEMBER 10, 1956.

Pursuant to an agreement of merger, effective midnight December 31, 1956, approved by the Insurance Commissioner of the State of Connecticut and the Superintendent of Insurance of the State of New York, London & Lancashire Indemnity Company of America and Safeguard Insurance Company of New York, both New York corporations, will merge into Orient Insurance Company, a Connecticut corporation, and the name of the latter will be changed to Safeguard Insurance Company.

Under the agreement of merger all the property, real, personal and mixed, and all the debts due the above-named constituent corporations on whatever account shall be deemed to be transferred to and vested in the Safeguard Insurance Company, a Connecticut corporation (formerly named the Orient Insurance Company) without any deed, assignment or transfer; and all rights of creditors and policyholders and liens upon the property of any of said constituent corporations, shall continue in existence so far as may be necessary to preserve the same; and all debts and liabilities and duties of any of such constituent corporations shall thenceforth be attached to the Safeguard Insurance Company, a Connecticut corporation, and may be enforced against it to the same extent as if incurred or contracted by it.

As a result of the merger a certificate of authority has been issued, effective midnight December 31, 1956, by the Secretary of the Treasury to Safeguard Insurance Company, Hartford, Connecticut, (formerly named Orient Insurance Company) under the act of Congress approved July 30, 1947, 6 U. S. C. 6-13, as an acceptable surety on federal bonds. The certificates of authority issued to London & Lancashire Indemnity Company of America, New York, New York, and to Orient Insurance Company, Hartford, Connecticut, will terminate effective midnight December 31, 1956. An underwriting limitation of $1,007,000 has been established for Safeguard Insurance Company, Hartford, Connecticut. Further details as to the extent and localities with respect to which Safeguard Insurance Company is acceptable as surety on federal bonds will appear in the next issue of Treasury Department Form 356.

No action need be taken by bond-approving officers, by reason of the merger, with respect to any bond or other obligation in favor of the United States or in which the United States has an interest, direct or indirect, issued on or before December 31, 1956, by London & Lancashire Indemnity Company of America or by Orient Insurance Company pursuant to the certificates of authority issued to the companies by the Secretary of the Treasury.

Copies of Treasury Department Form 356, when issued, and further details as to this merger may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-10202; Filed, Dec. 12, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[038003]

ARKANSAS

NOTICE OF WITHDRAWAL AND RESERVATION OF LAND; CORRECTION

DECEMBER 7, 1956.

In Federal Register Document 56-9604, appearing at page 9195 of the issue of Saturday, November 24, 1956 (Vol. 21, No. 228), the land description should be T. 4 S., R. 28 W., in lieu of T. 4 N., R. 28 W.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 56-10177; Filed, Dec. 12, 1956; 8:46 a. m.]

[Classification No. 45]

NEW MEXICO

SMALL TRACT CLASSIFICATION

DECEMBER 7, 1956.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 123.41 acres in Santa Fe County, New Mexico as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 N., R. 9 E.,
Sec. 29, Lot 4 and Lot 5;
Sec. 32, Lot 11.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 1 mile southwest of the Santa Fe city limits, and are bounded on the south by the Santa Fe River. Access to the area may be gained via Alameda Street, a well known street in the City of Santa Fe, New Mexico. The topography varies from flat bottomland to rough and hilly. The soils are medium textured and drainage is adequate to excessive. The altitude is 7,000 feet and the average yearly rainfall is 14 inches. The average annual temperature is 46° F. with temperature extremes of 4° to 95° F. The City of Santa Fe provides adequate religious, medical, educational and business facilities. No utilities are now available, but electricity could be provided. Heating could be obtained by using bottled gas and water can be obtained by drilling wells.

4. The lands will be leased in tracts varying in size from 2.99 acres to 3.36 acres. The lands will be subject to all existing rights-of-way and to rights-of-way 33 feet in width as per schedule below.

LOCATION OF RIGHTS-OF-WAY

33 feet along the east border of the following tracts: Tract Nos. 13, 15, 24, 26, 37, 44, 53, 55, 58 and 60;

33 feet along the west border of the following tracts: Tract Nos. 14, 25, 27, 38, 43, 54, 56, 57 and 59;

33 feet along the south border of the following tracts: Tract Nos. 40 and 48;

33 feet along the north border of tract No. 41;

33 feet along the south and east borders of the following tracts: Tract Nos. 16, 18, 39, 45 and 47;

33 feet along the north and east borders of the following tracts: Tract Nos. 21, 23, 42, 50 and 52;

33 feet along the north and west borders of the following tracts: Tract Nos. 20, 22, 49 and 51;

33 feet along the south and west borders of the following tracts: Tract Nos. 17 and 46;

33 feet along the east and west borders of tract No. 12;

33 feet along the south, east and west borders of tract No. 19.

The following tracts are appraised at $150 per tract with an advance rental of $45.00 (annual rental $15.00): Tracts 43, 44, 45, 46, 47, 49, 50, 51, 52, 54, 56, 57, 59, 60, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26. The remaining tracts, namely, 37, 38, 39, 40, 41, 42, 48, 53, 55, 58, 14, 15 and 27 are appraised at $75.00 per tract with an advance rental of $30.00 (annual rental, $10.00). Tracts No. 12, 13, 57 and 44 are under application from individuals having statutory preference.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards: The house must be suitable for year-round use, and be constructed on a permanent foundation with a minimum of 600 square feet of floor space divided into at least three rooms. All improvements must be neat appearing and constructed in a workmanlike manner with attractive, properly finished materials. The house shall contain running water, modern plumbing and have adequate sewage and sanitary facilities.

7. Applicants must file, in duplicate, with the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico application form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to applications under the Small Tract Act. All valid applications filed prior to January 12, 1951 will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after January 12, 1951, and prior to 10:00 a. m. January 14, 1957 will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after January 14, 1957 and prior to 10:00 a. m. April 15, 1957, will be considered as simultaneously filed at that time. All other valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 1251, Santa Fe, New Mexico.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 56-10178; Filed, Dec. 12, 1956; 8:46 a. m.]

[C-010778]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CORRECTION

DECEMBER 4, 1956.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 541, section 2.5, dated April 21, 1954, (19 F. R. 2473), Order Providing for Opening of Public Lands, Colorado 010778 dated October 22, 1956, and appearing in 21 F. R. 8242–43 is corrected to read as follows: Under paragraph 3: "Within the above described areas are 1523.43 acres of public lands."

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 56–10179; Filed, Dec. 12, 1956; 8:46 a. m.]

[Serial No. Idaho 06589]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 6, 1956.

The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of Section 4 of the act of August 18, 1894 (28 Stat. 422, 43 U. S. C. Sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of these tracts. The State of Idaho, therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 2 E.,
Sec. 25, N½SW¼.

The area described totals 80 acres of public lands.

The lands described are located in Idaho Grazing District No. 1, and lie about 8½ miles northwesterly from Grandview, Idaho. The land is arid and sloping with a range in elevation of 200 feet with general lava outcropping. A small acreage of the tract has silt loam soil which under irrigation might be developed for agricultural production.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other nonmineral public land-law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on January 11, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 12, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on April 12, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the States mining laws, beginning 10:00 a. m., on April 12, 1957.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 56–10180; Filed, Dec. 12, 1956; 8:46 a. m.]

[Misc. NM–5]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 5, 1956.

In an exchange of lands made under the provisions of Section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 S., R. 10 W.,
Sec. 8, SE¼, S½SW¼, NW¼SW¼;
Sec. 17, N½.

The area described aggregates 600 acres.

The land is situated about five miles southeast of Hermanas, New Mexico. It is practically level, with a slight southeast slope and a semi-sandy loam soil, interspersed by gravel and small malpais rock.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under the public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on January 10, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on April 11, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on January 10, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

The lands, except the SE¼ of Section 8, T. 29 S., R. 10 W., N. M. P. M., have been open to applications and offers under the mineral leasing laws, and to location under the mining laws. The lands described as the SE¼ of Section 8, T. 29 S., R. 10 W., N. M. P. M., will be open to location under the United States mining laws beginning 10:00 a. m. on January 10, 1957.

Persons claiming veteran's preference rights under the above paragraphs, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 56–10181; Filed, Dec. 12, 1956; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Fairbanks 013247, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for communications system purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KUSKOKWIM RIVER AREA

Commencing at U. S. C. & G. S. Station "Spar" latitude 61°07'11.275" North and longitude 155°35'42.261" West; thence S. 22° 05' W. approximately 4,415 feet to the True Point of Beginning; thence South 800 feet; thence West 800 feet; thence North 800 feet; thence East 800 feet to the Point of Beginning and containing 14.69 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56–10185; Filed, Dec. 12, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Fairbanks 013070, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but excluding the mineral leasing laws and the disposal of materials under the Materials Act. The applicant desires the land for administrative and public recreation site purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NOME AREA

A parcel of land situated approximately three miles north of the Townsite of Nome, in the Second Judicial Division, Territory of Alaska, and being more particularly described as follows:

Commencing at U. S. C. & G. S. Station "Anvil" latitude 64°33'41.900" N., longitude 165°23'09.333" W. thence N. 74°03'11" East for a distance of approximately 2,500 feet to the True Point of Beginning for this description; thence north 600 feet; thence east 500 feet; thence south 600 feet; thence west 500 feet to the Point of Beginning and containing 6.89 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56–10184; Filed, Dec. 12, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Fairbanks 012980, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for communications system purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BIG DELTA AREA

T. 10 S., R. 10 E., Fairbanks Meridian,
Section 14: Lot 1.

Containing approximately 18.23 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56–10186; Filed, Dec. 12, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Anchorage 031693, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for communication system purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SOLDOTNA

T. 5 N., R. 10 W., Seward Meridian,
Section 8: E½SW¼SW¼SW¼, W½SE¼SW¼SW¼.

Containing 10 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56–10187; Filed, Dec. 12, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Anchorage 031940, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for use in connection with Air Force communication construction program in the area.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NAKNEK, ALASKA

Beginning at Corner No. 9 of the Air Navigation Site Withdrawal No. 169, as established on 6/19/50; thence approximately N. 22° 00' E. for a distance of 1,598 feet, more or less to the True Point of Beginning; thence north for a distance of 800 feet to a point; thence East for a distance of 800 feet, to a point; thence South for a distance of 800

feet to a point; thence West for a distance of 800 feet to the True Point of Beginning and containing 14.69 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-10188; Filed, Dec. 12, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Health, Education and Supply Welfare has filed an application, Serial No. Anchorage 031958, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for municipal watershed purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BARANOF ISLAND

An unsurveyed parcel of land situated on Baranof Island in the vicinity of Sitka, Alaska, more particularly described as follows:

Beginning at Corner No. 5 of Tract B of U. S. Survey No. 407; thence S. 65° 30' E., 1,000 feet; thence S. 24° 30' W., 1,300 feet; thence N. 65° 30' W., 1,000 feet; thence N. 24° 30' E., 1,300 feet to the point of beginning.

Containing 29.843 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-10189; Filed, Dec. 12, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Anchorage 031933, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but excluding the mineral leasing laws and the disposal of materials under the Materials Act. The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SECOND BEAVER LAKE

T. 17 N., R. 3 W., S. M.,
Section 8: Lot 12.

Containing 4.58 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-10190; Filed, Dec. 12, 1956; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Native Service has filed an application, Serial No. Fairbanks 012485, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for school purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CHEVAK, ALASKA

Beginning at a point located N. 24° E. 50 feet from the Northwest corner of the Alaska Native School Building; thence N. 66° W. 150 feet to a point; thence S. 24° W. 220 feet to a point; thence S. 66° E. 425 feet to a point; thence N. 24° E. 220 feet to a point; thence N. 66° W. 275 feet to the point of beginning.

Containing 2.10 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-10191; Filed, Dec. 12, 1956; 8:48 a. m.]

Bureau of Reclamation

UNCOMPAHGRE PROJECT, COLORADO

ORDER OF REVOCATION

OCTOBER 8, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 20, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of October 24, 1902 and March 30, 1905; insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 95 W.,
Sec. 24: SW¼NE¼ and SE¼NW¼.

The above areas aggregate 80 acres.

E. G. NIELSEN,
Acting Commissioner.

[73443]

DECEMBER 7, 1956.

I concur.

The land is included in reclamation homestead entry, Denver 036094, and is, therefore, not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

E. J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 56-10192; Filed, Dec. 12, 1956; 8:48 a. m.]

MILK RIVER PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 17, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

MONTANA PRINCIPAL MERIDIAN, MONTANA

T. 30 N., R. 26 E.,
Sec. 1, lot 3.
T. 28 N., R. 39 E.,
Sec. 15, lot 3 and SW¼NE¼.

The above areas aggregate 105.09 acres.

N. B. BENNETT,
Acting Assistant Commissioner.

[Montana 020916]

[70209]

DECEMBER 7, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands will be disposed of by the Bureau of Reclamation under the provisions of the act of March 31, 1950 (64 Stat. 39; 43 U. S. C. 375b).

E. J. THOMAS,
Acting Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Milk River Project, Montana

NOVEMBER 17, 1955.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Montana, for use in connection with the Milk River Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed, and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

N. B. BENNETT,
Acting Assistant Commissioner.

[F. R. Doc. 56-10193; Filed, Dec. 12, 1956; 8:48 a. m.]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA

ANNUAL OPERATION AND MAINTENANCE CHARGES AND ANNUAL WATER RENTAL CHARGES

NOVEMBER 30, 1956.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the calendar year 1957 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $8.00 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72 dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the division under public notice. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of calendar year 1957 will be applied against the minimum charges for water during calendar year 1958. No credit will be given for water purchased during calendar year 1957 at the minimum charge but undelivered at the end of calendar year 1957.

Where in the opinion of the Chief, Operations Division, Yuma Project Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Chief, Operations Division that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1957, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1957 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: the minimum annual charge shall be $8.00 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot. All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Annual water rental charges for lands in the Valley Division not under public notice.* Irrigation water will be furnished during the calendar year 1957 for lands in the Valley Division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States, upon a rental basis under approved applications for temporary water service, at the following rates:

(a) The minimum annual charge shall be $13.00 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per irrigable acre. Additional water, if available, will be furnished at the rate of $1.50 per acre-foot.

(b) The charge per calendar year for each city or town lot having a maximum width not exceeding sixty (60) feet shall be $13.00. Where lots exceed sixty (60) feet in width, each sixty (60) feet of additional width or fractional part thereof shall be considered as one additional lot.

All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for under subdivision (a) hereof but not used.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of Payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma Air Base, or mailed to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

W. H. TAYLOR,
Regional Director.

[F. R. Doc. 56-10194; Filed, Dec. 12, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in all counties in the State of Kansas except the 37 listed in 20 F. R. 7054, a production emergency still exists and has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Accordingly, the time for making initial production emergency loans in all counties in the State of Kansas except the 37 listed in 20 F. R. 7054, which was extended to December 31, 1956, by a designation dated December 30, 1955 (21 F. R. 118), is hereby further extended through December 31, 1957.

Thereafter production emergency loans in such counties will be approved only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., on this 7th day of December 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-10172; Filed, Dec. 12, 1956; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

POLLUTION OF INTERSTATE WATERS OF CORNEY DRAINAGE SYSTEM (ARKANSAS-LOUISIANA)

NOTICE OF PUBLIC HEARING

Take notice that pursuant to the authority vested in the Surgeon General of the Public Health Service by the Secretary of Health, Education, and Welfare under date of November 6, 1956 (21 F. R. 8779), a public hearing concerning the pollution of the interstate waters of the Corney Drainage System (Arkansas-Louisiana) will be held at the City Hall Auditorium, Homer, Louisiana beginning at 10:00 a. m. on Wednesday, January 16, 1957, before a board consisting of the following named persons:

Chester S. Wilson, Chairman; Kenneth E. Biglane, Harold C. Jackson (representing the United States Department of Commerce), Glen T. Kellogg (representing the Arkansas Water Pollution Control Commission), Blucher A. Poole.

Under findings of the Surgeon General dated June 9, 1954, and amendments thereto, made in accordance with the Water Pollution Control Act (P. L. 845, 80th Cong., as amended, 62 Stat. 1155, 33 U. S. C. 466) the persons named in the appendix below, operating the oil leases therein indicated, are discharging salt brines, acids, oil spillage and other sub-

stances contributing to pollution to the interstate waters of the Corney Drainage System, which pollution originates in the State of Arkansas and endangers the welfare of persons in the State of Louisiana.

On the basis of the evidence presented at the public hearing, the Board will make recommendations to the Secretary of Health, Education, and Welfare concerning the measures, if any, which it finds reasonable and equitable to abate such pollution.

The failure of any of the persons named in the appendix below to appear at and participate in the hearing in response to this notice will not delay the hearing and the Board may proceed, hear and receive evidence, and take other appropriate action affecting such party (42 CFR 81.8, 21 F. R. 6706).

Notice is further given that other interested persons or agencies desiring to appear and testify before the Board may make written application therefor, specifying the nature of their interest, addressed to the Surgeon General, Public Health Service, Washington 25, D. C. Such applications should be received not later than January 6, 1957.

Dated: December 5, 1956.

[SEAL] L. E. BURNEY,
Surgeon General.

APPENDIX

PERSONS OPERATING ARKANSAS OIL WELL LEASES DISCHARGING MATTER CONTRIBUTING TO THE POLLUTION OF INTERSTATE WATERS OF THE CORNEY DRAINAGE SYSTEM (ARKANSAS-LOUISIANA)

Village Field—Columbia County Arkansas (Township 17 South, Range 19 West)

OPERATOR; LEASE; AND LOCATION

McAlester Fuel Co., McAlester Building, Magnolia, Ark.; J. G. Alexander Est. B–1; SE, SE, Sec. 8.

Williams, Sellers & Ewing, 936 Candler Avenue, Shreveport, La.; J. G. Alexander No. 1; SW, SE, Sec. 8.

McAlester Fuel Co., McAlester Building, Magnolia, Ark.; Haskell A–1; SW, SW, Sec. 9.

E. G. Bradham and C. B. Ragsdale, 401 First National Bank Building, El Dorado, Ark.; Machen No. 1; SW, SE, Sec. 9.

E. G. Bradham, 401 First National Bank Building, El Dorado, Ark.; Machen No. 3; SW, SE, Sec. 9.

E. G. Bradham, 401 First National Bank Building, El Dorado, Ark.; E. D. Harris No. 1; SW, NW, Sec. 10.

D. E. Bradham, 401 First National Bank Building, El Dorado, Ark.; E. D. Harris No. 2; On section line between NW, SW, Sec. 10 and NE, SE, Sec. 9.

E. G. Bradham, 401 First National Bank Building, El Dorado, Ark.; Tissue No. 1; NW, SW, Sec. 14.

E. G. Bradham, 401 First National Bank Building, El Dorado, Ark.; Harris-Gunnels No. 1; 1320' N. 330' E. of SWc NE SW (or on line between SE NW and NE SW, Sec. 14).

E. G. Bradham and C. B. Ragsdale, 401 First National Bank Building, El Dorado, Ark.; Booth No. 2; SE, NE, Sec. 14.

E. G. Bradham, 401 First National Bank Building, El Dorado, Ark.; T. Crumpler No. 1; NW, NW, Sec. 15.

E. G. Bradham and C. B. Ragsdale, 401 First National Bank Building, El Dorado, Ark.; Threadgill No. 1; N½, SE¼, Sec. 15.

E. G. Bradham and C. B. Ragsdale, 401 First National Bank Building, El Dorado, Ark.; Threadgill No. 4; NW, SE, Sec. 15.

E. G. Bradham and C. B. Ragsdale, 401 First National Bank Building, El Dorado, Ark.; A. A. Gunnels No. 1; NE, NW, Sec. 16.

E. G. Bradham and C. B. Ragsdale, 401 First National Bank Building, El Dorado, Ark.; J. J. Gunnels No. 1; NW, NE, Sec. 16.

E. G. Bradham, 401 First National Bank Building, El Dorado, Ark.; J. J. Gunnels No. 2; SE, NE, Sec. 16.

Spottsville Field—Columbia County Arkansas (Township 18 South, Range 18 West)

McAlester Fuel Co., McAlester Building, Magnolia, Ark.; T. O. Giles Est. A–1; NW, NE, Sec. 6.

Atlanta Field—Columbia County Arkansas (Township 18 South, Range 19 West)

E. G. Bradham and C. B. Ragsdale, 401 First National Bank Building, El Dorado, Ark.; Longino-Talley 1–X; S½, S½, SW¼, Sec. 11–18–19.

[F. R. Doc. 56–10144; Filed, Dec. 12, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

BLOOMFIELD STEAMSHIP CO.

NOTICE OF APPLICATION

Notice is hereby given of the application of Bloomfield Steamship Company for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to permit operation of its owned vessel S. S. "Alice Brown" by the charterer of said vessel, States Marine Corporation, on a voyage commencing on or about December 26, 1956, carrying lumber and lumber products from United States Pacific ports to United States Atlantic ports, north of Cape Hatteras.

Any person, firm, or corporation having an interest in such application and desiring a hearing on issues pertinent to section 805 (a) should, within eight (8) days from the date of publication of this notice in the FEDERAL REGISTER notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

By order of the Maritime Administrator.

Dated: December 11, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56–10230; Filed, Dec. 12, 1956; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F–44]

AEROJET-GENERAL NUCLEONICS

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on November 28, 1956 Aerojet-General Nucleonics, San Ramon, California, filed an application under section 104 of the Atomic Energy Act of 1954 for a license to construct, possess and operate at its San Ramon site five nuclear reactors designed to operate at 100 milliwatts and which, after operational tests, are to be sold or leased to properly licensed institutions. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 30th day of November 1956.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 56–10174; Filed, Dec. 12, 1956; 8:46 a. m.]

[Docket No. F–43]

U. S. NAVAL POSTGRADUATE SCHOOL

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on November 28, 1956 the U. S. Naval Postgraduate School, Monterey, California, filed an application under section 104 of the Atomic Energy Act of 1954 for a license to acquire, possess and operate a 100-milliwatt nuclear reactor (designated as AGN–201, Serial No. 100) at Monterey, California. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 30th day of November 1956.

For the U. S. Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 56–10175; Filed, Dec. 12, 1956; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2564]

CHICAGO AND SOUTHERN AIR LINES, INC.; REOPENED DELTA-C&S MAIL RATE CASE

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Chicago and Southern Air Lines, Inc., over its Latin American route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held January 8, 1957, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

The above-entitled matter has been reopened for further proceedings by Board Order No. E–10593, issued on September 6, 1956. For further information regarding the scope of this proceeding, interested parties are referred to said Order No. E–10593 and the Report of Prehearing Conference in this matter, served on October 9, 1956, each of which documents is on file with the Docket Section, Civil Aeronautics Board, Washington, D. C.

Notice is further given that any person not a party of record desiring to be heard in this proceeding must file with the Board on or before January 8, 1957, a statement setting forth the matters of fact or law that he desires to advance.

Dated at Washingon, D. C., December 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56–10211; Filed, Dec. 12, 1956; 8:50 a. m.]

[Docket No. 8261]

LINEAS AEREAS COSTARRICENSES, S. A.

NOTICE OF HEARING

In the matter of the application of Lineas Aereas Costarricenses, S. A. for an extension of its foreign air carrier permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on January 3, 1957, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 7, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56–10212; Filed, Dec. 12, 1956; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 56–1219]

[Amdt. O–26]

REGIONAL MANAGERS AND MARINE OFFICES

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 5th day of December 1956;

The Commission having under consideration the closure of its Regional offices and the establishment of an independent Marine office at San Pedro, California to replace the San Pedro Ship office formerly a function of the Los Angeles District office and a Marine office to replace the Tampa Sub-office formerly a function of the Miami District office.

It is ordered, Pursuant to section 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and section 3 (a) of the Administrative Procedure Act that Part O of the Commission's Statement of Organization, Delegations of Authority and Other Information is hereby amended, effective January 2, 1957, as set forth below.

Released: December 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend section 0.43 (e) to read as follows:

(e) Field Operating Division and its associated Field organization consisting of District offices, their Sub-offices, Marine offices, and Monitoring stations.

2. Amend section 0.48 (b) to read as follows:

0.48 (b) The Field Group includes the District offices, their Sub-offices, Marine offices and Monitoring stations. The District offices inspect radio stations; conduct commercial and amateur operator examinations; conduct investigations of interference situations including unlicensed radio operations; conduct engineering studies and make engineering measurements for enforcement purposes and for the information of the Commission; and process applications for interim ship licenses (small craft), citizen radio station licenses where equipment is type approved, and commercial radio operator licenses. The Sub-offices are engaged in essentially the same work as the District Offices to which they are attached. The Marine Offices are engaged primarily in ship inspection work. The Monitoring Stations perform the actual surveillance of the radio spectrum. They detect and locate illegal clandestine radio stations and sources of interference; enforce radio laws and regulations; gather facts through monitoring to resolve interference problems and for studies of proposed rules and developments; and locate lost planes and ships through direction finding.

3. Amend section 0.49 to read as follows:

0.49 *Location of field offices and monitoring stations.* (a) District Offices and their Sub-offices are located at the following address:

Radio district	Address of the engineer in charge	Territory within district	
		States	Counties
1	1600 Customhouse, Boston 9, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	1005 New U. S. Customhouse, Philadelphia 6, Pa.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and New York.
4	5th Floor, McCawley Bldg., 400 East Lombard St., Baltimore 2, Md.	Delaware	Kent and Sussex.
		Maryland	All except District 24.
		Virginia	Clarke, Fairfax all except District 24, Fauquier, Frederick, Loudon, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur.
5	Room 402, Federal Bldg., Norfolk 10, Va.	North Carolina	All except District 6.
		Virginia	All except Districts 4 and 24.
6	718 Atlanta National Bldg., 50 Whitehall St. SW., Atlanta 3, Ga.	Alabama	All except District 8.
		Georgia	All counties.
	Sub-office: P. O. Box 77, 214 Post Office Bldg., Savannah, Ga.	North Carolina	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Yancey.
		South Carolina	All counties.
		Tennessee	Do.
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla.	Florida	All except District 8.
8	608 Federal Bldg., 600 South St., New Orleans 12, La.	Alabama	Baldwin and Mobile.
		Arkansas	All counties.
	Sub-office: 419 U. S. Courthouse and Customhouse Mobile 10, Ala.	Florida	Escambia.
		Louisiana	All counties.
		Mississippi	Do.
		Texas	City of Texarkana only.
9	324 U. S. Appraisers Bldg., 7300 Wingate St., Houston 11, Tex.	Texas	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Madison, Matagorda, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Starr, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala.
	Sub-office: P. O. Box 1527 (329 Post Office Bldg., 300 Willow St.), Beaumont, Tex.		

Radio district	Address of the engineer in charge	Territory within district	
		States	Counties
10	P. O. Box 5238, 500 U. S. Terminal Annex Bldg. (Houston and Jackson Sts.), Dallas 22, Tex.	Oklahoma	All counties.
		Texas	All except District 9 and the city of Texarkana.
11	1425 U. S. Post Office and Courthouse, Temple and Spring Sts., Los Angeles 12, Calif.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
	Sub-office: 15-C, U. S. Customhouse, San Diego 1, Calif.	Nevada	Clark.
12	323-A Customhouse (555 Battery St.), San Francisco 26, Calif.	California	All except District 11.
		Nevada	All except Clark.
13	507 New U. S. Courthouse, 620 SW. Main St., Portland 5, Oreg.	Idaho	All except District 14.
		Oregon	All counties.
		Washington	Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.
14	802 Federal Office Bldg. (First Ave. and Marion), Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone.
		Montana	All counties.
		Washington	All except District 13.
15	521 New Customhouse (19th between California and Stout Sts.), Denver 2, Colo.	Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
		New Mexico	All counties.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade Pennington, Shannon, Washabaugh.
16	208 Uptown Post Office and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Algor, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All counties except District 15.
		North Dakota	All counties.
		Wisconsin	All counties except District 18.
17	3100 Federal Office Bldg., 911 Walnut St., Kansas City 6E, Mo.	Iowa	All except District 18.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All except District 15.
18	826 U. S. Courthouse, 219 South Clark St., Chicago 4, Ill.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, Lafayette, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
		Kentucky	All counties except District 19.
19	1029 New Federal Bldg., Detroit 26, Mich.	Kentucky	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitely, Wolf, and Woodford.
		Ohio	All counties.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
20	328 Post Office Bldg., Buffalo 3, N. Y.	New York	All except District 2.
		Pennsylvania	All except District 3.
21	502 Federal Bldg., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2987, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico	
		Virgin Islands	
23	P. O. Box 644, Room 53, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska. Suboffice: P. O. Box 1421, 6 Shattuck Bldg., Juneau, Alaska.	Alaska	
24	Briggs Bldg., 22 and E Sts. NW., Washington 25, D. C.	District of Columbia and 10 miles beyond the boundary of the District of Columbia in each direction.	

(b) The Marine Offices are located at the following addresses:

Marine Office, 409–410 Post Office Building, Tampa 2, Florida.

Marine Office, P. O. Box 1569, Room 326, U. S. Post Office & Courthouse, San Pedro, California.

(c) The Primary Monitoring Stations are located at the following addresses:

Federal Communications Commission, P. O. Box 458, Millis, Massachusetts.

Federal Communications Commission, P. O. Box 5165, Portland 16, Oregon.

Federal Communications Commission, P. O. Box 4, Powder Springs, Georgia.

Federal Communications Commission, P. O. Box 744, Santa Ana, California.

Federal Communications Commission, P. O. Box 1142, Lanikai, Oahu, T. H.

(d) The Secondary Monitoring Stations are located at the following addresses:

Federal Communications Commission, Mail Address: P. O. Box 810, Fairbanks, Alaska.

Federal Communications Commission, P. O. Box 5098, Ft. Lauderdale, Florida.

Federal Communications Commission, P. O. Box 251, Chillicothe, Ohio.

Federal Communications Commission, P. O. Box 366, Denison, Texas (Ambrose).

Federal Communications Commission, P. O. Box 44, Belfast, Maine; Searsport, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Washington.

Federal Communications Commission, c/o Postmaster, Douglas, Arizona (Replaces Twin Falls, Idaho, January 1, 1957).

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

4. Amend 0.271 to read as follows:

0.271 *Matters delegated to the Bureau Chief, and Chief Field Operating Division.* (a) The Chief of the Field Engineering and Monitoring Bureau or, in his absence, the Acting Chief of the Field Engineering and Monitoring Bureau is delegated authority to act upon the following matters which are not in hearing status:

(1) Except as otherwise provided in § 1.377 of the Commission's rules, with respect to the construction, marking and lighting of antenna towers and supporting structures, to exercise the functions of the Commission as set forth in Part 17 of its rules and regulations: *Provided, however,* That in cases in which the Airspace Sub-committee of the Air Coordinating Committee recommends denial of any application or the report of this committee indicates a lack of agreement among its members (§ 17.4 (d)) of the Commission's rules, the Chief of the Field Engineering and Monitoring Bureau advises the Bureau concerned in order that it may submit the application to the Commission for appropriate action.

(2) Waiver of rules, regulations and orders of the Commission relating to the proper time for filing of renewals of commercial and amateur radio operator licenses.

(3) Temporary operation by radio station licensees, except licensees of Standard and FM broadcast stations, with a licensed operator of lower grade than normally required or for waiver of other technical requirements for operators.

(4) With respect to the operation of industrial, scientific, and medical equipment subject to Part 18 of the Commission's rules, to issue, in accordance with section 312 (c) of the act, (1) orders to show cause why a cease and desist order pursuant to section 312 (b) should not be issued; and (2) cease and desist orders, in those instances in which the allegations of the show cause order are, by regulation of the Commission, deemed to admitted.

(5) To suspend commercial operator licenses and to designate the matter for hearing, as provided for in § 1.404 of the rules.

(b) The Chief of the Field Engineering and Monitoring Bureau or the Chief, Field Operating Division are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 12.156 of the Commission's rules with respect to the operation of amateur stations during a state of general communications emergency.

5. Delete Section 0.283.

6. Amend 0.284 to read as follows:

0.284 *Authority delegated to engineers at sub-offices, marine offices, and to engineers engaged in ship inspection duties at radio district offices.* (a) The engineers at each sub-office of a district headquarters office of the Field Engineering and Monitoring Bureau is delegated authority to act upon all matters contained in § 0.281, except subparagraph (b).

(b) The engineer at each marine office of the Field Engineering and Monitoring Bureau is delegated authority to act upon matters set forth in § 0.281 (g), (j) and (k).

(c) Engineers engaged in ship inspection duties at radio district offices of the Field Engineering and Monitoring Bureau are delegated authority to act upon matters set forth in § 0.281 (j) and (l).

[F. R. Doc. 56–10129; Filed, Dec. 12, 1956; 8:50 a. m.]

[Docket Nos. 11738, 11739; FCC 56M–1124]

SOUTH DADE BROADCASTING CO., INC., AND J. M. PACE

ORDER AFTER THIRD HEARING CONFERENCE

In re applications of South Dade Broadcasting Co., Inc., Homestead, Florida, Docket No. 11738, File No. BP–10009; J. M. Pace, Homestead, Florida, Docket No. 11739, File No. BP–10198; for construction permits.

The Hearing Examiner having under consideration the scheduling of further proceedings herein pursuant to an informal conference before the Hearing Examiner on December 6, 1956, participated in by counsel for each applicant and for the Chief of the Broadcast Bureau; and

It appearing that the following matters, except as noted in paragraph 2, were agreed to by all counsel:

1. Counsel for each applicant will notify other counsel and the Hearing Examiner by letter on or before Thursday, December 20, 1956, whether he desires to cross-examine any persons whose direct testimony has heretofore been received subject to cross-examination, including in such letter the names of the witnesses desired to be cross-examined;

2. The cross-examination by depositions as herein contemplated shall be conducted in or near Homestead, Florida, at a specified place and before a qualified officer to be agreed upon by applicants-counsel, and the deposition proceedings, by determination of the Hearing Examiner and absent agreement of the parties, shall be commenced on or before Friday, January 4, 1957, unless another date is agreed upon by counsel for the applicants;

3. Each applicant shall present for cross-examination at the appointed time and place such witnesses as are requested for cross-examination without further notice to the parties or the witnesses than is provided for by this order;

4. In the event that neither applicant desires to cross-examine witnesses and so notifies the other parties as provided in paragraph 1 above, then each party agrees to waive the right to offer rebuttal evidence, and accordingly the hearing record in this proceeding may forthwith be closed by summary order without further notice to the parties;

5. In the event the record is to be closed without further evidentiary proceedings as provided in paragraph 4, the parties will not be required to file proposed findings of fact and conclusions of law, but the right to do so is recognized and such pleadings may be filed within 20 days after the closing of the record as provided in the rules;

6. If any cross-examination of witnesses is conducted as herein contemplated and if rebuttal evidence is desired by either party, then such testimony shall be forthwith adduced by deposition in or near Homestead, Florida, immediately after completion of the cross-examination of the direct case witnesses;

7. Objections to deposition evidence will not be deemed to have been waived if not stated before the officer taking the depositions and will be considered as timely if presented when the depositions are offered in evidence; and

8. In the event that a further hearing is required for the purpose of offering in evidence and ruling upon the depositions hereinabove provided for, such further hearing shall be commenced at the offices of the Commission in Washington, D. C., at 10:00 a. m. on January 31, 1957; and

It further appearing that adherence to the foregoing agreements and determinations will conduce to the proper dispatch of the Commission's business and to the ends of justice; now therefore:

It is ordered, This 7th day of December 1956, that the agreements and procedural determinations hereinabove stated are approved, and unless modified for cause or pursuant to the Commission's rules, the foregoing statements and provisions to the extent of their applicability shall govern the conduct of the hearing in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–10214; Filed, Dec. 12, 1956; 8:50 a. m.]

[Docket No. 11834; FCC 56M–1126]

SEACO, INC.

ORDER SCHEDULING HEARING

In the matter of Seaco, Inc., Orlando, Florida, Docket No. 11834; order to show cause why the licenses for special industrial radio stations KIK 385 and KC 7607 should not be revoked, or, in the alternative, why a cease and desist order should not be issued against the licensee of said stations.

It is ordered, This 7th day of December 1956, that the hearing in the above-entitled proceeding will be held at 10:00 a. m. on January 15, 1957, in Orlando, Florida.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–10215; Filed, Dec. 12, 1956; 8:50 a. m.]

[Docket No. 11862; FCC 56M–1125]

BAY RADIO, INC., AND MID-AMERICA BROADCASTERS, INC.

ORDER CONTINUING HEARING CONFERENCE

In the matter of Bay Radio, Inc. (Assignor) and Mid-America Broadcasters, Inc. (Assignee), Docket No. 11862, File No. BAL–2369; for assignment of license of Station KEAR, San Francisco, California.

The Hearing Examiner having under consideration a motion filed on December 7, 1956, by Milton Stern, Jr., protestant in the above-entitled proceeding, requesting that the pre-hearing conference presently scheduled for December 10, 1956, be continued until an early date in January 1957, preferably January 4, 1957, since previous commitments in San Francisco, and the intervening holidays, prevent the appearance of the protestant in Washington, D. C., during the remainder of the month of December; and

It appearing that public interest requires an early consideration of the instant motion and good cause has been shown for the grant thereof; and that all counsel have informally agreed to such continuance;

It is ordered, This 7th day of December 1956, that the motion be and it is hereby granted; and that the pre-hearing conference in the above-entitled proceeding be and it is hereby continued to January 4, 1957, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–10216; Filed, Dec. 12, 1956; 8:50 a. m.]

[Docket Nos. 11879–11881; FCC 56–1205]

SOUTHERN TELEVISION CORP. (WTOK) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southern Television Corporation (WTOK), Meridian, Mississippi, Docket No. 11879, File No. BP–10019; Birney Imes, Jr. (WMOX), Meridian, Mississippi, Docket No. 11880; File No. BP–10163; Mississippi Broadcasting Company, Carthage, Mississippi, Docket No. 11881, File No. BP–10637; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1956;

The Commission having under consideration the above-captioned applications for construction permits by Southern Television Corporation to change the facilities of Station WTOK, Meridian, Mississippi, from operation on 1450 kilocycles with a power of 250 watts, unlimited time, to operation on 1010 kilocycles with a power of 1 kilowatt night and 10 kilowatts day, directional antenna, unlimited time, File No. BP-10019; by Birney Imes, Jr., to change the facilities of Station WMOX, Meridian, Mississippi, from operation on 1240 kilocycles with a power of 250 watts, unlimited time, to operation on 1010 kilocycles with a power of 1 kilowatt night and 10 kilowatts day, directional antenna, unlimited time, File No. BP-10163; and by the Mississippi Broadcasting Company for a new standard broadcast station at Carthage, Mississippi, to operate on 1010 kilocycles with a power of 5 kilowatts, directional antenna, daytime only, File No. BP-10637; and

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to construct and operate its station as proposed, but that operation of the three stations as proposed would result in mutually destructive interference; that the proposed operations of Stations WTOK and WMOX may not be in compliance with § 3.28 (c) of the Commission's rules because interference which they would receive from Stations KRLA, Little Rock, Arkansas, and CMBQ, Havana, Cuba, would affect more than 10 per cent of the population in the normally protected primary service area of each, and would not be in compliance with § 3.188 (b) (1) of the Commission's rules because the 25 mv/m contour of each would not encompass the business and industrial section of the city sought to be served; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated January 10, May 10, and September 21, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants indicating that it would appear at a hearing on its application; and

It further appearing that Southern Broadcasting Corporation contends that its proposal would comply with § 3.28 (c) of the Commission's rules, but that, if the Commisison is of the opinion that it would not, a waiver of said section should be granted on the grounds that the deviation is not excessive and that the proposal would provide additional service to a substantial area; and a waiver of § 3.188 (b) (1) of the Commission's rules is requested on the ground that the 25 mv/m contour of the proposed operation of Station WTOK would encompass more of the business and industrial section of Meridian, Mississippi, than does the 25 mv/m contour of the existing operation of Station WTOK; but that we are unable to conclude on the basis of the information before us that waivers of said sections of the rules would here be warranted; and

It further appearing that Birney Imes, Jr., has requested a waiver of § 3.28 (c) of the Commission's rules on the ground that the interference to the proposed operation of Station WMOX would be less than the interference now received by the existing operation of Station WMOX and a substantial gain of service would result; and a waiver of § 3.188 (b) (1) on the ground that the slight deviation involved would be offset by the material gain in service to Meridian, Mississippi; but that we are unable to conclude on the basis of the information before us that waivers of said sections of the rules would here be warranted; and

It further appearing that in the event of a grant of the application of Southern Television Corporation, it will be necessary for the permittee to submit measurements to prove compliance with §§ 3.48 and 2.524 of the Commission's rules for approval of the proposed transmitter for operation on the nighttime power requested; and that in the event of a grant of the application of the Mississippi Broadcasting Company, it will be necessary for the permittee to submit measurements in accordance with §§ 3.48 and 2.524 for approval of its proposed composite transmitter; and

It further appearing that, after consideration of the foregoing and the subject applicants' replies to the Commission's above-referenced letters, we are of the opinion that a hearing on these applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operation proposed by the Mississippi Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WTOK and WMCX, and the availability of other primary service to such areas and populations.

3. To determine whether the operations proposed by the Southern Television Corporation and by Birney Imes, Jr. would comply with §§ 3.28 (c) and 3.188 (b) (1) of the Commission's rules, and whether, if they do not comply, circumstances exist which warrant waivers of said sections.

4. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, whether a grant of the Carthage, Mississippi proposal or one of the Meridian, Mississippi proposals, herein, would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event that one of the Meridian, Mississippi proposals is favored under Issue 4, which of the operations proposed by the Southern Television Corporation and Birney Imes, Jr., for Meridian, Mississippi would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each of said applicants to own and operate its station as proposed.

(b) The proposals of each of said applicants with respect to the management and operation thereof.

(c) The programming service proposed in each of said applications.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, Southern Television Corporation; Birney Imes, Jr.; and Mississippi Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, in the event of a grant of the application of Southern Television Corporation or Mississippi Broadcasting Company, the permittee shall submit measurements to prove compliance with §§ 3.48 and 2.524 of the Commission's rules with respect to the proposed transmitter.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10217; Filed, Dec. 12, 1956; 8:50 a. m.]

[Docket No. 11882; FCC 56-1207]

OREGON RADIO, INC. (KSLM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Oregon Radio, Incorporated (KSLM), Salem, Oregon, Docket No. 11882, File No. BP-10272; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1956;

The Commission having under consideration the above-captioned application of Oregon Radio, Incorporated, for a construction permit to increase the daytime power of Station KSLM, Salem, Oregon, from 1 kilowatt to 5 kilowatts to operate on 1390 kilocycles with a power of one kilowatt, nighttime, unlimited time;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station KSLM as proposed, but that the proposed operation would cause objectionable interference to Station KBCH, Ocean Lake, Oregon (1400kc, 250w, U); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated May 31, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that Station KBCH opposed the grant of the subject application by letter dated January 10, 1956; and

It further appearing that a timely reply to the Commission's letter was received from the applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KSLM as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Station KBCH, Ocean Lake, Oregon, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

It is further ordered, That Lincoln Electronics, Inc., licensee of Station KBCH, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, Oregon Radio, Incorporated and Lincoln Electronics, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That in the event of a grant of the instant application, the construction permit shall contain the following condition:

The permittee shall assume the responsibility for the installation and initial adjustment of any equipment that may be required to prevent the reradiation by either KSIM or KOCO of cross modulation products produced by the interaction of signals from the two stations.

Released: December 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10218; Filed, Dec. 12, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3535]

OHIO FUEL GAS CO. ET AL.

NOTICE OF PROPOSED MERGER OF ONE SUBSIDIARY INTO ANOTHER AND CAPITAL CONTRIBUTION BY HOLDING COMPANY

DECEMBER 7, 1956.

In the matter of The Ohio Fuel Gas Company, Natural Gas Company of West Virginia, The Columbia Gas System, Inc.; File No. 70-3535.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiaries The Ohio Fuel Gas Company ("Ohio Fuel") and Natural Gas Company of West Virginia ("Natural Gas") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, 12 (b), and 12 (d) thereof and Rules U-43, U-45, and U-45 (b) (6) thereunder as applicable to the proposed transactions. Reference is made to said application-declaration on file in the offices of the Commission for a full statement of the transactions proposed, including the accounting adjustments to be made with respect thereto, which are summarized as follows:

Ohio Fuel, an Ohio corporation, and Natural Gas, a West Virginia corporation, are gas utility companies operating entirely within the State of Ohio. Pursuant to an agreement of merger, Natural Gas will be merged into Ohio Fuel, the surviving corporation. Upon the effective date of merger, Natural Gas will transfer all its assets to Ohio Fuel, and Ohio Fuel will assume all its liabilities including promissory notes in the principal amount of $4,026,000 owing to Columbia.

At August 31, 1956, Columbia carried its investment in the capital stock of Natural Gas at $6,635,963.33, represented by the aggregate par value of the common stock, $5,647,200, plus $988,763.33 of earned surplus accumulated prior to September 30, 1946. Against such carrying value Columbia has provided a reserve of $906,942.94 by charging its earned surplus accumulated since September 30, 1946. During the period from September 30, 1946, to August 31, 1956, Natural Gas has incurred an earned surplus deficit of $1,731,038.83. In accordance with the agreement of merger, Columbia will increase its investment in Natural Gas by making a cash capital contribution to Natural Gas equal to such earned surplus deficit, plus $30 (in order to make the net worth of the common stock of Natural Gas divisible by $45, the par value of the Ohio Fuel common stock). By resolution of its board of directors, Natural Gas will transfer to earned surplus from the capital surplus created by Columbia's contribution, an amount equal to the deficit in the former account, following which $30 will remain in its capital surplus account. Columbia will then adjust its investment in the capital stock of Natural Gas to that company's then book net worth, which will be the par value of its common stock plus $30. As of August 31, 1956, this will require a charge of $1,812,859.22 by Columbia to its earned surplus accumulated since September 30, 1946. Upon consummation of the above described accounting adjustments, all of the common stock of Natural Gas, being 56,472 shares having an aggregate net worth (par value plus $30 of capital surplus) of $5,647,230 will be exchanged for 125,494 shares of Ohio Fuel's common stock having an identical aggregate par value.

Natural Gas has a carry-forward Federal income tax loss of approximately $2,000,000. Columbia does not propose to give effect to such loss in allocating consolidated Federal income taxes under Rule U-45 (b) (6), since such loss was not a factor in determining the terms of the merger, and since, if such allocation were made, Ohio Fuel would receive a credit for which it furnished no consideration.

The proposed merger is a further step in Columbia's overall plan of property realignment designed to consolidate the retail gas business in each state into a single gas utility company, and the wholesale gas business of the system into a single company.

The Public Utilities Commission of Ohio, by order dated December 15, 1955, has approved the proposed merger.

It is stated that the fees and expenses to be paid by the respective companies in connection with the merger will be supplied by amendment.

Notice is further given that any interested person may, not later than December 27, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10195; Filed, Dec. 12, 1956; 8:48 a. m.]

[File No. 812-1038]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND MAGNECORD, INC.

NOTICE OF FILING OF APPLICATION FOR AN ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

DECEMBER 7, 1956.

American Research and Development Corporation ("Research"), Boston, Massachusetts, a registered closed-end, nondiversified investment company, and Magnecord, Incorporated ("Magnecord"), Chicago, Illinois, an affiliate of Research, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") requesting an order exempting certain transactions summarized below from the provisions of section 17 (a) of the act.

Magnecord, an Illinois corporation organized in 1946, with its subsidiary, Magne Music, Inc., is engaged in the manufacture of professional industrial and consumer magnetic recording tape and recording equipment for recording sound or any other information which can be translated into electric impulses.

Research owned the following outstanding securities of Magnecord as of October 15, 1956:

Securities	Outstanding	Research's holdings	Percent
Nonconvertible notes due Apr. 1, 1957	$200,000	$200,000	100
Nonconvertible notes due Apr. 30, 1961	$300,000	$300,000	100
Notes with stock warrants due Apr. 30, 1961	$800,000	$500,000	62.5
Convertible notes due Oct. 20, 1962	$324,000	$274,000	84.6
Common stock (shares)	143,637	55,200	38.4

As of August 31, 1956, Magnecord's balance sheet reflected total assets of approximately $1,535,000, liabilities of approximately $2,433,000, and a net worth deficit of approximately $898,000. During the 8 months ending August 31, 1956, Magnecord incurred an operating loss of $555,582.

Research made its initial investment in Magnecord in 1952 when it purchased $300,000 principal amount of notes partially convertible into common stock. Additional investments in notes of Magnecord were made thereafter, and a portion of the notes were converted into common stock, particularly in 1955 to assist financing when Magnecord's financial position began to deteriorate. In 1956 Research advanced $550,000 to Magnecord to provide necessary working capital and implement a program for the continuance of Magnecord in business. This Commission by order dated August 21, 1956 (Investment Company Act Release No. 2400), exempted the proposed conversion of $500,000 of indebtedness and notes into Convertible Notes due April 30, 1961. The table above reflects consummation of such conversion. Research's total investment in Magnecord at cost amounts to $1,550,000.

It is stated in the application that Magnecord's financial position has continued to be precarious and that additional working capital is urgently needed. Neither Research nor Magnecord's other security holders are willing to provide additional funds for Magnecord.

The application recites that during these periods of financial stringency, marked by insistent claims of trade and bank creditors for immediate payment or reduction of their respective claims, Research discussed informally with approximately 50 companies a merger of Magnecord, with an inducement for such a merger being the availability of Magnecord's net losses aggregating approximately $2,000,000 for tax purposes, or a sale of the assets of Magnecord. With the exception of Midwestern Instruments, Inc. ("Midwestern"), none of these companies were interested in Magnecord.

Midwestern, a Delaware corporation with its principal plant in Tulsa, Oklahoma, was incorporated in 1950 to develop, manufacture and sell geophysical equipment and other related electronic equipment. The company has since modified its activities so that today it is primarily a manufacturer of industrial electronic equipment such as oscillographs, galvanometers, torque motors and the like. It is represented that the operations of Midwestern have been profitable for the last four years and that for the fiscal year ended February 29, 1956, sales were $1,833,731 and net profit amounted to $161,351, and for the seven month period ended September 30, 1956, sales and net profit amounted to $2,332,057 and $228,650 respectively.

The application recites that Research's efforts culminated in a Plan and Agreement of Merger ("Plan") providing for the merger of Magnecord with and into Midwestern. In brief, the Plan provides that:

(1) The holders of $800,000 principal amount of Magnecord indebtedness incurred in 1956 and due in 1961 ("Registered Notes") will receive in exchange 2311.5 shares of common stock of Magnecord for each $5,000 of such indebtedness and the holders of the remaining $824,000 principal amount of Magnecord debt ("Other Notes") will receive 833.2 shares for each $5,000 of such Other Notes.

(2) The Hammond, Kennedy & Legg Company will receive 17,281 shares of common stock of Magnecord, subject to cancellation if the merger is not effected, as a finder's fee for initiating and contributing to negotiations between Midwestern and Magnecord.

(3) Fifty Associates, lessor of Magnecord's Chicago plant, will receive 24,114 shares of Magnecord common stock in consideration for termination of the lease and release of options to purchase common stock of Magnecord.

(4) After completion of the foregoing transactions, Midwestern will issue 149,511 shares of its common stock (representing 20 percent of the common stock of the surviving company) in exchange for the then outstanding common stock of Magnecord on the basis of 1 share of Midwestern for each 4.623 shares of common stock of Magnecord.

Consummation of the Plan is conditioned upon, among other things, (1) the cancellation of $100,000 of Magnecord's current liabilities representing a portion of the fees and interest owed by Magnecord to Research and/or others, (2) cancellation of a $10,000 fee owed by Magnecord to Bruce Payne & Associates, Inc., (3) the obtaining by Midwestern of the consent to the merger from the holder of its outstanding first mortgage serial bonds, (4) Midwestern's counsel's opinion that the merger constitutes a "tax free stock exchange merger" under section 382 (b) of the Internal Revenue Code of 1954, and (5) approval of the merger by holders of two-thirds of the outstanding stock of each company.

Research has loaned Midwestern $200,000, evidenced by a 6 percent note payable not later than 6 days after the receipt by Midwestern of the proceeds of a proposed public offering of Midwestern stock and no later than April 1, 1957. If the proposed public offering is not consummated by April 1, 1957, Midwestern will have the option of repaying the note and interest thereon in cash or of issuing in full payment an equivalent dollar value of its common stock at $4.30 per share. The proceeds of this loan are being advanced by Midwestern to Magnecord, secured by a lien on certain of Magnecord's assets. Applicants state that Midwestern has a letter of intent from an underwriter with respect to a proposed sale of 120,000 shares of Midwestern common stock at a public offering price of $5 per share to net Midwestern not less than $4.30 per share, conditioned among other things upon consummation of the proposed merger.

The application further recites that 5-year options were granted to Bruce Payne & Associates, Inc. to purchase 50,000 shares of common stock of Magnecord in consideration for assuming management of Magnecord early in 1956. The Plan, it is stated, in effect prohibits exercise of such options prior to the merger; however, Midwestern will grant Payne options to purchase 10,815 shares of Midwestern stock at a price of $23.12 per share until September 30, 1960.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security with certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) of the act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its Registration Statement and reports filed under the act, and is consistent with the general purposes of the act.

Because of the holding of 38.4 per cent of the common stock of Magnecord by Research, the two companies are affiliated persons of each other, as defined in the act. Hence the transactions involving the exchange and conversion by Research of the Magnecord notes it holds into common stock of Magnecord are prohibited under section 17 (a) of the act.

The application also states that holders of $50,000 of the Other Notes (Research holds the remaining $774,000) have indicated that they would not consent to participate in the merger on a basis less favorable than that accorded the Registered Notes. Accordingly, Research has offered to purchase up to $50,000 of such Notes at prices equal to one-half of the principal amount. One of the holders of such notes is a director of Magnecord, accordingly the purchase of the notes from him by Research would constitute a sale by an affiliated person (the director) of an affiliated person (Magnecord) of Research in contravention of section 17 (a).

Upon consummation of the proposed merger Research will receive 91,643 shares of common stock of Midwestern, equivalent to 12.3 percent of the shares to be then outstanding. The application declares that Research considers Midwestern a desirable investment and that Research believes that the proposed Plan is the only available adjustment which can be made or could have been made to save Research from virtually a total loss on its $1,550,000 investment in Magnecord. Research estimates that in the event of voluntary liquidation in bankruptcy of Magnecord, it will receive about $120,000. Based on the contemplated public offering of Midwestern common stock at $5 per share, noted above, Research's investment in Midwestern common stock upon consummation of the merger would be worth about $458,000.

Notice is further given that any interested person, may, not later than December 20, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10196; Filed, Dec. 12, 1956; 8:48 a. m.]

[File No. 70-3533]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO ISSUE AND SELL TO BANKS SHORT-TERM NOTES

DECEMBER 7, 1956.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal to issue and sell to banks a maximum of $9,000,000 of short-term notes.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to a credit agreement dated November 15, 1956, Mississippi proposes, during the period beginning January 2, 1957, and extending to January 31, 1958, to borrow an aggregate of not to exceed $9,000,000 from banks as follows:

The Chase Manhattan Bank, New York	$7,500,000
Deposit Guaranty Bank & Trust Co., Jackson, Miss.	1,000,000
First National Bank of Jackson, Jackson, Miss.	500,000
Total	9,000,000

Each borrowing is to be evidenced by a note maturing on or before two years from the date of the first borrowing, which is to be made during the month of January 1957, and is to bear interest at the rate of 4 percent per annum during the period of nine months from the date of the first borrowing, and at the rate of 4¼ percent per annum thereafter to maturity. A commitment fee is to be paid, computed on the average unused portion of the commitment, at the rate of ¼ of 1 percent per annum from the date of the Commission's order permitting the declaration to become effective. The company is to have the right at any time to terminate or reduce the commitment.

The proceeds of the loans will be used to defray a portion of the cost of the company's construction program, presently estimated to result in expenditures of approximately $14,000,000 during the year 1957 and approximately $20,000,000 during the year 1958, and for other corporate purposes. The company states that it expects to refund the notes from the proceeds of the sale of additional bonds in 1958.

The declaration states that no state regulatory body or agency, and no federal commission or agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 26, 1956, request in writing that a hearing be held in respect of the declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may permit the declaration, as filed or as it may be thereafter amended, to become effective, or the Commission may grant exemption from its rules as provided in Rules U-100 and U-20 (a) thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10197; Filed, Dec. 12, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 208]

DISCLOSURE OF CERTAIN INFORMATION RELATING TO OIL PIPE LINES

NOTICE OF RULE MAKING

DECEMBER 4, 1956.

The Commission's rules (Sec. 0.10 (3)) provide for limited inspection of maps and other records and data in its files relating to oil pipe lines and facilities. In accordance with section 19a (e) of the Interstate Commerce Act (49 U. S. C. 19a (e)), the Commission has under consideration the amendment of this rule.

Accordingly, interested persons may file with the Commission, on or before February 1, 1957, written statements of their views as to whether and to what extent access to such information should be limited.

Notice of this rule making proceeding shall be given by mailing a copy of this notice to each carrier by pipe line subject to the jurisdiction of this Commission and by publishing this notice in the FEDERAL REGISTER.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-10201; Filed, Dec. 12, 1956; 8:48 a. m.]

FOURTH-SECTION APPLICATIONS FOR RELIEF

DECEMBER 10, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33021: *Tin plate from Fairless, Pa., to Tampa, Fla.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on tin or terne plate, plain, lacquered or painted in packages or on platforms. Includes only articles named when no surface has more than one coat of lacquer, one coat of paint, or both; no surface to have more than one color, carloads from Fairless, Pa., to Tampa, Fla.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 12 to Agent C. W. Boin's I. C. C. A-1081.

FSA No. 33022: *Grain—Kansas City, Mo.-Kans., to points in Illinois.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, seeds, and related articles, carloads from Kansas City, Mo.-Kans., to stations on the Illinois Central Railroad in Illinois.

Grounds for relief: Rail competition and circuity.

Tariff: Supplement 106 to Agent Prueter's I. C. C. A-3866.

FSA No. 33023: *Scrap or waste paper from Georgia and Tennessee to South-*

west. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper, scrap or waste, not sensitized, not excelsior paper, carloads from Calhoun, Tenn., Atlanta, Ga., and other points in Georgia to specified destinations in Louisiana, Oklahoma and Texas.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 37 to Agent Kratzmeir's I. C. C. 4204 and three other tariffs.

FSA No. 33024: *Scrap iron—Ohio and Pennsylvania to points in trunk line and New England territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron and related articles, carloads from points in central territory in the States of Ohio and Pennsylvania to points in Trunk Line and New England territories.

Grounds for relief: Circuitous routes.

Tariff: Supplement 97 to Agent Hinsch's tariff I. C. C. 4350.

FSA No. 33025: *Sodium silicate—St. Louis, Mo., and East St. Louis, Ill., to Helena and West Helena, Ark.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sodium (soda) silicate, other than dry, including mechanical mixtures of silicate of soda and clay, tank-car loads from St. Louis, Mo., and East St. Louis, Ill., to Helena and West Helena, Ark.

Grounds for relief: Circuitous routes.

Tariff: Supplement 20 to Agent C. A. Spaninger's I. C. C. 1548.

FSA No. 33026: *Liquefied caustic soda from Memphis, Tenn., to Foley, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sodium (soda), caustic, liquid, tank-car loads from Memphis, Tenn., to Foley, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 20 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 33027: *Salt from points in Louisiana to Calvert, Ky.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on salt, mine run, in bulk, carloads from Anse La Butte, Avery Island, Jefferson Island and Weeks, La., to Calvert, Ky.

Grounds for relief: Water competition and circuity.

Tariff: Supplement 79 to Agent Kratzmeir's tariff I. C. C. 3903.

FSA No. 33028: *Tin plate from points in Ohio to Tampa, Fla.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on tin or terne plate, plain, lacquered, or painted, in packages or on platforms. Includes only articles named when no surface has more than one coat of lacquer, one coat of paint, or both; no surface to have more than one color, carload, from Niles, North Warren, Steubenville and Warren, Ohio to Tampa, Fla.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 12 to Agent C. W. Boin's tariff I. C. C. A–1081.

FSA No. 33029: *Carbon fire brick to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on carbon fire brick, carbon fire brick shapes and carbon furnace or kiln liming or high temperature bonding mortar or cement, carloads from Clarksburg, W. Va., Niagara Falls and Suspension Bridge, N. Y., and Worcester, Mass., to specified points in Arkansas, Louisiana, Oklahoma and Texas.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 39 to Agent Kratzmeir's I. C. C. 4204 and four other tariffs.

FSA No. 33030: *Phosphate rock and phosphatic limestone from Tennessee.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, crude lump or phosphate rock, crude ground, or limestone, phosphatic, in bulk, straight carloads, or in bags, in straight or mixed carloads from points in Tennessee to Bessemer, Butler and Erie, Pa.

Grounds for relief: Circuitous routes.

Tariff: Supplement 25 to Agent Spaninger's tariff I. C. C. 1386.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–10200; Filed, Dec. 12, 1956; 8:48 a. m.]

FEDERAL REGISTER

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

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TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 661—BANKING, INSURANCE AND FINANCE INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

On October 19, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 470 (21 F. R. 8068) appointed, convened, and gave notice of the hearing of Industry Committee No. 26–A for the Banking, Insurance and Finance Industry in Puerto Rico. The committee was directed to recommend the minimum rate or rates to be paid under section 6 (c) of the act to employees in this industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and hearing, conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45–A of the Secretary (15 F. R. 3290), (1) the recommendations of the committee are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective December 30, 1956, Part 661 of Title 29, Code of Federal Regulations, is hereby amended to read as follows:

Sec.
661.1 Definition of the industry.
661.2 Wage rates.
661.3 Notices.

AUTHORITY: §§ 661.1 to 661.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 661.1 *Definition of the industry.* The banking, insurance and finance industry in Puerto Rico to which this part shall apply as defined as follows: The business, whether or not for profit, carried on by any banking, insurance, or other financial institution or enterprise.

§ 661.2 *Wage rates.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the banking, insurance and finance industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 661.3 *Notices.* Every employer subject to the provisions of § 661.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 661.2 are working such notices of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 11th day of December 1956.

CLARENCE T. LUNDQUIST, *Acting Administrator.*

[F. R. Doc. 56–10235; Filed, Dec. 13, 1956; 8:48 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter L—Interpretations

PART 45—TITLE II, FEDERAL COAL MINE SAFETY ACT OF 1952

NONAPPLICABILITY OF CERTAIN MINES

Part 45, Title 30, Code of Federal Regulations, is amended to include the following new sections:

§ 45.5 *Statutory provisions (sec. 201 (b)).*

This title shall not apply to any mine in which no more than fourteen individuals are regularly employed underground.

§ 45.5–1 *Periodic employment.* An individual periodically employed underground in each of two or more mines is regularly employed underground in each mine, and is to be counted in determining whether each mine is one "in which no more than fourteen individuals are regularly employed underground," within the meaning of section 201 (b). For example, a mine foreman serving several mines but going underground in each only once a week is to be considered as "regularly employed underground" in each mine.

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FEDERAL REGISTER

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§ 45.5–2 *Multiple shifts.* All individuals regularly employed underground on any shift in a 24-hour period are to be counted in determining whether more than fourteen individuals are "regularly employed underground" within the meaning of section 201 (b). For example, if a mine regularly employs five men underground on each of three shifts, it is a mine in which more than fourteen individuals are "regularly employed underground".

§ 45.5–3 *Time of count.* The number of individuals regularly employed underground in any mine at the time of a regular inspection thereof determines whether that mine is subject to Title II of the act for the purposes of that inspection and any notices or orders resulting therefrom. Once a finding, notice, or order is made pursuant to Title II of the act, subsequent reduction in the number of individuals regularly employed underground to less than 15 does not relieve the operator from the necessity of compliance with such notice or order. As long as the number so employed remains at less than 15, that mine will not be subject to any inspection pursuant to Title II of the act except special inspections necessary to determine compliance with any notice or order theretofore made.

(66 Stat. 692–710; 30 U. S. C. 471–483)

MARLING J. ANKENY,
Director,
U. S. Bureau of Mines.

[F. R. Doc. 56-10220; Filed, Dec. 13, 1956; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6218; Regs. 111, 118]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

ALLOWANCE OF A PERSONAL EXEMPTION WITH RESPECT TO CERTAIN DEPENDENTS IN REPUBLIC OF THE PHILIPPINES

In order to conform Regulations 118 (26 CFR (1939) Part 39) and Regulations 111 (26 CFR (1939) Part 29), relating to income taxes, to the provisions of Public Law 333, 84th Congress, approved August 9, 1955, such regulations are hereby amended as follows:

Regulations 118:

PARAGRAPH 1. Section 39.25 is amended as follows:

(A) By inserting after the fourth sentence of section 25 (b) (3) the following statutory provision: "For taxable years beginning after December 31, 1946, the preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer born to him, or legally adopted by him, in the Philippine Islands, if (i) the child is a resident of the Republic of the Philippines, and (ii) the taxpayer was a member of the Armed Forces of the United States at the time the child was born to him or legally adopted by him".

(B) By inserting in the historical note immediately after "sec. 3, Pub. Law 213 (83d Cong.)" the following: "; sec. 1, Pub. Law 333 (84th Cong.)".

PAR. 2. Section 39.25–2 (e) (1), as amended by Treasury Decision 6105, approved October 1, 1954, is further amended by inserting after the fourteenth sentence thereof the following new sentences: "A resident of the Republic of the Philippines who was born to or legally adopted by the taxpayer in the Philippine Islands, at a time when the taxpayer was a member of the Armed Forces of the United States, may also be claimed as a dependent if such resident otherwise qualifies as a dependent. For definition of 'Armed Forces of the United States', see § 39.3797–11."

Regulations 111:

PAR. 3. There is inserted immediately preceding § 29.25–1 the following:

PUBLIC LAW 333, 84TH CONGRESS, APPROVED AUGUST 9, 1955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 25 (b) (3) of the Internal Revenue Code of 1939 (defining the term "dependent") is hereby amended by inserting after the fourth sentence thereof the following new sentence: "For taxable years beginning after December 31, 1946, the preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer born to him, or legally adopted by him, in the Philippine Islands, if (i) the child is a resident of the Republic of the Philippines, and (ii) the taxpayer was a member of the Armed Forces of the United States at the time the child was born to him or legally adopted by him."

* * * * *

SEC. 3. (a) The amendment made by the first section of this Act shall apply with respect to taxable years beginning after December 31, 1946, to which the Internal Revenue Code of 1939 applies.

* * * * *

PAR. 4. Section 29.25–3 (d) (5), as amended by Treasury Decision 6105, approved October 1, 1954, is further amended by inserting after the fourteenth sentence of the first unnumbered subdivision thereof the following new sentences: "For taxable years beginning after December 31, 1946, a resident of the Republic of the Philippines who was born to or legally adopted by the taxpayer in the Philippine Islands, at a time when the taxpayer was a member of the Armed Forces of the United States, may also be claimed as a dependent if such resident otherwise qualifies as a dependent. For definition of 'Armed Forces of the United States', see § 29.3797–11."

Because this Treasury decision merely conforms the regulations to Public Law 333, 84th Cong., it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: December 7, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-10204; Filed, Dec. 12, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 227]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
PRESCOTT, ARIZ. Municipal, 5,042'. SBRAZ-DTV-PRO. Procedure No. 1. Amendment No. 4. Effective date: January 12, 1957. Supersedes Amendment 3, dated June 4, 1955. Major changes: Increase more than 2 engine take-off minimums.	Prescott VOR	014—1.5	7,000	E side of NW course: 322° outbound. 142° inbound. 7,000' within 10 miles.	6,500	139—4.6	T-dn C-dn A-dn	800-2 1,000-2 1,000-2	800-2 1,000-2 1,000-2	800-2 1,500-2 1,500-2	Within 2 miles, turn left, climb to 8,000' on NW course within 20 miles.

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
DELTA, UTAH. Municipal, 4,755'. BVOR-DTA. Procedure No. 1. Amendment No. 3. Effective date: January 12, 1957. Supersedes amendment 2, dated April 2, 1955. Major changes: Increase day circling minimums; add 20 mile procedure turn altitude; change missed approach.	Delta LFR	Direct	7,000	W side of course: 180° outbound. 360° inbound. 7,000' within 10 miles. 8,000' within 20 miles.	6,000	345—4.3	T-dn C-dn S-d S-n 34 A-dn	300-1 600-2 600-1 600-2 800-2	300-1 600-2 600-1 600-2 800-2	300-1 600-2 600-1 600-2 800-2	Within 4.3 miles, climb to 11,000' on R-345 within 20 miles.
EAU CLAIRE, WIS. Eau Claire, 887'. BVOR-VDT-EAU. Procedure No. 1. Amendment No. 3. Effective date: January 12, 1957. Supersedes Amendment 2, dated July 10, 1954. Major changes: (1) Changes direction of approach and limits distance of procedure turn column 5; (2) New form; (3) Limits distance missed approach—column 12.	----------	----------	----------	W side of course: 007° outbound. 187° inbound. 2,400' within 10 miles.	1,800	187—2.0	T-dn C-d C-n S-d S-n A-dn	300-1 600-1 600-2 600-1 600-2 800-2	300-1 600-1 600-2 600-1 600-2 800-2	200-½ 600-1½ 600-2 600-1½ 600-2 800-2	Within 2 miles, climb to 2,500' on course of 214° within 20 miles of EAU VOR. CAUTION: 1,780' mean sea level TV tower located 10 miles WNW VOR. 1,350' MSL tower 2.2 miles SE of airport on direct line of NW/SE runway.
GREEN BAY, WIS. Austin-Straubel 694'. BVOR-GRB. Procedure No. 1. Amendment No. 3. Effective date: December 12, 1956. Supersedes Amendment 2, dated October 29, 1955. Major changes: Tower note and missed approach revised.	----------	----------	----------	W side of course: 324° outbound. 144° inbound. 1,900° within 10 miles.	1,400	144—4.6	T-dn C-dn S-dn 12 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 500-1 800-2	Within 4.6 miles, climb immediately to 2,900' on R-144 within 20 miles. CAUTION: Radio tower 7 miles SE of airport 1,921' mean sea level.
PRESCOTT, ARIZ. Municipal 5,042'. BVOR-DTV-PRC. Procedure No. 1. Amendment No. 3. Effective date: January 12, 1957. Supersedes Amendment 2, dated June 11, 1953. Major changes: Convert to NM; lower more than 2 engines take-off minimums.	Prescott LFR	Direct	7,000	E side of course: 325° outbound. 145° inbound. 7,000' within 10 miles.	6,500	120—4.1	T-dn C-dn A-dn	800-2 1,000-2 1,000-2	800-2 1,000-2 1,000-2	800-2 1,500-2 1,500-2	Within 2 miles, turn left, climb to 8,000' on R-325 within 20 miles.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
GREENSBORO, N. C. Greensboro-High Point Municipal, 913'. ILS-IGSO. LOM-GS. Combination ILS and ADF. Procedure No. 1. Amendment No. 4. Effective date: January 12, 1957. Supersedes Amendment 3, March 17, 1956. Major changes: Changes altitudes over markers. Adds Thomas Intersection. Raises procedure turn altitude.	Greensboro LFR	LOM	299—5.3	2,000	N side of NW course: 318° outbound. 138° inbound. 2,400' within 10 miles.	ILS 2,400 ADF 1,800 over LOM	2,385—4.2	1,140—0.5	T-dn C-dn	300-1 400-1	300-1 500-1	200-½ 500-1½	Climb to 2,300' on SE course ILS or 138° track from LOM within 20 miles. When directed by ATO turn left, climb to 2,300' on NE course LFR within 20 miles. No approach lights. *400¾ required when glide slope not utilized. **All installed components of the ILS must be operating, otherwise alternate minima of 800-2 apply.
	Winston-Salem LFR	LOM	058—8.9	2,300									
	Wallburg Intersection	LOM	030—10.1	2,300					S-dn 14 *ILS	300-¾	300-¾	300-¾	
	Greensboro VOR	LOM	347—6.3	2,200					ADF	400-1	400-1	400-1	
	Thomas Intersection	LOM	013—13	2,300					A-dn **ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-10236; Filed, Dec. 13, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

DEPENDENTS' MEDICAL CARE

1. Sections 577.60 to 577.70 are hereby prescribed to read as follows:

Sec.
577.60 Purpose and scope.
577.61 References.
577.62 Definition of terms used in §§ 577.60–577.70.
577.63 Administration.
577.64 Determination of dependents' eligibility.
577.65 Identification for admission to medical treatment facilities.
577.66 Determination of sources from which eligible dependents received medical care.
577.67 Medical care for dependents at medical facilities of the uniformed services.
577.68 Dental care for dependents at dental facilities of the uniformed services.
577.69 Medical care for eligible dependents in civilian medical facilities.
577.70 Medical care in medical facilities not otherwise provided for.

AUTHORITY: §§ 577.60 to 577.70 issued under Pub. Law 569, 84th Cong., 70 Stat. 250.

SOURCE: AR 40-121, SECNAV INST 6320.8, AFR 160-41, and PHS GEN CIR No. 6, all dated 5 November 1956.

§ 577.60 *Purpose and scope.* Sections 577.60–577.70 promulgate the medical service policies and procedures for administering the medical and dental care program for dependents of members and retired members of the uniformed services and dependents of persons who died while a member or retired member of the uniformed services under the Dependents' Medical Care Act and is applicable to the uniformed services. They are to be used in conjunction with §§ 577.80–577.93.

§ 577.61 *References*—(a) *The Dependents' Medical Care Act.* See Public Law 569, 84th Congress (70 Stat. 250).

(b) *Fiscal policies; dependents' medical care.* See §§ 577.80–577.93.

§ 577.62 *Definition of terms used in §§ 577.60–577.70.* (a) "Uniformed services" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(b) "Member of a uniformed service" means a person appointed, enlisted, inducted, called, or ordered, or conscripted in a uniformed service who is serving on active duty or active duty training pursuant to call or order that does not specify a period of 30 days or less.

(c) "Retired member of a uniformed service" means a member or former member of a uniformed service who is entitled to retired, retirement, or retainer or equivalent pay as a result of service in a uniformed service, other than a member or former member entitled to retired or retirement pay under Title 10, United States Code, sections 1331–1337 (formerly Title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948) who has served less than 8 years on full-time duty in the active military service, other than active duty for training.

(d) "Dependent" means any person who bears to a member or retired member of a uniformed service, or to a person who died while a member or retired member of a uniformed service, any of the following relationships:

(1) The lawful wife;

(2) The unremarried widow;

(3) The lawful husband, if he is in fact dependent on the member or retired member for over one-half of his support;

(4) The unremarried widower, if he was in fact dependent upon the member or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity;

(5) An unmarried legitimate child (including an adopted child or stepchild), if such child has not passed his 21st birthday;

(6) A parent or parent-in-law, if the said parent or parent-in-law is, or was at the time of the member's or retired member's death, in fact dependent on the said member or retired member for over one-half of his support and is, or was at the time of the member's or retired member's death, actually residing in the household of the said member or retired member; or

(7) An unmarried legitimate child (including an adopted child or stepchild) who:

(i) Has passed his 21st birthday, if the child is incapable of self-support because of a mental or physical incapacity that existed prior to his reaching the age of 21 and is, or was at the time of the member's or retired member's death, in fact dependent on him for over one-half of his support; or

(ii) Has not passed his 23d birthday and is enrolled in a full-time course of study in an institution of higher learning as approved by the Secretary of Defense or Secretary of Health, Education, and Welfare, and is, or was at the time of the member's or retired member's death, in fact dependent on him for over one-half of his support. The institutions which are approved as accredited are those currently listed by the regional accrediting associations or national professional associations by the U. S. Office of Education, Department of Health, Education, and Welfare. The current reference list is "Education Directory 1955–56, Part 3, Higher Education," for sale at a cost of $0.50 per copy, by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. For determination as to accreditation of a foreign institution of higher learning, a statement may be obtained by the member from the Office of Education, Department of Health, Education, and Welfare, Washington 25, D. C.

(e) "Dependents eligible for civilian medical care" means the lawful wife or the dependent lawful husband (spouses) and children who are dependents of members of the uniformed services, hereinafter referred to as "spouses and children."

(f) "Secretary of a uniformed service" means the Secretary of the Army, Navy (for the Navy and Marine Corps), or Air Force, or for the other uniformed services (Coast Guard, Public Health Service, Coast and Geodetic Survey), the Secretary of Health, Education, and Welfare.

(g) "Continental United States" means the 48 States and the District of Columbia.

(h) "Executive agent" means the Secretary of the Army who acts for the uniformed services in negotiating and administering contracts for medical (physicians) and hospital services under the policy guidance of the Department of Defense within the continental United States, Alaska, Hawaii, and Puerto Rico.

(i) "Contractor" means the legal entity with which the Government enters into a contract for the purpose of implementing the Dependents' Medical Care Act, such as a State society, an insurance company, Blue Shield, or Blue Cross.

(j) "Local schedule of allowances" means the professional fee schedule for payment of physicians' services applicable to a local area. In the continental United States, Alaska, Hawaii, and Puerto Rico, the schedule of allowances is that schedule negotiated with the physicians' representatives and approved by the executive agent for the Department of Defense and the Department of Health, Education, and Welfare. Where such a schedule of allowances has not been negotiated and approved, the executive agent may provide a schedule of allowances for use in payment for physicians' services. Where the term "local schedule of allowances" is utilized in §§ 577.60–577.70, and no schedule is in existence, particularly in oversea areas, the standard charge for service rendered by physicians in the locality concerned will be used as a guide in lieu of such schedule.

(k) *Miscellaneous medical and technical terminology.* (1) "Diagnosis" means a determination of the existence and nature, or absence, of disease or injury by history with physical and mental findings, including physical examinations and the utilization of medically accepted diagnostic procedures, e. g., laboratory tests and pathology and radiological examinations.

(2) "Outpatient care" means the medical services which are normally performed in the home, a physician's office, or the outpatient department of a hospital, clinic, or dispensary.

(3) "Maternity and infant care" means the medical and surgical care for the mother incident to pregnancy, including prenatal care, delivery, postnatal care, care of the infant, and treatment of complications of pregnancy. An infant 60 days of age or under is entitled to newborn infant care from civilian sources other than as an inpatient in a hospital, in accordance with § 577.69 (d) (4) (ii) (c).

(4) "Domiciliary care" means the care which is normally given in a nursing home, convalescent home, or similiar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for an acute medical or surgical condition. It includes but is not limited to nursing care required as a result of old age or chronic disease.

(5) "Elective medical and surgical treatment" means the medical or surgical care that is desired or requested by the patient which, in the opinion of cognizant medical authority, is not medically indicated, e. g., surgery solely for cosmetic purposes.

(6) "Chronic disease" shall be construed to include nonacute conditions and disabilities in which the prognosis indicates long continued duration of the ailment. This term shall include but is not necessarily limited to arthritis, degenerative diseases of the cardiovascular system, residuals of poliomyelitis and other degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegia, hemiplegia, and paraplegia, and blindness or deafness requiring definitive rehabilitation. This shall not preclude admission for the treatment of acute exacerbations or complications of such chronic diseases wherein active and definitive medical or surgical treatment is required, such as tendon transplant in cases of disability residuals of poliomyelitis, diabetic acidosis, or cardiac decompensation in chronic rheumatic fever.

(7) "Nervous and mental disorders" means those conditions classified as neuroses, psychoneuroses, psychopathies, or psychoses.

(8) "Dental care as a necessary adjunct to medical or surgical treatment" means that dental care which is determined by the cognizant physician and dentist to be required for the proper treatment of a medical or surgical condition. This term includes but is not limited to treatment of fractures of the jaw and the application of appliances necessary to reduce and immobilize such fractures.

§ 577.63 *Administration.* (a) The Secretary of Defense has jurisdiction over the Army, Navy, Air Force, Marine Corps, and the Coast Guard when operating as a service with the Navy.

(b) The Secretary of Health, Education, and Welfare has jurisdiction over the Public Health Service and for medical care purposes over the Coast and Geodetic Survey, and the Coast Guard when not in service with the Navy.

§ 577.64 *Determination of dependents' eligibility.* (a) The uniformed services will require dependents (or their sponsors) who request identification for medical care to furnish proof of their eligibility for such care.

(b) Each uniformed service will, by separate directive, prescribe and utilize the following forms as soon as practicable with full implementation to be completed by 30 June 1957:

(1) DD Form 1171 (Application for Dependents Authorization for Medical Care Card by Active Duty or Retired Member).

(2) DD Form 1172 (Application for Dependents Authorization for Medical Care Card (By Survivor of Deceased Member of Uniformed Services or Agent Acting on Their Behalf)).

(3) DD Form 1173 (Dependents Authorization for Medical Care).

§ 577.65 *Identification for admission to medical treatment facilities.* Eligible dependents requesting care at either uniformed services medical facilities or in civilian medical facilities shall be required to show satisfactory identification to the cognizant medical authority or his designee.

(a) Prior to 1 July 1957, any of the following means of identification is acceptable for this purpose:

(1) Dependent's Identification Card (DD Form 720).

(2) Privilege Identification Card (DA Form 999).

(3) Dependent's Identification Card for Medical Care (Nav Pers Form 1343).

(4) Application to U. S. Public Health Service for Treatment of Coast and Geodetic Survey Dependents (CGS Form 832).

(5) Application to U. S. Public Health Service for Treatment of Coast Guard Personnel (Form CG–2533 or CG–2534).

(6) Dependents Authorization for Medical Care (DD Form 1173).

(b) On and after 1 July 1957, the Dependents Authorization for Medical Care (DD Form 1173) shall be the primary means of identification.

(c) In circumstances when none of the above means of identification is available, civilian medical facilities may accept execution of DA Form 1863 (Statement of Services Provided by Civilian Medical Sources) and uniformed services medical facilities may accept a statement obtained from the dependent, parent, sponsor, or guardian.

(d) Uniformed services medical facilities may prescribe such additional local verification procedures as are deemed necessary; however, the procedure employed shall not complicate, delay, or preclude the treatment of an eligible dependent nor discriminate against the dependents of members or retired members of other uniformed services.

§ 577.66 *Determination of sources from which eligible dependents receive medical care*—(a) *Among uniformed services facilities.* Normally, a dependent requesting care at a uniformed service medical facility will be expected to use the facilities servicing the area in which the dependent resides. Exception to this policy may be authorized, subject to local regulations, to permit utilization by the dependent of the facilities of the sponsor's own service. In areas where medical facilities of two or more of the uniformed services are available, the appropriate officials of each service, with due consideration for the relative size and capacities of the facilities, shall jointly prescribe areas of medical responsibility. Delineation of such areas shall include a zone in which dependents are permitted to use either the facility of the sponsor's own service or the facility which has medical responsibility for the area in which the dependent resides.

(b) *Between civilian medical facilities and uniformed services medical facilities.* Spouses and children, as defined in § 577.62 (e), are the only dependents authorized care in civilian medical facilities at Government expense.

(1) *Within the continental United States, Alaska, Hawaii, and Puerto Rico.* (i) Spouses and children who are not residing with their sponsors shall have free choice between uniformed services medical facilities and civilian medical facilities.

(ii) Outpatient medical care at Government expense for spouses and children is not authorized from civilian sources except that certain specified treatment for such dependents who are not hospitalized will be authorized, when in accordance with § 577.69.

(iii) Spouses and children who reside with their sponsors shall have free choice between uniformed services medical facilities and civilian medical facilities except that the secretary of a uniformed service, with the approval of the Secretary of Defense or Secretary of Health, Education, and Welfare, as appropriate, may require such dependents in a prescribed area to seek medical care in a uniformed service medical facility if he finds that:

(*a*) The uniformed service medical facility is adequate to care for the dependents of the active and retired members assigned to that area, and

(*b*) The use of civilian medical facilities by the dependents in that area has affected adversely the optimum economic utilization of the uniformed services medical facility.

(iv) Spouses and children are considered to be residing with their sponsor if they reside in the household of the sponsor in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship, from the permanent duty station or home port or home yard respectively, or by reason of the sponsor's absence on individual temporary duty or temporary additional duty orders. However, should the dependent leave the area of the sponsor's household on a trip, the spouses and children shall have free choice between civilian and uniformed services medical facilities during the period of such absence.

(v) Where local conditions indicate that restrictions on free choice are required, authorization for imposing restrictions shall be requested by the commander or the officer in charge of the uniformed service medical facility, or higher authority, from the secretary of the uniformed service concerned who shall, when desiring a restriction, forward the request to the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, through normal command channels. The area of restriction shall be defined in the request for approval. When the restrictions are no longer required the initiating authority will forward recommendation for removal of restrictions in the manner indicated above.

(vi) It shall be the responsibility of the Surgeon General of the uniformed service concerned to provide the executive agent with the name and location of each medical facility where a restriction is imposed or removed including pertinent detailed information.

(2) *In areas other than the continental United States, Alaska, Hawaii, and Puerto Rico.* Where medical facilities of the uniformed services are available within the area and are capable of providing the required medical care, spouses and children will utilize these facilities for such medical care. In areas where medical facilities of the uniformed services are either nonexistent or incapable of providing adequate medical care to spouses and children, those spouses and children who are residing with their sponsors are authorized civilian medical care from professionally acceptable local sources in accordance with §§ 577.60–577.70. Dependents residing in areas where medical facilities of the uniformed services are either nonexistent or incapable of providing adequate care and who do not reside with their sponsors, may apply to the appropriate oversea commander for medical care from professionally acceptable civilian sources. In order to implement §§ 577.60–577.70, authority is hereby delegated to the major oversea commander or comparable commander with oversea responsibility to conduct the medical and dental care program for dependents as provided for in §§ 577.60–577.70 in accordance with the joint regulations on fiscal policies contained in §§ 577.80–577.93.

(c) *Administration of restricted medical facility service areas.* (1) In determining the boundaries of the restricted medical service area, the commander or officer in charge of the uniformed service medical facility concerned shall consider normal commuting time, distance, and unusual geographic and transportation factors, such as toll bridges, or ferries, which would increase unreasonably the time and expense of travel.

(2) Unit commanders having members whose spouses and children are living in the affected restricted area shall take action to make such members aware that their dependents are not authorized civilian care at Government expense except as provided below. Restrictions imposed under this paragraph shall apply to spouses and children of members of all uniformed services residing with their sponsors in the restricted area.

(3) In such a restricted medical service area where a commanding officer of a uniformed service medical facility or his representative determines that it is in the best interest of a patient to obtain civilian medical care, irrespective of any restriction in effect at his facility, written authorization to obtain the necessary civilian medical care shall be provided to the eligible dependent. Also, written authorization shall be provided to spouses and children when a full patient load exists at a restricted hospital on a particular service at the time, or where for other valid reasons the required treatment cannot be provided to such patients at the restricted hospital within a reasonable time. Copies of such written authorization shall be furnished by the patient to the civilian physician or hospital for submission with the claim for payment.

(d) *Emergency care.* Any restrictions on freedom of choice shall be waived when circumstances indicate that it is necessary for the eligible dependent to obtain authorized medical care from civilian facilities due to a bona fide emergency, e. g., serious injury following an accident or illness of sudden onset requiring immediate treatment at the nearest available medical facility to preserve life, health, or to prevent undue suffering.

§ 577.67 *Medical care for dependents at medical facilities of the uniformed services*—(a) *Authority for providing medical care to dependents.* Whenever

requested, authorized medical care shall be provided dependents of members and retired members of the uniformed services and dependents of persons who died while a member or retired member of a uniformed service, in medical facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the professional staff. Determinations made by the medical officer in charge of the uniformed service medical facility, or by his designee, as to the availability of space and facilities and the capabilities of the professional staff, shall be conclusive. The furnishing of medical care to dependents shall not interfere with the primary mission.

(b) *Determining the availability of facilities.* In determining whether or not a uniformed service medical facility is available to dependents for medical care, the commanding officer or officer in charge of the uniformed service medical facility shall apply the following criteria:

(1) Primary mission.

(2) Adequacy of professional care available for diagnosis and treatment.

(3) Optimum number of patients who can be treated without sacrificing high professional standards.

(4) Optimum utilization of the facility of the uniformed services under consideration.

(c) *Medical care authorized.* (1) Medical care of dependents in the facilities of the uniformed services shall be limited to the following:

(i) Diagnosis.

(ii) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases.

(iii) Treatment of surgical conditions.

(iv) Treatment of contagious diseases.

(v) Immunization.

(vi) Maternity and infant care.

(2) Treatment may be provided for acute emergencies of any nature which are a threat to the life, health, and well-being of the patient including acute emotional disorders. Hospitalization is authorized at Government expense for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition also qualifies for care under subparagraph (1) (i), (ii), (iii), (iv), or (vi) of this paragraph. With special exceptions as authorized by the Surgeon General of a uniformed service, additional care in a hospital of the uniformed service on a space available basis may be provided in accordance with paragraph (d) (2) of this section.

(3) When a hospitalized patient requires care beyond the capabilities of the medical facility, the commanding officer or officer in charge of the facility is authorized to transfer the patient to the nearest medical facility of the uniformed services where the required treatment is available, or is authorized to procure from civilian sources the necessary supplemental material and professional and personal services required for the proper care and treatment of the patient in a medical facility of a uniformed service. This authorization applies after the admission of a patient when the patient's condition so requires.

(d) *Medical care not authorized.* Dependents shall not be provided:

(1) Hospitalization at medical facilities of the uniformed services for the following:

(i) Chronic diseases except for acute exacerbations or complications of chronic disease as defined in § 577.62 (k) (6).

(ii) Nervous and mental disorders, except for diagnostic purposes (§ 577.62 (k) (7)).

(iii) Elective medical and surgical treatments. (§ 577.62 (k) (5)).

(iv) Domiciliary care (§ 577.62 (k) (4)).

(2) However, in special and unusual circumstances, exceptions for specific patients may be made by the Surgeon General having jurisdiction over the uniformed service medical facility concerned and hospitalization and/or treatment may be provided for such disorders or diseases as set forth in subparagraph (1) (i) and (ii) of this paragraph. In no instance may the period of hospitalization exceed 12 months.

(3) Artificial limbs, artificial eyes, hearing aids, orthopedic footwear, and spectacles, except that, outside the continental limits of the United States, and at remote stations within the continental limits of the United States when so designated by the secretary of the uniformed service concerned and approved by the Secretary of Defense where adequate civilian facilities are not available, those items, if available from Government stocks, may be provided to dependents at invoice cost to the Government. When invoice cost is not available, the inventory or catalog price may be used at the discretion of the responsible property officer concerned. For example, the charges to the dependent for spectacles could be on the basis of standard unit price of components.

(4) Ambulance service, except that a Government ambulance may be used in acute emergency as determined by the medical officer or other responsible officer in charge.

(5) Home calls, except in special cases where it is determined by the medical officer in charge to be medically necessary.

(e) *Cross-utilization and liaison with other medical facilities.* To provide effective cross-utilization of medical facilities of the uniformed services, eligible dependents, regardless of service affiliation, shall be given equal opportunity for medical care or dental care at the same facility. Commanders of medical facilities of the uniformed services shall establish the necessary coordination with each other where their medical service areas are in proximity in order to insure optimum utilization of all facilities concerned. In addition, commanding officers of uniformed services medical facilities shall establish necessary liaison and coordination with civilian medical services to insure to the maximum extent possible, the smooth referral of excess dependent patients (spouses and children) to civilian medical facilities. When any dependent requests the commander of a uniformed service medical facility or any member of his command, to recommend a hospital or doctor to provide medical or dental care, under no circumstances will the dependent be referred to a specific hospital or doctor.

(f) *Charges for dependent medical care.* When medical care is provided dependents in facilities of the uniformed services, the following charges shall be made to the patient:

(1) *Inpatient care.* The per diem rate of charge for inpatient care provided dependents is $1.75 which includes cost of subsistence.

(2) *Outpatient care.* No charge shall be made. However, the Department of Defense and the Department of Health, Education, and Welfare have promulgated the following policy with respect to outpatient care. "As a restraint on excessive demands for medical care, uniform minimal charges may be imposed for outpatient care only after a special finding by the Secretary of Defense after consultation with the Secretary of Health, Education, and Welfare that such charges are necessary. The secretaries of the uniformed services shall have continuing responsibility for determining the nature and extent of possible abuses of outpatient care in uniformed services medical facilities and shall so advise the Secretary of Defense when their findings are in the affirmative."

(g) *Dependents who become ineligible for medical care.* In case a dependent is an inpatient at a uniformed service medical facility at the time the member upon whom dependent is discharged from the service, or at the time a member upon whom dependent is dropped from the rolls of his service in desertion, or when the dependent's status changes so that said inpatient is no longer a dependent by definition as in § 577.62 (d), the Government's responsibility for furnishing such a person medical care under Public Law 569, 84th Congress, ceases at 2400 hours (midnight) of the date of such event.

(1) If continuation of the hospitalization of such patient in a uniformed service facility after the date of such change in status is deemed necessary by the medical officer in charge (until proper disposition of the patient can be made), the expense of hospitalization furnished will be on a full reimbursement basis to the patient or principal concerned.

(2) A commander who discharges a member or drops a member from the rolls in desertion or who has knowledge of a change of dependency status among dependents of members under his command shall have responsibility to notify the uniformed service medical facility concerned under circumstances as below (see also § 577.69 (f) (2)):

(i) A commander who processes a member for discharge for any reason (other than for retirement) will obtain a statement from the member to the effect that the member does or does not have a dependent receiving medical care in a uniformed services medical facility upon the effective date of discharge. If in the affirmative, the commander concerned will notify the uniformed service medical facility by message communication or other expeditious means furnishing the name of the "dependent," the name of the "member" upon whom dependent, and the date of discharge of the member.

(ii) When a "member" is dropped from the rolls of his service, the commander taking such action shall accomplish similar notification as in subdivision (i) of this subparagraph if he has or can readily obtain the pertinent required information.

§ 577.68 *Dental care for dependents at dental facilities of the uniformed services*—(a) *Dental care authorized.* Dental care of eligible dependents in facilities of the uniformed services is authorized as follows:

(1) *Within the continental limits of the United States (except as provided in subparagraph (2) of this paragraph*—(i) *Emergency dental care.* Dependents of members of uniformed services are entitled to emergency dental care to relieve pain or suffering. This does not include orthodontic, or prosthodontic treatment or permanent restorative work.

(ii) *Adjunct to medical or surgical treatment.* Dependents are entitled to dental care deemed necessary by the cognizant dentist and physician as an adjunct to medical or surgical treatment, e. g., treatment of fractures of the jaw and treatment of infections of dental origin. Dental appliances shall be furnished only as prescribed in § 577.62 (k) (8).

(2) *Outside the continental United States and at designated remote areas within the continental United States.* Outside the continental limits of the United States and at designated remote areas within the continental United States where adequate civilian dental facilities are not available, routine dental care is authorized. Routine dental care includes general operative, surgical, and prosthodontic treatment which active-duty members of the uniformed services are furnished. Determinations made by the senior dental officer of the uniformed service dental facility or his designee as to the professional aspects of providing necessary dental care within the availability and capability of the dental staff shall be conclusive. Determinations as to the availability of space and facilities, or lack of them, for dependent dental care shall be made by the senior dental officer of the dental facility with the approval of the installation commander whose personnel are served by the dental facility concerned.

(b) *Designation of remote areas for dental care.* Remote areas within the continental United States shall be designated by a secretary of a uniformed service upon approval by the Secretary of Defense. Normally, an area will not be considered as remote unless the uniformed service activity is more than 30 miles from a community with adequate civilian dental facilities. Consideration shall be given to unusual geographic and transportation factors such as toll bridges or ferries which would unreasonably increase the time and expense of travel. A community's dental facilities ordinarily will not be considered adequate for the purpose of §§ 577.60–577.70 unless an average of one civilian dentist is in private civilian practice per 2,000 population. The above criteria shall not preclude a local commander from requesting designation of an area as remote when adequately justified. All requests for designation of an area as remote shall include the following:

(1) The distance of the area from a community with adequate civilian dental facilities (in miles and time) including unusual transportation factors which must be considered.

(2) The number of civilian dentists engaged in an active private practice within 30 miles of the uniformed service dental facility(s).

(3) The civilian population within 30 miles of the uniformed service activity.

(4) The dependent population residing on or adjacent to the installation.

(5) The total number of dependents who would be eligible for dental care at a uniformed service dental facility of the area were designated as remote.

(6) The availability of specialized dental services within the civilian community(s).

(7) The capability of the uniformed services dental facility to provide dental care to dependents in the area.

(8) Statement concerning excessive costs of civilian dental service in the community.

(9) Examples of unusual delays in obtaining civilian dental service.

(c) *Charges for dependent dental care.* Such dental care as may be provided to dependents of members of the uniformed services by dental facilities of the uniformed services shall be furnished without charge. (Civilian dental care shall not be provided to dependents at Government expense, except for dental care provided as an adjunct to medical or surgical treatment in civilian hospitals as an inpatient, see § 577.69 (c) (9).

§ 577.69 *Medical care for eligible dependents in civilian medical facilities*—(a) *Eligibility for civilian medical care.* Only the lawful wife, the dependent lawful husband, and children who are dependents of members of the uniformed services are eligible to receive specified medical care in civilian hospitals and from civilian physicians and surgeons at Government expense. Spouses and children requesting medical care from civilian sources will be required to observe the identification procedures prescribed by the uniformed services (see §§ 577.64 and 577.65).

(b) *Executive agent.* The Secretary of the Army has been designated as the executive agent for the uniformed services for the administration of dependent medical care obtained from civilian sources in the continental United States, Alaska, Hawaii, and Puerto Rico. Address: Executive Agent, c/o Office of The Surgeon General, Department of the Army, Washington 25, D. C., Attn: MEDDC. For the procurement and administration of the medical care for spouses and children in areas outside the jurisdiction of the executive agent see § 577.66 (b) (2) and §§ 577.80–577.93.

(c) *Medical and hospital care authorized from civilian sources.* Medical and surgical care from civilian sources is authorized for spouses and children for the following:

(1) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic disease only during hospitalization except as otherwise provided in §§ 577.60–577.70.

(2) Treatment of surgical conditions only during hospitalization except as otherwise provided in §§ 577.60–577.70.

(3) Treatment of contagious diseases during hospitalization.

(4) Complete obstetrical and maternity care.

(5) A maximum of 365 days' hospitalization in semiprivate accommodations for each admission, including the necessary services and supplies furnished by the hospital during hospitalization.

(6) Services required for a physician or surgeon prior to and following hospitalization for a bodily injury or surgical operation.

(7) Treatment in a hospital of acute emergencies of any nature which are a threat to the life, health, or well being of the patient, including acute emotional disorders. Hospitalization is authorized at Government expense for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition also qualifies for care under subparagraphs (1) through (4) of this paragraph. With special exceptions as authorized by the Surgeon General of a uniformed service, additional care in a hospital of the uniformed services on a space-available basis may be provided in accordance with § 577.67 (d) (2). In such cases, transfer to a uniformed service hospital at Government expense is authorized as provided in paragraph (h) (2) of this section.

(i) In continental United States, Hawaii, Alaska, and Puerto Rico, if the patient's illness or condition does not qualify for admission as in the foregoing references, the civilian hospital admitting the patient will immediately notify the executive agent furnishing the patient's name, diagnosis, type and duration of treatment required, and the name, age, and branch of service of the member on whom dependent.

(ii) In all other areas, immediate notification of all emergency admissions will be forwarded by the civilian hospital admitting the patient in accordance with regulations issued by the oversea commander or other commander concerned.

(iii) The executive agent or appropriate oversea commander will request the Surgeon General of the uniformed service concerned to determine whether or not the patient can be accepted in a medical facility of the uniformed services.

(8) Diagnostic tests and procedures including laboratory tests and pathological and radiological examinations during hospitalization when ordered by the attending physician.

(9) Dental care which is a necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital inpatient. Such dental care shall not include removable or fixed prosthodontic restorations.

(10) Nursing service as provided in paragraph (d) (3) of this section.

(d) *Terms of reference and rules for the provision of authorized medical care*

unless an average of one civilian dentist

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surgical care from civilian sources is au-

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from civilian sources. This guidance is for the purpose of determining the extent of dependent medical care which is provided to spouses and children at Government expense:

(1) *Applicable terms.* (These terms may be modified for use overseas in areas other than those under the jurisdiction of the executive agent.)

(i) *Hospital.* The word "hospital" shall mean only an institution which is operated in accordance with the law of the jurisdiction in which it is located pertaining to institutions identified as hospitals, is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care if injured and sick persons by or under the supervision of staff physicians or surgeons, and continuously provides 24-hour nursing service by registered graduate nurses. It shall specifically exclude any institution which is primarily a place of rest, a place for the aged, a place for the treatment of drug addiction or alcoholism, a nursing home, a convalescent home, or a facility operated by the Federal Government or any agency thereof. If the experience of the executive agent indicates that the care provided in a hospital is substandard, or charges of a hospital are excessive, Government approval of its use in the future may be withdrawn and payment of charges by the Government denied for patients admitted subsequent to the withdrawal of approval unless the case is certified as an emergency by the attending physician or surgeon.

(ii) *Semiprivate accommodations.* The term "semiprivate accommodations" signifies the presence of 2, 3, or 4 beds in a room in which a patient is hospitalized. Private accommodations means one bed in a room.

(iii) *Necessary services and supplies.* Those services and supplies ordered by the attending physician which are customarily provided and charged for by the hospital.

(iv) *Physician or surgeon.* A person who is legally qualified to prescribe and administer all drugs and to perform all surgical procedures.

(v) *Local schedules of allowances.* Professional fees for payment of physicians' services applicable to a local area negotiated with the physicians' representatives and approved by the executive agent for the Department of Defense and Department of Health, Education, and Welfare.

(2) *Hospital care.* (i) Hospital care under this section is defined as inpatient care for 18 consecutive hours or more, except for shorter periods of hospitalization for surgical procedures, treatment of fractures or other bodily injuries, or instances in which death occurs in a lesser period of time.

(ii) Hospital care shall include board and room and necessary services and supplies for a maximum of 365 days for each admission except as provided in paragraph (h) (2) of this section.

(3) *Nursing care.* If private-duty nursing care is required for proper care and treatment while receiving authorized hospital care, and if the patient's attending physician certifies to such a requirement, a portion of the cost will be borne by the Government in accordance with paragraph (g) (4) of this section.

(4) *Professional services*—(i) *Professional services related to hospitalization.* (*a*) The payment of physicians' fees according to the local schedules of allowances, including those of necessary consultants, for treatment of medical and surgical conditions during a period of hospitalization is authorized. The attending physician shall certify as to the requirements for a consultant's services.

(*b*) All diagnostic and therapeutic tests and procedures authorized by the attending physician and accomplished during a period of hospitalization are authorized for payment by the Government.

(*c*) The approved local schedules of allowances payable to a physician or surgeon for treatment in a hospital of a bodily injury or for a surgical procedure shall include prehospitalization and normal aftercare following a period of hospitalization.

(*d*) Although the Dependents' Medical Care Act provides primarily for professional services during hospitalization and does not permit "medical care normally considered to be outpatient care" at Government expense, certain limited benefits are authorized as indicated elsewhere in this paragraph and below:

(*1*) Payment is authorized in an amount not to exceed $75 at Government expense for necessary diagnostic tests and procedures performed or authorized by the attending physician prior to hospitalization for the same bodily injury or surgical procedure for which hospitalized.

(*2*) Payment is authorized in an amount not to exceed $50 at Government expense for necessary tests and procedures performed or authorized by the attending physician for proper aftercare of the same bodily injury or surgical procedure for which hospitalized.

(*3*) The monetary limitations in (*1*) and (*2*) of this subdivision are intended only to define the liability of the Government under the stated conditions and in no way modify, alter, or affect the fees for individual procedures contained in the local schedules of allowances, nor do they restrict the physician in the performance or authorization of necessary tests or procedures.

(*4*) The monetary limitations in (*1*) and (*2*) of this subdivision may be exceeded only in special and extraordinary cases provided that the physician authorizing the tests and procedures, the charges for which exceed the amounts specified above, submits a special report which shall be reviewed by a contractor's physician review committee. This committee will make appropriate recommendations to the executive agent who may authorize such additional payments. If there is no contractor's physician review committee, special reports referred to above will be processed in accordance with regulations prescribed by the command or agency administering the program in that area.

(*5*) If the physician initially responsible for care of a patient for a condition for while the patient is hospitalized terminates his professional care prior to or upon hospitalization, and does not continue to provide professional care in the hospital because the care of the patient is transferred to another physician, he shall be authorized the fee for a single professional visit prior to hospitalization in accordance with the local schedule of allowances. This provision does not apply to subdivision (ii) of this subparagraph.

(ii) *Obstetrical and maternity service including certain infant care.* (*a*) Complete obstetrical and maternity service shall include prenatal care, delivery, and postnatal care in a hospital, office or home. Payments for prenatal care, delivery, and postpartum care shall be made to the physician performing the respective service in accordance with the local schedule of allowances (see paragraph (g) (6) of this section). In the event that more than one physician provides prenatal care, the prenatal care period shall be divided into 3 parts with appropriate apportionment of the prenatal fee. The Government normally shall not pay more than one physician's fee for each trimester. During prenatal care a change in physician as a result of a permanent change of station of the sponsor, a change in residence of the patient involving a considerable distance, or the death or disability of the attending physician would be exceptions. Similarly the Government shall not pay a separate fee for postpartum care except when the physician performing the postpartum care is other than the physician who performed the delivery as a result of changes as in the examples above. Allowances are authorized for laboratory tests, pathology or radiology examinations, and other procedures performed or authorized by the attending physician in the management of the pregnancy. In instances of home or office confinements, payments are not authorized for the purchase or rental of beds, bassinets, or similar equipment, nor for services of private-duty nurses (see paragraph (g) (6) of this section).

(*b*) If a consultant's services are required for proper care and treatment of the patient and the attending physician certifies as to the requirement, such care is authorized.

(*c*) Necessary or required infant care shall be provided during the period of hospitalization following delivery. If the infant requires further hospitalization following delivery, such care is authorized as a continuation of the original admission. As a part of complete maternity service, newborn infant care outside of a hospital, including immunization is also authorized at Government expense for a maximum period of 60 days following delivery but not to exceed a total of two visits by a physician or to a physician after discharge from the hospital.

(iii) *Other professional services.* The authorized payments for the treatment of bodily injuries when a patient is not hospitalized, including diagnostic and therapeutic tests and procedures authorized by the attending physician, are limited to treatment of fractures, dislocations, lacerations, and other wounds as prescribed in the local schedules of allowances, or where no local schedules of allowances are applicable as prescribed by the command or agency administering the program in that area. Services, tests and procedures shall be in accordance with subdivision (i) (*d*) of this subparagraph and paragraph (g) (5) of this section.

(iv) *Dental care as an adjunct to medical care.* Such care is authorized in accordance with local schedules of allowances (see § 577.62 (k) (8)).

(e) *Medical care not authorized.* Medical care and services specified in this section shall not be authorized for any of the following:

(1) Chronic diseases, except for acute exacerbations or complications of chronic disease as defined in § 577.62 (k) (6).

(2) Nervous and mental disorders, except for emergencies as in § 577.67 (c) (2) and paragraph (c) of this section. Also see § 577.62 (k) (7).

(3) Elective medical and surgical treatment. See § 577.62 (k) (5).

(4) Domiciliary care. See § 577.62 (k) (4).

(5) Treatment or procedures normally considered to be outpatient care.

(6) Ambulance service, except as noted in paragraphs (c) (7), (f) (1), and (h) of this section, and as limited by § 577.80–577.93.

(7) Artificial limbs, artificial eyes, hearing aids, orthopedic footwear, and spectacles.

(f) *Administration of dependent patients who become ineligible for care.* (1) Spouses and children of members of the uniformed services receiving treatment in a civilian medical facility at Government expense at the time of death of the member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed service medical facility as soon as the physical condition of the patients permits. If such a transfer is made, it will be accomplished at Government expense and transportation is authorized in the same manner as provided in paragraph (h) (3) of this section. The cost of medical care for the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in paragraph (g) of this section, but not after the specified date on which arrangements and transfers are to be completed.

(2) In cases of spouses and children of members of the uniformed services receiving treatment in a civilian medical facility at Government expense at the time of release of the member from active duty; or when the member is separated from the service by punitive-type discharge; or when the member has been dropped from the rolls of his service, the Government's responsibility ceases as of 2400 hours (midnight) of the day on which the hospital and/or physician receives the notification that the dependents' eligibility for medical care at Government expense has terminated.

(i) It shall be the responsibility of the commander who processes a member for separation or retirement to obtain a statement from the member to the effect that the member does or does not have an eligible dependent spouse or child receiving civilian medical care at Government expense upon the effective date of release from active duty. When the above statement is in the affirmative, the commander concerned will notify the executive agent (for patients in the continental United States, Alaska, Hawaii, and Puerto Rico) direct, by message communication or other expeditious means, furnishing the name of the dependent involved and the member upon whom dependent, date of release of the member from active duty, and the name and address of the civilian medical facility or physician where the dependent is receiving care. For patients in areas other than continental United States, Alaska, Hawaii, and Puerto Rico, notification will be made by the commander to the appropriate oversea commander directly, by message communication, to the effect that the patient is no longer entitled to care at the expense of the United States Government. A copy of the notification will be forwarded to the office responsible for payment of such bills.

(ii) Commanders executing punitive discharge of a member will obtain a statement from the member to the effect that the member does or does not have an eligible dependent spouse or child receiving civilian medical care at Government expense upon the date of the punitive discharge. When the above statement is in the affirmative, the commander concerned will accomplish the notification as prescribed in subdivision (i) of this subparagraph, furnishing the name of the dependent involved, the name of the member upon whom dependent, date the punitive discharge of the member is executed, and the name and address of the civilian medical facility or physician from whom the dependent is receiving care. If the commander has reason to believe the member has a spouse or child receiving civilian medical care at Government expense and he is unable to obtain this statement as above, he will accomplish the notification as in subdivision (i) of this subparagraph to the extent of information available.

(iii) When a member is dropped from the rolls of his service, the commander effecting such action and who has reason to believe that the member has a dependent spouse or child receiving civilian medical care at Government expense, shall accomplish the notification as prescribed in subdivision (i) of this subparagraph, furnishing the name of the dependent involved, the member upon whom dependent, date of dropping the member from the rolls of his service, and the name and location of the civilian medical facility or physician from whom the dependent is receiving care.

(iv) Upon the death of a member, his organization commander shall accomplish the notification prescribed in subdivision (i) of this subparagraph if he has reason to believe that the member had a spouse or child receiving civilian medical care at Government expense.

(v) When the executive agent or the appropriate oversea commander, or other commander concerned receives notification in accordance with subdivisions (i), (ii), (iii), or (iv) of this subparagraph, he will notify the contractor, civilian medical facility, or civilian physician, as appropriate, to the effect that the dependent's eligibility for medical care at Government expense is terminated as of a specified date.

(g) *Charges for dependent medical care.* When the charge for the hospitalization of a spouse or child is $25 or less, the patient shall pay the charge as a direct transaction not involving the Government. Also, when the charge for authorized care of an injury not involving hospitalization is $15 or less, the patient shall pay the amount charged by the medical facility or physician as a direct transaction not involving the Government. In other instances, the patient shall pay the charge as prescribed under applicable circumstances listed below:

(1) When the entire period of hospitalization has been in other than private accommodations, the patient shall pay to the hospital the greater of subdivision (i) or (ii) of this subparagraph.

(i) The first $25 of the expense incurred.

(ii) An amount determined by multiplying the number of days of hospitalization by the per diem date of $1.75 established in § 57.767–(f) (1).

(2) If hospital care in a private room is obtained because it is required for proper care and treatment, and if the patient's attending physician so certifies, the amount of private room charges less the patient's payment set forth below will be paid by the Government. The patient shall be required to pay the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph and in addition 25 percent of the difference between private room charges and weighted average cost of semiprivate room charges. The weighted average cost of semiprivate room beds is based on the number of different rates for semiprivate room beds in that hospital times the number of beds at each rate combined into a sum of the products divided by the total number of beds, e. g., 20 beds @ $10 equals $200; 10 beds @ $12 equals $120; 10 beds @ $15 equals $150, for a total of $470. The weighted average cost per bed would then be calculated ($470 divided by 40 equals $11.75 weighted average cost).

(3) If hospital care in a private room is provided at the specific request or desire of the patient or of the sponsor, the patient shall be required to pay to the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph, and in addition the difference between private room charges and weighted average cost of semiprivate room charges.

(4) If private-duty nursing care is required for proper care and treatment while receiving authorized hospital care, and if the patient's attending physician so certifies, the patient shall pay the first $100 and 25 percent of the charges in

excess of $100 for such private-duty nursing care. The Government will pay 75 percent of the special-duty nursing charges in excess of $100.

(5) When a patient is treated for injury other than as an inpatient in a hospital in accordance with paragraph (d) (4) (iii) of this section, the payments made shall be in accordance with the local schedules of allowances. Payments by the Government, not to exceed a maximum of $75, except as provided for under paragraph (d) (4) (i) (*d*) (*4*) of this section, are also authorized for laboratory tests and pathology and radiology examinations provided they are procedures performed or authorized by the attending physician or surgeon. Payment of charges is also authorized for use of hospital outpatient facilities required for the treatment of the injury, e. g., a cast room. The patient shall pay the first $15 of the total charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident shall be considered as one injury for payment of the maximum required fee ($15) by the patient. The Government shall pay for all costs in excess of $15 as authorized in the local schedules of allowances or as provided for in normal hospital rates for use of their outpatient facilities. However, payment by the Government for laboratory tests and pathology and radiology examinations shall not exceed the $75 maximum except as provided for under paragraph (d) (4) (i) (*d*) (*4*) of this section.

(6) All admissions to a hospital of an obstetrical patient as an inpatient for care required in direct connection with the pregnancy, including direct complications thereof, rendered, during the period of pregnancy up to and including delivery and postpartum inpatient care following delivery, or immediate postpartum inpatient care for patients delivered outside the hospital, shall be considered as one admission for the purposes of determining charges to the dependent. Admission for a non-obstetrical diagnosis in the course of a pregnancy would require the patient to pay the charges for a separate admission. Patients who delivered in a home or office shall pay to the physician the first $15 of the charges in connection with the delivery, if not subsequently hospitalized. If hospitalized, the charges shall be in accordance with other applicable provisions of this paragraph.

(7) When an inpatient is transferred to another hospital for necessary treatment not available in the first hospital and no break in hospitalization occurs except for time in transit, it shall be considered as one admission for the purpose of payment of charges by the patient in accordance with this section.

(h) *Hospitalization beyond period of 365 days.* When a spouse or child requires a period of hospitalization in excess of 365 days, the hospital shall notify the executive agent or if applicable the appropriate oversea commander or other commander concerned as in paragraph (c) (7) of this section. This notification shall be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a hospital of the uniformed service if this is determined to be feasible. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized as provided below.

(1) The executive agent upon receipt of such information shall notify the Surgeon General of the appropriate uniformed service.

(2) The Surgeon General of the uniformed service concerned shall take action to determine the feasibility of moving the patient to an appropriate facility of the uniformed services or other disposition as may be indicated prior to the expiration of the 365 days of authorized civilian care. If transfer of the patient is not feasible, authorization of continued civilian hospital care beyond 365 days may be approved by the Surgeon General concerned for a period not to exceed 90 days. Further authorization, if required, must be obtained prior to the end of each subsequent 90-day period. When a Surgeon General takes such action, he will notify the executive agent who in turn will notify the contractor or civilian hospital concerned.

(3) Transportation incident to movement of the spouse or child is authorized at Government expense. Commercial or Government transportation means shall be utilized as appropriate. This includes utilization of aeromedical evacuation systems of the Military Air Transport Service (MATS) or other military aircraft as appropriate. Upon written authority of the commander or director of a uniformed service medical facility nearest the locale of the patient, movement of such patients may be accomplished via aeromedical evacuation aircraft in accordance with the applicable procedure of MATS or theater air commander on a space-available basis.

(i) *Government liability for payment of civilian medical care costs.* As prescribed in §§ 577.64 and 577.65, the uniformed services shall provide eligible dependents with means of identification. When spouses and children of members of the uniformed services are provided civilian medical care, it is expected that the attending physician and medical facility will use reasonable care and precaution in identifying them. When medical care has been provided in good faith by the attending physician and medical facility and it is subsequently determined that the persons concerned were not in fact entitled to medical care at Government expense under the Dependents' Medical Care Act, collection and other legal action shall be taken only against the sponsor, guardian, or individual who was not entitled to the medical care. Collection action in individual cases will be the responsibility of the uniformed service whose appropriations reimbursed the executive agent or whose appropriations were used in payments made on behalf of persons not entitled to medical care at Government expense. Where fraud is indicated, the matter may be referred to the Attorney General of the United States with recommendation for prosecution.

§ 577.70 *Medical care in medical facilities not otherwise provided for.* (a) When spouses and children receive medical care authorized by §§ 577.60–577.70, on an emergency basis, in a medical facility which is not included in the definition of a hospital as provided for in § 577.69 (d) (1) (i) or is not a uniformed services medical facility, the patient shall pay the charges listed in § 577.69 (g) as applicable and the Government will pay the difference between the amount payable by the patient and reimbursable cost. Payments by the Government for such care rendered in Federal medical facilities other than those of a uniformed service will be on a reimbursement basis between the executive agent and the department or agency concerned. This does not apply to paragraph (c) of this section.

(b) When dependents receive medical care authorized by §§ 577.60–577.70 in the governmental facilities of a foreign government, the dependent shall pay the charges listed in § 577.69 (g), and the difference between the total bill and the amount paid by the dependent will be paid by the United States Government. In instances where a reciprocal agreement between a foreign government and the United States is in effect which provides for no charge or lesser charge to the dependent than those listed in § 577.69 (g), such charges, if any, under the reciprocal agreement shall prevail.

(c) Sections 577.60–577.70 do not affect dependent's medical care furnished under the provisions of section 105, Public Law 453, 83d Congress, which authorizes medical and dental care for eligible dependents of military personnel in the Canal Zone Government medical facilities.

FISCAL POLICIES PERTAINING TO DEPENDENTS' MEDICAL CARE

2. Sections 577.80–577.93 are hereby prescribed, to read as follows:

Sec.
577.80 Purpose and scope.
577.81 Reference.
577.82 Responsibilities of executive agent.
577.83 Medical care obtained from civilian sources in continental United States, Alaska, Hawaii, and Puerto Rico for dependent spouses and children.
577.84 Address of executive agent.
577.85 Responsibilities for execution of contracts in continental United States, Alaska, Hawaii, and Puerto Rico.
577.86 Contract financing.
577.87 Payments to physicians and civilian medical facilities.
577.88 Payments to contractors in continental United States, Alaska, Hawaii, and Puerto Rico.
577.89 Payment for medical care when contract procedures not established.
577.90 Civilian medical care for spouse and children outside continental United States, Alaska, Hawaii, and Puerto Rico.
577.91 Administration of civilian medical care in areas outside jurisdiction of executive agent.
577.92 Claims.
577.93 Transportation of patients.

AUTHORITY: §§ 577.80–577.93 issued under Pub. Law 569, 84th Cong., 70 Stat. 250.

SOURCE: AR 40–122, SECNAV INST 6320.9, AFR 170–18, and PHS DIV FIN CIR No. 41, all dated November 5, 1956.

§ 577.80 *Purpose and scope.* Sections 577.80–577.93 promulgate policies and procedures for guidance of the uniformed services with respect to fiscal aspects of medical care for eligible dependents of members of the uniformed services in accordance with the Dependents' Medical Care Act (PL 569, 84th Cong.).

§ 577.81 *Reference.* Reference will be made to the joint uniformed services regulation in §§ 577.60–577.70 for information and guidance with respect to the following:

(a) Definition of terms peculiar to the dependent medical care program.

(b) Determination of eligibility and authorization for admission of dependents.

(c) Determination of source from which dependents are to receive medical care.

(d) Administration of medical care for dependents at medical facilities of the uniformed services.

(e) Administration of medical care obtained from civilian sources for spouses and children.

(f) Administration of medical care not otherwise provided for.

§ 577.82 *Responsibilities of executive agent.* (a) To make medical care available at Government expense from civilian sources for the spouses and children of all members of the uniformed services, the Secretary of the Army, acting as executive agent for the Secretary of Defense and the Secretary of Health, Education, and Welfare, is responsible for contracting for such medical care within the continental United States, Alsaka, Hawaii, and Puerto Rico in accordance with instructions contained in § 577.85. For the administration of medical care obtained from civilian sources for spouses and children of members of the uniformed services outside the continental United States, Alaska, Hawaii, and Puerto Rico, see § 577.91.

(b) The executive agent's authority does not extend to the conduct of the medical care program in medical facilities of the uniformed services.

§ 577.83 *Medical care obtained from civilian sources in continental United States, Alaska, Hawaii, and Puerto Rico for dependent spouses and children.* The executive agent is responsible for this portion of the medical care program, acting under authority of the Secretary of Defense. In view of this single responsibility, the Secretary of the Army is responsible for the development of such procedures and the issuance of such instructions as are considered necessary to execute the responsibilities and functions required of the executive agent as set forth in §§ 577.80–577.93.

§ 577.84 *Address of executive agent.* The address of the executive agent is as follows:

Executive Agent,
% Office of The Surgeon General,
Department of the Army,
Washington 25, D. C.,
ATTN: MEDDC

§ 577.85 *Responsibility for execution of contracts in continental United States, Alaska, Hawaii, and Puerto Rico.* (a) To insure the availability of medical care from civilian sources in the continental United States, Alaska, Hawaii, and Puerto Rico for the dependent spouses and children of all members of the uniformed services, the Secretary of the Army, acting as executive agent for the Secretary of Defense and the Secretary of Health, Education, and Welfare, will contract for such medical care in accordance with Armed Services Procurement Regulations with authority to redelegate contracting authority to an appropriate level within the Army.

(b) The executive agent is responsible within the continental United States and in Alaska, Hawaii, and Puerto Rico with respect to the preparation of the terms and placement of the contract or contracts to be established to include, but not limited to:

(1) Local schedules of allowances to be used in full payment of bills presented by physicians and surgeons.

(2) A provision for review and, if necessary, an adjustment of payments for administrative overhead charges not later than 120 days after the first year the plan or plans have been in effect and each year thereafter.

(3) Determination of administrative responsibilities of the contractors and method of determining administrative costs.

(4) Adequate billing procedures covering bills transmitted from the physicians or the treatment facility either directly to the Government or through a contractor or by other arrangement, as applicable.

NOTE: Sections 577.60–577.70 authorize under certain conditions, the furnishing of care by dentists and private duty nurses at Government expense. When such care is authorized, payment for services rendered by dentists and private duty nurses will be accomplished in the manner prescribed in § 577.87.

(c) The executive agent, in addition to other responsibilities indicated in §§ 577.80–577.93, is responsible for the following with respect to the administration of contracts:

(1) Liaison activities with the contractor(s).

(2) Payment of bills.

(3) The processing of complaints with reference to civilian medical care and hospitalization.

(d) The executive agent's responsibility does not include, as a matter of routine, a detailed supervision of civilian medical procedures or a detailed inspection of civilian medical facilities.

(e) Subject to the provisions of applicable contracts, contractors will be responsible for payments to physicians, in accordance with local schedules of allowances, payments to hospitals for authorized services rendered, liaison with physicians and hospitals, maintenance of complete fiscal records for audit purposes, rendition periodically of consolidated billings to the executive agent, maintenance of records which are the basis for determination of administrative overhead charges payable to the contractor, and such other requirements as may be included in contracts as specific responsibilities of the contractor. Contractors also shall have responsibility for resolving medical disputes (regarding professional matters and payment of fees) through local grievance committees composed of civilian physicians designated by the State, District of Columbia, Puerto Rico, or territorial medical society. When local grievance committees recommend to the contracting officer through the fiscal agent additional or modified payments to physicians for procedures not specifically covered by the local schedule of allowances or in unusually involved cases, the contracting officer may authorize additional payments.

§ 577.86 *Contract financing.* Each of the uniformed services is authorized to finance contracts in accordance with applicable regulations or instructions of the uniformed service concerned with respect to contracts which activities of the particular uniformed service may negotiate to obtain medical care from civilian sources in areas outside the jurisdiction of the executive agent. The executive agent will finance contracts in accordance with applicable regulations of the Department of the Army and such other special instructions as may be issued by appropriate authority with respect to the Dependents' Medical Care Program.

§ 577.87 *Payments to physicians and civilian medical facilities.* (a) Based upon contracts entered into between the executive agent or oversea commanders and contractors, it is the responsibility of each contractor to effect payment to physicians and civilian medical facilities for authorized services rendered in accordance with the terms of the contract. These payments will be made by the contractor upon receipt of a properly executed DA Form 1863 (Statement of Services Provided by Civilian Medical Sources—PL 569, 84th Congress). This form will be made available to the source of medical care by the appropriate contractor who will have previously been furnished a supply of such forms by or through action of the executive agent or appropriate oversea commander. In oversea areas not administered by the executive agent, this form will be requisitioned through established forms requisitioning channels of the uniformed service concerned to document authorized medical care obtained from civilian sources. Copies of DA Form 1863 will be used to support the payment voucher, Standard Form 1034 (Public Voucher for Purchases and Services Other than Personal), except that in instances where DA Form 1863 is not readily obtainable, the payment voucher will be supported by an invoice from the physician, or medical facility concerned, which will clearly reflect the data required by the Statement of Services form.

(b) It is the responsibility of the contractor to examine each claim received from a civilian physician or civilian medical facility to insure that amounts claimed are in accordance with local schedules of allowances, where applicable, and that services for which payment is claimed conform to the terms of the contract or other prescribed method of payment. Where the examination of

the claims indicates any irregularity in a claim, it is the responsibility of the contractor to effect appropriate adjustment prior to payment of the claim or return the claim to the civilian physician or medical facility for adjustment and resubmission.

§ 577.88 *Payments to contractors in continental United States, Alaska, Hawaii, and Puerto Rico.* The executive agent is authorized to take such actions as are considered necessary to carry out assigned responsibilities for payment of contractors in the continental United States, Alaska, Hawii, and Puerto Rico. These actions will include the development of procedures and the promulgation of necessary regulations with respect to voucher forms to be used, supporting documentation and certification of vouchers, frequency of payments, designation of paying offices, and such other fiscal requirements considered necessary to establish a proper functional relationship between the executive agent and the contractors.

§ 577.89 *Payment for medical care when contract procedures not established.* Within the continental United States, Alaska, Hawaii, and Puerto Rico where authorized medical care is provided to eligible dependents by civilian physicians and hospitals which are not subject to submission of bills through contract procedures, the executive agent will establish procedures which will provide for designation of an office or offices to which such bills will be submitted for processing and payment.

§ 577.90 *Civilian medical care for spouses and children outside continental United States, Alaska, Hawaii, and Puerto Rico.* In areas other than the continental United States, Alaska, Hawaii, and Puerto Rico in which medical facilities of the uniformed services are either nonexistent or incapable of providing adequate medical care for spouses and children residing in the area, civilian medical care, as authorized by §§ 577.60–577.70, is authorized to be provided from acceptable local sources.

§ 577.91 *Administration of civilian medical care in areas outside jurisdiction of executive agent.* (a) The secretary of each uniformed service is authorized to contract for or provide for payment of authorized medical care for spouses and children in oversea areas. He may redelegate this authority to a major oversea commander or other comparable commander having overseas command responsibility and authorize further successive redelegations when deemed appropriate. Where delegation of authority to an oversea commander has not been made, a request for the delegation of this authority may be submitted to the secretary of the uniformed service concerned when the oversea commander determines such action to be desirable.

(b) Where contracts for civilian medical care for spouses and children are placed, the responsibilities of the uniformed service executing the contract will be the same, where applicable, as those indicated herein for the executive agent with respect to the administration of contracts as indicated in § 577.85 (b) through (e).

(c) In appropriate instances, contracts may be accomplished by a uniformed service for the spouses and children of more than one uniformed service or all uniformed services in their area of cognizance. Where an oversea command or activity deems such action desirable, request for designation of a single uniformed service will be forwarded through channels to departmental level for consideration and action. The request will include a recommendation as to the uniformed service to be designated.

(d) Where it is determined that it is not feasible or appropriate to execute a contract to provide authorized medical care from civilian medical sources in oversea areas through an intermediary in conformity with procedures authorized above, such care may be contracted for by direct contract with civilian physicians and hospitals. Further, such care may be obtained in appropriate cases without a formal contract and payment for authorized services rendered will be made direct to the physician or hospital concerned by a disbursing officer designated by the oversea commander concerned.

§ 577.92 *Claims.* In cases where spouses and children receive authorized medical care from approved sources at personal expense which is a proper charge against the Government, claims for reimbursement in such cases may be made by the sponsor or dependent. Where the care was provided in the continental United States, Alaska, Hawaii, or Puerto Rico, the claim will be submitted to the appropriate Army commander for review and disposition. Where authorized care was provided outside areas of responsibility of the executive agent, claims will be processed in accordance with applicable regulations of the uniformed service concerned. Each claim will give detailed information concerning all facts in support of the claim including the name and address of the physician or medical facility providing the medical care and a receipted copy of the physician's or medical facility's billing.

§ 577.93 *Transportation of patients.* (a) Situations may arise where it will be necessary to move spouses and children from civilian medical facilities to a medical facility of the uniformed services. In such cases, when movement of spouses and children is provided at Government expense as authorized by §§ 577.60–577.70, cost of transportation when procured from civilian sources will be charged to the applicable appropriation of the uniformed service of which the sponsor is a member and which is available for the maintenance and operation of medical facilities of the particular uniformed service. Payment for transportation services under authority of this section is a direct responsibility of the uniformed service of which the sponsor is a member and will not involve any actions by the executive agent.

(b) The use of a civilian ambulance for providing the transportation contemplated by this section is not authorized except to transport the patient from the medical facility to the primary means of transport.

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56–10173; Filed, Dec. 13, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Manpower Policy Statement 1, Supp. 1]

DMP 1—IMPLEMENTATION OF NATIONAL MANPOWER MOBILIZATION POLICY WITH RESPECT TO PROCUREMENT AND PRODUCTION SCHEDULING

SUSPENSION PENDING REVIEW

By virtue of the authority vested in me by Executive Order 10480 of August 14, 1953, as amended: *It is hereby ordered,* That:

1. Defense Manpower Policy Statement No. 1 of August 2, 1951, is hereby suspended pending review.

2. This order shall take effect on December 7, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56–10225; Filed, Dec. 13, 1956; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, § 3.142 (a) is amended to read as follows:

§ 3.142 *Special action where evaluations provided under the rating schedule, 1945, are considered inadequate or excessive.* (a) Exceptional cases to which the application of the 1945 schedule is not understood, or with regard to which evaluation under this schedule is considered inadequate or excessive, may be submitted by the adjudication officer or Chief, Veterans Claims Division, Veterans Benefits Office, Washington, D. C., for advisory opinion or for reevaluation to the Director, Compensation and Pension Service, Central Office. Questionable special monthly compensation cases and cases involving severe disabilities considered total, but for which current procedure does not authorize a total rating, will be similarly submitted. However, cases will not be withdrawn from appellate channels for submission under this section, except as the Board of Veterans Appeals may join in reference of such cases with their recommendation (Vet. Reg. 3 (a) 38 U. S. C. 12A).

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2. In § 3.170, paragraph (a) is amended to read as follows:

§ 3.170 *Continuance of total disability ratings.* (a) Total disability ratings made pursuant to the criteria established under the prior general and service pension laws, the War Risk Insurance Act, as amended, or the World War Veterans' Act, 1924, as amended, or existing legislation for pension, disability allowance, or disability compensation purposes, when warranted by the severity of the condition and not granted purely because of hospitalization or home treatment, or individual unemployability, will not be reduced, in the absence of clear error, without physical examination showing material improvement in physical condition. Examination reports showing material improvement must be evaluated in conjunction with all the facts of record, and consideration must be given particularly to whether the veteran attained improvement under the ordinary conditions of life, i. e., while actually at work, or whether the symptoms have been brought under control by prolonged rest, or, generally, by following a regimen which precludes work and, if the latter, reduction from total disability ratings will not be considered pending reexamination after a period of employment (3 to 6 months). In service-connected cases, continuance of total ratings for active tuberculosis which has reached arrest will be in accordance with extensions 6 and 6A of the Schedule for Rating Disabilities, 1945: *Provided,* That where in the opinion of the rating board the Veteran at the expiration of the 2 years during which a total rating is provided by extension 6 will not be able to maintain arrest or inactivity under the ordinary conditions of life, the case will be submitted under § 3.142.

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(68 Stat. 29; 38 U. S. C. 746)

3. Section 3.171 *Continuance of total disability ratings in tuberculosis cases* is revoked.

4. In § 3.172, paragraphs (a) and (c) are amended and (d) is added to read as follows:

§ 3.172 *Stabilization of disability evaluations.* (a) The approved policy of the Veterans Administration requires that all rating agencies handle cases affected by change of medical findings or diagnosis, wherein service-connection or entitlement is in effect, including claims under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12A), so as to produce the greatest degree of stability of disability evaluations consistent with the laws and regulations governing disability compensation and pension. In pursuance of this vital policy it is essential that the entire record of examinations and the medical-industrial history be reviewed to ascertain whether the recent examination is full and complete, including all special examinations indicated as a result of general examination and the entire case history. This applies especially to hospital examinations incident to treatment of intercurrent diseases and exacerbations, including bedside examinations, examinations by designated physicians, and examinations in the absence of, or without taking full advantage of, laboratory facilities and the cooperation of specialists in related lines. Examinations less full and complete than those on which payments were authorized or continued will not be used as a basis of reduction. The type of disease and the relationship between the former diagnosis and findings and the new diagnosis and findings must be closely examined. Ratings on account of diseases subject to temporary or episodic improvement, e. g., manic-depressive or other psychosis, epilepsy, psychoneurosis, coronary sclerosis (cornonary occlusion or the anginal syndrome), bronchial asthma, gastric or duodenal ulcer, many skin diseases, etc., will not be reduced on any one examination, except in those instances where all the evidence of record clearly warrants the conclusion that permanent improvement of physical or mental condition has been demonstrated. Ratings on account of diseases which become comparatively symptom free (findings absent) after prolonged rest, e. g., phlebitis, myocardial or coronary insufficiency, etc., will not be reduced on examinations reflecting the results of bed rest. When the new diagnosis reflects mental deficiency or psychopathic inferiority only, the possibility of only temporary remission of the psychosis, psychoneurosis, or other superimposed disease will be borne in mind. When syphilis of the central nervous system or alcoholic deterioration is diagnosed following a long prior history of psychosis, psychoneurosis, epilepsy, or the like, it is rarely possible to exclude persistence, in masked form, of the preceding innocently acquired manifestations. With new diagnosis or findings reflecting change from organic etiology to functional etiology, as organic disease of the heart, to neurocirculatory asthenia, vasomotor instability, or psychoneurosis, or as arthritis to psychoneurosis under similar circumstances, substantially the same degree of disability may persist under the new diagnosis as under the old one. Even though material improvement in the physical or mental condition is clearly reflected, the rating agency will consider whether the evidence makes it reasonably certain that the improvement will be permanent and can be maintained under the ordinary conditions of life, i. e., while employed, or, if unemployed, while actively seeking employment.

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(c) The provisions of paragraphs (a) and (b) of this section apply to ratings which have continued for long periods at the same level (5 years or more). They do not apply to disabilities which have not become stabilized and are likely to improve. Reexaminations disclosing improvement, physical or mental, in these disabilities will warrant reduction in rating.

(d) Permanent and total disability evaluations under Part III, Veterans Regulations 1 (a), in effect during a period of hospital treatment for active pulmonary tuberculosis will be continued for 6 months following discharge from hospital as arrested or inactive, provided the medical authorities recommend that employment be not resumed, or be resumed only for short hours, not more than 4 hours a day for a 5-day week. At the end of the 6-month period the veteran will be reexamined and the permanent and total disability evaluation may be extended for a further period of 6 months provided there is factual evidence that the veteran is not employed in a substantially gainful capacity and that he continues to be totally incapacitated. Evidence to be considered in making this determination will be residuals of thoracoplasty, continuance of pneumothorax or pneumoperitoneum, or continued medication with antibiotic drugs and, in any event, observance of rest periods during the daytime. Similar extensions may be granted under the same conditions at the end of 12 and 18 months. Where in the opinion of the rating board the veteran at the expiration of the 24 months will not be able to maintain arrest or inactivity under the ordinary conditions of life, the case will be submitted under § 3.142.

5. Section 3.315 is revised to read as follows:

§ 3.315 *Special apportionments.* Where it is clearly shown by competent evidence that the application of the provisions of §§ 3.276, 3.310, and 3.311, or the fact that no apportionment is authorized under § 3.312 will result in undue hardship upon the disabled person or any one of his dependents and relief can be afforded without undue hardship to the other persons in interest, the complete case file will be forwarded by the authorization officer or the attorney-reviewer with appropriate recommendation as to the exact manner of the proposed relief, to the adjudication officer, assistant adjudication officer, or the Chief, Veterans Claims Division, Veterans Benefits Office, D. C., who will determine without regard to the provisions of §§ 3.276, 3.310, 3.311, and 3.312, the disability pension, service pension, disability compensation, or emergency officers retirement pay, which will be apportioned and the exact amount to be apportioned to each individual in interest. Should an appeal from such apportionment be received, the claims folder will be referred to the adjudication officer, assistant adjudication officer, or the Chief, Veterans Claims Division, Veterans Benefits Office, in order that the special apportionment from which the appeal is taken may be reconsidered in the light of any additional evidence developed in connection with the appeal. When it is found that no change is warranted, VA Form 8, properly prepared, will be approved. Thereafter, regular appellate procedure will be for application. (See Veterans Administration appeals procedures.)

(Sec. 3, 54 Stat. 1195; 38 U. S. C. 49a)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

6. In Part 4, paragraph (a) of § 4.174 is amended to read as follows:

§ 4.174 *Rating for purpose of servicemen's indemnity.* (a) As to persons specified in § 4.300 (b) (2) and (3), the death rating agency will determine whether disability (injury or disease) causing death was actually incurred during the designated period of time while en route to the place specified. The injury or disease must have been incurred during a period of time when the person was actually pursuing the objective of reaching the place specified without material deviation from the manner provided. Where the requirements for favorable action as specified in this section are met except that a question remains as to deviation, the rating agencies in field offices will make a recommendatory rating which will be forwarded to Director, Compensation and Pension Service, for review and final action.

* * * * *

7. In § 4.178, paragraph (d) is amended to read as follows:

§ 4.178 *World War II or Korean conflict (Pub. Law 28, 82d Cong.); establishment of service-connected disability of less than 10 per centum (sec. 4, Pub. Law 312, 78th Cong., act of May 27, 1944, as amended, sec. 6, Pub. Law 483, 78th Cong., act of Dec. 14, 1944).* * * *

(d) *Cases not covered.* Where there is no provision for an evaluation of the disease or injury as a disability and the condition is not a disability within the meaning of the instructions issued defining the term "disability" as used in section 1 (b), Public Law 198, 76th Congress, or section 6, Public Law 483, 78th Congress, or in paragraph (b) of this section, but it is clear that the disease or injury constituted a definitely ascertainable disability, the rating agency will outline the evidence and influencing reasons relied on to show the existence of a disability in a recommendatory submission to the Chief Benefits Director, Attention: Director, Compensation and Pension Service, together with the XC-folder for review and decision. Upon the basis of such decision, the rating agency will render a complete rating upon return of the XC-folder. Consideration will be given in Central Office toward inclusion of the disease or injury, held as a definitely ascertainable disability in the individual case, in a general regulatory issue for the guidance of all concerned. No case will be withdrawn from appellate channels for submission under this paragraph, except as the Board of Veterans Appeals may join in reference of such case with their recommendation.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective December 14, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-10233; Filed, Dec. 13, 1956; 8:47 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 7—SOLDIERS' AND SAILORS' CIVIL RELIEF

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, paragraphs (a) (2) and (3), and (b) of § 6.90 are amended to read as follows:

§ 6.90 *Examinations for insurance purposes.* (a) * * *

(2) When requested by the disability insurance claims activity for the purpose of review, as provided by Veterans Administration regulations, of claims in which insurance benefits are being paid, to determine if the person has recovered the ability to follow a gainful occupation;

(3) When requested by the disability insurance claims activity in order to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date. Examination will be made without charge to the claimant.

(b) Physical examinations required of applicants for insurance, under the World War Veterans' Act, 1924, as amended, or for reinstatement of insurance, may be made free of charge to the applicant by a full-time or part-time salaried physician at a field station of the Veterans Administration upon the request of the applicant, or upon the specific request of the underwriting activity in connection with an application for reinstatement of insurance when deemed necessary in order properly to safeguard the interests of the Government. Physical examinations required of applicants for insurance, under the World War Veterans' Act, 1924, as amended, or for reinstatement of insurance, may be made at applicant's own expense by a physician duly licensed for the practice of medicine by a State, Territory of the United States, or the District of Columbia, or by a duly licensed osteopathic physician who is a graduate of a recognized and approved college of osteopathy and who is listed in the current directory of the American Osteopathic Association. Such examination may be made by a physician or osteopath who is not related to the applicant by blood or marriage, associated with him in business, or pecuniarily interested in the issuance or reinstatement of the policy. Examinations made in a foreign country by a physician duly licensed for the practice of medicine and otherwise acceptable may be accepted if submitted through the American consul. The Administrator of Veterans' Affairs may require such further medical examination or additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application.

2. Section 6.91 is revised to read as follows:

§ 6.91 *Examinations and inspections for insurance purposes where applicant or claimant, by reason of his physical or mental condition, is unable to appear at a Veterans Administration office.* If an individual is unable to travel because of physical or mental condition, the Manager of a field station may, on his own initiative or at the request of the insurance activity concerned, authorize at Government expense examination at the home of the person to be examined in those instances in which, as provided by § 6.90, examination by a full-time or part-time salaried physician is deemed necessary properly to safeguard the interests of the Government. Examination at the home of an applicant for reinstatement of insurance can be authorized at Government expense only by the underwriting activity.

(Sec. 36, 45 Stat. 965, as amended; 38 U. S. C. 459c)

3. In § 6.92, paragraph (b) is amended to read as follows:

§ 6.92 *Expenses incident to examinations for insurance purposes.* * * *

(b) Necessary transportation expenses may be furnished, subject to the governing provisions of § 17.100 of this chapter, incident to a physical examination at a field station of the Veterans Administration of an applicant for reinstatement of insurance: *Provided*, That the applicant was ordered to report for the examination at the specific request of the underwriting activity.

* * * * *

(Sec. 36, 45 Stat. 965, as amended; 38 U. S. C. 459c)

4. Section 6.150 is revised to read as follows:

§ 6.150 *Claims alleging insurance contract where there is no application for insurance on file.* In those cases where claim is made alleging that a person made valid application for yearly renewable term (War Risk) insurance or United States Government life insurance, and that the insurance is subject to reinstatement, or that such insurance matured by reason of the total and permanent disability or death of the person at a time when the insurance was in force, and, in case of death, that there was a valid designation of beneficiary, or that there is entitlement to total disability benefits, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not become permanently and totally disabled, or die as a time when the insurance would have been in force if insurance had been applied for, or in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that, unless he desires to appeal to the Administrator, a disagreement exists as to the matters in controversy as contemplated by the provisions of section 19 of the World War Veterans' Act, 1924, as amended, as far as the Veterans Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans' Affairs by giving notice in writing in accordance with § 19.2 of this chapter. The Director, Underwriting Service, will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity having jurisdiction over the insurance death claim.

5. Sections 6.190 and 6.191 are revised to read as follows:

§ 6.190 *Establishment of committees on extra hazards of service.* There are hereby established in the Department of Insurance the necessary committees to make determinations on extra hazards of service (sections 302 and 313, World War Veterans' Act, 1924, and sections 607 and 602 (v) (2), National Service Life Insurance Act, 1940, as amended), which will be in charge of chairmen who shall be responsible for the proper functioning of such committees. Each committee shall be composed of the chairman and such regular members, alternate members, and other personnel as may be found necessary for the purpose of executing the duties and functions assigned thereto.

(Sec. 302, 43 Stat 625, as amended, sec. 607, 54 Stat. 1012, as amended, sec. 9, 60 Stat. 781, sec. 15, 60 Stat. 789; 38 U. S. C. 512d, 513, 802 (v) (2), 807)

§ 6.191 *Jurisdiction.* The extra hazard committees are vested with exclusive jurisdiction in determining the liability of the United States and the United States Government Life Insurance Fund for payment of total, total permanent disability, and death insurance benefits under United States Government life insurance and to determine the liability of the United States and the National Service Life Insurance Fund for waiver of payment of premiums due to total disability, payment of total disability insurance benefits, and death insurance benefits under National Service life insurance.

(Sec. 302, 43 Stat. 625, as amended, sec. 607, 54 Stat. 1012, as amended, sec. 9, 60 Stat. 781, sec. 15, 60 Stat. 789; 38 U. S. C. 512d, 513, 802 (v) (2), 807)

6. Sections 6.204 and 6.205 are revised to read as follows:

§ 6.204 *Appeal from decision of disability insurance claims activity.* Where the disability insurance claims activity finds that total disability or total permanent disability does not exist as alleged in a claim for disability insurance benefits, such denial shall be final. However, a veteran or his authorized representative shall have the right to file an application for review on appeal to the Administrator of Veterans' Affairs within 1 year from the date of mailing of notice of the decision. Any new and material evidence must be submitted within a period of year or prior to the consideration of the appeal. Such appeal must be in writing and otherwise comply with the regulations governing appeals to the Administrator. An application for review on appeal filed with the activity which entered the denial which is postmarked prior to the expiration of the 1-year period will be accepted as having been filed within the time limit.

§ 6.205 *Ratings for insurance benefits not applicable for disability pension or compensation.* Since decisions of the disability insurance claims activity determining the existence or nonexistence of total or total permanent disability for insurance purposes and decisions of rating agencies determining the existence or nonexistence of total or total permanent disability for pension or compensation purposes are based upon distinctly dissimilar standards, it follows that the former cannot be determinative for pension or compensation purposes and the latter cannot be determinative for insurance purposes.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

7. In Part 7, that portion of § 7.1 preceding the item "1. Date of insured's application:" is amended to read as follows:

§ 7.1 *Form of report by insurer.* In accordance with the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942, a report by the insurer of the receipt and filing of an application for benefits made by the insured will be executed and delivered to the Veterans Administration in form and substance as follows:

Veterans Administration Form 9-381.

REPORT BY INSURER

Soldiers' and Sailors' Civil Relief Act Amendments of 1942.

A report on each policy will be made by the insurer to the Veterans Administration, Insurance Center, Washington, D. C. immediately upon receipt of an application from the insured.

From: ----------
Name and address of company: ----------

To: Veterans Administration, Insurance Center, Washington, D. C.

The insurer hereby reports the receipt of an application from insured for protection of his policy under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942.

* * * * *

8. In § 7.26, paragraph (d) is amended to read as follows:

§ 7.26 *Application.* * * *

(d) Upon receipt of a report from the insurer on VA Form 9-381, the Manager, Insurance Center, District of Columbia, will determine if the policy is entitled to the protection of the act, and the insurer and the insured will be notified of the decision.

9. In § 7.29, paragraph (e) is amended to read as follows:

§ 7.29 *Maturity.* * * *

(e) The statement of account will show the amount of indebtedness by reason of the premiums with interest and the credits, if any, then available and will be subject to audit and approval by the Manager, Insurance Center, District of Columbia. The statement of account will include the rate of interest charged on all indebtedness, the dates of debit and credit entries, and such other information as may be deemed necessary in making an audit of the account. If there is a balance due by the United States to the insurer, payment in favor of the insurer will be certified.

10. Section 7.34 is revised to read as follows:

§ 7.34 *Termination.* Article IV of the Soldiers' and Sailors' Civil Relief Act shall remain in effect until such time as that act is repealed or otherwise terminated by subsequent act of the Congress.

(Sec. 407, 54 Stat. 1185, as amended; 50 U. S. C. App. 547)

11. In Part 8, § 8.24 is revised to read as follows:

§ 8.24 *Application and medical evidence.* The applicant for reinstatement of National Service life insurance, during his lifetime and before becoming totally disabled, must submit a written application signed by him and furnish evidence of health as required in § 8.23 at the time of application satisfactory to the Administrator of Veterans' Affairs and upon such forms as the Administrator shall prescribe or otherwise as he shall require. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 8.23 (a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 8.23 (a) must be accompanied by report of physical examination made in accordance with the provisions of § 8.64: *Provided*, That if the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in a required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance, the Director, Underwriting Service, in Central Office; Manager, Insurance Center, D. C.; Assistant Manager

for Insurance, Veterans Administration Center, Denver, Colo.; and Directors of Insurance in the district offices in St. Paul, Minn., and Philadelphia, Pa., may, if the applicant be dead, waive any or all requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration.

12. Sections 8.65 and 8.66 are revised to read as follows:

§ 8.65 *Examination in connection with total disability benefits.* Physical examination in connection with claim for total disability benefits may be made by a medical officer of the United States Army, Navy, or Public Health Service, or may be made at Government expense by a full-time or part-time salaried physician at a regional office or hospital of the Veterans Administration. If an insured is unable to travel, because of physical or mental condition, the Manager of a regional office or hospital may, on his own initiative or at the request of the insurance activity concerned, authorize at Government expense examination at the residence of the insured. The Administrator of Veterans' Affairs may require such further medical examination or such additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the insured.

§ 8.66 *Expenses incident to examinations for insurance purposes.* Necessary transportation expenses incident to physical or mental examinations for insurance purposes at regional offices or hospitals shall be furnished when the insured is ordered to report for examination at the specific request of the Director, Underwriting Service, in Central Office; Manager, Insurance Center, D. C.; Assistant Manager for Insurance in the district offices in St. Paul, Minn., and Philadelphia, Pa., or the Manager of a regional office or hospital: *Provided*, Such expenses will be borne by the United States and will be paid from the appropriation, "Administration, Medical, Hospital, and Domiciliary Services, Veterans Administration." Transportation, meal, and lodging requests in connection with reporting to and returning from the place of examination may be furnished the applicant, or the applicant may travel at his own expense and claim reimbursement for such travel on a mileage basis, provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans Administration will be in accordance with the Standardized Government Travel Regulations. If such an examination is made by a medical examiner on a fee basis, payment will be made at a fee not in excess of the schedule of fees in effect and approved by the Veterans Administration for medical and professional services in the State in which the examination is made. Where no approved State fee schedule is in effect or where a fee for the type of examination authorized is not listed in the approved State fee schedule in effect, such examinations will be furnished at a fee not in excess of that listed in Veterans Administration Catalog No. 5 ("Guide for Charges for Medical Services") in effect at the time the examination is authorized. If the particular examination is not covered by a schedule in effect and/or catalog No. 5, a fee not in excess of what is reasonable and customarily charged in the community concerned may be allowed.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective December 14, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-10232; Filed, Dec. 13, 1956; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are issued to Chapter I, Title 39, Code of Federal Regulations:

Subchapter B—How to Wrap and Mail

PART 13—ADDRESSES

In § 13.5 *Correction of mailing lists* amend paragraph (b) (1) to read as follows:

(b) *Name and address lists*—(1) *Method of submission.* Typewritten or printed lists should be submitted to the post office which serves the addresses, on cards, one name and address to a card. Cards should be approximately the size and quality of a postal card. The owner of the list must place his name in the upper left corner of each card. At third- and fourth-class post offices, mailing lists may be submitted in sheet form. Lists should be submitted by mail only, except in case of local firms presenting large lists for correction.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

Subchapter E—Collection and Delivery

PART 44—CONDITIONS OF DELIVERY

In § 44.8 *Delivery of packages* amend paragraph (d) to read as follows:

(d) *Second-attempt delivery.* If an ordinary parcel can not be delivered on the carrier's first attempt, a notice will be left at the address indicating that the parcel is being held awaiting call at the post office or carrier delivery station. If the parcel is not called for, a second notice is sent after 5 days. If there is no response within 5 days after the second notice and no retention period is specified by the sender, the parcel will then be treated as an undeliverable article. (See Part 48 of this subchapter.) When a retention period is specified, it is observed up to 30 days after first notice. A second attempt to deliver will be made only if requested by the addressee.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 46—RURAL SERVICE

In § 46.5 *Rural boxes* make the following changes:

1. Delete the illustration depicting a single, open mail box.

2. Amend that part of paragraph (a) preceding the listing of manufacturers to read as follows:

§ 46.5 *Rural boxes*—(a) *Specifications.* (1) There are three approved standard sizes of mail boxes for use on rural routes. Size 1 is approximately 19 inches long, 6½ inches wide, and 8½ inches high. Size 1-A is approximately 21 inches long, 8 inches wide and 10½ inches high, with a letter slot in the door. Size 2 is approximately 23½ inches long, 11½ inches wide and 13½ inches high. Specifications and drawings which may be used for guidance in the manufacture of standard rural mail boxes may be obtained by writing to the Assistant Postmaster General, Bureau of Post Office Operations, Rural Service Section, Washington 25, D. C.

(2) Deviations from these specifications will be permitted but must be approved by the Post Office Department. In general, boxes may be constructed in any size between the maximum and minimum outside dimensions given by the departmental drawings provided the height, width, and length proportions and the general shape are maintained. The standards of workmanship and material specifications given in the departmental drawings are the minimum acceptable.

(3) Individuals, firms, or companies proposing to manufacture rural mail boxes for sale must submit a prototype box for examination to the Assistant Postmaster General, Bureau of Post Office Operations, Rural Service Section, Washington 25, D. C. If the sample is approved, the manufacture of the box will be authorized on condition that the manufacturer emboss or stamp in a conspicuous place on each box the words "Approved by the Postmaster General" and, inconspicuously, the name of the manufacturer.

(4) The following list includes the manufacturers of rural mail boxes whose samples have been approved by the Department:

3. In paragraph (b), amend the last sentence to read as follows: "The letters should be of a dark, contrasting color".

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191, 192)

PART 48—UNDELIVERABLE MAIL

In § 48.5 *Retention periods* amend subdivision (ii) of paragraph (a) (1) to read as follows:

(ii) Returned immediately if undeliverable when specifically addressed to a street and number, building, rural or star route, or post office box; except that when a patron moves without leaving a change of address, the mail will be held for 10 days awaiting a forwarding order and if no order is received in that time, the mail will then be handled as undeliverable.

(R. S. 161, 396, as amended; sec. 1, 64 Stat. 210; 5 U. S. C. 22, 396, 39 U. S. C. 278a)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 56-10221; Filed, Dec. 13, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

MANIPULATIVE AND DECEPTIVE DEVICES AND CONTRIVANCES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commision has under consideration a proposal to amend its §§ 240.10b-6, 240.10b-7 and 240.10b-8 (Rules X-10B-6, X-10B-7 and X-10B-8) under the Securities Exchange Act of 1934. Generally speaking, these rules set out prohibited and permissible activities by persons participating in a distribution of securities or effecting stabilizing transactions in connection therewith.

Section 240.10b-6 makes it unlawful for certain designated persons, directly or indirectly, to bid for or purchase, or to attempt to induce any person to purchase, any security which is the subject of a particular distribution, any security of the same class and series, or any right to purchase such security, until after they have completed their participating in the distribution, unless the transaction falls within one of a number of specified exceptions not considered to be manipulative or deceptive. It is proposed to amend paragraph (a) (2) of this section to make it clear that officers, directors and persons controlling the issuer or other person on whose behalf the distribution is being made would also be subject to the prohibitions of the rule.

Section 240.10b-7 prescribes certain prohibited and permissible stabilizing activities to facilitate a distribution. Paragraph (1) of this section provides that a person subject to the rule shall file the reports and notices required to be filed by § 240.17a-2 "even though he is not subject to that rule as a broker, dealer, or member of a national securities exchange." The quoted language was included because at that time § 240.17a-2 was applicable only to brokers, dealers and members. The recent amendment of § 240.17a-2 makes the reporting requirements applicable to all persons effecting stabilizing purchases to facilitate any distribution of the type covered by the rule. The proposed amendment of paragraph (1) of § 240.10b-7 would eliminate the unnecessary language which now causes some confusion.

Section 240.10b-8 regulates the activities, during the rights period, of persons participating in a distribution of securities being offered through rights issued on a pro rata basis to security holders. The proposed amendment of paragraph (a) of this section would make it clear that the rule is applicable only to distributions of securities being offered through transferable rights issued on pro rata basis to security holders.

The proposed action would be taken pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 9 (a) (6), 10 (b) and 23 (a) thereof.

Text of amendments:

1. Paragraph (a) of § 240.10b-6 (Rule X-10B-6) would be amended to read as follows:

§ 240.10b-6 *Prohibitions against trading by persons interested in a distribution.* (a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10 (b) of the act for any person:

(1) Who is an underwriter or prospective underwriter in a particular distribution of securities, or

(2) Who is the issuer or other person on whose behalf such a distribution is to be or is being made, or who is an officer, director or person controlling such issuer or other person, or

(3) Who is a broker, dealer, or other person who has agreed to participate or is participating in such a distribution, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, either alone or with one or more other persons, to bid for or purchase for any account in which he has a beneficial interest, any security which is the subject of such distribution, or any security of the same class and series, or any right to purchase any such security, or to attempt to induce any person to purchase any such security or right, until after he has completed his participation in such distribution; *Provided, however*, That this section shall not prohibit (i) transactions in connection with the distribution effected otherwise than on a securities exchange with the issuer or other person or persons on whose behalf such distribution is being made or among underwriters, prospective underwriters or other persons who have agreed to participate or are participating in such distribution; (ii) unsolicited privately negotiated purchases, each involving a substantial amount of such security, effected neither on a securities exchange nor from or through a broker or dealer; or (iii) purchases by an issuer effected more than forty days after the commencement of the distribution for the purpose of satisfying a sinking fund or similar obligation to which it is subject; or (iv) odd-lot transactions (and the off-setting round-lot transactions hereinafter referred to) by a person registered as an odd-lot dealer in such security on a national securities exchange who offsets such odd-lot transactions in such security by round-lot transactions as promptly as possible; or (v) brokerage transactions not involving solicitation of the customer's order; or (vi) offers to sell or the solicitation of offers to buy the securities being distributed (including securities or rights acquired in stabilizing) or securities or rights offered as principal by the persons making such offer to sell or solicitation; or (vii) the exercise of any right or conversion privilege to acquire any security; or (viii) stabilizing transactions not in violation of § 240.10b-7; or (ix) bids for or purchases of rights not in violation of § 240.10b-8; or (x) transactions effected on a national securities exchange in accordance with the provisions of a plan filed by such exchange under § 240.10b-2 (d) and declared effective by the Commission; or (xi) purchases or bids by an underwriter, prospective underwriter or dealer otherwise than on a securities exchange, 10 or more business days prior to the proposed commencement of such distribution (or 5 or more business days in the case of unsolicited purchases), if none of such purchases or bids are for the purpose of creating actual, or apparent, active trading in or raising the price of such security. In the case of securities offered pursuant to an effective registration statement under the Securities Act of 1933 the distribution shall not be deemed to commence for purposes of subdivision (xi) of this subparagraph prior to the effective date of the registration statement.

2. Paragraphs (1) of § 240.10b-7 (Rule X-10B-7) would be amended to read as follows:

§ 240.10b-7 *Stabilizing to facilitate a distribution.* * * *

(1) *Reporting requirements.* A person subject to this section shall file with the Commission the reports and notices required to be filed by § 240.17a-2.

3. Paragraph (a) of § 240.10b-8 (Rule X-10B-8) would be amended to read as follows:

§ 240.10b-8. *Distributions through rights*—(a) *Scope of section.* It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10 (b) of the act for any person participating in a distribution of securities being offered through transferable rights issued on a pro-rata basis to security holders, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to do any act prohibited by this rule prior to the expiration of the rights: *Provided, however*, That a person shall not be subject to this rule merely because he receives compensation from the issuer of the rights for obtaining exercises of rights by security holders to whom they were originally issued.

All interested persons are invited to submit their views and comments on the proposed amendments in writing to the Securities and Exchange Commission, Washington 25, D. C. on or before January 31, 1957. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential, they will be public records available for inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 6, 1956.

[F. R. Doc. 56-10223; Filed, Dec. 13, 1956; 8:45 a. m.]

fee schedule in effect, such examinations will be furnished at a fee not in excess

In § 46.5 *Rural boxes* make the following changes:

[F. R. Doc. 56-10221; Filed, Dec. 13, 1956; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 155]

SAINT PAUL-MERCURY INDEMNITY CO.

TERMINATION OF AUTHORITY TO QUALIFY AS SURETY ON FEDERAL BONDS

DECEMBER 11, 1956.

Pursuant to an Agreement of Merger, effective as of the close of business December 31, 1956, approved by the Commissioner of Insurance of the State of Minnesota and the Insurance Commissioner of the State of Delaware, Saint Paul-Mercury Indemnity Company, a Delaware corporation, will be merged into St. Paul Fire and Marine Insurance Company, a Minnesota corporation.

Under the merger agreement St. Paul Fire and Marine Insurance Company, upon the agreement becoming effective, shall possess all property, real, personal and mixed, of each of the constituent corporations and all debts due on whatever account to any of them shall be deemed to be assigned, transferred to and vested in St. Paul Fire and Marine Insurance Company as surviving corporation without further act or deed; and shall be responsible for all the liabilities and obligations of Saint Paul-Mercury Indemnity Company: *Provided, however,* That the rights of the creditors of the constituent corporations or of any person dealing with such corporations shall not be impaired by such merger, and any claim existing or action or proceeding pending by or against any of the constituent corporations may be prosecuted to judgment as if the merger had not taken place or the surviving corporation may be proceeded against or substituted in its place.

As a result of the merger, the certificate of authority issued to Saint Paul-Mercury Indemnity Company, St. Paul, Minnesota, under the Act of Congress approved July 30, 1947, 6 U. S. C. 6–13, as an acceptable surety on federal bonds will terminate effective close of business December 31, 1956. The merger of the companies will not affect the underwriting limitation established on May 1, 1956, in the amount of $9,821,000, for the surviving corporation, St. Paul Fire and Marine Insurance Company.

In carrying out the merger agreement, arrangements have been made by the constituent corporations and St. Paul Mercury Insurance Company, formerly named Mercury Insurance Company, a Minnesota corporation holding a certificate of authority from the Secretary of the Treasury, so that in the case of a bond, undertaking or other form of obligation in which the United States has or may have an interest, direct or indirect, entered into or assumed by Saint Paul-Mercury Indemnity Company on or before December 31, 1956, bond-approving officers of the United States may approve a renewal, continuance, extension, change, or modification thereof executed either by St. Paul Mercury Insurance Company or by St. Paul Fire and Marine Insurance Company, and St. Paul Fire and Marine Insurance Company will be liable thereon.

In addition, the Treasury has obtained from St. Paul Fire and Marine Insurance Company a separate indemnifying agreement dated November 20, 1956, whereby St. Paul Fire and Marine Insurance Company has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking or other form of obligation entered into or assumed by Saint Paul-Mercury Indemnity Company on or before December 31, 1956, in which the United States has or may have an interest, direct or indirect, or under or in connection with any assumption of liability thereunder or any renewal, continuance, extension, change or modification thereof executed by either St. Paul Fire and Marine Insurance Company or St. Paul Mercury Insurance Company. A copy of this agreement will be furnished to bond-approving officers of the United States and upon request to others who may be interested.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-10231; Filed, Dec. 13, 1956; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ATHENS COMMISSION CO. ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Athens Commission Company, Athens, Texas.
Buffalo Livestock Commission Company, Buffalo, Texas.
Carthage Auction Sales, Carthage, Texas.
Center Auction Co., Center, Texas.
Clarksville Auction Company, Clarksville, Texas.
Patton Auction Barn, Nacogdoches, Texas.
Rose City Livestock Auction, Tyler, Texas.
Tyler Livestock Commission Company, Tyler, Texas.

Notice is hereby given, therefore, that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C. this 10th day of December 1956.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-10226; Filed, Dec. 13, 1956; 8:46 a. m.]

Commodity Stabilization Service

1957 CROP SUGAR BEET WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

NOTICE OF HEARINGS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Detroit, Michigan, January 2, 1957, in Room 859, Federal Building, at 10:00 a. m.;
At Fargo, North Dakota, January 4, 1957, in the Student Lounge, Library Building, North Dakota Agricultural College, at 10:00 a. m.;
At Billings, Montana, January 7, 1957, in the Assembly Room, Roosevelt School, 23d Street and Fourth Avenue, North, at 10:00 a. m.;
At Salt Lake City, Utah, January 9, 1957, in Room 230, Federal Building, at 10:00 a. m.;
At Greeley, Colorado, January 11, 1957, at the Camfield Hotel, at 10:00 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon and western Nevada, for the 1957 crop on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1957 crop of sugar beets in regions other than those noted above to be paid under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to all points relative to the subject matters of the hearings.

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

Thomas H. Allen and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 11th day of December 1956.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division.

[F. R. Doc. 56-10227; Filed, Dec. 13, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1329]

EASTERN STAINLESS STEEL CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

DECEMBER 10, 1956.

In the matter of Eastern Stainless Steel Corporation, Common Stock, File No. 1-1329.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Philadelphia-Baltimore Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

This application to delist the common stock of the above-named corporation from the Philadelphia-Baltimore Stock Exchange is made because of the inactivity of that stock on the aforesaid Exchange, there having been no trading therein for more than five years prior to the date hereof. The common stock is now and will continue to be listed on the New York Stock Exchange.

Upon receipt of a request, on or before December 28, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10224; Filed, Dec. 13, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-74]

LYKES BROS. STEAMSHIP CO., INC., AND STATES MARINE CORP.

NOTICE OF HEARING ON APPLICATIONS TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong.) (50 U. S. C. App. 1738), on December 19, 1956, at 9:30 a. m., in Room 4519 New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of Lykes Bros. Steamship Co., Inc., to bareboat charter five (5) Victory type dry-cargo vessels for operation on Trade Routes 21, 13 and 15B for a period of one year and the application of States Marine Corporation to bareboat charter twelve (12) Victory type dry-cargo vessels for operation in its berth services Gulf Havre/Hamburg, Gulf Mediterranean Range and Gulf Far East in its Tricontinent Service.

The purpose of the hearing is to receive evidence with respect to whether the services for which such vessels are proposed to be chartered are required in the public interest and are not adequately served, and with respect to the availability of privately owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such services. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charters as may be granted and to protect privately owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the applications will be given an opportunity to be heard if present and applications from qualified applicants to charter additional vessels for use in offshore berth service which are received by the close of business on December 18, 1956 will be considered in the proceedings.

An Examiner from the Hearing Examiners' Office will preside at the hearing, and oral argument may be had at the conclusion of receipt of evidence in lieu of briefs. An initial decision will be issued. The time for filing exceptions thereto is hereby restricted to seven (7) days, and no replies to exceptions will be received.

Dated: December 13, 1956.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 56-10273; Filed, Dec. 13, 1956; 10:44 a. m.]

Office of the Secretary

JULIEN R. STEELMAN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Julien R. Steelman.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 14, 1956.
4. Title of position: Consultant.
5. Name of private employer: Koehring Company, 3026 W. Concordia Avenue, Milwaukee, Wisconsin.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 2, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Officer of Koehring Co.
Common stock Koehring Co.
Bank deposits.

JULIEN R. STEELMAN.

DECEMBER 5, 1956.

[F. R. Doc. 56-10228; Filed, Dec. 13, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

DECEMBER 11, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33031: *Coal cinders from Strawn, Tex., to Baton Rouge and New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cinders, coal, carload from Strawn, Tex., to Baton Rouge and New Orleans, La.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 88 to Agent Kratzmeir's tariff I. C. C. 4135.

FSA No. 33032: *Grain from western points to Arkansas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, carload from origins in Colorado, Iowa, Kansas, Missouri and Nebraska to points in Arkansas.

Grounds for relief: Rail competition and circuity.

Tariff: Supplement 85 to Agent Kratzmeir's tariff I. C. C. 3939.

FSA No. 33033: *Tin plate from Ohio, Pennsylvania, and West Virginia points to Tampa Fla.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on tin or terne plate, plain, lacquered, or painted, carload from Yorkville, Ohio, Aliquippa, Pa., and Weirton, W. Va., to Tampa, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 12 to Agent C. W. Boin's tariff I. C. C. A–1081.

FSA No. 33034: *Sulphuric acid from Wichita, Kans., to Springfield, Mo.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sulphuric acid, tank-carload from Wichita, Kans., to Springfield, Mo.

Grounds for relief: Circuitous route.

Tariff: Supplement 181 to Agent Prueter's tariff I. C. C. A–3748.

FSA No. 33035: *Substituted service, rail for motor, P. R. R. and N. Y., N. H. & H. R. R.* Filed by The Eastern Central Motor Carriers Association, Agent, for interested rail and motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Boston, Mass., on the one hand, and Cleveland, Ohio, East St. Louis, Ill., or Indianapolis, Ind., on the other.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff MF-I. C. C. A–133.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–10229; Filed, Dec. 13, 1956; 8:46 a. m.]

FEDERAL REGISTER

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DEC 17 1956

MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 96, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.396 (Navel Orange Regulation 96, 21 F. R. 9740) are hereby amended to read as follows:

(i) District 1: 831,600 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 12, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10253; Filed, Dec. 14, 1956; 8:48 a. m.]

[Navel Orange Reg. 97]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.397 *Navel Orange Regulation 97*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

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Titles 1–3 ($0.75)

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Orange Administrative Committee held an open meeting on December 13, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 16, 1956, and ending at 12:01 a. m., P. s. t., December 23, 1956, is hereby fixed as follows:

(i) District 1: 277,200 cartons;

(ii) District 2: 36,059 cartons;

(iii) District 3: 46,200 cartons;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 14, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10317; Filed, Dec. 14, 1956; 11:30 a. m.]

[Lemon Reg. 672]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.779 *Lemon Regulation 672*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 12, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 16, 1956, and ending at 12:01 a. m., P. s. t., December 23, 1956, is hereby fixed as follows:

(i) District 1: 46,500;

(ii) District 2: 130,200;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 13, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10293; Filed, Dec. 14, 1956; 8:52 a. m.]

[Grapefruit Reg. 111]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.372 *Grapefruit Regulation 111*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 16, 1956. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 21, 1956, and will so continue until December 16, 1956; the recommendation and supporting information for continued regulation subsequent to December 15, 1956, were promptly submitted to the Department after an open meeting of the Administrative Committee on December 6, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., December 16, 1956, and ending at 12:01 a. m., P. s. t., January 20, 1957, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{11}{16}$ inches in diameter, or (*b*) to any point in Canada,

any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3$^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4$^{2}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3$^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 12, 1956.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56–10252; Filed, Dec. 14, 1956; 8:47 a. m.]

[Avocado Order 9, Amdt. 6]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

CONTAINER REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 96, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Avocado Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the relaxation of the limitation, as hereinafter provided, on the handling of such avocados will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados grown in South Florida, in that it permits the handling of avocados in containers with inside dimensions 11 x 16$^{3}/_{4}$ x 10 inches that are not now permitted to be handled in such containers.

It is therefore ordered, That the provisions in subparagraph (1) (i) of paragraph (b) of § 969.309, as amended (Avocado Order 9, as amended; 20 F. R. 5627, 6571, 9173; 21 F. R. 4514, 6269, 8142), are hereby amended, effective at 12:01 a. m., e. s. t., December 17, 1956, to read as follows:

(i) Wooden boxes and fiberboard cartons with inside dimensions 11 x 16$^{3}/_{4}$ x 10 inches: *Provided*, That the individual avocados in such a container shall weigh at least 20 ounces, or measure at least 3$^{7}/_{8}$ inches in diameter, except that up to 10 percent, by count, of the fruit in each lot may fail to meet such weight or diameter requirements. Such tolerance shall be on a lot basis, but not to exceed double such tolerance shall be permitted for an individual container in a lot;

As used herein, the term "diameter" means the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 13, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–10299; Filed, Dec. 14, 1956; 8:52 a. m.]

[Avocado Order 12, Amdt. 4]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until December 12, 1956; a determination as to the time of maturity of the variety of avocados covered by this amendment was made at the meeting of said committee on December 12, 1956, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation was submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof; and this amendment relieves restrictions on the handling of avocados.

It is therefore ordered, That the provisions of § 969.312 (b), as amended (21 F. R. 3307, 5409, 6329, 8969), are hereby amended as follows:

1. Delete the dates "12/24/56" and "1/14/57" appearing in columns (6) and (8), respectively, of Table I, applicable to the Choquette variety of avocados and insert in lieu thereof the dates "12/17/56" and "12/31/56," respectively.

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., December 17, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 13, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–10298; Filed, Dec. 14, 1956; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF DIURON

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of diuron (3–(3,4–dichlorophenyl)–1,1–limethylurea) in or on grapes. Diuron is the newly established common name for this pesticide chemical.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 2614) are amended by changing § 120.106 to read as follows:

§ 120.106 *Tolerances for residues of diuron.* Tolerances for residues of diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in or on raw agricultural commodities are established as follows:

(a) 1 part per million in or on cottonseed, grapes, pineapple, potatoes, and sugarcane.

(b) 2 parts per million in or on alfalfa and grass crops (grass hay).

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: December 10, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56–10237; Filed, Dec. 14, 1956; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.306]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

REGISTRATION PRIORITY OF APPLICANTS UNDER THE REFUGEE RELIEF ACT

Part 42, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respect:

Paragraph (f) *Registration of applicants under the Refugee Relief Act of 1953* of § 42.25 *Priority for considering quota immigrant cases*, is amended to read as follows:

(f) *Registration priority of former applicants under the Refugee Relief Act.* The registration priority to which an alien is or was entitled under the Refugee Relief Act of 1953, as amended, as determined by (1) the date on which he was registered on a quota waiting list for the purposes of the Immigration and Nationality Act, (2) the date he actually applied for registration under the Refugee Relief Act of 1953, as amended, (3) the date on which an approved petition was filed with the Attorney General in his behalf, or (4) the date on which a verified assurance of employment, housing, and against becoming a public charge, or an assurance of adoption and proper care, was filed with the Department in his behalf, whichever date is earliest, shall be considered his registration priority on a quota waiting list for the purpose of the Immigration and Nationality Act if such alien has maintained a continuing intent to immigrate to the United States.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: December 6, 1956.

SCOTT MCLEOD,
Administrator,
Bureau of Security and Consular Affairs.

[F. R. Doc. 56–10238; Filed, Dec. 14, 1956; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

SUBPART B—RELOCATION PAYMENTS UNDER SECTION 106 (F) OF THE HOUSING ACT OF 1949, AS AMENDED

Sec.
3.100 Summary statement of applicable law.
3.101 Definitions.
3.102 Grant contract provisions for Relocation Payments.
3.103 Notification to eligible site occupants.
3.104 Administration of Relocation Payment program.
3.105 Filing of individual claims.
3.106 Limitations on Relocation Payments.
3.107 Conditions determining eligibility for payment.
3.108 Ineligible disbursements.

AUTHORITY: §§ 3.100 to 3.108 issued under sec. 502, 62 Stat. 1283, as amended, sec. 106, 63 Stat. 417, as amended, sec. 305, 70 Stat. 1100; 12 U. S. C. 1701c, 42 U. S. C. 1456.

§ 3.100 *Summary statement of applicable law.* Section 305 of the Housing Act of 1956 (70 Stat. 1091, 1100), approved August 7, 1956, amends Title I of the Housing Act of 1949, as amended, by adding a new section 106 (f), which provides that Title I projects may include the making of relocation payments to individuals, families, and business concerns displaced by an urban renewal project, subject to rules and regulations prescribed by the Housing and Home Finance Administrator. Authority to issue such rules and regulations is included within the delegation to the Urban Renewal Commissioner effective December 23, 1954, published at 20 F. R. 428–429, as amended (20 F. R. 4275; 21 F. R. 1468, 3038, 5385, 5471).

§ 3.101 *Definitions.* For the purposes of the rules and regulations in this subpart, the following terms shall be construed, respectively, to mean:

(a) *Relocation Payment.* A payment made in accordance with section 106 (f) of Title I and the rules and regulations in this subpart.

(b) *Grant contract.* A contract for loan and grant, or a contract for grant only, between the Federal Government and the Local Public Agency, for a Title I project.

(c) *Family.* A group of two or more persons living together and related by blood, marriage, or adoption; or two or more single persons not related by blood, marriage, or adoption who are living together in a single housekeeping unit.

(d) *Transient.* A person who has lived in other than a housekeeping dwelling unit for less than 3 months prior to displacement.

(e) *Business concern.* A corporation, firm, partnership, individual or other entity engaged in some type of business or profession necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the

business or profession. Nonprofit organizations and institutions such as churches and hospitals are included.

(f) *Property.* Tangible personal property, excluding trade fixtures, machinery, and other property which under state or local law is identified as real property, but including such items of real property as the lessee may remove by virtue of a previous written agreement with the lessor.

(g) *Moving expense.* With respect to individuals and families, includes packing, insuring, and carting of property and incidental costs of disconnecting and reconnecting household appliances. With respect to business concerns, includes dismantling, crating, insuring, transporting, and reassembling of business property, merchandise, etc. The cost of reassembling machinery and equipment which was dismantled for purposes of moving is eligible, whereas reinstallation costs, such as utility connections and building alterations, are not.

(h) *Actual direct losses of property.* With respect to such property as equipment, fixtures, machinery, supplies, and materials, the difference between (1) the fair market value for continued use at the present location, and (2) the fair market value delivered to another location. Does not include losses sustained as a result of property damaged during a move.

(i) *Effective date*—(1) *New contracts.* The effective date of original contracts executed on or after August 7, 1956 shall be the date of execution of the contract, or, if the local Public Agency desires, the date of approval of the initial Project Expenditures Budget following the allocation of Federal funds.

(2) *Existing contracts.* In connection with existing grant contracts which are amended to take advantage of Relocation Payments, "effective date" is a specific date established by the Local Public Agency and stipulated in the contract amendment, on and after which all relocation monetary assistance must be in accordance with these rules and regulations. The effective date may, at the option of the Local Public Agency, be any date on or after August 7, 1956 up to and including the date of contract amendment.

(j) *Title I.* Title I of the Housing Act of 1949, as amended (42 U. S. C. 1450 et seq.).

§ 3.102 *Grant contract provisions for Relocation Payments*—(a) *New contracts.* All new grant contracts executed on or after August 7, 1956 will contain provisions for Relocation Payments.

(b) *Existing contracts.* Existing grant contracts executed prior to August 7, 1956 may be amended at the option of the Local Public Agency to provide for Relocation Payments. A Local Public Agency which wishes to amend its grant contract in such manner must notify the appropriate Regional Office of the Housing and Home Finance Agency of its desire in the matter within three months from the date on which the Local Public Agency formally is advised by the Housing and Home Finance Agency as to how such a contract amendment may be obtained.

§ 3.103 *Notification to eligible site occupants.* If a Local Public Agency determines that it will proceed under the provisions of section 106 (f) of Title I, it promptly should notify all individuals, families, and business concerns eligible for Relocation Payments as to the conditions under which such payments will be made, including the effective date for the applicability of such payments.

§ 3.104 *Administration of Relocation Payment program*—(a) *Responsibility.* Local Public Agencies are initially responsible for determining the eligibility of all Relocation Payments. All transactions are to be supported by complete and proper documentation, which shall be maintained in the Local Public Agency's files.

(b) *Administrative expenses.* The amount paid out in the form of Relocation Payments made in accordance with the rules and regulations in this subpart is reimbursable in full as a Title I capital grant, but the expenses of administering the relocation program are not eligible as Relocation Payments and must be shared by the Federal Government and the locality on the same basis as other eligible project expenditures.

(c) *Approval of claims.* All claims shall be approved either by the governing body of the Local Public Agency or by a Local Public Agency officer designated by resolution of such governing body. If the governing body of the Local Public Agency is the governing body of the locality, this designation, which must be formally stated in writing, may be made by the public official responsible for carrying out Title I projects. A third party contractor responsible for relocation activities may examine and recommend the approval of claims, and may disburse funds in payment of claims which have been approved by the Local Public Agency.

(d) *Cost of appraisals.* The cost of appraisals to determine actual direct losses of property, if made by or in behalf of the claimant, are not allowable as part of the claim. The cost of appraisals to determine the validity of such a claim, if made by the Local Public Agency, may be eligible as a regular administrative expense.

(e) *Accounts and records.* Accounts and records shall be maintained as prescribed by the Housing and Home Finance Agency.

(f) *Unpaid rent.* Any unpaid rent owed to the Local Public Agency by a site occupant shall be satisfied before a Relocation Payment is made.

§ 3.105 *Filing of individual claims*—(a) *Forms and related papers.* To obtain a Relocation Payment a site occupant will be required to file a written claim on Form H–6140, Claim for Relocation Payment (available from HHFA), supported by receipted bills or written evidence to establish the claim's validity. All claim papers are to become permanent records in the Local Public Agency's files and will be subject to audit by the Federal Government.

(b) *Reimbursement or direct payment.* A site occupant may (1) move at his own expense and seek reimbursement upon presentation of a receipted bill, or (2) have the moving bill submitted directly to the Local Public Agency for payment by prearrangement between the Agency and the mover.

(c) *Losses of property.* Any portion of a claim for actual direct losses of property must be supported by written evidence which may include appraisals, certified prices, or estimates obtained by the claimant.

§ 3.106 *Limitations on Relocation Payments*—(a) *Aggregate amounts.* The total aggregate amount of moving expenses and actual direct losses of property for which reimbursement or compensation is not otherwise made is limited to $100 in the case of an individual or family and $2,000 in the case of a business concern, irrespective of the number of moves or the distance of the moves.

(b) *Charges for temporary on-site moves.* Temporary on-site moves which clearly are made for the convenience of the Local Public Agency in order to effect monetary savings in property management (but not for the convenience of demolition schedules) will be chargeable to property management and not to a site occupant's allowable Relocation Payment. Any other temporary on-site move is chargeable against the occupant's maximum allowable Relocation Payment.

§ 3.107 *Conditions determining eligibility for payment*—(a) Families, business concerns, and individuals (other than transients) who are displaced by a Title I project covered by a grant contract and who move on or after the effective date may be eligible for Relocation Payments.

(b) The property from which the individual, family, or business concern is displaced must be part of the project area.

(c) The property from which the individual, family, or business concern is displaced must have been acquired by the Local Public Agency.

(d) Displacement resulting from acquisition by any entity other than the Local Public Agency for use either as a site for any public facility or public improvement, irrespective of whether it is to be offered, in whole or in part, as a non-cash local grant-in-aid, is not eligible for a Relocation Payment.

§ 3.108 *Ineligible disbursements.* The following types of disbursements are not eligible as Relocation Payments:

(a) Disbursements made prior to the effective date.

(b) Disbursements made after the effective date for moving expenses or losses incurred prior to the effective date.

(c) Disbursements to individuals, families, or business concerns who moved prior to acquisition by the Local Public Agency of the property which they occupied.

(d) Disbursements to displacees from property not acquired by the Local Public Agency.

(e) Disbursements to transients.

(f) Disbursements for any rent, for loss of goodwill or profit, or for any costs other than necessary moving expenses or actual direct losses of property.

(g) Disbursements for expenses or losses for which reimbursement or compensation is otherwise made.

(h) Disbursements where displacement results from either code enforcement activities or voluntary rehabilitation and conservation programs.

(i) Disbursements for expenses of a claimant in preparing or supporting his claim.

Issued as of the eighth day of October 1956.

R. L. STEINER,
Acting Urban Renewal Commissioner.

[F. R. Doc. 56–10267; Filed, Dec. 14, 1956; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11845; FCC 56–1218]

PART 1—PRACTICE AND PROCEDURE

PART 31—UNIFORM SYSTEM OF ACCOUNTS; CLASS A AND CLASS B TELEPHONE COMPANIES

PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

CERTAIN SCHEDULES IN ANNUAL REPORT FORMS

In the matter of amendment of certain schedules in Annual Report Forms—(Form M, Class A and Class B Telephone Companies; Form O, Wire-telegraph and Ocean-cable Carriers; and Form R, Radiotelegraph Carriers); Docket No. 11845.

1. On October 10, 1956, the Commission adopted a Notice of Proposed Rule Making proposing to amend certain schedules in Annual Report Forms (Form M, Class A and Class B Telephone Companies; Form O, Wire-telegraph and Ocean-cable Carriers; and Form R, Radiotelegraph Carriers). This Notice was published in the FEDERAL REGISTER on October 17, 1956 (21 F. R. 7958), in accordance with section 4 (a) of the Administrative Procedure Act. Interested persons were given until November 13, 1956, to file comments on the proposed amendments and ten days thereafter were allowed for filing comments or briefs in reply to the original comments.

2. The time for filing comments regarding the above-mentioned proposed rule making has expired. Timely comments were received from The Western Union Telegraph Company (directed to Form O) and the United States Independent Telephone Association (directed to Form M). Comments were filed by the Communications Workers of America in reply to the original comments filed by the United States Independent Telephone Association.

3. The Western Union Telegraph Company regarded the proposed amendments to Form O as desirable and interposed no objection to their adoption. In addition, Western Union offered five suggestions looking toward the further modification of Form O. One was that the Commission incorporate in the respective schedules special instructions now set forth on page iii by revising the instructions to schedules 107T, 107C, and 107R, (schedules calling for information on depreciation rates by classes and subclasses of wire-telegraph, ocean-cable and radiotelegraph plant, respectively) to provide that appropriate annotation shall be made to indicate each class or subclass of plant for which the carrier has instituted the remaining-life plan of depreciation accounting; and that columns (j), (k), and (l) calling for statistics on accidents to persons other than employees be deleted from schedule 410, "Accidents to persons during the year." Adoption of the Western Union suggestion along with the proposal relating to schedules 408A and 408B contained in the Notice of Proposed Rule Making will permit the deletion of page iii of Form O. The Commission believes such suggestion to have merit and is therefore amending not only Form O, but also Form R by adding a new instruction 6 to schedules 107T, 107C and 107R of Form O and a new instruction 7 to schedule 107 of Form R which will read "Appropriate annotation shall be made in connection with the entries in column (e) to indicate each class or subclass of plant for which the carrier has instituted the remaining-life plan of depreciation accounting."; and by deleting columns (j), (k) and (l) from schedule 410 of both Forms O and R and by changing the title of the schedules to "Accidents to employees during the year." Another Western Union suggestion was that the Commission delete or revise instructions 7 to 12, inclusive, of schedule 414, "Changes during the year," of Form O. The Commission is of the opinion that the data now required to be furnished (relating generally to quasi reorganizations, capital, services furnished without charge, contract data relating to operated plant leased to or from others, and franchises) pursuant to these instructions is either not essential or may be readily obtained from other sources and it is therefore adopting the suggestion by deleting instructions 7 to 12, inclusive, from schedule 414 of Form O.

4. Western Union also suggested that Form O be amended by elimination, clarification or simplification of schedule 341, "Other maintenance expenses, Other conducting-operations expenses, Other general expenses, and Other administrative expenses,"; amendment of the instructions to schedules 335, "General services, licenses, and royalties—Dr.," and 336, "General services, licenses, and royalties—Cr. and Profits from general services, licenses, and royalties," to limit the identification of names to amounts of $5,000 or more, lesser amounts to be grouped as a single sum captioned "minor items"; and amendment of the instructions to schedule 371, "Other operating revenue deductions, Other communication income, Other noncommunication income, Other deductions from ordinary income, and Other deductions from net income," to limit the particulars to amounts of $5,000 or more, lesser amounts to be grouped as a single sum captioned "minor items" in lieu of the existing requirement to group amounts less than $1,000 by classes. These three suggestions advanced by Western Union are not being adopted since it is the opinion of the Commission that the data proposed to be eliminated or modified serve a useful purpose and is of value to the Commission in the performance of its regulatory responsibilities. Furthermore, with respect to schedule 341, the Commission cannot agree with Western Union's contention that the contents of a miscellaneous classification are not susceptible of sub-classification as required by that schedule.

5. The United States Independent Telephone Association stated that it had no objections to the changes proposed in Form M, but commented that its Accounting Committee was of the view that columns (g) through (u) of schedule 70C (showing by various ranges, the hourly rates of pay of employees in the various occupational classifications) do not serve any useful purpose insofar as the Commission's regulatory functions are concerned. USITA did not request, however, that schedule 70C be discontinued.

6. The Communications Workers of America, in reply to the comments of the United States Independent Telephone Association, referred to the provisions of section 219 (a) of the Communications Act of 1934, as amended, in support of its view that the Commission has a legislatively assigned responsibility to gather the kinds of data solicited in schedule 70C.

It is ordered, That under authority contained in sections 4 (i) and 219 of the Communications Act of 1934, as amended, certain schedules in Annual Report Forms—(Form M, Class A and Class B Telephone Companies; Form O, Wire-telegraph and Ocean-cable Carriers; and Form R, Radiotelegraph Carriers) are hereby amended in the Annual Report Forms—(Forms M, O, and R) to be filed with the Commission for the calendar year 1956 in exactly the form proposed in the Notice of Proposed Rule Making in this matter and certain other schedules are hereby amended as set forth in paragraphs 3 and 7, hereof.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U. S. C. 219)

Adopted: December 5, 1956.

Released: December 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Annual Report Form M (Class A and Class B Telephone Companies):

(a) Schedule 12B, Analysis of Credits for Telephone Plant Retired.—Change line 9 to read: "Cash or other asset account (net selling price of depreciable

plant sold with traffic)"; and change line 10 to read: "Cash or other asset account (net selling price of nondepreciable plant sold)." These changes are proposed because the net proceeds from sales of plant are the amounts charged to the cash or other asset account as the overall effect of such sales.

(b) Schedule 24, Long-Term Debt.—Delete present column (i) captioned "Amount in Related Premium (or Discount) Account" and substitute in lieu thereof two new columns captioned, respectively, "(i), Balance at End of Year" and "(j), Amortized During Year," together with a caption over-riding the two columns entitled "Amount of Related Premium (or Discount)."

Delete present column (l) captioned "Remarks" and change designations of present columns (j) and (k) to columns (k) and (l), respectively.

Change instruction 6 as follows: "6. Include data, appropriately annotated, in columns (a), (b), (c), (i) and (j) with respect to obligations previously retired but for which discount or premium was amortized during the year, citing by date of letter Commission authorization therefor." This change is for the purpose of increasing the usefulness of the schedule. It should result in the total of column (i) tieing in with the net of amounts shown on lines 40 and 75 of schedule 10, Balance Sheet, and the total of column (j) tieing in with the net of lines 21 and 22 of schedule 11, Income and Earned Surplus Statement.

(c) Schedule 26, Capital Stock and Funded Debt Reacquired or Retired During the Year.—

Insert the words "Disposition of" as a caption over columns (i) through (n), to indicate that these columns relate only to dispositions.

Change the first sentence of instruction 4 as follows: "4. With respect to columns (i) to (n), inclusive: (a) Report dispositions of discounts, premiums, and expenses in the year in which the dispositions are made." This change is made to clarify the instruction to indicate that dispositions can be made in the same year in which securities are reacquired or retired.

(d) Schedule 34, Operating Revenues.—Delete lines 8 and 22, regarding revenue from Morse services. The American Telephone and Telegraph Company has suggested that such revenue be included on lines 9 and 23 as "Other telegraph" revenue, in view of the small amount of revenue received from this source which has been steadily decreasing.

(e) Schedule 50, Mileage of Outside Plant.—Delete line 11, reading "Number of fixed short-haul radiotelephone links." Carriers have had difficulty in determining what to report on this line, and the data are not considered necessary to the functions of the Commission since similar facts are available from other sources.

(f) Schedule 60D, Investment of Pension and Benefit Funds.—

Delete the present column (f) captioned "Amount Added to Fund During the Year", and column (g) captioned "Effective Rate Based on Col. (e)", together with the over-riding caption entitled "Interest and Dividends," and substitute in lieu thereof a new column (f) captioned "Rate of Yield Based on Col. (e)."

Delete line 19 of the schedule reading "Income from investments disposed of during the year." Deletion of the present column (f) will make this line unnecessary.

Change instruction 4 as follows: "4. Reasonably close approximations of the rates of yield may be reported in column (f) in instances where the mathematically exact rates are impracticable of determination." Carriers have already been given permission to omit the data proposed for deletion. The total earnings for the year are reported in Schedule 60C and it is believed that the data previously requested are unnecessary.

(g) Schedule 70C, Wages and Hours.—

Delete the present columns captioned, "(g), Less than $.75", "(h), $.75 to $.79", "(i), $.80 to $.89", and "(j), $.90 to $.99", and substitute in lieu thereof a new column (g) captioned, "Less than $1.00"; redesignate columns (k) through (t) as columns (h) through (q); delete column (u) captioned "$2.50 and Over"; add new columns captioned, "(r), $2.50 to $2.69", "(s), $2.70 to $2.89", "(t), $2.90 to $3.09", and "(u), $3.10 and Over." The proposed wage groupings with one exception, were requested by the Communications Workers of America. The exception is that CWA suggested that the highest grouping be "$2.90 and Over." We have inserted an additional grouping "$2.90 to $3.09", since there is room for this on the page and the additional grouping recognizes the upward trend in wage rates. CWA stated "recent changes in the federal minimum wage law as well as increased wage levels in the telephone industry make the current form obsolete and sorely in need of revision."

Change the second sentence of instruction 2, as follows: "For example, all employees who received hourly rates of pay of $1.00 or more but less than $1.10 shall be reported in the interval $1.00 to $1.09."

B. Annual Report Form O (Wire-telegraph and Ocean-cable Carriers):

(a) On page iii delete from the list of schedules for which certain data may be omitted, schedules "408A and 408B" and the particulars pertaining thereto. Changes being proposed in schedules 408A and 408B make this part of page iii no longer applicable.

(b) Schedule 338d, Investment of Pension and Benefit Funds.—Revise the schedule to make it identical with the proposed revision of Schedule 60D of Form M. The change in this schedule was requested by The Western Union Telegraph Company.

(c) Schedule 408A, Employees and their Salaries—Ocean Cable.—

Delete the present columns (b), (c) and (d), in regard to the April count of employees in the Continental United States. Carriers previously have been given permission to omit these data, as indicated in the Special Notice, page iii of the current report form. Redesignate the present columns (e), (f), (g), (h), (i) and (j) as columns (b), (c), (d), (e), (f) and (g), respectively. Delete the present columns (k) through (y), and substitute in lieu thereof new columns (h) through (v), captioned to correspond with the groupings proposed for Schedule 70C of Form M. The recent amendment of the minimum wage law and general wage increases have made the existing wage groupings obsolete.

Change instruction 1, as follows: "1. Include as employees in columns (b), (c) and (d) all persons in the service of the respondent, including temporary, occasional, extra and similar employees, and employees on paid vacations, and paid sickness and accident leaves, but excluding persons on unpaid leaves or furloughs, and persons and agents paid exclusively on a commission basis. For detailed instructions on counting employees, see Part 52 of the Commission's Rules and Regulations."

Change the first sentence of instruction 2, as follows: "2. In columns (f) and (g), report scheduled weekly hours and compensation for the employees reported in column (d) as defined in Part 52 of the Rules and Regulations, except that in column (g) regularly scheduled maintenance, travel or other allowances should be included."

In instruction 3 change the reference to column "(h)" to read column "(e)".

In instruction 4 change the last sentence as follows: "For example, all employees who received hourly rates of pay of $1.00 or more but less than $1.10 [should] shall be reported in the interval $1.00 to $1.09." This change conforms with the proposed change in the example in schedule 70C of Form M.

(d) Schedule 408B, Employees and their Salaries—Wire-Telegraph.—

Change column headings to make them identical with those proposed for Schedule 408A.

Delete the present instructions 1 and 2, and substitute in lieu thereof a new instruction reading as follows: "See instructions for Schedule 408A."

C. Annual Report Form R (Radiotelegraph Carriers):

(a) On the second page of the "Special Notice," delete from the list of schedules for which certain data may be omitted, schedule 408A and the particulars pertaining thereto. Other proposed changes make this no longer applicable.

(b) Schedule 338d, Investment of Pension and Benefit Funds.—Revise the schedule to make it identical with the proposed revision of Schedule 60D of Form M.

(c) Schedule 408A, Employees and their Salaries—Radiotelegraph.—Revise the schedule to make the instructions and column headings identical with the proposed revision of Schedule 408A of Form O. The recent amendment of the minimum wage law and general wage increases have made the existing wage grouping obsolete.

[F. R. Doc. 56-10239; Filed, Dec. 14, 1956; 8:45 a. m.]

[Docket No. 11841; FCC 56-1214]

[Rules Amdt. 3-47]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (Lafayette and Lebanon, Indiana); Docket No. 11841, Rules Amdt. 3-47.

1. The Commission has before it for consideration its Notice of Proposed Rule Making, issued in the above-entitled matter on October 4, 1956 (FCC 56-957), and published in the FEDERAL REGISTER on October 10, 1956 (21 F. R. 7741), proposing to assign Channel 18 to Lafayette, Indiana, by substituting Channel 59 for Channel 18 in Lebanon, Indiana, in response to a petition filed by WFAM, Inc.

2. No comments opposing the proposed amendment were filed. Comments in support of the proposal were filed by Mr. J. E. Willis.

3. In support of its request, WFAM states that it is the permittee of WFAM-TV on Channel 59 at Lafayette; that the proposal would resolve the problems inherent in the operation on the higher UHF channels and employment of Channel 18 would result in more efficient operation of its present transmitting equipment and the receivers in the hands of the public. It argues that no application for Channel 18 in Lebanon has been filed; that it does not appear that any applicant in Lebanon will apply for Channel 18 in the foreseeable future, and that it is probable that the equipment problems connected with operation on higher UHF channels will be eliminated by the time an application for Channel 59 is filed. Petitioner further urges that the proposed channel changes would conform to the separation requirements of the rules.[1] Petitioner also requests the Commission to order it to show cause why its outstanding authorization for Station WFAM-TV should not be modified to specify operation on Channel 18 in lieu of Channel 59.

4. Mr. J. E. Willis, applicant for a standard broadcast station at Lafayette, supports the proposal to assign Channel 18 to Lafayette but opposes the modification of the authorization for Station WFAM-TV to specify operation on Channel 18. He urges that, if Channel 18 is assigned to Lafayette, it should be made available to all applicants on an equal basis.

5. The Commission is of the view that the public interest would be better served and more effective utilization of available frequencies would be made by shifting Channel 18 from Lebanon to Lafayette. We also believe that Channel 18 at Lafayette should be made available for application by all interested parties, and that petitioner's request for issuance of an order directing it to show cause why its authorization for Station WFAM-TV should not be modified to specify operation on Channel 18 instead of 59 at Lafayette should be denied. Channel 18 can be assigned to Lafayette by substituting Channel 79 for Channel 18 in Lebanon, and this means of effectuating the requested assignment does not require the deletion of Channel 59 from Lafayette.

6. Authority for the adoption of the amendments adopted herein is contained in sections 4 (i), 301, 303 (d), (f), (g) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In view of the foregoing: *It is ordered*, That effective January 9, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	*Channel No.*
Lafayette, Ind	18, *47, 59
Lebanon, Ind	79+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: December 5, 1956.

Released: December 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10240; Filed, Dec. 14, 1956; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3866; Order 28]

PART 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 56-9798, published at page 9354 of the issue for Friday, November 30, 1956, the following changes should be made:

1. Subparagraph (1) of § 73.249 (a) should be designated "(10)".

2. In the table under § 77.848 (a), the entry at the intersection of horizontal column b and vertical column 11 should read "X".

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 65]

HOMESTEADS IN ALASKA

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of July 11, 1956 (70 Stat. 528; 48 U. S. C. 371c and 375), and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations to allow a homesteader settling on unsurveyed public lands in Alaska to make single final proof prior to survey of the lands.

The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DECEMBER 11, 1956.

Part 65 is amended as indicated below:

1. Footnote 1 is amended to read as follows:

[1] The homestead laws were extended to Alaska by the act of May 14, 1898 (30 Stat. 409; 48 U. S. C. 371), which was amended by the acts of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), July 8, 1916 (39 Stat. 352; 48 U. S. C. 373-375, 378), June 28, 1918 (40 Stat. 632; 48 U. S. C. 373-375, 378), April 13, 1926 (44 Stat. 243; 48 U. S. C. 379, 380, 380a), and July 11, 1956 (70 Stat. 528; 48 U. S. C. 371c and 375).

2. Section 65.3b is revised to read as follows:

[2] It does not appear that all the spacings could be met, but under § 3.607, as recently amended, transmitter sites could be found which would permit the assignment of Channel 18 to Lafayette.

§ 65.3b *Failure to file notice.* Unless a notice of the claim is filed within the time prescribed in § 65.3, no credit shall be given for residence and cultivation had prior to the filing of notice or application to make entry, whichever is earliest.

3. The title and text of § 65.8 are amended to read as follows:

§ 65.8 *Applications for entry.* (a) A homestead application must describe the lands desired, if surveyed, according to legal subdivisions as shown by the plat of survey, and, excepting that it must thus conform and that the lands must be contiguous, there is no restriction as to the shape of the tract which may be entered. Where a settlement was made and a location notice posted and filed for record before the extension of the surveys, the application should make reference thereto; it should be stated also to what extent the land applied for is different from that covered by the notice; and the settler may not abandon all of the subdivisions covered by the

location unless a showing is made which would justify amendment of his claim.

(b) A homestead application must describe the lands desired, if unsurveyed, by metes and bounds with relation to some natural or permanent monuments, and give the approximate latitude and longitude and otherwise with as much certainty as possible without actual survey. Reference should be made to the serial number of the notice of settlement previously filed. If there has been any material deviation made in the description of the land claimed, a full explanation must be given of the reason for such deviation. A homestead application for unsurveyed lands must be accompanied by the settler's final or commutation homestead proof.

4. Section 65.20 is amended to read as follows:

§ 65.20 *Survey without expense to settler.* The land included in a settlement claim may be surveyed without expense to the settler, provided he submits, within five years from the date of the filing of notice of settlement claim in the land office, an application to enter on Form 4–007 and acceptable final or commuted homestead proof as required by § 65.23.

5. Section 65.21 is amended to read as follows:

§ 65.21 *Survey at expense of settler.* A settler who wishes to secure earlier action in the matter of survey may have a survey made at his own expense by a deputy surveyor appointed by the authorized officer of the Bureau of Land Management.

6. Section 65.22 is amended to read as follows:

§ 65.22 *Application to enter land included in special survey.* After a special survey has been made, in accordance with § 65.21, application to enter should be made as in the case of other settlements on surveyed lands.

7. Paragraph (a) of § 65.23 is amended to read as follows:

§ 65.23 *Submission of proof.* (a) Proof may be submitted without previous notice of intention by publication.

8. Paragraph (a) of § 65.25 is amended to read as follows:

§ 65.25 *Publication and posting.* (a) Where a special survey has been made, the notice of proof must give the survey number of the land, and other information required by § 60.3 of this chapter, and it must be published once a week for nine consecutive weeks, in accordance with § 106.14 of this chapter, at the expense of the applicant, in a newspaper designated by the manager as being one of general circulation nearest the land. Moreover, during the period of publication the entryman must keep a copy of the plat, and of his notice of having made proof, posted in a conspicuous place on the land.

[F. R. Doc. 56–10266; Filed, Dec. 14, 1956; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 953]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

PROPOSED MISCELLANEOUS AMENDMENTS

Notice is hereby given that the Department is considering the approval of proposed amendments, hereinafter set forth, to the rules and regulations (Subpart—Lemon Administrative Committee Rules and Regulations; 7 CFR 953.100 et seq.) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in Arizona and California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The following amendments to the said rules and regulations were proposed by the Lemon Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof:

1. Delete the provisions of § 953.116 and substitute in lieu thereof the following:

§ 953.116 *Manner of nomination.* The manner of nominating members and alternate members of said committee shall be as follows:

(a) Sunkist Growers, Inc., a California non-profit cooperative marketing association with its principal place of business at Los Angeles, California, so long as it continues to market more than 60 percent of the total volume of lemons marketed in fresh form, as provided in the marketing agreement and order, shall by resolution adopted by its board of directors, nominate three growers for three members and three growers for three alternate members of the committee.

(b) The cooperative marketing organization or the growers affiliated therewith, other than the cooperative marketing organization described in paragraph (a) of this section, which marketed the largest portion of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted, shall by resolution duly adopted, nominate one grower for a member and one grower for an alternate member of the committee.

(c) A meeting shall be held, at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations, other than those described in paragraphs (a) and (b) of this section, shall nominate one grower for a member, and one grower for an alternate member of the committee. The vote of each such organization shall be weighted by the quantity of lemons which each such organization marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted. Any person who votes at any such meeting shall submit to the agent of the Secretary written evidence of his authority to vote for such organization.

(d) Not less than 5 and not more than 10 meetings shall be held, at such times and places, throughout the lemon producing areas in California and Arizona, as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included in paragraphs (a), (b), and (c) of this section may vote. At each such meeting, the growers present shall nominate one grower member and one grower alternate member. The number of ballots to be cast in selecting the nominees shall be determined at the respective meetings. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary. The name of the grower receiving the highest total number of votes for grower member, at all of the meetings held, shall be submitted to the Secretary as the grower member nominee, and the name of the grower receiving the highest total number of votes for grower alternate member shall be submitted as the nominee for grower alternate member of the committee representing the growers described in this paragraph.

(e) The agent of the Secretary shall give adequate notice of each meeting to be held pursuant to this section.

2. Delete paragraph (a) of § 953.121 and substitute in lieu thereof the following:

§ 953.121 *Advance credit count.* (a) Except on shipments to Mexico, advance credit count on export shipments may be computed, but shall not be credited to the handler until after each container of lemons is packed and marked for export.

3. Delete § 953.124.

4. Amend § 953.130 *Reports* as follows:

a. Delete therefrom the terms "packed boxes," "packed boxes," and "packed box" wherever they appear and substitute in lieu thereof the term "cartons" or "carton" as appropriate.

b. Delete the figure "79" from the third sentence of the section and substitute in lieu thereof the figure "39½."

c. Revise the proviso in the third sentence of the section to read as follows: "*Provided*, That the following conversion factors may be used:

"One box of fresh loose lemons (market pack) equals 1.6 cartons of lemons.

"One storage box of by-products lemons equals 1.266 cartons of lemons."

d. Delete the next to the last sentence in paragraph (b) and substitute in lieu thereof, the following: "Each such certificate shall be signed by the handler or his authorized agent, and shall contain in addition to the address of the handler issuing it a certification to the United States Department of Agriculture and the Lemon Administrative Committee that the lemons shown on such certificate are covered by an allotment issued during the current regulation period under the provisions of the marketing agreement and this part."

e. Delete from subparagraph (1) of paragraph (c) the word "canners" and substitute in lieu thereof the word "processors."

f. Add to the last sentence of subparagraph (2) of paragraph (c) the following: "and shall be certified to the United States Department of Agriculture and the Lemon Administrative Committee as to the truthfulness of the information shown thereon."

The Department proposes the following amendment:

1. Add a new paragraph in § 953.130 providing as follows:

(d) *Maintenance of records for verification of reports.* Records required to be kept by central marketing organizations pursuant to § 953.62, with respect to any allotment transaction arranged by any such organization, shall be retained for at least two years after the end of the fiscal year in which the applicable transaction was completed.

All persons who desire to submit written data, views, or arguments for consideration in connection with said proposed amendments should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Dated: December 12, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–10272; Filed, Dec. 14, 1956; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Civil Air Regs. Draft Release No. 56–30A]

VFR MINIMUMS WITHIN CONTROL ZONES FOR FLIGHTS ISSUED TRAFFIC CLEARANCE, AND SPEED CONTROL AND COMMUNICATION RULES FOR CERTAIN HIGH DENSITY AIRPORTS

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING; CHANGE OF DATE FOR ORAL ARGUMENT

By notice dated December 6, 1956, Civil Air Regulations Draft Release No. 56–30 (21 F. R. 9780), the Board gave notice that oral argument would be heard on December 17, 1956, regarding proposed amendments of several parts of the Civil Air Regulations with respect to "VFR Minimums Within Control Zones for Flights Issued Traffic Clearance," (Draft Release No. 56–7), and "Speed Control and Communication Rules for Certain High Density Airports," (Draft Release No. 56–22).

The Board having received several requests which appear to warrant postponement, notice is hereby given that oral argument will be heard before the Civil Aeronautics Board on January 14, 1957, at 10:00 a. m., in Room 5042, Department of Commerce Building, Washington, D. C., at which interested persons may be heard with respect to the proposed rules. Those desiring to be heard are requested to inform Mr. Oscar Bakke, Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C., at least 5 days in advance of the hearing.

Such oral presentation may be in explanation of, in addition to, or in lieu of written comment submitted pursuant to the previous notices (Draft Releases Nos. 56–7 and 56–22).

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., December 12, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56–10270; Filed, Dec. 14, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R–129]

ANNUAL CHARGES FOR LICENSEES

NOTICE OF RESUMPTION OF HEARING

DECEMBER 11, 1956.

In the matter of amendment to Part 11 of Subchapter B of the regulations relating to annual charges prescribed for licensees under the provisions of the Federal Power Act.

Notice is hereby given that the Presiding Examiner has scheduled a hearing in the above-designated matter to be reconvened at 10:00 a. m. on January 14, 1957, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–10246; Filed, Dec. 14, 1956; 8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

SAMUEL W. OFF

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Samuel W. Off.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: December 10, 1956.
4. Title of position: Chief, Carbon and Alloy Flat Rolled and Tubular Branch.
5. Name of private employer: U. S. Steel Corporation, 1420 Statler Office Building, Boston, Massachusetts.

DECEMBER 5, 1956.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interests.

United States Steel Corporation.
Oklahoma Natural Gas Company.
Loft Candy Corp.
Rental property.
Bank deposits.

Dated: December 10, 1956.

SAMUEL W. OFF.

[F. R. Doc. 56–10254; Filed, Dec. 14, 1956; 8:48 a. m.]

VINCENT J. PAZZETTI

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the defense production act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Vincent J. Pazzetti.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: December 3, 1956.
4. Title of position: Chief, Carbon and Alloy Semi-Finished, Rail, Structural, Bars, Wire & Forgings Branch.
5. Name of private employer: Bethlehem Steel Company, Bethlehem, Pennsylvania.

OCTOBER 31, 1956.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60

days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bethlehem Steel Company.
Bank deposits.

Dated: December 11, 1956.

VINCENT J. PAZZETTI III.

[F. R. Doc. 56-10255; Filed, Dec. 14, 1956; 8:48 a. m.]

WALTER D. SCHLUNDT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 13, 1956, 21 F. R. 5240-41.

A. Deletions: no change.
B. Additions: no change.

This statement is made as of December 11, 1956.

Dated: December 11, 1956.

WALTER D. SCHLUNDT.

[F. R. Doc. 56-10256; Filed, Dec. 14, 1956; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11866; FCC 56-1222]

ALLOCATION OF CERTAIN FREQUENCIES

In the matter of allocation of frequencies in the bands above 890 Mc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of December 1956;

The Commission has before it for consideration its Preliminary Notice of Hearing adopted on November 8, 1956, in the above-entitled action; a "Petition to Extend the Time for Filing Appearances and Written Statements" filed on November 21, 1956, by the Operational Fixed Microwave Council; and a "Request for Extension of Time" filed on November 26, 1956, by the Radio Electronics Television Manufacturers Association (hereinafter referred to as RETMA).

The Commission's Preliminary Notice of Hearing contemplates an evidentiary hearing for the purpose of obtaining information concerning service allocation needs in that portion of the spectrum above 890 Mc and for determining nineteen specific issues with respect thereto which are set forth in the Notice. The date set for the filing of appearances is December 17, 1956, and the date for filing written statements is January 7, 1957, with replies due on or before January 22, 1957.

The Operational Fixed Microwave Council, in its petition, states that it is an association of member organizations representing almost all present and potential users of private microwave facilities in the non-broadcast field; that in order to assist the Commission in making an adequate record on the many issues involved in the instant proceeding, comprehensive study and preparation will be necessary; and that it will not be possible to obtain the instructions of the member organizations in the Council in time to select witnesses and define policy before December 17, 1956. Petitioner therefore requests that the Commission alter paragraph VIII of its Notice of November 9, 1956, so that interested persons may file notices of appearance on or before February 15, 1957, and so that written statements will be due on or before March 15, 1957, with replies thereto due on or before April 5, 1957.

RETMA, in its petition, states that proper treatment of the issues in this proceeding will require extensive preparation and the compilation of a great amount of information and data; that the same RETMA Committees that are now working on the Commission's proceeding instituted in 1955 to prepare rules and regulations governing the private use of microwave frequencies are expected to prepare the responses to considerable number of the issues listed in the Commission's Preliminary Notice in this proceeding; and that therefore the ultimate value of this proceeding would be enhanced by the granting of additional time for analysis and preparation of submissions by all interested parties. RETMA therefore requests that the Commission postpone for ninety days the effective dates set forth in paragraph VIII of its Preliminary Notice.

Recognizing that the information solicited in the Preliminary Notice is indeed comprehensive, encompassing all the technical developments and expansions of service that have occurred during the past 12 years in the use of frequencies above 890 Mc, the Commission is disposed to grant additional time for the filing of notices of appearance and the preparation of written statements and replies thereto. Furthermore, with respect to the filing of appearances by organizations of user groups such as the Operational Fixed Microwave Council and others, the policy of the Commission will be to permit separate and late appearances on the part of individual members thereof, should the member deem it necessary to take a position differing in some particular from that of the central organization.

This proceeding has been instituted pursuant to the authority contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended, and the Final Acts of the International Telecommunications Radio Conference (Atlantic City 1947).

Any interested person desiring to appear and submit evidence at the hearing shall on or before January 15, 1957, file with the Commission a notice of appearance and brief outline or summary of the evidence expected to be submitted. Such persons, or any other interested persons desiring to comment on the matters set forth in the issues listed in the Commission's Preliminary Notice of Hearing of November 8, 1956, may file a brief or written statement with the Commission on or before February 4, 1957. Any replies to comments should be filed on or before February 19, 1957. The hearing will be scheduled to commence as soon after April 1, 1957, as is practicable. Fifteen copies of each notice of appearance, brief or written comment should be filed as required by § 1.764 of the Commission's rules and regulations.

Released: December 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-1024I; Filed, Dec. 14, 1956; 8:46 a. m.]

[Docket No. 11879, etc.; FCC 56M-1130]

SOUTHERN TELEVISION CORP. (WTOK) ET AL.

ORDER SCHEDULING HEARING

In re applications of Southern Television Corporation (WTOK), Meridian, Mississippi; Docket No. 11879, File No. BB-10019; Birney Imes, Jr. (WMOX), Meridian, Mississippi; Docket No. 11880, File No. BP-10163; Mississippi Broadcasting Company, Carthage, Mississippi; Docket No. 11881, File No. BP-10637; for construction permits.

It is ordered, This 10th day of December 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 18, 1957, in Washington, D. C.

Released: December 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10242; Filed, Dec. 14, 1956; 8:46 a. m.]

[Docket No. 11882; FCC 56M-1131]

OREGON RADIO, INC. (KSLM)

ORDER SCHEDULING HEARING

In re application of Oregon Radio, Incorporated (KSLM), Salem, Oregon; Docket No. 11882, File No. BP-10272; for construction permit.

It is ordered, This 10th day of December 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 20, 1957, in Washington, D. C.

Released: December 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10243; Filed, Dec. 14, 1956; 8:46 a. m.]

[Docket Nos. 11883, 11884; FCC 56M-1132]

COLLIER ELECTRIC CO. AND AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of the applications of Collier Electric Company, Docket No. 11883, File Nos. 1541/1543/1543-C1-P-56; and American Telephone and Telegraph Company, Docket No. 11884, File Nos. 163/164/165-C1-P-57; for construction permits for point-to-point microwave relay stations at Fort Morgan, Colorado; Sterling, Colorado; and Sidney, Nebraska.

It is ordered, This 10th day of December 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 18, 1957, in Washington, D. C.

Released: December 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10244; Filed, Dec. 14, 1956; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-311]

ACCIDENT OCCURRING AT MEDICINE BOW PEAK, WYOMING

NOTICE OF RECONVENING OF HEARING

In the matter of investigation of accident involving aircraft of United States registry N 30062, on Medicine Bow Peak, Wyoming, October 6, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held for the taking of additional witness testimony and receiving in evidence certain exhibits on Wednesday, January 9, 1957, at 9:30 a. m. (local time), in the Civil Aeronautics Board Conference Room 1011-13, T-5 Building, Sixteenth and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., December 11, 1956.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 56-10271; Filed, Dec. 14, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3895 etc.]

GENERAL AMERICAN OIL CO. AND CRESCENT CORP.

NOTICE OF POSTPONEMENT OF HEARING

DECEMBER 11, 1956.

In the matters of General American Oil Company of Texas, Docket No. G-3895; Crescent Corporation,[1] Docket No. G-6126; Crescent Corporation, Docket No. G-9297.

[1] Formerly Deep Rock Oil Corporation.

The hearing in the above-entitled matters, schedule by a notice of the Secretary dated December 3, 1956, to be held on January 3, 1957, is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-10257; Filed, Dec. 14, 1956; 8:48 a. m.]

[Docket No. E-6717]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

DECEMBER 10, 1956.

Take notice that on December 6, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company (Applicant), a corporation organized under the laws of the State of Delaware, and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of Promissory Notes in the principal amount not to exceed $12,000,000. Said notes will bear interest at a fluctuating rate, which shall be equal at all times during the life thereof, to the Bank of America National Trust and Savings Association prime rate for 90-day to 180-day prime commercial loans. The notes are proposed to be issued at various dates and will mature within 12 months from date of issuance.

Any person desiring to be heard or make any protest with reference to said application should, on or before the 19th day of December 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-10258; Filed, Dec. 14, 1956; 8:48 a. m.]

N. APPLEMAN CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No; Name; Gas Field; and Purchaser

G-4367; Nathan Appleman d/b/a; N. Appleman Company; Hugoton, Finney and Grant Counties, Kans.; Kansas-Nebraska Natural Gas Company, Kans.

G-4368; N. Appleman Company; Kansas-Nebraska Natural Gas Company, Kans.

G-4369; N. Appleman Company; Kansas-Nebraska Natural Gas Company, Kans.

G-4370; N. Appleman Company; Kansas-Nebraska Natural Gas Company, Kans.

G-4374; N. Appleman Company; Colorado-Interstate Gas Company, Kans.

G-4375; N. Appleman Company; Colorado-Interstate Gas Company, Kans.

A public hearing will be held on the 3d day of January 1957, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

DECEMBER 11, 1956.

[F. R. Doc. 56-10259; Filed, Dec. 14, 1956; 8:49 a. m.]

[Docket No. G-10458]

CITIES SERVICE GAS CO.

NOTICE OF HEARING

DECEMBER 11, 1956.

Cities Service Gas Company (Applicant), a Delaware corporation with principal place of business at Oklahoma City, Oklahoma, filed on May 23, 1956, an application (1) for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing Applicant to construct and operate certain natural gas facilities in a new location as substantial replacement for facilities and service proposed to be abandoned and (2) for permission to abandon certain existing natural gas facilities and service rendered thereby

which are proposed to be relocated by Applicant, all as more fully described in the application. Due notice of the filing of the application has been given including publication thereof in the FEDERAL REGISTER on September 22, 1956 (21 F. R. 7257–8).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Monday, January 14, 1957 at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–10260; Filed, Dec. 14, 1956; 8:49 a. m.]

[Docket No. G–11093]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 11, 1956.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, having its principal place of business in Salt Lake City, Utah, filed on September 17, 1956, an application, pursuant to section 7 of the Natural Gas Act, and on October 31, 1956, a supplement thereto, for a certificate of public convenience and necessity authorizing it to construct and operate certain natural gas facilities, as hereinafter described, and to sell natural gas to Western Slope Gas Company (Western) for resale in the Grand Junction, Colorado area, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a main line tap and a measuring and regulating station at the point where its main line crosses Western's existing line, located NE¼NE¼ sec. 29, T. 7 S., R. 102 W., near the Garfield-Mesa County line, Colorado. Applicant proposes to use these facilities to deliver the following volumes to Western in order to provide for the Grand Junction area a supplementary source of natural gas supply:

Year of service	Annual MCF	Peak day Mcf
1	60,000	3,000
2	100,000	3,000
3	150,000	3,000

The estimated cost of the proposed facilities is $17,110, which will be financed out of currently available funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 3, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1,30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–10261; Filed Dec. 14, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–1787]

VANURA URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 7, 1956.

I. Vanura Uranium, Inc. (Vanura), a Nevada corporation, with its principal place of business in Moab, Utah, filed with the Commission on June 16, 1955 a notification on Form 1–A and an offering circular, subsequently amended, relating to a public offering of 3,000,000 shares of its one cent ($.01) par value stock through I. J. Schenin & Co. (Schenin), as underwriter, at ten cents ($0.10) per share aggregating $300,000 for the purposes of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder; and

II. The Commission having reasonable cause to believe:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification failed to state therein each of the jurisdictions in which the securities were to be offered, as required by Item 1,

2. Vanura has failed to file reports on Form 2–A as required by Rule 224.

3. Vanura has failed to file, as required by Rule 221:

(a) A four page circular entitled, "Latest Highlights of Federal Uranium Corporation",

(b) A telegram, dated June 3, 1956, from one Jack Turner to Schenin;

(c) An undated telegram from John R. Black to Schenin; and

(d) Certain newspaper clippings,

all of which were used by Schenin in connection with the offering.

B. That in connection with, and in furtherance of, the offering of Vanura shares, materially false or misleading statements were made orally in representing, among other things:

1. That the market price of Vanura shares would double in value,

2. Vanura was to merge with a large and successful company,

3. That in June of 1956 only 1,000 Vanura shares remained to be sold, and

4. That Vanura was soon to be merged into a company which had a contract with the AEC and that such company had finalized plans for a processing mill.

C. That the employment of such representations hereinabove referred to in connection with the offering of Vanura's shares to which the notification related would and did operate as a fraud or deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under section 3 (b) and Regulation A, be and it is hereby temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–10250; Filed, Dec. 14, 1956; 8:47 a. m.]

[File No. 24A–1072]

LITHIUM METAL REDUCTION CORP.

NOTICE OF AND ORDER FOR HEARING

DECEMBER 11, 1956.

Lithium Metal Reduction Corporation, a Maryland corporation (hereinafter referred to as "Lithium") with its main office located at Suite 516, Realty Building, 1424 K Street NW., Washington 5, D. C., and its principal business operations proposed to be conducted in North Carolina, filed with the Commission on October 24, 1956, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of 25¢ par value common stock at $1.00 per share, aggregating $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on November 13, 1956, issued an order pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933 as amended temporarily suspending the conditional exemption under Regulation A and afforded any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for a hearing was received by the Commission from Lithium on November 21, 1956.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933 as amended and the rules of the Commission be held December 19, 1956, at 10 a. m., e. s. t., at the offices of the Commission, at 425 Second Street NW., Washington, D. C., with respect to the following specified matters and questions without prejudice, however, to the specification of additional issues which may be presented in the proceedings:

A. Whether Regulation A is available for said securities in that Marshall I. Stewart, a promoter, secretary, and director of Lithium, is subject to a permanent injunction entered on July 10, 1956, in the United States District Court for the District of Columbia enjoining him from violations of the anti-fraud provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 arising out of his conduct as an officer of Seaboard Securities Corporation, a broker and dealer in securities and to which he consented.

B. Whether the terms and conditions of Regulation A have been complied with in that:

(1) Lithium failed to file, pursuant to Item 11 of Form 1–A, copies of the provisions of governing instruments defining the rights of the holders of the securities to be offered, or the consents of geologists to use statements from their reports in the offering circular, and

(2) Lithium failed to comply with Rule 253 (c) in computing the amount of securities that may be offered or in making such appropriate escrow arrangements as are necessary to comply with the rule.

C. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make statements made in the light of the circumstances under which they were made not misleading, particularly in that:

(1) Lithium failed to disclose in Item 6 of Form 1–A the injunction mentioned in Paragraph A above;

(2) Lithium failed to disclose in Item 9 the amount of securities issued within the past year to officers, directors, and promoters and the consideration received therefor;

(3) The offering circular fails to disclose the percentage of outstanding securities to be held by insiders as a group and by the public, and the respective amounts of cash to be paid therefor by such group and by the public, as required by paragraph 9 (d) of Schedule I;

(4) The offering circular fails to state the purposes for which the proceeds from the sale of the securities are to be used, the amount to be used for each such purpose, the priority thereof and the arrangements, if any, for return of funds to subscribers if all the securities are not sold as required by paragraph 6 of Schedule I;

(5) Lithium failed to comply with Rule 253 (c) in computing the amount of securities that may be offered or in making such appropriate escrow arrangements as are necessary to comply with the rule;

(6) The offering circular fails to include the financial statements required therein by paragraph 11 of Schedule I.

It is further ordered, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under section 19 (b), 21 and 22 (c) of the Securities Act of 1933 as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Lithium Metal Reduction Corporation, 1424 K Street NW., Washington 5, D. C., that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before December 17, 1956 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–10251; Filed, Dec. 14, 1956; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING COMMUNITY DISPOSITION SUPERVISOR, OAK RIDGE, TENN.

The Assistant Community Disposition Supervisor for Operations, Oak Ridge, Tennessee, is hereby designated to act in the place and stead of the Community Disposition Supervisor, Oak Ridge, with the title of "Acting Community Disposition Supervisor" and with all the powers, rights, and duties delegated or assigned to the Community Disposition Supervisor, in the event the Community Disposition Supervisor is unable to act by reason of his absence, illness, or other cause.

Effective as of the 15th day of December 1956.

[SEAL] ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 56–10268; Filed, Dec. 14, 1956; 8:50 a. m.]

DESIGNATION OF ACTING COMMUNITY FACILITIES COMMISSIONER

The following named officers of the Community Facilities Administration, Housing and Home Finance Agency, are hereby designated to act in the place and stead of the Community Facilities Commissioner, with the title of "Acting Community Facilities Commissioner" and with all the powers, rights and duties vested in or assigned to the Commissioner, in the event the Commissioner is unable to act by reason of his absence, illness or other cause, provided that no officer shall serve in such acting capacity unless all other officers whose names precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Pere F. Seward.
2. Taylor J. Chamberlain.
3. Garland L. Rounds.

This designation supersedes the designation of Acting Community Facilities Commissioner, effective December 23, 1954, published at 20 F. R. 1231 (February 26, 1955).

Effective as of the 15th day of December 1956.

[SEAL] ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 56–10269; Filed, Dec. 14, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

DECEMBER 12, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33036: *Substituted service, rail for motor, Erie R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for the Erie Railroad Company and interested motor carriers. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars between Levittsburg, Ohio and Jersey City, N. J.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff MF–I. C. C. A–133.

FSA No. 33037: *Less-than-carload volume rates within Illinois Territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on various commodities moving on less-than-carload volume class rates between points in Illinois territory respecting traffic moving locally, or jointly in connection with the Louisville and Nashville Railroad, as described in the application.

Grounds for relief: Short-line distance formula, motor-carrier competition, and circuity.

Tariff: Supplement 14 to Agent C. W. Boin's tariff I. C. C. A–1051.

FSA No. 33038: *Superphosphate—Southwest to Colorado, Iowa, Minnesota, and Missouri.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, carload from points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas to points in Colorado, Iowa, Minesota and Missouri.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 178 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 33039: *Pulpboard from Alton and Federal Ill., to Beard, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pulpboard or fibreboard, NOIBN, carloads from Alton and Federal, Ill., to Beard, La.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 28 to Agent Kratzmeir's I. C. C. 4198.

FSA No. 33040: *Grain from Henderson and Oxford, N. C., to Norfolk, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barley, corn, oats, rye, soybeans, or wheat, in bulk, carloads from Henderson and Oxford, N. C., to Norfolk, Va. (for export).

Grounds for relief: Circuitous routes.

Tariff: Supplement 167 to Agent C. A. Spaninger's tariff I. C. C. 1325.

FSA No. 33041: *Grain from Augusta, Ga., to Norfolk and Newport News, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barley, corn, oats, rye, soybeans or wheat, in bulk, carloads from Augusta, Ga., to Norfolk and Newport News, Va. (for export).

Grounds for relief: Circuitous routes.

Tariff: Supplement 167 to Agent C. A. Spaninger's tariff I. C. C. 1325.

FSA No. 33042: *Aluminum billets—Baltimore, Md., to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, carloads, (water-rail traffic), from Baltimore, Md., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Competition with all-rail routes, and circuity.

Tariff: Supplement 224 to Agent C. A. Spaninger's tariff I. C. C. 754.

FSA No. 33043: *Plaster and gypsum wallboard from New Orleans, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on plaster and related articles, and gypsum wallboard and related articles, carloads from New Orleans, La., to Gulfport, Hattiesburg and Wiggins, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 5 to Agent C. A. Spaninger's tariff I. C. C. 1459.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–10249; Filed, Dec. 14, 1956; 8:46 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 75–A]

SPOKANE, PORTLAND AND SEATTLE RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 75 and good cause appearing therefor:

It is ordered, That: (a) Taylor's I. C. C. Order No. 75, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., December 7, 1956.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., December 7, 1956.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 56–10248; Filed, Dec. 14, 1956; 8:47 a. m.]

[Ex Parte No. 207]

INCREASED FARES IN WESTERN TERRITORY, 1956

In the matter of a request to amend the petition filed November 21, 1956, in the above proceeding, to include the Duluth, Missabe and Iron Range Railway Company.

Present: Howard G. Freas, Chairman, Division 2, to whom the matters which are the subject of this order have been assigned for action thereon.

Upon consideration of a request to amend the petition filed November 21, 1956, for and on behalf of certain western railroads described in the petition, for authority to depart from the Commission's tariff publishing rules to the extent necessary to enable them to publish tariffs containing a general increase of 5 percent in passenger fares and charges within western territory, as set forth in the petition and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid tariffs; and good cause appearing therefor:

It is ordered, That the said petition of November 21, 1956, be, and it is hereby, amended to include the Duluth, Missabe and Iron Range Railway Company.

It is further ordered, That a copy of this order be served upon the petitioning railroads, upon the parties in Ex Parte No. 202, Increased Fares, Eastern and Western Railroads, 1956, 298 I. C. C. 378, and upon the Governor of each of the States of Arkansas, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota and Texas; and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D. C., this 7th day of December A. D. 1956.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–10249; Filed, Dec. 14, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–153]

CONSTANTIN, MINTCHEFF AND KETCHEDJEFF

In re: Debt owing to Constantin, Mintcheff and Ketchedjeff; F–11–57.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Chemical Corn Exchange Bank, 165 Broadway, New York 15, New York, arising out of an account entitled, "P. R. Dreyer Inc. Bulgarian Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Constantin, Mintcheff and Ketchedjeff, Kazanlik, Bulgaria, a national of Bulgaria as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on December 11, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–10263; Filed, Dec. 14, 1956; 8:49 a. m.]

[Vesting Order SA–152]

BANQUE COMMERCIALE ROUMAINE

In re: Stock owned by and debts owing to Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A.; F–57–97.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. Twenty (20) shares of $6.25 par value common stock of Standard Oil Co. of California, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NY/C 789546 and NY/C 781065, at ten (10) shares each, registered in the name of Shaw & Co., presently in the custody of J. P. Morgan & Co., 23 Wall Street, New York 8, New York, in an account entitled "Banque Commerciale Roumaine (C 2086)", together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of J. P. Morgan & Co., 23 Wall Street, New York 8, New York, in the sum of $1,431.14, as of October 22, 1956, arising out of an account entitled "Banque Commerciale Roumaine (C 2086)" maintained at the aforesaid J. P. Morgan & Co., together with any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of J. P. Morgan & Co., 23 Wall Street, New York 8, New York, in the sum of $24.47, as of October 22, 1956, arising out of an account entitled "Banque Commerciale Roumaine General Ruling No. 6 A/C (C 2815)" maintained at the aforesaid J. P. Morgan & Co., together with any and all rights to demand, enforce and collect the same,

is property which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Commerciale Roumaine also known as Banque Commerciale Roumaine S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on December 11, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–10262; Filed, Dec. 14, 1956; 8:49 a. m.]

[Vesting Order SA–154]

UNKNOWN HUNGARIAN NATIONALS

In re: Bond owned by and debt owing to unknown Hungarian nationals; F–63–60 III (Zurich).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. One (1) Japanese Imperial Government 6½ percent 30-year S/F External Loan of 1924 bond of $1,000 face value bearing the number 97043, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, in a blocked account in the name of "Credit Suisse, Zurich, Switzerland," together with any and all rights thereunder and thereto,

b. That certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York 15, New York, arising out of an account entitled "General Ruling #6 A/C Credit Suisse, Zurich, Switzerland B–2970" maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by unknown nationals of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in

rail carriers. Rates on aluminum billets, railroads described in the petition, for

son.

cared and unpaid dividends thereon,

No. 243——3

good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on December 11, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-10264; Filed, Dec. 14, 1956; 8:49 a. m.]

[Vesting Order 19252, Amdt.]

AUGUST THYSSEN HUETTE, A. G.

In re: Debts owing to August Thyssen Huette, A. G., also known as Gewerkschaft Preussen; F-28-10584.

Vesting Order 19252, dated April 9, 1953, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That August Thyssen Huette, A. G., also known as Gewerkschaft Preussen, the last known address of which is 13 Arndtstr., Muelheim-Ruhr, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured and unmatured, evidenced by seventeen (17) Atchison, Topeka and Santa Fe Railway Company 4 percent General Mortgage Bonds, due 1995, of $1,000 face value each, being numbered M24139, M24149, M91859, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1950 and being numbered M91862, M91868/70, M102690/3, M102696/7, M104498, M104500 and M124238/9, and evidenced by coupons attached to or detached from said bonds and due on or after April 1, 1953, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and under the aforesaid bonds and coupons, and

b. Those certain debts or other obligations, matured and unmatured, evidenced by seven (7) Norfolk and Western Railway Company 4 Percent First Consolidated Mortgage Bonds, due 1996, of $1,000 face value each, being numbered 712, 984, 1564, 1710/12 and 13065, evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1950, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and under the aforesaid bonds and coupons is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, August Thyssen Huette, A. G., also known as Gewerkschaft Preussen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10265; Filed, Dec. 14, 1956; 8:50 a. m.]

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PART I

FEDERAL REGISTER

VOLUME 21 NUMBER 244

Washington, Tuesday, December 18, 1956

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

FARM CREDIT ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.241 is revoked and paragraphs (a) and (d) of § 6.141 are amended as set out below.

§ 6.141 *Farm Credit Administration.*

(a) Until December 31, 1958, positions in the Federal Intermediate Credit Banks, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

* * * * *

(d) Until December 31, 1958, positions in the Central Bank for Cooperatives.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10292; Filed, Dec. 17, 1956; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 96, Amdt. 2]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

This issue is divided into two parts, Part II of which contains a republication of Parts 600 and 601 of Title 14, Chapter II, of the Code of Federal Regulations.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions, as amended, in paragraph (b) (1) (i) of § 914.396 (Navel Orange Regulation 96, 21 F. R. 9740, 9987) are hereby amended to read as follows:

(i) District 1: 924,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 13, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10294; Filed, Dec. 17, 1956; 8:48 a. m.]

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FEDERAL REGISTER

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1956–57 Edition

(Revised through June 1)

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[Orange Reg. 306]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.817 *Orange Regulation 306*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for make the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the

State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 27, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; additional supporting information was submitted on December 11, 1956; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title).

(2) Orange Regulation 305 (§ 933.814; 21 F. R. 9401) is hereby terminated at 12:01 a. m., e. s. t., December 21, 1956.

(3) During the period beginning at 12:01 a. m., e. s. t., December 21, 1956, and ending at 12:01 a. m., e. s. t., December 28, 1956, no handler shall ship any oranges, including Temple oranges, grown in the State of Florida.

(4) During the period beginning at 12:01 a. m., e. s. t., December 28, 1956, and ending at 12:01 a. m., e. s. t., January 7, 1957, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box; or

(iii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 13, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–10296; Filed, Dec. 17, 1956; 8:48 a. m.]

[Grapefruit Reg. 254]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.818 *Grapefruit Regulation 254*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the department after an open meeting of the Growers Administrative Committee on November 27, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; additional supporting information was submitted on December 11, 1956; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (Chapter 29760).

(2) Grapefruit Regulation 253 (§ 933.815; 21 F. R. 9402) is hereby terminated at 12:01 a. m., e. s. t., December 21, 1956.

(3) During the period beginning at 12:01 a. m., e. s. t., December 21, 1956, and ending at 12:01 a. m., e. s. t., December 28, 1956, no handler shall ship any grapefruit, grown in the State of Florida.

(4) During the period beginning at 12:01 a. m., e. s. t., December 28, 1956, and ending at 12:01 a. m., e. s. t., January 7, 1957, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 13, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–10297; Filed, Dec. 17, 1956; 8:48 a. m.]

[Tangerine Reg. 182]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.819 *Tangerine Regulation* 182—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 27, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; additional supporting information was submitted on December 11, 1956; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(2) Tangerine Regulation 181 (§ 933.816; 21 F. R. 9402) is hereby terminated at 12:01 a. m., e. s. t., December 21, 1956.

(3) During the period beginning at 12:01 a. m., e. s. t., December 21, 1956, and ending at 12:01 a. m., e. s. t., December 28, 1956, no handler shall ship any tangerines, grown in the State of Florida.

(4) During the period beginning at 12:01 a. m., e. s. t., December 28, 1956, and ending at 12:01 a. m., e. s. t., January 7, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches, capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 13, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–10295; Filed, Dec. 17, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter D—Airport Regulations

[Amdt. 5]

PART 570—WASHINGTON NATIONAL AIRPORT

DEMONSTRATIONS

Due to the increase of air traffic at Washington National Airport and in the interest of safety, § 570.51 *Demonstrations* is amended to further restrict the use of the Airport as a base of operations for aircraft being used for flight demonstrations elsewhere. Courtesy flights on new equipment by air carriers are not restricted since these flights do not affect air traffic to the extent of warranting their exclusion. This amendment should be adopted without delay to promote the safety of the flying public. Compliance with the notice, procedures and effective date provisions of section 4 of Administrative Procedures Act would be impractical and contrary to the public interest. The regulation amended affects public property of the United States and therefore notice is not required.

Section 570.51 is amended to read:

§ 570:51 *Demonstrations.* No flight or ground demonstrations shall be conducted on the airport nor shall aircraft be brought to the airport for the purpose of conducting aerial demonstrations elsewhere without the express approval of the Airport Directors: *Provided, however,* That the above restrictions shall not apply to the conduct by air carriers of courtesy flights with new equipment.

(Sec. 205, 52 Stat. 984, as amended, sec. 2, 54 Stat. 687; 49 U. S. C. 425, 2 D. C. Code 1602)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–10276; Filed, Dec. 17, 1956; 8:45 a. m.]

Subchapter E—Air Navigation Regulations

PART 600—DESIGNATION OF CIVIL AIRWAYS

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REPUBLICATION OF REGULATIONS

CROSS REFERENCE: For republication of the air navigation regulations in Parts 600 and 601 of this chapter, see Part II of this issue.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6547]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COMFORTE, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Wool Products Labeling Act; § 13.70 *Fictitious or misleading guarantees;* § 13.110 *Indorsements, approval, or awards;* [1] § 13.130 *Manufacture or preparation:* Wool Products Labeling Act; [2] § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Comforte, Inc., et al., Chicago, Ill., Docket 6547, November 24, 1956]

In the Matter of Comforte, Inc., a Corporation, and Nathan E. Chapman, Jesse Parmacek, Individually and as Officers of Said Corporation; and Earl Chapman, Individually and as General Manager of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a Chicago manufacturer of wool products with violating the Wool Products Labeling Act through labeling bed comforters which contained

[1] Amended to read as set forth.
[2] New.

substantial amounts of other fibers than wool as "All new material consisting of Tanners Wool", and through failing to label certain other comforters as required; and with violating the Federal Trade Commission Act by representing falsely on advertising inserts enclosed in the individual containers, that certain bed comforters were guaranteed moth proof for five years, carried the Good Housekeeping guarantee and "Seal of Approval" and were filled with new and virgin wool never before used; and by marking them with prices greatly in excess of the usual prices.

Following an agreement between the parties providing for entry of a consent order to cease and desist, disposing of all issues raised in the complaint except the charge of fictitious pricing, the hearing examiner made his initial decision and order to cease and desist as to those issues, which, by order of November 23, became on November 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Comforte, Inc., a corporation, and its officers, and Nathan E. Chapman and Jesse Parmacek, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of bed comforters or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, which products contain, purport to contain, or in any way are represented as containing, "wool," "reprocessed wool," or "reused wool" as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, and

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939,

And provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That Comforte, Inc., a corporation, and Nathan E. Chapman and Jesse Parmacek, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bed comforters or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing in any manner that bed comforters or other products are guaranteed moth proof for any length of time when such is not the fact.

2. Representing in any manner that bed comforters or other products have been moth proofed through a Westinghouse or other moth proofing process when such is not the fact.

3. Representing in any manner that bed comforters or other products have been guaranteed by and carry the Good Housekeeping "Seal of Approval" when such is not the fact.

4. Misrepresenting in any way the constituent fiber or material used in its merchandise or the respective percentages thereof.

It is further ordered, That the complaint be, and it is hereby, dismissed as to respondent Earl Chapman.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Comforte, Inc., a corporation, and Nathan E. Chapman and Jesse Parmacek, individually and as officers of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 23, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56–10280; Filed, Dec. 17, 1956; 8:46 a. m.]

[Docket 6607]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

O. J. M'CLURE TALKING PICTURES

Subpart—*Advertising falsely or misleadingly:* § 13.205 *Scientific or other relevant facts.* Subpart—*Disparaging competitors and their products*—competitors: § 13.953 *Reputation or standing;* [*Disparaging competitors and their products*]—competitors' products; § 13.1000 *Performance;* § 13.1033 *Success, use or standing.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, O. J. McClure trading as O. J. McClure Talking Pictures, Chicago, Ill., Docket 6607, November 24, 1956]

In the Matter of O. J. McClure, an Individual Trading as O. J. McClure Talking Pictures

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a Chicago manufacturer of manually operated sound slidefilm projectors with disparaging his competitors' automatic sound slidefilm projectors by false representations, made orally and in advertising, that the competitive projectors did not actually operate automatically, were worthless and considered a failure by users, and were misrepresented and sold by firms operating a racket.

Following entry of an agreement containing a consent order to cease and desist, the hearing examiner made his initial decision and order to cease and desist which, by order of November 23, became on November 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent O. J. McClure, an individual trading as O. J. McClure Talking Pictures, or under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution, of manually operated sound slidefilm projectors in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disparaging the efficiency of automatic sound slidefilm projectors in a manner imputing that they are worthless, unworkable, not automatic and useless.

2. Disparaging the efficiency of automatic sound slidefilm projectors in a manner casting aspersion on the integrity and honesty of the competitors manufacturing such machines.

3. Disparaging the efficiency of automatic sound slidefilm projectors in a manner imputing that competitors manufacturing such machines are foisting a fraud on the public.

4. Disparaging the value of competitors' automatic sound slidefilm projectors by oral or published statements which are false or unfair.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form

in which he has complied with the order to cease and desist.

Issued: November 23, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-10281; Filed, Dec. 17, 1956; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54262]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

IMPORTS; MANIFESTS; REPORT OF ARRIVAL

The following amendment to the Customs Regulations is made to permit the use of a copy of customs Form 7512 as a combined inward foreign manifest and in-bond transportation, entry and manifest for certain importations of merchandise arriving from contiguous countries and entered for immediate transportation in bond or for transportation in bond and exportation.

Section 5.1 is amended as follows:

Paragraph (b) is amended by inserting ", except as provided for by paragraph (c) of this section and § 5.11 (c)," after "other cases" in the seventh sentence and by deleting ", except as provided for by § 5.11 (c)" at the end of the last sentence. Paragraph (c) is redesignated paragraph (d) and a new paragraph (c) is inserted to read:

(c) When all the merchandise arriving on one vessel or vehicle is entered immediately upon arrival either under a single immediate transportation entry or a single transportation and exportation entry, the copy of customs Form 7512 to be retained at the port of first arrival may be adapted for use as a combined inward foreign manifest and in-bond transportation entry and manifest. When Customs Form 7512 is to be so used, the foreign port of lading and the name of the shipper shall be shown thereon in every case and a certificate in the following form shall be executed by the master of the vessel or the person in charge of the vehicle:

This entry correctly covers all the merchandise on the vessel or vehicle, of which I am the master or person in charge, when it first arrived in the United States. If any error in the quantity, kind of articles, or other details, is discovered, I will immediately report the correct information to the collector of customs.

The above prescribed form of certificate may be legibly stamped on the form or on a separate paper securely attached thereto.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 459, 46 Stat. 717, as amended; 19 U. S. C. 1459)

RALPH KELLY,
Commissioner of Customs.

Approved: December 11, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-10288; Filed, Dec. 17, 1956; 8:48 a.m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

MISCELLANEOUS AMENDMENTS

In § 578.3, revise paragraphs (b) (1) and (2) and (m) (3) to read as follows:

§ 578.3 *General provisions governing the awards of decorations.* • • •

(b) *Recommendations.* (1) It is the responsibility and privilege of any individual having personal knowledge of an act, achievement, or service believed to warrant the award of a decoration to submit a recommendation for consideration. It is usually desirable that the intended recipient not be informed of a pending recommendation or given an implied promise of an award prior to final approval and clearance. This is especially true when the intended recipient is a foreigner.

(2) Recommendations may be submitted in letter form but it is preferable that DA Form 638 (Recommendation for Award (Heroism, meritorious achievement or service)) be used. This form is self-explanatory; however, close attention to detail is most essential. A separate recommendation including a proposed citation will be submitted for each proposed award and only one proposed recipient will be named in a single recommendation. Lucid reporting of facts, not flowery generalities, will be most likely to achieve the object of the recommendation. Statements of eyewitnesses, extracts from official records, sketches, maps, diagrams, photographs, etc., will be attached to support and amplify stated facts. Statements must be signed and the signer clearly identified by his organization or address; if in the military service the service number should be included. All other documentation should be authenticated and related to the basic recommendation. The proposed citation usually will be limited to one typewritten page (8 by 10½ inches) double spaced.

• • • • • •

(m) *Time limitations.* • • •

(3) When it reasonably can be established that a recommendation was placed in official channels within the prescribed time limits and has become lost, a signed statement to that effect, accompanied by a copy of the original recommendation if available, or a statement of the substance of the original recommendation may be accepted. This exception applies only to recommendations submitted for acts or services performed after September 2, 1945.

• • • • • •

[C 1, AR 672-5-1, Nov. 30, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56-10275; Filed, Dec. 17, 1956; 8:45 a. m.]

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 592—PROCUREMENT BY NEGOTIATION

PART 595—FOREIGN PURCHASES

PART 596—CONTRACT CLAUSES

PART 598—PATENTS AND COPYRIGHTS

PART 599—BONDS AND INSURANCE

PART 602—GOVERNMENT PROPERTY

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. In § 590.253-2, revise material under heading "Chemical Corps", and revise § 590.305 (c), as follows:

§ 590.253-2 *Principal purchasing offices.* • • •

CHEMICAL CORPS

BW Laboratories, Fort Detrick, Frederick, Maryland.

Army Chemical Center Procurement Agency, Army Chemical Center, Maryland.

Chicago Chemical Procurement District, Chicago, Illinois.

New York Chemical Procurement District, New York, New York.

• • • • • •

§ 590.305 *Specifications.* • • •

(c) *Purchase description and "or equal".* (1) In procurement exempted under the foregoing provisions, items may be described in Invitations for Bids or Requests for Proposals by use of a purchase description, provided such description adequately specifies the essential requirements. Heads of Procuring Activities will insure that necessary discretion is exercised in preparation of purchase descriptions, evaluation of bids, and award of contracts when such descriptions are used. Repeated use of a purchase description for any item other than one of minor significance indicates a need for a specification. In these instances, necessary action will be taken to provide for issuance of adequate Military or Federal Specifications as appropriate.

(2) When a purchase description cannot be prepared adequately in a clear and simple manner because of the technically involved construction or composition of the product, the name of one or preferably more commercial products may be used in the description followed by the words "or equal", to permit free and open competition and not limit bidding to the particular make or makes named. Such reference to commercial products shall be restricted to the product of one manufacturer, but shall be for the sole purpose of providing a common basis for competitive bidding. This method of describing requirements in terms of reference to specific manufacturers' products is discouraged and will be avoided insofar as possible.

(3) In instances where purchase descriptions are permitted and bids or proposals are to be solicited with a description based on an "or equal" provision with reference to item names and numbers published in manufacturers' catalogs, adequate description will be included to readily identify the products, such as the complete item names, identification of catalogs, and applicable catalog numbers with the corresponding

catalog descriptions. The Contracting Officer will also insure that a copy of any catalogs referenced, except parts catalogs, are available for review by bidders at the purchasing office, upon request. Necessary precaution will be exercised to avoid any invasion of proprietary rights or patent infringement.

(4) Contracting Officer will not use the phrase "or equal" to procure proprietary products under the guise of competitive bidding procedures, to the exclusion of other similar products at least of equal quality and performance that meet the actual needs. Purchase descriptions with the phrase "or equal" are not intended as a device to give any advantage to particular manufacturers by favoring one product over others or to substantiate a determination that no other manufacturers' products are equal in quality and performance to the products specifically listed in the Invitations for Bids or Requests for Proposals. The requirement for competitive procurement must not be negated by improper application and interpretation of purchase descriptions that describe the requirements by reference to specific manufacturers' products and the phrase "or equal". Rejection of a low bid offering products "as equal" to the product or products listed in an Invitation for Bids or Request for Proposals followed by "or equal", will be based on factual determination that the products are in fact not the equal of the named products and do not meet the actual needs of the Government. In instances where a proper determination has been made that one, and only one, supplier can furnish the required item or items, procurement must be accomplished by negotiation in accordance with Part 3 of this title and Part 592 of this subchapter.

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2. Revise § 592.303, add § 592.404-4, and add new Subpart G to Part 592, as follows:

§ 592.303 *Determinations and findings by the head of a Procuring Activity signing as "a Chief Officer responsible for procurement".* (a) In addition to the Determinations and Findings authorized to be made by the Head of a Procuring Activity under § 3.303 of this title, the Head of a Procuring Activity, signing as "a Chief Officer responsible for procurement" may make the determination required by § 592.407 (b) with respect to the use of a Time and Materials Contract, or the Labor Hour Contract (§ 3.405-2 of this title).

(b) The Head of a Procuring Activity may delegate authority to make the determinations and findings required by §§ 3.403-4, 3.404, 3.405-1 and 3.405-2 of this title to the Deputy Head, Assistant Head, or Chief of Staff of the Procuring Activity and to chiefs of field procuring activities. He also may personally select one alternate for each such delegate, provided, however, that such alternate will be empowered to make the required determination only during periods of official absence of the delegate for whom he has been selected as alternate. Neither delegates nor their alternates may redelegate this authority.

(c) Determinations and Findings which may be made by the Head of a Procuring Activity in connection with procurement actions effected under the authority of Title II of the First War Powers Act, 1941, as amended, are set forth in § 606.403-4 of this subchapter. Such authority may not be redelegated below the level of the Head of a Procuring Activity unless specifically authorized by the Assistant Secretary of the Army (Logistics).

§ 592.404-4 *Cost-plus-incentive-fee contract*—(a) *Description.* The cost-plus-incentive-fee contract is a cost-reimbursement type contract with provision for a fee which is adjusted by formula in accordance with the relationship which total allowable costs bear to target costs. Under this type of contract, there is negotiated initially a target cost, a target fee, a minimum and maximum fee, and a fee adjustment formula.. After performance of the contract, the final contract fee is determined in accordance with the formula. The formula provides, within limits, for increases in fee above target fee when total allowable costs are less than target costs, and decreases in fee below target fee when total allowable costs exceed target costs. The provision for increase or decrease in the fee is designed as an incentive to the contractor to increase his efficiency of performance. Terms used relative to cost-plus-incentive-fee contracts are defined in the text of the clause set forth in § 596.203-50 of this subchapter.

(b) *Applicability.* (1) The cost-plus-incentive-fee contract should be used only after it has been determined that use of a cost-type contract is in the best interest of the Government and the use of the provision for incentive revision of fee may be expected to reduce the ultimate cost of the procurement.

(2) Consideration should be given to using the cost-plus-incentive-fee provision in production contracts involving reasonably long production runs where, (i) the estimated costs of performance can be reasonably forecast, and (ii) the contractor's cost accounting system is sufficiently reliable and accurate to identify the costs of performance. Care must be exercised in negotiating contract target costs. Inflated or excessively low target costs may enhance or impair the operation of the incentive fee provision of the contract, without relating to economy in performance.

(3) In addition to the requirements of subparagraph (2) of this paragraph, contracting officers may give consideration to use of the cost-plus-incentive-fee type contract where:

(i) Production experience is limited, or

(ii) Developmental work will be required under the contract, or

(iii) The contract is to be performed in a Government-owned plant with the use of Government-owned facilities.

(c) *Instructions*—(1) *General.* New target costs will be mutually determined whenever a change order or supplemental agreement is made which increases or decreases the work required under the contract. Target cost agreed upon for work under change orders and supplemental agreements must be realistic. Negotiations for the establishment of target costs should be conducted in accordance with existing cost principles (Part 15 of this title).

(2) *Fee schedule.* The measure of the increase and the decrease in the fee (in paragraph (j) (2) of the cost-plus-incentive-fee clause in § 596.203-50 of this subchapter) shall normally be the same. The contract Schedule set forth target fees for each item and "maximum" and "minimum" incentive fees for each item which shall normally be equidistant from the respective target fees. In appropriate cases, the maximum and minimum incentive fees may be stated in terms of percentages of the target fees. Under some circumstances, it may be appropriate to use a sliding scale; for example, 0.01 cent for the first $100 of increased or decreased cost, 0.02 cent for the second $100, etc. Under such circumstances the contractor's participation will be on an increasing scale for each increment, never on a decreasing scale. The wording of paragraph (j) (2) of the cost-plus-incentive-fee clause in § 596.203-50 of this subchapter will be changed to reflect the sliding scale participation when used.

(3) *Determination and findings.* Where cost-plus-incentive-fee contracts are used, a determination and finding will be prepared in accordance with the provisions of Subpart C, Part 3 of this title and Subpart C of this part.

(4) *Termination.* In the event the contract is terminated, in whole or in part, the incentive fee under the cost-plus-incentive-fee contract shall be revised as may be equitable under the circumstances, and adjusted in the manner permitted or required by the contract. In the event of a partial termination such revision should include an adjustment of target cost, target fee, and other contract provisions with relation to the remaining portion which is affected by the partial termination.

(5) *Limitation on fee.* The target and the maximum fee shall be subject to the administrative limitations stated in § 3.404-3 (c) of this title.

SUBPART G—NEGOTIATED OVERHEAD RATES

Sec.
592.700 Scope of subpart.
592.706 Coordination.

AUTHORITY: §§ 592.700 and 592.706 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301-2314.

§ 592.700 *Scope of subpart.* This subpart sets forth the implementing procedures for the negotiation of overhead rates for use in cost-reimbursement type contracts.

§ 592.706 *Coordination.* (a) The designation of a principal spokesman or moderator for the Department of the Army is required when an overhead rate is to be negotiated by more than one Technical Service or jointly by Army, Navy, or Air Force procuring activities with the same contractor.

(b) The Chief of the Technical Service having the greatest dollar value of contracts with the contractor, at the time of review by the cognizant audit agency, will furnish the principal spokesman or moderator who will:

(1) Coordinate the comments and recommendations of all Department of the Army negotiators and develop an acceptable Department of the Army position.

(2) Refer to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch, any case in which the Department of the Army position cannot be agreed upon with respect to the rate or rates of overhead, application of cost principles, or particular item of cost.

3. Subpart B of Part 595 is revised to read as follows:

SUBPART B—CANADIAN PURCHASES

Sec.
595.201 Purchases from Canadian suppliers.
595.201–50 Secretarial determination of exception.
595.201–51 Delegation of authority.
595.201–52 Reference in contractual documents.

AUTHORITY: §§ 595.201 to 595.201–52 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301–2314.

§ 595.201 *Purchases from Canadian suppliers.* The purchase of supplies or services from sources in the Dominion of Canada will be made with and administered through the Canadian Commercial Corporation through its Washington Office, except that:

(a) Under circumstances of public exigency as described in § 3.202–2 of this title, Procuring Activities are authorized to negotiate direct with suppliers or contractors domiciled in the Dominion of Canada without reference to the Canadian Commercial Corporation.

(b) Subject to applicable restrictions of §§ 592.205 and 592.211 of this subchapter, procuring activities are authorized to negotiate direct for research services to be rendered by any university, college, or educational institution located in the Dominion of Canada without reference to the Canadian Commercial Corporation or other Canadian clearing agency.

(c) When the Canadian Commercial Corporation requests that the procurement be made direct with Canadian suppliers or contractors.

§ 595.201–50 *Secretarial determination of exception.* The Assistant Secretary of the Army (Logistics) determined, on July 10, 1956, pursuant to the authority contained in the act of March 3, 1933, as amended, popularly called the "Buy American Act" (47 Stat. 1520; 63 Stat. 1024; 41 U. S. C. 10a–d), that it is in the public interest for the Department of the Army to procure military supplies and equipment in Canada since one or more of the following benefits to the United States will accrue therefrom:

(a) Greater standarization of military equipment.

(b) Wider dispersal of hemispheric munitions-production facilities.

(c) Establishment of a supplemental source of supply for the United States and NATO countries.

(d) Increase in defense cooperation between the United States and Canada.

(e) Large savings to the United States in the case of many procurements.

(f) Conservation of domestic facilities, manpower and raw materials.

(g) Procurement at an earlier date than would be possible if the item were procured from United States sources.

§ 595.201–51 *Delegation of authority.* Contracting Officers are authorized to procure military supplies and equipment from Canadian sources without regard to the restrictions of the "Buy American Act," provided, the cost to the Government, including duty (whether or not a duty-free certificate may be issued) and transportation to destination, of any military supplies and equipment procured from Canadian sources is less than the cost would be if procured from a source in the United States.

§ 595.201–52 *Reference in contractual documents.* A reference to the Secretarial Determination of Exception under the "Buy American Act," referred to in § 595.201–50, will be placed on the voucher covering payment for each Canadian purchase under this authority, and a similar reference will be placed in the contract file.

4. Subpart E of Part 595, Duty and Customs, is redesignated as Subpart C, and § 595.502 *Emergency purchases of war material abroad,* is redesignated as § 595.302.

5. Subpart B is added to Part 596, as follows:

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

Sec.
596.203 Required clauses.
596.203–50 Allowable cost; incentive fee and payment.

AUTHORITY: §§ 596.203 and 596.203–50 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301–2314

§ 596.203 *Required clauses.*

§ 596.203–50 *Allowable cost; incentive fee and payment.* When in accordance with the provisions of § 3.404–4 of this title and §592.404–4 of this subchapter the cost-plus-incentive-fee contract is used, the following clause will be made a part of the contract:

ALLOWABLE COST, INCENTIVE FEE AND PAYMENT

(a) For the performance of this contract, the Government shall pay to the Contractor:

(1) The cost thereof (hereinafter referred to as "allowable cost") determined by the contracting officer to be allowable in accordance with:

(i) Part 2 of section XV of the Armed Services Procurement Regulations as in effect on the date of this contract; and

(ii) The terms of this contract; and

(2) A final contract fee determined as provided in this contract.

(b) Once each month (or at more frequent intervals, if approved by the contracting officer), the Contractor shall submit to an authorized representative of the contracting officer, in such form and reasonable detail as such representative may require, an invoice or voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost. Each statement of cost shall be certified by an officer or other responsible official of the Contractor authorized by it to certify such statements.

(c) As promptly as possible after receipt of each invoice or voucher, the Government shall, subject to the provisions of (d) below, make payments thereon as approved by the contracting officer. Payment of fee shall be made to the Contractor as specified in the Schedule; provided, however, that after payment of eighty-five percent (85%) of the total minimum incentive fee set forth in the schedule, further payment on account of the fee shall be withheld until a reserve or either fifteen percent (15%) of the sum of all target fees, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract the contracting officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the contracting officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall pay to the Contractor as promptly as possible any balance of allowable cost, and any part of the final contract fee which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor as promptly as possible following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion. The final contract fee, established pursuant to (j) below, shall be evidenced by a supplemental agreement hereto, whereupon the Contractor shall promptly repay to the Government any excess fee payments theretofore made.

(f) The Contractor agrees that any refunds, rebates, or credits (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, or credits shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract, whose assignment is in effect at the time of final payment under this contract, shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, or credits (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor, to third parties arising out of the performance of this contract; provided that such claims are not known to the Contractor on the date of the execution of the release; and provided further that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provision of this contract relating to patents.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at its expense or without cost to the Government.

(h) In order to foster economy by providing a tangible reward therefor, the target fees established in the Schedule shall be subject to adjustment in accordance with the provisions of (i) and (j) below. The following definitions apply:

(1) "Target cost" means the negotiated estimated cost of each item under this contract; and

(2) "Target fee" means the fee for each item under this contract which fee was negotiated on the assumption that each item would be produced for a cost equal to the target cost.

(i) The estimated cost and fee set forth opposite items (insert items for which target costs and target fees have been negotiated) are the target costs and target fees for those items.

(j) Within 90 days after completion of the work under this contract the Contractor shall forward to the Contracting Officer a detailed statement of all reimbursable costs determined in accordance with the terms of this contract. Upon submission of this statement the Contractor and the Contracting Officer shall negotiate promptly to establish the final contract fee as follows:

(1) The parties shall agree to a total contract cost to be utilized in determination of the final contract fee.

(2) The final contract fee for the performance of this contract shall be the sum of all target fees increased by (insert contractor's participation) cents for every dollar by which the total contract cost as determined in (1) above is less than the sum of the target costs or decreased by (insert contractor's participation) cents for every dollar by which the total contract costs as determined in (1) above exceeds the sum of the target costs. In no event shall the final contract fee be greater than the sum of the maximum incentive fees nor less than the sum of the minimum incentive fees set forth in the Schedule of this contract.

6. Revise paragraph (a) (3) in § 598.105–52, as follows:

§ 598.105–52 *Duties of designees*—(a) *Duties.* • • •

(3) Requesting clearance within 30 days from the Chief, Patents Division, to investigate and settle each such claim pursuant to § 598.105–55, inclosing a copy of the communication in which such claim was asserted or reported.

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7. In § 598.105–54, revise letter and footnotes to read as follows:

§ 598.105–54 *Correspondence with claimant.* • • •

[Letterhead of Designee]

[Date] ----------

JOHN DOE,
Title Guarantee Building,
Miami, Florida.

DEAR SIR: Your letter to ----------, dated ---------- 19--, stating that United States Letters Patent No. ----------, granted (date of patent), to (patentee's full name), of (city and State), for "(title of invention)," is (are) infringed by (item or process) allegedly being used by the Department of the Army, has been referred to this office for necessary action and direct reply.

The matter presented in your letter will be carefully investigated and you will be informed of the Department of the Army's conclusions upon completion of the investigation.

To aid in the investigation, it is requested that you furnish this office as promptly as possible the following:

(1) The names and addresses of licensees, if any.

(2) Copies of license agreements.

(3) Brief statement of any litigation in which the patent(s) have been or are now involved.

(4) List of all notices of infringement which you have sent to alleged infringers of the patent (except the alleged infringers included in your statement of litigation), including but not limited to any other departments and agencies of the Government.

[(5) Two executed copies of the inclosed Notice of Appearances, required of any person appearing in a representative capacity before the Department of the Army in a matter involving a claim against the United States.] [1]

[(6) An identification of the equipment or operation alleged to constitute infringement.] [2]

Sincerely yours,

[Signature of Designee or representative]

8. Revise paragraph (a) of § 598.105–55, rescind paragraph (c) of § 598.107–1, and revise § 598.1507, as follows:

§ 598.105–55 *Clearance to investigate.* (a) Within 30 days after receipt of a notice or report of such a claim the Designee shall request in writing from the Chief, Patents Division, clearance to investigate and settle the claim. So far as practicable, one Designee shall represent the Department of the Army in the investigation and settlement of each such claim. The Chief, Patents Division, may grant clearance to a Designee to investigate and settle claims, even though notice and request for clearance was not originated by such Designee.

• • • • • •

§ 598.107–1 *License rights.* • • •

(c) *Foreign rights.* [Revoked.]

§ 598.1507 *Final report by designee where no license or assignment is procured.* A final report (in duplicate) of the results of the consideration on behalf of the Department, including a statement of conclusions shall be made by the Designee to the Chief, Patents Division, with respect to each proposed license or assignment the procurement of which (a) is believed to be inadvisable, or (b) the Designee has been unable to accomplish upon terms deemed reasonable by him. (A copy of the final report shall be forwarded by the Designee to the chiefs of the interested technical services at this time.) The Chief, Patents Division, if he concurs in the conclusions of the Designee, shall write a letter to the invention owner or his representative (with copies to the Designee and chiefs of interested technical services) stating the final conclusions of the Department.

[1] For use where claim is asserted by a representative of the claimant.

[2] For use where this information has not previously been furnished.

9. Revise §§ 599.103–2 and 599.103–50, and add § 599.104–2, as follows:

§ 599.103–2 *Performance bonds in connection with construction contracts.* The penalty of the performance bond required in connection with a construction contract shall be at least in an amount equal to 50 percent of the contract price; except that authority is delegated to Heads of Procuring Activities, and to such other persons as they may designate, to determine whether a performance bond shall be required in connection with cost-reimbursement type construction contracts. Setting forth a minimum percentage herein shall not be construed as a bar to fixing a penalty in a greater percentage, up to 100 percent of the contract price, in a case where a greater percentage is deemed advisable for the protection of the Government, and fixing such greater penalty will not eliminate small, otherwise potentially acceptable contractors.

§ 599.103–50 *Additional performance bonds.* Where a performance bond has been required in connection with a contract, and there is executed (a) a change order in excess of $25,000, or (b) a supplemental agreement providing for any increase in the contract price, an additional performance bond to cover such increase or a consent of surety (§ 599.203 (a)) shall be required.

§ 599.104–2 *Payment bonds in connection with construction contracts.* Authority is hereby delegated to the Heads of the Procuring Activities, and to such other persons as they may designate, to determine whether a payment bond shall be required in connection with cost-reimbursement type construction contracts.

10. Revise §§ 599.104–50 and 599.105, and revoke § 599.106, as follows:

§ 599.104–50 *Additional payment bonds.* Where a payment bond has been required in connection with a contract, and there is executed (a) a change order in excess of $25,000, or (b) a supplemental agreement providing for any increase in the contract price, an additional payment bond to cover such increase, or a consent of surety (§ 599.203 (a)) shall be required.

§ 599.105 *Advance payment bonds.* Under § 592.504 (a) of this subchapter, advance payment bonds are required only in the most exceptional circumstances. Where the Head of a Procuring Activity considers a bond desirable, recommendation to that effect together with recommendation as to the penal sum thereof shall be forwarded to the Secretary for final determination

(§ 3.504 of this title and § 592.504 of this

to the original amount with respect to

for the full amount of the bond.

(c) Accounting for identical items of

(b) Make deductions for Social Se-

(§ 3.504 of this title and § 592.504 of this subchapter).

§ 599.106 *Patent infringement bonds.* [Revoked.]

11. Sections 599.107 and 599.201 are revised to read as follows:

§ 599.107 *Other types of bonds*—(a) *Fidelity bonds.* (1) Fidelity bonds will be required in connection with cost or cost-plus-fixed-fee contracts for supplies, construction, or for operation of Government-owned plants, only in those cases where the Head of a Procuring Activity or his designee consider such bonds are necessary for the protection of the Contractor or the Government.

(2) When a fidelity bond is required, a Primary Commercial Blanket form of bond in the penal sum of $10,000 will be considered sufficient. The Primary Commercial Blanket form of fidelity bond as standardized by the Surety Association of America, or its equivalent, is the approved form.

(3) In addition to the riders set forth in paragraph (c) of this section, a carrier providing fidelity bonds will be required to attach a rider requiring investigation of all Class A employees.

(4) When blanket fidelity insurance is purchased, carriers will be cautioned to apply all appropriate discounts.

(b) *Forgery bonds.* (1) Forgery bonds will be required in connection with cost or cost-plus-fixed-fee contracts for supplies, construction, or for operation of Government-owned plants, only in those cases where the Head of a Procuring Activity or his delegatee consider such bond or policy necessary for the protection of the Contractor or the Government or if it is considered desirable to obtain the investigative and claims services of a surety company.

(2) When such bond or policy is required, a penal sum in the amount of $10,000 will be considered sufficient. The depositors form of forgery bond or policy as standardized by the Surety Association of America, or its equivalent, is the approved form.

(3) Carriers providing this coverage shall be required to attach the riders or endorsements listed in paragraph (c) of this section.

(c) *Riders and endorsements required on fidelity and forgery bonds.* The following are types of riders which shall be required on fidelity and forgery bonds which are procured for the benefit of the Government.

(1) Rider providing for pro-rata refund of premium in the event of cancellation by the insured.

(2) Rider providing for notice to the Procuring Activity concerned in the event of any change in, or cancellation of, the bond.

(3) Rider providing for the investigation of all claims.

(4) Retroactive reinstatement rider: This rider contains a provision which is available for blanket fidelity and forgery bonds whereby after a loss has been sustained, the penalty of the bond is restored to its original amount notwithstanding prior losses. There is contained in the bond itself a provision which automatically restores the penalty of the bond to the original amount with respect to future losses.

(5) Waiver of restoration premium rider: This rider contains a provision which is available for blanket fidelity and forgery bonds which has the effect of eliminating the premium charge for restoring the penalty of the bond after a loss has been sustained.

(6) Cancellation or change notice rider: This rider contains a provision by which a surety agrees to notify certain named interested parties in the event that the bond is cancelled.

(7) Endorsement excluding subrogation to claims against the United States: This endorsement shall be required when the premium is paid by the Government directly or is a reimbursable item under the contract, and shall contain appropriate language excluding any claim on the part of the surety company to be subrogated, on payment of a loss or otherwise, to any claim against the United States.

§ 599.201 *General requirements of sureties*—(a) *Corporate sureties*—(1) *Acceptability.* In order to be acceptable, the corporate surety must have obtained authority from the Secretary of the Treasury to do business under the act of July 30, 1947 (61 Stat. 646; 6 U. S. C. 6–13). A list of the corporations approved by the Secretary of the Treasury is published annually by the Treasury Department (Form No. 356). This list indicates the maximum penal sum in which any corporate surety may underwrite any one obligation. Any corporation whose name is on this list is acceptable within the limits specified. Heads of Procuring Activities are responsible for distributing copies of the list. Requisitions for corporate surety lists shall be submitted to The Judge Advocate General annually on or before April 1.

(2) *Qualifications of agents and corporate sureties.* Corporate sureties should forward to The Judge Advocate General, Department of the Army, Washington 25, D. C., the following for filing:

(i) Powers of attorney on forms which may be obtained from The Judge Advocate General or certified copies of resolutions of their Boards of Directors or Trustees authorizing their officers or agents to execute bonds, and

(ii) Certificates evidencing the revocation of authority previously granted to execute bonds.

(3) *Corporate cosureties.* More than one corporate surety may be accepted as surety upon any recognizance, stipulation, bond, or undertaking in connection with either supply or construction contracts, provided that in no case will the liability of any such cosurety exceed the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. On bonds covering supply contracts where the amount of the bond is greater than the underwriting limitation of the corporate surety, the latter may reinsure with a corporation on the acceptable list of corporate sureties having the required underwriting capacity. Reinsurance agreements are not acceptable in connection with construction contracts. It is not necessary that corporate cosureties obligate themselves for the full amount of the bond. Each corporate surety may limit its liability in the bond to a specified sum. The sureties must bind themselves "jointly and severally" for the purpose of allowing a joint action or actions against any or all of them. When the bond is to be executed by two or more corporate sureties, Standard Form 27 will be used in the case of a performance bond and Standard Form 27A will be used in the case of a payment bond.

(b) *Individual sureties*—(1) *Acceptability.* Individual sureties are acceptable for all types of bonds other than fidelity and forgery bonds; provided, that individual sureties shall be citizens of the United States, except that sureties on bonds executed in foreign countries, the Canal Zone, Puerto Rico, Hawaii, Alaska, Guam, or any possession of the United States, to secure the performance of contracts entered into in those places need not be citizens of the United States, but if not citizens of the United States shall be domiciled in the place where the contract is to be performed.

(2) *Number.* If individual sureties are used there shall be at least two responsible individuals on each bond.

(3) *Extent of liability.* The liability of each individual surety shall extend to the entire penal amount of the bond.

(4) *Justification.* Individual sureties will each justify, under oath, in an amount not less than the penal amount of the bond.

(5) *Stockholders as sureties.* On any bond of which a corporation is the principal obligor, a stockholder of that corporation is acceptable as cosurety on the bond; provided, that his net worth exclusive of his stock holding in the corporation is equal to the amount for which he justified and provided further, that such fact is expressly stated in his affidavit of justification.

(6) *Affidavit of individual surety.* Standard Form 28 will be used in connection with the justification of an individual surety.

(c) *Partnerships as sureties.* A partnership or other unincorporated association, as such, will not be accepted as a surety. The individual members of the partnership or association may if they meet the requirements of (b) of this section qualify as sureties. Individual members of a partnership or association will not be acceptable as sureties on bonds under which the partnership or association, or any copartner or member thereof, is the principal obligor.

(d) *Substitution or replacement of a surety.* In case of financial embarrassment, failure, or other disqualifying cause on the part of a surety under a bond, the Head of the Procuring Activity concerned will require the substitution of a new surety satisfactory to him.

12. Revise § 602.1705 and add paragraph (a) (9) to § 606.204–1, as follows:

§ 602.1705 *General.* (a) Exceptions to the policy of using the Contractor's Government Property control records as the official contract records may be authorized in accordance with the following:

(1) Heads of Procuring Activities are delegated authority to:

(i) Authorize exceptions to specific contracts, specific invitations for bids or specific requests for proposals, with power of redelegation to chiefs and acting chiefs of field procuring activities without authority of further redelegation.

(ii) Authorize class or group exceptions for short-term contracts, or for contracts where only a few items of Government Property are to be provided. This authority may be redelegated to one individual by position title without authority of further redelegation. Class or group exceptions will be authorized pursuant to a written determination which shall include justication for the exception. Copies of the authorization will be furnished to field procuring activities concerned and to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch.

(2) When exceptions are authorized in accordance with subparagraph (1) of this paragraph, the contracts involved will be modified as follows:

(i) Add the following to the Government-Furnished Property/Government Property Clause:

Notwithstanding the provisions of ( )[1] above, the Government will maintain the official control records for Government Property provided pursuant to this clause and the Contractor is not required to maintain property control records for such property in accordance with the requirements of the "Manual for Control of Government Property in Possession of Contractors."

(ii) Add the following to the Alterations in Contract Clause:

Sub-clause ( ),[1] modifying sub-clause ( )[1] has been added to the Government Furnished Property/Government Property clause.

(b) In connection with the approval of the Contractor's control records and procedures the Contract Administrator will require that all documents or types of documents run in one or more unbroken series and that all unused or destroyed numbers are accounted for or that equivalent controls exist which will assure that all documents pertinent to any single contract are considered in the property record of that contract.

(c) Accounting for identical items of plant equipment valued at $500 or less on individual stock record cards or historical record forms in accordance with paragraph 304.3, § 30.2 of this title, is not required. Individual item accounting is not required for identical items of furniture, office, medical, and cafeteria equipment, regardless of price. [301]

NOTE: This section is also applicable to paragraph 207.1, § 30.3 of this title.

§ 606.204–1 *Personnel or professional service.* * * *

(a) *Employment of experts or consultants by formal contract.* * * *

(9) *Application of Federal Social Security Taxes.* (i) On and after January 1, 1955, individuals (other than aliens performing services outside continental United States, the Territories of Alaska and Hawaii, the Virgin Islands and Puerto Rico, and alien specialists retained to meet the requirements of "Project 63") performing personal services under formal contracts are generally eligible for old age and survivors insurance coverage under the Social Security Amendments of 1954 (Public Law 761, 83d Congress, 68 Stat. 1052 et seq.) when the legal relationship created by the formal contract is that of employer and employee. Ordinarily, an employer-employee relationship exists when the Government has the right to control and direct the individual, not only as to the results to be accomplished by the work, but also as to the details and means by which the result is to be accomplished. If an individual is subject to the control or direction of the Government only as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor not eligible for coverage (Treas. Reg. 128, 26 CFR (1954) 408.204).

(ii) Heads of Procuring Activities will:

(*a*) Include in the Social Security Program those individuals who are employed to perform personal services by formal contracts executed under the authority of section 15, Public Law 600; 79th Congress (60 Stat. 806, 810), provided they are otherwise eligible in accordance with the conditions set forth in this section.

(b) Make deductions for Social Security taxes from the compensation paid to such individuals for services performed, as required by the Federal Insurance Contributions Act (sec. 3101, et seq., Internal Revenue Code, 1954), as amended.

* * * * * * *

[C 25, APP, Nov. 1, 1956] (R. S. 161; 5 U. S. C. 22. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301–2314)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56–10274; Filed, Dec. 17, 1956; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

RENEWAL OF 5-YEAR LEVEL PREMIUM TERM INSURANCE

In § 8.85, that portion of paragraph (b) preceding subparagraph (1) is amended to read as follows:

§ 8.85 *Renewal of National Service life insurance on the 5-year level premium term plan.* * * *

(b) A 5-year level premium term policy which lapsed for nonpayment of the premium due for the 59th (95th) or 60th (96th) month and subsequently expired on or after July 23, 1953, while in lapsed status, may be renewed subsequent to the expiration of the old term period provided the insured prior to the expiration of the new term period:

* * * * * * *

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interprets or applies sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective December 18, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–10287; Filed, Dec. 17, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 72]

INTERSTATE QUARANTINE

SHIPMENT OF ETIOLOGIC AGENTS

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations in this subpart as shown below. Interested persons may submit written data, views or arguments (in duplicate) in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than 30 days after the publication of this notice will be considered.

Subpart C, Shipment of Certain Things, would be amended by adding the following new section:

§ 72.25 *Etiologic agents.* (a) (1) For the purpose of this section, etiologic agent is defined as the causative agent of the following diseases and such others as may be prescribed from time to time by the Surgeon General: Anthrax, botulism, brucellosis, cholera, Colorado tick fever, Coxsackie diseases, diphtheria, encephalitis (arthropod-borne), glanders, leptospirosis, lymphocytic choriomeningitis, melioidosis, meningococcal meningitis, paratyphoid fever, plague, poliomyelitis, Q fever, rabies, relapsing fever, rickettsialpox, Rift Valley fever, Rocky Mountain spotted fever, schistosomiasis, scrub typhus, smallpox, tetanus, tuberculosis, tularemia, typhoid fever, typhus fever, and yellow fever.

(2) The provisions of this section shall not apply to specimens transmitted to laboratories for diagnostic purposes or

[1] Insert appropriate sub-clause.

to finished biological products for human

contains infectious material and identi-

to finished biological products for human or veterinary use bearing the U. S. Government license number of the manufacturer.

(b) A person shall not knowingly transport or cause to be transported in interstate traffic any etiologic agent unless:

(1) In the case of fluid materials or solid materials other than frozen, the container of the etiologic agent is watertight and airtight and is enclosed in a second durable watertight and airtight container with the intervening space provided with sufficient absorbent material so placed as to absorb the entire contents in case of breakage, and each such double container is individually enclosed in a carton or wooden shipping container.

(2) In the case of frozen materials, the container of the etiologic agent is watertight and airtight and is enclosed in a second durable watertight and airtight container or surrounded by sufficient absorbent material to absorb the contents in case of breakage; the package contains enough dry ice and sufficient insulation material to insure that the material will remain frozen for at least 24 hours longer than the expected time of delivery of the shipment to the consignee; and the container with its immediate surrounding material, dry ice and insulation is enclosed in a carton or wooden shipping container.

(3) (i) The contents of a single container does not exceed one U. S. gallon.

(ii) All containers and closures are so designed and constructed of such materials that they are capable of withstanding without rupture or leakage of contents, all shocks, pressure changes, or other conditions ordinarily incident to transportation handling.

(4) The shipping documents and the manifest accompanying the shipment include statements that the shipment contains infectious material and identifies the etiologic agent involved. The shipment itself shall be appropriately labeled.

(5) The requirements of this paragraph are in addition to and not in lieu of any other packaging or labeling requirements for the interstate shipment of etiologic agents established by the Interstate Commerce Commission and Civil Aeronautics Board.

(c) In event of leakage or other indication of escape of an etiologic agent from a container in interstate traffic, the operator or person in charge of the conveyance or the premises where the leakage or escape occurs shall:

(1) Immediately notify the Surgeon General or his authorized representative.

(2) (i) If leakage or escape occurs on a conveyance, remove the conveyance from service and isolate it as soon as possible. Isolate the affected area until such time as the conveyance can be removed from service.

(ii) If leakage or escape occurs at a terminal, transfer point, or other location not on a conveyance, isolate the area known to be or suspected of being contaminated.

(3) Prevent removal of any luggage, cargo, or other items from the affected area or conveyance unless such removal is necessary for purposes of safety or the preservation of life, health, or property.

(4) Inform all passengers, carrier employees and other persons who were or may have been exposed to contamination or infection, of the hazards thereof and request that such persons remain isolated until appropriate measures can be taken to prevent the transmission of disease. In event any such person departs before appropriate decontamination procedures have been applied, notify the State or local health authorities having jurisdiction.

(5) Obtain names, home addresses and addresses of destination of all persons who may have been exposed to contamination or infection.

(6) Apply appropriate decontamination procedures and other measures as specified by the Surgeon General or his authorized representative.

(7) Except when necessary for purposes of safety or the preservation of life, health or property, or for purposes of decontamination, prevent persons from boarding the conveyance or entering the area until clearance is obtained from the Surgeon General or his authorized representative.

(d) Isolation of the conveyance or affected areas shall be continued pending completion of measures prescribed by the Surgeon General for preventing the spread of disease and until such time as clearance is obtained from the Surgeon General or his authorized representative.

(e) In the event of loss of a shipment of etiologic agents in transit, the carrier shall immediately notify the Surgeon General or his duly authorized representative of such loss and provide him with all available information concerning the nature of the shipment, circumstances surrounding its loss and such other information as he may require.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 361, 58 Stat. 703, 42 U. S. C. 264)

Dated: December 5, 1956.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: December 12, 1956.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 56-10263; Filed, Dec. 17, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-75]

COASTWISE LINE

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER ONE DRY-CARGO VESSEL

Notice is hereby given that a public hearing will be held on December 21, 1956, at 9:30 a. m., e. s. t., in Room 4519, New General Accounting Office Building, 5th and G Streets NW., Washington, D. C., upon the application of Coastwise Line, to extend the bareboat charter, pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Congress) (50 U. S. C. App. 1738) of one (1) Liberty type dry cargo vessel, the "Ira Nelson Morris," for operation for a minimum period of twelve (12) months between ports in California, the Pacific Northwest, British Columbia, and Alaska.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence also will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately-owned vessels against vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present.

An Examiner of the Hearing Examiner's Office will preside at the hearing. The parties may have oral argument before the Examiner immediately after the receipt of evidence in lieu of briefs, and an initial decision will be issued. The time for filing exceptions thereto is restricted to seven (7) days and no replies to exceptions will be received.

Dated: December 17, 1956.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 56-10335; Filed, Dec. 17, 1956; 10:41 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

Notice of the proposed withdrawal and reservation of lands for the Bureau of Land Management in the MacLaren River Area, Alaska, was published in the FEDERAL REGISTER, August 16, 1955, Volume 20, No. 159, Page 5955. This application, which is identified by the serial number Anchorage 030577, has been amended to permit the issuance of mineral leases and the disposal of materials in accordance with the provisions of the Materials Act.

This application has been amended, also, insofar as the MacLaren River Area Site is concerned to read as follows:

MACLAREN RIVER AREA

An area extending on both sides of the Denali Highway on the west side of the MacLaren River at the river crossing at approximate mile 90 of the Denali Highway as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway at the West abutment of the MacLaren River bridge, latitude 63°7'11.41" North, longitude 146°31'41.57" West at BPR Engineer Station 2197+23.63; thence North 79°36' East 23.63 feet along the centerline to BPR Engineer Station 2197+00; to the True Point of Beginning; thence Northerly along the West bank of the MacLaren River 660 feet; thence West 660 feet; thence south 1,320 feet; thence East approximately 660 feet to a point on the West bank of the MacLaren River; thence Northerly approximately 660 feet along said west bank at the Point Beginning.

Containing approximately 20 acres.

EUGENE V. ZUMWALT,
Acting Operations Supervisor.

[F. R. Doc. 56-10277; Filed, Dec. 17, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

GRAINS AND RELATED COMMODITIES UNDER WAREHOUSE-STORAGE LOANS MADE UNDER 1956 PRICE SUPPORT PROGRAMS

NOTICE OF FINAL DATE FOR REDEMPTION

Unless earlier demand is made by CCC, warehouse-storage loans under 1956 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless such loans are repaid on or before the final date for repayment specified below, or the producer notifies the ASC county committee in writing that the funds have been placed in the mail, CCC will purchase the commodities pursuant to the provisions of the note and loan agreement at the higher of (1) the amount of the loan plus interest and charges or (2) the market value as determined by the appropriate CSS commodity office as of the close of the market on the final date for repayment. In the event such market value is in excess of the loan value plus interest and charges, the excess amount will be paid to the producer by the appropriate CSS commodity office.

Notwithstanding the foregoing provisions, if there has been fraudulent representation by the producer in obtaining the loan, the purchase price applicable to such purchase by CCC shall be the market value only.

Commodity	Maturity date	Final date for repayment
Barley in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 28, 1957	Feb. 28, 1957
Arizona and California	Mar. 11, 1957	Mar. 11, 1957
In all other States	Apr. 30, 1957	Apr. 30, 1957
Corn	July 31, 1957	July 31, 1957
Dry edible beans in Michigan, New York, and Pennsylvania	Feb. 28, 1957	Feb. 28, 1957
In all other States	Apr. 30, 1957	Apr. 30, 1957
Flaxseed in Arizona and California	Jan. 31, 1957	Jan. 31, 1957
In all other States	Apr. 30, 1957	Apr. 30, 1957
Grain sorghums	Mar. 31, 1957	Apr. 1, 1957
Oats in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 28, 1957	Feb. 28, 1957
In all other States	Apr. 30, 1957	Apr. 30, 1957
Rice in Arizona and California	do	Do.
In all other States	Mar. 18, 1957	Mar. 18, 1957
Rye in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 28, 1957	Feb. 28, 1957
In all other States	Apr. 30, 1957	Apr. 30, 1957
Soybeans	May 31, 1957	May 31, 1957
Wheat in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 28, 1957	Feb. 28, 1957
In all other States	Mar. 31, 1957	Apr. 1, 1957

The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 560 Westport Road: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1031; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Done at Washington, D. C., this 12th day of December 1956.

[SEAL] WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 56-10300; Filed, Dec. 17, 1956; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9262, G-9960]

HOUSTON TEXAS GAS AND OIL CORP. AND COASTAL TRANSMISSION CORP.

ORDER GRANTING ORAL ARGUMENT AND DENYING MOTION FOR EXTENSION OF TIME TO FILE BRIEFS

The Florida Economic Advisory Council (Council) on December 7, 1952, filed in the above-styled proceedings a motion for an extension of time within which to file a brief of opposing interveners in the proceedings coupled with a request for oral argument before the Commission in such proceedings. The Council requests that the time for filing briefs be extended from December 15, 1956, to December 20, 1956.

The Public Service Commission of the State of New York by telegram received by the Commission on December 11, 1956, indicated its concurrence in the motion filed by the Council, and requested a similar extension of time for filing its brief and also requested that oral argument be heard by the Commission.

For the reasons stated in our order issued in these proceedings on December 6, 1956, it would not be in the public interest to extend beyond December 15, 1956, the time within which the opposing interveners shall file briefs in these proceedings.

The Commission finds, however, that it would be appropriate and in the public interest to hear oral argument in the proceedings.

The Commission orders:

(A) The motion of the Florida Economic Advisory Council and the request of the Public Service Commission of the State of New York for an extension of time from December 15, 1956, to December 20, 1956, within which to file briefs of opposing interveners be and it is denied.

(B) The motion of the Florida Economic Advisory Council and the request of the Public Service Commission of the State of New York for oral argument before the Commission be and it is granted.

(C) An oral argument be held before the Commission on December 21, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the applications filed in these proceedings.

(D) Counsel for each party to the proceeding, filing a brief and desiring to participate in the oral argument before the Commission, shall notify the Secretary of the Commission on or before December 17, 1956, in writing of his desire to present oral argument and shall specify the amount of time desired for such argument.

Issued: December 13, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-10286; Filed, Dec. 17, 1956; 8:47 a. m.]

law proposed to be controverted, or he

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 6 (a)]

REQUEST TO PARTICIPATE IN ACTIVITIES OF ARMY ORDNANCE INTEGRATION COMMITTEE ON SMALL ARMS AMMUNITION (EXCEPTING 20 MM)

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the voluntary plan entitled, "Plan and Regulation of the Ordnance Corps Governing the Integration Committee on Small Arms Ammunition (Excepting 20 MM)," amended to extend membership eligibility in accordance with the Defense Production Act Amendments of 1955, was approved by the Attorney General, after consultation with respect thereto between the Attorney General, the Chairman of the Federal Trade Commisison, and the Director of the Office of Defense Mobilization.

This amended voluntary plan has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the activities of an integration committee in accordance with the enclosed voluntary plan entitled "Plan and Regulation of the Ordnance Corps Governing the Integration Committee on Small Arms Ammunition (Excepting 20 MM)," as amended pursuant to the Defense Production Act Amendments of 1955.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I have approved the voluntary plan and have found it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Integration Committee on Small Arms Ammunition (Excepting 20 MM) and your participation therein are within the limits set forth in the voluntary plan.

Your cooperation in this matter will be appreciated.

Sincerely yours,

ARTHUR S. FLEMMING,
Director.

The following supersedes the list of acceptances published in 16 F. R. 12203, December 1, 1951:

ACCEPTANCES

The American Brass Company, Waterbury 20, Connecticut.

Chase Brass & Copper Company, Waterbury 20, Connecticut.

Federal Cartridge Corporation, Minneapolis, Minnesota.

The International Silver Company, Meriden, Connecticut.

McQuay-Norris Manufacturing Company, St. Louis, Missouri.

Olin Mathieson Chemical Corporation, New York 22, New York.

The Plume & Atwood Manufacturing Company, Thomaston, Connecticut.

Remington Arms Company, Inc., Bridgeport, Connecticut.

Revere Copper and Brass, Incorporated, New York 17, New York.

Scovill Manufacturing Company, Waterbury 91, Connecticut.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: December 13, 1956.

[SEAL] ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-10285; Filed, Dec. 17, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1046]

MUTUAL INVESTMENT FUND OF CONNECTICUT, INC.

NOTICE OF APPLICATION FOR EXEMPTION FROM CERTAIN PROVISIONS OF THE ACT

DECEMBER 12, 1956.

Notice is hereby given that Mutual Investment Fund of Connecticut, Inc. ("Applicant"), a registered open-end, diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act"), for exemption from the following sections of the act: section 20 (a); section 22 (d); section 22 (e); section 16 (a); and section 24 (d); and Rule N-20A-1 of the general rules and regulations under the act.

Applicant was organized on August 14, 1956, by the Savings Banks' Association of Connecticut under the general incorporation laws of Connecticut following enactment of section 2678 (d) of the 1955 Supplement to Connecticut General Statutes. This statute, sponsored by the Savings Banks' Association of Connecticut and approved by the State Bank Commissioner, contemplates the organization of an investment company whose shares were to be owned by savings banks located in Connecticut.

The Applicant is subject to certain limitations and restrictions prescribed by the new statute as follows:

(a) The investment company must be registered under the Investment Company Act of 1940, as amended;

(b) All of its shares must be owned by savings banks organized under the laws of the State of Connecticut and doing business in that State;

(c) The assets of the investment company must be invested only in such investments as are permitted by section 2678 (d) and section 5815 (2)-(7) inclusive, as amended by section 2667 (d)-2672 (d), 1955 Supplement to Connecticut General Statutes;

(d) The amount of stock of any corporation which may be held by the investment company cannot exceed 5 percent of the total number of shares of such corporation outstanding at the time of investment by the investment company, provided, at the time of investment the amount invested by such company in the shares of any corporation shall not exceed 10 percent of the total assets of such investment company; and

(e) The total investment of any Connecticut savings bank in the stock of such investment company may not exceed 20 percent of its surplus and profit and loss.

In addition, the charter of the Applicant provides that the board of directors shall consist of 9 members each of whom must be a director, trustee or officer of a Connecticut savings bank which holds stock in the Applicant.

Applicant declares that it intends to keep the Bank Commissioner of Connecticut informed on all aspects of its affairs and activities and to send him all reports sent to stockholders so that he can determine if the affairs of the Applicant conform with section 2678 (d). Applicant also will furnish the Bank Commissioner such additional information as he may request from time to time.

Applicant will employ no underwriter; it is contemplated that any Connecticut savings bank desiring to participate in the initial offering of shares may place an order directly with Guaranty Trust Company of New York, the transfer agent and registrar of the Applicant, at a price of $100 per share. Subsequent purchases may be made in the same manner at the current net asset values, plus a seventy-five cents per share charge covering commissions and related expenses. Applicant does not propose to issue any prospectus.

It is recited in the application that Applicant will enter into a contract for investment advisory, custodial, transfer agent, and registrar services with Guaranty Trust Company of New York.

Since several aspects of its proposed operations conflict with certain provisions of the act and regulations thereunder, it has filed the instant application for exemption from such provisions. Applicant declares that the unusual circumstances relating to the organization, ownership, and operation of Applicant warrant the granting of the exemptions as hereinafter requested.

Applicant contends that compliance with the proxy rules and regulations promulgated under the Securities and Exchange Act of 1934 as required by section 20 (a) of the Investment Company Act and Rule N-20A-1 thereunder would serve no useful purpose and would not provide any corresponding benefits to the savings banks' shareholders. In this connection it is pointed out that there are 71 savings banks in Connecticut and those who determine to become stockholders of Applicant will be well informed of its activities as well as the savings bankers who will constitute its board of directors and officers.

Applicant also seeks an exemption from that part of section 24 (d) of the act which provides that the exemption from the registration requirements of the Securities Act of 1933 contained in section 3 (a) (11) of that act shall not be applicable to securities issued by a

registered investment company. Section 3 (a) (11) of the Securities Act grants an exemption for securities sold only to persons resident within a single state by a corporation incorporated in and doing business within such state.

Applicant notes that there are only 71 savings banks in Connecticut and the sales of its shares are restricted to such banks and that at the time operations are commenced each savings bank will be provided with a copy of its charter, by-laws, contract with Guaranty Trust, the Notification of Registration and its Registration Statement under the act, the instant application and the findings and opinion of the Commission on this application. Applicant contends that the public interest would not be served by registration under the Securities Act and that registration would result in a further burden and expense.

Section 22 (d) of the act would require Applicant to sell its securities at a public offering price described in a prospectus. Applicant states that the reasons urged for exemption from section 24 (d) have equal application to a request for exemption from this section.

Section 22 (e) of the act prohibits a registered investment company from suspending the right of redemption or postponing the date of payment for more than 7 days except as specified therein.

The by-laws of the Applicant relating to the repurchase of its stock provide that the computation of net asset value of its shares for purposes of redemption shall apply only to the extent of 200 shares or 10 percent of the total number of shares issued on the date notice is given by the holder presenting shares of redemption, whichever is greater, with continuing like computations on each succeeding business day of any excess number of shares, as to which notice was received, subject to the same maximum, until the asset value of the number of shares tendered has been computed. In addition to the foregoing and the exceptions provided in section 22 (e), the by-laws of the Applicant also provide for postponement of payment or suspension of right of redemption "for such other period as may be fixed by the Board of Directors if the Board of Directors shall determine that it is contrary to the best interests of the Fund and to its other stockholders to commit the Fund to an earlier repurchase of any or all of the shares so offered, but such determination shall be made only when a request for repurchase remains unaccepted or when the Board of Directors expressly concludes that by reason of the number of shares offered or the condition of the securities markets there is doubt as to the ability of the Fund to liquidate assets sufficient to raise the necessary funds within an earlier time without undue sacrifice and that the existence of extraordinary conditions required adoption of an emergency measure." In addition, the by-laws provide that payment on redemption must be made within seven business days, rather than seven days, after the redemption price is computed.

Applicant states that savings banks of Connecticut may be influenced toward a common investment policy as a result of prevailing conditions or unusual occurences and that under such circumstances, substantial requests for redemption may be made at or about the same time. Therefore, Applicant states, it is desirable in the interests of the investing savings banks that the number of shares which may be redeemed on any one day be restricted; that the Board of Directors be given some discretion with respect to the liquidation of assets necessary to meet redemptions, in times of emergency; and that the dates of payments on redemptions be measured in business days when the savings banks, New York Stock Exchange, and transfer agent would all be open. Applicant represents that the additional restrictions are desirable for the protection of the mutual interests of the savings banks and that no reason of public policy as to the protection of individual investment interests would militate against the granting of an exemption from section 22 (e) of the act in respect of the restrictions imposed by the by-law provisions which deviate from the statutory provisions.

Section 16 (a) of the act prohibits a person from serving as a director of an investment company unless elected by the holders of the outstanding securities at an annual or special meeting called for that purpose. The present Board of Directors of Applicant was elected at the organizational meeting by the representatives of the savings banks which gave commitments to purchase stock of Applicant after it completed the registration requirements of the act. To allow this group to serve as directors until January 23, 1957, the proposed date of the first annual meeting of Applicant's stockholders, when the stockholders will elect a Board of Directors, and to avoid the necessity for calling a special meeting in the interim so that savings banks which become stockholders after the organizational meeting and the completion of registration requirements but before the annual meeting, may elect directors, Applicant requests exemption from section 16 (a) of the act. Applicant states that the circumstances and auspices under which Applicant was organized, and the character, status, and position of those who are serving Applicant as directors indicate that the public interest and protection of investors would not be jeopardized by such an exemption.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than December 26, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10282; Filed, Dec. 17, 1956; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Arlene Sportswear Co., 2950 Fulton Street, Brooklyn, N. Y.; effective 12-4-56 to 1-10-57; 6 learners, (slacks) (replacement certificate).

Bass Manufacturers, Inc., 402 West Main Street, Plymouth, Pa.; effective 12-6-56 to 12-5-57 (children's pajamas, dresses).

Blue Bell, Inc., Columbia City, Ind.; effective 12-8-56 to 12-7-57 (men's and boys' dungarees).

Blue Bell, Inc., Nappanee, Ind.; effective 12-19-56 to 12-18-57 (girls' and ladies' dungarees).

Blue Bell, Inc., Warsaw, Ind.; effective 12-9-56 to 12-8-57 (men's and boys' dungarees).

Cluett, Peabody & Co., Inc., Gilbert, Minn.; effective 12-17-56 to 12-16-57 (men's shirts).

E & W Manufacturing Co., of Yazoo City, Yazoo City, Miss.; effective 12-4-56 to 7-20-57 (men's and boys' pajamas) (replacement certificate).

J. Freezer & Son, Inc., Floyd, Va.; effective 12-14-56 to 12-13-57 (men's and boys' shirts, ladies' shirts).

Guin Manufacturing Corp., 22 Southside Pioneer Telephone Co., Inc., Long Prairie,

Guin Manufacturing Corp., 22 Southside 11th Avenue, Guin, Ala.; effective 12–11–56 to 11–10–57 (sport shirts).

Jaco Pants, Inc., Ashburn, Ga.; effective 12–4–56 to 12–3–57 (men's dress pants).

Kaplan and Koral, 597 Main Street, Edwardsville, Pa.; effective 12–4–56 to 12–3–57; 5 learners (women's dresses).

Lerner-Slone Clothing Corp., Forrest City, Ark.; effective 12–4–56 to 12–3–57 (men's slacks).

Liberty Trouser Co., 2205–11 First Avenue North, Birmingham, Ala.; effective 12–6–56 to 12–5–57 (men's and boys' overalls, dungarees).

Madill Manufacturing Co., Madill, Okla.; effective 12–5–56 to 12–4–57 (men's dress pants).

Mayflower Manufacturing Co., Inc., 460–506 North Main Avenue, Scranton, Pa.; effective 12–12–56 to 12–11–57 (trousers).

Over The Top, Inc., Picayune, Miss.; effective 12–20–56 to 12–19–57 (dungarees).

Randy's Sportswear, Inc., 315 West Chestnut Street, Denison, Tex.; effective 12–7–56 to 12–6–57 (infant and children's sportswear).

Ruleville Manufacturing Co., Ruleville, Miss.; effective 12–7–56 to 12–6–57; 10 learners (men's and boys' outerwear jackets).

Samsons Manufacturing Corp., 525 East Fifth Street, Washington, N. C.; effective 12–10–56 to 12–9–57 (men's sport shirts).

The Shirtmaster Co., Inc., Abbeville, S. C.; effective 12–7–56 to 12–6–57 (men's and boys' sport shirts).

Springfield Garment Manufacturing Co., 627 North Campbell Avenue, Springfield, Mo.; effective 12–10–56 to 12–9–57 (dress and semi-dress trousers).

Stahl-Urban Co., North Second Street, Brookhaven, Miss.; effective 12–19–56 to 12–18–57 (men's and boys' work trousers).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Benjamin and Johnes, Inc., 410 Ashe Avenue, Dunn, N. C.; effective 12–8–56 to 4–9–57; 50 learners (women's foundation garments).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss.; effective 12–4–56 to 6–3–57; 20 learners (men's and boys' pajamas).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss.; effective 12–4–56 to 1–4–57; 40 learners (men's and boys' pajamas) (replacement certificate).

H. Friedman Manufacturing Co., Campo, Calif.; effective 12–4–56 to 6–3–57; 10 learners (men's sport shirts).

Madill Manufacturing Co., Madill, Okla.; effective 12–5–56 to 6–4–57; 15 learners (men's dress slacks).

Randy's Sportswear, Inc., 315 West Chestnut Street, Denison, Tex.; effective 12–7–56 to 6–6–57; 75 learners (infants' and children's sportswear).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo.; effective 12–15–56 to 12–14–57; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 319 West Main Cross Street, Findlay, Ohio; effective 12–6–56 to 12–5–57; 10 learners for normal labor turnover purposes (work gloves).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Pioneer Telephone Co., Long Prairie, Minn.; effective 12–4–56 to 12–3–57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa.; effective 12–11–56 to 12–10–57; 5 percent of factory production workers for normal labor turnover purposes (men's and boys' knitted outerwear).

Forest Hosiery Co., Forest City, N. C.; effective 12–4–56 to 6–3–57; 20 learners for expansion purposes (children's cardigans, T-shirts).

Union Underwear Co., Inc., Frankfort, Ky.; effective 12–11–56 to 12–10–57; 5 percent of factory production workers for normal labor turnover purposes (men's and boys' shorts).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Novelties, Inc., 516 Marietta Street NW., Atlanta, Ga.; effective 12–4–56 to 12–3–57; 10 learners for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Seal Sac, Inc., 28 Anawan Street, Fall River, Mass.; effective 12–6–56 to 6–5–57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 8 learners for normal labor turnover purposes (closet accessories, kitchen appliances).

Seal Sac, Inc., 25 Broadway, Pawtucket, R. I.; effective 12–6–56 to 6–5–57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 10 learners for normal labor turnover purposes (closet accessories, kitchen appliances).

Zip-Well Corp., 304 West Main Street, West Frankfort, Ill.; effective 12–10–56 to 6–9–57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator, zipper chain machine operator and zipper assembly line worker; authorizing the employment of 15 learners for expansion purposes (zippers).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in regulations, Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 11th day of December 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56–10278; Filed, Dec. 17, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33044: *Substituted service, rail for motor, C. G. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent, for the Chicago Great Western Railway Company and interested motor carriers. Rates on freight loaded in highway truck trailers, also empty highway truck trailers transported on railroad flat cars between Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Truck competition.

Tariff: Supplement 40 to Middlewest Motor Freight Bureau, Agent, Substituted Freight Service tariff MF–I. C. C. 223.

FSA No. 33045: *Merchandise from central territory to the South.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on all commodities, in mixed carloads from Detroit, Mich., Cleveland and Sandusky, Ohio to points in Florida, Georgia and Tennessee.

Grounds for relief: Truck competition and circuity.

Tariff: Supplement 2 to Agent H. R. Hinsch's I. C. C. 4745.

FSA No. 33046: *Wrought iron or steel pipe from central territory to Hugoton, Kans.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on wrought iron or steel pipe, carloads from points in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia to Hugoton, Kans.

Grounds for relief: Circuitous routes.

FSA No. 33047: *Rice from points in Louisiana to Battle Creek, Mich.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rice, cleaned, whole or broken, in bulk, carload from Baton Rouge, New Orleans, Gramercy, Reserve, St. Francisville and Hardin, La., to Battle Creek, Mich.

Grounds for relief: Circuitous routes.

Tariff: Supplement 84 to Alternate Agent J. H. Marque's tariff I. C. C. 426.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56–10284; Filed, Dec. 17, 1956; 8:47 a. m.]

PART II

FEDERAL REGISTER

VOLUME 21 NUMBER 244

Washington, Tuesday, December 18, 1956

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

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TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 600—DESIGNATION OF CIVIL AIRWAYS

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REPUBLICATION OF REGULATIONS

This issue is divided into two parts, Part II of which contains a republication of Parts 600 and 601 of Title 14, Chapter II, of the Code of Federal Regulations.

The regulations in Parts 600 and 601 of Title 14, Chapter II, are republished in their entirety, containing all amendments to date, as set forth below.

PART 600—DESIGNATION OF CIVIL AIRWAYS

Subpart A—Introduction

Sec.
600.1 Basis and purpose.
600.2 Explanation of terms.
600.3 Scope.
600.4 Directions of airways.
600.10 Designation of civil airways.

Subpart B—Colored Civil Airways

GREEN CIVIL AIRWAYS

600.11 Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).
600.12 Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
600.13 Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).
600.14 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).
600.15 Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).
600.16 Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).
600.17 Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).
600.18 Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).
600.19 Green civil airway No. 9 (Hawaiian Islands).
600.20 Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).

AMBER CIVIL AIRWAYS

600.101 Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).
600.102 Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow Alaska).
600.103 Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).
600.104 Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).
600.105 Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).
600.106 Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).
600.107 Amber civil airway No. 7 (Key West Fla., to United States-Canadian Border).
600.108 Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).
600.109 Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).
600.110 Amber civil airway No. 10 (Hawaiian Islands).
600.111 Amber civil airway No. 11 (Hawaiian Islands).
600.112 Amber civil airway No. 12 (Hawaiian Islands).
600.113 Amber civil airway No. 13 (Washington, D. C., to New York, N. Y.).
600.114 Amber civil airway No. 14 (Washington, D. C., to New York, N. Y.).
600.115 Amber civil airway No. 15 (Washington, D. C., to New York, N. Y.).
600.119 Amber civil airway No. 19 (Washington, D. C., to New York, N. Y.).

RED CIVIL AIRWAYS

600.201 Red civil airway No. 1 (Big Spring, Tex., to San Antonio, Tex.).
600.202 Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).
600.203 Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).
600.204 Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex.).
600.205 Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).
600.206 Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).
600.207 Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).
600.208 Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).
600.209 Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).
600.210 Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.).
600.211 Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).
600.212 Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).
600.213 Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).
600.214 Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).
600.215 Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).
600.216 Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.).
600.217 Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).
600.218 Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).
600.219 Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).
600.220 Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).
600.221 Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).
600.222 Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).
600.223 Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).
600.224 Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).
600.225 Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).
600.226 Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).
600.227 Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).
600.228 Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).
600.229 Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.).
600.230 Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).
600.231 Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).
600.232 Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).
600.233 Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).
600.234 Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).
600.235 Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).
600.236 Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).
600.237 Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).
600.238 Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).
600.239 Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).
600.240 Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).
600.241 Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).
600.242 Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).
600.243 Red civil airway No. 43 (Chicago, Ill., to LaFayette, Ind.).
600.244 Red civil airway No. 44 (Bellingham, Wash., to Princeton, B. C., Canada).

Sec.	
600.245	Red civil airway No. 45 (Blackstone, Va., to Willow Grove, Pa.).
600.246	Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).
600.247	Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).
600.248	Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.).
600.249	Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).
600.250	Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).
600.251	Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).
600.252	Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).
600.253	Red civil airway No. 53 (Portland Oreg., to Spokane, Wash.).
600.254	Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).
600.255	Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).
600.256	Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).
600.257	Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio).
600.258	Red civil airway No. 58 (Augusta, Maine, to United States-Canadian Border).
600.259	Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).
600.260	Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).
600.261	Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).
600.262	Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).
600.263	Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).
600.264	Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).
600.265	Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).
600.266	Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).
600.267	Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).
600.268	Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).
600.269	Red civil airway No. 69 (Midland, Tex., to Big Springs, Tex.).
600.270	Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).
600.271	Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).
600.272	Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).
600.273	Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).
600.274	Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).
600.275	Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to the United States-Canadian Border, Abbotsford, B. C.).
600.276	Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).
600.277	Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).
600.278	Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).
600.279	Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).
600.280	Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).
600.281	Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).
600.282	Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).
600.283	Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).
600.284	Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).
600.285	Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.).
600.286	Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).
600.287	Red civil airway No. 87 (Hawaiian Islands).
600.288	Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).
600.289	Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).
600.290	Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).
600.291	Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).
600.292	Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).
600.293	Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).
600.294	Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).
600.295	Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).
600.296	Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).
600.297	Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
600.298	Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).
600.299	Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).
600.300	Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.).
600.301	Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.).
600.302	Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.).
600.303	Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).
600.304	Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).
600.305	Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).
600.306	Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).
600.307	Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).
600.308	Red civil airway No. 108 (Promontory Point, Utah, to Fort Bridger, Wyo.).
600.309	Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).
600.310	Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).
600.312	Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).

BLUE CIVIL AIRWAYS

600.601	Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).
600.602	Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).
600.603	Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).
600.604	Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).
600.605	Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).
600.606	Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).
600.607	Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).
600.608	Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).
600.609	Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).
600.610	Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).
600.611	Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).
600.613	Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).
600.614	Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).
600.615	Blue civil airway No. 15 (Huntington, W. Va., to Youngstown, Ohio).
600.616	Blue civil airway No. 16 (Waverly, Va. to Tappahannock, Va.).
600.617	Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).
600.618	Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).
600.619	Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).
600.620	Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).
600.622	Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.)
600.623	Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).
600.625	Blue civil airway No. 25 (Middleton Island, Alaska, to Big Delta, Alaska).
600.626	Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).
600.627	Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).
600.628	Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).
600.629	Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).
600.630	Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).
600.631	Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).
600.632	Blue civil airway No. 32 Anchorage, Alaska, to Talkeetna, Alaska).
600.633	Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).
600.634	Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).
600.635	Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).
600.636	Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).
600.637	Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).
600.638	Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).
600.639	Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).
600.640	Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).
600.641	Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).
600.642	Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).
600.643	Blue civil airway No. 43 (Nenana, Alaska, to Nenabank, Alaska).
600.644	Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).
600.645	Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).
600.646	Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).
600.647	Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).
600.648	Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).
600.649	Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).
600.651	Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).
600.652	Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).
600.653	Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).
600.654	Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).
600.655	Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).
600.656	Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).

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600.657	Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).
600.658	Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).
600.659	Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).
600.660	Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).
600.663	Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).
600.664	Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).
600.665	Blue civil airway No. 65 (Shuyak, Alaska, to Homer, Alaska).
600.666	Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).
600.667	Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).
600.668	Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).
600.669	Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).
600.670	Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).
600.671	Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash).
600.672	Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).
600.675	Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).
600.676	Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).
600.678	Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).
600.679	Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).
600.680	Blue civil airway No. 80 (Unalakleet, Alaska, to, Moses Point Alaska).
600.681	Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).
600.684	Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).
600.685	Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.)
600.686	Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).
600.687	Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).

OTHER CIVIL AIRWAYS

600.1004	Winslow, Ariz., to Las Vegas, Nev., civil airway.

Subpart C—VOR Civil Airways

DOMESTIC VOR CIVIL AIRWAYS

600.6001	VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.).
600.6002	VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
600.6003	VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine).
600.6004	VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.).
600.6005	VOR civil airway No. 5 (Miami, Fla., to London, Ont.).
600.6006	VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.).
600.6007	VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.).
600.6008	VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.).
600.6009	VOR civil airway No. 9 (New Orleans, La., to Milwaukee, Wis.).
600.6010	VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.).
600.6011	VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.).
600.6012	VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.).
600.6013	VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.).
600.6014	VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.).
600.6015	VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.).
600.6016	VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.).
600.6017	VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.).
600.6018	VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.).
600.6019	VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.).
600.6020	VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.).
600.6021	VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border).
600.6022	VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.).
600.6023	VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.).
600.6024	VOR civil airway No. 24 (Aberdeen, S. Dak., to Redwood Falls, Minn.).
600.6025	VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.).
600.6026	VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio).
600.6027	VOR civil-airway No. 27 (Los Angeles, Calif., to Seattle, Wash.).
600.6028	VOR civil airway No. 28 (Oakland, Calif., to Reno, Nev.).
600.6029	VOR civil airway No. 29 (Salisbury, Md., to United States-Canadian Border).
600.6030	VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.).
600.6031	VOR civil airway No. 31 (Baltimore, Md., to Rochester, N. Y.).
600.6032	VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.).
600.6033	VOR civil airway No. 33 (Baltimore, Md., to Buffalo, N. Y.).
600.6034	VOR civil airway No. 34 (Rochester, N. Y., to Wilton, Conn.).
600.6035	VOR civil airway No. 35 (Miami, Fla., to Syracuse, N. Y.).
600.6036	VOR civil airway No. 36 (Toronto, Ontario, to New York, N. Y.).
600.6037	VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.).
600.6038	VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.).
600.6039	VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine).
600.6040	VOR civil airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.).
600.6041	VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio).
600.6042	VOR civil airway No. 42 (Flint, Mich., to Washington, D. C.).
600.6043	VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.).
600.6044	VOR civil airway No. 44 (Louisville, Ky., to Baltimore, Md.).
600.6045	VOR civil airway No. 45 (Lexington, Ky., to Lansing, Mich.).
600.6046	VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.).
600.6047	VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.).
600.6048	VOR civil airway No. 48 (Burlington, Iowa, to Pontiac, Ill.).
600.6049	VOR civil airway No. 49 (Dillon, Mont., to Great Falls, Mont.).
600.6050	VOR civil airway No. 50 (Kirksville, Mo., to Indianapolis, Ind.).
600.6051	VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.).
600.6052	VOR civil airway No. 52 (Des Moines, Iowa, to St. Louis, Mo.).
600.6053	VOR civil airway No. 53 (Charleston, S. C. to Chicago, Ill.).
600.6054	VOR civil airway No. 54 (Quitman, Tex., to Charlotte, N. C.).
600.6055	VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.).
600.6056	VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.).
600.6057	VOR civil airway No. 57 (Graham, Tenn., to Scotland, Ind.).
600.6058	VOR civil airway No. 58 (Bergholz, Ohio, to Hartford, Conn.).
600.6059	VOR civil airway No. 59 (Evansville, Ind., to Moline, Ill.).
600.6060	VOR civil airway No. 60 (Albuquerque, N. Mex., to Lubbock, Tex.).
600.6061	VOR civil airway No. 61 (Fort Worth, Tex., to Lawton, Okla.).
600.6062	VOR civil airway No. 62 (Santa Fe, N. Mex., to Lubbock, Tex.).
600.6063	VOR civil airway No. 63 (Waco, Tex., to Milwaukee, Wis.).
600.6064	VOR civil airway No. 64 (Long Beach, Calif., to Blythe, Calif.).
600.6065	VOR civil airway No. 65 (Kansas City, Mo., to Lamoni, Iowa).
600.6066	VOR civil airway No. 66 (San Diego, Calif., to Sulphur Springs, Tex.).
600.6067	VOR civil airway No. 67 (Waterloo, Iowa, to Rochester, Minn.).
600.6068	VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.).
600.6069	VOR civil airway No. 69 (Pine Bluff, Ark., to Chicago, Ill.).
600.6070	VOR civil airway No. 70 Corpus Christi, Tex., to Baton Rouge, La.).
600.6071	VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.).
600.6072	VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.).
600.6073	VOR civil airway No. 73 (Wichita, Kans., to Salina, Kans.).
600.6074	VOR civil airway No. 74 (Dodge City, Kans., to Little Rock, Ark.).
600.6075	VOR civil airway No. 75 (Richmond, Va., to Cleveland, Ohio).
600.6076	VOR civil airway No. 76 (Lubbock, Tex., to Galveston, Tex.).
600.6077	VOR civil airway No. 77 (San Angelo Tex., to Des Moines, Iowa).
600.6078	VOR civil airway No. 78 (Huron, S. Dak., to Minneapolis, Minn.).
600.6079	VOR civil airway No. 79 (Culberson, Tex., to Lubbock, Tex.).
600.6080	VOR civil airway No. 80 (Sioux Falls, S. Dak., to Redwood Falls, Minn.).
600.6081	VOR civil airway No. 81 (Midland, Tex., to Amarillo, Tex.).
600.6082	VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).
600.6083	VOR civil airway No. 83 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).
600.6084	VOR civil airway No. 84 (Bradford, Ill., to Buffalo, N. Y.).
600.6085	VOR civil airway No. 85 (Rock River, Wyo., to Casper, Wyo.).
600.6086	VOR civil airway No. 86 (Butte, Mont., to Bozeman, Mont.).
600.6087	VOR civil airway No. 87 (Gila Bend, Ariz., to Hassayampa, Ariz.).
600.6088	VOR civil airway No. 88 (Tulsa, Okla., to Vichy, Mo.).
600.6089	VOR civil airway No. 89 (Denver, Colo., to Rapid City, S. Dak.).
600.6090	VOR civil airway No. 90 (Litchfield, Mich., to Windsor, Ontario).
600.6091	VOR civil airway No. 91 (New York, N. Y., to Montreal, Quebec).
600.6092	VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.).
600.6093	VOR civil airway No. 93 (Washington, D. C., to Presque Isle, Maine).

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600.6094	VOR civil airway No. 94 (Salt Flat, Tex., to Longview, Tex.).
600.6095	VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).
600.6096	VOR civil airway No. 96 (Lafayette, Ind., to Toledo, Ohio).
600.6097	VOR civil airway No. 97 (Miami, Fla., to Alexandria, Minn.).
600.6098	VOR civil airway No. 98 (Fort Wayne, Ind., to Montreal, Quebec).
600.6099	VOR civil airway No. 99 (Newport, Oreg., to Vancouver, British Columbia).
600.6100	VOR civil airway No. 100 (North Platte, Nebr., to Detroit, Mich.).
600.6101	VOR civil airway No. 101 (Ogden, Utah to Burley, Idaho).
600.6102	VOR civil airway No. 102 (Lubbock, Tex., to Wichita Falls, Tex.).
600.6103	VOR civil airway No. 103 (Elkins, W. Va., to Cleveland, Ohio).
600.6104	VOR civil airway No. 104 (United States-Canadian Border to Plattsburg, N. Y.).
600.6105	VOR civil airway No. 105 (Phoenix, Ariz., to Las Vegas, Nev.).
600.6106	VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine).
600.6107	VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.).
600.6109	VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.).
600.6110	VOR civil airway No. 110 (San Francisco, Calif., to Altamont, Calif.).
600.6111	VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).
600.6112	VOR civil airway No. 112 (Portland, Oreg., to Spokane, Wash.).
600.6113	VOR civil airway No. 113 (Paso Robles, Calif., to Reno, Nev.).
600.6114	VOR civil airway No. 114 (Pueblo, Colo., to New Orleans, La.).
600.6115	VOR civil airway No. 115 (Crestview, Fla., to Charleston, W. Va.).
600.6116	VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.).
600.6117	VOR civil airway No. 117 (El Centro, Calif., to Daggett, Calif.).
600.6118	VOR civil airway No. 118 (Rock River, Wyo., to Cheyenne, Wyo.).
600.6119	VOR civil airway No. 119 (Huntington, W. Va., to Bradford, Pa.).
600.6120	VOR civil airway No. 120 (Mullen Pass, Mont., to Miles City, Mont.).
600.6121	VOR civil airway No. 121 (North Bend, Oreg., to Eugene, Oreg.).
600.6122	VOR civil airway No. 122 (Crescent City, Calif., to Klamath Falls, Oreg.).
600.6123	VOR civil airway No. 123 (Woodstown, N. J., to New York, N. Y.).
600.6124	VOR civil airway No. 124 (Burley, Idaho, to Pocatello, Idaho).
600.6125	VOR civil airway No. 125 (Anthony, Kans., to Hutchinson, Kans.).
600.6126	VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.).
600.6127	VOR civil airway No. 127 (Livingston, Mont., to Helena, Mont.).
600.6128	VOR civil airway No. 128 (Chicago, Ill., to New Bern, N. C.).
600.6129	VOR civil airway No. 129 (Dixon, Ill., to Eau Claire, Wis.).
600.6130	VOR civil airway No. 130 (Albany, N. Y., to Providence, R. I.).
600.6131	VOR civil airway No. 131 (Emporia, Kans., to Topeka, Kans.).
600.6132	VOR civil airway No. 132 (Cheyenne, Wyo., to Hutchinson, Kans.).
600.6133	VOR civil airway No. 133 (Parkersburg, W. Va., to Flint, Mich.).
600.6134	VOR civil airway No. 134 (Evergreen, Ala., to Atlanta, Ga.).
600.6135	VOR civil airway No. 135 (Yuma, Ariz., to Las Vegas, Nev.).
600.6136	VOR civil airway No. 136 (Pulaski, Va., to Raleigh, N. C.).
600.6137	VOR civil airway No. 137 (Thermal, Calif., to Salinas, Calif.).
600.6138	VOR civil airway No. 138 (Rock River, Wyo., to Sidney, Nebr.).
600.6139	VOR civil airway No. 139 (Norwich, Conn., to Boston, Mass.).
600.6140	VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.).
600.6141	VOR civil airway No. 141 (Nantucket, Mass., to Plattsburg, N. Y.).
600.6142	VOR civil airway No. 142 (Erie, Pa., to Rochester, N. Y.).
600.6143	VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.).
600.6144	VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.).
600.6145	VOR civil airway No. 145 (Utica, N. Y., to United States-Canadian Border).
600.6146	VOR civil airway No. 146 (Wilkes-Barre, Pa., to Woodstock, Conn.).
600.6147	VOR civil airway No. 147 (Philadelphia, Pa., to Rochester, N. Y.).
600.6148	VOR civil airway No. 148 (Denver, Colo., to North Platte, Nebr.).
600.6149	VOR civil airway No. 149 (Allentown, Pa., to Utica, N. Y.).
600.6150	VOR civil airway No. 150 (San Francisco, Calif., to Reno, Nev.).
600.6151	VOR civil airway No. 151 (Woonsocket, R. I., to Keene, N. H.).
600.6152	VOR civil airway No. 152 (Tampa, Fla., to Daytona Beach, Fla.).
600.6153	VOR civil airway No. 153 (New York, N. Y., to Syracuse, N. Y.).
600.6154	VOR civil airway No. 154 (Meridian, Miss., to Savannah, Ga.).
600.6155	VOR civil airway No. 155 (Gordonsville, Va., to Front Royal, Va.).
600.6156	VOR civil airway No. 156 (Elkins, W. Va., to Gordonsville, Va.).
600.6157	VOR civil airway No. 157 (Wilmington, N. C., to Richmond, Va.).
600.6159	VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.).
600.6160	VOR civil airway No. 160 (Denver, Colo., to Sidney, Nebr.).
600.6161	VOR civil airway No. 161 (Fort Worth, Tex., to Minneapolis, Minn.).
600.6162	VOR civil airway No. 162 (Harrisburg, Pa., to Allentown, Pa.).
600.6163	VOR civil airway No. 163 (Brownsville, Tex., to Oklahoma City, Okla.).
600.6164	VOR civil airway No. 164 (Bradford, Pa., to New York, N. Y.).
600.6165	VOR civil airway No. 165 (Long Beach, Calif., to Coalinga, Calif.).
600.6166	VOR civil airway No. 166 (Martinsburg, W. Va., to New York, N. Y.).
600.6167	VOR civil airway No. 167 (New York, N. Y., to Hartford, Conn.).
600.6168	VOR civil airway No. 168 (Selinsgrove, Pa., to Colts Neck, N. J.).
600.6169	VOR civil airway No. 169 (Sidney, Nebr., to Rapid City, S. Dak.).
600.6170	VOR civil airway No. 170 (Milwaukee, Wis., to Philadelphia, Pa.).
600.6171	VOR civil airway No. 171 (Louisville Ky., to Madison, Wis.).
600.6172	VOR civil airway No. 172 (Des Moines, Iowa, to Chicago, Ill.).
600.6173	VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.).
600.6174	VOR civil airway No. 174 (Vichy, Mo., to Washington, D. C.).
600.6175	VOR civil airway No. 175 (Vichy, Mo., to Columbia, Mo.).
600.6176	VOR civil airway No. 176 (Centralia, Ill., to Scotland, Ind.).
600.6177	VOR civil airway No. 177 (Chicago, Ill., to Madison, Wis.).
600.6178	VOR civil airway No. 178 (Farmington, Mo., to Paducah, Ky.).
600.6179	VOR civil airway No. 179 (Paducah, Ky., to Centralia, Ill.).
600.6180	VOR civil airway No. 180 (Austin, Tex., to Galveston, Tex.).
600.6181	VOR civil airway No. 181 (Sioux Falls, S. Dak., to Watertown, S. Dak.).
600.6182	VOR civil airway No. 182 (Portland, Oreg., to Baker, Oreg.).
600.6183	VOR civil airway No. 183 (Santa Barbara, Calif., to Bakersfield, Calif.).
600.6184	VOR civil airway No. 184 (Erie, Pa., to Phillipsburg, Pa.).
600.6185	VOR civil airway No. 185 (Savannah, Ga., to Knoxville, Tenn.).
600.6186	VOR civil airway No. 186 (St. Louis, Mo., to Vandalia, Ill.).
600.6187	VOR civil airway No. 187 (Chicago, Ill., to Milwaukee, Wis.).
600.6188	VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.).
600.6190	VOR civil airway No. 190 (Grants, N. Mex., to Evansville, Ind.).
600.6191	VOR civil airway No. 191 (Walnut Ridge, Ark., to Milwaukee, Wis.).
600.6192	VOR civil airway No. 192 (Grants, N. Mex., to Tucumcari, N. Mex.).
600.6193	VOR civil airway No. 193 (Pullman, Mich., to Traverse City, Mich.).
600.6194	VOR civil airway No. 194 (Royston, Ga., to Norfolk, Va.).
600.6195	VOR civil airway No. 195 (Oakland, Calif., to Red Bluff, Calif.).
600.6196	VOR civil airway No. 196 (Rock River, Wyo., to Chadron, Nebr.).
600.6197	VOR civil airway No. 197 (Toledo, Ohio, to Detroit, Mich.).
600.6198	VOR civil airway No. 198 (San Antonio, Tex., to Galveston, Tex.).
600.6199	VOR civil airway No. 199 (Fresno, Calif., to Ukiah, Calif.).
600.6200	VOR civil airway No. 200 (Ukiah, Calif., to Reno, Nev.).
600.6201	VOR civil airway No. 201 (Los Angeles, Calif., to Pasadena, Calif.).
600.6202	VOR civil airway No. 202 (Tucson, Ariz., to Cochise, Ariz.).
600.6203	VOR civil airway No. 203 (Albany, N. Y., to Massena, N. Y.).
600.6204	VOR civil airway No. 204 (Hoquiam, Wash., to Olympia, Wash.).
600.6205	VOR civil airway No. 205 (Springfield, Mo., to Kansas City, Mo.).
600.6206	VOR civil airway No. 206 (Blue Springs, Mo., to Kirksville, Mo.).
600.6207	VOR civil airway No. 207 (Denver, Colo., to Egbert, Wyo.).
600.6208	VOR civil airway No. 208 (Calif., to Needles, Calif.).
600.6209	VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.).
600.6210	VOR civil airway No. 210 (Los Angeles, Calif., to Daggett, Calif.).
600.6211	VOR civil airway No. 211 (Cotulla, Tex., to Junction, Tex.).
600.6212	VOR civil airway No. 212 (Ukiah, Calif., to Reno, Nev.).
600.6213	VOR civil airway No. 213 (Rocky Mount, N. C., to Boykins, Va.).
600.6215	VOR civil airway No. 215 (Muskegon, Mich., to White Cloud, Mich.).
600.6216	VOR civil airway No. 216 (Janesville, Wis., to Saginaw, Mich.).
600.6217	VOR civil airway No. 217 (Chicago, Ill., to Green Bay, Wis.).
600.6218	VOR civil airway No. 218 (Chicago, Ill., to Flint, Mich.).
600.6219	VOR civil airway No. 219 (Janesville, Wis., to Milwaukee, Wis.).

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600.6220	VOR civil airway No. 220 (Kremmling, Colo., to Akron, Colo.).
600.6221	VOR civil airway No. 221 (Fort Wayne, Ind., to Erie, Pa.).
600.6222	VOR civil airway No. 222 (San Antonio, Tex., to Houston, Tex.).
600.6223	VOR civil airway No. 223 (Herndon, Va., to Harrisburg, Pa.).
600.6224	VOR civil airway No. 224 (Detroit, Mich., to United States-Canadian Border).
600.6225	VOR civil airway No. 225 (Key West, Fla., to Vero Beach, Fla.).
600.6226	VOR civil airway No. 226 (Williamsport, Pa., to New York, N. Y.).
600.6227	VOR civil airway No. 227 (Louisville, Ky., to Indianapolis, Ind.).
600.6228	VOR civil airway No. 228 (Wheeling, Ill., to South Bend, Ind.).
600.6229	VOR civil airway No. 229 (Wilmington, N. C., to Coneld, N. C.).
600.6230	VOR civil airway No. 230 (Salinas, Calif., to Fresno, Calif.).
600.6231	VOR civil airway No. 231 (Missoula, Mont., to Ronan, Mont.).
600.6232	VOR civil airway No. 232 (Hill City, Kans., to Salina, Kans.).
600.6233	VOR civil airway No. 233 (Springfield, Ill., to Moline, Ill.).
600.6234	VOR civil airway No. 234 (Anton Chico, N. Mex., to Dalhart, Tex.).
600.6235	VOR civil airway No. 235 (Utah Lake, Utah, to Fort Bridger, Wyo.).
600.6236	VOR civil airway No. 236 (Bonneville, Utah, to Ogden, Utah).
600.6237	VOR civil airway No. 237 (Needles, Calif., to Mormon Mesa, Nev.).
600.6238	VOR civil airway No. 238 (Philadelphia, Pa., to Atlantic City, N. J.).
600.6239	VOR civil airway No. 239 (Wildwood, N. J., to Philadelphia, Pa.).
600.6240	VOR civil airway No. 240 (Ship Island, Miss., to Mobile, Ala.).
600.6241	VOR civil airway No. 241 (Crestview, Fla., to Atlanta, Ga.).
600.6242	VOR civil airway No. 242 (Mobile Ala., to Magnolia Springs, Ala.).
600.6243	VOR civil airway No. 243 (Chattanooga, Tenn., to Bowling Green, Ky.).
600.6245	VOR civil airway No. 245 [Unassigned].
600.6246	VOR civil airway No. 246 (Dayton, Ohio, to Mansfield, Ohio).
600.6247	VOR civil airway No. 247 (Douglas, Wyo., to Crazy Woman, Wyo.).
600.6248	VOR civil airway No. 248 (Paso Robles, Calif., to Bakersfield, Calif.).
600.6249	VOR civil airway No. 249 (New York, N. Y., to Port Jervis, N. Y.).
600.6250	VOR civil airway No. 250 (Bergholz, Ohio, to Fitzgerald, Pa.).
600.6251	VOR civil airway No. 251 (Philadelphia, Pa., to New York, N. Y.).
600.6252	VOR civil airway No. 252 (Binghamton, N. Y., to New York, N. Y.).
600.6253	VOR civil airway No. 253 (Utah Lake, Utah, to Grantsville, Utah).
600.6254	VOR civil airway No. 254 (Reinholds, Pa., to Columbus, N. J.).
600.6255	VOR civil airway No. 255. [Unassigned.]
600.6256	VOR civil airway No. 256 (Reinholds, Pa., to Warrington, Pa.).
600.6257	VOR civil airway No. 257. [Unassigned.]
600.6258	VOR civil airway No. 258 (Charleston, W. Va., to Roanoke, Va.).
600.6259	VOR civil airway No. 259. [Unassigned.]
600.6260	VOR civil airway No. 260 (Charleston, W. Va., to Roanoke, Va.).

HAWAIIAN VOR CIVIL AIRWAYS

Sec.	
600.6401	Hawaiian VOR civil airway No. 1.
600.6402	Hawaiian VOR civil airway No. 2.
600.6403	Hawaiian VOR civil airway No. 3.
600.6404	Hawaiian VOR civil airway No. 4.
600.6405	Hawaiian VOR civil airway No. 5.
600.6406	Hawaiian VOR civil airway No. 6.
600.6407	Hawaiian VOR civil airway No. 7.
600.6408	Hawaiian VOR civil airway No. 8.
600.6409	Hawaiian VOR civil airway No. 9.
600.6410	Hawaiian VOR civil airway No. 10.

AUTHORITY: §§ 600.1 to 600.6410 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452.

SUBPART A—INTRODUCTION

§ 600.1 *Basis and purpose.* The basis of this part is found in sections 205 and 302 of the Civil Aeronautics Act of 1938, as amended. The purpose of this part is to designate civil airways in order to provide suitable and, insofar as possible, safe routes for aircraft operating in interstate, overseas, or foreign air commerce.

§ 600.2 *Explanation of terms.* As used in this part, "civil airway" shall mean a path through the navigable airspace of the United States suitable for interstate, overseas, or foreign air commerce. Civil airways are classified as follows:

(a) Colored civil airways: (1) Green civil airways, (2) Amber civil airways, (3) Red civil airways, (4) Blue civil airways.

(b) VOR civil airways: (1) Even numbered civil airways, (2) Odd numbered civil airways.

(c) As used in this part the term "mile" means "statute mile" unless otherwise specified in this part.

§ 600.3 *Scope.* (a) Except where otherwise provided in Subpart B and in Subpart C, each civil airway shall include the navigable airspace of the United States above all that area on the surface of the earth lying within 5 miles of the center of the center line prescribed for each such airway, but shall not include any of the airspace of an airspace reservation as provided for in section 4 of the Air Commerce Act of 1926, as amended.

(b) The center line of each civil airway shall be a line extended in the manner prescribed in this subpart through the center of the points or intersections specified for such airway.

(c) Except where otherwise provided in Subpart C, one or more alternate VOR civil airways shall be established between specified points along, and shall be a part of, each VOR civil airway. The center line of an alternate VOR civil airway shall depart from and return to the main VOR civil airway via the intersection of radials having an angle of 15 degrees (unless otherwise specified) separation from the main VOR civil airway.

§ 600.4 *Directions of airways.* Green and red colored civil airways and even numbered VOR civil airways normally are designated in a westerly to easterly direction between their initial and final terminals, even though portions of such airways may deviate from the westerly to easterly direction between any two or more intermediate points. Amber and blue colored civil airways and odd numbered VOR civil airways normally are designated in a southerly to northerly direction between their initial and final terminals, even though portions of such airways may deviate from the southerly to northerly direction between any two or more intermediate points.

§ 600.10 *Designation of civil airways.* The paths through the navigable airspace of the United States described in Subpart B and Subpart C are designated as civil airways.

SUBPART B—COLORED CIVIL AIRWAYS

GREEN CIVIL AIRWAYS

§ 600.11 *Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).* That airspace over United States territory lying within 2 miles either side of the southwest course of the Vancouver, British Columbia, radio range between the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southwest course of the Vancouver, British Columbia, radio range and the Vancouver, British Columbia, radio range station. That airspace over United States territory lying within 5 miles either side of direct lines from the Megantic, Quebec, Canada, radio range station via the Millinocket, Maine, radio range station to the Fredericton, New Brunswick, radio range station.

§ 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the King County Airport, Seattle, Wash., via the Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Mullan Pass, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range; Bozeman, Mont., radio range station; the intersection of the southeast course of the Bozeman, Mont., radio range and the west course of the Livingston, Mont., radio range; Livingston, Mont., radio range station; Billings, Mont., radio range station; Miles City, Mont., radio range station; the intersection of the northeast course of the Miles City, Mont., radio range and the west course of the Dickinson, N. Dak., radio range; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; the intersection of the east course of the Jamestown, N. Dak., radio range and the west course of the Fargo, N. Dak., radio range; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon,

Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the east course of the Lansing, Mich., radio range and the north course of the Detroit, Mich., radio range; Detroit, Mich., radio range station to the intersection of the east course of the Detroit, Mich., radio range and the United States-Canadian Border. From the intersection of the east course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border via the intersection of the east course of the Clear Creek, Ontario, Canada, radio range and the southwest course of the Buffalo, N. Y., radio range; Buffalo, N. Y., radio range station; the intersection of the east course of the Buffalo, N. Y., radio range and the southwest course of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; the intersection of the southeast course of the Rochester, N. Y., radio range and the west course of the Syracuse, N. Y., radio range; Syracuse, N. Y., radio range station; Albany, N. Y., radio range station; Hartford Conn., radio range station; the intersection of the west course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station."

§ 600.13 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* From the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Fairfield, Calif., radio range via the San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; the intersection of the northeast course of the Sacramento, Calif., radio range and the southwest course of the Reno, Nev., radio range; Reno, Nev., radio range station; Lovelock, Nev., radio range station; Battle Mountain, Nev., radio range station; Elko, Nev., radio range station; the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; the intersection of the northwest course of the Laramie, Wyo., radio range and the northwest course of the Cheyenne, Wyo., radio range; Cheyenne, Wyo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; the intersection of the east course of the Youngstown, Ohio, radio range and the west course of the Philipsburg, Pa., radio range; Philipsburg, Pa., radio range station; Allentown, Pa., radio range station; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range to the New York, N. Y. (LaGuardia), radio range station.

§ 600.14 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* From the Camarillo, Calif., radio range station via the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; Zuni, N. Mex., radio range station to Albuquerque, N. Mex., radio range station excluding the portion which overlaps Albuquerque restricted area (R–313); Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; the intersection of the east course of the Amarillo, Tex., radio range and the southwest course of the Gage, Okla., radio range; Gage, Okla., radio range station; Wichita, Kans., radio range station; Kansas City, Mo., radio range station; the intersection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the east course of the Indianapolis, Ind., radio range and the west course of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; Wheeling, W. Va., nondirectional radio beacon; Pittsburgh, Pa., radio range station; New Alexandria, Pa., nondirectional radio beacon; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Philadelphia International Airport, Philadelphia, Pa.

§ 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* From the Los Angeles, Calif., radio range station via the Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the west course of the Blythe, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; Cochise, Ariz., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station, excluding the portion which lies outside the continental United States; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Sulphur Springs, Tex., nondirectional radio beacon; Texarkana, Ark., radio range station; Pine Bluff, Ark., nondirectional radio beacon; Memphis, Tenn., radio range station; Jackson, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northeast course of the Nashville radio range and a line bearing 297° True from the Smithville, Tenn., nondirectional radio beacon; Smithville, Tenn., nondirectional radio beacon; the intersection of a line bearing 112° True from the Smithville, Tenn., nondirectional radio beacon and the west course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the northeast course of the Gordonsville, Va., radio range and the south course of the Washington, D. C., radio range; Andrews, Md., radio range station; Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southwest course of the Mitchel AFB, N. Y., radio range; the Mitchel AFB, N. Y., radio range station; the intersection of the northeast course of the Mitchel AFB, N. Y., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station.

§ 600.16 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).* From the Laredo, Tex., radio range station via the Alice, Tex., radio range station; Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the southeast course of the Palacios, Tex., radio range and the southwest course of the Galveston, Tex., radio range; Galveston, Tex., radio range station; Lake Charles, La., radio range station; Lafayette, La., nondirectional radio beacon; New Orleans, La., radio range station via the Keesler AFB, Biloxi, Miss., radio range station; Bay Minette, Ala., nondirectional radio beacon; Maxwell, AFB, Ala., radio range station; the intersection of the east course of the Maxwell AFB, Ala., radio range and the southwest course of the Atlanta, Ga., radio range; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; Richmond, Va., radio range station; Norfolk, Va., radio range station to the Norfolk Municipal Airport, Norfolk, Va.

§ 600.17 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* From the Nome, Alaska, radio range station via the Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

§ 600.18 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).* From the Cold Bay, Alaska, radio range station via the King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range to the Anchorage (Merrill), Alaska, radio range station. From the Anchorage, Alaska, radio range station via the intersection of the north course of the Anchorage (Merrill), Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; the intersection of the southeast course of the Skwentna, Alaska, radio range and the northeast course of the Anchorage, Alaska, radio range; Gulkana, Alaska, radio range station; the intersection of the northeast course of the Gulkana, Alaska, radio range and the southwest course of the Northway, Alaska, radio range to the Northway, Alaska, radio range station.

§ 600.19 *Green civil airway No. 9 (Hawaiian Islands).* From the intersection of the south course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range via the Honolulu, T. H., radio range station to the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Hilo, T. H., radio range excluding the portion below 6,000 feet which overlaps the Kaneohe Naval Airspace Reservation.

§ 600.20 *Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).* That airspace over United States territory from the Vancouver, British Columbia, Canada, radio range station via the Bellingham, Wash., radio range station; Everett, Wash., radio range station; Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; the intersection of the south course of the Ellensburg, Wash., radio range and the northwest course of the Yakima, Wash., radio range; Yakima, Wash., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the southeast course of the Boise, Idaho, radio range and the northwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; Malad City, Idaho, radio range station; the intersection of the southeast course of the Malad City, Idaho, radio range and the north course of the Fort Bridger, Wyo., radio range; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; Laramie, Wyo., radio range station; the intersection of the southeast course of the Laramie, Wyo., radio range and the north course of the Denver, Colo., radio range to the Denver, Colo., radio range station.

AMBER CIVIL AIRWAYS

§ 600.101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* That airspace over United States territory from the intersection of the southeast course of the San Diego, Calif., radio range and the United States-Mexican Border via the San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., Radio range; Long Beach, Calif., radio range station; Los Angeles, Calif., radio range station; Newhall, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Sacramento, Calif., radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station, Seattle, Wash., radio range station excluding the portion below 1,500 feet mean sea level which lies over Fort Lewis, Wash., restricted area (R–503) and the portion below 5,000 feet mean sea level which lies over Fort Lewis, Wash., restricted area (R–504); the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, British Columbia, radio range; Patricia Bay, British Columbia, Canada, radio range station to the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southeast course of the Comox, British Columbia, Canada, radio range, excluding the air space lying more than 2 miles west of and parallel to the south course of the Patricia Bay, British Columbia, radio range between the intersection of the northwest course of the Seattle, Wash., radio range with the south course of the Patricia Bay, British Columbia, radio range and the United States-Canadian Border. That airspace over United States territory from the Sandspit, British Columbia, radio range station via the intersection of the northwest course of the Sandspit, British Columbia, radio range and the southwest course of the Annette Island, Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Hinchinbrook, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northwest course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, radio range station.

§ 600.102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).* From the intersection of the southwest course of the Long Beach, Calif., radio range and the south course of the Los Angeles, Calif., radio range via the Long Beach, Calif., radio range station; the intersection of the northeast course of the Long Beach, Calif., radio range and the east course of the Los Angeles, Calif., radio range; Daggett, Calif., radio range station; Good Springs, Nev., nondirectional radio beacon; Las Vegas, Nev., radio range station; the intersection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; thence via Latitude 38°24'30", Longitude 113°01'40"; Delta, Utah, radio range station; the intersection of the northeast course of the Delta, Utah, radio range and the south course of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station to the intersection of the northwest course of the Cut Bank, Mont., radio range and the United States-Canadian Border. From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border via the Northway, Alaska, radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range; Fairbanks, Alaska, radio range station; Bettles, Alaska, radio range station; Umiat, Alaska, nondirectional radio beacon to the Point Barrow, Alaska, nondirectional radio beacon.

§ 600.103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* From the intersection of the west course of the El Paso, Tex., radio range and the south course of the Truth or Consequences, N. Mex., radio range via the Truth or Consequences, N. Mex., radio range station; to the Albuquerque, N. Mex., radio range station. From the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range, via the Las Vegas, N. Mex., radio range station; the intersection of the northeast course of the Las Vegas, N. Mex., radio range and the south course of the Trinidad, Colo., radio range; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; the intersection of the north course of the Pueblo, Colo., radio range and the south course of the Denver, Colo., radio range; Denver, Colo., radio

range station; Cheyenne, Wyo., radio range station; the intersection of the north course of the Cheyenne, Wyo., radio range and the east course of the Casper, Wyo., radio range; Casper, Wyo., radio range station; the intersection of the north course of the Casper, Wyo., radio range and the southeast course of the Sheridan, Wyo., radio range; Sheridan, Wyo., radio range station; Billings, Mont., radio range station; the intersection of the northwest course of the Billings, Mont., radio range and the southeast course of the Lewistown, Mont., radio range and the Lewistown, Mont., radio range station; to the Great Falls, Mont., radio range station.

§ 600.104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* From the Municipal Airport, Brownsville, Tex., via the Brownsville, Tex., radio range station; the intersection of the northwest course of the Brownsville, Tex., radio range and the south course of the Alice, Tex., radio range; Alice, Tex., radio range station; the intersection of the north course of the Alice, Tex., radio range and the sputh course of the San Antonio, Tex., radio range; San Antonio, Tex., radio range station; the intersection of the north course of the San Antonio, Tex., radio range and the southwest course of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northwest course of the Waco, Tex., radio range and the south course of the Fort Worth, Tex., radio range; Fort Worth, Tex., radio range station; Oklahoma City, Okla., radio range station; the intersection of the southeast course of the Oklahoma City, Okla., radio range and the southwest course of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station; the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range; Chanute, Kans., radio range station to the intersection of the northeast course of the Chanute, Kans., radio range and the southwest course of the Kansas City, Mo., radio range. From the Kansas City, Mo., radio range station via the Omaha, Nebr., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; Bismarck, N. Dak., radio range station; the intersection of the north course of the Bismarck, N. Dak., radio range and the southeast course of the Minot, N. Dak., radio range to the Minot, N. Dak., radio range station.

§ 600.105 *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* From the Grand Isle, La., nondirectional radio marker beacon via Latitude 29°14'00", Longitude 90°09'00"; New Orleans, La., radio range station; Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Memphis, Tenn., radio range station; Advance, Mo., radio range station; St. Louis, Mo., radio range station; the intersection of the north course of the St. Louis, Mo., radio range and the southwest course of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station; the intersection of the northeast course of the Joliet, Ill., radio range and the south course of the Milwaukee, Wis., radio range to the Milwaukee, Wis., radio range station.

§ 600.106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* From the Jacksonville, Fla., radio range station via the Alma, Ga., radio range station; Macon, Ga., radio range station; Atlanta, Ga., radio range station; Chattanooga, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northwest course of the Nashville, Tenn., radio range and the southwest course of the Bowling Green, Ky., radio range; Bowling Green, Ky., radio range station; the intersection of the northeast course of the Bowling Green, Ky., radio range and the south course of the Louisville, Ky., radio range; Louisville, Ky., radio range station; Cincinnati, Ohio, radio range station to the intersection of the northeast course of the Cincinnati, Ohio, radio range and the west course of the Columbus, Ohio, radio range. From the Columbus, Ohio, radio range station to the intersection of the northeast course of the Columbus, Ohio, radio range and the west course of the Cleveland, Ohio, radio range. From the intersection of the east course of the Cleveland, Ohio, radio range and the northeast course of the Akron, Ohio, radio range via the Perry, Ohio, nondirectional radio beacon to the intersection of the southwest course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border.

§ 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).* From the Key West, Fla., radio range station via the Marathon, Fla., nondirectional radio beacon; Homestead, Fla., AFB nondirectional radio beacon; Miami, Fla., radio range station; the intersection of the east course of the Miami, Fla., radio range and the south course of the West Palm Beach, Fla., radio range; West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; the intersection of the northeast course of the Charleston, S. C., radio range and the south course of the Florence, S. C., radio range; Florence, S. C., radio range station; the intersection of the north course of the Florence, S. C., radio range and the southwest course of the Raleigh, radio range; Raleigh, N. C., radio range station; Richmond, Va., radio range station; the intersection of the north course of the Richmond, Va., radio range and the southwest course of the Washington, D. C., radio range; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; Newark, N. J., radio range station; the intersection of the northeast course of the Newark, N. J., radio range and the northeast course of the New York, N. Y. (LaGuardia), radio range; Hartford, Conn., radio range station; the intersection of a direct line between the Hartford, Conn., radio range and the Bedford, Mass., nondirectional radio beacon (located at lat. 42°28'47", long. 71°23'21") with the west course of the Boston, Mass., radio range; Boston, Mass., radio range station; the intersection of the northeast course of the Boston, Mass., radio range and the southwest course of the Portland, Maine, radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; Millinocket, Maine, radio range station; Presque Isle, Maine, radio range station thence via a direct line between the Presque Isle, Maine, radio range station and the Mont Joli, Quebec, Canada, radio range station to the U. S.-Canadian Border.

§ 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).* From the Los Angeles, Calif., radio range station via the intersection of the west course of the Los Angeles, Calif., radio range and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station; Santa Barbara, Calif., radio range station to the intersection of the northwest course of the Santa Barbara, Calif., radio range and the southwest course of the Fresno, Calif., radio range. From the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range via the Travis AFB, Calif., radio range station to the intersection of the northeast course of the Travis AFB, Fairfield, Calif., radio range and the northwest course of the Sacramento, Calif., radio range. From the Red Bluff, Calif., radio range station via the Whitmore, Calif., radio range station; the intersection of the northeast course of the Whitmore, Calif., radio range and the south course of the Klamath Falls, Oreg., radio range; Klamath Falls, Oreg., radio range station; the intersection of the north course of the Klamath Falls, Oreg., radio range and the southwest course of the Redmond, Oreg., radio range; Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range to the Ellensburg, Wash., radio range station.

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* From the Charleston, S. C., radio range station via the Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; the intersection of a line bearing 11° True from the New Bern, N. C., nondirectional radio beacon and the southwest course of the Norfolk, Va., radio range to the Norfolk, Va., radio range station. The portion of this airway above 5500 feet above mean sea level within 60 miles of a point at latitude 34°54'30", longitude 76°53'00" is excluded daily from sunset to sunrise.

§ 600.110 *Amber civil airway No. 10 (Hawaiian Islands).* From the intersection of the west course of the Hilo, T. H., radio range and the south course of the Honolulu, T. H., radio range to the Honolulu, T. H., radio range station excluding the portion above 10,000 feet.

§ 600.111 *Amber civil airway No. 11 (Hawaiian Islands).* From the intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range via the Maui, T. H., radio range station to the intersection of the north course of the Maui, T. H., radio range and the northeast course of the Honolulu, T. H., radio range.

§ 600.112 *Amber civil airway No. 12 (Hawaiian Islands).* From the intersection of the south course of the Hilo, T. H., radio range and point 37 miles south of the Hilo, T. H., radio range station via the Hilo, T. H., radio range station to the intersection of the north course of the Hilo, T. H., radio range and the northeast course of the Honolulu, T. H., radio range.

§ 600.113 *Amber civil airway No. 13 (Washington, D. C. to New York, N. Y.).* From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station; the intersection of the north course of the Baltimore, Md., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Newark, N. J., radio range station.

§ 600.114 *Amber civil airway No. 14 (Washington, D. C., to New York, N. Y.).* From the Riverdale, Md., nondirectional radio beacon via the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range; the intersection of the south course of the Harrisburg, Pa., radio range and the northeast course of the Arcola, Va., radio range to the Lancaster, Pa., nondirectional radio beacon. From the Willow Grove, Pa. (Navy), radio range via the intersection of the northeast course of the Willow Grove, Pa. (Navy), radio range and the east course of the Allentown, Pa., radio range to the Chatham, N. J., nondirectional radio beacon.

§ 600.115 *Amber civil airway No. 15 (Washington, D. C., to New York, N. Y.).* From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station; the intersection of the north course of the Baltimore, Md., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the LaGuardia, N. Y., radio range; the intersection of the northeast course of

the Philadelphia, Pa., radio range and the southwest course of the Idlewild, N. Y., radio range to the Idlewild, N. Y., radio range station.

§ 600.119 *Amber civil airway No. 19 (Washington, D. C. to New York, N. Y.)* From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional beacon and the south course of the Baltimore, Md., radio range station; the intersection of the north course of the Baltimore, Md., radio range and the west course of the Philadelphia, Pa., radio range station; the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the LaGuardia, N. Y., radio range; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the LaGuardia, N. Y., radio range to the LaGuardia, N. Y., radio range station.

RED CIVIL AIRWAYS

§ 600.201 *Red civil airway No. 1 (Big Spring, Tex., to San Antonio, Tex.).* From the Big Spring, Tex., radio range station via the intersection of the southeast course of the Big Spring, Tex., radio range and the northwest course of the Kelly, Tex., radio range to the Kelly, Tex., radio range station.

§ 600.202 *Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).* From the intersection of the southeast course of the Sheridan, Wyo., radio range and the north course of the Casper, Wyo., radio range via the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range to the Rapid City, S. Dak., radio range station.

§ 600.203 *Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).* From the Philipsburg, Pa., radio range station to the Harrisburg, Pa., radio range station. From the Philadelphia, Pa., radio range station via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia) radio range to the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range. From the New York, N. Y. (LaGuardia), radio range station to the intersection of the northeast course of the New York, N. Y. (LaGuardia) radio range and the northeast course of the Newark, N. J., radio range.

§ 600.204 *Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex.).* From the Las Vegas, N. Mex., radio range station to the intersection of the southeast course of the Las Vegas, N. Mex., radio range and the west course of the Tucumcari, N. Mex., radio range.

§ 600.205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* From the Sioux Falls, S. Dak., radio range station, via the Minneapolis, Minn., radio range station to the St. Paul Airport, St. Paul, Minn.

§ 600.206 *Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).* From the Denver, Colo., radio range station via the Akron, Colo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Lincoln, Nebr., radio range station to Omaha, Nebr., radio range station.

§ 600.207 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).* From the intersection of the south course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range, via the Greenville, S. C., radio range station to the intersection of the east course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range. From the intersection of the northeast course of the Spartanburg, S. C., radio range and the west course of the Charlotte, N. C., radio range, via the Charlotte, N. C., radio range station to the intersection of the north course of the Charlotte, N. C., radio range and the southwest course of the Greensboro, N. C., radio range. From the intersection of the southwest course of the Greensboro, N. C., radio range and the southeast course of the Winston-Salem, N. C., radio range via the Winston-Salem, N. C., radio range station and the Winston-Salem, N. C., Municipal Airport to the Greensboro, N. C., radio range station.

§ 600.208 *Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).* From the intersection of the west course of the Wright-Patterson AFB radio range, Fairfield, Ohio, and the northwest course of the Cincinnati, Ohio, radio range via the Wright-Patterson AFB radio range station; the intersection of the east course of the Wright-Patterson AFB radio range and the south course of the Columbus, Ohio, radio range; the Zanesville, Ohio, non-directional radio beacon; the Bergholz, Ohio, non-directional radio beacon; the Butler, Pa., non-directional radio beacon; the Brookville, Pa., non-directional radio beacon; the intersection of the southwest course of the Elmira, N. Y., radio range and the west course of the Williamsport, Pa., radio range; Williamsport, Pa., radio range station; Crystal Lake, Pa., non-directional radio beacon to the Newark, N. J., radio range station.

§ 600.209 *Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).* From the San Diego, Calif., radio range station via the intersection of the east course of the San Diego, Calif., radio range and the west course of the El Centro, Calif., radio range; El Centro, Calif., radio range station; Yuma, Ariz., radio range station, excluding the portion which lies outside the continental United States; the intersection of the east course of the Yuma, Ariz., radio range and the west course of the Gila Bend, Ariz., radio range; Gila Bend, Ariz., radio range station to the intersection of the east course of the Gila Bend, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range.

§ 600.210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.).* From the Amarillo, Tex., radio range

station via the Wichita Falls, Tex., radio range station; the intersection of the southeast course of the Wichita Falls, Tex., radio range and the north course of the Fort Worth, Tex., radio range; Dallas, Tex., radio range station; Shreveport, La., radio range station; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; the intersection of the east course of the Birmingham, Ala., radio range and a line bearing 267° True from the Atlanta, Ga., radio range; Atlanta, Ga., radio range station, excluding the portion below 5,500 feet which overlaps the Camp Gordon, Ga., restricted area, to the Augusta, Ga., radio range station. From the intersection of the northeast course of the Augusta, Ga., radio range and the northwest course of the Charleston, S. C., radio range to the Charleston, S. C., radio range station.

§ 600.211 *Red civil airway, No. 11 (Enid, Okla., to Boston, Mass.).* From the intersection of the northeast course of the Gage, Okla., radio range and a line bearing 314° True from the Enid, Okla., Vance AFB nondirectional radio beacon via the Enid, Okla., Vance AFB nondirectional radio beacon to the intersection of a line bearing 130° True from the Vance AFB nondirectional radio beacon and the north course of the Oklahoma City, Okla., radio range. From the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range via the Springfield, Mo., radio range station; Vichy, Mo., nondirectional radio beacon to the intersection of a line bearing 52° True from the Vichy nondirectional radio beacon and the west course of the St. Louis, Mo., radio range. From the intersection of the south course of the Indianapolis, Ind., radio range and the west course of the Louisville, Ky., radio range via the Louisville, Ky., radio range station to the intersection of the east course of the Louisville, Ky., radio range and a line bearing 358° True from the Lexington, Ky., nondirectional radio beacon. From the Albany, N. Y., radio range station to the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range. From the Boston, Mass., radio range station to the intersection of the east course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy), radio range.

§ 600.212 *Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).* From the Joliet, Ill., radio range station via the intersection of the east course of the Joliet, Ill., radio range and the west course of the South Bend, Ind., radio range; South Bend, Ind., radio range station to the Detroit, Mich., radio range station. That airspace over United States territory from the Windsor, Ont., Canada, radio range station to the Erie, Pa., radio range station.

§ 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).* From the Wheeling, W. Va., nondirectional radio beacon via the Clinton, Pa., nondirectional radio beacon; Butler, Pa., nondirectional radio beacon; Westover, Pa., nondirectional radio beacon to the Philipsburg, Pa., radio range station. From the Wilkes-Barre, Pa., radio range station via the Stewart AFB, N. Y., nondirectional radio beacon; Poughkeepsie, N. Y., radio range station; Hartford, Conn., radio range station; Providence, R. I., radio range station via the intersection of the north course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range to the intersection of a direct line between the intersection of the north course of the Providence radio range and the southwest course of the Boston radio range and the Bedford, Mass., nondirectional radio beacon (located at lat. 42°28'47", long. 71°23'21") with the west course of the Boston, Mass., radio range.

§ 600.214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* From the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range via the Rockford, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; Indianapolis, Ind., radio range station to the intersection of the south course of the Indianapolis, Ind., radio range and the west course of the Louisville, Ky., radio range.

§ 600.215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).* From the intersection of the northeast course of the Reno, Nev., radio range and the northwest course of the Fallon, Nev., radio range via the Fallon, Nev., radio range station; the intersection of the southeast course of the Fallon, Nev., radio range with a point at Lat. 38°39'50", Long. 117°51'00"; the Tonopah, Nev., radio range station; the intersection of the south course of the Tonopah, Nev., radio range with a point at Lat. 37°25'30", Long. 117°09'30"; thence via Lat. 36°17'45", Long. 116°25'30" to the Goodspring, Nev., nondirectional radio beacon. From the Las Vegas, Nev., radio range station to the intersection of the southeast course of the Las Vegas, Nev., radio range and the west course of the Prescott, Ariz., radio range. From the Prescott, Ariz., radio range station via the intersection of the southeast course of the Prescott, Ariz., radio range and the northwest course of the Phoenix, Ariz., radio range to the Phoenix, Ariz., radio range station.

§ 600.216 *Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.).* From the Tallahassee, Fla., radio range station via the Albany, Ga., radio range station; the intersection of the north course of the Albany, Ga., radio range and the southwest course of the Macon, Ga., radio range to the Macon, Ga., radio range station excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise. From the Augusta, Ga., radio range station via the Columbia, S. C., radio range station; the intersection of the east course of the Columbia, S. C., radio range and the south course of the Florence, S. C., radio range; Florence, S. C., radio range station; Lumberton, N. C., nondirectional radio beacon; the intersection of a line bearing 21° True from the Lumberton, N. C., nondirectional radio beacon and a line bearing 191° True from the Raleigh, N. C., radio range station to the Raleigh, N. C., radio range Station.

§ 600.217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).* From the intersection of the southwest course of the Belleville, Ill., Scott AFB radio range with a point on the southwest course of the Scott AFB radio range 48 miles southwest of the Belleville, Ill., Scott AFB radio range station via the Belleville, Ill., Scott AFB radio range station to the intersection of the northeast course of the Scott AFB radio range and the west course of the Effingham, Ill., radio range. From the Chanute AFB, Rantoul, Ill., radio range station to the intersection of the northeast course of the Chanute AFB radio range and the southeast course of the Chicago, Ill., radio range. From the Fort Wayne, Ind., radio range station via the Findlay, Ohio, non-directional radio beacon; the Mansfield, Ohio, non-directional radio beacon to the Pittsburgh, Pa., radio range station. From the McKeesport, Pa., nondirectional radio beacon to the Johnstown, Pa., non-directional radio beacon. From the Martinsburg, W. Va., radio range station via the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range; Baltimore, Md., radio range station to the intersection of the east course of the Baltimore, Md., radio range and the southwest course of the Millville, N. J., radio range, except that the portion of the civil airway which overlaps the Aberdeen restricted area (R–24) (published in § 608.28 of this chapter) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* From the intersection of the east course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range via the Cincinnati, Ohio, radio range station; Huntington, W. Va., nondirectional radio beacon; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station to the intersection of the east course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range.

§ 600.219 *Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).* From the Traverse City, Mich., radio range station via the Gladwin, Mich., nondirectional radio beacon; Saginaw, Mich., nondirectional radio beacon; Flint, Mich., ILS outer Marker; Detroit, Mich., radio range station; the intersection of the southeast course of the Detroit, Mich, radio range and the west course of the Akron, Ohio, radio range to the Akron, Ohio, radio range station. From the intersection of the southwest course of the Arcola, Va., radio range and the west course of the Quantico, Va. (Navy), radio range to the Quantico, Va. (Navy), radio range station, excluding the portion more than 1 mile north of the west course of the Quantico, Va. (Navy), radio range. From the intersection of the north course of the Richmond, Va., radio range and the northwest course of the Tappahannock, Va., radio range via the Tappahannock, Va., radio range station to the intersection of the southeast course of the Tappahannock, Va., radio range and the north course of the Norfolk, Va. (Navy), radio range, excluding those portions more than 2 miles either side of the northwest course of the Tappahannock, Va., radio range and the portion which overlaps the Patuxent, Md., restricted area (R–43), thence to the Norfolk, Va., Navy radio range station excluding the portion which overlaps Plum Tree Island restricted area (R–49).

§ 600.220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* That airspace over United States territory from the Lansing, Mich., radio range station via the Flint, Mich., ILS outer marker; the intersection of the northwest course of the Selfridge, Mich., AFB radio range and the northwest course of the Windsor, Ont., Can., radio range; Windsor, Ont., Can., radio range station; Cleveland, Ohio, radio range station; Akron, Ohio, radio range station; the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range; Pittsburgh, Pa., radio range station; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northwest course of the Washington, D. C., radio range; Washington, D. C., radio range station to the intersection of the southeast course of the Washington, D. C., radio range with Red civil airway No. 77.

§ 600.221 *Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).* From the intersection of the east course of the New York (La Guardia), N. Y., radio range and the southwest course of the Bridgeport, Conn., radio range via the Bridgeport, Conn., radio range station to the intersection of the northeast course of the Bridgeport, Conn., radio range and the southeast course of the Hartford, Conn., radio range. From the intersection of the southeast course of the Hartford, Conn., radio range and the west course of the Quonset Point, R. I. (Navy), radio range via the intersection of the west course of the Quonset Point, R. I. (Navy), radio range and the southwest course of the Providence, R. I., radio range; Providence, R. I., radio range station, excluding that portion more than 2 miles east of the southwest course of the Providence, R. I., radio range; Squantum, Mass. (Navy), radio range station to the intersection of the northeast course of the Squantum, Mass. (Navy), radio range and the east course of the Boston, Mass., radio range.

§ 600.222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* From the Mount Clemens, Mich., Selfridge AFB radio range station to the intersection of the southeast course of the Selfridge AFB radio range and the west course of the Clear Creek, Ont., Canada, radio range, excluding the portion which lies outside the continental United States. From the intersection of the west course of the Buffalo, N. Y., radio range and the United States-Canadian Border via the Buffalo, N. Y., radio range station; the intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range to the Rochester, N. Y., radio range station. From the Syracuse, N. Y., radio range station via the Utica, N. Y., radio range station to the intersection of the southeast course of the Utica, N. Y., radio range and the west course of the Albany, N. Y., radio range.

§ 600.223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* That airspace over United States territory from the Lakehead, Ont., Canada, radio range station via the Houghton, Mich., radio range station; Grand Marias, Mich., radio range station; Sault Ste. Marie, Mich., radio range station to the Gore Bay, Ont., Canada, radio range station. That airspace over United States territory from the Toronto, Ont., Canada, radio range station via the Buffalo, N. Y., radio range station; Dansville, N. Y., nondirectional radio beacon; Elmira, N. Y., radio range station; New York (La Guardia), N. Y., radio range station to the intersection of the east course of the New York (La Guardia), N. Y., radio range and the northeast course of the Mitchel AFB, N. Y., radio range.

§ 600.224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* From the Amarillo, Tex., radio range station via the intersection of the east course of the Amarillo, Tex., radio range and the southwest course of the Oklahoma City, Okla., radio range to the Oklahoma City, Okla., radio range station.

§ 600.225 *Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).* That airspace over United States territory from the Quebec, Canada, radio range station via the intersection of the northwest course of the Bangor, Maine, radio range and the west course of the Millinocket, Maine, radio range to the intersection of the northwest course of the Bangor, Maine, radio range and the southwest course of the Millinocket, Maine, radio range.

§ 600.226 *Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).* From the intersection of the southwest course of the Richmond, Va., radio range and the northwest course of the Waverly, Va., radio range via the Waverly, Va., radio range station to the intersection of the southeast course of the Waverly, Va., radio range and the southwest course of the Norfolk, Va., radio range.

§ 600.227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* From the intersection of the south course of the Atlanta, Ga., NAS radio range and the northeast course of the Campbellton, Ga., radio range via the Atlanta, Ga., NAS radio range station; the intersection of the north course of the Atlanta, Ga., NAS radio range and the south course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Corbin, Ky., radio range station; the intersection of the north course of the Corbin, Ky., VHF VAR radio range and a line bearing 150° True from the Lexington, Ky., nondirectional radio beacon; Lexington, Ky., nondirectional radio beacon to the intersection of a line bearing 358° True from the Lexington, Ky., nondirectional radio beacon with the east course of the Louisville, Ky., radio range. From the Findlay, Ohio, nondirectional radio beacon via the Toledo, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Detroit, Mich., radio range.

§ 600.228 *Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).* From the Rockford, Ill., radio range station via the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station. From the Lansing, Mich., radio range station to the intersection of a line bearing 127° True from the Lansing, Mich., radio range station to its intersection with the west course of the Detroit, Mich., radio range.

§ 600.229 *Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.).* From the intersection of the southwest course of the Elmira, N. Y., radio range and the north course of the Williamsport, Pa., radio range via the Williamsport, Pa., radio range station; Harrisburg, Pa., radio range station to the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range. From the Baltimore, Md., radio range station to the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Andrews, Md., radio range, excluding that portion which lies more than two miles east of the south course of the Baltimore, Md., radio range between the intersection of the south course of the Baltimore, Md., radio range and the southern boundary of Red civil airway No. 45 and the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Washington, D. C., radio range, and excluding those portions which overlap restricted areas.

§ 600.230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* From the Shreveport, La., radio range station via the intersection of the south course of the Shreveport, La., radio range and the northwest course of the Alexandria, La., radio range; Alexandria, La., radio range station; intersection of the southeast course of the Alexandria, La., radio range and the northwest course of the Baton Rouge, La., radio range; Baton

Rouge, La., radio range station to the intersection of the southeast course of the Baton Rouge, La., radio range and the west course of the New Orleans, La., radio range. From the New Orleans, La., radio range station via the intersection of the northeast course of the Saufley Field, Pensacola, Fla. (Navy), radio range and the west course of the Pensacola, Fla., radio range; Whiting Field, Milton, Fla. (Navy), radio range station; Crestview, Fla., radio range station, excluding the portion below 2,000 feet MSL lying within Pensacola caution area C–488; the intersection of the east course of the Crestview, Fla., radio range and the northwest course of the Tallahassee, Fla., radio range; Tallahassee, Fla., radio range station to the Jacksonville, Fla., radio range station, excluding the portion above 19,000 feet MSL lying within the Tyndall restricted area (R–336), between sunset and sunrise.

§ 600.231 *Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).* From the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range via the Scottsbluff, Nebr., radio range station; the intersection of the northeast course of the Scottsbluff, Nebr., radio range and the south course of the Rapid City, S. Dak., radio range; Rapid City, S. Dak., radio range station; the intersection of the east course of the Rapid City, S. Dak., radio range and the west course of the Pierre, S. Dak., radio range; Pierre, S. Dak., radio range station; the intersection of the east course of the Pierre, S. Dak., radio range and the southwest course of the Huron, S. Dak., radio range to the Huron, S. Dak., radio range station. From the Minneapolis, Minn., radio range station via the Stanton, Minn., nondirectional radio beacon to the La Crosse, Wis., radio range station.

§ 600.232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* From the Laredo, Tex., radio range station via the intersection of the northeast course of the Laredo, Tex., radio range and the southwest course of the Kelly, Tex., radio range; Kelly, Tex., radio range station to the intersection of the northeast course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range. From the Austin, Tex., radio range station via the Smithville, Tex., non-directional radio beacon: the Richmond, Tex., radio range station to the intersection of the southeast course of the Richmond, Tex., radio range and the southwest course of the Houston, Tex., radio range.

§ 600.233 *Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).* From the intersection of the east course of the Langley, Va., AFB radio range and the north course of the Norfolk, Va., Navy radio range via the Langley, Va., AFB radio range station, excluding the portion which overlaps the Plum Tree Island Restricted Area (R–49), to the Richmond, Va., radio range station. From the Gordonsville, Va., radio range station via the Arcola, Va., radio range station to the intersection of the northeast course of the Arcola, Va., radio range and the southeast course of the Harrisburg, Pa., radio range. From the intersection of the east course of the Poughkeepsie, N. Y., radio range and the southwest course of the Chicopee, Westover AFB, Mass., radio range via the Chicopee, Westover AFB, Mass., radio range station to the intersection of the northeast course of the Chicopee, Westover AFB, Mass., radio range and the west course of the Boston, Mass., radio range.

§ 600.234 *Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).* From the Charleston, W. Va., radio range station via the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range to the Raleigh, N. C., radio range station. From the intersection of the north course of the Williamston, N. C., VHF VAR radio range and the southwest course of the Norfolk, Va., radio range to the Weeksville, N. C. (Navy) radio range station.

§ 600.235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* From the Pueblo, Colo., radio range station via the La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; the intersection of the east course of the Hutchinson, Kans., radio range and the southwest course of the Forbes AFB, Kans., radio range; Forbes AFB, Kans., radio range station to the intersection of the northeast course of the Forbes, AFB radio range and the northwest course of the Kansas City, Mo., radio range.

§ 600.236 *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* From the Stanton, Minn., non-directional beacon via the Rochester, Minn., radio range station to the intersection of the east course of the Rochester, Minn., radio range and the northwest course of the La Crosse, Wis., radio range.

§ 600.237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).* From the Tyler, Tex., radio range station to the intersection of the north course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range. From the intersection of the northeast course of the Texarkana, Ark., radio range and the southwest course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; Stuttgart, Ark., radio range station to the intersection of the east course of the Stuttgart, Ark., radio range and the west course of the Memphis, Tenn., radio range. From the Charleston, W. Va., radio range station via the Roanoke, Va., radio range station; Lynchburg, Va., radio range station; to the Gordonsville, Va., radio range station.

§ 600.238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* From the intersection of the southeast course of the Big Spring, Tex., radio range and the southwest course of the San Angelo, Tex., radio range via the San Angelo, Tex., radio range station to the intersection of the southeast course of the San Angelo, Tex., radio range and the southeast course of the Big Spring, Tex., radio range. From the intersection of the northwest course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range to the San Antonio, Tex., radio range station.

§ 600.239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* From the Bethel, Alaska, radio range station via the Aniak, Alaska, radio range station; the McGrath, Alaska, radio range station; the Minchumina, Alaska, radio range station and the Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

§ 600.240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* From the Kodiak, Alaska, radio range station via the Shuyak, Alaska, nondirectional radio beacon; Homer, Alaska, radio range station to the Anchorage, Alaska, radio range station.

§ 600.241 *Red civil airway No. 41 (Cape Spencer, Alaska, to Sisters Island, Alaska).* From the intersection of the northwest course of the Sitka (Biorka Island) Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range via the Gustavus, Alaska, radio range station to the Sisters Island, nondirectional radio beacon.

§ 600.242 *Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).* From the intersection of the west course of the Milwaukee, Wis., radio range and the northwest course of the Chicago, Ill., radio range to the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range. From the Glenview, Ill. (Navy), radio range station to the intersection of the southwest course of the Glenview, Ill. (Navy), radio range and the west course of the Chicago, Ill., radio range.

§ 600.243 *Red civil airway No. 43 (Chicago, Ill., to LaFayette, Ind.).* From the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range via the intersection of the east course of the Rockford, Ill., radio range and the north course of the Harvey, Ill., radio range; Harvey, Ill., radio range station to the intersection of the south course of the Harvey, Ill., radio range and the southeast course of the Rockford, Ill., radio range.

§ 600.244 *Red civil airway No. 44 (Bellingham, Wash., to Princeton, B. C., Canada).* That airspace over United States territory from the Bellingham, Wash., radio range station to the Princeton, British Columbia, Canada, radio range station.

§ 600.245 *Red civil airway No. 45 (Blackstone, Va., to Lancaster, Pa.).* From the Blackstone, Va., radio range station via the Manakin, Va., nondirectional radio beacon; the intersection of the south course of the Quantico, Va. (Navy), radio range and the southwest course of the Washington, D. C., radio range; Quantico, Va. (Navy), radio range station to the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range, excluding that portion which lies more than 2 miles west of the north course of the Quantico, Va. (Navy), radio range between the range station and the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range. From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station to the intersection of the north course of the Baltimore, Md., radio range and the southwest course of the Allentown, Pa., radio range.

§ 600.246 *Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).* That airspace over United States territory from the Regina, Saskatchewan, Canada, radio range station via the Minot, N. Dak., radio range station to the Jamestown, N. Dak., radio range station.

§ 600.247 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).* From the Tampa, Fla., radio range station via the Orlando, Fla., radio range station to the Daytona Beach, Fla., radio range station.

§ 600.248 *Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.).* From the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range via a point located at Lat. 46°15'00", Long. 111°00'00" to the Livingston, Mont., radio range station.

§ 600.249 *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* From the Elko, Nev., radio range station via the Wendover, Utah, radio range station; the intersection of the east course of the Wendover, Utah, radio range and the west course of the Salt Lake City, Utah, radio range; the Salt Lake City, Utah, radio range station; Fort Bridger, Wyo., radio range station to the intersection of the north course of the Fort Bridger, Wyo., radio range and the southeast course of the Malad City, Idaho, radio range.

§ 600.250 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* From the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range via the Tanana, Alaska, radio range station to the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range.

§ 600.251 *Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).* From the Blackstone, Va., radio range station via the intersection of the east course of the Blackstone, Va., radio range and the west course of the Langley, Va., AFB radio range to the Langley, Va., AFB radio range station, excluding the portions which overlap the Camp Pickett Restricted Area (R–44) and the Plum Tree Island Restricted Area (R–49).

§ 600.252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* From the intersection of the northeast course of the Memphis, Tenn., radio range and the northwest course of the Muscle Shoals, Ala., radio range via the Muscle Shoals, Ala., radio range station to the intersection of the southeast course of the Muscle Shoals, Ala., radio range and the north course of the Birmingham, Ala., radio range.

§ 600.253 *Red civil airway No. 53 (Portland, Oreg., to Spokane, Wash.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the west course of the The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; the intersection of the east course of the The Dalles, Oreg., radio range and the west course of the Pendleton, Oreg., radio range; Pendleton, Oreg., radio range station; the intersection of the east course of the Pendleton, Oreg., radio range and the southwest course of the Walla Walla, Wash., radio range; Walla Walla, Wash., radio range station to the Spokane, Wash., radio range station.

§ 600.254 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* From the Burley, Idaho, radio range station via the Promontory Point, Utah, non-directional radio beacon to a point located at Latitude 40°47'00", Longitude 112°23'00".

§ 600.255 *Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).* From the intersection of the northeast course of the Chicago, Ill., radio range and a line bearing 293° True from the South Bend, Ind., radio range station via the South Bend, Ind., radio range station; Goshen, Ind., radio range station; Findlay, Ohio, non-directional radio beacon to the Columbus, Ohio, radio range station.

§ 600.256 *Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).* From the intersection of the northwest course of the Red Bluff, Calif., radio range and the northwest course of the Whitmore, Calif., radio range to the Whitmore, Calif., radio range station.

§ 600.257 *Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio.).* From the Des Moines, Iowa, radio range station via the Cedar Rapids, Iowa, nondirectional radio beacon; Moline, Ill., radio range station; Rockford, Ill., radio range station; Milwaukee, Wis., radio range station to the Toledo, Ohio, radio range station. From the Akron, Ohio, radio range station to the Youngstown, Ohio, radio range station.

§ 600.258 *Red civil airway No. 58 (Augusta, Maine to United States-Canadian Border).* That airspace over United States territory from the Augusta, Maine, radio range station via the Bangor, Maine, radio range station; Pennfield Ridge, New Brunswick, Canada, radio range station to the St. John, New Brunswick, Canada, radio range station.

§ 600.259 *Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).* From the Garden City, Kans., radio range station via the intersection of the south course of the Garden City, Kans., radio range and the northwest course of the Gage, Okla., radio range; Gage, Okla., radio range station to the Oklahoma City, Okla., radio range station.

§ 600.260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* From the Oakland, Calif., radio range station via the Stockton, Calif., radio range station to the intersection of the east course of the Stockton, Calif., radio range and a point at Lat. 37°55'10", Long. 120°44'25".

§ 600.261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* From the Butler, Pa., nondirectional radio beacon via the Johnstown, Pa., nondirectional radio beacon to the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range. From the intersection of the northwest course of the Arcola, Va., radio range and the northwest course of the Front Royal, Va., radio range via the Arcola, Va., radio range station to the intersection of the southeast course of the Arcola, Va., radio range and the southwest course of the Washington, D. C., radio range.

§ 600.262 *Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).* From the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range via the Johnstown, Pa., non-directional radio beacon to the Altoona, Pa., radio range station.

§ 600.263 *Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).* From the intersection of the southwest course of the Grand Rapids, Mich., radio range and the west course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station to the Jackson, Mich., nondirectional radio beacon.

§ 600.264 *Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).* From the intersection of the southwest course of the Annette Island, Alaska, radio range and the United States-Canadian Border to the Annette Island, Alaska, radio range station.

§ 600.265 *Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).* From the Los Angeles, Calif., radio range station via the intersection of the south course of the Los Angeles, Calif., radio range and a line bearing 279° True from the Oceanside, Calif., nondirectional radio beacon; Oceanside, Calif., nondirectional radio beacon; Julian, Calif., nondirectional beacon to the Hayfield Lake, Calif., nondirectional radio beacon.

§ 600.266 *Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).* From the Santa Barbara, Calif., radio range station to the Newhall, Calif., radio range station.

§ 600.267 *Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).* From the Crestview, Fla., radio range station via the Dothan, Ala., radio range station; the intersection of the northwest course of the Dothan, Ala., radio range and the southwest course of the Columbus, Ga., radio range; Columbus, Ga., radio range station; the intersection of the northeast course of the Columbus, Ga., radio range and a line bearing 182° True from the Marietta, Ga. (Lost Mountain), nondirectional radio beacon to the intersection of the line bearing 182° True from the Marietta, Ga. (Lost Mountain) nondirectional beacon and the southwest course of the Atlanta, Ga., radio range, excluding the portions above 19,000 feet MSL which lie within Tyndall restricted area (R–336) between sunset and sunrise, and excluding the portion which overlaps Fort Benning restricted area (R–129).

§ 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).* From the Midland, Tex., radio range station via the San Angelo, Tex., radio range station; the intersection of the northeast course of the San Angelo, Tex., radio range and the south course of the Abilene, Tex., radio range to the Abilene, Tex., radio range station. From the intersection of the west course of the Fort Worth, Tex., radio range and the northwest course of the Waco, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and the west course of the Dallas, Tex., radio range to the Dallas, Tex., radio range station. From the Duncanville, Tex., nondirectional radio beacon via the Tyler, Tex., radio range station to the Shreveport, La., radio range station.

§ 600.269 *Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).* From the Midland, Tex., radio range station to the intersection of the northeast course of the Midland, Tex., radio range and the southwest course of the Big Spring, Tex., radio range.

§ 600.270 *Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).* From the Midland, Tex., radio range station via the intersection of the south course of the Lubbock, Tex., radio range and the northwest course of the Big Spring, Tex., radio range to the Lubbock, Tex., radio range station.

§ 600.271 *Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).* From the intersection of the east course of the El Paso, Tex., radio range and the southwest course of the Roswell, N. Mex., radio range via the Roswell, N. Mex., radio range station; the intersection of the northeast course of the Roswell, N. Mex., radio range and the west course of the Lubbock, Tex., radio range to the Lubbock, Tex., radio range station.

§ 600.272 *Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).* From the intersection of the southwest course of the Millville, N. J., radio range and the south course of the New Castle, Del., radio range via the New Castle, Del., radio range station to the intersection of the north course of the New Castle, Del., radio range and the west course of the Philadelphia, Pa., radio range. From the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Willow Grove, Pa., radio range via the Willow Grove, Pa., radio range station; the intersection of the northeast course of the Willow Grove, Pa., radio range and the east course of the Allentown, Pa., radio range; the Chatham, N. J., non-directional radio beacon to the Paterson, N. J., non-directional radio beacon.

§ 600.273 *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).* From the intersection of the west course of the New Castle, Del., radio range and the west course of the Philadelphia, Pa., radio range via the New Castle, Del., radio range station to the intersection of the east course of the New Castle, Del., radio range and the northeast course of the Millville, N. J., radio range.

§ 600.274 *Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).* From the intersection of the east course of the New Orleans, La., radio range with a line bearing 225° True from the Bay Minette, Ala., nondirectional radio beacon to the Bay Minette, Ala., nondirectional radio beacon.

§ 600.275 *Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* From the Vancouver, B. C., radio range station to the intersection of the northwest course of the Bellingham, Wash., radio range and the west course of the Abbotsford, B. C., radio range; Abbotsford, B. C., radio range station to the intersection of the east course of the Abbotsford, B. C., radio range and the northeast course of the Bellingham, Wash., radio range, excluding those portions lying outside the limits of the continental United States.

§ 600.276 *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).* From the Williams, Calif., radio range station to the intersection of the east course of the Williams, Calif., radio range and the northeast course of the Sacramento, Calif., radio range.

§ 600.277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* From the Greensboro, N. C., radio range station via the Lynchburg, Va., radio range station; Richmond, Va., radio range station; Tappahannock, Va., radio range station; Dover, Del., AFB radio range station to the Atlantic City, N. J. (Navy) radio range station, excluding the portion below 6,000 feet which lies over Patuxent (restricted area (R–71), and excluding the portion which lies over Patuxent (restricted area (R–43).

§ 600.278 *Red civil airway No. 78 Medford, Oreg., to Klamath Falls, Oreg.).* From the intersection of the south course of the Medford, Oreg., radio range and the west course of the Klamath Falls, Oreg., radio range to the Klamath Falls, Oreg., radio range station.

§ 600.279 *Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).* That airspace over United States territory from the Neah Bay, Wash., radio range station via the Port Angeles, Wash., CGAS nondirectional radio beacon to the Dungeness, Wash., fan marker excluding the portion below 6,000 feet which overlaps Restricted Area (R–236) and excluding the portion which conflicts with the Albert Head Restricted Area (R–407). From the intersection of the west course of the Everett, Wash., radio range and the northwest course of the Seattle, Wash., radio range to the Everett, Wash., radio range station.

§ 600.280 *Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).* From the intersection of the west course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range via the intersection of the southwest course of the Great Falls, Mont., radio range and the north course of the Helena, Mont., radio range; Great Falls, Mont., radio range station; Lewistown, Mont., radio range station; the intersection of the southeast course of the Lewistown, Mont., radio range and the north course of the Billings, Mont., radio range to the Miles City, Mont., radio range station.

§ 600.281 *Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).* From the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range.

§ 600.282 *Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).* From the Skwentna, Alaska, radio range station to the intersection of the southeast course of the Skwentna, Alaska, radio range and the north course of the Anchorage (Merrill), Alaska, radio range.

§ 600.283 *Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).* From the intersection of the west course of the Phoenix, Ariz., radio range and the north course of the Gila Bend, Ariz., radio range via the Gila Bend, Ariz., radio range station to the Tucson, Ariz., radio range station.

§ 600.284 *Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).* From the Meridian, Miss., radio range station via the Maxwell AFB, Ala., radio range station; the intersection of the east course of the Maxwell AFB, Ala., radio range and the northwest course of the Columbus, Ga., radio range to the Columbus, Ga., radio range station, excluding the portion which overlaps Fort Benning (restricted area (R–129).

§ 600.285 *Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.).* From the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range via the Butler, Pa., nondirectional radio beacon to the Altoona, Pa., radio range station.

§ 600.286 *Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).* From the intersection of the northeast course of the Millinocket, Maine, radio range and the northwest course of the Houlton, Maine, radio range to the Houlton, Maine, radio range station, excluding that portion outside the continental limits of the United States.

§ 600.287 *Red civil airway No. 87 (Hawaiian Islands).* From the intersection of northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station via the Port Allen, T. H., radio range station; the intersection of the southeast course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; Honolulu, T. H., radio range station; Maui, T. H., radio range station; the intersection of the southeast course of the Maui, T. H., radio range and the north course of the Hilo, T. H., radio range; Hilo, T. H., radio range station to the intersection of the east course of the Hilo, T. H., radio range and a point 100 miles east of the Hilo, T. H., radio range station.

§ 600.288 *Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).* From the Albuquerque, N. Mex., radio range station via the Roswell, N. Mex., radio range station; the intersection of the southeast course of the Roswell, N. Mex., radio range and the west course of the Hobbs, N. Mex., radio range; Hobbs, N. Mex., radio range station to the intersection of the east course of the Hobbs, N. Mex., radio range and the south course of the Lubbock, Tex., radio range.

§ 600.289 *Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).* From the Quincy, Ill., nondirectional radio beacon via the Peoria, Ill., radio range station to the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range.

§ 600.290 *Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).* From the Camarillo, Calif., radio range station to the Burbank, Calif., radio range station.

§ 600.291 *Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).* From the Dunkirk, N. Y., nondirectional radio beacon via the Dansville, N. Y., nondirectional radio beacon to the Syracuse, N. Y., radio range station.

§ 600.292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* That airspace over United States territory from the Sault Ste. Marie, Mich., radio range station to the Sudbury, Ontario, Canada, radio range station.

§ 600.293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).* From the Lincoln, Nebr., radio range station to the intersection of the east course of the Lincoln, Nebr., radio range and the southeast course of the Omaha, Nebr., radio range.

§ 600.294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* From the Providence, R. I., radio range station via the Otis AFB, Falmouth, Mass., nondirectional radio beacon located at Lat. 41°36'15", Long. 70°32'31", to the Hyannis, Mass., nondirectional radio beacon, excluding the portion which lies more than 4 miles north of the centerline between this Otis AFB nondirectional radio beacon and the Hyannis nondirectional radio beacon.

§ 600.295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* From the Elmira, N. Y., radio range station to the Utica, N. Y., radio range station.

§ 600.296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* From the Palacios, Tex., radio range station via the Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; Lafayette, La., nondirectional radio beacon to the Baton Rouge, La., radio range station.

§ 600.297 *Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* That airspace over United States territory from the Lakehead, Ontario, Canada, radio range station via the Sault Ste. Marie, Mich., radio range station to the Wiarton, Ontario, Canada, radio range station.

§ 600.298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).* From the Vichy, Mo., nondirectional radio beacon to the Belleville, Ill., Scott AFB radio range station.

§ 600.299 *Red civil airway No. 99 (Illiamna, Alaska, to Homer, Alaska).* From the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range via the Iliamna, Alaska, radio range station to the intersection of the southeast course of the Iliamna, Alaska, radio range the west course of the Homer, Alaska, radio range.

§ 600.300 *Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.).* From the South Bend, Ind., radio range station to the Battle Creek, Mich., radio range station.

§ 600.301 *Red civil airway No. 101 (Biloxi, Miss., to Pensaoola, Fla.).* From the Keesler Air Force Base, Biloxi, Miss., radio range station to the intersection of the southeast course of the Keesler AFB radio range with west course of the Pensacola, Fla., radio range.

§ 600.302 *Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.).* From the intersection of the south course of the Louisville, Ky., radio range and a line bearing 268° True from the Lexington, Ky., nondirectional radio beacon via the Lexington, Ky., nondirectional radio beacon to the Huntington, W. Va., nondirectional radio beacon.

§ 600.303 *Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).* From the Anchorage (Merrill), Alaska, radio range station via the intersection of the west course of the Anchorage (Merrill), Alaska, radio range and the northeast course of the Kenai, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the southeast course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Middleton Island, Alaska, radio range station.

§ 600.304 *Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).* From the Greensboro, N. C., radio range station via the intersection of the southeast course of the Greensboro, N. C., radio range with a line bearing 191° True from the Raleigh, N. C., radio range.

§ 600.305 *Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).* From the intersection of the northeast course of the Wichita, Kans., radio range and the west course of the Chanute, Kans., radio range via the Chanute, Kans., radio range station to the intersection of the east course of the Chanute, Kans., radio range and a 344° True bearing from the Neosho, Mo., omnirange station.

§ 600.306 *Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).* From the Scottsbluff, Nebr., radio range station to the intersection of the southeast course of the Scottsbluff, Nebr., radio range and the west course of the North Platte, Nebr., radio range.

§ 600.307 *Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).* From the Stanton, Minn., nondirectional radio beacon to the intersection of the southeast course of the Minneapolis, Minn., radio range and the north course of the Rochester, Minn., radio range.

§ 600.308 *Red civil airway No. 108 (Promontory Point, Utah, to Fort Bridger, Wyo.).* From the Promontory Point, Utah, nondirectional radiobeacon via the Corinne, Utah, nondirectional radiobeacon to the Fort Bridger, Utah, radio range station.

§ 600.309 *Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the west course of the The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station to the Spokane, Wash., radio range station.

§ 600.310 *Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).* From the intersection of a line bearing 331° True from the Brookley Air Force Base, Mobile, Ala., nondirectional radio beacon with Green civil airway No. 6 via the Brookley AFB nondirectional radio beacon to the intersection of a line bearing 151° True from the Brookley AFB nondirectional radio beacon with the west course of the Pensacola, Fla., radio range.

§ 600.312 *Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).* From the intersection of the west course of the Westfield, Mass., radio range with a straight line between Albany, N. Y., radio range station and the Hartford, Conn., radio range station to the Westfield, Mass., radio range station.

section of the north course of the New (*Neah Bay, Wash., to Everett, Wash.*). Houlton, Maine, radio range to the

BLUE CIVIL AIRWAYS

§ 600.601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* From the Miami, Fla., radio range station to the Tampa, Fla., radio range station.

§ 600.602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).* From the intersection of the north course of the Crestview, Fla., radio range and the southeast course of the Craig, Ala., AFB, radio range via the intersection of the southeast course of the Craig, Ala., AFB, radio range and the south course of the Birmingham, Ala., radio range; Birmingham, Ala., radio range station; the intersection of the north course of the Birmingham, Ala., radio range and the southwest course of the Chattanooga, Tenn., radio range via the Chattanooga, Tenn., radio range station to the intersection of the northeast course of the Chattanooga, Tenn., radio range and the west course of the Knoxville, Tenn., radio range. From the Pittsburgh, Pa., radio range station via the Butler, Pa., nondirectional radio beacon; the intersection of the east course of the Youngstown, Pa., radio range and the south course of the Erie, Pa., radio range to the Erie, Pa., radio range station.

§ 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).* From the Miami, Fla., radio range station via the Tamiami, Fla., nondirectional radio beacon; Fort Myers, Fla., nondirectional radio beacon; Tampa, Fla., radio range station; the intersection of the north course of the Tampa, Fla., radio range and the southeast course of the Cross City, Fla., radio range; Cross City, Fla., radio range station to the Tallahassee, Fla., radio range station, excluding the portion above 19,000 feet mean sea level which lies within the Tyndall AFB restricted area (R–336) between sunset and sunrise. From the intersection of the northwest course of the Tallahassee, Fla., radio range and the southeast course of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; the intersection of the northwest course of the Dothan, Ala., radio range and the east course of the Maxwell AFB, Montgomery, Ala., radio range, excluding that portion which lies more than 2 miles west of the northwest course of the Dothan, Ala., radio range between Lat. 31°20′00″, Long. 85°34′00″ and Lat. 31°34′00″, Long. 85°42′00″, and excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise; the Maxwell AFB, Montgomery, Ala., radio range station to the intersection of the north course of the Maxwell AFB, Montgomery, Ala., radio range and the east course of the Birmingham, Ala., radio range. From the Muscle Shoals, Ala., radio range station to the intersection of the northeast course of the Muscle Shoals, Ala., radio range and the southwest course of the Nashville, Tenn., radio range. From the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range via the Goshen, Ind., radio range station; the intersection of the north course of the Goshen, Ind., radio range and the southwest course of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station; Traverse City, Mich., radio range station; Pellston, Mich., nondirectional radio beacon to the Sault Ste. Marie, Mich., radio range station.

§ 600.604 *Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).* From the intersection of the northeast course of the Boston, Mass., radio range and the southeast course of the Concord, N. H., radio range; Concord, N. H., radio range station; Burlington, Vt., radio range station to the Montreal, Que., Canada, radio range station, excluding the airspace which lies outside the continental United States.

§ 600.605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* From the Municipal Airport, Galveston, Tex., via the Galveston, Tex., radio range station; Houston, Tex., radio range station; the intersection of the northwest course of the Houston, Tex., radio range and the southeast course of the Bryan, Tex., radio range; Bryan, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northeast course of the Waco, Tex., radio range and the south course of the Dallas, Tex., radio range; Dallas Tex., radio range station; Ardmore, Okla., nondirectional radio beacon to the intersection of the south course of the Tinker AFB, Okla., radio range and the southeast course of the Oklahoma City, Okla., radio range. From the Oklahoma City, Okla., radio range station via the intersection of the north course of the Oklahoma City, Okla., radio range and the southeast course of the Wichita, Kans., radio range; Wichita, Kans., radio range station to the intersection of the north course of the Wichita, Kans., radio range and the east course of the Hutchinson, Kans., radio range.

§ 600.606 *Blue civil airway No. 6 (Abilene,, Tex., to Muskegon, Mich.).* From the Abilene, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the northeast course of the Wichita Falls, Tex., radio range and the south course of the Oklahoma City, Okla., radio range. From the intersection of the southeast course of the Scott AFB, Belleville, Ill., radio range and a point 25 miles southeast of the Scott AFB, Belleville, Ill., radio range station via the Scott AFB Belleville, Ill., radio range station to the intersection of the northwest course of the Scott AFB, Belleville, Ill., radio range and the southwest course of the Springfield, Ill., radio range. From the Springfield, Ill., radio range station to the Peoria, Ill., radio range station. From the intersection of the west course of the Goshen, Ind., radio range and the south course of the South Bend, Ind., radio range via the South Bend, Ind., radio range station to the intersection of the north course of the South Bend, Ind., radio range and the northeast course of the Chicago, Ill., radio range. From the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Muskegon, Mich., radio range station.

§ 600.607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* From the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Travis AFB, Calif., radio range via the Travis AFB, Calif., radio range station to the Williams, Calif., radio range station.

§ 600.608 *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* That airspace over United States territory from the Fargo, N. Dak., radio range station via the Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station to the Winnipeg, Ont., Canada, radio range station.

§ 600.609 *Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).* From the Springfield, Mo., radio range station to the Columbia, Mo., radio range station. From the Rochester, Minn., radio range station to the intersection of the north course of the Rochester, Minn., radio range and the southeast course of the Minneapolis, Minn., radio range. That airspace over United States territory from the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station to the Lakehead, Ont., Canada, radio range station.

§ 600.610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* From the Fresno, Calif., radio range station via the intersection of the west course of the Fresno, Calif., radio range and the southeast course of the Oakland, Calif., radio range; Oakland, Calif., radio range station; the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Williams, Calif., radio range to the Williams, Calif., radio range station.

§ 600.611 *Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).* From the Findlay, Ohio, nondirectional radio beacon via the Cleveland, Ohio, radio range station; Erie, Pa., radio range station to the intersection of the southwest course of the Buffalo, N. Y., radio range and the east course of the Clear Creek, Ont., Canada, radio range.

§ 600.613 *Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).* From the Houston, Tex., radio range station via the Lufkin, Tex., nondirectional radio beacon; Shreveport, La., radio range station; the intersection of the northwest course of the Shreveport, La., radio range and the south course of the Texarkana, Ark., radio range; Texarkana, Ark., radio range station to the Fort Smith, Ark., nondirectional radio beacon excluding the portion which overlaps the Camp Chaffee restricted area (R–215). From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the Des Moines, Iowa, radio range station.

§ 600.614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* From the intersection of the west course

of the El Centro, Calif., radio range and a bearing 165° True from the Julian, Calif., non-directional radio beacon to the Julian, Calif., non-directional radio beacon. From the Riverside, Calif., radio range station via the intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range and the Palmdale, Calif., radio range station to the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range. From the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range via the Stockton, Calif., radio range station to the intersection of the north course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

§ 600.615 *Blue civil airway No. 15 (Huntington, W. Va., to Youngstown, Ohio).* From the Huntington, W. Va., nondirectional radio beacon to the Columbus, Ohio, radio range station. From the Akron, Ohio, Akron-Canton County Airport ILS outer marker to the Hubbard, Ohio, nondirectional radio beacon.

§ 600.616 *Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).* From the intersection of the southwest course of the Waverly, Va., radio range and a line bearing 116° True from the Lawrenceville, Va., omnirange station via the Waverly, Va., radio range station to the Tappahannock, Va., radio range station.

§ 600.617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).* From the intersection of the northeast course of the Bangor, Maine, radio range and the south course of the Houlton, Maine, radio range via the Houlton, Maine, radio range station; the intersection of the north course of the Houlton, Maine, radio range and the southeast course of the Presque Isle, Maine, radio range via the Presque Isle, Maine, radio range station to the Municipal Airport, Caribou, Maine, excluding that portion which lies outside the continental United States.

§ 600.618 *Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).* From the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the Idlewild, N. Y., radio range; the Idlewild, N. Y., radio range station to the intersection of the northeast course of the Idlewild, N. Y., radio range and the east course of the New York, N. Y. (LaGuardia), radio range. From the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range via the Poughkeepsie, N. Y., radio range station, excluding that portion which lies more than two miles west of the southwest course of the Poughkeepsie, N. Y., radio range between a point 25 miles northeast from the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range and a point 10 miles south of the Poughkeepsie, N. Y., radio range; the Albany, N. Y., radio range station; Burlington, Vt., radio range station to the intersection of the northeast course of the Burlington, Vt., radio range and the United States-Canadian Border.

§ 600.619 *Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).* From the Key West, Fla., radio range station via the Miami, Fla., radio range station; the intersection of the north course of the Miami, Fla., radio range and the west course of the West Palm Beach, Fla., radio range; Melbourne, Fla., radio range station to the Orlando, Fla., radio range station.

§ 600.620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* From the intersection of the southwest course of the Atlantic City, N. J., (Navy) radio range and the southeast course of the Millville, N. J., radio range via the intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; a point at latitude 40°15′00″, longitude 75°22′45″, to the Allentown, Pa., radio range station.

§ 600.622 *Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).* From the intersection of the southwest course of the Memphis, Tenn., radio range and the southeast course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; Fort Smith, Ark., non-directional radio beacon; Tulsa, Okla., radio range station to the intersection of the northwest course of the Tulsa, Okla., radio range and the southeast course of the Wichita, Kans., radio range.

§ 600.623 *Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).* From the Norfolk, Va., Navy radio range station to the Chincoteague, Va., Navy radio range station excluding the portions which overlap Chincoteague Inlet restricted area (R–45) and Ship Shoal Island restricted area (R–47).

§ 600.625 *Blue civil airway No. 25 (Middleton Island, Alaska, to Big Delta, Alaska).* From the intersection of the southwest course of the Hinchinbrook, Alaska, radio range and a direct line between the Whittier, Alaska, Fan Marker and the Middleton Island, Alaska, nondirectional radio beacon via the Hinchinbrook, Alaska, radio range station; the intersection of the northeast course of the Hinchinbrook, Alaska, radio range and the south course of the Gulkana, Alaska, radio range; Gulkana, Alaska, radio range station; the intersection of the north course of the Gulkana, Alaska, radio range and the south course of the Big Delta, Alaska, radio range to the Big Delta, Alaska, radio range station.

§ 600.626 *Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).* From the Anchorage, Alaska, radio range station via the Talkeetna, Alaska, nondirectional radio beacon; Summit, Alaska, radio range; intersection of the north course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range; Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

§ 600.627 *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* From the Kodiak, Alaska, radio range station via the intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon radio range; King Salmon, Alaska, radio range station; Bethel, Alaska, radio range station; Nome, Alaska, radio range station to the Kotzebue, Alaska, airport.

§ 600.628 *Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).* From the Charleston, S. C., radio range station via the intersection of the northwest course of the Charleston, S. C., radio range and the southeast course of the Columbia, S. C., radio range; Columbia, S. C., radio range station; the intersection of the west course of the Columbia, S. C., radio range and the southeast course of the Spartanburg, S. C., radio range; Spartanburg, S. C., radio range station to the intersection of the northwest course of the Spartanburg, S. C., radio range and the northeast course of the Knoxville, Tenn., radio range.

§ 600.629 *Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).* From the intersection of the northeast course of the Raleigh, N. C., radio range and the southeast course of the Lynchburg, Va., radio range to the Lynchburg, Va., radio range station.

§ 600.630 *Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).* From the intersection of the southeast course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range via the Corpus Christi, Tex., radio range station, excluding the portion which lies more than 3 miles southeast of the southwest course of the Corpus Christi radio range, to the Kelly, Tex., radio range station. From the Big Spring, Tex., radio range station to the intersection of the northwest course of the Big Spring, Tex., radio range and the south course of the Lubbock, Tex., radio range. From the Lubbock, Tex., radio range station via the intersection of the north course of the Lubbock, Tex., radio range and the south course of the Amarillo, Tex., radio range; Amarillo, Tex., radio range station; Dalhart, Tex., nondirectional radio beacon to the Pueblo, Colo., radio range station.

§ 600.631 *Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).* From the intersection of the west course of the Peoria, Ill., radio range and the south course of the Moline, Ill., radio range to the Moline, Ill., radio range station. From the intersection of the south course of the Madison, Wis., radio range and the northwest course of the Rockford, Ill., radio range to the Madison, Wis., radio range station.

§ 600.632 *Blue civil airway No. 32 (Anchorage, Alaska, to Talkeetna, Alas-*

ka). From the Anchorage, Alaska, radio range station via the Skwentna, Alaska, radio range station to the Talkeetna, Alaska, nondirectional radio beacon.

§ 600.633 *Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).* From the Lansing, Mich., radio range station to the Saginaw, Mich., nondirectional radio beacon.

§ 600.634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* From the Terre Haute, Ind., radio range station via the intersection of the north course of the Terre Haute, Ind., radio range and the southeast course of the Rantoul (Chanute), Ill., AFB radio range; Rantoul (Chanute), Ill., AFB radio range station to the intersection of the northwest course of the Rantoul (Chanute), Ill., AFB radio range and the southwest course of the Joliet, Ill., radio range.

§ 600.635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).* From the Camarillo, Calif., radio range station to the intersection of the northeast course of the Camarillo, Calif., radio range and the southeast course of the Bakersfield, Calif., radio range.

§ 600.636 *Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).* From the Akron, Colo., radio range station to the intersection of the north course of the Akron, Colo., radio range and the east course of the Cheyenne, Nebr., radio range.

§ 600.637 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* From the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range via the Casper, Wyo., radio range station to the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range.

§ 600.638 *Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).* That airspace over United States territory from the Five Finger, Alaska, USCG nondirectional radio beacon via the Gustavus, Alaska, radio range; Haines, Alaska, nondirectional radio beacon to the Whitehorse, Yukon Territory, radio range station.

§ 600.639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).* From the Savannah, Ga., radio range station via the intersection of the northwest course of the Savannah, Ga., radio range and the south course of the Augusta, Ga., radio range; Augusta, Ga., radio range station; the intersection of the north course of the Augusta, Ga., radio range and the south course of the Greenville, S. C., radio range to the Greenville, S. C., radio range station. From the Tri-City, Tenn., radio range station via the Paynesville, W. Va., non-directional radio beacon; the intersection of a line bearing 14° True from the Paynesville, W. Va., nondirectional radio beacon and the south course of the Charleston, W. Va., radio range to the Charleston, W. Va., radio range station. From the intersection of the west course of the Elkins, W. Va., radio range and the southwest course of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the New Alexandria, Pa., nondirectional radio beacon. From the intersection of the southwest course of the Elmira, N. Y., radio range and the east course of the Phillipsburg, Pa., radio range to the Elmira, N. Y., radio range station.

§ 600.640 *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* From the Concord, N. H., radio range station via a point at 43°38' north latitude and 72°20' west longitude and a point at 44°12' north latitude and 72°34' west longitude to the Burlington, Vt., radio range station.

§ 600.641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).* From the Hartford, Conn., radio range station via the intersection of the northwest course of the Hartford, Conn., radio range and the south course of the Westfield, Mass., radio range; Westfield, Mass., radio range station; the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N. H., radio range; Concord, N. H., radio range to the Portland, Maine, radio range station. From the Rockland, Maine, nondirectional radio beacon via the Bangor, Maine, radio range station to the intersection of the northeast course of the Bangor, Maine, radio range and the United States-Canadian Border.

§ 600.642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).* From the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station; the intersection of the north course of the Battle Creek, Mich., radio range and the southeast course of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station to the Saginaw, Mich., non-directional radio beacon.

§ 600.643 *Blue civil airway No. 43 (Nenana, Alaska, to Nenabank, Alaska).* From the Nenana, Alaska, radio range station to the intersection of the northwest course of the Nenana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range.

§ 600.644 *Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).* From the Indianapolis, Ind., radio range station via the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range; Fort Wayne, Ind., radio range station to the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range. From the intersection of the north course of the Toledo, Ohio, radio range and the southwest course of the Windsor, Ont., Canada, radio range to the intersection of the southwest course of the Windsor, Ont., Canada, radio range and the United States-Canadian Border.

§ 600.645 *Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).* From the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N. H., radio range via the Keene, N. H., nondirectional radio beacon to the Lebanon, N. H., nondirectional radio beacon. From the Montpelier, Vt., radio range station via the intersection of the northeast course of the Montpelier, Vt., radio range and a line bearing 180° True from the Newport, Vt., nondirectional radio beacon to the Newport, Vt., nondirectional radio beacon excluding the portion which lies outside of the continental limits of the United States.

§ 600.646 *Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).* From the Memphis, Tenn., radio range station via the intersection of the north course of the Memphis, Tenn., radio range and a line bearing 230° True from the Dyersburg, Tenn., nondirectional radio beacon; Dyersburg, Tenn., nondirectional radio beacon to the Paducah, Ky., nondirectional radio beacon.

§ 600.647 *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).* From the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range via the Blackstone, Va., radio range station to the Gordonsville, Va., radio range station. From the intersection of the southeast course of the Front Royal, Va., radio range and the southwest course of the Arcola, Va., radio range via the Front Royal, Va., radio range station; the intersection of the north course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range; Altoona, Pa., radio range station; Philipsburg, Pa., radio range station; Bradford, Pa., nondirectional radio beacon to the Dunkirk, N. Y., nondirectional radio beacon.

§ 600.648 *Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).* From the Marathon, Fla., nondirectional radio beacon via the intersection of the northeast course of the Key West, Fla., radio range and the Southeast course of the Miami, Fla., radio range to the Miami, Fla., radio range station.

§ 600.649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).* From the intersection of the southeast course of the Philadelphia, Pa., radio range and a point at lat. 38°58'35", long. 74°54'30" via the intersection of the southeast course of the Philadelphia, Pa., radio range and the southeast course of the Millville, N. J., radio range; Millville, N. J., radio range station to the intersection of the northwest course of the Millville, N. J., radio range and the southwest course of the Philadelphia, Pa., radio range.

§ 600.651 *Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).* From the intersection of the east course of the Wendover, Utah, radio range and the south course of the Lucin, Utah, radio range via the Lucin, Utah, radio range

station; the intersection of the north course of the Lucin, Utah, radio range and the southwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; the intersection of the northeast course of the Burley, Idaho, radio range and the southwest course of the Pocatello, Idaho, radio range; Pocatello, Idaho, radio range station to the Dubois, Idaho, radio range station.

§ 600.652 *Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).* From the intersection of the northwest course of the Santa Barbara, Calif., radio range and the southwest course of the Fresno, Calif., radio range to the Fresno, Calif., radio range station.

§ 600.653 *Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).* From the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Hartford, Conn., radio range to the Hartford, Conn., radio range station.

§ 600.654 *Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).* From the Evergreen, Calif., nondirectional radio beacon to the San Francisco, Calif., radio range station. From the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range to a point at lat. 38°02'45", long. 122°31'40".

§ 600.655 *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* From the Crestview, Fla., radio range station via the intersection of the north course of the Crestview, Fla., radio range and the southwest course of the Maxwell AFB, Ala., radio range to the Maxwell AFB, Ala., radio range station.

§ 600.656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* From the Weeksville, N. C. (Coast Guard), radio range station via the intersection of the northwest course of the Weeksville, N. C. (Coast Guard), radio range and the southwest course of the Norfolk, Va., VHF radio range to the Norfolk, Va., VHF radio range station. From the intersection of the northwest course of the Norfolk, Va., radio range and the south course of the Langley, Va. (AFB), radio range via the Langley, Va. (AFB), radio range station; the intersection of the north course of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range to the Andrews, Md., radio range station, excluding that portion more than 3 miles east of the south and north courses of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range, and excluding that portion more than 3 miles west of the southeast course of the Andrews, Md., radio range and the north course of the Langley, Va. (AFB), radio range between the Andrews, Md., radio range station and a point 18 miles south of the intersection of the north course of the Langley, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range.

§ 600.657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).* From the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range via the intersection of the northeast course of the Elko, Nev., radio range and the southwest course of the Burley, Idaho, radio range to the intersection of the southwest course of the Burley, Idaho, radio range and the north course of the Lucin, Utah, radio range.

§ 600.658 *Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).* From the Nantucket, Mass., nondirectional radio beacon via the Hyannis, Mass., nondirectional radio beacon; the intersection of a line bearing 346° True from the Hyannis, Mass., nondirectional beacon and the southeast course of the Squantum, Mass., radio range to the Squantum, Mass., radio range station, excluding the portion in conflict with Cotuit restricted area (R–79).

§ 600.660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* From the Moffett NAS, Sunnyvale, Calif., radio range station to the intersection of the northeast course of the Moffett NAS, Calif., radio range and the west course of the Stockton, Calif., radio range.

§ 600.663 *Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).* From the Concord, N. H., radio range station via the Laconia, N. H., nondirectional radio beacon; North Conway, N. H., nondirectional radio beacon to the Berlin, N. H., nondirectional radio beacon.

§ 600.664 *Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).* From the Wink, Tex., radio range station to the Hobbs, N. Mex., radio range station.

§ 600.665 *Blue civil airway No. 65 (Shuyak, Alaska to Homer, Alaska).* From the Shuyak, Alaska, nondirectional radio beacon via the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range to the Homer, Alaska, radio range station.

§ 600.666 *Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.)* From the Bridgeport, Conn., radio range station to the intersection of the northwest course of the Bridgeport, Conn., radio range and the east course of the Poughkeepsie, N. Y., radio range.

§ 600.667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* From the Yuma, Ariz., radio range station via the Blythe, Calif., radio range station; Needles, Calif., radio range station to the intersection of the north course of the Needles, Calif., radio range and the southeast course of the Las Vegas, Nev., radio range.

§ 600.668 *Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).* From Midland, Tex., radio range station to the intersection of the northwest course of the Midland, Tex., radio range and the east course of the Hobbs, N. Mex., radio range.

§ 600.669 *Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).* From the St. Louis, Mo., radio range station to the Quincy, Ill., nondirectional radio beacon.

§ 600.670 *Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).* From the intersection of the northwest course of the Waco, Tex., radio range and the south course of the Fort Worth, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and the west course of the Dallas, Tex., radio range; Mineral Wells, Tex., non-directional radio beacon; Ardmore, Okla., non-directional radio beacon to the Tulsa, Okla., radio range station.

§ 600.671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* From the Toledo, Wash., radio range station via the Shelton, Wash., nondirectional radio beacon to the Seattle, Wash., radio range station.

§ 600.672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* From the Enid, Okla., Vance AFB nondirectional radio beacon to the intersection of a line bearing 31° True from the Vance AFB nondirectional radio beacon and the south course of the Wichita, Kans., radio range.

§ 600.675 *Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).* That airspace over United States territory from the Cleveland, Ohio, radio range station to the London, Ontario, Canada, radio range station.

§ 600.676 *Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).* From the Sinclair, Wyo., radio range station to the Casper, Wyo., radio range station.

§ 600.678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).* From a point located at Lat. 41°34'30", Long. 112°46'00" to the Malad City, Idaho, radio range station.

§ 600.679 *Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).* That airspace over United States territory from the intersection of the south course of the Annette Island, Alaska, radio range and the United States-Canadian Border via the Annette Island, Alaska, radio range station; Petersburg, Alaska, radio range station; Haines, Alaska, nondirectional radio beacon to the Pon Lake, Y. T., Canada, nondirectional radio beacon.

§ 600.680 *Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).* From the intersection of the northwest course of the Unalakleet, Alaska, radio range and the south course of the Moses Point, Alaska, radio range to the Moses Point, Alaska, radio range station.

§ 600.681 *Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).* From the Charleston, W. Va., radio range station via the Zanesville, Ohio, nondirectional radio beacon; Akron, Ohio, radio range station to the intersection of the north course of the Akron, Ohio, radio range and the east course of the Cleveland, Ohio, range.

§ 600.684 *Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).* From the Augusta, Maine, radio range

station via the Rockland, Maine, nondirectional radio beacon; Bar Harbor, Maine, nondirectional radio beacon; Bangor, Maine, radio range station to the Millinocket, Maine, radio range station.

§ 600.685 *Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).* From the Hutchinson, Kans., radio range station to the intersection of the south course of the Hutchinson, Kans., radio range and the southwest course of the Wichita, Kans., radio range.

§ 600.686 *Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).* From the intersection of the east course of the Goshen, Ind., radio range and the northwest course of the Fort Wayne, Ind., radio range to the Fort Wayne, Ind., radio range station.

§ 600.687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).* From the Lexington, Ky., nondirectional radio beacon via the Cincinnati, Ohio, radio range station; the intersection of the northeast course of the Cincinnati, Ohio, radio range and the south course of the Wright-Patterson AFB, Dayton, Ohio,. radio range; Wright-Patterson AFB, Dayton, Ohio, radio range station to the intersection of the north course of the Wright-Patterson AFB radio range and the west course of the Columbus, Ohio, radio range.

OTHER CIVIL AIRWAYS

§ 600.1004 *Winslow, Ariz., to Las Vegas, Nev., civil airway.* From the Winslow Municipal Airport, Winslow, Ariz., via the South Rim Airport, Grand Canyon, Ariz., and the Boulder City Airport, Boulder City, Nev., to the McCarran Field, Las Vegas, Nev.

SUBPART C—VOR CIVIL AIRWAYS

DOMESTIC VOR CIVIL AIRWAYS

§ 600.6001 *VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.).* From the Charleston, S. C., omnirange station via the Myrtle Beach, S. C., omnirange station; Wilmington, N. C., omnirange station; point of intersection of the Wilmington omnirange 005° True and the New Bern, N. C., 297° True radials; Cofield, N. C., omnirange station; intersection of the Cofield omnirange 058° True radial and the Norfolk ILS localizer southwest course; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course. From the point of intersection of the Norfolk, Va., VAR north course and the Norfolk, Va., Navy radio range east course via the intersection of the Norfolk VAR north course and the Salisbury omnirange 206° True radial; Salisbury, Md., omnirange station; intersection of the Salisbury omnirange 038° True and the Coyle omnirange 203° True radials; Coyle, N. J., omnirange station; Idlewild, N. Y., omnirange station; intersection of the Idlewild omnirange 359° True and the Wilton omnirange 214° True radials; to the Wilton, Conn., omnirange station. Those portions of this airway between the Coyle, N. J., omnirange station and the point of intersection of the Colts Neck, N. J., omnirange 073° True and the Coyle, N. J., omnirange 031° True radials lying more than 3 miles either side of the center line, and those portions in conflict with the Patuxent restricted area (R–43) and the Warren Grove restricted area (R–26), are excluded.

§ 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the Seattle, Wash., omnirange station via the Ellensburg, Wash., omnirange station, including a south alternate via the intersection of the Seattle omnirange 124° True and the Ellensburg omnirange 274° True radials; Ephrata, Wash., omnirange station; Spokane, Wash., omnirange station; Mullan Pass, Mont., omnirange station; Missoula, Mont., omnirange station; Drummond, Mont., omnirange station; Helena Mont., omnirange station; intersection of the Helena omnirange 119° True and the Bozeman omnirange 338° True radials; Bozeman, Mont., omnirange station; intersection of the Bozeman omnirange 157° True and the Livingston omnirange 262° True radials; Livingston, Mont., omnirange station; Billings, Mont., omnirange station; Miles City, Mont., omnirange station; Dickinson, N. Dak., omnirange station; Bismarck, N. Dak., omnirange station, including a north alternate; Jamestown, N. Dak., omnirange station, including a north alternate; Fargo, N. Dak., omnirange station, including a north alternate; Alexandria, Minn., omnirange station, including a north alternate; Minneapolis, Minn., omnirange station; La Crosse, Wis., omnirange station, including a north alternate; Lone Rock, Wis., including a north alternate; intersection of the Lone Rock omnirange 103° True and the Milwaukee omnirange 273° True radials; Milwaukee, Wis., omnirange station, including a north alternate from the Lone Rock omnirange station to the Milwaukee omnirange station via the intersection of the Lone Rock omnirange 088° True and the Milwaukee omnirange 288° True radials; Muskegon, Mich., omnirange station, including a south alternate via the intersection of the Milwaukee omnirange 111° True and the Muskegon omnirange 255° True radials; Lansing, Mich., omnirange station, including a south alternate via the Grand Rapids, Mich., ILS outer marker; to the Salem, Mich., omnirange station. From the Buffalo, N. Y., omnirange station via the Rochester, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Albany, N. Y., omnirange station, including a south alternate via the intersection of the Syracuse omnirange 117° True and the Albany omnirange 269° True radials; Gardner, Mass., omnirange station; to the Boston, Mass., omnirange station.

§ 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine).* That airspace over the United States territory from the Key West, Fla., omnirange station via the Miami, Fla., omnirange station, excluding the portion which overlaps Airspace Warning Area (W–173); intersection of the Miami omnirange 060° True and the West Palm Beach omnirange 176° True radials; West Palm Beach, Fla., omnirange station; Vero Beach, Fla., omnirange station, including an east alternate from the West Palm Beach omnirange station to the Vero Beach omnirange station; Daytona Beach, Fla., omnirange station; Jacksonville, Fla., omnirange station, including an east alternate; Brunswick, Ga., omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 304° True and the Brunswick omnirange 216° True radials; Savannah, Ga., omnirange station, including an east alternate; Charleston, S. C., omnirange station, including a west alternate; Florence, S. C., omnirange station, including an east alternate; Lumberton, N. C., omnirange station; Raleigh, N. C., omnirange station, including a west alternate from the Florence omnirange station to the Raleigh omnirange station via the intersection of the Florence omnirange 008° True and the Raleigh omnirange 232° True radials; Lawrenceville, Va., omnirange station; intersection of the Lawrenceville omnirange 035° True and the Flat Rock omnirange 171° True radials, excluding the portion which overlaps the Camp Pickett restricted area (R–44); Flat Rock, Va., omnirange station to the point of intersection of the Flat Rock omnirange 023° True and the Gordonsville, Va., omnirange 056° True radials. From the point of intersection of the Washington, D. C., terminal omnirange 016° True and the Herndon, Va., omnirange 104° True radials, excluding the portion which overlaps the Washington prohibited area (P–56), via the point of intersection of the Herndon omnirange 045° True and the Baltimore, Md., omnirange 346° True radials; point of intersection of the Herndon omnirange 045° True and the West Chester omnirange 253° True radials; West Chester, Pa., omnirange station; intersection of the West Chester omnirange 051° True and the Caldwell omnirange 217° True radials; Caldwell, N. J., omnirange station; Wilton, Conn., omnirange station; Hartford, Conn., omnirange station; intersection of the Hartford omnirange 044° True and the Boston omnirange 257° True radials; Boston, Mass., omnirange station; Kennebunk, Maine, omnirange station; Augusta, Maine, omnirange station; Bangor, Maine, omnirange station; Houlton, Maine, omnirange station; to the Presque Isle, Maine, omnirange station.

§ 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.).* From Seattle, Wash., omnirange station via the Yakima, Wash., omnirange station, including a south alternate from the Seattle omnirange station to the Yakima omnirange station via the point of intersection of the Seattle omnirange 163° True and the Olympia, Wash., omnirange 084° True radials; thence via the point of intersection of the Olympia omnirange 084° True and the Seattle omnirange 124° True radials; Pendleton, Oreg., omnirange station; Baker, Oreg., omnirange station; Boise, Idaho, omnirange station; intersection of the Boise omnirange 129° True and the Burley omnirange 292° True radials; Burley, Idaho, omnirange station, including a south alternate from the Boise omnirange station to the Burley omnirange station via the Twin Falls, Idaho, omnirange station; Malad City, Idaho, omnirange station; Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station, including a north alternate; Laramie, Wyo., omnirange station; Denver, Colo., omnirange station, including a north alternate via the intersection of the Laramie omnirange 131° True and the Denver omnirange 016° True radials; Thurman, Colo., omnirange station; Goodland, Kans., including a north alternate via the intersection of the Thurman omnirange 085° True and the Goodland omnirange 304° True radials; Hill City, Kans., omnirange station, including a north alternate; Russell, Kans., omnirange station; Salina, Kans., omnirange station; Topeka, Kans., omnirange station, including a south alternate; Kansas City, Mo., omnirange station, including a north alternate; Columbia, Mo., omnirange station, including a north alternate from the Kansas City omnirange station to the Columbia omnirange station via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials and also a south alternate from the Topeka omnirange station to the Columbia omnirange station via the Blue Springs, Mo., omnirange station thence via the intersection of the Blue Springs omnirange 094° True and the Columbia omnirange 261° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate; Troy, Ill., omnirange station; Centralia, Ill., omnirange station, including a south alternate from the St. Louis omnirange station to the Centralia omnirange station via the intersection of the St. Louis omnirange 128° True and the Centralia omnirange 279° True radials; Evansville, Ind., omnirange station, including a south alternate; the intersection of the Evansville omnirange 80° True and the Louisville omnirange 269° True radials; Louisville, Ky., omnirange station, including a north alternate from the Evansville omnirange station to the Louisville omnirange station: Lexington, Ky., omnirange station, including a south alternate and also a north alternate via the intersection of the Louisville omnirange 083° True and the Lexington omnirange 294° True radials; Charleston, W. Va., omnirange station; Elkins, W. Va., omnirange station, including a south alternate via the intersection of the Charleston omnirange 081° True and the Elkins omnirange 227° True radials; Front Royal, Va., omnirange station; to the Herndon, Va., omnirange station. The portions of this airway which overlap the Yakima restricted area (R–247) and the Lake City restricted area (R–307) are excluded.

§ 600.6005 *VOR civil airway No. 5 (Miami, Fla., to London, Ont.).* That airspace over United States territory from the Miami, Fla., omnirange station via the intersection of the Miami omnirange 338° True and the Orlando omnirange 164° True radials; Orlando, Fla., omnirange station; Jacksonville, Fla., omnirange station, including an east alternate from the Orlando omnirange station to the Jacksonville omnirange station via the Daytona Beach, Fla., omnirange station and the point of intersection of the Daytona Beach omnirange 311° True and the Jacksonville omnirange direct radial to the Orlando omnirange station; intersection of the Jacksonville omnirange 319° True and the Alma omnirange 148° True radials; Alma, Ga., omnirange station, including an east alternate and a west alternate from the Jacksonville omnirange station to the Alma omnirange station; Macon, Ga., omnirange station; intersection of the Macon omnirange 330° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station, including a west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Nashville, Tenn., omnirange station; Bowling Green, Ky., omnirange station; intersection of the Bowling Green omnirange 048° True and the Louisville omnirange 189° True radials; Louisville Ky., omnirange station, including an east alternate from the Bowling Green omnirange station to the Louisville, omnirange station via the intersection of the Bowling Green omnirange 063° True and the Louisville omnirange 168° True radials; Cincinnati, Ohio, omnirange station, including an east alternate; intersection of the Cincinnati omnirange 045° True and the Appleton omnirange 244° True radials; Appleton, Ohio, omnirange station; Mansfield, Ohio, omnirange station, including an east alternate from the Appleton omnirange station to the Mansfield omnirange station via the intersection of the Appleton omnirange 050° True and the Mansfield omnirange 173° True radials; Cleveland, Ohio, omnirange station; to the London, Ontario, omnirange station. Those portions of this airway which overlap the Jacksonville restricted area (R–161), the Lake George restricted area (R–176) and the Sterling restricted areas (R–169 and R–170) are excluded.

§ 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.).* From the intersection of the Oakland omnirange 217° True and the Salinas omnirange 319° True radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station, including a south alternate via the intersection of the Oakland omnirange 078° True and the Sacramento omnirange 192° True radials; intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; Reno, Nev., omnirange station, including a north alternate between the Sacramento, Calif., omnirange station and the Reno, Nev., omnirange station via the intersection of the Sacramento omnirange 040° True and the Reno omnirange 268° True radials; Lovelock, Nev., omnirange station; Battle Mountain, Nev., omnirange station; Wells, Nev., omnirange station, including a south alternate from the Battle Mountain omnirange station to the Wells omnirange station via the Elko, Nev., omnirange station; Lucin, Utah, omnirange station; Ogden Utah, omnirange station; Fort Bridger, Wyo., omnirange station, including a north alternate via the intersection of the Ogden omnirange 052° True and the Fort Bridger omnirange 278° True radials; Rock Springs, Wyo., omnirange station, including a north alternate via the intersection of the Fort Bridger omnirange 064° True and the Rock Springs omnirange 284° True radials; Cherokee, Wyo., omnirange station, including a north alternate; Rock River, Wyo., omnirange station, including a north alternate; Rock River, Wyo. omnirange station, including a north alternate; intersection of the Rock River omnirange 108° True and the Sidney omnirange 292° True radials; Sidney, Nebr. omnirange station; North Platte, Nebr., omnirange station, including a north alternate; Grand Island, Nebr., omnirange station, including a north alternate; Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station, including a south alternate; Iowa City, Iowa, omnirange station including a north alternate and also a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station including a south alternate; Naperville, Ill., omnirange station; South Bend, Ind., omnirange station; intersection of the South Bend omnirange 092° True and the Waterville omnirange 288° True radials; Waterville, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station, including a north alternate; Philipsburg, Pa., omnirange station; Selinsgrove, Pa. omnirange station; point of intersection of the Selinsgrove omnirange 077° True and the Williamsport, Pa. omnirange 146° True radials; Allentown, Pa. omnirange station, to the point of intersection of the Allentown omnirange 103° True and the Newark, N. J. ILS localizer southwest course.

§ 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.).* From the Miami, Fla., omnirange station via the Fort Myers, Fla., omnirange station; Lakeland, Fla., omnirange station, including an east alternate via the intersection of the Fort Myers omnirange 035° True and the Lakeland omnirange 161° True radials; Cross City, Fla., omnirange station, including a west alternate from the Fort Myers omnirange station to the Cross City omnirange station via the Tampa, Fla., omnirange station and the intersection of the Tampa omnirange 012° True and the Cross City omnirange 150° True radials; Tallahassee, Fla., omnirange station; Marianna, Fla., omnirange station, including a west alternate from the Cross City omnirange station to the Marianna omnirange station via the intersection of the Cross City omnirange 287° True and the Marianna omnirange 141° True radials; Dothan, Ala., terminal omnirange station; intersection of

the Dothan terminal omnirange 336° True and the Montgomery omnirange 123° True radials; Montgomery, Ala.; omnirange station; Birmingham, Ala., omnirange station, including a west alternate via the intersection of the Montgomery omnirange 326° True and the Birmingham omnirange 180° True radials; Muscle Shoals, Ala., omnirange station; Graham, Tenn., omnirange station; Nashville, Tenn., omnirange station; intersection of the Nashville omnirange 343° True and the Evansville omnirange 145° True radials; Evansville, Ind., omnirange station; Terre Haute, Ind., omnirange station, including a west alternate; Lafayette, Ind., omnirange station, including a west alternate via the intersection of the Terre Haute omnirange 348° True and the Lafayette omnirange 213° True radials; Chicago Heights, Ill., omnirange station, including an east alternate via the intersection of the Lafayette omnirange 353° True and the Chicago Heights omnirange 143° True radials; Milwaukee, Wis., omnirange station; to the Green Bay, Wis., omnirange station. The portions of this airway above 19,000 feet above mean sea level, which lie within the Tyndall AFB restricted area (R–336) and the Tyndall AFB warning area (W–337), are excluded daily between sunset and sunrise.

§ 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.).* From the point of intersection of the Long Beach omnirange 266° True and the Los Angeles, Calif., omnirange 207° True radials via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Daggett, Calif., omnirange station, including a north alternate from the Long Beach omnirange station to the Daggett omnirange station via the point of intersection of the Long Beach omnirange 024° True and the Los Angeles omnirange 057° True radials and the point of intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; Bryce Canyon, Utah, omnirange station, including a south alternate; Hanksville, Utah, omnirange station, including a south alternate; Grand Junction, Colo., omnirange station, including a south alternate; Kremmling, Colo., omnirange station; Denver, Colo., omnirange station; Denver, Colo., omnirange station, including a north alternate; Akron, Colo., omnirange station, including a south alternate via the intersection of the Denver omnirange 101° True and the Akron omnirange 242° True radials; Imperial, Nebr., omnirange station, including a north alternate from the Denver omnirange station to the Imperial omnirange station via the intersection of the Denver omnirange 061° True and the Imperial omnirange 271° True radials and also a south alternate via the intersection of the Akron omnirange 090° True and the Imperial omnirange 236° True radials; Grand Island, Nebr., omnirange station, including a south alternate; Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station, including a south alternate; Iowa City, Iowa, omnirange station, including a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange, station, including a south alternate; Naperville, Ill., omnirange station; intersection of the Naperville omnirange 090° True and the Chicago Heights omnirange 342° True radials; Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station; Findlay, Ohio, omnirange station; Mansfield, Ohio, omnirange station; the intersection of the Mansfield omnirange 100° True and the Pittsburgh omnirange 291° True radials; Pittsburgh, Pa., omnirange station; Martinsburgh, W. Va., omnirange station; to the Washington, D. C., terminal omnirange station.

§ 600.6009 *VOR civil airway No. 9 (New Orleans, La., to Milwaukee, Wis.).* From the New Orleans, La., omnirange via the McComb, Miss., omnirange station, including a west alternate; Jackson, Miss., omnirange station including a west alternate; Greenwood, Miss., omnirange station, including a west alternate; Memphis, Tenn., omnirange station, including an east alternate; intersection of the Memphis omnirange 345° True and the Malden omnirange 195° True radials; Malden, Mo., omnirange station, including an east alternate from the Memphis omnirange station to the Malden omnirange station via the direct radials; Farmington, Mo., omnirange station, including a west alternate; St. Louis, Mo., omnirange station, including a west alternate; Springfield, Ill., omnirange station, including a west alternate; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; Naperville, Ill., omnirange station; to the Milwaukee, Wis., omnirange station, including a west alternate via the point of intersection of the Janesville, Wis., omnirange 107° True and the Milwaukee omnirange 189° True radials.

§ 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.).* That airspace over United States territory from the Pueblo, Colo., omnirange station via the Lamar, Colo., omnirange station, including a north alternate; Garden City, Kans., omnirange station, including a north alternate; Dodge City, Kans., omnirange station; Hutchinson, Kans., omnirange station, including a south alternate and also a north alternate via the intersection of the Dodge City omnirange 060° True and the Hutchinson omnirange 296° True radials; Emporia, Kans., omnirange station, including a north alternate; Kansas City, Mo., omnirange station; Kirksville, Mo., omnirange station; Burlington, Iowa, omnirange station, including a south alternate; Bradford, Ill., omnirange station, including a north alternate; intersection of the Bradford omnirange 048° True and the Naperville omnirange 254° True radials; Naperville, Ill., omnirange station; South Bend, Ind., omnirange station, including a north alternate from the Naperville omnirange station to the South Bend omnirange station via the intersection of the Nappersville omnirange 075° True and the South Bend omnirange 290° True radials; Litchfield, Mich., omnirange station; intersection of the Litchfield omnirange 098° True and the Carleton omnirange 264° True radials; Carleton, Mich., omnirange station; point of intersection of the Jefferson, Ohio, omnirange 279° True and the Youngstown omnirange 320° True radials; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Wilkes-Barre-Scranton, Pa., omnirange 217° True and the Stroudsburg, Pa., omnirange 270° True radials; Stroudsburg, Pa., omnirange station; to the point of intersection of the Stroudsburg omnirange 114° True radial and the La Guardia (New York, N. Y.) Airport ILS localizer southwest course.

§ 600.6011 *VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.).* From the Memphis, Tenn., omnirange station via the intersection of the Memphis omnirange 345° True and the Dyersburg omnirange 230° True radials; Dyersburg, Tenn., omnirange station, including an east alternate from the Memphis omnirange station to the Dyersburg omnirange station via the intersection of the Memphis omnirange 360° True and the Dyersburg omnirange 215° True radials; Paducah, Ky., omnirange station; intersection of the Paducah omnirange 039° True and the Evansville omnirange 227° True radials; Evansville, Ind., omnirange station; Scotland, Ind., omnirange station, including an east alternate via the intersection of the Evansville omnirange 049° True and the Scotland omnirange 188° True radials; Indianapolis, Ind., omnirange station, including an east alternate via the intersection of the Scotland omnirange 041° True and the Indianapolis omnirange 185° True radials, and a west alternate via the intersection of the Scotland omnirange 011° True and the Indianapolis omnirange 230° True radials; intersection of the Indianapolis omnirange 021° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 037° True and the Salem omnirange 227° True radials; to the Salem, Mich., omnirange station.

§ 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.).* From the Santa Barbara, Calif., omnirange station via the intersection of the Santa Barbara omnirange 091° True and the Fillmore omnirange 284° True radials; Fillmore, Calif., omnirange station; Palmdale, Calif., omnirange station; intersection of the Palmdale omnirange 082° True and the Daggett omnirange 257° True radials; Daggett, Calif., omnirange station; Needles, Calif., omnirange station, including a north alternate via the intersection of the Daggett omnirange 078° True and the Needles omnirange 289° True radials; Prescott, Ariz., omnirange station; Winslow, Ariz., omnirange station; Zuni, N. Mex., omnirange station, including a north alternate via the intersection of the Winslow omnirange 076° True and the Zuni omnirange 287° True radials; Grants, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station, including a south alternate from the Zuni, N. Mex., omnirange station to the Albuquerque, N. Mex., omnirange station via the intersection of the Zuni omnirange 105° True and the Albuquerque omnirange 254° True radials; Otto, N. Mex., omnirange station, including a south alternate; Anton Chico, N. Mex., omnirange station; Tucumcari, N. Mex., omnirange station, including a north alternate via the intersection of the Anton Chico omnirange 067° True and the Tucumcari omnirange 289° True radials; Amarillo, Tex., omnirange station, including a north alternate; Gage, Oklahoma, omnirange station including a north alternate; Anthony, Kans., omnirange station; Wichita, Kans., omnirange station, including a north alternate from the Gage omnirange station to the Wichita omnirange station via the intersection of the Gage omnirange 044° True and the Wichita omnirange 245° True radials and also a south alternate from the Anthony omnirange station to the Wichita omnirange station via the intersection of the Anthony omnirange 060° True and the Wichita omnirange 190° True radials; Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 046° True and the Emporia omnirange 259° True radials; Kansas City, Mo., omnirange station; Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate; Vandalia, Ill., omnirange station; Terre Haute, Ind., omnirange station; Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 230° True radials; Dayton, Ohio, omnirange station, including a north alternate; Appleton, Ohio, omnirange station, including a north alternate via the intersection of the Dayton omnirange 060° True and the Appleton omnirange 279° True radials; Wheeling, W. Va., omnirange station, including a north alternate via the point of intersection of the Mansfield, Ohio, omnirange 121° True and the Wheeling omnirange 281° True radials; Pittsburgh, Pa., omnirange station, including a north alternate via the intersection of the Pittsburgh omnirange 067° True and the Johnstown omnirange 290° True radials; Johnstown, Pa., omnirange station; Harrisburg, Pa., omnirange station, including a south alternate; West Chester, Pa., omnirange station; to the point of intersection of the West Chester omnirange direct radial to the Coyle, N. J., omnirange station and the Woodstown, N. J., omnirange 045° True radial.

§ 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.).* From the Houston, Tex., omnirange station via the Lufkin, Tex., omnirange station, including an east alternate via the intersection of the Houston omnirange 044° True and the Lufkin omnirange 178° True radials and also a west alternate via the intersection of the Houston omnirange 353° True and the Lufkin omnirange 218° True radials; Shreveport, La., omnirange station, including an east alternate; to the Texarkana, Ark., omnirange station, including a west alternate via the intersection of the Shreveport omnirange 275° True and the Texarkana omnirange 188° True radials. From the Fort Smith, Ark., omnirange station via the Fayetteville, Ark., omnirange station; Neosho, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate; Kansas City, Mo., omnirange station; Lamoni, Iowa, omnirange station including an east alternate via the intersection of the Kansas City omnirange 035° True and the Lamoni omnirange 175° True radials; Des Moines, Iowa, omnirange station, including an east and a west alternate; Mason City, Iowa, omnirange station, including an east and a west alternate; Minneapolis, Minn., omnirange station, including a west alternate; Grantsburg, Wis., omnirange station to the Duluth, Minn., omnirange station.

§ 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.).* That airspace over United States territory from the Roswell, N. Mex., omnirange station via the Lubbock, Tex., omnirange station, including a north alternate; via the intersection of the Roswell omnirange 063° True and the Lubbock omnirange 277° True radials; Childress, Tex., omnirange station; Hobart, Okla., omnirange station; Oklahoma City, Okla., omnirange station; Tulsa, Okla., omnirange station, including a north alternate via the intersection of the Oklahoma City omnirange 040° True and the Tulsa omnirange 257° True radials, and also a south alternate via the intersection of the Oklahoma City omnirange 107° True and the Tulsa omnirange 222° True radials; Neosho, Mo., omnirange station, including a north alternate via the intersection of the Tulsa omnirange 050° True and the Neosho omnirange 260° True radials and also a south alternate via the intersection of the Tulsa omnirange 091° True and the Neosho omnirange 227° True radials; Springfield, Mo., omnirange station, including a north alternate via the intersection of the Neosho omnirange 045° True and the Springfield omnirange 261° True radials and also a south alternate; Vichy, Mo., omnirange station, including a north alternate; St. Louis, Mo., omnirange station, including a north alternate and also a south alternate via the intersection of the Vichy omnirange 069° True and the St. Louis omnirange 219° True radials; Vandalia, Ill., omnirange station; Terre Haute, Ind., omnirange station; Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 230° True radials; intersection of the Indianapolis omnirange 054° True and the Findlay omnirange 250° True radials; Findlay, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Erie, Pa., omnirange station, including a north alternate; Buffalo, N. Y., omnirange station; Rochester, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Albany, N. Y., omnirange station; Gardner, Mass., omnirange station; to the point of intersection of the Gardner omnirange 132° True and the Boston, Mass., omnirange 223° True radials.

§ 600.6015 *VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.).* From the Galveston, Tex., omnirange station via the Houston, Tex., omnirange station; College Station, Tex., omnirange station; Waco, Tex., omnirange station including an east alternate; Dallas, Tex., omnirange station, including an east alternate via the intersection of the Waco omnirange 036° True and the Dallas omnirange 178° True radials; intersection of the Dallas omnirange 345° True and the Ardmore omnirange 161° True radial; Ardmore, Okla., omnirange station, including a west alternate from the Dallas, Tex., omnirange station to the Ardmore, Okla., omnirange station via the intersection of the Dallas omnirange 324° True and the Ardmore omnirange 176° True radials; to the Tulsa, Okla., omnirange station, including an east alternate and also a west alternate via the point of intersection of the Oklahoma City, Okla., omnirange 107° True and the Tulsa omnirange 222° True radials. From the Kansas City, Mo., omnirange station via the St. Joseph, Mo., omnirange station, including an east alternate via the intersection of the Kansas City omnirange 020° True and the St. Joseph omnirange 132° True radials; Omaha, Nebr., omnirange station, including an east alternate; Sioux City, Iowa, omnirange station, including an east alternate and also a west alternate via the intersection of the Omaha omnirange 320° True and the Sioux City omnirange 175° True radials; intersection of the Sioux City omnirange 340° True and the Sioux Falls omnirange 169° True radials; Sioux Falls, S. Dak., omnirange station, including an east alternate; Huron, S. Dak., omnirange station, including a west alternate; Aberdeen, S. Dak., omnirange station, including a west alternate; Bismarck, N. Dak., omnirange station, including a west alternate; to the Minot, N. Dak., omnirange station.

§ 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.).* That airspace over United States territory from the Los Angeles, Calif., omnirange station via the Ontario, Calif., omnirange station; intersection of the Ontario omnirange 091° True and the Blythe omnirange 288° True radials; Blythe, Calif., omnirange station; Hassayampa, Ariz., omnirange station, including a north alternate via the intersection of the Blythe omnirange 079° True and the Hassayampa omnirange 291° True radials; Phoenix, Ariz., omnirange station; intersection of the Phoenix omnirange 160° True and the Tucson omnirange 315° True radials; Tucson, Ariz., omnirange station; Cochise, Ariz., omnirange station including a south alternate via the intersection of the Tucson omnirange 121° True and the Cochise omnirange 257° True radials; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station including a north alternate; Salt Flat, Tex.,

omnirange station; Wink, Tex., omnirange station, including a north alternate; Midland, Tex., omnirange station, including a north alternate; Big Spring, Tex., omnirange station; Abilene, Tex., omnirange station, including a south alternate; Mineral Wells, Tex., omnirange station, including a north alternate and also a south alternate via the intersection of the Abilene omnirange 096° True and the Mineral Wells omnirange 247° True radials; Dallas, Tex., omnirange station, including a south alternate; Sulphur Springs, Tex., omnirange station, including a north alternate from the Mineral Wells omnirange station to the Sulphur Springs omnirange station via the intersection of the Mineral Wells omnirange 066° True and the Sulphur Springs omnirange 272° True radials; Texarkana, Ark., omnirange station, including a north alternate; Pine Bluff, Ark., omnirange Memphis, Tenn., omnirange station, including a south alternate; Jackson, Tenn., omnirange station, including a south alternate; Graham, Tenn., omnirange station, including a south alternate; Nashville, Tenn., omnirange station; Crossville, Tenn., omnirange station, including a south alternate from the Graham omnirange station to the Crossville omnirange station via the Graham omnirange 099° True and the Crossville omnirange 257° True radials; intersection of the Crossville omnirange 104° True and the Knoxville omnirange 249° True radials; Knoxville, Tenn., omnirange station; Tri-City, Tenn., omnirange station; Pulaski, Va., omnirange station, including a north alternate from the Knoxville omnirange station to the Pulaski omnirange station via the intersection of the Knoxville omnirange 054° True and the Pulaski omnirange 260° True radials; Montebello, Va., omnirange station; Gordonsville, Va., omnirange station; Andrews, Md., radio range station via the Gordonsville omnirange 056° True radial; a point at latitude 38°51'00" north longitude 76°30'00" west bearing 062° True from the Andrews, Md., radio range station; Dover, Del., omnirange station via the Dover omnirange 244° True radial; Coyle, N. J., omnirange station; point of intersection of the Colts Neck, N. J., omnirange 103° True and the Riverhead omnirange 222° True radials; Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 042° True and the Norwich omnirange 224° True radials; Norwich, Conn., omnirange station; to the Boston, Mass., omnirange station.

§ 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.).* That airspace over United States territory from the Laredo, Tex., omnirange station via Cotulla, Tex., omnirange station; San Antonio, Tex., omnirange station; Austin, Tex., omnirange station, including a west alternate via the intersection of the San Antonio omnirange 002° True and the Austin omnirange 237° True radials; Waco, Tex., omnirange station, including an east alternate; intersection of the Waco omnirange 352° True and the Fort Worth omnirange 159° True radials; Fort Worth, Tex., omnirange station, including a west alternate from the Waco omnirange station to the Fort Worth omnirange station via the point of intersection of the Waco omnirange 315° True with the Mineral Wells omnirange 198° True radials, and the Mineral Wells, Tex. omnirange station; Oklahoma City, Okla., omnirange station; Gage, Okla., omnirange station; Garden City, Kans., omnirange station; to the Goodland omnirange station, including a west alternate.

§ 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.).* From the Dallas, Tex., omnirange station via the Quitman, Tex., omnirange station; Shreveport, La., omnirange station; Monroe, La., omnirange station, including a north alternate; Jackson, Miss., omnirange station, including a south alternate; Meridian, Miss., omnirange station, including a south alternate; intersection of the Meridian omnirange 057° True radial and the Birmingham ILS localizer southwest course; intersection of the Birmingham ILS localizer southwest course and the Anniston omnirange 265° True radial; Anniston, Ala., omnirange station; intersection of the Anniston omnirange 84° True radial and the Atlanta Airport ILS localizer west course; Atlanta, Ga., Airport ILS localizer; intersection of the Atlanta Airport ILS localizer east course and the Augusta omnirange 278° True radial; Augusta, Ga., omnirange station, including a south alternate from the Anniston omnirange station to the Augusta omnirange station via the intersection of the Anniston omnirange 104° True and the Atlanta omnirange 262° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 102° True and the Augusta omnirange 268° True radials; intersection of the Augusta omnirange 090° True and the Charleston omnirange 301° True radials; to the Charleston, S. C., omnirange station. The portions of this airway which conflict with the Fort McClellan Restricted Area (R–130) are excluded.

§ 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.).* That airspace over United States territory from the El Paso, Tex., omnirange station via the intersection of the El Paso omnirange 271° True and the Truth or Consequences omnirange 162° True radials; Truth or Consequences, N. Mex., omnirange station; the intersection of the Truth or Consequences, N. Mex., omnirange 21° True and the Albuquerque, N. Mex., omnirange 169° True radials; Albuquerque, N. Mex., omnirange station; intersection of the Albuquerque omnirange 025° True and the Santa Fe omnirange 253° True radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station; Raton, N. Mex., omnirange station, including an east alternate; Pueblo, Colo., omnirange station; Kiowa, Colo., omnirange station; intersection of the Kiowa omnirange 360° True and the Cheyenne omnirange 162° True radials; Cheyenne, Wyo., omnirange station; Douglas, Wyo., omnirange station, including an east alternate; Caspar, Wyo., omnirange station, including an east alternate; Crazy Woman, Wyo., omnirange station, including an east alternate via the intersection of the Caspar, Wyo., 007° True and the Crazy Woman omnirange 146° True radials; Sheridan, Wyo., omnirange station, including an east alternate; Billings, Mont., omnirange station; intersection of the Billings omnirange 347° True and the Lewistown omnirange 104° True radials; Lewistown, Mont., omnirange station to the Great Falls, Mont., omnirange station.

§ 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.).* That airspace over United States territory from the Laredo, Tex., omnirange station via the Alice, Tex., omnirange station; Corpus Christi, Tex., omnirange station; Palacios, Tex., omnirange station; Houston, Tex., omnirange station, including a north alternate via the intersection of the Palacios omnirange 016° True and the Houston omnirange 255° True radials; Beaumont, Tex., omnirange station; including a north alternate via the intersection of the Houston omnirange 044° True and the Beaumont omnirange 273° True radials; Lake Charles, La., omnirange station, including a south alternate from the Houston omnirange station to the Lake Charles omnirange station via the intersection of the Houston omnirange 090° True and the Lake Charles omnirange direct radial to the Galveston, Tex., omnirange station; Lafayette, La., omnirange station; New Orleans, La., omnirange station, including a south alternate; intersection of the New Orleans omnirange 066° True and the Mobile omnirange 242° True radials; Mobile, Ala., omnirange station; Evergreen, Ala., omnirange station, including a north alternate via the intersection of the Mobile omnirange 015° True and the Evergreen omnirange 244° True radials; Montgomery, Ala., omnirange station; La Grange, Ga., omnirange station; Atlanta, Ga., omnirange station; intersection of the Atlanta omnirange 048° True and the Royston omnirange 236° True radials; Royston, Ga., omnirange station; Spartanburg, S. C., omnirange station, including a north alternate from the Atlanta omnirange station to the Spartanburg, S. C., omnirange station via the Norcross, Ga., omnirange station, and the intersection of the Norcross omnirange 054° True and the Spartanburg omnirange 249° True radials; Greensboro, N. C., omnirange station; South Boston, Va., omnirange station; to the Flat Rock, Va., omnirange station.

§ 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border).* From the point of intersection of the Long Beach omnirange 266° True and the Los Angeles, Calif., omnirange 207° True radials via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station, including an east alternate from the Las Vegas omnirange station to the Mormon Mesa omnirange station via the intersection of the Las Vegas omnirange 086° True and the Needles, Calif., omnirange direct radial to the Mormon Mesa omnirange station; Milford, Utah, omnirange station; Delta, Utah, omnirange station; Utah Lake, Utah, omnirange station; Salt Lake City, Utah, omnirange station; Ogden, Utah, omnirange station; Malad City, Idaho, omnirange station; Pocatello, Idaho, omnirange station; intersection of the Pocatello omnirange 033° True and the Dubois 170° True radials; Dubois, Idaho, omnirange station, including a west alternate between the Pocatello, Idaho, omnirange station and the Dubois, Idaho, omnirange station via the direct radials; Dillon, Mont., omnirange station; Whitehall, Mont., omnirange station; Helena, Mont., omnirange station; intersection of the Helena omnirange 004° True and the Great Falls omnirange 222° True radials; Great Falls, Mont., omnirange station; Cut Bank, Mont., omnirange station to the United States-Canadian Border via the Cut Bank omnirange 347° True radial.

§ 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.).* From the New Orleans, La., omnirange station via the Pensacola (Saufley Field), Fla., omnirange station; intersection of the Pensacola (Saufley Field) omnirange 039° True and the Crestview omnirange 260° True radials; Crestview, Fla., omnirange station; Marianna, Fla., omnirange station; Tallahassee, Fla., omnirange station; to the Jacksonville, Fla., omnirange station, including a north alternate from the Marianna omnirange station to the Jacksonville omnirange station via the point of intersection of the Marianna omnirange 094° True with the Albany, Ga., omnirange 152° True radials and the point of intersection of the Tallahassee omnirange 091° True with the Valdosta, Ga., omnirange 234° True radials. Those portions of this airway above 19,000 feet, above mean sea level, which lie within the Tyndall AFB restricted area (R–336), are excluded daily between sunset and sunrise. The portions of this airway, below 2000 feet above mean sea level, which lie within the Pensacola Caution Area (C–488) are excluded.

§ 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.).* From the San Diego, Calif., omnirange station via the Oceanside, Calif., omnirange station; Long Beach, Calif., omnirange station; intersection of the Long Beach omnirange 287° True and the Los Angeles omnirange 123° True radials; Los Angeles, Calif., omnirange station; intersection of the Los Angeles omnirange 355° True and the Bakersfield omnirange 149° True radials; Bakersfield, Calif., omnirange station; Fresno, Calif., omnirange station, including an east alternate; Modesto, Calif., omnirange station, including an east alternate via the intersection of the Fresno omnirange 328° True and the Modesto omnirange 117° True radials; intersection of the Modesto omnirange 341° True and the Sacramento omnirange 138° True radials; Sacramento, Calif., omnirange station, including a west alternate from the Modesto omnirange station to the Sacramento omnirange station via the intersection of the Modesto omnirange 312° True and the Sacramento omnirange 154° True radials; intersection of the Sacramento omnirange 346° True and the Red Bluff omnirange 158° True radials; Red Bluff, Calif., omnirange station; Fort Jones, Calif., omnirange station; Medford, Oreg., omnirange station, including an east alternate via the intersection of the Fort Jones omnirange 042° True and the Medford omnirange 157° True radials; Eugene, Oreg., omnirange station; Portland, Oreg., omnirange station, including a west alternate via the intersection of the Eugene omnirange 341° True and the Newburg omnirange 204° True radials, the Newburg, Oreg., omnirange station, and the intersection of the Newburg omnirange 020° True and the Portland omnirange 247° True radials; intersection of the Portland omnirange 353° True and the Seattle omnirange 197° True radials, excluding the portion which overlaps the Fort Lewis restricted area (R–244); Seattle, Wash., omnirange station, including a west alternate from the Portland omnirange station to the Seattle omnirange station via the intersection of the Portland omnirange 353° True and the Olympia omnirange 165° True radials, the Olympia, Wash., omnirange station and the point of intersection of the Olympia omnirange 337° True and the Seattle omnirange 247° True radials; intersection of the Seattle omnirange 359° True and the Bellingham omnirange 169° True radials; Bellingham, Wash., omnirange station; to the United States-Canadian Border via the Bellingham omnirange 304° True radials. The portion of this airway below 1,500 feet above mean sea level which overlaps the Fort Lewis restricted area (R–503) and the portion of this airway below 5,000 feet above mean sea level which overlaps the Fort Lewis restricted area (R–504) are excluded.

§ 600.6024 *VOR civil airway No. 24 (Aberdeen, S. Dak., to Redwood Falls, Minn.).* From the Aberdeen, S. Dak., omnirange station via the Watertown, S. Dak., omnirange station, including a north alternate; to the Redwood Falls, Minn., omnirange station, including a north alternate via the intersection of the Watertown omnirange 085° True and the Redwood Falls omnirange 305° True radials.

§ 600.6025 *VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.).* From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station; intersection of the Paso Robles omnirange 335° True and the San Francisco omnirange 141° True radials; San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 304° True and the Point Reyes omnirange 155° True radials; Point Reyes, Calif., omnirange station; point of intersection of the Point Reyes omnirange 352° True and the Ukiah, Calif., omnirange 147° True radials; Red Bluff, Calif., omnirange station; intersection of the Red Bluff omnirange 018° True and the Klamath Falls omnirange 181° True radials; Klamath Falls, Oreg., omnirange station; Redmond, Oreg., omnirange station; The Dalles, Oreg., omnirange station; Yakima, Wash., omnirange station, including an east alternate via the intersection of The Dalles omnirange 032° True and the Yakima omnirange 183° True radials; intersection of the Yakima omnirange 304° True and the Ellensburg omnirange 191° True radials; to the Ellensburg, Wash., omnirange station, excluding the portions of this airway which overlap the Yakima restricted area (R–247).

§ 600.6026 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio).* That airspace over United States territory from the Cherokee, Wyo., omnirange station via the Casper, Wyo., omnirange station; Rapid City, S. Dak., omnirange station; Philip, S. Dak., omnirange station, including a north alternate; Pierre, S. Dak., omnirange station, including a south alternate; Huron, S. Dak., omnirange station, including a south alternate; Redwood Falls, Minn., omnirange station, including a south alternate; Minneapolis, Minn., omnirange station, including a south alternate via the intersection of the Redwood Falls omnirange 076° True and the Minneapolis omnirange 194° True radials; Eau Claire, Wis., omnirange station, including a south alternate; Wausau, Wis., omnirange station, including a south alternate; Green Bay, Wis., omnirange station, including a south alternate; White Cloud, Mich., omnirange station; including a north alternate; Lansing, Mich., omnirange station; Salem, Mich., omnirange station; point of intersection of the Carleton, Mich., omnirange direct radial to the Jefferson, Ohio, omnirange station and the Cleveland omnirange direct radial to the Windsor, Ontario, omnirange station; to the Cleveland, Ohio, omnirange station.

§ 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.).* From the Camarillo, Calif., MF radio range via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station, including a west alternate via the intersection of the Santa Barbara omnirange 304° True and the Paso Robles omnirange 169° True radials; intersection of the Paso Robles omnirange 335° True and the Salinas omnirange 134° True radials; Salinas, Calif., omnirange station, including a west alternate from the Paso Robles omnirange station to the Salinas omnirange station via the intersection of the Paso Robles omnirange 314° True and the Salinas omnirange 149° True radials, excluding the portion which conflicts with the Fort Ord restricted area (R–284) and also excluding the portion which conflicts with the Camp Roberts restricted area (R–415) during the hours of daylight; intersection of the Salinas omnirange 319° True and the Point Reyes omnirange 155° True radials; Point Reyes, Calif., omnirange station, including an east alternate from the Salinas omnirange station to the Point Reyes omnirange station via the San Francisco, Calif., omnirange station and the Oakland, Calif., omnirange station and also a west alternate from the Salinas omnirange station to the Point Reyes omnirange station via the intersection of the Salinas omnirange 300°

True and the Point Reyes omnirange 155° True radials; intersection of the Point Reyes omnirange 352° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; Fortuna, Calif., omnirange station; Crescent City, Calif., omnirange station; North Bend, Oreg., omnirange station; Newport, Oreg., omnirange station; Hoquiam, Wash., omnirange station; to the Seattle, Wash., omnirange station, excluding the portion above 14,500 feet above mean sea level which lies beneath, and which conflicts with, the Olympic restricted area (R–241).

§ 600.6028 *VOR civil airway No. 28 (Oakland, Calif., to Reno, Nev.).* From the Oakland, Calif., omnirange station via the Modesto, Calif., omnirange station; to the Reno, Nev., omnirange station.

§ 600.6029 *VOR civil airway No. 29 (Salisbury, Md., to United States-Canadian Border).* From the Chincoteague, Va., Navy LF radio range station via the Salisbury, Md., omnirange station; Dover, Del., omnirange station; Woodstown, N. J., omnirange station; point of intersection of the Philadelphia, Pa., International Airport ILS localizer 256° True course and the West Chester omnirange 120° True radial; West Chester, Pa., omnirange station; Pottstown, Pa., omnirange station; Allentown, Pa., omnirange station; Scranton, Pa., omnirange station; Binghamton, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Watertown, N. Y., omnirange station; the intersection of the Watertown omnirange 33° True and the Massena omnirange 241° True radials; Massena, N. Y., omnirange station to the United States-Canadian Border via the Massena omnirange 38° True radial. The portions of this airway which overlap the Chincoteague restricted area (R–45) are excluded.

§ 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.).* From the Milwaukee, Wis., omnirange station via the Pullman, Mich., omnirange station, including a south alternate via the point of intersection of the Milwaukee omnirange 135° True and the Chicago Heights omnirange 358° True radials; Litchfield, Mich., omnirange station; Waterville, Ohio, omnirange station; intersection of the Waterville omnirange 111° True and the Wellington VAR west course; Wellington, Ohio, VAR station; intersection of the Wellington VAR east course and the Youngstown omnirange 250° True radial; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° True and the Allentown, Pa., omnirange 211° True radials; Colts Neck, N. J., omnirange station; to the point of intersection of the Colts Neck omnirange 078° True and the Idlewild, N. Y., omnirange 212° True radials. From the Idlewild, N. Y., omnirange station via the point of intersection of the Idlewild omnirange 083° True and the Nantucket omnirange 252° True radials to the Nantucket, Mass., omnirange station.

§ 600.6031 *VOR civil airway No. 31 (Baltimore, Md., to Rochester, N. Y.).* From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Williamsport, Pa., omnirange station; Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 354° True and the Rochester omnirange 130° True radials; to the Rochester, N. Y., omnirange station.

§ 600.6032 *VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.).* From the Battle Mountain, Nev., omnirange station via the Elko, Nev., omnirange station; Bonneville, Utah, omnirange station, including a north alternate from the Elko omnirange station to the Bonneville omnirange station via the Wells, Nev., omnirange station; Salt Lake City, Utah, omnirange station; to the Fort Bridger, Wyo., omnirange station.

§ 600.6033 *VOR civil airway No. 33 (Baltimore, Md., to Buffalo, N. Y.).* From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Philipsburg, Pa., omnirange station; Bradford, Pa., omnirange station to the Buffalo, N. Y., omnirange station.

§ 600.6034 *VOR civil airway No. 34 (Rochester, N. Y., to Wilton, Conn.).* From the Rochester, N. Y., omnirange station via the Binghamton, N. Y., omnirange station; Wilton, Conn., omnirange station; to the point of intersection of the Wilton omnirange 090° True and the Norwich, Conn., omnirange 224° True radials. The portion of this airway below 6000 feet above mean sea level, within the West Point restricted area (R–93), is excluded daily from sunrise to sunset during the period from March 1 to November 1 each year.

§ 600.6035 *VOR civil airway No. 35 (Miami, Fla., to Syracuse, N. Y.).* From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 276° True and the Fort Myers omnirange 142° True radials; Fort Myers, Fla., omnirange station; Tampa, Fla., omnirange station; Tallahassee, Fla., omnirange station; Albany, Ga., omnirange station; Macon, Ga., omnirange station; Royston, Ga., omnirange station; Asheville, N. C., omnirange station; Tri-City, Tenn., omnirange station; intersection of the Tri-City omnirange 012° True and the Charleston omnirange 185° True radials; Charleston, W. Va., omnirange station; Parkersburg, W. Va., omnirange station; intersection of Parkersburg omnirange 060° True and the Pittsburgh omnirange 223° True radials; Pittsburgh, Pa,, omnirange station; Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station; to the Syracuse, N. Y., omnirange station, including an east alternate via the intersection of the Elmira omnirange 047° True and the Syracuse omnirange 177° True radials. The portion of this airway above 19,000 feet above mean sea level, which lies within the Tyndall AFB Restricted Area (R–336), is excluded daily between sunset and sunrise.

§ 600.6036 *VOR civil airway No. 36 (Toronto, Ontario, to New York, N. Y.)* That airspace over United States territory from the Toronto, Ont., omnirange station via the intersection of the Toronto omnirange 141° True and the Buffalo omnirange 312° True radials; Buffalo, N. Y., omnirange station; Elmira, N. Y., omnirange station, including a south alternate; Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6037 *VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.).* From the Savannah, Ga., omnirange station via the Columbia, S. C., omnirange station to the Charlotte, N. C., omnirange station. From the Pulaski, Va., omnirange station to the point of intersection of the Charleston, W. Va., omnirange 129° True and the Montebello, Va., omnirange 256° True radials. From the Elkins, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; to the Erie, Pa., omnirange station.

§ 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.).* From the Iowa City, Iowa, omnirange station via the intersection of the Iowa City omnirange 093° True and the Joliet, omnirange 265° True radials; Joliet, Ill., omnirange station; Peotone, Ill., omnirange station; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 099° True and the Findlay omnirange 276° True radials; Findlay, Ohio, omnirange station; Appleton, Ohio, omnirange station, including a south alternate via the point of intersection of the Findlay omnirange 144° True and the Mansfield, Ohio, omnirange 241° True radials; Parkersburg, W. Va., omnirange station; to the Elkins, W. Va., omnirange station.

§ 600.6039 *VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine).* From the South Boston, Va., omnirange station via the Gordonsville, Va., omnirange station; Herndon, Va., omnirange station; to the point of intersection of the Herndon omnirange 045° True and the Baltimore, Md., omnirange 346° True radials. From the intersection of the Baltimore, Md., omnirange 015° True and the Allentown, Pa., omnirange 228° True radials via the Allentown, Pa., omnirange station; Stroudsburg, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Gardner, Mass., omnirange station; Concord, N. H., omnirange station; to the Kennebunk, Maine, omnirange station.

§ 600.6040 *VOR civil airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.).* From the point of intersection of the Mansfield, Ohio, omnirange 345° True radial and the Wellington VAR west course via the Wellington, Ohio, VAR station; intersection of the Wellington VAR east course and the Cleveland omnirange 132° True radial; intersection of the Cleveland omnirange 132° True and the Pittsburgh omnirange 291° True radials; to the Pittsburgh, Pa., omnirange station.

§ 600.6041 *VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio).* From the Pittsburgh, Pa., omnirange station via the intersection of the Pittsburgh omnirange 326° True and the Youngstown 180° True radials to the Youngstown, Ohio, omnirange station.

§ 600.6042 *VOR civil airway No. 42 (Flint, Mich., to Washington, D. C.).* That airspace over United States territory from the point of intersection of the Lansing, Mich., omnirange 068° True and the Salem, Mich., omnirange 342° True radials via the Windsor, Ont., omnirange station; Cleveland, Ohio, omnirange station; intersection of the Cleveland omnirange 116° True and the Pittsburgh omnirange 311° True radials; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station; Martinsburg, W. Va., omnirange station; to the Washington, D. C., terminal omnirange station.

§ 600.6043 *VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.).* From the Appleton, Ohio, omnirange station via the Youngstown, Ohio, omnirange station to the Erie, Pa., omnirange station.

§ 600.6044 *VOR civil airway No. 44 (Louisville, Ky., to Baltimore, Md.).* From the Louisville, Ky., omnirange station via the York, Ky., omnirange station; Parkersburg, W. Va., omnirange station; Morgantown, W. Va., omnirange station; Martinsburg, W. Va., omnirange station; Baltimore, Md., omnirange station; to the point of intersection of the Baltimore omnirange 100° True and the Dover, Del., omnirange 244° True radials, except that that portion of this civil airway which overlaps the Aberdeen restricted area (R–54) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.6045 *VOR civil airway No. 45 (Lexington, Ky., to Lansing, Mich.).* From the Lexington, Ky., omnirange station via the York, Ky., omnirange station; Appleton, Ohio, omnirange station; to the Waterville, Ohio, omnirange station. From the point of intersection of the Waterville omnirange 328° True and the Litchfield, Mich., omnirange 090° True radials to the Lansing, Mich., omnirange station. The portions of this airway which conflict with the Wilmington restricted area (R–109) are excluded.

§ 600.6046 *VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.).* From the point of intersection of the Riverhead, N. Y., omnirange 262° True and the Wilton, Conn., omnirange 198° True radials via the Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 085° True and the Nantucket omnirange 252° True radials to the Nantucket, Mass., omnirange station, including a south alternate from the Riverhead omnirange station to the Nantucket, Mass., omnirange station via the intersection of the Riverhead omnirange 109° True and the Nantucket omnirange 252° True radials. The portions of this airway and its associated south alternate below 7,950 feet above mean sea level which lie within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this Chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 356° True and the Cincinnati omnirange 241° True radials; Cincinnati, Ohio, omnirange station; Dayton, Ohio, omnirange station, including a west alternate via the intersection of the Cincinnati omnirange 004° True and the Dayton omnirange 227° True radials; Findlay, Ohio omnirange station, including a west alternate; Waterville, Ohio, omnirange station; point of intersection of the Carleton, Mich., omnirange 264° True radial and the Detroit Willow Run Airport ILS localizer front course; Detroit, Mich., Willow Run Airport ILS localizer; to the point of intersection of the Detroit Willow Run Airport ILS localizer back course and the Salem, Mich., omnirange direct radial to the Windsor, Ont., omnirange station.

§ 600.6048 *VOR civil airway No. 48 (Burlington, Iowa, to Pontiac, Ill.).* From the Burlington, Iowa, omnirange station via the Peoria, Ill., omnirange station; to the Pontiac, Ill., omnirange station.

§ 600.6049 *VOR civil airway No. 49 (Dillon, Mont., to Great Falls, Mont.).* From the Dillon, Mont., omnirange station via the Butte, Mont., omnirange station; intersection of the Butte omnirange 002° True and the Helena, Mont., omnirange 272° True radials; intersection of the Helena, Mont., omnirange 272° True and the Great Falls omnirange 222° True radials; to the Great Falls, Mont., omnirange station.

§ 600.6050 *VOR civil airway No. 50 (Kirksville, Mo., to Indianapolis, Ind.).* From the Kirksville, Mo., omnirange station via the Quincy, Ill., omnirange station, including a south alternate via the intersection of the Kirksville omnirange 121° True and the Quincy omnirange 258° True radials; Springfield, Ill., omnirange station; Terre Haute, Ind., omnirange station; to the point of intersection of the Terre Haute omnirange 082° True radial and the Indianapolis, Ind., Wier Cook Airport ILS localizer 225° True course.

§ 600.6051 *VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.).* From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 338° True and the Vero Beach omnirange 192° True radials; Vero Beach, Fla., omnirange station; Daytona Beach, Fla., omnirange station; Jacksonville, Fla., omnirange station; intersection of the Jacksonville omnirange 319° True and the Alma omnirange 148° True radials; Alma, Ga., omnirange station, including an east and a west alternate from the Jacksonville omnirange station to the Alma omnirange station; Macon, Ga., omnirange station; intersection of the Macon omnirange 330° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station, including a west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Crossville, Tenn., omnirange station, including an east alternate via the intersection of the Chattanooga omnirange 063° True and the Crossville omnirange 171° True radials; Louisville, Ky., omnirange station; intersection of the Louisville omnirange 356° True and the Indianapolis omnirange 137° True radials; Indianapolis, Ind., omnirange station; Lafayette, Ind., omnirange station; Chicago Heights, Ill., omnirange station; to the point of intersection of the Chicago Heights, Ill., omnirange 342° True and the Naperville, Ill., omnirange 090° True radials. The portions of this airway which overlap the Sterling restricted area (R–169 and R–170) are excluded.

§ 600.6052 *VOR civil airway No. 52 (Des Moines, Iowa, to St. Louis, Mo.).* From the Des Moines, Iowa, omnirange station via Ottumwa, Iowa, omnirange station, including a south alternate; Quincy, Ill., omnirange station, including a north alternate, to the St. Louis, Mo., omnirange, including a north alternate.

§ 600.6053 *VOR Civil airway No. 53 (Charleston, S. C., to Chicago, Ill.).* From the Charleston, S. C., omnirange station via the Columbia, S. C., omnirange station; Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station; Tri-City, Tenn., omnirange station; Lexington, Ky., omnirange station; Louisville, Ky., omnirange station; intersection of the Louisville omnirange 333° True and the Indianapolis omnirange 170° True radials; Indianapolis, Ind., omnirange station; Lafayette, Ind., omnirange station, including a west alternate; Peotone, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station.

§ 600.6054 *VOR civil airway No. 54 (Quitman, Tex., to Charlotte, N. C.).* From the Quitman, Tex., omnirange station via the Texarkana, Ark., omnirange station; Little Rock, Ark., omnirange station, including a north alternate via the intersection of the Texarkana omnirange 031° True and the Little Rock omnirange 255° True radials; intersection of the Little Rock omnirange 077° True and the Memphis omnirange 261° True radials; Memphis, Tenn., omnirange station, including a north alternate from the Little Rock omnirange station to the Memphis omnirange station via the intersection of the Little Rock omnirange 062° True and the Memphis omnirange 276° True radials; Muscle Shoals, Ala., omnirange station; Huntsville, Ala., omnirange station; Chattanooga, Tenn., omnirange station; Spartanburg, S. C., omnirange station; to the Charlotte, N. C., omnirange station.

§ 600.6055 *VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.).* From the Dayton, Ohio, omnirange sta-

tion via the Fort Wayne, Ind., omnirange station, including a west alternate; Goshen, Ind., omnirange station; South Bend, Ind., omnirange station; Keeler, Mich., omnirange station; Pullman, Mich., omnirange station; Muskegon, Mich., omnirange station; intersection of the Muskegon omnirange 352° True and the Green Bay omnirange 118° True radials; to the Green Bay, Wis., omnirange station.

§ 600.6056 *VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.).* From the Montgomery, Ala., omnirange station via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 266° True radials; Columbus, Ga., omnirange station; Macon, Ga., omnirange station; Augusta, Ga., omnirange station; Columbia, S. C., omnirange station; to the Florence, S. C., omnirange station; including a north alternate via the intersection of the Columbia omnirange 004° True and the Florence omnirange 268° True radials. The portions of this airway which overlap the Savannah River Airspace Reservation (P–378) and the Fort Benning restricted area (R–129) are excluded.

§ 600.6057 *VOR civil airway No. 57 (Graham, Tenn., to Scotland, Ind.).* From the Graham, Tenn., omnirange station via the Bowling Green, Ky., omnirange station; to the Scotland, Ind., omnirange station.

§ 600.6058 *VOR civil airway No. 58 (Berlholz, Ohio, to Hartford, Conn.).* From the point of intersection of the Youngstown, Ohio, omnirange 195° True and the Wheeling, W. Va., omnirange 313° True radials via the Ellwood City, Pa., omnirange station; intersection of the Ellwood City omnirange 087° True and the Philipsburg omnirange 267° True radials; Philipsburg, Pa., omnirange station; Williamsport, Pa., omnirange station; intersection of the Williamsport omnirange 088° True and the Wilkes-Barre-Scranton omnirange 238° True radials; Wilkes-Barre-Scranton, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Hartford, Conn., omnirange station; to the point of intersection of the Hartford omnirange 130° True and the River Head, N. Y., omnirange 042° True radials.

§ 600.6060 *VOR civil airway No. 60 (Albuquerque, N. Mex., to Lubbock, Tex.).* From the Albuquerque, N. Mex., omnirange station via the Otto, N. Mex., omnirange station, including a south alternate; Las Vegas, N. Mex., omnirange station; Tucumcari, N. Mex., omnirange station; intersection of the Tucumcari omnirange 146° True and the Lubbock omnirange 311° True radials; to the Lubbock, Tex., omnirange station.

§ 600.6061 *VOR civil airway No. 61 (Fort Worth, Tex., to Lawton, Okla.).* From the Fort Worth, Tex., omnirange station via the intersection of the Fort Worth omnirange 315° True and the Wichita Falls omnirange 139° True radials; Wichita Falls, Tex., omnirange station, to the Lawton, Okla., omnirange station.

§ 600.6062 *VOR civil airway No. 62 (Santa Fe, N. Mex., to Lubbock, Tex.).* From the Santa Fe, N. Mex., omnirange station via the Anton Chico, N. Mex., omnirange station; intersection of the Anton Chico omnirange 109° True and the Lubbock omnirange 311° True radials; to the Lubbock, Tex., omnirange station.

§ 600.6063 *VOR civil airway No. 63 (Waco, Tex., to Milwaukee, Wis.).* From the Waco, Tex., omnirange station via the intersection of the Waco omnirange 036° True and the Sulphur Springs omnirange 234° True radials; to the Sulphur Springs, Tex., omnirange station. From the McAlester, Okla., omnirange station via the Fayetteville, Ark., omnirange station; Springfield, Mo., omnirange station; Columbia, Mo., omnirange station; Quincy, Ill., omnirange station; Burlington, Iowa, omnirange station; Moline, Ill., omnirange station; Janesville, Wis., omnirange station, including a west alternate; to the Milwaukee, Wis., omnirange station, including a west alternate via the intersection of the Janesville omnirange 031° True and the Milwaukee omnirange 273° True radials.

§ 600.6064 *VOR civil airway No. 64 (Long Beach, Calif., to Blythe, Calif.).* From the Long Beach, Calif., omnirange station via the Thermal, Calif., omnirange station; to the Blythe, Calif., omnirange station.

§ 600.6065 *VOR civil airway No. 65 (Kansas City, Mo., to Lamoni, Iowa).* From the point of intersection of the Kansas City, Mo., omnirange 231° True and the St. Joseph, Mo., omnirange 178° True radials via the St. Joseph, Mo., omnirange station; to the Lamoni, Iowa, omnirange station.

§ 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Sulphur Springs, Tex.).* That airspace over United States territory from the San Diego, Calif., omnirange station via the intersection of the San Diego omnirange 098° True and Yuma omnirange 267° True radials; Yuma, Ariz., omnirange station; intersection of the Yuma omnirange 87° True and the Gila Bend omnirange 261° True radials; Gila Bend, Ariz., omnirange station; Tucson, Ariz., omnirange station including a north alternate via the intersection of the Gila Bend omnirange 100° True and the Tucson omnirange 315° True radials; Douglas, Ariz., omnirange station; the intersection of the Douglas 63° True and the Columbus, N. Mex., omnirange 277° True radials; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station, including a north alternate; Hudspeth, Tex., omnirange station; Culberson, Tex., omnirange station; intersection of the Culberson omnirange 090° True and the Midland omnirange 234° True radials; Midland, Tex., omnirange station; Big Spring, Tex., omnirange station; Abilene, Tex., omnirange station; intersection of the Abilene omnirange 066° True and the Fort Worth omnirange 248° True radials; Fort Worth, Tex., omnirange station; to the Sulphur Springs, Tex., omnirange station.

§ 600.6067 *VOR civil airway No. 67 (Waterloo, Iowa, to Rochester, Minn.).* From the Waterloo, Iowa, omnirange station via the Mason City, Iowa, omnirange station to the Rochester, Minn., omnirange, including a west alternate.

§ 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.).* That airspace over United States territory from the Albuquerque, N. Mex., omnirange station via the intersection of the Albuquerque omnirange 120° True and the Corona omnirange 311° True radials; Corona, N. Mex., omnirange station, including a north alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque omnirange 103° True and the Corona omnirange 328° True radials and also a south alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque omnirange 169° True and the Corona omnirange 272° True radials; Roswell, N. Mex., omnirange station, including a north alternate via the intersection of the Corona omnirange 125° True and the Roswell omnirange 335° True radials; Hobbs, N. Mex., omnirange station; Midland, Tex., omnirange station, including a south alternate; San Angelo, Tex., omnirange station, including a south alternate; Junction, Tex., omnirange station, including a south alternate via the intersection of the San Angelo omnirange 181° True and the Junction omnirange 310° True radials; San Antonio, Tex., omnirange station, including a north alternate via the point of intersection of the San Antonio omnirange 334° True and the Lometa, Tex., omnirange 192° True radials; intersection of the San Antonio omnirange 168° True and the Corpus Christi omnirange 321° True radials; Corpus Christi, Tex., omnirange station; intersection of the Corpus Christi omnirange 236° True and the Alice, Tex., omnirange 171° True radials; intersection of the Alice omnirange 171° True and the Brownsville omnirange 339° True radials; to the Brownsville, Tex., omnirange station. The portions of this airway which conflict with the Corpus Christi Restricted Area (R–227) are excluded.

§ 600.6069 *VOR civil airway No. 69 (Pine Bluff, Ark., to Chicago, Ill.).* From the Pine Bluff, Ark., omnirange station via the point of intersection of the Little Rock, Ark., omnirange 062° True and the Memphis, Tenn., omnirange 276° True radials; Walnut Ridge, Ark., omnirange station; Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station; Springfield, Ill., omnirange station; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station.

§ 600.6070 *VOR civil airway No. 70 (Corpus Christi, Tex., to Baton Rouge, La.).* From the Corpus Christi, Tex., omnirange station via the Palacios, Tex., omnirange station; Galveston, Tex., omnirange station; Lake Charles, La., omnirange station; Lafayette, La., omnirange station; Baton Rouge, La., omnirange station; to the point of intersection of the Baton Rouge omnirange 092° True and the New Orleans, La., omnirange 001° True radials.

§ 600.6071 *VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.).* From the Pine Bluff, Ark., omnirange station via the intersection of the Pine Bluff omnirange 007° True and the Little Rock omnirange 141° True radials to the Little Rock, Ark., omnirange station. From the Flippin, Ark., omnirange station via the Springfield, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate via the intersection of the Springfield omnirange 301° True and the Butler omnirange 178° True radials; to the Kansas City, Mo., omnirange station.

§ 600.6072 *VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.).* From the Troy, Ill., omnirange station via the Vandalia, Ill., omnirange station; Lafayette, Ind., omnirange station; to the point of intersection of the Lafayette omnirange 089° True and the Fort Wayne, Ind., omnirange 226° True radials. From the Findlay, Ohio, omnirange station via the Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station; Bradford, Pa., omnirange station; Elmira, N. Y., omnirange station; Binghamton, N. Y., omnirange station; to the Albany, N. Y., omnirange station.

§ 600.6073 *VOR civil airway No. 73 (Wichita, Kans., to Salina, Kans.).* From the Wichita, Kans., omnirange station via the Hutchinson, Kans., omnirange station; intersection of the Hutchinson omnirange 025° True and the Salina omnirange 184° True radials; to the Salina, Kans., omnirange station.

§ 600.6074 *VOR civil airway No. 74 (Dodge City, Kans., to Little Rock, Ark.).* From the Dodge City, Kans., omnirange station via the Anthony, Kans., omnirange station; Ponca City, Okla., omnirange Station; Tulsa, Okla., omnirange station, including a south alternate; Fort Smith, Ark., omnirange station, including a north alternate from the Tulsa omnirange station to the Fort Smith omnirange station via the point of intersection of the Tulsa omnirange 091° True and the Neosho, Mo., omnirange 227° True radials; intersection of the Fort Smith omnirange 098° True and the Little Rock omnirange 302° True radials; to the Little Rock, Ark., omnirange station.

§ 600.6075 *VOR civil airway No. 75 (Richmond, Va., to Cleveland, Ohio).* From the Flat Rock, Va., omnirange station to the Gordonsville, Va., omnirange station. From the point of intersection of the Morgantown, W. Va., omnirange 134° True and the Elkins, W. Va., omnirange 83° True radials via the Morgantown, W. Va., omnirange station; Wheeling, W. Va., omnirange station to the Cleveland, Ohio, omnirange station.

§ 600.6076 *VOR civil airway No. 76 (Lubbock, Tex., to Galveston, Tex.).* From the Lubbock, Tex., omnirange station via the intersection of the Lubbock omnirange 180° True and the Big Spring omnirange 331° True radials; Big Spring, Tex., omnirange station; San Angelo, Tex., omnirange station, including a north alternate; Austin, Tex., omnirange station; Houston, Tex., omnirange station; to the Galveston, Tex., omnirange station.

§ 600.6077 *VOR civil airway No. 77 (San Angelo, Tex., to Des Moines, Iowa).* From the San Angelo, Tex., omnirange station via the Abilene, Tex., omnirange station, including an east alternate via the intersection of the San Angelo omnirange 072° True and the Abilene omnirange 181° True radials; Wichita Falls, Tex., omnirange station, including an east alternate; intersection of the Wichita Falls omnirange 028° True and the Oklahoma City omnirange 202° True radials; Oklahoma City, Okla., omnirange station including an east alternate from the Wichita Falls omnirange station to the Oklahoma City omnirange station via the intersection of the Wichita Falls omnirange 043° True and the Oklahoma City omnirange 180° True radials excluding those portions of this airway which overlap the Fort Sill restricted area (R–208); Ponca City, Okla., omnirange station; intersection of the Ponca City omnirange 327° True and the Wichita omnirange 226° True radials; Wichita, Kans., omnirange station; Topeka, Kans., omnirange station; St. Joseph, Mo., omnirange station; Lamoni, Iowa, omnirange station; to the Des Moines, Iowa, omnirange station.

§ 600.6078 *VOR civil airway No. 78 (Huron, S. Dak., to Minneapolis, Minn.).* From the Huron, S. Dak., omnirange station via the Watertown, S., Dak., omnirange station, including a south alternate; to the Minneapolis, Minn., omnirange station.

§ 600.6079 *VOR civil airway No. 79 (Culberson, Tex., to Lubbock, Tex.).* From the Culberson, Tex., omnirange station via the intersection of the Culberson omnirange 90° True and the Wink omnirange 235° True radials; Wink, Tex., omnirange station; Hobbs, N. Mex., omnirange station; the intersection of the Hobbs omnirange 86° True and the Lubbock omnirange 199° True radials to the Lubbock, Tex., omnirange station.

§ 600.6080 *VOR civil airway No. 80 (Sioux Falls, S. Dak., to Redwood Falls, Minn.).* From the Sioux Falls, S. Dak., omnirange station to the Redwood Falls, Minn., omnirange station, including a south alternate.

§ 600.6081 *VOR civil airway No. 81 (Midland, Tex., to Amarillo, Tex.).* From the Midland, Tex., omnirange station via the Lubbock, Tex., omnirange station to the Amarillo, Tex., omnirange station, including an east alternate.

§ 600.6082 *VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).* From the Minneapolis, Minn., omnirange station via the Rochester, Minn., omnirange station, including a south alternate via the intersection of the Minneapolis omnirange 179° True and the Rochester omnirange 318° True radials; to the La Crosse, Wis., omnirange station, including a south alternate.

§ 600.6083 *VOR civil airway No. 83 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).* From the Carlsbad, N. Mex., omnirange station via the Roswell, N. Mex., omnirange station; Corona, N. Mex., omnirange station, including an east alternate, via the intersection of the Roswell omnirange 335° True and the Corona omnirange 125° True radials; Otto, N. Mex., omnirange station; to the Santa Fe, N. Mex., omnirange station.

§ 600.6084 *VOR civil airway No. 84 (Bradford, Ill., to Buffalo, N. Y.).* That airspace over United States territory from the Bradford, Ill., omnirange via the Joliet, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station. From the Wheeling, Ill., omnirange station via the Pullman, Mich., omnirange station; Lansing, Mich., omnirange station; Selfridge, Mich., omnirange station; London, Ontario, omnirange station; to the Buffalo, N. Y. omnirange station.

§ 600.6085 *VOR civil airway No. 85 (Rock River, Wyo., to Casper, Wyo.).* From the Rock River, Wyo., omnirange station to the Casper, Wyo., omnirange station, including a west alternate via the intersection of the Rock River omnirange 336° True and the Casper omnirange 216° True radials.

§ 600.6086 *VOR civil airway No. 86 (Butte, Mont., to Bozeman, Mont.).* From the Butte, Mont., omnirange station via the Whitehall, Mont., omnirange station to the Bozeman, Mont., omnirange station.

§ 600.6087 *VOR civil airway No. 87 (Gila Bend, Ariz., to Hassayampa, Ariz.).* From the Gila Bend, Ariz., omnirange station to the Hassayampa, Ariz., omnirange station.

§ 600.6088 *VOR civil airway No. 88 (Tulsa, Okla., to Vichy, Mo.).* From the Tulsa, Okla., omnirange station via the intersection of the Tulsa omnirange 050° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Vichy, Mo., omnirange station; to the point of intersection of the Vichy omnirange 084° True and the St. Louis, Mo., omnirange 170° True radials.

§ 600.6089 *VOR civil airway No. 89 (Denver, Colo., to Rapid City, S. Dak.).* From the Denver, Colo., omnirange station via the Cheyenne, Wyo., omnirange station, including an east alternate via the intersection of the Denver omnirange 016° True and the Cheyenne omnirange 131° True radials; Chadron, Nebr., omnirange station, including an east alternate via the intersection of the Cheyenne omnirange 054° True and the Chadron omnirange 197° True radials; to the Rapid City, S. Dak., omnirange station, including an east alternate. The portion of this which overlaps the Scenic restricted area (R–190) is excluded.

§ 600.6090 *VOR civil airway No. 90 (Litchfield, Mich., to Windsor, Ontario).* That airspace over United States territory from the Litchfield, Mich., omnirange station to the Windsor, Ontario, omnirange station.

§ 600.6091 *VOR civil airway No. 91 (New York, N. Y., to Montreal, Quebec).* That airspace over U. S. territory from the Idlewild, N. Y., omnirange station via

the point of intersection of the Idlewild omnirange 042° True and the Wilton omnirange 185° True radials; Wilton, Conn., omnirange station; Poughkeepsie, N. Y., omnirange station; Albany, N. Y., omnirange station, including an east alternate via the intersection of the Poughkeepsie omnirange 007° True and the Albany omnirange 140° True radials and also a west alternate; Plattsburg, N. Y., omnirange station; to the Montreal, Quebec, omnirange station.

§ 600.6092 *VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.).* From the Chicago Heights, Ill., omnirange station via the Goshen, Ind., omnirange station; Waterville, Ohio, omnirange station; Mansfield, Ohio, omnirange station; point of intersection of the Pittsburgh, Pa., omnirange 291° True and the Youngstown, Ohio, omnirange 195° True radials; Wheeling, W. Va., omnirange station; Grantsville, Md., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

§ 600.6093 *VOR civil airway No. 93 (Washington, D. C., to Presque Isle, Maine).* That airspace over the United States territory from the Riverdale, Md., nondirectional radio beacon via the Baltimore, Md., omnirange station; intersection of the Baltimore omnirange 015° True and the Allentown omnirange 228° True radials; Allentown, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; Albany, N. Y., omnirange station; intersection of the Albany omnirange 099° True and the Concord omnirange 231° True radials; Concord, N. H., omnirange station; intersection of the Concord omnirange 041° True and the Augusta omnirange 239° True radials; Augusta, Maine, omnirange station; Bangor, Maine, omnirange station; Princeton, Maine, omnirange station; Houlton, Maine, omnirange station; to the Presque Isle, Maine, omnirange station. The portions of this airway which overlap the Washington, D. C., prohibited area (P-56) are excluded.

§ 600.6094 *VOR civil airway No. 94 (Salt Flat, Tex., to Longview, Tex.).* From the Salt Flat, Tex., omnirange station via the Carlsbad, N. Mex., omnirange station to the Hobbs, N. Mex., omnirange station. From the Abilene, Tex., omnirange station via the intersection of the Abilene omnirange 096° True and the Britton omnirange 264° True radials; Britton, Tex., omnirange station; to the Gregg County, Tex., omnirange station.

§ 600.6095 *VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).* From the Phoenix, Ariz., omnirange station to the Winslow, Ariz., omnirange station.

§ 600.6096 *VOR civil airway No. 96 (Lafayette, Ind., to Toledo, Ohio).* From the Lafayette, Ind., omnirange station via the intersection of the Lafayette omnirange 089° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; to the Waterville, Ohio, omnirange station.

§ 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Alexandria, Minn.).* From the Miami, Fla., omnirange station via the Tampa, Fla., omnirange station; Tallahassee, Fla., omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the Cross City, Fla., omnirange station; Albany, Ga., omnirange station; Atlanta, Ga., omnirange station; Knoxville, Tenn., omnirange station, including an east alternate from the Atlanta omnirange station to the Knoxville omnirange station via the Norcross, Ga., omnirange station and the intersection of the Norcross omnirange 014° True and the Knoxville omnirange 175° True radials; Lexington, Ky., omnirange station; intersection of the Lexington omnirange 347° True and the Cincinnati omnirange 175° True radials; Cincinnati, Ohio, omnirange station; Indianapolis, Ind., omnirange station, including an east and a west alternate; intersection of the Indianapolis omnirange 341° True and the Chicago Heights omnirange 143° True radials; Chicago Heights, Ill., omnirange station; intersection of the Chicago Heights omnirange 342° True and the Janesville omnirange 107° True radials; Janesville, Wis., omnirange station; Lone Rock, Wis., omnirange station, including a west alternate via the intersection of the Janesville omnirange 282° True and the Lone Rock omnirange 161° True radials; La Crosse, Wis., omnirange station; intersection of the La Crosse omnirange 311° True radial and the Minneapolis-St. Paul International Airport ILS 121° True localizer course; Minneapolis-St. Paul, Minn., International Airport ILS localizer; intersection of the Minneapolis-St. Paul International Airport ILS 301° True localizer course and the Alexandria omnirange 136° True radial; to the Alexandria, Minn., omnirange station. The portions of this airway above 19,000 feet above mean sea level, which lie within the Tyndall AFB restricted area (R-336) and the Tyndall AFB warning area (W-337) are excluded daily between sunset and sunrise.

§ 600.6098 *VOR civil airway No. 98 (Fort Wayne, Ind., to Montreal, Quebec).* That airspace over United States territory from the Fort Wayne, Ind., omnirange station via the Carleton, Mich., omnirange station; Windsor, Ontario, omnirange station; London, Ontario, omnirange station; Toronto, Ontario, omnirange station; Stirling, Ontario, omnirange station; Massena, N. Y., omnirange station; to the Montreal, Quebec, omnirange station.

§ 600.6099 *VOR civil airway No. 99 (Newport, Oreg., to Vancouver, British Columbia).* That airspace over United States territory from the Newport, Oreg., omnirange station via the intersection of the Newport omnirange 023° True and the Newberg omnirange 251° True radials; Newberg, Oreg., omnirange station; intersection of the Newberg omnirange 359° True and the Olympia omnirange 184° True radials; Olympia, Wash., omnirange station; point of intersection of the Seattle, Wash., omnirange 223° True and the Bellingham omnirange 169° True radials; Bellingham, Wash., omnirange station; to the Vancouver, British Columbia, radio range station, excluding the portion of this airway, below 14,000 feet above mean sea level, which overlaps the Fort Lewis restricted area (R-505).

§ 600.6100 *VOR civil airway No. 100 (North Platte, Nebr., to Detroit, Mich.).* From the North Platte, Nebr., omnirange station via the Sioux City, Iowa, omnirange station; Waterloo, Iowa, omnirange station; to the Polo, Ill., omnirange station. From the Wheeling, Ill., omnirange station via the intersection of the Wheeling omnirange 093° True and the Keeler omnirange 271° True radials; Keeler, Mich., omnirange station; point of intersection of the Litchfield, Mich., omnirange 050° True and the Salem omnirange 257° True radials; to the Salem, Mich., omnirange station.

§ 600.6101 *VOR civil airway No. 101 (Ogden, Utah, to Burley, Idaho).* From the Ogden, Utah, omnirange station to the Burley, Idaho, omnirange station.

§ 600.6102 *VOR civil airway No. 102 (Lubbock, Tex., to Wichita Falls, Tex.).* From the Lubbock, Tex., omnirange station via the Guthrie, Tex., omnirange station to the Wichita Falls, Tex., omnirange station.

§ 600.6103 *VOR civil airway No. 103 (Elkins, W. Va., to Cleveland, Ohio).* From the Elkins, W. Va., omnirange station via the Wheeling, W. Va., omnirange station; intersection of the Wheeling omnirange 313° True and the Mansfield, Ohio, omnirange 100° True radials; intersection of the Mansfield omnirange 100° True and the Cleveland omnirange 150° True radials; to the Cleveland, Ohio, omnirange station.

§ 600.6104 *VOR civil airway No. 104 (United States-Canadian Border to Plattsburg, N. Y.).* From the United States-Canadian Border via the Massena omnirange 318° True radial to the Massena, N. Y., omnirange station; to the Plattsburg, N. Y., omnirange station.

§ 600.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Las Vegas, Nev.).* From the Phoenix, Ariz., omnirange station via the Prescott, Ariz., omnirange station, including an east alternate via the intersection of the Phoenix omnirange 004° True and the Prescott omnirange 135° True radials; to the Las Vegas, Nev., omnirange station.

§ 600.6106 *VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine).* From the Charleston, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Johnstown, Pa., omnirange station, including a north alternate via the intersection of the Morgantown omnirange 021° True and the Pittsburgh omnirange 117° True radials; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Gardner, Mass., omnirange station; intersection of the Gardner omnirange 060° True and the Kennebunk, Maine, omnirange 223° True radials; to the Kennebunk, Maine, omnirange station.

§ 600.6107 *VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 301° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station; Coalinga, Calif., omnirange station; Oakland, Calif., omnirange station; intersection of the Oakland omnirange 330° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; to the Red Bluff, Calif., omnirange station.

§ 600.6109 *VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.).* From the Paso Robles, Calif., omnirange station via the Coalinga, Calif., omnirange station to the Fresno, Calif., omnirange station.

§ 600.6110 *VOR civil airway No. 110 (San Francisco, Calif., to Altamont, Calif.).* From the point of intersection of the San Francisco omnirange 218° True and the Salinas omnirange 319° True radials via the San Francisco, Calif., omnirange station to the intersection of the San Francisco omnirange 038° True and the Modesto omnirange 273° True radials.

§ 600.6111 *VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).* From the Salinas, Calif., omnirange station to the point of intersection of the San Francisco omnirange 111° True and the Salinas omnirange 049° True radials.

§ 600.6112 *VOR civil airway No. 112 (Portland, Oreg., to Spokane, Wash.).* From the Portland, Oreg., omnirange station via the The Dalles, Oreg., omnirange station; intersection of the The Dalles omnirange 096° True and the Pendleton omnirange 254° True radials; Pendleton, Oreg., omnirange station; to the Spokane, Wash., omnirange station.

§ 600.6113 *VOR civil airway No. 113 (Paso Robles, Calif., to Reno, Nev.).* From the Paso Robles, Calif., omnirange station via the intersection of the Paso Robles omnirange 352° True and the Modesto omnirange 176° True radials; Modesto, Calif., omnirange station to the Reno, Nev., omnirange station.

§ 600.6114 *VOR civil airway No. 114 (Pueblo, Colo., to New Orleans, La.).* From the Pueblo, Colo., omnirange station via the Dalhart, Tex., omnirange station; Amarillo, Tex., omnirange station, including a north alternate; Childress, Tex., omnirange station, including a south alternate; Wichita Falls, Tex., omnirange station; Dallas, Tex., omnirange station; intersection of the Dallas 135° True and the Gregg County omnirange 273° True radials; Gregg County, Tex., omnirange station, including a north alternate from the Dallas omnirange station to the Gregg County omnirange station via the Quitman, Tex., omnirange station; point of intersection of the Shreveport, La., omnirange 176° True and the Alexandria omnirange 300° True radials; Alexandria, La., omnirange station, including a north alternate from the Gregg County omnirange station to the Alexandria omnirange station via the Shreveport omnirange station and the point of intersection of the Shreveport omnirange 176° True with the Alexandria omnirange 300° True radials; Baton Rouge, La., omnirange station; to the New Orleans, La., omnirange station.

§ 600.6115 *VOR civil airway No. 115 (Crestview, Fla., to Charleston, W. Va.).* From the Crestview, Fla., omnirange station via the Montgomery, Ala., omnirange station; intersection of the Montgomery omnirange 358° True and the Birmingham omnirange 145° True radials; Birmingham, Ala., omnirange station; Chattanooga, Tenn., omnirange station; intersection of the Chattanooga omnirange 032° True and the Knoxville omnirange 249° True radials; Knoxville, Tenn., omnirange station; to the Charleston, W. Va., omnirange station.

§ 600.6116 *VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.).* From the Kansas City, Mo., omnirange station via the Quincy, Ill., omnirange station; Peoria, Ill., omnirange station; Joliet, Ill., omnirange station; Naperville, Ill., omnirange station; Keeler, Mich., omnirange station; point of intersection of the Litchfield, Mich., 050° True and the Salem omnirange 257° True radials; Salem, Mich., omnirange station; Windsor, Ont., omnirange station; Erie, Pa., omnirange station; Bradford, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6117 *VOR civil airway No. 117 (El Centro, Calif., to Daggett, Calif.).* From the El Centro, Calif., LF radio range station via the point of intersection of a straight line bearing 359° True from the El Centro LF radio range station and the Thermal omnirange 122° True radial; Thermal, Calif., omnirange station; to the Daggett, Calif., omnirange station. The portion of this airway which overlaps the Salton Sea restricted area (R-303) is excluded.

§ 600.6118 *VOR civil airway No. 118 (Rock River, Wyo., to Cheyenne, Wyo.).* From the Rock River, Wyo., omnirange station via the Laramie, Wyo., omnirange station to the Cheyenne, Wyo., omnirange station.

§ 600.6119 *VOR civil airway No. 119 (Huntington, W. Va., to Bradford, Pa.).* From the Huntington, W. Va., nondirectional radio beacon via the Parkersburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station; Fitzgerald, Pa., omnirange station; to the Bradford, Pa., omnirange station.

§ 600.6120 *VOR civil airway No. 120 (Mullan Pass, Mont., to Miles City, Mont.).* From the Mullan Pass, Mont., omnirange station via the Great Falls, Mont., omnirange station; Lewiston, Mont., omnirange station; to the Miles City, Mont., omnirange station.

§ 600.6121 *VOR civil airway No. 121 (North Bend, Oreg., to Eugene, Oreg.).* From the North Bend, Oreg., omnirange station to the Eugene, Oreg., omnirange station.

§ 600.6122 *VOR civil airway No. 122 (Crescent City, Calif., to Klamath Falls, Oreg.).* From the Crescent City, Calif., omnirange station to the Medford, Oreg., omnirange station. From the point of intersection of the Medford, Oreg., omnirange 176° True and the Klamath Falls, Oreg., omnirange 273° True radials; to the Klamath Falls, Oreg., omnirange station.

§ 600.6123 *VOR civil airway No. 123 (Woodstown, N. J., to New York, N. Y.).* From the Woodstown, N. J. omnirange station via the point of intersection of the Woodstown omnirange 045° True and the Coyle, N. J. omnirange 354° True radials; point of intersection of the Idlewild, N. Y. omnirange 236° True radial and the La Guardia Airport, N. Y. ILS localizer south course; La Guardia Airport, N. Y. ILS localizer; to the Wilton, Conn. omnirange station.

§ 600.6124 *VOR civil airway No. 124 (Burley, Idaho, to Pocatello, Idaho).* From the Burley, Idaho, omnirange station to the Pocatello, Idaho, omnirange station.

§ 600.6125 *VOR civil airway No. 125 (Anthony, Kans., to Hutchinson, Kans.).* From the Anthony, Kans., omnirange station to the Hutchinson, Kans., omnirange station.

§ 600.6126 *VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.).* From the point of intersection of the Naperville, Ill., omnirange 090° True and the Chicago Heights omnirange 342° True radials via the Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station; Waterville, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Erie, Pa., omnirange station; Bradford, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; Huguenot, N. Y., omnirange station; to the Wilton, Conn., omnirange station, excluding daily from sunrise to sunset, annually during the period from March 1 to November 1, the portion of this airway below 6,000 ft. above mean set level which overlaps the West Point restricted area (R-93).

§ 600.6127 *VOR civil airway No. 127 (Livingston, Mont., to Helena, Mont.).* From the Livingston, Mont., omnirange station via the intersection of the Livingston omnirange 321° True and the Helena omnirange 119° True radials to the Helena, Mont., omnirange station.

§ 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to New Bern, N. C.).* From the Chicago, Ill., Midway Airport terminal omnirange station via the Peotone, Ill., omnirange station; Lafayette, Ind., omnirange station; intersection of the Lafayette omnirange 122° True and the Cincinnati omnirange 318° True radials; Cincinnati, Ohio, omnirange station; York, Ky., omnirange station, including a south alternate via the intersection of the Cincinnati omnirange 120° True and the York omnirange 271° True radials;

Charleston, W. Va., omnirange station; Pulaski, Va., omnirange station; Greensboro, N. C., omnirange station; Raleigh, N. C., omnirange station, including a north alternate via the intersection of the Greensboro omnirange 051° True and the Raleigh omnirange 309° True radials and a south alternate via the intersection of the Greensboro omnirange 122° True and the Raleigh omnirange 249° True radials; point of intersection of the Wilmington, N. C., omnirange 005° True and the New Bern, omnirange 297° True radials; to the New Bern, N. C., omnirange station, excluding the airspace above 5500 feet above mean sea level, daily from sunset to sunrise, of that portion of this airway which lies beneath, and conflicts with, the Cherry Point restricted area (R–125).

§ 600.6129 *VOR civil airway No. 129 (Dixon, Ill., to Eau Claire, Wis.).* From the Polo, Ill., omnirange station via the Lone Rock, Wis., omnirange station; La Crosse, Wis., omnirange station; to the Eau Claire, Wis., omnirange station.

§ 600.6130 *VOR civil airway No. 130 (Albany, N. Y., to Providence, R. I.).* From the Albany, N. Y., omnirange station via the Hartford, Conn., omnirange station; Norwich, Conn., omnirange station to the point of intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course.

§ 600.6131 *VOR civil airway No. 131 (Emporia, Kans., to Topeka, Kans.).* From the Emporia, Kans., omnirange station via the intersection of the Emporia omnirange 050° True and the Topeka omnirange 174° True radials; to the Topeka, Kans., omnirange station.

§ 600.6132 *VOR civil airway No. 132 (Cheyenne, Wyo., to Hutchinson, Kans.).* From the Cheyenne, Wyo., omnirange station via the Akron, Colo., omnirange station, Goodland, Kans., omnirange station; to the Hutchinson, Kans., omnirange station.

§ 600.6133 *VOR civil airway No. 133 (Parkersburg, W. Va., to Flint, Mich.).* That airspace over United States territory from the Parkersburg, W. Va., omnirange station via the Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 345° True and the Salem omnirange 140° True radials; Salem, Mich., omnirange station; to the point of intersection of the Salem omnirange 342° True and the Lansing, Mich., omnirange 068° True radials.

§ 600.6134 *VOR civil airway No. 134 (Evergreen, Ala., to Atlanta, Ga.).* From the Evergreen, Ala., omnirange station via the Columbus, Ga., omnirange station to the Atlanta, Ga., omnirange station, excluding the portion which overlaps the Fort Benning restricted area (R–129).

§ 600.6135 *VOR civil airway No. 135 (Yuma, Ariz., to Las Vegas, Nev.).* From the Yuma, Ariz., omnirange station via the Blythe, Calif., omnirange station; Needles, Calif., omnirange station to the Las Vegas, Nev., omnirange station.

§ 600.6136 *VOR civil airway No. 136 (Pulaski, Va., to Raleigh, N. C.).* From the Pulaski, Va., omnirange station via the intersection of the Pulaski omnirange 094° True and the South Boston omnirange 298° True radials; South Boston, Va., omnirange station; to the Raleigh, N. C., omnirange station.

§ 600.6137 *VOR civil airway No. 137 (Thermal, Calif., to Salinas, Calif.).* From the Thermal, Calif., omnirange station via the Palmdale, Calif., omnirange station; point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga omnirange 152° True radials; Coalinga, Calif., omnirange station; to the Salinas, Calif., omnirange station.

§ 600.6138 *VOR civil airway No. 138 (Rock River, Wyo., to Sidney, Nebr.).* From the Rock River, Wyo. omnirange station via the Cheyenne, Wyo. omnirange station, including a north alternate via the Rock River omnirange 108° True and the Cheyenne omnirange 320° True radials; to the Sidney, Nebr. omnirange station, including a south alternate.

§ 600.6139 *VOR civil airway No. 139 (Norwich, Conn., to Boston, Mass.).* From the Norwich, Conn., omnirange station via the intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course at the Wyoming, R. I., fan marker; Providence, R. I., ILS localizer, intersection of the Providence ILS localizer course and the Boston ILS localizer course; to the Boston, Mass., localizer.

§ 600.6140 *VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.).* From the Amarillo, Tex., omnirange station via the Sayre, Okla., omnirange station, including a north alternate; Oklahoma City, Okla., omnirange station, including a north alternate; Tulsa, Okla., omnirange station; Fayetteville, Ark., omnirange station, including a north alternate via the intersection of the Tulsa omnirange 065° True and the Fayetteville omnirange 287° True radials; Flippin, Ark., omnirange station; Walnut Ridge, Ark., omnirange station; Dyersburg, Tenn., omnirange station; Nashville, Tenn., omnirange station, including a south alternate from the Dyersburg omnirange station to the Nashville omnirange station via the intersection of the Dyersburg omnirange 104° True and the Graham omnirange 269° True radials, and the Graham, Tenn., omnirange station; intersection of the Nashville omnirange 059° True radial and the Corbin VAR west aural course; Corbin, Ky., VAR station; Paynesville, W. Va., nondirectional radio beacon; Montebello, Va., omnirange station; point of intersection of the Front Royal, Va., omnirange 140° True and the Washington, D. C., omnirange 249° True radials; to the Herndon, Va., omnirange station. From the Baltimore, Md., omnirange station via the point of intersection of the Baltimore omnirange 045° True and the Woodstown omnirange 269° True radials; Woodstown, N. J., omnirange station; point of intersection of the Woodstown omnirange 106° True and the Dover, Del., omnirange direct radial to the Coyle, N. J., omnirange station; Coyle, N. J., omnirange station; to the Idlewild, N. Y., omnirange station, excluding the portions of this airway between the Coyle, N. J., omnirange station and the point of intersection of the Coyle omnirange 031° True and the Colts Neck, N. J., omnirange 073° True radials more than 3 miles either side of the centerline and the portions which overlap the Aberdeen restricted area (R–54).

§ 600.6141 *VOR civil airway No. 141 (Nantucket, Mass., to Plattsburg, N. Y.).* From the Nantucket, Mass., omnirange station via the intersection of the Nantucket omnirange 339° True and the Boston omnirange 133° True radials; Boston, Mass., omnirange station; Concord, N. H., omnirange station; Lebanon, N. H., nondirectional radio beacon to the Plattsburg, N. Y., omnirange station.

§ 600.6142 *VOR civil airway No. 142 (Erie, Pa., to Rochester, N. Y.).* From the Erie, Pa., omnirange station via the point of intersection of the Erie omnirange 080° True and the Bradford, Pa., omnirange 308° True radials; Buffalo, N. Y., omnirange station; intersection of the Buffalo omnirange 034° True and the Rochester omnirange 289° True radials; to the Rochester, N. Y., omnirange station.

§ 600.6143 *VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.).* From the Charlotte, N. C., omnirange station via the Greensboro, N. C., omnirange station, including a west alternate via the intersection of the Charlotte omnirange 359° True and the Greensboro omnirange 236° True radials; to the Montebello, Va., omnirange station. From the Front Royal, Va., omnirange station to the point of intersection of the Martinsburg, W. Va., omnirange direct radial to the Washington, D. C., terminal omnirange station and the Herndon, Va., omnirange direct radial to the Harrisburg, Pa., omnirange station.

§ 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.).* From the Chicago, Ill., Midway Airport terminal omnirange station via the Peotone, Ill., omnirange station; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 099° True and the Findlay omnirange 276° True radials; Findley, Ohio, omnirange station; Mansfield, Ohio, omnirange station; Morgantown, W. Va., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C. terminal omnirange station.

§ 600.6145 *VOR civil airway No. 145 (Utica, N. Y., to the United States-Canadian Border).* From the Utica, N. Y., MF radio range station via the intersection of the Utica MF radio range northwest course and the Watertown omnirange 155° True radial; Watertown, N. Y., omnirange station; to the United States-Canadian Border via the Watertown omnirange 360° True radial.

§ 600.6146 *VOR civil airway No. 146 (Wilkes-Barre, Pa., to Woodstock, Conn.).* From the Wilkes-Barre-Scranton, Pa., omnirange station via the Huguenot, N. Y., omnirange station; point of intersection of the Wilton, Conn.,

omnirange 295° True and the Poughkeepsie omnirange 236° True radials; Poughkeepsie, N. Y., omnirange station; to the point of intersection of the Poughkeepsie omnirange 079° True and the Norwich, Conn., omnirange 347° True radials.

§ 600.6147 *VOR civil airway No. 147 (Philadelphia, Pa., to Rochester, N. Y.).* From the Philadelphia, Pa., International Airport ILS localizer via the Pottstown, Pa., omnirange station; Allentown, Pa., omnirange station; intersection of the Allentown omnirange 329° True and the Elmira omnirange 134° True radials; Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 305° True and the Rochester omnirange 183° True radials; to the Rochester, N. Y., omnirange station.

§ 600.6148 *VOR civil airway No. 148 (Denver, Colo., to North Platte, Nebr.).* From the Denver, Colo., omnirange station via the intersection of the Denver omnirange 186° True and the Kiowa omnirange 278° True radials; Kiowa, Colo., omnirange station; Thurman, Colo., omnirange station; Imperial, Nebr., omnirange station; to the North Platte, Nebr., omnirange station.

§ 600.6149 *VOR civil airway No. 149 (Allentown, Pa., to Utica, N. Y.).* From the Allentown, Pa., omnirange station via the intersection of the Allentown omnirange 329° True and the Binghamton omnirange 167° True radials; Binghamton, N. Y., omnirange station; to the point of intersection of the Binghamton omnirange 023° True and the southwest course of the Utica, N. Y., radio range.

§ 600.6150 *VOR civil airway No. 150 (San Francisco, Calif., to Reno, Nev.).* From the San Francisco, Calif., terminal omnirange station via the intersection of the San Francisco terminal omnirange 304° True and the Sacramento omnirange 233° True radials; Sacramento, Calif., omnirange station; intersection of the Sacramento 097° True and the Reno 208° True radials; to the Reno, Nev., omnirange station.

§ 600.6151 *VOR civil airway No. 151 (Woonsocket, R. I., to Keene, N. H.).* From the point of intersection of the Norwich, Conn., omnirange 043° True and the Gardner omnirange 152° True radials via the Gardner, Mass., omnirange station; to the Keene, N. H., nondirectional radio beacon.

§ 600.6152 *VOR civil airway No. 152 (Tampa, Fla., to Daytona Beach, Fla.).* From the Tampa, Fla., omnirange station via the Orlando, Fla., omnirange station, including a north alternate via the intersection of the Tampa omnirange 039° True and the Orlando omnirange 258° True radials and also a south alternate via the Lakeland, Fla., omnirange station; to the Daytona Beach, Fla., omnirange station.

§ 600.6153 *VOR civil airway No. 153 (New York, N. Y., to Syracuse, N. Y.).* From the Caldwell, N. Y. omnirange station via the Stillwater, N. J., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; point of intersection of the Binghamton, N. Y., omnirange 071° True and the Syracuse omnirange 149° True radials; to the Syracuse, N. Y., omnirange station.

§ 600.6154 *VOR civil airway No. 154 (Meridian, Miss., to Savannah, Ga.).* From the Meridian, Miss., omnirange station via the intersection of the Meridian omnirange 089° True and the Montgomery omnirange 282° True radials; Montgomery, Ala., omnirange station; Columbus, Ga., omnirange station, including a south alternate via the intersection of the Montgomery omnirange 088° True and the Columbus omnirange 195° True radials; Macon, Ga., omnirange station; to the Savannah, Ga., omnirange station. The portions of this airway which conflict with the Fort Benning restricted area (R–129) are excluded.

§ 600.6155 *VOR civil airway No. 155 (Gordonsville, Va., to Front Royal, Va.).* From the Gordonsville, Va., omnirange station via the direct radial to the point of intersection of the Washington, D. C., terminal omnirange 249° True and the Front Royal omnirange 140° True radials; to the Front Royal, Va., omnirange station.

§ 600.6156 *VOR civil airway No. 156 (Elkins, W. Va., to Gordonsville, Va.).* From the Elkins, W. Va., omnirange station to the Gordonsville, Va., omnirange station.

§ 600.6157 *VOR civil airway No. 157 (Wilmington, N. C., to Richmond, Va.).* From the Wilmington, N. C., omnirange station via the Rocky Mount, N. C., omnirange station; Lawrenceville, Va., omnirange station; to the Richmond, Va., LF radio range station, excluding the portion which overlaps the Camp Pickett restricted area (R–44).

§ 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.).* From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 338° True and the West Palm Beach omnirange 219° True radials; West Palm Beach, Fla., omnirange station; Vero Beach, Fla., omnirange station; Orlando, Fla., omnirange station; Cross City, Fla., omnirange station; to the Albany, Ga., omnirange station. The portions of this airway which overlap the Sterling restricted areas (R–169 and R–170) are excluded.

§ 600.6160 *VOR civil airway No. 160 (Denver, Colo., to Sidney, Nebr.).* From the Denver, Colo., omnirange station to the Sidney, Nebr., omnirange station.

§ 600.6161 *VOR civil airway No. 161 (Fort Worth, Tex., to Minneapolis, Minn.).* From the Fort Worth (Amon Carter Field), Tex., ILS localizer via the intersection of the Fort Worth (Amon Carter Field) ILS localizer northwest course and the Ardmore omnirange 192° True radial; Ardmore, Okla., omnirange station; Tulsa, Okla., omnirange station; Butler, Mo., omnirange station; Blue Springs, Mo., omnirange station; intersection of the Blue Springs omnirange 016° True and the Lamoni omnirange 175° True radials; Lamoni, Iowa, omnirange station; Des Moines, Iowa, omnirange station; Waterloo, Iowa, omnirange station; Rochester, Minn., omnirange station; intersection of the Rochester omnirange 350° True and the Minneapolis-St. Paul International Airport ILS localizer 121° True course, to the Minneapolis-St. Paul, Minn., International Airport ILS localizer. The portions of this airway which overlap the Lake City restricted area (R–307) are excluded.

§ 600.6162 *VOR civil airway No. 162 (Harrisburg, Pa., to Allentown, Pa.).* From the Harrisburg, Pa., omnirange station via the point of intersection of the Harrisburg omnirange 073° True and the Selinsgrove, Pa., omnirange 133° True radials; direct to the Allentown, Pa., omnirange station, including a south alternate from the Harrisburg omnirange station to the Allentown omnirange station via the point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown omnirange 228° True radials.

§ 600.6163 *VOR civil airway No. 163 (Brownsville, Tex., to Oklahoma City, Okla.).* That airspace over U. S. territory from the Brownsville, Tex., omnirange station via the intersection of the Brownsville omnirange 339° True and the Alice omnirange 171° True radials; Alice, Tex., omnirange station; San Antonio, Tex., omnirange station; intersection of the San Antonio omnirange 002° True and the Lometa omnirange 173° True radials; Lometa, Tex., omnirange station, including a west alternate via the intersection of the San Antonio omnirange 334° True and the Lometa omnirange 192° True radials; Mineral Wells, Tex., omnirange station; Fort Worth, Tex., omnirange station; Ardmore, Okla., omnirange station; intersection of the Ardmore omnirange 350° True and the Oklahoma City omnirange 137° True radials; to the Oklahoma City omnirange station, including a west alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the intersection of the Ardmore omnirange 331° True and the Oklahoma City omnirange 180° True radials and also an east alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the point of intersection of the Oklahoma City omnirange 107° True and the Tulsa, Okla., omnirange 222° True radials. The portions of this airway which conflict with the Corpus Christi restricted area (R–277) are excluded.

§ 600.6164 *VOR civil airway No. 164 (Bradford, Pa., to New York, N. Y.).* From the Bradford, Pa., omnirange station via the intersection of the Bradford omnirange 097° True and the Williamsport omnirange 306° True radials; Williamsport, Pa., omnirange station; point of intersection of the Allentown, Pa. omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials; to the Stroudsburg, Pa., omnirange station, including a south alternate from the Williamsport omnirange station to the Stroudsburg omnirange station via the intersection of the Williamsport omnirange 125° True and the Stroudsburg omnirange 270° True radials.

§ 600.6165 *VOR civil airway No. 165 (Long Beach, Calif., to Coalinga, Calif.).* From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 346° True and the Palmdale omnirange 200° True radials; Palmdale, Calif., omnirange station; point of intersection of the Palmdale omnirange direct radial to the point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga, Calif., omnirange 153° True radials with the Bakersfield omnirange 149° True radials; Bakersfield, Calif., omnirange station; to the Coalinga, Calif., omnirange station.

§ 600.6166 *VOR civil airway No. 166 (Martinsburg, W. Va., to New York, N. Y.).* From the Martinsburg, W. Va., omnirange station to the West Chester, Pa., omnirange station. From the point of intersection of the Philadelphia, Pa., International Airport ILS localizer 256° True course and the West Chester, Pa., omnirange 170° True radial via the Philadelphia International Airport ILS localizer to the Colts Neck, N. J., omnirange station.

§ 600.6167 *VOR civil airway No. 167 (New York, N. Y., to Hartford, Conn.).* From the point of intersection of the Colts Neck, N. J., omnirange 151° True and the Idlewild omnirange 195° True radials via the Idlewild, N. Y., omnirange station to the Hartford, Conn., omnirange station.

§ 600.6168 *VOR civil airway No. 168 (Selinsgrove, Pa., to Colts Neck, N. J.).* From the Selinsgrove, Pa. omnirange station via the Allentown, Pa. omnirange station; to the Colts Neck, N. J. omnirange station.

§ 600.6169 *VOR civil airway No. 169 (Sidney, Nebr., to Rapid City, S. Dak.).* From the Sidney, Nebr., omnirange station via the intersection of the Sidney omnirange 335° True and the Chadron omnirange 197° True radials; Chadron, Nebr., omnirange station; to the Rapid City, S. Dak., omnirange station, including an east alternate and excluding the portion which overlaps the Scenic restricted area (R–190).

§ 600.6170 *VOR civil airway No. 170 Milwaukee, Wis., to Philadelphia, Pa.).* From the Milwaukee, Wis., omnirange station via the Pullman, Mich., omnirange station; to the Salem, Mich., omnirange station. From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station, including a north alternate via the intersection of the Erie omnirange 080° True and the Bradford omnirange 308° True radials; Selinsgrove, Pa., omnirange station; to the West Chester, Pa., omnirange station.

§ 600.6171 *VOR civil airway No. 171 (Louisville, Ky., to Madison, Wis.).* From the Louisville, Ky., omnirange station via the Scotland, Ind., omnirange station; Terre Haute, Ind., omnirange station; Peotone, Ill., omnirange station; Joliet, Ill., omnirange station; intersection of the Joliet omnirange 316° True and the Janesville omnirange 157° True radials; Janesville, Wis., omnirange station; to the point of intersection of the Janesville omnirange 339° True and the Lone Rock, Wis., omnirange 103° True radials;

§ 600.6172 *VOR civil airway No. 172 (Des Moines, Iowa, to Chicago, Ill.).* From the Des Moines, Iowa, omnirange station via the intersection of the Des Moines omnirange 071° True and the Polo omnirange 268° True radials; Polo, Ill., omnirange station, including a south alternate from the point of intersection of the Des Moines omnirange 071° True and the Polo omnirange 268° True radials to the Polo omnirange station via the Moline, Ill., omnirange station; intersection of the Polo omnirange 085° True and the Chicago-Midway terminal omnirange 294° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station.

§ 600.6173 *VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.).* From the Springfield, Ill., omnirange station via the Roberts, Ill., omnirange station; intersection of the Roberts omnirange 012° True and the Chicago Midway Airport terminal omnirange 198° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station.

§ 600.6174 *VOR civil airway No. 174 (Vichy, Mo., to Washington, D. C.).* From the Vichy, Mo., omnirange station via the intersection of the Vichy omnirange 069° True and the Troy omnirange 246° True radials; Troy, Ill., omnirange station; Scotland, Ind., omnirange station; Louisville, Ky., omnirange station; York, Ky., omnirange station; Elkins, W. Va., omnirange sation; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D .C., terminal omnirange station.

§ 600.6175 *VOR civil airway No. 175 (Vichy, Mo., to Columbia, Mo.).* From the Vichy, Mo., omnirange station via the intersection of the Vichy omnirange 321° True and the Columbia omnirange 209° True radials; to the Columbia, Mo., omnirange station.

§ 600.6176 *VOR civil airway No. 176 (Centralia, Ill., to Scotland, Ind.).* From the Centralia, Ill., omnirange station via the intersection of the Centralia omnirange 075° True and the Scotland omnirange 250° True radials; to the Scotland, Ind., omnirange station.

§ 600.6177 *VOR civil airway No. 177 (Chicago, Ill., to Madison, Wis.).* From the Naperville, Ill., omnirange station via the Janesville, Wis., omnirange station; to the point of intersection of the Janesville omnirange 017° True and the Milwaukee, Wis., omnirange 273° True radials.

§ 600.6178 *VOR civil airway No. 178 (Farmington, Mo., to Paducah, Ky.).* From the Farmington, Mo., omnirange station to the Paducah, Ky., omnirange station, including a south alternate.

§ 600.6179 *VOR civil airway No. 179 (Paducah, Ky., to Centralia, Ill.).* From the Paducah, Ky., omnirange station to the Centralia, Ill., omnirange station.

§ 600.6180 *VOR civil airway No. 180 (Austin, Tex., to Galveston, Tex.).* From the Austin, Tex., omnirange station via the intersection of the Austin omnirange 134° True and the Eagle Lake omnirange 291° True radials; Eagle Lake, Tex., omnirange station; to the Galveston, Tex., omnirange station.

§ 600.6181 *VOR civil airway No. 181 (Sioux Falls, S. Dak., to Watertown, S. Dak.).* From the Sioux Falls, S. Dak., omnirange station to the Watertown, S. Dak., omnirange station.

§ 600.6182 *VOR civil airway No. 182 (Portland, Oreg., to Baker, Oreg.).* From the Portland, Oreg., omnirange station via the The Dalles, Oreg., omnirange station; to the Baker, Oreg., omnirange station.

§ 600.6183 *VOR civil airway No. 183 (Santa Barbara, Calif., to Bakersfield, Calif.).* From the Santa Barbara, Calif., omnirange station to the Bakersfield, Calif., omnirange station.

§ 600.6184 *VOR civil airway No. 184 (Erie, Pa., to Philipsburg, Pa.).* From the Erie, Pa., omnirange station via the Fitzgerald, Pa., omnirange station; to the Philipsburg, Pa., omnirange station.

§ 600.6185 *VOR civil airway No. 185 (Savannah, Ga., to Knoxville, Tenn.).* From the Savannah, Ga., omnirange station via the intersection of the Savannah omnirange 320° True and the Augusta omnirange 157° True radials; Augusta, Ga., omnirange station; Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station, including a west alternate from the Augusta omnirange station to the Asheville omnirange station via the intersection of the Augusta omnirange 345° True radials and the Greenville ILS localizer south course, the Greenville, S. C., ILS localizer, and the intersection of the Greenville ILS localizer north course and the Asheville omnirange 189° True radial; intersection of the Asheville omnirange 300° True and the Knoxville omnirange 069° True radials; to the Knoxville, Tenn., omnirange station, including an east alternate from the Asheville omnirange station to the Knoxville omnirange station via the intersection of the Asheville omnirange 329° True and the Knoxville omnirange 069° True radials. The portion of this airway below 5500 feet above mean sea level which overlaps the Camp Gordon Restricted Area (R–124) is excluded.

§ 600.6186 *VOR civil airway No. 186 (St. Louis, Mo., to Vandalia, Ill.).* From the St. Louis, Mo., omnirange station via the intersection of the St. Louis omnirange 032° True and the Vandalia omnirange 273° True radials; to the Vandalia omnirange station.

§ 600.6187 *VOR civil airway No. 187 (Chicago, Ill., to Milwaukee, Wis.).* From the Chicago Heights, Ill., omnirange station via the intersection of the Chicago Heights omnirange 358° True and the Milwaukee omnirange 135° True radials; to the Milwaukee, Wis., omnirange station, including an east alternate via the intersection of the Chicago Heights omnirange 013° True and the Milwaukee omnirange 135° True radials.

§ 600.6188 *VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.).* That airspace over United States territory from the Carleton, Mich., omnirange station via the Jefferson, Ohio, omnirange station; Fitzgerald, Pa., omnirange station; Williamsport, Pa., omnirange station; via the Williamsport omnirange direct radial to the point of intersection of the Allentown, Pa., omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials; via the Stroudsburg omnirange direct radial to the Stroudsburg, Pa., omnirange station; to the Caldwell, N. J., omnirange station.

§ 600.6190 *VOR civil airway No. 190 (Grants, N. Mex., to Evansville, Ind.).* From the Grants, N. Mex., omnirange station via the intersection of the Grants omnirange 067° True and the Santa Fe omnirange 253° True radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station; Dalhart, Tex., omnirange station; Gage, Okla., omnirange station; intersection of the Gage omnirange 059° True and the Ponca City omnirange 280° True radials; Ponca City, Okla., omnirange station; intersection of the Ponca City omnirange 076° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Farmington, Mo., omnirange station; to the Evansville, Ind., omnirange station.

§ 600.6191 *VOR civil airway No. 191 (Walnut Ridge, Ark., to Milwaukee, Wis.).* From the Walnut Ridge, Ark., omnirange station via the Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station; Roberts, Ill., omnirange station; intersection of the Roberts omnirange 012° True and the Chicago Midway Airport terminal omnirange 198° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station. From the Chicago, Ill., O'Hare International Airport terminal omnirange station via the point of intersection of the Chicago Heights omnirange 358° True and the Milwaukee omnirange 135° True radials; to the Milwaukee, Wis., omnirange station.

§ 600.6192 *VOR civil airway No. 192 (Grants, N. Mex., to Tucumcari, N. Mex.).* From the Grants, N. Mex., omnirange station via the intersection of the Grants omnirange 136° True and the Corona omnirange 272° True radials; Corona, N. Mex., omnirange station; to the Tucumcari, N. Mex., omnirange station.

§ 600.6193 *VOR civil airway No. 193 (Pullman, Mich., to Traverse City, Mich.).* From the Pullman, Mich., omnirange station via the Grand Rapids, Mich., ILS outer marker; White Cloud, Mich., omnirange station; to the Traverse City, Mich., LF radio range station.

§ 600.6194 *VOR civil airway No. 194 (Royston, Ga., to Norfolk, Va.).* From the point of intersection of the Royston omnirange 270° True and the Norcross, Ga. omnirange 054° True radials via the Royston, Ga. omnirange station; point of intersection of the Royston omnirange 074° True and the Spartansburg, S. C. omnirange 148° True radials; Charlotte, N. C., omnirange station; Raleigh, N. C., omnirange station; Rocky Mount, N. C., omnirange station, including a south alternate via the intersection of the Raleigh omnirange 116° True and the Rocky Mount omnirange 237° True radials; Cofield, N. C., omnirange station; point of intersection of the Cofield omnirange 058° True and the Norfolk ILS localizer southwest course; Norfolk, Va., ILS localizer; to the point of intersection of the Norfolk ILS localizer northeast course and the Norfolk, Va., VAR north course.

§ 600.6195 *VOR civil airway No. 195 (Oakland, Calif., to Red Bluff, Calif.).* From the Oakland, Calif., omnirange station via the Sacramento, Calif., omnirange station; Williams, Calif., omnirange station, including a west alternate from the Oakland omnirange station to the Williams omnirange station via the point of intersection of the Sacramento omnirange 218° True and the Williams omnirange 167° True radials; to the Red Bluff, Calif., omnirange station.

§ 600.6196 *VOR civil airway No. 196 (Rock River, Wyo., to Chadron, Nebr.).* From the Rock River, Wyo., omnirange station to the Chadron, Nebr., omnirange station.

§ 600.6197 *VOR civil airway No. 197 (Toledo, Ohio, to Detroit, Mich.).* From the Waterville, Ohio, omnirange station to the Carleton, Mich., omnirange station.

§ 600.6198 *VOR civil airway No. 198 (San Antonio, Tex., to Galveston, Tex.).* From the San Antonio, Tex., omnirange station via the Eagle Lake, Tex., omnirange station; to the Galveston, Tex., omnirange station.

§ 600.6199 *VOR civil airway No. 199 (Fresno, Calif., to Ukiah, Calif.).* From the Fresno, Calif., omnirange station via the intersection of the Fresno omnirange 287° True and the San Francisco omnirange 111° True radials; San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 304° True and the Ukiah omnirange 172° True radials; to the Ukiah, Calif., omnirange station.

§ 600.6200 *VOR civil airway No. 200 (Ukiah, Calif., to Reno, Nev.).* From the Ukiah, Calif., omnirange station via the Williams, Calif., omnirange station; intersection of the Williams omnirange 061° True and the Reno omnirange 268° True radials; to the Reno, Nev., omnirange station.

§ 600.6201 *VOR civil airway No. 201 (Los Angeles, Calif., to Pasadena, Calif.).* From the point of intersection of the Los Angeles omnirange 207° True and the Long Beach, Calif., omnirange 250° True radials via the Los Angeles, Calif., omnirange station; thence via the direct radial of the Los Angeles omnirange to the point of its intersection with the Long Beach omnirange 346° True and the Palmdale, Calif., omnirange 200° True radials.

§ 600.6202 *VOR civil airway No. 202 (Tucson, Ariz., to Cochise, Ariz.).* From the Tucson, Ariz., MF radio range station via the point of intersection of a straight line bearing 157° True from the Tucson MF radio range and the Cochise omnirange 257° True radial; to the Cochise, Ariz., omnirange station.

§ 600.6203 *VOR civil airway No. 203 (Albany, N. Y., to Massena, N. Y.).* From the Albany, N. Y., omnirange station to the Massena, N. Y., omnirange station.

§ 600.6204 *VOR civil airway No. 204 (Hoquiam, Wash., to Olympia, Wash.).* From the Hoquiam, Wash., omnirange station to the Olympia, Wash., omnirange station, excluding the airspace above 14,500 feet above mean sea level.

§ 600.6205 *VOR civil airway No. 205 (Springfield, Mo., to Kansas City, Mo.).* From the Springfied, Mo., omnirange station via the Blue Springs, Mo., omnirange station, including a west alternate via the intersecton of the Spmgfield omnirange 316° True and the Blue Springs omnirange 178° True radials; to the Kansas City, Mo., omnirange station. The portion of this airway which overlaps the Lake City restricted area (R–307) is excluded.

§ 600.6206 *VOR civil airway No. 206 (Blue Springs, Mo., to Kirksville, Mo.).* From the Blue Springs, Mo., omnirange station via the intersection of the Blue Springs omnirange 056° True and the Kirksville omnirange 225° True radials; to the Kirksville, Mo., omnirange station. The portion of this airway which overlaps the Lake City Restricted Area (R–307) is excluded.

§ 600.6207 *VOR civil airway No. 207 (Denver, Colo., to Egbert, Wyo.).* From the Denver, Colo., omnirange station to the point of intersection of the Denver omnirange 016° True and the Cheyenne omnirange 098° True radials.

§ 600.6208 *VOR civil airway No. 208 (Los Angeles, Calif., to Needles, Calif.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 185° True and the Oceanside omnirange 280° True radials; Oceanside, Calif., omnirange station; point of intersection of the Oceanside 101° True and the San Diego, Calif., omnirange 046° True radials; Thermal, Calif., omnirange station; to the Needles, Calif., omnirange station.

§ 600.6209 *VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles, omnirange 301° True and the Fillmore, Calif., omnirange station; to the Paso Robles, Calif., omnirange station.

§ 600.6210 *VOR civil airway No. 210 (Los Angeles, Calif., to Daggett, Calif.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; to the Daggett, Calif., omnirange station.

§ 600.6211 *VOR civil airway No. 211 (Cotulla, Tex., to Junction, Tex.).* From

the Cotulla, Tex., omnirange station to the Junction, Tex., omnirange station.

§ 600.6212 *VOR civil airway No. 212 (Ukiah, Calif., to Reno, Nev.).* From the Ukiah, Calif., omnirange station via the intersection of the Ukiah omnirange 172° True and the Williams omnirange 241° True radials; Williams, Calif., omnirange station; point of intersection of the Williams omnirange 104° True and the Sacramento, Calif., omnirange 055° True radials; point of intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; to the Reno, Nev., omnirange station.

§ 600.6213 *VOR civil airway No. 213 (Rocky Mount, N. C., to Boykins, Va.).* From the Rocky Mount, N. C., omnirange station via its direct radial to the point of intersection of the Lawrenceville, Va., omnirange 116° True radial and the southwest course of the Waverly, Va., LF radio range.

§ 600.6215 *VOR civil airway No. 215 (Muskegon, Mich., to White Cloud, Mich.).* From the Muskegon, Mich., omnirange station to the White Cloud, Mich., omnirange station.

§ 600.6216 *VOR civil airway No. 216 (Janesville, Wis., to Saginaw, Mich.).* From the Janesville, Wis., omnirange station via the Muskegon, Mich., omnirange station; to the Saginaw, Mich., nondirectional radio beacon.

§ 600.6217 *VOR civil airway No. 217 (Chicago, Ill., to Green Bay, Wis.).* From the Naperville, Ill., omnirange station via the point of intersection of the Janesville, Wis., omnirange 107° True and the Chicago Heights, Ill., omnirange 342° True radials; point of intersection of the Chicago Heights omnirange 342° True radial and the Milwaukee (General Mitchell Field) ILS localizer front course; Milwaukee, Wis. (General Mitchell Field) ILS localizer; intersection of the Milwaukee (General Mitchell Field) ILS localizer back course and the Green Bay omnirange 165° True radial; to the Green Bay, Wis., omnirange station.

§ 600.6218 *VOR civil airway No. 218 (Chicago, Ill., to Flint, Mich.).* From the point of intersection of the Naperville omnirange 296° True and the Polo, Ill., omnirange 085° True radials via the Naperville, Ill., omnirange station; Keeler, Mich., omnirange station; Lansing, Mich., omnirange station; to the point of intersection of the Lansing omnirange 068° True and the Salem, Mich., omnirange 342° True radials.

§ 600.6219 *VOR civil airway No. 219 (Janesville, Wis., to Milwaukee, Wis.).* From the Janesville, Wis., omnirange station to the point of intersection of the Janesville omnirange 058° True and the Milwaukee, Wis., omnirange 126° True radials.

§ 600.6220 *VOR civil airway No. 220 (Kremmling, Colo., to Akron, Colo.).* From the Kremmling, Colo., omnirange station via the point of intersection of the Kremmling omnirange 081° True and the Denver, Colo., omnirange 334° True radials; to the Akron, Colo., omnirange station.

§ 600.6221 *VOR civil airway No. 221 (Fort Wayne, Ind., to Erie, Pa.).* That airspace over United States territory from the Fort Wayne, Ind., omnirange station via the Litchfield, Mich., omnirange station; intersection of the Litchfield omnirange 050° True and the Salem omnirange 257° True radials; Salem, Mich., omnirange station; intersection of the Salem omnirange 079° True and the Erie omnirange 294° True radials; to the Erie, Pa., omnirange station.

§ 600.6222 *VOR civil airway No. 222 (San Antonio, Tex., to Houston, Tex.).* From the San Antonio, Tex., omnirange station via the point of intersection of the Austin, Tex., omnirange 109° True and the College Station, Tex., omnirange 202° True radials; to the Houston, Tex., omnirange station.

§ 600.6223 *VOR civil airway No. 223 (Herndon, Va., to Harrisburg, Pa.).* From the Herndon, Va., omnirange station to the Harrisburg, Pa., omnirange station.

§ 600.6224 *VOR civil airway No. 224 (Detroit, Mich., to United States-Canadian Border).* That airspace over United States territory from the Carleton, Mich., omnirange station to the point of intersection of the Carleton omnirange 076° True and the Erie, Pa., omnirange 280° True radials.

§ 600.6225 *VOR civil airway No. 225 (Key West, Fla., to Vero Beach, Fla.).* From the Key West, Fla., omnirange station via the Fort Myers, Fla., omnirange station to the Vero Beach, Fla., omnirange station. The portions of this airway above 20,000 feet above mean sea level, which overlap the Key West warning area (W–173), are excluded.

§ 600.6226 *VOR civil airway No. 226 (Williamsport, Pa., to New York, N. Y.).* From the Williamsport, Pa., omnirange station via the point of intersection of the Williamsport omnirange 088° True and the Wilkes-Barre–Scranton, Pa., omnirange 238° True radials; Stillwater, N. J., omnirange station; to the point of intersection of the Wilkes-Barre–Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6227 *VOR civil airway No. 227 (Louisville, Ky., to Indianapolis, Ind.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 310° True and the Indianapolis omnirange 185° True radials; to the Indianapolis, Ind., omnirange station.

§ 600.6228 *VOR civil airway No. 228 (Wheeling, Ill., to South Bend, Ind.).* From the Wheeling, Ill., omnirange station to the South Bend, Ind., omnirange station.

§ 600.6229 *VOR civil airway No. 229 (Wilmington, N. C., to Cofield, N. C.).* From the Wilmington, N. C., omnirange station via the New Bern, N. C., omnirange station; to the Cofield, N. C., omnirange station. The portion of this airway above 5,500 feet above mean sea level within 60 miles of a point at latitude 34°54'30" north, longitude 76°53'00" west, is excluded daily from sunset to sunrise.

§ 600.6230 *VOR civil airway No. 230 (Salinas, Calif., to Fresno, Calif.).* From the Salinas, Calif., omnirange station to the Fresno, Calif., omnirange station.

§ 600.6231 *VOR civil airway No. 231 (Missoula, Mont., to Ronan, Mont.).* From the Missoula, Mont., omnirange station to the point of intersection of the Missoula omnirange 354° True and the Mullan Pass, Mont., omnirange 089° True radials.

§ 600.6232 *VOR civil airway No. 232 (Hill City, Kans., to Salina, Kans.).* From the Hill City, Kans., omnirange station via the intersection of the Hill City omnirange 093° True and the Salina omnirange 286° True radials; to the Salina, Kans., omnirange station.

§ 600.6233 *VOR civil airway No. 233 (Springfield, Ill., to Moline, Ill.).* From the Springfield, Ill., omnirange via the Peoria, Ill., omnirange station; Bradford, Ill., omnirange station; to the Moline, Ill., omnirange station.

§ 600.6234 *VOR civil airway No. 234 (Anton Chico, N. Mex., to Dalhart, Tex.).* From the Anton Chico, N. Mex., omnirange station via the intersection of the Anton Chico omnirange 067° True and the Dalhart omnirange 243° True radials; to the Dalhart, Tex., omnirange station.

§ 600.6235 *VOR civil airway No. 235 (Utah Lake, Utah, to Fort Bridger, Wyo.).* From the Utah Lake, Utah, omnirange station to the Fort Bridger, Wyo., omnirange station.

§ 600.6236 *VOR civil airway No. 236 (Bonneville, Utah, to Ogden, Utah).* From the Bonneville, Utah, omnirange station via the intersection of the Bonneville omnirange 084° True and the Ogden omnirange 235° True radials; to the Ogden, Utah, omnirange station.

§ 600.6237 *VOR civil airway No. 237 (Needles, Calif., to Mormon Mesa, Nev.).* From the Needles, Calif., omnirange station to the Mormon Mesa, Nev., omnirange station.

§ 600.6238 *VOR civil airway No. 238 (Philadelphia, Pa., to Atlantic City, N. J.).* From the point of intersection of the West Chester, Pa., omnirange 120° True radial and the Philadelphia, Pa., International Airport ILS localizer 256° True course via the Woodstown, N. J., omnirange station; to the point of intersection of the Woodstown omnirange 106° True and Coyle, N. J., omnirange 203° True radials.

§ 600.6239 *VOR civil airway No. 239 (Wildwood, N. J., to Philadelphia, Pa.).* From the point of intersection of the Coyle, N. J., omnirange 203° True and the Woodstown omnirange 154° True radials via the Woodstown, N. J., omnirange station; to the point of intersection of the West Chester, Pa., omnirange 120° True radial and the Philadelphia, Pa., International Airport ILS localizer 256° True course.

§ 600.6240 *VOR civil airway No. 240 (Ship Island, Miss., to Mobile, Ala.).* From the point of intersection of the New Orleans, La., omnirange direct radial to the Pensacola (Saufley Field), Fla., omnirange station and the Mobile omnirange 224° True radial to the Mobile, Ala., omnirange station.

§ 600.6241 *VOR civil airway No. 241 (Crestview, Fla., to Atlanta, Ga.).* From the Crestview, Fla., omnirange station via the intersection of the Crestview omnirange 076° True and the Dothan terminal omnirange 240° True radials; Dothan, Ala., terminal omnirange station; Columbus, Ga., omnirange station; intersection of the Columbus omnirange 018° True and the Atlanta omnirange 232° True radials; to the Atlanta, Ga., omnirange station. The portion of this airway above 19,000 feet above mean sea level, which lies within the Tyndall AFB restricted area (R–336), is excluded daily between sunset and sunrise.

§ 600.6242 *VOR civil airway No. 242 (Mobile, Ala., to Magnolia Springs, Ala.).* From the Mobile, Ala., omnirange station to the point of intersection of the Mobile omnirange 134° True and the New Orleans, La., omnirange direct radial to the Pensacola (Saufley Field), Fla., omnirange station.

§ 600.6243 *VOR civil airway No. 243 (Chattanooga, Tenn. to Bowling Green, Ky.).* From the Chattanooga, Tenn., omnirange station to the Bowling Green, Ky., omnirange station.

§ 600.6245 *VOR civil airway No. 245.* [Unassigned.]

§ 600.6246 *VOR civil airway No. 246 (Dayton, Ohio, to Mansfield, Ohio).* From the Dayton, Ohio, omnirange station to the Mansfield, Ohio, omnirange station.

§ 600.6247 *VOR civil airway No. 247 (Douglas, Wyo., to Crazy Woman, Wyo.).* From the Douglas, Wyo., omnirange station to the Crazy Woman, Wyo., omnirange station.

§ 600.6248 *VOR civil airway No. 248 (Paso Robles, Calif., to Bakersfield, Calif.).* From the Paso Robles, Calif., omnirange station to the Bakersfield, Calif., omnirange station.

§ 600.6249 *VOR civil airway No. 249 (New York, N. Y., to Port Jervis, N. Y.).* From the Caldwell, N. J., omnirange station to the Huguenot, N. Y., omnirange station.

§ 600.6250 *VOR civil airway No. 250 (Bergholz, Ohio, to Fitzgerald, Pa.).* From the point of intersection of the Youngstown, Ohio, omnirange 195° True and the Wheeling, W. Va., omnirange 313° True radials via the Ellwood City, Pa., omnirange station; intersection of the Ellwood City omnirange 054° True and the Fitzgerald omnirange 240° True radials; to the Fitzgerald, Pa., omnirange station.

§ 600.6251 *VOR civil airway No. 251 (Philadelphia, Pa., to New York, N. Y.).* From the West Chester, Pa., omnirange station via the Pottstown, Pa., omnirange station; point of intersection of Pottstown 044° True and the Allentown, Pa., 103° True radials; to the Caldwell, N. J., omnirange station.

§ 600.6252 *VOR civil airway No. 252 (Binghamton, N. Y., to New York, N. Y.).* From the Binghamton, N. Y., omnirange station via the point of intersection of the Binghamton omnirange 130° True and the Wilkes-Barre-Scranton, Pa., omnirange 358° True radials; Huguenot, N. Y., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton, Pa., 117° True and the Wilton, Conn., omnirange 240° True radials.

§ 600.6253 *VOR civil airway No. 253 (Utah Lake, Utah, to Grantsville, Utah).* From the Utah Lake, Utah, omnirange station to the point of intersection of the Utah Lake omnirange 315° True and the Salt Lake City, Utah, omnirange 265° True radials.

§ 600.6254 *VOR civil airway No. 254 (Reinholds, Pa., to Columbus, N. J.).* From the point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown, Pa., omnirange 228° True radials via the Pottstown, Pa., omnirange station; to the point of intersection of the Pottstown omnirange 104° True and the Colts Neck, N. J., omnirange 242° True radials.

§ 600.6255 *VOR civil airway No. 255.* [Unassigned.]

§ 600.6256 *VOR civil airway No. 256 (Reinholds, Pa., to Warrington, Pa.).* From the point of intersection of the West Chester, Pa., omnirange 314° True and the Allentown, Pa., omnirange 228° True radials via the Pottstown, Pa., omnirange station; to the point of intersection of the West Chester, Pa., omnirange 051° True and the Pottstown omnirange 083° True radials.

§ 600.6257 *VOR civil airway No. 257.* [Unassigned.]

§ 600.6258 *VOR civil airway No. 258 (Charleston, W. Va., to Roanoke, Va.).* From the Charlestown, W. Va., omnirange station via the point of intersection of the Charleston omnirange 129° True and the Montebello, Va., omnirange 256° True radials; to the Roanoke, Va., terminal omnirange station.

§ 600.6259 *VOR civil airway No. 259.* [Unassigned.]

§ 600.6260 *VOR civil airway No. 260 (Charleston, W. Va., to Roanoke, Va.).* From the Charleston, W. Va., omnirange station via the intersection of the Charleston omnirange 104° True and the Roanoke terminal omnirange 328° True radials; to the Roanoke, Va., terminal omnirange station.

HAWAIIAN VOR CIVIL AIRWAYS

§ 600.6401 *Hawaiian VOR civil airway No. 1.* From the Hilo, Hawaii, T. H., omnirange station to the intersection of the Hilo omnirange 041° True and the Upolu, Hawaii, T. H., omnirange 096° True radials.

§ 600.6402 *Hawaiian VOR civil airway No. 2.* From the Lihue, Kauai, T. H., omnirange station via the intersection of the Lihue omnirange 126° True and the Honolulu omnirange 246° True radials; Honolulu, Oahu, T. H., omnirange station, including a south alternate between the Lihue, Kauai, T. H., omnirange station and the Honolulu, Oahu, T. H., omnirange station via the intersection of the Lihue omnirange 141° True and the Honolulu omnirange 246° True radials; Lanai, T. H., omnirange station, including a south alternate; the intersection of the Lanai omnirange 111° True and the Upolu omnirange 302° True radials; Upolu, Hawaii, T. H., omnirange station, excluding the portion which overlaps Kahoolawe restricted area; the intersection of the Upolu omnirange 096° True and the Hilo omnirange 336° True radials; Hilo, Hawaii, T. H., omnirange station to the intersection of the Hilo 089° True radial and a point 33 statute miles east from the Hilo, Hawaii, T. H., omnirange station.

§ 600.6403 *Hawaiian VOR civil airway No. 3.* From the intersection of the Hilo omnirange 173° True radial and a point 36 statute miles south from the Hilo, Hawaii, T. H., omnirange station via the Hilo, Hawaii, T. H., omnirange station to the intersection of the Hilo omnirange 006° True and the Upolu, Hawaii, T. H., omnirange 096° True radials.

§ 600.6404 *Hawaiian VOR civil airway No. 4.* From the intersection of the Honolulu omnirange 246° True and Lihue, Kauai, T. H., omnirange 186° True radials via the Honolulu, Oahu, T. H., omnirange station to the intersection of the Honolulu omnirange 061° True and the Maui, T. H., omnirange 351° True radials, excluding the portion below 6,000 feet which overlaps the Kaneohe Naval Airspace Reservation. The portion of this airway which overlaps the Waikane Restricted Area (R–496) is excluded.

§ 600.6405 *Hawaiian VOR civil airway No. 5.* From the intersection of the Maui omnirange 191° True and the Lanai, T. H., omnirange 111° True radials via the Maui, T. H., omnirange station, excluding the portion which overlaps the Kahoolawe restricted area, to the intersection of the Maui omnirange 351° True and the Honolulu, Oahu, T. H., omnirange 061° True radials.

§ 600.6406 *Hawaiian VOR civil airway No. 6.* From the Lanai, T. H., omnirange station to the Maui, T. H., omnirange station.

§ 600.6407 *Hawaiian VOR civil airway No. 7.* From the Lanai, T. H., omnirange station to the intersection of the Lanai omnirange 337° True and the Honolulu, Oahu, T. H., omnirange 061° True radials.

§ 600.6408 *Hawaiian VOR civil airway No. 8.* From the intersection of the Maui omnirange 237° True and the Lanai, T. H., omnirange 111° True radials to the Maui, T. H., omnirange station, excluding the portion which overlaps the Kahoolawe restricted area.

§ 600.6409 *Hawaiian VOR civil airway No. 9.* From the intersection of the Honolulu omnirange 179° True and the Lanai, T. H., omnirange 224° True radials to the Honolulu, Oahu, T. H., omnirange station, excluding the portion above 10,000 feet extending from Lat. 20°00'00" North, to the arc of a circle 25 miles south of a point located at Lat. 21°19'40" North, Long. 157°59'35" West.

§ 600.6410 *Hawaiian VOR civil airway No. 10.* From the Upolu, Hawaii, T. H.,

omnirange station to the intersection of the Upolu omnirange 096° True and the Hilo, Hawaii, T. H., omnirange 041° True radials.

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

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601.106 Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border).
601.107 Amber civil airway No. 7 control areas (Key West, Fla., to United States-Canadian Border).
601.108 Amber civil airway No. 8 control areas (Los Angeles, Calif., to Ellensburg, Wash.).
601.109 Amber civil airway No. 9 control areas (Charleston, S. C., to Norfolk, Va.).
601.110 Amber civil airway No. 10 control areas (Hawaiian Islands).
601.111 Amber civil airway No. 11 control areas (Hawaiian Islands).
601.112 Amber civil airway No. 12 control areas (Hawaiian Islands).
601.113 Amber civil airway No. 13 control areas (Washington, D. C., to New York, N. Y.).
601.114 Amber civil airway No. 14 control areas (Washington, D. C., to New York, N. Y.).
601.115 Amber civil airway No. 15 control areas (Washington, D. C., to New York, N. Y.).
601.119 Amber civil airway No. 19 control areas (Washington, D. C., to New York, N. Y.).

RED CIVIL AIRWAYS

601.201 Red civil airway No. 1 control areas (Big Spring, Tex., to San Antonio, Tex.).
601.202 Red civil airway No. 2 control areas (Sheridan, Wyo., to Rapid City, S. Dak.).
601.203 Red civil airway No. 3 control areas (Philipsburg, Pa., to Hartford, Conn.).
601.204 Red civil airway No. 4 control areas (Las Vegas, N. Mex., to Tucumcari, N. Mex.).
601.205 Red civil airway No. 5 control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).
601.206 Red civil airway No. 6 control areas (Denver, Colo., to Omaha, Nebr.).
601.207 Red civil airway No. 7 control areas (Atlanta, Ga., to Greensboro, N. C.).
601.208 Red civil airway No. 8 control areas (Dayton, Ohio, to Newark, N. J.).
601.209 Red civil airway No. 9 control areas (San Diego, Calif., to Casa Grande, Ariz.).
601.210 Red civil airway No. 10 control areas (Amarillo, Tex., to Charleston, S. C.).
601.211 Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.).
601.212 Red civil airway No. 12 control areas (Joliet, Ill., to Erie, Pa.).
601.213 Red civil airway No. 13 control areas (Wheeling, W. Va., to Boston, Mass.).
601.214 Red civil airway No. 14 control areas (Lone Rock, Wis., to Louisville, Ky.).
601.215 Red civil airway No. 15 control areas (Reno, Nev., to Phoenix, Ariz.).
601.216 Red civil airway No. 16 control areas (Tallahassee, Fla., to Raleigh, N. C.)
601.217 Red civil airway No. 17 control areas (St. Louis, Mo., to Baltimore, Md.).
601.218 Red civil airway No. 18 control areas (Indianapolis, Ind., to Washington, D. C.).
601.219 Red civil airway No. 19 control areas (Traverse City, Mich., to Norfolk, Va.).
601.220 Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).
601.221 Red civil airway No. 21 control areas (New York, N. Y., to Boston, Mass.).
601.222 Red civil airway No. 22 control areas (Mount Clemens, Mich., to Albany, N. Y.).
601.223 Red civil airway No. 23 control areas (United States-Canadian Border to New York, N. Y.).
601.224 Red civil airway No. 24 control areas (Amarillo, Tex., to Oklahoma City, Okla.).
601.225 Red civil airway No. 25 control areas (United States-Canadian Border to Bangor, Maine).
601.226 Red civil airway No. 26 control areas (Petersburg, Va., to Corapeake, N. C.).
601.227 Red civil airway No. 27 control areas (Atlanta, Ga., to Detroit, Mich.).
601.228 Red civil airway No. 28 control areas (Rockford, Ill., to Detroit, Mich.).
601.229 Red civil airway No. 29 control areas (Elmira, N. Y., to Baltimore, Md.).
601.230 Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).
601.231 Red civil airway No. 31 control areas (Cheyenne, Wyo., to La Crosse, Wis.).
601.232 Red civil airway No. 32 control areas (Laredo, Tex., to Houston, Tex.).
601.233 Red civil airway No. 33 control areas (Norfolk, Va., to Boston, Mass.).
601.234 Red civil airway No. 34 control areas (Charleston, W. Va., to Weeksville, N. C.).
601.235 Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.).
601.236 Red civil airway No. 36 control areas (Rochester, Minn., to La Crosse, Wis.).
601.237 Red civil airway No. 37 control areas (Tyler, Tex., to Gordonsville, Va.).
601.238 Red civil airway No. 38 control areas (Big Spring, Tex., to San Antonio, Tex.).
601.239 Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks, Alaska).
601.240 Red civil airway No. 40 control areas (Kodiak, Alaska, to Anchorage, Alaska)
601.241 Red civil airway No. 41 control areas (Cape Spencer, Alaska, to Sisters Island, Alaska).
601.242 Red civil airway No. 42 control areas (Milwaukee, Wis., to Aurora, Ill.).
601.243 Red civil airway No. 43 control areas (Chicago, Ill., to LaFayette, Ind.).
601.244 Red civil airway No. 44 control areas (Bellingham, Wash., to United States-Canadian Border).
601.245 Red civil airway No. 45 control areas (Blackstone, Va., to Lancaster, Pa.).
601.246 Red civil airway No. 46 control areas (United States-Canadian Border to Jamestown, N. Dak.).
601.247 Red civil airway No. 47 control areas (Tampa, Fla., to Daytona Beach, Fla.).
601.248 Red civil airway No. 48 control areas (Helena, Mont., to Livingston, Mont.).
601.249 Red civil airway No. 49 control areas (Elko, Nev., to Fort Bridger, Wyo.).
601.250 Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).
601.251 Red civil airway No. 51 control areas (Blackstone, Va., to Norfolk, Va.).
601.252 Red civil airway No. 52 control areas (Memphis, Tenn., to Birmingham, Ala.).
601.253 Red civil airway No. 53 control areas (Portland, Oreg., to Spokane, Wash.).
601.254 Red civil airway No. 54 control areas (Burley, Idaho, to Salt Lake City, Utah).
601.255 Red civil airway No. 55 control areas (Chicago, Ill., to Columbus, Ohio).
601.256 Red civil airway No. 56 control areas (Red Bluff, Calif., to Whitmore, Calif.).

Sec.
601.257 Red civil airway No. 57 control area (Des Moines, Iowa, to Youngstown, Ohio).
601.258 Red civil airway No. 58 control areas (Augusta, Maine, to United States-Canadian Border).
601.259 Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.).
601.260 Red civil airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.).
601.261 Red civil airway No. 61 control areas (Butler, Pa., to Washington, D. C.).
601.262 Red civil airway No. 62 control areas (Pittsburgh, Pa., to Altoona, Pa.).
601.263 Red civil airway No. 63 control areas (Bangor, Mich., to Jackson, Mich.).
601.264 Red civil airway No. 64 control areas (United States-Canadian Border to Annette Island, Alaska).
601.265 Red civil airway No. 65 control areas (Los Angeles, Calif., to Hayfield Lake, Calif.).
601.266 Red civil airway No. 66 control areas (Santa Barbara, Calif., to Los Angeles, Calif.).
601.267 Red civil airway No. 67 control areas (Crestview, Fla., to Atlanta, Ga.).
601.268 Red civil airway No. 68 control areas (Midland, Tex., to Shreveport, La.).
601.269 Red civil airway No. 69 control areas (Midland, Tex., to Big Spring, Tex.).
601.270 Red civil airway No. 70 control areas (Midland, Tex., to Lubbock, Tex.).
601.271 Red civil airway No. 71 control areas (El Paso, Tex., to Lubbock, Tex.).
601.272 Red civil airway No. 72 control areas (Millville, N. J., to Paterson, N. J.).
601.273 Red civil airway No. 73 control areas (Baltimore, Md., to Millville, N. J.).
601.274 Red civil airway No. 74 control areas (New Orleans, La., to Bay Minette, Ala.).
601.275 Red civil airway No. 75 control areas (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).
601.276 Red civil airway No. 76 control areas (Williams, Calif., to Auburn, Calif.).
601.277 Red civil airway No. 77 control areas (Greensboro, N. C., to Atlantic City, N. J.).
601.278 Red civil airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.).
601.279 Red civil airway No. 79 control areas (Neah Bay, Wash., to Everett, Wash.).
601.280 Red civil airway No. 80 control areas (Helena, Mont., to Miles City, Mont.).
601.281 Red civil airway No. 81 control areas (Lansing, Mich., to Detroit, Mich.).
601.282 Red civil airway No. 82 control areas (Skwentna, Alaska, to Anchorage, Alaska).
601.283 Red civil airway No. 83 control areas (Gila Bend, Ariz., to Tucson, Ariz.).
601.284 Red civil airway No. 84 control areas (Meridian, Miss., to Columbus, Ga.).
601.285 Red civil airway No. 85 control areas (Akron, Ohio, to Altoona, Pa.).
601.286 Red civil airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine).
601.287 Red civil airway No. 87 control areas (Hawaiian Islands).
601.288 Red civil airway No. 88 control areas (Albuquerque, N. Mex., to Hobbs, N. Mex.).
601.289 Red civil airway No. 89 control areas (Quincy, Ill., to Peoria, Ill.).
601.290 Red civil airway No. 90 control areas (Oxnard, Calif., to Burbank, Calif.).
601.291 Red civil airway No. 91 control areas (Dunkirk, N. Y., to Syracuse, N. Y.).
601.292 Red civil airway No. 92 control areas (Sault Ste. Marie, Mich., to United States-Canadian Border).
601.293 Red civil airway No. 93 control areas (Lincoln, Nebr., to Omaha, Nebr.).
601.294 Red civil airway No. 94 control areas (Providence, R. I., to Hyannis, Mass.).
601.295 Red civil airway No. 95 control areas (Elmira, N. Y., to Utica, N. Y.).
601.296 Red civil airway No. 96 control areas (Palacios, Tex., to Baton Rouge, La.).
601.297 Red civil airway No. 97 control areas (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
601.298 Red civil airway No. 98 control areas (Vichy, Mo., to Belleville, Ill.).
601.299 Red civil airway No. 99 control areas (Iliamna, Alaska, to Homer, Alaska.).
601.300 Red civil airway No. 100 control areas (South Bend, Ind., to Battle Creek, Mich.).
601.301 Red civil airway No. 101 control areas (Biloxi, Miss., to Pensacola, Fla.).
601.302 Red civil airway No. 102 control areas (Louisville, Ky., to Huntington, W. Va.).
601.303 Red civil airway No. 103 control areas (Anchorage, Alaska, to Middelton Island, Alaska).
601.304 Red civil airway No. 104 control areas (Greensboro, N. C., to Raleigh, N. C.).
601.305 Red civil airway No. 105 control areas (Wichita, Kans., to Neosho, Mo.).
601.306 Red civil airway No. 106 control areas (Scottsbluff, Nebr., to North Platte, Nebr.).
601.307 Red civil airway No. 107 control areas (Stanton, Minn., to Red Wing, Minn.).
601.308 Red civil airway No. 108 control areas (Promontory Point, Utah, to Fort Bridger, Wyo.).
601.309 Red civil airway No. 109 control areas (Portland, Oreg., to Spokane, Wash.).
601.310 Red civil airway No. 110 control areas (Mobile, Ala., to Pensacola, Fla.).
601.312 Red civil airway No. 112 control areas (Albany, N. Y., to Westfield, Mass.).

BLUE CIVIL AIRWAYS

601.601 Blue civil airway No. 1 control areas (Miami, Fla., to Tampa, Fla.).
601.602 Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.).
601.603 Blue civil airway No. 3 control areas (Miami, Fla., to Sault Ste. Marie, Mich.).
601.604 Blue civil airway No. 4 control areas (Boston, Mass., to United States-Canadian Border).
601.605 Blue civil airway No. 5 control areas (Galveston, Tex., to Wichita, Kans.).
601.606 Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.).
601.607 Blue civil airway No. 7 control areas (Hollister, Calif., to Williams, Calif.).
601.608 Blue civil airway No. 8 control areas (Fargo, N. Dak., to United States-Canadian Border).
601.609 Blue civil airway No. 9 control areas (Springfield, Mo., to United States-Canadian Border).
601.610 Blue civil airway No. 10 control areas (Fresno, Calif., to Williams, Calif.).
601.611 Blue civil airway No. 11 control areas (Findlay, Ohio, to Dunkirk, N. Y.).
601.613 Blue civil airway No. 13 control areas (Houston, Tex., to Des Moines, Iowa).
601.614 Blue civil airway No. 14 control areas (El Centro, Calif., to Sacramento, Calif.).
601.615 Blue civil airway No. 15 control areas (Huntington, W. Va., to Youngstown, Ohio).
601.616 Blue civil airway No. 16 control areas (Waverly, Va., to Tappahannock, Va.).
601.617 Blue civil airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine).
601.618 Blue civil airway No. 18 control areas (Philadelphia, Pa., to United States-Canadian Border).
601.619 Blue civil airway No. 19 control areas (Key West, Fla., to Orlando, Fla.).
601.620 Blue civil airway No. 20 control areas (Millville, N. J., to Allentown, Pa.).
601.622 Blue civil airway No. 22 control areas (Memphis, Tenn., to Wichita, Kans.).
601.623 Blue civil airway No. 23 control areas (Norfolk, Va., to Chincoteague, Va.).
601.625 Blue civil airway No. 25 control areas (Middleton Island, Alaska, to Big Delta, Alaska).
601.626 Blue civil airway No. 26 control areas (Anchorage, Alaska, to Fairbanks, Alaska).
601.627 Blue civil airway No. 27 control area (Kodiak, Alaska, to Kotzebue, Alaska).
601.628 Blue civil airway No. 28 control areas (Charleston, S. C., to Bulls Gap, Tenn.).
601.629 Blue civil airway No. 29 control areas (Raleigh, N. C., to Lynchburg, Va.).
601.630 Blue civil airway No. 30 control areas (Brownsville, Tex., to Pueblo, Colo.).
601.631 Blue civil airway No. 31 control areas (Burlington, Iowa, to Madison; Wis.).
601.632 Blue civil airway No. 32 control areas (Anchorage, Alaska, to Talkeetna, Alaska).
601.633 Blue civil airway No. 33 control areas (Lansing, Mich., to Saginaw, Mich.).
601.634 Blue civil airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.).
601.635 Blue civil airway No. 35 control areas (Oxnard, Calif., to Bakersfield, Calif.).

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601.636	Blue civil airway No. 36 control areas (Akron, Colo., to Kimball, Nebr.).
601.637	Blue civil airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.).
601.638	Blue civil airway No. 38 control areas (Five Finger, Alaska, to United States-Canadian Border).
601.639	Blue civil airway No. 39 control areas (Savannah, Ga., to Elmira, N. Y.).
601.640	Blue civil airway No. 40 control areas (Concord, N. H., to Burlington, Vt.).
601.641	Blue civil airway No. 41 control areas (Hartford, Conn., to United States-Canadian Border).
601.642	Blue civil airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.).
601.643	Blue civil airway No. 43 control areas (Nenana, Alaska, to Nenabank, Alaska).
601.644	Blue civil airway No. 44 control areas (Indianapolis, Ind., to United States-Canadian Border).
601.645	Blue civil airway No. 45 control areas (Greenfield, Mass., to Newport, Vt.).
601.646	Blue civil airway No. 46 control areas (Memphis, Tenn., to Paducah, Ky.).
601.647	Blue civil airway No. 47 control areas (Blackstone, Va., to Dunkirk, N. Y.).
601.648	Blue civil airway No. 48 control areas (Marathon, Fla., to Miami, Fla.).
601.649	Blue civil airway No. 49 control areas (Atlantic City, N. J., to Philadelphia, Pa.).
601.651	Blue civil airway No. 51 control areas (Wendover, Utah, to Dubois, Idaho).
601.652	Blue civil airway No. 52 control areas (Paso Robles, Calif., to Fresno, Calif.).
601.653	Blue civil airway No. 53 control areas (Providence, R. I., to Hartford, Conn.).
601.654	Blue civil airway No. 54 control areas (Evergreen, Calif., to Hamilton AFB, Calif.):
601.655	Blue civil airway No. 55 control areas (Crestview, Fla., to Montgomery, Ala.).
601.656	Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Washington, D. C.).
601.657	Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho).
601.658	Blue civil airway No. 58 control areas (Nantucket, Mass., to Squantum, Mass.).
601.660	Blue civil airway No. 60 control areas (Sunnyvale, Calif., to Stockton, Calif.).
601.663	Blue civil airway No. 63 control areas (Concord, N. H., to Berlin, N. H.).
601.664	Blue civil airway No. 64 control areas (Wink, Tex., to Hobbs, N. Mex.).
601.665	Blue civil airway No. 65 control areas (Shuyak, Alaska, to Homer, Alaska).
601.666	Blue civil airway No. 66 control areas (Bridgeport, Conn., to Poughkeepsie, N. Y.).
601.667	Blue civil airway No. 67 control areas (Yuma, Ariz., to Laa Vegas, Nev.).
601.668	Blue civil airway No. 68 control areas (Midland, Tex., to Hobbs, N. Mex.).
601.669	Blue civil airway No. 69 control areas (St. Louis, Mo., to Quincy, Ill.).
601.670	Blue civil airway No. 70 control areas (Waco, Tex., to Tulsa, Okla.).
601.671	Blue civil airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.).
601.672	Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.).
601.675	Blue civil airway No. 75 control areas (Cleveland, Ohio, to United States-Canadian Border).
601.676	Blue civil airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.).
601.678	Blue civil airway No. 78 control areas (Spring Bay, Utah, to Malad City, Idaho).
601.679	Blue civil airway No. 79 control areas (Annette Island, Alaska, to United States-Canadian Border).
601.680	Blue civil airway No. 80 control areas (Unalakleet, Alaska, to Moses Point, Alaska).
601.681	Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).
601.684	Blue civil airway No. 84 control areas (Augusta, Maine, to Millinocket, Maine).
601.685	Blue civil airway No. 85 control areas (Hutchinson, Kans., to Wichita, Kans.).
601.686	Blue civil airway No. 86 control areas (Goshen, Ind., to Fort Wayne, Ind.).
601.687	Blue civil airway No. 87 control areas (Lexington, Ky., to Dayton, Ohio).

Subpart C—Control Area Extensions

601.1001	Control area extension (Moses Lake, Wash.).
601.1002	Control area extension (Austin, Tex.).
601.1003	Control area extension (Corinne, Utah).
601.1004	Control area extension (Brownsville, Tex.).
601.1005	Control area extension (Jacksonville, Fla.).
601.1006	Control area extension (Lake Charles, La.).
601.1007	Control area extension (Laredo, Tex.).
601.1008	Control area extension (Savannah, Ga.).
601.1009	Control area extension (Augusta, Ga.).
601.1010	Control area extension (Greenwood, S. C.).
601.1011	Control area extension (Daytona Beach, Fla.).
601.1012	Control area extension (Florence, S. C.).
601.1013	Control area extension (Fort Myers, Fla.).
601.1014	Control area extension (Greenville, S. C.). (Greenville-Charlotte-Greensboro area).
601.1015	Control area extension (Greenwood, Miss.).
601.1016	Control area extension (Augusta, Ga.).
601.1017	Control area extension (Newberg, Oreg.).
601.1018	Control area extension (Meridian, Miss.).
601.1019	Control area extension (Nashville, Tenn.).
601.1020	Control area extension (Macon, Ga.).
601.1021	Control area extension (Belleville, Ill.).
601.1022	Control area extension (West Palm Beach, Fla.).
601.1023	Control area extension (Akron, Colo.).
601.1024	Control area extension (Burlington, Iowa).
601.1025	Control area extension (New Orleans, La.).
601.1026	Control area extension (Grand Island, Nebr.).
601.1027	Control area extension (Kansas City, Mo.).
601.1028	Control area extension (Monroe, La.).
601.1029	Control area extension (Corpus Christi, Tex.).
601.1030	Control area extension (Victorville, Calif.).
601.1031	Control area extension (North Platte, Nebr.).
601.1032	Control area extension (Kotzebue, Alaska).
601.1033	Control area extension (St. Joseph, Mo.).
601.1034	Control area extension (Springfield, Mo.).
601.1035	Control area extension (Little Rock, Ark.).
601.1036	Control area extension (West Palm Beach, Fla.).
601.1037	Control area extension (Pensacola, Fla.).
601.1038	Control area extension (Great Falls, Mont.).
601.1039	Control area extension (Portland, Oreg.).
601.1040	Control area extension (Medford, Oreg.).
601.1041	Control area extension (Boise, Idaho).
601.1042	Control area extension (Columbus, Ohio).
601.1043	Control area extension (Bowling Green, Ky.).
601.1044	Control area extension (Ypsilanti, Mich.).
601.1045	Control area extension (Presque Isle, Maine).
601.1046	Control area extension (Falfurrias, Tex.).
601.1047	Control area extension (Bangor, Maine).
601.1048	Control area extension (Red Bluff, Calif.).
601.1049	Control area extension (Utica, N. Y.).
601.1050	Control area extension (Bakersfield, Calif.).
601.1051	Control area extension (Portland, Maine).
601.1052	Control area extension (Atlanta, Ga.).
601.1053	Control area extension (Houston, Tex.). (Beaumont - Palacios - Houston area).
601.1054	Control area extension (Sinclair, Wyo.).
601.1055	Control area extension (Elmira, N. Y.).
601.1056	Control area extension (Buffalo, N. Y.).
601.1057	Control area extension (Binghamton, N. Y.).
601.1058	Control area extension (Martinsburg, W. Va.).
601.1059	Control area extension (Lynchburg, Va.).
601.1060	Control area extension (Elkins, W. Va.).
601.1061	Control area extension (Mt. Clemens, Mich.).
601.1062	Control area extension (Raleigh, N. C.).
601.1063	Control area extension (Roanoke, Va.).
601.1064	Control area extension (Chicopee Falls, Mass.).
601.1065	Control area extension (Biloxi, Miss.).
601.1066	Control area extension (New York, N. Y.).
601.1067	Control area extension (Dayton, Ohio).
601.1068	Control area extension (Riverside, Calif.).
601.1069	Control area extension (Santa Barbara, Calif.).

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601.1070	Control area extension (Oceanside, Calif.).
601.1071	Control area extension (Burbank, Calif.).
601.1072	Control area extension (Sumter, S. C.).
601.1073	Control area extension (Fresno, Calif.).
601.1074	Control area extension (Los Angeles, Calif.).
601.1075	Control area extension (Ada, Okla.).
601.1076	Control area extension (Phoenix, Ariz.).
601.1077	Control area extension (Elko, Nev.).
601.1078	Control area extension (Reno, Nev.).
601.1079	Control area extension (Rock Springs, Wyo.).
601.1080	Control area extension (Louisville, Ky.).
601.1081	Control area extension (Windsor Locks, Conn.).
601.1082	Control area extension (Montgomery, Ala.).
601.1083	Control area extension (Bartlesville, Okla.).
601.1084	Control area extension (Quincy, Ill.).
601.1085	Control area extension (Edwards Air Force Base, Calif.).
601.1086	Control area extension (Memphis, Tenn.).
601.1087	Control area extension (Akron, Ohio).
601.1088	Control area extension (Alexandria, Minn.).
601.1089	Control area extension (Cincinnati, Ohio).
601.1090	Control area extension (Lawrence, Mass.).
601.1091	Control area extension (Detroit, Mich.).
601.1092	Control area extension (Dickinson, N. Dak.).
601.1093	Control area extension (Fargo, N. Dak.).
601.1094	Control area extension (Flint, Mich.).
601.1095	Control area extension (Fort Wayne, Ind.).
601.1096	Control area extension (Glenview, Ill.).
601.1097	Control area extension (Grand Forks, N. Dak.).
601.1098	Control area extension (Casper, Wyo.).
601.1099	Control area extension (Indianapolis, Ind.).
601.1100	Control area extension (Lone Rock, Wis.).
601.1101	Control area extension (Madison, Wis.).
601.1102	Control area extension (Minneapolis, Minn.).
601.1103	Control area extension (Minot, N. Dak.).
601.1104	Control area extension (Rockford, Ill.).
601.1105	Control area extension (Muskegon, Mich.).
601.1106	Control are extension (Whidbey Island, Wash.).
601.1107	Control area extension (Topeka, Kans.).
601.1108	Control area extension (Salina, Kans.).
601.1109	Control area extension (Goodland, Kans.).
601.1110	Control area extension (Hobbs, N. Mex.).
601.1111	Control area extension (San Diego, Calif.).
601.1112	Control area extension (Fort Dix, N. J.).
601.1113	Control area extension (San Francisco, Calif.).
601.1114	Control area extension (Bettles, Alaska).
601.1115	Control area extension (Dodge City, Kans.).
601.1116	Control area extension (Hutchinson, Kans.).
601.1117	Control area extension (Grosse Ile, Mich.).
601.1118	Control area extension (Grand Junction, Colo.).
601.1119	Control area extension (St. Louis, Mo.).
601.1120	Control area extension (Cedar Rapids, Iowa).
601.1121	Control area extension (White Plains, N. Y.).
601.1122	Control area extension (Tri-City, Tenn.).
601.1123	Control area extension (Birmingham, Ala.).
601.1124	Control area extension (Eugene, Oreg.).
601.1125	Control area extension (Tallahassee, Fla.).
601.1126	Control area extension (Knoxville, Tenn.).
601.1127	Control area extension (Pasco, Wash.).
601.1128	Control area extension (Jackson, Miss.).
601.1129	Control area extension (Washington, D. C.).
601.1130	Control area extension (Spokane, Wash.).
601.1131	Control area extension (Sitka, Alaska).
601.1132	Control area extension (West Palm Beach, Fla.).
601.1133	Control area extension (Seattle, Wash.).
601.1134	Control area extension (Columbus, Ga.).
601.1135	Control area extension (Marianna, Fla.).
601.1136	Control area extension (San Juan, P. R.).
601.1137	Control area extension (Big Spring, Tex.).
601.1138	Control area extension (Orlando, Fla.).
601.1139	Control area extension (Lexington, Ky.).
601.1140	Control area extension (Youngstown, Ohio).
601.1141	Control area extension (Boston, Mass.).
601.1142	Control area extension (Boston, Mass.).
601.1143	Control area extension (Nantucket, Mass.).
601.1144	Control area extension (Nantucket, Mass.).
601.1145	Control area extension (Nantucket, Mass.).
601.1146	Control area extension (New York, N. Y.).
601.1147	Control area extension (New York, N. Y.).
601.1148	Control area extension (Millville, N. J.).
601.1149	Control area extension (Norfolk, Va.).
601.1150	Control area extension (Wilmington, N. C.).
601.1151	Control area extension (Wilmington, N. C.).
601.1152	Control area extension (Charleston, S. C.).
601.1153	Control area extension (Jacksonville, Fla.).
601.1154	Control area extension (Bismarck, N. Dak.).
601.1155	Control area extension (Omaha, Nebr.).
601.1156	Control area extension (Albany, Ga.).
601.1157	Control area extension (Chicago, Ill.).
601.1158	Control area extension (Cleveland, Ohio).
601.1159	Control area extension (Moline, Ill.).
601.1160	Control area extension (South Bend, Ind.).
601.1161	Control area extension (Chicago, Ill.).
601.1162	Control area extension (Danville, Va.).
601.1163	Control area extension (Vero Beach, Fla.).
601.1164	Control area extension (Quonset Point, R. I.).
601.1165	Control area extension (Oakland, Calif.).
601.1166	Control area extension (Mobile, Ala.).
601.1167	Control area extension (Ontario, Oreg.).
601.1168	Control area extension (Ponca City, Okla.).
601.1169	Control area extension (Idlewild, N. Y.).
601.1170	Control area extension (Owensboro, Ky.).
601.1171	Control area extension (El Paso, Tex.).
601.1172	Control area extension (Rantoul, Ill.).
601.1173	Control area extension (San Francisco, Calif.).
601.1174	Control area extension (Santa Ana, Calif.).
601.1175	Control area extension (Charleston, S. C.).
601.1176	Control area extension (Santa Barbara, Calif.) (Santa Barbara-Honolulu rhumb line route).
601.1177	Control area extension (Long Beach, Calif.) (Long Beach-Honolulu route).
601.1178	Control area extension (Honolulu, T. H.).
601.1179	Control area extension (Hilo, T. H.).
601.1180	Control area extension (San Antonio, Tex.).
601.1181	Control area extension (Elizabeth City, N. C.).
601.1182	Control area extension (Enid, Okla.).
601.1183	Control area extension (Wake Island).
601.1184	Control area extension (Douglas, Ariz.).
601.1185	Control area extension (Utah Lake, Utah).
601.1186	Control area extension (Tucson, Ariz.).
601.1187	Control area extension (Jackson, Mich.).
601.1188	Control area extension (Milwaukee, Wis.).
601.1189	Control area extension (Daggett, Calif.).
601.1190	Control area extension (Fairfield, Calif.).
601.1191	Control area extension (Thermal, Calif.).
601.1192	Control area extension (Merced, Calif.).
601.1193	Control area extension (Monterey, Calif.).
601.1194	Control area extension (Sacramento, Calif.).
601.1195	Control area extension (San Angelo, Tex.).
601.1196	Control area extension (Yuma, Ariz.).
601.1197	Control area extension (Dubois, Idaho).
601.1198	Control area extension (Idaho Falls, Idaho).
601.1199	Control area extension (St. Cloud, Minn.).
601.1200	Control area extension (Columbia, S. C.).
601.1201	Control area extension (Saginaw, Mich.).
601.1202	Control area extension (Tucumcari, N. Mex.).
601.1203	Control area extension (Stuttgart, Ark.).

Sec.	
601.1204	Control area extension (Zuni, N. Mex.).
601.1205	Control area extension (Albuquerque, N. Mex.).
601.1206	Control area extension (Midland, Tex.).
601.1207	Control area extension (Carlsbad, N. Mex.).
601.1208	Control area extension (Salt Flat, Tex.).
601.1209	Control area extension (Columbus, N. Mex.).
601.1210	Control area extension (Olathe, Kans.).
601.1211	Control area extension (Dallas, Tex.).
601.1212	Control area extension (White Sulphur Springs, W. Va.).
601.1213	Control area extension (Chatsworth, Calif.).
601.1214	Control area extension (Brownsville, Tex.).
601.1215	Control area extension (Galveston, Tex.).
601.1216	Control area extension (New Orleans, La.).
601.1217	Control area extension (Kodiak, Alaska).
601.1218	Control area extension (Homer, Alaska).
601.1219	Control area extension (Pensacola, Saufley Field, Ala.).
601.1220	Control area extension (Johnstown, Pa.).
601.1221	Control area extension (Dothan, Ala.).
601.1222	Control area extension (Pine Bluff, Ark.).
601.1223	Control area extension (Miramar, Calif.).
601.1224	Control area extension (Philipsburg, Pa.).
601.1225	Control area extension (Erie, Pa.).
601.1226	Control area extension (Tampa, Fla.).
601.1227	Control area extension (Lovelock, Nev.).
601.1228	Control area extension (Tampa, Fla.).
601.1229	Control area extension (Atterbury, Ind.).
601.1230	Control area extension (Miami, Fla.).
601.1231	Control area extension (Newport, Vt.).
601.1232	Control area extension (Miami, Fla.).
601.1233	Control area extension (Key West, Fla.).
601.1234	Control area extension (Marathon, Fla.).
601.1235	Control area extension (West Palm Beach, Fla.).
601.1236	Control area extension (Seattle, (Clear Lake), Wash.).
601.1237	Control area extension (Waco, Tex.).
601.1238	Control area extension (Amarillo, Tex.).
601.1239	Control area extension (Lubbock, Tex.).
601.1240	Control area extension (Tyler, Tex.).
601.1241	Control area extension (Tulsa, Okla.).
601.1242	Control area extension (Stockton, Calif.).
601.1243	Control area extension (La Crosse, Wis.).
601.1244	Control area extension (Terre Haute, Ind.).
601.1245	Control area extension (Port Allen, Kauai, T. H.).
601.1246	Control area extension (Evansville, Ind.).
601.1247	Control area extension (Las Vegas, Nev.).
601.1248	Control area extension (Richmond, Va.).
601.1249	Control area extension (Aberdeen, S. Dak.).
601.1250	Control area extension (Jamestown, N. Dak.).
601.1251	Control area extension (Mansfield, Ohio).
601.1252	Control area extension (Janesville, Wis.).
601.1253	Control area extension (Bradford, Ill.).
601.1254	Control area extension (Pontiac, Ill.).
601.1255	Control area extension (Findlay, Ohio).
601.1256	Control area extension (Pittsburgh, Pa.).
601.1257	Control area extension (Goshen, Ind.).
601.1258	Control area extension (Lafayette, Ind.).
601.1259	Control area extension (Huron, S. Dak.).
601.1260	Control area extension (Altus, Okla.).
601.1261	Control area extension (Lansing, Mich.).
601.1262	Control area extension (Mason City, Iowa).
601.1263	Control area extension (Rochester, Minn.).
601.1264	Control area extension (Dyersburg, Tenn.).
601.1265	Control area extension (Edenton, N. C.).
601.1266	Control area extension (Litchfield, Mich.).
601.1267	Control area extension (Springfield, Ill.).
601.1268	Control area extension (Sioux Falls, S. Dak.).
601.1269	Control area extension (Watertown, S. Dak.).
601.1270	Control area extension (Harrisburg, Pa.).
601.1271	Control area extension (Front Royal, Va.).
601.1272	Control area extension (Baltimore, Md.).
601.1273	Control area extension (Syracuse, N. Y.).
601.1274	Control area extension (Niagara Falls, N. Y.).
601.1275	Control area extension (Fairbanks, Alaska).
601.1276	Control area extension (Cheyenne, Wyo.).
601.1277	Control area extension (Denver, Colo.).
601.1278	Control area extension (Des Moines, Iowa).
601.1279	Control area extension (Rapid City, S. Dak.).
601.1280	Control area extension (Sheridan, Wyo.).
601.1281	Control area extension (Pueblo, Colo.).
601.1282	Control area extension (Wichita, Kans.).
601.1283	Control area extension (Toledo, Wash.).
601.1284	Control area extension (Oklahoma City, Okla.).
601.1285	Control area extension (Shreveport, La.).
601.1286	Control area extension (Fort Worth, Tex.).
601.1287	Control area extension (Houghton, Mich.).
601.1288	Control area extension (Sault Ste. Marie, Mich.).
601.1289	Control area extension (Valparaiso, Fla.).
601.1290	Control area extension (Joplin, Mo.).
601.1291	Control area extension (Garden City, Kans.).
601.1292	Control area extension (Manakin, Va.).
601.1293	Control area extension (Fort Smith, Ark.).
601.1294	Control area extension (Everett, Wash.).
601.1295	Control area extension (Falmouth, Mass.).
601.1296	Control area extension (Nantucket, Mass.).
601.1297	Control area extension (Paducah, Ky.).
601.1298	Control area extension (Promontory Point, Utah).
601.1299	Control area extension (Valdosta, Ga.).
601.1300	Control area extension (Prescott, Ariz.).
601.1301	Control area extension (Winslow, Ariz.).
601.1302	Control area extension (Lawton, Okla.).
601.1303	Control area extension (Albany, N. Y.).
601.1304	Control area extension (Poughkeepsie, N. Y.).
601.1305	Control area extension (Wilton, Conn.).
601.1306	Control area extension (Mountain Home, Idaho).
601.1307	Control area extension (Minchumina, Alaska).
601.1308	Control area extension (Gustavus, Alaska).
601.1309	Control area extension (Kodiak, Alaska).
601.1310	Control area extension (Anchorage, Alaska).
601.1311	Control area extension (Oscoda, Mich.).
601.1312	Control area extension (Zanesville, Ohio).
601.1313	Control area extension (Sioux City, Iowa).
601.1314	Control area extension (Kirksville, Mo.).
601.1315	Control area extension (Emporia, Kans.).
601.1316	Control area extension (La Junta, Colo.).
601.1317	Control area extension (Tuscaloosa, Ala.).
601.1318	Control area extension (Muscle Shoals, Ala.).
601.1319	Control area extension (Key West, Fla.).
601.1320	Control area extension (Cross City, Fla.).
601.1321	Control area extension (Brunswick, Ga.).
601.1322	Control area extension (Alice, Tex.).
601.1323	Control area extension (Dallas, Tex.) (Dallas-Houston-Austin area).
601.1324	Control area extension (Brunswick, Maine).
601.1325	Control area extension (Tampa, Fla.).
601.1326	Control area extension (Fortuna, Calif.).
601.1327	Control area extension (Crescent City, Calif.).
601.1328	Control area extension (Oxnard, Calif.).
601.1329	Control area extension (Malden, Mo.).
601.1330	Control area extension (Sherman, Tex.).
601.1331	Control area extension (Tacoma, Wash.).
601.1332	Control area extension (Santa Maria, Calif.).
601.1333	Control area extension (Nome, Alaska).
601.1334	Control area extension (Del Rio, Tex.).
601.1335	Control area extension (Lafayette, La.).
601.1336	Control area extension (Eau Claire, Wis.).
601.1337	Control area extension (Wausau, Wis.).
601.1338	Control area extension (Green Bay, Wis.).
601.1339	Control area extension (Oshkosh, Wis.).

Sec.	
601.1340	Control area extension (Miles City, Mont.).
601.1341	Control area extension (Dover, Del.).
601.1342	Control area extension (Sanford, Fla.).
601.1343	Control area extension (Juneau, Alaska).
601.1344	Control area extension (Laconia, N. H.).
601.1345	Control area extension (Rockland, Maine).
601.1346	Control area extension (Bar Harbor, Maine).
601.1347	Control area extension (Colorado Springs, Colo.).
601.1348	Control area extension (Twin Falls, Idaho).
601.1349	Control area extension (Redmond, Oreg.).
601.1350	Control area extension (Kodiak, Alaska).
601.1351	Control area extension (Philadelphia, Pa.).
601.1352	Control area extension (Sedalia, Mo.).
601.1353	Control area extension (Charleston, W. Va.).
601.1354	Control area extension (Salem, Oreg.).
601.1355	Control area extension (Berlin, N. H.).
601.1356	Control area extension (Greenville, Miss.).
601.1357	Control area extension (Fallon, Nev.).
601.1358	Control area extension (Midway Island).
601.1359	Control area extension (Childress, Tex.).
601.1360	Control area extension (Abilene, Tex.).
601.1361	Control area extension (Cotulla, Tex.).
601.1362	Control area extension (Dalhart, Tex.).
601.1363	Control area extension (Lufkin, Tex.).
601.1364	Control area extension (Texarkana, Ark.).
601.1365	Control area extension (Walnut Ridge, Ark.).
601.1366	Control area extension (Gage, Okla.).
601.1367	Control area extension (Wink, Tex.).
601.1368	Control area extension (Greensboro, N. C.).
601.1369	Control area extension (Myrtle Beach, S. C.).
601.1370	Control area extension (Wilmington, N. C.).
601.1371	Control area extension (Hyannis, Mass.).
601.1372	Control area extension (Los Angeles, Calif.).
601.1373	Control area extension (Chattanooga, Tenn.).
601.1374	Control area extension (Limestone, Maine).
601.1375	Control area extension (Manchester, N. H.).
601.1376	Control area extension (Victoria, Tex.).
601.1377	Control area extension (Boston, Mass.).
601.1378	Control area extension (Wilmington, Del.).
601.1379	Control area extension (Waterloo, Iowa).
601.1380	Control area extension (Kaneohe, Oahe, T. H.).
601.1381	Control area extension (Kwajalein Island).
601.1382	Control area extension (Wake Island).
601.1383	Control area extension (Guam Island).
601.1384	Control area extension (Hopkinsville, Ky.).
601.1385	Control area extension (Rome, N. Y.).
601.1386	Control area extension (Orlando, Fla.).
601.1387	Control area extension (Blytheville, Ark.).
601.1388	Control area extension (Fort Bragg, N. C.).
601.1389	Control area extension (Miami, Fla.).
601.1390	Control area extension (Oahu-Molokai, T. H.).
601.1391	Control area extension (Gettysburg, Pa.).
601.1392	Control area extension (Ogden, Utah).
601.1393	Control area extension (Roswell, N. Mex.).
601.1394	Control area extension (Williams, Calif.).
601.1395	Control area extension (Plattsburg, N. Y.).
601.1396	Control area extension (Asheville, N. C.).
601.1397	Control area extension (Cordova, Alaska).
601.1398	Control area extension (Anchorage, Alaska).
601.1399	Control area extension (Clovis, N. Mex.).
601.1400	Control area extension (King Salmon, Alaska) (King Salmon-Shemya route).
601.1401	Control area extension (King Salmon, Alaska) (King Salmon-Adak route).
601.1402	Control area extension (Middleton Island, Alaska).
601.1403	Control area extension (Yakatoga, Alaska).
601.1404	Control area extension (Pierre, S. Dak.).
601.1405	Control area extension (Peru, Ind.).
601.1406	Control area extension (Milton, Fla.).
601.1407	Control area extension (Crestview, Fla.).
601.1408	Control area extension (Miami, Fla.).
601.1409	Control area extension (Huntsville, Ala.).
601.1410	Control area extension (Portsmouth, N. H.).
601.1411	Control area extension (Iwo Jima, Volcano Islands).
601.1412	Control area extension (Marysville, Calif.).
601.1413	Control area extension (Eniwetok Island).
601.1415	Control area extension (Fortuna, Calif.).
601.1416	Control area extension (Salt Lake City, Utah).

Subpart D—Control Zones

601.1981	Scope of control zones.
601.1982	Designation of control zones.
601.1983	Three mile radius zones.
601.1984	Five mile radius zones.

ADDITIONAL CONTROL ZONES

601.2001	Albany, N. Y., control zone.
601.2002	Augusta, Maine, control zone.
601.2003	Baltimore, Md., control zone.
601.2004	Bangor, Maine, control zone.
601.2005	Boston, Mass., control zone.
601.2006	Buffalo, N. Y., control zone.
601.2007	Burlington, Vt., control zone.
601.2008	Concord, N. H., control zone.
601.2009	Erie, Pa., control zone.
601.2010	Harrisburg, Pa., control zone.
601.2011	Hartford, Conn., control zone.
601.2012	Millinocket, Maine, control zone.
601.2013	Newark, N. J., control zone.
601.2014	Norfolk, Va., control zone.
601.2015	Philadelphia, Pa., control zone.
601.2016	Wheeling, W. Va., control zone.
601.2017	Pittsburgh, Pa., control zone.
601.2018	Portland, Maine, control zone.
601.2019	Providence, R. I., control zone.
601.2020	Richmond, Va., control zone.
601.2021	Rochester, N. Y., control zone.
601.2022	Washington, D. C., control zone.
601.2023	Albuquerque, N. Mex., control zone.
601.2024	Amarillo, Tex., control zone.
601.2025	Big Spring, Tex., control zone.
601.2026	Brownsville, Tex., control zone.
601.2027	Dallas, Tex., control zone.
601.2028	El Paso, Tex., control zone.
601.2029	Fort Worth, Tex., control zone.
601.2030	Galveston, Tex., control zone.
601.2031	Houston, Tex., control zone.
601.2032	Laredo, Tex., control zone.
601.2033	Little Rock, Ark., control zone.
601.2034	Monroe, La., control zone.
601.2035	New Orleans, La., control zone.
601.2036	Ponca City, Okla., control zone.
601.2037	San Angelo, Tex., control zone.
601.2038	Shreveport, La., control zone.
601.2039	Tulsa, Okla., control zone.
601.2040	Smyrna, Tenn., control zone.
601.2041	Akron, Colo., control zone.
601.2042	Burlington, Iowa, control zone.
601.2043	Casper, Wyo., control zone.
601.2044	Cheyenne, Wyo., control zone.
601.2045	Colorado Springs, Colo., control zone.
601.2046	Columbia, Mo., control zone.
601.2047	Denver, Colo., control zone.
601.2048	Des Moines, Iowa, control zone.
601.2049	Fort Bridger, Wyo., control zone.
601.2050	Garden City, Kans., control zone.
601.2051	Grand Island, Nebr., control zone.
601.2052	Quincy, Ill., control zone.
601.2053	Huron, S. Dak., control zone.
601.2054	Hutchinson, Kans., control zone.
601.2055	Joplin, Mo., control zone.
601.2056	Kansas City, Mo., control zone.
601.2057	Kirksville, Mo., control zone.
601.2058	La Junta, Colo., control zone.
601.2059	Laramie, Wyo., control zone.
601.2060	Pellston, Mich., control zone.
601.2061	Lincoln, Nebr., control zone.
601.2062	Mason City, Iowa, control zone.
601.2063	North Platte, Nebr., control zone.
601.2064	Omaha, Nebr., control zone.
601.2065	Pierre, S. Dak., control zone.
601.2066	Pueblo, Colo., control zone.
601.2067	Rapid City, S. Dak., control zone.
601.2068	Rock Springs, Wyo., control zone.
601.2069	St. Joseph, Mo., control zone.
601.2070	St. Louis, Mo., control zone.
601.2071	Scottsbluff, Nebr., control zone.
601.2072	Sheridan, Wyo., control zone.
601.2073	Rawlings, Wyo., control zone.
601.2074	Sioux City, Iowa, control zone.
601.2075	Springfield, Mo., control zone.
601.2076	Topeka, Kans., control zone.
601.2077	Trinidad, Colo., control zone.
601.2078	Edenton, N. C., control zone.
601.2079	Watertown, S. Dak., control zone.
601.2080	Wichita, Kans., control zone.
601.2081	Jacksonville, N. C., control zone.
601.2082	Akron, Ohio, control zone.
601.2083	Alexandria, Minn., control zone.
601.2084	Battle Creek, Mich., control zone.
601.2085	Bismarck, N. Dak., control zone.
601.2086	Chicago, Ill., control zone.
601.2087	Cincinnati, Ohio, control zone.
601.2088	Dodge City, Kans., control zone.
601.2089	Cleveland, Ohio, control zone.
601.2090	Columbus, Ohio, control zone.
601.2091	Dayton, Ohio, control zone.
601.2092	Detroit, Mich., control zone.
601.2093	Dickinson, N. Dak., control zone.
601.2094	Duluth, Minn., control zone.
601.2095	Belleville, Ill., control zone.
601.2096	Evansville, Ind., control zone.
601.2097	Fargo, N. Dak., control zone.
601.2098	Flint, Mich., control zone.
601.2099	Fort Wayne, Ind., control zone.
601.2100	Glenview, Ill., control zone.
601.2101	Goshen, Ind., control zone.
601.2102	Grand Forks, N. Dak., control zone.
601.2103	Grand Rapids, Mich., control zone.
601.2104	Huntington, W. Va., control zone.
601.2105	Indianapolis, Ind., control zone.

Sec.		Sec.		Sec.	
601.2106	Jamestown, N. Dak., control zone.	601.2195	Windsor Locks, Conn., control zone.	601.2281	Tacoma, Wash., control zone.
601.2107	Joliet, Ill., control zone.	601.2196	Wilmington, Del., control zone.	601.2282	Mt. Clemens, Mich., control zone.
601.2108	Lansing, Mich., control zone.	601.2197	Morgantown, W. Va., control zone.	601.2283	Atlanta, Ga., control zone.
601.2109	Lafayette, Ind., control zone.	601.2198	Montpelier, Vt., control zone.	601.2284	Traverse City, Mich., control zone.
601.2110	Lone Rock, Wis., control zone.	601.2199	Syracuse, N. Y., control zone.	601.2285	Victorville, Calif., control zone.
601.2111	Louisville, Ky., control zone.	601.2200	Allentown, Pa., control zone.	601.2286	Columbus, Ga., control zone.
601.2112	Madison, Wis., control zone.	601.2201	Williamsport, Pa., control zone.	601.2287	San Antonio, Tex., control zone.
601.2113	Milwaukee, Wis., control zone.	601.2203	Philadelphia, Pa., control zone.	601.2288	Longview, Tex., control zone.
601.2114	Minneapolis, Minn., control zone.	601.2203	Martinsburg, W. Va., control zone.	601.2289	Houghton, Mich., control zone.
601.2115	Minot, N. Dak., control zone.	601.2204	Presque Isle, Maine, control zone.	601.2290	Grand Marais, Mich., control zone.
601.2116	Moline, Ill., control zone.	601.2205	Chincoteague, Va., control zone.	601.2291	Sault Ste. Marie, Mich., control zone.
601.2117	Muskegon, Mich., control zone.	601.2206	New York, N. Y., control zone.	601.2292	Oceana, Va., control zone.
601.2118	Langley AFB, Va., control zone.	601.2207	White Plains, N. Y., control zone.	601.2293	Chicago, Ill., control zone.
601.2119	Peoria, Ill., control zone.	601.2208	Stockton, Calif., control zone.	601.2294	Nantucket, Mass., control zone.
601.2120	Rochester, Minn., control zone.	601.2209	Tucson, Ariz., control zone.	601.2295	Andrews, Md., control zone.
601.2121	Rockford, Ill., control zone.	601.2210	Santa Barbara, Calif., control zone.	601.2296	Valparaiso, Fla., control zone.
601.2122	Detroit, Mich., control zone.	601.2211	Beeville, Tex., control zone.	601.2297	Jackson, Mich., control zone.
601.2123	South Bend, Ind., control zone.	601.2212	Sumter, S. C., control zone.	601.2298	Omaha, Nebr., control zone.
601.2124	Roswell, N. Mex., control zone.	601.2213	Salina, Kans., control zone.	601.2299	Limestone, Maine, control zone.
601.2125	Terre Haute, Ind., control zone.	601.2214	Goodland, Kans., control zone.	601.2300	Upolu Point, Hawaii, T. H., control zone.
601.2126	Toledo, Ohio, control zone.	601.2215	San Juan, P. R., control zone.	601.2301	Waco, Tex., control zone.
601.2127	Youngstown, Ohio, control zone.	601.2216	Seattle, Wash., control zone.	601.2302	Willow Grove, Pa., control zone.
601.2128	Wilmington, N. C., control zone.	601.2217	Aberdeen, S. Dak., control zone.	601.2303	Great Falls, Mont., control zone.
601.2129	Bowling Green, Ky., control zone.	601.2218	Sioux Falls, S. Dak., control zone.	601.2304	Binghamton, N. Y., control zone.
601.2130	Atlanta, Ga., control zone.	601.2219	Cedar Rapids, Iowa, control zone.	601.2305	Lawton, Okla., control zone.
601.2131	Augusta, Ga., control zone.	601.2220	Lubbock, Tex., control zone.	601.2306	Paducah, Ky., control zone.
601.2132	Biloxi, Miss., control zone.	601.2221	La Crosse, Wis., control zone.	601.2307	Brunswick, Maine, control zone.
601.2133	Birmingham, Ala., control zone.	601.2222	Austin, Tex., control zone.	601.2308	Valdosta, Ga., control zone.
601.2134	Charleston, S. C., control zone.	601.2223	Charleston, W. Va., control zone.	601.2309	Valdosta, Ga., control zone.
601.2135	Charlotte, N. C., control zone.	601.2224	Anderson, S. C., control zone.	601.2310	Oscoda, Mich., control zone.
601.2136	Chattanooga, Tenn., control zone.	601.2225	Mansfield, Ohio, control zone.	601.2311	San Antonio, Tex., control zone.
601.2137	Columbia, S. C., control zone.	601.2226	Springfield, Ill., control zone.	601.2312	Columbus, Ind., control zone.
601.2138	Crestview, Fla., control zone.	601.2227	Dover, Del., control zone.	601.2313	Pittsburgh, Pa., control zone.
601.2139	Cross City, Fla., control zone.	601.2228	Fairbanks, Alaska, control zone.	601.2314	Bryan, Tex., control zone.
601.2140	Daytona Beach, Fla., control zone.	601.2229	Fairfield, Calif., control zone.	601.2315	San Bernardino, Calif., control zone.
601.2141	Dothan, Ala., control zone.	601.2230	Brunswick, Ga., control zone.	601.2316	Marianna, Fla., control zone.
601.2142	Florence, S. C., control zone.	601.2231	Vero Beach, Fla., control zone.	601.2317	Tuscaloosa, Ala., control zone.
601.2143	Fort Myers, Fla., control zone.	601.2232	Norfolk, Va., control zone.	601.2318	Myrtle Beach, S. C., control zone.
601.2144	Greensboro, N. C., control zone.	601.2233	Quonset Point, R. I., control zone.	601.2319	Malden, Mo., control zone.
601.2145	Greenville, S. C., control zone.	601.2234	Miami, Fla., control zone.	601.2320	Midland, Tex., control zone.
601.2146	Greenwood, Miss., control zone.	601.2235	Truth or Consequences, N. Mex., control zone.	601.2321	Oxnard, Calif., control zone.
601.2147	Waterloo, Iowa, control zone.	601.2236	Whidbey Island, Wash., control zone.	601.2322	Fort Worth, Tex., control zone.
601.2148	Jackson, Miss., control zone.	601.2237	Dyersburg, Tenn., control zone.	601.2323	Grand Prairie, Tex., control zone.
601.2149	Jacksonville, Fla., control zone.	601.2238	New York, N. Y., control zone.	601.2324	New Bern, N. C., control zone.
601.2150	Key West, Fla., control zone.	601.2239	Cordova, Alaska, control zone.	601.2325	Hyannis, Mass., control zone.
601.2151	Knoxville, Tenn., control zone.	601.2240	Milton, Fla., control zone.	601.2326	Martha's Vineyard, Mass., control zone.
601.2152	Macon, Ga., control zone.	601.2241	Macon, Ga., control zone.	601.2327	Baton Rouge, La., control zone.
601.2153	Melbourne, Fla., control zone.	601.2242	Lexington, Ky., control zone.	601.2328	Manchester, N. H., control zone.
601.2154	Memphis, Tenn., control zone.	601.2243	Hempstead, N. Y., control zone.	601.2329	Gage, Okla., control zone
601.2155	Meridian, Miss., control zone.	601.2244	Quantico, Va., control zone.	601.2330	Alexandria, La., control zone.
601.2156	Miami, Fla., control zone.	601.2245	Chanute, Kans., control zone.	601.2331	Lake Charles, La., control zone.
601.2157	Mobile, Ala., control zone.	601.2246	Oklahoma City, Okla., control zone.	601.2332	Beaumont, Tex., control zone.
601.2158	Grandview, Mo., control zone.	601.2247	Abilene, Tex., control zone.	601.2333	Palacios, Tex., control zone.
601.2159	Montgomery, Ala., control zone.	601.2248	San Antonio, Tex., control zone.	601.2334	Alice, Tex., control zone.
601.2160	Muscle Shoals, Ala., control zone.	601.2249	Corpus Christi, Tex., control zone.	601.2335	Eau Claire, Wis., control zone.
601.2161	Nashville, Tenn., control zone.	601.2250	Tyler, Tex., control zone.	601.2336	Green Bay, Wis., control zone.
601.2162	Orlando, Fla., control zone.	601.2251	Albany, Ga., control zone.	601.2337	Wausau, Wis., control zone.
601.2163	Pensacola, Fla., control zone.	601.2252	El Toro, Calif., control zone.	601.2338	Phoenix, Ariz., control zone.
601.2164	Raleigh, N. C., control zone.	601.2253	Sedalia, Mo., control zone.	601.2339	Douglas, Ariz., control zone.
601.2165	Savannah, Ga., control zone.	601.2254	Falmouth, Mass., control zone.	601.2340	Sanford, Fla., control zone.
601.2166	Spartanburg, S. C., control zone.	601.2255	Aguadilla, P. R., control zone.	601.2341	Utica, N. Y., control zone.
601.2167	Tallahassee, Fla., control zone.	601.2256	Parkersburg, W. Va., control zone.	601.2342	Ardmore, Okla., control zone.
601.2168	Tampa, Fla., control zone.	601.2257	Rantoul, Ill., control zone.	601.2343	Pine Bluff, Ark., control zone.
601.2169	Tri-City, Tenn., control zone.	601.2258	Wichita Falls, Tex., control zone.	601.2344	Gulfport, Miss., control zone.
601.2170	West Palm Beach, Fla., control zone.	601.2259	Kodiak, Alaska, control zone.	601.2345	Calverton, N. Y., control zone.
601.2171	Winston-Salem, N. C., control zone.	601.2260	Fort Smith, Ark., control zone.	601.2346	Guam Island control zone.
601.2172	Alma, Ga., control zone.	601.2261	Yakataga, Alaska, control zone.	601.2347	Guam Island control zone.
601.2173	Bakersfield, Calif., control zone.	601.2262	Honolulu, T. H., control zone.	601.2348	Midway Island control zone.
601.2174	Burbank, Calif., control zone.	601.2263	Lafayette, La., control zone.	601.2349	Kwajalein Island control zone.
601.2175	El Centro, Calif., control zone.	601.2264	Spokane, Wash., control zone.	601.2350	Childress, Tex., control zone.
601.2176	Fresno, Calif., control zone.	601.2265	Wright-Patterson AFB, Ohio, control zone.	601.2351	Cotulla, Tex., control zone.
601.2177	Las Vegas, Nev., control zone.	601.2266	Springfield, Ohio, control zone.	601.2352	Dalhart, Tex., control zone.
601.2178	Long Beach, Calif., control zone.	601.2267	Baltimore, Md., control zone.	601.2353	Lufkin, Tex., control zone.
601.2179	Los Angeles, Calif., control zone.	601.2268	Ottumwa, Iowa, control zone.	601.2354	Texarkana, Ark., control zone.
601.2180	Oakland, Calif., control zone.	601.2269	Fort Dix, N. J., control zone.	601.2355	Walnut Ridge, Ark., control zone.
601.2181	Ogden, Utah, control zone.	601.2270	Enid, Okla., control zone.	601.2356	Hobart, Okla., control zone.
601.2182	Palmdale, Calif., control zone.	601.2271	Saginaw, Mich., control zone.	601.2357	Brunswick, Ga., control zone.
601.2183	Grand Junction, Colo., control zone.	601.2272	Wake Island control zone.	601.2358	Clovis, N. Mex., control zone.
601.2184	Prescott, Ariz., control zone.	601.2273	Cincinnati, Ohio, control zone.	601.2359	Victoria, Tex., control zone.
601.2185	Sacramento, Calif., control zone.	601.2274	Craig AFB, Selma, Ala., control zone.	601.2360	South Weymouth, Mass., control zone.
601.2186	San Diego, Calif., control zone.	601.2275	Pensacola, Fla., control zone.	601.2361	Grosse Ile, Mich., control zone.
601.2187	San Francisco, Calif., control zone.	601.2276	Westover, Mass., control zone.	601.2362	Merced, Calif., control zone.
601.2188	Salt Lake City, Utah, control zone.	601.2277	Carlsbad, N. Mex., control zone.	601.2363	Elizabeth City, N. C., control zone.
601.2189	Olathe, Kans., control zone.	601.2278	New Bedford, Mass., control zone.	601.2364	Hopkinsville, Ky., control zone.
601.2190	Atlantic City, N. J., control zone.	601.2279	Anchorage, Alaska, control zone.	601.2365	Salem, Oreg., control zone.
601.2191	Zanesville, Ohio, control zone.	601.2280	Hobbs, N. Mex., control zone.	601.2366	Riverside, Calif., control zone.
601.2192	Ontario, Calif., control zone.				
601.2193	Kahului, Maui, T. H., control zone.				
601.2194	Hilo, Hawaii, T. H., control zone.				

Sec.	
601.2367	Fort Bragg, N. C., control zone.
601.2368	Sault Ste. Marie, Mich., control zone.
601.2369	Sacramento, Calif., control zone.
601.2371	Plattsburg, N. Y., control zone.
601.2372	Asheville, N. C., control zone.
601.2373	Atlanta, Ga., control zone.
601.2374	Billings, Mont., control zone.
601.2375	Islip, N. Y., control zone.
601.2376	Little Rock, Ark., control zone.
601.2377	Shreveport, La., control zone.
601.2378	Peru, Ind., control zone.
601.2379	Beaufort, S. C., control zone.
601.2380	Altus, Okla., control zone.
601.2381	Homestead, Fla., control zone.
601.2382	Huntsville, Ala., control zone.
601.2383	Memphis, Tenn., control zone.
601.2384	Blytheville, Ark., control zone.
601.2385	Mojave, Calif., control zone.
601.2386	Mountain Home, Idaho, control zone.
601.2387	San Antonio, Tex., control zone.
601.2388	Miramar, Calif., control zone.
601.2389	Portsmouth, N. H., control zone.
601.2390	North, S. C., control zone.
601.2391	Kaneohe, Oahu, T. H., control zone.
601.2392	Elmira, N. Y., control zone.
601.2393	Watertown, N. Y., control zone.
601.2394	Niagara Falls, N. Y., control zone.
601.2396	Everett, Wash., control zone.
601.2397	Schnectady, N. Y., control zone.

Subpart E—Colored Civil Airway Reporting Points

DESIGNATION OF REPORTING POINTS

601.4001 Designation of reporting points.

GREEN CIVIL AIRWAYS

601.4011 Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).

601.4012 Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).

601.4013 Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).

601.4014 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).

601.4015 Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).

601.4016 Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).

601.4017 Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).

601.4018 Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).

601.4019 Green civil airway No. 9 (Hawaiian Islands).

601.4020 Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).

AMBER CIVIL AIRWAYS

601.4101 Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).

601.4102 Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).

601.4103 Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).

601.4104 Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).

601.4105 Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).

601.4106 Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).

601.4107 Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).

601.4108 Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).

601.4109 Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).

601.4110 Amber civil airway No. 10 (Hawaiian Islands).

601.4111 Amber civil airway No. 11 (Hawaiian Islands).

601.4112 Amber civil airway No. 12 (Hawaiian Islands).

RED CIVIL AIRWAYS

601.4201 Red civil airway No. 1 (Big Spring, Tex., to San Antonio, Tex.).

601.4202 Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).

601.4203 Red civil airway No. 3 (Phillipsburg, Pa., to Hartford, Conn.).

601.4204 Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex).

601.4205 Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).

601.4206 Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).

601.4207 Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).

601.4208 Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.)

601.4209 Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).

601.4210 Red civil airway No. 10, Amarillo, Tex., to Charleston, S. C.).

601.4211 Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).

601.4212 Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).

601.4213 Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).

601.4214 Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).

601.4215 Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).

601.4216 Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.).

601.4217 Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).

601.4218 Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).

601.4219 Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).

601.4220 Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).

601.4221 Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).

601.4222 Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).

601.4223 Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).

601.4224 Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).

601.4225 Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).

601.4226 Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).

601.4227 Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).

601.4228 Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).

601.4229 Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.).

601.4230 Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).

601.4231 Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).

601.4232 Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).

601.4233 Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).

601.4234 Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).

601.4235 Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).

601.4236 Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).

601.4237 Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).

601.4238 Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).

601.4239 Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).

601.4240 Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).

601.4241 Red civil airway No. 41 (Cape Spencer, Alaska, to Sisters Island, Alaska).

601.4242 Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).

601.4243 Red civil airway No. 43 (Chicago, Ill., to La Fayette, Ind.).

601.4244 Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).

601.4245 Red civil airway No. 45 (Blackstone, Va., to Lancaster, Pa.).

601.4246 Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).

601.4247 Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).

601.4248 Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.).

601.4249 Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).

601.4250 Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).

601.4251 Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).

601.4252 Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).

601.4253 Red civil airway No. 53 (Portland, Oreg., to Spokane, Wash.).

601.4254 Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).

601.4255 Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).

601.4256 Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).

601.4257 Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio).

601.4258 Red civil airway No. 58 (Augusta, Maine, to United States-Canadian Border).

601.4259 Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).

601.4260 Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).

601.4261 Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).

601.4262 Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).

601.4263 Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).

601.4264 Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).

601.4265 Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).

601.4266 Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).

601.4267 Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).

601.4268 Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).

601.4269 Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).

601.4270 Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).

601.4271 Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).

601.4272 Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).

601.4273 Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).

601.4274 Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).

601.4275 Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).

601.4276 Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).

601.4277 Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).

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601.4278 Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).
601.4279 Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).
601.4280 Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).
601.4281 Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).
601.4282 Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).
601.4283 Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).
601.4284 Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).
601.4285 Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.).
601.4286 Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).
601.4287 Red civil airway No. 87 (Hawaiian Islands).
601.4288 Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).
601.4289 Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).
601.4290 Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).
601.4291 Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).
601.4292 Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).
601.4293 Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).
601.4294 Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).
601.4295 Red civil airway No. 95 (Elmira, N. Y. to Utica, N. Y.).
601.4296 Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).
601.4297 Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
601.4298 Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).
601.4299 Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).
601.4300 Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.)
601.4301 Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.).
601.4302 Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.).
601.4303 Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).
601.4304 Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).
601.4305 Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).
601.4306 Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).
601.4307 Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).
601.4308 Red civil airway No. 108 (Promontory Point, Utah, to Fort Bridger, Wyo.).
601.4309 Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).
601.4310 Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).
601.4312 Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).

BLUE CIVIL AIRWAYS

601.4601 Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).
601.4602 Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).
601.4603 Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).
601.4604 Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).
601.4605 Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).
601.4606 Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).
601.4607 Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).
601.4608 Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).
601.4609 Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).
601.4610 Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).
601.4611 Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).
601.4613 Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).
601.4614 Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).
601.4615 Blue civil airway No. 15 (Huntington, W. Va., to Youngstown, Ohio).
601.4616 Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).
601.4617 Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).
601.4618 Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).
601.4619 Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).
601.4620 Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).
601.4622 Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).
601.4623 Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).
601.4625 Blue civil airway No. 25 (Middleton Island, Alaska, to Big Delta, Alaska).
601.4626 Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).
601.4627 Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).
601.4628 Blue civil airway No. 28 (Charleston, S. C., to Bull's Gap, Tenn.).
601.4629 Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).
601.4630 Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).
601.4631 Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).
601.4632 Blue civil airway No. 32 (Anchorage, Alaska, to Talkeetna, Alaska).
601.4633 Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).
601.4634 Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).
601.4635 Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).
601.4636 Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).
601.4637 Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).
601.4638 Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).
601.4639 Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).
601.4640 Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).
601.4641 Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).
601.4642 Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).
601.4643 Blue civil airway No. 43 (Nenana, Alaska, to Nenabank, Alaska).
601.4644 Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).
601.4645 Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).
601.4646 Blue civil airway No. 46 (Memphis Tenn., to Paducah, Ky.).
601.4647 Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).
601.4648 Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).
601.4649 Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).
601.4651 Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).
601.4652 Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).
601.4653 Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).
601.4654 Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).
601.4655 Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).
601.4656 Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).
601.4657 Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).
601.4658 Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).
601.4660 Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).
601.4663 Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).
601.4664 Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).
601.4665 Blue civil airway No. 65 (Shuyak, Alaska, to Homer, Alaska).
601.4666 Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).
601.4667 Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).
601.4668 Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).
601.4669 Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).
601.4670 Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).
601.4671 Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).
601.4672 Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).
601.4675 Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).
601.4676 Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).
601.4678 Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).
601.4679 Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).
601.4680 Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).
601.4681 Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).
601.4684 Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).
601.4685 Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).
601.4686 Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).
601.4687 Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).

OTHER REPORTING POINTS

601.5001 Other reporting points.

Subpart F—VOR Civil Airway Control Areas

DOMESTIC VOR CIVIL AIRWAY CONTROL AREAS

601.6001 VOR civil airway No. 1 control areas (Charleston, S. C., to New York, N. Y.).
601.6002 VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).
601.6003 VOR civil airway No. 3 control areas (Key West, Fla., to Presque Isle, Maine).
601.6004 VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).
601.6005 VOR civil airway No. 5 control areas (Miami, Fla., to London, Ontario).

Sec.
601.6006 VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.).
601.6007 VOR civil airway No. 7 control areas (Miami, Fla., to Green Bay, Wis.).
601.6008 VOR civil airway No. 8 control areas (Long Beach, Calif., to Washington, D. C.).
601.6009 VOR civil airway No. 9 control areas (New Orleans, La., to Milwaukee, Wis.).
601.6010 VOR civil airway No. 10 control areas (Pueblo, Colo., to New York, N. Y.).
601.6011 VOR civil airway No. 11 control areas (Memphis, Tenn., to Detroit, Mich.).
601.6012 VOR civil airway No. 12 control areas (Santa Barbara, Calif., to Philadelphia, Pa.).
601.6013 VOR civil airway No. 13 control areas (Houston, Tex., to Duluth, Minn.).
601.6014 VOR civil airway No. 14 control areas (Roswell, N. Mex., to Boston, Mass.).
601.6015 VOR civil airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.).
601.6016 VOR civil airway No. 16 control areas (Los Angeles, Calif., to Boston, Mass.).
601.6017 VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).
601.6018 VOR civil airway No. 18 control areas (Dallas, Tex., to Charleston, S. C.).
601.6019 VOR civil airway No. 19 control areas (El Paso, Tex., to Sheridan, Wyo.).
601.6020 VOR civil airway No. 20 control areas (Laredo, Tex., to Richmond, Va.).
601.6021 VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border).
601.6022 VOR civil airway No. 22 control areas (New Orleans, La., to Jacksonville, Fla.).
601.6023 VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.).
601.6024 VOR civil airway No. 24 control areas (Aberdeen, S. Dak., to Redwood Falls, Minn.).
601.6025 VOR civil airway No. 25 control areas (Los Angeles, Calif., to Ellensburg, Wash.).
601.6026 VOR civil airway No. 26 control areas (Cherokee, Wyo., to Cleveland, Ohio).
601.6027 VOR civil airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.).
601.6028 VOR civil airway No. 28 control areas (Oakland, Calif., to Reno, Nev.).
601.6029 VOR civil airway No. 29 control areas (Salisbury, Md., to United States-Canadian Border).
601.6030 VOR civil airway No. 30 control areas (Milwaukee, Wis., to Nantucket, Mass.).
601.6031 VOR civil airway No. 31 control areas (Baltimore, Md., to Rochester, N. Y.).
601.6032 VOR civil airway No. 32 control areas (Battle Mountain, Nev., to Fort Bridger, Wyo.).
601.6033 VOR civil airway No. 33 control areas (Baltimore, Md., to Buffalo, N. Y.).
601.6034 VOR civil airway No. 34 control areas (Rochester, N. Y., to Wilton, Conn.).
601.6035 VOR civil airway No. 35 control areas (Miami, Fla., to Syracuse, N. Y.).
601.6036 VOR civil airway No. 36 control areas (Toronto, Ont., to New York, N. Y.).
601.6037 VOR civil airway No. 37 control areas (Savannah, Ga., to Erie, Pa.).
601.6038 VOR civil airway No. 38 control areas (Iowa City, Iowa, to Elkins, W. Va.).
601.6039 VOR civil airway No. 39 control areas (South Boston, Va., to Kennebunk, Maine).
601.6040 VOR civil airway No. 40 control areas (Cleveland, Ohio, to Pittsburgh, Pa.).
601.6041 VOR civil airway No. 41 control areas (Pittsburgh, Pa., to Youngstown, Ohio).
601.6042 VOR civil airway No. 42 control areas (Flint, Mich., to Washington, D. C.).
601.6043 VOR civil airway No. 43 control areas (Columbus, Ohio, to Erie, Pa.).
601.6044 VOR civil airway No. 44 control areas (Louisville, Ky., to Baltimore, Md.).
601.6045 VOR civil airway No. 45 control areas (Lexington, Ky., to Lansing, Mich.).
601.6046 VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.).
601.6047 VOR civil airway No. 47 control areas (Louisville, Ky., to Detroit, Mich.).
601.6048 VOR civil airway No. 48 control areas (Burlington, Iowa, to Pontiac, Ill.).
601.6049 VOR civil airway No. 49 control areas (Dillon, Mont., to Great Falls, Mont.).
601.6050 VOR civil airway No. 50 control areas (Kirksville, Mo., to Indianapolis, Ind.).
601.6051 VOR civil airway No. 51 control areas (Miami, Fla., to Chicago, Ill.).
601.6052 VOR civil airway No. 52 control areas (Des Moines, Iowa, to St. Louis, Mo.).
601.6053 VOR civil airway No. 53 control areas (Charleston, S. C., to Chicago, Ill.).
601.6054 VOR civil airway No. 54 to control area (Quitman, Tex., to Charlotte, N. C.).
601.6055 VOR civil airway No. 55 control areas (Dayton, Ohio, to Green Bay, Wis.).
601.6056 VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.).
601.6057 VOR civil airway No. 57 control areas (Graham, Tenn., to Scotland, Ind.).
601.6058 VOR civil airway No. 58 control areas (Bergholz, Ohio, to Hartford, Conn.).
601.6060 VOR civil airway No. 60 control areas (Albuquerque, N. Mex., to Lubbock, Tex.).
601.6061 VOR civil airway No. 61 control areas (Fort Worth, Tex., to Lawton, Okla.).
601.6062 VOR civil airway No. 62 control areas (Santa Fe, N. Mex., to Lubbock, Tex.).
601.6063 VOR civil airway No. 63 control areas (Waco, Tex., to Milwaukee, Wis.).
601.6064 VOR civil airway No. 64 control areas (Long Beach, Calif., to Blythe, Calif.).
601.6065 VOR civil airway No. 65 control areas (Kansas City, Mo., to Lamoni, Iowa).
601.6066 VOR civil airway No. 66 control areas (San Diego, Calif., to Sulphur Springs, Tex.).
601.6067 VOR civil airway No. 67 control areas (Waterloo, Iowa, to Rochester, Minn.).
601.6068 VOR civil airway No. 68 control areas (Albuquerque, N. Mex., to Brownsville, Tex.).
601.6069 VOR civil airway No. 69 control areas (Pine Bluff, Ark., to Chicago, Ill.).
601.6070 VOR civil airway No. 70 control areas (Corpus Christi, Tex., to Baton Rouge, La.).
601.6071 VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.).
601.6072 VOR civil airway No. 72 control areas (Troy, Ill., to Albany, N. Y.).
601.6073 VOR civil airway No. 73 control areas (Wichita, Kans., to Salina, Kans.).
601.6074 VOR civil airway No. 74 control areas (Dodge City, Kans., to Little Rock, Ark.).
601.6075 VOR civil airway No. 75 control areas (Richmond, Va., to Cleveland, Ohio).
601.6076 VOR civil airway No. 76 control areas (Lubbock, Tex., to Galveston, Tex.).
601.6077 VOR civil airway No. 77 control areas (San Angelo, Tex., to Des Moines, Iowa).
601.6078 VOR civil airway No. 78 control areas (Huron, S. Dak., to Minneapolis, Minn.).
601.6079 VOR civil airway No. 79 control areas (Culberson, Tex., to Lubbock, Tex.).
601.6080 VOR civil airway No. 80 control areas (Sioux Falls, S. Dak., to Redwood Falls, Minn.).
601.6081 VOR civil airway No. 81 control areas (Midland, Tex., to Amarillo, Tex.).
601.6082 VOR civil airway No. 82 control areas (Minneapolis, Minn., to La Crosse, Wis.).
601.6083 VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Santa Fe, N. Mex.).
601.6084 VOR civil airway No. 84 control areas (Bradford, Ill., to Buffalo, N. Y.).
601.6085 VOR civil airway No. 85 control areas (Rock River, Wyo., to Casper, Wyo.).
601.6086 VOR civil airway No. 86 control areas (Butte, Mont., to Bozeman, Mont.).
601.6087 VOR civil airway No. 87 control areas (Gila Bend, Ariz., to Hassayampa, Ariz.).
601.6088 VOR civil airway No. 88 control areas (Tulsa, Okla., to Vichy, Mo.).
601.6089 VOR civil airway No. 89 control areas (Denver, Colo., to Rapid City, S. Dak.).
601.6090 VOR civil airway No. 90 control areas (Litchfield, Mich., to Windsor, Ontario).
601.6091 VOR civil airway No. 91 control areas (New York, N. Y., to Montreal, Quebec).
601.6092 VOR civil airway No. 92 control areas (Chicago, Ill., to Washington, D. C.).
601.6093 VOR civil airway No. 93 control areas (Washington, D. C., to Presque Isle, Maine).
601.6094 VOR civil airway No. 94 control areas (Salt Flat, Tex., to Longview, Tex.).
601.6095 VOR civil airway No. 95 control areas (Phoenix, Ariz., to Winslow, Ariz.).

Sec.		Sec.		Sec.	
601.6096	VOR civil airway No. 96 control areas (LaFayette, Ind., to Toledo, Ohio).	601.6127	VOR civil airway No. 127 control areas (Livingston, Mont., to Helena, Mont.).	601.6157	VOR civil airway No. 157 control areas (Wilmington, N. C., to Richmond, Va.).
601.6097	VOR civil airway No. 97 control areas (Miami, Fla., to Alexandria, Minn.).	601.6128	VOR civil airway No. 128 control areas (Chicago, Ill., to New Bern, N. C.).	601.6159	VOR civil airway No. 159 control areas (Miami, Fla., to Albany Ga.).
601.6098	VOR civil airway No. 98 control areas (Fort Wayne, Ind., to Montreal, Quebec).	601.6129	VOR civil airway No. 129 control areas (Dixon, Ill., to Eau Claire, Wis.).	601.6160	VOR civil airway No. 160 control areas (Denver, Colo., to Sidney, Nebr.).
601.6099	VOR civil airway No. 99 control areas (Newport, Oreg., to Vancouver, B. C.).	601.6130	VOR civil airway No. 130 control areas (Albany, N. Y., to Providence, R. I.).	601.6161	VOR civil airway No. 161 control areas (Fort Worth, Tex., to Minneapolis, Minn.).
601.6100	VOR civil airway No. 100 control areas (North Platte, Nebr., to Detroit, Mich.).	601.6131	VOR civil airway No. 131 control areas (Emporia, Kans., to Topeka, Kans.).	601.6162	VOR civil airway No. 162 control areas (Harrisburg, Pa., to Allentown, Pa.).
601.6101	Vor civil airway No. 101 control areas (Ogden, Utah, to Burley, Idaho).	601.6132	VOR civil airway No. 132 control areas (Cheyenne, Wyo., to Hutchinson, Kans.).	601.6163	VOR civil airway No. 163 control areas (Brownsville, Tex., to Oklahoma City, Okla.).
601.6102	VOR civil airway No. 102 control areas (Lubbock, Tex., to Wichita Falls, Tex.).	601.6133	VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Flint, Mich.).	601.6164	VOR civil airway No. 164 control areas (Bradford, Pa., to New York, N. Y.).
601.6103	VOR civil airway No. 103 control areas (Elkins, W. Va., to Cleveland, Ohio).	601.6134	VOR civil airway No. 134 control areas (Evergreen, Ala., to Atlanta, Ga.).	601.6165	VOR civil airway No. 165 control areas (Long Beach, Calif., to Coalinga, Calif.).
601.6104	VOR civil airway No. 104 control areas (United States-Canadian Border to Plattsburg, N. Y.).	601.6135	VOR civil airway No. 135 control areas (Yuma, Ariz., to Las Vegas, Nev.).	601.6166	VOR civil airway No. 166 control areas (Martinsburg, W. Va., to New York, N. Y.).
601.6105	VOR civil airway No. 105 control areas (Phoenix, Ariz., to Las Vegas, Nev.).	601.6136	VOR civil airway No. 136 control areas (Pulaski, Va., to Raleigh, N. C.).	601.6167	VOR civil airway No. 167 control areas (New York, N. Y., to Hartford, Conn.).
601.6106	VOR civil airway No. 106 control areas (Charleston, W. Va., to Kennebunk, Maine).	601.6137	VOR civil airway No. 137 control areas (Thermal, Calif., to Salinas, Calif.).	601.6168	VOR civil airway No. 168 control areas (Selinsgrove, Pa., to Colts Neck, N. J.).
601.6107	VOR civil airway No. 107 control areas (Los Angeles, Calif., to Red Bluff, Calif.).	601.6138	VOR civil airway No. 138 control areas (Rock River, Wyo., to Sidney, Nebr.).	601.6169	VOR civil airway No. 169 control areas (Sidney, Nebr., to Rapid City, S. Dak.).
601.6109	VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.).	601.6139	VOR civil airway No. 139 control areas (Norwich, Conn., to Boston, Mass.).	601.6170	VOR civil airway No. 170 control areas (Milwaukee, Wis., to Philadelphia, Pa.).
601.6110	VOR civil airway No. 110 control areas (San Francisco, Calif., to Altamont, Calif.).	601.6140	VOR civil airway No. 140 control areas (Amarillo, Tex., to New York, N. Y.).	601.6171	VOR civil airway No. 171 control areas (Louisville, Ky., to Madison, Wis.).
601.6111	VOR civil airway No. 111 control areas (Salinas, Calif., to Los Banos, Calif.).	601.6141	VOR civil airway No. 141 control areas (Nantucket, Mass., to Plattsburg, N. Y.).	601.6172	VOR civil airway No. 172 control areas (Des Moines, Iowa, to Chicago, Ill.).
601.6112	VOR civil airway No. 112 control areas (Portland, Oreg., to Spokane, Wash.).	601.6142	VOR civil airway No. 142 control areas (Erie, Pa., to Rochester, N. Y.).	601.6173	VOR civil airway No. 173 control areas (Springfield, Ill., to Chicago, Ill.).
601.6113	VOR civil airway No. 113 control areas (Paso Robles, Calif., to Reno, Nev.).	601.6143	VOR civil airway No. 143 control areas (Charlotte, N. C., to Washington, D. C.).	601.6174	VOR civil airway No. 174 control areas (Vichy, Mo., to Washington, D. C.).
601.6114	VOR civil airway No. 114 control areas (Pueblo, Colo., to New Orleans, La.).	601.6144	VOR civil airway No. 144 control areas (Chicago, Ill., to Washington, D. C.).	601.6175	VOR civil airway No. 175 control areas (Vichy, Mo., to Columbia, Mo.).
601.6115	VOR civil airway No. 115 control areas. (Crestview, Fla., to Charleston, W. Va.).	601.6145	VOR civil airway No. 145 control areas (Utica, N. Y. to the United States-Canadian Border).	601.6176	VOR civil airway No. 176 control areas (Centralia, Ill., to Scotland, Ind.).
601.6116	VOR civil airway No. 116 control areas (Kansas City, Mo., to New York, N. Y.).	601.6146	VOR civil airway No. 146 control areas (Wilkes-Barre, Pa., to Woodstock, Conn.).	601.6177	VOR civil airway No. 177 control areas (Chicago, Ill., to Madison, Wis.).
601.6117	VOR civil airway No. 117 control areas (El Centro, Calif., to Daggett, Calif.).	601.6147	VOR civil airway No. 147 control areas (Philadelphia, Pa., to Rochester, N. Y.).	601.6178	VOR civil airway No. 178 control areas (Farmington, Mo., to Paducah, Ky.).
601.6118	VOR civil airway No. 118 control areas (Rock River, Wyo., to Cheyenne, Wyo.).	601.6148	VOR civil airway No. 148 control areas (Denver, Colo., to North Platte, Nebr.).	601.6179	VOR civil airway No. 179 control areas (Paducah, Ky., to Centralia, Ill.)
601.6119	VOR civil airway No. 119 control areas (Huntington, W. Va., to Bradford, Pa.).	601.6149	VOR civil airway No. 149 control areas (Allentown, Pa., to Utica, N. Y.).	601.6180	VOR civil airway No. 180 control areas (Austin, Tex., to Galveston, Tex.).
601.6120	VOR civil airway No. 120 control areas (Mullen Pass, Mont., to Miles City, Mont.).	601.6150	VOR civil airway No. 150 control areas (San Francisco, Calif., to Reno. Nev.).	601.6181	VOR civil airway No. 181 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).
601.6121	VOR civil airway No. 121 control areas (North Bend, Oreg., to Eugene, Oreg.).	601.6151	VOR civil airway No. 151 control areas (Woonsocket, R. I., to Keene, N. H.).	601.6182	VOR civil airway No. 182 control areas (Portland, Oreg., to Baker, Oreg.).
601.6122	VOR civil airway No. 122 control areas (Crescent City, Calif., to Klamath Falls, Oreg.).	601.6152	VOR civil airway No. 152 control areas (Tampa, Fla., to Daytona Beach, Fla.).	601.6183	VOR civil airway No. 183 control areas (Santa Barbara, Calif., to Bakersfield, Calif.).
601.6123	VOR civil airway No. 123 control areas (Woodstown, N. J., to New York, N. Y.).	601.6153	VOR civil airway No. 153 control areas (New York, N. Y., to Syracuse, N. Y.).	601.6184	VOR civil airway No. 184 control areas (Erie, Pa., to Philipsburg, Pa.).
601.6124	VOR civil airway No. 124 control areas (Burley, Idaho, to Pocatello, Idaho).	601.6154	VOR civil airway No. 154 control areas (Meridian, Miss., to Savannah, Ga.).	601.6185	VOR civil airway No. 185 control areas (Savannah, Ga., to Knoxville, Tenn.).
601.6125	VOR civil airway No. 125 control areas (Anthony, Kans., to Hutchinson, Kans.).	601.6155	VOR civil airway No. 155 control areas (Gordonsville, Va., to Front Royal, Va.).	601.6186	VOR civil airway No. 186 control areas (St. Louis, Mo. to Vandalia, Ill.).
601.6126	VOR civil airway No. 126 control areas (Chicago, Ill., to New York, N. Y.).	601.6156	VOR civil airway No. 156 control areas (Elkins, W. Va., to Gordonsville, Va.).	601.6187	VOR civil airway No. 187 control areas (Chicago, Ill., to Milwaukee, Wis.).

Sec.		Sec.		Sec.	
601.6188	VOR civil airway No. 188 control areas (Detroit, Mich., to New York, N. Y.).	601.6219	VOR civil airway No. 219 control areas (Janesville, Wis., to Milwaukee, Wis.).	601.6250	VOR civil airway No. 250 control areas (Bergholz, Ohio, to Fitzgerald, Pa.).
601.6189	VOR civil airway No. 189 control areas (Pittsburgh, Pa., to Brookville, Pa.).	601.6220	VOR civil airway No. 220 control areas (Kremmling, Colo., to Akron, Colo.).	601.6251	VOR civil airway No. 251 control areas (Philadelphia, Pa., to New York, N. Y.).
601.6190	VOR civil airway No. 190 control areas (Grants, N. Mex., to Evansville, Ind.).	601.6221	VOR civil airway No. 221 control areas (Fort Wayne, Ind., to Erie, Pa.).	601.6252	VOR civil airway No. 252 control areas (Binghamton, N. Y., to New York, N. Y.).
601.6191	VOR civil airway No. 191 control areas (Walnut Ridge, Ark., to Milwaukee, Wis.).	601.6222	VOR civil airway No. 222 control areas (San Antonio, Tex., to Houston, Tex.).	601.6253	VOR civil airway No. 253 control areas (Utah Lake, Utah to Grantsville, Utah).
601.6192	VOR civil airway No. 192 control areas (Grant, N. Mex., to Tucumcari, N. Mex.).	601.6223	VOR civil airway No. 223 control areas (Herndon, Va., to Harrisburg, Pa.).	601.6254	VOR civil airway No. 254 control areas (Reinholds, Pa., to Columbus, N. J.).
601.6193	VOR civil airway No. 193 control areas (Pullman, Mich., to Traverse City, Mich.).	601.6224	VOR civil airway No. 224 control areas (Detroit, Mich., to the United States-Canadian Border).	601.6255	VOR civil airway No. 255 control areas. (Unassigned)
601.6194	VOR civil airway No. 194 control areas (Royston, Ga., to Norfolk, Va.).	601.6225	VOR civil airway No. 225 control areas (Key West, Fla., to Vero Beach, Fla.).	601.6256	VOR civil airway No. 256 control areas (Reinholds, Pa., to Warrington, Pa.).
601.6195	VOR civil airway No. 195 control areas (Oakland, Calif., to Red Bluff, Calif.).	601.6226	VOR civil airway No. 226 control areas Williamsport, Pa., to New York, N. Y.).	601.6257	VOR civil airway No. 257 control areas. (Unassigned)
601.6196	VOR civil airway No. 196 control areas (Rock River, Wyo., to Chadron, Nebr.).	601.6227	VOR civil airway No. 227 control areas (Louisville, Ky., to Indianapolis, Ind.).	601.6258	VOR civil airway No. 258 control areas (Charleston, W. Va., to Roanoke, Va.).
601.6197	VOR civil airway No. 197 control areas (Toledo, Ohio, to Detroit, Mich.).	601.6228	VOR civil airway No. 228 control areas (Wheeling, Ill., to South Bend, Ind.).	601.6259	VOR civil airway No. 259 control areas. (Unassigned)
601.6198	VOR civil airway No. 198 control areas (San Antonio, Tex., to Galveston, Tex.).	601.6229	VOR civil airway No. 229 control areas (Wilmington, N. C., to Cofield, N. C.).	601.6260	VOR civil airway No. 260 control areas (Charleston, W. Va., to Roanoke, Va.).
601.6199	VOR civil airway No. 199 control areas (Fresno, Calif., to Ukiah, Calif.).	601.6230	VOR civil airway No. 230 control areas (Salina, Calif., to Fresno, Calif.).	HAWAIIAN VOR CIVIL AIRWAY CONTROL AREAS	
601.6200	VOR civil airway No. 200 control areas (Ukiah, Calif., to Reno, Nev.).	601.6231	VOR civil airway No. 231 control areas (Missoula, Mont., to Ronan, Mont.).	601.6401	Hawaiian VOR civil airway No. 1 control areas.
601.6201	VOR civil airway No. 201 control areas (Los Angeles, Calif., to Pasadena, Calif.).	601.6232	VOR civil airway No. 232 control areas (Hill City, Kans., to Salina, Kans.).	601.6402	Hawaiian VOR civil airway No. 2 control areas.
601.6202	VOR civil airway No. 202 control areas (Tucson, Ariz., to Cochise, Ariz.).	601.6233	VOR civil airway No. 233 control areas (Springfield, Ill., to Moline, Ill.).	601.6403	Hawaiian VOR civil airway No. 3 control areas.
601.6203	VOR civil airway No. 203 control areas (Albany, N. Y., to Massena, N. Y.).	601.6234	VOR civil airway No. 234 control areas (Anton Chico, New Mex., to Dalhart, Tex.).	601.6404	Hawaiian VOR civil airway No. 4 control areas.
601.6204	VOR civil airway No. 204 control areas (Hoquiam, Wash., to Olympia, Wash.).	601.6235	VOR civil airway No. 235 control areas (Utah Lake, Utah, to Fort Bridger, Wyo.).	601.6405	Hawaiian VOR civil airway No. 5 control areas.
601.6205	VOR civil airway No. 205 control areas (Springfield, Mo., to Kansas City, Mo.).	601.6236	VOR civil airway No. 236 control areas (Booneville, Utah, to Ogden, Utah).	601.6406	Hawaiian VOR civil airway No. 6 control areas.
601.6206	VOR civil airway No. 206 control areas (Blue Springs, Mo., to Kirksville, Mo.).	601.6237	VOR civil airway No. 237 control areas (Needles, Calif., to Mormon Mesa, Nev.).	601.6407	Hawaiian VOR civil airway No. 7 control areas.
601.6207	VOR civil airway No. 207 control areas (Denver, Colo., to Egbert, Wyo.).	601.6238	VOR civil airway No. 238 control areas (Philadelphia, Pa., to Atlantic City, N. J.).	601.6408	Hawaiian VOR civil airway No. 8 control areas.
601.6208	VOR civil airway No. 208 control areas (Los Angeles, Calif., to Needles, Calif.).	601.6239	VOR civil airway No. 239 control areas (Wildwood, N. J., to Philadelphia, Pa.).	601.6409	Hawaiian VOR civil airway No. 9 control areas.
601.6209	VOR civil airway No. 209 control areas (Los Angeles, Calif., to Paso Robles, Calif.).	601.6240	VOR civil airway No. 240 control areas (Ship Island, Miss., to Mobile, Ala.).	601.6410	Hawaiian VOR civil airway No. 10 control areas.
601.6210	VOR civil airway No. 210 control areas (Los Angeles, Calif., to Daggett, Calif.).	601.6241	VOR civil airway No. 241 control areas (Crestview, Fla., to Atlanta, Ga.).	Subpart G—VOR Civil Airway Reporting Points	
601.6211	VOR civil airway No. 211 control areas (Cotulla, Tex., to Junction, Tex.).	601.6242	VOR civil airway No. 242 control areas (Mobile, Ala., to Magnolia Springs, Ala.).	601.7001	Domestic VOR reporting points.
601.6212	VOR civil airway No. 212 control areas (Ukiah, Calif., to Reno, Nev.).	601.6243	VOR civil airway No. 243 control areas (Chattanooga, Tenn., to Bowling Green, Ky.).	601.7002	Hawaiian VOR reporting points.
601.6213	VOR civil airway No. 213 control areas (Rocky Mount, N. C., to Boykins, Va.).	601.6245	VOR civil airway No. 245 control areas. (Unassigned.)	AUTHORITY: §§ 601.1 to 601.7002 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.	
601.6215	VOR civil airway No. 215 control areas (Muskegon, Mich., to White Cloud, Mich.).	601.6246	VOR civil airway No. 246 control areas (Dayton, Ohio, to Mansfield, Ohio).		
601.6216	VOR civil airway No. 216 control areas (Janesville, Wis., to Saginaw, Mich.).	601.6247	VOR civil airway No. 247 control areas (Douglas, Wyo., to Crazy Woman, Wyo.).		
601.6217	VOR civil airway No. 217 control areas (Chicago, Ill., to Green Bay, Wis.).	601.6248	VOR civil airway No. 248 control areas (Paso Robles, Calif., to Bakersfield, Calif.)		
601.6218	VOR civil airway No. 218 control areas (Chicago, Ill., to Flint, Mich.).	601.6249	VOR civil airway No. 249 control areas (New York, N. Y., to Port Jervis, N. Y.).		

SUBPART A—INTRODUCTION

GENERAL

§ 601.1 *Basis and purpose.* The basis of this part is found in sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and in §§ 60.73 and 60.74 of this title. The purpose of this part is to designate control areas, control zones, and reporting points in order to provide for the safety of aircraft operating in interstate, overseas, and foreign air commerce.

§ 601.2 *Explanation of terms.* As used in this part:

(a) "Control area" shall mean an airspace of defined dimensions extending upward from an altitude of 700 feet above the surface within which air traffic control is exercised.

(b) "Control zone" shall mean an airspace of defined dimensions extending upward from the surface to include one or more airports and within which rules additional to those governing flight in

control areas apply for the protection of air traffic.

(c) "Reporting point" shall mean a geographic location in relation to which the position of an aircraft shall be reported.

(d) As used in this part the term "mile" means "statute mile" unless otherwise specified in this part.

CONTROL AREAS

§ 601.9 *Extent of control areas.* Points or intersections prescribed in designating control areas frequently coincide with points or intersections specified in designating the centerline of civil airways. In such cases the control areas shall include all of the airspace within 5 miles either side of a straight line extended through the center of the points or intersections specified in designating the civil airways and all of the airspace within a 5-mile radius of such points or intersections unless otherwise provided in Subpart B, (§§ 601.11 through 601.1000), Subpart C (§§ 601.1001 through 601.1980), and Subpart F (§§ 601.6001 through 601.6999). In addition, such control areas shall include all the airspace between straight lines connecting the center of the points or intersections specified in designating the main and associated alternate VOR civil airways, unless otherwise specified.

§ 601.10 *Designation of control areas.* The portions of the civil airways and control area extensions described in Subpart B, Subpart C, and Subpart F are designated as control areas.

SUBPART B—COLORED CIVIL AIRWAY CONTROL AREAS

GREEN CIVIL AIRWAYS

§ 601.11 *Green civil airway No. 1 control areas (Patricia Bay, British Columbia, to United States-Canadian Border via Millinocket, Maine).* All of Green civil airway No. 1.

§ 601.12 *Green civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of Green civil airway No. 2.

§ 601.13 *Green civil airway No. 3 control areas (San Francisco, Calif., to New York, N. Y.).* All of Green civil airway No. 3.

§ 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.).* All of Green civil airway No. 4.

§ 601.15 *Green civil airway No. 5 control areas (Los Angeles, Calif., to Boston, Mass.).* All of Green civil airway No. 5.

§ 601.16 *Green civil airway No. 6 control areas (Laredo, Tex., to Norfolk, Va.),* All of Green civil airway No. 6.

§ 601.17 *Green civil airway No. 7 control areas (Nome, Alaska, to Fairbanks, Alaska).* All of Green civil airway No. 7.

§ 601.18 *Green civil airway No. 8 control areas (Cold Bay, Alaska, to Northway, Alaska).* From a line extended at right angles across such airway through a point 50 miles southwest of the King Salmon, Alaska, radio range station to the Northway, Alaska, radio range station.

§ 601.19 *Green civil airway No. 9 control areas (Hawaiian Islands).* All of Green civil airway No. 9.

§ 601.20 *Green civil airway No. 10 control areas (United States-Canadian Border to Denver, Colo.).* All of Green civil airway No. 10.

AMBER CIVIL AIRWAYS

§ 601.101 *Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).* All of Amber civil airway No. 1.

§ 601.102 *Amber civil airway No. 2 control areas (Long Beach, Calif., to Point Barrow, Alaska).* All of Amber civil airway No. 2 within the continental limits of the United States. From the intersection of the northwest course of the Snag, Yukon Territory, Canada, radio range and the United States-Canadian Border to a line extended at right angles through a point 25 miles north of the Bettles, Alaska, radio range station.

§ 601.103 *Amber civil airway No. 3 control areas (El Paso, Tex., to Great Falls, Mont.).* All of Amber civil airway No. 3.

§ 601.104 *Amber civil airway No. 4 control areas (Brownsville, Tex., to Minot, N. Dak.).* All of Amber civil airway No. 4.

§ 601.105 *Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.).* All of Amber civil airway No. 5.

§ 601.106 *Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border).* All of Amber civil airway No. 6.

§ 601.107 *Amber civil airway No. 7 control areas (Key West, Fla., to United States-Canadian Border).* All of Amber civil airway No. 7.

§ 601.108 *Amber civil airway No. 8 control areas (Los Angeles, Calif., to Ellensburg, Wash.).* All of Amber civil airway No. 8.

§ 601.109 *Amber civil airway No. 9 control areas (Charleston, S. C., to Norfolk, Va.).* All of Amber civil airway No. 9.

§ 601.110 *Amber civil airway No. 10 control areas (Hawaiian Islands).* All of Amber civil airway No. 10.

§ 601.111 *Amber civil airway No. 11 control areas (Hawaiian Islands).* All of Amber civil airway No. 11.

§ 601.112 *Amber civil airway No. 12 control areas (Hawaiian Islands).* All of Amber civil airway No. 12.

§ 601.113 *Amber civil airway No. 13 control areas (Washington, D. C., to New York, N. Y.).* All of Amber civil airway No. 13.

§ 601.114 *Amber civil airway No. 14 control areas (Washington, D. C., to New York, N. Y.).* All of Amber civil airway No. 14.

§ 601.115 *Amber civil airway No. 15 control areas (Washington, D. C., to New York, N. Y.).* All of Amber civil airway No. 15.

§ 601.119 *Amber civil airway No. 19 control areas (Washington, D. C., to New York, N. Y.).* All of Amber civil airway No. 19.

RED CIVIL AIRWAYS

§ 601.201 *Red civil airway No. 1 control areas (Big Spring, Tex., to San Antonio, Tex.).* All of Red civil airway No. 1.

§ 601.202 *Red civil airway No. 2 control areas (Sheridan, Wyo., to Rapid City, S. Dak.).* All of Red civil airway No. 2.

§ 601.203 *Red civil airway No. 3 control areas (Philipsburg, Pa., to Hartford, Conn.).* All of Red civil airway No. 3.

§ 601.204 *Red civil airway No. 4 control areas (Las Vegas, N. Mex., to Tucumcari, N. Mex.).* All of Red civil airway No. 4.

§ 601.205 *Red civil airway No. 5 control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).* All of Red civil airway No. 5.

§ 601.206 *Red civil airway No. 6 control areas (Denver, Colo., to Omaha, Nebr.)* All of Red civil airway No. 6.

§ 601.207 *Red civil airway No. 7 control areas (Atlanta, Ga., to Greensboro, N. C.).* All of Red civil airway No 7.

§ 601.208 *Red civil airway No. 8 control areas (Dayton, Ohio, to Newark, N. J.).* All of Red Civil airway No. 8.

§ 601.209 *Red civil airway No. 9 control areas (San Diego, Calif., to Casa Grande, Ariz.).* All of Red Civil airway No. 9.

§ 601.210 *Red civil airway No. 10 control areas (Amarillo, Tex., to Charleston, S. C.).* All of Red civil airway No. 10.

§ 601.211 *Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.).* All of Red civil airway No. 11.

§ 601.212 *Red civil airway No. 12 control areas (Joliet, Ill., to Erie, Pa.).* All of Red civil airway No. 12.

§ 601.213 *Red civil airway No. 13 control areas (Wheeling, W. Va., to Boston, Mass.).* All of Red civil airway No. 13.

§ 601.214 *Red civil airway No. 14 control areas (Lone Rock, Wis., to Louisville, Ky.).* All of Red civil airway No. 14.

§ 601.215 *Red civil airway No. 15 control areas (Reno, Nev., to Phoenix, Ariz.).* From the intersection of the northeast course of the Reno, Nev., radio range and the northwest course of the Fallon, Nev., radio range to a line extended at right angles through a point 25 miles southeast of the Fallon, Nev., radio range station. From the Las Vegas, Nev., radio range station to the Phoenix, Ariz., radio range station.

§ 601.216 *Red civil airway No. 16 control areas (Tallahassee, Fla., to Raleigh, N. C.).* All of Red civil airway No. 16.

§ 601.217 *Red civil airway No. 17 control areas (St. Louis, Mo., to Baltimore, Md.).* All of Red civil airway No. 17.

§ 601.218 *Red civil airway No. 18 control areas (Indianapolis, Ind., to Washington, D. C.).* All of Red civil airway No. 18.

§ 601.219 *Red civil airway No. 19 control areas (Traverse City, Mich., to Norfolk, Va.)* All of Red civil airway No. 19.

§ 601.220 *Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).* All of Red civil airway No. 20.

§ 601.221 *Red civil airway No. 21 control areas (New York, N. Y., to Boston, Mass.).* All of Red civil airway No. 21.

§ 601.222 *Red civil airway No. 22 control areas (Mount Clemens, Mich., to Albany, N. Y.).* All of Red civil airway No. 22.

§ 601.223 *Red civil airway No. 23 control areas (United States-Canadian Border to New York, N. Y.).* All of Red civil airway No. 23.

§ 601.224 *Red civil airway No. 24 control areas (Amarillo, Tex., to Oklahoma City, Okla.).* All of Red civil airway No. 24.

§ 601.225 *Red civil airway No. 25 control areas (United States-Canadian Border to Bangor, Maine).* All of Red civil airway No. 25.

§ 601.226 *Red civil airway No. 26 control areas (Petersburg, Va., to Corapeake, N. C.).* All of Red civil airway No. 26.

§ 601.227 *Red civil airway No. 27 control areas (Atlanta, Ga., to Detroit, Mich.).* All of Red civil airway No. 27.

§ 601.228 *Red civil airway No. 28 control areas (Rockford, Ill., to Detroit, Mich.).* All of Red civil airway No. 28.

§ 601.229 *Red civil airway No. 29 control areas (Elmira, N. Y., to Baltimore, Md.).* All of Red civil airway No. 29.

§ 601.230 *Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).* All of Red civil airway No. 30.

§ 601.231 *Red civil airway No. 31 controls areas (Cheyenne, Wyo., to La Crosse, Wis.).* All of Red civil airway No. 31.

§ 601.232 *Red civil airway No. 32 control areas (Laredo, Tex., to Houston, Tex.).* All of Red civil airway No. 32.

§ 601.233 *Red civil airway No. 33 control areas (Norfolk, Va., to Boston, Mass.).* All of Red civil airway No. 33.

§ 601.234 *Red civil airway No. 34 control areas (Charleston, W. Va., to Weeksville, N. C.).* All of Red civil airway No. 34.

§ 601.235 *Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.).* All of Red civil airway No. 35.

§ 601.236 *Red civil airway No. 36 control area (Rochester, Minn., to La Crosse, Wis.).* All of Red civil airway No. 36.

§ 601.237 *Red civil airway No. 37 control areas (Tyler, Tex., to Gordonsville, Va.).* All of Red civil airway No. 37.

§ 601.238 *Red civil airway No. 38 control areas (Big Spring, Tex., to San Antonio, Tex.).* All of Red civil airway No. 38.

§ 601.239 *Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 39.

§ 601.240 *Red civil airway No. 40 control areas (Kodiak, Alaska, to Anchorage, Alaska).* All of Red civil airway No. 40.

§ 601.241 *Red civil airway No. 41 control areas (Cape Spencer, Alaska, to Sisters Island, Alaska).* All of Red civil airway No. 41.

§ 601.242 *Red civil airway No. 42 control areas (Milwaukee, Wis., to Aurora, Ill.).* All of Red civil airway No. 42.

§ 601.243 *Red civil airway No. 43 control areas (Chicago, Ill., to La Fayette, Ind.).* All of Red civil airways No. 43.

§ 601.244 *Red civil airway No. 44 control areas (Bellingham, Wash., to United States-Canadian Border).* All of Red civil airway No. 44.

§ 601.245 *Red civil airway No. 45 control areas (Blackstone, Va., to Lancaster, Pa.)* All of Red civil airway No. 45.

§ 601.246 *Red civil airway No. 46 control areas (United States-Canadian Border to Jamestown, N. Dak.).* All of Red civil airway No. 46.

§ 601.247 *Red civil airway No. 47 control areas (Tampa, Fla., to Daytona Beach, Fla.).* All of Red civil airway No. 47.

§ 601.248 *Red civil airway No. 48 control area (Helena, Mont., to Livingston, Mont.).* All of Red civil airway No. 48.

§ 601.249 *Red civil airway No. 49 control areas (Elko, Nev., to Fort Bridger, Wyo.).* All of Red civil airway No. 49.

§ 601.250 *Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 50.

§ 601.251 *Red civil airway No. 51 control areas (Blackstone, Va., to Norfolk, Va.).* All of Red civil airway No. 51.

§ 601.252 *Red civil airway No. 52 control areas (Memphis, Tenn., to Birmingham, Ala.).* All of Red civil airway No. 52.

§ 601.253 *Red civil airway No. 53 control areas (Portland, Oreg., to Spokane, Wash.).* All of Red civil airway No. 53.

§ 601.254 *Red civil airway No. 54 control areas (Burley, Idaho, to Salt Lake City, Utah).* All of Red civil airway No. 54.

§ 601.255 *Red civil airway No. 55 control areas (Chicago, Ill., to Columbus, Ohio).* All of Red civil airway No. 55.

§ 601.256 *Red civil airway No. 56 control areas (Red Bluff, Calif., to Whitmore, Calif.).* All of Red civil airway No. 56.

§ 601.257 *Red civil airway No. 57 control areas (Des Moines, Iowa, to Youngstown, Ohio).* All of Red civil airway No. 57.

§ 601.258 *Red civil airway No. 58 control areas (Augusta, Maine, to United States-Canadian Border).* All of Red civil airway No. 58.

§ 601.259 *Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.).* All of Red civil airway No. 59.

§ 601.260 *Red civil airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.).* All of Red civil airway No. 60.

§ 601.261 *Red civil airway No. 61 control areas (Butler, Pa., to Washington, D. C.).* All of Red civil airway No. 61.

§ 601.262 *Red civil airway No. 62 control areas (Pittsburgh, Pa., to Altoona, Pa.).* All of Red civil airway No. 62.

§ 601.263 *Red civil airway No. 63 control areas (Bangor, Mich., to Jackson, Mich.).* All of Red civil airway No. 63.

§ 601.264 *Red civil airway No. 64 control areas (United States-Canadian Border to Annette Island, Alaska).* From the United States-Canadian Border to the Annette Island, Alaska, radio range station.

§ 601.265 *Red civil airway No. 65 control areas (Los Angeles, Calif., to Hayfield Lake, Calif.).* All of Red civil airway No. 65.

§ 601.266 *Red civil airway No. 66 control areas (Santa Barbara, Calif., to Los Angeles, Calif.).* All of Red civil airway No. 66.

§ 601.267 *Red civil airway No. 67 control areas (Crestview, Fla., to Atlanta, Ga.).* All of Red civil airway No. 67.

§ 601.268 *Red civil airway No. 68 control areas (Midland, Tex., to Shreveport, La.).* All of Red civil airway No. 68.

§ 601.269 *Red civil airway No. 69 control areas (Midland, Tex., to Big Spring, Tex.).* All of Red civil airway No. 69.

§ 601.270 *Red civil airway No. 70 control areas (Midland, Tex., to Lubbock, Tex.).* All of Red civil airway No. 70.

§ 601.271 *Red civil airway No. 71 control areas (El Paso, Tex., to Lubbock, Tex.).* All of Red civil airway No. 71.

§ 601.272 *Red civil airway No. 72 control areas (Millville, N. J., to Paterson, N. J.).* All of Red civil airway No. 72.

§ 601.273 *Red civil airway No. 73 control areas (Baltimore, Md., to Millville, N. J.).* All of Red civil airway No. 73.

§ 601.274 *Red civil airway No. 74 control areas (New Orleans, La., to Bay Minette, Ala.).* All of Red civil airway No. 74.

§ 601.275 *Red civil airway No. 75 control areas (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* All of Red civil airway No. 75.

§ 601.276 *Red civil airway No. 76 control areas (Williams, Calif., to Auburn, Calif.).* All of Red civil airway No. 76.

§ 601.277 *Red civil airway No. 77 control areas (Greensboro, N. C., to Atlantic City, N. J.).* All of Red civil airway No. 77.

§ 601.278 *Red civil airway No. 78 control areas (Medford, Oreg., to Klamath*

Falls, Oreg.). All of Red civil airway No. 78.

§ 601.279 *Red civil airway No. 79 control areas (Neah Bay, Wash., to Everett, Wash.)*. All of Red civil airway No. 79.

§ 601.280 *Red civil airway No. 80 control areas (Helena, Mont., to Miles City, Mont.)*. All of Red civil airway No. 80.

§ 601.281 *Red civil airway No. 81 control areas (Lansing, Mich., to Detroit, Mich.)*. All of Red civil airway No. 81.

§ 601.282 *Red civil airway No. 82 control areas (Skwentna, Alaska, to Anchorage, Alaska)*. All of Red civil airway No. 82.

§ 601.283 *Red civil airway No. 83 control areas (Gila Bend, Ariz., to Tucson, Ariz.)*. All of Red civil airway No. 83.

§ 601.284 *Red civil airway No. 84 control areas (Meridian, Miss., to Columbus, Ga.)*. All of Red civil airway No. 84.

§ 601.285 *Red civil airway No. 85 control areas (Akron, Ohio, to Altoona, Pa.)*. All of Red civil airway No. 85.

§ 601.286 *Red civil airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine)*. All of Red civil airway No. 86.

§ 601.287 *Red civil airway No. 87 control areas (Hawaiian Islands)*. All of Red civil airway No. 87.

§ 601.288 *Red civil airway No. 88 control areas (Albuquerque, N. Mex., to Hobbs, N. Mex.)*. All of Red civil airway No. 88.

§ 601.289 *Red civil airway No. 89 control areas (Quincy, Ill., to Peoria, Ill.)*. All of Red civil airway No. 89.

§ 601.290 *Red civil airway No. 90 control areas (Oxnard, Calif., to Burbank, Calif.)*. All of Red civil airway No. 90.

§ 601.291 *Red civil airway No. 91 control areas (Dunkirk, N. Y., to Syracuse, N. Y.)*. All of Red civil airway No. 91.

§ 601.292 *Red civil airway No. 92 control areas (Sault Ste. Marie, Mich., to United States-Canadian Border)*. All of Red civil airway No. 92.

§ 601.293 *Red civil airway No. 93 control areas (Lincoln, Nebr., to Omaha, Nebr.)*. All of Red civil airway No. 93.

§ 601.294 *Red civil airway No. 94 control areas (Providence, R. I., to Hyannis, Mass.)*. All of Red civil airway No. 94.

§ 601.295 *Red civil airway No. 95 control areas (Elmira, N. Y., to Utica, N. Y.)*. All of Red civil airway No. 95.

§ 601.296 *Red civil airway No. 96 control areas (Palacios, Tex., to Baton Rouge, La.)*. All of Red civil airway No. 96.

§ 601.297 *Red civil airway No. 97 control areas (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.)*. All of Red civil airway No. 97.

§ 601.298 *Red civil airway No. 98 control areas (Vichy, Mo., to Belleville, Ill.)*. All of Red civil airway No. 98.

§ 601.299 *Red civil airway No. 99 control areas (Iliamna, Alaska, to Homer, Alaska)*. All of Red civil airway No. 99.

§ 601.300 *Red civil airway No. 100 control areas (South Bend, Ind., to Battle Creek, Mich.)*. All of Red civil airway No. 100.

§ 601.301 *Red civil airway No. 101 control areas (Biloxi, Miss., to Pensacola, Fla.)*. All of Red civil Airway No. 101.

§ 601.302 *Red civil airway No. 102 control areas (Louisville, Ky., to Huntington, W. Va.)*. All of Red civil airway No. 102.

§ 601.303 *Red civil airway No. 103 control areas (Anchorage, Alaska, to Middleton Island, Alaska)*. All of Red civil airway No. 103.

§ 601.304 *Red civil airway No. 104 control areas (Greensboro, N. C., to Raleigh, N. C.)*. All of Red civil airway No. 104.

§ 601.305 *Red civil airway No. 105 control areas (Wichita, Kans., to Neosho, Mo.)*. All of Red civil airway No. 105.

§ 601.306 *Red civil airway No. 106 control areas (Scottsbluff, Nebr., to North Platte, Nebr.)*. All of Red civil airway No. 106.

§ 601.307 *Red civil airway No. 107 control areas (Stanton, Minn., to Red Wing, Minn.)*. All of Red civil airway No. 107.

§ 601.308 *Red civil airway No. 108 control areas (Promontory Point, Utah to Fort Bridger, Wyo.)*. All of Red civil airway No. 108.

§ 601.309 *Red civil airway No. 109 control areas (Portland, Oreg., to Spokane, Wash.)*. All of Red civil airway No. 109.

§ 601.310 *Red civil airway No. 110 control areas (Mobile, Ala., to Pensacola, Fla.)*. All of Red civil airway No. 110.

§ 601.312 *Red civil airway No. 112 control areas (Albany, N. Y., to Westfield, Mass.)*. All of Red civil airway No. 112.

BLUE CIVIL AIRWAYS

§ 601.601 *Blue civil airway No. 1 control areas (Miami, Fla., to Tampa, Fla.)*. All of Blue civil airway No. 1.

§ 601.602 *Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.)*. All of Blue civil airway No. 2.

§ 601.603 *Blue civil airway No. 3 control areas (Miami, Fla., to Sault Ste. Marie, Mich.)*. All of Blue civil airway No. 3.

§ 601.604 *Blue civil airway No. 4 control areas (Boston, Mass., to United States-Canadian Border)*. All of Blue civil airway No. 4.

§ 601.605 *Blue civil airway No. 5 control areas (Galveston, Tex., to Wichita, Kans.)*. All of Blue civil airway No. 5.

§ 601.606 *Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.)*. All of Blue civil airway No. 6.

§ 601.607 *Blue civil airway No. 7 control areas (Hollister, Calif., to Williams, Calif.)*. All of Blue civil airway No. 7.

§ 601.608 *Blue civil airway No. 8 control areas (Fargo, N. Dak., to United States-Canadian Border)*. All of Blue civil airway No. 8.

§ 601.609 *Blue civil airway No. 9 control areas (Springfield, Mo., to United States-Canadian Border)*. All of Blue civil airway No. 9.

§ 601.610 *Blue civil airway No. 10 control areas (Fresno, Calif., to Williams, Calif.)*. All of Blue civil airway No. 10.

§ 601.611 *Blue civil airway No. 11 control areas (Findlay, Ohio, to Dunkirk, N. Y.)*. All of Blue civil airway No. 11.

§ 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Des Moines, Iowa)*. All of Blue civil airway No. 13.

§ 601.614 *Blue civil airway No. 14 control areas (El Centro, Calif., to Sacramento, Calif.)*. All of Blue civil airway No. 14.

§ 601.615 *Blue civil airway No. 15 control areas (Huntington, W. Va., to Youngstown, Ohio)*. All of Blue civil airway No. 15.

§ 601.616 *Blue civil airway No. 16 control areas (Waverly, Va., to Tappahannock, Va.)*. All of Blue civil airway No. 16.

§ 601.617 *Blue civil airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine)*. All of Blue civil airway No. 17.

§ 601.618 *Blue civil airway No. 18 control areas (Philadelphia, Pa., to United States-Canadian Border)*. All of Blue civil airway No. 18.

§ 601.619 *Blue civil airway No. 19 control areas (Key West, Fla., to Orlando, Fla.)*. All of Blue civil airway No. 19.

§ 601.620 *Blue civil airway No. 20 control areas (Millville, N. J., to Allentown, Pa.)*. All of Blue civil airway No. 20.

§ 601.622 *Blue civil airway No. 22 control areas (Memphis, Tenn., to Wichita, Kans.)*. All of Blue civil airway No. 22.

§ 601.623 *Blue civil airway No. 23 control areas (Norfolk, Va., to Chincoteague, Va.)*. All of Blue civil airway No. 23.

§ 601.625 *Blue civil airway No. 25 control areas (Middleton Island, Alaska, to Big Delta, Alaska)*. All of Blue civil airway No. 25.

§ 601.626 *Blue civil airway No. 26 control areas (Anchorage, Alaska, to Fairbanks, Alaska)*. All of Blue civil airway No. 26.

§ 601.627 *Blue civil airway No. 27 control areas (Kodiak, Alaska, to Kotzebue, Alaska)*. All of Blue civil airway No. 27.

§ 601.628 *Blue civil airway No. 28 control areas (Charleston, S. C., to Bulls Gap, Tenn.)*. All of Blue civil airway No. 28.

§ 601.629 *Blue civil airway No. 29 control areas (Raleigh, N. C., to Lynchburg, Va.)*. All of Blue civil airway No. 29.

§ 601.630 *Blue civil airway No. 30 control areas (Brownsville, Tex., to Pueblo, Colo.)*. All of Blue civil airway No. 30.

§ 601.631 *Blue civil airway No. 31 control areas (Burlington, Iowa, to Madison, Wis.)*. All of Blue civil airway No. 31.

§ 601.632 *Blue civil airway No. 32 control areas (Anchorage, Alaska, to Talkeetna, Alaska)*. All of Blue civil airway No. 32.

§ 601.633 *Blue civil airway No. 33 control areas (Lansing, Mich., to Saginaw, Mich.)*. All of Blue civil airway No. 33.

§ 601.634 *Blue civil airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.)*. All of Blue civil airway No. 34.

§ 601.635 *Blue civil airway No. 35 control areas (Oxnard, Calif., to Bakersfield, Calif.)*. All of Blue civil airway No. 35.

§ 601.636 *Blue civil airway No. 36 control areas (Akron, Colo., to Kimball, Nebr.)*. All of Blue civil airway No. 36.

§ 601.637 *Blue civil airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.)*. All of Blue civil airway No. 37.

§ 601.638 *Blue civil airway No. 38 control areas (Five Finger, Alaska, to United States-Canadian Border)*. All of Blue civil airway No. 38.

§ 601.639 *Blue civil airway No. 39 control areas (Savannah, Ga., to Elmira, N. Y.)*. All of Blue civil airway No. 39.

§ 601.640 *Blue civil airway No. 40 control areas (Concord, N. H., to Burlington, Vt.)*. All of Blue civil airway No. 40.

§ 601.641 *Blue civil airway No. 41 control areas (Hartford, Conn., to United States-Canddian Border)*. All of Blue civil airway No. 41.

§ 601.642 *Blue civil airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.)*. All of Blue civil airway No. 42.

§ 601.643 *Blue civil airway No. 43 control areas (Nenana, Alaska, to Nenabank, Alaska)*. All of Blue civil airway No. 43.

§ 601.644 *Blue civil airway No. 44 control areas (Indianapolis, Ind., to United States-Canadian Border)*. All of Blue civil airway No. 44.

§ 601.645 *Blue civil airway No. 45 control areas (Greenfield, Mass., to Newport, Vt.)*. All of Blue civil airway No. 45.

§ 601.646 *Blue civil airway No. 46 control areas (Memphis, Tenn., to Paducah, Ky.)*. All of Blue civil airway No. 46.

§ 601.647 *Blue civil airway No. 47 control areas (Blackstone, Va., to Dunkirk, N. Y.)*. All of Blue civil airway No. 47.

§ 601.648 *Blue civil airway No. 48 control areas (Marathon, Fla., to Miami, Fla.)*. All of Blue civil airway No. 48.

§ 601.649 *Blue civil airway No. 49 control areas (Atlantic City, N. J., to Philadelphia, Pa.)*. All of Blue civil airway No. 49.

§ 601.651 *Blue civil airway No. 51 control areas (Wendover, Utah, to Dubois, Idaho)*. All of Blue civil airway No. 51.

§ 601.652 *Blue civil airway No. 52 control areas (Paso Robles, Calif., to Fresno, Calif.)*. All of Blue civil airway No. 52.

§ 601.653 *Blue civil airway No. 53 control areas (Providence, R. I., to Hartford, Conn.)*. All of Blue civil airway No. 53.

§ 601.654 *Blue civil airway No. 54 control areas (Evergreen, Calif., to Hamilton AFB, Calif.)*. All of Blue civil airway No. 54.

§ 601.655 *Blue civil airway No. 55 control areas (Crestview, Fla., to Montgomery, Ala.)*. All of Blue civil airway No. 55.

§ 601.656 *Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Washington, D. C.)*. All of Blue civil airway No. 56.

§ 601.657 *Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho)*. All of Blue civil airway No. 57.

§ 601.658 *Blue civil airway No. 58 control areas (Nantucket, Mass., to Squantum, Mass.)*. All of Blue civil airway No. 58.

§ 601.660 *Blue civil airway No. 60 control areas (Sunnyvale, Calif., to Stockton, Calif.)*. All of Blue civil airway No. 60.

§ 601.663 *Blue civil airway No. 63 control areas (Concord, N. H., to Berlin, N. H.)*. All of Blue civil airway No. 63.

§ 601.664 *Blue civil airway No. 64 control areas (Wink, Tex., to Hobbs, N. Mex.)*. All of Blue civil airway No. 64.

§ 601.665 *Blue civil airway No. 65 control areas (Shuyak, Alaska, to Homer, Alaska)*. All of Blue civil airway No. 65.

§ 601.666 *Blue civil airway No. 66 control areas (Bridgeport, Conn., to Poughkeepsie, N. Y.)*. All of Blue civil airway No. 66.

§ 601.667 *Blue civil airway No. 67 control areas (Yuma, Ariz., to Las Vegas, Nev.)*. All of Blue civil airway No. 67.

§ 601.668 *Blue civil airway No. 68 control areas (Midland, Tex., to Hobbs, N. Mex.)*. All of Blue civil airway No. 68.

§ 601.669 *Blue civil airway No. 69 control areas (St. Louis, Mo., to Quincy, Ill.)*. All of Blue civil airway No. 69.

§ 601.670 *Blue civil airway No. 70 control areas (Waco, Tex., to Tulsa, Okla.)*. All of Blue civil airway No. 70.

§ 601.671 *Blue civil airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.)*. All of Blue civil airway No. 71.

§ 601.672 *Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.)*. All of Blue civil airway No. 72.

§ 601.675 *Blue civil airway No. 75 control areas (Cleveland, Ohio, to United States-Canadian Border)*. All of Blue civil airway No. 75.

§ 601.676 *Blue civil airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.)*. All of Blue civil airway No. 76.

§ 601.678 *Blue civil airway No. 78 control areas (Spring Bay, Utah, to Malad City, Idaho)*. All of Blue civil airway No. 78.

§ 601.679 *Blue civil airway No. 79 control areas (Annette Island, Alaska to United States-Canadian Border)*. All of Blue civil airway No. 79.

§ 601.680 *Blue civil airway No. 80 control areas (Unalakleet, Alaska, to Moses Point, Alaska)*. All of Blue civil airway No. 80.

§ 601.681 *Blue civil airway No. 81 control areas (Charleston, W. Va., to Akron, Ohio)*. All of Blue civil airway No. 81.

§ 601.684 *Blue civil airway No. 84 control areas (Augusta, Maine, to Millinocket, Maine)*. All of Blue civil airway No. 84.

§ 601.685 *Blue civil airway No. 85 control areas (Hutchinson, Kans., to Wichita, Kans.)*. All of Blue civil airway No. 85.

§ 601.686 *Blue civil airway No. 86 control areas (Goshen, Ind., to Fort Wayne, Ind.)*. All of Blue civil airway No. 86.

§ 601.687 *Blue civil airway No. 87 control areas (Lexington, Ky., to Dayton, Ohio)*. All of Blue civil airway No. 87.

SUBPART C—CONTROL AREA EXTENSIONS

§ 601.1001 *Control area extension (Moses Lake, Wash.)*. That airspace south of Green civil airway No. 2 within a 30-mile radius of Larson Air Force Base, excluding the portion which lies within the boundaries of prohibited area (P–246), and the airspace within 10 miles either side of a line extending from the Moses Lake nondirectional radio beacon (MSK) to the Walla Walla, Wash., radio range station.

§ 601.1002 *Control area extension (Austin, Tex.)*. That airspace within a 40-mile radius of the Austin radio range station, excluding the portion which overlaps restricted area (R–343).

§ 601.1003 *Control area extension (Corinne, Utah)*. Within 5 miles either side of a line bearing 289° True extending from the Corinne nondirectional radio beacon to Blue civil airway No. 78.

§ 601.1004 *Control area extension (Brownsville, Tex.)*. That airspace over United States territory within a 40-mile radius of the Brownsville, Tex., radio range station, excluding the portion which overlaps restricted areas and excluding the portions lying north of Latitude 26°30'00" and more than 3 miles from the United States shoreline.

§ 601.1005 *Control area extension (Jacksonville, Fla.)*. Within 5 miles either side of the 64° True radial of the Jacksonville omnirange extending from the omnirange station to a point 20 miles

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northeast, and that airspace bounded on the north by Red civil airway No. 30, on the east by Amber civil airway No. 7 and on the south and west by the Jacksonville restricted area (R–161).

§ 601.1006 *Control area extension (Lake Charles, La.).* All that airspace within a 40-mile radius of the Lake Charles, La., radio range station excluding the portion which overlaps the Houston (Beaumont-Palacios-Houston) Control area extension.

§ 601.1007 *Control area extension (Laredo, Tex.).* That airspace over United States territory within a 35-mile radius of the Laredo, Tex., radio range station.

§ 601.1008 *Control area extension (Savannah, Ga.).* From the Savannah, Ga., radio range station extending 5 miles either side of the southeast course of the Savannah radio range to a point 20 miles southeast of the range station, extending 5 miles either side of the southwest course of the radio range to a point 30 miles southwest of the radio range station, extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio range station, and within 5 miles either side of the centerline of the east-west runway of Travis Field, Savannah, Ga., from Amber civil airway No. 7 to a point 20 miles west of Travis Field, excluding the portion overlapping the Camp Stewart restricted area.

§ 601.1009 *Control area extension (Augusta, Ga.).* All that area within 5 miles either side of the centerline of the north-south runway of Bush Field, Augusta, Ga., extending to a point 30 miles south of Bush Field.

§ 601.1010 *Control area extension (Greenwood, S. C.).* That airspace bounded on the south by a straight line from a point at lat. 34°07'00", long. 82°-15'00" to a point at lat. 34°19'00", long. 81°38'00", on the east by Blue civil airway No. 28, on the north by the Greenville, S. C. (Greenville-Charlotte-Greensboro) control area extension, on the west by Blue civil airway No. 39 to point of beginning.

§ 601.1011 *Control area extension (Daytona Beach, Fla.).* Within 5 miles either side of the west course of the Daytona Beach radio range extending from the radio range station to a point 20 miles west, and within 5 miles either side of the 244° True radial of the Daytona Beach omnirange extending from the omnirange station to a point 20 miles southwest.

§ 601.1012 *Control area extension (Florence, S. C.).* From the Florence, S. C., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio station.

§ 601.1013 *Control area extension (Fort Myers, Fla.).* Within 5 miles either side of the lines bearing 45° True and 220° True from Fort Myers, Fla., nondirectional radio beacon extending from Blue civil airway No. 1 on the northeast to a point 20 miles southwest of the nondirectional radio beacon

§ 601.1014 *Control area extension (Greenville, S. C.) (Greenville-Charlotte-Greensboro area).* All that airspace beginning at lat. 35°49'30", long. 79°30'00", thence southwesterly to lat. 34°49'30", long. 80°10'00", thence clockwise along the arc of a 50-mile radius circle centered on the Charlotte, N. C., radio range (at lat. 35°10'30", long. 80°56'00") to lat. 34°27'15", long. 80°52'30", thence westerly to lat. 34°22'30", long. 82°20'00", thence clockwise along the arc of a 30-mile radius circle centered on the Greenville, S. C., radio range (at lat. 34°48'45", long. 82°20'30") to lat. 35°13'30", long. 82°30'00", thence northeast to lat. 35°19'00", long. 82°06'30", thence clockwise along the arc of a 30-mile radius circle centered on the Spartanburg, S. C., radio range to the northwest edge of Green civil airway No. 6, thence along the northwest edge of Green civil airway No. 6 to the arc of a 35-mile radius circle centered between the Winston-Salem and Greensboro, N. C., radio ranges at lat. 36°06'00", long. 80°01'30", thence clockwise along the arc of this 35-mile radius circle to the point of beginning.

§ 601.1015 *Control area extension (Greenwood, Miss.).* From the Greenwood, Miss., radio range station extending 5 miles either side of the east course of the radio range to a point 20 miles east of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station and extending 5 miles either side of the 66° True and 246° True radials of the Greenwood omnirange to points 20 miles southwest and northeast of the omnirange station.

§ 601.1016 *Control area extension (Augusta, Ga.).* Within 5 miles either side of the 320° True radial of the Augusta omnirange extending from the omnirange station to a point 15 miles northwest.

§ 601.1017 *Control area extension (Newberg, Oreg.).* Within 5 miles either side of the 70° True radial of the Newberg omnirange extending from the omnirange station to its intersection with the Portland, Oreg., omnirange 96° True radial.

§ 601.1018 *Control area extension (Meridian, Miss.).* From the Meridian, Miss., radio range station extending 5 miles either side of the north course of the Meridian, Miss., radio range to a point 20 miles north of the radio range station and extending from the ILS localizer 5 miles either side of the localizer course to a point 30 miles south of the ILS localizer.

§ 601.1019 *Control area extension (Nashville, Tenn.).* That airspace within a 50-mile radius of the Nashville Tenn., radio range station bounded on the northwest by a direct line extending from the Graham, Tenn., omnirange station to the Bowling Green, Ky., omnirange station.

§ 601.1020 *Control area extension (Macon, Ga.).* Within 5 miles either side of the 47° True and 227° True courses of the Macon ILS localizer extending from the localizer to a point 25 miles northeast and to a point 30 miles southwest.

§ 601.1021 *Control area extension (Belleville, Ill.).* All that area within a 40-mile radius of the Scott AFB radio range station, Belleville, Ill.

§ 601.1022 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station, extending within 5 miles either side of the west course of the West Palm Beach radio range, to a point 20 miles west of the radio range station.

§ 601.1023 *Control area extension (Akron, Colo.).* From the Akron, Colo., radio range station, extending within 5 miles either side of the north course of the Akron radio range, to a point 20 miles north of the radio range station.

§ 601.1024 *Control area extension (Burlington, Iowa).* Within a 15-mile radius of the Burlington, Iowa omnirange station and within 5 miles either side of the 112° True radial of the omnirange extending from the omnirange station to a point 25 miles east.

§ 601.1025 *Control area extension (New Orleans, La.).* All that area within a 25-mile radius of the New Orleans, La., radio range station located in the southeast quadrant and including all the area bounded on the west by the south course of the New Orleans, La., radio range on the south and east by the shoreline and on the north by Red civil airway No. 30; all that air space within a 35-mile radius of the New Orleans, La., radio range station in the southwest and northwest quadrants of the radio range and the airspace in the northeast quadrant of the radio range bounded on the northeast by the northern shorelfne of Lake Ponchartrain.

§ 601.1026 *Control area extension (Grand Island, Nebr.).* From the Grand Island, Nebr., radio range station, extending within 5 miles either side of the north course of the Grand Island radio range, to a point 20 miles north of the radio range station and within 5 miles either side of the 180° True and 360° True radials of the Grand Island omnirange extending from the omnirange station to points 25 miles north and south.

§ 601.1027 *Control area extension (Kansas City, Mo.).* All that area within a 42-mile radius of the Kansas City, Mo., Municipal Airport excluding that area outside existing civil airways that lies within the south quadrant of the Kansas City radio range and excluding the portion below 4,000 feet which overlaps the Lake City, Mo., restricted area.

§ 601.1028 *Control area extension (Monroe, La.).* Within 5 miles either side of the northeast and southwest courses of the Monroe radio range extending from the radio range station to a point 25 miles northeast and to a point 20 miles southwest, and within 5 miles either side of the 41° True and 221° True radials of the Monroe omnirange extending from the omnirange station to points 20 miles northeast and southwest.

§ 601.1029 *Control area extension (Corpus Christi, Tex.).* All that airspace lying in the north quadrant of the Corpus Christi, Tex., radio range within a 58-mile radius of the range station bounded on the southwest by Blue civil airway No. 30 and on the southeast by Green civil airway No. 6, including the airspace within 6 miles either side of the northeast course of the Refugio, Tex., radio range extending from the radio range station to a point 32 miles northeast and the airspace within the arc of a circle of 29-mile radius centered on the Normanna, Tex., nondirectional radio beacon bounded on the southwest by Blue civil airway No. 30 and on the east by a line extending from a point at Lat. 28°54'30", Long. 97°33'40" to a point at Lat. 28°38'00", Long. 97°38'30".

§ 601.1030 *Control area extension (Victorville, Calif.).* All that area within the vicinity of George AFB, Victorville, Calif., bounded on the north by Green 4, on the southwest by Blue 14 and on the southeast by Amber 2, and the airspace north of the George AFB bounded by a line beginning at lat. 35°11'00", long. 117°12'00", thence to lat. 34°57'00", long. 117°12'00", thence to lat. 34°54'45", long. 116°53'45", thence along the northern boundary of Green civil airway No. 4 to lat. 34°49'00", long. 117°29'00", thence to lat. 35°11'-00", long. 117°24'00", thence to point of beginning, excluding the portion which overlaps Restricted Area (R–279).

§ 601.1031 *Control area extension (North Platte, Nebr.).* All that airspace within a 25-mile radius of the North Platte radio range bounded on the south by Green civil airway No. 3, and the airspace bounded on the east by a line 5 miles east of and parallel to the south course of the radio range, on the south by VOR civil airway No. 8 and on the northwest by Red civil airway No. 6.

§ 601.1032 *Control area extension (Kotzebue, Alaska).* Within 5 miles either side of a line bearing 50° True extending from the Kotzebue, Alaska, non-directional radio beacon to a point 25 miles northeast.

§ 601.1033 *Control area extension (St. Joseph, Mo.).* That airspace within a 25-mile radius of Rosecrans Field bounded on the northeast by Amber civil airway No. 4, and on the southeast by Red civil airway No. 35.

§ 601.1034 *Control area extension (Springfield, Mo.).* All that area within a 25-mile radius of the Springfield, Mo., radio range station.

§ 601.1035 *Control area extension (Little Rock, Ark.).* That airspace within a 50 mile radius of the Little Rock radio range station, excluding the portion below 9,000 ft. between sunrise and sunset Saturdays and Sundays only which lies within Little Rock restricted area (R–134), and excluding the portion below 15,000 ft. between sunrise and sunset daily which lies within Pine Bluff restricted area (R–135).

§ 601.1036 *Control area extension (West Palm Beach, Fla.).* Within 5 miles either side of the 151° True radial of the West Palm Beach omnirange extending from the West Palm Beach omnirange station via the intersection of the West Palm Beach 151° True radial and the Miami, Fla., 060° True radial thence via the Miami 060° True radial to the Miami, Fla., omnirange station. The airspace which lies within Patrick AFB warning area (W–497–B) and Miami warning area (W–171) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.1037 *Control area extension (Pensacola, Fla.).* That airspace within 8 miles east of and 5 miles west of the north and south courses of the Pensacola, Fla., radio range extending from the radio range station to points 25 miles north and 12 miles south.

§ 601.1038 *Control area extension (Great Falls, Mont.).* That airspace within a 25-mile radius of the Great Falls omnirange station extending from the southern boundary of VOR civil airway No. 120 clockwise to the southeastern boundary of Amber civil airway No. 2, and the airspace within 5 miles either side of the northeast course of the Great Falls radio range extending from the radio range station to a point 30 miles northeast including the airspace within a 30 mile radius of the Great Falls omnirange station which lies within the north quadrant of the Great Falls low frequency radio range.

§ 601.1039 *Control area extension (Portland, Oreg.).* That airspace within a 30-mile radius of the Portland International Airport.

§ 601.1040 *Control area extension (Medford, Oreg.).* From the Medford, Oreg., radio range station, extending within 5 miles either side of the west course of the Medford radio range, to a point 20 miles west of the radio range station and within 5 miles either side of the 270° True radial of the Medford omnirange extending from the omnirange station to VOR civil airway No. 27.

§ 601.1041 *Control area extension (Boise, Idaho).* Within 5 miles either side of the southwest course of the Boise radio range extending from the radio range station to a point 20 miles southwest including the airspace in the south quadrant of the Boise radio range bounded on the northeast and southeast by the Mountain Home, Idaho, control area extension and on the southwest by a line drawn 135° True from a point at lat. 43°20'20", long. 116°29'15" extending to the Mountain Home control area extension.

§ 601.1042 *Control area extension (Columbus, Ohio).* That airspace within a 15-mile radius of the Columbus, Ohio, omnirange station; that airspace southwest of Columbus bounded on the north by Green civil airway No. 4, on the east by Blue civil airway No. 15, on the south by Red civil airway No. 8 and on the west by VOR civil airway No. 47; that airspace southeast of Columbus within a 30-mile radius of Lockbourne Air Force Base extending clockwise from the south boundary of Red civil airway No. 8 to the east boundary of Blue civil airway No. 15.

§ 601.1043 *Control area extension (Bowling Green, Ky.).* From the Bowling Green, Ky., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station and all that area within a 15 mile radius of the Bowling Green omnirange station.

§ 601.1044 *Control area extension (Ypsilanti, Mich.).* From the Willow Run Airport, Ypsilanti, Mich. ILS localizer extending 5 miles either side of the localizer course to a point 20 miles southwest of the ILS outer marker.

§ 601.1045 *Control area extension (Presque Isle, Maine).* From the Presque Isle, Maine, radio range station extending 5 miles either side of the west course of the radio range to a point 15 miles west of the radio range station, including all that area bounded on the north and east by Blue civil airway No. 17, on the south by Red civil airway No. 86 and on the west by Amber civil airway No. 7.

§ 601.1046 *Control area extension (Falfurrias, Tex.).* Within 5 miles on the northwest side and 15 miles on the southeast side of the southwest course of the Kingsville, Tex., radio range extending from the Falfurrias nondirectional radio beacon to a point 35 miles southwest of the nondirectional radio beacon.

§ 601.1047 *Control area extension (Bangor, Maine).* That airspace within a 25-mile radius of Dow Air Force Base, Bangor, Maine.

§ 601.1048 *Control area extension (Red Bluff, Calif.).* From the Red Bluff, Calif., radio range station extending 5 miles either side of the east course of the radio range to a point 25 miles east of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station.

§ 601.1049 *Control area extension (Utica, N. Y.).* From the Utica, N. Y., radio range station, within 5 miles either side of the northwest course of the Utica, N. Y., radio range, extending 20 miles northwest of the Utica, N. Y., radio range station and within 5 miles either side of the northeast course of the Utica radio range extending from the radio range station to a point 15 miles northeast.

§ 601.1050 *Control area extension (Bakersfield, Calif.).* From the Bakersfield, Calif., radio range station extending within 5 miles either side of the southwest course of the Bakersfield, Calif., radio range to a point 25 miles southwest of the radio range station including the airspace in the northwest quadrant of the radio range bounded on the northeast by VOR civil airway No. 137 and on the west by VOR civil airway No. 107.

§ 601.1051 *Control area extension (Portland, Maine).* From the Portland, Maine, radio range station, within 5 miles either side of the northwest course of the Portland, Maine, radio range extending 20 miles northwest of the Portland, Maine, radio range station.

§ 601.1052 *Control area extension (Atlanta, Ga.).* All that airspace within a 50-mile radius of the Atlanta radio range station including the airspace north of Atlanta bounded on the west by VOR civil airway No. 5, on the north by VOR civil airway No. 54 and on the east by VOR civil airway No. 97, and the airspace east of Atlanta bounded on the northwest by VOR civil airway No. 20, on the east by VOR civil airway No. 35 and on the south by VOR civil airway No. 18 including the airspace southwest of Atlanta bounded on the north by VOR civil airway No. 18, on the west by longitude 86°00'00", and on the southeast by VOR civil airway No. 20.

§ 601.1053 *Control area extension (Houston, Tex.) (Beaumont-Palacios-Houston area).* All that airspace beginning at Latitude 30°22'00", Longitude 94°03'00", thence clockwise along an arc with a 25-mile radius centered on the Beaumont, Tex., radio range station to Latitude 29°38'35", Longitude 94°00'00", thence south to Latitude 29°37'30", Longitude 94°00'00", thence southwesterly 3 nautical miles from and parallel to the shoreline to Latitude 28°23'20", Longitude 96°17'30", thence clockwise along an arc with a 25-miles radius centered on the Palacios, Tex., radio range station to Latitude 28°55'00", Longitude 96°38'45", thence northeasterly to Latitude 29°58'30", Longitude 95°58'30", thence clockwise along an arc with a 50-mile radius centered on the Houston, Tex., radio range station to Latitude 30°20'25", Longitude 95°17'00", thence east to point of beginning. The portions of this control area which overlap the Palacios Restricted Area R–494 and Palacios Warning Area W–494 are excluded.

§ 601.1054 *Control area extension (Sinclair, Wyo.).* From the Sinclair, Wyo., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1055 *Control area extension (Elmira, N. Y.).* Within a 15-mile radius of the Elmira, N. Y., omnirange station.

§ 601.1056 *Control area extension (Buffalo, N. Y.).* Within a 15-mile radius of the Buffalo, N. Y., omnirange station.

§ 601.1057 *Control area extension (Binghamton, N. Y.).* Within a 15-mile radius of the Binghamton, N. Y., omnirange station.

§ 601.1058 *Control area extension (Martinsburg, W. Va.).* Within 5 miles either side of the southwest and northeast courses of the Martinsburg radio range extending from the radio range station to a point 20 miles southwest and to a point 33 miles northeast, and that airspace within a 15-mile radius of the Martinsburg, W. Va., omnirange station.

§ 601.1059 *Control area extension (Lynchburg, Va.).* From the Lynchburg, Va., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station.

§ 601.1060 *Control area extension (Elkins, W. Va.).* From the Elkins, W. Va., radio range station, within 5 miles either side of the south course of the Elkins radio range, extending 10 miles south of the Elkins, W. Va., airport and all that area within a 15 mile radius of the Elkins omnirange station.

§ 601.1061 *Control area extension (Mt. Clemens, Mich.).* All that airspace bounded on the north by an arc having a radius of 40 miles from Selfridge Air Force Base, Mt. Clemens, Mich., on the east and southeast by the United States-Canadian Boundary, and on the southwest by Red civil airway No. 20 and the Flint, Mich., control area extension.

§ 601.1062 *Control area extension (Raleigh, N. C.).* That airspace within a 30-mile radius of the Raleigh, N. C., radio range station, within 5 miles either side of the southeast course of the Raleigh radio range extending from the range station to a point 41 miles southeast, and within 5 miles either side of the Raleigh ILS localizer course extending from the localizer to a point 30 miles southwest.

§ 601.1063 *Control area extension (Roanoke, Va.).* From the Roanoke, Va., radio range station extending 5 miles either side of the south course of the Roanoke, Va., radio range to a point 20 miles south of the radio range station.

§ 601.1064 *Control area extension (Chicopee Falls, Mass.).* That airspace northeast of Chicopee Falls bounded on the northwest by Red civil airway No. 33, on the northeast by VOR civil airway No. 151 and the Worcester, Mass., control zone, on the southeast by Amber civil airway No. 7 and on the south by a line extending from a point at latitude 42°08'50", longitude 72°28'00" to a point at latitude 42°04'30", longitude 72°11'-30" excluding the airspace below 2,500 ft. Mean Sea Level; that airspace north of Chicopee Falls bounded on the west by Blue civil airway No. 41, on the north by VOR civil airway No. 2 and on the southeast by VOR civil airway No. 39; that airspace northwest of Chicopee Falls lying within an arc of 38 statute miles centered on the Westover, Mass., Air Force Base bounded on the north by VOR civil airway No. 2, on the east by Blue civil airway No. 41 and on the south by Red civil airway No. 112.

§ 601.1065 *Control area extension (Biloxi, Miss.).* All that area within a 25-mile radius of the Keesler AFB, Biloxi, Miss., radio range station, excluding Airspace Warning Areas.

§ 601.1066 *Control area extension (New York, N. Y.).* That airspace within a radius of 125 miles of the Idlewild, N. Y., omnirange station extending clockwise from the 238° True radial to the 328° True radial of the omnirange thence within a radius of 30 miles of the Idlewild omnirange station extending clockwise from the 328° True radial to the 238° True radial of the omnirange.

§ 601.1067 *Control area extension (Dayton, Ohio).* That airspace within a 15-mile radius of the Dayton, Ohio, omnirange station including the airspace within 5 miles either side of the Dayton ILS localizer course extending from the localizer to a point 20 miles southwest of the ILS outer marker.

§ 601.1068 *Control area extension (Riverside, Calif.).* That airspace east of March Air Force Base bounded on the east by a line extending between a point at latitude 33°51'00", longitude 116°50'-40" and a point at latitude 33°45'45", longitude 116°50'00", on the south by VOR civil airway No. 64, on the northwest by VOR civil airway No. 8 and on the north by Green civil airway No. 5; that airspace southeast of March Air Force Base bounded on the north by VOR civil airway No. 64, on the east by VOR civil airway No. 117, on the southeast and south by Red civil airway No. 65, and on the southwest by Caution Area C–444.

§ 601.1069 *Control area extension (Santa Barbara, Calif.).* Within 5 miles either side of the west and southeast courses of the Santa Barbara radio range extending from the radio range station to a point 25 miles west and 20 miles southeast.

§ 601.1070 *Control area extension (Oceanside, Calif.).* Within 5 miles either side of a line bearing 293° True extending from the Oceanside non-directional radio beacon to its point of intersection with a line bearing 221° True from the Los Angeles radio range station; within 5 miles either side of a line bearing 284° True extending from the Oceanside non-directional radio beacon to its point of intersection with a line bearing 181° True from the Los Angeles omnirange station.

§ 601.1071 *Control area extension (Burbank, Calif.).* That airspace east of the Burbank, Calif., radio range station bounded on the west by Amber civil airway No. 1, on the south by Green civil airway No. 5, on the southeast by Amber civil airway No. 2 and on the northeast by a line 5 miles northeast of and parallel to the southeast course of the Burbank radio range; that airspace southwest of the Burbank, Calif., radio range station bounded on the north by Red civil airway No. 90, on the east by Amber civil airway No. 1, on the south by Amber civil airway No. 8 and on the west by a line 5 miles west of and parallel to a direct line between the Burbank, Calif., outer marker and the intersection of the west course of the Los Angeles, Calif., radio range and the southeast course of the Camarillo, Calif., radio range.

§ 601.1072 *Control area extension (Sumter, S. C.).* From the Shaw AFB radio range station, Sumter, S. C., extending 5 miles either side of the southwest course of the Shaw AFB radio range between the southern boundary of Red civil airway No. 16 and the northeast boundary of Blue civil airway No. 28, excluding the portion which overlaps the Shaw AFB restricted area.

§ 601.1073 *Control area extension (Fresno, Calif.).* Within 5 miles either side of the northeast course of the Fresno, Calif., radio range extending from the radio range station to a point 20 miles northeast, within 5 miles either side of the Fresno ILS localizer front course extending to a point 15 miles southeast of the Fresno Air Terminal, and that airspace within a 35-mile radius of the Fresno Air Terminal extending clockwise from a line bearing 153° True from the Fresno Air Terminal to a line 5 miles northeast of and parallel to the back course of the Fresno ILS localizer.

§ 601.1074 *Control area extension (Los Angeles, Calif.).* Within 5 miles either side of the west and south courses of the Los Angeles radio range extending from the radio range station to points 40 miles west and south; within 5 miles either side of a line bearing 221° True extending from the Los Angeles radio range station to a point 40 miles southwest; within 5 miles either side of the southeast course of the Camarillo, Calif., radio range extending from Amber civil airway No. 8 to the intersection of the southeast course of the Camarillo radio range with a bearing of 221° True from the Los Angeles radio range station; within 5 miles either side of a line bearing 181° True extending from the Los Angeles omnirange station to a point 40 miles south of the omnirange station.

§ 601.1075 *Control area extension (Ada, Okla.).* All that area within a 15-mile radius of the Ada, Okla., Municipal Airport.

§ 601.1076 *Control area extension (Phoenix, Ariz.).* That airspace southwest of Phoenix bounded on the north and east by VOR civil airway No. 16, on the south by VOR civil airway No. 66N, and on the west by VOR civil airway No. 87; that airspace northwest and north of Phoenix bounded on the south by Green civil airway No. 5, on the west by longitude 112°50'00", on the north by latitude 34°00'00" and on the east by VOR civil airway No. 95; that airspace within 5 miles either side of the east course of the Phoenix radio range extending from the radio range station to a point 25 miles east.

§ 601.1077 *Control area extension (Elko, Nev.).* From the Elko, Nev., radio range station extending 5 miles either side of the north course of the Elko, Nev., radio range to a point 25 miles from the radio range station, and extending 5 miles on either side of the south course of the Elko, Nev., radio range to a point 25 miles south of the radio range station.

§ 601.1078 *Control area extension (Reno, Nev.).* From the Reno, Nev., radio range station extending 5 miles either side of the north course of the Reno, Nev., radio range to a point 50 miles north of the radio range station.

§ 601.1079 *Control area extension (Rock Springs, Wyo.).* From the Rock Springs, Wyo., radio range station extending 5 miles either side of the north course of the Rock Springs, Wyo., radio range to a point 25 miles north of the radio range station, and extending 5 miles either side of the south course of the Rock Springs, Wyo., radio range to a point 25 miles south of the radio range station.

§ 601.1080 *Control area extension (Louisville, Ky.).* All that area within a 15-mile radius of the Louisville omnirange station excluding danger areas, and all that area within 5 miles either side of the 122° True radial of the Louisville omnirange extending from the omnirange station to a point 25 miles southeast, and the area within 5 miles either side of the Louisville ILS localizer course extending from the localizer to a point 13.2 miles southwest, and that airspace northeast of Louisville bounded on the southeast by Amber civil airway No. 6 and on the west and northwest by VOR civil airway No. 47.

§ 601.1081 *Control area extension (Windsor Locks, Conn.).* That airspace in the vicinity of Bradley Field, Windsor Locks, Conn., bounded on the southeast by Amber civil airway No. 7, on the southwest and west by Blue civil airway No. 41, on the northwest by Red civil airway No. 33 and on the north by a line extending from a point at latitude 42°-08'50", longitude 72°28'00" to a point at latitude 42°04'30", longitude 72°11'-30"; that airspace southwest of Bradley Field bounded on the northwest by Red civil airway No. 33, on the northeast by Blue civil airway No. 41 and on the south by Red civil airway No. 13.

§ 601.1082 *Control area extension (Montgomery, Ala.).* That airspace bounded on the north by Lat. 32°52'30", on the east by Long. 86°00'00", on the south by Lat. 31°45'00", and on the west by Long. 87°30'00".

§ 601.1083 *Control area extension (Bartlesville, Okla.).* All that area within a 20-mile radius of the Phillips Airport, Bartlesville, Okla.

§ 601.1084 *Control area extension (Quincy, Ill.).* That airspace within a 25-mile radius of the Quincy non-directional radio beacon including the airspace north of Quincy bounded on the east by VOR civil airway No. 63, on the southwest by VOR civil airway No. 52 and on the northwest by VOR civil airway No. 10.

§ 601.1085 *Control area extension (Edwards Air Force Base, Calif.).* All that airspace bounded on the south by Green civil airway No. 4, on the southwest by Blue civil airway No. 14, on the north by Lat. 34°58'00", on the east by Long. 117°48'00", including the airspace within 5 miles either side of a line bearing 56° True extending from the Edwards Air Force Base and passing through the Edwards omnirange station site at Lat. 35°00'18", Long. 117°41'14" to a point 15 miles northeast of the omnirange station site, excluding the portions which overlap Restricted Area (R–279) and excluding the portion above 20,000 feet MSL which conflicts with Restricted Area (R–484).

§ 601.1086 *Control area extension (Memphis, Tenn.).* That airspace within a 50-mile radius of the Memphis radio range station lying in the southeast, southwest and northwest quadrants of the radio range and that airspace within an arc 45 miles in radius from the Memphis NAS radio range station bounded on the west and northwest by VOR civil airway No. 11 and on the southeast by Green civil airway No. 5.

§ 601.1087 *Control area extension (Akron, Ohio).* From the Akron-Canton Airport, Akron, Ohio, ILS localizer extending 5 miles either side of the localizer course to a point 20 miles south of the ILS outer marker, and extending 5 miles either side of a direct line between the Akron, Ohio, radio range station and the Brecksville, Ohio, fan marker.

§ 601.1088 *Control area extension (Alexandria, Minn.).* From the Alexandria, Minn., radio range station extending 5 miles either side of the north course of the Alexandria, Minn., radio range to a point 20 miles north of the radio range station, including all that area within a 15 mile radius of the Alexandria omnirange station, and all that area within 5 miles either side of the 50° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1089 *Control area extension (Cincinnati, Ohio).* All that airspace within a 15-mile radius of the Cincinnati, Ohio, omnirange station and that airspace northwest of Cincinnati bounded on the north by Red civil airway No. 18, on the east by VOR civil airway No. 47 and on the southwest by the east alternate of VOR civil airway No. 97.

§ 601.1090 *Control area extension (Lawrence, Mass.).* Within 5 miles either side of a direct line extending from the Lawrence, Mass., nondirectional radiobeacon to the Bedford, Mass., outer marker.

§ 601.1091 *Control area extension (Detroit, Mich.).* That airspace within a 20-mile radius of the Willow Run Airport, Detroit, Mich.; and the airspace north of Detroit bounded on the south by VOR civil airway No. 116, on the west by VOR civil airway No. 133, on the north by VOR civil airway No. 84 and on the east by Red civil airway No. 20.

§ 601.1092 *Control area extension (Dickinson, N. Dak.).* From the Dickinson, N. Dak., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station including all that area within a 15-mile radius of the Dickinson omnirange station, and all that area within 5 miles either side of the 15° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1093 *Control area extension (Fargo, N. Dak.).* From the Fargo, N. Dak., radio range station extending 5 miles either side of the east course of the radio range to a point 20 miles east of the Glyndon fan marker, and extending

tending 5 miles either side of the north

279) and excluding the portion above

the Glyndon fan marker, and extending

from the ILS localizer 5 miles either side of the localizer course to a point 20 miles south of the outer marker, and all that area within a 15 mile radius of the Fargo omnirange station.

§ 601.1094 *Control area extension (Flint, Mich.).* From the Flint, Mich., outer compass locator extending 5 miles either side of the 88° and 268° True courses of the outer compass locator to points 25 miles east and west of the outer compass locator.

§ 601.1095 *Control area extension (Fort Wayne, Ind.).* All that area within a 15-mile radius of the Fort Wayne omnirange station including that area within 5 miles either side of the 318° True radial of the omnirange extending from the omnirange station to a point 25 miles northwest and that area within 5 miles either side of the Fort Wayne ILS localized course extending from the localizer to a point 20 miles southeast of the outer marker.

§ 601.1096 *Control area extension (Glenview, Ill.).* From the Glenview, Ill., radio range station extending 5 miles either side of the northwest course of the Glenview, Ill., radio range to a point 20 miles northwest of the radio range station.

§ 601.1097 *Control area extension (Grand Forks, N. Dak.).* From the Grand Forks, N. Dak., radio range station extending 5 miles either side of the south course of the Grand Forks, N. Dak., radio range to a point 20 miles south of the radio range station.

§ 601.1098 *Control area extension (Casper, Wyo.).* All that area within a 25-mile radius of the Casper, Wyo., radio range station in the northeast, southwest and northwest quadrants of the radio range, excluding the portion which overlaps restricted areas.

§ 601.1099 *Control area extension (Indianapolis, Ind.).* From the Weir-Cook Municipal Airport, Indianapolis, Ind., ILS localizer extending 5 miles either side of the ILS localizer course to a point 20 miles southwest of the ILS outer marker and all that area within a 15-mile radius of the Indianapolis omnirange station.

§ 601.1100 *Control area extension (Lone Rock, Wis.).* That airspace within a 15-mile radius of the Lone Rock omnirange station including the airspace within 5 miles either side of the 24° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1101 *Control area extension (Madison, Wis.).* Within 5 miles either side of a line bearing 183° True from the Madison, Wis., outer marker extending from the outer marker to a point 25 miles south.

§ 601.1102 *Control area extension (Minneapolis, Minn.).* All that area within a 30-mile radius of the Minneapolis-St. Paul International Airport lying within the east, south, and west quadrants of the Minneapolis radio range, including all that area within a 15-mile radius of the Minneapolis omnirange station and the airspace north of Minneapolis bounded on the northwest by VOR civil airway No. 13, on the east by Blue civil airway No. 9 and on the southwest by VOR civil airway No. 26.

§ 601.1103 *Control area extension (Minot, N. Dak.).* All that area within a 15-mile radius of the Minot, N. Dak., omnirange station.

§ 601.1104 *Control area extension (Rockford, Ill.).* From the Rockford, Ill., radio range station extending 5 miles either side of the west course of the Rockford, Ill., radio range to a point 20 miles west of the radio range station.

§ 601.1105 *Control area extension (Muskegon, Mich.).* That airspace within a 15-mile radius of the Muskegon omnirange station and within 5 miles either side of the southeast course of the Muskegon radio range extending from the radio range station to the western boundary of Red civil airway No. 28.

§ 601.1106 *Control area extension (Whidbey Island, Wash.).* All that area beginning at lat. 48°30'00", long. 123°07'15", thence northeast to lat. 48°35'50", long. 122°58'40", thence east-northeast to lat. 48°42'15", long. 122°41'00", thence southerly to lat. 48°01'20", long. 122°27'10", thence northwesterly to lat. 48°06'30", long. 122°52'35", thence northwesterly to lat. 48°12'00", long. 122°59'30", thence to point of beginning, excluding the portions which overlap restricted areas.

§ 601.1107 *Control area extension (Topeka, Kans.).* All that area within a 25-mile radius of the Topeka, Kans., omnirange station.

§ 601.1108 *Control area extension (Salina, Kans.).* That airspace north of Salina, Kansas, within a 30-mile radius of a point at Latitude 38°52'39", Longitude 97°38'54", bounded on the south by VOR civil airway No. 4, and the airspace southeast of the Salina omnirange station bounded on the north by VOR civil airway No. 4 and on the west by VOR civil airway No. 73 within a 25-mile radius of the omnirange station.

§ 601.1109 *Control area extension (Goodland, Kans.).* From the Goodland, Kans., omnirange station extending 5 miles either side of the 22° True radial of the omnirange to a point 20 miles north and within 5 miles either side of the 202° True radial of the Goodland omnirange extending from the omnirange station to a point 25 miles southwest.

§ 601.1110 *Control area extension (Hobbs, N. Mex.).* From the Hobbs, N. Mex., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1111 *Control area extension (San Diego, Calif.).* From the San Diego, Calif., radio range station extending 5 miles either side of the southwest course of the San Diego, Calif., radio range to a point 25 miles southwest of the radio range station.

§ 601.1112 *Control area extension (Fort Dix, N. J.).* All that area bounded on the north by Red civil airway No. 3 on the east by VOR civil airway No. 1, on the southeast by Green civil airway No. 5, on the southwest by Red civil airway No. 73 and on the west by Blue civil airway No. 20, excluding the portion which overlaps the Fort Dix, N. J., restricted area and the Lakehurst, N. J., caution area.

§ 601.1113 *Control area extension (San Francisco, Calif.).* All that area bounded on the northeast by a line extending through the San Francisco, Calif., and Moffett Field, Calif., radio range stations, on the northwest by a line 5 miles northwest of and parallel to the southwest course of the San Francisco, Calif., radio range, on the west by a line 3 nautical miles off shore, on the southeast by a line 5 miles southeast of and parallel to the southwest course of the Moffett Field radio range, and including all that area northeast of the San Francisco, Calif., radio range station bounded on the northwest by Amber civil airway No. 8, on the northeast by Blue civil airway No. 10 and on the southeast and southwest by Green civil airway No. 3, and including all that area northeast of the San Francisco radio range station bounded on the northwest by Green civil airway No. 3, on the east by Blue civil airway No. 7 and on the south by Red civil airway No. 60, and all that area beginning at a point on the western boundary of Blue civil airway No. 10 at the point of intersection with lat. 38°15'00", thence along the western boundaries of Blue civil airway No. 10, Blue civil airway No. 54 and Amber civil airway No. 8 to a point at which the western boundary of Amber civil airway No. 8 intersects the coastline, thence along the coastline in a northwesterly direction to Point Reyes, Calif., thence in a northeasterly direction to lat. 38°15'-00", long. 122°45'00", thence to the point of beginning.

§ 601.1114 *Control area extension (Bettles, Alaska).* Within 5 miles either side of the southeast course of the Bettles, Alaska, radio range extending from the radio range station to a point 25 miles southeast.

§ 601.1115 *Control area extension (Dodge City, Kans.).* Within 5 miles either side of the 341° and 161° True radials of the Dodge City omnirange extending from the omnirange station to points 25 miles north and south.

§ 601.1116 *Control area extension (Hutchinson, Kans.).* All that area within a 25-mile radius of the Hutchinson, Kans., radio range station.

§ 601.1117 *Control area extension (Grosse Ile, Mich.).* That airspace south of the Grosse Ile Naval Air Station bounded on the west by VOR civil airway No. 197, on the north by VOR civil airway No. 10, on the northeast by Red civil airway No. 19 and on the southeast by a line through a point at Lat. 41°51'10", Long. 83°08'35" and a point at Lat. 41°45'20", Long. 83°20'25".

§ 601.1118 *Control area extension (Grand Junction, Colo.).* Within 5 miles either side of a line bearing 305° True extending from Walker Airport, Grand

Junction, Colo., to a point 30 miles northwest of the airport, and within 5 miles either side of the 357° True radial of the Grand Junction omnirange extending from the omnirange station to a point 15 miles north.

§ 601.1119 *Control area extension (St. Louis, Mo.).* All that area within a 25-mile radius of the St. Louis, Mo., radio range station in the northeast and southwest quadrants of the radio range.

§ 601.1120 *Control area extension (Cedar Rapids, Iowa).* Within 5 miles either side of a line bearing 266° True extending from the Cedar Rapids Municipal Airport to a point 25 miles west, and within 5 miles either side of a line bearing 90° True from the airport to a point 25 miles east.

§ 601.1121 *Control area extension (White Plains, N. Y.).* From the Westchester Airport White Plains, N. Y., ILS localizer extending 5 miles either side of the localizer course to its intersection with the south course of the New Hackensack, N. Y., radio range.

§ 601.1122 *Control area extension (Tri-City, Tenn.).* That airspace within a 28-mile radius of the Tri-City radio range station lying in the east quadrant of the radio range; that airspace within a 30-mile radius of the radio range station lying in the . .st quadrant of the radio range, and the airspace within 5 miles either side of the 289° True radial of the Tri-City omnirange extending from the omnirange station to a point 50 miles northwest.

§ 601.1123 *Control area extension (Birmingham, Ala.).* That airspace bounded by a line beginning at a point at latitude 32°52'00", longitude 87°30'00", thence north to latitude 34°15'00", longitude 87°30'00", thence east to latitude 34°15'00", longitude 86°15'00", thence south to latitude 34°00'00", longitude 86°15'00", thence southeast to latitude 33°39'00", longitude 86°00'00", thence south to latitude 32°52'00", longitude 86°00'00", thence west to latitude 32°52'00", longitude 87°30'00".

§ 601.1124 *Control area extension (Eugene, Oreg.).* Within 5 miles either side of the west course of the Eugene, Oreg., radio range extending from the radio range station to VOR civil airway No. 27.

§ 601.1125 *Control area extension (Tallahassee, Fla.).* That airspace bounded on the north by VOR civil airway No. 22, on the east by VOR civil airway No. 159 and on the south and west by VOR civil airway No. 7W, excluding the portion above 19,000 feet mean sea level between sunset and sunrise which lies within Tyndall AFB restricted area (R–336).

§ 601.1126 *Control area extension (Knoxville, Tenn.).* That airspace within a 40-mile radius of the Knoxville, Tenn., radio range station beginning at a point south of Knoxville on the western edge of Red civil airway No. 27 and extending counterclockwise to a point at lat. 36°15'00", long. 84°30'00", thence bounded on the northwest by a straight line from this point to a point at lat. 36°00'00", long. 84°56'30", thence bounded on the west by VOR civil airway No. 51, on the southwest by the Chattanooga control area extension, on the south by VOR civil airway No. 54, and on the east by the western boundary of Red civil airway No. 27 to point of beginning, excluding the airspace which lies within Prohibited Area PA–78.

§ 601.1127 *Control area extension (Pasco, Wash.).* That airspace beginning at a point at lat. 46°13'03", long. 119°03'45" within 5 miles either side of lines drawn 179° True and 269° True extending from that point to their intersection with the northeast boundary of Green civil airway No. 10; that airspace bounded by lines 5 miles south of and 10 miles north of and parallel to a line drawn 89° True from the point of beginning extending to the northwest boundary of VOR civil airway No. 112 on the south, to long. 118°43'30" on the north, bounded on the west by long. 119°03'45", and including the airspace within 5 miles either side of the northwest course of the Walla Walla, Wash., radio range from the radio range station northwestward to long. 118°43'30".

§ 601.1128 *Control area extension (Jackson, Miss.).* From the Jackson, Miss., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles northwest of the ILS localizer.

§ 601.1129 *Control area extension (Washington, D. C.).* All that area within a 40-mile radius of the Washington National Airport, excluding that portion northeast of the airport bounded on the west by the eastern boundary of Red civil airways Nos. 29 and 45 and on the south by the northern boundary of Green civil airway No. 5 and excluding the Washington Airspace Reservation and restricted areas.

§ 601.1130 *Control area extension (Spokane, Wash.).* That airspace within a radius of 45 nautical miles centered on Fairchild Air Force Base, Spokane, Wash.

§ 601.1131 *Control area extension (Sitka, Alaska).* Within 5 miles either side of the southwest course of the Sitka, Alaska, radio range extending from the radio range station to a point 25 miles southwest.

§ 601.1132 *Control area extension (West Palm Beach, Fla.).* Within 5 miles either side of the 36° True radial of the West Palm Beach omnirange extending from the omnirange station to a point 100 miles northeast, thence northwestward within 5 miles either side of the 127° True radial of the Daytona Beach, Fla., omnirange to its intersection with the centerline of Control area extension No. 1150, excluding the portion below 2,000 ft. which lies outside the continental limits of the United States.

§ 601.1133 *Control area extension (Seattle, Wash.).* That airspace within a 30-mile radius of the Seattle-Tacoma International Airport, excluding the portion below 1,500 feet mean sea level which lies over Fort Lewis restricted area (R–503), below 5,000 feet mean sea level which lies over Fort Lewis restricted area (R–504), and below 14,000 feet mean sea level which lies over Fort Lewis restricted area (R–505); that airspace southsouthwest of Seattle bounded on the south by latitude 46°35'00", on the west by longitude 123°03'00" and on the northnortheast by Blue civil airway No. 71; that airspace north of Seattle bounded on the south by Red civil airway No. 79, on the east by Green civil airway No. 10, and on the northwest by a line extending from a point at latitude 48°02'00", longitude 122°26'00" to a point at latitude 47°55'00", longitude 122°32'00".

§ 601.1134 *Control area extension (Columbus, Ga.).* That airspace north of Columbus bounded on the northwest by VOR civil airway No. 20, on the south by VOR civil airway No. 56, on the east by VOR civil airway No. 97, and on the north by the Atlanta, Ga., 50-mile radius control area extension.

§ 601.1135 *Control area extension (Marianna, Fla.).* Within 5 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 20 miles southeast, excluding the airspace above 19,000 feet overlapping Tyndall AFB restricted area (R–336) between sunset and sunrise.

§ 601.1136 *Control area extension (San Juan, P. R.).* Within a radius of 100 nautical miles of the Isle Grande Airport, San Juan, P. R., excluding the airspace over existing restricted areas and warning areas. (Designated to conform with Recommendation No. 6 of the Rules of the Air and Air Traffic Control Committee of the Second ICAO Caribbean Regional Air Navigation Meeting, as approved by the Council of ICAO.)

§ 601.1137 *Control area extension (Big Spring, Tex.).* That airspace within a 37-mile radius of the Big Spring radio range station.

§ 601.1138 *Control area extension (Orlando, Fla.).* Within 5 miles either side of the northwest course of the Orlando radio range extending from the radio range station to a point 25 miles northwest; that airspace northeast of Orlando bounded on the south by a line 5 miles southeast of and parallel to the northeast course of the Orlando radio range, on the northeast by Amber civil airway No. 7 and on the northwest by Red civil airway No. 47, and all that airspace bounded on the north by Latitude 29°00'00", on the west by Tampa control area extension No. 1325, on the south by Latitude 27°45'00", and on the east and northeast by Blue civil airway No. 19 and the northwest course of the Orlando radio range.

§ 601.1139 *Control area extension (Lexington, Ky.).* Within 5 miles either side of a line bearing 222° True extending from the Lexington, Ky., nondirectional radio beacon to a point 20 miles southwest, and within 5 miles either side of the 123° True radial of the Lexington omnirange extending from the omnirange station to a point 25 miles southeast, within 5 miles either side

of a line bearing 313° True extending from the Lexington nondirectional radio beacon to its point of intersection with the east course of the Louisville, Ky., radio range.

§ 601.1140 *Control area extension (Youngstown, Ohio).* That airspace southeast of Youngstown bounded on the north by VOR civil airway No. 6, on the east by VOR civil airway No. 37, on the south by Red civil airway No. 85 and on the southwest and west by VOR civil airway No. 41.

§ 601.1141 *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range to a circle 15 miles in radius centered at the midway point of a direct line between the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1142 *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range to a circle 15 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1143 *Control area extension (Nantucket, Mass.).* That airspace with tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., nondirectional radio beacon to a circle 15 miles in radius centered at the midway point on a direct line between the Nantucket, Mass., nondirectional radio beacon and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that airspace which lies within the confines of civil airways, and excluding those portions which overlap Warning Areas (W–21, W–95 and W–104).

§ 601.1144 *Control area extension (Nantucket, Mass.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., nondirectional radio beacon to a circle 15 miles in radius centered on the intersection of a Great Circle course between the Nantucket nondirectional radio beacon and the Azores Santa Maria nondirectional radio beacon and the western boundary of the ICAO Control Area, excluding the portion below 2,000 feet except that airspace which lies within the confines of civil airways.

§ 601.1145 *Control area extension (Nantucket, Mass.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., nondirectional radio beacon to a circle 15 miles in radius centered on the intersection of a rhumb line between the Nantucket nondirectional radio beacon and the Kindley AFB Bermuda radio range station and the western boundary of the ICAO Control Area, excluding the portion below 2,000 feet except that airspace which lies within the confines of civil airways.

§ 601.1146 *Control area extension (New York, N. Y.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the east course of the New York (La Guardia), N. Y., radio range and the northeast course of the Mitchel AFB, N. Y., radio range to a circle 5 miles in radius centered at the intersection of the southeast course of the Quonset, R. I. (Navy) radio range and a line bearing 254° True from the Nantucket, Mass., nondirectional radio beacon to a circle 5 miles in radius centered on the Nantucket nondirectional radio beacon, excluding that portion below 2,000 feet between the intersection of the east course of the New York (La Guardia) radio range and the southwest course of the Providence, R. I., radio range and the Nantucket nondirectional radio beacon. In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.1147 *Control area extension (New York, N. Y.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Mitchel AFB, N. Y., radio range to a circle 15 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1148 *Control area extension (Millville, N. J.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Millville, N. J., radio range station and the intersection of the southeast course of the Millville, N. J., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered on the intersection of the southeast course of the Millville, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1149 *Control area extension (Norfolk, Va.).* That airspace within a 55-mile radius of a point located at latitude 36°57'44", longitude 76°24'44", excluding the airspace which overlaps all danger areas, warning areas and caution areas and excluding the portion below 2,000 feet beyond the shoreline of the United States.

§ 601.1150 *Control area extension (Wilmington, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Wilmington, N. C., omnirange station to a circle 15 miles in radius centered at the midway point on a direct line between the Wilmington, N. C., omnirange station and the West Palm Beach, Fla., radio range station to a circle 5 miles in radius centered on the West Palm Beach, Fla., radio range station, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1151 *Control area extension (Wilmington, N. C.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Wilmington, N. C., omnirange station to a circle 5 miles in radius centered at a point at lat. 33°55'00", long. 77°19'00" to a circle 15 miles in radius centered at the intersection of a line bearing 133° True from the Wilmington, N. C., omnirange station and the Western boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1152 *Control area extension (Charleston, S. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Charleston, S. C., radio range station and a circle 5 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1153 *Control area extension (Jacksonville, Fla.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Jacksonville, Fla., radio range station to a circle 15 miles in radius centered on the intersection of the east course of the Jacksonville, Fla., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet and above 20,500 feet which lies outside the continental limits of the United States.

§ 601.1154 *Control area extension (Bismarck, N. Dak.).* All that area within a 15-mile radius of the Bismarck omnirange station including all that area 5 miles either side of the ILS localizer course extending from the localizer to a point 20 miles southeast of the outer marker, and all that area within 5 miles

either side of the 114° True radial of the omnirange station extending from the omnirange station to a point 25 miles southeast.

§ 601.1155 *Control area extension (Omaha, Nebr.).* All that airspace within a 25-mile radius of the Omaha radio range station and the airspace southwest of Omaha bounded on the north by VOR civil airways No. 8–S, 6–S and Red civil airway No. 93, on the east by Amber civil airway No. 4 and the St. Joseph, Mo., control area extension, on the south by a line extending from a point at Lat. 40°00'00", Long. 95°17'00", to a point at Lat. 40°30'00", Long. 96°51'00", to a point at Lat. 40°30'00", Long. 97°20'00", and bounded on the west by Long. 97°20'00".

§ 601.1156 *Control area extension (Albany, Ga.).* Within 5 miles either side of the west course of the Albany radio range extending from the radio range station to a point 25 miles west and within 5 miles either side of the 335° True radial of the Albany omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1157 *Control area extension (Chicago, Ill.).* From the Chicago, Ill., O'Hare International Airport ILS localizer extending 5 miles either side of the localizer course to a point 20 miles northwest of the outer marker.

§ 601.1158 *Control area extension (Cleveland, Ohio).* That airspace lying over United States territory within a 30-mile radius of the Cleveland-Hopkins Airport.

§ 601.1159 *Control area extension (Moline, Ill.).* That airspace within a 15-mile radius of the Moline omnirange station, within 5 miles either side of the Moline ILS localizer west course extending from the localizer to a point 35 miles west of the Quad City Airport, and the airspace east of Moline bounded on the north by Green civil airway No. 3, on the south by a line 5 miles south of and parallel to the Moline ILS localizer east course, on the east by Long. 90°02'00" and on the west by VOR civil airway No. 63 and the airspace within 5 miles either side of a direct line extending from the Polo, Ill., omnirange station to the intersection of the east (back) course of the Quad-City ILS localizer and the 318° True radial of the Bradford, Ill., omnirange station.

§ 601.1160 *Control area extension (South Bend, Ind.).* From the South Bend, Ind., ILS localizer extending 5 miles either side of the localizer course to a point 20 miles east of the outer marker and all that area within a 15-mile radius of the South Bend omnirange station.

§ 601.1161 *Control area extension (Chicago, Ill.).* All that area within a 30-mile radius of the Chicago-Midway Airport; all that area within a 15-mile radius of the Chicago Heights omnirange station; all that area east of the Chicago Midway Airport bounded on the northwest by Red civil airway No. 28, on the east by Blue civil airway No. 6 and on the south by Red civil airway No. 12, and all that area southeast of Chicago Midway Airport bounded on the north by Red civil airway No. 12, on the east by Blue civil airway No. 6, on the south by Green civil airway No. 3 and on the west by Red civil airway No. 14.

§ 601.1162 *Control area extension (Danville, Va.).* Within a 5-mile radius of the Danville Municipal Airport extending 5 miles either side of a track bearing 356° True from the airport to a point 10 miles north, and extending 5 miles either side of a track bearing 57° True from the airport to a point 10 miles northeast of the airport.

§ 601.1163 *Control area extension (Vero Beach, Fla.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Vero Beach omnirange station to a circle 10 miles in radius centered on the intersection of the east course of the Melbourne, Fla., radio range and the center of Control area extension No. 1150, excluding that portion below 5,000 feet except that airspace which lies within existing control area or control area extension.

§ 601.1164 *Control area extension (Quonset Point, R. I.).* All that area bounded by a line beginning at a point on the southern boundary of Red civil airway No. 94 at lat. 41°35'00";, long. 71°06'30", thence westward along that airway boundary to the southeastern boundary of Red civil airway No. 21, thence southwesterly along the southeastern boundary of that airway to lat. 41°32'00", long. 71°33'25", thence perpendicularly southeastward to a point 3 miles from the southwest course of the Providence, R. I., radio range, thence southwestward paralleling the southwest course of the Providence, R. I., radio range to a point at lat. 41°17'00", long. 71°44'45" on an arc of a circle with a 27-mile radius centered on the Quonset Point, R. I., NAS radio range station, thence counterclockwise along this arc to lat. 41°17'15", long. 71°00'40", thence northwestward to lat. 41°29'25", long. 71°12'00", thence northeastward to lat. 41°35'00", long. 71°06'30", point of beginning, excluding the portions which overlap restricted areas and caution areas.

§ 601.1165 *Control area extension (Oakland, Calif.).* All that area in the vicinity of Hayward, Calif., bounded by the eastern boundary of Blue civil airway No. 10, the southern boundary of Red civil airway No. 60 and the northern boundary of Blue civil airway No. 60.

§ 601.1166 *Control area extension (Mobile, Ala.).* Within a 25-mile radius of Brookley AFB, Mobile, Ala., excluding the portion which overlaps Caution Area C–488, and within 5 miles either side of the 292° True radial of the Mobile omnirange extending from the omnirange station to a point 25 miles northwest.

§ 601.1167 *Control area extension (Ontario, Oreg.).* That airspace within an 8½-mile radius of the Ontario Airport including the airspace southeast of Ontario bounded on the northeast by Green civil airway No. 10, on the south by the Boise, Idaho, control area extension, on the southwest by a line 12 miles southwest of and parallel to Green civil airway No. 10.

§ 601.1168 *Control area extension (Ponca City, Okla.).* Within a 15-mile radius of the Ponca City Airport and within 5 miles either side of the 284° True radial of the Ponca City omnirange extending from the omnirange station to a point 25 miles west.

§ 601.1169 *Control area extension (Idlewild, N. Y.).* That airspace within 5 miles either side of a direct line extending from the intersection of the southeast course of the Mitchel AFB, N. Y., radio range and the Riverhead, N. Y., omnirange 223° True radial to the Nantucket, Mass., nondirectional radio beacon excluding the airspace below 2,000 feet. In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.1170 *Control area extension (Owensboro, Ky.).* That airspace bounded on the north by VOR civil airway No. 4, on the southwest by VOR civil airway No. 7 and on the southeast by a line extending through points at Lat. 38°04'20", Long. 86°41'20" and Lat. 37°22'00", Long. 87°09'40".

§ 601.1171 *Control area extension (El Paso, Tex.).* Within 5 miles either side of the north course of the El Paso radio range extending from the radio range station to a point 10 miles north of the Newman nondirectional radio beacon, excluding the portion which overlaps restricted areas, and all that area south of El Paso bounded on the northeast by VOR civil airway No. 66, on the south by a line 5 miles south of and parallel to a direct line between the Clint, Tex., nondirectional radio beacon and the Hudspeth, Tex., omnirange station, and on the west by a line 5 miles west of and parallel to the centerline of the south course of the El Paso, Tex., radio range, excluding the portion which lies outside the continental limits of the United States and that area northeast of El Paso bounded on the south by Green civil airway No. 5, on the west by the north course of the El Paso radio range, on the north by latitude 32°00'00", and on the east by Red civil airway No. 71.

§ 601.1172 *Control area extension (Rantoul, Ill.).* Within a 25-mile radius of the Rantoul (Chanute), Ill., AFB radio range station.

§ 601.1173 *Control area extension (San Francisco, Calif.).* That airspace bounded by a line beginning at a point at latitude 38°08'30", longitude 122°54'00", thence to latitude 37°14'00", longitude 122°24'55", thence to latitude 36°16'00", longitude 124°26'00", thence to latitude 37°40'00", longitude 125°22'30", thence to latitude 37°50'00", longitude 124°24'30", thence to latitude 38°00'00", longitude 123°23'00", thence to latitude 38°03'20", longitude 123°12'00", thence to point of beginning. The portions of this control area extension which

overlap Point Reyes warning area (W–513) are excluded between the hours 8:00 a. m. to 8:00 p. m. P. s. t. daily.

§ 601.1174 *Control area extension (Santa Ana, Calif.).* All that area bounded on the northeast by Amber civil airway No. 1, on the southwest by the Oceanside, Calif., control area extension and on the west by the Los Angeles, Calif., control area extension.

§ 601.1175 *Control area extension (Charleston, S. C.).* Within 5 miles either side of the 341° True radial of the Charleston, S. C., omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1176 *Control area extension (Santa Barbara, Calif.).* That airspace centered on the 247° True radial of the Santa Barbara omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Oakland Oceanic Control Area, excluding the portion which overlaps restricted area R–288.

§ 601.1177 *Control area extension (Long Beach, Calif.) (Long Beach-Honolulu route).* From the Long Beach, Calif., radio range station extending 5 miles either side of the southwest course of the Long Beach, Calif., radio range to its intersection at Lat. 31°56'30", Long. 120°04'00" with a rhumb line bearing 251° True from the San Diego, Calif., radio range station thence 5 miles either side of that rhumb line to its intersection with the Eastern Boundary of the Oakland Flight Information Region.

§ 601.1178 *Control area extension (Honolulu, T. H.).* All that area within a radius of 25 miles from the Honolulu radio range station extending clockwise from a point 25 miles northeast of the radio range station on Green civil airway No. 9 to a point 25 miles southwest of the radio range station on Green civil airway No. 9.

§ 601.1179 *Control area extension (Hilo, T. H.).* All that airspace within a radius of 25 miles from the Hilo, T. H., radio range station extending clockwise from a point 25 miles north of the Hilo range station on Amber civil airway No. 12 to a point 25 miles east of the Hilo range station on Red civil airway No. 87.

§ 601.1180 *Control area extension (San Antonio, Tex.).* All that area within a 60-mile radius of the San Antonio, Tex., radio range station and that airspace northeast of the San Antonio radio range station bounded on the northwest by the Austin, Tex., control area extension, on the northeast by Red civil airway No. 32 and on the south by a straight line between points located at latitude 29°48'25", longitude 97°25'30" and latitude 29°52'40", longitude 97°10'25" and that airspace east of San Antonio bounded on the south by VOR civil airway No. 198, on the northwest by VOR civil airway No. 222 and on the northeast by VOR civil airway No. 180.

§ 601.1181 *Control area extension (Elizabeth City, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Weeksville, N. C. (Navy) radio range station to a circle 10 miles in radius centered on the intersection of the southeast course of the Weeksville, N. C. (Navy) radio range and the western boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1182 *Control area extension (Enid, Okla.).* That airspace within a 25-mile radius of the Enid, Okla., Vance AFB nondirectional radio beacon including the airspace within a 25-mile radius of the Vance AFB omnirange station.

§ 601.1183 *Control area extension (Wake Island).* From the Wake Island non-directional radio beacon extending 5 miles either side of rhumb lines to point 3 nautical miles off the shoreline of the Island of Wake between the following points: Wake-Honolulu; Wake-Tokyo; Wake-Guam; Wake-Midway.

§ 601.1184 *Control area extension (Douglas, Ariz.).* Within 5 miles either side of the 131° and 311° True radials of the Douglas omnirange extending from the United States-Mexican Border to a point 15 miles northwest of the omnirange station.

§ 601.1185 *Control area extension (Utah Lake, Utah).* Within 5 miles either side of the 125° True radial of the Utah Lake omnirange extending from the omnirange station to a point 25 miles southeast.

§ 601.1186 *Control area extension (Tucson, Ariz.).* Within 5 miles either side of the west course of the Tucson radio range extending from the radio range station to a point 25 miles west and the airspace south of Tucson bounded on the north by Green civil airway No. 5, on the northeast by VOR civil airway No. 66, and on the west and south by VOR civil airway No. 202, excluding the portion which overlaps the Sahuarita restricted area R–310.

§ 601.1187 *Control area extension (Jackson, Mich.).* Within 5 miles either side of a 313° True bearing extending from the Jackson, Mich., nondirectional radio beacon to a point 25 miles northwest.

§ 601.1188 *Control area extension (Milwaukee, Wis.).* That airspace within a 20 mile radius of General Mitchell Field, Milwaukee, Wis.

§ 601.1189 *Control area extension (Daggett, Calif.).* From the Daggett, Calif., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station.

§ 601.1190 *Control area extension (Fairfield, Calif.).* All that area northeast of the Fairfield, Calif., Travis AFB radio range station bounded on the west by Blue civil airway No. 7, on the northeast by Amber civil airway No. 1 and on the southeast by Amber civil airway No. 8, and all that area west of the Travis AFB radio range station bounded on the southwest by Blue civil airway No. 54, on the south by Amber civil airway No. 8, on the east by Blue civil airway No. 7, on the north by a line between points at latitude 38°21'30", longitude 121°57'00" and latitude 38°08'30", longitude 122°33'10", and on the west by longitude 122°33'10";

§ 601.1191 *Control area extension (Thermal, Calif.).* Within 5 miles either side of the 80° True radial of the Thermal omnirange extending from the omnirange station to the Hayfield Lake, Calif., nondirectional radio beacon.

§ 601.1192 *Control area extension (Merced, Calif.).* That airspace in the vicinity of Castle AFB, Merced, Calif., bounded on the east by Amber civil airway No. 1, on the south by VOR civil airway No. 100, on the west by Blue civil airway No. 14, and on the north by the 15-mile radius circular control area centered at the Modesto, Calif., omnirange station.

§ 601.1193 *Control area extension (Monterey, Calif.).* The area bounded by a line 5 miles southeast of and parallel to the 229° True radial of the Salinas VOR radio range extending from the western boundary of VOR civil airway No. 27 to a point at latitude 36°27'30" N., longitude 121°52'30" W.; thence to a point 3 nautical miles offshore and 5 statute miles southeast of the southwest course of the Moffett, Calif., NAS radio range; thence in a northeasterly direction parallel to the southwest course of the Moffett NAS radio range to the western boundary of VOR civil airway No. 27; thence southeasterly along the western boundary of VOR civil airway No. 27 to the point of beginning, excluding the area below 3000 feet within the boundaries of the Fort Ord restricted area.

§ 601.1194 *Control area extension (Sacramento, Calif.).* That airspace within a 50-mile radius of Mather Air Force Base lying in the east quadrant of the Sacramento radio range bounded on the northwest by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1; that airspace north of Sacramento bounded on the north by Red civil airway No. 76, on the southeast by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1, and the airspace bounded on the south by Red civil airway No. 76, on the west by longitude 121°30'00", on the north by latitude 39°09'00" and on the east by longitude 121°20'00".

§ 601.1195 *Control area extension (San Angelo, Tex.).* That airspace within a 35-mile radius of the San Angelo, Tex., omnirange station.

§ 601.1196 *Control area extension (Yuma, Ariz.).* From the Yuma, Ariz., radio range station extending 5 miles either side of the south course of the radio range to a point 15 miles south of the radio range station.

§ 601.1197 *Control area extension (Dubois, Idaho).* From the Dubois, Idaho, radio range station extending 5 miles either side of the east course of the Dubois radio range to its intersection with the northeast course of the Idaho Falls, Idaho, radio range.

§ 601.1198 *Control area extension (Idaho Falls, Idaho).* From the Idaho Falls, Idaho, radio range station extending 5 miles either side of the northwest course of the radio range to its intersection with Blue civil airway No. 51, and extending 5 miles either side of the northeast course of the radio range to its intersection with the east course of the Dubois, Idaho, radio range.

§ 601.1199 *Control area extension (St. Cloud, Minn.).* That airspace within 5 miles either side of a line bearing 57° True from the St. Cloud Airport extending from the airport to a point 20 miles northeast.

§ 601.1200 *Control area extension (Columbia, S. C.).* From the Columbia Airport extending 5 miles either side of the center line of the northeast-southwest runway to a point 30 miles southwest of the airport and the airspace south of Columbia bounded on the northeast by Blue civil airway No. 28, on the southwest by Red civil airway No. 10 and on the northwest by Red civil airway No. 16, and the airspace southeast of Columbia bounded on the north by Red civil airway No. 16, on the east by Amber civil airway No. 7, and on the southwest by Blue civil airway No. 28, excluding the portion which overlaps restricted area (R–384).

§ 601.1201 *Control area extension (Saginaw, Mich.).* From the Saginaw, Mich., non-directional radio beacon extending 5 miles either side of a track 347° True to a point 25 miles northwest of the non-directional radio beacon.

§ 601.1202 *Control area extension (Tucumcari, N. Mex.).* From the Tucumcari, N. Mex., radio range station extending 5 miles either side of the north and south courses of the radio range to points 25 miles north and south of the radio range station.

§ 601.1203 *Control area extension (Stuttgart, Ark.).* That airspace south of Stuttgart bounded on the north by Red civil airway No. 37, on the southeast by VOR civil airway No. 11 and on the southwest by Blue civil airway No. 22.

§ 601.1204 *Control area extension (Zuni, N. Mex.).* From the Zuni, N. Mex., radio range station extending 5 miles either side of the south course of the radio range to a point 25 miles south of the radio range station.

§ 601.1205 *Control area extension (Albuquerque, N. Mex.).* That airspace within a 40-nautical-mile radius of the Albuquerque omnirange range station lying north of VOR civil airway No. 12.

§ 601.1206 *Control area extension (Midland, Tex.).* That airspace within a 25-mile radius of the Midland radio range station; that airspace within 5 miles either side of the Midland ILS localizer southwest course extending from the localizer to lat. 31°30'00", and that airspace between the Midland, Tex., and El Paso, Tex., radio range stations bounded on the north by Green 5 and on the southwest, south and southeast by VOR civil airway No. 66; that airspace within 5 miles either side of the 146° True radial of the Midland omnirange extending from the omnirange station to a point 55 miles southeast.

§ 601.1207 *Control area extension (Carlsbad, N. Mex.).* Within 5 miles either side of the 165° True radial of the Carlsbad omnirange extending from the omnirange station to VOR civil airway No. 16N.

§ 601.1208 *Control area extension (Salt Flat, Tex.).* From the Salt Flat, Tex., radio range station extending 5 miles either side of the north course of the radio range to a point 15 miles north of the radio range station.

§ 601.1209 *Control area extension (Columbus, N. Mex.).* From the Columbus, N. Mex., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1210 *Control area extension (Olathe, Kans.).* That airspace not presently controlled bounded on the northwest by a line extending from the St. Joseph, Mo., omnirange station to a point at latitude 39°17'00", longitude 96°23'00", on the west by a line extending from that point to the Emporia, Kans., omnirange station and by the eastern edge of the Wichita, Kans., control area extension, on the south by the northern edge of Red civil airway No. 105 to the eastern edge of Amber civil airway No. 4, thence north along the eastern edge of Amber 4 to latitude 38°12'00", thence east along latitude 38°12'00" to the western edge of VOR civil airway No. 205, thence north along the western edge of VOR civil airway No. 205 to the Kansas City, Mo., omnirange station, thence north along the western edge of VOR civil airway No. 15 to a point at latitude 39°55'10", longitude 95°00'45".

§ 601.1211 *Control area extension (Dallas, Tex.).* All that area southeast of the Dallas, Tex., radio range station bounded on the west by Blue civil airway No. 5, on the north by Red civil airway No. 10, on the east by a line beginning at Lat. 32°42'15", Long. 96°21'15" and extending via Lat. 32°17'00", Long. 96°25'00" to the Waco, Tex., radio range station.

§ 601.1212 *Control area extension (White Sulphur Springs, W. Va.).* That airspace within 5 miles either side of lines bearing 227° True and 47° True from the Greenbrier Airport extending from Red civil airway No. 37 on the southwest to a point 10 miles northeast of the airport.

§ 601.1213 *Control area extension (Chatsworth, Calif.).* All that area bounded on the northwest by Green civil airway No. 4, on the east by Amber civil airway No. 1, and on the south by Red civil airway No. 90.

§ 601.1214 *Control area extension (Brownsville, Tex.).* All that area either side of a rhumb line between the Brownsville, Tex., radio range station and the Tampa, Fla., radio range station extending 5 miles on either side of such line from the Brownsville, Tex., radio range station to the coastline, excluding the portion lying within the Territory of Mexico, thence diverging at an angle of 15° on the north side and bounded on the south side by the northern boundary of the Mexico Oceanic Control Area to the western boundary of the New Orleans Oceanic Control Area excluding that portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1215 *Control area extension (Galveston, Tex.).* All that area extending from the Houston, Tex., control area to the New Orleans Oceanic Control Area, bounded on the west by a line from lat. 29°04'40", long. 95°00'00", to lat. 28°02'20", long. 94°20'00", and bounded on the east by a line from lat. 29°16'00", long. 94°43'15" to lat. 28°15'00", long. 92°42'00" excluding that portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1216 *Control area extension (New Orleans, La.).* All that airspace from the United States shoreline to the New Orleans Oceanic Control Area bounded on the north by a direct line from the Callender, La., nondirectional radio beacon to a point coinciding with the northernmost limit of the New Orleans Oceanic Control Area at Lat. 29°25'00", Long. 87°00'00", on the southeast and south by the New Orleans Oceanic Control Area, on the west by Long. 90°15'00" and on the northwest by the New Orleans domestic control area extension, excluding the portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1217 *Control area extension (Kodiak, Alaska).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Kodiak, Alaska, radio range station to the circumference of a circle 10 miles in radius centered at the point of intersection of a line bearing 107° True from the Kodiak radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

§ 601.1218 *Control area extension (Homer, Alaska).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Homer, Alaska, radio range station to the circumference of a circle 10 miles in radius centered at the point of intersection of a line bearing 118° True from the Homer radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

§ 601.1219 *Control area extension (Pensacola, Saufley Field, Ala.).* Within a 25-mile radius of Saufley Field, Pensacola, Fla., excluding the portions which overlap Restricted and Warning Areas.

§ 601.1220 *Control area extension (Johnstown, Pa.).* From the Johnstown, Pa., non-directional radio beacon extending 5 miles either side of a bearing 219° True from the non-directional radio beacon to Red civil airway No. 20.

§ 601.1221 *Control area extension (Dothan, Ala.).* From the Dothan, Ala., radio range station extending 5 miles

either side of the northeast course of the radio range to a point 25 miles northeast of the radio range station, excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R–336), between sunset and sunrise.

§ 601.1222 *Control area extension (Pine Bluff, Ark.).* Within 5 miles either side of the 20° True and 200° True radials of the Pine Bluff, Ark., omnirange extending from Green civil airway No. 5 on the northeast to a point 25 miles southwest of the omnirange station and within 5 miles either side of the 7° True and 187° True radials of the Pine Bluff omnirange extending from the omnirange station to points 20 miles north and south.

§ 601.1223 *Control area extension (Miramar, Calif.).* That airspace bounded on the north by Red civil airway No. 65, on the east by Blue civil airway No. 14, on the south by Red civil airway No. 9 and on the west by Amber civil airway No. 1, excluding the airspace below 15,000 feet MSL, which lies within restricted area (R–297).

§ 601.1224 *Control area extension (Philipsburg, Pa.).* All that area within a 15-mile radius of the Philipsburg, Pa., omnirange station.

§ 601.1225 *Control area extension (Erie, Pa.).* All that area within a 15-mile radius of the Erie, Pa., omnirange station.

§ 601.1226 *Control area extension (Tampa, Fla.).* From the Tampa, Fla., radio range station to the eastern boundary of the New Orleans Oceanic Control Area along a rhumb line between the Tampa, Fla., radio range station and the Callendar, La., non-directional radio beacon, extending 5 miles either side of the rhumb line at the Tampa radio range station thence diverging to a width of 10 miles either side of the rhumb line at its intersection with the eastern boundary of the New Orleans Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1227 *Control area extension (Lovelock, Nev.).* From the Lovelock, Nev., omnirange station extending 5 miles either side of the 18° True radial of the omnirange to a point 15 miles north, and extending 5 miles either side of the 198° True radial of the omnirange to Green civil airway No. 3.

§ 601.1228 *Control area extension (Tampa, Fla.).* All that area 5 miles either side of a straight line from the Tampa, Fla., radio range station to the Key West, Fla., radio range station, excluding that portion below 2,000 feet which lies outside the continental limits of the United States, and excluding the portion which overlaps Airspace Warning Areas (W–173) and (W–174).

§ 601.1229 *Control area extension (Atterbury, Ind.).* That airspace bounded on the south by Lat. 39°10'00", on the west by Long. 86°00'00" and on the east and northeast by VOR civil airway No. 51, excluding the portion which overlaps Atterbury restricted area (R–65).

§ 601.1230 *Control area extension (Miami, Fla.).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Tamiami, Fla., nondirectional radio beacon to a circle 10 miles in radius centered on the intersection of a line bearing 276° True from the Tamiami nondirectional radio beacon and the eastern boundary of the New Orleans Oceanic control area, excluding the portion which lies within Sarasota warning area (W–168) and excluding the portion below 2,000 feet MSL which lies outside the continental limits of the United States.

§ 601.1231 *Control area extension (Newport, Vt.).* That airspace over United States territory within 5 miles either side of a 32° True bearing extending from the Newport, Vt., nondirectional radio beacon to a point 10 miles northeast.

§ 601.1232 *Control area extension (Miami, Fla.).* An area bounded by a line beginning on the eastern edge of Amber civil airway No. 7 at Lat. 25°53'00", thence easterly to the western boundary of the Miami Oceanic/Nassau Control Area at Lat. 25°55'00", Long. 79°00'00", thence due south along that boundary to Lat. 24°40'00"; thence southwesterly to Lat. 24°00'00" Long. 80°25'00"; thence due north to the eastern edge of Amber No. 7, thence along Amber 7 to Lat. 25°53'00", point of beginning, excluding that portion below 1,000 feet which lies outside the continental limits of the United States.

§ 601.1233 *Control area extension (Key West, Fla.).* From the Key West, Fla., radio range station to the northern boundary of the Havana, Cuba, Control Area, extending 5 miles either side of a rhumb line between the Key West, Fla., radio range station and the Rancho Boyeros, Havana, Cuba, non-directional radio beacon, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1234 *Control area extension (Marathon, Fla.).* Within 5 miles either side of a line bearing 219° True extending from the Marathon, Fla., nondirectional radio beacon to the northern boundary of the Havana, Cuba, Control Area excluding the portion below 2,000 ft. between Amber civil airway No. 7 and the Havana Control Area boundary, and within 5 miles either side of a direct line extending from the Marathon, Fla., nondirectional radio beacon to the Tamiami, Fla., nondirectional radio beacon.

§ 601.1235 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station extending 5 miles either side of the east course of the West Palm Beach, Fla., radio range to its intersection with the western boundary of the Miami Oceanic/Nassau Control Area, excluding the portion below 2,000 feet outside the continental limits of the United States and excluding the portion which overlaps Airspace Warning Areas.

§ 601.1236 *Control area extension (Seattle (Clear Lake), Wash.).* All that airspace bounded by a line beginning on the eastern edge of VOR civil airway No. 23 at Lat. 48°32'00", thence due east to Long. 122°14'00", thence clockwise along the arc of a circle 5 miles in radius centered at Lat. 48°27'30", Long. 122°14'00", to Lat. 48°28'25", Long. 122°07'40", thence southeast to Lat. 48°12'30", Long. 122°03'05", thence southwest to a point on the eastern edge of Green civil airway No. 10 at Lat. 47°59'00", thence northerly along the eastern edge of Green civil airway No. 10 and VOR civil airway No. 23 to point of beginning.

§ 601.1237 *Control area extension (Waco, Tex.).* All that area within a 25-mile radius of the Waco, Tex., radio range station in the east quadrant of the radio range bounded on the northwest by the present control area and on the southwest by Blue civil airway No. 5.

§ 601.1238 *Control area extension (Amarillo, Tex.).* All that airspace within a 50-mile radius of the Amarillo radio range station.

§ 601.1239 *Control area extension (Lubbock, Tex.).* All that airspace within a 25-mile radius of the Lubbock radio range station in the southwest, northwest, and northeast quadrants of the radio range and within a 40-mile radius of the radio range station in the southeast quadrant of the radio range.

§ 601.1240 *Control area extension (Tyler, Tex.).* All that airspace within a 25-mile radius of the Tyler, Tex., radio range station including the area between the Dallas, Tex., radio range station and the Shreveport, La., radio range station bounded on the north by Red 10, on the south by Red 68 and on the west by Blue 5.

§ 601.1241 *Control area extension (Tulsa, Okla.).* That airspace within a 25-mile radius of the Tulsa, Okla., radio range station; that airspace southwest of Tulsa bounded on the northwest by VOR civil airway No. 14, on the southeast by VOR civil airway No. 15 and on the southwest by VOR civil airway No. 163; that airspace south of Tulsa bounded on the west and northwest by VOR civil airway No. 15E, on the east and southeast by lines 5 miles east of and parallel to direct lines extending between the Tulsa, Okla., omnirange station, the McAlester, Okla., omnirange station and the Dallas, Tex., omnirange station and on the south by the Sherman, Tex., Perrin AFB control area extension.

§ 601.1242 *Control area extension (Stockton, Calif.).* All that area within a 15-mile radius of the Modesto, Calif., omnirange station; all that area southwest of the Stockton, Calif., radio range station bounded on the west by Blue civil airway No. 7, on the north by Red civil airway No. 60, on the east by Blue civil airway No. 14 and on the south by the northern boundary of the Vernalis restricted area; all that area northwest of the Stockton, Calif., radio range station bounded on the south by Red civil airway No. 60, on the west by Blue civil airway No. 7, on the northwest by Green civil airway No. 3, on the east by Amber civil airway No. 1 and Blue civil airway

No. 14; excluding the portion which overlaps the Antioch restricted area.

§ 601.1243 *Control area extension (La Crosse, Wis.).* Within a 25-mile radius of the La Crosse Airport from Green civil airway No. 2 on the southeast course of the La Crosse radio range extending clockwise to Red civil airway No. 36, and all that area within a 15-mile radius of the La Crosse omnirange station.

§ 601.1244 *Control area extension (Terre Haute, Ind.).* Within 5 miles either side of the 2° True radial of the Terre Haute omnirange station extending from the omnirange station to a point 25 miles north, including all that area within a 15 mile radius of the Terre Haute omnirange station.

§ 601.1245 *Control area extension (Port Allen, Kauai, T. H.).* All that area within a radius of 25 miles from the Port Allen radio range station extending clockwise from the north course of the Port Allen radio range to Red civil airway No. 87.

§ 601.1246 *Control area extension (Evansville, Ind.).* All that area within a 15-mile radius of the Evansville omnirange station excluding the portion which overlaps danger areas, and the area within 5 miles either side of a line bearing 37° True extending from the Evansville outer marker to a point 25 miles northeast of the outer marker.

§ 601.1247 *Control area extension (Las Vegas, Nev.).* That airspace bounded on the northwest by Amber civil airway No. 2, on the northeast by Red civil airway No. 15, on the east by Blue civil airway No. 67, and on the south by a line 5 miles south of and parallel to a track of 86° True from the Good Springs, Nev., non-directional radio beacon, and that airspace within 5 miles either side of a line extending from the intersection of the Morman Mesa, Nev., omnirange 184° True radial and the Las Vegas, Nev., omnirange 86° True radial to the intersection of the southeast course of the Las Vegas, Nev., radio range with the north course of the Needles, Calif., radio range.

§ 601.1248 *Control area extension (Richmond, Va.).* That airspace within a 25-mile radius of the Richmond, Va., radio range station, bounded on the southeast by the Norfolk control area extension.

§ 601.1249 *Control area extension (Aberdeen, S. Dak.).* All that area within a 15 mile radius of the Aberdeen omnirange station.

§ 601.1250 *Control area extension (Jamestown, N. Dak.).* All that area within a 15-mile radius of the Jamestown omnirange station including the area within 5 miles either side of the 191° True radial of the omnirange extending from the omnirange station to a point 25 miles south.

§ 601.1251 *Control area extension (Mansfield, Ohio).* All that area within a 15-mile radius of the Mansfield omnirange station including the area within 5 miles either side of the 130° True radial of the omnirange extending from the omnirange station to a point 25 miles southeast including all that area west of the Mansfield omnirange station bounded on the southeast by VOR civil airway No. 246, on the southwest by Red civil airway No. 55 and on the north by Red civil airway No. 17.

§ 601.1252 *Control area extension (Janesville, Wis.).* All that area within a 15-mile radius of the Janesville omnirange station.

§ 601.1253 *Control area extension (Bradford, Ill.).* All that area within a 15-mile radius of the Bradford omnirange station.

§ 601.1254 *Control area extension (Pontiac, Ill.).* All that area within a 15-mile radius of the Pontiac omnirange station.

§ 601.1255 *Control area extension (Findlay, Ohio).* All that area within a 15-mile radius of the Findlay omnirange station.

§ 601.1256 *Control area extension (Pittsburgh, Pa.).* All that airspace within a 35-mile radius of the Pittsburgh, Pa., radio range station.

§ 601.1257 *Control area extension (Goshen, Ind.).* That airspace within a 15-mile radius of the Goshen omnirange station, and the airspace northeast of the omnirange station bounded on the west by Blue civil airway No. 3, on the north by Red civil airway No. 12, on the northeast by Red civil airway No. 57, and on the south by Green civil airway No. 3.

§ 601.1258 *Control area extension (Lafayette, Ind.).* That airspace within 5 miles either side of a line bearing 247° True extending from Purdue University Airport, West Lafayette, Ind., to Blue civil airway No. 34.

§ 601.1259 *Control area extension (Huron, S. Dak.).* All that area within a 15-mile radius of the Huron omnirange station.

§ 601.1260 *Control area extension (Altus, Okla.).* That airspace within a 35-statute-mile radius of the Altus Air Force Base including the airspace bounded on the northwest by VOR civil airway No. 14, on the east by VOR civil airway No. 77 and on the south by Red civil airway No. 10 excluding the airspace which overlaps Fort Sill restricted area (R–208).

§ 601.1261 *Control area extension (Lansing, Mich.).* All that area within a 15-mile radius of the Lansing omnirange station including the area within 5 miles either side of the 232° True radial of the omnirange extending from the omnirange station to a point 25 miles southwest, and within 5 miles either side of the northwest couse of the Lansing radio range extending from the radio range station to Blue civil airway No. 42.

§ 601.1262 *Control area extension (Mason City, Iowa).* All that area within a 15-mile radius of the Mason City omnirange station.

§ 601.1263 *Control area extension (Rochester, Minn.).* That airspace within a 15-mile radius of the Rochester, Minn., omnirange station.

§ 601.1264 *Control area extension (Dyersburg, Tenn.).* Within 5 miles either side of a line bearing 95° True and 275° True extending from the Dyersburg non-directional radio beacon to points 20 miles east and west and within 5 miles either side of the 78° True and 258° True radials of the Dyersburg omnirange extending from the omnirange station to points 20 miles northeast and southwest.

§ 601.1265 *Control area extension (Edenton, N. C.).* That airspace bounded on the west by Amber civil airway No. 9, on the north by the Norfolk, Va., control area extension (§ 601.1149), on the northeast by Red civil airway No. 34 and the Elizabeth City, N. C., control area extension (§ 601.1181), on the southeast by the northwest shore of Pamlico Sound, and on the south by the Cherry Point restricted area (R–123), excluding the portions which overlap Albemarle Sound restricted areas R–1, R–2, R–3, R–6, R–7, R–8 and R–9.

§ 601.1266 *Control area extension (Litchfield, Mich.).* That airspace within a 15-mile radius of the Litchfield, Mich., omnirange station and the airspace southeast of the omnirange station bounded on the north by VOR civil airway No. 10, on the northeast by VOR civil airway No. 47, on the southeast by VOR civil airway No. 98 and on the southwest by VOR civil airway No. 30.

§ 601.1267 *Control area extension (Springfield, Ill.).* All that area within a 15-mile radius of the Springfield omnirange station.

§ 601.1268 *Control area extension (Sioux Falls, S. Dak.).* All that area within a 15-mile radius of the Sioux Falls omnirange station.

§ 601.1269 *Control area extension (Watertown, S. Dak.).* That airspace within a 15-mile radius of the Watertown omnirange station and within 5 miles either side of the 6° True radial of the omnirange extending from the omnirange station to a point 25 miles north of the omnirange station.

§ 601.1270 *Control area extension (Harrisburg, Pa.).* All that area within a 15-mile radius of the Harrisburg omnirange station.

§ 601.1271 *Control area extension (Front Royal, Va.).* All that area within a 15-mile radius of the Front Royal omnirange station.

§ 601.1272 *Control area extension (Baltimore, Md.).* All that area within a 15-mile radius of the Baltimore omnirange station, excluding the portion which overlaps restricted areas.

§ 601.1273 *Control area extension (Syracuse, N. Y.).* All that area within a 15-mile radius of the Syracuse omnirange station.

§ 601.1274 *Control area extension (Niagara Falls, N. Y.).* All that area within 5 miles either side of a direct line extending from the Niagara Falls ILS outer marker to the Dunkirk, N. Y., nondirectional radio beacon, excluding the portion which lies outside the continental United States.

§ 601.1275 *Control area extension (Fairbanks, Alaska).* That airspace within a 25 mile radius of Ladd Air Force Base, Fairbanks, Alaska, and within 5 miles either side of the east course of the Fairbanks radio range extending to a point 25 miles east of the Chena, Alaska, nondirectional radio beacon, excluding the portion which overlaps restricted area (R–345).

§ 601.1276 *Control area extension (Cheyenne, Wyo.).* All that area within a 25-mile radius of the Cheyenne, Wyo., radio range station in the southeast quadrant of the radio range and all that area within 5 miles either side of the 32° True radial of the Cheyenne, Wyo., omnirange station from the omnirange station extending to a point 25 miles northeast.

§ 601.1277 *Control area extension (Denver, Colo.).* That airspace within 5 miles either side of a line bearing 174° True extending from the Aurora nondirectional radio beacon to a point 25 miles south; that airspace northeast of Denver bounded on the east by VOR civil airway No. 19, on the southeast by VOR civil airway No. 160 and on the west by VOR civil airway No. 89; that airspace southeast of Denver bounded on the northeast by VOR civil airway No. 4, on the east by VOR civil airway No. 19, on the southwest by the Colorado Springs, Colo., control area extension, and on the west by Amber civil airway No. 3, excluding the portion which overlaps restricted area (R–195).

§ 601.1278 *Control area extension (Des Moines, Iowa).* All that area within a 25-mile radius of the Des Moines, Iowa, radio range station in the northwest and northeast quadrants of the radio range.

§ 601.1279 *Control area extension (Rapid City, S. Dak.).* All that area within a 25-mile radius of the Rapid City, S. Dak., radio range station in the northwest, northeast and southeast quadrants of the radio range.

§ 601.1280 *Control area extension (Sheridan, Wyo.).* All that area within a 25-mile radius of the Sheridan, Wyo., radio range station in the north and east quadrants of the radio range.

§ 601.1281 *Control area extension (Pueblo, Colo.).* All that area within a 25-mile radius of the Pueblo, Colo., radio range station in the northeast and southeast quadrants of the radio range.

§ 601.1282 *Control area extension (Wichita, Kans.).* All that area bounded on the north by a line 10 miles north of and parallel to the 259° True and 79° True radials of the Emporia, Kans., omnirange, on the east by a line 10 miles east of and parallel to the 209° True and 29° True radials of the Emporia, Kans., omnirange, on the south by a line 10 miles south of and parallel to the 85° True and 265° True radials of the Anthony, Kans., omnirange and on the west by a line 10 miles west of and parallel to the 195° True and 15° True radials of the Hutchinson, Kans., omnirange and the airspace lying within 5 miles either side of a direct line extending from the Wichita, Kans., omnirange station to the Tulsa, Okla., omnirange station.

§ 601.1283 *Control area extension (Toledo, Wash.).* Within 5 miles either side of the east course of the Toledo radio range extending from the radio range station to a point 20 miles east and within 5 miles either side of the west course of the radio range extending from the radio range station to a point 25 miles west, excluding the portion which overlaps restricted areas.

§ 601.1284 *Control area extension (Oklahoma City, Okla.).* That airspace within a 25-mile radius of the Oklahoma City radio range station; that airspace east of Oklahoma City bounded on the northwest by VOR civil airway No. 14 and on the south and southeast by Amber civil airway No. 4; that airspace northeast of Oklahoma City bounded on the west by VOR civil airway No. 77, on the southeast by VOR civil airway No. 14N and on the northeast by VOR civil airway No. 74S.

§ 601.1285 *Control area extension (Shreveport, La.).* All that airspace within a 40-nautical-mile radius of the Barksdale Air Force Base, Shreveport, La., and the airspace between the Shreveport, La., Texarkana, Ark., and Dallas, Tex., radio range stations bounded on the east by Blue civil airway No. 13, on the northwest by Green civil airway No. 5 and on the south by Red civil airway No. 10.

§ 601.1286 *Control area extension (Fort Worth, Tex.).* All that airspace between Waco, Tex., Fort Worth-Dallas, Tex., and Oklahoma City, Okla., bounded on the southeast and east by Blue civil airway No. 5, on the southwest and west by Amber civil airway No. 4 and on the north by the Oklahoma City, Okla., control area extension; all that airspace between Waco, Tex., Fort Worth, Tex., Wichita Falls, Tex., and Abilene, Tex., bounded on the east by Amber civil airway No. 4, on the northeast by Red civil airway No. 10, on the northwest by Blue civil airway No. 6, on the south by Green civil airway No. 5 to Mineral Wells, Tex., thence on the west and southwest by Blue civil airway No. 70, and all that airspace between Fort Worth, Tex., Wichita Falls, Tex., and Oklahoma City, Okla., bounded on the east by Amber civil airway No. 4, on the west by Blue civil airway No. 6, and on the south by Red civil airway No. 10.

§ 601.1287 *Control area extension (Houghton, Mich.).* From the Houghton, Mich., radio range station extending 5 miles either side of the north and south courses of the radio range to points 25 miles north and south of the radio range station.

§ 601.1288 *Control area extension (Sault Ste. Marie, Mich.).* Within 5 miles either side of a bearing 330° True extending from the Kinross Airport through the Kinross outer marker to its intersection with the west course of the Sault Ste. Marie, Mich., radio range, and the airspace southeast of Sault Ste. Marie bounded on the northeast by Red civil airway No. 97 and the United States-Canadian Border, on the south by Lat. 46°09′00″, and on the west by Blue civil airway No. 3.

§ 601.1289 *Control area extension (Valparaiso, Fla.).* From the Valparaiso, Fla., Eglin AFB radio range station extending 5 miles on the west side and 2 miles on the east side of the north course of the Eglin AFB radio range to Red civil airway No. 30, and extending 5 miles either side of the south course of the radio range to the Eglin AFB Airspace Warning Area.

§ 601.1290 *Control area extension (Joplin, Mo.).* That airspace within a 25-mile radius of the Joplin Airport.

§ 601.1291 *Control area extension (Garden City, Kans.).* Within 5 miles either side of the 120° True radial of the Garden City omnirange extending from the omnirange station to a point 25 miles southeast and within 5 miles either side of the north course of the Garden City radio range extending from the radio range station to a point 25 miles north.

§ 601.1292 *Control area extension (Manakin, Va.).* All that area within 5 miles either side of the northwest course of the Richmond, Va., radio range extending from the intersection of the northwest course of the Richmond, Va., radio range and the southwest course of the Washington, D. C., radio range to a point 15 miles northwest.

§ 601.1293 *Control area extension (Fort Smith, Ark.).* That airspace northeast of Fort Smith within a 25-mile radius of the Fort Smith omnirange station extending clockwise from the eastern boundary of VOR civil airway No. 13 to the northern boundary of VOR civil airway No. 74.

§ 601.1294 *Control area extension (Everett, Wash.).* All that airspace bounded on the north by a line 5 miles north of and parallel to the east course of the Everett, Wash., radio range, on the northeast by an arc of a circle 5 miles in radius centered on the intersection of the east course of the Everett, Wash., radio range and the northeast course of the Seattle, Wash., radio range, on the southeast by a line 5 miles southeast of and parallel to the northeast course of the Seattle, Wash., radio range, on the south by Green civil airway No. 2 and on the west by Green civil airway No. 10.

§ 601.1295 *Control area extension (Falmouth, Mass.).* All that area within 5 miles either side of a direct line extending from the Otis Air Force Base, Falmouth, Mass., to the Martha's Vineyard Airport and the area within 5 miles either side of a line bearing 180° True from the Martha's Vineyard Airport extending from the airport to New York control area extension No. 1146, excluding the portion which overlaps restricted areas, and that airspace within a 10-mile radius of Otis Air Force Base and within 5 miles either side of a line bearing 42° True extending from the Otis AFB to the western boundaries of restricted area (R–22) and warning area (W–21) excluding the portion which overlaps restricted area (R–14).

§ 601.1296 *Control area extension (Nantucket, Mass.).* That airspace within 5 miles either side of a direct line extending from the Nantucket nondirectional radio beacon to the Martha's Vineyard, Mass., nondirectional radio beacon.

§ 601.1297 *Control area extension (Paducah, Ky.).* All that area within 5 miles either side of a line bearing 220° True extending from the Paducah, Ky., non-directional radio beacon to a point 20 miles southwest.

§ 601.1298 *Control area extension (Promontory Point, Utah).* That airspace bounded on the north by VOR civil airway No. 6, on the east by VOR civil airway No. 21, on the south by VOR civil airway No. 32 and on the west by a line extending from latitude 40°51′30″, longitude 112°56′30″, to latitude 41°00′00″, longitude 112°56′30″ to latitude 41°00′00″, longitude 112°45′00″ to latitude 41°12′25″, longitude 112°45′00″.

§ 601.1299 *Control area extension (Valdosta, Ga.).* All that area bounded on the north by Latitude 32°00′00″, on the east by Amber civil airway No. 6, on the south by Red civil airway No. 30, and on the west by Red civil airway No. 16.

§ 601.1300 *Control area extension (Prescott, Ariz.).* Within 5 miles either side of the northwest course of the Prescott, Ariz., radio range extending from the radio range station to a point 25 miles northwest.

§ 601.1301 *Control area extension (Winslow, Ariz.).* Within 5 miles either side of the north and south courses of the Winslow radio range extending from the radio range station to points 25 miles north and south, and within 5 miles either side of the 314° and 134° True radials of the Winslow omnirange extending from the omnirange station to points 25 miles northwest and southeast.

§ 601.1302 *Control area extension (Lawton, Okla.).* All that area bounded on the west by long. 98°30′00″, on the north by the Fort Sill, Okla., restricted area, on the southeast by VOR civil airway No. 77, and on the south by VOR civil airway No. 61.

§ 601.1303 *Control area extension (Albany, N. Y.).* All that area within a 15-mile radius of the Albany, N. Y., omnirange station.

§ 601.1304 *Control area extension (Poughkeepsie, N. Y.).* All that area within a 15-mile radius of the Poughkeepsie, N. Y., omnirange station.

§ 601.1305 *Control area extension (Wilton, Conn.).* All that area within a 15-mile radius of the Wilton, Conn., omnirange station.

§ 601.1306 *Control area extension (Mountain Home, Idaho).* Within 5 miles either side of a direct line extending from the Mountain Home nondirectional radio beacon to the Boise, Idaho, radio range station, and the airspace within a 35 mile radius of the Mountain Home Air Force Base bounded on the northeast by Green civil airway No. 10, excluding the portion which overlaps restricted area (R–254).

§ 601.1307 *Control area extension (Minchumina, Alaska).* Within 5 miles either side of the southeast course of the Minchumina radio range extending from the radio range station to a point 25 miles southeast.

§ 601.1308 *Control area extension (Gustavus, Alaska).* Within 5 miles either side of the northwest course of the Gustavus, Alaska, radio range extending from the radio range station to a point 15 miles northwest.

§ 601.1309 *Control area extension (Kodiak, Alaska).* Within 5 miles either side of the east course of the Kodiak, Alaska radio range extending from the radio range station to a point 25 miles east.

§ 601.1310 *Control area extension (Anchorage, Alaska).* That airspace within 5 miles either side of direct lines between the Anchorage, Alaska, radio range station, the intersection of the southeast course of the Anchorage radio range with the northwest course of the Hinchinbrook, Alaska, radio range, the Middleton Island, Alaska, radio range station, and the Sandspit, British Columbia, Canada, radio range station, extending from the Anchorage, Alaska, radio range station to the United States-Canadian Border.

§ 601.1311 *Control area extension (Oscoda, Mich.).* That airspace within a 30 mile radius of Wurtsmith Air Force Base, Oscoda, Mich., excluding the portions which overlap restricted areas (R–91) and (R–491).

§ 601.1312 *Control area extension (Zanesville, Ohio).* All that airspace within 5 miles either side of a line bearing 30° True and 210° True from the Zanesville nondirectional beacon extending from Green civil airway No. 4 to a point 20 miles southwest of the Zanesville Municipal Airport.

§ 601.1313 *Control area extension (Sioux City, Iowa).* All that airspace within a 25-mile radius of the Sioux City omnirange station extending from the 234° True radial clockwise to the western boundary of Amber civil airway No. 4 and within 5 miles either side of a line bearing 136° True from the Sioux City outer compass locator extending from the outer compass locator to a point 25 miles southeast.

§ 601.1314 *Control area extension (Kirksville, Mo.).* Within 5 miles either side of the 316° True radial of the Kirksville omnirange extending from the omnirange station to a point 25 miles northwest.

§ 601.1315 *Control area extension (Emporia, Kans.).* Within 5 miles either side of the 134° True and 314° True radials of the Emporia omnirange extending from the omnirange station to points 25 miles southeast and northwest.

§ 601.1316 *Control area extension (La Junta, Colo.).* All that airspace northwest of the La Junta radio range station bounded on the northeast by a line 5 miles northeast of and parallel to the northwest course of the La Junta radio range, on the south by VOR civil airway No. 10 and on the west by Amber civil airway No. 3.

§ 601.1317 *Control area extension (Tuscaloosa, Ala.).* Within 5 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 20 miles northeast.

§ 601.1318 *Control area extension (Muscle Shoals, Ala.).* Within 5 miles either side of the 118° True and 298° True radials of the Muscle Shoals omnirange extending from the omnirange station to points 20 miles southeast and northwest.

§ 601.1319 *Control area extension (Key West, Fla.).* Within 5 miles either side of the 313° True radial of the Key West omnirange extending from the omnirange station to Warning Area W–174 and within 5 miles either side of the west course of the Key West radio range extending from the radio range station to Warning Area W–174.

§ 601.1320 *Control area extension (Cross City, Fla.).* Within 5 miles either side of the 118° True radial of the Cross City omnirange extending from the omnirange station to a point 20 miles southeast and within 5 miles either side of the 242° True radial of the Cross City omnirange extending from the omnirange station to the eastern boundary of VOR civil airway Nos. 35 and 97.

§ 601.1321 *Control area extension (Brunswick, Ga.).* That airspace bounded on the north by latitude 31°30′00″, on the east by VOR civil airway No. 3 and on the southwest by VOR civil airways Nos. 5 and 51.

§ 601.1322 *Control area extension (Alice, Tex.).* That airspace within 5 miles either side of a direct line extending from the Alice, Tex., omnirange station to the Cotulla, Tex., omnirange station, and the airspace within a 35 mile radius of the Alice radio range station, excluding the portion which overlaps restricted areas.

§ 601.1323 *Control area extension (Dallas, Tex.) (Dallas-Houston-Austin area).* All that airspace bounded on the northeast by a line 5 miles east of and parallel to a direct line from the Dallas, Tex., radio range station to the Houston, Tex., radio range station, on the east by Red civil airway No. 96, on the southwest by Red civil airway No. 32, and on the northwest by Amber civil airway No. 4 to the Waco, Tex., radio range station and by Blue civil airway No. 5 to the Dallas, Tex., radio range station.

§ 601.1324 *Control area extension (Brunswick, Maine).* That airspace bounded on the west by Amber civil airway No. 7, on the north by Blue civil airway No. 84, on the east by long. 69°15′00″, on the south by Warning Area W–103, on the southwest by a line 5 miles northeast of and parallel to the southeast course of the Portland, Maine, radio range.

§ 601.1325 *Control area extension (Tampa, Fla.).* All that airspace with-

in a radius of 50 statute miles of the Tampa, Fla., radio range station, excluding the portion which overlaps Sarasota warning area (W–168), and including the area bounded on the northeast by a line 5 miles northeast of and parallel to a line extending from the intersection of the north course of the Tampa, Fla., radio range and the southeast course of the Cross City, Fla., radio range to the intersection of the southeast course of the Tampa, Fla., radio range and a line bearing 45° True from the Fort Myers, Fla., nondirectional radio beacon, on the southeast by the Fort Myers, Fla., control area extension, on the west by direct lines extending from the Fort Myers, Fla., nondirectional radio beacon to the Tampa, Fla., omnirange station thence to the point of beginning including the airspace northwest of Tampa bounded on the northeast by VOR civil airway No. 97, on the southwest by Tampa control area extension, 601.1226, and on the northwest by a line 5 miles west of and parallel to the 207° True radial of the Cross City, Fla., omnirange, excluding the airspace below 2,000 feet MSL which lies outside the continental limits of the United States.

§ 601.1326 *Control area extension (Fortuna, Calif.).* Within 5 miles either side of the 18° True radial of the Fortuna omnirange extending from the omnirange station to a point 30 miles northeast.

§ 601.1327 *Control area extension (Crescent City, Calif.).* Within 5 miles either side of the 330° True and 235° True radials of the Crescent City omnirange extending from the omnirange station to points 20 miles northwest and southwest.

§ 601.1328 *Control area extension (Oxnard, Calif.).* All that airspace bounded on the northeast by Amber civil airway No. 8, on the east by Longitude 119°11'30", on the south by a line 2 miles north of and parallel to the Point Magu Warning Area (W–289), on the west by Longitude 120°00'00" and on the northwest by Control Area Extension No. 1176, excluding the airspace below 4000 feet MSL lying within the Santa Cruz Island Warning Area (W–412).

§ 601.1329 *Control area extension (Malden, Mo.).* Within 5 miles either side of the 120° True and 300° True radials of the Malden, Mo., omnirange extending from the omnirange station to points 25 miles southeast and northwest.

§ 601.1330 *Control area extension (Sherman, Tex.).* That airspace within a 70-mile radius of Perrin AFB, Sherman, Tex., bounded on the south by Green civil airway No. 5 and on the west and northwest by VOR civil airway No. 15 including the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace bounded on the east by a line 5 miles east of and parallel to a straight line extending from the Sulphur Springs, Tex., omnirange station to the McAlester, Okla., omnirange station, and on the northwest by the Tulsa, Okla., control area extension.

§ 601.1331 *Control area extension (Tacoma, Wash.).* That airspace within a 40-nautical-mile radius of McChord Air Force Base excluding the following: the portions which overlap Hood Canal Caution Area (C–243) and VOR civil airway No. 27, the portion which conflicts with Olympic Peninsula restricted area (R–241), the portions below 1,500 feet mean sea level which lie over Fort Lewis restricted area (R–503), below 5,000 feet mean sea level which lie over Fort Lewis restricted area (R–504) and below 14,000 feet mean sea level which lie over Fort Lewis restricted area (R–505).

§ 601.1332 *Control area extension (Santa Maria, Calif.).* From the intersection of the Paso Robles, Calif., omnirange 169° True radial and the Santa Barbara, Calif., omnirange 304° True radial extending 5 miles either side of the Santa Barbara omnirange 304° True radial to a point 20 miles northwest and extending 5 miles either side of the Paso Robles omnirange 169° True radial to the northern boundary of control area extension No. 1176.

§ 601.1333 *Control area extension (Nome, Alaska).* Within 5 miles either side of the west and southwest courses of the Nome, Alaska, radio range extending from the radio range station to points 25 miles west and southwest.

§ 601.1334 *Control area extension (Del Rio, Tex.).* That airspace over United States territory within a 25-mile radius of Laughlin Air Force Base, Del Rio, Tex.

§ 601.1335 *Control area extension (Lafayette, La.).* Within 5 miles either side of the 352° True radial of the Lafayette omnirange extending from the omnirange station to a point 15 miles north, and within 5 miles either side of a line bearing 7° True from the Lafayette non-directional radio beacon extending from the beacon to a point 15 miles north, and the airspace east of Lafayette bounded on the northwest by Red civil airway No. 96, on the northeast by VOR civil airway No. 114 and on the south by Green civil airway No. 6.

§ 601.1336 *Control area extension (Eau Claire, Wis.).* That airspace within a 15-mile radius of the Eau Claire omnirange station and within 5 miles either side of the 04° True radial of the omnirange extending from the omnirange station to a point 20 miles north.

§ 601.1337 *Control area extension (Wausau, Wis.).* That airspace within a 15-mile radius of the Wausau omnirange station including the airspace southeast of the omnirange station bounded on the northeast by VOR civil airway No. 26S, on the south by lat. 44° 30'00", and on the west by a line 5 miles west of and parallel to the 166° True radial of the Wausau omnirange station.

§ 601.1338 *Control area extension (Green Bay, Wis.).* That airspace within a 15-mile radius of the Green Bay omnirange station and within 5 miles either side of the 322° True radial of the Green Bay omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1339 *Control area extension (Oshkosh, Wis.).* All that airspace bounded on the east by VOR civil airway No. 7, on the south by the arc of a circle with a radius of 50 miles from the Green Bay, Wis., omnirange station, and on the west by a line 5 miles west of and parallel to the Green Bay omnirange 207° True radial.

§ 601.1340 *Control area extension (Miles City, Mont.).* Within 5 miles either side of the northwest course of the Miles City, Mont., radio range extending from the radio range station to a point 30 miles northwest.

§ 601.1341 *Control area extension (Dover, Del.).* That airspace southeast of Dover bounded on the north by Red civil airway No. 77, on the east by Blue civil airway No. 49, on the southeast by VOR civil airway No. 1 and on the west by VOR civil airway No. 29 excluding the portion which overlaps restricted area (R–12) and caution area C–53; that airspace southwest of Dover within a 25-mile radius of the Dover omnirange station bounded on the northwest by VOR civil airway No. 16 and on the southeast by Red civil airway No. 77.

§ 601.1342 *Control area extension (Sanford, Fla.).* That airspace bounded on the north by latitude 29°00'00", on the east by longitude 81°15'00", on the south by latitude 28°30'00", on the west by longitude 82°00'00".

§ 601.1343 *Control area extension (Juneau, Alaska).* That airspace within a 5-mile radius of the Juneau Airport, within 5 miles either side of direct lines extending from the Juneau Airport via the Mendenhall nondirectional radio beacon to the Sisters Island nondirectional beacon, from the Sisters Island nondirectional radio beacon to the Point Retreat nondirectional radio beacon, from the Point Retreat nondirectional radio beacon to the Juneau Airport and from the Point Retreat nondirectional radio beacon to the Haines, Alaska nondirectional radio beacon.

§ 601.1344 *Control area extension (Laconia, N. H.).* Within 5 miles either side of the northwest course of the Laconia, N. H., nondirectional radio beacon extending from the nondirectional radio beacon to Blue civil airway No. 4.

§ 601.1345 *Control area extension (Rockland, Maine).* Within 5 miles either side of a 195° True bearing extending from the Rockland Airport to a point 10 miles south of the Rockland nondirectional radio beacon.

§ 601.1346 *Control area extension (Bar Harbor, Maine),* Within 5 miles either side of a 21° True bearing extending from the Bar Harbor Airport to a point 10 miles northeast of the Bar Harbor nondirectional radio beacon.

§ 601.1347 *Control area extension (Colorado Springs, Colo.).* That airspace lying east of Amber civil airway No. 3 within a 25-mile radius of Peterson Municipal Airport, Colorado Springs, Colo.

§ 601.1348 *Control area extension (Twin Falls, Idaho).* Within 5 miles either side of the 278° True radial of the Twin Falls omnirange extending from the omnirange station to a point 15 miles west.

§ 601.1349 *Control area extension (Redmond, Oreg.).* Within 5 miles either side of the northwest course of the Redmond radio range extending from the radio range station to a point 17 miles northwest.

§ 601.1350 *Control area extension (Kodiak, Alaska).* Within 5 miles either side of the south course of the Kodiak radio range extending from the radio range station to a point 20 miles south.

§ 601.1351 *Control area extension (Philadelphia, Pa.).* That airspace within a 25 mile radius of the Philadelphia International Airport.

§ 601.1352 *Control area extension (Sedalia, Mo.).* That airspace within a 35-mile radius of Whiteman AFB bounded on the north by VOR civil airway No. 4–S, excluding the portion northwest of Sedalia bounded on the north by VOR civil airway No. 4–S, on the east by Long. 93°45'00", on the south by Lat. 38°45'00" and on the west by the Kansas City control area extension, and excluding the portion northeast of Sedalia bounded on the north by VOR civil airway No. 4–S, on the east by Long. 93°00'00", on the south by Lat. 38°45'00" and on the west by Long. 93°15'00".

§ 601.1353 *Control area extension (Charleston, W. Va.).* That airspace within a 30-mile radius of Kanawha County Airport, Charleston, W. Va.

§ 601.1354 *Control area extension (Salem, Oreg.).* Within 5 miles either side of a line bearing 150° True from the Salem-McNary Airport extending from the airport to a point 25 miles southeast.

§ 601.1355 *Control area extension (Berlin, N. H.).* Within 5 miles either side of a line bearing 334° True extending from the Berlin Airport to a point 10 miles northwest.

§ 601.1356 *Control area extension (Greenville, Miss.).* That airspace within a 25-mile radius of the Greenville, Miss., AFB nondirectional radio beacon.

§ 601.1357 *Control area extension (Fallon, Nev.).* Within a 10-mile radius of the Fallon, Nev., radio range station excluding the portion which overlaps Fallon restricted area (R–268), and within 5 miles either side of the north course of the Fallon radio range extending from the radio range station to a point 25 miles north.

§ 601.1358 *Control area extension (Midway Island).* All of the airspace from 700 ft. upward within a radius of 100 nautical miles of the Midway Naval Station centered at Lat. 28°12'00" N, Long. 177°22'00" W.

§ 601.1359 *Control area extension (Childress, Tex.).* Within 5 miles either side of the 182° True radial of the Childress omnirange extending from the omnirange station to a point 15 miles south.

§ 601.1360 *Control area extension (Abilene, Tex.).* That airspace within a 35-mile radius of the Abilene omnirange station.

§ 601.1361 *Control area extension (Cotulla, Tex.).* Within 5 miles either side of lines bearing 140° True and 320° True from the Cotulla nondirectional radio beacon extending from VOR civil airway No. 17 to a point 10 miles northwest of the nondirectional radio beacon and within 5 miles either side of the 40° True radial of the Cotulla omnirange extending from the omnirange station to the perimeter of the San Antonio control area extension.

§ 601.1362 *Control area extension (Dalhart, Tex.).* Within 5 miles either side of the 04° True radial of the Dalhart omnirange extending from the omnirange station to a point 10 miles north.

§ 601.1363 *Control area extension (Lufkin, Tex.).* Within 5 miles either side of the 157° True radial of the Lufkin omnirange extending from the omnirange station to a point 10 miles southeast, and within 5 miles either side of a line bearing 304° True extending from the Lufkin nondirectional radio beacon to a point 10 miles northwest.

§ 601.1364 *Control area extension (Texarkana, Ark.).* Within 5 miles either side of the 332° True radial of the Texarkana omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.1365 *Control area extension (Walnut Ridge, Ark.).* Within 5 miles either side of the 244° True radial of the Walnut Ridge omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.1366 *Control area extension (Gage, Okla.).* Within 5 miles either side of the 299° True radial of the Gage omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1367 *Control area extension (Wink, Tex.).* That airspace south of Wink bounded by lines beginning at Lat. 31°30'00", Long. 102°47'00" thence southwestward to Lat. 31°24'00", Long. 103°01'40" thence northwestward to Lat. 31°30'00", Long. 103°07'00" and bounded on the north by VOR civil airway No. 66; that airspace northwest of Wink bounded on the east by VOR civil airway No. 79, on the south by VOR civil airway No. 16N and on the northwest by the arc of a circle lying within a 20 mile radius of the Wink omnirange station.

§ 601.1368 *Control area extension (Greensboro, N. C.).* That airspace southeast of Greensboro bounded on the south by Lat. 35°19'00", on the northwest by the Greenville-Charlotte-Greensboro control area extension, on the northeast by Red civil airway No. 104 and on the southeast by a line extending from a point at Lat. 35°32'00", Long. 79°05'20" to a point at Lat. 35° 19'00", Long. 79°23'30".

§ 601.1369 *Control area extension (Myrtle Beach, S. C.).* Within a 25-mile radius of the Myrtle Beach Air Force Base, excluding the portion which overlaps warning area W–177.

§ 601.1370 *Control area extension (Wilmington, N. C.).* Within 5 miles either side of a line bearing 337° True extending from the Wilmington nondirectional radio beacon to a point 10 miles northwest and within 5 miles either side of a line bearing 159° True extending from the Wilmington ILS middle marker to a point 15 miles southeast of the middle marker.

§ 601.1371 *Control area extension (Hyannis, Mass.).* Within 2 miles either side of a line bearing 48° True extending from the Barnstable Airport, Hyannis, Mass., to a point 10 miles northeast.

§ 601.1372 *Control area extension (Los Angeles, Calif.).* That airspace bounded by lines extending from a point at the intersection of Amber civil airway No. 8 and longitude 119°03'30", thence south to the intersection of Warning Area W–290 and longitude 119°03'30", thence east and south along the boundary of Warning Area W–290 to latitude 33°24'35", longitude 118°37'00", thence southeast to latitude 33°18'00", longitude 118°28'00", thence east along the north boundary of Warning Area W–291 to latitude 33°10'00", longitude 117° 30'00", thence east along latitude 33°10'00" to the United States coastline, thence northwestward along the coastline to the southern boundary of Amber civil airway No. 8, thence west and northwest to point of beginning.

§ 601.1373 *Control area extension (Chattanooga, Tenn.).* That airspace within a 30-mile radius of the Chattanooga radio range station.

§ 601.1374 *Control area extension (Limestone, Maine).* That airspace over United States territory within a 40-mile radius of Loring Air Force Base, Limestone, Maine, excluding the portion which overlaps Restricted Area (R–80).

§ 601.1375 *Control area extension (Manchester, N. H.).* That airspace within a 10-mile radius of Grenier Air Force Base, Manchester, N. H., excluding the portion which overlaps Restricted Area (R–48).

§ 601.1376 *Control area extension (Victoria, Tex.).* That airspace within a 25-mile radius of Foster Air Force Base, Victoria, Tex., including the airspace south of the Air Force Base bounded on the southwest by the Corpus Christi, Tex., control area extension and on the southeast by VOR civil airway No. 20. The portion of this control area which overlaps the Foster AFB Restricted Area R–492 is excluded.

§ 601.1377 *Control area extension (Boston, Mass.).* That airspace northeast of Boston within a 25-mile radius of the Boston radio range station bounded on the west by Amber civil airway No. 7, on the southeast by Boston control area extension No. 1141 and on the south by Red civil airway No. 11; that airspace southeast of Boston within a 25-mile

radius of the Boston radio range station bounded on the north by Boston control area extension No. 1142, on the southwest by VOR civil airway No. 141 and on the northwest by Red civil airway No. 21 and that airspace south of Boston within a 25-mile radius of the Boston radio range station bounded on the northeast by VOR civil airway No. 141 and on the west by VOR civil airway No. 139.

§ 601.1378 *Control area extension (Wilmington, Del.).* That airspace within a 20-mile radius of the New Castle radio range station lying in the southeast and southwest quadrants of the radio range.

§ 601.1379 *Control area extension (Waterloo, Iowa).* That airspace within a 15-mile radius of the Waterloo Municipal Airport.

§ 601.1380 *Control area extension (Kaneohe, Oahu, T. H.).* That airspace from 700 feet upward within the following area: From latitude 21°35'00" N., longitude 157°42'00" W., to latitude 21°-36'00" N., longitude 157°56'00" W., to latitude 21°38'00" N., longitude 158°01'-00" W., to latitude 21°48'00" N., longitude 158°09'30" W., thence clockwise along the arc of an 8-nautical-mile radius circle centered at latitude 21°49'30" N., longitude 158°01'00" W., to latitude 21°57'30" N., longitude 158°02'00" W., to latitude 21°54'30" N., longitude 157°36'-00" W., thence clockwise along the arc of an 8-nautical-mile radius circle centered at latitude 21°46'30" N., longitude 157°37'00" W., to latitude 21°41'00" N., longitude 157°30'30" W., thence to point of beginning, excluding that airspace which overlaps warning area W–318 and excluding the airspace below 3,000 feet mean sea level lying within restricted area R–323 and excluding the airspace below 5,000 feet lying within caution area C–330. The portion of this control area extension which overlaps the Kahuku restricted area R–324 shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 601.1381 *Control area extension (Kwajalein Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles of the Kwajalein nondirectional radio beacon at lat. 8°45'00" N., long. 167°45'00" E., extending clockwise from a true bearing of 270° from the nondirectional radio beacon to a true bearing of 180° from the nondirectional radio beacon, and within a radius of 25 nautical miles of the Kwajalein nondirectional radio beacon extending clockwise from a true bearing of 180° from the nondirectional radio beacon to a true bearing of 270° from the nondirectional radio beacon excluding the portions which overlap Airspace Warning Areas W–448, W–445 and W–450.

§ 601.1382 *Control area extension (Wake Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles centered on the Wake Island nondirectional radio beacon at lat. 19°18'00" N., long. 166°39'00" E.

§ 601.1383 *Control area extension (Guam Island).* All of the airspace from 700 feet upwards within a radius of 100 nautical miles of the Guam radio range station extending clockwise from the west course of the radio range to the southeast course of the radio range and within a radius of 25 nautical miles of the Guam radio range extending clockwise from the southeast course of the radio range to the west course of the radio range, excluding the portions which overlap restricted areas R–474 and R–478 and warning areas W–473, W–475 and W–479.

§ 601.1384 *Control area extension (Hopkinsville, Ky.).* That airspace in the vicinity of Campbell AFB, Hopkinsville, Ky., bounded on the east by VOR civil airway No. 7, on the south by a line from a point at latitude 36°29'40", longitude 86°50'20" to a point at latitude 36°16'40", longitude 87°26'15", on the west by the arc of a circle 25 miles in radius centered on the Campbell AFB nondirectional radio beacon clockwise to a point at latitude 36°59'20", longitude 87°33'30", thence on the north via a direct line from that point to a point at latitude 37°00'20", longitude 87°04'30", excluding the portion which overlaps Campbell Restricted Area R–63.

§ 601.1385 *Control area extension (Rome, N. Y.).* That airspace within a 40 mile radius of Griffis AFB, Rome, N. Y., bounded on the south by Green civil airway No. 2 and Red civil airway No. 22.

§ 601.1386 *Control area extension (Orlando, Fla.).* That airspace within 5 miles either side of the 71° True radial of the Orlando omnirange extending from Amber civil airway No. 7 to the Wilmington, N. C. Control area extension (601.1150), excluding the airspace below 14,000 feet mean sea level.

§ 601.1387 *Control area extension (Blytheville, Ark.).* That airspace northwest of the Blytheville Air Force Base bounded on the east by VOR civil airway No. 9, on the south by VOR civil airway No. 140, on the west by VOR civil airway No. 69, and on the north by a line extending through a point at latitude 36°21'00", longitude 90°04'00" and a point at latitude 36°32'00", longitude 90°40'00".

§ 601.1388 *Control area extension (Fort Bragg, N. C.).* Within a 15 mile radius of Pope AFB bounded on the east by VOR civil airway No. 3 and Red civil airway No. 16, excluding the portion which overlaps the Fort Bragg Restricted Area (R–115).

§ 601.1389 *Control area extension (Miami, Fla.).* Within 5 miles either side of the 023° True radial of the Miami, Fla., omnirange extending from Amber civil airway No. 7 and VOR civil airway No. 3 via the intersection of the Miami omnirange 023° True radial and the Vero Beach, Fla., omnirange 143° True radial to the intersection of the Vero Beach omnirange 143° True radial with the Wilmington, N. C., control area extension (601.1150). The airspace which lies within Patrick AFB warning area (W–497–B) and Miami warning area (W–171) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 601.1390 *Control area extension (Oahu-Molokai, T. H.).* All of the airspace from 700 feet upwards bounded by a line extending from lat. 21°26'00" N., long. 157°37'45" W., to lat. 21°55'00" N. long. 156°42'45" W. to lat. 21°10'00" N., long. 157°26'15" W., to lat. 21°14'30" N., long. 157°36'15" to point of beginning including Hawaiian VOR civil airway No. 7.

§ 601.1391 *Control area extension (Gettysburg, Pa.).* That airspace within a 5-mile radius of the Gettysburg Airport and within 5 miles either side of the 180° True radial of the Gettysburg terminal omnirange extending from the terminal omnirange station to VOR civil airway No. 223.

§ 601.1392 *Control area extension (Ogden, Utah).* That airspace northeast of Ogden bounded on the north by Red civil airway No. 108, on the south by Green civil airway No. 3 and on the west by Amber civil airway No. 2.

§ 601.1393 *Control area extension (Roswell, N. Mex.).* That airspace within 5 miles either side of the 40° True radial of the Roswell omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1394 *Control area extension (Williams, Calif.).* That airspace southwest of Williams, Calif., bounded on the north by VOR civil airway No. 212, on the east by Blue civil airway No. 10 and on the southwest by VOR civil airway No. 107, and the airspace south of Williams, Calif., bounded on the west by Blue civil airway No. 10, on the east by Blue civil airway No. 7 and on the southeast by the Fairfield, Calif., control area extension.

§ 601.1395 *Control area extension (Plattsburg, N. Y.).* That airspace within a 25 mile radius of the Plattsburg Air Force Base bounded on the north by VOR civil airway No. 104 and on the east by VOR civil airway No. 91; that airspace south of Plattsburg bounded on the west by VOR civil airway No. 91, on the southeast by Blue civil airway No. 18 and on the northeast by Blue civil airway No. 4; that airspace northeast of Plattsburg bounded on the southeast by Blue civil airway No. 18, on the southwest by Blue civil airway No. 4 and on the north by a direct line extending from a point at latitude 44°58'00" longitude 73°23'50" to a point at latitude 45°01'00", longitude 73°06'30".

§ 601.1396 *Control area extension (Asheville, N. C.).* Within 5 miles either side of the 99° True radial of the Asheville omnirange extending from the omnirange station to a point 15 miles east.

§ 601.1397 *Control area extension (Cordova, Alaska).* Within 5 miles either side of the southwest course of the Cordova, Alaska, radio range extending from the intersection of the southwest course of the Cordova radio range with the east course of the Hinchinbrook, Alaska, radio range to the intersection of the southwest course of the Cordova radio range with the southwest course of the Hinchinbrook radio range; within 5 miles either side of the southeast course of the Cordova, Alaska radio range extending from the intersection of the southeast course of the Cordova radio range and the east course of the Hinchinbrook, Alaska, radio range to a point 20 miles southeast.

§ 601.1398 *Control area extension (Anchorage, Alaska).* That airspace within a 25-mile radius of the Anchorage International Airport excluding the portion which overlaps restricted area R–348 and excluding the portion in the south quadrant of the Anchorage radio range between Amber civil airway No.1 and Red civil airway No. 40.

§ 601.1399 *Control area extension (Clovis, N. Mex.).* That airspace within a 30-mile radius of the Clovis Air Force Base, excluding the portion which overlaps restricted area (R–185).

§ 601.1400 *Control area extension (King Salmon, Alaska) (King Salmon-Shemya route).* That airspace within 5 miles either side of a line bearing 263° True from the King Salmon, Alaska, radio range station extending to a point 50 miles west of the King Salmon radio range station.

§ 601.1401 *Control area extension (King Salmon, Alaska) (King Salmon-Adak route).* That airspace within 5 miles either side of a line bearing 248° True from the King Salmon, Alaska, radio range station extending to a point 50 miles southwest of the King Salmon radio range station.

§ 601.1402 *Control area extension (Middleton Island, Alaska).* Within 5 miles either side of the northeast and southwest courses of the Middleton Island, Alaska, radio range extending from the radio range station to points 25 miles northeast and southwest.

§ 601.1403 *Control area extension (Yakataga, Alaska).* Within 5 miles either side of the southwest course of the Yakataga, Alaska, radio range extending from the intersection of the southwest course of the Yakataga radio range and the southeast course of the Hinchinbrook, Alaska, radio range to a point 20 miles southwest; within 5 miles either side of the southeast course of the Yakataga radio range extending from the intersection of the southeast course of the Yakataga radio range and the northwest course of the Yakutat, Alaska, radio range to a point 20 miles Southeast.

§ 601.1404 *Control area extension (Pierre, S. Dak.).* That airspace within a 25-mile radius of the Pierre, S. Dak., Airport.

§ 601.1405 *Control area extension (Peru, Ind.).* That airspace within a 25-mile radius of Bunker Hill Air Force Base, Peru, Ind.

§ 601.1406 *Control area extension (Milton, Fla.).* Within a 5-mile radius of NAAS Whiting (North), Milton, Fla., and within 5 miles either side of the northwest course of the Whiting (Navy) radio range extending from the radio range station to a point 12 miles northwest.

§ 601.1407 *Control area extension (Crestview, Fla.).* Within 5 miles either side of the 292° True radial of the Crestview, Fla., omnirange extending from the omnirange station to a point 12 miles northwest.

§ 601.1408 *Control area extension (Miami, Fla.).* That airspace south of Miami bounded on the east by Miami control area extension (§ 601.1232), on the south by Blue civil airway No. 48 and Amber civil airway No. 7, and on the northwest by Blue civil airway No. 19; that airspace southwest of Miami bounded on the north by Blue civil airway No. 3, on the southeast by Blue civil airway No. 19 and on the west by the Marathon control area extension (§ 601.1234).

§ 601.1409 *Control area extension (Huntsville, Ala.).* Within 5 miles either side of the 341° True and 161° True radials of the Huntsville omnirange extending from the omnirange station to points 15 miles northwest and southeast excluding the portion which overlaps the Redstone Arsenal restricted area (R–112).

§ 601.1410 *Control area extension (Portsmouth, N. H.).* That airspace within a 10-mile radius of the Portsmouth Air Force Base.

§ 601.1411 *Control area extension (Iwo Jima, Volcano Islands.* All of the airspace from 700 ft. upwards within a radius of 100 nautical miles of the Iwo Jima nondirectional radio beacon located at Lat. 24°47'00' N, Long. 141° 18'00" E.

§ 601.1412 *Control area extension (Marysville, Calif.).* That airspace east of Marysville bounded on the west by VOR civil airway No. 23, on the north by VOR civil airway No. 200, on the south by VOR civil airway No. 212 and on the east by restricted area R–265 and a line extending from a point at latitude 39°15'10", longitude 120°30'00" northward along longitude 120°30'00" to the southern edge of VOR civil airway No. 200; that airspace northeast of Marysville bounded on the south by VOR civil airway No. 200, on the west by VOR civil airway No. 23, on the north by the Red Bluff, Calif., control area extension, and on the east by a line extending from a point at latitude 39°24'00", longitude 121°33'00" via a point at latitude 39°50'00", longitude 121°43'00" to a point at latitude 40°05'20", longitude 121°53'00".

§ 601.1413 *Control area extension (Eniwetok Island).* All the airspace from 700 feet upwards within a radius of 50 nautical miles of the Eniwetok nondirectional radio beacon at latitude 11°21'00" North, longitude 162°20'00" East.

§ 601.1415 *Control area extension (Fortuna, Calif.).* That airspace centered on the 270° True radial of the Fortuna omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Oakland Oceanic Control Area.

§ 601.1416 *Control area extension (Salt Lake City, Utah).* That airspace southwest of Salt Lake City bounded on the north by Red civil airway No. 49, on the east by Amber civil airway No. 2 and on the southwest by VOR civil airway No. 253.

SUBPART D—CONTROL ZONES

§ 601.1981 *Scope of control zones.* Each control zone shall include the navigable air space above all that area on the surface of the earth lying within the specified radius of the center points prescribed for such zone (except where otherwise described in this part), but shall not include any of the air space of an air-space reservation.

§ 601.1982 *Designation of control zones.* The portions of the navigable airspace of the United States described in Subpart D are designated as control zones.

§ 601.1983 *Three mile radius zones.* Within a 3 mile radius of the following airports:

Altoona, Pa.: Altoona-Blair County Airport.
Baker, Oreg.: Baker Municipal Airport.
Bellingham, Wash.: Bellingham Municipal Airport.
Blackstone, Va.: Blackstone AAF.
Bozeman, Mont.: Gallatin-Bozeman Municipal Airport.
Burley, Idaho: Burley Municipal Airport.
Butte, Mont.: Butte Municipal Airport.
Columbus, N. Mex.: CAA intermediate field excluding the portion which lies outside the continental United States.
Crows Landing, Calif.: Navy ALF.
Cut Bank, Mont.: Cut Bank Municipal Airport.
Daggett, Calif.: Daggett Municipal Airport.
Dillon, Mont.: Dillon intermediate field.
Dubois, Idaho: Dubois intermediate field.
Ellensburg, Wash.: Bowers Field.
El Morro, N. Mex.: CAA intermediate field.
Ephrata, Wash.: Ephrata Municipal Airport.
Eugene, Oreg.: Mahlen-Sweet Airport.
Glendale, Calif.: Grand Central Airport.
Helena, Mont.: Helena Municipal Airport.
Klamath Falls, Oreg.: Klamath Falls Municipal Airport.
Lakehurst, N. J.: Naval Air Station.
Lewistown, Mont.: Lewistown Municipal Airport.
Miles City, Mont.: Miles City Municipal Airport.
Missoula, Mont.: Missoula County Airport.
Monterey, Calif.: Monterey Peninsula Airport.
Needles, Calif.: Needles Airport.
Paso Robles, Calif.: Paso Robles County Airport.
Pendleton, Oreg.: Pendleton Municipal Airport.
Pocatello, Idaho: Phillips Airport.
Redmond, Oreg.: Redmond-Roberts Field.
Santa Monica, Calif.: Santa Monica Municipal Airport.

The Dalles, Oreg.: The Dalles Municipal Airport.
Toledo, Wash.: Toledo-Winlock Airport.
Yakima, Wash.: Yakima Municipal Airport.

§ 601.1984 *Five mile radius zones.* Within a 5 mile radius of the following airports:

Aniak, Alaska: Aniak Airport.
Annette Island, Alaska: Annette Island Airport.
Arcata, Calif.: Arcata Airport.
Bedford, Mass.: Lawrence G. Hanscom Field.
Bendix, N. J.: Teterboro Air Terminal.
Bethel, Alaska: Bethel Airport.
Bettles, Alaska: Bettles Airport.
Big Delta, Alaska: Big Delta Airport.
Blythe, Calif.: Blythe Airport.
Boise, Idaho: Boise Air Terminal.
Bridgeport, Conn.: Bridgeport Muncipal Airport.
Chandler, Ariz.: Williams AFB.
Crescent City, Calif.: Del Norte County Airport.
Delta, Utah: Delta Airport.
Elkins, W. Va.: Elkins Airport.
Elko, Nev.: Elko Airport.
Fairbanks, Alaska: Eielson Air Force Base.
Fallon, Nev.: Fallon NAAS.
Farewell, Alaska: Farewell Airport.
Galena, Alaska: Galena Airport.
Glens Falls, N. Y.: Warren County Airport.
Greenville, Miss.: Greenville AFB.
Gulkana, Alaska: Gulkana Airport.
Gustavus, Alaska: Gustavus Airport.
Homer, Alaska: Homer Airport.
Houlton, Maine: Houlton Airport.
Idaho Falls, Idaho: Idaho Falls Airport.
Iliamna, Alaska: Iliamna Airport.
Kenai, Alaska: Kenai Airport.
King Salmon, Alaska: King Salmon Airport.
Kotzebue, Alaska: Wien Memorial Airport.
Las Vegas, N. Mex.: Las Vegas Airport.
Lihue, Kauai, T. H.: Lihue Airport.
Lucin, Utah: CAA intermediate field.
Lynchburg, Va.: Preston Glenn Airport.
Massena, N. Y.: Massena Municipal Airport.
McGrath, Alaska: McGrath Airport.
Medford, Oreg.: Medford Municipal Airport.
Middleton Island, Alaska: Middleton Island Airport.
Minchumina, Alaska: Minchumina, Airport.
Mobile, Ala.: Brooklyn Air Force Base.
Moses Lake, Wash.: Larson AFB.
Moses Point, Alaska: Moses Point Airport.
Mountain View, Calif.: Moffett NAS.
Nenana, Alaska: Nenana Airport.
Newburgh, N. Y.: Stewart AFB.
New Orleans, La.: New Orleans Airport.
Nome, Alaska: Nome Airport.
Northway, Alaska: Northway Airport.
Otto, N. Mex.: CAA intermediate field.
Pensacola, Fla.: Forrest Sherman Field.
Philipsburg, Pa.: Philipsburg Airport.
Phoenix, Ariz.: Luke AFB.
Portland, Oreg.: Portland International Airport.
Pulaski, Va.: Leving Field.
Reading, Pa.: Reading Municipal Airport.
Red Bluff, Calif.: Red Bluff Municipal (Bidwell, Field).
Reno, Nev.: United Air Lines Airport.
Reno, Nev.: Stead AFB.
Roanoke, Va.: Woodrum Field.
Rome, N. Y.: Griffiss AFB.
Salinas, Calif.: Salinas Airport.
Salisbury, Md.: Wicomico County Airport.
Salt Flat, Tex.: CAA intermediate field.
San Marcos, Tex.: San Marcos Air Force Base.
San Rafael, Calif.: Hamilton AFB.
Santa Fe., N. Mex.: Santa Fe Airport.
Seattle, Wash.: Boeing Field.
Seattle, Wash.: Seattle-Takoma International Airport.
Sherman, Tex.: Perrin AFB.
Skwentna, Alaska: Skwentna Airport.
Summit, Alaska: Summit Airport.
Talkeetna, Alaska: Talkeetna Airport.
Tanana, Alaska: Tanana Airport.
Tucumcari, N. Mex.: Tucumcari Airport.
Unalakleet, Alaska: Unalakleet Airport.
Walla Walla, Wash.: Walla Walla City-County Airport.
Wendover, Utah: Wendover AFB.
Westfield, Mass.: Barnes Airport.
Westhampton Beach, Long Island, N. Y.: Suffolk County Air Force Base.
Wilkes-Barre, Pa.: Wilkes-Barre-Scranton Airport.
Wink, Tex.: Wink Airport.
Winslow, Ariz.: Winslow Airport.
Worcester, Mass.: Worcester Airport.
Yakutat, Alaska: Yakutat Airport.
Yuma, Ariz.: Yuma County Airport.

ADDITIONAL CONTROL ZONES

§ 601.2001 *Albany, N. Y., control zone.* Within a 5-mile radius of the Albany Municipal Airport, within 2 miles either side of the north course of Albany radio range extending 10 miles from the radio range station and within 2 miles either side of the Albany ILS localizer course extending from the localizer to a point 10 miles north of the ILS outer marker.

§ 601.2002 *Augusta, Maine, control zone.* Within a 5-mile radius of the Augusta State Airport and within 2 miles either side of the southwest course of Augusta radio range extending 10 miles from the radio range station.

§ 601.2003 *Baltimore, Md., control zone.* Within a 5-mile radius of Harbor Field, Baltimore, Md., extending 5 miles either side of the south course of the Baltimore, Md., radio range to a point 10 miles south of the radio range station.

§ 601.2004 *Bangor, Maine, control zone.* Within a 5-mile radius of Dow Air Force Base, Bangor, Maine, within 2 miles either side of the northwest course of the Bangor radio range extending from the radio range station to the East Corinth fan marker, within 2 miles either side of a line bearing 314° True extending from Dow Air Force Base to a point 15 miles northwest of the Air Force Base, and within 2 miles either side of a line bearing 356° True extending from Dow AFB to a point 10 miles north of the Bangor omnirange station.

§ 601.2005 *Boston, Mass., control zone.* Within a 5-mile radius of Logan International Airport; within 2 miles either side of the north course of the Boston radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker.

§ 601.2006 *Buffalo, N. Y., control zone.* Within a five mile radius of the Buffalo Municipal Airport, within 2 miles either side of the northeast course of the Buffalo radio range extending to the Wolcottsville fan marker, within 2 miles either side of the southwest course of the Buffalo radio range extending to the Angola fan marker, and within 2 miles either side of the 99° True and 279° True radials of the Buffalo omnirange extending to a point 10 miles east of the omnirange station.

§ 601.2007 *Burlington, Vt., control zone.* Within a 5-mile radius of the Burlington Municipal Airport and within 2 miles either side of the northwest course of Burlington radio range extending to the Grand Isle fan marker.

§ 601.2008 *Concord, N. H., control zone.* Within a 5-mile radius of the Concord Municipal Airport and within 2 miles either side of the southeast course of Concord radio range extending 10 miles from the radio range station.

§ 601.2009 *Erie, Pa., control zone.* Within a 5-mile radius of Port Erie Airport and within 2 miles either side of the southwest course of Erie radio range extending to the North Springfield fan marker.

§ 601.2010 *Harrisburg, Pa., control zone.* Within a 5-mile radius of Harrisburg State Airport and within 2 miles either side of the east and west courses of Harrisburg radio range extending 10 miles east and west of the radio range station.

§ 601.2011 *Hartford, Conn., control zone.* Within a 5-mile radius of Brainard Field and within 2 miles either side of the southeast course of Hartford radio range extending 10 miles from the radio range station.

§ 601.2012 *Millinocket, Maine, control zone.* Within a 5-mile radius of Millinocket Municipal Airport and within 2 miles either side of the east course of Millinocket radio range extending 10 miles from the radio range station.

§ 601.2013 *Newark, N. J., control zone.* Within a 5-mile radius of Newark Municipal Airport and within 2 miles either side of the southwest course of the Newark radio range extending from the radio range station to a point 12 miles southwest.

§ 601.2014 *Norfolk, Va., control zone.* Within a 5-mile radius of Norfolk Municipal Airport and within 2 miles either side of the southwest course of Norfolk radio range extending to the Deep Creek fan marker.

§ 601.2015 *Philadelphia, Pa., control zone.* Within a 5-mile radius of the Philadelphia International Airport and within 2 miles either side of the west course of the Philadelphia radio range extending to the Boothwyn fan marker.

§ 601.2016 *Wheeling, W. Va., control zone.* Within a 5-mile radius of Wheeling-Ohio County Airport, within 2 miles either side of the centerline of the northeast-southwest runway extended through the outer compass locator to a point 10 miles southwest of the airport, and within 2 miles either side of a direct line extending from the airport to the Wheeling omnirange station.

§ 601.2017 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Allegheny County Airport, Pittsburgh, Pa., and within 2 miles either side of a direct line extending from the Allegheny County Airport to the Cecil, Pa., nondirectional radio beacon.

§ 601.2018 *Portland, Maine, control zone.* Within a 5-mile radius of Portland Municipal Airport and within 2 miles either side of the northwest course of

Portland radio range extending 10 miles from the radio range station.

§ 601.2019 *Providence, R. I., control zone.* Within a 5-mile radius of the Theodore Francis Green Airport extending 2 miles either side of the southwest course of the Providence radio range to a point 14 miles southwest of the radio range station.

§ 601.2020 *Richmond, Va., control zone.* Within a 5-mile radius of Byrd Field, Richmond, Va., extending 2 miles either side of the southwest course of the Richmond, Va., radio range to the Chester fan marker, and extending 2 miles either side of the ILS localizer course to a point 10 miles southwest of the ILS outer marker and to a point 10 miles northeast of the ILS middle marker.

§ 601.2021 *Rochester, N. Y., control zone.* Within a 5 mile radius of Rochester-Monroe County Airport, within 2 miles either side of the east course of the Rochester radio range extending from the radio range station to a point 10 miles east, within 2 miles either side of the ILS localizer front course extending from the localizer to a point 10 miles beyond the outer marker, and within 2 miles either side of the 171° True and 278° True radials of the omnirange extending from the omnirange station to points 10 miles south and west of the omnirange station.

§ 601.2022 *Washington, D. C., control zone.* Within a 5-mile radius of the Washington National Airport (excluding the portion overlapping the Washington Airspace Reservation) and extending to include the segment of a circle 15 miles in radius centered on the Washington National Airport bounded on the west by a line 2 miles west of the southwest course of the Washington radio range and on the east by a line 2 miles east of the ILS localizer course, and further extending 2 miles on the east side and 4 miles on the west side of the northeast course of the Washington radio range to the Riverdale, Md., non-directional radio beacon.

§ 601.2023 *Albuquerque, N. Mex., control zone.* Within a 5-mile radius of Kirtland AFB, within 2 miles either side of the south course of the Albuquerque radio range extending to the Peralta fan marker, within 2 miles either side of a line bearing 352°–172° True through the Alameda nondirectional radio beacon extending from the 5-mile radius control zone boundary to a point 10 miles north of the Alameda nondirectional radio beacon and within 2 miles either side of the 91° and 271° True radials of the Albuquerque omnirange extending from the 5-mile radius control zone boundary to a point 10 miles west of the omnirange station.

§ 601.2024 *Amarillo, Tex., control zone.* Within a 5-mile radius of Amarillo Air Terminal, within 2 miles either side of the west course of the Amarillo radio range extending from the radio range station to a point 5 miles west, and within 2 miles either side of the east course of the radio range extending from the radio range station to its intersection with the northwest course of the Clarendon, Tex., radio range.

§ 601.2025 *Big Spring, Tex., control zone.* Within a 5 mile radius of Webb Air Force Base and within 2 miles either side of the west course of the Big Spring radio range extending from the radio range station to a point 10 miles west.

§ 601.2026 *Brownsville, Tex., control zone.* That airspace over United States territory, within a 5-mile radius of Rio Grande Valley International Airport, Brownsville, Tex., within 2 miles either side of the northwest course of the Brownsville radio range extending from the radio range station to the Los Fresnos fan marker and within 2 miles either side of the 72° True radial of the Brownsville omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2027 *Dallas, Tex., control zone.* Within a 5-mile radius of Love Field, Dallas, Tex., within 2 miles either side of the 252° True radial of the Dallas omnirange extending from Love Field to the omnirange station, within 2 miles either side of the Love Field ILS localizer southeast course extending from the localizer to the intersection of the Love Field ILS southeast course and the 202° True radial of the Dallas omnirange, within 2 miles either side of the south course of the Dallas radio range extending from the radio range station to the Duncanville fan marker, and within 2 miles either side of the Love Field ILS northwest course extending from the localizer to the intersection of the Love Field ILS northwest course and the east course of the Fort Worth radio range.

§ 601.2028 *El Paso, Tex., control zone.* Within a 5-mile radius of the El Paso International Airport extending 2 miles either side of the east course of the El Paso, Tex., radio range to the Hueco fan marker and extending 2 miles either side of the north course of the radio range to the Newman non-directional radio beacon, excluding the portion which lies outside the continental United States.

§ 601.2029 *Fort Worth, Tex., control zone.* All that airspace within a 5-mile radius of Meacham Field and within a 5-mile radius of Carswell AFB, within 2 miles either side of the south course of the Ft. Worth radio range extending to the intersection of the south course of the Ft. Worth radio range with the west course of the Dallas, Tex., radio range, within 2 miles either side of a line bearing 181° True from the Carswell AFB extending to a point 13 miles south of the Air Force Base, and the airspace bounded on the east by a line two miles east of and parallel to a direct line from Meacham Field through the Haslet nondirectional radio beacon, on the north by Lat. 32°59'45" and on the west by a line 2 miles west of and parallel to a direct line from the Carswell AFB through the Newark nondirectional radio beacon.

§ 601.2030 *Galveston, Tex., control zone.* Within a 5-mile radius of Galveston Airport and within 2 miles either side of the northwest and southeast courses of the Galveston radio range extending from the 5-mile radius zone to a point 3 miles northwest of the radio range station.

§ 601.2031 *Houston, Tex., control zone.* Within a 10-mile radius of Houston Municipal Airport, within a 5-mile radius of Ellington Air Force Base, and within 2 miles either side of a direct line extending from the Houston Municipal Airport to the Monument nondirectional radio beacon.

§ 601.2032 *Laredo, Tex., control zone.* That airspace over United States territory within a 10-mile radius of Laredo AFB and within 2 miles either side of the 147° True radial of the Laredo omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2033 *Little Rock, Ark., control zone.* Within a 5-mile radius of Adams Field extending 2 miles either side of the southeast course of the Little Rock radio range to the Keo fan marker.

§ 601.2034 *Monroe, La., control zone.* Within a 5-mile radius of Selman Field, within 2 miles either side of the southwest course of the Monroe radio range extending from the radio range station to a point 4 miles southwest, and within 2 miles either side of the 41° True and 221° True radials of the Monroe omnirange extending from the control zone to a point 10 miles southwest of the omnirange station.

§ 601.2035 *New Orleans, La., control zone.* Within a 5 mile radius of Moisant International Airport, within 2 miles either side of the 221° True radial of the New Orleans omnirange extending from the omnirange station to a point 10 miles southwest, within 2 miles either side of the ILS localizer course extending from the localizer to a point 14½ miles west, within 2 miles either side of the west course of the radio range extending from the radio range station to a point 17¾ miles west, and within 2 miles either side of the east course of the radio range extending from the radio range station to the boundary of the New Orleans Airport 5 mile radius control zone.

§ 601.2036 *Ponca City, Okla., control zone.* Within a 10-mile radius of Ponca City Airport.

§ 601.2037 *San Angelo, Tex., control zone.* Within a 10-mile radius of Mathis Field, within 2 miles either side of the northeast course of the San Angelo radio range extending to a point 10 miles northeast of the radio range station, and within 2 miles either side of the 72° True radial of the San Angelo omnirange extending to a point 10 miles northeast of the omnirange station.

§ 601.2038 *Shreveport, La., control zone.* Within a 5-mile radius of Shreveport Downtown Airport, within 5 miles either side of the northwest course of the Shreveport radio range extending from the radio range station to a point 10 miles northwest, within a 7 mile radius of Barksdale Air Force Base and within 5 miles either side of the southeast course of the Barksdale AFB radio range extending from the Air Force Base to the Elm Grove fan marker.

Sherman, Tex.: Perrin AFB.

zone. Within a 5-mile radius of the Bur-

Municipal Airport and within 2 miles either side of the northwest course of

from the radio range station to its inter-

side of the northwest and southeast

Elm Grove fan marker.

§ 601.2039 *Tulsa, Okla., control zone.* Within a 5-mile radius of Tulsa Airport, within 2 miles either side of the northeast course of Tulsa radio range extending to the Verdigris River fan marker, within 2 miles either side of the northwest course of Tulsa radio rangé extending to the Skiatook fan marker, within 2 miles either side of the southwest course of Tulsa radio range extending to the Red Fork fan marker and within 2 miles either side of a line bearing 03° True from the Owasso nondirectional radio beacon extending from the beacon to a point 10 miles north and within 2 miles either side of the 340° True and 160° True radials of the Tulsa omnirange extending from the Tulsa Municipal Airport to a point 10 miles northwest of the omnirange station.

§ 601.2040 *Smyrna, Tenn., control zone.* Within a 5-mile radius of Sewart Air Force Base and within 2 miles either side of a line bearing 139° True extending from the Sewart AFB nondirectional radio beacon to a point 10 miles southeast.

§ 601.2041 *Akron, Colo., control zone.* Within a 3-mile radius of the CAA intermediate field and within 2 miles either side of the north and south courses of Akron radio range extending 10 miles north of the radio range station.

§ 601.2042 *Burlington, Iowa, control zone.* Within a 5-mile radius of Burlington Municipal Airport and within 2 miles either side of the 292° and 112° True radials of the Burlington omnirange extending from the airport control zone to a point 10 miles east of the omnirange station.

§ 601.2043 *Casper, Wyo., control zone.* Within a 5-mile radius of Natrona County Airport extending east 2 miles either side of the west and east courses of the Casper radio range to the Parkerton fan marker and within 2 miles either side of a line bearing 269° True from the Casper ILS localizer extending from the Casper Natrona County Airport to a point 10 miles west of the ILS outer marker.

§ 601.2044 *Cheyenne, Wyo., control zone.* Within a 5-mile radius of the Cheyenne Municipal Airport, within 2 miles either side of the northwest course of the Cheyenne radio range extending from the radio range station to a point 12 miles northwest, within 2 miles either side of the east course of the radio range extending from the radio range station to a point 11½ miles east, within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles east of the airport, and within 2 miles either side of the 32° True radial of the Cheyenne omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2045 *Colorado Springs, Colo., control zone.* Within a 5-mile radius of Peterson Municipal Airport and within 2 miles either side of a line bearing 180° True from the airport extending to a point 15 miles south of the airport.

§ 601.2046 *Columbia, Mo., control zone.* Within a 5-mile radius of Columbia Municipal Airport and within 2 miles either side of the west course of Columbia radio range extending 10 miles from the radio range station.

§ 601.2047 *Denver, Colo., control zone.* Within a 10-mile radius of Stapleton Air Field, Denver, Colo., within 2 miles either side of the Stapleton ILS localizer course extending from the localizer to a point 11½ miles east of Stapleton Air Field, within 2 miles either side of a 45° True radial of the Denver omnirange extending from the omnirange station to a point 5 miles northeast, and within 2 miles either side of the north course of the Denver radio range extending from the radio range station to a point 13 miles north.

§ 601.2048 *Des Moines, Iowa, control zone.* Within a 5-mile radius of the Des Moines Municipal Airport, within 2 miles either side of the south course of the radio range extending from the radio range station to a point 12 miles south, within 2 miles either side of the front and back courses of the Des Moines ILS localizer extending from the localizer to a point 12 miles southeast and northwest of the airport, and within 2 miles either side of the 176° True and 356° True radials of the Des Moines omnirange extending from the five mile radius zone to a point 10 miles south of the omnirange station.

§ 601.2049 *Fort Bridger, Wyo., control zone.* Within a 3-mile radius of the CAA intermediate field and within 2 miles either side of the east course of Fort Bridger radio range extending 10 miles from the radio range station.

§ 601.2050 *Garden City, Kans. control zone.* Within a 5-mile radius of the Garden City Municipal Airport (new) including the airspace within 2 miles either side of the 300° True radial of the Garden City omnirange extending to a point 12 miles northwest of the omnirange station, within 2 miles either side of the north course of the Garden City radio range extending to a point 12 miles north of the radio range station and within 2 miles either side of a line bearing 144° True extending from the radio range station to the Garden City Municipal Airport (new).

§ 601.2051 *Grand Island, Nebr., control zone.* Within a 5-mile radius of the Grand Island Airport and within 2 miles either side of the north course of Grand Island radio range extending 10 miles from the radio range station.

§ 601.2052 *Quincy, Ill., control zone.* Within a 5-mile radius of the Quincy-Baldwin Airport and within 2 miles either side of the 35° True and 215° True radials of the Quincy omnirange extending from the airport to a point 10 miles southwest of the omnirange station.

§ 601.2053 *Huron, S. Dak., control zone.* Within a 5-mile radius of the Huron Municipal Airport extending 2 miles either side of the southwest course of the radio range to its intersection with the east course of the Pierre, S. Dak., radio range, and within 2 miles either side of the Huron ILS localizer northwest course extending from the localizer to a point 12 miles northwest of the outer marker.

§ 601.2054 *Hutchinson, Kans., control zone.* Within a 5-mile radius of the Hutchinson Municipal Airport, within an 8-mile radius of the Hutchinson Naval Air Station, within 2 miles either side of the south course of the Hutchinson radio range extending from the radio range station to a point 23 miles south, and within 2 miles either side of the 222° True radial of the Hutchinson omnirange extending from the Hutchinson Municipal Airport to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the north course of the Hutchinson radio range extending from the radio range station to a point 10 miles north.

§ 601.2055 *Joplin, Mo., control zone.* Within a 5-mile radius of Joplin Airport and within 2 miles either side of a line bearing 318° True extending from the airport to a point 10 miles northwest of the Joplin ILS outer marker.

§ 601.2056 *Kansas City, Mo., control zone.* Within a 5-mile radius of the Kansas City Municipal Airport, within 2 miles either side of the north course of the Kansas City radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of a line bearing 13° True from the airport extending through the Kansas City ILS outer marker compass locator to a point 5 miles north of the ILS outer marker compass locator.

§ 601.2057 *Kirksville, Mo., control zone.* Within a 3-mile radius of Kirksville Airport and within 2 miles either side of the 316° and 136° True radials of the Kirksville omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2058 *La Junta, Colo., control zone.* Within a 5-mile radius of the La Junta Airport and within 2 miles either side of the northeast course of La Junta radio range extending 10 miles from the radio range station.

§ 601.2059 *Laramie, Wyo., control zone.* Within a 5-mile radius of Brees Field, within 2 miles either side of the northwest course of the Laramie radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 332° True radial of the Laramie omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.2060 *Pellston, Mich., control zone.* Within a 5-mile radius of Emmet County Airport, Pellston, Mich., extending 2 miles either side of a track bearing 132° True from the Pellston non-directional radio beacon to a point 10 miles southeast.

§ 601.2061 *Lincoln, Nebr., control zone.* Within a 5-mile radius of the Lincoln Air Force Base, within 2 miles either side of the north course of the Lincoln radio range extending from the radio range station to a point 10 miles north, within 2 miles either side of the front course of the Lincoln ILS localizer extending from the localizer to a point 12 miles northwest of the outer marker, and within 2 miles either side of the south course of the Lincoln radio range

extending to a point 15 miles south of the Lincoln Air Force Base.

§ 601.2062 *Mason City, Iowa, control zone.* Within a 5-mile radius of Mason City Municipal Airport and within 2 miles either side of the 2° and 182° True radials of the Mason City omnirange extending from the airport control zone to a point 10 miles south of the omnirange station.

§ 601.2063 *North Platte, Nebr., control zone.* Within a 5-mile radius of Lee Bird Municipal Field, within 2 miles either side of the south course of the North Platte radio range extending from the radio range station to a point 10 miles south, and within 2 miles either side of the 30° True and 210° True radials of the North Platte omnirange extending from Lee Bird Municipal Field to a point 10 miles southwest of the omnirange station.

§ 601.2064 *Omaha, Nebr., control zone.* Within a 5-mile radius of the Omaha, Nebr., Municipal Airport extending 2 miles either side of the north course of the Omaha radio range to the California, Iowa, Fan Marker, and extending 2 miles either side of the ILS localizer course to a point 10 miles northwest of the Omaha Municipal Airport.

§ 601.2065 *Pierre, S. Dak., control zone.* Within a 5-mile radius of Pierre Airport, within 2 miles either side of the east course of the Pierre radio range extending from the radio range station to a point 12 miles east, and within 2 miles either side of the 260° and 80° True radials of the Pierre omnirange extending from the 5-mile radius zone to a point 12 miles northeast of the omnirange station.

§ 601.2066 *Pueblo, Colo., control zone.* Within a 5-mile radius of Pueblo Municipal Airport, within 5 miles either side of a direct line extending from the center of Pueblo Municipal Airport to the Pueblo radio range station to include a 5-mile radius of the Pueblo radio range station, within 2 miles either side of the southeast course of the radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 271° and 91° True radials of the Pueblo omnirange extending from the Pueblo Municipal Airport 5-mile radius zone to a point 10 miles east of the omnirange station.

§ 601.2067 *Rapid City, S. Dak., control zone.* Within a 5-mile radius of Ellsworth Air Force Base, within 2 miles either side of the centerline of the northwest-southeast runway of Ellsworth AFB extending from the end of the runway to a point 17 miles southeast; within a 5-mile radius of the Rapid City Municipal Airport, within 2 miles either side of the south course and east course of the Rapid City radio range extending from the radio range station to points 10 miles south and east, and within 2 miles either side of the 335° True and 155° True radials of the Rapid City omnirange extending from the airport 5 mile radius zone to a point 10 miles southeast of the omnirange station.

§ 601.2068 *Rock Springs, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the east course of the radio range to the Point of Rocks fan marker, and extending 2 miles either side of the ILS localizer course to the Point of Rocks fan marker.

§ 601.2069 *St. Joseph, Mo., control zone.* Within a 5-mile radius of Rosecrans Field, within 2 miles either side of the St. Joseph ILS localizer course extending from the localizer to a point 10 miles beyond the outer marker, and within 2 miles either side of the 355° and 175° True radials of the St. Joseph omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2070 *St. Louis, Mo., control zone.* Within a 5-mile radius of Lambert-St. Louis Municipal Airport, within 2 miles either side of the east course of the St. Louis radio range extending from the radio range station to a point 10 miles east, within 2 miles either side of the front course of the St. Louis ILS localizer extending from the localizer to a point 5 miles east of the outer compass locator and within 2 miles either side of the back course of the ILS localizer extending from the localizer to a point 10 miles southwest of the Lake nondirectional radio beacon, and within 2 miles either side of the 323° and 143° True radials of the St. Louis omnirange extending from the airport to a point 10 miles northwest of the omnirange station.

§ 601.2071 *Scottsbluff, Nebr., control zone.* Within a 5-mile radius of Scottsbluff Municipal Airport and within 2 miles either side of the southeast and northwest courses of Scottsbluff radio range extending 10 miles southeast of the radio range station.

§ 601.2072 *Sheridan, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the southeast course of the radio range to the Ucross fan marker.

§ 601.2073 *Rawlings, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport, Rawlings, Wyo., extending 2 miles either side of the east and west courses of the Sinclair, Wyo., radio range to a point 10 miles east of the radio range station.

§ 601.2074 *Sioux City, Iowa, control zone.* Within a 5-mile radius of the Sioux City Municipal Airport, within 2 miles either side of the south course of the Sioux City radio range extending from the radio range station to the Sloan Fan Marker; within 2 miles either side of the 142° True radial of the Sioux City omnirange extending from the omnirange station to a point 10 miles southeast, and within 2 miles either side of a line bearing 136° True from the Sioux City ILS outer marker compass locator, extending from the ILS outer marker compass locator to a point 10 miles southeast.

§ 601.2075 *Springfield, Mo., control zone.* Within a 5-mile radius of Springfield Municipal Airport and within 2 miles either side of the southeast and northwest courses of Springfield radio range extending 10 miles northwest of the radio range station and within 2 miles either side of the 19° and 199° True radials of the Springfield omnirange extending from the Springfield Municipal Airport to a point 10 miles northeast of the omnirange station.

§ 601.2076 *Topeka, Kans., control zone.* All that area within an 8-mile radius of the Philip Billard Airport and within 2 miles either side of the Topeka ILS localizer course extending to a point 15 miles northwest of the ILS localizer; within 2 miles either side of the 40° True radial of the Topeka omnirange extending to a point 10 miles northeast of the omnirange station, and that area within a 5-mile radius of Forbes Air Force Base, Topeka, Kans., and within 2 miles either side of the southwest course of the Forbes AFB radio range extending to a point 10 miles southwest of the Forbes AFB radio range station.

§ 601.2077 *Trinidad, Colo., control zone.* Within a 3-mile radius of Trinidad Municipal Airport and within 2 miles either side of the north course of Trinidad radio range extending 10 miles from the radio range station.

§ 601.2078 *Edenton, N. C., control zone.* Within a 5-mile radius of the Edenton Navy Auxiliary Landing Field and within 2 miles either side of a line bearing 184° True from the Edenton NALF to a point 12 miles south, excluding the portions which overlap the Albemarle Sound Restricted Area (R–1) and the Albemarle Sound Caution Area (C–10).

§ 601.2079 *Watertown, S. Dak., control zone.* Within a 5-mile radius of Watertown Airport and within 2 miles either side of the 6° True radial of the Watertown omnirange extending from the airport control zone to a point 10 miles north of the omnirange station.

§ 601.2080 *Wichita, Kans., control zone.* Within a 5-mile radius of the Wichita Municipal Airport, within 2 miles either side of a 200° True bearing from the Wichita ILS outer compass locator extending to a point 10 miles south of the outer compass locater, within a 5-mile radius of McConnell AFB, Wichita, Kans., within 2 miles either side of a 192° True bearing through the Wichita AFB nondirectional radio beacon extending from the AFB control zone to a point 10 miles south of the nondirectional radio beacon, and within 2 miles either side of the 360° True radial of the omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2081 *Jacksonville, N. C., control zone.* Within a 3-mile radius of the New River MCAF, Jacksonville, N. C., and within 2 miles either side of a 226° True bearing extending from the New River MCAF to a point 12 miles southwest, excluding the airspace above 5,500 feet mean sea level daily from sunset to sunrise.

§ 601.2082 *Akron, Ohio, control zone.* Within a 5-mile radius of the Akron Municipal Airport extending 2 miles either side of the southwest course of

the Akron, Ohio, radio range to a point 10 miles southwest of the radio range station, including a 5-mile radius of the Akron-Canton County Airport extending 2 miles either side of the Akron-Canton ILS localizer course to a point 10 miles south of the outer marker and within 2 miles either side of the west course of the Akron radio range extending from the radio range station to a point 10 miles west.

§ 601.2083 *Alexandria, Minn., control zone.* Within a 5-mile radius of the Alexandria Municipal Airport extending 2 miles either side of the north course of the Alexandria radio range to a point 10 miles north of the radio range station, and within 2 miles either side of the 230° and 50° True radials of the Alexandria omnirange extending from the Alexandria airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2084 *Battle Creek, Mich., control zone.* Within a 5-mile radius of Kellogg Field and within 2 miles either side of the south course of the Battle Creek, Mich., radio range, extending 10 miles south of the radio range station.

§ 601.2085 *Bismarck, N. Dak., control zone.* Within a 5-mile radius of the Bismarck Municipal Airport extending 2 miles either side of the east course of the Bismarck radio range to a point 10 miles east of the radio range station, extending 2 miles either side of the Bismarck ILS localizer course to a point 10 miles southeast of the outer marker, and extending 2 miles either side of the 114° True radial of the Bismarck omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2086 *Chicago, Ill., control zone.* Within a 6-mile radius of the Chicago-Midway Airport; within 2 miles either side of the southeast and northwest courses of the Chicago radio range extending from the intersection of the southeast course of the radio range with the east course of the Harvey, Ill., radio range to the intersection of the northwest course of the radio range with the northeast course of the Joliet, Ill., radio range excluding the portion which overlaps the O'Hare International Airport control zone; within 2 miles either side of the front and back courses of the Chicago-Midway ILS localizer extending from the intersection of the localizer back course with the east course of the Harvey, Ill., radio range to a point 12 miles northwest of the Chicago-Midway outer marker on the localizer front course, excluding the portion which overlaps the O'Hare International Airport control zone; within 2 miles either side of the 007° True, 124° True and 223° True radials of the Chicago-Midway terminal omnirange station extending from the terminal omnirange station to points 12 miles north, southeast and southwest.

§ 601.2087 *Cincinnati, Ohio, control zone.* Within a 5-mile radius of the Lunken Airport extending 2 miles either side of the southwest and northeast courses of the Cincinnati, Ohio, radio range to the Loveland fan marker.

§ 601.2088 *Dodge City, Kans., control zone.* Within a 5-mile radius of Dodge City Municipal Airport and within 2 miles either side of the 161° and 341° True radials of the Dodge City omnirange extending from the airport control zone to a point 10 miles north of the omnirange station.

§ 601.2089 *Cleveland, Ohio, control zone.* Within a 5-mile radius of the Cleveland Municipal Airport, within 2 miles either side of the west course of the Cleveland radio range extending from the radio range station to the Elyria fan marker and within 2 miles either side of the Cleveland ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker.

§ 601.2090 *Columbus, Ohio, control zone.* Within a 5-mile radius of the Port Columbus Municipal Airport and within a 5-mile radius of the Lockbourne, Ohio, Air Force Base including the airspace within 2 miles either side of a direct line extending from the Columbus radio range station to the Lockbourne AFB, within 2 miles either side of the west course of the Columbus radio range extending to the Hilliard fan marker, within 2 miles either side of the east course of the Columbus radio range extending to the Newark fan marker.

§ 601.2091 *Dayton, Ohio, control zone.* Within a 5-mile radius of the Dayton Municipal Airport extending 2 miles either side of the southwest course of the Dayton ILS localizer from the localizer to a point 10 miles southwest of the outer compass locator, extending 2 miles either side of the northeast course of the ILS localizer from the localizer to a point 10 miles northeast of the Tipp City nondirectional radio beacon, and extending 2 miles either side of the 360° True radial of the Dayton omnirange from the omnirange station to a point 10 miles north of the omnirange station.

§ 601.2092 *Detroit, Mich., control zone.* Within a 5-mile radius of the Detroit City Airport extending 2 miles either side of the northwest course of the Windsor, Ontario, Canada, radio range to the United States-Canadian Border and excluding that portion which lies outside the continental limits of the United States.

§ 601.2093 *Dickinson, N. Dak., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the north course of the Dickinson radio range, extending 10 miles north of the radio range station and extending 2 miles either side of the 15° True radial of Dickinson omnirange to a point 10 miles north of the omnirange station.

§ 601.2094 *Duluth, Minn., control zone.* Within a 5-mile radius of the Williamson-Johnson Airport and within 2 miles either side of the south course of the Duluth, Minn., radio range, extending 10 miles south of the radio range station.

§ 601.2095 *Belleville, Ill., control zone.* Within a 5-mile radius of the Scott Air Force Base extending 2 miles either side of the southwest course of the Scott AFB, Belleville, Ill., radio range to a point 10 miles southwest of the radio range station.

§ 601.2096 *Evansville, Ind., control zone.* Within a 5-mile radius of Dress Memorial Municipal Airport and within 2 miles either side of the centerline of the northeast-southwest runway of the Dress Memorial Municipal Airport extending from the Evansville outer marker to a point 10 miles northeast.

§ 601.2097 *Fargo, N. Dak., control zone.* Within a 5-mile radius of the Fargo-Hector Airport, within 2 miles either side of the east course of the Fargo radio range extending to the Glyndon fan marker, within 2 miles either side of the west course of the radio range extending to a point 10 miles west of the West Fargo fan marker, and within 2 miles either side of the 181° and 01° True radials of the Fargo omnirange extending from the airport control zone to a point 10 miles south of the omnirange station.

§ 601.2098 *Flint, Mich., control zone.* Within a 5-mile radius of Bishop Airport and within 2 miles either side of a line bearing 268° True from the airport extending from the airport to a point 10 miles west of the Flint ILS outer marker.

§ 601.2099 *Fort Wayne, Ind., control zone.* Within a 5-mile radius of Baer Field, Fort Wayne, Ind., extending 2 miles either side of the southwest course of the Fort Wayne radio range to a point 10 miles southwest of the radio range station, extending 2 miles either side of the Fort Wayne ILS localizer course from the localizer to a point 10 miles southeast of the outer marker, and extending 2 miles either side of the 318° and 138° True radials of the Fort Wayne omnirange from the Baer Field control zone to a point 10 miles northwest of the omnirange station.

§ 601.2100 *Glenview, Ill., control zone.* Within a 5-mile radius of the Glenview, Ill., Naval Air Station and within 2 miles either side of the northwest course of the Glenview, Ill., radio range, extending 10 miles northwest of the radio range station.

§ 601.2101 *Goshen, Ind., control zone.* Within a 5-mile radius of the Goshen Airport and within 2 miles either side of the west course of the Goshen, Ind., radio range, extending 10 miles west of the radio range station.

§ 601.2102 *Grand Forks, N. Dak., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of the Grand Forks, N. Dak., radio range, extending 10 miles south of the radio range station.

§ 601.2103 *Grand Rapids, Mich., control zone.* Within a 6-mile radius of the Kent County Airport and within 2 miles either side of the southeast course of the Grand Rapids radio range, extending 12 miles southeast of the radio range station.

§ 601.2104 *Huntington, W. Va., control zone.* Within a 5-mile radius of the Huntington Airport, Chesapeake, Ohio; within a 5-mile radius of the Tri-State Airport, Huntington, W. Va.; within 2 miles either side of a line bearing 253° True extending from the Huntington nondirectional radio beacon to a point 10 miles west, and within 2 miles either side of a line bearing 15° True extending from the nondirectional radio beacon to a point 10 miles north.

§ 601.2105 *Indianapolis, Ind., control zone.* Within a 5-mile radius of the Weir Cook County Airport, extending 2 miles either side of the west course of the Indianapolis radio range to the Clayton fan marker, extending 2 miles either side of the Weir-Cook County Airport localizer course to a point 10 miles southwest of the outer marker and extending 2 miles either side of the 323° and 143° True radials of the Indianapolis omnirange from the Weir-Cook County Airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2106 *Jamestown, N. Dak., control zone.* Within a 5-mile radius of the Jamestown Municipal Airport extending 2 miles either side of the east course of the Jamestown radio range to a point 10 miles east of the radio range station and extending 2 miles either side of the 191° and 11° True radials of the Jamestown omnirange station from the Municipal Airport control zone to a point 10 miles south of the omnirange station.

§ 601.2107 *Joliet, Ill., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west course of the radio range to a point 10 miles west of the radio range station.

§ 601.2108 *Lansing, Mich., control zone.* Within a 5-mile radius of the Capital City Airport extending 2 miles either side of the east course of the Lansing radio range to a point 10 miles east of the radio range station and extending 2 miles either side of the 232° and 52° True radials of the Lansing omnirange from the Capital City Airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2109 *Lafayette, Ind., control zone.* Within a 5-mile radius of Purdue University Airport and within 2 miles either side of the 137° and 317° True radials of the Lafayette omnirange extending from the 5-mile radius zone to a point 12 miles northwest of the omnirange station.

§ 601.2110 *Lone Rock, Wis., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the 24° True and 204° True radials of the Lone Rock omnirange extending from the Municipal Airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2111 *Louisville, Ky., control zone.* Within a 5-mile radius of Standiford Field and within a 5-mile radius of Bowman Field extending 2 miles either side of the east course of the Louisville radio range to the Eastwood fan marker, extending 2 miles either side of the Standiford Field ILS localizer course from the localizer to the limits of the Fort Knox, Ky., restricted area, extending 2 miles either side of the 122° and 302° True radials of the Louisville omnirange from the Standiford Field control zone to a point 10 miles southeast of the omnirange station, and extending 2 miles either side of the 154° and 334° True radials of the Louisville omnirange from the Bowman Field control zone to a point 10 miles southeast of the omnirange station.

§ 601.2112 *Madison, Wis., control zone.* Within a 5-mile radius of Truax Field, within 2 miles either side of the east course of the Madison radio range extending from the radio range station to a point 10 miles east, and within 2 miles of lines bearing 183° True and 03° True from the outer marker extending from the Truax Field control zone to a point 10 miles south of the outer marker.

§ 601.2113 *Milwaukee, Wis., control zone.* Within a 5-mile radius of General Mitchell Field, within 2 miles either side of the south course of the radio range extending from the radio range station to a point 12 miles south, and within 2 miles either side of the front course of the Milwaukee ILS localizer extending from the localizer to a point 12 miles south of the ILS outer marker.

§ 601.2114 *Minneapolis, Minn., control zone.* Within a 5-mile radius of the Minneapolis-St. Paul International Airport, within 2 miles either side of the southeast course of the Minneapolis radio range extending from the radio range station to a point 12 miles southeast, within 2 miles either side of the southeast (front) course of the Minneapolis ILS localizer extending from the localizer to a point 12 miles southeast of the outer marker, and within 2 miles either side of the northwest (back) course of the ILS localizer extending from the localizer to a point 17 miles northwest of the airport.

§ 601.2115 *Minot, N. Dak., control zone.* Within a 5-mile radius of Port o'Minot Field, within 2 miles either side of the southeast course of the Minot radio range extending from the radio range station to a point 12 miles southeast, and within 2 miles either side of the 254° and 74° True radials of the Minot omnirange extending from the 5-mile radius zone to a point 12 miles northeast of the omnirange station.

§ 601.2116 *Moline, Ill., control zone.* Within a 5-mile radius of Quad-City Airport, within 2 miles either side of the Quad-City ILS localizer west (front) course extending from the localizer to a point 12 miles west of the outer marker and within 2 miles either side of the ILS localizer east (back) course extending from the localizer to a point 12 miles east of its intersection with the 199° True radial of the Moline omnirange.

§ 601.2117 *Muskegon, Mich., control zone.* Within a 5-mile radius of Muskegon County Airport extending 2 miles either side of the southeast course of the radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 145° True radial of the Muskegon omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2118 *Langley AFB, Va., control zone.* Within a 5-mile radius of Langley Air Force Base excluding the portion which overlaps restricted area (R-49), within a 5-mile radius of Patrick Henry Airport, within 2 miles either side of the Patrick Henry Airport ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker, and the airspace lying 5 miles southwest of and parallel to a line connecting the centers of Langley AFB and Patrick Henry Airport.

§ 601.2119 *Peoria, Ill., control zone.* Within a 5-mile radius of Greater Peoria Airport, within 2 miles either side of the north course of the Peoria radio range extending from the radio range station to a point 12 miles north, and within 2 miles either side of the 102° True and 282° True radials of the Peoria omnirange extending from the 5-mile radius zone to a point 12 miles west of the omnirange station.

§ 601.2120 *Rochester, Minn., control zone.* Within a 5-mile radius of the Rochester Airport extending 2 miles either side of the south course of the radio range to a point 10 miles south of the radio range station, and extending 2 miles either side of the 222° and 42° True radials of the Rochester omnirange from the Rochester Airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2121 *Rockford, Ill., control zone.* Within a 5-mile radius of the Machesney Airport and within a 5 mile radius of the Greater Rockford Airport, extending 2 miles either side of a 182° True bearing from the Rockford radio range station to the Greater Rockford Airport, and extending 2 miles either side of the west and northwest courses of the Rockford radio range from the radio range station to points 10 miles west and northwest of the radio range station and within 2 miles either side of a line extending from the Greater Rockford Airport through the Rockford nondirectional radio beacon to a point 12 miles south of the nondirectional radio beacon.

§ 601.2122 *Detroit, Mich., control zone.* Within a 5-mile radius of the Detroit-Wayne Major Airport and within a 12-mile radius of the Willow Run Airport, within 2 miles either side of the front and back courses of the Willow Run ILS localizer extending from a point 12 miles southwest of the Willow Run outer marker to a point 12 miles northeast of the Ford nondirectional radio beacon, within 2 miles either side of the front and back courses of the Wayne Major ILS localizer extending from a point 12 miles southwest of the Wayne Major outer marker to a point 15½ miles northeast of the Wayne Major ILS localizer, and within 2 miles either side of a 134° True Track extending from the Willow Run Airport to a point 12 miles southeast of the Wayne Major outer marker, excluding the portion which overlaps the Grosse Ile, Mich., control zone, and excluding the pie-shaped area bounded on the north by a line 2 miles south of and parallel to the 282° True radial of the Willow Run TVOR and bounded on the south by a line 2 miles

north of and parallel to the 252° True radial of the Willow Run TVOR.

§ 601.2123 *South Bend, Ind., control zone.* Within a 5-mile radius of St. Joseph County Airport extending 2 miles either side of the west course of the South Bend radio range to the New Carlisle fan marker, extending 2 miles either side of the South Bend, Ind., ILS localizer course from the St. Joseph County Airport control zone to a point 10 miles east of the outer marker, and extending 2 miles either side of the 359° True radial of the South Bend omnirange to a point 10 miles north of the omnirange station.

§ 601.2124 *Roswell, N. Mex., control zone.* Within a 15-mile radius of the Roswell radio range station and within 2 miles either side of the 220° True and 297° True radials of the Roswell omnirange extending from the omnirange station to points 10 miles southwest and northwest.

§ 601.2125 *Terre Haute, Ind., control zone.* Within a 5-mile radius of Hulman Field, Terre Haute, Ind., extending 2 miles either side of the northeast and southwest courses of the Terre Haute radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 02° True radial of the Terre Haute omnirange from the airport to a point 10 miles north of the omnirange station.

§ 601.2126 *Toledo, Ohio, control zone.* Within a 5-mile radius of Toledo Express Airport and within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles beyond the outer marker.

§ 601.2127 *Youngstown, Ohio, control zone.* Within a 5-mile radius of the Youngstown Municipal airport, within 2 miles either side of the north course of the Youngstown radio range extending from the radio range station to a point 10 miles north, within 2 miles either side of a line bearing 135° True from the airport through the outer compass locator extending to a point 15 miles southeast of the airport, and within 2 miles either side of the 359° True radial of the Youngstown omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2128 *Wilmington, N. C., control zone.* Within a 5-mile radius of the New Hanover County Airport, within 2 miles either side of a line bearing 337° True extending from the Wilmington nondirectional radio beacon to a point 10 miles northwest and within 2 miles either side of a line bearing 159° True extending from the ILS middle marker to a point 12 miles southeast of the middle marker.

§ 601.2129 *Bowling Green, Ky., control zone.* Within a 5-mile radius of the Bowling Green Municipal Airport extending 2 miles either side of the southeast course of the Bowling Green radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 203° True radial of the Bowling Green omnirange to a point 10 miles southwest of the omnirange station.

§ 601.2130 *Atlanta, Ga., control zone.* Within a 5-mile radius of the Municipal Airport, within 2 miles either side of the southeast course of the Atlanta, Ga., radio range, extending to the Jonesboro fan marker and within 2 miles either side of the northwest course of the Atlanta radio range, extending 10 miles northwest of the radio range station.

§ 601.2131 *Augusta, Ga., control zone.* Within a 5-mile radius of Bush Field, Augusta, Ga., extending 2 miles either side of a direct line from Bush Field to the Augusta, Ga., radio range station and extending 2 miles either side of the west course of the Augusta radio range to a point 10 miles west of the radio range station.

§ 601.2132 *Biloxi, Miss., control zone.* Within a 5-mile radius of Keesler AFB and within 2 miles either side of the northeast course of Keesler AFB radio range, extending 5 miles northeast of the radio range station.

§ 601.2133 *Birmingham, Ala., control zone.* Within a 5-mile radius of Birmingham Airport and within 2 miles either side of the north course of the Birmingham, Ala., radio range, extending 10 miles north of the Birmingham, Ala., radio range station.

§ 601.2134 *Charleston, S. C., control zone.* Within a 5-mile radius of the Charleston Municipal Airport, within 2 miles either side of the northwest course of the Charleston radio range extending from the radio range station to the Summerville fan marker and within 2 miles either side of the 161° True and 341° True radials of the Charleston omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2135 *Charlotte, N. C., control zone.* Within a 5-mile radius of Douglas Airport, within 2 miles either side of the south course of the Charlotte radio range extending from the radio range station to the Fort Mill fan marker, and within 2 miles either side of the Charlotte ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker and within 2 miles either side of the 005° True and 185° True radials of the Charlotte omnirange extending from the 5-mile radius zone to a point 10 miles south of the omnirange station.

§ 601.2136 *Chattanooga, Tenn., control zone.* Within a 5-mile radius of Lovell Field and within 2 miles either side of the northeast course of the Chattanooga, Tenn., radio range, extending 10 miles northeast of the radio range station.

§ 601.2137 *Columbia, S. C., control zone.* Within a 5-mile radius of the Columbia Airport, within 2 miles either side of the east and west courses of the Columbia radio range extending from the airport to a point 5 miles east of the radio range station, and within 2 miles either side of the 325° True and 145° True radials of the Columbia omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station, and within a 5-mile radius of Owens Field, Columbia, S. C., and 2 miles either side of the southeast course of the Columbia radio range extending from the radio range station to a point 10 miles southeast.

§ 601.2138 *Crestview, Fla., control zone.* Within a 5-mile radius of the Crestview Airport, within 2 miles either side of the east course of the Crestview radio range extending from the radio range station to a point 10 miles east, and within 2 miles either side of the 110° and 290° True radials of the Crestview omnirange extending from the airport control zone to a point 10 miles west of the omnirange station.

§ 601.2139 *Cross City, Fla., control zone.* Within a 5-mile radius of the Cross City Airport, within 2 miles either side of the southeast course of the Cross City radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 118° True radial of the Cross City omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2140 *Daytona Beach, Fla., control zone.* Within a 5-mile radius of the Daytona Beach Airport, within 2 miles either side of the west course of the Daytona Beach radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of the 64° True and 244° True radials of the Daytona Beach omnirange extending from the 5-mile radius control zone to a point 10 miles southwest of the omnirange station.

§ 601.2141 *Dothan, Ala., control zone.* Within a 5-mile radius of Dothan Airport and within 2 miles either side of the southwest course of Dothan, Ala., radio range, extending 10 miles southwest of the radio range station, excluding the portion above 19,000 feet which lies within the Tyndall AFB restricted area (R-336), between sunset and sunrise.

§ 601.2142 *Florence, S. C., control zone.* Within a 5-mile radius of the Florence Municipal Airport, within 2 miles either side of the southeast course of the Florence radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 51° True and 231° True radials of the Florence omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2143 *Fort Myers, Fla., control zone.* Within a 5-mile radius of Page Field, Fort Myers, Fla., within 2 miles either side of a line bearing 220° True extending from the Fort Myers nondirectional radio beacon to a point 10 miles southwest, and within 2 miles either side of the 224° True radial of the Fort Myers omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.2144 *Greensboro, N. C., control zone.* Within a 5-mile radius of the Greensboro High Point Airport, within 2 miles either side of the northeast course of the Greensboro radio range extending from the radio range station to a point 10 miles northeast, and within 2 miles either side of the 204° True radial of the Greensboro omnirange extending from the omnirange station to a point 10 miles southwest excluding the portion which overlaps the Smith-Reynolds Airport, Winston-Salem, N. C., control zone.

§ 601.2145 *Greenville, S. C., control zone.* Within a 5-mile radius of the Greenville Airport and within 2 miles either side of the south course of Greenville, S. C., radio range, extending 10 miles south of the radio range station.

§ 601.2146 *Greenwood, Miss., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the east course of Greenwood, Miss., radio range extending 10 miles east of the radio range station and within 2 miles either side of the 066° True and 246° True radials of the Greenwood omnirange extending from the airport to a point 10 miles southwest of the omnirange station.

§ 601.2147 *Waterloo, Iowa, control zone.* Within a 5-mile radius of the Waterloo Municipal Airport and within 2 miles either side of the 78° True, 200° True, 238° True, 314° True and 356° True radials of the Waterloo omnirange extending from the omnirange station to points 12 miles east, south, southwest, northwest and north of the omnirange station.

§ 601.2148 *Jackson, Miss., control zone.* Within a 5-mile radius of Hawkins Airport extending 2 miles either side of the north course of the Jackson radio range to the Flora Fan Marker and within 2 miles either side of the 162° True and 342° True radials of the Jackson omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2149 *Jacksonville, Fla., control zone.* Within a 5-mile radius of Imeson Airport, within 2 miles either side of the east course of the Jacksonville radio range extending from the radio range station to the Fort George Island fan marker, and within 2 miles either side of the 64° True radial of the Jacksonville omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2150 *Key West, Fla., control zone.* Within a 5-mile radius of Meacham Field and within a 5-mile radius of Boca Chica Naval Air Station, Key West, Fla., within 2 miles either side of the west course of the Key West radio range extending from the radio range station to a point 10 miles west, within 2 miles either side of a 242° True bearing from the Key West radio range station extending from the Meacham Field 5-mile radius zone to a point 10 miles southwest of the radio range station; within 2 miles either side of the 313° True and the 273° True radials of the Key West omnirange extending to points 10 miles northwest and west of the omnirange station.

§ 601.2151 *Knoxville, Tenn., control zone.* Within a 5-mile radius of the McGhee-Tyson Airport extending 2 miles either side of the north course of the radio range to the Inskip fan marker.

§ 601.2152 *Macon, Ga., control zone.* Within a 5-mile radius of Cochran Field extending 2 miles either side of the northwest course of the radio range to a point 10 miles northwest of the range station.

§ 601.2153 *Melbourne, Fla., control zone.* Within a 5-mile radius of the Melbourne-Eau Gallie Airport and within a 5-mile radius of the Patrick AFB extending 2 miles either side of the north course of the Melbourne radio range from the radio range station to a point 10 miles north.

§ 601.2154 *Memphis, Tenn., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of Memphis, Tenn., radio range extending to the Nesbitt fan marker and within 2 miles either side of the 109° True radial of the Memphis omnirange extending from the airport control zone to a point 10 miles east of the omnirange station.

§ 601.2155 *Meridian, Miss., control zone.* Within a 5-mile radius of Key Field and within 2 miles either side of the northwest course of Meridian, Miss., radio range extending 10 miles northwest of the radio range station.

§ 601.2156 *Miami, Fla., control zone.* Within a 5-mile radius of Miami International Airport and within 2 miles either side of the east and west courses of the Miami radio range extending from the five mile radius zone to a point 10 miles west of the radio range station and within 2 miles either side of the back course of the Miami ILS localizer extending from the localizer to a point 10 miles east.

§ 601.2157 *Mobile, Ala., control zone.* Within a 5-mile radius of Bates Field, Mobile, Ala., and within 2 miles either side of the 112° and 292° True radials of the Mobile omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2158 *Grandview, Mo., control zone.* Within a 5-mile radius of Grandview Air Force Base excluding the portion lying north of Lat. 38°52'30" and west of Long. 94°35'50", and including the airspace within 2 miles either side of a line bearing 188° True extending from the Air Force Base to a point 10 miles south of the Cleveland, Mo., nondirectional radio beacon.

§ 601.2159 *Montgomery, Ala., control zone.* Within a 5-mile radius of Dannelly Field; within a 5-mile radius of Maxwell Air Force Base; within 2 miles either side of the north and west courses of the Maxwell AFB radio range extending from the radio range station to points 10 miles north and west of the station; within 2 miles either side of a line bearing 276° True from Dannelly Field through the Dannelly ILS outer marker to a point 5 miles west of the outer marker, and within 2 miles either side of the 321° True and 141° True radials of the Montgomery omnirange extending from the Dannelly Field control zone to a point 5 miles southeast of the omnirange station.

§ 601.2160 *Muscle Shoals, Ala., control zone.* Within a 5-mile radius of Muscle Shoals Airport and within 2 miles either side of the southeast course of Muscle Shoals radio range extending 10 miles southeast of the radio range station and within 2 miles either side of the 118° True radial of the Muscle Shoals omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2161 *Nashville, Tenn., control zone.* Within a 5-mile radius of Berry Field and within 2 miles either side of the east course of Nashville, Tenn., radio range extending to the Mount Juliet fan marker.

§ 601.2162 *Orlando, Fla., control zone.* Within a 5-mile radius of the Orlando Municipal Airport and within a 5-mile radius of Pinecastle AFB, within 2 miles either side of the northeast course of the Orlando radio range extending from the radio range station to a point 10 miles northeast and within 2 miles either side of a direct line extending from the Pinecastle AFB through the Pinecastle nondirectional radio beacon to a point 10 miles south of the Air Force Base.

§ 601.2163 *Pensacola, Fla., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of Pensacola, Fla., radio range, extending 10 miles south of the radio range station and within 2 miles either side of the ILS localizer northwest course extending from the localizer to a point 15 miles northwest."

§ 601.2164 *Raleigh, N. C., control zone.* Within a 5-mile radius of Raleigh-Durham Airport and within 2 miles either side of the southeast course of Raleigh, N. C., radio range, extending 10 miles southeast of the radio range station.

§ 601.2165 *Savannah, Ga., control zone.* Within a 5-mile radius of Travis Field including the airspace within a 5-mile radius of Hunter Air Force Base, within 2 miles either side of the centerline of the east-west runway of Hunter AFB extending from the end of the runway to a point 10 miles east, within 2 miles either side of the centerline of the east-west runway of Travis Field extending from the end of the runway to a point 10 miles west, within 2 miles either side of the northwest and southeast courses of the Savannah radio range extending from the Travis Field control zone to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 245° True and 65° True radials of the Savannah omnirange extending from Travis Field to a point 10 miles northeast of the omnirange station.

§ 601.2166 *Spartanburg, S. C., control zone.* Within a 5-mile radius of Memorial Airport and within 2 miles either side of the southwest course of Spartanburg, S. C., radio range, extending 10 miles southwest of the radio range station.

§ 601.2167 *Tallahassee, Fla., control zone.* Within a 5-mile radius of Dale Mabry Field, within 2 miles either side of the northwest course of the Tallahassee radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 162° True and 342° True radials of the Tallahassee omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station, excluding the airspace above 19,000 feet overlapping Tyndall AFB restricted area (R–336) between sunset and sunrise.

§ 601.2168 *Tampa, Fla., control zone.* That airspace within a 5-mile radius of the Tampa International Airport, within a 5-mile radius of McDill Air Force Base, within 2 miles either side of a line extending from the Tampa International Airport to the Tampa radio range station and within 2 miles either side of the southeast course of the Tampa radio range extending to a point 10 miles southeast of the radio range station, within a 5-mile radius of the Pinellas County Airport and 2 miles either side of a line extending from Pinellas County Airport to the Tampa radio range station, and within 2 miles either side of the 340° True radial of the Tampa omnirange extending from the Pinellas County Airport control zone to a point 10 miles northwest of the omnirange station and that airspace within 5 miles either side of a direct line extending from the Pinellas County Airport to the Tampa International Airport.

§ 601.2169 *Tri-City, Tenn., control zone.* Within a 5-mile radius of the Tri-City Airport and within 2 miles either side of the northeast course of Tri-City, Tenn., radio range extending 10 miles northeast of the radio range station.

§ 601.2170 *West Palm Beach, Fla., control zone.* Within a 5-mile radius of Palm Beach Air Force Base and within 2 miles either side of the west course of West Palm Beach, Fla., radio range extending 10 miles west of the radio range station.

§ 601.2171 *Winston-Salem, N. C., control zone.* Within a 5-mile radius of Smith-Reynolds Airport and within 2 miles either side of the southeast and northwest courses of Winston-Salem radio range extending 10 miles southeast of the radio range station.

§ 601.2172 *Alma, Ga., control zone.* Within a 5-mile radius of Alma Intermediate Field and within 2 miles either side of the northwest course of the Alma, Ga., radio range extending 10 miles northwest of the radio range station.

§ 601.2173 *Bakersfield, Calif., control zone.* Within a 5-mile radius of the Bakersfield-Kern County Airport and within 2 miles either side of the northwest course of Bakersfield, Calif., radio range extending 11 miles northwest of the radio range station.

§ 601.2174 *Burbank, Calif., control zone.* Within a 5-mile radius of the Lockheed Air Terminal extending to and including a 3-mile radius of the Grand Central Airport, Glendale, Calif., and 2 miles either side of the northwest course of the Burbank radio range to a point 7 miles northwest of the radio range station.

§ 601.2175 *El Centro, Calif., control zone.* Within a 5-mile radius of the Naval Air Station extending to and including a 2-mile radius of the El Centro radio range station and 2 miles either side of the east course of the El Centro radio range to a point 10 miles east of the radio range station.

§ 601.2176 *Fresno, Calif., control zone.* Within a 5-mile radius of Fresno Air Terminal extending to and including a 3-mile radius of Chandler Field, and extending 2 miles either side of the northwest and southeast courses of the Fresno, Calif., radio range to a point 10 miles from the radio range station.

§ 601.2177 *Las Vegas, Nev., control zone.* Within a 5-mile radius of McCarran Field, Las Vegas, Nev., extending 2 miles either side of the southwest course of the Las Vegas, Nev., radio range to and including a 5-mile radius of the Las Vegas, Nev., Air Force Base.

§ 601.2178 *Long Beach Calif., control zone.* That airspace within a 5-mile radius of Long Beach Municipal Airport including the airspace within a 5-mile radius of NAS Los Alamitos, Calif., and the airspace within 2 miles either side of the southeast course of the Long Beach radio range extending from the radio range station to a point 14 miles southeast, excluding the portion in conflict with El Toro MCAF control zone.

§ 601.2179 *Los Angeles, Calif., control zone.* Within a 5-mile radius of the Los Angeles International Airport extending 2 miles either side of the east course of the Los Angeles, Calif., radio range to a point 6 miles east of the airport and extending 2 miles either side of the northwest course of the Los Angeles, Calif., radio range to the Burbank, Calif., control zone.

§ 601.2180 *Oakland, Calif., control zone.* Within a 5-mile radius of the Oakland Municipal Airport, within 2 miles on the northeast side and 5 miles on the southwest side of the northwest course of the Oakland radio range extending from the radio range station to a point 10 miles northwest, within 8 miles on the northwest side and 3¾ miles on the southeast side of the southwest course of the Oakland radio range extending from the radio range station to a point 6 miles southwest, and within 2 miles either side of the southeast course of the Oakland radio range extending from the radio range station to the Fremont fan marker.

§ 601.2181 *Ogden, Utah, control zone.* Within a 5-mile radius of the Ogden Municipal Airport (Hinckley Field) extending to and including a 3-mile radius of Hill AFB and within 2 miles either side of the south course of the Ogden, Utah, radio range to the Layton, Utah, fan marker.

§ 601.2182 *Palmdale, Calif., control zone.* Within a 5-mile radius of Palmdale Airport and within 2 miles either side of the northeast course of the Palmdale radio range extending from the radio range station to Muroc Lake Restricted Area R–279.

§ 601.2183 *Grand Junction, Colo., control zone.* Within a 5-mile radius of Walker Field, Grand Junction, Colo., within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles northwest.

§ 601.2184 *Prescott, Ariz., control zone.* Within a 5-mile radius of the Municipal Airport (Ernest Love Field) and within 2 miles either side of the southeast course of Prescott, Ariz., radio range to and including the area within a 2-mile radius of Prescott radio range station.

§ 601.2185 *Sacramento, Calif., control zone.* The airspace within circles of 5-mile radii centered on the Sacramento Municipal Airport and the McClellan Air Force Base and within lines drawn tangent thereto, including the airspace within 2 miles either side of the southwest course of the Sacramento radio range extending from the radio range station to a point 10 miles southwest and within 2 miles either side of a line bearing 358° True extending from McClellan AFB to Red civil airway No. 76.

§ 601.2186 *San Diego, Calif., control zone.* Within a 5-mile radius of Lindberg Field, San Diego, Calif., and within 2 miles either side of the north course of the San Diego radio range extending from the radio range station to the La Jolla fan marker.

§ 601.2187 *San Francisco, Calif., control zone.* Within a 5-mile radius of San Francisco International Airport, within 2 miles either side of the northwest course of the San Francisco radio range extending from the radio range station to a point 10 miles northwest, within 10 miles on the northwest side and 2 miles on the southeast side of the northeast course of the San Francisco radio range extending from the radio range station to a point 6 miles northeast, and within 2 miles either side of the southeast course of the San Francisco radio range extending from the radio range station to a point 5 miles southeast.

§ 601.2188 *Salt Lake City, Utah, control zone.* Within a 5-mile radius of Municipal Airport No. 1, within 2 miles either side of the north course of Salt Lake City, Utah, radio range, extending to Layton fan marker and within 2 miles either side of the west course of the Salt Lake City radio range, extending 10 miles west of the radio range station.

§ 601.2189 *Olathe, Kans., control zone.* Within a 10-mile radius of the Naval Air Station excluding that portion which lies within Green civil airway No. 4 and extending 2 miles either side of the south course of the Olathe, Kans., Navy radio range to a point 10 miles south of the radio range station.

§ 601.2190 *Atlantic City, N. J., control zone.* Within a 7-mile radius of the Naval Air Station extending 2 miles on the southwest side of the southeast course of the Atlantic City, N. J., radio range to and including the airspace bounded on the west by a line bearing 174° True from the Naval Air Station, bounded on the southeast by a line lying 3 nautical miles off-shore, and bounded on the northeast by a line bearing 112° True from the Naval Air Station.

§ 601.2191 *Zanesville, Ohio, control zone.* Within a 5-mile radius of the Zanesville Municipal Airport and within 2 miles either side of a line bearing 210° True from the Municipal Airport extending from the airport to a point 10 miles southwest.

§ 601.2192 *Ontario, Calif., control zone.* Within a 5-mile radius of the Ontario International Airport and within 2 miles either side of a line bearing 89° True extending from the airport to the centerline of the northwest course of the Riverside, Calif., radio range.

§ 601.2193 *Kahului, Maui, T. H., control zone.* Within a 5-mile radius of the Kahului Airport extending 2 miles either side of the north course of the Maui radio range to the Maui radio range station.

§ 601.2194 *Hilo, Hawaii, T. H., control zone.* Within a 5-mile radius of the Hilo General Lyman Airport extending 2 miles either side of the east course of the Hilo radio range to a point 10 miles east of the radio range station.

§ 601.2195 *Windsor Locks, Conn., control zone.* Within a 5-mile radius of Bradley Field extending 2 miles either side of the ILS localizer course to a point 10 miles from the ILS localizer.

§ 601.2196 *Wilmington, Del., control zone.* Within a 5-mile radius of the New Castle County Airport extending 2 miles either side of the south course of the New Castle radio range to a point 10 miles south of the radio range station.

§ 601.2197 *Morgantown, W. Va., control zone.* Within a 5-mile radius of the Morgantown Airport extending 2 miles either side of the southeast and northwest courses of the Morgantown radio range to a point 10 miles northwest of the radio range station.

§ 601.2198 *Montpelier, Vt., control zone.* Within a 5-mile radius of the Barre-Montpelier Airport extending 2 miles either side of the northeast course of the Montpelier radio range to a point 10 miles northeast of the radio range station.

§ 601.2199 *Syracuse, N. Y., control zone.* Within a 5-mile radius of the Clarence E. Hancock Airport, within 2 miles either side of the Syracuse ILS localizer east course extending from the localizer to a point 10 miles east of the outer marker, within 2 miles either side of a direct line extending westward from the airport to the Syracuse radio range station thence within 2 miles either side of the west course of the radio range extending from the radio range station to a point 10 miles west, and the airspace within 2 miles either side of the 120° True and 300° True radials of the Syracuse omnirange extending to a point 10 miles northwest of the omnirange station.

§ 601.2200 *Allentown, Pa., control zone.* Within a 5-mile radius of Allentown-Bethlehem-Easton Airport and within 2 miles either side of the northeast course of the Allentown radio range extending from the radio range station to a point 10 miles northeast; within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker, and within 2 miles either side of the 347° True radial of the Allentown omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2201 *Williamsport, Pa., control zone.* Within a 5-mile radius of the Williamsport Municipal Airport extending 2 miles either side of the west course of the Williamsport radio range to the radio range station.

§ 601.2202 *Philadelphia, Pa., control zone.* Within a 5-mile radius of the North Philadelphia Airport extending 2 miles either side of the northeast course of the Philadelphia radio range to a point 10 miles northeast of the radio range station.

§ 601.2203 *Martinsburg, W. Va., control zone.* Within a 5-mile radius of the Martinsburg Airport extending 2 miles either side of the southwest course of the Martinsburg radio range to a point 10 miles southwest of the radio range station.

§ 601.2204 *Presque Isle, Maine, control zone.* Within a 5-mile radius of the Presque Isle AFB extending 5 miles either side of the south course of the Spragueville radio range to a point 10 miles south of the radio range station.

§ 601.2205 *Chincoteague, Va., control zone.* Within a 5-mile radius of the Naval Air Station extending 2 miles either side of the west course of the Chincoteague radio range to a point 8 miles west of the radio range station excluding that portion which lies within restricted areas.

§ 601.2206 *New York, N. Y., control zone.* Within a 5-mile radius of LaGuardia Field extending 5 miles to either side of the northeast course of the LaGuardia field radio range to the Port Chester fan marker.

§ 601.2207 *White Plains, N. Y., control zone.* Within a 5-mile radius of the Westchester County Airport extending 2 miles either side of the ILS localizer course to the ILS outer marker.

§ 601.2208 *Stockton, Calif., control zone.* Within a 5-mile radius of the Stockton Field Airport extending 2 miles either side of the southeast course of the Stockton radio range to a point 10 miles southeast of the radio range station.

§ 601.2209 *Tucson, Ariz., control zone.* Within a 5-mile radius of the Davis-Monthan AFB extending to and including a 5-mile radius of Tucson Municipal Airport No. 2.

§ 601.2210 *Santa Barbara, Calif., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west course of the Santa Barbara radio range to a point 10 miles west of the radio range station.

§ 601.2211 *Beeville, Tex., control zone.* Within a 5-mile radius of NAAS Chase Field, Beeville, Tex., and within 2 miles either side of a line bearing 139° True from Chase Field extending to a point 8 miles south of Chase Field and within 2 miles either side of a direct line extending from Chase Field to the Normanna nondirectional radio beacon.

§ 601.2212 *Sumter, S. C., control zone.* Within a 5-mile radius of Shaw AFB, Sumter, S. C., extending 2 miles either side of the southwest course of the Shaw AFB radio range to a point 10 miles southwest of the radio range station.

§ 601.2213 *Salina, Kans., control zone.* Within a 5-mile radius of the Smoky Hill AFB and within a 5-mile radius of the Salina Municipal Airport extending 2 miles either side of the 142° True and 322° True radials of the Salina, Kans., omnirange from the Salina Municipal Airport to a point 10 miles northwest of the omnirange station, and extending 2 miles either side of the 10° True and 190° True radials of the Salina, Kans., omnirange from the Smoky Hill AFB to a point 10 miles north-northeast of the omnirange station including that airspace lying in a clockwise direction between the 322° True and 10° True radials of the Salina omnirange within a 10 mile radius of the Salina omnirange station.

§ 601.2214 *Goodland, Kans., control zone.* Within a 5-mile radius of the Goodland, Kans., Municipal Airport and within 2 miles either side of the 22° True radial of the Goodland omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2215 *San Juan, P. R., control zone.* Within an 8-statute-mile radius of a point at lat. 18°27'00" N., long. 66°03'00" W., within 2 statute miles either side of the west course of the San Juan radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of a 277° True bearing extending from the San Juan nondirectional beacon to a point 10 miles west.

§ 601.2216 *Seattle, Wash., control zone.* Within a 5-mile radius of the Naval Air Station extending 1½ miles either side of a track 341° True to a point 7 miles northwest of the airport excluding that portion west of a line connecting Latitude 47°44'00", Longitude 122° 20'10" and Latitude 47°37'00", Longitude 122°19'10".

§ 601.2217 *Aberdeen, S. Dak., control zone.* Within a 5-mile radius of the Aberdeen Municipal Airport (Saunders Field), within 2 miles either side of the south course of the Aberdeen radio range extending from the radio range station to a point 12 miles south, and within 2 miles either side of the 131° True radial of the Aberdeen omnirange extending from the omnirange station to a point 12 miles southeast.

§ 601.2218 *Sioux Falls, S. Dak., control zone.* Within a 5-mile radius of Sioux Falls Municipal Airport (Foss Field), within 2 miles either side of the northwest course of the Sioux Falls radio range extending from the radio

range station to a point 12 miles northwest, within 2 miles either side of the 336° True radial of the Sioux Falls omnirange extending from the omnirange station to a point 12 miles northwest, and within 2 miles either side of the northeast (back) course of the Sioux Falls ILS localizer extending from the localizer to a point 16 miles northeast.

§ 601.2219 *Cedar Rapids, Iowa, control zone.* Within a 5-mile radius of the Cedar Rapids Municipal Airport and within 2 miles either side of a line bearing 266° True extending from the airport to a point 10 miles west, and within 2 miles either side of a line bearing 90° True extending from the airport to a point 10 miles east.

§ 601.2220 *Lubbock, Tex., control zone.* Within a 5-mile radius of Lubbock Municipal Airport, within a 5-mile radius of Reese AFB, within 2 miles either side of the east course of the Lubbock radio range extending from Lubbock Municipal Airport to the radio range station and within 2 miles either side of the north course of the radio range extending from the radio range station to the Roundup fan marker, within 2 miles either side of the 302° True and 122° True radials of the Lubbock omnirange extending from the Lubbock airport control zone to a point 10 miles northwest of the omnirange station and within 2 miles either side of a 180° True Track from the Lubbock ILS outer marker compass locator extending from the outer marker compass locator to the airport control zone boundary.

§ 601.2221 *La Crosse, Wis., control zone.* Within a 5-mile radius of the La Crosse Municipal Airport extending 2 miles either side of the northwest course of the La Crosse radio range to a point 10 miles northwest of the radio range station and extending 2 miles either side of the 146° True radial of the La Crosse omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2222 *Austin, Tex., control zone.* Within a 10-mile radius of Robert Mueller Airport including a 5-mile radius of Bergstrom AFB and within 2 miles either side of the 04° True radial of the Austin omnirange extending from the omnirange station to a point 10 miles north and within 2 miles either side of the centerline of the Bergstrom AFB north-south runway extending from the Air Force Base 5-mile radius zone to a point 3 miles south of the Bergstrom nondirectional radio beacon.

§ 601.2223 *Charleston, W. Va., control zone.* Within a 5-mile radius of the Kanawha County Airport, extending 2 miles either side of the ILS localizer course to a point 10 miles northeast of the outer marker, and within 2 miles either side of the east and west courses of the Charleston, W. Va., radio range extending from the localizer course to a point 10 miles west of the radio range station, and within 2 miles either side of the 061° True and 241° True radials of the Charleston omnirange extending from the 5-mile radius zone to a point 10 miles southwest of the omnirange station.

§ 601.2224 *Anderson, S. C., control zone.* Within a 5-mile radius of the Anderson Airport extending 2 miles either side of the southwest course of the Spartanburg, S. C., radio range to a point 10 miles southwest of the Anderson Airport.

§ 601.2225 *Mansfield, Ohio, control zone.* Within a 5-mile radius of the Mansfield Municipal Airport extending 2 miles either side of a track 308° True to a point 10 miles northwest of the airport and extending 2 miles either side of the 130° and 310° True radials of the Mansfield omnirange from the Mansfield Municipal Airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2226 *Springfield, Ill., control zone.* Within a 5-mile radius of Capital Airport, Springfield, Ill., within 2 miles either side of the northeast and southwest courses of the Springfield radio range extending from the airport to a point 12 miles southwest of the radio range station, within 2 miles either side of the 40° True radial of the Springfield omnirange extending from the omnirange station to a point 12 miles northeast, and within 2 miles either side of 42° True and 222° True bearings from the ILS outer compass locator extending from the 5-mile radius zone to a point 12 miles southwest of the outer compass locator.

§ 601.2227 *Dover, Del., control zone.* Within a 6-mile radius of Dover Air Force Base, within 2 miles either side of the Dover ILS localizer course extending from the Air Force Base to a point 10 miles south of the ILS outer marker, and within 2 miles either side of the southeast course of the Dover AFB radio range extending from the radio range station to a point 10 miles southeast, excluding the portion which overlaps restricted area (R–12).

§ 601.2228 *Fairbanks, Alaska, control zone.* Within a 5-mile radius of Ladd Air Force Base, within a 5-mile radius of Fairbanks International Airport, and within 5 miles either side of a line bearing 39° True extending from the Fairbanks International Airport to the ILS outer marker.

§ 601.2229 *Fairfield, Calif., control zone.* Within a 5-mile radius of Travis Air Force Base, within 2 miles either side of the southwest course of the Travis AFB radio range extending from the Air Force Base to a point 20 miles southwest of the AFB, and within 3 miles either side of the southwest and northeast courses of the radio range extending from the Air Force Base to a point 15 miles of northeast of the AFB.

§ 601.2230 *Brunswick, Ga., control zone.* Within a 5-mile radius of McKinnon Airport, within 2 miles either side of a line bearing 226° True extending from the Brunswick nondirectional radio beacon to a point 10 miles southwest, and within 2 miles either side of the 23° True and 203° True radials of the Brunswick omnirange extending from the five mile radius zone to a point 10 miles south of the omnirange station.

§ 601.2231 *Vero Beach, Fla., control zone.* Within a 5-mile radius of the Vero Beach Municipal Airport extending 2 miles either side of a track 291° True to a point 10 miles west of the airport.

§ 601.2232 *Norfolk, Va., control zone.* Within a 5-mile radius of the Naval Air Station and within 2½ miles either side of the west course of the Norfolk, Va., Navy radio range extending to a point 2½ miles west of the Eclipse Fan Marker excluding the portion overlapping the Norfolk Municipal Airport control zone.

§ 601.2233 *Quonset Point, R. I., control zone.* Within a 5-mile radius of the Naval Air Station excluding that portion which lies within the Providence, R. I., control zone.

§ 601.2234 *Miami, Fla., control zone.* Within a 5-mile radius of the MCAS, Miami, Fla. centered on Latitude 25°52′45″, Longitude 80°15′00″, excluding that portion which lies within the Miami International Airport control zone.

§ 601.2235 *Truth or Consequences, N. Mex., control zone.* Within a 5-mile radius of the Truth or Consequences Municipal Airport extending 2 miles either side of the 13° True radial of the Truth or Consequences omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2236 *Whidbey Island, Wash., control zone.* Within a 5-mile radius of the Naval Air Station (Ault Field) extending to and including a 5 mile radius of the Whidbey Island Seaplane Base (Oak Harbor), Wash., excluding that portion lying within restricted areas.

§ 601.2237 *Dyersburg, Tenn., control zone.* Within a 5-mile radius of the Dyersburg Municipal Airport and within 2 miles either side of a line bearing 95° True extending from the Dyersburg nondirectional radio beacon to a point 10 miles east of the Dyersburg Municipal Airport and within 2 miles either side of the 78° true radial of the Dyersburg omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2238 *New York, N. Y., control zone.* Within a 5-mile radius of the New York International Airport including a 5-mile radius of the Floyd Bennett NAS, extending 2 miles either side of the southeast course of the Idlewild, N. Y., radio range to its intersection with the southwest course of the Mitchel AFB radio range, extending 2 miles either side of the southwest course of the Idlewild, N. Y., radio range to its intersection with the northeast course of the Philadelphia, Pa., radio range and extending 2 miles either side of a direct line from the Scotland, N. Y., nondirectional radio beacon to the Floyd Bennett NAS.

§ 601.2239 *Cordova, Alaska, control zone.* Within a 5-mile radius of the Cordova (Mile 13) Airport, within 5 miles either side of a line extending from the airport to the Cordova (localizer) radio range station and within 5 miles either side of the southeast and southwest courses of the Cordova (localizer) radio

range extending from the radio range station to Amber civil airway No. 1.

§ 601.2240 *Milton, Fla., control zone.* Within a 5-mile radius of North Whiting Naval Air Station extending 2 miles either side of the northwest course of the North Whiting (Navy) radio range to a point 10 miles northwest of the radio range station.

§ 601.2241 *Macon, Ga., control zone.* Within a 5-mile radius of Robbins AFB excluding that portion overlapping the Cochran Field control zone.

§ 601.2242 *Lexington, Ky., control zone.* Within a 5-mile radius of the Blue Grass Airport, Lexington, Ky., within 2 miles either side of a line bearinb 222° True from the Lexington nondirectional radio beacon to a point 10 miles southwest of the non-directional beacon and within 2 miles either side of the 303° and 123° True radials of the Lexington omnirange extending from the Blue Grass Airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2243 *Hempstead, N. Y., control zone.* Within a 5-mile radius of Mitchel Air Force Base extending 2 miles either side of the southeast course of the Mitchel AFB radio range to the Babylon fan marker.

§ 601.2244 *Quantico, Va., control zone.* Within a 5-mile radius of the Marine Corps Air Station, excluding that portion overlapping restricted areas.

§ 601.2245 *Chanute, Kans., control zone.* Within a 3-mile radius of the Chanute Municipal Airport extending 2 miles either side of the east course of the radio range to a point 10 miles from the radio range station.

§ 601.2246 *Oklahoma City, Okla., control zone.* Within a 5-mile radius of Will Rogers Municipal Airport and within 2 miles either side of the west course of the Oklahoma City radio range extending from the radio range station to the Mustang fan marker; within 2 miles either side of a direct line between the Will Rogers Municipal Airport and Tinker AFB including a 5-mile radius of Tinker AFB and within 2½ miles either side of the south and north courses of the Tinker AFB radio range extending from the Air Force Base to a point 2½ miles north of the Spencer fan marker.

§ 601.2247 *Abilene, Tex., control zone.* Within a 5-mile radius of the New Municipal Airport, within 2 miles either side of the north course of the Abilene radio range extending from the radio range station to a point 10 miles north, within 2 miles either side of a direct line extending from the Abilene radio range station to and including a 3-mile radius of the Abilene Air Force Base, within 2 miles either side of the 292° True radial of the Abilene omnirange station extending from the omnirange station to a point 5 miles west, within 2 miles either side of the 174° True and 354° True radials of the Abilene omnirange extending from the Air Force Base to a point 10 miles north of the omnirange station, and within 2 miles either side of the 112° True radial of the omnirange extending from the omnirange station to the New Municipal Airport 5-mile radius zone.

§ 601.2248 *San Antonio, Tex., control zone.* Within a 5-mile radius of the San Antonio Airport extending 2 miles either side of the north course of the San Antonio radio range to the Cibolo Creek fan marker.

§ 601.2249 *Corpus Christi, Tex., control zone.* Within a 3-mile radius of Cliff Maus Airport, within 2 miles either side of the northwest course of the Corpus Christi radio range extending from the radio range station to the Odem fan marker and within 1 mile either side of a straight line extending from Cliff Maus Airport to Cuddihy Field to include a 2-mile radius of Cuddihy Field and within 2 miles either side of the 178°–358° True radials of the Corpus Christi omnirange extending from the Cliff Maus Airport control zone to a point 10 miles north of the omnirange station.

§ 601.2250 *Tyler, Tex., control zone.* Within a 5-mile radius of Pounds Field extending 2 miles either side of the northwest course of the radio range to a point 5 miles northwest of the radio range station.

§ 601.2251 *Albany, Ga., control zone.* Within a 5-mile radius of the Albany Municipal Airport, within 2 miles either side of the 155° True and 335° True radials of the Albany omnirange extending from the Municipal Airport control zone to a point 10 miles northwest of the omnirange station, within a 5-mile radius of Turner Air Force Base, within 2½ miles either side of a line extending from Turner AFB to the Doles nondirectional beacon, and within 2 miles either side of the east and south courses of the Albany radio range extending from the radio range station to points 10 miles east and south of the radio range station.

§ 601.2252 *El Toro, Calif., control zone.* Within a 5 mile radius of the El Toro Marine Corps Air Station, within a 3 mile radius of Orange County Airport, Santa Ana, Calif., and within 5 miles either side of a line bearing 355° True extending from the El Toro radio range station to Amber civil airway No. 2 and Green civil airway No. 5, and within 5 miles either side of a line bearing 175° True extending from the El Toro radio range station to Amber civil airway No. 1.

§ 601.2253 *Sedalia, Mo., control zone.* Within a 5-mile radius of Whiteman Air Force Base and within 2 miles either side of a line bearing 191° True from the Air Force Base extending to a point 20 miles southwest of the AFB.

§ 601.2254 *Falmouth, Mass., control zone.* Within a 5 mile radius of Otis Air Force Base and within 2 miles either side of a line bearing 39° True extending from the Otis AFB to a point 10 miles northeast of the Air Force Base, excluding the portion which overlaps Camp Edwards restricted area (R–14).

§ 601.2255 *Aguadilla, P. R., control zone.* Within a 10-mile radius of Ramey Air Force Base, Aguadilla, P. R., and within 2½ miles either side of the extended center line of the Ramey AFB east-west runway extending to points 12 miles east and west of the runway ends.

§ 601.2256 *Parkersburg, W. Va., control zone.* Within a 5-mile radius of Wood County Airport and within 2 miles either side of the 29° and 209° True radials of the Parkersburg omnirange extending from the airport to a point 10 miles northeast of the omnirange station.

§ 601.2257 *Rantoul, Ill., control zone.* Within a 5-mile radius of the Chanute AFB, Rantoul, Ill., extending 2 miles either side of the southwest course of the Chanute AFB radio range to a point 10 miles southwest of the radio range station.

§ 601.2258 *Wichita Falls, Tex., control zone.* Within a 5-mile radius of Sheppard AFB, Wichita Falls, Tex., extending 2 miles either side of the southeast course of the Wichita Falls, Tex., radio range to the Jolly fan marker.

§ 601.2259 *Kodiak, Alaska, control zone.* Within a 5-mile radius of the Kodiak Naval Air Base, Kodiak, Alaska, extending 2 miles either side of the southwest course of the Kodiak radio range to the radio range station.

§ 601.2260 *Fort Smith, Ark., control zone.* Within a 5-mile radius of the Fort Smith Municipal Airport extending 2 miles either side of a track 8° True to a point 10 miles north of the airport and within 2 miles either side of the 54° True and 234° True radials of the Fort Smith omnirange extending from the airport to a point 10 miles northeast of the omnirange station, and within 2 miles either side of the 81° True course of the Fort Smith ILS localizer extending from the airport to a point 12 miles east.

§ 601.2261 *Yakataga, Alaska, control zone.* Within a 5-mile radius of the Yakataga Airport, within 5 miles either side of the southeast and southwest courses of the Yakataga radio range extending from the radio range station to Amber civil airway No. 1.

§ 601.2262 *Honolulu, T. H., control zone.* Within a 5-mile radius of the Honolulu International Airport extending 2 miles either side of the southwest course of the Honolulu radio range to a point 10 miles southwest of the radio range station.

§ 601.2263 *Lafayette, La., control zone.* Within a 5-mile radius of Lafayette Airport, within 2 miles either side of the 172° True radial of the Lafayette omnirange extending from the omnirange station to a point 10 miles south, and within 2 miles either side of a line bearing 187° True from the Lafayette non-directional radio beacon extending from the non-directional radio beacon to a point 10 miles south.

§ 601.2264 *Spokane, Wash., control zone.* Within a 5-mile radius of Geiger Field and within a 3-mile radius of Fairchild AFB including the airspace within 2 miles either side of the southwest course of the Geiger Field ILS localizer extending from Geiger Field to a point 10 miles southwest of the ILS outer marker.

§ 601.2265 *Wright-Patterson AFB, Ohio, control zone.* Within a 5-mile radius of Patterson Field including a 5-mile radius of Wright Field, within 2 miles either side of the south course of the Wright-Patterson AFB radio range extending from the radio range station to the Fairfield Fan Marker and within 2 miles either side of a 31° True bearing extending from the Wright-Patterson AFB radio range to a point 10 miles northeast of Patterson Field.

§ 601.2266 *Springfield, Ohio, control zone.* Within a 5-mile radius of the Springfield Municipal Airport extending 2 miles either side of a 51° True track from the end of the northeast-southwest runway to a point 10 miles northeast of the Springfield Airport.

§ 601.2267 *Baltimore, Md., control zone.* Within a 5-mile radius of the Baltimore, Md., Friendship International Airport, extending 2 miles either side of the ILS localizer course to a point 10 miles west of the outer marker.

§ 601.2268 *Ottumwa, Iowa, control zone.* Within a 5-mile radius of Ottumwa Municipal Airport and within 2 miles either side of the 311° and 131° True radials of the Ottumwa omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2269 *Fort Dix, N. J., control zone.* Within a 7-mile radius of the McGuire Air Force Base extending 5 miles either side of the southwest course of the McGuire AFB radio range to a point 10 miles southwest of the radio range station, excluding that portion which lies over Red civil airway No. 3, the Fort Dix, N. J., restricted area, and the Lakehurst, N. J., caution area.

§ 601.2270 *Enid, Okla., control zone.* Within a 5-mile radius of Vance AFB, Enid, Okla., within 2 miles either side of a line bearing 44° True extending from the Vance AFB nondirectional radio beacon to a point 10 miles northeast, and within 2 miles either side of a line extending from the Vance AFB through the Vance AFB omnirange station to a point 10 miles northwest of the Vance AFB omnirange station.

§ 601.2271 *Saginaw, Mich., control zone.* Within a 5-mile radius of the Tri City Airport, Saginaw, Mich., extending 2 miles either side of a track 347° True from the Saginaw non-directional radio beacon to a point 10 miles north of the non-directional radio beacon.

§ 601.2272 *Wake Island control zone.* Within a 5-mile radius of Wake Island Airport (Lat. 19°16'53'', Long. 166°38'-40''), within 2 miles either side of a line bearing 102° True extending from the Wake HHW Type non-directional radio beacon (Lat. 19°18'18'', Long. 166°38'-22''), to a point 10 miles east, and within 2 miles either side of a line bearing 282° True extending from the Wake MHW Type non-directional radio beacon (Lat. 19°17'05'', Long. 166°37'26'') to a point 10 miles west.

§ 601.2273 *Cincinnati, Ohio, control zone.* Within a 5-mile radius of Greater Cincinnati Airport, Covington, Ky., extending 2 miles either side of the front course of the Cincinnati ILS localizer to its intersection with the southwest course of the Cincinnati radio range, extending 2 miles either side of the back course of the Cincinnati ILS localizer to its intersection with the northwest course of the Cincinnati radio range, and extending 2 miles either side of the 223° True radial of the Cincinnati omnirange to a point 10 miles southwest of the omnirange station.

§ 601.2274 *Craig AFB, Selma, Ala., control zone.* Within a 5-mile radius of the Craig Air Force Base extending 2 miles either side of the southeast course of the Craig AFB radio range to a point 10 miles southeast of the radio range station.

§ 601.2275 *Pensacola, Fla., control zone.* Within a 5 mile radius of the NAAS Saufley Field, Pensacola, Fla., excluding the portion which overlaps Pensacola Municipal Airport control zone (§ 601.2163).

§ 601.2276 *Westover, Mass., control zone.* Within a 5-mile radius of Westover AFB extending 2 miles either side of the northeast course of the Westover AFB (Chicopee) radio range to a point 10 miles northeast of the Quabbin fan marker, excluding that portion which overlaps the Barnes Airport, Westfield, Mass., control zone, and excluding the airspace within ½ mile radius of the Springfield, Mass., Municipal Airport.

§ 601.2277 *Carlsbad, N. Mex., control zone.* Within a 5-mile radius of Carlsbad Airport and within 2 miles either side of the 345° and 165° True radials of the Carlsbad omnirange extending from the airport control zone to a point 3 miles southeast of the omnirange station.

§ 601.2278 *New Bedford, Mass., control zone.* Within a 5-mile radius of the New Bedford Municipal Airport extending 2 miles either side of the ILS localizer course to a point 10 miles southwest of the localizer.

§ 601.2279 *Anchorage, Alaska, control zone.* That airspace within a 5-mile radius of Elmendorf Air Force Base, within 5 miles either side of a direct line from the Elmendorf AFB to and including a 5-mile radius of Anchorage International Airport, and within 2 miles either side of the ILS localizer course extending from the Anchorage International Airport to a point 10 miles beyond the outer marker, excluding the portion which overlaps restricted area (R–348).

§ 601.2280 *Hobbs, N. Mex., control zone.* Within a 15-mile radius of Lea County Airport, Hobbs, N. Mex., within 2 miles either side of the north course of the Hobbs radio range extending to a point 10 miles north of the radio range station and within 2 miles either side of the 45° True radial of the Hobbs omnirange extending to a point 10 miles northeast of the omnirange station.

§ 601.2281 *Tacoma, Wash., control zone.* Within a 5-mile radius of McChord Air Force Base and within 2 miles either side of the north course of the McChord radio range extending from the Air Force Base to the radio range station, excluding the portions from the surface upwards which are in conflict with and overlap restricted areas R–503 and R–504.

§ 601.2282 *Mt. Clemens, Mich., control zone.* Within a 7-mile radius of Selfridge AFB extending 2 miles either side of the north course of the Selfridge AFB radio range to a point 10 miles north of the radio range station.

§ 601.2283 *Atlanta, Ga., control zone.* Within a 5-mile radius of Dobbins AFB extending 2 miles either side of the west course of the Atlanta NAS radio range from the Dobbins AFB control zone to the Atlanta NAS control zone.

§ 601.2284 *Traverse City, Mich., control zone.* Within a 5-mile radius of Traverse City Airport extending 2 miles either side of the southeast course of the Traverse City radio range to a point 10 miles southeast of the radio range station.

§ 601.2285 *Victorville, Calif., control zone.* Within a 5-mile radius of George AFB, Victorville, Calif., extending 2 miles either side of a track bearing 360° True from the George AFB to a point 15 miles north.

§ 601.2286 *Columbus, Ga., control zone.* Within a 5-mile radius of Muscogee County Airport including the airspace within 2 miles either side of the northeast course of the Columbus radio range extending southward to include a 5-mile radius of the Lawson Army Airfield, within 2 miles either side of the southwest course of the Columbus radio range extending from the radio range station to a point 10 miles southwest, and within 2 miles either side of the 150° and 330° True radials of the Columbus omnirange extending from the Muscogee County Airport to a point 3 miles northwest of the omnirange station. The portions of this control zone which overlap restricted area R–129 are excluded.

§ 601.2287 *San Antonio, Tex., control zone.* Within a 5-mile radius of Randolph Air Force Base and within 5 miles either side of a line extending from the Air Force Base to the La Vernia nondirectional radio beacon.

§ 601.2288 *Longview, Tex., control zone.* Within a 5-mile radius of Gregg County Airport, within 2 miles either side of a line bearing 188° True from the airport extending from the airport to a point 10 miles south, and within 2 miles either side of the 313° True radial of the Gregg County, Tex., omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2289 *Houghton, Mich., control zone.* Within a 5-mile radius of the Houghton County Airport extending 2 miles either side of the north course of the Houghton radio range to a point 10 miles north of the radio range station.

§ 601.2290 *Grand Marais, Mich., control zone.* Within a 5-mile radius of Grand Marais Airport extending 2 miles either side of the west course of the Grand Marais radio range to a point 10 miles west of the radio range station.

§ 601.2291 *Sault Ste. Marie, Mich., control zone.* Within a 10-mile radius of Kinross Airport, Sault Ste. Marie, Mich., extending 5 miles either side of the ILS localizer course to a point 10 miles northwest of the ILS outer marker compass locator, excluding that portion which lies outside the continental United States.

§ 601.2292 *Oceana, Va., control zone.* Within a 5-mile radius of the Oceana Virginia Naval Auxiliary Air Station excluding the portion overlapping restricted areas.

§ 601.2293 *Chicago, Ill., control zone.* Within a 5-mile radius of the Chicago O'Hare International Airport extending 2 miles either side of the O'Hare ILS localizer course to a point 10 miles northwest of the O'Hare outer marker.

§ 601.2294 *Nantucket, Mass., control zone.* Within a 5-mile radius of Nantucket Memorial Airport and within 2 miles either side of the 45° True radial of the Nantucket omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2295 *Andrews, Md., control zone.* Within a 5-mile radius of the Andrews, Md., Air Force Base extending 2½ miles either side of the north course of the Andrews AFB radio range to the Andrews AFB radio range station excluding that portion which overlaps the Washington National Airport control zone.

§ 601.2296 *Valparaiso, Fla., control zone.* Within a 5-mile radius of Elgin AFB, Valparaiso, Fla., extending 2 miles either side of the north course of the Elgin AFB radio range to the southern boundary of Red civil airway No. 30.

§ 601.2297 *Jackson, Mich., control zone.* Within a 5-mile radius of Reynolds Airport, Jackson, Mich., extending 2 miles either side of a line bearing 313° True from the Jackson, Mich., non-directional radio beacon to a point 10 miles northwest.

§ 601.2298 *Omaha, Nebr., control zone.* Within a 5-mile radius of Offutt AFB and within 2 miles either side of a direct line from the center of Offutt AFB to the Weeping Water, Nebr., non-directional radio beacon extending from the Offutt AFB to a point 10 miles southwest of Offutt AFB.

§ 601.2299 *Limestone, Maine, control zone.* That airspace over United States territory within a 6-mile radius of Loring Air Force Base, Limestone, Maine, within 2 miles either side of a direct line extending between the Loring Air Force Base, and the Loring AFB omnirange station, and within 2 miles either side of a direct line extending between the Loring AFB nondirectional radio beacon and the Presque Isle, Maine, radio range station excluding the portion which overlaps the Presque Isle control zone.

§ 601.2300 *Upolu Point, Hawaii, T. H., control zone.* Within a 5-mile radius of the Upolu Point Airport and within 2 miles either side of the 261° True radial of the Upolu Point omnirange extending from the omnirange station to a point 10 miles west.

§ 601.2301 *Waco, Tex., control zone.* Within a 5-mile radius of the Waco Municipal Airport and within a 5-mile radius of the Connally AFB, Waco, Tex.

§ 601.2302 *Willow Grove, Pa., control zone.* Within a 5-mile radius of a point located at lat. 40°11'40'', long. 75°06'25'' and within 2 miles either side of the northeast and northwest courses of the Willow Grove (Navy) radio range extending from the radio range station to points 10 miles northeast and northwest.

§ 601.2303 *Great Falls, Mont., control zone.* Within a 5-mile radius of Great Falls Municipal Airport, within a 5-mile radius of Great Falls Air Force Base, and within 2 miles either side of direct lines extending from the Great Falls ILS outer marker to the Great Falls Municipal Airport and to the Great Falls Air Force Base.

§ 601.2304 *Binghamton, N. Y., control zone.* Within a 5-mile radius of Broome County Airport, within 2 miles either side of the ILS localizer course extending from the airport to a point 10 miles beyond the outer marker compass locator, and within 2 miles either side of the 66° True and 246° True radials of the Binghamton omnirange extending from the airport to a point 5 miles southwest of the omnirange station.

§ 601.2305 *Lawton, Okla., control zone.* Within a 3-mile radius of Lawton Municipal Airport and within 2 miles either side of the 357° True and 177° True radials of the Lawton omnirange extending from the Lawton Municipal Airport to a point 10 miles south of the omnirange station.

§ 601.2306 *Paducah, Ky., control zone.* Within a 5-mile radius of the Paducah Municipal Airport (Barkley Field) and within 2 miles either side of a line bearing 220° True, from the non-directional radio beacon extending from the Paducah Municipal Airport to a point 10 miles southwest.

§ 601.2307 *Brunswick, Maine, control zone.* Within a 5-mile radius of the Brunswick, Maine, Naval Air Station, excluding the portion which overlaps Amber civil airway No. 7, and within 2 miles either side of a line bearing 173° True from the Brunswick NAS non-directional radio beacon extending to a point 10 miles south of the non-directional radio beacon.

§ 601.2308 *Valdosta, Ga., control zone.* All that area within a 10-mile radius of Moody AFB, Valdosta, Ga.

§ 601.2309 *Valdosta, Ga., control zone.* All that area within a 5-mile radius of the Valdosta Municipal Airport, excluding that portion which overlaps the Moody AFB control zone, and within 2 miles either side of the 4° True and 184° True radials of the Valdosta omnirange extending from the 5-mile radius control zone to a point 10 miles southwest of the omnirange station.

§ 601.2310 *Oscoda, Mich., control zone.* Within a 10-mile radius of the Wurtsmith AFB extending 5 miles either side of the ILS localizer course to a point 10 miles southwest of the ILS outer marker compass locator, excluding the portion which overlaps restricted areas.

§ 601.2311 *San Antonio, Tex., control zone.* Within a 5-mile radius of Kelly AFB and within 5 miles either side of a direct line from the Kelly AFB through the Leon nondirectional radio beacon extending from the AFB to a point 2½ miles northwest of the Leon nondirectional radio beacon.

§ 601.2312 *Columbus, Ind., control zone.* Within a 5-mile radius of Atterbury AFB and within 2 miles either side of a line bearing 44° True from the Atterbury AFB to a point 10 miles northeast excluding the portion which overlaps restricted areas.

§ 601.2313 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Greater Pittsburgh Airport, and within 2 miles either side of bearings of 90° True and 270° True from the Greater Pittsburgh Airport extending through the River nondirectional radio beacon to a point 10 miles east of the radio beacon and through the Clinton nondirectional radio beacon to a point 10 miles west of the radio beacon.

§ 601.2314 *Bryan, Tex., control zone.* Within a 5-mile radius of Bryan AFB including a 3-mile radius of Easterwood Airport, College Station, Tex., within 2 miles either side of the northwest course of the Bryan radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 107°–287° True radials of the College Station omnirange extending from the Easterwood Airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2315 *San Bernardino, Calif., control zone.* Within a 5-mile radius of Norton Air Force Base and within 2¼ miles either side of a line bearing 248° True extending from the Norton AFB to the centerline of the northwest course of the Riverside, Calif., radio range.

§ 601.2316 *Marianna, Fla., control zone.* Within a 5-mile radius of the Marianna Airport and within 2 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2317 *Tuscaloosa, Ala., control zone.* Within a 5-mile radius of the Van De Graaff Airport and within 2 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2318 *Myrtle Beach, S. C., control zone.* Within a 5-mile radius of the Myrtle Beach Municipal Airport and within 2 miles either side of the 47° True radial of the Myrtle Beach omnirange extending from the omnirange station to a point 10 miles northeast, and within 2 miles either side of a line bearing 198° True extending from the Myrtle Beach nondirectional radio beacon to a point 10 miles southwest and within 2 miles either side of a line bearing 331° True extending from the Myrtle Beach AFB to a point 9 miles northwest.

§ 601.2319 *Malden, Mo., control zone.* Within a 5-mile radius of the Malden Airport and within 2 miles either side of the 300° and 120° True radials of the Malden omnirange extending from the airport to a point 10 miles southeast of the omnirange station.

§ 601.2320 *Midland, Tex., control zone.* Within a 5-mile radius of Midland Air Terminal, within 2 miles on the southeast side and 4 miles on the northwest side of the southwest course of the Midland ILS localizer extending from the localizer to a point 15 miles southwest, and within 2 miles either side of the 011.5° True radial of the Midland omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2321 *Oxnard, Calif., control zone.* Within a 5-mile radius of Oxnard AFB and within 2 miles on the north side and 5 miles on the south side of a line bearing 271° True from the center of Oxnard AFB extending from the 5-mile radius control zone to the southwestern boundary of Amber civil airway No. 8.

§ 601.2322 *Fort Worth, Tex., control zone.* Within a 5-mile radius of Amon Carter Field, Fort Worth, Tex., within 2 miles either side of the Amon Carter ILS localizer northwest course extending from the localizer to the Amon Carter ILS outer marker, within 2 miles either side of a 180°–360° True track through the Grand Prairie, Tex., nondirectional radio beacon (located at Lat. 32°44'05", Long. 97°02'45") extending from Amon Carter Field to a point 5 miles south of the Grand Prairie nondirectional radio beacon, within 3 miles either side of a direct line from the center of Amon Carter Field to the center of Love Field, Dallas, Tex., extending from Amon Carter Field to the boundary of the Dallas control zone, and within 3 miles either side of a direct line from the center of Amon Carter Field to the center of Meacham Field, Fort Worth, Tex., extending from Amon Carter Field to the boundary of the Meacham Field control zone.

§ 601.2323 *Grand Prairie, Tex., control zone.* All that airspace surrounding Hensley Field, Grand Prairie, Tex., bounded on the west, north and east by the boundaries of the Amon Carter Field, Fort Worth, Tex., control zone and Dallas, Tex., control zone, and on the south by a line extending from the southeastern corner of the Amon Carter Field control zone to the southwestern corner of the Dallas control zone.

§ 601.2324 *New Bern, N. C., control zone.* Within a 6-mile radius of Simmons-Nott Airport and within 2 miles either side of a line bearing 265° True extending from the New Bern nondirectional radio beacon to a point 10 miles west of the radio beacon, excluding the portion which overlaps Cherry Point restricted area (R–123), and excluding the airspace above 5,500 feet above mean sea level daily from sunset to sunrise.

§ 601.2325 *Hyannis, Mass., control zone.* Within a 3-mile radius of Barnstable Airport, Hyannis, Mass., and within 2 miles either side of a line bearing 48° True extending from the airport to a point 10 miles northeast, excluding the portion which lies beyond the shoreline.

§ 601.2326 *Martha's Vineyard, Mass., control zone.* Within a 3-mile radius of Martha's Vineyard Airport and within 2 miles either side of a line bearing 180° True from the Martha's Vineyard Airport extending from the airport to a point 10 miles south.

§ 601.2327 *Baton Rouge, La., control zone.* Within a 5-mile radius of Ryan Airport, within a 3-mile radius of Downtown Airport, within 2 miles either side of the northwest course of the Baton Rouge radio range extending from the radio range station to a point 10 miles northwest, within 2 miles either side of a 314°–134° True track through the Baton Rouge ILS outer marker compass locator extending from the Ryan Airport control zone to a point 10 miles northwest of the outer marker compass locator, and within 2 miles either side of the 72°–252° True radials of the Baton Rouge omnirange extending from the Ryan Airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2328 *Manchester, N. H., control zone.* Within a 5-mile radius of Grenier Air Force Base and within 2 miles either side of lines bearing 337° True and 157° True from the Manchester nondirectional radio beacon extending from the 5-mile radius zone to a point 10 miles southeast of the nondirectional radio beacon.

§ 601.2329 *Gage, Okla., control zone.* Within a 5-mile radius of Gage Airport and within 2 miles either side of the 299°–119° True radials of the Gage omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2330 *Alexandria, La., control zone.* Within a 5-mile radius of Alexandria AFB, within 2 miles either side of the northwest and southeast courses of the Alexandria radio range extending from the AFB control zone to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 156°–336° True radials of the Alexandria omnirange extending from the AFB control zone to a point 10 miles southeast of the omnirange station.

§ 601.2331 *Lake Charles, La., control zone.* Within a 5-mile radius of the Lake Charles Air Force Base; within 2 miles either side of the south course of the Lake Charles radio range extending from the radio range station to a point 10 miles south; within 2 miles either side of the 334° True and 154° True radials of the Lake Charles omnirange extending from the Air Force Base control zone to a point 10 miles southeast of the omnirange station, and within 2 miles either side of a direct line extending from the Air Force Base through the Lake Charles AFB nondirectional radio beacon to a point 10 miles northwest of the nondirectional radio beacon.

§ 601.2332 *Beaumont, Tex., control zone.* Within a 5-mile radius of Jefferson County Airport, Beaumont, Tex., within 2 miles either side of the north course of the Beaumont radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of the 248°–68° True radials of the Beaumont omnirange extending from the airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2333 *Palacios, Tex., control zone.* Within a 3-mile radius of Palacios Airport and within 2 miles either side of the 305°–125° True radials of the Palacios omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2334 *Alice, Tex., control zone.* Within a 5-mile radius of Alice Airport and within 2 miles either side of the west course of the Alice radio range extending from the radio range station to a point 10 miles west.

§ 601.2335 *Eau Claire, Wis., control zone.* Within a 5-mile radius of the Eau Claire, Wis., Airport and within 2 miles either side of the 04° True radial of the Eau Claire omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2336 *Green Bay, Wis., control zone.* Within a 5-mile radius of the Austin-Straubel Airport, Green Bay, Wis., and within 2 miles either side of the 322° True radial of the Green Bay omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2337 *Wausau, Wis., control zone.* Within a 5-mile radius of Alexander Airport, Wausau, Wis., and within 2 miles either side of the 166°–346° True radials of the Wausau omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2338 *Phoenix, Ariz., control zone.* Within a 5-mile radius of Sky Harbor Municipal Airport, Phoenix, Ariz., and within 2 miles either side of the east course of the Phoenix radio range extending from the radio range station to a point 10 miles east.

§ 601.2339 *Douglas, Ariz., control zone.* Within a 5-mile radius of the Douglas-Bisbee International Airport and within 2 miles either side of the 311° True radial of the Douglas omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.2340 *Sanford, Fla., control zone.* Within a 5-mile radius of the Naval Auxiliary Air Station, Sanford, Fla., within 2 miles either side of a 270° True bearing extending from the Sanford Navy nondirectional radio beacon to a point 10 miles west, and within 2 miles either side of a 190° True bearing extending from the Sanford Navy nondirectional radio beacon to the Orlando, Fla., control zone.

§ 601.2341 *Utica, N. Y., control zone.* Within a 5-mile radius of Oneida County Airport and within 2 miles either side of the ILS localizer course extending from the airport to the Utica nondirectional radio beacon, excluding the portion which overlaps the Griffis AFB control zone.

§ 601.2342 *Ardmore, Okla., control zone.* Within a 5-mile radius of Ardmore Air Force Base, within 2 miles either side of the 54° True radial of the Ardmore omnirange extending from the omnirange station to the Ardmore AFB control zone, and within 2 miles either side of a direct line extending from the Ardmore AFB to the Mannsville, Okla., nondirectional radio beacon.

§ 601.2343 *Pine Bluff, Ark., control zone.* Within a 3-mile radius of Grider Field, within 2 miles either side of a line bearing 177° True extending from the Pine Bluff nondirectional radio beacon to a point 5 miles south, and within 2 miles either side of the 186° True and 006° True radials of the Pine Bluff omnirange extending from Grider Field to a point 5 miles north of the omnirange station.

§ 601.2344 *Gulfport, Miss., control zone.* The airspace within a 3-mile radius of the Gulfport Municipal Airport and within 3 miles either side of a direct line extending from the Gulfport Municipal Airport to the Keesler Air Force Base, Biloxi, Miss., excluding the portion which overlaps the Biloxi control zone, shall be designated a control zone during the period beginning at 0001 c. s. t. June 1 to 2400 c. s. t., September 15, 1955, and annually thereafter.

§ 601.2345 *Calverton, N. Y., control zone.* Within a 5-mile radius of Grumman-Peconic River Airport and within 2 miles either side of a line bearing 46° True from the airport to a point 10 miles northeast of the Riverhead omnirange station excluding the airspace which overlaps the Suffolk County AFB control zone, Westhampton Beach, Long Island, N. Y.

§ 601.2346 *Guam Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Anderson Air Force Base, centered at Lat. 13°35'00" N., Long. 144°55'00" E.

§ 601.2347 *Guam Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Agana Naval Air Station, centered at Lat. 13°29'00" N., Long. 144°47'00" E.

§ 601.2348 *Midway Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Midway Naval Station, centered at Lat. 28°12'00" N., Long. 177°22'00" W.

§ 601.2349 *Kwajalein Island control zone.* All of the airspace from the surface upward within a radius of 5 nautical miles of Kwajalein Naval Station, centered at Lat. 8°45'00" N., Long. 167°45'00" E.

§ 601.2350 *Childress, Tex., control zone.* Within a 3-mile radius of Childress Airport and within 2 miles either side of the 02° and 182° True radials of the Childress omnirange extending from the 3-mile radius zone to a point 10 miles south of the omnirange station.

§ 601.2351 *Cotulla, Tex., control zone.* Within a 3-mile radius of Cotulla Airport, within 2 miles either side of a line bearing 320° True extending from the Cotulla nondirectional radio beacon to a point 10 miles northwest, and within 2 miles either side of the 265° True and 85° True radials of the Cotulla omnirange extending from the 3-mile radius zone to a point 10 miles east of the omnirange station.

§ 601.2352 *Dalhart, Tex., control zone.* Within a 3-mile radius of Dalhart Municipal Airport, within 2 miles either side of a line bearing 132° True extending from the Dalhart nondirectional radio beacon to a point 10 miles southeast and within 2 miles either side of the 184° and 04° True radials of the Dalhart omnirange extending from the airport to a point 10 miles north of the omnirange station.

§ 601.2353 *Lufkin, Tex., control zone.* Within a 3-mile radius of Angelina Airport, Lufkin, Tex., within 2 miles either side of a line bearing 157° True extending from the airport to a point 14 miles southeast, and within 2 miles either side of a line bearing 304° True extending from the Lufkin nondirectional radio beacon to a point 10 miles northwest.

§ 601.2354 *Texarkana, Ark., control zone.* Within a 5-mile radius of the Texarkana Municipal Airport, within 2 miles either side of the 332° True radial of the Texarkana omnirange extending from the omnirange station to a point 10 miles northwest and within 2 miles either side of the north course of the Texarkana radio range extending from the radio range station to a point 10 miles north.

§ 601.2355 *Walnut Ridge, Ark., control zone.* Within a 3-mile radius of Walnut Ridge Airport and within 2 miles either side of the 244° True radial of the Walnut Ridge omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.2356 *Hobart, Okla, control zone.* Within a 3-mile radius of Hobart Airport and within 2 miles either side of a line bearing 183° True extending from the airport to a point 12 miles south.

§ 601.2357 *Brunswick, Ga., control zone.* Within a 5-mile radius of NAAS Glynco, Brunswick, Ga., and within 2 miles either side of the northeast course of the Glynco (Navy) radio range extending from the radio range station to a point 10 miles northeast excluding the portion which overlaps the McKinnon Airport control zone, Brunswick, Ga.

§ 601.2358 *Clovis, N. Mex., control zone.* Within a 5-mile radius of the Clovis Air Force Base and within 2 miles either side of a line bearing 222° True extending from the Air Force Base to a point 7½ miles southwest of the Air Force Base.

§ 601.2359 *Victoria, Tex., control zone.* Within a 5-mile radius of Foster Air Force Base, Victoria, Tex., within 1 mile either side of a direct line extending from Foster AFB to and including a 5-mile radius of Victoria County Airport and within 2 miles either side of a line extending from Foster AFB through the Foster AFB nondirectional radio beacon to a point 2 miles northwest of the nondirectional radio beacon.

§ 601.2360 *South Weymouth, Mass., control zone.* Within a 4-mile radius of the South Weymouth Naval Air Station and within 1½ miles east of and 2½ miles west of and parallel to a line bearing 155° True extending from the Naval Air Station to a point 10 miles southeast of the South Weymouth nondirectional radio beacon.

§ 601.2361 *Grosse Ile, Mich., control zone.* That airspace over United States territory within a 3-mile radius of the Grosse Ile Naval Air Station and within 2 miles either side of lines bearing 209° True and 29° True from the Grosse Ile nondirectional radio beacon extending from a point 10 miles southwest of the nondirectional radio beacon to the three-mile radius zone.

§ 601.2362 *Merced, Calif., control zone.* Within a 5-mile radius of Castle Air Force Base, Merced, Calif., including the airspace within that portion of a circle of a 16-mile radius centered on Castle AFB bounded on the northeast by a line 2 miles northeast of and parallel to a line drawn from the AFB through the Castle AFB omnirange station and bounded on the west by a line 2 miles west of and parallel to a line drawn from the AFB through the Bear Creek nondirectional radio beacon.

§ 601.2363 *Elizabeth City, N. C., control zone.* Within a 3-mile radius of CGAS Elizabeth City, N. C., and within 2 miles either side of the southeast course of the Weeksville, N. C., Navy radio range extending to a point 8 miles southeast of the radio range station.

§ 601.2364 *Hopkinsville, Ky., control zone.* Within a 5-mile radius of Campbell AFB, Hopkinsville, Ky., within 2 miles either side of the 224° True and 44° True radials of the Campbell AFB omnirange extending from the five-mile radius zone to a point 10 miles northeast of the omnirange station, and within 2 miles either side of a 224° True bearing extending from the five-mile radius zone through the Campbell AFB nondirectional radio beacon to a point 10 miles southwest of the nondirectional radio beacon, excluding the portions which overlap Campbell restricted area R–63.

§ 601.2365 *Salem, Oreg., control zone.* Within a 3-mile radius of McNary Airport and within 2 miles either side of a line bearing 150° True extending from the airport to a point 5 miles southeast.

§ 601.2366 *Riverside, Calif., control zone.* Within a 5-mile radius of March AFB and within 2 miles either side of a line extending from March AFB through the Riverside omnirange station to a point 5 miles southeast of the omnirange station.

§ 601.2367 *Fort Bragg, N. C., control zone.* Within a 5-mile radius of Pope AFB and within 2 miles either side of a line bearing 49° True extending from the Air Force Base to a point 7 miles northeast, excluding the portion which overlaps the Fort Bragg restricted area R–115.

§ 601.2368 *Sault Ste. Marie, Mich., control zone.* That airspace over United States territory within a 5-mile radius of the Sault Ste. Marie Municipal Airport and within 2 miles either side of the southeast course of the Sault Ste. Marie radio range extending from the radio range station to a point 12 miles southeast.

§ 601.2369 *Sacramento, Calif., control zone.* Within a 5-mile radius of Mather Air Force Base, Sacramento, Calif., and within 2 miles either side of a line extending from the Mather AFB to the Mather nondirectional radio beacon.

§ 601.2371 *Plattsburg, N. Y., control zone.* Within a 5-mile radius of Plattsburg Air Force Base, within 2 miles either side of a line bearing 335° True extending from the Air Force Base to a point 14 miles northwest, and within 2 miles either side of the 195° and 15° True radials of the Plattsburg omnirange extending from the Plattsburg AFB to a point 5 miles northeast of the omnirange station excluding the portion which overlaps the Burlington, Vt., control zone.

§ 601.2372 *Asheville, N. C., control zone.* Within a 5-mile radius of the Asheville-Hendersonville Airport and within 2 miles either side of the 279° True radial of the Asheville omnirange extending from the omnirange station to the airport 5-mile radius zone.

§ 601.2373 *Atlanta, Ga., control zone.* Within a 5-mile radius of the Naval Air Station, Atlanta, Ga., and within 2 miles either side of the 243° True radial of the Norcross, Ga., omnirange extending from the NAS five mile radius zone to the Norcross omnirange station.

§ 601.2374 *Billings, Mont., control zone.* Within a 5-mile radius of the Billings Municipal Airport and within 2 miles either side of a line bearing 293° True extending from the airport to a point 9.6 miles northwest.

§ 601.2375 *Islip, N. Y., control zone.* Within a 5-mile radius of MacArthur Airport and within 2 miles either side of the Islip ILS localizer course extending from the localizer to a point 3 miles southwest of the outer marker.

§ 601.2376 *Little Rock, Ark., control zone.* Within a 5-mile radius of the Little Rock Air Force Base and within 2 miles either side of the centerline of the Little Rock AFB northeast-southwest runway to a point 19 miles northeast of the runway end.

§ 601.2377 *Shreveport, La., control zone.* Within a 5-mile radius of Greater Shreveport Municipal Airport and within 2 miles either side of the Greater Shreveport Airport ILS localizer southeast (back) course extending from the airport to a point 15 miles southeast of the ILS localizer.

§ 601.2378 *Peru, Ind., control zone.* Within a 5-mile radius of Bunker Hill Air Force Base, and within 2 miles either side of the extended centerline of the Bunker Hill AFB northeast-southwest runway extending to a point 9 miles southwest of the end of the runway.

§ 601.2379 *Beaufort, S. C., control zone.* Within a 5-mile radius of the MCAAS Beaufort, S. C., within 2 miles either side of a line bearing 43° True extending from the airport to a point 16 miles northeast and within 2 miles either side of a line bearing 137° True extending from the airport southeastward to warning area W–132.

§ 601.2380 *Altus, Okla., control zone.* Within a 5-mile radius of Altus Air Force Base and within 2 miles either side of lines bearing 180° and 360° True extending from the Air Force Base to points 10 miles north and south.

§ 601.2381 *Homestead, Fla., control zone.* Within a 5-mile radius of the Homestead Air Force Base and within 2 miles either side of the centerline of the northeast-southwest runway extending from the runway end to a point 10 miles southwest of the Homestead AFB nondirectional radio beacon.

§ 601.2382 *Huntsville, Ala., control zone.* Within a 6-mile radius of the Huntsville Municipal Airport excluding the portion which overlaps the Redstone Arsenal restricted area (R–112).

§ 601.2383 *Memphis, Tenn., control zone.* Within a 5-mile radius of the Memphis Naval Air Station and within 2 miles either side of the southwest and northeast courses of the Memphis NAS radio range extending from the 5-mile radius control zone to the Gainsville nondirectional radio beacon.

§ 601.2384 *Blytheville, Ark., control zone.* Within a 5-mile radius of the Blytheville Air Force Base and within 2 miles either side of a line extending from the Air Force Base to a point 2 miles north of the Blytheville nondirectional radio beacon.

§ 601.2385 *Mojave, Calif., control zone.* Within a 5-mile radius of MCAAS, Mojave, Calif., excluding the airspace above 20,000 feet above mean sea level and excluding the airspace which overlaps restricted areas (R–279) and (R–306).

§ 601.2386 *Mountain Home, Idaho, control zone.* Within a 5-mile radius of the Mountain Home Air Force Base and within 2 miles either side of lines bearing 136° True and 316° True extending from the Air Force Base to points 8 miles northwest and southeast.

§ 601.2387 *San Antonio, Tex., control zone.* That airspace lying 1 mile west of and 3 miles east of and parallel to lines bearing 001° True and 181° True from a point centered on Brooks Air Force Base north-south runway at latitude 29°20'30", longitude 98°26'00", extending from this point to points 4½ miles north and south.

§ 601.2388 *Miramar, Calif., control zone.* Within a 5-mile radius of the Naval Air Station, Miramar, Calif., excluding the portion which overlaps the San Diego, Calif., control zone.

§ 601.2389 *Portsmouth, N. H., control zone.* Within a 5-mile radius of the Portsmouth Air Force Base and within 2 miles either side of a line bearing 144° True from the Air Force Base extending to a point 10 miles southeast of the ILS outer marker.

§ 601.2390 *North, S. C., control zone.* Within an 8-mile radius of North AF (AUX) Field, North, S. C., and within 2 miles either side of a line bearing 233° True extending from the airfield to a point 10 miles southwest.

§ 601.2391 *Kaneohe, Oahu, T. H., control zone.* That airspace from the surface to 5,000 feet within a radius of 3 miles centered on the Marine Corps Air Station, Kaneohe Bay, (latitude 21°27'-30" N., longitude 157°46'30" W.), and within 2 miles either side of a line bearing 11° True extending from the MCAS to a point 16 miles north.

§ 601.2392 *Elmira, N. Y., control zone.* Within a 5-mile radius of Chemung County Airport, within 2 miles either side of the 55° True and 235° True radials of the Elmira omnirange extending from the five mile radius zone to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the southwest course of the Elmira radio range extending from the radio range station to a point 10 miles southwest.

§ 601.2393 *Watertown, N. Y., control zone.* Within a 5-mile radius of Watertown Airport and within 2 miles either side of the 215° True radial of the Watertown omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.2394 *Niagara Falls, N. Y., control zone.* Within a 5-mile radius of the Niagara Falls Municipal Airport and within 2 miles either side of the ILS localizer east course extending from the localizer to a point 10 miles east of the outer marker.

§ 601.2396 *Everett, Wash., control zone.* Within a 5-mile radius of Paine Air Force Base and within 2 miles either side of a direct line extending from the Paine AFB to the Paine AFB nondirectional radio beacon.

§ 601.2397 *Schenectady, N. Y., control zone.* Within a 5-mile radius of Schenectady County Airport and within 2 miles either side of a direct line extending between the Schenectady County Airport and the Albany, N. Y., ILS outer marker.

SUBPART E—COLORED CIVIL AIRWAY REPORTING POINTS

DESIGNATION OF REPORTING POINTS

§ 601.4001 *Designation of reporting points.* The locations described in Subpart E and Subpart G are designated as reporting points.

GREEN CIVIL AIRWAYS

§ 601.4011 *Green civil airway No. 1 (Patricia Bay, British Columbia, to United States-Canadian Border via Millinocket, Maine).* Millinocket, Maine, radio range station.

§ 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Mullan Pass, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Livingston, Mont., radio range station; Billings, Mont., radio range station; Miles City, Mont., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Detroit, Mich., radio range station; Buffalo, N. Y., radio range station; the intersection of the east course of the Buffalo, N. Y., radio range and the southwest course of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; Syracuse, N. Y., radio range station; Albany, N. Y., radio range station; Boston, Mass., radio range station.

§ 601.4013 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Bay Point, Calif., fan type radio marker station; Sacramento, Calif., radio range station; Reno, Nev., radio range station; Lovelock, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; Cheyenne, Wyo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; the intersection of the southeast course of the Detroit, Mich., radio range and the west course of the Cleveland, Ohio, radio range; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; Brookville, Pa., non-directional radio marker beacon; Philipsburg, Pa., radio range station; Selinsgrove, Pa., non-directional radio beacon; Allentown, Pa., radio range station; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the Newark, N. J., radio range; New York (La Guardia), N. Y., radio range station.

§ 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* The intersection of the southwest course of the Newhall, Calif., radio range and the northwest course of the Burbank, Calif., radio range; the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; Zuni, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; the intersection of the southwest course of the Kansas City, Mo., radio range and the southeast course of the Forbes AFB, Kans., radio range; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the west course of the Columbus, Ohio, radio range and a line bearing 327° True from the Tipp City, Ohio, nondirectional radio beacon; Columbus, Ohio, radio range station; the intersection of the east course of the Columbus, Ohio, radio range and the southwest course of the Akron, Ohio, radio range; Wheeling, W. Va., nondirectional radio beacon; Pittsburgh, Pa., radio range station; New Alexandria, Pa., nondirectional radio beacon; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the southwest course of the Allentown, Pa., radio range and the east course of the Harrisburg, Pa., radio range; Philadelphia, Pa., radio range station.

§ 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the southeast course of the Daggett, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; Cochise, Ariz., radio range station; Columbus, N. Mex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Pine Bluff, Ark., nondirectional radiobeacon; Memphis, Tenn., radio range station; Jackson, Tenn., radio range station; Nashville, Tenn., radio range station; Smithville, Tenn., nondirectional radio beacon; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; Quantico, Va. (Navy) radio range station; Andrews, Md., radio range station; the intersection of the south course of the New Castle, Del., radio range and the southwest course of the Millville, N. J., radio range; Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southeast course of the McQuire AFB, N. J., radio range; the intersection of the east course of the New York, N. Y. (La Guardia), radio range and the northeast course of the Mitchel Field AFB radio range; the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Hartford, Conn., radio range; the intersection of the west course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range.

§ 601.4016 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).* Laredo, Tex., radio range station; Alice, Tex., radio range station; Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the northeast course of the Galveston, Tex., radio range and the south course of the Beaumont, Tex., radio range; Lake Charles, La., radio range station; Lafayette, La., nondirectional radio beacon; New Orleans, La., radio range station; Keesler AFB, Biloxi, Miss., radio range station; Bay Minette, Ala., nondirectional radio beacon; Maxwell AFB, Ala., radio range station; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; Richmond, Va., radio range station; Norfolk, Va., radio range station.

§ 601.4017 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range; the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range; the intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range; Fairbanks, Alaska, radio range station.

§ 601.4018 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).* King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range; the intersection of the southeast course of the Iliamna, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the southwest course of the Kenai, Alaska, radio range and the west course of the Homer, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the

northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

§ 601.4019 *Green civil airway No. 9 (Hawaiian Islands).* The intersection of the south course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; the intersection of the southeast course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; Honolulu, T. H., radio range station; the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Maui, T. H., radio range; the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Hilo, T. H., radio range.

§ 601.4020 *Green civil airway No. 10 (United States-Canadian Border to Denver, Colo.).* The Bellingham, Wash., radio range station; Everett, Wash., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Gooding, Idaho nondirectional radio beacon; Burley, Idaho, radio range station; Laramie, Wyo., radio range station.

AMBER CIVIL AIRWAYS

§ 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range; Long Beach, Calif., radio range station; Los Angeles, Calif., radio range station; the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Merced, Calif., (Castle) radio range station; the intersection of the east course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range, Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; McChord AFB radio range station, Tacoma, Wash.; the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, B. C., radio range; Sitka (Biorka Island), Alaska, radio range station; the intersection of the northwest course of the Sitka (Biorka Island), Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Yakataga, Alaska, radio range; the intersection of the east course of the Hinchinbrook, Alaska, radio range and the southeast course of the Cordova, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; the intersection of the northeast course of the Kenai, Alaska, radio range and the northwest course of the Anchorage, Alaska, radio range; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station; the intersection of the northwest course of the Unalakleet, Alaska, radio range and the south course of the Moses Point, Alaska, radio range; Nome, Alaska, radio range station.

§ 601.4102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).* The intersection of the southwest course of the Long Beach, Calif., radio range and the south course of the Los Angeles, Calif., radio range; Las Vegas, Nev., radio range station; Enterprise, Utah, radio range station; Delta, Utah, radio range station; Salt Lake City, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range; Bettles, Alaska, radio range station.

§ 601.4103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* Truth or Consequences, N. Mex., radio range station; Las Vegas, N. Mex., radio range station; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; Colorado Springs, Colo., radio range station; Denver, Colo., radio range station; Casper, Wyo., radio range station; Sheridan, Wyo., radio range station; Lewistown, Mont., radio range station.

§ 601.4104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* Brownsville, Tex., radio range station; the intersection of the south course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range; San Antonio, Tex., radio range station; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range; the intersection of the south course of the Oklahoma City, Okla., radio range and a line bearing 259° True from the Ardmore, Okla., nondirectional radio beacon; Oklahoma City, Okla., radio range station; Tulsa, Okla., radio range station; Chanute, Kans., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; Minot, N. Dak., radio range station.

§ 601.4105 *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Advance, Mo., radio range station; Springfield, Ill., radio range station; the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range; Joliet, Ill., radio range station.

§ 601.4106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Chattanooga, Tenn., radio range station; Bowling Green, Ky., radio range station; Louisville, Ky., radio range station.

§ 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).* Key West, Fla., radio range station; Marathon, Fla., nondirectional radio beacon; Homestead, Fla., AFB nondirectional radio beacon; Miami, Fla., radio range station; West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Brunswick, Ga., radio marker beacon; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; the intersection of the north course of the Florence, S. C., radio range and the southwest course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range; the intersection of the southwest course of the Washington, D. C., radio range and the southeast course of the Quantico, Va., radio range; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Baltimore, Md., radio range; Newark, N. J., radio range station; Hartford, Conn., radio range station; the intersection of the northeast course of the Hartford, Conn., radio range and the southeast course of the Chicopee Falls, Mass., radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the southwest course of the Millinocket, Maine, radio range and the northwest course of the Bangor, Maine, radio range; Presque Isle, Maine, radio range station.

§ 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.).* The intersection of the west course of the Los Angeles, Calif., radio range and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station; Santa Barbara, Calif., radio range station; the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range; the intersection of the southwest course of the Travis AFB, Calif., radio range and the northwest course of the Oakland, Calif., radio range; Travis AFB, Calif., radio range station; Whitmore, Calif., radio range station; Klamath Falls, Oreg., radio range station; Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station.

§ 601.4109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; the intersection of a line bearing 11° True from the New Bern, N. C., nondirectional radio beacon and the southwest course of the Norfolk, Va., radio range.

§ 601.4110 *Amber civil airway No. 10 (Hawaiian Islands).* Intersection of the south course of the Honolulu, T. H., radio range and the west course of the Hilo, T. H., radio range.

§ 601.4111 *Amber civil airway No. 11 (Hawaiian Islands).* Intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range.

§ 601.4112 *Amber civil airway No. 12 (Hawaiian Islands).* Hilo, T. H., radio range station; the intersection of the east course of the Maui, T. H., radio range and the north course of the Hilo, T. H., radio range.

RED CIVIL AIRWAYS

§ 601.4201 *Red civil airway No. 1 (Big Spring, Tex., to San Antonio, Tex.).* Junction, Tex., nondirectional radio beacon.

§ 601.4202 *Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.).* Rapid City, S. Dak., radio range station.

§ 601.4203 *Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).* No reporting point designation.

§ 601.4204 *Red civil airway No. 4 (Las Vegas, N. Mex., to Tucumcari, N. Mex.).* No reporting point designation.

§ 601.4205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* No reporting point designation.

§ 601.4206 *Red civil airway No. 6 (Denver, Colo., to Omaha, Nebr.).* Akron, Colo., radio range station; Lincoln, Nebr., radio range station.

§ 601.4207 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.)* Greenville, S. C., radio range station; Charlotte, N. C., radio range station.

§ 601.4208 *Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).* The intersection of the east course of the Wright-Patterson, Ohio, AFB radio range and the south course of the Columbus, Ohio, radio range; Bergholz, Pa., nondirectional radio beacon; Williamsport, Pa., radio range station; the Crystal Lake, Pa., nondirectional radio beacon; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the Newark, N. J., radio range.

§ 601.4209 *Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).* El Centro, Calif., radio range station; Yuma, Ariz., radio range station; Gila Bend, Ariz., radio range station.

§ 601.4210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.).* Wichita Falls, Tex., radio range station; Dallas, Tex., radio range station; the intersection of the north course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station.

§ 601.4211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).* Springfield, Mo., radio range station; Vichy, Mo., nondirectional radio beacon.

§ 601.4212 *Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).* South Bend, Ind., radio range station; the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range; the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range.

§ 601.4213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).* Westover, Pa., nondirectional radio beacon; Wilkes-Barre, Pa., radio range station; Poughkeepsie, N. Y., radio range station; Providence, R. I., radio range station.

§ 601.4214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* Rockford, Ill., radio range station; Chicago, Ill., radio range station; the intersection of the east course of the Harvey, Ill, radio range and the southeast course of the Chicago, Ill., radio range.

§ 601.4215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).* The intersection of the southeast course of the Las Vegas, Nev., radio range and the north course of the Needles, Calif., radio range.

§ 601.4216 *Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.).* Albany, Ga., radio range station; Columbia, S. C., radio range station; Lumberton, N. C., nondirectional radio beacon.

§ 601.4217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).* Scott AFB, Belleville, Ill., radio range station; Fort Wayne, Ind., radio range station; Findlay, Ohio, nondirectional radio beacon; Mansfield, Ohio, nondirectional radio beacon; the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range; Baltimore, Md., radio range station.

§ 601.4218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* Cincinnati, Ohio, radio range station; Huntington, W. Va., nondirectional radio beacon; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station.

§ 601.4219 *Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.).* The Saginaw, Mich., nondirectional radio beacon.

§ 601.4220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* Akron, Ohio, radio range station; the intersection of the south course of the Youngstown, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range; the intersection of the northwest course of the Washington, D. C., radio range and the east course of the Martinsburg, W. Va., radio range.

§ 601.4221 *Red civil airway No. 21 (New York, N. Y., to Boston, Mass.).* The intersection of the southeast course of the Hartford, Conn., radio range and the southwest course of the Quonset Point, R. I., (Navy) radio range; the intersection of the southwest course of the Providence, R. I., radio range and the southwest course of the Quonset Point, R. I., (Navy) radio range.

§ 601.4222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* The intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range; Utica, N. Y., radio range station.

§ 601.4223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* The Houghton, Mich., radio range station; Sault Ste. Marie, Mich., radio range station; Elmira, N. Y., radio range station; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the New York (La Guardia), N. Y., radio range; the Paterson, N. J., nondirectional radio beacon.

§ 601.4224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* No reporting point designation.

§ 601.4225 *Red civil airway No. 25 (United States-Canadian Border to Bangor, Maine).* No reporting point designation.

§ 601.4226 *Red civil airway No. 26 (Petersburg, Va., to Corapeake, N. C.).* Waverly, Va., radio range station.

§ 601.4227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* Corbin, Ky., VHF VAR radio range station.

§ 601.4228 *Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).* The intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range; the intersection of the northeast course of the Chicago, Ill., radio range and the north course of the South Bend., Ind., radio range.

§ 601.4229 *Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.).* No reporting point designation.

§ 601.4230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* Alexandria, La., radio range station; Baton Rouge, La., radio range station; the intersection of the east course of the New Orleans, La., radio range and the southwest course of the Keesler AFB, Biloxi, Miss., radio range; the intersection of the west course of the Pensacola, Fla., radio range and the northwest course of the Saufley Field (Navy) radio range; Crestview, Fla., radio range station; Tallahassee, Fla., radio range station; the intersection of the east course of the Tallahassee, Fla., radio range and

a line bearing 182° True from the Valdosta, Ga., nondirectional radio beacon.

§ 601.4231 *Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).* Scottsbluff, Nebr., radio range station; Pierre, S. Dak., radio range station.

§ 601.4232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* Kelly, Tex., radio range station; Smithville, Tex., nondirectional radio beacon; Richmond, Tex., radio range station.

§ 601.4233 *Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).* Arcola, Va., radio range station; the intersection of the northeast course of the Arcola, Va., radio range and the south course of the Harrisburg, Pa., radio range.

§ 601.4234 *Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).* Pulaski, Va., radio range station.

§ 601.4235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; Forbes AFB, Topeka, Kans.

§ 601.4236 *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* Rochester, Minn., radio range station.

§ 601.4237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).* Tyler, Tex., radio range station; Little Rock, Ark., radio range station; Lynchburg, Va., radio range station.

§ 601.4238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* San Angelo, Tex., radio range station.

§ 601.4239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* Bethel, Alaska, radio range station; Aniak, Alaska, radio range station; Minchumina, Alaska, radio range station; Nenana, Alaska, radio range station.

§ 601.4240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* Kodiak, Alaska, radio range station; Shuyak, Alaska, nondirectional radio beacon; Homer, Alaska, radio range station; the intersection of the east course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska; radio range; Anchorage, Alaska, radio range station.

§ 601.4241 *Red civil airway No. 41 (Cape Spencer, Alaska, to Sisters Island, Alaska).* No reporting point designation.

§ 601.4242 *Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).* No reporting point designation.

§ 601.4243 *Red civil airway No. 43 (Chicago, Ill., to Lafayette, Ind.).* No reporting point designation.

§ 601.4244 *Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).* No reporting point designation.

§ 601.4245 *Red civil airway No. 45 (Blackstone, Va., to Lancaster, Pa.).* Manakin, Va., non-directional radio beacon.

§ 601.4246 *Red civil airway No. 46 (United States-Canadian Border to Jamestown, N. Dak.).* No reporting point designation.

§ 601.4247 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).* Orlando, Fla., radio range station.

§ 601.4248 *Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.).* No reporting point designation.

§ 601.4249 *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* Wendover, Utah, radio range station.

§ 601.4250 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* Tanana, Alaska, radio range station.

§ 601.4251 *Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).* No reporting point designation.

§ 601.4252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* Muscle Shoals, Ala., radio range station.

§ 601.4253 *Red civil airway No. 53 (Portland, Oreg., to Spokane, Wash.).* Walla Walla, Wash., radio range station.

§ 601.4254 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* No reporting point designation.

§ 601.4255 *Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio).* No reporting point designation.

§ 601.4256 *Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).* No reporting point designation.

§ 601.4257 *Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio).* Battle Creek, Mich., radio range station.

§ 601.4258 *Red civil airway No. 58 (Augusta, Maine, to United States-Canadian Border).* Bangor, Maine radio range station.

§ 601.4259 *Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).* No reporting point designation.

§ 601.4260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* Stockton, Calif., radio range station.

§ 601.4261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* The intersection of the northwest course of the Arcola, Va., radio range and the west course of the Martinsburg, W. Va., radio range.

§ 601.4262 *Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).* No reporting point designation.

§ 601.4263 *Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).* No reporting point designation.

§ 601.4264 *Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).* No reporting point designation.

§ 601.4265 *Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).* No reporting point designation.

§ 601.4266 *Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).* The intersection of the east course of the Santa Barbara, Calif., radio range and the northeast course of the Camarillo, Calif., radio range.

§ 601.4267 *Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.).* Dothan, Ala., radio range station.

§ 601.4268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).* Midland, Tex., radio range station.

§ 601.4269 *Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).* No reporting point designation.

§ 601.4270 *Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).* No reporting point designation.

§ 601.4271 *Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).* Roswell, N. Mex., radio range station; Lubbock, Tex., radio range station.

§ 601.4272 *Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).* Willow Grove, Pa. (Navy), radio range station.

§ 601.4273 *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).* No reporting point designation.

§ 601.4274 *Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).* No reporting point designation.

§ 601.4275 *Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* No reporting point designation.

§ 601.4276 *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).* No reporting point designation.

§ 601.4277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* No reporting point designation.

§ 601.4278 *Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).* No reporting point designation.

§ 601.4279 *Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).* No reporting point designation.

§ 601.4280 *Red civil airway No. 80 (Helena, Mont., to Miles City, Mont.).* No reporting point designation.

§ 601.4281 *Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).* No reporting point designation.

§ 601.4282 *Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).* No reporting point designation.

§ 601.4283 *Red civil airway No. 83 (Gila Bend, Ariz., to Tucson, Ariz.).* No reporting point designation.

§ 601.4284 *Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.).* Craig AFB radio range station, Selma, Ala.; Columbus, Ga., radio range station.

§ 601.4285 *Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.).* Butler, Pa., nondirectional radio beacon.

§ 601.4286 *Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).* No reporting point designation.

§ 601.4287 *Red civil airway No. 87 (Hawaiian Islands).* Intersection of the northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station; Port Allen, T. H., radio range station; Maui, T. H., radio range station; intersection of the east course of the Maui, T. H., radio range and the east course of the Hilo, T. H., radio range.

§ 601.4288 *Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).* Hobbs, N. Mex., radio range station.

§ 601.4289 *Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).* Peoria, Ill., radio range station.

§ 601.4290 *Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).* No reporting point designation.

§ 601.4291 *Red civil airway No. 91 (Dunkirk, N. Y., to Syracuse, N. Y.).* No reporting point designation.

§ 601.4292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* No reporting point designation.

§ 601.4293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).* No reporting point designation.

§ 601.4294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* The intersection of the east course of the Providence, R. I., radio range and the northeast course of the Quonset Point, R. I., (Navy) radio range.

§ 601.4295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* The intersection of the south course of the Syracuse, N. Y., radio range and the northeast course of the Elmira, N. Y., radio range.

§ 601.4296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* Houston, Tex., radio range station; Beaumont, Tex., radio range station.

§ 601.4297 *Red civil airway No. 97 (United States-Canadian Border near Lukehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* No reporting point designation.

§ 601.4298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).* No reporting point designation.

§ 601.4299 *Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).* The Iliamna, Alaska, radio range station.

§ 601.4300 *Red civil airway No. 100 (South Bend, Ind., to Battle Creek, Mich.).* No reporting point designation.

§ 601.4301 *Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.).* No reporting point designation.

§ 601.4302 *Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.).* Lexington, Ky., nondirectional radio beacon.

§ 601.4303 *Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).* No reporting point designation.

§ 601.4304 *Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).* No reporting point designation.

§ 601.4305 *Red civil airway No. 105 (Wichita, Kans., to Neosho, Mo.).* No reporting point designation.

§ 601.4306 *Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).* No reporting point designation.

§ 601.4307 *Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).* No reporting point designation.

§ 601.4308 *Red civil airway No. 108 (Promontory Point, Utah to Fort Bridger, Wyo.).* No reporting point designation.

§ 601.4309 *Red civil airway No. 109 (Portland, Oreg., to Spokane, Wash.).* No reporting point designation.

§ 601.4310 *Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).* Brookley AFB, Mobile, Ala., nondirectional radio beacon.

§ 601.4312 *Red civil airway No. 112 (Albany, N. Y., to Westfield, Mass.).* Westfield, Mass., radio range station.

BLUE CIVIL AIRWAYS

§ 601.4601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* The intersection of a line bearing 35° True from the Fort Myers, Fla., nondirectional radio beacon and the southeast course of the Tampa, Fla., radio range.

§ 601.4602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).* Erie, Pa., radio range station.

§ 601.4603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).* Fort Myers, Fla., nondirectional radio beacon; Tampa, Fla., radio range station; Cross City, Fla., radio range station; Traverse City, Mich. radio range station; Pellston, Mich., nondirectional radio beacon.

§ 601.4604 *Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).* Concord, N. H., radio range station; the intersection of the southeast course of the Burlington, Vt., radio range and the southwest course of the Montpelier, Vt., radio range; Burlington, Vt., radio range station.

§ 601.4605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* Galveston, Tex., radio range station; Bryan, Tex., radio range station.

§ 601.4606 *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* No reporting point designation.

§ 601.4607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* No reporting point designation.

§ 601.4608 *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station.

§ 601.4609 *Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border).* Duluth, Minn., radio range station.

§ 601.4610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* Los Banos, Calif., fan type radio marker station or the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range; Evergreen, Calif., non-directional radio marker beacon.

§ 601.4611 *Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.).* No reporting point designation.

§ 601.4613 *Blue civil airway No. 13 (Houston, Tex., to Des Moines, Iowa).* Lufkin, Tex., non-directional radio beacon; Fort Smith, Ark., non-directional radio beacon.

§ 601.4614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* The intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range.

§ 601.4615 *Blue civil airway No. 15 (Huntington, W. Va., to Youngstown, Ohio).* No reporting point designation.

§ 601.4616 *Blue civil airway No. 16 (Waverly, Va., to Tappahannock, Va.).* No reporting point designation.

§ 601.4617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).* Houlton, Maine, radio range station.

§ 601.4618 *Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).* No reporting point designation.

§ 601.4619 *Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).* The intersection of the north course of the Miami, Fla., radio range and the west course of the West Palm Beach, Fla., radio range.

§ 601.4620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* No reporting point designation.

§ 601.4622 *Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).* No reporting point designation.

§ 601.4623 *Blue civil airway No. 23 (Norfolk, Va., to Chincoteague, Va.).* No reporting point designation.

§ 601.4625 *Blue civil airway No. 25 (Middleton Island, Alaska, to Big Delta, Alaska).* The intersection of the northeast course of the Hinchinbrook, Alaska, radio range and the south course of the Gulkana, Alaska, radio range.

§ 601.4626 *Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).* The intersection of the north course of the Anchorage, Alaska (Merrill), Localizer radio range and the southeast course of the Skwentna, Alaska, radio range; Talkeetna, Alaska, nondirectional radio beacon; Summit, Alaska, radio range station.

§ 601.4627 *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* The intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon, Alaska, radio range; Kotzebue, Alaska, non-directional radio beacon.

§ 601.4628 *Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).* The intersection of the northwest course of the Spartanburg, S. C., radio range

and a line bearing 57° True from the Asheville, N. C. (Hendersonville), nondirectional radio beacon.

§ 601.4629 *Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).* The intersection of the northeast course of the Greensboro, N. C., radio range and the southeast course of the Lynchburg, Va., radio range.

§ 601.4630 *Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.).* Dalhart, Tex., nondirectional radio beacon; the intersection of the southwest course of the La Junta, Colo., radio range and the northeast course of the Trinidad, Colo., radio range.

§ 601.4631 *Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).* No reporting point designation.

§ 601.4632 *Blue civil airway No. 32 (Anchorage, Alaska, to Talkeetna, Alaska).* No reporting point designation.

§ 601.4633 *Blue civil airway No. 33 (Lansing, Mich., to Saginaw, Mich.).* No reporting point designation.

§ 601.4634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* No reporting point designation.

§ 601.4635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).* No reporting point designation.

§ 601.4636 *Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.).* No reporting point designation.

§ 601.4637 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* No reporting point designation.

§ 601.4638 *Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border).* Five Finger, Alaska, nondirectional radio beacon; the intersection of the southeast course of the Gustavus, Alaska, radio range and the northeast course of the Sitka, Alaska, radio range; Gustavus, Alaska, radio range station.

§ 601.4639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).* The Paynesville, W. Va., nondirectional radio beacon; Morgantown, W. Va., radio range station; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range.

§ 601.4640 *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* Montpelier, Vt., radio range station.

§ 601.4641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).* No reporting point designation.

§ 601.4642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).* No reporting point designation.

§ 601.4643 *Blue civil airway No. 43 (Nenana, Alaska, to Nenabank, Alaska).* No reporting point designation.

§ 601.4644 *Blue civil airway No. 44 (Indianapolis, Ind., to United States-Canadian Border).* Kokomo, Ind., nondirectional radio beacon; the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range.

§ 601.4645 *Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).* No reporting point designation.

§ 601.4646 *Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).* Dyersburg, Tenn., nondirectional radio beacon; Paducah, Ky., nondirectional radio beacon.

§ 601.4647 *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).* The intersection of the south course of the Altoona, Pa., radio range and the southeast course of the Pittsburgh, Pa., radio range; Bradford, Pa., nondirectional radio beacon.

§ 601.4648 *Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).* The intersection of the southeast course of the Miami, Fla., radio range and the northeast course of the Key West, Fla., radio range.

§ 601.4649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).* No reporting point designation.

§ 601.4651 *Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).* No reporting point designation.

§ 601.4652 *Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).* No reporting point designation.

§ 601.4653 *Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).* No reporting point designation.

§ 601.4654 *Blue civil airway No. 54 (Evergreen, Calif., to Hamilton AFB, Calif.).* No reporting point designation.

§ 601.4655 *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* No reporting point designation.

§ 601.4656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* Langley, Va., AFB radio range station; the intersection of the southeast course of the Andrews, Md., radio range and the northeast course of the Tappahannock, Va., radio range.

§ 601.4657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).* No reporting point designation.

§ 601.4658 *Blue civil airway No. 58 (Nantucket, Mass., to Squantum, Mass.).* No reporting point designation.

§ 601.4660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* No reporting point designation.

§ 601.4663 *Blue civil airway No. 63 (Concord, N. H., to Berlin, N. H.).* No reporting point designation.

§ 601.4664 *Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).* No reporting point designation.

§ 601.4665 *Blue civil airway No. 65 (Shuyak, Alaska,, to Homer, Alaska).* No reporting point designation.

§ 601.4666 *Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).* Bridgeport, Conn., radio range station.

§ 601.4667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* No reporting point designation.

§ 601.4668 *Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).* No reporting point designation.

§ 601.4669 *Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.).* Quincy, Ill., nondirectional radio beacon.

§ 601.4670 *Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).* Ardmore, Okla., nondirectional radio beacon.

§ 601.4671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* Shelton, Wash., nondirectional radio beacon.

§ 601.4672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* Vance AFB nondirectional radio beacon.

§ 601.4675 *Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).* No reporting point designation.

§ 601.4676 *Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).* No reporting point designation.

§ 601.4678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).* No reporting point designation.

§ 601.4679 *Blue civil airway No. 79 (Annette Island, Alaska, to United States-Canadian Border).* Annette Island, Alaska, radio range station; Petersburg, Alaska, radio range station; the intersection of the northeast course of the Sitka, Alaska, radio range and the northwest course of the Petersburg, Alaska, radio range; Haines, Alaska, nondirectional radio beacon.

§ 601.4680 *Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).* No reporting point designation.

§ 601.4681 *Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).* No reporting point designation.

§ 601.4684 *Blue civil airway No. 84 (Augusta, Maine, to Millinocket, Maine).* No reporting point designation.

§ 601.4685 *Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).* No reporting point designation.

§ 601.4686 *Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).* No reporting point designation.

§ 601.4687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).* No reporting point designation.

OTHER REPORTING POINTS

§ 601.5001 *Other reporting points.* Whidbey Island, Wash.; Navy Radio Range; Farallon Island, Calif., nondirectional radio beacon.

Anchorage-Sandspit route: The Middleton Island, Alaska, nondirectional radio beacon.

Bass Intersection: The intersection of the southeast course of the Weeksville, N. C. (Navy) radio range and the western boundary of the New York Oceanic Control Area.

Bon Secour Intersection: The intersection of the southeast course of the Mobile, Ala., radio range and the west course of the Pensacola, Fla., radio range.

Carp Intersection: The intersection of a line bearing 133° True from the Wilmington, N. C., omnirange station and the western

boundary of the New York Oceanic Control Area.

Cod Intersection: The intersection of a Great Circle course between the Nantucket, Mass., nondirectional radio beacon and the Azores Santa Maria nondirectional radio beacon and the western boundary of the ICAO Control Area at Lat. 41°29'00" N., Long., 68°00'00" W.

Azalea Intersection: Intersection of the southeast course of the Charleston, S. C., radio range and the centerline of the Wilmington, N. C.-West Palm Beach, Fla., Domestic control area.

Snapper Intersection: Intersection of the northeast course of the Melbourne, Fla., radio range and the centerline of the Wilmington, N. C.-West Palm Beach, Fla., Domestic control area.

East Nantucket Intersection: Intersection of a line bearing 77° True from the Nantucket, Mass., nondirectional radio beacon and the southeast course of the Squantum, Mass. (Navy), radio range.

East Norfolk Intersection: Intersection of the east course of the Norfolk, Va. (Navy) radio range and the northeast course of the Weeksville, N. C. (Navy) radio range.

Eel Intersection: Intersection of the southeast course of the Boston, Mass., radio range and the western boundary of the New York Oceanic control area.

Gateway Intersection: Intersection of the east course of the Jacksonville, Fla., radio range and the centerline of the Wilmington, N. C.-West Palm Beach, Fla., Domestic Control area.

Granite Intersection: The intersection of a line bearing 118° True from the Homer, Alaska, radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

Gulfstream Intersection: The intersection of the southeast course of the Miami, Fla., radio range and the northeast course of the Key West, Fla., radio range.

Marble Intersection: The intersection of a line bearing 107° True from the Kodiak, Alaska, radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

North Nantucket Intersection: Intersection of the east course of the Boston, Mass., radio range and the centerline of the Nantucket, Mass.-Yarmouth, N. S., domestic control area.

Sable Intersection: The intersection of the southwest course of the Perrine, Fla., radio range and the centerline of the Marathon control area extension (§ 601.1234).

Shad Intersection: Intersection of the southeast course of the Millville, N. J., radio range and the western boundary of the New York Oceanic control area.

Haddock Intersection: The intersection of a rhumb line between the Nantucket, Mass., nondirectional radio beacon and the Kindley AFB Bermuda nondirectional radio beacon and the western boundary of the New York Oceanic Control Area at latitude 39°50'00" N., longitude 69°16'00" W.

South Bangor Intersection: Intersection of the southeast course of the Bangor, Maine, radio range and the centerline of the Nantucket, Mass.-Yarmouth, N. S., Domestic control area.

South Island Intersection: Intersection of the southeast course of the Newark, N. J., radio range and the northeast course of the Atlantic City, N. J. (Navy) radio range.

South Millville Intersection: Intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Atlantic City, N. J. (Navy) radio range.

South Portland Intersection: Intersection of the southeast course of the Portland, Maine, radio range and the centerline of the East Boston, Mass.-Yarmouth, N. S., Domestic control area.

Smelt Intersection: Intersection of the southeast course of the Charleston, S. C., radio range and the western boundary of the New York Oceanic control area.

Trout Intersection: Intersection of the east course of the Jacksonville, Fla., radio range and the western boundary of the New York oceanic control area.

Tuna Intersection: Intersection of the southeast course of the Newark, N. J., radio range and the western boundary of the New York Oceanic control area.

Domestic Annette Intersection: The intersection of the southwest course of the Annette, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Domestic Sitka Intersection: The intersection of the southwest course of the Sitka, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Domestic Gustavus Intersection: The intersection of the southwest course of the Gustavus, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Domestic Yakutat Intersection: The intersection of the southwest course of the Yakutat, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Domestic Yakataga Intersection: The intersection of the centerline of the Anchorage-Sandspit route and a line bearing 90° therefrom and lying over the Yakataga, Alaska, radio range station.

SUBPART F—VOR CIVIL AIRWAY CONTROL AREAS

DOMESTIC VOR CIVIL AIRWAY CONTROL AREAS

§ 601.6001 *VOR civil airway No. 1 control areas (Charleston, S. C., to New York, N. Y.).* All of VOR civil airway No. 1.

§ 601.6002 *VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of VOR civil airway No. 2 including north and south alternates.

§ 601.6003 *VOR civil airway No. 3 control areas (Key West, Fla., to Presque Isle, Maine).* All of VOR civil airway No. 3 including north and south alternates, but excluding all the airspace between the main airway and its west alternate extending from the Miami, Fla., omnirange station to the Vero Beach, Fla., omnirange station, and excluding all the airspace between the main airway and its west alternate extending from the Florence, S. C., omnirange station to the Raleigh, N. C., omnirange station.

§ 601.6004 *VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).* All of VOR civil airway No. 4 including north and south alternates, but excluding the airspace between the main airway and its south alternate between the Seattle, Wash., omnirange station and the Yakima, Wash., omnirange station and excluding the airspace between the main and its south alternate between the Topeka, Kans., omnirange station and the Columbia, Mo., omnirange station.

§ 601.6005 *VOR civil airway No. 5 control areas (Miami, Fla., to London, Ont.).* All of VOR civil airway No. 5 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station, and also excluding the airspace between the main airway and its east alternate from the Bowling Green, Ky., omnirange station to the Louisville, Ky., omnirange station.

§ 601.6006 *VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.).* All of VOR civil airway No. 6, including north and south alternates.

§ 601.6007 *VOR civil airway No. 7 control areas (Miami, Fla., to Green Bay, Wis.).* All of VOR civil airway No. 7 including east and west alternates, but excluding all that airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States and also excluding the airspace between the main airway and its west alternate between the Cross City, Fla., omnirange station and the Marianna, Fla., omnirange station.

§ 601.6008 *VOR civil airway No. 8 control areas (Long Beach, Calif., to Washington, D. C.).* All of VOR civil airway No. 8 including north and south alternates.

§ 601.6009 *VOR civil airway No. 9 control areas (New Orleans, La., to Milwaukee, Wis.).* All of VOR civil airway No. 9 including an east alternate and west alternates.

§ 601.6010 *VOR civil airway No. 10 control areas (Pueblo, Colo., to New York, N. Y.).* All of VOR civil airway No. 10 including north and south alternates, excluding the airspace between the north alternate from the Dodge City, Kans., omnirange station to the Hutchinson, Kans., omnirange station and the main airway.

§ 601.6011 *VOR civil airway No. 11 control areas (Memphis, Tenn., to Detroit, Mich.).* All of VOR civil airway No. 11 including east alternates and a west alternate.

§ 601.6012 *VOR civil airway No. 12 control areas (Santa Barbara, Calif., to Philadelphia, Pa.).* All of VOR civil airway No. 12 including north and south alternates.

§ 601.6013 *VOR civil airway No. 13 control areas (Houston, Tex., to Duluth, Minn.).* All of VOR civil airway No. 13 including east and west alternates, excluding the airspace between the west alternate from the Mason City, Iowa, omnirange station to the Minneapolis, Minn., omnirange station and the main airway.

§ 601.6014 *VOR civil airway No. 14 control areas (Roswell, N. Mex., to Boston, Mass.).* All of VOR civil airway No. 14 including north and south alternates.

§ 601.6015 *VOR civil airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.).* All of VOR civil airway No. 15 including east and west alternates.

§ 601.6016 *VOR civil airway No. 16 control areas (Los Angeles, Calif., to Boston, Mass.).* All of VOR civil airway No. 16 including north and south alternates but excluding the airspace between the main airway and its south alternate from the Graham, Tenn., omnirange station to the Crossville, Tenn., omnirange station, and also excluding the airspace between the main airway and its north alternate from the Knoxville,

Tenn., omnirange station to the Pulaski, Tenn., omnirange station.

§ 601.6017 *VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).* All of VOR civil airway No. 17 including an east alternate and west alternates.

§ 601.6018 *VOR civil airway No. 18 control areas (Dallas, Tex., to Charleston, S. C.).* All of VOR civil airway No. 18 including north and south alternates, but excluding the airspace between the main airway and its south alternate from the Anniston, Ala., omnirange station to the Augusta, Ga., omnirange station.

§ 601.6019 *VOR civil airway No. 19 control areas (El Paso, Tex., to Sheridan, Wyo.).* All of VOR civil airway No. 19 including east alternates.

§ 601.6020 *VOR civil airway No. 20 control areas (Laredo, Tex., to Richmond, Va.).* All of VOR civil airway No. 20 including north and south alternates, but excluding the airspace between the main airway and its north alternate airway from the Atlanta, Ga., omnirange station to the Spartanburg, S. C., omnirange station.

601.6021 *VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border).* All of VOR civil airway No. 21, including an east and a west alternate.

§ 601.6022 *VOR civil airway No. 22 control areas (New Orleans, La., to Jacksonville, Fla.).* All of VOR civil airway No. 22, including a north alternate, but excluding the airspace between the main airway and its north alternate.

§ 601.6023 *VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.).* All of VOR civil airway No. 23 including east and west alternates but excluding the airspace between the main airway and its west alternate between the Portland, Oreg., omnirange station and the Seattle, Wash., omnirange station.

§ 601.6024 *VOR civil airway No. 24 control areas (Aberdeen, S. Dak., to Redwood Falls, Minn.).* All of VOR civil airway No. 24 including north alternates.

§ 601.6025 *VOR civil airway No. 25 control areas (Los Angeles, Calif., to Ellensburg, Wash.).* All of VOR civil airway No. 25.

§ 601.6026 *VOR civil airway No. 26 control areas (Cherokee, Wyo., to Cleveland, Ohio).* All of VOR civil airway No. 26, including north and south alternates.

§ 601.6027 *VOR civil airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.).* All of VOR civil airway No. 27, including east and west alternates.

§ 601.6028 *VOR civil airway No. 28 control areas (Oakland, Calif., to Reno, Nev.).* All of VOR civil airway No. 28.

§ 601.6029 *VOR civil airway No. 29 control areas (Salisbury, Md., to United States-Canadian Border).* All of VOR civil airway No. 29.

§ 601.6030 *VOR civil airway No. 30 control areas (Milwaukee, Wis., to Nantucket, Mass.).* All of VOR civil airway No. 30 including a south alternate, but excluding all the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States.

§ 601.6031 *VOR civil airway No. 31 control areas (Baltimore, Md., to Rochester, N. Y.).* All of VOR civil airway No. 31.

§ 601.6032 *VOR civil airway No. 32 control areas (Battle Mountain, Nev., to Fort Bridger, Wyo.).* All of VOR civil airway No. 32, including a north alternate.

§ 601.6033 *VOR civil airway No. 33 control areas (Baltimore, Md., to Buffalo, N. Y.).* All of VOR civil airway No. 33.

§ 601.6034 *VOR civil airway No. 34 control areas (Rochester, N. Y., to Wilton, Conn.).* All of VOR civil airway No. 34.

§ 601.6035 *VOR civil airway No. 35 control areas (Miami, Fla., to Syracuse, N. Y.).* All of VOR civil airway No. 35 including an east alternate from the Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station, but excluding the airspace between the main airway and this east alternate airway and also excluding all the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States.

§ 601.6036 *VOR civil airway No. 36 control areas (Toronto, Ontario, to New York, N. Y.).* All of VOR civil airway No. 36 including a south alternate.

§ 601.6037 *VOR civil airway No. 37 control areas (Savannah, Ga., to Erie, Pa.).* All of VOR civil airway No. 37.

§ 601.6038 *VOR civil airway No. 38 control areas (Iowa City, Iowa, to Elkins, W. Va.).* All of VOR civil airway No. 38 including a south alternate.

§ 601.6039 *VOR civil airway No. 39 control areas (South Boston, Va., to Kennebunk, Maine).* All of VOR civil airway No. 39.

§ 601.6040 *VOR civil airway No. 40 control areas (Cleveland, Ohio, to Pittsburgh, Pa.).* All of VOR civil airway No. 40.

§ 601.6041 *VOR civil airway No. 41 control areas (Pittsburgh, Pa., to Youngstown, Ohio).* All of VOR civil airway No. 41.

§ 601.6042 *VOR civil airway No. 42 control areas (Flint, Mich., to Washington, D. C.).* All of VOR civil airway No. 42.

§ 601.6043 *VOR civil airway No. 43 control areas (Columbus, Ohio, to Erie, Pa.).* All of VOR civil airway No. 43.

§ 601.6044 *VOR civil airway No. 44 control areas (Louisville, Ky., to Baltimore, Md.).* All of VOR civil airway No. 44.

§ 601.6045 *VOR civil airway No. 45 control areas (Lexington, Ky., to Lansing, Mich.).* All of VOR civil airway No. 45.

§ 601.6046 *VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.).* All of VOR civil airway No. 46 including a south alternate and the airspace between the main airway and this south alternate, but excluding the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States. The airspace between the main airway and the south alternate below 7,950 feet above mean sea level which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

§ 601.6047 *VOR civil airway No. 47 control areas (Louisville, Ky., to Detroit, Mich.).* All of VOR civil airway No. 47 including west alternates.

§ 601.6048 *VOR civil airway No. 48 control areas (Burlington, Iowa, to Pontiac, Ill.).* All of VOR civil airway No. 48.

§ 601.6049 *VOR civil airway No. 49 control areas (Dillon, Mont., to Great Falls, Mont.).* All of VOR civil airway No. 49.

§ 601.6050 *VOR civil airway No. 50 control areas (Kirksville, Mo., to Indianapolis, Ind.).* All of VOR civil airway No. 50, including a south alternate.

§ 601.6051 *VOR civil airway No. 51 control areas (Miami, Fla., to Chicago, Ill.).* All of VOR civil airway No. 51 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station.

§ 601.6052 *VOR civil airway No. 52 control areas (Des Moines, Iowa, to St. Louis, Mo.).* All of VOR civil airway No. 52 including north and south alternates.

§ 601.6053 *VOR civil airway No. 53 control areas (Charleston, S. C., to Chicago, Ill.).* All of VOR civil airway No. 53 including west alternates.

§ 601.6054 *VOR civil airway No. 54 control areas (Quitman, Tex., to Charlotte, N. C.).* All of VOR civil airway No. 54 including north alternates.

§ 601.6055 *VOR civil airway No. 55 control areas (Dayton, Ohio, to Green Bay, Wis.).* All of VOR civil airway No. 55 including a west alternate.

§ 601.6056 *VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.).* All of VOR civil airway No. 56 including a north alternate, but excluding the airspace between the main airway and its north alternate between the Columbus, S. C. omnirange station and the Florence, S. C. omnirange station.

§ 601.6057 *VOR civil airway No. 57 control areas (Graham, Tenn., to Scotland, Ind.).* All of VOR civil airway No. 57.

§ 601.6058 *VOR civil airway No. 58 control areas (Bergholz, Ohio, to Hartford, Conn.).* All of VOR civil airway No. 58.

§ 601.6060 *VOR civil airway No. 60 control areas (Albuquerque, N. Mex., to Lubbock, Tex.).* All of VOR civil airway No. 60, including a south alternate.

§ 601.6061 *VOR civil airway No. 61 control areas (Fort Worth, Tex., to Lawton, Okla.).* All of VOR civil airway No. 61.

§ 601.6062 *VOR civil airway No. 62 control areas (Santa Fe, N. Mex., to Lubbock, Tex.).* All of VOR civil airway No. 62.

§ 601.6063 *VOR civil airway No. 63 control areas (Waco, Tex., to Milwaukee, Wis.).* All of VOR civil airway No. 63 including west alternates.

§ 601.6064 *VOR civil airway No. 64 control areas (Long Beach, Calif., to Blythe, Calif.).* All of VOR civil airway No. 64.

§ 601.6065 *VOR civil airway No. 65 control areas (Kansas City, Mo., to Lamoni, Iowa).* All of VOR civil airway No. 65.

§ 601.6066 *VOR civil airway No. 66 control areas (San Diego, Calif., to Sulphur Springs, Tex.).* All of VOR civil airway No. 66 including north alternates.

§ 601.6067 *VOR civil airway No. 67 control areas (Waterloo, Iowa, to Rochester, Minn.).* All of VOR civil airway No. 67 including a west alternate.

§ 601.6068 *VOR civil airway No. 68 control areas (Albuquerque, N. Mex., to Brownsville, Tex.).* All of VOR civil airway No. 68 including north and south alternates.

§ 601.6069 *VOR civil airway No. 69 control areas (Pine Bluff, Ark., to Chicago, Ill.).* All of VOR civil airway No. 69.

§ 601.6070 *VOR civil airway No. 70 control areas (Corpus Christi, Tex., to Baton Rouge, La.).* All of VOR civil airway No. 70.

§ 601.6071 *VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.).* All of VOR civil airway No. 71 including a west alternate.

§ 601.6072 *VOR civil airway No. 72 control areas (Troy, Ill., to Albany, N. Y.).* All of VOR civil airway No. 72.

§ 601.6073 *VOR civil airway No. 73 control areas (Wichita, Kans., to Salina, Kans.).* All of VOR civil airway No. 73.

§ 601.6074 *VOR civil airway No. 74 control areas (Dodge City, Kans., to Little Rock, Ark.).* All of VOR civil airway No. 74 including a north alternate and south alternates.

§ 601.6075 *VOR civil airway No. 75 control areas (Richmond, Va., to Cleveland, Ohio).* All of VOR civil airway No. 75.

§ 601.6076 *VOR civil airway No. 76 control areds (Lubbock, Tex., to Galveston, Tex.).* All of VOR civil airway No. 76.

§ 601.6077 *VOR civil airway No. 77 control areas (San Angelo, Tex., to Des Moines, Iowa).* All of VOR civil airway No. 77 including east alternates, but excluding the airspace between the main airway and its east alternate between the San Angelo, Tex., omnirange station and the Abilene, Tex., omnirange station.

§ 601.6078 *VOR civil airway No. 78 control areas (Huron, S. Dak., to Minneapolis, Minn.).* All of VOR civil airway No. 78, including a south alternate.

§ 601.6079 *VOR civil airway No. 79 control areas (Culberson, Tex., to Lubbock, Tex.).* All of VOR civil airway No. 79.

§ 601.6080 *VOR civil airway No. 80 control areas (Sioux Falls, S. Dak., to Redwood Falls, Minn.).* All of VOR civil airway No. 80 including a south alternate.

§ 601.6081 *VOR civil airway No. 81 control areas (Midland, Tex., to Amarillo, Tex.).* All of VOR civil airway No. 81 including an east alternate.

§ 601.6082 *VOR civil airway No. 82 control areas (Minneapolis, Minn., to La Crosse, Wis.).* All of VOR civil airway No. 82 including south alternates.

§ 601.6083 *VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Santa Fe, N. Mex.).* All of VOR civil airway No. 83 including an east alternate.

§ 601.6084 *VOR civil airway No. 84 control areas (Bradford, Ill., to Buffalo, N. Y.).* All of VOR civil airway No. 84.

§ 601.6085 *VOR civil airway No. 85 control areas (Rock River, Wyo., to Casper, Wyo.).* All of VOR civil airway No. 85 including a west alternate.

§ 601.6086 *VOR civil airway No. 86 control areas (Butte, Mont., to Bozeman, Mont.).* All of VOR civil airway No. 86.

§ 601.6087 *VOR civil airway No. 87 control areas (Gila Bend, Ariz., to Hassayampa, Ariz.).* All of VOR civil airway No. 87.

§ 601.6088 *VOR civil airway No. 88 control areas (Tulsa, Okla., to Vichy, Mo.).* All of VOR civil airway No. 88.

§ 601.6089 *VOR civil airway No. 89 control areas (Denver, Colo., to Rapid City, S. Dak.).* All of VOR civil airway No. 89 including east alternates.

§ 601.6090 *VOR civil airway No. 90 control areas (Litchfield, Mich., to Windsor, Ontario).* All of VOR civil airway No. 90.

§ 601.6091 *VOR civil airway No. 91 control areas (New York, N. Y. to Montreal, Quebec).* All of VOR civil airway No. 91 including an east alternate and a west alternate.

§ 601.6092 *VOR civil airway No. 92 control areas (Chicago, Ill., to Washington, D. C.).* All of VOR civil airway No. 92.

§ 601.6093 *VOR civil airway No. 93 control areas (Washington, D. C., to Presque Isle, Maine).* All of VOR civil airway No. 93.

§ 601.6094 *VOR civil airway No. 94 control areas (Salt Flat, Tex., to Longview, Tex.).* All of VOR civil airway No. 94.

§ 601.6095 *VOR civil airway No. 95 control areas (Phoenix, Ariz., to Winslow, Ariz.).* All of VOR civil airway No. 95.

§ 601.6096 *VOR civil airway No. 96 control areas (Lafayette, Ind., to Toledo, Ohio).* All of VOR civil airway No. 96.

§ 601.6097 *VOR civil airway No. 97 control areas (Miami, Fla., to Alexandria, Minn.).* All of VOR civil airway No. 97 including east and west alternates, but excluding all of the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States and also excluding the airspace between the main airway and its east alternate between the Tampa, Fla., omnirange station and the Tallahassee, Fla., omnirange station.

§ 601.6098 *VOR civil airway No. 98 control areas (Fort Wayne, Ind., to Montreal, Quebec).* All of VOR civil airway No. 98.

§ 601.6099 *VOR civil airway No. 99 control areas (Newport, Oreg., to Vancouver, B. C.).* All of VOR civil airway No. 99.

§ 601.6100 *VOR civil airway No. 100 control areas (North Platte, Nebr., to Detroit, Mich.).* All of VOR civil airway No. 100.

§ 601.6101 *VOR civil airway No. 101 control areas (Ogden, Utah, to Burley, Idaho).* All of VOR civil airway No. 101.

§ 601.6102 *VOR civil airway No. 102 control areas (Lubbock, Tex., to Wichita Falls, Tex.).* All of VOR civil airway No. 102.

§ 601.6103 *VOR civil airway No. 103 control areas (Elkins, W. Va., to Cleveland, Ohio).* All of VOR civil airway No. 103.

§ 601.6104 *VOR civil airway No. 104 control areas (United States-Canadian Border to Plattsburg, N. Y.).* All of VOR civil airway No. 104.

§ 601.6105 *VOR civil airway No. 105 control areas (Phoenix, Ariz., to Las Vegas, Nev.).* All of VOR civil airway No. 105 including an east alternate.

§ 601.6106 *VOR civil airway No. 106 control areas (Charleston, W. Va., to Kennebunk, Maine).* All of VOR civil airway No. 106, including a north alternate.

§ 601.6107 *VOR civil airway No. 107 control areas (Los Angeles, Calif., to Red Bluff, Calif.).* All of VOR civil airway No. 107.

§ 601.6109 *VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.).* All of VOR civil airway No. 109.

§ 601.6110 *VOR civil airway No. 110 control areas (San Francisco, Calif., to Altamount, Calif.).* All of VOR civil airway No. 110.

§ 601.6111 *VOR civil airway No. 111 control areas (Salinas, Calif., to Los Banos, Calif.).* All of VOR civil airway No. 111.

§ 601.6112 *VOR civil airway No. 112 control areas (Portland, Oreg., to Spokane, Wash.).* All of VOR civil airway No. 112.

§ 601.6113 *VOR civil airway No. 113 control areas (Paso Robles, Calif., to Reno, Nev.).* All of VOR civil airway No. 113.

§ 601.6114 *VOR civil airway No. 114 control areas (Pueblo, Colo., to New Orleans, La.).* All of VOR civil airway No. 114 including north alternates and a south alternate.

§ 601.6115 *VOR civil airway No. 115 control areas (Crestview, Fla., to Charleston, W. Va.).* All of VOR civil airway No. 115.

§ 601.6116 *VOR civil airway No. 116 control areas (Kansas City, Mo., to New York, N. Y.).* All of VOR civil airway No. 116.

§ 601.6117 *VOR civil airway No. 117 control areas (El Centro, Calif., to Daggett, Calif.).* All of VOR civil airway No. 117.

§ 601.6118 *VOR civil airway No. 118 control areas (Rock River, Wyo., to Cheyenne, Wyo.).* All of VOR civil airway No. 118.

§ 601.6119 *VOR civil airway No. 119 control areas (Huntington, W. Va., to Bradford, Pa.).* All of VOR civil airway No. 119.

§ 601.6120 *VOR civil airway No. 120 control areas (Mullen Pass, Mont., to Miles City, Mont.).* All of VOR civil airway No. 120.

§ 601.6121 *VOR civil airway No. 121 control areas (North Bend, Oreg., to Eugene, Oreg.).* All of VOR civil airway No. 121.

§ 601.6122 *VOR civil airway No. 122 control areas (Crescent City, Calif., to Klamath Falls, Oreg.).* All of VOR civil airway No. 122.

§ 601.6123 *VOR civil airway No. 123 control areas (Woodstown, N. J., to New York, N. Y.).* All of VOR civil airway No. 123.

§ 601.6124 *VOR civil airway No. 124 control areas (Burley, Idaho, to Pocatello, Idaho).* All of VOR civil airway No. 124.

§ 601.6125 *VOR civil airway No. 125 control areas (Anthony, Kans., to Hutchinson, Kans.).* All of VOR civil airway No. 125.

§ 601.6126 *VOR civil airway No. 126 control areas (Chicago, Ill., to New York, N. Y.).* All of VOR civil airway No. 126.

§ 601.6127 *VOR civil airway No. 127 control areas (Livingston, Mont., to Helena, Mont.).* All of VOR civil airway No. 127.

§ 601.6128 *VOR civil airway No. 128 control areas (Chicago, Ill., to New Bern, N. C.).* All of VOR civil airway No. 128 including a north alternate and south alternates.

§ 601.6129 *VOR civil airway No. 129 control areas (Dixon, Ill., to Eau Claire, Wis.).* All of VOR civil airway No. 129.

§ 601.6130 *VOR civil airway No. 130 control areas (Albany, N. Y., to Providence, R. I.).* All of VOR civil airway No. 130.

§ 601.6131 *VOR civil airway No. 131 control areas (Emporia, Kans., to Topeka, Kans.).* All of VOR civil airway No. 131.

§ 601.6132 *VOR civil airway No. 132 control areas (Cheyenne, Wyo., to Hutchinson, Kans.).* All of VOR civil airway No. 132.

§ 601.6133 *VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Flint, Mich.).* All of VOR civil airway No. 133.

§ 601.6134 *VOR civil airway No. 134 control areas (Evergreen, Ala., to Atlanta, Ga.).* All of VOR civil airway No. 134.

§ 601.6135 *VOR civil airway No. 135 control areas (Yuma, Ariz., to Las Vegas, Nev.).* All of VOR civil airway No. 135.

§ 601.6136 *VOR civil airway No. 136 control areas (Pulaski, Va., to Raleigh, N. C.).* All of VOR civil airway No. 136.

§ 601.6137 *VOR civil airway No. 137 control areas (Thermal, Calif., to Salinas, Calif.).* All of VOR civil airway No. 137.

§ 601.6138 *VOR civil airway No. 138 control areas (Rock River, Wyo., to Sidney, Nebr.).* All of VOR civil airway No. 138 including a north alternate and a south alternate.

§ 601.6139 *VOR civil airway No. 139 control areas (Norwich, Conn., to Boston, Mass.).* All of VOR civil airway No. 139.

§ 601.6140 *VOR civil airway No. 140 control areas (Amarillo, Tex., to New York, N. Y.).* All of VOR civil airway No. 140, including north alternates and a south alternate.

§ 601.6141 *VOR civil airway No. 141 control areas (Nantucket, Mass., to Plattsburg, N. Y.).* All of VOR civil airway No. 141.

§ 601.6142 *VOR civil airway No. 142 control areas (Erie, Pa., to Rochester, N. Y.).* All of VOR civil airway No. 142.

§ 601.6143 *VOR civil airway No. 143 control areas (Charlotte, N. C., to Washington, D. C.).* All of VOR civil airway No. 143, including a west alternate, but excluding the airspace between the main airway and the west alternate.

§ 601.6144 *VOR civil airway No. 144 control areas (Chicago, Ill., to Washington, D. C.).* All of VOR civil airway No. 144.

§ 601.6145 *VOR civil airway No. 145 control areas (Utica, N. Y., to the United States-Canadian Border).* All of VOR civil airway No. 145.

§ 601.6146 *VOR civil airway No. 146 control area (Wilkes-Barre, Pa., to Woodstock, Conn.).* All of VOR civil airway No. 146.

§ 601.6147 *VOR civil airway No. 147 control areas (Philadelphia, Pa., to Rochester, N. Y.).* All of VOR civil airway No. 147.

§ 601.6148 *VOR civil airway No. 148 control areas (Denver, Colo., to North Platte, Nebr.).* All of VOR civil airway No. 148.

§ 601.6149 *VOR civil airway No. 149 control areas (Allentown, Pa., to Utica, N. Y.).* All of VOR civil airway No. 149.

§ 601.6150 *VOR civil airway No. 150 control areas (San Francisco, Calif., to Reno, Nev.).* All of VOR civil airway No. 150.

§ 601.6151 *VOR civil airway No. 151 control areas (Woonsocket, R. I., to Keene, N. H.).* All of VOR civil airway No. 151.

§ 601.6152 *VOR civil airway No. 152 control areas (Tampa, Fla., to Daytona Beach, Fla.).* All of VOR civil airway No. 152 including a north and a south alternate.

§ 601.6153 *VOR civil airway No. 153 control areas (New York, N. Y., to Syracuse, N. Y.).* All of VOR civil airway No. 153.

§ 601.6154 *VOR civil airway No. 154 control areas (Meridian, Miss., to Savannah, Ga.).* All of VOR civil airway No. 154, including a north alternate.

§ 601.6155 *VOR civil airway No. 155 control areas (Gordonsville, Va., to Front Royal, Va.).* All of VOR civil airway No. 155.

§ 601.6156 *VOR civil airway No. 156 control areas (Elkins, W. Va., to Gordonsville, Va.).* All of VOR civil airway No. 156.

§ 601.6157 *VOR civil airway No. 157 control areas (Wilmington, N. C., to Richmond, Va.).* All of VOR civil airway No. 157.

§ 601.6159 *VOR civil airway No. 159 control areas (Miami, Fla., to Albany, Ga.).* All of VOR civil airway No. 159.

§ 601.6160 *VOR civil airway No. 160 control areas (Denver, Colo., to Sidney, Nebr.).* All of VOR civil airway No. 160.

§ 601.6161 *VOR civil airway No. 161 control areas (Fort Worth, Tex., to Minneapolis, Minn.).* All of VOR civil airway No. 161.

§ 601.6162 *VOR civil airway No. 162 control areas (Harrisburg, Pa., to Allentown, Pa.).* All of VOR civil airway No. 162, including a south alternate.

§ 601.6163 *VOR civil airway No. 163 control areas (Brownsville, Tex., to Oklahoma City, Okla.).* All of VOR civil airway No. 163 including west alternates and an east alternate.

§ 601.6164 *VOR civil airway No. 164 control areas (Bradford, Pa., to New York, N. Y.).* All of VOR civil airway No. 164 including south alternate, but excluding the airspace between the main airway and the south alternate.

§ 601.6165 *VOR civil airway No. 165 control areas (Long Beach, Calif., to Coalinga, Calif.).* All of VOR civil airway No. 165.

§ 601.6166 *VOR civil airway No. 166 control areas (Martinsburg, W. Va., to New York, N. Y.).* All of VOR civil airway No. 166.

§ 601.6167 *VOR civil airway No. 167 control areas (New York, N. Y., to Hartford, Conn.).* All of VOR civil airway No. 167.

§ 601.6168 *VOR civil airway No. 168 control areas (Selinsgrove, Pa., to Colts Neck, N. J.).* All of VOR civil airway No. 168.

§ 601.6169 *VOR civil airway No. 169 control areas (Sidney, Nebr., to Rapid City, S. Dak.).* All of VOR civil airway No. 169 including an east alternate.

§ 601.6170 *VOR civil airway No. 170 control areas (Milwaukee, Wis., to Philadelphia, Pa.).* All of VOR civil airway No. 170 including a north alternate.

§ 601.6171 *VOR civil airway No. 171 control areas (Louisville, Ky., to Madison, Wis.).* All of VOR civil airway No. 171.

§ 601.6172 *VOR civil airway No. 172 control areas (Des Moines, Iowa, to Chicago, Ill.).* All of VOR civil airway No. 172 including a south alternate.

§ 601.6173 *VOR civil airway No. 173 control areas (Springfield, Ill., to Chicago, Ill.).* All of VOR civil airway No. 173.

§ 601.6174 *VOR civil airway No. 174 control areas (Vichy, Mo., to Washington, D. C.).* All of VOR civil airway No. 174.

§ 601.6175 *VOR civil airway No. 175 control areas (Vichy, Mo., to Columbia, Mo.).* All of VOR civil airway No. 175.

§ 601.6176 *VOR civil airway No. 176 control areas (Centralia, Ill., to Scotland, Ind.).* All of VOR civil airway No. 176.

§ 601.6177 *VOR civil airway No. 177 control areas (Chicago, Ill., to Madison, Wis.).* All of VOR civil airway No. 177.

§ 601.6178 *VOR civil airway No. 178 control areas (Farmington, Mo., to Paducah, Ky.).* All of VOR civil airway No. 178 including a south alternate.

§ 601.6179 *VOR civil airway No. 179 control areas (Paducah, Ky., to Centralia, Ill.)* All of VOR civil airway No. 179.

§ 601.6180 *VOR civil airway No. 180 control areas (Austin, Tex., to Galveston, Tex.).* All of VOR civil airway No. 180.

§ 601.6181 *VOR civil airway No. 181 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).* All of VOR civil airway No. 181.

§ 601.6182 *VOR civil airway No. 182 control areas (Portland, Oreg., to Baker, Oreg.).* All of VOR civil airway No. 182.

§ 601.6183 *VOR civil airway No. 183 control areas (Santa Barbara, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 183.

§ 601.6184 *VOR civil airway No. 184 control areas (Erie, Pa., to Philipsburg, Pa.).* All of VOR civil airway No. 184.

§ 601.6185 *VOR civil airway No. 185 control areas (Savannah, Ga., to Knoxville, Tenn.).* All of VOR civil airway No. 185 including an east and a west alternate, but excluding the airspace between the main airway and its west alternate airway from the Augusta, Ga., omnirange station to the Asheville, N. C., omnirange station and also excluding the airspace between the main airway and its east alternate from the Asheville, N. C., omnirange station to the Knoxville, Tenn., omnirange station.

§ 601.6186 *VOR civil airway No. 186 control areas (St. Louis, Mo., to Vandalia, Ill.).* All of VOR civil airway No. 186.

§ 601.6187 *VOR civil airway No. 187 control areas (Chicago, Ill., to Milwaukee, Wis.).* All of VOR civil airway No. 187.

§ 601.6188 *VOR civil airway No. 188 control areas (Detroit, Mich., to New York, N. Y.).* All of VOR civil airway No. 188.

§ 601.6190 *VOR civil airway No. 190 control areas (Grants, N. Mex., to Evansville, Ind.).* All of VOR civil airway No. 190.

§ 601.6191 *VOR civil airway No. 191 control areas (Walnut Ridge, Ark., to Milwaukee, Wis.).* All of VOR civil airway No. 191.

§ 601.6192 *VOR civil airway No. 192 control areas (Grant, N. Mex., to Tucumcari, N. Mex.).* All of VOR civil airway No. 192.

§ 601.6193 *VOR civil airway No. 193 control areas (Pullman Mich., to Traverse City, Mich.).* All of VOR civil airway No. 193.

§ 601.6194 *VOR civil airway No. 194 control areas (Royston, Ga., to Norfolk, Va.).* All of VOR civil airway No. 194 including a south alternate.

§ 601.6195 *VOR civil airway No. 195 control areas (Oakland, Calif., to Red Bluff, Calif.).* All of VOR civil airway No. 195 including a west alternate.

§ 601.6196 *VOR civil airway No. 196 control areas (Rock River, Wyo., to Chadron, Nebr.).* All of VOR civil airway No. 196.

§ 601.6197 *VOR civil airway No. 197 control areas (Toledo, Ohio, to Detroit, Mich.).* All of VOR civil airway No. 197.

§ 601.6198 *VOR civil airway No. 198 control areas (San Antonio, Tex., to Galveston, Tex.).* All of VOR civil airway No. 198.

§ 601.6199 *VOR civil airway No. 199 control areas (Fresno, Calif., to Ukiah, Calif.).* All of VOR civil airway No. 199.

§ 601.6200 *VOR civil airway No. 200 control areas (Ukiah, Calif., to Reno, Nev.).* All of VOR civil airway No. 200.

§ 601.6201 *VOR civil airway No. 201 control areas (Los Angeles, Calif., to Pasadena, Calif.).* All of VOR civil airway No. 201.

§ 601.6202 *VOR civil airway No. 202 control areas (Tucson, Ariz., to Cochise, Ariz.).* All of VOR civil airway No. 202.

§ 601.6203 *VOR civil airway No. 203 control areas (Albany, N. Y., to Massena, N. Y.).* All of VOR civil airway No. 203.

§ 601.6204 *VOR civil airway No. 204 control areas (Hoquiam, Wash., to Olympia, Wash.).* All of VOR civil airway No. 204.

§ 601.6205 *VOR civil airway No. 205 control areas (Springfield, Mo., to Kansas City, Mo.).* All of VOR civil airway No. 205.

§ 601.6206 *VOR civil airway No. 206 control areas (Blue Springs, Mo., to Kirksville, Mo.).* All of VOR civil airway No. 206.

§ 601.6207 *VOR civil airway No. 207 control areas (Denver, Colo., to Egbert, Wyo.).* All of VOR civil airway No. 207.

§ 601.6208 *VOR civil airway No. 208 control areas (Los Angeles, Calif., to Needles, Calif.).* All of VOR civil airway No. 208.

§ 601.6209 *VOR civil airway No. 209 control areas (Los Angeles, Calif., to Paso Robles, Calif.).* All of VOR civil airway No. 209.

§ 601.6210 *VOR civil airway No. 210 control areas (Los Angeles, Calif., to Daggett, Calif.).* All of VOR civil airway No. 210.

§ 601.6211 *VOR civil airway No. 211 control areas (Cotulla, Tex., to Junction, Tex.).* All of VOR civil airway No. 211.

§ 601.6212 *VOR civil airway No. 212 control areas (Ukiah, Calif., to Reno, Nev.).* All of VOR civil airway No. 212.

§ 601.6213 *VOR civil airway No. 213 control areas (Rocky Mount, N. C., to Boykins, Va.).* All of VOR civil airway No. 213.

§ 601.6215 *VOR civil airway No. 215 control areas (Muskegon, Mich., to White Cloud, Mich.).* All of VOR civil airway No. 215.

§ 601.6216 *VOR civil airway No. 216 control areas (Janesville, Wis., to Saginaw, Mich.).* All of VOR civil airway No. 216.

§ 601.6217 *VOR civil airway No. 217 control areas (Chicago, Ill., to Green Bay, Wis.).* All of VOR civil airway No. 217.

§ 601.6218 *VOR civil airway No. 218 control areas (Chicago, Ill., to Flint, Mich.).* All of VOR civil airway No. 218.

§ 601.6219 *VOR civil airway No. 219 control areas (Janesville, Wis., to Milwaukee, Wis.).* All of VOR civil airway No. 219.

§ 601.6220 *VOR civil airway No. 220 control areas (Kremmling, Colo., to Akron, Colo.).* All of VOR civil airway No. 220.

§ 601.6221 *VOR civil airway No. 221 control areas (Fort Wayne, Ind., to Erie, Pa.).* All of VOR civil airway No. 221.

§ 601.6222 *VOR civil airway No. 222 control areas (San Antonio, Tex., to Houston, Tex.).* All of VOR civil airway No. 222.

§ 601.6223 *VOR civil airway No. 223 control areas (Herndon, Va., to Harrisburg, Pa.).* All of VOR civil airway No. 223.

§ 601.6224 *VOR civil airway No. 224 control areas (Detroit, Mich., to the*

United States-Canadian Border). All of VOR civil airway No. 224.

§ 601.6225 *VOR civil airway No. 225 control areas (Key West, Fla., to Vero Beach, Fla.).* All of VOR civil airway No. 225.

§ 601.6226 *VOR civil airway No. 226 control areas (Williamsport, Pa., to New York, N. Y.).* All of VOR civil airway No. 226.

§ 601.6227 *VOR civil airway No. 227 control areas (Louisville, Ky., to Indianapolis, Ind.).* All of VOR civil airway No. 227.

§ 601.6228 *VOR civil airway No. 228 control areas (Wheeling, Ill., to South Bend, Ind.).* All of VOR civil airway No. 228.

§ 601.6229 *VOR civil airway No. 229 control areas (Wilmington, N. C., to Cofield, N. C.).* All of VOR civil airway No. 229.

§ 601.6230 *VOR civil airway No. 230 control areas (Salinas, Calif., to Fresno, Calif.)* All of VOR civil airway No. 230.

§ 601.6231 *VOR civil airway No. 231 control areas (Missoula, Mont., to Ronan, Mont.).* All of VOR civil airway No. 231.

§ 601.6232 *VOR civil airway No. 232 control areas (Hill City, Kans., to Salina, Kans.).* All of VOR civil airway No. 232.

§ 601.6233 *VOR civil airway No. 233 control areas (Springfield, Ill., to Moline, Ill.).* All of VOR civil airway No. 233 including an east alternate.

§ 601.6234 *VOR civil airway No. 234 control areas (Anton Chico, New Mex., to Dalhart, Tex.).* All of VOR civil airway No. 234.

§ 601.6235 *VOR civil airway No. 235 control areas (Utah Lake, Utah, to Fort Bridger, Wyo.).* All of VOR civil airway No. 235.

§ 601.6236 *VOR civil airway No. 236 control areas (Booneville, Utah, to Ogden, Utah.).* All of VOR civil airway No. 236.

§ 601.6237 *VOR civil airway No. 237 control areas (Needles, Calif., to Mormon Mesa, Nev.).* All of VOR civil airway No. 237.

§ 601.6238 *VOR civil airway No. 238 control areas (Philadelphia, Pa., to Atlantic City, N. J.).* All of VOR civil airway No. 238.

§ 601.6239 *VOR civil airway No. 239 control areas (Wildwood, N. J., to Philadelphia, Pa.).* All of VOR civil airway No. 239.

§ 601.6240 *VOR civil airway No. 240 control areas (Ship Island, Miss., to Mobile, Ala.).* All of VOR civil airway No. 240.

§ 601.6241 *VOR civil airway No. 241 control areas (Crestview, Fla., to Atlanta, Ga.).* All of VOR civil airway No. 241.

§ 601.6242 *VOR civil airway No. 242 control areas (Mobile, Ala., to Magnolia Springs, Ala.).* All of VOR civil airway No. 242.

§ 601.6243 *VOR civil airway No. 243 control areas (Chattanooga, Tenn., to Bowling Green, Ky.).* All of VOR civil airway No. 243.

§ 601.6246 *VOR civil airway No. 246 control areas (Dayton, Ohio, to Mansfield, Ohio).* All of VOR civil airway No. 246.

§ 601.6247 *VOR civil airway No. 247 control areas (Douglas, Wyo., to Crazy Woman, Wyo.).* All of VOR civil airway No. 247.

§ 601.6248 *VOR civil airway No. 248 control areas (Paso Robles, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 248.

§ 601.6249 *VOR civil airway No. 249 control areas (New York, N. Y., to Port Jervis, N. Y.).* All of VOR civil airway No. 249.

§ 601.6250 *VOR civil airway No. 250 control areas (Bergholz, Ohio, to Fitzgerald, Pa.).* All of VOR civil airway No. 250.

§ 601.6251 *VOR civil airway No. 251 control areas (Philadelphia, Pa., to New York, N. Y.).* All of VOR civil airway No. 251.

§ 601.6252 *VOR civil airway No. 252 control areas (Binghamton, N. Y., to New York, N. Y.).* All of VOR civil airway No 252.

§ 601.6253 *VOR civil airway No. 253 control areas (Utah Lake, Utah, to Grantsville, Utah).* All of VOR civil airway No. 253.

§ 601.6254 *VOR civil airway No. 254 control areas (Reinholds, Pa., to Columbus, N. J.).* All of VOR civil airway No. 254.

§ 601.6255 *VOR civil airway No. 255 control areas.* [Unassigned.]

§ 601.6256 *VOR civil airway No. 256 control areas (Reinholds, Pa., to Warrington, Pa.).* All of VOR civil airway No. 256.

§ 601.6257 *VOR civil airway No. 257 control areas.* [Unassigned.]

§ 601.6258 *VOR civil airway No. 258 control areas (Charleston, W. Va., to Roanoke, Va.).* All of VOR civil airway No. 258.

§ 601.6259 *VOR civil airway No. 259 control areas.* [Unassigned.]

§ 601.6260 *VOR civil airway No. 260 control areas (Charleston, W. Va., to Roanoke, Va.).* All of VOR civil airway No. 260.

HAWAIIAN VOR CIVIL AIRWAY CONTROL AREAS

§ 601.6401 *Hawaiian VOR civil airway No. 1 control areas.* All of Hawaiian VOR civil airway No. 1.

§ 601.6402 *Hawaiian VOR civil airway No. 2 control areas.* All of Hawaiian VOR civil airway No. 2, including south alternates.

§ 601.6403 *Hawaiian VOR civil airway No. 3 control areas.* All of Hawaiian VOR civil airway No. 3.

§ 601.6404 *Hawaiian VOR civil airway No. 4 control areas.* All of Hawaiian VOR civil airway No. 4.

§ 601.6405 *Hawaiian VOR civil airway No. 5 control areas.* All of Hawaiian VOR civil airway No. 5.

§ 601.6406 *Hawaiian VOR civil airway No. 6 control areas.* All of Hawaiian VOR civil airway No. 6.

§ 601.6407 *Hawaiian VOR civil airway No. 7 control areas.* All of Hawaiian VOR civil airway No. 7.

§ 601.6408 *Hawaiian VOR civil airway No. 8 control areas.* All of Hawaiian VOR civil airway No. 8.

§ 601.6409 *Hawaiian VOR civil airway No. 9 control areas.* All of Hawaiian VOR civil airway No. 9.

§ 601.6410 *Hawaiian VOR civil airway No. 10 control areas.* All of Hawaiian VOR civil airway No. 10.

SUBPART G—VOR CIVIL AIRWAY REPORTING POINTS

§ 601.7001 *Domestic VOR reporting points.*

Aberdeen, S. Dak., omnirange station.
Abilene, Tex., omnirange station.
Adamsville Intersection: The intersection of the Appleton, Ohio, omnirange 065° True and the Mansfield, Ohio, omnirange 149° True radials.
Akron, Colo., omnirange station.
Albany, Ga., omnirange station.
Albany, N. Y. omnirange station.
Albuquerque, N. Mex., omnirange station.
Alexandria, La., omnirange station.
Alexandria, Minn., omnirange station.
Alice, Tex., omnirange station.
Allentown, Pa., omnirange station.
Alma, Ga., omnirange station.
Altoona Intersection: The intersection of the Johnstown, Pa., omnirange 092° True and the Philipsburg, Pa., omnirange 202° True radials.
Amarillo, Tex., omnirange station.
Andrews Intersection: The intersection of the Baltimore, Md., omnirange 196° True and the Washington, D. C., terminal omnirange 140° True radials.
Animas Intersection: The intersection of the Douglas, Ariz., omnirange 063° True and the Columbus, N. Mex., omnirange 277° True radials.
Anniston, Ala., omnirange station.
Anthony, Kans., omnirange station.
Anton Chico, N. Mex., omnirange station.
Apple Intersection: The intersection of the Palmdale, Calif., omnirange 096° True and the Daggett, Calif., omnirange 235° True radials.
Ardmore, Okla., omnirange station.
Asheville, N. C., omnirange station.
Atlanta, Ga., omnirange station.
Augusta, Ga., omnirange station.
Augusta, Maine, omnirange station.
Atwater Intersection: The intersection of the Youngstown, Ohio, omnirange 232° True and the Cleveland, Ohio, omnirange 116° True radials.
Austin, Tex., omnirange station.
Avalon Intersection: The intersection of the Oceanside, Calif., omnirange 295° True and the Long Beach, Calif., omnirange 200° True radials.
Baker, Oreg., omnirange station.
Bakersfield, Calif., omnirange station.
Bangor, Maine, omnirange station.
Baltimore, Md., omnirange station.
Baton Rouge, La., omnirange station.
Battle Mountain, Nev., omnirange station.
Bay Point Intersection: The intersection of the Oakland, Calif., omnirange 039° True and the Modesto, Calif., omnirange 292° True radials.
Beaumont, Tex., omnirange station.
Belle Glade Intersection: The intersection of the Vero Beach, Fla., omnirange 192° True and the Miami, Fla., omnirange 338° True radials.
Bellingham, Wash., omnirange station.
Benito Intersection: The intersection of the Salinas, Calif., omnirange 109° True and the Paso Robles, Calif., omnirange 335° True radials.
Bergholz Intersection: The intersection of the Pittsburgh, Pa., Omnirange 291° True and the Youngstown, Ohio, omnirange 195° True radials (or ADF passing indication over the Bergholz, Ohio, nondirectional radio beacon).
Big Spring, Tex., omnirange station.
Billings, Mont., omnirange station.
Binghamton, N. Y., omnirange station.
Birmingham, Ala., omnirange station.
Bismarck, N. Dak., omnirange station.
Blythe, Calif., omnirange station.
Bonneville, Utah, omnirange station.
Boise, Idaho, omnirange station.
Boston, Mass., omnirange station.
Bowling Green, Ky., omnirange station.
Bradford, Ill., omnirange station.
Bradford, Pa., omnirange station.
Bradley Intersection: The intersection of the Poughkeepsie, N. Y., omnirange 079° True radial and the 225° True course of the Windsor Locks, Conn., Bradley Field ILS localizer.
Branchville Intersection: The intersection of the Stroudsburg, Pa., omnirange 055° True and the Wilkes-Barre, Pa., omnirange 117° True radials.
Britton, Tex., omnirange station.
Brownsville, Tex., omnirange station.
Brunswick, Ga., omnirange station.
Bryce Canyon, Utah, omnirange station.
Burley, Idaho, omnirange station.
Burlington, Iowa, omnirange station.
Buffalo, N. Y., omnirange station.
Butler, Mo., omnirange station.
Butte, Mont., omnirange station.
Campbell Intersection: The intersection of the San Francisco, Calif., omnirange 141° True radial and a line bearing 048° True toward the Evergreen, Calif., non-directional radio beacon.
Carleton, Mich., omnirange station.
Carlsbad, N. Mex., omnirange station.
Casper, Wyo., omnirange station.
Cedar Rapids Intersection: The intersection of the Polo, Ill., omnirange 268° True and the Iowa City, Iowa, omnirange 349° True radials (Cedar Rapids, Iowa, nondirectional radio beacon).
Centralia, Ill., omnirange station.
Chadron, Nebr., omnirange station.
Charleston, S. C., omnirange station.
Charleston, W. Va., omnirange station.
Charlotte, N. C., omnirange station.
Chattanooga, Tenn., omnirange station.
Cherokee, Wyo., omnirange station.
Cheyenne, Wyo., omnirange station.
Chicago Heights, Ill., omnirange station.
Childress, Tex., omnirange station.
Cincinnati, Ohio, omnirange station.
Clam Intersection: The intersection of the Cross City, Fla., omnirange 242° True and the Tallahassee, Fla., omnirange 151° True radials.
Clareville Intersection: The intersection of the Alice, Tex., omnirange 010° True and the Corpus Christi, Tex., 321° True radials.
Cleveland, Ohio, omnirange station.
Coalinga, Calif., omnirange station.
Cochise, Ariz., omnirange station.
Cofield, N. C., omnirange station.
Coldwater Intersection: The intersection of the Dayton, Ohio, omnirange 324° True and the Findlay, Ohio, omnirange 250° True radials.
College Station, Tex., omnirange station.
Columbia, Mo., omnirange station.
Columbia, S. C., omnirange station.
Columbus, Ga., omnirange station.
Columbus, N. Mex., omnirange station.
Columbus, Ohio, omnirange station.
Concord, N. H., omnirange station.
Corbin, Ky., VAR station.
Corona Intersection: The intersection of the Long Beach, Calif., omnirange 095° True and the Ontario, Calif., omnirange 180° True radials.
Corono, N. Mex., omnirange station.
Corpus Christi, Tex., omnirange station.
Cotulla, Tex., omnirange station.
Crescent City, Calif., omnirange station.
Crestview, Fla., omnirange station.
Cross City, Fla., omnirange station.
Crossville, Tenn., omnirange station.
Crystal Lake Intersection: The intersection of the Allentown, Pa., omnirange 329° True and the Wilkes Barre-Scranton, Pa., omnirange 224° True radials.
Culberson, Tex., omnirange station.
Cut Bank, Mont., omnirange station.
Daggett, Calif., omnirange station.
Davenport Intersection: The intersection of the Salinas, Calif., omnirange 300° True and the Point Reyes, Calif., omnirange 155° True radials.
Dayton, Ohio, omnirange station.
Daytona Beach, Fla., omnirange station.
Dalhart, Tex., omnirange station.
Dallas, Tex., omnirange station.
Delta, Utah, omnirange station.
Denver, Colo., omnirange station.
Des Moines, Iowa, omnirange station.
Detroit, Mich., omnirange station.
Dickinson, N. Dak., omnirange station.
Dilion, Mont., omnirange station.
Doby Intersection: The intersection of the Elko, Nev., omnirange 338° True and the Wells, Nev., omnirange 249° True radials.
Dodge City, Kans., omnirange station.
Dog Intersection: The intersection of the New Orleans, La., omnirange 078° True and the Mobile, Ala., omnirange 224° True radials.
Dothan, Ala., terminal omnirange station.
Douglas, Ariz., omnirange station.
Douglas, Wyo., omnirange station.
Drummond, Mont., omnirange station.
Dubois, Idaho, omnirange station.
Duluth, Minn., omnirange station.
Dyersburg, Tenn., omnirange station.
Eagle Lake, Tex., omnirange station.
Eau Claire, Wis., omnirange station.
Edgerton Intersection: The intersection of the Fort Wayne, Ind. omnirange 037° True and the Goshen, Ind., omnirange 092° True radials.
El Dorado, Ark., omnirange station.
Elkins, W. Va., omnirange station.
Elko, Nev., omnirange station.
Ellensburg, Wash., omnirange station.
Elmira, N. Y., omnirange station.
El Paso, Tex., omnirange station.
Emporia, Kans., omnirange station.
Ephrata, Wash., omnirange station.
Erie, Pa., omnirange station.
Eugene, Oreg., ommirange station.
Evansville, Ind., omnirange station.
Evergreen, Ala., omnirange station.
Fargo, N. Dak., omnirange station.
Farmington, Mo., omnirange station.
Fayetteville, Ark., omnirange station.
Filmore, Calif., omnirange station.
Findlay, Ohio, omnirange station.
Flat Rock, Va., omnirange station.
Fontana Intersection: The intersection of the Palmdale, Calif., omnirange 136° True, the Ontario, Calif., omnirange 038° True and the Daggett, Calif., omnirange 218° True radials.
Fort Bridger, Wyo., omnirange station.
Fort Jones, Calif., omnirange station.
Fort Myers, Fla., omnirange station.
Fort Smith, Ark., omnirange station.
Fort Wayne, Ind., omnirange station.
Fort Worth, Tex., omnirange station.
Flint Intersection: The intersection of the Lansing, Mich., omnirange 068° True and the Salem, Mich., omnirange 342° True radials.
Flintstone Intersection: The intersection of the Front Royal, Va., omnirange 335° True and the Martinsburg, W. Va., omnirange 398° True radials.
Flippin, Ark., omnirange station.
Florence, S. C., omnirange station.
Fortuna, Calif., omnirange station.
Fresno, Calif., omnirange station.
Front Royal, Va., omnirange station.
Gage, Okla., omnirange station.
Galveston, Tex., omnirange station.
Garden City, Kans., omnirange station.
Gardner, Mass., omnirange station.
Geyersville Intersection: The intersection of the Williams, Calif., omnirange 241° True and the Point Reyes, Calif., omnirange 352° True radials.
Gila Bend, Ariz., omnirange station.
Gill Intersection: The intersection of the Jefferson, Ohio, omnirange 279° True and the Cleveland, Ohio, omnirange 024° True radials.
Goodland, Kans., omnirange station.
Gordonsville, Va., omnirange station.
Gore Intersection: The intersection of the Culbertson, Tex., omnirange 012° True and the Salt Flat, Tex., omnirange 085° True radials.
Goshen, Ind., omnirange station.
Graham, Tenn., omnirange station.
Grand Island, Nebr., omnirange station.
Grand Junction, Colo., omnirange station.
Grants, N. Mex., omnirange station.
Grantsburg, Wis., omnirange station.
Grantsville, Md., omnirange station.
Great Falls, Mont., omnirange station.
Green Bay, Wis., omnirange station.
Greenville Intersection: The intersection of the Tallahassee, Fla., omnirange 091° True; the Valdosta, Ga., omnirange 236° True radials, and the Cross City, Fla., omnirange 333° True radials.
Gregg County, Tex., omnirange station.
Greenwood, Miss., omnirange station.
Greensboro, N. C., omnirange station.
Guthrie, Tex., omnirange station.
Half-Moon Bay Intersection: The intersection of the Oakland, Calif., omnirange 217° True, the Salinas, Calif., omnirange 319° True and the San Francisco, Calif., omnirange 281° True radials.
Hanksville Utah, omnirange station.
Harrisburg, Pa., omnirange station.
Hartford, Conn., omnirange station.
Helena, Mont., omnirange station.
Hassayampa, Ariz., omnirange station.
Herndon, Va., omnirange station.
Highway Intersection: The intersection of the Nashville, Tenn., omnirange 059° True and the Crossville, Tenn., omnirange 347° True radials.
Hill City, Kans., omnirange station.
Hobart, Okla., omnirange station.
Hobbs, N. Mex., omnirange station.
Homer Intersection: The intersection of the Norcross, Ga., omnirange 054° True and the Royston, Ga., omnirange 270° True radials.
Honea Intersection: The intersection of the Royston, Ga., omnirange 074° True radial and the Greenville, S. C., ILS localizer south course.
Hope Intersection: The intersection of the Rochester, Minn., omnirange 275° True and the Minneapolis, Minn., omnirange 179° True radials.
Hoquiam, Wash., omnirange station.
Houston, Tex., omnirange station.
Hudspeth, Tex., omnirange station.
Huntsville, Ala., omnirange station.
Huron, S. Dak., omnirange station.
Hutchinson, Kans., omnirange station.
Imperial, Nebr., omirange station.
Indianapolis, Ind., omnirange station.
Iowa City, Iowa, omnirange station.
Jackson Intersection: The intersection of the Litchfield, Mich., omnirange 050° True and the Salem, Mich., omnirange 257° True radials.
Jackson, Miss., omnirange station.
Jackson, Tenn., omnirange station.
Jacksonville, Fla., omnirange station.
Jamestown, N. Dak., omnirange station.
Janesville, Wis., omnirange station.
Joliet, Ill., omnirange station.
Junction, Tex., omnirange station.
Kansas City, Mo., omnirange station.
Keeler, Mich., omnirange station.

Kelly Intersection: The intersection of the Dallas, Tex., omnirange 180° True and the Waco, Tex., omnirange 321° True radials.
Kenai, Alaska, omnirange station.
Kenton, Ohio, omnirange station.
Kerrville, Tex., omnirange station.
Kingman, Ariz., omnirange station.
Kingsville, Tex., omnirange station.
Klamath Falls, Oreg., omnirange station.
Knoxville, Tenn., omnirange station.
Kodiak, Alaska, omnirange station.
Kokomo, Ind., omnirange station.
Lafayette, Ind., omnirange station.
Lake Charles, La., omnirange station.
Lakeview, Oreg., omnirange station.
Lamar, Colo., omnirange station.
Lander, Wyo., omnirange station.
Lansing, Mich., omnirange station.
Laredo, Tex., omnirange station.
Las Cruces, N. Mex., omnirange station.
Las Vegas, Nev., omnirange station.
Lawton, Okla., omnirange station.
Lebanon, Ohio, omnirange station.
Lewistown, Mont., omnirange station.
Lexington, Ky., omnirange station.
Lincoln, Nebr., omnirange station.
Little Rock, Ark., omnirange station.
Livermore Intersection: The intersection of the Oakland, Calif., omnirange 092° True and the Modesto, Calif., omnirange 292° True radials.
Livingston, Mont., omnirange station.
Llano, Tex., omnirange station.
Lockhart, Tex., omnirange station.
Lodi Intersection: The intersection of the Oakland, Calif., omnirange 039° True and the Modesto, Calif., omnirange 292° True radials.
Logan, Utah, omnirange station.
Lompoc, Calif., omnirange station.
Longview, Tex., omnirange station.
Los Angeles, Calif., omnirange station.
Louisville, Ky., omnirange station.
Lovelock, Nev., omnirange station.
Lubbock, Tex., omnirange station.
Lufkin, Tex., omnirange station.
Lynchburg, Va., omnirange station.
Macon, Ga., omnirange station.
Madison, Wis., omnirange station.
Malad, Idaho, omnirange station.
Manchester, N. H., omnirange station.
Manhattan, Kans., omnirange station.
Marfa, Tex., omnirange station.
Marion, Ohio, omnirange station.
Martinsburg, W. Va., omnirange station.
Mason City, Iowa, omnirange station.
Matagorda Intersection: The intersection of the Corpus Christi, Tex., omnirange 321° True and the Houston, Tex., omnirange 200° True radials.
Mayfield, Ky., omnirange station.
McAlester, Okla., omnirange station.
McCamey, Tex., omnirange station.
McCook, Nebr., omnirange station.
Medford, Oreg., omnirange station.
Memphis, Tenn., omnirange station.
Meridian, Miss., omnirange station.
Merrill, Wis., omnirange station.
Miami, Fla., omnirange station.
Miles City, Mont., omnirange station.
Milton, Fla., omnirange station.
Minden, Nev., omnirange station.
Minneapolis, Minn., omnirange station.
Mobile, Ala., omnirange station.
Modesto, Calif., omnirange station.
Moline, Ill., omnirange station.
Monroe, La., omnirange station.
Montgomery, Ala., omnirange station.
Moorhead, Minn., omnirange station.
Moriarty, N. Mex., omnirange station.
Morristown, Tenn., omnirange station.
Mosby Intersection: The intersection of the Billings, Mont., omnirange 180° True and the Miles City, Mont., omnirange 270° True radials.
Moses Lake, Wash., omnirange station.
Mountain Home, Idaho, omnirange station.
Mount Pleasant, Mich., omnirange station.
Mount Pleasant, Tex., omnirange station.
Mount Vernon, Ill., omnirange station.
Muskogee, Okla., omnirange station.
Myton, Utah, omnirange station.
Nampa, Idaho, omnirange station.
Natchez, Miss., omnirange station.
Natchitoches, La., omnirange station.
Nelson Intersection: The intersection of the Los Angeles, Calif., omnirange 180° True and the Ontario, Calif., omnirange 038° True radials.
Newberry, S. C., omnirange station.
New Castle, Ind., omnirange station.
New Orleans, La., omnirange station.
Newport, Ark., omnirange station.
Newport, Oreg., omnirange station.
Newton, Kans., omnirange station.
Nichols Intersection: The intersection of the Dallas, Tex., omnirange 180° True and the Waco, Tex., omnirange 321° True radials.
Nicholson, Pa., omnirange station.
Nodine Intersection: The intersection of the Salinas, Calif., omnirange 109° True and the Paso Robles, Calif., omnirange 335° True radials.
Norfolk, Nebr., omnirange station.
North Platte, Nebr., omnirange station.
Oakland, Calif., omnirange station.
Oakley, Kans., omnirange station.
Oakridge, Oreg., omnirange station.
Oberlin, Kans., omnirange station.
Ocala, Fla., omnirange station.
Ogden, Utah, omnirange station.
Oklahoma City, Okla., omnirange station.
Olathe, Kans., omnirange station.
Olney, Ill., omnirange station.
Omaha, Nebr., omnirange station.
Oregon City, Oreg., omnirange station.
Orlando, Fla., omnirange station.
Ottumwa, Iowa, omnirange station.
Owatonna, Minn., omnirange station.
Oxford, Miss., omnirange station.
Palacios, Tex., omnirange station.
Palmdale, Calif., omnirange station.
Palmer, Alaska, omnirange station.
Panguitch, Utah, omnirange station.
Pasco, Wash., omnirange station.
Paso Robles, Calif., omnirange station.
Pecos, Tex., omnirange station.
Pendleton, Oreg., omnirange station.
Pensacola, Fla., omnirange station.
Peoria, Ill., omnirange station.
Phillipsburg, Pa., omnirange station.
Phoenix, Ariz., omnirange station.
Pierre, S. Dak., omnirange station.
Pine Bluff, Ark., omnirange station.
Pittsburgh, Pa., omnirange station.
Pocatello, Idaho, omnirange station.
Point Reyes, Calif., omnirange station.
Polo, Ill., omnirange station.
Port Angeles, Wash., omnirange station.
Portland, Maine, omnirange station.
Portland, Oreg., omnirange station.
Port Jervis, N. Y., omnirange station.
Presque Isle, Maine, omnirange station.
Price, Utah, omnirange station.
Providence, R. I., omnirange station.
Pueblo, Colo., omnirange station.
Quincy, Ill., omnirange station.
Rapid City, S. Dak., omnirange station.
Raton, N. Mex., omnirange station.
Redding, Calif., omnirange station.
Red Oak, Iowa, omnirange station.
Reinholds, Pa., omnirange station.
Reno, Nev., omnirange station.
Richfield, Utah, omnirange station.
Richland, Wash., omnirange station.
Richmond, Va., omnirange station.
Riverside, Calif., omnirange station.
Roanoke, Va., omnirange station.
Robstown, Tex., omnirange station.
Rockford, Ill., omnirange station.
Rock Springs, Wyo., omnirange station.
Rosa Intersection: The intersection of the Seattle, Wash., omnirange 180° True and the Yakima, Wash., omnirange 270° True radials.
Roseburg, Oreg., omnirange station.
Roswell, N. Mex., omnirange station.
Rugby, N. Dak., omnirange station.
Rutland, Vt., omnirange station.
Sacramento, Calif., omnirange station.
Saginaw, Mich., omnirange station.
Salem, Mich., omnirange station.
Salem, Oreg., omnirange station.
Salina, Kans., omnirange station.
Salinas, Calif., omnirange station.
Salisbury, Md., omnirange station.
Salt Lake City, Utah, omnirange station.
San Angelo, Tex., omnirange station.
San Antonio, Tex., omnirange station.
San Diego, Calif., omnirange station.
San Francisco, Calif., omnirange station.
San Luis Obispo, Calif., omnirange station.
Santa Barbara, Calif., omnirange station.
Santa Fe, N. Mex., omnirange station.
Santa Maria, Calif., omnirange station.
Santa Rosa, Calif., omnirange station.
Sault Ste. Marie, Mich., omnirange station.
Savannah, Ga., omnirange station.
Scottsbluff, Nebr., omnirange station.
Seattle, Wash., omnirange station.
Selma, Ala., omnirange station.
Seminole, Okla., omnirange station.
Shelby, Mont., omnirange station.
Shelbyville, Tenn., omnirange station.
Sheridan, Wyo., omnirange station.
Shreveport, La., omnirange station.
Sioux City, Iowa, omnirange station.
Sioux Falls, S. Dak., omnirange station.
Smithfield, Utah, omnirange station.
Snowflake, Ariz., omnirange station.
Spokane, Wash., omnirange station.
Springfield, Ill., omnirange station.
Springfield, Mo., omnirange station.
Springfield, Ohio, omnirange station.
Stanton, Tex., omnirange station.
Stockton, Calif., omnirange station.
Stuart, Fla., omnirange station.
Sturgis, Mich., omnirange station.
Sturgis, S. Dak., omnirange station.
Sumpter, S. C., omnirange station.
Sundance, Wyo., omnirange station.
Sweetwater, Tex., omnirange station.
Syracuse, N. Y., omnirange station.
Tacoma, Wash., omnirange station.
Tallahassee, Fla., omnirange station.
Tampa, Fla., omnirange station.
Taylor, Ariz., omnirange station.
Temple, Tex., omnirange station.
Terre Haute, Ind., omnirange station.
Texarkana, Tex., omnirange station.
Thermopolis, Wyo., omnirange station.
Thomasville, Ga., omnirange station.
Tonopah, Nev., omnirange station.
Topeka, Kans., omnirange station.
Traverse City, Mich., omnirange station.
Tucson, Ariz., omnirange station.
Tulsa, Okla., omnirange station.
Tupelo, Miss., omnirange station.
Twin Falls, Idaho, omnirange station.
Tyler, Tex., omnirange station.
Ukiah, Calif., omnirange station.
Umatilla, Oreg., omnirange station.
Vaiden, Miss., omnirange station.
Valdosta, Ga., omnirange station.
Vandalia, Ill., omnirange station.
Vernal, Utah, omnirange station.
Vero Beach, Fla., omnirange station.
Victoria, Tex., omnirange station.
Vidalia, La., omnirange station.
Vincennes, Ind., omnirange station.
Wagner, S. Dak., omnirange station.
Waco, Tex., omnirange station.
Walla Walla, Wash., omnirange station.
Warrington, Pa., omnirange station.
Washington, D. C., omnirange station.
Watertown, N. Y., omnirange station.
Watertown, S. Dak., omnirange station.
Wausau, Wis., omnirange station.
Wayne, Nebr., omnirange station.
Wells, Nev., omnirange station.
Wenatchee, Wash., omnirange station.
West Palm Beach, Fla., omnirange station.
Wheeling, Ill., omnirange station.
White Cloud, Mich., omnirange station.
Wichita, Kans., omnirange station.
Wichita Falls, Tex., omnirange station.
Wilkes-Barre, Pa., omnirange station.
Williamsport, Pa., omnirange station.
Wilmington, N. C., omnirange station.
Winchester, Va., omnirange station.
Winnemucca, Nev., omnirange station.
Winnfield, La., omnirange station.
Winslow, Ariz., omnirange station.
Wolf Point, Mont., omnirange station.
Woodward, Okla., omnirange station.
Worland, Wyo., omnirange station.
Yakima, Wash., omnirange station.
Yankton, S. Dak., omnirange station.
Yuma, Ariz., omnirange station.
Zanesville, Ohio, omnirange station.

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Kiowa, Colo., omnirange station.
Kirksville, Mo., omnirange station.
Kennebunk, Maine, omnirange station.
Key West, Fla., omnirange station.
Klamath Falls, Oreg., omnirange station.
Knoxville, Tenn., omnirange station.

Kokomo Intersection: The intersection of the Indianapolis, Ind., omnirange 021° True and the Lafayette, Ind., omnirange 089° True radials.

Kremmling, Colo., omnirange station.

La Belle Intersection: The intersection of the Miami, Fla., omnirange 316° True and the Fort Myers, Fla., omnirange 035° True radials.

La Crosse, Wis., omnirange station.
Lafayette, Ind., omnirange station.
Lafayette, La., omnirange station.
La Grange, Ga., omnirange station.
Lake Charles, La., omnirange station.
Lakeland, Fla., omnirange station.
Lamar, Colo., omnirange station.
Lamoni, Iowa, omnirange station.

Lancaster Intersection: The intersection of the Harrisburg, Pa., omnirange 108° True and the Allentown, Pa., omnirange 228° True radials.

Lansing, Mich., omnirange station.
Laramie, Wyo., omnirange station.
Laredo, Tex., omnirange station.
Las Vegas, Nev., omnirange station.
Las Vegas, N. Mex., omnirange station.
Lawrenceville, Va., omnirange station.
Lawton, Okla., omnirange station.

Leslie Intersection: The intersection of the Lansing, Mich., omnirange 148° True and the Salem, Mich., omnirange 272° True radials.

Lewisburg Intersection: The intersection of the Bowling Green, Ky., omnirange 283° True and the Nashville, Tenn., omnirange 343° True radials.

Lewistown, Mont., omnirange station.
Lexington, Ky., omnirange station.
Lexington, Nebr., omnirange station.

Lisbon Intersection: The intersection of the Herndon, Va., omnirange 45° True and the Baltimore, Md., omnirange 281° True radials.

Litchfield, Mich., omnirange station.
Little Rock, Ark., omnirange station.
Livingston, Mont., omnirange station.
Lometa, Tex., omnirange station.
Lone Rock, Wis., omnirange station.
Long Beach, Calif., omnirange station.
Los Angeles, Calif., omnirange station.

Los Banos Intersection: The intersection of the Modesto, Calif., omnirange 176° True and the Fresno, Calif., omnirange 267° True radials.

Louisville, Ky., omnirange station.
Lovelock, Nev., omnirange station.
Lubbock, Tex., omnirange station.
Lucin, Utah, omnirange station.
Lufkin, Tex., omnirange station.
Lumberton, N. C., omnirange station.
Macon, Ga., omnirange station.
Malad City, Idaho, omnirange station.
Malden, Mo., omnirange station.
Mansfield, Ohio, omnirange station.

Marchand Intersection: The intersection of the Youngstown, Ohio, omnirange 232° True and the Cleveland, Ohio, omnirange 132° True radials.

Marianna, Fla., omnirange station.

Maricopa Intersection: The intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga, Calif., omnirange 153° True radials.

Marin Intersection: The intersection of the San Francisco, Calif., omnirange 304° True and the Ukiah, Calif., omnirange 172° True radials.

Martinsburg, W. Va., omnirange station.
Mason City, Iowa, omnirange station.
Massena, N. Y., omnirange station.

Maxwell Intersection: The intersection of the Lafayette, Ind., omnirange 122° True and the Indianapolis, Ind., omnirange 084° True radials.

McComb, Miss., omnirange station.
Medford, Oreg., omnirange station.

Medina Intersection: The intersection of the Rochester, N. Y., omnirange 289° True and the Buffalo, N. Y., omnirange 034° True radials.

Medicine Bow, Wyo., omnirange station.
Memphis, Tenn., omnirange station.

Mendota Intersection: The intersection of the Janesville, Wis., omnirange 339° True and the Lone Rock, Wis., omnirange 103° True radials.

Meridian, Miss., omnirange station.
Miami, Fla., omnirange station.
Midland, Tex., omnirange station.
Miles City, Mont., omnirange station.
Milford, Utah, omnirange station.

Millbury Intersection: The intersection of the Hartford, Conn., omnirange 044° True and the Gardner, Mass., omnirange 152° True radials.

Milwaukee, Wis., omnirange station.
Mineral Wells, Tex., omnirange station.
Minneapolis, Minn., omnirange station.
Minot, N. Dak., omnirange station.
Missoula, Mont., omnirange station.
Mobile, Ala., omnirange station.
Modesto, Calif., omnirange station.
Moline, Ill., omnirange station.
Monroe, La., omnirange station.
Montebello, Va., omnirange station.
Montgomery, Ala., omnirange station.

Moncure Intersection: The intersection of the Greensboro, N. C., omnirange 122° True and the Raleigh, N. C., omnirange 249° True radials.

Mooresville Intersection: The intersection of the Charlotte, N. C., omnirange 359° True and the Spartanburg, S. C., omnirange 057° True radials.

Morgantown, W. Va., omnirange station.
Mormon Mesa, Nev., omnirange station.

Mt. Hamilton Intersection: The intersection of the San Francisco, Calif., omnirange 097° True and the Oakland, Calif., omnirange 130° True radials.

Mt. Lola Intersection: The intersection of the Sacramento, Calif., omnirange 040° True and the Reno, Nev., omnirange 268° True radials.

Mullan Pass, Mont., omnirange station.

Murphy Intersection: The intersection of the Chattanooga, Tenn., omnirange 088° True and the Knoxville, Tenn., omnirange 191° True radials.

Muscle Shoals, Ala., omnirange station.
Muskegon, Mich., omnirange station.
Myrtle Beach, S. C., omnirange station.
Naperville, Ill., omnirange station.
Nashville, Tenn., omnirange station.
Needles, Calif., omnirange station.
Neosho, Mo., omnirange station.

New Alexandria Intersection: The intersection of the Pittsburgh, Pa., omnirange 067° True and the Johnstown, Pa., omnirange 290° True radials.

New Braunfels Intersection: The intersection of the San Antonio, Tex., omnirange 074° True and the Austin, Tex., omnirange 209° True radials.

Newburgh Intersection: The intersection of the Wilton, Conn., omnirange 295° True and the Poughkeepsie, N. Y., omnirange 236° True radials.

New Bern, N. C., omnirange station.
Newberg, Oreg., omnirange station.
New Orleans, La., omnirange station.
Newport, Oreg., omnirange station.
Norcross, Ga., omnirange station.
North Bend, Oreg., omnirange station.

North Perry Intersection: The intersection of the Jefferson, Ohio, omnirange 279° True and the Youngstown, Ohio, omnirange 320° True radials.

North Platte, Nebr., omnirange station.
Oakland, Calif., omnirange station.

Oakwood Intersection: The intersection of the Watertown, S. Dak., omnirange 169° True and the Huron, S. Dak., omnirange 088° True radials.

Oceanside, Calif., omnirange station.
Ogden, Utah, omnirange station.
Oklahoma City, Okla., omnirange station.
Omaha, Nebr., omnirange station.
Ontario, Calif., omnirange station.
Orlando, Fla., omnirange station.
Otto, N. Mex., omnirange station.
Ottumwa, Iowa, omnirange station.

Pacoima Intersection: The intersection of the Fillmore, Calif., omnirange 111° True and the Los Angeles, Calif., omnirange 355° True radials.

Paducah, Ky., omnirange station.
Palacios, Tex., omnirange station.

Palestine Intersection: The intersection of the Pittsburgh, Pa., omnirange 326° True and the Wheeling, W. Va., omnirange 003° True radials.

Palm Springs Intersection: The intersection of the Thermal, Calif., omnirange 340° True and the Ontario, Calif., omnirange 91° True radials.

Palmdale, Calif., omnirange station.

Panoche Intersection: The intersection of the Coalinga, Calif., omnirange 311° True and the Modesto, Calif., omnirange 176° True radials.

Parkersburg, W. Va., omnirange station.
Paso Robles, Calif., omnirange station.

Paterson Intersection: The intersection of the Wilkes-Barre-Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

Paynesville Intersection: The intersection of the Pulaski, Va., omnirange 265° True and the Tri-City, Tenn., omnirange 012° True radials.

Pendleton, Oreg., omnirange station.
Pensacola (Saufley Field), Fla., omnirange station.
Peoria, Ill., omnirange station.
Peotone, Ill., omnirange station.
Perry, Ohio, nondirectional radio beacon.

Petersburg Intersection: The intersection of the Morgantown, W. Va., omnirange 134° True and the Elkins, W. Va., omnirange 83° True radials.

Philipsburg, Pa., omnirange station.
Phillip, S. Dak., omnirange station.
Phoenix, Ariz., omnirange station.
Pierre, S. Dak., omnirange station.
Pine Bluff, Ark., omnirange station.

Pinehurst Intersection: The intersection of the Raleigh, N. C., omnirange 232° True and the Florence, S. C., omnirange 008° True radials.

Pioneer Intersection: The intersection of the Fort Wayne, Ind., omnirange 037° True and the Waterville, Ohio, omnirange 288° True radials.

Pittsburgh, Pa., omnirange station.
Plattsburg, N. Y., omnirange station.
Pocatello, Idaho, omnirange station.

Point Dume Intersection: The intersection of the Fillmore, Calif., omnirange 163° True and the Long Beach, Calif., omnirange 267° True radials.

Point Reyes, Calif., omnirange station.
Polo, Ill., omnirange station.
Ponca City, Okla., omnirange station.
Pontiac, Ill., omnirange station.
Portland, Oreg., omnirange station.
Poughkeepsie, N. Y., omnirange station.

Power Point Intersection: The intersection of the Pittsburgh, Pa., omnirange 311° True and the Youngstown, Ohio, omnirange 186° True radials.

Prescott, Ariz., omnirange station.
Princeton, Maine, omnirange station.
Pueblo, Colo., omnirange station.
Pulaski, Va., omnirange station.
Pullman, Mich., omnirange station.

Purgatoire Intersection: The intersection of the Pueblo, Colo., omnirange 145° True and the Lamar, Colo., omnirange 231° True radials.

Quincy, Ill., omnirange station.
Quitman, Tex., omnirange station.

Radnor Intersection: The intersection of the Lafayette, Ind., omnirange 089° True and the Indianapolis, Ind., omnirange 341° True radials.

Raleigh, N. C., omnirange station.
Rapid City, S. Dak., omnirange station.

Raton, N. Mex., omnirange station.
Red Bluff, Calif., omnirange station.
Redmond, Oreg., omnirange station.
Redwood Falls, Minn., omnirange station.
Reno, Nev., omnirange station.

Richmond Intersection: The intersection of the Oakland, Calif., omnirange 330° True and the Sacramento, Calif., omnirange 233° True radials.

Roberts, Ill., omnirange station.
Rochester, Minn., omnirange station.
Rochester, N. Y., omnirange station.
Rock Springs, Wyo., omnirange station.
Rocky Mount, N. C., omnirange station.
Roswell, N. Mex., omnirange station.

Round Top Intersection: The intersection of the Austin, Tex., omnirange 109° True and the College Station, Tex., omnirange 202° True radials.

Royston, Ga., omnirange station.
Russell, Kans., omnirange station.
St. Joseph, Mo., omnirange station.
St. Louis, Mo., omnirange station.
Sacramento, Calif., omnirange station.
Salem, Mich., omnirange station.

Salem Intersection: The intersection of the Hartford, Conn., omnirange 130° True and the Norwich, Conn., omnirange 224° True radials.

Salina, Kans., omnirange station.
Salinas, Calif., omnirange station.
Salisbury, Md., omnirange station.

Saltair Intersection: The intersection of the Salt Lake City, Utah, omnirange 265° True and the Ogden, Utah, omnirange 190° True radials.

Salt Flat, Tex., omnirange station.
Salt Lake City, Utah, omnirange station.
San Angelo, Tex., omnirange station.
San Antonio, Tex., omnirange station.

San Bruno Intersection: The intersection of the San Francisco, Calif., omnirange 305° True and the Oakland, Calif., omnirange 218° True radials.

San Diego, Calif., omnirange station.
San Francisco, Calif., omnirange station.
Santa Barbara, Calif., omnirange station.
Santa Fe, N. Mex., omnirange station.

Saratoga Intersection: The intersection of the San Francisco, Calif., omnirange 218° True and the Salinas, Calif., omnirange 319° True radials.

Saugus Intersection: The Intersection of the Palmdale, Calif., omnirange 247° True and the Los Angeles, Calif., omnirange 355° True radials.

Savannah, Ga., omnirange station.
Scotland, Ind., omnirange station.

Scottdale Intersection: The intersection of the Pittsburgh, Pa., omnirange 117° True and the Morgantown, W. Va., omnirange 021° True radials.

Scottsbluff Intersection: The intersection of the Cheyenne, Wyo., omnirange 054° True and the Sidney, Nebr., omnirange 335° True radials.

Scranton, Pa., omnirange station.
Seattle, Wash., omnirange station.

Seeley Intersection: The intersection of the Yuma, Ariz., omnirange 267° True and the Thermal, Calif., omnirange 155° True radials.

Selinsgrove, Pa., omnirange station.

Sequin Intersection: The intersection of the San Antonio, Tex., omnirange 089° True and the Austin, Tex., omnirange 189° True radials.

Sheridan, Wyo., omnirange station.
Shreveport, La., omnirange station.
Sidney, Nebr., omnirange station.
Sioux City, Iowa, omnirange station.
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Springfield, Ill., omnirange station.
Springfield, Mo., omnirange station.

Stinson Beach Intersection: The intersection of the San Francisco, Calif., omnirange 304° True and the Point Reyes, Calif., omnirange 155° True radials.

Stonyfork Intersection: The intersection of the Elmira, N. Y., omnirange 212° True and the Bradford, Pa., omnirange 097° True radials.

Stroudsburg, Pa., omnirange station.
Sulphur Springs, Tex., omnirange station.
Syracuse, N. Y., omnirange station.

Tahoe Intersection: The intersection of the Sacramento, Calif., omnirange 055° True radial and a line bearing 008° True to the Donner Summit nondirectional radio beacon.

Tallahassee, Fla., omnirange station.
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The Dalles, Oreg., omnirange station.
Thermal, Calif., omnirange station.
Thurman, Colo., omnirange station.
Toledo, Ohio, omnirange station.
Topeka, Kans., omnirange station.
Tri-City, Tenn., omnirange station.

Trumansburg Intersection: The intersection of the Elmira, N. Y., omnirange 29° True and the Rochester, N. Y., omnirange 130° True radials.

Troy Intersection: The intersection of the Dayton, Ohio, omnirange 020° True radial and the Columbus, Ohio, radio range west course.

Troy, Ill., omnirange station
Truth or Consequences, N. Mex., omnirange station.
Tucson, Ariz., omnirange station.
Tucumcari, N. Mex., omnirange station.
Tulsa, Okla., omnirange station.

Turnpike Intersection: The intersection of the Pittsburgh, Pa., omnirange 354° True and the Wheeling, W. Va., omnirange 034° True radials.

Tuscaloosa, Ala., omnirange station.
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Walnut Ridge, Ark., omnirange station.
Waterloo, Iowa, omnirange station.
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Watertown, S. Dak., omnirange station.

Waterway Intersection: The intersection of the Galveston, Tex., omnirange 064° True; the Lake Charles, La., omnirange 244° True and the Beaumont, Tex., omnirange 168° True radials.

Wausau, Wis., omnirange station.
Westchester, Pa., omnirange station.
West Palm Beach, Fla., omnirange station.
Wheeling, Ill., omnirange station.
Wheeling, W. Va., omnirange station.
White Cloud, Mich., omnirange station.
Whitehall, Mont., omnirange station.

Whitehurst Intersection: The intersection of the north course of the Norfolk, Va., VAR and of the northeast course of the Norfolk, Va., ILS localizer.

White Oaks Intersection: The intersection of the Bakersfield, Calif., omnirange 149° True and the Palmdale, Calif., omnirange 291° True radials.

Wichita, Kans., omnirange station.
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Williamsport, Pa., omnirange station.
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Wilton, Conn., omnirange station.
Wink, Tex., omnirange station.
Winslow, Ariz., omnirange station.
Yakima, Wash., omnirange station.
York, Ky., omnirange station.
Youngstown, Ohio, omnirange station.
Yuma, Ariz., omnirange station.
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§ 601.7002 *Hawaiian VOR reporting points.*

Grass Shack Intersection: Intersection of Hilo omnirange 006° True and Upolu 96° True radials.

Hibiscus Intersection: Intersection of Upolu omnirange 96° True and Hilo omnirange 41° True radials.

Hilo, Hawaii, T. H., omnirange station.
Honolulu, Oahu, T. H., omnirange station.

Hula Girl Intersection: Intersection of Lihue omnirange 141° True and Honolulu omnirange 246° True radials.

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Lanai, T. H., omnirange station.
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Makai Intersection: Intersection of Honolulu omnirange 246° True and Lihue omnirange 126° True radials.

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North Lanai Intersection: Intersection of Honolulu omnirange 61° True and Lanai omnirange 337° True radials.

North Maui Intersection: Intersection of Honolulu omnirange 61° True and Maui omnirange 351° True radials.

Paradise Intersection: Intersection of Hilo omnirange 336° True and Upolu omnirange 96° True radials.

Pineapple Intersection: Intersection of Lanai omnirange 111° True and Maui omnirange 237° True radials.

Rainbow Intersection: Intersection of Maui omnirange 191° True and Lanai omnirange 111° True radials.

Southgate Intersection: Intersection of Honolulu omnirange 179° True and Lanai omnirange 286° True radials.

South Honolulu Intersection: Intersection of Honolulu omnirange 179° True and Lanai omnirange 224° True radials.

South Port Allen Intersection: Intersection of Honolulu omnirange 246° True and Lihue omnirange 186° True radials.

Upolu, Hawaii, T. H., omnirange station.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-10291; Filed, Dec. 17, 1956; 8:48 a. m.]

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Washington, Wednesday, December 19, 1956

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6255]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FLORIDA CITRUS EXCHANGE

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agents;* § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Florida Citrus Exchange, Tampa, Fla., Docket 6255, Nov. 26, 1956]

A Florida cooperative corporation acting as selling agent for its 45 member cooperative associations and their member growers or packers of citrus fruits was charged by the Commission with paying illegal brokerage fees on sales made to buyers direct or through their wholly owned subsidiary and variously shipped to purchasers in carload lots for resale to car-pool buyers or otherwise or accepted for delivery in purchaser's privately owned trucks at different points of origin in Florida.

Following the joining of issues by the complaint and answer, the hearing examiner denied respondent's motion for a bill of particulars. Extensive hearings were held in a number of cities, and in due course proposed findings and conclusions were submitted by counsel for both parties.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by the Commission's "Final Order" of November 26 denying respondent's appeal therefrom, was adopted by the Commission.

The order to cease and desist is as follows:

It is ordered, That the Respondent, Florida Citrus Exchange, a corporation, and its officers, directors, agents or employees, directly or indirectly, or through any corporate or other device, in connection with the sale of citrus fruit or other fruit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of its citrus fruit, or other fruit products to such buyer for his own account.

By "Final Order", report of compliance was required as follows:

It is ordered, that respondent, Florida Citrus Exchange, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order contained in the initial decision.

Issued: November 26, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-10320; Filed, Dec. 18, 1956; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

RECAPITULATION OF PART

Because of the number of outstanding amendments to Part 31 since it was last recapitulated in the FEDERAL REGISTER (May 28, 1948, 13 F. R. 2855), Part 31 is recapitulated as of January 2, 1957, to read as set forth herein.

This recapitulation includes amendments to Part 31 adopted by the Commission on September 19, 1956, with an effective date of January 1, 1958, with the proviso, however, that any company at its option could place them into effect as of January 1, 1957. These amendments were published in the FEDERAL

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[SEAL] MARY JANE MORRIS,
Secretary.

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31.669 Accidents and damages.
31.671 Operating rents.
31.672 Relief and pensions.
31.673 Telephone franchise requirements.
31.674 General services and licenses.
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31.676 Telephone franchise requirements—Cr.
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INSTRUCTIONS FOR CLEARING ACCOUNTS

31.7–70 Purpose of clearing accounts.

CLEARING ACCOUNTS

31.702 Vehicle and other work equipment expense.
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31.705 Engineering expense.
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RETIREMENT UNITS

31.8 List of retirement units.

Appendix A: Interpretations of the Accounting Requirements Contained in this System of Accounts.
Appendix B: Standard Practices for the Establishment and Maintenance of Continuing Property Records by Telephone Companies Having Investment in Account 100:1, "Telephone Plant in Service," in Excess of $8,000,000.

AUTHORITY: §§ 31.01–1 to 31.8 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 220, 48 Stat. 1078; 47 U. S. C. 220.

NOTE: Explanation of numbering in this part.

The several section numbers indicate the relationship among the instructions and accounts of Part 31, as follows:

Examples:
(1) Sec. 31.01–1
(2) Sec. 31.1–10
(3) Sec. 31.100:1
(4) Sec. 31.201

EXPLANATION:

The number "31" (appearing to the left of the decimal point) indicates the part number.

The dash "–" indicates an instruction that is applicable to several accounts. See examples (1) and (2).

With the exception of the instructions that are applicable to more than one group of accounts (which are indicated by a zero following the decimal point), the number between the decimal point and the dash indicates the group of accounts to which the instruction is applicable. A mnemonic method of indication is used consisting of the first digit of the first account in the group. Thus, in the foregoing examples:

Sec. 31.01–1 refers to several groups of accounts;

Sec. 31.1–10 refers to the balance-sheet accounts (beginning with account 100).

When no dash appears in the section number, the number to the right of the decimal point is an account number. See examples (3) and (4).

Cross references to accounts are made by citing the account numbers, e. g., account 323 instead of the corresponding section number (§ 31.323).

GENERAL INSTRUCTIONS

§ 31.01–1 *Classification of companies.* (a) For accounting purposes, telephone companies are divided into four classes as follows:

Class A. Companies having annual operating revenues exceeding $250,000.

Class B. Companies having annual operating revenues exceeding $100,000 but not more than $250,000.

Class C. Companies having annual operating revenues exceeding $50,000 but not more than $100,000.

Class D. Companies having annual operating revenues not exceeding $50,000.

(b) Class A companies shall keep all the accounts of this system of accounts, which are applicable to their affairs.

(c) Class B companies shall keep all the accounts of this system of accounts, which are applicable to their affairs, except that their accounts for operating revenues and operating expenses may be kept under the accounts of the condensed classification provided for herein. (See §§ 31.5–53 and 31.6–65.)

(d) Class C companies shall keep all the accounts prescribed by Part 33 of this chapter which are applicable to their affairs.

(e) It is recommended but not required that Class D companies keep the accounts prescribed in Part 33 of this chapter.

(f) Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of telephone companies: *Provided*, That the Commission is notified promptly of such action. Such companies are not required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

(g) The initial classification of a company shall be determined by its lowest annual operating revenues for the three immediately preceding years. Subsequent changes in classification shall be made when the annual operating revenues show a greater or lesser classification for three consecutive years. Companies becoming subject to the jurisdiction of the Commission and not having revenue data for the three immediately preceding years shall estimate the amount of their annual revenues and adopt the scheme of accounts appropriate for the amount of such estimated revenues.

§ 31.01–2 *Records.* (a) The company's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries in these accounts. Where the full information is not recorded in the general books the entries therein shall be supported by other records in which the full details shall be shown and the general book entries shall contain sufficient reference to the detail records to permit ready identification. The detail records shall be filed in such manner as to be readily accessible for examination by representatives of this Commission.

(b) Attention is directed to the following extract from section 220 of the Communications Act of 1934 (48 Stat. 1078; 47 U. S. C. 220):

(e) Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by any such carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than $1,000 nor more than $5,000 or imprisonment for a term of not less than one year nor more than three years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, or documents which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

CROSS REFERENCE: For regulations governing the periods for which records are to be retained, see Part 45 of this chapter.

(c) All charges to the accounts prescribed in this system of accounts for telephone plant, income, operating revenues, and operating expenses shall be just and reasonable and any payments by the company in excess of such just and reasonable charges shall be included in account 323, "Miscellaneous income charges."

(d) Accounts which are clearly summaries of other accounts or subaccounts provided for herein are not required to be kept in the company's books. All accounts kept shall conform in numbers and titles to those prescribed herein, except that:

(1) Companies may subdivide any of the accounts, provided such subdivisions do not impair the integrity of the accounts prescribed. The titles of all such subdivisions or subaccounts shall refer by number or title to the accounts of which they are subdivisions, and this Commission shall be notified of the nature and purpose of such subdivisions. When subaccounts are thus kept, it is not required that the main accounts of which they are subdivisions shall also be kept in the company's books.

(2) Clearing accounts, in addition to those prescribed herein, may be kept when necessary in making the proper distribution of items to the appropriate primary accounts: *Provided*, That within 30 days of the opening of such accounts, this Commission shall be notified of the nature and purpose thereof.

(3) Temporary or experimental accounts may be kept in addition to the accounts prescribed herein, for the purpose of developing the efficiency of operations, etc.: *Provided*, Such accounts do not impair the integrity of any accounts prescribed herein: *And provided further*, That within 30 days of the opening of such accounts, this Commission shall be notified of the nature and purpose thereof.

(e) As of the date a company becomes subject to this system of accounts, the several accounts prescribed herein shall be opened by transferring thereto the balances carried in the accounts previously maintained by the company. Copies of the journal entries recorded to effect these transfers shall be filed with this Commission. The company is authorized to make such subdivisions, reclassifications, or consolidations of such balances as are necessary to meet the requirements of this system of accounts.

(f) Nothing contained in this part shall prohibit or excuse any carrier or receiver or operating trustee of any carrier from subdividing the accounts hereby prescribed in the manner ordered by any State commission having jurisdiction or to the extent necessary to secure the information required in the prescribed reports to such commission.

§ 31.01–3 *Definitions.* When used in this system of accounts:

(a) "Accounts" or "these accounts" means the accounts of this system of accounts.

(b) "Actually issued," as applied to securities issued or assumed by the company, means those which have been sold to bona fide purchasers for a valuable consideration (including those issued in exchange for other securities or other property) under the condition that the purchasers secured them free from all control by the issuing company, also securities issued as dividends on stock.

(c) "Actually outstanding," as applied to securities, means those which have been actually issued and are neither retired nor held by or for the company.

(d) "Affiliated companies" means companies that directly or indirectly through one or more intermediaries, control or are controlled by, or are under common control with, the accounting company.

(e) "Book amount," as applied to capital stock, means the par value of stock having a par value, and the amount duly authorized for inclusion in account 150, "Capital stock," for stock having no par value.

(f) "Book cost" means the amount at which property is recorded in these accounts, without deduction of related reserves.

(g) "Book liability" means the amount at which securities issued or assumed by the company and other liability items are recorded in these accounts.

(h) "Company" or "the company," when not otherwise indicated in the context, means the accounting company.

(i) "Control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, directly or indirectly of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement with, one or more other companies, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, affiliated companies, contract, or any other direct or indirect means.

(j) "Cost," except as applied to telephone plant, franchises, patent rights, and right-of-way, means the amount of money actually paid (or the current money value of any consideration other than money exchanged) for property or services. (Note also paragraph (x) of this section.)

(k) "Cost of removal" means the cost of demolishing, dismantling, removing, tearing down, or otherwise disposing of telephone plant and recovering the salvage, including the cost of transportation and handling incident thereto.

(l) "Debt expense" means all expenses in connection with the issuance and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other commercial paper; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen; fees and expenses of listing on exchanges, and other like costs. (Note also § 31.1–13 (b).)

(m) "Depreciation," as applied to depreciable telephone plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of telephone plant in the course of service from causes which are known to be in current operation, against which

the company is not protected by insurance, and the effect of which can be forecast with a reasonable approach to accuracy. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities.

(n) "Discount," as applied to securities issued or assumed by the company, means the excess of the book or face amount of the securities plus interest or dividends accrued at the date of the sale over the current money value of the consideration received at their sale.

(o) "Face amount" means the amount or value of bonds, mortgages, and other evidences of debt set forth in the documents themselves.

(p) "Group plan," as applied to depreciation accounting, means the plan under which depreciation charges are accrued upon the basis of the original cost of all property included in each depreciable plant account, using the average service life thereof properly weighted, and upon the retirement of any depreciable property its full service value is charged to the depreciation reserve whether or not the particular item has attained the average service life.

(q) "Investment advances" means advances, represented by notes or by book accounts only, with respect to which it is mutually agreed or intended between the creditor and the debtor that they shall be settled by the issuance of capital stock or funded debt or shall not be subject to current cash settlement.

(r) "Minor items," as applied to depreciable telephone plant, means any part or element of such plant, other than station apparatus and station connections, which is not designated as a retirement unit in § 31.8.

(s) "Miscellaneous physical property" means all physical property owned by the company, other than telephone property the investment in which is includible in accounts 100:1, "Telephone plant in service," 100:2, "Telephone plant under construction," 100:3, "Property held for future telephone use," and 100:4, "Telephone plant acquisition adjustment."

(t) "Net salvage value" means the salvage value of the property retired after deducting the cost of removal.

(u) "Nominally issued," as applied to securities, means those which have been signed, certified, or otherwise executed and placed with the proper officer for sale, or pledged or otherwise placed in some special fund of the company, but which have not been sold.

(v) "Nominally outstanding," as applied to securities, means those which after being actually issued have been reacquired by or for the company under such circumstances as require them to be considered as held alive and not retired.

(w) "Nonaffiliated companies" means all companies other than those defined as affiliated in paragraph (d) of this section.

(x) "Original cost" or "cost," as applied to telephone plant, franchises, patent rights, and right-of-way, means the actual money cost of (or the current money value of any consideration other than money exchanged for) property at the time when it was first dedicated to the public use, whether by the accounting company or by predecessors.

NOTE: For the application of this definition to property acquired from predecessors see § 31.2-21. (Note also paragraph (j) of this section.)

(y) "Plant retired" means plant which has been removed, sold, abandoned, destroyed, or otherwise withdrawn from telephone service.

(z) "Premium," as applied to securities issued or assumed by the company, means the excess of the current money value of the consideration received at their sale over the sum of their book or face amount and interest or dividends accrued at the date of the sale.

(aa) "Replacing" and "replacement," when not otherwise indicated in the context, mean the construction or installation of telephone plant in place of plant retired, together with the removal and recovery of the plant retired.

(bb) "Salvage value" means the amount received for property retired, if sold, or if retained for reuse, the amount at which the material recovered is chargeable to account 122, "Material and supplies," or other appropriate account.

(cc) "Service life" means the period between the time of installation of telephone plant and the time of its retirement.

(dd) "Service value" means the difference between the original cost and:

(1) The salvage value for station apparatus.

(2) The net salvage value for other telephone plant.

(ee) "Stock expense," as applied to capital stock, means all expenses in connection with the issuance or sale of capital stock, such as fees and commissions (including the cash value of securities) paid to promoters, underwriters, brokers, and salesmen; fees for legal services; cost of soliciting subscriptions for capital stock, including fees, commissions, and advertising; cost of obtaining governmental authority and filing notices thereunder; fees and taxes for issuance of capital stock and listing on exchanges; cost of preparing, engraving, printing, issuing, and distributing prospectuses and stock certificates in connection with both original and additional capital stock issues. (Note also § 31.1-13 (d), (e), and (f).)

(ff) "Straight-line method," as applied to depreciation accounting, means the plan under which the service value of property is charged to operating expenses and to clearing accounts and credited to the depreciation reserve through equal annual charges as nearly as may be during its service life.

(gg) "Telephone operations" and "telephone service" means the service by common carriers of transmitting intelligence by wire or wireless primarily through the use of telephones, and services incidental or auxiliary to such service, such as private line, teletypewriter, telegraph, and telephotograph services.

(hh) "Telephone plant" means physical property used in telephone service.

(ii) "Time of installation" means the date at which telephone plant is placed in telephone service.

(jj) "Time of retirement" means the date at which telephone plant is retired from telephone service.

§ 31.01-4 *Unaudited items.* When the amount of any known item affecting these accounts cannot be accurately determined in time for inclusion in the accounts of the calendar year in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is audited, the necessary adjustments shall be made through the accounts in which the estimate was recorded. If during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The company is not required to anticipate minor items which would not appreciably affect these accounts.

§ 31.01-5 *Delayed items.* (a) The term "delayed items" means items relating to transactions which occurred before the current calendar year. It includes adjustments of errors in the income, operating revenue, and operating expense accounts of prior years.

(b) If the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort those accounts, the company shall distribute to earned surplus so much of the amount as affects the operations of prior years. The company shall file with this Commission the full particulars concerning each such item, including the accounts and years which would have been affected had the item not been delayed.

§ 31.01-6 *Spreading of income, revenue, and expense items.* When the amount of any unusual item includible in an income, operating revenue, or operating expense account for a single month is relatively so large that its inclusion in the accounts for that month would seriously distort those accounts, it may be included in account 139, "Other deferred charges," or account 174, "Other deferred credits," as appropriate, and distributed in equal amounts to the accounts for the current and remaining months of the calendar year.

§ 31.01-7 *Profits and losses from foreign exchange.* (a) Profits and losses from premiums and discounts on foreign exchange shall be included, so far as practicable, in the accounts appropriate for the transactions in connection with which such items arise. For example, profits realized and losses suffered due to the difference in rates of exchange between the date that money is borrowed or loaned and the date of payment or collection shall be included in account 402, "Miscellaneous credits to earned surplus," or account 413, "Miscellaneous debits to earned surplus," as may be appropriate.

(b) Minor amounts of profits and losses on foreign exchange arising in the course of the company's telephone operations and impracticable of allocation to each specific transaction involved shall be included in account 526, "Other operating revenues," or account 675, "Other expenses," as may be appropriate.

§ 31.01-8 *Interpretation of item lists.* Lists of "items" appearing in the texts of the several accounts are given for the purpose of clearly indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all the items includible in the several accounts but merely as representative of them. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

§ 31.01-9 *Submission of questions.* To the end that uniformity of accounting may be maintained, the company shall submit all questions of doubtful interpretation of the prescribed accounting to this Commission for consideration and decision. Questions and answers thereto with respect to this system of accounts are included in Appendix A.

§ 31.01-9A *Sequence of accounts.* The order in which the accounts are presented in this system of accounts is not to be considered as necessarily indicative of the order in which they will be scheduled at all times in reports to the Commission.

INSTRUCTIONS FOR DEPRECIATION ACCOUNTING

§ 31.02-80 *Computation of depreciation rates.* (a) Depreciation charges shall be computed by applying the composite annual percentage rates considered applicable to the original cost of each class of depreciable telephone plant owned or used by the company. (Note also § 31.02-81 (b).) These percentage rates shall be based upon the estimated service values and service lives developed by a study of the company's history and experience and such engineering and other information as may be available with respect to prospective future conditions. These percentage rates shall be computed in conformity with the group plan of accounting for depreciation and shall be such that the loss in service value of the property, except for losses excluded under the definition of depreciation, may be distributed under the straight-line method during the service life of the property. Such percentage rates shall not include any allowance for loss in service value of property expected to be installed in the future. The percentage rates shall, for each primary account comprised of more than one class of property, produce a charge to operating expenses for that account equal to the sum of the amounts that would otherwise be chargeable for each of the various classes of property included in the account.

(b) In the event any composite percentage rate becomes no longer applicable, revised composite percentage rates shall be computed in accordance with paragraph (a) of this section.

(c) The company shall keep such records of property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service-life indications by mortality, turnover, or other appropriate methods, and also such records as will reflect the percentage of salvage value, or net salvage value, as appropriate, for property retired from each class of depreciable telephone plant. For purposes of the records required to be kept under this paragraph no costs of removal or disconnection shall be associated with account 231, "Station apparatus." Any such costs shall be recorded as applicable to account 232, "Station connections."

§ 31.02-81 *Depreciation charges.* (a) Charges for currently accruing depreciation shall be made monthly to account 608, "Depreciation," and to clearing accounts, as appropriate, and corresponding credits shall be made to account 171, "Depreciation reserve." In computing the current monthly charges, one-twelfth of the composite annual percentage rate applicable to the primary accounts covering depreciable telephone plant shall be applied to the average of the balances, as of the first and last of the current month, in each such primary account.

(b) When the company is responsible under the terms of a lease for depreciation of property, used but not owned, for which the rent is chargeable to account 303, "Rent for lease of operating property," depreciation charges shall be made on the same basis as for owned depreciable property.

(c) A separate composite annual percentage rate for each account covering depreciable telephone plant shall be used in computing depreciation charges. Such composite rates shall be computed in accordance with § 31.02-80.

§ 31.02-82 *Classes of depreciable telephone plant.* The classes of depreciable telephone plant and the accounts covering such plant are as follows:

Right of way (account 207).
Buildings (account 212).
Central office equipment (account 221).
Station apparatus (account 231).
Station connections (account 232).
Large private branch exchanges (account 234).
Pole lines (account 241).
Aerial cable (account 242:1).
Underground cable (account 242:2).
Buried cable (account 242:3).
Submarine cable (account 242:4).
Aerial wire (account 243).
Underground conduit (account 244).
Furniture and office equipment (account 261).
Vehicles and other work equipment (account 264).

NOTE: When depreciable plant carried in account 276, "Telephone plant acquired," is distributed to the appropriate plant accounts, adjusting entries shall be made covering the depreciation charges applicable to such plant for the period during which it was carried in account 276.

§ 31.02-83 *Plant retired for causes not factors in depreciation.* The service value of depreciable telephone plant retired (note also § 31.2-25) shall be charged in its entirety to account 171, "Depreciation reserve." If the cause of retirement is not a recognized factor in depreciation and the loss is not covered by insurance, the company may upon proof that the charge to the depreciation reserve will result in undue depletion thereof, and with the approval of this Commission, credit account 171, "Depreciation reserve," and charge account 138, "Extraordinary maintenance and retirements," with the unprovided-for loss in service value and distribute it from that account to account 609, "Extraordinary retirements," over such period as this Commission may approve.

INSTRUCTIONS FOR BALANCE-SHEET ACCOUNTS

§ 31.1-10 *Purpose of balance-sheet accounts.* The balance-sheet accounts (100:1 to 181, inclusive) are designed to show the assets, liabilities, capital stock, and surplus or deficit of the company.

§ 31.1-11 *Current assets.* (a) In the group of accounts designated as current assets (accounts 113-123, inclusive) there shall not be included any item the book cost of which is not reasonably assured, except that items of current character but of doubtful value may be written down and for record purposes carried in these accounts at a nominal amount. If not thus written down, they shall be included in account 139, "Other deferred charges," at book cost or nominal amount, or written off, as may be appropriate, but they shall not be so included at book cost unless there is a reasonable prospect of future substantial value.

(b) The amount of any item written off shall be included in account 530, "Uncollectible operating revenues—Dr.", account 323, "Miscellaneous income charges," account 413, "Miscellaneous debits to earned surplus," or other appropriate account.

§ 31.1-12 *Book cost of securities owned.* (a) Securities issued by others shall be recorded in these accounts at the time of purchase at the current money value of the consideration given therefor by the company. (Note also paragraph (d) of account 313 and paragraph (b) of account 314.)

(b) The company is allowed the option of writing down such book cost in recognition of decline in the value of the securities. It shall write down to a nominal amount or write off if there is no reasonable prospect of future substantial value. The amount of such adjustment shall be debited to account 413, "Miscellaneous debits to earned surplus." The company shall maintain a complete record of the facts on which it bases such adjustment.

§ 31.1-13 *Company securities owned.* (a) The book or face amount of nominally issued and nominally outstanding stocks and other securities issued or assumed by the company shall be shown in the short columns only of the balance-sheet statement of the company to this Commission. (Note also § 31.1-16A.)

(b) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of

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debt that have been reacquired and (2) the amounts actually paid for them plus the amounts of expenses incurred in connection with their reacquisition shall be included, when a debit, in account 413, "Miscellaneous debits to earned surplus," and when a credit, in account 402, "Miscellaneous credits to earned surplus." In the case of refinancing, amounts that ordinarily would thus be charged or credited to earned surplus may be made subject to amortization upon approval by the Commission in the specific instance.

(c) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt that previously have been reacquired and are resold and (2) the amounts actually received for them less the amounts of expense incurred in connection with their resale shall be included when a debit in account 413, "Miscellaneous debits to earned surplus," and, when a credit, in account 402, "Miscellaneous credits to earned surplus."

(d) The necessary adjustments for the difference between (1) the book amount of capital stock that has been reacquired and (2) the amount actually paid for it plus the amounts of expense incurred in connection with its reacquisition shall be included in account 179, "Other capital surplus," except that the excess of a debit adjustment over the balance in account 179, applicable to capital stock of the same class, shall be charged to earned surplus: *And, provided further,* That a credit adjustment shall be included in earned surplus to the extent that any previous charges to earned surplus on account of transactions in the same class of stock have not been offset by previous credits to earned surplus on account of such transactions.

(e) The necessary adjustments for the difference between (1) the book amount of capital stock that previously has been reacquired and is resold, and (2) the amount actually received for it less the amounts of expense incurred in connection with its resale shall be included in account 179, "Other capital surplus," except that the excess of a debit adjustment over the balance in account 179, applicable to capital stock of the same class, shall be charged to earned surplus: *And provided further,* That a credit adjustment shall be credited to earned surplus to the extent that any previous charges to earned surplus on account of transactions in capital stock of the same class have not been offset by previous credits to earned surplus on account of such transactions.

(f) The company's records shall be so maintained that in reports to the Commission there may be shown the extent to which the surplus accounts have been charged and credited in connection with transactions in each class of capital stock.

NOTE: The book amount for nonpar stock reacquired shall be obtained by first ascertaining the amount in account 150, "Capital stock," for the particular class of stock before the reacquirement. In this amount shall be included the proceeds realized at the sale, the amount of any assessments against stockholders, the amounts transferred to account 150 from surplus, less any amount which has been distributed from account 150 to the stockholders in liquidation. The amount thus ascertained shall be prorated to the shares reacquired on the basis of the proportion that the reacquired shares bear to the total number of shares actually outstanding immediately prior to their reacquirement. (Note also accounts 104, 105, 136, and 137.)

§ 31.1–14 *Discount and premium on capital stock.* (a) A separate discount and premium account shall be maintained to include both discounts suffered and premiums realized at the time of sale of each class and series of capital stock having a par value.

(b) In stating the balance sheet, the total of debit balances in these accounts having debit balances shall be reported under account 134:1, "Discount on capital stock," and the total of credit balances in these accounts having credit balances shall be reported under account 152, "Premium on capital stock." Accounts with debit balances shall not be offset by accounts with credit balances.

(c) General levies or assessments against stockholders shall be credited to the discount and premium account for the particular class and series of capital stock so assessed.

(d) Discounts, premiums, and assessments on capital stock shall be retained in the discount and premium account until the reacquirement of the securities to which they relate, or until otherwise disposed of lawfully.

(e) When capital stock which has been actually issued or assumed by the company is reacquired the proportion (based upon the relation of the amount of stock reacquired to the total amount of that particular class or series of stock outstanding before its reacquirement) of the balance in the discount and premium account with respect to the stock reacquired shall be cleared to account 179, "Other capital surplus," except that any excess of a debit amount over the balance in account 179, applicable to capital stock of the same class, shall be charged to earned surplus: *And, provided further,* That a credit amount shall be credited to earned surplus to the extent that any previous charges to earned surplus on account of transactions in capital stock of the same class have not been offset by previous credits to earned surplus on account of such transactions.

(f) No discount or premium on capital stock shall be included in any account as a part of the cost of acquiring any property or as a part of the cost of operation.

§ 31.1–15 *Discount, premium, and expense on long-term debt.* (a) A separate discount, premium, and debt expense account shall be maintained to include both discounts suffered and premiums realized together with expenses incurred, in connection with the sale of each class and series of long-term debt (including receivers' certificates) issued or assumed by the company. (Note also § 31.1–13 (b).)

(b) In stating the balance sheet, the total of the debit balances remaining in these accounts having debit balances shall be reported under account 135, "Discount on long-term debt," and the total of credit balances remaining in these accounts having credit balances shall be reported under account 168, "Premium on long-term debt." Accounts with debit balances shall not be offset by accounts with credit balances.

(c) The company may extinguish at any time through charges to account 413, "Miscellaneous debits to earned surplus," all or any part of the debit balance remaining in any particular discount, premium, and debt expense account.

(d) Each month there shall be credited to each particular discount, premium and debt expense account in which there is a debit balance the proportion (based upon the ratio of the month to the life of the security remaining at the beginning of the month) of such debit balance as is applicable to the month. The amounts thus credited shall be concurrently charged to account 338, "Amortization of discount on long-term debt." (Note also § 31.2–22 (b) (10) (ii).)

(e) Correspondingly each month there shall be charged to each particular discount, premium and debt expense account in which there is a credit balance the proportion of such credit balance as is applicable to the month. The amounts thus charged shall be concurrently credited to account 339, "Release of premium on long-term debt.—Cr." (Note also § 31.2–22 (b) (10) (ii).)

(f) Except as provided in paragraphs (c), (d) and (e) of this section, the balance in each of these accounts shall be carried until the reacquirement of the securities to which it relates at which time the proportion (based upon the relation of the amount of long-term debt reacquired to the total amount of that particular class or series of long-term debt outstanding before its reacquirement) of the balance in the discount, premium and debt expense account with respect to the long-term debt reacquired shall be cleared to account 402, "Miscellaneous credits to earned surplus," or account 413, "Miscellaneous debits to earned surplus," as may be appropriate. In the case of refinancing, amounts that ordinarily would thus be charged or credited to earned surplus may be made subject to amortization upon approval of the Commission in the specific instance. (Note also § 31.1–13 (b).)

(g) No discount, premium, or expense on long-term debt shall be included in any account as a part of the cost of acquiring any property or as a part of the cost of operation except under the provisions of § 31.2–22 (b) (10) (ii).

§ 31.1–16 *Exchange of securities.* Before recording journal entries which it is proposed to spread upon the company's books to record the reacquirement of capital stock or other securities issued or assumed by the company under a plan for the issuance in exchange therefor of the company's securities, a statement indicating the plan of accounting proposed by the company shall be presented to this Commission for consideration and approval. Such statement shall give complete information concerning the plan of exchange, the authority of the regulatory body with respect thereto, if any, and the basis upon which the amounts have been determined.

§ 31.1–16A *Nonpar capital stock.* Before recording journal entries which it is proposed to spread upon the company's books to record the issuance or assumption by the company of nonpar capital stock or appropriations of surplus for transfer to nonpar capital stock account, a statement indicating the plan of accounting shall be presented to this Commission for consideration and approval. Such statement shall give complete information with respect to the basis upon which the amounts to be recorded have been determined.

§ 31.1–17 *Contingent assets and liabilities.* Contingent assets represent a possible source of value to the company contingent upon the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may under certain conditions become obligations of the company but which are neither direct nor assumed liabilities at the date of the balance-sheet. In the annual report to this Commission contingent assets and contingent liabilities shall not be included in the balance-sheet but contingent assets and liabilities shall be shown in detail in a supplementary statement accompanying it.

§ 31.1–18 *Surplus.* (a) The accounts designated as capital surplus accounts are designed to show (1) paid-in surplus (i. e., proprietary contributions in excess of the stated capital included in the capital-stock accounts), (2) donated surplus (including (i) surplus created by donations of stock or assets by proprietary interests, and (ii) contributions of assets or forgiveness of debt by others) when the intent of the donor or bondholder is to increase the company's invested capital, (3) surplus arising from reacquisition or resale of, or otherwise trading in, the company's own capital stock, and (4) surplus arising from the reduction of the stated value of capital stock due to such occasions as retirement, reorganization, or recapitalization.

(b) The balance-sheet accounts designated as earned-surplus-accounts are designed to show the accumulated undistributed surplus derived from the normal operations of the company and from all sources (including sales of fixed assets) other than those sources referred to in paragraph (a) of this section.

BALANCE-SHEET ACCOUNTS

INVESTMENTS

§ 31.100:1 *Telephone plant in service.* This account shall include the original cost of the company's property used in telephone service at the date of the balance sheet as classified under accounts 201 to 277, inclusive. (Note also §§ 31.2–20 and 31.2–21.)

§ 31.100:2 *Telephone plant under construction.* (a) This account shall include the original cost of construction of telephone plant, other than station apparatus, that is not completed ready for service. It shall include interest during construction, taxes during construction, and all other elements of cost of such construction work. (Note also §§ 31.2–20 to 31.2–22 and account 231.)

(b) When any telephone plant, the cost of which has been included in this account, is completed ready for service, the cost thereof shall be credited to this account and charged to the appropriate telephone plant or other accounts.

NOTE: There may be charged directly to the appropriate plant accounts the cost of any construction project which is estimated to be completed ready for service within two months. There may also be charged directly to the plant accounts the cost of any construction project for which the gross additions to plant are estimated to amount to less than $10,000.

§ 31.100:3 *Property held for future telephone use.* (a) This account shall include the original cost of property, other than station apparatus, owned and held for imminent use in telephone service under a definite plan for such use.

(b) The property included in this account shall be classified according to the primary accounts for telephone plant in service. Separate subaccounts shall be provided for this purpose which accounts shall carry the same numbers as the plant accounts except that each account number shall be prefixed by (1). (Note also §§ 31.2–20 and 31.2–21.)

§ 31.100:4 *Telephone plant acquisition adjustment.* (a) This account shall include amounts determined in accordance with § 31.2–21 representing the difference between (1) the amount of money actually paid (or the current money value of any consideration other than money exchanged) for telephone plant acquired, plus preliminary expenses incurred in connection with the acquisition; and (2) the original cost of such plant, governmental franchises and similar rights acquired, less the amounts of reserve requirements for depreciation and amortization of the property acquired. If the actual original cost is not known, the entries in this account shall be based upon an estimate of such cost.

(b) This account shall be subdivided according to the character of the amounts contained therein. In addition to a copy of the journal entry recorded to open the account, the company shall file with this Commission statements showing the basis of the computation of amounts included therein. The detailed records supporting these statements shall be retained permanently by the company.

(c) The amounts recorded in this account with respect to each property acquisition shall be disposed of, written off, or provision shall be made for the amortization thereof, as follows:

(1) Debit amounts may be charged to earned surplus in whole or in part, or amortized over a reasonable period through charges to account 323, "Miscellaneous income charges," without further direction or approval by this Commission. Should a carrier desire the disposition of debit amounts in any manner other than as herein provided, it shall request that the Commission (i) approve recommended disposition or (ii) direct appropiate disposition according to the circumstances involved in each transaction.

(2) Credit amounts shall be disposed of in such manner as this Commission may approve or direct, except for credit amounts referred to in subparagraph (3) of this paragraph.

(3) Within one year from the date of inclusion in this account of a debit or credit amount with respect to a current acquisition, the company may dispose of the total amount (other than that portion relating to land) arising from an acquisition of telephone plant by a lump-sum charge or credit, as appropriate, to account 614, "Amortization of telephone plant acquisition adjustment," (§ 31.614) without further approval of the Commission, provided that such amount does not exceed $2,000 and that the plant was not acquired from an affiliated company.

NOTE A: Disposition as herein provided is for accounting purposes only and shall not be construed as determining or controlling the amount or disposition of the items in a rate or other proceeding, nor shall anything contained in paragraph (c) of this section be construed as precluding the Commission from subsequently requiring disposition of such amounts through charges to earned surplus or from altering a previously determined amortization period.

NOTE B: When these matters involve a carrier subject to both Federal and State regulation, the cooperative procedure heretofore agreed to between Federal and State Commissions shall be invoked. (See Part 1 of this chapter.)

§ 31.100:7 *Telephone plant adjustment.* (a) This account shall include the difference between the original cost, estimated if not known, and the book cost of telephone plant to the extent that such difference is not properly includible in account 100: 4, "Telephone plant acquisition adjustment," and for which disposition has not previously been made.

(b) The amounts included in this account shall be so classified as to show the nature of each amount and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of plant.

§ 31.101:1 *Investments in affiliated companies.* (a) This account shall include the book cost (note § 31.1–12) of the company's investment in securities issued or assumed by affiliated companies other than securities held in special funds (see also Note B to this account) or as temporary cash investments.

(b) This account shall be maintained so as to show separately the book cost of:

(1) Common stocks.

(2) Preferred stocks.

(3) Long-term debt.

(c) The company's records shall be kept in such manner that in the annual reports to this Commission the securities pledged as collateral security for any of the company's long-term debt or short-term loans or to secure performance of contracts may be shown separately from securities unpledged.

NOTE A: The value of securities borrowed by the company shall not be included in this account.

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ferred to account 150 from surplus, less any

count on long-term debt," and the total

have been determined.

NOTE B: The book cost of securities held in special funds shall be included in accounts 104, 136, or 137, as may be appropriate.

NOTE C: Working funds advanced to affiliated companies other than investment advances shall be included in account 116.

§ 31.101:2 *Advances to affiliated companies.* This account shall include the amount of the investment advances to affiliated companies.

NOTE: Amounts receivable from affiliated companies which are subject to current settlement shall be included in accounts 117:1 or 120:1, as appropriate.

§ 31.102 *Other investments.* (a) This account shall include the book cost (note § 31.1–12) of the company's investment in securities issued or assumed by nonaffiliated companies and individuals, other than securities held in special funds (see also Note C to this account) or as temporary cash investments; also its investment advances to such parties and special deposits of cash for more than 1 year from date of deposit.

(b) This account shall be maintained so as to show separately the book cost of:

(1) Stocks.
(2) Long-term debt.
(3) Investment advances.
(4) Special deposits of cash for more than 1 year from date of deposit.

(c) The company's records shall be kept in such manner that in the annual reports to this Commission the securities pledged as collateral security for any of the company's long-term debt or short-term loans or to secure the performance of contracts may be shown separately from the securities unpledged.

NOTE A: Amounts receivable from nonaffiliated companies and individuals which are subject to current settlement shall be included in accounts 117:2 or 120:2, as appropriate.

NOTE B: The value of securities borrowed by the company shall not be included in this account.

NOTE C: The book cost of securities held in special funds shall be included in accounts 104, 136, or 137, as may be appropriate.

NOTE D: Working funds advanced to nonaffiliated companies and individuals other than investment advances shall be included in account 115.

§ 31.103 *Miscellaneous physical property.* This account shall include the company's investment in physical property other than property the investment in which is includible in accounts 100:1, "Telephone plant in service," 100:2, "Telephone plant under construction," 100:3, "Property held for future telephone use," and 100:4, "Telephone plant acquisition adjustment." It shall include the company's investment in telephone property retired and held for sale; also property such as lighting, water, power, and manufacturing plants, not held incident to the company's telephone operations, and assessments against miscellaneous physical property for the construction of public improvements.

§ 31.104 *Sinking funds.* (a) This account shall include the amount of cash, the book cost of securities issued by other companies, and the book or face amount of nominally issued and nominally outstanding securities issued or assumed by the company, and other assets which are held by trustees or by the company's treasurer in a distinct fund, for the purpose of redeeming outstanding obligations. (Note also §§ 31.1–12, 31.1–13, and 31.3–31.)

(b) A separate account shall be kept for each sinking fund under a title which shall designate the obligation in support of which the fund was created.

§ 31.105 *Company securities owned.* (a) This account shall include the book or face amount of nominally issued and nominally outstanding securities issued or assumed by the company, other than such securities held in sinking or other special funds. (Note also § 31.1–13.)

(b) This account shall be maintained so as to show:

(1) For stock:
(i) Par stock:
(a) Number of shares and total book amount of shares unpledged.
(b) Number of shares and total book amount of shares pledged.
(ii) Nonpar stock: (Note § 31.1–16A.)
(a) Number of shares and book amount assigned to shares unpledged.
(b) Number of shares and book amount assigned to shares pledged.
(2) For long-term debt:
(i) Total face amount unpledged.
(ii) Total face amount pledged.

CURRENT ASSETS

§ 31.113 *Cash.* This account shall include the amount of current funds available for use on demand in the hands of financial officers and agents, or deposited in banks or with trust companies, also funds in transit for which agents have received credit. (Note also § 31.1–11.)

NOTE: Working funds shall be included in account 115.

§ 31.114 *Special cash deposits.* This account shall include the amount of cash on special deposit, other than in sinking and other special funds provided for elsewhere, to pay dividends, interest, and other debts, when such payments are due 1 year or less from the date of deposit; the amount of cash deposited to insure the performance of contracts to be performed within 1 year from date of the deposit; and other cash deposits of a special nature not provided for elsewhere. This account shall include the amount of cash deposited with trustees to be held until mortgaged property sold, destroyed, or otherwise disposed of is replaced, and also cash realized from the sale of the company's securities and deposited with trustees to be held until invested in physical property of the company or for disbursement when the purposes for which the securities were sold are accomplished. (Note also § 31.1–11.)

NOTE A: Cash on deposit in special accounts where the funds are available for the current requirements of the company shall be included in account 113.

NOTE B: This account shall not include any amounts representing securities owned.

NOTE C: Cash on special deposit to be held for more than 1 year from the date of deposit shall be included in account 102.

§ 31.115 *Working funds.* This account shall include amounts advanced to officers, employees, and others as working funds from which expenditures are to be made and accounted for. (Note also § 31.1–11.)

§ 31.116 *Temporary cash investments.* This account shall include the book cost (note also §§ 31.1–11 and 31.1–12) of securities acquired for the purpose of temporarily investing cash, such as time drafts receivable and time loans, bankers' acceptances, United States Treasury certificates, marketable securities, and other similar investments of a temporary character. Securities of affiliated companies included in this account shall be recorded in a subaccount hereunder.

§ 31.117:1 *Notes receivable from affiliated companies.* This account shall include the book cost (note § 31.1–12) of demand or time notes, bills and drafts receivable, or other similar evidences (except interest coupons) of money receivable from affiliated companies on demand or within a time not exceeding 1 year from date of issue. (Note also § 31.1–11.)

NOTE: Obligations of affiliated companies any part of which matures more than 1 year from date of issue and notes evidencing investment advances shall be included in accounts 101:1, 101:2, 104, 116, 136, or 137, as appropriate.

§ 31.117:2 *Other notes receivable.* This account shall include the book cost (note § 31.1–12) not includible elsewhere, of all collectible obligations from nonaffiliated companies and individuals in the form of notes receivable and other similar evidences (except interest coupons) of money receivable on demand or within a time not exceeding 1 year from date of issue. (Note also § 31.1–11.)

NOTE: Obligations any part of which matures more than 1 year from date of issue, notes evidencing investment advances and notes issued by affiliated companies shall be included in accounts 101:1, 101:2, 102, 104, 116, 117:1, 136, or 137, as appropriate.

§ 31.118 *Due from customers and agents.* This account shall be subdivided as follows:

(a) *Due from customers and agents.* (1) This subaccount shall include amounts due from customers for services rendered or billed and from agents and collectors authorized to make collections from customers. (Note also § 31.1–11.) This subaccount shall be kept in such manner as will enable the company to make the following analysis:

(i) Amounts due from customers who are still receiving telephone service.

(ii) Amounts due from customers whose telephone service has been discontinued and whose accounts are in process of collection.

(2) Collections in excess of amounts charged to this subaccount may be credited to and carried in this account until applied against charges for services rendered or until refunded.

(3) The amount of notes held as security for customers' accounts may be carried in this account pending collection.

(b) *Reserve for uncollectible accounts—Cr.* (1) This subaccount shall be credited with such amounts as may be charged to account 530, "Uncollectible operating revenues—Dr.," to provide for uncollectible accounts included in subaccount 118 (a). (Note also § 31.5–51.)

There shall also be credited to this subaccount amounts collected which previously have been written off through charges to this subaccount and credits to subaccount 118 (a).

(2) If this reserve for uncollectible accounts is maintained, there shall be charged to it any amounts covered thereby which have been found to be impracticable of collection. If such reserve is not maintained, amounts included in subaccount 118 (a) which have been found to be uncollectible shall be charged to account 530, "Uncollectible operating revenues—Dr."

§ 31.120:1 *Accounts receivable from affiliated companies.* (a) This account shall include amounts due from affiliated companies on all transactions that are subject to current settlement, except for sales of telephone service at regular rates. There shall be included herein accounts receivable arising from division of toll revenues. (Note also § 31.1–11.)

(b) In the balance-sheet statement there may be included in this account the net amount receivable from companies against each of which there is a net debit balance between this account and account 159:1, "Accounts payable to affiliated companies."

NOTE: If any items included in this account are not actually paid currently they shall be transferred to account 101:2.

§ 31.120:2 *Other accounts receivable.* (a) This account shall include all amounts currently due, other than those from affiliated companies, and not provided for in other accounts, such as those for traffic settlements, material and supplies, repairs to telephone plant, matured rents, and interest receivable under monthly settlements on short-term loans, advances, and open accounts. (Note also § 31.1–11.)

(b) In the balance-sheet statement there may be included in this account the net amount receivable from companies against each of which there is a net debit balance between this account and account 159:2, "Other accounts payable."

§ 31.121 *Interest and dividends receivable.* This account shall include the amount of interest accrued to the date of the balance-sheet on bonds, notes, and other commercial paper owned, on loans made, and the amount of dividends receivable on stocks owned. (Note also § 31.1–11.)

NOTE A: These accounts shall not include dividends or other returns on securities issued or assumed by the company and held by or for it, whether pledged as collateral, or held in its treasury, in special deposits, or in sinking and other funds.

NOTE B: Interest receivable under monthly settlements on short-term loans, advances, and open accounts, shall be included in accounts 120:1 or 120:2, as appropriate.

§ 31.122 *Material and supplies.* (a) This account shall include the cost of unapplied material and supplies held in stock (see also Note E to this account), including plant supplies, tools, fuel, stationery, directory paper stock, and other supplies; and material and articles of the company in process of manufacture for supply stock.

(b) Transportation charges and sales and use taxes, so far as practicable, shall be included as a part of the cost of the particular material to which they relate.

(c) So far as practicable, cash and other discounts on material shall be deducted in determining the cost of the particular material to which they relate or credited to the account to which the material is charged. When not so deductible, they shall be credited to account 704, "Supply expense."

(d) Material recovered in connection with construction, maintenance, or retirement of property shall be charged to this account as follows:

(1) Reusable material comprising items that, when installed or in service, were retirement units or principal components of assemblies that were retirement units, shall be included in this account at original cost, estimated if not known. (Note also § 31.2–25 (e).) Reusable material comprising minor items that, when installed or in service, were neither retirement units nor principal components of assemblies that were retirement units, shall be included in this account at current prices new. The cost of repairing reusable material shall be charged to the appropriate account in operating expenses.

(2) Scrap and nonusable material included in this account shall be carried at the estimated amount which will be received therefor. The difference between the amounts realized for scrap and nonusable material sold and the amounts at which it is carried in this account, so far as practicable, shall be adjusted in the accounts credited when the material was taken up in this account.

NOTE A: This account shall not include amounts representing the cost of material or articles, title to which is not vested in the company.

NOTE B: Interest paid on material bills, the payments of which are delayed, shall be charged to account 336.

NOTE C: Inventories of material and supplies shall be taken during each calendar year and the necessary adjustment to bring this account into harmony with the actual inventory shall be made. In effecting this adjustment, differences which may practically be assigned to important classes of material shall be equitably adjusted among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory or included in account 704. The company is permitted to equalize over the period between inventories, through debits or credits to account 704 and concurrent credits or debits to account 122, the estimated amount, based on the company's past experience, of the overage or shortage which will occur at the subsequent inventory. Determined differences between the amount of the provision thus made and the actual inventory overage or shortage shall be cleared as provided for in the second and third sentences of this note.

NOTE D: If, for convenience in accounting and economy in handling material and supplies for nontelephone operations, their cost is included in this account, the company's records shall be maintained so that the cost of such material and supplies so carried can be determined.

NOTE E: This account shall not include items in stock which are includible in account 231, "Station apparatus." Materials in stock that are normally used for station apparatus repair purposes shall be included in account 605, "Repairs of station equipment," if company-held, and in this account if in stocks held by others.

§ 31.123 *Other current assets.* This account shall include the amount of all current assets which are not includible in accounts 113 to 122, inclusive, such as unmatured rents receivable. (Note also § 31.1–11.)

OTHER ASSETS

§ 31.126 *Subscriptions to capital stock.* (a) This account shall include the balance owing from subscribers upon legally enforceable subscriptions to capital stock.

(b) The purchase price shall be debited to this account at the time the subscription is received. Concurrently there shall be credited to account 153:1, "Capital stock subscribed," the book amount of the stock subscribed. The difference between these amounts shall be debited or credited, as appropriate, to account 134:1, "Discount on capital stock," or account 152, "Premium on capital stock."

(c) Payments received from subscribers shall be credited to this account.

NOTE: The records supporting the entries to this account shall be kept so that the company can furnish the name and address of each subscriber, the amount and kind of capital stock subscribed, the date of subscription, the date that each payment is due and the date that each is paid, the nature of each payment (whether cash or other consideration), and any other information that is necessary to make the history of the subscription complete.

§ 31.127 *Subscriptions to funded debt.* (a) This account shall include the balance owing from subscribers upon legally enforceable subscriptions to funded debt.

(b) The purchase price shall be debited to this account at the time the subscription is received. Concurrently there shall be credited to account 154:2, "Funded debt subscribed," the face amount of the funded debt subscribed. The difference between these amounts shall be debited or credited, as appropriate, to account 135, "Discount on long-term debt," or account 168, "Premium on long-term debt."

(c) Payments received from subscribers shall be credited to this account.

NOTE: The records supporting the entries to this account shall be kept so that the company can furnish the name and address of each subscriber, the amount and kind of funded debt subscribed, the date of subscription, the date that each payment is due and the date that each is paid, the nature of each payment (whether cash or other consideration), and any other information that is necessary to make the history of the subscription complete.

PREPAID ACCOUNTS AND DEFERRED CHARGES

§ 31.129 *Prepaid rents.* This account shall include the amounts of rents paid in advance, except minor amounts which may be charged direct to the final accounts. As the term expires for which the rents are paid, this account shall be credited at monthly intervals and the appropriate account charged. (Note also §§ 31.2–22 (b) and 31.2–23 (a), accounts

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held by trustees or by the company's funds from which expenditures are to be

account 118 (a). (Note also § 31.5–51.)

for supply stock.

303, 315, and 671, and the clearing accounts.)

§ 31.130 *Prepaid taxes.* This account shall include the amounts of taxes paid in advance, except minor amounts which may be charged direct to the final accounts. As the term expires for which the taxes are paid, this account shall be credited at monthly intervals and the appropriate account charged. (Note also § 31.2–22 (b) (8) and accounts 305 and 322.)

§ 31.131 *Prepaid insurance.* This account shall include the amount of insurance premiums paid in advance, except premiums chargeable to the telephone plant accounts and minor amounts which may be charged direct to the final accounts. As the term expires for which the premiums are paid, this account shall be credited at monthly intervals and the appropriate account charged.

§ 31.132 *Prepaid directory expenses.* This account shall include the cost of preparing, printing, binding, and delivering directories and the cost of soliciting advertisements for directories, except minor amounts which may be charged direct to account 649, "Directory expenses." Amounts carried in this account shall be cleared to account 649 by monthly charges of such amounts as represent the portion of the expense that is applicable to the respective months. (Note also account 649.)

§ 31.133 *Other prepayments.* This account shall include prepayments other than those includible in accounts 129 to 132, inclusive, except minor amounts which may be charged direct to the final accounts. As the term expires for which the payments apply, this account shall be credited at monthly intervals and the appropriate account charged.

§ 31.134:1 *Discount on capital stock.* This account shall include the total of debit balances in the discount and premium accounts, for all classes of capital stock having debit balances in these accounts. (Note § 31.1–14.)

§ 31.134:2 *Capital stock expense.* (a) This account shall include all commissions and expenses incurred in connection with the issuance or sale of capital stock, including additional capital stock of a certain class or series as well as first issues. (Note § 31.1–13 (d), (e), and (f).)

(b) When any issue of capital stock, or a portion thereof, is reacquired, there shall be credited to this account and charged to account 179, "Other capital surplus," the amount herein with respect to such stock, except that any excess of such amount over the balance in account 179 applicable to capital stock of the same class, shall be charged to earned surplus.

(c) The company may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 179, "Other capital surplus," or to earned surplus in case the amount exceeds the balance in account 179 applicable to the same class of stock.

(d) Separate subaccounts shall be provided hereunder for each class and series of capital stock.

§ 31.135 *Discount on long-term debt.* This account shall include the total of debit balances in the discount, premium, and debt expense accounts, for all classes of long-term debt having debit balances in these accounts. (Note § 31.1–15.)

§ 31.136 *Provident funds.* This account shall include the amount of cash, the book cost of securities of other companies, and the book or face amount of nominally issued and nominally outstanding securities issued or assumed by the company, and other assets held by trustees or managers of employees' pension funds, savings funds, relief, hospital, and other association funds (whether contributed by the company, by employees, or by others), when such trustees or managers are acting for the company in the administration of such funds. (Note also §§ 31.1–12, 31.1–13, and 31.3–31.)

NOTE: This account shall not include funds held by trustees when such funds are irrevocably devoted to pension purposes.

§ 31.137 *Insurance and other funds.* This account shall include the amount of cash, the book cost of securities of other companies, and the book or face amount of nominally issued and nominally outstanding securities issued or assumed by the company, and other assets held by trustees or managers (including workmen's compensation commissions) of insurance and other funds which have been specifically set aside or invested for specific purposes not provided for elsewhere. A separate account shall be kept for each fund under titles which will designate the obligation in support of which the fund is created. (Note also §§ 31.1–12, 31.1–13, and 31.3–31.)

§ 31.138 *Extraordinary maintenance and retirements.* (a) This account shall include the unprovided-for loss in service value of telephone plant retired in accordance with provisions of § 31.02–83. (Note also account 609.)

(b) This account shall include also the cost of extensive replacements of station apparatus, inside wires, and drop and block wires, in accordance with the provisions of § 31.6–64. (Note also account 605.)

(c) Charges provided in paragraphs (a) and (b) of this section shall be included in this account only after permission of this Commission has been obtained. The company's application to this Commission for such permission shall give full particulars concerning the property retired or of the extensive replacements of apparatus or wires, the amount chargeable to operating expenses, and the period over which in its judgment the amount of such charges should be distributed.

§ 31.139 *Other deferred charges.* This account shall include all deferred charges, not provided for elsewhere, such as unaudited amounts and other debit balances in suspense that cannot be cleared and disposed of until additional information is received; debit balances in clearing accounts; the amount, pending determination of loss, of funds on deposit with banks which have failed; assets of current character but of doubtful value (note also § 31.1–11); revenue, expense, and income items held in suspense (note also § 31.01–6); amounts paid for options pending final disposition; the cost of preliminary surveys, plans, investigations, etc., made for determining the feasibility of projects under contemplation. This account shall include also the cost of valuations, inventories, and appraisals taken in connection with the contemplated acquisition or sale of property. If the property is subsequently acquired, the preliminary costs shall be accounted for as a part of the cost of acquisition, or if it is sold, such costs shall be deducted from the sale price in accounting for the property sold. If contemplated projects are carried out, the preliminary costs shall be included in the cost of the projects; if the contemplated projects are abandoned, such costs (including options paid, if any) shall be charged to account 413, "Miscellaneous debits to earned surplus."

STOCK

§ 31.150 *Capital stock.* (a) This account shall include the book amount of certificates which represent permanent interests in the company or interests which if terminable are so only at the option of the company. (Note also § 31.1–16A.)

(b) This account shall be kept so as to show the book amount of: (1) Nominally issued capital stock, (2) actually outstanding capital stock, and (3) nominally outstanding capital stock. (Note § 31.1–13 (d), (e), and (f).)

(c) The amounts included herein shall be further divided so as to show the book amount of stocks with par value and stocks without par value, classified according to preferences in distribution of dividends or assets, difference in voting rights, and difference in conditions under which they may be retired.

(d) This account shall be charged with the book amount of any stock retired at the time of retirement.

NOTE A: When a general levy or assessment is made against holders of par stock requiring the payment of any sum in addition to the consideration agreed upon at the time of the sale, the amount collected upon such levy or assessment shall be credited to the discount or premium account for the class of stock on which the assessment is made. If such a levy or assessment is made against the holders of nonpar stock, the amount collected shall be added to the book amount carried in this account for such stock.

NOTE B: No entries shall be made in this account for stock certificates before the certificates have been lawfully authorized and authenticated.

§ 31.151 *Stock liability for conversion.* This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of other companies which have not been surrendered for exchange.

NOTE: When prior to their actual conversion the securities outstanding have been given all rights and privileges of capital stock

of the company's own issue, such securities shall be included in account 150.

§ 31.152 *Premium on capital stock.* This account shall include the total of credit balances in the discount and premium accounts, for all classes of capital stock having credit balances in these accounts. (Note § 31.1–14.)

§ 31.153:1 *Capital stock subscribed.* (a) This account shall include the book amount of capital stock for which legally enforceable subscriptions have been received but for which, at the date of the balance-sheet, stock certificates have not been issued. A separate subaccount shall be maintained for each class of capital stock.

(b) This account shall be debited and account 150, "Capital stock," credited when a subscriber has paid his subscription in full and stock certificates are issued representing the shares subscribed.

(c) Accrued dividends, if any, on the stock certificates issued to subscribers shall be accounted for through the appropriate dividend account. (Note account 126.)

§ 31.153:2 *Installments paid on capital stock.* (a) This account shall include the amount of installments paid on capital stock on a partial or installment payment plan by subscribers against whom there is no legally enforceable subscription contract, and who are entitled to be reimbursed for the principal amount of their payments, with or without interest, in the event they fail to complete payments for the stock and receive certificates therefor.

(b) As the total amount of each subscription is received and stock certificates are issued this account shall be cleared; the book amount of the certificates shall be included in account 150, "Capital stock," and any discount or premium involved shall be included in the appropriate discount or premium account.

NOTE: The records supporting the entries to this account shall be kept so that the company can furnish the name and address of each subscriber, the amount and kind of capital stock subscribed, the date of subscription, the date that each payment is due and the date that each is paid, the nature of each payment (whether cash or other consideration), and any other information that is necessary to make the history of the subscription complete.

LONG-TERM DEBT

§ 31.154:1 *Funded debt.* (a) This account shall include the total face amount of unmatured debt, maturing more than 1 year from date of issue, issued by the company and not retired, and the total face amount of similar unmatured debt of other companies, the payment of which has been assumed by the company, including funded debt the maturity of which has been extended by specific agreement. (Note §§ 31.1–13 and 31.1–15, and also account 154:2.)

(b) This account shall be kept so as to show the face amount of: (1) Nominally issued funded debt, (2) actually outstanding funded debt, and (3) nominally outstanding funded debt.

(c) The amounts included herein shall be further divided so as to show the amounts of each class of funded debt as follows:

(1) Mortgage bonds: Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(2) Collateral trust bonds: Bonds and notes secured by a lien on securities or other negotiable paper, and stock trust certificates that are similar in character to collateral trust bonds.

(3) Income bonds: Bonds which are a lien on a company's income alone, or bonds which, while being a lien on its property and franchises, can claim payment of interest only in case interest is earned.

(4) Miscellaneous obligations: All funded obligations not provided for by the other subdivisions of this account, including unsecured certificates of indebtedness, debenture bonds, plain bonds, and other similar obligations maturing more than 1 year from date of issue.

(d) Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity.

NOTE A: Securities maturing 1 year or less from date of issue shall be included in accounts 158:1 or 158:2, as appropriate, except that where an issue of securities maturing serially over a period of more than 1 year contains short-term obligations, such obligations shall be included as funded debt.

NOTE B: Matured funded debt shall be included in account 163.

NOTE C: Investment advances, including those represented by notes, shall be included in account 156 or account 157, as may be appropriate.

§ 31.154:2 *Funded debt subscribed.* (a) This account shall include the face amount of funded debt for which legally enforceable subscriptions have been received but for which, at the date of the balance-sheet, evidences of indebtedness have not been issued. A separate subaccount shall be maintained for each class of funded debt.

(b) This account shall be debited and account 154:1, "Funded debt," credited when the total amount of each subscription is received and evidences of indebtedness are issued.

(c) Accrued interest on the evidences of indebtedness issued to subscribers shall be accounted for through the appropriate interest account. (Note account 127.)

§ 31.155 *Receivers' certificates.* When any receiver acting under the orders of a court is in possession of the property of the company and under the orders of such court issues evidences of indebtedness chargeable upon such property, the face amount of such evidences of indebtedness shall be credited to this account.

§ 31.156 *Advances from affiliated companies.* This account shall include the amount of investment advances from affiliated companies.

NOTE: Amounts due affiliated companies which are subject to current settlement shall be included in accounts 158:1 or 159:1, as appropriate.

§ 31.157 *Other long-term debt.* This account shall include investment advances from nonaffiliated companies and individuals, and other long-term debt not provided for elsewhere.

NOTE: Amounts due nonaffiliated companies and individuals which are subject to current settlement shall be included in accounts 158:2 or 159:2, as appropriate.

CURRENT LIABILITIES

§ 31.158:1 *Notes payable to affiliated companies.* This account shall include the face amount of notes, drafts, and other evidences of indebtedness to affiliated companies issued or assumed by the company (except interest coupons) which are payable on demand or not more than 1 year from date of issue.

NOTE A: Exclude from this account notes that are within the definition of account 156.

NOTE B: The records supporting the entries to this account shall be kept so that the company can furnish complete details as to each note, when it is issued, the consideration received, and when it is payable.

§ 31.158:2 *Other notes payable.* This account shall include the face amount of notes, drafts, and other evidences of indebtedness to nonaffiliated companies and individuals issued or assumed by the company (except interest coupons) which are payable on demand or not more than 1 year from date of issue.

NOTE A: Obligations any part of which matures more than 1 year from date of issue, notes representing investment advances, and notes payable to affiliated companies shall be included in accounts 154:1, 156, 157, or 158:1, as appropriate.

NOTE B: All unmatured receivers' certificates, regardless of date of maturity, shall be included in account 155.

§ 31.159:1 *Accounts payable to affiliated companies.* (a) This account shall include amounts owed by the company to affiliated companies on all transactions subject to current settlement. There shall be included herein accounts payable arising from divisions of toll revenues.

(b) In the balance-sheet statement there may be included in this account the net amount payable to companies in favor of each of which there is a net credit balance between this account and account 120:1, "Accounts receivable from affiliated companies."

NOTE: If items included in this account are not actually paid currently, they shall be transferred to account 156.

§ 31.159:2 *Other accounts payable.* (a) This account shall include amounts currently due to nonaffiliated companies and individuals, and not provided for in other accounts, such as those for wages, traffic settlements, material and supplies, repairs to telephone plant, matured rents, and interest payable under monthly settlements on short-term loans, advances, and open accounts.

(b) In the balance-sheet statement there may be included in this account the net amount payable to companies in favor of each of which there is a net credit balance between this account and account 120:2, "Other accounts receivable."

§ 31.160 *Customers' deposits.* This account shall include the amount of cash

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deposited with the company by customers as security for the payment for telephone service.

NOTE: Advance payments made by prospective customers prior to the establishment of service shall be credited to account 164.

§ 31.162 *Matured interest and dividends.* This account shall include the amount of matured and unpaid interest on indebtedness of the company, and receivers' certificates, and the amount of dividends due and payable on capital stock but unpaid, uncalled for, or unclaimed at the date of the balance sheet.

NOTE: Interest payable under monthly settlements on short-term loans, advances, and open accounts shall be included in accounts 159:1 or 159:2, as appropriate.

§ 31.163 *Matured long-term debt.* This account shall include the amount (including any obligations for premiums) of long-term debt and receivers' certificates matured and unpaid without any specific agreement for extension of maturity, including unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements.

§ 31.164 *Advance billing and payments.* This account shall include the amount of advance billing creditable to revenue accounts in future months; also advance payments made by prospective customers prior to the establishment of service. Amounts included in this account shall be credited to the appropriate revenue accounts in the months in which the service is rendered or cleared from this account as refunds are made.

§ 31.165 *Other current liabilities.* This account shall include all liabilities of a current character which are not includible in accounts 158:1 to 164, inclusive.

ACCRUED LIABILITIES NOT DUE

§ 31.166 *Taxes accrued.* This account shall include the amount of unpaid taxes accrued. (Note also § 31.2–22 (b) (8) and accounts 305 and 322.)

NOTE: Taxes paid in advance shall be included in account 130.

§ 31.167 *Unmatured interest, dividends, and rents accrued.* (a) This account shall include the amount of interest on indebtedness of the company and receivers' certificates; dividends on capital stock, and rents accrued to the date for which the balance-sheet is made, but not payable until after that date.

(b) This account shall be maintained so as to show separately the amount of interest, of dividends, and of rents accrued to the date of the balance-sheet.

NOTE A: Matured rents are includible in account 159:1 or 159:2, and matured dividends and interest in account 162.

NOTE B: Interest payable under monthly settlements on short-term loans, advances, and open accounts shall be included in account 159:1 or 159:2, as appropriate.

DEFERRED CREDITS AND RESERVES

§ 31.168 *Premium on long-term debt.* This account shall include the total of credit balances in the discount, premium, and debt expense accounts, for all classes of long-term debt having credit balances in these accounts. (Note § 31.1–15.)

§ 31.169 *Insurance reserve.* (a) To this account shall be credited appropriations of income or earned surplus specifically made to cover self-carried risks for losses through accident, fire, flood, or other causes.

(b) In case the company elects to carry its own risks for losses through accident, fire, flood, or other causes and provides a reserve, other than provision made in the depreciation reserve, to equalize anticipated losses, the charges to account 668, "Insurance," and other appropriate accounts to cover such risks shall be credited to this account. Such charges and credits shall be upon the basis of rates which fairly cover the risks insured. These rates should be determined according to the company's experience and best estimate as to the hazard covered. A schedule of risks covered by this reserve shall be maintained giving a description of the property or the character of the risks covered.

(c) If the company reinsures with insurance companies risks initially covered in this account, the premiums for such reinsurance shall be charged hereto, and the amounts recovered under such commercial insurance shall be credited hereto.

(d) To the extent that losses and damages sustained are covered by this account, an amount equal thereto shall be charged to this account and credited to the accounts appropriate for the losses and damages sustained.

NOTE: All losses and damages sustained, including those covered by commercial insurance or by this account, shall be charged in the first instance to the depreciation reserve, construction, repair, accidents and damages, or other appropriate account according to the character of the loss. Insurance recoverable or chargeable to this account on account of losses and damages sustained shall be credited to the account to which the losses and damages are chargeable.

§ 31.170 *Provident reserve.* (a) This account shall include specific appropriations of income or earned surplus and the amounts contributed by employees or others (whether carried in special trust funds or in the general funds of the company) for pensions, accident and death benefits, savings, relief, hospital, and other provident purposes, when administered by trustees or managers acting for the company.

(b) This account shall include also the amount accrued for pensions through charges to account 672, "Relief and pensions." Amounts so credited shall, when actually paid to retired employees or paid into a trust fund irrevocably devoted to the payment of pensions, be charged hereto.

§ 31.171 *Depreciation reserve.* (a) This account shall be credited with amounts concurrently charged to account 608, "Depreciation," and to clearing accounts for currently accruing depreciation of telephone plant. (Note also §§ 31.02–80 to 31.02–82). It shall also be credited with any amounts which the company may elect to charge to account 413, "Miscellaneous debits to earned surplus," and transfer to this account with respect to past accrued depreciation not provided for. (Note also §§ 31.2–20 (b) and 31.2–21.)

(b) At the time of retirement of depreciable telephone plant, this account shall be charged with the original cost of the property retired plus the cost of removal and shall be credited with the salvage value and insurance recovered, if any. (With respect to entries relating to station apparatus and station connections, see accounts 231 and 232). This account shall also be credited with amounts chargeable to account 138, "Extraordinary maintenance and retirements," as provided in § 31.02–83. (Note also § 31.2–25.)

(c) For corporate ledger and balance-sheet purposes this account shall be regarded and treated as a single composite reserve. However, for purposes of analysis, the company shall maintain subsidiary records in which the depreciation reserve is broken down into component parts corresponding to the primary telephone plant accounts which include depreciable telephone plant (note also § 31.02–82); these subsidiary records shall show the current credits and debits to the reserve in complete detail by such primary plant accounts.

§ 31.172 *Amortization reserve.* (a) This account shall be credited with amounts concurrently charged to account 613, "Amortization of intangible property," for the amortization of leaseholds, franchises, and patent rights. (Note accounts 315 and 174 for depreciation of miscellaneous physical property.)

(b) This account shall be credited with any amounts concurrently charged to account 413, "Miscellaneous debits to earned surplus," to provide a reserve for the retirement of amounts carried in account 201, "Organization." It shall also be credited with any amounts which this Commission may authorize under a plan to amortize the balance in account 100:4, "Telephone plant acquisition adjustment."

(c) When any leasehold carried in account 211, "Land," or any franchise or patent expires, is relinquished, or otherwise retired from service, this account shall be charged with the amount previously credited hereto with respect to the property going out of service. The original cost of the property so retired less the amount chargeable to this account and less the proceeds realized at retirement shall be included in the appropriate earned surplus account. (Note also § 31.2–25 (f).)

§ 31.173 *Employment stabilization reserve.* (a) This account shall be credited with amounts concurrently charged to account 611, "Employment stabilization." When maintenance work for which provision has been made in this account is performed, this account shall be charged with an amount equal to the cost of such work and concurrently account 611 shall be credited.

(b) This account shall also be credited with amounts concurrently charged to account 672, "Relief and pensions," under provisions of paragraph (f) of that account to provide a reserve for termination allowances or similar benefits to employees of the company when such

employees are laid off because of lack of work, also to provide necessary and warranted relief to former employees. When disbursements are made for these purposes they shall be charged to this account.

§ 31.174 *Other deferred credits.* (a) This account shall include the amount of all deferred credits not includible in accounts 168 to 173, inclusive, such as credit balances in clearing accounts; estimated uninsured casualty liabilities charged to account 669, "Accidents and damages"; amounts awaiting adjustments between accounts; amounts accrued for depreciation of miscellaneous physical property; and revenue, expense, and income items in suspense. (Note also § 31.01–6.)

(b) When miscellaneous physical property not previously used in telephone service is disposed of, this account shall be charged with the amount previously credited hereto with respect to such property and the book cost of the property so retired less the amount chargeable to this account and less the value of the salvage recovered or the proceeds from the sale of the property shall be included in the appropriate earned surplus account. In case the property had been used in telephone service previous to its inclusion in account 103, "Miscellaneous physical property," the amount accrued for depreciation thereon after its retirement from telephone service shall be charged to this account and credited to account 171, "Depreciation reserve," and the accounting for its retirement from account 103 shall be in accordance with that applicable to telephone plant retired. (Note also § 31.2–25.)

§ 31.179 *Other capital surplus.* Among the amounts includible in this account are credits arising from the reacquisition and resale, from the retirement and cancellation, from a reduction of a stated value, and from the donation by stockholders of the company's capital stock; surplus arising from the forgiveness of debt of the company; surplus recorded upon the reorganization or recapitalization of the company; and amounts that become the property of the company as a result of a forfeiture by others of deposits on subscriptions to capital stock and of installments paid on capital stock.

NOTE: When the circumstances under which debt is forgiven indicate that its forgiveness is an adjustment of earned surplus, it may be treated as such upon the approval by this Commission in the specific instance.

EARNED SURPLUS

§ 31.180 *Earned surplus reserved.* (a) This account shall include the amount of earned surplus reserved or otherwise set aside for any purpose not provided for elsewhere. (Note § 31.3–31.)

(b) Separate subaccounts shall be maintained under such titles as will designate the purpose for which each reserve recorded hereunder was created.

§ 31.181 *Unappropriated earned surplus.* An account under this title shall be maintained in the general books of the company. It shall include the balance of all earned surplus accounts (400 to 416, inclusive).

INSTRUCTIONS FOR TELEPHONE PLANT ACCOUNTS

§ 31.2–20 *Purpose of telephone plant accounts.* (a) The telephone plant accounts (201 to 277, inclusive) are designed to show the original cost of the company's telephone plant which ordinarily has a service life of more than 1 year, including such plant whether used by the company or others in telephone service; also the original cost of franchises, patents, right of way, leaseholds and other interests in land. They shall also include the general expenses of organization of the accounting company.

(b) The telephone plant accounts shall not include the cost or other value of telephone plant contributed to the company. Contributions in the form of money or its equivalent toward the construction of telephone plant shall be credited to the accounts charged with the cost of such construction. Amounts of initial non-recurring charges based on the cost of plant or equipment furnished in rendering service to a customer, other than as provided in § 31.5–50 (b) (2), shall be credited to the accounts charged with the cost of the plant or equipment. Amounts of initial charges based on the estimated cost of removal of such plant or equipment shall be credited to account 171, "Depreciation reserve."

NOTE: Amounts received for construction which are ultimately to be repaid wholly or in part, shall be credited to account 174; when final determination has been made as to the amount to be returned, any unrefunded amounts shall be credited to the accounts charged with the cost of such construction. Amounts received for the construction of plant, the ownership of which rests with or will revert to others, shall be credited to the accounts charged with the cost of such construction.

(c) When telephone plant ordinarily having a service life of more than 1 year is installed for temporary use in telephone service, it shall be accounted for in the same manner as plant having a service life of more than 1 year. This includes temporary installations of station equipment, plant (such as poles, wire, and cable) installed to maintain service during the progress of highway reconstruction or during interruptions due to storms or other casualties, equipment used for the training of operators, equipment used to provide intercepting positions in central offices to handle traffic for a short period following cut-over to dial-system service, and similar installations of property for telephone service.

(d) The cost of individual items of equipment, such as tools and office equipment of small value (for example, costing $25 or less) or short life, shall be charged to the appropriate operating expense or clearing accounts according to the use of such items, except that such accounting shall not be permitted when the investment in such property is relatively large and the correctness of the accounting therefor is verified by current inventories.

§ 31.2–21 *Telephone plant acquired.* (a) When property comprising a substantially complete telephone system, exchange, or toll line is acquired from predecessors, the amount of money actually paid (or the current money value of any consideration other than money exchanged) for the property (together with preliminary expenses incurred in connection with the acquisition) shall be charged to account 276, "Telephone plant acquired." (Note also account 139.)

(b) The accounting for the acquisition of the plant shall then be completed as follows:

(1) The original cost, estimated if not known, of telephone plant, governmental franchises and other similar rights acquired shall be charged to the telephone plant accounts, account 100:2, "Telephone plant under construction," and account 100:3, "Property held for future telephone use," as appropriate, and credited to account 276. When the actual original cost cannot be determined and estimates are used, the company shall be prepared to furnish this Commission with the particulars of such estimates.

(2) The amounts of the reserve requirements for depreciation and amortization of the plant acquired shall be credited to account 171, "Depreciation reserve," and account 172, "Amortization reserve," and debited to account 276.

(3) The amount remaining in account 276, "Telephone plant acquired," applicable to the plant acquired, shall, upon completion of the entries provided in subparagraphs (1) and (2) of this paragraph, be debited or credited, as appropriate, to account 100:4, "Telephone plant acquisition adjustment," except that when any amount thus chargeable to account 100:4 applies to duplicate or other telephone plant which will be retired by the vendee in the reconstruction of the acquired property and its consolidation with previously owned property, the accounting for the amount applicable to such plant shall be submitted to this Commission for consideration and approval.

(c) The accounting for property acquired from predecessors, not provided for in paragraphs (a) and (b) of this section, shall be on the basis of the amount of money actually paid (or the current money value of any consideration other than money exchanged) for such property.

(d) A memorandum record shall be kept of the amount of contributions in aid of construction applicable to the property acquired as shown by the accounts of the previous owner.

(e) Except for telephone plant acquired by class A companies where the consideration paid is less than $50,000 and by class B companies where the consideration paid is less than $25,000, copies of journal entries recording acquisitions of telephone plant covered by this instruction shall be submitted to this Commission for consideration and approval. The text of such entries shall give a complete description of the property acquired and the bases upon which the amounts of the entries have been determined.

§ 31.2–22 *Cost of construction.* (a) The cost of construction of property

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earned surplus," and transfer to this

employees of the company when such

chargeable to the telephone plant accounts shall include the cost of labor, material and supplies, transportation, contract work, relief and pensions, protection, injuries and damages, privileges and permits, taxes, special machine services, interest during construction, insurance, construction services, and other analogous elements in connection with said work.

(b) The following is a description of the major items referred to in paragraph (a) of this section:

(1) "Cost of labor" includes the pay and expenses of employees directly engaged in or being trained for construction work, of foremen in direct charge thereof, and an equitable proportion of the cost of local plant administration, general plant supervision and engineering, and of the pay, office, and other expenses of general officers and general office employees devoting part of their time to supervisory, administrative, or clerical functions in connection with construction work.

(2) "Cost of material and supplies" includes the purchase price at the point of free delivery plus the costs of inspection, loading and transportation, and an equitable proportion of supply expense. In determining the cost of material used, proper allowance shall be made for unused material, for material recovered from temporary structures used in performing the work involved, and for discounts allowed and realized in the purchase of material.

(3) "Cost of transportation" includes the cost of transporting employees, material and supplies, tools, and other work equipment. It includes amounts paid therefor to other companies or individuals and the cost of the company's own motor vehicle or other transportation service.

(4) "Cost of contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals, engineering and supervision applicable to such work, costs incident to the award of contracts, and the inspection of such work. The cost of construction work performed by affiliated companies and other details relating thereto shall be available from the work in progress and supporting records.

(5) "Cost of protection" includes the cost of protecting the company's property from fire or other casualties and the cost of preventing damages to others or the property of others.

(6) "Cost of injuries and damages" includes expenditures or losses in connection with construction work on account of injuries to persons and damages to the property of others. (Note also accounts 669 and 672.)

(7) "Cost of privileges and permits" includes payments for and expenses incurred in securing privileges, permits, or rights in connection with construction work, such as for use of private property, streets, or highways. The cost of such privileges and permits shall be included in the cost of the work for which the privileges or permits are secured, except for costs includible in account 202, "Franchises," and account 207, "Right-of-way."

(8) "Taxes" includes taxes on physical property during construction and before the facilities are completed ready for service, assessed separately from taxes on operating property or under conditions which permit separate identification or allocation of the amount chargeable to construction.

(9) "Special machine service" includes the cost of labor expended, materials and supplies consumed, and other expenses incurred in the maintenance, operation, and use of special machines, other than transportation equipment, such as steam shovels, pile drivers, etc., and other labor saving machines; also expenditures for rental, maintenance, and operation of such machines owned by others. When a construction job requires the purchase of special machines, the cost thereof, less the appraised or salvage value at the time of release from the job, shall be included in the cost of the project.

(10) "Interest during construction" includes the amount of interest upon all moneys, including the company's own funds, used in the acquisition or construction of telephone property and shall be charged to the accounts appropriate for the cost of the property acquired or constructed as follows:

(i) Reasonable amounts for interest during the construction period (before the property is received or is completed ready for telephone service) on general funds expended for the acquisition or construction of telephone plant shall be charged to the telephone plant accounts and credited to account 313, "Interest income," except, however, that such interest shall be only on amounts in account 100:2, "Telephone plant under construction."

(ii) When funds, derived from the sale of bonds, notes, and other interest-bearing debt, are specifically acquired and separately held for use in the construction of telephone plant, the total interest, discount, or premium, and expense on such debt, less interest earned on such funds, applicable to the accounting period shall be included in the cost of telephone plant and credited to account 313, "Interest income," provided, however, that no interest charge for a longer period than 6 months prior to the commencement of construction work shall be made unless specifically authorized by this Commission.

(iii) During a period of suspension of a construction project no interest charge for a longer period than 6 months from the date of its suspension shall be included in these accounts unless specifically authorized by this Commission. No such interest charges shall be included in these accounts on expenditures for construction projects which have been definitely abandoned.

(11) "Insurance" includes premiums paid or amounts credited to account 169, "Insurance reserve," for the protection against loss and damages in connection with the construction of telephone plant due to fire or other casualty, injury to or death of employees or others, damages to property of others, defalcations of employees and agents, and the nonperformance of contractual obligations of others. (Note also account 668.)

(12) "Construction services" includes the cost of telephone, electricity, power, construction quarters, office space and equipment allocated to the construction project; also similar items furnished by the company through its regular operating facilities.

§ 31.2-22A *Overhead construction costs.* (a) All overhead construction costs, such as engineering, supervision, general office salaries and expenses, construction engineering and supervision by others than the accounting company, law expenses, insurance, injuries and damages, relief and pensions, taxes and interest, shall be charged to particular jobs or items on the basis of the amounts of such overheads applicable thereto, to the end that each job or item shall bear its equitable proportion of such costs and that the entire cost of the item, both direct and indirect, shall be deducted from the plant accounts at the time the item of plant is retired.

(b) The records supporting the entries for overhead construction costs shall be kept so as to show the nature of the expenditures, the individual jobs and accounts charged, and the bases of the distribution. The amounts charged to each plant account for overhead costs shall be available without detailed analysis.

(c) The instructions contained herein shall not be interpreted as permitting the addition to plant accounts of arbitrary percentages or amounts to cover assumed overhead costs, but as requiring the assignment to particular jobs and accounts of actual and necessary overhead expenditures as stated in paragraph (a) of this section.

§ 31.2-23 *Improvements to leased telephone plant.* (a) Except as provided in paragraph (b) of this section the cost of initial improvements (including repairs, rearrangements, additions, and betterments) to telephone plant leased from others made in the course of preparing the property for service and the cost of any subsequent additions and betterments of the leased telephone plant shall be charged to the telephone plant account appropriate for the class of property leased, unless the leasing arrangements provide that specific improvements shall be made to the leased property by the lessee and that such improvements shall revert to the lessor and constitute a part of the consideration paid for the use of the property. In the latter case, the cost of the improvements reverting to the lessor which represents payments for the use of the lessor's property shall be charged to account 129, "Prepaid rents," and cleared over the period of the lease to the appropriate accounts.

(b) When the improvements to leased telephone plant otherwise chargeable to the telephone plant accounts are of relatively minor cost or short life or the period of the lease is less than 1 year, the cost shall be charged to the account chargeable with the cost of repairs of such plant.

(c) When the cost of improvements to leased telephone plant is included in the telephone plant accounts, charges for depreciation thereof shall be made on such basis as will amortize the service

value of such improvements during the period of their expected use.

§ 31.2-24 *Retirement units.* The "retirement units" (note also § 31.2-25 (b) (1)) are listed in § 31.8. Additions to or revisions of that list will be issued, when necessary, by the Commission, to which any applications for such additions or revisions shall be presented by the company. (See also paragraph 2 of Appendix B of this part.)

§ 31.2-25 *Telephone plant retired.* (a) To the end that the telephone plant accounts (note §§ 31.2-20 and 31.2-21) shall at all times disclose the original cost of all property in service, the original cost of retired property, whether replaced or not (except as provided in paragraph (b) (2) of this section and in account 231), shall be credited to the account or accounts in this classification to which such cost was charged. Normally, these retirement credits with respect to such plant as entire buildings, entire central offices, large private branch exchanges, all plant abandoned, and any large sections of plant withdrawn from service with knowledge that they will not be physically removed during the following month shall be entered in the accounts for the month in which use of the property ceased and no later than the next succeeding month with respect to other plant: *Provided,* That when literal compliance with this provision for timing of entries with respect to the property amounting to less than $5,000 retired under any one project would involve an unreasonable amount of record keeping and estimating of quantities, original costs, and salvage, such entries may be deferred until physical removal of the property or decision to abandon it in place if there is assurance that such removal or decision will not be unduly delayed. Every company shall, therefore, take such measures and establish such procedure as will insure strict compliance with these requirements. When any item of property subject to plant retirement accounting is worn out, lost, sold, destroyed, abandoned, surrendered upon lapse of title, becomes permanently unserviceable, is withdrawn, or for any other reason is retired from service, the amount in the plant accounts applicable to that item shall be credited to the appropriate plant accounts, and the retirement entry shall refer to the source (or to the supporting records showing the source) in the continuing property record from which the cost was obtained. (Note also paragraph (e) of this section.)

(b) Depreciable telephone plant: For the purpose of avoiding undue refinement in accounting for the replacement of small items of property, the accounting for retirements and replacements of depreciable telephone plant shall be as follows:

(1) Retirement units: This group includes major items of property, a list of which is shown in § 31.8. The original cost of any such item retired shall be credited to the plant account and charged to account 171, "Depreciation reserve," whether or not replaced. (Note also paragraph (b) of account 171.) The original cost of property installed in place of the property retired shall be charged to the appropriate telephone plant account.

(2) Minor items: This group includes any part or element of plant, other than station apparatus and station connections, which is not designated as a retirement unit. The original cost of any minor item of property retired and not replaced shall be credited to the plant account and charged to account 171 (note also paragraph (b) of the text of that account), except that if the original cost of a minor item of property is included in the specific or average cost for a retirement unit of which the minor item is a part, no separate credit to the telephone plant account is required when such a minor item is retired. If minor items of property are replaced (apart from the retirement unit of which they form a part or with which they are associated) no adjustment shall be made in account 171. The cost of the replacement shall be charged to the account appropriate for the cost of repairs of the property, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, of greater durability, of greater capacity, or more economical in operation) the excess cost of (i) such a replacement over (ii) the estimated cost at the then current prices of replacing without betterment the minor items being retired, shall be charged to the appropriate telephone plant account.

(3) Station apparatus: The accounting to be performed upon the disposition of station apparatus shall be as provided in account 231. (Note also § 31.02-80 (c).)

(4) Station connections: The accounting to be performed upon the retirement of station connections shall be as provided in account 232. (Note also § 31.02-80 (c).)

(c) Leaseholds: The accounting for leaseholds retired shall be as provided for in the texts of account 172, "Amortization reserve," and account 613, "Amortization of intangible property."

(d) Land: The original cost of land retired shall be credited to account 211, "Land." If the land is sold, the difference between such original cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited to account 401, "Credits for telephone plant sold," or debited to account 410, "Debits for telephone plant sold," as may be appropriate. If the land is retained by the company and held for sale, its cost shall be charged to account 103, "Miscellaneous physical property."

(e) Determination of the cost of property to be retired: The cost of telephone plant retired shall be the amount at which such property is included in the telephone plant accounts. When it is impracticable to determine the cost of each item due to the relatively large number or small cost of such items, the average cost of all the items covered by an appropriate subdivision of the account shall be used in determining the cost to be assigned to such items when retired: *Provided,* That the method used in determining average cost gives due regard to the quantity, size, and kind of items, the area in which they were installed and their classification in other respects, as called for by the rules of the Commission regarding continuing property records and by the system of continuing property records accepted by the Commission specifically for use of the accounting company. This method of average cost may be applied in retirement of such items as telephones, bell boxes, station connections, poles, crossarms, wire, cable, cable terminals, conduit, and nonmultiple private branch exchange switchboards. Any company may use average cost of property installed in a year or band of years. It should be understood, however, that the use of average costs shall not relieve the company of the requirement for maintaining its continuing property records in such manner as to show, where practicable, dates of installation and removal so as to provide these data for purposes of mortality studies.

(f) The accounting for the retirement of organization, franchises, patent rights, and other intangible property, shall be as provided for in the texts of account 172, "Amortization reserve," account 413, "Miscellaneous debits to earned surplus," account 613, "Amortization of intangible property," and account 100:4, "Telephone plant acquisition adjustment."

(g) When telephone plant is sold together with the telephone traffic associated therewith, the original cost of the property shall be credited to the appropriate plant accounts and the estimated amounts carried with respect thereto in the depreciation and amortization reserve accounts shall be charged to such reserve accounts. The difference, if any, between (1) the net amount of such debit and credit items and (2) the consideration received (less commissions and other expenses of making the sale) for the property shall be included, if a debit, in account 410, "Debits for telephone plant sold," and if a credit, in account 401, "Credits for telephone plant sold." The accounting for depreciable telephone plant sold without the traffic associated therewith shall be in accordance with the accounting provided in paragraph (b) of account 171, "Depreciation reserve."

§ 31.2-26 *Continuing property record required.* (a) Not later than June 30 of the year following that in which a company becomes subject (note § 31.01-1) to this system of accounts, it shall file with the Commission three copies of a complete plan of the method to be used in the compilation of a continuing property record with respect to each class of property for which such records are hereinafter prescribed. The plan shall include a list of the property-record units proposed for use under each plant account. A narrative statement shall accompany the list of proposed property-record units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuing property record, to the end that a ready analysis

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with respect to the sufficiency thereof may be made. In preparing this narrative statement, the company shall include typical examples indicating the use of, and relationship between, the various forms and records.

NOTE: Companies subject to this system of accounts on June 30, 1943, were required by the then effective rules to compile a continuing property record with respect to property as at December 31, 1936, and to reflect therein all subsequent additions and retirements.

(b) Any company may, in lieu of submitting the plan provided for in paragraph (a) of this section, submit to the Commission not later than June 30 of the year following that in which the company becomes subject to this system of accounts, a statement in triplicate that it concurs in and proposes to pursue in all particulars a plan filed with the Commission by another company which it is believed conforms fully to the requirements of paragraph (a) of this section.

(c) Not later than June 30 of the year following that in which a company becomes subject to this system of accounts, it shall begin the preparation of a continuing property record with respect to property of each class represented in the several plant accounts comprised by balance-sheet accounts 100:1, "Telephone plant in service," and 100:3, "Property held for future telephone use," and with respect to property represented in account 103, "Miscellaneous physical property." These records shall be completed not later than 2 years after the prescribed date of beginning with respect to property as at the date the company becomes subject to this system of accounts and with respect to the changes effected therein between such date and the end of the calendar year preceding the date that these records are required to be completed. Property changes (whether made by companies already subject to these rules or those becoming subject hereafter) affecting the period subsequent to the end of that year for which the records are required to be completed shall be promptly processed in the continuing property record to the end that the record shall provide reasonably current data at all times.

(d) The continuing property record shall be arranged in conformity with the plant accounts prescribed in this system of accounts. It shall be compiled on basis of original cost (or other book cost consistent with the provisions of this system of accounts). The record or records supplemental thereto shall contain such detailed description and classification of property-record units as will permit their ready identification and verification. They shall be maintained in such manner as will meet the following basic objectives:

(1) An inventory of property-record units which may be readily spot-checked for proof of physical existence.

(2) The association of costs with such property-record units to assure accurate accounting for retirements.

(3) The determination of dates of installation and removal of plant retired to provide data for use in connection with depreciation studies.

The record or records supplemental thereto shall accordingly reveal clearly, in relation to designated accounting areas, detailed and systematically summarized information as to the kind, character, size, quantity, location, year of placement and retirement, where practicable, ownership, and actual or apportioned original cost (or other appropriate book cost) of the telephone plant and other property-record units aggregately represented by the concurrent balances in accounts 100:1, "Telephone plant in service," 100:3, "Property held for future telephone use," and 103, "Miscellaneous physical property." In order that there may be on hand at the time of retirement a maximum of pertinent cost data, every effort shall be made at the time plant is constructed and/or installed to obtain all such available cost data by subcontracts, trades, and if practicable, by retirement units.

NOTE: See Appendix B, Standard Practices for the Establishment and Maintenance of Continuing Property Records by Telephone Companies Having Investment in Account 100:1, "Telephone Plant in Service," in Excess of $8,000,000.

TELEPHONE PLANT ACCOUNTS

§ 31.201 *Organization.* This account shall include the cost of organizing and incorporating the company. (Note also §§ 31.1–14 and 31.1–15.)

ITEMS

(Note § 31.01–8)

Amounts paid for legal services.
Amounts paid for privileges of incorporation.
Office expenses incident to organizing the company.
Special counsel and other fees and expenses in mergers, consolidations and reorganizations.

NOTE A: This account shall not include any discounts on securities issued, nor shall it include costs incident to negotiating loans, selling bonds or other evidences of debt, or expenses in connection with the authorization, issuance, sale or resale of capital stock.

NOTE B: Exclude from this account and include in account 664 the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off.

NOTE C: When charges are made to this account for expenses incurred in mergers, consolidations, or reorganizations, amounts previously included in this account on the books of the various companies concerned shall not be carried over.

§ 31.202 *Franchises.* This account shall include the original cost of governmental franchises and similar rights running for more than 1 year which are necessary in the conduct of the company's telephone operations. It shall include amounts paid in cash and the cost of the plant, material, supplies, and equipment given as the initial consideration for such franchises; cost of advertising, governmental election costs assumed by the company, and similar expenses incurred in procuring such franchises; also the original cost of franchises acquired by assignment. This account shall include amounts, other than those includible in account 201, "Organization," paid to municipalities or other governmental agencies as a condition precedent to engaging in business, whether or not the right to occupy city property, streets, and highways is obtained in connection therewith. (Note also § 31.2–22 (b) (7).)

NOTE A: The cost of franchises running for 1 year or less after acquisition shall be charged to account 673, or, if such franchises extend beyond the current year, to account 133. Franchises acquired at small cost may be charged to account 673 irrespective of their term of life.

NOTE B: Franchise taxes (payable annually or more frequently) shall be charged to account 305.

NOTE C: This account shall not include the cost of plant, material and supplies, or equipment furnished to municipalities or other governmental authorities when given other than as initial consideration for franchises or similar rights. (Note also account 673.)

§ 31.203 *Patent rights.* This account shall include the original cost of patent rights having a life of more than 1 year from date of acquisition for use in connection with the company's telephone operations.

NOTE: The cost of patents having an estimated service life of 1 year or less and patents acquired at small cost shall be charged to account 675.

§ 31.207 *Right-of-way.* This account shall include the original cost of land, and of leaseholds, easements, and similar rights in land having a term of more than 1 year, acquired for the location of pole line, cable, wire, and conduit plant, also the cost of permits to erect poles and to place conduit when the expected period of occupancy under such permits exceeds the estimated life of the initial plant installed. It shall include the related portion of the pay and expenses of right-of-way agents and other costs of acquiring such land, rights, and permits.

NOTE A: The cost of permits to erect poles and to place conduit when the expected period of occupancy under such permits does not exceed the estimated life of the initial plant installed, also the cost of other permits not includible in this account, such as those to place cable and wire on buildings and fences, and the related pay and expenses of employees and other costs incident to acquiring such permits shall be included in the account appropriate for the cost of the property constructed. (Note also § 31.2–22 (b) (7).)

NOTE B: Annual or more frequent payments for the use of right-of-way shall be charged to account 671.

NOTE C: Payments to municipalities or other governmental agencies (exclusive of franchise taxes) as consideration for a franchise or right to conduct the company's telephone operations, whether or not the right to occupy city property, streets, and highways is obtained thereunder, shall be accounted for as franchise payments. (Note also accounts 202 and 673.)

§ 31.211 *Land.* (a) This account shall include the original cost of land and of leaseholds, easements, and similar rights in land having a term of more than 1 year used for general and central office buildings, garages, shops, and for storage and other telephone purposes other than right-of-way. It shall also include special assessments upon lands for the construction of public improvements. (Note also § 31.2–25 (d).)

(b) When land, together with buildings thereon, is acquired the original cost shall be fairly apportioned between the land and the buildings and accounted for accordingly. If the plan of acquisition contemplates the removal of the buildings, the total cost of the land and buildings shall be accounted for as the cost of the land, and the salvage value of the buildings when disposed of shall be deducted from the cost of the land so determined. (See also Note E to this account.)

ITEMS

(Note § 31.01–8)

Assessments for the construction of public improvements. (See also Note D to this account.)
Clearing or defending title against claims relating to period prior to purchase.
Commissions and fees to brokers, agents, and others.
Condemnation proceedings, including court costs and special counsel fees.
Conveyancer and notarial fees.
Examination and registration of titles.
Grading of land not in connection with buildings.
Relocating property of others in acquisition of land.
Sidewalks on public streets abutting company's property.
Taxes assumed, accrued prior to date of acquisition.
Taxes on land during the period of construction. (Note also § 31.2–22 (b) (8).)
Voiding leases to secure possession of land acquired.

NOTE A: Annual or more frequent payments for the use of land shall be charged to the account appropriate for rents.

NOTE B: When land is acquired for which there is not a definite plan for its use in telephone service, its cost shall be charged to account 103.

NOTE C: When land is acquired in excess of that required for telephone purposes, the cost of such excess land shall be included in account 103.

NOTE D: Installments of assessments for public improvements, including interest, if any, which are deferred without option to the company shall be included in this account only as they become due and payable. Interest on assessments which are not paid when due shall be included in account 336.

NOTE E: In case land is purchased for immediate use in a construction project, its cost shall be included in account 100:2 until such time as the project involved is completed ready for service.

§ 31.212 *Buildings.* (a) This account shall include the original cost of buildings, and the cost of all permanent fixtures, machinery, appurtenances, and appliances installed as a part thereof. It shall include costs incident to the construction or purchase of a building and to securing possession and title.

(b) When land, together with the buildings thereon, is acquired, the original cost shall be fairly apportioned between the land and buildings, and the amount applicable to the buildings shall be included in this account; the amount applicable to the land shall be included in account 211. (Note also account 211.)

ITEMS

(Note § 31.01–8)

Awnings.
Boilers, furnaces, fixtures, and machinery for heating, lighting, ventilating, and plumbing.
Cable vaults and conduits constructed as part of the building.
Commissions and fees to brokers, agents, architects, and others.
Door checks and door stops.
Drainage and sewerage systems.
Electric wiring.
Elevators.
Fences and hedges.
Fire-extinguisher systems.
Garages, shops, and stables.
General and central office buildings.
Grading, excavating, and preparing grounds for buildings, including laying out of grounds after construction.
Improvements to leased buildings. (Note also § 31.2–23.)
Linoleum and similar floor covering, excluding carpets and rugs.
Motors and generators.
Partitions, including movable.
Piers and foundations for machinery constructed as a permanent part of a building.
Platforms, storage or loading.
Power boards.
Refrigeration systems.
Retaining walls.
Screens, door and window.
Sheds.
Sidewalks, pavements, and driveways on building grounds.
Sprinkling systems.
Storm doors and windows.
Voiding leases to secure possession of building grounds.
Water, steam, and gas pipes.
Water-supply systems.
Window shades and ventilators.

NOTE A: This account shall not include the cost of any telephone equipment or wiring apparatus for generating or controlling electricity for operation of the telephone system.

NOTE B: The cost of submarine cable terminal huts shall be included in account 242:4.

§ 31.221 *Central office equipment.* (a) This account shall include the original cost of electrical instruments, apparatus, and equipment, other than station equipment, in central offices (including terminal and test rooms), repeater stations and test stations used in transmitting traffic and operating signals, and similar equipment in operators' schools and other centralized locations.

(b) This account shall also include the original cost of operators' chairs, wire chiefs' tools, desks and tables equipped with central office telephone equipment, and other furniture, fixtures, and equipment designed specifically for use in central offices, repeater stations, etc., or installed as a part of the electrical equipment therein. (See also Note A to this account.)

ITEMS

(Note § 31.01–8)

Aisle-lighting equipment.
Balconies for distributing frames.
Banks—connector, selector.
Batteries.
Battery cabinets.
Boards—floor alarm, power, test, service observing.
Building alterations, minor, such as opening and closing holes in ceilings, partitions, walls, and floors to permit installations of equipment, power conduit, and wiring.
Cables. (See also Note B to this account.)
Calculagraphs.
Call registers.
Carrier-current equipment.
Carrier line filters.
Circuit breakers.
Covers for transmission power apparatus.
Desks and tables when equipped with central office telephone equipment. (See also Note A of this account.)
Engines, including special foundations not a part of buildings.
Frames—alarm, connector, decoder, decoder connector, line finder, line switch, repeater, selector, sender, test.
Fuse boards.
Fuse panels.
Generators, including special foundations not a part of buildings.
Jumper wires.
Key indicator equipment.
Line filters.
Loading coils. (See also Note C to this account.)
Loudspeaker equipment.
Main and intermediate frames.
Meters.
Motors, including special foundations not a part of buildings.
Multiplex apparatus.
Operators' breastplate transmitters.
Operators' chairs.
Operators' head sets.
Platforms, not part of buildings.
Pole changers.
Power circuits for emergency use including payment for installation by others of circuits not owned.
Power panels.
Power plants.
Protectors.
Pulse machines and tone machines.
Radio transmitting and receiving equipment.
Rectifiers.
Register cabinets.
Relay racks and coil racks.
Relays.
Repeater sets.
Rheostats.
Ringing machines, including special foundations not a part of buildings.
Rolling ladders.
Switchboards and other electrical equipment used in operators' schools.
Switchboards—subscribers' "A" and "B" trunk, toll, dial system.
Switches—connector, line repeater, selector, repeater, test, distributor.
Tarpaulins.
Telegraph instruments and equipment.
Telephotographic equipment.
Teletypewriter switchboards and equipment.
Test boards.
Testing and routining central office equipment prior to assignment to service.
Testing equipment and tools, central office. (See also Note D to this account.)
Test tables.
Ticket holders.
Toll ticket carriers.
Turrets.
Water stills for battery service.

NOTE A: The cost of desks and tables not equipped with central office equipment and of kitchen and dining room equipment, chairs of the same types as used in other offices, typewriters, portable electric fans, etc., shall be charged to account 261.

NOTE B: The cost of cables leading from the main frame to outside plant shall be included in the plant account appropriate for the cost of cables with which they connect.

NOTE C: The cost of loading coils on circuits leading from the main frame to outside plant shall be included in the account charged with the cost of the circuit of which they are a part.

NOTE D: The cost of portable testing equipment and tools other than those regularly used in central offices shall be charged to account 264.

§ 31.231 *Station apparatus.* (a) This account shall include the original cost of station apparatus, including small private branch exchanges and booths, installed either for customers' or the company's use. This account shall also include the cost of materials in stock which are normally used as station appa-

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ratus or additions thereto, as distinguished from items normally used for repair purposes. Items included in this account which are normally used as station apparatus shall remain herein until finally disposed of or until used in such manner as to be includible in other accounts.

(b) Each company shall prepare a list of items of station apparatus which shall be used as its list of disposition units for this account the cost of which when finally disposed of shall be credited to this account and charged to the depreciation reserve. Two copies of such list shall be submitted to the Commission not later than the date it is to be made effective for use by the company, together with the company's plan for determining disposition unit costs and the methods to be used to insure that an equitable portion of the cost of other items, supply expense, and other amounts included in this account will be credited hereto and charged to account 171, "Depreciation reserve," upon the ultimate disposal of any disposition unit. Revisions made during any year to the effective list of disposition units shall be submitted in duplicate to the Commission not later than March 1 of the following year.

ITEMS

(Note § 31.01–8)

Amplifying equipment.
Answering equipment.
Attendants' cabinets.
Attendants' desks.
Backboards.
Battery boxes.
Booths.
Code call units.
Code sending sets.
Coin collectors.
Desk sets, hand sets, wall sets, and combined sets, including those used at main, extension, private branch exchange, and private line stations, etc. This includes such sets used as operators' sets at large private branch exchanges and in central offices and operators' schools. (See also Note C to this account.)
Directory stands or shelves.
Distributing frames.
Extension bells.
Hand-set mountings.
Messenger, and similar signaling devices.
Mobile telephone equipment.
Operators' chairs.
Operators' head sets and breastplate transmitters. (See also Note C to this account.)
Order receiving tables.
Order turrets.
Power equipment.
Printer-telegraph equipment.
Private branch exchange equipment—nonmultiple manual and cordless switchboards and dial equipment of types designed for not more than two digit operation.
Program supply equipment.
Public telephone signs.
Station switching and signaling devices, including apparatus cabinets, keys, key cabinets, and other devices used as parts of intercommunicating systems.
Subscriber sets.
Telegraph equipment.
Teletypewriter equipment, including switching equipment. (See also accounts 221 and 234.)

NOTE A: The cost of installation (including cabling, station protectors, and wiring) shall be charged to account 232, "Station connections."

NOTE B: The cost of cross-connection boxes installed as a part of the house cable system, including those used as distributing frames, shall be charged to account 242:1, "Aerial cable."

NOTE C: Operators' head sets and breastplate transmitters in central offices and at large private branch exchanges, and test sets such as those used by wire chiefs, linemen, and others, shall be included in account 221, "Central office equipment," account 234, "Large private branch exchanges," or account 264, "Vehicles and other work equipment," as appropriate.

NOTE D: Items of station apparatus in stock for which no further use in the ordinary conduct of the business is contemplated, but which as a precautionary measure, are held for possible future contingencies instead of being junked, shall be excluded from this account and included in account 122, "Material and supplies."

NOTE E: An annual inventory shall be taken of all telephones in stock that are included in this account. The number of such telephones as determined by this inventory, together with the number of all other telephones included in this account, shall be compared with the corresponding number of telephones as shown by the respective control records. The original cost of any unreconciled differences thereby disclosed shall be adjusted through account 171, "Depreciation reserve." Appropriate verifications shall also be made at suitable intervals and necessary adjustments between this account and account 171 shall be made for all other station apparatus included in this account.

§ 31.232 *Station connections.* (a) This account shall include the original cost of installing or connecting items of station apparatus and the original cost of inside wiring and cabling and of drop and block wires. (See also account 605, "Repairs of station equipment.")

(b) When station apparatus is installed, the cost of installation shall be charged to this account. The original cost (actual or estimated average unit cost) of any portion of the station connections which is thereby returned to service shall also be charged to this account and credited to account 171, "Depreciation reserve."

(c) When a left-in station is reconnected, the cost of reconnection shall be charged to this account. The original cost (actual or estimated average unit cost) of the portion of the station connections associated with the left-in station which is retired as a result of the reconnection work shall be credited hereto and charged to account 171, "Depreciation reserve."

(d) When a station (or other item of station apparatus with which station connections are associated in the company's retirement practices) is physically removed, the original cost (actual or estimated average unit cost) of the associated station connections carried in this account shall be credited hereto and charged to account 171, "Depreciation reserve." In the event of the replacement of a small private branch exchange or booth, if the cost of installation of the replacement is charged to this account, an appropriate retirement shall be made from this account for the station connections associated with the plant replaced.

ITEMS

(Note § 31.01–8)

The wires (or small cables) from the station apparatus to the point of connection with the general overhead or underground system or to the junction boxes where the house cable or other cable terminates. This includes circuits, carried by means of wire or small cables, extending to the cable terminal in cases where connection is made with a general cable system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system.
The wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of intercommunicating systems.
The wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building.
The wires (or small cables) used to connect the various parts of a small private branch exchange, such as the cables or wires from distributing frames to switchboard.
The wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a small private branch exchange to the point of connection with the permanent house or outside cables or wires.
Connecting blocks, ground wires, ground rods, station protectors, clamps, cleats, nails, screws and other material used in the installation of station apparatus and inside wiring and cabling.
Labor and other costs incurred in connection with station apparatus and station connection installations or additions thereto.
Brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes, and other material used in the installation of drop and block wires; trimming trees and other costs incurred in the installation of such wires; pipes or other protective covering for underground service connections; and permits and privileges for construction.

NOTE A: Costs chargeable to this account in connection with inside cabling are restricted to small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus, and to cables used in installing small private branch exchanges. The cost of cables used in installing large private branch exchanges is chargeable to account 234, "Large private branch exchanges." The cost of other inside cables, including riser and distributing cables in buildings, which by their physical character, method of installation, and permanence constitute house cables, is chargeable to account 242:1, "Aerial cable."

NOTE B: The cost of outside plant, such as poles, wires, and cables, whether or not on private property, used to connect a private branch exchange with its terminal stations shall be charged to the appropriate pole, wire and cable accounts.

NOTE C: The cost of disconnecting or removing station apparatus and station connections shall be charged to account 171, "Depreciation reserve." However, provisional denials of service to stations for nonpayment shall not be treated as stations disconnected unless the denials become final. Similarly, restoration of service to such stations subjected to provisional denials which have not become final shall not be treated as stations reconnected. The cost of disconnecting and reconnecting customers' lines at customers' premises to effect such provisional denials and restorations shall be charged to account 605, "Repairs of station equipment." If the disconnection and reconnection are made in central offices, the cost thereof shall be charged to account 604, "Repairs of central office equipment."

§ 31.234 *Large private branch exchanges.* This account shall include the original cost, including cost of installation, of multiple manual private branch exchanges, and of dial system private branch exchanges of types designed for more than two digit operation (types designed to accommodate normally 100 or more extensions) installed either for customers' or the company's use. (See also account 231.)

ITEMS

(Note § 31.01–8)

Cables or wires from distributing frame to switchboard.
Dial system private branch exchanges of types designed for more than two digit operation, including any nonmultiple manual switchboards used as attendants' positions in connection with such dial system exchanges.
Distributing frames.
Multiple manual switchboards.
Operators' chairs.
Operators' head sets and breastplate transmitters.
Power equipment, including special foundations.
Switching equipment at automatic switching centers of private line teletypewriter systems.
Wires (or small cables used instead of wires) installed specifically to serve as trunk, battery, or generator circuits from a large private branch exchange to the point of connection with the permanent house or outside cables or wires.

NOTE A: The cost of riser and distributing cables in buildings other than central offices, which by their physical characteristics, method of installation, and permanence constitute regular house cables shall be charged to account 242:1.

NOTE B: The cost of outside plant, such as poles, wires, and cables, whether or not on private property, used to connect a private branch exchange with its terminal stations shall be charged to the appropriate pole, wire, and cable accounts.

NOTE C: The cost of cross-connection boxes installed as a part of the house cable system, including those used as distributing frames, shall be charged to account 242:1.

§ 31.241 *Pole lines.* This account shall include the original cost of poles, crossarms, guys, and other material used in the construction of pole lines.

ITEMS

(Note § 31.01–8)

Anchors.
A and H fixtures.
Bolts.
Braces, pole and back.
Bridge fixtures.
Cable arms.
Clearing routes and tree trimming except maintenance of previous clearings. (Note also account 602:1.)
Crossarms.
Extension arms.
Guard arms.
Guy clamps.
Guy stubs.
Guy wire or strand.
Painting, treating, gaining, roofing, shaving, and stenciling poles.
Permits and privileges for construction. (Note also account 207 and § 31.2–22 (b) (7).)
Pins.
Pole brackets, wooden.
Poles.
Pole steps.
River crossing and long span fixtures.
Strain insulators.
Towers.

§ 31.242:1 *Aerial cable.* This account shall include the original cost of aerial cable and other material used in the construction of such cable.

ITEMS

(Note § 31.01–8)

Bonds and grounds.
Cable—block, feeder, main, subsidiary.
Cable—house, including riser and distributing cables extending to floor terminal boxes, cross-connection boxes at wall outlets, etc., where connection is made with inside wires.
Cable clamps.
Cable rings.
Cable terminals or boxes.
Cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes.
Floor terminal boxes and cross-connection boxes at wall outlets.
Fuse boxes.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Main-frame-terminating cable extending to outside cable.
Negative returns.
Permits and privileges for construction. (Note also account 207.)
Pole seats and balconies.
Pressure contactor-terminals.
Protectors and arresters.
Safety straps.
Sleeves.
Strand, suspension.
Tree guards.
Trolley guards.

NOTE A: House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations which are included in account 232, or the cables for subscribers' private branch exchange switchboards which are included in account 232 or account 234, as appropriate.

NOTE B: The company's records shall be kept so that the miles of wire in aerial cable may be shown in the annual reports to this Commission.

§ 31.242:2 *Underground cable.* This account shall include the original cost of underground cable in conduit and other material used in the construction of such cable.

ITEMS

(Note § 31.01–8)

Bonds and grounds.
Cable—feeder, main, subsidiary.
Cable terminals or boxes.
Cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes.
Electrolysis surveys made in the course of installing cable.
Fuse boxes.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Main-frame-terminating cable extending to outside cable.
Negative returns.
Permits and privileges for construction. (Note also account 207.)
Pressure contactor-terminals.
Protectors and arresters.
Pumping out and cleaning manholes and ducts in underground cable construction work. (See also Note A to this account.)
Sleeves.
Splicing boxes.
Strand, suspension.

NOTE A: The cost of pumping water out of manholes and of cleaning manholes and ducts in connection with the maintenance or operation of telephone plant shall be charged to account 602:4 or 602:7, as appropriate.

NOTE B: The cost of small cables used in station installations or as drop wires shall be charged to account 232.

NOTE C: The cost of cable leading from central office main frames to other central office equipment shall be charged to account 221.

NOTE D: House cables are considered to be extensions of aerial cable plant. They do not include the inside wires extending from terminal boxes of house cables to subscribers' stations which are included in account 232, or the cables for subscribers' private branch exchange switchboards which are included in account 232 or account 234, as appropriate.

NOTE E: The company's records shall be kept so that the miles of wire in underground cable may be shown in the annual reports to the Commission.

§ 31.242:3 *Buried cable.* This account shall include the original cost of buried cable and other material used in the construction of such cable.

ITEMS

(Note § 31.01–8)

Cable—feeder, main.
Cable terminals or boxes.
Cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Main-frame-terminating cable extending to outside cable.
Negative returns.
Permits and privileges for construction. (Note also account 207.)
Pressure contactor-terminals.
Protective covering for buried cable, i. e., cable not run in regular conduit, such as fiber or other material (except when constructed so as to be reusable in place for other cable) and the cost of manholes, etc., designed specifically for use in such construction.
Protectors and arresters.
Pumping out and cleaning manholes in buried cable construction work. (See also Note A to this account.)
Sleeves.
Splicing boxes.
Trenching for and burying cable not run in regular conduit.

NOTE A: The cost of pumping water out of manholes and of cleaning manholes and ducts in connection with the maintenance or operation of telephone plant shall be charged to account 602:4 or 602:7, as appropriate.

NOTE B: The company's records shall be kept so that the miles of wire in buried cable may be shown in the annual reports to this Commission.

§ 31.242:4 *Submarine cable.* This account shall include the original cost of submarine cable and other material used in the construction of such cable.

ITEMS

(Note § 31.01–8)

Cable—feeder, main.
Cable terminals or boxes.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Permits and privileges for construction. (Note also account 207.)
Pressure contactor-terminals.
Protectors and arresters.
Sleeves.
Submarine cable terminal huts.

NOTE: The company's records shall be kept so that the miles of wire in submarine cable may be shown in the annual reports to this Commission.

§ 31.243 *Aerial wire.* This account shall include the original cost of aerial wire other than drop and block wires, including insulators, tie wires, and other material used in the construction of aerial wire plant. The company shall

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installed as a part of the house cable system.

the general overhead or underground

original cost, including cost of installa-

construction of such cable.

central office main frames to other central

exercise such precautions as are necessary to prevent credits to this account for drop and block wires removed.

ITEMS

(Note § 31.01–8)

Bridle rings.
Bridle wire.
Ground wire, clamps, and rods.
Insulators and thimbles.
Loading coils, building-out condensers, carrier-line filters, and cases therefor.
Permits and privileges for construction. (Note also account 207.)
Protectors and arresters.
Repeating coils.
Tie wires.
Transposition brackets.
Transposition of the circuits in initial construction work and any additions or betterments resulting from transposing or retransposing existing circuits.

NOTE: The cost of drop and block wires shall be included in account 232.

§ 31.244 *Underground conduit.* This account shall include the original cost of tile, pipe, and other conduit, whether underground, in tunnels or on bridges, and of manholes, handholes, and service boxes, including cable racks and other furnishings thereof, and the cost of riser pipe. It shall include the cost of opening trench and repaving in the construction of such plant and the cost of permits and privileges for construction. (Note also account 207.)

NOTE A: The cost of protective covering for buried cable, i. e., cable not run in regular conduit, such as fibre or other material (except when constructed so as to be reusable in place for other cable) and the cost of trenching, manholes, etc., designed specifically for use in such construction shall be charged to account 242.3.

NOTE B: The cost of pipes or other protective covering for underground drop and block wires or service connections shall be included in account 232.

§ 31.261 *Furniture and office equipment.* This account shall include the original cost not provided for in other accounts, of furniture and equipment in offices, storerooms, shops, and other quarters. (Note also § 31.2–20 (d) and accounts 221 and 234.)

ITEMS

(Note § 31.01–8)

Beds, cots, and couches.
Bins, counters, and shelves.
Bookcases.
Cabinets and filing cases.
Cages, cashiers'.
Chairs, carpets, and rugs.
Clocks.
Davenports.
Desks.
Equipment in rest, dining, recreation and medical rooms.
Fans, electric, portable.
Fire-extinguisher equipment, portable.
Floor-scrubbing and polishing machines.
Gas and electric fixtures, portable.
Lockers and wardrobes, portable
Mirrors, portable.
Motion-picture equipment.
Office devices, including addressing, billing, blueprinting, computing, dating, duplicating, mailing, photostat and recording machines, cash registers, check writers, postage meter machines, typewriters, etc.
Pianos and phonographs.
Radio sets.
Racks—magazine, newspaper, umbrella, and clothing.
Refrigerators, portable
Safes.
Sewing machines.
Stoves.
Switchboards, special type public demonstration.
Tables.
Vacuum sweepers.
Vending machines.
Water coolers.

NOTE: The cost of fixtures attached to and constituting a part of buildings shall be charged to account 212.

§ 31.264 *Vehicles and other work equipment.* This account shall include the original cost of vehicles, tools, garage and shop machinery and equipment, and miscellaneous work equipment not provided for in other accounts. (Note also § 31.2–20 (d).)

ITEMS

(Note § 31.01–8)

Air compressors.
Automobiles, motor trucks and tractors, including those equipped with earth-boring machines, pumps, winches, etc.
Blowers, power.
Carts, cable splicers'.
Camp wagons, cars and mounted kitchens.
Compressed air tools.
Concrete mixers and breakers.
Derricks.
Draft animals.
Drills and hammers, power.
Earth-boring machines.
Forges.
Gasoline and oil pumps, portable.
Hand tools.
Hand trucks.
Harness.
Lathes.
Loaders, power.
Motorboats and barges.
Motorcycles and bicycles.
Motors and generators.
Planers.
Pole-treating apparatus, chemical.
Pumps.
Tamping and back-filling machines.
Tents, cable splicers'.
Testing equipment, portable. (See also Note B to this account.)
Torches.
Trailers.
Trenching machines.
Wagons.
Winches, power.
Wire-measuring machines.

NOTE A: The cost of chairs, desks, tables, etc., in garages and shops shall be charged to account 261.

NOTE B: The cost of testing equipment and tools regularly used in central offices shall be charged to account 221.

§ 31.276 *Telephone plant acquired.* This account shall be charged temporarily with the cost of acquisition (i. e., amount of money actually paid or the current money value of any consideration other than money exchanged for telephone plant, together with the preliminary expenses incurred in connection with the acquisition) of telephone plant pending distribution to the primary telephone plant accounts and to other accounts. (Note also §§ 31.2–21 and 31.02–82.)

§ 31.277 *Telephone plant sold.* This account shall be credited temporarily with the original cost at the time of retirement of telephone plant sold pending determination of the amounts to be credited to the primary telephone plant accounts. (Note also § 31.2–25 (g).)

NOTE: In connection with completing the accounting for telephone plant sold, appropriate adjustments shall be made with respect to any related depreciation accruals.

INSTRUCTIONS FOR INCOME ACCOUNTS

§ 31.3–30 *Purpose of income accounts.* The income accounts (300 to 343, inclusive) are designed to show as nearly as practicable for each calendar year the total operating revenues and operating expenses of the company; the returns accrued upon securities owned and from property not used in the company's operations; the amounts accrued for taxes, use of moneys, and use of operating properties of others; and reservations and appropriations of income. (Note also §§ 31.01–4 to 31.01–6.)

§ 31.3–31 *Income from sinking and other funds.* When interest and other income arising from funds carried in account 104, "Sinking funds," account 136, "Provident funds," or account 137, "Insurance and other funds," (note also account 314) are required by the mortgage or other provisions to be held in the funds, they shall be charged to those accounts. If such funds are represented by a reserve established through reservations of income or earned surplus, amounts so set aside shall be charged to account 342, "Contractual reservations of income," account 343, "Miscellaneous reservations of income," account 414, "Contractual reservations of earned surplus," or account 415, "Miscellaneous reservations of earned surplus," and credited to account 169, "Insurance reserve," account 170, "Provident reserve," account 173, "Employment stabilization reserve," or account 180, "Earned surplus reserved," as may be appropriate.

INCOME ACCOUNTS

TELEPHONE OPERATING INCOME

§ 31.300 *Operating revenues.* This account shall include the total revenues for the accounting period which are provided for in the operating revenue accounts 500 to 530, inclusive. (Note also § 31.01–2 (d).)

§ 31.301 *Operating expenses.* This account shall include the total expenses for the accounting period which are provided for in the operating expense accounts 602:1 to 677, inclusive. (Note also § 31.01–2 (d).)

§ 31.302 *Rent from lease of operating property.* (a) This account shall include rents from the exclusive use of telephone operating property held as a whole and operated by others, such as a complete telephone plant, a complete exchange, or a complete toll system.

(b) Rents are creditable to this account whether receivable in cash or disbursed by the lessee in behalf of the company as taxes on the rented property, interest on funded debt, guaranteed dividends on stock, or otherwise.

NOTE: The rent from property the cost of which is includible in account 103 shall be included in account 315.

§ 31.303 *Rent for lease of operating property.* (a) This account shall include rents for the exclusive use of telephone operating property held as a whole and operated by the company, such as a complete telephone plant, a complete exchange, or a complete toll system.

(b) This account shall include also taxes borne by the lessee of property, the rent for which is chargeable to this account.

(c) Rents are chargeable to this account whether payable in cash or disbursed by the lessee in behalf of the lessor as taxes on the rented property, interest on funded debt, guaranteed dividends on stock, or otherwise.

NOTE A: If leased telephone plant the rent for which is chargeable to this account is sublet to others, the rent receivable therefrom shall be credited to the account appropriate for rent from owned property of the same class.

NOTE B: Rents payable for property used by the company for other than telephone operations shall be included in account 315.

NOTE C: Charges for depreciation of telephone operating property leased as a whole and operated by the company shall be included in account 608 or clearing accounts, as appropriate, on the same basis as for owned property (note also § 31.02–81) when the company is responsible for depreciation under the terms of the lease.

§ 31.305 *Operating taxes.* (a) This account shall include all Federal, State, county, municipal, and other taxing-district taxes, including franchise taxes payable annually or more frequently, relating to telephone plant, operations, and privileges for the period for which the income account is stated. Taxes accrued through this account prior to their payment shall be credited to account 166, "Taxes accrued." (Note also § 31.2–22 (b) (8).)

(b) Taxes on leased telephone plant shall be included in this account by the owner. Any taxes on rented telephone plant which are borne by the lessee shall be appropriately credited by the owner to account 524, "Rent revenues," or account 302, "Rent from lease of operating property," and charged by the lessee to account 671, "Operating rents," or account 303, "Rent for lease of operating property."

NOTE A: Taxes other than those on telephone plant, operations, and privileges shall be charged to account 322.

NOTE B: Special assessments for street and other improvements and special benefit taxes, such as water taxes and the like, shall be included in the operating expense accounts or investment accounts, as may be appropriate.

NOTE C: Discounts allowed for prompt payment of taxes shall be credited to the account to which the taxes are chargeable.

NOTE D: Interest on tax assessments which are not paid when due shall be included in account 336.

NOTE E: The accounting for taxes on physical property during construction and before the facilities are completed ready for service shall be in accordance with § 31.2–22 (b) (8).

NOTE F: Taxes paid by the company under tax-free covenants on indebtedness shall be charged to account 340.

NOTE G: Sales and use taxes shall be accounted for, so far as practicable, as a part of the cost of the items to which the taxes relate.

OTHER INCOME

§ 31.312 *Dividend income.* (a) This account shall include dividends on stock, the income from which is the property of the company, whether such stock is owned by the company and held in its treasury, or deposited in trust (except in sinking or other funds, see Note B to this account), or controlled through lease, or otherwise.

(b) Dividends shall not be credited to this account before actual collection, unless their payment is reasonably assured by past experience, guaranty, anticipated provisions, or otherwise.

NOTE A: These accounts shall not include dividends or other returns on securities issued or assumed by the company and held by or for it, whether pledged as collateral, or held in its treasury, in special deposits, or in sinking or other funds.

NOTE B: Dividends on stocks of other companies held in sinking or other funds shall be credited to account 314.

§ 31.313 *Interest income.* (a) This account shall include interest on securities, including notes and other evidences of indebtedness, the income from which is the property of the company, whether such securities are owned by the company and held in its treasury, or deposited in trust (except in sinking or other funds, see Note B to this account), or controlled through lease, or otherwise. It shall include also interest on bank balances, certificates of deposits, open accounts, and other analogous items.

(b) Interest shall not be credited to this account before actual collection, unless its payment is reasonably assured by past experience, guaranty, anticipated provisions, or otherwise.

(c) This account shall be credited with such amounts as are charged to the telephone plant accounts for interest on funds expended for construction purposes, as provided in § 31.2–22 (b) (10).

(d) There may be included in this account for each month the applicable amount requisite to extinguish, during the interval between the date of acquisition and date of maturity, the difference between the purchase price and the par value of securities owned, the income from which is includible in this account. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried. Any such difference remaining unextinguished at the sale or upon the maturity and satisfaction of such securities shall be cleared to account 413, "Miscellaneous debits to earned surplus," or account 402, "Miscellaneous credits to earned surplus."

NOTE A: These accounts shall not include interest or other returns on securities issued or assumed by the company and held by or for it, whether pledged as collateral, or held in its treasury, in special deposits, or in sinking or other funds.

NOTE B: Interest on cash and on securities issued by others shall be included in account 314 when such assets are held in sinking or other funds.

NOTE C: Cash discounts on bills for material purchased shall not be included in this account. (Note also account 122.)

§ 31.314 *Income from sinking and other funds.* (a) This account shall include the income accrued on cash, securities issued by other companies, and other assets (not including securities issued or assumed by the company) held in sinking and other funds.

(b) There may be included in this account for each month the applicable amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the difference between the purchase price and the par value of securities held in sinking or other funds. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried. Any such difference remaining unextinguished upon the maturity and satisfaction of such securities shall be cleared to account 413, "Miscellaneous debits to earned surplus," or account 402, "Miscellaneous credits to earned surplus."

NOTE: Income from sinking and other funds required to be held in such funds and credits to reserve accounts representing income from funds shall be accounted for as provided in § 31.3–31.

§ 31.315 *Income from miscellaneous physical property.* This account shall include the net balance of the revenues from and the expenses (including depreciation and insurance) of physical property the cost of which is includible in account 103, "Miscellaneous physical property," and also of physical property of others leased and used by the company for other than telephone operations. The rent for leased property which is used by the company for other than telephone operations, assessments when borne by the company for maintenance of public improvements against property the cost of which is includible in account 103, and directly assignable administration expenses incident to operation of miscellaneous physical property, shall be included in this account.

NOTE A: Net credit balances shall be shown in the income statement of the report to this Commission in black and net debit balances in red.

NOTE B: Taxes on miscellaneous physical property shall be included in account 322.

§ 31.316 *Miscellaneous income.* This account shall include all items, not provided for elsewhere, properly creditable to income.

ITEMS TO BE CREDITED

(Note § 31.01–8)

Fees collected in connection with the exchange of coupon bonds for registered bonds.
Profits from the telephone operations of other companies realized by the company under contracts.
Profits realized from custom work performed for others not incident to the company's telephone operations.

MISCELLANEOUS DEDUCTIONS FROM INCOME

§ 31.322 *Miscellaneous taxes.* This account shall include all taxes not provided for elsewhere, such as taxes on miscellaneous physical property. (Note also § 31.2–22 (b) (8).) Taxes accrued through this account prior to their payment shall be credited to account 166, "Taxes accrued."

NOTE A: Special assessments for street and other improvements and special benefit taxes such as water taxes and the like shall be included in the operating expense accounts or investment accounts as may be appropriate.

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NOTE B: Discounts allowed for the prompt payment of taxes shall be credited to the account to which the taxes are chargeable.

NOTE C: Interest on tax assessments which are not paid when due shall be included in account 336.

§ 31.323 *Miscellaneous income charges.* This account shall include all items not provided for elsewhere properly chargeable to income.

ITEMS TO BE CHARGED

(Note § 31.01–8)

Contributions for charitable or social or community welfare purposes.

Current expenses of trustees in maintaining and administering trusts incident to outstanding debt of the company.

Uncollectible amounts previously credited to accounts 312 to 316, inclusive. (See also § 31.1–11 and note to account 530.)

FIXED CHARGES

§ 31.335 *Interest on funded debt.* (a) This account shall include the current accruals of interest on all classes of debt the principal of which is includible in account 154:1, "Funded debt," and account 155, "Receivers' certificates," except interest provided for in account 341, "Contingent interest on funded debt." (Note also § 31.2–22 (b) (10).) It shall also include the interest on funded debt the maturity of which has been extended by specific agreement.

(b) This account shall be kept so that the interest on each class of funded debt and on receivers' certificates may be shown separately in the annual reports to this Commission.

NOTE A: These accounts shall not include charges for interest on funded debt issued or assumed by the company and held by or for it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other funds.

NOTE B: Interest expressly provided for and included in the face amount of securities issued shall be charged at the time of issuance to account 139 and cleared to this account as the term expires to which the interest applies.

§ 31.336 *Other interest deductions.* (a) This account shall include all interest deductions not provided for elsewhere. Discount, premium, and expense on notes maturing 1 year or less from date of issue shall be included in this account in equal monthly installments throughout the term of the notes or included herein at the time such notes are issued. (Note also § 31.2–22 (b) (10).)

(b) A list of representative items of indebtedness follows, the interest on which is chargeable to this account (note § 31.01–8):

Advances from affiliated companies. (Note also account 156.)

Advances from nonaffiliated companies and other liabilities included in account 157.

Assessments for public improvements past due.

Bond coupons, matured and unpaid.

Capital-stock and funded-debt subscriptions, receipts for installments on.

Claims and judgments.

Customers' deposits.

Funded debt matured, with respect to which a definite agreement as to extension has not been made.

Notes payable on demand or maturing 1 year or less from date of issue.

Open accounts.

Tax assessments, past due.

NOTE: Interest payable on notes or other evidences of indebtedness maturing serially shall be charged to account 335 if any portion of the obligation matures more than 1 year from date of issue.

§ 31.338 *Amortization of discount on long-term debt.* This account shall include during each month such proportion of the unamortized debit balance in each particular discount, premium, and debt expense account for actually outstanding long-term debt as is applicable to that period. This proportion shall be determined in accordance with § 31.1–15.

§ 31.339 *Release of premium on long-term debt—Cr.* This account shall include during each month such proportion of the unextinguished credit balance in each particular discount, premium, and debt expense account for actually outstanding long-term debt as is applicable to that period. This proportion shall be determined in accordance with § 31.1–15.

§ 31.340 *Other fixed charges.* This account shall include all items of fixed charges not provided for elsewhere properly chargeable to income of the accounting period, such as taxes paid by the company under tax-free covenants on indebtedness.

CONTINGENT INTEREST

§ 31.341 *Contingent interest on funded debt.* This account shall include accrued interest payable on funded debt, when a claim against income after fixed charges and prior to the interests of stockholders in the earnings of the company, such as interest on income bonds.

DISPOSITION OF NET INCOME

§ 31.342 *Contractual reservations of income.* This account shall include reservations chargeable to income, when specifically required under the terms of mortgages, deeds of trust, orders of courts, contracts, or other agreements. (Note also § 31.3–31.)

NOTE A: Reservations of income resting in the discretion of the company (i. e., not required by mortgages, contracts, etc.) shall be charged to account 343.

NOTE B: Amounts charged to this account shall be concurrently credited to the appropriate reserve accounts.

§ 31.343 *Miscellaneous reservations of income.* This account shall include reservations of income for purposes not provided for elsewhere and not specifically required under terms of mortgages, contracts, etc. It shall include appropriations for investment in telephone plant, and income reserved at the company's discretion on account of rate litigations, etc. (Note also § 31.3–31.)

NOTE: Amounts charged to this account shall be concurrently credited to the appropriate reserve accounts.

INSTRUCTIONS FOR EARNED SURPLUS ACCOUNTS

§ 31.4–40 *Purpose of earned surplus accounts.* The earned surplus accounts (400 to 416, inclusive) are designed to show the changes in the company's earned surplus or deficit during each calendar year resulting from (a) the operations and other transactions during that period reflected in income accounts, (b) appropriations or other reservations of earned surplus for specific purposes, (c) accounting adjustments not properly attributable to the period (note also § 31.01–5), and (d) miscellaneous losses and gains not provided for elsewhere. The balance of the earned surplus accounts (400 to 416, inclusive) shall be closed into account 181, "Unappropriated earned surplus," at the end of each calendar year.

EARNED SURPLUS ACCOUNTS

§ 31.400 *Income balance.* An account, under this designation, shall be maintained in the general books of the company. The balance of all income primary accounts (300 to 343, inclusive) shall be closed into this account at the end of each calendar year.

§ 31.401 *Credits for telephone plant sold.* This account shall include amounts creditable to earned surplus in accordance with § 31.2–25 (d) and (g) in connection with the sale of telephone plant.

§ 31.402 *Miscellaneous credits to earned surplus.* This account shall include amounts creditable to earned surplus not provided for elsewhere. Among the items which shall be credited to this account are (note § 31.01–8):

Amount of adjustments arising from transactions in the company's own capital stock which are not includible in account 179. (Note § 31.1–13 (d), (e), and (f).)

Amounts of the credit balance at the time of its reacquirement in the discount, premium, and debt expense account relating to long-term debt reacquired. (Note § 31.1–15.)

Amounts received for abrogation of contracts.

Credits for amounts previously written off through charges to earned surplus.

Credits from adjustments in connection with the reacquisition of bonds and other evidences of debt. (Note also § 31.1–13 (b).)

Delayed credit to income, operating revenue, and operating expense accounts as provided in § 31.01–5.

Forfeitures of amounts deposited with the company under options for the sale or lease of property.

Profits arising from foreign exchange. (Note § 31.01–7.)

Profits derived from the resale of company securities owned other than capital stock.

Profits derived from the sale of securities of other companies.

Profits derived from the sale of unexpired leases.

Profits from the sale of land carried in account 103 and of depreciable property in account 103 not previously used in telephone service. (Note also account 174.)

Unclaimed dividends.

Unclaimed wages and vouchered accounts written off.

§ 31.410 *Debits for telephone plant sold.* This account shall include amounts chargeable to earned surplus in accordance with § 31.2–25 (d) and (g) in connection with the sale of telephone plant.

§ 31.413 *Miscellaneous debits to earned surplus.* This account shall include amounts chargeable to earned surplus not provided for elsewhere. Among the items which shall be charged to this account are (note § 31.01–8):

Amortization, at the company's option, of the balance in account 201.

Amortization not provided for elsewhere.

Amount of adjustments arising from transactions in the company's own capital stock which are not includible in account 179. (Note § 31.1–13 (d), (e), and (f).)

Amounts charged to earned surplus to cover past accrued depreciation not provided for. (Note also account 171.)

Amounts charged to earned surplus to extinguish, at the company's option, all or any part of the debit balance remaining in any particular discount, premium, and debt expense account for long-term debt actually outstanding. (Note § 31.1–15.)

Amounts charged to earned surplus in recognition of the decline in value of current assets and securities owned. (Note §§ 31.1–11 and 31.1–12.)

Amounts of capital-stock expense written off which are not includible in account 179. (Note account 134:2.)

Amounts of the debit balance at the time of its reacquirement in the discount, premium, and debt expense account relating to long-term debt reacquired. (Note § 31.1–15.)

Amounts paid for abrogation of contracts.

Appropriations to nonpar stock accounts. (Note § 31.1–16A.)

Debits resulting from adjustments required in connection with the reacquisition of bonds and other evidences of debt. (Note § 31.1–13.)

Delayed debits to income, operating revenue, and operating expense accounts as provided in § 31.01–5.

Forfeiture of amounts deposited by the company under options for the purchase or lease of property.

Inventory, appraisal, and other costs incident to the contemplated acquisition, sale or lease of property when the projects are abandoned.

Losses arising from foreign exchange. (Note § 31.01–7.)

Losses of funds due to bank failures.

Losses resulting from the resale of company securities owned other than capital stock.

Losses resulting from the sale of land carried in account 103 and losses resulting from the sale, destruction, or retirement of depreciable property carried in account 103 not previously used in telephone service. (Note account 174.)

Losses resulting from the sale of securities of other companies.

Payments of amounts previously written off through credits to earned surplus.

Penalties and fines paid on account of violations of statutes pertaining to regulation.

Uncollectible receivables, or provisions therefor, not chargeable to other accounts.

§ 31.414 *Contractual reservations of earned surplus.* This account shall include reservations chargeable to earned surplus when specifically required under the terms of mortgages, deeds of trust, orders of courts, contracts, or other agreements. (Note also § 31.3–31.)

NOTE A: Reservations of earned surplus resting in the discretion of the company (i. e., not required by mortgages, contracts, etc.) shall be charged to account 415.

NOTE B: Amounts charged to this account shall be concurrently credited to the appropriate reserve accounts.

§ 31.415 *Miscellaneous reservations of earned surplus.* This account shall include reservations of earned surplus for purposes not provided for elsewhere and not specifically required under terms of mortgages, contracts, etc. It shall include appropriations for investment in telephone plant and earned surplus reserved at the company's discretion on account of rate litigations, etc. (Note also § 31.3–31.)

NOTE: Amounts charged to this account shall be concurrently credited to the appropriate reserve accounts.

§ 31.416 *Dividend appropriations.* (a) This account shall include dividends on capital stock actually outstanding.

(b) If a dividend is not payable in cash the consideration shall be described in the entry with sufficient particularity to identify it.

(c) This account shall be kept so that the dividends on each class of capital stock may be shown separately in the annual reports to this Commission.

NOTE: These accounts shall not include charges for dividends on capital stock issued or assumed by the company and held by or for it, whether pledged as collateral, or held in its treasury, in special deposits, or in sinking or other funds.

INSTRUCTIONS FOR OPERATING REVENUE ACCOUNTS

§ 31.5–50 *Purpose of operating revenue accounts.* (a) The operating revenue accounts (500 to 530, inclusive) are designed to show the amounts of money which the company becomes lawfully entitled to receive, less uncollectible revenues, from the furnishing of telephone service (including operations incidental thereto). Credits to the various revenue accounts shall be based upon the actual amounts chargeable for services rendered by the company. It is not required that undetermined amounts of revenue at pay stations, lost through fire, theft, or collection of slugs or coins having no legal tender value shall be included in the operating revenue accounts. (Note also §§ 31.01–4 to 31.01–6, and account 650.)

(b) In addition to monthly service charges, the operating revenue accounts appropriate for the class of service involved shall be credited with:

(1) Amounts charged for connection, restoration and termination of service, and for inside moves, outside moves, instrument changes, and similar service requirements.

(2) Amounts of initial nonrecurring charges for plant or equipment, furnished in rendering service to a customer, includible in accounts 231, 232, and 234, except initial charges based on the cost of specially assembled private branch exchanges includible in account 234. (Note paragraph (b) and Note A of § 31.2–20.)

(3) Amounts of service charges for supplemental or auxiliary equipment furnished in rendering service to a customer—for example, extension stations, auxiliary receivers, auxiliary signals, code calling and conference equipment, etc.

(c) The classification of operating revenues provides separate accounts for local revenue and for toll revenue. In case it is necessary to apportion the revenue between these accounts, the company shall be prepared when so required by this Commission to furnish the basis used in making such apportionment.

§ 31.5–51 *Deductions from revenues.* Discounts allowed customers for prompt payment, corrections of overcharges, authorized refunds of overcollections theretofore credited, authorized refunds and adjustments on account of failure in service, and other corrections shall be charged to the revenue account previously credited with the amounts involved.

§ 31.5–52 *Commissions.* (a) Commissions paid to employees or others in place of salaries or other compensation for services rendered, such as public telephone commissions, shall be charged to the appropriate expense accounts and not to the revenue accounts.

(b) Originating and other commissions representing divisions of operating revenues between telephone companies shall be accounted for through the appropriate operating revenue accounts.

§ 31.5–53 *Operating revenue accounts to be maintained.*

(Note particularly §§ 31.01–1 (c), 31.01–4, 31.01–5, and 31.01–6)

ACCOUNTS FOR CLASS A COMPANIES		ACCOUNTS FOR CLASS B COMPANIES	
LOCAL SERVICE REVENUES		LOCAL SERVICE REVENUES	
500	Subscribers' station revenues.	500	Local service revenues.
501	Public telephone revenues.		
503	Service stations.		
504	Local private line services.		
506	Other local service revenues.		
TOLL SERVICE REVENUES		TOLL SERVICE REVENUES	
510	Message tolls.	510	Toll service revenues.
512	Toll private line services.		
516	Other toll service revenues.		
MISCELLANEOUS REVENUES		MISCELLANEOUS REVENUES	
521	Telegraph commissions.	520	Miscellaneous operating revenues.
523	Directory advertising and sales.		
524	Rent revenues.		
525	Revenues from general services and licenses.		
526	Other operating revenues.		
UNCOLLECTIBLE REVENUES		UNCOLLECTIBLE REVENUES	
530	Uncollectible operating revenues—Dr.	530	Uncollectible operating revenues—Dr.

OPERATING REVENUE ACCOUNTS

LOCAL SERVICE REVENUES

§ 31.500 *Subscribers' station revenues.* This account shall include local service revenues from business and residence subscribers' service and from semipublic service, including such revenues from main stations, private branch exchange systems, order turrets, and

other subscribers' stations, whether the charge is based upon a flat rate or a measured rate. It shall include local service revenues from mileage charges and auxiliary equipment in connection with such subscribers' service. This account shall include also revenues from directory listings for such subscribers' service requirements, such as listings of extra names and alternate call numbers in the alphabetical sections of directories.

NOTE A: Local service revenues from public telephones and from service stations shall be credited to accounts 501 and 503, respectively.

NOTE B: Revenues from advertising in directories (i. e., other than listings for service requirements) shall be credited to account 523.

§ 31.501 *Public telephone revenues.* This account shall include local service revenues from public telephone service.

NOTE A: Local service revenues from semi-public service shall be credited to account 500.

NOTE B: Public telephone commissions shall be charged to account 648.

§ 31.503 *Service stations.* This account shall include local service revenues from stations the lines or equipment of which are provided wholly or in part by others and to which the company furnishes local service, switching service, or both.

§ 31.504 *Local private line services.* This account shall include local service revenues from private line services and facilities furnished between points in the same local service area under contracts providing exclusive service, either continuously or during stated periods (i. e., service not requiring central office switching operations). It shall include local private line service revenues from lines furnished for such purposes as telephone, telegraph, teletypewriter, public address, radio program transmission, and remote control. It shall include also charges for toll terminals and local loops furnished either continuously or during stated periods in connection with toll services (including those furnished for use in connection with lines of other companies); and charges for instruments and equipment, when furnished in connection with such lines and loops.

§ 31.506 *Other local service revenues.* This account shall include all local service revenues not provided for elsewhere.

TOLL SERVICE REVENUES

§ 31.510 *Message tolls.* (a) This account shall include toll service revenues from the transmission of messages, including such revenues from messages transmitted entirely over the company's own lines, and amounts representing divisions of toll service revenues received (1) from messages transmitted partly over the company's lines and partly over lines of other companies, (2) as compensation for originating or terminating toll messages of other companies, and (3) as compensation for switching toll messages between lines of other companies.

(b) This account shall include revenues from guarantees at toll stations and from messenger service in notifying persons of toll calls.

§ 31.512 *Toll private line services.* This account shall include toll service revenues from private line services and facilities furnished between different local service areas under contracts providing exclusive service either continuously or during stated periods, including (a) revenues from services involving only the use of the company's own lines, and (b) amounts representing divisions of toll private line service revenues when such service involves the use of lines of other companies. It shall include toll private line service revenues from lines furnished for such purposes as telephone, telegraph, teletypewriter, public address, radio program transmission, and remote control.

NOTE A: Charges for local loops furnished either continuously or during stated periods and the instruments used in connection therewith (including those furnished for use in connection with lines of other companies) shall be credited to account 504.

NOTE B: Toll service revenues from the transmission of messages charged for on a per-message basis shall be included in account 510.

§ 31.516 *Other toll service revenues.* This account shall include all toll service revenues not provided for elsewhere.

MISCELLANEOUS REVENUES

§ 31.521 *Telegraph commissions.* This account shall include commissions receivable for the billing or collection of telegraph, cable, or wireless tolls on messages transmitted by others.

§ 31.523 *Directory advertising and sales.* This account shall include revenues from advertising in directories and from the sale or furnishing of new directories either of the company's own issue or directories purchased from others. It shall include all revenues from the classified sections and from bold-face listings, marginal displays, inserts, cover, and other advertisements in alphabetical sections of directories.

NOTE A: Revenues from directory listings for service requirements, such as listings of extra names and alternate call numbers in the alphabetical sections of directories shall be credited to account 500.

NOTE B: Revenues from advertising other than in directories shall be credited to account 526.

NOTE C: Amounts received as salvage on old directories shall be credited to account 649.

§ 31.524 *Rent revenues.* This account shall include revenues (including taxes when borne by the lessee) from the rental or subrental to others of telephone plant constituting a part of the property used by the company in its telephone operations, such as instruments, equipment, and lines furnished apart from telephone service rendered by the company; space in conduits; pole line space for attachments; space in buildings; and carrying charges on property used in joint operations. (Note also § 31.6–62, and Note B to this account.)

NOTE A: The expense of maintaining and operating the rented property, including depreciation and insurance, shall be included in the appropriate operating expense accounts. Taxes applicable to the rented property shall be included by the owner of the rented property in account 305.

NOTE B: Rents from the exclusive use of telephone operating property held as a whole and operated by others, such as a complete telephone plant, a complete exchange, or a complete toll system, shall be included in account 302.

§ 31.525 *Revenues from general services and licenses.* This account shall include amounts accruing for services rendered other companies under a license agreement, general service contract, or other arrangement providing for the furnishing of general accounting, engineering, financial, legal, patent, and other general services.

§ 31.526 *Other operating revenues.* This account shall include all miscellaneous operating revenues not provided for elsewhere, such as amounts charged for private branch exchange operating services performed by operators regularly employed by the telephone company; flat amounts (not divisions of revenue or reimbursements of costs) charged other telephone companies for operating services on toll lines of such companies terminating in the switchboard of the accounting company; revenues from advertising other than in directories; unclaimed refunds or overcharges on telephone service; and profits realized from custom work performed for others incident to the company's telephone operations.

UNCOLLECTIBLE REVENUES

§ 31.530 *Uncollectible operating revenues—Dr.* (a) This account shall include amounts credited to the operating revenue accounts which have proved impracticable of collection. (Note also § 31.1–11 and subaccount 118 (b).)

(b) This account may include monthly charges based on estimates, to provide a reserve for uncollectible accounts due from customers and agents. Amounts thus charged to this account shall be credited to subaccount (b), "Reserve for uncollectible accounts—Cr.," under account 118, "Due from customers and agents."

(c) When revenue which has been written off through this account is collected, the amount of the collection shall be credited to this account.

(d) This account shall include, in a separate subdivision thereof, credits arising from charges to accounts 160, "Customers' deposits," and 164, "Advance billing and payments," that may lawfully be written off as unrefundable because of failure to locate the rightful owner or for some similar reason.

NOTE: Uncollectible amounts which have not been treated as operating revenues shall be charged to account 323, account 413, or other appropriate account.

INSTRUCTIONS FOR OPERATING EXPENSE ACCOUNTS

§ 31.6–60 *Purpose of operating expense accounts.* The operating expense accounts (602:1 to 677, inclusive) are designed to show the expenses of furnishing telephone service, including expense of maintaining the plant used in such service. (Note also §§ 31.01–4 to 31.01–6.)

§ 31.6–61 *Cost of repairs.* (a) The cost of repairs chargeable to the various operating expense and clearing accounts includes: Inspecting, testing, and reporting on the condition of telephone plant to determine the need for repairs, replacements, rearrangements, and changes; testing for, locating and clearing trouble; routine work (note also paragraph (b) of this section) to prevent trouble, such as pulling up slack, tightening guys and raking guy stubs, trimming trees, straightening poles and crossarms, and cleaning and adjusting equipment; replacing minor items of telephone plant (note also § 31.2–25); rearranging and changing the location of property not retired; repairing material for reuse; restoring the condition of property damaged by storms, floods, fire, or other casualties (note also paragraph (b) of this section); training employees for maintenance work; inspecting and testing after repairs have been made; and an equitable proportion of the cost of local plant administration, general plant supervision and engineering.

(b) The cost of repairs does not include the cost of replacing items of property designated as "retirement units." (Note also § 31.2–25.)

§ 31.6–62 *Joint operating expenses.* (a) In accounting for operating expenses incurred under arrangements for joint participation or apportionment between telephone companies, the creditor company shall charge initially the entire expense to the appropriate primary accounts. The proportion of such expenses borne by the debtor shall be credited by the creditor and charged by the debtor to the accounts initially charged, except that by agreement between the participating companies the proportion of traffic expenses borne by the debtor may be credited by the creditor to account 635, "Joint traffic expenses—Cr." and charged by the debtor to account 634, "Joint traffic expenses—Dr."

(b) Any allowances for return on the property used under the arrangement shall be credited by the creditor to the appropriate rent revenue account and charged by the debtor to the appropriate rent expense account.

(c) The creditor company shall inform the debtor company of the distribution of charges made by it.

§ 31.6–63 *Distribution of pay and expenses of employees.* (a) Charges to the telephone plant, operating expense, and other accounts for services and expenses of employees engaged in activities chargeable to various accounts shall be based upon the actual time engaged in the respective classes of work except that the pay and expenses of an employee who performs the same class of work from day to day may be distributed upon the basis of a study of the time actually engaged during a representative period.

(b) The pay and expenses of employees of one department who perform for another department incidental services involving only small expense shall be included in the expenses of the department in which the employees are regularly employed.

§ 31.6–64 *Extensive replacements.* When it becomes necessary to replace the majority of station apparatus, inside wires, or drop and block wires, in any given central office district, together with any number of such items in contiguous districts, the cost of the replacements chargeable to account 605, "Repairs of station equipment," if so authorized by this Commission upon application to it, shall be charged to account 138, "Extraordinary maintenance and retirements," and cleared to account 605 over the period specified in the authority.

§ 31.6–65 *Operating expense accounts to be maintained.*

(Note particularly §§ 31.01–1 (c), 31.01–4, 31.01–5, 31.01–6 and 31.2–25)

ACCOUNTS FOR CLASS A COMPANIES		ACCOUNTS FOR CLASS B COMPANIES
MAINTENANCE EXPENSES		
602:1	Repairs of pole lines.	602 Repairs of outside plant.
602:2	Repairs of aerial cable.	
602:3	Repairs of underground cable.	
602:4	Repairs of buried cable.	
602:5	Repairs of submarine cable.	
602:6	Repairs of aerial wire.	
602:7	Repairs of underground conduit.	
602:8	Shop repairs and salvage adjustments.	
602:9	General supervision, engineering, and tool expenses.	
603	Test desk work.	603 Test desk work.
604	Repairs of central office equipment.	604 Repairs of central office equipment.
605	Repairs of station equipment.	605 Repairs of station equipment.
606	Repairs of buildings and grounds.	606 Repairs of buildings and grounds.
610	Maintaining transmission power.	610 Maintaining transmission power.
611	Employment stabilization.	611 Employment stabilization.
612	Other maintenance expenses.	612 Other maintenance expenses.
DEPRECIATION AND AMORTIZATION EXPENSES		DEPRECIATION AND AMORTIZATION EXPENSES
608	Depreciation.	608 Depreciation.
609	Extraordinary retirements	609 Extraordinary retirements
613	Amortization of intangible property.	613 Amortization of intangible property.
614	Amortization of telephone plant acquisition adjustment.	614 Amortization of telephone plant acquisition adjustment.
TRAFFIC EXPENSES		TRAFFIC EXPENSES
621	General traffic supervision.	
622	Service inspection and customer instruction.	
624	Operators' wages.	624 Operators' wages.
626	Rest and lunchrooms.	
627	Operators' employment and training.	
629	Central office stationery and printing.	
630	Central office house service.	
631	Miscellaneous central office expenses.	
632	Public telephone expenses.	
633	Other traffic expenses.	633 Other traffic expenses.
634	Joint traffic expenses—Dr.	
635	Joint traffic expenses—Cr.	
COMMERCIAL EXPENSES		COMMERCIAL EXPENSES
640	General commercial administration.	640 Commercial expenses.
642	Advertising.	
643	Sales expense.	
644	Connecting company relations.	
645	Local commercial operations.	
648	Public telephone commissions.	
649	Directory expenses.	
650	Other commercial expenses.	
GENERAL OFFICE SALARIES AND EXPENSES		GENERAL OFFICE SALARIES AND EXPENSES
661	Executive department.	
662	Accounting department.	
663	Treasury department.	
664	Law department.	
665	Other general office salaries and expenses.	665 General office salaries and expenses.
OTHER OPERATING EXPENSES		OTHER OPERATING EXPENSES
668	Insurance.	
669	Accidents and damages.	
671	Operating rents.	
672	Relief and pensions.	
673	Telephone franchise requirements.	
674	General services and licenses.	
675	Other expenses.	675 Other operating expenses.
676	Telephone franchise requirements—Cr.	
677	Expenses charged construction—Cr.	

OPERATING EXPENSE ACCOUNTS

MAINTENANCE EXPENSES

§ 31.602:1 *Repairs of pole lines.* This account shall include the cost of repairing pole lines and the cost of maintaining right of way therefor.

ITEMS

(Note § 31.01–8)

Inspecting, testing, and reporting on the condition of pole lines to determine the need for repairs or replacements.

Moving poles in connection with road and street changes. (Note also § 31.2–25.)

Painting and treating poles and pole butts subsequent to their installation.

Permits and privileges for maintenance work.

Replacing minor items of pole lines, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Respacing poles and crossarms.

Restoring condition of pole lines damaged by storms, fires, or other casualties. (Note also § 31.2–25.)

Right of way adjustments, cost of, when no additional rights are acquired.

Straightening poles and crossarms.

Tightening guys and raking guy stubs.

Transferring crossarms and guys in connection with replacements of poles and crossarms.

Trenching poles.

Trimming trees, cutting underbrush, and other work to maintain previous clearance of right of way.

Work on the property of others in connection with the maintenance of the pole lines of the company. (See also note A to this account.)

NOTE A: Expenses on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing the property of others in the course of such work) shall be charged to account 669.

NOTE B: The cost of shop repairs and salvage adjustments, general supervision, engineering, and tool expenses, applicable to pole lines, shall be charged to accounts 602:8 or 602:9, as appropriate.

§ 31.602:2 *Repairs of aerial cable.* This account shall include the cost of repairing the aerial cable plant.

ITEMS

(Note § 31.01–8)

Clearing defective cable pairs.

Inspecting, testing, and reporting on the condition of aerial cable plant to determine the need for repairs or replacements. (Note also account 603.)

Installing, transferring, replacing, and removing cross-connection wires and fuses in cable terminals or boxes. (See also note A to this account.)

Moving aerial cable in connection with road and street changes.

Opening, testing, splicing, and other work of transferring pairs in cable and transferring cable from one cable or stub to another cable or stub.

Permits and privileges for maintenance work.

Replacing minor items of aerial cable plant, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Restoring condition of aerial cable plant damaged by storms, fires, or other casualties. (Note also § 31.2–25.)

Testing for, locating, and clearing trouble. (Note also account 603.)

Tightening suspension strand and cutting out cable slack.

Transferring cable, cable boxes, and other aerial cable plant in connection with replacements of poles and crossarms.

Work on the property of others in connection with the maintenance of the aerial cable plant of the company. (See also note B to this account.)

NOTE A: The cost of cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes for aerial cable shall be charged to account 242:1.

NOTE B: Expenses on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing the property of others in the course of such work) shall be charged to account 669.

NOTE C: The cost of shop repairs and salvage adjustments, general supervision, engineering, and tool expenses, applicable to aerial cable plant, shall be charged to account 602:8 or 602:9, as appropriate.

§ 31.602:3 *Repairs of underground cable.* This account shall include the cost of repairing the underground cable plant.

ITEMS

(Note § 31.01–8)

Clearing defective cable pairs.

Inspecting, testing, and reporting on the condition of the underground cable plant to determine the need for repairs or replacements. (Note also account 603.)

Installing, transferring, replacing, and removing cross-connection wires and fuses in cable terminals or boxes. (See also note A to this account.)

Moving underground cable in connection with road and street changes. (Note also § 31.2–25.)

Opening, testing, splicing, and other work of transferring pairs in cable and transferring cable from one cable or stub to another cable or stub.

Permits and privileges for maintenance work.

Replacing minor items of underground cable plant, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Reracking cables.

Restoring condition of underground cable plant damaged by storms, fires, or other casualties. (Note also § 31.2–25.)

Testing for, locating, and clearing trouble. (Note also account 603.)

Tests and surveys of existing plant to detect presence of electrolysis. (See note A to this account, also account 603.)

Work on the property of others in connection with the maintenance of the underground cable plant of the company. (See also note B to this account.)

NOTE A: The cost of cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes, and the cost of tests for electrolysis made in connection with construction of underground cable shall be charged to account 242:2.

NOTE B: Expenses on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing the property of others in the course of such work) shall be charged to account 669.

NOTE C: The cost of shop repairs and salvage adjustments, general supervision, engineering, and tool expenses, applicable to underground cable plant, shall be charged to account 602:8 or 602:9, as appropriate.

§ 31.602:4 *Repairs of buried cable.* This account shall include the cost of repairing the buried cable plant and the cost of maintaining the right of way therefor.

ITEMS

(Note § 31.01–8)

Clearing defective cable pairs.

Inspecting, testing, and reporting on the condition of the buried cable plant to determine the need for repairs or replacements. (Note also account 603.)

Installing, transferring, replacing, and removing cross-connection wires and fuses in cable terminals or boxes. (See also note A to this account.)

Moving buried cable in connection with road and street changes. (Note also § 31.2–25.)

Opening, testing, splicing, and other work of transferring pairs in cable and transferring cable from one cable or stub to another cable or stub.

Permits and privileges for maintenance work.

Replacing minor items of buried cable plant, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Restoring condition of buried cable plant damaged by storms, fires, or other casualties. (Note also § 31.2–25.)

Right of way adjustments, cost of, when no additional rights are acquired.

Testing for, locating, and clearing trouble. (Note also account 603.)

Work on the property of others in connection with the maintenance of the buried cable plant of the company. (See also note B to this account.)

NOTE A: The cost of cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes for buried cable shall be charged to account 242:3.

NOTE B: Expenses on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing the property of others in the course of such work) shall be charged to account 669.

NOTE C: The cost of shop repairs and salvage adjustments, general supervision, engineering, and tool expenses, applicable to buried cable plant, shall be charged to account 602:8 or 602:9, as appropriate.

§ 31.602:5 *Repairs of submarine cable.* This account shall include the cost of repairing the submarine cable plant and the cost of maintaining right of way therefor.

ITEMS

(Note § 31.01–8)

Clearing defective cable pairs.

Inspecting, testing, and reporting on the condition of submarine cable plant to determine the need for repairs or replacements. (Note also account 603.)

Installing, transferring, replacing, and removing cross-connection wires and fuses in cable terminals or boxes. (See also note A to this account.)

Opening, testing, splicing, and other work of transferring pairs in cable and transferring cable from one cable or stub to another cable or stub.

Permits and privileges for maintenance work.

Replacing minor items of submarine cable plant, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Restoring condition of submarine cable plant damaged by storms, fires, or other casualties. (Note also § 31.2–25.)

Right of way adjustments, cost of, when no additional rights are acquired.

Testing for, locating, and clearing trouble. (Note also account 603.)

Work on the property of others in connection with the maintenance of the submarine cable plant of the company. (See also note B to this account.)

NOTE A: The cost of cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes for submarine cable shall be charged to account 242:4.

NOTE B: Expenses on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing property of others in the course of such work) shall be charged to account 669.

NOTE C: The cost of shop repairs and salvage adjustments, general supervision, engineering, and tool expenses, applicable to submarine cable plant, shall be charged to account 602:8 or 602:9, as appropriate.

§ 31.602:6 *Repairs of aerial wire.* This account shall include the cost of repairing the aerial wire plant.

ITEMS

(Note § 31.01–8)

Cutting out or cutting in slack in aerial wire.

Inspecting, testing, and reporting on the condition of aerial wire plant to determine the need for repairs or replacements. (Note also account 603.)

Moving aerial wire in connection with road and street changes. (Note also § 31.2–25.)

Permits and privileges for maintenance work.

Rearranging wires on pins.

Replacing minor items of aerial wire plant, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Restoring condition of aerial wire plant damaged by storms, fires, or other casualties. (Note also § 31.2–25.)

Testing for, locating, and clearing trouble. (Note also account 603.)

Transferring aerial wire in connection with replacements of poles and cross arms.

Transposing or retransposing existing aerial wire, including such work for the removal of electric interference and for the creation of phantom and carrier circuits subsequent to the original installation of wires. (See also note A to this account.)

Work on the property of others in connection with the maintenance of the aerial wire plant of the company. (See also note B to this account.)

NOTE A: The cost of any betterments and plant added resulting from such work shall be included in account 243.

NOTE B: Expenses on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing the property of others in the course of such work) shall be charged to account 669.

NOTE C: The cost of shop repairs and salvage adjustments, general supervision, engineering, and tool expenses, applicable to aerial wire plant, shall be charged to account 602:8 or 602:9, as appropriate.

§ 31.602:7 *Repairs of underground conduit.* This account shall include the cost of repairing the underground conduit plant and the cost of maintaining right of way therefor.

ITEMS

(Note § 31.01–8)

Cleaning manholes and ducts. (See also note A to this account.)

Moving underground conduit in connection with road and street changes. (Note also § 31.2–25.)

Opening pavement and repaving in connection with repairs of underground cable and conduit.

Permits and privileges for maintenance work.

Replacing minor items of underground conduit plant, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Restoring condition of underground conduit plant damaged by storms, fires, or other casualties. (Note also § 31.2–25.)

Right of way adjustments, cost of, when no additional rights are acquired.

Work on the property of others in connection with the maintenance of the underground conduit plant of the company. (See also note B to this account.)

NOTE A: The cost of cleaning manholes and ducts in connection with construction work and not necessary in the maintenance or operation of the plant shall be included in the account chargeable with the cost of the construction work.

NOTE B: Expenses on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing property of others in the course of such work) shall be charged to account 669.

NOTE C: The cost of shop repairs and salvage adjustments, general supervision, engineering, and tool expenses, applicable to underground conduit, shall be charged to account 602:8 or 602:9, as appropriate.

§ 31.602:8 *Shop repairs and salvage adjustments.* This account shall include the cost of repairs and conversions of pole line, cable, aerial wire, and underground conduit material which has been removed from plant and returned to shops for repairs. It shall also include salvage adjustments with respect to such material which cannot be practicably allocated to accounts 602:1 to 602:7, inclusive.

§ 31.602:9 *General supervision, engineering, and tool expenses.* This account shall include the cost of engineering and plant supervision expense applicable to work charged to accounts 602:1 to 602:8, inclusive. It shall also include amounts cleared from account 702, "Vehicle and other work equipment expense," for expense of small tools applicable to repairs of outside plant.

§ 31.603 *Test desk work.* (a) This account shall include the costs incurred by forces located in central offices and engaged in the work of receiving and recording reports of trouble from subscribers and others; testing from test desks to determine the nature and location of trouble; dispatching repairman from test desks; testing from test desks with repairmen during the course of their work or upon its completion and making other tests from test desks to determine the condition of the plant; and testing from test desks in the course of inside moves and rearrangements of station apparatus, including service regrades.

(b) This account shall include also the cost of cable fault location work performed at specially equipped test desks; the cost of putting up and taking down leased toll circuits; monitoring, testing and adjusting leased toll circuits to maintain such circuits in proper adjustment; and similar work in connection with toll message circuits.

§ 31.604 *Repairs of central office equipment.* (a) This account shall include the cost of repairing central office equipment.

(b) This account shall include also the pay and expenses of plant department forces engaged in maintaining and operating equipment for producing electricity for transmitting traffic and operating signals.

ITEMS

(Note § 31.01–8)

Adding acid and water to batteries and reading specific gravity, current drain, and voltage of batteries.

Cleaning equipment.

Disconnecting and reconnecting customers' lines in central offices for temporary periods of nonuse or for nonpayment of bills.

Disconnecting customers' lines in central offices due to termination of service.

House service. (Note also account 707.)

Lubrication, adjustment, and cleaning of power equipment, including the lubrication and cleaning of drive motors and driving mechanism in panel offices.

Operating prime movers, generators, and motors.

Rearranging and replacing frame cross-connection wires. (See also note A to this account.)

Removing sediment from storage batteries and the cost of repairing storage batteries, including replacement of minor items.

Repairing used central office equipment for reuse.

Replacement of central office dry cell batteries.

Replacing minor items of central office equipment, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)

Starting, stopping, and watching operation of power equipment.

Supplies, such as acid, caustic soda, cheesecloth, commutator paste, dry cells, electrolyte, kerosene, oil, and waste.

Tools and other individual central office equipment—items of small value or short life, cost and repairs of. (Note also § 31.2–20 (d).)

Training employees for central office repair work.

Underlining switchboard jacks, renewing switchboard markings, and placing and changing number plates and designation strips, not incident to construction. (See also note C to this account.)

NOTE A: The cost of work on central office frames incident to routine station and line turnover and growth, including the placing, removing, or rearrangement of cross-connections (including the cost, less salvage, of the cross-connection wire, heat coils, protector blocks, etc.), and the opening and closing of lines on the frame, may be currently charged direct to this account and, before the close of the calendar year, adjustment made between this account and account 221 for the net increase in central office investment or between account 221 and account 171 for the net decrease in such investment, due to increase or decrease in lines.

NOTE B: The pay and expenses of test-board men and other employees in central offices

engaged in testing circuits in connection with the maintenance of plant, such as testing with station repairmen, cablemen, etc., shall be charged to account 603. Similar costs in connection with construction projects shall be included in the telephone plant accounts appropriate for the class of plant tested.

NOTE C: The pay of clerks of the traffic department when engaged in such work shall be charged to account 624. The cost of placing number plates, designation strips, making switchboard markings, and similar work in connection with central office construction shall be included in account 221. (Note also § 31.6–68.)

NOTE D: The cost of power produced for house service purposes shall be charged to account 707 or other account, as may be appropriate.

NOTE E: The cost of electricity purchased and the cost of coal, gas, gasoline, oil, and other fuel used in the generation, conversion, and storage of current for transmitting traffic and operating signals shall be included in account 610.

§ 31.605 *Repairs of station equipment.* (a) This account shall include the cost of repairing station apparatus, station connections and large private branch exchanges. It shall also include the cost of replacing station apparatus (excluding the cost of material other than repair parts) and the cost of replacing station connections where service discontinuance is not involved.

(b) This account shall include also amortization of costs of extensive replacements of station apparatus, inside wires, and drop and block wires, which, under conditions provided in § 31.6–64, have been included in account 138, "Extraordinary maintenance and retirements."

ITEMS

(Note § 31.01–8)

Changing type of telephone, such as from desk set to hand set, wall set to desk set, magneto to common battery, or nondial to dial.
Changing inside and drop and block wires.
Cleaning station apparatus and large private branch exchange equipment.
Disconnecting and reconnecting customers' lines at customers' premises to deny service provisionally for nonpayment and to restore service in cases of provisional denials which have not become final. (See also Note C to account 232.)
Inside moves (moves or relocations on the same premises or at the same address) of items of station apparatus. (See also Note A to this account.)
Inspecting, testing, and reporting on condition of equipment to determine the need for repairs or replacements. (See also account 603.)
Materials normally used as repair parts for station apparatus.
Number plate changes not incident to station connections.
Removing sediment from and cleaning batteries.
Repainting and other repairs of booths, including those owned by others.
Repairing used station equipment for reuse.
Replacing dry-cell batteries.
Replacing minor items of large private branch exchanges, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (Note also § 31.2–25.)
Replacing one small private branch exchange by another of the same capacity and type. (See paragraph (d) of account 232.)
Routine work to prevent trouble, such as trimming trees to protect existing drop and block wires.
Supply expense applicable to station apparatus being reused.
Testing for, locating and clearing trouble in station apparatus and large private branch exchanges. (See also account 603.)

NOTE A: The accounting for station connections in cases of customers' moves to different premises or to a different address shall be on the basis of a retirement or a disconnection at the old location and an installation or a reconnection at the new location.

NOTE B: Amounts charged customers for moves and changes of station apparatus and large private branch exchanges shall be credited to account 500 or to other revenue accounts appropriate for the class of service involved.

§ 31.606 *Repairs of buildings and grounds.* This account shall include the cost of repairing buildings and grounds, their fixtures and appurtenances, except as provided in the texts of the clearing accounts with respect to rented quarters.

ITEMS

(Note § 31.01–8)

Changing location of partitions. (See also note A to this account.)
Maintaining public improvements, including assessments covering such work.
Maintaining yards and grounds, including their fences, shrubbery, sidewalks, and sewers.
Minor improvements to leased buildings, quarters, and grounds. (Note also § 31.2–23.)
Repainting and repapering buildings, including redecorating interiors of buildings.
Repairing building machinery, fixtures, appurtenances, and appliances, such as elevators, plumbing, and equipment for heating, lighting, and ventilating.
Repairing rented buildings, quarters, and grounds, except when the rented property is used in operations the expense of which is chargeable to the clearing accounts.
Replacing and repairing awnings, screens, window shades and ventilators, storm doors, storm windows, movable partitions, and similar movable minor items of buildings. (See also note B to this account.)
Replacing minor items of buildings, including labor and material used and the removal and recovery of the items retired less salvage recovered, except when such items are replaced through the replacement of retirement units. (See also § 31.2–25 and note C of this account.)
Restoring condition of buildings or grounds damaged in the course of repairs, replacements, additions, or betterments. (See also note C to this account.)

NOTE A: The cost of any substantial increase or decrease in partitions resulting from such changes shall be charged or credited, as appropriate, to account 212.

NOTE B: When partitions of a movable type (for example, steel and glass, or wood and glass) are replaced by partitions of a permanent type (for example, terra cotta) or vice versa, the costs involved shall be accounted for through the telephone plant and depreciation reserve accounts.

NOTE C: The cost of minor building alterations incident to the installation of central office equipment, such as opening and closing holes in ceilings, partitions, walls, and floors to permit installation of equipment, power conduit and wiring, shall be charged to account 221.

NOTE D: The cost of initial improvements (including repairs, rearrangements, plant added, and betterments) in the preparation for service of either rented or purchased buildings or grounds shall be charged to account 211 or account 212, as appropriate, except that when the improvements to leased property are of relatively minor cost or short life or the period of the lease is less than 1 year, the cost shall be charged to the account chargeable with the cost of repairs of such property. (Note also § 31.2–23.)

NOTE E: The cost of repairs to buildings and grounds classable under account 103 shall be charged to account 315.

(Sections 31.608 and 31.609 follow § 31.612.)

§ 31.610 *Maintaining transmission power.* This account shall include the cost of power for transmitting traffic and operating signals. It shall include the cost of electricity purchased and the cost of coal, gas, gasoline, oil, and other fuel used in the generation, conversion, and storage of current for operating dial system, repeater, and carrier equipment, ringing machines, ticket-distributor systems, battery-charging machines, coin-collection equipment, and for other transmission power requirements of central office equipment, private branch exchanges, and other station equipment.

NOTE A: Payments for the installation in central offices of permanent power circuits for emergency use shall be charged to the appropriate plant account. Payments to others made with a provision for reimbursement as power is used shall be treated as a prepayment and cleared by charges to this account or other appropriate account.

NOTE B: The cost of power produced for house service purposes shall be charged to account 707 or other account, as may be appropriate.

NOTE C: The pay and expenses of central office forces engaged in the generation, conversion, and regulation of transmission power shall be charged to account 604.

§ 31.611 *Employment stabilization.* (a) This account shall include amounts systematically accrued with respect to maintenance work to be performed in accordance with an employment stabilization program designed to spread the total volume of maintenance work more evenly from year to year. Charges to this account shall be made only after approval by this Commission of the company's employment stabilization program, the plan of administration of the program, the character of the work to which sums accrued may subsequently be applied, and the amount of the monthly or annual accruals for stabilization purposes.

(b) Amounts charged to this account shall concurrently be credited to account 173, "Employment stabilization reserve."

(c) When maintenance work for which provision has been made through this account is performed, the cost of such work shall be charged to the appropriate maintenance expense accounts. Concurrently, this account shall be credited and account 173, "Employment stabilization reserve," shall be charged with an amount equal to the cost of such work.

§ 31.612 *Other maintenance expenses.* This account shall include all maintenance expenses not properly chargeable to other accounts.

DEPRECIATION AND AMORTIZATION EXPENSES

§ 31.608 *Depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable telephone plant, except amounts chargeable to clearing accounts. The depreciation charges shall be made in accordance with §§ 31.02–80 to 31.02–82 and 31.2–23 (c). (Note accounts 315 and 174 for depreciation of miscellaneous physical property.)

§ 31.609 *Extraordinary retirements.* This account shall include the proportion of the service value of telephone plant retired, carried in account 138, "Extraordinary maintenance and retirements," which by specific authority of this Commission shall be charged to operating expenses for the period. (Note also § 31.02–83 and account 138.)

§ 31.613 *Amortization of intangible property.* This account shall be charged each month with the amount necessary to cover such portions of the lives of limited term franchises, patents, leaseholds, and similar intangible property included in the telephone plant accounts, as have expired during the month. Amounts so charged shall be credited to account 172, "Amortization reserve."

§ 31.614 *Amortization of telephone plant acquisition adjustment.* This account shall be charged or credited each month with such amounts as may be authorized by the Commission to be included in operating expenses under a plan to amortize amounts in account 100.4, "Telephone plant acquisition adjustment." Amounts so entered shall be charged or credited, as appropriate, to account 172, "Amortization reserve." This account may also be charged or credited with amounts described in § 31.100:4 (c) (3).

TRAFFIC EXPENSES

§ 31.621 *General traffic supervision.* This account shall include the pay, office, traveling, and other expenses of officers directly in charge of the general supervision of traffic, either for the company as a whole or a territorial subdivision; also the pay and expenses of their assistants and office forces.

ITEMS

(Note § 31.01–8)

House service. (Note also account 707.)
Medical examiners and their assistants, welfare supervisors, and nurses engaged in the traffic department, pay and expenses of. (See also note A to this account.)
Office supplies.
Postage, printing, and stationery.
Preparing tariff and route data, traffic department's expense of. (See also note B to this account.)
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Traffic superintendents, managers, chiefs, supervisors, and engineers, pay and expenses of. (See also note C to this account.)
Traveling expenses.

NOTE A: The pay and expenses of physicians and nurses engaged in work such as conducting physical examinations of employees for all departments, giving general health advice, providing first-aid treatment, supervising and investigating sickness cases, and in other general relief activities shall be charged to account 672. The pay of nurses assigned to operators' quarters shall be charged to account 626.

NOTE B: The traffic department's proportion of the expense of printing and distributing tariff and route data shall be charged to account 629.

NOTE C: The cost of traffic engineering applicable to construction shall be credited to this account.

§ 31.622 *Service inspection and customer instruction.* (a) This account shall include the pay, office, traveling, and other expenses of service observation forces. It shall include also the expense of inspecting and directly supervising private branch exchange service.

(b) This account shall also be charged with the expense of instructing customers in methods of placing calls, including instruction in the use of dial equipment. (See also note A to this account.)

ITEMS

(Note § 31.01–8)

Card notices and other literature for instruction of customers in use of dial equipment.
Employment and training of private branch exchange operators apart from the regular employment and training of operators.
House service. (Note also account 707.)
Investigation and adjustment of traffic service complaints. (See also note B to this account.)
Making test calls.
Observation of handling of traffic by operators. (See also note C to this account.)
Observation of accuracy of measured service charges.
Office supplies.
Postage, printing, and stationery.
Private branch exchange service supervisors, pay and expense of.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Stop watches, repairs of.
Summarization of service observation data.
Traveling expenses.

NOTE A: The expense of instructing customers in the use of station equipment in the course of station installation activities shall be included in the accounts charged with the cost of such activities.

NOTE B: The recording and adjustment of traffic service complaints performed by operating forces in the course of completing calls shall be included in account 624.

NOTE C: The pay of operators, supervisors, and other employees in central office operating rooms engaged in listening-in work in connection with coaching operators shall be charged to account 624.

§ 31.624 *Operators' wages.* (a) This account shall include the pay of chief operators, assistant chief operators, monitors, supervisors, ticket distributors, switchboard operators, information operators, directory operators, private branch exchange operators, telegraph operators, teletypewriter operators, operators employed in quoting toll rates and charges, listening-in work in connection with coaching operators, helping subscribers to place and complete calls together with the incidental recording of subscribers' complaints, operating telephotographic equipment, and all other operators employed in the operation of central office and private branch exchange equipment.

(b) This account shall include also the pay of clerks, stenographers, and messengers engaged in line assignments, peg counts, message register readings, plug counts, preparing time or attendance records, pay rolls, intercepting records, panel and jack records, line and station reports, delivering messages or notifying persons of calls, and similar traffic work performed in central offices or centralized outside of central offices. It shall include the pay of such employees while engaged in underlining switchboard jacks and placing and changing number plates and designation strips.

NOTE A: The pay of operators at public telephone stations shall be charged to account 632.

NOTE B: Commissions or agency-contract allowances paid to exchange agents or managers in lieu of salary, operating expenses, etc., shall be equitably apportioned to construction, maintenance, traffic, commercial, or other accounts affected.

NOTE C: The pay and expenses of operators, supervisors, chief operators, etc., while attending supplemental training or post-graduate operating schools shall be charged to account 627.

§ 31.626 *Rest and lunch rooms.* This account shall include the cost of operating rest and lunch rooms for central office employees, including the cost of meals provided for such employees. This includes the cost of operating such facilities as rest rooms, quiet rooms, reading rooms, medical rooms, locker rooms, check rooms, sleeping rooms, and dormitories. Credit to this account amounts received for meals served.

ITEMS

(Note § 31.01–8)

Bedding.
Dishes.
Electric power for cooking, refrigeration, or operating kitchen equipment.
Food supplies.
Fuel for cooking.
Handling orders and bills for supplies.
House service. (Note also account 707.)
Ice for refrigeration.
Laundry.
Linen.
Lunch-room managers, cooks, cashiers, waiters, and kitchen helpers, pay and expenses of.
Medical supplies, including first-aid materials, used in operators' quarters.
Newspapers, magazines, and phonograph records.
Nurses, matrons, and attendants for operators' quarters, pay and expenses of.
Postage, printing, and stationery.
Repairs of furniture and equipment, and cost and repairs of individual items of small value or short life.
Silverware.
Uniforms.

NOTE: The net cost of operating central office rest and lunch rooms used, except incidentally, by other than employees of the traffic department shall be apportioned on an equitable basis to the departments benefited.

§ 31.627 *Operators' employment and training.* This account shall include expenses incurred in the employment and training of operators whether or not a school is maintained.

ITEMS

(Note § 31.01–8)

Advertising for operators, cost of.
Amounts paid employees for securing new operators.
Pay and expenses of employees engaged in the employment of operators and in interviewing applicants.
Pay and expenses of instructors, messengers, personnel supervisors, etc., in schools.
Pay of operators, supervisors, chief operators, etc., attending supplemental training or post-graduate courses.

account 629.

reports, delivering messages or notifying

or post-graduate courses.

Pay of student operators rendering no service.
Postage, printing, and stationery.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Supplies for employment and school work.
Traveling expenses.

NOTE: The cost of house service for operators' schools shall be charged to account 630. (Note also account 707.)

§ 31.629 *Central office stationery and printing.* This account shall include the cost of postage, printing, and stationery for use in central offices except as provided for elsewhere.

ITEMS

(Note § 31.01–8)

Office supplies.
Postage on toll tickets forwarded by connecting companies.
Postage on toll tickets from central offices to accounting offices.
Printing and distributing tariff and route data, traffic department's proportion of cost of. (See also note A to this account.)
Printing directories of telephone numbers by street addresses, traffic department's expense of. (See also note B to this account.)
Tickets and other central office stationery and supplies furnished connecting companies.
Toll tickets.

NOTE A: The expense of preparing tariff and route data incurred by the traffic department shall be charged to account 621.

NOTE B: The cost of such directories prepared by the directory department shall be charged to account 649.

§ 31.630 *Central office house service.* This account shall include the cost of light, heat, janitor service, and other care of central office traffic quarters except as provided in account 626, "Rest and lunch rooms." (Note also account 707.)

ITEMS

(Note § 31.01–8)

Electricity for elevators, fans, lights, and ventilators. (See also note A to this account.)
Fuel, ice, towels, water, toilet, and other supplies.

NOTE A: The cost of electricity used in connection with central office equipment installation shall be charged to account 221.

NOTE B: The cost of house service for central office plant quarters shall be charged to account 604 or to an appropriate clearing account.

§ 31.631 *Miscellaneous central office expenses.* This account shall include the cost of operating central offices not chargeable to other accounts.

ITEMS

(Note § 31.01–8)

Board and lodging for operators.
Clothing furnished operators in emergencies.
Films for message register readings.
Laundry of equipment used by operators.
Messenger service. (See also note A to this account.)
Paint brushes, paint, and other articles used by traffic employees in switchboard markings.
Photographic supplies for telephotographic work.
Rent of typewriters for central offices.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life used in central office operating quarters. (See also note B to this account.)
Time service furnished the company by others.
Transportation for divided tour operators.
Traveling expenses of employees whose pay is chargeable to account 624.

NOTE A: The pay of company employees engaged in central office messenger service shall be charged to account 624.

NOTE B: Repairs of furniture and office equipment and the cost and repairs of individual items of small value or short life used in central office plant quarters shall be charged to account 604 or to an appropriate clearing account. Such costs for items used in rest and lunch room quarters shall be charged to account 626, and those for items used in operators' employment and school quarters shall be charged to account 627.

§ 31.632 *Public telephone expenses.* This account shall include all traffic expenses, except central office operating expenses, incurred in connection with the operation of public telephones.

ITEMS

(Note § 31.01–8)

Attendants, clerks, messengers, and operators at public telephones, pay and expenses of.
Employees engaged in direct supervision of the operation of public telephone service, pay and expenses of.
House service. (Note also account 707.)
Instruction cards for booths.
Postage, printing, and stationery.
Repairs of furniture and office equipment used at public telephone locations and cost and repairs of individual items of small value or short life. (Note also § 31.2–20 (d).)
Traveling expenses.
Uniforms.

NOTE: Commissions, percentages of receipts, and flat sums paid for occupancy privileges for public telephones shall be charged to account 648.

§ 31.633 *Other traffic expenses.* This account shall include all traffic expenses not properly chargeable to other accounts.

NOTE A: Rent paid for central offices shall be charged to account 671.

NOTE B: Traffic expenses incurred in the operation of special-type equipment, such as public-address systems, telephotographic, radio broadcasting and receiving, motion-picture and public-demonstration equipment, shall be charged, so far as practicable, to the traffic expense accounts provided for the expenses of regular telephone operations.

§ 31.634 *Joint traffic expenses—Dr.* This account may include amounts payable to other telephone companies for joint expenses, as provided in § 31.6–62.

§ 31.635 *Joint traffic expenses—Cr.* This account may include amounts receivable from other telephone companies for joint traffic expenses, as provided in § 31.6–62.

COMMERCIAL EXPENSES

§ 31.640 *General commercial administration.* This account shall include the pay, office, traveling, and other expenses of officers directly in charge of the general administration of the commercial department either for the company as a whole or a territorial subdivision; also the pay and expenses of their assistants and office forces.

ITEMS

(Note § 31.01–8)

Commercial surveys, forecasts, rate-plan studies, and development studies. (See also note B to this account.)
General, division, and district commercial managers, supervisors, superintendents, and engineers, pay and expenses of. (See also notes A and B to this account.)
House service. (Note also account 707.)
Office supplies.
Postage, printing, and stationery.
Preparing, printing, and distributing tariff and route data, commercial department's expense of.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Traveling expenses.

NOTE A: The pay and expenses of an employee engaged in direct supervision of commercial activities, the cost of which is provided for in specific accounts, such as a manager in direct charge of local commercial operations, an advertising manager, a supervisor in direct charge of a group of salesmen, a directory manager, or a representative in charge of connecting company relations, shall be charged to the account or accounts provided for such costs.

NOTE B: The cost of commercial engineering applicable to construction shall be credited to this account.

§ 31.642 *Advertising.* This account shall include expenses incurred in commercial advertising activities, including expenses incurred in giving public demonstrations of telephones, switchboards, etc.

ITEMS

(Note § 31.01–8)

Announcements of rate changes. (See also note A to this account.)
Commercial advertisements in newspapers and magazines. (See also note A to this account.)
Commercial advertising matter such as posters, bulletins, booklets, and related items. (See also note A to this account.)
Electric current consumed in illuminating public telephone signs.
Exhibits in connection with industrial expositions, expenses of. (See also note B to this account.)
House service. (Note also account 707.)
Lecture and demonstration tours for promotion purposes. (See also note B to this account.)
Managers and their office forces in charge of advertising and publicity, pay and expenses of.
Motion pictures.
Office supplies.
Postage, printing, and stationery.
Promotional advertising in the company's directories, such as colored page inserts, when additional printing and binding costs are incurred.
Radio programs.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Traveling expenses.
Window displays.

NOTE A: The cost of newspaper advertisements, literature, etc., other than for commercial advertising purposes, such as advertisements of stock and bond issues, advertising for operators, notices of dividends declared, and advertisements for sale of directory advertising, or to popularize and increase use of classified sections of directories, shall be charged to the accounts appropriate for such costs.

NOTE B: The pay and expenses of employees performing incidental services in connection with industrial exhibits and public demonstrations of telephones, switchboards, etc., shall be included in the accounts chargeable with the pay and expenses of the employees' regular activities. (Note also § 31.6–63.)

NOTE C: The cost of flags, bunting, and similar expenses of decorating buildings shall be charged to account 707 or to the appropriate expense account of the department concerned.

§ 31.643 *Sales expense.* This account shall include expenses incurred in canvassing for new business or for changing or renewing existing service, also in interviewing customers for promoting the further use of service.

ITEMS

(Note § 31.01–8)

Canvassers and salesmen, pay and expenses of. (See also note to this account.)
Canvassing for purpose of regrading service or for sale of additional service.
Commercial service studies of subscribers' service.
House service. (Note also account 707.)
Office supplies.
Postage, printing, and stationery.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Traveling expenses.

NOTE: The pay and expenses of employees engaged in securing advertisements for directories shall be charged to account 132 or account 649, as may be appropriate.

§ 31.644 *Connecting company relations.* This account shall include expenses incurred in developing the interchange of business and other promotion of relations with connecting companies. This includes the pay and expenses of commercial representatives and their office forces engaged in the negotiation or revision of traffic agreements, assisting connecting companies in the development of toll business and similar promotion of relations with connecting companies.

ITEMS

(Note § 31.01–8)

Connecting company agents or representatives and their office forces, pay and expenses of.
House service. (Note also account 707.)
Office supplies.
Postage, printing, and stationery.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Traveling expenses.

§ 31.645 *Local commercial operations.* This account shall include the pay, office, traveling, and other expenses of employees engaged in local commercial operations other than promotion or directory. This includes employees of business and collection offices engaged in preparing, changing, and handling contract or service orders, collecting revenues, and handling miscellaneous commercial relations with customers.

ITEMS

(Note § 31.01–8)

Badges.
Business office signs on windows, doors, etc.
Coin-box collectors, guards and supervisors of coin-box collections, pay and expenses of.
Customers' accounts, cost of keeping and billing, when performed in the course of local commercial operations. (See also note C to this account.)
Fees paid banks or others for collection of customers' bills. (For law expenses see account 664.)
House service. (Note also account 707.)
Managers in charge of local commercial operations, supervisors, countermen, bookkeepers, cashiers, clerks, and collectors, pay and expenses of. (See also note C to this account.)
Office supplies.
Postage, printing, and stationery.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Traveling expenses.

NOTE A: This account shall include the entire pay and expenses of employees in business offices who are only incidentally engaged in promotion or directory work. If such employees are assigned all or a part of their time to promotion or directory work, equitable portions of their pay and expenses shall be charged to the accounts provided for such expenses. (Note also § 31.6–63.)

NOTE B: The cost of duplicating, recording, and handling contract or service orders after preparation by the commercial department shall be charged to the accounts of the department incurring the expense.

NOTE C: When customers' accounts are kept and bills rendered by the accounting department, the expense involved, including pay and expenses of bookkeepers and clerks, shall be charged to account 662.

§ 31.648 *Public telephone commissions.* This account shall include amounts paid, either in the form of percentages of receipts, flat amounts deducted from receipts or other specified sums, to the owners or tenants of premises upon which attended and non-attended public and semipublic telephone stations are located, as general compensation for occupancy privileges, light, heat, attendance, and all services rendered incident to the furnishing of service from such stations.

NOTE: The pay of operators and other attendants employed by the company at public telephone stations shall be charged to account 632.

§ 31.649 *Directory expenses.* This account shall include expenses incurred in preparing copy, printing, binding, and distributing directories, and the cost of securing advertisements for directories. It shall include also the cost of directories of other companies purchased for the use of the company or for distribution or sale to its customers. This account shall be credited with amounts received as salvage on old directories. (Note also account 132.)

ITEMS

(Note § 31.01–8)

Advertisements for promotion of directory advertising.
Commissions paid employees or agents for securing directory advertisements.
Directory covers.
Directory managers, clerks, advertising salesmen, and other employees of the directory department, pay and expenses of.
House service. (Note also account 707.)
Maintaining directory delivery records.
Office supplies.
Official branch exchange directories prepared by directory department, cost of.
Postage, printing, and stationery.
Preparing and printing special editions of directories, including addenda thereto, by the directory department for use of traffic department. (See also note C to this account.)
Preparing and printing street address, toll and other special directories, including addenda thereto, by directory department. (See also note C to this account.)
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Transportation and distribution of directories, cost of.
Traveling expenses.

NOTE A: All directory expenses may be initially charged to account 132, but shall be cleared to account 649 during the months to which such expenses apply.

NOTE B: Receipts from the sale or furnishing of new directories, either of a company's own issue or directories purchased from others, shall be credited to account 523.

NOTE C: When such directories are prepared and issued by the traffic department, the costs involved shall be included in the appropriate traffic expense accounts.

NOTE D: Any additional printing and binding costs incurred on account of the company's promotional advertising in its directories, such as colored page inserts, shall be charged to account 642.

§ 31.650 *Other commercial expenses.* This account shall include all commercial expenses not properly chargeable to other accounts. It shall include any definitely known amounts of losses of revenue collections due to fire or theft, (a) at customers' coin-box stations, (b) at public or semipublic telephone stations, (c) in the possession of collectors en route to collection offices, (d) on hand at collection offices, and (e) between collection offices, and banks.

NOTE A: Rent paid for commercial offices shall be charged to account 671.

NOTE B: Commercial expenses incurred in connection with public demonstrations and such services as public address and telephotograph operations shall be charged, so far as practicable, to the commercial expense accounts provided for the expenses of regular telephone operations.

GENERAL OFFICE SALARIES AND EXPENSES

§ 31.661 *Executive department.* This account shall include the pay, office, traveling, and other expenses of officers who are engaged in the general administration or management of the company, or its affairs in a territorial subdivision; also the pay and expenses of their assistants and office forces.

This account shall be charged also with salaries, fees, and expenses other than law expenses, of receivers.

OFFICERS AND EMPLOYEES

(Note § 31.01–8)

Chairman of the board of directors.
Managers—general and division.
President.
Receiver.
Secretary.
Vice president.
Assistants authorized to act for officers of executive department.
Office and staff forces (e. g., staff assistants, secretaries, stenographers, clerks, messengers, office boys, etc.) of officers and employees of executive department.

EXPENSES AND SUPPLIES

(Note § 31.01–8)

Automobile service, including charges through clearing account 702.
Books and periodicals for office use.
House service. (Note also account 707.)
Meals, including payments therefor on account of overtime work.

Membership fees and dues of officers and employees in trade, technical, and professional associations.
Office supplies.
Postage.
Printing.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Stationery supplies.
Telephone and telegraph service, amounts paid others for.
Traveling expenses.

§ 31.662 *Accounting department.* This account shall include the pay, office, traveling, and other expenses of officers, their assistants, and office forces, of the accounting department.

OFFICERS AND EMPLOYEES

(Note § 31.01–8)

Accountants. (See also note to this account.)
Addressograph clerks.
Auditor of disbursements.
Auditor of receipts.
Auditors—general and division.
Billing clerks.
Bookkeepers.
Chief accountant.
Chief statistician.
Chief traveling auditor.
Clerks.
Comptroller.
Division auditor of disbursements.
Division auditor of receipts.
General accountants.
Office managers. (See also note to this account.)
Plant accountants.
Revenue accountants.
Statisticians.
Supervisors of methods, bookkeeping, vouchers, pay rolls, estimates, etc.
Tax accountants.
Traveling auditors.
Vice president in charge of accounting department.
Assistants authorized to act for officers of accounting department.
Office and staff forces (e. g., staff assistants, secretaries, stenographers, messengers, office boys, etc.) of officers and employees of accounting department.

EXPENSES AND SUPPLIES

(Note § 31.01–8)

Automobile service, including charges through clearing account 702.
Books and periodicals for office use.
House service. (Note also account 707.)
Meals, including payments therefor on account of overtime work.
Membership fees and dues of officers and employees in trade, technical and professional associations.
Office supplies.
Postage, including that used in mailing bills to customers by accounting department and in forwarding toll tickets to local collection offices.
Printing.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Stationery supplies.
Telephone and telegraph service, amounts paid others for.
Traveling expenses.

NOTE: The expense of accounting performed by employees of operating departments shall be charged to the appropriate accounts of those departments (e. g., the pay and expense of employees of local business offices engaged in keeping and billing customers' accounts shall be charged to account 645). (Note also § 31.6–63.)

§ 31.663 *Treasury department.* This account shall include the pay, office, traveling, and other expenses of officers, their assistants and office forces, of the treasury department.

OFFICERS AND EMPLOYEES

(Note § 31.01–8)

Cashiers. (See also note A to this account.)
Clerks.
Office managers.
Paymasters. (See also note A to this account.)
Supervisors of methods, stock and bond records, interest payments, etc.
Stock and bond ledger clerks.
Treasurer.
Vice president in charge of treasury department.
Assistants authorized to act for officers of treasury department.
Office and staff forces (e. g., staff assistant, secretaries, stenographers, messengers, office boys, etc.) of officers and employees of treasury department.

EXPENSES AND SUPPLIES

(Note § 31.01–8)

Automobile service, including charges through clearing account 702.
Books and periodicals for office use.
House service. (Note also account 707.)
Meals, including payments therefor on account of overtime work.
Membership fees and dues of officers and employees in trade, technical and professional associations.
Office supplies.
Postage.
Printing, including stock and bond certificates for transfer purposes. (See also note B to this account.)
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Stationery supplies.
Telephone and telegraph service, amounts paid others for.
Traveling expenses.

NOTE A: The pay and expenses of cashiers and paymasters employed by operating departments shall be charged to the appropriate accounts of those departments.

NOTE B: The cost of printing stock certificates in connection with original and additional capital stock issues shall be charged to account 134:2, and the cost of printing bonds in connection with new or additional issues of long-term debt shall be accounted for as provided in § 31.1–15.

§ 31.664 *Law department.* This account shall include, when not provided for elsewhere, the pay, office, and other expenses of officers, their assistants and office forces, and other employees of the law department, the cost of suits and other law costs, including law expenses connected with damages.

OFFICERS AND EMPLOYEES

(Note § 31.01–8)

Attorneys.
Claim agents, investigators, and adjusters. (See also note A to this account.)
Clerks.
Counsel.
General attorney.
General counsel.
General solicitor.
Law agents.
Law clerks.
Librarians.
Patent attorneys.
Solicitors.
Special counsel.
Tax attorneys.
Vice president in charge of law department.
Assistants authorized to act for officers of the law department.
Office and staff forces (e. g., staff assistants, secretaries, stenographers, messengers, office boys, etc.) of officers and employees of law department.

EXPENSES AND SUPPLIES

(Note § 31.01–8)

Automobile service, including charges through clearing account 702.
Agreements, briefs, contracts, legal forms and reports, cost of preparing and printing.
Collecting revenue and other accounts, law expenses in connection with.
Court expenses.
Depositions, cost of taking.
Examination of titles and other expenses incurred in suit to test validity of bond issue. (See also note B to this account.)
Fees and retainers of attorneys not regular employees.
Filing tax reports, passing tax claims, making returns to tax assessors, etc., cost of when handled by law department.
House service. (Note also account 707.)
Law books and periodicals.
Law expenses in connection with rate cases or filing or adjustment of rate schedules.
Law expenses of receivers.
Meals, including payments therefor on account of overtime work.
Membership fees and dues of officers and employees in trade, technical, and professional associations.
Office supplies.
Postage.
Premiums on surety bonds.
Printing.
Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Special fees.
Stationery supplies.
Telephone and telegraph service, amounts paid others for.
Testimony, cost of printing and transcripts of.
Traveling expenses.
Witness fees.

NOTE A: The pay and expenses of claim agents, investigators, and adjustors employed by departments other than the law department shall be charged to the accounts of the department by which they are employed.

NOTE B: Special law expenses incurred incident to the construction of telephone plant shall be charged to the appropriate telephone plant accounts; special law expenses incident to the issuance of capital stock and long-term debt shall be accounted for as provided in § 31.1–15 and account 134:2.

§ 31.665 *Other general office salaries and expenses.* This account shall include the pay, office, traveling, and other expenses of officers, their assistants, and office forces of general offices not properly chargeable to other accounts, such as those engaged in editing magazines or periodicals published in behalf of all departments and employees engaged in detective or protective services for the company's interest as a whole.

EXPENSES AND SUPPLIES

(Note § 31.01–8)

House service. (Note also account 707.)
Meals, including payments therefor on account of overtime work.
Membership fees and dues of officers and employees in trade, technical and professional associations.
Office supplies.
Postage.
Printing, including cost of printing magazines or periodicals published in behalf of all departments.

Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.
Stationery.
Traveling expenses.

NOTE: The expenses of miscellaneous general activities when incidentally performed by employees of operating departments shall be included in the accounts of those departments. (Note also § 31.6–63.)

OTHER OPERATING EXPENSES

§ 31.668 *Insurance.* (a) This account shall include the cost, not provided for elsewhere, of commercial insurance to protect the company against losses and damages in its telephone operations. (Note also account 131.)

To this account shall be charged:

(1) The amount of insurance premiums paid to insurance companies.

(2) Special costs incurred in procuring insurance, such as brokerage fees, notarial fees, and insurance inspection service, and the pay, traveling, and office expenses of officers, clerks, and other employees of an insurance department.

(b) This account shall include also amounts credited to account 169, "Insurance reserve," for self-carried risks as provided in paragraph (b) of that account.

(c) This account shall include also the amount of insurance premiums covering blanket policies for which there is not available an equitable basis for allocation to the several accounts which may be involved.

(d) A list of representative losses and damages follows, the insurance premiums for protection against which are chargeable to this account when incurred in connection with the company's telephone operations.

LOSSES AND DAMAGES

(Note § 31.01–8)

Burglaries, holdups, check alterations, and forgeries.
Damages to the property of others.
Defalcations of employees and agents.
Fire and other casualties to telephone plant.
Fire and other casualties to telephone plant rented to others, the rents from which are includible in account 524.
Injury to or death of employees.
Injury to or death of persons other than employees.
Loss due to business interruption (i. e., use and occupancy insurance).
Loss of service of employees through death, sickness, injury, or other cause.
Loss of unbilled toll tickets.
Nonperformance of contractual obligations of others.

NOTE: All losses and damages sustained, including those covered by commercial insurance or reserves carried in account 169, shall be charged to the depreciation reserve, construction, repair, accident and damages, or other appropriate account, according to the character of the losses. Insurance recoverable or chargeable to account 169 on account of losses and damages sustained shall be credited to the account to which the losses and damages are chargeable.

§ 31.669 *Accidents and damages.* (a) This account shall include expenses, not provided for elsewhere, on account of persons killed or injured and property of others damaged in connection with the company's telephone operations.

(b) When an admitted liability arises because of an accident or damage, any portion of such liability, estimated if not known, chargeable to this account (i. e., the amount in excess of the liability insured) shall be charged hereto and credited to account 174, "Other deferred credits." When an estimated liability has been so charged to this account, appropriate adjustments between this account and account 174 shall be made when the extent of the liability has been definitely ascertained. (Note also account 174 and § 31.01–4.)

(c) This account shall be credited and the appropriate property account charged with the amount of such accidents and damages due to construction work. (Note also § 31.2–22 (b) (6).)

(d) Accident and damage payments provided for by commercial insurance or by a reserve for self-carried risks shall be credited to this account and charged to the insurer or to the reserve carried in account 169, "Insurance reserve," as appropriate.

ITEMS

(Note § 31.01–8)

Amounts paid in settlement of personal injury or damage claims.
Damage payments resulting from errors in directory listings, directory advertising errors, and traffic service errors. (See also note A to this account.)
Damage to property of others, cost of. (See also note B to this account.)
Fees and expenses of surgeons, doctors, coroners, and undertakers.
Nursing, hospital attendance, and medical and surgical supplies, cost of. (See also note C to this account.)

NOTE A: Refunds of revenue overcharges in connection with such errors shall be charged to the revenue accounts originally credited.

NOTE B: The cost of incidentally repairing property of others damaged in the course of maintenance or construction work shall be included in the cost of the work.

NOTE C: Payments to or on behalf of employees, including accident and death benefits, salary, hospital attendance and medical supplies; also salaries, fees and expenses of surgeons, doctors, and nurses, etc., shall be charged to account 672 when coming within the scope of a company's general provision for employees' benefits.

NOTE D: The pay and expenses of employees performing services in the investigation and adjustment of accident and damage claims shall be included in the accounts of the department by which such employees are employed.

§ 31.671 *Operating rents.* (a) This account shall include rents payable for the use of space in buildings occupied by the company, space in conduits, pole line space for attachments, instruments, equipment, and other telephone plant, the rent for which is not provided for elsewhere.

(b) This account shall include also taxes borne by the lessee of property, the rent for which is chargeable to this account.

ITEMS

(Note § 31.01–8)

Rents for location of poles, conduits, or cables.
Rents for use of general offices and central and branch telephone offices except rents chargeable to the clearing accounts.
Rents for use of ducts, conduits, and subways.
Rents for use of poles and buildings as supports for telephone circuits.
Rents for telephone instruments and equipment.
Rents for use of circuits.

NOTE A: Expenses incurred by the company in maintaining and operating property, the rent for which is includible in this account, shall be charged to the operating expense account appropriate for owned property.

NOTE B: This account shall not include rents provided for in the clearing accounts and in § 31.2–22 (b).

NOTE C: Rents for the exclusive use of telephone operating property held as a whole and operated by the company, such as a complete telephone plant, a complete exchange, or a complete toll system, shall be included in account 303.

NOTE D: The accounting for amortization of leaseholds and similar intangible telephone property carried in account 211 shall be as provided in account 613.

§ 31.672 *Relief and pensions.* (a) This account shall include pensions or other benefits paid to active and retired employees, their representatives or beneficiaries, and salaries and expenses incurred in conducting relief, benefit, and general medical departments. It shall include payments to or on behalf of employees on account of injuries or accidental death when such payments come within the scope of a company's general provision for employees' benefits.

(b) If the company has definitely undertaken by contract to pay pensions to employees when regularly retired for superannuation or disability and has established a fund to be held in trust for such pension purposes, the company shall charge to this account monthly amounts determined through the application of equitable actuarial factors to the current pay rolls, which, together with interest accruals on the trust funds, will as nearly as may be, provide for the payment of such pensions, or for the purchase of annuities corresponding thereto. There may be included in this account reasonable amounts to provide for pension costs based on service rendered prior to the period for which the accruals are made. Such amounts may be spread over a reasonable period of years if inclusion in the current year seriously distorts the expenses of that year. Amounts charged to this account under the provisions of this paragraph shall be concurrently credited to a separate subaccount under account 170, "Provident reserve." The amounts accrued in each year shall correspond to the aggregate of the amounts expended directly by the company for pensions or annuities during the year and amounts paid into the trust fund. The company shall maintain a complete record of the actuarial computations through which the accrual each month of its pension liabilities is established.

(c) There shall be segregated in a separate subaccount any charges representing interest on the unfunded actuarial liability for the purpose of arresting the growth of such liability or any charges designed to dispose of, in a lump sum amount or over a reasonable period of years, such unfunded actuarial liability.

(d) Before adopting the accrual plan of accounting for pensions the company shall inform this Commission of the de-

tails of its pension plan giving full statement of the facts which in its judgment establish a contractual obligation for pension payments together with the actuarial formula under which it proposes to create its pension trust fund, and also a copy of the declaration of trust under which the fund is established. Each company that has adopted the accrual plan of accounting for pensions shall make no change in the accounting therefor or in the method of computing the amounts of the accruals recorded in the accounts under the plan without first submitting full particulars of the proposed changes and a detailed statement of the reasons therefor to this Commission for its consideration and approval.

(e) No charges to this account shall be made in anticipation of discretionary pension payments in the future.

(f) This account shall include also, under a separate subaccount, amounts accrued to provide for the payment of termination allowances or similar benefits to employees of the company when such employees are laid off because of lack of work, and to provide necessary and warranted relief to former employees. Charges to this subaccount shall be made only after approval by this Commission of the company's plan for administering payments for these purposes and of the amount of the accruals. Amounts charged to this subaccount shall be concurrently credited to account 173, "Employment stabilization reserve."

(g) There shall be credited to this account that portion of each class of relief and pensions assigned to construction and custom work labor.

ITEMS

(Note § 31.01–8)

Accident, sickness, death, and other disability benefits to employees, their representatives or beneficiaries.

Cost of providing workmen's compensation.

Employees of relief, benefit, and general medical departments, pay and expenses of.

Expenses in connection with employees' disability cases, such as hospital, nursing, and medical attendance.

Fees and retainers for medical and similar services incurred by relief, benefit, and general medical departments.

House service. (Note also account 707.)

Medical supplies.

Office supplies.

Payments for supplementary or special pensions.

Postage, printing, and stationery.

Premiums paid for group insurance for the benefit of employees or their beneficiaries.

Repairs of furniture and equipment, and cost and repairs of individual items of small value or short life.

Traveling expenses.

§ 31.673 *Telephone franchise requirements.* (a) This account shall include the cost not provided for in account 202, "Franchises," of all services, plant, material and supplies, and similar items, including standard rates for telephone services, furnished to municipalities or other governmental authorities in compliance with franchises, ordinances, or similar requirements and for which no reimbursement or payment is received by the company. (See also note A to this account.) It shall include the cost of paving and of premiums on bonds required under the general terms of a franchise or ordinance and not in connection with specific construction or maintenance work.

(b) This account shall include also amounts paid for franchises running for 1 year or less after acquisition and may include direct charges for franchises acquired at small cost.

(c) Amounts charged to this account involving no direct money outlay, such as standard rates for telephone service rendered without charge, shall be credited to account 676, "Telephone franchise requirements—Cr."

NOTE A: The cost of plant, supplies, etc., given as an initial consideration for a franchise running for more than 1 year shall be charged to account 202.

NOTE B: Franchise taxes paid annually or more frequently shall be charged to account 305.

NOTE C: The cost of plant used by a municipality without charge, or used by the company in rendering services to a municipality without charge, shall be included in the appropriate telephone plant accounts; maintenance expenses incurred in connection with such plant shall be charged to the appropriate maintenance accounts.

NOTE D: The cost of reconstructing or changing the location of plant to conform with municipal requirements including such work required under the provisions of a franchise or ordinance, shall be charged to the maintenance, telephone plant, and depreciation reserve accounts appropriate for the work performed.

NOTE E: The accounting for amortization of limited term franchises carried in account 202 shall be as provided in account 613.

§ 31.674 *General services and licenses.* This account shall include amounts payable for services received under a license agreement, a general service contract, or other arrangement providing for the furnishing of general accounting, engineering, financial, legal, patent, and other general services.

§ 31.675 *Other expenses.* This account shall include all operating expenses not properly chargeable to other accounts.

ITEMS

(Note § 31.01–8)

Amounts paid for patents having an estimated service life of 1 year or less and patents acquired at small cost.

Association dues.

Commissions paid agents for leasing space to others in buildings partly occupied by the company in connection with its telephone operations.

Cost of publishing reports to stockholders, notices of stockholders' meetings, election of directors, conversion of bonds, and dividends declared.

Cost of valuations, inventories, and appraisals of telephone plant made for rate case purposes, and those taken in compliance with orders of Federal, State, or other regulatory authorities. (See also notes B and C to this account.)

Fees and expenses of directors.

Fees of agents for registrations and transfers of outstanding capital stock.

Franks for use of officers and employees, cost of printing.

General audit of company's books by audit company, cost of.

House service furnished for space leased to others when not specifically reimbursed.

Losses from foreign exchange. (Note also § 31.01–7.)

NOTE A: The accounting for amortization of patents carried in account 203 shall be as provided in account 613.

NOTE B: The cost of valuations, inventories, and appraisals taken in connection with the contemplated purchase or sale of property shall be charged to account 139 pending further disposition.

NOTE C: The pay and expenses of officers and employees performing incidental services in valuations, inventories, and appraisals shall be included in the accounts ordinarily charged with their pay and expenses. (Note also § 31.6–63.)

§ 31.676 *Telephone franchise requirements—Cr.* This account shall be credited with amounts charged to account 673, "Telephone franchise requirements," for which there is no direct money outlay, such as standard rates for telephone service furnished without charge to municipalities in accordance with franchise requirements.

§ 31.677 *Expenses charged construction—Cr.* This account shall be credited and the appropriate construction accounts charged with amounts, not provided for elsewhere, representing the portion of operating expenses applicable to construction work. (Note also § 31.2–22 (b).)

INSTRUCTIONS FOR CLEARING ACCOUNTS

§ 31.7–70 *Purpose of clearing accounts.* The clearing accounts (702 to 707, inclusive) are provided as a medium for the distribution of certain items which affect more than one account and which cannot be appropriately allocated as they are incurred. (Note also § 31.01–2 (d).)

CLEARING ACCOUNTS

§ 31.702 *Vehicle and other work equipment expense.* (a) This account shall include the expense of operating vehicles and other work equipment, including expenses of garages, shops, toolrooms, and stables and the amount of depreciation charges applicable to the accounting period for plant classified in account 264, "Vehicles and other work equipment," except equipment of storerooms.

(b) This account shall be cleared by adding to the cost of work performed such amounts as will distribute the total expense equitably. (Note also account 602:9.)

ITEMS

(Note § 31.01–8)

Books and periodicals.

Depreciation of vehicles and other work equipment, except equipment of storerooms.

House service. (Note also account 707.)

Insurance (see also note to account 668), including that against losses and damages to or by vehicles and other work equipment.

License fees for vehicles and for drivers.

Office supplies.

Overages and shortages in material and supplies for vehicles and other work equipment.

Postage, printing, and stationery.

Rent paid for and repairs of rented vehicles and other work equipment, garages, shops, toolrooms, stables, and other quarters. (Note also § 31.2–23.)

Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.

Repairs of vehicles and other work equipment, and cost and repairs of individual items of small value or short life.

Supplies, such as feed, fuel, gasoline, oil, tires, tubes, tire chains, soap, waste, sponges, measures, funnels, electric power, etc., used in the operation of vehicles and other work equipment, garages, shops, toolrooms, and stables.

Supervising officers and their office and field forces, including inspectors, testers, garagemen, and other employees, pay and expenses of.

§ 31.704 *Supply expense.* (a) This account shall include the expenses incurred in connection with the purchase, storage, handling, and distribution of material and supplies which are not allocated to other accounts as incurred; and the amount of depreciation charges applicable to the accounting period for equipment of storerooms.

(b) This account shall be cleared by equitably distributing the total expense on the basis of material and supplies and items of station apparatus.

ITEMS

(Note § 31.01–8)

Books and periodicals.

Depreciation of equipment of storerooms.

Discounts on material, cash and other. (See also note A to this account.)

House service. (Note also account 707.)

Overages and shortages in material and supplies which cannot be assigned to specific accounts. (Note also accounts 122 and 702.)

Insurance (see also note to account 668), including that against losses and damages to material and supply stock.

Losses due to depreciation, breakage, leakage, evaporation, and fire and other casualties to supply stock not assigned to specific accounts nor distributed through the pricing of materials and supplies disbursed.

Office supplies.

Postage, printing, and stationery.

Purchasing agents, superintendents, and supervisors of supplies, managers of stores, storekeepers, clerks, and laborers, pay and expenses of.

Rent paid for and repairs of rented storehouses, storerooms, storage yards, and other quarters. (Note also § 31.2–23.)

Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.

Transportation charges, undistributed. (See also note B to this account.)

Traveling expenses.

NOTE A: So far as practicable, cash and other discounts on material shall be deducted in determining the cost of the particular material to which they relate or credited to the account to which the material is charged.

NOTE B: Transportation charges on material purchased shall be, so far as practicable, included as a part of the cost of the particular material to which they relate. Transportation charges on material recovered from plant shall be charged to the account to which the cost of removal is charged.

§ 31.705 *Engineering expense.* (a) This account shall include the expenses of the general engineering department.

(b) This account shall be cleared by apportioning the total expenses to the appropriate accounts on the basis of service rendered, as determined by the time devoted to particular jobs. (Note also account 602:9.)

ITEMS

(Note § 31.01–8)

Books and periodicals.

Engineering officials and employees, pay and expenses of.

House service. (Note also account 707.)

Office supplies.

Postage, printing, and stationery.

Rent paid for and repairs of rented offices. (Note also § 31.2–23.)

Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.

Tools and instruments of small value or short life.

Traveling expenses.

NOTE: Expenses included in this account, incurred in connection with projects which are abandoned, shall be cleared to account 413. (Note also account 139.)

§ 31.706 *Plant supervision expense.* (a) This account shall include the expense of general supervision of the maintenance and construction of the plant where a department of the company's organization is charged with both maintenance and construction.

(b) This account shall be cleared on the basis of labor supervised except that charges for plant engineering shall be cleared by charges to the appropriate accounts on the basis of the time devoted to particular jobs. (Note also account 602:9.)

ITEMS

(Note § 31.01–8)

Books and periodicals.

House service. (Note also account 707.)

Office supplies.

Plant supervising officers and their staffs, including engineers, office and field forces charged with planning for and superintending the work of maintenance and plant construction, pay and expenses of. (See also note to this account.)

Postage, printing, and stationery.

Rent paid for and repairs of rented offices. (Note also § 31.2–23.)

Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.

Traveling expenses.

NOTE: The pay and expenses of foremen in direct charge of jobs, general foremen and other supervisory employees not engaged in the general supervision of maintenance, construction, and plant removals, such as local plant administrative employees whose duties are limited as to functions or areas shall be included in the cost of the work supervised and not charged to this account.

§ 31.707 *House service expense.* (a) This account shall include the expenses of operating offices and buildings, whether owned or rented, when such expenses are not allocated, as they are incurred, to the operating expense and other accounts.

(b) This account shall be cleared by apportioning the entire expense to the operating expense and other accounts on the basis of the use made of such property.

ITEMS

(Note § 31.01–8)

Building superintendents and others engaged in supervising house service operations, pay and expenses of.

Cleaning supplies.

Elevator service.

Fuel.

Heat.

Janitor service.

Light.

Office supplies.

Postage, printing, and stationery.

Power. (Note also accounts 604 and 610.)

Refrigeration.

Rent paid for and repairs of rented quarters used in the supervision of general house service operations, other than space used by janitors and similar employees in furnishing house service for a particular building. (Note also § 31.2–23.)

Repairs of furniture and office equipment, and cost and repairs of individual items of small value or short life.

RETIREMENT UNITS

§ 31.8 *List of retirement units.* The following list of retirement units shall be used in connection with the accounting provided in §§ 31.2–24 and 31.2–25, but shall not be considered as determining the classification of the telephone plant involved.

212 *Buildings.*

A complete building.

An entire roof with or without supporting members.

NOTE A: A building of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.

A complete fire escape.

A complete metal window (i. e., box, frame, and sash).

A boiler, furnace, hot-water heater, or automatic stoker.

A coal or ash-conveying system.

An elevator complete with operating mechanism.

A gas-burner system.

A house-lighting or power board.

An oil-burner system.

An oil tank.

The floor covering for one room.

A motor, generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum, or similar item of equipment, with or without associated wiring, control equipment, etc.

NOTE B: In addition to the above retirement units, material (i. e., portions of buildings, equipment, fixtures, etc.) installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled through the telephone plant and depreciation reserve accounts:

(1) Changes in the type of operation of elevator systems, e. g., a change from manual to signal control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another.

(2) Relocations of toilet rooms, battery rooms, kitchens, terminal rooms, machine rooms, transformer vaults, etc.

(3) Structural changes such as: (a) Reinforcements of floors, roofs, bearing walls, footings, and foundations; (b) additions or relocations of elevator shafts, stairways, fire exits, and vaults, but excluding switchboard cable holes and slots; and (c) building alterations required for fire protection and other safety measures.

(4) Changes in the type of electric current supply, or of ventilating, air conditioning, or similar systems.

(5) Building enlargements.

(6) Replacements of the following character—

(a) Replacements of plumbing or heating pipes (with or without associated valves) except when necessitated by minor repairs or minor relocations of fixtures.

(b) Replacements of all or substantially all of the lighting fixtures (with or without associated wiring and conduit) in one operating or equipment room or, in the case of office space, on one floor of a building.

(c) General replacements (throughout a building or throughout an entire portion erected at one time) of items such as supply, return, or air valves in heating systems; hot or cold water valves or faucets; plumbing, heating, or drainage traps.

221 *Central office equipment.*

Switchboards, desks, and testboards:

Switchboards (i. e., local, toll, dial system "A", cordless "B", call distributing "B", observing, teletypewriter, etc.) A complete section or lower unit.

Desks (i. e., operating, observing, testing, etc.) A complete section.

Testboards, or test and control boards (board type)—A complete section.

Testboards, or test and control boards (rack type):

All the equipment in one bay.

A complete upper unit.

A complete lower unit.

A complete installation of rack framework for one board.

Test panels: A complete panel.

Test cabinets: A cabinet complete with equipment.

Distributing frames:

Main distributing frames (including wall type): A complete installation for one central office (in multi-unit offices, for one operating unit).

Intermediate distributing frames: A complete installation for one central office (in multi-unit offices, for one operating unit).

Mezzanine balconies: A complete installation for one frame.

Racks:

Relay rack equipment:

A panel or unit complete with equipment.

All the equipment in one bay, exclusive of any panels or units.

Coil rack equipment: All the equipment on one shelf.

Message and traffic register rack equipment: All the equipment in one bay.

Iron framework: A complete line of rack with or without enclosing cabinet or case.

Cable:

All of the cables in one run used for the same purpose, such as between:

(1) Main frame and intermediate frame for subscribers' lines.

(2) Main frame and intermediate frame for outgoing trunk multiple.

(3) Intermediate frame and connector frame or final frame for subscribers' lines.

(4) Intermediate frame and answering jacks.

(5) Intermediate frame and switchboard for outgoing trunk multiple jacks.

(6) Intermediate frame and switchboard for subscribers' multiple jacks.

Iron framework: A complete installation of rack for one cable run.

Power equipment:

Frame or rack-mounted equipment:

A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.

Iron framework: A complete line of frame or rack for one fuse board, one power switchboard, etc.

A generator, motor, motor generator set, gas engine, rectifier, ringing machine, harmonic converter, pole changer, interrupter, power filter, or choke coil.

Storage batteries:

A complete battery with or without rack, cabinet, or counter electric motive force cells.

All positive or all negative plates in an entire battery, i. e., in all cells of a 24-volt battery, in all cells of a Morse battery, etc.

All tanks or all jars of an entire battery.

A complete battery rack or cabinet, storage or dry.

A complete group of bus bars, cable, or wiring (with or without conduit) such as between:

Battery and fuse panel.

Power switchboard and machines.

Telephone repeater equipment (including testing equipment):

A complete floor mounted rack type set.

Relay rack mounted equipment:

A panel or unit complete with equipment.

All the equipment in one bay, exclusive of any panels or units.

Coil rack mounted equipment: All the equipment on one shelf.

Iron framework: A complete line of rack.

Carrier equipment (telephone, telegraph, repeater, and testing equipment):

A complete floor mounted rack type set.

Relay rack mounted equipment:

A panel or unit complete with equipment.

All the equipment in one bay, exclusive of any panels or units.

A line filter.

A complete test table.

Iron framework: A complete line of rack.

Telegraph equipment (printer and manual):

Telegraph testboards: A complete section or bay.

Duplex, single line telegraph, and polar repeaters: A table or bay complete with equipment.

Metallic telegraph repeaters:

A complete floor mounted rack type set.

A panel or unit complete with equipment.

Voice frequency carrier equipment: A panel or unit complete with equipment.

Voice frequency carrier battery supply apparatus:

A complete bay of equipment.

A complete test table.

Iron framework: A complete line of rack.

Telephotograph equipment:

Table-mounted sending or receiving equipment:

A table complete with equipment.

A complete optical system.

A complete mechanical system.

A complete fork box.

A complete amplifier-modulator box.

Rack-mounted sending or receiving equipment:

A panel complete with equipment.

All the equipment in one bay.

Iron framework: A complete line of rack.

Power equipment:

A complete power board.

A complete storage battery.

Photographic equipment:

A copying camera or a copying, enlarging, and reducing camera, each with or without associated stands, illuminators, and copy boards.

A print machine.

A drying cabinet.

A developing, fixing, and washing tank.

Radio equipment:

Complete transmitter.

Miscellaneous equipment:

A calculagraph, a master clock, or a secondary clock.

Electrically driven calculagraph and clock systems: A complete installation.

Mechanical or pneumatic tube ticket distributing system: A complete installation.

Each complete tool or portable test set the original cost of which was charged to the telephone plant account, such as a plug remover and attacher, cam aligning fixture, multiple bank resetting gage, or shaft straightening tool, a relay adjusting set, line-finder set, or wagon-type set.

Each complete item of furniture or other miscellaneous equipment, the original cost of which was charged to the telephone plant account, such as a desk or table equipped with central office equipment, an operator's chair, a complete switchboard platform, an operator's telephone set cabinet, a rotary file or directory cabinet, a ticket cabinet or rack, a tarpaulin with or without cabinet, a portable service-observing cabinet, or a holding-time recorder.

Loud speaker equipment: A complete installation.

Aisle-lighting equipment: A complete installation on one floor.

Rolling ladders: A complete installation for one side of one frame or rack.

Message and traffic register cabinets: A cabinet complete with equipment.

Teletypewriter sets: The disposition units maintained by each company for account 231 in accordance with the provisions of that account.

Panel dial system equipment:

A complete equipment frame such as line-finder frame, line-switch frame, selector frame, link frame, routine test frame, decoder frame, sender frame, or floor alarm board.

Pulse-machine equipment: A complete pulse machine.

Pulse-machine control apparatus: A complete installation controlling a set of pulse machines.

Step-by-step dial system equipment:

A complete equipment frame, such as a line-finder frame, line-switch frame, selector frame, connector frame, or repeater frame.

Key-indicator equipment or key-pulsing equipment:

A complete equipment frame, such as a link or sender frame.

NOTE: When work of the following character is performed as a special job in a central office or at a multiple or dial private branch exchange for the purpose of improving or changing the type of the equipment, the material installed and retired and the labor and incidental costs involved shall be handled through the telephone plant and depreciation reserve accounts.

(1) Conversions of one or more switchboard positions, or dial-system frames, from one type to another, such as from subscribers' to toll, subscribers to rural, inward toll to combined line and recording, manual B to call indicator B, or from panel B switchboard incoming frame to interoffice incoming frame.

(2) Conversions of circuits from one type to another, such as conversions of cord circuits from two-party ringing to four-party selective ringing, semi-selective ringing to selective ringing, or from manual recall to flashing recall, and conversions of panel-sender circuits from noncoin to coin and from two digit to three digit.

(3) Replacements of items of one type with items of a different type for such reasons as improving signaling or transmission characteristics, changing operating methods or increasing capacity of the office, e. g.:

(a) Replacements of all the relays or repeating coils of one type in a central office with relays or coils of an improved type for the purpose of improving the signaling or transmission characteristics.

(b) Replacements of items of equipment in dial offices because of a change in the method of operation to multiple registration.

(c) Replacements of items of power equipment because of a change in power purchased from direct current to alternating current.

(d) Modifications of the trunk and cord circuits of multiple manual private branch exchange boards necessitated by a cut-over of a central office district to dial operation.

(e) Replacements of protectors of one size with protectors of a smaller size on a main distributing frame so that more protectors may be installed in the same space.

(f) Replacements of 20 pair terminal strips on a main distributing frame with 50 pair strips to increase the capacity of the frame.

(g) Replacement of jack strips having 10 jacks per strip with strips having 20 jacks per strip to increase the capacity of a switch board.

(h) Replacement of keys of one type with keys of a different type to permit more keys to be placed in the same position.

231 *Station apparatus.* None, but each company shall maintain its own list of station apparatus disposition units for account 231 in accordance with the provisions of that account.

232 *Station connections.* (See § 31.2–25 and accounts 232 and 605.)

234 *Large private branch exchanges.* Units specified under sub-section 221 *Central office equipment* of this section.

241 *Pole lines.* (See § 31.241.)

A pole (i. e., line pole, brace pole, guy stub, or pole forming part of A or H fixture), a pole stub, or a pole butt, with or without associated anchors, guys, steps, etc.

A crossarm (i. e., a wooden crossarm, guard arm, or cable crossarm, including extension arms), with or without associated braces and other hardware.

A special fixture (i. e., a bridge fixture, a tower or other special river-crossing or long-span fixture), with or without associated anchors, guys, etc.

242:1 *Aerial cable.* (See § 31.242:1.)

242:2 *Underground cable.* (See § 31.242:2.)

242:3 *Buried cable.* (See § 31.242:3.)

242:4 *Submarine cable.* (See § 31.242:4.)

A span of cable, with or without associated suspension strand, clamps, rings, etc. (The term "a span" shall include a length of cable from a Y splice not located at a pole to a pole or building.)

A section or run of cable, with or without associated elements and parts, as follows:

(1) Between a manhole, handhole, or service box and a pole, building, fence, wall, or the junction with house cable.

(2) Between manholes, handholes, or service boxes; or between an office cable vault and an office manhole.

(3) Between a cable vault or an office manhole and the junction with the main frame terminating cables.

(4) A section of buried cable 300 feet or more in length, or a section of buried cable between manholes, splicing boxes, or pedestals.

(5) All of a continuous run of one size of house cable. ("All of a continuous run of one size" means a section between splices other than straight splices.)

(6) All of a continuous run of one size of block cable, i. e., cable attached to buildings, walls, or fences. ("All of a continuous run of one size" means a section between splices other than straight splices.)

(7) All of a submarine cable for one crossing; or a section of submarine cable 300 feet or more in length.

(8) A section of underground dip cable between poles and/or buildings, or the appropriate units listed above.

Any length of cable which is a continuation of a unit of cable and is replaced with such unit.

Any length of cable connected with but not a part of a terminal, or a case of equipment such as loading coils when replaced with the terminal or case of equipment.

Main frame terminating cables (generally silk and cotton insulated): All the cables including forms used for terminating one outside cable.

A complete cable terminal, protected or unprotected, with or without associated balcony, pole seat, pedestal, etc.

A pressure contactor terminal, with or without contactor.

A house cable terminating frame.

A submarine cable hut or house.

A submarine cable anchorage.

A submarine cable terminating frame.

A fuse pot.

A case of equipment such as loading coils, building-out condensers, carrier line filters, or auto-transformers.

243. *Aerial wire.* (See § 31.243.)

Two continuous spans or more of one wire, with or without associated insulators, transposition brackets, etc.

A case of equipment such as loading coils, building-out condensers, carrier line filters, or auto-transformers.

An antenna, complete with or without supports.

244 *Underground conduit.* (See § 31.244.)

A section of conduit—

(1) Between two manholes, handholes, or service boxes.

(2) Between a manhole, handhole, or service box and a pole or building.

(3) Between a central office cable vault and an office manhole.

(4) Underground dips—between two poles; between a pole and a building; between two buildings; or units (1) and (2) above.

A manhole, handhole, or service box.

NOTE: When a manhole is reconstructed, i. e., enlarged or changed in design, the investment representing portions of the manhole removed, whether or not replaced, should be written off to the depreciation reserve account.

261 *Furniture and office equipment.* (See § 31.261.)

Each complete item of furniture or equipment, the original cost of which was charged to the telephone plant account, such as:

A desk, chair, table, piano, davenport, typewriter, computing machine; a section of bookcase, filing cabinet, shelving, bins, or counter; a rug, a carpet, or other floor covering for one room.

264 *Vehicles and other work equipment.* (See § 31.264.)

Each complete item of equipment, the original cost of which was charged to the telephone plant account, such as:

A passenger automobile or truck with or without body; a tractor; a pole jack, splicer's tent or extension ladder; a pole derrick, power winch, earth boring machine, or trailer; a portable test set; a wire measuring machine.

APPENDIX A

INTERPRETATIONS OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THIS SYSTEM OF ACCOUNTS

Case 1

DECEMBER 11, 1935.

Question: What will be the status, after December 31, 1935, of the accounting regulations relating to the break-down of the depreciation reserve account into component parts corresponding to the primary telephone plant accounts?

Answer: All provisions of the uniform system of accounts for telephone companies promulgated under Telephone Division Order No. 7–C, of June 19, 1935, including those relating to the break-down of the depreciation account, will become effective on January 1, 1936. (Telephone Division Order No. 7-D, of January 6, 1937, extended the effective date to January 1, 1937.) Particular attention is directed to the pertinent provisions of paragraph (c) of account 171, "Depreciation reserve."

Carriers shall break down the balance of their respective depreciation reserves (account 171, "Depreciation reserve") in such manner as to show the amounts embraced therein in accordance with the historical development of such reserves with respect to each depreciable plant account, and shall report such break-down in the appropriate schedules of the annual reports to the Commission.

Case 2

OCTOBER 14, 1936.

Question: What is the appropriate accounting with respect to taxes imposed under the Social Security Act and similar State statutes?

Answer: Amounts of such taxes, or accruals prior to payment, may represent taxes for which the company is liable on its own behalf as an employer or amounts for which it is liable on behalf of its employees.

The amounts of accruals for which the company is liable on its own behalf should be charged to account 305, "Operating taxes," to the telephone plant accounts (§ 31.2–22 (b) (8)), and to account 322, "Miscellaneous taxes," as appropriate, so as to apportion the total tax equitably among the costs of rendering public utility service, of construction of telephone plant, and of other operations of the company. The amounts charged to the foregoing accounts should be credited to account 166, "Taxes accrued." The amounts of payments to the United States Treasury or other governmental agency should be charged to account 166.

The amounts deducted from the pay of employees for which the company is liable on behalf of its employees should be segregated in appropriate accounts classified under account 159:2, "Other accounts payable." The amounts of payments to the United States Treasury or other governmental agency should be charged to account 159:2.

Nothing contained in this accounting ruling shall be construed as committal of the future action or policy of the Commission with respect to accounting or other treatment of accruals, payments, and funds under voluntary or private plans for provident relief or pensions.

Case 3

(Applicable only to Class C companies.)

Case 4

MARCH 13, 1939.

Question: What account shall be credited with amounts of interest which have accrued on advances from affiliated companies when such advances are classified as long-term debt?

Answer: Amounts of such interest are includible in account 167, "Unmatured interest, dividends, and rents accrued," until the interest becomes payable, at which time such amounts are includible in account 159:1, "Accounts payable to affiliated companies," except that the amount of such interest payable as is not subject to current settlement shall be included in account 156, "Advances from affiliated companies."

Case 5

(Applicable only to Class C companies.)

Case 6–R–2 (Cancels Case 6–R–1)

JUNE 13, 1951.

Question: What is the correct interpretation of § 31.2–21 and its related regulations in Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's Rules and Regulations concerning the acquisition of "a substantially complete telephone system, exchange, or toll line"?

Answer: Paragraphs (a) and (b) of § 31.2–21 of the effective system of accounts for telephone companies (the former of which paragraphs includes the expression, "a substantially complete telephone system, exchange, or toll line") shall be interpreted to mean that acquisitions of telephone plant of the types set forth in subparagraphs (a) to (i), inclusive, of the second paragraph of this answer, shall be accounted for in accordance with the provisions of aforementioned paragraphs (a) and (b) of § 31.2–21; *Provided, however,* That telephone plant acquired from a nonaffiliate at a cost not exceeding $25,000 in the case of Class A companies, and $5,000 in the case of Class B companies may be accounted for on the basis of acquisition cost in accordance with the provisions of paragraph (c) of § 31.2–21.

Such acquisitions as the following (subject to the exceptions noted in the paragraph next above) shall be accounted for as "a substantially complete telephone system, exchange, or toll line":

(a) A line of poles, with or without crossarms or other attachments and without wire, cable, or any other class of associated plant.

(b) A line of conduit, without cable or any other class of associated plant.

(c) A run of cable, without conduits, poles, or any other class of associated plant.

(d) A run of one or more open wires, without poles, crossarms, or any other class of associated plant.

(e) An extensive section of right-of-way, without poles, conduit, wire, cable, or any other class of associated plant.

(f) A general office building, other principal buildings, or group of such buildings, without other classes of associated plant.

(g) Extensive parcels of unimproved land or land upon which buildings such as indicated in paragraph (f) above are situated.

(h) All the central office equipment, station apparatus, station connections, large private branch exchanges, furniture and office equipment, or vehicles and other work equipment situated in or utilized in a single exchange area, central office area, or other extensive area, without additional classes of associated plant.

(i) All that portion of any of the foregoing items which constitutes toll facilities as distinguished from exchange facilities, or vice versa, or which constitutes long-lines toll facilities as distinguished from more localized toll facilities or vice versa.

Case 7

JULY 13, 1939.

Question: Shall the acquisition of (*a*) an undivided or other type of interest in, or (*b*) an entire interest in a portion of, any part of a telephone plant be accounted for as "a substantially complete telephone system, exchange, or toll line" when such part, if entirely owned or acquired by the accounting company, would be so considered?

Answer: Yes.

Case 8

The Commission on April 24, 1945, deleted case 8, effective January 1, 1946.

Case 9–R–1

FEBRUARY 1, 1940.

Question: The use, especially in rural sections, of two or more conductor rubber insulated wire buried in the ground with or without conduit or other protection instead of overhead wires and also its use for underground dips under railroads, etc., either with or without conduit pipes, raises a question as to the appropriate accounting therefor to conform with provisions of the effective uniform system of accounts for telephone companies. It is necessary when this rubber covered wire is buried in the ground that a separate ground wire be buried with it or that the rubber insulated wire itself be covered with a metallic braid to serve the purpose of the ground wire. To what account should the cost of such plant be charged?

Answer: With respect to both the basic structure and the conductor serving as a ground (except when, constituting underground dips, which may be viewed as a virtual part of the adjoining conductor structure), the cost shall be included in account 242:3, "Buried cable," unless protected by a structure reusable in place for other cable, in which event the cost of these wires shall be included in account 242:2, "Underground cable," and the cost of the protective structure shall be included in account 244, "Underground conduit" (see account 244, note A). (The foregoing does not apply to drop wires, even if buried, extending from the point of connection with the general overhead or underground system to the subscribers' premises—see account 232, "Station connections.")

Case 10

AUGUST 16, 1939.

STATEMENT OF FACTS

Amounts included in account 100:4, "Telephone plant acquisition adjustment" subdivided as provided in the text of the account, may include the following:

(a) Debit amounts with respect to one or more transactions which in the opinion of the carrier should be charged to surplus.

(b) Credit amounts with respect to other transactions than those reflected in the debit amounts mentioned in the preceding subparagraph, or of a different character, which have not been submitted to the Commission for its consideration.

Question: May all or any of such credit amounts be netted with all or any of such debit amounts and the resulting debit amount charged to surplus or amortized, without further direction or approval, as provided in subparagraph (1) of paragraph (c) in account 100:4?

Answer: No. Only amounts mentioned in subparagraph (a), aforementioned, may be treated as provided in subparagraph (1) of § 31.100:4 (c). Amounts of the character referred to in subparagraph (b) of the "statement of facts" shall be submitted to the Commission as required by subparagraph (2) of § 31.100:4 (c).

Case 11

AUGUST 16, 1939.

STATEMENT OF FACTS

The A Company has under consideration (in 1939) the taking over of the physical properties of the B Company and the C Company (wholly owned subsidiaries), and operating them directly as a part of its own property. The A Company in 1933 acquired substantially all of the outstanding common capital stock of the B Company, which company then held more than 99 percent of the common stock of the C Company. In 1936 the B Company's holdings of the C Company's common stock were sold to the A Company for the amount this stock cost the B Company. Both subsidiaries for some time have been operated as a part of the A group, having common officers. Their accounts have also been under close supervision of the A Company.

Although the A Company acquired only the B Company's capital stock in 1933, and in 1936 acquired only the C Company's capital stock, the year 1933 is, for accounting purposes, taken as the date when the B Company, as well as the C Company, became part of the A group of properties.

Based upon these facts, and if the accounting company be held responsible for the verity of all amounts used, is the accounting procedure hereinafter outlined satisfactory?

Question (a): May the cost to the merging company (A), at the time of the merger, of the total net assets taken over be determined by adding to the amount which the A Company paid for the B and C Companies' common stocks the amount of the now outstanding investment advances made by it to these subsidiaries, and deducting from this total the decrease in surplus suffered by Companies B and C since 1933?

Answer (a): Yes, for B Company, C Company's surplus should be adjusted to reflect its surplus at date of acquisition of C Company by B Company.

Question (b): Should the decrease in surplus of the two subsidiary companies since the respective dates of acquisition be charged directly against the surplus account of the A Company?

Answer (b): Yes.

Question (c): May the cost of telephone plant acquired from the subsidiaries be determined by deducting from the adjusted cost (computed as indicated in question (a)) of the total net assets of the subsidiaries the amounts representing the cost of net assets acquired other than telephone plant or by adding to such adjusted cost the amount representing the net liabilities assumed, exclusive of telephone plant, as appropriate?

Answer (c): Yes, provided that full explanation is furnished together with complete details concerning any estimates or allocations of amounts representing cost of net assets acquired or amount of net liabilities assumed.

Question (d): May the cost of telephone plant taken over, determined in conformity with the procedure outlined in question (c), be charged to account 276, "Telephone plant acquired"?

Answer (d): Yes.

Question (e): May the amounts carried in the depreciation reserve accounts of the B and C Companies be considered for the purpose of these mergers as the "reserve requirements" referred to in § 31.2–21 (b) (2) of the effective system of accounts, and charged and credited, respectively, to account 276 and account 171, "Depreciation reserve," of A Company?

Answer (e): Yes, subject to the proviso that responsibility for the accuracy of the amounts rests with the accounting company, and that if subsequently by further investigation and analysis, or otherwise, different amounts are determined as the correct "reserve requirement" applicable to the plant acquired, appropriate adjustment shall be made.

Question (f): Should the "original cost" of the telephone plant be credited to account 276 and charged to the appropriate plant accounts (100:1, "Telephone plant in service," 100:2, "Telephone plant under construction," and 100:3, "Property held for future telephone use"), and the amount then remaining in account 276 cleared to account 100:4, "Telephone plant acquisition adjustment," of the A Company?

Answer (f): Yes.

Case 12

FEBRUARY 10, 1941.

STATEMENT OF FACTS

A company formerly had outstanding 3,700 shares of 7 percent cumulative preferred stock (par value, $50 per share), which was callable at a premium of $2.50 per share. The company issued 3,700 shares of 6 percent cumulative preferred stock (par value, $50 per share), callable at a premium of $2.50 per share.

The greater portion of the new stock was issued in exchange for the old stock on a share-for-share basis. The remainder of the new stock was sold for cash at $52.50 per share, and the cash proceeds were devoted to reacquisition of the remainder of the old stock at $52.50 per share.

Question (a): Should the new stock which was issued in exchange for the old stock on a share-for-share basis be accounted for as though there had been no premium paid on the old stock and no premium received from the sale of the new stock, or should premiums in both instances be accounted for?

Answer (a): To the extent that the new stock was exchanged on a share-for-share basis for the old stock the appropriate amount included in one subaccount of account 150, "Capital stock" (7 percent preferred), should be transferred to another subaccount of account 150, "Capital stock" (6 percent preferred), for the reason that no call premium was paid on the shares of 7 percent preferred stock exchanged and no premium was received on the shares of 6 percent preferred stock issued in exchange therefor.

Question (b): Would it be proper, under the existing circumstances, to offset the premium paid on the old stock reacquired for cash against the premium received on the new stock sold for cash?

Answer (b): No. The premium of $2.50 per share received on the new stock sold for cash should be credited to account 152, "Premium on capital stock." The call premium paid on those shares of 7 percent preferred stock that were redeemed should be accounted for as provided in § 31.1–14 (e).

Case 13

FEBRUARY 10, 1941.

Question: Several companies which have refunded bond issues have had substantial tax savings in the year in which the refunding occurred, because the unamortized debt discount and expense and the call premium associated with the refunded securities are permitted as income tax deductions during the year in which the securities are redeemed. Instead of showing in the tax account only the actual taxes paid or accrued, the companies in question have also included therein the amount of the tax savings due to the refunding operation, with an offsetting credit, usually to account 135, "Discount on long-term debt." Is this permissible?

Answer: No. Account 305, "Operating taxes," should include provision for actual taxes only, and the account should not be increased by the amount which would have been paid had the refunding transaction not occurred. In other words, there was an actual saving in taxes, and this saving should be reflected in the income statement because it is a fact.

Case 14

FEBRUARY 10, 1941.

Question: What should be the accounting by a telephone company to record the transactions under an agreement whereby an electric utility conveys to the telephone company title to a pole line, agrees thereafter to pay one-half of the cost of any poles installed therein as replacements, and receives as consideration the right to use the poles in this line?

Answer: The telephone company should debit to account 241, "Pole lines," the original cost (estimated if not known) of the poles acquired from the electric utility, with concurrent credits to account 171, "Depreciation reserve," for the accrued depreciation, and to account 174, "Other deferred credits," for the difference. The latter credit should be spread over the estimated remaining service life of the pole line by debits to account 174 and concurrent credits to account 524, "Rent revenues."

Subsequent amounts received from the electric utility in part payment for the poles installed in replacement should be credited to account 524 as received.

Case 15

FEBRUARY 10, 1941.

Question: What is the proper accounting for the pay of employees of telephone companies that is continued while the employees are in the military service or in other governmental service originating through the national emergency?

Answer: The pay of employees of telephone companies that is continued while the employees are in the military service or in other governmental service originating through the national emergency shall be charged to a separate subaccount under account 672, "Relief and pensions."

Case 16

The Commission on April 24, 1945, deleted Case 16, effective January 1, 1946.

Case 17

JANUARY 2, 1943.

Question: What is the proper accounting under the Uniform System of Accounts for golf club dues, social club dues, service club dues (Rotary, Kiwanis, etc.), "house charges," entertainment of employees and of members of employees' families and others, and items of a similar nature?

Answer: Such expenditures are chargeable to account 323, "Miscellaneous income charges." They are not to be charged to operating expenses of the company. This interpretation applies whether the expenditures are made directly by the operating company, indirectly through payments to an associated company, or are in the form of reimbursements to officers or other employees, or by any other direct or indirect means.

NOTE A: Membership fees and dues in bona fide trade, technical, and professional associations are chargeable to the account appropriate for expenses incurred for the direct benefit of a particular department, or to account 675, "Other expenses," if the benefit is of a general character.

NOTE B: Only the reasonable expenses of bona fide educational and recreational activities conducted for the benefit of employees of the company are chargeable to the accounts appropriate for expenses incurred for the direct benefit of the several departments of the company, or to account 675 if of a general character.

Case 18–R–1 (Cancels Case 18)

FEBRUARY 14, 1952.

Question: Under arrangements with another party, sometimes the United States Government, a telephone company agrees, or is obliged, to remove, relocate, rearrange, reroute, or otherwise make changes in telephone property, other than for the purpose of rendering telephone service to the other party, for which the company is reimbursed for all or a portion of the costs incurred. What is the proper accounting for such property changes and the reimbursements received from the other parties?

Answer: The cost of plant retirements should be accounted for in accordance with the rules applicable thereto. The cost of new plant should be included in the appropriate plant accounts at actual cost of construction. The reimbursement received shall be accounted for (a) by crediting operation and maintenance expenses to the extent of actual expenses occasioned by the plant changes and (b) by crediting the remainder to the reserve for depreciation, unless contractual terms definitely characterize residual or specific amounts as applicable to the cost of replacement. In the latter event, appropriate credits should be entered in the plant accounts.

Case 19

JULY 14, 1944.

Question: What accounts should be charged with duplicate interest in refunding transactions?

Answer: Duplicate interest should be charged to the appropriate interest account as a deduction from current income unless permission to defer the amount is obtained from the Commission.

Case 20

AUGUST 16, 1944.

Question: Company A owns a section of outside plant for which it has no further use (e. g., because of rerouting the line or because of substitution of underground construction) and which becomes available for use of Company B. Company B has use for only a portion of the full capacity of the line or in case of jointly owned plant for only a portion of the full capacity of Company A's interest. Company B agrees to purchase the portion of A's interest for which it has use. Any of the remaining portion of the plant not removed by Company A is abandoned and the title thereto goes to Company B without cost. What should be the accounting by Company B?

Answer: Company B shall record the total units so acquired in its continuing property record and account for the proportionate interest actually purchased on the basis of the original cost of that interest and reserve requirements applicable thereto in accordance with section 31.2–21 of the system of accounts.

Case 21

JULY 17, 1946.

Question: When capital stock is sold at a premium, is it permissible to credit account 152, "Premium on capital stock," with the net premium, that is, the premium realized from purchasers of the stock minus expenses otherwise includible in account 134:2, "Capital stock expense"?

Answer: Account 152, "Premium on capital stock," account 134:1, "Discount on capital stock," and the respective capital stock accounts are intended to include the amounts received from purchasers of capital stock, but not expenses of issuing and selling the stock. For each class and series of capital stock there should be recorded separately in the prescribed accounts the par or stated value of the stock, discount or premium, and the expenses incurred in connection with the issuance and sale of the stock. Should a carrier desire to write off or amortize amounts recorded in account 134:2, "Capital stock expense," the charge is required to be made to account 413, "Miscellaneous debits to earned surplus."

Case 22

JULY 17, 1946.

Question: What is the proper account to be charged with non-promotional advertising of the type sometimes referred to as institutional advertising or as goodwill advertising, the purpose of which is to foster and maintain public goodwill rather than for any immediate and direct promotion of sales of service to subscribers?

Answer: Such advertising should be charged to account 642, "Advertising"; however, account 323, "Miscellaneous income charges," should be charged with the cost of any advertising for the purpose of influencing public opinion as to the election of public officers, referenda, proposed legislation, proposed ordinances, repeal of existing laws or ordinances, approval or revocation of franchises; for the purpose of influencing decisions of public officers; or having any direct or indirect relationship to political matters.

Case 23

JULY 17, 1946.

STATEMENT OF FACTS

In probably all jurisdictions, upon the organization of a corporation, specified fees must be paid. These fees are measured in different ways, the method pertinent to the present inquiry being the amount of authorized stock. In this particular jurisdiction, if several corporations merge or consolidate, then the amount of the fees payable by the resulting corporation is the difference between that calculated on the entire authorized stock of the resulting corporation after the merger and that which was paid previously by the parties to the merger or consolidation. If additional stock is authorized at any subsequent date, a fee must be paid thereon. In the state in question, the minimum authorized capital stock is $5,000.

An additional characteristic of the fees is that they relate to the total stock authorized and not to respective classes of stock. Thus, no additional fee would be payable if one class of preferred stock is retired and replaced by another class, provided there is no increase in the amount authorized to be issued, or if preferred stock is replaced by common stock with no increase in the authorized amount. In the case of no par stock, the aggregate stated value of the shares authorized is the basis for the fees. Where no par stock has no stated value, the basis for the fees is the capital paid in attributable to such shares.

The charter or bonus fees herein considered are not to be confused with fees paid by a carrier to a public service com-

Amounts included in account 100.4, "Telephone plant acquisition adjustment" sub-

Answer (c): Yes, provided that full explanation is furnished together with com-

ferred stock that were redeemed should be accounted for as provided in § 31.1-14 (e).

interpretation applies whether the expendi-

accounts.

paid by a carrier to a public service com-

mission or other authority for registration and permission to issue and sell an authorized amount of capital stock. This latter type of fee is chargeable to account 134:2, "Capital stock expense."

Question (a): What is the proper account to be charged with charter or bonus fees similar to those described above?

Answer (a): Such charter or bonus fees should be charged to account 201, "Organization." Attention is directed, however, to the above comments concerning fees paid by a carrier for registration and permission to issue and sell an authorized amount of capital stock, to which this interpretation does not apply.

Question (b): On the merger or consolidation of two or more companies where charter or bonus fees previously paid by the merged companies are permitted to be offset against the fees otherwise payable on the authorized capital stock of the continuing corporation, is it permissible to carry forward to the organization account of the continuing corporation the charter or bonus fees included in the merged corporations' organization accounts?

Answer (b): Under the circumstances described in the question it is permissible for a continuing corporation of a merger or consolidation to record in account 201, "Organization," so much of the charter or bonus fees previously paid by the merged corporations as is available for credit against the fees otherwise payable on the authorized capital stock of the continuing corporation or creditable against fees for future increases in the authorized capital stock.

Case 24–R–1 (Cancels Case 24)

NOVEMBER 28, 1952.

STATEMENT OF FACTS

Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations includes the following instruction in § 31.01–5, *Delayed items:*

(b) If the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort those accounts, the company shall distribute to earned surplus so much of the amount as affects the operations of prior years. The company shall file with this Commission the full particulars concerning each such item, including the accounts and years which would have been affected had the item not been delayed.

Question: What is the intent as to the time and manner of filing the required information concerning delayed items?

Answer: Full particulars concerning each delayed item should be shown in the appropriate schedule of Annual Report Form M in the manner prescribed therein.

Case 25

OCTOBER 18, 1955.

STATEMENT OF FACTS

Two telephone companies operate adjoining exchanges. An agreement between the companies is reached whereby the subscribers in an area which includes one or more exchanges of each company are given extended area service whereby all subscribers in the area have a service which permits local calls to any other subscriber of either company in that area. Each company bills its own customers in accordance with its own tariff. In certain situations, the expenses incurred by one of the companies in rendering the extended area service may be disproportionate due to differences in the amount of facilities furnished or operating functions performed in connection with the service. In such cases, payments to the one company by the other may be agreed upon as an adjustment therefor. The amount of such payments may be determined in various ways but is usually based on the relative facilities furnished by each company, the labor and other services performed by each, the number of customers in the exchange of each company, or a combination of those bases. However, in some cases the payments are intended to cover a variety of costs, e. g., operating service, maintenance on plant, supervision, related social security taxes, relief and pensions, depreciation, house service, return on investment, etc.

Question: What is the proper accounting for the amounts billed to its customers by each company and for the payments by one company to another under arrangements for rendering extended area service?

Answer: The amounts billed by each company to its customers shall be credited by it to account 500, "Subscribers' station revenues," (account 3010, "Local service revenues," for Class C companies). The company receiving the payments from another company shall credit the amounts received to account 506, "Other local service revenues," (account 3010, "Local service revenues," for Class C companies). The company making the payment shall charge the amount of the payments to account 675, "Other expenses," (account 4190, "Other operation expenses," for Class C companies). However, where the agreement between the companies specifically provides for a division of revenues, the accounting shall be on that basis.

APPENDIX B

STANDARD PRACTICES FOR THE ESTABLISHMENT AND MAINTENANCE OF CONTINUING PROPERTY RECORDS BY TELEPHONE COMPANIES HAVING INVESTMENT IN ACCOUNT 100:1, "TELEPHONE PLANT IN SERVICE," IN EXCESS OF $8,000,000

1. *Accounting areas.* (a) The continuing property record, as related to each primary plant account, shall be established and maintained by subaccounts for each accounting area. An accounting area is the smallest territory of the company for which accounting records of investment are maintained for all plant accounts within the area. Areas already established for administrative, accounting, valuation, or other purposes may be adopted for this purpose when appropriate. In no case shall the boundaries of accounting areas cross State lines. In determining the limit of each area, consideration shall be given to the quantities of property, construction conditions, operating districts, county and township lines, taxing district boundaries, city limits, and other political or geographical limits, in order that the areas adopted may have a maximum adaptability, within the confines of practicability, for both the company's purposes and those of Federal, State, and municipal authorities.

(b) Not later than June 30, following the year in which a company's investment in account 100:1, "Telephone plant in service," exceeded $8,000,000, there shall be filed with the Commission three copies of a list of accounting areas, to be accompanied by descriptions of the boundaries of each area. Description of proposed major changes in accounting areas, such as consolidation, subdivision, addition or elimination of areas shall be submitted in triplicate to the Commission thirty days in advance of the proposed effective dates of such changes.

2. *Property-record units.* (a) In each of the established accounting areas, the "property-record units" (in terms of which the continuing property record is to be maintained) shall be set forth separately, classified by size and type and with the amount of original cost (or other appropriate book cost) associated with such units. When a list of property-record units has been accepted by the Commission, the property-record units set forth therein shall become the property-record units referred to in this statement of standard practices. When it is found necessary to revise this list because of the addition of units used in providing new types of service, or new units resulting from improvements in the art, or because of the grouping or elimination of units which no longer merit separate recognition as property-record units, three copies of such changes shall be submitted to the Commission.

(b) With respect to land in fee classifiable in account 207, "Right of way," and land classifiable in account 211, "Land," the property-record unit to be set forth in the continuing property record shall be a parcel of land. A land parcel means one continuous plot within an accounting area. Each land parcel shall be identified as to functions and location. In the continuing property record or in records supplemental thereto there shall be shown with respect to each land parcel the area, identity of vendors, grantors, or other conveyors of title, identification of deeds, or other instruments, and original cost.

(c) The continuing property record shall reveal the location, the essential details of construction, and the cost of each building. In cases where the underlying records of construction costs of buildings are available, such costs shall be so analyzed and the analyses so maintained that, upon any retirement of one or more retirement units or of minor items (without replacement), a reasonably accurate estimate of the cost of the plant retired can be made. In cases where no construction cost details are available and a retirement of a portion of such a building is made, the cost of the plant retired shall be determined on an estimated basis by allocating to such plant retired an equitable portion of the estimated cost of the contract or trade (e. g., masonry, plumbing, etc.) in which the specific retirement is being made. Allocations shall be made in such a manner as to insure that the unit being retired will carry its ratable share of architectural and engineering fees and other similar indirect costs.

(d) The continuing property record shall reveal the location, the essential details of construction, and the cost of each type of central office (manual, step-by-step, etc.) in each building, and of each large private branch exchange. Because of the small number of interim retirements and the comparatively small amounts involved therein, unless such annual retirements become at least 25% of the balance at the beginning of the year with respect to any central office, the cost of each central office need not be broken down into the individual retirement units of which it is composed. The underlying records of construction cost shall be so maintained that, upon any retirement of one or more retirement units or of minor items (without replacement), a reasonably accurate estimate of the cost of the plant retired can be made.

(e) The continuing property record shall show the number and nature of items included in account 261, "Furniture and office equipment," and account 264, "Vehicles and other work equipment," whether such items are retired on an average cost basis or otherwise.

3. *Method of determining original cost of property-record units.* Original cost of the property-record units shall be determined by analyses of the construction costs incurred as shown by completion reports, or other data, covering the respective construction work orders or authorizations, provided that in those cases where the actual original cost of property cannot be ascertained, such original cost shall be estimated. Such estimated original cost shall be consistent with the accounting practices in effect at the time of construction of the property. Costs shall be allocated to and associated with the property-record units in such manner as to assure accurate accounting for retirements.

4. *Average costs.* (a) In the development of average costs for plant consisting of a large number of similar units, such as telephones, bell boxes, station connections, poles, cross-

arms, wire, cable, cable terminals, conduit, and nonmultiple private branch exchange switchboards, units of similar size and type within each specified accounting area and plant account may be grouped without regard to year of construction. Each such average cost shall be set forth in the continuing property record or in records supplemental thereto and in support thereof.

(b) The averaging of costs permitted under the provisions of the foregoing paragraph is restricted to the averaging of costs incurred within an accounting area as defined in paragraph 1 (a). The provisions of paragraph 4 (a) shall not be interpreted as permitting the inclusion within such average cost of the cost of units involved in any unusual or special types of construction. The units involved in such unusual or special types of construction shall be recorded at actual cost by locations.

(c) When classes of plant are subdivided between exchange and toll, the bases of the average costs shall be confined to items priced in the respective subdivisions.

5. *Identification of property-record units.* There shall be shown in the continuing property record or in records supplemental thereto and in support thereof, a complete description of the property-record units in such detail as to identify plainly such units. The description (except for classes of plant for which it is impracticable, such as station apparatus and station connections) shall include the identification of the work order under which constructed, the year of installation (unless not determinable at reasonable expense with respect to past acquisitions or installations), the specific location of the property within each accounting area in such manner that it can be readily spot-checked for proof of physical existence, the accounting company's number or designation, and any other description used in connection with the determination of the original cost. Descriptions of units of similar size and type shall follow prescribed groupings.

6. *Reinstalled units.* When units with respect to which average costs are not applied under the practices herein prescribed are removed or retired and subsequently reinstalled, the date when the unit was first charged to the appropriate plant account shall, when required for adequate service life studies and reasonably accurate retirement accounting, be shown in addition to the date of reinstallation.

7. *Age of property.* The continuing property record or records supplemental thereto and in support thereof shall be so maintained as to disclose the age of existing property and the service life of property retired. Exceptions from this requirement for any property-record units shall be submitted as part of the company's plan of continuing property records.

8. *Reference to sources of information.* There shall be shown by appropriate reference the source of all entries. All drawings, computations, and other detailed records which support either the quantities or the costs included in the continuing property record shall be retained as a part of or in support of the continuing property record.

9. *Jointly owned property.* (a) With respect to jointly owned property, there shall be shown in the continuing property record or records supplemental thereto:

(1) The identity of all joint owners.

(2) The percentage of ownership of the physical units vested in the accounting company.

NOTE: When plant is constructed under arrangements for joint ownership, the amount received by the constructing company from the other joint owner or owners shall be credited as a reduction of the gross cost of the plant in place. When a sale of a part interest in plant is made, the fractional interest sold shall be treated as a retirement and the amount received shall be treated as salvage. The continuing property record or records supplemental thereto shall be so maintained as to identify retirements of this nature separately from physical retirements of jointly owned plant.

(b) If jointly owned property is substantial in relation to the total of the same kind of property owned wholly by the company, such jointly owned property shall be appropriately segregated in the continuing property record.

[F. R. Doc. 56–10334; Filed, Dec. 18, 1956; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

Approval has been given, effective January 1, 1957, to an interest rate of 5 percent per annum on loans closed by the Federal Land Bank of Houston through national farm loan associations. The Bank advises that on all loans resulting from active applications dated December 31, 1956, or prior thereto, the present rate of 4 percent per annum shall apply, providing such applications are closed into loans within a 60-day period after December 31, 1956; or at a later date if, in the opinion of the Executive Committee of the Bank, the circumstances which delay the closing of the loan beyond the aforesaid 60-day period are beyond the control of the applicant. In order to reflect this change and to make certain editorial changes, § 10.41 of Title 6 of the Code of Federal Regulations (21 F. R. 8645, 8985, 9323) is hereby amended, effective January 1, 1957, to read as follows:

§ 10.41 *Interest rates on loans through associations.* On loans made by the banks through associations, approval is given to the per annum interest rate indicated below for each bank:

Federal land bank:	*Interest rate (percent)*
Springfield	5
Baltimore	5
Columbia	5
Louisville	4½
New Orleans	4½
St. Louis	4½
St. Paul	4½
Omaha	4½
Wichita	4½
Houston	5
Berkeley	4½
Spokane	5

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] THOS. A. MAXWELL, JR.,
Director, Land Bank Service.

[F. R. Doc. 56–10319; Filed, Dec. 18, 1956; 8:48 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 450.4]

PART 361—ROUTINE

REVOCATION OF SUBPART

Subpart E of Part 361 in Title 6, Code of Federal Regulations (16 F. R. 3826), relating to the servicing of accounts of borrowers entering the armed forces is hereby revoked.

Dated: December 13, 1956.

[SEAL] M. H. HOLLIDAY, JR.,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56–10331; Filed, Dec. 18, 1956; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

Reference is made to the notices of proposed rule making which were published in the FEDERAL REGISTERS of November 10, 1956 (21 F. R. 8775) and November 17, 1956 (21 F. R. 8978) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there was set out in full the terms of proposed revisions to Parts 231, 235, 251, 252, and 253, Chapter I, Title 8 of the Code of Federal Regulations, relating to the manifesting of passengers arriving and departing by vessel or aircraft from the United States and the manifesting, landing, and parole of alien crewmen arriving in the United States by vessel or aircraft. Representations which were received concerning the proposed rules have been considered. The proposed rules have been amended. The amendatory regulations, as set out below, are hereby adopted. In addition, amendments have been made to Parts 212, 213, 214k, 238, 264, 282, 299, and Parts 221, 252a, 254, and 256 are revoked.

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Part 231 is amended to read as follows:

Sec.
231.1 Arrival manifests and lists.
231.2 Departure lists.

AUTHORITY: §§ 231.1 and 231.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 231, 238, 239, 66 Stat. 167, 182, 195, 202, 203; 8 U. S. C. 1101, 1182, 1221, 1228, 1229.

§ 231.1 *Arrival manifests and lists*—(a) *Presentation.* The master or agent of every vessel or aircraft arriving in the United States shall present to the immigration officer at the port of first arrival, typed or legibly printed in black ink and in accordance with instructions on the reverse thereof, a manifest on Form I–418 of all passengers on board, except that (1) to facilitate inspection for vessels, the manifest on Form I–418 may be presented in separate alphabetical listings for United States citizens and

based on the relative facilities furnished by

types of service, or new units resulting from

bell boxes, station connections, poles, cross-

shall be credited as a reduction of the gross

[F. R. Doc. 56-10015; Filed, Dec. 18, 1956; 8:48 a. m.]

cal listings for United States citizens and

for aliens and may be further subdivided according to the separate foreign ports of embarkation and United States ports of debarkation; (2) a manifest shall not be required of a vessel or aircraft arriving in the continental United States or Alaska directly from Canada on a voyage or flight originating in that country; (3) in lieu of manifest on Form I–418 the master or agent of a vessel or aircraft arriving in the United States without touching at a foreign port on a voyage or flight originating in Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall submit a list containing the surname, given name and middle initial of each passenger on board; and (4) in lieu of manifest on Form I–418 the manifest of arriving passengers aboard an aircraft may be submitted on the International Civil Aviation Organization manifest, or whenever the number of such passengers does not exceed the number that can be listed on Customs Form 7507, they may be listed on the Customs form. To facilitate inspection, an advance list of the names of all passengers on board may be delivered to the immigration officer at the first port of arrival prior to the vessel's or aircraft's arrival. When such advance list has been submitted, there shall be delivered to the immigration officer at the time of arrival at the first port a list containing any changes or corrections which differ from the advance list. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival may be deferred in the discretion of the examining immigration officer. The lists of those passengers not inspected shall be returned to the master for presentation at subsequent ports of arrival. The procedure followed at the first port of arrival shall be followed at any subsequent port of arrival.

(b) *Additional documents.* When a manifest is required to be presented, the master or agent of the vessel or aircraft shall prepare as a part thereof a completely executed set of Forms I–94 for each alien passenger, except (1) an immigrant or (2) a Canadian citizen or a British subject who has his residence in Canada or Bermuda. The set of Forms I–94 shall be delivered to each alien for presentation to the examining immigration officer at the port of entry. The notation "TRWOV" shall be placed on the Form I–94 in the space reserved for "V No. on visa" in the case of each alien who is to pass through the United States under the provisions of section 238 (d) of the act. When a manifest is not required or a nonimmigrant alien is applying other than as a passenger or crewman on board a vessel or aircraft, a set of Forms I–94 shall be prepared by the examining immigration officer for each nonimmigrant.

§ 231.2 *Departure lists—(a) Presentation.* The master or agent of every vessel or aircraft departing from the United States shall present to the immigration officer at the port from which the vessel or aircraft will proceed directly to a foreign port or place a list of all passengers on board on Form I–418, in accordance with the instructions contained thereon, except that (1) a manifest shall not be required for a vessel or aircraft departing the continental United States or Alaska directly to Canada on a voyage or flight terminating in that country; (2) in lieu of Form I–418 the commanding officer of an aircraft may submit such list on the International Civil Aviation Organization manifest, or whenever the number of such passengers does not exceed the number that can be listed on Customs Form 7507, they may be listed on the Customs form. Such departure lists shall be presented prior to the departure of the vessel or aircraft, except that vessels or aircraft making regular trips to and from the United States in accordance with a published schedule made defer the presentation of such forms and attachments for a period not in excess of thirty days.

(b) *Additional documents.* When a manifest is required to be presented, the master or agent shall attach to such manifest a fully executed Form I–94 for each manifested alien passenger aboard except (1) an alien permanent resident of the United States, or (2) a Canadian citizen or a British subject who has his residence in Canada or Bermuda, preferably the copy of such form given the alien at the time of his last arrival in the United States. When a manifest is not required or a nonimmigrant alien is departing other than as a passenger on board a vessel or aircraft, the alien shall surrender his Form I–94 to a Canadian immigration officer or United States immigration officer.

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

Part 235 is amended to read as follows:

Sec.
235.1 General qualifications.
235.2 Examination postponed.
235.3 Detention.
235.4 Notations on documents.
235.5 Pre-inspection in certain parts of the United States.
235.6 Notice of referral to special inquiry officer.
235.7 Referral of certain cases to district director.
235.8 Temporary exclusion.

AUTHORITY: §§ 235.1 to 235.8 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 213, 221, 234, 235, 236, 237, 238, 242, 66 Stat. 166, 182, 188, 191, 198, 200, 201, 202, 208; 8 U. S. C. 1101, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

§ 235.1 *General qualifications.* The following general qualifications and requirements shall be met by an alien seeking to enter the United States regardless of whether he seeks to enter for permanent, indefinite, or temporary stay, and regardless of the purpose for which he seeks to enter: he shall apply in person at a place designated as a port of entry for aliens at a time when the immigration office at the port is open for inspection; he shall make his application in person to an immigration officer and shall present whatever documents are required; and he shall establish to the satisfaction of the immigration officer that he is not subject to exclusion under the immigration laws, Executive orders, or Presidential proclamations and is entitled under all of the applicable provisions of the immigration laws and this chapter to enter the United States.

§ 235.2 *Examination postponed.* Whenever an alien on arrival is found or believed to be suffering from a disability which renders it impractical to proceed with the examination under the act, the examination of such alien, members of his family concerning whose admissibility it is necessary to have such alien testify, and any accompanying aliens whose protection or guardianship will be required should such alien be found inadmissible shall be deferred for such time and under such conditions as the district director in whose district the port is located imposes.

§ 235.3 *Detention.* All persons arriving at a port in the United States by vessel or aircraft shall be detained aboard the vessel or at the airport of arrival by the master, commanding officer, purser, person in charge, agent, owner, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service. Notice or order to so detain shall not be required.

§ 235.4 *Notations on documents.* The admitting examining officer shall by means of a stamp record in each passport required to be presented the word "Admitted" and the date and place of admission and shall record the same information on any immigrant visa, reentry permit, or Form I–94 presented by or prepared for an arriving admitted alien. One copy of the Form I–94, so endorsed, shall be returned to the admitted alien by whom it was presented or for whom it was prepared for his retention while in the United States and for surrender at the time of his departure from the United States, except that the copy of the I–94 shall be delivered to a representative of the carrier which brought him in the case of each alien who is authorized direct transit through the United States under section 238 (d) of the act.

§ 235.5 *Pre-inspection in certain parts of the United States.* In the case of any aircraft proceeding from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States destined directly and without touching at a foreign port or place to any other of such places or to the continental United States, the examination required by the act of the passengers and crew may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such departure. The examination shall be conducted in accordance with sections 234, 235, 236, and 237 of the act and this part and Parts 236 and 237 of this chapter, except that if it appears to the examining immigration officer that any person in the United States being examined under this section is prima facie deportable from the United States, further action with respect to his examination shall be deferred and further proceedings conducted as provided in section 242 of the act and Part 242 of this chapter. When the foregoing inspection procedure is applied to any aircraft, persons examined and found admissible shall be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person shall be permitted to depart on such aircraft until and unless he is found to be admissible as provided in this section.

§ 235.6 *Notice of referral to special inquiry officer.* If, in accordance with the provisions of section 235 (b) of the act, the examining immigration officer detains an alien for further inquiry before a special inquiry officer, he shall immediately sign and deliver to the alien a Notice To Alien Detained For Hearing By Special Inquiry Officer (Form I–122). If the alien is unable to read or understand the notice, it shall be read and explained to him by an employee of the Service, through an interpreter, if necessary, prior to such further inquiry.

§ 235.7 *Referral of certain cases to district director.* If the examining officer has reason to believe that the cause of an alien's excludability can readily be removed by posting of a bond in accordance with the provisions of section 213 of the act; by the exercise of section 212 (d) (3) or (4) of the act; or by the exercise of section 212 (c) of the act, he may in lieu of detaining the alien for hearing in accordance with section 235 (b) and section 236 of the act refer the alien's case to the district director within whose district the port is located for consideration of such action and defer further examination pending the decision of the district director. Refusal of a district director to authorize admission under section 213 or to grant application for the benefits of section 212 (d) (3) or (4) or section 212 (c) of the act shall be without prejudice to the renewal of such application or the authorizing of such admission by the special inquiry officer without additional fee.

§ 235.8 *Temporary exclusion—(a) Report.* Any immigration officer who temporarily excludes an alien under the provisions of section 235 (c) of the act shall report such action promptly to the district director having administrative jurisdiction over the port at which such alien arrived. If the subject of the report is an alien who seeks to enter the United States other than under section 101 (a) (15) (D) of the act, the report shall be forwarded by the district director to the regional commissioner and further action shall be taken thereon as provided in paragraph (b) of this section.

(b) *Action by regional commissioner.* If the regional commissioner is satisfied that the alien is inadmissible to the United States under paragraph (27), (28), or (29) of section 212 (a) of the act and if the regional commissioner, in the exercise of his discretion, concludes that such inadmissibility is based on information of a confidential nature the disclosure of which would be prejudicial to the public interest, safety, or security, he may deny any hearing or further hearing by a special inquiry officer and order such alien excluded and deported, or enter such other order in the case as he deems appropriate. In any other case the regional commissioner shall direct that the alien be given a hearing or further hearing before a special inquiry officer.

(c) *Finality of decision.* The decision of the regional commissioner provided for in paragraph (b) of this section shall be final and no appeal may be taken therefrom. The decision of the regional commissioner shall be in writing, signed by him and, unless it contains confidential matter, a copy shall be served on the alien. If the decision contains confidential matter, a separate order showing only the ultimate disposition of the case shall be signed by the regional commissioner and served on the alien.

(d) *Hearing by special inquiry officer.* If the regional commissioner directs that an alien temporarily excluded be given a hearing or further hearing before a special inquiry officer, such hearing and all further proceedings in the case shall be conducted in accordance with the provisions of section 236 and other applicable sections of the act to the same extent as though the alien had been referred to a special inquiry officer by the examining immigration officer; except, that if confidential information, not previously considered in the case, is adduced supporting the exclusion of the alien under paragraph (27), (28), or (29) of section 212 (a) of the act, the disclosure of which, in the discretion of the special inquiry officer, may be prejudicial to the public interest, safety, or security, the special inquiry officer may again temporarily exclude the alien under the authority of section 235 (c) of the act and further action shall be taken as provided in this section.

PART 251—ARRIVAL MANIFESTS AND LISTS: SUPPORTING DOCUMENTS

Part 251 is amended to read as follows:

Sec.
251.1 Arrival manifests and lists.
251.2 Notification of illegal landings.
251.3 Notification of changes in crew.
251.4 Notification of changes in employment (aircraft).

AUTHORITY: §§ 251.1 to 251.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 212, 231, 251, 252, 66 Stat. 182, 195, 219, 220; 8 U. S. C. 1182, 1221, 1281, 1282.

§ 251.1 *Arrival manifests and lists—(a) Presentation.* The master or agent of every vessel or aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest of all crewmen on board on Form I–418, in accordance with the instructions contained thereon, except that (1) a manifest shall not be required of an aircraft arriving in the continental United States or Alaska directly from Canada on a flight originating in that country; (2) in lieu of manifest on Form I–418, the manifest of arriving crewmen aboard an aircraft may be submitted on the International Civil Aviation Organization manifest, or whenever the number does not exceed the number that can be listed on Customs Forms 7507, they may be listed on the Customs Form; and (3) no manifest shall be required for crewmen aboard a vessel of United States, Canadian, or British registry engaged solely in traffic on the Great Lakes, St. Lawrence River, and connecting waterways herewith designated as a Great Lakes vessel, except crewmen of other than United States, Canadian, or British citizenship and, after submission of a manifest on the first voyage of a calendar year, no manifest shall be required on subsequent arrivals unless there is employed on the vessel at the time of such arrival an alien crewman of other than United States, British, or Canadian citizenship who was not aboard and listed on the occasion of the submission of the last prior manifest.

(b) *Additional documents.* The master or agent of every vessel or aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall prepare as a part of the manifest when one is required for presentation to the examining immigration officer, a completely executed set of Forms I–95 for each alien crewman on board, except (1) an alien immigrant crewman in possession of a valid immigrant visa, reentry permit, or alien registration receipt card on Form I–151; (2) a Canadian or British citizen crewman of a Great Lakes vessel; or (3) a crewman seeking conditional landing privileges under section 252 (a) (1) of the act who is in possession of an unmutilated conditional landing permit with space for additional endorsements previously issued to him as a member of the crew of the same vessel or an aircraft of the same line on his last prior arrival in the United States, following which he departed from the United States as a member of the crew of the same vessel or an aircraft of the same line.

§ 251.2 *Notification of illegal landings.* As soon as discovered, the master or agent of any vessel from which an alien crewman has illegally landed or deserted in the United States shall inform the immigration officer in charge of the port where the illegal landing or desertion occurred, in writing, of the name, nationality, passport number and, if known, the personal description, circumstances and time of such illegal landing or desertion of such alien crewman, and any other information and documents which might aid in his apprehension, including when available a photograph of the crewman. Failure to file notice of illegal landing or desertion within twenty-four hours of the time such landing or desertion becomes known shall be regarded as lack of compliance with section 251 (d) of the act.

§ 251.3 *Notification of changes in crew—(a) Added crewmen.* The master or agent of every vessel departing from the United States shall submit to the immigration officer at the port from which such vessel is to depart directly to a foreign port or place a list on Form I–418 of the alien crewmen on board, other than lawfully admitted permanent residents of the United States, who were not members of the crew and manifested

of all passengers on board on Form

subject to exclusion under the immigra-

procedure is applied to any aircraft, per-

such other order in the case as he deems

the number that can be listed on Cus-

not members of the crew and manifested

as such on the occasion of the vessel's arrival in the United States. Such list of names shall be headed by the legend "Added Crewmen" and there shall be attached to such list the Form I–94, I–95, or FS–257, given to the alien on the occasion of his last arrival in the United States, if such form is available; otherwise, a newly executed Form I–95 shall be prepared by the master or agent for attachment to the list.

(b) *Separated crewmen.* The master or agent of every vessel departing from the United States shall submit to the immigration officer at the port from which such vessel is to depart directly to a foreign port or place a list on Form I–418 of the alien crewmen, other than alien permanent residents of the United States, who were members of the crew and manifested as such on the occasion of the vessel's arrival in the United States who are not departing with the vessel. Such list of names shall be headed by the legend "Separated Crewmen" and shall contain, in addition, the nationality, passport number, and port of separation of each such crewman. The lists required by paragraph (a) of this section and this paragraph may be incorporated in a single Form I–418, if space permits; the required lists need not be submitted for Canadian or British citizen crewmen of Great Lakes vessels.

§ 251.4 *Notification of changes in employment (aircraft).* The agent of the air transportation line shall immediately notify in writing the nearest immigration office of the termination of employment in the United States of each alien crewman employee of the line, furnishing the name, birthdate, birthplace, nationality, passport number and other available information concerning such alien crewman.

PART 252—LANDING OF ALIEN CREWMEN

Part 252 is amended to read as follows:

Sec.
252.1 Examination of crewman.
252.2 Revocation of conditional landing permits; deportation.
252.3 Great Lakes vessels; special procedures.

AUTHORITY: §§ 252.1 to 252.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 214, 248, 251, 252, 66 Stat. 189, 218, 219, 220; 8 U. S. C. 1184, 1258, 1281, 1282.

§ 252.1 *Examination of crewmen*—(a) *Detention prior to examination.* All persons employed in any capacity on board any vessel or aircraft arriving in the United States shall be detained on board the vessel or at the airport of arrival by the master or agent of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service.

(b) *Classes of aliens subject to examination under this part.* The examination of every alien crewman arriving in the United States shall be in accordance with this part and not otherwise except that the following classes of persons employed on vessels or aircraft shall be examined in accordance with the provisions of Parts 235, 236, and 237 of this chapter; (1) Aliens in possession of an immigrant visa, reentry permit, or a Form I–151 alien registration receipt card, applying for admission as immigrants; (2) Canadian or British citizen crewmen of Great Lakes vessels; or (3) Canadian or British citizen crewmen of aircraft arriving directly in Alaska or the continental United States on flights originating in Canada.

(c) *Requirements for admission.* Every alien crewman applying for landing privileges in the United States must make his application in person before an immigration officer, present whatever documents are required, and establish to the satisfaction of the immigration officer that he is not subject to exclusion under any provision of law and is entitled clearly and beyond doubt to landing privileges in the United States.

(d) *Authorization to land.* The examining immigration officer in his discretion may grant an alien crewman authorization to land temporarily in the United States for (1) shore leave purposes during the period of time the vessel or aircraft is in the port of arrival or other ports in the United States to which it proceeds directly without touching at a foreign port or place, not exceeding twenty-nine days in the aggregate, if the immigration officer is satisfied that the crewman intends to depart on the vessel on which he arrived or on another aircraft of the same transportation line, or (2) the purpose of obtaining employment and departing from the United States on another vessel than the one on which he arrived, within a period of twenty-nine days, if the immigration officer is satisfied that the crewman intends to depart in that manner and that he is apparently able to obtain such other employment and the immigration officer has consented to the pay off and discharge of the crewman from the vessel on which he arrived.

(e) *Conditional permits to land.* The examining immigration officer shall give to each alien nonimmigrant crewman permitted to land temporarily a copy of the Form I–95 presented by the crewman, endorsed to show the date and place of admission and the type of conditional landing permitted.

(f) *Change of status.* An alien nonimmigrant crewman landed pursuant to the provisions of this part shall be ineligible for any extension of stay beyond twenty-nine days or for a change of nonimmigrant classification under Part 248 except that a crewman who has been given a conditional landing permit under paragraph (d) (1) of this section may, within the period of its validity and while he is still maintaining his status, apply for a conditional landing permit under paragraph (d) (2) of this section and, upon approval of such application, he shall surrender his original landing permit and shall be given a copy of a new Form I–95, endorsed to show the landing authorized under paragraph (d) (2) of this section for the balance of the twenty-nine days remaining to him.

§ 252.2 *Revocation of conditional landing permits; deportation.* An alien permitted to land conditionally under § 252.1 (d) (1) may, within the period of time for which he was permitted to land, be taken into custody by any immigration officer without a warrant of arrest and be transferred to the vessel upon which he arrived in the United States, if such vessel is in any port of the United States and has not been in a foreign port or place since the crewman was issued his conditional landing permit, upon a determination by the immigration officer that the alien crewman is not a bona fide crewman or that he does not intend to depart on the vessel on which he arrived in the United States. The conditional landing permit of such an alien crewman shall be taken up and revoked by the immigration officer and a notice to detain and deport such alien crewman shall be served on the master of the vessel on Form I–259. On the written request of the master of the vessel, the crewman may be detained and deported, both at the expense of the transportation line on whose vessel he arrived in the United States, other than on the vessel on which he arrived in the United States, if detention or deportation on such latter vessel is impractical.

§ 252.3 *Great Lakes vessels; special procedures.* An immigration examination shall not be required of any crewman aboard a Great Lakes vessel arriving at a port of the United States for a period of less than twenty-four hours, who (a) has previously been examined by an immigration officer as a member of the crew of the same vessel and (b) is either a British or Canadian citizen or is in possession of a Form I–95 previously issued to him as a member of the crew of the same vessel during the same calendar year, and (c) does not request or require landing privileges in the United States during the time the vessel will be in ports of the United States before returning to Canada.

PART 253—PAROLE OF ALIEN CREWMEN

Part 253 is amended to read as follows:

Sec.
253.1 Parole.
253.2 Termination of parole.

AUTHORITY: §§ 253.1 and 253.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 212, 252, 253, 255, 66 Stat. 182, 220, 221, 222; 8 U. S. C. 1182, 1282, 1283, 1285.

§ 253.1 *Parole*—(a) *Afflicted crewmen.* Any alien crewman afflicted with feeblemindedness, insanity, epilepsy, tuberculosis in any form, leprosy, or any dangerous contagious disease, or an alien crewman suspected of being so afflicted shall, upon arrival at the first port of call in the United States, be paroled to the medical institution designated by the district director in whose district the port is located, in the custody (other than during the period of time he is in such medical institution) of the agent of the vessel or aircraft on which such alien arrived in the United States and at the expense of the transportation line for a period initially not to exceed thirty days, for treatment and observation, under the provisions of section 212 (d) (5) of the act. Unless the Public Health Surgeon at the first port certifies that such parole be effected immediately for emergent reasons, the district director may defer execution of parole to a subsequent port of the United States to which the vessel

or aircraft will proceed, if facilities not readily available at the first port are readily available at such subsequent port of call. Notice to remove an afflicted alien crewman shall be served by the examining immigration officer upon the master or agent of the vessel or aircraft on Form I–259 and shall specify the date when and the place to which such alien crewman shall be removed and the reasons therefor.

(b) *Disabled crewman.* Any alien crewman who becomes disabled in any port of the United States, whom the master or agent of the vessel or aircraft is obliged under foreign law to return to another country, may be paroled into the United States under the provisions of section 212 (d) (5) of the act for the period of time and under the conditions set by the district director in whose district the port is located, in the custody of the agent of the vessel or aircraft for the purpose of passing through the United States and transferring to another vessel or aircraft for departure to such foreign country, by the most direct and expeditious route.

(c) *Shipwrecked or castaway seamen or airmen.* A shipwrecked or castaway alien seaman or airman who is rescued by or transferred at sea to a vessel or aircraft destined directly for the United States and who is brought to the United Sates on such vessel or aircraft other than as a member of its crew shall be paroled into the United States under the provisions of section 212 (d) (5) of the act for the period of time and under the conditions set by the district director in whose district the port is located, in the custody of the appropriate foreign consul or the agent of the aircraft or vessel which was wrecked or from which such seaman or airman was removed, for the purpose of treatment or observation in a hospital, if such is required, and for departure to the appropriate foreign country by the most direct and expeditious route.

(d) *Crewman denied conditional landing permit.* Any alien crewman denied a conditional landing permit or whose conditional landing permit issued under § 252.1 (d) (1) is revoked may, upon the request of the master or agent, be paroled into the United States under section 212 (d) (5) of the act in the custody of the agent of the vessel or aircraft and at the expense of the transportation line for medical treatment or observation or for other reasons deemed strictly in the public interest.

§ 253.2 *Termination of parole.* At the termination of the period of the parole specified in § 253.1, or when the purpose of the parole specified therein has been served, the alien crewman, if in the United States, shall be returned to the custody from which he was paroled and his case dealt with in the same manner as any other applicant for a conditional landing permit.

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Section 212.81 *Application for permission to enter the United States temporarily; prior to application for admission at a port of entry* is amended by deleting the second sentence.

2. The second sentence of § 212.82 *Application for permission to enter the United States temporarily; at time of application for admission at a port of entry* is amended by deleting the words "the ground of inadmissibility is not within paragraph (9), (10), (23 or (28) of section 212 (a) of the act and".

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DISCOUNT

Section 213.1 *Authority to admit under bond or cash deposit* is amended by deleting the reference "§ 235.12" and inserting in lieu thereof the reference "§ 235.7" wherever it appears in that section.

PART 214k—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

Paragraph (b) *Hearing before special inquiry officer* of § 214k.22 *Immigration inspection at reception centers* is amended by deleting the reference "§ 235.15" and inserting in lieu thereof the reference "§ 235.8".

PART 221—DISPOSITION OF ENTRY DOCUMENTS OF ALIENS ENTERING OR DEPARTING OTHER THAN AS NONIMMIGRANT CREWMEN

Part 221 is revoked.

PART 238—ENTRY THROUGH OR FROM FOREIGN CONTIGUOUS TERRITORY AND ADJACENT ISLANDS

The first sentence of paragraph (b) *Preparation of Form I–94* of § 238.11 *Preexamination outside the United States* is amended to read as follows: "A set of Forms I–94 shall be prepared by an immigration officer for an alien presenting himself for preexamination if such set would be required if the alien were applying at a port of entry for admission to the United States."

PART 252a—SEAMEN OR AIRMEN: SPECIAL CLASSES

Part 252a is revoked.

PART 254—CONTROL OF ALIEN CREWMEN

Part 254 is revoked.

PART 256—PAY OFF OR DISCHARGE OF ALIEN CREWMEN

Part 256 is revoked.

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

Subparagraph (2) *Form 257a* of paragraph (c) *Forms constituting alien-registration receipt cards under the Immigration and Nationality Act* of § 264.1 *Alien registration receipt card* is amended by deleting the words ", pursuant to § 221.2 of this chapter,".

PART 282—PRINTING OF REENTRY PERMITS: FORMS FOR SALE TO PUBLIC

Section 282.2 is amended to read as follows:

§ 282.2 *Forms printed by the Public Printer.* The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter B of this chapter: I–20, I–21, I–94, I–95, I–129, I–129A, I–129B, I–131, I–131A, I–133, I–133A, I–418, and I–539.

PART 299—IMMIGRATION FORMS

1. Section 299.1 *Prescribed forms* is amended by deleting the following forms and references thereto:

Form No.	Title and description
I–132C	Report of Admission with Reentry Permit.
I–415	Manifest of In-bound Passengers (Aliens).
I–416	List of In-bound Passengers (United States Citizens and Nationals).
I–419	Record of Alien's Arrival and Departure Under Special Direct Transit Procedure.
I–424	Report of Departure of Alien.
I–434	Manfest of Outward Bound Passengers (Aliens).
I–435	List of Outward Bound Passengers (United States Citizens and Nationals).
I–466	Air Passenger Manifest.
I–480	List or Manifest of Persons Employed on the Vessel as Members of Crew.
I–481	List of all Persons Employed on Great Lakes vessel.
I–489	Statement of Changes in Crew.
I–510	Guarantee of Payment.

2. Section 299.1 *Prescribed forms* is further amended by adding the following forms in numerical sequence:

Form No.	Title and description
I–414	Receipt for Crew List.
I–418	Passenger List—Crew List.

3. Section 299.2 is amended to read as follows:

§ 299.2 *Forms available from the Superintendent of Documents.* The following forms required for compliance with the provisions of subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D. C.: I–20, I–21, I–94, I–95, I–129, I–129A, I–129B, I–131, I–131A, I–133, I–133A, I–418, and I–539. A small supply of those forms shall be set aside by immigration officers for free distribution and official use.

4. Section 299.3 is amended to read as follows:

§ 299.3 *Reproduction of forms by private parties.* The following forms required for compliance with the provisions of subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I–20, I–21, I–94, I–95, and I–418. Forms printed or reproduced by private parties shall conform to the officially printed forms currently in use with respect to size, wording, arrangement, style and size of type, and paper specifications. Such forms and all entries required to be made thereon shall be printed or otherwise duplicated in the English language with black ink or dye that will not fade or "feather" within 20 years.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

The basis and purpose of the above-prescribed regulations are to inaugurate

this chapter; (1) Aliens in possession of an immigrant visa, reentry permit, or a land, be taken into custody by any immigration officer without a warrant of execution of parole to a subsequent port of the United States to which the vessel

mission to enter the United States tem-porarily; prior to application for admis-

Printer. The Public Printer is author-

prescribed regulations are to inaugurate

new procedures to facilitate the manifesting of arriving and departing passengers, and the manifesting, landing, and parole of alien crewmen.

The procedures prescribed in this order become effective and mandatory on March 1, 1957, and permissive, at the option of the transportation companies involved, on or after January 1, 1957.

Dated: December 14, 1956.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 56-10323; Filed, Dec. 18, 1956; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—1956–57 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1956 CROP RICE

§ 730.705 *Basis and purpose.* The county acreage allotments for 1956 crop rice contained herein have been determined under section 353 (c) of the Agricultural Adjustment Act of 1938, as amended. The purpose of this document is to announce the apportionment among counties of the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, and South Carolina, the respective State acreage allotments of rice for 1956 as established by the proclamation dated December 30, 1955 (21 F. R. 71) and to add thereto the acreage made available to the county from the national reserve provided for by section 353 (a) of the act, the acreage made available to the county from the State reserve for new farms provided for by section 353 (b) of the act, and the acreage made available to the county pursuant to section 304 of the Agricultural Act of 1956. Since farm acreage allotments for 1956 crop rice in the States of Arizona, California, Florida, Tennessee, and Texas were established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1956 State acreage allotments of rice for those States were apportioned directly to farms, and county rice acreage allotments for those States have not been determined.

Prior to the determination of county acreage allotments for 1956 crop rice, public notice (20 F. R. 9021) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003), except with respect to the acreage made available pursuant to section 304 of the Agricultural Act of 1956. The data, views, and recommendations pertaining to the determinations of county acreage allotments for 1956 crop rice which were submitted pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. Since the Agricultural Act of 1956 provides for the apportionment to counties of the additional acreage made available thereunder on the basis of the acreage planted and diverted in the counties during the five years 1951 through 1955, without adjustment, the apportionment to counties of such additional acreage involves simple arithmetic calculations. Therefore, it is hereby found and determined that, with respect to the apportionment of such acreage compliance with the notice and public precedure provisions of the Administrative Procedure Act is unnecessary and contrary to the public interest. The determinations made by the Secretary in § 730.706 were made on the basis of the latest available statistics of the Fedral Government as required by section 301 (c) of the Agricultural Adjustment Act of 1938, as amended.

§ 730.706 *County acreage allotments for 1956 crop rice.*

ARKANSAS

County	County acreage allotment	Additional acreage apportioned to county from National Reserve	Additional acreage apportioned to county pursuant to Public Law 540	Additional acreage apportioned to county from State Reserve for new farms	Total acreage apportioned to county
Arkansas	69,456				69,456
Ashley	5,964				5,964
Chicot	8,806			9	8,815
Clark	507				507
Clay	6,958			32	6,990
Conway	10				10
Craighead	15,873				15,875
Crittenden	5,865			2	5,865
Cross	32,995			70	33,065
Dallas	65				65
Desha	12,766			44	12,810
Drew	4,332			46	4,378
Faulkner	420				420
Grant	31				31
Greene	5,174			11	5,185
Hot Spring	433				433
Independence	543			21	564
Jackson	18,456			48	18,504
Jefferson	15,815				15,815
Lafayette	802				802
Lawrence	7,732			90	7,822
Lee	7,776			19	7,795
Lincoln	8,537			44	8,581
Little River	373				373
Lonoke	35,845			9	35,854
Miller	686				686
Mississippi	1,402				1,402
Monroe	13,349			15	13,364
Perry	909				909
Phillips	4,771			14	4,785
Poinsett	35,104			42	35,146
Prairie	30,624			54	30,678
Pulaski	1,564				1,564
Randolph	1,946			11	1,957
St. Francis	16,985			6	16,991
White	1,031			19	1,050
Woodruff	18,531			15	18,546
Unapportioned State Reserve				27	27
State total	398,436			648	399,084

ILLINOIS

Adams	11	9			20

LOUISIANA

Acadia	83,544		1,646		85,190
Allen	21,591		453		22,044
Ascension	1,417	568	27		2,012
Assumption	482	62	10		554
Avoyelles	2,270	222	45		2,537
Beauregard	4,291	187	84		4,562
Bossier	41	18	1		60
Calcasieu	57,595		1,173		58,768
Cameron	13,507		284		13,791
Concordia	137	138	2		277
East Carroll	2,647	932	49		3,628
Evangeline	39,925	167	787	81	40,960
Franklin	1				1
Grant	36	132	1		168
Iberia	5,328	322	103		5,753
Iberville	1,498	872	27		2,397
Jefferson Davis	86,516		1,093	30	88,239
Lafayette	8,261		176	212	8,649
Lafourche	308	182	5		495
Madison	181	65	3		249
Morehouse	798	25	16		839
Plaquemines	229	98	4		331
Rapides	276	240	6		522
Richland	160		3		163
St. Charles	386	122	8		516
St. James	2,151		42	357	2,550
St. John the Baptist	962	6	17		985
St. Landry	15,224		307	50	15,581
St. Martin	3,689		78		3,767
St. Mary	2,857		56		2,913
St. Tammany	746	282	13		1,041
Tensas	33	80	1		114
Terrebonne	130	40	2		172
Vermillon	102,442		2,194		104,636
West Carroll	316	309	6		630
State total	459,974	6,069	9,321	730	475,094

MISSISSIPPI

County	County acreage allotment	Additional acreage apportioned to county from National Reserve	Additional acreage apportioned to county pursuant to Public Law 540	Additional acreage apportioned to county from State Reserve for new farms	Total acreage apportioned to county
Bolivar	18,110	1,255	181		19,546
Coahoma	1,122	382	10		1,514
DeSoto	916	159	9		1,084
Hancock	88	79			167
Humphreys	1,701	226	16		1,943
Issaquena	77	18	1		96
Leflore	2,365	643	22		3,030
Panola	45	27			72
Quitman	957	316	8		1,281
Sharkey	825	106	8		939
Sunflower	3,873	546	38		4,457
Tallahatchie	322	139	3		464
Tate	62	46	1		109
Tunica	2,704	460	25		3,189
Washington	8,255	443	94		8,792
State total	41,422	4,845	416		46,683

MISSOURI

Butler	1,073	349	6	9	1,437
Dunklin	29	18			47
Holt	2			8	8
Lewis	22	12			34
Lincoln	306		2		308
Marion	61	26			87
Mississippi	394	14	3		411
New Madrid	504	40	3		547
Pemiscot	400	41	4	24	469
Ripley	5	14		16	35
St. Charles	133	90	1	18	242
Scott	634	280	4	35	953
Stoddard					
State total	3,563	884	23	110	4,580

NORTH CAROLINA

Hyde	27	2			29

OKLAHOMA

McCurtain	38	109	2		149

SOUTH CAROLINA

Berkeley	42	90	1	12	145
Charleston	391	68	14		473
Colleton	384	309	15	5	713
Georgetown	15	25			40
Horry	97	97	2	13	209
Jasper	999	236	32		1,267
State total	1,928	825	64	30	2,847

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended, sec. 304, 70 Stat. 205; 7 U. S. C. 1353)

Issued at Washington, D. C., this 14th day of December 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-10330; Filed, Dec. 18, 1956; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR THE 1956–57 FISCAL YEAR

On November 29, 1956, notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 9327) regarding the expenses and rate of assessment for the 1956–57 fiscal year under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

§ 914.204 *Expenses and rate of assessment for the 1956–57 fiscal year.* (a) The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for its maintenance and functioning during the period November 1, 1956, through October 31, 1957, will amount to $175,251.38; and the rate of assessment to be paid by each handler who first handles oranges shall be seven and one-half mills ($0.0075) per carton of oranges handled by such handler as the first handler thereof during the 1956–57 fiscal year. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said marketing agreement and order, the rate of assessment is applicable to all fresh oranges handled during the aforesaid fiscal year; (2) shipments of navel oranges are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable the Navel Orange Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

As used in this section, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 14, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 56-10326; Filed, Dec. 18, 1956; 8:49 a. m.]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR THE 1956–57 FISCAL PERIOD

On November 29, 1956, notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 9327) regarding the expenses and the fixing of the rate of assessment for the 1956–57 fiscal period under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the afore-

said notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 933.210 *Expenses and rate of assessment of the 1956–57 fiscal period.* (a) The expenses necessary to be incurred by the Growers Administrative Committee established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1956, and ending July 31, 1957, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to $170,000.00 and the rate of assessment to be paid by each handler shall be five mills ($0.005) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforesaid expenses.

(b) It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said marketing agreement and order, the rate of assessment is applicable to all fresh oranges, grapefruit, and tangerines handled during the aforesaid fiscal year; (2) shipments of oranges, grapefruit, and tangerines are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable the Growers Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

(c) As used herein, the terms "standard packed box," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 14, 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 56–10327; Filed, Dec. 18, 1956; 8:49 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[NSCP–2001, Supp. 1]

PART 1106—NAVAL STORES CONSERVATION

SUBPART—1956

PRACTICES DEFEATING PURPOSES OF PROGRAMS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 Naval Stores Conservation Program, approved July 12, 1955 (20 F. R. 5001), is amended as follows:

1. In § 1106.722 *Practices defeating purposes of programs,* paragraph (a) (2) is amended to read as follows:

(2) When turpentine trees are cut in a harvest cutting at least 500 turpentine trees per acre shall be left uncut and undamaged or six thrifty turpentine seed trees per acre, 9 inches d. b. h. or more shall be left uncut and undamaged, or if clear cut artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1959.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 14th day of December 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–10329; Filed, Dec. 18, 1956; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administration Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.)* is amended by changing the portion which reads: "From the Chanute AFB, Rantoul, Ill., radio range station to the intersection of the northeast course of the Chanute AFB radio range and the southeast course of the Chicago, Ill., radio range." to read: "From the Chanute AFB, Rantoul, Ill., nondirectional radio beacon to the intersection of a line bearing 44° True from the nondirectional radio beacon with the southeast course of the Chicago, Ill., radio range."

2. Section 600.287 *Red civil airway No. 87 (Hawaiian Islands)* is amended by adding a last sentence to read: "The portions of this airway at 5,000 feet MSL and below which lie within the Bonham, T. H., restricted area (R–509) and the Bonham, T. H., warning area (W–510) are excluded."

3. Section 600.619 is amended to read:

§ 600.619 *Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).* From the Key West, Fla., radio range station via the Perrine, Fla., radio range station; Melbourne, Fla., radio range station to the Orlando, Fla., radio range station.

4. Section 600.632 is amended to read:

§ 600.632 *Blue civil airway No. 32 (Anchorage, Alaska, to Talkeetna, Alaska).* From the Anchorage, Alaska, radio range station via the intersection of the northwest course of the Anchorage, Alaska, radio range and the southeast course of the Skwetna, Alaska, radio range; Swketna, Alaska, radio range station to the Talkeetna, Alaska, nondirectional radio beacon.

5. Section 600.634 is amended to read:

§ 600.634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* From the Terre Haute, Ind., radio range station via the Chanute AFB, Rantoul, Ill., nondirectional radio beacon to the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range.

6. Section 6009 *VOR civil airway No. 9 (New Orleans, La., to Milwaukee, Wis.)* is amended by changing the portion which reads: "From the New Orleans, La., omnirange station via the McComb, Miss., omnirange station, including a west alternate;" to read: "From the New Orleans, La., omnirange station via the McComb, Miss., omnirange station, including a west alternate and also an east alternate from the New Orleans omnirange station to the McComb omnirange station via the point of intersection of the New Orleans omnirange 038° True and the Mobile, Ala., omnirange 260° True radials;".

7. Section 6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion which reads: "Wink, Tex., omnirange station, including a north alternate; Midland, Tex., omnirange station, including a north alternate; Big Spring, Tex., omnirange station;" to read: "Wink, Tex., omnirange station, including a north alternate; Midland, Tex., omnirange station, including a north alternate from the Wink omnirange station to the Midland omnirange station via the point of intersection of the Wink omnirange 066° True and the Hobbs, N. Mex., omnirange 147° True radials; Big Spring, Tex., omnirange station, including a north alternate from the Wink omnirange station to the Big Spring omnirange station via the intersection of the Wink omnirange 066° True and the Big Spring omnirange 271° True radials;"

8. Section 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.)* is amended by changing the portion which reads: "Anniston, Ala., omnirange station;" to read: "Anniston, Ala., omnirange station, including a north alternate from the Meridian omnirange station to the Anniston omnirange station via the point of intersection of the Meridian omnirange 040° True and the Tuscaloosa omnirange 239° True radials, the Tuscaloosa, Ala., omnirange station and the Birmingham, Ala., omnirange station;"

9. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by changing the portion which reads: "Mobile, Ala., omnirange station;" to read: "Mobile, Ala., omnirange station, including a north alternate from the New Orleans omnirange station to the Mobile omnirange station via the intersection of the New Orleans omnirange 036° True and the Mobile omnirange 260° True radials;".

10. Section 600.6037 is amended to read:

§ 600.6037 *VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.).* From the Savannah, Ga., omnirange station via the Columbia, S. C., omnirange station; Charlotte, N. C., omnirange station; Pulaski, Va., omnirange station; Elkins, W. Va., omnirange station; Morgantown, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; to the Erie, Pa., omnirange station.

11. Section 600.6062 is amended to read:

§ 600.6062 *VOR civil airway No. 62 (Santa Fe, N. Mex., to Abilene, Tex.).* From the Santa Fe, N. Mex., omnirange station via the Anton Chico, N. Mex., omnirange station; intersection of the Anton Chico omnirange 109° True and the Lubbock omnirange 311° True radials; Lubbock, Tex., omnirange station; intersection of the Lubbock omnirange 101° True and the Abilene omnirange 327° True radials; to the Abilene, Tex., omnirange station.

12. Section 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Sulphur Springs, Tex.)* is amended by changing all before the Yuma, Ariz., omnirange station to read: "That airspace over United States territory from the San Diego, Calif., omnirange station via the intersection of the San Diego omnirange 098° True and the El Centro omnirange 265° True radials; El Centro, Calif., omnirange station; Yuma, Ariz., omnirange station;" and by changing the portion which reads: "Midland, Tex., omnirange station; Big Spring, Tex., omnirange station; Abilene, Tex., omnirange station;" to read "Midland, Tex., omnirange station; intersection of the Midland omnirange 090° True and the Abilene omnirange 247° True radials; Abilene, Tex., omnirange station;".

13. Section 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.)* is amended by changing the portion which reads: "Midland, Tex., omnirange station, including a south alternate; San Angelo, Tex., omnirange station, including a south alternate;" to read: "Midland, Tex., omnirange station, including a south alternate from the Hobbs omnirange station to the Midland omnirange station via the point of intersection of the Hobbs omnirange 147° True and the Wink, Tex., omnirange 066° True radials; San Angelo, Tex., omnirange station, including a south alternate via the intersection of the Midland omnirange 146° True and the San Angelo omnirange 278° True radials;".

14. Section 600.6069 is amended by changing the caption to read: *"VOR civil airway No. 69 (Shreveport, La., to Chicago, Ill.)."* and by changing all before the Walnut Ridge, Ark., omnirange station to read: "From the Shreveport, La., omnirange station via the intersection of the Shreveport omnirange 087° True and the El Dorado omnirange 217° True radials; El Dorado, Ark., omnirange station; intersection of the El Dorado omnirange 041° True and the Pine Bluff omnirange 210° True radials; Pine Bluff, Ark., omnirange station; point of intersection of the Little Rock, Ark., omnirange 062° True and the Memphis, Tenn., omnirange 276° True radials; Walnut Ridge, Ark., omnirange station;".

15. Section 600.6079 *VOR civil airway No. 79 (Culberson, Tex., to Lubbock, Tex.)* is amended by changing the portion which reads: "Hobbs, N. Mex., omnirange station; the intersection of the Hobbs omnirange 086° True and the Lubbock omnirange 199° True radials to the Lubbock, Tex., omnirange station." to read: "Hobbs, N. Mex., omnirange station to the Lubbock, Tex., omnirange station."

16. Section 600.6094 is amended to read:

§ 600.6094 *VOR civil airway No. 94 (El Paso, Tex., to Longview, Tex.).* From the Newman, Tex., omnirange station via the intersection of the Newman omnirange 091° True and the Salt Flat omnirange 312° True radials; Salt Flat, Tex., omnirange station; Carlsbad, N. Mex., omnirange station; to the Hobbs, N. Mex., omnirange station. From the Abilene, Tex., omnirange station via the intersection of the Abilene omnirange 096° True and the Britton omnirange 264° True radials; Britton, Tex., omnirange station; to the Gregg County, Tex., omnirange station.

17. Section 600.6117 is amended to read:

§ 600.6117 *VOR civil airway No. 117 (El Centro, Calif., to Daggett, Calif.).* From the El Centro, Calif., omnirange station via the intersection of the El Centro omnirange 350° True and the Thermal omnirange 122° True radials; Thermal, Calif., omnirange station; to the Daggett, Calif., omnirange station. The portion of this airway which overlaps the Salton Sea restricted area (R–303) is excluded.

18. Section 600.6134 is amended to read:

§ 600.6134 *VOR civil airway No. 134 (Evergreen, Ala., to Columbus, Ga.).* From the Evergreen, Ala., omnirange station via the point of intersection of the Dothan, Ala., terminal omnirange 336° True and the Montgomery, Ala., omnirange 123° True radials; to the Columbus, Ga., omnirange station.

19. Section 600.6244 is added to read:

§ 600.6244 *VOR civil airway No. 244 (Oakland, Calif., to Modesto, Calif.).* From the Oakland, Calif., omnirange station via the intersection of the Oakland omnirange 078° True and the Modesto omnirange 312° True radials; to the Modesto, Calif., omnirange station.

20. Section 600.6259 is added to read:

§ 600.6259 *VOR civil airway No. 259 (Charlotte, N. C., to Tri-City, Tenn.).* From the Charlotte, N. C., omnirange station to the Tri-City, Tenn., omnirange station.

21. Section 600.6261 is added to read:

§ 600.6261 *VOR civil airway No. 261 (Pulaski, Va., to Hinton, W. Va.).* From the Pulaski, Va., omnirange station to the point of intersection of the Charleston, W. Va., omnirange 129° True and the Montebello, Va., omnirange 256° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. January 10, 1957.

[SEAL] JAMES T. PYLE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 56–10289; Filed, Dec. 18, 1956; 8:45 a. m.]

[Amdt. 1]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1158 *Control area extension (Cleveland, Ohio)* is amended by deleting the words which read: "excluding the portion which overlaps the Akron caution area (No. C–419)."

2. Section 601.1172 is amended to read:

§ 601.1172 *Control area extension (Rantoul, Ill.).* That airspace within a 25-mile radius of the Chanute Air Force Base, Rantoul, Ill.

3. Section 601.1390 *Control area extension (Oahu-Molokai, T. H.)* is amended by correcting the coordinates which read: "Latitude 21°10'00" N., Longitude 157°26'15" W., to latitude 21°14'30" N., longitude 157°36'15" to read: "latitude 21°09'30" N., longitude 157°27'00" W., to latitude 21°14'00" N., longitude 157°36'45" W.,".

4. Section 601.1412 *Control area extension (Marysville, Calif.)* is amended by correcting the first portion to read: "That airspace east of Marysville bounded on the west by VOR civil airway No. 23, on the north by VOR civil airway No. 200, on the south by VOR

civil airway No. 212 and on the east by restricted area R–265 and a line extending from a point at latitude 39°15'00", longitude 121°30'00" northward along longitude 121°30'00" to the southern edge of VOR civil airway No. 200;".

5. Section 601.1417 is added to read:

§ 601.1417 *Control area extension (El Dorado, Ark.).* Within 5 miles either side of 137° and 317° True bearings extending from the El Dorado nondirectional radio beacon to points 25 miles southeast and 15 miles northwest, and within 5 miles either side of the 37° true radial of the El Dorado omnirange extending from the omnirange station to a point 15 miles northeast.

6. Section 601.2257 is amended to read:

§ 601.2257 *Rantoul, Ill., control zone.* Within a 5-mile radius of Chanute Air Force Base, Rantoul, Ill., and within 2 miles either side of a line bearing 226° True extending from the Air Force Base to a point 14 miles southwest.

7. Section 601.2283 *Atlanta, Ga., control zone* is amended by adding the following portion to present Dobbins AFB control zone: "and within 2 miles either side of the centerline of the northwest-southeast runway (runway 10) extending from the 5-mile radius zone to a point 5 miles northwest of Lost Mountain nondirectional radio beacon."

8. Section 601.2398 is added to read:

§ 601.2398 *El Dorado, Ark., control zone.* Within a 5-mile radius of Goodwin Field, El Dorado, Ark., within 2 miles either side of a 317° True bearing extending from the El Dorado nondirectional radio beacon to a point 10 miles northwest, and within 2 miles either side of the 37° True radial of the El Dorado omnirange extending from the omnirange station to a point 10 miles northeast.

9. Section 601.4284 *Red civil airway No. 84 (Meridian, Miss., to Columbus, Ga.)* is amended by deleting the following reporting point: "Craig AFB radio range station, Selma, Ala.;".

10. Section 601.4619 is amended to read:

§ 601.4619 *Blue civil airway No. 19 (Key West, Fla., to Orlando, Fla.).* The intersection of the north course of the Perrine, Fla., radio range and the west course of the West Palm Beach, Fla., radio range.

11. Section 601.5001 *Other reporting points* is amended by correcting the East Nantucket Intersection by changing the words which read "a line bearing 77° True" to read: "a line bearing 82° True".

12. Section 601.6009 is amended to read:

§ 601.6009 *VOR civil airway No. 9 control areas (New Orleans, La., to Milwaukee, Wis.).* All of VOR civil airway No. 9 including east and west alternates.

13. Section 601.6020 is amended to read:

§ 601.6020 *VOR civil airway No. 20 control areas (Laredo, Tex., to Richmond, Va.).* All of VOR civil airway No. 20 including north and south alternates, but excluding the airspace between the main airway and its north alternate airway from the New Orleans, La., omnirange station to the Mobile, Ala., omnirange station and also excluding the airspace between the main airway and its north alternate airway from the Atlanta, Ga., omnirange station to the Spartanburg, S. C., omnirange station.

14. Section 601.6062 is amended to read:

§ 601.6062 *VOR civil airway No. 62 control areas (Santa Fe, N. Mex., to Abilene, Tex.).* All of VOR civil airway No. 62.

15. Section 601.6069 is amended to read:

§ 601.6069 *VOR civil airway No. 69 control areas (Shreveport, La., to Chicago, Ill.).* All of VOR civil airway No. 69.

16. Section 601.6094 is amended to read:

§ 601.6094 *VOR civil airway No. 94 control areas (El Paso, Tex., to Longview, Tex.).* All of VOR civil airway No. 94.

17. Section 601.6134 is amended to read:

§ 601.6134 *VOR civil airway No. 134 control areas (Evergreen, Ala., to Columbus, Ga.).* (All of VOR civil airway No. 134.

18. Section 601.6244 is added to read:

§ 601.6244 *VOR civil airway No. 244 control areas (Oakland, Calif., to Modesto, Calif.).* All of VOR civil airway No. 244.

19. Section 601.6259 is added to read:

§ 601.6259 *VOR civil airway No. 259 control areas (Charlotte, N. C., to Tri-City, Tenn.).* All of VOR civil airway No. 259.

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Bonham, T. H., restricted area (R–509) (Hawaiian Islands.)	Beginning at latitude 22°12'45" North, longitude 159°43'00" West; thence to latitude 22°09'20" North, longitude 159°43'00" West; thence counterclockwise along the shoreline of the Island of Kauai, T. H., to latitude 21°58'00" North, longitude 159°43'00" West; thence to latitude 21°55'00" North, longitude 159°43'00" West; thence clockwise along a line 3 nautical miles from the shore line of the Island of Kauai, T. H., to latitude 22°12'45" North, longitude 159°43'00" West; the point of beginning.	Surface to 5,000 feet mean sea level.	Continuous.....	Comair, T. H.

20. Section 601.6261 is added to read:

§ 601.6261 *VOR civil airway No. 261 control areas (Pulaski, Va., to Hinton, W. Va.).* All of VOR civil airway No. 261.

21. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Newman, Tex., omnirange station.
Appleton, Ohio, omnirange station.
White Hills Intersection: The intersection of the Needles, Calif., omnirange 004° True and the Las Vegas, Nev., omnirange 121° True radials.

by correcting the name "Sequin Intersection" to read "Seguin Intersection", and by revoking the following reporting point:

Columbus, Ohio, omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., January 10, 1957.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–10290; Filed, Dec. 18, 1956; 8:45 a. m.]

[Amdt. 182]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.62, a Bonham, Territory of Hawaii, restricted area R–509, is added to read:

2. In §608.61, the Fairbanks, Alaska, area (R–845 formerly D–345), amended on December 19, 1953, in 18 F. R. 8567 is further amended by changing the "Controlling Agency" column to read: "Alaska Air Command, Elmendorf AFB, Alaska".

3. In § 608.61, the Big Delta, Alaska, area (R–346), amended on October 31, 1951, in 16 F. R. 11066, is further amended by changing the "Controlling Agency" column to read: "Arctic Test Branch, Army Field Forces, Fort Greely, Alaska".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 10, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–10302; Filed, Dec. 18, 1956; 8:45 a. m.]

[Amdt. 183]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.31, the Grand Marais, Minnesota, temporary area (R–187A) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Grand Marais, Minn., temporary restricted area (R–187A) (Duluth, Lake Superior charts).	From latitude 47°26'00", longitude 90°53'00"; to latitude 47°04'00", longitude 90°35'00"; to latitude 47°29'00", longitude 89°30'00"; to latitude 47°50'00", longitude 89°48'00"; to point of beginning.	Surface to 50,000 feet mean sea level.	Day and night.	31st Air Division (Defense), St. Paul, Minn.

NOTE: This area only to be used during VFR weather conditions.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from January 1, 1957, through March 31, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–10303; Filed, Dec. 18, 1956; 8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.307]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

AMENDMENT OF VISA REGULATION

Part 42, Chapter I, Title 22 of the Code of Federal Regulations, is amended in the following respect:

Subdivision (i) of subparagraph (19) *Fraud and misrepresentation* of paragraph (a) of § 42.42 *Classes of aliens ineligible to receive immigrant visas,* is amended to read as follows:

(i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation by fraud or by willfully misrepresenting a material fact for the purpose of gaining admission into the United States, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive an immigrant visa under the provisions of section 212 (a) (19) of the act: *Provided,* That the provisions of this subdivision shall not be applicable in the case of a bona fide refugee if such fraud or misrepresentation was committed in connection with the alien's entry into, or sojourn in, a foreign country and consisted of obtaining travel documents or of misrepresenting his place of birth, and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case: *Provided further,* That such fraud or misrepresentation was not committed for the purpose of evading the quota restrictions of the United States immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a United States visa. The fact that an alien may be or may have been a bona fide refugee shall not be considered as sufficient in itself to remove the alien from any excludable class.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves a foreign affairs function of the United States.

Dated: December 11, 1956.

SCOTT MCLEOD,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[F. R. Doc. 56–10306; Filed, Dec. 18, 1956; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 531—BONDS OF ACCOUNTABLE OFFICERS

PART 535—PAYMENT OF BILLS AND ACCOUNTS

Subchapter D—Military Reservations and National Cemeteries

PART 557—SERVICE CLUBS AND LIBRARIES

REVOCATIONS

1. Part 531, including §§ 531.1 and 531.2, pertaining to bonds of accountable officers, is hereby revoked.

2. Sections 535.10 through 535.17, pertaining to payments under leases, are hereby revoked.

3. Sections 557.1 through 557.6, pertaining to service clubs, are hereby revoked.

[AR 600–13, September 26, 1956, which supersedes AR 35–220, December 31, 1946; DA Cir. 310–35, May 4, 1956, rescinding AR 35–6080, March 24, 1922; and AR 28–125, September 4, 1956, which supersedes AR 680–60, February 23, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 56–10301; Filed, Dec. 18, 1956; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

VARIATIONS IN ARTICLE 3 (TAX CREDIT)

In § 1498.2, paragraph (d) *Variations in article 3 (tax credit)* is amended as follows:

1. In provision (a) set forth in subparagraph (1), the words "said section 3806" are deleted and the words "said section 1481" are inserted in lieu thereof.

2. In provision (a) set forth in subparagraph (3), the words "chapter 1 of" are deleted.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: December 14, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56–10321; Filed, Dec. 18, 1956; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 203—DESTRUCTION OF RECORDS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 2, held at

its office in Washington, D. C., on the 7th day of December A. D. 1956.

The matter of regulations to govern the destruction of carrier records being under consideration pursuant to provisions of section 220 (d) of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 927, 49 U. S. C. 320); and,

It appearing that common and contract motor carriers of property which pursuant to an order entered September 27, 1956, will be designated Class II effective January 1, 1957, are now and properly should continue to be subject to the Regulations to Govern the Destruction of Records of Class I Motor Carriers, issue of 1955, so that the provisions hereinafter impose no additional requirements on the carriers subject thereto and the public rule making provisions of section 4 (a) of the Administrative Procedure Act are deemed to be unnecessary;

It is ordered, That regulations in this part be modified as follows:

(1) Delete the footnote 1 to the center heading: "Motor Carriers Other Than Class I Motor Carriers," which footnote defines Class I carriers.

(2) Prescribe the following new and additional provision:

§ 203.4 *Class II motor carriers of property.* Notwithstanding other provisions of §§ 203.1 and 203.3, inclusive, to the contrary, Class II common and contract motor carriers of property, as defined in § 182.01–1 of this subchapter, shall on and after January 1, 1957 comply with the regulations in §§ 203.301 to 203.307 inclusive, before destroying their operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence and documents.

It is further ordered, That this order shall be filed with the Director of the Division of the Federal Register.

By the Commission, division 2.

(49 Stat. 548, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–10311; Filed, Dec. 18, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO–292]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900); notice is hereby given of a public hearing to be held in the Pacific Power and Light Auditorium, 7 North Third Street, Yakima, Washington, beginning at 10:00 a. m., P. s. t., January 14, 1957, with respect to a proposed marketing agreement and order regulating the handling of sweet cherries grown in designated counties in the State of Washington. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, and to any appropriate modifications thereof.

The officers and directors of the Cherry Institute, Yakima, Washington, and the Cherry Advisory Committee, Washington State Fruit Commission, Yakima, Washington, jointly submitted and requested a hearing on the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with asterisks (* * *) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

SECTION 1. *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

SEC. 2. *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

SEC. 3. *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

SEC. 4. *Production area.* "Production area" means all of the territory included within the Counties of Okanogan, Chelan, Douglas, Grant, Yakima, and Benton, within the State of Washington.

SEC. 5. *Cherries.* "Cherries" means all varieties of sweet cherries grown in the production area, classified botanically as Prunus avium.

SEC. 6. *Varieties.* "Varieties" means and includes all classifications or subdivisions of Prunus avium according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

SEC. 7. *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the twelve-month period ending on March 31 of each year or such other date that may be approved by the Secretary pursuant to recommendations by the Committee.

SEC. 8. *Committee.* "Committee" means the Washington Cherry Marketing Committee established pursuant to section 20.

SEC. 9. *Grade and size.* "Grade" means any one of the officially established grades of cherries, and "size" means any one of the officially established sizes of cherries, as defined and set forth in:

(a) United States Standards for sweet cherries issued by the United States Department of Agriculture, effective May 14, 1956 (21 F. R. 2371), or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for sweet cherries issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

SEC. 10. *Grower.* "Grower" is synonymous with producer and means any person who produces cherries for market and who has a proprietary interest therein.

SEC. 11. *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting cherries owned by another person) who handles cherries or causes cherries to be handled.

SEC. 12. *Handle.* "Handle" and "Ship" are synonymous and mean to sell, consign, deliver, or transport cherries between the production area and any point outside thereof.

SEC. 13. *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to section 31 (m):

(a) "District 1" shall include the counties of Chelan, Okanogan, Douglas, and Grant.

(b) "District 2" shall include the counties of Yakima and Benton.

SEC. 14. *Export.* "Export" means any shipment of cherries beyond the continental boundaries of the United States.

SEC. 15. *Pack.* "Pack" means a unit of cherries in any type of container and which falls within specific size, weight, or count limits, or within specific grade limits, or both.

SEC. 16. *Container.* "Container" means a box, bag, crate, lug, basket, carton, package, or any other type of unit used in the packaging or handling of cherries.

ADMINISTRATIVE BODY

SEC. 20. *Establishment and membership.* (a) There is hereby established a Washington Cherry Marketing Committee consisting of 15 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Ten of the members and their respective alternates shall be growers. Four of the grower members and their respective alternates shall be producers of cherries in District 1, and six of the grower members and their respective alternates shall be producers of cherries in District 2. Five of the members and their respective alternates shall be handlers, or employees of handlers. Two of the handler members and their respective alternates shall be handlers of cherries in District 1, and three of the handler members with their respective alternates shall be handlers of cherries in District 2.

(b) The 10 members of the committee who shall be growers are hereinafter referred to as "grower" members of the committee; and the 5 members of the committee who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee.

SEC. 21. *Term of office.* The term of office of each member and alternate member of the committee shall be for 2 years beginning April 1 and ending March 31. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and qualified. The terms of office of such members and alternates shall be so determined that one-half of the total committee membership shall terminate each March 31.

SEC. 22. *Nomination*—(a) *Initial members.* Nominations for each of the 10 initial grower members and 5 initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified, in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in section 23.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 15 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers who are present at such nomination meetings shall participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces cherries. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by duly authorized agents, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles cherries. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

SEC. 23. *Selection.* The Secretary shall select members and alternates on the following basis (unless otherwise apportioned pursuant to section 31 (m):

(a) Four grower members and two handler members with their respective alternates, from District 1;

(b) Six grower members and three handler members with their respective alternates, from District 2.

SEC. 24. *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in section 22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in section 23.

SEC. 25. *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

SEC. 26. *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in sections 22 and 23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in section 23.

SEC. 27. *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member may designate any other alternate from the same district and group (handler or grower) to serve in his place and stead.

SEC. 30. *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this marketing agreement and order in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this marketing agreement and order;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this marketing agreement and order; and

(d) To recommend to the Secretary amendments to this marketing agreement and order.

SEC. 31. *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cherries;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this marketing agreement and order;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in cherry production within the districts and the production area.

means the Secretary of Agriculture of the

14, 1956 (21 F. R. 2371), or amendments

mittee consisting of 15 members, each of whom shall have an alternate who

SEC. 32. *Procedure.* (a) Eight members of the committee, of which five must be growers, or alternates acting for members, shall constitute a quorum and any action of the committee shall require the concurring vote of at least two-thirds of those present.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

SEC. 33. *Expenses and compensation.* The members of the committee, and their alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this marketing agreement and order and may also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

SEC. 34. *Annual report.* The Committee shall, prior to the last day of each fiscal period, prepare, and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the cherry industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

SEC. 40. *Expenses.* The Committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this marketing agreement and order during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in section 41.

SEC. 41. *Assessments.* (a) Each person who first handles cherries shall, with respect to the cherries so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of cherries handled by him as the first handler thereof during the applicable fiscal period and the total quantity of cherries so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this marketing agreement and order throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all cherries handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this marketing agreement and order during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

SEC. 42. *Refunds.* (a) If, at the end of a fiscal period, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal period. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any such handler's refund may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided*, That upon termination of this marketing agreement and order any money in the reserve for liquidation, or any money collected from assessments and remaining unexpended, which is not required to defray the necessary expenses of the committee liquidation shall be distributed in such manner as the Secretary may direct.

SEC. 43. *Accounting.* All funds received by the committee pursuant to the provisions of this marketing agreement and order shall be used solely for the purposes specified in this marketing agreement and order, and shall be accounted for in the manner provided in this marketing agreement and order. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

SEC. 45. *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cherries. The expense of such projects shall be paid from funds collected pursuant to section 41.

REGULATIONS

SEC. 50. *Marketing policy.* Each season prior to making any recommendations pursuant to section 51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(a) The estimated total production of cherries within the production area;

(b) The expected general quality and size of cherries in the production area and in other areas;

(c) The expected demand conditions for cherries in different market outlets;

(d) The expected shipments of cherries produced in the production area and in areas outside the production area;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of cherries; and

(h) The type of regulations expected to be recommended during the season.

In the event it becomes advisable, because of changes in the supply and demand situation for cherries, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, and copies therof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

SEC. 51. *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of cherries in the manner provided in section 52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for cherries during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

SEC. 52. *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of cherries whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of particular grades, sizes, qualities, maturities, packs, or containers, or any combination thereof, of any variety or varieties of cherries grown in any portion or portions of the production area;

(2) Limit the shipment of cherries by establishing, in terms of grades, sizes,

or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of cherries or both.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

SEC. 53. *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to section 52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of cherries in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

SEC. 54. *Special purpose shipments.* (a) Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to sections 41, 52, 55, or any combination thereof, in order to facilitate shipments of cherries for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(1) For export;

(2) For consumption by charitable institutions;

(3) For distribution by relief agencies;

(4) For canning and freezing;

(5) For brining;

(6) For shipments below certain minimum quantities;

(7) For such other specified purposes or types of shipments as the committee, with the approval of the Secretary, may prescribe.

(b) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent cherries handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle cherries pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the cherries will not be used for any purpose not authorized by this section. The committee may rescind or deny any authority to make such shipments which have been issued to any shipper if proof is obtained that cherries shipped by him for the purposes stated in this section were handled contrary to the provisions of this marketing agreement and order.

SEC. 55. *Inspection and certification.* (a) Whenever the handling of any variety of cherries is regulated pursuant to section 52, each handler who handles cherries shall, prior thereto, cause each lot of cherries handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation;

(b) Regrading, resorting, or repacking any lot of cherries shall invalidate any prior inspection certificates covering such cherries insofar as the requirements of this section are concerned. During any period in which shipments of cherries are regulated, as aforesaid, no handler shall handle cherries after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such cherries are inspected and covered by an inspection certificate as required in paragraph (a) of this section;

(c) Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

REPORTS

SEC. 60. *Reports.* (a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such information as may be necessary to enable the committee to perform its duties under this part.

(b) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this marketing agreement and order and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

SEC. 61. *Compliance.* Except as provided in this part, no person shall handle cherries, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle cherries except in conformity with the said provisions and the regulations issued thereunder.

SEC. 62. *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

SEC. 63. *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature hereto, and shall continue in force until terminated in one of the ways specified in section 64.

SEC. 64. *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of cherries for market: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of cherries produced for market in the production area; but such termination shall be effective only if announced on or before March 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

SEC. 65. *Proceedings after termination.* (a) Upon the termination of the provisions hereof, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

come inoperative.

collected pursuant to section 41.

establishing, in terms of grades, sizes,

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

SEC. 66. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

SEC. 67. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person hereunder shall cease upon the termination of this part hereof, except with respect to acts done under and during the existence of this part.

SEC. 68. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

SEC. 69. *Derogation.* Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 70. *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgement, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

SEC. 71. *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder thereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

SEC. 72. *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

SEC. 73. *Additional parties.* After the effective date of this part, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

SEC. 74. *Order with Marketing Agreement.* Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of cherries in the same manner as is provided for in this agreement.***

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

Done at Washington, D. C., this 14th day of December 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 56-10328; Filed, Dec. 18, 1956; 8:49 a. m.]

[7 CFR Part 953]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956-57 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $154,380.00 will be necessarily incurred during the fiscal year ending October 31, 1957, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles lemons shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at one cent per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

Dated: December 12, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-10318; Filed, Dec. 18, 1956; 8:48 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 6664]

SERVICE TO HAZLETON, PA.

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 16, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 13, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-10332; Filed, Dec. 18, 1956; 8:50 a. m.]

[Docket No. 6179 et al.]

SYRACUSE-NEW YORK CITY CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 9, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets

NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 13, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-10333; Filed, Dec. 18, 1956; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order No. SA-1]

CERTAIN BULGARIAN, HUNGARIAN, AND RUMANIAN DEBTORS

ORDER FIXING BAR DATE FOR FILING DEBT CLAIMS

In accordance with section 208 (b) of the International Claims Settlement Act of 1949, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order No. 10644, March 11, 1957, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of Bulgarian, Hungarian, and Rumanian debtors, any of whose property was first vested in or transferred to the Attorney General between March 13, 1956, and August 31, 1956, inclusive.

(Public Law 285, 84th Cong., 69 Stat. 252; E. O. 10644, November 7, 1955, 20 F. R. 8363)

Executed at Washington, D. C., this 11th day of December 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 56-10322; Filed, Dec. 18, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order No. 505]

CALIFORNIA

SMALL TRACT OPENING

DECEMBER 10, 1956.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands totaling 720 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 4 S., R. 11 E.,
Sec. 2, S½NW¼;
Sec. 3, S½N½;
Sec. 4, S½N½;
Sec. 5, S½N½;
Sec. 6, S½N½.

The lands comprise 288 small tracts and contain a total of 720 acres. The tracts are not covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are accessible from Twentynine Palms via asphalt-paved road to within 6 miles. Then, the road continues in an easterly direction as a graded unsurfaced road along on the north lines of the sections. The distance from Twentynine Palms is 9 miles to the near point and 15 miles to the eastern boundary of the lands.

The lands are level to moderately sloping, situated at elevations ranging from approximately 1,200 to 1,600 feet above sea level. The soil varies from sand to coarse sand, strewn with scattered cobbles. Portions of the area are covered by a desert pavement.

The vegetation consists of a creosote bush aspect with an understory of galleta grass, bur sage, cacti, annual grasses, and forbs. Availability of domestic water supply from underground sources is not known as no wells have been drilled in the vicinity of the lands.

4. The lands will be leased and sold in tracts of 2½ acres each, more or less, 330 x 330 feet in size, and described as aliquot parts of the section. The tracts will be subject to all existing rights-of-way and to rights-of-way for public roads and utilities as described below. Such rights-of-way may be utilized by the Federal Government or the State, County, or municipality in which the tract is located or by any agency thereof.

Sec. 2, 33 feet along the interior boundary of the east and west lines of the S½NW¼; 16½ feet along the north and south lines of the S½NW¼, the south line of the N½S½NW¼, and the north line of the S½S½NW¼.
Sec. 3, 33 feet along the interior boundary of the east and west lines of the S½N½; 16½ feet along the north and south lines of the S½N½, the south line of the N½S½N½, and the north line of the S½S½N½.
Sec. 4, 33 feet along the interior boundary of the east and west lines of the S½N½; 16½ feet along the north and south lines of the S½N½, the south line of the N½S½N½, and the north line of the S½S½N½.
Sec. 5, 33 feet along the interior boundary of the east and west lines of the S½N½; 16½ feet along the north and south lines of the S½N½, the south line of the N½S½N½, and the north line of the S½S½N½.
Sec. 6, 33 feet along the interior boundary of the east and west lines of the S½N½; 16½ feet along the north and south lines of the S½N½; the south line of the N½S½N½, and the north line of the S½S½N½.

All minerals in the lands will be reserved to the United States.

5. Leases will be issued to qualified applicants for a term of three (3) years and will contain an option to purchase in accordance with 43 CFR 257.13. The appraised value is $40 per acre, or $100 per tract. The advance rental is $30. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price indicated above providing that during the period of their leases they either (a) construct the improvements specified in Paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in Paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The residence must be suitable for year-round use, on a permanent foundation, and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete or cement slab foundations are acceptable. Concrete piers are not acceptable as foundations.

8. The lands are now open to filing of drawing-entry cards (Form 4-775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Land Office, 5th Floor, Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., March 12, 1957. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776), with instructions as to their execution and return and as to payment of fees and rentals.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, 5th Floor Bartlett Building, 215

West Seventh Street, Los Angeles 14, California.

R. G. SPORLEDER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

DECEMBER 10, 1956.

[F. R. Doc. 56-10305; Filed, Dec. 18, 1956; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6718]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

DECEMBER 13, 1956.

Take notice that on December 7, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by North western Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware, and doing business in the States of South Dakota and Nebraska, with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of not to exceed 54,120 shares of Applicant's Common Stock, par value $3.00 per share. Applicant proposes to offer to the holders of its shares of outstanding Common Stock, on the record date to be fixed for such purpose, in accordance with the preemptive rights of such stockholders, the right to subscribe for such of the 54,120 shares of additional Common Stock as may be issued, on a pro rata basis, at the rate of one share of new Common Stock for each 10 shares of Common Stock then held, or at an appropriate related figure if the number of shares of Common Stock to be issued is reduced to less than 54,120 shares. The gross proceeds to the Applicant from the sale of such shares of Common Stock are expected to be between $800,000 and $900,000, and in any event less than $1,000,000. The proceeds of the proposed sale of Common Stock are to be used for financing a portion of Applicant's construction expenditures in 1957.

Any person desiring to be heard or to make any protest with reference to said application, should on or before the 31st day of December 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of pratice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-10307; Filed, Dec. 18, 1956; 8:46 a. m.]

[Docket No. G-10968]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 13, 1956.

Take notice that Pacific Northwest Pipeline Corporation (Applicant) a Delaware corporation, having its principal place of business in Salt Lake City, Utah (Post Office Box 1526), filed on August 24, 1956, an application and on November 6, 1956, a supplement thereto for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of two main line taps and measuring and regulating stations and to sell and deliver natural gas to Intermountain Gas Company, Inc., for resale in the Villages of Bancroft and Kimberly, Idaho, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Neither of said towns has gas service at present. Applicant proposes to construct a measuring and regulating station for each village to be located as follows:

Bancroft meter station, approximately 6 miles south of the Bancroft city limits.
Kimberly meter station, approximately 1½ miles south of the Kimberly city limits.

Applicant will finance the cost of construction out of current available funds.

The estimated cost of the proposed facilities is $12,670 for Bancroft and $12,916 for Kimberly.

The estimated demands for Bancroft and Kimberly, respectively, are as follows:

Year of service	1	2	3
Annual (Mfc)	5,738	7,166	8,482
Peak day (Mfc)	68	84	99
Annual (Mfc)	16,632	35,680	39,361
Peak (Mfc)	182	395	444

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 10, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-10308; Filed, Dec. 18, 1956; 8:46 a. m.]

[Docket No. G-11, 222]

WESTERN KENTUCKY GAS CO.

NOTICE OF APPLICATION

DECEMBER 13, 1956.

Take notice that Western Kentucky Gas Company (Applicant), a Delaware corporation with its principal place of business located at Owensboro, Kentucky, filed on October 10, 1956, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transmission facilities with Applicant's proposed natural gas system and to sell natural gas to Applicant for resale and distribution in and adjacent to the City of Calhoun, McLean County, Kentucky, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant states that it is a natural gas distribution company operating entirely within the Commonwealth of Kentucky, serving 50 communities, and that it has been exempted from regulation under the Natural Gas Act by the Hinshaw Amendment. Applicant also states that it has obtained a franchise to construct and operate a gas distribution system in Calhoun.

Applicant proposes to construct and operate approximately 2 miles of 2⅜-inch lateral transmission line extending from a point of interconnection with Texas Gas' 26-inch transmission line to the City of Calhoun, together with a town border station and a distribution system in Calhoun. The estimated cost of the transmission lateral is $26,000 and the estimated cost of the distribution system is $54,000. The Applicant plans to finance this construction through short term bank loans and retained earnings.

The estimated annual gas requirements and peak day gas requirements in Mcf at 14.73 psia for the first 3 years of operation are as follows:

Year	Annual	Peak day
1	14,413	129
2	21,471	203
3	27,377	268

At present, Texas Gas, in its delivery Zone 3, has a delivery obligation to the Applicant of 58,830 Mcf at 15.025 psia (60,007 at 14.73 psia) on a peak day. Applicant asserts that it does not require an additional allocation of gas from Texas Gas to provide its proposed service to Calhoun and that the existing obligation of Texas Gas in Zone 3, as shown above, is sufficient to provide the proposed service.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 31, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-10309; Filed, Dec. 18, 1956; 8:46 a. m.]

[Docket No. G-11525]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

DECEMBER 13, 1956.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation with principal place of business at Houston, Texas, filed in Docket No. G-11525 on November 23, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and, to sell and deliver natural gas in interstate commerce to the City of Shelby, North Carolina (Shelby), for resale by said City.

The facilities proposed to be constructed and operated by Applicant consist of an additional unit of 2,500 b. h. p. to be installed at its compressor station No. 6 and another additional unit of 2,500 b. h. p. to be installed at its compressor station No. 8. These new facilities will be utilized to increase firm deliveries of natural gas to Shelby to enable that city to sell up to 3,500 Mcf per day on a firm basis to the Pittsburgh Plate Glass Company (Pittsburgh) for use in the manufacture of glass fibers in a plant to be constructed nearby, and to enable Shelby to meet its own anticipated increased needs of 295 Mcf per day.

Contingent upon Applicant's receiving from the Commission an appropriate certificate of public convenience and necessity by February 15, 1957, Shelby has agreed to increase its contract demand as follows:

Winter season:	*Demand at 14.73 psia*
1957-58	1,343 Mcf/day.
1958-59	5,509 Mcf/day.
1959-60	5,951 Mcf/day.

The application states in support of the requested authorization that the major part of the increased allocation will be resold by Shelby to Pittsburgh for use in the new fiber glass factory upon which construction is to commence in the spring of 1957 with completion scheduled on or about July 1, 1958, at a cost in excess of $15,000,000.

Applicant has estimated the over-all capital cost of constructing and installing the necessary facilities required to provide the proposed increased service at $1,375,000, which will be financed from cash on hand.

Applicant states in its application that no new reserves have been acquired for the proposed project.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 4, 1957.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-10310; Filed, Dec. 18, 1956; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

The organization description of the Office of the Administrator (including the Community Facilities Administration, the Urban Renewal Administration, and the Federal Flood Indemnity Administration) is amended to read as follows:

PART I—HOUSING AND HOME FINANCE AGENCY; ESTABLISHMENT AND ORGANIZATION

PART II—NATIONAL HOUSING COUNCIL; ADVISORY BOARD FOR AGENCY POLICY COORDINATION

PART III—RESPONSIBILITIES VESTED IN OR ASSIGNED TO THE HOUSING AND HOME FINANCE ADMINISTRATOR

A. General.
B. Federal National Mortgage Association.
C. National Voluntary Mortgage Credit Extension Committee.
D. Slum clearance and urban renewal.
E. Urban renewal service.
F. Grants for demonstration projects in urban renewal.
G. Grants for urban planning assistance.
H. Advances for public works planning.
I. College housing loans.
J. Public facility loans.
K. Community disposition program (AEC properties).
L. Federal flood indemnity.
M. Alaska housing loans.
N. Prefabricated housing loans.
O. War and emergency housing.
P. Defense community facilities and services.
Q. War public works.
R. First and second advance planning programs.
S. Other functions, delegated by the President.

PART IV—FUNCTIONS PERFORMED UNDER THE HOUSING AND HOME FINANCE ADMINISTRATOR, PURSUANT TO DELEGATION OF AUTHORITY FROM AND/OR AGREEMENT WITH ANOTHER FEDERAL AGENCY

A. School construction.
B. Civil defense planning.
C. Disaster relief.
D. Defense mobilization.
E. International cooperation.

PART V—CENTRAL OFFICE ORGANIZATION AND FUNCTIONS

A. Official headquarters.
B. General.
C. Administrator's immediate office.
1. Deputy Administrator.
(a) Community disposition staff (AEC properties).
2. Assistant Administrator.
3. International Housing Service.
4. Racial Relations Service.
D. Division of Plans and Programs.
E. Division of Law.
F. Division of Administration.
G. Division of Information.
H. Congressional Liaison Staff.
I. Division of Compliance.

PART VI—COMMUNITY FACILITIES ADMINISTRATION

PART VII—URBAN RENEWAL ADMINISTRATION

PART VIII—FEDERAL FLOOD INDEMNITY ADMINISTRATION

PART IX—HOUSING AND HOME FINANCE AGENCY FIELD SERVICE ORGANIZATION AND FUNCTIONS

A. Location and jurisdiction of HHFA Regional Offices.
B. General.

PART X—DELEGATIONS OF FINAL AUTHORITY; DESIGNATIONS OF ACTING ADMINISTRATOR, OTHER ACTING OFFICERS, AND ATTESTING OFFICERS

These parts supersede such parts of the organization description published at 15 F. R. 369 (1/21/1950), as amended at 19 F. R. 5238 (8/18/1954), as have not been previously superseded.

Nothing herein shall be construed to affect or impair any contract, remedy, right, or obligation which has accrued or will accrue by virtue of or pursuant to action previously taken under any regulation, order, operating instruction, or manual issuance in effect prior to the effective date of this revocation.

PART I—HOUSING AND HOME FINANCE AGENCY; ESTABLISHMENT AND ORGANIZATION

The Housing and Home Finance Agency was established by Reorganization Plan No. 3 of 1947, effective July 27, 1947 (61 Stat. 954, 5 U. S. C. 133y note) to provide a permanent agency responsible for the principal housing programs and functions of the Federal government.

The Housing and Home Finance Agency is headed by a Housing and Home Finance Administrator (hereinafter referred to as the Administrator), who is appointed by the President, by and with the advice and consent of the Senate. The Agency consists of the Office of the Administrator; three constituent units known as the Community Facilities Administration, the Urban Renewal Administration, and the Federal Flood Indemnity Administration; and three constituent agencies known as the Federal Housing Administration, the Public Housing Administration, and the Federal National Mortgage Association.[1]

PART II—NATIONAL HOUSING COUNCIL; ADVISORY BOARD FOR AGENCY POLICY COORDINATION

The National Housing Council, established in the Housing and Home Finance

[1] A statement of organization for each of the constituent agencies (FHA, PHA, and FNMA) is published separately by the respective agency.

Pipeline Corporation (Applicant) a Dela- currence in omission herein of the in- posed of as promptly as possible under

in the spring of 1957 with completion E. International cooperation. spective agency.

Agency by Reorganization Plan No. 3 of 1947, is composed of the Housing and Home Finance Administrator as Chairman, the Federal Housing Commissioner, the Public Housing Commissioner, the Chairman of the Federal Home Loan Bank Board, the Administrator of Veterans' Affairs or his designee, the Secretary of Agriculture or his designee, the Secretary of Commerce or his designee,[2] the Secretary of Labor or his designee,[3] the Secretary of Health, Education, and Welfare or his designee,[4] and the Secretary of Defense or his designee.[5] The Council was established to serve as a medium for promoting the most effective use of the housing functions administered within the Housing and Home Finance Agency and the other agencies represented on said Council, for facilitating consistency between such housing functions and activities and the general economic and fiscal policies of the Government, and for avoiding overlapping of such housing functions.

The Advisory Board for Agency Policy Coordination, established in the Housing and Home Finance Agency by Administrator's Reorganization Order 1 (19 F. R. 9303, 12/29/1954, as amended at 20 F. R. 6031, 8/18/1955), redesignated Administrator's Organizational Order No. 1 by Administrator's order dated December 7, 1956, is composed of the Administrator and heads of the constituent agencies and units and advises the Administrator in respect to major policy matters.

PART III—RESPONSIBILITIES VESTED IN OR ASSIGNED TO THE HOUSING AND HOME FINANCE ADMINISTRATOR

A. *General.* The Administrator has the major responsibility in guiding the Federal government's activities in housing toward the national housing objective set forth in the Housing Act of 1949 (42 U. S. C. 1441). The Act requires the Administrator to submit to the President and to the Congress estimates of national urban housing needs and to report on progress being made toward meeting them, and to recommend executive or legislative action to further the policy established by the Housing Act of 1949 (12 U. S. C. 1701e (b)). The Administrator is also directed to encourage localities to make studies of their own housing needs and plans for housing, urban land use, and related community developments. In addition, the Administrator is directed under section 602 of the Housing Act of 1956 (70 Stat. 1113, 12 U. S. C. 1701d-3) to undertake programs of investigation, analysis, and research to develop data and information on housing.

The Administrator is responsible under Reorganization Plan No. 3 of 1947, as supplemented by the Independent Offices Appropriation Act, 1955 (12 U. S. C. 1701c-1), for the general supervision and coordination of the functions of the constituent agencies of the Housing and Home Finance Agency, and he is Chairman of the National Housing Council.

B. *Federal National Mortgage Association.* The Administrator is Chairman of the Board of Directors of the Federal National Mortgage Association (12 U. S. C. 1723).

C. *National Voluntary Mortgage Credit Extension Committee.* The Administrator is Chairman of the National Voluntary Mortgage Credit Extension Committee (12 U. S. C. 1750cc) and is required to make an annual report of operations of the National Committee and the regional subcommittees to the Congress. The Administrator is responsible for providing the National Committee and each regional subcommittee with an office and staff assistance. The organization description of the National Voluntary Mortgage Credit Extension Committee is published as a separate document.

D. *Slum clearance and urban renewal.* Under Title I of the Housing Act of 1949, as amended (42 U. S. C. 1450), the Administrator is authorized to undertake an expanded program of Federal aid to assist local communities in the elimination of slums and blighted or deteriorating areas, in preventing the spread of slums and urban blight, and in providing maximum opportunity for redevelopment, rehabilitation, and conservation of such areas by private enterprise. In disaster areas, the Administrator is authorized to extend urban renewal assistance without regard to a number of the general requirements. Under section 312 of the Housing Act of 1954 (42 U. S. C. 1450 note), the Administrator is authorized to continue to extend financial assistance for completion of slum clearance and urban redevelopment projects in accordance with the provisions of Title I of the Housing Act of 1949 in effect prior to August 2, 1954. (Functions administered under the Urban Renewal Administration, Part VII, below.)

E. *Urban renewal service.* Under section 101 (d) of the Housing Act of 1949, as amended (42 U. S. C. 1451 (d)), the Administrator is authorized to furnish communities technical and professional assistance in the preparation and development of their urban renewal plans and programs. (Function administered under the Urban Renewal Administration, Part VII, below.)

F. *Grants for demonstration projects in urban renewal.* Under section 314 of the Housing Act of 1954 (42 U. S. C. 1452a), the Administrator is authorized to make grants to public bodies to assist them in developing, testing, and reporting methods and techniques, and carrying out demonstrations for the prevention and elimination of slums and urban blight. (Function administered under the Urban Renewal Administration, Part VII, below.)

G. *Grants for urban planning assistance.* Under section 701 of the Housing Act of 1954, as amended (40 U. S. C. 461), the Administrator is authorized to make planning grants to State planning agencies for planning assistance to municipalities of less than 25,000 population. He is further authorized to make planning grants for similar planning work (1) in metropolitan and regional areas to official State, metropolitan, or regional planning agencies; (2) to cities, other municipalities, and counties having a population of 25,000 or more which have been designated as major disaster areas; and (3) to State planning agencies for planning assistance to the cities, other municipalities, and counties referred to in clause (2) above. (Function administered under the Urban Renewal Administration, Part VII, below.)

H. *Advances for public works planning.* Section 702 of the Housing Act of 1954, as amended by section 112 of the Housing Amendments of 1955 (40 U. S. C. 462), authorizes the Administrator to make interest-free advances to public agencies to aid in financing the planning of public works. (Function administered under the Community Facilities Administration, Part VI, below.)

I. *College housing loans.* Title IV of the Housing Act of 1950, as amended (12 U. S. C. 1749), authorizes the Administrator to make loans to public or private nonprofit educational institutions for the construction of housing and other educational facilities for students and faculties. (Function administered under the Community Facilities Administration, Part VI, below.)

J. *Public facility loans.* Title II of the Housing Amendments of 1955 (42 U. S. C. 1491) authorizes the Administrator, acting through the Community Facilities Administration, to purchase the securities and obligations of, or make loans to, States, municipalities and other political subdivisions of States, public agencies, and instrumentalities of one or more States, municipalities and political subdivisions of States, and public corporations, boards, and commissions established under the laws of any State, to finance specific public projects under State or municipal law. (Function administered under the Community Facilities Administration, Part VI, below.)

K. *Community disposition program (AEC properties).* Under Executive Order 10657 of February 14, 1956 (21 F. R. 1063), the Administrator is responsible for the disposition of certain residential and related property in AEC communities pursuant to the Atomic Energy Community Act of 1955 (42 U. S. C. 2301). (Function administered by the Community Disposition Staff (AEC Properties), Part V, C, 1 (a), below.)

L. *Federal flood indemnity.* Under the Federal Flood Insurance Act of 1956 (42 U. S. C. 2401), the Administrator is authorized to provide insurance and reinsurance against loss resulting from flood; and to enter into contracts with any persons to the effect that, in the event of subsequent flood loss, the Administrator will guarantee any financing institution against loss with respect to any loan which may be made by such institution to any such person in connection with flood loss and, to the extent that a loan to finance such flood loss is

[2] Added by section 502 (a) of the Housing Act of 1948 (12 U. S. C. 1701c (a)).

[3] Added by section 603 of the Housing Act of 1949 (12 U. S. C. 1701l).

[4] Same as footnote 3 (formerly Federal Security Administrator).

[5] Added by section 615 of the Defense Housing and Community Facilities and Services Act of 1951 (12 U. S. C. 1701l-1). This section also terminated the membership of the Chairman of the Board of Directors of the Reconstruction Finance Corporation or his designee.

not available on reasonable terms, make a direct loan to such person. The Administrator is further authorized to establish a program combining insurance and loans. (Functions administered under the Federal Flood Indemnity Administration, Part VIII, below.)

M. *Alaska housing loans.* Statutory authorities and responsibilities of the Administrator under the Alaska Housing Act, as amended (48 U. S. C. 484), included the purchase of obligations of the Alaska Housing Authority in order to provide funds for the Authority to undertake projects for the construction and sale or rental of dwelling accommodations for inhabitants of the Territory, to make loans for such projects to public agencies, private nonprofit or other eligible corporations, and to make small character loans for the improvement or construction of individual dwellings in remote areas; and the provision of technical advice and information to the Alaska Housing Authority. The Independent Offices Appropriation Act, 1955 (12 U. S. C. 1701g-5), prohibited the purchase of additional obligations after June 24, 1954, except for the furtherance or refinancing of an existing loan. (Function administered under the Community Facilities Administration, Part VI, below.)

N. *Prefabricated housing loans.* The Administrator was authorized under Reorganization Plan No. 23 of 1950 (64 Stat. 1279, 5 U. S. C. 133z-15 note) and pursuant to section 4 of the Reconstruction Finance Corporation Act, as amended (15 U. S. C. 604), and sections 102 and 102a of the Housing Act of 1948, as amended (12 U. S. C. 1701g), to make loans to or purchase obligations of a business enterprise or financial institution for the production or distribution of prefabricated houses or prefabricated housing components and for related purposes, or for modernized site construction. The Independent Offices Appropriation Act, 1952 (12 U. S. C. 1701g-4), prohibited the making of additional loans after August 31, 1951, except in the interest of the Government in the furtherance, or for the refinancing, of any existing loan. (Function administered under the Community Facilities Administration, Part VI, below.)

O. *War and emergency housing.* The Administrator is responsible for the management and disposition of the housing provided under the Lanham Act, as amended (42 U. S. C. 1521), Public Law 781, 76th Congress (54 Stat. 872), the Temporary Shelter Acts (55 Stat. 14, 198, and 818), and the Defense Housing and Community Facilities and Services Act of 1951, as amended (42 U. S. C. 1592). (Functions administered within the Public Housing Administration,[1] subject to supervision of Administrator.)

P. *Defense community facilities and services.* Title III of the Defense Housing and Community Facilities and Services Act of 1951, as amended (42 U. S. C. 1592), authorized the Administrator to provide, or to make loans or grants or other payments to public and nonprofit agencies for the provision or operation and maintenance of, community facilities and services in connection with national defense activities in critical defense housing areas. Such authority expired generally July 31, 1955, pursuant to section 104 of the Act (42 U. S. C. 1591c). (Function administered under the Community Facilities Administration, Part VI, below.)

Q. *War public works.* Under Reorganization Plan No. 17 of 1950 (64 Stat. 1269, 5 U. S. C. 133z-15 note), the Administrator is responsible for the management and disposition of certain war public works constructed under Title II of the Lanham Act, as amended (42 U. S. C. 1531). (Function administered in part under the Community Facilities Administration, Part VI, below, and in part by the Public Housing Administration.[1])

R. *First and second advance planning programs.* Under Reorganization Plan No. 17 of 1950 (64 Stat. 1269, 5 U. S. C. 133z-15 note), the Housing and Home Finance Administrator is responsible for administering a program of loans or advances to State and local governments for the planning of non-Federal public works (exclusive of housing), pursuant to Title V of the War Mobilization and Reconversion Act of 1944 (50 App. U. S. C. 1671) and Public Law 352, 81st Congress (40 U. S. C. 451). The authority to make advances under the first program expired on June 30, 1947, and under the second program on October 13, 1951, under the terms of the said acts. (Functions administered under the Community Facilities Administration, Part VI, below.)

S. *Other functions, delegated by the President.* Under Executive Order 10530 (19 F. R. 2709, 5/12/1954), as amended by Executive Order 10573 (19 F. R. 6899, 10/28/1954), the Administrator is empowered to perform certain functions vested in the President under Title I of the Housing Act of 1949, as amended (42 U. S. C. 1450), the United States Housing Act, as amended (42 U. S. C. 1401), the act of June 29, 1936 (49 Stat. 2026), and Public Law 671, 76th Cong., as amended (42 U. S. C. 1501).

Under Executive Order 10462 (18 F. R. 3613, 6/24/1953), the Administrator is empowered to perform certain functions vested in the President under section 611 of the Lanham Act (42 U. S. C. 1589a).

PART IV—FUNCTIONS PERFORMED UNDER THE HOUSING AND HOME FINANCE ADMINISTRATOR, PURSUANT TO DELEGATION OF AUTHORITY FROM AND/OR AGREEMENT WITH ANOTHER FEDERAL AGENCY

A. *School construction.* (In addition to certain functions vested in the Community Facilities Commissioner) technical services on behalf of the Office of Education, in furtherance of the school construction program authorized under Public Law 815, 81st Congress, as amended (20 U. S. C. 251), are carried out under a working agreement with the Office of Education. (Activity administered under the Community Facilities Administration, Part VI, below.)

B. *Civil defense planning.* Under Federal Civil Defense Administration Delegation 2 (19 F. R. 5291, 9/11/1954), the Administrator is responsible for certain civil defense planning activities authorized under the Federal Civil Defense Act of 1950 (50 App. U. S. C. 2251).

Under Executive Order 10611 (20 F. R. 3245, 5/13/1955), the Administrator serves as a member of the Civil Defense Coordinating Board, established under authority of the Federal Civil Defense Act of 1950 (50 App. U. S. C. 2251). (Activities administered under the Division of Plans and Programs, Part V, D, below.)

C. *Disaster relief.* Pursuant to Executive Order 10427 (18 F. R. 407, 1/20/1953), the Federal Civil Defense Administrator from time to time requests the Housing and Home Finance Administrator to provide certain assistance to States and local governments in major disasters, as authorized under the act of September 30, 1950, as amended (42 U. S. C. 1855). (Activity administered under the Community Facilities Administration, Part VI, below.)

D. *Defense mobilization.* Under Defense Mobilization Order I-14 (19 F. R. 7724, 11/30/1954), the Administrator is responsible for the development and administration of preparedness measures relating to housing and certain community facilities. In addition, representatives of the Administrator serve on the Manpower Policy Committee under DMO IV-1, Revised (19 F. R. 6275, 9/29/1954); on each Regional Defense Mobilization Committee under DMO I-1 (18 F. R. 4099, 7/14/1953, as amended at 21 F. R. 5191, 7/12/1956); and on various other defense mobilization committees. (Activity administered under the Division of Plans and Programs, Part V, D, below.)

E. *International cooperation.* Under agreement with the International Cooperation Administration, Department of State, the Administrator assists in the technical cooperation program authorized under the Mutual Security Act of 1954 (22 U. S. C. 1751). (Activity administered under the International Housing Service, Part V, C, 3, below.)

PART V—CENTRAL OFFICE ORGANIZATION AND FUNCTIONS

A. *Official headquarters.* The headquarters office of the Office of the Administrator, Housing and Home Finance Agency, is located in the Normandy Building, 1626 K Street, NW., Washington 25, D. C.

B. *General.* The central office of the Office of the Administrator consists of the Administrator's immediate office and the following principal organizational units: the Division of Plans and Programs, under the supervision of the Assistant Administrator (Plans and Programs), with operations carried on under a Staff Director; the Division of Law, under the supervision of the General Counsel, with operations carried on under the Director of the Division of Law; the Division of Administration, under the supervision of the Assistant Administrator (Administration); the Division of Information and the Congressional Liaison Staff, under the supervision of the Assistant Administrator (Congressional Liaison and Public Affairs), with operations carried on under the Director of Information and head of

[1] A statement of oragnization for each of the constituent agencies (FHA, PHA, and FNMA) is published separately by the respective agency.

designee.

Act of 1954, as amended (40 U. S. C. that a loan to finance such flood loss is

FNMA) is published separately by the respective agency.

eral Civil Defense Administration Dele- the Director of Information and head of

the Congressional Liaison Staff, respectively; the Division of Compliance, under the supervision of a Director.

Most of the Administrator's direct program operating functions have been delegated and are carried out by the following organizational units: the Community Disposition Staff (AEC Properties), under the supervision of the Deputy Administrator, with operations carried on under a Staff Director; the Community Facilities Administration, a constituent unit headed by a Commissioner (see Part VI); the Urban Renewal Administration, a constituent unit headed by a Commissioner (see Part VII); and the Federal Flood Indemnity Administration, a constituent unit headed by a Commissioner (see Part VIII).

C. *Administrator's immediate office*—1. *Deputy Administrator.* The Deputy Administrator[6] assists the Administrator in the general supervision and coordination of the functions of the constituent agencies and in the direction and supervision of the constituent units and the other functions and activities of the Office of the Administrator. He also acts for the Administrator in such matters as, from time to time, the Administrator may indicate.

(a) *Community disposition staff (AEC properties).* The Community Disposition Staff (AEC Properties), headed by a Director, is responsible for the administration, in the Central Office and in the field, of the program of disposition of Government-owned property at the AEC communities of Oak Ridge, Tennessee, and Richland, Washington. The Community Disposition Offices in the field, each under a Community Disposition Supervisor, are located at:

MSI Building No. 2, Tyrone Road, Oak Ridge, Tennessee.
Building W-16, Richland, Washington.

2. *Assistant Administrator.* The Assistant Administrator (Administrator's Office) assists the Administrator in the coordination of Agency activities.

3. *International Housing Service.* The International Housing Service, headed by an Assistant to the Administrator, assists the Administrator in connection with the interest of the Housing and Home Finance Agency in international housing programs and activities.

4. *Racial Relations Service.* The Racial Relations Service, headed by an Assistant to the Administrator, is responsible for advising the Administrator on racial considerations in the administration of Agency policies and programs and for maintaining liaison with organizations interested in the minority group aspects of the Agency's programs.

D. *Division of Plans and Programs.* The Division of Plans and Programs assists the Administrator in evaluating the effectiveness of existing policies and programs, and developing recommendations on basic problems. It develops recommendations for carrying out new programs; participates in the formulation and review of legislative proposals; carries out continuing studies of current developments in the housing and mortgage markets; makes estimates of long-term housing needs and requirements; and prepares for dissemination statistical operating data for Agency programs. The Division assists the Administrator in the performance of reserved and nondelegable urban renewal functions and in the supervision of the management and disposition of Lanham Act housing. It is responsible for the development and coordination of plans for the civil defense and defense mobilization responsibilities of the Administrator. It also maintains relations with public interest organizations and citizen's groups for the purpose of providing them with interpretations of Agency programs and policies and keeping Agency officials informed of the viewpoints of such groups.

E. *Division of Law.* The Division of Law provides the legal counsel and assistance required in the formulation and development of the Agency's policies and programs, and in the handling of legal matters in connection with the operations and programs assigned to the Office of the Administrator. It prepares proposed Federal legislation and reports, statements, and other materials concerning proposed or pending legislation; prepares or reviews proposed state housing and urban renewal legislation on local request; prepares public regulations of the Agency, legal opinions, briefs, contract documents, and comprehensive studies of basic legal problems in Agency programs and activities and the formulation of Agency policy; handles litigation involving the Agency or personnel of the Office of the Administrator, including the constituent units, in their official capacities; and represents the Administrator on legislation, public regulations, litigation, and other legal matters.

F. *Division of Administration.* The Division of Administration develops administrative management policies, programs, and procedures for Agency-wide application; provides general supervision and coordination of budgetary, accounting, audit, personnel, organization, and general services policies and activities in the Agency; and provides general administrative services and facilities for the Office of the Administrator, including the constituent units.

G. *Division of Information.* The Division of Information provides a central point of information and referral for the public on housing activities of the Government generally, on Agency-wide policies and activities, and on policies and activities of the Office of the Administrator. It also coordinates constituent agency releases on informational material of general Agency concern; and provides information services to the Administrator and the staff of the Office of the Administrator, including the constituent units.

H. *Congressional Liaison Staff.* The Congressional Liaison Staff maintains liaison with members of Congress, and prepares or expedites the preparation of responses to Congressional requests for information and service.

I. *Division of Compliance.* The Division of Compliance is responsible for inspections and reports on the facilities within the Agency designed to assure integrity and effectiveness of operations and activities; and for the conduct of investigations with respect to possible violations and irregularities in the Agency's programs or activities.

PART VI—COMMUNITY FACILITIES ADMINISTRATION, HOUSING AND HOMES FINANCE AGENCY

A. *General.* The Community Facilities Administration is a constituent unit of the HHFA, established by Administrator's Reorganization Order 1 of December 23, 1954 (19 F. R. 9303, 12/29/1954), redesignated Administrator's Organizational Order No. 1 by Administrator's order dated December 7, 1956. It is headed by a Community Facilities Commissioner appointed by the Administrator.

B. *Program responsibilities.* There are administered by the Community Facilities Commissioner the Administrator's functions described under Parts III and IV above with respect to:

(1) Advances for Public Works Planning.
(2) College Housing Loans.
(3) Public Facility Loans.
(4) Alaska Housing Loans.
(5) Prefabricated Housing Loans.
(6) War and Emergency Housing.
(7) Defense Community Facilities and Services.
(8) War Public Works.
(9) First and Second Advance Planing Programs.
(10) School Construction Activities.
(11) Disaster Relief.

The field operations for all functions administered under the Community Facilities Administration are carried out by the HHFA Regional Offices. The prescribed forms for application for assistance are obtained from and filed with the appropriate HHFA Regional Office.

PART VII—URBAN RENEWAL ADMINISTRATION, HOUSING AND HOME FINANCE AGENCY

A. *General.* The Urban Renewal Administration is a constituent unit of the HHFA, established by the Administrator's Reorganization Order 1 of December 23, 1954 (19 F. R. 9303, 12/29/1954), redesignated Administrator's Organizational Order No. 1 by Administrator's order dated December 7, 1956. It is headed by an Urban Renewal Commissioner.[7]

B. *Program responsibilities.* There are administered by the Urban Renewal Commissioner the Administrator's functions described under Part III above with respect to:

(1) Slum Clearance and Urban Renewal.
(2) Urban Renewal Service.
(3) Grants for Demonstration Projects in Urban Renewal.
(4) Grants for Urban Planning Assistance.

[6] A statutory position, filled by appointment by the Administrator pursuant to section 605 of the Housing Act of 1949 (12 U. S. C. 1701d-1).

[7] The statutory position of Director, redesignated Urban Renewal Commissioner under Administrator's Reorganization Order 1 (19 F. R. 9303, 12/29/1954), filled by appointment by the Administrator pursuant to section 106 (a) of the Housing Act of 1949, as amended (42 U. S. C. 1456 (a)).

The field operations for all functions administered under the Urban Renewal Administration are carried out by the HHFA Regional Offices. Applications for assistance under such programs may be made to the appropriate HHFA Regional Office. A copy of the HHFA "Manual of Policies and Requirements for Local Public Agencies" under the slum clearance and urban renewal program is furnished participating agencies.

PART VIII—FEDERAL FLOOD INDEMNITY ADMINISTRATION

A. *General.* The Federal Flood Indemnity Administration is a constituent unit of the HHFA, established by the Administrator's Organization Order No. 1, effective September 28, 1956, redesignated Administrator's Organizational Order No. 2 by Administrator's order dated December 7, 1956. It is headed by a Federal Flood Indemnity Commissioner.[8]

B. *Program responsibilities.* There are administered by the Federal Flood Indemnity Commissioner the Administrator's functions described under Part III with respect to Federal Flood Indemnity. (Organization and procedures under this new program are in process of development.)

PART IX—HOUSING AND HOME FINANCE AGENCY FIELD SERVICE ORGANIZATION AND FUNCTIONS

A. *Location and jurisdiction of HHFA Regional Offices.* The addresses and jurisdictions of the six HHFA Regional Offices and the Puerto Rico Area Office are as follows:

Region; Address; and Jurisdiction

I; 346 Broadway, New York 13, N. Y.; Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont.

II; 1004 Widener Building, Chestnut and Juniper Streets, Philadelphia 7, Pa.; Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia.

III; 50 Seventh Street NE., Atlanta 5, Ga.; Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

IV; Room 2000, Bankers Building, 105 West Adams Street, Chicago 3, Ill.; Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.

V; Federal Center, 300 West Vickery Boulevard, Fort Worth 4, Tex.; Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas.

VI; Ninth Floor, Flood Building, 870 Market Street, San Francisco 2, Calif.; Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Alaska, Guam, Hawaii.

Puerto Rico Area Office; 1116 Ponce de Leon Avenue, P. O. Box 9093, Santtfce 17, P. R.; Puerto Rico, Virgin Islands.

B. *General.* Each Regional Office is headed by a Regional Administrator, who reports directly to the Administrator. The Regional Administrator directs the operations assigned the Regional Office; is responsible for coordinating Agency activities within the area; represents the Administrator in official and public relationships in the area; and serves as the focal point within the Region for the interpretation of broad housing and community development policies. Each Regional Office has a Regional Director of Community Facilities Activities and a Regional Director of Urban Renewal.

PART X—DELEGATIONS OF FINAL AUTHORITY; DESIGNATIONS OF ACTING ADMINISTRATOR, OTHER ACTING OFFICERS, AND ATTESTING OFFICERS

Delegations of final authority and designations by the Housing and Home Finance Administrator are published currently.

Issued as of the 19th day of December 1956.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 56-10324; Filed, Dec. 18, 1956; 8:48 a. m.]

[8] A statutory position, filled by appointment by the Administrator pursuant to section 3 (a) of the Federal Flood Insurance Act of 1956 (42 U. S. C. 2402).

National Voluntary Mortgage Credit Extension Committee

ORGANIZATION DESCRIPTION

Part
I—National Voluntary Mortgage Credit Extension Committee; Regional Subcommittees; Establishment and Organization.
II—Functions of National Committee and Regional Subcommittees.
III—Location of National Committee; Location and Jurisdiction of Regional Subcommittees.

PART I—NATIONAL VOLUNTARY MORTGAGE CREDIT EXTENSION COMMITTEE; REGIONAL SUBCOMMITTEES; ESTABLISHMENT AND ORGANIZATION

The National Voluntary Mortgage Credit Extension Committee (hereinafter called the National Committee), established by Title VI of the Housing Act of 1954 (12 U. S. C. 1750aa), consists of the Housing and Home Finance Administrator (hereinafter called the Administrator) as Chairman and fourteen persons appointed by the Administrator representing private financing institutions, builders, and real estate boards. As specified in Title VI, representatives of the Board of Governors of the Federal Reserve System, the Veterans' Administration, and the Federal Home Loan Bank Board also serve on the National Committee in an advisory capacity. There are fifteen regional subcommittees, having from seven to sixteen members, appointed by the Administrator after consultation with the members of the National Committee. Members of the National Committee and regional subcommittees serve on a voluntary basis.

This authority terminates June 30, 1957.

PART II—FUNCTIONS OF NATIONAL COMMITTEE AND REGIONAL SUBCOMMITTEES

It is the function of the National Committee and its regional subcommittees to help obtain private mortgage credit for FHA-insured and VA-guaranteed loans in areas or communities where there may be a shortage of local capital for, or inadequate facilities for access to, such loans. This assistance is available to minority groups in any area where financing for such housing is not available on terms as favorable as for others. The National Committee and regional subcommittees are required to study and review the demand and supply of funds for residential mortgage loans in the various regions of the country.

Application forms for assistance in placing an insured or guaranteed loan with a private financing institution may be obtained from the regional subcommittees.

The Administrator provides an office, and staff assistance under an Executive Secretary, to the National Committee and to each regional subcommittee.

PART III—LOCATION OF NATIONAL COMMITTEE; LOCATION AND AREAS SERVED BY REGIONAL SUBCOMMITTEES

The headquarters office of the National Committee is in the Normandy Building, 1626 K Street NW., Washington 25, D. C.

The addresses and jurisdiction of the regional subcommittees are as follows:

Region; Areas Served; and Address

I; Maine, Vermont, Connecticut, New Hampshire, Massachusetts, Rhode Island; Room 627, Houghton-Dutton Building, 55 Tremont Street, Boston, Mass.

II; New York, New Jersey, Puerto Rico, Virgin Islands; Room 726, 45 Broadway, New York, N. Y.

IV;[1] Pennsylvania, Delaware, Virginia, Maryland, West Virginia, and District of Columbia; Room 304, Jefferson Building, 1632 K Street NW., Washington 25, D. C.

V; North Carolina and South Carolina; Room 413, Wilder Building, Charlotte, N. C.

VI; Alabama, Georgia, and Florida; Rooms 402, 3 and 4, Walco Building, 41 Pryor Street NE., Atlanta, Ga.

VII; Tennessee and Kentucky; Room 604, U. S. Courthouse, Nashville 3, Tenn.

VIII; Michigan, Indiana, and Ohio; Room 340, H. K. Ferguson Building, 1783 East 11th Street, Cleveland, Ohio.

IX; Wisconsin, Illinois, and Iowa; Room 851, U. S. Courthouse, 219 South Clark Street, Chicago 2, Ill.

X; Minnesota, Nebraska, North Dakota, and South Dakota; Room 226, Federal Office Building, Minneapolis, Minn.

XI; Kansas Oklahoma, Missouri, and Colorado; Room 1012, Federal Office Building, Kansas City, Mo.

XII; Arkansas, Louisiana, and Mississippi; Room 809, Lowich Building, 2026 St. Charles Avenue, New Orleans, La.

XIII; Texas and New Mexico; 1114 Commerce Street, Dallas, Texas.

XIV; Wyoming, Utah, Montana, and Idaho (south of the southern boundary of Idaho County and east of the eastern boundary of Idaho County); Room 203-I, Old Terminal Building, Salt Lake City, Utah.

XV; Washington, Oregon, Alaska and Idaho (north of southern boundary of Idaho County and west of eastern boundary of Idaho County); Room 442, Pittock Block, 10th and Washington Street, Portland, Oreg.

[1] Region III was combined with Region IV as of March 1, 1956.

XVI; California, Nevada, Arizona, Hawaii, and Guam; 977 Flood Building, 870 Market Street, San Francisco, Calif.

(68 Stat. 640, 12 U. S. C. 1750hh)

Issued as of the 19th day of December 1956.

ALBERT M. COLE,
Housing and Home Finance Administrator (Chairman, National Voluntary Mortgage Credit Extension Committee).

[F. R. Doc. 56–10325; Filed, Dec. 18, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–54 etc.]

NORTHERN STATES POWER CO. (DELAWARE) ET AL.

SUPPLEMENTAL ORDER AMENDING PRIOR ORDER WITH RESPECT TO FINAL COMPENSATION OF A. LOUIS FLYNN

DECEMBER 13, 1956.

In the matter of Northern States Power Company (Delaware), File No. 54–54; Northern States Power Company (Minnesota), File No. 70–559; Northern States Power Company (Delaware) and each of its subsidiaries, File No. 59–50.

On September 12, 1955, the Commission entered an "Order Amending Supplemental Order modifying Prior Order with respect to fees and expenses" of A. Louis Flynn ("Flynn") counsel for Northern States Power Company, a Delaware corporation ("Delaware") in connection with a plan of reorganization of Delaware filed pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 (Holding Company Act Release No. 12985). In said order it was noted that the United States District Court for the District of Minnesota had directed the payment to Flynn of compensation at the rate of $23.80 per hour together with his reasonable expenses for services rendered after July 15, 1952; and on the basis of the Court's directive, Delaware was authorized and directed to pay to Flynn $7,223.30 for fees and $550.71 for expenses in full compensation for his services and reimbursement of his expenses from July 15, 1952 to June 30, 1955.

On the basis of Flynn's then estimate of his time and expenses necessary to liquidate Delaware and consummate the Plan, said order further authorized and directed Delaware to pay to Flynn not to exceed $2,618 for fees and $480 for expenses in connection with his services rendered and to be rendered subsequent to June 30, 1955, with leave to the applicant to file a supplemental application for additional compensation for services or reimbursement for expenses if his claim should exceed the allowed amounts.

Flynn has now filed a Third Supplemental Petition stating that he and his associates have expended 134½ hours in this matter from July 1, 1955 to September 30, 1956, the bar date fixed by the Commission (Holding Company Act Release No. 12983) and approved by the Court, and that he estimates 30 additional hours of his time will be required from September 30, 1956, until the plan is consummated and Delaware and its assets are released from the Court's jurisdiction. He therefore requests that the Commission's aforesaid Order be amended to authorize and approve the payment to him by Delaware, in full satisfaction of his services performed and to be performed after June 30, 1955, not to exceed $1,297.10 in addition to the estimated fees of $2,618 heretofore authorized. He states that the allowance heretofore made to cover his expenses after June 30, 1955 will be entirely adequate.

The Minnesota company, out of whose residual interest in the Delaware estate the claim of Flynn must be paid, has stated by letter filed herein that payment of the additional amount as requested is satisfactory to it.

It is ordered, That the order entered herein on September 12, 1955 authorizing and directing Delaware to pay to A. Louis Flynn $2,618 for legal services herein from July 1, 1955 to the final consummation of these proceedings be, and hereby is, amended to increase his authorized compensation to an amount not exceeding $3,915.10.

In all other respects said order will stand as heretofore written.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–10313; Filed, Dec. 18, 1956; 8:47 a. m.]

[File No. 70–3529]

UNITED FUEL GAS CO. AND COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING ISSUANCE AND SALE OF ADDITIONAL COMMON STOCK BY SUBSIDIARY, AND ACQUISITION THEREOF BY PARENT COMPANY

DECEMBER 13, 1956.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary United Fuel Gas Company ("United Fuel"), a public utility company organized and doing business in the State of West Virginia, have filed a joint application and an amendment thereto pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 regarding the following proposed transactions:

United Fuel proposes to issue and sell, and Columbia proposes to acquire, prior to April 1, 1957, 120,000 additional shares of common stock of United Fuel at the par value of $25 per share, an aggregate amount of $3,000,000.

United Fuel will use the proceeds from the sale of said stock and other available funds to finance its 1956 construction program, estimated at $14,152,200.

The Public Service Commission of West Virginia has expressly authorized the issuance and sale of the additional common stock by United Fuel as proposed.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application as amended be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and hereby is granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–10314; Filed, Dec. 18, 1956; 8:47 a. m.]

[File No. 70–3538]

KENTUCKY POWER CO.

NOTICE OF PROPOSED BANK BORROWINGS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY PURSUANT TO A LINE OF CREDIT

DECEMBER 13, 1956.

Notice is hereby given that Kentucky Power Company ("Kentucky"), a public utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 7 of the act as being applicable to the proposed transaction.

All interested persons are referred to the declaration which is on file in the offices of the Commission for statement of the proposed transaction which is summarized as follows:

Kentucky has heretofore established a line of credit with the Irving Trust Company and The Hanover Bank in an aggregate amount of $2,100,000 for the purpose of financing its construction program through the years 1955 and 1956, and in connection therewith filed a declaration with this Commission which was permitted to become effective by Commission Order dated March 16, 1955 (Holding Company Act Release No. 12821). Thereafter, Kentucky issued Notes evidencing borrowings aggregating $1,850,000 under this line of credit and it is expected that the full amount of the $2,100,000 line of credit will have been utilized at December 31, 1956.

Kentucky now proposes to increase this line of credit by $2,000,000 to an aggregate amount of $4,100,000 and proposes to make additional borrowings thereunder from time to time prior to December 31, 1957. The borrowings are to be evidenced by promissory notes of Kentucky due not more than 270 days from the dates of issuance, bearing interest at the prime credit rate in effect at the respective dates of issuance and prepayable without premium.

The proceeds from all of these borrowings are to be used in connection with Kentucky's program of construction which it estimates will involve expenditures totaling approximately $2,945,000 for the year 1957. The declaration states that any future plan for financing of a permanent nature will provide for the prepayment of all of the then outstanding notes and Kentucky agrees that upon completion of such financing the authorization requested herein shall terminate.

The declaration states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 27, 1956, a 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–10315; Filed, Dec. 18, 1956; 8:48 a. m.]

[File No. 70–3534]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING AND ORDER FOR HEARING

DECEMBER 13, 1956.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicant-declarant has designated sections 6, 7, 9 and 10 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

NEES proposes to acquire from the common stockholders of Lynn Gas and Electric Company ("Lynn"), a nonaffiliated public-utility company, the outstanding common stock of Lynn in exchange for NEES $1 par value common stock. The proposed offer is to be on the basis of two shares of NEES common stock for each share of $10 par value Lynn common stock. The maximum number of shares of NEES common stock which would be issuable upon such exchange is 819,000. The 409,500 outstanding shares of Lynn capital stock, based on a maximum reported asked price of $34.875 per share during the period from November 13, 1956, through November 29, 1956, had an aggregate market value of $14,281,313. The consummation of the exchange is subject to certain conditions embodied in a separate agreement dated as of October 25, 1956, between NEES and a group of Lynn common stockholders who own 28,223 shares (6.89 percent) of the capital stock of Lynn. Such agreement provides, among other things, that the exchange offer remain open for a period of 30 days or such longer period as NEES may from time to time determine, not exceeding six months in the aggregate, and that NEES is under no obligation to acquire any Lynn stock unless at least 66⅔ percent of the outstanding Lynn common stock is deposited for exchange. NEES requests an exception from the competitive bidding requirements of Rule U-50 with respect to the issuance and sale of its common stock pursuant to the exchange offer.

The application-declaration states that no State regulatory commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions and that such application-declaration should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held on said matters on January 3, 1957, at 10:00 a. m., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which the hearing will be held. Any person desiring to be heard in connection with these proceedings shall file with the Secretary of this Commission on or before December 31, 1956, a written request relative thereto, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed issue and sale by NEES of not exceeding 819,000 shares of its common stock satisfies the requirements of section 7 of the act.

(2) Whether the acquisition of the stock of Lynn by NEES will tend towards interlocking relations or the concentration of control of public-utility companies, of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

(3) Whether the consideration to be paid by NEES for the common stock of Lynn is not reasonable or does not bear a fair relation to the earning capacity of the utility assets underlying the Lynn stock to be acquired.

(4) Whether the acquisition of the Lynn stock by NEES will unduly complicate the capital structure of Lynn or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of the NEES holding company system.

(5) Whether the proposed acquisition of the stock of Lynn by NEES will serve the public interest by tending toward the economical and efficient development of an integrated public-utility system.

(6) Whether compliance with the competitive bidding requirements of Rule U-50 with respect to the issuance and sale by NEES of its common stock is not appropriate to aid the Commission to determine whether the fees, commissions, or other remuneration to be paid directly or indirectly in connection with the issue and sale of its common stock are reasonable.

(7) Whether the accounting treatment proposed by NEES is proper.

(8) Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount.

(9) What terms or conditions, if any, the Commission's order should contain.

(10) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this Notice and Order by registered mail to NEES, Lynn, The Department of Public Utilities of Massachusetts, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect to this Notice and Order be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56–10316; Filed, Dec. 18, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 143]

MOTOR CARRIER APPLICATIONS

DECEMBER 14, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under section 206, 209, and 211 of the Interstate Commerce Act and certain

other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Sub No. 9), filed December 6, 1956, LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Terre Haute, Ind., and junction unnumbered Illinois Highway and Illinois Highway 1 (approximately one mile west of Hutsonville, Ill., Bridge), from Terre Haute, over Indiana Highway 63 to its junction with Indiana Highway 154, thence over Indiana Highway 154 to the Indiana-Illinois State Line, thence over bridge and through Hutsonville over unnumbered Illinois Highway to junction with Illinois Highway 1, and return over the same route, serving all intermediate points including Fairbanks, Ind., and off-route points within eight miles of Fairbanks, including but not limited to such points as the plant site of the Indiana-Michigan Electric Company, located west of Fairbanks, Ind., and the properties of Ayrshire Collieries Corporation located in Curry Township, Sullivan County, Ind. Applicant is authorized to conduct operations in Indiana, Illinois, and Missouri.

HEARING: February 5, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 1051 (Sub No. 2), filed November 8, 1956, SAMUEL BASS, FANNIE BASS, EXECUTRIX, doing business as SAM BASS TRUCKING, P. O. Box 391, Route 12, Flemington, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cast iron castings and products, patterns*, and *pig iron*, loose, uncrated, between Flemington, N. J., on the one hand, and, on the other, Hartford and Bridgeport, Conn., and Worcester, Mass., and points in New York, excluding New York, N. Y., and points in Nassau and Suffolk Counties, N. Y.

NOTE: Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania. No duplicating authority is requested.

HEARING: January 30, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 2136 (Sub No. 14), filed December 3, 1956, CLEMANS TRUCK LINE, INC., 815 East Pennsylvania Avenue, South Bend, Ind. Applicant's representative: James L. Beattey, Suite 1020-1029 130 East Washington Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Clayton & Lambert Plant, at or near Buckner, Ky., as an off-route point in connection with applicant's authorized regular route operations, between Grand Rapids, Mich., and Louisville, Ky. Applicant is authorized to conduct operations in Michigan, Indiana, and Kentucky.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 7698 (Sub No. 8), filed November 27, 1956, FOWLER & WILLIAMS, INC., 1300 Meylert Avenue, Scranton 9, Pa. Applicant's representative: Irving Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Towanda, Pa., and Scranton, Pa., over U. S. Highway 6, serving all intermediate points; (2) between Tunkhannock, Pa., and Binghamton, N. Y., from Tunkhannock over Pennsylvania Highway 29 to the Pennsylvania-New York State line, thence over New York Highway 7 to Binghamton, and return over the same route, serving all intermediate points; and (3) between Wyalusing, Pa., and Montrose, Pa., over U. S. Highway 106, serving all intermediate points. Applicant is authorized to conduct regular and irregular route operations in New Jersey, New York, and Pennsylvania.

HEARING: February 7, 1957, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Richard H. Roberts.

No. MC 14297 (Sub No. 11), filed December 7, 1956, GIACOMAZZI BROS. TRANSPORTATION CO., a corporation, P. O. Box 729, San Jose, Calif. Applicant's representative: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting (1) *Beet sugar, Final molasses residuum*, in bulk, in tank vehicles, from San Jose, Calif., and (2) *Molasses*, from Richmond, Calif., in mixed shipments, in bulk, in tank vehicles, with Beet sugar, Final molasses residuum, originating at San Jose, Calif., to points in Josephine, Jackson, Douglas, Lane, Klamath, and Lake Counties, Oreg. Applicant is authorized to conduct operations in California and Nevada.

HEARING: February 6, 1957, in Room 226, Old Mint Bldg., 5th & Mission Streets, San Francisco, Calif., before Joint Board No. 11.

No. MC 28439 (Sub No. 70), filed November 29, 1956, DAILY MOTOR EXPRESS, INC., Pitt & Penn Sts., Carlisle, Pa. Applicant's representative: James E. Wilson, Continental Bldg., Fourteenth at K Sts., N. W., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements, agricultural and construction machinery and tractors*, in driveaway and haul-away service, between points in Franklin and Clark Counties, Ohio, and points in the United States. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, Kentucky, North Carolina, Tennessee, Wisconsin, Pennsylvania, West Virginia, Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, Georgia, and Massachusetts.

HEARING: February 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 28439 (Sub No. 71), filed November 29, 1956, DAILY MOTOR EXPRESS, INC., Pitt & Penn Sts., Carlisle, Pa. Applicant's representative: James E. Wilson, Continental Bldg., Fourteenth at K Sts., N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements, agricultural and construction machinery and tractors*, in drive-away and haul-away service, between points in Marion and Crawford Counties, Ohio, and points in the United States. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, Kentucky, North Carolina, Tennessee, Wisconsin, Pennsylvania, West Virginia, Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, Georgia, and Massachusetts.

HEARING: February 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 31675 (Sub No. 15), filed November 26, 1956, NORTHERN FREIGHT LINES, INC., 201 S. Prior Street, Gainesville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cornelia, Ga., and Dahlonega, Ga.: from Cornelia over U. S. Highways 23 and 441 to Clarksville, Ga., thence over Georgia Highway 115 to Cleveland, Ga., thence over Georgia Highway 115 to junction Georgia Highway 52, and thence over Georgia Highway 52 to Dahlonega, and return over the same route, serving the off-route points of Habersham Mills and Helen, Ga. Applicant is authorized to conduct operations in Georgia and South Carolina.

HEARING: February 7, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 101.

No. MC 31962 (Sub No. 7), filed November 28, 1956, CAMBEIS TRUCKING COMPANY, INC., 40 Bay Street, Brooklyn, N. Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between New York, N. Y., and points in Nassau and Suffolk Counties, N. Y.

NOTE: Applicant is presently conducting operations in interstate or foreign commerce between New York, N. Y., and Nassau and Suffolk Counties, N. Y., and states the purpose of this application is to eliminate the necessity of proceeding from New York City through the Holland Tunnel to Jersey City, Hudson County and turning around and proceeding then through the Holland Tunnel to New York City and thence to Nassau and Suffolk Counties; that applicant will thus be in a position to reduce operating costs and yet the competitive situation will not be altered in the least. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: January 31, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 42429 (Sub No. 2), filed November 1, 1956, FRANK M. MURPHY, INC., 149 Pioneer Street, Brooklyn, N. Y. Applicant's representative: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from New York, N. Y., to points in Nassau, Suffolk and Westchester Counties, N. Y. *Returned shipments* of the described commodity, on return. Applicant is authorized to conduct operations in New York, New Jersey, and Connecticut.

HEARING: January 24, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 42487 (Sub No. 324), filed December 10, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 N.W. Quimby Street, Portland 8, Oreg. Applicant's representative: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bags and in bulk, in hopper or tank type vehicles, from Permanente, Calif., to points in Jackson, Klamath and Lake Counties, Oreg. Applicant is authorized to conduct operations in California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, and Washington.

HEARING: February 8, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 151.

No. MC 42487 (Sub No. 325), filed December 10, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg. Applicant's representative: Donald A. Schafer, 803 Public Service Bldg., Portland, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities including Class A and B explosives*, and excepting liquid petroleum products, in bulk, in tank vehicles, serving the sites of Big Bend Dams No. 1 and No. 2 located on the Klamath River approximately two miles south of Oregon Highway 66, south and west of Keno, Oreg., and points within 15 miles of said sites, as off-route points in connection with applicant's authorized regular route operations between Medford and Ashland, Oreg., over Oregon Highway 66. Applicant is authorized to conduct operations in California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, and Washington.

HEARING: February 5, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172.

No. MC 52709 (Sub No. 68), filed November 23, 1956, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver, Colo. For authority to operate as a *common carrier*, over a regular route, transporting: *Class A and B explosives*, between Lathrop Wells, Nev. (located at junction U. S. Highway 95 and Nevada Highway 29), and Las Vegas, Nev., over U. S. Highway 95, serving all intermediate points, and the off-route point of the site of the U. S. Atomic Energy Project near Indian Springs, Nev., and with right of joinder with existing authority at Lathrop Wells. Applicant is authorized to conduct operations in California, Colorado, Utah, Wyoming, and Nevada.

HEARING: February 20, 1957, at the Federal Bldg., Las Vegas, Nev., before Joint Board No. 128.

No. MC 52858 (Sub No. 56), filed November 21, 1956, CONVOY COMPANY, a Corporation, 3900 N. W. Yeon Avenue, Portland 10, Oreg. Applicant's representative: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *busses*, in secondary movements, in truckaway service, between points in Cache County, Utah, on the one hand, and, on the other, points in California. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming.

NOTE: Applicant states it presently performs the proposed service by tacking its authorities in MC-52858 (Sub No. 5) and MC-52858 (Sub No. 11) which provide routing via Idaho. This results in approximately 40 additional miles of operation. The purpose of this application is to eliminate the circuity.

HEARING: February 8, 1957, at Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 61755 (Sub No. 17), filed December 3, 1956, NORTHERN HAULERS CORPORATION, Factory Square, Watertown, N. Y. Applicant's representative: Ewald E. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cheese*, from Troy, Vt., to Canton and Lowville, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Maine, Connecticut, and New Hampshire.

HEARING: February 4, 1957, at the Federal Bldg., Albany, N. Y., before Examiner Richard H. Roberts.

No. MC 62537 (Sub No. 59), filed November 6, 1956, GREAT LAKES FORWARDING CORPORATION, 666 Tifft St., Buffalo 20, N. Y. Applicant's representative: S. S. Eisen, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in secondary movements, in truckaway service, from New York, N. Y., Hoboken, Newark and Jersey City, N. J., to points in Maine, New Hampshire, Rhode Island and Vermont. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, Connecticut, Massachusetts, Maryland, Delaware, Rhode Island, New Jersey, Michigan, Indiana, Illinois, Alabama, Kentucky, Mississippi, Missouri, Tennessee, Wisconsin, Florida, Georgia, North Carolina, South Carolina, West Virginia, and the District of Columbia.

HEARING: January 22, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 62836 (Sub No. 7), filed November 21, 1956, C-B TRANSPORTATION CORPORATION, R. F. D. #4, Middletown, N. Y. Applicant's representative: William F. Leahey, 4 Liberty St., Poughkeepsie, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, in containers, in truckloads, from Newark, N. J. to Lebanon, N. H., and *empty malt beverage containers* on return. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, and Vermont.

HEARING: February 4, 1957, at the Federal Bldg., Albany, N. Y., before Examiner Richard H. Roberts.

No. MC 65451 (Sub No. 17), filed November 29, 1956, ALABAM FREIGHT LINES, 546 W. Madison St., Phoenix, Ariz. Applicant's representative: James F. Haythornewhite, Luhrs Tower, Phoenix, Ariz. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Gila Bend, Ariz., and Painted Rock Dam Site, Ariz., from Gila Bend over U. S. Highway 80 to unnumbered county highway about thirteen (13) miles west thereof and thence over unnumbered county highway to Painted Rock Dam Site on the Gila River, and return over the same routes, serving all intermediate points. Applicant is authorized to conduct operations in Arizona, New Mexico, and Texas.

HEARING: February 12, 1957, ar Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240.

No. MC 72997 (Sub No. 15), filed November 23, 1956, LIBERTY TRUCKING COMPANY, a Corporation, 1401 W. Fulton St., Chicago 7, Ill. Applicant's representative: Glenn W. Stephens, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, over a regular route, transporting: *Fluid milk and cream*, in cans, *cottage*

cheese, and *butter*, from Deerfield, Wis., to junction U. S. Highway 51 and Wisconsin Highway 73 via Wisconsin Highway 73. *Empty cans* and *empty containers*, restricted to deliveries only, on return. Applicant is authorized to serve Deerfield, Wis., as an off-route point, (transporting above-described commodities) in connection with its authorized regular route operations between Fort Atkinson, Wis., and Madison, Wis., over U. S. Highway 12.

HEARING: February 5, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 78632 (Sub No. 98), filed December 3, 1956, HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Gallatin, Tenn., and junction Tennessee Highway 109 and U. S. Highway 70N, over Tennessee Highway 109, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations (a) between Gallatin, Tenn., and Nashville, Tenn., over U. S. Highway 31E, which is a portion of carrier's authorized regular route operations between Gallatin, Tenn., and Sewanee, Tenn., and (b) between Nashville, Tenn., and Knoxville, Tenn., over U. S. Highways 70N and 70; and (2) between Shelbyville, Tenn., and junction Tennessee Highways 82 and 55, near Lynchburg, Tenn., over Tennessee Highway 82, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations (a) between Nashville, Tenn., and Winchester, Tenn., over Alternate U. S. Highway 41 and (b) between McMinnville, Tenn., and Fayetteville, Tenn., over Tennessee Highways 55 and 50. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, Ohio, and Tennessee.

HEARING: February 5, 1957, at Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 95008 (Sub No. 5), filed November 23, 1956, DAVID FISHER, doing business as FISHER SERVICE TRUCKING, 275 Linden Blvd., Brooklyn, N. Y. Applicant's representative: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Shirts* and *pajamas*, from Masontown, Pa., to Philadelphia, Pa., Newark, N. J., and New York, N. Y. *piece goods for shirts and pajamas, cardboard boxes, labels*, and *wrapping paper*, from New York, N. Y., to Masontown, Pa. Applicant is authorized to conduct regular route operations in New York, New Jersey, and Pennsylvania, and to Frostburg, Md., for pick-up only.

HEARING: February 1, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 96489 (Sub No. 23), filed November 26, 1956, BOWEN TRUCKING, INC., Ridge Road, Holley, N. Y. Applicant's representatives: Raymond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soup mixes*, (dehydrated) and *Ice cream mixes*, from points in Orleans County, N. Y., to points in New Jersey, Pennsylvania, Ohio and those in New York within the New York, N. Y., Commercial Zone, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: January 18, 1957, at the Seneca Hotel, Rochester, N. Y., before Examiner Alton R. Smith.

No. MC 101219 (Sub No. 37), filed November 19, 1956, MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, N. Y. Applicant's representative: Ralph D. Elmer, 257 West 38th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel*, and *materials* and *supplies* used in the manufacture of wearing apparel, between New York, N. Y., on the one hand, and, on the other, Keyser, W. Va. Applicant is authorized to conduct regular route operations in Connecticut, Massachusetts, New York, and Rhode Island, and irregular route operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island.

HEARING: February 1, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 103051 (Sub No. 25), filed November 26, 1956, WALKER HAULING CO., INC., 624 Penn Ave., N. E., Atlanta, Ga. Applicant's representative: R. J. Reynolds, Jr., 1103 Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Oxford and De Armanville, Ala., and points within 10 miles of each, to points in Polk, Haralson, Carroll and Heard Counties, Ga. Applicant is authorized to conduct operations in Georgia, Tennessee, and Alabama.

HEARING: February 4, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 157.

No. MC 104340 (Sub No. 129), filed December 6, 1956, LEAMAN TRANSPORTATION COMPANY, INC., 520 E. Lancaster Ave., Downingtown, Pa. Applicant's representative: Gerald L. Phelps and John R. Sims, Jr., Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from East Liverpool, Ohio, to Youngstown, Ohio.

NOTE: Applicant presently can perform the above service by tacking its authorities in MC 104340 (Subs No. 26 and 95) at Kobuta, Pa. and two (2) miles thereof. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, New York, Vermont, Connecticut, Massachusetts, Virginia, and Maryland.

HEARING: February 5, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 107403 (Sub No. 225), filed December 5, 1956, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's representative: Paul F. Barnes, 811–819 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from East Liverpool, Ohio, to Youngstown, Ohio.

NOTE: Applicant states it can presently perform this service by tacking separate paragraphs of its (Sub No. 1) at Monaca, Pa. Applicant is authorized to conduct operations in Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: February 5, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 107515 (Sub No. 244), filed November 9, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida and Georgia, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, Texas, Oklahoma, Wisconsin, and Ohio.

HEARING: January 14, 1957, at the Angebilt Hotel, Orlando, Fla., before Examiner Richard Yardley.

No. MC 109263 (Sub No. 9), filed November 8, 1956, TRIO MOTOR LINES, INC., 604 Gates Avenue, Brooklyn 21, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture* (uncrated), as defined by the Commission, from New Windsor, N. Y., and Pittsburgh, Pa., to New York, N. Y. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: January 30, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 109769 (Sub No. 9), filed October 24, 1956, NEW JERSEY TRUCKING CORPORATION, 148–152 First Street, Jersey City, N. J. Applicant's representative: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Helium*, in bulk, in shipper-owned trailers, and *empty trailers*, between Boundbrook, N. J. and Schenectady, N. Y. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, and Pennsylvania.

HEARING: January 22, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 110193 (Sub No. 29), filed October 29, 1956, SAFEWAY TRUCK LINES, INC., 4625 West 55th St., Chicago, Ill. Applicant's representative: Joseph M. Scanlan, 111 W. Washington St., Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in New York to points in Missouri. Applicant is authorized to conduct operations in New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Illinois, Nebraska, Virginia, West Virginia, Wisconsin, Kentucky, Colorado, Minnesota, Indiana, Iowa, Missouri, Kansas, Delaware, New Jersey, and the District of Columbia.

HEARING: January 25, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 111072 (Sub No. 16), filed December 7, 1956, TRANSPORT DELIVERY SYSTEM, INC., 1455 South Broadway, Green Bay, Wis. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid wood preserving and treating compound* (Woodlife), in bulk, in tank vehicles, from Oshkosh, Wis., to points in the Upper Peninsula of Michigan.

HEARING: February 7, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 111540 (Sub No. 1), filed November 29, 1956, WILLIAM E. LOYD and DARREL L. LOYD, doing business as LOYD BROS., TRUCK LINE, 4852 Marvin Road, Kansas City 16, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Metal culvert pipe*, from North Kansas City, Mo., to points in Iowa and Nebraska. Applicant is authorized to conduct operations in Missouri and Kansas.

HEARING: February 7, 1957, at Hotel Pickwick, Kansas City, Mo., before Joint Board No. 192.

No. MC 111636 (Sub No. 3), filed December 3, 1956, JEFF MOTOR LINES, INC., 25 North Madison Ave., Spring Valley, N. Y. Applicant's representative: William D. Traub, 60 East 42nd St., New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plastic pipe, tubing, and pipe fittings*, from Orangeburg, N. Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE: Applicant is authorized, under Permit No. MC 111636, to serve the same shipper from Orangeburg, N. Y., to the identical destination states shown above in the transportation of fibre conduit and fibre sewer-pipe, uncrated, and junction boxes and fittings for the installation of fibre conduit and fibre sewer-pipe.

HEARING: February 5, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 112713 (Sub No. 66), filed December 10, 1956, YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Clayton & Lambert Mfg. Company located at or near Buckner, Ky., as an off-route point in connection with applicant's authorized regular route operations between St. Louis Mo., and Louisville, Ky. Applicant is authorized to conduct operations in Texas, Missouri, Kansas, Oklahoma, Illinois, Kentucky, Indiana, and Michigan.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 112815 (Sub No. 1), filed November 13, 1956, SARACCO TRUCKING CO., INC., 448 West Broadway, New York, N. Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, between points in the New York, N. Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Maryland, and Virginia.

HEARING: January 31, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 112991 (Sub No. 2), filed November 26, 1956, JOHN E. MERRIFIELD, doing business as MERRIFIELD TRANSPORT COMPANY, 458 Josephone Ave., Windsor, Ontario, Canada. Applicant's representative: Robert Alan Parr, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the boundary of the United States and Canada at Detroit, Mich., on the one hand, and, on the other, Gibraltar, Mich., and points within 2 miles of Gibraltar (including plant of McLouth Steel Corp). Applicant is authorized to conduct operations between the U. S.-Canadian boundary at Detroit and points in the Detroit, Mich. Commercial Zone.

NOTE: Applicant has pending BMC 76 application Merrifield Transport Company, Limited, MC–FC 59710.

HEARING: February 12, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 163.

No. MC 115212 (Sub No. 1), filed October 31, 1956, H. M. H. MOTOR SERVICE, a Corporation, Box 472, Jamesburg, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith, *supplies* and *equipment* used in the conduct of such businesses, between New York, N. Y., on the one hand, and, on the other, points in Indiana, Ohio, Michigan, Wisconsin and Illinois. The proposed service is to be under special and individual contracts or agreements, with persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of women's and children's ready-to-wear apparel. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, New York, North Carolina, South Carolina, and Virginia.

HEARING: January 28, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 115824 (Sub No. 1), filed December 6, 1956, LESTER PETERSEN, 410 Malin Street, Mankato, Minn. Applicant's representative: Hoyt Crooks, 842 Raymond Avenue, St. Paul, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Soy bean meal*, in sacks, or in bulk, from Mankato, Minn., to points in North Dakota and Wisconsin.

HEARING: February 12, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 219.

No. MC 116057 (Sub No. 1), filed November 2, 1956, LOUIS WELDON CRITES, Warsaw, Mo. Applicant's representative: Darold W. Jenkins, 214–215 Powers Bldg., Marshall, Mo. For authority to operate as a *contract carrier*, over a regular route, transporting: *Ground feed*, dry, in bulk (a patented "pre-feed" mixture, a concentrate, which, when added to certain grains, may be fed to either animals or poultry, and is used to produce a poultry feed designed for turkey raisers), from Marshall, Mo., to Springdale, Ark., from Marshall over U. S. Highway 65 to Springfield, Mo., thence over U. S. Highway 60 to junction Missouri Highway 37, thence over Missouri Highway 37 to junction U. S. Highway 62, thence over U. S. Highway 62 to junction combined U. S. Highways 62 and 71; thence over combined U. S. Highways 62 and 71 to Springdale, serving no intermediate points.

HEARING: February 6, 1957, at Hotel Pickwick, Kansas City, Mo., before Joint Board No. 91.

No. MC 116197 (Sub No. 2), filed October 15, 1956, DOUGLAS A. ISAACSON, 2000 Iroquois Ave., Long Beach, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Light materials for building and construction purposes, including but not limited to cinders, pumice, selenite, soda ash, pazzualana, detritus earth, rare earth, limestone, and igneous rock*, in bulk, from points in San Bernardino County, Calif. to Las Vegas, Nev.

HEARING: February 7, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 78.

No. MC 116275, filed October 29, 1956, MICHAEL NAKUNETSKY, 50 Radcliff Avenue, Port Washington, N. Y. Applicant's representative: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aluminum furniture*, and *materials, supplies, and equipment* used in, or inci-

dental to the manufacture and shipping of aluminum furniture, between New York, N. Y., on the one hand, and, on the other, points in that part of New Jersey on and north of U. S. Highway 30, and points in Dutchess, Orange, Putnam, Rockland, and Westchester Counties, N. Y., and those in Connecticut on and west of the Connecticut River.

HEARING: January 24, 1956, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

No. MC 116315, filed November 20, 1956, LIVESTOCK TRUCK & EQUIPMENT CO., a Corporation, 3500 Fruitland Road, Maywood, Calif. Applicant's representative: John C. Allen, 1212 Wilshire Blvd., Los Angeles 17, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Molasses*, in bulk, in tank trucks and tank trailers, from points in California, to points in Nevada and Utah.

HEARING: February 19, 1957, at Federal Bldg., Las Vegas, Nev., before joint Board No. 30.

No. MC 116327, filed November 29, 1956, E. K. GRIFFITH, H. B. HUGHES, JR., and K. R. HARTMAN, doing business as SEQUOIA TRUCKING, 911 Ohio Ave., Richmond, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Resin glues*, in packages, or in bulk, in tank vehicles, from South San Francisco, Calif., to points in Curry and Coos Counties, Oreg., and (2) *lumber* and *forest products*, from points in Curry and Coos Counties, Oreg., to points in California.

HEARING: February 6, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 11.

No. MC 116331, filed December 3, 1956, RUEBEN C. ZIRBEL, R. R. #1, Menasha, Wis. Applicant's representative: W. J. Edwards, 145 West Wisconsin Ave., Neenah, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Wisconsin.

HEARING: February 6, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 116336, filed December 4, 1956, W. J. MILLER and GORDON MILLER, a partnership, doing business as BEULAVILLE MILLING COMPANY, Beulaville, N. C. Applicant's representative: Vaughn S. Winborne, Security Bank Bldg., Raleigh, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizer materials*, and *livestock feeds* and *poultry feeds*, from Norfolk, Va., and points within five miles of Norfolk, to points in Duplin County, N. C.

HEARING: February 6, 1957, at the North Carolina Utilities Commission, State Library Bldg., Morgan Street, Raleigh, N. C., before Joint Board No. 7.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub No. 21), filed November 19, 1956, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's representative: James F. X. O'Brien, 17 Academy St., Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, between the junction of New Jersey Highway 4 and New Jersey Highway 17 in Paramus, N. J. and a point on New Jersey Highway 17 where the highway is intersected by the Borough of Paramus-Township of Rochelle Park boundary line, over New Jersey Highway 17, serving all intermediate points, subject to the condition that no passengers will be picked up in New York City for discharge in New Jersey south of a point on New Jersey Highway 17 where the same is intersected by the Borough of Paramus-Township of Rochelle Park boundary line, and no passengers will be picked up in New Jersey south of a point on New Jersey Highway 17 where the same is intersected by the Borough of Paramus-Township of Rochelle Park boundary line, for discharge in New York City.

NOTE: Applicant holds authority in Certificate No. MC 228 (Sub No. 5) to transport passengers and their baggage, and express, newspapers and mail in the same vehicle with passengers, between the junction of the New York-New Jersey State line and Franklin Turnpike, and Manhattan, New York, N. Y., serving all intermediate points, from the junction New York-New Jersey State line and Franklin Turnpike to junction New Jersey Highway 17 (formerly New Jersey Highway 2) thence over New Jersey Highway 17 to junction Paterson Plank Road, thence over Paterson Plank Road to junction New Jersey Highway 20 (formerly New Jersey Highway 3), thence over New Jersey Highway 20 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction Depressed Highway, North Bergen, N. J., thence over Depressed Highway to junction Elevated Highway, Weehawken, N. J., thence over Elevated Highway to the Lincoln Tunnel Plaza, and thence through the Lincoln Tunnel to Manhattan, and return over the same route, subject to the restriction that no passengers shall be picked up in New York City for discharge in New Jersey south of the junction of New Jersey Highways 17 and 4, and no passengers shall be picked up in New Jersey south of the junction of New Jersey Highways 17 and 4 for discharge in New York City. In Certificate No. MC 228 (Sub No. 13), applicant holds authority to transport passengers and their baggage, and express and newspapers in the same vehicle with passengers, between the junction New Jersey Highway 3 and the Lincoln Tunnel Interchange of the New Jersey Turnpike in Secaucus, N. J. and junction U. S. Highway 46 and New Jersey Highway 17 in Hasbrouck Heights, N. J., serving all intermediate points, from the junction New Jersey Highway 3 and Lincoln Tunnel Interchange of New Jersey Turnpike over Lincoln Tunnel Interchange of the New Jersey Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to George Washington Bridge Interchange of New Jersey Turnpike in Ridgefield Park, N. J., thence over George Washington Interchange of the New Jersey Turnpike to junction U. S. Highway 46, and thence over U. S. Highway 46 to junction New Jersey Highway 17, and return over the same route; and between junction New Jersey Highways 3 and 20 in East Rutherford, N. J., and junction New Jersey Highway 17 and Paterson Plank Road in Carlstadt, N. J., serving all intermediate points, from the junction of New Jersey Highways 3 and 20 in East Rutherford over New Jersey Highway 3 to junction New Jersey Highway 17 in Rutherford, N. J., and thence over New Jersey Highway 17 to Paterson Plank Road and return over the same route, subject to the restriction that no passengers shall be picked up in New York City for discharge in New Jersey south of the junction of New Jersey Highways 17 and 4, and no passengers shall be picked up in New Jersey south of the junction of New Jersey Highways 17 and 4 for discharge in New York City. Applicant states that the purpose of this application is to modify the restrictions in Certificates Nos. MC 228 (Sub No. 5) and MC 228 (Sub No. 13) so that applicant may pick up and discharge passengers along New Jersey Highway 17 between the junction of New Jersey Highways 17 and 4 in Paramus and the intersection of New Jersey Highway with the Borough of Paramus-Township of Rochelle Park, N. J. boundary line. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: February 11, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 228 (Sub No. 22), filed November 19, 1956, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's representative: James F. X. O'Brien, 17 Academy St., Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Mahwah, N. J. and Ridgewood, N. J., from junction New Jersey Highway 17 and Island Road in Mahwah (a point on applicant's authorized routes) over Island Road to the Mahwah-Ramsey, N. J., boundary, thence over North Central Avenue in Ramsey to its junction with West Main Street, thence over West Main St. to junction with Ramsey Road, thence over Ramsey Road to Mahwah-Wyckoff, N. J. boundary, thence over Wyckoff Avenue to junction with Franklin Avenue in Wyckoff, thence over Franklin Avenue to Wyckoff-Waldwick, N. J., boundary, thence over Wyckoff Ave. in Waldwick to junction with Franklin Turnpike in Waldwick, thence over Franklin Turnpike to junction with New Jersey Highway 17 in Ridgewood, N. J., and return over the same routes, serving all intermediate points; (2) between junction New York Highway 59 and Fourth Street in Hillburn, N. Y. and junction Fourth Street and New York Highway 17 in Hillburn, N. Y., from junction New York Highway 59 and Fourth Street in Hillburn, N. Y. (a point on applicant's authorized route) over Fourth Street to junction New York Highway 17 in Hillburn, N. Y., and return over the same routes, serving all intermediate points; (3) between junction Franklin Turnpike and Wyckoff Avenue in Waldwick, N. J. and junction Prospect Avenue and New Jersey Highway 17 in Waldwick, N. J., from the junction of Franklin Turnpike and Wyckoff Avenue in Waldwick, N. J. over Franklin Turnpike to junction East Prospect Avenue, thence over East Prospect Avenue to junction New Jersey Highway 17 in Waldwick, N. J. (a point on applicant's authorized regular routes), and return over the same route, serving all intermediate points; (4) between junction Franklin Turnpike and Hollywood Avenue in Hohokus, N. J. and junction Hollywod Ave. and New Jersey Highway 17 in Hohokus, N. J., from the junction Franklin Turnpike and Hollywood Avenue in Hohokus, N. J., over Hollywood Avenue to junction New Jersey Highway 17 in Hohokus, N. J., (a point on applicant's authorized regular route), and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: February 12, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 3.

No. MC 668 (Sub No. 60), filed October 29, 1956, INTER-CITY TRANSPORTATION CO., INC., 730 Madison Ave., Paterson, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad St., Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Ramsey, N. J. and Hillburn, N. Y., from the junction of New Jersey Highway 17 and Franklin Turnpike in Ramsey, N. J., over the Franklin Turnpike to junction of the Franklin Turnpike and New York Highway 59 in Suffern, N. Y., thence over New York Highway 59 to the junction of New York Highway 17 in Hillburn, N. Y., and return over the same routes, serving all intermediate points; (2) joinder of the above-described route at the junction of Franklin Turnpike and New Jersey Highway 17, now restricted against service to New York, N. Y. via the Lincoln Tunnel, so as to permit the transportation of passengers between points on the proposed route, on the one hand, and, on the other, New York, N. Y. via the Lincoln Tunnel, in connection with carrier's authorized routes (a) between New York, N. Y. and Livingston Manor, N. Y. and (b) between New York, N. Y. and Suffern, N. Y., (seasonal), as follows: (a) from New York across the Hudson River via the George Washington Bridge to junction New Jersey Highway 4 at Fort Lee, N. J., thence over New Jersey Highway 4 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line at Hillburn, N. Y., and thence over New York Highway 17 to Livingston Manor, and return over the same routes, serving all intermediate points except that service is not authorized between points in New Jersey east of junction New Jersey Highway 4 and 17 and New York, N. Y.; and the off-route points of Smallwood (Mountain Lake), Kauneonga Lake, Swan Lake, Hortonville, Callicoon, Lake Huntington, Hurleyville (Luzon), North Branch, Greenfield, Greenfield Park, and Dairyland, N. Y., and (b) from New York across the Hudson River through the Holland Tunnel to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction U. S. Highway 202, thence over U. S. Highway 202 to Suffern, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: February 4, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 3.

No. MC 1002 (Sub No. 11), filed November 15, 1956, ASBURY PARK-NEW YORK TRANSIT CORPORATION, 275 Broadway, Keyport, N. J. Applicant's representative: Edward W. Currie, 123 Main St., Matawan, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, between Secaucus, N. J. and New York, N. Y., from the junction of the New Jersey Turnpike and Interchange No. 16 (also known as Lincoln Tunnel Interchange) in Secaucus, N. J. over the New Jersey Turnpike and access roads to junction U. S. Highway 46, thence over U. S. Highway 46 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to the George Washington Bridge, thence over the George Washington Bridge to New York, N. Y., and return over the same route, serving no intermediate points but serving the junction of New Jersey Turnpike and Interchange No. 16 for the purpose of joinder in connection with applicant's authorized regular route operations. *Applicant seeks removal of the restriction in Certificate No. MC 1002 Sub 7 which prohibits service at the junction of the New Jersey Turnpike and Interchange No. 16 for purposes of joinder with the proposed route described above.* Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: February 8, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 3.

No. MC 114340 (Sub No. 10), REVISION filed October 30, 1956, THOMAS PARRAN, JR., doing business as SUBURBAN TRANSIT COMPANY, 10715 Colesville Road, Silver Spring, Md. Applicant's representative: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail, and newspapers*, in the same vehicle with passengers between College Park, Md., and Washington, D. C., from College Park over Maryland Highway 193 (University Lane) to the junction of Maryland Highway 650 (New Hampshire Avenue), thence over Maryland Highway 650 to the junction of Maryland Highway 410 (Ethan Allen and Philadelphia Avenues), thence over Maryland Highway 410 to the junction of U. S. Highway 29, thence over U. S. Highway 29 to Washington, D. C., and return over the same route, serving all intermediate points.

NOTE: Applicant's attorney states the foregoing slight change in the route description is occasioned by a recent decision by the Maryland Public Service Commission. Issues originally published in the November 21, 1956, FEDERAL REGISTER.

HEARING: Remains as assigned, January 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

No. MC 116066 (Sub No. 2), filed November 26, 1956, GEORGE WASHINGTON RICKETTS, R. F. D. 1, Federalsburg, Md. Applicant's representative: Francis W. McInerny, Commonwealth Bldg., 1625 K Street, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in special operations, between Bridgeville and Greenwood, Del., and points within five (5) miles of each, on the one hand, and, on the other, Federalsburg, Md., and points within five (5) miles of Federalsburg.

HEARING: February 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 40.

No. MC 116296, filed November 7, 1956, POUGHKEEPSIE TRANSIT LINES, INC., 624 Main St., Poughkeepsie, N. Y. Applicant's representative: Edward J. Murtaugh, 226 Union St., Poughkeepsie, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at Poughkeepsie, N. Y., and points within 10 miles of Poughkeepsie, and extending to points in Massachusetts, New Jersey, and Connecticut.

HEARING: January 29, 1957, at 45 Broadway, New York, N. Y., before Examiner Richard H. Roberts.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub No. 84), filed October 8, 1956, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's representative: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and commodities requiring special equipment, serving the plant of Thiokol Chemical Corporation, located approximately 6 miles west of Corrine, Utah, as an off-route point in connection with applicant's authorized operations over U. S. Highways 191 and 30 between Brigham City and Tremonton, Utah. Applicant is authorized to conduct operations in Idaho, Montana, California, Utah, Oregon, Nevada, Colorado and New Mexico. Issues originally published in the October 31, 1956, issue of the FEDERAL REGISTER. The hearing previously assigned in the application was canceled upon the filing of verified statements on behalf of applicant.

No. MC 263 (Sub No. 85), filed October 29, 1956, GARRETT FREIGHTLINES, INC., P. O. Box 349, 2055 Pole Line Road, Pocatello, Idaho. Applicant's representative: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over a

regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special eqquipment, between Dove Creek, Colo., and the mine and mill of the Union Carbide Nuclear Company near Slick Rock, Colo., from Dove Creek over an unnumbered highway to the mine and mill of the Union Carbide Nuclear Company near Slick Rock, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.

No. MC 66562 (Sub No. 1314), filed October 8, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's representative: James E. Thomas, c/o Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Building, Atlanta, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Miami, Fla., and Homestead, Fla., over U. S. Highway 1, serving Coconut Grove, South Miami, Perrine, Goulds, and Princeton, Fla., as intermediate points. RESTRICTIONS: (a) The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service; (b) Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air; and (c) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 67200 (Sub No. 7), filed October 31, 1956, THE FURNITURE TRANSPORT COMPANY, INC., 111 Hallock Ave., New Haven, Conn. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica (New York City) 32, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Stoves* and *ranges*, from New York, N. Y., to points in Connecticut, Rhode Island, and Massachusetts, and *returned, refused, or rejected shipments* of the above-described commodities on return.

No. MC 75872 (Sub No. 15), filed November 21, 1956, BOSTON & MAINE TRANSPORTATION COMPANY, a corporation, 1 Monsignor O'Brien Highway, Cambridge, Mass. Applicant's representative: R. G. Bleakney, Jr., Law Department, Boston and Maine Railroad, Boston 14, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, in substitute motor-for-rail service which is auxiliary to or supplemental of rail service of the Boston and Maine Railroad, between Milton, N. H., and Intervale, N. H., from Milton over New Hampshire Highway 16 to Intervale; also from West Ossipee, N. H., over unnumbered highway to Silver Lake, N. H., thence over New Hampshire Highway 113 to junction New Hampshire Highway 16; also from junction New Hampshire Highway 16 and unnumbered highway north of North Wakefield, N. H., over unnumbered highway to Ossipee, N. H., thence over New Hampshire Highway 28 to junction New Hampshire Highway 16; also from Sanbornville, N. H., over New Hampshire Highway 109 to Wolfeboro Center, N. H., thence over New Hampshire Highway 28 to Wolfeboro, N. H.; also from Wolfeboro Center, N. H., over New Hampshire Highway 28 to Ossipee, N. H. and return over the same routes, serving all intermediate points which are stations on the rail lines of the Boston and Maine Railroad, Sanbornville, Wolfeboro, W. Ossipee (Mt. Whittier), Silver Lake (Madison), Conway, and North Conway, N. H., and the off-route point of Center Ossipee (Mountainview), N. H. Applicant is authorized to conduct operations in Maine, Massachusetts, New Hampshire, and Vermont.

NOTE: Name of rail station in parentheses (above) where different.

No. MC 78947 (Sub No. 4), filed October 15, 1956, ROBERT ELLIOTT, doing business as ELLIOTT BROS., Dysart, Iowa. Applicant's representative: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Iron and steel articles* as defined by the Commission in Ex Parte No. MC–45, (A) REGULAR ROUTES: (1) between Waterloo, Iowa, and Belleville, Ill., from Waterloo over U. S. Highway 218 to Mt. Pleasant, Iowa, thence over U. S. Highway 34 to junction U. S. Highway 67, thence over U. S. Highway 67 to Alton, Ill., thence over Alternate U. S. Highway 67 to East St. Louis, Ill., and thence over unnumbered highways to Belleville, and return over the same route, serving the intermediate points of Alton, East Alton, and East St. Louis, Ill.; (2) from Peoria, Ill., to Waterloo, Iowa, from Peoria over U. S. Highway 150 to Galesburg, Ill., thence over U. S. Highway 34 to Mt. Pleasant, Iowa, thence over U. S. Highway 218 to Waterloo, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return, serving the intermediate point of Galesburg, Ill.; (3) between Waterloo, Iowa, and Chicago, Ill., (a) from Waterloo over U. S. Highway 218 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction Alternate U. S. Highway 30 (formerly U. S. Highway 330), thence over Alternate U. S. Highway 30 to Dixon, Ill., thence over U. S. Highway 52 to junction U. S. Highway 30, thence over U. S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U. S. Highway 34, and thence over U. S. Highway 34 to Chicago, and return over the same route; (b) from Waterloo over U. S. Highway 218 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction Alternate U. S. Highway 30 (formerly U. S. Highway 330), and thence over Alternate U. S. Highway 30 to Chicago, and return over the same route; and (c) from Waterloo over U. S. Highway 218 to Iowa City, Iowa, thence over U. S. Highway 6 to Joliet, Ill., thence over Alternate U. S. Highway 66 to junction U. S. Highway 66, and thence over U. S. Highway 66 to Chicago, and return over the same route; serving on (3) (a), (b) and (c) the intermediate and off-route points of Iowa City, Vinton, Cedar Falls, and Dysart, Iowa; Joliet, Ottawa, Peru, Silvis, Sandwich, East Moline, Moline, Rock Falls, DeKalb, Sterling, Aurora, Mendota, Dixon, Sycamore, Rock Island, and Canton, Ill.; Gary, Ind.; and points in Benton and Blackhawk Counties, Iowa; points in that part of Bremer and Butler Counties, Iowa, on and south of Iowa Highway 3 (formerly Iowa Highway 10); that part of Tama County, Iowa, on and north of U. S. Highway 30, and those in that part of Grundy County, Iowa, on and east of Iowa Highway 14; (B) IRREGULAR ROUTES: From Minneapolis, Minn., to Waterloo, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant seeks clarification of that portion of his Certificate in No. MC 78947 authorizing, among other things, *such merchandise* as is dealt in by retail hardware dealers, from, to, and between the points hereinabove set forth, except that no return movement is provided in connection with the regular route from Peoria, Ill., to Waterloo, Iowa, and the irregular routes from Minneapolis, Minn., to Waterloo, Iowa. Applicant seeks by this application to have added to his Certificate, for clarification purposes, authority to transport *iron and steel articles* as defined by the Commission in Ex Parte No. MC–45. Applicant agrees that to the extent that the granting of this application would appear to result in duplicate rights that the authority resulting from this application and authority presently held, shall be construed as granting but one single authority.

NOTE: Applicant states that no additional points are sought to be served and he believes that no additional commodities will be added to those which he presently can transport.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 207), filed December 10, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Salem and Cumberland Counties, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia,

Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine and the District of Columbia. Applicant is authorized to conduct similar operations from points in Camden and Gloucester Counties, N. J., to the same destination territory.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6467. Authority sought for purchase by LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest Twentieth Street, Miami 42, Fla., of a portion of the operating rights of SHAMROCK VAN LINES, INC., 2724 Taylor Street, Dallas, Texas. Applicants' representative: Armion Leonard, President, Leonard Bros. Transfer & Storage Co., Inc., 2595 Northwest Twentieth Street, Miami 42, Fla. Operating rights sought to be transferred: *Building contractors'* equipment, as a *common carrier* over irregular routes, between points in those parts of North Carolina, South Carolina and Virginia within 450 miles of Charlotte, N. C. Vendee is authorized to operate as a *common carrier* in Florida, Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Texas, Connecticut, Maine, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Wisconsin, California and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6468. Authority sought for purchase by AMERICAN VAN LINES, INC., 1040 North Lewis, Tulsa, Okla., of a portion of the operating rights of AMERICAN TRANSFER & STORAGE COMPANY, 1040 North Lewis, Tulsa, Okla., and for acquisition by J. EARL MONTGOMERY, also of Tulsa, of control of such rights through the purchase. Applicants' representative: W. T. Brunson, 508 Leonhardt Bldg., Oklahoma City 2, Okla. Operating rights sought to be transferred: *Household goods*, as defined by the Commission (subject to approval of an application in No. MC 111962 Sub No. 5, filed October 29, 1956, seeking removal of the restriction in the certificate in No. MC 111962 Sub No. 3, limiting this authority to the transportation of such commodities only when moving in connection with the oilfield commodities otherwise authorized in that certificate), as a *common carrier* over irregular routes between points in Arkansas, Colorado, and Texas, between points in Arkansas, Colorado, and Texas, on the one hand, and, on the other, points in Oklahoma and Kansas, and between points in Tulsa County, Okla., on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, and Texas. Vendee is not a motor carrier, but is under common control with the vendor, which is authorized to operate as a *common carrier* in Oklahoma, Kansas, Arkansas, Colorado, Texas, and Missouri. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6469. Authority sought for purchase by C. A. CONKLIN TRUCK LINE, INC., 321 Wabash Street, Toledo 2, Ohio, of the operating rights and property of LEO SZYMANSKI, doing business as TOLEDO-BUFFALO MOTOR EXPRESS, 1831 Manhattan Bldv., Toledo, Ohio, and for acquisition by J. L. KEESHIN, 1003 Bonnie Brae, River Forest, Ill., of control of such rights and property through the purchase. Applicants' representatives: Walter N. Bieneman, 2150 Guardian Bldg., Detroit 26, Mich., and Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Toledo, Ohio, and Buffalo, N. Y., serving the intermediate and off-route points within two miles of Toledo. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Michigan, Indiana, Wisconsin, Iowa and Missouri. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–10312; Filed, Dec. 18, 1956; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Blue Bell, Inc., 450 East Barnes Street, Bushnell, Ill.; effective 12–9–56 to 12–8–57 (men's and boys' twill pants).

Decatur Shirt Corp. Decatur, Miss.; effective 12–8–56 to 12–7–57 (sport shirts).

Hickerson & Co., Brainerd, Minn.; effective 12–10–56 to 12–9–57 (jackets and coats).

Linda Lane Garment Co., Inc., 106 West Bluff Street, Excelsior Springs, Mo.; effective 11–29–56 to 11–28–57 (nylon, orlon and dacron uniforms).

Samuel Meltzer, d/b/a The Liberty Co., East College Street, Dyer, Tenn.; effective 11–30–56 to 11–29–57 (men's and boys' pajamas).

Mammoth Cave Garment Co., Cave City, Ky.; effective 12–11–56 to 12–10–57 (men's and boys' dungarees).

Minersville Dress Manufacturing Co., 117 Front Street, Minersville, Pa.; effective 11–30–56 to 11–29–57 (ladies' blouses and robes).

The Newton Co., Newton, Miss.; effective 11–29–56 to 11–28–57; 10 percent of factory production workers engaged in the production of women's slacks (ladies' slacks).

The Newton Co., Newton, Miss.; effective 11–29–56 to 11–28–57; 10 percent of factory production workers engaged in the production of men's slacks (men's slacks).

Oberman Manufacturing Co., Harrison, Ark.; effective 12–5–56 to 12–4–57 (men's and boys' single pants).

Princess Peggy, Inc., Items Division, Belleville, Ill.; effective 12–7–56 to 12–6–57 (women's cotton dresses).

Salant & Salant, Inc., Henderson, Tenn.; effective 12–13–56 to 12–12–57 (men's cotton work shirts).

Saluda Shirt Co., Inc., Saluda, S. C.; effective 11–30–56 to 11–29–57; 10 percent of factory production workers engaged in the production of boys' sportshirts (boys' sportshirts).

Seamprufe, Inc., McAlester, Okla.; effective 11–27–56 to 11–26–57; 10 percent of factory production workers engaged in the production of ladies' woven underwear (slips and lingerie).

Sharon Sportswear, Inc., 540 East 180th Street, Bronx, N. Y.; effective 11–30–56 to 5–29–57 (dresses and sportswear).

Thomson Co., Millan, Ga.; effective 12–12–56 to 12–11–57 (men's and boys' sport and dress trousers).

Thomson Co., Thomson, Ga.; effective 12–8–56 to 12–7–57 (men's and boys' sport and dress trousers).

Warsaw Manufacturing Co., Warsaw, N. C.; effective 11–30–56 to 11–29–57 (cotton dresses).

Wilcox Garment Co., Inc., Rochelle, Ga.; effective 11–30–56 to 11–29–57 (men's and boys' semi-dress shirts).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Decatur Shirt Corp., Decatur, Miss.; effective 11–26–56 to 5–25–57; 25 learners (sport shirts).

Fairfield Manufacturing Co., Inc., Winnsboro, S. C.; effective 12–4–56 to 6–3–57; 20 learners (women's dresses).

The Moyer Manufacturing Co., 18–24 North Walnut Street, Youngstown, Ohio; effective 11–29–56 to 5–28–57; 15 learners (men's slacks).

Vacation Wear, Inc., New Ellenton, S. C.; effective 11–30–56 to 5–29–57; 30 learners (cotton dresses).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

The Boss Manufacturing Co., 400–06 Seneca Street, Leavenworth, Kans.; effective 11–29–56 to 11–28–57; 10 learners for normal labor turnover purposes (work glove).

Newton Glove Manufacturing Co., Newton, N. C.; effective 11–26–56 to 11–20–57; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton work gloves) (replacement certificate).

Wells Lamont Corp., Barry, Ill.; effective 11–26–56 to 11–2–57; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves) (replacement certificate).

Wells Lamont Corp., Elsberry, Mo.; effective 11–26–56 to 11–1–57; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather gloves).

Western Glove Co., Orting, Wash.; effective 11–27–56 to 11–26–57; 6 learners for normal labor turnover purposes (canvas and leather).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N. C.; effective 11–30–56 to 8–31–57; 5 learners for normal labor turnover purposes (full-fashioned) (replacement certificate).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N. C.; effective 11–30–56 to 5–29–57; 20 learners for plant expansion purposes (full-fashioned).

Lawler Hosiery Mills, Inc., 301 Bradley Street, Carrollton, Ga.; effective 11–30–56 to 11–29–57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Merrimac Knitting Mills, Inc., 235 Central Street, Franklin, N. H.; effective 11–27–56 to 5–26–57; 15 learners for plant expansion purposes (seamless).

The Nolde & Horst Co., Hugh Grey Division, Concord, N. C.; effective 11–26–56 to 5–25–57; 25 learners for plant expansion purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Alabama Textile Product Corp., Crestview, Fla.; effective 11–30–56 to 5–29–57; 15 learners for plant expansion purposes (men's shorts).

Cluett, Peabody & Co., Inc., Gilbert, Minn.; effective 12–17–56 to 12–16–57; 5 learners for normal labor turnover purposes (underwear).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 11–28–56 to 5–27–57; 10 learners engaged in the production of swim suits for plant expansion purposes (men's and boys' swim trunks).

Seamprufe, Inc., McAlester, Okla.; effective 11–27–56 to 11–26–57; 5 percent of factory production workers engaged in the production of ladies' knitted underwear for normal labor turnover purposes (slips and lingerie).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Diaper Jeans, Inc., 315 West Chestnut Street, Denison, Tex.; effective 11–30–56 to 11–29–57; 10 percent of factory production workers for normal labor turnover purposes (infants' shoes).

Diaper Jeans, Inc., 315 West Chestnut Street, Denison, Tex.; effective 11–30–56 to 5–29–57; 35 learners for plant expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated:

Carthage Wood Products, Inc., Eighth and Bissell, Hugo, Okla.; effective 11–30–56 to 5–29–57; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of cut off saw operator and nailer; authorizing the employment of 6 learners for normal labor turnover purposes (box spring frames, furniture frames).

The Eagle Glove & Garment Co., 215 North Franklin Street, Muncie, Ind.; effective 12–3–56 to 6–2–57; not less than 77½ cents per hour for a maximum of 160 hours, for the occupation of sewing machine operator; authorizing the employment of 5 learners for normal labor turnover purposes (leather, flannel, plastic, asbestos work gloves, shop aprons).

Frontier Glove Co., Inc., North Street, Springville, N. Y.; effective 11–29–56 to 5–28–57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; not less than 85 cents per hour for a maximum of 160 hours for the occupation of clicker machine operator; authorizing the employment of 3 learners for normal labor turnover purposes (industrial gloves, hockey, boxing and handballs).

Oxford-Hopkins Co., Inc., 210 Broad Street, Lynn, Mass.; effective 11–29–56 to 5–28–57; not less than 87 cents per hour for the first 240 hours and 98 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of scarfing, sticking, studding, stapling, measuring and spooling, and stitching; authorizing the employment of ten percent of factory production workers for normal labor turnover purposes (bows, ornaments and trimmings for shoes).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Beatrice Needle Craft, Inc., Ponce-Guayanilla Road, Ponce, P. R.; effective 11–5–56 to 5–4–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 66 learners for expansion purposes (brassieres).

Consolidated Cigar Corp. of P. R., Caguas, P. R.; effective 11–26–56 to 5–9–57; not less than 40 cents per hour for a maximum of 240 hours, for the occupations of sorting, sizing and tying; not less than 40 cents per hour for a maximum of 160 hours, for the occupation of inspector; authorizing the employment of 110 learners for expansion purposes (cigars).

Contessa, Inc., San Juan, P. R.; effective 11–19–56 to 5–18–57; not less than 42 cents per hour for the first 240 hours and 49 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 12 learners for expansion purposes (women's underwear).

Corosal Knitting Mills, Inc., Corosal, P. R.; effective 11–19–56 to 11–18–57; not less than 40 cents per hour for the first 240 hours and 45 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting, closing and mending; authorizing the employment of 28 learners for normal labor turnover purposes.

Juana Diaz Co., Inc., Juana Diaz, P. R.; effective 11–5–56 to 5–4–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 57 learners for expansion purposes (brassieres).

Makress, Inc., Santurce, P. R.; effective 11–26–56 to 5–25–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 25 learners for expansion purposes (girdles).

Sanrico Sportswear Corp., Garage Gomez, Mato Rey, P. R.; effective 11–12–56 to 5–11–57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 12 learners for expansion purposes (skirts, slacks and shorts).

Tobaco Products Manufacturing Corp., of P. R., Caguas, P. R.; effective 11–15–56 to 5–14–57; not less than 40 cents per hour for a maximum of 240 hours, for the occupation of sorter; not less than 40 cents per hour for a maximum of 160 hours, for the occupation of sizer; authorizing the employment of 80 learners for expansion purposes.

Uniforms, Inc., Cayey, P. R.; effective 11–19–56 to 5–18–57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of cutting and final pressing; not less than 45 cents per hour for a maximum of 160 hours, for the occupation of pressing other than final pressing; authorizing the employment of 15 learners for expansion purposes.

Youthful Corp., Hato Rey, P. R.; effective 11–15–56 to 5–14–57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 16 learners for expansion purposes.

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in the regulations, Part 528, and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 7th day of December 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-10279; Filed, Dec. 17, 1956; 8:46 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 974—MILK IN COLUMBUS, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 974.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than January 1, 1957. Any delay beyond that date in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order is known to handlers. The public hearing was held on March 6–9, 1956, and the recommended decision was issued October 12, 1956 (21 F. R. 7949). The final decision was issued by the Assistant Secretary on December 3, 1956 (21 F. R. 9716). Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Columbus, Ohio, marketing area) of more than 50 percent of the volume of milk covered by this order, amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the de-

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FEDERAL REGISTER

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clared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (October 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 974.41 (a) and (b) and substitute therefor the following:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of (except that which has been dumped or disposed of as livestock feed) as milk, skim milk, buttermilk, flavored milk or flavored milk drinks,

(2) Disposed of for consumption as sweet or sour cream, and mixtures of cream or milk (or skim milk) containing more than 6 percent butterfat other than eggnog,

(3) Used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption, and

(4) Not specifically accounted for under subparagraphs (1), (2), and (3) of this paragraph, or as Class II milk, Class III milk, and Class IV milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese, eggnog, and any mixture containing skim milk or butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing an aerated product (such as "Reddi-Wip," "Instant Whip," etc.),

2. Delete from § 974.43 (a) the phrase "milk, skim milk, flavored milk, flavored milk drinks, or buttermilk" and insert in lieu thereof the following: "products specified in § 974.41 (a)".

3. Delete § 974.43 (b) and renumber the present § 974.43 (c) as § 974.43 (b) and § 974.43 (d) as § 974.43 (c).

4. In § 974.43 (a) delete the phrase "paragraphs (c) and (d)" and substitute therefor the phrase "paragraphs (b) and (c)".

4a. Delete from § 974.43 (c) the cross-reference which reads as follows: "and (b) (1) and (2)".

5. Delete § 974.44 (g) (1) and substitute therefor the following:

(1) Computing the aggregate amount of skim milk and butterfat (in whatever form) in items used to produce each of the several items of Class II milk; and

6. Delete from § 974.45 (a) the following phrase: "(other than butterfat used in butter making)".

7. Delete § 974.51 (a) (1), (2) and (3) and substitute the following:

(1) Compute a "current utilization percentage" by dividing the total receipts of producer milk in the month for which a price is being computed and the first preceding month by the total gross volume of Class I milk (less interhandler transfers and inventory variations) for the same months, multiplying the result by 100, and rounding to the nearest whole number. The total gross volume of Class I milk to be used in this computation should include the volume of any milk which was previously classified as other than Class I milk and was reclassified pursuant to § 974.42 (b) during the above described two-month period as Class I milk.

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed pursuant to subparagraph (1) of this paragraph the appropriate standard utilization percentage shown:

Month for which a price is being computed:	*Standard utilization percentage*
January	128
February	127
March	130
April	135
May	144
June	152
July	147
August	143
September	131
October	128
November	128
December	124

(3) Determine the amount of the supply-demand adjustment as follows:

If the net utilization percentage is:	*Supply-demand adjustment*
+16 or over	−38
+12 or +13	−28
+8 or +9	−20
+4 or +5	−10
+1 or −1	0
−4 or −5	+10
−8 or −9	+20
−12 or −13	+28
−16 or under	+38

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which would have been used in determining the supply-demand adjustment had it been in effect in the previous month.

8. Delete § 974.52 (a) and substitute therefor the following:

(a) Add to the basic formula price $0.70 in each month, and add or subtract the supply-demand adjustment as computed in § 974.51 (a) (1), (2) and (3).

9. Delete the proviso in § 974.52 (b) and substitute therefor as follows: "*Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to § 974.53 (a) (2) and (b) (2)."

10. Delete § 974.53 and substitute therefor the following:

§ 974.53 *Class III milk price.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class III milk shall be as follows, as computed by the market administrator:

(a) For each of the months of August through March the prices for skim milk and butterfat shall be computed as follows:

(1) Add to the basic formula price $0.60 in each month and add or subtract the supply-demand adjustment as computed in § 974.51 (a) (1), (2), and (3);

(2) Multiply the price computed in subparagraph (1) of this paragraph by the percentage computed in § 974.51 (b), and then divide by 0.035; the resulting amount shall be the Class III butterfat price per hundredweight: *Provided*, That in no event shall the price of Class III butterfat be less than $0.06 per pound above the price computed pursuant to § 974.54 (b);

(3) Subtract from the price computed pursuant to subparagraph (1) of this paragraph the amount computed in subparagraph (2) of this paragraph multiplied by 0.035, and divide the result by 0.965; the resulting amount shall be the Class III skim milk price per hundredweight.

(b) For each of the months of April through July the prices for skim milk and butterfat shall be computed as follows:

(1) Add to the basic formula price $0.30 in each month;

(2) Compute the prices per hundredweight of butterfat and skim milk in accordance with the procedure outlined in subparagraphs (2) and (3) of paragraph (a) of this section.

11. Delete § 974.54 (b) and substitute therefor the following:

(b) The price per hundredweight of butterfat shall be computed as follows: From the arithmetical average of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month, as reported by the Department of Agriculture for the Chicago market, subtract 3.5 cents, then multiply by 120.

12. Delete § 974.76 and substitute therefor the following:

§ 974.76 *Butterfat differential.* For each month the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by subtracting from the weighted average price per hundredweight of all butterfat from producer milk in Class II milk, Class III milk, and Class IV milk, the weighted average price per hundredweight of all skim milk from producer milk in Class II milk, Class III milk and Class IV milk, and dividing the remainder by 1,000.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 17th day of December 1956, to be effective on and after January 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56–10348; Filed, Dec. 19, 1956; 8:47 a. m.]

of producer milk in the month for which respective minimum prices per hundred-

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

REVISION OF PART

Because of the number of changes resulting from current amendments to Part 14, there follows a revision of Part 14 incorporating all changes thereto which were in effect on December 15, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

Subpart A—General

APPLICABILITY AND DEFINITIONS

Sec.
14.0 Applicability of this part.
14.1 Definitions.

CERTIFICATION

14.10 Eligibility for type certificates.
14.11 Designation of applicable regulations.
14.12 Recording of applicable regulations.
14.13 Type certificate.
14.14 Data required.
14.15 Inspections and tests.
14.16 Required tests.
14.17 Production certificates.
14.18 Approval of materials, parts, processes, and appliances.
14.19 Changes in type design.

IDENTIFICATION AND INSTRUCTION MANUAL

14.20 Propeller identification data.
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DESIGN AND CONSTRUCTION

14.100 Scope.
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TESTS

14.150 General.
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14.152 Vibration test.
14.153 Endurance test.
14.154 Functional test.
14.155 Special tests.
14.156 Teardown inspection.
14.157 Propeller adjustments and parts replacements.

AUTHORITY: §§ 14.0 to 14.157 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553.

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 14.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for propellers[1] used on aircraft. This part, until superseded or rescinded, shall apply to all propellers for which applications for type certification are made after the effective date of this part (August 20, 1938).

§ 14.1 *Definitions.* As used in this part, terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of a propeller or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., means approved by the Administrator. (See § 14.18.)

(b) *General design*—(1) *Propeller.* A propeller includes all parts, appurtenances, and accessories thereof.[2]

(2) *Propeller accessories.* Propeller accessories are those necessary for the control and operation of the propeller.

(3) *Pitch setting.* Pitch setting is the propeller blade setting determined by the blade angle measured in a manner, and at a radius, specified in the instruction manual for the propeller.

(4) *Fixed-pitch propeller.* A fixed-pitch propeller is a propeller the pitch setting of which cannot be changed except by processes constituting a workshop operation.

(5) *Adjustable-pitch propeller.* An adjustable-pitch propeller is a propeller the pitch setting of which can be conveniently changed in the course of ordinary field maintenance but which cannot be changed when the propeller is rotating.

(6) *Variable-pitch propeller.* A variable-pitch propeller is a propeller the pitch setting of which can be changed by the flight crew or by automatic means while the propeller is rotating.

(7) *Feathered pitch.* Feathered pitch is the propeller pitch setting which in flight, with the engines stopped, gives approximately the minimum drag and corresponds with a wind-milling torque of approximately zero.

(8) *Reverse pitch.* Reverse pitch is the propeller pitch setting for any blade angle used beyond zero pitch (e. g. the negative angle used for reverse thrust).

CERTIFICATION

§ 14.10 *Eligibility for type certificates.* A propeller shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the propeller which renders it unsafe for use on aircraft.

§ 14.11 *Designation of applicable regulations.* The provisions of this section shall apply to all propeller types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the propeller shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 14.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 14.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a major component of the propeller and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 14.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the propeller shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in number of blades;

(2) A change in the principle of pitch change operation;

(3) A change in design which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

[1] Applicable to both reciprocating and turbine engines, unless otherwise stated.

[2] As defined in Section 1 of the Civil Aeronautics Act of 1938, as amended.

§ 14.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 14.11.)

§ 14.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the propeller by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this subchapter.[3]

(b) The type certificate shall be deemed to include the type design (see § 14.14 (b), the operating limitations for the propeller (see § 14.16), and any other conditions or limitations prescribed by the regulations in this subchapter.

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 14.12 shall be considered as incorporated in the type certificate as though set forth in full.

§ 14.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the propeller complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the propeller and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the propeller, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent propellers of the same type.

§ 14.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the propeller complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design,

(b) All parts of the propeller are constructed in accordance with the drawings in the type design,

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

§ 14.16 *Required tests.* The tests prescribed in this part shall be conducted to establish the propeller operating limitations, as chosen by the applicant, and the reliability of the propeller to operate within those limitations. The provisions of paragraphs (a) through (c) of this section shall be applicable.

(a) The applicant shall furnish all testing facilities, including equipment and competent personnel, to conduct the prescribed tests.

(b) An authorized representative of the Administrator shall witness such of the tests as are necessary to verify the test report.

(c) The Administrator shall establish propeller operating limitations determined on the basis of the propeller operating conditions demonstrated during the tests.

§ 14.17 *Production certificates.* (For requirements with regard to production certificates see Part 1 of this subchapter.)

§ 14.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the regulations in this subchapter. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for a propeller, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 14.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 14.11 (d) and (e), and Part 1 of this subchapter.)

IDENTIFICATION AND INSTRUCTION MANUAL

§ 14.20 *Propeller identification data.* A certificated propeller, propeller blade, or propeller hub shall have displayed upon it conspicuously the identification data required by § 1.50 of this subchapter. The identification data shall be permanently attached upon a noncritical surface of the propeller, blade, or hub by means of a plate, stamping, engraving, etching, or other approved method. When such data are not visible when the propeller is assembled or installed on an aircraft, they shall also be painted or printed on the propeller, blade, or hub.

§ 14.21 *Instruction manual.* The applicant shall prepare and make available an approved manual containing instructions for the installation, operation, servicing, maintenance, repair, and overhaul of the propeller.

NOTE: It is not intended to limit the form of the manual to a single document.

SUBPART B—AIRWORTHINESS

DESIGN AND CONSTRUCTION

§ 14.100 *Scope.* (a) The propeller shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

(b) The design and construction provisions of this part shall be applicable to the propeller when it is installed, operated, and maintained in accordance with the instruction manual prescribed in § 14.21.

§ 14.101 *Materials.* The suitability and durability of all materials used in the propeller shall be established on a basis of experience or tests. All materials used in the propeller shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 14.102 *Durability.* All parts of the propeller shall be designed and constructed to minimize the development of an unsafe condition of the propeller between overhaul periods.

§ 14.103 *Reversible propellers.* Reversible propellers shall be adaptable for use with a reversing system in an airplane so that no single failure or malfunctioning of the reversing system during normal or emergency operation will result in unwanted travel of the propeller blades to a position substantially below the normal flight low-pitch stop. Failure of structural elements need not be considered if the occurrence of such failure is expected to be extremely remote.

TESTS

§ 14.150 *General.* The tests and inspections prescribed in §§ 14.151 through 14.157 shall be applicable to propellers, including all essential accessories. The propeller shall complete the prescribed tests without evidence of failure or malfunctioning.

§ 14.151 *Centrifugal load test.* The hub and blade retention arrangement of propellers with detachable blades shall be subjected to a centrifugal load equal to twice the centrifugal force to which the propeller is to be subjected in normal operation. Either one of the following two test methods shall be acceptable:

(a) A one-hour whirl test, or

(b) A static pull test.

§ 14.152 *Vibration test.* Propellers with metal blades and/or metal hubs shall be subjected to a vibration test under sufficient conditions to establish the level of vibratory stresses in the blade and/or hub when the propeller is operated under all conditions of rotational speed and engine power which are to be established for the propeller. The test shall be conducted on the same or equivalent engine and the test stand configuration on which the endurance tests are conducted.

§ 14.153 *Endurance test*—(a) *Fixed-pitch wood propellers.* Fixed-pitch wood

[3] Prior to approval for use of a type certificated propeller on a certificated aircraft, the propeller will be required to comply with pertinent provisions of the applicable aircraft airworthiness parts of the regulations in this subchapter.

propellers shall be subjected to one of the following endurance tests:

(1) A 10-hour endurance block test on an engine shall be conducted with a propeller of the greatest pitch and diameter for which certification is sought at the rated rotational speed.

(2) A 50-hour flight test shall be conducted in level flight or in climb. At least 5 hours of this flight test shall be conducted with the propeller operated at the rated rotational speed, and the remainder of the 50 hours shall be conducted with the propeller operated at not less than 90 percent of the rated rotational speed.

(3) A 50-hour endurance block test on an engine shall be conducted at the power and propeller rotational speed for which certification is sought.

(b) *Fixed-pitch metal propellers and adjustable-pitch propellers.* Fixed-pitch propellers with metal blades and adjustable-pitch propellers shall be subjected to one of the endurance tests prescribed in paragraphs (a) (2) and (3) of this section.

(c) *Variable-pitch propellers.* Variable-pitch propellers shall be subjected to one of the following endurance tests:

(1) A 100-hour endurance test shall be conducted on an engine of the same power and rotational speed characteristics as the engine or engines with which the propeller is intended to be used. The endurance test shall be conducted at the maximum continuous rotational speed and power rating of the propeller, except that, in the event a rotational speed(s) and power condition(s) is found to be critical on the basis of the vibration test prescribed in § 14.152, such portion of the 100 hours as the Administrator finds necessary, but not in excess of 50 hours, shall be conducted at the critical rotational speed(s) and power condition(s). If a take-off rating greater than the maximum continuous rating is to be established, a 10-hour block test in addition to the 100 hours shall be conducted at the maximum power and rotational speed for the take-off rating.

(2) The propeller shall be operated throughout the engine endurance tests prescribed in Part 13 of this subchapter.

§ 14.154 *Functional test.* Variable-pitch propellers shall be subjected to the following functional tests as applicable. The same propeller as used in the endurance test shall be used in the functional tests and shall be driven by an engine mounted on a test stand or on an aircraft.

(a) *Manually controllable propellers.* 500 complete cycles of control shall be applied throughout the pitch and rotational speed ranges.

(b) *Automatically controllable propellers.* 1,500 complete cycles of control by means of automatic control mechanism shall be applied throughout the pitch and rotational speed ranges.

(c) *Feathering propellers.* 50 cycles of feathering operation shall be applied.

(d) *Reversible-pitch propellers.* 200 complete cycles of control shall be applied from the lowest normal pitch to the maximum reverse pitch. At the end of each cycle the propeller shall be operated in reverse pitch for a period of one minute at the reverse pitch maximum rotational speed and power.

§ 14.155 *Special tests.* Such tests shall be conducted as the Administrator finds necessary to substantiate the use of any unconventional features of design, material, or construction.

§ 14.156 *Teardown inspection.* After completion of the tests, the propeller shall be completely disassembled and a detailed inspection shall be made of the propeller parts to check for fatigue, wear, and distortion.

§ 14.157 *Propeller adjustments and parts replacements.* During the tests servicing and minor repairs of the propeller shall be permissible. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question shall be subjected to such additional tests as are found by the Administrator to be necessary.

[F. R. Doc. 56-10369; Filed, Dec. 19, 1956; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of this title is amended as follows:

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGE UNDER THE INSURANCE CONTRACT

Section 222.13 (a) (1) (vi) is amended to read as follows:

§ 222.13 *Condition of property when transferred: delivery of debentures and certificate of claim.* (a) • • •

(1) • • •

(vi) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
2¼	Aug. 9, 1954	Sept. 1, 1954
2½	Sept. 1, 1954	Jan. 1, 1955
2⅝	Jan. 1, 1955	July 1, 1955
2¾	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	

Subchapter D—Multifamily and Group Housing Insurance

PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 233.9 (a) (1) (vii) is amended to read as follows:

§ 233.9 *Insurance benefits.* (a) • • •

(1) • • •

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
2¼	Aug. 13, 1954	Jan. 1, 1955
2⅝	Jan. 1, 1955	July 1, 1955
2¾	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	

Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Section 293a.9 (a) (1) (vii) is amended to read as follows:

§ 293a.9 *Delivery of debentures and certificate of claim.* (a) • • •

(1) • • •

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
2½	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	

Subchapter N—National Defense Housing Insurance

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 295.11 (a) (1) (vi) is amended to read as follows:

§ 295.11 *Condition of property when transferred; delivery of debentures and certificates of claim.* (a) • • •

(1) • • •

(vi) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
2½	Sept. 1, 1951	July 8, 1953
2¾	July 8, 1953	May 29, 1954
2½	May 29, 1954	Jan. 1, 1955
2⅝	Jan. 1, 1955	July 1, 1955
2¾	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	

(Sec. 211, 52 Stat. 23 as amended; 12 U. S. C. 1715b. Interpret or apply sec. 207, 48 Stat. 1252, as amended, sec. 907, 65 Stat. 301, sec. 401, 69 Stat. 651, 12 U. S. C. 1713, 1750f, 1748f)

Issued at Washington, D. C., December 17, 1956.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 56-10371; Filed, Dec. 19, 1956; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

DECEMBER 11, 1956.

On November 9, 1956, there was published in the daily issue of the FEDERAL REGISTER, Volume 21, No. 219, page 8662, notice of intention to modify § 130.32, Subchapter L, Chapter I of the Code of Federal Regulations, Title 25. This section deals with the operation and maintenance charges on assessable lands at the Fort Hall Indian Reservation, Idaho. The Modification consisted of the establishment of a basic water charge for the Minor Units on the Fort Hall Indian Reservation. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to Don C. Foster, Area Director, within thirty days from the publication of the Notice. No such written comments or protests were received during this period. Accordingly, § 130.32 of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter L, Irrigation Projects: Operation and Maintenance, is amended to read as follows:

§ 130.32 *Basic and other water charges.* (a) In compliance with the provisions of the act of March 1, 1907 (34 Stat. 1024) the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1957 and subsequent years until further notice as follows:

(1) Fort Hall Project	$3.25 per acre
(2) Minor Units, Fort Hall	1.25 per acre

(b) In addition to the charges in paragraph (a) of this section, there shall be collected annually a minimum charge of $3.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. No bill shall be rendered for less than $6.00.

(c) Indian lands, leased, as discussed in the letter from the Commissioner of Indian Affairs of December 1, 1938, and approved by the Assistant Secretary of the Interior on December 17, 1938, are subject to the payment of the foregoing charges as therein provided.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

H. L. MOORE,
Acting Area Director.

[F. R. Doc. 56-10338; Filed, Dec. 19, 1956; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6217]

Subchapter A—Income Tax

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notices of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise provided, under sections 641 through 678 and section 683 of the Internal Revenue Code of 1954, were published in the FEDERAL REGISTER as follows:

Sections; Date; and Volume and Page Nos.

641 through 663, and 683; May 2, 1956 (21 F. R. 2865).

665 through 668; May 25, 1956 (21 F. R. 3579).

671 through 678; May 25, 1956 (21 F. R. 3590).

After consideration of all such relevent matter as was presented by interested persons regarding the rules proposed, the following regulations, which supersede paragraph 16 of T. D. 6118 (19 F. R. 9896), approved December 30, 1954, are hereby adopted:

ESTATES, TRUSTS, BENEFICIARIES, AND DECEDENTS

Sec.
1.641-1 Scope of subchapter J.

ESTATES, TRUSTS, AND BENEFICIARIES

1.641-2 Scope of subparts A, B, C, and D.

General Rules for Taxation of Estates and Trusts

1.641 (a) Statutory provisions; estates and trusts; imposition of tax; application of tax.
1.641 (a)-1 Imposition of tax; application of tax.
1.641 (a)-2 Gross income of estates and trusts.
1.641 (b) Statutory provisions; estates and trusts; computation and payment of tax.
1.641 (b)-1 Computation and payment of tax; deductions and credits of estates and trusts.
1.641 (b)-2 Filing of returns and payment of the tax.
1.641 (b)-3 Termination of estates and trusts.
1.642 (a) (1) Statutory provisions; estates and trusts; special rules for credits and deductions; partially tax-exempt interest.
1.642 (a) (1)-1 Partially tax-exempt interest.
1.642 (a) (2) Statutory provisions; estates and trusts; special rules for credits and deductions; foreign taxes.
1.642 (a) (2)-1 Foreign taxes.
Sec.
1.642 (a) (3) Statutory provisions; estates and trusts; special rules for credits and deductions; dividends.
1.642 (a) (3)-1 Dividends received by an estate or trust.
1.642 (a) (3)-2 Time of receipt of dividends by beneficiary.
1.642 (a) (3)-3 Cross reference.
1.642 (b) Statutory provisions; estates and trusts; special rules for credits and deductions; personal exemption.
1.642 (b)-1 Deduction for personal exemption.
1.642 (c) Statutory provisions; estates and trusts; special rules for credits and deductions; charitable contributions deduction.
1.642 (c)-1 Charitable contributions deduction.
1.642 (c)-2 Reduction of charitable contributions deduction by exempt income.
1.642 (c)-3 Capital gains included in charitable contribution.
1.642 (c)-4 Cross reference.
1.642 (d) Statutory provisions; estates and trusts; special rules for credits and deductions; net operating loss deduction.
1.642 (d)-1 Net operating loss deduction.
1.642 (e) Statutory provisions; estates and trusts; special rules for credits and deductions; deduction for depreciation and depletion.
1.642 (e)-1 Depreciation and depletion.
1.642 (f) Statutory provisions; estates and trusts; special rules for credits and deductions; amortization of emergency or grain storage facilities.
1.642 (f)-1 Amortization of emergency or grain storage facilities.
1.642 (g) Statutory provisions; estates and trusts; special rules for credits and deductions; disallowance of double deductions.
1.642 (g)-1 Disallowance of double deductions; in general.
1.642 (g)-2 Deductions included.
1.642 (h) Statutory provisions; estates and trusts; special rules for credits and deductions; unused loss carryovers and excess deductions.
1.642 (h)-1 Unused loss carryovers on termination of an estate or trust.
1.642 (h)-2 Excess deductions on termination of an estate or trust.
1.642 (h)-3 Meaning of "beneficiaries succeeding to the property of the estate or trust".
1.642 (h)-4 Allocation.
1.642 (h)-5 Example.
1.642 (i) Statutory provisions; estates and trusts; special rules for credits and deductions; disallowance of standard deduction.
1.642 (i)-1 Disallowance of standard deduction (cross reference).
1.643-1 Distributable net income; deduction for distributions; in general.
1.643 (a) Statutory provisions; estates and trusts; definition of distributable net income.
1.643 (a)-1 Deduction for distributions.
1.643 (a)-2 Deduction for personal exemption.
1.643 (a)-3 Capital gains and losses.
1.643 (a)-4 Extraordinary dividends and taxable stock dividends.
1.643 (a)-5 Tax-exempt interest.
1.643 (a)-6 Foreign income.
1.643 (a)-7 Dividends.
1.643 (b) Statutory provisions; estates and trusts; definition of income.
1.643 (b)-1 Definition of "income".
1.643 (b)-2 Dividends allocated to corpus.
1.643 (c) Statutory provisions; estates and trusts; definition of beneficiary.
1.643 (c)-1 Definition of "beneficiary".
1.643 (c)-2 Illustration of the provisions of section 643.

of each cycle the propeller shall be oper- to read as follows:

Trusts Which Distribute Current Income Only

Sec.
1.651 (a) Statutory provisions; trusts which distribute current income only; deduction for amounts required to be distributed currently.
1.651 (a)-1 Simple trusts; deduction for distributions; in general.
1.651 (a)-2 Income required to be distributed currently.
1.651 (a)-3 Distribution of amounts other than income.
1.651 (a)-4 Charitable purposes.
1.651 (a)-5 Estates.
1.651 (b) Statutory provisions; trusts which distribute current income only; limitation on deduction for amounts required to be distributed currently.
1.651 (b)-1 Deduction for distributions to beneficiaries.
1.652 (a) Statutory provisions; trusts which distribute current income only; inclusion of amounts in gross income of beneficiaries.
1.652 (a)-1 Simple trusts; inclusion of amounts in income of beneficiaries.
1.652 (a)-2 Distributions in excess of distributable net income.
1.652 (b) Statutory provisions; trusts which distribute current income only; character of amounts in the hands of beneficiaries.
1.652 (b)-1 Character of amounts.
1.652 (b)-2 Allocation of income items.
1.652 (b)-3 Allocation of deductions.
1.652 (c) Statutory provisions; trusts which distribute current income only; inclusion of amounts in gross income of beneficiaries; different taxable years.
1.652 (c)-1 Different taxable years.
1.652 (c)-2 Death of individual beneficiaries.
1.652 (c)-3 Termination of existence of other beneficiaries.
1.652 (c)-4 Illustration of the provisions of sections 651 and 652.

Estates and Trusts Which May Accumulate Income or Which Distribute Corpus

1.661 (a) Statutory provisions; estates and trusts accumulating income or distributing corpus; deduction for amounts required to be distributed currently and other amounts distributed.
1.661 (a)-1 Estates and trusts accumulating income or distributing corpus; general.
1.661 (a)-2 Deduction for distributions to beneficiaries.
1.661 (b) Statutory provisions; estates and trusts accumulating income or distributing corpus; character of amounts distributed to beneficiaries.
1.661 (b)-1 Character of amounts distributed; in general.
1.661 (b)-2 Character of amounts distributed when charitable contributions are made.
1.661 (c) Statutory provisions; estates and trusts accumulating income or distributing corpus; limitation on deduction for amounts distributed to beneficiaries.
1.661 (c)-1 Limitation on deduction.
1.661 (c)-2 Illustration of the provisions of section 661.
1.662 (a) Statutory provisions; estates and trusts which may accumulate income or which distribute corpus; inclusion of amounts in gross income of beneficiaries.
1.662 (a)-1 Inclusion of amounts in gross income of beneficiaries of estates and complex trusts; general.
1.662 (a)-2 Currently distributable income.
1.662 (a)-3 Other amounts distributed.
1.662 (a)-4 Amounts used in discharge of a legal obligation.
1.662 (b) Statutory provisions; estates and trusts which may accumulate income or which distribute corpus; character of amounts in the hands of beneficiaries.
1.662 (b)-1 Character of amounts; when no charitable contributions are made.

Sec.
1.662 (b)-2 Character of amounts; when charitable contributions are made.
1.662 (c) Statutory provisions; estates and trusts which may accumulate income or which distribute corpus; different taxable years.
1.662 (c)-1 Different taxable years.
1.662 (c)-2 Death of individual beneficiary.
1.662 (c)-3 Termination of existence of other beneficiaries.
1.662 (c)-4 Illustration of the provisions of sections 661 and 662.
1.663 (a) Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; exclusions.
1.663 (a)-1 Special rules applicable to sections 661 and 662; exclusions, gifts, bequests, etc.
1.663 (a)-2 Charitable, etc., distributions.
1.663 (a)-3 Denial of double deduction.
1.663 (b) Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; distributions in first sixty-five days of taxable year.
1.663 (b)-1 Distributions in first sixty-five days of taxable year; scope.
1.663 (b)-2 Elections.
1.663 (c) Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; separate shares treated as separate trusts.
1.663 (c)-1 Separate shares treated as separate trusts; in general.
1.663 (c)-2 Computation of distributable net income.
1.663 (c)-3 Applicability of separate share rule.
1.663 (c)-4 Example.

Treatment of Excess Distributions by Trusts

1.665-1 Excess distributions by trusts; scope of subpart D.
1.665 (a) Statutory provisions; excess distributions by trusts; definition of undistributed net income.
1.665 (a)-1 Undistributed net income.
1.665 (b) Statutory provisions; excess distributions by trusts; definition of accumulation distribution.
1.665 (b)-1 Accumulation distribution; in general.
1.665 (b)-2 Exclusions from accumulation distributions.
1.665 (b)-3 Exclusions under section 663 (a) (1).
1.665 (c) Statutory provisions; excess distributions by trusts; definition of taxes imposed on the trust.
1.665 (c)-1 Taxes imposed on the trust.
1.665 (d) Statutory provisions; excess distributions by trusts; definition of preceding taxable year.
1.665 (d)-1 Preceding taxable year.
1.665 (d)-2 Application of separate share rule.
1.666 (a) Statutory provisions; excess distributions by trusts; allocation of accumulation distribution.
1.666 (a)-1 Amount allocated.
1.666 (b) Statutory provisions; excess distributions by trusts; total taxes deemed distributed.
1.666 (b)-1 Total taxes deemed distributed.
1.666 (c) Statutory provisions; excess distributions by trusts; pro rata portion of taxes deemed distributed.
1.666 (c)-1 Pro rata portion of taxes deemed distributed.
1.666 (c)-2 Illustration of the provisions of section 666.
1.667 Statutory provisions; excess distributions by trusts; denial of refund to trusts.
1.667-1 Denial of refund to trusts.
1.668 (a) Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding taxable years; amounts treated as received in prior taxable years.

Sec.
1.668 (a)-1 Amounts treated as received in prior taxable years; inclusion in gross income.
1.668 (a)-2 Allocation among beneficiaries; in general.
1.668 (a)-3 Excluded amounts.
1.668 (a)-4 Tax attributable to throwback.
1.668 (b) Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding taxable years; credit for taxes paid by trust.
1.668 (b)-1 Credit for taxes paid by the trust.
1.668 (b)-2 Illustration of the provisions of sections 665 through 668.

Grantors and Others Treated as Substantial Owners

1.671 Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income, deductions, and credits attributable to grantors and others as substantial owners.
1.671-1 Grantors and others treated as substantial owners; scope.
1.671-2 Applicable principles.
1.671-3 Attribution or inclusion of income, deductions, and credits against tax.
1.671-4 Method of reporting.
1.672 (a) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of adverse party.
1.672 (a)-1 Definition of adverse party.
1.672 (b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of nonadverse party.
1.672 (b)-1 Nonadverse party.
1.672 (c) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of related or subordinate party.
1.672 (c)-1 Related or subordinate party.
1.672 (d) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; rule where power is subject to condition precedent.
1.672 (d)-1 Power subject to condition precedent.
1.673 (a) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; reversionary interests.
1.673 (a)-1 Reversionary interests; income payable to beneficiaries other than certain charitable organizations; general rule.
1.673 (b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; charitable beneficiaries.
1.673 (b)-1 Income payable to charitable beneficiaries.
1.673 (c) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; reversionary interest taking effect at death of income beneficiary.
1.673 (c)-1 Reversionary interest after income beneficiary's death.
1.673 (d) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; postponement of date specified for reacquisition.
1.673 (d)-1 Postponement of date specified for reacquisition.
1.674 (a) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to control beneficial enjoyment.
1.674 (a)-1 Power to control beneficial enjoyment; scope of section 674.
1.674 (b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exceptions for certain powers to control beneficial enjoyment.
1.674 (b)-1 Excepted powers exercisable by any person.

Sec.
1.674 (c) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exception for certain powers of independent trustees.
1.674 (c)-1 Excepted powers exercisable only by independent trustees.
1.674 (d) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to allocate income if limited by a standard.
1.674 (d)-1 Excepted powers exercisable by any trustee other than grantor or spouse.
1.674 (d)-2 Limitations on exceptions in section 674 (b), (c), and (d).
1.675 Statutory provisions; estates and trusts; grantors and others treated as substantial owners; administrative powers.
1.675-1 Administrative powers.
1.676 (a) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to revoke; general rule.
1.676 (a)-1 Power to revest title to portion of trust property in grantor; general rule.
1.676 (b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to revoke exercisable only after a period of time.
1.676 (b)-1 Powers exercisable only after a period of time.
1.677 (a) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income for benefit of grantor; general rule.
1.677 (a)-1 Income for benefit of grantor; general rule.
1.677 (b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trusts for support of grantor's dependents.
1.677 (b)-1 Trusts for support.
1.678 (a) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; person other than grantor treated as substantial owner; general rule.
1.678 (a)-1 Person other than grantor treated as substantial owner; general rule.
1.678 (b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exception where grantor is taxable.
1.678 (b)-1 If grantor is treated as the owner.
1.678 (c) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trusts for support.
1.678 (c)-1 Trusts for support.
1.678 (d) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; effect of renunciation or disclaimer.
1.678 (d)-1 Renunciation of power.

Miscellaneous

1.683 Statutory provisions; estates and trusts; applicability of provisions.
1.683-1 Applicability of provisions; general rule.
1.683-2 Exceptions.
1.683-3 Application of the 65-day rule of the Internal Revenue Code of 1939.

AUTHORITY: §§ 1.641-1 to 1.683-3 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

ESTATES, TRUSTS, BENEFICIARIES, AND DECEDENTS

§ 1.641-1 *Scope of subchapter J.* Subchapter J (sections 641 through 692) of chapter 1 of the Internal Revenue Code of 1954 deals with the taxation of income of estates and trusts and their beneficiaries, and of income in respect of decedents. Part I of subchapter J contains general rules for taxation of estates and trusts (subpart A) and specific rules relating to trusts which distribute current income only (subpart B), estates and trusts which may accumulate income or which distribute corpus (subpart C), treatment of excess distributions by trusts (subpart D), grantors and other persons treated as substantial owners (subpart E), and miscellaneous provisions relating to limitations on charitable deductions, income of an estate or trust in case of divorce, and taxable years to which the provisions of subchapter J are applicable (subpart F). Part II of subchapter J relates to the treatment of income in respect of decedents. However, the provisions of subchapter J do not apply to employees' trusts subject to subchapters D and F and common trust funds subject to subchapter H.

ESTATES, TRUSTS, AND BENEFICIARIES

§ 1.641-2 *Scope of subparts A, B, C, and D.* Subparts A, B, C, and D (sections 641 to 668, inclusive) relate to the taxation of estates and trusts and their beneficiaries. These subparts have no application to any portion of the corpus or income of a trust which is to be regarded, within the meaning of the Internal Revenue Code, as that of the grantor or others treated as its substantial owners. See subpart E (sections 671 to 678, inclusive) of subchapter J and regulations thereunder for rules for the treatment of any portion of a trust where the grantor (or another person) is treated as the substantial owner. So-called alimony trusts are treated under subparts A, B, C, and D except to the extent otherwise provided in section 71 or section 682. These subparts have no application to beneficiaries of nonexempt employees' trusts. See section 402 (b) and the regulations thereunder.

General Rules for Taxation of Estates and Trusts

§ 1.641 (a) *Statutory provisions; estates and trusts; imposition of tax; application of tax.*

SEC. 641. *Imposition of tax*—(a) *Application of tax.* The taxes imposed by this chapter on individuals shall apply to the taxable income of estates or of any kind of property held in trust, including—

(1) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

§ 1.641 (a)-1 *Imposition of tax; application of tax.* Section 641 prescribes that the taxes imposed upon individuals by chapter 1 apply to the income of estates or of any kind of property held in trust. The rates of tax, the statutory provisions respecting gross income, and, with certain exceptions, the deductions and credits allowed to individuals apply also to estates and trusts.

§ 1.641 (a)-2 *Gross income of estates and trusts.* The gross income of an estate or trust is determined in the same manner as that of an individual. Thus, the gross income of an estate or trust consists of all items of gross income received during the taxable year, including—

(a) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests;

(b) Income accumulated or held for future distribution under the terms of the will or trust;

(c) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(d) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

(e) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

The several classes of income enumerated in this section do not exclude others which also may come within the general purposes of section 641.

§ 1.641 (b) *Statutory provisions; estates and trusts; computation and payment of tax.*

SEC. 641. *Imposition of tax.* * * *
(b) *Computation and payment.* The taxable income of an estate or trust shall be computed in the same manner as in the case of an individual, except as otherwise provided in this part. The tax shall be computed on such taxable income and shall be paid by the fiduciary.

§ 1.641 (b)-1 *Computation and payment of tax; deductions and credits of estates and trusts.* Generally, the deductions and credits allowed to individuals are also allowed to estates and trusts. However, there are special rules for the computation of certain deductions and for the allocation between the estate or trust and the beneficiaries of certain credits and deductions. See section 642 and the regulations thereunder. In addition, an estate or trust is allowed to deduct, in computing its taxable income, the deductions provided by sections 651 and 661 and regulations thereunder, relating to distributions to beneficiaries.

§ 1.641 (b)-2 *Filing of returns and payment of the tax.* (a) The fiduciary is required to make and file the return and pay the tax on the taxable income of an estate or of a trust. Liability for the payment of the tax on the taxable income of an estate attaches to the person of the executor or administrator up to and after his discharge if, prior to distribution and discharge, he had notice of his tax obligations or failed to exercise due diligence in ascertaining whether or not such obligations existed. For the extent of such liability, see section 3467 of the Revised Statutes, as amended by section 518 of the Revenue Act of 1934 (31 U. S. C. 192). Liability for the tax

charitable contributions are made.

ceived in prior taxable years.

any person.

estates and trusts (subpart A) and spe-

with certain exceptions, the deductions

(31 U. S. C. 1927). Liability for the tax

also follows the assets of the estate distributed to heirs, devisees, legatees, and distributees, who may be required to discharge the amount of the tax due and unpaid to the extent of the distributive shares received by them. See section 6901. The same considerations apply to trusts.

(b) The estate of an infant, incompetent, or other person under a disability, or, in general, of an individual or corporation in receivership or bankruptcy is not a taxable entity separate from the person for whom the fiduciary is acting, in that respect differing from the estate of a deceased person or of a trust. See section 6012 (b) (2) and (3) for provisions relating to the obligation of the fiduciary with respect to returns of such persons.

§ 1.641 (b)–3 *Termination of estates and trusts.* (a) The income of an estate of a deceased person is that which is received by the estate during the period of administration or settlement. The period of administration or settlement is the period actually required by the administrator or executor to perform the ordinary duties of administration, such as the collection of assets and the payment of debts, taxes, legacies, and bequests, whether the period required is longer or shorter than the period specified under the applicable local law for the settlement of estates. For example, where an executor who is also named as trustee under a will fails to obtain his discharge as executor, the period of administration continues only until the duties of administration are complete and he actually assumes his duties as trustee, whether or not pursuant to a court order. However, the period of administration of an estate cannot be unduly prolonged. If the administration of an estate is unreasonably prolonged, the estate is considered terminated for Federal income tax purposes after the expiration of a reasonable period for the performance by the executor of all the duties of administration. Further, an estate will be considered as terminated when all the assets have been distributed except for a reasonable amount which is set aside in good faith for the payment of unascertained or contingent liabilities and expenses (not including a claim by a beneficiary in the capacity of beneficiary).

(b) Generally, the determination of whether a trust has terminated depends upon whether the property held in trust has been distributed to the persons entitled to succeed to the property upon termination of the trust rather than upon the technicality of whether or not the trustee has rendered his final accounting. A trust does not automatically terminate upon the happening of the event by which the duration of the trust is measured. A reasonable time is permitted after such event for the trustee to perform the duties necessary to complete the administration of the trust. Thus, if under the terms of the governing instrument, the trust is to terminate upon the death of the life beneficiary and the corpus is to be distributed to the remainderman, the trust continues after the death of the life beneficiary for a period reasonably necessary to a proper winding up of the affairs of the trust. However, the winding up of a trust cannot be unduly postponed and if the distribution of the trust corpus is unreasonably delayed, the trust is considered terminated for Federal income tax purposes after the expiration of a reasonable period for the trustee to complete the administration of the trust. Further, a trust will be considered as terminated when all the assets have been distributed except for a reasonable amount which is set aside in good faith for the payment of unascertained or contingent liabilities and expenses (not including a claim by a beneficiary in the capacity of beneficiary).

(c) During the period between the occurrence of an event which causes a trust to terminate and the time when a trust is considered as terminated under this section, the income and the excess of capital gains over capital losses of the trust are in general considered as amounts required to be distributed for the year in which they are received. For example, a trust instrument provides for the payment of income to A during her life, and upon her death for the payment of the corpus to B. The trust reports on the basis of the calendar year. A dies on November 1, 1955, but no distribution is made to B until January 15, 1956. The income of the trust and the excess of capital gains over capital losses for the entire year 1955, to the extent not paid, credited, or required to be distributed to A or A's estate, are treated under sections 661 and 662 as amounts required to be distributed to B for the year 1955.

(d) If a trust or the administration or settlement of an estate is considered terminated under this section for Federal income tax purposes (as for instance, because administration has been unduly prolonged), the gross income, deductions, and credits of the estate or trust are, subsequent to the termination, considered the gross income, deductions, and credits of the person or persons succeeding to the property of the estate or trust.

§ 1.642 (a) (1) *Statutory provisions; estates and trusts; special rules for credits and deductions; partially tax-exempt interest.*

SEC. 642. *Special rules for credits and deductions*—(a) *Credits against tax*—(1) *Partially tax-exempt interest.* An estate or trust shall be allowed the credit against tax for partially tax-exempt interest provided by section 35 only in respect of so much of such interest as is not properly allocable to any beneficiary under section 652 or 662. If the estate or trust elects under section 171 to treat as amortizable the premium on bonds with respect to the interest on which the credit is allowable under section 35, such credit (whether allowable to the estate or trust or to the beneficiary) shall be reduced under section 171 (a) (3).

§ 1.642 (a) (1)–1 *Partially tax-exempt interest.* An estate or trust is allowed the credit against tax for partially tax-exempt interest provided by section 35 only to the extent that the credit does not relate to interest properly allocable to a beneficiary under section 652 or 662 and the regulations thereunder. A beneficiary of an estate or trust is allowed the credit against tax for partially tax-exempt interest provided by section 35 only to the extent that the credit relates to interest properly allocable to him under section 652 or 662 and the regulations thereunder. If an estate or trust holds partially tax-exempt bonds and elects under section 171 to treat the premium on the bonds as amortizable, the credit allowable under section 35, with respect to the bond interest (whether allowable to the estate or trust or to the beneficiary), is reduced under section 171 (a) (3) by reducing the shares of the interest allocable, respectively, to the estate or trust and its beneficiary by the portion of the amortization deduction attributable to the shares.

§ 1.642 (a) (2) *Statutory provisions; estates and trusts; special rules for credits and deductions; foreign taxes.*

SEC. 642. *Special rules for credits and deductions*—(a) *Credits against tax.* • • •

(2) *Foreign taxes.* An estate or trust shall be allowed the credit against tax for taxes imposed by foreign countries and possessions of the United States, to the extent allowed by section 901, only in respect of so much of the taxes described in such section as is not properly allocable under such section to the beneficiaries.

§ 1.642 (a) (2)–1 *Foreign taxes.* An estate or trust is allowed the credit against tax for taxes imposed by foreign countries and possessions of the United States to the extent allowed by section 901 only for so much of those taxes as are not properly allocable under that section to the beneficiaries. See section 901 (b) (4). For purposes of section 901 (b) (4), the term "beneficiaries" includes charitable beneficiaries.

§ 1.642 (a) (3) *Statutory provisions; estates and trusts; special rules for credits and deductions; dividends.*

SEC. 642. *Special rules for credits and deductions*—(a) *Credits against tax.* • • •

(3) *Dividends received by individuals.* An estate or trust shall be allowed the credit against tax for dividends received provided by section 34 only in respect of so much of such dividends as is not properly allocable to any beneficiary under section 652 or 662. For purposes of determining the time of receipt of dividends under section 34 and section 116, the amount of dividends properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same dates that the dividends were received by the estate or trust.

§ 1.642 (a) (3)–1 *Dividends received by an estate or trust.* An estate or trust is allowed a credit against tax for dividends received (see section 34) only for so much of the dividends as are not properly allocable to any beneficiary under section 652 or 662. For treatment of the credit in the hands of the beneficiary see § 1.652 (b)–1.

§ 1.642 (a) (3)–2 *Time of receipt of dividends by beneficiary.* In general, dividends are deemed received by a beneficiary in the taxable year in which they are includible in his gross income under section 652 or 662. For example, a simple trust, reporting on the basis of a fiscal year ending October 30, receives quarterly dividends on November 3, 1954, and February 3, May 3, and August 3, 1955.

These dividends are all allocable to beneficiary A, reporting on a calendar year basis, under section 652 and are deemed received by A in 1955. See section 652 (c). Accordingly, A may take all these dividends into account in determining his credit for dividends received under section 34, and his dividends exclusion under section 116. However, solely for purposes of determining whether dividends deemed received by individuals from trusts or estates qualify under the time limitations of section 34 (a) or section 116 (a), section 642 (a) (3) provides that the time of receipt of the dividends by the trust or estate is also considered the time of receipt by the beneficiary. For example, a simple trust reporting on the basis of a fiscal year ending October 30 receives quarterly dividends on December 3, 1953, and March 3, June 3, and September 3, 1954. These dividends are all allocable to beneficiary A, reporting on the calendar year basis, under section 652 and are includible in his income for 1954. However, for purposes of section 34 (a) or section 116 (a), these dividends are deemed received by A on the same dates that the trust received them. Accordingly, A may take into account in determining the credit under section 34 only those dividends received by the trust on September 3, 1954, since the dividend received credit is not allowed under section 34 for dividends received before August 1, 1954.

§ 1.642 (a) (3)–3 *Cross reference.* See § 1.683–2 (c) for examples relating to the treatment of dividends received by an estate or trust during a fiscal year beginning in 1953 and ending in 1954.

§ 1.642 (b) *Statutory provisions; estates and trusts; special rules for credits and deductions; personal exemption.*

SEC. 642. *Special rules for credits and deductions.* • • •

(b) *Deduction for personal exemption.* An estate shall be allowed a deduction of $600. A trust which, under its governing instrument, is required to distribute all of its income currently shall be allowed a deduction of $300. All other trusts shall be allowed a deduction of $100. The deductions allowed by this subsection shall be in lieu of the deductions allowed under section 151 (relating to deduction for personal exemption).

§ 1.642 (b)–1 *Deduction for personal exemption.* In lieu of the deduction for personal exemptions provided by section 151—

(a) An estate is allowed a deduction of $600,

(b) A trust which, under its governing instrument, is required to distribute currently all of its income for the taxable year is allowed a deduction of $300, and

(c) All other trusts are allowed a deduction of $100.

A trust which, under its governing instrument, is required to distribute all of its income currently is allowed a deduction of $300, even though it also distributes amounts other than income in the taxable year and even though it may be required to make distributions which would qualify for the charitable contributions deduction under section 642 (c) (and therefore does not qualify as a "simple trust" under sections 651–652). A trust for the payment of an annuity is allowed a deduction of $300 in a taxable year in which the amount of the annuity required to be paid equals or exceeds all the income of the trust for the taxable year. For the meaning of the term "income required to be distributed currently", see § 1.651 (a)–2.

§ 1.642 (c) *Statutory provisions; estates and trusts; special rules for credits and deductions; charitable contributions deduction.*

SEC. 642. *Special rules for credits and deductions.* • • •

(c) *Deduction for amounts paid or permanently set aside for a charitable purpose.* In the case of an estate or trust (other than a trust meeting the specifications of subpart B) there shall be allowed as a deduction in computing its taxable income (in lieu of the deductions allowed by section 170 (a), relating to deduction for charitable, etc., contributions and gifts) any amount of the gross income, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, paid or permanently set aside for a purpose specified in section 170 (c), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. For this purpose, to the extent that such amount consists of gain from the sale or exchange of capital assets held for more than 6 months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income and prohibited transactions).

§ 1.642 (c)–1 *Charitable contributions deduction.* Any part of the gross income of an estate or trust which, by the terms of the will or of the instrument creating the trust—

(a) Is, during the taxable year, paid or permanently set aside for a purpose specified in section 170 (c), relating to charitable contributions, or

(b) Is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit,

is allowed as a deduction to the estate or trust in lieu of the deduction authorized by section 170 (a). For this purpose, an amount received by an estate or trust which is includible in its gross income as income in respect of a decedent under section 691 (a) (1) is deemed "gross income" of the estate or trust. In the case of a trust, the deduction otherwise allowable under section 642 (c) and this section is subject to the limitations of section 681 (relating to unrelated business income and prohibited transactions). See section 681 and the regulations thereunder.

§ 1.642 (c)–2 *Reduction of charitable contributions deductions by exempt income.* If an estate or trust pays, permanently sets aside, or uses any amount of its income for the purposes specified in section 642 (c) and that amount includes any items of estate or trust income not entering into the gross income of the estate or trust, the deduction under this section is limited to the gross income so paid, permanently set aside, or used. In determining whether such amounts include particular items of income of an estate or trust, if the governing instrument specifically provides as to the source out of which amounts shall be paid, permanently set aside, or used for such purposes, the specific provision controls. In the absence of specific provisions in the governing instrument, an amount to which section 642 (c) applies is deemed to consist of the same proportion of each class of the items of income of the estate or trust as the total of each class bears to the total of all classes. See § 1.643 (a)–5 (b) for the method of determining the allocable portion of exempt income and foreign income. For the purpose of this section, the provisions of section 116 (relating to exclusion of dividends) are not taken into account. For examples showing the determination of the character of an amount deductible under section 642 (c), see examples (1) and (2) of § 1.662 (b)–2 and paragraph (e) of § 1.662 (c)–4.

§ 1.642 (c)–3 *Capital gains included in charitable contribution.* Where any amount of the income paid, permanently set aside, or used for the purposes specified in section 642 (c) is attributable to gain from the sale or exchange of capital assets held for more than six months, the amount of the deduction allowable under section 642 (c) must be adjusted for any deduction provided in section 1202 of 50 percent of the excess, if any, of the net long-term capital gain over the net short-term capital loss. For determination of the extent to which the charitable, etc., contribution referred to in section 642 (c) is deemed to consist of long-term capital gains, see § 1.642 (c)–2 above. For example: Under the terms of the trust instrument, the income of the trust is currently distributable to A during his life and capital gains are allocable to corpus. No provision is made in the trust instrument for the invasion of corpus for the benefit of A. Upon A's death the corpus of the trust is to be distributed to M University, an organization described in section 501 (c) (3) which is exempt from taxation under section 501 (a). During the taxable year 1954, the trust has long-term capital gains of $100,000 which, although allocable to corpus, are permanently set aside for charitable purposes. The trust includes $100,000 in gross income but is allowed a deduction of $50,000 under section 1202 for the long-term capital gains and a charitable contributions deduction of $50,000 under section 642 (c) ($100,000 permanently set aside for charitable purposes less $50,000 allowed as a deduction under section 1202 with respect to such $100,000).

§ 1.642 (c)–4 *Cross reference.* For rules applicable to the annual information return that must be filed by certain trusts claiming charitable, etc., deductions under section 642 (c) for the taxable year, see section 6034 and the regulations thereunder.

§ 1.642 (d) *Statutory provisions; estates and trusts; special rules for credits and deductions; net operating loss deduction.*

SEC. 642. *Special rules for credits and deductions.* • • •

(d) *Net operating loss deduction.* The benefit of the deduction for net operating losses provided by section 172 shall be allowed to estates and trusts under regulations prescribed by the Secretary or his delegate.

§ 1.642 (d)–1 *Net operating loss deduction.* The net operating loss deduction allowed by section 172 is available to estates and trusts generally, with the following exceptions and limitations:

(a) In computing gross income and deductions for the purposes of section 172, a trust shall exclude that portion of the income and deductions attributable to the grantor or another person under sections 671 through 678 (relating to grantors and others treated as substantial owners).

(b) An estate or trust shall not, for the purposes of section 172, avail itself of the deductions allowed by section 642 (c) (relating to charitable contributions deductions) and sections 651 and 661 (relating to deductions for distributions).

§ 1.642 (e) *Statutory provisions; estates and trusts; special rules for credits and deductions; deduction for depreciation and depletion.*

SEC. 642. *Special rules for credits and deductions.* • • •

(e) *Deduction for depreciation and depletion.* An estate or trust shall be allowed the deduction for depreciation and depletion only to the extent not allowable to beneficiaries under sections 167 (g) and 611 (b).

§ 1.642 (e)–1 *Depreciation and depletion.* An estate or trust is allowed the deductions for depreciation and depletion but only to the extent the deductions are not apportioned to beneficiaries under sections 167 (g) and 611 (b). For purposes of sections 167 (g) and 611 (b), the term "beneficiaries" includes charitable beneficiaries. See the regulations under those sections.

§ 1.642 (f) *Statutory provisions; estates and trusts; special rules for credits and deductions; amortization of emergency or grain storage facilities.*

SEC. 642. *Special rules for credits and deductions.* • • •

(f) *Amortization of emergency or grain storage facilities.* The benefit of the deductions for amortization of emergency and grain storage facilities provided by sections 168 and 169 shall be allowed to estates and trusts in the same manner as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary or his delegate.

§ 1.642 (f)–1 *Amortization of emergency or grain storage facilities.* An estate or trust is allowed amortization deductions with respect to an emergency facility as defined in section 168 (d) and with respect to a grain storage facility as defined in section 169 (d) in the same manner and to the same extent as in the case of an individual. However, the principles governing the apportionment of the deductions for depreciation and depletion between the fiduciaries and the beneficiaries of an estate or trust (see sections 167 (g) and 611 (b) and the regulations thereunder) shall be applicable with respect to such amortization deductions.

§ 1.642 (g) *Statutory provisions; estates and trusts; special rules for credits and deductions; disallowance of double deductions.*

SEC. 642. *Special rules for credits and deductions.* • • •

(g) *Disallowance of double deductions.* Amounts allowable under section 2053 or 2054 as a deduction in computing the taxable estate of a decedent shall not be allowed as a deduction in computing the taxable income of the estate, unless there is filed, within the time and in the manner and form prescribed by the Secretary or his delegate, a statement that the amounts have not been allowed as deductions under section 2053 or 2054 and a waiver of the right to have such amounts allowed at any time as deductions under section 2053 or 2054. This subsection shall not apply with respect to deductions allowed under part II (relating to income in respect of decedents).

§ 1.642 (g)–1 *Disallowance of double deductions; in general.* Amounts allowable under section 2053 (a) (2) (relating to administration expenses) or under section 2054 (relating to losses during administration) as deductions in computing the taxable estate of a decedent are not allowed as deductions in computing the taxable income of the estate unless there is filed a statement, in duplicate, to the effect that the items have not been allowed as deductions from the gross estate of the decedent under section 2053 or 2054 and that all rights to have such items allowed at any time as deductions under section 2053 or 2054 are waived. The statement should be filed with the return for the year for which the items are claimed as deductions or with the district director of internal revenue for the internal revenue district in which the return was filed, for association with the return. The statement may be filed at any time before the expiration of the statutory period of limitation applicable to the taxable year for which the deduction is sought. Allowance of a deduction in computing an estate's taxable income is not precluded by claiming a deduction in the estate tax return, so long as the estate tax deduction is not finally allowed and the statement is filed. However, after a statement is filed under section 642 (g) with respect to a particular item or portion of an item, the item cannot thereafter be allowed as a deduction for estate tax purposes since the waiver operates as a relinquishment of the right to have the deduction allowed at any time under section 2053 or 2054.

§ 1.642 (g)–2 *Deductions included.* It is not required that the total deductions, or the total amount of any deduction, to which section 642 (g) is applicable be treated in the same way. One deduction or portion of a deduction may be allowed for income tax purposes if the appropriate statement is filed, while another deduction or portion is allowed for estate tax purposes. Section 642 (g) has no application to deductions for taxes, interest, business expenses, and other items accrued at the date of a decedent's death so that they are allowable as a deduction under section 2053 (a) (3) for estate tax purposes as claims against the estate, and are also allowable under section 691 (b) as deductions in respect of a decedent for income tax purposes. However, section 642 (g) is applicable to deductions for interest, business expenses, and other items not accrued at the date of the decedent's death so that they are allowable as deductions for estate tax purposes only as administration expenses under section 2053 (a) (2). Although deductible under section 2053 (a) (3) in determining the value of the taxable estate of a decedent, medical, dental, etc., expenses of a decedent which are paid by the estate of the decedent are not deductible in computing the taxable income of the estate. See section 213 (d) and the regulations thereunder for rules relating to the deductibility of such expenses in computing the taxable income of the decedent.

§ 1.642 (h) *Statutory provisions; estates and trusts; special rules for credits and deductions; unused loss carryovers and excess deductions.*

SEC. 642. *Special rules for credits and deductions.* • • •

(h) *Unused loss carryovers and excess deductions on termination available to beneficiaries.* If on the termination of an estate or trust, the estate or trust has—

(1) A net operating loss carryover under section 172 or a capital loss carryover under section 1212, or

(2) For the last taxable year of the estate or trust deductions (other than the deductions allowed under subsections (b) or (c)) in excess of gross income for such year,

then such carryover or such excess shall be allowed as a deduction, in accordance with regulations prescribed by the Secretary or his delegate, to the beneficiaries succeeding to the property of the estate or trust.

§ 1.642 (h)–1 *Unused loss carryovers on termination of an estate or trust.* (a) If, on the final termination of an estate or trust, a net operating loss carryover under section 172 or a capital loss carryover under section 1212 would be allowable to the estate or trust in a taxable year subsequent to the taxable year of termination but for the termination, the carryover or carryovers are allowed under section 642 (h) (1) to the beneficiaries succeeding to the property of the estate or trust. See § 1.641 (b)–3 for the determination of when an estate or trust terminates.

(b) The net operating loss carryover and the capital loss carryover are the same in the hands of a beneficiary as in the estate or trust and are taken into account in computing both taxable income and adjusted gross income. The first taxable year of the beneficiary to which the loss shall be carried over is the taxable year of the beneficiary in which or with which the estate or trust terminates. However, the last taxable year of the estate or trust (whether or not a short taxable year) and the first taxable year of the beneficiary to which a loss is carried over each constitute a taxable year for purposes of determining the number of years to which a loss may be carried over. For example: A trust distributes all of its assets to A, the sole remainderman, and terminates on December 31, 1954, when it has a capital loss carryover of $10,000 attributable to transactions during the taxable year 1952. A, who reports on the calendar year basis, otherwise has ordinary income of $10,000 and capital gains of $4,000 for the taxable year 1954. A would offset his capital gains of $4,000 against the capital loss of the trust and, in addition, deduct under section 1211 (b) $1,000 on his return for the taxable year 1954. The balance of the capital loss carryover of $5,000 may be carried over only to the years 1955 and 1956. For the treatment of the net operating loss carryover when the last taxable year of the estate or trust is the last taxable year to which such loss can be carried over, see § 1.642 (h)–2.

§ 1.642 (h)–2 *Excess deductions on termination of an estate or trust.* (a) If, on the termination of an estate or trust, the estate or trust has for its last taxable year deductions (other than the deductions allowed under section 642 (b) (relating to personal exemption) or section 642 (c) (relating to charitable contributions)) in excess of gross income, the excess is allowed under section 642 (h) (2) as a deduction to the beneficiaries succeeding to the property of the estate or trust. The deduction is allowed only in computing taxable income; it is not allowed in computing adjusted gross income. The deduction is allowable only in the taxable year of the beneficiary in which or with which the estate or trust terminates, whether the year of termination of the estate or trust is of normal duration or is a short taxable year. For example: Assume that a trust distributes all of its assets to B and terminates on December 31, 1954. As of that date it had excess deductions, for example, because of corpus commissions on termination, of $18,000. B, who reported on the calendar year basis, could claim the $18,000 as a deduction for the taxable year 1954. However, if the deduction (when added to his other deductions) exceeds his gross income, the excess may not be carried over to the year 1955 or subsequent years.

(b) A deduction based upon a net operating loss carryover will never be allowed to beneficiaries under both paragraphs (1) and (2) of section 642 (h). Accordingly, a net operating loss deduction which is allowable to beneficiaries succeeding to the property of the estate or trust under the provisions of paragraph (1) of section 642 (h) cannot also be considered a deduction for purposes of paragraph (2) of section 642 (h) and paragraph (a) of this section. However, if the last taxable year of the estate or trust is the last year in which a deduction on account of a net operating loss may be taken, the deduction, to the extent not absorbed in that taxable year by the estate or trust, is considered an "excess deduction" under section 642 (h) (2) and paragraph (a) of this section.

(c) Any item of income or deduction, or any part thereof, which is taken into account in determining the net operating loss or capital loss carryover of the estate or trust for its last taxable year shall not be taken into account again in determining excess deductions on termination of the trust or estate within the meaning of section 642 (h) (2) and paragraph (a) of this section (see example in § 1.642 (h)–5).

§ 1.642 (h)–3 *Meaning of "beneficiaries succeeding to the property of the estate or trust".* (a) The phrase "beneficiaries succeeding to the property of the estate or trust" means those beneficiaries upon termination of the estate or trust who bear the burden of any loss for which a carryover is allowed, or of any excess of deductions over gross income for which a deduction is allowed, under section 642 (h).

(b) With reference to an intestate estate, the phrase means the heirs and next of kin to whom the estate is distributed, or if the estate is insolvent, to whom it would have been distributed if it had not been insolvent. If a decedent's spouse is entitled to a specified dollar amount of property before any distribution to other heirs and next of kin, and if the estate is less than that amount, the spouse is the beneficiary succeeding to the property of the estate or trust to the extent of the deficiency in amount.

(c) In the case of a testate estate, the phrase normally means the residuary beneficiaries (including a residuary trust), and not specific legatees or devisees, pecuniary legatees, or other nonresiduary beneficiaries. However, the phrase does not include the recipient of a specific sum of money even though it is payable out of the residue, except to the extent that it is not payable in full. On the other hand, the phrase includes a beneficiary (including a trust) who is not strictly a residuary beneficiary but whose devise or bequest is determined by the value of the decedent's estate as reduced by the loss or deductions in question. Thus the phrase includes:

(1) A beneficiary of a fraction of a decedent's net estate after payment of debts, expenses, etc.;

(2) A nonresiduary legatee or devisee, to the extent of any deficiency in his legacy or devise resulting from the insufficiency of the estate to satisfy it in full;

(3) A surviving spouse receiving a fractional share of an estate in fee under a statutory right of election, to the extent that the loss or deductions are taken into account in determining the share. However, the phrase does not include a recipient of dower or curtesy, or any income beneficiary of the estate or trust from which the loss or excess deduction is carried over.

(d) The principles discussed in paragraph (c) of this section are equally applicable to trust beneficiaries. A remainderman who receives all or a fractional share of the property of a trust as a result of the final termination of the trust is a beneficiary succeeding to the property of the trust. For example, if property is transferred to pay the income to A for life and then to pay $10,000 to B and distribute the balance of the trust corpus to C, C and not B is considered to be the succeeding beneficiary except to the extent that the trust corpus is insufficient to pay B $10,000.

§ 1.642 (h)–4 *Allocation.* The carryovers and excess deductions to which section 642 (h) applies are allocated among the beneficiaries succeeding to the property of an estate or trust (see § 1.642 (h)–3) proportionately according to the share of each in the burden of the loss or deductions. A person who qualified as a beneficiary succeeding to the property of an estate or trust with respect to one amount and does not qualify with respect to another amount is a beneficiary succeeding to the property of the estate or trust as to the amount with respect to which he qualifies. The application of this section may be illustrated by the following example:

Example. A decedent's will leaves $100,000 to A, and the residue of his estate equally to B and C. His estate is sufficient to pay only $90,000 to A, and nothing to B and C. There is an excess of deductions over gross income for the last taxable year of the estate or trust of $5,000, and a capital loss carryover of $15,000, to both of which section 642 (h) applies. A is a beneficiary succeeding to the property of the estate to the extent of $10,000, and since the total of the excess of deductions and the loss carryover is $20,000, A is entitled to the benefit of one half of each item, and the remaining half is divided equally between B and C.

§ 1.642 (h)–5 *Example.* The application of section 642 (h) may be illustrated by the following example:

Example. (a) A decedent dies January 31, 1954, leaving a will which provides for distributing all her estate equally to A and an existing trust for B. The period of administration of the estate terminates on December 31, 1954, at which time all the property of the estate is distributed to A and the trust. A reports his income for tax purposes on a calendar year basis, and the trust reports its income on the basis of a fiscal year ending August 31. During the period of the administration, the estate has the following items of income and deductions:

Taxable interest	$2,500
Business income	3,000
Total	5,500
Business expenses (including administrative expense allocable to business income)	5,000
Administrative expenses and corpus commissions not allocable to business income	9,800
Total deductions	14,800

It also has a capital loss of $5,000.

(b) Under section 642 (h) (1), an unused net operating loss carryover of the estate on termination of $2,000 will be allowable to: A to the extent of $1,000 for his taxable year 1954 and the next four taxable years in accordance with section 172; and to the trust to the extent of $1,000 for its taxable year ending August 31, 1955, and its next four taxable years. The amount of the net operating loss carryover is computed as follows:

Deductions of estate for 1954	$14,800
Less adjustment under section 172 (d) (4) (deductions not attributable to a trade or business ($9,800) allowable only to extent of gross income not derived from such trade or business ($2,500))	7,300
Deductions as adjusted	7,500
Gross income of estate for 1954	5,500
Net operating loss of estate for 1954 (No deduction for capital loss of $5,000 under section 172 (d) (2).)	2,000

Neither A nor the trust will be allowed to carry back any part of the net operating loss made available to them under section 642 (h) (1).

(c) Under section 642 (h) (2), excess deductions of the estate of $7,300 will be allowed as a deduction to A to the extent of $3,650 for the calendar year 1954 and to the trust to the extent of $3,650 for the taxable year ending August 31, 1955. The deduction of $7,300 for administrative expenses and corpus commissions is the only amount which was not taken into account in determining the net operating loss of the estate ($9,800 of such expenses less $2,500 taken into account).

(d) Under section 642 (h) (1), there will be allowable to A a capital loss carryover of $2,500 for his taxable year 1954 and for his next four taxable years in accordance with section 1212. There will be allowable to the trust a similar capital loss carryover of $2,500 for its taxable year ending August 31, 1955, and its next four taxable years (but see § 1.643 (a)–3 (b)).

(e) The carryovers and excess deductions are not allowable directly to B, the trust beneficiary, but to the extent the distributable net income of the trust is reduced by the carryovers and excess deductions B may receive indirect benefit.

§ 1.642 (i) *Statutory provisions; estates and trusts; special rules for credits and deductions; disallowance of standard deduction.*

SEC. 642. *Special rules for credits and deductions.* • • •

(i) *Cross reference.* For disallowance of standard deduction in case of estates and trusts see section 142 (b) (4).

§ 1.642 (i)–1 *Disallowance of standard deduction (cross reference).* The standard deduction is not allowed to estates and trusts (see section 142 (b) (4)).

§ 1.643–1 *Distributable net income; deduction for distributions; in general.* The term "distributable net income" has no application except in the taxation of estates and trusts and their beneficiaries. It limits the deductions allowable to estates and trusts for amounts paid, credited, or required to be distributed to beneficiaries and is used to determine how much of an amount paid, credited, or required to be distributed to a beneficiary will be includible in his gross income. It is also used to determine the character of distributions to the beneficiaries. Distributable net income means for any taxable year, the taxable income (as defined in section 63) of the estate or trust, computed with the modifications set forth in §§ 1.643 (a)–1 through 1.643 (a)–7.

§ 1.643 (a) *Statutory provisions; estates and trusts; definition of distributable net income.*

SEC. 643. *Definitions applicable to subparts A, B, C, and D*—(a) *Distributable net income.* For purposes of this part, the term "distributable net income" means, with respect to any taxable year, the taxable income of the estate or trust computed with the following modifications—

(1) *Deduction for distributions.* No deduction shall be taken under sections 651 and 661 (relating to additional deductions).

(2) *Deduction for personal exemption.* No deduction shall be taken under section 642 (b) (relating to deduction for personal exemptions).

(3) *Capital gains and losses.* Gains from the sale or exchange of capital assets shall be excluded to the extent that such gains are allocated to corpus and are not (A) paid, credited, or required to be distributed to any beneficiary during the taxable year, or (B) paid, permanently set aside, or to be used for the purposes specified in section 642 (c). Losses from the sale or exchange of capital assets shall be excluded, except to the extent such losses are taken into account in determining the amount of gains from the sale or exchange of capital assets which are paid, credited, or required to be distributed to any beneficiary during the taxable year. The deduction under section 1202 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account.

(4) *Extraordinary dividends and taxable stock dividends.* For purposes only of subpart B (relating to trusts which distribute current income only), there shall be excluded those items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, does not pay or credit to any beneficiary by reason of his determination that such dividends are allocable to corpus under the terms of the governing instrument and applicable local law.

(5) *Tax-exempt interest.* There shall be included any tax-exempt interest to which section 103 applies, reduced by any amounts which would be deductible in respect of disbursements allocable to such interest but for the provisions of section 265 (relating to disallowance of certain deductions).

(6) *Foreign income.* In the case of a foreign trust, there shall be included the amounts of gross income from sources without the United States, reduced by any amounts which would be deductible in respect of disbursements allocable to such income but for the provisions of section 265 (1) (relating to disallowance of certain deductions).

(7) *Dividends.* There shall be included the amount of any dividends excluded from gross income pursuant to section 116 (relating to partial exclusion of dividends received).

If the estate or trust is allowed a deduction under section 642 (c), the amount of the modifications specified in paragraphs (5) and (6) shall be reduced to the extent that the amount of income which is paid, permanently set aside, or to be used for the purposes specified in section 642 (c) is deemed to consist of items specified in those paragraphs. For this purpose, such amount shall (in the absence of specific provisions in the governing instrument) be deemed to consist of the same proportion of each class of items of income of the estate or trust as the total of each class bears to the total of all classes.

§ 1.643 (a)–1 *Deduction for distributions.* The deduction allowable to a trust under section 651 and to an estate or trust under section 661 for amounts paid, credited, or required to be distributed to beneficiaries is not allowed in the computation of distributable net income.

§ 1.643 (a)–2 *Deduction for personal exemption.* The deduction for personal exemption under section 642 (b) is not allowed in the computation of distributable net income.

§ 1.643 (a)–3 *Capital gains and losses.* (a) Gains from the sale or exchange of capital assets are ordinarily excluded from distributable net income, and are not ordinarily considered as paid, credited, or required to be distributed to any beneficiary unless they are—

(1) Allocated to income under the terms of the governing instrument or local law by the fiduciary on its books or by notice to the beneficiary,

(2) Allocated to corpus and actually distributed to beneficiaries during the taxable year, or

(3) Utilized (pursuant to the terms of the governing instrument or the practice followed by the fiduciary) in determining the amount which is distributed or required to be distributed.

However, if capital gains are paid, permanently set aside, or to be used for the purposes specified in section 642 (c), so that a charitable deduction is allowed under that section in respect of the gains, they must be included in the computation of distributable net income.

(b) Losses from the sale or exchange of capital assets are excluded in computing distributable net income except to the extent that they enter into the determination of any capital gains that are paid, credited, or required to be distributed to any beneficiary during the taxable year (but see § 1.642 (h)–1 with respect to capital loss carryovers in the year of final termination of an estate or trust).

(c) The deduction under section 1202 (relating to capital gains) is taken into account in computing distributable net income to the extent that it is allocable to capital gains which are paid, permanently set aside, or to be used for the purposes specified in section 642 (c). See § 1.642 (c)–2 to determine the extent to which the amount so paid, permanently set aside, or to be used consists of capital gains. The deduction for capital gains provided in section 1202 insofar as it is allocable to the remainder of the capital gains is not taken into account.

(d) The application of this section may be illustrated by the following examples:

Example (1). A trust is created to pay the income to A for life, with a discretionary power in the trustee to invade principal for A's benefit. In the taxable year, $10,000 is realized from the sale of securities at a profit, and $10,000 in excess of income is distributed to A. The capital gain is not allocated to A by the trustee. During the taxable year the trustee received and paid out $5,000 of dividends. No other cash was received or on hand during the taxable year. The capital gain will not ordinarily be included in distributable net income. However, if the trustee follows a regular practice of distributing the exact net proceeds of the sale of trust property, capital gains will be included in distributable net income.

Example (2). The result in example (1) would have been the same if the trustee had been directed to pay an annuity of $15,000 a year to A (instead of being directed to pay the income to A with a discretionary power to distribute principal).

Example (3). The trustee of a trust containing Blackacre and other property is directed to hold Blackacre for ten years, and then sell it and distribute its proceeds to A. Any capital gain realized from the sale of Blackacre will be included in distributable net income.

Example (4). A trust instrument directs that the income shall be paid to A, and that the principal shall be distributed to A when he reaches age 35. All capital gains realized in the year of termination will be included in distributable net income. (See § 1.641 (b)–3 for the determination of the year of final termination and the taxability of capital gains realized after the terminating event and before final distribution).

Example (5). If in example (4) the trustee had been directed to distribute half of the principal to A when he reached 35, the capital gain would be included in distributable net income (and in the distribution to A) to the extent the capital gain is allocable to A under the governing instrument and local law. Thus, if the trust assets consisted entirely of 100 shares of corporation M stock and the trustee sold half the shares and distributed the proceeds to A, the entire capital gain would normally be considered as allocated to A. On the other hand, if the trustee sold all the shares and distributed half the proceeds to A, half the capital gain would be considered as allocable to A.

Example (6). If in example (4) the trustee had been directed to pay $10,000 to B before making distribution to A, no portion of the capital gains would be allocable to B since the distribution to B is a gift of a specific sum of money within the meaning of section 663 (a) (1).

§ 1.643 (a)–4 *Extraordinary dividends and taxable stock dividends.* In the case solely of a trust which qualifies under subpart B (sections 651–652) as a "simple trust", there are excluded from distributable net income extraordinary dividends (whether paid in cash or in kind) or taxable stock dividends which are not distributed or credited to a beneficiary because the fiduciary in good faith determines that under the terms of the governing instrument and applicable local law such dividends are allocable to corpus. See section 665 (d) and § 1.665 (d)–1 (b) for the treatment of such dividends upon subsequent distribution.

§ 1.643 (a)–5 *Tax-exempt interest.* (a) There is included in distributable net income any tax-exempt interest excluded from gross income under section 103, reduced by disbursements allocable to such interest which would have been deductible under section 212 but for the provisions of section 265 (relating to disallowance of deductions allocable to tax-exempt income).

(b) If the estate or trust is allowed a charitable contributions deduction under section 642 (c), the amounts specified in paragraph (a) of this section and § 1.643 (a)–6 are reduced by the portion deemed to be included in income paid, permanently set aside, or to be used for the purposes specified in section 642 (c). If the governing instrument specifically provides as to the source out of which amounts are paid, permanently set aside, or to be used for such charitable purposes, the specific provisions control. In the absence of specific provisions in the governing instrument, an amount to which section 642 (c) applies is deemed to consist of the same proportion of each class of the items of income of the estate or trust as the total of each class bears to the total of all classes. For illustrations showing the determination of the character of an amount deductible under section 642 (c), see examples (1) and (2) of § 1.662 (b)–2 and paragraph (e) of § 1.662 (c)–4.

§ 1.643 (a)–6 *Foreign income.* In the case of a foreign trust, there is included in distributable net income gross income from sources without the United States, reduced by disbursements allocable to such foreign income which would have been deductible but for the provisions of section 265 (relating to disallowance of deductions allocable to tax-exempt income). See § 1.643 (a)–5 (b) for rules applicable when an estate or trust is allowed a charitable contributions deduction under section 642 (c).

§ 1.643 (a)–7 *Dividends.* Dividends excluded from gross income under section 116 (relating to partial exclusion of dividends received) are included in distributable net income. For this purpose, adjustments similar to those required by § 1.643 (a)–5 with respect to expenses allocable to tax-exempt income and to income included in amounts paid or set aside for charitable purposes are not made. See § 1.642 (c)–2.

§ 1.643 (b) *Statutory provisions; estates and trusts; definition of income.*

SEC. 643. *Definitions applicable to subparts A, B, C, and D.* • • •

(b) *Income.* For purposes of this subpart and subparts B, C, and D, the term "income", when not preceded by the words "taxable", "distributable net", "undistributed net", or "gross", means the amount of income of the estate or trust for the taxable year determined under the terms of the governing instrument and applicable local law. Items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable local law shall not be considered income.

§ 1.643 (b)–1 *Definition of "income".* For purposes of subparts A through D of part I, subchapter J, chapter 1 of the Internal Revenue Code of 1954, the term "income", when not preceded by the words "taxable", "distributable net", "undistributed net", or "gross", means the amount of income of an estate or trust for the taxable year determined under the terms of its governing instrument and applicable local law. Trust provisions which depart fundamentally from concepts of local law in the determination of what constitutes income are not recognized for this purpose. For example, if a trust instrument directs that all the trust income shall be paid to A, but defines ordinary dividends and interest as corpus, the trust will not be considered one which under its governing instrument is required to distribute all its income currently for purposes of section 642 (b) (relating to the personal exemption) and section 651 (relating to "simple" trusts).

§ 1.643 (b)–2 *Dividends allocated to corpus.* Extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable local law are not considered "income" for purposes of subparts A, B, C, or D. See section 643 (a) (4), § 1.643 (a)–4, § 1.643 (c)–2, section 665 (d) and § 1.665 (d)–1 (b) for the treatment of such items in the computation of distributable net income.

§ 1.643 (c) *Statutory provisions; estates and trusts; definition of beneficiary.*

SEC. 643. *Definitions applicable to subparts A, B, C, and D.* • • •

(c) *Beneficiary.* For purposes of this part, the term "beneficiary" includes heir, legatee, devisee.

§ 1.643 (c)–1 *Definition of "beneficiary".* An heir, legatee, or devisee (including an estate or trust) is a beneficiary. A trust created under a decedent's will is a beneficiary of the decedent's estate. The following persons are treated as beneficiaries:

(a) Any person with respect to an amount used to discharge or satisfy that person's legal obligation as that term is used in § 1.662 (a)–4.

(b) The grantor of a trust with respect to an amount applied or distributed for the support of a dependent under the circumstances specified in section 677 (b) out of corpus or out of other than income for the taxable year of the trust.

(c) The trustee or cotrustee of a trust with respect to an amount applied or distributed for the support of a dependent under the circumstances specified in section 678 (c) out of corpus or out of other than income for the taxable year of the trust.

§ 1.643 (c)–2 *Illustration of the provisions of section 643.* (a) The provisions of section 643 may be illustrated by the following example:

Example. (1) Under the terms of the trust instrument, the income of a trust is required to be currently distributed to W during her life. Capital gains are allocable to corpus and all expenses are charges against corpus. During the taxable year the trust has the following items of income and expenses:

Dividends from domestic corporations	$30,000
Extraordinary dividends allocated to corpus by the trustee in good faith	20,000
Taxable interest	10,000
Tax-exempt interest	10,000
Long-term capital gains	10,000
Trustee's commissions and miscellaneous expenses allocable to corpus	5,000

(2) The "income" of the trust determined under section 643 (b) which is currently distributable to W is $50,000, consisting of dividends of $30,000, taxable interest of $10,000 and tax-exempt interest of $10,000. The trustee's commissions and miscellaneous expenses allocable to tax-exempt interest amount to $1,000 (10,000/50,000 × $5,000).

(3) The "distributable net income" determined under section 643 (a) amounts to $45,000, computed as follows:

Dividends from domestic corporations		$30,000
Taxable interest		10,000
Nontaxable interest	$10,000	
Less: Expenses allocable thereto	1,000	9,000
Total		49,000
Less: Expenses ($5,000 less $1,000 allocable to tax-exempt interest)		4,000
Distributable net income		45,000

In determining the distributable net income of $45,000, the taxable income of the trust is $5,000 under section 172 (d) (2).)

computed with the following modifications: No deductions are allowed for distributions to W and for personal exemption of the trust (section 643 (a) (1) and (2)); capital gains allocable to corpus are excluded and the deduction allowable under section 1202 is not taken into account (section 643 (a) (3)); the extraordinary dividends allocated to corpus by the trustee in good faith are excluded (sections 643 (a) (4)); and the tax-exempt interest (as adjusted for expenses) and the dividend exclusion of $50 are included (section 643 (a) (5) and (7)).

(b) See paragraph (c) of § 1.661 (c)-2 for the computation of distributable net income where there is a charitable contributions deduction.

Trusts Which Distribute Current Income Only

§ 1.651 (a) *Statutory provisions; trusts which distribute current income only; deduction for amounts required to be distributed currently.*

SEC. 651. *Deduction for trusts distributing current income only*—(a) *Deduction.* In the case of any trust the terms of which—

(1) Provide that all of its income is required to be distributed currently, and

(2) Do not provide that any amounts are to be paid, permanently set aside, or used for the purposes specified in section 642 (c) (relating to deduction for charitable, etc., purposes),

there shall be allowed as a deduction in computing the taxable income of the trust the amount of the income for the taxable year which is required to be distributed currently. This section shall not apply in any taxable year in which the trust distributes amounts other than amounts of income described in paragraph (1).

§ 1.651 (a)-1 *Simple trusts; deduction for distributions; in general.* Section 651 is applicable only to a trust the governing instrument of which—

(a) Requires that the trust distribute all of its income currently for the taxable year, and

(b) Does not provide that any amounts may be paid, permanently set aside, or used in the taxable year for the charitable, etc., purposes specified in section 642 (c),

and does not make any distribution other than of current income. A trust to which section 651 applies is referred to in this part as a "simple" trust. Trusts subject to section 661 are referred to as "complex" trusts. A trust may be a simple trust for one year and a complex trust for another year. It should be noted that under section 651 a trust qualifies as a simple trust in a taxable year in which it is required to distribute all its income currently and makes no other distributions, whether or not distributions of current income are in fact made. On the other hand a trust is not a complex trust by reason of distributions of amounts other than income unless such distributions are in fact made during the taxable year, whether or not they are required in that year.

§ 1.651 (a)-2 *Income required to be distributed currently.* (a) The determination of whether trust income is required to be distributed currently depends upon the terms of the trust instrument and the applicable local law. For this purpose, if the trust instrument provides that the trustee in determining the distributable income shall first retain a reserve for depreciation or otherwise make due allowance for keeping the trust corpus intact by retaining a reasonable amount of the current income for that purpose, the retention of current income for that purpose will not disqualify the trust from being a "simple" trust. The fiduciary must be under a duty to distribute the income currently even if, as a matter of practical necessity, the income is not distributed until after the close of the trust's taxable year. For example: Under the terms of the trust instrument, all of the income is currently distributable to A. The trust reports on the calendar year basis and as a matter of practical necessity makes distribution to A of each quarter's income on the fifteenth day of the month following the close of the quarter. The distribution made by the trust on January 15, 1955, of the income for the fourth quarter of 1954 does not disqualify the trust for treatment in 1955 under section 651, since the income is required to be distributed currently. However, if the terms of a trust require that none of the income be distributed until after the year of its receipt by the trust, the income of the trust is not required to be distributed currently and the trust is not a simple trust. For definition of the term "income" see section 643 (b) and § 1.643 (b)-1.

(b) It is immaterial, for purposes of determining whether all the income is required to be distributed currently, that the amount of income allocated to a particular beneficiary is not specified in the instrument. For example, if the fiduciary is required to distribute all the income currently, but has discretion to "sprinkle" the income among a class of beneficiaries, or among named beneficiaries in such amount as he may see fit, all the income is required to be distributed currently, even though the amount distributable to a particular beneficiary is unknown until the fiduciary has exercised his discretion.

(c) If in one taxable year of a trust its income for that year is required or permitted to be accumulated, and in another taxable year its income for the year is required to be distributed currently (and no other amounts are distributed), the trust is a simple trust for the latter year. For example, a trust under which income may be accumulated until a beneficiary is 21 years old, and thereafter must be distributed currently, is a simple trust for taxable years beginning after the beneficiary reaches the age of 21 years in which no other amounts are distributed.

§ 1.651 (a)-3 *Distribution of amounts other than income.* (a) A trust does not qualify for treatment under section 651 for any taxable year in which it actually distributes corpus. For example, a trust which is required to distribute all of its income currently would not qualify as a simple trust under section 651 in the year of its termination since in that year actual distributions of corpus would be made.

(b) A trust, otherwise qualifying under section 651, which may make a distribution of corpus in the discretion of the trustee, or which is required under the terms of its governing instrument to make a distribution of corpus upon the happening of a specified event, will be disqualified for treatment under section 651 only for the taxable year in which an actual distribution of corpus is made. For example: Under the terms of a trust, which is required to distribute all of its income currently, half of the corpus is to be distributed to beneficiary A when he becomes 30 years of age. The trust reports on the calendar year basis. On December 28, 1954, A becomes 30 years of age and the trustee distributes half of the corpus of the trust to him on January 3, 1955. The trust will be disqualified for treatment under section 651 only for the taxable year 1955, the year in which an actual distribution of corpus is made.

(c) See section 661 and the regulations thereunder for the treatment of trusts which distribute corpus or claim the charitable contributions deduction provided by section 642 (c).

§ 1.651 (a)-4 *Charitable purposes.* A trust is not considered to be a trust which may pay, permanently set aside, or use any amount for charitable, etc., purposes for any taxable year for which it is not allowed a charitable, etc., deduction under section 642 (c). Therefore, a trust with a remainder to a charitable organization is not disqualified for treatment as a simple trust if either (a) the remainder is subject to a contingency, so that no deduction would be allowed for capital gains or other amounts added to corpus as amounts permanently set aside for a charitable, etc., purpose under section 642 (c), or (b) the trust receives no capital gains or other income added to corpus for the taxable year for which such a deduction would be allowed.

§ 1.651 (a)-5 *Estates.* Subpart B has no application to an estate.

§ 1.651 (b) *Statutory provisions; trusts which distribute current income only; limitation on deduction for amounts required to be distributed currently.*

SEC. 651. *Deduction for trusts distributing current income only.* • • •

(b) *Limitation on deduction.* If the amount of income required to be distributed currently exceeds the distributable net income of the trust for the taxable year, the deduction shall be limited to the amount of the distributable net income. For this purpose, the computation of distributable net income shall not include items of income which are not included in the gross income of the trust and the deductions allocable thereto.

§ 1.651 (b)-1 *Deduction for distributions to beneficiaries.* In computing its taxable income, a simple trust is allowed a deduction for the amount of income which is required under the terms of the trust instrument to be distributed currently to beneficiaries. If the amount of income required to be distributed currently exceeds the distributable net income, the deduction allowable to the trust is limited to the amount of the distributable net income. For this purpose the amount of income required to be distributed currently, or distributable net income, whichever is applicable, does not include items of trust income (adjusted for deductions allocable thereto) which are not included in the gross income of the trust. For determination of the character of the income required to be distributed currently, see § 1.652 (b)-2. Accordingly, for the purposes of determining the deduction allowable to the trust under section 651, distributable net income is computed without the modifications specified in paragraphs (5), (6), and (7) of section 643 (a), relating to tax-exempt interest, foreign income, and excluded dividends. For example: Assume that the distributable net income of a trust as computed under section 643 (a) amounts to $99,000 but includes nontaxable income of $9,000. Then distributable net income for the purpose of determining the deduction allowable under section 651 is $90,000 ($99,000 less $9,000 nontaxable income).

§ 1.652 (a) *Statutory provisions; trusts which distribute current income only; inclusion of amounts in gross income of beneficiaries.*

SEC. 652. *Inclusion of amounts in gross income of beneficiaries of trusts distributing current income only*—(a) *Inclusion.* Subject to subsection (b), the amount of income for the taxable year required to be distributed currently by a trust described in section 651 shall be included in the gross income of the beneficiaries to whom the income is required to be distributed, whether distributed or not. If such amount exceeds the distributable net income, there shall be included in the gross income of each beneficiary an amount which bears the same ratio to distributable net income as the amount of income required to be distributed to such beneficiary bears to the amount of income required to be distributed to all beneficiaries.

§ 1.652 (a)-1 *Simple trusts; inclusion of amounts in income of beneficiaries.* Subject to the rules in §§ 1.652 (a)-2 and 1.652 (b)-1, a beneficiary of a simple trust includes in his gross income for the taxable year the amounts of income required to be distributed to him for such year, whether or not distributed. Thus, the income of a simple trust is includible in the beneficiary's gross income for the taxable year in which the income is required to be distributed currently even though, as a matter of practical necessity, the income is not distributed until after the close of the taxable year of the trust. See § 1.642 (a) (3)-2 with respect to time of receipt of dividends. See § 1.652 (c)-1 for treatment of amounts required to be distributed where a beneficiary and the trust have different taxable years. The term "income required to be distributed currently" includes income required to be distributed currently which is in fact used to discharge or satisfy any person's legal obligation as that term is used in § 1.662 (a)-4.

§ 1.652 (a)-2 *Distributions in excess of distributable net income.* If the amount of income required to be distributed currently to beneficiaries exceeds the distributable net income of the trust (as defined in section 643 (a)), each beneficiary includes in his gross income an amount equivalent to his proportionate share of such distributable net income. Thus, if beneficiary A is to receive two-thirds of the trust income and B is to receive one-third, and the income required to be distributed currently is $99,000, A will receive $66,000 and B, $33,000. However, if the distributable net income, as determined under section 643 (a) is only $90,000, A will include two-thirds ($60,000) of that sum in his gross income, and B will include one-third ($30,000) in his gross income. See §§ 1.652 (b)-1 and 1.652 (b)-2, however, for amounts which are not includible in the gross income of a beneficiary because of their tax-exempt character.

§ 1.652 (b) *Statutory provisions; trusts which distribute current income only; character of amounts in the hands of beneficiaries.*

SEC. 652. *Inclusion of amounts in gross income of beneficiaries of trusts distributing current income only.* • • •

(b) *Character of amounts.* The amounts specified in subsection (a) shall have the same character in the hands of the beneficiary as in the hands of the trust. For this purpose, the amounts shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income of the trust as the total of each class bears to the total distributable net income of the trust, unless the terms of the trust specifically allocate different classes of income to different beneficiaries. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income shall be allocated among the items of distributable net income in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.652 (b)-1 *Character of amounts.* In determining the gross income of a beneficiary, the amounts includible under § 1.652 (a)-1 have the same character in the hands of the beneficiary as in the hands of the trust. For example, to the extent that the amounts specified in § 1.652 (a)-1 consist of income exempt from tax under section 103, such amounts are not included in the beneficiary's gross income. Similarly, dividends distributed to a beneficiary retain their original character in the beneficiary's hands for purposes of determining the availability to the beneficiary of the dividends received credit under section 34 and the dividend exclusion under section 116. The tax treatment of amounts determined under § 1.652 (a)-1 depends upon the beneficiary's status with respect to them, not upon the status of the trust. Thus, if a beneficiary is deemed to have received foreign income of a foreign trust, the includibility of such income in his gross income depends upon his taxable status with respect to that income.

§ 1.652 (b)-2 *Allocation of income items.* (a) The amounts specified in § 1.652 (a)-1 which are required to be included in the gross income of a beneficiary are treated as consisting of the same proportion of each class of items entering into distributable net income of the trust (as defined in section 643 (a)) as the total of each class bears to such distributable net income, unless the terms of the trust specifically allocate different classes of income to different beneficiaries, or unless local law requires such an allocation. For example: Assume that under the terms of the governing instrument, beneficiary A is to receive currently one-half of the trust income and beneficiaries B and C are each to receive currently one-quarter, and the distributable net income of the trust (after allocation of expenses) consists of dividends of $10,000, taxable interest of $10,000, and tax-exempt interest of $4,000. A will be deemed to have received $5,000 of dividends, $5,000 of taxable interest, and $2,000 of tax-exempt interest; B and C will each be deemed to have received $2,500 of dividends, $2,500 of taxable interest, and $1,000 of tax-exempt interest. However, if the terms of the trust specifically allocate different classes of income to different beneficiaries, entirely or in part, or if local law requires such an allocation, each beneficiary will be deemed to have received those items of income specifically allocated to him.

(b) The terms of the trust are considered specifically to allocate different classes of income to different beneficiaries only to the extent that the allocation is required in the trust instrument, and only to the extent that it has an economic effect independent of the income tax consequences of the allocation. For example—

(1) Allocation pursuant to a provision in a trust instrument granting the trustee discretion to allocate different classes of income to different beneficiaries is not a specific allocation by the terms of the trust.

(2) Allocation pursuant to a provision directing the trustee to pay half the income to A, or $10,000 out of the income to A, and the balance of the income to B, but directing the trustee first to allocate a specific class of income to A's share (to the extent there is income of that class and to the extent it does not exceed A's share) is not a specific allocation by the terms of the trust.

(3) Allocation pursuant to a provision directing the trustee to pay all of one class of income (whatever it may be) to A, and the balance of the income to B, is a specific allocation by the terms of the trust.

§ 1.652 (b)-3 *Allocation of deductions.* Items of deduction of a trust that enter into the computation of distributable net income are to be allocated among the items of income in accordance with the following principles:

(a) All deductible items directly attributable to one class of income (except dividends excluded under section 116) are allocated thereto. For example, repairs to, taxes on, and other expenses directly attributable to the maintenance of rental property or the collection of rental income are allocated to rental income. See § 1.642 (e)-1 for treatment of depreciation of rental property. Similarly, all expenditures directly attributable to a business carried on by a trust are allocated to the income from such business. If the deductions directly attributable to a particular class of income exceed that income, the excess is applied against other classes of income in the manner provided in paragraph (d) of this section.

(b) The deductions which are not directly attributable to a specific class of income may be allocated to any item of income (including capital gains) included in computing distributable net income, but a portion must be allocated to nontaxable income (except dividends excluded under section 116) pursuant to section 265 and the regulations thereunder. For example, if the income of a trust is $30,000 (after direct expenses), consisting equally of $10,000 of dividends, tax-exempt interest, and rents, and income commissions amount to $3,000, one-third ($1,000) of such commissions should be allocated to tax-exempt interest, but the balance of $2,000 may be allocated to the rents or dividends in such proportions as the trustee may elect. The fact that the governing instrument or applicable local law treats certain items of deduction as attributable to corpus or to income not included in distributable net income does not affect allocation under this paragraph. For instance, if in the example set forth in this paragraph the trust also had capital gains which are allocable to corpus under the terms of the trust instrument, no part of the deductions would be allocable thereto since the capital gains are excluded from the computation of distributable net income under section 643 (a) (3).

(c) Examples of expenses which are considered as not directly attributable to a specific class of income are trustee's commissions, the rental of safe deposit boxes, and State income and personal property taxes.

(d) To the extent that any items of deduction which are directly attributable to a class of income exceed that class of income, they may be allocated to any other class of income (including capital gains) included in distributable net income in the manner provided in paragraph (b) of this section, except that any excess deductions attributable to tax-exempt income (other than dividends excluded under section 116) may not be offset against any other class of income. See section 265 and the regulations thereunder. Thus, if the trust has rents, taxable interest, dividends, and tax-exempt interest, and the deductions directly attributable to the rents exceed the rental income, the excess may be allocated to the taxable interest or dividends in such proportions as the fiduciary may elect. However, if the excess deductions are attributable to the tax-exempt interest, they may not be allocated to either the rents, taxable interest, or dividends.

§ 1.652 (c) *Statutory provisions; trusts which distribute current income only; inclusion of amounts in gross income of beneficiaries; different taxable years.*

SEC. 652. *Inclusion of amounts in gross income of beneficiaries of trusts distributing current income only.* • • •

(c) *Different taxable years.* If the taxable year of a beneficiary is different from that of the trust, the amount which the beneficiary is required to include in gross income in accordance with the provisions of this section shall be based upon the amount of income of the trust for any taxable year or years of the trust ending within or with his taxable year.

§ 1.652 (c)–1 *Different taxable years.* If a beneficiary has a different taxable year (as defined in section 441 or 442) from the taxable year of the trust, the amount he is required to include in gross income in accordance with section 652 (a) and (b) is based on the income of the trust for any taxable year or years ending with or within his taxable year. This rule applies to taxable years of normal duration as well as to so-called short taxable years. Income of the trust for its taxable year or years is determined in accordance with its method of accounting and without regard to that of the beneficiary.

§ 1.652 (c)–2 *Death of individual beneficiaries.* If income is required to be distributed currently to a beneficiary, by a trust for a taxable year which does not end with or within the last taxable year of a beneficiary (because of the beneficiary's death), the extent to which the income is included in the gross income of the beneficiary for his last taxable year or in the gross income of his estate is determined by the computations under section 652 for the taxable year of the trust in which his last taxable year ends. Thus, the distributable net income of the taxable year of the trust determines the extent to which the income required to be distributed currently to the beneficiary is included in his gross income for his last taxable year or in the gross income of his estate. (Section 652 (c) does not apply to such amounts.) The gross income for the last taxable year of a beneficiary on the cash basis includes only income actually distributed to the beneficiary before his death. Income required to be distributed, but in fact distributed to his estate, is included in the gross income of the estate as income in respect of a decedent under section 691. See § 1.663 (c)–3 (e) with respect to separate share treatment for the periods before and after the decedent's death. If the trust does not qualify as a simple trust for the taxable year of the trust in which the last taxable year of the beneficiary ends, see section 662 (c) and § 1.662 (c)–2.

§ 1.652 (c)–3 *Termination of existence of other beneficiaries.* If the existence of a beneficiary which is not an individual terminates, the amount to be included under section 652 (a) in its gross income for its last taxable year is computed with reference to §§ 1.652 (c)–1 and 1.652 (c)–2 as if the beneficiary were a deceased individual, except that the income required to be distributed prior to the termination but actually distributed to the beneficiary's successor in interest is included in the beneficiary's income for its last taxable year.

§ 1.652 (c)–4 *Illustration of the provisions of sections 651 and 652.* The rules applicable to a trust required to distribute all of its income currently and to its beneficiaries may be illustrated by the following example:

Example. (a) Under the terms of a simple trust all of the income is to be distributed equally to beneficiaries A and B and capital gains are to be allocated to corpus. The trust and both beneficiaries file returns on the calendar year basis. No provision is made in the governing instrument with respect to depreciation. During the taxable year 1955, the trust had the following items of income and expense:

Rents	$25,000
Dividends of domestic corporations	50,000
Tax-exempt interest on municipal bonds	25,000
Long-term capital gains	15,000
Taxes and expenses directly attributable to rents	5,000
Trustee's commissions allocable to income account	2,600
Trustee's commissions allocable to principal account	1,300
Depreciation	5,000

(b) The income of the trust for fiduciary accounting purposes is $92,400, computed as follows:

Rents		$25,000
Dividends		50,000
Tax-exempt interest		25,000
Total		100,000
Deductions:		
Expenses directly attributable to rental income	$5,000	
Trustee's commissions allocable to income account	2,600	
		7,600
Income computed under section 643 (b)		92,400

One-half ($46,200) of the income of $92,400 is currently distributable to each beneficiary.

(c) The distributable net income of the trust computed under section 643 (a) is $91,100, determined as follows (cents are disregarded in the computation):

Rents		$25,000
Dividends		50,000
Tax-exempt interest	$25,000	
Less: Expenses allocable thereto (25,000/100,000 × $3,900)	975	
		24,025
Total		99,025
Deductions:		
Expenses directly attributable to rental income	$5,000	
Trustee's commissions ($3,900 less $975 allocable to tax-exempt interest)	2,925	
		7,925
Distributable net income		91,100

In computing the distributable net income of $91,100, the taxable income of the trust was computed with the following modifications: No deductions were allowed for distributions to the beneficiaries and for personal exemption of the trust (section 643 (a) (1) and (2)); capital gains were excluded and no deduction under section 1202 (relating to the 50 percent deduction for long-term capital gains) was taken into account (section 643 (a) (3)); the tax-exempt interest (as adjusted for expenses) and the dividend exclusion of $50 were included (section 643 (a) (5) and (7)). Since all of the income of the trust is required to be currently distributed, no deduction is allowable for depreciation in the absence of specific provisions in the governing instrument providing for the keeping of the trust corpus intact. See section 167 (g) and the regulations thereunder.

(d) The deduction allowable to the trust under section 651 (a) for distributions to beneficiaries is $67,025, computed as follows:

Distributable net income computed under section 643 (a) (see paragraph (c))		$91,100
Less:		
Tax-exempt interest as adjusted	$24,025	
Dividend exclusion	50	
		24,075
Distributable net income as determined under section 651 (b)		67,025

Since the amount of the income ($92,400) required to be distributed currently by the trust exceeds the distributable net income ($67,025) as computed under section 651 (b), the deduction allowable under section 651 (a) is limited to the distributable net income of $67,025.

(e) The taxable income of the trust is $7,200 computed as follows:

Rents		$25,000
Dividends ($50,000 less $50 exclusion)		49,950
Long-term capital gains		15,000
Gross income		89,950
Deductions:		
Rental expenses	$5,000	
Trustee's commissions	2,925	
Capital gain deduction	7,500	
Distributions to beneficiaries	67,025	
Personal exemption	300	
		82,750
Taxable income		7,200

The trust is not allowed a deduction for the portion ($975) of the trustee's commissions allocable to tax-exempt interest in computing its taxable income.

(f) In determining the character of the amounts includible in the gross income of A and B, it is assumed that the trustee elects to allocate to rents the expenses not directly attributable to a specific item of income other than the portion ($975) of such expenses allocated to tax-exempt interest. The allocation of expenses among the items of income is shown below:

	Rents	Dividends	Tax-exempt interest	Total
Income for trust accounting purposes	$25,000	$50,000	$25,000	$100,000
Less:				
Rental expenses	5,000	-------	-------	5,000
Trustee's commissions	2,925	-------	975	3,900
Total deductions	7,925	0	975	8,900
Character of amounts in the hands of the beneficiaries	17,075	50,000	24,025	[1] 91,100

[1] Distributable net income.

Inasmuch as the income of the trust is to be distributed equally to A and B, each is deemed to have received one-half of each item of income; that is, rents of $8,537.50, dividends of $25,000, and tax-exempt interest of $12,012.50. The dividends of $25,000 allocated to each beneficiary are to be aggregated with his other dividends (if any) for purposes of the dividend exclusion provided by section 116 and the dividend received credit allowed under section 34. Also, each beneficiary is allowed a deduction of $2,500 for depreciation of rental property attributable to the portion (one-half) of the income of the trust distributed to him.

Estates and Trusts Which May Accumulate Income or Which Distribute Corpus

§ 1.661 (a) *Statutory provisions; estates and trusts accumulating income or distributing corpus; deduction for amounts required to be distributed currently and other amounts distributed.*

SEC. 661. *Deduction for estates and trusts accumulating income or distributing corpus*—(a) *Deduction.* In any taxable year there shall be allowed as a deduction in computing the taxable income of an estate or trust (other than a trust to which subpart B applies), the sum of—

(1) Any amount of income for such taxable year required to be distributed currently (including any amount required to be distributed which may be paid out of income or corpus to the extent such amount is paid out of income for such taxable year); and

(2) Any other amounts properly paid or credited or required to be distributed for such taxable year;

but such deduction shall not exceed the distributable net income of the estate or trust.

§ 1.661 (a)–1 *Estates and trusts accumulating income or distributing corpus; general.* Subpart C of part I, subchapter J, chapter 1, of the Internal Revenue Code of 1954 is applicable to all decedents' estates and their beneficiaries, and to trusts and their beneficiaries other than trusts subject to the provisions of subpart B of part I (relating to trusts which distribute current income only, or "simple" trusts). A trust which is required to distribute amounts other than income during the taxable year may be subject to subpart B, and not subpart C, in the absence of an actual distribution of amounts other than income during the taxable year. See §§ 1.651 (a)–1 and 1.651 (a)–3. A trust to which subpart C is applicable is referred to as a "complex" trust in this part. Section 661 has no application to amounts excluded under section 663 (a).

§ 1.661 (a)–2 *Deduction for distributions to beneficiaries.* (a) In computing the taxable income of an estate or trust there is allowed under section 661 (a) as a deduction for distributions to beneficiaries the sum of—

(1) The amount of income for the taxable year which is required to be distributed currently, and

(2) Any other amounts properly paid or credited or required to be distributed for such taxable year.

However, the total amount deductible under section 661 (a) cannot exceed the distributable net income as computed under section 643 (a) and as modified by section 661 (c). See § 1.661 (c)–1.

(b) The term "income required to be distributed currently" includes any amount required to be distributed which may be paid out of income or corpus (such as an annuity), to the extent it is paid out of income for the taxable year. See § 1.651 (a)–2 which sets forth additional rules which are applicable in determining whether income of an estate or trust is required to be distributed currently.

(c) The term "any other amounts properly paid or credited or required to be distributed" includes all amounts properly paid, credited, or required to be distributed by an estate or trust during the taxable year other than income required to be distributed currently. Thus, the term includes the payment of an annuity to the extent it is not paid out of income for the taxable year, and a distribution of property in kind (see paragraph (f) of this section below). However, see section 663 (a) and regulations thereunder for distributions which are not included. Where the income of an estate or trust may be accumulated or distributed in the discretion of the fiduciary, or where the fiduciary has a power to distribute corpus to a beneficiary, any such discretionary distribution would qualify under section 661 (a) (2). The term also includes an amount applied or distributed for the support of a dependent of a grantor or of a trustee or cotrustee under the circumstances described in section 677 (b) or section 678 (c) out of corpus or out of other than income for the taxable year.

(d) The terms "income required to be distributed currently" and "any other amounts properly paid or credited or required to be distributed" also include any amount used to discharge or satisfy any person's legal obligation as that term is used in § 1.662 (a)–4.

(e) The terms "income required to be distributed currently" and "any other amounts properly paid or credited or required to be distributed" do not include amounts required to be paid by a decedent's estate pursuant to a court order or decree as an allowance or award under local law for the support of the decedent's widow or other dependent for a limited period during the administration of the estate, except to the extent such amounts are payable out of and chargeable to income under the order or decree or local law. The term "any other amounts properly paid or credited or required to be distributed" does not include the value of any interest in real estate owned by a decedent, title to which under local law passes directly from the decedent to his heirs or devisees.

(f) If property is paid, credited, or required to be distributed in kind—

(1) No gain or loss is realized by the trust or estate (or the other beneficiaries) by reason of the distribution, unless the distribution is in satisfaction of a right to receive a distribution in a specific dollar amount or in specific property other than that distributed.

(2) In determining the amount deductible by the trust or estate and includible in the gross income of the beneficiary the property distributed in kind is taken into account at its fair market value at the time it was distributed, credited, or required to be distributed.

(3) The basis of the property in the hands of the beneficiary is its fair market value at the time it was paid, credited, or required to be distributed, to the extent such value is included in the gross income

of the beneficiary. To the extent that the value of property distributed in kind is not included in the gross income of the beneficiary, its basis in the hands of the beneficiary is governed by the rules in sections 1014 and 1015 and the regulations thereunder. For this purpose, if the total value of cash and property distributed, credited, or required to be distributed in kind to a beneficiary in any taxable year exceeds the amount includible in his gross income for that year, the value of the property other than cash is normally considered as includible in his gross income only to the extent that the amount includible exceeds the cash paid, credited, or required to be distributed to the beneficiary in that year. Further, to the extent that the value of different items of property other than cash is includible in the gross income of a beneficiary in accordance with the preceding sentence, a pro rata portion of the total value of each item of property distributed, credited, or required to be distributed is normally considered as includible in the beneficiary's gross income.

§ 1.661 (b) *Statutory provisions; estates and trusts accumulating income or distributing corpus; character of amounts distributed to beneficiaries.*

SEC. 661. *Deduction for estates and trusts accumulating income or distributing corpus.* • • •

(b) *Character of amounts distributed.* The amount determined under subsection (a) shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income of the estate or trust as the total of each class bears to the total distributable net income of the estate or trust in the absence of the allocation of different classes of income under the specific terms of the governing instrument. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income (including the deduction allowed under section 642 (c)) shall be allocated among the items of distributable net income in accordance with the regulations prescribed by the Secretary or his delegate.

§ 1.661 (b)–1 *Character of amounts distributed; in general.* In the absence of specific provisions in the governing instrument for the allocation of different classes of income, or unless local law requires such an allocation, the amount deductible for distributions to beneficiaries under section 661 (a) is treated as consisting of the same proportion of each class of items entering into the computation of distributable net income as the total of each class bears to the total distributable net income. For example, if a trust has distributable net income of $20,000, consisting of $10,000 each of taxable interest and royalties and distributes $10,000 to beneficiary A, the deduction of $10,000 allowable under section 661 (a) is deemed to consist of $5,000 each of taxable interest and royalties, unless the trust instrument specifically provides for the distribution or accumulation of different classes of income or unless local law requires such an allocation. See also § 1.661 (c)–1.

§ 1.661 (b)–2 *Character of amounts distributed when charitable contributions are made.* In the application of the rule stated in § 1.661 (b)–1 above, the items of deduction which enter into the computation of distributable net income are allocated among the items of income which enter into the computation of distributable net income in accordance with the rules set forth in § 1.652 (b)–3, except that, in the absence of specific provisions in the governing instrument, or unless local law requires a different apportionment, amounts paid, permanently set aside, or to be used for the charitable, etc., purposes specified in section 642 (c) are first ratably apportioned among each class of items of income entering into the computation of the distributable net income of the estate or trust, in accordance with the rules set out in § 1.643 (a)–5 (b).

§ 1.661 (c) *Statutory provisions; estates and trusts accumulating income or distributing corpus; limitation on deduction for amounts distributed to beneficiaries.*

SEC. 661. *Deduction for estates and trusts accumulating income or distributing corpus.* • • •

(c) *Limitation on deduction.* No deduction shall be allowed under subsection (a) in respect of any portion of the amount allowed as a deduction under that subsection (without regard to this subsection) which is treated under subsection (b) as consisting of any item of distributable net income which is not included in the gross income of the estate or trust.

§ 1.661 (c)–1 *Limitation on deduction.* An estate or trust is not allowed a deduction under section 661 (a) for any amount which is treated under section 661 (b) as consisting of any item of distributable net income which is not included in the gross income of the estate or trust. For example, if a trust has distributable net income of $20,000, which is deemed to consist of $10,000 of dividends and $10,000 of tax-exempt interest, and distributes $10,000 to beneficiary A, the deduction allowable under section 661 (a) (computed without regard to section 661 (c)) would amount to $10,000 consisting of $5,000 of dividends and $5,000 of tax-exempt interest. The deduction actually allowable under section 661 (a) as limited by section 661 (c) is $4,975, since no deduction is allowable for the $5,000 of tax-exempt interest and the $25 deemed distributed out of the $50 of dividends excluded under section 116, items of distributable net income which are not included in the gross income of the estate or trust.

§ 1.661 (c)–2 *Illustration of the provisions of section 661.* The provisions of section 661 may be illustrated by the following example:

Example. (a) Under the terms of a trust, which reports on the calendar year basis, $10,000 a year is required to be paid out of income to a designated charity. The balance of the income may, in the trustee's discretion, be accumulated or distributed to beneficiary A. Expenses are allocable against income and the trust instrument requires a reserve for depreciation. During the taxable year 1955 the trustee contributes $10,000 to charity and in his discretion distributes $15,000 of income to A. The trust has the following items of income and expense for the taxable year 1955:

Dividends	$10,000
Partially tax-exempt interest	10,000
Fully tax-exempt interest	10,000
Rents	20,000
Rental expenses	2,000
Depreciation of rental property	3,000
Trustee's commissions	5,000

(b) The income of the trust for fiduciary accounting purposes is $40,000, computed as follows:

Dividends		$10,000
Partially tax-exempt interest		10,000
Fully tax-exempt interest		10,000
Rents		20,000
Total		50,000
Less:		
Rental expenses	$2,000	
Depreciation	3,000	
Trustee's commissions	5,000	
		10,000
Income as computed under section 643 (b)		40,000

(c) The distributable net income of the trust as computed under section 643 (a) is $30,000, determined as follows:

Rents		$20,000
Dividends		10,000
Partially tax-exempt interest		10,000
Fully tax-exempt interest		$10,000
Less:		
Expenses allocable thereto (10,000/50,000×$5,000)	$1,000	
Charitable contributions allocable thereto (10,000/50,000×$10,000)	2,000	
		3,000
		7,000
Total		47,000
Deductions:		
Rental expenses	$2,000	
Depreciation of rental property	3,000	
Trustee's commissions ($5,000 less $1,000 allocated to tax-exempt interest)	4,000	
Charitable contributions ($10,000 less $2,000 allocated to tax-exempt interest)	8,000	
		17,000
Distributable net income (section 643 (a))		30,000

(d) The character of the amounts distributed under section 661 (a), determined in accordance with the rules prescribed in §§ 1.661 (b)–1 and 1.661 (b)–2 is shown by the following table (for the purpose of this allocation, it is assumed that the trustee elected to allocate the trustee's commissions to rental income except for the amount required to be allocated to tax-exempt interest):

	Rental income	Taxable dividends	Excluded dividends	Partially tax-exempt interest	Tax-exempt interest	Total
Trust income	$20,000	$9,950	$50	$10,000	$10,000	$50,000
Less:						
Charitable contributions	4,000	2,000		2,000	2,000	10,000
Rental expenses	2,000					2,000
Depreciation	3,000					3,000
Trustee's commissions	4,000				1,000	5,000
Total deductions	13,000	2,000	0	2,000	3,000	20,000
Distributable net income	7,000	7,950	50	8,000	7,000	30,000
Amounts deemed distributed under section 661 (a) before applying the limitation of section 661 (c)	3,500	3,975	25	4,000	3,500	15,000

In the absence of specific provisions in the trust instrument for the allocation of different classes of income, the charitable contribution is deemed to consist of a pro rata portion of the gross amount of each item of income of the trust (except the dividends excluded under section 116) and the trust is deemed to have distributed to A a pro rata portion (one-half) of each item of income included in distributable net income.

(e) The taxable income of the trust is $11,375 computed as follows:

Rental income		$20,000
Dividends ($10,000 less $50 exclusion)		9,950
Partially tax-exempt interest		10,000
Gross income		39,950
Deductions:		
Rental expenses	$2,000	
Depreciation of rental property	3,000	
Trustee's commissions	4,000	
Charitable contributions	8,000	
Distributions to A	11,475	
Personal exemption	100	
		28,575
Taxable income		11,375

In computing the taxable income of the trust no deduction is allowable for the portions of the charitable contributions deduction ($2,000) and trustee's commissions ($1,000) which are treated under section 661 (b) as attributable to the tax-exempt interest excludable from gross income. Also, of the dividends of $4,000 deemed to have been distributed to A under section 661 (a), $25 (25/50ths of $50) is deemed to have been distributed from the excluded dividends and is not an allowable deduction to the trust. Accordingly, the deduction allowable under section 661 is deemed to be composed of $3,500 rental income, $3,975 of dividends, and $4,000 partially tax-exempt interest. No deduction is allowable for the portion of tax-exempt interest or for the portion of the excluded dividends deemed to have been distributed to the beneficiary.

(f) The trust is entitled to the credit allowed by section 34 with respect to dividends of $5,975 ($9,950 less $3,975 distributed to A) included in gross income. Also, the trust is allowed the credit provided by section 35 with respect to partially tax-exempt interest of $6,000 ($10,000 less $4,000 deemed distributed to A) included in gross income.

(g) Dividends of $4,000 allocable to A are to be aggregated with his other dividends (if any) for purposes of the dividend exclusion under section 116 and the dividend received credit under section 34.

§ 1.662 (a) *Statutory provisions; estates and trusts which may accumulate income or which distribute corpus; inclusion of amounts in gross income of beneficiaries.*

SEC. 662. *Inclusion of amounts in gross income of beneficiaries of estates and trusts accumulating income or distributing corpus.*—(a) *Inclusion.* Subject to subsection (b), there shall be included in the gross income of a beneficiary to whom an amount specified in section 661 (a) is paid, credited, or required to be distributed (by an estate or trust described in section 661), the sum of the following amounts:

(1) *Amounts required to be distributed currently.* The amount of income for the taxable year required to be distributed currently to such beneficiary, whether distributed or not. If the amount of income required to be distributed currently to all beneficiaries exceeds the distributable net income (computed without the deduction allowed by section 642 (c), relating to deduction for charitable, etc., purposes) of the estate or trust, then, in lieu of the amount provided in the preceding sentence, there shall be included in the gross income of the beneficiary an amount which bears the same ratio to distributable net income (as so computed) as the amount of income required to be distributed currently to such beneficiary bears to the amount required to be distributed currently to all beneficiaries. For purposes of this section, the phrase "the amount of income for the taxable year required to be distributed currently" includes any amount required to be paid out of income or corpus to the extent such amount is paid out of income for such taxable year.

(2) *Other amounts distributed.* All other amounts properly paid, credited, or required to be distributed to such beneficiary for the taxable year. If the sum of—

(A) The amount of income for the taxable year required to be distributed currently to all beneficiaries, and

(B) All other amounts properly paid, credited, or required to be distributed to all beneficiaries

exceeds the distributable net income of the estate or trust, then, in lieu of the amount provided in the preceding sentence, there shall be included in the gross income of the beneficiary an amount which bears the same ratio to distributable net income (reduced by the amounts specified in (A)) as the other amounts properly paid, credited or required to be distributed to the beneficiary bear to the other amounts properly paid, credited, or required to be distributed to all beneficiaries.

§ 1.662 (a)–1 *Inclusion of amounts in gross income of beneficiaries of estates and complex trusts; general.* There is included in the gross income of a beneficiary of an estate or complex trust the sum of—

(1) Amounts of income required to be distributed currently to him, and

(2) All other amounts properly paid, credited, or required to be distributed to him

by the estate or trust. The preceding sentence is subject to the rules contained in § 1.662 (a)–2 (relating to currently distributable income), § 1.662 (a)–3 (relating to other amounts distributed), and §§ 1.662 (b)–1 and 1.662 (b)–2 (relating to character of amounts). Section 662 has no application to amounts excluded under section 663 (a).

§ 1.662 (a)–2 *Currently distributable income.* (a) There is first included in the gross income of each beneficiary under section 662 (a) (1) the amount of income for the taxable year of the estate or trust required to be distributed currently to him, subject to the provisions of paragraph (b) of this section. Such amount is included in the beneficiary's gross income whether or not it is actually distributed.

(b) If the amount of income required to be distributed currently to all beneficiaries exceeds the distributable net income (as defined in section 643 (a) but computed without taking into account the payment, crediting, or setting aside of an amount for which a charitable contributions deduction is allowable under section 642 (c)) of the estate or trust, then there is included in the gross income of each beneficiary an amount which bears the same ratio to distributable net income (as so computed) as the amount of income required to be distributed currently to the beneficiary bears to the amount required to be distributed currently to all beneficiaries.

(c) The phrase "the amount of income for the taxable year required to be distributed currently" includes any amount required to be paid out of income or corpus to the extent the amount is satisfied out of income for the taxable year. Thus, an annuity required to be paid in all events (either out of income or corpus) would qualify as income required to be distributed currently to the extent there is income (as defined in section 643 (b)) not paid, credited, or required to be distributed to other beneficiaries for the taxable year. If an annuity or a portion of an annuity is deemed under this paragraph to be income required to be distributed currently, it is treated in all respects in the same manner as an amount of income actually required to be distributed currently.

(d) If an annuity is paid, credited, or required to be distributed tax free, that is, under a provision whereby the executor or trustee will pay the income tax of the annuitant resulting from the receipt of the annuity, the payment of or for the tax by the executor or trustee will be treated as income paid, credited, or required to be distributed currently to the extent it is made out of income.

(e) The application of the rules stated in this section may be illustrated by the following examples:

Example (1). (1) Assume that under the terms of the trust instrument $5,000 is to be

paid to X charity out of income each year; that $20,000 of income is currently distributable to A; and that an annuity of $12,000 is to be paid to B out of income or corpus. All expenses are charges against income and capital gains are allocable to corpus. During the taxable year the trust had income of $30,000 (after the payment of expenses) derived from taxable interest and made the payments to X charity and distributions to A and B as required by the governing instrument.

(2) The amounts treated as distributed currently under section 662 (a) (1) total $25,000 ($20,000 to A and $5,000 to B). Since the charitable contribution is out of income, the amount of income available for B's annuity is only $5,000. The distributable net income of the trust computed under section 643 (a) without taking into consideration the charitable contributions deduction of $5,000 as provided by section 661 (a) (1) is $30,000. Since the amounts treated as distributed currently of $25,000 do not exceed the distributable net income (as modified) of $30,000, A is required to include $20,000 in his gross income and B is required to include $5,000 in his gross income under section 662 (a) (1).

Example (2). Assume the same facts as in paragraph (1) of example (1), above, except that the trust has, in addition, $10,000 of administration expenses, commissions, etc., chargeable to corpus. The amounts treated as distributed currently under section 662 (a) (1) total $25,000 ($20,000 to A and $5,000 to B), since trust income under section 643 (b) remains the same as in example (1). Distributable net income of the trust computed under section 643 (a) but without taking into account the charitable contributions deduction of $5,000 as provided by section 662 (a) (1) is only $20,000. Since the amounts treated as distributed currently of $25,000 exceed the distributable net income (as so computed) of $20,000, A is required to include $16,000 (20,000/25,000 of $20,000) in his gross income and B is required to include $4,000 (5,000/25,000 of $20,000) in his gross income under section 662 (a) (1). Because A and B are beneficiaries of amounts of income required to be distributed currently, they do not benefit from the reduction of distributable net income by the charitable contributions deduction.

§ 1.662 (a)–3 *Other amounts distributed.* (a) There is included in the gross income of a beneficiary under section 662 (a) (2) any amount properly paid, credited, or required to be distributed to the beneficiary for the taxable year, other than (1) income required to be distributed currently, as determined under § 1.662 (a)–2, (2) amounts excluded under section 663 (a) and the regulations thereunder, and (3) amounts in excess of distributable net income (see paragraph (c) of this section). An amount which is credited or required to be distributed is included in the gross income of a beneficiary whether or not it is actually distributed.

(b) Some of the payments to be included under paragraph (a) of this section are: (1) A distribution made to a beneficiary in the discretion of the fiduciary; (2) a distribution required by the terms of the governing instrument upon the happening of a specified event; (3) an annuity which is required to be paid in all events but which is payable only out of corpus; (4) a distribution of property in kind (see § 1.661 (a)–2 (f)); and (5) an amount applied or distributed for the support of a dependent of a grantor or a trustee or cotrustee under the circumstances specified in section 677 (b) or section 678 (c) out of corpus or out of other than income for the taxable year.

(c) If the sum of the amounts of income required to be distributed currently (as determined under § 1.662 (a)–2) and other amounts properly paid, credited, or required to be distributed (as determined under paragraph (a) of this section) exceeds distributable net income (as defined in section 643 (a)), then such other amounts properly paid, credited, or required to be distributed are included in gross income of the beneficiary but only to the extent of the excess of such distributable net income over the amounts of income required to be distributed currently. If the other amounts are paid, credited, or required to be distributed to more than one beneficiary, each beneficiary includes in gross income his proportionate share of the amount includible in gross income pursuant to the preceding sentence. The proportionate share is an amount which bears the same ratio to distributable net income (reduced by amounts of income required to be distributed currently) as the other amounts (as determined under paragraphs (a) and (d) of this section) distributed to the beneficiary bear to the other amounts distributed to all beneficiaries. For treatment of excess distributions by trusts, see sections 665 to 668, inclusive, and the regulations thereunder.

(d) The application of the rules stated in this section may be illustrated by the following example:

Example. The terms of a trust require the distribution annually of $10,000 of income to A. If any income remains, it may be accumulated or distributed to B, C, and D in amounts in the trustee's discretion. He may also invade corpus for the benefit of A, B, C, or D. In the taxable year, the trust has $20,000 of income after the deduction of all expenses. Distributable net income is $20,000. The trustee distributes $10,000 of income to A. Of the remaining $10,000 of income, he distributes $3,000 each to B, C, and D, and also distributes an additional $5,000 to A. A includes $10,000 in income under section 662 (a) (1). The "other amounts distributed" amount to $14,000, includible in the income of the recipients to the extent of $10,000, distributable net income less the income currently distributable to A. A will include an additional $3,571 (5,000/14,000×$10,000) in income under this section, and B, C, and D will each include $2,143 (3,000/14,000×$10,000).

§ 1.662 (a)–4 *Amounts used in discharge of a legal obligation.* Any amount which, pursuant to the terms of a will or trust instrument, is used in full or partial discharge or satisfaction of a legal obligation of any person is included in the gross income of such person under section 662 (a) (1) or (2), whichever is applicable, as though directly distributed to him as a beneficiary, except in cases to which section 71 (relating to alimony payments) or section 682 (relating to income of a trust in case of divorce, etc.) applies. The term "legal obligation" includes a legal obligation to support another person if, and only if, the obligation is not affected by the adequacy of the dependent's own resources. For example, a parent has a "legal obligation" within the meaning of the preceding sentence to support his minor child if under local law property or income from property owned by the child cannot be used for his support so long as his parent is able to support him. On the other hand, if under local law a mother may use the resources of a child for the child's support in lieu of supporting him herself, no obligation of support exists within the meaning of this paragraph, whether or not income is actually used for support. Similarly, since under local law a child ordinarily is obligated to support his parent only if the parent's earnings and resources are insufficient for the purpose, no obligation exists whether or not the parent's earnings and resources are sufficient. In any event, the amount of trust income which is included in the gross income of a person obligated to support a dependent is limited by the extent of his legal obligation under local law. In the case of a parent's obligation to support his child, to the extent that the parent's legal obligation of support, including education, is determined under local law by the family's station in life and by the means of the parent, it is to be determined without consideration of the trust income in question.

§ 1.662 (b) *Statutory provisions; estates and trusts which may accumulate income or which distribute corpus; character of amounts in the hands of beneficiaries.*

SEC. 662. *Inclusion of amounts in gross income of beneficiaries of estates and trusts accumulating income or distributing corpus.* • • •

(b) *Character of amounts.* The amounts determined under subsection (a) shall have the same character in the hands of the beneficiary as in the hands of the estate or trust. For this purpose, the amounts shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income as the total of each class bears to the total distributable net income of the estate or trust unless the terms of the governing instrument specifically allocate different classes of income to different beneficiaries. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income (including the deduction allowed under section 642 (c)) shall be allocated among the items of distributable net income in accordance with regulations prescribed by the Secretary or his delegate. In the application of this subsection to the amount determined under paragraph (1) of subsection (a), distributable net income shall be computed without regard to any portion of the deduction under section 642 (c) which is not attributable to income of the taxable year.

§ 1.662 (b)–1 *Character of amounts; when no charitable contributions are made.* In determining the amount includible in the gross income of a beneficiary, the amounts which are determined under section 662 (a) and §§ 1.662 (a)–1 through 1.662 (a)–4 shall have the same character in the hands of the beneficiary as in the hands of the estate or trust. The amounts are treated as consisting of the same proportion of each class of items entering into the computation of distributable net income as the total of each class bears to the total distributable net income of the estate or trust unless the terms of the governing instrument specifically allocate different classes of income to different beneficiaries, or unless local law requires such an allocation. For this purpose the principles contained in § 1.652 (b)–1 shall apply.

§ 1.662 (b)–2 *Character of amounts; when charitable contributions are made.* When a charitable contribution is made, the principles contained in §§ 1.652 (b)–1 and 1.662 (b)–1 generally apply. However, before the allocation of other deductions among the items of distributable net income, the charitable contributions deduction allowed under section 642 (c) is (in the absence of specific allocation under the terms of the governing instrument or the requirement under local law of a different allocation) allocated among the classes of income entering into the computation of estate or trust income in accordance with the rules set forth in § 1.643 (a)–5 (b). In the application of the preceding sentence, for the purpose of allocating items of income and deductions to beneficiaries to whom income is required to be distributed currently, the amount of the charitable contributions deduction is disregarded to the extent that it exceeds the income of the trust for the taxable year reduced by amounts for the taxable year required to be distributed currently. The application of this section may be illustrated by the following examples (of which example (1) is illustrative of the preceding sentence):

Example (1). (a) A trust instrument provides that $30,000 of its income must be distributed currently to A, and the balance may either be distributed to B, distributed to a designated charity, or accumulated. Accumulated income may be distributed to B and to the charity. The trust for its taxable year has $40,000 of taxable interest and $10,000 of tax-exempt income, with no expenses. The trustee distributed $30,000 to A, $50,000 to charity X, and $10,000 to B.

(b) Distributable net income for the purpose of determining the character of the distribution to A is $30,000 (the charitable contributions deduction, for this purpose, being taken into account only to the extent of $20,000, the difference between the income of the trust for the taxable year, $50,000, and the amount required to be distributed currently, $30,000).

(c) The charitable contributions deduction taken into account, $20,000, is allocated proportionately to the items of income of the trust, $16,000 to taxable interest and $4,000 to tax-exempt income.

(d) Under section 662 (a) (1), the amount of income required to be distributed currently to A is $30,000, which consists of the balance of these items, $24,000 of taxable interest and $6,000 of tax-exempt income.

(e) In determining the amount to be included in the gross income of B under section 662 for the taxable year, however, the entire charitable contributions deduction is taken into account, with the result that there is no distributable net income and therefore no amount to be included in gross income.

(f) See sections 665 through 668 (subpart D) for application of the throwback provisions to the distribution made to B.

Example (2). The net income of a trust is payable to A for life, with the remainder to a charitable organization. Under the terms of the trust instrument and local law capital gains are added to corpus. During the taxable year the trust receives dividends of $10,000 and realized a long-term capital gain of $10,000, for which a long-term capital gain deduction of $5,000 is allowed under section 1202. Since under the trust instrument and local law the capital gains are allocated to the charitable organization, and since the capital gain deduction is directly attributable to the capital gain, the charitable contributions deduction and the capital gain deduction are both allocable to the capital gain, and dividends in the amount of $10,000 are allocable to A.

§ 1.662 (c) *Statutory provisions; estates and trusts which may accumulate income or which distribute corpus; different taxable years.*

SEC. 662. *Inclusion of amounts in gross income of beneficiaries of estates and trusts accumulating income or distributing corpus.* • • •

(c) *Different taxable years.* If the taxable year of a beneficiary is different from that of the estate or trust, the amount to be included in the gross income of the beneficiary shall be based on the distributable net income of the estate or trust and the amounts properly paid, credited, or required to be distributed to the beneficiary during any taxable year or years of the estate or trust ending within or with his taxable year.

§ 1.662 (c)–1 *Different taxable years.* If a beneficiary has a different taxable year (as defined in section 441 or 442) from the taxable year of an estate or trust, the amount he is required to include in gross income in accordance with section 662 (a) and (b) is based upon the distributable net income of the estate or trust and the amounts properly paid, credited, or required to be distributed to the beneficiary for any taxable year or years of the estate or trust ending with or within his taxable year. This rule applies as to so-called short taxable years as well as taxable years of normal duration. Income of an estate or trust for its taxable year or years is determined in accordance with its method of accounting and without regard to that of the beneficiary.

§ 1.662 (c)–2 *Death of individual beneficiary.* If an amount specified in section 662 (a) (1) or (2) is paid, credited, or required to be distributed by an estate or trust for a taxable year which does not end with or within the last taxable year of a beneficiary (because of the beneficiary's death), the extent to which the amount is included in the gross income of the beneficiary for his last taxable year or in the gross income of his estate is determined by the computations under section 662 for the taxable year of the estate or trust in which his last taxable year ends. Thus, the distributable net income and the amounts paid, credited, or required to be distributed for the taxable year of the estate or trust, determine the extent to which the amounts paid, credited, or required to be distributed to the beneficiary are included in his gross income for his last taxable year or in the gross income of his estate. (Section 662 (c) does not apply to such amounts.) The gross income for the last taxable year of a beneficiary on the cash basis includes only income actually distributed to the beneficiary before his death. Income required to be distributed, but in fact distributed to his estate, is included in the gross income of the estate as income in respect of a decedent under section 691. See § 1.663 (c)–3 (e) with respect to separate share treatment for the periods before and after the death of a trust's beneficiary.

§ 1.662 (c)–3 *Termination of existence of other beneficiaries.* If the existence of a beneficiary which is not an individual terminates, the amount to be included under section 662 (a) in its gross income for the last taxable year is computed with reference to §§ 1.662 (c)–1 and 1.662 (c)–2 as if the beneficiary were a deceased individual, except that income required to be distributed prior to the termination but actually distributed to the beneficiary's successor in interest is included in the beneficiary's income for its last taxable year.

§ 1.662 (c)–4 *Illustration of the provisions of sections 661 and 662.* The provisions of sections 661 and 662 may be illustrated in general by the following example:

Example. (a) Under the terms of a testamentary trust one-half of the trust income is to be distributed currently to W, the decedent's wife, for her life. The remaining trust income may, in the trustee's discretion, either be paid to D, the grantor's daughter, paid to designated charities, or accumulated. The trust is to terminate at the death of W and the principal will then be payable to D. No provision is made in the trust instrument with respect to depreciation of rental property. Capital gains are allocable to the principal account under the applicable local law. The trust and both beneficiaries file returns on the calendar year basis. The records of the fiduciary show the following items of income and deduction for the taxable year 1955:

Rents	$50,000
Dividends of domestic corporations	50,000
Tax-exempt interest	20,000
Partially tax-exempt interest	10,000
Capital gains (long term)	20,000
Depreciation of rental property	10,000
Expenses attributable to rental income	15,400
Trustee's commissions allocable to income account	2,800
Trustee's commissions allocable to principal account	1,100

(b) The income for trust accounting purposes is $111,800, and the trustee distributes one-half ($55,900) to W and in his discretion makes a contribution of one-quarter ($27,950) to charity X and distributes the remaining one-quarter ($27,950) to D. The total of the distributions to beneficiaries is $83,850, consisting of (1) income required to be distributed currently to W of $55,900 and (2) other amounts properly paid or credited to D of $27,950. The income for trust accounting purposes of $111,800 is determined as follows:

Rents		$50,000
Dividends		50,000
Tax-exempt interest		20,000
Partially tax-exempt interest		10,000
Total		130,000
Less:		
Rental expenses	$15,400	
Trustee's commissions allocable to income account	2,800	18,200
Income as computed under section 643 (b)		111,800

(c) The distributable net income of the trust as computed under section 643 (a) is $82,750, determined as follows:

Rents		$50,000
Dividends		50,000
Partially tax-exempt interest		10,000
Tax-exempt interest		$20,000
Less:		
Trustee's commissions allocable thereto (20,000/130,000 of $3,900)	$600	
Charitable contributions allocable thereto (20,000/130,000 of $27,950)	4,300	
	4,900	15,100
Total		125,100
Deductions:		
Rental expenses	$15,400	
Trustee's commissions ($3,900 less $600 allocated to tax-exempt interest)	3,300	
Charitable deduction ($27,950 less $4,300 attributable to tax-exempt interest)	23,650	
		42,350
Distributable net income		82,750

In computing the distributable net income of $82,750, the taxable income of the trust was computed with the following modifications: No deductions were allowed for distributions to beneficiaries and for personal exemption of the trust (section 643 (a) (1) and (2)); capital gains were excluded and no deduction under section 1202 (relating to the 50 percent deduction for long-term capital gains) was taken into account (section 643 (a) (3)); and the tax-exempt interest (as adjusted for expenses and charitable contributions) and the dividend exclusion of $50 were included (section 643 (a) (5) and (7)).

(d) Inasmuch as the distributable net income of $82,750 as determined under section 643 (a) is less than the sum of the amounts distributed to W and D of $83,850, the deduction allowable to the trust under section 661 (a) is such distributable net income as modified under section 661 (c) to exclude therefrom the items of income not included in the gross income of the trust, as follows:

Distributable net income		$82,750
Less:		
Tax-exempt interest (as adjusted for expenses and the charitable contributions)	$15,100	
Dividend exclusion allowable under section 116	50	
		15,150
Deduction allowable under section 661 (a)		67,600

(e) For the purpose of determining the character of the amounts deductible under section 642 (c) and section 661 (a), the trustee elected to offset the trustee's commissions (other than the portion required to be allocated to tax-exempt interest) against the rental income. The following table shows the determination of the character of the amounts deemed distributed to beneficiaries and contributed to charity:

	Rents	Taxable dividends	Excluded dividends	Tax-exempt interest	Partially tax-exempt interest	Total
Trust income	$50,000	$49,950	$50	$20,000	$10,000	$130,000
Less:						
Charitable contribution	10,750	10,750		4,300	2,150	27,950
Rental expenses	15,400					15,400
Trustee's commissions	3,300			600		3,900
Total deductions	29,450	10,750	0	4,900	2,150	47,250
Amounts distributable to beneficiaries	20,550	39,200	50	15,100	7,850	82,750

The character of the charitable contribution is determined by multiplying the total charitable contribution ($27,950) by a fraction consisting of each item of trust income, respectively, over the total trust income, except that no part of the dividends excluded from gross income are deemed included in the charitable contribution. For example, the charitable contribution is deemed to consist of rents of $10,750 (50,000/130,000×$27,950).

(f) The taxable income of the trust is $9,900 determined as follows:

Rental income	$50,000
Dividends ($50,000 less $50 exclusion)	49,950
Partially tax-exempt interest	10,000
Capital gains	20,000
Gross income	129,950
Deductions:	
Rental expenses	$15,400
Trustee's commissions	3,300
Charitable contributions	23,650
Capital gain deduction	10,000
Distributions to beneficiaries	67,600
Personal exemption	100
	120,050
Taxable income	9,900

(g) In computing the amount includible in W's gross income under section 662 (a) (1), the $55,900 distribution to her is deemed to be composed of the following proportions of the items of income deemed to have been distributed to the beneficiaries by the trust (see paragraph (e) of this example):

Rents (20,550/82,750×$55,900)	$13,882
Dividends (39,250/82,750×$55,900)	26,515
Partially tax-exempt interest (7,850/82,750×$55,900)	5,303
Tax-exempt interest (15,100/82,750×$55,900)	10,200
Total	55,900

Accordingly, W will exclude $10,200 of tax-exempt interest from gross income and will receive the credits and exclusion for dividends received and for partially tax-exempt interest provided in sections 34, 116, and 35, respectively, with respect to the dividends and partially tax-exempt interest deemed to have been distributed to her, her share of the dividends being aggregated with other dividends received by her for purposes of the dividend credit and exclusion. In addition, she may deduct a share of the depreciation deduction proportionate to the trust income allocable to her; that is, one-half of the total depreciation deduction, or $5,000.

(h) Inasmuch as the sum of the amount of income required to be distributed currently to W ($55,900) and the other amounts properly paid, credited, or required to be distributed to D ($27,950) exceeds the distributable net income ($82,750) of the trust as determined under section 643 (a), D is deemed to have received $26,850 ($82,750 less $55,900) for income tax purposes. The character of the amounts deemed distributed to her is determined as follows:

Rents (20,550/82,750×$26,850)	$6,668
Dividends (39,250/82,750×$26,850)	12,735
Partially tax-exempt interest (7,850/82,750×$26,850)	2,547
Tax-exempt interest (15,100/82,750×$26,850)	4,900
Total	26,850

Accordingly, D will exclude $4,900 of tax-exempt interest from gross income and will receive the credits and exclusion for dividends received and for partially tax-exempt interest provided in sections 34, 116, and 35, respectively, with respect to the dividends and partially tax-exempt interest deemed to have been distributed to her, her share of the dividends being aggregated with other dividends received by her for purposes of the dividend credit and exclusion. In addition, she may deduct a share of the depreciation deduction proportionate to the trust income allocable to her; that is, one-fourth of the total depreciation deduction, or $2,500.

(i) [Reserved.]

(j) The remaining $2,500 of the depreciation deduction is allocated to the amount distributed to charity X and is hence nondeductible by the trust, W, or D. (See § 1.642 (c)-1.)

§ 1.663 (a) *Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; exclusions.*

SEC. 663. *Special rules applicable to sections 661 and 662—(a) Exclusions.* There shall not be included as amounts falling within section 661 (a) or 662 (a)—

(1) *Gifts, bequests, etc.* Any amount which, under the terms of the governing instrument, is properly paid or credited as a gift or bequest of a specific sum of money or of specific property and which is paid or credited all at once or in not more than 3 installments. For this purpose an amount which can be paid or credited only from the income of the estate or trust shall not be considered as a gift or bequest of a specific sum of money.

(2) *Charitable, etc., distributions.* Any amount paid or permanently set aside or otherwise qualifying for the deduction pro-

vided in section 642 (c) (computed without regard to section 681).

(3) *Denial of double deduction.* Any amount paid, credited, or distributed in the taxable year, if section 651 or section 661 applied to such amount for a preceding taxable year of an estate or trust because credited or required to be distributed in such preceding taxable year.

§ 1.663 (a)-1 *Special rules applicable to sections 661 and 662; exclusions; gifts, bequests, etc.*—(a) *In general.* A gift or bequest of a specific sum of money or of specific property, which is required by the specific terms of the will or trust instrument and is properly paid or credited to a beneficiary, is not allowed as a deduction to an estate or trust under section 661 and is not included in the gross income of a beneficiary under section 662, unless under the terms of the will or trust instrument the gift or bequest is to be paid or credited to the recipient in more than three installments. Thus, in order for a gift or bequest to be excludable from the gross income of the recipient, (1) it must qualify as a gift or bequest of a specific sum of money or of specific property (see paragraph (b) of this section), and (2) the terms of the governing instrument must not provide for its payment in more than three installments (see paragraph (c) of this section). The date when the estate came into existence or the date when the trust was created is immaterial.

(b) *Definition of a gift or bequest of a specific sum of money or of specific property.* (1) In order to qualify as a gift or bequest of a specific sum of money or of specific property under section 663 (a), the amount of money or the identity of the specific property must be ascertainable under the terms of a testator's will as of the date of his death, or under the terms of an inter vivos trust instrument as of the date of the inception of the trust. For example, bequests to a decedent's son of the decedent's interest in a partnership and to his daughter of a sum of money equal to the value of the partnership interest are bequests of specific property and of a specific sum of money, respectively. On the other hand, a bequest to the decedent's spouse of money or property, to be selected by the decedent's executor, equal in value to a fraction of the decedent's "adjusted gross estate" is neither a bequest of a specific sum of money or of specific property. The identity of the property and the amount of money specified in the preceding sentence are dependent both on the exercise of the executor's discretion and on the payment of administration expenses and other charges, neither of which are facts existing on the date of the decedent's death. It is immaterial that the value of the bequest is determinable after the decedent's death before the bequest is satisfied (so that gain or loss may be realized by the estate in the transfer of property in satisfaction of it).

(2) The following amounts are not considered as gifts or bequests of a sum of money or of specific property within the meaning of this paragraph:

(i) An amount which can be paid or credited only from the income of an estate or trust, whether from the income for the year of payment or crediting, or from the income accumulated from a prior year;

(ii) An annuity, or periodic gifts of specific property in lieu of or having the effect of an annuity;

(iii) A residuary estate or the corpus of a trust; or

(iv) A gift or bequest paid in a lump sum or in not more than three installments, if the gift or bequest is required to be paid in more than three installments under the terms of the governing instrument.

(3) The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples, in which it is assumed that the gift or bequest is not required to be made in more than three installments (see paragraph (c)):

Example (1). Under the terms of a will, a legacy of $5,000 was left to A, 1,000 shares of X company stock was left to W, and the balance of the estate was to be divided equally between W and X. No provision was made in the will for the disposition of income of the estate during the period of administration. The estate had income of $25,000 during the taxable year 1954, which was accumulated and added to corpus for estate accounting purposes. During the taxable year, the executor paid the legacy of $5,000 in a lump sum to A and transferred the X company stock to W. No other distributions to beneficiaries were made during the taxable year. The distributions to A and W qualify as exclusions within the meaning of section 663 (a) (1).

Example (2). Under the terms of a will, the testator's estate was to be divided equally between A and B. No provision was made in the will for the disposition of income of the estate during the period of administration. The estate had income of $50,000 for the taxable year 1954. In accordance with an agreement among the beneficiaries that part of the assets of the estate would be distributed in kind to the beneficiaries, stock in corporation X was distributed to A during 1954. The fair market value of the stock was $40,000 on the date of distribution. No other distribution was made during the year. The distribution does not qualify as an exclusion within the meaning of section 663 (a) (1), since it is not a specific gift to A required by the terms of the will. Accordingly, the fair market value of the property ($40,000) represents a distribution within the meaning of section 661 (a) and section 662 (a) (see § 1.661 (a)-2 (c)).

Example (3). Under the terms of a trust instrument, income is to be accumulated during the minority of A. Upon A's reaching the age of 21, $10,000 is to be distributed to B out of income or corpus. Also at that time, $10,000 is to be distributed to C out of the accumulated income and the remainder of the accumulations are to be paid to A. A is then to receive all the income until he is 25, when the trust is to terminate. Only the distribution to B would qualify for exclusion under section 663 (a) (1).

(4) A gift or bequest of a specific sum of money or of specific property is not disqualified under this paragraph solely because its payment is subject to a condition. For example, provision for a payment by a trust to benficiary A of $10,000 when he reaches age 25, and $10,000 when he reaches age 30, with payment over to B of any amount not paid to A because of his death, is a gift to A of a specific sum of money payable in two installments, within the meaning of this paragraph, even though the exact amount payable to A cannot be ascertained with certainty under the terms of the trust instrument.

(c) *Installment payments.* (1) In determining whether a gift or bequest of a specific sum of money or of specific property, as defined in paragraph (b) of this section, is required to be paid or credited to a particular beneficiary in more than three installments—

(i) Gifts or bequests of articles for personal use (such as personal and household effects, automobiles, and the like) are disregarded.

(ii) Specifically devised real property, the title to which passes directly from the decedent to the devisee under local law, is not taken into account, since it would not constitute an amount paid, credited, or required to be distributed under section 661 (see § 1.661 (a)-2 (e)).

(iii) All gifts and bequests under a decedent's will (which are not disregarded pursuant to subdivisions (i) and (ii) of this subparagraph) for which no time of payment or crediting is specified, and which are to be paid or credited in the ordinary course of administration of the decedent's estate, are considered as required to be paid or credited in a single installment.

(iv) All gifts and bequests (which are not disregarded pursuant to subdivisions (i) and (ii) of this subparagraph) payable at any one specified time under the terms of the governing instrument are taken into account as a single installment.

For purposes of determining the number of installments paid or credited to a particular beneficiary, a decedent's estate and a testamentary trust shall each be treated as a separate entity.

(2) The application of the rules stated in subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). (i) Under the terms of a decedent's will, $10,000 in cash, household furniture, a watch, an automobile, 100 shares of X company stock, 1,000 bushels of grain, 500 head of cattle, and a farm (title to which passed directly to A under local law) are bequeathed or devised outright to A. The will also provides for the creation of a trust for the benefit of A, under the terms of which there are required to be distributed to A, $10,000 in cash and 100 shares of Y company stock when he reaches 25 years of age, $25,000 in cash and 200 shares of Y company stock when he reaches 30 years of age, and $50,000 in cash and 300 shares of Y company stock when he reaches 35 years of age.

(ii) The furniture, watch, automobile, and the farm are excluded in determining whether any gift or bequest is required to be paid or credited to A in more than three installments. These items qualify for the exclusion under section 663 (a) (1) regardless of the treatment of the other items of property bequeathed to A.

(iii) The $10,000 in cash, the shares of X Company stock, the grain, the cattle and the assets required to create the trust, to be paid or credited by the estate to A and the trust are considered as required to be paid or credited in a single installment to each, regardless of the manner of payment or distribution by the executor, since no time of payment or crediting is specified in the will. The $10,000 in cash and shares of Y Company stock required to be distributed by the trust to A when he is 25 years old are

considered as required to be paid or distributed as one installment under the trust. Likewise, the distributions to be made by the trust to A when he is 30 and 35 years old are each considered as one installment under the trust. Since the total number of installments to be made by the estate does not exceed three, all of the items of money and property distributed to the estate qualify for the exclusion under section 663 (a) (1). Similarly, the three distributions by the trust qualify.

Example (2). Assume the same facts as in example (1), except that another distribution of a specified sum of money is required to be made by the trust to A when he becomes 40 years old. This distribution would also qualify as an installment, thus making four installments in all under the trust. None of the gifts to A under the trust would qualify for the exclusion under section 663 (a) (1). The situation as to the estate, however, would not be changed.

Example (3). A trust instrument provides that A and B are each to receive $75,000 in installments of $25,000, to be paid in alternate years. The trustee distributes $25,000 to A in 1954, 1956, and 1958, and to B in 1955, 1957, and 1959. The gifts to A and B qualify for exclusion under section 663 (a) (1), although a total of six payments is made. The gifts of $75,000 to each beneficiary are to be separately treated.

§ 1.663 (a)–2 *Charitable, etc., distributions.* Any amount paid, permanently set aside, or to be used for the charitable, etc., purposes specified in section 642 (c) and which is allowable as a deduction under that section is not allowed as a deduction to an estate or trust under section 661 or treated as an amount distributed for purposes of determining the amounts includible in gross income of beneficiaries under section 662. Amounts paid, permanently set aside, or to be used for charitable, etc., purposes are deductible by estates or trusts only as provided in section 642 (c). For purposes of this section the deduction provided in section 642 (c) is computed without regard to the limitation provided by section 681 (concerning unrelated business income and prohibited transactions).

§ 1.663 (a)–3 *Denial of double deduction.* No amount deemed to have been distributed to a beneficiary in a preceding year under section 651 or 661 is included in amounts falling within section 661 (a) or 662 (a). For example, assume that all of the income of a trust is required to be distributed currently to beneficiary A and both the trust and A report on the calendar year basis. For administrative convenience, the trustee distributes in January and February 1956 a portion of the income of the trust required to be distributed in 1955. The portion of the income for 1955 which was distributed by the trust in 1956 may not be claimed as a deduction by the trust for 1956 since it is deductible by the trust and includible in A's gross income for the taxable year 1955.

§ 1.663 (b) *Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; distributions in first sixty-five days of taxable year.*

SEC. 663. *Special rules applicable to sections 661 and 662.* • • •

(b) *Distributions in first sixty-five days of taxable year*—(1) *General rule.* If within the first 65 days of any taxable year of a trust, an amount is properly paid or credited, such amount shall be considered paid or credited on the last day of the preceding taxable year.

(2) *Limitation.* This subsection shall apply only to a trust—

(A) Which was in existence prior to January 1, 1954,

(B) Which under the terms of its governing instrument, may not distribute in any taxable year amounts in excess of the income of the preceding taxable year, and

(C) On behalf of which the fiduciary elects to have this subsection apply.

The election authorized by subparagraph (C) shall be made for the first taxable year to which this part is applicable in accordance with such regulations as the Secretary or his delegate shall prescribe and shall be made not later than the time prescribed by law for filing the return for such year (including extensions thereof). If such election is made with respect to a taxable year, this subsection shall apply to all amounts properly paid or credited within the first 65 days of all subsequent taxable years of such trust.

§ 1.663 (b)–1 *Distributions in first sixty-five days of taxable year; scope.* The fiduciary of a trust may elect under section 663 (b) to treat distributions within the first 65 days of the taxable year of the trust as amounts which were paid or credited on the last day of the preceding taxable year, if—

(a) The trust was in existence prior to January 1, 1954;

(b) An amount in excess of the income of the immediately preceding taxable year may not (under the terms of the governing instrument) be distributed in any taxable year; and

(c) The fiduciary elects (as provided in § 1.663 (b)–2) to have section 663 (b) apply.

§ 1.663 (b)–2 *Election.* (a) The election under section 663 (b) shall be made in a statement attached to the return for the first taxable year of the trust subject to the Internal Revenue Code of 1954. The election must be made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof).

(b) If an election is made by a fiduciary, the election is irrevocable for the taxable year for which the election is made and for all future taxable years.

(c) If an election is made with respect to a taxable year, this section applies to all amounts properly paid or credited within the first 65 days of such year and all subsequent taxable years of the trust.

§ 1.663 (c) *Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; separate shares treated as separate trusts.*

SEC. 663. *Special rules applicable to sections 661 and 662.* • • •

(c) *Separate shares treated as separate trusts.* For the sole purpose of determining the amount of distributable net income in the application of sections 661 and 662, in the case of a single trust having more than one beneficiary, substantially separate and independent shares of different beneficiaries in the trust shall be treated as separate trusts. The existence of such substantially separate and independent shares and the manner of treatment as separate trusts, including the application of subpart D, shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.663 (c)–1 *Separate shares treated as separate trusts; in general.* (a) If a single trust has more than one beneficiary, and if different beneficiaries have substantially separate and independent shares, their shares are treated as separate trusts for the sole purpose of determining the amount of distributable net income allocable to the respective beneficiaries under sections 661 and 662. Application of this rule will be significant in, for example, situations in which income is accumulated for beneficiary A but a distribution is made to beneficiary B of both income and corpus in an amount exceeding the share of income that would be distributable to B had there been separate trusts. In the absence of a separate share rule B would be taxed on income which is accumulated for A. The division of distributable net income into separate shares will limit the tax liability of B. Section 663 (c) does not affect the principles of applicable law in situations in which a single trust instrument creates not one but several separate trusts, as opposed to separate shares in the same trust within the meaning of this section.

(b) The separate share rule does not permit the treatment of separate shares as separate trusts for any purpose other than the application of distributable net income. It does not, for instance, permit the treatment of separate shares as separate trusts for purposes of—

(1) The filing of returns and payment of tax,

(2) The exclusion of dividends under section 116,

(3) The deduction of personal exemption under section 642 (b), and

(4) The allowance to beneficiaries succeeding to the trust property of excess deductions and unused net operating loss and capital loss carryovers on termination of the trust under section 642 (h).

(c) The separate share rule may be applicable even though separate and independent accounts are not maintained and are not required to be maintained for each share on the books of account of the trust, and even though no physical segregation of assets is made or required.

(d) Separate share treatment is not elective. Thus, if a trust is properly treated as having separate and independent shares, such treatment must prevail in all taxable years of the trust unless an event occurs as a result of which the terms of the trust instrument and the requirements of proper administration require different treatment.

§ 1.663 (c)–2 *Computation of distributable net income.* The amount of distributable net income for any share under section 663 (c) is computed for each share as if each share constituted a separate trust. Accordingly, any deduction or any loss which is applicable solely to one separate share of the trust is not available to any other share of the same trust.

§ 1.663 (c)–3 *Applicability of separate share rule.* (a) The applicability of the separate share rule provided by section 663 (c) will generally depend upon whether distributions of the trust are to be made in substantially the same manner as if separate trusts had been created. Thus, if an instrument directs a trustee to divide the testator's residuary estate into separate shares (which under applicable law do not constitute separate trusts) for each of the testator's children and the trustee is given discretion, with respect to each share, to distribute or accumulate income or to distribute principal or accumulated income, or to do both, separate shares will exist under section 663 (c). In determining whether separate shares exist, it is immaterial whether the principal and any accumulated income of each share is ultimately distributable to the beneficiary of such share, to his descendants, to his appointees under a general or special power of appointment, or to any other beneficiaries (including a charitable organization) designated to receive his share of the trust and accumulated income upon termination of the beneficiary's interest in the share. Thus, a separate share may exist if the instrument provides that upon the death of the beneficiary of the share, the share will be added to the shares of the other beneficiaries of the trust.

(b) Separate share treatment will not be applied to a trust or portion of a trust subject to a power to—

(1) Distribute, apportion, or accumulate income, or

(2) Distribute corpus

to or for one or more beneficiaries within a group or class of beneficiaries, unless payment of income, accumulated income, or corpus of a share of one beneficiary cannot affect the proportionate share of income, accumulated income, or corpus of any shares of the other beneficiaries, or unless substantially proper adjustment must thereafter be made (under the governing instrument) so that substantially separate and independent shares exist.

(c) A share may be considered as separate even though more than one beneficiary has an interest in it. For example, two beneficiaries may have equal, disproportionate, or indeterminate interests in one share which is separate and independent from another share in which one or more beneficiaries have an interest. Likewise, the same person may be a beneficiary of more than one separate share.

(d) Separate share treatment may be given to a trust or portion of a trust otherwise qualifying under this section if the trust or portion of a trust is subject to a power to pay out to a beneficiary of a share (of such trust or portion) an amount of corpus in excess of his proportionate share of the corpus of the trust if the possibility of exercise of the power is remote. For example, if the trust is subject to a power to invade the entire corpus for the health, education, support, or maintenance of A, separate share treatment is applied if exercise of the power requires consideration of A's other income which is so substantial as to make the possibility of exercise of the power remote. If instead it appears that A and B have separate shares in a trust, subject to a power to invade the entire corpus for the comfort, pleasure, desire, or happiness of A, separate share treatment shall not be applied.

(e) The separate share rule may also be applicable to successive interests in point of time, as for instance in the case of a trust providing for a life estate to A and a second life estate or outright remainder to B. In such a case, in the taxable year of a trust in which a beneficiary dies items of income and deduction properly allocable under trust accounting principles to the period before a beneficiary's death are attributed to one share, and those allocable to the period after the beneficiary's death are attributed to the other share. Separate share treatment is not available to a succeeding interest, however, with respect to distributions which would otherwise be deemed distributed in a taxable year of the earlier interest under the throwback provisions of subpart D (sections 665 through 668). The application of this paragraph may be illustrated by the following example:

Example. A trust instrument directs that the income of a trust is to be paid to A for her life. After her death income may be distributed to B or accumulated. A dies on June 1, 1956. The trust keeps its books on the basis of the calendar year. The trust instrument permits invasions of corpus for the benefit of A and B, and an invasion of corpus was in fact made for A's benefit in 1956. In determining the distributable net income of the trust for the purpose of determining the amounts includible in A's income, income and deductions properly allocable to the period before A's death are treated as income and deductions of a separate share, and for that purpose no account is taken of income and deductions allocable to the period after A's death.

(f) Separate share treatment is not applicable to an estate.

§ 1.663 (c)–4 *Example.* Section 663 (c) may be illustrated by the following example:

Example. (a) A single trust was created in 1940 for the benefit of A, B, and C, who were aged 6, 4, and 2, respectively. Under the terms of the instrument, the trust income is required to be divided into three equal shares. Each beneficiary's share of the income is to be accumulated until he becomes 21 years of age. When a beneficiary reaches the age of 21, his share of the income may thereafter be either accumulated or distributed to him in the discretion of the trustee. The trustee also has discretion to invade corpus for the benefit of any beneficiary to the extent of his share of the trust estate, and the trust instrument requires that the beneficiary's right to future income and corpus will be proportionately reduced. When each beneficiary reaches 35 years of age, his share of the trust estate shall be paid over to him. The interest in the trust estate of any beneficiary dying without issue and before he has attained the age of 35 is to be equally divided between the other beneficiaries of the trust. All expenses of the trust are allocable to income under the terms of the trust instrument.

(b) No distributions of income or corpus were made by the trustee prior to 1955, although A became 21 years of age on June 30, 1954. During the taxable year 1955, the trust has income from royalties of $20,000 and expenses of $5,000. The trustee in his discretion distributes $12,000 to A. Both A and the trust report on the calendar year basis.

(c) The trust qualifies for the separate share treatment under section 663 (c) and the distributable net income must be divided into three parts for the purpose of determining the amount deductible by the trust under section 661 and the amount includible in A's gross income under section 662.

(d) The distributable net income of each share of the trust is $5,000 ($6,667 less $1,667). Since the amount ($12,000) distributed to A during 1955 exceeds the distributable net income of $5,000 allocated to his share, the trust is deemed to have distributed to him $5,000 of 1955 income and $7,000 of amounts other than 1955 income. Accordingly, the trust is allowed a deduction of $5,000 under section 661. The taxable income of the trust for 1955 is $9,900, computed as follows:

Royalties		$20,000
Deductions:		
Expenses	$5,000	
Distribution to A	5,000	
Personal exemption	100	
		10,100
Taxable income		9,900

(e) In accordance with section 662, A must include in his gross income for 1955 an amount equal to the portion ($5,000) of the distributable net income of the trust allocated to his share. Also, the excess distribution of $7,000 made by the trust is subject to the throwback provisions of sections 665 through 668 and the regulations thereunder.

Treatment of Excess Distributions by Trusts

§ 1.665–1 *Excess distributions by trusts; scope of subpart D.* Sections 665 through 668 (subpart D) are designed generally to prevent a shift of tax burden to a trust from a beneficiary or beneficiaries. To accomplish this, subpart D provides special rules for treatment of amounts paid, credited, or required to be distributed by a complex trust (subject to sections 661 through 663 (subpart C)) in any year in excess of distributable net income for that year. Such an excess distribution is defined as an accumulation distribution, subject to the limitations in section 665 (b). An accumulation distribution is "thrown back" to each of the five preceding years in inverse order. That is, it will be taxed to the beneficiaries of the trust in the year the distribution is made or required, but, in general, only to the extent of the distributable net income of those years which was not in fact distributed. However, the resulting tax will not be greater than the aggregate of the taxes that would have been attributable to the amounts thrown back to previous years had they been included in gross income of the beneficiaries in those years. To prevent double taxation, the beneficiaries receive a credit for any taxes previously paid by the trust which are attributable to the excess thrown back. Sections 665 through 668 (subpart D) do not apply to any estate.

§ 1.665 (a) *Statutory provisions; excess distributions by trust; definition of undistributed net income.*

SEC. 665. *Definitions applicable to subpart D*—(a) *Undistributed net income.* For purposes of this subpart, the term "undistributed net income" for any taxable year means the amount by which distributable net income of the trust for such taxable year exceeds the sum of—

the first 65 days of any taxable year of a trust, delegate.

be made in substantially the same man-

the comfort, pleasure, desire, or happi- share treatment under section 663 (c) and the sum of—

(1) The amounts for such taxable year specified in paragraphs (1) and (2) of section 661 (a); and

(2) The amount of taxes imposed on the trust.

§ 1.665 (a)–1 *Undistributed net income.* (a) The term "undistributed net income" means for any taxable year the distributable net income of the trust for that year as determined under section 643 (a), less—

(1) The amount of income required to be distributed currently and any other amounts properly paid or credited or required to be distributed to beneficiaries in the taxable year as specified in paragraphs (1) and (2) of section 661 (a), and

(2) The amount of taxes imposed on the trust, as defined in § 1.665 (c)–1.

The application of the rule in this paragraph to the first year of a trust in which income is accumulated may be illustrated by the following example:

Example. Assume that under the terms of the trust, $10,000 of income is required to be distributed currently to A and the trustee has discretion to make additional distributions to A. During the taxable year 1954 the trust had distributable net income of $30,100 derived from royalties and the trustee made distributions of $20,000 to A. The taxable income of the trust is $10,000 on which a tax of $2,640 is paid. The undistributed net income of the trust as of the close of the taxable year 1954 is $7,460 computed as follows:

Distributable net income		$30,100
Less:		
Income currently distributable to A	$10,000	
Other amounts distributed to A	10,000	
Taxes imposed on the trust (see § 1.665 (c)–1)	2,640	
		22,640
Undistributed net income		7,460

See also paragraphs (e) (1) and (f) (1) of § 1.668 (b)–2 for additional illustrations of the application of the rule in this paragraph to the first year of a trust in which income is accumulated.

(b) However, the undistributed net income for any year to which an accumulation distribution for a later year may be thrown back may be reduced by accumulation distributions in intervening years and also by any taxes imposed on the trust which are deemed to be distributed under section 666 by reason of the accumulation distributions. On the other hand, undistributed net income for any year will not be reduced by any distributions in an intervening year which are excluded from the definition of an accumulation distribution under section 665 (b), or which are excluded under section 663 (a) (1), relating to gifts, bequests, etc. See paragraph (f) (5) of § 1.668 (b)–2 for an illustration of the reduction of undistributed net income for any year by a subsequent accumulation distribution.

§ 1.665 (b) *Statutory provisions; excess distributions by trust; definition of accumulation distribution.*

SEC. 665. *Definitions applicable to subpart D.* • • •

(b) *Accumulation distribution.* For purposes of this subpart, the term "accumulation distribution" for any taxable year of the trust means the amount (if in excess of $2,000) by which the amounts specified in paragraph (2) of section 661 (a) for such taxable year exceed distributable net income reduced by the amounts specified in paragraph (1) of section 661 (a). For purposes of this subsection, the amount specified in paragraph (2) of section 661 (a) shall be determined without regard to section 666 and shall not include—

(1) Amounts paid, credited, or required to be distributed to a beneficiary as income accumulated before the birth of such beneficiary or before such beneficiary attains the age of 21;

(2) Amounts properly paid or credited to a beneficiary to meet the emergency needs of such beneficiary;

(3) Amounts properly paid or credited to a beneficiary upon such beneficiary's attaining a specified age or ages if—

(A) The total number of such distributions cannot exceed 4 with respect to such beneficiary,

(B) The period between each such distribution to such beneficiary is 4 years or more, and

(C) As of January 1, 1954, such distributions are required by the specific terms of the governing instrument; and

(4) Amounts properly paid or credited to a beneficiary as a final distribution of the trust if such final distribution is made more than 9 years after the date of the last transfer to such trust.

§ 1.665 (b)–1 *Accumulation distribution; in general.* (a) Subject to the limitations set forth in § 1.665 (b)–2 the term "accumulation distribution" for any taxable year means an amount (if in excess of $2,000) by which the amounts properly paid, credited, or required to be distributed within the meaning of section 661 (a) (2) for that year exceed the distributable net income (determined under section 643 (a)) of the trust, reduced (but not below zero) by the amount of income required to be distributed currently. (In computing the amount of an accumulation distribution pursuant to the preceding sentence, there is taken into account amounts applied or distributed for the support of a dependent under the circumstances specified in section 677 (b) or section 678 (c) out of corpus or out of other than income for the taxable year and amounts used to discharge or satisfy any person's legal obligation as that term is used in § 1.662 (a)–4.) If the distribution as so computed is $2,000 or less, it is not an accumulation distribution within the meaning of sections 665 through 668 (subpart D). If the distribution exceeds $2,000, then the full amount is an accumulation distribution for the purposes of subpart D.

(b) Although amounts properly paid, credited, or required to be distributed under section 661 (a) (2) do not exceed the income of the trust during the taxable year, an accumulation distribution may result if such amounts exceed distributable net income reduced (but not below zero) by the amount required to be distributed currently. This may result from the fact that expenses allocable to corpus are taken into account in determining taxable income and hence distributable net income. However, the provisions of sections 665 through 668 (subpart D) will not apply unless there is undistributed net income in at least one of the five preceding taxable years. See section 666 and the regulations thereunder.

(c) The provisions of paragraphs (a) and (b) of this section may be illustrated by the following examples (it is assumed in each case that the exclusions provided in § 1.665 (b)–2 do not apply):

Example (1). A trustee properly makes a distribution to a beneficiary of $20,000 during the taxable year 1956, of which $10,000 is income required to be distributed currently to the beneficiary. The distributable net income of the trust is $15,000. There is an accumulation distribution of $5,000 computed as follows:

Total distribution		$20,000
Less: Income required to be distributed currently (section 661 (a) (1))		10,000
Other amounts distributed (section 661 (a) (2))		10,000
Distributable net income	$15,000	
Less: Income required to be distributed currently	10,000	
Balance of distributable net income		5,000
Accumulation distribution		5,000

Example (2). Under the terms of the trust instrument, an annuity of $15,000 is required to be paid to A out of income each year and the trustee may in his discretion make distributions out of income or corpus to B. During the taxable year the trust had income of $18,000, as defined in section 643 (b), and expenses allocable to corpus of $5,000. Distributable net income amounted to $13,000. The trustee distributed $15,000 of income to A and, in the exercise of his discretion, paid $5,000 to B. There is an accumulation distribution of $5,000 computed as follows:

Total distribution		$20,000
Less: Income required to be distributed currently to A (section 661 (a) (1))		15,000
Other amounts distributed (section 661 (a) (2))		5,000
Distributable net income	$13,000	
Less: Income required to be distributed currently to A	15,000	
Balance of distributable net income		0
Accumulation distribution to B		5,000

Example (3). Under the terms of a trust instrument, the trustee may either accumulate the trust income or make distributions to A and B. The trustee may also invade corpus for the benefit of A and B. During the taxable year, the trust had income as defined in section 643 (b) of $22,000 and expenses of $5,000 allocable to corpus. Distributable net income amounts to $17,000. The trustee distributed $10,000 each to A and B during the taxable year. There is an accumulation distribution of $3,000 computed as follows:

Total distribution		$20,000
Less: Income required to be distributed currently		0
Other amounts distributed (section 661 (a) (2))		20,000
Distributable net income		17,000
Accumulation distribution		3,000

(d) There are not taken into account, in computing the accumulation distribution for any taxable year, any amounts deemed distributed in that year because of an accumulation distribution in a later year.

§ 1.665 (b)–2 *Exclusions from accumulation distributions.* (a) Certain amounts paid, credited, or required to be distributed to a beneficiary are excluded under section 665 (b) in determining whether there is an accumulation distribution for the purposes of sections 665 through 668 (subpart D). These exclusions are solely for the purpose of determining the amount allocable to preceding years under section 666 and in no way affect the determination under sections 661 through 663 (subpart C) of the beneficiary's tax liability for the year of distribution. Further, amounts excluded from accumulation distributions do not reduce the amount of undistributed net income for the 5 years preceding the year of distribution.

(b) The amounts excluded from the computation of an accumulation distribution are discussed in the following subparagraphs:

(1) *Distributions from accumulations while a beneficiary is under 21.* (i) The first exception to the definition of an accumulation distribution is for amounts paid, credited, or required to be distributed to a beneficiary who was under 21 years of age or unborn when it was accumulated. A distribution is to be considered as so paid, credited, or required to be distributed to the extent, and only to the extent, that there is no undistributed net income for taxable years preceding the year of distribution other than undistributed net income accumulated while the beneficiary was under 21. If a distribution can be made from income accumulated either before or after a beneficiary reaches 21, it will be considered as made from the most recently accumulated income, and it will be so considered even though the governing instrument directs that distributions be charged first against the earliest accumulations.

(ii) As was indicated in paragraph (a) of this section, a distribution of an amount excepted from the definition of an accumulation distribution will not reduce undistributed net income for the purpose of determining the effect of a future accumulation distribution. Thus a distribution to a beneficiary of income accumulated before he reached 21 would not reduce the undistributed net income includible in a future accumulation distribution to another beneficiary. However, all future distributions to the same beneficiary, or to another beneficiary to whom a distribution would be excepted under the provisions of this subparagraph, would be excepted from the definition of an accumulation distribution to the extent that they could not be paid, credited, or required to be distributed from other accumulated income.

(iii) The following examples illustrate the application of the foregoing rules of this subparagraph (in each of these examples it is assumed that the exceptions in section 665 (b) (2), (3), and (4) do not apply):

(*a*) Income is to be accumulated until A reaches 21 when the corpus and accumulated income are to be distributed to him. The distribution is not an accumulation distribution.

(*b*) Income is to be accumulated until A is 21, when it is to be distributed to him but the corpus is to remain in trust. A distribution of the accumulated income to A when he reaches 21 is not an accumulation distribution.

(*c*) Income is to be accumulated and added to corpus until A reaches 21, when he is to receive one-third of the corpus (including accumulations). Thereafter all the income is to be paid to A until he is 23 when the remaining corpus (including accumulations) is to be paid to him. If A dies under that age any undistributed portion is to be paid to B. Distributions to A at 21 and 23 out of accumulations are not accumulation distributions even though they include accumulated income. However, if A died at the age of 22, when B was 23, a distribution to B would be an accumulation distribution to the extent of income accumulations since B reached 21, and the amount of undistributed net income includible in the distribution will not be reduced by the previous distribution to A.

(*d*) Income is to be accumulated and added to corpus until A is 21. After he is 21, he is entitled to all the income and, in addition, to distributions of corpus in the discretion of the trustee. When he reaches 25 he is entitled to the corpus. Distributions to A are not accumulation distributions, whether they are discretionary or upon termination of the trust.

(*e*) The facts are the same as in the preceding example, except that income is to be accumulated until A is 23. Distributions to A are accumulation distributions to the extent of income accumulated after A reached 21.

(*f*) Income may be distributed among a testator's children or accumulated and added to corpus until the youngest child is 21, when the corpus is to be distributed to the testator's then living descendants. Upon termination of the trust, the corpus is distributed to A, age 21; B, age 23; and C, the child of a deceased child, age 3. The distributions to A and C are not accumulation distributions. The distribution to B is an accumulation distribution to the extent of income accumulated after he reaches 21. (If the terms of the trust were such that it was subject to the separate share treatment under section 663 (c), the distribution to B would be an accumulation distribution only to the extent of income accumulated for B's separate share since he reached 21.)

(*g*) Income may be distributed to A or accumulated and added to corpus during A's life. Upon the death of A the corpus is to be distributed to B. B is 23 at A's death. The distribution is an accumulation distribution to the extent of income accumulated since B reached 21.

(2) *Emergency distributions.* The second exclusion from the definition of an accumulation distribution is for amounts properly paid or credited to a beneficiary to meet his emergency needs. Whether or not a distribution falls within this exclusion depends upon the facts and circumstances causing the distribution. A distribution based upon an unforeseen or unforeseeable combination of circumstances requiring immediate help to the beneficiary would qualify for the exclusion. However, the beneficiary must be in actual need of the distribution and the fact that he had other sufficient resources would tend to negate the conclusion that a distribution was to meet his emergency needs. Ordinary distributions for the support, maintenance, or education of the beneficiary would not qualify for the exclusion.

(3) *Certain distributions at specified ages.* The third exclusion from the definition of an accumulation distribution is for amounts properly paid or credited to a beneficiary upon the beneficiary's attaining a specified age or ages: *Provided,* (i) the total number of such distributions with respect to that beneficiary cannot exceed 4; (ii) the period between each such distribution is 4 years or more; and (iii) on January 1, 1954, such distributions were required by the specific terms of the governing instrument. Any discretionary invasion of corpus at other times is not excluded under this subparagraph, but does not affect the status of distributions that would otherwise be excluded. If more than four distributions are required to be made to a particular beneficiary at specified ages if he survives to receive them, none of the distributions will be excluded, even though the beneficiary dies before he receives more than four. On the other hand, a direction to make additional distributions to a remainderman will not affect the status of distributions required to be made to the primary beneficiary. For example, a trust agreement provided on January 1, 1954, that when A reached age 25 he would receive one-eighth of the corpus and accumulated income, as then constituted, and similar distributions at ages 30, 35, and 40. It also provided for similar distributions to B after A's death, and for additional discretionary distributions to both A and B. Required distributions to both A and B are excluded, regardless of whether discretionary distributions are made, but discretionary distributions are not excluded. On the other hand, if an additional distribution to A was directed when he reached 45, no distributions to him would be excluded, regardless of when he died.

(4) *Certain final distributions.* (i) The last exception to the definition of an accumulation distribution is for amounts properly paid or credited to a beneficiary as a final distribution of a trust if the final distribution is made more than 9 years after the date of the last transfer to such trust.

(ii) The term "last transfer to such trust" includes only transfers, whether by the original grantor or by a third person, made with a donative intent. A transfer arising out of a property right held by the trust is excluded, such as a transfer by a debtor in satisfaction of his indebtedness, or a distribution in liquidation or reorganization of a corporation. If the terms of two or more trusts include cross-remainders on the deaths of life beneficiaries, the donative transfers occurred at the time the trusts were created. The addition of the corpus of one trust to that of another when a remainder falls in is therefore not a new transfer within the meaning of section 665 (b) (4).

(iii) For example, under the terms of a trust created July 1, 1950, with an

original corpus of $100,000, by H for the benefit of his wife, W, the income of the trust is to be accumulated and added to corpus. Upon the expiration of a 10-year period, the trust is to terminate and its assets, including all accumulated income, are to be distributed to W. No transfers were made by H or other persons to the trust after it was created. Both the trust and W file returns on the calendar year basis. In accordance with its terms, the trust terminated on June 30, 1960, and on August 1, 1960, the trustee made a final distribution of the assets of the trust to W, consisting of investments derived from $100,000 of donated principal, accumulated income of $30,000 attributable to the period July 1, 1950, through December 31, 1959, and income of $3,000 attributable to the period the trust was in existence during 1960. Subpart D is inapplicable to the $3,000 of income of the trust for 1960 since that amount would be deductible by the trust and includible in W's gross income for that year to the extent provided in sections 661 through 663 (subpart C). However, the balance of the distribution will qualify as an exclusion from the provisions of sections 665 through 668 (subpart D).

§ 1.665 (b)–3 *Exclusions under section 663 (a) (1).* Sections 665 through 668 (subpart D) have no application to an amount which qualifies as an exclusion under section 663 (a) (1), relating to gifts, bequests, etc.

§ 1.665 (c) *Statutory provisions; excess distributions by trust; definition of taxes imposed on the trust.*

SEC. 665. *Definitions applicable to subpart D.* • • •

(c) *Taxes imposed on the trust.* For purposes of this subpart, the term "taxes imposed on the trust" means the amount of the taxes which are imposed for any taxable year on the trust under this chapter (without regard to this subpart) and which, under regulations prescribed by the Secretary or his delegate, are properly allocable to the undistributed portion of the distributable net income. The amount determined in the preceding sentence shall be reduced by any amount of such taxes allowed, under sections 667 and 668, as a credit to any beneficiary on account of any accumulation distribution determined for any taxable year.

§ 1.665 (c)–1 *Taxes imposed on the trust.* (a) For the purpose of sections 665 through 668 (subpart D), the term "taxes imposed on the trust" means (for any taxable year) the amount of Federal income taxes which are properly allocable to the undistributed portion of the distributable net income. This amount is the difference between the total taxes of the trust for the year and the amount which would have been paid by the trust had all of the distributable net income, as determined under section 643 (a), been distributed. Thus, in determining the amount of taxes imposed on the trust for the purposes of sections 665 through 668 (subpart D), there is excluded the portion of the taxes paid by the trust which is attributable to items of gross income which are not includible in distributable net income, such as capital gains allocable to corpus. The rule stated in this paragraph may be illustrated by the following example:

Example. (1) Under the terms of a trust, which reports on the calendar year basis, the income may be accumulated or distributed to A in the discretion of the trustee and capital gains are allocable to corpus. During the taxable year 1954, the trust had income of $20,000 from royalties, long-term capital gains of $10,000, and expenses of $2,000. The trustee in his discretion made a distribution of $10,000 to A. The taxes imposed on the trust for the purposes of this subpart are $2,713, determined as shown below.

(2) The distributable net income of the trust computed under section 643 (a) is $18,000 (royalties of $20,000 less expenses of $2,000). The total taxes paid by the trust are $3,787, computed as follows:

Royalties		$20,000
Capital gains		10,000
Gross income		30,000
Deductions:		
Expenses	$2,000	
Distributions to A	10,000	
Capital gain deduction	5,000	
Personal exemption	100	
		17,100
Taxable income		12,900
Total income taxes		3,787

(3) The amount of taxes which would have been paid by the trust, had all of the distributable net income ($18,000) of the trust been distributed to A, is $1,074 computed as follows:

Taxable income of the trust	$12,900
Less: Undistributed portion of distributable net income ($18,000 −$10,000)	8,000
Balance of taxable income	4,900
Income taxes on $4,900	1,074

(4) The amount of taxes imposed on the trust as defined in this paragraph is $2,713, computed as follows:

Total taxes	$3,787
Taxes which would have been paid by the trust had all of the distributable net income been distributed	1,074
Taxes imposed on the trust as defined in this paragraph	2,713

(b) If in any subsequent year an accumulation distribution is made by the trust which results in a throwback to the taxable year, the taxes of the taxable year allocable to the undistributed portion of distributable net income (the taxes imposed on the trust), after the close of the subsequent year, are the taxes prescribed in paragraph (a) of this section reduced by the taxes of the taxable year allowed as credits to beneficiaries on account of amounts deemed distributed on the last day of the taxable year under section 666. See paragraph (f) (4) of § 1.668 (b)–2 for an illustration of the application of this section.

§ 1.665 (d) *Statutory provisions; excess distributions by trusts; definition of preceding taxable year.*

SEC. 665. *Definitions applicable to subpart D.* • • •

(d) *Preceding taxable year.* For purposes of this subpart, the term "preceding taxable year" does not include any taxable year of the trust to which this part does not apply. In the case of a preceding taxable year with respect to which a trust qualifies (without regard to this subpart) under the provisions of subpart B, for purposes of the application of this subpart to such trust for such taxable year, such trust shall, in accordance with regulations prescribed by the Secretary or his delegate, be treated as a trust to which subpart C applies.

§ 1.665 (d)–1 *Preceding taxable years.*—(a) *Definition.* For purposes of sections 665 through 668 (subpart D), the term "preceding taxable year" does not include any taxable year to which part I of subchapter J of chapter 1 of the Internal Revenue Code of 1954 does not apply. See section 683 and regulations thereunder. Accordingly, the provisions of sections 665 through 668 (subpart D) may not, in general, be applied to any taxable year which begins before 1954 or ends before August 17, 1954. For example, if a trust (reporting on the calendar year basis) makes a distribution during the calendar year 1955 of income accumulated during prior years and the distribution exceeds the distributable net income of 1955, the excess distribution may be allocated under sections 665 through 668 (subpart D) to 1954, but it may not be allocated to 1953 and preceding years, since the Internal Revenue Code of 1939 applies to those years.

(b) *Simple trusts subject to sections 665 through 668 (subpart D).* An accumulation distribution may be properly allocated to a preceding taxable year in which the trust qualified as a simple trust (that is, qualified for treatment under sections 651 and 652 (subpart B)). In such event, the trust is treated for such preceding taxable year in all respects as if it were a trust to which sections 661 through 663 (subpart C) apply. An example of such a circumstance would be in the case of a trust (required under the trust instrument to distribute all of its income currently) which received in the preceding taxable year extraordinary dividends or taxable stock dividends which the trustee in good faith allocated to corpus, but which are subsequently determined to be currently distributable to the beneficiary. See section 643 (a) (4) and § 1.643 (a)–4. The trust would qualify for treatment under sections 661 through 663 (subpart C) for the year of distribution of the extraordinary dividends or taxable stock dividends, because the distribution is not out of income of the current taxable year and would be treated as other amounts properly paid or credited or required to be distributed for such taxable year within the meaning of section 661 (a) (2). Also, the distribution would qualify as an accumulation distribution for the purposes of sections 665 through 668 (subpart D) if in excess of $2,000 and not excepted under section 665 (b) and the regulations thereunder. For the purposes only of sections 665 through 668 (subpart D), the trust would be treated as subject to the provisions of sections 661 through 663 (subpart C) for the preceding taxable year in which the extraordinary or taxable stock dividends were received, and, in computing undistributed net income for such preceding year, the extraordinary or taxable stock dividends would be included in distributable net income under section 643 (a). The rule stated in the preceding sentence would also apply if the distribution in the later year were made out of corpus

without regard to a determination that the extraordinary dividends or taxable stock dividends in question were currently distributable to the beneficiary.

§ 1.665 (d)–2 *Application of separate share rule.* In trusts to which the separate share rule of section 663 (c) is applicable for any taxable year, sections 665 through 668 (subpart D) are applied as if each share were a separate trust. Thus, "undistributed net income" and the amount of an "accumulation distribution" are computed separately for each share. The "taxes imposed on the trust" are allocated as follows:

(a) There is first allocated to each separate share that portion of the "taxes imposed on the trust", computed before the allowance of credits under section 642 (a), which bears the same relation to the total that the distributable net income of the separate share bears to the distributable net income of the trust, adjusted for this purpose as follows:

(1) There is excluded from distributable net income of the trust and of each separate share any tax-exempt interest, foreign income of a foreign trust, and excluded dividends, to the extent such amounts are included in distributable net income pursuant to section 643 (a) (5), (6) and (7); and

(2) The distributable net income of the trust is reduced by any deductions allowable under section 661 for amounts paid, credited, or required to be distributed during the taxable year, and the distributable net income of each separate share is reduced by any such deduction allocable to that share.

(b) The taxes so determined for each separate share are then reduced by that portion of the credits against tax allowable to the trust under section 642 (a) in computing the "taxes imposed on the trust" which bear the same relation to the total that the items of income (allocable to the separate share) with respect to which the credit is allowed bear to the total of such items of the trust. The amount of taxes imposed on the trust allocable to a separate share as so determined is then reduced by the amount of the taxes allowed under sections 667 and 668 as a credit to a beneficiary of the separate share on account of any accumulation distribution determined for any taxable year intervening between the year for which the determination is made and the year of an accumulation distribution with respect to which the determination is made. See § 1.665 (c)–1 (b).

§ 1.666 (a) *Statutory provisions; excess distributions by trusts; allocation of accumulation distribution.*

SEC. 666. *Accumulation distribution allocated to 5 preceding years.*—(a) *Amount allocated.* In the case of a trust which for a taxable year beginning after December 31, 1953, is subject to subpart C, the amount of the accumulation distribution of such trust for such taxable year shall be deemed to be an amount within the meaning of paragraph (2) of section 661 (a) distributed on the last day of each of the 5 preceding taxable years to the extent that such amount exceeds the total of any undistributed net incomes for any taxable years intervening between the taxable year with respect to which the accumulation distribution is determined and such preceding taxable year. The amount deemed to be distributed in any such preceding taxable year under the preceding sentence shall not exceed the undistributed net income of such preceding taxable year. For purposes of this subsection, undistributed net income for each of such 5 preceding taxable years shall be computed without regard to such accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

§ 1.666 (a)–1 *Amount allocated.* (a) If a trust makes an accumulation distribution in any taxable year, the distribution is included in the beneficiary's taxable income for that year to the extent of the undistributed net income of the trust for the preceding 5 years. It is therefore necessary to determine the extent to which there is undistributed net income for the preceding 5 years. For this purpose, an accumulation distribution made in any taxable year is allocated to each of the 5 preceding taxable years in turn, beginning with the most recent year, to the extent of the undistributed net income of each of those years. Thus, an accumulation distribution is deemed to have been made from the most recently accumulated income of the trust.

(b) If, before the application of the provisions of sections 665 through 668 (subpart D) to an accumulation distribution for the taxable year, there is no undistributed net income for a preceding taxable year, then no portion of the accumulation distribution is deemed distributed on the last day of such preceding taxable year. Thus, if an accumulation distribution is made during the taxable year 1960 and the trust had no undistributed net income for the taxable year 1959, then no portion of the 1960 accumulation distribution is deemed distributed on the last day of 1959. For purposes of subpart D, the term "5 preceding taxable years" includes only the 5 taxable years immediately preceding the taxable year in which the accumulation distribution is made and which are subject to part I of subchapter J of chapter 1 of the Internal Revenue Code of 1954, even though the trust has no undistributed net income during one or more of those years.

(c) Paragraphs (a) and (b) of this section may be illustrated by the following example:

Example. In 1959, a trust, reporting on the calendar year basis, makes an accumulation distribution of $25,000. In 1958, the trust had $7,000 of undistributed net income; in 1957, none; in 1956, $12,000; in 1955, $4,000; in 1954, $4,000. The accumulation distribution will be deemed distributed $7,000 in 1958, none in 1957, $12,000 in 1956, $4,000 in 1955, and $2,000 in 1954.

(d) For the purposes of allocating to any preceding taxable year an accumulation distribution of the taxable year, the undistributed net income of such preceding taxable year is computed without regard to the accumulation distribution of the taxable year or of taxable years following the taxable year. However, accumulation distributions of any taxable years intervening between such preceding taxable year and the taxable year are taken into account. Accordingly, if a trust has undistributed net income for the taxable year 1954 and makes an accumulation distribution during the taxable year 1955, the undistributed net income for 1954 is computed without regard to the accumulation distribution for 1955 or any subsequent year. If the trust makes a further accumulation distribution for 1956, the undistributed net income for 1954 is computed without regard to the accumulation distribution for 1956 or subsequent years; but in determining the undistributed net income for 1954 for purposes of the 1956 accumulation distribution the accumulation distribution for 1955 will be taken into account.

§ 1.666 (b) *Statutory provisions; excess distributions by trusts; total taxes deemed distributed.*

SEC. 666. *Accumulation distribution allocated to 5 preceding years.* • • •

(b) *Total taxes deemed distributed.* If any portion of an accumulation distribution for any taxable year is deemed under subsection (a) to be an amount within the meaning of paragraph (2) of section 661 (a) distributed on the last day of any preceding taxable year, and such portion of such accumulation distribution is not less than the undistributed net income for such preceding taxable year, the trust shall be deemed to have distributed on the last day of such preceding taxable year an additional amount within the meaning of paragraph (2) of section 661 (a). Such additional amount shall be equal to the taxes imposed on the trust for such preceding taxable year. For purposes of this subsection, the undistributed net income and the taxes imposed on the trust for such preceding taxable year shall be computed without regard to such accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

§ 1.666 (b)–1 *Total taxes deemed distributed.* (a) If an accumulation distribution is deemed under § 1.666 (a)–1 to be distributed on the last day of a preceding taxable year and the amount is not less than the undistributed net income for such preceding taxable year, then an additional amount equal to the "taxes imposed on the trust" (as defined in § 1.665 (c)–1) for such preceding taxable year is likewise deemed distributed under section 661 (a) (2). For example, a trust has taxable income of $11,032 (not including any capital gains) and undistributed net income of $8,000 for the taxable year 1954. The taxes imposed on the trust are $3,032. During the taxable year 1955, an accumulation distribution of $8,000 is made to the beneficiary, which is deemed under § 1.666 (a)–1 to have been distributed on the last day of 1954. The taxes imposed on the trust for 1954 of $3,032 are also deemed to have been distributed on the last day of 1954 since the 1955 accumulation distribution is not less than the 1954 undistributed net income. Thus, a total of $11,032 will be deemed to have been distributed on the last day of 1954 because of the accumulation distribution of $8,000 made in 1955.

(b) For the purpose of paragraph (a) of this section, the undistributed net income of any preceding taxable year is computed without regard to the accumulation distribution of the taxable year or any taxable year following such taxable year. However, any accumulation

distribution of taxable years intervening between such preceding taxable year and the taxable year are taken into account. See § 1.666 (a)–1 (d) and paragraphs (f) (5) and (g) (1) of § 1.668 (b)–2.

§ 1.666 (c) *Statutory provisions; excess distributions by trusts; pro rata portion of taxes deemed distributed.*

SEC. 666. *Accumulation distribution allocated to 5 preceding years.* • • •

(c) *Pro rata portion of taxes deemed distributed.* If any portion of an accumulation distribution for any taxable year is deemed under subsection (a) to be an amount within the meaning of paragraph (2) of section 661 (a) distributed on the last day of any preceding taxable year and such portion of the accumulation distribution is less than the undistributed net income for such preceding taxable year, the trust shall be deemed to have distributed on the last day of such preceding taxable year an additional amount within the meaning of paragraph (2) of section 661 (a). Such additional amount shall be equal to the taxes imposed on the trust for such taxable year multiplied by the ratio of the portion of the accumulation distribution to the undistributed net income of the trust for such year. For purposes of this subsection, the undistributed net income and the taxes imposed on the trust for such preceding taxable year shall be computed without regard to the accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

§ 1.666 (c)–1 *Pro rata portion of taxes deemed distributed.* (a) If an accumulation distribution is deemed under § 1.666 (a)–1 to be distributed on the last day of a preceding taxable year and the amount is less than the undistributed net income for such preceding taxable year, then an additional amount is likewise deemed distributed under section 661 (a) (2). The additional amount is equal to the taxes imposed on the trust, as defined in § 1.665 (c)–1, for such preceding taxable year, multiplied by the fraction of which the numerator is the amount of the accumulation distribution and the denominator is the undistributed net income for such preceding taxable year. See paragraph (b) of example (1) and paragraphs (c) and (f) of example (2) in § 1.666 (c)–2, and paragraph (f) (2) of § 1.668 (b)–2 for illustrations of this section.

(b) For the purpose of paragraph (a) of this section, the undistributed net income of any preceding taxable year is computed without regard to the accumulation distribution of the taxable year or any taxable year following the taxable year. However, accumulation distributions of any taxable years intervening between such preceding taxable year and the taxable year are taken into account. See § 1.666 (a)–1 (d), paragraph (c) of example (1) and paragraphs (e) and (h) of example (2) in § 1.666 (c)–2 and paragraph (f) (5) (iii) of § 1.668 (b)–2.

§ 1.666 (c)–2 *Illustration of the provisions of section 666.* The application of the provisions of §§ 1.666 (a)–1, 1.666 (b)–1, and 1.666 (c)–1 may be illustrated by the following examples:

Example (1). (a) A trust makes accumulation distributions as follows:

1959	$7,000
1960	25,000

For 1954 through 1958, the undistributed portion of distributable net income, taxes imposed on the trust, and undistributed net income are as follows:

Year	Undistributed portion of distributable net income	Taxes imposed on the trust	Undistributed net income
1958	$12,100	$3,400	$8,700
1957	16,100	5,200	10,900
1956	6,100	1,360	4,740
1955	None	None	None
1954	10,100	2,640	7,460

(b) Since the entire amount of the accumulation distribution for 1959 ($7,000), determined without regard to the accumulation distribution for 1960, is less than the undistributed net income for 1958 ($8,700), an additional amount of $2,736 (7,000/$8,700×$3,400) is likewise deemed distributed under section 666 (c).

(c) In allocating the accumulation distribution for 1960, the undistributed net income for 1958 will take into account the accumulation distribution for 1959, and the additional amount of taxes imposed on the trust for 1958 deemed distributed. The undistributed net income for 1958 will then be $1,906; and the taxes imposed on the trust for 1958 will then be $458, determined as follows:

Undistributed portion of distributable net income as of the close of 1958	$12,100
Less:	
Accumulation distribution (1959) $7,000	
Taxes deemed distributed under section 666 (c) (7,000/8,700×$3,400) 2,736	9,736
Balance (undistributed portion of distributable net income as of the close of 1959)	2,364
Less: Personal exemption	100
Balance	2,264
Taxes imposed on the trust (income taxes on $2,264)	458
Undistributed portion of distributable net income as of the close of 1959	2,364
Less: Income taxes attributable thereto	458
Undistributed net income for 1958 as of the close of 1959	1,906

(d) The accumulation distribution of $25,000 for 1960 is deemed to have been made on the last day of the 5 preceding taxable years of the trust to the extent of $17,546, the total of the undistributed net income for such years, as shown in the tabulation below. In addition, $7,018, the total taxes imposed on the trust for such years is also deemed to have been distributed on the last day of such years, as shown below:

Year	Undistributed net income	Taxes imposed on the trust
1959	None	None
1958	$1,906	$458
1957	10,900	5,200
1956	4,740	1,360
1955	None	None

(e) No portion of the 1960 accumulation distribution is deemed made on the last day of 1954 because, as to 1960, 1954 is the sixth preceding taxable year.

Example (2). (a) Under the terms of a trust instrument, the trustee has discretion to accumulate or distribute the income to X and to invade corpus for the benefit of X. The entire income of the trust is from royalties. Both X and the trust report on the calendar year basis. All of the income for 1954 was accumulated. The distributable net income of the trust for the taxable year 1954 is $20,100 and the income taxes paid by the trust for 1954 with respect to its distributable net income are $7,260. All of the income for 1955 and 1956 was distributed and in addition the trustee made accumulation distributions within the meaning of section 665 (b) of $6,420 for each year.

(b) The undistributed net income of the trust determined under section 665 (a) as of the close of 1954, is $12,840, computed as follows:

Distributable net income	$20,100
Less: Taxes imposed on the trust	7,260
Undistributed net income as of the close of 1954	12,840

(c) The accumulation distribution of $6,420 made during the taxable year 1955 is deemed under section 666 (a) to have been made on December 31, 1954. Since this accumulation distribution is less than the 1954 undistributed net income of $12,840, a portion of the taxes imposed on the trust for 1954 is also deemed under section 666 (c) to have been distributed on December 31, 1954. The total amount deemed to have been distributed to X on December 31, 1954, is $10,050, computed as follows:

Accumulation distribution	$6,420
Taxes deemed distributed (6,420/12,840×$7,260)	3,630
Total	10,050

(d) After the application of the provisions of sections 665 through 668 (subpart D) to the accumulation distribution of 1955, the undistributed portion of the distributable net income of the trust for 1954, is $10,050, and the taxes imposed with respect thereto are $2,623, computed as follows:

Distributable net income as of the close of 1954	$20,100
Less: 1955 accumulation distribution and taxes deemed distributed on December 31, 1954 (paragraph (c))	10,050
Undistributed portion of the 1954 distributable net income adjusted as of the close of 1955	10,050
Less: Personal exemption	100
Balance	9,950
Income taxes on $9,950	2,623

(e) The undistributed net income of the trust for the taxable year 1954, as adjusted to give effect to the 1955 accumulation distribution, is $7,427, computed as follows:

Undistributed portion of distributable net income as of the close of 1955	$10,050
Less: Income taxes applicable thereto	2,623
Undistributed net income determined as of the close of 1955	7,427

(f) Inasmuch as all of the income of the trust for the taxable year 1955 was distributed to X, the trust had no undistributed net income for that year. Accordingly, the accumulation distribution of $6,420 made during the taxable year 1956 is, under section 666 (a), deemed a distribution to X on December 31, 1954, within the meaning of section 661 (a) (2). Since this accumulation distribution is less than the 1954 adjusted undistributed net income of $7,427, the trust is deemed under section 666 (c) also to have distributed on December 31, 1954, a portion of the taxes imposed on the trust for 1954. The total amount deemed to be distributed on December 31, 1954, with respect to the accumulation distribution made in 1956, is $8,687, computed as follows:

Accumulation distribution	$6,420
Taxes deemed distributed (6,420/7,427×$2,623)	2,267
Total	8,687

(g) After the application of the provisions of sections 665 through 668 (subpart D) to the accumulation distribution of 1956, the undistributed portion of the distributable net income of the trust for 1954, is $1,363, and the taxes imposed on the trust with respect thereto are $253, computed as follows:

Undistributed portion of distributable net income as of the close of 1955	$10,050
Less: 1956 accumulation distribution and taxes deemed distributed on December 31, 1954 (paragraph (f))	8,687
Undistributed portion of distributable net income as of the close of 1956	1,363
Less: Personal exemption	100
Balance	1,263
Income taxes on $1,263	253

(h) The undistributed net income of the trust for the taxable year 1954, determined as of the close of the taxable year 1956, is $1,110 ($1,363 less $253).

§ 1.667 *Statutory provisions; excess distributions by trusts; denial of refund to trusts.*

SEC. 667. *Denial of refund to trusts.* The amount of taxes imposed on the trust under this chapter, which would not have been payable by the trust for any preceding taxable year had the trust in fact made distributions at the times and in the amounts deemed under section 666, shall not be refunded or credited to the trust, but shall be allowed as a credit under section 668 (b) against the tax of the beneficiaries who are treated as having received the distributions. For purposes of the preceding sentence, the amount of taxes which may not be refunded or credited to the trust shall be an amount equal to the excess of (1) the taxes imposed on the trust for any preceding taxable year (computed without regard to the accumulation distribution for the taxable year) over (2) the amount of taxes for such preceding taxable year imposed on the undistributed portion of distributable net income of the trust for such preceding taxable year after the application of this subpart on account of the accumulation distribution determined for such taxable year.

§ 1.667–1 *Denial of refund to trusts.* (a) If an amount is deemed under section 666 to be an amount paid, credited, or required to be distributed on the last day of a preceding taxable year, the trust is not allowed a refund or credit of the amount of "taxes imposed on the trust", as defined in § 1.665 (c)–1, which would not have been payable for the preceding taxable year had the trust in fact made such distribution on the last day of such year. However, such taxes are allowed as a credit under section 668 (b) against the tax of the beneficiaries who are treated as having received the distributions in the preceding taxable year. The amount of taxes which may not be refunded or credited to the trust under this paragraph and which are allowed as a credit under section 668 (b) against the tax of the beneficiaries, is an amount equal to the excess of—

(1) The taxes imposed on the trust (as defined in section 665 (c) and § 1.665 (c)–1) for any preceding taxable year (computed without regard to the accumulation distribution for the taxable year)

over

(2) The amount of taxes for such preceding taxable year which would be imposed on the undistributed portion of distributable net income of the trust for such preceding taxable year after the application of sections 665 through 668 (subpart D) on account of the accumulation distribution determined for the taxable year.

It should be noted that the credit under section 667 is computed by the use of a different ratio from that used for computing the amount of taxes deemed distributed under section 666 (c).

(b) Paragraph (a) of this section may be illustrated by the following examples:

Example (1). In 1954, a trust of which A is the sole beneficiary has taxable income of $20,000 (including capital gains of $5,100 allocable to corpus less a personal exemption of $100), on which a tax of $7,260 is paid. The undistributed portion of distributable net income is $15,000, to which $6,160 of the tax is allocable under section 665. The undistributed net income is therefore $8,840 ($15,000 minus $6,160). In 1955, the trust makes an accumulation distribution of $8,840. Under section 666 (b), the total taxes for 1954 attributable to the undistributed net income are deemed distributed, so $15,000 is deemed distributed. The amount of the tax which may not be refunded to the trust under section 667 and the credit to which A is entitled under section 668 (b) is the excess of $6,160 over zero, since after the distribution and the application of sections 665 through 668 (subpart D) there is no remaining undistributed portion of distributable net income for 1954.

Example (2). The same trust as in example (1) above distributes $5,000 in 1955, rather than $8,840. The amount of the tax which may not be refunded to the trust but which is available to A as a credit is $4,044, computed as follows:

Accumulation distribution in 1955	$5,000
Taxes deemed distributed under section 666 (c) (5,000/8,840×$6,160)	3,484
Total amount deemed distributed out of the undistributed portion of distributable net income	8,484
Tax attributable to the undistributed portion of distributable net income ($15,000) before 1955 distribution (see example (1))	6,160
Tax on $11,516 (taxable income of $20,000 minus $8,484, amount deemed distributed) $3,216	
Tax on $5,000 (capital gains of $5,100, less personal exemption of $100, allocable to corpus) 1,100	
Tax attributable to undistributed portion of distributable net income after 1955 distribution	2,116
Refund disallowed to the trust and credit available to A in 1955	4,044

§ 1.668 (a) *Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding taxable years; amounts treated as received in prior taxable years.*

SEC. 668. *Treatment of amounts deemed distributed in preceding years*—(a) *Amounts treated as received in prior taxable years.* The total of the amounts which are treated under section 666 as having been distributed by the trust in a preceding taxable year shall be included in the income of a beneficiary or beneficiaries of the trust when paid, credited, or required to be distributed to the extent that such total would have been included in the income of such beneficiary or beneficiaries under section 662 (a) (2) and (b) if such total had been paid to such beneficiary or beneficiaries on the last day of such preceding taxable year. The portion of such total included under the preceding sentence in the income of any beneficiary shall be based upon the same ratio as determined under the second sentence of section 662 (a) (2) for the taxable year in respect of which the accumulation distribution is determined, except that proper adjustment of such ratio shall be made, in accordance with regulations prescribed by the Secretary or his delegate, for amounts which fall within paragraphs (1) through (4) of section 665 (b). The tax of the beneficiaries attributable to the amounts treated as having been received on the last day of such preceding taxable year of the trust shall not be greater than the aggregate of the taxes attributable to those amounts had they been included in the gross income of the beneficiaries on such day in accordance with section 662 (a) (2) and (b).

§ 1.668 (a)–1 *Amounts treated as received in prior taxable years; inclusion in gross income.* (a) Section 668 (a) provides that the total of the amounts treated under section 666 as having been distributed by the trust on the last day of a preceding taxable year of the trust shall be included in the gross income of the beneficiary or beneficiaries receiving them. The total of such amounts is includible in the gross income of each beneficiary to the extent the amounts would have been included under section 662 (a) (2) and (b) if the total had actually been paid by the trust on the last day of such preceding taxable year. The total is included in the gross income of the beneficiary for the taxable year of the beneficiary in which such amounts are in fact paid, credited, or required to be distributed unless the taxable year of the beneficiary differs from the taxable year of the trust (see section 662 (c) and the regulations thereunder). The character of the amounts treated as received by a beneficiary in prior taxable years, including taxes deemed distributed, in the hands of the beneficiary is determined by the rules set forth in section 662 (b) and the regulations thereunder. See paragraphs (h) (1) (ii) and (j) (1) (ii) of § 1.668 (b)–2.

(b) The total of the amounts treated under section 666 as having been distributed by the trust on the last day of a preceding taxable year of the trust are included as prescribed in paragraph (a) of this section in the gross income of the beneficiary even though as of that day the beneficiary would not have been entitled to receive them had they actually been distributed on that day.

(c) Any deduction allowed to the trust in computing distributable net income

for a preceding taxable year (such as depreciation, depletion, etc.) is not deemed allocable to a beneficiary because of amounts included in a beneficiary's gross income under this section since the deduction has already been utilized in reducing the amount included in the beneficiary's income.

§ 1.668 (a)–2 *Allocation among beneficiaries; in general.* The portion of the total amount includible in gross income under § 1.668 (a)–1 which is includible in the gross income of a particular beneficiary is based upon the ratio determined under the second sentence of section 662 (a) (2) for the taxable year (and not for the preceding taxable year). This section may be illustrated by the following example:

Example. (a) Under the terms of a trust instrument, the trustee may accumulate the income or make distributions to A and B. The trustee may also invade corpus for the benefit of A and B. The distributable net income of the trust for the taxable year 1955 is $10,000. The trust had undistributed net income for the taxable year 1954 of $5,000, to which a tax of $1,100 was allocable. During the taxable year 1955, the trustee distributes $10,000 to A and $5,000 to B. Thus, of the total distribution of $15,000, A received two-thirds and B received one-third.

(b) For the purposes of determining the amounts includible in the beneficiaries' gross income for 1955, the trust is deemed to have made the following distributions:

Amount distributed out of 1955 income (distributable net income)	$10,000
Accumulation distribution deemed distributed by the trust on the last day of 1954 under section 666 (a)	5,000
Taxes imposed on the trust deemed distributed under section 666 (b)	1,100

(c) A will include in his gross income for 1955 two-thirds of each item shown in paragraph (b). Thus, he will include in gross income $6,666.67 (10,000/15,000×$10,000) of the 1955 distributable net income of the trust as provided in section 662 (a) (2), and $3,333.33 (10,000/15,000×$5,000) of the accumulation distribution and $733.33 (10,000/15,000×$1,100) of the taxes imposed on the trust as provided in section 666 (a).

(d) B will include in his gross income for 1955 one-third of each item shown in paragraph (b), computed in the manner shown in paragraph (c).

§ 1.668 (a)–3 *Excluded amounts.* When a trust pays, credits, or is required to distribute to a beneficiary amounts which are excluded under section 665 (b) (1), (2), (3), or (4) from the computation of an accumulation distribution, the amount includible under sections 665 through 668 (subpart D) in the gross income of the beneficiaries pursuant to § 1.668 (a)–1 is first allocated to the beneficiaries as provided in § 1.668 (a)–2 and, second, the amount allocable to the beneficiary receiving amounts which are excluded under section 665 (b) (1), (2), (3), or (4) is reduced by the excluded amounts. This section may be illustrated by the following examples, in which it is assumed the trusts and beneficiaries report on the calendar year basis and the income of the trusts was derived entirely from taxable interest:

Example (1). (a) A trust in 1957 has income as defined in section 643 (b) of $35,000 and expenses allocable to corpus of $5,000. Its distributable net income is, therefore, $30,000 ($35,000—$5,000). The undistributed net income of the trust and the taxes imposed on the trust were $12,840 and $7,260, respectively, for each of the years 1956, 1955, and 1954. The terms of the trust instrument provide for the accumulation of income during the minority of beneficiaries A and B. However, the trustee may make discretionary distributions to either beneficiary after he becomes 21 years of age. Also, the trustee may invade corpus for the benefit of A and B. B became 21 years of age on January 1, 1957, and, as of that date, A was 25 years old. The trustee distributed $50,000 each to A and B during 1957.

(b) Since each beneficiary received one-half of the total amount distributed by the trust, each must include in gross income under section 662 (a) (2) one-half ($15,000) of the distributable net income ($30,000) of the trust for 1957.

(c) The excess distribution of $35,000 ($50,000—$15,000) received by B is excluded from the determination of an accumulation distribution under section 665 (b) (1) and accordingly is not includible in B's gross income under section 668 (a). Nor is such amount treated as an accumulation distribution for the purpose of determining the amount includible in A's gross income under section 668 (a).

(d) The accumulation distribution of the trust is $35,000, computed as follows:

Total distribution by the trust		$100,000
Less:		
Distributable net income for 1957	$30,000	
Excess distribution to B	35,000	
		65,000
Accumulation distribution to A		35,000

(e) The accumulation distribution of $35,000 will be allocated to the preceding taxable years 1956, 1955, and 1954, and the trust will be deemed to have made the following distributions to A on the last day of those years:

	1956	1955	1954	Total
Undistributed net income	$12,840	$12,840	$9,320	$35,000
Taxes imposed on the trust	7,260	7,260	5,270	19,790
Total	20,100	20,100	14,590	54,790

Thus, A will include $54,790 in his gross income for 1957 under section 668 (a). A will, however, receive credit against his tax under section 668 (b).

Example (2). (a) Under the terms of a trust the trustee may make discretionary distributions out of income to A during her life. The balance of the income is to be accumulated during the minority of her son, B, and is to be distributed to him when he becomes 21 years of age. Thereafter the trustee may also make discretionary payments of income to B. Also, the trustee may invade corpus for the benefit of A and B. B became 21 years of age on December 31, 1955. The distributable net income of the trust for 1955 is $30,000. It had undistributed net income of $12,840 for the preceding taxable year 1954 and the taxes imposed on the trust for such year were $7,260. The trustee distributed $15,000 to A during 1955 and on December 31, 1955, he distributed $60,000 to B, which represented income accumulated during his minority.

(b) Since B received four-fifths of the total amount ($75,000) distributed by the trust during 1955, he must include in his gross income under section 662 (a) (2) four-fifths ($24,000) of the distributable net income ($30,000) of the trust for 1955. A will include in her gross income under section 662 (a) (2) one-fifth ($6,000) of the distributable net income ($30,000) of the trust for 1955.

(c) The excess distribution of $36,000 ($60,000—$24,000) received by B is excluded from the determination of an accumulation distribution under section 665 (b) (1) and accordingly is not includible in his gross income under section 668 (a).

(d) The amount treated as an accumulation distribution for the purpose of determining the amount includible in A's gross income for 1955 under section 668 (a) is $9,000, computed as follows:

Total distribution by the trust		$75,000
Less:		
Distributable net income for 1955	$30,000	
Excess distribution to B	36,000	
		66,000
Amount treated as an accumulation distribution		9,000

(e) Inasmuch as the amount of $9,000 is less than the total undistributed net income of the trust ($12,840) for the preceding taxable year 1954, a pro rata portion of the taxes imposed on the trust for that year are also deemed distributed by the trust. Thus, A will include $14,089 in her gross income for 1955 under section 668 (a) computed as follows:

	1954
Accumulation distribution	$9,000
Taxes imposed on the trust (9,000/12,840×$7,260)	5,089
Total	14,089

A will, however, receive credit against her tax under section 668 (b).

§ 1.668 (a)–4 *Tax attributable to throwback.* (a) The tax attributable to amounts deemed distributed under section 666 is imposed on the beneficiary for the taxable year of the beneficiary in which the accumulation distribution is made unless the taxable year of the beneficiary is different from that of the trust (see section 662 (c) and the regulations thereunder). However, the tax cannot be greater than the aggregate of the taxes attributable to those amounts had they been included, in accordance with the provisions of section 662 (a) (2) and (b), in the gross income of the beneficiary for the preceding taxable year or years in which they were deemed distributed. The tax liability of the beneficiary for the taxable year is computed in the following manner:

(1) First, compute the amount of tax for the taxable year attributable to the section 666 amounts which are included in the gross income of the beneficiary for the year. The tax attributable to those amounts is the difference between the tax for the taxable year computed with the inclusion of the section 666 amounts in gross income and the tax computed without including them in gross income.

(2) Next, compute the tax attributable to the section 666 amounts for each of the preceding taxable years as if they had been included in gross income for those years. The tax attributable to such amounts in each such preceding taxable year is the difference between the tax for such preceding year computed with the inclusion of the section 666 amounts in gross income and the tax for such year computed without including them in gross income. The tax computation for each preceding year shall reflect the taxpayer's marital and dependency status for that year.

(3) The total tax for the taxable year is the tax for that year computed without including the section 666 amounts, *plus*—

(i) The amount of the tax for the taxable year attributable to the section 666 amounts (computed in accordance with subparagraph (1) of this paragraph),

or

(ii) The sum of the taxes for the preceding taxable years attributable to the section 666 amounts (computed in accordance with subparagraph (2) of this paragraph),

whichever is the smaller.

(b) The provisions of paragraph (a) of this section may be illustrated by the following example:

Example. (1) During the taxable year 1956, $10,000 is deemed distributed under section 666 to a beneficiary, of which $6,000 is deemed distributed by the trust on the last day of 1955 and $4,000 on the last day of 1954. The beneficiary had taxable income (after deductions) from other sources of $5,000 for 1956, $10,000 for 1955, and $10,000 for 1954. The beneficiary's tax liability for 1956 is $4,730 determined as follows:

Year 1956

Tax on $15,000 (taxable income including section 666 amounts)	$4,730
Tax on $5,000 (taxable income excluding section 666 amounts)	1,100
Tax attributable to section 666 amounts	3,630

Year 1955

Tax on $16,000 (taxable income including section 666 amounts)	5,200
Tax on $10,000 (taxable income excluding section 666 amounts)	2,640
Tax attributable to section 666 amounts	2,560

Year 1954

Tax on $14,000 (taxable income including section 666 amounts)	4,260
Tax on $10,000 (taxable income excluding section 666 amounts)	2,640
Tax attributable to section 666 amounts	1,620

(2) Inasmuch as the tax of $3,630 attributable to the section 666 amounts as computed at 1956 rates is less than the aggregate of the taxes of $4,180 ($2,560 plus $1,620) determine for the preceding taxable years, the amount of $3,630 is added to the tax ($1,100) computed for 1956 without including the section 666 amounts.

§ 1.668 (b) *Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding taxable years; credit for taxes paid by trust.*

SEC. 668. *Treatment of amounts deemed distributed in preceding taxable years.* • • •

(b) *Credit for taxes paid by trust.* The tax imposed on beneficiaries under this chapter shall be credited with a pro rata portion of the taxes imposed on the trust under this chapter for such preceding taxable year which would not have been payable by the trust for such preceding taxable year had the trust in fact made distributions to such beneficiaries at the times and in the amounts specified in section 666.

§ 1.668 (b)–1 *Credit for taxes paid by the trust.* (a) The taxes imposed on a complex trust for a taxable year which would not have been payable by the trust if amounts deemed under section 666 to have been distributed in the year had in fact been distributed in the year are not allowable as a refund to the trust but are allowable as a credit against the tax of the beneficiaries to whom the amounts described in section 666 (a) are distributed.

(b) The credit to which a beneficiary is entitled under section 668 (b) is allowed for the taxable year in which the accumulation distribution (to which the credit relates) is required to be included in the gross income of the beneficiary. Any excess over the total tax liability of the beneficiary is treated as an overpayment of tax by the beneficiary.

(c) The beneficiary is entitled to a portion of the credit described in paragraph (a) of this section in the ratio which the amount of the accumulation distribution to him bears to the accumulation distributions to all the beneficiaries.

§ 1.668 (b)–2 *Illustration of the provisions of sections 665 through 668.* The provisions of sections 665 through 668 (subpart D) may be illustrated by the following example:

Example. (a) *Facts.* (1) Under the terms of a trust instrument, one-half of the trust income is required to be distributed currently to beneficiary A. The trustee may in his discretion accumulate the balance of the income of the trust or he may make distributions to B out of income or corpus. The trust is to terminate upon the death of A and the corpus is to be distributed to B. Capital gains are allocable to corpus. All of the expenses of the trust are charges against income. The trust instrument provides for a reserve for depreciation, so that depreciation is deductible in computing distributable net income. The trust and both beneficiaries report on the calendar year basis. The trust had long-term capital gains of $20,000 for 1954, and $10,000 for 1955, which were allocated to corpus. The distributable net income of the trust as determined under section 643 (a) for 1954, 1955, 1956, and 1957 is deemed to consist of the following items of income:

	Dividends	Rents	Interest (taxable)	Interest (exempt)	Total
1954	$15,000	$20,000	$10,000	$5,000	$50,000
1955	10,000	15,000	10,000	5,000	40,000
1956	10,000	20,000	15,000	5,000	50,000
1957	10,000	15,000	15,000	5,000	45,000

(2) One-half ($7,500) of the dividends for 1954 was received by the trust on or before July 31, 1954, and the balance was received after that date.

(3) The following distributions were made by the trustee to A and B during the taxable years 1954 through 1957:

	A	B
1954	$25,000	None
1955	20,000	None
1956	25,000	$45,000
1957	22,500	29,550

(b) *Distributions to A.* A is deemed to have received one-half of each item of income entering into the computation of distributable net income as shown in paragraph (a) (1) above. See § 1.662 (a)–2 for rules for the treatment of currently distributable income in the hands of the beneficiary.

(c) *Tax liability of the trust—(1) 1954.* (i) The tax liability of the trust for the taxable year 1954 is $13,451, computed as follows:

Distributable net income under section 643 (a) (paragraph (a) (1))		$50,000
Less amounts not includible in gross income:		
Tax-exempt interest	$5,000	
Dividend exclusion	50	
		5,050
Distributable net income as adjusted		44,950
Add: Capital gains (long-term)		20,000
Total		64,950
Deductions:		
Distributions to A	$22,475	
Capital gain deduction	10,000	
Personal exemption	100	
		32,575
Taxable income		32,375
Alternative tax		13,601
Dividend received credit		150
Tax liability		13,451

(ii) See paragraph (b) above for character of income deemed distributed to A and section 661 for rules for computing the amount deductible by a trust for distributions to beneficiaries. Inasmuch as one-half of the dividends of the trust are deemed to be distributed to A, $25 of such distribution is deemed to be made from the dividend exclusion of $50, and the balance from dividends included in the gross income of the trust (that is, since the year 1954 is involved, $3,725 from dividends received on or before July 31, 1954, and $3,750 from dividends received after July 31, 1954). The trust is entitled to a dividend received credit attributable to the dividends of $3,750 received after July 31, 1954, which were not distributed to any beneficiary during the taxable year.

(2) *1955.* (i) The tax liability of the trust for the taxable year 1955 is $8,189, computed as follows:

Distributable net income under section 643 (a) (paragraph (a) (1))		$40,000
Less amounts not includible in gross income:		
Tax-exempt interest	$5,000	
Dividend exclusion	50	
		5,050
Distributable net income as adjusted		34,950
Add: Capital gains (long-term)		10,000
Total		44,950
Deductions:		
Distributions to A	$17,475	
Capital gain deduction	5,000	
Personal exemption	100	
		22,575
Taxable income		22,375
Alternative tax		8,388
Dividend received credit		199
Tax liability		8,189

(ii) See paragraph (b) above for character of income deemed distributed to A and section 661 for rules for computing the amount deductible by a trust for distributions to beneficiaries. Inasmuch as one-half ($4,975) of the dividends of $9,950 ($10,000 less dividend exclusion of $50) included in the gross income of the trust is deemed dis-

tributed to A, the trust is entitled to a dividend received credit with respect to the dividends of $4,975 which were not distributed to any beneficiary during the taxable year.

(3) *1956 and 1957.* The trust had no tax liability for the taxable years 1956 and 1957 since all of its income was distributed during such years.

(d) *Accumulation distributions.* (1) Accumulation distributions of $20,000 and $7,050, as defined in section 665 (b), were made to B during the years 1956 and 1957, respectively, computed as shown below:

	1956	1957
Distributable net income of the trust as computed under section 643 (a)	$50,000	$45,000
Less: Income currently distributable to A	25,000	22,500
Balance of income	25,000	22,500
Other amounts distributed to B	45,000	29,550
Accumulation distributions to B	20,000	7,050

(2) B is deemed to have received one-half of each item of income entering into the computation of distributable net income (shown in paragraph (a) (1)) for the years 1956 and 1957.

(3) The accumulation distribution for 1956 must first be allocated to the preceding taxable years as provided in section 666. After the application of the provisions of sections 665 through 668 (subpart D) to the 1956 accumulation distribution and to the undistributed net incomes of the preceding taxable years, a similar allocation must be made of the 1957 accumulation distribution.

(e) *Throwback of 1956 accumulation distribution to 1955.* The accumulation distribution of $20,000 for 1956 must be allocated to the first preceding taxable year 1955, before allocation is made to the second preceding taxable year 1954.

(1) *1955 Undistributed net income.* (i) The undistributed net income of the trust for 1955, determined as of the close of 1955, is $12,885, computed as follows:

Distributable net income as computed under section 643 (a) (paragraph (a) (1))		$40,000
Less:		
Distributions to A	$20,000	
Taxes imposed on the trust	7,115	
		27,115
Undistributed net income as of the close of 1955		12,885

(ii) The taxes imposed on the trust of $7,115 are that portion of the taxes paid by the trust for 1955 which is attributable to the undistributed portion of distributable net income included in the taxable income of the trust (the "balance" in the computation below) and is determined as follows:

Taxable income (paragraph (c) (2) (i))		$22,375
Capital gains allocable to corpus	$10,000	
Less:		
Capital gain deduction	$5,000	
Personal exemption	100	
	5,100	
Portion of taxable income allocable to corpus		4,900
Balance		17,475
Total taxes paid by the trust		8,189
Taxes on income ($4,900) allocable to corpus		1,074
Taxes imposed on the trust (section 665 (c))		7,115

(iii) The amount of $1,074 is the taxes which the trust would have paid for 1955 had all of the distributable net income been distributed during the year.

(2) *Allocation of 1956 accumulation distribution to the preceding taxable year 1955.* The portion of the 1956 accumulation distribution which is deemed under section 666 (a) to be distributed to B on the last day of 1955 (the first preceding taxable year) is $12,885, an amount equal to the undistributed net income for 1955. An additional amount equal to the taxes imposed on the trust ($7,115) is, under section 666 (b), also deemed to be distributed to B on the last day of 1955. Thus, a total of $20,000 ($12,885 plus $7,115) is deemed to be distributed to B on December 31, 1955, by reason of the allocation of the 1956 accumulation distribution to the first preceding taxable year. See paragraph (h) of this example for the treatment of the amount of $20,000 in the hands of B.

(3) *Character of amounts deemed distributed.* Inasmuch as one-half of the 1955 distributable net income of the trust as determined under section 643 (a) was currently distributable to A and the balance of such income is deemed under section 666 to be distributed to B on December 31, 1955, the distribution to B is deemed to consist of one-half of each item of income entering into the computation of the 1955 distributable net income; that is, dividends of $5,000, rents of $7,500, taxable interest of $5,000, and tax-exempt interest of $2,500.

(4) *Credit for taxes paid by the trust.* The amount of the taxes for the year 1955 which may not be refunded or credited to the trust under section 667 and which is allowed as a credit against the tax of B for 1956 under section 668 (b) is $7,115. See also paragraph (h) (3) of this example.

(5) *Effect of application of provisions of sections 665 through 668 (subpart D) to the year 1955.* After the allocation of the 1956 accumulation distribution to the preceding taxable year 1955, the undistributed portion of the distributable net income, the undistributed net income, and the taxes imposed on the trust for 1955 are zero. The portion of the 1956 accumulation distribution which is unabsorbed by the 1955 undistributed net income is $7,115, determined as follows:

1956 accumulation distribution (paragraph (d) (1))	$20,000
Less: Amount allocable to 1955	12,885
Balance allocable to second preceding taxable year 1954	7,115

(f) *Throwback of 1956 accumulation distribution to 1954.* The unabsorbed portion of the 1956 accumulation distribution of $7,115 is allocable to the second preceding taxable year 1954 and is treated under section 666 as a distribution to B on the last day of such year.

(1) *1954 Undistributed net income.* (i) The undistributed net income of the trust for 1954, determined as of the close of 1954, is $14,155, computed as follows:

Distributable net income as computed under section 643 (a) (paragraph (a) (1))		$50,000
Less:		
Distributions to A	$25,000	
Taxes imposed on the trust	10,845	
		35,845
Undistributed net income as of the close of 1954		14,155

(ii) The taxes imposed on the trust of $10,845 are that portion of the taxes paid by the trust for 1954 which is attributable to the undistributed portion of distributable net income included in the taxable income of the trust (the "balance" in the computation below) and is determined as follows:

Taxable income (paragraph (c) (1) (i))		$32,375
Capital gains allocable to corpus	$20,000	
Less:		
Capital gain deduction	$10,000	
Personal exemption	100	
	$10,100	
Portion of taxable income allocable to corpus		$9,900
Balance		22,475
Total taxes paid by the trust		13,451
Taxes on income ($9,900) allocable to corpus		2,606
Taxes imposed on the trust (section 665 (c))		10,845

(iii) The amount of $2,606 is the taxes which the trust would have paid for 1954 had all of the distributable net income been distributed during that year.

(2) *Allocation of 1956 accumulation distribution to the second preceding taxable year 1954.* Since the unabsorbed portion of the 1956 accumulation distribution of $7,115 is less than the 1954 undistributed net income of $14,155, the trust is deemed under section 666 (c) to have also distributed an additional amount ($5,451) equal to a pro rata portion (7,115/14,155×$10,645) of the taxes imposed on the trust for 1954. Thus, a total of $12,566 ($7,115 plus $5,451) is deemed to be distributed to B on December 31, 1954, by reason of the throwback of the 1956 accumulation distribution. See paragraph (h) of this example for the treatment of the amount of $12,566 in the hands of B.

(3) *Character of amounts deemed distributed to B.* The amount of $12,566 which, under section 666, is deemed to be distributed to B on December 31, 1954, is deemed to be composed of the following items of income of the trust: Dividends, $3,770 (15,000/50,000×$12,566); rents, $5,026 (20,000/50,000×$12,566); taxable interest, $2,513 (10,000/50,000×$12,566); and tax-exempt interest, $1,257 (5,000/50,000×$12,566). One-half of the dividends of $3,770 is considered as distributed from the dividends received by the trust on or before July 31, 1954, of which $13 (3,770/15,000×$50) is deemed distributed from the dividends excluded under section 116, and the other half as distributed from the dividends received after July 31, 1954. Thus, of the total of $12,566 deemed distributed to B, $11,296 is considered as made from income included in the gross income of the trust and $1,270 from nontaxable income of the trust.

(4) *Credit for taxes paid by the trust.* The amount of the taxes for the year 1954 which may not be refunded or credited to the trust under section 667 and which is allowed as a credit against the tax of B for 1956 under section 668 (b), because of the allocation of the 1956 accumulation distribution to 1954, is $5,401, computed as follows:

Taxable income of the trust as of the close of 1954 (paragraph (c) (1))	$32,375
Less: Amount deemed distributed to B under section 666 from the taxable income of the trust	11,296
Taxable income adjusted as of the close of 1956	21,079
Taxes on $21,079 (alternative tax)	8,050
Taxes on income allocable to corpus (subparagraph (1) (ii) of this paragraph)	2,606
Taxes imposed on the trust determined as of the close of 1956	5,444

Taxes imposed on the trust determined as of the close of 1954	10,845
Taxes imposed on the trust determined as of the close of 1956	5,444
Amount of taxes allowed as a credit to B under section 668 (b)	5,401

(5) *Effect of application of provisions of sections 665 through 668 (subpart D) to the year 1954.* (i) The undistributed portion of the distributable net income of the trust for the year 1954, determined as of the close of 1956, is $12,434, computed as follows:

Distributable net income (section 643 (a))		$50,000
Less:		
Amount currently distributable to A	$25,000	
Amount deemed distributed to B under section 666	12,566	
		37,566
Undistributed portion of distributable net income as of the close of 1956		12,434

(ii) The amount of $12,434 is deemed to consist of dividends of $3,730, rents of $4,974, taxable interest of $2,487, and tax-exempt interest of $1,243, determined as follows:

	Dividends	Rents	Interest (taxable)	Interest (exempt)	Total
Trust income	$15,000	$20,000	$10,000	$5,000	[1] $50,000
Distributions:					
To A	7,500	10,000	5,000	2,500	[2] 25,000
To B	3,770	5,026	2,513	1,257	[3] 12,566
Total	11,270	15,026	7,513	3,757	37,566
Balance	3,730	4,974	2,487	1,243	12,434

[1] See paragraph (a) (1).
[2] See paragraph (b).
[3] See paragraph (f) (3).

(iii) The undistributed net income of the trust for 1954, determined as of the close of 1956, is $6,990, computed as follows:

Undistributed portion of distributable net income as of the close of 1956	$12,434
Less: Taxes imposed on the trust determined as of the close of 1956 (subparagraph (4) of this paragraph)	5,444
Undistributed net income as of the close of 1956	6,990

(g) *Throwback of 1957 accumulation distribution.* Inasmuch as all of the income of the trust for the first preceding taxable year 1956 was distributed during such year and the trust had no undistributed net income for the second preceding taxable year 1955 after the application of sections 665 through 668 (subpart D) to the accumulation distribution made during 1956, the 1957 accumulation distribution of $7,050 is allocable to the third preceding taxable year 1954. See paragraph (d) (1) for computation of the accumulation distribution.

(1) *Allocation of 1957 accumulation distribution to the preceding taxable year 1954.* The portion of the 1957 accumulation distribution which is deemed under section 666 (a) to be distributed to B on the last day of 1954 is $6,990, an amount equal to the undistributed net income of the trust for 1954, determined as of the close of 1956. An additional amount equal to the taxes imposed on the trust ($5,444), determined as of the close of 1956, is under section 666 (b) also deemed to be distributed to B on the last day of 1954. See paragraph (f) (4) and (5) of this example. Thus, a total of $12,434 ($6,990 plus $5,444) is deemed to be distributed to B on December 31, 1954, by reason of the allocation of the 1957 accumulation distribution to the taxable year 1954. See paragraph (j) of this example for the treatment of the amount of $12,434 in the hands of B.

(2) *Character of amounts deemed distributed.* Inasmuch as the balance of the 1954 distributable net income of the trust is deemed under section 666 to be distributed to B on December 31, 1954, the distribution is deemed to consist of dividends of $3,730, rents of $4,974, taxable interest of $2,487, and tax-exempt interest of $1,243. See paragraph (f) (5) (ii) of this example.

(3) *Credit for taxes paid by the trust.* The amount of taxes for the year 1954 which may not be refunded or credited to the trust under section 667 and which is allowed as a credit against the tax of B under section 668 (b) is $5,444, the amount of taxes imposed on the trust determined as of the close of 1956. See paragraph (f) (4) of this example.

(4) *Effect of application of provisions of sections 665 through 668 (subpart D) to the year 1954.* After the allocation of the 1957 accumulation distribution to the preceding taxable year 1954, the undistributed portion of the distributable net income, the undistributed net income, and the taxes imposed on the trust for 1954 are zero. The balance of $60 ($7,050 less $6,990) of the 1957 accumulation distribution remaining after the allocation of the accumulation distribution to the year 1954, may not be allocated to the year 1953 since that year is not subject to the provisions of the Internal Revenue Code of 1954.

(h) *Determination of B's tax liability; taxable year 1956—(1) Amount of trust income includible in gross income.* (i) Of the amount of $45,000 distributed by the trust to B during the taxable year 1956, $25,000 is treated as a distribution out of trust income for that year within the meaning of section 662 (a) (2), and $20,000 as an accumulation distribution within the meaning of section 665 (b) (see paragraph (d) of this example). However, $12,885 plus taxes of $7,115 is deemed distributed to B on December 31, 1955, and $7,115 plus taxes of $5,451 on December 31, 1954, under section 666 by reason of the accumulation distribution made during 1956, and these amounts are includible in B's gross income for 1956 to the extent that they would have been includible in his gross income under section 662 (a) (2) and (b) for 1955 and 1954, respectively, had they been distributed on the last day of those years.

(ii) The amounts distributed to B out of trust income for the year 1956, and the amounts deemed distributed out of income for the preceding taxable years 1955 and 1954 have the following character for the purpose of determining the amount includible in B's gross income for 1956:

Year	Dividends	Rents (taxable)	Interest (taxable)	Interest (exempt)	Total
1956	$5,000	$10,000	$7,500	$2,500	[1] $25,000
1955	5,000	7,500	5,000	2,500	[2] 20,000
1954	3,770	5,026	2,513	1,257	[3] 12,566
Total	13,770	22,526	15,013	6,257	57,566

[1] See paragraph (d) (2).
[2] See paragraph (c) (3).
[3] See paragraph (f) (3).

Thus, B will include in gross income for 1956 dividends of $13,770 (subject to the dividend exclusion), rents of $22,526, and taxable interest of $15,013, and will exclude the tax-exempt interest of $6,257.

(2) *Computation of tax.* (i) For the purpose of computing B's tax liability, it is assumed that he was single during the taxable years 1954, 1955, and 1956, and that his taxable income (derived from salary) for each of the years 1954 and 1955 amounted to $13,400 on which a tax of $4,002 was paid for each year. It is also assumed that his income (other than distributions from the trust) for 1956 was $15,000 derived from salary, and he had allowable deductions of $10,600, which included the deduction for personal exemption.

(ii) The computation of the tax for the taxable year 1956 attributable to the section 666 amounts which are included in B's gross income for such year, as provided in § 1.668 (a)–4 (a) (1), is as follows:

	(1) Section 666 amounts excluded	(2) Section 666 amounts included
Salary	$15,000	$15,000
Income from trust:		
Dividends ($50 excluded)	4,950	13,720
Rents	10,000	22,526
Taxable interest	7,500	15,013
Total	37,450	66,259
Less: Allowable deductions	10,600	10,600
Taxable income	26,850	55,659
Total tax	11,267	31,064
Less: Dividend received credit	198	475
Tax liability	11,069	30,589
Tax on income from which section 666 amounts are excluded		11,069
1956 tax attributable to section 666 amounts		19,520

Only that portion of the dividends received by the trust after July 31, 1954, and deemed distributed to B under section 666, on the last day of such year is included in computing the dividend received credit shown in column (2) above. See paragraph (f) (3).

(iii) The computation of the taxes for the preceding taxable years attributable to the section 666 amounts which are deemed attributed by the trust on the last day of these years, as provided in § 1.668 (a)–4 (a) (2), is as follows:

	Preceding taxable years	
	First, 1955	Second, 1954
Taxable income previously reported	$13,400	$13,400
Section 666 amounts:		
Dividends ($50 excluded)	4,950	3,720
Rents	7,500	5,026
Taxable interest	5,000	2,513
Taxable income as adjusted	30,850	24,659
Total tax	13,747	9,949
Less: Dividend received credit	198	75
Balance of tax	13,549	9,874
Tax liability	4,002	4,002
Tax attributable to section 666 amounts	9,547	5,872

Only that portion ($1,885) of the dividends received by the trust after July 31, 1954, and deemed distributed under section 666 on the last day of that year, is included in computing the dividend received credit of $75 for the year 1954. See paragraph (f) (3).

(iv) Inasmuch as the aggregate of the taxes of $15,419 ($9,547 plus $5,872) attributable to the section 666 amounts as determined for the preceding taxable years is less than the tax of $19,520 determined for the

taxable year 1956, the amount of $15,419 shall be added to the tax computed for 1956 without including the section 666 amounts. Thus, B's tax liability for 1956 is $26,488 ($11,069 plus $15,419).

(3) *Credits against the tax.* B is allowed under section 668 (b) a credit of $12,516 ($5,401 for 1954 and $7,115 for 1955) against his 1956 tax liability for the taxes paid by the trust for the preceding taxable years and which may not be refunded or credited to the trust under section 667. See paragraphs (e) (4) and (f) (4).

(i) [Reserved.]

(j) *Taxable year 1957—(1) Amount of trust income includible in gross income.* (i) Of the amount of $29,550 distributed by the trust to B during the taxable year 1957, $22,500 is treated as a distribution out of trust income for that year within the meaning of section 662 (a) (2), and $7,050 as an accumulation distribution within the meaning of section 665 (b) (see paragraph (d)). However, $6,990 plus taxes of $5,444 is deemed distributed to B on December 31, 1954, under section 666 by reason of the accumulation distribution made during 1957, and that amount is includible in B's gross income for 1957, to the extent that it would have been includible in his gross income under section 662 (a) (2) and (b) for 1954, had it been distributed on the last day of that year.

(ii) The amounts deemed distributed to B out of trust income for the year 1957 and the preceding taxable year 1954 are deemed to have the following character for the purpose of determining the amount includible in B's gross income for 1957:

Year	Dividends	Rents	Interest (taxable)	Interest (exempt)	Total
1957	$5,000	$7,500	$7,500	$2,500	[1] $22,500
1954	3,730	4,974	2,487	1,243	[2] 12,434
Total	8,730	12,474	9,987	3,743	34,934

[1] See paragraph (d) (2).
[2] See paragraph (g) (2).

Thus, B will include in gross income for the year 1957 dividends of $8,730 (subject to the dividend exclusion), rents of $12,474, and taxable interest of $9,987 and will exclude the tax-exempt interest of $3,743.

(2) *Computation of tax.* (i) For the purpose of computing B's tax liability for 1957, it is assumed that he was single for the entire year and had income (other than distributions from the trust) of $15,000 from salary. Also, he had allowable deductions of $8,100, which included the deductions for personal exemption.

(ii) The computation of the tax for the taxable year 1957 attributable to the section 666 amounts which are included in B's gross income for that year, as provided in § 1.668 (a)–4 (a)–1, is as follows:

	Section 666 amounts excluded	Section 666 amounts included
Salary	$15,000	$15,000
Trust income:		
Dividends ($50 excluded)	4,950	8,680
Rents	7,500	12,474
Taxable interest	7,500	9,987
Total	34,950	46,141
Less: Allowable deductions	8,100	8,100
Taxable income	26,850	38,041
Total tax	11,267	18,388
Less: Dividends received credit	198	275
Tax liability	11,069	18,113
Tax on income from which section 666 amounts are excluded		11,069
1957 tax attributable to section 666 amounts		7,044

See explanation following computation in paragraph (h) (2) (ii) with respect to the computation of the dividend received credit on dividends received by the trust in 1954.

(iii) The amount of tax, computed at 1954 rates, attributable to the section 666 amounts which are deemed to have been distributed by the trust on the last day of 1954, is $6,939, computed as follows:

1954 taxable income as adjusted (paragraph (h) (2) (iii))		$24,659
Section 666 amounts:		
Dividends		3,730
Rents		4,974
Taxable interest		2,487
Taxable income as adjusted		35,850
Total tax		16,963
Less: Dividends received credit		150
Balance of tax		16,813
Tax liability for 1954	$4,002	
Tax attributable to 1956 accumulation distribution (paragraph (h) (2) (iii))	5,872	
		9,874
Tax attributable to the section 666 amounts distributed in 1957		6,939

Only that portion ($3,750) of the dividends received by the trust after July 31, 1954, and deemed distributed under section 666 on the last day of that year, is included in computing the dividend received credit of $150. See paragraphs (f) (3) and (g) (2).

(iv) Inasmuch as the tax of $6,939 attributable to the section 666 amounts as determined for the preceding taxable year 1954 is less than the tax of $7,044 attributable to these amounts for the year 1957, the amount of $6,939 shall be added to the tax computed for 1957 without including in gross income the section 666 amounts. Thus, B's tax liability for 1957 is $18,008 ($11,069 plus $6,939).

(3) *Credit against the tax.* B is allowed under section 668 (b) a credit of $5,444 against his 1957 tax liability for the balance of the taxes paid by the trust for 1954 and which may not be refunded or credited to the trust under section 667. See paragraph (g) (3) of this example.

Grantors and Others Treated as Substantial Owners

§ 1.671 *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income, deductions, and credits attributable to grantors and others as substantial owners.*

SEC. 671. *Trust income, deductions, and credits attributable to grantors and others as substantial owners.* Where it is specified in this subpart that the grantor or another person shall be treated as the owner of any portion of a trust, there shall then be included in computing the taxable income and credits of the grantor or the other person those items of income, deductions, and credits against tax of the trust which are attributable to that portion of the trust to the extent that such items would be taken into account under this chapter in computing taxable income or credits against the tax of an individual. Any remaining portion of the trust shall be subject to subparts A through D. No items of a trust shall be included in computing the taxable income and credits of the grantor or of any other person solely on the grounds of his dominion and control over the trust under section 61 (relating to definition of gross income) or any other provision of this title, except as specified in this subpart.

§ 1.671–1 *Grantors and others treated as substantial owners; scope.* (a) Sections 671–678 (subpart E of subchapter J) contain provisions taxing income of a trust to the grantor or another person under certain circumstances even though he is not treated as a beneficiary under sections 641–668 (subparts A through D). Sections 671 and 672 contain general provisions relating to the entire subpart. Sections 673–677 define the circumstances under which income of a trust is taxed to a grantor. These circumstances are in general as follows:

(1) If the grantor has retained a reversionary interest in the trust, within specified time limits (section 673);

(2) If the grantor or a nonadverse party has certain powers over the beneficial interests under the trust (section 674);

(3) If certain administrative powers over the trust exist under which the grantor can or does benefit (section 675);

(4) If the grantor or a nonadverse party has a power to revoke the trust or return the corpus to the grantor (section 676); or

(5) If the grantor or a nonadverse party has the power to distribute income to or for the benefit of the grantor (section 677).

Under section 678, income of a trust is taxed to a person other than the grantor to the extent that he has the sole power to vest corpus or income in himself.

(b) Sections 671–677 do not apply if the income of a trust is taxable to a grantor's spouse under section 71 or 682 (relating respectively to alimony and separate maintenance payments, and the income of an estate or trust in the case of divorce, etc.).

(c) Except as provided in sections 671–678 (subpart E), income of a trust is not included in computing the taxable income and credits of a grantor or another person solely on the grounds of his dominion and control over the trust. However, the provisions of sections 671–678 do not apply in situations involving an assignment of future income, whether or not the assignment is to a trust. Thus, for example, a person who assigns his right to future income under an employment contract may be taxed on that income even though the assignment is to a trust over which the assignor has retained none of the controls specified in sections 671–677. Similarly, a bondholder who assigns his right to interest may be taxed on interest payments even though the assignment is to an uncontrolled trust. Nor are the rules as to family partnerships affected by the provisions of sections 671–678 even though a partnership interest is held in trust. Likewise, these sections have no application in determining the right of a grantor to deductions for payments to a trust under a transfer and leaseback arrangement. In addition, the limitation of the last sentence of section 671 does not prevent any person from being taxed on the income of a trust when it is used to discharge his legal obligation. See § 1.662 (a)–4. He is then treated as a beneficiary under sections 641–668 (subparts A through D) or treated as an owner under section 677 because the income is distributed for his benefit, and not because of his dominion or control over the trust.

(d) For the effective date of sections 671–678 (subpart E) see section 683 and the regulations thereunder.

§ 1.671–2 *Applicable principles.* (a) Under section 671 a grantor or another person includes in computing his taxable income and credits those items of income, deduction, and credit against tax which are attributable to or included in any portion of a trust of which he is treated as the owner. Sections 673–678 set forth the rules for determining when the grantor or another person is treated as the owner of any portion of a trust. The rules for determining the items of income, deduction, and credit against tax that are attributable to or included in a portion of the trust are set forth in § 1.671–3.

(b) Since the principle underlying sections 671–678 (subpart E) is in general that income of a trust over which the grantor or another person has retained substantial dominion or control should be taxed to the grantor or other person rather than to the trust which receives the income or to the beneficiary to whom the income may be distributed it is ordinarily immaterial whether the income involved constitutes income or corpus for trust accounting purposes. Accordingly, when it is stated in the regulations under subpart E that "income" is attributed to the grantor or another person, the reference, unless specifically limited, is to income determined for tax purposes and not to income for trust accounting purposes. When it is intended to emphasize that income for trust accounting purposes (determined in accordance with the provisions set forth in § 1.643 (b)–1), is meant, the phrase "ordinary income" is used.

(c) An item of income, deduction, or credit included in computing the taxable income and credits of a grantor or another person under section 671 is treated as if it had been received or paid directly by the grantor or other person (whether or not an individual). For example, a charitable contribution made by a trust which is attributed to the grantor (an individual) under sections 671–677 will be aggregated with his other charitable contributions to determine their deductibility under the limitations of section 170 (b) (1). Likewise, dividends received by a trust from sources in a particular foreign country which are attributed to a grantor or another person under sections 671–678 (subpart E) will be aggregated with his other income from sources within that country to determine whether the taxpayer is subject to the limitations of section 904 with respect to credit for the tax paid to that country.

(d) Items of income, deduction, and credit not attributed to or included in any portion of a trust of which the grantor or another person is treated as the owner under sections 671–678 (subpart E) are subject to the provisions of sections 641–668 (subparts A through D of subchapter J).

(e) The term "grantor" as used in the regulations under subpart E includes a corporation.

§ 1.671–3 *Attribution or inclusion of income, deductions, and credits against tax.* (a) When a grantor or another person is treated under sections 671–678 (subpart E) as the owner of any portion of a trust, there are included in computing his tax liability those items of income, deduction, and credit against tax attributable to or included in that portion. For example—

(1) If a grantor or another person is treated as the owner of an entire trust (corpus as well as ordinary income), he takes into account in computing his income tax liability all items of income, deduction, and credit (including capital gains and losses) to which he would have been entitled had the trust not been in existence during the period he is treated as owner.

(2) If the portion treated as owned consists of specific trust property and its income, all items directly related to that property are attributable to the portion. Items directly related to trust property not included in the portion treated as owned by the grantor or other person are governed by the provisions of sections 641–668 (subparts A through D). Items that relate both to the portion treated as owned by the grantor and to the balance of the trust must be apportioned in a manner that is reasonable in the light of all the circumstances of each case, including the terms of the governing instrument, local law, and the practice of the trustee if it is reasonable and consistent.

(3) If the portion of a trust treated as owned by a grantor or another person consists of an undivided fractional interest in the trust, or of an interest represented by a dollar amount, a pro rata share of each item of income, deduction, and credit is normally allocated to the portion. Thus, where the portion owned consists of an interest in or a right to an amount of corpus only, a fraction of each item (including items allocated to corpus, such as capital gains) is attributed to the portion. The numerator of this fraction is the amount which is subject to the control of the grantor or other person and the denominator is normally the fair market value of the trust corpus at the beginning of the taxable year in question. The share not treated as owned by the grantor or other person is governed by the provisions of sections 641–668 (subparts A through D). See the last three sentences of paragraph (c) of this section for the principles applicable if the portion treated as owned consists of an interest in part of the ordinary income in contrast to an interest in corpus alone.

(b) If a grantor or another person is treated as the owner of a portion of a trust, that portion may or may not include both ordinary income and other income allocable to corpus. For example—

(1) Only ordinary income is included by reason of an interest in or a power over ordinary income alone. Thus, if a grantor is treated under section 673 as an owner by reason of a reversionary interest in ordinary income only, items of income allocable to corpus will not be included in the portion he is treated as owning. Similarly, if a grantor or another person is treated under sections 674–678 as an owner of a portion by reason of a power over ordinary income only, items of income allocable to corpus are not included in that portion. (See paragraph (c) of this section to determine the treatment of deductions and credits when only ordinary income is included in the portion.)

(2) Only income allocable to corpus is included by reason of an interest in or a power over corpus alone, if satisfaction of the interest or an exercise of the power will not result in an interest in or the exercise of a power over ordinary income which would itself cause that income to be included. For example, if a grantor has a reversionary interest in a trust which is not such as to require that he be treated as an owner under section 673, he may nevertheless be treated as an owner under section 677 (a) (2) since any income allocable to corpus is accumulated for future distribution to him, but items of income included in determining ordinary income are not included in the portion he is treated as owning. Similarly, he may have a power over corpus which is such that he is treated as an owner under section 674 or 676 (a), but ordinary income will not be included in the portion he owns, if his power can only affect income received after a period of time such that he would not be treated as an owner of the income if the power were a reversionary interest. (See paragraph (c) of this section to determine the treatment of deductions and credits when only income allocated to corpus is included in the portion.)

(3) Both ordinary income and other income allocable to corpus are included by reason of an interest in or a power over both ordinary income and corpus, or an interest in or a power over corpus alone which does not come within the provisions of subparagraph (2) of this paragraph. For example, if a grantor is treated under section 673 as the owner of a portion of a trust by reason of a reversionary interest in corpus, both ordinary income and other income allocable to corpus are included in the portion. Further, a grantor includes both ordinary income and other income allocable to corpus in the portion he is treated as owning if he is treated under section 674 or 676 as an owner because of a power over corpus which can affect income received within a period such that he would be treated as an owner under section 673 if the power were a reversionary interest. Similarly, a grantor or another person includes both ordinary income and other income allocable to corpus in the portion he is treated as owning if he is treated as an owner under section 675 or 678 because of a power over corpus.

(c) If only income allocable to corpus is included in computing a grantor's tax liability, he will take into account in that computation only those items of income, deduction, and credit which would not be included under sections 641–668 (subparts A through D) in the computation of the tax liability of the current income beneficiaries if all distributable net income had actually been distributed to

those beneficiaries. On the other hand, if the grantor or another person is treated as an owner solely because of his interest in or power over ordinary income alone, he will take into account in computing his tax liability those items which would be included in computing the tax liability of a current income beneficiary, including expenses, allocable to corpus which enter into the computation of distributable net income. If the grantor or other person is treated as an owner because of his power over or right to a dollar amount of ordinary income, he will first take into account a portion of those items of income and expense entering into the computation of ordinary income under the trust instrument or local law sufficient to produce income of the dollar amount required. There will then be attributable to him a pro rata portion of other items entering into the computation of distributable net income under sections 641–668 (subparts A through D), such as expenses allocable to corpus, and a pro rata portion of credits of the trust. For examples of computations under this paragraph see § 1.677 (a)–1 (g).

§ 1.671–4 *Method of reporting.* Items of income, deduction, and credit attributable to any portion of a trust which, under the provisions of sections 671–678 (subpart E) are treated as owned by the grantor or another person should not be reported by the trust on Form 1041, but should be shown on a separate statement to be attached to that form.

§ 1.672 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of adverse party.*

SEC. 672. *Definitions and rules*—(a) *Adverse party.* For purposes of this subpart, the term "adverse party" means any person having a substantial beneficial interest in the trust which would be adversely affected by the exercise or nonexercise of the power which he possesses respecting the trust. A person having a general power of appointment over the trust property shall be deemed to have a beneficial interest in the trust.

§ 1.672 (a)–1 *Definition of adverse party.* (a) Under section 672 (a) an adverse party is defined as any person having a substantial beneficial interest in a trust which would be adversely affected by the exercise or nonexercise of a power which he possesses respecting the trust. A trustee is not an adverse party merely because of his interest as trustee. A person having a general power of appointment over the trust property is deemed to have a beneficial interest in the trust. An interest is a substantial interest if its value in relation to the total value of the property subject to the power is not insignificant.

(b) Ordinarily, a beneficiary will be an adverse party, but if his right to share in the income or corpus of a trust is limited to only a part, he may be an adverse party only as to that part. Thus, if A, B, C, and D are equal income beneficiaries of a trust and the grantor can revoke with A's consent, the grantor is treated as the owner of a portion which represents three-fourths of the trust; and items of income, deduction, and credit attributable to that portion are included in determining the tax of the grantor.

(c) The interest of an ordinary income beneficiary of a trust may or may not be adverse with respect to the exercise of a power over corpus. Thus, if the income of a trust is payable to A for life, with a power (which is not a general power of appointment) in A to appoint the corpus to the grantor either during his life or by will, A's interest is adverse to the return of the corpus to the grantor during A's life, but is not adverse to a return of the corpus after A's death. In other words, A's interest is adverse as to ordinary income but is not adverse as to income allocable to corpus. Therefore, assuming no other relevant facts exist, the grantor would not be taxable on the ordinary income of the trust under sections 674, 676, or 677, but would be taxable under section 677 on income allocable to corpus (such as capital gains), since it may in the discretion of a nonadverse party be accumulated for future distribution to the grantor. Similarly, the interest of a contingent income beneficiary is adverse to a return of corpus to the grantor before the termination of his interest but not to a return of corpus after the termination of his interest.

(d) The interest of a remainderman is adverse to the exercise of any power over the corpus of a trust, but not to the exercise of a power over any income interest preceding his remainder. For example, if the grantor creates a trust which provides for income to be distributed to A for 10 years and then for the corpus to go to X if he is then living, a power exercisable by X to revest corpus in the grantor is a power exercisable by an adverse party; however, a power exercisable by X to distribute part or all of the ordinary income to the grantor may be a power exercisable by a nonadverse party (which would cause the ordinary income to be taxed to the grantor).

§ 1.672 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of nonadverse party.*

SEC. 672. *Definitions and rules.* • • •

(b) *Nonadverse party.* For purposes of this subpart, the term "nonadverse party" means any person who is not an adverse party.

§ 1.672 (b)–1 *Nonadverse party.* A "nonadverse party" is any person who is not an adverse party.

§ 1.672 (c) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of related or subordinate party.*

SEC. 672. *Definitions and rules.* • • •

(c) *Related or subordinate party.* For purposes of this subpart, the term "related or subordinate party" means any nonadverse party who is—

(1) The grantor's spouse if living with the grantor;

(2) Any one of the following: The grantor's father, mother, issue, brother or sister; an employee of the grantor; a corporation or any employee of a corporation in which the stock holdings of the grantor and the trust are significant from the viewpoint of voting control; a subordinate employee of a corporation in which the grantor is an executive.

For purposes of sections 674 and 675, a related or subordinate party shall be presumed to be subservient to the grantor in respect of the exercise or nonexercise of the powers conferred on him unless such party is shown not to be subservient by a preponderance of the evidence.

§ 1.672 (c)–1 *Related or subordinate party.* Section 672 (c) defines the term "related or subordinate party". The term, as used in sections 674 (c) and 675 (3), means any nonadverse party who is the grantor's spouse if living with the grantor; the grantor's father, mother, issue, brother or sister; an employee of the grantor; a corporation or any employee of a corporation in which the stock holdings of the grantor and the trust are significant from the viewpoint of voting control; or a subordinate employee of a corporation in which the grantor is an executive. For purposes of sections 674 (c) and 675 (3), these persons are presumed to be subservient to the grantor in respect of the exercise or nonexercise of the powers conferred on them unless shown not to be subservient by a preponderance of the evidence.

§ 1.672 (d) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; rule where power is subject to condition precedent.*

SEC. 672. *Definitions and rules.* • • •

(d) *Rule where power is subject to condition precedent.* A person shall be considered to have a power described in this subpart even though the exercise of the power is subject to a precedent giving of notice or takes effect only on the expiration of a certain period after the exercise of the power.

§ 1.672 (d)–1 *Power subject to condition precedent.* Section 672 (d) provides that a person is considered to have a power described in sections 671–678 even though the exercise of the power is subject to a precedent giving of notice or takes effect only after the expiration of a certain period of time. However, although a person may be considered to have such a power, the grantor will nevertheless not be treated as an owner by reason of the power if its exercise can only affect beneficial enjoyment of income received after the expiration of a period of time such that, if the power were a reversionary interest, he would not be treated as an owner under section 673. See sections 674 (b) (2), 676 (b), and the last sentence of section 677 (a). Thus, for example, if a grantor creates a trust for the benefit of his son and retains a power to revoke which takes effect only after the expiration of 2 years from the date of exercise, he is treated as an owner from the inception of the trust. However, if the grantor retains a power to revoke, exercisable at any time, which can only affect the beneficial enjoyment of the ordinary income of a trust received after the expiration of 10 years commencing with the date of the transfer in trust, or after the death of the income beneficiary, the power does not cause him to be treated as an owner with respect to ordinary income during the first 10 years of the trust or during

the income beneficiary's life, as the case may be. See section 676 (b).

§ 1.673 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; reversionary interests.*

SEC. 673. *Reversionary interests*—(a) *General rule.* The grantor shall be treated as the owner of any portion of a trust in which he has a reversionary interest in either the corpus or the income therefrom if, as of the inception of that portion of the trust, the interest will or may reasonably be expected to take effect in possession or enjoyment within 10 years commencing with the date of the transfer of that portion of the trust.

§ 1.673 (a)–1 *Reversionary interests; income payable to beneficiaries other than certain charitable organizations; general rule.* (a) Under section 673 (a), a grantor, in general, is treated as the owner of any portion of a trust in which he has a reversionary interest in either the corpus or income if, as of the inception of that portion of the trust, the grantor's interest will or may reasonably be expected to take effect in possession or enjoyment within 10 years commencing with the date of transfer of that portion of the trust. However, the following types of reversionary interests are excepted from the general rule of the preceding sentence:

(1) A reversionary interest after the death of the income beneficiary of a trust (see paragraph (b) of this section); and

(2) A reversionary interest in a charitable trust meeting the requirements of section 673 (b) (see § 1.673 (b)–1).

Even though the duration of the trust may be such that the grantor is not treated as its owner under section 673, and therefore is not taxed on the ordinary income, he may nevertheless be treated as an owner under section 677 (a) (2) if he has a reversionary interest in the corpus. In the latter case, items of income, deduction, and credit allocable to corpus, such as capital gains and losses, will be included in the portion he owns. See § 1.671–3 and the regulations under section 677. See § 1.673 (d)–1 with respect to a postponement of the date specified for reacquisition of a reversionary interest.

(b) Section 673 (c) provides that a grantor is not treated as the owner of any portion of a trust by reason of section 673 if his reversionary interest in the portion is not to take effect in possession or enjoyment until the death of the person or persons to whom the income of the portion is payable, regardless of the life expectancies of the income beneficiaries. If his reversionary interest is to take effect on or after the death of an income beneficiary or upon the expiration of a specific term of years, whichever is earlier, the grantor is treated as the owner if the specific term of years is less than 10 years (but not if the term is 10 years or longer).

(c) Where the grantor's reversionary interest in a portion of a trust is to take effect in possession or enjoyment by reason of some event other than the expiration of a specific term of years or the death of the income beneficiary, the grantor is treated as the owner of the portion if the event may reasonably be expected to occur within 10 years from the date of transfer of that portion, but he is not treated as the owner under section 673 if the event may not reasonably be expected to occur within 10 years from that date. For example, if the reversionary interest in any portion of a trust is to take effect on or after the death of the grantor (or any person other than the person to whom the income is payable) the grantor is treated under section 673 as the owner of the portion if the life expectancy of the grantor (or other person) is less than 10 years on the date of transfer of the portion, but not if the life expectancy is 10 years or longer. If the reversionary interest in any portion is to take effect on or after the death of the grantor (or any person other than the person to whom the income is payable) or upon the expiration of a specific term of years, whichever is earlier, the grantor is treated as the owner of the portion if on the date of transfer of the portion either the life expectancy of the grantor (or other person) or the specific term is less than 10 years; however, if both the life expectancy and the specific term are 10 years or longer the grantor grantor, whichever is earlier, the grantor is not treated as the owner of the portion under section 673. Similarly, if the grantor has a reversionary interest in any portion which will take effect at the death of the income beneficiary or the is not treated as an owner of the portion unless his life expectancy is less than 10 years.

(d) It is immaterial that a reversionary interest in corpus or income is subject to a contingency if the reversionary interest may, taking the contingency into consideration, reasonably be expected to take effect in possession or enjoyment within 10 years. For example, the grantor is taxable where the trust income is to be paid to the grantor's son for 3 years, and the corpus is then to be returned to the grantor if he survives that period, or to be paid to the grantor's son if he is already deceased.

(e) See section 671 and §§ 1.671–2 and 1.671–3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or only a portion of a trust.

§ 1.673 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; charitable beneficiaries.*

SEC. 673. *Reversionary interests.* • • •

(b) *Exception where income is payable to charitable beneficiaries.* Subsection (a) shall not apply to the extent that the income of a portion of a trust in which the grantor has a reversionary interest is, under the terms of the trust, irrevocably payable for a period of at least 2 years (commencing with the date of the transfer) to a designated beneficiary, which beneficiary is of a type described in section 170 (b) (1) (A) (i), (ii), or (iii).

§ 1.673 (b)–1 *Income payable to charitable beneficiaries.* (a) Pursuant to section 673 (b) a grantor is not treated as an owner of any portion of a trust under section 673, even though he has a reversionary interest which will take effect within 10 years, to the extent that, under the terms of the trust, the income of the portion is irrevocably payable for a period of at least 2 years (commencing with the date of the transfer) to a designated beneficiary of the type described in section 170 (b) (1) (A) (i), (ii), or (iii); that is, to a church or a convention or association of churches, or to certain educational organizations or hospitals. For definitions of these terms see the regulations under section 170.

(b) Income must be irrevocably payable to a designated beneficiary for at least 2 years commencing with the date of the transfer before the benefit of section 673 (b) will apply. Thus, section 673 (b) will not apply if income of a trust is irrevocably payable to University A for 1 year and then to University B for the next year; or if income of a trust may be allocated among two or more charitable beneficiaries in the discretion of the trustee or any other person. On the other hand, section 673 (b) will apply if half the income of a trust is irrevocably payable to University A and the other half is irrevocably payable to University B for two years.

(c) Section 673 (b) applies to the period of 2 years or longer during which income is paid to a designated beneficiary of the type described in section 170 (b) (1) (A) (i), (ii), or (iii), even though the trust term is to extend beyond that period. However, the other provisions of section 673 apply to the part of the trust term, if any, that extends beyond that period. This paragraph may be illustrated by the following example:

Example. G transfers property in trust with the ordinary income payable to University C (which qualifies under section 170 (b) (1) (A) (ii) for 3 years, and then to his son, B, for 5 years. At the expiration of the term the trust reverts to G. G is not taxed under section 673 on the trust income payable to University C for the first 3 years because of the application of section 673 (b). However, he is taxed on income for the next 5 years because he has a reversionary interest which will take effect within 10 years commencing with the date of the transfer. On the other hand, if the income were payable to University C for 3 years and then to B for 7 years so that the trust corpus would not be returned to G within 10 years, G would not be taxable under section 673 on income payable to University C and to B during any part of the term.

§ 1.673 (c) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; reversionary interest taking effect at death of income beneficiary.*

SEC. 673. *Reversionary interests.* • • •

(c) *Reversionary interest taking effect at death of income beneficiary.* The grantor shall not be treated under subsection (a) as the owner of any portion of a trust where his reversionary interest in such portion is not to take effect in possession or enjoyment until the death of the person or persons to whom the income therefrom is payable.

§ 1.673 (c)–1 *Reversionary interest after income beneficiary's death.* The subject matter of section 673 (c) is covered in § 1.673 (a)–1 (b).

§ 1.673 (d) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; postponement of date specified for reacquisition.*

SEC. 673. *Reversionary interests.* • • •

(d) *Postponement of date specified for reacquisition.* Any postponement of the date

specified for the reacquisition of possession or enjoyment of the reversionary interest shall be treated as a new transfer in trust commencing with the date on which the postponement is effected and terminating with the date prescribed by the postponement. However, income for any period shall not be included in the income of the grantor by reason of the preceding sentence if such income would not be so includible in the absence of such postponement.

§ 1.673 (d)–1 *Postponement of date specified for reacquisition.* Any postponement of the date specified for the reacquisition of possession or enjoyment of any reversionary interest is considered a new transfer in trust commencing with the date on which the postponement is effected and terminating with the date prescribed by the postponement. However, the grantor will not be treated as the owner of any portion of a trust for any taxable year by reason of the foregoing sentence if he would not be so treated in the absence of any postponement. The rules contained in this section may be illustrated by the folowing example:

Example. G places property in trust for the benefit of his son B. Upon the expiration of 12 years or the earlier death of B the property is to be paid over to G or his estate. After the expiration of 9 years G extends the term of the trust for an additional 2 years. G is considered to have made a new transfer in trust for a term of 5 years (the remaining 3 years of the original transfer plus the 2-year extension). However, he is not treated as the owner of the trust under section 673 for the first 3 years of the new term because he would not be so treated if the term of the trust had not been extended. G is treated as the owner of the trust, however, for the remaining 2 years.

§ 1.674 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to control beneficial enjoyment.*

SEC. 674. *Power to control beneficial enjoyment.*—(a) *General rule.* The grantor shall be treated as the owner of any portion of a trust in respect of which the beneficial enjoyment of the corpus or the income therefrom is subject to a power of disposition, exercisable by the grantor or a nonadverse party, or both, without the approval or consent of any adverse party.

§ 1.674 (a)–1 *Power to control beneficial enjoyment; scope of section 674.* (a) Under section 674, the grantor is treated as the owner of a portion of trust if the grantor or a nonadverse party has a power, beyond specified limits, to dispose of the beneficial enjoyment of the income or corpus, whether the power is a fiduciary power, a power of appointment, or any other power. Section 674 (a) states in general terms that the grantor is treated as the owner in every case in which he or a nonadverse party can affect the beneficial enjoyment of a portion of a trust, the limitations being set forth as exceptions in subsections (b), (c), and (d) of section 674. These exceptions are discussed in detail in §§ 1.674 (b)–1 through 1.674 (d)–1. Certain limitations applicable to sections 674 (b), (c), and (d) are set forth in § 1.674 (d)–2. Section 674 (b) describes powers which are excepted regardless of who holds them. Section 674 (c) describes additional powers of trustees which are excepted if at least half the trustees are independent, and if the grantor is not a trustee. Section 674 (d) describes a further power which is excepted if it is held by trustees other than the grantor or his spouse (if living with the grantor).

(b) In general terms the grantor is treated as the owner of a portion of a trust if he or a nonadverse party or both has a power to dispose of the beneficial enjoyment of the corpus or income unless the power is one of the following:

(1) *Miscellaneous powers over either ordinary income or corpus.* (i) A power that can only affect the beneficial enjoyment of income (including capital gains) received after a period of time such that the grantor would not be treated as an owner under section 673 if the power were a reversionary interest (section 674 (b) (2));

(ii) A testamentary power held by anyone (other than a testamentary power held by the grantor over accumulated income) (section 674 (b) (3));

(iii) A power to choose between charitable beneficiaries or to affect the manner of their enjoyment of a beneficial interest (section 674 (b) (4));

(iv) A power to allocate receipts and disbursements between income and corpus (section 674 (b) (8)).

(2) *Powers of distribution primarily affecting only one beneficiary.* (i) *A power to distribute corpus* to or for a current income beneficiary, if the distribution must be charged against the share of corpus from which the beneficiary may receive income (section 674 (b) (5) (B));

(ii) *A power to distribute income* to or for a current income beneficiary or to accumulate it either (a) if accumulated income must either be payable to the beneficiary from whom it was withheld or as described in § 1.674 (b)–1 (b) (6) (section 674 (b) (6)); (b) if the power is to apply income to the support of a dependent of the grantor, and the income is not so applied (section 674 (b) (1)); or (c) if the beneficiary is under 21 or under a legal disability and accumulated income is added to corpus (section 674 (b) (7)).

(3) *Powers of distribution affecting more than one beneficiary.* A power to distribute corpus or income to or among one or more beneficiaries or to accumulate income, either (i) if the power is held by a trustee or trustees other than the grantor, at least half of whom are independent (section 674 (c)), or (ii) if the power is limited by a reasonably definite standard in the trust instrument, and in the case of a power over income, if in addition the power is held by a trustee or trustees other than the grantor and the grantor's spouse living with the grantor (sections 674 (b) (5) (A) and 674 (d)). (These powers include both powers to "sprinkle" income or corpus among current beneficiaries, and powers to shift income or corpus between current beneficiaries and remaindermen; however, certain of the powers described under subparagraph (2) of this paragraph can have the latter effect incidentally.)

(c) See section 671 and §§ 1.671–2 and 1.671–3 for rules for the treatment of income, deductions, and credits when a person is treated as the owner of all or only a portion of a trust.

§ 1.674 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exceptions for certain powers to control beneficial enjoyment.*

SEC. 674. *Power to control beneficial enjoyment.* • • •

(b) *Exceptions for certain powers.* Subsection (a) shall not apply to the following powers regardless of by whom held:

(1) *Power to apply income to support of a dependent.* A power described in section 677 (b) to the extent that the grantor would not be subject to tax under that section.

(2) *Power affecting beneficial enjoyment only after expiration of 10-year period.* A power, the exercise of which can only affect the beneficial enjoyment of the income for a period commencing after the expiration of a period such that a grantor would not be treated as the owner under section 673 if the power were a reversionary interest; but the grantor may be treated as the owner after the expiration of the period unless the power is relinquished.

(3) *Power exercisable only by will.* A power exercisable only by will, other than a power in the grantor to appoint by will the income of the trust where the income is accumulated for such disposition by the grantor or may be so accumulated in the discretion of the grantor or a nonadverse party, or both, without the approval or consent of any adverse party.

(4) *Power to allocate among charitable beneficiaries.* A power to determine the beneficial enjoyment of the corpus or the income therefrom if the corpus or income is irrevocably payable for a purpose specified in section 170 (c) (relating to definition of charitable contributions).

(5) *Power to distribute corpus.* A power to distribute corpus either—

(A) To or for a beneficiary or beneficiaries or to or for a class of beneficiaries (whether or not income beneficiaries) provided that the power is limited by a reasonably definite standard which is set forth in the trust instrument; or

(B) To or for any current income beneficiary, provided that the distribution of corpus must be chargeable against the proportionate share of corpus held in trust for the payment of income to the beneficiary as if the corpus constituted a separate trust.

A power does not fall within the powers described in this paragraph if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where such action is to provide for after-born or after-adopted children.

(6) *Power to withhold income temporarily.* A power to distribute or apply income to or for any current income beneficiary or to accumulate the income for him, provided that any accumulated income must ultimately be payable—

(A) To the beneficiary from whom distribution or application is withheld, to his estate, or to his appointees (or persons named as alternate takers in default of appointment) provided that such beneficiary possesses a power of appointment which does not exclude from the class of possible appointees any person other than the beneficiary, his estate, his creditors, or the creditors of his estate, or

(B) On termination of the trust, or in conjunction with a distribution of corpus which is augmented by such accumulated income, to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument.

Accumulated income shall be considered so payable although it is provided that if any beneficiary does not survive a date of distribution which could reasonably have been expected to occur within the beneficiary's lifetime, the share of the deceased beneficiary is to be paid to his appointees or to one or more designated alternate takers (other than the grantor or the grantor's estate) whose shares have been irrevocably specified. A power does not fall within the powers described in this paragraph if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus except where such action is to provide for after-born or after-adopted children.

(7) *Power to withhold income during disability of a beneficiary.* A power exercisable only during—

(A) The existence of a legal disability of any current income beneficiary, or

(B) The period during which any income beneficiary shall be under the age of 21 years,

to distribute or apply income to or for such beneficiary or to accumulate and add the income to corpus. A power does not fall within the powers described in this paragraph if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where such action is to provide for after-born or after-adopted children.

(8) *Power to allocate between corpus and income.* A power to allocate receipts and disbursements as between corpus and income, even though expressed in broad language.

§ 1.674 (b)–1 *Excepted powers exercisable by any person.* (a) Subparagraphs (1) through (8) of paragraph (b) of this section set forth a number of powers which may be exercisable by any person without causing the grantor to be treated as an owner of a trust under section 674 (a). Further, with the exception of powers described in subparagraph (1) of paragraph (b) of this section, it is immaterial whether these powers are held in the capacity of trustee. It makes no difference under section 674 (b) that the person holding the power is the grantor, or a related or subordinate party (with the qualifications noted in subparagraphs (1) and (3) of paragraph (b) of this section).

(b) The exceptions referred to in paragraph (a) of this section are as follows (see, however, the limitations set forth in § 1.674 (d)–2):

(1) *Powers to apply income to support of a dependent.* Section 674 (b) (1) provides, in effect, that regardless of the general rule of section 674 (a), the income of a trust will not be considered as taxable to the grantor merely because in the discretion of any person (other than a grantor who is not acting as a trustee or cotrustee) it may be used for the support of a beneficiary whom the grantor is legally obligated to support; except to the extent that it is in fact used for that purpose. See section 677 (b) and the regulations thereunder.

(2) *Powers affecting beneficial enjoyment only after a period.* Section 674 (b) (2) provides an exception to section 674 (a) if the exercise of a power can only affect the beneficial enjoyment of the income of a trust received after a period of time which is such that a grantor would not be treated as an owner under section 673 if the power were a reversionary interest. See §§ 1.673 (a)–1 and 1.673 (b)–1. For example, if a trust created on January 1, 1955, provides for the payment of income to the grantor's son, and the grantor reserves the power to substitute other beneficiaries of income or corpus in lieu of his son on or after January 1, 1965, the grantor is not treated under section 674 as the owner of the trust with respect to ordinary income received before January 1, 1965. But the grantor will be treated as an owner on and after that date unless the power is relinquished. If the beginning of the period during which the grantor may substitute beneficiaries is postponed, the rules set forth in § 1.673 (d)–1 are applicable in order to determine whether the grantor should be treated as an owner during the period following the postponement.

(3) *Testamentary powers.* Under paragraph (3) of section 674 (b) a power in any person to control beneficial enjoyment exercisable only by will does not cause a grantor to be treated as an owner under section 674 (a). However, this exception does not apply to income accumulated for testamentary disposition by the grantor or to income which may be accumulated for such distribution in the discretion of the grantor or a nonadverse party, or both, without the approval or consent of any adverse party. For example, if a trust instrument provides that the income is to be accumulated during the grantor's life and that the grantor may appoint the accumulated income by will, the grantor is treated as the owner of the trust. Moreover, if a trust instrument provides that the income is payable to another person for his life, but the grantor has a testamentary power of appointment over the remainder, and under the trust instrument and local law capital gains are added to corpus, the grantor is treated as the owner of a portion of the trust and capital gains and losses are included in that portion. (See § 1.671–3.)

(4) *Powers to determine beneficial enjoyment of charitable beneficiaries.* Under paragraph (4) of section 674 (b) a power in any person to determine the beneficial enjoyment of corpus or income which is irrevocably payable (currently or in the future) for purposes specified in section 170 (c) (relating to definition of charitable contributions) will not cause the grantor to be treated as an owner under section 674 (a). For example, if a grantor creates a trust, the income of which is irrevocably payable solely to educational or other organizations that qualify under section 170 (c), he is not treated as an owner under section 674 although he retains the power to allocate the income among such organizations.

(5) *Powers to distribute corpus.* Paragraph (5) of section 674 (b) provides an exception to section 674 (a) for powers to distribute corpus, subject to certain limitations, as follows:

(i) If the power is limited by a reasonably definite standard which is set forth in the trust instrument, it may extend to corpus distributions to any beneficiary or beneficiaries or class of beneficiaries (whether income beneficiaries or remaindermen) without causing the grantor to be treated as an owner under section 674. See section 674 (b) (5) (A). It is not required that the standard consist of the needs and circumstances of the beneficiary. A clearly measurable standard under which the holder of a power is legally accountable is deemed a reasonably definite standard for this purpose. For instance, a power to distribute corpus for the education, support, maintenance, or health of the beneficiary; for his reasonable support and comfort; or to enable him to maintain his accustomed standard of living; or to meet an emergency, would be limited by a reasonably definite standard. However, a power to distribute corpus for the pleasure, desire, or happiness of a beneficiary is not limited by a reasonably definite standard. The entire context of a provision of a trust instrument granting a power must be considered in determining whether the power is limited by a reasonably definite standard. For example, if a trust instrument provides that the determination of the trustee shall be conclusive with respect to the exercise or nonexercise of a power, the power is not limited by a reasonably definite standard. However, the fact that the governing instrument is phrased in discretionary terms is not in itself an indication that no reasonably definite standard exists.

(ii) If the power is not limited by a reasonably definite standard set forth in the trust instrument, the exception applies only if distributions of corpus may be made solely in favor of current income beneficiaries, and any corpus distribution to the current income beneficiary must be chargeable against the proportionate part of corpus held in trust for payment of income to that beneficiary as if it constituted a separate trust (whether or not physically segregated). See section 674 (b) (5) (B).

(iii) This subparagraph may be illustrated by the following examples:

Example (1). A trust instrument provides for payment of the income to the grantor's two brothers for life, and for payment of the corpus to the grantor's nephews in equal shares. The grantor reserves the power to distribute corpus to pay medical expenses that may be incurred by his brothers or nephews. The grantor is not treated as an owner by reason of this power because section 674 (b) (5) (A) excepts a power, exercisable by any person, to invade corpus for any beneficiary, including a remainderman, if the power is limited by a reasonably definite standard which is set forth in the trust instrument. However, if the power were also exercisable in favor of a person (for example, a sister) who was not otherwise a beneficiary of the trust, section 674 (b) (5) (A) would not be applicable.

Example (2). The facts are the same as in example (1) except that the grantor reserves the power to distribute any part of the corpus to his brothers or to his nephews for their happiness. The grantor is treated as the owner of the trust. Paragraph (5) (A) of section 674 (b) is inapplicable because the power is not limited by a reasonably definite standard. Paragraph (5) (B) is inapplicable because the power to distribute corpus permits a distribution of corpus to persons other than current income beneficiaries.

Example (3). A trust instrument provides for payment of the income to the grantor's two adult sons in equal shares for 10 years, after which the corpus is to be distributed to

his grandchildren in equal shares. The grantor reserves the power to pay over to each son up to one-half of the corpus during the 10-year period, but any such payment shall proportionately reduce subsequent income and corpus payments made to the son receiving the corpus. Thus, if one-half of the corpus is paid to one son, all the income from the remaining half is thereafter payable to the other son. The grantor is not treated as an owner under section 674 (a) by reason of this power because it qualifies under the exception of section 674 (b) (5) (B).

(6) *Powers to withhold income temporarily.* (i) Section 674 (b) (6) excepts a power which, in general, enables the holder merely to effect a postponement in the time when the ordinary income is enjoyed by a current income beneficiary. Specifically, there is excepted a power to distribute or apply ordinary income to or for a current income beneficiary or to accumulate the income, if the accumulated income must ultimately be payable either—

(*a*) To the beneficiary from whom it was withheld, his estate, or his appointees (or persons designated by name, as a class, or otherwise as alternate takers in default of appointment) under a power of appointment held by the beneficiary which does not exclude from the class of possible appointees any person other than the beneficiary, his estate, his creditors, or the creditors of his estate (section 674 (b) (6) (A)); or

(*b*) To the beneficiary from whom it was withheld, or if he does not survive a date of distribution which could reasonably be expected to occur within his lifetime, to his appointees (or alternate takers in default of appointment) under any power of appointment, general or special, or if he has no power of appointment to one or more designated alternate takers (other than the grantor or the grantor's estate) whose shares have been irrevocably specified in the trust instrument (section 674 (b) (6) (A) and the flush material following); or

(c) On termination of the trust, or in conjunction with a distribution of corpus which is augmented by the accumulated income, to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument, or if any beneficiary does not survive a date of distribution which would reasonably be expected to occur within his lifetime, to his appointees (or alternate takers in default of appointment) under any power of appointment, general or special, or if he has no power of appointment to one or more designated alternate takers (other than the grantor or the grantor's estate) whose shares have been irrevocably specified in the trust instrument (section 674 (b) (6) (B) and the flush material following).

(In the application of (*a*) above of this subdivision, if the accumulated income of a trust is ultimately payable to the estate of the current income beneficiary, or is ultimately payable to his appointees, or takers in default of appointment, under a power of the type described in (*a*) of this subdivision, it need not be payable to the beneficiary from whom it was withheld under any circumstances. Furthermore, if a trust otherwise qualifies for the exception in (*a*) of this subdivision the trust income will not be considered to be taxable to the grantor under section 677 by reason of the existence of the power of appointment referred to in (*a*) of this subdivision.) In general, the exception in section 674 (b) (6) is not applicable if the power is in substance one to shift ordinary income from one beneficiary to another. Thus, a power will not qualify for this exception if ordinary income may be distributed to beneficiary A, or may be added to corpus which is ultimately payable to beneficiary B, a remainderman who is not a current income beneficiary. However, section 674 (b) (6) (B), and (c) of this subdivision, permit a limited power to shift ordinary income among current income beneficiaries, as illustrated in example (1) below of this subparagraph.

(ii) The application of section 674 (b) (6) may be illustrated by the following examples:

Example (1). A trust instrument provides that the income shall be paid in equal shares to the grantor's two adult daughters but the grantor reserves the power to withhold from either beneficiary any part of that beneficiary's share of income and to add it to the corpus of the trust until the younger daughter reaches the age of 30 years. When the younger daughter reaches the age of 30, the trust is to terminate and the corpus is to be divided equally between the two daughters or their estates. Although exercise of this power may permit the shifting of accumulated income from one beneficiary to the other (since the corpus with the accumulations is to be divided equally) the power is excepted under section 674 (b) (6) (B) and subdivision (i) (c) above of this subparagraph.

Example (2). The facts are the same as in example (1), except that the grantor of the trust reserves the power to distribute accumulated income to the beneficiaries in such shares as he chooses. The combined powers are not excepted by section 674 (b) (6) (B) since income accumulated pursuant to the first power is neither required to be payable only in conjunction with a corpus distribution nor required to be payable in shares specified in the trust instrument. See, however, section 674 (c) and § 1.674 (c)-1 for the effect of such a power if it is exercisable only by independent trustees.

Example (3). A trust provides for payment of income to the grantor's adult son with the grantor retaining the power to accumulate the income until the grantor's death, when all accumulations are to be paid to the son. If the son predeceases the grantor, all accumulations are, at the death of the grantor, to be paid to his daughter, or if she is not living, to alternate takers (which do not include the grantor's estate) in specified shares. The power is excepted under section 674 (b) (6) (A) since the date of distribution (the date of the grantor's death) may, in the usual case, reasonably be expected to occur during the beneficiary's (the son's) lifetime. It is not necessary that the accumulations be payable to the son's estate or his appointees if he should predecease the grantor for this exception to apply.

(7) *Power to withhold income during disability.* Section 674 (b) (7) provides an exception for a power which, in general, will permit ordinary income to be withheld during the legal disability of an income beneficiary or while he is under 21. Specifically, there is excepted a power, exercisable only during the existence of a legal disability of any current income beneficiary or the period during which any income beneficiary is under the age of 21 years, to distribute or apply ordinary income to or for that beneficiary or to accumulate the income and add it to corpus. To qualify under this exception it is not necessary that the income ultimately be payable to the income beneficiary from whom it was withheld, his estate, or his appointees; that is, the accumulated income may be added to corpus and ultimately distributed to others. For example, the grantor is not treated as an owner under section 674 if the income of a trust is payable to his son for life, remainder to his grandchildren, although he reserves the power to accumulate income and add it to corpus while his son is under 21.

(8) *Powers to allocate between corpus and income.* Paragraph (8) of section 674 (b) provides that a power to allocate receipts and disbursements between corpus and income, even though expressed in broad language, will not cause the grantor to be treated as an owner under the general rule of section 674 (a).

§ 1.674 (c) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exception for certain powers of independent trustees.*

SEC. 674. *Power to control beneficial enjoyment.* • • •

(c) *Exception for certain powers of independent trustees.* Subsection (a) shall not apply to a power solely exercisable (without the approval or consent of any other person) by a trustee or trustees, none of whom is the grantor, and no more than half of whom are related or subordinate parties who are subservient to the wishes of the grantor—

(1) To distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries, or to, for, or within a class of beneficiaries; or

(2) To pay out corpus to or for a beneficiary or beneficiaries or to or for a class of beneficiaries (whether or not income beneficiaries).

A power does not fall within the powers described in this subsection if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where such action is to provide for after-born or after-adopted children.

§ 1.674 (c)-1 *Excepted powers exercisable only by independent trustees.* Section 674 (c) provides an exception to the general rule of section 674 (a) for certain powers that are exercisable by independent trustees. This exception is in addition to those provided for under section 674 (b) which may be held by any person including an independent trustee. The powers to which section 674 (c) apply are powers (a) to distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries, or to, for, or within a class of beneficiaries, or (b) to pay out corpus to or for a beneficiary or beneficiaries or to or for a class of beneficiaries (whether or not income beneficiaries). In order for such a power to fall within the exception of section 674 (c) it must be exercisable solely (without the approval or consent of any other person) by a trustee or trustees none of whom is the grantor and no more than half of whom are related or subordinate parties who are subservient to the wishes of the grantor. (See section 672 (c) for definitions of these terms.) An example of the application of section 674 (c) is a trust whose income is payable to the grantor's three adult sons with power in an independent trustee to allocate without restriction the amounts of income to be paid to each son each year. Such a power does not cause the grantor to be treated as the owner of the trust. See, however, the limitations set forth in § 1.674 (d)-2.

§ 1.674 (d) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to allocate income if limited by a standard.*

SEC. 674. *Power to control beneficial enjoyment.* • • •

(d) *Power to allocate income if limited by a standard.* Subsection (a) shall not apply to a power solely exercisable (without the approval or consent of any other person) by a trustee or trustees, none of whom is the grantor or spouse living with the grantor, to distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries, or to, for, or within a class of beneficiaries, whether or not the conditions of paragraph (6) or (7) of subsection (b) are satisfied, if such power is limited by a reasonably definite external standard which is set forth in the trust instrument. A power does not fall within the powers described in this subsection if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus except where such action is to provide for after-born or after-adopted children.

§ 1.674 (d)-1 *Excepted powers exercisable by any trustees other than grantor or spouse.* Section 674 (d) provides an additional exception to the general rule of section 674 (a) for a power to distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries or to, for, or within a class of beneficiaries, whether or not the conditions of section 674 (b) (6) or (7) are satisfied, if the power is solely exercisable (without the approval or consent of any other person) by a trustee or trustees none of whom is the grantor or spouse living with the grantor, and if the power is limited by a reasonably definite external standard set forth in the trust instrument (see § 1.674 (b)-1 (b) (5) with respect to what constitutes a reasonably definite standard). See, however, the limitations set forth in § 1.674 (d)-2.

§ 1.674 (d)-2 *Limitations on exceptions in section 674 (b), (c), and (d)—(a) Power to remove trustee.* A power in the grantor to remove, substitute, or add trustees (other than a power exercisable only upon limited conditions which do not exist during the taxable year, such as the death or resignation of, or breach of fiduciary duty by, an existing trustee) may prevent a trust from qualifying under section 674 (c) or (d). For example, if a grantor has an unrestricted power to remove an independent trustee and substitute any person including himself as trustee, the trust will not qualify under section 674 (c) or (d). On the other hand if the grantor's power to remove, substitute, or add trustees is limited so that its exercise could not alter the trust in a manner that would disqualify it under section 674 (c) or (d), as the case may be, the power itself does not disqualify the trust. Thus, for example, a power in the grantor to remove or discharge an independent trustee on the condition that he substitute another independent trustee will not prevent a trust from qualifying under section 674 (c).

(b) *Power to add beneficiaries.* The exceptions described in sections 674 (b) (5), (6), and (7), and 674 (c) and (d) are not applicable if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where the action is to provide for after-born or after-adopted children. This limitation does not apply to a power held by a beneficiary to substitute other beneficiaries to succeed to his interest in the trust (so that he would be an adverse party as to the exercise or nonexercise of that power). For example, the limitation does not apply to a power in a beneficiary of a nonspendthrift trust to assign his interest. Nor does the limitation apply to a power held by any person which would qualify as an exception under section 674 (b) (3) (relating to testamentary powers).

§ 1.675 *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; administrative powers.*

SEC. 675. *Administrative powers.* The grantor shall be treated as the owner of any portion of a trust in respect of which—

(1) *Power to deal for less than adequate and full consideration.* A power exercisable by the grantor or a nonadverse party, or both, without the approval or consent of any adverse party enables the grantor or any person to purchase, exchange, or otherwise deal with or dispose of the corpus or the income therefrom for less than an adequate consideration in money or money's worth.

(2) *Power to borrow without adequate interest or security.* A power exercisable by the grantor or a nonadverse party, or both, enables the grantor to borrow the corpus or income, directly or indirectly, without adequate interest or without adequate security except where a trustee (other than the grantor) is authorized under a general lending power to make loans to any person without regard to interest or security.

(3) *Borrowing of the trust funds.* The grantor has directly or indirectly borrowed the corpus or income and has not completely repaid the loan, including any interest, before the beginning of the taxable year. The preceding sentence shall not apply to a loan which provides for adequate interest and adequate security, if such loan is made by a trustee other than the grantor and other than a related or subordinate trustee subservient to the grantor.

(4) *General powers of administration.* A power of administration is exercisable in a nonfiduciary capacity by any person without the approval or consent of any person in a fiduciary capacity. For purposes of this paragraph, the term "power of administration" means any one or more of the following powers: (A) a power to vote or direct the voting of stock or other securities of a corporation in which the holdings of the grantor and the trust are significant from the viewpoint of voting control; (B) a power to control the investment of the trust funds either by directing investments or reinvestments, or by vetoing proposed investments or reinvestments, to the extent that the trust funds consist of stocks or securities of corporations in which the holdings of the grantor and the trust are significant from the viewpoint of voting control; or (C) a power to reacquire the trust corpus by substituting other property of an equivalent value.

§ 1.675-1 *Administrative powers—(a) General rule.* Section 675 provides in effect that the grantor is treated as the owner of any portion of a trust if under the terms of the trust instrument or circumstances attendant on its operation administrative control is exercisable primarily for the benefit of the grantor rather than the beneficiaries of the trust. If a grantor retains a power to amend the administrative provisions of a trust instrument which is broad enough to permit an amendment causing the grantor to be treated as the owner of a portion of the trust under section 675, he will be treated as the owner of the portion from its inception. See section 671 and §§ 1.671-2 and 1.671-3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or only a portion of a trust.

(b) *Prohibited controls.* The circumstances which cause administrative controls to be considered exercisable primarily for the benefit of the grantor are specifically described in paragraphs (1) through (4) of section 675 as follows:

(1) The existence of a power, exercisable by the grantor or a nonadverse party, or both, without the approval or consent of any adverse party, which enables the grantor or any other person to purchase, exchange, or otherwise deal with or dispose of the corpus or the income of the trust for less than adequate consideration in money or money's worth. Whether the existence of the power itself will constitute the holder an adverse party will depend on the particular circumstances.

(2) The existence of a power exercisable by the grantor or a nonadverse party, or both, which enables the grantor to borrow the corpus or income of the trust, directly or indirectly, without adequate interest or adequate security. However, this paragraph does not apply where a trustee (other than the grantor acting alone) is authorized under a general lending power to make loans to any person without regard to interest or security. A general lending power in the grantor, acting alone as trustee, under which he has power to determine interest rates and the adequacy of security is not in itself an indication that the grantor has power to borrow the corpus or income without adequate interest or security.

(3) The circumstance that the grantor has directly or indirectly borrowed the corpus or income of the trust and has not completely repaid the loan, including any interest, before the beginning of the taxable year. The preceding sentence does not apply to a loan which provides for adequate interest and adequate security, if it is made by a trustee other than the grantor or a related or subordinate trustee subservient to the grantor. See section 672 (c) for definition of "a related or subordinate party".

(4) The existence of certain powers of administration exercisable in a nonfiduciary capacity by any nonadverse party without the approval or consent of any person in a fiduciary capacity. The term "powers of administration" means one or more of the following powers:

(i) A power to vote or direct the voting of stock or other securities of a corporation in which the holdings of the grantor and the trust are significant from the viewpoint of voting control;

(ii) A power to control the investment of the trust funds either by directing investments or reinvestments, or by vetoing proposed investments or reinvestments, to the extent that the trust funds consist of stocks or securities of corporations in which the holdings of the grantor and the trust are significant from the viewpoint of voting control; or

(iii) A power to reacquire the trust corpus by substituting other property of an equivalent value.

If a power is exercisable by a person as trustee, it is presumed that the power is exercisable in a fiduciary capacity primarily in the interests of the beneficiaries. This presumption may be rebutted only by clear and convincing proof that the power is not exercisable primarily in the interests of the beneficiaries. If a power is not exercisable by a person as trustee, the determination of whether the power is exercisable in a fiduciary or a nonfiduciary capacity depends on all the terms of the trust and the circumstances surrounding its creation and administration.

(c) *Authority of trustee.* The mere fact that a power exercisable by a trustee is described in broad language does not indicate that the trustee is authorized to purchase, exchange, or otherwise deal with or dispose of the trust property or income for less than an adequate and full consideration in money or money's worth, or is authorized to lend the trust property or income to the grantor without adequate interest. On the other hand, such authority may be indicated by the actual administration of the trust.

§ 1.676 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to revoke; general rule.*

SEC. 676. *Power to revoke*—(a) *General rule.* The grantor shall be treated as the owner of any portion of a trust, whether or not he is treated as such owner under any other provision of this part, where at any time the power to revest in the grantor title to such portion is exercisable by the grantor or a non-adverse party, or both.

§ 1.676 (a)–1 *Power to revest title to portion of trust property in grantor; general rule.* If a power to revest in the grantor title to any portion of a trust is exercisable by the grantor or a nonadverse party, or both, without the approval or consent of an adverse party, the grantor is treated as the owner of that portion, except as provided in section 676 (b) (relating to powers affecting beneficial enjoyment of income only after the expiration of certain periods of time). If the title to a portion of the trust will revest in the grantor upon the exercise of a power by the grantor or a nonadverse party, or both, the grantor is treated as the owner of that portion regardless of whether the power is a power to revoke, to terminate, to alter or amend, or to appoint. See section 671 and §§ 1.671–2 and 1.671–3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or only a portion of a trust.

§ 1.676 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to revoke exercisable only after a period of time.*

SEC. 676. *Power to revoke.* • • •

(b) *Power affecting beneficial enjoyment only after expiration of 10-year period.* Subsection (a) shall not apply to a power the exercise of which can only affect the beneficial enjoyment of the income for a period commencing after the expiration of a period such that a grantor would not be treated as the owner under section 673 if the power were a reversionary interest. But the grantor may be treated as the owner after the expiration of such period unless the power is relinquished.

§ 1.676 (b)–1 *Powers exercisable only after a period of time.* Section 676 (b) provides an exception to the general rule of section 676 (a) when the exercise of a power can only affect the beneficial enjoyment of the income of a trust received after the expiration of a period of time which is such that a grantor would not be treated as an owner under section 673 if the power were a reversionary interest. See §§ 1.673 (a)–1 and 1.673 (b)–1. Thus, for example, a grantor is excepted from the general rule of section 676 (a) with respect to ordinary income if exercise of a power to revest corpus in him cannot affect the beneficial enjoyment of the income received within 10 years after the date of transfer of that portion of the trust. It is immaterial for this purpose that the power is vested at the time of the transfer. However, the grantor is subject to the general rule of section 676 (a) after the expiration of the period unless the power is relinquished. Thus, in the above example, the grantor may be treated as the owner and be taxed on all income in the eleventh and succeeding years if exercise of the power can affect beneficial enjoyment of income received in those years. If the beginning of the period during which the grantor may revest is postponed, the rules set forth in § 1.673 (d)–1 are applicable to determine whether the grantor should be treated as an owner during the period following the postponement.

§ 1.677 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income for benefit of grantor; general rule.*

SEC. 677. *Income for benefit of grantor*—(a) *General rule.* The grantor shall be treated as the owner of any portion of a trust, whether or not he is treated as such owner under section 674, whose income without the approval or consent of any adverse party is, or, in the discretion of the grantor or a nonadverse party, or both, may be—

(1) Distributed to the grantor;

(2) Held or accumulated for future distribution to the grantor; or

(3) Applied to the payment of premiums on policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for a purpose specified in section 170 (c) (relating to definition of charitable contributions)).

This subsection shall not apply to a power the exercise of which can only affect the beneficial enjoyment of the income for a period commencing after the expiration of a period such that the grantor would not be treated as the owner under section 673 if the power were a reversionary interest; but the grantor may be treated as the owner after the expiration of the period unless the power is relinquished.

§ 1.677 (a)–1 *Income for benefit of grantor; general rule.* (a) Section 677 deals with situations in which a grantor of a trust is treated as the owner of a portion of the trust because he has retained an interest in the income from that portion. See section 671 and §§ 1.671–2 and 1.671–3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or only a portion of a trust.

(b) Under section 677, the grantor is treated in any taxable year as the owner of a portion of a trust (whether or not he is treated as an owner under section 674) of which the income for the taxable year or for a period not coming within the exception described in paragraph (e) of this section is, or in the discretion of the grantor or a nonadverse party, or both (without the approval or consent of any adverse party) may be—

(1) Distributed to the grantor;

(2) Held or accumulated for future distribution to the grantor; or

(3) Applied to the payment of premiums on policies of insurance on the life of the grantor, except policies of insurance irrevocably payable for a charitable purpose specified in section 170 (c).

(c) Therefore, under the general rule of section 677 the grantor is treated as the owner of a portion of a trust if he has retained any interest which might, without the approval or consent of an adverse party, enable him to have the income from the portion, at some time, distributed to him either actually or constructively (subject to the exception described in paragraph (e) of this section). Constructive distribution to the grantor includes payment to another in obedience to his direction and payment of premiums upon policies of insurance on the grantor's life (other than policies of insurance irrevocably payable for charitable purposes). If the grantor strips himself permanently and definitively of every interest described in the first sentence of this paragraph, he is not treated as an owner under section 677 after that divesting. The word "interest" as used in the first sentence of this paragraph does not include the possibility that the grantor might receive back from a beneficiary an interest in a trust by inheritance, or as a surviving spouse under a statutory right of election or a similar right.

(d) Under section 677 a grantor is, in general, treated as owner of a portion of a trust whose income is, or in the discretion of the grantor or a nonadverse party, or both, may be applied in discharge of a legal obligation of the grantor. However, see § 1.677 (b)–1 for special rules for trusts whose income may not be applied for the discharge of any legal obligation of the grantor other than the support or maintenance of a beneficiary whom the grantor is legally obligated to support.

(e) The last sentence of section 677 (a) provides an exception to the general rule when a discretionary right can only affect the beneficial enjoyment of the income of a trust received after a period of time which is such that a grantor would not be treated as an owner under section 673 if the power were a reversionary interest. See §§ 1.673 (a)–1 and 1.673 (b)–1. For example, if the ordinary income of a trust is payable to B for 10 years and then in the grantor's discretion income or corpus may be paid to B or to the grantor, the grantor is not treated as an owner with respect to ordinary income under section 677 during the first 10 years. He will be treated as an owner under section 677 after the expiration of the 10-year period unless the power is relinquished. If the beginning of the period during which the grantor may substitute beneficiaries is postponed, the rules set forth in § 1.673 (d)–1 are applicable in order to determine whether the grantor should be treated as an owner during the period following the postponement.

(f) However, if income is accumulated in any taxable year for future distribution to the grantor, section 677 (a) (2) treats the grantor as an owner for that taxable year. The exception set forth in the last sentence of section 677 (a) does not apply merely because the grantor must await the expiration of a period of time before he can receive or exercise discretion over previously accumulated income of the trust, even though the period is such that the grantor would not be treated as an owner under section 673 if a reversionary interest were involved. Thus, if income (including capital gains) of a trust is to be accumulated for 10 years and then will be, or at the discretion of the grantor may be, distributed to the grantor, the grantor is treated as the owner of the trust from its inception.

(g) The application of section 677 (a) may be illustrated by the following examples:

Example (1). G creates an irrevocable trust which provides that the ordinary income is to be payable to himself for life and that on his death the corpus shall be distributed to a designated charity. Except for the right to receive income, G retains no right or power which would cause him to be treated as an owner under sections 671–677. Under the applicable local law caiptal gains must be applied to corpus. During the taxable year 1955 the trust has the following items of gross income and deductions:

Dividends	$5,000
Capital gain	1,000
Expenses allocable to income	200
Expenses allocable to corpus	100

Since G has a right to receive income he is treated as an owner of a portion of the trust under section 677. Accordingly, he should include the $5,000 of dividends, $200 income expense, and $100 corpus expense in the computation of his taxable income for 1955. He should not include the $1,000 capital gain since that is not attributable to the portion of the trust that he owns. See § 1.671–3. The tax consequences of the capital gain are governed by the provisions of sections 641–668 (subparts A, B, C and D). Had the trust sustained a capital loss in any amount the loss would likewise not be included in the computation of G's taxable income, but would also be governed by the provisions of sections 641–668.

Example (2). G creates a trust whose ordinary income is payable to his adult son. Ten years from the date of transfer or on the death of his son, whichever is earlier, corpus is to revert to G. In addition, G retains a discretionary right to receive $5,000 of ordinary income each year. (Absent the exercise of this right all the ordinary income is to be distributed to his son.) G retains no other right or power which would cause him to be treated as an owner under subpart E. Under the terms of the trust instrument and applicable local law capital gains must be applied to corpus. During the taxable year 1955 the trust had the following items of income and deductions:

Dividends	$10,000
Capital gain	2,000
Expenses allocable to income	400
Expenses allocable to corpus	200

Since the capital gain is held or accumulated for future distributions to G, he is treated under section 677 (a) (2) as an owner of a portion of the trust to which the gain is attributable. Therefore, he must include the capital gain in the computation of his taxable income. (Had the trust sustained a capital loss in any amount, G would likewise include that loss in the computation of his taxable income.) In addition, because of G's discretionary right (whether exercised or not) he is treated as the owner of a portion of the trust which will permit a distribution of income to him of $5,000. Accordingly, G includes dividends of $5,208.33 and income expenses of $208.33 in computing his taxable income, determined in the following manner:

Total dividends	$10,000.00
Less: Expenses allocable to income	400.00
Distributable income of the trust	9,600.00
Portion of dividends attributable to G (5,000/9,600 × $10,000)	5,208.33
Portion of income expenses attributable to G (5,000/9,600 × $400)	208.33
Amount of income subject to discretionary right	5,000.00

In accordance with § 1.671–3 (c), G also takes into account $104.17 (5,000/9,600 × $200) of corpus expenses in computing his tax liability. The portion of the dividends and expenses of the trust not attributable to G are governed by the provisions of sections 641–668 (subparts A through D).

§ 1.677 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trusts for support of grantor's dependents.*

SEC. 677. *Income for benefit of grantor.* • • •

(b) *Obligations of support.* Income of a trust shall not be considered taxable to the grantor under subsection (a) or any other provision of this chapter merely because such income in the discretion of another person, the trustee, or the grantor acting as trustee or co-trustee, may be applied or distributed for the support or maintenance of a beneficiary whom the grantor is legally obligated to support or maintain, except to the extent that such income is so applied or distributed. In cases where the amounts so applied or distributed are paid out of corpus or out of other than income for the taxable year, such amounts shall be considered to be an amount paid or credited within the meaning of paragraph (2) of section 661 (a) and shall be taxed to the grantor under section 662.

§ 1.677 (b)–1 *Trusts for support.* (a) Section 677 (b) provides in effect that a grantor is not treated as the owner of a trust merely because its income may in the discretion of any person except the grantor not acting as trustee or cotrustee be applied or distributed for the support or maintenance of a beneficiary, such as the wife or child of the grantor, whom the grantor is legally obligated to support. If income of the current year of the trust is actually so applied or distributed the grantor may be treated as the owner of any portion of the trust under section 677 to that extent, even though it might have been applied or distributed for other purposes.

(b) If any amount applied or distributed for the support of a beneficiary whom the grantor is legally obligated to support is paid out of corpus or out of other than income of the current year, the grantor is treated as a beneficiary of the trust, and the amount applied or distributed is considered to be an amount paid within the meaning of section 661 (a) (2), taxable to the grantor under section 662. Thus, he is subject to the other relevant portions of sections 641–668 (subparts A through D). Accordingly, the grantor may be taxed on an accumulation distribution under sections 665 through 668 (subpart D). The provisions of those sections, including the exceptions in section 665, are applied on the basis that the grantor is the beneficiary.

(c) For the purpose of determining the items of income, deduction, and credit of a trust to be included under this section in computing the grantor's tax liability, the income of the trust for the taxable year of distribution will be deemed to have been first distributed. For example, in the case of a trust reporting on the calendar year basis, a distribution made on January 1, 1956, will be deemed to have been made out of ordinary income of the trust for the calendar year 1956 to the extent of the income for that year even though the trust had received no income as of January 1, 1956. Thus, if a distribution of $10,000 is made on January 1, 1956, for the support of the grantor's dependent, the grantor will be treated as the owner of the trust for 1956 to that extent. If the trust received dividends of $5,000 and incurred expenses of $1,000 during that year but subsequent to January 1, he will take into account dividends of $5,000 and expenses of $1,000 in computing his tax liability for 1956. In addition, the grantor will be treated as a beneficiary of the trust with respect to the $6,000 ($10,000 less distributable income of $4,000 (dividends of $5,000 less expenses of $1,000)) paid out of corpus or out of other than income of the current year. See paragraph (b) of this section.

(d) The exception provided in section 677 (b) relates solely to the satisfaction of the grantor's legal obligation to support or maintain a beneficiary. Consequently, the general rule of section 677 (a) is applicable when in the discretion of the grantor or nonadverse parties income of a trust may be applied in dis-

charge of a grantor's obligations other than his obligation of support or maintenance falling within section 677 (b). Thus, if the grantor creates a trust, the income of which may in the discretion of a nonadverse party be applied in the payment of the grantor's debts, such as the payment of his rent or other household expenses, he is treated as an owner of the trust regardless of whether the income is actually so applied.

(e) The general rule of section 677 (a), and not section 677 (b), is applicable if discretion to apply or distribute income of a trust rests solely in the grantor, or in the grantor in conjunction with other persons, unless in either case the grantor has such discretion as trustee or cotrustee.

(f) The general rule of section 677 (a), and not section 677 (b), is applicable to the extent that income is required, without any discretionary determination, to be applied to the support of a beneficiary whom the grantor is legally obligated to support.

§ 1.678 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; person other than grantor treated as substantial owner; general rule.*

SEC. 678. *Person other than grantor treated as substantial owner*—(a) *General rule.* A person other than the grantor shall be treated as the owner of any portion of a trust with respect to which:

(1) Such person has a power exercisable solely by himself to vest the corpus or the income therefrom in himself, or

(2) Such person has previously partially released or otherwise modified such a power and after the release or modification retains such control as would, within the principles of sections 671 to 677, inclusive, subject a grantor of a trust to treatment as the owner thereof.

§ 1.678 (a)–1 *Person other than grantor treated as substantial owner; general rule.* (a) Where a person other than the grantor of a trust has a power exercisable solely by himself to vest the corpus or the income of any portion of a testamentary or inter vivos trust in himself, he is treated under section 678 (a) as the owner of that portion, except as provided in section 678 (b) (involving taxation of the grantor) and section 678 (c) (involving an obligation of support). The holder of such a power also is treated as an owner of the trust even though he has partially released or otherwise modified the power so that he can no longer vest the corpus or income in himself, if he has retained such control of the trust as would, if retained by a grantor, subject the grantor to treatment as the owner under sections 671 to 677, inclusive. See section 671 and §§ 1.671–2 and 1.671–3 for rules for treatment of items of income, deduction, and credit where a person is treated as the owner of all or only a portion of a trust.

(b) Section 678 (a) treats a person as an owner of a trust if he has a power exercisable solely by himself to apply the income or corpus for the satisfaction of his legal obligations, other than an obligation to support a dependent (see § 1.678 (c)–1) subject to the limitation of section 678 (b). Section 678 does not apply if the power is not exercisable solely by himself. However, see § 1.662 (a)–4 for principles applicable to income of a trust which, pursuant to the terms of the trust instrument, is used to satisfy the obligations of a person other than the grantor.

§ 1.678 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exception where grantor is taxable.*

SEC. 678. *Person other than grantor treated as substantial owner.* • • •

(b) *Exception where grantor is taxable.* Subsection (a) shall not apply with respect to a power over income, as originally granted or thereafter modified, if the grantor of the trust is otherwise treated as the owner under sections 671 to 677, inclusive.

§ 1.678 (b)–1 *If grantor is treated as the owner.* Section 678 (a) does not apply with respect to a power over income, as originally granted or thereafter modified, if the grantor of the trust is treated as the owner under sections 671 to 677, inclusive.

§ 1.678 (c) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trusts for support.*

SEC. 678. *Person other than grantor treated as substantial owner.* • • •

(c) *Obligations of support.* Subsection (a) shall not apply to a power which enables such person, in the capacity of trustee or cotrustee, merely to apply the income of the trust to the support or maintenance of a person whom the holder of the power is obligated to support or maintain except to the extent that such income is so applied. In cases where the amounts so applied or distributed are paid out of corpus or out of other than income of the taxable year, such amounts shall be considered to be an amount paid or credited within the meaning of paragraph (2) of section 661 (a) and shall be taxed to the holder of the power under section 662.

§ 1.678 (c)–1 *Trusts for support.* (a) Section 678 (a) does not apply to a power which enables the holder, in the capacity of trustee or cotrustee, to apply the income of the trust to the support or maintenance of a person whom the holder is obligated to support, except to the extent the income is so applied. See § 1.677 (b)–1 (a), (b), and (c) for applicable principles where any amount is applied for the support or maintenance of a person whom the holder is obligated to support.

(b) The general rule in section 678 (a) (and not the exception in section 678 (c)) is applicable in any case in which the holder of a power exercisable solely by himself is able, in any capacity other than that of trustee or cotrustee, to apply the income in discharge of his obligation of support or maintenance.

(c) Section 678 (c) is concerned with the taxability of income subject to a power described in section 678 (a). It has no application to the taxability of income which is either required to be applied pursuant to the terms of the trust instrument or is applied pursuant to a power which is not described in section 678 (a), the taxability of such income being governed by other provisions of the Internal Revenue Code of 1954. See § 1.1662 (a)–4.

§ 1.678 (d) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; effect of renunciation or disclaimer.*

SEC. 678. *Person other than grantor treated as substantial owner.* • • •

(d) *Effect of renunciation or disclaimer.* Subsection (a) shall not apply with respect to a power which has been renounced or disclaimed within a reasonable time after the holder of the power first became aware of its existence.

§ 1.678 (d)–1 *Renunciation of power.* Section 678 (a) does not apply to a power which has been renounced or disclaimed within a reasonable time after the holder of the power first became aware of its existence.

Miscellaneous

§ 1.683 *Statutory provisions; estates and trusts; applicability of provisions.*

SEC. 683. *Applicability of provisions*—(a) *General rule.* This part shall apply only to taxable years beginning after December 31, 1953, and ending after the date of the enactment of this title.

(b) *Exceptions.* In the case of any beneficiary of an estate or trust—

(1) This part shall not apply to any amount paid, credited, or to be distributed by the estate or trust in any taxable year of such estate or trust to which this part does not apply, and

(2) The Internal Revenue Code of 1939 shall apply for purposes of determining the amount includible in the gross income of the beneficiary.

To the extent that any amount paid, credited, or to be distributed by an estate or trust in the first taxable year of such estate or trust to which this part applies would be treated, if the Internal Revenue Code of 1939 were applicable, as paid, credited, or to be distributed on the last day of the preceding taxable year, such amount shall not be taken into account for purposes of this part but shall be taken into account as provided in the Internal Revenue Code of 1939.

§ 1.683–1 *Applicability of provisions; general rule.* Sections 641 through 683 apply to estates and trusts and to beneficiaries only with respect to taxable years which begin after December 31, 1953, and end after August 16, 1954, the date of enactment of the Internal Revenue Code of 1954. In the case of an estate or trust, the date on which a trust is created or amended or on which an estate commences, and the taxable years of beneficiaries, grantors, or decedents concerned are immaterial. This provision applies equally to taxable years of normal and of abbreviated length.

§ 1.683–2 *Exceptions.* (a) In the case of any beneficiary of an estate or trust, sections 641 through 682 do not apply to any amount paid, credited, or to be distributed by an estate or trust in any taxable year of the estate or trust which begins before January 1, 1954, or which ends before August 17, 1954. Whether an amount so paid, credited, or to be distributed is to be included in the gross income of a beneficiary is determined with reference to the Internal Revenue Code of 1939. Thus, if a trust in its fiscal year ending June 30, 1954, distributed its current income to a beneficiary on June 30, 1954, the extent to which the distribution is includible in the beneficiary's gross income for his taxable year (the calendar year 1954) and the

character of such income will be determined under the Internal Revenue Code of 1939. The Internal Revenue Code of 1954, however, determines the beneficiary's tax liability for a taxable year of the beneficiary to which such Code applies, with respect even to gross income of the beneficiary determined under the Internal Revenue Code of 1939 in accordance with this paragraph. Accordingly, the beneficiary is allowed credits and deductions pursuant to the Internal Revenue Code of 1954 for a taxable year governed by the Internal Revenue Code of 1954. See subparagraph (2) of example (1) in paragraph (c) of this section.

(b) For purposes of determining the time of receipt of dividends under sections 34 and 116, the dividends paid, credited, or to be distributed to a beneficiary are deemed to have been received by the beneficiary ratably on the same dates that the dividends were received by the estate or trust.

(c) The application of this section may be illustrated by the following examples:

Example (1). (i) A trust, reporting on the fiscal year basis, receives in its taxable year ending November 30, 1954, dividends on December 3, 1953, and April 3, July 5, and October 4, 1954. It distributes the dividends to A, its sole beneficiary (who reports on the calendar year basis) on November 30, 1954. Since the trust has received dividends in a taxable year ending after July 31, 1954, it will receive a dividend credit under section 34 with respect to dividends received which otherwise qualify under that section, in this case dividends received on October 4, 1954 (i. e., received after July 31, 1954). See section 7851 (a) (1) (C). This credit, however, is reduced to the extent the dividends are allocable to the beneficiary as a result of income being paid, credited, or required to be distributed to him. The trust will also be permitted the dividend exclusion under section 116, since it received its dividends in a taxable year ending after July 31, 1954.

(ii) A is entitled to the section 34 credit with respect to the portion of the October 4, 1954, dividends which is distributed to him even though the determination of whether the amount distributed to him is includible in his gross income is made under the 1939 Code. The credit allowable to the trust is reduced proportionately to the extent A is deemed to have received the October 4 dividends. A is not entitled to a credit with respect to the dividends received by the trust on December 3, 1953, and April 3, and July 5, 1954, because, although he receives after July 31, 1954, the distribution resulting from the trust's receipt of dividends, he is deemed to have received the dividends ratably with the trust on dates prior to July 31, 1954. In determining the exclusion under section 116 to which he is entitled, all the dividends received by the trust in 1954 and distributed to him are aggregated with any other dividends received by him in 1954, since he is deemed to have received such dividends in 1954 and therefore within a taxable year ending after July 31, 1954. He is not, however, entitled to the exclusion for the dividends received by the trust in December 1953.

Example (2). (i) A simple trust reports on the basis of a fiscal year ending July 31. It receives dividends on October 3, 1953, and January 4, April 3, and July 5, 1954. It distributes the dividends to A, its sole beneficiary, on September 1, 1954. The trust, receiving dividends in a taxable year ending prior to August 17, 1954, is entitled neither to the dividend received credit under section 34 nor the dividend exclusion under section 116.

(ii) A (reporting on the calendar year basis) is not entitled to the section 34 credit, because, although he receives after July 31, 1954, the distribution resulting from the trusts' receipt of dividends, he is deemed to have received the dividends ratably with the trust, that is, on October 3, 1953, and January 4, April 3, and July 5, 1954. He is, however, entitled to the section 116 exclusion with respect to the dividends received by the trust in 1954 (along with other dividends received by him in 1954) and distributed to him, since he is deemed to have received such dividends on January 4, April 3, and July 5, 1954, each a date in his taxable year ending after July 31, 1954. He is entitled to no exclusion for the dividends received by the trust on October 3, 1953, since he is deemed to receive the resulting distribution on the same date, which falls within a taxable year of his which ends before August 1, 1954, although he is required to include the October 1953 dividends in his 1954 income. See section 164 of the Internal Revenue Code of 1939.

Example (3). A simple trust on a fiscal year ending July 31, 1954, receives dividends August 5 and November 4, 1953. It distributes the dividends to A, its sole beneficiary (who is on a calendar year basis), on September 1, 1954. Neither the trust nor A is entitled to a credit under section 34 or an exclusion under section 116.

§ 1.683–3 *Application of the 65-day rule of the Internal Revenue Code of 1939.* If an amount is paid, credited, or to be distributed in the first 65 days of the first taxable year of an estate or trust (heretofore subject to the provisions of the Internal Revenue Code of 1939) to which the Internal Revenue Code of 1954 applies and the amount would be treated, if the Internal Revenue Code of 1939 were applicable, as if paid, credited, or to be distributed on the last day of the preceding taxable year, sections 641 through 682 do not apply to the amount. The amount so paid, credited, or to be distributed is taken into account as provided in the Internal Revenue Code of 1939. See § 39.162–2 (c) and (d) of Regulations 118 (26 CFR (1939) 39.162–2 (c) and (d)).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: December 7, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56–10203; Filed, Dec. 19, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (Formerly NPA Reg. 2), Amdt. 3 of December 18, 1956]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

CHANGE IN LIST A

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment affects BDSA Reg. 2 (formerly NPA Reg. 2), as amended, by amending item 1 of List A to refer to copper raw materials as defined in BDSA Order M–11A, as amended, and by removing copper-base alloy ingot containing 3 percent or more nickel (by weight) from the category of copper raw materials not subject to ratings.

Item 1 of List A of BDSA Reg. 2 (formerly NPA Reg. 2), as amended March 23, 1953, is amended to read as follows:

1. The following items are not presently subject to any ratings issued by or under the authority of BDSA and therefore no rating shall be effective to obtain any of them:

Communications services.
Copper raw materials as that term is defined in BDSA Order M–11A (as the same may be amended from time to time), except copper-base alloy ingot (as defined in that order) containing 3 percent or more of nickel (by weight).
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Water.
Wood pulp.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This amendment shall take effect December 18, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 56–10367; Filed, Dec. 19, 1956; 8:50 a. m.]

[BDSA Order M–11A, as Amended December 18, 1956]

M–11A—COPPER AND COPPER-BASE ALLOYS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

BDSA Order M–11A (formerly NPA Order M–11A) of May 6, 1953, has been amended to include definitions of "copper raw materials" and to prescribe certain statistical reports which are required in connection with the administration of the order. At the same time the order has been generally revised both for purposes of clarification and to conform its provisions to comparable provisions in more recent BDSA orders and regulations. Section 2 has been eliminated and the succeeding sections have been renumbered.

Sec.
1. What this order does.
2. Definitions.
3. Applicability of other BDSA orders and regulations.
4. Opening of order books.
5. Acceptance of orders.

Sec
6. Rejection of authorized controlled material orders.
7. Priority status of delivery orders.
8. Reserved portion of production.
9. Certified orders for intermediate shapes.
10. Rules applicable to distributors.
11. Directives.
12. Records and reports.
13. Request for adjustment or exception.
14. Communications.
15. False statements.
16. Violations.

AUTHORITY: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 705, 64 Stat. 799, as amended, 816, as amended; 50 U. S. C. App. 2071, 2155. E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.

SECTION 1. *What this order does.* This order supplements DMS regulations and applies particularly to producers and sellers of intermediate shapes and to producers and distributors of brass mill products, copper wire mill products, copper powder mill products, and copper foundry products. It requires acceptance of authorized controlled material orders, and places limitations thereon, in order to provide for an equitable distribution of such orders among all brass mills, copper wire mills, copper foundries, and copper powder mills. It also provides limitations on the required acceptance of authorized controlled material orders by distributors. It provides a method whereby copper controlled material producers requiring intermediate shapes to fill certain orders may obtain those shapes from their customary suppliers.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Copper" means unalloyed copper, including electrolytic copper, fire-refined copper, and all unalloyed copper in any form.

(d) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS67–38.

(e) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width or length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by BDSA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs).
Cups (except brass military ammunition cups).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(f) "Copper wire mill products" means uninsulated or insulated wire and cable, whatever the outer protective coverings may be, made from copper or copper-base alloy, and also copper-clad steel wire containing over 20 percent copper by weight regardless of end use. All copper wire mill products should be measured in terms of pounds of copper content.

(g) "Copper powder mill products" means copper or copper-base alloy in the form of granular or flake powder.

(h) "Copper foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any machining or further processing. For centrifugal casting the process includes the removal of the rough cut in the inner or outer diameter, or both, before delivery to a customer. Castings include anodes cast in a foundry or by an ingot maker.)

(i) "Copper controlled materials" means brass mill products, copper wire mill products, copper powder mill products, or copper foundry products, as defined in this order.

(j) "Copper controlled material producer" means any person who produces a copper controlled material.

(k) "Intermediate shape producer" means any person who produces an intermediate shape.

(l) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, or pursuant to self-authorization, as provided in section 20 of DMS Regulation No. 1, or which is specifically designated to be such an order by any regulation or order of BDSA.

(m) "Copper raw materials" as used in this order includes the following materials as defined below:

(1) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powder mill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products.

(2) "Blister copper"—High-grade crude copper in any form produced from converter operations and from which nearly all the oxidizable impurities have been removed by slagging and volatilization.

(3) "Brass mill scrap"—Uncontaminated scrap which is the waste or by-product of the production or industry fabrication of brass mill products or copper wire mill products. It includes fired and demilitarized cartridge and artillery cases as defined below.

(4) "Other copper-base alloy scrap"—Alloyed copper scrap other than brass mill scrap. It includes contaminated fired and demilitarized cartridge and artillery cases.

(5) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(6) "Fired and demilitarized cartridge and artillery cases"—Fired and demilitarized brass cartridge and artillery cases which have been manufactured from brass mill products and are not contaminated.

(7) "Brass mill casting"—A copper-base alloy casting, from which brass mill or intermediate shapes may be rolled, drawn, or extruded, without remelting.

(8) "Copper-brass alloy ingot"—A copper-base alloy used in remelting, alloying, or deoxidizing operations.

(9) "Copper or copper-base alloy shot and waffle"—Shot or waffle produced from copper or copper-base alloy, and to be used in remelting, alloying, deoxidizing, or chemical operations.

(10) "Copper precipitates (or cement copper)"—Copper metal precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

(11) "Intermediate shape" means any product which has been rolled, drawn, or extruded from refined copper or brass mill castings, and which will be re-rolled, redrawn, insulated, or further processed into finished brass mill or copper wire mill products by other producers of intermediate shapes or copper controlled materials. (This definition includes intermediate shapes produced from other intermediate shapes.)

(n) "Distributor" means any person (including a warehouseman or jobber, but not a retailer) engaged in the business of stocking copper controlled materials received from a controlled material producer or another distributor at a location regularly maintained by him for such purpose for sale or resale in the form or shape as received, who in connection therewith maintains facilities and equipment necessary to conduct such business. For the purposes of this definition, the operations of straightening, threading, chamfering, cutting to width and length, and edging do not constitute changes in form or shape.

(o) "Average shipment" means the average monthly quantity (by weight) of each copper controlled material shipped by a producer or distributor during the base period designated in Schedule A of this order. (Wire mill products shall be calculated on the basis of copper content.)

SEC. 3. *Applicability of other BDSA orders and regulations.* All provisions of any BDSA regulation or order, including DMS regulations, are superseded to the extent that such provisions are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

SEC. 4. *Opening of order books.* Each copper controlled material producer shall open his order books for the purpose of accepting authorized controlled material orders no later than 90 days

prior to the first day of each calendar quarter for which such orders are valid pursuant to DMS Regulation No. 1. A copper controlled material producer may open his order books for the purpose of accepting authorized controlled material orders for any calendar quarter as long in advance of such 90-day period as he may choose, but after his order books are open, he shall accept such orders as provided in section 5 of this order and applicable DMS regulations: *Provided, however,* That the acceptance by a copper controlled materials producer of an authorized controlled material order or orders directly from the Department of Defense or the Atomic Energy Commission prior to the date such producer opens his order books shall not effect an opening of his books so as to require acceptance of other orders for controlled materials.

SEC. 5. *Acceptance of orders.* Each producer of copper controlled materials shall, after receipt of any authorized controlled material order tendered to him, promptly accept or reject such order. Receipt of an order shall not be deemed to have occurred until the order is received at the place where the producer usually processes such order. Upon such acceptance or rejection, he shall immediately notify, by letter or by telegram, the person who tendered the order, of such acceptance or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than 10 consecutive calendar days after receipt.

SEC. 6. *Rejection of authorized controlled material orders.* Unless otherwise specifically directed by BDSA, a copper controlled materials producer may reject an authorized controlled material order in any of the following cases:

(a) If the order is one for less than the minimum mill quantity specified in Schedule IV of DMS Regulation No. 1 and has not been combined with another order pursuant to section 20 (e) of that regulation.

(b) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(c) If the order for a product calls for delivery in a particular month and is received after the commencement of lead time for that product, for the month involved, as set forth in Schedule III of DMS Regulation No. 1.

(d) If the order is received from another copper controlled materials producer who produces in his own plant the type of product ordered.

(e) If the order is received from a distributor who has not purchased the general type of copper controlled material ordered from such producer during the calendar year 1955.

(f) If the order calls for delivery of a quantity of any product listed in Schedule A of this order which, together with the quantity of that product for which he has previously accepted authorized controlled material orders for delivery during the same month, would exceed the quantity of that product computed as provided in section 8 (b).

SEC. 7. *Priority status of delivery orders.* (a) Except as provided in paragraph (b) of this section, authorized controlled material orders for copper controlled materials shall take precedence over all other delivery orders for copper controlled materials. All authorized controlled material orders shall have equal preferential status except that authorized controlled material orders carried over from any previous month shall take precedence over authorized controlled material orders calling for delivery during the then current month involved. Such carry-over orders shall not be applied against the capacity to be reserved in accordance with section 8 (b) of this order for the month in which such carry-over orders are rescheduled but shall be in addition thereto.

(b) A delivery order for copper controlled materials pursuant to a directive issued by BDSA shall take precedence over any other delivery order (including authorized controlled material orders) previously or subsequently received unless a contrary instruction appears in the directive.

SEC. 8. *Reserved portion of production.* (a) From the date of the opening of his books for the acceptance of orders for shipment in any month for each product produced by him, each producer of copper controlled materials shall reserve an amount of production capacity computed as provided in paragraph (b) of this section for the acceptance of authorized controlled material orders until such reserve capacity is filled, or until the commencement of lead time for the particular product involved (as set forth in Schedule III of DMS Regulation No. 1), whichever occurs first.

(b) The production capacity to be reserved by a copper controlled materials producer for the production of each copper controlled material product to be delivered pursuant to authorized controlled material orders for any such product for a particular month shall be that capacity required to produce a quantity by weight of such product, computed by multiplying the average shipment of such product by the percentage set opposite such product in Schedule A of this order.

(c) A copper controlled materials producer who did not ship a particular product listed in Schedule A of this order during the base period designated therein but who hereafter produces and ships such product shall, in computing the production capacity to be reserved by him pursuant to paragraph (a) of this section for any future month for which production is being scheduled, consider his average shipment of such product to be the quantity of that product which he has scheduled for shipment during the then current month.

SEC. 9. *Certified orders for intermediate shapes.* (a) Any copper controlled materials producer requiring intermediate shapes in his production of controlled materials to fill authorized controlled material orders may certify delivery orders for such shapes, and any intermediate shape producer requiring other forms of intermediate shapes in his production, for which production he has accepted certified orders, may certify delivery orders for intermediate shapes. Orders may be certified by endorsing thereon a certification as follows, which shall be signed as provided in BDSA Reg. 2 (formerly NPA Reg. 2):

Certified for national defense use under BDSA Order M–11A

This certification constitutes a representation to the supplier of the intermediate shapes and to BDSA that the intermediate shapes ordered are required by the purchaser to be used in his production to fill authorized controlled material orders, or certified orders for intermediate shapes.

(b) Each producer of intermediate shapes shall accept all certified orders for intermediate shapes offered to him and shall make delivery pursuant to such orders in preference to any other delivery order for intermediate shapes received by him: *Provided, however,* That a producer of intermediate shapes shall not be required to accept a certified order from any person who did not purchase from him during the calendar year 1955 the general types of intermediate shapes so ordered.

SEC. 10. *Rules applicable to distributors.* (a) Subject to the limitations set forth in this order and in applicable DMS regulations, every distributor shall accept all authorized controlled material orders.

(b) During each calendar month any copper controlled materials distributor who has delivered copper controlled materials from his inventory to fill authorized controlled material orders may, in obtaining products to replace in inventory the copper controlled materials delivered pursuant to such orders, affix the allotment number D–8 to the delivery order he places with his supplier of such products. Such delivery orders are hereby designated as authorized controlled material orders and shall be certified by the copper controlled materials distributor as provided in section 20 of DMS Regulation No. 1: *Provided, however,* That authorized controlled material orders placed by copper controlled materials distributors pursuant to this section shall call only for delivery of an equal weight (copper wire mill products shall be computed on the basis of copper content) of copper controlled materials which he has delivered pursuant to authorized controlled material orders, and that the orders placed with his suppliers shall call for delivery only during the calendar quarter in which the materials were taken from inventory of the distributor, or in the immediately succeeding calendar quarter.

(c) No copper controlled materials distributor shall be required to make delivery from inventory of copper controlled materials on authorized controlled material orders in any calendar month of a total combined weight of such materials in excess of 25 percent of his average shipments of copper controlled materials sold by him; and no copper controlled materials distributor shall be required to accept an authorized controlled material order for more than 500 pounds of any item of brass mill products or 50 percent of his inventory of such item, whichever is less, or 500 pounds copper content, of any item of wire mill products smaller than size 4/0 or any item of wire mill products 4/0 and larger in excess of standard mill single-reel lengths.

(d) No copper controlled materials distributor shall be required to make delivery on an authorized controlled material order bearing the allotment number D–8 placed with him by another distributor of copper controlled materials unless the distributor placing such an order has purchased the types of materials so ordered from him during the calendar year 1955.

SEC. 11. *Directives.* BDSA may issue directives from time to time with respect to the production and delivery of copper controlled materials and intermediate shapes.

SEC. 12. *Records and reports.* (a) Producers and distributors of copper controlled materials, producers of intermediate shapes, and users of copper raw materials shall make, and preserve for at least 3 years thereafter, accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes and copper raw materials. Such records shall include, but shall not be limited to, all authorized controlled material orders, certified orders and directives received by such persons and copies of all authorized controlled material orders, rated orders, and certified orders placed by such persons. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided the records required herein are maintained. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic copies are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the Business and Defense Services Administration, at the usual place of business where maintained.

(c) Any person who produces copper controlled materials or who uses copper raw materials (as defined herein) shall complete the following forms in accordance with the instructions applicable to such forms:

Respondent	Form
Brass Mills, Copper Wire Mills	BDSAF–84 — Producers Program Report — Brass Mills and Copper Wire Mills 6–1115 MS and Supplement [1] Consumption of Copper Materials and Supplementary Report on Ownership of Refined Copper

[1] U. S. Department of the Interior, Bureau of Mines

Respondent	Form
Brass or Bronze Foundries, Copper-base Powder Mills, Miscellaneous Users of Copper Raw Materials	BDSAF–83 — Copper Forms and Products: Report of Operations and Shipments

(d) Persons subject to this order shall make such records and submit such reports to BDSA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 13. *Request for adjustment or exception.* Any person subject to any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 14. *Communications.* All communications concerning this order shall be addressed to the Business and Defense Services Administration, Washington 25, D. C., Ref: BDSA Order M–11A.

SEC. 15. *False statements.* The furnishing of false information or the concealment of any material fact in the course of operation under this order constitutes a violation of this order.

SEC. 16. *Violations.* Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to require compliance with this order and correction of such violation. In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof. Any person who wilfully violates any provision of this order, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

Note: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect December 18, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

Schedule A to BDSA Order M–11A—Set-aside Percentages

(See sec. 6 (f) of BDSA Order M–11A)

Base period—January–June (both inclusive) 1952

(See sec. 2 (o) of BDSA Order M–11A)

Product	Percentage
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	9
Rod, bar, shapes, and wire	11
Seamless tube and pipe	6
Alloyed:	
Plate, sheet, strip, and rolls	5
Rod, bar, shapes, and wire	4
Seamless tube and pipe	16
Military ammunition cups and discs	22
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	9
Weatherproof	9
Magnet wire	9
Insulated building wire	9
Paper and lead power cable	9
Paper and lead telephone cable	9
Asbestos cable	9
Portable and flexible cord and cable	9
Communications wire and cable	9
Shipboard cable	9
Automotive and aircraft wire and cable	9
Insulated power cable	9
Signal and control cable	9
Coaxial cable	9
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	9
Copper foundry products	9
Unalloyed copper powder mill products	[1]
Copper-base alloy powder mill products	[1]

[1] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of the DMS regulations and this order. However, section 6(f) of this order does not apply to such authorized controlled material orders.

[F. R. Doc. 56–10368; Filed, Dec. 19, 1956; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

DEEPER LOADING OF COASTWISE TANK SHIPS

CROSS REFERENCE: For promulgation of § 19.40, see Title 46, Chapter I, Part 154, *infra.*

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 1 of an act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), the regulations designating and establishing special anchorage areas for the Port of New York and vicinity are hereby amended to prescribe a special anchorage area in Island Channel, Jamaica Bay, New York, adding § 202.60 (s) as follows:

§ 202.60 *Port of New York and vicinity.* • • •

(s) *Jamaica Bay.* That portion of the waters on the westerly side of Jamaica Bay, westerly of a line ranging from Island Channel Buoy 17 through Island Channel Buoy 21, northward of a line ranging from Island Channel Buoy 17 to the north abutment of the Shore Parkway Bridge across Paerdegat Basin, and southward of a line ranging 310° from Island Channel Buoy 21.

[Regs., Dec. 3, 1956, 800.212 (Jamaica Bay, N. Y.)—ENGWO] (Sec. 1, 54 Stat. 150; 33 U. S. C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor act of March 4, 1915 (39 Stat. 1053; 33 U. S. C. 471), § 202.193 (a) is amended by adding a new subparagraph (3) and redesignating former subparagraph (3) as subparagraph (4) and amending paragraph (b) hereby establishing a temporary explosives anchorage in Old Tampa Bay adjacent to the channel to Port Tampa, as follows:

§ 202.193 *Tampa Bay, Fla.*—(a) *The anchorage grounds.* • • •

(3) *Temporary explosives anchorage off Port Tampa.* A circular area with a radius of 200 yards with the point at latitude 27°50'22", longitude 82°34'15".

(4) *Quarantine anchorage.* • • •

(b) *The regulations.* (1) The explosives anchorage east of Mullet Key shall be used by vessels awaiting loading or unloading at Port Tampa that have explosives actually on board and where the duration of anchorage will exceed 72 hours.

(2) The temporary explosives anchorages south of Interbay Peninsula and off Port Tampa shall be used for vessels engaged in loading explosives when the duration of the anchorage is less than 72 hours.

[Regs., Dec. 3 1956, 800.212 (Tampa Bay, Fla.)—ENGWO] (Sec. 7, 39 Stat. 1053; 33 U. S. C. 471)

3. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.227 is hereby amended prescribing special regulations for the city of Philadelphia bridge across Schuylkill River at South Street, revising paragraph (h), as follows:

§ 203.227 *Delaware and Schuylkill Rivers, N. J. and Pa., in vicinity of Philadelphia and Bristol; bridges.* • • •

(h) *City of Philadelphia bridge across Schuylkill River at South Street.* (1) The draw need not be opened for the passage of vessels and paragraphs (a) to (e), inclusive, of this section shall not apply to this bridge.

(2) The owner of or agency controlling this bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations of this section.

[Regs., Dec. 5, 1956, 823.01 (Schuylkill River, Pa.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

4. Pursuant to the provisions of section 5 of the River and Harbor act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.230 governing the operation of drawbridges across Brandywine River is hereby amended prescribing regulations to permit closure of the draw to navigation of the Delaware State Highway Department bridge at Sixteenth Street, Wilmington, Delaware, as follows:

§ 203.230 *Brandywine River, Del.; bridges*—(a) *Seventh Street bridge, Wilmington, Del.* • • •

(b) *Pennsylvania Railroad bridge above Seventh Street and Highway bridges at Church Street and Sixteenth Street, Wilmington, Del.* (1) The draws of these bridges need not be opened for the passage of vessels.

(2) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of the respective bridges, in such manner that it can be easily read at any time, a copy of the regulations of this section.

[Regs., Dec. 5, 1956, 823.01 (Brandywine River, Del.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

5. Pursuant to the provisions of section 7 of the River and Harbor act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.186 establishing and governing the use and navigation of a seaplane restricted area in Galveston Bay, Texas, is hereby revoked, as follows:

§ 207.186 *Galveston Bay, Texas; seaplane restricted area.* [Revoked].

[Regs., Dec. 3, 1956, 800.2121 (Galveston Bay, Texas)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

6. Pursuant to the provisions of section 7 of the River and Harbor act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.441 governing the security of St. Marys Falls Canal and Locks, Michigan, is hereby amended in respect to transit of vessels and the control of persons embarking and debarking from vessels and other minor changes, as follows:

§ 207.441 *St. Marys Falls Canal and Locks, Mich.; security*—(a) *Purpose and scope of the regulations.* The regulations in this section are prescribed as protective measures. They supplement the general regulations contained in § 207.440 the provisions of which shall remain in full force and effect except as modified by this section.

(b) *Restrictions on transit of vessels.* • • •

(2) All vessels commercially engaged in carrying passengers, including those of United States registry, except during daylight hours.

• • • • • •

(c) *Personnel restrictions.* Masters of vessels are responsible for the conduct of crew and passengers while transiting St. Marys Falls Canal and Locks and for strict compliance with the regulations. The following procedures are established for the control of persons embarking or debarking from vessels while transiting the locks:

• • • • • •

(2) *Personnel*—(i) *Embarking.* Personnel, including technicians, repairmen, and company officials will be permitted to embark at the locks if they are in possession of a letter addressed to the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, from the vessel's master, the operators of the vessel, or the Lake Carriers' Association, requesting that the individual named therein be permitted to embark on a particular vessel. United States vessel personnel must also be in possession of a specially validated seaman's document issued by the United States Coast Guard. Their papers will be presented to the civilian guard on duty at the main gate on Portage Avenue who will arrange escort from the gate to the vessel. Luggage will be subject to inspection.

(ii) *Debarking.* The vessel master will furnish prior notification to the Chief Lockmaster at St. Marys Falls Canal Tower (Radio Call WUD–31) that he has vessel personnel, technicians, repairmen or company officials aboard for whom he requests authority to debark. If authority to debark is granted such personnel will be furnished a letter by the vessel master, addressed to the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, giving the name and position of the individual concerned. Personnel will not debark until they have been properly identified by a licensed officer of the vessel and the letter furnished to the escort provided from the civilian guard detail who will escort personnel to the gate. In the event a person debarking for medical attention is a litter case, notification will be given sufficiently in advance to permit the Chief Lockmaster to route the vessel to the MacArthur Lock in order that the long carry over the lock gates may be avoided. The Area Engineer will make the necessary arrangements for clearance of ambulances and medical personnel into the lock area.

(3) No passengers or guest passengers will be permitted to embark or debark at St. Marys Falls Canal except in emergency when medical attention is required.

(4) Letters cited in subparagraph (2) of this paragraph are valid only for a single passage through the lock area. In the event frequent access to the area is required a request for extended access with reasons therefor will be submitted to the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, who may arrange for the necessary clearance.

• • • • • •

(d) *Inspection of vessels.* Immediately prior to arrival at the canal the master shall make or cause to be made by a licensed officer a special inspection of the ship. Such inspection shall include a check of the ship's officers on duty in accordance with paragraph (e) of § 207.440 and an examination of openings to all closed compartments, the

forepeak and afterpeak, blind hold, dunnage room, windlass room and chain lockers and examination of bolt fastenings for signs of any tampering. Masters of oil tankers shall, in addition to the preceding examinations, make or cause to be made by a licensed officer, a complete inspection of the tanker's fire fighting equipment to determine their being in proper operating condition, with particular emphasis on detection of any indication of sabotage or other tampering. Separate entry of such inspection shall be made in the ship's log.

(e) *Inspection flag.* (1) After making the inspection, a yellow flag three feet square showing a black ball in the center (International Signal Code "I") shall be displayed from the forward part of the ship to notify canal officials that all the above paragraphs (a) through (d) of this section have been complied with. The privileges of passing through the canal will be granted only when the flag is flown.

(2) Ships complying with the regulations and displaying the flag may be permitted to enter the canal at the discretion of the United States Coast Guard. The Coast Guard has authority to board vessels at any time for the purpose of making investigations or examination.

[Regs., Dec. 3, 1956, 800.93 (St. Marys River, Mich.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56-10336; Filed, Dec. 19, 1956; 8:45 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 9—CUSTOMS SERVICE

IMPORTATIONS; CLASSES OF PERSONS TO WHOM APPROVAL MAY BE GRANTED

Pursuant to the authority vested in the Governor by section 61 of title 2 of the Canal Zone Code, § 9.14 as adopted by Governor's regulation of March 5, 1952, 17 F. R. 2389, is amended to read as follows:

§ 9.14 *Importations into Canal Zone; classes of persons to whom approval may be granted.* No article or merchandise of any kind shall be entered or imported into the Canal Zone, except from the Republic of Panama, by any person (including an individual, firm, association, partnership, or corporation) unless approval is obtained therefor from the Customs Service of the Canal Zone. Effective December 31, 1956, such approval shall not be granted (except with respect to items of baggage comprising personal effects of persons entering the Canal Zone) to any person other than those within one of the following classes:

(a) Persons who reside in the Canal Zone and have Canal Zone commissary purchase privileges, when the goods are intended for the use and benefit of themselves or members of their families;

(b) Members of the Armed Forces of the United States who reside or sojourn in the Republic of Panama during the performance of their service with the United States of America, and dependent members of their families actually residing with them, when the goods are intended for their own use and benefit;

(c) Citizens of the United States of America who are in the service or employ of an agency of the United States and who reside or sojourn in the Republic of Panama during the performance of their service with the United States of America, and dependent members of their families actually residing with them, when the goods are intended for their own use and benefit;

(d) Contractors in so far as concerns materials, supplies, and equipment necessary to the performance of contracts in the Canal Zone; and

(e) Private business enterprises conducting authorized operations from a seat in the Canal Zone, and religious, welfare, charitable, educational, recreational, and scientific organizations, in so far as concerns their activities exclusively in the Canal Zone.

(Sec. 1, 47 Stat. 813; 2 CZ Code 61, 48 U. S. C. 1325a)

Issued at Balboa Heights, Canal Zone, December 11, 1956.

[SEAL] W. E. POTTER,
Governor.

[F. R. Doc. 56-10344; Filed, Dec. 19, 1956; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable To Certain Vessels During Emergency

[CGFR 56-57]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

DEEPER LOADING OF COASTWISE TANK SHIPS

The Deputy Secretary of Defense in a letter to the Secretary of the Treasury, dated December 12, 1956, requested a general waiver of navigation and vessel inspection laws of the United States, pursuant to the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C. note prec. 1), to the extent necessary to permit the deeper loading of coastwise tank ships found suitable for such service.

The Secretary of Defense in an order dated August 5, 1955, and published in the FEDERAL REGISTER dated August 16, 1955 (20 F. R. 5953), gave to the Deputy Secretary of Defense a general delegation of authority to exercise powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law. Accordingly, the request of the Deputy Secretary of Defense for a waiver order was granted.

The purpose for the following waiver order designated § 154.40, as well as 33 CFR 19.40, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard to the extent requested by the Deputy Secretary of Defense. It is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedure thereof, and effective date requirements thereof, is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury, dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following waiver order is promulgated:

§ 154.40 *Deeper loading of coastwise tank ships.* (a) Pursuant to the request of the Deputy Secretary of Defense in a letter dated December 12, 1956, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of the navigation and vessel inspection laws relating to the loading of coastwise tank ships, as well as the regulations issued thereunder and published in Part 43 of this chapter to the extent necessary to permit the operation of tank ships on coastwise voyages by permitting deeper loading of such tank ships when having been found suitable by the load line assigning authority and issued a special certificate authorizing operation at this increased draft.

(b) Tank ships subject to Part 43 of this chapter which are of sufficient strength and in suitable condition shall be permitted to load to the tropical load line in a summer zone or season on United States coastwise voyages. The seasonal freeboard of the loading port shall be taken as the freeboard for all zones covered by such coastwise voyage.

(c) The load line assigning authority shall be responsible for the determination as to the tank ship's strength, condition, and suitability for this increase in draft. A vessel which is not considered fully suitable for deeper loading shall not be granted authority to load deeper than permitted by law and regulations in Part 43 of this chapter. The load line assigning authority shall issue to each tank ship found to have the strength, condition, and suitability for deeper loading a special certificate authorizing such tank ship to engage in United States coastwide voyages at the increased draft indicated in the certificate.

(d) This waiver order shall remain in effect until terminated by proper authority and notice published in the FEDERAL REGISTER.

(64 Stat. 1120; 46 U. S. C., note prec. 1)

Dated: December 18, 1956.

[SEAL] A. C. RICHMOND,
Vice Admiral,
U. S. Coast Guard,
Commandant.

[F. R. Doc. 56-10388; Filed, Dec. 19, 1956; 8:52 a. m.]

[1] This is also codified in 33 CFR Part 19.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11843; FCC 56-1245]

[Rules Amdt. 16-10]

PART 16—LAND TRANSPORTATION RADIO SERVICES

FREQUENCIES AVAILABLE FOR BASE AND MOBILE STATIONS

In the matter of amendment of § 16.352 (a) of Part 16 of the Commission's rules governing land transportation radio services; Docket No. 11843.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of December 1956;

The Commission having under consideration amendment of its Railroad Radio Service Rules (Subpart H of Part 16) to provide for the utilization on a regular basis of frequencies in the band 159.51 to 161.79 Mc for transmission of tone signals for control purposes other than those for the establishment or maintenance of voice communications, on a basis secondary to other authorized transmissions; and

It appearing that the Commission on October 3, 1956, adopted a notice of proposed rule making in this matter which was published in the FEDERAL REGISTER on October 10, 1956 (21 F. R. 7741) in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has expired; and

It further appearing that comments in support of the Commission's proposal have been filed by the Western Pacific Railroad Company, the Duluth, Missabe and Iron Range Railway Company and the Association of American Railroads and that no objection or adverse comments with respect to the above-mentioned proposal have been received; and

It further appearing that the public interest, convenience, and necessity will be served by the amendment herein ordered and that authority therefor is contained in sections 4 (i), 303 (b), (c), (k), and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective January 18, 1957, § 16.352 (a) of Part 16 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: December 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend § 16.352 (a) to read as follows:

§ 16.352 *Frequencies available for base and mobile stations.* (a) Base and mobile radio stations used primarily for end-to-end, fixed point-to-train, or train-to-train communications in connection with the operation of railroad trains over a track or tracks extending through yards and between stations upon which trains are operated by timetable, train order, or both, or the use of which is governed by block signals may use the following frequencies:

Mc.	*Mc.*	*Mc.*	*Mc.*
159.51	160.11	160.71	163.31
159.57	160.17	160.77	161.37
159.63	160.23	160.83	161.43 [2]
159.69	160.29	160.89	161.49 [2]
159.75	160.35	160.95	161.55 [2]
159.81	160.41	161.01	161.61 [2]
159.87	160.47	161.07	161.67 [2]
159.93	160.53	161.13	161.73 [2]
159.99	160.59	161.19	161.79 [2]
160.05	160.65	161.25	161.85 [1 2]

These frequencies may also be used on a secondary basis (1) for intercommunication between adjacent base stations, provided interference is not caused to communications involving radio stations aboard railroad rolling stock; and (2) for transmission of tone signals for signaling and control purposes where a satisfactory showing of need therefor has been made in compliance with § 16.103 (b), provided interference is not caused to other stations licensed under this subpart.

[F. R. Doc. 56-10355; Filed, Dec. 19, 1956; 8:48 a. m.]

[1] Available for assignment in Chicago area only.

[2] In Puerto Rico and the Virgin Islands only, these frequencies are not available to stations operating in the Railroad Radio Service.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 43]

[Draft Release 56-31]

LANDING FLARE REQUIREMENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Parts 40, 41, 42, and 43 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by February 25, 1957. Copies of such communications will be available after February 27, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The flare requirements of the Civil Air Regulations have been under study by the Bureau of Safety Regulation for some time. At the 1955 Annual Airworthiness Review formal proposals were made to the Bureau for the elimination of present flare requirements. In support of these proposals, statistics were presented regarding the use of flares for emergency purposes over a period of years. In addition, statistics were given citing a number of incidents in which flares had been inadvertently dropped from air carrier aircraft both while on the ground and while in flight. The Board's accident investigation records show five instances from January 1938 up to the present time in which flares were used in scheduled air carrier operations for emergency purposes. Four of these instances involved twin-engine aircraft and one involved a four-engine aircraft. The records indicate further that since 1947 no multiengine aircraft has been involved in the dropping of flares for emergency purposes.

Interested persons have expressed the view that present requirements for flares on transport type aircraft are antiquated, since the stalling speed and large turning radius of high speed airplanes now in operation or being developed are such as to prevent the utilization of the light provided by flares of three-minute duration. With respect to pilot skill required to land by the light of a flare, tests recently conducted in aircraft of less than 3500 pounds by the University of Illinois establish that a pilot needs a thorough briefing in the necessary procedures and some actual practice before he can expect to make a landing with reasonable safety by use of the minute-and-a-half or the one-minute-type flare.

The Bureau is cognizant of the fact that the military has determined that there is no need for the carriage of parachute landing flares in military transport type aircraft. It is also noted that, with respect to international air carrier operations, there are no requirements by ICAO for the carriage of parachute flares aboard aircraft.

Civil Air Regulations Draft Release No. 55-24 (20 F. R. 8580) (Air Taxi Certification and Operation Rules) and Civil Air Regulations Draft Release No. 56-2 (21 F. R. 630) (Scheduled Air Carrier Helicopter Certification and Operation Rules), which were recently circulated for comment, did not contain requirements for the carriage of flares. It is noted that there was no adverse comment with respect to the omission of the flare requirement in these proposed regulations.

The Bureau has received several recommendations from interested persons with respect to the present requirements for the carriage of flares. It has been recommended that a complete re-evaluation be made of the flare requirements in Part 43 for non-air-carrier operations and in Part 42 for air taxi and large aircraft operations. Another recommendation received proposes specific amendments to the Civil Air Regulations which

would limit the applicability of flare requirements to only air carriers engaged in operations over water. On the other hand, certain interested persons have expressed the view that landing flares are an essential part of air carrier emergency equipment, from which it may be inferred that they would be opposed to any proposal to delete the present flare requirements from the Civil Air Regulations.

In view of the improvements in modern aircraft, engine reliability, and engine-out performance requirements for multiengine aircraft, and considering the existing record on the use of flares, it appears that the present flare requirements contained in the Civil Air Regulations might be deleted without jeopardizing safety in flight. Therefore, without prejudging the issue, but for the purpose of obtaining the views of all interested persons to assist the Board in making a complete re-evaluation of existing flare requirements, the following proposal is circulated for comment.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board the adoption of amendments to Parts 40, 41, 42, and 43 of the Civil Air Regulations deleting the landing flare requirements contained therein.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., December 14, 1956.

By the Bureau of Safety Regulation.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 56–10370; Filed, Dec. 19, 1956; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 11846; FCC 56–1243]

PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULE MAKING

In the matter of revision of Part 1 of the Commission's rules and regulations; Docket No. 11846.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of December 1956;

The Commission having under consideration the petition to amend notice of proposed rule making, filed by FCBA on December 5, 1956, requesting (a) that the Commission designate members of its staff to meet with the FCBA Committee on revision of Commission's rules for the purpose of amending, in part, the proposed rules and (b) to postpone the date for filing comments from December 17, 1956, to 20 days after publication of an amended notice of proposed rule making to be adopted by the Commission.

It appearing that written comments filed by some members of the FCBA as well as a recent panel discussion, arranged by the FCBA, in which staff members of the Commission participated, disclosed that there is in some areas a full agreement between the FCBA and the staff on certain changes to be made;

It further appearing that informal arrangement can and should be made between the FCBA and the General Counsel for the purpose of discussing the further changes, as far as they are felt to be advisable;

It further appearing that the issuance of a Further Notice of Proposed Rule Making would be useful after said changes have been made.

It further appearing that it would not be good practice to invite comments on both the presently proposed text and the text to be revised.

It is ordered, That the petition is denied as far as it requests a formal designation by the Commission of its staff members for the purpose of arriving at agreements with the FCBA Committee on the revision of the Commission's rules with respect to certain amendments of the proposed rules.

It is further ordered, That the General Counsel in his discretion make appropriate arrangements for further informal consultations with said FCBA Committee and/or individual members of the FCBA or of the public.

It is further ordered, That a further notice of proposed rule making be issued upon appropriate amendments of the presently proposed rules.

It is further ordered, That the date for filing of comments ending December 17, 1956 be indefinitely postponed, and that said further notice of proposed rule making will set a new date for filing comments on the proposed rules, as amended.

Released: December 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–10356; Filed, Dec. 19, 1956; 8:48 a. m.]

[47 CFR Part 3]

[Docket Nos. 11747 etc.; FCC 56–1247]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

ORDER EXTENDING TIME FOR REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations; (Springfield, Illinois-St. Louis, Missouri; Hartford, Connecticut-Providence, Rhode Island; Peoria, Illinois-Davenport, Iowa-Rock Island-Moline, Illinois; Norfolk-Portsmouth-Newport News, Virginia-New Bern, North Carolina; Albany-Schenectady-Troy, Vail Mills, New York; New Orleans, Louisiana-Mobile, Alabama; Charleston, South Carolina; Madison, Wisconsin; Duluth, Minnesota-Superior, Wisconsin; Miami, Florida; Evansville, Indiana; Elmira, New York; Fresno-Santa Barbara, California and Columbia, South Carolina); Docket Nos. 11747, 11748, 11749, 11750, 11751, 11752, 11753, 11754, 11755, 11756, 11757, 11758, 11759, 11799.

At a session of the Federal Communications Commission held at its Offices in Washington, D. C., on the 12th day of December 1956;

The Commission having before it for consideration a petition filed by nine law firms, counsel for parties in one or more of the above-entitled proceedings, requesting an extension of time to January 7, 1957 (20 days), or December 28, 1956 (10 days), within which to file Reply Comments in these proceedings;

In support of their request petitioners note that voluminous comments have been filed in these proceedings, many containing elaborate engineering showings; that many of the comments advance for the first time counterproposals suggesting channel changes not included in the notices of proposed rule making; that in a number of the proceedings the comments reveal conflicts as to engineering and other factual matters; that the reply comments in the 14 separate proceedings are due on the same date, thus placing an extraordinarily heavy burden on engineering and legal counsel; that in numerous instances, counsel desiring to file Replies were unable to obtain copies of the comments for several days after they were filed; and that in view of the foregoing, the present time for filing reply comments is inadequate. Petitioners request that the time for filing reply comments be extended for a period of 20 days but state that if the Commission considers that the urgency of this proceeding will not permit an extension for that period, a 10 day extension is suggested. Petitioners indicate that six additional law firms representing parties in a number of proceedings have indicated they would have no objection to a grant of the requested extension.

The Commission has concluded that the public interest would be served by extending the time for filing Reply Comments in the above entitled proceedings for a period of 10 days.

It is ordered, That the time for filing Reply Comments in the above-entitled proceedings is extended from December 18, 1956, to December 28, 1956.

Released: December 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–10357; Filed, Dec. 19, 1956; 8:48 a. m.]

[47 CFR Part 5]

[Docket No. 11891; FCC 56–1238]

EXPERIMENTAL RADIO SERVICES

CONELRAD PLAN

In the matter of amendment to Part 5 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Experimental Radio Services; Docket No. 11891.

1. The Commission has before it the approved CONELRAD Plan for the Experimental Radio Services. This plan was developed in cooperation with the Department of Defense, the Office of Defense Mobilization and other government agencies. In order to put this plan into effect it is necessary to amend Part 5 of the Commission's rules and regulations as set forth below.

2. This proposed amendment is promulgated by authority of sections 303 (r) and 606 (c) of the Communications Act of 1934 as amended, and Executive Order No. 10312 signed by the President December 10, 1951.

3. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file on or before January 8, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to original comments may be filed within one week from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

4. In accordance with the provisions of section 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: December 12, 1956.

Released: December 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

It is proposed to amend Part 5 of the Commission's rules by adding the following new subpart:

SUBPART G—CONELRAD

Sec.
5.301 Scope and objective.
5.302 Alerting.
5.303 Operation during a CONELRAD Radio Alert.
5.304 Special conditions.
5.305 Radio All Clear.
5.306 Tests.
5.307 Record entries.

§ 5.301 *Scope and objective.* (a) This subpart applies to all radio stations licensed by the Federal Communications Commission in the Experimental Radio Services located within the continental United States and is for the purpose of providing for the alerting and operation of radio stations in these services during periods of air attack or imminent threat thereof. (As used in this subpart, the term "licensed by" includes every form of authority issued by the Federal Communications Commission pursuant to which a radio station may be operated, including construction permits, station licenses, temporary authorizations, etc.)

(b) The objective of this subpart is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Experimental Radio Services, while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 5.302 *Alerting.* (a) Licensees of radio stations in the Experimental Radio Services are responsible for making provisions to receive the CONELRAD Radio Alert and CONELRAD Radio All Clear.

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) Experimental Radio Service mobile radio systems, including fixed stations associated therewith and fixed service systems where applicable, may, if desired, be alerted at a single point, normally the control point or the control center. The control point thus receiving the CONELRAD Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the radio system or systems, and for insuring that all associated stations execute CONELRAD requirements immediately.

(d) The CONELRAD Radio Alert for the Experimental Radio Services may be received by one of more of the methods outlined in this paragraph:

(1) By monitoring any standard, FM or TV broadcast station by aural or automatic means, to receive the CONELRAD Radio Alert.

(2) By monitoring the appropriate distress frequency (500 kc, A2 emissions or 2182 kc, A3 emissions).

(3) By notification of the CONELRAD Radio Alert from an Air Defense Warning Network or extension thereof. If no CONELRAD Radio Alert is transmitted Experimental Radio stations must comply with CONELRAD operating requirements upon receipt of Air Defense Warning Yellow. If neither a CONELRAD Radio Alert nor Air Defense Warning Yellow is received, Experimental radio stations must comply with CONELRAD operating requirements upon receipt of an Air Defense Warning Red.

(4) By notification of the CONELRAD Radio Alert (or Warning Yellow or Warning Red if no CONELRAD Radio Alert is transmitted) by telephone or other means from any point that has received the alert as in subparagraph (1), (2) or (3) of this paragraph.

(5) Radio station licensees desiring to receive the CONELRAD Radio Alert by a means not covered by subparagraph (1), (2), (3) or (4) of this paragraph, may request authority from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must explain why the methods described in subparagraph (1), (2), (3) or (4) of this paragraph are not suitable and must fully describe the proposed method for receiving the Alert.

NOTE: Every standard, FM and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

(i) Discontinue the normal program.

(ii) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

(iii) Return carrier to the air for approximately five seconds.

(iv) Cut the transmitter carrier for approximately five seconds.

(v) Return carrier to the air.

(vi) Broadcast 1,000 cycle (approximately) steady state tone for fifteen seconds.

(vii) Broadcast the CONELRAD Radio Alert message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver."

(viii) The CONELRAD Radio Alert message will then be repeated.

NOTE: (i) Through (vi) above is for the purpose of attracting the listener's attention, or, if desired, to operate an automatic alert receiver or warning device. CAUTION: (i) through (vi) above is a warning that a Radio Alert may follow; the actual Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert message. The CONELRAD Radio Alert message as set forth in (vii) above is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert message above, will be broadcast only in the event of an actual Alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

(e) Base, fixed and mobile stations in the Experimental Radio Services not directly receiving the CONELRAD Radio Alert must use caution in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

§ 5.303 *Operation during a CONELRAD Radio Alert.* (a) Radio stations in the Experimental Radio Services, upon receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert, except for transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of an emergency nature affecting the national safety or the safety of people and property.

NOTE: Transmissions involving the relaying of the CONELRAD Radio Alert may be made under the authority of this section. Transmissions not immediately necessary must be withheld until the CONELRAD Radio All Clear is issued.

(2) All transmissions shall be as short as possible and the stations' carrier shall be removed from the air during periods of no message or intelligence transmission.

[1] Commissioners Bartley and Lee dissenting in opinion.

(3) No station identification shall be given either by announcement of regularly assigned call signals or by announcement of geographical location. If identification is necessary to carry on the service, the use of special identifiers will be authorized.

§ 5.304 *Special conditions.* (a) Licensees of radio stations or systems in the Experimental Radio Services, who for technical or operational reasons, believe that compliance with § 5.303 is not feasible or practicable, may request a waiver of § 5.303. Such requests must be made by letter to the Secretary, Federal Communications Commission stating why § 5.303 cannot be complied with. The Federal Communications Commission upon investigation may modify the CONELRAD operating requirements of the station or system if it is found to be essential to the defense of the nation or the public welfare.

(b) Stations licensed in the Experimental Radio Services which are an integral part of another service may be operated in accordance with the CONELRAD rules for the other service.

§ 5.305 *Radio All Clear.* The CONELRAD Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Radio stations and systems licensed in the Experimental Radio Services may resume normal operation when the CONELRAD Radio All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

§ 5.306 *Tests.* (a) Tests of the CONELRAD alerting and operating systems may be conducted at appropriate intervals. Stations not normally in operation during the period of a test will not be required to take part.

(b) Tests of the CONELRAD operating system will not require Experimental radio stations to close down and will be conducted in a manner that will not interfere with normal transmissions.

(c) Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 5.307 *Record entries.* Appropriate entries of all CONELRAD tests and operations shall be made in the station records.

[F. R. Doc. 56-10358; Filed, Dec. 19, 1956; 8:49 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

BANK HOLDING COMPANIES

FORM F. R. Y-6; ANNUAL REPORT

The Board of Governors of the Federal Reserve System is considering the adoption of a form (Form F. R. Y-6) [1] to be used by bank holding companies in submitting their annual reports to the Board of Governors pursuant to section 5 (c) of the Bank Holding Company Act of 1956 and § 222.8 of this part.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2).

To aid in the consideration of this matter the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than January 9, 1957.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 56-10372; Filed, Dec. 19, 1956; 8:51 a. m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D. C., or to any Federal Reserve Bank.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Fairbanks 013010, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for construction of a Tactical Air-Navigational (TACAN) facility.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NORTHWAY, ALASKA

Commencing at Corner No. 5 of U. S. Survey No. 2630, Northway, Alaska, thence S. 30° 00' W. 1,569.19 feet to the point of beginning; thence S. 60° 00' E. 1,786.63 feet, thence S. 30° 00' W. 2,000 feet, thence N. 60° 00' W. 1,786.63 feet, thence N. 30° 00' E. 2,000 feet to the point of beginning, and containing 82.03 acres more or less.

VIRGIL O. SEISER,
Acting Operations Supervisor.

[F. R. Doc. 56-10339; Filed, Dec. 19, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Army has filed an application, Serial No. Anchorage 032563, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for use as a communication repeater site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GLENNALLEN AREA

Beginning at the intersection of the centerline of the Glenn Highway with the west line of the Alaska Fire Control Service Patrol Station Site, as established by Executive Order No. 9085, dated March 4, 1942; thence N. 0° 03' W. 750 feet; thence east 412.50 feet; thence S. 0° 03' E. 816.94 feet; thence N. 80° 47' W. along the centerline of the Glenn Highway for a distance of 417.95 feet to the Point of Beginning and containing 7.44 acres, more or less.

VIRGIL O. SEISER,
Acting Operations Supervisor.

[F. R. Doc. 56-10340; Filed, Dec. 19, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Anchorage 031644, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws nor the provisions of the Materials Act.

The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KENAI PENINSULA

SEWARD MERIDIAN

1. T. 6 N., R. 11 W.,
   Section 31: Lots 11, 12, 35, 51, 73, 74, 91, 92, 113, 114, 132; Lots 143-164 inclusive; Lots 175-189 inclusive.
   Containing 54.36 acres.
2. T. 5 N., R. 11 W.,
   Section 4: Lot 6 (excepting 3.42 acres included in a reserve created for the Department of the Army as a dock site by Public Land Order No. 1035 dated December 13, 1954);
   Section 15: Lots 6 and 8;
   Section 24: Lot 1.
   Containing 89.69 acres.
3. T. 5 N., R. 9 W.,
   Section 22: Lot 3.
   Containing 27.50 acres.
4. T. 4 N., R. 12 W.,
   Section 24: Lot 13.
   Containing 3.41 acres.
5. T. 2 N., R. 12 W.,
   Section 29: Lot 1.
   Containing 36.06 acres.
6. T. 1 S., R. 14 W.,
   Section 34: Lots 13, 14, 15, and 16; NW¼NW¼NE¼SW¼.
   Containing 11.37 acres.
7. T. 2 S., R. 14 W.,
   Section 4: Lot 5.
   Containing 44.38 acres.

BIG LAKE AREA

SEWARD MERIDIAN

8. T. 17 N., R. 4 W.,
   Section 27: Lot 25;
   Section 35: Lots 16 and 33;
   Section 25: Lot 11.
   Containing 6.71 acres.

SOUTHEASTERN ALASKA

PENNOCK ISLAND

9. U. S. Survey No. 3316: Lot 7.
   Containing 1.65 acres.
10. U. S. Survey No. 2990: Lot 17A.
    Containing 1.34 acres.

Total of 10 sites aggregating 276.47 acres.

VIRGIL O. SEISER,
Acting Operations Supervisor.

[F. R. Doc. 56-10341; Filed, Dec. 19, 1956; 8:45 a. m.]

UTAH

RESTORATION ORDER UNDER FEDERAL POWER ACT

DECEMBER 14, 1956.

Pursuant to determinations DA-111-Utah and DA-117-Utah, of the Federal Power Commission, and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473-2476) it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored from the power site reserves and classification to the extent necessary to permit the State Highway Commission of Utah to construct, improve, and realign proposed and existing highways, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

SALT LAKE MERIDIAN

T. 16 S., R. 7 E.,
  Sec. 26: SW¼NW¼, E½SW¼;
  Sec. 35: N½NE¼, NE¼NW¼.
T. 25 S., R. 21 E.,
  Sec. 18: Lot 4, SE¼SW¼, SW¼SE¼;
  Sec. 19: N½NE¼, SE¼NE¼, NE¼NW¼;
  Sec. 20: SE¼NE¼, S½NW¼, N½S½;
  Sec. 21: N½SW¼, SE¼SW¼, SW¼SE¼;
  Sec. 27: NW¼NW¼;
  Sec. 28: E½NE¼.

The lands in T. 16 S., R. 7 E., are in Utah grazing district No. 7 and are withdrawn in Power Site Reserve No. 363, approved May 27, 1913, and also pursuant to the filing on March 29, 1922, of an application for preliminary permit for proposed water-power Project No. 290.

The lands in T. 25 S., R. 21 E., are in Utah grazing district No. 9. The greater part is within Power Site Reserve No. 34 of July 30, 1909 (made permanent by Executive Order of July 2, 1910) as construed by Interpretation No. 95 dated April 9, 1927. The remainder is in Power Site Classification No. 377, approved April 10, 1946.

This restoration is limited to the purpose stated above and does not restore the land to disposition under the public land laws, and is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Post Office Box No. 777 or Room 312, Federal Building, Salt Lake City, Utah.

VAL B. RICHMAN,
Acting State Supervisor.

[F. R. Doc. 56-10342; Filed, Dec. 19, 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

RAILWAY EXPRESS AGENCY, INC., AND NIPPON EXPRESS CO., LTD.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8161, between Railway Express Agency, Incorporated, and Nippon Express Company, Limited, provides for the transportation of property from points in the United States to points in Japan under through bills of lading of Railway Express and from points in Japan to points in the United States under through bills of lading of Nippon Express.

(2) Agreement No. 8161-1 modifies Agreement No. 8161 (described above) to provide that Agreement No. 8161 shall not become effective until approved by the Board, and that there shall be filed with the Board all agreed rates and charges, notice of cancellation of the agreement, and any notice of any assignment of the agreement by either party and a copy of any assignment agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: December 14, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-10366; Filed, Dec. 19, 1956; 8:50 a. m.]

Office of the Secretary

ROGER H. MARTIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 7, 1956, 21 F. R. 163 and June 30, 1956, 21 F. R. 4894.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of December 12, 1956.

Dated: December 12, 1956.

ROGER H. MARTIN.

[F. R. Doc. 56-10352; Filed, Dec. 19, 1956; 8:47 a. m.]

JOHN ROBERT JONES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 13, 1956, 21 F. R. 5240.

A. Deletions: None.
B. Additions: None.

This statement is made as of December 14, 1956.

Dated: December 14, 1956.

JOHN ROBERT JONES.

[F. R. Doc. 56-10353; Filed, Dec. 19, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1148 etc.]

PHILLIPS PETROLEUM CO.

ORDER CONSOLIDATING PROCEEDINGS

In the matters of Phillips Petroleum Company, Docket No. G–1148; Phillips Petroleum Company, Docket Nos. G–3175, G–4333, G–6621, G–7773, G–8623, G–8695, G–8883, G–10359, G–10793, G–10883, G–11125 and G–11217.

By order issued in Docket No. G–11217 on October 10, 1956, the Commission suspended certain proposed changes in rates filed by Phillips Petroleum Company (Phillips) for sales of gas to El Paso Natural Gas Company (El Paso) under the following designated filings:

Rate Schedule Description and Effective Date
Supplement No. 19 to Applicant's FPC Gas Rate Schedule No. 32; October 11, 1956.
Supplement No. 8 to Applicant's FPC Gas Rate Schedule No. 64; October 11, 1956.
Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 243; October 11, 1956.
Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 7; October 11, 1956.

In its said order the Commission provided that a public hearing be held concerning the lawfulness of the proposed changes in rates thereby suspended. On November 26, 1956, Phillips filed a motion requesting that the proceedings in Docket No. G–11217 be consolidated for hearing with the proceedings in Docket No. G–1148, et al.[1]

On December 5, 1956, El Paso filed in Docket No. G–11217 a motion opposing consolidation of that proceeding with the proceedings in Docket Nos. G–1148, et al. In its said motion, El Paso avers, inter alia, that it is not a party to the proceeding in Docket No. G–1148; that such proceeding does not involve El Paso; and that if the proceeding in Docket No. G–11217 is consolidated with the proceedings in Docket Nos. G–1148, et al., it will require El Paso to participate in many hearings involving matters as to which it has no interest and will require much unnecessary time and expense on the part of El Paso.

The record in the consolidated proceedings in Docket Nos. G–1148, et al. shows that on October 31, 1956, El Paso filed a motion for leave to intervene therein based upon the representations, among others, that El Paso obtains a substantial part of its natural gas supply from Phillips; that El Paso has an interest in the proceedings in Docket Nos. G–1148, et al. which may be directly affected and which is not adequately represented by existing parties; and, that it is in the public interest for El Paso to intervene and participate in the proceedings in Docket Nos. G–1148, et al.

On November 29, 1956, the Commission issued its order permitting El Paso to intervene and participate in the consolidated proceedings in Docket Nos. G–1148, et al. as sought by its said petition for leave to intervene theretofore filed on October 31, 1956.

Upon consideration of all of the foregoing facts, it is concluded that the grounds relied upon by El Paso in its said motion opposing consolidation afford no legal basis for the granting of such motion.

It appears that those sales and deliveries of gas made by Phillips which are in issue in Docket No. G–11217 involve questions of law and fact interrelated with those inherent in the matters involved and the issues presented in Docket Nos. G–1148, et al.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidate the proceedings in Docket No. G–11217 with the proceedings in Docket Nos. G–1148, et al. for the purpose of hearing.

(2) The motion opposing consolidation filed by El Paso in Docket No. G–11217 should be denied.

The Commission orders:

(A) The proceeding in Docket No. G–11217 be and it hereby is consolidated with the proceedings in Docket Nos. G–1148, G–3175, G–4333, G–6621, G–7773, G–8623, G–8695, G–10793, G–8883, G–10359, G–10883, and G–11125 for the purpose of hearing.

(B) A hearing in the above-designated proceedings, as previously consolidated, was held on June 26 and 27, on October 30, and on December 3, 1956. The said hearing is now scheduled to resume on December 17, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., and will concern the matters involved and the issues presented in each of the above-designated proceedings, including the proceeding hereby consolidated.

(C) The motion opposing consolidation filed in the proceeding in Docket No. G–11217 by El Paso Natural Gas Company on December 5, 1956, is denied.

Issued: December 14, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–10343; Filed, Dec. 19, 1956; 8:45 a. m.]

[1] By orders heretofore issued on May 28, 1956, July 25, 1956, and October 24, 1956, the following proceedings were consolidated for the purpose of hearing: Docket Nos. G–1148, G–3175, G–4333, G–6621, G–7773, G–8623, G–8695, G–8883, G–10359, G–10793, G–10883, and G–11125.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11786 etc.; FCC 56M–1145]

WEST SHORE BROADCASTING CO. ET AL.

ORDER CONTINUING CONFERENCE AND HEARING

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP–9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP–9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP–10500; for construction permits.

The Hearing Examiner having under consideration a "motion for continuance" filed by counsel James W. Miller on December 13, 1956;

It appearing that counsel for the other two applicants and the Broadcast Bureau have no objection to the relief requested in the motion;

It is ordered, This 14th day of December 1956, that the motion is granted, and that:

1. The date for the exchange of data among the engineers (Tr. 17) is extended from December 17, 1956, to January 14, 1957.

2. The date for the informal engineering conference (Tr. 17) is continued from January 3 to no later than January 31, 1957.

3. The date for the exchange of affirmative written cases is extended from January 10 to February 7, 1957.

4. The date for the further conference is continued from January 22 to February 19, 1957.

5. The date for the beginning of the evidentiary hearing is continued from February 13 to March 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–10359; Filed, Dec. 19, 1956; 8:49 a. m.]

[Docket No. 11834; FCC 56M–1140]

SEACO, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of Seaco, Inc., Orlando, Florida, Docket No. 11834; order to show cause why the licenses for special industrial radio stations KIK 385 and KC 7607 should not be revoked, or, in the alternative, why a cease and desist order should not be issued against the licensee of said stations.

It is ordered, This 13th day of December 1956, that the pre-hearing conference previously scheduled for November 7, 1956, and thereafter continued without date will be held at the offices of the Commission in Washington, D. C., on January 3, 1957, at 10 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–10360; Filed, Dec. 19, 1956; 8:49 a. m.]

[Docket No. 11852; FCC 56M–1137]

RICHARD F. LEWIS, JR., INC.

ORDER SCHEDULING PREHEARING CONFERENCE AND ADVANCING DATE OF HEARING

In re application of Richard F. Lewis, Jr., Incorporated, of Mount Jackson, Virginia (WSIG), Mount Jackson, Virginia, Docket No. 11852, File No. BP–10510; for construction permit to increase power and to make other changes.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 12th day of December 1956, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 o'clock a. m., January 4, 1957, and the hearing now scheduled to commence on January 16, 1957, is hereby set for January 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–10361; Filed, Dec. 19, 1956; 8:49 a. m.]

[Docket Nos. 11854, 11855; FCC 56M–1138]

DONALD LEWIS HATHAWAY AND CASPER MOUNTAIN TELEVISION CORP.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Donald Lewis Hathaway, Casper, Wyoming, Docket No. 11854, File No. BPCT–2105; The Casper Mountain Television Corporation, Casper, Wyoming, Docket No. 11855, File No. BPCT–2130; for construction permits for new television stations (Channel 6).

The Hearing Examiner having under consideration a joint petition filed December 12, 1956, wherein both applicants request that the further pre-hearing conference in the above-entitled proceeding be continued until January 8, 1957; and

It appearing that there are no objections to the granting of said petition or to immediate consideration thereof;

It is ordered, This the 12th day of December 1956, that the petition for continuance is granted and the pre-hearing conference now scheduled to begin December 12, 1956, is continued until January 8, 1957, beginning at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–10362; Filed, Dec. 19, 1956; 8:49 a. m.]

[Docket Nos. 11886, 11887; FCC 56–1232]

VOLUSIA COUNTY BROADCASTING CORP. AND C. H. PACKHAM

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Volusia County Broadcasting Corporation, Daytona Beach, Florida, Docket No. 11886, File No. BP–10,396; C. H. Packham, Ormond, Florida, Docket No. 11887, File No. BP–10,572; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of December 1956;

The Commission having under consideration the above-captioned applications of the Volusia County Broadcasting Corporation, File No. BP–10,396, and C. H. Packham, File No. BP–10,572, each for a construction permit for a new standard broadcast station to operate on 1380 kilocycles with a power of 1 kilowatt, daytime only, at Daytona Beach and Ormond, Florida, respectively; and

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to construct and operate their proposed stations, but that operation of both stations as proposed would result in mutually destructive interference; and that it has not been determined whether the antenna structure proposed by Volusia County Broadcasting Corporation would create a hazard to air navigation; and

It appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated July 13, 1956 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants filed timely replies; and

It further appearing that in a letter dated October 8, 1956, the Commission requested the Volusia County Broadcasting Corporation to submit additional engineering information relative to the effect of steel structures near its proposed antenna and whether, as a result, the antenna system would radiate essentially a non-directional pattern as proposed; that in a letter dated November 19, 1956, said applicant requested additional time to December 21, 1956, to answer the Commission's letter; but that the Commission is of the opinion that it would be expeditious to deny the request for extension, as leave to amend may be granted for good cause shown after designation for hearing; and

It further appearing that, in the event of a grant of the application of Volusia County Broadcasting Corporation, a complete non-directional proof-of-performance should be submitted to prove that reradiation from nearby metal structures has been essentially eliminated; and.

It further appearing that, after consideration of the foregoing and the applicants' above-referenced replies, the Commission is of the opinion that a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine whether the antenna system proposed by the Volusia County Broadcasting Corporation would create a hazard to air navigation.

3. To determine whether the antenna system proposed by the Volusia County Broadcasting Corporation would radiate essentially a non-directional pattern as proposed, in view of the proximity of existing metal structures.

4. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the instant applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That the above-referenced request of the Volusia County Broadcasting Corporation for an extension of time to December 21, 1956, to reply to the Commission's letter of October 8, 1956, is denied; and

It is further ordered, That, in the event of a grant of the application of Volusia County Broadcasting Corporation, the construction permit shall contain the condition that a complete non-directional proof of performance be submitted to prove that re-radiation from nearby metal structures has been essentially eliminated; and

It is further ordered, That, to avail themselves of the opportunity to be heard, Volusia County Broadcasting Corporation and C. H. Packham, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–10363; Filed, Dec. 19, 1956; 8:49 a. m.]

[Docket Nos. 11888, 11889; FCC 56–1233]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP–10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP–10691; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of December 1956;

The Commission having under consideration the above-captioned applications of Louis Alford, Phillip D. Brady and Albert Mack Smith d/b as Jefferson County Broadcasting Company and Kermit F. Tracy, each for a construction permit for a new standard broadcast station to operate on 1270 kilocycles with powers of 5 kilowatts and one kilowatt, respectively, at Pine Bluff and Fordyce, Arkansas, respectively;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear

from the issues specified below, to operate their stations as proposed, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated October 8, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each applicant; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the two proposals, if either, would serve the public interest, convenience and necessity.

It is further ordered, That to avail themselves of the opportunity to be heard, the Jefferson County Broadcasting Company and Kermit F. Tracy, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10364; Filed, Dec. 19, 1956; 8:50 a. m.]

[Docket No. 11890; FCC 56-1235]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Lubbock, Tex.		229

3. The purpose of the proposed amendment is to make available Channel No. 229 in Lubbock, Texas, for assignment to FM broadcast station KSEL-FM.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before January 11, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 12, 1956.

Released: December 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10365; Filed, Dec. 19, 1956; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request 53A—DPAV-56 (a)]

REQUEST TO PARTICIPATE IN AMENDED PLAN OF ACTION UNDER VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply, dated August 10, 1956, as amended December 3, 1956, was approved by the Attorney General after consultation with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission and the Director of the Office of Defense Mobilization, and was accepted by the companies listed below.

The amendments to the Plan of Action authorize certain actions necessary to meet the particular problems caused by the existing petroleum transport situation, and have been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

Reference is made to the Plan of Action Under the Voluntary Agreement Relating to Foreign Petroleum Supply, as amended, and to your participation in activities under that Plan. Present circumstances indicate the need for an amendment to the Plan designed to authorize certain actions by the Middle East Emergency Committee deemed necessary to meet the particular problems caused by the existing petroleum transport situation. You are requested to participate in the Plan of Action as modified by the attached amendment.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the Plan of Action Under the Voluntary Agreement Relating to Foreign Petroleum Supply, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon advising me in writing of your acceptance of this request. Will you kindly also send a copy of your acceptance to the Director, Office of Oil and Gas, Department of the Interior, Washington 25, D. C. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, as provided in the Defense Production Act of 1950, as amended, will be given upon such acceptance, provided that your acts relative to such participation are within the scope of this Plan, as amended.

Your cooperation in this matter will be appreciated.

Sincerely yours,

ARTHUR S. FLEMMING,
Director.

ACCEPTANCES

American Independent Oil Company, 111 Sutter Street, San Francisco, California.

Arabian American Oil Company, 505 Park Avenue, New York, New York.

Caltex Oil Products Company, 380 Madison Avenue, New York, New York.

Cities Service Company, Inc., 60 Wall Tower, New York, New York.

Creole Petroleum Corporation, 1230 Avenue of the Americas, New York, New York.

Getty Oil Company, Pennsylvania Building, Wilmington, Delaware.

Gulf Oil Corporation, Gulf Building, Pittsburgh, Pennsylvania.

Sinclair Oil Corporation, 600 Fifth Avenue, New York, New York.

Socony Mobil Oil Company, Inc., 150 East 42d Street, New York, New York.

Standard Oil Company of California, 225 Bush Street, San Francisco, California.

Standard Oil Company (New Jersey), 30 Rockefeller Plaza, New York, New York.

Standard-Vacuum Oil Company, 1000 Westchester Avenue, White Plains, New York.

The Texas Company, 135 East 42d Street, New York, New York.

Tidewater Oil Company, 79 New Montgomery Street, San Francisco 20, California.

Venezuelan Petroleum Company, 600 Fifth Avenue, New York, New York.

Dated: December 17, 1956.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-10354; Filed, Dec. 19, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3679]

KROY OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

DECEMBER 14, 1956.

In the matter of trading on the American Stock Exchange in the 20 cent par value Capital Stock of Kroy Oils Limited, File No. 1-3679.

I. The 20 cent par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On December 4, 1956, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from December 5, 1956, to December 14, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from December 15, 1956, to December 24, 1956, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10345; Filed, Dec. 19, 1956; 8:46 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

DECEMBER 14, 1956.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited, File No. 1-3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December, 1955, and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of August, 1955, was false and misleading in certain respects set forth in said order, and that the Form 8-K report for the month of December, 1955, and the Form 10-K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On December 4, 1956, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from December 5, 1956, to December 14, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under sec-

tion 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to Section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from December 15, 1956 to December 24, 1956, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10346; Filed, Dec. 19, 1956; 8:46 a. m.]

[File No. 70-3542]

OHIO EDISON CO.

NOTICE OF PROPOSED ACQUISITION OF UTILITY ASSETS

DECEMBER 14, 1956.

Notice is hereby given that Ohio Edison Company ("Company"), a registered holding company and a public utility company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9 (a) (1) and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

Pursuant to a Sale Agreement dated December 6, 1956, between the Company and the Village of Leroy, Ohio ("Village"), the Company proposes to acquire, for a cash consideration of $78,500, the Village electric distribution system, including approximately 5½ pole miles of overhead distribution facilities, 57 street lights, 70 line transformers of approximately 1,181 kva aggregate capacity, and a substation of 600 kva capacity situated on land owned by other than the Village.

It is stated that the Village is located in close proximity to communities and surrounding rural areas presently served by the Company at retail; that the Company presently supplies power to the Village for distribution over its system under a municipal resale power contract, which the parties will terminate upon the Company's acquisition of the property; that for the 12-month period ended October 31, 1956, the Company delivered to the Village under such contract 1,636,464 Kwh of electric energy, the revenue for which was $26,109.29.

Upon consummation of the transaction, the acquired property will be operated as a part of the Company's integrated system. It is stated that such integration should make it possible to improve the efficiency and economy of operations, to improve the service to the customers, and to increase the sales of electric energy over the acquired property; that the rates to be charged by the Company will be its regular rates for service in comparable communities, and that a comparison of such rates with those of the Village presently in effect indicates that the substitution of the Company's service will result in an overall reduction in the bills of the customers.

The Company proposes to record the property on its books on the basis of original cost, actual or estimated, and to dispose of the difference, if any, between the purchase price and such original cost in accordance with the accounting regulations and orders of The Public Utilities Commission of Ohio and the Federal Power Commission, which will have accounting jurisdiction with respect thereto. It is stated that no commission other than this Commission has jurisdiction over the proposed acquisition.

The Company estimates its fees and expenses in connection with the matter as follows:

Winthrop, Stimson, Putnam & Roberts, for legal services	$100
Miscellaneous	250
Total	350

Notice is further given that any interested person may, not later than December 28, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10347; Filed, Dec. 19, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-2065]

TEXAS AND PACIFIC MOTOR TRANSPORT CO. ET AL.

NOTICE OF INVESTIGATION WITH RESPECT TO CONTRACTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 7th day of December A. D. 1956.

Section 409 contracts between The Texas and Pacific Motor Transport Company and freight forwarders.

There being under consideration the matter of contracts between The Texas and Pacific Motor Transport Company, a motor common carrier, and the following forwarders, namely: Acme Fast Freight, Inc., National Carloading Corporation, Republic Carloading and Distributing Co., Inc., and Universal Carloading and Distributing Company, Inc., for the performance of transportation services at rates and charges other than those provided in the applicable tariffs of The Texas and Pacific Motor Transport Company; and

It appearing that upon consideration of the said contracts there is reason to institute an investigation to determine whether performance of the services specified in the contracts is prohibited by the restrictions contained in the carrier's certificate limiting its service to that which is auxiliary to or supplemental of The Texas and Pacific Railway Company, and whether the performance of the said services would be in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted upon the Commission's own motion into and concerning the lawfulness of the services and practices specified in the said contracts with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That The Texas and Pacific Motor Transport Company, Acme Fast Freight, Inc., National Carloading Corporation, Republic Carloading and Distributing Co., Inc., and Universal Carloading and Distributing Company, Inc., be, and they are hereby, made respondents to this proceeding, that a copy of this order be served upon each of the said respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

It is further ordered, That this proceeding be set for hearing under modified procedure; that the respondents or their representatives comply with the provisions of Rules 45 to 54, inclusive, of the general rules of practice before the Commission; and that respondents should serve their statements of facts and argument on or before February 5, 1957, other interested parties to serve their statements within 30 days thereafter, and within 10 days thereafter respondents to serve their statements in reply.

And it is further ordered, That a request for a change in any due date for the filing of any pleading under modified procedure need not be made formally by petition but may be made in writing and disposed of without an order in accordance with the provisions of rule 21 (b) of the general rules of practice.

Dated at Washington, D. C., this 7th day of December, A. D. 1956.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-10351; Filed, Dec. 19, 1956; 8:47 a. m.]

FEDERAL REGISTER

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Washington, Friday, December 21, 1956

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (e) of § 6.309 is amended to read "Bureau of the General Counsel", paragraph (e) (1) is revoked, and paragraph (e) (2), (3) and (4) is amended as set out below.

§ 6.309 *Post Office Department.* • • •

(e) *Bureau of the General Counsel.* • • •

(2) Two Private Secretaries to the General Counsel.

(3) One Deputy General Counsel.

(4) One Private Secretary to the Deputy General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-10394; Filed, Dec. 20, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 97, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.397 (Navel Orange Regulation 97, 21 F. R. 9987) are hereby amended to read as follows:

(i) District 1: 415,800 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 18, 1956.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-10395; Filed, Dec. 20, 1956; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 10]

PART 73—SCABIES IN CATTLE

AREAS QUARANTINED BECAUSE OF SCABIES

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

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amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 73.0 of Part 73, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, (21 F. R. 9244), is hereby amended to read as follows:

§ 73.0 *Notice and quarantine.* Notice is hereby given that cattle in Colorado are affected with scabies, a contagious, infectious, and communicable disease, and Las Animas, Crowley, and Otero Counties are hereby quarantined because of said disease.

Effective date. The foregoing amendment shall be come effective upon issuance.

The amendment includes Otero County, Colorado, within the areas quarantined because of scabies in cattle. Part 73, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, contains the regulations pertaining to the interstate movement of cattle from such quarantined areas.

The amendment imposes certain further restrictions necessary to prevent the spread of scabies in cattle, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, as amended; 21 U. S. C. 120)

Done at Washington, D. C., this 14th day of December 1956.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 56–10396; Filed, Dec. 20, 1956; 8:49 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 130—PRIORITIES REGULATION

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 130, Title 10, CFR, "Priorities Regulation". In accordance with section 4 of the Administrative Procedures Act, Public Law 404, 79th Congress, 2d Session, these amendments shall be effective thirty (30) days after the date of publication.

1. Section 130.3 (g) is amended to read as follows:

(g) "Member of his family" means any person having the following relationship to an occupant or a person granted a priority under § 130.21 (f) (1) or (2) (including those having the same relationship through marriage or legal adoption): Spouse, father, mother, grandfather, grandmother, brother, sister, son, daughter, uncle, aunt, nephew, niece, or first cousin.

2. Section 130.3 (m) is amended to read as follows:

(m) "Inhabitant" means a person who owned real property in the project area at Oak Ridge on October 6, 1942, or in the project area at Richland on December 31, 1942.

3. Paragraph (c) of § 130.21 is amended by adding directly after the word "agreement", the following: "(except lots covered by priorities granted by paragraphs (e) and (f) of this section."

4. There is added directly after paragraph (d) of § 130.21 new paragraphs designated as paragraphs (e) and (f), reading as follows:

(e) For each lot classified for residential use, located within the minimum geographic area referred to in § 130.3 (c) (1) on which, on August 1, 1956, there was wholly or partially located only one single-family housing unit, and such unit was subsequently removed from such lot pursuant to section 52 (a) (1) of the act:

(1) *First priority.* The person who on August 1, 1956 was entitled to occupancy of the single-family housing unit in accordance with a lease or license agreement with the Commission or its property management contractor.

(2) *Second priority.* Any person who having a priority under paragraph (f) (2) of this section is prevented from exercising such priority by reason of the exercise of a higher priority granted by paragraph (f) of this section by another person.

(3) *Third priority.* Any resident.

(4) *Fourth priority.* Any project-connected person.

(5) *Fifth priority.* Any retired former resident.

(6) *Sixth priority.* Any inhabitant.

(f) For each lot classified for residential use located within the minimum geographic area referred to in § 130.3 (c) (1) on which, on August 1, 1956, there were wholly or partially located more than one single-family housing unit, all of which were subsequently removed from such lot pursuant to section 52 (a) (1) of the act:

(1) *First priority.* The person who on August 1, 1956, was entitled to occupancy of one of such single-family housing units in accordance with a lease or license agreement with the Commission or its property management contractor and who had a longer period of continuous occupancy than the person granted a priority under subparagraph (2) of this paragraph.

(2) *Second priority.* The person or persons who on August 1, 1956, were entitled to occupancy of one of such single-family housing units in accordance with a lease or license agreement with the Commission or its property management contractor, and who had a shorter period of continuous occupancy than the person granted a priority under subparagraph (1) of this paragraph.

(3) *Third priority.* Any person who having a priority under subparagraph (2) of this paragraph is prevented from exercising such priority by reason of the exercise of a higher priority granted by this paragraph by another person.

(4) *Fourth priority.* Any resident.

(5) *Fifth priority.* Any project-connected person.

(6) *Sixth priority.* Any retired former resident.

(7) *Seventh priority.* Any inhabitant.

5. Section 130.42 (a) (2) is amended to read as follows:

(2) Conflicting claims for priority to purchase a duplex house by a senior occupant shall be resolved on the basis of seniority of occupancy in accordance with § 130.45 (a).

6. There are added new subparagraphs, designated subparagraphs (5) and (6) to paragraph (a) of § 130.42, reading as follows:

(5) Conflicting claims for priority to purchase lots under § 130.21 (e) (2) and (f) (3) shall be resolved on the basis of seniority of employment, in accordance with §§ 130.43 and 130.44.

(6) Conflicting claims for priority to purchase lots under § 130.21 (f) (1) or (2) shall be resolved on the basis of the longer period of continuous occupancy in accordance with § 130.45 (b).

7. The title to § 130.45 is amended to read as follows: "Determination of occupancy."

8. The following new paragraph, designated paragraph (b), is added to § 130.45, reading as follows:

(b) In determining which person has the longer period of continuous occupancy with regard to houses located on lots covered by the priority granted by § 130.21 (f) (1) or (2):

(1) Only occupancy prior to August 1, 1956, shall be considered;

(2) Occupancy shall be determined by the effective date on which the person claiming a priority under § 130.21 (f) (1) or (2), or a member of his family, executed the initial lease or license agreement with the Commission or its property management contractor;

(3) Cases involving claimants whom the Commission finds have the same period of continuous occupancy, shall be determined by lot, in which event the successful claimant shall be considered as having the longer period of continuous occupancy.

9. Section 130.56 is amended to read as follows:

§ 130.56 *Grounds of appeal.* A person eligible to file an appeal under § 130.56 may appeal as to one or more of the following issues:

(a) His right or the right of the successful claimant to a priority of the class to which the property has been offered;

(b) His period of occupancy or the period of occupancy of the successful claimant in the case of occupants of duplex houses or priorities granted by § 130.21 (f) (1) or (2); and

(c) His periods of seniority of employment or service or the periods of seniority of employment or service of the successful claimant.

Dated at Washington, D. C., this 14th day of December 1956.

(Secs. 42, 111, 115 Pub. Law 221, 84th Cong.)

K. E. FIELDS,
General Manager.

[F. R. Doc. 56–10390; Filed, Dec. 20, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 228]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below-named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BILLINGS, MONT. Municipal, 3,612'. SBRAZ-DTV-BIL. Procedure No. 1. Amendment No. 7. Effective date: January 19, 1957. Supersedes Amendment 6, dated November 26, 1954. Major changes: standardize transition altitudes and circling minimums; raise procedure turn altitude.	Nibbe FM (final)	Direct	4,500	N side of E course: 054° outbound. 234° inbound. 5,200' within 10 miles.	4,500	238—1.3 to Runway 25	T-dn	300-1	300-1	200-½	Within 1.3 miles, climb to 5,500' on W course within 15 miles of LFR.
	Park City FM	Direct	5,200				C-dn	400-1	500-1	500-1½	
	BIL VOR	Direct	5,200				A-dn	800-2	800-2	800-2	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
LAWTON (FORT SILL), OKLA. Post Army Airfield, 1,157'. MHW2-PFL. Procedure No. 1. Amendment Original. Effective date: January 19, 1957.	Lawton VOR (final)	355—6.5	1,900	E side of course: 172° outbound. 352° inbound. 2,700' within 10 miles.	1,900	352—2.3	T-dn	300-1	300-1	200-½	Within 2.3 miles turn right, climb to 2,700' returning to PFL Radiobeacon.
							C-dn	400-1	500-1	500-1½	
							S-dn 35	400-1	400-1	400-1	
							A-dn	800-2	800-2	800-2	

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BILLINGS, MONT. Billings Municipal, 3,612'. BVOR-BIL. Procedure No. 1. Amendment No. 2. Effective date: January 19, 1957. Supersedes Amendment 1, dated October 27, 1956. Major changes: Raise missed approach altitude.	Billings LFR	Direct	5,200	S side of course: 257° outbound. 077° inbound. 5,200' within 10 miles. Not authorized beyond 10 miles.	4,700	077—3.2	T-dn	300-1	300-1	300-1	Within 3.2 miles, climb to 5,200' on 035° radial within 20 miles of VOR.
	Park City FM	Direct	5,200				C-d	400-1	500-1	500-1½	
							C-n	400-2	500-2	500-2	
							S-d	400-1	400-1	400-1	
							S-n				
							Runway 7	400-2	400-2	400-2	
							A-dn	800-2	800-2	800. 2	
MERIDIAN, MISS. Key Field, 297'. BVOR-MEI. Procedure No. 1. Amendment Original. Effective date: December 19, 1956.	Meridian LFR	Direct	1,600	S side of course: 309° outbound. 129° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	1,200	129—3.2	T-dn	300-1	300-1	200-½	Within 3.2 miles turn right, climb to 2,000' on radial 170° within 20 miles. 300-1 required for takeoff runway 9. AIR CARRIER NOTE: Takeoffs with less than 200-½ not authorized runways 5-23 and 14-32.
							C-dn	600-1	600-1	600-1½	
							S-D 14	600-1	600-1	600-1	
							A-dn	800-2	800-2	800-2	
TEXARKANA, ARK. Municipal, 389'. BVOR-TXK. Procedure No. 1. Amendment No. 3. Effective date: Commissioning of relocated facility about January 19, 1957. Supersedes Amendment 2, dated December 10, 1954. Major changes: relocation of VOR new approach.	Texarkana LFR	Direct	1,500	W side of course: 301° outbound. 121° inbound. 1,500' within 10 miles.	1,000	121—5.1	T-dn	300-1	300-1	200-½	Climb to 1,600' on radial 121° within 20 miles. NOTE: Radio tower 565' mean sea level 2¼ miles NE of airport.
							C-dn	400-1	500-1	500-1½	
							S-dn 13	400-1	400-1	400-1	
							A-dn	800-2	800-2	800-2	
TUCSON, ARIZ. Municipal, 2,630'. BVOR-TUS. Procedure No. 2. Amendment No. 1. Effective date: January 19, 1957. Supersedes Amendment original, dated February 18, 1956. Major changes: Clarifies procedure turn distance.	Gilpin FM (final)	Direct	*3,600	W side of course: 302° outbound. 122° inbound. 5,500' within 10 miles of TUS VOR. Beyond 10 miles not authorized.	3,600	254—6.1	T-dn	300-1	300-1	300-1	Within 0 mile, turn right (W) and climb to 6,000' on R-254 within 10 miles W of Mission FM. Alternate missed approach when directed by ATC: Turn right and climb to 7,000' on R-302 within 20 miles of VOR. *If Gilpin FM not received, maintain minimum of 7,000' to VOR.
							C-dn	1,000-3	1,000-3	1,000-3	
							A-dn	1,000-3	1,000-3	1,000-3	

4. The very high frequency omnirange distance measuring equipment (VOR/DME) procedures prescribed in § 609.9 are amended to read in part:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Elevations and altitude are in feet MSL.
If a VOR/DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:
NOTE: Distances are in nautical miles unless otherwise indicated except visibilities, which are in statute miles.

LaGrange, Ga.; Callaway Airport; elevation 700'; facility BVOR/DME; identification LGC; Amendment Original; effective date, May 12, 1956.

Transition to facility or transition to DME orbit				Minimum altitude on approach radial		Procedure No.; direct or right or left turn to final approach orbit; Runway No.			Minimum altitude on final approach orbit			Ceiling and visibility minimums			If visual contact not established at authorized landing minimums at facility specified, or if landing not accomplished—
												Condition	Two engines or less		
From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)	From—(mi.)	To—(mi.)	Radial	Minimum altitude (ft.)		From radial	To radial	Minimum altitude (ft.)		65 knots or less	More than 65 knots	More than two engines
1	2	3	4	5					11	12	13	14	15	16	17
PROCEDURES NO. 1 AND NO. 2 CANCELED OCTOBER 25, 1956, DUE TO DECOMMISSIONING OF FACILITY ON THAT DATE															18

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercep tion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)	
										65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
NEW ORLEANS, La. Moisant Intersection, 3'. ILS-IMSY. COM-Simultaneous ILS-ADF. Procedure No. 1. Amendment No. 8. Effective date: January 19, 1957. Supersedes amendment 7, dated April 16, 1955. Major changes: Change to nautical miles. Revise transitions and missed approaches.	MSY LFR	LOM	Direct	1,400	S side of W course: 279° outbound. 099° inbound. 1,400' within 10 miles. Beyond 10 miles not authorized.	1,400	1,040—3.5	220—0.6	T-dn C-dn	300-1 400-1	300-1 500-1	200-½ 500-1½	Within 3.5 miles after passing LOM (ADF) climb to 2,000' on 099° course, turn right within 10 miles, or when directed by ATC use one of the following alternate missed approach procedures: Alternate missed approach procedure: VOR/ADF climbing on E course to 1,500': (1) proceed to MSY LFR climbing on E course to 1,500'; (2) turn right, climb on 8 course MSY LFR to 1500'; (3) turn right climb on N course MSY LFR to 1,400'; (4) turn left, climb on R-030 MSY VOR to 1,400'; (5) climb on R-060 MSY VOR to 1,500'; (6) turn right, climb on R-120 MSY VOR to 1,500'; all within 20 miles. Or if directed by ATC or VOR respectively; (7) when under positive radar contact climb to 1,500'** on course as directed by ATC.
	MSY VOR	LOM	Direct	1,300					S-dn 10 °ILS	200-½	200-½	200-½	
	La Place MHW (final) via course 120°.	W course ILS or 099° bearing to LOM.	Direct	ILS 1,400 ADF 900					ADF	400-1	400-1	400-1	
	Radar terminal area transition altitude.		Within 25 miles	**1,500					A-dn ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	

*60-ft required when glide slope not utilized.
**Radio control must provide 3 miles lateral separation or 1,000' vertical separation from 023° and 563° radio towers 12 miles SE of airport and from 975' mean sea level TV tower 16 miles E of airport.
CAUTION: 409' WWL tower 2.3 miles N of airport; 432' towers 3.4 miles S of MSY LFR or 4.3 miles SE of airport.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator, of Civil Aeronautics.

[F. R. Doc. 56–10304; Filed, Dec. 20, 1956; 8:45 a. m.]

[Amdt. 11]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.12 *Green civil airway 2* is amended to read in part:

From Billings, Mont., LFR; to Miles City, Mont., LFR; MEA 5,200.

From Nibbe, Mont., FM; to Miles City, Mont., LFR, eastbound only; MEA 5,000.

Section 610.15 *Green civil airway 5* is amended to read in part:

From Texarkana, Ark., LFR; to Pine Bluff, Ark., LF/RBN; MEA 1,700.

Section 610.102 *Amber civil airway 2* is amended to read in part:

From Las Vegas, Nev., LFR; to Enterprise, Utah, LFR; MEA 10,000.

From Logandale, Nev., FM; to Las Vegas, Nev., LFR, southwestbound only; MEA 6,500.

Section 610.217 *Red civil airway 17* is amended to read in part:

From Chanute, Ill., LF/RBN; to Rensselaer INT, Ind.; MEA 1,900.

Section 610.230 *Red civil airway 30* is amended to read in part:

From Lee INT, Fla.; to Jacksonville, Fla., LFR; MEA 1,300.

Section 610.618 *Blue civil airway 18* is amended to read in part:

From Albany, N. Y., LFR; to Burlington, Vt., LFR; MEA 4,500.

From Glens Falls, N. Y., LF/RBN; to Albany, N. Y., LFR, southbound only; MEA 3,000.

From Vergennes, Vt., FM; to Burlington, Vt., LFR, northbound only; MEA 2,000.

Section 610.619 *Blue civil airway 19* is amended to read in part:

From Key West, Fla., LFR; to Perrine, Fla., LFR; MEA 1,300.

From Perrine, Fla., LFR; to Melbourne, Fla., LFR; MEA 1,200.

Section 610.632 *Blue civil airway 32* is amended to read:

From Anchorage, Alaska, LFR; to Susitna INT, Alaska; MEA 1,500.

From Susitna INT, Alaska; to McDougall INT, Alaska; MEA 3,700.

From McDougall INT, Alaska; to Skwentna, Alaska, LFR; MEA 4,200.

From *Skwentna, Alaska, LFR; to Talketna, Alaska, LF/RBN; MEA 5,000. *4,100—MCA Skwentna LFR, northeastbound.

Section 610.1001 *Direct routes, U. S.,* is amended to delete:

From Cove INT, N. C.; to Int. dir. crs Winston Salem, N. C., LFR; to Roanoke, Va., LFR; and South Boston, Va., VOR; 280° rad., northbound, MEA 5,600; southbound, MEA 4,000.

From Tampa, Fla., LFR; to West Palm Beach, Fla., LFR; MEA 2,100.

Section 610.1001 *Direct routes, U. S.,* is amended to read in part:

From Dallas, Tex., LFR; to Int. 028°, crs from Dallas, LFR and SE, crs Perrin, Tex., LFR; MEA 2,000.

From Int. 028°, crs from Dallas, LFR and SE, crs Perrin, Tex., LFR; to Fort Smith, Ark., LF/RBN; MEA 3,400.

Section 610.1001 *Direct routes, U. S.,* is amended by adding:

From Dallas, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 2,000.

From Lake Charles, La., LFR; to Lufkin, Tex., LF/RBN; MEA 1,600.

From West Palm Beach, Fla., LFR; to Int. 300 brg from West Palm Beach, LFR, and 045 brg from Fort Myers, LF/RBN; MEA 1,200.

From Int. 300 brg from West Palm Beach, LFR, and 045 brg from Fort Myers, LF/RBN; to Tampa, Fla., LFR; MEA 2,100.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From Billings, Mont., VOR; to Miles City, Mont., VOR; MEA 5,200.

From Nibbe, Mont., FM; to Miles City, Mont., VOR, eastbound only; MEA 5,000.

Section 610.6005 *VOR civil airway. 5* is amended to read in part:

From *Crescent Lake INT, Fla.; to Roy INT, Fla.; MEA **3,000. *3,000—MRA. **1,300—MOCA.

From Roy INT, Fla.; to Blue Jacket INT, Fla.; MEA *2,000. *1,200—MOCA.

From *Crescent Lake INT, Fla., via E alter.; to Roy INT, Fla., via E alter.; MEA **3,000. *3,000—MRA. **1,300—MOCA.

From Roy INT, Fla., via E alter.; to Blue Jacket INT, Fla., via E alter.; MEA *2,000. *1,200—MOCA.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From Allentown, Pa., VOR; to Int. 103 T rad., Allentown, Pa., VOR, and SW crs Newark, N. J., ILS loc.; MEA 2,500.

From *Ogden, Utah, VOR; to ** Lost River INT, Utah; MEA 12,000. *11,000—MCA Ogden VOR, eastbound. **14,000—MRA.

From Lost River INT, Utah; to Fort Bridger, Wyo., VOR; MEA 12,000.

Section 610.6009 *VOR civil airway 9* is amended by adding:

From New Orleans, La., VOR, via E alter.; to *Picayune INT, La., via E alter.; MEA **1,500. *2,500—MRA. **1,400—MOCA.

From Picayune INT, La., via E alter.; to McComb, Miss., VOR, via E alter.; MEA *2,500. *1,700—MOCA.

Section 610.6010 *VOR civil airway 10* is amended to read in part:

From Youngstown, Ohio, VOR; to *Mercer INT, Pa.; MEA 2,600. *4,000—MRA.

From Mercer INT, Pa.; to *Brookville INT, Pa.; MEA 4,000. *4,000—MRA.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Anthony, Kans., VOR, via S alter.; to *Conway INT, Kans., via S alter.; MEA 2,500. *3,500—MRA.

From Conway INT, Kans., via S alter.; to Wichita, Kans., VOR via S alter.; MEA 2,500.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Houston, Tex., VOR, via E alter.; to *Crosby INT, Tex., via E alter.; MEA 1,600. *1,900—MRA.

From Crosby INT, Tex., via E alter.; to Daisetta INT, Tex., via E alter.; MEA 1,600.

Section 610.6016 *VOR civil airway 16* is amended by adding:

From Wink, Tex., VOR, via N alter.; to Goldsmith INT, Tex., via N alter.; MEA 4,400.

From Goldsmith INT, Tex., via N alter.; to Pipeline INT, Tex., via N alter.; MEA *5,200. *4,300—MOCA.

From Pipeline INT, Tex., via N alter.; to Mustang INT, Tex., via N alter.; MEA *6,300. *4,100—MOCA.

From Mustang INT, Tex., via N alter.; to Big Spring, Tex., VOR, via N alter.; MEA 4,000.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Wink, Tex., VOR, via N alter.; to Goldsmith INT, Tex., via N alter., MEA 4,400.

From Goldsmith INT, Tex., via N alter.; to Midland, Tex., VOR, via N alter.; MEA 4,500.

From Mineral Wells, Tex., VOR, via S alter.; to Russell INT, Tex., via S alter.; MEA 2,800.

From Russell INT, Tex., via S alter.; to Hensley INT, Tex., via S alter.; MEA 2,700.

From Hensley INT, Tex., via S alter.; to Dallas, Tex., VOR, via S alter; MEA 2,000.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From Fort Worth, Tex., VOR; to Cole INT, Okla.; MEA *4,000. *2,500—MOCA.

From Cole INT, Okla.; to Bray INT, Okla.; MEA *5,000. *2,300—MOCA.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Shreveport, La., VOR, via N alter.; to Homer INT, La., via N alter.; MEA 1,600.

From Homer INT, La., via N alter.; to Monroe, La., VOR, via N alter.; MEA *2,000. *1,900—MOCA.

From Monroe, La., VOR; to Jackson, Miss., VOR; MEA 1,700. Via S alter.; MEA *2,400. *1,700—MOCA.

Section 610.6018 *VOR civil airway 18* is amended by adding:

From Meridian, Miss., VOR, via N alter.; to Tuscaloosa, Ala., VOR, via N alter.; MEA *2,000. *1,600—MOCA.

From Tuscaloosa, Ala., VOR, via N alter.; to Birmingham, Ala., VOR, via N alter.; MEA 2,000.

From Birmingham, Ala., VOR, via N alter.; to Anniston, Ala., VOR, via N alter.; MEA 3,000.

Section 610.6020 *VOR civil airway 20* is amended by adding:

From New Orleans, La., VOR, via N alter.; to *Picayune INT, La., via N alter.; MEA **1,500. *2,500—MRA. **1,400—MOCA.

From Picayune INT, La., via N alter.; to Mobile, Ala., VOR, via N alter.; MEA *4,500. *1,400—MOCA.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From Tallahassee, Fla., VOR; to Greenville INT, Fla.; MEA 1,500.

From Greenville INT, Fla.; to Lee INT, Fla.; MEA *2,500. *1,500—MOCA.

From Lee INT, Fla.; to *Taylor INT, Fla.; MEA **3,000. *3,000—MRA. **1,200—MOCA.

From Taylor INT, Fla.; to Bryceville INT, Fla.; MEA *2,500. *1,200—MOCA.

From Bryceville INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From *Bakersfield, Calif., VOR; to Laton INT, Calif.; MEA 3,000. *7,000—MCA Bakersfield, VOR, southbound.

From Laton INT, Calif.; to Fresno, Calif., VOR; MEA 2,000.

From Bakersfield, Calif., VOR, via E alter.; to Dinuba INT, Calif., via E alter.; MEA 3,500.

From Dinuba INT, Calif., via E alter.; to Fresno, Calif., VOR, via E alter.; MEA 2,000.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From Green Bay, Wis., VOR; to Pentwater INT, Mich.; MEA 2,900.

Section 610.6032 *VOR civil airway 32* is amended to read in part:

From Bonneville, Utah, VOR; to *Stansbury INT, Utah, westbound, MEA 10,000; eastbound, MEA 11,000. *12,000—MRA.

From Stansbury INT, Utah; to *Salt Lake City, Utah, VOR, westbound, MEA 10,000; eastbound, MEA 11,000. *12,000—MCA Salt Lake City, VOR, eastbound.

From Salt Lake City, Utah, VOR; to *Henefer INT, Utah; MEA **13,000. *14,000—MRA. *12,000—MOCA.

From Henefer INT, Utah; to Fort Bridger, Wyo., VOR; MEA *13,000. *12,000—MOCA.

Section 610.6037 *VOR civil airway 37* is amended to delete:

From Pulaski, Va., VOR; to Marie INT, W. Va.; MEA 6,000.

Section 610.6037 *VOR civil airway 37* is amended by adding:

From Charlotte, N. C., VOR; to Pulaski, Va., VOR; MEA *6,000. *5,600—MOCA.

From Pulaski, Va., VOR; to Elkins, W. Va., VOR; MEA 8,000.

Section 610.6043 *VOR civil airway 43* is amended to read in part:

From Appleton, Ohio, VOR; to Youngstown, Ohio, VOR; MEA 2,500.

Section 610.6055 *VOR civil airway 55* is amended to read in part:

From Pentwater INT, Mich.; to Green Bay, Wis., VOR; MEA 2,900.

Section 610.6062 *VOR civil airway 62* is amended by adding:

From Lubbock, Tex., VOR; to Spur INT, Tex.; MEA *5,000. *4,500—MOCA.

From Spur INT, Tex.; to Abilene, Tex., VOR; MEA *5,000. *3,600—MOCA.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From *San Diego, Calif., VOR; to El Centro, Calif., VOR; MEA 8,000. *4,000—MCA San Diego, VOR, eastbound.

From Barrett Lake, Calif., FM; to Jamul, Calif., LF/RBN, westbound only; MEA 6,000.

From Jamul, Calif., LF/RBN; to San Diego, Calif., VOR, westbound only; MEA 4,500.

From El Centro, Calif., VOR; to Yuma, Ariz., VOR; MEA 3,000.

From Midland, Tex., VOR; to *Jack INT, Tex.; MEA **6,200. *6,200—MRA. **4,400—MOCA.

From Jack INT, Tex.; to Abilene, Tex., VOR; MEA *7,200. *3,600—MOCA.

From Breckenridge INT, Tex.; to Chapel INT, Tex.; MEA *3,800. *2,500—MOCA.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From Hobbs, N. Mex., VOR, via S alter.; to Goldsmith INT, Tex., via S alter.; MEA 5,300.

From Goldsmith INT, Tex., via S alter.; to Midland, Tex., VOR, via S alter.; MEA 4,300.

From Midland, Tex., VOR via S alter.; to *King INT, Tex., via S alter.; MEA 4,400. *7,800—MRA.

From King INT, Tex., via S alter.; to San Angelo, Tex., VOR, via S alter.; MEA *7,800. *3,900—MOCA.

Section 610.6069 *VOR civil airway 69* is amended by adding:

From Shreveport, La., VOR; to El Dorado, Ark., VOR; MEA 1,600.

From El Dorado, Ark., VOR; to Pine Bluff, Ark., VOR; MEA 1,600.

Section 610.6074 *VOR civil airway 74* is amended to read in part:

From Fort Smith, Ark., VOR; to *Paris INT, Ark.; MEA 4,000. *5,500—MRA.

From Paris INT, Ark.; to *Roland INT, Ark.; MEA 4,000. *5,500—MRA.

From Roland INT, Ark.; to Little Rock, Ark., VOR; MEA 4,000.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From Big Spring, Tex.; to *Jack INT, Tex.; MEA 4,000. *6,200—MRA.

From Jack INT, Tex.; to San Angelo, Tex., VOR; MEA 4,000.

Section 610.6077 *VOR civil airway 77* is amended to read in part:

From Ponca City, Okla., VOR; to *Conway INT, Kans.; MEA **3,500. *3,500—MRA. **2,500—MOCA.

From Conway INT, Kans.; to *Milton INT, Kans.; MEA **4,000. *4,000—MRA. **2,500—MOCA.

Section 610.6079 *VOR civil airway 79* is amended to read in part:

From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 5,300.

Section 610.6094 *VOR civil airway 94* is amended by adding:

From Newman, Tex., VOR; to Water Hole INT, Tex.; MEA 8,700.

From Water Hole INT; to *McConnell INT; MEA **10,500. *10,500—MRA. **9,000—MOCA.

From McConnell INT, Tex.; to Salt Flat, Tex.; VOR; MEA 6,000.

Section 610.6105 *VOR civil airway 105* is amended to read in part:

From Phoenix, Ariz., VOR; to Prescott, Ariz., VOR; MEA 10,000.

From Rock Springs INT, Ariz.; to Phoenix, Ariz., VOR, southbound only; MEA 7,500.

From Prescott, Ariz., VOR; to White Hills INT, Nev.; MEA 11,000.

From *White Hills INT, Nev.; to Las Vegas, Nev., VOR; MEA 8,000. *8,700—MCA White Hills INT, southeastbound.

Section 610.6117 *VOR civil airway 117* is amended to read in part:

From El Centro, Calif., VOR; to *Wister INT, Calif.; MEA 3,000. *4,000—MCA Wister INT, northwestbound.

From Wister INT, Calif.; to Thermal, Calif., VOR; MEA 5,000.

From *Thermal, Calif., VOR; to **Giant Rock INT, Calif.; MEA 12,000. *12,000—MCA Thermal VOR, northbound. **14,000—MRA.

From Giant Rock INT, Calif.; to *Daggett, Calif., VOR; MEA 12,000. *10,000—MCA Daggett VOR, southbound.

Section 610.6134 *VOR civil airway 134* is amended to read in part:

From Evergreen, Ala., VOR; to *Rutledge INT, Ala.; MEA **2,000. *2,500—MRA. **1,500—MOCA.

From Rutledge INT, Ala.; to *Saco INT, Ala.; MEA **4,500. *2,000—MRA. **1,800—MOCA.

From Saco INT, Ala.; to Columbus, Ga., VOR; MEA *2,700. *2,000—MOCA.

Section 610.6134 *VOR civil airway 134* is amended to delete:

From Columbus, Ga., VOR; to *Hamilton INT, Ga.; MEA 1,800. *2,400—MRA.

From Hamilton INT, Ga.; to Atlanta, Ga., VOR; MEA 2,400.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Fort Worth, Tex., VOR; to Alvord INT, Tex.; MEA *2,500. *2,000—MOCA.

From Alvord INT, Tex.; to Ardmore, Okla., VOR; MEA 2,600.

Section 610.6217 *VOR civil airway 217* is amended to read in part:

From Milwaukee, Wis., ILS loc.; to Lake Park INT, Wis.; MEA 2,000.

From Lake Park INT, Wis.; to Green Bay, Wis., VOR; MEA 2,700.

Section 610.6235 *VOR civil airway 235* is amended to read:

From *Utah Lake, Utah, VOR; to **Border INT, Utah; MEA 14,000. *12,500—MCA Utah Lake VOR, northeastbound. **15,000—MRA.

From Border INT, Utah; to Fort Bridger, Wyo., VOR; MEA 14,000.

Section 610.6244 *VOR civil airway 244* is added to read:

From Oakland, Calif., VOR; to Altamont INT, Calif.; MEA 5,000.

From Altamont INT, Calif.; to *French Camp INT, Calif., eastbound, MEA 5,000; westbound, MEA 5,500. *5,500—MCA French Camp INT, westbound.

From French Camp INT, Calif.; to Modesto, Calif., VOR; MEA 2,000.

Section 610.6259 *VOR civil airway 259* is added to read:

From Charlotte, N. C., VOR; to Tri-City, Tenn., VOR; MEA 8,000.

Section 610.6261 *VOR civil airway 261* is added to read:

From Pulaski, Va., VOR; to Marie INT, W. Va.; MEA 6,000.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective January 10, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56-10337; Filed, Dec. 20, 1956; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6541]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOHN D. MARTIN ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Nature; personnel or staff; service; § 13.55 *Demand, business, or other opportunities;* § 13.60 *Earnings and profits;* § 13.100 *Individual attention;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.* Subpart—*Using misleading name*—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization;* § 13.2425 *Nature, in general;* § 13.2435 *Personnel or staff.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, John D. Martin et al. trading as Invisible Reweaving Institute, La Mesa, Calif., Docket 6541, Nov. 30, 1956]

In the Matter of John D. Martin and Otto A. Silberman, Individually and as Copartners Trading and Doing Business as Invisible Reweaving Institute

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two individuals, engaged in La Mesa, Calif., in the interstate sale and distribution of a correspondence course purportedly designed to prepare students for work as commercial reweavers, including French reweaving and overweaving or patch reweaving, with misrepresenting in advertisements in newspapers and other printed matter, the ease of learning reweaving by anyone, the financial returns and security assured those completing the course, and opportunities and demand for their services, among other things; with representing falsely in advertisements in the "Help Wanted" classified sections of newspapers—inserted to obtain leads for the sale of their courses—that they were offering employment at specific hourly wages; and with using the term "Field Registrars" for their salesmen and the word "Institute" in their trade name.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became, on November 30, 1956, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, John D. Martin and Otto A. Silberman, individually and as copartners trading and doing business as Invisible Reweaving Institute, or under any other name or names, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of any course or courses of instruction in reweaving in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That it is easy to learn reweaving, or that one can become an expert reweaver by taking respondents' course of instruction unless it is restricted to the patch or overlay method of reweaving, and unless it is disclosed that this is possible only in the case of those persons having normal use of their hands, good eyesight with or without glasses, and who are temperamentally disposed to learn reweaving;

(b) That persons completing respondents' course of instruction thereby become expert reweavers;

(c) That reweaving is easy to perform by persons completing respondents' course of instruction.

(d) That the potential earnings of persons completing respondents' course of instruction are greater than they are in fact;

(e) That respondents assist persons completing their course of instruction in obtaining work or employment as reweavers;

(f) That respondents give or provide personal instruction in reweaving to those who purchase their course of instruction unless such is the fact;

(g) That there is a demand for the services, as reweavers, of persons who have completed respondents' course of instruction;

(h) That persons completing respondents' course of instruction are assured of steady incomes or secure financial futures;

2. Using the word "Registrars", or any other word or words of the same import, as a means of identifying or in connection with their salesmen or misrepresenting in any manner the status of their salesmen;

3. Using the word "Institute", or any other word or words of similar import as a part of a trade or corporate name, or otherwise representing directly or by implication, that respondents' business is an organization or institution of higher learning;

4. Advertising in newspapers or other media under the "Help Wanted" classifications or similar classifications, in connection with the offering for sale of their course of instruction.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents John D. Martin and Otto A. Silberman, individually and as copartners trading and doing business as Invisible Reweaving Institute, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 30, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-10398; Filed, Dec. 20, 1956; 8:50 a. m.]

[Docket 6606]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

E. A. AARON & BROS., INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agent.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, E. A. Aaron & Bros., Inc. (Chicago, Ill.), et al., Docket 6606, Dec. 5, 1956]

In the Matter of E. A. Aaron & Bros., Inc., a Corporation, Mid-States Frozen Food Marketers, Inc., a Corporation, and Seabrook Farms Co., a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging three frozen food concerns with engaging in illegal brokerage transactions in violation of section 2 (c) of the Clayton Act as amended, in the course of which a Chicago wholesaler received through its wholly-owned brokerage firm brokerage of from 2¼ to 3 percent, and on one brand 4 cents per dozen, on purchases for its own account from a packer-seller in New Jersey—and an agreement for consent order between the parties.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of December 3, became on December 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, E. A. Aaron & Bros., Inc., a corporation, and Mid-States Frozen Food Marketers, Inc., a corporation, and their officers, directors, agents or employees, directly or indirectly, or through any corporate or other device, in connection with the purchase or sale of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission or brokerage, or other compensation, allowance or discount in lieu thereof, upon any purchase or sale of food products by or for the account of E. A. Aaron & Bros., Inc., or any of its subsidiaries or parent corporation, or any subsidiaries of such parent corporation, or on any other purchase or sale where either respondents E. A. Aaron & Bros., Inc., or Mid-States Frozen Food Marketers, Inc., or both, are the agents, representatives, or other intermediaries acting for or on behalf of, or are subject to the direct or indirect control of, any such buyer.

It is further ordered, That Seabrook Farms Co., a corporation, and its officers, directors, agents or employees, directly or indirectly, or through any corporate or other device, in connection with the sale of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission or brokerage, or other compensation, allowance or discount in lieu thereof, upon or in connection with any sale

of its food products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 3, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-10399; Filed, Dec. 20, 1956; 8:50 a. m.]

[Docket 6602]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROTEX PRODUCTS

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Federal Trade Commission Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, David Roth trading as Rotex Products, New York, N. Y., Docket 6602, Dec. 1, 1956]

In the Matter of David Roth, an Individual Trading as Rotex Products

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging an individual engaged in New York City in the business of purchasing fur scrap, the fibers of which he removed and processed by boiling, blowing, and then blending with other fibers which he sold to manufacturers of fabrics, with invoicing as "Beaver Fur Products" fibers which contained substantially less than 100 percent beaver fur, and as "25 percent Vicuna, 75 percent Other Fur Fibers", fibers which contained substantially less than 25 percent vicuna or none at all—and an agreement for a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of November 30, became on December 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent David Roth, an individual trading as Rotex Products, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fur fiber products, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Misrepresenting the constituent fibers of which his products are composed, or the percentage or amounts thereof, in sales invoices or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: November 30, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-10400; Filed, Dec. 20, 1956; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

REVOCATION OF OBSOLETE SECTIONS; AMENDMENT OF STATEMENT CONCERNING COBALT PREPARATIONS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the following amendments are ordered to the above-identified part:

1. Sections 3.40, 3.41, 3.42, and 3.44 (21 CFR 3.40, 3 41, 3.42, 3.44) are revoked, since the material contained therein is obsolete.

2. In § 3.48 *Cobalt preparations intended for use by man*, paragraph (b) (2) is amended to read as follows:

(2) When used as directed in the labeling, the preparations supply not less than 100 milligrams of iron (Fe) in the form of ferrous sulfate or other assimilable salts of iron per 24-hour period.

Effective date. This order shall be effective as of the date of publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: December 14, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-10385; Filed, Dec. 20, 1956; 8:47 a. m.]

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MINERAL OIL IN OR ON SHELLED CORN AND GRAIN SORGHUM

No objections have been filed to the proposed tolerances for residues of mineral oil in or on shelled corn and grain sorghum published in the FEDERAL REGISTER of November 6, 1956 (21 F. R. 8512), and no request has been received for referral of the proposal to an Advisory Committee. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b) and (e), 68 Stat. 514; 21 U. S. C. 346a (b) and (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)): *It is ordered*, That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 5620) be amended by adding the following new section:

§ 120.149 *Tolerances for residues of mineral oil.* (a) For the purposes of this section, mineral oil is defined as the refined petroleum fraction having the following characteristics:

(1) Minimum flashpoint of 300° F.

(2) Gravity of 27 to 34 by the American Petroleum Institute standard method.

(3) Pour point of 30° F. maximum.

(4) Color 2 maximum by standards of the American Society for Testing Materials.

(5) Boiling point between 480° F. and 960° F.

(6) Viscosity at 100° F. of 100 to 200 seconds Saybolt.

(7) Unsulfonated residue of 90-percent minimum.

(8) No sulfur compounds according to the United States Pharmacopeia test under Liquid Petrolatum.

(b) Tolerances of 200 parts per million for residues of mineral oil as specified in paragraph (a) of this section are established in or on the following grains from postharvest application: Shelled corn, grain sorghum.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: December 13, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-10384; Filed, Dec. 20, 1956; 8:47 a. m.]

Subchapter C—Drugs

PART 130—NEW DRUGS

SODIUM MONOFLUOROPHOSPHATE DENTIFRICES

There was published in the FEDERAL REGISTER of November 6, 1956 (21 F. R. 8512), a notice and text of a proposed amendment to § 130.102 (a). No comments or objections were filed with respect to the proposed amendment within the 30-day period stipulated in the above-referenced notice, and the amendment set out below is hereby ordered, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701; 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 130.101 (b); 21 F. R. 5576, 5582).

In § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale*, paragraph (a) is amended by adding the following new subparagraph:

(15) Sodium monofluorophosphate (Na_2PO_3F) preparations meeting all the following conditions:

(i) The sodium monofluorophosphate is prepared with other components in an aqueous solution suitable for household use as a dentifrice, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium monofluorophosphate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 60 milligrams of sodium monofluorophosphate per milliliter and is packaged to contain not more than 3.6 grams of sodium monofluorophosphate per retail package.

(v) The preparation is labeled with adequate directions for use only as a dentifrice by adults and children 6 years of age and over, and includes instructions to rinse the mouth thoroughly after brushing the teeth.

(vi) The labeling bears, in juxtaposition with the directions for use, a clear warning statement against use by children under 6 years of age.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371)

This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

Dated: December 13, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-10383; Filed, Dec. 20, 1956; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Division of Liquidation, Department of Commerce [1]

[Supp. Order 189, Amdt. 10]

PART 1305—ADMINISTRATION

PRESERVATION OF RECORDS

DECEMBER 19, 1956.

Pursuant to the Emergency Price Control Act of 1942, as amended, Executive Orders Nos. 9809, 9841, and 9842, and Department of Commerce Order 75, as amended: *It is hereby ordered*, That section 1 of Supplementary Order 189 issued by the Administrator, Office of Price Administration, on October 23, 1946 (11 F. R. 12568), as amended on November 12, 1946 (11 F. R. 13442), November 6, 1947 (12 F. R. 7327), February 20, 1948 (13 F. R. 1262), June 30, 1949 (14 F. R. 3707), December 27, 1951 (17 F. R. 18), December 11, 1952 (18 F. R. 33), December 17, 1953 (18 F. R. 8698), December 14, 1954 (19 F. R. 8603), and December 12, 1955 (20 F. R. 9460), be, and it is hereby, further amended by changing the date January 1, 1957, wherever it occurs in subsection (a) of the said section 1, to January 1, 1958.

(66 Stat. 23, as amended; 50 U. S. C. App. 901 et seq.; E. O. 9809, Dec. 12, 1946, 3 CFR, 1946 Supp.; E. O. 9841, April 23, 1947, 3 CFR, 1947 Supp.; E. O. 9842, April 23, 1947, 3 CFR, 1947 Supp.)

This amendment shall become effective January 1, 1957.

[SEAL] E. L. PETERSON, *Acting Secretary of Agriculture.*

LAURENCE B. ROBBINS, *Assistant Secretary of the Treasury for and on behalf of Reconstruction Finance Corporation.*

M. W. KNARR, *Secretary, Reconstruction Finance Corporation.*

L. S. ROTHSCHILD, *Acting Secretary of Commerce.*

Approved:

HERBERT BROWNELL, Jr., *Attorney General, Department of Justice.*

[F. R. Doc. 56-10416; Filed, Dec. 19, 1956; 2:42 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 14—LEGAL SERVICES, GENERAL COUNSEL

REQUEST FOR LEGAL OPINIONS

Section 14.501 is revised to read as follows:

§ 14.501 *Request for legal opinions*—(a) *Submissions from Central Office.* Requests for formal legal advice, including interpretation of law or regulations, shall be made only by the Administrator, the Deputy Administrator, the department head or top staff official having jurisdiction over the particular subject matter, or by a subordinate acting for any such official.

(b) *Submissions from the field.* Requests from the field for opinions will be addressed to the department head or top staff official concerned. If in order, a submission will be made by such official to the General Counsel, and the opinion, unless it requires the consideration of the Administrator, will be forwarded to said official for his information and transmittal to the field.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interprets or applies secs. 200-203, 49 Stat. 2031, as amended, 2032; 38 U. S. C. 101-104)

This regulation is effective December 21, 1956.

[SEAL] JOHN S. PATTERSON, *Deputy Administrator.*

[F. R. Doc. 56-10393; Filed, Dec. 20, 1956; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

SNAKE CREEK NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

CROSS REFERENCE: For document affecting tabulation in § 17.4 see F. R. Document 56-10374 in Notices section, *infra.*

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

METHODS OF ACCOUNTING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 446 and 7805 of the Internal Revenue

[1] So designated in supplements to 1938 edition of the Code of Federal Regulations.

Code of 1954 (68A Stat. 151 and 917; 26 U. S. C. 446 and 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The following regulations are hereby prescribed under sections 446, 451, 454 and 461 of the Internal Revenue Code of 1954:

METHODS OF ACCOUNTING

METHODS OF ACCOUNTING IN GENERAL

Sec.
1.446 Statutory provisions; general rule for methods of accounting.
1.446–1 General rule for methods of accounting.

TAXABLE YEAR FOR WHICH ITEMS OF GROSS INCOME INCLUDED

1.451 Statutory provisions; general rule for taxable year of inclusion.
1.451–1 General rule for taxable year of inclusion.
1.451–2 Constructive receipt of income.
1.451–3 Long-term contracts.
1.451–4 Accounting for redemption of trading stamps and coupons.
1.454 Statutory provisions; obligations issued at discount.
1.454–1 Non-interest-bearing obligations issued at discount.

TAXABLE YEAR FOR WHICH DEDUCTIONS TAKEN

1.461 Statutory provisions; general rule for taxable year of deduction.
1.461–1 General rule for taxable year of deduction.

METHODS OF ACCOUNTING

METHODS OF ACCOUNTING IN GENERAL

§ 1.446 *Statutory provisions; general rule for methods of accounting.*

SEC. 446. *General rule for methods of accounting*—(a) *General rule.* Taxable income shall be computed under the method of accounting on the basis of which the taxpayer regularly computes his income in keeping his books.

(b) *Exceptions.* If no method of accounting has been regularly used by the taxpayer, or if the method used does not clearly reflect income, the computation of taxable income shall be made under such method as, in the opinion of the Secretary or his delegate, does clearly reflect income.

(c) *Permissible methods.* Subject to the provisions of subsections (a) and (b), a taxpayer may compute taxable income under any of the following methods of accounting—

(1) The cash receipts and disbursements method;

(2) An accrual method;

(3) Any other method permitted by this chapter; or

(4) Any combination of the foregoing methods permitted under regulations prescribed by the Secretary or his delegate.

(d) *Taxpayer engaged in more than one business.* A taxpayer engaged in more than one trade or business may, in computing taxable income, use a different method of accounting for each trade or business.

(e) *Requirement respecting change of accounting method.* Except as otherwise expressly provided in this chapter, a taxpayer who changes the method of accounting on the basis of which he regularly computes his income in keeping his books shall, before computing his taxable income under the new method, secure the consent of the Secretary or his delegate.

§ 1.446–1 *General rule for methods of accounting*—(a) *General rule.* (1) Section 446 (a) provides that taxable income shall be computed under the method of accounting on the basis of which a taxpayer regularly computes his income in keeping his books. The term "method of accounting" includes the accounting treatment of any item as well as the over-all method of accounting of the taxpayer. Examples of such over-all methods are the cash receipts and disbursements method, an accrual method, combinations of such methods, and combinations of the foregoing with various methods provided for the accounting treatment of special items. These methods of accounting for special items include the accounting treatment prescribed for research and experimental expenditures, soil and water conservation expenditures, depreciation, net operating losses, etc. Except for deviations permitted or required by such special accounting treatment, the method of accounting used by the taxpayer in computing taxable income must be the same as the method used by him in keeping his books. Unless specifically authorized by other applicable provisions of the internal revenue laws or regulations, a taxpayer may not change his method of accounting, including his treatment of any material item, unless he secures the consent of the Commissioner, as provided in section 446 (e) and paragraph (e) of this section.

(2) It is recognized that no uniform method of accounting can be prescribed for all taxpayers. Each taxpayer shall adopt such forms and systems as are, in his judgment, best suited to his needs. However, no method of accounting is acceptable unless, in the opinion of the Commissioner, it clearly reflects income. A method of accounting which reflects the consistent application of generally accepted accounting principles in a particular trade or business in accordance with accepted conditions or practices in that trade or business will ordinarily be regarded as clearly reflecting income, provided all items of gross income and expense are treated consistently from year to year. For example, a taxpayer who has used the cash receipts and disbursements method for deducting such expenses as telephone and electric charges and for reporting items of income such as interest and rents must continue to treat such items on the cash method each year, even though he uses an accrual method in accounting for gross income from sales. However, in any case it which it is necessary to use an inventory, only an accrual method of accounting for purchases and sales will clearly reflect income.

(3) Items of gross income and expenditures which are elements in the computation of taxable income need not be in the form of cash. It is sufficient that such items can be valued in terms of money. For general rules relating to the taxable year for inclusion of income and for taking deductions, see sections 451 and 461 and the regulations thereunder.

(4) Each taxpayer is required to make a return of his taxable income for each taxable year and must maintain such accounting records as will enable him to file a correct return. Accounting records include the taxpayer's regular books of account and such other records and data as may be necessary to support the entries on his books of account and on his return. The following are among the essential features that must be considered in maintaining such records:

(i) In all cases in which the production, purchase, or sale of merchandise of any kind is an income-producing factor, merchandise on hand (including finished goods, work in process, raw materials, and supplies) at the beginning and end of the year shall be taken into account in computing the taxable income of the year. (For rules relating to computation of inventories, see sections 471 and 472 and the regulations thereunder.)

(ii) Expenditures made during the year shall be properly classified as between capital and expenses. For example, expenditures for items of plant, equipment, etc., which have a useful life extending substantially beyond the taxable year, shall be charged to a capital account and not to an expense account.

(iii) In any case in which there is allowable with respect to an asset a deduction for depreciation, amortization, or depletion, any expenditures (other than ordinary repairs) made to restore the asset or prolong its useful life shall be added to the asset account or charged against the appropriate reserve.

(5) A taxpayer whose sole source of income is wages need not keep formal books in order to have an accounting method. Duplicate tax returns or other records may be sufficient to constitute the use of the method of accounting used in the preparation of the taxpayer's income tax returns.

(b) *Exceptions.* If the taxpayer does not regularly employ a method of accounting which clearly reflects his income, the computation of taxable income shall be made in a manner which, in the opinion of the Commissioner, does clearly reflect income.

(c) *Permissible methods.* Subject to the provisions of paragraphs (a) and (b) of this section, a taxpayer may compute his taxable income under any of the following methods of accounting:

(1) *Cash receipts and disbursements method.* Generally, under the cash receipts and disbursements method in the computation of taxable income, all items which constitute gross income (whether in the form of cash, property, or services) are to be included for the taxable year in which actually or constructively received. Expenditures are to be deducted for the taxable year in which actually made. For rules relating to constructive receipt, see § 1.451–2. For treatment of an expenditure attributable to more than one taxable year, see section 461 (a) and § 1.461–1 (a) (1).

(2) *Accrual method.* Generally, under an accrual method, income is to be included for the taxable year when all the events have occurred which fix the right to receive such income and the amount thereof can be determined with reasonable accuracy. Under such a method, deductions are allowable for the taxable year in which all the events have occurred which establish the fact of the liability giving rise to such deduction and the amount thereof can be determined with reasonable accuracy. The method used by the taxpayer in determining when income is to be accounted for will be acceptable if it accords with generally recognized and accepted income tax accounting principles and is consistently used by the taxpayer from year to year. For example, a taxpayer engaged in a manufacturing business may account for sales of his product when the goods are shipped, when the product is delivered or accepted, or when title to the goods passes to the customer, whether or not billed, depending upon the method regularly employed in keeping his books. Likewise, the extent to which indirect costs shall be included in computing cost of goods sold depends upon the method used by the taxpayer in treating such items in keeping his books.

(3) *Other permissible methods.* Special methods of accounting are described elsewhere in chapter 1 of the Internal Revenue Code and the regulations thereunder. For example, see the following sections and the regulations thereunder: Sections 61 and 162, relating to the crop method of accounting; section 453, relating to the installment method; section 451, relating to the long-term contract methods. In addition, special methods of accounting for particular items of income and expense are provided under other sections of chapter 1. For example, see section 174, relating to research and experimental expenditures, and section 175, relating to soil and water conservation expenditures.

(4) *Combinations of the foregoing methods.* (i) In accordance with the following rules, any combination of the foregoing methods of accounting will be permitted in connection with a trade or business if such combination clearly reflects income and is consistently used. In using a combination of methods of accounting, the special accounting treatment of certain items of income and expense must comply with the requirements relating to such items of income and expense. A taxpayer using an accrual method of accounting with respect to purchases and sales may use the cash method in computing all other items of income and expense. However, a taxpayer who uses the cash method of accounting in computing gross income from his trade or business shall use the cash method in computing expenses of such trade or business. Similarly, a taxpayer who uses an accrual method of accounting in computing business expenses shall use an accrual method in computing items affecting gross income from his trade or business.

(ii) A taxpayer using one method of accounting in computing items of income and deductions of his trade or business may compute other items of income and deductions not connected with his trade or business under a different method of accounting.

In any case in which it is necessary to use an inventory, no method of accounting with regard to purchases and sales will clearly reflect income except an accrual method with respect to purchases and sales. No method of accounting will be regarded as clearly reflecting income unless all items of gross profit and deductions are treated with reasonable consistency from year to year. The Commissioner may authorize a taxpayer to adopt or change to a method of accounting permitted by this chapter although the method is not specifically described in the Income Tax Regulations if, in the opinion of the Commissioner, income is clearly reflected by the use of such method. Permission will not be granted under the preceding sentence to adopt or change to such a method of accounting for any taxable year, unless the return for such taxable year was filed in accordance with such method of accounting or unless a timely application to adopt or change to such method was filed under paragraph (e) of this section. Further, the Commissioner may authorize a taxpayer to continue the use of a method of accounting consistently used by the taxpayer, even though not specifically authorized by the Income Tax Regulations, if, in the opinion of the Commissioner, income is clearly reflected by the use of such method. See section 446 (a) and paragraph (a) of this section which require that taxable income be computed in accordance with the method of accounting regularly used by the taxpayer in keeping his books, and section 446 (e) and paragraph (e) of this section which require the prior approval of the Commissioner in the case of changes in accounting method.

(d) *Taxpayer engaged in more than one business.* (1) Where a taxpayer has two or more separate and distinct trades or businesses, materially different in character, a different method of accounting may be used for each trade or business, provided the method used for each trade or business clearly reflects the income of that particular trade or business. For example, a taxpayer may account for the operations of a personal service business on the cash receipts and disbursements method and of a manufacturing business on an accrual method, provided such businesses are separate and distinct and the methods used for each clearly reflect income. The method first used in accounting for business income and deductions in connection with each trade or business, as evidenced in the taxpayer's income tax return in which such income or deductions are first reported, must be consistently followed thereafter.

(2) Notwithstanding the fact that a particular trade or business may be regarded by the taxpayer as clearly separate and distinct from another trade or business of that taxpayer, no such trade or business will be considered separate if:

(i) No valid business reason exists to justify the separate treatment of such trade or business, or if

(ii) A complete and separable set of books and records are not kept for such trade or business. In any case, the shifting of profits or losses between related trades or businesses (for example, through inventory adjustments, sales, purchases, or expenses) will be considered adequate cause for refusing to recognize the trades or businesses as separate and distinct.

(e) *Requirement respecting the adoption or change of accounting method.* (1) A taxpayer filing his first return may adopt any permissible method of accounting in computing taxable income for the taxable year covered by such return. See section 446 (c) and paragraph (c) of this section for permissible methods. Moreover, a taxpayer may adopt any permissible method of accounting in connection with each separate and distinct trade or business, the income from which is reported for the first time. See section 446 (d) and paragraph (d) of this section. See also section 446 (a) and paragraph (a) of this section.

(2) (i) Except as otherwise expressly provided in chapter 1 of the Internal Revenue Code and the regulations thereunder, a taxpayer may change his method of accounting only with the consent of the Commissioner. Such consent must be secured whether or not a taxpayer regards the method from which he desires to change to be proper. Thus, a taxpayer may not compute his taxable income under a method of accounting different from that previously used by him unless such consent is secured. A change in the method of accounting includes a change in the general method of accounting for items of gross income or deductions, as well as a change in the treatment of a material item.

(ii) Examples of changes requiring consent are: A change from the cash receipts and disbursements method to an accrual method, or vice versa; a change involving the method or basis used in the valuation of inventories (see sections 471 and 472 and the regulations thereunder); a change from the cash or accrual method to a long-term contract method, or vice versa (see § 1.451–3); a change involving the adoption, use, or discontinuance of any other specialized method of computing taxable income, such as the crop method; or a change in the treatment of special classes of income or expense.

(3) In order to secure the Commissioner's consent to a change of a taxpayer's method of accounting, the taxpayer must file an application by letter with the Commissioner of Internal Revenue, Washington 25, D. C., within 90 days after the beginning of the taxable year in which it is desired to make the change. The application shall be accompanied by a statement specifying the nature of the taxpayer's business, his present method of accounting, the method to which he desires to change, the taxable year in which the change is to be effected, the classes of items which would be treated differently under the new method, and all amounts which would be duplicated or omitted as a result of the proposed change. The Commissioner may require such other information as may be necessary in order to determine whether the proposed change will be permitted. Permission to change a taxpayer's method of accounting will not be granted unless the taxpayer and the Commissioner agree to the terms, conditions, and adujstments under which the change will be effected. See section 481 and regulations thereunder relating to certain adjustments required

come shall be computed under the
include the taxpayer's regular books of
liability giving rise to such deduction
and the amount thereof can be deter-
and sales. No method of accounting will
separate and distinct.
relating to certain adjustments required

by such changes, section 472 and the regulations thereunder relating to changes to and from the last-in first-out method of inventorying goods, and section 453 and the regulations thereunder relating to certain adjustments required by a change from an accrual method to the installment method.

TAXABLE YEAR FOR WHICH ITEMS OF GROSS INCOME INCLUDED

§ 1.451 *Statutory provisions; general rule for taxable year of inclusion.*

SEC. 451. *General rule for taxable year of inclusion*—(a) *General rule.* The amount of any item of gross income shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under the method of accounting used in computing taxable income, such amount is to be properly accounted for as of a different period.

(b) *Special rule in case of death.* In the case of the death of a taxpayer whose taxable income is computed under an accrual method of accounting, any amount accrued only by reason of the death of the taxpayer shall not be included in computing taxable income for the period in which falls the date of the taxpayer's death.

§ 1.451–1 *General rule for taxable year of inclusion*—(a) *General rule.* Gains, profits, and income are to be included in gross income for the taxable year in which they are actually or constructively received by the taxpayer unless includible for a different year in accordance with the taxpayer's method of accounting. Under an accrual method of accounting, income is includible in gross income when all the events have occurred which fix the right to receive such income and the amount thereof can be determined with reasonable accuracy. Therefore, under such a method of accounting if, in the case of compensation for services, no determination can be made as to the right to such compensation or the amount thereof until the services are completed, the amount of compensation is ordinarily income for the taxable year in which the determination can be made. Under the cash receipts and disbursements method of accounting, such an amount is includible in gross income when actually or constructively received. Where an amount of income is properly accrued on the basis of a reasonable estimate and the exact amount is subsequently determined, the difference, if any, shall be taken into account for the taxable year in which such determination is made. Income attributable to the recovery of bad debts for accounts charged off in prior years is includible in the year of recovery in accordance with the taxpayer's method of accounting, regardless of the date when the amounts were charged off. For treatment of bad debts and bad debt recoveries, see sections 166 and 111 and the regulations thereunder. For rules relating to the treatment of amounts received in crop shares, see section 61 and the regulations thereunder. For the year in which a partner must include his distributive share of partnership income, see section 706 (a) and § 1.706–1 (a). If a taxpayer ascertains that an item should have been included in gross income in a prior taxable year, he should, if within the period of limitation, file an amended return and pay any additional tax due. Similarly, if a taxpayer ascertains that an item was improperly included in gross income in a prior taxable year, he should, if within the period of limitation, file claim for credit or refund of any overpayment of tax arising therefrom.

(b) *Special rule in case of death.* (1) A taxpayer's taxable year ends on the date of his death. See section 443 (a) (2) and § 1.443–1 (a) (2). In computing taxable income for such year, there shall be included only amounts properly includible under the method of accounting used by the taxpayer. However, if the taxpayer used an accrual method of accounting, amounts accrued only by reason of his death shall not be included in computing taxable income for such year. If the taxpayer uses no regular accounting method, only amounts actually or constructively received during such year shall be included. (For rules relating to the inclusion of partnership income in the return of a decedent partner, see subchapter K of chapter 1 of the Internal Revenue Code of 1954 and the regulations thereunder.)

(2) If the decedent owned an installment obligation the income from which was taxable to him under section 453, no income is required to be reported in the return of the decedent by reason of the transmission at death of such obligation. See section 453 (d) (3). For the treatment of installment obligations acquired by the decedent's estate or by any person by bequest, devise, or inheritance from the decedent, see section 691 (a) (4) and the regulations thereunder.

§ 1.451–2 *Constructive receipt of income*—(a) *General rule.* Income although not actually reduced to a taxpayer's possession is constructively received by him in the taxable year during which it is credited to his account or set apart for him so that he may draw upon it at any time. However, income is not constructively received if the taxpayer's control of its receipt is subject to substantial limitations or restrictions. Thus, if a corporation credits its employees with bonus stock, but the stock is not available to such employees until some future date, the mere crediting on the books of the corporation does not constitute receipt.

(b) *Examples of constructive receipt.* Interest coupons which have matured and are payable but which have not been cashed are constructively received in the taxable year during which the coupons mature, unless it can be shown that there are no funds available for payment of the interest during such year. Dividends on corporate stock are constructively received when unqualifiedly made subject to the demand of the shareholder. However, if a dividend is declared payable on December 31 and the corporation followed its usual practice of paying the dividends by checks mailed so that the shareholders would not receive them until January of the following year, such dividends are not considered to have been constructively received until January. Interest on savings bank deposits is income to the depositor when credited on the books of the bank, even though the bank has a rule, seldom or never enforced, that it may require a certain number of days' notice before withdrawals are permitted. Generally, the amount of dividends or interest credited to shareholders of organizations such as building and loan associations or cooperative banks, is income to the shareholders for the taxable year when credited. However, if the amount of such dividends or interest is not available for the shareholders' free and unrestricted use at the time credited, such amount is not constructively received and does not constitute income to the shareholder until the taxable year in which the restrictions are removed. Accordingly, if the amount of dividends or interest is accumulated and is not available to the shareholder until the maturity of a share, the crediting thereof to the shareholder's account does not constitute constructive receipt. However, in such a case the total amount credited is income to the shareholder in the year of maturity.

§ 1.451–3 *Long-term contracts*—(a) *Definition.* The term "long-term contracts" means building, installation, or construction contracts covering a period in excess of one year from the date of execution of the contract to the date on which the contract is finally completed and accepted.

(b) *General rule.* Income from long-term contracts (as defined in paragraph (a) of this section), determined in a manner consistent with the nature and terms of the contract, may be included in gross income in accordance with one of the following methods, provided such method clearly reflects income:

(1) *Percentage of completion method.* Gross income derived from long-term contracts may be reported according to the percentage of completion method. Under this method, the portion of the gross contract price which corresponds to the percentage of the entire contract which has been completed during the taxable year shall be included in gross income for such taxable year. There shall then be deducted all expenditures made during the taxable year in connection with the contract, account being taken of the material and supplies on hand at the beginning and end of the taxable year for use in such contract. Certificates of architects or engineers showing the percentage of completion of each contract during the taxable year shall be attached to the return of the taxpayer.

(2) *Completed contract method.* Gross income derived from long-term contracts may be reported for the taxable year in which the contract is finally completed and accepted. Under this method, there shall be deducted from gross income all expenses which are properly allocable to the contract, taking into account any material and supplies charged to the contract but remaining on hand at the time of completion.

Long-term contract methods of accounting apply only to the accounting for income and expenses attributable to long-term contracts. Other income and expense items, such as investment income or expenses not attributable to such contracts, shall be accounted for under a proper method of accounting. See section 446 (c) and § 1.446–1 (c). A taxpayer may change to or from a long-term contract method of accounting only with the consent of the Commissioner. See section 446 (e) and § 1.446–1 (e).

§ 1.451–4 *Accounting for redemption of trading stamps and coupons.* (a) If a taxpayer issues trading stamps or premium coupons with sales, which stamps or coupons are redeemable in merchandise or cash, he should, in computing the income from such sales, subtract only the amount which will be required for the redemption of such part of the total issue of trading stamps or premium coupons issued during the taxable year as will eventually be presented for redemption. This amount will be determined in the light of the experience of the taxpayer in his particular business and of other users of trading stamps or premium coupons engaged in similar businesses. The taxpayer shall file a statement showing with respect to each of the five preceding years, or such number of these years as stamps or coupons have been issued by him, the following:

(1) The total issue of stamps or coupons during each year;

(2) The total stamps or coupons redeemed in each year; and

(3) Such other information as is necessary to establish the correctness of the amount subtracted from sales in each of such years.

(b) Upon examination of the return, the amount subtracted in respect of such coupons will be adjusted if, in the opinion of the Commissioner, such amount is incorrectly computed.

§ 1.454 *Statutory provisions; obligations issued at discount.*

SEC. 454. *Obligations issued at discount*—(a) *Non-interest-bearing obligations issued at a discount.* If, in the case of a taxpayer owning any non-interest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals or owning an obligation described in paragraph (2) of subsection (c), the increase in the redemption price of such obligation occurring in the taxable year does not (under the method of accounting used in computing his taxable income) constitute income to him in such year, such taxpayer may, at his election made in his return for any taxable year, treat such increase as income received in such taxable year. If any such election is made with respect to any such obligation, it shall apply also to all such obligations owned by the taxpayer at the beginning of the first taxable year to which it applies and to all such obligations thereafter acquired by him and shall be binding for all subsequent taxable years, unless on application by the taxpayer the Secretary or his delegate permits him, subject to such conditions as the Secretary or his delegate deems necessary, to change to a different method. In the case of any such obligations owned by the taxpayer at the beginning of the first taxable year to which his election applies, the increase in the redemption price of such obligations occurring between the date of acquisition (or, in the case of an obligation described in paragraph (2) of subsection (c), the date of acquisition of the series E bond involved) and the first day of such taxable year shall also be treated as income received in such taxable year.

(b) *Short-term obligations issued on discount basis.* In the case of any obligation—

(1) Of the United States; or

(2) Of a State, a Territory, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia,

which is issued on a discount basis and payable without interest at a fixed maturity date not exceeding 1 year from the date of issue, the amount of discount at which such obligation is originally sold shall not be considered to accrue until the date on which such obligation is paid at maturity, sold, or otherwise disposed of.

(c) *Matured United States savings bonds.* In the case of a taxpayer who—

(1) Holds a series E United States savings bond at the date of maturity, and

(2) Pursuant to regulations prescribed under the Second Liberty Bond Act retains his investment in the maturity value of such series E bond in an obligation, other than a current income obligation, which matures not more than 10 years from the date of maturity of such series E bond,

the increase in redemption value (to the extent not previously includible in gross income) in excess of the amount paid for such series E bond shall be includible in gross income in the taxable year in which the obligation is finally redeemed or in the taxable year of final maturity, whichever is earlier. This subsection shall not apply to a corporation, and shall not apply in the case of any taxable year for which the taxpayer's taxable income is computed under an accrual method of accounting or for which an election made by the taxpayer under subsection (a) applies.

§ 1.454–1 *Non-interest-bearing obligations issued at discount.* (a) (1) If a taxpayer—

(i) Owns any non-interest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, or

(ii) Retains his investment in the maturity value of a series E United States savings bond, in the manner described in section 454 (c) (2), and

if the increase in redemption price of such obligation, described in subdivision (i) or (ii) of this subparagraph, occurring in the taxable year does not constitute income for such year under the method of accounting used in computing his taxable income, then the taxpayer may, at his election, treat the increase as constituting income for the year in which such increase occurs, rather than for the year in which the obligation is disposed of, redeemed, paid at maturity, or converted into a current income obligation of the United States (such as a bond of series G or K). Any such election must be made in the taxpayer's return and may be made for any taxable year. If an election is made with respect to any such obligation, it shall apply also to all other obligations of the type described in this paragraph owned by the taxpayer at the beginning of the first taxable year to which the election applies and to those thereafter acquired by him, and shall be binding for the taxable year for which the return is filed and for all subsequent taxable years, unless the Commissioner permits the taxpayer to change to a different method of reporting income from such obligations. See section 446 (e) and § 1.446–1 (e), relating to requirement respecting a change of accounting method. Although the election once made is binding upon the taxpayer, it does not apply to a transferee of the taxpayer.

(2) In any case in which an election is made under section 454, the amount which accrues in any taxable year to which the election applies is measured by the actual increase in the redemption price occurring in that year. This amount does not accrue ratably between the dates on which the redemption price changes. For example, if two dates on which the redemption price increases (February 1 and August 1) fall within a taxable year and if the redemption price increases in the amount of 50 cents on each such date, the amount accruing in that year would be $1.00 ($0.50 on February 1 and $0.50 on August 1). If the taxpayer owns a non-interest-bearing obligation of the character described in subparagraph (1) of this paragraph acquired prior to the first taxable year to which his election applies, he must also include in gross income for such first taxable year the increase in the redemption price of such obligation occurring between the date of acquisition of the obligation (or the series E bond involved in the case of a matured United States savings bond), and the first day of such first taxable year.

(3) The provisions of this paragraph are illustrated by the following example:

Example. Throughout the calendar year 1954, a taxpayer who computes his taxable income under the cash receipts and disbursements method holds series E United States savings bonds having a maturity value of $5,000 and a redemption value at the beginning of the year 1954 of $4,050 and at the end of the year 1954 of $4,150. He purchased the bonds on January 1, 1949, for $3,750, and holds no other obligation of the type described in this section. If the taxpayer exercises the election in his return for the calendar year 1954, he is required to include $400 in taxable income with respect to such bonds. Of this amount, $300 represents the increase in the redemption price before 1954 and $100 represents the increase in the redemption price in 1954. The increases in redemption value occurring in subsequent taxable years are includible in gross income for such taxable years.

(b) *Short-term obligations issued on a discount basis.* In the case of obligations of the United States or any of its possessions, or of a State, or Territory, or any political subdivision thereof, or of the District of Columbia, issued on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, the amount of discount at which such obligation originally sold does not accrue until the date on which such obligation is redeemed, sold, or otherwise disposed of. This rule applies regardless of the method of accounting used by the taxpayer. For examples illustrating rules for computation of income from sale or other disposition of certain obligations of the type described in this paragraph, see section 1221 and the regulations thereunder.

(c) *Matured United States savings bonds.* If a taxpayer (other than a corporation) holds a series E United States

he should, if within the period of limita-

the books of the bank, even though the

or expenses not attributable to such con-

savings bond at the date of maturity, and under the regulations prescribed under the Second Liberty Bond Act retains his investment in the maturity value of such series E bond in an obligation, other than a current income obligation, which matures not more than 10 years from the date of maturity of such series E bond, the increase in redemption value not previously includible in gross income in excess of the amount paid for such series E bond shall be includible in gross income in the taxable year in which the obligation is finally redeemed or in the taxable year of final maturity, whichever is earlier. The provisions of section 454 (c) and of this paragraph shall not apply in the case of any taxable year for which the taxpayer's taxable income is computed under an accrual method of accounting or for a taxable year for which an election made by the taxpayer under section 454 (a) and paragraph (a) of this section applies.

TAXABLE YEAR FOR WHICH DEDUCTIONS TAKEN

§ 1.461 *Statutory provisions; general rule for taxable year of deduction.*

SEC. 461. *General rule for taxable year of deduction*—(a) *General rule.* The amount of any deduction or credit allowed by this subtitle shall be taken for the taxable year which is the proper taxable year under the method of accounting used in computing taxable income.

(b) *Special rule in case of death.* In the case of the death of a taxpayer whose taxable income is computed under an accrual method of accounting, any amount accrued as a deduction or credit only by reason of the death of the taxpayer shall not be allowed in computing taxable income for the period in which falls the date of the taxpayer's death.

(c) *Accrual of real property taxes*—(1) *In general.* If the taxable income is computed under an accrual method of accounting, then, at the election of the taxpayer, any real property tax which is related to a definite period of time shall be accrued ratably over that period.

(2) *Special rules.* Paragraph (1) shall not apply to any real property tax, to the extent that such tax was allowable as a deduction under the Internal Revenue Code of 1939 for a taxable year which began before January 1, 1954. In the case of any real property tax which would, but for this subsection, be allowable as a deduction for the first taxable year of the taxpayer which begins after December 31, 1953, then, to the extent that such tax is related to any period before the first day of such first taxable year, the tax shall be allowable as a deduction for such first taxable year.

(3) *When election may be made*—(A) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, make an election under this subsection for his first taxable year which begins after December 31, 1953, and ends after the date of enactment of this title in which the taxpayer incurs real property taxes. Such an election shall be made not later than the time prescribed by law for filing the return for such year (including extensions thereof).

(B) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, make an election under this subsection at any time.

§ 1.461–1 *General rule for taxable year of deduction*—(a) *General rule*—(1) *Taxpayer using cash receipts and disbursements method.* Under the cash receipts and disbursements method of accounting, amounts representing allowable deductions shall, as a general rule, be taken into account for the taxable year in which paid. Further, a taxpayer using this method may also be entitled to certain deductions in the computation of taxable income which do not involve cash disbursements during the taxable year, such as the deductions for depreciation, depletion, and losses under sections 167, 611, and 165, respectively. If an expenditure results in the creation of an asset having a useful life which extends beyond the close of the taxable year, such an expenditure may not be deductible, or may be deductible only in part, for the taxable year in which made. For example, fire insurance premiums paid in advance for a period of more than one year are deductible under section 162 ratably over the period to which they apply. A further example is an expenditure for the construction of improvements by the lessee on leased property where the estimated life of the improvements is in excess of the remaining period of the lease. In such a case, in lieu of the allowance for depreciation provided by section 167, the basis shall be amortized ratably over the remaining period of the lease. See section 263 and the regulations thereunder for rules relating to capital expenditures.

(2) *Taxpayer using an accrual method.* Under an accrual method of accounting, an expense is deductible for the taxable year in which all the events have occurred which determine the fact of the liability and the amount thereof can be determined with reasonable accuracy. However, any expenditure which results in the creation of an asset having a useful life which extends beyond the close of the taxable year may not be deductible, or may be deductible only in part, for the taxable year in which incurred. While no accrual shall be made in any case in which all of the events have not occurred which fix the liability, the fact that the exact amount of the liability which has been incurred cannot be determined will not prevent the accrual within the taxable year of such part thereof as can be computed with reasonable accuracy. For example, A renders services to B during the taxable year for which A claims $10,000. B admits the liability to A for $5,000 but contests the remainder. B may accrue only $5,000 as an expense for the taxable year in which the services were rendered. Where a deduction is properly accrued on the basis of a computation made with reasonable accuracy and the exact amount is subsequently determined in a later taxable year, the difference, if any, between such amounts shall be taken into account for the later taxable year in which such determination is made.

(3) *Other factors which determine when deductions may be taken.* (i) Each year's return should be complete in itself, and taxpayers shall ascertain the facts necessary to make a correct return. The expenses, liabilities, or loss of one year cannot be used to reduce the income of a subsequent year. A taxpayer may not take advantage in a return for a subsequent year of his failure to claim deductions in a prior taxable year in which such deductions should have been properly taken under his method of accounting. If a taxpayer ascertains that a deduction should have been claimed in a prior taxable year, he should, if within the period of limitation, file a claim for credit or refund of any overpayment of tax arising therefrom. Similarly, if a taxpayer ascertains that a deduction was improperly claimed in a prior taxable year, he should, if within the period of limitation, file an amended return and pay any additional tax due.

(ii) In a going business there may be certain overlapping deductions. If these overlapping items do not materially distort income, they may be included in the years in which the taxpayer consistently takes them into account. Judgments on account of damages for patent infringement, personal injuries or other causes, or other binding adjudications, including decisions of referees and boards of review under workmen's compensation laws, are deductions from gross income when the claim is finally adjudicated or is paid, depending upon the taxpayer's method of accounting. For special rules relating to certain deductions, see the following sections and the regulations thereunder: section 1481 relating to accounting for amounts repaid in connection with renegotiation of a government contract; section 1341 relating to the computation of tax where the taxpayer repays a substantial amount received under a claim of right in a prior taxable year; and section 165 (e) relating to losses resulting from theft.

(4) *Deductions attributable to certain foreign income.* In any case in which, owing to monetary, exchange, or other restrictions imposed by a foreign country, an amount otherwise constituting gross income for the taxable year from sources without the United States is not includible in gross income of the taxpayer for that year, the deductions and credits properly chargeable against the amount so restricted shall not be deductible in such year but shall be deductible proportionately in any subsequent taxable year in which such amount or portion thereof is includible in gross income. See § 1.905–1 (b) for rules relating to credit for foreign income taxes when foreign income is subject to exchange controls.

(b) *Special rule in case of death.* A taxpayer's taxable year ends on the date of his death. See section 443 (a) (2) and § 1.443–1 (a) (2). In computing taxable income for such year, there shall be deducted only amounts properly deductible under the method of accounting used by the taxpayer. However, if the taxpayer used an accrual method of accounting, no deduction shall be allowed for amounts accrued only by reason of his death. For rules relating to the inclusion of items of partnership deduction, loss, or credit in the return of a decedent partner, see subchapter K of chapter 1 of the Internal Revenue Code of 1954 and the regulations thereunder.

(c) *Accrual of real property taxes*—(1) *In general.* If the accrual of real property taxes is proper in connection with one of the methods of accounting described in section 446 (c), any taxpayer using such a method of accounting may elect to accrue any real property tax, which is related to a definite period

of time, ratably over that period in the manner described in this paragraph. For example, assume that such an election is made by a calendar-year taxpayer whose real property taxes, applicable to the period from July 1, 1955, to June 30, 1956, amount to $1,200. Under section 461 (c), $600 of such taxes accrue in the calendar year 1955, and the balance accrues in 1956. For general rules relating to deductions for taxes, see section 164 and the regulations thereunder.

(2) *Special rules*—(i) *Effective date.* Section 461 (c) and this paragraph do not apply to any real property tax allowable as a deduction under the Internal Revenue Code of 1939 for any taxable year beginning before January 1, 1954.

(ii) If real property taxes which relate to a period prior to the taxpayer's first taxable year beginning on or after January 1, 1954, would, but for section 461 (c), be deductible in such first taxable year, the portion of such taxes which applies to the prior period is deductible in such first taxable year (in addition to the amount allowable under section 461 (c) (1)).

(3) *When election may be made*—(i) *Without consent.* A taxpayer may elect to accrue real property taxes ratably in accordance with section 461 (c) and this paragraph without the consent of the Commissioner for his first taxable year beginning after December 31, 1953, and ending after August 16, 1954, in which the taxpayer incurs real property taxes. Such election must be made not later than the time prescribed by law for filing the return for such year (including extensions thereof). An election may be made by the taxpayer for each separate trade or business (and for nonbusiness activities, if accounted for separately). Such an election shall apply to all real property taxes of the trade, business, or nonbusiness activity for which the election is made. The election shall be made in a statement submitted with the taxpayer's return for the first taxable year to which the election is applicable. The statement shall set forth:

(*a*) The trades or businesses, or nonbusiness activity, to which the election is to apply, and the method of accounting used therein;

(*b*) The period of time to which the taxes are related, and

(*c*) The computation of the deduction for real property taxes for the first year of the election (or a summary of such computation).

(ii) *With consent.* A taxpayer may elect with the consent of the Commissioner to accrue real property taxes ratably in accordance with section 461 (c) and this paragraph. A written request for permission to make such an election shall be submitted to the Commissioner of Internal Revenue, Washington 25, D. C., not later than 90 days after the beginning of the taxable year to which the election is first applicable, or 90 days after the date of the publication in the FEDERAL REGISTER of the final regulations under section 461, whichever date is later. The request for permission shall state:

(*a*) The name and address of the taxpayer;

(*b*) The trades or businesses, or nonbusiness activity, to which the election is to apply, and the method of accounting used therein;

(*c*) The taxable year to which the election first applies;

(*d*) The period to which the real property taxes relate;

(*e*) The computation of the deduction for real property taxes for the first year of election (or a summary of such computation); and

(*f*) An adequate description of the manner in which all real property taxes were deducted in the year prior to the year of election.

(4) *Binding effect of election.* An election to accrue real property taxes ratably under section 461 (c) is binding upon the taxpayer unless the consent of the Commissioner is obtained under section 446 (e) and § 1.446–1 (e) to change such method of deducting real property taxes.

(5) *Apportionment of taxes on real property between seller and purchaser.* For apportionment of taxes on real property between seller and purchaser, see section 164 (d) and the regulations thereunder.

(6) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). A taxpayer on an accrual method reports his taxable income for the taxable year ending June 30. He elects to accrue real property taxes ratably for the taxable year ending June 30, 1955 (which is his first taxable year beginning on or after January 1, 1954). In the absence of an election under section 461 (c), such taxes would accrue on January 1 of the calendar year to which they are related. The real property taxes are $1,200 for 1954; $1,600 for 1955; and $1,800 for 1956. Deductions for such taxes for the fiscal years ending June 30, 1955, and June 30, 1956, are computed as follows:

Fiscal year ending June 30, 1955

July through Dec. 1954	[1] None
Jan. through June 1955 (6/12 of $1,600)	$800
Deduction for fiscal year ending June 30, 1955	800

Fiscal year ending June 30, 1956

July through Dec. 1955 (6/12 of $1,600)	$800
Jan. through June 1956 (6/12 of $1,800)	900
Deduction for fiscal year ending June 30, 1956	1,700

[1] The taxes for 1954 were deductible in the fiscal year ending June 30, 1954, since such taxes accrued on January 1, 1954.

Example (2). A calendar-year taxpayer on an accrual method elects to accrue real property taxes ratably for 1954. In the absence of an election under section 461 (c), such taxes would accrue on July 1 and are assessed for the 12-month period beginning on that date. The real property taxes assessed for the year ending June 30, 1954, are $1,200; $1,600 for the year ending June 30, 1955; and $1,800 for the year ending June 30, 1956. Deductions for such taxes for the calendar years 1954 and 1955 are computed as follows:

Year Ending Dec. 31, 1954

Jan. through June 1954	[1] None
July through Dec. 1954 (6/12 of $1,600)	$800
Deduction for year ending December 31, 1954	800

Year ending Dec. 31, 1955

Jan. through June 1955 (6/12 of $1,600)	$800
July through Dec. 1955 (6/12 of $1,800	900
Deduction for year ending Dec. 31, 1955	1,700

[1] The entire tax of $1,200 for the year ended June 30, 1954, was deductible in the return for 1953, since such tax accrued on July 1, 1953.

Example (3). A calendar-year taxpayer on an accrual method elects to accrue real property taxes ratably for 1954. In the absence of an election under section 461 (c), such taxes, which relate to the calendar year 1954, are accruable on December 1 of the preceding calendar year. No deduction for real property taxes is allowable for the taxable year 1954 since such taxes accrued in the taxable year 1953 under section 23 (c) of the Internal Revenue Code of 1939.

Example (4). A taxpayer on an accrual method reports his taxable income for the taxable year ending March 31. He elects to accrue real property taxes ratably for the taxable year ending March 31, 1955. In the absence of an election under section 461 (c), such taxes are accruable on June 1 of the calendar year to which they relate. The real property taxes are $1,200 for 1954; $1,600 for 1955; and $1,800 for 1956. Deductions for such taxes for the taxable years ending March 31, 1955, and March 31, 1956, are computed as follows:

Fiscal year ending Mar. 31, 1955

Apr. through Dec. 1954 (9/12 of $1,200)	$900
Jan. through Mar. 1955 (3/12 of $1,600)	400
Taxes accrued ratably in fiscal year ending Mar. 31, 1955	1,300
Tax relating to period Jan. through Mar. 1954, paid in June 1954, and not deductible in prior taxable years (3/12 of $1,200)	300
Deduction for fiscal year ending Mar. 31, 1955	1,600

Fiscal year ending Mar. 31, 1956

April through Dec. 1955 (9/12 of $1,600)	$1,200
Jan. through Mar. 1956 (3/12 of $1,800)	450
Deduction for fiscal year ending Mar. 31, 1956	1,650

[F. R. Doc. 56–10389; Filed, Dec. 20, 1956; 8:48 a. m.]

accounting, amounts representing allow-

erly taken under his method of account-

tax, which is related to a definite period

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands has filed an application, Serial No. Anchorage 033229, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the mining laws, but excepting mineral leasing and the disposition of materials under the Materials Act. The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

LAKE LOUISE, LAKE SUSITNA AND LAKE TYONE AREAS

TRACT A

From the point of beginning at 62°31'44" N., 146°47'06" W., being a point of land marked with a BLM public service site sign, thence 1,320 feet in a northeasterly direction along the shore line to a BLM sign, thence 330 feet in a northwesterly direction, thence approximately 1,320 feet in a southwesterly direction to the bank of a stream, thence approximately 330 feet along the stream bank in a southerly direction to the point of beginning. Containing approximately 10 acres.

TRACT B

From the point of beginning at 62°28' 28" N., 146°40'10" W., being approximately 160 feet southerly along the shore from the point of land marked by a BLM public service site sign, thence easterly 330 feet, thence northerly along the shore line to the point of beginning. Containing approximately 2.5 acres.

TRACT C

From the point of beginning at 62°27' 56" N., 146°37'47" W., being the point of land marked by a BLM public service site sign, thence 330 feet northerly along the stream, thence approximately 330 feet southwesterly to the shore of Susitna Lake, thence approximately 330 feet southeasterly along the lake shore to the point of beginning. Containing approximately 1.5 acres.

TRACT D

From the point of land at 62°26'45" N., 146°36'41" W., being the point of land on the east side of the stream marked by a BLM public service site sign, thence 330 feet in an easterly direction along the lake shore, thence northerly 330 feet, thence westerly 660 feet, thence southerly 330 feet to the shore of the lake, thence along the shore line 330 feet to the point of beginning. Containing approximately 5 acres.

TRACT E

From the point of beginning at 62°20' 18" N., 146°28'16" W., being the southerly point of the plot, thence northeasterly from the shore line 330 feet, thence northwesterly 330 feet, thence 330 feet southwesterly to the lake shore, thence 330 feet along the lake shore to the point of beginning. Containing approximately 2.5 acres.

TRACT F

From the point of beginning at 62°20'42" N., 146°37'32" W., indicated by a BLM public service sign and being the southeast corner of the plot, thence 330 feet along the shore line in a northerly direction thence 330 feet westerly, thence 330 feet southerly, thence 330 feet in an easterly direction to the shore of the lake and the point of beginning. Containing 2.5 acres.

TRACT G

From the point of beginning at 62°18'47" N., 146°40'47" W., being the easterly corner of the plot and marked by a BLM public service sign, thence northwesterly 330 feet, thence 330 feet southwesterly, thence 330 feet southeasterly to the shore of the lake marked with a BLM sign, thence northeasterly 330 feet along the shore of the lake to the point of beginning. Containing 2.5 acres.

TRACT H

From the point of beginning at 62°18'13" N., 146°38'38" W., being the tip of the point of land and marked with a BLM sign, thence along the shore line in a northeasterly direction 1,320 feet to the BLM sign, thence southerly approximately 660 feet to the south shore of the peninsula where is located a BLM sign, thence westerly along the shore approximately 990 feet to the point of beginning. Containing approximately 10 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-10375; Filed, Dec. 20, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Fairbanks 013034, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but excepting the mineral leasing laws and the disposition of materials under the Materials Act. The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PORCUPINE CREEK

A parcel of land enclosing the crossing of Porcupine Creek at approximately 63°22'50" North Latitude and 142°34' West Longitude and situated by the Taylor Highway at approximately Mile 6.25 as measured from the junction of the Alaska and the Taylor Highways, more particularly described as follows:

Beginning at a point situated in the center of the bridge crossing of Porcupine Creek by the Taylor Highway, thence south and southwesterly following the center line of said highway 5.1 chains to the True Point of Beginning; thence West 2.5 chains; thence North 10 chains; thence East 8 chains; thence South 10 chains; thence West 5.5 chains to the center line of the Taylor Highway and the point of beginning; containing approximately 8.0 acres.

WEST FORK DENNISON RIVER

A parcel of land situated on the north bank of the West Fork of the Dennison River and on the east side of the Taylor Highway at approximately 63°54'10" North Latitude and 142°8'30" West Longitude at approximately Mile 49 as measured from the junction of the Alaska and Taylor Highways, more particularly described as follows:

Beginning at a point on the center line of the Taylor Highway at its intersection with the north bank of the West Fork of the Dennison River, thence north and northeasterly following the center line of said Highway 5 chains; thence East 9.3 chains; thence south 5 chains approximately to the north bank of the West Fork of the Dennison River; thence westerly along the north bank of said river approximately 10 chains to the center line of the highway and the point of beginning; containing approximately 4.94 acres.

MOSQUITO FORK OF THE FORTY MILE RIVER

A parcel of land situated on the west bank of the Mosquito Fork of the Forty Mile River and on the south side of the Taylor Highway at approximately 64°4'10" North Latitude and 141°56'30" West Longitude at approximately Mile 64.25 as measured from the junction of the Alaska and Taylor Highways, more particularly described as follows:

Beginning at a point on the center line of the Taylor Highway at its intersection with the west bank of Mosquito Fork of the Forty Mile River, thence west along the center line of said Highway 5 chains; thence south 10 chains; thence East approximately 5 chains to a point on the west bank of said river; thence northerly along the west bank of Mosquito Fork of the Forty Mile River to the point of beginning; containing approximately 5 acres.

O'BRIEN CREEK

A parcel of land situated on the east side of the Eagle Highway and North side of O'Brien Creek at approximately 64°23' North Latitude and 141°24' West Longitude at approximately 26 miles northerly on the Eagle Highway as measured from the junction of the Eagle and Taylor Highways. The parcel embraces, together with other land, an area lying between a small southerly-flowing tributary of O'Brien Creek and the Eagle Highway that has been used to a considerable extent as a public camp ground and to which an access road has been constructed off the steep shoulder of the Eagle Highway. The access road is the only such side road leading off the highway at this time in this general area. The parcel is more particularly described as follows:

Beginning at a point on the center line of the Eagle Highway and the center line of the access road described above, thence northerly following the center line of the Eagle Highway 2.5 chains; thence east 10.9 chains; thence southerly approximately 10 chains to a point on the north bank of O'Brien Creek; thence westerly along said north banks approximately 8 chains to a point on the beginning of an abrupt southerly course in said stream; thence west approximately 2 chains to a point on the center line of the Eagle Highway; thence north along said center line 7.5 chains to the intersection of said access road and the point of beginning; containing approximately 10.12 acres.

KING SOLOMAN CREEK

A parcel of land situated on the south side of the Eagle Highway at the highway crossing of King Soloman Creek at approximately 64°32' North Latitude and 141°16' West Longitude at Mile 42 of the Eagle Highway as measured from the junction of the Eagle and Taylor Highways, more particularly described as follows:

Beginning at a point on the bridge crossing of King Soloman Creek by the Eagle Highway, being the center point of the Highway and the Creek, thence approximately west following the center line of said highway 7.5 chains; thence south 10 chains; thence east 10 chains; thence north approximately 9.2 chains to the center line of the Highway; thence northwesterly along said center line approximately 2.6 chains to the center of the bridge and the point of beginning; containing approximately 9.9 acres.

CHENA RIVER AREA

FAIRBANKS MERIDIAN

T. 1 S., R. 2 E.,
Section 9: Lots 30, 31, 32, 35, 36, 37, 38.
Containing 20.94 acres.

SALCHA RIVER AREA

FAIRBANKS MERIDIAN

T. 5 S., R. 4 E.,
Section 22: Lots 15, 16, 27, 28.
Containing 40.65 acres.

Aggregating a total of 99.55 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-10376; Filed, Dec. 20, 1956; 8:45 a. m.]

Fish and Wildlife Service

SNAKE CREEK NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

DESIGNATION OF AREA AND NOTICE OF APPLICABILITY OF REGULATIONS

The Department of the Interior, by and through the United States Fish and Wildlife Service, has acquired control for wildlife management purposes pursuant to the act of August 14, 1946 (60 Stat. 1080), over 24,623 acres of land, more or less, in McLean County, North Dakota, under the terms of a cooperative agreement with the Department of the Army dated May 25, 1956. These lands were acquired by the Department of the Army in connection with the Garrison Dam and Reservoir Project on the Missouri River and are described as follows:

A portion of the Garrison Reservoir area, being the land and water lying in Townships 147, 148, and 149 North, Ranges 82 and 83 West, fifth principal meridian, McLean County, North Dakota, said area being within the Garrison Reservoir taking line and more particularly described as follows:

Township 147 North, Range 82 West,
Sec. 2, SW¼;
Secs. 3, 4, 5, and 6, all;
Sec. 7, N½, NE¼SE¼, NE¼NW¼SE¼, and SE¼SE¼;
Secs. 8, 9, and 10, all;
Sec. 11, NW¼NE¼NW¼, W½NW¼, and NW¼SW¼;
Sec. 15, N½N½ and N½S½NW¼;
Sec. 16, N½N½ and N½S½NW¼;
Sec. 17, N½NE¼, N½NE¼SE¼NE¼, NW¼, NW¼NE¼SW¼, NE¼NW¼SW¼, and W½W½SW¼;
Sec. 18, SE¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 19, E½NE¼NE¼, and NE¼SE¼NE¼;
Sec. 20, NW¼.
Township 148 North, Range 82 West,
Sec. 3, NW¼, N½NE¼SW¼, W½SW¼, W½SW¼SE¼SW¼, and NW¼NW¼SE¼;
Sec. 4, all except NW¼NW¼;
Sec. 5, S½NE¼NE¼, SE¼SW¼NE¼, SE¼NE¼, and S½;
Sec. 6, SE¼SE¼NE¼SE¼ and E½SE¼SE¼;
Sec. 7, all except area above 1,850 feet contour;
Sec. 8, N½ except road across reservoir arm and W½NW¼SW¼ except road across reservoir arm, NW¼SW¼SW¼ and W½SW¼SW¼SW¼;
Sec. 9, N½N½NE¼, SW¼NW¼NE¼, and NW¼;
Sec. 17, NW¼NW¼NW¼;
Sec. 18, all;
Sec. 19, all except area above 1,850 feet contour;
Sec. 20, W½SE¼NE¼NE¼, SW¼NE¼NE¼, S½NW¼NE¼, SW¼NE¼, W½SE¼NE¼, W½, W½NE¼SE¼NE¼, and SE¼;
Sec. 21, W½SW¼;
Sec. 28, S½N½NE¼, S½NE¼, S½NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, W½NE¼SE¼, W½SE¼, and W½SE¼SE¼;
Secs. 29, 30, 31, and 32, all;
Sec. 33, W½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 34, S½NW¼ and SW¼.
Township 149 North, Range 82 West,
Sec. 35, S½SE¼;
Sec. 36, NE¼, E½NW¼, and S½.
Township 147 North, Range 83 West,
Sec. 1, all;
Sec. 2, N½, N½NE¼SW¼, NW¼SW¼, and E½E½SE¼;
Sec. 3, all;
Sec. 4, NE¼ east of east right-of-way of U. S. Highway No. 83, N½NE¼SE¼, and NE¼SE¼NE¼SE¼;
Sec. 10, N½NE¼NW¼NE¼, SW¼NE¼NW¼NE¼, W½NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, and N½SE¼NW¼;
Sec. 12, NE¼.
Township 148 North, Range 83 West,
Sec. 11, SE¼SE¼SW¼SW¼, S½NE¼SE¼SW¼, S½SE¼SW¼, S½NE¼SE¼, S½NE¼NW¼SE¼, E½SW¼NW¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NE¼NW¼SW¼SE¼, S½NW¼SW¼SE¼, S½SW¼SE¼, and SE¼SE¼;
Sec. 12, S½S½NW¼NE¼, S½NE¼, E½SW¼NW¼, SE¼NW¼, and S½, except an area in the east part of the section above the 1,850 feet contour;
Secs. 13 and 14, all;
Sec. 15, NE¼SE¼, E½W½SE¼, and SE¼SE¼;
Sec. 21, S½SE¼SE¼NE¼, SE¼SE¼SW¼, and SE¼;
Sec. 22, NE¼, NE¼NW¼, S½S½S½NW¼, and S½;
Sec. 23, all;
Sec. 24, all except an area in the east part of the section above the 1,850 feet contour;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all east of the east right-of-way of U. S. Highway No. 83 except an area in the northwest corner above the 1,850 feet contour;
Sec. 33, all east of the east right-of-way of U. S. Highway No. 83;
Secs. 34, 35, and 36, all.

The above-described lands, comprising 24,623 acres, more or less, are hereby designated as the Snake Creek National Wildlife Refuge, and notice is hereby given that 30 days after publication hereof in the FEDERAL REGISTER entry thereof and use thereof for any purpose will be subject to the regulations contained in Part 22, Title 50, Code of Federal Regulations, and such other regulations as the Secretary of the Interior may adopt from time to time.

Notice is also given that the United States Fish and Wildlife Service has granted to the North Dakota Game and Fish Department control for wildlife management purposes over that part of the above-described lands north of the following-described lines:

Beginning at a point on the top of the embankment on the east edge of U. S. Highway No. 83, from which point the center quarter corner of sec. 4, T. 147 N., R. 83 W., bears S. 2°06' E. 40.08 chains distant; thence N. 56° 55' E. 281.97 chains; thence S. 88° 57' E. 225.63 chains to a point in the east boundary of the above-described lands, from which point the west ¼₁₆ corner between secs. 21 and 28, T. 148 N., R. 82 W., bears N. 0° 13' W. 10.02 chains distant.

The North Dakota Game and Fish Department may issue regulations governing the administration of such area and compliance therewith shall be a requisite to lawful entry.

Issued at Washington, D. C., and dated December 17, 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-10374; Filed, Dec. 20, 1956; 8:45 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN ACTUARY POSITIONS IN THE BALTIMORE, MD., AREA

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions at GS-9 in the Actuary Series, GS-1510-0. The new rate for GS-9 has been set at $6,115 (the sixth step of the grade). This increase will be effective on the first day of the first pay period which begins after December 13, 1956, and applies to these positions in the Baltimore, Maryland, area.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10373; Filed, Dec. 20, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8222]

LAURENTIDE AVIATION LTD.

NOTICE OF HEARING

In the matter of the application of Laurentide Aviation Limited for an extension of its foreign air carrier permit to perform operations of a casual, occasional, or infrequent nature, in common carriage into the United States.

Hearing in this proceeding was closed on October 3, 1956. Thereafter, on December 3, 1956, Laurentide Aviation Limited filed an amended application with the Board.

Notice is hereby given that a reopened hearing in the above-entitled proceeding is assigned to be held on January 2, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 14, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-10397; Filed, Dec. 20, 1956; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9748]

TEXAS ILLINOIS NATURAL GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 17, 1956.

Take notice that Texas Illinois Natural Gas Pipe Line Company (Applicant), a Delaware corporation, addressed 20 North Wacker Drive, Chicago 6, Illinois, filed on December 7, 1955, an application which was amended on January 6, 1956, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to construct and operate certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct a 6-inch lateral pipeline approximately 8,000 feet in length extending from a point on its existing lateral pipeline to the Heyser field, Victoria County, Texas, to the Bloomington field, Victoria County, Texas, and a meter station located at a central point in the said Bloomington field, for the purpose of purchasing natural gas from the Amerada Petroleum Corporation. Applicant does not propose any change in the design and operation in its pipeline system or in the sales and service rendered thereby by reason of the above connection. The estimated cost of the proposed facilities is $60,800.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on January 22, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washingotn, D. C., concerning the matters involved in and the issues presented by said application: *Provided, however,* That the Commission may after a noncontested hearing dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 2, 1957. Failure of any party to appear at and participate in the proceeding shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10391; Filed, Dec. 20, 1956; 8:48 a. m.]

[Docket No. G-11228]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 17, 1956.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, address P. O. Box 2511, Houston, Texas, filed on October 11, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to increase the volumes of gas heretofore authorized of 700 Mcf per day to the City of Morehead, Kentucky, to a maximum of 3,000 Mcf daily, such gas to be sold under Applicant's GS-2 rate schedule instead of CD-2 rate schedule, all as more fully discussed in the application which is on file with the Commission and open for public inspection.

Applicant states that no additional facilities are required to render the proposed service and that the average daily delivery will remain at 700 Mcf and the peak day demand of 3000 Mcf can be delivered out of Applicant's presently authorized capacity.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on January 22, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said application: *Provided, however,* That the Commission may after a noncontested hearing dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 2, 1957. Failure of any party to appear at and participate in the proceeding shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10392; Filed, Dec. 20, 1956; 8:48 a. m.]

[Docket No. G-11591]

ED GIBBONS

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Ed Gibbons (Gibbons) on November 16, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated November 10, 1956; Texas Eastern Transmission Corporation; Supplement No. 2 to Gibbons' FPC Gas Rate Schedule No. 1; December 17, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 17, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 14, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10377; Filed, Dec. 20, 1956; 8:45 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Gibbons, if later.

[Docket No. G-11592]

L. L. ROBINSON

ORDER SUSPENDING PROPOSED CHANGES IN RATES

L. L. Robinson (Robinson) on November 16, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated November 10, 1956; Texas Eastern Transmission Corporation; Supplement No. 2 to Robinson's FPC Gas Rate Schedule No. 2; December 17, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 17, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 14, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10378; Filed, Dec. 20, 1956; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Robinson, if later.

[2] Commissioner Digby dissenting.

[Docket No. G-11593]

L. L. ROBINSON

ORDER SUSPENDING PROPOSED CHANGE IN RATES

L. L. Robinson, (Robinson) on November 16, 1956, tendered for filing a proposed change in its presently effective rate schedule, for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate is contained in the following designated filing:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of Change dated, November 10, 1956; Texas Eastern Transmission Corporation; Supplement No. 4 to Robinson FPC Gas Rate Schedule No. 3; December 17, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 17, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 14, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10379; Filed, Dec. 20, 1956; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3537]

MONTAUP ELECTRIC CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE AND SALE OF NOTES TO BANK

DECEMBER 17, 1956.

Notice is hereby given that Montaup Electric Company ("Montaup"), a public-utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 7 and Rules U-42 (b) (2) and U-50 (a) (2) thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Montaup has obtained a commitment from The First National Bank of Boston under which the Bank agrees to lend Montaup up to a maximum of $10,000,000 during 1957. Although each note will be made payable to The First National Bank of Boston, the following banking institutions will participate in each loan to the extent indicated:

	Percent
The First National Bank of Boston	30
National Shawmut Bank of Boston	25
First National City Bank of New York	20
Second Bank-State Street Trust Co	15
The Hanover Bank	10
	100

Montaup proposes to issue from time to time between January 1 and December 31, 1957, unsecured promissory notes in an aggregate amount not in excess of $25,000,000 with a maximum amount to be outstanding at any one time not to exceed $10,000,000. Each of said notes will mature in 90 days or less from the date of issue and in no event later than December 31, 1957, and will bear interest from the date of issue at not more than the prime rate per annum at such date of issuance. The current prime rate is

stated to be 4 percent. The notes may be prepaid, in whole or in part, at any time without penalty.

As of October 31, 1956, Montaup had outstanding short-term bank loans in the amount of $1,000,000. The proceeds from the proposed notes will be used to pay Montaup's outstanding note indebtedness and to provide the company with cash during 1957 to finance its construction program stated to involve the installation of a 100,000 kw turbo-generator unit now on order and estimated to cost $19,500,000 through 1959.

The declaration indicates that if any permanent financing is done by Montaup prior to the maturity of any of the notes proposed in the instant filing, Montaup will apply the proceeds from such permanent financing in reduction of, or in total payment of, its short-term indebtedness then outstanding, and the amount of short-term indebtedness that may be outstanding at any one time shall be reduced by the amount of the permanent financing.

It is represented that no State commission or Federal agency, other than this Commission, has jurisdiction over the proposed note issues. It is further represented that no commissions, fees, expenses or other remuneration will be paid in connection with the proposed note issues, except legal fees and expenses of counsel for Montaup which will be supplied by amendment.

Notice is further given that any interested person may, not later than January 3, 1957, at 5:30 p. m., request in writing that a hearing be held in respect of the above matter, stating the nature of his interest, the reasons for the request, the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration may become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10380; Filed, Dec. 20, 1956; 8:46 a. m.]

[File No. 24D-1496]

NEW ENGLAND URANIUM—OIL CORP., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 17, 1956.

I. New England Uranium—Oil Corporation, Inc., (Issuer), an Oklahoma corporation, with its principal place of business in Oklahoma City, Oklahoma, filed with the Commission on November 8, 1954, a notification on Form 1-A and an offering circular, subsequently amended, relating to a public offering of 300,000 shares of its five cent ($0.05) par value stock through Omer C. Caouette named as principal underwriter and its officers and directors, at one dollar ($1.00) per share aggregating $300,000 for the purposes of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder; and

II. The Commission having reasonable cause to believe:

A. The terms and conditions of Regulation A have not been complied with in that:

1. Written offers and sales of the securities were made without delivery of an Offering Circular, as required by Rule 219;

2. Representations were made in connection with the offering, that the securities offered were registered with and had been approved by this Commission in violation of the conditional prohibition in Rule 222;

3. Written communications—a letter signed by William Clark as president of Issuer and the text of a radio broadcast—were prepared or authorized by the Issuer and used in connection with the offering without having been filed, as required by Rule 221;

4. The Offering Circular filed as a part of the Issuer's Notification failed, as required by Rule 219,

(a) To describe correctly the properties to be operated or developed by the Issuer;

(b) To describe fully and correctly the direct and indirect material interests by stockholdings and options of officers, directors and persons controlling the Issuer.

B. The notification and other sales literature:

1. Contain untrue statements of material facts in representing that:

(a) The securities were to be offered only at $1 per share;

(b) The material interests by stockholdings or options of the officers, directors and promoters of the Issuer were as represented in the Offering Circular;

(c) Paul J. Posco, secretary of the Issuer, is a certified public accountant;

(d) Raymond J. Jena is a vice president of the Issuer when in fact he had resigned in February 1955.

2. Failed to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in omitting to state that:

(a) The underwriters named in the filing had been refused a license to sell the securities by the Commonwealth of Massachusetts;

(b) Notwithstanding such refusal, the offering would be made in Massachusetts;

(c) With respect to sales made in Massachusetts, a conditional liability—to the extent thereof—would exist against the Issuer.

C. That in connection with, and in furtherance of, the offering of the issuer's securities, materially false or misleading statements were made orally in representing, among other things:

1. That Floyd Odlum had offered the Issuer $5,000,000 or more for its properties;

2. That in March, 1955, only 75,000 shares of the 300,000 share offering remained unsold;

3. That there was "no risk involved" in purchasing the securities offered, they represented a "sound investment," were "not speculative," and had been "approved by" and "registered with" this Commission;

which statements did operate as a fraud or deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Section 3 (b) and Regulation A, be and it is hereby temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10381; Filed, Dec. 20, 1956; 8:46 a. m.]

[File No. 24D-2095]

UNITED STATES RARE EARTHS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 17, 1956.

I. United States Rare Earths, Inc., a Nevada corporation, 709 Farmers Union Building, Denver, Colorado, having filed with the Commission on May 14, 1956, a notification on Form 1-A and offering circular, and subsequently having filed amendments thereto, relating to an offering of 900,000 shares of its 5 cents par value common stock at 25 cents per share for an aggregate of $225,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that United States Rare Earths, Inc., was enjoined on November 14, 1956, by the District Court in and for the City and County of Denver and State of Colorado from offering or selling its securities in the State of Colorado.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10382; Filed, Dec. 20, 1956; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 17, 1956.

Protest to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33048: *Bituminous fine coal from Superior, Wis., to Virginia, Minn.* Filed by P. A. Walsh, Agent, for interested rail carriers. Rates on bituminous fine coal, carload from Superior, Wis., to Virginia, Minn.

Grounds for relief: Truck competition.

Tariff: Supplement 17 to Agent P. A. Walsh's tariff I. C. C. 1.

FSA No. 33049: *Anthracite and briquettes to Rochester, N. Y.* Filed by The Pennsylvania Railroad Company for itself and on behalf of the Lehigh Valley Railroad Company. Rates on prepared sizes of anthracite and anthracite briquettes, straight or mixed carloads from mines in Pennsylvania to Rochester, N. Y.

Grounds for relief: Circuitous route.

FSA No. 33050: *Sugar from points in Texas to Arkansas, Louisiana, and Texas.* Filed by J. F. Brown, agent, for interested rail carriers. Rates on sugar (beet, cane, corn or sorghum grain) in straight or mixed carloads from Galveston, Houston, Port Arthur, Texas City and Sugarland, Tex., to points in Arkansas, Louisiana and Texas.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 50 to Agent Brown's tariff I. C. C. 851.

FSA No. 33051: *Petroleum coke from Illinois to Norton, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on petroleum coke, carload from East St. Louis, Federal, Roxana and Wood River, Ill., to Norton, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 21 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 33052: *Waste paper from the South to Cincinnati, Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on paper stock, namely, paper waste or scrap, carload from points in southern territory to Cincinnati, Ohio.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 32 to Agent Spaninger's tariff I. C. C. 1525.

FSA No. 33053: *Coal from Kentucky and Tennessee mines to McAdenville and Spencer Mountain, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coal, carloads from mines in Kentucky and Tennessee to McAdenville and Spencer Mountain, N. C.

Grounds for relief: Rail carrier competition, grouping and circuity.

Tariff: Supplement 24 to Agent Spaninger's tariff I. C. C. 1499.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-10349; Filed, Dec. 19, 1956; 8:47 a. m.]

[Rev. S. O. 562, Amdt. 3 to, Taylor's I. C. C. Order 70]

MISSOURI-KANSAS-TEXAS RAILROAD

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 70 and good cause appearing therefor: *It is ordered,* That:

Taylor's I. C. C. Order No. 70 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., June 15, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., December 15, 1956, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., December 12, 1956.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 56-10350; Filed, Dec. 19, 1956; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 18, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33054: *Automobile parts from Illinois to South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on automobile parts, carload from points in Illinois territory to points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 21 to Agent Raasch's tariff I. C. C. 855.

FSA No. 33055: *Alcoholic liquors between Ohio River crossings and the South.* Filed by St. Louis-San Francisco Railway Company for itself and interested rail carriers. Rates on Alcoholic liquors, vermouth and wine, carloads between Ohio River Crossings (described in Agent H. R. Hinsch's I. C. C. 4622) and points in southern territory.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 33056: *Transformer oil from Port Arthur, Tex., to West Rome, Ga.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on transformer oil, carloads from Port Arthur, Tex., to West Rome, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 98 to Agent Kratzmeir's I. C. C. 4118.

FSA No. 33057: *Lumber from Chillicothe, Mo., to Official Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lumber and related articles, carloads from Chillicothe, Mo., to points in official territory.

Grounds for relief: Grouping and circuity.

Tariff: Supplement 52 to Agent Kratzmeir's tariff I. C. C. 4061.

FSA No. 33058: *Synthetic rubber from Louisiana and Texas to Neosho, Mo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, artificial, synthetic or neoprene, crude, carloads from points in Louisiana and Texas to Neosho, Mo.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 189 to Agent Kratzmeir's I. C. C. No. 4087; Supplement 276 to Agent Kratzmeir's I. C. C. No. 4139.

FSA No. 33059: *Clay from points in Mississippi to points in North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, except clay commercially suitable for filling of fabric or filling or coating of paper or for use in the manufacture of rubber or rubber articles, in closed cars or open-top cars protected by tarpauling or other protective covering, carloads, from Aberdeen, Smithville and White Springs, Miss., to Goldsboro and New Bern, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 51 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 33060: *Fertilizer from Ketona, Ala., to Athens, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer material, carloads from Ketona, Ala., to Athens, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 50 to Agent Spaninger's tariff I. C. C. 1510.

FSA No. 33061: *Trailer-on-flat-car service from points in Ohio to Central Territory.* Filed by The Erie Railroad Company, for itself and interested rail carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars from points in Ohio to points in Illinois, Indiana, Kentucky, and Missouri.

Grounds for relief: Truck competition.

Tariff: Erie Railroad Company's tariff I. C. C. 21084.

FSA No. 33062: *Fine coal from Superior, Wis., to Virginia, Minn.* Filed by The Great Northern Railway Company, for itself. Rates on bituminous fine coal, carloads from Superior, Wis., to Virginia, Minn.

Grounds for relief: Circuitous route.

Tariff: Supplement 26 to Great Northern Railway tariff I. C. C. No. A-8721.

FSA No. 33063: *Pig iron from Buffalo and Harriet, N. Y.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on pig iron, carloads from Buffalo and Harriet, N. Y., to Claymont, Del., Chester-Marcus Hook and Coatesville, Pa., Roebling, Burlington and Florence, N. J.

Grounds for relief: Water—Rail competition.

Tariffs: Supplement 14 to Baltimore and Ohio Railroad tariff I. C. C. 24266 and five other tariffs.

FSA No. 33064: *Petroleum from Rogerslacy, Miss., and Tuscaloosa, Ala., to South River, Mo.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads from Rogerslacy, Miss., and Tuscaloosa, Ala., to South River, Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 2 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33065: *Petroleum products from Charleston, S. C., to Augusta and South Augusta, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on gasoline, kerosene, naphtha distillate, petroleum distillate fuel oil and residual fuel oil, carloads from Charleston, S. C., to Augusta and South Augusta, Ga.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 2 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33066: *Newsprint paper from Alabama and Calhoun, Tenn., to South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, fibre content consisting of not less than 60 percent ground wood, in packages or in rolls, carloads from Mobile, Coosa Pines, Childersburg, Ala., and Calhoun, Tenn., to points in southern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 61 to Agent Spaninger's tariff I. C. C. 1466.

FSA No. 33067: *Paper from Clyattville, Ga., and Jacksonville, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on paper and related articles, carloads from Clyattville, Ga., and Jacksonville, Fla., to Kansas City, Mo.-Kans.

Grounds for relief: circuitous routes.

Tariff: Supplement 61 to Agent Spaninger's tariff I. C. C. 1466.

FSA No. 33068: *Grain from New Mexico and Texas to Bauxite, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products and related articles, also seeds, carloads from Points in New Mexico and Texas to Bauxite, Ark.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 77 to Agent Kratzmeir's tariff I. C. C. 3831.

FSA No. 33069: *Rayon and synthetic fibres from Celco and Pearisburg, Va.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on Rayon staple fibre and synthetic staple fibre, carloads from Celco and Pearisburg, Va., to Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-10386; Filed, Dec. 20, 1956; 8:47 a. m.]

[Ex Parte No. 206]

INCREASED FREIGHT RATES, EASTERN AND WESTERN TERRITORIES, 1956

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of December A. D. 1956.

It appearing that on November 14, 1956, certain railroads in the Southern Region filed a petition requesting an emergency increase in freight rates and charges to, from, via, and between all points on their lines in the amount of 7 percent subject to certain exceptions, limitations, and conditions set forth in the petition, and that said petition was set for hearing on January 7, 1957, beginning at 10:00 o'clock a. m., United States Standard Time, at the Office of the Commission, Washington, D. C.

It further appearing that on November 15, 1956, the freight forwarders parties to this proceeding filed a motion for authority to increase freight rates and charges on one day's notice, without suspension, in an amount not exceeding 7 percent without territorial limitations, and for authority to depart from certain of the Commission's tariff publishing rules;

And it further appearing that on December 3, 1956, the above freight forwarders requested, as a part of an alternative motion made at the oral argument in the above proceeding, that the said motion be set for hearing at a date not later than January 7, 1957:

It is ordered, That the motion of the freight forwarders filed November 15, 1956, be set for hearing before Division 2 at the same time and place as the petition of the southern railroads (10:00 o'clock a. m., January 7, 1957, at the Office of the Commission, Washington, D. C.):

And it is further ordered, That a copy of this order be served on all parties to this proceeding, and that a notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-10387; Filed, Dec. 20, 1956; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 248

Washington, Saturday, December 22, 1956

UNIVERSITY OF MICHIGAN DEC 26 1956 MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 98]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.398 *Navel Orange Regulation 98*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 20, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 23, 1956, and ending at 12:01 a. m., P. s. t., December 30, 1956, is hereby fixed as follows:

(i) District 1: 415,800 cartons;

(ii) District 2: 35,870 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 21, 1956.

[SEAL] G. R. GRANGE, *Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-10480; Filed, Dec. 21, 1956; 11:33 a. m.]

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TITLE 32A—NATIONAL DEFENSE, APPENDIX

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[NSA Order 62 (AGE–7, Amdt. 5)]

AGE–7—AUTHORITY OF GENERAL AGENTS TO PROVIDE FOR AMERICAN MERCHANT MARINE LIBRARY SERVICE

MISCELLANEOUS AMENDMENTS

It is hereby ordered that NSA Order No. 62 (AGE–7) be further amended as follows:

1. Section 2 *General Agents' authority; form of agreement*, is hereby amended by deleting the first sentence of article 7 thereof and substituting therefor the following new sentence: "The Agreement shall be in effect for the calendar years 1951 through 1957."

2. Section 4 *Period of the agreement*, is hereby amended by deleting the first sentence thereof and substituting therefor the following new sentence: "The Agreement shall be in effect for the calendar years 1951 through 1957."

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: December 12, 1956.

[SEAL] WALTER C. FORD,
Deputy Maritime Administrator.

[F. R. Doc. 56–10414; Filed, Dec. 21, 1956; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 6—ROTOCRAFT AIRWORTHINESS; NORMAL CATEGORY

REVISION OF PART

Because of the number of outstanding amendments to Part 6 there follows a revision of Part 6 incorporating all amendments thereto which were in effect on December 20, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

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AUTHORITY: §§ 6.0 to 6.751 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553.

SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 6.0 *Applicability of this part.* This part contains standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for rotorcraft. This part, until superseded or rescinded, shall apply to rotorcraft of any weight for which applications for type certification under this part were made between the effective date of this part (January 15, 1951) and August 1, 1956. For applicaitons for type certificates made after August 1, 1956, this part shall apply only to rotorcraft which have a maximum weight of 6,000 pounds or less.

§ 6.1 *Definitions.* As used in this part, terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of a rotocraft or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., means approved by the Administrator. (See § 6.18.)

(b) *Rotorcraft types*—(1) *Rotorcraft.* A rotocraft is any aircraft deriving its principal lift from one or more rotors.

(2) *Helicopter.* A helicopter is a rotorcraft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors, rotating on substantially vertical axes.

(3) *Gyroplane.* A gyroplane is a rotorcraft which depends principally for its support upon the lift generated by one or more rotors which are not power driven, except for initial starting, and which are caused to rotate by the action of the air when the rotorcraft is in motion. The propulsion is independent of the rotor system and usually consists of conventional propellers.

(4) *Gyrodyne.* A gyrodyne is a rotorcraft which depends principally for its support upon the lift generated by one or more rotors, which are partially power driven, rotating on substantially vertical axes. The propulsion is independent of the rotor system and usually consists of conventional propellers.

(c) *General design*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,

(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg,

(iv) The temperature gradient from sea level to the altitude at which the temperature equals −67° F. is −0.003566° F./ft. and zero thereabove, and

(v) The density P_0 at sea level under the above conditions is 0.002378 pound sec^2/ft^4.

(2) *Maximum anticipated air temperature.* The maximum anticipated air temperature is a temperature specified for the purpose of compliance with the powerplant cooling standards. (See § 6.451.)

(3) *Aerodynamic coefficients.* Aerodynamic coefficients are nondimensional coefficients for forces and moments. They correspond with those adopted by the U. S. National Advisory Committee for Aeronautics.

(4) *Autorotation.* Autorotation is a rotorcraft flight condition in which the lifting rotor is driven entirely by the action of the air when the rotorcraft is in motion.

(5) *Autorotative landing.* An autorotative landing is any landing of a rotorcraft in which the entire maneuver is accomplished without the application of power to the rotor.

(6) *Ground resonance.* Ground resonance is the mechanical instability encountered when the rotorcraft is in contact with the ground.

(7) *Mechanical instability.* Mechanical instability is an unstable resonant condition due to the interaction between the rotor blades and the rotorcraft structure while the rotorcraft is on the ground or airborne.

(d) *Weights*—(1) *Maximum weight.* The maximum weight of the rotorcraft is that maximum at which compliance with the requirements of this part is demonstrated. (See § 6.101.)

(2) *Minimum weight.* The minimum weight of the rotorcraft is that minimum at which compliance with the requirements of this part is demonstrated. (See § 6.101.)

(3) *Empty weight.* The empty weight of the rotorcraft is a readily reproducible weight which is used in the determination of the operating weights. (See § 6.104.)

(4) *Design maximum weight.* The design maximum weight is the maximum weight of the rotorcraft at which compliance is shown with the structural loading conditions. (See § 6.101.)

(5) *Design minimum weight.* The design minimum weight is the minimum weight of the rotorcraft at which compliance is shown with the structural loading conditions. (See § 6.101.)

(6) *Design unit weight.* The design unit weight is a representative weight used to show compliance with the structural design requirements:

(i) Gasoline 6 pounds per U. S. gallon.

(ii) Lubricating oil 7.5 pounds per U. S. gallon.

(iii) Crew and passengers 170 pounds per person.

(e) *Speeds*—(1) *IAS.* Indicated air speed is equal to the pitot static air-speed indicator reading as installed in the rotorcraft without correction for air-speed indicator system errors but including the sea level standard adiabatic compressible flow correction. (This latter correction is included in the calibration of the air-speed instrument dials.) (See §§ 6.612 and 6.732.)

(2) *CAS.* Calibrated air speed is equal to the air-speed indicator reading corrected for position and instrument error. (As a result of the sea level adiabatic compressible flow correction to the air-speed instrument dial, CAS is equal to the true air speed TAS in standard atmosphere at sea level.)

(3) *EAS.* Equivalent air speed is equal to the air-speed indicator reading corrected for position error, instrument error, and for adiabatic compressible flow for the particular altitude. (EAS is equal to CAS at sea level in standard atmosphere.)

(4) *TAS.* True air speed of the rotorcraft relative to undisturbed air. $(TAS=EAS\ (\rho_0/\rho)^{1/2})$

(5) V_H. The maximum speed obtainable in level flight with rated rpm and power.

(6) V_{NE}. The never-exceed speed. (See § 6.711.)

(7) V_X. The speed for best angle of climb.

(8) V_Y. The speed for best rate of climb.

(f) *Structural*—(1) *Limit load.* A limit load is the maximum load anticipated in normal conditions of operation. (See § 6.200.)

(2) *Ultimate load.* An ultimate load is a limit load multiplied by the appropriate factor of safety. (See § 6.200.)

(3) *Factor of safety.* The factor of safety is a design factor used to provide for the possibility of loads greater than those anticipated in normal conditions of operation and for uncertainties in design. (See § 6.200.)

(4) *Load factor.* The load factor is the ratio of a specified load to the total weight of the rotorcraft; the specified load may be expressed in terms of any of the following: aerodynamic forces, inertia forces, or ground or water reactions.

(5) *Limit load factor.* The limit load factor is the load factor corresponding with limit loads.

(6) *Ultimate load factor.* The ultimate load factor is the load factor corresponding with ultimate loads.

(7) *Fitting.* A fitting is a part or terminal used to join one structural member to another. (See § 6.307 (d).)

(g) *Power installation*[1]—(1) *Brake horsepower.* Brake horsepower is the power delivered at the propellor shaft of the engine.

(2) *Take-off power.* Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power.* Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(4) *Manifold pressure.* Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(5) *Critical altitude.* The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude,

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

(h) *Propellers and rotors*[2]—(1) *Rotor.* Rotor is a system of rotating airfoils.

(2) *Main rotor.* The main rotor is the main system of rotating airfoils providing sustentation for the rotorcraft.

(3) *Auxiliary rotor.* An auxiliary rotor is one which serves either to counteract the effect of the main rotor torque on the rotorcraft, or to maneuver the rotorcraft about one or more of its three principal axes.

(4) *Axis of no feathering.* The axis of no feathering is the axis about which there is no first harmonic feathering or cyclic pitch variation.[3]

(5) *Plane of rotor disc.* The plane of rotor disc is a reference plane at right angles to the axis of no feathering.

(6) *Tip speed ratio.* The tip speed ratio is the ratio of the rotorplane flight velocity component in the plane of rotor disc to the rotational tip speed of the rotor blades expressed as follows:

$$\mu=\frac{V\cos\alpha}{\Omega R}$$

where:

V=air speed of the rotorcraft along flight path (fps),

α=angle between projection in plane of symmetry of axis of no feathering and a line perpendicular to the flight path (radians, positive when axis is pointing aft),

Ω=angular velocity of rotor (radians per second), and

R=rotor radius (ft).

(i) *Fire protection*—(1) *Fireproof.* Fireproof material means a material which will withstand heat at least as well as steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

(2) *Fire-resistant.* When applied to sheet or structural members, fire-resistant material means a material which will withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, other flammable fluid system components, wiring, air ducts, fittings, and powerplant controls, this term refers to a line and fitting assembly, component, wiring or duct, or controls which will perform the intended functions under the heat and other conditions likely to occur at the particular location.

(3) *Flame-resistant.* Flame-resistant material means material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

(4) *Flash-resistant.* Flash-resistant material means material which will not burn violently when ignited.

(5) *Flammable.* Flammable pertains to those fluids or gases which will ignite readily or explode.

CERTIFICATION

§ 6.10 *Eligibility for type certificates.* A rotorcraft shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the rotorcraft which renders it unsafe.

§ 6.11 *Designation of applicable regulations.* The provisions of this section shall apply to all rotorcraft types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the rotorcraft shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 6.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 6.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the rotorcraft, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 6.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorpo-

[1] For engine airworthiness requirements see Part 13 of this subchapter.

[2] For propeller airworthiness requirements see Part 14 of this subchapter.

[3] See NACA Technical Note No. 1604.

rated by reference at the time of issuance of the type certificate.

NOTE: Examples of new or redesigned components and installations which might require compliance with regulations in effect on the date of application for approval, are: New powerplant installation which is likely to introduce additional fire or operational hazards unless additional protective measures are incorporated; the installation of a new rotor system or a new electric power system.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the rotorcraft shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the number of engines or rotors;

(2) A change to engines or rotors employing different principles of operation or propulsion;

(3) A change in design, configuration, power, or weight which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

§ 6.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 6.11.)

§ 6.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the rotorcraft by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this subchapter.

(b) The type certificate shall be deemed to include the type design (see § 6.14 (b)), the operating limitations for the rotorcraft (see § 6.700), and any other conditions or limitations prescribed by the regulations in this subchapter.

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 6.12 shall be considered as incorporated in the type certificate as though set forth in full.

§ 6.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the rotorcraft complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the rotorcraft and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the rotorcraft, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent rotorcraft of the same type.

§ 6.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the rotorcraft complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design,

(b) All parts of the rotorcraft are constructed in accordance with the drawings in the type design.

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

§ 6.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the rotorcraft with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the rotorcraft, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the rotorcraft, the number and nature of new design features, and the record of previous tests and experience for the particular rotorcraft type, its components, and equipment. If practicable, these flight tests shall be conducted on the same rotorcraft used in the flight tests specified in paragraph (a) of this section and in the rotor drive endurance tests specified in § 6.412.

§ 6.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of this subchapter.)

§ 6.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the regulations in this subchapter. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for a rotorcraft, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 6.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 6.11 (d) and (e), and Part 1 of this subchapter.)

SUBPART B—FLIGHT

GENERAL

§ 6.100 *Proof of compliance.* (a) Compliance with the requirements prescribed in this subpart shall be established by flight or other tests conducted upon a rotorcraft of the type for which a certificate of airworthiness is sought or by calculations based on such tests, provided that the results obtained by calculations are equivalent in accuracy to the results of direct testing.

(b) Compliance with each requirement shall be established at all appropriate combinations of rotorcraft weight and center of gravity position within the range of loading conditions for which certification is sought by systematic investigation of all these combinations, except where compliance can be inferred reasonably from those combinations which are investigated.

(c) The controllability, stability, and trim of the rotorcraft shall be established at all altitudes up to the maximum anticipated operating altitude.

(d) The applicant shall provide a person holding an appropriate pilot certificate to make the flight tests, but a designated representative of the Administrator shall pilot the rotorcraft when it is found necessary for the determination of compliance with the airworthiness requirements.

(e) Official type tests shall be discontinued until corrective measures have been taken by the applicant when either:

(1) The applicant's test pilot is unable or unwilling to conduct any of the required flight tests, or

(2) It is found that requirements which have not been met are so substantial as to render additional test data meaningless or are of such a nature as to make further testing unduly hazardous.

(f) Adequate provision shall be made for emergency egress and for the use of parachutes by members of the crew during the flight tests.

(g) The applicant shall submit to the authorized representative of the Administrator a report covering all computations and tests required in connection with calibration of instruments used for test purposes and correction of test results to standard atmospheric conditions. The Administrator's representative shall conduct any flight tests which he finds necessary to check the calibration and correction report.

§ 6.101 *Weight limitations.* The maximum and minimum weights at which the rotorcraft will be suitable for operation shall be established as follows:

(a) Maximum weights shall not exceed any of the following:

(1) The weight selected by the applicant;

(2) The design weight for which the structure has been proven; or

(3) The maximum weight at which compliance with all of the applicable flight requirements has been demonstrated.

(b) The maximum weight shall not be less than the sum of the weights of the following:

(1) The empty weight in accordance with § 6.104;

(2) Usable fuel appropriate to the operation contemplated with full payload;

(3) The full oil capacity; and

(4) 170 pounds in all seats, except that when the maximum permissible weight to be carried in a seat is less than 170 pounds it shall be acceptable to use this lesser weight. (See § 6.738 (a).)

(c) Minimum weights shall not be less than any of the following:

(1) The minimum weight selected by the applicant;

(2) The design minimum weight for which the structure has been proven; or

(3) The minimum weight at which compliance with all of the applicable flight requirements has been demonstrated.

(d) The minimum weight shall not exceed the sum of the weights of the following:

(1) The empty weight in accordance with § 6.104;

(2) The minimum crew necessary to operate the rotorcraft, assuming for each crew member the lowest of the following:

(i) 170 pounds,

(ii) Weight selected by the applicant, and

(iii) Weight included in the loading instructions (see §§ 6.102 (b) and 6.738 (a)); and

(3) Oil in the quantity determined in accordance with the provisions of § 6.440 (b).

§ 6.102 *Center of gravity limitations.* (a) Center of gravity limits shall be established as the most forward position permissible for each weight established in accordance with § 6.101 and the most aft position permissible for each of such weights. Such limits of the center of gravity range shall not exceed any of the following:

(1) The extremes selected by the applicant,

(2) The extremes for which the structure has been proven,

(3) The extremes at which compliance with all of the applicable flight requirements has been demonstrated.

(b) Loading instructions shall be provided if the center of gravity position under any possible loading condition between the maximum and minimum weights as specified in § 6.101, with assumed weights for individual passengers and crew members variable over the anticipated range of such weights, lies beyond:

(1) The extremes selected by the applicant,

(2) The extremes for which the structure has been proven,

(3) The extremes for which compliance with all of the applicable flight requirements has been demonstrated. (See § 6.741 (c).)

§ 6.103 *Rotor limitations and pitch settings.*—(a) *Power-on.* A range of power-on operating speeds for the main rotor(s) shall be established which will provide adequate margin to accommodate the variation of rotor rpm attendant to all maneuvers appropriate to the rotorcraft type and consistent with the type of synchronizer or governor used, if any (see §§ 6.713 (b) (2) and 6.714 (b)). A means shall be provided to prevent rotational speeds substantially less than the approved minimum rotor rpm in any flight condition with pitch control of the main rotor(s) in the high-pitch position, and with the engine(s) operating within the approved limitations. It shall be acceptable for such means to allow the use of higher pitch in an emergency, provided that the means incorporate provisions to prevent inadvertent transition from the normal operating range to the higher pitch angles.

(b) *Power-off.* A range of power-off operating rotor speeds shall be established which will permit execution of all autorotative flight maneuvers appropriate to the rotorcraft type throughout the range of air speeds and weights for which certification is sought (see §§ 6.713 (a) and 6.713 (b) (1)). A rotor blade low-pitch limiting device shall be positioned to provide rotational speeds within the approved rotor speed range in any autorotative flight condition under the most adverse combinations of weight and air speed with the rotor pitch control in the full low-pitch position.

§ 6.104 *Empty weight.* (a) The empty weight, and the corresponding center of gravity position, shall be determined by weighing the rotorcraft. This weight shall exclude the weight of the crew and payload, but shall include the weight of all fixed ballast, unusable fuel supply (see § 6.421), undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid.

(b) The condition of the rotorcraft at the time of weighing shall be one which can be easily repeated and easily defined, particularly as regards the contents of the fuel, oil, and coolant tanks, and the items of equipment installed. (See § 6.740.)

§ 6.105 *Use of ballast.* Removable ballast may be used to enable the rotorcraft to comply with the flight requirements. (See §§ 6.391, 6.738, and 6.740.)

PERFORMANCE

§ 6.110 *General.* The performance information prescribed in §§ 6.111 through 6.115 shall be determined, and the rotorcraft shall comply with the corresponding requirements in the standard atmosphere in still air.

§ 6.111 *Take-off.* The take-off shall be demonstrated at maximum certificated weight, forward center of gravity, and using take-off power at take-off rpm and made in a manner such that a landing can be made safely at any point along the flight path in case of an engine failure and shall not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions. Pertinent information concerning the take-off procedure, including the type of take-off surface and appropriate climb-out air speeds, shall be specified in the operating procedures section of the Rotorcraft Flight Manual. (See §§ 6.715, 6.740, and 6.742.)

§ 6.112 *Climb.* (a) For all rotorcraft, except helicopters, the steady rate of climb at the best rate-of-climb speed with maximum continuous power and landing gear retracted shall be determined over the range of weights, altitudes, and temperatures for which certification is sought (see § 6.740). This rate of climb shall provide a steady angle of climb under standard sea level conditions of not less than 1:6.

(b) For helicopters the best rate-of-climb speed shall be determined at standard sea level conditions at maximum certificated weight with all engines operating at maximum continuous power.

(c) For multiengine helicopters the steady rate of climb or descent shall be determined at maximum certificated weight, at the best rate-of-climb or descent speed, with one engine inoperative, and the remaining engine(s) operating at maximum continuous power.

§ 6.113 *Minimum operating speed performance.* (a) Hovering ceilings for helicopters shall be determined over the range of weights, altitudes, and temperatures for which certification is sought with take-off power and landing gear extended in the ground effect at a height above the ground consistent with normal take-off procedures.

(b) At maximum weight, under standard atmospheric conditions, and under conditions prescribed in paragraph (a) of this section, the hovering ceiling for helicopters shall not be less than 4,000 feet.

(c) For rotorcraft other than helicopters, the steady rate of climb at the minimum operating speed appropriate to the type with take-off power and landing gear extended shall be determined over the range of weights, altitudes, and temperatures for which certification is sought.

§ 6.114 *Autorotative or one-engine-inoperative landing.* Landings shall be demonstrated in accordance with the provisions of paragraphs (a) through (d) of this section. Pertinent information concerning the landing procedure, including the type of landing surface and appropriate approach and glide air speeds, shall be specified in the operating procedures section of the Rotorcraft Flight Manual. (See §§ 6.740 and 6.742.)

(a) The approach speed or speeds in the glide shall be appropriate to the type of rotorcraft and shall be chosen by the applicant.

(b) The approach and landing shall be made with power off for single-engine

rotorcraft, and with one engine inoperative for multiengine rotorcraft.

(c) The approach and landing shall be entered from steady autorotation and shall be made in such a manner that its reproduction would not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions.

(d) During the landing there shall be no excessive vertical acceleration and no tendency to bounce, nose over, ground loop, porpoise, or water loop.

§ 6.115 *Power-off landings for multiengine rotorcraft.* For all multiengine rotorcraft it shall be possible to make a safe landing following complete failure of all power during normal operating conditions.

FLIGHT CHARACTERISTICS

§ 6.120 *General.* (a) The rotorcraft shall comply with the requirements prescribed in §§ 6.120 through 6.123 at all normally expected operating altitudes, under all critical loading conditions within the range of weight and center of gravity, and for all speeds, power, and rotor rpm conditions for which certification is sought.

(b) It shall be possible to maintain a flight condition and to make a smooth transition from one flight condition to another without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot, and without danger of exceeding the limit load factor under all conditions of operation probable for the type, including those conditions normally encountered in the event of sudden powerplant failure.

(c) For night or instrument certification the rotorcraft shall have such additional flight characteristics as the Administrator finds are required for safe operation under those conditions.

§ 6.121 *Controllability.* (a) The rotorcraft shall be safely controllable and maneuverable during steady flight and during the execution of any maneuver appropriate to the type of rotorcraft, including take-off, climb, level flight, turn, glide, and power-on or power-off landings.

(b) The margin of longitudinal and lateral cyclic control shall allow satisfactory pitching and rolling control at V_{NE} (see § 6.711) with:

(1) Maximum weight,
(2) Critical center of gravity,
(3) Power on and power off, and
(4) Critical rotor rpm.

(c) Compliance with paragraph (b) of this section shall include a demonstration with a power failure at V_H or V_{NE} whichever is less.

(d) There shall be established a wind velocity in which the rotorcraft can be operated without loss of control on or near the ground at the critical weight and center of gravity and the critical rotor rpm in any maneuver appropriate to the type of rotorcraft; e. g. cross-wind take-offs, sideward or rearward flight. This wind velocity shall not be less than 20 mph.

§ 6.122 *Trim.* It shall be possible in steady level flight at any speed appropriate to the type of rotorcraft to trim the steady longitudinal and lateral control forces to zero. The trim device shall not introduce any undesirable discontinuities in the force gradients.

§ 6.123 *Stability*—(a) *General.* It shall be possible to fly the rotorcraft in normal maneuvers, including a minimum of three take-offs and landings, for a continuous period of time appropriate to the operational use of the particular type of rotorcraft without the pilot experiencing undue fatigue or strain. In addition, the rotorcraft shall comply with the requirements of paragraph (b) of this section.

(b) *Static longitudinal stability.* In the following configurations the characteristics of the longitudinal cyclic control shall be such that, with constant throttle and collective pitch settings, a rearward displacement of longitudinal control shall be necessary to obtain and maintain speeds below the specified trim speed, and a forward displacement shall be necessary to obtain and maintain speeds above the specified trim speed for the ranges of altitude and rotor rpm for which certification is sought.

(1) *Climb.* The stick position curve shall have a stable slope over a speed range from 15 percent of V_Y or 15 mph, whichever is greater, below V_Y to 20 percent of V_Y or 15 mph, whichever is greater, above V_Y, but in no case greater than 1.1 V_{NE}, with:

(i) Critical weight and center of gravity,
(ii) Maximum continuous power,
(iii) Landing gear retracted, and
(iv) Trim at best rate-of-climb speed (V_Y).

(2) *Cruise.* The stick position curve shall have a stable slope over a speed range from 0.7 V_H or 0.7 V_{NE}, whichever is less, to 1.1 V_H or 1.1 V_{NE}, whichever is less, with:

(i) Critical weight and center of gravity,
(ii) Power for level flight at 0.9 V_H or 0.9 V_{NE}, whichever is less,
(iii) Landing gear retracted, and
(iv) Trimmed at 0.9 V_H or 0.9 V_{NE}, whichever is less.

(3) *Autorotation.* The stick position curve shall have a stable slope throughout the speed range for which certification is sought, with:

(i) Critical weight and center of gravity.
(ii) Power off.
(iii) Landing gear both retracted and extended, and
(iv) Trim at the speed for minimum rate of descent.

(4) *Hovering.* In the case of helicopters the stick position curve shall have a stable slope between the maximum approved rearward speed and a forward speed of 20 mph, with:

(i) Critical weight and center of gravity,
(ii) Power required for hovering in still air,
(iii) Landing gear retracted, and
(iv) Trim for hovering.

GROUND AND WATER HANDLING CHARACTERISTICS

§ 6.130 *General.* The rotorcraft shall be demonstrated to have satisfactory ground and water handling characteristics. There shall be no uncontrollable tendencies in any operating condition reasonably expected for the type.

§ 6.131 *Ground resonance.* There shall be no uncontrollable tendency for the rotorcraft to oscillate when the rotor is turning and the rotorcraft is on the ground.

§ 6.132 *Spray characteristics.* For rotorcraft equipped with floats, the spray characteristics during taxying, take-off, and landing shall be such as not to obscure the vision of the pilot nor produce damage to the rotors, propellers, or other parts of the rotorcraft.

MISCELLANEOUS FLIGHT REQUIREMENTS

§ 6.140 *Flutter and vibration.* All parts of the rotorcraft shall be demonstrated to be free from flutter and excessive vibration under all speed and power conditions appropriate to the operation of the type of rotorcraft. (See also §§ 6.203 (f) and 6.711.)

SUBPART C—STRUCTURE

GENERAL

§ 6.200 *Loads.* (a) Strength requirements of this subpart are specified in terms of limit and ultimate loads. Unless otherwise stated, the specified loads shall be considered as limit loads. In determining compliance with these requirements the provisions set forth in paragraphs (b) through (e) of this section shall apply.

(b) The factor of safety shall be 1.5 unless otherwise specified, and shall apply to the external and inertia loads, unless its application to the resulting internal stresses is more conservative.

(c) Unless otherwise provided, the specified air, ground, and water loads shall be placed in equilibrium with inertia forces, considering all items of mass in the rotorcraft.

(d) All loads shall be distributed in a manner closely approximating or conservatively representing actual conditions.

(e) If deflections under load significantly change the distribution of external or internal loads, the redistribution shall be taken into account.

§ 6.201 *Strength and deformation.* (a) The structure shall be capable of supporting limit loads without suffering detrimental permanent deformations.

(b) At all loads up to limit loads the deformation shall not be such as to interfere with safe operation of the rotorcraft.

(c) The structure shall be capable of supporting ultimate loads without failure. It shall support the load during a static test for at least 3 seconds, unless proof of strength is demonstrated by dynamic tests simulating actual conditions of load application.

§ 6.202 *Proof of structure.* (a) Proof of compliance of the structure with the strength and deformation requirements of § 6.201 shall be made for all critical loading conditions.

(b) Proof of compliance by means of structural analysis shall be acceptable only when the structure conforms to types for which experience has shown such methods to be reliable. In all other cases substantiating tests shall be required.

(c) In all cases certain portions of the structure shall be tested as specified in § 6.203.

§ 6.203 *Structural and dynamic tests.* At least the following structural tests shall be conducted to show compliance with the strength criteria:

(a) Dynamic and endurance tests of rotors and rotor drives, including controls (see § 6.412).

(b) Control surface and system limit load tests (see § 6.323).

(c) Control system operation tests (see § 6.324).

(d) Flight stress measurements (see §§ 6.221 and 6.250).

(e) Landing gear drop tests (see § 6.237).

(f) Ground vibration tests to determine the natural frequencies of the blades and major structural components of the rotorcraft.

(g) Such additional tests as may be found necessary by the Administrator to substantiate new and unusual features of the design.

§ 6.204 *Design limitations.* The following values shall be established by the applicant for purposes of showing compliance with the structural requirements specified in this subpart:

(a) Maximum design weight,

(b) Power-on and power-off main rotor rpm ranges (see §§ 6.103 and 6.713 through 6.714 (b)),

(c) Maximum forward speeds for the power-on and power-off rotor rpm ranges established in accordance with paragraph (b) of this section (see § 6.711),

(d) Maximum rearward and sideward flight speeds,

(e) Extreme positions of rotorcraft center of gravity to be used in conjunction with the limitations of paragraphs (b), (c), and (d) of this section,

(f) Rotational speed ratios between the powerplant and all connected rotating components, and

(g) Positive and negative limit maneuvering load factors.

FLIGHT LOADS

§ 6.210 *General.* Flight load requirements shall be complied with at all weights from the design minimum weight to the design maximum weight, with any practicable distribution of disposable load within prescribed operating limitations stated in the Rotorcraft Flight Manual. (See § 6.741.)

§ 6.211 *Flight load factors.* The flight load factors shall represent rotor load factors. The net load factor acting at the center of gravity of the rotorcraft shall be obtained by proper consideration of balancing loads acting in the specific flight conditions.

§ 6.212 *Maneuvering conditions.* The rotorcraft structure shall be designed for a positive maneuvering limit load factor of 3.5 and for a negative maneuvering limit load factor of 1.0, except that lesser values shall be allowed if the manufacturer shows by analytical study and flight demonstrations that the probability of exceeding the values selected is extremely remote. In no case shall the limit load factors be less than 2.0 positive and 0.5 negative. The resultant loads shall be assumed to be applied at the center(s) of the rotor hub(s) and to act in such directions as necessary to represent all critical maneuvering motions of the rotorcraft applicable to the particular type, including flight at the maximum design rotor tip speed ratio under power-on and power-off conditions.

§ 6.213 *Gust conditions.* The rotorcraft structure shall be designed to withstand the loading due to a vertical gust of 30 fps in velocity in conjunction with the critical rotorplane air speeds, including hovering.

CONTROL SURFACE AND SYSTEM LOADS

§ 6.220 *General.* The structure of all auxiliary rotors (antitorque and control), fixed or movable stabilizing and control surfaces, and all systems operating any flight controls shall be designed to comply with the provisions of §§ 6.221 through 6.225.

§ 6.221 *Auxiliary rotor assemblies.* Auxiliary rotor assemblies shall be tested in accordance with the provisions of § 6.412 for rotor drives. In addition, auxiliary rotor assemblies with detachable blades shall be substantiated for centrifugal loads resulting from the maximum design rotor rpm. In the case of auxiliary rotors with highly stressed metal components, the vibration stresses shall be determined in flight, and it shall be demonstrated that these stresses do not exceed safe values for continuous operation.

§ 6.222 *Auxiliary rotor attachment structure.* The attachment structure for the auxiliary rotors shall be designed to withstand a limit load equal to the maximum loads in the structure occurring under the flight and landing conditions.

§ 6.223 *Tail rotor guard.* When a tail rotor is provided on a rotorcraft it shall not be possible for the tail rotor to contact the landing medium during a normal landing. If a tail rotor guard is provided which will contact the landing medium during landings and thus prevent tail rotor contact, suitable design loads for the guard shall be established, and the guard and its supporting structure shall be designed to withstand the established loads.

§ 6.224 *Stabilizing and control surfaces.* Stabilizing and control surfaces shall be designed to withstand the critical loading from maneuvers or from combined maneuver and gust. In no case shall the limit load be less than 15 pounds per square foot or a load due to C_N=0.55 at the maximum design speed. The load distribution shall simulate closely the actual pressure distribution conditions.

§ 6.225 *Primary control systems.* Manual control systems shall comply with the provisions of paragraphs (a) and (b) of this section.

(a) From the pilot compartment to the stops which limit the range of motion of the pilots' controls, the controls shall be designed to withstand the limit pilot applied forces as set forth in subparagraphs (1) through (3) of this paragraph, unless it is shown that the pilot is unable to apply such loads to the system. In the latter event the system shall be designed for the maximum loads which the pilot is able to apply, except that in any case values less than 0.60 of those specified shall not be employed.

(1) Foot type controls—130 pounds,

(2) Stick type controls—fore and aft 100 pounds—laterally 67 pounds,

(3) Wheel type controls—fore and aft 100 pounds—laterally 53-pound couple applied on opposite sides of the control wheel.

(b) From the stops to the attachment of the control system to the rotor blades (or control areas) the control system shall be designed to withstand the maximum loads which can be obtained in normal operation of the rotorcraft, except that where jamming, ground gusts, control inertia, or friction can cause loads exceeding operational loads, the system shall be capable of supporting without yielding 0.60 of the loads specified in paragraph (a) (1), (2), and (3) of this section.

LANDING LOADS

§ 6.230 *General*—(a) *Loads and equilibrium.* The limit loads obtained in the landing conditions shall be considered as external loads which would occur in a rotorcraft structure if it were acting as a rigid body. In each of the conditions the external loads shall be placed in equilibrium with the linear and angular inertia loads in a rational or conservative manner. In applying the specified conditions the provisions of paragraphs (b) through (e) of this section shall be complied with.

(b) *Center of gravity positions.* The critical center of gravity positions within the certification limits shall be selected so that the maximum design loads in each of the landing gear elements are obtained.

(c) *Design weight.* The design weight used in the landing conditions shall not be less than the maximum weight of the rotorcraft. It shall be acceptable to assume a rotor lift, equal to one-half the design maximum weight, to exist throughout the landing impact and to act through the center of gravity of the rotorcraft. Higher values of rotor lift shall be acceptable if substantiated by tests and/or data which are applicable to the particular rotorcraft.

(d) *Load factor.* The structure shall be designed for a limit load factor, selected by the applicant, of not less than the value of the limit inertia load factor substantiated in accordance with the provisions of § 6.237, except in conditions in which other values of load factor are prescribed.

(e) *Landing gear position.* The tires shall be assumed to be in their static position, and the shock absorbers shall be assumed to be in the most critical position, unless otherwise prescribed.

(f) *Landing gear arrangement.* The provisions of §§ 6.231 through 6.236 shall

be applicable to landing gear arrangements where two wheels are located aft and one or more wheels are located forward of the center of gravity.

§ 6.231 *Level landing conditions.* (a) Under loading conditions prescribed in paragraph (b) of this section, the rotorcraft shall be assumed to be in the following two level landing attitudes:

(1) All wheels contacting the ground simultaneously, and

(2) The aft wheels contacting the ground while the forward wheel(s) being just clear of the ground.

(b) The following two level landing loading conditions shall be considered. Where the forward portion of the landing gear has two wheels, the total load applied to the forward wheels shall be divided between the two wheels in a 40:60 proportion.

(1) Vertical loads shall be applied in accordance with the provisions of § 6.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at each wheel. The drag loads shall not be less than 25 percent of the respective vertical loads. For the attitude prescribed in paragraph (a) (1) of this section the resulting pitching moment shall be assumed resisted by the forward gear, while for the attitude prescribed in paragraph (a) (2) of this section the resulting pitching moment shall be assumed resisted by angular inertia forces.

§ 6.232 *Nose-up landing condition.* The rotorcraft shall be assumed in the maximum nose-up attitude permitting clearance of the ground by all parts of the rotorcraft. The ground loads shall be applied perpendicularly to the ground.

§ 6.233 *One-wheel landing condition.* The rotorcraft shall be assumed in the level attitude to contact the ground on one of the wheels located aft of the center of gravity. The vertical load shall be the same as that obtained on the one side in the condition specified in § 6.231 (b) (1). The unbalanced external loads shall be reacted by the inertia of the rotorcraft.

§ 6.234 *Lateral-drift landing condition.* (a) The rotorcraft shall be assumed in the level landing attitude. Side loads shall be combined with one-half the maximum ground reactions obtained in the level landing conditions of § 6.231 (b) (1). These loads shall be applied at the ground contact point, unless the landing gear is of the full-swiveling type in which case the loads shall be applied at the center of the axle. The conditions set forth in paragraphs (b) and (c) of this section shall be considered.

(b) Only the wheels aft of the center of gravity shall be assumed to contact the ground. Side loads equal to 0.8 of the vertical reaction acting inward (on one side) and 0.6 of the vertical reaction acting outward (on the other side) shall be combined with the vertical loads specified in paragraph (a) of this section.

(c) The forward and aft wheels shall be assumed to contact the ground simultaneously. Side loads on the wheels aft of the center of gravity shall be applied in accordance with paragraph (b) of this section. A side load at the forward gear equal to 0.8 of the vertical reaction shall be combined with the vertical load specified in paragraph (a) of this section.

§ 6.235 *Brake roll conditions.* The rotorcraft attitudes shall be assumed to be the same as those prescribed for the level landing conditions in § 6.231 (a), with the shock absorbers deflected to their static position. The limit vertical load shall be based upon a load factor of 1.33. A drag load equal to the vertical load multiplied by a coefficient of friction of 0.8 shall be applied at the ground contact point of each wheel equipped with brakes, except that the drag load need not exceed the maximum value based on limiting brake torque.

§ 6.236 *Taxying condition.* The rotorcraft and its landing gear shall be designed for loads which occur when the rotorcraft is taxied over the roughest ground which it is reasonable to expect in normal operation.

§ 6.237 *Shock absorption tests.* Drop tests shall be conducted in accordance with paragraphs (a) and (b) of this section to substantiate the landing limit inertia load factor (see § 6.230 (d)) and to demonstrate the reserve energy absorption capacity of the landing gear. The drop tests shall be conducted with the complete rotorcraft or on units consisting of wheel, tire, and shock absorber in their proper relation.

(a) *Limit drop test.* The drop height in the limit drop test shall be 13 inches measured from the lowest point of the landing gear to the ground. A lesser drop height shall be permissible if it results in a drop test contact velocity found by the Administrator to be equal to the greatest probable sinking speed of the rotorcraft at ground contact in power-off landings likely to be made in normal operation of the rotorcraft. In no case shall the drop height be less than 8 inches. If rotor lift is considered (see § 6.230 (c)), it shall be introduced in the drop test by the use of appropriate energy absorbing devices or by the use of an effective mass.

NOTE: In lieu of more rational computations, the following may be employed when use is made of an effective mass:

$$W_e = W\left[\frac{h+(1-L)d}{h+d}\right]; \text{ and } n = n_f\frac{W_e}{W}+L;$$

where:

W_e = the effective weight to be used in the drop test (pounds);

$W = W_M$ for main gear units (pounds), equal to the static reaction on the particular unit with the rotorcraft in the most critical attitude; a rational method may be used in computing a main gear static reaction, taking into consideration the distance between the direction of the main wheel reaction and the aircraft center of gravity;

$W = W_N$ for nose gear units (pounds), equal to the vertical component of the static reaction which would exist at the nose wheel, assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1.0g downward and 0.25g forward;

h = specified free drop height (inches);

L = ratio of assumed rotor lift to the rotorcraft weight;

d = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass (inches);

n = limit inertia load factor;

n_f = the load factor during impact developed on the mass used in the drop test (i. e., the acceleration dv/dt in g's recorded in the drop test plus 1.0).

(b) *Reserve energy absorption drop test.* The reserve energy absorption capacity shall be demonstrated by a drop test in which the drop height is equal to 1.5 times the drop height prescribed in paragraph (a) of this section, and the rotor lift is assumed to be not greater than 1.5 times the rotor lift used in the limit drop tests, except that the resultant inertia load factor need not exceed 1.5 times the limit inertia load factor determined in accordance with paragraph (a) of this section. In this test the landing gear shall not collapse.

NOTE: The effect of rotor lift may be considered in a manner similar to that prescribed in paragraph (a) of this section.

§ 6.240 *Ski landing conditions.* The structure of a rotorcraft equipped with skis shall be designed in compliance with the loading conditions set forth in paragraphs (a) through (c) of this section:

(a) *Up load conditions.* (1) A vertical load of Pn and a horizontal load of $Pn/4$ shall be applied simultaneously at the pedestal bearings, P being the maximum static weight on each ski when the rotorcraft is loaded to the maximum design weight. The limit load factor n shall be determined in accordance with § 6.230 (d).

(2) A vertical load equal to 1.33 P shall be applied at the pedestal bearings. (For P see subparagraph (1) of this paragraph.)

(b) *Side load condition.* A side load of 0.35 Pn shall be applied in a horizontal plane perpendicular to the center line of the rotorcraft at the pedestal bearings. (For P see subparagraph (a) (1) of this section.)

(c) *Torque load condition.* A torque load equal to 1.33 P (ft.-lb.) shall be applied to the ski about the vertical axis through the center line of the pedestal bearings. (For P and n see subparagraph (a) (1) of this section.)

§ 6.245 *Float landing conditions.* The structure of a rotorcraft equipped with floats shall be designed in compliance with the loading conditions set forth in paragraphs (a) and (b) of this section:

(a) *Up load conditions.* (1) With the rotorcraft assumed in the static level attitude a load shall be applied so that the resultant water reaction passes vertically through the center of gravity of the rotorcraft. The limit load factor shall be determined in accordance with § 6.230 (d), or shall be assumed to be the same as the load factor determined for the ground type landing gear.

(2) The vertical load prescribed in subparagraph (1) of this paragraph shall be applied together with an aft component equal to 0.25 the vertical component.

(b) *Side load condition.* The vertical load in this condition equal to 0.75 the vertical load prescribed in paragraph (a) (1) of this section, divided equally between the floats, shall be applied together with a side component. The total side component shall be equal to 0.25 the total vertical load in this condition and shall be applied to one float only.

MAIN COMPONENT REQUIREMENTS

§ 6.250 *Main rotor structure.* The requirements of paragraphs (a) through (f) of this section shall apply to the main rotor assemblies including hubs and blades.

(a) The hubs, blades, blade attachments, and blade controls which are subject to alternating stresses shall be designed to withstand repeated loading conditions. The stresses of critical parts shall be determined in flight in all attitudes appropriate to the type of rotorcraft throughout the ranges of limitations prescribed in § 6.204. The service life of such parts shall be established by the applicant on the basis of fatigue tests or by other methods found acceptable to the Administrator.

(b) The main rotor structure shall be designed to withstand the critical flight loads prescribed in §§ 6.210 through 6.213.

(c) The main rotor structure shall be designed to withstand the limit loads prescribed in §§ 6.210 through 6.213 under conditions of autorotation necessary for normal operation. The rotor rpm used shall be such as to include the effects of altitude.

(d) The rotor blades, hubs, and flapping hinges shall be designed to withstand a loading condition simulating the force of the blade impact against its stop during operation on the ground.

(e) The rotor assembly shall be designed to withstand loadings simulating other critical conditions which might be encountered in normal operation.

(f) The rotor assembly shall be designed to withstand, at all rotational speeds including zero, the maximum torque likely to be transmitted thereto in both directions. If a torque limiting device is provided in the transmission system the design limit torque need not be greater than the torque defined by the limiting device, except that in no case shall the design limit torque be less than the limit torque specified in § 6.251 (c). The design torque shall be distributed to the rotor blades in a rational manner.

§ 6.251 *Fuselage, landing gear, and rotor pylon structure.* The requirements of paragraphs (a) through (d) of this section shall apply to the fuselage, landing gear, and rotor pylon structure.

(a) The structure shall be designed to withstand the critical loads prescribed in §§ 6.210 through 6.213. It shall be permissible to represent the resultant rotor force as a single force applied at the hub attachment point. The balancing and inertia loads occurring under the accelerated flight conditions as well as the thrust from auxiliary rotors shall be considered.

(b) The structure shall be designed to withstand the applicable ground loads prescribed in §§ 6.230 through 6.245.

(c) The engine mount and adjacent fuselage structure shall be designed to withstand loads occurring in the rotorcraft under the accelerated flight and landing conditions, including the effects of engine torque loads. In the case of engines having 5 or more cylinders, the limit torque shall be obtained by multiplying the mean torque, as defined by the power conditions in § 6.1 (g) (3), by a factor of 1.33. For 4-, 3-, and 2-cylinder engines the factor shall be 2, 3, and 4, respectively.

(d) The structure shall be designed to withstand the loads prescribed in § 6.250 (d) and (f).

EMERGENCY LANDING CONDITIONS

§ 6.260 *General.* The requirements of paragraphs (a) through (c) of this section deal with emergency conditions of landing on land or water in which the safety of the occupants is considered, although it is accepted that parts of the rotorcraft may be damaged.

(a) The structure shall be designed to give every reasonable probability that all of the occupants, if they make proper use of the seats, belts, and other provisions made in the design (see § 6.355), will escape serious injury in the event of a minor crash landing (with wheels up if the rotorcraft is equipped with retractable landing gear) in which the occupants experience the following ultimate inertia forces relative to the surrounding structure.

(1) Upward 1.5g (downward 4.0g).
(2) Forward 4.0g.
(3) Sideward 2.0g.

(b) The use of a lesser value of the downward inertia force specified in paragraph (a) of this section shall be acceptable if it is shown that the rotorcraft structure can absorb the landing loads corresponding with the design maximum weight and an ultimate descent velocity of 5 fps without exceeding the value chosen.

(c) The inertia forces specified in paragraph (a) of this section shall be applied to all items of mass which would be apt to injure the passengers or crew if such items became loose in the event of a minor crash landing, and the supporting structure shall be designed to restrain these items.

SUBPART D—DESIGN AND CONSTRUCTION

GENERAL

§ 6.300 *Scope.* The rotorcraft shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

§ 6.301 *Materials.* The suitability and durability of all materials used in the rotorcraft structure shall be established on the basis of experience or tests and shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 6.302 *Fabrication methods.* The methods of fabrication employed in constructing the rotorcraft structure shall be such as to produce a consistently sound structure. When a fabrication process such as gluing, spot welding, or heat treating requires close control to attain this objective, the process shall be performed in accordance with an approved process specification.

§ 6.303 *Standard fastenings.* All bolts, pins, screws, and rivets used in the structure shall be of an approved type. The use of an approved locking device or method is required for all such bolts, pins, and screws. Self-locking nuts shall not be used on bolts which are subject to rotation in operation.

§ 6.304 *Protection.* (a) All members of the structure shall be suitably protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion, or other causes.

(b) Provision for ventilation and drainage of all parts of the structure shall be made where necessary for protection.

(c) In rotorcraft equipped with floats, special precautions shall be taken against corrosion from salt water, particularly where parts made from different metals are in close proximity.

§ 6.305 *Inspection provisions.* Means shall be provided to permit the close examination of those parts of the rotorcraft which require periodic inspection, adjustment for proper alignment and functioning, and lubrication of moving parts.

§ 6.306 *Material strength properties and design values.* (a) Material strength properties shall be based on a sufficient number of tests of material conforming to specifications to establish design values on a statistical basis.

(b) The design values shall be so chosen that the probability of any structure being understrength because of material variations is extremely remote.

(c) ANC-5, ANC-18, and ANC-23, Part II values shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC-5, "Strength of Metal Aircraft Elements," ANC-18, "Design of Wood Aircraft Structures," and ANC-23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

(d) The strength, detail design, and fabrication of the structure shall be such as to minimize the probability of disastrous fatigue failure.

NOTE: Points of stress concentration are one of the main sources of fatigue failure.

§ 6.307 *Special factors*—(a) *General.* Where there is uncertainty concerning the actual strength of a particular part of the structure, or where the strength is likely to deteriorate in service prior to normal replacement of the part, or where the strength is subject to appreciable variability due to uncertainties in manufacturing processes and inspection methods, the factor of safety prescribed in § 6.200 (b) shall be multiplied by a special factor of a value such as to make the probability of the part being understrength from these causes extremely remote. The special factors set forth in paragraphs (b) through (d) of this section shall be acceptable for this purpose.

(b) *Casting factors.* (1) Where only visual inspection of a casting is to be

employed, the casting factor shall be 2.0, except that it need not exceed 1.25 with respect to bearing stresses.

(2) It shall be acceptable to reduce the factor of 2.0 specified in subparagraph (1) of this paragraph to a value of 1.25 if such a reduction is substantiated by testing at least three sample castings and if the sample castings as well as all production castings are visually and radiographically inspected in accordance with an approved inspection specification. During these tests the samples shall withstand the ultimate load multiplied by the factor of 1.25 and in addition shall comply with the corresponding limit load multiplied by a factor of 1.15.

(3) Casting factors other than those contained in subparagraphs (1) and (2) of this paragraph shall be acceptable if they are found to be appropriately related to tests and to inspection procedures.

(4) A casting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (c) of this section) is of greater magnitude than the casting factor.

(c) *Bearing factors.* (1) Bearing factors of sufficient magnitude shall be used to provide for the effects of normal relative motion between parts and in joints with clearance (free fit) which are subject to pounding or vibration.

(2) A bearing factor need not be employed on a part if another special factor prescribed in this section is of greater magnitude than the bearing factor.

(d) *Fitting factors.* (1) A fitting factor of at least 1.15 shall be used on all fittings the strength of which is not proven by limit and ultimate load tests in which the actual stress conditions are simulated in the fitting and the surrounding structure. This factor shall apply to all portions of the fitting, the means of attachment, and the bearing on the members joined.

(2) In the case of integral fittings the part shall be treated as a fitting up to the point where the section properties become typical of the member.

(3) The fitting factor need not be employed where a type of joint made in accordance with approved practices is based on comprehensive test data, e. g. continuous joints in metal plating, welded joints, and scarf joints in wood.

(4) A fitting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (c) of this section) is of greater magnitude than the fitting factor.

MAIN ROTOR

§ 6.310 *Main rotor blades; pressure venting and drainage.* Internal pressure venting of the main rotor blades shall be provided. Drain holes shall be provided and, in addition, the blades shall be designed to preclude the possibility of water becoming trapped in any section of the blade.

§ 6.311 *Stops.* The rotor blades shall be provided with stops, as required for the particular design, to limit the travel of the blades about their various hinges. Provision shall be made to keep the blades from hitting the droop stops except during the starting and stopping of the rotor.

§ 6.312 *Rotor and blade balance.* Rotors and blades shall be mass-balanced to the degree necessary to prevent excessive vibrations and to safeguard against flutter at all speeds up to the maximum forward speed.

§ 6.313 *Rotor blade clearance.* Clearance shall be provided between the main rotor blades and all other parts of the structure to prevent the blades from striking any part of the structure during any operating condition of the rotorcraft.

CONTROL SYSTEMS

§ 6.320 *General.* All controls and control systems shall operate with ease, smoothness, and positiveness appropriate to their function. (See also §§ 6.350 and 6.353.)

§ 6.321 *Control system stops.* (a) All control systems shall be provided with stops which positively limit the range of motion of the pilot's controls.

(b) Control system stops shall be so located in the system that wear, slackness, or take-up adjustments will not affect appreciably the range of travel.

(c) Control system stops shall be capable of withstanding the loads corresponding with the design conditions for the control system.

§ 6.322 *Control system locks.* If a device is provided for locking the control system while the rotorcraft is on the ground or water, the provisions of paragraphs (a) and (b) of this section shall apply.

(a) A means shall be provided to give unmistakable warning to the pilot when the locking device is engaged.

(b) Means shall be provided to preclude the possibility of the lock becoming engaged during flight.

§ 6.323 *Static tests.* Tests shall be conducted on control systems to show compliance with limit load requirements in accordance with the provisions of paragraphs (a) through (c) of this section.

(a) The direction of the test loads shall be such as to produce the most severe loading in the control system.

(b) The tests shall include all fittings, pulleys, and brackets used in attaching the control system to the main structure.

(c) Analyses or individual load tests shall be conducted to demonstrate compliance with the special factor requirements for control system joints subjected to angular motion. (See §§ 6.307 and 6.325.)

§ 6.324 *Operation tests.* An operation test shall be conducted for each control system by operating the controls from the pilot compartment with the entire system loaded to correspond with loads specified for the control system. In this test there shall be no jamming, excessive friction, or excessive deflection.

§ 6.325 *Control system details.* All details of control systems shall be designed and installed to prevent jamming, chafing, and interference from cargo, passengers, and loose objects. Precautionary means shall be provided in the cockpit to prevent the entry of foreign objects into places where they would jam the control systems. Provisions shall be made to prevent the slapping of cables or tubes against other parts of the rotorcraft.

§ 6.326 *Spring devices.* The reliability of any spring devices used in the control system shall be established by tests simulating service conditions, unless it is demonstrated that failure of the spring will not cause flutter or unsafe flight characteristics.

§ 6.327 *Autorotation control mechanism.* The main rotor blade pitch control mechanism shall be arranged to permit rapid entry into autorotative flight in the event of power failure.

LANDING GEAR

§ 6.335 *Wheels.* Landing gear wheels shall be of an approved type. The maximum static load rating of each wheel shall not be less than the corresponding static ground reaction under the maximum weight of the rotorcraft and the critical center of gravity position. The maximum limit load rating of each wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part.

§ 6.336 *Brakes.* A braking device shall be installed, controllable by the pilot and usable during power-off landings, which is adequate to insure:

(a) Counteraction of any normal unbalanced torque when starting or stopping the rotor,

(b) Holding the rotorcraft parked on a 10° slope on a dry, smooth pavement.

§ 6.337 *Tires.* Landing gear wheels shall be equipped with any make or type of tire provided that the tire is a proper fit on the rim of the wheel and provided that the approved tire rating is not exceeded. The maximum static load rating of the tire shall not be less than the static ground reaction obtained at the wheel, assuming the maximum design weight concentrated at the most unfavorable center of gravity position.

§ 6.338 *Skis.* The maximum limit load rating of each ski shall not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part.

FLOATS

§ 6.340 *General.* The requirements of §§ 6.341 and 6.342 shall apply to the design of floats.

§ 6.341 *Buoyancy (main floats).* (a) Main floats shall have a buoyancy in excess of that required to support the maximum weight of the rotorcraft in fresh water as follows:

(1) 50 percent in the case of single floats;

(2) 60 percent in the case of multiple floats.

(b) Main floats shall contain at least 4 watertight compartments of approximately equal volume.

§ 6.342 *Float strength.* Floats shall be designed for the conditions set forth in paragraphs (a) and (b) of this section:

(a) *Bag type floats.* Bag type floats shall withstand the maximum pressure differential which might be developed at the maximum altitude for which certification with floats is sought. In addition, the float shall withstand the vertical loads prescribed in § 6.245 (a) distributed along the length of the bag over three-quarters of the projected bag area.

(b) *Rigid floats.* Rigid type floats shall withstand the vertical, horizontal, and side loads prescribed in § 6.245. The loads specified may be distributed along the length of the floats.

PERSONNEL AND CARGO ACCOMMODATIONS

§ 6.350 *Pilot compartment; general.* (a) The arrangement of the pilot compartment and its appurtenances shall provide safety and assurance that the pilot will be able to perform all of his duties and operate the controls in the correct manner without unreasonable concentration and fatigue.

(b) When provision is made for a second pilot, the rotorcraft shall be controllable with equal safety from both seats.

(c) Vibration and noise characteristics of cockpit appurtenances shall not interfere with the safe operation of the rotorcraft.

§ 6.351 *Pilot compartment vision.* The pilot compartment shall be arranged to afford the pilot a sufficiently extensive, clear, and undistorted view for the safe operation of the rotorcraft. During flight in a moderate rain condition the pilot shall have an adequate view of the flight path in normal flight and landing, and have sufficient protection from the elements so that his vision is not unduly impaired. The pilot compartment shall be free of glare and reflections which would interfere with the pilot's vision. For rotorcraft intended for night operation, the demonstration of these qualities shall include night flight tests.

§ 6.352 *Pilot windshield and windows.* All glass panes shall be of a nonsplintering safety type.

§ 6.353 *Controls.* (a) All cockpit controls shall be located to provide convenience in operation and in a manner tending to prevent confusion and inadvertent operation. (See also § 6.737.)

(b) The controls shall be so located and arranged with respect to the pilots' seats that there exists full and unrestricted movement of each control without interference from either the cockpit structure or the pilots' clothing when seated. This shall be demonstrated for individuals ranging from 5' 2" to 6' 0" in height.

§ 6.354 *Doors.* Closed cabins shall be provided with at least one adequate and easily accessible external door. No passenger door shall be so located with respect to the rotor discs as to endanger persons using the door.

§ 6.355 *Seats and berths.* On rotorcraft, manufactured on or after the effective date of this part (January 15, 1951), all seats and berths, including their supporting structure, shall be designed for the loads resulting from all specified flight and landing conditions, including the emergency landing conditions of § 6.260. Reactions from safety belts and harnesses shall be taken into account. In addition, pilot seats shall be designed for the reactions resulting from the application of pilot forces to the flight controls as prescribed in § 6.225 (d). (See § 6.101 (b) (4) for weight of occupants.)

§ 6.356 *Cargo and baggage compartments.* (See also § 6.382.) (a) Each cargo and baggage compartment shall be designed for the placarded maximum weight of contents and the critical load distributions at the appropriate maximum load factors corresponding with all specified flight and ground load conditions, excluding the emergency landing conditions of § 6.260.

(b) Provision shall be made to prevent the contents in the compartments from becoming a hazard by shifting under the loads specified in paragraph (a) of this section.

(c) Provision shall be made to protect the passengers and crew from injury by the contents of any compartment when the ultimate inertia force acting forward is 4g.

§ 6.357 *Emergency exits.* (a) Closed cabins on rotorcraft carrying more than 5 persons shall be provided with an emergency exit. Additional exits shall be provided where the total seating capacity is more than 15. The provisions of subparagraphs (1) through (6) of this paragraph shall apply. (See also § 6.738 (c).)

(1) An emergency exit shall consist of a movable window or panel or of an additional external door which provides a clear and unobstructed opening, the minimum dimensions of which shall be such that a 19 inch by 26 inch ellipse may be completely inscribed therein.

(2) An emergency exit shall be readily accessible, shall not require exceptional agility of a person using it, and shall be so located as to facilitate egress without crowding in all probable attitudes in which the rotorcraft may be after a crash.

(3) The method of opening an emergency exit shall be simple and obvious and the exit shall be so arranged and marked as to be readily located and operated even in darkness.

(4) Reasonable provisions shall be made against the jamming of emergency exits as a result of fuselage deformation.

(5) At least one emergency exit shall be on the opposite side of the cabin from the main door.

(6) The proper functioning of emergency exits shall be demonstrated by tests.

§ 6.358 *Ventilation.* The ventilating system for the pilot and passenger compartments shall be so designed as to preclude the presence of excessive quantities of fuel fumes and carbon monoxide. The concentration of carbon monoxide shall not exceed 1 part in 20,000 parts of air under conditions of forward flight or hovering in zero wind. For other conditions of operation, if the carbon monoxide concentration exceeds this value, suitable operating restrictions shall be provided.

FIRE PREVENTION

§ 6.380 *General.* The fire prevention requirements of this subpart apply to personnel and cargo compartments. Additional fire prevention requirements are prescribed in Subpart E, Powerplant Installation, and Subpart F, Equipment.

§ 6.381 *Cabin interiors.* All compartments occupied or used by the crew or passengers shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) The materials in no case shall be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstery, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

§ 6.382 *Cargo and baggage compartments.* Cargo and baggage compartments shall be constructed of or completely lined with fire-resistant material, except that flame-resistant materials shall be acceptable in compartments which are readily accessible to a crew member in flight. Compartments shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the rotorcraft, unless such items are shielded, isolated, or otherwise protected so that they cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such items will not create a fire hazard.

§ 6.383 *Heating systems*—(a) *General.* Heating systems involving the passage of cabin air over or in close proximity to the exhaust manifold shall not be used unless precautions are incorporated in the design to prevent the introduction of carbon monoxide into the cabin or pilot compartment.

(b) *Heat exchangers.* Heat exchangers shall be constructed of suitable materials, shall be cooled adequately under all conditions, and shall be capable of easy disassembly for inspection.

(c) *Combustion heaters.* Gasoline-operated combustion heaters shall be of an approved type and shall be installed so as to comply with the applicable sections of the powerplant installation requirements covering fire hazards and precautions. All applicable requirements concerning fuel tanks, lines, and exhaust systems shall be considered. (See §§ 6.422 through 6.428 and 6.463.)

§ 6.384 *Fire protection of structure, controls, and other parts.* All structure, controls, rotor mechanism, and other parts essential to a controlled landing of the rotorcraft which would be affected by powerplant fires shall either be of fireproof construction or shall be otherwise protected, so that they can perform their essential functions for at least 5 minutes under all foreseeable power-

Provision shall be made to keep the cargo, passengers, and loose objects. be designed for the conditions set forth

plant fire conditions. (See also §§ 6.480 and 6.483 (a).)

MISCELLANEOUS

§ 6.390 *Leveling marks.* Reference marks shall be provided for use in leveling the rotorcraft to facilitate weight and balance determinations on the ground.

§ 6.391 *Ballast provisions.* Ballast provisions shall be so designed and constructed as to prevent the inadvertent shifting of the ballast in flight. (See also §§ 6.105, 6.738, and 6.741 (c).)

SUBPART E—POWERPLANT INSTALLATION

GENERAL

§ 6.400 *Scope and general design.* (a) The powerplant installation shall be considered to include all components of the rotorcraft which are necessary for its propulsion with the exception of the structure of the main and auxiliary rotors. It shall also be considered to include all components which affect the control of the major propulsive units or which affect their safety of operation between normal inspections or overhaul periods. (See §§ 6.604 and 6.613 for instrument installation and marking.) The general provisions of paragraphs (b) through (d) of this section shall be applicable.

(b) All components of the powerplant installation shall be constructed, arranged, and installed in a manner which will assure their continued safe operation between normal inspections or overhaul periods.

(c) Accessibility shall be provided to permit such inspection and maintenance as is necessary to assure continued airworthiness.

(d) Electrical interconnections shall be provided to prevent the existence of differences of potential between major components of the powerplant installation and other portions of the rotorcraft.

§ 6.401 *Engine-type certification.* All engines shall be type certificated in accordance with the provisions of Part 13 of this subchapter.

§ 6.402 *Engine vibration.* The engine shall be installed to preclude harmful vibration of any of the engine parts or of any of the components of the rotorcraft. It shall be demonstrated by means of a vibration investigation that the addition of the rotor and the rotor drive system to the engine does not result in modification of engine vibration characteristics to the extent that the principal rotating portions of the engine are subjected to excessive vibratory stresses. It shall also be demonstrated that no portion of the rotor drive system is subjected to excessive vibratory stresses.

ROTOR DRIVE SYSTEM

§ 6.410 *Rotor drive mechanism.* The rotor drive mechanism shall incorporate a unit which will automatically disengage the engine from the main and auxiliary rotors in the event of power failure. The rotor drive mechanism shall be so arranged that all rotors necessary for control of the rotorcraft in autorotative flight will continue to be driven by the main rotor(s) after disengagement of the engine from the main and auxiliary rotors. If a torque limiting device is employed in the rotor drive system (see § 6.250 (f)), such device shall be located to permit continued control of the rotorcraft after it becomes operative.

§ 6.411 *Rotor brakes.* If a means is provided to control the rotation of the rotor drive system independent of the engine, the limitations on the use of such means shall be specified, and the control for this means shall be guarded to prevent inadvertent operation.

§ 6.412 *Rotor drive and control mechanism endurance tests.* (a) The rotor drive and control mechanism shall be tested for not less than 100 hours. The test shall be conducted on the rotorcraft, and the power shall be absorbed by the actual rotors to be installed, except that the use of other ground or flight test facilities with any other appropriate method of power absorption shall be acceptable provided that all conditions of support and vibration closely simulate the conditions which would exist during a test on the actual rotorcraft. The endurance tests shall include the tests prescribed in paragraphs (b) through (g) of this section. At the conclusion of the endurance testing, all parts shall be in a serviceable condition.

(b) A 60-hour portion of the endurance test shall be run at not less than the maximum continuous engine speed in conjunction with maximum continuous engine power. In this test the main rotor shall be set in the position which will give maximum longitudinal cyclic pitch change to simulate forward flight. The auxiliary rotor controls shall be in the position for normal operation under the conditions of the test.

(c) A 30-hour portion of the endurance test shall be run at not less than 90 percent of maximum continuous engine speed and 75 percent of maximum continuous engine power. The main and auxiliary rotor controls during this test shall be in the position for normal operation under the conditions of the test.

(d) A 10-hour portion of the endurance test shall be run at not less than take-off engine power and speed. The main and auxiliary rotor controls shall be in the normal position for vertical ascent during this test.

(e) The portions of the endurance test prescribed in paragraphs (b) and (c) of this section shall be conducted in intervals of not less than 30 minutes and may be accomplished either on the ground or in flight. The portion of the endurance test prescribed in paragraph (d) of this section may be conducted in intervals of 5 minutes or more.

(f) At intervals of not more than every 5 hours during the endurance tests prescribed in paragraphs (b), (c), and (d) of this section the engine shall be stopped rapidly enough to allow the engine and rotor drive to be automatically disengaged from the rotors.

(g) There shall be accomplished under the operating conditions specified in paragraph (b) of this section 500 complete cycles of lateral control and 500 complete cycles of longitudinal control of the main rotors, and 500 complete cycles of control of all auxiliary rotors. A complete control cycle shall be considered to involve movement of the controls from the neutral position, through both extreme positions, and back to the neutral position, except that control movement need not produce loads or flapping motions exceeding the maximum loads or motions encountered in flight. The control cycling may be accomplished during the testing prescribed in paragraph (b) of this section or may be accomplished separately.

§ 6.413 *Additional tests.* Such additional dynamic, endurance, and operational tests or vibratory investigations shall be conducted as are found necessary by the Administrator to substantiate the airworthiness of the rotor drive mechanism.

§ 6.414 *Shafting critical speed.* The critical speeds of all shafting shall be determined by actual demonstration, except that analytical methods shall be acceptable for determining these speeds if the Administrator finds that reliable methods of analysis are available for the particular design. If the critical speeds lie within or close to the operating ranges for idling, power-on, and autorotative conditions, it shall be demonstrated by tests that the resultant stresses are within safe limits. If analytical methods are used and indicate that no critical speeds lie within the permissible operating ranges, the margins between the calculated critical speeds and the limits of the permissible operating ranges shall be adequate to allow for possible variations of the computed values from actual values.

§ 6.415 *Shafting joints.* All universal joints, slip joints, and other shafting joints shall have provision for lubrication, unless it is demonstrated that lack of lubrication will have no adverse effect on the operation of the rotorcraft.

FUEL SYSTEM

§ 6.420 *Capacity and feed.* The fuel supply system shall be arranged so that, in so far as practicable, the entire fuel supply can be utilized in the maximum inclinations of the fuselage for any sustained conditions of flight, and so that the feed ports will not be uncovered during normal maneuvers involving moderate rolling or sideslipping. On rotorcraft with more than one fuel tank (see § 6.422 (e)) the system shall feed fuel promptly after one tank is turned off and another tank is turned on, and there shall be installed in addition to the fuel quantity indicator (see § 6.604 (a) (1)) a warning device to indicate when the fuel in any tank becomes low.

NOTE: The fuel in any tank is considered to be low when there remains approximately a five-minute supply with the rotorcraft in the most critical sustained flight attitude.

§ 6.421 *Unusable fuel supply.* The unusable fuel supply in each tank shall be that quantity at which the first evidence of malfunctioning occurs in any sustained flight condition at the most critical weight and center of gravity position within the approved limitations. The

unusable fuel supply shall be determined for each tank used in normal operation. (See also §§ 6.104, 6.736, and 6.741 (g).)

§ 6.422 *Fuel tank construction and installation.* Fuel tanks shall be designed and installed in accordance with the provisions of paragraphs (a) through (e) of this section.

(a) Fuel tanks shall be capable of withstanding without failure all vibration, inertia, fluid, and structural loads to which they may be subjected in operation.

(b) Fuel tanks shall be capable of withstanding, without failure or leakage, an internal pressure equal to the pressure developed during the maximum limit acceleration with full tanks, except that in no case shall the minimum internal pressure be less than 3.5 lb./sq. in. for conventional type tanks or less than 2.0 lb./sq. in. for bladder type tanks.

(c) Fuel tanks of 10 gallons or greater capacity shall incorporate internal baffles unless external support is provided to resist surging.

(d) Fuel tanks shall be separated from the engine compartment by a fire wall. At least one-half inch clear air space shall be provided between the tank and fire wall.

(e) Spaces adjacent to the surfaces of fuel tanks shall be ventilated so that fumes cannot accumulate in the tank compartment in case of leakage. If two or more tanks have their outlets interconnected, they shall be considered as one tank. The air spaces in such tanks shall be interconnected to prevent the flow of fuel from one tank to another as a result of a difference in pressure in the respective tank air spaces.

§ 6.423 *Fuel tank details*—(a) *Expansion space.* Fuel tanks shall be provided with an expansion space of not less than 2 percent of the tank capacity. It shall not be possible to fill the fuel tank expansion space inadvertently when the rotorcraft is in the normal ground attitude.

(b) *Sump.* Each fuel tank shall incorporate a sump and drain located at the point in the tank which is the lowest when the rotorcraft is in the normal ground attitude. The main fuel supply shall not be drawn from the bottom of the sump.

(c) *Filler connection.* The design of fuel tank filler connections shall be such as to prevent the entrance of fuel into the fuel tank compartment or to any other portion of the rotorcraft other than the tank itself. (See also § 6.738 (b) (1).)

(d) *Vents.* Fuel tanks shall be vented from the top portion of the expansion space in such a manner that venting of the tank is effective under all normal flight conditions. The air vents shall be arranged to minimize the possibility of stoppage by dirt or ice formation.

(e) *Outlet.* Fuel tank outlets shall be provided with large-mesh finger strainers.

§ 6.424 *Fuel pumps.* If a mechanical pump is employed, an emergency pump shall also be installed to be available for immediate use in case of failure of the mechanical pump. Pumps of appropriate capacity may also be used for pumping fuel from an auxiliary tank to a main fuel tank. Mechanical pump systems shall be so arranged that they cannot feed from more than one tank at a time.

§ 6.425 *Fuel system lines and fittings.* (a) Fuel lines shall be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure and due to accelerated flight conditions.

(b) Fuel lines which are connected to components of the rotorcraft between which relative motion could exist shall incorporate provisions for flexibility.

(c) Flexible hose shall be of an approved type.

(d) All fuel lines and fittings shall be of sufficient size so that the fuel flow, with the fuel being supplied to the carburetor at the minimum pressure for proper carburetor operation, is not less than the following:

(1) For gravity feed systems: 1.5 times the normal flow required to operate the engine at take-off power;

(2) For pump systems: 1.25 times the normal flow required to operate the engine at take-off power.

(e) Design factors conducive to vapor lock, such as vertical humps in the lines, shall be avoided.

(f) A test for proof of compliance with the applicable flow requirements shall be conducted.

§ 6.426 *Valves.* A positive and quick-acting valve which will shut off all fuel to each engine individually shall be provided. The control for this valve shall be within easy reach of appropriate flight personnel. In the case of rotorcraft employing more than one source of fuel supply, provision shall be made for independent feeding from each source. The shutoff valve shall not be located closer to the engine than the remote side of the fire wall.

§ 6.427 *Strainers.* A strainer incorporating a sediment trap and drain shall be provided in the fuel system between the fuel tanks and the engine and shall be installed in an accessible position. The screen shall be easily removable for cleaning. If an engine-driven fuel pump is provided, the strainer shall be located between the fuel tank and the pump.

§ 6.428 *Drains.* One or more accessible drains shall be provided at the lowest point in the fuel system to drain completely all parts of the system when the rotorcraft is in its normal position on level ground. Such drains shall discharge clear of all parts of the rotorcraft and shall be equipped with safety locks to prevent accidental opening.

§ 6.429 *Fuel quantity indicator.* The fuel quantity indicator (see § 6.613 (b)) shall be installed to indicate clearly to the flight crew the quantity of fuel in each tank while in flight. When two or more tanks are closely interconnected by a gravity feed system and vented, and when it is impossible to feed from each tank separately, only one fuel quantity indicator need be installed. If exposed sight gauges are employed they shall be installed and guarded to preclude the possibility of breakage or damage.

OIL SYSTEM

§ 6.440 *General.* (a) Each engine shall be provided with an independent oil system capable of supplying the engine with an appropriate quantity of oil at a temperature not exceeding the maximum which has been established as safe for continuous operation. (For oil system instruments see §§ 6.604 and 6.735.)

(b) The usable oil capacity shall not be less than the product of the endurance of the rotorcraft under critical operating conditions and the maximum oil consumption of the engine under the same conditions, to which product a suitable margin shall be added to assure adequate circulation and cooling of the oil system. In lieu of a rational analysis of rotorcraft endurance and oil consumption, the usable oil capacity of 1 gallon for each 40 gallons of usable fuel quantity shall be considered acceptable. (See also § 6.101 (d) (3).)

(c) The ability of the oil cooling provisions to maintain the oil inlet temperature to the engine at or below the maximum established value shall be demonstrated by flight tests.

§ 6.441 *Oil tank construction and installation.* Oil tanks shall be designed and installed in accordance with the provisions of paragraphs (a) through (e) of this section.

(a) Oil tanks shall be capable of withstanding without failure all vibration, inertia, fluid, and structural loads to which they may be subjected in operation.

(b) Oil tanks shall be capable of withstanding without failure or leakage an internal pressure of 5 lb./sq. in.

(c) Oil tanks shall be provided with an expansion space of not less than 10 percent of the tank capacity, nor less than one-half gallon.

(d) Oil tanks shall be vented.

(e) Provision shall be made in the filler opening to prevent oil overflow from entering the compartment in which the oil tank is located. (See also § 6.738 (b) (2).)

§ 6.442 *Oil lines and fittings.* (a) Oil lines shall be supported to prevent excessive vibration.

(b) Oil lines which are connected to components of the rotorcraft between which relative motion could exist shall incorporate provisions for flexibility.

(c) Flexible hose shall be of an approved type.

(d) Oil lines shall have an inside diameter not less than the inside diameter of the engine inlet or outlet, and shall have no splices between connections.

§ 6.443 *Oil drains.* One or more accessible drains shall be provided at the lowest point in the oil system to drain completely all parts of the system when the rotorcraft is in its normal position on level ground. Such drains shall discharge clear of all parts of the rotorcraft and shall be equipped with safety locks to prevent accidental opening.

§ 6.444 *Oil quantity gauge.* An oil quantity indicator (see § 6.735) shall be installed to indicate during the filling

main rotor(s) after disengagement of

of the main rotors, and 500 complete

within the approved limitations. The

mechanical pump. Pumps of appropri-

possibility of breakage or damage.

installed to indicate during the filling

operation the amount of oil in the oil tank.

§ 6.445 *Oil temperature indication.* A means shall be provided for measuring during flight the oil temperature at the engine inlet. If a separate oil system is provided for the main rotor drive, a means shall also be provided to give a warning in flight when the oil temperature has exceeded a safe value. (See § 6.604.)

§ 6.446 *Oil pressure indication.* If the main rotor drive incorporates an independent oil pressure system, a means shall be provided to give a warning in flight when the oil pressure has fallen below a safe value.

COOLING SYSTEM

§ 6.450 *General.* The cooling system shall be capable of maintaining engine temperatures within safe operating limits under all conditions of flight during a period at least equal to that established by the fuel capacity of the rotorcraft, assuming normal engine power and speeds.

§ 6.451 *Cooling tests.* Compliance with the provisions of § 6.450 shall be demonstrated in flight tests in which engine temperature measurements are obtained under critical flight conditions. Such tests shall be conducted in air at temperatures corresponding with the maximum anticipated air temperatures as specified in paragraph (a) of this section. If the tests are conducted under conditions which deviate from the maximum anticipated air temperature, the recorded powerplant temperatures shall be corrected in accordance with the provisions of paragraphs (b) and (c) of this section. The corrected temperatures determined in this manner shall not exceed the maximum established safe values. The fuel used during the cooling tests shall be of the minimum octane number approved for the engines involved, and the mixture settings shall be those used in normal operation.

(a) *Maximum anticipated air temperature.* The maximum anticipated air temperature (hot day condition) shall be 100° F. at sea level, decreasing from this value at the rate of 3.6° F. per thousand feet of altitude above sea level until a temperature of −67° F. is reached above which altitude the temperature shall be constant at −67° F.

(b) *Correction factor for cylinder head and oil inlet temperatures.* The cylinder head and oil inlet temperatures shall be corrected by adding the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of maximum cylinder head or oil inlet temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

(c) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures shall be corrected by adding 0.7 of the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

INDUCTION AND EXHAUST SYSTEMS

§ 6.460 *General.* The induction and exhaust systems shall be designed in accordance with accepted practice.

§ 6.461 *Air induction.* (a) The engine air induction system shall be designed to supply the proper quantity of air to the engine under all conditions of operation.

(b) Cold air intakes shall open completely outside the cowling unless the emergence of backfire flames is positively prevented.

(c) Carburetor air intakes shall be provided with drains. The drains shall not discharge fuel in the possible path of exhaust flames.

§ 6.462 *Induction system de-icing and anti-icing provisions.* (a) The engine air induction system shall incorporate means for the prevention and elimination of ice accumulations. Unless it is demonstrated that this can be accomplished by other means, compliance with the following heat rise provisions shall be demonstrated in air free of visible moisture at a temperature of 30° F. when the engine is operating at 75 percent of its maximum continuous power.

(b) Rotorcraft equipped with sea level engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 90° F.

(c) Rotorcraft equipped with sea level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall be provided with a sheltered alternate source of air. The preheat supplied to this alternate air intake shall be not less than that provided by the engine cooling air downstream of the cylinders.

(d) Rotorcraft equipped with altitude engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 120° F.

(e) Rotorcraft equipped with altitude engines employing carburetors which embody features tending to reduce the possibility of ice formation shall have a preheater capable of providing a heat rise of 100° F., except that if a fluid deicing system is used the heat rise need not be greater than 40° F.

§ 6.463 *Exhaust manifolds.* (See also § 6.383.) (a) Exhaust manifolds shall be designed to provide for expansion, and shall be arranged and cooled so that local hot points cannot form.

(b) Exhaust manifolds shall be installed in accordance with the provisions of subparagraphs (1) through (3) of this paragraph:

(1) Exhaust manifolding shall be such that exhaust gases are discharged clear of cowling, rotorcraft structure, carburetor air intake, and fuel system parts or drains.

(2) Exhaust manifolding shall not be located immediately adjacent to or under the carburetor or fuel system parts unless such parts are protected against leakage.

(3) Exhaust manifolding shall be such that exhaust gases do not discharge in a manner which would impair pilot vision at night due to glare.

POWERPLANT CONTROLS AND ACCESSORIES

§ 6.470 *Powerplant controls; general.* The provisions of § 6.353 shall be applicable to all powerplant controls with respect to location and arrangement, and the provisions of § 6.737 shall be applicable to all powerplant controls with respect to marking. All flexible powerplant controls shall be of an approved type.

§ 6.471 *Throttle controls.* (a) A separate throttle control shall be provided for each engine. Throttle controls shall be grouped and arranged to permit separate control of each engine and also simultaneous control of all engines.

(b) Throttle controls shall afford a positive and immediately responsive means of controlling the engines.

§ 6.472 *Ignition switches.* (a) Means shall be provided for quickly shutting off all ignition by the grouping of switches or by providing a master ignition control.

(b) If a master ignition control is provided, a guard shall be incorporated to prevent inadvertent operation of the control.

§ 6.473 *Mixture controls.* If mixture controls are provided, a separate control shall be provided for each engine. The mixture controls shall be grouped and arranged to permit separate control of each engine and also simultaneous control of all engines.

§ 6.474 *Powerplant accessories.* Engine mounted accessories shall be of a type approved for installation on the engine involved and shall utilize the provisions made on the engine for mounting.

POWERPLANT FIRE PROTECTION

§ 6.480 *General.* The powerplant installation shall be protected against fire in accordance with §§ 6.481 through 6.484. Additional fire prevention requirements are prescribed in Subpart D, Design and Construction, and Subpart F, Equipment.

NOTE: The powerplant fire protection provisions are intended to insure that the main and auxiliary rotors and controls remain operable, the essential rotorcraft structure remains intact, and that the passengers and crew are otherwise protected for a period of at least 5 minutes after the start of an engine fire to permit a controlled autorotational landing.

§ 6.481 *Ventilation.* Compartments which include powerplant installation shall have provision for ventilation.

§ 6.482 *Shutoff means.* Means shall be provided to shut off the flow in all lines carrying flammable fluids into the engine compartment, except that a shutoff means need not be provided in lines forming an integral part of an engine. Provision shall be made to guard against inadvertent operation of the shutoff means, and to make it possible for the crew to reopen the shutoff means in flight after it has once been closed. Shutoff valves and their controls shall be located on the remote side of the fire wall from the engine, unless it is shown

that the valve will perform its intended functions under all fire conditions likely to result from an engine fire. In installations using engines of less than 500 cu. in. displacement, shutoff means need not be provided for engine oil systems.

§ 6.483 *Fire wall.* (a) Engines shall be isolated from personnel compartments by means of fire walls, shrouds, or other equivalent means. They shall be similarly isolated from the structure, controls, rotor mechanism, and other parts essential to a controlled landing of the rotorcraft, unless such parts are protected in accordance with the provisions of § 6.384. All auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the rotorcraft by means of fire walls, shrouds, or other equivalent means. In complying with the provisions of this paragraph, account shall be taken of the probable path of a fire as affected by the air flow in normal flight and in autorotation. (See also § 6.486.)

(b) Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the rotorcraft.

(c) All openings in the fire wall or shroud shall be sealed with close fitting fireproof grommets, bushings, or fire-wall fittings.

(d) Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion.

§ 6.484 *Engine cowling and engine compartment covering.* (a) Cowling or engine compartment covering shall be constructed and supported so as to make it capable of resisting all vibration, inertia, and air loads to which it would be subjected in operation.

(b) Provision shall be made to permit rapid and complete drainage of all portions of the cowling or engine compartment in all normal ground and flight attitudes. Drains shall not discharge in locations which might cause a fire hazard.

(c) Cowling or engine compartment covering shall be constructed of fire-resistant material.

(d) Those portions of the cowling or engine compartment covering which would be subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

§ 6.485 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in areas subject to engine fire conditions shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Lines and fittings which are under pressure, or which attach directly to the engine, or which are subject to relative motion between components shall be flexible, fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved types. The provisions of this paragraph shall not apply to those lines and fittings which form an integral part of the engine.

(b) Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

(c) Vent and drain lines and fittings shall be subject to the provisions of paragraphs (a) and (b) of this section unless a failure of such line or fitting will not result in, or add to, a fire hazard.

§ 6.486 *Flammable fluids.* (a) Fuel tanks shall be isolated from the engine by a fire wall or shroud. On all rotorcraft having engines of more than 900 cu. in. displacement, oil tanks and other flammable fluid tanks shall be similarly isolated unless the fluid contained, the design of the system, the materials used in the tank, the shutoff means, all connections, lines, and controls are such as to provide an equally high degree of safety.

(b) Not less than one-half inch of clear air space shall be provided between any tank and the isolating fire wall or shroud, unless other equivalent means are used to protect against heat transfer from the engine compartment to the flammable fluid.

SUBPART F—EQUIPMENT

GENERAL

§ 6.600 *Scope.* The required basic equipment as prescribed in this subpart is the minimum which shall be installed in the rotorcraft for certification. Such additional equipment as is necessary for a specific type of operation is prescribed in the operating rules of the regulations in this subchapter.

§ 6.601 *Functional and installational requirements.* Each item of equipment installed in a rotorcraft shall be:

(a) Of a type and design appropriate to perform its intended function;

(b) Labeled as to its identification, function, or operational limitations, or any combination of these, whichever is applicable;

(c) Installed in accordance with specified limitations of the equipment; and

(d) Demonstrated to function properly in the rotorcraft.

§ 6.602 *Required basic equipment.* The equipment listed in §§ 6.603 through 6.605 shall be the required basic equipment. (See § 6.600.)

§ 6.603 *Flight and navigational instruments.* (See § 6.612 for installation requirements.) There shall be installed:

(a) An air-speed indicator. (See § 6.612 (a).)

(b) An altimeter.

(c) A magnetic direction indicator. (See § 6.612 (c).)

§ 6.604 *Powerplant instruments.* (See § 6.613 for installation requirements.)

(a) For each engine or tank there shall be installed:

(1) A fuel quantity indicator. (See § 6.613 (b).)

(2) An oil pressure indicator.

(3) An oil temperature indicator. (See § 6.613 (g).)

(4) A tachometer to indicate engine rpm and rotor rpm for the main rotor, or for each main rotor the speed of which can vary appreciably with respect to another main rotor.

(b) For each engine or tank (if required in reference section) there shall be installed:

(1) A cylinder head temperature indicator. (See § 6.613 (e).)

(2) A fuel pressure indicator (if pump-fed engines are used).

(3) A manifold pressure indicator (if altitude engines are used).

(4) An oil quantity indicator. (See § 6.613 (d).)

(c) For each transmission or gear box having an independent oil system there shall be installed:

(1) An oil temperature indicator, and

(2) An oil pressure indicator if a pressure system is employed.

§ 6.605 *Miscellaneous equipment.* There shall be installed:

(a) Approved seats for all occupants. (See § 6.355.)

(b) Approved safety belts for all occupants. (See § 6.643.)

(c) A master switch arrangement. (See §§ 6.623 and 6.624.)

(d) A source(s) of electrical energy (see §§ 6.620 through 6.622) where such electrical energy is necessary for operation of the rotorcraft.

(e) Electrical protective devices. (See § 6.625.)

INSTRUMENTS; INSTALLATION

§ 6.610 *General.* The provisions of §§ 6.611 through 6.613 shall apply to the installation of instruments in rotorcraft.

§ 6.611 *Arrangement and visibility of instrument installations.* (a) Flight, navigation, and powerplant instruments for use by each pilot shall be easily visible to him.

(b) On multiengine rotorcraft, identical powerplant instruments for the several engines shall be so located as to prevent any confusion as to the engines to which they relate.

(c) The vibration characteristics of the instrument panel shall be such as not to impair seriously the readability or the accuracy of the instruments or to damage them.

§ 6.612 *Flight and navigational instruments*—(a) *Air-speed indicating system.* The air-speed indicating system shall be so installed that the air-speed indicator shall indicate true air speed at sea level under standard conditions to within an allowable installational error of not more than plus or minus 3 percent of the calibrated air speed or 5 mph, whichever is greater. The calibration shall be made in flight at all forward speeds of 10 mph or over. The allowable installation error shall not be exceeded at any forward speed of 20 mph and over. (See § 6.732.)

(b) *Static air-vent system.* All instruments provided with static air case connections shall be so vented that the influence of rotorcraft speed, the opening and closing of windows, air-flow variation, moisture, or other foreign matter will not seriously affect their accuracy.

(c) *Magnetic direction indicator.* The magnetic direction indicator shall be so installed that its accuracy shall not be excessively affected by the rotorcraft's

vibration or magnetic fields. After the direction indicator has been compensated, the installation shall be such that the deviation in level flight does not exceed 10° on any heading. A suitable calibration placard shall be provided as specified in § 6.733.

§ 6.613 *Powerplant instruments*—(a) *Instrument lines.* Instrument lines shall comply with the provisions of § 6.425. In addition, instrument lines carrying flammable fluids or gases under pressure shall be provided with restricted orifices or equivalent safety devices at the source of the pressure to prevent the escape of excessive fluid or gas in case of line failure.

(b) *Fuel quantity indicator.* Fuel quantity indicators shall be calibrated to read zero during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply as defined by § 6.421. (See also § 6.736.)

(c) *Fuel flowmeter system.* When a flowmeter system is installed, the metering component shall include a means for by-passing the fuel supply in the event that malfunctioning of the metering component results in a severe restriction to fuel flow.

(d) *Oil quantity indicator.* (1) Means shall be provided to indicate the quantity of oil in each tank when the rotorcraft is on the ground. (See § 6.735.)

(2) If an oil transfer system or a reserve oil supply system is installed, means shall be provided to indicate to the crew during flight the quantity of oil in each tank.

(e) *Cylinder head temperature indicator.* A cylinder head temperature indicator shall be provided for each engine or rotorcraft equipped with cooling shutters. In the case of rotorcraft which do not have cooling shutters, an indicator shall be provided if compliance with the provisions of § 6.451 is demonstrated in a condition other than the most critical cooling flight condition.

(f) *Carburetor air temperature indicating system.* A carburetor air temperature indicating system shall be provided for each engine equipped with a preheater which is capable of providing a heat rise in excess of 60° F.

(g) *Oil temperature indicator.* Means shall be provided to indicate to the appropriate members of the flight crew, during flight, the oil inlet temperature of each engine.

(h) *Coolant temperature indicator.* Means shall be provided to indicate to the appropriate members of the flight crew, during flight, the coolant outlet temperature of each liquid-cooled engine.

ELECTRICAL SYSTEMS AND EQUIPMENT

§ 6.620 *Installation.* (a) Electrical systems and equipment shall be free from hazards in themselves, in their method of operation, and in their effects on other parts of the rotorcraft. They shall be protected from fuel, oil, water, other detrimental substances, and from mechanical damage.

(b) The design of all components of the electrical system shall be appropriate for the intended use, and the components shall be capable of satisfactory operation over the entire range of environmental conditions encountered in the operation of the rotorcraft.

(c) Electrical sources of power shall have sufficient capacity during all normal flight operating conditions to supply the electrical load requirements without electrical or thermal distress. For emergency operating conditions the capacity of electrical power sources shall be sufficient for all electrical loads necessary to permit a safe landing.

§ 6.621 *Batteries.* A battery or batteries shall be provided consistent with the needs of the electrical system in complying with the requirements of electrical power capacity. The installation shall provide adequate ventilation and drainage for the battery under all operating conditions, and means shall be provided to prevent corrosive battery substance from coming in contact with other parts of the rotorcraft during servicing or in flight.

§ 6.622 *Generator system*—(a) *Generator.* Sources of electrical power (including the battery) shall be designed to function coordinately, and shall also be capable of independent operation. The generator(s) shall be capable of delivering sufficient power to keep the batteries charged, and in addition shall provide for the normal electrical power requirements of the rotorcraft.

(b) *Generator controls.* Generator voltage control equipment shall be capable of regulating the generator output within rated limits.

(c) *Reverse current cut-off.* A generator reverse current cut-off shall disconnect the generator from the battery and from other generators when the generator is developing a voltage of such value that current sufficient to cause malfunctioning can flow into the generator.

§ 6.623 *Master switch.* A master switch arrangement shall be provided which will disconnect all sources of electrical power from the main distribution system at a point adjacent to the power sources.

§ 6.624 *Master switch installation.* The master switch or its controls shall be so installed that it is easily discernible and accessible to a member of the crew in flight.

§ 6.625 *Protective devices.* Protective devices (fuses or circuit breakers) shall be installed in the circuits to all electrical equipment, except that such items need not be installed in the main circuits of starter motors or in other circuits where no hazard is presented by their omission. If fuses are used, one spare of each rating or 50 percent spare fuses of each rating, whichever is the greater, shall be provided.

§ 6.626 *Protective devices installation.* Protective devices in circuits essential to safety in flight shall be conveniently located and properly identified to facilitate replacement of fuses or resetting of circuit breakers in flight.

§ 6.627 *Electric cables.* The electric cables used shall be in accordance with approved standards for aircraft electric cable of a slow-burning type. They shall have current-carrying capacity sufficient to deliver the necessary power to the items of equipment to which they are connected.

§ 6.628 *Switches.* Switches shall be capable of carrying their rated current. They shall be accessible to the crew and shall be labeled as to operation and the circuit controlled.

LIGHTS

§ 6.630 *Instrument lights.* (a) Instrument lights shall provide sufficient illumination to make all instruments, switches, etc., easily readable.

(b) Instrument lights shall be so installed that their direct rays are shielded from the pilot's eyes and so that no objectionable reflections are visible to him.

§ 6.631 *Landing lights.* (a) When landing or hovering lights are required, they shall be of an approved type.

(b) Landing lights shall be installed so that there is no objectionable glare visible to the pilot and so that the pilot is not adversely affected by halation.

(c) Landing lights shall be installed in a location where they provide the necessary illumination for night operation including hovering and landing.

(d) A switch for each light shall be provided, except that where multiple lights are installed at one location a single switch for the multiple lights shall be acceptable.

§ 6.632 *Position light system installation*—(a) *General.* The provisions of §§ 6.632 through 6.635 shall be applicable to the position light system as a whole, and shall be complied with if a single circuit type system is installed. The single circuit system shall include the items specified in paragraphs (b) through (f) of this section.

NOTE: Requirements for dual circuit position light systems are contained in Part 4b of this subchapter.

(b) *Forward position lights.* Forward position lights shall consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the rotorcraft in such a location that, with the rotorcraft in normal flying position, the red light is displayed on the left side and the green light is displayed on the right side. The individual lights shall be of an approved type.

(c) *Rear position light.* The rear position light shall be a white light mounted as far aft as practicable. The light shall be of an approved type.

(d) *Circuit.* The two forward position lights and the rear position light shall constitute a single circuit.

(e) *Flasher.* If employed, an approved position light flasher for a single circuit system shall be installed. The flasher shall be such that the system is energized automatically at a rate of not less than 60 nor more than 120 flashes per minute with an on-off ratio between 2.5:1 and 1:1. Unless the flasher is of a fail-safe type, means shall be provided in the system to indicate to the pilot when there is a failure of the flasher and a further means shall be provided for turning the lights on steady in the event of such failure.

(f) *Light covers and color filters.* Light covers or color filters used shall be of noncombustible material and shall be constructed so that they will not change color or shape or suffer any appreciable loss of light transmission during normal use.

§ 6.633 *Position light system dihedral angles.* The forward and rear position lights as installed on the rotorcraft shall show unbroken light within dihedral angles specified in paragraphs (a) through (c) of this section.

(a) Dihedral angle *L* (left) shall be considered formed by two intersecting vertical planes, one parallel to the longitudinal axis of the rotorcraft and the other at 110° to the left of the first, when looking forward along the longitudinal axis.

(b) Dihedral angle *R* (right) shall be considered formed by two intersecting vertical planes, one parallel to the longitudinal axis of the rotorcraft and the other at 110° to the right of the first, when looking forward along the longitudinal axis.

(c) Dihedral angle *A* (aft) shall be considered formed by two intersecting vertical planes making angles of 70° to the right and 70° to the left, respectively, looking aft along the longitudinal axis, to a vertical plane passing through the longitudinal axis.

§ 6.634 *Position light distribution and intensities*—(a) *General.* The intensities prescribed in this section are those to be provided by new equipment with all light covers and color filters in place. Intensities shall be determined with the light source operating at a steady value equal to the average luminous output of the light source at the normal operating voltage of the rotorcraft. The light distribution and intensities of position lights shall comply with the provisions of paragraph (b) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights shall be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams, within dihedral angles L, R, and A, and shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) *Intensities in horizontal plane.* The intensities in the horizontal plane shall not be less than the values given in Figure 6–1. (The horizontal plane is the plane containing the longitudinal axis of the rotorcraft and is perpendicular to the plane of symmetry of the rotorcraft.)

(2) *Intensities above and below horizontal.* The intensities in any vertical plane shall not be less than the appropriate value given in Figure 6–2, where I is the minimum intensity prescribed in Figure 6–1 for the corresponding angles in the horizontal plane. (Vertical planes are planes perpendicular to the horizontal plane.)

(3) *Overlaps between adjacent signals.* The intensities in overlaps between adjacent signals shall not exceed the values given in Figure 6–3, except that higher intensities in the overlaps shall be acceptable with the use of main beam intensities substantially greater than the minima specified in Figures 6–1 and 6–2 if the overlap intensities in relation to the main beam intensities are such as not to affect adversely signal clarity.

Dihedral angle (light included)	Angle from right or left of longitudinal axis, measured from dead ahead	Intensity (candles)
L and R (forward red and green)	0° to 10°	40
	10° to 20°	30
	20° to 110°	5
A (rear white)	110° to 180°	20

FIGURE 6–1—MINIMUM INTENSITIES IN THE HORIZONTAL PLANE OF FORWARD AND REAR POSITION LIGHTS

Angle above or below horizontal	Intensity
0°	1.00 I.
0° to 5°	0.90 I.
5° to 10°	0.80 I.
10° to 15°	0.70 I.
15° to 20°	0.50 I.
20° to 30°	0.30 I.
30° to 40°	0.10 I.
40° to 90°	At least 2 candles.

FIGURE 6–2—MINIMUM INTENSITIES IN ANY VERTICAL PLANE OF FORWARD AND REAR POSITION LIGHTS

Overlaps	Maximum intensity	
	Area A (candles)	Area B (candles)
Green in dihedral angle L	10	1
Red in dihedral angle R	10	1
Green in dihedral angle A	5	1
Red in dihedral angle A	5	1
Rear white in dihedral angle L	5	1
Rear white in dihedral angle R	5	1

NOTE: Area A includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 10 degrees but less than 20 degrees. Area B includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 20 degrees.

FIGURE 6–3—MAXIMUM INTENSITIES IN OVERLAPPING BEAMS OF FORWARD AND REAR POSITION LIGHTS

§ 6.635 *Color specifications.* The colors of the position lights shall have the International Commission on Illumination chromaticity coordinates as set forth in paragraphs (a) through (c) of this section.

(a) *Aviation red.*

"y" is not greater than 0.335.
"z" is not greater than 0.002;

(b) *Aviation green.*

"x" is not greater than $0.440-0.320y$,
"x" is not greater than $y-0.170$,
"y" is not less than $0.390-0.170x$;

(c) *Aviation white.*

"x" is not less than 0.350,
"x" is not greater than 0.540,
"$y-y_o$" is not numerically greater than 0.01, y_o being the y coordinate of the Planckian radiator for which $x_o=x$.

§ 6.636 *Riding light.* (a) When a riding (anchor) light is required for a rotorcraft operated from water, it shall be capable of showing a white light for at least 2 miles at night under clear atmospheric conditions.

(b) Riding lights shall be installed so that they will show a maximum practicable unbroken light when the rotorcraft is moored or drifting on the water. Externally hung lights shall be permitted.

SAFETY EQUIPMENT

§ 6.640 *General.* Required safety equipment which the crew is expected to operate at a time of emergency, such as flares and automatic life-raft releases, shall be readily accessible. (See also § 6.738 (e).)

§ 6.641 *Flares.* When parachute flares are installed, they shall be of an approved type, and their installation shall be in accordance with § 6.642.

§ 6.642 *Flare installation.* (a) Parachute flares shall be releasable from the pilot compartment and installed to minimize the danger of accidental discharge.

(b) It shall be demonstrated in flight that the flare installation is such that ejection can be accomplished without hazard to the rotorcraft and its occupants.

(c) If recoil loads are involved in the ejection of the flares, the structure of the rotorcraft shall be designed to withstand such loads.

§ 6.643 *Safety belts.* Rotorcraft manufactured on or after the effective date of this part (January 15, 1951) shall be equipped with safety belts of an approved type. (See § 6.18.) In no case shall the rated strength of the safety belt be less than that corresponding with the ultimate load factors specified, taking due account of the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. Safety belts shall be attached so that no part of the anchorage will fail at a load lower than that corresponding with the ultimate load factors specified. (See § 6.260.)

§ 6.644 *Emergency flotation and signaling equipment.* When emergency flotation and signaling equipment is required by the operating rules of the regulations in this subchapter such equipment shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Rafts and life preservers shall be of an approved type and shall be so installed as to be readily available to the crew and passengers.

(b) Rafts released automatically or released by the pilot shall be attached to the rotorcraft by means of lines to keep them alongside the rotorcraft. The strength of the lines shall be such that they will break before submerging the empty raft.

(c) Signaling devices shall be free from hazard in their operation and shall be installed in an accessible location.

MISCELLANEOUS EQUIPMENT

§ 6.650 *Hydraulic systems*—(a) *Design.* Hydraulic systems and elements shall withstand, without exceeding the yield point, all structural loads which are expected to be imposed in addition to the hydraulic loads.

(b) *Tests.* Hydraulic systems shall be substantiated by proof pressure tests. When proof tested, no part of a hydraulic system shall fail, malfunction, or experience a permanent set. The proof load of any system shall be 1.5 times the

ceptable with the use of main beam in-

ticable unbroken light when the rotor-

load of any system shall be 1.5 times the

maximum operating pressure of that system.

(c) *Accumulators.* Hydraulic accumulators or pressurized reservoirs shall not be installed on the engine side of the fire wall, except when they form an integral part of the engine.

SUBPART G—OPERATING LIMITATIONS AND INFORMATION

GENERAL

§ 6.700 *Scope.* (a) The operating limitations in §§ 6.710 through 6.718 shall be established as prescribed in this part.

(b) The operating limitations, together with any other information concerning the rotorcraft found necessary for safety during operation, shall be included in the Rotorcraft Flight Manual (§ 6.740), shall be expressed as markings and placards (§ 6.730), and shall be made available by such other means as will convey the information to the crew members.

OPERATING LIMITATIONS

§ 6.710 *Air-speed limitations; general.* When air-speed limitations are a function of weight, weight distribution, altitude, rotor speed, power, or other factors, the values corresponding with all critical combinations of these values shall be established.

§ 6.711 *Never-exceed speed V_{NE}.* (a) The never-exceed speed shall be established. It shall not be less than the best rate-of-climb speed with all engines at maximum continuous power, nor greater than either of the following:

(1) 0.9V established in accordance with § 6.204, or

(2) 0.9 times the maximum speed demonstrated in accordance with § 6.140.

(b) It shall be permissible to vary the never-exceed speed with altitude and rotor rpm, provided that the ranges of these variables are sufficiently large to allow an operationally practical and safe variation of the never-exceed speeds.

§ 6.712 *Operating speed range.* An operating speed range shall be established for each rotorcraft.

§ 6.713 *Rotor speed.* Rotor rpm limitations shall be established as set forth in paragraphs (a) and (b) of this section. (See also § 6.710.)

(a) *Maximum power off (autorotation).* Not to exceed 95 percent of the maximum design rpm determined under § 6.204 (b) or 95 percent of the maximum rpm demonstrated during the type tests (see § 6.103 (b)), whichever is less.

(b) *Minimum*—(1) *Power off.* Not less than 105 percent of the higher of the following:

(i) The minimum demonstrated during the type test (see § 6.103 (b)), or

(ii) The minimum determined by design substantiation.

(2) *Power on.* Not less than the higher of the following:

(i) The minimum demonstrated during the type tests (see § 6.103 (a)), or

(ii) The minimum determined by design substantiation and not higher than a value determined in compliance with § 6.103 (a).

§ 6.714 *Powerplant limitations.* The powerplant limitations set forth in paragraphs (a) through (c) of this section shall be established for the rotorcraft. They shall not exceed the corresponding limits established as a part of the type certification of the engine installed on the rotorcraft.

(a) *Take-off operation.* The take-off operation shall be limited by:

(1) The maximum rotational speed, which shall not be greater than the maximum value determined by the rotor design, nor greater than the maximum value demonstrated during type tests.

(2) The maximum permissible manifold pressure.

(3) The time limit upon the use of the corresponding power.

(4) The maximum allowable cylinder head, coolant outlet, or oil temperatures, if applicable when the time limit of subparagraph (3) of this paragraph exceeds two minutes.

(b) *Continuous operation.* The continuous operation shall be limited by:

(1) The maximum rotational speed, which shall not be greater than the maximum value determined by the rotor design, nor greater than the maximum value demonstrated during type tests.

(2) The minimum rotational speed demonstrated in compliance with the rotor speed requirements as prescribed in § 6.713 (b) (2). (See §§ 6.103, 6.710, and 6.711.)

(c) *Fuel octane rating.* The minimum octane rating of fuel required for satisfactory operation of the powerplant within the limitations prescribed in paragraphs (a) and (b) of this section.

§ 6.715 *Limiting height-speed envelope.* If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing following power failure, the range of heights and its variation with forward speed shall be established together with any other pertinent information, such as type of landing surface. Such an envelope shall be established in full autorotation for single-engine helicopters and with one engine inoperative for multiengine helicopters provided that engine isolation design features are incorporated to assure continued operation of the remaining engines. (See § 6.741 (f).)

§ 6.716 *Rotorcraft weight and center of gravity limitations.* The rotorcraft weight and center of gravity limitations to be established are those required to be determined by §§ 6.101 and 6.102.

§ 6.717 *Minimum flight crew.* The minimum flight crew shall be established by the Administrator as that number of persons which he finds necessary for safety in the operations authorized under § 6.718. This finding shall be based upon the workload imposed upon individual crew members with due consideration given to the accessibility and the ease of operation of all necessary controls by the appropriate crew members.

§ 6.718 *Types of operation.* The type of operation to which a rotorcraft is limited shall be established on the basis of flight characteristics and the equipment installed. (See the operating parts of this subchapter.)

§ 6.719 *Maintenance manual.* The applicant shall furnish with each rotorcraft a maintenance manual to contain information which he considers essential for the proper maintenance of the rotorcraft. The maintenance manual shall include recommended limits on service life or retirement periods for major components of the rotorcraft. Such components shall be identified by serial number or by other equivalent means.

MARKINGS AND PLACARDS

§ 6.730 *General.* (a) The markings and placards specified in §§ 6.731 through 6.738 are required for all rotorcraft.

(b) Markings and placards shall be displayed in conspicuous places and shall be such that they cannot be easily erased, disfigured, or obscured.

(c) Additional information, placards, and instrument markings having a direct and important bearing on safe operation of the rotorcraft shall be required when unusual design, operating, or handling characteristics so warrant.

§ 6.731 *Instrument markings; general.* (a) When markings are placed on the cover glass of the instrument, provision shall be made to maintain the correct alignment of the glass cover with the face of the dial.

(b) All arcs and lines shall be of sufficient width and so located that they are clearly visible to the pilot.

§ 6.732 *Air-speed indicator.* Instrument indications shall be in terms of indicated air speed. The markings set forth in paragraphs (a) through (c) of this section shall be used to indicate to the pilot the maximum and minimum permissible speeds and the normal precautionary operating ranges. (See §§ 6.612 (a), 6.710, 6.711, 6.712, 6.713, and 6.715.)

(a) A red radial line shall be used to indicate the limit beyond which operation is dangerous.

(b) A yellow arc shall be used to indicate the precautionary operating range.

(c) A green arc shall be used to indicate the safe operating range.

§ 6.733 *Magnetic direction indicator.* A placard shall be installed on or in close proximity to the magnetic direction indicator which shall comply with the requirements of paragraphs (a) through (c) of this section. (See § 6.612 (c).)

(a) The placard shall contain the calibration of the instrument in a level flight attitude with engine(s) operating.

(b) The placard shall state whether the calibration was made with radio receiver(s) on or off.

(c) The calibration readings shall be in terms of magnetic headings in not greater than 45° increments.

§ 6.734 *Powerplant instruments; general.* All required powerplant instruments shall be marked in accordance with paragraphs (a) through (c) of this section. (See § 6.613.)

(a) The maximum and the minimum (if applicable) safe operation limits shall be marked with red radial lines.

(b) The normal operating ranges shall be marked with a green arc not extending beyond the maximum and minimum safe operational limits.

(c) The take-off and precautionary ranges shall be marked with a yellow arc.

§ 6.735 *Oil quantity indicator.* Oil quantity indicators shall be marked in sufficient increments to indicate readily and accurately the quantity of oil. (See § 6.613 (d).)

§ 6.736 *Fuel quantity indicator.* When the unusable fuel supply for any tank exceeds 1 gallon or 5 percent of the tank capacity, whichever is greater, a red arc shall be marked on the indicator extending from the calibrated zero reading to the lowest reading obtainable in the level flight attitude. (See §§ 6.421 and 6.613 (b).) A notation in the Rotorcraft Flight Manual shall be made to indicate that the fuel remaining in the tank when the quantity indicator reaches zero is not usable in flight. (See § 6.741 (g).)

§ 6.737 *Control markings*—(a) *General.* All cockpit controls including those referred to in paragraphs (b) and (c) of this section shall be plainly marked as to their function and method of operation. (See § 6.353.)

(b) *Powerplant fuel controls.* The powerplant fuel controls shall be marked in accordance with subparagraphs (1) through (4) of this paragraph.

(1) Controls for fuel tank selector valves shall be marked to indicate the position corresponding with each tank with all existing cross-feed positions.

(2) When more than one fuel tank is provided, and if safe operation depends upon the use of tanks in a specific sequence, the fuel tank selector controls shall be marked adjacent to or on the control to indicate to the flight personnel the order in which the tanks must be used.

(3) On multiengine rotorcraft, controls for engine valves shall be marked to indicate the position corresponding with each engine.

(4) The capacity of each tank shall be indicated adjacent to or on the fuel tank selector control.

(c) *Accessory and auxiliary controls.* Accessory and auxiliary controls shall be marked in accordance with subparagraphs (1) and (2) of this paragraph.

(1) Where visual indicators are essential to the operation of the rotorcraft (such as a rotor pitch or retractable landing gear indicator), they shall be marked in such a manner that the crew members at all times can determine the position of the unit.

(2) Emergency controls shall be colored red and shall be marked to indicate their method of operation.

§ 6.738 *Miscellaneous markings and placards*—(a) *Baggage compartments and ballast location.* Each baggage and cargo compartment as well as the ballast location shall bear a placard stating the maximum allowable weight of contents and, if applicable, any other limitation on contents found necessary due to loading requirements. When the maximum permissible weight to be carried in a seat is less than 170 pounds (see § 6.101 (b) (4)), a placard shall be permanently attached to the seat structure stating the maximum allowable weight of the occupant to be carried.

(b) *Fuel and oil filler openings.* The information required by subparagraphs (1) and (2) of this paragraph shall be marked on or adjacent to the appropriate filler cover.

(1) The word "fuel", the minimum permissible fuel octane number for the engines installed, and the usable fuel tank capacity. (See § 6.423 (c).)

(2) The word "oil" and the oil tank capacity. (See § 6.441 (e).)

(c) *Emergency exit placards.* Emergency exit placards and operating controls shall be colored red. A placard shall be located adjacent to the controls which clearly indicates the location of the exit and the method of operation. (See § 6.357.)

(d) *Operating limitation placard.* A placard shall be provided in clear view of the pilot stating: "This (helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the CAA approved Rotorcraft Flight Manual."

(e) *Safety equipment.* (1) Safety equipment controls which the crew is expected to operate in time of emergency, such as flares, automatic life raft releases, etc., shall be plainly marked as to their method of operation.

(2) When fire extinguishers and signaling and other life-saving equipment are carried in lockers, compartments, etc., these locations shall be marked accordingly.

ROTORCRAFT FLIGHT MANUAL

§ 6.740 *General.* (a) A Rotorcraft Flight Manual shall be furnished with each rotorcraft, except that a Rotorcraft Flight Manual is not required for helicopters certificated under this part; instead, the information prescribed in this part for inclusion in the Rotorcraft Flight Manual shall be made available to the operator by the manufacturer in the form of clearly stated placards, markings, or manuals. If all of the operating limitations are not included in the form of placards and markings on the helicopter then the portion of the manual supplied by the manufacturer containing the operating limitations prescribed in § 6.741 shall be approved and furnished with each helicopter.

(b) The portions of the manual listed in §§ 6.741 through 6.744 as are appropriate to the rotorcraft shall be verified and approved and shall be segregated, identified, and clearly distinguished from portions not so approved.

(c) Additional items of information having a direct and important bearing on safe operation shall be required when unusual design, operating, or handling characteristics so warrant.

§ 6.741 *Operating limitations.* The operating limitations set forth in paragraphs (a) through (g) of this section shall be furnished with each rotorcraft.

(a) *Air-speed and rotor limitations.* Sufficient information shall include the information necessary for the marking of the limitations on or adjacent to the indicators as required. (See § 6.732.) In addition, the significance of the limitations and of the color coding used shall be explained.

(b) *Powerplant limitations.* Information shall be included to outline and to explain all powerplant limitations (see § 6.714) and to permit marking the instruments as required by §§ 6.734 through 6.736.

(c) *Weight and loading distribution.* The rotorcraft weights and center of gravity limits required by §§ 6.101 and 6.102 shall be included, together with the items of equipment on which the empty weight is based. Where the variety of possible loading conditions warrants, instructions shall be included to facilitate observance of the limitations.

(d) *Flight crew.* When a flight crew of more than one is required, the number and functions of the minimum flight crew determined in accordance with § 6.717 shall be described.

(e) *Type of operation.* The type(s) of operation(s) shall be listed for which the rotorcraft and its equipment installations have been approved. (See § 6.718.)

(f) *Limiting heights.* Sufficient information shall be included to outline the limiting heights and corresponding speeds for safe landing after power failure. (See § 6.715.)

(g) *Unusable fuel.* If the unusable fuel supply in any tank exceeds one gallon or 5 percent of the tank capacity, whichever is the greater, warning shall be provided to indicate to the flight personnel that the fuel remaining in the tank when the quantity indicator reads zero cannot be used safely in flight. (See § 6.421.)

§ 6.742 *Operating procedures.* The section of the manual devoted to operating procedures shall contain information concerning normal and emergency procedures and other pertinent information, including take-off and landing procedures and their appropriate air speeds, peculiar to the rotorcraft's operating characteristics which are necessary for safe operation.

§ 6.743 *Performance information.* Information relative to the items of performance set forth in paragraphs (a) and (b) of this section shall be included.

(a) The steady rates of climb and hovering ceilings together with the corresponding air speeds and other pertinent information, including the calculated effect of altitude and temperature. (See §§ 6.112 and 6.113.)

(b) Maximum wind allowable for safe operation near the ground. (See § 6.121 (d).)

§ 6.744 *Marking and placard information.* (See § 6.730.)

ROTORCRAFT IDENTIFICATION DATA

§ 6.750 *Identification plate.* A fireproof identification plate shall be securely attached to the structure in an accessible location where it will not likely be defaced during normal service. The identification plate shall not be placed in a location where it might be expected to be destroyed or lost in the event of an accident. The identification plate shall contain the identification data required by § 1.50 of this subchapter.

§ 6.751 *Identification marks.* The nationality and registration marks shall be permanently affixed in accordance with § 1.100 of this subchapter.

[F. R. Doc. 56-10455; Filed, Dec. 21, 1956; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

ADDITIONAL EXEMPTIONS AND REVISION OF NORTHERN ADIZ

The Department of Defense has advised the Administrator that compliance with Part 620 for certain international flights proceeding outbound from the United States, or domestic flights proceeding outbound from the Eastern or Western Defense Areas, will not be necessary for the security control of air traffic on or after January 1, 1957. In addition, the Administrator has also been advised that the portion of the Northern ADIZ west of 121°00′ W., may be eliminated on the same date.

Part 620 is hereby amended to exempt flights outbound through an ADIZ, and to delete the appropriate portion of the Northern ADIZ. A minor typographical error in § 620.10 is also being corrected at this time.

Since a military function of the United States is involved and the amendment constitutes a relaxation of the present requirements, compliance with the notices, procedures and effective date provisions of section 4 of the Administrative Procedure Act is not required.

1. Amend § 620.10 by changing the word "and" to "an".

2. Amend subdivisions (i) through (iv) of § 620.13 (c) (2) to read as follows:

(c) *Areas or routes excepted.* • • •

(2) *Continental United States.* (i) A flight originating within the Eastern or Western Defense Area which maintains an outbound track into or through a contiguous ADIZ.

(ii) A flight originating within the Eastern, Western or Presque Isle ADIZ which maintains an outbound track which will come no closer to the contiguous Defense Area than the point of origin.

(iii) A flight originating within the Northern ADIZ which maintains an outbound track toward or across the United States-Canadian Border.

(iv) A flight originating within or overflying the Central Open Area which maintains an outbound track into or through the Northern ADIZ or Southern Border ADIZ without penetrating the Eastern ADIZ or Western ADIZ toward the associated Defense Area.

3. Amend § 620.21 (a) to read as follows:

§ 620.21 *Domestic ADIZ's*—(a) *Northern (Domestic) ADIZ.* The area bounded by a line from the United States-Canadian Border at 121°00′ W., eastward along the U. S.-Canadian Border to 47°10′ N., 85°31′ W.; 46°51′ N., 94°00′ W.; 47°10′ N., 96°17′ W.; 48°00′ N., 99°00′ W.; to 48°00′ N., 121°00′ W.; to U. S.-Canadian Border at 121°00′ W. (point of beginning).

(Sec. 1203, 64 Stat. 825; 49 U. S. C. 703. Interpret or apply secs. 1201–1204, 64 Stat. 825; 49 U. S. C. 701–704)

This amendment shall become effective January 1, 1957.

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 56–10402; Filed, Dec. 21, 1956; 8:45 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 138–56]

PART 5—ADMINISTRATION OF THE FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

REVISION OF PART

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of November 21, 1956 (21 F. R. 9059), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were set out in full the terms of proposed revisions to Part 5, Chapter I, Title 28, of the Code of Federal Regulations, relating to the issuance of rules governing the administration of the Foreign Agents Registration Act of 1938, as amended. No representations were received concerning the proposed amendments. The amendatory regulations, as set out below, are hereby adopted. The adopted regulations are the same as set out in the notice.

Part 5 is amended to read as follows:

Sec.
5.1 Administration of act assigned to Registration Section.
5.2 Inquiries concerning application of act.
5.3 Act and rules and regulations to be considered together.
5.4 Computation of time.
5.5 Effect of compliance with act; other laws.
5.6 Persons outside the United States.
5.100 Definitions.
5.200 Filing of registration statement.
5.201 Time within which registration statement must be filed.
5.202 Separate registration by each person required to register; short-form registration.
5.203 Original registration forms.
5.204 Exhibits.
5.205 Information relating to collection of funds.
5.206 Information relating to transmission of funds.
5.207 Six month supplements under section 2 (b) of act.
5.208 Language and wording of registration statements.
5.209 Execution under oath; form of document.
5.210 Incorporation by reference; inserts.
5.250 Amendments.
5.260 Termination of registration.
5.261 Activities which become exempt subsequent to registration.
5.300 Burden of establishing availability of exemptions.
5.301 Exemption under section 3 (a) of the act.
5.302 Exemptions under sections 3 (b) and (c) of the act.
5.303 Exemptions under sections 3 (d) and (e) of the act.
5.400 Filing of political propaganda.
5.401 Dissemination report.
5.402 Labeling political propaganda.
5.403 Political propaganda transmitted by person other than agent of a foreign principal.
5.500 Maintenance of books and records.
5.501 Inspection of books and records.
5.600 Public examination of records.
5.601 Sale of copies of records.

AUTHORITY: §§ 5.1 to 5.601 issued under sec. 2, 52 Stat. 632, as amended; 22 U. S. C. 612.

NOTE: In §§ 5.1 to 5.601 the numbers to the right of the decimal point correspond to the rule numbers in the Attorney General's Order No. 138 of December 13, 1956.

§ 5.1 *Administration of act assigned to Registration Section.* The administration of the act is assigned to the Registration Section of the Internal Security Division, Department of Justice, Washington 25, D. C. Copies of the act, the rules and regulations, and forms may be obtained upon request, without charge. [Rule 1]

§ 5.2 *Inquiries concerning application of act.* Inquiries concerning the application of the act shall be accompanied by a detailed statement of all facts necessary for a determination of the question submitted, including the identity of the agent, the nature of his activities on behalf of each foreign principal, any activities on his own behalf, and on behalf of any other person, by reason of which registration may be required, the identity of each foreign principal, and an outline of any agreement or agreements under which the agent is acting. [Rule 2]

§ 5.3 *Act and rules and regulations to be considered together.* In determining any question concerning the application of the act to any person, the rules and regulations in this part shall be considered together with the provisions of the act. The rules and regulations in this part shall not be construed to limit the act or to define its full scope or application. [Rule 3]

§ 5.4 *Computation of time.* Sundays and holidays shall be counted in computing any period of time provided for in the act or in the rules and regulations in this part. [Rule 4]

§ 5.5 *Effect of compliance with act; other laws.* (a) Compliance with the requirements of the act shall not remove the necessity of complying with any other Federal or State law.

(b) Compliance with any other law shall not remove the necessity of fulfilling the requirements of this act. [Rule 5]

§ 5.6 *Persons outside the United States.* Any person not within the United States who uses the United States mails, or any means or instrumentality of interstate or foreign commerce, within the United States to circulate or disseminate political propaganda to addressees who have not ordered, subscribed to, or otherwise solicited such material shall be regarded as acting within the United States and as subject to sections 2 and 4 of the act. [Rule 6]

§ 5.100 *Definitions.* (a) As used in this part, unless the context otherwise requires:

(1) The term "act" means the Foreign Agents Registration Act of 1938, as amended (22 U. S. C. 611–621).

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Secretary of State" means the Secretary of State of the United States.

(4) The term "Registration Section" means the Registration Section of the Internal Security Division, Department of Justice, Washington, D. C.

(5) The term "rules and regulations" refers to all rules, regulations, registration forms, and instructions on forms made and prescribed by the Attorney General pursuant to the act.

(6) The term "registrant" means the person by whom a registration statement is filed pursuant to the provisions of the act.

(7) The term "original registration statement" means the statement required to be filed with the Attorney General under section 2 (a) of the act.

(8) The term "supplemental statement" means the statement required to be filed with the Attorney General under section 2 (b) of the act at intervals of six months following the date of filing of the original registration statement.

(9) The term "final statement" means the statement required to be filed with the Attorney General following the termination of the registrant's obligation to register.

(10) The term "political propaganda" includes only political propaganda as defined in section 1 (j) of the act, which is in the form of prints, speeches, broadcasts, telecasts, or in any other form reasonably adapted to being, and which there is reason to believe will be, or is intended to be, circulated or disseminated among two or more persons.

(11) The term "political activity" includes, but shall not be limited to, any of the following:

(i) Circulating or disseminating any political propaganda within the meaning of subparagraph (10) of this paragraph.

(ii) Furnishing information or advice to, or in any way representing, a foreign principal with respect to any matter pertaining to political or public interests, policies, or relations of any foreign government or foreign political party, or the political interests of such foreign principal, or engaging in other activities in furtherance of such political or public interests, policies, or relations.

(iii) Directly or indirectly, furnishing, publishing, or disseminating, whether or not pursuant to contractual relationship or authorization, any matter described in section 1 (h) or 1 (i) of the act, which is reasonably adapted to being, and which the person so furnishing, publishing, or disseminating, has reason to believe will be, or intends to be, used in furtherance of the interests of any government of a foreign country, or any foreign political party, or as a basis for, or in the dissemination or circulation of, political propaganda.

(iv) Engaging on behalf of, or in the interests of, a foreign government or foreign political party, in activities or duties as, or performing the functions of, a security or an intelligence officer of a foreign government or foreign political party.

(v) Engaging in any military activity on behalf of, or in the interests of, any foreign government or foreign political party.

(vi) Engaging in any activity to influence the enactment or repeal of any legislation affecting the political or public interests, policies, or relations of a foreign government, a foreign political party, or a foreign principal, or affecting the foreign policies or relations of the United States.

(vii) Engaging in any activity devoted, in whole or in part, to the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof.

(viii) Directly or indirectly, reporting or transmitting to any foreign principal any information the publication, dissemination, or transmission of which is forbidden or restricted in the interests of the national defense by the regulations or codes of practice which may be in effect from time to time by an agency of the Government of the United States.

(b) As used in sections 1 (b) (2), 2 (a) (2), and 2 (a) (3) of the act, the terms "control" and "controlled" include the possession or the exercise of the power, directly or indirectly, to determine the policies or the conduct of a person, whether through the ownership of voting securities or by contract or otherwise.

(c) A person shall be considered an officer or member of the active or reserve military, naval, or other armed forces of a foreign government or foreign political party within the meaning of section 1 (c) (4) of the act if:

(1) He has received a commission as such from any foreign government or foreign political party, and has not in good faith resigned such commission and in good faith renounced his allegiance to such foreign country or foreign political party;

(2) He has received military training in, or rendered service to, any such military, naval, or other armed forces and by reason thereof, or for any other reason, is considered by law or regulations governing such forces to be an officer or member, and has not in good faith renounced his allegiance to such foreign country or foreign political party. No person shall be regarded as having in good faith resigned any such commission, or in good faith renounced such allegiance, if since having last so resigned or renounced he has, directly or indirectly, affiliated himself with such armed forces, or has, directly or indirectly, recognized an obligation to serve in such armed forces, or has engaged in any political activity as defined in paragraph (a) (11) of this section on behalf of, or in the interest of, any foreign government or political party.

(d) A person shall be considered an officer or employee of a foreign government or foreign political party within the meaning of section 1 (c) (4) of the act, whether or not he receives any form of remuneration or reimbursement, if he holds any office or employment in such a government or political party, and has not in good faith resigned such position, or in good faith terminated the performance of such duties. No person shall be regarded as having in good faith resigned such position, or in good faith terminated such duties, if since last having purportedly resigned such position, or purportedly terminated such duties, he has, directly or indirectly, performed any of the functions of, or acted as, an officer or employee of such foreign government or foreign political party. [Rule 100]

§ 5.200 *Filing of registration statement.* Registration statements shall be filed in duplicate with the Registration Section, Department of Justice, Washington 25, D. C. Filing may be done in person or by mail, and shall be deemed to have taken place upon the receipt thereof by the Registration Section. [Rule 200]

§ 5.201 *Time within which registration statement must be filed.* (a) Except as hereinafter provided, every person who becomes subject to the registration provisions of the act shall file an original registration statement within ten days after the day on which the obligation to register arises.

(b) Upon the filing of an application in writing setting forth that a registration statement cannot be filed within the times set out in paragraph (a) of this section, or that the requirements of that paragraph would impose undue hardship, the Chief, Registration Section, may extend the time within which a registration statement shall be filed for such period as will reasonably permit compliance with the registration requirements of the act and this part. Applications filed pursuant to this paragraph shall set forth the reasons why the filing of a registration statement within the time specified cannot be complied with or why it would create an undue hardship. [Rule 201]

§ 5.202 *Separate registration by each person required to register; short-form registration.* (a) Except as hereinafter provided, the filing of a registration statement by a corporation, partnership, association or other combination of individuals, shall not remove the necessity of filing a registration statement by individual members, employees, associates, and affiliates of such registrant who are required to register under the act.

(b) Unless otherwise determined by the Chief, Registration Section, officers, directors, partners, associates, and em-

ployees of a corporation, partnership, association, or other combination of individuals, which has filed a registration statement under the act, may discharge their obligation to file a separate registration statement by filing a short-form registration statement on the form prescribed therefor.

(c) Unless otherwise determined by the Chief, Registration Section, all persons who render any services or assistance to the registrant in other than a clerical or secretarial capacity, with or without compensation, for or in the interests of the registrant's foreign principal shall file a short-form registration statement.

(d) Any change affecting the information furnished in a short-form registration statement pursuant to clauses (3), (4), (6), and (9) of section 2 (a) of the act shall be reported to the Chief, Registration Section, within ten days after the occurrence of such change.

(e) Whenever notice of a change in the information furnished in a short-form registration statement is given pursuant to paragraph (d) of this section, the Chief, Registration Section, may require the filing of a new short-form registration statement to reflect such change. [Rule 202]

§ 5.203 *Original registration forms.* Every person required to register shall file a registration statement in duplicate on Form FA–1, or on Form FA–2, or on the short-form registration statement designated as Form FA–4. Form FA–1 shall be used by agents who are individuals. Form FA–2 shall be used by corporations, partnerships, organizations, associations, or other combinations of individuals. Form FA–4 shall be used by individuals who file a short-form registration statement in support of a statement filed either on Form FA–1 or FA–2. [Rule 203]

§ 5.204 *Exhibits.* Original registration statements filed on Form FA–1 or FA–2 require the filing of certain exhibits, in duplicate, among which are the following:

(a) Exhibit B, which consists of a copy of the agreement, arrangement, or authorization (or, if not in writing, a written description thereof) pursuant to which the registrant is acting for or receiving funds from each of his foreign principals. No printed form is provided for this exhibit.

(b) Exhibit C, which requires the disclosure of information with respect to foreign principals. A printed form is provided for Exhibit C and copies will be furnished upon request. If an agent represents more than one foreign principal, or performs any political activity as defined in § 5.100 (a) (11) on behalf of persons other than foreign principals, an Exhibit C shall be filed for each such foreign principal or other person for whom registration is required.

(c) Exhibit D, which consists of a copy of the charter, constitution, bylaws, or other instruments of organization in the event the registrant is a non-business organization.

(d) Exhibit E, which consists of a copy of all publications which come within the meaning of the term "political propaganda" as defined in section 1 (j) of the act, and which were prepared or distributed by the registrant or by others for the registrant.

(e) Exhibit F, which consists of a copy of the agreement or arrangement (or, if not in writing, a written description) between the registrant and each business firm or other organization responsible for the preparation of publications distributed by the registrant or by others for the registrant. [Rule 204]

§ 5.205 *Information relating to collection of funds.* (a) Every registrant who receives or collects within the United States contributions, income, money, or thing of value, for or in the interest of his foreign principal shall file a statement showing the names and addresses of persons so contributing, and the amount of funds or value of the thing contributed by each.

(b) Every registrant receiving contributions, income, money, or thing of value from his foreign principal shall report full details with respect to the form and time of each such payment, and fully identify such foreign principal from whom this payment was received. [Rule 205]

§ 5.206 *Information relating to transmission of funds.* Every registrant who transmits to his foreign principal contributions, income, money, or thing of value received in the interest of the foreign principal shall report the amount of funds or the value of the thing transmitted and the manner and time of transmission. [Rule 206]

§ 5.207 *Six month supplements under section 2 (b) of act.* (a) Every registrant other than those who file a short-form registration statement shall file in duplicate a six month supplemental statement to his original registration pursuant to section 2 (b) of the act. Supplements to Form FA–1 shall be filed on Form FA–1–6M. Supplements to Form FA–2 shall be filed on Form FA–2–6M.

(b) A supplemental statement shall be filed notwithstanding the fact that the registrant did not engage in any activity in the interest of his foreign principal during the period covered by the statement, so long as the agency relationship continues during said period. [Rule 207]

§ 5.208 *Language and wording of registration statements.* (a) All forms, statements, notices, supplements, amendments, and other documents, shall be filed in English whenever possible. If filed in a foreign language, they shall be accompanied by an English translation certified under oath by the translator before a notary public, or other person authorized by law to administer oaths for general purposes, as a true and accurate translation.

(b) All answers to items on the forms shall be so worded as to be complete and intelligible, without the necessity of referring to the instructions accompanying the particular form, or to the rules and regulations in this part.

(c) Except as specifically provided otherwise, if any item on any form is inapplicable or the answer is "None," an express statement to such effect shall be made. [Rule 208]

§ 5.209 *Execution under oath; form of document.* (a) Every form, statement, notice, supplement, and amendment, and every duplicate thereof, shall be executed under oath in the manner set forth in section 2 (c) of the act.

(b) Every form, statement, notice, supplement, and amendment shall be typewritten whenever practicable, but will be regarded as complying with the act and the rules and regulations in this part if written legibly in ink.

(c) Duplicates of any of the documents designated in paragraphs (a) and (b) of this section shall be of the same size as the original, shall be clear and easily read, and may be made by any of the duplicating processes. [Rule 209]

§ 5.210 *Incorporation by reference; inserts.* (a) Matter contained in any part of a registration statement may be incorporated by reference as an answer, or partial answer, to any item in the registration statement. In each case of incorporation by reference the matter incorporated shall be clearly identified in the reference. An express statement shall be made to the effect that the specified matter is incorporated in the registration statement at the particular place where the information is required. However, the Chief, Registration Section, may refuse to permit such incorporation in any case in which, in his judgment, such incorporation would render the registration statement incomplete or ambiguous. Each supplemental statement shall be complete in and of itself and answers to items in a supplemental statement may not be made by reference to answers given in a previous statement or supplement.

(b) Inserts or riders shall not be used. If the space provided on any form for the answer to any item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and the wording of the item shall be restated and the complete answer given. [Rule 210]

§ 5.250 *Amendments.* (a) An amended statement may be required by the Chief, Registration Section, of any person subject to the registration provisions of the act whose original registration, supplemental, or final statement filed pursuant thereto is deemed to be incomplete, inaccurate, false, or misleading.

(b) Amendments shall conform in all respects to the regulations in this part governing the execution and filing of registration statements.

(c) Amendments shall in every case make appropriate reference by number or otherwise to the items in statements to which they relate.

(d) Amendments shall be deemed to be filed upon their receipt by the Registration Section.

(e) Failure of the Chief, Registration Section, to request any person who has

filed an original registration, supplemental, or final statement to file an amended statement shall not preclude prosecution of such person for a wilfully false statement of a material fact, the wilful omission of a material fact, or the wilful omission of a material fact necessary to make statements therein not misleading, in such original registration, supplemental, or final statement.

(f) Notices pursuant to section 2 (b) of the act of changes in information furnished in an original registration or supplemental statement in accordance with clauses (3), (4), (6), and (9) of section 2 (a) of the act shall be by amendment, and shall be filed with the Registration Section within ten days after such changes occur. [Rule 250]

§ 5.260 *Termination of registration.* (a) Every registrant shall, within thirty days after the termination of the obligation to register, file a final statement with the Registration Section for the final period of the agency relationship not covered by any previous statement.

(b) Registration under the act shall be terminated only upon receipt by the Registration Section of a final statement which is deemed acceptable by the Chief, Registration Section. [Rule 260]

§ 5.261 *Activities which become exempt subsequent to registration.* A registrant whose activities on behalf of a foreign principal, subsequent to the filing of a registration statement, become confined to those for which an exemption under section 3 of the act is available, may file a final statement, notwithstanding the continuance of the agency relationship with a foreign principal. [Rule 261]

§ 5.300 *Burden of establishing availability of exemptions.* In all matters pertaining to exemptions, the burden of establishing the availability of the exemption shall rest upon the person for whose benefit the exemption is claimed. [Rule 300]

§ 5.301 *Exemption under section 3 (a) of the act.* The exemption provided by section 3 (a) of the act shall apply to diplomatic officers duly accredited to the Government of the United States and to consular officers who, after appointment by their governments, have received formal recognition as such from the Secretary of State, whether such recognition is provisional or by exequatur. The exemption is available, however, only while such diplomatic or consular officers are engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officers. [Rule 301]

§ 5.302 *Exemptions under sections 3 (b) and (c) of the act.* (a) The exemption provided by section 3 (b) of the act shall apply only to officials of foreign governments which are recognized by the United States who have filed a fully executed Notification of Status with a Foreign Government.

(b) The exemption provided by section 3 (c) of the act shall apply only to members of the staff of, and persons employed by, duly accredited diplomatic or consular officers of foreign governments who are so recognized by the Department of State and who have filed a fully executed Notification of Status with a Foreign Government.

(c) The exemption provided by sections 3 (b) and (c) of the act shall not be regarded as available to any person described in paragraphs (a) and (b) of this section if:

(1) He engages in any activities which are not recognized by the Department of State as being within the scope of his functions;

(2) He, directly or indirectly, circulates or disseminates any political propaganda within the United States, or to any other American republic;

(3) He acts, or has agreed to act, as a security or an intelligence officer, or acts, or has agreed to act, in a related or similar capacity;

(4) He is employed, directly or indirectly, in furnishing information or advice pertaining to political or public interests, policies, or relations (including information or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any foreign country, the government of any foreign country or any foreign political party) to any person other than officials of his government, the Government of the United States, or any other government which shall not be at war with the United States, and which is not aiding, or dominated by, any government at war with the United States or any of her Allies; or

(5) He, directly or indirectly, reports or transmits to any foreign principal any information the publication, dissemination, or transmission of which is forbidden or restricted in the interest of the national defense by laws, regulations or codes of practice which may be in effect from time to time by an agency of the Government of the United States.

(d) In no event shall the exemption provided by section 3 (b) of the act be available to any citizen of the United States. [Rule 302]

§ 5.303 *Exemptions under section 3 (d) and (e) of the act.* (a) Except as provided in paragraph (b) of this section, no person shall be regarded as being engaged, or as having agreed to engage, only

(1) In private, nonpolitical, financial, mercantile, or other activities in furtherance of the bona fide trade or commerce of a foreign principal (as provided in section 3 (d) of the act), or

(2) In the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the provisions of the act of November 4, 1939, as amended (54 Stat. 8), and such rules and regulations as may be prescribed thereunder (as provided in section 3 (d) of the act), or

(3) In activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts (as provided in section 3 (e) of the act), if he engages in any political activity as defined in § 5.100 (a) (11) on behalf of a foreign principal, on his own behalf, or on behalf of any other person, or engages in any other nonexempt activity.

(b) Any person who is an agent of a news service, radio news service, photo news service, or press service or organization, organized under the laws of or having its principal place of business in a foreign country, or who is an agent of a newspaper, magazine, periodical or other publication published by a foreign principal, shall be regarded as exempt under the provisions of section 3 (d) of the act with respect to his activities as such agent if, and so long as, his political activity, as defined in § 5.100 (a) (11), is confined to:

(1) Gathering and reporting information which is reasonably adapted to being, and which he intends to be, used by his principal solely for news purposes, and not for the purpose of disseminating political propaganda;

(2) Broadcasting or writing for publication within the United States, concerning which the Registration Section has previously been notified in writing, or the making of extemporaneous oral communications, which broadcasts, writings, or communications are not intended for the purpose of disseminating political propaganda;

However, such agent shall not be regarded as exempt under the provisions of section 3 (d) of the act if:

(i) Any of the activities of the agent are performed for, or directed by, any foreign government or foreign political party;

(ii) The foreign principal is owned or subsidized, in whole or in part, by, or any of its activities are directed by, any foreign government or foreign political party;

(iii) The foreign principal is any such service or association organized under the laws of, or having its principal place of business in, or any such publication printed in, any foreign country with which the United States is at war, or any foreign country allied with, or occupied or dominated by, any such country; or

(iv) The agent engages in any activity set out in § 5.100 (a) (11) (iv) or (viii).

(c) This section shall not be construed as fully defining the several activities which, if engaged in, make the exemption under section 3 (d) of the act unavailable.

(d) As used in this section, the term "trade or commerce" shall include the exchange, transfer, purchase, or sale of commodities, services, or property of any kind. [Rule 303]

§ 5.400 *Filing of political propaganda.* (a) A single copy of each item of political propaganda required to be filed with the Attorney General under section 4 (a) of the act shall be filed with the Registration Section.

(b) Filing may be done in person or by mail, and shall be deemed to have taken place upon receipt of such copy by the Registration Section.

(c) Where an item of political propaganda has been filed pursuant to section 4 (a) of the act, it shall not be necessary, in the event of further dissemination of the same material, to forward additional copies thereof either to the Registration Section or the Library of Congress. [Rule 400]

§ 5.401 *Dissemination report.* (a) There shall be attached to each item of political propaganda required to be filed with the Registration Section a dissemination report setting forth the following:

(1) A concise account of the nature of the propaganda material filed.

(2) The medium by which such material has been transmitted.

(3) All addresses from which such material has been transmitted.

(4) The date or dates on which such material has been transmitted.

(5) The approximate number of copies transmitted.

(6) The states, territories, and other places subject to the jurisdiction of the United States and any other American republics to which such material has been transmitted.

(7) The approximate number of persons to each of whom less than one hundred and more than ten copies were transmitted.

(8) The approximate number of persons to each of whom more than one hundred copies were transmitted.

(9) The approximate number of libraries, educational institutions, press services or associations, newspapers or other publications, and public officials to which such material was transmitted.

(10) The nationality groups to which such material was transmitted.

(11) The names and addresses of all persons who are engaged in publishing printed matter in a language other than English, and to whom such material was transmitted.

(12) If such material is radio or television script, any part of which has been written or edited by, or at the direction of, the agent of a foreign principal, the names of the radio or television stations which made use of this script, the name of the broadcasting or televising system used, if any, and the date or dates when such script was used.

(13) Such additional information with respect to the places, times, and extent of such transmittal, as the Chief, Registration Section, having due regard for the national security and public interest, may require.

(b) Information may not be incorporated in a dissemination report by reference to information submitted in a report previously filed.

(c) Filing of a dissemination report may be done in person or by mail, and shall be deemed to have taken place upon the receipt of the report by the Registration Section.

(d) In the event of subsequent dissemination or circulation of the same item of political propaganda, a dissemination report furnishing information in the detail outlined in paragraph (a) of this section shall be filed with the Registration Section concerning such additional circulation or dissemination. Whenever additional dissemination or circulation is to be made over a period of time, a dissemination report may be rendered monthly for as long as such dissemination or circulation continues. [Rule 401]

§ 5.402 *Labeling political propaganda.* (a) Except as hereinafter provided, every item of political propaganda required to be filed under section 4 (a) of the act, shall be marked or stamped conspicuously at the beginning of such item with a statement in the language or languages used therein, setting forth the following:

(1) The name and address of the agent of a foreign principal transmitting or causing the material to be transmitted.

(2) That such agent has filed with the Registration Section, Department of Justice, Washington, D. C., a registration statement which is available for public inspection.

(3) That the distribution being made is on behalf of, or in the interest of, a specified foreign principal or principals.

(4) That a copy of the material being distributed has been, or is being, filed with the Registration Section.

(5) That the filing of a registration statement with the Registration Section is not to be regarded as an indication that the United States Government has approved the material being transmitted.

(b) All political propaganda which is televised, radio broadcast, or otherwise orally transmitted by an agent of a foreign principal through an instrumentality of interstate or foreign commerce shall be introduced by a statement which is reasonably adapted to convey to the viewers or listeners thereof the information outlined in subparagraphs (1) through (5) of paragraph (a) of this section.

(c) Every still or motion picture film which carries political propaganda required to be labeled under section 4 (b) of the act shall contain at the beginning of such film a statement which is reasonably adapted to convey to the viewers thereof the information outlined in subparagraphs (1) through (5) of paragraph (a) of this section. [Rule 402]

§ 5.403 *Political propaganda transmitted by person other than agent of a foreign principal.* (a) An agent of a foreign principal who is required to register under the provisions of the act shall be deemed to cause political propaganda to be transmitted in the United States mails or by a means or instrumentality of interstate or foreign commerce, within the meaning of section 4 of the act, if such propaganda is disseminated or caused to be disseminated by such agent, knowing, intending or having reason to believe that it will be, and thereafter it actually is, so transmitted in whole or in part either in the same or in a different form by any person.

(b) Whenever political propaganda is transmitted in the manner described in paragraph (a) of this section by a person who is not directly or indirectly affiliated or associated with, or supervised, directed, controlled, financed, or subsidized in whole or in part by, the agent or any foreign principal of the agent, and the transmission of the propaganda is not subject to the direct or indirect supervision, direction, or control of, and no compensation or remuneration therefor is paid directly or indirectly by, the agent or any foreign principal of the agent, the agent shall be deemed to have complied with section 4 of the act if, at the time it is disseminated or caused to be disseminated by the agent,

(1) The political propaganda is marked or stamped to comply with section 4 of the act; and

(2) Copies of the political propaganda have been filed by the agent in accordance with section 4 of the act. [Rule 403]

§ 5.500 *Maintenance of books and records.* (a) Every person who is required to file a registration statement pursuant to section 2 (a) of the act shall keep and preserve in his possession all books and records which relate to any activities requiring his registration.

(b) Every registrant shall keep and preserve pursuant to section 5 of the act the following-described books and records:

(1) All correspondence, memoranda, cables, telegrams, teletype messages and other written communications to and from all foreign principals and all other persons, relating to the registrant's activities on behalf of, or in the interest of, foreign principals.

(2) All correspondence, memoranda, cables, telegrams, teletype messages and other written communications to and from all persons, other than foreign principals, relating to the registrant's political activity as defined in § 5.100 (a) (11), or relating to such activity on the part of any of the registrant's principals.

(3) Cryptographic paraphernalia, codebooks, cipher descriptions, and key books, or other things, used in the preparation of coded or enciphered messages or the translation thereof.

(4) Records containing the names and addresses of persons designated to receive any political propaganda as defined in § 5.100 (a) (10).

(5) All bookkeeping and other financial records relating to the registrant's activities on behalf of all foreign principals, including canceled checks, bank statements, and records of income and disbursements, showing names and addresses of all persons who have paid monies to the registrant or who have received monies from the registrant, the specific amounts so paid or received, and the date on which each item was paid or received.

(6) If the registrant is a corporation, partnership, association, or other combination of individuals, all minute books.

(7) Such books or records as will disclose the names and addresses of all employees and agents of the registrant, including persons no longer acting as employees.

(8) Such other books, records, and documents as are necessary properly to reflect the activities for which registration is required.

(c) Every registrant shall keep and preserve, pursuant to section 5 of the act, the books and records listed in paragraph (b) of this section for a period of three years following the termination of his registration under § 5.260.

(d) Upon good and sufficient cause shown in writing to the Chief, Registration Section, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed five or more years prior to the date of the application to destroy. [Rule 500]

§ 5.501 *Inspection of books and records.* Officials of the Registration Section and of the Federal Bureau of Investigation are authorized to inspect books and records pursuant to section 5 of the act. [Rule 501]

§ 5.600 *Public examination of records.* Registration statements and dissemination reports filed in accordance with section 4 (a) of the act are available for public examination at the Registration Section, Department of Justice, Washington 25, D. C., from 10:00 a. m. to 4:00 p. m. on each official business day. [Rule 600]

§ 5.601 *Sale of copies of records.* (a) Photocopies of registration statements and dissemination reports filed in accordance with section 4 of the act will be sold to the public at the rate of fifty cents a photocopy of each page whether several copies of a single original page or one or more copies of several original pages are ordered.

(b) Estimates as to prices for copies and the time required for their preparation will be furnished upon request addressed to the Registration Section.

(c) Payment shall accompany the order and shall be made in cash, or by United States postal money order or certified bank check payable to the Treasurer of the United States. Postage stamps will not be accepted. [Rule 601]

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: December 13, 1956.

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-10245; Filed, Dec. 21, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 22 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

CONFIRMATION OF COUNTRY OF ULTIMATE DESTINATION AND VERIFICATION OF ACTUAL DELIVERY

Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery*, paragraph (e) *Submission of delivery verification*, subparagraph (2) *Submission to the Bureau of Foreign Commerce* is amended to read as follows:

(2) *Submission to the Bureau of Foreign Commerce.* When notified to do so by the Bureau of Foreign Commerce, any person issued licenses covering shipments within the scope of this section shall: (i) Transmit to the foreign importer a written request for delivery verification at the time of making each shipment under the license (wherever possible, this request shall be submitted together with the related Bill of Lading or Air Waybill); (ii) obtain from the named importer a Delivery Verification which has been issued to the importer by his government covering the commodities described on the particular export license, or so much thereof (when complete shipment against the license will not be made) as the licensee will have shipped; and (iii) send the original copy of the Delivery Verification to the Bureau of Foreign Commerce within a reasonable time after clearance of the last exportation made under the license. If a Delivery Verification is required with respect to commodities covered by a license and the licensee makes partial shipments against the license, the licensee shall obtain a Delivery Verification for each partial shipment and retain it in his files until all Delivery Verifications respecting shipments against the license have been received by him. The licensee shall then send the original copies of all such Delivery Verifications to the Bureau of Foreign Commerce in one parcel.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of December 20, 1956.

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-10420; Filed, Dec. 21, 1956; 8:49 a. m.]

[1] This amendment was published in Current Export Bulletin No. 777, dated December 20, 1956.

[8th Gen. Rev. of Export Regs., Amdt. 23 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*, paragraph (b) *Nickel scrap and nickel alloy scrap* is amended by adding a new subparagraph (3) to read as follows:

(3) *Time for submission of applications.* Applications for licenses to export nickel-copper alloy scrap (including monel scrap), Schedule B No. 654502, shall be submitted in accordance with the time schedules set forth in § 373.71.

This part of the amendment shall become effective as of December 20, 1956.

2. Section 373.71 *Supplement 1; Time schedules for submission of applications to export certain Positive List commodities* is amended by adding the following entry:

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter, 1956	First quarter, 1957
654502	Nickel-copper alloy scrap (including monel scrap).	Nov. 27 to Dec. 19, 1956	Jan. 2 to Mar. 15, 1957.

3. Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Compadimex, S. A. aka Cie. D'Importation et D'Exportation, 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	10-30-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 8412, 11-2-56.
De Metz, Rene, 128 Bisschoppenhoflaan, Deurne (Antwerp), Belgium.	10-30-56	do	do	Do.
Van Der Zanden, Hendrik Frans, 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	10-30-56	do	do	Do.

b. The following entry is deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Wolf, Hans, Export-Import, Nussbaumallee 33, Berlin W. 9, Charlottenburg, Germany.	6-25-56 10-31-56	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 4036 7-3-56. 21 F. R. 8466, 11-3-56.

2. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	O.L.V. dollar-value limits	Validated license required
523110	Optical instrument glass and glass blanks, including synthetic crystal: Synthetic crystal blanks, rough and semifinished, of lithium fluoride or calcium fluoride (report optical crystals in 399098; and lenses, prisms and windows, including finished blanks, in 914730). (3) [14]	Lb.	SATE	None	RO
548098	Carbon greases and lubricants, petroleum base. (2) [14]	.....	PETR	25	RO
599099	Graphite greases and lubricants, petroleum base. (2) [14]	Lb.	CDGS	None	RO
599099	Synthetic optical crystals of lithium fluoride or calcium fluoride (report rough and semifinished blanks in 523110; and lenses, prisms and windows, including finished blanks, in 914730). (2) [14]				
619159	Metal powders: Boron and mixtures of metal powders containing 10 percent or more boron. (1) [14] [15]	Lb.	MINL	100	RO
661998	Nonferrous metals and alloys in crude form, scrap, and semi-fabricated forms, n. e. c. (specify by name): Boron metal, and alloys containing 10 percent or more boron metal, in crude forms; and mixtures containing 10 percent or more boron) report boron powder in 619159). (1) [14]	Lb.	MINL	100	RO
707550	X-ray apparatus, and parts, n. e. c.: Parts, n. e. c., specially fabricated for dosimeters, dosimeter charging units, and dosimeter charger readers not adaptable to X-ray in 910860). (3) [14]	.....	SATE	25	RO
744100	Power-driven metalworking machine tools (nonportable), and parts: Internal grinding machines, all types, having either of the following characteristics: High frequency (over 10,000 c. p. s.) spindle drive; or a spindle capable of speeds exceeding 60,000 r. p. m. (2) [13] [14]	No.	TOOL	500	RO
744100	Other internal cylindrical grinding machines as follows: centerless; automatic feed; automatic sizing; or with any other automatic features. (Specify maximum spindle speeds.) [14]	No.	TOOL	500	B
744383	Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.: Accessories and attachments, n. e. c., for machine tools, and specially fabricated parts n. e. c.: Internal grinding machine wheel spindles and spindle assemblies, all types, having either of the following characteristics: High frequency (over 10,000 c. p. s.); or capable of speeds exceeding 60,000 r. p. m. (report internal grinding machines in 744100. (2) [13]	.....	TOOL	None	RO
745805	Machines for flame hardening of gears [20]	.....	TOOL	500	RO
820587	Weed killers consisting primarily of boron compounds (e. g., borates, boric acid) [14]	Lb.	SALT	100	RO
825980	Plastic materials, n. e. c.: Plastic film and sheeting, including printed, embossed, planished, or otherwise treated surface: Polymethyl alpha-chloroacrylate (e. g., Gafite—trade name). (7) [14]	Lb.	RESN 66	100	RO
836220	Boric acid and borates, crude, refined, and compounds, n. e. c.: Boric acid, crude, refined, and purified (to boron trifluoride, boron oxide, boron hydrides, and fluoroborates.) [14]	Lb.	SALT	100	RO
914730	Calcium fluoride or lithium fluoride crystal lenses, prisms and windows; including finished blanks (report rough and semifinished blanks in 523110). [14]	No.	SATE	None	RO

[14] The letter "A" is added in the column headed "Commodity Lists" indicating that the commodity is subject to the IC/DV procedures (see § 373.2 of this chapter), effective Feb. 4, 1957.
[15] The commodity description is revised without substantive change.
[19] The unit of quantity is changed.
[20] The commodity coverage is decreased.
[21] The commodity coverage is increased, effective Dec. 27, 1956.
[24] The requirement to specify the maximum spindle speed is added.

c. The following entries are amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
A. C. I. S. A., a/k/a Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland.	10-4-56	1-28-57	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 7703, 10-9-56.
Americauto, 44 rue Brunel, Paris, France.	10-4-56	1-28-57	do	21 F. R. 9749, 12-8-56.
Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland.	10-4-56	1-28-57	do	21 F. R. 7703, 10-9-56.
Automotive Equipment Supply Corporation, 8-10 Bridge St., New York, N. Y., and Levallois-Perret (Seine) France.	10-4-56	1-28-57	do	21 F. R. 7703, 10-9-56.
Bertin, Armand, d/b/a Americauto, 44 rue Brunel, Paris, France.	10-4-56	1-28-57	do	21 F. R. 9749, 12-8-56.
Imex-Auto, S. A. R. L., 86 rue du President Wilson, Levallois-Perret (Seine), France.	10-4-56	1-28-57	do	21 F. R. 7703, 10-9-56.
Musman, George, 8-10 Bridge St., New York, N. Y., and Levallois-Perret (Seine), France.	10-4-56	1-28-57	do	21 F. R. 7703, 10-9-56.
				21 F. R. 9749, 12-8-56.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-10421; Filed, Dec. 21, 1956; 8:49 a. m.]

[8th Gen. Rev. of Export Regs. Amdt. P. L. 6] [1]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	O.L.V. dollar-value limits	Validated license required
708010	Electronic-type components: Components, n. e. c., for electronic apparatus and specially fabricated parts, n. e. c.: Synthetic quartz crystal plates (report natural quartz plates in 708100).	.....	RARA 50	100	RO
708100	Regulated power supplies, n. e. c. (report calibrated power supplies in 708329). [1]	.....	ELME 3	100	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2), effective Feb. 4, 1957.

This part of the amendment shall become effective as of December 27, 1956, except as indicated in the footnote.

[1] This amendment was published in Current Export Bulletin No. 777, dated December 20, 1956.

This part of the amendment shall become effective as of December 20, 1956, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 above which were on dock for lading, on lighter, laden aboard an exporting carrier or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., December 27, 1956, may be exported under the previous general license provisions up to and including January 21, 1957. Any such shipment not laden aboard the exporting carrier on or before January 21, 1957 requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-10422; Filed, Dec. 21, 1956; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 52 Stat. 1055, 59 Stat. 463 as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146e; 21 F. R. 608, 1417, 1561, 8986) are amended as indicated below:

1. Section 3.8 *Notice to manufacturers, packers, and distributors of penicillin-containing drugs for veterinary use* is revoked.

2. Section 146a.51 (f) (5) (iv) is changed to read as follows:

§ 146a.51 *Penicillin powder.* • • •

(f) *Exemption of buffered penicillin powder.* • • •

(5) • • •

(iv) As an aid in reducing the incidence and severity of bloat in cattle on legume pastures: *Provided,* That:

(*a*) The drug is intended to be administered in water or feed, and when used as directed in its labeling each animal receives not less than 75,000 units of penicillin per day; or

(*b*) The drug is a mixture of procaine penicillin and sodium chloride that contains not less than 793,000 units of penicillin per pound; its moisture content is not more than 0.1 percent if granulated salt is used and not more than 0.25 percent if rock salt is used; it is intended for administering on a continuous "free choice" basis; and its labeling bears information that not more than 2 days' supply of the drug shall be put before cattle at one time, after which the unused portion shall be discarded and replaced by a fresh supply.

3. In § 146e.427 *Feed grade bacitracin powder oral veterinary* • • •, paragraph (a) *Standards of identity* • • • is amended by changing the words "10 grams" in the third sentence to read "2.5 grams".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that the animal feed and veterinary drug preparations exempted from certification by amendments 1 and 2 need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided the preparations comply with all other conditions prescribed by the regulations.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: December 18, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-10403; Filed, Dec. 21, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 723]

CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

NOTICE OF DETERMINATION TO BE MADE BY SECRETARY ON WHETHER TO TREAT CIGAR-FILLER AND BINDER (TYPES 51 AND, 52) TOBACCO AS A KIND OF TOBACCO

Section 301, pargraph (b) (15) of the Agricultural Adjustment Act of 1938, as amended, provides that any one or more of the types of tobacco comprising any kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the act if the Secretary finds there is a difference in supply and demand conditions among such types of tobacco which results in a difference in the adjustments needed in the marketing thereof in order to maintain supplies in line with demand.

Pursuant thereto, the Secretary is preparing to make a finding and determination as to whether cigar-filler and binder (types 51–52) tobacco should be treated as a "kind of tobacco" separate from the other types comprising cigar-filler and binder tobacco for the purposes of the act.

In making the above described determinations, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., on or before January 3, 1957.

Issued at Washington, D. C., this 20th day of December 1956.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 56-10458; Filed, Dec. 21, 1956; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 144; Classification 55]

ARIZONA

SMALL TRACT CLASSIFICATION

DECEMBER 17, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizonia, effective May 19, 1955 (20 F. R. 3514–15), I hereby classify the following described land totalling 600 acres in Maricopa County, Arizona, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 1 E.,
Sec. 8: E½SW¼, SE¼;
Sec. 9: NE¼NE¼, W½SW¼;
Sec. 17: E½NW¼, NE¼.

2. Classification of the above described land by this order segregates it from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The land classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as

amended, until it is so provided by an order to be issued by an authorized officer, opening the land to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to December 14, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

E. R. TRAGITT,
State Lands and Minerals Staff Officer.

[F. R. Doc. 56–10405; Filed, Dec. 21, 1956; 8:46 a. m.]

[73402]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. A plat of survey of the omitted lands described below will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m., on January 20, 1957:

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 32 N., R. 14 E.,
Sec. 16, Lot 6;
Sec. 21, Lot 6.

The area described aggregates 0.57 acre.

2. The plat represents the survey of an island in Sawyer Lake which was not included in the original survey of the township which is represented on the approved undated plat.

3. Sections 16 and 21, above township and range, were added to and made a part of Nicolet National Forest by proclamation, dated November 13, 1933.

4. Available information indicates that the island is very substantial of glacial formation rising to an elevation of 20 feet above Sawyer Lake; that it is covered with a heavy growth of pine, birch, poplar, spruce and cedar and that the island has only a very small area of wet land.

5. Anyone having a valid existing right to the lands, initiated prior to the date of the forest withdrawal of the lands, should assert the same within one year from the date hereof by filing an application under the act of February 27, 1925 (43 Stat. 1013; 43 U. S. C. 994), and the act of August 24, 1954 (68 Stat. 789).

6. Claimants under the 1925 act, supra, have a preferred right of application for a period of 90 days from January 20, 1957. Applications under the 1954 act, supra, must be filed within one year from January 20, 1957. No patents will be issued prior to January 20, 1958.

7. Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Acting Manager, Eastern States Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 56–10406; Filed, Dec. 21, 1956; 8:46 a. m.]

Office of the Secretary

[Order 2819]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR SERVICES OF ARCHITECTURAL AND ENGINEERING FIRMS

DECEMBER 17, 1956.

SECTION 1. *Delegation.* The Commissioner of Reclamation is authorized to exercise the authority delegated on November 30, 1956 by the Administrator of General Services to the Secretary of the Interior, for the period ending June 30, 1957, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.), contracts for professional architectural and engineering services for the designing and testing of flood lighting of the Grand Coulee Dam spillway as authorized by Title II of the Public Works Appropriation Act, 1957, approved July 2, 1956, Public Law 641, 84th Congress, 2d Session (70 Stat. 474). This delegation of authority is subject to all provisions of Title III of the Federal Property and Administrative Services Act with respect to negotiated contracts, and to all other provisions of law.

SEC. 2. *Redelegation.* The Commissioner of Reclamation may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56–10407; Filed, Dec. 21, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1211]

ST. PAUL UNION STOCKYARDS CO.

NOTICE CONCERNING PETITION FOR MODIFICATION OF RATE ORDER

On February 18, 1956, there was published in the FEDERAL REGISTER (21 F. R. 1151) a notice that the St. Paul Union Stockyards Company, South St. Paul, Minnesota, filed a petition on February 7, 1956, requesting that it be granted authority to modify its current schedule of rates and charges (Tariff No. 25) by including therein certain rates and charges in lieu of the corresponding rates and charges then in effect, and that the current rates and charges as so modified be continued in effect to and including March 31, 1958. The notice set forth the proposed modifications in the rates and charges.

On March 23, 1956, the Livestock Division, Agricultural Marketing Service, filed an answer opposing the petition. The rates and charges in effect at that time were due to expire on March 31, 1956. Orders were issued continuing those rates and charges in effect until February 28, 1957.

On December 5, 1956, the St. Paul Union Stockyards Company filed a supplemental petition renewing its petition of February 7, 1956, and requesting that, for the reasons set forth in that petition and the additional reasons set forth in the recent petition, it be authorized to modify the current rates and charges as set forth in the notice published in the FEDERAL REGISTER on February 18, 1956.

All interested persons who desire to be heard in this matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of December 1956.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56–10404; Filed, Dec. 21, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

U. S. FLAG SERVICE REQUIREMENTS, ROUTE 24

NOTICE OF AMENDMENTS TO CONCLUSIONS AND DETERMINATIONS BY MARITIME ADMINISTRATOR

Notice is hereby given that on December 18, 1956, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined that effective July 1, 1957 the United States flag service requirements of United States foreign Trade Route No. 24 as published in the FEDERAL REGISTER issues of January 6, 1955 (20 F. R. 168) and March 17, 1955 (20 F. R. 1613) should be amended by deleting the last two paragraphs of the January 6, 1955 determinations and in accordance with his action of October 29, 1954, ordered that the following amended findings and determinations reached by the Maritime Administrator with respect to said route be published in the FEDERAL REGISTER.

1. Requirements for United States flag operation on an integrated basis on Trade Route No. 24 are approximately two sailings per month and,

2. The C–3 type freighters now operated on the route are suitable and efficient ships for operation thereon and under integrated operation 6 to 7 such ships are required to serve the route adequately.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: December 19, 1956.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 56–10413; Filed, Dec. 21, 1956; 8:48 a. m.]

Office of the Secretary

JOHN H. CLEMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

The statement of changes in financial interest signed by me on September 24, 1956, which appeared as Federal Register Document 56–7949 on page 7581 of the FEDERAL REGISTER for October 3, 1956, should read that the statement was made as of September 1, 1956, instead of August 1, 1956.

This statement is made as of December 17, 1956.

JOHN H. CLEMSON.

[F. R. Doc. 56–10423; Filed, Dec. 21, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11821; FCC 56M–1158]

GOOD MUSIC STATION, INC., AND RKO TELERADIO PICTURES, INC.

ORDER CONTINUING PREHEARING CONFERENCE

In the matter of the Good Music Station, Inc. (Assignor) and RKO Teleradio Pictures, Inc. (Assignee), Docket No. 11821, File Nos. BAPL–114, BALH–236; for assignment of license and construction permit of Station WGMS, Bethesda, Maryland, and license of Station WGMS–FM, Washington, D. C.

The Hearing Examiner having under consideration (1) a motion to postpone hearing, filed by protestant on December 18, 1956, requesting a continuance of the hearing now scheduled for January 11, 1957, "until fifteen days after the Commission finds that the applicants have complied with the Commission order herein released November 21, 1956"; (2) the date of a further prehearing conference now scheduled for January 4, 1957; (3) the date for the furnishing by counsel for protestant to the other parties of a request for information, now set for December 20, 1956; and (4) an oral argument held on December 18, 1956;

It appearing that the request for continuance of the January 11, 1957, hearing is predicated on the contention that the status quo ante has not in fact been restored as allegedly required by the Court of Appeals and the Commission and that such restoration is a condition precedent to the commencement of the hearing; but that these allegations furnish no basis for the continuance of the hearing, there having been no valid relationship established between the reassignment, even assuming it was not in compliance with the mandate of the Court and the order of the Commission, and the ability of protestant to conduct his case at the hearing, which under statute is to be expedited, and no good cause for continuance was shown;

It is ordered, This 18th day of December 1956, that (1) the motion to postpone hearing is denied; (2) the December 20 date above mentioned is extended to December 27, 1956, with the understanding that if counsel for assignor and assignee furnish the requested information by January 3, 1957, counsel for protestant will not request an extension of the January 4, 1957, date for furnishing exhibits, provided there is no change in the January 11, 1957, hearing date; and (3) the further prehearing conference is continued from January 4 to January 7, 1957, at 12:30 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–10424; Filed, Dec. 21, 1956; 8:50 a. m.]

[Docket No. 11885]

MORRISON CAB CO.

ORDER TO SHOW CAUSE

In the matter of E. W. Morrison d/b as Morrison Cab Company, Hammond, Louisiana, Docket No. 11885; order to show cause why the license for Taxicab Radio Station KKC 600 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Taxicab Radio Station KKC 600, licensed to E. W. Morrison, d/b as Morrison Cab Company, 89 Cab Stand, Hammond, Louisiana;

It appearing, that, pursuant to § 1.401 of the Commission's rules, notices of violations of the Commission's rules in connection with the operation of said radio station were mailed to said licensee as follows:

(a) Notice dated March 16, 1956, specifying that said licensee violated § 16.160 (a) of the Commission's rules by failing to make available for inspection on March 13, 1956, the records of transmitter measurements required to be made by § 16.108 of the Commission's rules at intervals not to exceed six months, and that the records which were made available indicated that such transmitter measurements were made last in 1951; and

(b) Notice dated May 23, 1956, specifying that said licensee had failed to comply with § 16.159 of the Commission's rules by failing to respond to the above-mentioned notice dated March 16, 1956; and

(c) Notice dated July 30, 1956, specifying that said licensee had failed to comply with § 16.159 of the Commission's rules by failing to respond to the above-mentioned notice dated March 16, 1956; and

It further appearing that, despite a letter of warning sent to the licensee by registered mail on September 28, 1956, and received by the licensee's agent on October 1, 1956, in which the above-mentioned violations were specified again and the licensee was requested to notify the Commission within fifteen (15) days from date of receipt of said letter of the steps he had taken to bring the operation of his radio station into compliance with the Commission's rules, to date no explanation or other response has been received from the licensee:

It is ordered, This 18th day of December 1956, pursuant to the provisions of section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, that the said E. W. Morrison show cause why the aforesaid taxicab radio station license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on the 25th day of February 1957 and

It is further ordered, That the Secretary send a copy of this Order by Registered Mail—Return Receipt Requested to said E. W. Morrison, d/b as Morrison Cab Company, 89 Cab Stand, Hammond, Louisiana.

Released: December 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56–10425; Filed, Dec. 21, 1956; 8:50 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[Docket Nos. 11886, 11887; FCC 56M-1155]

VOLUSIA COUNTY BROADCASTING CORP. AND C. H. PACKHAM

ORDER SCHEDULING HEARING

In re applications of Volusia County Broadcasting Corporation, Daytona Beach, Florida, Docket No. 11886, File No. BP-10396; C. H. Packham, Ormond, Florida, Docket No. 11887, File No. BP-10572; for construction permits.

It is ordered, this 17th day of December 1956, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 19, 1957, in Washington, D. C.

Released: December 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10426; Filed, Dec. 21, 1956; 8:50 a. m.]

[Docket Nos. 11888, 11889; FCC 56M-1154]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

ORDER SCHEDULING HEARING

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP-10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP-10691; for construction permits.

It is ordered, This 17th day of December 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 19, 1957, in Washington, D. C.

Released: December 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10427; Filed, Dec. 21, 1956; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10669, G-10698]

HOWELL, HOLLOWAY & HOWELL AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

DECEMBER 18, 1956.

Take notice that the above related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 10, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications filed in the above-entitled proceedings: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Due notice of the respective application has been had by publication in the FEDERAL REGISTER, no petition to intervene or protest to the granting of the applications have been received. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10417; Filed, Dec. 21, 1956; 8:48 a. m.]

[Docket No. G-10850]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 18, 1956.

Take notice that Colorado Interstate Gas Company (Applicant), a Delaware corporation with principal place of business at Colorado Springs National Bank Building, Colorado Springs, Colorado, filed in Docket No. G-10850, on August 2, 1956, as supplemented September 4 and November 26, 1956, an application pursuant to section 7 of the Natural Gas Act (act), for a certificate of public convenience and necessity authorizing it to construct and operate certain proposed natural gas transmission facilities, and for permission and approval to abandon certain existing facilities, all as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon by sale and transfer certain existing facilities located in or near Denver, Pueblo and Canon City, Colorado, to Public Service Company of Colorado, Pueblo Gas and Fuel Company, and The Greeley Gas Company, distributing customers serving these areas, in order for Applicant to consolidate its measuring facilities outside the respective city limits, so that these customers will again be receiving town-border deliveries. Because of the rapid growth of the areas involved, Applicant's present high pressure transmission facilities and meter stations, proposed to be transferred, have become surrounded by residences, schools and busy streets and are causing hazardous conditions. After transfer, the facilities involved will be operated at distribution pressures, thus relieving such situation.

Applicant also proposes to transfer certain facilities located in or near Pueblo to The Colorado Fuel and Iron Corporation in order to establish a new delivery point outside the security fences surrounding that plant so that its measuring facilities can be accessible during any future labor disturbances. In addition to the facilities to be transferred, certain other facilities are proposed to be retired from gas plant service, and salvaged or abandoned in place.

The facilities in the Denver area which Applicant proposes to transfer to Public Service Company of Colorado consist of approximately 15.2 miles of pipe lines varying in size from 8 inch to 20 inch in diameter and 6 metering and regulating stations. In the Pueblo area, 3.1 miles of the 8-inch North Pueblo lateral is proposed to be transferred to Pueblo Gas and Fuel Company, as well as the north and south Pueblo meter stations. Applicant proposes to transfer to Colorado Fuel and Iron in this same area certain pipe and other facilities in or near Applicant's Colorado Fuel and Iron meter station, upon the completion by Applicant of its proposed new South Pueblo meter station (which will permit measurement to Colorado Fuel and Iron and South Pueblo at one station). In the Canon City area, Applicant proposes to transfer to The Greeley Gas Company approximately 4,211 feet of 6-inch diameter pipe line.

Applicant also proposes to construct and operate the following new facilities:

(1) A new meter station at Hampden Avenue in South Denver; this station will be remotely controlled from the East Denver control station and will be more economical to operate than the present South Denver Station, which will be transferred.

(2) A new meter station 3.1 miles east of the existing station for North Pueblo.

(3) A new South Pueblo meter station, to meter gas to both Pueblo Gas and Fuel Company and to Colorado Fuel and Iron Corporation.

(4) 9.25 miles of 26-inch loop line from the East Denver control station to the new Hampden Ave. station in South Denver.

(5) 26.4 miles of 8-inch pipe line looping the Portland, Colorado, lateral serving the Portland-Florence-Canon City area.

Applicant was previously granted a certificate at Docket No. G-2120 to construct the 8-inch Portland loop; however, that certificate was subsequently cancelled upon Applicant's request. Applicant states that deliveries have been increasing in the Portland area since January 1954 and conditions necessitate the new loop line.

The 9.25 miles of 26-inch loop line is to extend from East Denver to South Denver. Applicant alleges that it is required to meet increased demands in South Denver and on Applicant's Amarillo-Denver line. It will enable Applicant to utilize gas that it will receive from Pacific Northwest Pipeline Corporation which could not be fully utilized without the proposed loop.

All of the facilities which Applicant proposes to transfer to the distribution companies and to Colorado Fuel and Iron will be sold at their net book value. As of June 30, 1956, the net book value of the facilities proposed to be transferred to the distribution companies amounted to $327,351, and, to Colorado Fuel and Iron, amounted to $5,069, and the value of the facilities to be salvaged or retired in place amounted to $6,791. The aggregate net book value of all facilities to be transferred, salvaged, or retired in place, was $339,211 as of June 30, 1956.

The total cost of the new facilities proposed to be constructed is estimated at $1,600,297 which includes $90,583 for general overheads and interest during construction. The funds required for construction of facilities will be provided from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, January 17, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such supplemented application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10418; Filed, Dec. 21, 1956; 8:48 a. m.]

[Docket No. G-11277]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 18, 1956.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, principal place of business at Commerce Bldg., Houston, Texas, filed an application on October 23, 1956, in Docket No. G-11277 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing it to increase the volume of natural gas sold and delivered to Holly Springs, Mississippi, by an additional 500 Mcf per day upon a firm basis. Applicant proposes to utilize a portion of its existing unallocated design day capacity to serve additional gas to Holly Springs. No new facilities are to be constructed.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the 21st day of January 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1957. Failure of any party to appear at and participate in the hearing shall be deemed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10419; Filed, Dec. 21, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1838]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 17, 1956.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Atchison, Topeka & Santa Fe Railway Company, common stock; File No. 7-1838.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before January 3, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10408; Filed, Dec. 21, 1956; 8:47 a. m.]

[File No. 7-1839]

UNION PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 17, 1956.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Union Pacific Railroad Company, common stock; File No. 7-1839.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before January 3, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10409; Filed, Dec. 21, 1956; 8:47 a. m.]

[File No. 70-3527]

YANKEE ATOMIC ELECTRIC CO. ET AL.

ORDER REGARDING ISSUANCE AND SALE OF COMMON STOCK AND NOTES BY UTILITY SUBSIDIARY; ACQUISITION OF SUCH STOCK AND NOTES BY CERTAIN OWNER COMPANIES

DECEMBER 18, 1956.

In the matter of Yankee Atomic Electric Company, New England Power Com-

pany, The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Companies, Public Service Company of New Hampshire, Montaup Electric Company; File No. 70–3527.

Yankee Atomic Electric Company ("Yankee"), a public-utility subsidiary of New England Electric System, a registered holding company; New England Power Company ("NEPCO"), a public-utility subsidiary of New England Electric System and an exempt holding company; The Connecticut Light and Power Company ("Connecticut Light"), a public-utility company and an exempt holding company; The Hartford Electric Light Company ("Hartford"), a public-utility company and an affiliate of a public-utility company; Western Massachusetts Companies ("Western Massachusetts"), an exempt holding company; Public Service Company of New Hampshire ("New Hampshire"), a public-utility company and an exempt holding company; and Montaup Electric Company ("Montaup"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, have filed a joint application-declaration, and an amendment thereto, pursuant to sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Through the consummation of the issuance and sale of common stock and non-interest bearing short-term promissory notes, incident to the organization and original financing of Yankee and heretofore authorized by the Commission (Holding Company Act Release No. 13048, November 25, 1955), Yankee now has outstanding common stock and such notes held by stockholder companies as follows:

	Number of shares	Aggregate par value	Percent of total	Amount of notes
New England Power Co.	1,500	$150,000	30.0	$150,000
The Connecticut Light & Power Co.	750	75,000	15.0	75,000
Boston Edison Co.	475	47,500	9.5	47,500
Central Maine Power Co.	475	47,500	9.5	47,500
The Hartford Electric Light Co.	450	45,000	9.0	45,000
The Connecticut Power Co.	25	2,500	.5	2,500
Western Massachusetts Electric Co.	350	35,000	7.0	35,000
Public Service Company of New Hampshire	350	35,000	7.0	35,000
Montaup Electric Co.	225	22,500	4.5	22,500
New Bedford Gas & Edison Light Co.	125	12,500	2.5	12,500
Cambridge Electric Light Co.	100	10,000	2.0	10,000
Central Vermont Public Service C rp.	175	17,500	3.5	17,500
	5,000	500,000	100.0	500,000

According to the present filing design work is already in progress with respect to Yankee's 134,000 Kw nuclear power plant the total capital cost of which is estimated at approximately $35,000,000. It is stated that the Atomic Energy Commission will provide financial assistance in Yankee's preliminary research and development program up to a total of $5,000,000 and will waive use charges on the nuclear fuel during the first five years of the plant's operation. It is further stated that plant construction will begin in 1957 with completion contemplated in 1960.

Yankee now proposes to issue and sell 5,000 additional shares of common stock of the aggregate par value of $500,000. The proceeds will be used to retire its outstanding short-term notes. The shares will be offered at a price of $100 a share as fixed by Yankee's board of directors to the stockholder companies during a 15 day subscription period on the basis of one new share for each share presently held. In addition Yankee proposes, from time to time prior to December 31, 1957, to issue to the above named stockholder companies non-interest bearing promissory notes in the aggregate amount of $1,000,000. Such notes will mature not more than one year from the date of issue. The stockholder companies propose to acquire the additional shares of Yankee common stock and the short-term notes in the proportions indicated in the table above and it is contemplated that these notes will ultimately be replaced by additional common stock investments by the stockholder companies. Treasury funds will be used to effectuate such acquisitions and the stockholder companies subject to the provisions of sections 9 and 10 of the act seek Commission approval thereof.

Nepco and Connecticut Light request that the exemptions from holding company status granted by the Commission's order in File No. 70–3396 (Holding Company Act Release No. 13048) be continued. Since these two companies have previously been granted exemption as holding companies with respect to Yankee and they are merely acquiring additional shares of the common stock of Yankee, it is unnecessary to request, or the Commission to grant, the continuance of the exempt status.

New England Power Service Company, an affiliated service company, will perform incidental services in connection with the proposed transactions and such services will be performed at the actual cost thereof estimated not to exceed $2,500. Other expenses to be borne by Yankee are the original issue stamp taxes of $550 and a state filing fee of $250 making total estimated expenses of Yankee $3,300. Expenses in connection with the proposed acquisition of securities, including legal fees and the preparation of regulatory Commission applications by applicant companies, other than Yankee, are estimated not to exceed $1,300 in the aggregate.

The Massachusetts Department of Public Utilities has expressly authorized the proposed issuance of common stock by Yankee.

Due notice having been given of the filing of the joint application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission having examined the filing and finding that the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary in respect of the proposed issuance, sale and acquisition of said notes and common stock and that the expenses not in excess of the estimates set forth above are not unreasonable; and the Commission deeming it in the public interest and in the interest of investors and consumers that said joint application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10410; Filed, Dec. 21, 1956; 8:47 a. m.]

[File No. 70–3541]

AMERICAN NATURAL GAS CO. AND MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF PROPOSED ISSUE AND SALE OF COMMON STOCK BY HOLDING COMPANY PURSUANT TO RIGHTS OFFERING; PROPOSED CHARTER AMENDMENT BY SUBSIDIARY INCREASING ITS AUTHORIZED COMMON STOCK, AND PROPOSED ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT COMPANY

DECEMBER 18, 1956.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its wholly owned subsidiary Michigan Consolidated Gas Company ("Michigan Consolidated") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 6 (b), 7, 9 and 10 of the act as applicable to the transactions therein proposed, which are summarized as follows:

I. *American Natural issue of common stock.* American Natural proposes to issue to holders of its 4,421,132 outstanding shares of common stock (par value $25 per share) transferable subscription warrants to purchase 442,114 additional shares of its common stock. The warrants will evidence a number of rights equal to the number of shares outstanding, and 10 rights will be required to purchase each share of the additional common stock. The subscription price will be determined prior to the time the offering is released and will be lower than the price then prevailing for outstanding shares of common stock of the company on the New York Stock Exchange.

Each holder of outstanding shares of American Natural's common stock will also be given the privilege of subscribing at the subscription price for any number of shares of the additional common stock not purchased through the exercise of rights, subject to allotment if sufficient shares are not available to meet the demand.

It is proposed to consummate the financing early in 1957. Information as to the subscription price and the timing and duration of the offering, and the full terms with respect thereto, will be supplied by amendment.

The company states that it will make arrangements with its subscription agent whereby the latter will, without service charge to stockholders, attempt to execute purchase or sale orders of stockholders designed either to (a) round out their interests to multiples of the number of rights required to purchase one additional share of common stock or (b) dispose of rights when they are insufficient to permit purchase of one share.

The company further states that it may stabilize the price of its common stock, by the purchase of shares in the stock exchanges, in the open market or otherwise. Stabilizing activities, if commenced, may be terminated at any time, and in any case not later than the expiration of the warrants. At no time will the company acquire a long position in excess of 10 percent of the number of additional shares being offered. Any shares so acquired will be sold in ordinary brokerage transactions on the New York Stock Exchange.

American Natural will use the net proceeds from the sale of its common stock to purchase 1,786,000 additional shares of the common stock of Michigan Consolidated, thereby aiding in financing the expansion program upon which the system is engaged.

II. *Michigan Consolidated amendment of charter and issue of common stock.* Michigan Consolidated, which now has outstanding 5,477,000 shares of 5,500,000 authorized shares of common stock (par value $14 per share), proposes to increase its authorized common stock to 7,700,000 shares by amendment to its Certificate of Incorporation, pursuant to the general corporate laws of the State of Michigan.

Thereafter, Michigan Consolidated proposes to issue and sell to American Natural, and the latter proposes to buy, 1,786,000 shares of Michigan Consolidated's common stock for $25,004,000 in cash, representing the aggregate par value thereof. Funds for this purpose will be provided through the sale by American Natural of additional shares of its common stock, as aforesaid.

Michigan Consolidated further proposes to pay to American Natural a special cash dividend of $4,998,000 out of its retained earnings (amounting to $9,975,456 at September 30, 1956), and to issue and sell to American Natural, and the latter proposes to buy, an additional 357,000 shares of common stock of Michigan Consolidated for $4,998,000 in cash.

The sale to American Natural of the 1,786,000 additional shares of its common stock for $25,004,000 in cash will provide Michigan Consolidated with funds to repay or reduce short-term loans incurred for construction purposes and to pay construction costs. The payment by Michigan Consolidated to American Natural of the $4,998,000 cash dividend and the concurrent reinvestment of the same amount by American Natural in 357,000 additional shares of Michigan Consolidated's common stock will have the effect of converting this portion of Michigan Consolidated's retained earnings into common stock, assuring a larger permanent common equity for the latter company.

Michigan Consolidated states that during the spring or early summer it proposes to issue and sell (pursuant to a later filing with this Commission) from $25,000,000 to $30,000,000 of bonds, the proceeds to be used for construction purposes and to repay any short-term loans then outstanding.

American Natural and Michigan Consolidated estimate their fees and expenses to be incurred in connection with the proposed transactions as follows:

	American Natural	Michigan Consolidated
Michigan Public Service Commission fee		$30,000
Michigan Corp. and Securities Commission fee		15,400
Registration fee, this Commission	$2,500	
Federal original issue tax	12,160	33,000
Listing fee	1,125	
Printing	45,000	
Blue Sky expense	2,500	
Charges and expenses of subscription agent, transfer agent and registrar	70,000	
Arthur Andersen & Co., for accounting services	32,000	
Engineering fees:		
Ralph E. Davis	5,000	
E. P. Ogier	2,500	
Legal fees:		
Sidley, Austin, Burgess & Smith	17,000	750
Dyer, Meek, Ruegsegger & Bullard	2,500	1,250
Fairchild, Foley & Sammond	1,000	
Pitney, Hardin & Ward	1,500	
System service company (at cost)	5,000	750
Miscellaneous	1,500	850
Total	201,285	82,000

In the opinion of company counsel, no further approval or consent of any regulatory body other than this Commission is required for the issue and sale of the common stock of American Natural, but the approval of the Michigan Public Service Commision is required for the issue and sale of the additional common shares by Michigan Consolidated to American Natural. A copy of the State commission order will be filed by amendment herein.

Notice is further given that any interested person may, not later than January 10, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10411; Filed, Dec. 21, 1956; 8:47 a. m.]

[File No. 24SF–2049]

BEVANDA MINES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 18, 1956.

I. Bevanda Mines, Inc., Lovelock, Nevada, filed with the Commission on March 22, 1955, a Notification on Form 1–A and an Offering Circular relating to a proposed offering of 50,000 shares of stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reason to believe:

A. That the offering, if made or continued, would operate as a fraud or deceit upon purchasers in that:

(1) Material changes have occurred in the officers and management of the company which are not reflected in its notification and Offering Circular.

(2) The sales literature of the subject corporation, while referring to the reputation of one of its officers and/or directors, fails to fully and accurately disclose his background and reputation.

B. That the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file any Form 2–A report of sales as required by Rule 224 under Regulation A and has ignored a request by a member of the Commission's staff for such report.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10412; Filed, Dec. 21, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 19, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33070: *Liquefied petroleum gas from Doe Run, Ky., to Piketon and Urbana, Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on gas, liquefied petroleum, tank-car loads from Doe Run, Ky., to Piketon and Urbana, Ohio.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 2 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33071: *Superphosphate from Florida to Madison, Wis.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate) other than defluorinated, in bulk, carloads from Agricola, Armour, Bonnie, Brewster, East Tampa, Nichols, Pierce, Prairie, Ridgewood and Royster, Fla., to Madison, Wis.

Grounds for relief: Rail-barge-truck competition and circuity.

Tariff: Supplement 83 to Agent Spaninger's tariff I. C. C. 1366.

FSA No. 33072: *Salt From Louisiana and Texas to Columbus and Whitbury, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on salt, mine run, carload from Avery Island, Anse La Butte, Carla, Jefferson Island, Weeks, Winfield, La., and Grand Saline, Tex., to Columbus and Whitbury, Miss.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 80 to Agent Kratzmeir's tariff I. C. C. 3903.

FSA No. 33073: *Salt from Louisiana to Anniston, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on salt, mine run, carloads from Anse La Butte, Avery Island, Jefferson Island, and Weeks, La., to Anniston, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 81 to Agent Kratzmeir's tariff I. C. C. 3903.

FSA No. 33074: *Brick between the South and stations in Virginia, West Virginia, Kentucky, and Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on brick and related articles, also refractory materials, carloads between points in southern territory (except points in Florida and Louisiana), on the one hand, and stations in Virginia, West Virginia, Kentucky, and Ohio, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 34 to Agent Spaninger's tariff I. C. C. 1525.

FSA No. 33075: *Trailer-on-flat-car service between Kansas City, Mo.-Kans., also St. Louis, Mo.-East St. Louis, Ill., and the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on class and commodity freight loaded in or on trailers, including freight in demountable trailer bodies and transported on railroad flat cars between Illinois (East St. Louis and vicinity), Kansas (Kansas City and vicinity) and Missouri (Kansas City, St. Louis and vicinity), on the one hand and points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas, also Memphis, Tenn., on the other.

Grounds for relief: Truck competition.

Tariff: Agent F. C. Kratzmeir's tariff I. C. C. 4233.

FSA No. 33076: *Sulphate of alumina from Bastrop, La., to the South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphate of alumina, dry in bulk in packages, or in bulk, carloads from Bastrop, La., to points in southern territory.

Grounds for relief: Short-line distance formula, market competition and circuity.

Tariff: Supplement 190 to Agent Kratzmeir's tariff I. C. C. 4193.

FSA No. 33077: *Livestock from the West to lower Mississippi River crossings.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on livestock, carloads from points in western trunk line territory to Memphis, Tenn., Natchez and Vicksburg, Miss., Baton Rouge and New Orleans, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 43 to Agent Kratzmeir's tariff I. C. C. 4013.

FSA No. 33078: *Superphosphate from the South to Colorado.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), carloads from points in southern territory to Alamosa, Grand Junction and Monte Vista, Colo.

Grounds for relief: Market competition, short-line distance formula and circuity.

Tariff: Supplement 25 to Agent Spaninger's tariff I. C. C. 1522.

FSA No. 33079: *Merchandise from Cincinnati, Ohio to Fort Myers, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, in mixed carloads from Cincinnati, Ohio to Fort Myers, Fla.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 59 to Agent Spaninger's tariff I. C. C. 1458.

FSA No. 33080: *Kyanite from Clover, S. C., to Erwin, Tenn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on kyanite, crude or ground (not pulverized), carloads from Clover, S. C., to Erwin, Tenn.

Grounds for relief: Circuitous route.

Tariff: Supplement 124 to Agent Spaninger's tariff I. C. C. 1346.

FSA No. 33081: *Scrap paper from Calhoun, Tenn., to Wabash, Ind.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on paper, scrap or waste, not sensitized (not excelsior paper), in packages, carload from Calhoun, Tenn., to Wabash, Ind.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 24 to Agent Spaninger's tariff I. C. C. 1496.

FSA No. 33082: *Pig iron from Birmingham, Ala., to Cartersville, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on pig iron and related articles, carloads from Birmingham, Ala., and points in Alabama grouped with Birmingham, named in item 135 of Agent C. A. Spaninger's tariff I. C. C. 1420, to Cartersville, Ga.

Grounds for relief: Circuitous route.

Tariff: Supplement 74 to Agent Spaninger's tariff I. C. C. 1420.

FSA No. 33083: *Wrought iron pipe from Baton Rouge, La., to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pipe, wrought iron or steel, and related articles, carloads from Baton Rouge, La., to points in Arkansas, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief: Market competition, short-line distance formula and circuity.

Tariff: Supplement 93 to Agent Kratzmeir's tariff I. C. C. 4116.

FSA No. 33084: *Lumber from Alberta and British Columbia to St. Louis, Mo.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and related articles, carloads from points in Alberta and British Columbia, Canada to St. Louis, Mo.

Grounds for relief: Circuitous route.

Tariff: Supplement 13 to Agent W. J. Prueter's I. C. C. 1581.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-10415; Filed, Dec. 21, 1956; 8:48 a. m.]

FEDERAL REGISTER

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THE NATIONAL ARCHIVES 1934 OF THE UNITED STATES LITTERA SCRIPTA MANET

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10692

AMENDMENT OF EXECUTIVE ORDER NO. 9080 TO PROVIDE FOR THE DESIGNATION OF MEMBERS OF THE JOINT MEXICAN-UNITED STATES DEFENSE COMMISSION BY THE SECRETARY OF DEFENSE

By virtue of the authority vested in me as President of the United States it is ordered as follows:

SECTION 1. The third paragraph of Executive Order No. 9080 of February 27, 1942, authorizing the creation of the Joint Mexican-United States Defense Commission, is hereby amended to read as follows:

"The United States membership of the Commission shall consist of an Army member, a Navy member, and an Air Force member, each of whom shall be designated by the Secretary of Defense and serve during the pleasure of the Secretary. The Secretary shall designate from among the United States members the chairman thereof and may designate alternate United States members of the Commission."

SEC. 2. The amendment made by section 1 hereof shall not be construed as terminating the tenure of any person who is a member, chairman, or alternate member of the United States section of the Commission on the date of this order, but such tenure may be terminated by the Secretary of Defense.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 22, 1956.

[F. R. Doc. 56-10566; Filed, Dec. 26, 1956; 11:44 a. m.]

EXECUTIVE ORDER 10693

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE AKRON & BARBERTON BELT RAILROAD AND OTHER CARRIERS AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the Akron & Barberton Belt Railroad and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, designated in list attached hereto and made a part hereof, and certain of their employees represented by the Brotherhood of Railroad Trainmen, a labor organization; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said disputes. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Akron & Barberton Belt Railroad Company and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees or their employees in the conditions out of which the said disputes arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 22, 1956.

EASTERN RAILROADS

Akron & Barberton Belt Railroad Company
Akron, Canton & Youngstown Railroad Co.
Ann Arbor Railroad Co.
Baltimore & Ohio Railroad Co.
Buffalo, Rochester & Pittsburgh Territory
Buffalo and Susquehanna District
Baltimore & Ohio Chicago Terminal Railroad Co.
Curtis Bay Railroad
Staten Island Rapid Transit Railway Co.
Bessemer & Lake Erie Railroad Co.
Boston & Maine Railroad Co.
Brooklyn Eastern District Terminal
Bush Terminal Railroad

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FEDERAL REGISTER

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Canadian National Railways in the State of New York
United States & Canada Railroad
Champlain & St. Lawrence Railroad
St. Clair Tunnel Company
Central Railroad Company of New Jersey
New York & Long Branch Railroad Co.
Central Vermont Railway, Inc.
Chicago Union Station Co.
Cincinnati Union Terminal Co.
Cuyahoga Valley Railway Co.
Delaware & Hudson Railroad Corp.
Delaware, Lackawanna & Western Railroad Co.
Detroit and Toledo Shore Line Railroad Co.
Detroit Terminal Railroad Co.
Detroit, Toledo & Ironton Railroad Co.
Donora Southern Railroad Co.
Erie Railroad Co.
Grand Trunk Western Railroad Co.
Hoboken Shore Railroad
Lake Terminal Railroad Co.
Lehigh & New England Railroad Co.
Lehigh Valley Railroad Co.
Long Island Railroad Co.
Maine Central Railroad Co.
Portland Terminal Co.
McKeesport Connecting Railroad Co.
Monon Railroad
Monongahela Railway Co.
Newburgh & South Shore Railway Co.
New York Central System
New York Central Railroad Co.
Eastern District (excl. Boston Division)
Boston Division
Western District
Ohio Central Division
Northern District
Southern District
L & J B & R R
Indiana Harbor Belt Railroad Co.
Chicago River & Indiana Railroad Co.
Chicago Junction Railway
Pittsburgh & Lake Erie Railroad Co.
Lake Erie & Eastern Railroad Co.
Cleveland Union Terminals Co.
New York, Chicago & St. Louis Railroad Co.
New York Dock Railway Co.
New York, New Haven & Hartford Railroad Co.
New York, Susquehanna & Western Railroad Co.
Pennsylvania Railroad Co.
Baltimore & Eastern Railroad Co.
Pennsylvania-Reading Seashore Lines
Pittsburgh, Chartiers & Youghiogheny Railway Co.
Reading Company
River Terminal Railway Co.
Toledo Terminal Railroad Co.
Union Railroad Co.
Upper Merion & Plymouth Railroad Co.
Washington Terminal Company
Western Maryland Railway Co.
Youngstown & Northern Railroad Co.

WESTERN RAILROADS

Alton and Southern Railroad
Atchison, Topeka and Santa Fe Railway
The Gulf, Colorado and Santa Fe Railway
Panhandle and Santa Fe Railway
Belt Railway Co., of Chicago, The
Camas Prairie Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago and North Western Railway
Chicago and Western Indiana Railroad
Chicago, Burlington & Quincy Railroad
Chicago, Great Western Railway
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago, Rock Island and Pacific Railroad
Chicago, St. Paul, Minneapolis and Omaha Railway
Colorado and Southern Railway, The
Colorado and Wyoming Railway, The
Denver and Rio Grande Western Railroad, The
Des Moines Union Railway
Duluth, South Shore and Atlantic Railroad
Duluth Union Depot and Transfer Co.
Duluth, Winnipeg & Pacific Railway
East St. Louis Junction Railroad
Elgin, Joliet and Eastern Railway
Fort Worth and Denver Railway
Joint Texas Division of CRI&P Railroad & FtW&D Railway
Galveston, Houston and Henderson Railroad
Great Northern Railway
Green Bay and Western Railroad
Kewaunee, Green Bay and Western Railroad
Houston Belt & Terminal Railway
Illinois Central Railroad
Chicago and Illinois Western Railroad
Illinois Northern Railway
Illinois Terminal Railroad
Kansas City Southern Railway, The
Kansas City Terminal Railway
King Street Passenger Station (Seattle)
Litchfield and Madison Railway
Los Angeles Junction
Louisiana & Arkansas Railway
Manufacturers Railway
Midland Valley Railroad
Kansas, Oklahoma & Gulf Railway
Minneapolis & St. Louis Railway, The
Minneapolis, St. Paul & Sault Ste. Marie Railroad
Minnesota Transfer Railway, The
Missouri-Kansas-Texas Railroad
Missouri-Kansas-Texas Railroad Co. of Texas
Missouri Pacific Railroad
Missouri Pacific Railroad (Gulf District)
Missouri-Illinois Railroad
Northern Pacific Railway
Northwestern Pacific Railroad
Ogden Union Railway and Depot Co., The
Peoria and Pekin Union Railway
Port Terminal Railroad Association
St. Joseph Terminal Railroad
St. Louis-San Francisco Railway
St. Louis, San Francisco & Texas Railway
St. Louis Southwestern Railway
San Diego & Arizona Eastern Railway
Southern Pacific Co. (Pac. Lines) (Excl. Former El Paso & Southwestern System)
Southern Pacific Co. (Pac. Lines)
(Former El Paso & Southwestern System)
Spokane, Portland and Seattle Railway
Oregon Trunk Railway
Oregon Electric Railway
Terminal Railroad Association of St. Louis
Texas and New Orleans Railroad
Texas and Pacific Railway, The
Abilene and Southern Railway
Fort Worth Belt Railway
Texas-New Mexico Railway
Texas Short Line Railway
Weatherford, Mineral Wells and Northwestern Railway
Texas Mexican Railway, The
TP-MP Terminal of New Orleans
Toledo, Peoria & Western Railroad
Union Pacific Railroad
Union Railway Co. (Memphis)
Union Terminal Co. (Dallas)
Wabash Railroad—Lines West of Detroit
Wabash Railroad—Lines East of Detroit
Western Pacific Railroad

SOUTHEASTERN RAILROADS

Atlanta & West Point
Western Railway of Alabama
Atlanta Joint Terminals
Atlantic Coast Line Railroad
Birmingham Southern Railroad
Central of Georgia Railway
Charleston & Western Carolina Railway
Chesapeake & Ohio Railway
Clinchfield Railroad
Florida East Coast Railway
(In trusteeship. Any commitment subject to court approval)
Georgia Railroad
Gulf, Mobile & Ohio Railroad
Jacksonville Terminal Company
Kentucky & Indiana Terminal Railroad
Louisville & Nashville Railroad
Nashville, Chattanooga & St. Louis Railway
Norfolk & Portsmouth Belt Line
Norfolk & Western Railway
Richmond, Fredericksburg & Potomac Railroad
Potomac Yard
Seaboard Air Line Railway Company
Southern Railway
Alabama Great Southern Railway Company
Cincinnati, New Orleans & Texas Pacific Railway
Georgia Southern & Florida Railway
Harriman & Northeastern Railroad Company
New Orleans & Northeastern Railroad
New Orleans Terminal Company
St. Johns River Terminal Company
(Includes State University R. R. and East St. Louis Terminal)
Tennessee Central Railway Company
Virginian Railway Company

[F. R. Doc. 56-10567; Filed, Dec. 26, 1956; 11:44 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter E—Production Credit System

PART 50—PRODUCTION CREDIT ASSOCIATIONS

PART 52—PARTICULAR PRODUCTION CREDIT ASSOCIATIONS

REVISION OF PARTS

Section 20 of the Farm Credit Act of 1933 provides that the Governor of the Farm Credit Administration shall have the power, under rules and regulations prescribed by him, to provide for the organization, management, and conduct of the business of production credit associations. Section 23 of the Farm Credit Act of 1933, as amended by section 105 (i) of the Farm Credit Act of 1956, effective January 1, 1957, provides that each production credit association shall invest its funds and make loans to farmers under such rules and regulations as may be prescribed by the farm credit board of the district with the approval of the Farm Credit Administration. Also effective January 1, 1957, as provided in the Farm Credit Act of 1956, each production credit corporation, which formerly exercised supervisory authority over the production credit associations in its district, will be merged in the Federal intermediate credit bank of the district which then will assume corresponding supervisory authority over the production credit associations. To reflect these and other changes made by the Farm Credit Act of 1956, the farm credit board in each district, with the approval of the Farm Credit Administration, and the Governor of the Farm Credit Administration, respectively, have prescribed rules and regulations for Production Credit Associations, to be effective January 1, 1957. In accordance therewith, Part 50 of Title 6 of the Code of Federal Regulations is hereby amended, effective January 1, 1957, to read as follows:

Subpart A—Loans to Members

ELIGIBILITY

Sec.
50.101 General.
50.102 Corporation.
50.103 Stockholder endorsements.
50.104 Fiduciaries and representatives.
50.105 Receivers and trustees.
50.106 Territorial limitations.

LOAN PURPOSES

50.111 Short- and intermediate-term loans.
50.112 Determination of authority.

SECURITY FOR LOANS

50.121 Secured and unsecured loans.
50.122 Acceptable security.

MEMBERSHIP IN OR CONTRACTS WITH OTHER ORGANIZATIONS

50.131 Requirements imposed on borrower.

OTHER LOAN REQUIREMENTS, TERMS, ETC.

50.141 Applications.
50.142 Inspections.
50.143 Maturities.
50.144 Interest rates.
50.145 Other charges to borrowers.
50.146 Disbursement of loan proceeds.
50.147 Time limit on closing loans.

SPECIAL TYPES OF LOANS

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50.152 Insured loans to veterans.
50.153 Storage facility loans guaranteed by Commodity Credit Corporation.

Sec.
50.154 Loans on commodities covered by price support programs.

APPROVALS OF LOANS

50.161 Executive committee action required.
50.162 Disqualification for interest.
50.163 "Official" loans.
50.164 Excess loans.

Subpart B—Investments and Dividends

INVESTMENTS

50.201 Amount of investment and approved securities.
50.202 Commodity Credit Corporation loans.

DIVIDENDS

50.211 Class A and class B stock.
50.212 Class C stock.

Subpart C—General Provisions

50.301 Association territory.
50.311 Forms.
50.312 Accounts.
50.313 Reports.
50.321 Depositaries.
50.331 Acquisition of office quarters.
50.341 Examinations.
50.351 Confidential information.

Subpart D—Consolidation or Merger of Associations: Voluntary Liquidation

CONSOLIDATION OR MERGER OF ASSOCIATIONS

50.401 Agreement.
50.402 Carrying out agreement to consolidate or merge.
50.403 Supervision of consolidation or merger.

VOLUNTARY LIQUIDATION OF ASSOCIATIONS

50.411 Resolution of board of directors.
50.412 Distribution of assets.
50.413 Methods of converting assets into cash.

AUTHORITY: §§ 50.101 to 50.413 issued under sec. 6, 47 Stat. 14, as amended, secs. 20, 23, 60, 48 Stat. 259, 261, as amended, 266, as amended, sec. 105, 70 Stat. 665; 12 U. S. C. 665, 1131d, 1131g, 1138.

NOTE: Throughout this part the term "association" refers to a production credit association; the term "Bank" refers to the Federal Intermediate Credit Bank; and the term "Governor" refers to the Governor of the Farm Credit Administration.

SUBPART A—LOANS TO MEMBERS

ELIGIBILITY

§ 50.101 *General.* To be eligible for a loan, an applicant must be a farmer or rancher. The term "farmer" or "rancher" includes an individual or a partnership owning agricultural land or engaged in the business of farming or of livestock production; and also includes a corporation as defined in this part.

§ 50.102 *Corporation.* To be considered a farmer or rancher a corporation must be principally engaged in farming or in livestock production. To be considered as so principally engaged, the major portion of its assets must be represented by property actually devoted to farming or livestock production; at least half of its gross income must be derived from such operations; and at least half of the time of its active officers and personnel must be spent in the conduct of such business.

§ 50.103 *Stockholder endorsements.* When a loan is made to a corporation, either the holder or holders of at least a majority of its outstanding shares of voting stock or, with the consent of the Federal Intermediate Credit Bank (hereinafter called the "Bank"), a principal stockholder or stockholders must (a) endorse, or sign as comakers, all notes evidencing such loan; or (b) execute continuing guarantees of all indebtedness of such corporation to the association. When it is expected that future advances will be made to a corporate borrower, the association will require a continuing guaranty as above mentioned.

§ 50.104 *Fiduciaries and representatives.* Loans may be made to a fiduciary or representative (including a trustee, guardian, executor, administrator, or receiver) who, in such capacity, is engaged in farming or in livestock production, provided that some financially responsible individual (which may be the fiduciary or representative) will incur personal liability for the loan, or the general assets of the estate can and will be charged with liability for the loan; and the provisions of applicable State laws have been complied with.

§ 50.105 *Receivers and trustees.* Loans shall not be made to the receiver of a corporation or to the trustee of a business trust (commonly called Massachusetts Trust) unless the corporation or trust satisfies the requirement for eligibility of a corporation as prescribed in § 50.102.

§ 50.106 *Territorial limitations.* (a) A loan to finance operations wholly within the territory of the association may be made regardless of the residence of the applicant.

(b) A loan to finance operations wholly outside the territory of the association shall not be made even though the applicant resides within the territory served by the association.

(c) A loan to finance operations which are partly within and partly without the association's territory may be made if such operations are regarded by the association and the Bank as one farming or livestock enterprise.

LOAN PURPOSES

§ 50.111 *Short- and intermediate-term loans.* An association is authorized to make short- and intermediate-term loans to qualified farmers and ranchers for general agricultural purposes and other requirements of the borrowers related to their farm and ranch businesses and the needs of their families.

§ 50.112 *Determination of authority.* When an association is in doubt as to its authority to make a particular loan it should submit all pertinent facts to the Bank for determination.

SECURITY FOR LOANS

§ 50.121 *Secured and unsecured loans.* Both secured and unsecured loans may be made in accordance with the rules and regulations in this part.

§ 50.122 *Acceptable security.* Normally, security taken will consist of chattel mortgages and crop liens. While it is not intended that associations ordinarily will make real estate mortgage loans, real estate or other security may be taken when deemed necessary for the protection of the association in making short- and intermediate-term loans for eligible purposes. Before taking a real estate mortgage, the association should consider whether all or a portion of the member's needs might be met more satisfactorily by a real estate mortgage loan such as may be obtained through a national farm loan association.

MEMBERSHIP IN OR CONTRACTS WITH OTHER ORGANIZATIONS

§ 50.131 *Requirements imposed on borrower.* An association shall not require a borrower to enter into any contract or agreement with any particular association, individual, or agency with respect to the purchase of supplies or the sale of agricultural products, livestock or livestock products or any other requirements pertaining to the operation of his farm or ranch; nor shall an association require a borrower to become a member of any other organization or association or to purchase life insurance; provided, that such requirements may be imposed as special credit conditions on individual loans.

OTHER LOAN REQUIREMENTS, TERMS, ETC.

§ 50.141 *Applications.* Each applicant desiring a loan shall submit an application therefor in a form prescribed by the Bank, an acceptable plan for repaying the loan, and such other information as may be required by the association or the Bank.

§ 50.142 *Inspections.* Inspections and field reports shall be made in accordance with requirements prescribed by the Bank. An association officer, employee, or agent shall not be authorized to make an inspection incident to a loan to himself or to a member of his immediate family, or in connection with property in which he has a legal or equitable interest. The term "immediate family" shall include a father, mother, brother, sister, son, daughter, husband, or wife.

§ 50.143 *Maturities.* Loans will usually be made with maturities coinciding with the normal marketing seasons for the crops or livestock being financed, ordinarily not more than 12 months. Loans for capital purposes may be made with maturities not to exceed 5 years, under policies and procedures prescribed by the Bank.

§ 50.144 *Interest rates.* The rate of interest charged by an association shall be the rate authorized by the Bank, within limits prescribed by the board of directors of the Bank. Interest shall be charged on loans for the actual number of days such loans are outstanding, computed on a 365-day or a 366-day (leap year) basis.

§ 50.145 *Other charges to borrowers.* Subject to the approval of the Bank, the association may prescribe fees and other charges in connection with loans.

§ 50.146 *Disbursement of loan proceeds.* An association is authorized to disburse loan proceeds in accordance with such terms and conditions as the Bank may prescribe.

§ 50.147 *Time limit on closing loans.* An association may, in its discretion, refuse to make a loan to an applicant who does not furnish all documents necessary to close the loan within 30 days after notice has been sent him by the association that his application has been approved.

SPECIAL TYPES OF LOANS

§ 50.151 *Guaranteed loans to veterans.* Upon authorization by its board of directors, an association may make loans to veterans which are guaranteed in part by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944, for any agricultural purpose eligible for such guaranty. Notwithstanding the regulations governing other loans made by the association, such guaranteed loans to veterans shall have a maturity in keeping with the repayment ability of the business financed but not more than 5 years, and shall bear such rate of interest and otherwise be in accordance with the provisions of said act and regulations promulgated thereunder by the Administrator of Veterans' Affairs.

§ 50.152 *Insured loans to veterans.* Upon authorization by its board of directors, an association may make loans to veterans which are insured by the Administrator of Veterans' Affairs under the provisions of Title III of the Servicemen's Readjustment Act of 1944, as amended, for any agricultural purpose eligible for such insurance (except real-estate loans). Notwithstanding the regulations governing other loans made by the association, such insured loans to veterans shall bear interest not to exceed 5.7 percent per annum, shall have a maturity in keeping with the repayment ability of the borrower but not more than 5 years, and shall be made in accordance with the other requirements of said act and the regulations promulgated thereunder by the Administrator of Veterans' Affairs.

§ 50.153 *Storage facility loans guaranteed by Commodity Credit Corporation.* Upon authorization by its board of directors, an association may make loans to its members to finance the purchase or construction of storage facilities under agreements whereby the Commodity Credit Corporation will guarantee payment of such loans. Notwithstanding the regulations governing other loans made by the association, loans so guaranteed may be made at such rates of interest, with such maturities, and upon such terms and conditions as the Commodity Credit Corporation may prescribe.

§ 50.154 *Loans on commodities covered by price support programs.* Notwithstanding the regulations covering other loans made by an association, loans may be made to members on any commodity for which a Commodity Credit Corporation price support program is in effect, at such rate of interest and upon such terms as the board of directors of the Bank may prescribe subject to the following conditions:

(a) The commodity offered as security for the loan shall be eligible for price support under a CCC price support program and shall be stored in a bonded public warehouse;

(b) The member shall have complied with all CCC eligibility requirements;

(c) The loan shall mature not later than 30 days prior to the expiration of the period during which the CCC loan or other price support may be obtained on the commodity and shall be secured by pledge of negotiable warehouse receipts covering the commodity; and

(d) The borrower shall appoint the association as his attorney-in-fact to obtain a CCC loan (or other such price support as is available) in the event that the borrower fails to do so prior to maturity or repayment of the loan.

APPROVALS OF LOANS

§ 50.161 *Executive committee action required.* Unless otherwise provided in the bylaws of the association, or unless otherwise authorized by the board of directors of the association and by the Bank, no loan shall be made unless the executive committee has given prior approval thereto. Where executive committee action is required, no loan shall be made unless application therefor has received the unanimous approval of the qualified members of the executive committee present at the meeting at which such action is taken.

§ 50.162 *Disqualification for interest.* A director or officer of an association shall absent himself during the deliberations upon an application for a loan in which he or a member of his immediate family (as defined in § 50.142) has a legal or equitable interest.

§ 50.163 *"Official" loans.* (a) Loans to the following shall be subject to prior approval by the Bank: A director or officer of the association.

(b) Loans to the following shall be subject to prior approval by the board of directors of the Bank:

(1) A member of the Federal Farm Credit Board.

(2) An officer, employee, or agent of the Bank.

(c) Loans to the following shall be subject to prior approval by the board of directors of the Bank and by the Farm Credit Administration.

(1) A director of the Bank.

(2) An officer (as distinguished from an employee) of the Farm Credit Administration.

(d) A loan to a partnership, firm, or corporation in which any of the aforesaid directors, officers, employees, agents, or a member of the Federal Farm Credit Board is a member or stockholder shall be subject to the same prior approval as a loan to such person individually.

(e) Any loan shall be subject to the same prior approval as required for loans to directors, officers, employees, agents, or a member of the Federal Farm Credit Board if any such person will receive more than $1,000 of the proceeds; or if more than $1,000 will be used in connection with real or personal property in which any such person has a legal or equitable interest; or if any such person is a creditor of or endorser for the borrower to the extent of more than $1,000; *Provided, however,* That the board of directors of the Bank may prescribe an amount other than $1,000 for any of these purposes.

§ 50.164 *Excess loans.* (a) No loan shall be made to a borrower if the sum of his obligations to the association, whether as borrower, comaker, endorser, or guarantor, will exceed 15 percent of the unimpaired capital and surplus of the association, unless such loan has the prior approval of the Bank; nor shall the total of such obligations of a borrower exceed 35 percent of the association's unimpaired capital and surplus without the prior approval of the Bank and of the Farm Credit Administration.

(b) The term "obligation(s)", as used in paragraph (a) of this section refers to the total commitment, in the case of new or repeat loans, and includes the unpaid balance, undisbursed commitment, and any proposed additional advance, in the case of all other loans.

SUBPART B—INVESTMENTS AND DIVIDENDS

INVESTMENTS

§ 50.201 *Amount of investment and approved securities.* Each production credit association shall maintain investments in securities approved for that purpose by the Farm Credit Administration in an aggregate amount not less than 70 percent of its paid-in capital, represented by class "A", class "B", and class "C" stock outstanding. The following classes of obligations are approved for such investment:

(a) Bonds and other direct obligations of the United States.

(b) Consolidated Federal farm loan bonds and consolidated debentures of the banks for cooperatives.

(c) Soil and water conservation loans and farm ownership loans made under programs administered by the Farmers Home Administration, when payment thereof is guaranteed by the United States.

§ 50.202 *Commodity Credit Corporation loans.* An association is authorized to invest in loans made to its members, pursuant to commodity loan programs of the CCC, when payment thereof is assured by agreements of that Corporation.

DIVIDENDS

§ 50.211 *Class A and class B stock.* An association may pay dividends on its outstanding class A and class B stock, without prefernece, or on class A stock alone, at a rate not to exceed 7 percent per annum when (a) it has met all dividend requirements prescribed by the board of directors of the Bank, and the Bank has approved such payment, (b) the association has retired all of its class A stock owned by the Governor, and (c) its surplus account (after payment of dividends) is in an amount at least equal to the minimum amount prescribed by the board of directors of the Bank as required by law: *Provided, however,* That, except with the approval of the Farm Credit Administration, no dividend may be paid by an association if its surplus account (after payment of dividends) is in an amount less than 7½ percent of the maximum amount of its outstanding loans during the most recent 3-year period.

Sec.
50.221 Class C stock.
50.231 Limitations on dividends.

Subpart C—General Provisions

50.301 Association territory.
50.311 Forms.
50.312 Accounts.
50.313 Reports.
50.321 Depositaries.
50.331 Acquisition of office quarters.
50.341 Examinations.
50.351 Confidential information.

Subpart D—Consolidation or Merger of Associations: Voluntary Liquidation

CONSOLIDATION OR MERGER OF ASSOCIATIONS

50.401 Agreement.
50.402 Carrying out agreement to consolidate or merge.
50.403 Supervision of consolidation or merger.

VOLUNTARY LIQUIDATION OF ASSOCIATIONS

50.411 Resolution of board of directors.
50.412 Distribution of assets.
50.413 Methods of converting assets into cash.

AUTHORITY: §§ 50.201 to 50.413 issued under sec. 6, 47 Stat. 14, as amended, secs. 20, 23, 60, 48 Stat. 259, 261, as amended, 266, as amended, sec. 105, 70 Stat. 665; 12 U. S. C. 665, 1131d, 1131g, 1138.

NOTE: Throughout this part the term "association" refers to a production credit association; the term "Bank" refers to the Federal Intermediate Credit Bank; and the term "Governor" refers to the Governor of the Farm Credit Administration.

SUBPART A—LOANS TO MEMBERS

ELIGIBILITY

§ 50.101 *General.* To be eligible for a loan, an applicant must be a farmer or rancher. The term "farmer" or "rancher" includes an individual or a partnership owning agricultural land or engaged in the business of farming or of livestock production; and also includes a corporation as defined in this part.

§ 50.102 *Corporation.* To be considered a farmer or rancher a corporation must be principally engaged in farming or in livestock production. To be considered as so principally engaged, the major portion of its assets must be represented by property actually devoted to farming or livestock production; at least half of its gross income must be derived from such operations; and at least half of the time of its active officers and personnel must be spent in the conduct of such business.

§ 50.103 *Stockholder endorsements.* When a loan is made to a corporation, either the holder or holders of at least a majority of its outstanding shares of voting stock or, with the consent of the Federal Intermediate Credit Bank (hereinafter called the "Bank"), a principal stockholder or stockholders must (a) endorse, or sign as comakers, all notes evidencing such loan; or (b) execute continuing guarantees of all indebtedness of such corporation to the association. When it is expected that future advances will be made to a corporate borrower, the association will require a continuing guaranty as above mentioned.

§ 50.104 *Fiduciaries and representatives.* Loans may be made to a fiduciary or representative (including a trustee, guardian, executor, administrator, or receiver) who, in such capacity, is engaged in farming or in livestock production, provided that some financially responsible individual (which may be the fiduciary or representative) will incur personal liability for the loan, or the general assets of the estate can and will be charged with liability for the loan; and the provisions of applicable State laws have been complied with.

§ 50.105 *Receivers and trustees.* Loans shall not be made to the receiver of a corporation or to the trustee of a business trust (commonly called Massachusetts Trust) unless the corporation or trust satisfies the requirement for eligibility of a corporation as prescribed in § 50.102.

§ 50.106 *Territorial limitations.* (a) A loan to finance operations wholly within the territory of the association may be made regardless of the residence of the applicant.

(b) A loan to finance operations wholly outside the territory of the association shall not be made even though the applicant resides within the territory served by the association.

(c) A loan to finance operations which are partly within and partly without the association's territory may be made if such operations are regarded by the association and the Bank as one farming or livestock enterprise.

LOAN PURPOSES

§ 50.111 *Short- and intermediate-term loans.* An association is authorized to make short- and intermediate-term loans to qualified farmers and ranchers for general agricultural purposes and other requirements of the borrowers related to their farm and ranch businesses and the needs of their families.

§ 50.112 *Determination of authority.* When an association is in doubt as to its authority to make a particular loan it should submit all pertinent facts to the Bank for determination.

SECURITY FOR LOANS

§ 50.121 *Secured and unsecured loans.* Both secured and unsecured loans may be made in accordance with the rules and regulations in this part.

§ 50.122 *Acceptable security.* Normally, security taken will consist of chattel mortgages and crop liens. While it is not intended that associations ordinarily will make real estate mortgage loans, real estate or other security may be taken when deemed necessary for the protection of the association in making short- and intermediate-term loans for eligible purposes. Before taking a real estate mortgage, the association should consider whether all or a portion of the member's needs might be met more satisfactorily by a real estate mortgage loan such as may be obtained through a national farm loan association.

MEMBERSHIP IN OR CONTRACTS WITH OTHER ORGANIZATIONS

§ 50.131 *Requirements imposed on borrower.* An association shall not require a borrower to enter into any contract or agreement with any particular association, individual, or agency with respect to the purchase of supplies or the sale of agricultural products, livestock or livestock products or any other requirements pertaining to the operation of his farm or ranch; nor shall an association require a borrower to become a member of any other organization or association or to purchase life insurance; provided, that such requirements may be imposed as special credit conditions on individual loans.

OTHER LOAN REQUIREMENTS, TERMS, ETC.

§ 50.141 *Applications.* Each applicant desiring a loan shall submit an application therefor in a form prescribed by the Bank, an acceptable plan for repaying the loan, and such other information as may be required by the association or the Bank.

§ 50.142 *Inspections.* Inspections and field reports shall be made in accordance with requirements prescribed by the Bank. An association officer, employee, or agent shall not be authorized to make an inspection incident to a loan to himself or to a member of his immediate family, or in connection with property in which he has a legal or equitable interest. The term "immediate family" shall include a father, mother, brother, sister, son, daughter, husband, or wife.

§ 50.143 *Maturities.* Loans will usually be made with maturities coinciding with the normal marketing seasons for the crops or livestock being financed, ordinarily not more than 12 months. Loans for capital purposes may be made with maturities not to exceed 5 years, under policies and procedures prescribed by the Bank.

§ 50.144 *Interest rates.* The rate of interest charged by an association shall be the rate authorized by the Bank, within limits prescribed by the board of directors of the Bank. Interest shall be charged on loans for the actual number of days such loans are outstanding, computed on a 365-day or a 366-day (leap year) basis.

§ 50.145 *Other charges to borrowers.* Subject to the approval of the Bank, the association may prescribe fees and other charges in connection with loans.

§ 50.146 *Disbursement of loan proceeds.* An association is authorized to disburse loan proceeds in accordance with such terms and conditions as the Bank may prescribe.

§ 50.147 *Time limit on closing loans.* An association may, in its discretion, refuse to make a loan to an applicant who does not furnish all documents necessary to close the loan within 30 days after notice has been sent him by the association that his application has been approved.

SPECIAL TYPES OF LOANS

§ 50.151 *Guaranteed loans to veterans.* Upon authorization by its board of directors, an association may make loans to veterans which are guaranteed in part by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944, for any agricultural purpose eligible for such guaranty. Notwithstanding the regulations governing other loans made by the association, such guaranteed loans to veterans shall have a maturity in keeping with the repayment ability of the business financed but not more than 5 years, and shall bear such rate of interest and otherwise be in accordance with the provisions of said act and regulations promulgated thereunder by the Administrator of Veterans' Affairs.

§ 50.152 *Insured loans to veterans.* Upon authorization by its board of directors, an association may make loans to veterans which are insured by the Administrator of Veterans' Affairs under the provisions of Title III of the Servicemen's Readjustment Act of 1944, as amended, for any agricultural purpose eligible for such insurance (except real-estate loans). Notwithstanding the regulations governing other loans made by the association, such insured loans to veterans shall bear interest not to exceed 5.7 percent per annum, shall have a maturity in keeping with the repayment ability of the borrower but not more than 5 years, and shall be made in accordance with the other requirements of said act and the regulations promulgated thereunder by the Administrator of Veterans' Affairs.

§ 50.153 *Storage facility loans guaranteed by Commodity Credit Corporation.* Upon authorization by its board of directors, an association may make loans to its members to finance the purchase or construction of storage facilities under agreements whereby the Commodity Credit Corporation will guarantee payment of such loans. Notwithstanding the regulations governing other loans made by the association, loans so guaranteed may be made at such rates of interest, with such maturities, and upon such terms and conditions as the Commodity Credit Corporation may prescribe.

§ 50.154 *Loans on commodities covered by price support programs.* Notwithstanding the regulations covering other loans made by an association, loans may be made to members on any commodity for which a Commodity Credit Corporation price support program is in effect, at such rate of interest and upon such terms as the board of directors of the Bank may prescribe subject to the following conditions:

(a) The commodity offered as security for the loan shall be eligible for price support under a CCC price support program and shall be stored in a bonded public warehouse;

(b) The member shall have complied with all CCC eligibility requirements;

(c) The loan shall mature not later than 30 days prior to the expiration of the period during which the CCC loan or other price support may be obtained on the commodity and shall be secured by pledge of negotiable warehouse receipts covering the commodity; and

(d) The borrower shall appoint the association as his attorney-in-fact to obtain a CCC loan (or other such price support as is available) in the event that the borrower fails to do so prior to maturity or repayment of the loan.

APPROVALS OF LOANS

§ 50.161 *Executive committee action required.* Unless otherwise provided in the bylaws of the association, or unless otherwise authorized by the board of directors of the association and by the Bank, no loan shall be made unless the executive committee has given prior approval thereto. Where executive committee action is required, no loan shall be made unless application therefor has received the unanimous approval of the qualified members of the executive committee present at the meeting at which such action is taken.

§ 50.162 *Disqualification for interest.* A director or officer of an association shall absent himself during the deliberations upon an application for a loan in which he or a member of his immediate family (as defined in § 50.142) has a legal or equitable interest.

§ 50.163 *"Official" loans.* (a) Loans to the following shall be subject to prior approval by the Bank: A director or officer of the association.

(b) Loans to the following shall be subject to prior approval by the board of directors of the Bank:

(1) A member of the Federal Farm Credit Board.

(2) An officer, employee, or agent of the Bank.

(c) Loans to the following shall be subject to prior approval by the board of directors of the Bank and by the Farm Credit Administration.

(1) A director of the Bank.

(2) An officer (as distinguished from an employee) of the Farm Credit Administration.

(d) A loan to a partnership, firm, or corporation in which any of the aforesaid directors, officers, employees, agents, or a member of the Federal Farm Credit Board is a member or stockholder shall be subject to the same prior approval as a loan to such person individually.

(e) Any loan shall be subject to the same prior approval as required for loans to directors, officers, employees, agents, or a member of the Federal Farm Credit Board if any such person will receive more than $1,000 of the proceeds; or if more than $1,000 will be used in connection with real or personal property in which any such person has a legal or equitable interest; or if any such person is a creditor of or endorser for the borrower to the extent of more than $1,000; *Provided, however,* That the board of directors of the Bank may prescribe an amount other than $1,000 for any of these purposes.

§ 50.164 *Excess loans.* (a) No loan shall be made to a borrower if the sum of his obligations to the association, whether as borrower, comaker, endorser, or guarantor, will exceed 15 percent of the unimpaired capital and surplus of the association, unless such loan has the prior approval of the Bank; nor shall the total of such obligations of a borrower exceed 35 percent of the association's unimpaired capital and surplus without the prior approval of the Bank and of the Farm Credit Administration.

(b) The term "obligation(s)", as used in paragraph (a) of this section refers to the total commitment, in the case of new or repeat loans, and includes the unpaid balance, undisbursed commitment, and any proposed additional advance, in the case of all other loans.

SUBPART B—INVESTMENTS AND DIVIDENDS

INVESTMENTS

§ 50.201 *Amount of investment and approved securities.* Each production credit association shall maintain investments in securities approved for that purpose by the Farm Credit Administration in an aggregate amount not less than 70 percent of its paid-in capital, represented by class "A", class "B", and class "C" stock outstanding. The following classes of obligations are approved for such investment:

(a) Bonds and other direct obligations of the United States.

(b) Consolidated Federal farm loan bonds and consolidated debentures of the banks for cooperatives.

(c) Soil and water conservation loans and farm ownership loans made under programs administered by the Farmers Home Administration, when payment thereof is guaranteed by the United States.

§ 50.202 *Commodity Credit Corporation loans.* An association is authorized to invest in loans made to its members, pursuant to commodity loan programs of the CCC, when payment thereof is assured by agreements of that Corporation.

DIVIDENDS

§ 50.211 *Class A and class B stock.* An association may pay dividends on its outstanding class A and class B stock, without prefernece, or on class A stock alone, at a rate not to exceed 7 percent per annum when (a) it has met all dividend requirements prescribed by the board of directors of the Bank, and the Bank has approved such payment, (b) the association has retired all of its class A stock owned by the Governor, and (c) its surplus account (after payment of dividends) is in an amount at least equal to the minimum amount prescribed by the board of directors of the Bank as required by law: *Provided, however,* That, except with the approval of the Farm Credit Administration, no dividend may be paid by an association if its surplus account (after payment of dividends) is in an amount less than 7½ percent of the maximum amount of its outstanding loans during the most recent 3-year period.

§ 50.212 *Class C stock.* An association may pay dividends on its outstanding class C stock in accordance with the terms and conditions of each issue of such stock, when such payment is approved by the board of directors of the Bank.

SUBPART C—GENERAL PROVISIONS

§ 50.301 *Association territory.* The association shall operate and conduct its business within such territory as may be prescribed by the Governor and evidenced in a certificate of district to be served. (See § 50.106.)

§ 50.311 *Forms.* Credit forms and principal accounting forms used by an association will be prescribed or approved by the Bank.

§ 50.312 *Accounts.* Classification of an association's accounts will be prescribed by the Bank subject to the prior approval of the Farm Credit Administration.

§ 50.313 *Reports.* At such times and on such forms as the Bank shall require, the association shall submit to the Bank statements of condition and reports relative to the association's operations.

§ 50.321 *Depositaries.* Except with the approval of the Bank the depositaries for the funds of the association shall be banks insured by the Federal Deposit Insurance Corporation.

§ 50.331 *Acquisition of office quarters.* The purchase or construction of a building or the purchase of a site therefor by an association for its office quarters shall be subject to the prior approval of the board of directors of the Bank so long as the Governor is the holder of any stock in the association. An association in which the Governor holds no stock shall obtain the prior approval of the board of directors of the Bank when the total investment by the association in all such properties (sites, buildings, and contemplated improvements) is in excess of 10 percent of the association's net worth.

§ 50.341 *Examinations.* At least once each year and at such other times as the Governor deems necessary, the association shall be examined by examiners designated by him. The cost of such examinations shall be assessed against and paid by the association in such manner as the Governor shall prescribe. The amounts so assessed and unpaid shall be a prior lien on all assets of the association, except on assets pledged to secure its notes payable and rediscounts.

§ 50.351 *Confidential information.* No director, officer, employee, or agent of an association shall disclose information regarding any borrower or applicant for a loan, or divulge any other information of a confidential character, except as permitted by instructions issued by the Bank.

SUBPART D—CONSOLIDATION OR MERGER OF ASSOCIATIONS: VOLUNTARY LIQUIDATION

CONSOLIDATION OR MERGER OF ASSOCIATIONS

§ 50.401 *Agreement—(a) General provisions.* By resolution, the board of directors of each association involved in a consolidation or merger shall authorize the execution of an agreement, in form prescribed by the Bank with the approval of the Farm Credit Administration, designating the charter of one of the constituent associations as the charter of the consolidated association or of the continuing association in the case of a merger, providing for a date on which the consolidation or merger shall be effective, and setting forth the terms and conditions thereof and the mode of carrying the same into effect.

(b) *Conversions of capital stock—consolidation.* If the associations are to be consolidated, the agreement shall also provide that the shares of class A stock of the constituent associations shall be converted at the par value thereof into like shares of the consolidated association; that the shares of class B stock of the constituent associations which have a fair book value equal to or greater than the par value thereof shall be converted at the par value thereof into like shares of the consolidated association; that the shares of class B stock of the constituent associations which have a fair book value of less than par shall be converted into $5.00 par value shares of class B stock of the consolidated association having an aggregate value equal in each instance to the aggregate fair book value of such shares of such constituent associations.

(c) *Conversions of capital stock—merger.* If the associations are to be merged, the agreement shall also provide that the shares of class A stock of the association(s) merged into the continuing association shall be converted at the par value thereof into like shares in the continuing association; that the shares of class B stock in the merged association(s) which have a fair book value equal to or greater than the par value thereof shall be converted at the par value thereof into like shares of the continuing association; and that the shares of class B stock in the merged association(s) which have a fair book value of less than par shall be converted into $5.00 par value of shares of class B stock of the continuing association having an aggregate value equal in each instance to the aggregate fair book value of such shares of such merged associations.

(d) No fractional shares of capital stock shall be issued. When the amount of stock of a consolidated or continuing association to which a stockholder is entitled is not a multiple of $5.00, the residual amount in excess of such highest multiple of $5.00 shall be remitted to the stockholder and the amount of capital stock reduced accordingly.

(e) *Approval of agreement.* In order to become effective, an agreement to consolidate or merge must be approved:

(1) By a two-thirds vote of the class B stockholders of each association constituent to the consolidation or merger who are present at a meeting duly called for the purpose (provided the stockholders so present constitute a quorum);

(2) By the board of directors of the Bank; and

(3) By the Governor.

A copy of the approved agreement shall be filed with the Bank.

§ 50.402 *Carrying out agreement to consolidate or merge.* (a) In the case of consolidation the separate existence of the constituent associations shall cease as of the effective date specified in the agreement and the consolidated association shall succeed, without other transfer, to all rights and property of the constituent associations, and shall be obliged to discharge all debts and other obligations of such associations in the same manner and to the same extent as if they had been incurred originally by such consolidated association.

(b) In the case of merger the separate existence of the merged association(s) shall cease as of the effective date specified in the agreement and the continuing association shall succeed, without other transfer, to all rights and property of the merged association(s) and shall be obligated to discharge all the debts and other obligations of such association(s) in the same manner and to the same extent as if they had been incurred originally by such continuing association.

(c) In the case of either consolidation or merger, appropriate instruments of transfer may be executed if thought necessary to perfect title of record.

§ 50.403 *Supervision of consolidation or merger.* It shall be the duty of the Bank to supervise the consolidation or merger to assure that the terms and conditions of the agreement are carried into effect.

VOLUNTARY LIQUIDATION OF ASSOCIATIONS

§ 50.411 *Resolution of board of directors.* Subject to the approval of the board of directors of the Bank and of the Governor, an association may be placed in voluntary liquidation by resolution of its board of directors. The resolution shall authorize and direct the Bank to appoint and fix the compensation of a liquidating agent for the association and to remove such liquidating agent at will and appoint a successor; and shall vest in the liquidating agent full and complete authority (without any reservation of power to the association board) to liquidate the association subject to the direction and supervision of the Bank.

§ 50.412 *Distribution of assets.* Subject to such direction and supervision, the liquidating agent shall convert the association's assets into cash, pay its obligations, and distribute its remaining assets to the holders of class A and class B stock in accordance with their liquidation preference rights.

§ 50.413 *Methods of converting assets into cash.* The loan assets of the association may be converted into cash by either of the following methods:

(a) By their collection.

(b) By the sale of the loan assets of the association to another association or associations upon such terms and conditions as may be approved by the board of directors of the Bank and by the Governor, provided that immediately upon completion of such sale the liquidating association will be able to pay liquidating dividends of not less than $5.00 per share on all its outstanding stock. Each borrower whose loan is sold to another association shall be required to own class B stock in the purchasing association in the amount of $5.00 for each $100 or fraction thereof of the unpaid balance of such loan and the liquidating association shall make payment to the purchasing association for such stock out of the borrower's liquidating dividends.

(c) By any other method authorized by law.

Effective January 1, 1957, as provided in the Farm Credit Act of 1956, each production credit corporation which formerly exercised supervisory authority over the production credit associations in its district will be merged in the Federal intermediate credit bank of the district, which then will assume corresponding supervisory authority over the production credit associations. To reflect this change, § 52.1 of Title 6 of the Code of Federal Regulations is being amended to refer to a Federal intermediate credit bank instead of a production credit corporation. Further, inasmuch as the subject of § 52.2 of said Title 6, storage facility loans guaranteed by Commodity Credit Corporation, is being covered in § 50.153 of said Title 6, as amended effective January 1, 1957, said § 52.2 is being withdrawn from codification. Accordingly, Part 52 of Title 6 of the Code of Federal Regulations is hereby amended effective January 1, 1957, to read as follows:

§ 52.1 *Supervision by Federal intermediate credit bank of associations in First Farm Credit District.* Wherever in Part 50 of this chapter authority is conferred upon the president of the bank, such authority with respect to the associations in the First Farm Credit District may be exercised by either the President or the Executive Vice President of the Federal Intermediate Credit Bank of Springfield.

(Sec. 6, 47 Stat. 14, as amended, secs. 20, 23, 60, 48 Stat. 259, 261, as amended, 266, as amended, sec. 105, 70 Stat. 665; 12 U. S. C. 665, 1131d, 1131g, 1138)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 56-10446; Filed, Dec. 26, 1956; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (2) of § 6.102 is amended as set out below.

§ 6.102 *Department of State.* • • •

(f) *Bureau of Inspection, Security, and Consular Affairs.* • • •

(2) Until June 30, 1957, all positions whose incumbents are exclusively and directly engaged in the administration of the Refugee Relief Act of 1953.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10440; Filed, Dec. 26, 1956; 8:47 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (2) of § 6.114 is amended as set out below.

§ 6.114 *Department of Health, Education, and Welfare.* • • •

(c) *Office of Education.* • • •

(2) Fifteen positions required in connection with the work of the President's Committee on Education Beyond the High School, as follows: Ten professional positions in the field of education and five administrative positions requiring knowledge of, or experience with, citizen and other lay groups participating in matters relating to higher education. Employment under this provision shall not extend beyond June 30, 1958.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10439; Filed, Dec. 26, 1956; 8:47 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (6) of § 6.333 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10441; Filed, Dec. 26, 1956; 8:47 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

THE RENEGOTIATION BOARD

Effective upon publication in the FEDERAL REGISTER, § 6.359 (a) is added.

§ 6.359 *The Renegotiation Board.* (a) Two Special Assistants to the the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10464; Filed, Dec. 26, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 4]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR 1956 CROP

IDENTIFICATION OF WHEAT OBTAINED THROUGH REDEMPTION OF SOIL BANK CERTIFICATES

Basis and purpose. The amendments herein are issued under the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of identifying wheat obtained through redemption of Soil Bank Certificates, Form CCC 379, as being eligible for sale without being subject to penalty.

Since the only purpose of this amendment is to provide identification of penalty-free wheat, and since farmers are already eligible for Soil Bank Certificates, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

Section 728.669 is amended (a) by changing the title to read *"Lost, destroyed, or stolen marketing cards, marketing certificates, or soil bank delivery orders";* (b) by adding at the end of paragraph (a) a new sentence as follows: "The same provisions for reporting the loss, destruction, or theft of a marketing card or certificate shall apply in reporting the loss, destruction, or theft of produeers' copies of soil bank delivery orders (Form CCC–382 or CCC–103)."; and (c) by adding at the end of paragraph (b) a new sentence as follows: "The provisions of this paragraph for replacing lost, stolen, or destroyed marketing cards or marketing certificates shall apply in replacing lost, stolen, or destroyed soil bank delivery orders (Form CCC–382 or CCC–103)."

Section 728.675 is amended by adding the following sentence to the end thereof: "The quantity of wheat obtained by a producer by redemption of Soil Bank Certificates (Form CCC–379) if offered for sale shall be taken by the buyer as penalty free if identified by a copy of the soil bank delivery order (Form CCC–382 or Form CCC–103) completely filled in by the county committee."

Section 728.687 is amended (a) by inserting in paragraph (b), subparagraph (1), immediately following the word "wheat", the language "or the name of the person who acquired the wheat through redemption of a soil bank certificate,"; (b) by inserting in paragraph (b), subparagraph (4), immediately after the language "or intermediate buyer's record and report (MQ–95—Wheat (1956))" a comma and the language "or soil bank delivery order

(Form CCC-382 or CCC-103)"; (c) by striking out in paragraph (c) preceding subparagraph (1) the language "§§ 728.672, 728.673, and 728.674" and inserting in lieu thereof the language "§§ 728.672, 728.673, 728.674 and 728.675"; (d) by changing the last sentence of paragraph (c) to read as follows: "It shall be presumed that wheat was not identified by MQ-76—Wheat (1956) as provided in § 728.672, or MQ-94—Wheat as provided in § 728.673, or MQ-95—Wheat (1956) as provided in § 728.674, or CCC-382 or CCC-103 as provided in § 728.675, if the serial number of the marketing card, marketing certificate, intermediate buyer's record and report, or soil bank delivery order does not appear on the records required to be kept pursuant to paragraph (b) of this section"; and (e) by adding at the end of paragraph (d) the following sentence: "The provisions of this paragraph for endorsing the intermediate buyer's record and report (MQ-95—Wheat (1956)) when only a portion of the wheat covered by the report is purchased shall also be followed when only a portion of the wheat covered by a soil bank delivery order (Form CCC-382 or CCC-103) is purchased."

Issued at Washington, D. C., this 20th day of December 1956. Witness my hand and the seal of the Department of Agriculture.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

[SEAL] MARVIN L. McLAIN,
Assistant Secretary.

[F. R. Doc. 56-10460; Filed, Dec. 26, 1956; 8:48 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 811]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1957

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 and to establish, pursuant to section 202 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1957 and to prescribe the time in which quotas may be filled. Further, this regulation establishes (1) the amounts of certain quotas that may be filled by direct-consumption sugar, pursuant to section 207 of the act, (2) liquid sugar quotas pursuant to section 208, and (3) limitations on total importations to effectuate Article 7 of the International Sugar Agreement pursuant to section 411 of the act.

The determination of sugar requirements set forth in this regulation is made pursuant to the requirement of section 201 of the act that the Secertary of Agriculture make such determination for the calendar year 1957 during December of 1956. The determination has been based, insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government.

Sugar quotas, the amounts thereof that may be filled by direct-consumption sugar, and liquid sugar quotas are established by the procedures prescribed or at levels specified in sections 202, 207, and 208 of the act.

Section 201 of the act requires the Secretary to determine sugar requirements "at such other times during the calendar year as the Secretary may deem necessary to meet such requirements," as well as in December of the preceding year. Section 403 (a) of the act provides for regulations necessary to carry out powers vested in the Secretary. Thus, it is necessary to control the use of quotas so that requirements smaller than determined in this regulation may be established which will meet the objectives of the act. Accordingly, § 811.96 restricts the filling of each quota which is in excess of 20,000 short tons, raw value, except the quota for the Republic of the Philippines, by limiting the quantities of sugar that may be marketed, brought in or imported prior to November 1, 1957.

Section 411 of the act provides for the issuance of regulations to carry out Article 7 of the International Sugar Agreement. Article 7 requires limiting the total importations from non-participating countries as a group to the total of such importations in any one of the years 1951, 1952 or 1953. All but four of the countries for which quotas are established hereunder are now members of the International Sugar Agreement. Imports into the United States from each of these four countries were larger in 1953 than in either 1951 or 1952. Therefore, 1953 imports constitute the maximum quantity that may be imported from any combination of these countries remaining outside the Agreement. A protocol of amendment to the Agreement is awaiting signature and different countries from those presently participating may be participants in the Agreement at the time this regulation becomes effective or thereafter during 1957. At least two of the countries concerned in this regulation have already indicated their intentions to become members. The limitation in § 811.97 automatically ceases to apply when a country becomes a member and if any other country for which a quota is established ceases to be a member, this section would need to be amended.

Prior to the issuance of this regulation, notice was given (21 F. R. 8368) that the Secretary of Agriculture was preparing among other things, to determine the sugar requirements and to establish quotas for the calendar year 1957 and that any interested person might present any data, views or arguments with respect thereto at a public hearing to be held in Washington, D. C., on November 26, 1956. In addition, the notice stated that any interested person might present any data, views or arguments with respect thereto in writing not later than December 6, 1956. In making this determination due consideration has been given to the data, views and arguments expressed at the hearing held on November 26, 1956, and to the data, views and arguments submitted in writing on or before December 6, 1956, in accordance with the Administrative Procedure Act (60 Stat. 237).

Since the Sugar Act of 1948 requires that the Secretary of Agriculture determine sugar requirements for the calendar year 1957 during the month of December 1956, and since the sugar quotas for some areas are relatively small, thereby making it possible for such areas to exceed their quotas within a few days after the beginning of the quota year, compliance with the 30-day effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest. Accordingly, this regulation shall be effective on January 1, 1957.

Sec.
811.90 Sugar requirements, 1957.
811.91 Quotas for domestic areas.
811.92 Quotas for foreign countries.
811.93 [Reserved].
811.94 Liquid sugar quotas for foreign countries.
811.95 Applicability of quotas.
811.96 Restrictions on importations and marketings.
811.97 Participation in International Sugar Agreement.

AUTHORITY: §§ 811.90 to 811.97 issued under sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 201, 202, 204, 207, 208, 209, 210, 212 and 411; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, 928, as amended, 929, as amended, 933, as amended; 7 U. S. C. 1111, 1112, 1114, 1117, 1118, 1120, 1122.

§ 811.90 *Sugar requirements, 1957.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 is hereby determined to be 8,800,000 short tons, raw value.

§ 811.91 *Quotas for domestic areas.* (a) For the calendar year 1957 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

[Short tons, raw value]

Area	Quota (1)	Direct-consumption limit (2)
Domestic beet sugar	1,909,188	No limit
Mainland cane sugar	587,476	No limit
Hawaii	1,065,513	29,996
Puerto Rico	1,114,130	130,016
Virgin Islands	15,193	000

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.92 *Quotas for foreign countries.* For the calendar year 1957, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	980,000	59,920
Cuba	2,942,115	375,000
Peru	60,547	9,292
Dominican Republic	51,757	8,285
Mexico	34,209	15,048
Nicaragua	10,584	9,923
Haiti	5,761	5,761
Netherlands	3,313	3,313
China	3,267	3,267
Panama	3,267	3,267
Costa Rica	3,264	3,264
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other countries	0	0

§ 811.93 [Reserved.]

§ 811.94 *Liquid sugar quotas for foreign countries.* For the calendar year 1957 quotas for liquid sugar to be imported into the continental United States for consumption therein are hereby established as follows:

Country	Liquid sugar, wine gallons, 72 percent total sugar content
Cuba	7,970,558
Dominican Republic	830,894
British West Indies	300,000
Other foreign countries	000

§ 811.95 *Applicability of quotas.* The provisions of §§ 811.90 through 811.94 shall apply to all sugar and liquid sugar brought or imported into or marketed in the continental United States in 1957 except as provided in section 212 of the act and subject to the provisions of the regulations in this chapter, which prescribe the time, manner, and conditions under which quotas are filled by the marketing or importation of sugar.

§ 811.96 *Restrictions on importations and marketings within quotas.* With respect to any sugar or liquid sugar which is subject to the provisions of §§ 811.90 through 811.94 as provided in § 811.95, all persons are prohibited during the calendar year 1957 from bringing or importing into or marketing in the continental United States any of such sugar or liquid sugar after the applicable quota has been filled, or any of such sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled: *Provided*, That, prior to November 1, 1957, all persons are prohibited from bringing or importing into or marketing in the continental United States a quantity of sugar greater than, for the Domestic Beet Sugar Area and Cuba, the quotas less 100,000 short tons, raw value; for the Mainland Cane Sugar Area, Hawaii and Puerto Rico, the quotas less 50,000 short tons, raw value; and for Peru, Dominican Republic and Mexico, the quotas less 16,000 short tons, raw value,

§ 811.97 *Participation in International Sugar Agreement.* Notwithstanding any other provision of this Part and to give effect to Article 7 of the International Sugar Agreement, total importations of sugar and liquid sugar from each country named in this section shall not exceed the quantity set opposite its name during such part of the calendar year 1957 that the country is not a member of said agreement:

[Short tons, raw value]

Country	"ISA Limit"
Costa Rica	1,123
Nicaragua	8,113
Panama	1,374
Peru	55,588

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. Section 201 of the Sugar Act of 1948, as amended, provides that in determining the quantity of sugar needed to meet the requirements of consumers in the continental United States (total of quotas) consideration must be given to (a) the distribution of sugar in the twelve months ended October 31 prior to the year to which the requirements apply, (b) any surplus or deficiency in inventories of sugar, (c) changes in consumption because of changes in population and demand conditions, and (d) the relationship between wholesale prices for refined sugar and the Consumers' Price Index.

Surpluses which have characterized the world sugar supply situation during the past several years have been liquidated. This liquidation has resulted from unfavorable growing conditions, increased consumption and the demand for inventories. Although supplies are expected to be adequate, it is necessary that the full amount of probable requirements for the continental United States be established initially. This will provide a basis upon which the supplying areas can plan to make the needed supplies available. Moreover, the strengthening in world prices in both the "spot" and new-crop futures positions in recent weeks has reduced the dependence of domestic prices upon tight quota controls.

To provide a supply sufficient to meet consumption requirements during the year and the maintenance of inventories, sugar requirements for 1957 are established at 8,800,000 short tons, raw value. This quantity of sugar should provide for a total of refinery and invisible stocks of quota sugar at the end of 1957 approximately equal to the combined total of such stocks for the end of 1956. With refiners again dependent upon quota sugar for melting throughout 1957, it is anticipated that most refiners will reduce their year-end stocks of over-quota offshore sugar at the end of 1957. Over-quota stocks of mainland cane sugar will be greatly reduced by the end of 1956.

The statistical background of this determination is outlined below.

For the twelve-month period ended October 31, 1956, distribution of sugar by refiners, importers and processors amounted to 8,750,000 tons. This is 230,000 tons larger than the quantity distributed for the corresponding period a year earlier. If allowance is made for an increase in consumption of 150,000 tons, it appears that invisible inventories increased moderately during the twelve-month period ended October 31. Invisible inventories were very low in 1955.

For the calendar year 1956 through December 8, the quantity distributed exceeded that for the corresponding period of 1955 by about 480,000 short tons, raw value. For the calendar year 1955, distribution amounted to 8,400,000 tons and consumption apparently amounted to around 8,500,000 tons. After again allowing for increased consumption in 1956, it appears that as of December 8 invisible inventories had probably increased somewhat more than 200,000 tons in 1956. The net change for the year will, of course, reflect distribution during the subsequent three weeks.

Stocks of quota sugar held by refiners and importers on December 31, 1956, may be somewhat higher than they were a year earlier but they are expected to be well below the levels for other years under the Sugar Act of 1948. Stocks of over-quota sugar from offshore areas are currently around 70,000 tons larger than they were a year ago but stocks of over-quota sugar from the mainland cane area on December 31 are expected to be around 150,000 tons smaller than they were a year ago.

The wholesale price of refined sugar, New York basis, averaged 8.72 cents per pound during the first 10 months of 1956 and early in December increased to 9.10 cents per pound. These prices are 4 percent and 8 percent, respectively, higher than the annual average for 1955. The current price is 113.7 percent of the 1947-49 average; whereas, the Consumers' Price Index in October 1956 was 117.7 percent of the 1947-49 average. The Consumers' Price Index in October was less than 3 percent above the 1955 average.

After considering all of the factors, quotas totaling 8,800,000 short tons, raw value, are believed to be required to provide a supply of sugar in 1957 which meets the objectives of the act.

Quotas. The quotas herein established were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedure for determining the others.

The liquid sugar quotas established are as specified in section 208 of the act.

Under the 1956 amendments to the Sugar Act the quotas for all domestic areas and most foreign countries are subject to change whenever there is a revision in the determination of consumption requirements from the present level. The only countries whose quotas are not subject to change are the Repub-

lic of the Philippines and full duty countries having very small quotas. Although this presents no serious problem when increases are made, it is necessary to preserve the possibility of making equitable and effective quota reductions. In each of the past four years from 860,000 to 1,000,000 tons of the quotas have been filled in the last two months of the year. Therefore, under orderly marketing sufficient sugar should remain to be marketed under variable quotas to permit the adjustment of quotas until late in the year. The residual quantities might change, and be disproportionately distributed among the various quotas, however, if the possibility existed of deflating quota reductions through excessive and disorderly marketings early in the year. Accordingly, to insure equity for all areas and countries, in the event a downward adjustment were to become necessary, the present determination provides that a portion of all variable quotas in excess of 20,000 tons must be reserved for marketings after November 1. The quantities so required to be reserved vary with the size of the quotas and the manner in which the quotas vary under the present provisions of the act so as to insure effective quota management without unduly interfering with normal marketing practices. The reserve is not required for quotas of less than 20,000 tons since the quantity of sugar that might be involved should have no significant effect on the market and in many cases would probably be too small for economical separate marketing and shipment late in the year.

Done at Washington, D. C., this 20th day of December 1956.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 56-10462; Filed, Dec. 26, 1956; 8:48 a. m.]

[Sugar Reg. 812]

PART 812—SUGAR REQUIREMENTS AND QUOTAS; HAWAII AND PUERTO RICO

CALENDAR YEAR 1957

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; 7 U. S. C. 1100; Public Law 545, 84th Cong.) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), these regulations are hereby made, prescribed, and published to be in force and effect for the calendar year 1957 or until amended or superseded by regulations hereafter made during the calendar year 1957.

Basis and purpose. The determinations and the sugar quotas set forth below have been made and established pursuant to section 203 of the Sugar Act of 1948, as amended (hereinafter called the "act"). The act provides for the Secretary of Agriculture to make such determinations and establish such quotas for the calendar year 1957 during December 1956. The determinations of the sugar requirements have been based insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government. The purpose of such determinations is to provide the amounts of sugar needed to meet the requirements of consumers in the Territory of Hawaii and in Puerto Rico for the calendar year 1957. The determinations provide the basis for the establishment of sugar quotas for such year for local consumption therein pursuant to section 203 of the act.

Prior to the issuance of these regulations, notice was given (21 F. R. 8368) that the Secretary of Agriculture was preparing, among other things, to determine the requirements and quotas for the calendar year 1957 for local consumption in Hawaii and Puerto Rico and that any interested person might present any data, views or arguments with respect thereto in writing not later than December 6, 1956. Due consideration has been given to the data, views and arguments submitted, in accordance with the Administrative Procedure Act.

Since the act provides that the Secretary of Agriculture determine sugar requirements and establish quotas for local consumption in Hawaii and in Puerto Rico during December 1956 to be applicable for the calendar year 1957, it is impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act. Accordingly, these regulations shall be effective January 1, 1957.

§ 812.17 *Sugar requirements, Hawaii and Puerto Rico, 1957.* It is hereby determined, pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1957 is 50,000 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1957 is 110,000 short tons, raw value.

§ 812.18 *Local consumption quotas.* There are hereby established, pursuant to section 203 of the act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1957 the following quotas:

Area:	Quotas in terms of short tons, raw value
Hawaii	50,000
Puerto Rico	110,000

§ 812.19 *Restrictions on marketing.* For the calendar year 1957 all persons are hereby forbidden, pursuant to section 209 of the act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1957 has been filled.

Statement of bases and considerations. Pursuant to section 203 of the act, the provisions of section 201 of the act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1956; (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period were approximately 42,000 short tons of sugar, raw value, and 107,000 short tons of sugar, raw value, respectively.

No official estimate of population for either of these areas for 1956 or 1957 is available. Previous trends indicate a small annual increase in population may be expected, amounting to about two percent for Hawaii and somewhat less for Puerto Rico.

In Hawaii distribution for local consumption during the twelve months ended October 31, 1956, was slightly greater than during the calendar year of 1955. Industrial use accounts for a substantial portion of total consumption of sugar in Hawaii and this demand varies enough to make it a significant factor in the total sugar requirements. Recent trends and year to year variations suggest the possibility that requirements may be considerably higher in 1957 than in the twelve months base period. Furthermore, circumstances prevailing in the utilization of quota for local consumption in Hawaii are such that no special problems arise nor are the objectives of the act jeopardized if the local quota is not completely filled. It is, therefore, desirable to establish the 1957 requirements and quota sufficiently high initially so that later adjustments may be avoided.

In Puerto Rico sugar distribution for local consumption, plus the quantity charged to the local quota but lost in refining sugar locally, amounted to slightly in excess of 100,000 short tons, raw value in 1955 and for 1956 will likely exceed that quantity since local distribution during the first ten months was approximately 6,000 tons greater in 1956 than in 1955. The local quota will hold local distribution to an appreciable lower level during the last two months of 1956 than occurred during that period of 1955, and, thus, invisible inventories on January 1, 1957, will be significantly lower than a year earlier. It appears also that the supply of refined sugar available for local distribution in early 1957, prior to the start of refining operations, will be about 6,000 tons less than was available in early 1956 and a smaller part of such supplies will have already been charged to the previous year's quota. It is, therefore, desirable to establish requirements and quotas sufficiently high to provide for an increased need for local distribution in 1957 and to provide amply for year-end stocks for use in the early part of 1958.

In accordance with the above, the quotas for local consumption in Hawaii and Puerto Rico for 1957 have been established at 50,000 and 110,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 201, 203, 209, 210; 61 Stat. 923, as amended, 925, 928; 7 U. S. C. 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 20th day of December 1956.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 56-10461; Filed, Dec. 26, 1956; 8:48 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 194-A]

PART 1—RULES OF PRACTICE AND PROCEDURE

AMENDMENT OF ORDER PRESCRIBING OFFICIAL SEAL OF THE COMMISSION

DECEMBER 19, 1956.

The Commission, acting pursuant to the authority vested in it by Sections 1 and 309 of the Federal Power Act (41 Stat. 1063, 49 Stat. 858; 16 U. S. C. 792 and 825h) and section 16 of the Natural Gas Act (52 Stat. 830; 15 U. S. C. 717o) orders:

(A) Part 1—Rules of Practice and Procedure—of Subchapter A—General Rules, Chapter I of Title 18, Code of Federal Regulations, is hereby amended by redesignating paragraph (a) Offices of § 1.1 as subparagraph (2) of said paragraph (a) and inserting a new subparagraph (1) of said paragraph (a) of § 1.1 to read as follows:

§ 1.1 *The Commission*—(a) *Seal and offices*—(1) *Official seal.* In order that the official seal of the Federal Power Commission will more fully reflect current functions, the Commission hereby prescribes as its official seal, of which judicial notice shall be taken pursuant to section 1 of the Federal Power Act (41 Stat. 1063; 16 U. S. C. 792), the imprint illustrated below and described as follows: Within an oval-shaped ring bearing the words "Federal Power Commission" are: (i) A displayed eagle with head turned to the right representative of the Government of the United States of America. The eagle is holding a fasces with its blade dexter-wise, symbolic of the authority vested in the Commission by the Congress. (ii) A crest composed of five stars representing the five members of the Commission appointed by the President to administer the Federal Power Act and the Natural Gas Act. (iii) A shield upon the breast of the eagle displaying a bolt of lightning sinister-wise complemented by two gas flames representing the Commission's regulatory authority in the fields of electric energy and natural gas. (iv) Three stars displayed below the fasces representing the Commission as originally established by the Federal Water Power Act of 1920.

The seal herein prescribed shall be used effective January 1, 1957, and it shall supersede the seal adopted by the Commission on June 28, 1920.

(B) The Secretary shall cause prompt publication of this Order No. 194-A, in lieu of Order No. 194,[1] to be made in the FEDERAL REGISTER.

(Sec. 309, 49 Stat. 858, sec. 16, 52 Stat. 830; 16 U. S. C. 825h, 15 U. S. C. 717o. Interprets or applies sec. 1, 41 Stat. 1063, as amended; 16 U. S. C. 792)

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10401; Filed, Dec. 26, 1956; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 1 of the act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.128 defining and establishing a special anchorage area in the Columbia River between Sand Island and Government Island, is hereby amended redefining the anchorage area, as follows:

§ 202.128 *Columbia River at Portland, Oreg.* The waters of the Columbia River between Sand Island and Government Island, bounded on the west by pile dike U. S. 5.75 and a line extending true north from the northerly end of the dike to the south shore of Sand Island and bounded on the east by a line bearing 339° 15' true, from a point on Government Island at latitude 45°35'10", longitude 122°32' 41", to the southerly shore of Sand Island.

[Regs., December 7, 1956, 800.212—ENGWO] (Sec. 1, 54 Stat. 150; 33 U. S. C. 180)

[1] Not published in the FEDERAL REGISTER.

2. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.205 establishing and defining anchorage grounds in Chicago Harbor, Illinois, is hereby amended establishing and defining an additional anchorage and redefining two existing anchorages to provide a portion of the respective areas for other uses, as follows:

§ 202.205 *Chicago Harbor, Ill.*—(a) *The anchorage grounds*—(1) *Anchorage A, exterior breakwater.* Southwest of a line parallel with and 150 feet southwestward of the exterior breakwater; west of a line parallel with and 150 feet west of the south extension of the exterior breakwater; northeast of a line parallel with and 1,500 feet southwestward of the exterior breakwater; and east of a line parallel with the south extension of the exterior breakwater and 500 feet eastward of the east face of the filtration plant.

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(3) *Anchorage C, shore arm.* South of a line parallel with and 150 feet southward of the shore arm of the exterior breakwater; west of a line parallel with the south extension of the exterior breakwater, 100 feet westward of the east end of the shore arm; northwest of a line perpendicular to the Lake Shore Drive revetment and 300 feet northwest of the northwest corner of the filtration plant; and east of a line parallel with and 600 feet lakeward of the Lake Shore Drive revetment.

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(6) *Anchorage F, Filtration Plant Slip.* South of the south face of the filtration plant; west of the east face of the filtration plant; north of a line 80 feet south of the south face of the filtration plant; and east of a line 1,400 feet west of the east face of the filtration plant.

NOTE: This area is reserved for commercial vessels operated for profit. Mooring facilities have been provided along the south side of the filtration plant.

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[Regs., December 7, 1956, 800.212 (Chicago Harbor, Ill.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.250 establishing and governing the use of anchorage grounds in St. Thomas Harbor, Virgin Islands, is hereby amended prescribing an anchorage for deep-draft vessels west of the entrance to West Gregerie Channel, as follows:

§ 202.250 *St. Thomas Harbor, Charlotte Amalie, Virgin Islands*—(a) *The anchorage grounds.* • • •

(5) *Deep-draft anchorage.* A circular area having a radius of 250 yards with its center at latitude 18°19'13", longitude 64°58'32".

NOTE. The center of the area is 193° true, 2,050 yards from the aerobeacon located on the upland in St. Thomas Airfield.

(b) *The regulations.* • • •

(3) The requirements of the Navy shall predominate in the deep-draft anchorage. When occupied by naval vessels all other vessels and craft shall

remain clear of the area. When the area is not required for naval vessels, the Captain of the Port may upon application made in advance assign other vessels to the area. Vessels so assigned and occupying the area shall move promptly upon notification by the Captain of the Port.

[Regs., December 7, 1956, 800.212 (St. Thomas Hbr., P. R.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.225 establishing and governing a danger zone in Mona Passage surrounding Monito Island and a portion of Mona Island is hereby amended revising the last sentence of paragraph (a) (2), to correspond with the enlarged danger zone, as follows:

§ 204.225 *Mona Passage in vicinity of Monito Island, Puerto Rico; aerial bombing range, United States Air Force, Ramey Air Force Base, Puerto Rico*—(a) *The danger zone.* * * *

(2) * * * by its principal landmarks, Monito Island at the center of the area and Mona Island lying to the southeast and partially within the area.

* * * * *

[Regs., December 7, 1956, 800.212-ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

5. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.20 governing the use, administration, and navigation of Cape Cod Canal is hereby amended to accomplish desired changes and revisions, as follows:

§ 207.20 *Cape Cod Canal, Mass.; use, administration, and navigation*—(a) *Limits of canal.* The canal, including approaches, extends from the eastern extremity of the northerly stone breakwater in Cape Cod Bay through dredged channels and land cuts to Cleveland Ledge Light in Buzzards Bay, about 4 statute miles southwest of Wings Neck.

(b) *Supervision.* The movement of ships, boats, and craft of every description through the canal and the operation and maintenance of the waterway and all property of the United States pertaining thereto, shall be under the supervision of the Division Engineer, New England Division, Corps of Engineers, Boston, Massachusetts, or his authorized representatives.

(c) *Vessels allowed passage.* The canal is open for passage to all adequately powered vessels properly equipped and seaworthy, of sizes consistent with safe navigation as governed by the controlling depth, widths, and clearances of the bridges on the waterway. The granting of permission for any vessel to proceed through the waterway shall not relieve the owners, agents, and operators of full responsibility for its safe passage. Sailing boats or vessels are required to use auxiliary power during passage through the land cut and will continue to use this power between the State Pier and Cleveland Ledge, if it is necessary for the vessel to navigate the improved channel. Low-powered vessels should await slack water or favorable current.

(d) *Tows.* Tows shall be made up outside the canal entrance. All vessels engaged in towing other vessels not equipped with a rudder shall use two tow lines or a bridle and one tow line. If the vessel in tow is equipped with a rudder, one tow line may be used. All tow lines or hawsers must be hauled as short as practicable for safe handling of the tows. No towboat will be allowed to enter the waterway with more than three barges in tow unless prior approval is granted by the Vessel Dispatcher.

(e) *Explosives.* Vessels or tows carrying explosives must notify the Vessel Dispatcher prior to entering the canal so that arrangements can be made for a clear passage. Transportation of explosives through the canal shall be in strict accordance with regulations.

(f) *Clearance priority.* Ordinarily, vessels will be given clearance in the order of arrival, but when conditions warrant one-way traffic, or for any reason an order of priority is necessary, clearance will be granted in the following order:

(1) *First.* To vessels owned or operated by the United States, including contractors' equipment employed on canal maintenance or improvement work.

(2) *Second.* To passenger vessels.

(3) *Third.* To cargo vessels, towboats, commercial fishing vessels, pleasure boats and miscellaneous craft.

(g) *Obtaining clearance.* Vessels over 25 feet in length, with or without radar, are cautioned not to transit the canal until clearance by traffic lights, radio, radiotelephone, megaphone, or Corps of Engineers' patrol boat has been obtained. If a vessel of any type is delayed at the mooring basins, State Pier, or the Sandwich bulkhead, a second clearance must be obtained prior to continuing passage through the canal.

(1) *Traffic lights.* Traffic lights, red, green and amber yellow are located at the easterly entrance, at Sandwich; at the westerly entrance at Wings Neck; and approximately 1,000 feet west of the railroad bridge, and apply to all vessels over 65 feet in length that desire to transit the canal, as follows:

(i) *West bound traffic.* When the green light is on at the eastern (Cape Cod Bay) entrance, properly equipped vessels may proceed westward through the canal. When the fixed red light is on, any type of vessel over 65 feet in length and towboats with any type of craft in tow must stop clear of the Cape Cod Bay entrance approach channel. When the amber yellow light is on, vessels may proceed as far as the East Mooring Basin where they must stop, and from that point clearance must be granted by radiotelephone, contact with the Corps of Engineers' patrol boat, or other reliable means. When the red light is flashing, clearance to enter the canal may be expected within a reasonable time, not to exceed 30 minutes. If, on receiving the green light, the ship does not get under way within 30 minutes, the priority to pass through the canal may be forfeited.

(ii) *East bound traffic.* When the green light is on at Wings Neck, properly equipped vessels may proceed eastward through the canal. When the fixed red light is on, vessels over 65 feet in length and towboats with any type of craft in tow must keep southerly of Hog Island Channel Entrance Buoys Nos. 1 and 2 and utilize the general anchorage areas adjacent to the improved channel. When the amber yellow light is on, vessels may proceed through Hog Island Channel as far as the West Mooring Basin or the State Pier, where they must stop and from that point clearance shall be controlled by the traffic lights located approximately 1,000 feet west of the railroad bridge, or clearance granted by the Corps of Engineers' patrol boat, or by radiotelephone or other reliable means. When the red light at Wings Neck is flashing, clearance to enter the canal may be expected within a reasonable time, not to exceed 30 minutes. If, on receiving the green light, the ship does not get under way within 30 minutes, the priority to pass through the canal at that time may be forfeited. In the daytime when sunshine partially obscures the traffic lights at Wings Neck, a red ball or shape, will be suspended from a pole 60 feet south of the lights. When this ball is so suspended it indicates that a red light is on and the canal is closed to east bound traffic. The supplementary traffic lights located approximately 1,000 feet west of the railroad bridge are for controlling east bound traffic that has passed in by Wings Neck, in the event of emergencies for dispatching traffic from the West Mooring Basin and State Pier, and for indicating that the railroad bridge is in a closed (down) position. When the green light is on, vessels may proceed eastward through the canal. When the red light is on, all vessels over 25 feet in length are directed not to pass east of the State Pier.

(2) *Small craft.* Vessels under 65 feet in length may proceed against a red light to the East Mooring Basin or the East Boat Basin when west bound and as far as the West Mooring Basin or the State Pier when east bound, at which points they must obtain clearance from the Corps of Engineers' patrol boat or from personnel at the Sandwich Observation Station or the Administration Building at Buzzards Bay, as the case may be. In order to check on the safety of small vessels transiting the canal, land cut (Cape Cod Bay to State Pier at Buzzards Bay), all craft are required to make a complete passage through the canal between the above points in order that traffic checks may be made at the Sandwich Observation Station and the Administration Area, Buzzards Bay. When the railroad bridge span is in the closed (down) position, all motorboats and other small craft are cautioned not to proceed beyond the points designated by stop signs posted east and west of the railroad bridge. Small craft proceeding with a fair tide (with the current) should turn and stem the tide at the designated stop points until the railroad bridge is in the raised (open) position.

(3) *Procedure when traffic lights are extinguished.* When traffic lights are extinguished, all vessels over 65 feet in length are cautioned not to enter the canal until clearance is obtained by a radio, radiotelephone, or Corps of Engineers' patrol boat.

(4) *Procedure in thick weather.* When signal lights are obscured by poor visibility, all vessels over 65 feet in length are cautioned not to enter the canal until clearance is obtained by radio, radiotelephone, or Corps of Engineers' patrol boat. All ships which have obtained clearance shall sound three long blasts of a whistle or horn when passing in by Wings Neck or the Sandwich breakwater. Ships may transit the canal in thick weather by use of radar with the understanding that the United States Government will assume no responsibility, and provided that clearance has been obtained from the Vessel Dispatcher and that radio contact on 2350 kc. is maintained throughout the passage.

(h) *Railroad bridge signals.* The following signals at the Buzzards Bay railroad bridge should be given strict attention:

(1) The vertical left span on the railroad bridge is normally kept in the raised (open) position, except when it is lowered for the passage of trains, or for maintenance purposes. Immediately preceding the lowering of the span, the operator will sound two long blasts of an air horn. Immediately preceding the raising of the span, the operator will sound one long blast of an air horn. When a vessel or craft of any type is approaching the bridge with the span in the down (closed) position and the span cannot be raised immediately, the operator will so indicate by sounding danger signals of four short blasts in quick succession.

(2) When the lift span is in the down (closed) position in foggy weather or when visibility is obscured by vapor, there will be four short blasts sounded from the bridge every two minutes.

(i) *Speed.* All vessels are cautioned to pass mooring and boat basin facilities and all floating plant engaged in maintenance operations of the waterway at a minimum speed consistent with safe navigation. In order to coordinate scheduled rail traffic with the passage of vessels and to minimize erosion of the canal banks and dikes from excessive wave wash and suction, the following speed regulations must be observed by vessels of all types, including pleasure craft. Pilots are warned that continued violations of the speed regulations will be referred to the Bureau of Marine Inspection, United States Coast Guard. The minimum running time between the Sandwich Observation Station, Station 35, and the Administration Office, Buzzards Bay, Station 388, is prescribed as follows:

	Minutes
Head tide	60
Fair tide	30
Slack tide	45

The minimum running time between the Administrative Office, Station 388 and Hog Island Channel entrance buoy No. 1, Station 661, is prescribed as follows:

	Minutes
Head tide	46
Fair tide	23
Slack tide	35

The running time at slack water will apply to any vessel which enters that portion of the canal between Stations 35 and 661 within the period of one-half hour before or after the predicted time of slack water as given in the United States Coast and Geodetic Survey publication, "Current Tables, Atlantic Coast, North America". The minimum running time during a head tide or a fair tide shall apply to any vessel which enters that portion of the canal between Stations 35 and 661 at any time other than designated above for time requirements at slack tide.

(j) *Management of vessels*—(1) *Pilot rules.* The canal is an inland waterway of the United States and the pilot rules for such waterways as contained in the United States Coast Guard publication "Pilot Rules" are applicable concerning matters not otherwise covered in this section.

(2) *Right of way.* All vessels proceeding with the current shall have the right of way over those proceeding against the current. All craft up to 65 feet in length shall be operated so as not to interfere with the navigation of vessels of greater length.

(3) *Passing of vessels.* Restricted passing of vessels in the canal is permissible in emergencies, particularly when a leading, low-powered ship is unable to maintain normal speed, but extreme caution must be observed to avoid collision, and consideration given to the size of the ship to be overtaken, velocity of wind and atmospheric conditions.

(4) *Unnecessary delay in canal.* Vessels and other type craft must not obstruct navigation by unnecessarily idling at low speed when entering or passing through the canal. Anchoring in the improved Cape Cod Canal channel is prohibited except in an emergency.

(5) *Utilization of mooring and boat basins and the Sandwich Bulkhead.* Vessels or boats mooring or anchoring in the mooring or boat basins and at the Sandwich bulkhead must do so in a manner not to obstruct or impede vessel movements to and from the basins. Mooring in the boat basin at Buzzards Bay, near the railroad bridge, is not permitted except in an emergency. Fishing boats, yachts, cabin cruisers and other craft utilizing the East Boat Basin on the south side of the canal at Sandwich, Massachusetts, are not permitted to tie up at the Corps of Engineers' landing float or anchor in a manner to prevent canal floating plant from having ready access to the float. All vessels or barges left unattended must be securely tied with adequate lines or cables. The United States assumes no liability for damages which may be sustained by any craft using the bulkhead at Sandwich or the canal mooring or boat basin facilities.

(k) *Grounded, wrecked or damaged vessels.* In the event a vessel is grounded or is so damaged by accident as to render it likely to become an obstruction in the waterway, the Division Engineer or his authorized representative shall supervise and direct all operations that may be necessary to move the vessel to a safe locality.

(l) *Commercial statistics.* Masters of vessels shall furnish the local authorized representative of the Division Engineer on each passage through the canal their own names, the pilot's name and an accurate oral or written statement of passengers, freight, and other pertinent vessel data as required.

(m) *Deposit of refuse.* No oil or other allied liquids, ashes, or materials of any kind shall be thrown, pumped, or swept into the canal or its approaches from any vessel or craft using the waterway, nor shall any refuse be deposited on canal grounds, marine structures or facilities.

(n) *Trespass or injury to property.* Subject to the provisions of paragraph (o) of this section, trespass upon the canal property or injury to the canal, lands, banks, revetment, bridges, breakwaters, dikes, dolphins, fences, culverts, trees, light, telephone or power lines, or any other property of the United States pertaining to the canal is prohibited.

(o) *Fish and game recreation.* Persons at their own risk may fish with rod and line from the banks of the canal at such locations as may be designated by the Division Engineer or his authorized representative and under the same conditions use specified areas for recreational purposes. Fish and game laws of the United States and the Commonwealth of Massachusetts will be enforced. Fishing and lobstering or trolling by boat in the Cape Cod Canal between the east entrance (Cape Cod Bay) and the State Pier are prohibited. Fishing by boat is permitted in the area west of the State Pier provided that all craft stay out of the channel, as defined by United States Coast Guard buoys and beacons. Visitors may park automobiles at their own risk in unrestricted Government areas while engaged in recreational activities. No open fires will be allowed at any time except by special permission and then shall be in compliance with State or Town laws. No overnight tenting or camping on Government land will be permitted.

[Regs., December 7, 1956, 800.211 (Cape Cod Canal, Mass.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

6. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.801 establishing and governing the use and navigation of a restricted area surrounding the Army POL dock in Lutak Inlet, Alaska, is hereby amended redefining the restricted area in paragraph (a) (1), as follows:

§ 207.801 *Lutak Inlet, Alaska; restricted area*—(a) *The area.* (1) The waters of Lutak Inlet bounded as follows: Beginning at the water's edge 900 feet northwest of the centerline of the landward end of the POL dock; thence 800 feet, 51° true; thence 1,400 feet, 113° true; thence 450 feet, 211° true to the water's edge at a point approximately 720 feet from the most southwest corner of the seaward end of the POL dock; thence along the water's edge to the point of beginning.

* * * * *

[Regs., December 7, 1956, 800.212—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56-10428; Filed, Dec. 26, 1956; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES AND CARDS

NEW STAMPED ENVELOPE PRICES

Although regulations, similar to the following changes in prices of stamped envelopes, relate to a proprietary function and therefore are excepted from the notice, procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C., sec. 1003), it is the desire of the Postmaster General voluntarily to comply with such rule making requirements whenever possible.

It will not be possible to so comply with the rule making requirements of the Administrative Procedure Act in this case for the reasons that (1) the Post Office Department will enter into a new stamped envelope contract January 1, 1957, at which time it will be necessary to raise stamped envelope prices to recover procurement and distribution costs which have increased since September 14, 1953, when the prices were last adjusted. Pursuant to section 3915 of the Revised Statutes, as amended (39 U. S. C., sec. 354), it is required that stamped envelopes "shall be sold, as nearly as may be at the cost of procuring them, with the addition of the value of the postage stamps impressed thereon".

Accordingly the following changes in §§ 31.2 and 31.3 shall become effective January 1, 1957.

1. Amend the table in paragraph (a) of § 31.2 *Plain envelopes and postal cards* to read as follows:

§ 31.2 *Plain envelopes and postal cards*—(a) *Plain stamped envelopes available.*

Kind	Size	Denomination	1,000	500	250	100	50	Less than 50
		Cents						*Cents each*
Regular	8	2	$27.60	$13.80	6.90	2.76	1.38	3
	8	3	37.60	18.80	9.40	3.76	1.88	4
	13	2	26.40	13.20	6.60	2.64	1.32	3
	13	3	36.40	18.20	9.10	3.64	1.82	4
Window	5	2	26.80	13.40				
	5	3	36.80	18.40				
	7	2	28.40	14.20	7.10			
	7	3	38.40	19.20	9.60			
	8	2	28.80	14.40	7.20			
	8	3	38.80	19.40	9.70			
	13	2	27.20	13.60				
	13	3	37.20	18.60				
Precanceled	8	1	17.60	8.80	4.40			
	8	1½	22.60	11.30	5.65			
	13	1	16.40	8.20				
	13	1½	21.40	10.70				
Air mail	8	6	68.00	34.00	17.00	6.80	3.40	7
	13	6	66.80	33.40	16.70	6.68	3.34	7

2. Amend the table in paragraph (a) of § 31.3 *Printed stamped envelopes (special request)* to read as follows:

§ 31.3 *Printed stamped envelopes (special request)*—(a) *Printed stamped envelopes available.*

(1) Size	(2) Denomination	(3) Kind	(4) Item No.	(5) Prices 500	(5) Prices 1,000
	Cents				
8	2	Regular	821	$14.80	$29.60
8	3	do	831	19.80	39.60
13	2	do	321	14.20	28.40
13	3	do	331	19.20	38.40
5	2	Window	522	14.40	28.80
5	3	do	532	19.40	38.80
7	2	do	722	15.20	30.40
7	3	do	732	20.20	40.40
8	2	do	822	15.40	30.80
8	3	do	832	20.40	40.80
13	2	do	322	14.60	29.20
13	3	do	332	19.60	39.20
8	1	Precanceled	813	9.80	19.60
8	1½	do	853	12.30	24.00
13	1	do	313	9.20	18.40
13	1½	do	353	11.70	23.40
8	6	Air mail	864	35.00	70.00
13	6	do	364	34.40	68.80

(R. S. 161, 396, as amended, 3915, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 354)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 56-10445; Filed, Dec. 26, 1956; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 46]

REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of existing regulations, other than Rules of Practice (7 CFR 46.1-46.28) issued pursuant to the authority contained in the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531 et seq., as amended; 7 U. S. C. 499 et seq.).

The proposed revision increases the annual license fee to $25.00, the annual fee for reinstatement within 30 days after its anniversary date to $30.00 and the fee for copies of licenses to $2.00 each. The effective date of the proposed revision is February 1, 1957.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations should file the same with the Chief, Regulatory Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

The proposed revised regulations are as follows:

1. Revise § 46.6 *License fee* to read:

§ 46.6 *License fee.* Effective February 1, 1957, and thereafter, the annual license fee shall be twenty five dollars ($25). The fee submitted by mail shall be in the form of a money order, bank draft, cashier's check, or certified check made payable to the Agricultural Marketing Service, Thereafter, the annual fee shall be remitted in the same manner. In addition to the forms specified above, field representatives of the Department may accept payment in cash and issue a receipt therefor.

2. Revise § 46.8 *Copies of licenses* to read:

§ 46.8 *Copies of licenses.* Copies of licenses may be issued upon request and upon the payment of a fee of $2 for each copy. Each copy shall bear the word "Copy" in conspicuous letters on its face and shall be certified by the Director as a true copy of the original.

3. Revise § 46.9 *Termination of license; notice; renewal* to read:

§ 46.9 *Termination of license; notice; renewal.* Thirty days or more prior to the anniversary date of a valid and effective license, the Director shall mail a notice to the licensee at the latest address known to the Director, advising that the license will automatically terminate on its anniversary date unless the annual fee is paid on or before such date. If the annual fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within thirty days by paying the annual fee, plus five dollars ($5). Within sixty days after termination date of a valid and effective license, the licensee shall be notified that its license has been terminated. No termination notice shall be mailed to a licensee whose license is at that time under suspension due to failure to pay one or more reparation orders on which appeals have not been perfected, or whose license has been suspended because of refusal to make its records available for examination, or whose license has been revoked.

Done at Washington, D. C., this 20th day of December 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-10457; Filed, Dec. 26, 1956; 8:48 a. m.]

[7 CFR Part 985]

[Docket No. AO-240-A2]

MILK IN MUSKEGON, MICHIGAN, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Muskegon, Michigan, marketing area. Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the tenth day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Muskegon, Michigan, on Tuesday, August 28, 1956, pursuant to notice thereof issued August 7, 1956 (21 F. R. 5871). The material issues of record related to:

1. Expansion of the marketing area;
2. Pricing of Class I milk sold by handlers in an area regulated by another Federal order;
3. A review of the Class I differential over the basic formula price in regard to its alignment with the Detroit and Upstate marketing areas;
4. Changing the method of determining handler butterfat differentials; and
5. Modification of order provisions dealing with determination and application of bases.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof.

1. Marketing area. The marketing area should be increased by ten townships to the south and to the east, which include the cities of Holland and Zeeland, Michigan. The proposal to include Oceana County and fifteen townships in Newaygo County to the north should be denied.

A proposal made by producers to add twelve townships in Ottawa County and eight townships in Allegan County, Michigan, was amended at the hearing to include only eight townships in Ottawa County and two townships in Allegan County. The ten township area for which evidence was offered to enlarge the marketing area represents an area in which plants of milk distributors serving the cities of Holland and Zeeland are located. The area proposed to be added is contiguous to the present marketing area and one in which presently regulated handlers and milk distributors serving Holland and Zeeland have an intermingling sales area. The additional area, including the cities of Holland and Zeeland which are only five miles apart, has a population of approximately 40,000. In addition to the regulated handlers serving the cities of Holland and Zeeland and this ten township area there are nine milk distributors located in or near the city of Holland and three milk distributors located in or near the city of Zeeland. These two cities are the principal metropolitan areas in this proposal to expand the marketing area. Milk distributors located in Holland and Zeeland are not only in competition with currently regulated handlers but compete with each other. A milk distributor in Zeeland distributes milk in both the cities of Holland and Zeeland as well as out in the ten township area.

Proponents of the proposal to expand the marketing area to include the cities of Holland and Zeeland and the ten county area represent the majority of producers now regulated by Order No. 85 and also represent the majority of dairy farmers, approximately 150, serving milk distributors in the area that would be added by this proposal to expand the marketing area. The milkshed of the present marketing area and the proposed expanded area overlap, particularly in Robinson, Allendale and Blendon townships.

Health regulations are substantially the same between the present marketing area and the proposed additional townships. The regulations of the State of Michigan provide a uniform minimum standard and these standards are modified only by somewhat more rigid requirements in a few localities. Competition by handlers under the order with milk distributors in the area proposed to be added is such as to indicate that there is substantially complete acceptance of milk for fluid use in any locality within the area. The area to be added is contiguous to the present marketing area and it is one within which distributors should be charged the same price for milk used in a given class as that paid by handlers in the presently regulated area.

The cooperative association representing a majority of dairy farmers in the area proposed to be added have been refused the opportunity to check butterfat tests and weights of milk of their members delivered to milk distributors that would be regulated under the enlarged area. Neither has there been an opportunity to represent their membership in the determination of bases assigned to individual dairy farmers. Milk distributors in this area are currently paying producers on a base and excess plan fully operated by them. Milk distributors, in the area to be added, have paid dairy farmers a surplus milk price for portions of milk delivered to them during the same period of time they purchased milk, other than from dairy farmers, paying as much as $5.18 per hundredweight while the dairy farmers supplying their needs received less than $4.50 per hundredweight. Although due and timely notice of the hearing on this matter was given, these milk distributors did not appear at the hearing. Thus no opposition was offered by them regarding the proposed market expansion which would bring them under regulation.

It is concluded, therefore, that the marketing area should be expanded to include Robinson, Allendale, Port Sheldon, Olive, Blendon, Park, Holland, and Zeeland townships in Ottawa County and Laketown and Fillmore townships in Allegan County, all in the State of Michigan.

Two handlers and the cooperative association representing a majority of the producers proposed the marketing area be expanded to include all of Oceana County and fifteen townships in Newaygo County, an area to the north and to the east of the presently defined marketing area. A similar proposal for inclusion of parts of Oceana and Newaygo Counties was made at the promulgation hearing of this order. Lack of data regarding the source of supply, sales in the area and competitive conditions in this area caused its omission from the marketing area. The current record reveals handlers regulated by the order are expanding their business in the area so proposed to be added. Marketing conditions in this area are stable. Two milk distributors are located at Hart in Oceana County and one at Fremont, Newaygo County. These distributors apparently pay prices comparable to those provided by this order.

Sales in the area so proposed are made by two handlers with plants in Grand Rapids as well as by Muskegon handlers and by dealers with plants in Ottawa and Newaygo Counties. Once such handler makes no sales in the presently defined marketing area and would be brought under partial regulation by the proposed expansion. The other Grand Rapids handler now sells in the Muskegon area and is partially regulated. The volume of this handler's sales in the marketing area as enlarged by this proposal would approach the 20 percent of total receipts at which full regulation becomes effective. Therefore, it was concurrently proposed that this percentage be increased if the marketing area were extended as proposed so that the handler now partially regulated might avoid possibility of full regulation.

The need for expansion to the north and to the east was not shown. Regulated handlers selling in this area are expanding their business, the returns of the relatively few producers to be added are no threat to the stability of the Muskegon market and a handler whose principal fluid milk business is in Grand Rapids might be fully regulated under the Muskegon order while the other Grand Rapids handlers would remain free of regulation or be only partially regulated. The request to expand the area to include Oceana County and fifteen townships in Newaygo County is therefore denied.

In view of the marketing area herein decided upon it is concluded that there is no need for changing the standard of distribution that determines full regulation of a plant under the order.

2. The pricing of Class I milk sold by handlers in an area regulated by another Federal order should not be changed.

The cooperative association representing a majority of producers requested that a handler selling Class I milk in another Federally regulated market be charged the higher of the Muskegon Class I order price or the Class I price in the other Federally reg-

ulated market for the Class I milk sold in the other area. The proponents would have the effectiveness of this provision postponed until a corresponding provision was effective in the other nearby Federal orders.

At present Muskegon handlers do not sell in other Federally regulated markets. Handlers in other regulated markets do not currently sell in the marketing area. In the enlarged marketing area provided elsewhere in this decision a handler regulated under another order markets packaged milk through Holland and Zeeland dealers.

The Class I milk prices of the Muskegon market have been in general alignment with the Detroit market as have Class I prices in the Upstate Michigan marketing area. Detroit and Upstate Michigan orders, the nearest competing marketing areas, do not obligate handlers to make payments similar to those provided by this proposal. The Detroit and Upstate orders furthermore provide location adjustments that allow for normal costs of movement of milk between markets; with the lack of such provisions in the Muskegon order, and the general alignment of Class I prices of both Upstate Michigan and this order with the Detroit market, adoption of this proposal is not justified.

3. The present Class I price differential of $1.17 was included in the Muskegon order at the time of its effective date (October 1953) and at that time reflected an alignment of Muskegon and Detroit prices at points where the supply areas for these two markets overlap. The Detroit Class I differential was then $1.43 in all months and a 26-cent location differential applied at the Detroit supply plant located nearest to the Muskegon marketing area.

Due to supply-demand adjustment of the Detroit prices and some effects of the differing alternative basic formula prices, the Muskegon-Detroit, f. o. b. market price relationship, has not been a constant 26-cent difference. For the first year of the Muskegon order (October 1953–September 1954) the Detroit price averaged 2.5 cents more than the Muskegon price; for the next year 13 cents more, and for the year ending September 1956, 17.6 cents more (official notice is hereby taken of the price for August and September of 1956). With these price relationships, milk supplies in the Muskegon market have not increased as rapidly as have Detroit supplies. For the most recent twelve months of this three year period Muskegon milk supplies were 3.5 percent greater than for the first twelve months, while Detroit supplies increased 7.3 percent in the same period. Over the three-year period Class I sales in Muskegon have increased more rapidly than milk supplies. For the first year of operation Muskegon supplies were 141 percent of Class I sales; for the second year 124 percent; and for the most recent year 126 percent.

Muskegon with the proposed expanded marketing area remains a comparatively small, well integrated market which in the main carries its own reserve of milk. Daily averages of receipts from producers have remained relatively stable since the order became effective October 1, 1953. The relationship of Class I sales to the total producer receipts the past two years has remained stable even though local conditions have provided at times, prices higher than those established by the order.

Producers offered testimony at the hearing in support of a substantial increase in the Class I milk price differential, from $1.17 to $1.45. In part they justified this proposal on a recent amendment of the Detroit order revising location adjustments so that the annual average of the Detroit Class I milk price differential applicable at one of the nearer Detroit supply plants is now $1.25 before the Detroit price is adjusted for supply-demand relationships. Alignment of Muskegon prices with Detroit on the basis of changes in the Detroit location adjustments accounts for only a relatively small portion of the increase producers propose. With respect to the remainder of the increase suggested they deny the necessity for alignment of Muskegon prices with those of Detroit supply plants as to level, seasonality, or supply-demand adjustment. Milk supplies have admittedly been adequate for the normal needs of the Muskegon market and appear to have been in reasonably good balance with requirements. Producers oppose any automatic supply-demand adjustment of the price and point out characteristics of the Muskegon market which might make difficult an appropriate price adjustment by this means. In view of the relatively stable supply and sales relationships that have prevailed in the market for the past two years, this record fails to show a need for change in the pricing provisions. It is concluded that no change in the Class I price should be made on the basis of this record.

4. The method of determining handler and producer butterfat differentials should be changed.

The order now provides that handler and producer butterfat differentials shall be 7 cents for each one-tenth percent variation from 3.5 percent butterfat when the monthly average price of 92-score butter at Chicago is 60 to 64.99 cents. These butterfat differentials move by half-cent amounts for each full five cents variance in the price of 92-score butter at Chicago. Since, except for the first six months after the effective date of this order, the butter price has been in the 55 to 59.99 cents per pound range, the butterfat differentials have been 6.5 cents or from 0.118 to 0.108 times the butter value. The midpoint of this range is 0.113 times the butter value.

Producers proposed that these differentials be determined by using the price of 92-score butter at Chicago times 0.113. They further proposed that producer butterfat differentials be rounded to the nearest one half-cent and handler differentials be rounded to the nearest one-tenth of a cent.

Handler and producer butterfat differentials in the Detroit market, as a result of recent amendments, are determined by using the Chicago butter price times 0.113. The handler and producer butterfat differentials are rounded to one-tenth cent and one-half cent respectively.

The producers proposal should be adopted. Such a change will conform with the Detroit market and will keep butterfat values more closely related to the butter market.

5. Certain changes should be made in the provisions relative to determination and application of bases.

The provisions for payments to producers without established bases and those who elect to relinquish their bases should be simplified.

The order now provides that a new producer (or an old producer who elects to relinquish his base) shall establish a base by his deliveries in the first three full calendar months of his deliveries. A percentage of such deliveries (seasonally varied from 40 percent for May and June to 80 percent for August through December) then becomes the producer's base for payments until a regularly established base is effective. All producers establish new bases annually by their deliveries in the August–December period.

Payments to new producers during the three-month period in which a temporary base is established are at the base price for the same proportion of their deliveries as is used in computation of the temporary base, except that deliveries in the regular base forming period of August through December are paid for at the uniform price of the order.

It was proposed that the percentage adjustment of deliveries for January through April be reduced in amounts varying from 10 to 20 percent and that for July be increased 15 percent. It was also suggested that some simplification would result if payments during the August-December period to new producers were at base prices for the 80 percent of deliveries later used in computation of the interim base rather than at the uniform price.

Provisions for new producers to enter the market should be consistent with the primary purpose of the base plan to discourage seasonal fluctuation in the flow of milk to the market. Since new producers have no prior fall deliveries from which the seasonality of their deliveries may be gauged it is necessary that their payments be determined somewhat arbitrarily as contrasted with producers with established bases who are paid on the basis of their individual performance. If the provisions assume that new producers have average seasonality of deliveries their returns will be more favorable than those old producers with wider than average seasonal variation in production. Such producers will then elect to relinquish their bases in order to receive payment under the new producer provisions, and the effectiveness of the base plan will be diminished. It is therefore desirable that the provisions for new producers be such as to encourage them to enter the market when their supplies will not increase seasonal variation and likewise will be such as not to invite substantial numbers of old producers to relinquish their bases.

Change in the present order to provide some reduction in returns to new producers in the earlier months of the year and some increase in July returns will

promote these objectives. It further appears that the objectives of the provisions can be retained, but many of the complex computations involved can be eliminated. This can be accomplished by establishing bases only by deliveries in the regular base making period and paying new producers and old producers who relinquish their base at an adjusted uniform price. Since the uniform price presently computed represents approximately the return to the average producer with an established base an appropriate reduction for various months of the year will accomplish the same general objectives as the present plan without many of its complexities. The adjustment provided is stated as a percentage of the difference between the computed uniform price and the excess milk price in order that it may be equally applicable at all price levels. The adjustments set forth provide returns comparable to those that would result from adopting some of the proposed modifications of the present provisions. While a discount of approximately 5 to 6 cents (at present price levels) from the computed uniform price is provided for the months of August through December, for any three months of which payment at the full uniform price is presently provided, returns over the full five-month period approximates those presently provided. In view of the trend toward increased production per farm, new producers will not be disadvantaged with respect to old producers.

The probable effective date of the amendment increasing the marketing area requires provision for computation of bases for new producers whose milk becomes regulated by virtue of the area extension. Moreover, plants may become pool plants under circumstances where producers delivering to those plants have not established bases. This may be an extreme hardship on the producers and possibly also on the plant operator. It may also unduly limit the entry of new plants into the market. Consequently, provision should be made for computation of bases for producers at such plants on the basis of their deliveries in the preceding base forming months.

The order language should be clarified in regard to the transfer of jointly held bases so that it is clear that such transfers are limited to the joint holders of a base. This is the present intent of the order.

Proponents further requested that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base for a twelve-month period. This is designed to give opportunity for rebuilding both the barn and the herd, by the producer. The loss of a barn, and possible need of disposing of and rebuilding a herd, is a severe hardship and the producer should not also lose his base as now provided in the order if no deliveries are made to a handler for a 45-consecutive day period. It is concluded that a rebuilding period of a full year should be allowed.

A minor administrative change related to the operation of the base-excess payment plan should also be made. All orders that have market-wide pool provisions also provide an equalization fund. In determining uniform and base prices specific deductions per hundredweight are made from the total pool funds each month, with one-half of such funds returned to the fund the following month. This is an effective method of keeping this fund in proper alignment as the volume of milk varies and as the need for reserve varies. The present order provides for a deduction of not less than six cents nor more than seven cents in the determination of the uniform price and between four and five cents in the determination of the base price. Nearly all producers are paid for their milk at base and excess prices. Equity among producers requires that contributions to the reserve fund from base milk which normally represents somewhat less than the producers' entire deliveries, be at a rate at least equal to that for the uniform price applicable to the entire deliveries of producers for whom this method of payment is used. Use of the higher rate is required to maintain adequate reserve. It is concluded therefore the deduction in determining the base price should be not less than six cents nor more than seven cents.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply-demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included with this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended:

1. Delete § 985.5 and substitute the following:

§ 985.5 *Muskegon, Michigan, marketing area.* Muskegon, Michigan, marketing area referred to in this subpart as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of Muskegon County; Ottawa County, except Wright, Tallimadge, Georgetown and Jamestown townships; and Fillmore and Laketown townships in Allegan County; all in the State of Michigan.

2. Delete § 985.53 and substitute the following:

§ 985.53 *Handler butterfat differential.* There shall be added to or subtracted from, respectively, the prices of milk for each class as computed pursuant to §§ 985.51 and 985.52 for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

3. Delete § 985.65 (e) and substitute the following:

(e) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants.

4. Delete § 985.65 and substitute therefor the following:

§ 985.65 *Computation of the base milk price.* (a) Multiply the total pounds of excess milk by the excess milk price for the month.

(b) Multiply the total amount of milk to be paid for at the adjusted uniform price by the adjusted uniform price pursuant to § 985.70 (b);

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 985.62;

(d) Divide the resultant value by the total hundredweight of base milk; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants described in § 985.6.

5. Delete § 985.70 (b), (c), (d) and (e) and substitute therefor the following:

(b) A producer who has no base shall be paid until February 1 following the

August–December period within which he establishes a base pursuant to paragraph (a) of this section at an adjusted uniform price determined by subtracting from the uniform price computed pursuant to § 985.63 the applicable percentage specified below of the difference between the uniform price and the excess milk price, rounded to the nearest cent:

	Percent
January, February, and March	30
April, May, and June	50
July	15
All other months	5

(c) A producer with a base, by notifying the market administrator that he relinquishes such base, may be paid pursuant to paragraph (b) of this section, beginning with the first day of the month in which such notification is received by the market administrator.

(d) When a plant first becomes a pool plant pursuant to § 985.6 bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator.

6. Delete § 985.71 (b) (2) and (c) and substitute the following:

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for twelve months.

7. Delete § 985.80 and substitute the following:

§ 985.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from producers for the account of such association, the uniform price adjusted as provided in § 985.70 (b), or the base price for base milk and the excess price for excess milk, adjusted by the butterfat differential pursuant to § 985.81: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 985.84 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

8. Delete § 985.81 and substitute the following:

§ 985.81 *Producer butterfat differential.* In making payments pursuant to § 985.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, respectively, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

Filed at Washington, D. C., this 20th day of December 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56–10456; Filed, Dec. 26, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES AND EXCHANGE ACT OF 1933

NOTICE OF PUBLIC HEARING ON PROPOSED REVISION OF RULE AND EXTENSION OF TIME FOR SUBMITTING WRITTEN COMMENTS

The Securities and Exchange Commission announced today that it will hold a public hearing in regard to the proposed revision of § 230.133 (Rule 133) which was announced October 2, 1956, in Securities Act Release No. 3698. The hearing will be held on January 17, 1957, at 10:00 a. m., in Room 193, at the office of the Commission, 425 Second Street, NW., Washington, D. C. The rule, as presently in effect, declares that there is no sale to stockholders, for the purposes of the registration and disclosure requirements of section 5 of the Securities Act of 1933, when securities are issued in connection with certain mergers, consolidations, reclassifications, and transfers of assets, pursuant to the vote of the required majority of such stockholders. The effect of the proposed revision of the rule would be to reverse this so-called "no-sale theory."

Any person interested in presenting his views on the proposed revision at the public hearing should, not later than 5:30 p. m., on January 15, 1957, notify the Commission in writing of his intention to appear at the hearing and indicate the length of time desired to make his oral presentation. The Commission has also extended to January 15th the time within which written comments on the proposed revision may be submitted.

Because of the unusual number and tenor of the public comments which have been received to date, the Commission added the following statement:

A review of the comments received to date indicates a general lack of understanding as to the reasons for the proposed revision of § 230.133 (Rule 133) and the effect the revised rule would have.

The "no-sale" theory was adopted in the early days of the Securities Act of 1933 at a time when neither the Commission nor its predecessor in administering the Securities Act, the Federal Trade Commission, had had much experience with the application of the Securities Act to various types of situations. While the "no-sale" doctrine has been continued over the intervening years (by rule from 1935 to 1947 and from 1951 to date and by administrative interpretation on a case-by-case basis from 1947 to 1951), various Commissioners, staff members, legal writers and others have had doubts both as to the validity of the "no-sale" theory and as to its effect upon the investing public.

The Commission has reviewed the legislative history of the act and its experience under the rule and considered it appropriate to invite discussion as to whether or to what extent, in the light of experience and the basic concepts of the statute, a rule of statutory construction of this character should be continued. Referring to the exemption now contained in section 3 (a) (10) of the act, House Report No. 85 stated (p. 16):

> • • • This paragraph also exempts the distribution of securities during a bona fide reorganization of a corporation when such reorganization is carried on under the supervision of a court.
>
> Reorganizations carried out without such judicial supervision possess all the dangers implicit in the issuance of new securities and are, therefore, not exempt from the Act. For the same reason the provision is not broad enough to include mergers or consolidations of corporations entered into without judicial supervision.

The "no-sale" doctrine has not been applied to exempt securities issued in such transactions from the fraud provisions of the act. Moreover, the "no-sale" doctrine has not operated to except from registration securities issued in connection with mergers, consolidations, reclassifications of securities and transfers of assets except in the limited area intended to be covered by Rule 133.

The registration provisions of the Securities Act have always been held to apply to voluntary exchanges of securities between a corporation and the security holders of another corporation unless an exemption was available. The basic question posed by the proposed revision of Rule 133 is whether the law and the public interest does not require adherence to the same statutory standards of disclosure when an exchange of securities involving a public distribution is effected by means of a merger, consolidation, reclassification or transfer of assets.

Comments on the proposed revision so far received indicate that some doubt may exist as to whether under the revised rule the exemptions set forth in the act and in the Commission's rules and regulations would be available. The proposed rule, if adopted, would not have the effect of denying the availability of any exemption contained in the act or in the Commission's rules and regulations thereunder. Thus, reclassifications or stock-splits meeting the conditions of section 3 (a) (9) would be exempt under that section, intrastate offerings meeting the conditions of section 3 (a) (11) would be exempt under that section, and nonpublic transactions meeting the conditions of the second clause of section 4 (1) would be exempt thereunder. Similarly, Regulation A and the other exemption regulations of the Commission under the act would continue to be available in appropriate cases.

The comments also have indicated a fear that under the proposed rule stock dividends would require registration under the act. The declaration or payment of a stock dividend, irrespective of Rule 133, is not deemed to involve the sale of a security and the proposed rule would have no applicability thereto.

It has been stated that investors are afforded ample protection by the laws of the various States and by the right given security holders to receive the appraised value of their securities. The State laws do not operate to furnish security holders with adequate information upon which such security holders may base an informed judgment as to how they should vote their securities or whether they should exercise the right to receive the appraised value of their securities.

The Commission is considering means by which technical and other problems, as to how the registration provisions might be adapted to certain types of transactions heretofore considered not to constitute a sale by reason of Rule 133, can appropriately be solved if the proposed revision should be adopted. For example, as was stated in our Securities Act Release No. 3698 of October 2, 1956, we are considering whether provision can be made so that information furnished to security holders in a Securities Act prospectus will not be unnecessarily duplicated in a proxy statement under the Securities Exchange Act proxy rules, where the latter apply.

In considering the proposed revision, the Commission must give weight to the public interest sought to be protected by requiring registration and by strengthening the Commission's enforcement procedures and programs. It has been increasingly clear that the "no-sale" rule, which is a rule of statutory construction or definition, has become an instrument of evasion of the law and a means by which illegal distributions of securities have been achieved in secrecy and in violation not only of the registration and disclosure provisions of the Securities Act but also of the anti-fraud and anti-manipulation provisions of the Securities Act and the Securities Exchange Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 17, 1956.

[F. R. Doc. 56–10438; Filed, Dec. 26, 1956; 8:47 a. m.]

[17 CFR Part 239]

RIGHTS OFFERINGS BY CERTAIN FOREIGN PRIVATE ISSUERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment to Form S–1 (§ 239.11) which is the principal form used for the registration of securities of commercial and industrial companies under the Securities Act of 1933.

The proposed amendment would provide that in the case of a pro rata offering to shareholders by certain foreign private issuers, other than North American and Cuban issuers, the financial statements required for registration need not be certified if certain conditions are met.

One of the conditions attached to the use of uncertified financial statements is that the financial statements included in the registration statement must be reviewed, reported upon and prepared in accordance with the standards, procedures and legal requirements prevailing in the country where the issuer is located. Such statements must conform as nearly as practicable to the form and content prescribed by the Commission's regulation S–X and disclosure must be made as to the principal respects in which the statements fail to meet the Commission's requirements.

The proposed amendment would permit the use of uncertified financial statements only where the issuer and its predecessors have been in business at least 25 years and have had a net earnings record for each of the past five fiscal years and the issuer has total assets of at least $100,000,000 or its equivalent.

The issuer must have securities of the same class as those proposed to be offered registered or in the process of registration on a national securities exchange and such securities must have been traded on a recognized foreign securities exchange for the past five years.

The public offering price must be not more than 60 percent of the current market price and the amount of shares offered in the United States pursuant to the offering may not exceed 5 percent of the entire offering. The issuer and the underwriters, if any, must agree not to make any offering of the unsubscribed shares in the United States, although this will not prevent shareholders in the United States from selling their rights here if they do not desire to exercise them.

The underlying purpose of the proposed amendment would be to permit the United States shareholders of such a foreign corporation to exercise their rights and thereby take advantage of the favorable terms on which the offer is made. If they were not able to do so, they would be obliged to arrange for the sale of their rights in a foreign market or permit the offer to lapse.

The proposed amendment to Form S–1 is in the form of an amendment to Instruction 13 of the instructions as to financial statements. The existing paragraph of that instruction would be designated paragraph (a) and a new paragraph (b) would be inserted reading as follows:

(b) In the case of a pro rata offering by a foreign private issuer (other than a North American or Cuban issuer) to its shareholders, the financial statements included in the registration statement need not be certified and need not, except as hereinafter provided, be prepared in accordance with Regulation S–X if the following conditions are met:

(1) The financial statements are reviewed, reported upon, prepared in accordance with the standards, procedures and legal requirements prevailing in the country where the issuer is located and conform as nearly as practicable to the form and content prescribed by Regulation S–X, and disclosure is made of the basis upon which the accounts are stated and of the principal respects in which such prevailing standards and procedures do not conform to these instructions and the requirements of Regulation S–X.

(2) The issuer and its predecessor have been in business for at least 25 years and have had a record of net earnings for each of the past five fiscal years, and the issuer has total assets of at least $100,000,000 or its equivalent.

(3) Securities of the same class as those to be offered are registered on a national securities exchange or application for such registration has been filed and is pending, and securities of such class have been traded on a recognized foreign securities exchange for the past five years.

(4) The public offering price of the securities to be offered will not exceed 60 percent of a quoted market price within 15 days prior to the date of filing of registration statement, the amount of shares registered for the pro rata offering to shareholders in the United States will not exceed 5 percent of the entire offering, and the issuer and any underwriters will agree not to make any offering in the United States of the unsubscribed shares.

All interested persons are invited to submit data, views and comments on the proposed amendment in writing to Orval L. DuBois, Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before January 14, 1957. Except where it is requested that such communications be kept confidential, they will be made available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 21, 1956.

[F. R. Doc. 56–10515; Filed, Dec. 26, 1956; 9:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SINGLE MANAGER ASSIGNMENT FOR AIRLIFT SERVICE

References:

(a) DOD Directive 4000.8, November 17, 1952, Basic Regulations for Military Supply System.

(b) DOD Directive 5160.12, January 31, 1956, Policies for Implementation of Single Manager Assignments.

(c) DOD Directive 5160.2, June 25, 1952, The Military Air Transport Service (MATS).

(d) DOD Directive 4100.15, April 27, 1955, Commercial and Industrial Type Facilities.

(e) Section 405 (a), National Security Act, as amended.

(f) Memo from the Deputy Secretary of Defense to the Secretary of the Air Force, December 23, 1955, directing the application of the industrial fund principle to transport functions of MATS.

(g) Regulations Covering the Operation of Working Capital Funds for Industrial and Commercial Type Establishments (Industrial Funds), July 13, 1950.

(h) Memo from the Deputy Secretary of Defense to the Secretaries of the Military Departments and the Assistant Secretaries of Defense, April 5, 1956, establishing inventory of management positions within the Department of Defense.

I. *Authority and purpose.* A. Pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947, as amended, a Single Manager Service Assignment is hereby directed within the Department of Defense with authority, functions, responsibilities, and relationships as set forth herein.

B. The purposes and objectives of this assignment with respect to the military airlift mission are:

1. To ensure that the approved D-Day and wartime airlift requirements of the Department of Defense are met.

2. To provide that level of military airlift capability and organizational structure required for 1 above having due regard for the commercial airlift available.

3. To integrate into a single military agency of the Department of Defense all transport type aircraft engaged in scheduled point-to-point service or aircraft whose operations are susceptible of such scheduling, and such organizational and other transport aircraft as may be specifically designated by the Secretary of Defense.

4. To provide the most effective and economical airlift service to support the Armed Forces under all conditions consistent with references (a) and (b), military requirements, and the airlift service available to the Department of Defense from United States commercial air carriers.

5. To develop and guide the peacetime employment of airlift services in a manner that will enhance the wartime airlift capability, achieve greater flexibility and mobility of forces, and increase logistics effectiveness and economy.

II. *Cancellation.* This directive cancels and supersedes reference (c).

III. *Definitions.* For the purpose of this directive, the following definitions, in addition to those set forth in reference (b) which are relevant to this assignment, will apply:

A. *Military Air Transport Service (MATS).* The Single Manager Operating Agency for Airlift Service (hereinafter referred to as the Agency).

B. *Airlift Service.* The performance or procurement of air transportation and services incident thereto required for the movement of persons, cargo, mail or other goods.

C. *Administrative Airlift Service.* The airlift service provided by specifically identifiable aircraft assigned to organizations or commands for internal administration.

D. *Common User Airlift Service.* The airlift service provided on a common basis for all Department of Defense agencies and, as authorized, for other agencies of the United States Government.

E. *Attached Airlift Service.* The airlift service provided to a military organization or command by an air transport unit of the Agency attached to that organization or command for operational control.

F. *Organizational Airlift Service.* The airlift service provided by those military aircraft not assigned to the Agency as specified in Section IV B herein.

G. *Controlled Transport Aircraft.* Transport aircraft designated by the Secretary of Defense for transfer or assignment to the Agency.

H. *Air Transport Unit.* An organizational unit which provides airlift service or support through the operation of controlled transport aircraft.

I. *Military Airlift Capability.* The airlift which the Agency is capable of providing for the air movement of passengers and cargo through the use of controlled transport aircraft.

IV. *Composition.* A. The Agency will be composed of Controlled Transport Aircraft together with personnel, facilities, and equipment necessary to support the operation.

B. It is not intended to assign to the Agency transport aircraft in the following categories:

1. Those whose design or configuration limits their employment to specialized tasks.

2. Those required by the Military Departments for Administrative Airlift Service or Combat Readiness Training.

3. Those whose assignment outside of the Agency is required by overriding military considerations.

V. *Delegation of authorities and responsibilities.* A. The Secretary of the Air Force is hereby designated as the Single Manager for Airlift Service with authorities and responsibilities as assigned herein, subject to over-all guidance, policies and programs of the Secretary of Defense.

B. The Secretary of the Air Force will be responsible for utilization of all applicable portions of reference (b) which portions shall be considered to be policy pertinent to this assignment, except where such portions are specifically modified or amplified herein.

C. The Joint Chiefs of Staff will:

1. Review and evaluate requirements of the military Departments for airlift service, training, and total airlift capacity and the Agency's capability to meet them.

2. Allocate the airlift capacity of the Agency as required to meet approved Joint Chiefs of Staff plans or upon request by the Agency or one of the Military Departments.

3. On their own initiative or on the request of the Secretary of Defense prepare recommendations regarding the designation of additional aircraft to be transferred to the Agency.

4. Review and approve appropriate plans developed by the Agency in support of war plans developed by the Joint Chiefs of Staff and approved by the Secretary of Defense.

VI. *Authorities and responsibilities of the Single Manager.* The Secretary of the Air Force as Single Manager will:

A. *Organization and Management.* 1. Establish and organize, as a major component of the United States Air Force, the Single Manager Operating Agency for Airlift Service which shall have no functions other than those assigned to it by this directive.

2. Designate as Executive Director for Airlift Service a general officer nominated by the Chief of Staff, United States Air Force, subject to the approval of the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Military Air Transport Service, including such technical services as are set forth in Appendix A. The Executive Director shall be responsible to the Secretary of the Air Force through channels prescribed by that Secretary.

3. Organize the Administrative Committee in accordance with reference (b).

4. Organize, equip and attach air transport units necessary to meet military requirements as determined by the Joint Chiefs of Staff.

B. *Airlift requirements.* 1. Prescribe, in coordination with the Joint Chiefs of Staff, the procedures to be followed by the Military Departments in reporting their airlift service requirements.

C. *Budgeting and funding.* 1. In accordance with references (e), (f), and (g), take all necessary steps to establish airlift service on an industrial fund basis at an early date and in any case not later than January 1, 1958.

2. Budget and fund for the operation of the Agency in accordance with policies and procedures cooperatively developed with and concurred in by the Assistant Secretary of Defense (Comptroller).

D. *Personnel.* 1. Staff the agency headquarters and its subordinate elements with civilian employees who will be employees of the Department of the Air Force and military personnel from all Services, as appropriate, not necessarily with equal representation. Initially existing personnel, personnel spaces, funds, facilities and equipment will be adjusted among the Military Departments for responsibilities assigned to the Agency in order to meet the support requirements of the Single Manager created by this directive. Such personnel adjustments will be effected in accordance with DOD Instruction 1404.4, dated April 19, 1955, and other applicable directives.

2. Positions within the Agency will be identified as military or civilian based on criteria established by the Secretary of Defense. Military staff positions subordinate to the Executive Director, at either the Agency Headquarters or its subordinate elements, will be alternated among the Military Services having representation in the Agency on a basis agreed to by the Single Manager and the Secretaries of the other Department or Departments concerned, with due consideration being given to the qualifications of the individuals concerned and career program needs of each Military Department.

E. *General functions.* 1. Maintain and operate a military airlift service system within limits approved by the Secretary of Defense to

(a) Maintain an adequate emergency readiness position,

(b) Carry out realistic training programs,

(c) Provide attached airlift service as required to all agencies of the Department of Defense, and

(d) Provide common user airlift service as required by all agencies of the Department of Defense and, as authorized, for other agencies of the United States Government.

(1) Between points in the United States and oversea areas,

(2) Between and within oversea areas, and

(3) Within the United States when necessary for reasons of security or to supplement commercial air carrier service based on determinations of the Military Traffic Management Agency.

2. Augment the airlift capacity of the Agency as required to meet requirements by the use of commercial airlift service in peacetime on a basis which will contribute to the sound economic development of an increased modern civil airlift capacity and enhance the ability of civil carriers to operate with maximum effectiveness in support of the military forces in time of war.

3. Procure by contract or otherwise all commercial airlift service between the United States and oversea areas and within and between oversea areas except individual travel and package air freight or express, and such other airlift service as may be directed by the Secretary of Defense.

4. Control the volume and rate of flow of traffic into the military airlift service system. Loading plans and loading and unloading of cargo and passengers shall be the responsibility of the Agency, utilizing the advice and participation of the shippers, as appropriate.

5. Develop an expanded mobilization base through the maximum feasible use of commercial airlift, maintenance, repair and overhaul, and terminal services, consistent with military requirements and the efficient employment of Department of Defense resources.

F. *Planning and programming.* 1. Prepare plans in support of approved Joint War Plans consistent with Joint Chiefs of Staff allocations approved by the Secretary of Defense for the employment and expansion of the Agency in time of war or national emergency.

2. Coordinate appropriate plans of the Agency with the Military Services and transmit such plans to the Joint Chiefs of Staff for approval.

3. Prepare and submit to the Secretary of Defense the annual operating plans and programs of the Agency in support of Department of Defense requirements, consistent with approved Joint Chiefs of Staff requirements for the employment of the Agency in time of peace.

VII. *Implementation.* A. It is the express intent of this directive that implementation of the Single Manager Assignment for Airlift Service will obviate the requirement for any other activity within the Department of Defense to perform airlift service functions which duplicate the functions of the Agency. Accordingly, the Secretary of each Military Department will abolish any organizational unit or part thereof performing functions which duplicate those assigned to the Agency as soon as the Agency has assumed its responsibilities for such functions.

B. Terms of reference, regulations and procedures, including plans showing the proposed organization, staffing and personnel requirements of the Agency, together with statements of any adjustments in personnel, personnel spaces, facilities, and equipment required to implement this directive, will be developed and coordinated with the Military Departments by the Single Manager and transmitted to the Secretary of Defense for approval. The Assistant Secretary of Defense (Supply and Logistics) will coordinate the approval of such matters with other cognizant elements of the Office of the Secretary of Defense. Adjustments of funds will continue to be handled in the statutory manner through the Office of the Assistant Secretary of Defense (Comptroller).

1. Within 60 days after issuance of this directive, the Single Manager will submit to the Secretary of Defense for approval recommended Terms of Reference governing

(a) The relationship between the Military Departments and the Agency, and between the Agency and the Military Traffic Management Agency,

(b) The maintenance of military airlift service capability required for war,

(c) The operation of the Agency, together with the detailed plans showing the organization, functions, personnel requirements and staffing patterns for the Agency, including the schedule of military and civilian positions developed in accordance with Paragraph VI D 1 above, and

(d) The delineation of the responsibilities of each Military Department for providing support to the Agency.

2. Upon approval of the Terms of Reference by the Secretary of Defense, the Single Manager will activate the Agency.

3. The Secretaries of the Navy and the Air Force will take action to transfer transport aircraft to the Agency as indicated in Appendix B and assign necessary support and operating personnel.

4. The Secretary of Defense will review at least annually the assignment of Department of Defense transport aircraft to determine the desirability of designating additional aircraft for transfer to the Agency.

VIII. *Effective Date.* This directive is effective upon issuance.

REUBEN B. ROBERTSON, Jr.,
Deputy Secretary of Defense.

APPENDIX A

TECHNICAL SERVICES (NON-AIRLIFT) OF THE DEPARTMENT OF THE AIR FORCE WHICH MAY BE ASSIGNED UNDER THE CONTROL OF THE EXECUTIVE DIRECTOR, SINGLE MANAGER OPERATING AGENCY FOR AIRLIFT SERVICE

The operations of the following Technical Services (non-airlift) of the Department of the Air Force may be assigned to the Agency at the discretion of the Single Manager for administrative convenience; being non-airlift functions, they are not subject to industrial funding.

1. Air Photographic and Charting Service.
2. Air Rescue Service.
3. Airways and Air Communications Service.
4. Air Weather Service.
5. Flight Service.

APPENDIX B

TRANSPORT AIRCRAFT TO BE TRANSFERRED BY THE SECRETARIES OF THE NAVY AND THE AIR FORCE TO THE DEPARTMENT OF DEFENSE SINGLE MANAGER AGENCY FOR AIRLIFT SERVICE [1] [2]

1. The following aircraft will be transferred to the Department of Defense Single Manager Agency for Airlift Service upon its activation:

a. All transport aircraft assigned to the existing Military Air Transport Service including those assigned to the 1254th Air Transport Group (Special Missions) and the 1706th Air Transport Group (Aeromedical Evacuation).

b. All transport aircraft of the Naval components of the Military Air Transport Service and all four engine transport aircraft of the Fleet Logistic Air Wings with the exception of twenty (20) which may be retained for assignment to the Atlantic and Pacific Fleets, ten (10) which may be retained for administrative airlift service, and all water based transport aircraft.

c. All heavy transport aircraft of the Troop Carrier elements of the Tactical Air Command.

[F. R. Doc. 56-10429; Filed, Dec. 26, 1956; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 27]

REDELEGATION OF AUTHORITY

MISCELLANEOUS AMENDMENTS

DECEMBER 19, 1956.

Order 551, as amended (16 F. R. 2939, 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; 19 F. R. 1936, 3482, 3971, 4544, 4585, 7416; 20 F. R. 1562, 2694, 2894, 5442, 6590; and 21 F. R. 222, 503, 1455, 1905, 2896, 6357, 7351, 7655), is further amended as hereinafter indicated.

1. Section 1 is amended to read as follows:

SECTION 1. *Appeals.* Any action taken by area directors pursuant to this order shall be subject to the right of appeal. An appeal may be taken from the decision of the area director to the Commissioner. All appeals must be filed in writing with the area director. An appeal filed with the area director shall be promptly transmitted by him with the record in the case to the Commissioner. Any action taken by the Commissioner pursuant to this order shall be subject

[1] The actual number of transport aircraft transferred will be based on the inventory as of July 1, 1956, adjusted to reflect increases resulting from procurement or transfers and decreases resulting from attrition as of the date of transfer.

[2] Reimbursement to the Military Air Transport Service for Special Air Missions, Air Evacuation, and troop carrier operations will be from the Service having the airlift mission responsibility.

to the right of appeal to the Secretary of the Interior, pursuant to section 1 of Secretarial Order No. 2508, as amended.

2. Paragraph (c) of section 2, is revoked and paragraph (a) is revised to read as follows:

SEC. 2. *Authority of Central Office Personnel.* (a) The Deputy Commissioner, Legislative Associate Commissioner, Assistant Commissioners, Assistants to the Commissioner and those persons authorized to act in their stead during their absence from their respective offices, may severally exercise any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior, except the contracting authority contained in Secretarial Order 2509. These officials may, in specific individual cases, redelegate such authority to other employees of the Bureau.

3. A new section under the heading General Matters is added to read as follows:

SEC. 353. *Fire agreements and emergency assistance.* The rendering of emergency assistance in extinguishing fires or preserving life and property from fire, and the entering into of reciprocal agreements with fire organizations, pursuant to the act of May 27, 1955 (69 Stat. 66; 42 U. S. C., 1952 ed., Supp. III, sec. 1856) and Secretarial Order 2815, dated August 1, 1956. Such authority shall be subject to regulations prescribed by the Secretary.

4. Section 400 *Repeals* is amended by addition of the following:

Sec. 361. *Authority under act approved August 13, 1954 (68 Stat. 724) (Western Oregon).*

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 56-10431; Filed, Dec. 26, 1956; 8:45 a. m.]

Bureau of Reclamation

SHOSHONE PROJECT, WYOMING

ORDER OF REVOCATION

JUNE 11, 1956.

Pursuant to the authority delegated by Departmental Order of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of August 2, 1913, October 21, 1913, and April 20, 1928, insofar as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by such orders or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 56 N., R. 99 W.,
Sec. 4, SE¼.

The above area aggregates 160 acres.

E. G. NIELSEN,
Acting Commissioner.

[Wyoming 040433]

DECEMBER 18, 1956.

I concur.

The lands are classified as suitable for airport purposes. They are included in application, Wyoming 040433, filed by the State of Wyoming under section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 170), and are, therefore, not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-10432; Filed, Dec. 26, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COLORADO, KANSAS, AND TEXAS

DISASTER ASSITANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 1, 1953, that a major distaster occasioned by drought existed in the State of Colorado; the President determined on August 26, 1954, that a major distaster occasioned by drought existed in the State of Kansas; and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on the dates indicated to be affected by the abovementioned major disasters:

Colorado—Determined on December 7, 1956: Conejos, Saguache.

Kansas—Determined on December 7, 1956: Nine townships in Jackson County: Netawaka, Whiting, Soldier, Jefferson, Liberty, Straight Creek, Grant, Banner, and Franklin.

Texas—Determined on December 11, 1956: Cameron Willacy.

Done at Washington, D. C., this 19th day of December 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-10442; Filed, Dec. 26, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALCOA STEAMSHIP CO. AND MITSUI STEAMSHIP CO., LTD.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8179, between Alcoa Steamship Company, Inc., and Mitsui Steamship Company, Ltd., covers the transportation of general cargo under through bills of lading from the Far East to Puerto Rico, with transhipment at New York.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 20, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-10463; Filed, Dec. 26, 1956; 8:49 a. m.]

Office of the Secretary

HENRY S. KLINGENSTEIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 3, 1956, 21 F. R. 4936-7.

A. Deletions: None.
B. Additions: None.

This statement is made as of November 29, 1956.

Dated: December 12, 1956.

HENRY S. KLINGENSTEIN.

[F. R. Doc. 56-10443; Filed, Dec. 26, 1956; 8:47 a. m.]

STUART M. JONES

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Stuart M. Jones.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: December 19, 1956.
4. Title of position: Consultant.
5. Name of private employer: New York Wire Cloth Company, York, Pennsylvania.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

New York Wire Cloth Company.
ACME Steel Company.
Lamson and Sessions Company.
Campbell Soup Company.
Bank deposits.

Dated: December 19, 1956.

STUART M. JONES.

[F. R. Doc. 56-10444; Filed, Dec. 26, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GAETANO SORGE AND JANE SORGE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gaetano Sorge, Jane Sorge, Eritrea, East Africa, Claim No. 35944, Vesting Order No. 2753; all right, title, interest and claim of any kind or character whatsoever of Gaetano Sorge and Jane Sorge in and to trusts established pursuant to subdivision 22 of Article 4 of the Will of Richard Delafield, deceased, presently in the process of administration by the Chase Manhattan Bank of New York, successor to the Chase National Bank of New York, as trustee, acting under the judicial supervision of the Surrogate's Court, Orange County, New York.

Executed at Washington, D. C., on December 13, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10447; Filed, Dec. 26, 1956; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 144]

MOTOR CARRIER APPLICATIONS

DECEMBER 21, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under section 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1658 (Sub No. 40), filed December 7, 1956, SHIRKS MOTOR EXPRESS CORPORATION, 1091 Manheim Pike, Lancaster, Pa. Applicant's representative: John R. Norris, Fidelity Bldg., Baltimore 1, Md. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment, between Elmira, N. Y. and Cleveland, Ohio, from Elmira over New York Highway 17, to junction New York Highway 17 and U. S. Highway 20, at Westfield, N. Y., thence over U. S. Highway 20 to Cleveland, and return over the same route, serving no intermediate points, for operating convenience only. Applicant is authorized to conduct operations in Delaware, Pennsylvania, New York, Ohio, Maryland, New Jersey, Virginia, and the District of Columbia.

NOTE: Applicant now has operating authority between Cleveland and Elmira, from Cleveland over U. S. Highway 20, U. S. Highway 6, and U. S. Highway 220 to Athens, Pa., thence over U. S. Highway 220 to Waverly, N. Y., thence over New York Highway 17 to Elmira.

HEARING: February 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 2202 (Sub No. 156), filed December 3, 1956, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 40 and 29, near Baltimore, Md., and Waterloo, Md., from junction U. S. Highways 40 and 29 over U. S. Highway 29 to junction Maryland Highway 103, thence over Maryland Highway 103 to junction Maryland Highway 175, thence over Maryland Highway 175 to Waterloo, and return over the same route, serving no intermediate points, but serving junction U. S. Highways 40 and 29 for purpose of joinder only, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that the purpose of this application is to provide an operating route that will avoid the heavy traffic congestion in and near either Baltimore, Md., or Washington, D. C., when the new terminal is completed at Laurel, Md.

HEARING: February 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 7746 (Sub No. 85), filed December 6, 1956, UNITED TRUCK LINES, INC., E. 915 Springfield Avenue, Spokane 2, Wash. Applicant's representative: George R. LaBissoniere, 654 Central Bldg., Seattle 4, Wash. For authority to operate as a common carrier, transporting: *Fruits, vegetables,* and *fish,* fresh, frozen, canned, or processed, serving points in Grays Harbor and Pacific Counties, Wash., as off-route or intermediate points in connection with carrier's authorized regular route operations. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: January 15, 1957, in Room 400, U. S. Court House, 5th & Madison Sts., Seattle, Wash., before Joint Board No. 80.

No. MC 8989 (Sub No. 164), filed December 10, 1956, HOWARD SOBER, INC., 2400 West St. Joseph St., Lansing 4, Mich. Applicant's representative: Albert F. Beasley, Investment Bldg., 15th & K Streets, N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road construction machinery and equipment,* as defined by the Commission, *construction, excavating, grading, maintenance and repair machinery and equipment,* off-highway type *dumping and hauling motor vehicles, wagons, trailers,* and *conveyors,* with or without power unit attached, and *attachments, equipment and parts* for or used in connection with the above-described commodities, moving separately or in connection with such commodities, in haulaway, towaway or driveaway service, between points in the United States and the territory of Alaska.

HEARING: February 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 10761 (Sub No. 62), filed December 6, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Ave., Detroit 9, Mich. Applicant's representative: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Clayton & Lambert Manufacturing Co., plant, near Buckner, Ky., as an off-route point in connection with carrier's authorized regular route operations between Indianapolis, Ind., and Louisville, Ky., over U. S. Highways 31, 31W and 31E. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: January 31, 1957, at the Department of Motor Transportation,

State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 15679, EXHIBITORS FILM DELIVERY AND SERVICE COMPANY, a corporation, 2134 Broadway, Denver, Colo. Applicant's representative: Loyal G. Kaplan, Suite 924, City National Bank Bldg., Omaha 2, Nebr. *REOPENED FOR ORAL HEARING:* By application Form BMC A filed February 11, 1936, and supplemented by Form BMC A–1 filed January 8, 1937 (dismissed by order of the Commission dated September 14, 1940, at the request of applicant), authority was sought as a *common carrier*, over regular and irregular routes, to engage in transportation described in the following manner: (1) *Motion picture films, advertising*, and *miscellaneous theatre equipment*, also *performing a local city pickup and delivery service* consisting of hauling the above listed items from various motion picture houses, motion picture exchanges, and other places of business to railroad depots, and from railroad depots to the above concerns, these shipments usually originating from or being consigned to places outside the State of Colorado. Also a service commonly called *Lot shipment*, which consists of picking up motion picture films from various exchanges, consolidating them into one shipment, and shipping them via rail or Railway Express to towns outside the State of Colorado. (2) *Motion picture films, theatre advertising, miscellaneous theatre equipment*, and *newspapers*, serving points in Colorado, as follows: (a) between Denver and Trinidad over U. S. Highway 85; (b) between Denver and Lamar over U. S. Highways 50 and 85 via Pueblo, Colo.; (c) between Denver and Canon City over U. S. Highways 50 and 85 via Pueblo, Colo.; (d) between Denver and Cripple Creek over U. S. Highways 85 and 50 and Colorado Highway 67 via Colorado Springs and Murphy, Colo.; (e) between Denver and Idaho Springs over U. S. Highway 40; (f) between Denver and Fort Collins over U. S. Highway 87; (g) between Denver and Ault over U. S. Highway 85; (h) between Denver and Holyoke over U. S. Highways 85 and 6, and Colorado Highway 81, via Greeley and Wiggins, Colo.; (i) between Denver and Wray over U. S. Highways 85 and 6 and Colorado Highway 54 via Greeley, Brush, and Wiggins, Colo. An attachment to the Form BMC A application further indicates service in the following manner: (3) *Motion picture films, advertising*, and *miscellaneous theatre equipment*, (a) Denver to Trinidad and intermediate points; (b) Denver to Canon City and intermeidate points; (c) Denver to La Junta and intermediate points; (d) Denver to Holyoke, and Denver to Wray and intermediate points; (e) Denver to Fort Collins and intermediate points; (f) Denver to Ault and intermediate points.

HEARING: February 5, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 22229 (Sub No. 23), filed December 13, 1956, TERMINAL TRANSPORT COMPANY, INC., 180 Harriett St., S. E., Atlanta, Ga. Applicant's representative: Robert W. Brunow, 1511–16 Kentucky Home Life Bldg., Louisville 2, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General Commodities*, excepting those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Louisville, Ky., and the plant site of Clayton & Lambert Manufacturing Co., near Buckner, Ky., from Louisville over U. S. Highway 42 to junction Kentucky Highway 393, thence over Kentucky Highway 393 to junction Kentucky Highway 146, thence over Kentucky Highway 146 to Clayton & Lambert Manufacturing Co. plant site, and return over the same routes, serving no intermediate points. Applicant is authorized to conduct operations in Kentucky, Illinois, Indiana, Tennessee, Georgia, Alabama, and Florida.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 25798 (Sub No. 20), filed November 23, 1956, CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Hendersonville, N. C. Applicant's representative: Chester E. King, 1507 M Street, N. W. Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia. Applicant is authorized to conduct operations in South Carolina, North Carolina, and Florida.

HEARING: February 18, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Leo W. Cunningham.

No. MC 31600 (Sub No. 414), filed December 10, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham (54), Mass. Applicant's representative: Harry C. Ames, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Onondaga County, N. Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

HEARING: January 28, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 36473 (Sub No. 62), filed October 25, 1956, CENTRAL TRUCK LINES, INC., 1005 Jackson Street, Tampa, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (a) from Lake City, Fla. over Florida highway 47 to Trenton, Fla., thence over Florida highway 49 to Chiefland, Fla., and return over the same routes, serving no intermediate points except Trenton and serving Chiefland, Fla., for purposes of joinder only. (b) from junction Florida highway 24 and Florida highway 331 (near Gainesville, Fla.) over Florida highway 331 to Williston, Fla., and return over the same routes, serving no intermediate points. (c) from Cocoa, Fla., to Bithlo, Fla., over Florida highway 520 and return over the same route, serving no intermediate points. (d) from Chiefland, Fla. to Williston, Fla., over Alternate U. S. Highway 27 (27–A) and from Chiefland, Fla. over Florida highway 49 to junction Florida highway 49 and U. S. Highway 90, and return over the same routes, serving no intermediate points, and serving Chiefland, Fla. for purposes of joinder only. (e) from Jacksonville, Fla. to Midway, Ga., over U. S. Highway 17 and return over the same route, serving no intermediate points. (f) from Cairo, Ga. to Pelham, Ga., over Georgia highway 93 and return over the same route, serving no intermediate points. (g) from Clinchfield, Ga. to Bonaire, Ga., over Georgia highway 247 and return over the same routes, serving no intermediate points. (h) from Macon, Ga. over Georgia highway 87 to junction Georgia highways 87 and 42, near Flovilla, Ga. and return over the same route, serving no intermediate points. (i) from Sylvester, Ga., over Georgia highway 33 to Wenona, Ga. and return over the same route, serving no intermediate points. (j) Authority is sought to serve the General Portland Cement Company and the Lehigh Portland Cement Company as off-route points in connection with applicant's authority to serve Miami, Fla. (k) Authority is sought to serve the Pratt and Whitney Division of United Aircraft as an off-route point in connection with applicant's authority to serve West Palm Beach, Fla. Applicant is authorized to conduct operations in Georgia, Florida and Alabama.

NOTE: Paragraphs (a) thru (i) are alternate routes for carriers convenience only in connection with applicant's present authority.

HEARING: February 12, 1957, at the Alcazar Hotel, Biscayne Blvd., Miami, Fla., before Joint Board No. 64.

No. MC 37929 (Sub No. 4), filed December 15, 1956, WESTERN TRUCKING COMPANY, 1535 North Seventh St., St. Louis 6, Mo. Applicant's representative: Robert W. Brunow, 1511–16 Kentucky Home Life Bldg., Louisville 2, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Clayton and Lambert Manufacturing Co., near Buckner, Ky., as an off-route point in connection with applicant's authorized regular route operations to and from Louisville, Ky. Applicant is authorized to conduct operations in Missouri, Illinois, Indiana, and Kentucky.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 48479 (Sub No. 9), filed December 3, 1956, FRIGIDWAYS, INC., P. O. Box 2387, Memphis, Tenn. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods, canned citrus products*, and *citrus products (not frozen) requiring refrigeration*, from points in Florida to ports of entry in Minnesota, North Dakota and Montana at or near the International Boundary Line between the United States and Canada. RESTRICTION: Applied-for authority to be restricted to traffic moving into Canada. Applicant is authorized to conduct operations in Iowa, Minnesota, and Texas.

HEARING: February 14, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Leo W. Cunningham.

No. MC 54855 (Sub No. 3), filed November 15, 1956, LOUISVILLE, NEW ALBANY AND CORYDON RAILROAD COMPANY, a Corporation, Walnut and Water Streets, Corydon, Ind. Applicant's representative: C. Blaine Hays, 101–103 East Chestnut Street, Corydon, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including those of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk*, and *those requiring special equipment*, (1) between Corydon, Ind., on the one hand, and, on the other, points in Harrison County, Ind., and (2) between points in Floyd County, Ind., south of a line commencing at U. S. Highway 460 at New Albany, Ind., and extending along U. S. Highway 460 to junction Indiana Highway 64, thence along Indiana Highway 64 to the Floyd-Harrison County Line, Ind., and those in Harrison County, Ind., south of a line commencing at junction Indiana Highway 64 and the Floyd-Harrison County Line, Ind., and extending westward along Indiana Highway 64 to the Harrison-Crawford County Line, Ind. (excluding points on Indiana Highway 64), on the one hand, and, on the other, Louisville, Ky. Applicant is authorized to conduct operations in Indiana and Kentucky.

NOTE: Applicant states any duplication of authority granted under this application shall be construed as a single right.

HEARING: February 7, 1957, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 59185 (Sub No. 21), filed December 12, 1956, HIGHWAY EXPRESS, INC., 2416 W. Superior Ave., Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Euclid Division of the General Motors Corporation, at Hudson, Ohio, and points within five miles thereof, as off-route points in connection with applicant's authorized regular route operations between Detroit, Mich., and Toledo, and Cleveland, Ohio, over U. S. Highway 20 and Ohio Highway 254. Applicant is authorized to conduct operations in Michigan and Ohio.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 66539 (Sub No. 8), filed December 7, 1956, PHIL KRASS and MARY KRASNOWSKY, doing business as I. L. & COMPANY, 4535 North Kedzie Avenue, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Materials, supplies*, and *equipment*, used in the manufacture of women's foundation garments, between Chicago, Ill., on the one hand, and, on the other, points in that part of Indiana beginning at the Illinois-Indiana State line, over U. S. Highway 40 to Terre Haute, Ind., thence east over Indiana Highway 42 to junction of Indiana Highway 46, thence southeasterly over Indiana Highway 46 to the junction of Indiana Highway 37, thence south over Indiana Highway 37 to the junction of U. S. Highway 50, thence west over U. S. Highway 50 to Illinois-Indiana State line, excluding any right to serve Terre Haute, Bloomington, Bedford, and Vincennes, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, New York, New Jersey, Ohio, and Pennsylvania.

HEARING: February 13, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 103378 (Sub No. 80), filed November 5, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, 500 Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Florida, Georgia, North Carolina, and South Carolina, and (b) from points in Florida, Georgia, North Carolina, and South Carolina, to points in Alabama, and Tennessee. Applicant is authorized to conduct operations in Alabama and Florida.

HEARING: February 6, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Leo W. Cunningham.

No. MC 103378 (Sub No. 82), filed November 27, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret St., Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla., published in the December 12, 1956 issue. Correction—The notice failed to name *Atlanta, Ga.*, as place of hearing. The notice should have read:

HEARING: February 12, 1957, at the Peachtree-Seventh Bldg., 50 Seventh Street, N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 106965 (Sub No. 95), filed November 9, 1956, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue, N. E., Washington, D. C. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, (1) from Baltimore, Md., to points in Delaware, New Jersey, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (2) from Biglerville, and Peach Glen, Pa., Winchester, Va., and Inwood, W. Va., to Baltimore, Md., and (3) from Winchester, Va., to Aspers, Pa. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: February 11, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 107818 (Sub No. 19), filed December 7, 1956, ELLA GREENSTEIN, doing business as GREENSTEIN TRUCKING COMPANY, Pompano Beach, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, in foreign commerce only, restricted to traffic having an immediately subsequent movement by air, from St. Louis, Mo. and Cleveland and Cincinnati, Ohio, to commercial airports within thirty-five (35) miles of Miami, Fla., including Miami.

HEARING: February 11, 1957, at the Alcazar Hotel, Biscayne Blvd., Miami, Fla., before Examiner Leo W. Cunningham.

No. MC 108671 (Sub No. 15), filed December 17, 1956, TARBET TRUCKING, INC., 311 E. 18th St., Muncie, Ind. Applicant's Representative: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant site of Clayton & Lambert Manufacturing Co., near Buckner, Ky., as an off-route point in connection with applicant's authorized regular-route operations to and from Louisville, Ky. Applicant is authorized to conduct operations in Kentucky, Indiana, Illinois, Missouri, New York, Michigan, Ohio, and Wisconsin.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 109421 (Sub No. 12), filed October 29, 1956, CARTER TRUCKING CO. INC., doing business as COASTAL REFRIGERATED SERVICE, 914 E. Platt St., (P. O. Box 1689), Tampa, Fla. Applicant's representative: A. Alvis Layne, Jr., Pennsylvania Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes,

transporting: *Frozen foods* and *processed food products containing citrus products*, such as fresh chilled citrus juice, fresh fruit salad containing grapefruit, orange or tangerine sections, and fresh chilled orange, grapefruit or tangerine sections, requiring vehicles equipped with mechanical refrigeration, from points in Florida to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, New Jersey, Maryland, Virginia, West Virginia and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return, except applicant does not seek authority which it presently holds in Certificate No. MC 109421. Applicant is authorized to conduct operations in Massachusetts, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, Alabama, Mississippi, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island and Delaware. Applicant is authorized to conduct operations under Permit No. MC 41041. Section 210 may be involved.

HEARING: February 20, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Leo W. Cunningham.

No. MC 109640 (Sub No. 16), published page 9922, issue of December 12, 1956. Correction—Trade name of applicant in the publication referred to was shown incorrectly as Rice Truck Lines, Inc. Applicant's trade name is: Bice Truck Lines, Inc.

No. MC 110698 (Sub No. 85), filed December 19, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INC., (J. ARCHIE CANNON, TRUSTEE), P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in York County, Va., to points in North Carolina, West Virginia, Delaware, and the District of Columbia. Applicant is authorized to conduct operations in North Carolina and Virginia.

HEARING: January 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 112497 (Sub No. 77), filed November 23, 1956, HEARIN TANK LINES, INC., 6440 Rawlins St., P. O. Box 3096, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Norco, La., to Laurel, Clarksdale and Natchez, Miss. Applicant is authorized to conduct operations in Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, Tennessee, and Arkansas.

HEARING: February 5, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 28.

No. MC 113312 (Sub No. 6), filed November 5, 1956, LESTER F. MEYER, doing business as PIONEER BULK CARRIERS, 10 Clayton Blvd., Smyrna, Del. Applicant's representative: G. A. Bruestle, S. E. Cor. Broad & Spring Garden Streets, Philadelphia 23, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphate of ammonia*, in bulk, in dump vehicles, from Bristol, Pa., to Centreville, Md., and Laurel and Smyrna, Del.

HEARING: February 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 199.

No. MC 113855 (Sub No. 18), filed December 10, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Avenue North, Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Road construction machinery and equipment*, as defined by the Commission; (b) *construction, excavating, grading, maintenance and repair machinery and equipment;* (c) off-highway type *dumping and hauling motor vehicles, wagons, trailers* and *conveyors*, with or without power unit attached; and (d) *attachments, equipment and parts* for or used in connection with articles included in (a), (b) and (c) above, whether moving separately or in connection with such articles, in haulaway, towaway and driveaway service, between points in the United States and the Territory of Alaska.

NOTE: Duplication should be eliminated. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Montana, North Dakota, South Dakota, Wisconsin and Wyoming.

HEARING: February 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 114409 (Sub No. 1), filed August 27, 1956, GEORGE A. DOBBERT, doing business as KNOLLENBERG'S MOTOR TRANSFER CO., 200 Irvin Street, Orlando, Fla. Applicant's representative: J. B. Rodgers, Jr., 227 North Main Street, Orlando, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, restricted to traffic having a prior movement by freight forwarding companies, between Orlando, Fla., and points in Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, and Polk Counties, Fla. Applicant has contract carrier authority in Permit No. MC 109526 (Sub No. 1) to transport packing house products from Orlando, Fla., to points in Florida within 80 miles of Orlando. Dual operations under Section 210 may be involved.

NOTE: Applicant's attorney states if, in the opinion of the Commission, the granting of this application would place the applicant in a position of engaging in dual operations, applicant would be willing to forfeit his right to operate under his permit.

HEARING: February 25, 1957, at the Angebilt Hotel, Orlando, Fla., before Joint Board No. 205.

No. MC 116291, filed November 5, 1956, JAMES ROBERT HILTON, doing business as JIM HILTON TRUCKING, P. O. Box 749, Brawley, Calif. Applicant's representative: M. M. Cline, Suite 110 Law Bldg., 895 Broadway, El Centro, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feeds*, from the International boundary line between the United States and Mexico at Calexico, Calif., and the said International boundry line at or near Potrero, Calif., to points in Imperial, San Diego, and Riverside Counties, Calif.

HEARING: February 6, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75.

No. MC 116292, filed November 5, 1956, KERR & FAGAN TRUCKING COMPANY, U. S. 90, P. O. Box 136, Greenville, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plywood, single ply* and *veneer* from Greenville, Fla., and Baxley, Ga., to Mattoon and Chicago, Ill., Henderson and Louisville, Ky., and Jasper, New Albany, Barden and Evansville, Ind. (2) *Processed feeds*, from Reading, Ohio to Valdosta, Ga., and points in Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Putnam, St. Johns, Santa Rosa, Suwannee, Taylor, Union, Walton, Washington, and Wakulla Counties, Fla.

HEARING: February 8, 1957, at the U. S. Court Rooms, Tallahassee, Fla., before Examiner Leo W. Cunningham.

No. MC 116320, filed November 23, 1956, JOE PETERSON, Stanley, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Stanley, Wis., and Boyd, Wis.

HEARING: February 8, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 116339, filed December 7, 1956, J & M ENTERPRISES, INC., 1640 New Tampa Highway, Lakeland, Fla. Applicant's representative: William P. Tomsaello, 120 East Davidson St., Bartow, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Corn gluten* and *hominy feed* from points in Illinois to points in Alabama, Georgia and Florida; (2) *Alfalfa meal*, from points in Missouri, Kansas, Ohio, Arkansas and Tennessee to points in Alabama, Georgia and Florida; (3) *Soy bean meal*, from points in Tennessee, Illinois, Mississippi, Arkansas, Kentucky and Indiana to points in Georgia, Alabama and Florida; (4) *Cottonseed meal*, from points in Arkansas, Tennessee, Mississippi, Georgia and Alabama to points in Alabama, Georgia and Florida; (5) *Wheat bran* and *wheat shorts*, from points in Kansas, Nebraska, Iowa and Missouri to points in Alabama, Georgia and Florida; (6) *Salt*, other than table salt, from points in Louisiana to points in Alabama, Georgia and Florida; (7) *Rice bran*, from points in Louisiana, Texas, Arkansas and Tennessee to points in Alabama, Georgia and Florida; (8) *Peanut meal*, from points in Georgia to points in Alabama, Georgia and Florida; (9) *Linseed meal*, from points in Ohio and Minnesota to points in Alabama, Georgia and Florida; (10) *Rolled oats*, from points in Minnesota and Iowa to points in Alabama, Georgia and Florida; (11) *Cottonseed hulls*, from points in Mississippi, Arkansas, Tennessee, Georgia and Alabama to points in Alabama, Georgia and Florida; (12) *Rolled barley*, from points in Minnesota to points in Alabama, Georgia and Florida; (13) *Brewers grain*, from points in Illinois and Kentucky to points in Alabama, Georgia and Florida.

HEARING: February 21, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Leo W. Cunningham.

MOTOR CARRIERS OF PASSENGERS

No. MC 1511 (Sub No. 110), filed December 11, 1956, PACIFIC GREYHOUND LINES, 371 Market St., San Francisco 5, Calif. Applicant's representative: Earl A. Bagby, Greyhound Bldg., Market and Fremont Sts., San Francisco 5, Calif. For authority to operate as a *common carrier*, transporting: *Passengers and their baggage*, and *express* in the same vehicle with passengers, between Phoenix, Ariz. and Flagstaff, Ariz., from Phoenix over U. S. Highway 60–70–89 to junction Arizona Highway 69, thence over Arizona Highway 69 to Cordes Junction, thence over Arizona Highway 79 to Camp Verde, thence over Arizona Highway 179 to junction Alternate U. S. Highway 89 near Cottonwood, thence over Alternate U. S. Highway 89 to Flagstaff, as an alternate route for operating convenience only, serving no intermediate points, in connection with applicant's authorized regular route operations between Phoenix and Flagstaff over U. S. Highways 60–70–89, 89, and 66 segments of El Paso, Tex.-Portland, Oreg., and Albuquerque, N. Mex.-Los Angeles routes. Applicant is authorized to conduct operations in Arizona, California, Nevada, New Mexico, Texas, Oregon, and Utah.

HEARING: February 13, 1957, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 24.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3102 (Sub No. 13), filed December 10, 1956, SHAW TRANSPORTATION, INC., 710 West 2nd Street, Hutchinson, Kans. Applicant's representative: James F. Miller, 500 Board of Trade, 10th & Wyandotte, Kansas City 5, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, commodities in bulk, and commodities requiring special equipment, serving the U. S. Naval Air Station, located approximately 2½ miles west of Yoder, Kans., as an off-route point in connection with applicant's authorized regular-route operations between Hutchinson, Kans., and Wichita, Kans., over Kansas Highway 96.

NOTE: Applicant is authorized to serve said U. S. Naval Air Station as an off-route point in connection with its regular-route authority between Hutchinson, Kans., and Kansas City, Mo. in Certificate No. MC 3102; applicant is filing this application to avoid unnecessary mileage between Naval Air Station and Wichita in connection with interstate shipments moving beyond Wichita. Applicant is authorized to conduct operations in Kansas and Missouri.

No. MC 29660 (Sub No. 7), filed November 20, 1956, HERMAN LOZOWICK, KENNETH LOZOWICK, FRANK LOZOWICK and JACK LOZOWICK, a partnership, doing business as HERMAN LOZOWICK TRUCKING CO., 320 Myrtle Street, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bronze, brass, copper and nickel products*, and in connection therewith, *materials and supplies*, used in the manufacture of such products, (1) between Elizabeth, N. J., and New York, N. Y.; and (2) from Elizabeth, N. J., to points in Nassau, Suffolk, Westchester, Dutchess, Ulster, Sullivan, Rockland and Orange Counties, N. Y., Philadelphia, Pa., and points in Pennsylvania within 15 miles of Philadelphia, and Bridgeport, New Haven and Waterbury, Conn.; and *salvaged, damaged or returned shipments of bronze, brass, copper, and nickel products, and materials and supplies used in the manufacture of such products*, from points in Nassau, Suffolk, Westchester, Dutchess, Ulster, Sullivan, Rockland, and Orange Counties, N. Y., Philadelphia, Pa., and points in Pennsylvania within 15 miles of Philadelphia and Bridgeport, New Haven and Waterbury, Conn., to Elizabeth, N. J.

NOTE: Applicant states this application is filed out of an abundance of caution in view of the decision in *Paul F. Cullum Extension—Ohio*, MC 15167 (Sub No. 16), decided May 9, 1956, wherein Division 1 said that the area known as Bayway is not coextensive with Elizabeth. Applicant is authorized to conduct operations in Connecticut, New Jersey, New York and Pennsylvania.

No. MC 46280 (Sub No. 36), filed November 9, 1956, DARLING FREIGHT, INC., 4000 Division Avenue, S., Grand Rapids, Mich. Applicant's representative: Rex Eames, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A and B explosives*, between the site of Camp Claybanks located at or near New Era, Mich., and the site of the United States Government Powder Yard located near the intersection of U. S. Highway 66 and Alternate U. S. Highway 66 near Lemont, Ill. Applicant is authorized to conduct operations in Illinois and Michigan.

No. MC 66562 (Sub No. 1319), filed November 13, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Bridgeport, Conn., and Waterbury, Conn., over Connecticut Highway 8, serving the intermediate points of Derby, Seymour and Naugatuck, Conn.; and (2) between Hartford, Conn., and Thomaston, Conn., from Hartford over U. S. Highway 6 to junction Connecticut Highway 71, thence over Connecticut Highway 71 to New Britain, Conn., thence over Connecticut Highway 71 to junction Connecticut Highway 72, thence over Connecticut Highway 72 to Bristol, Conn., thence over Connecticut Highway 72 to junction U. S. Highway 6, thence over U. S. Highway 6 to Thomaston, and return over the same route, serving the intermediate points of New Britain and Bristol, Conn.

NOTE: Applicant states proposed service is an extension of and will be tacked or joined at Thomaston with applicant's authorized regular route operations between Waterbury and Winsted, Conn., in MC 66562 (Sub No. 51).

RESTRICTION: Applied-for authority to be limited to that which is auxiliary to, or supplemental of, railway express service; and shipments to be transported by applicant to be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor-carrier movement by said applicant, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 115647 (Sub No. 1), filed November 7, 1956, JAMES G. ROUSE, 795 South Dunham St., Prineville, Oreg. Applicant's representative: John M. Hickson, Failing Bldg., Portland 4, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* and *lumber products*, between points in Lane, Tillamook, Yamhill, Benton, Lincoln, Jefferson and Baker Counties, Oreg., and points in Bannock, Bingham, Bonneville and Twin Falls Counties, Idaho, and Box Elder, Cache, Rich, Utah, Weber, Tooele, Davis, Morgan, Summit, Salt Lake, and Wasatch Counties, Utah.

No. MC 116111 (Sub No. 2), filed December 17, 1956, CHARLES S. REAVIS, doing business as NORTH KANSAS CITY TOW SERVICE, 1114 Swift Avenue, North Kansas City, Mo. Applicant's representative: S. Preston Williams, Suite 204, Pioneer Bldg., North Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles*, by tow-away wrecked truck, between points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Kansas, and on occasion to transport, by tow-away method, a replacement vehicle to the point of wreck or disablement.

NOTE: In error, authority to serve points in Kansas was not shown in the FEDERAL REGISTER publication of August 1, 1956. In lieu of verified statements applicant relies on testimony presented at hearing in MC 116111 conducted on December 3, 1956, at Kansas City, Mo.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 131), filed November 21, 1956, THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago 4, Ill. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Ave., N. W., Washington 6, D. C.

For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express* and *newspapers*, in the same vehicle with passengers, between Salt Lake City, Utah, and Echo, Utah, from Salt Lake City over U. S. Highway 40 to junction Utah State Highway 4, thence over Utah State Highway 4 to junction U. S. Highway 189, thence over U. S. Highway 189 to Echo, and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Chicago, Ill., and Los Angeles, Calif. Applicant is authorized to conduct operations throughout the United States.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6422, published in the October 24, 1956, issue of the FEDERAL REGISTER on page 8165. Supplemental application filed December 13, 1956, to show joinder of ROBERT L. DUNN, JOHN A. DUNN, WILLIAM G. DUNN, DANIEL W. DUNN, CLARE D. HERN, HELEN D. DRISCOLL, and MARY L. D. McCARTHY, 3175 Washington Street, Boston 30, Mass., as the persons in control of D. W. DUNN CO.

No. MC–F 6464, published in the December 12, 1956, issue of the FEDERAL REGISTER on page 9926. Supplemental application filed December 13, 1956, to show joinder of R. C. DAWE, 2724 Taylor Street, Dallas, Texas, as the person in control of vendee.

No. MC–F 6470. Authority sought for purchase by ALLEN KROBLIN, INC., Sumner, Iowa, of the operating rights and property of WARREN COLLINS, Jesup, Iowa, and for acquisition by ALLEN E. KROBLIN and MILDRED KROBLIN, both of Sumner, of control of such rights and property through the purchase. Applicants' representative: William B. Mooney, First National Bank Bldg., Waverly, Iowa. Operating rights sought to be transferred: *Fertilizer*, as a *common carrier* over irregular routes, from Fulton, Ill., to points in Iowa. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, Illinois and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–10502; Filed, Dec. 26, 1956; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–1436]

TRANS-CONTINENTAL URANIUM CORP.

ORDER VACATING ORDER OF SUSPENSION

DECEMBER 19, 1956.

Trans-Continental Uranium Corporation filed with the Commission on October 1, 1954, a notification on Form 1–A relating to a proposed public offering of 3,000,000 shares of common stock, par value 10 cents, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof, and Regulation A promulgated thereunder.

The Commission on December 13, 1955, ordered, pursuant to Rule 223 (a) of the general rules and regulations under said act, that the conditional exemption under Regulation A be temporarily suspended on the grounds that said issuer had failed to file on Form 2–A a report of sales as required by Rule 224 of Regulation A and that Justin Steppler, Inc., a principal underwriter of the securities offered, and Beverly I. Steppler, a director of the issuer, have been permanently enjoined by the New York State Supreme Court, County of New York, from engaging in the business of acting as a broker or dealer in securities in the State of New York.

It appearing to the Commission pursuant to a stipulated record that the issuer's failure to file the report required by Rule 224 was at least in part due to the underwriter's failure to make information available to the issuer; and that the issuer filed such report subsequent to the action temporarily suspending the exemption under Regulation A; terminated the underwriting contract with Justin Steppler, Inc., obtained the resignation of Beverly I. Steppler as a director of the issuer and abandoned any further offering of the securities as of a date prior to the entry of said injunction;

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10435; Filed, Dec. 26, 1956; 8:46 a. m.]

[File No. 24SF–2214]

ESTATE SECURITY, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 19, 1956.

I. Estate Security, Inc., a Delaware corporation, 4224 Luther Street, Riverside, California, filed with the Commission on December 20, 1955, a Notification on Form 1–A and a Statement under Rule 219 (b) relating to a proposed offering of 30,000 shares of preferred and 30,000 shares of common stock at $1 per unit of one share of each, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file any 2–A reports of sales as required by Rule 224 under Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10436; Filed, Dec. 26, 1956; 8:46 a. m.]

[File Nos. 70–2973, 70–2540]

ELECTRIC ENERGY, INC., ET AL.

ORDER EXTENDING TIME TO AMEND APPLICATIONS AND ORDER POSTPONING HEARING

DECEMBER 17, 1956.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company, Illinois Power Company, Kentucky Utilities Company, (File No. 70–2973); and Union Electric Company, Illinois Power Company, Middle South Utilities, Inc., Kentucky Utilities Company, Central Illinois Public Service Company, (File No. 70–2540).

On November 19. 1956, the Commission issued an order reopening and consolidating the proceedings in File Nos. 70–2973 and 70–2540 and gave Notice of and Order for hearing to consider matters in the consolidated proceedings over which jurisdiction had been heretofore reserved (Holding Company Act Release No. 13312). These proceedings concerned, among other things, the applications of Union Electric Company ("Union"), Illinois Power Company ("Illinois"), Middle South Utilities, Inc. ("Middle South") and Kentucky Utilities Company ("Kentucky") to acquire the common stock of Electric Energy, Inc. ("Electric Energy"). In its order the Commission specifically directed, "that Union, Illinois, Middle South and Kentucky shall file with the Secretary of the Commission on or before December 21, 1956, amendments to their applications setting forth the facts as they now exist with regard to their respective relationships to Electric Energy and with particular reference to the matters to be considered under section 10 of the act."

Union and Kentucky have now filed with the Commission requests to extend the time within which these amendments are required to be filed with the Commission. Union also states that it has communicated with representatives of Illinois, Middle South and Kentucky who advised it that such companies consent to and also desire the extension of time that is now being requested.

It appearing to the Commission that it will not be detrimental to the public interest for the time to be extended, beyond December 21, 1956, in which the amendments to the applications shall be filed; and it also appearing to the Commission that the granting of such an extension requires the postponement of the hearing as originally ordered and the ordering of another date for hearing:

It is hereby ordered, That Union, Illinois, Middle South and Kentucky shall file with the Secretary of the Commission on or before January 21, 1957 amendments to their applications setting forth the facts as they now exist with regard to their respective relationships to Electric Energy and with particular reference to the matters to be considered under section 10 of the act.

It is further ordered, Pursuant to the applicable provisions of the act that the hearing in the consolidated proceedings as previously ordered be postponed and such hearing be held at the offices of the Securities and Exchange Commission, 425 Second Street, Washington 25, D. C., on March 4, 1957, at 10:00 a. m., e. s. t. On such date the hearing room clerk in room 193 will advise as to where such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before February 25, 1957, a request relative thereto as provided by Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the applications which he desires to controvert.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice of and order for hearing by registered mail, not less than 30 days prior to the date fixed therefor, to each of the applicant companies, the Atomic Energy Commision, the Federal Power Commission, the Arkansas Public Service Commission, the Illinois Commerce Commission, the Kentucky Public Service Commission, the Louisiana Public Service Commission, the Missouri Public Service Commission; and that notice of said hearing is hereby given to the aforesaid and to all states, municipalities, and political subdivisions of states within which are located any of the physical assets of the applicant companies, to all state commissions, state security commissions, and all agencies, authorities or instrumentalities of any state, municipality, or other political subdivision having jurisdiction over any of the applicant companies or any of the business affairs or operations of any of them, and to all other interested persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the act; and by publication of this notice and order in the FEDERAL REGISTER not later than 30 days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10437; Filed, Dec. 26, 1956; 8:46 a. m.]

[File No. 70–3433]

MICHIGAN WISCONSIN PIPE LINE CO.

ORDER GRANTING AMENDED APPLICATION REGARDING EXTENSION OF MATURITY DATE OF SHORT-TERM NOTES TO BANKS

DECEMBER 19, 1956.

Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a nonutility subsidiary of American Natural Gas Company ("American"), a registered holding company, has filed an amended application with this Commission pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

The Commission by order dated June 28, 1956 (Holding Company Act Release No. 13209), approved the issuance of short-term notes by Michigan Wisconsin in amounts not to exceed an aggregate of $25,000,000 pursuant to a credit agreement with several banks. As of November 19, 1956, Michigan Wisconsin had borrowed under this credit agreement a total of $21,500,000 and expected it would, prior to December 15, 1956, borrow the remaining $3,500,000 available to it under the terms of the agreement. It was intended that this credit agreement would provide the company with temporary financing pending issuance and sale of $25,000,000 principal amount of its first mortgage pipeline bonds and that the proceeds from the sale of these bonds would be used to retire the notes issued under the credit agreement. Consequently, a declaration was filed with this Commission in June 1956, by Michigan Wisconsin with respect to the issuance and sale of these pipeline bonds. The Commission approved the issue and sale of the bonds pursuant to the provisions of Rule U-50, and Michigan Wisconsin received three bids therefor which it rejected on August 1, 1956. Consequently, the contemplated sale of the bonds has not been consummated.

The credit agreement between Michigan Wisconsin and the banks provided, among other things, that loans made thereunder shall be represented by notes having an initial maturity of January 1, 1957, which may be renewed upon 10 days written notice for a period of six months beyond such initial maturity date at the option of the company and with the approval of the Commission. Michigan Wisconsin now desires to exercise its option under the credit agreement to renew until July 1, 1957, the notes evidencing the $25,000,000 principal amount of loans obtained or to be obtained by it under the credit agreement.

The company proposes to reoffer at competitive bidding the $25,000,000 principal amount of its first mortgage pipeline bonds as soon as it is feasible to do so and prior to the maturity of the notes on July 1, 1957, and proposes to retire the notes from the proceeds of that bond financing.

The fees, commissions and other remuneration to be paid by the Company in connection with the proposed renewal are estimated to be in the aggregate $1,500 including legal fees of Sidley, Austin, Burgess & Smith, $500; services at cost of American Natural Gas Service Company, $500; and miscellaneous expenses, $500.

No State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Due notice having been given of the filing of the amended application in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13327) and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed the amounts estimated, and that the amended application should be granted:

It is ordered, pursuant to Rule U-23 and the applicable provisions of said act, that said amended application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10434; Filed, Dec. 26, 1956; 8:46 a. m.]

[File No. 70–3539]

LOUISIANA POWER & LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO ISSUE AND SELL FIRST MORTGAGE BONDS

DECEMBER 19, 1956.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"),

a public utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 (a), 7 and 12 (c) of the act, and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Louisiana proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $20,000,000 principal amount of its First Mortgage Bonds, __ percent Series due January 1, 1987. The interest rate (which shall be a multiple of ⅛ of 1 percent, and the price, exclusive of accrued interest, to be paid to Louisiana for the bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Mortgage and Deed of Trust, dated April 1, 1944, as heretofore supplemented, and as to be further supplemented by a Fifth Supplemental Indenture to be dated January 1, 1957.

The proceeds received from the proposed sale of bonds will be used to pay the costs of needed additional facilities and extensions, for the payment of outstanding bank loans in the amount of $7,280,000, and for other corporate purposes.

The declaration states that no state regulatory body or agency, and no Federal Commission or agency, other than this Commission, has jurisdiction over the proposed issue and sale of bonds.

The fees and expenses incurred or to be incurred by Louisiana in connection with the proposed transactions are estimated as follows:

Federal stamp tax	$22,000
Filing fee, Securities and Exchange Commission	2,055
Fees of trustee	11,000
Auditors' fees (Raskins & Sells)	2,500
Printing, including Form S-9, prospectus, supplemental indenture, etc	15,000
Printing and engraving securities	4,500
Charges of Ebasco Services Incorporated	6,000
Fees of Company's counsel:	
Reid & Priest, New York, N. Y.	10,000
Monroe & Lemann, New Orleans, La.	10,000
Miscellaneous expenses	6,945
Total	90,000

The legal fee of the firm of Winthrop, Stimson, Putnam & Roberts, New York, New York, who have been designated to act as counsel for the underwriters, will be $6,500 and is to be paid by the successful bidder or bidders.

Notice is further given that any interested person may not later than January 2, 1957, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be hereafter amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commision may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10433; Filed, Dec. 26, 1956; 8:45 a. m.]

FEDERAL REGISTER

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UNIVERSITY OF MICHIGAN
JAN 7 1957
MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter C—Regulations Issued by the Federal Land Banks

WITHDRAWAL OF SUBCHAPTER

Subchapter C, Regulations Issued by the Federal Land Banks, is hereby withdrawn from Chapter I of Title 6 of the Code of Federal Regulations.

[SEAL] THOS. A. MAXWELL, Jr.,
Director,
Land Bank Service.

[F. R. Doc. 56-10487; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 21—FEDERAL LAND BANK OF SPRINGFIELD

WITHDRAWAL OF PART

Part 21, Federal Land Bank of Springfield, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

THE FEDERAL LAND BANK OF SPRINGFIELD,
[SEAL] M. C. PEABODY,
President.

[F. R. Doc. 56-10488; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 22—FEDERAL LAND BANK OF BALTIMORE

WITHDRAWAL OF PART

Part 22, The Federal Land Bank of Baltimore, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

THE FEDERAL LAND BANK OF BALTIMORE,
[SEAL] H. M. RESPESS,
Vice President.

[F. R. Doc. 56-10489; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 23—FEDERAL LAND BANK OF COLUMBIA

WITHDRAWAL OF PART

Part 23, The Federal Land Bank of Columbia, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

THE FEDERAL LAND BANK OF COLUMBIA,
[SEAL] RUFUS R. CLARKE,
President.

[F. R. Doc. 56-10490; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 24—FEDERAL LAND BANK OF LOUISVILLE

WITHDRAWAL OF PART

Part 24, The Federal Land Bank of Louisville, is hereby withdrawn from Title 6 of the Code of Federal Regulations. [Res. Bd. Dir., Dec. 14, 1956]

THE FEDERAL LAND BANK OF LOUISVILLE,
[SEAL] M. S. KENNEDY, Jr.,
President.

[F. R. Doc. 56-10491; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 25—FEDERAL LAND BANK OF NEW ORLEANS

WITHDRAWAL OF PART

Part 25, Federal Land Bank of New Orleans, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

THE FEDERAL LAND BANK OF NEW ORLEANS,
[SEAL] JNO. L. RYAN,
President.

[F. R. Doc. 56-10492; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 26—FEDERAL LAND BANK OF ST. LOUIS

WITHDRAWAL OF PART

Part 26, The Federal Land Bank of St. Louis, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

THE FEDERAL LAND BANK OF ST. LOUIS,
[SEAL] WALTER H. DROSTE,
President.

E. B. HARRIS,
Secretary.

[F. R. Doc. 56-10493; Filed, Dec. 27, 1956; 8:47 a. m.]

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CODIFICATION GUIDE

FEDERAL REGISTER

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PART 27—FEDERAL LAND BANK OF ST. PAUL

WITHDRAWAL OF PART

Part 27, Federal Land Bank of St. Paul, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

FEDERAL LAND BANK OF ST. PAUL,
[SEAL] W. R. FANKHANEL,
Vice President.

[F. R. Doc. 56-10494; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 28—FEDERAL LAND BANK OF OMAHA

WITHDRAWAL OF PART

Part 28, Federal Land Bank of Omaha, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

THE FEDERAL LAND BANK OF OMAHA,
[SEAL] H. A. VIERGUTZ,
President.

[F. R. Doc. 56-10495; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 29—FEDERAL LAND BANK OF WICHITA

WITHDRAWAL OF PART

Part 29, Federal Land Bank of Wichita, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

FEDERAL LAND BANK OF WICHITA,
[SEAL] W. E. FISHER,
President.

[F. R. Doc. 56-10496; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 30—FEDERAL LAND BANK OF HOUSTON

WITHDRAWAL OF PART

Part 30, Federal Land Bank of Houston, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

FEDERAL LAND BANK OF HOUSTON,
[SEAL] STERLING C. EVANS,
President.

[F. R. Doc. 56-10497; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 31—FEDERAL LAND BANK OF BERKELEY

WITHDRAWAL OF PART

Part 31, The Federal Land Bank of Berkeley, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

THE FEDERAL LAND BANK OF BERKELEY,
[SEAL] WALTER C. DEAN,
President.

[F. R. Doc. 56-10498; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 32—FEDERAL LAND BANK OF SPOKANE

WITHDRAWAL OF PART

Part 32, Federal Land Bank of Spokane, is hereby withdrawn from Title 6 of the Code of Federal Regulations.

THE FEDERAL LAND BANK OF SPOKANE,
[SEAL] FRED A. KNUTSEN, *President.*

[F. R. Doc. 56-10499; Filed, Dec. 27, 1956; 8:47 a. m.]

Subchapter D—Federal Intermediate Credit Banks

PART 40—GENERAL

PART 41—INTEREST AND DISCOUNT RATES

PART 42—LOANS AND DISCOUNTS

PART 43—PRIVATELY CAPITALIZED FINANCING INSTITUTIONS

PART 44—COOPERATIVE ASSOCIATIONS

PART 45—COLLATERAL TRUST DEBENTURES

MISCELLANEOUS AMENDMENTS

In order to reflect certain changes made by the Farm Credit Act of 1956 (Pub. L. 809, 84th Cong., 70 Stat. 659), effective January 1, 1957, as well as some changes made by earlier legislation, Parts 40, 41, 42, 43, 44, and 45 of Title 6 of the Code of Federal Regulations are hereby amended as hereinafter indicated, all such amendments to be effective January 1, 1957.

1. Delete paragraph (e) of § 40.2.

2. Amend so much of § 41.1 (a) as precedes subparagraph (1) therein to read as follows:

§ 41.1 *Interest and discount rates*—(a) *Application.* Rates of interest or discount, as determined from time to time by the board of directors of each Federal intermediate credit bank with the approval of the Farm Credit Administration, will be applied in the following manner:

3. Amend paragraph (b) of § 42.4 to read as follows:

(b) *Intermediate-term loans.* Notes with maturities not exceeding 5 years may be discounted, purchased, or accepted as collateral by an intermediate credit bank if the loans evidenced thereby were made to finance capital expenditures of farmers and ranchers, subject to conditions prescribed by the Farm Credit Administration.

4. Add the following new paragraphs (d) and (e) to § 42.4:

(d) *Loans to finance grain storage bins on farms, under Commodity Credit Corporation programs.* Notes or other obligations evidencing loans made under any program of the Commodity Credit Corporation to assist producers in acquiring or building grain storage bins on their farms may be discounted, purchased or accepted as collateral for loans when such notes or other obligations mature in not to exceed 5 years from date of acquisition or acceptance by the Federal intermediate credit bank.

(e) *Maturities of other securities.* Investment securities or other obligations in which a production credit association is authorized by regulation to invest its funds, without limitation as to the maturity of such securities or obligations, may be accepted by a Federal intermediate credit bank as collateral for direct loans or as general collateral to secure any obligations of the association to the bank.

5. Delete § 42.7.

6. Amend § 43.3 to read as follows:

§ 43.3 *Loans to financing institutions.* Direct loans may be made to banking institutions, agricultural and livestock credit corporations, savings institutions, credit unions, and associations of agricultural producers engaged in making loans to farmers and ranchers, upon the security of notes or other obligations which are eligible for discount or purchase by an intermediate credit bank, direct obligations of the United States Government, consolidated Federal farm loan bonds, and such other collateral as may be approved by the Farm Credit Administration: *Provided*, That no such loan shall be made upon the security of collateral other than agricultural or livestock paper which would be eligible for discount or purchase, unless the loan to the financing institution is made for the purpose of enabling it to make or carry loans for agricultural or livestock purposes.

7. Delete §§ 43.4 and 43.5.

8. Delete the third or last sentence of paragraph (b) of § 43.6.

9. Delete all of Part 44.

10. Delete the words "Intermediate Credit Commissioner" and substitute therefor the words "Farm Credit Administration" wherever the words "Intermediate Credit Commissioner" occur in §§ 43.6 (d) (three times), 43.7 (two times), and 45.1 (eleven times).

(Sec. 209, 42 Stat. 1459; 12 U. S. C. 1101. E. O. 6084, Mar. 27, 1933)

[SEAL] R. B. TOOTELL, *Governor, Farm Credit Administration.*

[F. R. Doc. 56-10511; Filed, Dec. 27, 1956; 8:49 a. m.]

Subchapter G—Federal Farm Mortgage Corporation

PART 91—DISPOSAL OF MINERAL INTERESTS

TITLE REQUIREMENTS: APPLICATIONS COVERING LANDS IN INACTIVE AREAS; AND ANY APPLICATION COVERING LANDS IN OTHER AREAS IF FAIR MARKET VALUE OF MINERAL INTERESTS COVERED BY APPLICATION IS APPRAISED AT $1.00

Section 91.9 of Title 6 of the Code of Federal Regulations is hereby amended by designating the existing text as paragraph (a) and by adding two new paragraphs thereto as follows:

(b) An attorney's certificate or abstract of title as specified in paragraph (a) of this section need not be required upon applications covering lands in inactive areas in which it has been determined that the mineral interests covered by a single application shall be sold for a consideration of $1.00. In such cases, the applicant may establish title to the surface of the land in the following manner. The applicant may submit the conveyance or conveyances to the applicant by which the applicant acquired title to the surface of the land, together with a statement by the applicant and each joint owner of the surface rights, if any, that (1) they are still the owners of the surface of the land as indicated by said conveyances; that (2) since acquiring title, as evidenced by said conveyances, they have not conveyed or otherwise disposed of their interest in the surface of land covered by the application; and that (3) to their knowledge, there have been no other conveyances, voluntary or involuntary, subsequent to such conveyances to the applicant, affecting the title to any of the property covered by the application, or of any part thereof or interest therein. If the applicant and any joint owners of the surface rights are not grantees in a conveyance from the Corporation, there should also be submitted, if available to the applicant without additional expense, either (1) any intervening conveyances since the conveyance from the Corporation, or (2) an abstract of the title, title certificate or opinion, or title insurance policy showing title to be in the applicant or his immediate predecessor in title. The terms "conveyance" and "conveyed" as used herein shall include deeds, contracts of sale, probated wills, foreclosures, or court decrees or processes affecting title to the surface, but shall not include mortgages and other liens, or agricultural or mineral leases. If any original conveyance is not available, photostatic or certified copies thereof, showing recordation data of such instruments, will be acceptable.

(c) The procedure authorized in paragraph (b) of this section for establishing title to the surface of the land covered by an application may be followed also upon an application covering lands in areas in which the mineral interests are to be sold at the fair market value thereof, if the fair market value of the mineral interests covered by the application is appraised at $1.00.

(Sec. 6, 64 Stat. 770; sec. 7, 67 Stat. 393)

[SEAL] E. C. JOHNSON, *Executive Vice President, Federal Farm Mortgage Corporation.*

Approved: December 21, 1956.

R. B. TOOTELL, *Governor, Farm Credit Administration.*

[F. R. Doc. 56-10512; Filed, Dec. 27, 1956; 8:49 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter G—Miscellaneous Regulations

[FHA Instruction 445.1]

PART 381—EMERGENCY LOANS

PART 385—ECONOMIC EMERGENCY LOANS

PART 389—SPECIAL EMERGENCY LOANS

MISCELLANEOUS AMENDMENTS

The heading of Part 381, "Production Emergency and Property Damage Loans," Title 6, Code of Federal Regulations, is changed to "Emergency Loans," Parts 385, "Economic Emergency Loans," and 389, "Special Emergency Loans," Title 6, Code of Federal Regulations, are revoked. Part 381 is revised to include Production Emergency Loans, Economic Emergency Loans, and Special Emergency Loans, to eliminate Subparts A and B, and to read as follows:

Sec.
381.1 General.
381.2 Purpose and scope of program.
381.3 Designation of Emergency loan areas.
381.4 Eligibility.
381.5 Loan purposes.
381.6 Loan limitations.
381.7 Interest rate and terms.
381.8 Security requirements.
381.9 Loan processing.
381.10 Applications involving debt settlement.
381.11 Review and approval or rejection.
381.12 Loan approval authority.
381.13 Loan closing.
381.14 Revision in the use of loan funds.
381.15 Servicing Emergency loans.

AUTHORITY: §§ 381.1 to 381.15 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 2 (a), (b), (e), (f), 63 Stat. 44, as amended, sec. 2, 67 Stat. 150, sec. 1-3, 68 Stat. 999, as amended; 12 U. S. C. 1148a-2 (a), (b), (e), (f), 1148a-4, and 1148a-1 Note.

§ 381.1 *General.* This part provides the policies, authorities, and routines for making Emergency loans. The term "Emergency loans" includes the following:

(a) *Production Emergency loans.* These loans are authorized under section 2 (a) of Public Law 38, 81st Congress, as amended, in areas designated by the Secretary of Agriculture upon his determination that a production disaster has caused a widespread need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

(b) *Economic Emergency loans.* These loans are authorized under Section 2 (b) of Public Law 38, 81st Congress, as amended, in connection with any major disaster determined by the President pursuant to Public Law 875, 81st Congress, as amended, in areas designated by the Secretary of Agriculture upon his determination that, due to an economic emergency, a widespread need exists for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, or other responsible sources, including the regular programs of the Farmers Home Administration.

(c) *Special Emergency loans.* These loans are authorized under Public Law 727, 83d Congress, as amended, in areas designated by the Secretary of Agriculture upon his determination that a widespread need exists for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, or other responsible sources, including the regular programs of the Farmers Home Administration and those authorized under Public Law 38, 81st Congress, as amended.

§ 381.2 *Purpose and scope of program.* (a) The primary purpose of the emergency loan program is to provide a source of temporary credit to eligible farmers and stockmen in designated areas, who are unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources, the credit required to continue their normal operations. Assistance will be available under this program to help eligible farmers and stockmen during the emergency period, with the expectation that they will return to regular credit sources as soon as normal production is achieved or economic conditions improve. Emergency loans, therefore, are intended to supplement but not supplant credit available from other established sources in the area. Assistance will not be provided under this program to enable applicants to become established in farming or ranching, nor to expand substantially the operations carried on just prior to the designation of the area for Emergency loan assistance. Neither will Emergency loans be made to enable applicants to reorganize their farm or ranch operations. However, it is expected that County Supervisors will advise with Emergency loan applicants, when their loans are being developed and during servicing visits regarding any improved practices which they feel will be beneficial in the operation and management of their farms and ranches, and to offer other suggestions which will help protect the Government's interest. In addition, where the loan includes advances for real estate repairs and improvements, technical assistance will be provided to the same extent as would be provided under other programs of the Farmers Home Administration in connection with the making of real estate repairs and improvements. It is recognized that Emergency loans may involve higher than normal credit risks, but it is expected that loans will be made only where a sound basis for credit exists and there is reasonable assurance that the loans will be repaid in full.

(b) Emergency loans normally will not be made to applicants whose credit needs can be met through the regular lending programs of the Farmers Home Administration.

§ 381.3 *Designation of Emergency loan areas*—(a) *Period of time within which loans may be made.* Area designations by the Secretary of Agriculture will set forth the period within which specified types of Emergency loans may be made in the designated area because of the disaster. The time for making such loans may be extended by the Secretary of Agriculture if the results of the disaster or of an additional disaster are such as to create a continuing need for the loan assistance.

(b) *Additional disasters in designated areas.* When an additional natural disaster occurs in an area already designated for Production Emergency loans, or when a natural disaster resulting in a limited need for credit occurs in an area already designated by the Secretary of Agriculture for Economic or Special Emergency loans, and the need for credit can be met without extending the period for accepting initial applications, the State Director may authorize the same type of Emergency loans for which the area is then designated to meet the need for credit resulting from the additional disaster.

§ 381.4 *Eligibility*—(a) *Production Emergency loans.* Any farmer or stockman, operating in the designated area, whether owner or tenant, including a partnership or corporation, is eligible for Production Emergency loan, provided the applicant meets all of the following requirements:

(1) He is an established operator, primarily engaged in farming or ranching and dependent on such operation for a livelihood. An applicant who regularly devotes a substantial part of his time to some occupation other than farming or ranching, irrespective of the income received, is not eligible for Emergency loan assistance. However, an otherwise eligible applicant would not be disqualified by temporary off-farm employment obtained to supplement his income because of the emergency, provided he expects to resume his normal farming or ranching operations as soon as possible.

(i) *Exceptions.* Upon prior approval of the Administrator, exceptions to the above-stated requirements may be made in individual cases when the applicant is indebted for an Emergency loan and it appears that a subsequent loan is necessary to protect the Government's interest, or the loan is to be made for the repair or replacement of buildings damaged or destroyed by hurricanes, tornadoes, or floods, or for other real estate improvements necessary because of the disaster, and the failure to make the loan would deprive a fulltime farm tenant of the opportunity to continue his normal farming operations. In these cases, it would be necessary to make the loan to the landowner rather than the tenant, since real estate security would be required.

(ii) He is unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources, the credit necessary for continuing his normal farming or livestock operations.

(iii) He has the necessary experience and ability to succeed with the proposed operations and will honestly endeavor to carry out the undertakings and obligations required of him. Applicants whose need for credit stems primarily from the unsoundness or inefficiency of their past operations rather than from the factors which resulted in the designation of the area usually would not qualify for Emergency loan assistance. Also those who have no reasonable prospects of being able to continue their operations without further emergency credit assistance after a temporary period of two or three years, normally would not qualify.

(iv) He has suffered production losses as a result of the disaster for which the area is currently designated that were substantially greater than would be expected from normal fluctuations in yields, or has suffered property damage from the disaster which will prevent normal production in the future unless repaired or restored. In making this determination, consideration will be given to the applicant's total farming operations, and the applicant will be required

to furnish information with respect to all of his major enterprises which will enable the County Committee and the loan approving official to compare the production obtained during the year of the disaster with that for a normal year or with the average for a period of years. If it is found that the losses suffered in the enterprise affected by the disaster are compensated for by favorable conditions with respect to the applicant's other enterprises, he will not qualify for a Production Emergency loan. Generally, it is questionable whether an applicant with total production losses of less than 25 percent in his major enterprises would qualify for a Production Emergency loan; however, reasonable discretion may be exercised in this regard after consideration of the circumstances of any individual case.

(b) *Economic Emergency loans.* The eligibility requirements for Economic Emergency loans are the same as stated for Production Emergency loans, except that in addition to the requirements of paragraph (a) (2) of this section, it must be determined that the applicant's credit needs cannot be met under the regular programs of the Farmers Home Administration because of ineligibility, loan policies and limitations, lack of funds, or for other reasons, and paragraph (a) (4) of this section is not applicable, since applicants for Economic Emergency loans are not required to establish that they have suffered production losses.

(c) *Special Emergency loans.* The eligibility requirements for Special Emergency loans are the same as stated for Production Emergency loans, except that Special Emergency loans may be made only to individuals or partnerships; in addition to the requirements of paragraph (a) (2) of this section, it must be determined that the applicant's credit needs cannot be met under any of the other programs of the Farmers Home Administration, including those authorized by Public Law 38, 81st Congress, as amended, because of ineligibility, loan policies and limitations, lack of funds, or for other reasons; and paragraph (a) (4) of this section is not applicable, since applicants for Special Emergency loans are not required to establish that they have suffered production losses. Corporations are not eligible for Special Emergency loans.

§ 381.5 *Loan purposes.* Consistent with the objectives of the program outlined in § 381.2, Emergency loans may be made for any of the following purposes that are essential to a continuation of the applicant's normal operations, subject to the limitations stated in this Part and any additional limitations which may be imposed with respect to the making of such loans in particular designated areas:

(a) The purchase of feed, seed, fertilizer, insecticides, and to meet other essential farm operating expenses, including the payment of Social Security taxes in connection with hired labor.

(b) To meet family subsistence needs, including reasonable amounts for premiums on health and life insurance and expenses for medical care.

(c) The payment of customary and equitable charges for grazing land, and for the privilege of using farm buildings, family gardens, and pasture for subsistence livestock, but not for the payment of cash rent for cropland used for the production of cash crops.

(d) The payment of bills that were incurred for annual recurring operating expenses in connection with the production of livestock, livestock products, and crops that are to be harvested or marketed during the crop year for which the loan is being made. This does not authorize the payment of bills incurred in connection with crops, livestock, or livestock products that have been lost, destroyed, or disposed of prior to loan approval.

(e) The payment of not more than a year's taxes due or about to become due on real and personal property; not more than a year's charges, taxes or assessments to water associations, or irrigation or drainage districts; premiums for insurance on real and personal property; and not more than a year's interest, calculated at a rate not to exceed that which is reasonable and customary for the area, that is due or about to become due on debts secured by liens on livestock, farm machinery and equipment, and farm real estate, provided the anticipated income will support such obligations for taxes, water charges, insurance or interest, and arrangements cannot be made for payment of these expenses from future income. However, loan funds will not be used to pay interest, taxes, water assessments, or insurance premiums, either current or delinquent, in connection with real estate against which there are prior liens securing Farm Ownership, Farm Housing, or Soil and Water Conservation loans.

(f) The purchase of essential items of farm and home equipment, when necessary to replace similar items damaged or destroyed as a direct result of the disaster, or which are worn out and must be replaced.

(g) The replacement or repair (beyond essential normal maintenance) of buildings, fences, and drainage or irrigation systems on individual farms, necessary as a direct result of the disaster, in order to bring the farm back to normal production and use.

(h) The releveling of land and the clearing of debris made necessary as a direct result of the disaster.

(i) The purchase of trees, root stock, and plants for re-establishing commercial orchards or berry and perennial cash crops, when necessary as a direct result of the disaster.

(j) The purchase of livestock when the applicant is an established dairyman or livestock producer, to replace livestock lost as a result of the disaster, or to enable the applicant to continue, but not increase substantially, his normal livestock operations.

(k) The payment of bills incurred for emergency repairs and improvements to farm real estate, necessary as a direct result of the disaster, provided it is determined that the expenditures were essential to preservation of the property, or continuation of the applicant's normal farming or livestock operations, and had to be made before an Emergency loan could be obtained; and the loan for such purposes is approved within 45 days following designation of the area, unless an exception to this requirement is authorized by the Administrator.

(l) Expenses incident to the making of such loans.

§ 381.6 *Loan limitations*—(a) *Emergency loans will not be made.* (1) To refinance debts, either secured or unsecured, except as provided under paragraphs (d) and (k) of § 381.5.

(2) To pay cash rent on land used for the production of cash crops.

(3) To pay Federal or State income taxes, nor Social Security taxes that are payable by borrowers in their own behalf.

(4) To purchase passenger automobiles.

(5) To enable an applicant to become established in farming or ranching, nor to reorganize his farm or ranch operations.

(6) To enable an applicant to expand his farm or ranch operations substantially in excess of his typical operations over a period of three to five years just preceding the date of application.

(7) To a landlord to furnish his tenant operators, whether share, cash or standing rent is paid by these tenants. However, loans may be made to operating landlords or tenants to furnish their sharecroppers.

(b) *Additional Special Emergency loan limitations.* In addition to all of the above limitations, the following will be observed in the making of Special Emergency loans:

(1) No loan will be made to a corporation or any other entity except an individual or partnership.

(2) No loan in excess of $15,000 will be made to any one applicant.

(3) No loan will be made which will cause the total outstanding indebtedness of any borrower under such loans to exceed $20,000, including principal and accrued interest. In view of this limitation, a sufficient margin should be left to permit further advances as may be necessary to meet unforeseen expenses and to protect the Government's interest.

§ 381.7 *Interest rate and terms.* Emergency loans will bear interest from the date of the loan check at the rate of three percent per annum on the unpaid principal balance. Such loans will be scheduled for repayment in accordance with the following policies:

(a) *Repayment terms.* It is expected that Emergency loans will be repaid at the earliest possible date, consistent with the borrower's anticipated ability to repay. Except as provided in paragraph (b) of this section, principal payments on such loans will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check. In such cases, the initial payment may be scheduled beyond 12 months from the date of the loan check but not to exceed 18 months, to coincide with the date

when the primary income from the year's operations will be received. Subsequent installments will be scheduled at least each 12 months from the date of the initial scheduled payment.

(1) *Annual operating expenses.* Advances made for annual operating expenses, including advances for the production or purchase of feed for livestock, and the purchase of livestock to be fed for market, will be scheduled for repayment when the principal income from the year's operations normally will be received, or when the principal income from the sale of the livestock or livestock products normally can be expected.

(2) *Other than annual operating expenses.* Advances for purposes other than those enumerated in the preceding paragraph will be scheduled for payment over the minimum period consistent with the borrower's ability to pay, based on a thorough analysis of the total farm or ranch operations, except that the repayment schedule will not extend beyond the useful life of the principal items of security offered for the advance, and in no event exceed five years, if secured by liens on chattel property, or ten years, if the advances are for real estate purposes and are to be secured primarily by liens on real estate. However, when justified because of the nature of the disaster and the extent of losses sustained by farmers and stockmen in the area, the repayment period on advances for real estate purposes that are to be secured primarily by liens on real estate, may be extended to 20 years, upon prior approval of the Administrator. Special authorization pursuant to this paragraph may be granted on an area basis or in an exceptional individual case, based on the recommendations of the State Director and the circumstances involved.

(b) *Deferments.* The first repayment may be deferred in whole or in part until the end of the second full crop year following the date of the loan when the applicant's principal crops were destroyed or so severely damaged by the disaster that normal production may not reasonably be expected during the first crop year for which the loan is made, such as might result from freeze damage to fruit trees and berry or other perennial crops; or the applicant's anticipated expenses will be abnormally high during that year because of the disaster; and the balance which will be available for debt payment as reflected in the loan docket will not be sufficient to enable him to repay the loan in accordance with the requirements specified in paragraph (a) of this section. However, payments will be scheduled as early as possible, consistent with the applicant's ability to repay.

§ 381.8 *Security requirements.* The full amount of each loan will be secured in a manner that will adequately protect the Government's interest, in accordance with the following:

(a) Advances, except those made for real estate repairs and improvements which will be secured pursuant to paragraph (b) of this section will be secured by:

(1) A first lien on the crops growing or to be grown by the applicant, except:

(i) When the loan is made to a tenant, the Government's lien ordinarily will be subject to the landlord's claim for rent for the current year when the rent is based on a reasonable and customary share of the crops, or an equitable charge for the use of grazing land and for the privilege of using farm buildings, family gardens, and pasture for subsistence livestock. All other claims of the landlord against the tenant's crops, including his claim for cash or standing rent on land to be used for the production of cash crops, must be subordinated. In addition, the landlord may be required, on an individual case basis, to subordinate his claim for share or privilege rent or rent for grazing land when the loan approving official determines that a sound loan cannot be made without such a subordination, because of the past production history of the farm, the involved financial circumstances of the applicant, his inability to give adequate security for the loan, or other unusual problems. The amount of the rent to be paid will be shown by a written lease, or otherwise clearly indicated in the loan docket at the time the loan is made. Some landlords may prefer to convert their cash leases to a customary share rental basis rather than subordinate their rent for the current year. Others may prefer to change the terms of their leases to provide for the payment of a customary share of the crops as they are harvested, until the market value of this share equals a stipulated cash amount. Where cash leases are converted in this manner, and the share of the crops to be paid as rent is equitable, a landlord's subordination of the current year's rent is not required, except on an individual case basis as indicated above.

(ii) When the loan is being made to an applicant whose purchase contract or real estate mortgage gives the contract holder or mortgagee a claim on the crops for the payment of the real estate debt, the Government's lien may be subject to such claim for the current year's installment on the real estate debt, provided the claim covers a share of the crops not in excess of the customary share rent charge for similar farms in the area, or is converted to that basis, in a manner similar to that outlined in subdivision (i) of this subparagraph.

(iii) When a particular crop of the applicant is under lien to another creditor to secure advances made to produce that crop, the Government's lien may be subject to the existing lien of the other creditor, provided no advance will be made by the Farmers Home Administration in connection with that particular crop.

(2) A first lien on all livestock and farm equipment purchased with the proceeds of the loan, except small tools and readily expendable items of equipment with negligible security value.

(3) The best lien obtainable on livestock owned by the applicant, if the loan is being made primarily to produce or purchase feed for such livestock or any significant amount is included in the loan for that purpose. When a lien is required, Form FHA-916, "Agreement—Special Livestock Loan," or a similar form approved by the Attorney in Charge, will be obtained from prior lienholders whenever the livestock is being fed for market, or any significant portion of the applicant's income will be received from the sale of the livestock or livestock products. The agreement will provide for a suitable nondisturbance period, and a division of the income to be received from the livestock or livestock products, or both, which will permit the applicant to repay on the loan not less than the amount of loan funds advanced for the production or purchase of feed. It is preferable that the division of income agreement provide for the payment of a fixed amount from the first income received from livestock or livestock products, but an agreement providing for a percentage of the income to be paid to the Government as sales are made will be acceptable if it will reasonably assure payment of the amount required above.

(4) The best lien obtainable on as much of the farm machinery and equipment and other livestock of security value owned by the applicant at the time the loan is made as the loan approval official determines necessary to secure reasonably the loan being made, plus any outstanding balances on prior loans.

(5) An assignment of sufficient proceeds from the sale of agricultural products, including wool incentive payments, as necessary to assure repayment of the loan in accordance with the policies stated in this part, if payment on the loan is expected out of income from such sources, and an assignment can be obtained.

(6) An assignment of all crop insurance carried by the applicant on crops under first lien to the Government, unless the insurance policy or policies contain a standard mortgage clause naming the Farmers Home Administration as mortgagee. If such insurance is to be obtained at a later date, an agreement will be reached with the applicant to give an assignment when the insurance is obtained.

(7) The best lien obtainable on real estate owned by the applicant, when the applicant has sufficient equity in the property to justify the taking of a lien, and it is determined by the loan approval official that such a lien is needed as additional security to protect the Government's interest, because of the amount of the loan, the financial circumstances of the applicant, or other valid reasons. When a real estate lien is required as additional security, an appraisal of the property will not be necessary. Borrowers will not be required to carry property insurance when the real estate lien is taken as additional security, except in very unusual cases where this is essential to protect the Government's interest. When insurance is required, the provisions of paragraph (b) of this section will be observed in this regard.

(b) Advances made for real estate repairs and improvements, including orchard rehabilitation, will be secured, except as provided in subparagraph (7) of this paragraph, only by real estate

liens on real estate in which the applicant has sufficient equity to provide adequate security for the loan, subject to the following:

(1) The determination of the applicant's equity in the real estate offered as security will be based upon an appraisal of the property, using Form FHA–596, "Appraisal Report," and related forms. The applicant's equity will be the appraised normal market value of the property with the planned improvements completed, less the amount of any existing liens. When the amount of the loan does not exceed $5,000, the appraisal may be made by the County Committee following an inspection of the property. For loans in excess of $5,000, the appraisal will be made by a Farmers Home Administration appraiser.

(2) If the property is being acquired under a purchase contract, it must be determined that the applicant has a mortgageable interest in the property and the purchase contract is not subject to summary cancellation upon default, and does not contain other provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(3) If any of the prior liens against the property contain undesirable future advance provisions, or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet his obligations under these prior liens and also repay his loan, the prior lienholder(s) involved must agree in writing, before the loan is closed, to modify, waive, or subordinate such objectionable provisons. This usually will be accomplished in the manner indicated under § 381.9 (o), subject to any modifications necessary to meet legal requirements for closing a particular loan.

(4) In states where under State law a pror lienholder may foreclose his security instrument under power of sale or otherwise and extinguish junior liens of private parties without making junior lienholders parties or giving them actual notice, and a junior lien on real estate is to be taken as security for the loan, the prior lienholder must agree in writing to give the Government advance notice of foreclosure or assignment of the mortgage.

(5) If there are insurable buildings located on the property, or f new buildings are to be erected or major improvements made to existing buildings, the applicant will provide adequate property insurance coverage, at the time of loan closing or as of the date materials are delivered to the property, as appropriate, in accordance with the provisions of Part 306 of this chapter.

(6) If insurance claims for loss or damage of buildings to be replaced or repaired with loan funds are outstanding at the time the loan is made, the applicant will be required to agree in writing for the proceeds of such claims to be paid to the Government for application on the loan when settlement is made, or for such proceeds to be applied on debts secured by prior liens.

(7) When a relatively small amount is being advanced for real estate purposes and it can be secured adequately by a first lien on chattel property and repaid over a period not in excess of five years from normal operations, such a lien may be taken in lieu of a lien on real estate, provided the taking of a chattel lien will not interfere with the applicant's ability to obtain operating credit during that period.

(c) When a loan is made to an applicant which includes funds for both operating expenses and real estate purposes, notes and vouchers will be prepared separately for the amounts of the loan funds to be used for each of these two purposes, and the loan will be secured as follows:

(1) That portion of the loan made for operating purposes will be secured as outlined under paragraph (a) of this section, and also by any liens taken to secure advances made for real estate purposes. The note(s) for advance(s) for operating purposes will be described in both the crop and chattel mortgage and the real estate mortgage.

(2) That portion of the loan made for real estate purposes will be secured as outlined under paragraph (b) of this section. The note(s) for advance(s) for real estate purposes will be described only in the real estate mortgage, unless scheduled for repayment in not more than five years.

(d) When necessary to comply with the security requirements outlined in this part, or other special security requirements imposed by the loan approval official in connection with individual cases, subordination agreements will be obtained in accordance with the provisions of § 381.9 (i).

(e) When crop and chattel liens are to be taken, lien searches will be made in accordance with the lien search provisions of Part 342 of this Chapter as a basis for determining that the Government will obtain the required security.

(f) When real estate liens are to be taken, either as primary or additional security, the applicant will provide evidence of title showing that the Government will receive the required lien. Title clearance will be handled in accordance with the requirements of Subpart A of Part 307 of this chapter. Such evidence of title will be obtained prior to loan closing, except that when a real estate lien is being taken only as additional security, as provided for in paragraph (a) (7) of this section, and the applicant is in immediate need of funds with which to carry on his farming operations, the loan may be closed prior to the completion and review of title evidence as required herein, provided the applicant executes the real estate lien prior to loan closing and agrees in writing to furnish necessary title evidence as soon as possible and to execute any new mortgages required. In such instances, the mortgage will be prepared on the basis of information furnished by the applicant or that obtained from any prior mortgages of record against the property.

(g) When necessary to protect the Government's interest and to assure the applicant uninterrupted use of his essential farm machinery and equipment, livestock, or farm real estate, nondisturbance agreements will be obtained in accordance with the provisions of § 381.9 (k).

§ 381.9 *Loan processing*—(a) *Definitions.* (1) An "initial" loan is an Emergency loan made to an applicant who is not indebted for a previous Emergency loan of the same type.

(2) A "subsequent" loan is an Emergency loan made to an applicant who is indebted for a previous Emergency loan of the same type.

(b) *Applications.* Applications for Emergency loans will be received and handled in accordance with the provisions of Subpart A of Part 301 of this chapter and the following requirements:

(1) Form FHA–197, "Application for FHA Services," will be executed, in an original only, by all applicants for Emergency loans, except as indicated in the last sentence of this subparagraph. When the applicant will complete other required forms at the same title Form FHA–197 is prepared, which will include his current financial statement, then the financial statement on Form FHA–197 may be omitted. Otherwise, this form will be completed in its entirety. When the applicant will operate the same farm that was operated with a previous loan, and the County Office file contains Form FHA–197 prepared in connection with the previous loan, a new Form FHA–197 is not required.

(2) Form FHA–197A, "Operating Budget and Financial Statement," in an original and one copy, will be prepared in connection with each Emergency loan, whether, initial or subsequent, except as indicated in subdivisions (i) and (ii) of this subparagraph. The original will be retained in the County Office file and the copy given to the applicant. This form will be completed in its entirety, reflecting the total operation for the crop year for which the loan funds are to be used.

(i) When the applicant is a Farmers Home Administration borrower for whom Form FHA–14, "Farm and Home Plan," is required, the Emergency loan will be based upon that form instead of Form FHA–197A.

(ii) When the application is for a subsequent loan to complete the current year's operations, and no significant changes in the planned operations as reflected in the previous Form FHA–197A are to be made, the Form FHA–197A developed in connection with the previous loan to finance the current year's operations may be revised in lieu of preparing a new Form FHA–197A. When this is done, necessary revisions will be made in all tables, preferably with a red or blue pencil, in a manner that clearly will indicate the changes in the crop and livestock enterprises, estimated income and expenses, intended use of the additional loan funds, and the repayment plan. Revisions should be made by drawing a line through the data in the previous Form that is no longer applicable, rather than erasing it, and writing in the revised data.

(iii) If the applicant is a partnership, the financial statement of the partnership will be shown in Table A of Form FHA–197A, or attached to that Form, along with an explanation of any items that might not be understood clearly by anyone reviewing the loan docket. In addition, personal financial statements will be obtained from each of the partners and included in the loan docket.

(iv) If the applicant is a corporation (Special Emergency loans to corporations are not authorized) the financial statement of the corporation will be obtained in the manner indicated above for a partnership. In addition, the corporation will furnish a complete list of its stockholders, showing the address, principal occupation, and the number of shares of stock held in the corporation by each. Personal financial statements will be obtained from each of the principal stockholders (generally, those holding as much as ten percent of the stock) and included in the loan docket. A copy of the corporation's charter, articles of incorporation and by-laws, of any resolutions adopted by the Board of Directors authorizing the corporation to borrow and pledge its assets, and of any leases, contracts or agreements that have been entered into by the corporation which may be pertinent to a consideration of its application, also will be included in the loan docket.

(v) When necessary in order to obtain a more complete statement and analysis of the applicant's proposed operations and debt-paying ability, and additional set (or sets) of Form FHA–197A will be prepared, using only Tables B through G, as necessary, to show the proposed operations for the succeeding year and for a typical year, if the succeeding year would not be typical.

(vi) In the preparation and analysis of Form FHA–197A, particularly Tables E, F, and H, consideration should be given to the release authorities applicable in the servicing of Emergency loans, contained in Subpart A of Part 371 of this chapter. It should be determined in each individual case that the applicant has a definite source of income or satisfactory arrangements to meet the total estimated expenses shown in Tables E and F that will not be met with loan funds or for which funds may not be released from the sale of security property. When the estimated expenses appear to be out of line with normal requirements for similar operations in the area, the matter should be discussed with the applicant and adjustments made whenever possible. The debts listed in Table H to be paid from the sale of crops, livestock, or other security property, should be listed in the order of priority, for payment, based on a proper application of release authorities in the particular case.

(vii) Any pertinent information that is necessary for a complete understanding of the applicant's operations, either past or proposed, his credit history, tenure arrangements, financial circumstances, and so forth, not shown on Form FHA–197A, or other forms included in the loan docket, will be prepared in narrative or other appropriate manner and attached to Form FHA–197A.

(viii) When the loan funds for operating expenses will be spent over a period in excess of 30 days from the date of the loan, a detailed budget will be prepared at the time Form FHA–197A is prepared, which will show the amount of the loan funds to be used each month for each of the specific loan purposes listed in Tables E and F. This budget will serve as a guide to the applicant and to the County Supervisor in the expenditure of loan funds, and when effectively used will assure the availability of funds to meet essential costs in carrying out the planned operations. This monthly budget may be developed on the back of Form FHA–197A, or on another form approved by the State Director for this purpose. The State Director may develop and issue any forms he feels are necessary to supplement Form FHA–197A in properly documenting applications for Emergency loans, such as inspection and appraisal reports on chattel property, monthly budget forms, and so forth.

(c) *Certifications.* Form FHA–910, "Statement of Losses and Certifications," in an original only, must be executed by the applicant and the County Committee, before an initial or subsequent Emergency loan may be approved, including any such loan to a borrower indebted for other types of Farmers Home Administration loans, except that a new Form FHA–910 is not required in connection with subsequent loans when a loan has been made for the year and the purpose of the subsequent loan is to provide for additional operating expenses which must be met to complete the year's planned farming operations, and the borrower does not contemplate any major change in his farming operations during the current crop year.

(1) *Applicant certification.* The applicant will provide the information required in Form FHA–910, which is applicable to the type of Emergency loan involved.

(2) *County Committee certification.* When the County Committee determines an applicant eligible for a Production Emergency loan, the Committee will execute part 4 of Form FHA–910 without change. For an Economic or Special Emergency loan, the County Committee will execute part 4 after the language in (1) thereof has been deleted. When an applicant is not eligible for the loan requested, the entire certification will be deleted and the reasons for such a determination will be stated under "Comments."

(d) Form FHA–203, "Promissory Note," will be used in connection with all types of Emergency loans for each advance. The following will be observed in the preparation and execution of this form:

(1) Form FHA–203 will be dated as of the date it is executed.

(2) The applicant's spouse will be required to execute Form FHA–203 along with the applicant only when it is required on the basis either of legal necessity or statewide policy, or the County Supervisor or other loan approval official determines that the signature is necessary to protect the Government's interest because of the spouse's interest in the farm being operated or in other property being given as security or used in the farming operations.

(3) When the applicant is a partnership, or operates as such, Form FHA–203 will be executed so as to evidence the liability of the partnership as well as each partner as an individual. Spouses of partners may also be required to execute the form on the same basis as set forth in subparagraph (2) of this paragraph.

(4) When the applicant is a corporation, Form FHA–203 will be executed by the appropriate officials of the corporation and, in order to evidence their personal liability for the debt, by the principal stockholders as individuals.

(e) Form FHA–5, "Loan Authorization," will be prepared for the total amount of each advance for which Form FHA–203 is executed. Form FHA–5 will be modified, as appropriate, to meet the conditions applicable to the type of loan involved. The loan approval official will indicate his determination that the applicant is eligible, that the loan is for authorized purposes, and his approval of the loan by signing Form FHA–5, and dating it in the space provided.

(f) *Multiple advances.* Emergency loans may be scheduled for immediate disbursement of the full amount of the loan, or, as limited herein, disbursement in more than one advance, but not to exceed four advances. Emergency loans may be disbursed in more than one advance when the circumstances in the particular case make such action necessary or desirable to protect properly the interests of the Government or the borrower, and all of the advances for operating expenses are related to the same crop year. In no event, however, will any of the future advances be scheduled for disbursement more than twelve months from the date of the first advance.

(g) Form FHA–30.__, "Crop and Chattel Mortgage," or comparable form approved for individual states, will be used in taking liens on crops and chattels to secure Emergency loans. The original (and one copy if it is to be filed) will be executed by the applicant, and the original will be acknowledged or witnessed as required. The requirements for execution of Form FHA–30.__, will be the same as outlined in paragraph (d) of this Section for the execution of Form FHA–203.

(h) Form FHA–76.__, "Real Estate Mortgage (Deed of Trust)," will be used in taking liens on real estate. This Form will be prepared, executed and filed or recorded in accordance with instructions issued by the State Director and any additional instructions issued by the designated attorney or the Attorney in Charge.

(i) Form FHA–32, "Subordination Agreement," or other similar form approved by the Attorney in Charge, will be executed by the applicant's landlord or other creditors when necessary to meet the security requirements contained in this Part. The subordination agreement will be executed in an original and a sufficient number of copies to provide a copy for each person who signs it. The original will be retained in the County Office file.

(j) Form FHA–80, "Assignment of Proceeds from the Sale of Agricultural

Products," or other form approved by the Attorney in Charge, will be used to obtain assignments of proceeds from the sale of agricultural products, when necessary to meet the requirements of § 381.8 (a) (5) and will be prepared in an original and two copies, all of which will be signed by the borrower and the purchaser. The original will be placed in the borrower's County Office case folder, one copy will be delivered to the purchaser, and the other copy will be given to the borrower. Assignments of wool incentive payments will be obtained on Forms and in accordance with requirements prescribed by the Commodity Stabilization Service.

(k) Form FHA–933, "Nondisturbance Agreement," or other form approved by the Attorney in Charge, will be used when it is necessary to obtain assurance from other creditors that the applicant will have continued use of his farm and essential chattels for the crop year covered by the loan. However, letters from the other creditors containing the needed assurance will be acceptable.

(l) Form FHA–916, "Agreement—Special Livestock Loan," or other form approved by the Attorney in Charge, will be used to obtain nondisturbance and division of income agreements from holders of prior liens on livestock from which income is expected for payment on the loan as provided for under § 381.8 (a) (3). If Form FHA–916 is used, the words "Special Livestock" will be deleted in the first and last paragraphs.

(m) Form FHA–596, "Appraisal Report," and related forms will be used when an appraisal of the real estate to be offered as security for an Emergency loan is required under the provisions of § 381.8 (b) (1) and will be prepared in an original only.

(n) Form FHA–259, "Severance Agreement," will be used when an Emergency loan is made for the purchase of major items of machinery and equipment that may become attached to the real estate, unless the loan will be secured by a first lien on the real estate. This Form will be prepared and executed in an original and two copies by both the borrower and the mortgagee or owner of the real estate, as appropriate. The original will be acknowledged, recorded, and then retained in the County Office files. One copy will be given to the mortgagee or owner, and the other to the applicant.

(o) Form FHA–446, "Agreement with Prior Lienholder," will be used when it is necessary to obtain a written agreement from a prior lienholder, in connection with real estate security, to modify, waive, or subordinate objectionable provisions of his prior lien, as required under § 381.8 (b) (3), unless the prior lienholder prefers to meet these requirements through revision or modification of the existing lien instrument, or some other method is necessary to meet legal requirements for closing the loan.

§ 381.10 *Applications involving debt settlement.* When Form FHA–197 or the County Office records show that debts for an Emergency loan applicant have been settled by compromise, adjustment, cancellation, or write-off, or when such a settlement is in process or contemplated, the County Supervisor will present to the County Committee complete information concerning the reasons for the settlement. If the County Committee recommends approval of the loan after reviewing the debt settlement action, the loan may then be processed but before approval of an Emergency loan in such cases, it must be determined that the applicant's failure to repay the indebtedness in full was the result of circumstances beyond his control; the causes which necessitated the debt settlement, other than weather hazards, disasters, or price fluctuations, have been removed; and the borrower's operations will be sound and afford him a reasonable prospect of paying the requested Emergency loan and his other obligations.

§ 381.11 *Review and approval or rejection.* Before approving a loan, the loan approval official is responsible for determining that the applicant meets all eligibility requirements for the loan, the applicant and County Committee certifications on Form FHA–910 have been properly executed, the loan includes funds only for authorized purposes, the proposed loan is sound and the applicant has reasonable prospects for repaying the debt, the security required will reasonably protect the Government's interest, and all other pertinent laws and regulations will be met.

(a) *Approval of loans.* If the loan is to be approved, the loan approval official will date and sign Form FHA–5.

(b) *Rejection of loans.* If the loan is to be rejected, the County Supervisor will notify the applicant of the rejection and will return to him the original(s) of Form(s) FHA–203, any executed copies of security instruments, lease agreements, assignments, and any insurance policies and evidence of title received from the applicant.

§ 381.12 *Loan approval authority.* (a) Subject to the policies and limitations contained in this part, State Directors are authorized hereby to approve:

(1) Production and Economic Emergency loans in amounts which will not cause the total outstanding principal balance on such loans, plus the outstanding principal balance on Special Emergency loans and loans made under Title II of the Bankhead-Jones Farm Tenant Act, as amended, to exceed $25,000 for any one borrower.

(2) Special Emergency loans provided:

(i) The loan being made does not exceed $15,000;

(ii) The loan being made will not cause the total outstanding principal balance and accrued interest on such loans to exceed $20,000;

(iii) The loan being made will not cause the total outstanding principal balance on Special Emergency loans, plus the outstanding principal balance on Production and Economic Emergency loans and loans made under Title II of the Bankhead-Jones Farm Tenant Act, as amended, to exceed $25,000 for any one borrower.

(b) State Directors may redelegate on a position basis the loan approval authorities contained in paragraph (a) of this section within the following limitations:

(1) Qualified State Office staff members may be authorized to approve Production, Economic and Special Emergency loans which will not cause the total outstanding principal balance on all such loans and loans made under Title II of the Bankhead-Jones Farm Tenant Act, as amended, to exceed $15,000 for any one borrower. This is not intended to include Area Supervisors, or State Office employees who are not assigned a primary responsibility for operations of the Emergency lending program.

(2) County Supervisors, Assistant County Supervisors, GS–7, and Emergency Loan Supervisors may be authorized to approve Production, Economic and Special Emergency loans which will not cause the total outstanding principal balance on all such loans and loans made under Title II of the Bankhead-Jones Farm Tenant Act, as amended, to exceed $10,000 for any one borrower.

(c) A subsequent loan, as defined in § 381.9 (a) (2) may be made within the limitations and policies contained herein, without regard to the termination date established for making initial loans in the area, when the subsequent loan is necessary to protect the Government's investment in emergency loans previously made, and there is reasonable assurance that the subsequent loan and the outstanding balances on the previous loans will be repaid.

(d) Applications for Emergency loans which are recommended for approval and which are in excess of the loan approval authority delegated herein will be documented fully and submitted to the National Office for review.

§ 381.13 *Loan closing.* County Supervisors are responsible for closing Emergency loans subject to the policies and requirements hereinbefore set forth in this part, the conditions specified by the loan approval official, and the following:

(a) Emergency loans which will be secured only by crop and chattel liens will be closed in accordance with the loan closing provisions of Part 342 of this chapter and any additional instructions from the Attorney in Charge with respect to individual cases referred to him for review.

(b) Emergency loans which will be secured only by real estate liens will be closed, and title clearance will be obtained, in accordance with the requirements of Part 307 of this chapter, except that the promissory note will be dated as of the date of execution instead of the date of loan closing.

(c) Emergency loans which will be secured by both crop and chattel liens and real estate liens will be closed in accordance with the requirements of paragraphs (a) and (b) of this section, as applicable with respect to each type of lien instrument, and only when the requirements of both paragraphs have been met. However, if the real estate lien is being taken only as additional security, the lien will be taken in accordance with the provisions of § 381.8 (f).

§ 381.14 *Revision in the use of loan funds.* (a) The concurrence of the official who approved the loan involved ordinarily will be obtained in writing before changes are made in the purposes for which loan funds are to be used. However, minor changes involving relatively small amounts may be approved by the County Supervisor with respect to loans approved by other officials, provided such changes will not alter the types of enterprises in which the borrower is engaged or affect materially the size and nature of his farming operations, and adequate loan funds will be available to carry out the original purposes of the loan. In all instances, the use made of loan funds must be in accord with the purposes for which Emergency loans may be made, and the County Office records must show that the borrower and the County Supervisor agreed to the changes.

(b) When changes are made in the use of loan funds, no revision will be made in the repayment schedule on Form FHA–203. However, when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to repay the funds so used in accordance with the repayment terms prescribed in § 381.7. Appropriate changes with respect to the payments will be made in Table H of Form FHA–197A, or Table K of Form FHA–14, if this form is used, and the changes will be initialed by the borrower.

§ 381.15 *Servicing Emergency loans.* Emergency loans will be serviced pursuant to the applicable provisions of Part 371 of this chapter.

Dated: December 21, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56–10516; Filed, Dec. 27, 1956; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 5—PROHIBITION AGAINST HOLDING STATE OR LOCAL OFFICE

FEDERAL POSITIONS THE INCUMBENTS OF WHICH ARE PERMITTED TO HOLD STATE AND LOCAL OFFICES

Paragraphs (m) and (n) are added to § 5.103 as set out below.

§ 5.103 *Federal positions the incumbents of which are permitted to hold State and local offices.* * * *

(m) Full-time Federal employees may hold positions under a State or local government on other than a full-time basis.

(n) Federal employees employed on other than a full-time basis may hold positions under a State or local government, whether full-time or otherwise.

(R. S. 1753; 5 U. S. C. 631, E. O. 10530, 19 F. R. 2709; 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56–10514; Filed, Dec. 27, 1956; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

SUBPART—1957 COUNTY CORN ACREAGE ALLOTMENTS

§ 721.807 *Basis and purpose.* The 1957 county corn acreage allotments herein were determined under and in accordance with section 329 (a) of the Agricultural Adjustment Act of 1938, as amended. The purpose of this proclamation is to announce the apportionment among the counties in the commercial corn-producing area of the corn acreage allotment for 1957 which was established by the proclamation dated November 13, 1956 (21 F. R. 8913).

§ 721.808 *1957 county corn acreage allotments.*

ALABAMA

County	Allotment
Cherokee	24,240
De Kalb	60,888
Etowah	22,394
Jackson	50,810
Limestone	29,170
Madison	38,986
Marshall	44,395
Morgan	31,931
State Reserve	500
Total allotted	303,314

ARKANSAS

Clay	19,493
Craighead	26,252
Greene	21,464
Mississippi	20,097
State Reserve	400
Total allotted	87,706

DELAWARE

Kent	31,752
New Castle	18,945
Sussex	58,003
State Reserve	271
Total allotted	108,971

GEORGIA

Berrien	26,908
Brooks	34,472
Bulloch	51,679
Candler	18,407
Colquitt	41,668
Cook	18,311
Emanuel	35,051
Evans	10,875
Lowndes	22,482
Screven	38,554
Tattnall	27,207
Tift	18,719
Toombs	20,831
Wayne	12,616
State Reserve	367
Total allotted	378,147

ILLINOIS

Adams	61,196
Alexander	13,124
Bond	32,524
Boone	35,285
Brown	20,824
Bureau	127,652
Calhoun	16,118
Carroll	46,168
Cass	34,340
Champaign	147,587
Christian	86,409
Clark	41,486
Clay	33,117

ILLINOIS—Continued

County	Allotment
Clinton	36,369
Coles	63,216
Cook	35,004
Crawford	36,356
Cumberland	32,671
De Kalb	101,029
De Witt	55,530
Douglas	58,832
Du Page	25,637
Edgar	73,771
Edwards	21,722
Effingham	37,675
Fayette	55,281
Ford	75,222
Franklin	22,944
Fulton	76,447
Gallatin	32,386
Greene	51,997
Grundy	63,298
Hamilton	31,869
Hancock	71,270
Hardin	5,403
Henderson	43,018
Henry	119,017
Iroquois	166,769
Jackson	32,464
Jasper	42,571
Jefferson	39,554
Jersey	27,178
Jo Daviess	36,522
Johnson	12,385
Kane	67,899
Kankakee	99,003
Kendall	50,203
Knox	84,344
Lake	25,830
La Salle	170,738
Lawrence	34,442
Lee	105,662
Livingston	167,269
Logan	91,706
McDonough	69,476
McHenry	67,706
McLean	192,992
Macon	77,408
Macoupin	76,042
Madison	52,606
Marion	36,667
Marshall	50,281
Mason	57,738
Massac	13,631
Menard	36,557
Mercer	63,124
Monroe	27,931
Montgomery	67,327
Morgan	59,402
Moultrie	45,465
Ogle	92,600
Peoria	59,915
Perry	26,643
Piatt	61,161
Pike	72,166
Pope	9,307
Pulaski	12,145
Putnam	18,676
Randolph	40,996
Richland	26,832
Rock Island	42,220
St. Clair	43,870
Saline	25,850
Sangamon	100,846
Schuyler	31,027
Scott	27,028
Shelby	87,947
Stark	42,766
Stephenson	58,931
Tazewell	79,207
Union	19,420
Vermilion	108,772
Wabash	22,508
Warren	72,145
Washington	28,572
Wayne	61,872
White	58,882
Whiteside	98,837
Will	101,773
Williamson	18,761
Winnebago	52,709

ILLINOIS—Continued

County	Allotment
Woodford	73,341
Reserve	2,498
Total allotted	5,857,909

INDIANA

Adams	29,788
Allen	50,662
Bartholomew	33,302
Benton	61,336
Blackford	13,493
Boone	47,464
Brown	3,622
Carroll	44,375
Cass	42,854
Clark	17,142
Clay	25,391
Clinton	49,980
Crawford	7,785
Daviess	40,267
Dearborn	12,595
Decatur	37,101
De Kalb	31,491
Delaware	36,259
Dubois	26,081
Elkhart	34,805
Fayette	19,271
Floyd	4,556
Fountain	37,959
Franklin	25,040
Fulton	39,004
Gibson	50,769
Grant	36,201
Greene	32,650
Hamilton	39,193
Hancock	33,407
Harrison	17,456
Hendricks	39,890
Henry	41,242
Howard	32,492
Huntington	32,131
Jackson	33,662
Jasper	71,897
Jay	30,455
Jefferson	15,654
Jennings	20,794
Johnson	30,464
Knox	60,374
Kosciusko	53,710
Lagrange	27,568
Lake	43,816
La Porte	56,415
Lawrence	18,521
Madison	43,264
Marion	19,127
Marshall	44,833
Martin	9,415
Miami	36,534
Monroe	8,924
Montgomery	52,527
Morgan	27,722
Newton	51,274
Noble	37,007
Ohio	3,985
Orange	14,036
Owen	15,688
Parke	31,846
Perry	10,560
Pike	17,865
Porter	39,391
Posey	48,531
Pulaski	48,839
Putnam	36,832
Randolph	45,478
Ripley	25,861
Rush	53,160
St. Joseph	37,349
Scott	9,432
Shelby	48,968
Spencer	29,535
Starke	33,739
Steuben	22,493
Sullivan	40,032
Switzerland	7,010
Tippecanoe	55,889
Tipton	30,713
Union	16,909
Vanderburgh	18,304
Vermillion	23,429

INDIANA—Continued

County	Allotment
Vigo	31,203
Wabash	40,087
Warren	37,127
Warrick	23,207
Washington	26,343
Wayne	36,832
Wells	35,087
White	66,222
Whitley	30,043
Reserve	3,497
Total allotted	3,016,533

IOWA

Adair	59,544
Adams	42,617
Allamakee	36,304
Appanoose	27,948
Audubon	55,262
Benton	95,152
Black Hawk	71,793
Boone	83,726
Bremer	51,619
Buchanan	72,227
Buena Vista	85,649
Butler	80,736
Calhoun	86,947
Carroll	84,186
Cass	67,361
Cedar	75,982
Cerro Gordo	83,693
Cherokee	77,449
Chickasaw	57,626
Clarke	31,754
Clay	81,519
Clayton	55,686
Clinton	90,181
Crawford	89,144
Dallas	81,250
Davis	27,242
Decatur	34,864
Delaware	64,979
Des Moines	40,277
Dickinson	53,925
Dubuque	49,621
Emmet	59,211
Fayette	76,134
Floyd	69,948
Franklin	91,743
Fremont	92,160
Greene	90,590
Grundy	72,534
Guthrie	64,422
Hamilton	93,500
Hancock	87,647
Hardin	83,893
Harrison	102,116
Henry	47,224
Howard	51,892
Humboldt	68,998
Ida	59,558
Iowa	68,032
Jackson	47,881
Jasper	87,527
Jefferson	39,938
Johnson	70,922
Jones	61,692
Keokuk	63,217
Kossuth	148,728
Lee	38,117
Linn	81,413
Louisa	44,458
Lucas	28,638
Lyon	86,032
Madison	51,012
Mahaska	68,647
Marion	57,315
Marshall	76,647
Mills	70,877
Mitchell	65,343
Monona	95,717
Monroe	26,205
Montgomery	56,412
Muscatine	51,178
O'Brien	82,035
Osceola	60,256
Page	67,723
Palo Alto	88,845
Plymouth	126,135

IOWA—Continued

County	Allotment
Pocahontas	91,094
Polk	70,020
Pottawattamie	137,249
Poweshiek	71,460
Ringgold	39,528
Sac	83,691
Scott	55,275
Shelby	84,594
Sioux	118,517
Story	92,121
Tama	85,422
Taylor	49,219
Union	36,612
Van Buren	27,493
Wapello	33,850
Warren	53,694
Washington	69,116
Wayne	39,466
Webster	105,153
Winnebago	60,676
Winneshiek	60,984
Woodbury	124,439
Worth	54,856
Wright	91,382
Reserve	8,000
Total allotted	6,862,686

KANSAS

Anderson	19,468
Atchison	34,638
Brown	65,634
Clay	27,961
Cloud	25,662
Doniphan	45,172
Douglas	24,912
Franklin	26,135
Jackson	41,714
Jefferson	38,384
Jewell	43,056
Johnson	23,808
Leavenworth	25,070
Marshall	78,060
Miami	36,539
Nemaha	76,130
Phillips	33,778
Pottawatomie	33,160
Republic	54,187
Riley	20,975
Shawnee	28,787
Smith	43,838
Washington	53,485
Reserve	4,526
Total allotted	905,079

KENTUCKY

Allen	17,903
Ballard	16,977
Barren	30,284
Boone	7,877
Boyle	6,230
Breckinridge	21,549
Bullitt	6,931
Butler	19,635
Caldwell	15,026
Calloway	21,124
Carlisle	12,369
Carroll	3,904
Christian	41,234
Crittenden	14,470
Daviess	39,983
Edmonson	9,447
Fulton	11,954
Graves	42,636
Grayson	23,410
Green	13,164
Hancock	9,043
Hardin	20,083
Hart	15,618
Henderson	47,445
Hickman	16,438
Hopkins	24,801
Jefferson	6,401
Larue	14,009
Livingston	15,076
Logan	34,436
Lyon	10,428
McCracken	9,961

KENTUCKY—Continued

County	Allotment
McLean	18,582
Marion	11,178
Mason	6,830
Meade	10,613
Monroe	16,265
Muhlenberg	14,022
Nelson	15,592
Ohio	19,388
Oldham	6,356
Shelby	13,648
Simpson	17,478
Spencer	6,367
Taylor	12,976
Todd	22,964
Trigg	20,100
Trimble	3,723
Union	27,885
Warren	30,658
Washington	9,349
Webster	21,990
Reserve	4,000
Total allotted	909,810

MARYLAND

Baltimore	10,248
Caroline	17,998
Carroll	22,938
Cecil	12,445
Dorchester	15,361
Frederick	22,781
Harford	11,113
Howard	5,400
Kent	23,870
Montgomery	10,934
Queen Annes	25,992
Somerset	7,036
Talbot	20,314
Washington	16,897
Wicomico	18,103
Worcester	21,895
Reserve	500
Total allotted	263,825

MICHIGAN

Allegan	32,913
Barry	20,216
Berrien	20,029
Branch	37,717
Calhoun	35,910
Cass	24,766
Clinton	35,852
Eaton	34,322
Genesee	20,127
Gratiot	36,687
Hillsdale	42,277
Ingham	32,081
Ionia	31,547
Isabella	20,640
Jackson	28,695
Kalamazoo	25,226
Kent	24,269
Lapeer	26,193
Lenawee	69,296
Livingston	21,161
Macomb	20,027
Mecosta	11,403
Midland	9,865
Monroe	45,115
Montcalm	19,449
Oakland	15,457
Saginaw	33,290
St. Clair	26,421
St. Joseph	32,331
Sanilac	30,752
Shiawassee	27,574
Tuscola	29,587
Van Buren	24,805
Washtenaw	35,304
Wayne	13,391
Reserve	1,000
Total allotted	995,695

MINNESOTA

Anoka	10,895
Benton	22,289
Big Stone	39,506
Blue Earth	87,724

MINNESOTA—Continued

County	Allotment
Brown	70,003
Carver	31,526
Chippewa	76,015
Chisago	18,431
Cottonwood	84,372
Dakota	43,733
Dodge	43,313
Douglas	32,324
Faribault	93,845
Fillmore	65,545
Freeborn	83,542
Goodhue	46,840
Grant	34,442
Hennepin	25,004
Houston	27,157
Isanti	13,945
Jackson	103,363
Kandiyohi	79,034
Lac qui Parle	88,950
Le Sueur	40,760
Lincoln	57,496
Lyon	101,673
McLeod	49,029
Martin	110,843
Meeker	58,527
Mille Lacs	12,264
Morrison	33,166
Mower	84,055
Murray	96,331
Nicollet	45,122
Nobles	103,247
Olmsted	56,689
Otter Tail	77,169
Pipestone	59,823
Pope	42,264
Redwood	122,981
Renville	119,295
Rice	45,219
Rock	67,006
Scott	29,592
Sherburne	20,514
Sibley	61,173
Stearns	76,542
Steele	46,542
Stevens	54,652
Swift	77,122
Todd	45,511
Traverse	37,636
Wabasha	30,321
Waseca	48,312
Washington	22,498
Watonwan	60,861
Wilkin	30,111
Winona	31,000
Wright	55,607
Yellow Medicine	102,227
Reserve	1,198
Total allotted	3,436,176

MISSOURI

Adair	22,012
Andrew	39,043
Atchison	86,891
Audrain	49,909
Bates	45,296
Benton	18,047
Bollinger	17,916
Boone	28,030
Buchanan	38,072
Caldwell	28,841
Callaway	28,839
Cape Girardeau	29,149
Carroll	62,212
Cass	44,694
Charlton	50,249
Clark	28,202
Clay	20,711
Clinton	28,149
Cole	13,301
Cooper	36,350
Daviess	36,776
De Kalb	31,767
Dunklin	25,549
Franklin	28,519
Gentry	34,938
Grundy	24,399
Harrison	41,267
Henry	38,092

MISSOURI—Continued

County	Allotment
Holt	65,552
Howard	29,464
Jackson	29,156
Jefferson	12,106
Johnson	41,285
Knox	27,419
Lafayette	56,726
Lewis	28,722
Lincoln	37,453
Linn	30,207
Livingston	31,082
Macon	34,639
Marion	24,550
Mercer	19,422
Mississippi	33,116
Moniteau	21,009
Monroe	39,008
Montgomery	31,133
Morgan	10,657
New Madrid	33,494
Nodaway	80,274
Perry	20,597
Pettis	43,474
Pike	42,846
Platte	32,753
Putnam	17,502
Ralls	29,828
Randolph	20,221
Ray	45,029
St. Charles	33,646
St. Clair	24,776
St. Louis	12,527
Ste. Genevieve	14,138
Saline	81,055
Schuyler	10,920
Scotland	21,958
Scott	33,216
Shelby	28,716
Stoddard	54,093
Sullivan	24,654
Vernon	42,640
Warren	17,441
Wayne	9,368
Worth	19,332
Reserve	6,826
Total allotted	2,381,250

NEBRASKA

Adams	55,368
Antelope	97,658
Boone	86,538
Boyd	35,354
Buffalo	107,257
Burt	82,781
Butler	87,873
Cass	87,092
Cedar	103,214
Clay	63,322
Colfax	60,794
Cuming	90,505
Custer	129,260
Dakota	38,829
Dawson	96,113
Dixon	70,137
Dodge	84,413
Douglas	45,261
Fillmore	72,910
Franklin	40,999
Furnas	52,552
Gage	101,111
Garfield	8,054
Gosper	32,902
Greeley	45,579
Hall	71,801
Hamilton	80,596
Harlan	38,844
Holt	48,962
Howard	50,629
Jefferson	48,600
Johnson	42,728
Kearney	53,210
Knox	100,497
Lancaster	107,238
Lincoln	70,147
Madison	86,552
Merrick	62,780
Nance	54,463
Nemaha	57,113

County	Allotment
Nebraska—Continued	
Nuckolls	58,185
Otoe	85,385
Pawnee	43,438
Phelps	62,911
Pierce	73,869
Platte	101,558
Polk	68,403
Richardson	72,890
Saline	64,267
Sarpy	39,098
Saunders	124,530
Seward	81,901
Sherman	49,608
Stanton	59,488
Thayer	49,654
Thurston	60,254
Valley	49,093
Washington	58,362
Wayne	70,649
Webster	48,774
York	95,865
Reserve	4,174
Total allotted	4,172,390
New Jersey	
Burlington	14,124
Cumberland	5,369
Gloucester	4,607
Hunterdon	17,521
Mercer	7,802
Middlesex	4,806
Monmouth	14,633
Ocean	1,821
Salem	14,183
Somerset	6,103
Warren	12,031
Reserve	1,900
Total allotted	104,900
North Carolina	
Beaufort	27,986
Bertie	21,690
Camden	10,458
Chowan	8,906
Columbus	35,797
Craven	17,105
Currituck	9,385
Duplin	54,997
Edgecombe	33,146
Gates	14,904
Greene	28,092
Halifax	27,973
Harnett	28,509
Hertford	13,957
Hyde	8,256
Johnston	58,164
Jones	16,297
Lenoir	37,387
Martin	20,367
Nash	30,948
Northampton	22,515
Onslow	17,975
Pasquotank	13,281
Perquimans	13,324
Pitt	49,519
Robeson	56,079
Sampson	53,818
Tyrrell	4,289
Wake	25,322
Washington	7,303
Wayne	50,637
Wilson	31,276
Reserve	600
Total allotted	850,262
North Dakota	
Richland	71,000
Reserve	182
Total allotted	71,182
Ohio	
Adams	22,456
Allen	32,919
Ashland	21,305
Athens	6,628
Auglaize	37,893
Brown	32,281
Ohio—Continued	
Butler	36,518
Champaign	40,980
Clark	35,928
Clermont	23,336
Clinton	45,870
Columbiana	13,784
Coshocton	17,864
Crawford	35,327
Darke	70,876
Defiance	27,442
Delaware	33,463
Erie	18,143
Fairfield	38,658
Fayette	44,267
Franklin	32,299
Fulton	46,175
Greene	41,776
Hamilton	11,290
Hancock	49,138
Hardin	46,568
Henry	40,776
Highland	42,938
Hocking	6,683
Holmes	18,299
Huron	32,361
Jackson	6,278
Knox	29,105
Lawrence	3,419
Licking	36,645
Logan	36,063
Lorain	17,312
Lucas	17,255
Madison	46,198
Mahoning	10,409
Marion	36,596
Medina	17,525
Mercer	42,871
Miami	45,285
Montgomery	35,610
Morgan	5,665
Morrow	25,746
Muskingum	17,836
Ottawa	15,161
Paulding	28,645
Perry	10,718
Pickaway	54,936
Pike	13,081
Preble	48,344
Putnam	42,509
Richland	23,911
Ross	41,623
Sandusky	35,561
Scioto	14,537
Seneca	47,772
Shelby	38,422
Stark	21,666
Tuscarawas	14,967
Union	35,887
Van Wert	38,566
Vinton	3,926
Warren	31,665
Wayne	35,608
Williams	34,234
Wood	55,092
Wyandot	33,919
Reserve	1,975
Total allotted	2,156,784
Pennsylvania	
Adams	28,625
Berks	40,882
Blair	7,226
Bucks	23,909
Carbon	2,875
Centre	16,021
Chester	26,537
Clinton	5,255
Columbia	15,470
Cumberland	31,269
Dauphin	17,571
Delaware	1,843
Franklin	34,458
Fulton	7,641
Huntingdon	11,680
Juniata	10,702
Lancaster	67,139
Lebanon	20,215
Lehigh	17,805
Pennsylvania—Continued	
Lycoming	16,773
Mifflin	9,426
Monroe	3,635
Montgomery	17,513
Montour	6,330
Northampton	20,085
Northumberland	17,592
Perry	13,399
Schuylkill	10,303
Snyder	11,688
Union	9,686
York	58,026
Reserve	500
Total allotted	582,079
South Dakota	
Aurora	53,442
Beadle	79,613
Bon Homme	70,988
Brookings	82,357
Brule	63,609
Charles Mix	116,060
Clark	43,161
Clay	65,066
Codington	24,107
Davison	46,620
Day	26,654
Deuel	35,062
Douglas	47,650
Grant	37,881
Gregory	53,249
Hamlin	35,454
Hanson	49,438
Hutchinson	93,407
Jerauld	30,105
Kingsbury	64,324
Lake	66,919
Lincoln	86,018
McCook	72,043
Miner	50,598
Minnehaha	105,281
Moody	69,849
Roberts	53,336
Sanborn	49,276
Tripp	55,383
Turner	83,382
Union	67,174
Yankton	66,296
Reserve	4,873
Total allotted	1,948,675
Tennessee	
Bedford	18,154
Benton	11,700
Carroll	23,458
Cheatham	7,740
Coffee	16,347
Crockett	13,038
Dyer	23,353
Franklin	17,269
Gibson	37,781
Grundy	2,948
Haywood	23,501
Henry	24,844
Lake	3,211
Lauderdale	22,017
Lincoln	23,938
Marion	6,434
Montgomery	22,280
Moore	4,475
Obion	35,834
Robertson	26,268
Sequatchie	2,345
Stewart	12,595
Tipton	20,044
Warren	14,851
Weakley	41,403
Reserve	2,289
Total allotted	458,135
Virginia	
Accomac	7,805
Charles City	2,806
Isle of Wight	18,874
Nansemond	18,906
Norfolk	11,284
Northampton	3,418

County	Allotment
Virginia—Continued	
Princess Anne	8,240
Southampton	29,009
Surry	9,866
Sussex	13,031
Reserve	309
Total allotted	123,548
West Virginia	
Berkeley	6,217
Jefferson	9,468
Reserve	150
Total allotted	15,835
Wisconsin	
Adams	12,020
Buffalo	23,430
Columbia	54,069
Crawford	21,432
Dane	99,560
Dodge	63,404
Dunn	36,089
Eau Claire	15,850
Fond du Lac	44,238
Grant	66,626
Green	41,748
Green Lake	23,253
Iowa	37,749
Jackson	18,545
Jefferson	43,484
Juneau	18,260
Kenosha	21,550
La Crosse	18,057
Lafayette	48,499
Marquette	15,882
Milwaukee	4,803
Monroe	23,980
Outagamie	32,288
Pepin	10,103
Pierce	33,003
Polk	32,082
Racine	28,658
Richland	21,983
Rock	76,439
St. Croix	42,766
Sauk	40,386
Trempealeau	27,586
Vernon	28,103
Walworth	52,944
Waukesha	32,140
Waupaca	26,651
Waushara	22,219
Winnebago	25,133
Reserve	12,981
Total allotted	1,297,998
U. S. total	37,288,889

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interprets or applies Sec. 329, 52 Stat. 52, 7 U. S. C. 1329)

Issued at Washington, D. C., this 20th day of December 1956.

[SEAL] MARVIN L. MCLAIN, *Assistant Secretary.*

[F. R. Doc. 56-10459; Filed, Dec. 27, 1956; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-1]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

CLARIFICATION OF AGE REQUIREMENTS FOR ISSUANCE OF PILOT CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective provisions of Part 20 of the Civil Air Regulations specify a minimum age for applicants for student, private, and commercial pilot certificates.

As written, these minimum age provisions could be construed to mean that a person must reach the specified minimum age before he can apply for a particular pilot certificate, although the intent of the Board in adopting these provisions was to require only that the applicant reach the minimum age specified before being issued a certificate.

Since the present minimum age provisions may be construed to prevent a person from applying for a pilot certificate before reaching the prescribed minimum age, the wording of these provisions is being modified to make it clear that the minimum age requirements apply only to the actual issuance of the certificates. This modification in language will not adversely affect safety since the minimum age for the issuance of the various pilot certificates is not reduced and the privileges associated with such certificates remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective December 21, 1956:

1. By deleting the first sentence of § 20.20 and inserting in lieu thereof the following: "16 years is the minimum age for the issuance of a student pilot certificate."

2. By amending § 20.30 to read as follows:

§ 20.30 *Age.* 17 years is the minimum age for the issuance of a private pilot certificate.

3. By amending § 20.40 to read as follows:

§ 20.40 *Age.* 18 years is the minimum age for the issuance of a commercial pilot certificate.

4. By deleting the first sentence of § 20.50 and inserting in lieu thereof the following: "16 years is the minimum age for the issuance of a student pilot certificate."

5. By amending § 20.60 to read as follows:

§ 20.60 *Age.* 17 years is the minimum age for the issuance of a private pilot certificate.

6. By amending § 20.70 to read as follows:

§ 20.70 *Age.* 18 years is the minimum age for the issuance of a commercial pilot certificate.

7. By deleting the first sentence of § 20.80 and inserting in lieu thereof the following: "14 years is the minimum age for the issuance of a student pilot certificate."

8. By amending § 20.90 to read as follows:

§ 20.90 *Age.* 16 years is the minimum age for the issuance of a private pilot certificate.

9. By amending § 20.100 to read as follows:

§ 20.100 *Age.* 18 years is the minimum age for the issuance of a commercial pilot certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-10532; Filed, Dec. 27, 1956; 8:55 a. m.]

[Civil Air Regs., Amdt. 21-1]

PART 21—AIRLINE TRANSPORT PILOT RATING

CLARIFICATION OF AGE REQUIREMENT FOR ISSUANCE OF RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective § 21.10 of Part 21 of the Civil Air Regulations specifies that an applicant for an airline transport pilot rating shall be at least 23 years of age.

This provision could be construed to mean that a person must be 23 years old before he can apply for an airline transport pilot rating, although the intent of the Board in adopting the provision was to require only that the applicant reach 23 years of age before being issued such rating.

Since the present minimum age provision may be construed to prevent a person from applying for an airline transport pilot rating before reaching the prescribed minimum age, the wording of this provision is being modified to make it clear that the minimum age requirement applies only to the actual issuance of the rating. This modification in language will not adversely affect safety since the minimum age for the issuance of an airline transport pilot rating is not reduced and the privileges associated with such rating remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) effective December 21, 1956:

By amending § 21.10 to read as follows:

§ 21.10 *Age.* 23 years is the minimum age for the issuance of an airline transport pilot rating.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-10533; Filed, Dec. 27, 1956; 8:55 a. m.]

Brown	32,281	Lehigh	17,805	Northampton	3,418

[Civil Air Regs., Amdt. 22-12]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

CLARIFICATION OF AGE REQUIREMENTS FOR ISSUANCE OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective provisions of Part 22 of the Civil Air Regulations specify a minimum age for applicants for lighter-than-air and free balloon pilot certificates.

As written, these minimum age provisions could be construed to mean that a person must reach the specified minimum age before he can apply for a particular pilot certificate, although the intent of the Board in adopting these provisions was to require only that the applicant reach the minimum age specified before being issued a certificate.

Since the present minimum age provisions may be construed to prevent a person from applying for a pilot certificate before reaching the prescribed minimum age, the wording of these provisions is being modified to make it clear that the minimum age requirements apply only to the actual issuance of the certificates. This modification in language will not adversely affect safety since the minimum age for the issuance of the various pilot certificates is not reduced and the privileges associated with such certificates remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR Part 22, as amended) effective December 21, 1956:

1. By deleting the first sentence of § 22.10 (a) and inserting in lieu thereof the following: "16 years is the minimum age for the issuance of a student lighter-than-air pilot certificate."

2. By deleting the first sentence of § 22.11 (a) and inserting in lieu thereof the following: "18 years is the minimum age for the issuance of a private lighter-than-air pilot certificate."

3. By deleting the first sentence of § 22.12 (a) and inserting in lieu thereof the following: "18 years is the minimum age for the issuance of a commercial lighter-than-air pilot certificate."

4. By amending § 22.13 (a) to read as follows:

§ 22.13 *Free balloon pilot certificate.* • • •

(a) *Age.* 17 years is the minimum age for the issuance of a free balloon pilot certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-10534; Filed, Dec. 27, 1956; 8:55 a. m.]

[Civil Air Regs., Amdt. 24-2]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

CLARIFICATION OF AGE REQUIREMENTS FOR ISSUANCE OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective §§ 24.16 and 24.111 of Part 24 of the Civil Air Regulations specify that an applicant for a mechanic or repairman certificate shall be at least 18 years of age.

These provisions could be construed to mean that a person must be 18 years old before he can apply for a mechanic or repairman certificate, although the intent of the Board in adopting the provisions was to require only that the applicant reach 18 years of age before being issued such certificates.

Since the present minimum age provisions may be construed to prevent a person from applying for a mechanic or repairman certificate before reaching the prescribed minimum age, the wording of these provisions is being modified to make it clear that the minimum age requirements apply only to the actual issuance of the certificates. This modification in language will not adversely affect safety since the minimum age for the issuance of mechanic and repairman certificates is not reduced and the privileges associated with such certificates remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) effective December 21, 1956:

1. By amending § 24.16 to read as follows:

§ 24.16 *Age.* 18 years is the minimum age for the issuance of a mechanic certificate.

2. By amending § 24.111 to read as follows:

§ 24.111 *Age.* 18 years is the minimum age for the issuance of a repairman certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-10535; Filed, Dec. 27, 1956; 8:55 a. m.]

[Civil Air Regs., Amdt. 24-3]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Civil Air Regulations Amendment 24-1 was adopted November 13, 1956, for the purpose of deleting the identification card requirements. Amendment 24-1 included only § 24.104 and inadvertently omitted § 24.10. This amendment provides an editorial correction in order to similarly delete the identification card requirement from § 24.10.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) effective December 21, 1956.

By deleting § 24.10.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-10543; Filed, Dec. 27, 1956; 8:57 a. m.]

[Civil Air Regs., Amdt. 25-7]

PART 25—PARACHUTE RIGGER CERTIFICATES

CLARIFICATION OF AGE REQUIREMENT FOR ISSUANCE OF CERTIFICATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective § 25.22 of Part 25 of the Civil Air Regulations specifies that an applicant for a parachute rigger certificate shall be at least 18 years of age.

This provision could be construed to mean that a person must be 18 years old before he can apply for a parachute rigger certificate, although the intent of the Board in adopting the provision was to require only that the applicant reach 18 years of age before being issued such certificate.

Since the present minimum age provision may be construed to prevent a person from applying for a parachute rigger certificate before reaching the prescribed minimum age, the wording of this provision is being modified to make it clear that the minimum age requirement applies only to the actual issuance of the certificate. This modification in language will not adversely affect safety since the minimum age for the issuance of a parachute rigger certificate is not reduced and the privileges associated with such certificate remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 25 of the Civil Air Regulations (14 CFR Part 25, as amended) effective December 21, 1956:

By amending § 25.22 to read as follows:

§ 25.22 *Age.* 18 years is the minimum age for the issuance of a parachute rigger certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-10536; Filed, Dec. 27, 1956; 8:55 a. m.]

[Civil Air Regs., Amdt. 26-10]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

CLARIFICATION OF AGE REQUIREMENT FOR ISSUANCE OF CERTIFICATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective § 26.1 (a) of Part 26 of the Civil Air Regulations specifies that an applicant for an air-traffic control-tower operator certificate shall be at least 21 years of age, or, if serving as a member of the military services of the United States, at least 18 years of age.

These provisions could be construed to mean that a person must reach the specified minimum age before he can apply for an air-traffic control-tower operator certificate, although the intent of the Board in adopting these provisions was to require only that the applicant reach the minimum age specified before being issued a certificate.

Since the present minimum age provision may be construed to prevent a person from applying for an air-traffic control-tower operator certificate before reaching the prescribed minimum age, the wording of this provision is being modified to make it clear that the minimum age requirement applies only to the actual issuance of the certificate. This modification in language will not adversely affect safety since the minimum age for the issuance of a control-tower operator certificate is not reduced and the privileges associated with such certificate remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 26 of the Civil Air Regulations (14 CFR Part 26, as amended) effective December 21, 1956:

By deleting the language preceding the proviso in § 26.1 (a) and inserting in lieu thereof the following:

§ 26.1 *Control-tower operator certificate requirements.* • • •

(a) *Age.* 21 years is the minimum age for the issuance of a control-tower operator certificate, except that in the case of a person serving as a member of the military services of the United States, 18 years is the minimum age for the issuance of such a certificate: • • •

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-10537; Filed, Dec. 27, 1956; 8:56 a. m.]

[Civil Air Regs., Amdt. 27-9]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

CLARIFICATION OF AGE REQUIREMENT FOR ISSUANCE OF CERTIFICATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective § 27.2 of Part 27 of the Civil Air Regulations specifies that an applicant for an aircraft dispatcher certificate shall be at least 23 years of age.

This provision could be construed to mean that a person must be 23 years old before he can apply for an aircraft dispatcher certificate, although the intent of the Board in adopting the provision was to require only that the applicant reach the minimum age specified before being issued a certificate.

Since the present minimum age provision may be construed to prevent a person from applying for an aircraft dispatcher certificate before reaching the prescribed minimum age, the wording of this provision is being modified to make it clear that the minimum age requirement applies only to the actual issuance of the certificate. This modification in language will not adversely affect safety since the minimum age for the issuance of an aircraft dispatcher certificate is not reduced and the privileges associated with such certificate remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR Part 27, as amended) effective December 21, 1956:

By amending § 27.2 to read as follows:

§ 27.2 *Age.* 23 years is the minimum age for the issuance of an aircraft dispatcher certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008 as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN *Secretary.*

[F. R. Doc. 56-10538; Filed, Dec. 27, 1956; 8:56 a. m.]

[Civil Air Regs., Amdt. 33-1]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

CLARIFICATION OF AGE REQUIREMENT FOR ISSUANCE OF CERTIFICATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective § 33.22 of Part 33 of the Civil Air Regulations specifies that an applicant for a flight radio operator certificate shall be at least 18 years of age.

This provision could be construed to mean that a person must be 18 years old before he can apply for a flight radio operator certificate, although the intent of the Board in adopting the provision was to require only that the applicant reach the minimum age specified before being issued a certificate.

Since the present minimum age provision may be construed to prevent a person from applying for a flight radio operator certificate before reaching the prescribed minimum age, the wording of this provision is being modified to make it clear that the minimum age requirement applies only to the actual issuance of the certificate. It is the intent of the Board that individuals be permitted to accomplish the required examinations and tests prior to reaching the minimum age prescribed for the issuance of the certificate. This modification in language will not adversely affect safety, since the minimum age for the issuances of a flight radio operator certificate is not reduced and the privileges associated with such certificate remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 33 of the Civil Air Regulations (14 CFR Part 33, as amended) effective December 21, 1956:

By amending § 33.22 to read as follows:

§ 33.22 *Age.* 18 years is the minimum age for the issuance of a flight radio operator certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-10539; Filed, Dec. 27, 1956; 8:56 a. m.]

[Civil Air Regs., Amdt. 34-1]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

CLARIFICATION OF AGE REQUIREMENT FOR ISSUANCE OF CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective § 34.22 of Part 34 of the Civil Air Regulations specifies that an applicant for a flight navigator certificate shall be at least 21 years of age.

This provision could be construed to mean that a person must be 21 years old before he can apply for a flight navigator certificate, although the intent of the Board in adopting the provision was to require only that the applicant reach the minimum age specified before being issued a certificate.

Since the present minimum age provision may be construed to prevent a person from applying for a flight navigator certificate before reaching the prescribed minimum age, the wording of this provision is being modified to make it clear that the minimum age requirement applies only to the actual issuance of the certificate. This modification in language will not adversely affect safety, since the minimum age for the issuance of a flight navigator certificate is not reduced and the privileges associated with such certificate remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 34 of the Civil Air Regulations (14 CFR Part 34, as amended) effective December 21, 1956:

By amending § 34.22 to read as follows:

§ 34.22 *Age.* 21 years is the minimum age for the issuance of a flight navigator certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-10540; Filed, Dec. 27, 1956; 8:56 a. m.]

[Civil Air Regs., Amdt. 35-3]

PART 35—FLIGHT ENGINEER CERTIFICATES

CLARIFICATION OF AGE REQUIREMENT FOR ISSUANCE OF CERTIFICATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective § 35.2 of Part 35 of the Civil Air Regulations specifies that an applicant for a flight engineer certificate shall be at least 21 years of age.

This provision could be construed to mean that a person must be 21 years old before he can apply for a flight engineer certificate, although the intent of the Board in adopting the provision was to require only that the applicant reach the minimum age specified before being issued a certificate.

Since the present minimum age provision may be construed to prevent a person from applying for a flight engineer certificate before reaching the prescribed minimum age, the wording of this provision is being modified to make it clear that the minimum age requirement applies only to the actual issuance of the certificate. This modification in language will not adversely affect safety, since the minimum age for the issuance of a flight engineer certificate is not reduced and the privileges associated with such certificate remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR Part 35, as amended) effective December 21, 1956:

By amending § 35.2 to read as follows:

§ *35.2 Age.* 21 years is the minimum age for the issuance of a flight engineer certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs, 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-10541; Filed, Dec. 27, 1956; 8:56 a. m.]

[Civil Air Regs., Amdt. 51-2]

PART 51—GROUND INSTRUCTOR RATING

CLARIFICATION OF AGE REQUIREMENT FOR ISSUANCE OF RATING AND CERTIFICATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

Currently effective § 51.1 (a) of Part 51 of the Civil Air Regulations specifies that an applicant for a ground instructor rating and certificate shall be at least 18 years of age.

This provision could be construed to mean that a person must be 18 years old before he can apply for a ground instructor rating and certificate, although the intent of the Board in adopting the provision was to require only that the applicant reach the minimum age specified before being issued a rating and certificate.

Since the present minimum age provision may be construed to prevent a person from applying for a ground instructor rating and certificate before reaching the prescribed minimum age, the wording of this provision is being modified to make it clear that the minimum age requirement applies only to the actual issuance of the rating and certificate. This modification in language will not adversely affect safety, since the minimum age for the issuance of a ground instructor rating and certificate is not reduced and the privileges associated with such rating and certificate remain unchanged.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 51 of the Civil Air Regulations (14 CFR Part 51, as amended) effective December 21, 1956:

By amending § 51.1 (a) to read as follows:

§ 51.1 *Ground instructor rating and certificate requirements.* • • •

(a) *Age.* 18 years is the minimum age for the issuance of a ground instructor rating and certificate.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 607, 52 Stat. 1007, as amended, 1011, as amended; 49 U. S. C. 551, 557)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-10542; Filed, Dec. 27, 1956; 8:57 a. m.]

Subchapter B—Economic Regulations

[Reg. ER-216]

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES: TRADE AGREEMENTS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of December 1956.

Part 225 of the Board's Economic Regulations, which expires on December 31, 1956, permits the local service carriers, the certificated carriers operating wholly within the Territory of Hawaii, and carriers holding certificates for the performance of all-expense tours or cruises, to exchange air transportation for advertising goods and services.

The Conference of Local Airlines, representing the local service carriers, has filed a petition requesting that Part 225 be extended for an additional period of two years and that certain changes be made in the regulation. Specifically, the local service carriers seek to increase the aggregate limitation on the total value of trade agreements from $50,000 to $100,000, to extend the regulation for a two-year period rather than a one-year period, to clarify the regulation to clearly indicate that transportation exchanged for advertising can be used by officers and directors of the advertising concerns, to eliminate or shorten the present 14-day waiting period before the agreements can become effective, and to broaden the regulation so that the transportation received by the advertiser can be transferred to contest winners.

The Board believes that it is desirable to extend this regulation for an additional period of time. It also appears desirable to increase the maximum aggregate value of trade agreements entered into by each carrier from $50,000 to $100,000 annually. However, in view of our decision to extend the aggregate value of trade agreements to $100,000, we are renewing the regulation for a period of only one year. The entire trade agreement program is still experimental in nature and the Board believes that it is necessary to limit the renewal period to a single year in order to evaluate this change in the regulation.

The petitioner has requested that the regulation be amended to expressly authorize the furnishing of air transportation, pursuant to agreements filed thereunder, to officers and directors of contracting corporations. Section 225.5 (f) presently provides "that the air transportation to be furnished pursuant to the agreement shall be used only by the supplier, his employees and their immediate families", and § 225.5 (g) specifies "that such air transportation shall not be transferable and shall be used only by the individuals identified or described in the agreement." Although the Board has previously construed the present regulation to permit the furnishing of air transportation to officers and directors of contracting corporations, it would appear desirable to clarify this point, and the revised regulation has been amended to specifically include this additional class of persons to whom air transportation may be furnished.

The Board does not believe that the regulation should be further amended to permit radio and television stations, and other suppliers of advertising goods and services, to transfer the free or reduced transportation privileges received under Part 225 to contest winners. In essence, this proposed broadening of the regulation would drastically transform the barter concept underlying the enactment of part 225. While the act clearly contemplates that air transportation should be sold rather than bartered, the Board has found it appropriate to make limited exceptions with respect to a direct exchange between an air carrier and a party supplying service or goods for advertising purposes. As long as the privilege of using the air transportation provided pursuant to such an exchange is restricted to persons who are members of a suppliers organization, or the immediate families or officers and directors of such persons, the numerous and extensive safeguards embodied in Part 225 constitute effective protection against discriminatory practices. However, if the suppliers are permitted to engage in a further exchange of air transportation service due under a trade agreement, these safeguards will be jeopardized. There would be great danger that the supplier or his employees could sell tickets for air transportation at a discount. Furthermore, it appears difficult to draw any logical line of demarcation between contest winners and all other persons to whom the supplier has a monetary obligation.

Finally, petitioner has requested that the Board either eliminate entirely or reduce from 14 days to 7 days the requirement embodied in § 225.2 that every air carrier desiring to enter into a trade agreement shall file a notice thereof at least 14 days prior to the effective date specified in such agreement. In support of this request, the petitioner refers to the fact that the Board has not yet had occasion to disapprove any specific trade agreement under the provisions of § 225.7. The Board does not believe that the granting of this request would be in the public interest. The present 14-day waiting period has been extremely useful in providing an opportunity for the staff to negotiate necessary modifications of specific provisions of various agreements in order to obviate the need for formal disapproval. Absent such a provision, it would be necessary to utilize the suspension procedure provided in § 225.7 and also to issue appropriate orders of termination thereunder. Under the circumstances, we have decided to continue the 14-day buffer period as provided in the present regulation.

The amendments effectuated by this rule will serve to liberalize the present provisions of Part 225 and no expressions of opposition have been filed with the Board. Inasmuch as other persons are not directly concerned with this rule the Board finds that it may be made effective without prior notice or public rule making and without the usual 30-day waiting period.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 225 of the Economic Regulations (14 CFR Part 225), effective January 1, 1957, to read as follows:

1. By changing the date specified in § 225.2 from "December 17, 1956" to "December 17, 1957."

2. By changing the date specified in paragraph (a) of § 225.5 from "January 1, 1957" to "January 1, 1958."

3. By changing paragraph (f) of § 225.5 to read as follows:

(f) That the air transportation to be furnished pursuant to the agreement shall be used only by the supplier, his officers, directors, employees and their immediate families;

4. By changing the dollar amount specified in § 225.6 from "$50,000" to "$100,000."

5. By changing the date specified in § 225.13 from "January 1, 1956" to "January 1, 1957."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 403, 404, 416, 52 Stat. 992, 993, 1004; 49 U. S. C. 483, 484, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-10504; Filed, Dec. 27, 1956; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

CAPSULES TETRACYCLINE HYDROCHLORIDE AND NOVOBIOCIN

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for tests and methods of assay and certification of chlortetracycline, or tetracycline) and chlortetracycline- (or (tetracycline-) containing drugs (21 CFR Parts 141c, 146c) are amended by adding the following new sections:

§ 141c.234 *Capsules tetracycline hydrochloride and novobiocin*—(a) *Potency*—(1) *Tetracycline hydrochloride content.* Proceed as directed in § 141c.231 (a) (1). Its content of tetracyline hydrochloride is satisfactory if it contains not less than 85 percent of the number of milligrams per capsule that it is represented to contain.

(2) *Novobiocin content.* Proceed as directed in § 141a.21 (a) (2) of this chapter. Its content of novobiocin is satisfactory if it contains not less than 85 percent of the number of milligrams per capsule that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 146c.234 *Capsules tetracycline hydrochloride and novobiocin.* Capsules tetracycline hydrochloride and novobiocin are capsules that conform to all requirements and procedures prescribed by § 146c.204 for tetracycline hydrochloride capsules, except that:

(a) Each capsule contains not less than 125 milligrams of novobiocin as the monosodium salt. The crystalline novobiocin used conforms to the requirements for novobiocin as prescribed by § 146a.53 (a) of this chapter.

(b) The moisture content of the capsule is not more than 4 percent.

(c) In addition to the labeling prescribed for tetracycline hydrochloride capsules, each package shall bear on its label and labeling the number of milligrams of novobiocin in each capsule of the batch, and the expiration date shall be the date that is 18 months after the month during which the batch was certified.

(d) In addition to complying with the requirements of § 146c.204 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the novobiocin used in making the batch for potency, toxicity, pH, moisture, and crystallinity. He shall also submit in connection with his request a sample consisting of not less than 30 capsules and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the novobiocin used in making the batch.

(e) The fee for the services rendered with respect to each container in the sample of novobiocin submitted in accordance with the requirements prescribed by paragraph (d) of this section shall be $4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it

was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: December 21, 1956.

[SEAL] GEORGE P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 56-10508; Filed, Dec. 27, 1956; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MISCELLANEOUS AMENDMENTS

1. Section 577.1 is revised to read as follows:

§ 577.1 *Medical care; definition.* The term "medical care" embraces the medical examination and/or treatment of individuals by medical personnel of the Army, Navy, Air Force, other Federal agencies outside of the Department of Defense, and civilian facilities, or by civilian doctors who are legally qualified without limitation to practice medicine and surgery in the area concerned. Such care may include the furnishing of hospitalization, nursing and ambulance service, physical examinations, immunizations, prophylactic treatments, medicines, biologicals, and other similar medical services. Prostheses, hearing aids, spectacles, orthopedic footwear, and similar adjuncts to medical care may be furnished only where such adjuncts are authorized.

2. In § 577.2, add new subparagraph (14) to paragraph (a), revise the opening portion of paragraph (b), add new paragraph (b–1), and revise the opening sentence of paragraph (c), as follows:

§ 577.2 *For whom authorized and manner provided*—(a) *Persons entitled to medical care.* • • •

(14) The lawful wife or the dependent lawful husband (spouses) and children who are dependents of members of the uniformed services (hereinafter referred to as spouses and children). For definition of the terms "uniformed services" and "member of a uniformed service" see § 577.62 (a) and (b). For statutory authority and restrictions, see §§ 577.60–577.70.

• • • • •

(b) *Priority of medical treatment facilities.* Medical care for persons enumerated in paragraph (a) (1) through (13) of this section will be through the following means in order of the priority of the listings:

• • • • •

(b–1) *Medical care for spouses and children.* Medical care for persons enumerated in paragraph (a) (14) of this section will be provided through the following means:

(1) Medical treatment facilities of the uniformed services subject to the availability of space and facilities and the capabilities of the professional staff.

(2) Civilian medical treatment facilities including civilian physicians and surgeons subject to the terms and conditions prescribed in §§ 577.60–577.70.

(c) *Additional persons who may be afforded medical care.* Persons, in addition to those enumerated in paragraph (a) of this section, may be afforded medical care in Army medical treatment facilities under terms and conditions as prescribed in §§ 577.15 and 577.60–577.70.

• • •

[C1, AR 40–101, Nov. 9, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 56-10466; Filed, Dec. 27, 1956; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

RAW MATERIALS

Section 1453.2 (b) *Raw materials* is amended by making the following change in the list following subparagraph (3): Change the period after "acid grades of fluorspar" to a semicolon and add the following: "hydrofluoric acid produced directly from fluorspar ore."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: December 20, 1956.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 56-10505; Filed, Dec. 27, 1956; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

INVESTIGATIONS

The centerhead and §§ 1.450 through 1.455 are revised to read as follows:

INVESTIGATION

Sec.
1.450 Jurisdiction and responsibility for investigation.
1.451 Functions of Investigation Service.
1.452 Authorizations for investigations, surveys and special studies.
1.453 Cooperation of all officials on investigation.
1.454 Unauthorized disclosure of investigative information.
1.455 Witnesses required to read and sign transcript.

AUTHORITY: §§ 1.450 to 1.455 issued under sec. 5, 43 Stat. 608 as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 426, 11a, 707.

§ 1.450 *Jurisdiction and responsibility for investigation.* The Investigation Service of Central Office will have jurisdiction and be responsible for the making of administrative and other investigations, surveys and special studies at all levels and in all activities of the Veterans Administration, as well as of those organizations, associations, or individuals having official dealings or relationships with the Veterans Administration, as set forth in and authorized by §§ 1.451 and 1.452.

§ 1.451 *Functions of Investigation Service.* In performing its functions the Investigation Service will be guided by the following: There will be assigned in Central Office an adequate number of special investigators, who will conduct under the direction and supervision of the Director, Investigation Service, properly authorzied investigations and perform other related duties arising therefrom or ancillary thereto. Administrative investigations will be accomplished when the occasion demands and where it is necessary to develop the evidence on a given subject through the taking of testimony and procurement of documentary evidence in connection with alleged irregularities, maladministration involving violation of Federal statutes, Veterans Administration regulations, instructions, or policies. Surveys and special studies may be conducted when the occasion arises.

§ 1.452 *Authorizations for investigations, surveys and special studies*—(a) *Central Office.* The Administrator or his designee may authorize investigations, surveys and special studies of any nature involving Central Office, district offices, regional offices, VA offices, hospitals, centers, forms and supply depots, or any activity of the Veterans Administration concerning the following:

(1) Matters involving internal administration and functioning of any office or activity.

(2) Matters involving conduct of an officer or employee of the Veterans Administration.

(3) Matters involving cooperating agencies, organizations, associations, or individuals having official dealings or relationships with the Veterans Administration.

(4) Such matters involving alleged irregularities, maladministration, violation of Federal statutes, Veterans Administration regulations, instructions, and policies, and attempts to defraud the Government by any person within or without the Veterans Administration.

(5) Cases of claimants involving administrative irregularities or the conduct of an officer or employee of the Veterans Administration incident thereto.

(6) Cases of claimants which are of a nature sufficiently serious or complex and could not otherwise be satisfactorily investigated.

(7) Such other matters as in the judgment of the Administrator or his designee require investigation, survey or special study.

(b) *Board of Veterans Appeals cases.* Investigations of matters before the Board of Veterans Appeals may be approved by the Chairman, Board of Veterans Appeals under authority delegated to him by the Administrator.

(c) *Field stations.* Managers of district offices, regional offices, hospitals and centers, depots, or other offices shall have authority to order or approve investigations on matters involving complaints and infractions of Veterans Administration regulations or law subject to the following: loss or theft of funds or personal property, etc.; assaults upon, injuries to, and elopement of beneficiaries; and field examinations conducted by representatives from the office of the Chief Attorney, in accordance with the provisions of §§ 13.50 to 13.54 of this chapter. On serious matters and those set forth in paragraph (a) (1) through (7) of this section, a preliminary report will be forwarded for consideration of the Director, Investigation Service, with appropriate comment and recommendation. In any instance where the situation is of such gravity or so far-reaching that Central Office assistance or guidance is needed, or in matters of emergent character involving potential adverse publicity and matters involving public policy or widespread public interest, the Administrator will be immediately informed by the most rapid means of communication with an outline of the full facts and recommendations of the field station official.

§ 1.453 *Cooperation of all officials on investigation.* Managers, as well as other officials and employees of district offices, regional offices, hospitals and centers, depots, or other offices will at all times render every assistance and cooperation to special investigators of Central Office. This cooperation will include the temporary transfer of any claims, insurance, clinical, correspondence, or other records. Such stenographic and other necessary services as may be requested at such times and points as desired will be furnished by Managers and other comparable officials without regard for territorial limitations. This section will be cited as the authority for such action. Travel orders issued under this authority will be charged against station allotments.

§ 1.454 *Unauthorized disclosure of investigative information.* All testimony given in an investigation conducted by the Investigation Service and the report of investigation and its contents are for the use of the Administrator and his staff only and will not be disclosed to unauthorized persons within or without the Veterans Administration. Under no circumstances should reports of investigation or their contents be forwarded or disclosed to field stations, Managers, or other officials within or without the Veterans Administration, without clearance through and authorization by either the Administrator, Deputy Administrator, Assistant Administrator for Appraisal and Security, or the Director, Investigation Service, except those reports referred to the office of the General Counsel or the Chief Attorney for purposes of criminal prosecution or litigation, or reports of investigation authorized by the Chairman, Board of Veterans Appeals. In order that investigations may not interrupt the normal functions of a station, all employees are instructed to refrain from discussing matters under investigation either during the investigation or after its completion. Particularly those employees called upon to testify will refrain from discussing their testimony except with the investigator.

§ 1.455 *Witnesses required to read and sign transcript.* In all instances where verbatim testimony is taken and transcribed, the witness will be afforded an opportunity to read and sign the transcription, unless it is not feasible to do so, and in such cases a statement of the reason for the witness failing to sign will be appended to the transcription, together with certification by the stenographer that it is a true and accurate transcription of the notes; or when, under unusual circumstances, sound recording equipment is used and it is impracticable for the investigator to await the return of transcribed testimony, in which event certification will be made by the special investigator as to the circumstances.

This regulation is effective December 28, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-10452; Filed, Dec. 27, 1956; 8:46 a. m.]

PART 1—GENERAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Sections 1.507, 1.508, 1.509, 1.510, and 1.511 are revised to read as follows:

§ 1.507 *Disclosures to Members of Congress.* Members of Congress shall be furnished in their official capacity in any case such information contained in the Veterans Administration files as may be requested for official use. However, in any unusual case, the request will be presented to the Administrator, Deputy Administrator, Assistant Administrator, or department head for personal action. When the requested information is of a type which may not be furnished a claimant, the Member of Congress shall be advised that the information is furnished to him confidentially in his official capacity and should be so treated by him. (See Vet. Reg. 11, 38 U. S. C. ch. 12A.) Information concerning the beneficiary designation of a United States Government life insurance or National Service life insurance policy is deemed confidential and privileged and during the insured's lifetime shall not be disclosed to anyone other than the insured or his duly appointed fiduciary unless the insured or the fiduciary authorizes the release of such information.

§ 1.508 *Disclosure in cases where claimants are charged with or convicted of criminal offenses.* (a) Where incompetent claimants are charged with, or convicted of, offenses other than those growing out of their relationship with the Veterans Administration and in which it is desired to disclose information from the files and records of the Veterans Administration, the Chief Attorney, Chief Benefits Director, Department of Veterans Benefits, or the General Counsel if he deems it necessary and proper, may disclose to the court having jurisdiction so much of the information from the files and records of the Veterans Administration relating to the mental condition of such beneficiaries, the same to be available as evidence, as may be necessary to show the mental condition of the accused and the time of its onset. This provision, however, does not alter the general procedure for handling offenses growing out of relations with the Veterans Administration.

(b) When desired by a United States district court, the Chief Attorney or the General Counsel may supply information as to whether any person charged with crime served in the military or naval service of the United States and whether the Veterans Administration has a file on such person. If the file is desired by the court or by the prosecution or defense, it may be produced only in accord with these regulations.

§ 1.509 *Disclosure to courts in proceedings in the nature of an inquest.* The Chief Benefits Director, Department of Veterans Benefits, Chief Attorneys, and Managers are authorized to make disclosures to courts of competent jurisdiction of such files, records, reports, and other documents as are necessary and proper evidence in proceedings in the nature of an inquest into the mental competency of claimants and other proceedings incident to the appointment and discharge of guardians, curators, or conservators to any court having jurisdiction of such fiduciaries in all matters of appointment, discharge, or accounting in such courts.

§ 1.510 *Disclosure to insurance companies cooperating with the Department of Justice in the defense of insurance suits against the United States.* Copies of records from the files of the Veterans Administration will, in the event of litigation involving commercial insurance policies issued by an insurance company cooperating with the Department of Justice in defense of insurance suits against the United States, be furnished to such companies without charge, provided the claimant or his duly authorized representative has authorized the release of the information contained in such records. If the release of information is not authorized in writing by the claimant or his duly authorized representative, information contained in the files may be furnished to such company if to withhold same would tend to permit the accomplishment of a fraud or miscarriage of justice. However, before such information may be released without the consent of the claimant, the request therefor must be accompanied by an affidavit of the representative of the insurance company, setting forth that litigation is pending, the character of the suit, and the purpose for which the information desired is to be used. If such information is to be used adversely to the claimant, the affidavit must set forth facts from which it may be determined by the General Counsel or Chief Attorney

whether the furnishing of the information is necessary to prevent the perpetration of a fraud or other injustice. The averments contained in such affidavit should be considered in connection with the facts shown by the claimant's file, and, if such consideration shows the disclosure of the record is necessary and proper to prevent a fraud or other injustice, information as to the contents thereof may be furnished to the insurance company or copies of the records may be furnished to the court, workmen's compensation, or similar board in which the litigation is pending upon receipt of a subpoena duces tecum addressed to the Administrator of Veterans' Affairs, or the Manager of the office in which the records desired are located. In the event the subpoena requires the production of the file, as distinguished from the copies of the records, no expense to the Veterans Administration may be involved in complying therewith, and arrangements must be made with the representative of the insurance company causing the issuance of the subpoena to insure submission of the file to the court without expense to the Veterans Administration.

§ 1.511 *Judicial proceedings generally.* (a) Where a suit has been threatened or instituted against the Government, or a prosecution against a claimant has been instituted or is being contemplated, the request of the claimant or his duly authorized representative for information, documents, reports, etc., shall be acted upon by the General Counsel in Central Office, or the Chief Attorney in the field station, who shall determine the action to be taken with respect thereto. Where the files have been sent to the Department of Justice in connection with any such suit, the request will be referred to the Department of Justice, Veterans Affairs Section, Washington, D. C., through the office of the General Counsel, for attention. In all other cases where copies of documents or records are desired by or on behalf of parties to a suit, whether in a court of the United States or any other, such copies shall be furnished as provided in paragraph (d) of this section; otherwise to the court only, and on an order of the court or subpoena duces tecum addressed to the Administrator of Veterans' Affairs or the Manager of the field station in which the records desired are located requesting the same. The determination as to the action to be taken upon any order received in this class of cases shall be made by the service having jurisdiction over the subject matter in Central Office or the division having jurisdiction over the subject matter in the field station, except in those cases in which the records desired are to be used adversely to the claimant, in which latter event the order of the court or the subpoena will be referred to the General Counsel in Central Office or to the Chief Attorney in the field station for disposition.

(b) Where the process of a United States court requires the production of documents or records (or copies thereof) contained in the Veterans Administration file of a claimant, such documents or records (or copies) will be made available to the court out of which process has been issued. Where original records are produced, they must remain at all times in the custody of a representative of the Veterans Administration, and, if offered and received in evidence, permission should be obtained to substitute a copy so that the original may remain in the file. Where the subpoena is issued on the praecipe of a party litigant other than the United States, such party litigant must prepay the costs of copies in accordance with fees prescribed by § 1.526 (i) and any other costs incident to production.

(c) Where copies of documents or records are requested by the process of any State or municipal court, workmen's compensation board or other administrative agency, functioning in a quasi-judicial capacity, the process when presented must be accompanied either by authority from the claimant concerned to comply therewith or by an affidavit of the attorney of the party securing the same, setting forth the character of the pending suit, the purpose for which the documents or records sought are to be used as evidence, and, if adversely to the claimant, information from which it may be determined whether the furnishing of the records sought is necessary to prevent the perpetration of fraud or other injustice. When the process received is accompanied by authorization of the claimant to comply therewith, if otherwise it be proper under §§ 1.501 to 1.526, copies of the records requested shall be furnished to the attorney for the party who caused the process to be issued upon the payment of the prescribed fee. If it appears by the process or otherwise that the records are to be used adversely to the claimant, the averments contained in the affidavit shall be considered in connection with the facts shown by the claimant's file, and, if such consideration shows the disclosure of the records is necessary and proper to prevent a fraud or other injustice, the records requested shall be produced before the court, or board or other agency on the date stipulated in the subpoena duces tecum, or other proper process and appropriate disclosure made within the limits of § 1.501 to § 1.526. In such case both the attorney for the veteran and the attorney for the party who secured the process shall be advised by the Veterans Administration representative having custody of the records or file that the same are available for examination within said limits by either or both of the said attorneys. Payment of the fees as prescribed by the schedule of fees, as well as the amount of any other cost incident to producing the records, must first be deposited with the Veterans Administration by the party who caused the process to be issued. If the responsible Veterans Administration employees (see par. (a) of this section) decide that insufficient cause has been shown to warrant releasing the requested information, the Veterans Administration employee who responds to the process will insist that Veterans Administration records are confidential and privileged and, although they are produced at the hearing, he will decline to reveal their content. The file must remain at all times in the custody of a representative of the Veterans Administration, and, if there is an offer and admission of any record or document contained therein, permission should be obtained to substitute a copy so that the original may remain in the file.

(d) Requests received from attorneys or others for copies of records for use in which the Government is not involved, not accompanied by a subpoena or court order, will be handled by the service or division having jurisdiction over the subject matter. If the request is such as can be complied with under § 1.503 or § 1.504, the records requested will be furnished upon receipt of the required fee. If, however, the records cannot be furnished under such § 1.503 or § 1.504, the applicant will be advised of the procedure to obtain copies of records for court use as set forth above.

(e) In suits by or against the Administrator under section 509, title III, Servicemen's Readjustment Act of 1944, as amended, the files pertaining to the guaranteed or insured loan may be made available by the General Counsel or the Chief Attorney subject to the usual rules of evidence.

2. Section 1.514 is revised to read as follows:

§ 1.514 *Disclosure to private physicians and hospitals other than Veterans Administration.* When a beneficiary elects to obtain medical attention from a private practitioner or in a hospital other than a Veterans Administration hospital, there may be disclosed to such private practitioner or head of such hospital (State, municipal, or private) such information as to the medical history, diagnosis, findings, or treatment as is requested, provided there is also submitted a written authorization from the beneficiary, or in the event he is incompetent, from his representative or his nearest relative, for release of desired data. The said information will be supplied without charge directly to the private physician or hospital head and not through the beneficiary. In forwarding this information, it will be accompanied by the stipulation that it is released with the consent of the patient and then only on condition that it is to be treated as a privileged communication. However, such information may be released without charge and without consent of the patient, his representative, or nearest relative when a request for such information is received from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, county, or city health department.

3. In § 1.525, paragraph (b) (1) is amended to read as follows:

§ 1.525 *Inspection of records by or disclosure of information to recognized representatives of organizations.* • • •

(b) (1) Inspection of folders by accredited representatives shall be in space assigned for such inspection; however, where space or other local problems make it impractical to assign space for this purpose, the director of service concerned in Central Office or the Manager at the particular office affected may permit inspection of folders at the desks of the accredited representatives in the office(s) which they regularly occupy. Managers and directors of the services concerned in Central Office will designate and assign, in or near the space occupied by accredited representatives, one or more employees to whom the folders will be charged and who will at all times know and have a record of the location of such folders during the time they are made available for inspection by the accredited representatives.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply sec. 30, 43 Stat. 615, as amended, Vet. Reg. 11, as amended; 38 U. S. C. 456, ch. 12A)

This regulation is effective December 28, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-10562; Filed, Dec. 28, 1956; 8:58 a. m.]

PART 1—GENERAL PROVISIONS

INVENTIONS BY EMPLOYEES

1. Sections 1.650 through 1.663 are revised to read as follows:

§ 1.650 *Purpose.* The purpose of the regulations concerning inventions by employees of the Veterans Administration is to prescribe the procedure to be followed in determining and protecting the respective rights of the United States Government and of Veterans Administration employees who make inventions.

§ 1.651 *Definitions.* The terms as used in the regulations concerning inventions by employees of the Veterans Administration are defined as follows:

(a) The term "invention" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

(b) The term "employee" or "government employee" means any officer or employee, civilian or military, of the Veterans Administration. Part-time employees and part-time consultants are included, except when special circumstances in a specific case require the departure herefrom to meet the needs of the Veterans Administration, such circumstances to be reported to and approved by the Chairman of the Government Patents Board.

(c) The term "Chairman" means the Chairman of the Government Patents Board.

§ 1.652 *Governing provisions*—(a) *Executive Order No. 10096.* Paragraph 1, Executive Order No. 10096, dated January 23, 1950, provides in part:

(a) .The Government shall obtain the entire right, title and interest in and to all inventions made by any Government employee (1) during working hours, or (2) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (3) which bear a direct relation to or are made in consequence of the official duties of the inventor.

(b) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in paragraph (a) last above, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire right, title and interest to such invention, or in any case where the Government has insufficient interest in an invention to obtain entire right, title and interest therein (although the Government could obtain same under paragraph (a), above), the Government agency concerned, subject to the approval of the Chairman of the Government Patents Board (provided for in paragraph 3 of this order and hereinafter referred to as the Chairman), shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(c) In applying the provisions of paragraphs (a) and (b), above, to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, manufacture, or composition of matter, (ii) to conduct or perform research, development work, or both, (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (iv) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, or made by an employee included within any other category of employees specified by regulations issued pursuant to section 4 (b) hereof, falls within the provisions of paragraph (a), above, and it shall be presumed that any invention made by any other employee falls within the provisions of paragraph (b), above. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of paragraph (d) next below.

(d) In any case wherein the Government neither (1) pursuant to the provisions of paragraph (a) above, obtains entire right, title and interest in and to an invention nor (2) pursuant to the provisions of paragraph (b) above, reserves a non-exclusive, irrevocable royalty-free license in the invention with power to grant licenses for all governmental purposes, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law • • •.

(b) *Executive Order No. 9865.* Executive Order No. 9865 provides in part:

1. All Government departments and agencies shall, whenever practicable, acquire the right to file foreign patent applications on inventions resulting from research conducted or financed by the Government • • •.

(c) *Non-fee Act.* The Non-fee Act, 35 U. S. C. 266, provides:

The Commissioner may grant, subject to the provisions of this title to any officer, enlisted man, or employee of the Government, except officers and employees of the Patent Office, a patent without the payment of fees, when the head of a department or agency certifies the invention is used or likely to be used in the public interest and the applicant in his application states that the invention described therein, if patented, may be manufactured and used by or for the Government for governmental purposes without the payment to him of any royalty thereon, which stipulation shall be included in the patent.

§ 1.653 *Delegation of authority.* The General Counsel is authorized to act for the Administrator of Veterans Affairs in matters concerning patents and inventions, unless otherwise required by law. The determination of rights to an invention as between the Government and the employee shall be made by the General Counsel, subject to the approval of the Chairman, where required.

§ 1.654 *Invention owned by the Government.* Any invention owned by the Government under the criteria given in paragraph 1 (a) of Executive Order No. 10096 shall be protected by an application for a domestic patent prepared by or through the General Counsel, unless it is decided to dedicate the invention to the public. Such dedication requires approval of the Chairman. Applications on behalf of the Government for foreign patents may be made if determined to be in the public interest.

§ 1.655 *Invention owned by the employee.* If an invention is made by an employee under circumstances which entitle him either to full ownership of the invention or to commercial rights, he may request the General Counsel to file a patent application thereon at Government expense subject to a license in the Government, as authorized by the Non-fee Act. It is a requisite to favorable action that the invention will be used or is likely to be used in the public interest.

§ 1.656 *Information to be submitted by inventor.* In the case of an invention or believed invention, the inventor will prepare a statement for submission to his immediate superior. It will be submitted regardless of where the ownership is believed to exist. The statement will consist of two parts:

(a) One part of the statement will be a disclosure of the invention sufficient to permit the preparation of a patent application. It will include ordinarily drawings or blueprints which contain reference numerals, such numerals being crossed to an accompanying explanatory list or description of the parts or components of the invention as shown on the drawings or blueprints, accompanied further by a description of the construction and operation of the invention. Photographs of the invention may be included. The inventor should state pertinent prior art known to him, and set forth in detail as clearly as possible the respects in which his invention differs.

(b) The other part of the statement will concern the circumstances attending the making of the invention. It will include the full name and address of the inventor; the grade and title of his position; whether full-time or part-time; his duties at the time the invention was made; whether there was any special agreement or understanding with respect to use or manufacture of his invention; date of the invention; when and where it was conceived, constructed and tested; whether it was made entirely during

had continuous indemnity protection

working hours; whether there was a contribution by the Government of any of the following: facilities; equipment; materials or supplies; funds; information; time or services of other Government employees on duty. If the invention has previously been disclosed as, for example by an article submitted for publication, or in consultation with a manufacturer or attorney, details will be given. In the case of an article, a copy will be attached if possible, or the citation given.

§ 1.657 *Transmittal of inventor's statement.* The inventor's immediate superior shall promptly review the statement of the employee for completeness and accuracy, and he shall certify that the employee's statement of circumstances attending the invention is or is not correct, giving reasons if pertinent. The file should then be submitted through the Manager of the station (or department heads or top staff officials in the case of Central Office employees) to the General Counsel together with comments and recommendations, including whether the invention is used or is likely to be used in the public interest, and any such additional information as may be deemed helpful or necessary. The General Counsel will assemble the evidence bearing upon this question.

§ 1.658 *Determination of rights.* The General Counsel will make a determination of rights, subject to review where required by the Chairman. The determination may be that title is in the Government, that title is in the employee, or that the employee is entitled to commercial rights and the Government to a license, depending on the facts. The employee has a right of appeal to the Chairman within 30 days from the determination of the General Counsel. The decision reached by the General Counsel or by the Chairman, as the case may be, will be communicated to the employee.

§ 1.659 *Relationship to incentive awards program.* Procedures set out in the regulations concerning inventions by employees of the Veterans Administration are not affected by the submission or proposed submission of an employee suggestion or idea on an item which may be patentable. Consideration of an item for patentability and also for an incentive award may proceed simultaneously, usually on separate correspondence. An employee suggestion or copies and extracts of the file may be forwarded to the General Counsel by the reviewing or awarding authority, or by the Manager, for patent consideration.

§ 1.660 *Patents of peculiar importance to the public service.* The rules of practice of the United States Patent Office provide for expediting consideration of applications for patents that are of peculiar importance to the public service, upon the request of department heads. Where the circumstances apparently justify such a request, the Manager, department head or top staff official will so state.

§ 1.661 *Expeditious handling.* Submissions involving inventions should be made as promptly as possible in order to avoid delay which might jeopardize title to the invention or impair the rights of the inventor or the Government. No patent may be granted where the invention has been in public use or publicly disclosed for more than one year before filing of a patent application.

§ 1.662 *Information to be kept confidential.* All information pertaining to inventions and pending patent applications is confidential, and employees having access to such information are forbidden to disclose or reveal the same except as required in the performance of their official duties.

§ 1.663 *Provisions of regulation made a condition of employment.* The provisions of the regulations concerning inventions by employees of the Veterans Administration shall be a condition of employment of all employees.

2. Sections 1.664, 1.665, 1.666, and 1.667 are revoked as follows:

§ 1.664 *Restrictions on filing applications for foreign patents.* [Revoked.]

§ 1.665 *Provisions for expeditious action on patents of peculiar importance to the public service.* [Revoked.]

§ 1.666 *Information as to inventions and patent applications to be kept confidential.* [Revoked.]

§ 1.667 *Provisions of regulation made a condition of employment.* [Revoked.]

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply sec. 1, 66 Stat. 811; 35 U. S. C. 266, E. O. 9865, June 14, 1947, 12 F. R. 3907; 3 CFR 1947 Supp.; E. O. 10096, Jan. 23, 1950, 15 F. R. 389; 3 CFR 1950 Supp.)

This regulation is effective December 28, 1956.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 56-10452; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, §§ 6.2 and 6.3 are revised to read as follows:

§ 6.2 *Applications for insurance under section 5 of the Servicemen's Indemnity Act of 1951 and section 623 of the National Service Life Insurance Act.* (a) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrenders a permanent plan of United States Government life insurance which is in force other than as extended term insurance, for its cash value under the provisions of § 6.115, or under § 6.186 if the policy has no cash value, shall be granted a new policy of United States Government life insurance as provided in § 6.3 (a) upon written application signed by the applicant and payment of the required premium while in continuous active service on or after January 1, 1957, or within 120 days after separation from such active service. If the applicant was discharged prior to January 1, 1957, the requirements for issuance of insurance under this paragraph must be met within 120 days after separation from such active service. Such insurance shall be granted without medical examination. If the applicant is mentally incompetent, the application for insurance under this paragraph may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

(b) Any person having United States Government life insurance on the 5-year level premium term plan, the term of which expires while such person is in the active service after April 25, 1951, or within 120 days after separation from such active service, and in either case prior to January 1, 1957, shall be granted United States Government life insurance of the 5-year level premium term plan as provided in § 6.3 (b) upon written application signed by the applicant and payment of the required premium made while in continuous active service on or after January 1, 1957, or within 120 days after separation from such active service and evidence of good health satisfactory to the Administrator. If the applicant was discharged prior to January 1, 1957, the requirements for issuance of insurance under this paragraph must be met within 120 days after separation from active service.

(c) Prior to January 1, 1957, applications for insurance under section 5 may be made during the 120-day period after separation from active service even though the applicant reenters active service within such 120-day period: *Provided,* That a person who reenters active service on the date of separation or the following day shall be deemed to be in continuous active service and, prior to January 1, 1957, shall not be eligible for insurance under said section 5 during such period of continuous active service: *Provided further,* That any person whose permanent plan insurance was surrendered or whose term insurance expired under the conditions provided in this section, and who had continuous indemnity protection from the surrender or expiry date to January 1, 1957, and continuous active service thereafter, may make application for insurance under this section while in continuous active service or within 120 days after separation from such active service.

(d) An application for insurance hereunder should be made on the form prescribed therefor, but any written statement which in substance meets the requirements of this section may be considered an application.

§ 6.3 *United States Government life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act.* (a) United States Government life insurance on a permanent plan, issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act, shall be issued on the same plan and under the same terms and conditions as the United States Government life insurance which was surrendered. The amount of permanent plan United States Government life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act shall not be in excess of the amount of insurance which was surrendered.

(b) United States Government life insurance on the 5-year level premium term plan, issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act, shall be issued under the same terms and conditions as the United States Government life insurance 5-year level premium term policy which expired. The amount of 5-year level premium term insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act shall not be in excess of the amount of term insurance which expired.

(c) The amount of insurance granted under said section 5 or section 623 plus the amount of any other insurance (National Service life—United States Government life—War Risk) in force under premium-paying conditions, or as paid-up or extended insurance, shall not exceed $10,000.

2. Section 6.7 is revised to read as follows:

§ 6.7 *Effective date of United States Government life insurance applied for pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 and section 623 of the National Service Life Insurance Act.* (a) The effective date of United States Government life insurance issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 and section 623 of the National Service Life Insurance Act shall not be established in any event prior to April 25, 1951, nor prior to the date of entry into active service.

(1) Subject to these limitations, the effective date of such insurance may be established upon written request of the applicant as follows:

(i) As to application made prior to January 1, 1957, as of any date within the 120-day period following separation from active service but in no event later than January 1, 1957: *Provided,* That if the application is for replacement of 5-year level premium term insurance which requires a physical examination report, and the effective date specified is more than 31 days after the date of the physical examination report, the applicant will be required to furnish a statement showing that he was in as good health on the effective date of the insurance as he was on the date of the physical examination report.

(ii) As of the date on which valid application and tender of premiums are made.

(iii) As of the first day of the month in which valid application and tender of premiums are made.

(iv) As of the first day of the month following the month in which valid application and tender of premiums are made.

(v) As of the first day of any month, but not more than 6 months prior to the month in which valid application and tender of premiums are made: *Provided,* That there be paid (*a*) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and (*b*) the full premium on the amount of insurance for the month in which application is made.

(2) Unless otherwise specified by the applicant, the effective date of such United States Government life insurance shall be established as of the date on which valid application and tender of premiums are made.

3. In § 6.86 the headnote and paragraphs (a) and (b) are amended to read as follows:

§ 6.86 *Applications for reinstatement of United States Government life insurance pursuant to section 5 of the Servicemen's Indemnity Act of 1951 and section 623 of the National Service Life Insurance Act.* (a) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrenders a permanent plan policy of United States Government life insurance which is in force other than as extended term insurance, for its cash value under the provisions of § 6.115, or under § 6.186 if the policy has no cash value, upon written application made by any such person while in continuous active service on or after January 1, 1957, or within 120 days after separation from such service, may reinstate such surrendered United States Government life insurance (or any portion thereof in multiples of $500, not less than $1,000) without medical examination upon payment of (1) an amount required to provide the full reserve of the insurance at the end of the month prior to the month in which application is made and (2) the full premium on the amount of insurance for the month in which application is made. If the applicant was discharged prior to January 1, 1957, the requirements for reinstatement of insurance under this section must be met within 120 days after separation from such active service. If the applicant is mentally incompetent the application for reinstatement under this section may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

(b) Prior to January 1, 1957, application for reinstatement under section 5 of the Servicemen's Indemnity Act of 1951 may be made during the 120-day period after separation from active service even though the applicant reenters active service within such 120-day period: *Provided,* That a person who reenters active service on the date of separation or the following day shall be deemed to be in continuous active service and, prior to January 1, 1957, shall not be eligible for reinstatement of insurance under section 5 of the Servicemen's Indemnity Act of 1951 during such period of continuous active service: *Provided further,* That any person whose permanent plan insurance was surrendered under the conditions provided in this section, and who had continuous indemnity protection from the date of surrender to January 1, 1957, and continuous active service thereafter, may make application for reinstatement under this section while in continuous active service or within 120 days after separation from such active service.

4. Section 6.162a is revised to read as follows:

§ 6.162a *Application for reinstatement and issue of the total disability provision pursuant to section 5 of the Servicemen's Indemnity Act of 1951 and section 623 of the National Service Life Insurance Act.* (a) Any person having a United States Government life insurance policy on a permanent plan with a total disability provision attached who surrendered such insurance prior to January 1, 1957, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability provision was in force, upon meeting the requirements for reinstatement of such insurance pursuant to the provisions of § 6.86, may at the same time reinstate the lapsed total disability provision without medical examination upon (1) written application signed by any such person, (2) payment of the required reserve, and (3) the full premium on the total disability provision for the month in which application is made. If the applicant was discharged prior to January 1, 1957, the reinstatement requirements under this paragraph must be met within 120 days following the applicant's separation from active service.

(b) Any person having a United States Government life insurance policy on a permanent plan with a total disability provision attached who surrendered such insurance prior to January 1, 1957, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability provision was in force, upon meeting the requirements for issuance of United States Government life insurance pursuant to the provisions of § 6.2 (a), may be issued at the same time a total disability provision without medical examination upon written application signed by the applicant and payment of the required premium: *Provided,* That the total disability provision issued pursuant to this paragraph shall not be in excess of the total disability insurance which lapsed at the time the life insurance was surrendered prior to January 1, 1957, pursuant to section 5 of the Servicemen's Indemnity Act. If the applicant was discharged prior to January 1, 1957, the requirements for issuance of the disability provision under this paragraph must be met within 120 days following the applicant's separation from active service.

(c) If a total disability provision was not in force at the time a permanent plan policy of United States Government life insurance was surrendered prior to January 1, 1957, pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or if an insured who surrendered a permanent plan policy of United States Government life insurance prior to Jan-

uary 1, 1957, pursuant to section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability provision was in force, fails to meet the requirements of paragraphs (a) or (b) of this section within the time limitations specified for reinstatement or issue of the total disability provision, the total disability provision may, if the life insurance is in force under premium-paying conditions, be reinstated in accordance with the provisions of § 6.164 or the insured may be issued a total disability provision upon compliance with the requirements of § 6.162.

(d) Where no total disability provision was attached to United States Government life insurance surrendered prior to January 1, 1957, under the provision of section 5 of the Servicemen's Indemnity Act of 1951, such provision may be added to United States Government life insurance issued or reinstated under § 6.2 (a) or § 6.86 upon compliance with the provisions of § 6.162.

(Sec. 5, 65 Stat. 35, as amended; 38 U. S. C. 854)

5. Section 6.162b is revised to read as follows:

§ 6.162b *Payment of total disability benefits on United States Government life insurance issued or reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act.* Payment under the total disability provision attached to permanent plan insurance and issued or reinstated pursuant to section 5 of Public Law 23, 82d Congress, or section 623 of the National Service Life Insurance Act, shall not be denied because the total disability of the applicant commenced prior to the date of his application for issuance or reinstatement of such provision. If the insured was totally disabled at the time of issuance or reinstatement of the total disability provision and (a) such disability had existed for less than 4 consecutive months, payment will commence in accordance with the provisions of § 6.164, and (b) if such disability had existed for at least 4 consecutive months, payment will commence on the first monthly anniversary date of total disability on or subsequent to the effective date of the issue or reinstatement of such insurance but in no event more than 6 months prior to receipt of due proof: *Provided,* That on insurance issued or reinstated pursuant to section 623 of the National Service Life Insurance Act, while the applicant is in active service, payment of total disability benefits shall not commence prior to the first monthly anniversary date of total disability on or after January 1, 1957.

(Sec. 5, 65 Stat. 35, as amended; 38 U. S. C. 854)

6. In § 6.185 paragraphs (a), (b), that portion of paragraph (c) including subparagraph (1) and preceding subdivision (i) of subparagraph (2) and paragraph (f) are amended to read as follows:

§ 6.185 *Premium waiver on United States Government life insurance under section 622 of the National Service Life Insurance Act, as amended.* (a) Persons in the active service for a continuous period in excess of 30 days, after April 25, 1951, who are insured under a 5-year level premium term United States Government life insurance policy, upon written application made while in the active service prior to January 1, 1957, may be granted waiver of premiums which become due during the remainder of the insured's continuous active service and for 120 days thereafter, provided, the insurance is not lapsed at the time the waiver is to be effective.

(b) Persons in the active service for a continuous period in excess of 30 days, after April 25, 1951, who are insured under a permanent plan of United States Government life insurance, upon written application made while in the active service prior to January 1, 1957, may be granted waiver of that portion of the premium representing the cost of pure insurance risk, as determined by the Administrator, which becomes due during the remainder of such continuous active service and for 120 days thereafter: *Provided,* That the insurance is not lapsed at the time the waiver is to be effective: *And provided further,* That during the period of such waiver the portion of the premium which is not required for the pure insurance risk is paid when due (or within the grace period).

(c) No premiums may be waived under this section which become due on or prior to June 1, 1951, or which become due on or prior to the first day of the second calendar month following the insured's entry into active service, whichever is the later date: *Provided,* That no premiums shall be waived for any period prior to the date of application therefor, except that where the insured is determined, in accordance with the Missing Persons Act, to have been in a status of missing, missing in action, interned, captured, beleaguered, or besieged, at any time after April 25, 1951, and before April 26, 1952, (1) all premiums due or paid on term insurance after June 1, 1951, during the period of such status and during the remainder of the period of continuous active service and 120 days thereafter shall be waived, unless the insured requests in writing that the waiver be terminated; and (2) that portion of any permanent insurance premiums, which represents the cost of the pure insurance risk, due or paid after June 1, 1951, during the period of such status and during the remainder of the period of continuous active service and 120 days thereafter, shall be waived, provided the insured files written application therefor within 120 days after the passage of Public Law 193, 84th Congress, approved July 29, 1955, or the date of his return to military jurisdiction, whichever is later: *Provided,* Except where the amount of the dividend earned would exceed the amount of the premium waived, the waiver shall be automatic if the insured dies or is declared dead while in such missing status or if the insured dies on or prior to the last day on which application for the waiver may be made. Except as provided in this paragraph, application for waiver of premiums under section 622 must be made prior to January 1, 1957. Subject to these limitations, premium waiver under this paragraph shall be effective as follows:

* * * * *

(f) The waiver of premiums under this section will terminate at the expiration of the 120-day period following separation from active service, on or after January 1, 1957, even though the insured reenters active service within such 120-day period. However, if the insured reenters active service on the date of separation or the following day, such reentrance shall be deemed to be a continuation of the previous active service and the waiver continued as otherwise provided.

(Sec. 10, 65 Stat. 36, 69 Stat. 395; 38 U. S. C. 820–823)

7. Section 6.186 is revised to read as follows:

§ 6.186 *Surrender of permanent plan policies of United States Government life insurance, in force for less than one year, under the provisions of section 5, Servicemen's Indemnity Act of 1951.* A permanent plan policy of United States Government life insurance in force for less than 1 year by payment or waiver of premiums shall not have a cash value. Such a policy which is not lapsed may be surrendered by the insured while in active service prior to January 1, 1957, with right of replacement pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act, upon written request therefor and upon complete surrender of the insurance with all claims thereunder: *Provided,* That such surrender shall be effective as of the date written request therefor is delivered to the Veterans Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery; if forwarded through military channels, the date the request is placed in military channels will be taken as the day of delivery.

(Sec. 5, 65 Stat. 35; 38 U. S. C. 854)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

8. In Part 8, § 8.0, the headnotes of paragraphs (d), (e) and (f), and paragraphs (d) (1), (2), and (3), that portion of (e) (1) preceding (i), and (e) (1) (iii) are amended, and paragraph (f) (4) is added as follows:

§ 8.0 *Eligibility.* * * *

(d) *Applications for insurance under section 5 of the Servicemen's Indemnity Act of 1951 and section 623 of the National Service Life Insurance Act.* (1) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrenders a permanent plan of National Service life insurance, which is not lapsed, for its cash value under the provisions of § 8.27 (a) or (b), or under § 8.114 if the policy has no cash value, shall be granted a new policy of National Service life insurance as provided in § 8.110 (a) upon written application signed by the applicant and payment of the required premium while in continuous active service on or after January 1, 1957, or within 120 days after separation from such active service. If the applicant was discharged prior to January 1, 1957, the requirements for issuance of insurance under this subparagraph must be met within 120 days after separation from such active service.

(2) Any person having National Service life insurance on the 5-year level premium term plan, the term of which expires while such person is in the active service after April 25, 1951, or within 120 days after separation from such active service, and in either case prior to January 1, 1957, shall be granted National Service life insurance on the 5-year level premium term plan as provided in § 8.110 (b) upon written application signed by the applicant and payment of the required premium made while in continuous active service on or after January 1, 1957, or within 120 days after separation from such active service and evidence of good health satisfactory to the Administrator. If the applicant was discharged prior to January 1, 1957, the requirements for issuance of insurance under this subparagraph must be met within 120 days after separation from such active service.

(3) Prior to January 1, 1957, application for insurance under section 5 may be made during the 120-day period after separation from active service even though the applicant reenters active service within such 120-day period: *Provided,* That a person who reenters active service on the date of separation or the following day shall be deemed to be in continuous active service and, prior to January 1, 1957, shall not be eligible for insurance under said section 5 during such period of continuous active service: *Provided further,* That any person whose permanent plan insurance was surrendered or whose term insurance expired under the conditions provided in this paragraph, and who had continuous indemnity protection from the surrender or expiry date to January 1, 1957, and continuous active service thereafter, may make application for insurance under this paragraph while in continuous active service or within 120 days after separation from such active service.

* * * * *

(e) *Application for insurance under section 620 of the National Service Life Insurance Act.* (1) All persons granted indemnity protection, prior to January 1, 1957, under section 2 of the Servicemen's Indemnity Act of 1951 and on or after that date all members of a uniformed service (as that term is defined in section 102 of Public Law 881, 84th Cong.) while on active duty, active duty for training, or inactive duty training (as those terms are defined in such section) shall be deemed to be in the active service for the purpose of said section 620. Any person released from such active service, under other than dishonorable conditions, on or after April 25, 1951, shall be granted National Service life insurance as provided in § 8.111 upon compliance with the following conditions:

* * * * *

(iii) Written application for such insurance must be submitted within 1 year from the date service connection of such disability is first determined by the Veterans Administration by a rating made subsequent to discharge: *Provided,* That if the disability was incurred prior to January 1, 1957, under the conditions stated in the last proviso of section 2 of the Servicemen's Indemnity Act of 1951, or was incurred on or after that date under the conditions provided in section 102 (11) (E) of Public Law 881, 84th Congress, the application for insurance must be filed within 1 year after the incurrence of such disability.

* * * * *

(f) *Application for insurance under section 621 of the National Service Life Insurance Act.* * * *

(4) No National Service life insurance shall be granted to any person under this paragraph on or after January 1, 1957, unless prior to such date an acceptable application accompanied by proper and valid remittances or authorizations for payment of premiums (i) was received by the Veterans Administration, (ii) was placed in the mails properly directed to the Veterans Administration, or (iii) was delivered to an authorized representative of any of the uniformed services.

(Secs. 5, 10, 65 Stat. 35, 36, 69 Stat. 396; 38 U. S. C. 820–823, 854)

9. In § 8.2 the headnote of paragraph (d) and paragraph (d) (1) and (2) are amended to read as follows:

§ 8.2 *Effective date.* * * *

(d) *Effective date of insurance applied for under section 621 of the National Service Life Insurance Act, section 5 of the Servicemen's Indemnity Act of 1951, and section 623 of the National Service Life Insurance Act.* (1) The effective date of National Service life insurance issued under the provisions of section 621 of the National Service Life Insurance Act, as amended, section 5 of the Servicemen's Indemnity Act of 1951 and section 623 of the National Service Life Insurance Act shall not be established in any event prior to April 25, 1951, nor prior to the date of entry into active service.

(2) Subject to the limitations in subparagraph (1) of this paragraph, the effective date of such insurance may be established upon written request of the applicant as follows:

(i) As to application made prior to January 1, 1957, as of any date within the 120-day period following separation from active service but in no event later than January 1, 1957: *Provided,* That if the application is for replacement of 5-year level premium term insurance which requires a physical examination report, and the effective date specified is more than 31 days after the date of the physical examination report, the applicant will be required to furnish a statement showing that he was in as good health on the effective date of the insurance as he was on the date of the physical examination report.

(ii) As of the date on which valid application and tender of premiums are made.

(iii) As of the first day of the month in which valid application and tender of premiums are made.

(iv) As of the first day of the month following the month in which valid application and tender of premiums are made.

(v) As of the first day of any month, but not more than 6 months prior to the month in which valid application and tender of premiums are made: *Provided,* That there be paid (*a*) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and (*b*) the full premium on the amount of insurance for the month in which application is made.

(Secs. 5, 10, 65 Stat. 34, 36, 37; 38 U. S. C. 821, 822, 854)

10. In § 8.22 the headnote of paragraph (a) is amended and paragraph (b) is amended to read as follows:

§ 8.22 *Reinstatement of National Service life insurance.*—(a) *Reinstatement of National Service life insurance except insurance reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act.* * * *

(b) *Applications for reinstatement of insurance pursuant to section 5 of the Servicemen's Indemnity Act of 1951 and section 623 of the National Service Life Insurance Act.* (1) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrenders a permanent plan policy of National Service life insurance which is not lapsed, for its cash value under the provisions of § 8.27 (a) or (b), or under § 8.114 if the policy has no cash value, upon written application made by any such person while in continuous active service on or after January 1, 1957, or within 120 days after separation from such active service, may reinstate such surrendered National Service life insurance (or any portion thereof in multiples of $500, not less than $1,000) without medical examination upon payment of (i) an amount required to provide the full reserve of the insurance at the end of the month prior to the month in which application is made and (ii) the full premium on the amount of insurance for the month in which application is made. If the applicant was discharged prior to January 1, 1957, the requirements for reinstatement of insurance under this paragraph must be met within 120 days after separation from such active service. If the applicant is mentally incompetent, the application for reinstatement under this paragraph may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

(2) Prior to January 1, 1957, application for reinstatement under section 5 of the Servicemen's Indemnity Act of 1951 may be made during the 120-day period after separation from active service even though the applicant reenters the active service within such 120-day period: *Provided*, That a person who reenters active service on the date of separation or the following day shall be deemed to be in continuous active service and, prior to January 1, 1957, shall not be eligible for reinstatement of insurance under section 5 of the Servicemen's Indemnity Act of 1951 during such period of continuous active service: *Provided further*, That any person whose permanent plan insurance was surrendered under the conditions provided in this paragraph, and who had continuous indemnity protection from the date of surrender to January 1, 1957, and continuous active service thereafter, may make application for reinstatement under this paragraph while in continuous active service or within 120 days after separation from such active service.

(Sec. 5, 65 Stat. 35; 38 U. S. C. 854)

11. Section 8.40 is revised to read as follows:

§ 8.40 *Requirements for waiver of premiums under section 602 (n) of the National Service Life Insurance Act, as amended.* Upon written application by the insured, payment of premiums may be waived during the continuous total disability of the insured which continues or has continued for six or more consecutive months, provided such disability commenced (a) subsequent to date of application for insurance, (b) while the insurance was in force under premium-paying conditions, and (c) prior to the insured's 60th birthday: *Provided*, this section shall not apply to any premium waiver authorized under subsection 602 (d) (3) of the act, as amended: *Provided further*, That waiver of premiums under this section shall not be denied on permanent plans of insurance issued or reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act because the total disability of the insured commenced prior to the date of his application for insurance or for reinstatement thereof; nor shall waiver of premiums under this section be denied on insurance issued under section 620 of the National Service Life Insurance Act, as amended, because the service-connected disability of the insured became total in degree prior to the effective date of such insurance. The insured shall be required to furnish proof satisfactory to the Administrator showing continuous total disability for at least six consecutive months and may be denied benefits for failure to cooperate: *Provided further*, That in the event of death of the insured without filing application for waiver, such application may be filed by the beneficiary with evidence of the insured's right to waiver under the conditions of this section on or before August 1, 1947, or within 1 year after death of the insured, whichever is the later; or, if the beneficiary be insane or a minor, such beneficiary may file application for waiver with evidence of the insured's right to waiver under the conditions of this section within 1 year after removal of such legal disability: *Provided further*, That where an insured meets the requirements of this section, waiver of premiums hereunder on his National Service life insurance shall not be denied for the reason that premiums on such insurance are or have been waived under section 622 of the National Service Life Insurance Act, as amended.

(Secs. 5, 10, 65 Stat. 35, 36; 38 U. S. C. 820–823, 854)

12. In § 8.41 paragraphs (a) and (b) are amended to read as follows:

§ 8.41 *Effective date of premium waiver.* (a) Upon written application of the insured, waiver of premiums may be granted effective as of the date 6 months' continuous total disability commenced, but, except as hereafter provided in this paragraph, waiver in such cases shall not be effective as to any premium which became due more than 1 year prior to receipt of such application in the Veterans Administration: *Provided*, That the Administrator may grant waiver of premiums in excess of such 1-year period in any case in which he finds that the insured's failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the insured's control: *Provided further*, That upon written application of the insured made on or before Augu t 1, 1947, the Administrator shall grant waiver of any premium which became due not more than 5 years prior to the date of enactment of the Insurance Act of 1946 (Pub. Law 589, 79th Cong., approved Aug. 1, 1946), if otherwise authorized under the provisions of section 602 (n) of the act, as amended: *Provided further*, That on permanent plans of National Service life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act and on insurance issued under section 620 of the National Service Life Insurance Act, as amended, waiver of premiums shall not be effective prior to the premium due date in the month in which application for insurance is made or the effective date of such insurance, whichever is the later date: *Provided further*, That on permanent plans of National Service life insurance reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act, waiver of premiums shall not be effective prior to the effective date of reinstatement of such insurance.

(Secs. 5, 10, 65 Stat. 34, 36; 38 U. S. C. 821, 854)

13. Sections 8.96a and 8.96b are revised to read as follows:

§ 8.96a *Application for reinstatement and issue of the total disability income provision pursuant to section 5 of the Servicemen's Indemnity Act of 1951 and section 623 of the National Service Life Insurance Act.* (a) Any person having a National Service life insurance policy on a permanent plan with a total disability income provision attached who surrendered such insurance prior to January 1, 1957, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability income provision was in force, upon meeting the requirements for reinstatement of such insurance pursuant to the provisions of § 8.22 (b), may at the same time reinstate the lapsed total disability income provision without medical examination upon (1) written application signed by any such person, (2) payment of the required reserve, and (3) the full premium on the total disability income provision for the month in which application is made. If the applicant was discharged prior to January 1, 1957, the reinstatement requirements under this paragraph must be met within 120 days following the applicant's separation from active service.

(b) Any person having a National Service life insurance policy on a permanent plan with a total disability income provision attached who surrendered such insurance prior to January 1, 1957, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability income provision was in force, upon meeting the requirements for issuance of National Service life insurance pursuant to the provisions of § 8.0 (d) (1), may be issued at the same time a total disability income provision without medical examination upon written application signed by the applicant and payment of the required premium: *Provided*, That the total disability income provision issued pursuant to this paragraph shall not be in excess of the total disability insurance which lapsed at the time the life insurance was surrendered prior to January 1, 1957, pursuant to section 5 of the Servicemen's Indemnity Act of 1951. If the applicant was discharged prior to January 1, 1957, the requirements for issuance of the disability provision under this paragraph must be met within 120 days following the applicant's separation from active service.

(c) If a total disability income provision was not in force at the time a permanent plan policy of National Service life insurance was surrendered prior to January 1, 1957, pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or if an insured who surrendered a permanent plan policy of National Service life insurance prior to January 1, 1957, pursuant to section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability income provision was in force fails to meet the requirements of paragraph (a) or (b) of this section within the time limitations specified for reinstatement or issue of the total disability income provision, the total disability income provision may, if the life insurance is in force under premium-paying conditions, be reinstated in accordance with the provisions of § 8.98, or the insured may be issued a total disability income provision upon compliance with the requirements of § 8.96 (a).

(d) Where no total disability income provision was attached to National Service life insurance surrendered prior to January 1, 1957, under the provisions of section 5 of the Servicemen's Indemnity Act of 1951, such provision may be added to National Service life insurance issued or reinstated under § 8.0 (d) (1) or § 8.22 (b) upon compliance with the provisions of § 8.96 (a).

(Sec. 5, 65 Stat. 35, as amended; 38 U. S. C. 854)

§ 8.96b *Payment of total disability benefits on National Service Life insurance issued or reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act.* Payment under the total disability income provision attached to permanent plan insurance and issued or reinstated pursuant to section 5 of Public Law 23, 82d Congress, or section 623 of the National Service Life Insurance Act, shall not be denied because the total disability of the applicant commenced prior to the date of his application for issuance or reinstatement of such provision. If the insured was totally disabled at the time of issuance or reinstatement of the total disability income provision and (a) such disability had existed for less than 6 consecutive months, payment will commence in accordance with the provisions of § 8.98, and (b) if such disability had existed for at least 6 consecutive months, payment will commence on the first monthly anniversary date of total disability on or subsequent to the effective date of the issue or reinstatement of such insurance but in no event more than 6 months prior to receipt of required proof: *Provided*, That on insurance issued or reinstated pursuant to section 623 of the National Service Life Insurance Act, while the applicant is in active service, payment of total disability income benefits shall not commence prior to the first monthly anniversary date of total disability on or after January 1, 1957.

(Sec. 5, 65 Stat. 35, as amended; 38 U. S. C. 854)

14. Section 8.110 is revised to read as follows:

§ 8.110 *National Service life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act.* (a) National Service life insurance on a permanent plan, issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act, shall be issued on the same plan and under the same terms and conditions as the National Service life insurance which was surrendered: *Provided*, That waiver of premiums under section 602 (n) of the National Service Life Insurance Act, as amended, shall not be denied because the total disability of the applicant commenced prior to the date of his application for such insurance. The amount of permanent plan National Service life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act shall not be in excess of the amount of insurance which was surrendered.

(b) National Service life insurance on the 5-year level premium term plan, issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act, shall be issued under the same terms and conditions as the National Service life insurance 5-year level premium term policy which expired. The amount of 5-year level premium term insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act shall not be in excess of the amount of term insurance which expired.

(c) The amount of insurance granted under said section 5 or section 623 plus the amount of any other insurance (National Service life—United States Government life—War Risk) in force under premium-paying conditions, or as paid-up or extended insurance, shall not exceed $10,000.

(Sec. 5, 65 Stat 35, as amended; 38 U. S. C. 854)

15. In § 8.113 paragraphs (a), (b), that portion of paragraph (c) including subparagraph (1) and preceding subdivision (i) of subparagraph (2), and paragraph (f) are amended to read as follows:

§ 8.113 *Premium waiver under section 622 of the National Service Life Insurance Act, as amended.* (a) Persons in the active service for a continuous period in excess of 30 days, after April 25, 1951, who are insured under a 5-year level premium term National Service life insurance policy, upon written application made while in the active service prior to January 1, 1957, may be granted waiver of premiums which become due during the remainder of the insured's continuous active service and for 120 days thereafter, provided the insurance is not lapsed at the time the waiver is to be effective.

(b) Persons in the active service for a continuous period in excess of 30 days, after April 25, 1951, who are insured under a permanent plan of National Service life insurance, upon written application made while in the active service prior to January 1, 1957, may be granted waiver of that portion of the premium representing the cost of the pure insurance risk, as determined by the Administrator, which becomes due during the remainder of such continuous active service and for 120 days thereafter: *Provided*, That the insurance is not lapsed at the time the waiver is to be effective: *And provided further*, That during the period of such waiver the portion of the premium which is not required for the pure insurance risk is paid when due (or within the grace period).

(c) No premiums may be waived under this section which become due on or prior to June 1, 1951, or which become due on or prior to the first day of the second calendar month following the insured's entry into service, whichever is the later date: *Provided*, That no premium shall be waived for any period prior to the date of application therefor, except that where the insured is determined, in accordance with the Missing Persons Act, to have been in a status of missing, missing in action, interned, captured, beleaguered, or besieged, at any time after April 25, 1951, and before April 26, 1952, (1) all premiums due or paid on term insurance after June 1, 1951, during the period of such status and during the remainder of the period of continuous active service and 120 days thereafter shall be waived, unless the insured requests in writing that the waiver be terminated; and (2) that portion of any permanent insurance premium, which represents the cost of the pure insurance risk, due or paid after June 1, 1951, during the period of such status and during the remainder of the period of continuous active service and 120 days thereafter, shall be waived, provided the insured files written application therefor within 120 days after the passage of Public Law 193, 84th Congress, approved July 29, 1955, or the date of his return to military jurisdiction, whichever is later: *Provided*, Except where the amount of the dividend earned would exceed the amount of the premium waived, the waiver shall be automatic if the insured dies or is declared dead while in such missing status or if

the insured dies on or prior to the last day on which application for the waiver may be made. Except as provided in this paragraph, application for waiver of premiums under section 622 must be made prior to January 1, 1957. Subject to these limitations, and except as hereinafter provided in this paragraph, premium waiver under this section shall be effective as follows:

• • • • •

(f) The waiver of premiums under this section will terminate at the expiration of the 120-day period following separation from active service, on or after January 1, 1957, even though the insured reenters active service within such 120-day period. However, if the insured reenters active service on the date of separation or the following day, such reentrance shall be deemed to be a continuation of the previous active service and the waiver continued as otherwise provided.

(Sec. 10, 65 Stat. 36, 69 Stat. 395; 38 U. S. C. 823)

16. Section 8.114 is revised to read as follows:

§ 8.114 *Surrender of permanent plan policies of National Service life insurance, in force for less than one year, under the provisions of section 5, Servicemen's Indemnity Act of 1951.* A permanent plan policy of National Service life insurance in force for less than 1 year by payment or waiver of premiums shall not have a cash value. Such a policy which is not lapsed may be surrendered by the insured while in active service prior to January 1, 1957, with right of replacement pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 or section 623 of the National Service Life Insurance Act, upon written request therefor and upon complete surrender of the insurance with all claims thereunder: *Provided,* That such surrender shall be effective as of the date written request therefor is delivered to the Veterans Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery; if forwarded through military channels, the date the request is placed in military channels will be taken as the day of delivery.

(Sec. 5, 65 Stat. 35; 38 U. S. C. 854)

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 885. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective December 28, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-10545; Filed, Dec. 27, 1956; 8:57 a. m.]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

MISCELLANEOUS AMENDMENTS

1. In § 13.224 that portion preceding paragraph (a) is amended to read as follows:

§ 13.224 *Costs for commitment of insane veterans.* Upon certification by the Manager or chief medical officer of a regional office or the Veterans Benefits Office, D. C., the Director of Clinic, Veterans Administration Outpatient Clinic or the Manager of a Veterans Administration hospital, that commitment of an insane male or female veteran to a Veterans Administration hospital or to a contract hospital is necessary in order to afford, or continue, authorized care, the Chief Attorney is hereby delegated authority to authorize in advance court costs and other necessary expenses to accomplish such commitment. Further authority is hereby delegated to the Chief Attorney to authorize in advance the payment of court costs and other necessary expenses incident to the restoration to sanity of veterans who were committed at the instance of the Veterans Administration or the costs of whose commitment were paid by the Veterans Administration. This authority is to be applied in those States, the laws of which require court proceedings for restoration to sanity and in cases in which the veteran is discharged from the hospital upon the premise that further medical care or treatment is not required. Costs or attorney fees incurred without prior authorization by the Chief Attorney may be reimbursed only when the commitment resulted from a request by an official of the Veterans Administration.

• • • • •

2. Section 13.230 is revised to read as follows:

§ 13.230 *Chief Attorney not to file petition for inquisition in lunacy unless requested by veteran or relative, civil official, etc.* The Chief Attorney will not file or cause to be filed a petition for an inquisition in lunacy for commitment or for the appointment of a guardian unless he has a written signed statement from the incompetent veteran's nearest relative or from the veteran himself. In the event there is no near relative and if the veteran is not mentally capable of authorizing such action, the Chief Attorney may file the petition if signed by a civil official or representative of a cooperating agency. With a view of safeguarding the welfare and interests of veterans and Veterans Administration personnel when medical authorities regard a nonhospitalized veteran as potentially dangerous to himself or others and decide that hospitalization is advisable, if the chief medical officer, the director of clinic, or preferably the physician who examined the veteran, and the Chief Attorney agree that the veteran should be committed, and if the veteran refuses to accept hospitalization on a voluntary basis and efforts to have him committed fail because a petition will not be signed by the nearest relative, guardian, civil official, or representative of a cooperating agency, authorization is hereby conferred upon the chief medical officer, or the director of clinic, or their designees, if not prohibited by State law, to sign the complaint or petition for commitment, whichever is necessary to have the veteran legally apprehended by the civil authorities and hospitalized. In similar instances, where hospitalized veterans demand their release and are dangerous to themselves and to others and all the usual efforts to effect commitment have failed and the Director, Professional Services, and the Chief Attorney agree that commitment is necessary and feasible, authority is hereby conferred upon the Director, Professional Services, or his designee, to file a complaint or petition for commitment. The petition will not be signed by the Director, Professional Services, or his designee, when the State statutes provide that an insane person may not be committed on the petition of officials connected with such institutions; nor shall such petition be signed by such officials if the State law specifically provides that a petition for commitment may be signed only by certain designated individuals which by its terms would exclude such officials. In all other cases in which commitment is deemed necessary in the interests of the veteran and the public, such a petition will not be signed by an employee of the Veterans Administration. The Chief Attorney will render the legal services in commitment cases when costs are authorized to be paid by the Veterans Administration as provided in § 13.224. In guardianship cases, the Chief Attorney will notify the veteran's nearest relative, the person selected as the proposed guardian, a civil official, or a representative of a cooperating agency, of the action that should be taken, and that the Chief Attorney will, if so requested, file the petition without cost if the veteran is not entitled to sufficient benefits to justify employment of an attorney. Thereafter, he will take no definite action relative to the filing of a petition unless and until such written request therefor is received.

3. Section 13.244 is revised to read as follows:

§ 13.244 *Cooperation of Chief Attorney and medical authorities relating to incompetents.* Before any steps are taken toward commitment of any incompetent beneficiary or appointment of a guardian therefore, contact must be had with the appropriate medical authority, to insure that such action is necessary. The Chief Attorney may request such medical examinations as may be necessary to establish the facts as to the competency or incompetency of the beneficiary. Close cooperation is essential. Any legal action desired by the medical authorities may be initiated through the Chief Attorney, and the latter will consult with the medical authorities in all cases involving the physical and mental welfare of the beneficiary.

4. Section 13.293 is revised to read as follows:

§ 13.293 *Chief Attorney to coordinate services to accomplish social surveys.* In accomplishing the social and economic survey of wards, the Chief Attorney will utilize the social workers, coordinating same with the appropriate medical authority, and will avail himself of and coordinate the services of cooperating agencies. The Chief Attorney will maintain close contact with the appropriate medical authority to insure that duplication will be avoided.

5. In § 13.321 paragraph (d) (1) is amended to read as follows:

§ 13.321 *Investments; inspection of assets.* • • •

(d) (1) In connection with the matter of investments, questions have been raised as to the policy of the Veterans Administration with respect to the investment of surplus funds on deposit in banks which are members of the Federal Deposit Insurance Corporation (12 U. S. C. A. 1811) or building and loan associations insured by the Federal Savings and Loan Insurance Corporation (12 U. S. C. 1725). Generally speaking, the law cited will not be material in those States, the statutes of which specifically require investment of trust funds in designated securities, and guardians or other fiduciaries should comply with the State statutes as to investments.

• • • • •

6. Section 13.401 is revised to read as follows:

§ 13.401 *Legal advice or assistance on general law, State law, real and personal property law, guaranty or insurance of loans, personnel, fiscal matters, etc.* Written or oral requests for legal advice or assistance from the appropriate Chief Attorney are authorized to be made by Managers of hospitals, domiciliaries, district or regional offices, and by chiefs of divisions, provided, however, the inquiry shall be in writing, if the Chief Attorney so requests. Except as to questions of State law or general law the Chief Attorney will confine his advice and opinions to matters covered by Veterans Administration precedents and opinions of the General Counsel (former Solicitor), will be governed thereby, and will not go beyond the scope thereof. Subject to the stated exceptions, if no applicable opinion or precedent is found, a Chief Attorney may prepare a tentative opinion and forward a copy thereof through the Manager of the station requesting same to the Chief Benefits Director, the Chief Insurance Director, or the Chief Medical Director, as may be appropriate, which official will be responsible for forwarding it to the General Counsel for review. If approved by the General Counsel, the opinion will be returned through the same channels and may be released; otherwise, appropriate opinion will be prepared by the General Counsel addressed to the staff officer concerned or to the Administrator if requiring his consideration. No such tentative opinion will be released or acted upon unless approved by the General Counsel. In lieu of preparing such tentative opinions, the Chief Attorney, in his discretion, is authorized to submit the question, through the same channels, for consideration of the General Counsel, with appropriate comments and citations of statutes or cases readily accessible to the Chief Attorney.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply 43 Stat. 613, as amended; 38 U. S. C. 450)

This regulation is effective December 28, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-10453; Filed, Dec. 27, 1956; 8:47 a. m.]

PART 17—MEDICAL

MISCELLANEOUS AMENDMENTS

1. Immediately after § 17.30, a new centerhead and a new § 17.31 are added as follows:

DEFINITIONS

§ 17.31 *Chief medical officer.* As used in medical Veterans Administration regulations, the term "chief medical officer" means the medical officer in charge of the parent outpatient clinic of the regional office territory in which the clinic is located (i. e., the chief medical officer of the Medical Division of a regional office (including the Veterans Benefits Office, D. C.); the director of a separate Veterans Administration outpatient clinic; or Chief, Outpatient Service, at a hospital with which a regional office Medical Division has been merged).

2. In § 17.36 that portion preceding paragraph (a) and paragraph (b) are amended to read as follows:

§ 17.36 *Eligibility for medical treatment in foreign countries.* No person shall be entitled to receive domiciliary, medical, or hospital care, including treatment, who resides outside of the continental limits of the United States or its territories or possessions, except that the Chief Medical Director, or chief medical officer, Veterans Benefits Office, D. C., may authorize services as provided in paragraphs (a), (b), (c), and (d) of this section, provided the applicants are temporarily sojourning or temporarily residing in a foreign country and are citizens of the United States (sec. 4, Pub. Law 866, 76th Cong.).

• • • • •

(b) Hospital or outpatient treatment for retired persons who have elected under Public Law 314, 78th Congress, to receive disability compensation from the Veterans Administration, when in need of treatment for an injury or disease incurred or aggravated in wartime service, or service on or after June 27, 1950, and prior to February 1, 1955, except that such persons who served during the Spanish-American War, Philippine Insurrection, or Boxer Rebellion may be furnished outpatient treatment when in need thereof, for any disease or injury.

• • • • •

3. In § 17.47 subparagraph (2) and (6) of paragraph (a) are amended to read as follows:

§ 17.47 *Eligibility for hospital treatment or domiciliary care of persons discharged, released, or retired from active military or naval serice.* • • •

(a) • • •.

(2) Persons retired from active military or naval service, including members of the Fleet Reserve or Fleet Marine Corps Reserve on retainer pay, who had honorable service in a period of war, as defined in subparagraph (1) of this paragraph, and are medically determined to need hospital treatment for an injury or disease that was incurred in line of duty in active military or naval war service (Pub. Law 198, 76th Cong.; Pub. Law 365, 77th Cong., Pub. Law 308, 78th Cong.).

• • • • •

(6) Persons retired from active military or naval service who are medically determined to need hospital treatment for an injury or disease that was incurred in line of duty in active military or naval service on or after June 27, 1950, and prior to February 1, 1955 (Pub. Law 28, 82d Cong.).

• • • • •

4. In § 17.48 subparagraph (1) of paragraph (b) is amended to read as follows:

§ 17.48 *Definitions applicable in determining eligibility for hospital treatment or domiciliary care.* • • •

(b) • • •

(1) "No adequate means of support": When an applicant is receiving an income of $125 or more per month from any source, this fact will be considered prima facie evidence that he has adequate means of support, except when he is in fact contributing in whole or part from such income to the support of a spouse, child, mother, or father. If the applicant alleges he is contributing to the support of dependents other than these, the alleged circumstances will be submitted to the Manager for decision as to eligibility for admission.

• • • • •

5. Section 17.50 is revised to read as follows:

§ 17.50 *Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.* For the purposes of paragraph XIX, Veterans Regulation 10 (b) (38 U. S. C. ch. 12A), defining "Veterans Administration facilities" and section 1500, Public Law 346, 78th Congress, granting authority to the Administrator of Veteran's Affairs "To enter into contracts or agreements with private or public agencies or persons for necessary service, including personal services, as he may deem practicable," the following provisions will govern in authorizing admissions to facilities other than those under the direct and exclusive jurisdiction of the Veterans Administration:

(a) Hospitalization will not be authorized in Government facilities other than those over which the Veterans Administration has direct and exclusive jurisdiction until agreement covering such service has been approved. Such agreements will not be entered into until careful consideration has been given to the best interests of both the Government and beneficiaries.

(b) (1) Private facilities will not be used for hospitalization of beneficiaries except when facilities under direct and exclusive jurisdiction of the Veterans Administration or other Government

(b) *Readmissions for hospital treat-*

facilities under agreement are not feasibly available, or when the physical or mental condition of beneficiaries will not allow of their transfer thereto from a private, State, or municipal hospital. Beneficiaries in need of treatment of an emergent condition arising from a service-connected disorder, or which in medical judgment requires treatment to prevent interruption of training authorized under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, may be authorized hospitalization in any private, State or municipal hospital, preferably one under contract. In such medically emergent cases authorization of admission to a private, State, or municipal hospital may be given, subject to the conditions stipulated in subparagraph (2) of this paragraph hereof and, when so given, will be authority for payment of vouchers covering the cost of such hospitalization. Hospitalization of beneficiaries in a private, State, or municipal hospital under contract may also be authorized for treatment of (i) a nonemergent service-connected condition; (ii) that condition determined as incurred or aggravated in line of duty in active Federal service and for which the applicant was discharged under conditions other than dishonorable, provided service-connection for such disability has not been denied by the Veterans Administration; and (iii) a nonemergent non-service-connected condition which in medical judgment requires treatment to prevent interruption of training authorized under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, provided facilities under direct and exclusive jurisdiction of the Veterans Administration or other Government facilities under agreement are not feasibly available.

(2) The chief medical officer of the regional office, center, hospital, Veterans Benefits Office, D. C., or Veterans Administration outpatient clinic having jurisdiction of the territory in which the concerned private, State, or municipal hospital, contract or noncontract, is located, when informed of the emergent condition of the entitled beneficiary in time to authorize the hospital admission or when requested to issue authorization to cover a hospital admission already effected, will at once notify the superintendent of such hospital as follows: (i) That payment cannot be made by the Veterans Administration for any hospital service or supplies furnished prior to the date that request for authorization for admission was made. (Except that where such request for authorization was dispatched to the Veterans Administration within 72 hours after the date and hour of admission, the effective date of authorization will be the admission date. Otherwise, the date of request for authorization will be the postmark date of a letter request, dispatch date of a telegraph request, or the date a telephonic request is received); (ii) that, if the hospital concerned is under contract with the Veterans Administration, all services and supplies furnished the beneficiary must be charged for and paid only at rates in accordance with the terms of the contract; (iii) that, if the hospital concerned is not under contract, all services and supplies can be paid for only at rates considered reasonable and not in excess of those customarily charged the general public for similar services in the hospital where rendered; (iv) that, when possible, prior authority will be requested by the hospital for the furnishing of services or supplies other than those included in a contract, or other than those comprehending ordinary items; (v) but when the procurement of such prior authority is not possible, or when the emergent condition of the beneficiary is too urgent for delay, the hospital may furnish such necessary services or supplies, with the understanding that charges therefor will be subject to determination as to their reasonable necessity by the chief medical officer. (See also §§ 17.140 to 17.148.)

(c) In the territories and insular possessions of the United States, preference will be given to Federal hospitals, and contracts will be made with private territorial or insular hospitals only when Federal hospitals are not available. Authorization of hospitalization in such territories and possessions is restricted to hospitals under agreements or contracts and admissions to private hospitals not under contract will not be authorized without prior approval of the Chief Medical Director or Assistant Chief Medical Director for Operations: *Provided*, That when immediate hospitalization is necessary for treatment of an emergent service-connected condition in a war veteran or person who served on or after June 27, 1950, and prior to February 1, 1955, admission to a noncontract hospital may be authorized if no Federal or contract private hospital be feasibly available, and that the stipulations specified in paragraph (b) (2) of this section are communicated to the superintendent of such noncontract private hospital. While admission to private hospitals in the territories and insular possessions will in general be restricted to applicants who had service in a war or on or after June 27, 1950, and prior to February 1, 1955, such hospitals may also be used for applicants who had peacetime service only, if needed for treatment of an emergent service-connected condition. The use of such private hospitals is prohibited for applicants who had peacetime service only, if required for treatment of a disease or injury not attributable to military or naval service, or for a service-connected condition that is not medically emergent. The words "peacetime service" as used in this paragraph do not include service on or after June 27, 1950, and prior to February 1, 1955.

(d) The general principles to be observed in utilization of facilities other than those over which the Veterans Administration has direct and exclusive jurisdiction will be as follows: Other Government facilities under agreements or private facilities under contracts will be used for the hospitalization of beneficiaries requiring hospital treatment in accordance with the foregoing instructions only when facilities under direct and exclusive jurisdiction of the Veterans Administration are not feasibly available, or when the urgency of the applicant's medical condition, the relative distance of the travel involved, or the nature of the treatment required in the individual case makes it necessary or economically advisable to utilize such other institutions instead of a facility under direct and exclusive jurisdiction of the Veterans Administration. Under the provisions of this section, admissions to other Government, private, State, or municipal hospitals may be authorized by Managers of regional offices (including Veterans Benefits Office, D. C.), centers, hospitals, and separate Veterans Administration outpatient clinics through chief medical officers (as currently defined in § 17.31).

(e) Women veterans who served during a period of war or on or after June 27, 1950, and prior to February 1, 1955, needing treatment for a nonservice-connected disease or injury in a medical emergency or otherwise may be authorized admission to a private, State, or municipal hospital preferably under contract, provided a Veterans Administration or other Government facility is not feasibly available; the condition of such beneficiary, if already so hospitalized, will not safely allow of her transfer to a Government facility; or the relative travel involved in admission to a Government facility, the medical condition existing, or the nature of the treatment required, makes it advisable or economical to utilize the contract facility.

(f) Pregnancy and parturition will not entitle to hospitalization, either in facilities under direct and exclusive jurisdiction of the Veterans Administration, or in other Government, private, municipal, or State hospitals, unless complicated by a pathological condition.

(g) The prior approval of the Chief Medical Director or the Assistant Chief Medical Director for Operations must be secured for the use of private, State, or municipal facilities covered by contracts, and located either within the continental limits of the United States or in the insular possessions or territories, for the hospitalization in such facilities of beneficiaries in excess of the number of beds contracted for, except where immediate hospitalization is indicated for treatment of a medically emergent service-connected disease or injury. The number of beds set apart by agreements with other Government facilities, for treatment of Veterans Administration beneficiaries, may be exceeded during any month as necessitated with the consent of the commanding officer of the hospital concerned: *Provided*, That the utilization thereof be correspondingly reduced in other months, so that the average monthly use of such beds, at the end of the fiscal year, will not have exceeded the total allocation.

(h) An applicant, whose eligibility for hospitalization (whether for observation or treatment, or whether for a service-connected or non-service-connected condition) had been determined, whose admission to a Veterans Administration facility had been authorized, and who had been supplied transportation therefor, but who, while en route to the designated facility (or en route from it after completion of service and regular discharge, with transportation furnished to a designated point), develops an unavoidable and unforeseen medical emergency that forbids continuance of such travel and requires admission to a private hospital or treatment by a private physician, will be entitled to such necessary services at the expense of the Government, including any extra transportation costs (ambulance or otherwise) that were actually necessitated in the circumstances.

(1) If the chief medical officer of the territory concerned is informed of such emergency hospital admission or such physician's treatment before or shortly after the beginning of the services, authorization for the services, followed by payment of bills therefor, may be made in accordance with the terms of paragraph (b) (2) of this section.

(2) If the chief medical officer had not authorized such hospitalization or such physician's services, he may nevertheless certify for payment bills from the hospital superintendent or the attending physician, provided determination is made of the actual necessity for the items of service rendered, and payment is at fees considered reasonable and not in excess of those customarily charged the general public for similar services in the hospital where rendered.

(3) Subject to the same controlling conditions as in subparagraph (2) of this paragraph, the chief medical officer may authorize reimbursement of the beneficiary or his representative if either had paid bills submitted by the superintendent of the hospital or by the physician who had attended the beneficiary, and had submitted those receipted bills.

(i) Payment or reimbursement for emergency medical treatment and hospitalization through facilities other than governmental as provided in paragraph (h) of this section may be authorized where a veteran granted vocational rehabilitation pursuant to the provisions of Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, is furnished transportation and ordered to report to a designated school, proceeds in accordance with said orders, and becomes ill while en route, if there is no intervening factor for which he is responsible which would affect or change his status.

(j) The qualifying term "service-connected" as used in paragraphs (b) (1), (c), (g), and (h) of this section is applicable to an active psychosis adjudicated by the Veterans Administration as service connected under the provisions of Public Law 239, 82d Congress.

6. In § 17.66 paragraph (c) is amended to read as follows:

§ 17.66 *Authority for disciplinary action.* • • •

(c) The penalties prescribed in paragraph (b) of this section will be applicable to those persons receiving hospitalization in other Government or private facilities as beneficiaries of the Veterans Administration and members of State soldiers' homes on whose behalf said home is receiving Federal aid payments, who are discharged therefrom for an offense similar in nature for which the Veterans Administration would give an irregular discharge if such persons had been patients or members in a Veterans Administration hospital, center, or domiciliary.

7. Section 17.76 is revised to read as follows:

§ 17.76 *Submittal of claim for reimbursement.* The claim for reimbursement for personal effects damaged or destroyed will be submitted by the patient to the Manager. The patient will separately list and evaluate each article with a notation as to its condition at the time of the fire, i. e., whether new, worn, etc. The date of the fire will be stated. It will be certified by a responsible official that each article listed was stored in a designated location at the time of loss by fire or was in process of laundering. He will further state whether the loss of each article was complete or partial, permitting of some further use of the article. The responsible official will certify that the amount of reimbursement claimed on each article of personal effects is not in excess of the fair value thereof at time of loss. The certification will be prepared in triplicate, signed by the responsible officer who made it, and countersigned by the Manager of the hospital or center. After the above papers have been secured, voucher will be prepared, signed and certified, and forwarded to the fiscal officer for his approval, payment to be made in accordance with fiscal procedure. The original list of property and certificate are to be attached to voucher.

8. At the end of § 17.77 delete:

NOTE: *Accounts of sales and collections.* See Veterans Administration Medical Procedures.

9. Section 17.100 is revised to read as follows:

§ 17.100 *Transportation of claimants and beneficiaries.* Transportation at Government expense will be authorized eligible claimants and beneficiaries of the Veterans Administration for these purposes:

(a) *Admissions for hospitalization or domiciliary care.* (1) Hospital admission of applicants under § 17.47 (a) and (b) for treatment of service connected conditions.

(2) Hospital admission of applicants under § 17.47 (c) and (d) for treatment of nonservice-connected conditions, provided such applicants, except those whose admission is arranged to prevent interruption of training authorized under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, have made sworn statement upon application, VA Form 10–P–10, that they are unable to defray expense of transportation.

(3) Hospital admission for observation and examination.

(4) Original submission for domiciliary care of applicants under § 21.47 (c) (2) and (d) provided applicants have made sworn statement of inability to defray expense of transportation.

(b) *Readmissions for hospital treatment or domiciliary care.* (1) Hospital readmissions, when medically determined necessary to observe progress, modify treatment or diet, etc.

(2) No transportation will be furnished a person whose period of exclusion from hospital treatment or domiciliary care for infraction of discipline has not expired, except when emergent hospital treatment is required, and the applicant executes affidavit that he is unable to defray the expense of transportation to accomplish travel for readmission for such emergent hospital treatment.

(c) *Followup hospital care or treatment.* Followup hospital care or treatment to patients hospitalized for treatment of a service-connected disability for purposes of authorized followup hospital care for that condition.

(d) *Interstation transfers for treatment, diagnosis or domiciliary care.* Prior consent of the area medical director will be had for transfers of patients or members en bloc within the area, and of both area medical directors if inter-area transfers are involved.

(e) *Discharge from hospitalization or domiciliary care.* (1) Upon completion of hospitalization for treatment, or for observation and examination, and regular discharge, return transportation to the point from which the beneficiary had proceeded; or to another point if no additional expense be thereby caused the Government.

(2) A patient in a terminal condition may be discharged to his home, or transferred to a hospital suitable and nearest his home, regardless, whether travel so required exceeds that covered in proceeding to the hospital of original admission.

(3) The furnishing of transportation to effect discharge of a member from domiciliary care will require prior consent of the Manager.

(4) No return transportation will be supplied a patient who receives an irregular discharge from hospital treatment, unless he executes an affidavit of inability to defray the expenses of return transportation.

(f) *Outpatient physical examination and treatment.* (1) Outpatient physical examination, subject to exception defined in paragraph (g) of this section.

(2) Outpatient treatment for service-connected conditions, including adjunct treatment thereof, and for nonservice-connected conditions to prevent interruption of training authorized under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, subject to exceptions defined in paragraph (g) of this section.

(g) *Limitations.* (1) Transportation for outpatient treatment will not be supplied an applicant whose period of exclusion from hospital treatment or domiciliary care for a disciplinary offense has not expired.

(2) No return transportation will be supplied a claimant or beneficiary who has not completed an outpatient service, unless he executes an affidavit that he is unable to defray the expense of such travel.

(h) *Advance authority required.* All travel for the foregoing purposes, para-

graphs (a) to (f) of this section, must be authorized in advance. In emergent hospital admissions or emergent outpatient treatment, such prior authority may be given by telephone or telegraph, subject to confirmation in writing by the authorizing employee.

(i) *Accessories of transportation.* The accessories of transportation, meals and lodging en route, pullman accommodations and accompaniment by an attendant or attendants, may be authorized when determined necessary for the travel.

(j) *Furnishing transportation and other expenses incident thereto.* In furnishing transportation and other expenses incident thereto, as defined, the Veterans Administration may (1) issue requests for transportation, meals and lodging; or (2) reimburse the claimant, beneficiary or representative for payment made for such purpose, upon due certification of vouchers submitted therefor; or (3) make mileage allowance.

(k) *Transportation of other than Veterans Administration beneficiaries.* Transportation of beneficiaries of other Federal agencies, incident to medical services rendered upon requests of those agencies, will not be furnished by the Veterans Administration, except that station vehicles may be used subject to reimbursement. Transportation incident to medical services rendered allied beneficiaries under agreement will be subject to reimbursement by the governments concerned.

10. In § 17.115 paragraph (c) is amended to read as follows:

§ 17.115 *Types, fitting, and training, and eligibility to appliances and repairs thereto.* • • •

(c) Beneficiaries supplied prosthetic appliances will be additionally entitled to fitting and training in the use of the appliances and such service may be obtained under contract, if determined necessary.

• • • • • •

11. In § 17.116 subparagraph (3) of paragraph (a) is amended to read as follows:

§ 17.116 *Retired personnel.* (a) • • •

(3) "Other appliance" will be taken to mean any appliance which is medically determined necessary to replace, support, or substitute for a missing limb or an anatomical part thereof such as a hand or a foot; or to support a limb or an anatomical part thereof so deformed or weakened as to constitute loss of use. The term will include stump socks, braces, orthopedic shoes, wheelchairs, crutches, and such other appliances as approved by the Chief Medical Director or the Assistant Chief Medical Director.

• • • • • •

12. In § 17.120 that portion preceding paragraph (a) and paragraph (g) are amended to read as follows:

§ 17.120 *Authorization of dental examinations.* When a detailed report of dental examination is essential for a determination of eligibility for benefits, a Chief, Dental Service, may authorize dental examinations for the following classes of claimants or beneficiaries:

• • • • • •

(g) Those for whom a special dental examination is authorized by the Chief Medical Director or the Assistant Chief Medical Director for Dentistry.

• • • • • •

13. In § 17.123 that portion preceding paragraph (a), and paragraph (e) are amended, former paragraph (f) is revoked, and former paragraphs (g) and (h) are redesignated paragraphs (f) and (g), respectively, as follows:

§ 17.123 *Authorization of outpatient dental treatment.* Outpatient dental treatment may be authorized by the Chief, Dental Service, for beneficiaries defined in § 17.60 (a) (1) to (5) inclusive, (8), (9), and (b), to the extent prescribed and in accordance with the applicable classification and provisions set forth in this paragraph:

• • • • • •

(e) *Class III.* Those having a dental condition professionally determined to be aggravating disability from an associated service-connected condition or disability may be authorized dental treatment for only those dental conditions which, in sound professional judgment, are having a direct and material detrimental effect upon the associated basic condition or disability.

(f) *Class V.* Those pursuing a course of vocational training authorized under Public Law 16, 78th Congress, as amended and extended, may be authorized dental treatment indicated as reasonably necessary to prevent the interruption of an authorized course of vocational training.

(g) *Class VI.* Those who served in the active military or naval forces during the Spanish-American War, Philippine Insurrection, or Boxer Rebellion, may be authorized any dental treatment indicated as reasonably necessary to maintain oral health and masticatory function. There is no time limit for making application for treatment and no restriction as to the number of repeat episodes of treatment.

14. Section 17.140 is revised to read as follows:

§ 17.140 *Adjudication of claims.* (a) Claims for reimbursement of expenses or payment for medical services obtained subsequent to March 19, 1933, without prior authorization of the Veterans Administration will be adjudicated in the office of the chief medical officer serving the area in which the veteran resides, except as provided in paragraph (b) of this section.

(b) Claims for services rendered in territory under the jurisdiction of a regional office or center with regional office activities outside the United States or claims for services rendered veterans whose claims folders are under the jurisdiction of a regional office or center with regional office activities outside the United States will be adjudicated as follows: Those under the Honolulu regional office in the San Francisco regional office; those under the Juneau regional office in the Seattle regional office; and those under the Manila regional office and the San Juan center in the office of the chief medical officer, Veterans Benefits Office, D. C. Claims for services rendered veterans in foreign countries, including the Philippines as above provided, will be developed and adjudicated in the office of the chief medical officer, Veterans Benefits Office, D. C.

(c) Claims for reimbursement of expenses or payment for unauthorized medical services in death cases will be similarly processed. The XC-folder will not be called from the office of death claims jurisdiction until immediate action is contemplated and will be returned promptly to the office of death claims jurisdiction when action has been completed.

(d) Claims, as defined in § 17.141, will be subject to one review after an adverse decision upon appeal to the Administrator. Appeals must be entered within 1 year from the date of notification to the claimant or his representative of the original adverse decision, and the claimant or his representative of the original adverse decision, and the claimant or representative will be so advised. (See §§ 19.0 to 19.7 of this chapter.)

15. In § 17.141 paragraphs (a), (a) (1), and (b) are amended to read as follows:

§ 17.141 *Classes of claims comprehended.* (a) Claims for reimbursement or payment of expenses for medical services (including the necessary travel incidental thereto) obtained without prior authorization from the Veterans Administration and unauthorized travel of a veteran to a Veterans Administration hospital or a non-Veterans Administration hospital when admitted for treatment; except as provided in paragraphs (b) and (c) of this section, will be considered under the following conditions (all of these four elements must have existed, and, if any one was lacking, reimbursement or payment will not be authorized):

(1) The claim must be for the treatment of a disease or injury shown to be service-connected by a decision of a Veterans Administration adjudicating agency or for the adjunct relief of an associated non-service-connected condition determined by the chief medical officer as aggravating a service-connected disability.

• • • • • •

(b) As to claims for reimbursement of expenses or payment for medical services for a non-service-connected disease or injury rendered a beneficiary receiving vocational training under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, the eligibility criteria defined in paragraph (a) (2), (3), (4) will apply; and, in addition, it must be shown that the treatment was necessary to prevent interruption of training or hasten return thereto. (See § 21.253 of this chapter.)

• • • • • •

16. Section 17.142 is revised to read as follows:

§ 17.142 *Filing and perfecting claims.* (a) As to the claims filed on or after

July 25, 1950, payment or reimbursement of expenses for unauthorized medical services may be authorized for not more than 2 years prior to date of receipt of claim therefor. However, where establishment of service connection on or after July 25, 1950, affords a basis for payment or reimbursement of expenses for unauthorized medical services received prior to grant of service connection, payment or reimbursement may be authorized if claim is filed within 2 years subsequent to the date of notice of such grant of service connection: *Provided,* That as to claims filed on or after December 28, 1956, no payment or reimbursement may be made for services rendered more than 2 years prior to the filing of claim for compensation or the claim for reopening or the request for rating, whichever is later, that resulted in the determination of service connection for the condition treated.

(b) As to presumptive service connection granted pursuant to Public Law 573, 81st Congress, enacted June 23, 1950, or Public Law 239, 82d Congress, enacted October 30, 1951, or Public Law 241, 83d Congress, enacted August 8, 1953, payment or reimbursement for unauthorized medical services for treatment of the disability held service connected or a disability determined adjunct thereto may not be authorized for any period prior to the date of enactment of the law under which service connection is authorized.

(c) An informal claim identifying the benefit sought may be accepted if followed by the submission of a formal application within 1 year from date of receipt of the informal claim.

(d) If necessary supporting evidence is not received within 1 year from date of request therefor, no payment may be made on the basis of the claim in connection with which the supporting evidence was required. This should be so stated in the letter requesting the evidence.

17. In § 17.143 paragraph (b) is amended to read as follows:

§ 17.143 *Definitions.* • • •

(b) "No facilities are or were then feasibly available," as used in §§ 17.140 to 17.148, inclusive, means that an attempt to use such facilities beforehand would not have been reasonable, sound, wise, or practicable, or that treatment had been or would have been denied. In applying this definition, the distance from a Veterans Administration facility, the location of the patient, the sex, the nature and degree of his disability, the available means of transportation, the season and weather conditions then prevailing, the type of medical personnel or equipment requisite, and the time the services were rendered are elements to be given consideration.

• • • • • •

18. In § 17.145 paragraph (a) is amended to read as follows:

§ 17.145 *Statement to support claims—*(a) *Nursing services.* To support a claim for unauthorized medical service when a nurse had been employed, a statement will be required from the attending physician showing necessity for such nurse and whether she was a registered graduate or a so-called "practical nurse." When for any good reason it is not practicable to procure such statements and in the judgment of the physician reviewing the claim the need for a nurse is sufficiently established, the latter may so certify. Payment for service of a "practical nurse" will be allowed only in the exceptional cases wherein a registered graduate nurse could not be engaged.

• • • • • •

19. In § 17.146 paragraph (b) (2) and (3) is amended to read as follows:

§ 17.146 *Allowable fees.* • • •

(b) • • •.

(2) In those States which had in effect at the time the services were rendered no statewide fee schedule approved by the State medical society or association, the fees established in VA Form 10–2535a, Fee Schedule for Medical Services, March 1947; VA Catalogs No. 5, February 15, 1948, July 1, 1949, and September 1, 1954, and changes thereto represent the maximum which may be allowed, provided they are not in excess of those customarily charged the general public for similar services by the physician or organization rendering the treatment or service.

(3) Fees charged for services not listed in an approved statewide fee schedule or not listed in VA Form 10–2535a, VA Catalogs No. 5, February 15, 1948, July 1, 1949, and September 1, 1954, and changes thereto (whichever was in effect at the time the services were rendered), may be allowed provided they are considered reasonable and not in excess of those customarily charged the general public by the physician or organization for similar services.

20. In § 17.148 that portion of paragraph (a) preceding subparagraph (1), paragraphs (a) (2), (3), and (5), (c), and (d) are amended to read as follows:

§ 17.148 *Development of claims.* (a) Guided by the controlling provisions of §§ 17.140 to 17.147, inclusive, the Assistant Chief Medical Director for Operations and chief medical officers will advise claimants whether they have prima facie eligibility to reimbursement or payment of unauthorized medical expenses.

• • • • • •

(2) When the determination of patent inadmissibility is made by the chief medical officer in a regional office, or center outside the United States, the claimant or his representative will be informed that, if there is evidence available to him which in his opinion warrants a different decision, the evidence should be submitted to such regional office or center or, if no further evidence is available but there is substantial reason to believe the decision is not in accordance with the law and the facts in the case, he should notify the aforesaid regional office or center immediately, whereupon the claim will be forwarded to the office in the United States which has jurisdiction, for a decision.

(3) When a decision is rendered by the chief medical officer either as an original determination or following an initial adverse finding by a regional office or center outside the United States, the letter of notification will advise the claimant or his representative of his right of appeal within 1 year.

• • • • • •

(5) Claims when completed will be adjudicated or, if developed by a regional office or center outside the United States, will be forwarded with the veteran's folders (claims and outpatient treatment) to the office of jurisdiction in the United States for adjudication. In claims comprehended under § 17.141 (c), a résumé of the pertinent evidence of record will suffice in lieu of the folders.

• • • • • •

(c) All claims other than those patently inadmissible will be briefed by the claims examiner (medical) in the office of jurisdiction prior to their submittal, with supporting exhibits and the veteran's folders, to the chief medical officer for approval or disapproval. The brief will contain a complete description of the claim, all pertinent facts explanatory of the data required in VA Form 10–608, Public Voucher, and an explanation of the audit of the amounts claimed and amounts allowable.

(d) Upon approval of claims an award will be prepared on VA Form 10–608, Public Voucher, in quintuplicate. VA Form 10–608 will be signed in the spaces provided by the claims examiner (medical) as "medical claims adjudicator" and the chief medical officer acting in the capacity of "medical claims authorizer." VA Form 10–608 and VA Forms 10–608a, c, and d will be forwarded to the finance or fiscal officer for certification for payment. In view of such certification, surety bonds will not be required for medical claims authorizers. VA Form 10–608b, VA Form 10–583, the approved brief of facts, all bills, supporting exhibits, and correspondence will be filed in the claims folder (or XC-folder). The payee and all interested persons will be fully informed of the action taken.

• • • • • •

21. In § 17.155 paragraph (b) is amended to read as follows:

§ 17.155 *Autopsies.* • • •

(b) If the decedent shall have been abandoned or if the request is sent and the spouse or, in proper cases, the next of kin fails to reply within the reasonable time stated in such request of the Veterans Administration for permission to perform the autopsy, the Manager is hereby authorized to cause an autopsy to be performed if in his discretion he concludes that such autopsy is reasonably required for any necessary purpose of the Veterans Administration, including the completion of official records and advancement of medical knowledge.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652, as amended; 38 U. S. C. 706, 706a)

This regulation is effective December 28, 1956.

[SEAL] H. V. HIGLEY,
Administrator of Veterans' Affairs.

[F. R. Doc. 56–10449; Filed, Dec. 27, 1956; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—SERVICEMEN'S READJUSTMENT ACT OF 1944 AND THE VOCATIONAL REHABILITATION ACTS (PUBLIC LAWS 16, 78TH CONGRESS, AS AMENDED, AND 894, 81ST CONGRESS, AS AMENDED)

MISCELLANEOUS AMENDMENTS

1. In § 21.0 paragraphs (b), (c), (e) (1), (2), and (3), (f), and (g) are amended to read as follows:

§ 21.0 *Appeals from vocational rehabilitation and education determinations.* • • •

(b) *Questions subject to appellate review.* All questions involving determinations made as to rights and benefits to education or training under Part VII or Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), Public Law 550, 82d Congress, as amended, or Public Law 634, 84th Congress, are subject to review on appeal to the Administrator of Veterans' Affairs, decisions in such cases to be made by the Board of Veterans Appeals. A letter of notification of each determination will advise the claimant of this right and of the time limit in which an appeal must be filed. Appeal questions will include any determinations by the vocational rehabilitation and education agency of original jurisdiction, including questions of basic eligibility, extent of entitlement, need for training, extension of training, amounts of subsistence, education and training and educational assistance allowance and periods for which payable, determination of employability, change of employment objective or course, change in place of training, etc. (See §§ 19.0 and 19.1 of this chapter.)

(c) *Agency of original jurisdiction.* For the purpose of this section, the agency of original jurisdiction means the vocational rehabilitation and education activity, in the field which is charged with the responsibility of making original determinations of rights and benefits under Part VII or Part VIII, Veterans Regulation 1 (a), as amended, Public Law 550, 82d Congress, as amended, or Public Law 634, 84th Congress.

• • • • •

(e) *Development of appeals.* • • •

(1) For administrative purposes, the benefits and facilities activity, field offices and Veterans Benefits Office, D. C., will have responsibility for acknowledging and developing appeals, and for making all arrangements for the docketing of hearings on appeals which are requested by the claimant or his accredited representative.

(2) A claimant may request on VA Form 1–9 that a hearing be conducted for the purpose of his appeal. If such a request is not made, it will be understood that a hearing is not desired by the claimant and, therefore, certification of the appeal will not be delayed for the purpose of ascertaining whether a hearing is desired by the claimant. No change is made in the procedure for notice regarding hearing and presentation of appeal by the designated representative.

(3) In case of a request by the claimant or his accredited representative, a hearing will be scheduled before a hearing group. The hearing group on vocational rehabilitation and education appeals is not defined as to permanent membership, but it shall always include a staff member of the benefits and facilities activity and a member of the activity of the Vocational Rehabilitation and Education Division which was responsible for the decision appealed from. The group will not in any instance act as a reviewing or appellate authority. If the argument or additional material evidence presented to the hearing group is such as to require reconsideration by the originating activity of entitlement to the benefits sought, the entire record will be referred for reconsideration to the activity which denied the benefits.

• • • • •

(f) *Action upon receipt of expression of dissatisfaction.* Whenever a claimant signifies dissatisfaction with any determination, it should be determined by the agency of original jurisdiction whether there has been procedural, regulatory, or factual error or other circumstance warranting further development or corrective action. Additional evidence should be requested only if essential and available, and only in specific terms, defining the exact character and type of evidence considered necessary for resolution of the issue. Unless it is determined that there is entitlement to the full benefit sought, the claimant should be furnished with VA Form 1–9, Claimant's Appeal to Administrator of Veterans' Affairs, without further correspondence or effort to dissuade him from the presentation of a formal appeal.

(g) *Form of appeal.* For consideration of an appeal, the presentation to the agency of original jurisdiction of VA Form 1–9, adequately executed, or its equivalent in correspondence, is required. An informal appeal, filed within the time limit, is acceptable, if followed within a reasonable time by the presentation of a formal appeal on VA Form 1–9 or its equivalent. The appeal should include a statement defining the issue clearly and setting forth the contentions on the basis of which the appeal is taken; for example, if the appeal is from a determination denying need for training, the factors which the claimant believes make the need apparent should be cited, and reasons in support of his belief should be stated. An appeal may be dismissed by the Board of Veterans Appeals where the application for appeal is defective because specific assignments of mistake of fact or error of law have not been submitted. This procedure for dismissal is rarely invoked inasmuch as the appellant's belief as to mistake of fact or error of law is usually expressed or implied in some form in the correspondence or other records. An appeal in which specific assignment of mistake or error has not been submitted should be recorded and reported as a formal appeal and may be supplemented by correspondence or personal hearing during the course of development.

• • • • •

2. In § 21.2 paragraph (b) is amended to read as follows:

§ 21.2 *Revision of vocational rehabilitation and education decisions.* • • •

(b) Whenever a vocational rehabilitation and education activity may be of the opinion that a revision or an amendment of a previous decision is warranted on the facts of record in the case at the time the decision in question was rendered, a difference of opinion being involved rather than a finding of clear and unmistakable error, the complete file will be forwarded, accompanied by a complete and comprehensive statement of the facts in the case and a detailed explanation of the matters supporting the conclusion that a revision or amendment of the prior decision is in order, for review by the Director, Vocational Rehabilitation and Education Service. Such references will, in every case, be made without any action toward amendment of the questioned decision. The question will be resolved and the regional office so advised. The commencing date of benefits in such cases, if otherwise allowable, will be the date of the decision by the Director, Vocational Rehabilitation and Education Service, authorizing a favorable determination based on a difference of opinion.

(1) Administrative review is not an appellate consideration, nor may it be employed as a substitute for appellate review. An administrative review by the Vocational Rehabilitation and Education Service, Department of Veterans Benefits, will be confined ordinarily to the disposition of questions of established policy, administration, doubt as to the application of official regulations and instructions, etc., and will not be employed to reverse original determinations on mere difference of opinion or judgment where the policy and the intent and purpose of official directives are not in question. Except as specified in paragraph (a) of this section, the recourse for reversal or revision lies in appellate channels, either on appeal by the veteran or administrative appeal.

3. Section 21.5 is revised to read as follows:

§ 21.5 *Jurisdiction and authority of the eligibility clerk and educational benefits representative.* The eligibility clerk in a field office is delegated authority in individual claimant's cases for making entitlement audits and for determining whether wages or income reported by veterans have any effect on the rate of subsistence or education and training allowance being paid. The educational benefits representative in a field office is authorized to conduct surveys by personal visits to schools and training establishments for the purpose of assuring the propriety of payments of educational benefits to and on behalf of claimants under the provisions of Public Law 346, 78th Congress, as amended, Public Law 550, 82d Congress, as amended, and Public Law 634, 84th Congress, and, except for those authorities specifically delegated to the eligibility clerk in the preceding sentence of this section, is delegated authority for all determinative actions involving individual claimants (including claimants who are Veterans Administration employees) in matters coming under the jurisdiction of the benefits and facilities activity. The educational benefits representative will act as authorizing officer executing all original and amended authorizations, including those found necessary as a result of such surveys. Additionally the eligibility clerk and the educational benefits representative in the Veterans Benefits Office, D. C., will have the authority for determinative actions in the cases of veterans pursuing education and training in foreign countries for which that office is the agency of original jurisdiction.

4. In § 21.15 paragraph (e) is amended to read as follows:

§ 21.15 *Basic service requirements.* • • •

(e) *Commissioner officers of the Coast and Geodetic Survey.* See § 3.1 (p) of this chapter for criteria as to active service for these persons.

• • • • •

5. In § 21.16 paragraph (b) is amended to read as follows:

§ 21.16 *Service which does not constitute active service.* • • •

(b) *Temporary members of the Coast Guard Reserve.* Service as a temporary member of the Coast Guard Reserve is not active military or naval service within the meaning of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), and, therefore, such service does not confer entitlement to educational or training benefits. See § 3.1 of this chapter.)

• • • • •

6. In § 21.23 paragraph (i) is amended to read as follows:

§ 21.23 *Citizenship; establishment of, in connection with active service in Allied armed forces.* • • •

(i) Where any question arises concerning a veteran's citizenship status, the case will be developed, and the necessary facts and evidence to substantiate the claim of citizenship will be referred for determination by the Director, Vocational Rehabilitation and Education Service, including, if necessary, the presentation of the case to the Immigration and Naturalization Service of the Department of Justice for an opinion.

REFERENCE: Public Law 414, 82d Congress, Immigration and Nationality Act.

7. In § 21.66 paragraph (a) is amended to read as follows:

§ 21.66 *Conduct and progress*—(a) *Notification.* All schools and training establishments are responsible for immediately notifying the Veterans Administration when a veteran drops out of training. When a veteran's conduct or progress is reported as unsatisfactory, the benefits and facilities activity will ascertain the school's or establishment's recommendation as to disposition to be made of the case where the veteran has not been dropped from the rolls of the school or establishment.

• • • • •

8. Section 21.90 is revised to read as follows:

§ 21.90 *Apportionment; general.* Where in order under the conditions specified in §§ 3.310 to 3.317 of this chapter, subsistence allowance payable on account of training will be apportioned at the rates provided in § 3.311 of this chapter. If the application of the above provision should in any case work a hardship upon the veteran or any of his dependents and relief can be afforded without undue hardship to other persons in interest, the chief, benefits and facilities activity, will determine in cooperation with the adjudication officer, subject to regular appellate rights, the exact amount to be apportioned to each individual in interest. Current determinations of relationship or dependency made in accordance with existing instructions by either the adjudication activity or by the vocational rehabilitation and education activity will be binding one upon the other in the absence of clear and unmistakable error.

9. In § 21.100 paragraph (d) is amended to read as follows:

§ 21.100 *Effective beginning dates for payment of benefits.* • • •

(d) All authorization actions accomplished by the benefits and facilities activity entering veterans into education or training (full-time or part-time institutional training, on-the-job or apprenticeship training, etc.), will authorize subsistence allowance at the rate provided for a person without a dependent or dependents, unless satisfactory evidence of dependency accompanies his application or is of record which warrants an authorization of subsistence allowance on account of dependency. If evidence of dependency accompanies the veteran's application or is of record, the appropriate rate reflecting such dependency will be authorized.

• • • • •

10. In § 21.113 paragraphs (d), that portion of (e) (1) preceding (i), (e) (1) (iv), and (e) (2) are amended to read as follows:

§ 21.113 *Overpayments of subsistence allowance and other benefits.* • • •

(d) *Responsibility of the benefits and facilities activity.* The benefits and facilities activity will be responsible for determining whether there is prima facie evidence to indicate that an overpayment of subsistence allowance is the result of willful or negligent failure on the part of the school to report to the Veterans Administration unauthorized or excessive absences from the course, or discontinuance or interruption of a course by the veteran. Only those cases in which adequate prima facie evidence is of record will be referred to the Finance Division and the Committee on Waivers for possible recovery action against the school.

(e) *Administrative review.* (1) There is established in the Committee on Waivers and Forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the Chairman, Committee on Waivers and Forfeitures, one by the Director, Vocational Rehabilitation and Education Service, and one by the General Counsel. This section will function under the jurisdiction of the Chairman of the Committee on Waivers and Forfeitures who will designate one member to preside over the meetings of said section to be known as an alternate chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted in this paragraph will have jurisdiction to conduct administrative reviews of the decisions of the regional Committee on Waivers in:

• • • • •

(iv) Any case in which the Committee on Waivers and Forfeitures determines on its own motion that an administrative review is warranted.

• • • • •

(2) The review section will notify the Veterans Administration regional office of jurisdiction and the school of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional Committee on Waivers, in any case where the review section of the Committee on Waivers and Forfeitures reverses a finding made by the regional committee that the school was liable.

• • • • •

11. In § 21.210 paragraph (a) (2) is amended to read as follows:

§ 21.210 *Authority to make arrangements with establishments for training on the job under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A* (a) • • •

(2) Signs an agreement to provide training on the job to disabled veterans under Part VII.

• • • • •

12. In § 21.211 that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.211 *Factors to be considered in selecting the facility*—(a) *Criteria which must be met by the training facility.* Trainees are to be placed only in training facilities which:

• • • • •

13. Section 21.221 is revised to read as follows:

§ 21.221 *Additional conditions to be met prior to induction into training in a school.* Veteran trainees will not be entered into training in a school with which a contract is required (see § 21.570) until a contract or a written memorandum agreement with the school has been negotiated. Where a veteran's interests and rights under Part VII will be jeopardized by withholding him from training because of the absence of a contract, and the contract cannot be completed immediately, and there is no question of the merits of the school being adequate, and indications are that the contract eventually will be completed, the chief of education and training will make urgent requests upon the chief of benefits and facilities to effect immediately the necessary memorandum

agreement to permit the induction of the veteran.

14. In § 21.222 a new paragraph (e) is added as follows:

§ 21.222 *Additional conditions to be met prior to induction into training on the job.* • • •

(e) The training establishment signs an agreement to provide training on the job to disabled veterans under Part VII.

15. Section 21.232 is revised to read as follows:

§ 21.232 *Authority.* Subject to the limitations set forth in §§ 21.230 through 21.242, inclusive, regional office managers are authorized to furnish through the training institution or through direct purchase in accordance with current Veterans Administration regulations governing the procurement of and accounting for trainee's property, supplies of such kind and in such minimum amounts as are necessary to the satisfactory pursuit of a course of vocational rehabilitation in a particular institution.

16. In § 21.253 paragraphs (a) (1) (ii), (2), and (c) are amended to read as follows:

§ 21.253 *Additional considerations incident to supervision.* • • •

(a) *Medical services for veterans pursuing vocational rehabilitation training.* (1) • • •

(ii) Hospital observation and physical examination, in accordance with § 17.45 of this chapter.

• • • • • •

(2) A veteran pursuing vocational rehabilitation training under Part VII, Veterans Regulation 1 (a), as amended, is entitled to dental examination and/or treatment, as authorized by §§ 17.120 (f) and 17.123 (f) of this chapter, determined necessary to prevent interruption of training or to hasten return to training of a veteran in training status (including leave status) when a cessation of instruction has become necessary because of the condition requiring the dental treatment. The type and extent of dental treatment will be as determined by a dental officer of the Veterans Administration in accordance with the provisions of § 17.129 of this chapter. All such dental treatment is subject to the provisions of Veterans Administration medical procedures.

• • • • • •

(c) *Use of VA Form 572, Request for Change of Address.* See vocational rehabilitation and education procedures.

(Sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12A)

This regulation is effective December 28, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–10450; Filed, Dec. 27, 1956; 8:50 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—SERVICEMEN'S READJUSTMENT ACT OF 1944 AND THE VOCATIONAL REHABILITATION ACTS (PUBLIC LAWS 16, 78TH CONGRESS, AS AMENDED, AND 894, 81ST CONGRESS, AS AMENDED)

MISCELLANEOUS AMENDMENTS

1. In § 21.400 paragraphs (a) (1) and (b) are amended to read as follows:

§ 21.400 *Manager, regional office, authorized to approve institutions.* • • •

(a) *Inspection and accreditation.* • • •

(1) Adequate investigation will include a personal investigation of the educational institution by a qualified staff member of the education and training activity. Where the educational institution is recommended favorably by the education and training activity for approval under Part VII, a contract or a statement of charges as appropriate to accomplish payment for Part VII training will be prepared.

• • • • • •

(b) *Use of schools for Part VII training, when the institution has not been approved for use under Part VIII or Public Law 550, 82d Congress.* If it is desired to place a disabled veteran in a school, the name of which is not on the list of institutions approved by the State approving agency for education and training for Part VIII or Public Law 550, the Manager will request a statement from the State approving agency indicating whether it has refused to approve the school. If the school has not been disapproved under Part VIII or Public Law 550, the Manager may proceed to approve it. If the State approving agency has refused to approve or has disapproved a school for cause for use for Part VIII or Public Law 550 trainees, the Manager shall not thereafter approve such institution for Part VII trainees unless he determines that it is in the best interests of veterans and the Government for such approval to be granted or continued. Authority to approve an institution for use for Part VII trainees will not constitute approval for its use under Part VIII or Public Law 550.

2. In § 21.418 paragraph (c) (3) (iv), that portion of paragraph (d) preceding subparagraph (1), and paragraph (e) are amended, and paragraph (c) (3) (v) is revoked as follows:

§ 21.418 *Approval and disapproval of educational institutions and business or industrial establishments by State approving agency or Administrator.* • • •

(c) *Limitations on the use of educational institutions under Public Law 610, 81st Congress.* • • •

(3) *Administrator's action upon the certification of any State approving agency that a course in a new or existing institution is essential to meet the requirements of veterans in such State.* • • •

(iv) Upon action by the Administrator, the regional office will be promptly notified of such action and, if favorable, the effective date thereof, and the benefits and facilities activity, regional office, will promptly advise the appropriate State approving agency of such action. It will be the responsibility of that State approving agency to notify the school of such action.

(v) [Revoked.]

(d) *Disapproval by State approving agency.* Where the State approving agency determines that an educational institution, or a course of instruction in an educational institution or an establishment, in which veterans are enrolled under Part VIII is disapproved, and therefore, is removed from the approved list by the State approving agency, appropriate notice in duplicate, will be provided to the Manager of the regional office concerned. Upon receiving such a notice, the benefits and facilities activity of the regional office will request a statement from the State approving agency, through the Veterans Administration liaison representative, as to the reason or reasons for such action, if not already provided.

• • • • • •

(e) *Limitations concerning educational institutions or establishments which have excess enrollment.* In the case of each school operated for profit which is subject to the provisions of section 5, Public Law 610, 81st Congress, the State approving agency is required to certify to the Veterans Administration the maximum number of students authorized to be trained in each approved course in each school at any one time. In addition, for any other type of school (those profit or nonprofit schools not affected by sec. 5, Pub. Law 610, 81st Cong.) the State approving agency may set a limitation on the number of approved trainees in an approved course and certify such data to the Veterans Administration; similarly, the State approving agency may set a limitation on the number of approved trainees for each objective in a job-training establishment and certify such data to the Veterans Administration. Where the institution has trainees in a course in excess of the number for which the course was approved by the State approving agency, the institution has violated the conditions under which approval was granted. Likewise, where a job-training establishment has trainees in a job objective in excess of the number for which the objective was approved by the State approving agency, the establishment has violated the conditions under which approval was granted. The Veterans Administration will take immediate action to notify the State approving agency of the enrollment in excess of its approval and request that the Veterans Administration be informed at the earliest practicable date as to the action of the State approving agency. When the State approving agency determines that a course of instruction in an institution or establishment in which veterans are enrolled under Part VIII is disapproved, the provisions of paragraph (d) of this section are for application. In addition, in view of the question of payment for tuition, fees, etc., where enrollment in an approved course in an educational institution is found to be in excess of the number specified in the State's approval (and retroactive reapproval is not made by the State), any subsistence or tuition paid for such excess enrollment subsequent to May 1, 1951, shall constitute a liability of the school and shall be recovered by offsetting sums against amounts, if any, otherwise payable to it, or as otherwise authorized by law.

3. In § 21.419 that portion of paragraph (b) preceding subparagraph (1) is amended to read as follows:

§ 21.419 *Relation to State approving agency.* • • •

(b) Full information concerning the inadequacies of any Part VIII institution or establishment approved by the State approving agency which has been called to the attention of the regional office will be immediately transmitted to the benefits and facilities activity for routing to the State approving agency, through the Veterans Administration liaison representative for investigation. Upon investigation at the institution or establishment by a qualified representative of the State approving agency, the State approving agency will be requested to submit a report thereof, to the Manager of the regional office.

• • • • • •

4. Sections 21.433 and 21.434 are revised to read as follows:

§ 21.433 *Payment to institutions.* The Manager of a Veterans Administration regional office is authorized to pay to the approved institution for each eligible veteran enrolled therein for a full-time or part-time course of education or training the proper charge for tuition and incidental fees or other allowable expense and for such books, supplies, and equipment issued to the trainee as are generally required for the successful pursuit and completion of the course by other students in the institution for the period covered by the properly certified voucher or invoice, subject to the provisions of §§ 21.442 through 21.449 and 21.539 for Part VII trainees, and §§ 21.467 through 21.479, 21.484, 21.485, 21.493, 21.495, 21.503 through 21.511, 21.517 through 21.520, 21,530, 21.532, 21.539, 21.540, 21,548, 21,549, and 21,557 through 21.559 for Part VIII trainees.

§ 21.434 *Payment to other than institutions.* The Manager is authorized to pay for certain courses or services rendered by other than an institution for Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), trainees when such services are authorized as a part of the prescribed vocational rehabilitation program for such Part VII trainees. Such services will be covered by a contract. (See §§ 21.457 through 21.460.)

5. In § 21.448 paragraph (e) (3) is amended to read as follows:

§ 21.448 *Special conditions.* • • •

(e) *Reader service.* • • •

(3) Where reader service for a veteran in school training is provided by the school as mentioned in subparagraph (2) of this paragraph, provisions for this service will be provided in a contract with the school.

• • • • • •

6. Section 21.449 is revised to read as follows:

§ 21.449 *Medical services for Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), trainees.*—(a) *Purpose.* Where the medical service and hospital care provided by an institution through payment of its customary student health fee are adequate for Part VII trainees, such fee will be included on a statement of charges. Where medical services and hospital care are required outside of the regular services covered by the customary fee and complete services are available in the school operated facilities, or arrangements can be made by the institution with doctors and hospitals in the immediate area, a contract will be negotiated with the institution to provide such services. Section 21.253 (a), relative to medical treatment of trainees receiving vocational rehabilitation, refers particularly to considerations incident to supervision by the training officer and to treatment necessary to prevent interruption of training. In cases where it is necessary to interrupt the training of the veteran for an extended period because of illness, consideration should be given to transferring him to a Veterans Administration hospital. Managers of the regional offices should establish a procedure whereby the institutions would notify promptly the regional office having jurisdiction over Veterans Administration activities in the area in which the institutions are located of the veteran's illness or injury in order that arrangements may be made for medical service in a Veterans Administration field station.

(b) *Determination of fee rate payable.* The Department of Medicine and Surgery, Veterans Administration, has negotiated contracts with virtually all States to furnish outpatient treatment to veterans with service-connected disabilities and has negotiated contracts with a number of State associations to furnish hospital care. The benefits and facilities activity will ascertain from the Medical Division whether there is a medical contract covering the area in which the institution is located. Where such a contract exists, the fees established in the Public Law 16 contract negotiated by the regional office for medical service and the charges for hospital services furnished outside of the regular services covered by the health fee will not exceed the charges negotiated by the Department of Medicine and Surgery. Customary charges will be paid to the institution for the services covered by the regular health fee. In those cases where the Department of Medicine and Surgery does not have a contract covering medical treatment and hospital care, the charges for such service will be checked with the Medical Division to determine that they are not in excess of the general rates being approved for such services by the Department of Medicine and Surgery.

(c) *Treatment by fee physicians.* In those cases where arrangements cannot be made with educational institutions but where the institution designates a physician or physicians to whom students are referred for treatment, the regional offices will arrange with the institution to have disabled veterans report to the institution's health officer for assignment to designated physicians for treatment or referred to designated hospitals for hospitalization. In such cases, the fees for medical services and charges for hospital services shall not exceed charges provided for in contracts negotiated by the Department of Medicine and Surgery and, where the Department of Medicine and Surgery does not have a contract, the charges for medical and hospital services will not exceed the charges approved for such services by the Department of Medicine and Surgery.

(d) *No certification from Medical Division required.* No certification is required from the Medical Division for medical services provided Part VII trainees under vocational rehabilitation and education contracts or through arrangement made by vocational rehabilitation and education with the institutions for fee physicians and hospital care, as these services are separate and distinct from any medical services under the jurisdiction of the Medical Division to which veterans may otherwise be entitled.

(e) *Voucher preparation.* The institution which provides medical services other than those covered by the health fee of the institution or by special arrangements with outside individuals or organizations will be required to submit each month to the regional office an itemized voucher showing the name and C-number of each trainee, the nature and date of services, and fees charged.

7. In § 21.467 paragraphs (b), (c), and (d) are revoked as follows:

§ 21.467 *Customary cost of tuition.* • • •

(b) *Frozen tuition rates.* [Revoked.]

(c) *Section 2, Public Law 610, 81st Congress, not applicable to certain courses or institutions of higher learning.* [Revoked.]

(d) *Reexamination of last contract rate.* [Revoked.]

8. Sections 21.469a and 21.469b are revoked as follows:

§ 21.469a *Tuition charges payable for a revised, improved, or new related course.* [Revoked.]

§ 21.469b *Interim payments.* [Revoked.]

9. In § 21.470 paragraph (b) (3) is amended to read as follows:

§ 21.470 *Total payments to nonprofit educational institutions for courses of 30 weeks or more.* • • •

(b) *Limitation on total payments by the Veterans Administration.* • • •

(3) *Fair and reasonable compensation basis for nonprofit institutions having no "customary cost of tuition."* (See § 21.467.) Payment on a fair and reasonable basis calculated in accordance with the provisions of §21.530 and under the requirements of a contract as set forth in § 21.570 will be in lieu of all claimed charges for tuition and fees

where a nonprofit educational institution (not including educational institutions of higher learning) has no "customary cost of tuition" as defined in § 21.467. A nonprofit tax-supported educational institution (not including educational institutions of higher learning) receiving payment on a fair and reasonable basis calculated in accordance with the provisions of §21.530 (a) and under a contract providing for adjustment of contract rates as provided in § 21.530 (a) (4), will not be considered as having established a "customary cost of tuition" (fixed rate) as contemplated in § 21.467. The payment of a fair and reasonable rate will be limited to an amount which together with allowable charge for books, supplies, and equipment will not exceed the rate of $500 for a full-time course for an ordinary school year, unless the veteran elects to have such excess paid by the Veterans Administration (where authorized) and to have his period of entitlement accelerated accordingly.

10. In § 21.485 that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.485 *Basis for payment to profit institutions.* (a) The Veterans Administration will pay the customary cost of tuition under § 21.467: *Provided,* That:

* * * * * *

11. Section 21.494 *Basis for payment to all institutions* is revoked.

12. Section 21.495 is revised to read as follows:

§ 21.495 *Amount payable by the Veterans Administration under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), for a course of less than 30 weeks.* (a) The amount payable by the Veterans Administration for a course of less than 30 weeks will not:

(1) Exceed the customary charge as defined in § 21.467 (a) (1).

(2) Exceed $500 total.

13. Section 21.506 *Determinations necessary in case of part-time course* is revoked.

14. In § 21.517 paragraph (c) (6) is amended to read as follows:

§ 21.517 *Limitations applicable to payments to institutions for Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), trainees.* * * *

(c) *The following limitations will be observed in payments for Part VIII trainees, regardless of the amount payable.* * * *

(6) Payments for trainees who discontinue during an instructional period are specially treated in §§ 21.655 and 21.656.

* * * * * *

15. Section 21.520 is revised to read as follows:

§ 21.520 *Payment of tuition to profit educational or training institutions operating on a clock-hour basis for Part VII and Part VIII trainees where the trainee is absent from scheduled instructional periods*—(a) *General.* This section sets forth the policy of the Veterans Administration for determining the maximum payment that may be made to a profit educational or training institution operating on a clock-hour basis for a Part VII or Part VIII veteran where the veteran does not receive training because of absences or holidays.

(b) *Definitions.* The following definitions apply to the words and phrases used herein:

(1) Absence: Failure to attend the institution during regularly scheduled hours of required attendance.

(2) Emergency absence: Absence not due to fault of veteran necessitated by emergencies, such as (i) death in the immediate family, illness of the trainee or a member of his immediate family as evidenced by a written statement filed with the institution signed by the trainee or a physician, or (ii) certain legal requirements such as jury duty and time spent in court where the trainee is detained by legal authority.

(3) Regularly scheduled hours of required attendance: The number of hours of attendance required of the trainee on the school premises as predetermined and scheduled by the school in the course outline and listing of class schedules, exclusive of any lunch periods.

(4) Instructional day: A day on which scheduled instruction is actually given.

(c) *Profit schools which are not required to meet the criteria set forth in section 5, Public Law 610, 81st Congress.* Where the enrollment in an educational institution operating on a clock-hour basis consists of more than 25 students or one-fourth of the students enrolled, whichever is greater, paying their own tuition and the institution publishes a catalog, bulletin, circular, or otherwise makes a certification to the Veterans Administration setting forth the tuition charges, the length of the course will be expressed in the usual terms used by the educational institution in such publications or certifications. The Veterans Administration will accept the policies of such educational institutions regarding absences: *Provided,* That the Veterans Administration regional office Manager in his judgment considers such policies as reasonable and they are approved by the appropriate State approving agency. The basis of payment by the Veterans Administration for holidays in such educational institutions will be either as stated in subparagraph (1) or (2) of this paragraph.

(1) *Schools with courses stated on a weekly or monthly basis.* Where charges for a course of instruction are clearly stated to be on a weekly or monthly basis and the length of the course is expressed only in terms of weeks or months, such charges will be paid without reduction for national legal holidays or other officially recognized State holidays as determined by the Veterans Administration regional office Manager: *Provided,* That the total payment for the course will not exceed the amount derived by multiplying the total number of weeks or months in the course by the rate per week or per month. Where it is specifically provided in the institution's catalog, bulletin, or certification that charges will not be made for holidays, the foregoing will not be applied and payment will not be made for holidays.

(2) *Schools with courses stated in terms of total clock hours.* Where the course of instruction consists of a stated number of total clock hours of instruction, regardless of an additional statement as to the length of the course in weeks or months, sufficient instructional days must be offered to provide for all instructional hours in the course.

(d) *Flight schools, language schools, et al., with tuition rate per hour.* Where the school customarily provides instruction at a tuition rate per hour of instruction as in the case of flight training, language lessons, music lessons, etc., the basis of payment should be clearly specified either in the contract or in the published bulletin or certification of the institution where a contract is not required under Veterans Administration regulations. Payment will only be made for the hours of instruction actually furnished to and received by the veteran where the school customarily provides instruction at a tuition rate per hour of instruction as above.

(e) *Responsibility of educational institutions.* It is the responsibility of the educational institution to maintain accurate records of attendance including all basic and related records of attendance for each veteran-trainee enrolled therein under the provisions of Part VII and Part VIII, as amended. There shall be recorded on the attendance records of the educational institution all absences, regardless of reason, and whether such are due to authorized emergency absence or other absences. Vouchers prepared for tuition will be substantiated by recorded attendance in accordance with the provisions set forth above; and, upon demand by the Veterans Administration, such original records must be produced or made available for inspection.

(f) *Absence and leave.* Educational institutions, referred to in this section, may continue to grant leave in accordance with their established policy for granting leave to all students, and they will continue to inform the Veterans Administration on prescribed reports where leave is unauthorized or exceeds 30 days in a calendar year (or the proper pro rata amount of 30 days for courses of less than a calendar year in duration). The policy announced in paragraphs (a) through (e) of this section deals with the matter of payment of tuition to such schools where absences from scheduled instructional periods occur. Nothing contained therein is to be interpreted to conflict with prevailing regulations (§ 21.65) respecting the granting of leave.

16. Section 21.530 is revised to read as follows:

§ 21.530 *Determination of fair and reasonable compensation*—(a) *Nonprofit institutions.* The provisions of this paragraph are applicable to nonprofit institutions, as defined in § 21.468, where a fair and reasonable rate determination is required, under the provisions of §§ 21.443 and 21.470.

(1) *Submission of financial statements.* The determination of fair and reasonable compensation by the benefits and facilities activity will require the submission by the nonprofit educational institution of a detailed, certified financial statement on VA Form 7–1969, Statement of Costs—Nonprofit Institutions. The entries by the educational institution on this form must be consistent with the records of the institution and will include the actual cost experience of a minimum period of 12 months unless prior authorization is given by the regional office for a lesser period. Such cost data will be for the most recent actual cost experience of the institution for the specific course involved. In the case of new courses, estimated costs may be submitted if actual experience is not available. The procedures for making determinations of allowable cost items should be clearly understood before cost statements are prepared by the educational institution, since the submission of insufficient or improper data or information may result in delays, duplication of work, and unnecessary expense. Detailed financial data will consist of the following:

(i) Cost data on the items of expense which will be used in the determination as shown on page 1 of VA Form 7–1969 and detailed supporting schedules further described below.

(ii) The total income received or due from the Veterans Administration as payment for veteran training in each course during the period covered by the cost data and a separate statement of income received or due from other sources for each course during the period covered by the cost data, such as tuition from nonveterans. (Use schedule K, item 11, VA Form 7–1969.)

(iii) The number of student days for which the institution is entitled to be paid in the period covered by the cost data and the number of clock-hours or credit-hours of instruction which were provided during such period. The number of students, veteran and nonveteran, enrolled in the institution in each course during the period covered by the cost data. This information will be provided on page 2 of VA Form 7–1969, Analysis of Enrollment.

(iv) The basis or bases used in making allocations of cost for each course involved.

(2) *Statement of cost data required.* Where an educational institution desires to negotiate a rate for courses of instruction, the following parts of VA Form 7–1969 are required on the specific form prescribed for each individual course, except as provided below for commonly related courses:

Certification—Page 1.
Statement of Costs—Page 1.
Analysis of Enrollment—Page 2.

Where an educational institution provides more than one course and such courses are commonly considered as related and the institution desires to negotiate one rate which will be applicable for instruction in all such related courses, only one set of forms will be required in the three parts mentioned above. In addition to the prescribed parts as above, it is also required that each item of cost on page 1, "Statement of costs" will be supported by detailed data on supporting schedules A through K on VA Form 7–1969. However, the use of the specific schedules A through K is optional on the part of the educational institution: *Provided,* That if such supporting schedules A through K are not used, the educational institution will provide optional equivalent schedules which provide supporting details in similar form to that of schedules A through K. The specified Veterans Administration schedules or optional schedules are necessary to provide complete information of the cost data. Subschedules may also be used when necessary for additional space or clarity though they should be properly related to the schedules concerned. It is necessary that generally accepted accounting principles be used in determining proper amounts which may be allowed under the various statements and supporting schedules in accordance with Veterans Administration regulations. The columns designated "VA Use" on VA Form 7–1969 will not be used by the educational institution but will be used by the Veterans Administration upon making a determination of allowable amounts for the fair and reasonable compensation. The determination of allowable amounts on the summary sheet, statement of costs, and supporting schedules will be made as follows:

(i) *Actual cost of teaching and related personnel at reasonable salaries.* The actual cost of salaries at reasonable rates will be allowed for teaching personnel and related personnel which will include personnel essential to the teaching functions, such as, laboratory supply room attendants and clerical personnel assisting teachers in the preparation of instructional material and records. The salaries of personnel serving both in administrative and teaching functions will be prorated accordingly. The activities of persons related to the teaching functions whose duties do not include actual instruction to students in classrooms and laboratories shall be explained and the basis of allocation to teaching costs clearly indicated. The total cost shown for teaching personnel, item 1, Page 1, on VA Form 7–1969 will be supported by schedule A (or optional equivalent schedule) which will list the name, title, annual salary rate, hours per week of instruction, the proration basis of allocating the proportion of the teaching salary to the course, and the amount allocated. For teachers who are not employed for the full period of the course, the beginning and ending dates of employment will be shown. Salaries may be allocated to a particular course on the basis of the proportion that the number of hours per week, either credit- or clock-hours, devoted to the particular course bears to the total credit- or clock-hour load of the individual. Social-security taxes and retirement insurance, if paid, may be included as part of the salary expense. In computing fair and reasonable compensation, there shall be excluded from the costs all salaries paid from Federal appropriations actually received by the institution for teaching costs, such as are authorized under the Smith-Hughes and George-Deen Acts, and the certification of the appropriate official of the institution on the cost data must include a statement that no part of the salaries or other expenses is included which were or are to be paid from such Federal funds.

(ii) *Consumable instructional supplies.* This item will include the cost of instructional supplies and teaching aids which are actually consumed during the process of instruction, determined in accordance with § 21.532. Supporting detail for item 2 on page 1, VA Form 7–1969, will be provided on schedule B or an optional equivalent schedule. Actual cost must be shown, and there shall be deducted therefrom all proceeds of sales of waste and other products. Where the institution lists all consumable instructional supplies as expense items on schedule B (or optional equivalent schedule), including the cost of items which are salvageable or result in other products, the amounts for which the Veterans Administration may not pay in accordance with § 21.532 will be deducted on schedule B.

(iii) *Depreciation on buildings and equipment.* Nonprofit institutions which are not tax-supported may be allowed depreciation at a rate not in excess of 4 percent on the original cost of the buildings used for instruction. If the nonprofit institution does not depreciate equipment for income-tax purposes, up to 10 percent per year on the original cost of the equipment necessary for instruction may be accepted in lieu of Internal Revenue Service rates. Depreciation will be allowed on such items as classroom chairs, desks, lathes, large tools, testing machines, and similar equipment used for instructional purposes. Where the items of capital equipment individually are of small value, it is preferable that such items be grouped together, though this will apply only to those items of a similar nature and items valued individually at $50 or less. For example, 300 miscellaneous classroom chairs whose value varies from $5 to $10 each need not be itemized showing individual values, but the total value of all such chairs would be shown as one-line item; thus, if the actual total value of such chairs were $2,000, it would be shown as 300 classroom chairs, value—$2,000. Depreciation on equipment used for administrative purposes shall be listed in the schedule of administrative expenses and will not be listed in the items for instructional equipment (item 3—schedule C or optional equipment schedule). Notwithstanding the foregoing, where substantial sums are involved in the listing of any item or groups of items and it appears that further information is desirable, the Veterans Administration may require such additional data which is considered necessary for the determination of reasonable depreciation allowances.

(iv) *Rent.* Reasonable cost of space rented will be allowed for nonprofit institutions which use nonpublicly owned facilities where instruction is conducted in space other than that owned by the institution. Only the actual cost of rent for space used for instructional purposes will be considered. Such cost may be allocated to a particular course on the

basis of the time the classroom are used, periods covered and where the amount

inaccuracies may subsequently be ascertained

basis of the time the classroom are used for the course in relation to the full-time use of such classrooms. (Item 4—schedule D or optional equivalent schedule).

(v) *Heat, light, power, water, janitor service, and building maintenance.* Allowable costs will include the proper prorated portion of heat, light, power, water, janitor service, and building maintenance, and each cost must be set forth in detail and fully itemized. If costs cannot be directly charged to the space used, they may be allocated on the basis of square feet for time used on the basis of student hours or on another acceptable basis. (Item 5—schedule E or optional equivalent schedule.)

(vi) *Taxes and insurance.* Allowable costs may include property taxes, school taxes, and other similar taxes, where applicable, fire insurance, compensation insurance, public liability insurance on personnel and property used for instruction. Income taxes and personal life insurance will not be included as authorized expenses. (Item 6—schedule F or optional equivalent schedule.)

(vii) *Allowance for administration and supervision.* An allowance to cover the cost of supervisory, administrative, and clerical personnel, and the cost of consumable office supplies and other expenses required for administrative and supervisory offices may be made, including, where applicable, the related expenses of the State agency responsible for conducting the course. An amount not in excess of 5 percent of the cost of items in subdivisions (i), (ii), (v), and (vi) of this subparagraph (items 1, 2, 5, and 6 on VA Form 7–1969) may be included to cover those costs without detailed justification, and in such event, schedule G will reflect the appropriate calculation without supporting details. However, if the institution requests more than 5 percent allowance for administration and supervision, the educational institution will provide complete details in schedule G. The benefits and facilities activity is authorized to include in the fair and reasonable cost such amount in excess of 5 percent as the Manager determines justified as reasonable and necessary for the conduct of a satisfactory program. (Item 7—schedule G or optional equivalent schedule.)

(viii) *Advertising expense.* Advertising expense will be calculated in accordance with the procedures set forth in (*a*) of this subdivision. (Item 8—schedule H or optional equivalent schedule.)

(*a*) *Determination of amount allowable for advertising expense.* Well-established institutions may be permitted to include actual advertising expenses for the period covered by the cost data in determining fair and reasonable costs where the percentage of actual advertising expense in relation to gross income from resident instruction for the period covered by the cost data does not exceed the average percentage of gross income expended by the institution for advertising over the 5-year period immediately preceding June 22, 1944, as evidenced by a certified statement of the institution as to advertising expenses and gross income from resident instruction for the periods covered, and where the percentage of advertising expense in relation to gross revenue from tuition does not exceed the average percentage of advertising costs for other comparable well-established schools in the area. Where the institution has not been established for a period of 5 years prior to June 22, 1944, and therefore does not have a fair standard of experience with relation to advertising costs prior to the enactment of Public Law 346, the institution may be permitted to include advertising expense actually incurred during the period covered by the cost review in an amount not to exceed the average percent of gross income from resident instruction which other well-established comparable schools in the area have expended for advertising for the 5-year period immediately prior to June 22, 1944. If there are no other comparable schools in the area and if the institution does not have a 5-year experience prior to June 22, 1944, the schools may be authorized to include actual advertising costs at a rate shown by their experience, but not in an amount to exceed 8 percent of the total gross income from resident instruction for the period covered by the cost review unless determined by the Manager as reasonable and necessary in the operation of the school. Where there are no other comparable well-established schools in the area and the actual advertising experience of the institution exceeds 8 percent of gross income from resident instruction, more than 8 percent may not be included in the fair and reasonable cost determination unless approval is granted by the Manager for the inclusion of advertising costs in excess of 8 percent. In no event will a newly established school, without actual cost experience for advertising expense, be permitted to include in a fair and reasonable cost statement, advertising expense in excess of 8 percent of gross income from tuition for resident instruction.

(ix) *Travel expenses for instructors.* Such expense will be limited to mileage for use of personal cars at a rate not to exceed the established mileage rate customarily paid by the institution or provided by State law or regulation, but not more than 7 cents per mile. The allowance of travel expense for instructors, will be limited to courses requiring itinerant instructors, and the mileage will be limited to travel actually required to be performed by the itinerant instructor in connection with the training program. (Item 9—schedule I or optional equivalent schedule.)

(x) *Textbooks.* This item will include required textbooks, etc., where such items are customarily furnished to all students at no additional charge to the student and the cost thereof is included in the monthly tuition rate. If separate charges are customarily made by the institution to all students for text and other books, no cost will be shown for this item, but provision will be made in the contract to pay for such required text and other books at prices customarily charged to other students or, in the event there are no nonveteran students, at cost to the institution in accordance with § 21.539 (e) (6). (Item 10—schedule J or optional equivalent schedule.)

(3) *Deduction of income received.* A schedule of income received by each nonprofit institution will be provided on schedule K (or optional equivalent schedule) as supporting detail for item 11, page 1, VA Form 7–1969. Tuition received from nonveterans and veterans will be shown. In addition, all other receipts from fees or for services rendered will be provided with the description of each item. The total income consisting of tuition and other receipts as above will be shown on item 11. Income which results from sales of waste and other products will be deducted on schedule B (or optional equivalent) from the cost of consumable instructional supplies and, therefore, will not be shown on the schedule of income as above.

(4) *Review and adjustment of contract rates.* Contracts under the provisions of this paragraph for training of veterans shall be made for a period not to exceed 12 months. In negotiating rates for new contracts or rates for any adjustment period, consideration will be given to any surpluses or deficits accumulated or incurred as a result of the payment of the agreed fair and reasonable rate or rates in excess of or less than the allowable amount spent on the program by the institution, and the agreed fair and reasonable rate or rates for the succeeding contract period will be adjusted to make due allowance for surpluses accumulated or deficits incurred as provided below in subparagraph (5) (iii) or (5) (iv) of this paragraph as applicable.

(5) *Establishment of customary cost of tuition under section 2, Public Law 610, 81st Congress, and adjustment for surplus or deficit*—(i) *Interpretation of rate established by most recent contract.* Where contracts have been executed with nonprofit institutions under the provisions of this paragraph for a period of 24 months, the "rate established by the most recent contract" as used in paragraph 11 (d), part VIII, Veterans Regulation 1 (a), as added by section 2, Public Law 610, 81st Congress, does not mean merely the dollars and cents rate stated in the contract but embraces all those elements which by the terms of the contract (the regulations being a part thereof) affect directly the aggregate sum payable by the Veterans Administration as tuition for the services rendered during the entire period of the contractual relationship.

(ii) *Establishment of customary "frozen" rate where surplus or deficit does not exist.* If such nonprofit school has had in effect for a period of at least 24 months a contract of the nature indicated in paragraph (a) (4) of this section, and there does not exist either a surplus or a deficit at the end of the contract period which occurs on or after the end of the 24 months, the dollars and cents rate derived as the actual cost for the last contract shall be the customary (frozen) rate thereafter.

(iii) *Where surplus or deficit exists school may elect to continue regulatory formula.* (*a*) If a surplus or deficit still exists at the end of any contract or adjustment period which occurs on or after the end of the 24 months' period, the rates in all succeeding contracts may be adjusted to absorb the surplus or return the deficit by continued application of the formula set forth in this paragraph or the institution may elect lump-sum settlement of surplus or deficit as provided in (*b*) of this subdivision. Where the school elects to continue the regulatory formula, the contract will contain a clause for adjusting the tuition rates from time to time as desired by either party as follows:

ARTICLE 1 (f). *Revision of rates.*

(1) The rates of payment provided in article 1 (c) may be revised from time to time as provided in this article 1 (f).

(2) Within 30 days after the expiration of four or more calendar months, the contractor will advise the Veterans Administration, in writing, if the contractor desires any revision of the existing rates of compensation. If the Veterans Administration desires any revision of the existing rates, written notice to that effect will be given to the contractor within 30 days after the expiration of 4 or more months. As such time as the contractor or the Veterans Administration desires a revision of rates, the contractor will furnish to the Veterans Administration statements of the actual cost of operation on VA Form 7–1969 for the period beginning with the effective date of the current contract rate and ending with the last day of the most recent month immediately preceding the date of the request for revision. The contractor will permit such inspections of its books and records as the Veterans Administration may request.

(3) The Veterans Administration and the contractor will mutually agree upon the revised rate or rates to be effective as of the beginning of the month in which notice as set forth in (2) above was given and any revised rate or rates shall be embodied in a supplemental agreement to this contract and shall continue in effect until the termination of the contract or until subsequently revised in accordance with the provisions of this article.

Where a change in contract rates is desired by either party, the Veterans Administration and the contractor will negotiate and mutually agree upon the revised rate or rates. Upon agreement between the contractor and the Veterans Administration as above specified, the contract will be supplemented to amend the tuition rates. At the termination of contractual relationships under this paragraph, where contracts have been continued under the regulatory formula, a final adjustment will be made, both where money is due the Government and where it is due the school.

(*b*) At the end of any contract or contract adjustment period a surplus or deficit which resulted from the payment of the agreed fair and reasonable rate of compensation may be settled on a lump-sum basis, provided that appropriate adjustment has been or is made for surpluses or deficits for all previous periods, including surplus which may have been on hand on March 1, 1949. The institution will submit to the regional office on VA Form 7–1969 a certified statement of actual costs and actual hours of instruction for which the institution is entitled to be paid for the period of the most recent contract. Allowable costs will include only those provided in the cost formula in this paragraph. Each such VA Form 7–1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period between the effective date of the first contract under this paragraph and the termination date of the most recent contract plus any surplus determined as of March 1, 1949. These cost data will also be used for the determination of a new fair and reasonable rate to be included in the next contract. In no case will compensation for a deficit, attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, and supplies result in the payment of a rate in excess of the rate of $500 for a full-time course for an ordinary school year ($14.70 per week). (See subdivision (vii) of this paragraph.)

(*1*) For payment of surplus on a lump-sum basis by institutions to the Veterans Administration, the most recent contract will be supplemented (VA Form 7–1972) and the following standard clause will be used:

Whereas the contractor _____ and the Veterans Administration agree that in the operation of the institution during the period from _____ to _____ pursuant to contract (identify) _____ the sum of $_____ represents the income the contractor has received, and the sum of $____ represents allowable expenses for the program of instruction as provided in this contract: Now therefore the contractor and the Veterans Administration agree that the sum of $____ represents a surplus which is payable to the Veterans Administration; in consideration whereof and of the promises and mutual covenants and agreements heretofore entered into and contained in said contract the contractor agrees to pay the Veterans Administration the said sum of $____ by check, payable to the Veterans Administration, which payment shall constitute acquittance under said contract: *Provided*, That this agreement and the figures stated herein for payment shall be subject to modification to the extent that errors or inaccuracies may subsequently be ascertained in the cost and income figures upon which predicated.

(2) For payment of a deficit by the Veterans Administration to the educational institution, the most recent contract will be supplemented (VA Form 7–1972) and the following standard clause will be used:

Whereas the contractor _____ and the Veterans Administration agree that in the operation of the institution during the period from _____ to _____ pursuant to contract (identify) _____ the sum of $____ represents the income the contractor has received, and the sum of $____ represents allowable expenses for the program of instruction as provided in this contract: Now therefore the contractor and the Veterans Administration agree that the sum of $____ represents a deficit which is payable to the institution; in consideration whereof and of the promises and mutual covenants and agreements contained in said contract the Veterans Administration agrees to pay to the educational institution the sum of $____ in payment of such deficit and such payment shall constitute full acquittance of the Government for all claims under said contract: *Provided*, That this agreement and the figures stated herein for payment are subject to modification to the extent that efforts or inaccuracies may subsequently be ascertained in the cost and income figures upon which predicated.

(iv) *Establishment of customary cost of tuition upon lump-sum adjustment of surplus or deficit.* If a surplus or deficit exists, the institution may elect at the expiration of the contract period which occurs on or after 24 months or the expiration of any subsequent contract to make or receive a lump-sum adjustment of surplus or deficit and accept as a customary rate the rate established by the actual allowable cost of the prior contract; or, if the majority of the enrollment in the courses under contract no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, the institution may elect to be paid the rate charged nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, and no further adjustments will be required or made. In each case where an institution has a contract which serves as the basis for establishing a customary cost of tuition, the institution will prepare on VA Form 7–1969 a certified statement of actual costs and actual hours of instruction for which the institution is entitled to be paid for the period of such most recent contract. Allowable costs will include only those provided in the cost formula in this paragraph. Each such VA Form 7–1969 will include a statement on schedule K, Part 2, of the surplus or deficit for the entire period, between the effective date of the first contract under this paragraph and the termination date of the contract which completed the 24-month period and which established the customary cost of tuition as provided in this subparagraph plus any surplus determined as of March 1, 1949. In each case where a surplus or deficit is determined, the most recent contract will be supplemented (VA Form 7–1972). For payment of surplus by the institution to the Veterans Administration, the standard clause provided in subdivision (iii) (*b*) (*1*) of this subparagraph will be used. For payment of a deficit to the educational institution by the Veterans Administration, the standard clause provided in subdivision (iii) (*b*) (2) of this subparagraph will be used. Where the school elects to repay an existing surplus through a lump-sum repayment to the Veterans Administration as in this subdivision and elects to establish a customary cost of tuition (frozen rate), or to be paid the rate charged nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, the benefits and facilities activity will secure from a responsible official of the institution a statement in writing as to the manner in which the lump-sum repayment will be made and will advise the finance officer accordingly in writing. Where payments of tuition rates under previous contracts have resulted in a deficit to the contractor and the school elects to be paid such deficit in a lump-sum and elects to establish a customary cost of tuition (frozen rate), or to be paid the rate charged nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, the Veterans Administration will reimburse the school

by lump-sum settlement, as in this subdivision: *Provided, however,* That in no case will compensation for a deficit, attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, supplies, and equipment results in the payment of a rate in excess of the rate of $500 for a full-time course for an ordinary school year ($14.70 per week). (See subdivision (vii) of this subparagraph.) The Veterans Administration will make payment of the approved amount of the deficit upon the submission of a voucher for such lump sum in accordance with Veterans Administration regulations, but itemization of charges for individual veterans will not be necessary.

(v) *Approval required for certain final surplus or deficit adjustments.* Each case of a final adjustment for surplus or deficit supplement to contract (VA Form 7–1972) and each determination of a lump-sum settlement of surplus or deficit as provided in subdivision (iii) (*a*), (*b*), and (iv) of this subparagraph in excess of $2,500 will require the approval of the Chief Benefits Director prior to distribution by the regional office. In cases not in excess of $2,500, the Manager shall make such adjustments or settlements, except that where accord cannot be reached with the contractor the regional office determination will be submitted to the Chief Benefits Director for approval or otherwise prior to institution of collection or payment action.

(vi) *No allowance for liabilities under section 7, Public Law 610, 81st Congress.* In the computation of any tuition rate on a fair and reasonable basis, as in subparagraphs (4) and (5) of this paragraph or the settlement of surplus or deficit as in this subdivision, no allowance will be made for the expense of liabilities imposed upon the school for overpayments of veterans subsistence pursuant to the provisions of section 7, Public Law 610, 81st Congress. The benefits and facilities activity, will request the finance officer to provide information relative to any such liabilities imposed on a nonprofit school.

(vii) *Limitations on payments and tuition rates.* In no case under the provisions of this subparagraph will the Veterans Administration pay a deficit incurred during any contract period which would result in the payment of charges for tuition, fees, books, and supplies at a rate in excess of the rate of $500 for an ordinary school year ($14.70 per week), or a rate in excess of the fair and reasonable rate determined on the basis of the pro rata amount of allowable costs attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended. The costs attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, shall be the pro rata part of total allowable costs incurred in operation of the course that the hours or months of instruction furnished to such veterans bears to the total hours or months of instruction furnished to all students in the course of the period involved.

(6) *Short-term renewal of contract.* If at the expiration of the contract period the institution is not in a position to submit substantiating cost data for a new contract to be negotiated in accordance with Veterans Administration regulations, the contract may be renewed for such period of time as is necessary at the same effective rate of tuition in existence: *Provided,* That the additional time needed should not be more than 3 months: *And provided further,* That for this purpose contracts may be renewed for a maximum period of 4 months. Such an arrangement will give the institution time to prepare cost data needed for the determination of a fair and reasonable rate to be paid for the next contract period: *Provided, however,* That when the final rate is agreed upon for the succeeding contract period after taking into account any surplus or deficit, the renewal agreement will be superseded as of the expiration date of the original contract by the new contract providing for the new agreed rate.

(b) *VA Form 7–1969.* VA Form 7–1969, Statement of Costs—Nonprofit Institution, will be used in compiling data required for fair and reasonable determination under this section.

(1) *Certification.* The certification will be completed by the president or the business manager of the institution.

(2) *Statement of costs.* A summary sheet (p. 1) is required for each course except that where courses are commonly considered and one contract rate is applicable, one summary sheet applicable to such will be used. All details will be provided by the educational institution except for parts designated "VA use only."

(3) *Analysis of enrollment.* The analysis of enrollment (p. 2) is necessary to determine the actual days and actual total hours of instruction which are applicable to the cost period. The form should be completed for the 12 months applicable, and for each month the number of student days or nights should be listed for which the institution is entitled to be paid.

(4) *Number of copies and distribution.* VA Form 7–1969 will be prepared in triplicate by the educational institution. Upon completion of negotiations and the establishment of an agreed contract rate, distribution will be made as follows: The original to the regional office concerned, duplicate to the educational institution, and triplicate to the Chief Benefits Director.

(c) *When the benefits and facilities activity has completed analysis of the cost data.* When the benefits and facilities activity has completed analysis of the cost data, there will be determined on the basis of the total number of all students trained and cost of the items listed in this section, after reflecting known changes in costs, whether the customary charges of the educational or training institutions are fair and reasonable. In making this determination, the benefits and facilities activity, will give consideration to the fact that it is not fair and reasonable for the Veterans Administration to pay a charge based on the full cost of operating an educational institution under abnormal situations, such as periods when enrollments in the institution are far below the normal capacity and expectancy of the institution, or where operating costs are greatly in excess of normal operating costs for other comparable institutions in the same general locality. Contracts, when required, will be negotiated to provide payment not to exceed the amounts determined by the benefits and facilities activity to be fair and reasonable as provided in this section. In any case where the Manager believes that the last contract rate for tuition, books, or supplies was obtained as a result of fraud, misrepresentation, or was in conflict with governing regulations the Manager will request the benefits and facilities activity to carefully reexamine such rate, and, if the contract is determined to have been invalid, the Manager will take appropriate action including the negotiation of a contract on a proper and legal basis under the direction of the benefits and facilities activity.

(d) *Books, supplies, and equipment.* Books, supplies, and equipment required to be owned personally by other students pursuing the same course will be furnished by the institution to veterans, and the institution will be compensated therefor, in accordance with the provisions of § 21.539, in addition to "fair and reasonable" compensation as defined in this section.

17. In § 21.532 that portion of paragraph (b) (1) preceding subdivision (i) is amended and paragraph (e) (5) is revoked as follows:

§ 21.532 *Basis of payment for consumable instructional supplies under Parts VII and VIII, Veterans Regulation 1(a), as amended (38 U. S. C. ch. 12A).* • • •

(b) *Definitions*—(1) *Consumable instructional supplies.* Those supplies which are required for instruction in the classroom, shop (school), and laboratory of the educational institution (see §§ 21.530 (a) (2) (ii) and 21.614 (a) (4) (iii), which are consumed, destroyed, or expended by either the student, the instructor, or both, in the process of use, and which have to be replaced at frequent intervals without adding to the value of the institution's physical property, are defined as consumable instructional supplies. Examples are chalk, nails, sandpaper, paint, and consumable teaching aids. For the purpose of payment by the Veterans Administration, the term "consumable instructional supplies" may include virtually any items consumed, destroyed, expended, or ruined, in the process of teaching students to perform essential job operations, processes, and skills required in the course of study as recognized by regularly established institutions. Expenses for "consumable instructional supplies" are operating expenditures as distinguished from capital expenditures for equipment such as lathes, drill presses, etc. Items properly classified as consumable instructional supplies may be grouped under one of the following three classifications:

• • • • •

(e) *Criteria for analyzing cost data.* • • •

(5) *Renewals and negotiation of new contracts containing items of consumable supplies.* [Revoked.]

18. In § 21.539 paragraphs (m) (2) and (n) are revoked as follows:

§ 21.539 *Books, supplies, and equipment, including tools, for Part VII or Part VIII trainees; furnished by an educational institution.* • • •

(m) *Limitations on procurement of tools, supplies, and equipment and payment therefor.* • • •

(2) [Revoked.]

(n) *Reexamination of charges.* [Revoked.]

19. Section 21.541 *Disposal of returned books, supplies, and equipment furnished through educational institutions to Part VII and Part VIII trainees,* is revoked.

20. In § 21.548 paragraph (a) is amended to read as follows:

§ 21.548 *Payments for cooperative course.* (a) Payments to the institution will be only for that portion of training or instruction given by the institution. The basis for charge will be determined in the light of the applicable portion of §§ 21.467 through 21.479, 21.484, 21.485, 21.493, 21.495, and 21.503 through 21.511.

• • • • • •

21. In § 21.549 paragraph (b) is amended to read as follows:

§ 21.549 *Payments for related training.* • • •

(b) Tuition charges will be determined in accord with applicable portions of §§ 21.467 through 21.479, 21.484, 21.485, 21.493, 21.495, and 21.503 through 21.511.

• • • • • •

22. Section 21.567 is revised to read as follows:

§ 21.567 *Authority (where required).* (a) Where contracts are required in accordance with applicable Veterans Administration regulations, the authority for such contracts (Pub. Law 16) is contained in paragraph 2, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), which provides that the Administrator may by agreement or contract with public or private institutions or establishments provide for such additional training facilities as may be suitable and necessary to accomplish the purpose of Part VII.

(b) Contracts, when required, for education and training of veterans under Public Law 346, 78th Congress, as amended, are authorized under chapter IV, title II, thereof (pt. VIII, Vet. Reg. 1 (a), as amended).

23. Section 21.568 *Agreement for free instruction* is revoked.

24. Section 21.569 is revised to read as follows:

§ 21.569 *Authority to make contracts (where required).* (a) The Manager, Assistant Manager, and Chief, Vocational Rehabilitation and Education Division in a regional office are authorized, with the exception of correspondence courses, to enter into contracts where required in accordance with existing laws, regulations, and policies with public or private educational or training institutions (other than for training on the job) in the territory of that regional office for the purpose of providing courses of education and training for veterans enrolled under the provisions of Public Laws 16 and 346, 78th Congress, as amended. In addition, the authority to sign contracts as in this paragraph may be delegated by the Manager to the benefits and facilities activity in those regional offices where the Chief, Vocational Rehabilitation and Education Division, recommends such action to the Manager.

(b) Where a principal institution has branches outside the territory of a regional office which are separate entities and which do not have authority to contract, the regional office having jurisdiction over the territory in which the principal institution is located will negotiate a contract where required for courses offered by both the principal institution and the branches and will forward properly executed copies of the contract to the regional offices in which the branches are located. In such cases, the billing will be made by the principal institution to the Veterans Administration regional office having jurisdiction over the veteran for which the bill is submitted and for the area in which the instruction is given.

25. In § 21.577 paragraph (c) is amended to read as follows:

§ 21.577 *Uniformity of contracts.* • • •

(c) *Proration of charges.* The contract will include the exact provisions relating to the proration of charges in the event that veterans are withdrawn or discontinued prior to the end of the term, semester, or quarter, in accordance with §§ 21.539, 21.655, and 21.656.

26. Section 21.578 *Contracts signed under mutual mistake of fact* is revoked.

27. Section 21.608 *Insurance for flight training* is revoked.

28. In § 21.614 paragraph (a) (4) (vi) is amended to read as follows:

§ 21.614 *Determination of fair and reasonable compensation for institution on-farm training*—(a) *Certified financial statement required.* • • •

(4) • • •

(vi) *Allowance for administration and supervision.* An allowance to cover the cost of supervisory, administrative, and clerical personnel and the cost of consumable office supplies and other expenses for administrative and supervisory offices, including related expenses of the State agency responsible for conducting these courses. The salary, or any part thereof, of a regular employee of the local, county, or State school system will not be allowed as a part of the fair and reasonable cost except where the duties of such employee on behalf of the institutional on-farm program are clearly and definitely defined and measured and are performed at times other than during their regular hours of employment for duties other than those pertaining to institutional on-farm program. An amount not in excess of 5 percent of the cost of items in subdivisions (i) through (v) of this subparagraph may be included to cover these costs without detailed justification. However, if the institution requests more than a 5-percent allowance for administration and supervision, the benefits and facilities activity, is authorized to include in the fair and reasonable cost, such amount in excess of 5 percent as may be justified as reasonable and necessary to conduct a satisfactory program. Any request for an amount in excess of 5 percent for administration and supervision must be supported by a detailed schedule of the cost of the items included. Where a request is made for an amount in excess of 5 percent for administration of a class of less than 12, there should be a clear showing on the part of the institution that consideration has been given to the reduced number of trainees and the amount claimed is reasonable and necessary for the operation of the program.

• • • • •

29. In § 21.655 paragraph (a) is amended to read as follows:

§ 21.655 *General.* (a) Payments for tuition, incidental fees, books, supplies, and equipment to training institutions will be made in arrears only and will be prorated in installments over the school year or over the length of the course as provided herein, except as provided in § 21.656.

• • • • •

30. Section 21.670 is revised to read as follows:

§ 21.670 *Irregular items.* In those cases where a voucher contains an irregular item, the allowability of which is questionable in the light of existing Veterans Administration regulations and policies, the Finance Division will submit the voucher to the benefits and facilities activity, for a determination as to the allowability of the item in question and, if appropriate, an interpretation or amplification of current applicable Veterans Administration regulations and policies.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12A)

This regulation is effective December 28, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56–10448; Filed, Dec. 27, 1956; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MISCELLANEOUS AMENDMENTS

1. In § 21.2304 paragraph (c) that portion of paragraph (d) (1) preceding subdivision (i); paragraph (d) (1) (iv), and paragraph (d) (2) are amended to read as follows:

Hot Springs Meadow Administrative Site:

§ 21.2304 *Liability of educational institution or training establishment on account of overpayments of education and training allowances, section 266, Public Law 550, 82d Congress.* • • •

(c) *Responsibility of the benefits and facilities activity.* The benefits and facilities activity will be responsible for determining whether there is prima facie evidence that an overpayment of education and training allowance is the result of a false certification by the school or training establishment or, where such is not present, for determining whether there is prima facie evidence to indicate that it is the result of willful or negligent failure on the part of the school or training establishment to report to the Veterans Administration unauthorized or excessive absences from the course, or discontinuance or interruption of a course by the veteran. Where an affirmative finding is made under either condition, the case will be referred to the Finance Division for notification to the school or training establishment, as provided by paragraph (a) (6) of this section, and referral to the regional Committee on Waivers for determination of liability of the school or training establishment.

(d) *Administrative review.* (1) There is established in the Committee on Waivers and Forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the Chairman, Committee on Waivers and Forfeitures, one by the Director, Vocational Rehabilitation and Education Service, and one by the General Counsel. This section will function under the jurisdiction of the Chairman of the Committee on Waivers and Forfeitures who will designate one member to preside over the meetings of said section, to be known as an alternate chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted herein will have jurisdiction to conduct administrative reviews of the decisions of the regional Committee on Waivers in:

• • • • • •

(iv) Any case in which the Committee on Waivers and Forfeitures determines on its own motion that an administrative review is warranted.

• • • • • •

(2) The review section will notify the Veterans Administration regional office of original jurisdiction and the school or training establishment of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional Committee on Waivers, in any case where the review section of the Committee on Waivers and Forfeitures reverses a finding made by the regional committee that the school or training establishment was liable.

• • • • • •

2. In § 21.2305 that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.2305 *Overpayments of education and training allowances and other Veterans Administration benefits.* (a) Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of benefits made under laws administered by the Veterans Administration, and due the Government, the benefits and facilities activity may not thereafter reenter the veteran into training so long as the overpayment is outstanding. In any such instance, the benefits and facilities activity will be responsible for giving proper notification to the veteran and the institution.

• • • • • •

(Sec. 261, 66 Stat. 663; 38 U. S. C. 971)

This regulation is effective December 28, 1956.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 56-10451; Filed, Dec. 27, 1956; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1374]

[Idaho 05280]

IDAHO

RESERVING PUBLIC LANDS WITHIN PAYETTE NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Payette National Forest in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes as indicated:

BOISE MERIDIAN

Council Mountain Administrative Site:
T. 16 N., R. 1 E., Sec. 13, NW¼SE¼, NE¼SW¼.
The areas described aggregate 80 acres.
Corral Creek Administrative Site:
T. 15 N., R. 2 E., Sec. 9, SW¼NW¼.
The area described aggregates 40 acres.
Indian Mountain Administrative Site:
T. 15 N., R. 2 E.,
Sec. 29, S½SW¼SW¼;
Sec. 32, NW¼NW¼.
The areas described aggregate 60 acres.
Shingle Flat Administrative Site:
T. 17 N., R. 1 E.,
Sec. 20, SW¼NE¼, NW¼SE¼.
The areas described aggregate 80 acres.
Cottonwood Creek Addition Administrative Site:
T. 16 N., R. 1 E.,
Sec. 32, N½SW¼NW¼, NW¼SW¼SE¼.
The tracts described contain 30 acres.
Sturgil Lookout Administrative Site:
T. 15 N., R. 5 W.,
Sec. 21, E½SE¼SW¼NE¼, S½SE¼NE¼, E½SE¼, E½E½W½SE¼.
The areas described aggregate 125 acres.
Hornet Ranger Station Administrative Site:
T. 17 N., R. 2 W.,
Sec. 6, SW¼NE¼, SE¼NW¼, Lot 6.
The areas described aggregate 116.68 acres.
Bear Creek Substitute Administrative Site:
T. 20 N., R. 3 W.,
Sec. 12, SE¼SE¼;
Sec. 13, NE¼NE¼.
T. 20 N., R. 2 W.,
Sec. 18, Lot 1.
The areas described aggregate 115.52 acres.
Indian Creek Addition No. 1 Administrative Site:
T. 20 N., R. 3 W.,
Sec. 30, Lot 4;
Sec. 31, NE¼NW¼, SE¼NW¼.
The areas described aggregate 119.16 acres.
Smith Mountain Administrative Site:
T. 21 N., R. 2 W.,
Sec. 21, SE¼NE¼SE¼, SE¼SE¼;
Sec. 22, SW¼NW¼SW¼, SW¼SW¼;
Sec. 28, NE¼NE¼.
The areas described aggregate 140 acres.
Crooked River Pasture Administrative Site:
T. 18 N., R. 3 W.,
Sec. 1, SW¼SW¼.
The area described aggregates 40 acres.
Peck Mountain Administrative Site:
T. 18 N., R. 2 W.,
Sec. 29, NW¼SW¼, NE¼SW¼.
The areas described aggregate 80 acres.
Horse Mountain Administrative Site:
T. 21 N., R. 3 W.,
Sec. 26, S½SE¼SW¼;
Sec. 35, N½NE¼NW¼.
The areas described aggregate 40 acres.
Buck Park Administrative Site:
T. 17 N., R. 3 W.,
Sec. 30, SE¼NE¼.
The area described aggregates 40 acres.
Johnson Park Administrative Site:
T. 17 N., R. 2 W.,
Sec. 30, E½SW¼, Lots 3 and 4.
The areas described aggregate 152.60 acres.
Price Valley Ranger Station Administrative Site:
T. 20 N., R. 1 W.,
Sec. 34, SE¼SE¼, S½NE¼SE¼;
Sec. 35, SW¼SW¼, S½NW¼SW¼.
The areas described aggregate 120 acres.
Jackley Lookout Administrative Site:
T. 22 N., R. 2 W.,
Sec. 13, SW¼NE¼.
The area described aggregates 40 acres.
Pollock Lookout Administrative Site:
T. 21 N., R. 1 W.,
Sec. 1, W½SW¼NW¼;
Sec. 2, SE¼NE¼, NE¼SE¼.
The areas described aggregate 100 acres.
Lick Creek Lookout Administrative Site:
T. 20 N., R. 1 W.,
Sec. 6, Lots 2 and 3.
The tracts described contain 79.44 acres.
Cold Springs Administrative Site:
T. 21 N., R. 1 W.,
Sec. 2, S½SE¼.
The area described aggregates 80 acres.
Indian Springs Administrative Site:
T. 21 N., R. 1 W.,
Sec. 21, N½NW¼.
The area described aggregates 80 acres.
Paradise Administrative Site:
T. 22 N., R. 1 W.,
Sec. 30, Lots 2 and 3.
T. 22 N., R. 2 W.,
Sec. 25, SE¼SE¼NE¼, NE¼NE¼SE¼.
The areas described aggregate 90.56 acres.
Stevens Addition No. 1 Administrative Site:
T. 18 N., R. 1 E.,
Sec. 31, SE¼SW¼.
The areas described aggregate 40 acres.
Williams Peak Administrative Site:
T. 19 N., R. 6 E.,
Sec. 1, SE¼SE¼NW¼, SW¼SW¼NE¼.
The tracts described contain 20 acres.
Miners Peak Administrative Site:
T. 18 N., R. 6 E.,
Sec. 30, Lot 3, NW¼NE¼SW¼.
The areas described aggregate 50.44 acres.
Bear Pete Lookout Administrative Site:
T. 22 N., R. 4 E.,
Sec. 4, SW¼NW¼.
The area described aggregates 40 acres.
Carey Dome Lookout Administrative Site:
T. 24 N., R. 4 E.,
Sec. 24, SE¼.
The area described aggregates 160 acres.
Cottontail Lookout Administrative Site:
T. 24 N., R. 6 E.,
Sec. 32, SW¼NE¼.
The area described aggregates 40 acres.
Nelson Point Lookout Administrative Site:
T. 23 N., R. 7 E.,
Sec. 10, NE¼ (unsurveyed).
The area described aggregates 160 acres.
Pilot Peak Lookout Administrative Site:
T. 21 N., R. 8 E., unsurveyed,
Sec. 7, NE¼SW¼, SE¼NW¼, SW¼NE¼, NW¼SE¼.
The areas described aggregate 160 acres.
Soldier Bar Landing Field Administrative Site:
T. 20 N., R. 14 E.,
Sec. 6, Lot 5,. SE¼NW¼, SW¼SW¼NE¼, NW¼NW¼SE¼.
The areas described aggregate 95.73 acres.
Goat Creek Administrative Site:
T. 20 N., R. 13 E.,
Sec. 1, NE¼NE¼, NE¼SW¼NE¼, SE¼NW¼NE¼ (unsurveyed).
The areas described aggregate 60 acres.
Rush Creek Point Lookout Administrative Site:
T. 20 N., R. 12 E.,
Sec. 1, SE¼SE¼ (unsurveyed).
The area described aggregate 40 acres.
Canyon Creek Administrative Site:
T. 21 N., R. 12 E.,
Sec. 25, NW¼SW¼, SE¼SW¼, E½SW¼SW¼;
Sec. 26, E½NE¼SE¼.
The areas described aggregate 120 acres.
Lookout Mountain Administrative Site:
T. 20 N., R. 11 E.,
Sec. 35, W½NE¼NE¼, E½NW¼NE¼ (unsurveyed).
The areas described aggregate 40 acres.
Coxey Creek Administrative Site:
T. 21 N., R. 12 E.,
Sec. 19, S½SE¼.
The area described aggregate 80 acres.
Crescent Meadows Administrative Site:
T. 21 N., R. 12 E.,
Sec. 6, Lots 11 and 12.
The tracts described contain 74.30 acres.
Cold Meadows Administrative Site:
T. 23 N., R. 12 E.,
Sec. 35, SE¼;
Sec. 36, SW¼ (unsurveyed).
T. 22 N., R. 12 E.,
Sec. 1, N½NW¼ (unsurveyed);
Sec. 2, N½NE¼.
The areas described aggregate 480 acres.
Cold Mountain Lookout Administrative Site:
T. 22 N., R. 12 E.,
Sec. 14, SE¼SE¼NW¼ (unsurveyed).
The tract described contains 10 acres.
Grass Mountain Lookout Administrative Site:
T. 24 N., R. 12 E.,
Sec. 26 , SW¼ (unsurveyed).
The area described aggregates 160 acres.
Arctic Point Lookout Administrative Site:
T. 25 N., R. 11 E.,
Sec. 25, SE¼SE¼NE¼, NE¼NE¼SE¼ (unsurveyed).
T. 25 N., R. 12 E.,
Sec. 30, SW¼SW¼NW¼, NW¼NW¼SW¼ (unsurveyed).
The areas described aggregate 40 acres.
Hot Springs Meadow Administrative Site:
T. 25 N., R. 11 E.,
Sec. 28, SE¼SW¼, SW¼SE¼;
Sec. 33, W½NW¼, N½NE¼ (unsurveyed).
The areas described aggregate 240 acres.
Sheepeater Lookout Administrative Site:
T. 24 N., R. 9 E.,
Sec. 27, NW¼NW¼SW¼ (unsurveyed).
The tract described contains 10 acres.
Chicken Peak Lookout Administrative Site:
T. 23 N., R. 9 E.,
Sec. 31, NE¼SW¼NE¼ (unsurveyed).
The tract described contains 10 acres.
Phantom Landing Field Administrative Site:
T. 23 N., R. 13 E.,
Sec. 4, E½NE¼ (unsurveyed).
T. 24 N., R. 13 E.,
Sec. 33, E½SE¼ (unsurveyed).
The areas described aggregate 160 acres.
Acorn Butte Lookout Administrative Site:
T. 21 N., R. 11 E.,
Sec. 11, NW¼NE¼ (unsurveyed).
The area described aggregates 40 acres.
Heda Landing Field Administrative Site:
T. 25 N., R. 10 E.,
Sec. 22, E½NE¼NE¼, E½SE¼NE¼ (unsurveyed).
The areas described aggregate 40 acres.
Red Top Meadow Landing Field Administrative Site:
T. 23 N., R. 9 E.,
Sec. 11, E½SW¼, NW¼SE¼, S½NE¼ (unsurveyed).
The areas described aggregate 200 acres.
Squaw Flat Recreation Area:
T. 17 N., R. 2 E.,
Sec. 32, SW¼NW¼.
The area described aggregates 40 acres.
Cabin Creek Recreation Area:
T. 15 N., R. 1 E.,
Sec. 12, SE¼SE¼.
The area described aggregates 40 acres.
Big Flat Recreation Area:
T. 14 N., R. 2 E.,
Sec. 31, SW¼SE¼.
The area described aggregates 40 acres.
Anderson Creek Recreation Area:
T. 14 N., R. 2 E.,
Sec. 20, W½SW¼SE¼, E½SE¼SW¼.
The areas described aggregate 40 acres.
Jungle Creek Recreation Area:
T. 16 N., R. 2 E.,
Sec. 28, NW¼NE¼.
The area described aggregates 40 acres.
No Business Creek Recreation Area:
T. 16 N., R. 2 E.,
Sec. 9, W½SW¼SE¼, E½SE¼SW¼.
The areas described aggregate 40 acres.
Sheep Creek Recreation Area:
T. 14 N., R. 2 E.,
Sec. 22, SW¼SW¼.
The area described aggregates 40 acres.
Big Creek Recreation Area:
T. 15 N., R. 2 E.,
Sec. 4, SW¼NW¼.
The area described aggregates 40 acres.
East Fork Weiser No. 1 Recreation Area:
T. 17 N., R. 1 E.,
Sec. 5, SW¼NW¼.
The area described aggregates 40 acres.
East Fork Weiser No. 2 Recreation Area:
T. 17 N., R. 1 E.,
Sec. 15, E½NW¼.
The area described aggregates 80 acres.
Kinney Point Recreational Area:
T. 21 N., R. 3 W.,
Sec. 11, SW¼SE¼.
The area described aggregates 40 acres.
Sheep Rock Recreation Area:
T. 21 N., R. 3 W.
Sec. 2, SE¼NW¼.
The area described aggregates 40 acres.
West Fork Weiser Recreation Area:
T. 18 N., R. 1 W.,
Sec. 8, Lot 4.
The tract described contains 35.80 acres.
West Branch Weiser Recreation Area:
T. 20 N., R. 1 W.,
Sec. 27, E½NE¼SW¼.
The tract described contains 20 acres.

T. 17 N., R. 1 E.,
Sec. 6, Lot 3.
The areas described aggregate 69.84 acres.
Hard Creek Administrative Site:
T. 21 N., R. 2 E.,
Sec. 1, S½SW¼SW¼, W½SW¼SE¼SW¼;
Sec. 2, E½SE¼SE¼SE¼;
Sec. 11, E½E½NE¼NE¼, E½NE¼SE¼NE¼;
Sec. 12, W½W½NE¼NW¼.
The areas described aggregate 55 acres.
Elk Lake Administrative Site:
T. 22 N., R. 2 E.,
Sec. 5, Lots 3 and 4.
The tracts described contain 85.63 acres.
Granite Mountain Administrative Site:
T. 20 N., R. 2 E.,
Sec. 3, S½S½SW¼SW¼;
Sec. 10, N½N½NW¼NW¼.
The tracts described contain 20 acres.
Hershey Point Administrative Site:
T. 23 N., R. 3 E.,
Sec. 20, S½SW¼SW¼;
Sec. 29, N½NW¼NW¼, N½SE¼NW¼NW¼.
The areas described aggregate 45 acres.
Elk Meadows Administrative Site and Landing Field:
T. 22 N., R. 3 E., unsurveyed,
Sec. 3, S½SW¼NE¼NW¼, S½S½NW¼NW¼, SW¼NW¼, W½SE¼NW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, N½NW¼SE¼SW¼.
The areas described aggregate 160 acres.
Warm Springs Saddle Administrative Site:
T. 22 N., R. 2 E.,
Sec. 3, S½S½SE¼SW¼;
Sec. 10, NE¼NW¼, E½NW¼NW¼.
The areas described aggregate 70 acres.
Hazard Creek Hot Spring Administrative Site:
T. 22 N., R. 2 E.,
Sec. 27, S½SE¼NW¼, E½NW¼SW¼, N½NE¼SW¼, SW¼NE¼SW¼.
The areas described aggregate 70 acres.
Little French Creek Administrative Site:
T. 22 N., R. 3 E.,
Sec. 28, SE½NW¼, NE¼SW¼.
The areas described aggregate 80 acres.
Goose Lake Administrative Site:
T. 20 N., R. 2 E.,
Sec. 1, NW¼SW¼.
The area described aggregates 40 acres.
Bear Basin Administrative Site:
T. 19 N., R. 3 E.,
Sec. 31, W½NW¼, NE¼NW¼, NW¼NE¼.
The areas described aggregate 167.47 acres.
Boulder Lake Lookout Administrative Site:
T. 18 N., R. 4 E.,
Sec. 23, SW¼NW¼NE¼SW¼, W½SW¼NE¼SW¼.
The tracts described contain 7.50 acres.
Deep Creek Administrative Site:
T. 20 N., R. 3 E.,
Sec. 1, S½SW¼NW¼, N½NW¼SW¼.
The areas described aggregate 40 acres.
Split Creek Lookout Administrative Site:
T. 20 N., R. 6 E.,
Sec. 6, Lots 3 and 4.
The tracts described contain 75.23 acres.
Brundage Lookout Administrative Site:
T. 19 N., R. 3 E.,
Sec. 7, S½NW¼NE¼, N½SW¼NE¼.
The areas described aggregate 40 acres.
Poverty Flat Administrative Site:
T. 17 N., R. 6 E.,
Sec. 2, W½SW¼SW¼;
Sec. 11, W½NW¼NW¼, SW¼NW¼, NW¼SW¼.
The areas described aggregate 120 acres.
Krassel Administrative Site:
T. 19 N., R. 6 E.,
Sec. 21, W½W½NE¼, E½NW¼, NW¼NW¼SE¼, N½NE¼SW¼.
The areas described aggregate 150 acres.
Oom Paul Administrative Site:
T. 20 N., R. 6 E.,
Sec. 33, SE¼NW¼NE¼, SW¼NE¼NE¼, E½SW¼NE¼, W½SE¼NE¼.
The areas described aggregate 60 acres.

Elk Lake Recreation Area:
T. 22 N., R. 2 E.,
Sec. 18, SW¼SW¼, SW¼SE¼, Lot 4;
Sec. 19, Lots 1 and 2.
The areas described aggregate 160.40 acres.
Sec. 30, Lot 1.
The areas described aggregate 34.40 acres.
Sec. 31, NE¼NW¼, SE¼NW¼, Lot 1.
The areas described aggregate 115.52 acres.
Indian Creek Addition No. 1 Administrative Site:
T. 20 N., R. 3 W.,
Sec. 30, Lot 4;
Sec. 31, NE¼NW¼, SE¼NW¼.
The areas described aggregate 119.16 acres.
Smith Mountain Administrative Site:
T. 21 N., R. 2 W.,
Sec. 21, SE¼NE¼SE¼, SE¼SE¼;
Sec. 22, SW¼NW¼SW¼, SW¼SW¼;
Sec. 28, NE¼NE¼.
The areas described aggregate 140 acres.
Crooked River Pasture Administrative Site:
T. 18 N., R. 3 W.,
Sec. 1, SW¼SW¼.
The area described aggregates 40 acres.
Peck Mountain Administrative Site:
T. 18 N., R. 2 W.,
Sec. 29, NW¼SW¼, NE¼SW¼.
The areas described aggregate 80 acres.
Horse Mountain Administrative Site:
T. 21 N., R. 3 W.,
Sec. 26, S½SE¼SW¼;
Sec. 35, N½NE¼NW¼.
The areas described aggregate 40 acres.
Buck Park Administrative Site:
T. 17 N., R. 3 W.,
Sec. 30, SE¼NE¼.
The area described aggregates 40 acres.
Johnson Park Administrative Site:
T. 17 N., R. 2 W.,
Sec. 30, E½SW¼, Lots 3 and 4.
The areas described aggregate 152.60 acres.
Price Valley Ranger Station Administrative Site:
T. 20 N., R. 1 W.,
Sec. 34, SE¼SE¼, S½NE¼SE¼;
Sec. 35, SW¼SW¼, S½NW¼SW¼.
The areas described aggregate 120 acres.
Jackley Lookout Administrative Site:
T. 22 N., R. 2 W.,
Sec. 13, SW¼NE¼.
The area described aggregates 40 acres.
Pollock Lookout Administrative Site:
T. 21 N., R. 1 W.,
Sec. 1, W½SW¼NW¼;
Sec. 2, SE¼NE¼, NE¼SE¼.
The areas described aggregate 100 acres.
Lick Creek Lookout Administrative Site:
T. 20 N., R. 1 W.,
Sec. 6, Lots 2 and 3.
The tracts described contain 79.44 acres.
Cold Springs Administrative Site:
T. 21 N., R. 1 W.,
Sec. 2, S½SE¼.
The area described aggregates 80 acres.
Indian Springs Administrative Site:
T. 21 N., R. 1 W.,
Sec. 21, N½NW¼.
The area described aggregates 80 acres.
Paradise Administrative Site:
T. 22 N., R. 1 W.,
Sec. 30, Lots 2 and 3.
T. 22 N., R. 2 W.,
Sec. 25, SE¼SE¼NE¼, NE¼NE¼SE¼.
The areas described aggregate 90.56 acres.
Stevens Addition No. 1 Administrative Site:
T. 18 N., R. 1 E.,
Sec. 31, SE¼SW¼.
The areas described aggregate 40 acres.
Williams Peak Administrative Site:
T. 19 N., R. 6 E.,
Sec. 1, SE¼SE¼NW¼, SW¼SW¼NE¼.
The tracts described contain 20 acres.
Miners Peak Administrative Site:
T. 18 N., R. 6 E.,
Sec. 30, Lot 3, NW¼NE¼SW¼.
The areas described aggregate 50.44 acres.
Bear Pete Lookout Administrative Site:
T. 22 N., R. 4 E.,
Sec. 4, SW¼NW¼.
The area described aggregates 40 acres.
Carey Dome Lookout Administrative Site:
T. 24 N., R. 4 E.,
Sec. 24, SE¼.
The area described aggregates 160 acres.
Cottontail Lookout Administrative Site:
T. 24 N., R. 6 E.,
Sec. 32, SW¼NE¼.
The area described aggregates 40 acres.
Nelson Point Lookout Administrative Site:
T. 23 N., R. 7 E.,
Sec. 10, NE¼ (unsurveyed).
The area described aggregates 160 acres.
Pilot Peak Lookout Administrative Site:
T. 21 N., R. 8 E., unsurveyed,
Sec. 7, NE¼SW¼, SE¼NW¼, SW¼NE¼, NW¼SE¼.
The areas described aggregate 160 acres.
Soldier Bar Landing Field Administrative Site:
T. 20 N., R. 14 E.,
Sec. 6, Lot 5,. SE¼NW¼, SW¼SW¼NE¼, NW¼NW¼SE¼.
The areas described aggregate 95.73 acres.
Goat Creek Administrative Site:
T. 20 N., R. 13 E.,
Sec. 1, NE¼NE¼, NE¼SW¼NE¼, SE¼NW¼NE¼ (unsurveyed).
The areas described aggregate 60 acres.
Rush Creek Point Lookout Administrative Site:
T. 20 N., R. 12 E.,
Sec. 1, SE¼SE¼ (unsurveyed).
The area described aggregate 40 acres.
Canyon Creek Administrative Site:
T. 21 N., R. 12 E.,
Sec. 25, NW¼SW¼, SE¼SW¼, E½SW¼SW¼;
Sec. 26, E½NE¼SE¼.
The areas described aggregate 120 acres.
Lookout Mountain Administrative Site:
T. 20 N., R. 11 E.,
Sec. 35, W½NE¼NE¼, E½NW¼NE¼ (unsurveyed).
The areas described aggregate 40 acres.
Coxey Creek Administrative Site:
T. 21 N., R. 12 E.,
Sec. 19, S½SE¼.
The area described aggregate 80 acres.
Crescent Meadows Administrative Site:
T. 21 N., R. 12 E.,
Sec. 6, Lots 11 and 12.
The tracts described contain 74.30 acres.
Cold Meadows Administrative Site:
T. 23 N., R. 12 E.,
Sec. 35, SE¼;
Sec. 36, SW¼ (unsurveyed).
T. 22 N., R. 12 E.,
Sec. 1, N½NW¼ (unsurveyed);
Sec. 2, N½NE¼.
The areas described aggregate 480 acres.
Cold Mountain Lookout Administrative Site:
T. 22 N., R. 12 E.,
Sec. 14, SE¼SE¼NW¼ (unsurveyed).
The tract described contains 10 acres.
Grass Mountain Lookout Administrative Site:
T. 24 N., R. 12 E.,
Sec. 26 , SW¼ (unsurveyed).
The area described aggregates 160 acres.
Arctic Point Lookout Administrative Site:
T. 25 N., R. 11 E.,
Sec. 25, SE¼SE¼NE¼, NE¼NE¼SE¼ (unsurveyed).
T. 25 N., R. 12 E.,
Sec. 30, SW¼SW¼NW¼, NW¼NW¼SW¼ (unsurveyed).
The areas described aggregate 40 acres.
Hot Springs Meadow Administrative Site:
T. 25 N., R. 11 E.,
Sec. 28, SE¼SW¼, SW¼SE¼;
Sec. 33, W½NW¼, N½NE¼ (unsurveyed).
The areas described aggregate 240 acres.
Sheepeater Lookout Administrative Site:
T. 24 N., R. 9 E.,
Sec. 27, NW¼NW¼SW¼ (unsurveyed).
The tract described contains 10 acres.
Chicken Peak Lookout Administrative Site:
T. 23 N., R. 9 E.,
Sec. 31, NE¼SW¼NE¼ (unsurveyed).
The tract described contains 10 acres.
Phantom Landing Field Administrative Site:
T. 23 N., R. 13 E.,
Sec. 4, E½NE¼ (unsurveyed).
T. 24 N., R. 13 E.,
Sec. 33, E½SE¼ (unsurveyed).
The areas described aggregate 160 acres.
Acorn Butte Lookout Administrative Site:
T. 21 N., R. 11 E.,
Sec. 11, NW¼NE¼ (unsurveyed).
The area described aggregates 40 acres.
Heda Landing Field Administrative Site:
T. 25 N., R. 10 E.,
Sec. 22, E½NE¼NE¼, E½SE¼NE¼ (unsurveyed).
The areas described aggregate 40 acres.
Red Top Meadow Landing Field Administrative Site:
T. 23 N., R. 9 E.,
Sec. 11, E½SW¼, NW¼SE¼, S½NE¼ (unsurveyed).
The areas described aggregate 200 acres.
Squaw Flat Recreation Area:
T. 17 N., R. 2 E.,
Sec. 32, SW¼NW¼.
The area described aggregates 40 acres.
Cabin Creek Recreation Area:
T. 15 N., R. 1 E.,
Sec. 12, SE¼SE¼.
The area described aggregates 40 acres.
Big Flat Recreation Area:
T. 14 N., R. 2 E.,
Sec. 31, SW¼SE¼.
The area described aggregates 40 acres.
Anderson Creek Recreation Area:
T. 14 N., R. 2 E.,
Sec. 20, W½SW¼SE¼, E½SE¼SW¼.
The areas described aggregate 40 acres.
Jungle Creek Recreation Area:
T. 16 N., R. 2 E.,
Sec. 28, NW¼NE¼.
The area described aggregates 40 acres.
No Business Creek Recreation Area:
T. 16 N., R. 2 E.,
Sec. 9, W½SW¼SE¼, E½SE¼SW¼.
The areas described aggregate 40 acres.
Sheep Creek Recreation Area:
T. 14 N., R. 2 E.,
Sec. 22, SW¼SW¼.
The area described aggregates 40 acres.
Big Creek Recreation Area:
T. 15 N., R. 2 E.,
Sec. 4, SW¼NW¼.
The area described aggregates 40 acres.
East Fork Weiser No. 1 Recreation Area:
T. 17 N., R. 1 E.,
Sec. 5, SW¼NW¼.
The area described aggregates 40 acres.
East Fork Weiser No. 2 Recreation Area:
T. 17 N., R. 1 E.,
Sec. 15, E½NW¼.
The area described aggregates 80 acres.
Kinney Point Recreational Area:
T. 21 N., R. 3 W.,
Sec. 11, SW¼SE¼.
The area described aggregates 40 acres.
Sheep Rock Recreation Area:
T. 21 N., R. 3 W.
Sec. 2, SE¼NW¼.
The area described aggregates 40 acres.
West Fork Weiser Recreation Area:
T. 18 N., R. 1 W.,
Sec. 8, Lot 4.
The tract described contains 35.80 acres.
West Branch Weiser Recreation Area:
T. 20 N., R. 1 W.,
Sec. 27, E½NE¼SW¼.
The tract described contains 20 acres.

Morse Creek Recreation Area:

Elk Lake Recreation Area:
T. 22 N., R. 2 E.,
Sec. 6, E½NE¼ Lot 1.
The tract described contains 5.36 acres.
Hard Creek Meadow Recreation Area:
T. 21 N., R. 2 E.,
Sec. 18, SE¼SW¼;
Sec. 19, E½NW¼.
The areas described aggregate 120 acres.
Last Chance Recreation Area:
T. 19 N., R. 2 E.,
Sec. 14, NW¼NW¼, W½SW¼NW¼;
Sec. 15, SE¼NE¼NE¼, E½SE¼NE¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼.
The areas described aggregate 105 acres.
Goose Creek Recreation Area:
T. 19 N., R. 2 E.,
Sec. 27, Lot 1, N½ of Lot 2.
The tracts described contain 64.99 acres.
Hazard Lake Recreation Area:
T. 22 N., R. 3 E.,
Sec. 31, NW¼, W½SW¼NE¼, NW¼NW¼SE¼, N½SW¼ (unsurveyed).
The areas described aggregate 270 acres.
Elk Meadows Recreation Area:
T. 22 N., R. 3 E.,
Sec. 3, S½SW¼SW¼, SW¼SE¼SW¼ (unsurveyed).
The areas described contain 30 acres.
Lava Ridge Recreation Area:
T. 22 N., R. 3 E.,
Sec. 8, SE¼NW¼, E½SW¼NW¼, E½NW¼SW¼, NE¼SW¼ (unsurveyed).
The areas described aggregate 120 acres.
Hard Butte Lakes Recreation Area:
T. 22 N., R. 2 E.,
Sec. 3, NE¼SW¼SW¼, S½NW¼SW¼SW¼, S½SW¼SW¼, N½SE¼SW¼, N½S½SE¼SW¼;
Sec. 10, W½NW¼NW¼, E½NE¼NE¼.
The areas described aggregate 105 acres.
Little French Creek Recreation Area:
T. 22 N., R. 3 E.,
Sec. 28, SE½SW¼;
Sec. 33, E½NW¼, E½SW¼.
The areas described aggregate 200 acres.
Hard Creek Basin Recreation Area:
T. 21 N., R. 2 E.,
Sec. 23, W½SW¼NE¼, E½SE¼NW¼, SW¼SE¼NW¼, NW¼NE¼SW¼, E½NE¼SW¼, W½NW¼SE¼.
The areas described aggregate 100 acres.
Big Hazard Lake Recreation Area:
T. 22 N., R. 3 E., unsurveyed,
Sec. 30, SE¼SW¼, SW¼SE¼, W½SE¼SE¼;
Sec. 31, NW¼NE¼, W½NE¼NE¼.
The areas described aggregate 160 areas.
Goose Lake Recreation Area:
T. 20 N., R. 2 E.,
Sec. 13, NW¼SW¼;
Sec. 14, NE¼SE¼.
The areas described aggregate 80 acres.
Loon Lake Recreation Area:
T. 21 N., R. 5 E., unsurveyed,
Sec. 10, S½SW¼;
Sec. 15, NW¼.
The areas described aggregate 240 acres.
Black Lee Creek Recreation Area:
T. 19 N., R. 4 E.,
Sec. 15, SW¼NW¼NE¼, SE¼NE¼NW¼, E½SE¼NW¼, NE¼SW¼, W½NW¼SE¼, SW¼NE¼.
The areas described aggregate 140 acres.
North Fork Lick Creek Recreation Area:
T. 20 N., R. 5 E.,
Sec. 13, NE¼, N½NW¼SE¼.
The areas described aggregate 180 acres.
Upper Payette Lake Recreation Area:
T. 21 N., R. 3 E.,
Sec. 25, Lots 2 and 3.
The tracts described contain 76.02 acres.
Paddy Flat Recreation Area:
T. 17 N., R. 4 E.,
Sec. 26, SW¼SW¼SW¼.
The tract described contains 10 acres.
Lick Creek Recreation Area:
T. 20 N., R. 5 E.,
Sec. 20, S½NE¼, N½N½SE¼, NE¼SW¼, N½SE¼SW¼, SW¼SW¼, S½NW¼SW¼;
Sec. 19, S½SE¼, SE¼SW¼, Lot 4;
Sec. 30, N½N½NE¼, N½NE¼NW¼, N½ of Lot 1.
The areas described aggregate 472.89 acres.
Kennally Creek Recreation Area:
T. 17 N., R. 5 E.,
Sec. 29, N½SE¼.
The area described aggregates 80 acres.
Deadman Bar Recreation Area:
T. 19 N., R. 6 E.,
Sec. 24, Lot 4;
Sec. 25, NE¼ of Lot 1.
T. 19 N., R. 7 E.,
Sec. 19, Lot 4;
Sec. 30, Lot 1.
The tracts described contain 123.43 acres.
Four Mile Creek Recreation Area:
T. 18 N., R. 6 E.,
Sec. 26, SE¼SW¼;
Sec. 35, N½NE¼NW¼, E½NW¼NW¼, N½SW¼NW¼, NW¼SE¼NW¼.
The areas described aggregate 110 acres.
Lodgepole Recreation Area:
T. 18 N., R. 6 E.,
Sec. 26, W½SW¼.
The area described aggregates 80 acres.
Ponderosa Recreation Area:
T. 20 N., R. 6 E.,
Sec. 19, SE¼NE¼NE¼;
Sec. 20, NW¼NW¼NW¼, S½NW¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼.
The areas described aggregate 70 acres.
Poverty Flat Recreation Area:
T. 17 N., R. 6 E.,
Sec. 11, SW¼SW¼.
The area described aggregates 40 acres.
Buckhorn Bar Recreation Area:
T. 19 N., R. 6 E.,
Sec. 32, E½SE¼SE¼;
Sec. 33, NW¼SW¼SW¼, W½NW¼SW¼.
The areas described aggregate 50 acres.
Camp Creek Recreation Area:
T. 18 N., R. 6 E.,
Sec. 15, Lots 3 and 5, and W½W½SE¼;
Sec. 22, Lot 1.
The tracts described contain 121.72 acres.
Marshall Lake Recreation Area:
T. 24 N., R. 4 E.,
Sec. 36, SE¼ of Lot 2.
The tract described contains 9.98 acres.
Fourth of July and Kiwanis Campgrounds:
T. 14 N., R. 5 W.,
Sec. 33, W½NW¼NE¼NW¼, NE¼NW¼NW¼, N½SE¼NW¼NW¼, SE¼NW¼NW¼NW¼, NE¼SW¼NW¼NW¼.
The areas described aggregate 25 acres.
Justrite and Paradise Campgrounds:
T. 14 N., R. 5 W.,
Sec. 16, SE¼SE¼SW¼SW¼, SW¼SW¼SE¼SW¼;
Sec. 21, W½NW¼NE¼NW¼, NW¼SW¼NE¼NW¼, NE¼SE¼NW¼NW¼, E½NE¼NW¼NW¼.
The tracts described contain 20 acres.
Spring Creek Campground:
T. 14 N., R. 5 W.,
Sec. 4, E½NE¼SE¼, E½NW¼NE¼SE¼, SW¼NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, SW¼SW¼SE¼SE¼SE¼;
Sec. 9, NW¼NE¼NE¼, N½SW¼NE¼NE¼, N½NW¼NE¼, N½S½NW¼NE¼.
The areas described aggregate 160 acres.
Brownlee Campground:
T. 16 N., R. 4 W.,
Sec. 10, W½NW¼SE¼NW¼, NE¼SW¼NW¼, NE¼NW¼SW¼NW¼, S½NW¼SW¼NW¼, N½SW¼SW¼NW¼, NW¼SE¼SW¼NW¼.
The tracts described contain 30 acres.
Bear Creek Campground:
T. 20 N., R. 2 W.,
Sec. 18, NW¼NE¼.
The area described aggregates 40 acres.
Huckleberry Campground:
T. 20 N., R. 2 W.,
Sec. 8, NW¼SW¼.
The area described aggregates 40 acres.
Smokey Campground:
T. 21 N., R. 1 E.,
Sec. 17, W½NW¼NW¼, NW¼SW¼NW¼;
Sec. 18, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, N½SE¼NE¼.
The areas described aggregate 120 acres.
Black Lake Campground:
T. 21 N., R. 2 W.,
Sec. 3, Lots 8, 9 and 14.
The tracts described contain 95.56 acres.
Emerald Lake Campground:
T. 22 N., R. 2 W.,
Sec. 27, Lot 3;
Sec. 34, Lot 1.
The tracts described contain 54.57 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DECEMBER 20, 1956.

[F. R. Doc. 56-10468; Filed, Dec. 27, 1956; 8:45 a. m.]

[Public Land Order 1375]

[Washington 01935]

WASHINGTON

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes:

WILLAMETTE MERIDIAN

COLVILLE NATIONAL FOREST

Flagstaff Lookout Administrative Site:
T. 39 N., R. 39 E.,
Sec. 5, SE¼NE¼.
The area described aggregates 40 acres.
Sullivan Mountain Lookout Administrative Site:
T. 39 N., R. 44 E.,
Sec. 16, NE¼SW¼.
The area described aggregates 40 acres.
Sullivan Lake Reservoir Site:
T. 39 N., R. 43 E.,
Sec. 25, NE¼NE¼.
T. 39 N., R. 44 E.,
Sec. 30, E½NW¼, NE¼SW¼, lots 3 and 4.
The areas described aggregate 239.78 acres.
Pierre Lake Recreational Area:
T. 39 N., R. 37 E.,
Sec. 5, lot 6.
The tract described contains 27.25 acres.
Boundary Lake Recreational Area:
T. 40 N., R. 43 E.,
Sec. 1, lot 5.

T. 40 N., R. 44 E.,
Sec. 6, lot 4.
The tracts described contain 70.95 acres.
Crescent Lake Recreational Area:
T. 40 N., R. 43 E.,
Sec. 12, lots 1, 2, 3, 4.
The tracts described contain 132.15 acres.
Lime Creek Recreational Area:
T. 40 N., R. 43 E.,
Sec. 14, lot 7, SE¼SE¼.
The areas described aggregate 76.45 acres.
Lake Leo Recreational Area:
T. 36 N., R. 42 E.,
Sec. 3, lots 5, 7, SE¼SW¼.
The areas described aggregate 92.15 acres.
Pend Oreille River Recreational Area:
T. 37 N., R. 43 E.,
Sec. 33, lots 1, 4, 5, 8.
The tracts described contain 123.05 acres.
Lost Creek Recreational Area:
T. 36 N., R. 43 E.,
Sec. 15, lots 5, 8;
Sec. 22, lot 1.
The tracts described contain 136 acres.
Ruby Recreational Area:
T. 35 N., R. 44 E.,
Sec. 19, lots 1, 2, 6, 7.
The tracts described contain 113 acres.
Frater Lake Recreational Area:
T. 36 N., R. 42 E.,
Sec. 2, lots 1, 2.
T. 37 N., R. 42 E.,
Sec. 34, S½ SE¼.
The areas described aggregate 119.08 acres.

KANIKSU NATIONAL FOREST

Huff Lake Camp and Picnic Site:
T. 37 N., R. 45 E.,
Sec. 2, lot 1.
The tract described contains 49.50 acres.
Pettit Lake Camp Site:
T. 36 N., R. 45 E.,
Sec. 10, NE¼.
The area described aggregates 160 acres.
Stagger Inn Camp and Picnic Site:
T. 38 N., R. 45 E.,
Sec. 26, NE¼.
The area described aggregates 160 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DECEMBER 20, 1956.

[F. R. Doc. 56-10469; Filed, Dec. 27, 1956; 8:45 a. m.]

[Public Land Order 1376]

[Idaho 05384]

IDAHO

RESERVING PUBLIC LANDS WITHIN CHALLIS NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Challis National Forest in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas as indicated:

BOISE MERIDIAN

Boulder Lakes Administrative Site:
T. 9 N., R. 16 E., unsurveyed,
Sec. 14, NE¼NW¼, N½SE¼NW¼.
The areas described aggregate 60 acres.
Cape Horn Airport Administrative Site:
T. 12 N., R. 12 E., unsurveyed,
Sec. 19, SW¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼, SW¼SW¼SE¼, E½SW¼SE¼, SE¼SE¼, S½NE¼SE¼;
Sec. 30, NE¼NW¼NW¼, NE¼NW¼, NW¼NE¼, SW¼NE¼NE¼, NE¼SE¼NW¼, N½SW¼NE¼, NW¼SE¼NE¼.
The areas described aggregate 300 acres.
Indian Springs Administrative Site:
T. 15 N., R. 13 E., unsurveyed,
Sec. 1, NW¼NW¼;
Sec. 2, N½NE¼.
The areas described aggregate 120 acres.
Mill Creek Administrative Site:
T. 13 N., R. 17 E., unsurveyed,
Sec. 2, N½NW¼.
The area described contains 80 acres.
North Fork Administrative Site:
T. 7 N., R. 18 E., unsurveyed,
Sec. 23, SE¼NW¼.
The area described contains 40 acres.
Seafoam Administrative Site:
T. 14 N., R. 11 E., unsurveyed,
Sec. 13, SW¼;
Sec. 14, SE¼, E½SW¼;
Sec. 23, NE¼NE¼;
Sec. 24, N½NW¼.
The areas described aggregate 520 acres.
Valley Creek Administrative Site:
T. 10 N., R. 13 E.,
Sec. 3, Lot 6, SW¼NW¼;
Sec. 4, SE¼SE¼NE¼, SE¼NE¼SE¼NE¼, SE¼SW¼SE¼NE¼.
The areas described aggregate 75.36 acres.
Warm Springs Administrative Site:
T. 15 N., R. 16 E., unsurveyed,
Sec. 16, W½W½;
Sec. 17, E½E½.
The areas described aggregate 320 acres.
Warm Springs Meadows Administrative Site:
T. 9 N., R. 15 E., unsurveyed,
Sec. 5, SE¼NW¼, E½SW¼NW¼, E½SW¼, E½NW¼SW¼;
Sec. 8, NE¼NW¼, E½NW¼NW¼.
The areas described aggregate 240 acres.
Beaver Creek Recreation Area:
T. 13 N., R. 11 E., unsurveyed,
Sec. 35, S½.
The area described aggregates 320 acres.
Blind Creek Recreation Area:
T. 11 N., R. 15 E., unsurveyed,
Sec. 17, SW¼.
The area described aggregates 160 acres.
Custer Recreation Area:
T. 12 N., R. 15 E., unsurveyed,
Sec. 3, SE¼.
The area described aggregates 160 acres.
Flat Rock Recreation Area:
T. 11 N., R. 15 E., unsurveyed,
Sec. 9, SW¼.
The area described aggregates 160 acres.
Josephus Lakes Recreation Area:
T. 14 N., R. 11 E., unsurveyed,
Sec. 16, SW¼SW¼NW¼, N½NW¼NW¼SW¼;
Sec. 17, S½SE¼NE¼, N½N½NE¼SE¼.
The areas described contain 45 acres.
Loon Creek Recreation Area:
T. 14 N., R. 13 E., unsurveyed,
Sec. 22, SE¼;
Sec. 23, SW¼;
Sec. 26, NW¼;
Sec. 27, NE¼;
The areas described aggregate 640 acres.
Mill Creek Recreation Area:
T. 13 N., R. 17 E., unsurveyed,
Sec. 10, NE¼NE¼.
The area described aggregates 40 acres.
Morse Creek Recreation Area:
T. 15 N., R. 22 E., unsurveyed,
Sec. 13, E½SE¼NE¼.
T. 15 N., R. 23 E., unsurveyed,
Sec. 18, W½W½SW¼NW¼.
The tracts described contain 30 acres.
North Fork Recreation Area:
T. 7 N., R. 19 E., unsurveyed,
Sec. 36, SE¼NW¼SW¼.
The tract described contains 10 acres.
O'Brien Recreation Area:
T. 11 N., R. 15 E., unsurveyed,
Sec. 27, W½NW¼, SE¼NW¼.
The areas described aggregate 120 acres.
Park Creek Recreation Area:
T. 6 N., R. 19 E., unsurveyed,
Sec. 19, S½NW¼NE¼, N½SW¼NE¼, SE¼NE¼NW¼, NE¼SE¼NW¼.
The areas described contain 60 acres.
Phillips Creek Recreation Area:
T. 15 N., R. 14 E., unsurveyed,
Sec. 30, SW¼SE¼SW¼, SE¼SW¼SW¼;
Sec. 31, NW¼NE¼NW¼, NE¼NW¼NW¼.
The areas described contain 40 acres.
Slate Creek Hot Springs Recreation Area:
T. 10 N., R. 16 E., unsurveyed,
Sec. 30, SE¼NW¼.
The area described contains 40 acres.
Sunbeam Bath House Recreation Area:
T. 11 N., R. 15 E., unsurveyed,
Sec. 19, S½S½SW¼NW¼, N½N½NW¼SW¼.
The tracts described contain 20 acres.
Sunbeam Recreation Area:
T. 11 N., R. 15 E., unsurveyed,
Sec. 19, SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 20, W½SW¼NW¼, NW¼NW¼SW¼.
The areas described contain 50 acres.
Wildhorse Recreation Area:
T. 6 N., R. 20 E., unsurveyed,
Sec. 21, NE¼NE¼SE¼, E½SE¼NE¼;
Sec. 22, SW¼NW¼, NW¼NW¼SW¼.
The areas described aggregate 80 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DECEMBER 20, 1956.

[F. R. Doc. 56-10470; Filed, Dec. 27, 1956; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10798; FCC 56-1280]

[Rules Amdt. 2-26]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

CHANGE IN EFFECTIVE DATE

In the matter of amendment of Part 2 of the Commission's rules to establish a program for the certification of equipment acceptable for licensing; Docket No. 10798.

1. The Commission has under consideration a petition filed by the Radio-Electronics-Television Manufacturers Association (RETMA) for amendment of § 2.524 (d) (2) of its rules to change

the effective date contained therein from December 1, 1956, to June 1, 1957, insofar as it applies to television transmitters. This paragraph of the rules requires field intensity measurements of spurious radiations to be furnished with requests for type acceptance of transmitters.

2. In its petition, RETMA points to its previous requests for extension of the effective date of this field intensity measurement requirement in order that certain engineering studies regarding testing techniques and measurement standards might be completed. These studies involve a considerable number of man-hours and are as yet incomplete. As a showing of the effort already expended and of the diligence of the RETMA groups studying this problem, a preliminary report was submitted with the instant petition.

3. The Commission considers that the petition and appended report present an adequate showing of need for further postponement of the effective date for measurements concerning television transmitters. Furthermore, inasmuch as the allied engineering studies relating to radiations from other types of transmitters are yet similarly incomplete, the Commission considers it advisable and proper that the proposed postponement should apply to all types of transmitters. Accordingly, the effective date contained in § 2.524 (d) (2) is being postponed until June 1, 1957, and such postponement is being adopted herein by amendment of that section.

4. Since the amendment in question relates solely to a change in the effective date of a provision of the rules which would have become effective December 1, 1956, notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act would be both impracticable and contrary to the public interest. Moreover, since the effect of the amendment is to relieve for a six month period a restriction otherwise imposed upon persons seeking type acceptance of various types of equipment covered in these proceedings, it may be effective immediately under section 4 (c) of the Administrative Procedure Act.

5. In view of the foregoing considerations and pursuant to the authority contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended: *It is ordered*, That, effective December 1, 1956, Part 2 of the Commission's rules and regulations is amended as follows: Section 2.524 (d) (2) is amended by changing the date specified therein from December 1, 1956, to June 1, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: December 19, 1956.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10517; Filed, Dec. 27, 1956; 8:50 a. m.]

[Docket No. 11514; FCC 56-1271]

[Rules Amdt. 3-48]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (WESTON, WEST VIRGINIA)

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on October 6, 1955 (FCC 55-992). The notice was issued pursuant to the petition filed by WJPB-TV, Inc., permittee of Station WJPB-TV Fairmont, West Virginia, for rule making to make Channel 5, presently assigned to Weston, West Virginia, and reserved for education, available for commercial use. On December 23, 1955, petitioner amended its petition to request that Channel 5 be designated as a "joint educational commercial allocation" on which the petitioner and educators in Weston could operate the television station jointly pursuant to an agreement between petitioner and West Virginia's Research Center and Salem College.

2. Comments in support of the original proposal were filed by West Virginia Radio Corporation, and a Resolution supporting the proposed amendment was received from the Board of Directors of the City of Fairmont. Oppositions to the proposal were filed by West Virginia University, the Broadcasting and Film Commission of the National Council of the Churches of Christ of the USA, and Telecasting, Inc., permittee of UHF Station WENS, Pittsburgh, Pennsylvania.[1]

3. In support of its request, petitioner submits that since Station WJPB-TV ceased operation on Channel 35 at Fairmont, many persons in North Central West Virginia are without adequate television service; that Channel 12 at Clarksburg, West Virginia, is the only VHF assignment in the area; and that no application has been filed for educational Channel 5 in Weston. Petitioner states that a station on Channel 5 at Weston would serve a large area and population; that if the proposed amendment is adopted, it will file an application for a station at Weston with auxiliary studios at Fairmont; and that in the event an application for the new station is granted to petitioner, a minimum of 25 percent of the total air time of the station will be offered, without charge, to West Virginia's Research Center and all other educational groups in the area. The Board of Directors of the City of Fairmont urge adoption of the proposal in order that WJPB-TV may again bring television service to the area.

4. West Virginia Radio Corporation maintains that West Virginia is underserved, particularly in the central part of the State where only 2 VHF channels are allocated. It contends that in view of the proceedings in which Channel 12, assigned to Clarksburg, is involved and the amount of time that would be required to construct a station following the termination of the proceedings, it is doubtful whether that channel will be providing commercial television service to Central West Virginia for a considerable period; that the people of the area must rely on community antennas, and that there are many areas in Central West Virginia where there are no community antenna systems. It argues that to permit Channel 5 to remain unused is a waste of valuable spectrum space, and asserts that Channel 5 has been available to the educational interests for a considerable period during which time no application for the facility has been filed; that the oppositions to the proposed rule making illustrate that no funds are available for the establishment of an educational station and that it is doubtful whether such funds will be available in the near future; that it has investigated the likelihood of appropriations for educational television and determined that the matter did not come before the Finance Committee of the West Virginia State Legislature during the recent session and that the budget for State educational institutions has been reduced so that there is little likelihood that an appropriation for educational television will be forthcoming in the immediate future. Petitioner contends that through the utilization of the facilities of the commercial stations, educational interests will, in large measure, achieve the same goal they seek in establishing an educational station and represents that if it obtains a construction permit for Channel 5, it will offer the educational institutions of the area as much time as they would be able to use. West Virginia Radio Corporation states that if Channel 5 is made available for commercial use, it will apply for a construction permit and if granted, would install an auxiliary studio at Clarksburg and make 25% of its time available to the educational institutions in the State; and that it has the necessary equipment and staff available to establish a station at Weston within 90 days.

5. West Virginia University argues in opposition that the unsuccessful attempt of Station WJPB-TV to operate on a UHF frequency in Fairmont emphasizes the importance of retaining Channel 5 for non-commercial educational use and that if Channel 5 is made available for commercial use, the last real possibility for an effective educational station in West Virginia will be lost. The university maintains that although recent economic conditions in the State have made it impossible to obtain funds for an educational station, funds may be made available in the future, and that the university is interested in the use of television as an educational medium; that a standing committee of the faculty has been appointed to consider the university's relation to television; that a motion picture camera has been purchased and is being used for the production of film for television; and that the School of Journalism is conducting courses in Radio and Television Journalism. It contends that the educational reservation has not been effective for sufficient time to justify the proposed change to commercial use.

[1] Letters opposing the proposed amendment were received from Congressman Cleveland M. Bailey, Third District, West Virginia, Delegate Cecil H. Underwood, West Virginia House of Delegates, Senator Raymond J. Vassar, West Virginia Legislature, Salem College, Salem, West Virginia and West Virginia's Research Center, Inc.

6. The National Council of Churches of Christ in the USA urges that only by maintaining the integrity of educational channels can education be assured its rightful share of this medium and that commercial broadcasters will not concern themselves with the special needs of education. It contends that it is not correct that reserved channels are being wasted because educators have not yet been able to make use of these channels, and points to the educational stations in operation and others under construction. The Council maintains it is in the smaller and more isolated communities that the need for educational television is the greatest.

7. Telecasting, Inc. opposes the proposal and submits three alternative counterproposals which would permit the allocation of an additional VHF channel to Pittsburgh and would retain one or more VHF channels in Weston at mileage separations below those required by the Commission's Rules and subject to certain power and tower height limitations to prevent objectionable interference to adjacent and co-channel stations. It outlines the competitive aspects of television in Pittsburgh and argues that its proposals are preferable to the WJPB-TV proposal since they would permit the allocation of 4 commercial VHF channels to Pittsburgh and still retain one or two VHF channels in Weston. It argues that the height and power limitations which would be placed on the use of the channels in both Pittsburgh and Weston are not unreasonable and that the proposals are feasible from a technical standpoint. WJAC, Inc. and Dispatch Printing Co. oppose the counterproposal of Telecasting, Inc. on the grounds that it would cause interference to existing stations.

8. West Virginia's Research Center, Inc., maintains that the reservation of Channel 5 is necessary to afford Central West Virginia the opportunity of raising the cultural and educational level of its people; that both the physical facilities and the personnel of the schools in Central West Virginia are much below the standard for the nation as a whole, thereby placing an increasing responsibility on other media for the processes of education; and that educational television could provide formal adult education, presently almost non-existent. It concedes, however, that "to bring educational television into existence in Central West Virginia without a windfall which was neither foreseeable or logical would be a long difficult task". It states that it has been exploring the possibility of a joint allocation for educational and commercial use of Channel 5 with WJPB-TV, Inc. and that if the Commission permitted such joint allocation, it would be able, in a relatively short time, to provide educational television to Central West Virginia. It repeats its opposition to the request by WJPB-TV, Inc. to make Channel 5 available for commercial use exclusively. Subsequent to the filing of the amended petition by WJPB-TV, Inc. The Research Center filed comments withdrawing its opposition and joining in the request to designate Channel 5 as a joint educational-commercial channel. It pointed out that Channel 5 was originally reserved for non-commercial educational use in May of 1954, and that since that time it has been actively concerned with the establishment of an educational television station at Weston but has been unable to raise sufficient funds; that it now believes that the resources of the Central West Virginia area will not support an educational television station in the reasonably foreseeable future; and that there are few areas in the country where educational television would be more helpful. It states that the amended proposal of WJPB-TV, Inc. is in the best interest of educational television in Central West Virginia since it would provide a more satisfactory television coverage than is now possible and would insure a variety of both educational and commercial programs. It indicates that the Research Center would be ready and able to provide educational television programs as soon as station facilities and equipment are available. Salem College also expressed its approval of the proposal for a joint educational-commercial station as the only logical way to serve the educational interests of the State in the foreseeable future.

9. The Joint Council on Educational Television opposes both the original and the amended petition. It alleges that education has made great strides since 1952 in establishing non-commercial educational stations and points to the fact that many educational television stations are in operation and that additional stations are under construction or in the advance planning stage. It argues that Channel 5 in Weston has been reserved for educational use only since May 1954—over two years less than most of the educational channels—and that it is basically unfair to the educational interests of the Central West Virginia area to consider changing the reservation at this time. It contends that Channel 12 at Clarksburg, less than 20 miles north of Weston, will provide commercial television for the area and that the fact that the establishment of Channel 12 has been delayed does not justify changing the educational reservation at Weston. It points out that there are already 2 "claimants" for the commercial use of Channel 5 and that the necessity for a comparative hearing would result in a long delay before Channel 5 could be activated for either commercial or educational use; that the hours of commercial operation and the hours of educational operation would have to be clearly defined in the Commission's Rules, thereby placing the educational programming in a "straight jacket".

10. In reply to the counterproposals of Telecasting, Inc., the JCET argues that the proposed allocation admittedly violates the Commission's minimum separations and must be rejected. Similar arguments are advanced in the oppositions filed by WJAC, Incorporated, licensee of WJAC-TV, Johnstown, Pennsylvania, and the Dispatch Printing Company, licensee of WBNS-TV, Columbus, Ohio. We agree with the opponents to this counterproposal.

11. In the Sixth Report and Order we recognized that educational interests faced difficulties in using television for educational purposes which would not be encountered by commercial interests. Accordingly, we reserved the educational channels to give local educational interests adequate time to prepare for television. However, we expected that local educational interests would, within a reasonable time, undertake to formulate concrete plans for the utilization of the reserved channels and begin promptly to take definite affirmative action looking toward the fulfillment of those plans. In the absence of substantial evidence that the educational interests in a locality have made constructive efforts to fulfill these expectations, we cannot justify the continued reservation of available spectrum space for educational purposes, particularly where there is evidence of a demand for the reserved channel for a commercial station which would provide television service to a substantial number of persons. (Bryan-College Station, Texas, FCC 56-740.) None of the educational interests in Weston has made any concrete plans or taken any affirmative action looking toward the use of Channel 5 other than organizing a standing committee of the faculty of West Virginia University to consider the University's relation to television. In fact West Virginia's Research Center, Inc., which was responsible for obtaining the assignment of Channel 5 to Weston as an educational reservation has conceded that "to bring educational television into existence in Central West Virginia without a windfall which was neither foreseeable nor logical would be a long difficult task" and that it "believes that the resources of the Central West Virginia area will not support an educational television station in the reasonably foreseeable future." When the foregoing is considered in connection with the present lack of adequate television service in the Weston area at this time, we are of the view that the public interest would be served by making Channel 5 in Weston available for commercial use. We do not believe that Channel 5 should continue to be set aside for education when there are no prospects for its use in the foreseeable future in light of the need for commercial television service. It should be noted, in this regard, that the petitioner has indicated that time will be made available on the commercial station for educational programs. While this channel is assigned to Weston for application by any qualified applicant and is not earmarked for petitioner, it must be assumed that any commercial operator, in the exercise of his public interest responsibilities, would cooperate with educational institutions with a view to making his facilities available for educational programs in the public interest.

12. In light of our decision to unreserve Channel 5, we need not consider petitioner's alternate proposal involving joint use of the frequency. It should be pointed out, however, that although Channel 5 will now be available for com-

mercial use in Weston, educational interests can also apply for this frequency and could propose a share time operation in conjunction with a commercial station.

13. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

14. In view of the foregoing: *It is ordered,* That effective January 30, 1957, the Table of Television Assignments contained in § 3.606 is amended insofar as the communities named are concerned as follows:

City:	Channel No.
Weston, W. Va.	5, 32

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: December 19, 1956.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10518; Filed, Dec. 27, 1956; 8:50 a. m.]

[FCC 56-1257]

PART 3—RADIO BROADCAST SERVICES

WAIVER OF STATION IDENTIFICATION RULES

DECEMBER 20, 1956.

In order to permit special New Year's programs to be carried by radio and television broadcast stations without interruption at Midnight on New Year's Eve, the Commission announces a waiver of its station identification rules (§§ 3.117, 3.287 and 3.652) for all standard, FM and television broadcast stations, insofar as such rules require station identification on the hour, during the period beginning 11:50 p. m., e. s. t., December 31, 1956 and ending 4:50 a. m., e. s. t., January 1, 1957. It is expected that all stations will make proper station identification announcements as soon as possible after the hour.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: December 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10521; Filed, Dec. 27, 1956; 8:50 a. m.]

[Docket No. 11795; FCC 56-1272]

[Rules Amdt. 3-49]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (PRINEVILLE—COOS BAY, OREGON)

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on July 25, 1956 (FCC 56-757) and published in the FEDERAL REGISTER on July 28, 1956 (21 F. R. 5700) proposing to assign Channel 11 to either Prineville or Coos Bay, Oregon, in response to petitions filed by Grizzly Television, Inc., and Pacific Television, Inc., respectively. The latter proposal would require the substitution of Channel 19 for Channel 11 in Yreka City, California.

2. Comments were filed by Pacific Television, Inc., KOOS, Inc., and KSEM, Inc.[1]

3. Prineville is a community of 3,233 persons and has no assignments. Two television translator stations have recently been authorized for this community. Coos Bay, a community of 6,233 persons, has no assignments, but, there is a UHF assignment at North Bend, Oregon, a community within 15 miles of Coos Bay. KOOS, Inc., has an authorization for a station on Channel 16 in North Bend, but the station has not been constructed, and KOOS supports the assignment of Channel 11 to Coos Bay, indicating that it will apply for this frequency. Prineville and Coos Bay are 180 miles apart. Since this spacing is below the minimum co-channel separation for Zone II, the requests are in conflict. We must therefore determine which proposal is to be preferred.

4. In support of its request for the assignment of Channel 11 to Prineville, Grizzly Television, Inc., urges that there is need for a station in the area; that the proposal would conform to the rules; and that it plans to operate a satellite station if the proposal is adopted.

5. In support of its request for the assignment of Channel 11 to Coos Bay, Pacific Television, Inc., asserts that there is only one channel assigned to the area, Channel 16 at North Bend; that the proposal would meet the rules; that a large area and population would receive an additional television service; and that no party from Yreka City opposes the substitution of Channel 19 for Channel 11. KOOS, Inc., permittee of UHF Station KOOS-TV on Channel 16 in Coos Bay, also supports the proposal to assign Channel 11 to Coos Bay, urging that a VHF channel is more suitable to the rugged terrain in the area; that there is need and demand for the channel in Coos Bay whereas no such demand has been shown in Yreka City; that a UHF station could not compete successfully with a VHF station; and that it will apply for this assignment in the event it is adopted. In opposition to the assignment of this channel to Prineville, KOOS urges that Coos Bay and the county in which it is located is much larger in population than Prineville and its environs and that there is nothing in the record to show a need for Channel 11 in Prineville.

6. The Commission is of the view that the assignment of Channel 11 to Coos Bay is to be preferred to the assignment of this frequency in Prineville in view of the greater population which would obtain a new television service from such a facility in Coos Bay. Coos Bay and its environs is significantly larger in population than is the Prineville area. Under these circumstances, we have concluded that the public interest would be better served by assigning Channel 11 to Coos Bay.

7. Authority for the adoption of the amendments is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered,* That effective January 30, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned, as follows:

City:	Channel No.
Yreka City, Calif.	19
Coos Bay, Oreg.	11

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: December 19, 1956.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10519; Filed, Dec. 27, 1956; 8:50 a. m.]

[Rules Amdt. 4-7]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

CERTAIN EDITORIAL CHANGES

The Commission having under consideration the desirability of making certain editorial changes in § 4.602 (a) of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is therefore unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 19th day of December 1956, That, effective December 22, 1956, § 4.602 (a) of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: December 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 4.602 (a) is amended as follows:

1. Delete the following frequencies from Band C of the Table:

10500–10525
10525–10550

2. Delete the footnote designator 2 after Band C of the Table and delete footnote 2.

3. Add the following frequency at the end of the last column in Band D of the Table:

13200–13225

4. Delete the text immediately following the table in § 4.602 (a) and substitute the following:

Frequencies in the bands 16000–18000 Mc and 26000–30000 Mc are available for assignment on a case-by-case basis for television pickup, STL and intercity relay purposes. Channel widths and frequency tolerance will be specified in individual authorizations. Frequencies shown above between 2450 and 2500 Mc in Band A and between 17850 and 18000 Mc are allocated to accommodate the incidental radiations of industrial, scientific, and medical (ISM) equipment, and stations operating therein must accept any interference that may be caused by the operation of such equipment. ISM frequencies are also shared with other communication services and exclusive channel assignments will not be made, nor is the channeling shown above necessarily that which will be employed by such other services.

[F. R. Doc. 56-10522; Filed, Dec. 27, 1956; 8:50 a. m.]

[FCC 56-1284]

[Rules Amdt. 15-6]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

POWERLINE INTERFERENCE

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 19th day of December, 1956;

The Commission having under consideration § 15.68 (c) of the rules as amended which provides that the power line interference limit and the certification requirement with respect thereto shall be met by all new models of television broadcast receiver chassis placed in production after December 31, 1956, and by all television broadcast receivers manufactured after June 30, 1957; and

It appearing, that a series of tests conducted by the Institute of Radio Engineers and the Radio-Electronics-Television Manufacturers Association on sample receivers under various conditions and in various locations resulted in reasonably good correlation on frequencies below 3 Mc but resulted in wide variations on frequencies between 3 and 25 Mc; and

It further appearing, that these large variations do not allow the determination of compliance with the Commission's power line interference limit with sufficient accuracy; and

It further appearing, that a developmental program is currently being conducted for the purpose of providing a suitable solution to the measurement problem and additional time is needed for its completion; and

It further appearing, that the granting of such additional time would be in the public interest; and

It further appearing, that in view of the time element involved, compliance with the notice provisions of section 4 of the Administrative Procedures Act would be impracticable, and that because the amendment relieves a restriction, it may be effective immediately;

It is ordered, That pursuant to the authority of section 4 (i), 301 and 303 (f) of the Communication Act, § 15.68 (c) of the Commission's rules is amended as set forth below effective immediately.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The provisions of § 15.68 (c) of the Commission's rules are amended to revise the effective date of the rules with respect to the power line interference limit on frequencies between 3 and 25 Mc applicable to television broadcast receivers.

As amended § 15.68 (c) reads as follows:

(c) The power line interference limit and the certification requirement with respect thereto shall be met by all new models of television broadcast receiver chassis placed in production after June 30, 1956, and by all television broadcast receivers manufactured after December 31, 1956: *Provided, however,* That this limit and certification thereof for frequencies between 3 and 25 Mc shall be met by all new models of television broadcast receiver chassis placed in production after June 30, 1957, and by all television broadcast receivers manufactured after December 31, 1957.

[F. R. Doc. 56-10523; Filed, Dec. 27, 1956; 8:51 a. m.]

[Docket No. 6651; FCC 56-1276]

[Rules Amdt. 18-11]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of allocation of frequencies to the various classes of nongovernmental services in the Radio Spectrum from 10 kilocycles to 30,000,000 kilocycles; Docket No. 6651.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 19th day of December 1956,

The Commission, having before it for consideration an order of May 15, 1947 in the above-entitled docket, which made the provisions of Appendix A of Part 18 applicable to the operation of ISM devices on 915 Mc, 5850 Mc, 10,600 Mc and 18,000 MC; and an order of April 25, 1956, in Docket No. 11550 which changed the allocation of frequencies by deleting 10,600 Mc as an ISM frequency; and

It appearing that the changes effected by these above-mentioned orders have, through clerical error, not been incorporated into Part 18 of the Commission's rules; and

It appearing that the public interest would be served by the codification and incorporation of the above-mentioned orders into Part 18 of the Commission's rules, and

It appearing that notice of proposed rule making (pursuant to section 4 (a) of the Administrative Procedure Act) is unnecessary in view of the fact that these amendments to the rules are purely editorial in nature;

Now therefore, it is ordered, nunc pro tunc, pursuant to the authority contained in sections 4 (i), 303 (f) and 303 (r) of the Communications Act of 1934, as amended, that Part 18 of the Commission's rules is amended as set forth below, effective immediately.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 18.11 (a) to read as follows:

§ 18.11 *Operation on assigned frequencies.* * * *

(a) Such operation must conform to the general conditions of operation set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies hereafter set forth:

ISM frequency:	Frequency tolerance
13,560 kc	±6.78 kc.
27,120 kc	±160.00 kc.
40,680 kc	±20.00 kc.
915 Mc [2]	±25 Mc.
2450 Mc [1]	±50 Mc.
5850 Mc [2]	±75 Mc.
18,000 Mc [2]	±150 Mc.

[1] By public notice and order dated December 26, 1946, the Commission announced the availability of this frequency for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of this frequency would be governed by the conditions set forth in that order and set out as Appendix A hereto rather than by this part.

[2] By public notice and order dated May 15, 1947, the Commission announced the availability of this frequency for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of this frequency would be governed by the conditions set forth in the Commission's order of December 26, 1946, and set out as Appendix A hereto rather than by this part.

[3] Commissioners Hyde and Bartley dissenting.

[1] KSEM, Inc., opposed the assignment of Channel 11 to Prineville but had no objections to its assignment in Coos Bay in view of its Petition for Reconsideration of the action by the Commission in denying its request for the substitution of Channel 11 in Walla Walla for Channel 8 in Docket No. 11369. This petition was denied by the Commission on November 20, 1956.

2. Amend § 18.21 (a) to read as follows:

§ 18.21 *Operation on unassigned frequencies.* * * *

(a) Such operation must conform to the general conditions of operation set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies hereafter set forth:

ISM frequency:	Frequency tolerance
13,560 kc	±6.78 kc.
27,120 kc	±160.00 kc.
40,680 kc	±20.00 kc.
915 Mc [2]	±25 Mc.
2450 Mc [1]	±50 Mc.
5850 Mc [2]	±75 Mc.
18,000 Mc [2]	±150 Mc.

[1] By public notice and order dated December 26, 1946, the Commission announced the availability of this frequency for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of this frequency would be governed by the conditions set forth in that order and set out as Appendix A hereto rather than by this part.

[2] By public notice and order dated May 15, 1947, the Commission announced the availability of this frequency for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of this frequency would be governed by the conditions set forth in the Commission's order of December 26, 1946, and set out as Appendix A hereto rather than by this part.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10524; Filed, Dec. 27, 1956; 8:51 a. m.]

2. Amend § 18.21 (a) to read as follows:

§ 18.21 *Operation on assigned frequencies.* • • •

(a) In accordance with the general conditions of operation set out in the certification required by paragraph (c) of this section, such operation shall be confined to one or more of the following frequencies:

ISM frequency:	Frequency tolerance
13,560 kc	±6.78 kc.
27,120 kc	±160.00 kc.
40,680 kc	±20.00 kc.
915 Mc [1]	±25 Mc.
2450 Mc [1]	±50 Mc.
5850 Mc [2]	±75 Mc.
18,000 Mc [2]	±150 Mc.

[1] By public notice and order dated December 26, 1946, the Commission announced the availability of this frequency for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of this frequency would be governed by the conditions set forth in that order and set out as Appendix A hereto rather than by this part.

[2] By public notice and order dated May 15, 1947, the Commission announced the availability of this frequency for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of this frequency would be governed by the conditions set forth in the Commission's order of December 26, 1946, and set out as Appendix A hereto rather than by this part.

The operation of any industrial heating equipment or device on frequencies other than those listed herein above shall be discontinued after the effective date of the Atlantic City Radio Regulations if interference be caused to any authorized services. However, in any event, operation of such devices on frequencies other than those listed above shall be discontinued after June 20, 1952 except as provided by § 18.22.

3. Amend Appendix A to Part 18 as follows: Insert footnote designator 6 following "Appendix A" and add to the text of footnote 6 which reads as follows:

[6] By public notice and order dated May 15, 1947, the Commission announced the availability of the following frequencies for industrial, scientific and medical purposes:

915 Mc 5850 Mc 18,000 Mc

and expressly stated therein that the use of these frequencies would be governed by the conditions set out in this Appendix rather than Part 18 of the Commission's Rules. Therefore, although those conditions were intended, when adopted, to govern the ISM use of the frequency 2450 Mc only, they are also applicable to the ISM use of the above three additional frequencies provided their respective frequency limits of 890–940 Mc, 5775–5925 Mc and 17850–18150 Mc are substituted for the limits 2400–2500 Mc now appearing in condition (1).

[F. R. Doc. 56–10524; Filed, Dec. 27, 1956; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 941]

[Docket No. AO–101–A22]

MILK IN CHICAGO, ILL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on June 4, 6, and 7, 1956, pursuant to notice thereof which was issued on May 16, 1956 (21 F. R. 3327).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on September 24, 1956 (21 F. R. 7373), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and notice of opportunity to file written exceptions thereto.

The material issues on the record of the hearing related to:

1. The price level for Class I milk, including the supply-demand adjustment.

2. Revision of the definition of "pool plant" with respect to performance of plants and other qualifications; and accounting and payments for nonpool milk received at a pool plant.

3. Elimination of the special price applied in September, October and November to Class I and Class II milk moved in bulk to points outside the surplus milk manufacturing area.

4. Revision of price differentials to producers in nearby zones.

5. Changes in the method of accounting for milk, including use of a skim milk and butterfat system of accounting, and a special classification and accounting plan for skim milk and butterfat used in ice cream.

6. Expansion of the surplus milk manufacturing area.

7. Classification of malted milk.

8. "Reload point" as a type of pool plant.

A decision issued August 13, 1956 (21 F. R. 6136) dealt with issues No. 2 and No. 3. This decision deals only with issues Nos. 1, 4, 5, 6, 7 and 8.

Findings and conclusions. The following findings and conclusions on the material issues covered in this decision are based upon evidence contained in the record of the hearing:

1. *Class I price.* No change should be made in the Class I price differential or supply-demand adjustor.

Several producer organizations requested that the Class I price differential, which is added to the basic formula price, be changed to $1.10 per hundredweight for each month of the year. One producer group requested that the supply-demand adjustment be deleted from the order.

The Class I price differentials now provided in the order are $1.10 for the months of August through November, 90 cents for December, January, February and July, and 70 cents in other months. The annual average of these differentials is 90 cents.

The testimony in favor of making the Class I differential $1.10 for every month was based on the following reasons: (1) Increased costs of milk production; (2) loss of producers from the market; (3) low level of price compared with prices in other markets; and (4) a long-term upward trend in sales in the past ten years.

A representative of the largest producer organization in the market explained that his request for a price increase was not based on a need for more milk in the market, or to effect less seasonal variation in pricing, but rather to increase returns to producers on the present volume of milk.

A witness for handlers opposed the price increase and the elimination of seasonal pricing, as proposed by producers, on the basis that these would be harmful to the competitive position of handlers, particularly with respect to out-of-market sales, which are a substantial part of the Chicago handlers' business.

Record data do not show there is as yet any substantial reduction in seasonal variation in total producer deliveries from the range of variation for years prior to operation of the base plan. When the base plan was made effective in September 1954, seasonal price changes were retained in the order as an additional incentive to producers to even out production. Moreover, substantial amounts of milk approved for Chicago distribution are sold in packaged form as Class I milk in a number of markets outside the defined marketing area. Some of this milk is sold at resale prices which vary from those which prevail in the marketing area and in markets where seasonal adjustments of producer prices take place in the flush production season. To eliminate seasonal pricing under present conditions could result in competitive disadvantage to handlers which, if it proved substantial, would mitigate the presumed gain to producers from elimination of seasonal pricing.

In view of the lack of substantial evidence of a basis for eliminating seasonal pricing, it is concluded that no change should be made in the order in this respect.

The proposal to increase the annual average of the Class I price should be examined in the light of price levels in recent years, and of changing supply and demand conditions. The proposed price increase of 20 cents per hundredweight is substantial in relation to the present level of the differentials, and is greater than the total increase in the differentials since 1951. At the time when the Chicago and suburban orders

were combined on July 1, 1951, the annual average of the Class I differentials was 75 cents per hundredweight. Effective July 1, 1952, an amendment to the order increased the average of the differentials to 89.2 cents. The average of the differentials included in the December 1, 1954, amendment was 90 cents.

Since July 1, 1952, the Class I price has also been subject to a supply-demand adjustment based on the relationship of the volume of producer milk to utilization in Class I and Class II in the most recent 12-month period. This automatic price adjustment has served to keep the level of order prices in line with changing market conditions.

Data in the record for the years 1951 to date show a fairly steady increase in Class I sales, with the largest increases occurring after mid-1953. Sales of Class II milk in 1955 were slightly less than in 1951. The combined increase in both classes of milk was about 9 percent. Milk supplies from producers, on the other hand, increased about 20 percent in this period. Although producer numbers declined from an average of 23,005 in 1951 to 22,050 in 1955, this was compensated by a 25 percent increase in production per dairy.

For the first four months of 1956, production was about 5.1 percent higher than a year previous. Increased sales of Class I and Class II milk resulted in about the same level of utilization as in the same months of 1955.

The fall months are normally the critical period as to whether the market is adequately supplied. The percentage of producer milk used in Class I and Class II in the shortest production month of 1955, which was September, was 86.8 percent. In August, the percentage was 82.2 percent; in October, 80.2 percent; in November, 78.3 percent; and in December, 72.0 percent. Some testimony given in support of a proposal to change the requirements for pool plant status stressed the need to make milk available to the market in the fall months of short production. An amendment to the order on the basis of this record and effective September 1, 1956, makes modifications in pool plant requirements similar to those proposed.

It is concluded, on the basis of the preceding considerations, that the market supply in recent periods has been adequate, but not excessive, and that the price levels in the order since 1951 have resulted in an adequate response of supply to meet the needs of the market.

The testimony with respect to the proposal to eliminate the supply-demand adjustment contended that this factor has reduced prices in periods when surplus utilization in the market is not excessive. The testimony cited the situations in the fall months of 1954 and 1955, when the supply-demand formula reduced the price for milk in these classes although utilization in Class I and Class II ranged from 79 to 84 percent in the former, and from 78 to 87 percent in the latter instance. The witness pointed out that when utilization in fall months of 1952 was at a similar level, the supply-demand adjustment was adding 12 to 15 cents per hundredweight to the Class I price.

Official notice is taken here of the decision of the Secretary dated June 16, 1952 (17 F. R. 5526), in which it was decided that the supply-demand adjustment should be based on a twelve-month moving average of utilization. This type of adjustor was made effective July 1, 1952. Prior to that time the adjustment had been based on a six-month moving average of utilization. The latter type of adjustor had proved unsatisfactory in that it had resulted in some price variation contrary to the current supply-demand situation. At the hearing on which the June 16, 1952, decision was based, testimony generally indicated a preference for a type of adjustment which would reflect secular trend rather than a forecast of conditions immediately ahead.

Inasmuch as a twelve-month moving average is generally indicative of the secular trend of market utilization, and obscures variations of utilization in individual months, it is possible for negative price adjustments to continue through periods of a few months when the market is no more than adequately supplied. Furthermore, in periods covering several months when there is a general change in the level of utilization, it must be expected that the 12-month average will move more slowly than changes in recent months. However, effective August 1, 1955, the supply-demand adjustment was modified to reflect any change of the most recent twelve-month utilization figure from the similar utilization figure calculated three months previously. This change made the supply-demand adjustment more responsive to the situation in recent months. No proposal was made on the record as to how the supply-demand adjustor could be further revised to forecast with greater precision the prospective supply-demand situation. There is no basis in this record for the conclusion that deletion of an automatic price adjustor would result in a pricing system more adequately reflective of changing supply and demand conditions.

4. *Revision of price differentials to producers in nearby zones.* Location adjustments to producers with farms located near the marketing area should be revised so that location payments from the pool are made according to the location of the producer's farm rather than on the basis of the location of the plant where his milk is received. The rate of payment should be adjusted.

The order provides that uniform prices to producers are subject to location adjustments. The monthly announced uniform price per hundredweight applies to milk of 3.5 percent butterfat content received at pool plants located in the 55–70 mileage zone from the City Hall in Chicago. The price to producers for milk delivered at plants beyond this zone is reduced by 2 cents per hundredweight for each 15 miles, or fraction thereof that the plant location exceeds 70 miles. Milk delivered to plants located between the outer perimeter of the marketing area and a distance of 55 miles from Chicago City Hall, and milk delivered to plants located within the marketing area, is priced at the announced 55–70 mile zone uniform price plus 2 cents and 10 cents, respectively. The handler who receives the milk from producers pays the 2 cents additional for milk received at plants located between the marketing area and 55 miles, and 4 cents of the payment applicable at plants located in the marketing area, with the remaining 6 cents being paid out of the pool as a handler credit.

A major producer group proposed that the payment out of the pool be made on the basis of the location of the farm, rather than the present basis, which is the location of the plant where milk is received. According to this proposal, producers whose farms are in the townships within a radius of approximately 70 miles of the Chicago City Hall would be eligible for the nearby differentials. The townships would be grouped into two zones, which for convenience in this connection are designated as "Zone A" and "Zone B." Zone A would include all townships located within a radius of approximately 55 miles from the Chicago City Hall, and the Zone B would include all remaining townships located within the area encompassed by the approximate 70-mile radius. As a corollary to the zoning of nearby producer farms, it was proposed to change the rate of credit out of the pool from 6 cents per hundredweight on all milk received at a marketing area pool plant, to 4 cents per hundredweight on all milk received from producers with farms located in Zone A, and 2 cents per hundredweight on milk received from producers with farms located in Zone B. A handler would be given the pool credit on all milk received from these two groups of producers regardless of the receiving plant's location.

The 6-cent pool payment for milk received at plants located in the marketing area was incorporated in Order 41, July 1, 1951, when Orders 41 and 69 were combined. In this connection official notice is taken of the decision of the Secretary issued June 12, 1951 (16 F. R. 5777). Under Order 69, which regulated the handling of milk in suburban Chicago, uniform prices were computed on an individual-handler basis, and a wide variation in uniform prices existed between different handlers. In addition, the Order 69 uniform prices were generally higher than the Order 41 uniform prices for the same month. For all milk received by Order 69 handlers, the uniform prices had averaged about 17 cents per hundredweight higher than the Order 41 uniform prices. Since many Order 41 and Order 69 producers were interspersed, differences in prices tended to disrupt the orderly marketing of milk. Although most Order 41 producers with farms located near the marketing area had been receiving premiums above the announced uniform price, these were not uniform and were disturbing to the orderly marketing of milk produced on farms in or near the marketing area. It was proposed by the sponsors of the consolidation of Orders 41 and 69 that nearby producers shipping to marketing area plants should share in the higher utilization value contributed to the combined pool by the suburban handlers in the consolidation. In the decision of June 12, 1951, it was concluded that this amounted to about 6

cents per hundredweight on all milk shipped directly to plants located in the enlarged marketing area, and handlers who have received such milk have been given a pool credit at this rate from July 1, 1951, to date.

It was contended at this hearing, and at hearings on proposed amendments to Order 41 in April 1952, June 1954 and July 1955, that this pool credit has resulted in problems to certain handlers in the procurement of milk, and that handlers with plants located in the marketing area had a 6-cent per hundredweight price advantage over those with plants located outside the marketing area. This allegedly resulted in the unnecessary shifting of producers among plants, additional costs to some handlers in purchasing milk, and instability in the procurement of milk.

As the handling of milk in farm tanks became more prevalent the effect of the 6-cent pool credit extended further into the milkshed. Milk which had formerly been received at country plants was hauled directly from farms to the marketing area in tank trucks. In many instances milk was transferred from a bulk tank pickup truck to a larger truck, and then hauled to a city plant. As a result, the amount of money taken out of the pool to pay farmers shipping to marketing area plants increased.

Proposals to amend Order 41 to wholly or partially eliminate some of the effects of the 6-cent pool payment were considered at the previously mentioned hearings held in 1952, 1954 and 1955. Included in these proposals were extensions of the marketing area to include adjacent townships so that additional handlers would receive the 6-cent credit, elimination of the credit entirely, and proposed changes in the pricing points for some bulk tank milk. The last mentioned of these proposed amendments was adopted. Effective March 1, 1956, bulk tank milk transferred from one truck to another was priced at the point of transfer, with a consequent reduction of credit payments out of the pool. However, many people in the industry consider that the 6-cent pool credit results in substantial inequities between producers and handlers.

The major producer and handler groups contended at the hearing that changing the basis of the pool credit to handlers from the location of the plant to the location of the farms where milk was produced, would eliminate the procurement advantages of handlers with plants located in the marketing area. Under the proposal, each plant, regardless of location, would be given the same pool credit for milk received from farms located in Zone A, and similarly for farms located in Zone B. To illustrate, a plant located in the 55–70 mile zone would be given the same pool credit of 2 cents per hundredweight of milk received from a farm located in Zone B as would be given to a plant located in the marketing area and receiving milk from a farm in the same zone. At the present time, no credit would be given the plant in the 55–70 mile zone whereas a plant in the marketing area would receive a 6-cent credit. Under the proposal, the uniform prices to producers would continue to reflect the location of the plant to the extent of 2 cents per hundredweight per zone, and these amounts would be paid by the handlers operating the plants. These differences in prices would be paid to any producer regardless of farm location. The differences approximate the cost of hauling milk from different locations.

There was no testimony in opposition to the proposal.

The proposed revision of the basis of payment of location differentials to producers with farms close to market may be expected to result in about the same total amount of money to producers for such differentials, and the area distribution of such money would be approximately the same, as was the case when the orders for Chicago and the suburban area were combined. Milk entering the Chicago market from nearby farms is delivered to handlers at points nearby the market. The zoning of farms in two groups also has the advantage of providing a gradation in prices according to distance from a central location. Further, the payments out of the pool to producers would be limited to those whose milk supplies have historically commanded premiums over more distant milk by more than the actual difference in transportation cost on the principal grounds that such supplies are better adjusted to the requirements of the fluid milk market, are more readily accessible, and are less subject to weather and transportation hazards.

The proposed zone arrangement of the nearby area and the rates of payment are reasonable in view of the past market practices and should be adopted.

5. *Changes in accounting for milk.* No change should be made in the method of accounting for milk utilization, except as provided under Issue No. 7.

Two proposals were made to change the method of accounting for utilization of milk by handlers. One proposal was to adopt a method of accounting for utilization of all skim milk and butterfat. This is the same proposal as was made at hearings held in June 1954, and July 1955. The other proposal at this hearing with respect to accounting for utilization would call for separate accounting for skim milk and butterfat used for ice cream, ice cream mix and frozen desserts. Substantially the same proposal was considered at the July 1955 hearing. In this connection official notice is taken of decisions of the Secretary issued November 26, 1954 (19 F. R. 7693), and February 13, 1956 (21 F. R. 1070).

The testimony at this hearing on these proposals did not present any substantial new evidence which would require a different conclusion than on the basis of the previous hearings. In fact, much of the evidence with respect to one of the proposals was given principally by reference to testimony at the previous hearings.

It is concluded that this record does not provide a basis for conclusions different from conclusions made on these issues on records of the previous hearings, and that the proposals should be denied.

6. *Expansion of surplus milk manufacturing area.* No change should be made in the surplus milk manufacturing area.

A handler proposed that Dubuque County, Iowa, be included in the surplus milk manufacturing area. The reason given for this request was to change the classification of milk moving from a plant regulated under this order to a plant in Dubuque, Iowa, which is outside the surplus milk manufacturing area.

Under the Federal order regulating the handling of milk in the Dubuque marketing area, such movements of milk are treated as other source milk and allocated to the lowest class. Under this order, such shipments of milk to plants regulated under another order are classified as Class I milk pursuant to § 941.40 (a) to the extent of Class I utilization in the plant to which transferred.

It was the contention of the proponent that extension of the surplus milk manufacturing area would allow classification of such milk under this order in the same class to which it is assigned under the Dubuque order. This is not in conformance with order provisions, since § 941.40 (a) states the basis for classification of milk moving to plants regulated under other orders, wherever located, and takes precedence over paragraphs (c) and (d) of such section which deal with classification of milk moved to plants within the surplus milk manufacturing area.

The surplus milk manufacturing area has been established under the order as an area in which handlers may economically dispose of surplus milk for manufacturing uses. The reasons given for this proposal to enlarge the area are not consistent with this purpose. It is concluded the proposal should be denied.

7. *Classification of malted milk.* Malted milk should be classified as a Class III (a) milk product.

Under the present provisions of Order 41, any milk the butterfat from which is used in the production of a product not specifically named in the Class I, Class II or Class IV milk definitions, is classified as Class III milk. The Class III milk definition, in turn, specifies that the butterfat in milk used in condensed milk disposed of to commercial food processors located within the surplus milk manufacturing area, and sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk solids and condensed skim milk, shall be referred to as Class III (a) milk. The price for Class III (a) milk is at all times the condensery pay-price, whereas the price for the balance of the Class III milk is the condensery pay-price or the Class IV price, whichever is the higher.

It was proposed that malted milk be included as a Class III (a) product. Malted milk production, nationally, represents a large proportion of the dry whole milk solids production. Malted milk is processed in essentially the same manner as other Class III (a) milk products, and its composition is similar except for added ingredients. Competing unregulated plants base their prices to farmers on the midwest condensery price. In view of the close similarity in form and use between malted milk and other Class III (a) products, it should be included in that classification.

8. *Reload points.* The order should be amended to clarify the definition of "reload point."

In the recommended decision on this record issued by the Deputy Administrator July 20, 1956 (21 F. R. 5590), and the decision of the Secretary issued August 13, 1956 (21 F. R. 6136), the matter of "reload points" as a type of pool plant was inadvertently listed as part of Issue No. 2. No findings or conclusions were made with respect to reload points in those decisions. This matter should be considered as a separate issue as provided in this decision.

Effective March 1, 1956, Order 41 was amended to include as a "pool plant" any location at which milk moved from the farm in a tank truck is reloaded into another truck before entering a plant. Such a location is designated as a "reload point." This amendment was made in an effort to deal with certain problems that arise in the pooling and pricing of milk because of the increasing use of bulk tank milk assembly. These problems center around the question as to the point at which such milk should become subject to regulation and where it should be priced. Prior to this March 1, 1956 amendment, all milk was regulated and priced under Order 41 upon receipt at a plant.

Three proposals were made at this hearing to eliminate the reload point concept from the order. In support of two of these proposals, it was pointed out that the milk of some can shippers is reloaded from one truck to another in the country and shipped to the plant in the marketing area, so that the shipper receives the marketing area price. It was contended that the bulk shippers should be treated in the same manner, and that prices received by some bulk tank producers had been adversely affected by the March 1, 1956 amendment. The third proposal to eliminate reload points was offered as a corollary to the proposed change in the method of applying location differentials to producers located near or in the marketing area. This proposal was based on the assumption that the designation of reload points as pool plants served only to prevent handlers from receiving substantial amounts of money as pool credits to pay to some producers located considerable distances from the market whose milk was being picked up in tank trucks for movement directly to marketing area plants. It was contended that the proposed change in the basis of payments to nearby producers would accomplish such a purpose equally well, and that therefore the concept of reload points could be eliminated from the order.

The complaint against establishing prices at reload points is that farmers in zones well beyond the 70-mile zone do not receive prices established for delivery to the marketing area. Reload points were made the point of pricing under the order, by amendment March 1, 1956, for milk handled at such facilities, so that the price would be established for reloaded milk at country points in a manner similar to the pricing of other milk received at plants in the same locality. This record does not show that such a system of pricing at reload points is unsound or inequitable, and it is unnecessary here to repeat in detail the basis for establishing reload points. In this connection the order should be clarified, however, with respect to reloading performed at plant locations. By administrative practice such operations have been treated as part of the plant's operations, and this should continue to be so. No purpose is served with respect to pricing or administration by separation of these operations, and it would be impractical to consider the operations as separate. In the attached amending language the definition of reload point is modified to indicate that reloading on plant premises is considered part of the plant's operations.

General findings. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of July 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order regulating the handling of milk in the Chicago, Illinois, marketing area in the manner set forth in the attached amending order is approved or favored by producers as defined in the order, as proposed hereby to be amended, who during such representative period, were engaged in the production of milk for sale in the marketing area as defined in the order, as proposed hereby to be amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Chicago, Illinois, marketing area," and "Order amending the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

Issued at Washington, D. C., this 20th day of December 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating Handling of Milk in Chicago, Illinois, Marketing Area*

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 941.6 and substitute therefor the following:

§ 941.6 *Reload point.* "Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

2. Delete § 941.41 (c) (1) and substitute therefor the following:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk, malted milk, and condensed skim milk (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk);

3. Delete § 941.70 (d) and substitute therefor the following:

(d) Subtract the amount of any location adjustment to producers allowable pursuant to paragraphs (d) and (e) of § 941.81.

4. Delete § 941.71 (b) and substitute therefor the following:

(b) Add the aggregate of location adjustments to producers allowable pursuant to § 941.81 (a).

5. Delete § 941.80 and substitute therefor the following:

§ 941.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler for milk received from it during the delivery period not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to the location adjustment credit pursuant to § 941.53, or to the location adjustments to producers allowable pursuant to paragraphs (b) and (c) of § 941.81, whichever is applicable at the plant where the milk is received by the cooperative association and to a butterfat differential computed pursuant to § 941.82.

(b) On or before the 18th day after the end of each of the delivery periods of July through February each handler shall pay to each producer per hundredweight of milk received from him during such delivery period, respectively, not less than the uniform price, for such delivery period, subject to the location adjustments and butterfat differential provided by §§ 941.81 and 941.82.

(c) On or before the 18th day after the end of each of the delivery periods March through June each handler shall pay to each producer per hundredweight of base milk received from him during such delivery period, respectively, not less than the uniform price for base milk, and for excess milk received from such producer the handler shall pay not less than the uniform price for excess milk, subject in the case of both base milk and excess milk to the location adjustments and butterfat differential provided by §§ 941.81 and 941.82.

6. Delete § 941.81 and substitute therefor the following:

§ 941.81 *Location adjustments to producers.* In making payments to producers pursuant to § 941.80 (b) and (c), each handler shall:

(a) Deduct per hundredweight of milk received from producers at a pool plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles, or fraction thereof, greater than 70 miles;

(b) Add 2 cents per hundredweight of milk received from producers at a pool plant located outside the marketing area but not more than 55 miles from the City Hall in Chicago;

(c) Add 4 cents per hundredweight of milk received from producers at a pool plant located within the marketing area;

(d) Add 4 cents per hundredweight of milk received from producers whose farms are located in the territory lying within the City of Kenosha, the townships of Pleasant Prairie, Bristol and Salem in Kenosha County, all in the State of Wisconsin; the townships of Richmond, Burton, Greenwood, McHenry, Seneca, Dorr, Nunda, Coral, Grafton and Algonquin in McHenry County, Lake County, Kane County, Cook County, Du Page County, Kendall County, Will County; the townships of Saratoga, Aux Sable, Goose Lake and Felix in Grundy County; and the townships of Rockville, Manteno, Sumner, Yellowhead, Bourbonnais, Ganeer and Momence in Kankakee County, all in the State of Illinois; and Lake County, and Porter County, except Pleasant Township all in the State of Indiana, which territory shall be known as Zone A; and

(e) Add 2 cents per hundredweight of milk received from producers whose farms are located in the territory lying within the City of Racine, the townships of Raymond, Caledonia, Burlington, Dover, Yorkville and Mount Pleasant in Racine County; the townships of Brighton, Paris, Somers, Wheatland and Randell in Kenosha County; the townships of Lyons, Linn and Bloomfield, of Walworth County, all in the State of Wisconsin; the townships of Chemung, Alden, Hebron, Dunham, Hartland, Marengo and Riley in McHenry County; the townships of Boone, Bonus and Spring in Boone County, DeKalb County, the townships of Earl, Adams, Northville, Serena, Mission, Dayton, Rutland, Miller and Manlius, in LaSalle County; the townships of Nettle Creek, Erienna, Norman, Morris, Wauponsee, Vienna, Mazon, Maine, Braceville, Good Farm, Garfield and Greenfield in Grundy County; the townships of Essex, Salina, Limestone, Kankakee, Norton, Pilot, Otto, Aroma, St. Anne, and Pembroke, in Kankakee County; the townships of Chebanse, Papineau and Beaverville in Iroquois County, all in the State of Illinois; the townships of Lake, Lincoln, McClellan, Colfax, Beaver and Jackson in Newton County; the townships of Keener, Union, Wheatfield, Walker and Kankakee in Jasper County; Pleasant township in Porter County; the townships of Dewey, Prairie, Cass, Hanna, Clinton, Noble, New Durham, Scipio, Coolspring, Center, Kankakee, Michigan, Springfield and Galena in LaPorte County, all in the State of Indiana; and the townships of New Buffalo, Three Oaks and Chikaming in Berrien County in the State of Michigan, which territory shall be known as Zone B.

[F. R. Doc. 56-10481; Filed, Dec. 27, 1956; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

ENRICHED RICE

In the matter of adopting a definition and standard of identity for enriched rice:

Notice is hereby given that the Commissioner of Food and Drugs, pursuant to authority conferred on the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996; 21 F. R. 6581), proposes on his own initiative to adopt a definition and standard of identity for enriched rice and invites all interested persons to present their views in writing regarding the proposal published herein and to submit such comments or suggestions in quintuplicate prior to the thirtieth day following the publication of this notice in the FEDERAL REGISTER. Written comments and suggestions should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C.

The proposal is that the following definition and standard of identity be adopted:

SUBPART C—RICE AND RELATED PRODUCTS

§ ____ *Enriched rice.* (a) The foods for which definitions and standards of identity are prescribed by this section are forms of milled rice (except rice coated with talc and glucose and known as coated rice), to which nutrients have been added so that each pound of the milled rice contains:

(1) Thiamine: Not less than 2.0 milligrams and not more than 3.0 milligrams; riboflavin: Not less than 1.2 milligrams and not more than 1.8 milligrams; niacin or niacinamide: Not less than 16 milligrams and not more than 24 milligrams; iron (Fe): Not less than 13 milligrams and not more than 26 milligrams.

(2) Each pound may contain not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D.

(3) Each pound may contain not less than 500 milligrams and not more than 750 milligrams of calcium (Ca).

Iron and calcium may be added only in forms that are harmless and assimilable. The vitamins referred to in subparagraphs (1) and (2) of this paragraph may be combined with harmless substances to render them insoluble in water, if the water-insoluble products are assimilable.

(b) The substances referred to in paragraph (a) (1), (2), and (3) of this section may be added in a harmless carrier. Such carrier is used only in the quantity necessary to effect an intimate and uniform mixture of such substances with the kind of rice used.

(c) Unless the label of the food bears the statement "Do not wash before cooking since washing removes enriching ingredients" immediately preceding or following the name of the food, the substances named in paragraph (a) (1), (2), and (3) of this section shall be present in such quantity or in such form that when the enriched rice is washed as prescribed in paragraph (e) of this section, the washed rice contains not less than 85 percent of the minimum quantities of the substances named in paragraph (a) (1) of this section, as required for enriched rice; and in case any optional ingredients named in paragraph (a) (2) and (3) of this section are used, the washed rice contains not less than 85 percent of the minimum quantity specified for the substance or substances used.

(d) The name specified for each food for which a definition and standard of identity is prescribed by this section is the common name of the kind of milled rice to which the enriching substances are added, preceded by the word "enriched," as for example, "Enriched rice," "Enriched parboiled rice," "Enriched brown rice," "Enriched converted rice," etc.

(e) The method referred to in paragraph (c) of this section is as follows: Transfer 100 grams of enriched rice to a 2-liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for exactly ½-minute so that the rice grains are kept in motion. Allow the rice to settle for ½-minute, then pour off 850 milliliters of the water along with any floating or suspended matter. Determine thiamine, riboflavin, niacin, and iron (Fe) (and also vitamin D and calcium (Ca) if added as optional ingredients) in the wet rice and water remaining in the flask and calculate as milligrams per pound of the rice before rinsing.

Dated: December 19, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-10430; Filed, Dec. 27, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 10, 40, 41, 42]

[Draft Release No. 56-20B]

SPECIAL REGULATIONS FOR TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING; NOTICE OF CHANGE IN DATE OF MEETING

The Board gave notice in 21 F. R. 6091, August 15, 1956, and by circulation of Civil Air Regulations Draft Release No. 56-20, August 9, 1956, that it had under consideration the adoption of special regulations for turbine-powered transport category airplanes of current design.

Subsequently, in Civil Air Regulations Draft Release No. 56-20A, October 1, 1956, the Board gave notice of a meeting scheduled to be held with all interested persons on February 1, 1957, to discuss the proposed special regulations.

The Aircraft Industries Association has recommended to the Board that the meeting be rescheduled for February 5, 6, and 7 for the reason that more than one day will be required to discuss adequately the subject at hand and to begin the meeting on February 1, which is a Friday, would not be practical. The Board believes these reasons to be persuasive.

The Air Line Pilots Association, Air Transport Association, and Civil Aeronautics Administration have agreed to the new dates recommended by the Aircraft Industries Association.

In view of the foregoing, the Board hereby serves notice that the meeting with interested persons scheduled to be held on February 1, as indicated in 21 F. R. 7654 and Civil Air Regulations Draft Release No. 56-20A, has been rescheduled to be held on February 5, 6, and 7, at 9:30 a. m., at the Departmental Auditorium in Washington, D. C., to discuss comment received on Draft Release No. 56-20.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., December 21, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-10544; Filed, Dec. 27, 1956; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11893; FCC 56-1270]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; LONGVIEW-DENTON, TEXAS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing Television Broadcast Stations (Longview-Denton, Texas).

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. The Commission has before it for consideration (1) a petition filed September 13, 1956, by Gregg Television, Inc., Longview, Texas, (Gregg) requesting rule making to amend the Table of Assignments contained in § 3.606 of the rules and regulations to reallocate Channel 2, the non-commercial educational reservation in Denton, Texas to Longview, Texas for commercial operation and to assign Channel 71 to Denton for educational use; (2) a petition filed October 10, 1956 by Harwell V. Shepard, Denton, Texas, (Shepard) requesting rule making to make Channel 2 available for commercial operation in Denton and to reserve Channel 17 in Denton for education; (3) joint oppositions to the Gregg and the Shepard proposals filed by Texas State College for Women, North Texas State College and the Denton Independent School District (hereafter "educators"); (4) a Reply to the educator's Opposition to the Gregg petition filed by Gregg; (5) Comments with respect to the educator's opposition to the Shepard petition filed by Gregg; (6) an Opposition to the Shepard petition filed by Gregg; (7) an Opposition to the Gregg petition filed by Shepard; (8) Comments filed by the Joint Council on Educational Television; (9) a Reply to the Comments of JCET filed by Gregg; (10) a Motion to Strike the Gregg Reply to the educator's opposition filed by the Joint Council on Educational Television; (11) an Opposition to the JCET Motion to Strike filed by Gregg; (12) a Reply filed by Gregg to the Oppositions of Shepard, Texas State College for Women, North Texas State College, and Denton Independent School District; and (13) a Supplement to Oppositions to the Gregg petition filed by Texas State College for Women, North Texas State College and Denton Independent School District. Various letters and telegrams concerning the proposals have also been received.

3. In support of its proposal Gregg Television urges that Longview has no local television service; that Station KTVE, which began operation October 25, 1953 on UHF Channel 32 at Longview, suspended operation on December 25, 1955 and there is no likelihood that it will resume operation.[1] Gregg contends that the only hope for local television service in Longview lies in the allocation of Channel 2 and represents that it will immediately apply for a construction

[1] The CP for Channel 32 was deleted September 17, 1956.

permit to operate a television station on Channel 2 if the proposed amendment is adopted.

Gregg further alleges that there is no rational basis for any expectation that a non-commercial educational station will ever be constructed in Denton; that it has been advised by the respective Chairmen of the governing bodies of Texas State College for Women and North Texas State College, both of which are located in Denton, that neither institution has any plans for constructing or participating in the building of a television station at Denton and that no funds are available for such a project and no prospect for funds exists. It alleges, further, that the Chairman of the Board of Trustees of the Denton Independent School District has stated that the school district has no plans or funds available for the construction of an educational television station and no hope of obtaining any funds therefor; and that the Budget Director, Legislative Budget Board of the State of Texas, has advised it that no funds have ever been requested by either Texas State College for Women or North Texas State College for purposes of educational television and that no such requests are included in funds for operation of the colleges during the period from September 1, 1957 to August 31, 1959. It further maintains that the experience of KTVE on Channel 32 establishes that Longview's need for service can be satisfied only by the allocation of a VHF channel; that the allocation of Channel 2 to Longview would provide the first Grade A television service to a 593 square mile area and 45,728 persons and the first Grade B service to 790 square miles and 23,993 persons. It also alleges that non-commercial educational assignments have been made to Dallas (Channel 13) and Fort Worth (Channel 26) as well as Denton; that these communities are approximately 35 miles apart and, accordingly, even if Channel 2 is reallocated, the Dallas-Fort Worth-Denton area will still have two channels reserved for educational purposes. Finally, Gregg Television submits that Channel 2 can be assigned to Longview in conformance with the rules.[2]

4. In support of his proposal Shepard alleges that neither North Texas State College, Texas State College for Women nor the Denton Independent School System has applied for Channel 2 for educational purposes; that both North Texas State College and Texas State College for Women are tax supported institutions and have not requested additional tax funds for the purpose of installing a television station. Shepard maintains that he has consistently worked with the two colleges and the public schools in the presentation of educational programs and will make time available to these institutions for educational programs. Shepard also contends that a survey of television sets sold in Denton reveals that there are "only a handful" of UHF receivers whereas there is a 70 percent saturation of VHF receivers in the community and that it would not be economically feasible to undertake UHF operation in the area at this time. He represents that an application for Channel 2 will be filed if the channel is made available for commercial use.

5. The Commission has carefully considered each of the petitions, the oppositions thereto and the various other pleadings filed in this matter. Although we are not now passing on the merits of the many conflicting contentions advanced in these pleadings, we are of the view that a sufficient showing has been made to warrant the institution of a rule making proceeding with respect to the proposals. Since we are now initiating a rule making proceeding in this matter, a detailed discussion of the pleadings already filed would not be appropriate at this time. These pleadings will be considered as comments herein.

6. Authority for the issuance of the instant notice is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested person who is of the view that either of the proposals herein should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 30, 1957, written data, views or arguments setting forth his comments. Comments in support of the proposals may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: December 19, 1956.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10525; Filed, Dec. 27, 1956; 8:51 a. m.]

[2] This would require the selection of a site which would meet the minimum separation requirements of the rules and other pertinent standards.

[47 CFR Part 19]

[Docket No. 11895; FCC 56-1286]

CITIZENS RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 19, rules governing Citizens Radio Service to delete the note in § 19.12.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to delete the note now contained in § 19.12 of Citizens Radio Service rules. The Note now reads as follows:

NOTE: Pending further consideration by the Commission of the formulation and possible adoption of rules affecting the eligibility requirements of the Citizens Radio Service, application thereunder shall be considered in accordance with the following procedure:

(a) Applications pending before the Commission and those hereafter filed for authorization in the Citizens Radio Service, in those cases where the applicant is eligible under the rules governing any other service, shall not, except for good cause shown, be acted upon by the Commission, but shall be placed in the pending files.

(b) No such application shall be designated for hearing pending final agency determination in this matter.

(c) This procedure shall not apply to construction permits or other authorizations hereto issued and presently outstanding.

3. Inasmuch as the above note was inserted originally to prevent the preemption of the Citizens Radio Service facilities by applicants eligible in other land mobile radio services, and since experience now indicates that this eventuality is not likely to occur, it is believed that the above note no longer serves a useful purpose and can be eliminated without harmful consequences to the Citizens Radio Service.

4. The proposed amendments are issued under the authority contained in section 4 (i) and 303 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 24, 1957, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 15 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 19, 1956.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10526; Filed, Dec. 27, 1956; 8:51 a. m.]

[47 CFR Part 62]

[Docket No. 11894; FCC 56-1274]

APPLICATIONS TO HOLD INTERLOCKING DIRECTORATES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 62 of the Commission's rules governing applications under section 212 of the act to hold interlocking directorates.

1. Notice is hereby given of the proposed rule making in the above matter.

2. The purpose of this proceeding is to amend Part 62 of the Commission's rules to implement amendments of section 212 of the Communications Act of 1934, which became effective on August 2, 1956 (Public Law No. 914), and which provide that the Commission may authorize persons to hold the position of officer or director in more than one carrier subject to the act, without regard to the other requirements of that section, where it has found that one of the two or more carriers directly or indirectly owns more than fifty per cent of the stock of the other or others, or that fifty per cent or more of the stock of all such carriers is directly or indirectly owned by the same person.

3. The proposed rules, authority for which is contained in section 4 (i) and 212 of the Communications Act of 1934, as amended, are set forth below.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before February 1, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing original comments or briefs. The Commission will consider all such comments before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 19, 1956.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Substitute the following table of contents and text for the existing table of contents and text of Part 62, Rules Governing Applications Under Section 212 of the Act to Hold Interlocking Directorates:

Sec.

GENERAL

62.1 Scope.
62.2 Definitions.
62.3 Method of securing authorization.

CONTENTS OF APPLICATIONS

62.11 Information required by application filed pursuant to § 62.3 (a).
62.12 Information required by application filed pursuant to § 62.3 (b).

ADMINISTRATIVE REGULATIONS

62.21 Authorization to hold interlocking directorates in commonly owned carriers.
62.22 Information in previous applications; incorporated by reference.
62.23 Signature; verification.
62.24 Form of application, number of copies; size of paper, etc.
62.25 Additional or different positions with same companies.
62.26 Change in status; Commission to be informed.

GENERAL

§ 62.1 *Scope.* No person may hold the position of officer or director in more than one carrier subject to the Communications Act of 1934, as amended, unless duly authorized to do so pursuant to the regulations set forth in this Part.

§ 62.2 *Definitions.* As used in this part, the term:

(a) "Officer or director" shall include the duties, or any of the duties, ordinarily performed by a director, president, vice president, secretary, treasurer, general counsel, general solicitor, general attorney, comptroller general auditor, general manager, general commercial manager, chief engineer, general superintendent, general land and tax agent, or chief purchasing agent;

(b) "Interlocking Director" shall mean a person who performs the duties of "officer or director" in more than one carrier subject to the Communications Act of 1934, as amended; and

(c) "Commonly owned carriers" shall mean two or more carriers, one of which directly or indirectly owns more than 50 percent of the stock of the other carrier or carriers, or 50 percent or more of whose stock is owned directly or indirectly by the same person.

§ 62.3 *Method of securing authorization.* (a) Any person who has been designated to be an interlocking director may seek authorization from the Commission to serve in such capacity by filing on his own behalf an application in accordance with the provisions of § 62.11.

(b) Any person who has been designated to be an interlocking director of commonly owned carriers may perform the duties thereof provided the requirements of § 62.21 have been met.

CONTENTS OF APPLICATION

§ 62.11 *Information required by application filed pursuant to § 62.3 (a).* Each application shall state the following:

(a) The full name, occupation, business address, place of residence, and post-office address of the applicant;

(b) A specification of every carrier of which the applicant holds stock, bonds, or notes, individually, as trustee, or otherwise; and the amount of, and an accurate description of the securities owned or held by the applicant, of each carrier for which authority to act is sought. Whenever it is intended to represent on the board of directors of any carrier securities other than those owned by the applicant, the application shall describe such securities, state the character of representation, the name of the beneficial owner or owners and the general nature of the business conducted by such owner or owners;

(c) Each and every position with any carrier which is held by the applicant at the time of the application, and which he seeks authority to hold, together with the date and manner of his election or appointment thereto and, if he has entered upon the performance of his duties in any such position, the nature of the duties so performed and the date when he first entered upon their performance;

(d) As to each carrier covered by the requested authorization, whether it is (1) an operating carrier, (2) a lessor company, or (3) any other person or corporation organized for the purpose of engaging in communication by wire or radio subject to the Act. If any such carrier neither operates nor owns any apparatus nor provides service for communication by wire or radio, which is subject to the Act, there shall be filed with the application, as a part thereof, a copy of such carrier's charter or certificate or articles of incorporation, with amendments to date. When such copy has once been filed with the Commission, reference thereto, with amendments, if any, will suffice;

(e) A full statement of pertinent facts relative to any carrier which does not make annual reports to the Commission, authorization for a position with which is sought;

(f) Full information as to the relationship, operating, financial, competitive or otherwise, existing between the carriers covered by the requested authorization;

(g) Every business corporation—industrial, financial, or other—of which the applicant is an officer or director, trustee, receiver, attorney, or agent and also every corporation engaged in communications or in furnishing equipment, supplies, research, services, finances, credit, or personnel, directly or indirectly, to any communication company in which the applicant has a financial interest, together with the general character of the business conducted by such corporation, and the amount and description of the applicant's interest; [1]

(h) Whether or not, since August 18, 1934, the applicant has, as director or officer of any carrier subject to the act,

[1] The Commission will regard the following as substantial compliance with the showing required by § 62.11 (g): (1) If the applicant is an officer, director, trustee, receiver, attorney, or agent of any business corporation he must make a complete disclosure of such position and state the general character of the business conducted by such corporation; and (2) if the applicant has a financial interest in any corporation furnishing equipment, supplies, research, services, finances, credit, or personnel, directly or indirectly, to any communication company, he must make a complete showing of his interest and state the general character of the business conducted by such corporation, only in cases where 5 percent or more of such corporation's annual gross business consists of furnishing equipment, supplies, research, services, finances, credit, and/or personnel, directly or indirectly to communications companies. If the applicant holds a position named in (1) in a corporation described in (2), he must make the disclosures called for in both (1) and (2).

Regularly licensed and practicing attorneys will not be required under number (1) above to show clients represented by them, unless such client corporations are engaged in conducting a communications service as a common carrier or come within the description in number (2) above.

[47 CFR Part 19]

[Docket No. 11895; FCC 56-1286]

CITIZENS RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 19, rules governing Citizens Radio Service to delete the note in § 19.12.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to delete the note now contained in § 19.12 of Citizens Radio Service rules. The Note now reads as follows:

NOTE: Pending further consideration by the Commission of the formulation and possible adoption of rules affecting the eligibility requirements of the Citizens Radio Service, application thereunder shall be considered in accordance with the following procedure:

(a) Applications pending before the Commission and those hereafter filed for authorization in the Citizens Radio Service, in those cases where the applicant is eligible under the rules governing any other service, shall not, except for good cause shown, be acted upon by the Commission, but shall be placed in the pending files.

(b) No such application shall be designated for hearing pending final agency determination in this matter.

(c) This procedure shall not apply to construction permits or other authorizations hereto issued and presently outstanding.

3. Inasmuch as the above note was inserted originally to prevent the preemption of the Citizens Radio Service facilities by applicants eligible in other land mobile radio services, and since experience now indicates that this eventuality is not likely to occur, it is believed that the above note no longer serves a useful purpose and can be eliminated without harmful consequences to the Citizens Radio Service.

4. The proposed amendments are issued under the authority contained in section 4 (i) and 303 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 24, 1957, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 15 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 19, 1956.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10525; Filed, Dec. 27, 1956; 8:51 a. m.]

[47 CFR Part 62]

[Docket No. 11894; FCC 56-1274]

APPLICATIONS TO HOLD INTERLOCKING DIRECTORATES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 62 of the Commission's rules governing applications under section 212 of the act to hold interlocking directorates.

1. Notice is hereby given of the proposed rule making in the above matter.

2. The purpose of this proceeding is to amend Part 62 of the Commission's rules to implement amendments of section 212 of the Communications Act of 1934, which became effective on August 2, 1956 (Public Law No. 914), and which provide that the Commission may authorize persons to hold the position of officer or director in more than one carrier subject to the act, without regard to the other requirements of that section, where it has found that one of the two or more carriers directly or indirectly owns more than fifty per cent of the stock of the other or others, or that fifty per cent or more of the stock of all such carriers is directly or indirectly owned by the same person.

3. The proposed rules, authority for which is contained in section 4 (i) and 212 of the Communications Act of 1934, as amended, are set forth below.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before February 1, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing original comments or briefs. The Commission will consider all such comments before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 19, 1956.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Substitute the following table of contents and text for the existing table of contents and text of Part 62, Rules Governing Applications Under Section 212 of the Act to Hold Interlocking Directorates:

Sec.

GENERAL

62.1 Scope.
62.2 Definitions.
62.3 Method of securing authorization.

CONTENTS OF APPLICATIONS

62.11 Information required by application filed pursuant to § 62.3 (a).
62.12 Information required by application filed pursuant to § 62.3 (b).

ADMINISTRATIVE REGULATIONS

62.21 Authorization to hold interlocking directorates in commonly owned carriers.
62.22 Information in previous applications; incorporated by reference.
62.23 Signature; verification.
62.24 Form of application, number of copies; size of paper, etc.
62.25 Additional or different positions with same companies.
62.26 Change in status; Commission to be informed.

GENERAL

§ 62.1 *Scope.* No person may hold the position of officer or director in more than one carrier subject to the Communications Act of 1934, as amended, unless duly authorized to do so pursuant to the regulations set forth in this Part.

§ 62.2 *Definitions.* As used in this part, the term:

(a) "Officer or director" shall include the duties, or any of the duties, ordinarily performed by a director, president, vice president, secretary, treasurer, general counsel, general solicitor, general attorney, comptroller general auditor, general manager, general commercial manager, chief engineer, general superintendent, general land and tax agent, or chief purchasing agent;

(b) "Interlocking Director" shall mean a person who performs the duties of "officer or director" in more than one carrier subject to the Communications Act of 1934, as amended; and

(c) "Commonly owned carriers" shall mean two or more carriers, one of which directly or indirectly owns more than 50 percent of the stock of the other carrier or carriers, or 50 percent or more of whose stock is owned directly or indirectly by the same person.

§ 62.3 *Method of securing authorization.* (a) Any person who has been designated to be an interlocking director may seek authorization from the Commission to serve in such capacity by filing on his own behalf an application in accordance with the provisions of § 62.11.

(b) Any person who has been designated to be an interlocking director of commonly owned carriers may perform the duties thereof provided the requirements of § 62.21 have been met.

CONTENTS OF APPLICATION

§ 62.11 *Information required by application filed pursuant to § 62.3 (a).* Each application shall state the following:

(a) The full name, occupation, business address, place of residence, and post-office address of the applicant;

(b) A specification of every carrier of which the applicant holds stock, bonds, or notes, individually, as trustee, or otherwise; and the amount of, and an accurate description of the securities owned or held by the applicant, of each carrier for which authority to act is sought. Whenever it is intended to represent on the board of directors of any carrier securities other than those owned by the applicant, the application shall describe such securities, state the character of representation, the name of the beneficial owner or owners and the general nature of the business conducted by such owner or owners;

(c) Each and every position with any carrier which is held by the applicant at the time of the application, and which he seeks authority to hold, together with the date and manner of his election or appointment thereto and, if he has entered upon the performance of his duties in any such position, the nature of the duties so performed and the date when he first entered upon their performance;

(d) As to each carrier covered by the requested authorization, whether it is (1) an operating carrier, (2) a lessor company, or (3) any other person or corporation organized for the purpose of engaging in communication by wire or radio subject to the Act. If any such carrier neither operates nor owns any apparatus nor provides service for communication by wire or radio, which is subject to the Act, there shall be filed with the application, as a part thereof, a copy of such carrier's charter or certificate or articles of incorporation, with amendments to date. When such copy has once been filed with the Commission, reference thereto, with amendments, if any, will suffice;

(e) A full statement of pertinent facts relative to any carrier which does not make annual reports to the Commission, authorization for a position with which is sought;

(f) Full information as to the relationship, operating, financial, competitive or otherwise, existing between the carriers covered by the requested authorization;

(g) Every business corporation—industrial, financial, or other—of which the applicant is an officer or director, trustee, receiver, attorney, or agent and also every corporation engaged in communications or in furnishing equipment, supplies, research, services, finances, credit, or personnel, directly or indirectly, to any communication company in which the applicant has a financial interest, together with the general character of the business conducted by such corporation, and the amount and description of the applicant's interest; [1]

(h) Whether or not, since August 18, 1934, the applicant has, as director or officer of any carrier subject to the act,

[1] The Commission will regard the following as substantial compliance with the showing required by § 62.11 (g): (1) If the applicant is an officer, director, trustee, receiver, attorney, or agent of any business corporation he must make a complete disclosure of such position and state the general character of the business conducted by such corporation; and (2) if the applicant has a financial interest in any corporation furnishing equipment, supplies, research, services, finances, credit, or personnel, directly or indirectly, to any communication company, he must make a complete showing of his interest and state the general character of the business conducted by such corporation, only in cases where 5 percent or more of such corporation's annual gross business consists of furnishing equipment, supplies, research, services, finances, credit, and/or personnel, directly or indirectly to communications companies. If the applicant holds a position named in (1) in a corporation described in (2), he must make the disclosures called for in both (1) and (2).

Regularly licensed and practicing attorneys will not be required under number (1) above to show clients represented by them, unless such client corporations are engaged in conducting a communications service as a common carrier or come within the description in number (2) above.

received for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or has shared in any of the proceeds thereof, or has participated in the making or paying of any dividends of such carrier from any funds properly included in capital account. If the answer to this question is in the affirmative, the applicant shall state the amount or amounts received from such transactions, and the reasons to justify such payments;

(i) The reasons, fully, why the granting of the authority sought will not affect adversely either public or private interests; and

(j) Whether or not any other application for similar authority has been made by the applicant and, if so, the date and reference number thereof, and the action thereon, if any.

§ 62.12 *Information required by application filed pursuant to § 62.3 (b).* Each application shall state the following:

(a) The name and address of the carrier which seeks a finding that it owns more than 50 percent of the stock of another or other carriers; or the name and address of the person who seeks a finding that he owns 50 percent or more of the stock of two or more carriers; and

(b) The name and address of each carrier with respect to which the finding is sought by the applicant; for each such carrier, the total number of outstanding shares of stock of each category (common, preferred, etc.); the voting rights of each category; for each category, the number of shares directly or indirectly owned by the applicant and the percentage of the total number of outstanding shares in each category so owned. Where ownership is indirect, the applicant shall submit information regarding each intermediate entity involved to show that the applicant is the owner of the stock described.

ADMINISTRATIVE REGULATIONS

§ 62.21 *Authorization to hold interlocking directorates in commonly owned carriers.* After the Commission has found upon application filed pursuant to § 62.12 that two or more carriers are commonly owned carriers, any person designated to be an interlocking director of such carriers is authorized hereby to hold the position and perform the duties thereof so long as the carrier or person making the designation retains the extent of ownership necessary to make the carriers "commonly owned carriers." The authorization herein granted is, however, automatically cancelled without any notice thereof by the Commission, either to the person holding the position or performing the duties of interlocking director or to the carrier or person upon whose application a finding of common ownership was made, if, at any time, the percentage owned by such carrier or person becomes less than that specified in § 62.2 (c), and each person theretofore authorized to hold the position or perform the duties of interlocking director pursuant to such finding of common ownership shall immediately cease and desist performing such duties until such time as appropriate authorization is obtained pursuant to this Part.

§ 62.22 *Information in previous applications; incorporated by reference.* When application has been made by any person, a subsequent application by him need not repeat every statement contained in the previous application but may incorporate the same by appropriate reference.

§ 62.23 *Signature; verification.* (a) The original application filed pursuant to § 62.11 shall be signed by the individual applicant, and shall be verified under oath in substantially the following form:

State of ----------
County of ----------, ss:
---------- makes oath and says that ---------- holds no position as officer or director of any carrier or other business corporation except as indicated in the foregoing application, and that all of the statements contained therein are true and correct to the best of ---------- knowledge and belief.

---------- (Signature of applicant)

Subscribed and sworn to before me, a ---------- in and for the State and County above named, this ---------- day of ----------, 19--.

[SEAL]

My commission expires ----------

(b) The original application filed pursuant to § 62.12 shall be signed and verified under oath by the applicant, if an individual, or by a duly authorized officer if a company or corporation.

§ 62.24 *Form of application; number of copies; size of paper; etc.* The original application and two copies thereof shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself, but the signatures in the copies may be stamped or typed and the notarial seal may be omitted. The application shall be submitted in typewritten or printed form, on paper not more than 8½ inches wide and not more than 11 inches long, with a left-hand margin of approximately 1½ inches, and if typewritten, the impression must be on only one side of the paper and must be double spaced.

§ 62.25 *Additional or different positions with same companies.* If an applicant has been authorized by the Commission upon application filed pursuant to § 62.11 to hold certain positions as officer or director of certain carriers and is subsequently elected or appointed, or anticipates election or appointment, to additional or different positions with one or more of the same carriers, he may report the change in the manner and form provided in § 62.26 relating to "change in status." Authorization for the holding of such additional or different positions shall be deemed granted as of the 15th day following the filing of such report, unless within that time the Commission shall call upon the applicant for additional information or for the filing of a formal application.

§ 62.26 *Change in status; Commission to be informed.* (a) Should any change occur in the situation as reported under § 62.11 above the applicant shall report such change to the Commission within 30 days after such change occurs. Such report may be made by verified letter, in triplicate, signed by the applicant himself, his agent or attorney, or by an officer or attorney of one of the companies involved.

(b) Should any changes occur in the ownership relationships set forth in an application pursuant to § 62.12 which reduce applicant's ownership in any of the carriers below the percentage specified in § 62.2 (c) such applicant shall within ten days thereof notify the Commission of such ownership changes in each of the affected carriers and of the names of the persons and the positions for which authorization became effective after a formal finding was made on said application.

[F. R. Doc. 56-10527; Filed, Dec. 27, 1956; 8:51 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

NOTICE OF PROPOSED RULE MAKING

Part 329 of the rules and regulations of the Federal Deposit Insurance Corporation, relating to the payment of deposits and interest thereon, provides in § 329.1 (e) (5) that the term "savings deposit", in addition to the definition previously set forth in that paragraph, also means a deposit evidenced by a written receipt or agreement although not by a pass book, subject to certain restrictions and limitations.

The Board of Directors of the Federal Deposit Insurance Corporation is considering amending § 329.1 (e) by adding a provision which would in effect preclude the classification as a "savings deposit" of any deposit, whether evidenced by a pass book or a written receipt or agreement, which is payable at a fixed maturity. The proposal is prompted by the question whether the development of a practice of representing savings deposits by certificates with fixed maturities might result in undesirable confusion between savings deposits and time certificates of deposit.

The proposed amendment being considered by the Board of Directors would add at the end of § 329.1 (e) the following new subparagraph (6):

(6) No deposit, whether evidenced by a pass book or a written receipt or agreement, shall be classified as a "savings deposit" under this section if the deposit is payable on a certain specified date or at the expiration of a certain specified time after the date of deposit.

This notice is published pursuant to section 4 of the Administrative Procedure Act and Part 302 of the Corporation's rules and regulations (12 CFR Part 302). The proposed amendment is authorized under the authority cited at Part 329 of the Corporation's rules and regulations (12 CFR Part 329).

To aid in the consideration of the proposed amendment, the Board of Directors will be glad to receive any data, views or comments pertaining to the proposed amendment which are submitted in writing by any interested person to the Secretary, Federal Deposit Insurance Corporation, Washington 25, D. C. to be received not later than February 1, 1957.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 56-10507; Filed, Dec. 27, 1956; 8:48 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 204, 217]

[Regs. D, Q]

RESERVES OF MEMBER BANKS: PAYMENT OF INTEREST ON DEPOSITS

NOTICE OF PROPOSED RULE MAKING

Part 204 (Reg. D), relating to reserves of member banks, provides in § 204.1 (e), among other things, that the term "savings deposit", in addition to the definition therein previously set forth, also means a deposit evidenced by a written receipt or agreement although not by a pass book, subject to certain restrictions and limitations. Part 217 (Reg. Q), relating to payment of interest on deposits, contains in § 217.1 (e) an identical provision.

The Board is considering the possibility of amending §§ 204.1 (e) and 217.1 (e) by adding to each such section an identical provision which would in effect preclude the classification as a "savings deposit" of any deposit, whether evidenced by a pass book or a written receipt or agreement, which is payable at a fixed maturity. The proposal is prompted by the question whether the development of a practice of representing savings deposits by certificates with fixed maturities might result in undesirable confusion between savings deposits and time certificates of deposit.

The proposed amendments being considered by the Board would add at the end of §§ 204.1 (e) and 217.1 (e) the following new paragraph:

No deposit, whether evidenced by a pass book or a written receipt or agreement, shall be classified as a "savings deposit" under this section if the deposit is payable on a certain specified date or at the expiration of a certain specified time after the date of deposit.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR Parts 204 and 217.

To aid in the consideration of the foregoing matter, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it on to the Board to be considered. All such material should be submitted in writing to be received not later than February 1, 1957.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 56-10509; Filed, Dec. 27, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

ACCELERATION POLICY UNDER SECURITIES ACT OF 1933

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Securities and Exchange Commission will hold a public hearing on January 17, 1957, upon its proposed note to § 230.460 (Rule 460) under the Securities Act of 1933 defining its policy with respect to acceleration of the effective dates of registration statements under that act.

The hearing will follow immediately after the conclusion of the hearing on the proposed revision of Rule 133 under the Securities Act, scheduled to commence at 10:00 a. m. on January 17th, and will continue on Friday, January 18th, 1957, if necessary. Any person interested in being heard should so notify the Commission not later than January 15, 1957, indicating the length of time required for his presentation. Scheduling of the two hearings at the same time is designed to accommodate lawyers and other participants who may wish to attend both hearings.

The proposed note to Rule 460, first announced by the Commission on August 9, 1956 (Securities Act Release No. 3672) would specify certain of the more common situations in which it is the Commission's policy to deny acceleration of the effective dates of registration statements. The Commission's acceleration power derives from section 8 (a) of the act, which provides a 20-day "waiting" period between the filing of a registration statement (or of any amendment thereto) and its effective date. This provision of the law was designed to promote widespread dissemination among investors during the waiting period of factual disclosures contained in the registration statement, and thus contribute to more informed and prudent investment decisions.

The Commission may, however, shorten the 20-day waiting period if it finds such action consistent with the acceleration standards of section 8 (a), which provide that the Commission, having due regard to the adequacy of the information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors," may order a registration statement effective before the expiration of the 20-day waiting period.

The proposal represents a further step in the program of publishing the Commission's policies as a part of its general rules and regulations. Codification of the Commission's acceleration policy, after consideration of the comments of all interested persons, should clarify the standards governing acceleration and thus facilitate administration of section 8 (a) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 18, 1956.

[F. R. Doc. 56-10474; Filed, Dec. 27, 1956; 8:46 a. m.]

NOTICES

BUREAU OF THE BUDGET

NORTH DAKOTA

TRANSFER OF CERTAIN LANDS FROM SECRETARY OF AGRICULTURE TO DEPARTMENT OF THE INTERIOR FOR USE, ADMINISTRATION AND EXCHANGE UNDER TAYLOR GRAZING ACT

By virtue of the authority vested in the President of the United States by the last sentence of section 32 (c) of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 522, 525 (7 U. S. C. 1011 (c)), and delegated to the Director of the Bureau of the Budget by section 1 (f) of Executive Order No. 10530 of May 10, 1954, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, jurisdiction over the following-described lands acquired by the Secretary of Agriculture under section 32 (a) of the said Bankhead-Jones Act by virtue of the transfer made by section 2 of Executive Order No. 10046 of March 24, 1949, for use, administration, and disposition in accordance with the provisions of the said act, together with waters or water rights, improvements, and structures acquired or constructed in connection with the use and administration thereof, is hereby transferred to the Department of the Interior for use, administration, and

exchange under the Taylor Grazing Act, 48 Stat. 1269 (43 U. S. C. 315):

NORTH DAKOTA

WESTERN NORTH DAKOTA PROJECT, ND–LU–24

Fifth Principal Meridian

T. 140 N., R. 100 W.,
Sec. 8, S½SW¼.

The described lands aggregate approximately 80 acres.

PERCIVAL F. BRUNDAGE,
Director of the Bureau of the Budget.

DECEMBER 19, 1956.

[F. R. Doc. 56–10465; Filed, Dec. 27, 1956; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTED SILK WASTE

AVAILABILITY OF LICENSES AUTHORIZING STORAGE IN PUBLIC WAREHOUSES

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101–500.808) to authorize imported silk waste held in Customs custody pending a determination of whether it contains silk of Chinese origin to be released from Customs custody and stored in public warehouse by the importer.

Each license will provide that the merchandise covered thereby may not be withdrawn from warehouse except pursuant to further authorization from the Foreign Assets Control. At the same time, in each case, the Foreign Assets Control will issue an instruction to the warehouseman directing him not to allow the release of the merchandise from the warehouse until such time as a further authorization from the Foreign Assets Control is presented.

Any importer wishing to obtain a license under the procedure outlined above must file a separate application with respect to each shipment to which he desires the procedure to apply. Applications should be filed in duplicate, on Form TFAC–1, with the Federal Reserve Bank of New York and should identify the merchandise with specificity, including the Customs entry number, the total weight of the shipment, and the marks and numbers of each bale to which the application relates. Each application must contain the name and address of the public warehouse into which the merchandise is to be placed upon the issuance of the license and must be accompanied by a statement in writing from a responsible official of the public warehouse indicating the willingness of the warehouse to accept the merchandise pursuant to the terms as set forth above.

There will be no necessity under this procedure for the importer to apply for a further license to secure the release of the merchandise from public warehouse. Notification of authorization to release will be issued automatically by the Foreign Assets Control as soon as it is satisfied that the release is warranted.

Additional information and license application forms may be obtained from the Foreign Assets Control, Treasury Department, Washington 25, D. C., or the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York.

[SEAL] ELTING ARNOLD,
Acting Director, Foreign Assets Control.

[F. R. Doc. 56–10506; Filed, Dec. 27, 1956; 8:48 a. m.]

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

This material supersedes the statement on organization published at 11 F. R. 177A–22 as Part 600, Subparts A and B; Commissioner's Reorganization Order No. 15, except for paragraph 6 (18 F. R. 4033); and Commissioner's Reorganization Order No. 16 (18 F. R. 4033).

1112 *Service organization.* (1) The Internal Revenue Service is a component part of the Treasury Department. The Service is headed by the Commissioner of Internal Revenue who serves under the direction of the Secretary of the Treasury.

(2) The Internal Revenue Service consists of a National Office in Washington, D. C., and a field organization. The latter consists of nine Internal Revenue Regions, each headed by a Regional Commissioner who reports to the Assistant Commissioner (Operations), and 64 Internal Revenue Districts, each headed by a District Director who reports to a Regional Commissioner. In addition, there are in the field nine Regional Inspectors and nine Regional Counsel, who report to the Assistant Commissioner (Inspection) and the Chief Counsel, respectively, in Washington, D. C.

(3) In administering the alcohol and tobacco tax and appellate functions direct from the Regional Office, the Regional Commissioner maintains and supervises several branch offices. The Alcohol and Tobacco Tax branch offices are headed by Supervisors in Charge who report to the Assistant Regional Commissioner (Alcohol and Tobacco Tax). The Appellate branch offices are headed by Associate Chiefs or Assistant Chiefs, Appellate Division, who report to the Assistant Regional Commissioner (Appellate) who also carries the title of Chief, Appellate Division. The Regional Counsel also maintain and supervise branch offices.

(4) In each Internal Revenue District there are a number of local offices in communities where concentration of workload in audit, collection, or intelligence activities requires the assignment of personnel. There are some 900 local offices.

(5) Location of the Internal Revenue regional and district offices is given in Appendix A. The Alcohol and Tobacco Tax branch offices are shown in Appendix B; and the Appellate branch offices in Appendix C.

APPENDIX A

INTERNAL REVENUE REGIONAL OFFICES

Atlanta, Ga., Peachtree-Baker Building, 275 Peachtree Street NE.
Boston, Mass., 55 Tremont Street.
Chicago, Ill., 17 North Dearborn Street.
Cincinnati, Ohio, Post Office Building.
Dallas, Tex., 1114 Commerce Street.
New York, N. Y., 90 Church Street.
Omaha, Nebr., 100 Elks Club Building.
Philadelphia, Pa., 1700 Widener Building.
San Francisco, Calif., Flood Building, 870 Market Street.

INTERNAL REVENUE DISTRICT OFFICES

Birmingham, Ala., 1531 Third Avenue, North.
Phoenix, Ariz., 140 West Monroe Street.
Little Rock, Ark., Post Office and Courthouse Building.
Los Angeles, Calif., U. S. Post Office and Courthouse.
San Francisco, Calif., 100 McAllister Street.
Denver, Colo., 165 New Customhouse.
Hartford, Conn., 460 Capitol Avenue.
Wilmington, Del., Post Office Building.
Jacksonville, Fla., U. S. Post Office Building.
Atlanta, Ga., Peachtree-Baker Building, 275 Peachtree Street.
Honolulu, Hawaii, Federal Building.
Boise, Idaho, 914 Jefferson Street.
Chicago, Ill., 22 West Madison Street.
Springfield, Ill., 621 East Adams Street.
Indianapolis, Ind., U. S. Post Office and Courthouse Building.
Des Moines, Iowa, Courthouse Building.
Wichita, Kans., 412 South Main Street.
Louisville, Ky., 313 Post Office Building.
New Orleans, La., Federal Building, 600 South Street.
Augusta, Maine, 221 State Street.
Baltimore, Md., Customhouse.
Boston, Mass., 174 Ipswich Street.
Detroit, Mich., New Federal Building, 231 West Lafayette Street.
St. Paul, Minn., 610 Post Office and Customhouse Building.
Jackson, Miss., Post Office and Courthouse.
Kansas City, Mo., U. S. Courthouse, 811 Grand Avenue.
St. Louis, Mo., 200 New Federal Building.
Helena, Mont., 209 Federal Building.
Omaha, Nebr., Federal Office Building, 15th and Dodge Street.
Reno, Nev., Post Office Building.
Portsmouth, N. H., 600 State Street.
Camden, N. J., Elks Building, Seventh and Cooper Streets.
Newark, N. J., Industrial Office Building, 1060 Broad Street.
Albuquerque, N. Mex., U. S. Courthouse.
Albany, N. Y., Post Office and Customhouse Building.
Brooklyn, N. Y., 210 Livingston Street.
Buffalo, N. Y., 34 West Mohawk Street, Corner Pearl Street.
New York, N. Y. (lower Manhattan), 245 West Houston Street.
New York, N. Y. (upper Manhattan), 484 Lexington Avenue.
Syracuse, N. Y., Chimes Building, 510 South Salina Street.
Greensboro, N. C., 320 South Ashe Street.
Fargo, N. Dak., Pioneer Mutual Life Building, 203 North 10th Street.
Cincinnati, Ohio, Post Office Building.
Cleveland, Ohio, 626 Huron Road.
Columbus, Ohio, 110 West Long Street.
Toledo, Ohio, U. S. Court and Customhouse.
Oklahoma City, Okla., Federal Building.
Portland, Oreg., 830 Northeast Holladay Street.
Philadelphia, Pa., U. S. Courthouse, Ninth and Chestnut Streets.
Pittsburgh, Pa., Post Office and Courthouse Building.
Scranton, Pa., Post Office and Courthouse Building.
Providence, R. I., 544 Elmwood Avenue.
Columbia, S. C., U. S. Courthouse Building, 1100 Laurel Street.
Aberdeen, S. Dak., Post Office and Courthouse Building.
Nashville, Tenn., 144 Federal Office Building.
Austin, Tex., 314 West 11th Street.
Dallas, Tex., 414 Lynch Building, 2101 Pacific Avenue.
Salt Lake City, Utah, U. S. Post Office and Courthouse.
Burlington, Vt., 80 St. Paul Street.
Richmond, Va., 415 Post Office Building.
Seattle, Wash., 109 Marion Street.
Parkersburg, W. Va., Fourth and Juliana Streets.
Milwaukee, Wis., Federal Building, room 208, 517 Wisconsin Avenue.
Cheyenne, Wyo., Federal Office Building.

APPENDIX B

ALCOHOL AND TOBACCO TAX BRANCH OFFICES

Location:	Territory
Birmingham, Ala., Post Office 320 Federal Bldg	Alabama.
Little Rock, Ark., room 65A, U. S. Post Office and Courthouse.	Arkansas.
*Los Angeles, Calif., room 850, Subway Terminal Bldg., 417 South Hill St.	Southern Judicial District of California, Arizona.
San Francisco, Calif., room 1109, 870 Market St	Northern Judicial District of California, Nevada, Utah.
*Denver, Colo., room 188, New Customhouse	Colorado, Wyoming.
Hartford, Conn., 209 Post Office Bldg	Connecticut, Rhode Island.
Jacksonville, Fla., 438 New Post Office Bldg., P. O. Box 4999.	Florida.
Atlanta, Ga., 721 Atlanta Journal Bldg., 10 Forsyth St. NW.	Georgia.
*Honolulu, Hawaii, room 562, Alexandria Young Bldg	Hawaii.
Chicago, Ill., 17 North Dearborn St., Chicago 2, Ill	Illinois.
*Louisville, Ky., 406 Federal Bldg	Kentucky.
*New Orleans, La., 436 Federal Office Bldg	Louisiana.
*Baltimore, Md., 501 Hamburger Bldg., 104 West Baltimore St.	Maryland, Delaware, District of Columbia.
Boston, Mass., 55 Tremont St	Massachusetts, Vermont, New Hampshire, Maine.
*Detroit, Mich., 38th floor, Cadillac Tower Bldg., 65 Cadillac Sq.	Michigan.
*St. Paul, Minn., 1033 New Post Office Bldg	Iowa, Minnesota, North Dakota, South Dakota.
Jackson, Miss., 141 East Amite St	Mississippi.
*Kansas City, Mo., room 2501 Federal Office Bldg	Western Judicial District of Missouri, Kansas, Nebraska.
*St. Louis, Mo., 738 U. S. Custom and Courthouse	Eastern Judicial District of Missouri.
*Newark, N. J., 1060 Broad St	New Jersey.
*Buffalo, N. Y., 314 U. S. Courthouse, Niagara Sq	Northern and Western Judicial Districts of New York.
New York, N. Y., 641 Washington St	Southern and Eastern Judicial Districts of New York.
Charlotte, N. C., 228 Post Office Bldg	North Carolina.
Cleveland, Ohio, room 232, Standard Bldg., 1370 Ontario St.	Indiana, Ohio.
Oklahoma City, Okla., 114 North Broadway	Oklahoma.
Philadelphia, Pa., room 632, 6th floor, Widener Bldg., Juniper and Chestnut Sts.	Eastern and Middle Judicial Districts of Pennsylvania.
*Pittsburgh, Pa., 101 Balcony Fulton Bldg., 107 Sixth St	Western Judicial District of Pennsylvania.
*San Juan, P. R	Puerto Rico, Virgin Islands.
Columbia, S. C., 1321 Pendleton St	South Carolina.
Nashville, Tenn., 679 U. S. Courthouse, 801 Broad St	Tennessee.
Dallas, Tex., room 615, Wholesale Merchants Bldg., 912 Commerce St.	Texas, New Mexico.
*Richmond, Va., 619 Parcel Post Bldg	Virginia.
*Seattle, Wash., 232 U. S. Courthouse, 6th and Madison Sts.	Washington, Oregon, Montana, Idaho, Alaska.
Charleston, W. Va., 318 Embleton Bldg., P. O Box 2986	West Virginia.
*Milwaukee, Wis., 560 Federal Bldg	Wisconsin.

APPENDIX C

APPELLATE BRANCH OFFICES

Birmingham, Ala., Third floor, Calder Building, 1724 Third Avenue, North.
Los Angeles, Calif., room 1250, Subway Terminal Building, 417 South Hill Street.
San Francisco, Calif., room 1010, Flood Building, 870 Market Street.
Denver, Colo., room 406, New Customhouse Building, 19th and California Streets.
New Haven 10, Conn., room 1205, 157 Church Street.
Washington, D. C., room 5559, Internal Revenue Building, 12th and Constitution Avenue NW.
Jacksonville, Fla., 405 Post Office and Courthouse Building.
Miami, Fla., 314 Plaza Building, 245 Southeast First Street.
Atlanta, Ga., Peachtree-Baker Building, 275 Peachtree Street NE.
Chicago, Ill., 17 North Dearborn.
Springfield, Ill., third floor, 618 East Washington.
Indianapolis, Ind., eighth floor, Century Building, 36 South Pennsylvania Street.
Wichita, Kans., Internal Revenue Building, 412 South Main Street.
Louisville, Ky., 410 Federal Building.
New Orleans, La., 444 Federal Office Building, 600 South Street.
Baltimore, Md., fourth floor, Hamburger Building, 104 West Baltimore Street.
Boston, Mass., 919 Houghton-Dutton Building, 55 Tremont Street.
Detroit, Mich., 900 Cadillac Tower.
St. Paul, Minn., W–1681, First National Bank Building, 332 Minnesota Street.
Kansas City, Mo., 1006 Federal Office Building, 911 Walnut Street.
St. Louis, Mo., 751 New Federal Building, 1114 Market Street.
Omaha, Nebr., 100 Elks Club Building, 108 South 18th Street.
Newark, N. J., room 624, 1060 Broad Street.
Buffalo, N. Y., 330 U. S. Courthouse, Niagara Square.
New York, N. Y., 80 Lafayette Street.
Greensboro, N. C., fifth floor, 320 South Ashe Street.
Cincinnati, Ohio, fifth floor, Failer Building, 106 East Eighth Street.
Cleveland, Ohio, 410 Federal Reserve Bank Building.
Oklahoma City, Okla., 516 Oklahoma Natural Building, 401 North Harvey Street.
Portland, Oreg., room 207, 827 Northeast Oregon Street.
Philadelphia, Pa., 800 Widener Building.
Pittsburgh, Pa., 2304 Clark Building, Seventh and Liberty Avenue.
Columbia, S. C., 424 Palmetto State Life Building, 1310 Lady Street.
Nashville, Tenn., 654 New U. S. Courthouse Building, 801 Broadway.
Dallas, Tex., room 520, 1114 Commerce Street.
Houston, Tex., 316 Federal Land Bank Building, 430 Lamar Street.
Salt Lake City, Utah, 504 Dooly Building, 100 West Second South.
Richmond, Va., room 300, 220 North First Street.
Seattle, Wash., 123 U. S. Courthouse Building.
Huntington, W. Va., Post Office Building, Ninth Street and Fifth Avenue.
Milwaukee, Wis., 530 Federal Building, 517 East Wisconsin Avenue.

1113 *National Office.*

1113.1 *Mission.* The mission of the National Office is to develop broad nationwide policies and programs for the administration of the internal revenue laws and related statutes, and to direct, guide, coordinate, and control the endeavors of the Internal Revenue Service.

1113.2 *Basic organization.* The principal offices which form the National Office are: the Office of the Commissioner; the Office of the Assistant Commissioner (Operations); the Office of the Assistant Commissioner (Technical); the Office of the Assistant Commissioner (Inspection); and the Office of the Chief Counsel.

1113.3 *Office of the Commissioner.* (1) The Commissioner of Internal Revenue, in conformity with policies and delegations of authority made by the Secretary of the Treasury, develops the policies and administers the activities of the Internal Revenue Service.

(2) The Office of the Commissioner consists of the Commissioner's immediate office, which includes the Deputy Commissioner and the Technical Adviser to the Commissioner; the office of Assistant to the Commissioner; the office of the Administrative Assistant to the Commissioner; the Fiscal Management Division; the Public Information Division; and the Director of Practice.

1113.31 *Deputy Commissioner.* The Deputy Commissioner assists and acts for the Commissioner in planning, directing, coordinating and controlling the policies and programs and in diverting

executive leadership to the activities of the Internal Revenue Service.

1113.32 *Technical Adviser.* The Technical Adviser reviews and takes final action for the Commissioner on documents of a technical nature prepared for the Commissioner's signature or approval such as proposed regulations, reports on proposed legislation, rulings, correspondence authorizing or relating to litigation, compromises, and reports to the Joint Committee on Internal Revenue Taxation covering refunds or credits of any income, war profits, excess profits, estate, or gift taxes in excess of $100,000.

1113.33 *Assistant to the Commissioner.* The Assistant to the Commissioner acts as the principal assistant to the Commissioner and Deputy Commissioner in the advance research and program and management planning activities of the Internal Revenue Service, and in the performance of related duties. These duties include long-range program planning to anticipate the course to be taken by the Service in view of economic and scientific developments; more immediate planning to recommend adjustments in program emphasis in view of changing legislation or circumstances; the handling of special problems and the making of related studies, such as the conduct of Service-wide surveys germane to important policy matters; the furnishing of guidance and the coordination of management programs and projects having Service-wide application; the preparation of reports required by congressional committees, as assigned by the Commissioner or Deputy Commissioner, and the preparation of other reports and policy statements relating to revenue administration; the general coordination of congressional liaison matters; general direction of the system of operational reports of the entire Service; analysis of the status of the Service's operating programs and the preparation of reports thereon for the Commissioner and the Deputy Commissioner; and supervision of the statistical programs of the Service, including the review of statistical releases. He is responsible for and supervises the activities of the Planning Staff and the Statistics Division.

1113.331 *Planning Staff.* The Planning Staff carries on the long-range planning essential to charting the future course of the Service in light of major economic and scientific developments; makes more immediate studies leading to recommendations for adjustments in program or program emphasis required by the enactment of new legislation or changed circumstances; assists in the solution of special problems such as problems of various tax associations and organizations; prepares official reports and statements reflecting the Service's accomplishments and position on various tax policy matters; participates in certain phases of legislation preparation and presentation of legislative proposals to the appropriate congressional groups; conducts continuing review and analysis of results of the Service's operating programs and prepares special reports thereon to the Commissioner and the Deputy Commissioner; reviews the Service's entire system of operating reports and develops plans for its revision and improvement; coordinates organization planning and advises and makes recommendations to the Commissioner thereon; furnishes guidance for and coordinates management programs and projects having Service-wide application; and administers the Service's internal management document system.

1113.332 *Statistics Division.* The Statistics Division compiles the annual report "Statistics of Income," as required by the Internal Revenue Code, and other data which provide basic information for tax legislation by Congress, for tax studies by the Joint Committee on Internal Revenue Taxation and other congressional groups, and for administrative use by the offices of the Secretary of the Treasury and the Commissioner of Internal Revenue; prepares periodic reports of operational statistics; and conducts other special statistical studies and reports, as assigned. The Division consists of the Program Branch and the Operations Branch.

1113.3321 *Program Branch.* The Program Branch performs statistical and economic research. It identifies and analyzes actual and potential needs and interests of users of statistical and economic measures of the Federal internal revenue system and users of statistical services in the National Office. The Branch evaluates and modifies these needs to develop an integrated optimum statistical program; translates that program into adequate specifications for implementation by the Operations Branch and interprets and presents the resulting statistics through publications of the Internal Revenue Service and in consultation with appropriate policy and management officials.

1113.3322 *Operations Branch.* The Operations Branch translates the statistical specifications into operating procedures and produces the statistics called for by the program of the Division. It develops procedures and studies the adaptation of equipment to improve operations, and evaluates the statistics produced in terms of specifications, costs, and procedures.

1113.34 *Administrative Assistant to the Commissioner.* The Administrative Assistant to the Commissioner acts as the principal assistant to the Commissioner and the Deputy Commissioner in planning and coordinating the functions of personnel management, training, procurement and supply of facilities, services and property, and printing and reproduction. He is responsible for the development and establishment of Service policies, procedures, and standards governing those functions. He supervises the Operating Facilities Division, Personnel Division, and Training Division.

1113.341 *Operating Facilities Division.* The Operating Facilities Division develops, coordinates, and evaluates the policies and program for providing essential operating facilities and administrative services and carries them out in the National Office, and exercises the authority to settle claims arising out of the activities of the Internal Revenue Service under the Federal Tort Claims Act. The Division is responsible for procurement and contracts, property and supply utilization, records management, document and physical security, printing and distribution and other similar administrative services. It develops the standards and procedures necessary for the effective performance of those functions throughout the Service. This Division consists of the following branches: Administrative Services Branch, Physical and Document Security Branch, Publications Branch, and Records Administration Branch.

1113.3411 *Administrative Services Branch.* The Administrative Services Branch develops and coordinates the policies relating to an administrative services program for the Internal Revenue Service, involving the procurement and management of space, property, transportation and communications. It provides all administrative services for the National Office, and acts for the Internal Revenue Service in all liaison with Government regulatory agencies, such as General Services Administration, in coordinating and implementing Government-wide policies and procedures governing administrative services.

1113.3412 *Physical and Document Security Branch.* The Physical and Document Security Branch develops and coordinates the physical and document security program for the Internal Revenue Service, including civil defense, protection of documents and property, safety, and employee identification. It discharges the responsibilities of the Internal Revenue Service in connection with claims under the Federal Tort Claims Act.

1113.3413 *Publications Branch.* The Publications Branch is responsible for the administration and execution of the Internal Revenue Service printing program; directs and plans the production, storage, distribution and standardization of Internal Revenue Service publications; develops policies, procedures and standards for Internal Revenue Service field printing establishments and contract field printing; and represents Internal Revenue Service in liaison with printing regulatory agencies in interpreting, coordinating and administering Government-wide printing and publication policies.

1113.3414 *Records Administration Branch.* The Records Administration Branch develops and coordinates the policies, procedures, and standards for a Service-wide records management program. It coordinates the review and control of all Service forms, and represents Internal Revenue Service on records administration activities in all liaison with National Archives and Records Service of the General Services Administration and other Government agencies.

1113.342 *Personnel Division.* The Personnel Division develops, coordinates, and evaluates the personnel policies and programs of the Service and carries them out in the National Office. The Division is responsible for the recruitment, placement, and evaluation of qualifications of employees, position classification and wage administration, employee incentives, performance rating, and employee discipline programs. It develops the standards and procedures necessary for the effective performance of these functions throughout the Service. It also carries out the personnel program for employees of the National Office. The Division consists of the following branches: Position Classification Branch, Placement Branch, and Departmental Personnel Branch.

1113.3421 *Position Classification Branch.* The Position Classification Branch develops and coordinates policies, programs and standards for the position classification and incentive awards programs. It classifies positions for which authority has not been delegated to Regional Commissioners or the Departmental Personnel Branch. The Branch processes contributions for incentive awards requiring National Office approval. It prepares wage schedules for wage board jobs.

1113.3422 *Placement Branch.* The Placement Branch develops and coordinates policies and programs relating to recruitment, placement, qualification standards, performance evaluation and separation of employees; management-employee relations; discipline, grievances, suspensions and appeals; rules of conduct; personnel records and files; leave, retirement, insurance and social security; and hours of duty. It provides services in processing, reviewing, and making recommendations in individual cases involving field positions which require the approval of the National Office or Treasury Department.

1113.3423 *Departmental Personnel Branch.* The Departmental Personnel Branch is responsible for the operation of the personnel program to meet the needs of the National Office.

1113.343 *Training Division.* The Training Division develops, coordinates, and evaluates the training policies and programs of the Service. The Division plans or assists in the planning of training activities and carries out the training program for employees of the National Office. It conducts or assists in the conduct of training of all types. The Division consists of two branches: Training Program Branch and Training Services Branch.

1113.3431 *Training Program Branch.* The Training Program Branch develops, in cooperation with National Office and regional officials, training policies and program objectives for guidance of field and departmental training activities; provides staff leadership in determining training needs and recommending appropriate means of meeting these needs; evaluates effectiveness of field and departmental training administration; insures adequate uniformity and balance within established training programs; advises on training methods and techniques; prepares special reports; and compiles program information. It also carries out the executive development program at the national level and the training program for employees of the National Office.

1113.3432 *Training Services Branch.* The Training Services Branch edits and coordinates the preparation and issuance of textual materials and training aids for national use in conducting special courses; issues syllabi, course outlines, conference leaders' guides; distributes course materials; conducts correspondence courses on centralized basis; and provides clerical support for Division activities.

1113.35 *Fiscal Management Division.* The Fiscal Management Officer serves as the chief advisor to the Commissioner, the Deputy Commissioner, and the principal assistants on all matters concerning budget and the fiscal management of funds appropriated for the administration of the Internal Revenue Service. He is responsible for the development and coordination of budgetary policies and programs. He develops and assists in the justification of the Service's budget; advises on its execution; establishes policies and procedures covering the accounting system for appropriated funds; and directs the budget and fiscal activities carried out at the National Office in connection with his responsibilities. The Division consists of two branches: Accounting Branch and Budget Branch.

1113.351 *Accounting Branch.* The Accounting Branch develops, prescribes, and installs the Service's financial accounting system and the financial reporting system to produce timely and accurate data for budgetary and fiscal management purposes.

1113.352 *Budget Branch.* The Budget Branch develops the Service's budget in conformance with the established overall program policies through consultation and cooperation with the responsible operating officials. It prescribes budget procedures and directs the preparation of budget estimates for the Service; participates in the development of standards for the measurement of work necessary in the justification of estimates or the evaluation of financial plans; prepares requests for the apportionment and reapportionment of appropriations; allots funds in accordance with the approved financial plan and properly authorized revisions thereof; and establishes the procedures, records and reports necessary to properly reflect the execution of the budget.

1113.36 *Public Information Division.* The Public Information Division develops and coordinates the policies and program for providing information to the public to improve general knowledge and understanding of the Federal tax laws and their administration, and to increase voluntary compliance with the tax laws. This Division carries out the public information program at the National Office.

1113.37 *Director of Practice.* The Director of Practice processes the applications to practice before the Treasury Department, except those relating to customhouse brokers. He is also responsible for the consideration of and action upon charges that any enrolled person has violated any provision of the laws or regulations governing practice before the Department.

1113.4 *Office of Assistant Commissioner (Inspection).* The Assistant Commissioner (Inspection) acts as the principal assistant to the Commissioner in planning and carrying out the inspection program of the Internal Revenue Service. This includes the independent review and appraisal of all Internal Revenue Service activities as a basis for protective and constructive service to management, and the carrying out of a program for assisting management to maintain the highest standards of honesty and integrity among its employees. The Assistant Commissioner (Inspection) plans and directs the inspection program at both the national and regional levels. At the National Office level he supervises two divisions: The Internal Audit Division and the Internal Security Division.

1113.41 *Internal Audit Division.* The Internal Audit Division develops, coordinates, and controls the policies and programs for the internal audit of the Internal Revenue Service. The internal audit function provides an independent review and appraisal of all Internal Revenue Service operations. Its objectives are to assure that responsibilities at all organizational levels are properly and effectively discharged, and to provide a basis for constructive action by the Service officials involved. The internal audit programs include the systematic verification and analysis of operating policies, practices, and procedures as well as accounts, financial transactions, and reports. In addition, this Division conducts the internal audit of the National Office and makes special studies and examinations as requested by the Commissioner or Deputy Commissioner.

1113.42 *Internal Security Division.* The Internal Security Division develops, coordinates, and controls the internal security policies and programs of the Internal Revenue Service. The internal security program includes investigation of the conduct and character of employees and prospective employees of the Internal Revenue Service to provide management with the facts necessary to assure the highest standards of honesty, integrity, and security. The Division plans, and at the National Office level conducts, a program of formal investigations of accidents involving Revenue employees or property. This Division also carries out the internal security program at the National Office level, and makes such special investigations, studies and inquiries as required for the Commissioner, Office of the Secretary, and agencies outside the Revenue Service. The Division consists of three branches: Security Program Branch, Special Investigations Branch, and Departmental Investigations Branch.

1113.421 *Security Program Branch.* The Security Program Branch performs continuing research into investigative techniques, devises investigative methods and procedures, develops and maintains the internal security policy and pro-

Deputy Commissioner; reviews the Service authority to settle claims arising out of is responsible for the recruitment, place-

cedural instructions, and maintains liaison with other enforcement and intelligence agencies. It reviews reports of investigations to evaluate methods employed, extent of coverage, and form and quality of reports and issues corrective instructions and develops criteria for standard practices. The Branch maintains a national file and control system for all investigations conducted under the internal security program.

1113.422 *Special Investigations Branch.* The Special Investigations Branch conducts special investigations requiring control and direction at the national level to determine the facts of alleged or suspected situations potentially affecting the maintenance of public confidence in the integrity of the Service. It maintains liaison with regional internal security staffs to coordinate activities and secure uniform practices, and inspects performance and initiates corrective action.

1113.423 *Departmental Investigations Branch.* The Departmental Investigations Branch conducts security and personnel type investigations of National Office personnel; investigations relating to specified and sensitive positions for appropriate security clearances; and, on assignment, investigations of personnel of other Treasury Department agencies.

1113.5 *Office of Assistant Commissioner (Operations).* The Assistant Commissioner (Operations) acts as the principal assistant to the Commissioner in planning, managing, coordinating, and directing the operations programs of the Service. These include the collection of taxes, the audit and investigation of returns, criminal fraud and enrollment investigations, the administrative system of tax appeals, the administration of laws relating to alcohol, alcoholic beverages, tobacco and firearms, and the administration of U. S. internal revenue laws in all areas outside of the continental United States and the Territories of Alaska and Hawaii. The Assistant Commissioner (Operations) is responsible for and supervises the activities of the Alcohol and Tobacco Tax Division, Appellate Division, Audit Division, Collection Division, Intelligence Division, and the International Operations Division of the National Office. In directing the operations programs, he supervises the Offices of Regional Commissioners and allocates funds and personnel made available for the operation of field installations among the offices of the field organization.

1113.51 *Alcohol and Tobacco Tax Division.* The Alcohol and Tobacco Tax Division develops and evaluates policies and programs with respect to, and administers and enforces the internal revenue laws relating to industrial alcohol, alcoholic beverages, tobacco and tobacco products, certain firearms tax laws, the Federal Alcohol Administration Act, the Liquor Enforcement Act of 1936 and related laws, and prepares rulings under these laws. This Division consists of four branches: Permissive Branch, Basic Permit and Trade Practice Branch, Enforcement Branch, and Tobacco Tax Branch.

1113.511 *Permissive Branch.* The Permissive Branch develops and evaluates policies, programs, regulations and procedures for the administration of internal revenue laws relating to the lawful production, rectification, storage, packaging, tax payment, sale and use, of alcoholic beverage and nonbeverage products, and for the issuance of rulings on these matters. It is responsible for the development of programs, policies and methods governing on-premises supervision and control of industry operations with a view toward protecting the revenue.

1113.512 *Basic Permit and Trade Practice Branch.* The Basic Permit and Trade Practice Branch develops and evaluates policies, programs, regulations and the procedures for administering the provisions of the Federal Alcohol Administration Act which includes the approval of labels, enforcement of regulations governing advertising and prohibitions against interlocking directorates, general trade practices and questions arising under the Twenty-First Amendment of the Constitution. This Branch also develops the policies and program relating to the issuance, suspension, revocation and annulment of basic permits.

1113.513 *Enforcement Branch.* The Enforcement Branch develops and evaluates policies, programs, and procedures for the investigation, detection and prevention of violations of the internal revenue laws relating to liquors and tobacco, the National and Federal Firearms Acts, the Federal Alcohol Administration Act and the Liquor Enforcement Act of 1936.

1113.514 *Tobacco Tax Branch.* The Tobacco Tax Branch develops and evaluates policies, programs, regulations and procedures for the administration of internal revenue laws relating to the manufacture, packaging, tax payment, removal, and sale of leaf and other forms of tobacco materials, tobacco products, and cigarette papers and tubes; and is responsible for the issuance of rulings on these matters.

1113.52 *Appellate Division.* The Appellate Division develops policies, programs, and procedures relating to the disposition of all income, profits, estate, gift, excise (other than alcohol, tobacco, narcotics, firearms, and wagering), and employment tax cases, including administrative appeals on offers in compromise, and refund claims and overassessment cases, in which the determination of a District Director has been protested, or determinations made the subject of a petition for review by the Tax Court; reviews and approves final closing agreements for past taxable years; and exercises executive direction of the Excess Profits Tax Council. The Division also is responsible for programs and procedures relating to the final review for the Commissioner in cases involving overassessments or overpayments in excess of $100,000 requiring review by the Chief Counsel or the Joint Committee on Internal Revenue Taxation. This Division consists of the Excess Profits Tax Council and four branches: Final Closing Agreement Branch, Settlement Analysis Branch, Operations Analysis Branch, and Special Services Branch.

1113.521 *Final Closing Agreement Branch.* The Final Closing Agreement Branch reviews all cases involving closing agreements under section 7121 of the Internal Revenue Code of 1954 (and the corresponding provision of the 1939 Code) relating to the amount of tax liability for past years or specific matters involved in returns already filed in which a recommendation for acceptance of the agreement is made by a District Director or an Assistant Regional Commissioner (Appellate). It is responsible for the approval of the action recommended in such cases prior to formal acceptance by the Commissioner. The Branch also performs processing functions in cases involving final closing agreements relating to prospective transactions and other specific matters affecting returns to be filed.

1113.522 *Settlement Analysis Branch.* This Branch examines selected cases closed in regional Appellate Divisions to: (a) Determine whether current Service policies and procedures are being consistently and uniformly followed, and to promote uniform treatment of technical issues; (b) develop factual data for the improvement, simplification, and standardization of regional operations; (c) disclose at their inception unusual types of cases, circumstances, or trends in order that policies may be developed in the early stages to meet new conditions; and (d) supply information that will be helpful in the planning and programming of regional Appellate activities.

1113.523 *Operations Analysis Branch.* The Operations Analysis Branch develops essential statistical management and planning information and prepares comparative and other reports from studies and analyses of regular and special statistical reports on the operations of the Regional Appellate Divisions. It designs new reports and makes studies of existing reports for the purpose of increasing effectiveness of and simplifying statistical reporting system.

1113.524 *Special Services Branch.* The Special Services Branch furnishes specialized advice and assistance to the National Office and regional offices on highly complex engineering and valuation problems and furnishes expert witnesses in trials of tax cases.

1113.525 *Excess Profits Tax Council.* The Excess Profits Tax Council exercises, for the Commissioner, final authority in respect to all issues arising under section 722 of the Internal Revenue Code of 1939. The Council issues rulings of general application relating to the administration and interpretation of section 722 and makes the final determination for the Commissioner with respect to the section 722 issues in each case in which a claim for relief has been filed under that section, including cases in which a petition for review has been filed with the Tax Court.

program at the national level and the

1113.53 *Audit Division.* The Audit Division develops, coordinates, and evaluates policies and programs for the examination of tax returns to establish the correct tax liabilities of taxpayers and for the conduct of assistance and educational activities to maintain the maximum possible level of voluntary compliance with the internal revenue laws. Its functions include programming with respect to the selection of returns for audit; the examination and investigation of such returns, the determination of tax liabilities, and penalties where applicable; the disposition of offers in compromise; and the maintenance of district and regional uniformity in technical and procedural areas. The Division consists of three branches; Audit Program Branch, Audit Operations Branch and Compromise Branch.

1113.531 *Audit Program Branch.* (1) The Audit Program Branch plans and develops the nationwide audit program. It conducts continuing studies of audit policy and recommends policy changes, adjustments, and revisions to improve the audit program. It plans and develops systems, methods, and procedures for the effective performance of audit activities.

(2) The Branch evaluates performance of the audit program and the results obtained. To this end, it establishes standards for determining effectiveness of audit operations, and measures progress against these standards. It analyzes management reports and other activity reports, the results of which serve as a basis for program planning and policy determination.

1113.532 *Audit Operations Branch.* The Audit Operations Branch performs all operating functions of the Division at the National Office level, except those relating to offers in compromise. It processes special feature cases, including those involving overassessments recommended for allowance by field offices which require approval by the National Office, Chief Counsel or the Joint Committee on Internal Revenue Taxation. It determines or recomputes the tax liabilities in special cases under consideration by the Chief Counsel or the Department of Justice. It computes the amount of adjustments to tax liabilities on which interest is to be restricted in World War II excess profits tax cases. The Audit Operations Branch also administers the publicity provisions of the law and regulations governing applications to inspect or receive copies of returns by congressional committees or other United States Government agencies and State governments and services requests for returns in the custody of the National Office. It administers the program for the exchange of data with foreign governments in the estate tax cases, and maintains donor card records in gift tax cases.

1113.533 *Compromise Branch.* The Compromise Branch reviews cases involving offers in compromise of unpaid taxes in amounts of $5,000 or more recommended for acceptance by field offices prior to consideration by the Chief Counsel and the Commissioner, and provides technical assistance and advice to field offices on compromise cases. This Branch also conducts a continuing analysis of the condition and effectiveness of compromise programs in the field.

1113.54 *Collection Division.* The Collection Division develops, coordinates and evaluates policies, programs and procedures for revenue collection and accounting, including the collecting of delinquent accounts and the securing of delinquent returns. The Collection Division consists of four branches: Collection Analysis Branch, Collection Planning Branch, Collection Procedures Branch, and Collection Operations Branch. The Division has program responsibility for the Service Centers.

1113.541 *Collection Analysis Branch.* The Collection Analysis Branch evaluates and gauges the effectiveness of all collection programs and recommends improvements. This function includes the conduct of a program of on-site review of regional operations and developing and analyzing revenue, workload and productivity reports.

1113.542 *Collection Planning Branch.* The Collection Planning Branch develops the collection, accounting and processing policies and programs. It analyzes new internal revenue legislation and regulations to determine their effect on present policies and programs. The Branch also confers with industry representatives and engineers on development, design, and application of electronic and mechanical accounting and processing equipment, and office systems and evaluates new office equipment, techniques, and mechanized systems with a view toward modernization, simplification and general improvement of collection operations. It supervises pilot tests of experimental or improved systems and mechanical equipment and participates in the installation of new types of equipment in district offices. The Branch also develops and recommends production programs to accomplish the completion of the annual workload efficiently, in planned sequence, and by pre-established dates.

1113.543 *Collection Procedures Branch.* The Collection Procedures Branch develops and reviews systems, methods and procedures in all phases of collection activity relative to the receipt and processing of tax returns and payments, accounting for the internal revenue, collecting delinquent accounts, and securing delinquent returns.

1113.544 *Collection Operations Branch.* The Collection Operations Branch processes all cases requiring approval of the Joint Committee on Internal Revenue Taxation: overassessments of $100,000 or more, adjustments of World War II excess profits tax, adjustments of postwar credit, administrative settlements by the Department of Justice, and all interim allowances in respect to overpayments of tax under section 22 (d) (6) of the 1939 Revenue Code (LIFO). It makes interest computations and prepares assessments involved in these cases. The Branch also performs functions of the National Office relating to disposition of real property acquired by distraint sales, collection of tax by offset of taxpayers' claims filed with other governmental agencies, and offset of tax refunds against debts owing other governmental agencies.

1113.55 *Intelligence Division.* The Intelligence Division develops and coordinates policies and programs for the conduct and report of investigations of alleged criminal tax law violations, including tax fraud (other than those relating to alcohol, tobacco and certain firearms taxes), racketeer and wagering tax investigations, investigations of applicants for enrollment or of charges against persons who are enrolled to practice before the Treasury Department, and such other special investigations as the Commissioner may direct. The Division has two branches, the Intelligence Program Branch and the Intelligence Investigations Branch.

1113.551 *Intelligence Program Branch.* The Intelligence Program Branch develops, coordinates and evaluates the programs, policies and procedures, on a nationwide basis, for the conduct and report of investigations of alleged criminal tax law violations, including wagering tax violations, and the enrollment and miscellaneous investigative programs. It conducts continuing study of the reporting and investigative functions of the Intelligence Division, in the light of changing legislation and policies and technical and scientific aids in investigative work to improve effectiveness and insure a balanced enforcement effort. The Branch also initiates recommendations for changes in law and policy, operating instructions, guides, manuals and forms to improve intelligence operations. The Branch develops management reports to provide statistical data for evaluation, and receives and analyzes such data as reported. It represents the Director in matters concerning publicity relating to overall Intelligence activities.

1113.552 *Intelligence Investigations Branch.* The Intelligence Investigations Branch analyzes selected final investigation reports of alleged criminal tax law violations, including tax fraud, and of enrollment cases to (a) obtain nationwide uniformity of application of procedures and recommendations with respect to prosecution and civil penalties; (b) record enforcement data; (c) identify areas in which the tax fraud program may be improved; and (d) aid the field in the proper disposition or settlement of cases. This Branch also analyzes selected enrollment reports for the general purposes enumerated above. This Branch coordinates investigational activities in selected tax fraud interregional cases or cases of national importance and may exercise direct control over cases which, because of their importance or nature, are investigated by special agents working under the direct supervision of the National Office. This Branch keeps field offices currently posted on changes in policies, court decisions, new investigative methods and techniques and tax law violation areas and evasion methods. It participates in

the initiation of recommendations to

Secretary's staff and congressional com-

the initiation of recommendations to change laws or policies with a view to improving the effectiveness of Intelligence operations. It develops official sources of information and receives and appropriately disposes of information received from informants and official sources regarding alleged violations of tax law (within Intelligence jurisdiction) and violations of enrollment regulations. This Branch works closely with the Intelligence Program Branch in the development of new and improved techniques, guides and operating instructions. It maintains such Intelligence records and files as are necessary to implement the program of the Intelligence Division and to prepare reports on status, progress and results of investigations.

1113.56 *International Operations Division.* The International Operations Division administers the internal revenue laws (except those relating to alcohol, tobacco and firearms) in all areas of the world outside the continental United States except Alaska and the Territory of Hawaii. This includes the initiation and development of policies and programs designed to establish and maintain satisfactory levels of voluntary tax compliance among United States taxpayers abroad. The Division is responsible in its area of jurisdiction for the determination of tax liability, the assessment of the correct liability, and the investigation of certain criminal and civil violations of internal revenue tax laws (except those relating to alcohol, tobacco, and firearms); and the collection of internal revenue taxes. It coordinates with foreign governments tax cases involving specific issues with such governments and takes final approval action for the Service under tax treaty provisions. It acts as a service organization to other operational components of the Internal Revenue Service in conducting or coordinating investigations in, and obtaining information from, foreign countries and United States possessions; and coordinates and maintains close liaison with the State, Defense, Commerce and Interior Departments and other Federal agencies in all matters affecting Service operations abroad. The Division has three branches: Collection Activities, Field Operations, and Technical and Audit.

1113.561 *Collection Activities Branch.* The Collection Activities Branch receives all tax returns and related work items accruing from the international program (except Puerto Rico and the Virgin Islands), including all alien returns and all withholding returns filed by agents making income payments to foreign addresses; processes such returns; accepts and deposits remittances received with all such returns; performs all accounting operations incident to the control of these returns, including the issuance of bills, processing of claims, scheduling of refunds and maintenance of general ledger; approves applications of nonresident taxpayers for extensions of time for filing returns and paying taxes; administers the provisions of tax treaties authorizing the automatic and other exchange of tax information between the United States and foreign countries; administers section 6316 of the 1954 Code authorizing, under certain conditions, the acceptance of foreign currencies in payment of United States tax liabilities; collects delinquent accounts of taxpayers residing abroad; also collects, under applicable provisions of certain tax treaties, delinquent taxes which aliens residing in the U. S. owe to a treaty country; develops, in conjunction with appropriate National Office personnel, policies and procedures relating to the collection of delinquent tax from citizens abroad and nonresident aliens; and maintains liaison with the State and Defense Departments and the Bureau of Accounts concerning collection matters.

1113.562 *Field Operations Branch.* The Field Operations Branch coordinates the work programs and other activities of the foreign and Canal Zone posts, and the audit activities of the Puerto Rico Office; conducts investigations and holds necessary conferences abroad in the more difficult audit, delinquency and evasion cases, and in other cases requiring personal contact overseas; considers, and in appropriate instances takes final action on, cases having issues involving foreign governments; and plans, programs and coordinates all other operational matters of the international program which must be performed by personnel assigned permanently or detailed temporarily to duty outside the continental United States, with the exception of Hawaii and Alaska.

1113.563 *Technical and Audit Branch.* The Technical and Audit Branch provides guidance or takes final action on all technical matters involving tax liability determinations under the income, estate, gift, and other provisions of the Internal Revenue Code, and under tax treaty provisions; audits returns and claims filed by nonresident citizens and aliens, except those requiring personal contact or field investigation abroad; coordinates all income tax returns filed or due to be filed by foreign corporations, and estate and gift tax returns filed by or for nonresident citizens and aliens, refers appropriate returns to district offices for necessary action, and in other cases, audits the returns; reviews and passes upon all reports involving tax determination, claims, offers in compromise, etc., originating in the Division; holds taxpayer conferences and considers protests; prepares statutory notices and issues determination and other letters to taxpayers; develops, in conjunction with other National Office personnel, legislative proposals, regulations, policies, procedures and forms affecting aliens and citizens abroad; and reviews proposed tax treaties.

1113.6 *Office of Assistant Commissioner (Technical).* The Assistant Commissioner (Technical) acts as the principal assistant to the Commissioner in providing basic principles and rules for the application of the tax laws (other than alcohol, tobacco and certain firearms taxes). His duties include the preparation and issuance of rulings and advisory statements to the public and Revenue officials, the preparation of regulations and other tax guide materials, technical advice and assistance in the preparation and issuance of tax forms, the direction of programs for clarification and simplification of tax rules and the negotiation of tax treaties and agreements with foreign governments. He also is responsible for providing technical assistance in programs for legislative revision and providing other technical services required in connection with revenue administration. The Assistant Commissioner (Technical) is responsible for and supervises the activities of four divisions: International Tax Relations Division, Special Technical Services Division, Tax Rulings Division, and Technical Planning Division.

1113.61 *International Tax Relations Division.* The International Tax Relations Division engages in the negotiation of tax treaties and agreements with foreign governments. It cooperates with the State Department and with congressional committees in procedures leading to the ratification of such treaties and agreements, and conducts programs for treaty administration and relations with foreign tax officials.

1113.62 *Special Technical Services Division.* The Special Technical Services Division conducts a program of coordinated technical services which includes the preparation and issuance of replies to all communications which relate to general technical information, provides technical precedents and reference material, and conducts special studies of tax problems and initiates action on major issues in order to reduce areas of controversy, promote uniformity and establish policy guidance. It provides technical advice to District Directors' offices and taxpayers on engineering and valuation aspects of tax determinations. The Division conducts a program for the publication of precedent rulings, decisions and other statements in the Internal Revenue Bulletin. This Division consists of four branches: Technical Reference Branch, Technical Projects Branch, Engineering and Valuation Branch, and Bulletin Branch.

1113.621 *Technical Reference Branch.* The Technical Reference Branch replies to communications which relate primarily to general technical information. It provides technical precedents and reference material, directs the flow of all technical inquiries and requests for rulings or advice to appropriate technical organization units and also controls the overall correspondence program of the Office of the Assistant Commissioner (Technical).

1113.622 *Technical Projects Branch.* The Technical Projects Branch conducts special studies of technical tax problems for the purpose of issuing, clarifying, or revising comprehensive precedent or guide materials for the application of tax laws. It also determines and takes necessary action with respect to major issues in order to reduce areas of controversy, to promote uniformity and to establish policy guidance.

1113.623 *Bulletin Branch.* The Bulletin Branch conducts the program for publication of precedent rulings, decisions, revenue procedures and other materials in the Internal Revenue Bulletin, which includes selection, analysis, correlation and preparation of such materials for publication.

1113.624 *Engineering and Valuation Branch.* The Engineering and Valuation Branch provides expert advice and guidance on engineering and valuation matters which arise in the issuance of rulings, the drafting of regulations, and in the development of technical policy in general. The Branch renders technical advice and other assistance, by special assignment, to the Regional Commissioners and District Directors, provides instructions, procedures, and principles for the guidance of engineering personnel and others, and supplies expert advice in the litigation of cases.

1113.63 *Tax Rulings Division.* The Tax Rulings Division prepares and issues rulings, advisory letters, and tax memorandums on income, excess profits, estate, gift, employment, and withholding taxes, and excise taxes (other than alcohol, tobacco and certain firearms taxes) for the guidance of taxpayers, Revenue employees, and others. This Division consists of seven branches: Corporation Tax Branch, Employment Tax Branch, Individual Income Tax Branch, Estate and Gift Tax Branch, Pensions and Exempt Organizations Branch, Excise Tax Branch, and Reorganization and Dividend Branch.

1113.631 *Corporation Tax Branch.* The Corporation Tax Branch issues rulings with respect to the application of Federal income and profits taxes to corporation matters generally. It resolves issues applicable to both corporate and noncorporate taxpayers in the field of amortization of emergency and grain storage facilities (sections 168 and 169 of the Internal Revenue Code); mitigation of effect of renegotiation of war contracts or disallowance of reimbursement (section 1481 of the Internal Revenue Code); LIFO Inventory (section 472 of the Internal Revenue Code); and requests for permission for change in accounting periods and methods.

1113.632 *Employment Tax Branch.* The Employment Tax Branch issues rulings with respect to the application of the tax imposed by the Federal Insurance Contributions Act, the Railroad Retirement Act, Federal Unemployment Tax Act, and the withholding provisions of the Federal income tax, all of which are included in Chapters 21–25 inclusive of the Internal Revenue Code. It also issues rulings with respect to the provisions of section 1402 (c) of the Internal Revenue Code providing for certain specific exclusions from the term "trade or business" as defined for purposes of the Self-Employment Contributions Act.

1113.633 *Estate and Gift Tax Branch.* The Estate and Gift Tax Branch issues rulings with respect to the application of Federal estate and gift taxes, related statutes, and estate and gift tax treaties as to donors and estates.

1113.634 *Excise Tax Branch.* The Excise Tax Branch issues rulings with respect to all Federal excise taxes other than alcohol, tobacco, and certain firearms taxes. The excise taxes comprise a variety of taxes which may be identified generally as sales taxes imposed upon manufacturers, producers, or importers; sales taxes imposed upon retailers; documentary stamp taxes; admissions, cabaret, and dues taxes; transportation taxes; communications taxes; and miscellaneous excise, occupational, and regulatory taxes.

1113.635 *Individual Income Tax Branch.* The Individual Income Tax Branch issues rulings with respect to the application of Federal income taxes and related statutes applicable to noncorporate taxpayers (including partnerships, estates and trusts).

1113.636 *Pensions and Exempt Organizations Branch.* The Pensions and Exempt Organizations Branch issues rulings pertaining to employees' trusts and deferred compensation plans under sections 401 and 402 of the Code and the deductibility of contributions to such plans under section 404 of the Code. It issues rulings with respect to the exemption from tax under sections 501, 502, 521, and 522 of the Code, the taxation of unrelated business income and related matters. It prepares cumulative lists of exempt organizations.

1113.637 *Reorganization and Dividend Branch.* The Reorganization and Dividend Branch issues rulings with respect to the determination of the taxable status of ordinary, liquidating, and stock dividends. If determinations are made in taxability of dividend cases which affect taxpayers in more than one district it is the responsibility of the Branch to arrange for the furnishing of the advice to such districts.

1113.64 *Technical Planning Division.* The Technical Planning Division conducts a program for issuance and revision of tax regulations, provides technical advice and assistance in the preparation and issuance of tax forms and instructions, develops recommendations for and provides analyses and technical assistance in connection with new or amendatory tax legislation, and provides related services. This Division consists of two branches: Technical Programming Branch and Technical Analysis Branch.

1113.641 *Technical Programming Branch.* The Technical Programming Branch is responsible for planning the performance of the functions of the Internal Revenue Service with respect to legislation, regulations, and return forms and related instructions to the public. It develops, and keeps currently up-to-date with changing conditions, an overall program and detailed programs coordinated in these three fields. Its representatives arrange and conduct public hearings on proposed regulations which are held as required by the Administrative Procedure Act. The Branch receives and coordinates the requests from the Secretary's staff and congressional committees for technical assistance on legislation and other matters over which the Division has jurisdiction.

1113.642 *Technical Analysis Branch.* The Technical Analysis Branch conducts a continuing survey and analysis of areas involving tax abuses, inequities, and recurring controversy, and develops legislative suggestions or regulatory changes for the correction of such problems; prepares formal reports to the Secretary in connection with all pending legislation where the opinion of the Commissioner has been requested; prepares initial drafts of Treasury decisions and regulations; initiates and develops or revises the technical content of all tax return forms, instructions and related documents (other than those relating to alcohol and tobacco taxes); and performs other functions in connection with legislation, regulations, and forms, such as, upon request, supplying technical assistance to the Department, congressional committees, and drafting groups. Employees of the Branch participate in conferences under the Administrative Procedure Act and consider and reply to protests received thereunder.

1113.7 *Office of the Chief Counsel.* The Chief Counsel, an Assistant General Counsel of the Treasury Department, serves as a member of the Commissioner's executive staff and as counsel and legal officer to the Commissioner on all matters pertaining to the administration and enforcement of the internal revenue laws and related statutes. The several Assistants Chief Counsel under his supervision are: Assistant Chief Counsel (Administration), Assistant Chief Counsel (Claims), Assistant Chief Counsel (Enforcement), Assistant Chief Counsel (Litigation), and Assistant Chief Counsel (Technical).

1113.71 *Assistant Chief Counsel (Administration).* The Assistant Chief Counsel (Administration) supervises and coordinates all legal management work of the Chief Counsel's Office (the National Office and all field offices); establishes and maintains appropriate standards of professional competence by members of the legal staff of the office and evaluates their legal competence; analyzes the workload of the office, and determines the distribution of personnel available to handle the workload. He exercises general supervision of all matters relating to administration and management in the office of Chief Counsel. Unless the Chief Counsel otherwise designates, he performs the duties of the Chief Counsel during the absence of the Chief Counsel.

1113.72 *Assistant Chief Counsel (Claims).* The Assistant Chief Counsel (Claims) exercises general supervision over the legal work involving the review of overpayments and overassessments in excess of $100,000; the collection and protection of tax claims and other rights and interest of the United States in proceedings under the Bankruptcy Act; the collection or protection of tax claims of the United States in proceedings in Federal or State receiverships or other insolvencies, assignments for the benefit

of creditors, corporate dissolutions, and administration of estates of decedents; and the technical aspects of the general relief provisions of the World War II excess profits tax law and tax problems under provisions of law relating to national defense. He supervises the work of the Claims Division and the Review Division.

1113.721 *Claims Division.* The Claims Division supervises and coordinates legal work of Regional Counsel on civil advisory matters (except with respect to those matters specifically delegated to the Civil Division). It reviews certain offers in compromise (except those concerning alcohol, tobacco and firearms). It handles legal work concerning (a) cases under section 77, Chapter X and Chapter XII of the Bankruptcy Act, (b) claims or suits for refund of amounts paid as processing taxes, (c) penal compromises, and (d) the preparation of formal opinions on the above matters. In the cases listed above and in certain civil advisory cases the Claims Division prepares or reviews recommendations to the Department of Justice concerning questions of (a) certiorari, appeal and petition for review, (b) offers in settlement, and (c) waiver or release of a right to redeem under 28 U. S. C. 2410. Similarly, the Claims Division considers recommendations that the Commissioner authorize or sanction affirmative action in (a) insolvency cases (including decedents' estate proceedings), (b) suits for foreclosure of mortgages or other liens and suits to quiet title where the United States is named as a party defendant, and (c) cases involving appointment of a receiver in aid of foreclosure of Federal tax liens.

1113.722 *Review Division.* The Review Division is responsible for the review of overassessments exceeding $100,000. In such cases, the allowance is reviewed by the Chief Counsel's office, either in the National Office or in the Regional Counsel offices. These cases include overassessments of income, excess profits, estate, gift, and miscellaneous taxes proposed for allowance; and allowances already made of tentative adjustments of income and excess profits taxes. Any deficiencies coupled with such tax reductions under review are likewise subject to review. In certain cases a report is prepared for the Joint Committee on Internal Revenue Taxation required by section 6405 of the Internal Revenue Code.

1113.73 *Assistant Chief Counsel (Enforcement).* The Assistant Chief Counsel (Enforcement) exercises general supervision over the legal phases of the handling of criminal cases arising out of violations of laws administered by the Internal Revenue Service and legal work with respect to the administration of alcohol, tobacco and certain firearms tax laws, liquor traffic laws, the Federal Alcohol Administration Act, the Liquor Enforcement Act, and the Federal Firearms Acts. He approves for the Service recommendations to the Department of Justice respecting appeals of court decisions in criminal matters; decides whether the Department of Justice should be requested to reconsider any of its decisions against instituting criminal proceedings; and decides the disposition of the criminal aspects of cases wherein Regional Counsel is not in agreement with the Intelligence Division recommendation for criminal prosecution. He supervises the work of the Enforcement Division and the Alcohol and Tobacco Tax Legal Division.

1113.731 *Enforcement Division.* The Enforcement Division handles and prepares for final decision those criminal tax cases referred to the Chief Counsel by Regional Counsel or by the National Office. The Division also maintains control records with respect to cases processed in the offices of the Regional Counsel and maintains advisory and technical contact with the regional offices with respect to such cases. It considers cases in which the Regional Commissioner and the Director of the Intelligence Division of the Office of the Assistant Commissioner (Operations) do not concur in recommendations of Regional Counsel involving prosecution. The Division prepares acquiescence memorandums or protest letters on decisions by the Department of Justice or United States Attorneys against prosecution and recommendations to the Department of Justice respecting appeals of court decisions in criminal tax cases. It also prepares law opinions in cases involving penalties or other legal questions with respect to criminal cases or investigations as may be requested by the National Office of the Internal Revenue Service. The Division coordinates with the Department of Justice or interested branches of the Internal Revenue Service any questions involving investigations or actions respecting the civil aspects of pending criminal cases. It reviews and prepares for action enrollee and disbarment cases referred to the Chief Counsel by the Director of Practice, and represents the latter in the trial of cases before Hearing Examiners.

1113.732 *Alcohol and Tobacco Tax Legal Division.* The Alcohol and Tobacco Tax Legal Division handles the legal work arising in connection with the administration of laws pertaining to alcohol and tobacco taxes and various regulatory laws pertaining to alcohol and firearms, enforcement of which is vested in the Internal Revenue Service, and handles the legal work arising from administrative claims against the United States and Service employees under the Federal Tort Claims Act arising out of acts of Service employees. It maintains general supervision over the legal work involving alcohol and tobacco taxes performed in the office of the Regional Counsel. It provides advisory service in the drafting and reviewing of alcohol and tobacco tax laws; and prepares or reviews regulations issued under the alcohol and tobacco tax laws, and rulings and opinions on alcohol and tobacco tax matters. The Division advises the Regional Counsel, when requested, concerning legal matters considered by them. It handles the legal work in connection with the appeal of cases to the Washington level, and refers cases, considered at the Washington level, to the Department of Justice for prosecution with necessary recommendation and information thereon.

1113.74 *Assistant Chief Counsel (Litigation).* The Assistant Chief Counsel (Litigation) exercises general supervision over all civil tax litigation in the Federal courts and The Tax Court of the United States for the Internal Revenue Service (except with respect to those matters specifically delegated to the Assistant Chief Counsel (Claims)); and approves for the Service recommendations of acquiescence or non-acquiescence in adverse decisions of the Tax Court and recommendations to the Department of Justice respecting appeals and petitions for certiorari from adverse decisions of any court. He supervises and coordinates the work of the Civil Division and the Appeals Division.

1113.741 *Civil Division.* The Civil Division performs all necessary legal service on behalf of the Internal Revenue Service in connection with taxpayers' suits for refund of taxes (except alcohol and tobacco taxes). It determines and coordinates the legal position of the Service in such suits and incorporates such determinations in recommendations to the Department of Justice with respect to the defense of such suits, the acceptance or rejection of settlement proposals, and appeals and petitions for certiorari from adverse court decisions. The Civil Division supervises and coordinates legal work of Regional Counsel on litigation (except types of cases within the jurisdiction of the Claims Division) involving the collection of taxes. It reviews and coordinates at the National level recommendations of Regional Counsel with respect to appeals and petitions for certiorari from adverse court decisions in such cases. The Civil Division performs all necessary legal services on behalf of the Service in connection with all civil litigation affecting the Service and not within the responsibility of any other Division or Regional Counsel.

1113.742 *Appeals Division.* The Appeals Division develops policies, programs, and procedures relating to the disposition of tax cases pending in the Tax Court of the United States; supervises and coordinates the defense and settlement of such cases to assure uniform treatment of the tax laws in Tax Court cases; coordinates and reviews appellate matters prepared in the regional offices, including the review of briefs to be filed with the Tax Court and recommendations of field offices for acquiescence or non-acquiescence in adverse Tax Court decisions; prepares recommendations to the Department of Justice for the Commissioner's appeals to the Courts of Appeals and prepares petitions and records on review in such cases; makes recommendations to that Department regarding offers in compromise or settlement and prepares recommendations for or against filing petitions for writs of certiorari to the Supreme Court of the United States in such cases. It supervises and handles the trial of excess profits tax refund cases.

1113.75 *Assistant Chief Counsel (Technical).* The Assistant Chief Counsel (Technical) exercises general supervision over the legal work involved in the preparation and revision of regulations and legislation, and in interpretative rulings and opinions with respect to laws administered by the Internal Revenue Service (except with respect to matters delegated to another Assistant Chief Counsel). He supervises the work of the Interpretative Division and the Legislation and Regulations Division.

1113.751 *Interpretative Division.* The Interpretative Division reviews as to form and legality interpretations of internal revenue statutes and regulations and other law and legal materials bearing upon the administration of the Internal Revenue Service except those relating to: (a) Alcohol, alcoholic beverages, tobacco and firearms matters; (b) criminal tax investigations and prosecutions; and (c) the Bankruptcy Act and procedures for the protection of tax claims in receiverships and other insolvencies. The Division prepares formal opinions of the Chief Counsel in assisting him in carrying out his functions as legal advisor to the Commissioner. The Division is also responsible for the legal review of closing agreements.

1113.752 *Legislation and Regulations Division.* The Legislation and Regulations Division, upon request, participates and provides technical assistance in the development and drafting of internal revenue legislation and reviews as to legal form and substance recommendations for new and amendatory legislation. The Division cooperates with the Technical Planning Division in the development of the Service's program for the preparation of new and revised regulations, including Treasury decisions, and in accordance with the approved program undertakes initial preparation of certain regulations, principally those involving questions of law or those requiring specialized knowledge available in the Division. It reviews as to legal form and substance all proposed regulations and Treasury decisions, except those pertaining to alcohol and tobacco tax matters. Representatives of the Division participate in public hearings on proposed regulations.

1114 *Office of Regional Commissioner.*

1114.1 *Mission.* The mission of the Office of Regional Commissioner is to execute the broad nation-wide policies and programs for the administration of the internal revenue laws, to carry out appellate and alcohol and tobacco tax programs at the regional level, and direct and coordinate the functions and activities of the district offices within the region.

1114.2 *Basic Organization.* The principal organization components of the typical Office of the Regional Commissioner are the immediate office of the Regional Commissioner, the Administration Division, the Alcohol and Tobacco Tax Division, the Appellate Division, the Audit Division, the Collection Division and the Intelligence Division. An Assistant Regional Commissioner is at the head of each division.

1114.3 *Regional Commissioner.* The Regional Commissioner administers within an assigned regional area the collection, audit, intelligence, appellate, alcohol and tobacco tax, and administration programs of the Internal Revenue Service. He carries out Service-wide policies and programs in conformity with delegations of authority and, in this connection, establishes regional standards and programs to assure proper and effective implementation of Service-wide policies and programs within his region. The Regional Commissioner supervises and coordinates the work of the staff of the regional office and the District Directors within his region to assure that work is processed in an orderly and timely manner, and that proper and equable emphasis is placed and directed toward the accomplishment of current program objectives. As the principal field official, he evaluates the effectiveness of Service policies and programs, and advises the National Office as to the need for revising such policies and programs to bring about improved operations or service.

1114.4 *Assistant Regional Commissioner (Administration).* The Assistant Regional Commissioner (Administration) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the administrative activities of the Service under the jurisdiction of the Regional Commissioner to assure that administrative policies and programs are properly executed. In conformity with the administrative policies and programs established by the National Office, he develops regional standards and other measures necessary to implement most effectively the administrative program of the Service which includes budget and fiscal mangement, personnel administration, training, public information, property and records management, use of facilities, and printing and reproduction. He also coordinates organization planning and advises and makes recommendations to the Regional Commissioner thereon; and furnishes guidance for and coordinates management programs. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional administrative programs and recommends improvements and adjustments therein needed to bring about and sustain a high level of performance in administrative activities within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of its administrative policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base its administrative policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating administrative operations. Within the limits of his delegated authority, he provides the Regional Counsel and Regional Inspector with such administrative services as they may require in the performance of their duties. He is responsible for and supervises the activities of four branches: Fiscal Management Branch, Operating Facilities Branch, Personnel Branch and Training Branch.

1114.41 *Fiscal Management Branch.* The Fiscal Management Branch performs, coordinates and evaluates budgeting, administrative accounting and financial reporting (other than for revenue collections) for the region, including the preparation of the financial plan within over-all budget limitations, submission of budget data, allotment of funds, maintenance of accounts, preparation of payrolls and examination of vouchers. This Branch participates in long-range planning involving expenditures for personnel, equipment, administrative services, space and similar items.

1114.42 *Operating Facilities Branch.* The Operating Facilities Branch coordinates, evaluates, and carries out region-wide administrative service activities. This includes such matters as procurement and contracts; space, property and supply utilization; records administration; physical and document security; printing and distribution; and other administrative services. It provides these facilities and services in the regional office. The Branch develops, within guidelines established by the National Office, standards and procedures covering space, property and communications; creation, preservation and disposition of records; production, storage and distribution of forms and publications initiated within the region and the distribution of National Office forms and publications; and civil defense, document and property security, safety and employee identification. It processes all claims arising within the region under the Federal Tort Claims Act. It represents the region in contacts with General Services Administration.

1114.43 *Personnel Branch.* The Personnel Branch develops and evaluates the regional personnel program and standards relating to recruitment and selection, employee relations, disciplinary actions, performance evaluation, promotions, in-service placements, incentive awards, records, reports and other aspects of a complete personnel program, within the framework of broad policies, programs and procedures established by the National Office, and conducts the personnel program for the regional office. It conducts the position classification program for the region. This Branch represents the region in contacts with employee groups and the Regional Directors of the Civil Service Commission.

1114.44 *Training Branch.* The Training Branch provides leadership and coordination to the regional training programs and evaluates and reports on all such programs. It coordinates the regional execution of nationwide training programs; gives advice on all training programs conducted within the region; and assists in their development

from the standpoint of training techniques. It participates in and coordinates the development of regional training programs to meet training needs that cut across organizational lines, such as supervisory training and training in clerical skills.

1114.5 *Assistant Regional Commissioner (Alcohol and Tobacco Tax).* The Assistant Regional Commissioner (Alcohol and Tobacco Tax) acts as the principal assistant to the Regional Commissioner in planning, directing, and coordinating the alcohol and tobacco tax activities of the Service under the jurisdiction of the Regional Commissioner for the execution of policies and programs established by the National Office. He is responsible to the Regional Commissioner for the administration and enforcement of internal revenue laws relating to alcohol, alcoholic beverages and products, and tobacco and tobacco products; and related laws, including the Federal Alcohol Administration Act, the National and Federal Firearms Acts and the Liquor Enforcement Act of 1936. This includes the supervision and control, under Federal laws, of units of the lawful liquor and tobacco industries located within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of its alcohol and tobacco tax policies, programs, procedures and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base its alcohol and tobacco tax policy and program considerations and recommends action with respect to problems encountered in alcohol and tobacco tax operations. He supervises the activities of two branches, Enforcement Branch and Permissive Branch, and all branch offices located within the region.

1114.51 *Enforcement Branch.* (1) The Enforcement Branch coordinates and evaluates the alcohol and tobacco tax enforcement activities, including those relating to retail liquor dealers, to assure that throughout the region the policies and programs are properly executed with equal emphasis and uniform effort and that the investigative work is pursued in an orderly and timely manner.

(2) In conformity with alcohol and tobacco tax enforcement policies and programs established by the National Office, it develops regional programs, standards and other measures necessary to implement most effectively the investigative program relating to violation of the internal revenue laws and other statutes relating to alcohol, alcoholic beverages and products, tobacco and tobacco products and firearms.

(3) The Branch also directs and performs investigations of all major criminal cases throughout the region and provides functional advice and guidance to branch offices on enforcement matters.

1114.52 *Permissive Branch.* (1) The Permissive Branch coordinates and evaluates the alcohol and tobacco tax permissive activities to assure that throughout the region the policies and programs are properly executed with equal emphasis and uniform effort and that the work is processed in an orderly and timely manner.

(2) In conformity with alcohol and tobacco tax permissive policies and programs established by the National Office, it develops regional programs, standards and other measures necessary to implement most effectively the control and supervision of the legally qualified liquor and tobacco industries and permittees.

(3) In the area not serviced by branch offices (combination), the Branch serves as the point of official contact for advice and guidance to industry and provides functional advice and guidance to branch offices (combination) on permissive matters.

1114.53 *Branch offices.* (1) Branch offices, headed by Supervisors in Charge, direct the permissive and/or enforcement activities within assigned areas of jurisdiction. Those that direct permissive and enforcement activities are known as Combination Offices and those that direct only enforcement activities are known as Enforcement Offices.

(2) In the regulatory or permissive field Combination Offices provide advice and guidance to the industry and supervise its operations through the direction and assignment of storekeeper gaugers and inspectors. The activities of the industry supervised include production, storage, tax payment, disposition and use of alcoholic liquors and tobacco by qualified permittees and registrants.

(3) In the enforcement field all branch offices engage in the investigation, prevention, and detection of willful and/or fraudulent substantive violations of the internal revenue liquor and tobacco laws, the Federal Alcohol Administration Act, the Liquor Enforcement Act of 1936, the National and Federal Firearms Acts, the regulations promulgated thereunder and related statutes. This involves the apprehension of violators against such laws; the submission of evidence adduced to United States Attorneys for criminal prosecution and forfeiture action and/or to Regional Commissioner's office for administrative action; the seizure, custody, forfeiture and disposition of real and personal property; the enforcement of the laws and regulations for the control of the flow of raw materials intended for use in the illicit mnaufacture of distilled spirits; and the inspection of retail liquor dealer establishments.

1114.6 *Assistant Regional Commissioner (Appellate).* The Assistant Regional Commissioner (Appellate) acts as the principal assistant to the Regional Commissioner in planning, directing, coordinating and evaluating the appellate activities of the Service under the jurisdiction of the Regional Commissioner within the broad framework of policies and programs established by the National Office. He is responsible to the Regional Commissioner for a program of hearing and undertaking final settlement of taxpayers' appeals from determinations of tax liability made by District Directors within the region involving income, profits, estate, gift, and employment taxes, and excise taxes except those imposed on alcohol, wagering, narcotics, firearms, and tobacco. He is responsible for a program of hearing and, with concurrence of Regional Counsel, undertaking final settlement of cases docketed in the Tax Court; and for a program of final review for the Commissioner in cases involving overassessments or overpayments in excess of $100,000 requiring review by the Chief Counsel or the Joint Committee on Internal Revenue Taxation. His program includes the hearing of administrative appeals in cases involving offers in compromise. In that capacity, he represents the Commissioner of Internal Revenue and exercises the authority of his office pursuant to, and within the limits of, a delegation of authority from the Regional Commissioner. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of its appellate policies, programs, procedures, and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base its appellate policy and program considerations, and recommends action with respect to problems encountered in appellate operations. He supervises the activities of all appellate branch offices in the region.

1114.61 *Appellate Branch Offices.* The basic settlement work of the Appellate Division is performed in branch offices of the Division which are headed by Associate Chiefs or Assistant Chiefs who report to the Assistant Regional Commissioner (Appellate). The branch office conducts hearings and makes final determinations, within the limits of its delegated authority, on cases involving income, profits, estate, gift, and employment taxes and excise taxes, except those imposed on alcohol, wagering, narcotics, firearms and tobacco, in which taxpayers have requested appellate consideration. The branch office conducts hearings and, with the concurrence of the Regional Counsel, effects settlement of cases which have been docketed in the Tax Court. It makes the final review for the Commissioner in all cases involving overassessments or overpayments in excess of $100,000 which are subject to review by the Chief Counsel or the Joint Committee on Internal Revenue Taxation. The branch office considers protested offers in compromise and makes recommendations on final closing agreements.

1114.7 *Assistant Regional Commissioner (Audit).* The Assistant Regional Commissioner (Audit) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the audit activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, that audit work is processed in an orderly and timely manner, that equal emphasis is placed and uniform effort directed toward the accomplishment of the current audit program objectives, and that required standards for audit uniformity are being maintained. In conformity with the audit policies and programs established by the National Office, he develops regional programs, standards, and other measures necessary to implement most effectively the audit program of the Service which includes the selection of returns for audit, their examination and investigation, the determination of tax liabilities and penalties where applicable, a regional review of selected cases closed by the district offices, the administrative disposition of offers in compromise, and tax assistance to taxpayers. He provides the Regional Commissioner with results of evaluation and other information upon which to base his administration of the regional audit program and recommends improvements and adjustments in audit operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of its policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base its policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating audit operations.

1114.8 *Assistant Regional Commissioner (Collection).* The Assistant Regional Commissioner (Collection) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the collection activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, that collection work is processed in an orderly and timely manner, and that equal emphasis is placed and uniform effort directed toward the accomplishment of the current collection program objectives. In conformity with the collection policies and programs established by the National Office he develops regional programs, standards and other measures necessary to implement most effectively the program of the Service for the collection and accounting of revenue, including the collection of delinquent accounts and the securing of delinquent returns. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional collection program and recommends improvements and adjustments in collection operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of its collection policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base its collection policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating collection operations.

1114.9 *Assistant Regional Commissioner (Intelligence).* The Assistant Regional Commissioner (Intelligence) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the intelligence activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, and that the intelligence work is processed in an orderly and timely manner. In conformity with the intelligence policies and programs established by the National Office he develops regional programs, standards and other measures necessary to implement most effectively the intelligence program of the Service which includes the investigation of alleged tax fraud, certain other civil and alleged criminal violations of tax laws (except alcohol, tobacco and certain firearms tax cases), applicants for enrollment, charges against persons who are enrolled to practice before the Treasury Department and such other special investigations as the Commissioner may direct. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional intelligence program and recommends improvements and adjustments in intelligence operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of its intelligence policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base its intelligence policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating intelligence operations. He supervises the review of special agents' reports of investigation submitted by the district offices in the region, approves or disapproves recommendations for prosecution, and provides for conferences when required with taxpayers, their representatives, representatives of the Regional Counsel and the Appellate Division relative to cases investigated. (The Assistant Regional Commissioner (Intelligence), New York, additionally acts as the operating head of intelligence activities for the New York City area, directing intelligence activities within the territorial boundaries covered by the Upper and Lower Manhattan and Brooklyn District Offices.)

1114.91 *Review and Conference Staff.* (1) The Review and Conference Staff plans and directs the critical review of district office reports pertaining to alleged criminal violations of the internal revenue laws, applicants for enrollment to practice before the Treasury Department, charges against persons enrolled to practice before the Treasury Department, which contain recommendations for criminal prosecution and/or ad valorem penalties for disciplinary action, to determine that the conclusions and recommendations are sound and conform to existing policies; and recommends to the Assistant Regional Commissioner (Intelligence) the action to be taken on each such report.

(2) The Staff post reviews selected nonprosecution case reports prepared at the district level and unnumbered case disposals to determine that an appropriate, uniform basis for disposal existed. Where deficiencies are disclosed through such activities, the Staff suggests corrective measures.

(3) Through continuing analysis of district office reports the Staff provides the Assistant Regional Commissioner (Intelligence) with information which will assist him in evaluating investigative techniques employed and the extent of procedural and technical uniformity in the intelligence activity throughout the region.

(4) The Staff consults with and advises intelligence personnel at regional and district office locations on difficult and unusual issues, interpretations of regulations, rulings, tax laws and court decisions; also, as to the conduct of investigations, rules of evidence and Internal Revenue Service policies. The Staff undertakes special assignments and investigations as directed by the Assistant Regional Commissioner (Intelligence).

1115. *Office of Regional Inspector.* There are nine Regional Inspectors, one in each internal revenue region. The Regional Inspector, who operates under the direct supervision of the Assistant Commissioner (Inspection), is responsible for the conduct throughout the region of both the internal audit and internal security programs.

1115.1 *Assistant Regional Inspector (Internal Audit).* Under the supervision of the Regional Inspector, the Assistant Regional Inspector (Internal Audit) is responsible for the conduct of the internal audit program throughout the region. The internal audit, which includes verification of financial transactions and analyses of operating practices and procedures, serves as the basis for informing appropriate officials of the manner in which operations are being carried out and responsibilities are being discharged and as a basis for necessary changes in policies, practices and procedures.

1115.2 *Assistant Regional Inspector (Internal Security).* Under the Regional Inspector, the Assistant Regional Inspector (Internal Security) conducts investigations of the conduct and character of employees and applicants for employment which provide management with a factual basis for making decisions. He also conducts formal investigations of accidents involving Revenue employees and property, plus special investigations, as directed by higher authority, for the Office of the Secretary and agencies outside the Service.

1116 *Office of Regional Counsel.* There are none Regional Counsels, one in each internal revenue region. The Regional Counsel, who operates under the Chief Counsel for the Internal Revenue Service, serves as the principal legal advisor to the Regional Commissioner, and directs a staff of attorneys engaged in furnishing legal advice and performing legal services connected with the appellate, enforcement, civil advisory and alcohol and tobacco tax programs. The Regional Counsel, with the concur-

rence of the Regional Commissioner, settles tax cases docketed in the Tax Court of the United States, and represents the Commissioner in the trial of such cases before the Tax Court.

1116.1 *Appellate matters.* The Regional Counsel (or his delegate) furnishes legal advice to the Assistant Regional Commissioner (Appellate); represents the Commissioner in the trial of cases before the Tax Court and is responsible for answers, motions and stipulations with respect to all petitions in tax cases, and the preparation of briefs in such cases, recommends acquiescence or non-acquiescence and appeal from adverse decisions; considers and approves or disapproves, with the concurrence of the Appellate Division, the settlement of cases docketed in the Tax Court and considers and concurs with the Appellate Division, or disapproves, the elimination of the ad valorem fraud or negligence penalties in cases not docketed in the Tax Court and considers statutory notices of deficiencies proposed by the Appellate Division prior to issuance. He is responsible for the legal review of cases considered by the Appellate Division involving overpayments, credits or abatements in excess of $100,000, and in certain cases prepares reports to the Joint Committee on Internal Revenue Taxation in overpayment cases when approved.

1116.2 *Enforcement matters.* The Regional Counsel's office is responsible for the performance of legal services in the field in connection with criminal cases arising under the internal revenue laws. The office reviews recommendations of prosecution in criminal cases received in the field, and prepares and refers such cases (other than alcohol and tobacco tax cases) to the Department of Justice or, where authorized by the Department of Justice, directly to United States Attorneys, or, where prosecution is not deemed warranted, prepares criminal action memoranda setting forth the reasons against prosecution and closes such cases with the concurrence of the Assistant Regional Commissioner (Intelligence). On request, the office furnishes aid and assistance to United States Attorneys in criminal tax proceedings in the United States District Courts and Courts of Appeal.

1116.3 *Civil advisory matters.* Each Regional Counsel through his civil advisory staff handles legal work with respect to (a) cases under the Bankruptcy Act (except railroad reorganizations, corporate reorganizations, and real property arrangements under Section 77, Chapter X and Chapter XII, respectively, of the Bankruptcy Act) and other insolvency cases including decedents' estate proceedings; (b) Federal tax liens in suits for foreclosure by mortgagees or other lienholders and in suits to quiet title; (c) applications filed for the discharge of property from Federal tax liens or for the release of such liens; (d) the review and handling of certain offers in compromise; (e) recommendations as to the taking of affirmative action, whether by way of a separate suit or intervention in pending proceedings (with the exception of alcohol, alcoholic beverages, tobacco and firearms matters not relating to proceedings under the Bankruptcy Act, liens, receiverships and other insolvencies); (f) the defense of injunction suits to restrain the assessment or collection of Federal taxes (except with respect to alcohol, alcoholic beverages, tobacco and firearms matters); and (g) the assessment and collection of taxes.

1116.4 *Alcohol and tobacco tax matters.* The Regional Counsel's office gives legal advice on request to the Assistant Regional Commissioner (Alcohol and Tobacco Tax) and to his staff on administration and enforcement of the laws and regulations pertaining to liquor, tobacco and firearms. The office reviews and makes recommendations, upon request, regarding claims for refund, abatement and drawback of liquor, tobacco and firearms taxes, for the redemption of stamps, and for damages, and with respect to petitions for mitigation or remission of forfeiture, offers in compromise, and proposed tax assessments. Upon request, the office assists United States Attorneys by preparing libels of information, indictments, briefs, stipulations and other legal documents required in litigation, and by aiding in the prosecution and defense of suits. The office also handles the legal work in connection with administrative proceedings involving the issuance, suspension, revocation or annulment of liquor and tobacco permits, including the preparation of the necessary opinions, notices and pleadings and the presentation of the Government's case at both formal and informal hearings.

1117 *Service Centers.* (1) There are three Internal Revenue Service Centers—designated as the Midwest Service Center, the Northeast Service Center and the Western Service Center. The Midwest Center, located at Kansas City, Missouri, services all district offices in the Omaha Region and the Chicago Region. The Northeast Center, located at Lawrence, Massachusetts, services all district offices in the Boston and New York Regions, the Camden and Newark Districts of the Philadelphia Region, and the Cleveland District in the Cincinnati Region. The Western Center, located at Ogden, Utah, services all district offices in the San Francisco Region except Honolulu.

(2) The policies governing and work programs performed in each service center are prescribed and assigned by the National Office.

(3) Each service center is headed by a Director who operates under the general direction of the Regional Commissioner in whose region the center is located. The Service Center Director is responsible to the National Office, through the Regional Commissioner, for implementing the programs assigned to the center. He is responsible for budget, fiscal and personnel operations of the center under policies and procedures of the Regional Commissioner. He also participates with the National Office, through the Regional Commissioner, in planning, coordinating and evaluating experimental projects to develop improved techniques and methods for processing tax returns. The Regional Commissioner, in turn, is responsible to the National Office for supervising the execution of the service center's program and for recommending adjustments to or modifications of the program. The Regional Commissioner also exercises general supervision over the activities of the Service Center Director in coordinating and maintaining liaison with the several Regional Commissioners, District Directors, and the National Office in carrying out the policies and programs prescribed for the centers by the National Office.

(4) In general, each service center performs the following operations:

(a) Processes Forms 1040A to and including preparation of taxpayer delinquent account assembly;

(b) Processes certain categories of Forms 1040, to and including preparation of taxpayer delinquent account assemblies;

(c) Processes Forms 1040ES through the issuance of all installment notices and the collating of remittance credits for matching purposes;

(d) Mathematical verification of full paid 1040 returns;

(e) Mailing of blank returns;

(f) Processing income information documents such as 1099's;

(g) Matching of W–2 statements (by Midwest Service Center only); and

(h) Any other programs assigned by the National Office.

(5) The district offices served by the service centers receive the returns filed by the taxpayers, deposit all remittances, and settle all questions about the returns (including notices of change of address) before sending the returns to the centers for processing. They also endorse all notices of tax due issued by the center on which payment is made, and send them to the center for posting. The center, in turn, lists the returns on assessment lists, sends out even notices to taxpayers, prepares check-issue cards for the Disbursing Office, sends out bills (first notices) on taxable-assessable and underpaid returns, prepares taxpayer delinquent account assemblies and unit ledger cards and turns over unpaid accounts to District Directors, all under proper memorandum accounting controls. These service center operations are performed in the name of the appropriate District Director.

1118 *Office of District Director.*

1118.1 *Mission.* The mission of the office of the District Director is to administer the internal revenue laws within an internal revenue district in conformance with the policies and programs of the National and regional offices.

1118.2 *Basic organization.* The principal organizational components of the typical district office are the immediate office of the District Director, the Audit Division, Collection Division, Intelligence Division and Administration Division.

1118.3 *District Director.* The District Director administers, within an internal revenue district, the collection, audit, intelligence and administrative programs of the Internal Revenue Service. He is responsible for the determination of tax liability, the assessment of such liability, the scheduling and certification of refunds, and the investigation of certain criminal and civil violations of internal revenue tax laws (except those relating to alcohol, tobacco and firearms). He is also responsible for the collection and deposit of all internal revenue taxes and the investigation of applications of agents and attorneys for admission to practice before the Treasury Department.

1118.4 *Audit Division.* The Audit Division administers a district-wide audit program involving the selection and examination of all types of Federal tax returns (except those involving alcohol, tobacco, and firearms taxes), claims, offers in compromise, informants' claims for rewards, and related activities including the examination and approval of pension trust plans and the issuance of determination letters. The audit program involves the selective classification of returns for field and office audits, the conduct of informal conferences in cases involving disagreement between the internal revenue agents and taxpayers, participation with special agents of the Intelligence Division in the conduct of tax fraud investigations and a program of assistance to taxpayers during the annual filing period. The Audit Division consists of the Field Audit Branch, Office Audit Branch, Service Branch and the Review Staff.

1118.41 *Field Audit Branch.* (1) The Field Audit Branch conducts field examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of taxpayers for tax and penalties, including the examination of claims for refund, credit or abatement, of for redemption of stamps. It also conducts field examinations of offers in compromise based on either doubt as to liability or inability to pay, and special field examinations as requested including joint examinations with special agents of the Intelligence Division where tax evasion may exist. The Branch processes informants' claims for reward making any necessary investigations and prepares reports on such claims, together with recommendations as to the amount of rewards.

(2) The Field Audit Branch holds informal conferences with taxpayers and their representatives, and prepares conference reports directing action to be taken by examining officers. It furnishes technical advice and assistance on pension trust plans, performs engineering and valuation work, prepares memoranda to accompany closing agreements and closing letters and releases in estate and gift tax cases, and recommends jeopardy assessments. The Branch furnishes information to the public on tax matters and assists taxpayers in preparing and filing tax returns and claims.

1118.42 *Office Audit Branch.* (1) The Office Audit Branch conducts examinations through correspondence or interviews with taxpayers in offices of the Service relative to all types of taxes (except alcohol, tobacco and firearms) to determine correct liability of taxpayers for tax and penalties, the allowableness of claims for refund, credit, or abatement, or for redemption of stamps, including claims for exemption from collecting admissions, transportation, and other excise taxes. It recommends jeopardy assessments.

(2) The Branch holds informal conferences with taxpayers and their representatives for the purpose of resolving disputed issues in unagreed cases. The Branch also furnishes information to the public on tax matters and assists taxpayers in preparing and filing tax returns and claims.

1118.43 *Review Staff.* (1) The Review Staff reviews reports of examination of all types of tax returns to verify the determination of liability made by the examining officer. It directs the issuance of preliminary notices of deficiency to taxpayers, and prepares Form 7900 letters to taxpayers covering deficiencies in bankruptcy and receivership cases which serve as a basis for assessment and filing of proof of claim by the Collection Division. It reviews protests filed in response to notices of deficiency and Form 7900 letters for proper form, compliance with existing requirements and for new issues or facts. It also prepares statutory notices of deficiency.

(2) The Staff is responsible for the control, management and review of offers in compromise, informants' claims for reward and the special procedures applicable in cases involving renegotiation. It maintains and controls the preliminary notice file, the statutory notice file, the file on cases suspended pending court or other decision (Form 1254), power of attorney file, fee statement file, and worthless stock and taxability of dividend file, taking appropriate action as required. The Staff prepares the Management Information Reports for both agreed and unagreed cases.

(3) The Staff has primary responsibility within the district for maintaining quality standards in examinations and reports, and the technical accuracy of all matters subject to review. It issues correction memoranda in all cases or matters involving substantial error.

1118.44 *Service Branch.* (1) The Service Branch performs clerical services for the Division necessary to the processing of returns, reports of examination, case files and correspondence. It maintains control of all returns and case files assigned to the Audit Division and of number assignments for Management Information Reports on audit cases. It types examining officers' reports, form letters, correspondence and other material as assigned and furnishes clerical, stenographic and typing assistance to all Division offices.

(2) The Service Branch also compiles detailed production statistics of the Audit Division.

1118.5 *Collection Division.* The Collection Division collects, receipts for and deposits all tax payments. It receives, processes, and arithmetically verifies all tax returns and related documents, maintains taxpayers' accounts, conducts systematic investigations for delinquent returns and enforces the collection of delinquent accounts through seizure and sale, levy and other means. The Division also sells tax stamps, grants extensions of time for paying taxes or filing returns, makes certain penalty and interest determinations, schedules refunds, credits and abatements, and maintains custody of tax returns. The Collection Division consists of the Cashier Branch, Returns Processing Branch, Accounting Branch, and the Delinquent Accounts and Returns Branch.

1118.51 *Cashier Branch.* (1) The Cashier Branch receives, safeguards and deposits all monies tendered in payment of taxes. It maintains the district's stock of internal revenue stamps and handles the sale and accounting of these stamps.

(2) The Branch receives and opens all mail, sorts therefrom returns, documents and correspondence with remittances, classifies such returns and documents by type of tax, and routes correspondence and documents to the appropriate branch. It prepares and maintains records necessary to the accounting for monies received and deposited. The Branch also receives returned remittances from the depositary bank and communicates with the taxpayers concerned in an effort to make collection to cover the returned remittances.

1118.52 *Returns Processing Branch.* (1) The Returns Processing Branch processes all tax returns in preparation for assessment and collection or refunding. It requests additional information from taxpayers when necessary to complete returns. It computes interest on delinquent returns, and computes interest on taxable returns not fully paid. It determines amount of refund and interest due the taxpayer on all refundable returns.

(2) The Branch matches prepayment credits and associates information documents with tax returns in preparation for audit. It checks returns against available records to determine non-filing of returns and makes initial routine effort to secure delinquent returns.

(3) The Branch classifies, routes and controls mail received by the Collection Division; and answers routine correspondence through use of form letters and pattern paragraphs.

(4) It maintains lists of taxpayers and uses such lists for the mailing of blank tax forms and related documents in advance of filing periods and for establishing checks on delinquency. It is responsible for the filing and proper storage of all returns and the maintenance of the index card file cross-referencing the number assigned to a return with the name of the taxpayer.

1118.53 *Accounting Branch.* (1) The Accounting Branch maintains all taxpayer accounts and required control and general ledgers and serves as the billing office for the district. It prepares assessment lists; sets up taxpayer accounts and posts assessments, credits, abatements and refunds thereto; issues statements of tax due; prepares taxpayer delinquent account assemblies; issues

installment notices of accounts and computes interest due on each account; and issues certified transcripts of taxpayer accounts upon request.

(2) The Branch prepares and controls tax transfer vouchers reflecting transfers of accounts to and from other districts. It prepares all necessary schedules to support general ledger accounts and submits refund schedules to the Disbursing Officer.

(3) The Branch performs various types of verification and control assignments such as the reconciliation of deposit and disbursing transactions received from Treasury units and prepares monthly Account Current for revenue receipts.

(4) The Branch receives, records and transmits claims for refund and abatement for all classes of tax.

1118.54 *Delinquent Accounts and Returns Branch.* (1) The Delinquent Accounts and Returns Branch makes collections of delinquent accounts and conducts a continuing program for the securing of delinquent returns.

(2) The Branch safeguards the Government's interests through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payment, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens and conducts the investigations necessary to support such recommendations.

(3) The Branch receives, acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, bulk sales, gifts and prizes, and dissolutions and initiates investigations for securing delinquent returns where necessary. It canvasses the district for delinquent returns and serves summonses on taxpayers to produce books, documents, returns or other information where necessary to secure compliance with the requirements for filing returns.

(4) The Branch maintains control of payments received in insolvency, bankruptcy, and decedent cases and of surety bonds and other collateral posted as security for tax liability. It also maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to assure that proper legal action may be timely taken.

1118.6 *Intelligence Division.* (1) The Intelligence Division investigates alleged criminal violations of the tax statutes, including racketeer and wagering tax cases, but excluding alcohol, tobacco and firearms tax cases. It conducts investigations of applicants who are seeking enrollment to practice before the Treasury Department and of charges against persons enrolled.

(2) The Division evaluates allegations and indications of tax law violations and determines investigations to be undertaken. It makes recommendations as to the disposition of cases investigated, including recommendations of criminal prosecution, and the assertion of civil penalties. It provides assistance to U. S. Attorneys and the Regional Counsel in the trial of cases. The Intelligence Division consists of groups of special agents.

1118.7 *Administration Division.* The Administration Division provides the personnel, training, budget and fiscal, procurement and supply, records, and communications services and other administrative services, within the limitations of the District Director's delegated authority, necessary to the effective operation and management of the district office. It coordinates the district office management improvement and incentive awards programs and other special projects. The Administration Division consists of three branches where size of the district office warrants such a breakdown: Personnel Branch, Training Branch and Operating Facilities Branch.

1118.71 *Personnel Branch.* The Personnel Branch performs the recruitment and placement functions at the district level, and conducts the district's employee relations program and incentive awards program. It processes personnel action documents in accordance with prescribed procedure and maintains all district personnel records.

1118.72 *Training Branch.* The Training Branch provides leadership and coordination to the district training program. It coordinates the district execution of training programs; gives advice on all training programs conducted in the district office, and assists in their development from the standpoint of training techniques. It participates in and coordinates the development of district training programs to meet local training needs that cut across organizational lines. In addition, it evaluates and reports on all district training programs.

1118.73 *Operating Facilities Branch.* The Operating Facilities Branch provides the facilities and administrative services necessary to the efficient operation of the district office. The Branch carries out the space policies of the District Director and conducts periodic surveys to assure effective space utilization. It procures, requisitions, issues, and assures effective utilization of equipment, property and office supplies; maintains records on all equipment and property located within the district; and provides communications and duplicating services. The Branch also coordinates the preparation of budget estimates and financial plans reflecting district office requirements, maintains memorandum accounts, and prepares financial reports required by the National and regional office. It administers document and property security and the safety programs in the district.

1118.8 *Local Offices.* (1) Local offices perform one of more of certain collection, audit and intelligence functions such as: The collection of delinquent accounts and the securing of delinquent returns; the receiving and deposit of monies tendered in payment of taxes; the examination of returns to determine correct liability of taxpayers for tax and penalties; the holding of informal conferences with taxpayers and their representatives regarding the determination of liability for tax and penalties; and the investigation of alleged criminal violation of the tax statutes.

(2) The administrative supervision of a local office is the responsibility of a representative designated by the District Director from among the personnel assigned to the local office. Technical supervision of the personnel at a local office is the responsibility of the group supervisor or group supervisors of whatever group or groups the employees are members.

Effective date: December 1, 1956.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

[F. R. Doc. 56-10503; Filed, Dec. 27, 1956; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Survey Order 214, Amdt. 1]

CERTAIN OFFICIALS AND EMPLOYEES

AMENDED AND REVISED REDELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS

Survey Order No. 214, October 31, 1956 (21 F. R. 8513), is amended as follows:

Category (5) is added to the order as follows:

(5) Irrespective of the amount involved, to the Chief of the Engineering Exploration Unit, Geologic Division, for contracts required to carry out the functions of that Unit, provided, however, that any such contract exceeding $5,000 in amount shall be made subject to the written approval of the Executive Officer and the contract shall not be binding until so approved.

Dated: December 19, 1956.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 56-10513; Filed, Dec. 27, 1956; 8:49 a. m.]

National Park Service

[Yellowstone National Park Order 2]

ASSISTANT SUPERINTENDENT AND ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

NOVEMBER 28, 1956.

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $100,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

This authority may be exercised by the Assistant Superintendent in behalf of any coordinated area.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

SEC. 3. *Revocation.* This order supersedes Order No. 1 issued April 21, 1955, as amended.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Two Order No. 3)

[SEAL] LEMUEL A. GARRISON,
Superintendent, Yellowstone National Park.

[F. R. Doc. 56-10471; Filed, Dec. 27, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

NORTHWEST IOWA LIVESTOCK EXCHANGE ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Northwest Iowa Livestock Exchange, Alta, Iowa.
Winneshiek Co-operative Association Sales Pavilion, Decorah, Iowa.
Wenger Sales Commission, West Union, Iowa.
West Union Auction Exchange, West Union, Iowa.
Roswell Livestock Commission Company, Roswell, N. Mex.

Notice is hereby given, therefore, that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of December 1956.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-10482; Filed, Dec. 27, 1956; 8:47 a. m.]

Office of the Secretary

OREGON AND WASHINGTON

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the States of Oregon and Washington, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OREGON

Umatilla.

WASHINGTON

Benton.	Okanogan.
Chelan.	Spokane.
Columbia.	Walla Walla
Douglas.	Yakima.
Franklin.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 20th day of December, 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-10484; Filed, Dec. 27, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEY OF INVENTORIES, SALES, AND ACCOUNTS RECEIVABLE OF RETAIL ESTABLISHMENTS

NOTICE OF DETERMINATION

In conformity with the act of Congress approved August 31, 1954, 13 U. S. C. 181, 224, and 225, and due Notice of Consideration having been published (21 F. R. 9587, December 4, 1956) pursuant to said act, I have determined that certain annual data including those relating to annual sales figures, merchandise inventories, sales inventory ratios, and charge and installment accounts receivable as of the end of the year of retail trade establishments are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from non-governmental or other governmental sources.

Retail Trade, as the outlet for the products of industry, mining, and agriculture, is of strategic importance in the economy of the nation and information such as the amount of merchandise inventories on hand in retail stores and retail multiunit warehouses, sales-inventory ratios by kinds of retail stores, and the amount of charge accounts and installment plan receivables due retail stores at the end of the year is basic to an analysis of the functioning of the economy. Such agencies as the Office of Business Economics and the Board of Governors of the Federal Reserve System require inventory data and the amount of outstanding credit for retail stores in appraising the business outlook and in connection with the review of credit policies. Data on the amount and trend of retail inventories, together with figures on other major elements of business investment, are needed for the measurement of the gross national product.

Business and industry also are interested in the inventory measures as indicators of the outlook for business activity and as tools for the promotion of business efficiency and stability. Retailers can make use of the sales-inventory ratios, derived from the survey, as benchmarks to which their own operation can be related.

The annual survey will involve collection of information from (1) stores located in Census Sample Areas, operated by firms with 1–10 units, whose sales meet certain minimum size criteria, (2) individual establishments regardless of size, located in a sample of small land segments which are within the Census Sample Areas, (3) large department stores (1948 sales volume in excess of 5 million dollars) regardless of location, and (4) large multiunit organizations (11 or more retail stores in 1948) regardless of their location. All respondents will be required to submit information covering the year 1956. Report forms will be furnished to firms covered by the Survey. Additional copies of the forms are available on request to the Director of the Census, Washington 25, D. C.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

Dated: December 19, 1956.

ROBERT W. BURGESS,
Director, Bureau of the Census.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-10485; Filed, Dec. 27, 1956; 8:47 a. m.]

SURVEYS

NOTICE OF DETERMINATION

In conformity with the act of Congress approved August 31, 1954, 68 Stat. 1012, and due notice having been published (21 F. R. 8412, November 2, 1956) pursuant to said act, I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from non-governmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consump-

tion, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the Annual Survey of Manufactures which will be conducted on a sample basis and which calls for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on products shipped, and the lumber and household furniture surveys which will also be conducted on a sample basis.

Annual Survey of Manufactures.
Stocks of Wool (as of April 1, 1957).
Cotton and Synthetic Woven Goods Finished.
Knit Cloth.
Woolen and Worsted Machinery Activity.
Gloves and Mittens.
Apparel.
Shoes and Slippers.
Softwood Plywood.
Softwood Veneer.
Red Cedar Shingles.
Lumber.
Household Furniture and Bedding Products.
Paper and Board—Detailed Grade.
Inorganic Chemicals and Gases.
Refractories.
Pressed and Blown Glassware.
Steel Mill Products.
Aluminum Foil Converted.
Steel Boilers.
Heating and Cooking Equipment.
Internal Combustion Engines.
Machine Tools.
Metalworking Machinery.
Tractors.
Farm Machines and Equipment.
Radios, Television and Phonographs.
Mechanical Stokers.
Refrigeration Equipment.
Office, Computing, and Accounting Machines.

The following list of surveys represent annual counterparts of monthly, quarterly, and semi-annual surveys. The content of these annual reports will be identical with that of the monthly, quarterly, and semi-annual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels and off-highway type trucks. However, there will be no duplication inasmuch as establishments that file the monthly, quarterly, and semi-annual reports during the year covered by the annual report will not need to submit annual reports on these products.

Flour Milling Products.
Confectionery Products.
Cotton Broad Woven Goods.
Synthetic Broad Woven Goods.
Wool Consumption and Stocks.
Woolen and Worsted Fabrics.
Tire Cord and Tire Fabrics.
Hardwood Plywod (For Sale).
Pulp, Paper, and Board.
Consumers of Wood Pulp.
Superphosphate.
Paint, Varnish, and Lacquer.
Clay Construction Products.
Asphalt and Tar Roofing and Siding Products.
Glass Containers.
Nonferrous Castings.
Plumbing Fixtures.
Steel Shipping Barrels, Drums, and Pails.
Commercial and Home Canning Closures.
Converted Flexible Packaging Products.
Metal Cans.
Farm Pumps.
Fans, Blowers, and Unit Heaters.
Electric Lamps.
Construction Machinery (Excavating and Earthmoving).
Complete Aircraft and Aircraft Engines.
Backlog of Orders for Aircraft Companies.
Aircraft Propellers.

Blank copies of the forms to be used are available on request to the Director of the Census, Washington 25, D. C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: December 19, 1956.

ROBERT W. BURGESS,
Director.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 56-10486; Filed, Dec. 27, 1956; 8:47 a. m.]

Foreign-Trade Zones Board

[Order 43]

BOARD OF STATE HARBOR COMMISSIONERS FOR PORT OF SAN FRANCISCO

APPLICATION TO CHANGE LOCATION OF FOREIGN-TRADE ZONE NO. 3

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Board of State Harbor Commissioners for the Port of San Francisco, as grantee of Foreign-Trade Zone No. 3, filed an application dated October 9, 1956, requesting permission to change the location of Foreign-Trade Zone No. 3, in the Port of San Francisco from its present location on Pier #45 to Pier #46B and 46C; and

Whereas, the Board of State Harbor Commissioners for the Port of San Francisco, states that the change of zone location is essential for more efficient and economic operation of Foreign-Trade Zone No. 3, and will not interfere with the present zone functions.

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the proposal is in the public interest, hereby orders:

That the boundaries of Foreign-Trade Zone No. 3 be, and they hereby are re-established, to change the location of the zone from its present location on Pier #45 to Pier #46B and 46C, in conformity with revised Exhibits Nos. 1, 6, 8, 10 and 13, filed with this Board November 16, 1956, provided that the grantee segregates the area in a manner that will comply with the requirements of the Collector of Customs at San Francisco, California.

With reference to the substitution of a bond in lieu of Customs guards, for periods during which the zone is not open for business, as indicated in Exhibit No. 8, it is the understanding of the Foreign-Trade Zones Board that approval of bonding arrangements is subject to clearance by the Commissioner of Customs.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary in connection with the issuance of this order, because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 20th day of December 1956.

FOREIGN-TRADE ZONES BOARD,
[SEAL] SINCLAIR WEEKS,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

JOSEPH M. MARRONE,
Executive Secretary, Foreign-Trade Zones Board.

[F. R. Doc. 56-10510; Filed, Dec. 27, 1956; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11621, 11892; FCC 56-1266]

LAS VEGAS BROADCASTERS, INC., (KLAS) AND PALM SPRINGS BROADCASTING CORP. (KCMJ)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Las Vegas Broadcasters, Inc. (KLAS), Las Vegas, Nevada, Docket No. 11621, File No. BP-8528; Palm Springs Broadcasting Corp. (KCMJ), Palm Springs, California, Docket No. 11892, File No. BP-10359; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of December 1956;

The Commission having under consideration the above-captioned applications of Las Vegas Broadcasters, Inc. for a construction permit to change the facilities of Station KLAS, Las Vegas, Nevada, from operation on 1230 kilocycles with a power of 250 watts, unlimited time, to operation on 1010 kilocycles with a power of 5 kilowatts days and 1 kilowatt nights, nighttime directional antenna, unlimited time, Docket No. 11621, File No. BP-8528; and of Palm Springs Broadcasting Corp. for a construction permit to change the facilities of Station KCMJ, Palm Springs, California, from operation on 1340 kilocycles with a power of 250 watts, unlimited time, to operation on 1010 kilocycles with a power of 1 kilowatt, directional antenna, unlimited time, File No. BP-10359; and

It appearing that by an order adopted on February 1, 1956 the Commission designated the above-described application of Las Vegas Broadcasters, Inc. (hereinafter referred to as KLAS) for hearing on the ground that the operation proposed therein would not be in compliance with § 3.28 (c) of the Commission's rules; and

It further appearing that the above-described application of Palm Springs Broadcasting Corp. is mutually exclusive with said application of KLAS; was filed on February 7, 1956; and is entitled, therefore, to be consolidated in the proceeding on the KLAS application, Docket No. 11621, pursuant to § 1.724 (b) of the Commission rules; and

It further appearing that each of the instant applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to construct and operate its station as proposed, but that operation by both stations as proposed would result in mutually destructive interference; that each of the proposed operations would cause interference to Station XEDX, El Sauzal, Baja California, Mexico (1010 kc, 1 kw-LS/250 w, U); that the transmitter location proposed by KCMJ is not satisfactory since the operation would not provide a 25 mv/m signal daytime over the business or factory areas of the city sought to be served, as required by § 3.188 (b) (1) of the Commission rules; and that the proposed operation of KCMJ would provide nighttime coverage to only 97.84 percent of Palm Springs, California, whereas § 3.28 (c) of the Commission rules contemplates 100 percent coverage; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, KCMJ was advised by letter dated October 23, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and that a copy of said letter was sent to KLAS; and

It further appearing that a timely reply was received from KCMJ in which it requested an additional thirty days to prepare and submit an amendment specifying a change in directional antenna pattern; but that we are of the opinion that it would be expeditious here to deny said request and designate both applications for consolidated hearing because KCMJ may petition for leave to amend after designation for hearing upon good cause shown; and

It further appearing that in view of the foregoing and of the reply by KCMJ we are of the opinion that a consolidated hearing proceeding on the KCMJ and KLAS applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from each of the operations proposed by KCMJ and KLAS, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by KLAS would receive nighttime interference from Stations KVNC, Winslow, Arizona; and CBX, Edmonton, Alberta, Canada, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the nighttime interference received, the proposal of KLAS would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine whether each of the operations proposed by KLAS and KCMJ would cause interference to the notified operation of Station XEDX, El Sauzal, Baja California, Mexico, on 1010 kilocycles with a power of 1 kilowatt days and 250 watts nights, unlimited time, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the transmitter location proposed by KCMJ is satisfactory pursuant to § 3.18 (b) (1) of the Commission rules.

6. To determine whether the operation proposed by KCMJ would provide primary service to Palm Springs, California, as required by § 3.28 (c) of the Commission rules; and if compliance with said section is not achieved, whether circumstances exist which would warrant a waiver thereof.

7. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That the Commission's order of February 1, 1956 designating the KLAS application for hearing is hereby superseded only with respect to the issues specified therein; and

It is further ordered, That, to avail itself of the opportunity to be heard, KCMJ, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10528; Filed, Dec. 27, 1956; 8:51 a. m.]

[Docket No. 11834; FCC 56M-1163]

SEACO, INC.

ORDER CONTINUING HEARING CONFERENCE

In the matter of Seaco, Inc., Orlando, Florida; order to show cause why the licenses for special industrial radio Stations KIK 385 and KC 7607 should not be revoked, or, in the alternative, why a cease and desist order should not be issued against the licensee of said stations.

Pursuant to oral motion and agreement of counsel: *It is ordered*, This 20th day of December 1956, that the prehearing conference previously scheduled for January 3, 1957, will be held at the offices of the Commission in Washington, D. C. on January 4, 1957, at 2 p. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10529; Filed, Dec. 27, 1956; 8:52 a. m.]

[FCC 56-1285]

CLASS B FM BROADCAST STATIONS

ORDER AMENDING TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of December 1956;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
West Plains, Mo.	247	230

It appearing that the licensee of FM broadcast Station KWPM-FM, West Plains, Missouri, proposes to change the frequency assignment of Station KWPM-FM from Channel No. 247 to Channel No. 230 to eliminate the present condition of interference caused in the West Plains area to reception of Station KTTS-TV operating on television Channel No. 10 in Springfield, Missouri; and

It further appearing that the interference to the reception of television Station KTTS-TV, Springfield, Missouri, in the West Plains area is primarily internal to the television receivers; that the problem can and should be resolved by remedial measures at the source of the problem—improved designs of television receivers—rather than by manipulation of outstanding frequency assignments or changes in the television and FM allocations plans; that the Commission has taken the position before and is still of the opinion that receiver manufacturers are under an obligation to the consumers purchasing their goods to employ the corrective measures in the manufacture of receiving sets necessary to insure against this and related interference problems and that it is improper to place further restrictions on the use of the very limited spectrum space because of the interference problems that can be entirely avoided by proper re-

ceiver design; and that in general, it will not be possible to correct this type of interference by modification of the FM allocation plan that the present limited use of FM broadcasting assignments makes possible in this case; and

It further appearing that the subject proposal to reallocate channels in the area is engineeringly feasible and will not affect the rights of other parties; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended; and

It further appearing that because the proposed change merely represents a reallocation of channels in the area without any appreciable effect on existing F licensees or applicants, current or prospective, the notice and public procedure provisions of section 4 (a) of the Administrative Procedure Act is unnecessary and that the change should be made effective immediately so that the existing Springfield-West Plains conflict described above can be eliminated without delay;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to West Plains, Missouri.

General area	Channels	
	Delete	Add
West Plains, Mo.	247	230

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-10530; Filed, Dec. 27, 1956; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24 FW-992]

DANCU CHEMICAL CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 20, 1956.

I. DanCu Chemical Co., an Oklahoma corporation, having filed with this Commission on December 27, 1955, a notification on Form 1-A relating to a proposed offering of 14,003 shares of its $1.00 par value Class A—7 percent, Participating Preferred Stock (Non-cumulative and Non-voting) at $1.00 per share for an aggregate offering of $14,003, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder;

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with and that the notification and offering circular contain untrue statements of material facts and omit to state material facts required to be stated therein or necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The commencement of the offering prior to the expiration of the waiting period provided by Rule 218.

2. The failure to file, as required by Rule 221, copies of a sales letter and other sales literature used in connection with said offering.

3. The failure to use an offering circular, as required by Rule 219, in connection with the offering of said securities to the public.

4. The statement in the offering circular that Dr. William E. Rogers is second vice president of the company and adviser and consultant to the president of the company in the field of business management and marketing, whereas Dr. Rogers has not been associated with the company since December of 1955.

5. The statement in a report of sales filed on Form 2-A that February 5, 1956 is the date on which the offering was commenced, whereas the offering was commenced on November 30, 1955.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10475; Filed, Dec. 27, 1956; 8:46 a. m.]

[File No. 24SF-2172]

IDEA, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 20, 1956.

I. Idea, Inc., P. O. Box 2, Silver Springs, Nevada, filed with the Commission on September 30, 1955 a Notification on Form 1-A and an Offering Circular relative to an issue of 200,000 shares of Class A stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe:

A. That the continuance of this offering would act as a fraud or deceit upon prospective purchasers in that the Offering Circular contains false and misleading statements in regard to material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in regard to the giving of unregistered and unexempted shares of Class B stock to certain purchasers of Class A stock in order to induce the purchase of Class A stock.

B. The terms and conditions of Regulation A have not been complied with in that the subject corporation has failed to file Form 2-A reports of sales as required by Rule 224 and has ignored the request of the Commission's staff that it do so.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10476; Filed, Dec. 27, 1956; 8:46 a. m.]

[File No. 70-3536]

SOUTHWESTERN GAS AND ELECTRIC CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS

DECEMBER 20, 1956.

Notice is hereby given that Southwestern Gas and Electric Company ("Southwestern"), a public utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Southwestern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage Bonds, Series G, to be dated January 1, 1957 and to mature January 1, 1987. The bonds are to be issued under and secured by a mortgage dated February 1, 1940, as heretofore amended and supplemented and to be further amended by a proposed Supplemental Indenture to be dated January 1, 1957. The interest rate on the bonds, which is to be a multiple of $\frac{1}{8}$ of 1 percent, and the price thereof to Southwestern, which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102.75 percent of the principal amount, will be determined by competitive bidding.

The net proceeds from the sale of the bonds are to be used by Southwestern to pay for a part of the cost of additions, extensions and improvements made and to be made to its electric utility properties, and to pay or prepay short-term bank debt incurred and to be incurred in connection therewith. Such bank debt aggregated $4,000,000 at September 30, 1956 and may be increased by about $2,000,000 prior to the receipt by Southwestern of the proceeds of the bonds.

According to the declaration, Southwestern will apply to the Arkansas Public Service Commission and the Corporation Commission of the State of Oklahoma for authority to issue and sell the bonds and copies of the orders to be entered by these commissions will be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission has jurisdiction over the proposed transactions.

The fees and expenses incurred or to be incurred by Southwestern in connection with the proposed transactions are estimated as follows:

Securities and Exchange Commission, filing fee	$1,040
Federal original issue stamp tax	11,000
State Commission fees	5,500
Printing of registration statement, prospectus, supplemental indenture, bidding documents, etc	7,500
Preparation of bonds	2,700
Accountant's fees (Arthur Andersen & Co.)	1,500
Trustee's fees (City National Bank and Trust Company of Chicago)	5,250
Recordation of supplemental indenture	1,800
Reimbursement of underwriters for expenses and counsel fees in connection with qualification or registration under state securities laws	1,800
Miscellaneous expenses, including traveling, telephone, etc	1,860
Fee of Middle West Service Company, Chicago, Ill	5,000
Counsel fees:	
Stevenson, Dendtler, Bailey & McCabe, Chicago, Ill	6,000
Arnold & Arnold, Texarkana, Ark	500
Wilkinson, Lewis & Wilkinson, Shreveport, La	250
T. M. Markley, Tulsa, Okla	200
Prendergast & Prendergast, Marshall, Tex	100
	52,000

The legal fee and out-of-pocket expenses of the firm of Isham, Lincoln & Beale, Chicago, Illinois, who have been designated to act as counsel for the underwriters, are estimated not to exceed $5,000 and $250, respectively, and are to be paid by the successful bidder or bidders.

Notice is further given that any interested person may not later than January 11, 1957 request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be hereafter amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10477; Filed, Dec. 27, 1956; 8:46 a. m.]

[File No. 70-3540]

CITIES SERVICE CO.

NOTICE OF FILING OF DECLARATION REGARDING STOCK DIVIDEND

DECEMBER 20, 1956.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, has filed with this Commission a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal to pay a 2 percent stock dividend.

All interested persons are referred to the declaration on file at the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cities proposes to issue 202,206 shares of its authorized but unissued $10 par value common stock, and to distribute such stock on or about January 24, 1957 to its stockholders of record as of December 6, 1956, as a 2 percent stock dividend, on the basis of one share of new stock for each 50 shares of its outstanding 10,110,347 shares of common stock. No fractional shares are to be issued, but in lieu thereof, it is proposed to issue Order Forms evidencing such fractional interests, and the fractional interests represented thereby may be combined with other fractional interests to enable the holder thereof to receive certificates for full shares, or may be sold as the owner may elect. The company has made arrangements with Guaranty Trust Company of New York, as distribution agent, to buy and sell such fractional interests for the account of the holders thereof, without cost to such holders. All shares held to cover such fractional interests with respect to which Guaranty Trust Company does not receive completed order forms before the close of business on February 25, 1957 will be sold in due course for the account of the holders thereof, and the proceeds distributed among them pro rata. On February 28, 1963 all unclaimed and all undeliverable proceeds of such sales shall become the absolute property of the company.

Cities proposes to assign a value of $64 per share to each of the 202,206 shares of its common stock to be issued as a stock dividend, or an aggregate of $12,941,184. It also proposes to debit earned surplus in that amount, to credit its common stock capital account with the par value of such shares, $10 per share, or an aggregate of $2,022,060, and to credit its capital surplus with the excess of the assigned value over the par value, $54 per share, or an aggregate of $10,919,124. The corporate earned surplus of the company at September 30, 1956 amounted to $205,198,145, and, subject to year-end adjustments, its net income for the 12 months ended on that date amounted to $33,446,560, and the cash dividends paid or declared on its common stock during 1956 aggregated $24,264,832.80.

The fees and expenses to be incurred in connection with the proposed transactions are estimated as follows:

Guaranty Trust Company, for handling issuance of common stock as dividend, and for handling fractional interest order forms:	
Fee	$125,000
Expenses	45,000
Original issue and transfer taxes	8,000
Listing fees	2,000
Printing and postage	20,000
Miscellaneous	1,000
Total	201,000

It is stated that no counsel fees are to be incurred.

The declaration states that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 4, 1957, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant an exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10478; Filed, Dec. 27, 1956; 8:46 a. m.]

[File No. 812-1009]

NORTH RIVER SECURITIES CO., INC., ET AL.

ORDER DENYING EXEMPTION

DECEMBER 20, 1956.

In the matter of North River Securities Co., Inc., Dale Properties, Inc., Lauderdale Properties, Inc., Ft. Lauderdale Properties, Inc., Broward Properties, Inc., Broward Boulevard Properties, Inc., Ira Guilden and Metals Corporation of America.

North River Securities Co., Inc. ("North River"), a closed-end management investment company registered under the Investment Company Act of 1940 ("act"), Dale Properties, Inc., Lauderdale Properties, Inc., Ft. Lauderdale Properties, Inc., Broward Properties, Inc., Broward Boulevard Properties, Inc., Ira Guilden, and Metals Corporation of America, having filed a joint application, and amendment thereto, pursuant to sections 6 (c) and 17 (b) of the act, for an order exempting from the provisions of section 17 (a) and 23 (a) of the act the proposed acquisition by North River of the assets of Dale Properties, Inc., Lauderdale Properties, Inc., Ft. Lauderdale Properties, Inc., Broward Properties, Inc., Broward Boulevard Properties, Inc., affiliates of an affiliated person of North River, and the stock of Frank T. Budge Co., owned in part by direct and indirect affiliates of North River;

Hearings having been held on said application after appropriate notice, briefs having been filed, the Division of Corporate Regulation having submitted a recommended decision to which exceptions were taken and briefs and reply briefs relating to such exceptions were filed, the Commission having heard oral argument, and having this day issued its findings and opinion; on the basis of such findings and opinions.

It is ordered, That said application be, and the same hereby is, denied.

By the Commission.

[SEAL] OBVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-10479; Filed, Dec. 27, 1956; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8601 etc.]

CONTINENTAL OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Gas Field; and Purchaser

G-8601; Continental Oil Company; Port Neches, Orange County, Tex.; Texas Gas Corporation.

G-8602; Continental Oil Company; Hope, Lavaca County, Tex.; Shell Oil Company.

G-8603; Continental Oil Company; Helen Gonlke, Victoria and DeWitt Counties, Tex.; Texas Eastern Transmission Corporation.

G-8604; Continental Oil Company; Driscoll, Bienville Parish, La.; Arkansas-Louisiana Gas Company.

G-8605; Continental Oil Company; Bear Creek, Bienville Parish, La.; Arkansas-Louisiana Gas Company.

G-8606; Continental Oil Company; South Crowley, Acadia Parish, La.; Tennessee Gas Transmission Company.

G-8607; Continental Oil Company; Hobbs, Lea County, N. Mex.; Humble Oil & Refining Company.

G-8608; Continental Oil Company; East Mayes, Chambers County, Tex.; Texas Gas Corporation.

G-8657; Continental Oil Company; Hope, Lavaca County, Tex.; Tennessee Gas Transmission Company.

G-8658; Continental Oil Company; Chesterville, Colorado County, Tex.; Tennessee Gas Transmission Company.

G-8659; Continental Oil Company, Jackson Pasture, Chambers County, Tex.; McCarthy Oil & Gas Corporation.

A public hearing will be held on the 15th day of January 1957, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above application.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

DECEMBER 19, 1956.

[F. R. Doc. 56-10472; Filed, Dec. 27, 1956; 8:45 a. m.]

[Docket No. G-11615]

M. L. MAYFIELD

ORDER SUSPENDING PROPOSED CHANGE IN RATES

M. L. Mayfield, on November 26, 1956, tendered for filing a proposed change in his presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change dated November 23, 1956; United Fuel Gas Company; Supplement No. 1 to M. L. Mayfield's FPC Gas Rate Schedule No. 1; December 26, 1956.

In support of the increased rate, M. L. Mayfield cites only the price provisions in his basic sales contract.

The increased rate and charge proposed in the above-designated filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 26, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 19, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-10473; Filed, Dec. 27, 1956; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the date proposed by Mayfield, if later.

[2] Commissioner Digby dissenting.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 21, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33085: *Phosphate rock from Florida to Jonesboro, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carload from points in Florida to Jonesboro, La.

Grounds for relief: Market-truck-water competition and circuitous routes.

Tariff: Supplement 27 to Agent Spaninger's tariff I. C. C. 1514.

FSA No. 33086: *Hides from Georgia to Reading, Pa.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts or skins, not dressed nor tanned, carloads from Columbus, and Dublin, Ga., to Reading, Pa.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 8 to Agent Spaninger's tariff I. C. C. 1539.

FSA No. 33087: *Clay from the South to points in Alabama, Arkansas and North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads from points in Alabama, Florida, North Carolina and South Carolina to Calera, Ala., Helena, Ark., and Lexington, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 52 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 33088: *Crude clay or shale from Mississippi to Kimberly, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay or shale, crude, in bulk, not ground, washed or processed in any manner, carloads from Crenshaw and Sledge, Miss., to Kimberly, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 52 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 33089: *Commodities from and to points in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on (a) sheet iron or steel drums, carload and (b) fresh meats, carload from (a) Birmingham, Ala., to St. Rose, La., and (b) Montgomery, Ala., to Columbia, S. C.

Grounds for relief: Short-line distance formula and circuity.

FSA No. 33090: *Merchandise from the East to Selma, Ala., and Tallahassee, Fla.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on all commodities, in mixed carloads from points in Connecticut, Rhode Island, Massachusetts, and New York to Selma, Ala., and Tallahassee, Fla.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 1 to Agent C. W. Boin's tariff I. C. C. A-1119.

FSA No. 33091: *Sulphur from Baltimore, Md., to Western New York.* Filed by O. E. Schultz, Agent, for The Baltimore and Ohio Railroad Company. Rates on sulphur (brimstone), crude, unground or unrefined, carloads, from Baltimore, Md., to Buffalo and Rochester, N. Y.

Grounds for relief: Circuitous route.

Tariff: Supplement 4 to Baltimore and Ohio Railroad tariff I. C. C. No. 24333.

FSA No. 33092: *Furniture from Irving, Tex., to Colorado and Wyoming.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on furniture and furniture parts, carloads from Irving, Tex., to Colorado Springs, Denver, Greeley, Pueblo, Trinidad, Colo., and Cheyenne, Wyo.

Grounds for relief: Short-line distance formula, circuity and market competition.

Tariff: Supplement 89 to Agent Kratzmeir's I. C. C. 4136.

FSA No. 33093: *Phosphate rock from Florida to Richmond, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, crude, carloads from mines in Florida to Richmond, Va.

Grounds for relief: Water carrier competition.

Tariff: Supplement 27 to Agent Spaninger's tariff I. C. C. 1514.

FSA No. 33094: *Sulphuric acid from Tulsa, Okla., to Sulphur Springs, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Tulsa, Okla., to Sulphur Springs, Tex.

Grounds for relief: Circuitous route.

Tariff: Supplement 12 to Agent Kratzmeir's tariff I. C. C. 4025.

FSA No. 33095: *Artificial rubber from Louisiana to Olathe, Kans.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber, artificial, synthetic or neoprene, crude, carloads from Baton Rouge and North Baton Rouge, La., to Olathe, Kans.

Grounds for relief: Circuitous routes.

Tariff: Supplement 215 to Agent J. H. Marque's tariff I. C. C. No. 417.

FSA No. 33096: *Grain within and from western trunk line territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, seeds, and related articles, carloads between points in western trunk line territory from points in western trunk line territory to points in central territory, and from Omaha, Nebr., to New Orleans, La.

Grounds for relief: Short-line distance formula and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-10500; Filed, Dec. 27, 1956; 8:48 a. m.]

[No. 32067]

KANSAS INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 6th day of December A. D. 1956.

It appearing, that a petition, dated October 26, 1956, has been filed on behalf of The Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad operating to, from, and between points in the State of Kansas, in interstate and intrastate commerce averring that in Ex Parte No. 196, Increased Freight Rates, 1956, 298 I. C. C. 279, the Commission authorized carriers subject to the Interstate Commerce Act, parties thereto, to make certain increases in their freight rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing, that the petitioners allege that the State Corporation Commission of Kansas, by order dated July 11, 1956, has refused to authorize or permit them to apply to the transportation of the following commodities, moving intrastate by railroad in Kansas, increases in freight rates and charges thereon corresponding to those approved for interstate application in the proceeding above cited.

Livestock.
Agricultural products (including milk and cream).
Cement.
Agricultural limestone.
Sand.
Gravel.
Crushed rock.
Coal.
Brick.
Tile.
Clay sewer pipe and articles grouped therewith.

It further appearing, that the petitioners allege that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce on the one hand, and in interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Kansas; and that the State Corporation Commission of Kansas on November 17, 1956, answered the petition by letter, which has been considered:

It is ordered, That in response to the said petition, and investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the said rates and charges of common carriers by railroad, or any of them, operating in the State of Kansas for the intrastate transportation of property, made or imposed by authority of the State of Kansas, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commis-

sion for interstate traffic in the proceeding cited above, any undue, or unreasonable advantage preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and in interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice or discrimination, if any, that may be found to exist;

It is further ordered, That all common carrier by railroad operating within the State of Kansas which are subject to jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Kansas be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the State Corporation Commission of Kansas at Topeka, Kans.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 56-10501; Filed, Dec. 27, 1956; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 251

Washington, Saturday, December 29, 1956

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXEMPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (3) of § 6.311 is amended as set out below.

§ 6.311 *Department of Agriculture*—(a) *Office of the Secretary.* * * *

(3) One Assistant to the Secretary (Agricultural Programs).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S .C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10594; Filed, Dec. 28, 1956; 8:53 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (f) of § 6.313 is redesignated as "Bureau of Training and Apprenticeship."

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10593; Filed, Dec. 28, 1956; 8:53 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (4) and (5) of § 6.342 is revoked and paragraph (c) (9) and (10) is added as set out below.

§ 6.342 *Housing and Home Finance Agency.* * * *

(c) *Public Housing Administration.* * * *

(9) Assistant Commissioner for Development.

(10) Assistant Commissioner for Management.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 56-10592; Filed, Dec. 28, 1956; 8:53 a.m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instructions 443.1, 443.4]

PART 311—BASIC REGULATIONS

PART 316—APPLICANTS

PART 321—SELECTION OF FARMS

PART 331—POLICIES AND AUTHORITIES

PART 334—LOANS PRIMARILY FOR REFINANCING

MISCELLANEOUS AMENDMENTS

In Chapter III of Title 6, Code of Federal Regulations, Part 311 except §§ 311.7, 311.28, and 311.29 (13 F. R. 9392, 16 F. R. 7917, 19 F. R. 1363, 4051, 6601, 20 F. R. 3667, 21 F. R. 2427), Part 316 (13 F. R. 9393, 18 F. R. 4153), and Part 321 (13 F. R. 9399, 15 F. R. 4255, 4885, 20 F. R. 3667) are hereby revoked, §§ 311.7 (16 F. R. 7921), 311.28 (19 F. R. 1364, 2441, 20 F. R. 9341), and 311.29 (19 F. R. 1365, as amended) are redesignated §§ 331.15, 331.16, and 331.17, respectively, and new Part 331—Policies and Authorities, and Part 334—Loans Primarily for Refinancing, are added to read as follows:

Sec.
331.1 General.
331.2 Objectives.
331.3 Definitions.
331.4 Supervisory assistance.
331.5 Eligibility and preference.
331.6 Loan purposes.
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FEDERAL REGISTER

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AUTHORITY: §§ 331.1 to 331.17 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 331.1 *General.* This part outlines the policies and authorities for making insured and direct loans, hereinafter referred to as Farm Ownership loans, under Title I of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1000, et seq.).

§ 331.2 *Objectives.* The basic objectives of Farm Ownership loans are to enable farm families to become soundly established in a successful system of farming, to promote more secure occupancy of farms and farm homes, and to correct economic instability resulting from changing conditions and some forms of farm tenancy. These objectives will be accomplished by extending credit and supervisory assistance to:

(a) Individuals who will be owner-operators of family-type farms that will provide adequate income to meet living and operating expenses and amounts due on their loans.

(b) Disabled veterans who will be owner-operators of less than family-type farms that, together with their pensions, will provide adequate income to meet living and operating expenses and amounts due on their loans.

(c) Individuals who are established bona fide farmers and owner-operators of less than family-type farms that, with income from other sources, will enable the family to meet living and operating expenses and amounts due on their loans.

(Secs. 1, 2, 60 Stat. 1072, 1073, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1002)

§ 331.3 *Definitions*—(a) *Family-type farm.* A family-type farm is defined as a farm (1) that is of sufficient size and productivity to furnish income that will enable a farm family to have a reasonable standard of living, pay operating expenses, including maintenance of necessary livestock, farm and home equipment, land and buildings, pay their debts, and have a reasonable reserve to meet unforeseen emergencies, (2) for which the management is furnished by the operator and his immediate family, and (3) for which the labor is furnished primarily by such operator and family except during seasonal peak-load periods. It is not intended to include in this definition farms which require large amounts of seasonal hired labor in relation to the total labor requirements for the year.

(i) For the purpose of the Farm Ownership loan program, "income" will be computed by using long-time prices and costs, and the "farm" includes only land owned or to be acquired by the applicant and which would be security for the loan.

(b) *Less than family-type farms.* Less than family-type farms are farms on which the applicant's income from the land he owns will be insufficient to meet the requirements of a family-type farm as defined in paragraph (a) of this section. In any case, to be suitable for a Farm Ownership loan, a less than family-type farm (1) must produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income, (2) will be recognized in the community as a farm rather than a rural residence, (3) must provide farm income which together with any income from other sources, including income from rented land or grazing permits, will enable the family to have a reasonable standard of living, pay operating expenses, pay their debts, and have a reasonable reserve for unforseeen emergencies, (4) is a farm on which the management is furnished by the operator and his immediate family, and (5) is a farm for which the labor is furnished primarily by the operator and his immediate family. The scale of operations conducted by the operator of a less than family-type farm on the land he owns and any rented land must not be larger

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than the operations conducted by operators of family-type farms.

(c) *Farm.* The word "farm" as used in procedure relating to Farm Ownership loans includes the land, buildings, fences, water, water stock, water facilities, and other improvements which customarily pass with the farm in the change of ownership.

(1) In some states, certain improvement items or appurtenances which ordinarily would be considered a part of the real estate may, by agreement between the owner of the land and the person furnishing or using such appurtenances, remain personal property. Such an agreement would be binding on a Farm Ownership borrower who purchases the land. In all cases where funds are included in a Farm Ownership loan to purchase such improvements or appurtenances, the County Supervisor, with the advice of the designated attorney or the attorney in charge, will ascertain that such appurtenances are free from any liens or encumbrances and are covered adequately by a first real estate or chattel mortgage.

(2) In some areas, facilities or improvement items not generally considered to be a part of the real estate, however, ordinarily do pass with the land when such a farm changes ownership. If it is administratively determined that certain such items customarily do pass with the land in the area, Farm Ownership loan funds may be included for the acquisition of such items necessary to the efficient operation of the farm. The advice of the designated attorney or the attorney in charge should be obtained in such cases. Where such facilities or improvement items do not commonly pass with the land when such a farm changes ownership, Farm Ownership loan funds will not be used for acquisition of the facilities even though such facilities may be necessary to the efficient operation of the farm.

(d) *Average value.* The term "average value" for a county, parish, or locality means the average value of efficient family-type farm-management units situated in the county or parish as shown in § 331.17 of this chapter.

(e) *Fair and reasonable value.* The term "fair and reasonable value of the farm" means the amount certified by the County Committee on Form FHA–491, "County Committee Certification," to be the value of the farm after planned improvements are made.

(Secs. 1, 2, 3, 60 Stat. 1072, 1073, 1074, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1002, 1003)

§ 331.4 *Supervisory assistance.* All Farm Ownership borrowers will receive supervisory assistance to the extent necessary to assure the success of the borrower's farming operation and the protection of the Government's interest.

(a) Borrowers who are conducting full-time family-type farming operations will receive assistance in developing Long-Time and Annual Farm and Home Plans, keeping records, and analyzing their farm and home business. In addition, such borrowers will receive farm and home visits to assist them in carrying out their farm and home plans.

(b) Borrowers who are conducting part-time farming operations will receive supervisory assistance in developing an Annual Farm and Home Plan for the first full crop year (including an interim plan, if necessary). They also will receive such additional supervisory assistance as necessary to accomplish the objectives of the loan, including farm and home visits and assistance in keeping records.

(Sec. 44, 60 Stat. 1069; 7 U. S. C. 1018)

§ 331.5 *Eligibility and preference.* (a) To be eligible for a Farm Ownership loan, each applicant must:

(1) Be a citizen of the United States.

(2) Possess legal capacity to contract for the loan.

(3) If he is applying for a loan on a family-type farm, be a farm owner, farm tenant, farm laborer, sharecropper, or other individual who obtains, or recently obtained, a substantial portion of his income from farming operations, or be a veteran with previous farming experience or training.

(4) If he is applying for a loan on a less than family-type farm, be (i) an owner-operator who is an established bona fide farmer conducting substantial farming operations and who, for a substantial portion of his life, has resided on a farm and depended on farm income for his livelihood, or (ii) a disabled veteran with a pensionable disability and who has previous farming experience or training. An applicant who is spending a major portion of his time during the year in off-farm employment is not considered a bona fide farmer and, therefore, is not eligible.

(5) Possess the character, ability, industry, and experience necessary to carry out successfully the proposed farming operations and will honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(6) Be unable to obtain credit sufficient in amount to finance his actual needs at rates (but not exceeding five percent per annum) and terms prevailing in or near his community for loans of similar size and character from responsible sources.

(7) Plan to live on and operate the farm.

(i) An applicant who owns or plans to acquire a family-type farm will not be considered eligible for a loan if he plans to devote a substantial portion of his time to off-farm employment. An applicant who plans to devote a substantial part of his time to off-farm employment will be considered as the owner of a less than family-type farm even though the farm he owns ordinarily would be considered a family-type farm.

(ii) An applicant who owns a less than family-type farm will not be eligible if he plans to hire labor, other than during seasonal peak-load periods, to assist his family in operating the farm because the applicant intends to be engaged in nonfarm employment.

(8) Have or be able to obtain the operating capital, including livestock, machinery, and equipment, essential for the successful operation of the proposed system of farming.

(b) Preference will be given to:

(1) Veterans as defined in Subpart B of Part 301 of this chapter. When it appears that available funds will be inadequate to meet the needs of all applicants, the applications on hand from veterans will be processed first.

(2) Those applicants who are:

(i) Owners of livestock and farm implements necessary to carry on successful farming operations.

(ii) Able to make an initial down payment in addition to owning necessary livestock and equipment.

(iii) Married or have dependent families.

(Secs. 1, 2, 3, 60 Stat. 1072, 1073, 1074, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1002, 1003)

§ 331.6 *Loan purposes.* (a) Farm Ownership loans may be made for the purpose of:

(1) Buying a family-type farm or buying land to enlarge a farm that will be a family-type farm. In the case of a disabled veteran with a pensionable disability, the farm acquired or enlarged may be less than a family-type farm. Loans to buy land may include funds to purchase the interest of other heirs or joint owners of property in which the applicant holds a legal interest. Funds may also be used in such a case to satisfy the applicant's share of any liens or encumbrances against the farm.

(2) Developing or improving a farm. This includes building improvements, land development, and water facilities necessary for the operation of the farm.

(3) Refinancing secured and unsecured debts of an applicant who owns or will own a family-type farm.

(i) When the loan is made primarily for refinancing, it will be subject to the provisions of Part 334 of this chapter.

(ii) When the loan is made primarily for purposes other than refinancing, any debts to be refinanced must comply with the special requirements of § 334.4 of this chapter.

(4) Refinancing secured and unsecured debts incurred for agricultural purposes of an applicant who owns less than a family-type farm. Debts for agricultural purposes are debts such as those incurred for the acquisition or improvement of farm land and buildings, farm operating expenses, livestock, farm machinery, and equipment, and family living expenses.

(i) When the loan is made primarily for refinancing, it will be subject to the provisions of Part 334 of this chapter.

(ii) When the loan is made primarily for purposes other than refinancing, any debts to be refinanced must comply with the special requirements of § 334.4 of this chapter.

(5) Paying of fees including a $20 appraisal fee in case of an insured loan, costs of technical services, and expenses incurred in making and closing the loan.

(b) Farm Ownership loans may not be made for the purpose of:

(1) Purchasing land when the farm will be "less than a family-type farm" as defined in § 331.3 (b).

(2) Financing any farm development not located on the property covered by the mortgage.

(3) Purchasing machinery, tools, equipment, livestock, and similar items not considered a part of the farm.

(4) Paying real property insurance premiums.

(5) Paying loan insurance charges on insured Farm Ownership loans.

(6) Carrying on any Government land-purchase or land-leasing program, or for organizing, promoting, or managing homestead associations, land-purchasing associations, or cooperative land-purchasing for colonies of rehabilitants and tenant purchasers, or any other type of collective or cooperative farming.

(7) Making loans to two or more persons, other than husband and wife, for the purpose of maintaining or establishing a joint ownership in a farm or the joint operation of a farm except upon approval of the Administrator or his delegate.

(8) Constructing dwellings or other farm buildings which are considered to be in excess of the needs of the farm or would be significantly more expensive than similar buildings on family-type farms in the area.

(9) Constructing or improving a dwelling to be occupied by persons other than the borrower's family or labor hired to assist in operating the farm.

(10) Paying debts for farm development work incurred after the docket is prepared but prior to closing of the loan unless the County Supervisor determines that the development conforms to that shown on Form FHA–643, "Farm Development Plan." The County Supervisor, not later than the time of planning farm improvements, will advise each applicant that the development work should not be started and debts for such work or materials should not be incurred before the loan is closed.

(11) Acquiring land or developing a farm which is located in an area designated for retirement from agriculture by Federal, state, or county land use planning agencies, or an area that is likely to be so designated.

(12) Refinancing Farmers Home Administration debts except when necessary to secure the lien required when a Farm Ownership loan is made.

(Secs. 1, 2, 3, 44, 60 Stat. 1069, 1072, 1073, 1074, as amended, sec. 17, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1002, 1003, 1006d, 1018)

§ 331.7 *Loan limitations*—(a) *County average value limitation.* Initial or subsequent Farm Ownership loans involving the acquisition or enlargement of a farm will not be approved if the fair and reasonable value of the farm exceeds the applicable county average value.

(b) *Limitation of amount of loan*—(1) *Direct loan.* Direct loans (initial or subsequent) will not be approved which will result in an indebtedness for the Farm Ownership loan and prior lien, if any, in an amount which exceeds the fair and reasonable value of the farm.

(2) *Insured loan.* Insured loans (initial or subsequent) will not be approved which will result in an indebtedness for the Farm Ownership loan and prior lien, if any, in an amount which exceeds 90 percent of the fair and reasonable value of the farm, except that in the case of a loan to an applicant to purchase a farm in which he does not have an undivided interest, the Farm Ownership loan and any prior lien must not exceed 90 percent of the lesser of the fair and reasonable value of the farm or the sum of:

(i) The price of the farm to be acquired by the applicant;

(ii) The amount necessary for all planned construction and land development; and

(iii) The amount of any necessary fees and expenses which are required to be paid by the applicant.

(Sec. 3, 60 Stat. 1074, sec. 16, 69 Stat. 553, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1003, 1006c)

§ 331.8 *Special requirements*—(a) *Insured loan preference.* Whenever possible, the credit needs of an applicant will be met with an insured loan.

(b) *Relationships of Farm Ownership loans to Farm Housing and Soil and Water Conservation loans.* Each eligible applicant should be encouraged to obtain the kind of Farmers Home Administration loan best suited to his needs. In determining which kind of loan best suits the applicant's needs, consideration will be given to the purposes for which the applicant needs funds, the availability of loan funds, and the need for supervisory assistance. Whenever possible, an applicant's total real estate credit needs will be met with one kind of loan.

(c) *Applicant's funds.* When an applicant will supplement the loan with funds of his own, such funds will be deposited in a supervised bank account not later than the time of loan closing. After the loan is closed, these funds will be disbursed in the same manner and subject to the same conditions as loan funds.

(d) *Nonessential real estate.* A loan may be made to an applicant who owns real estate property which will not be a part of the farm to be given as security provided he disposes of the property before the loan is closed or, if this is not practicable, agrees to dispose of it promptly after the loan is closed and use the net proceeds to pay farm and home expenses, make capital purchases, or reduce his indebtedness.

(e) *Refinancing of Farm Ownership loan.* If at any time it appears that a borrower is able to refinance his loan with a responsible cooperative or private credit source at a rate of interest not in excess of five percent per annum, and on terms for loans for similar periods of time and purposes prevailing in the area, he must, upon request of the County Supervisor, apply for and accept such financing.

(f) *Farm situated in more than one county.* If a farm is situated in more than one state, county, parish, or locality, it will be deemed to be located in the state, county, parish, or locality in which the borrower's residence is located or is to be constructed.

(g) *Dollar amount of loans.* The amount of each Farm Ownership loan will be in multiples of ten dollars.

(h) *Refunding loan funds.* Promptly after completion of the planned expenditures, any unexpended balance in the supervised bank account will be applied on the borrower's Farm Ownership loan account as a refund.

(i) *Loans to debt-settlement cases.* A Farm Ownership loan will not be made to an applicant whose debts have been settled pursuant to regulations contained in Part 364, Subpart A of Part 372, or Subpart A of Part 373 of this chapter as reflected by the County Office records, or where settlement under such regulations is contemplated, unless (1) the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, (2) the causes which necessitated the debt settlement, other than weather hazards, disasters, or price fluctuations, have been removed, and (3) the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations. Loan dockets, accompanied by available case folders, in such cases, must be submitted to the National Office for review prior to approval.

(j) *Certification by county committeeman.* A loan will not be made on a farm if any member of the County Committee, in any manner, participates in or attempts to influence the consideration, discussion, or certification with respect to the land in which such member, or any person related to such member within the third degree of consanguinity or affinity, has any pecuniary interest, direct or indirect, or in which any of them had such interest within one year prior to the date of certification.

(1) The prohibition contained in this paragraph will apply if a County Committeeman, or the spouse of a Committeeman, has any of the below-listed relationships to any person or the spouse of any person who has or within one year prior to certification has had any pecuniary interest in the farm or debts to be refinanced: Father; Mother; Grandfather; Grandmother; Great Grandfather; Great Grandmother; Son; Daughter; Grandson; Granddaughter; Great Grandson; Great Granddaughter; Brother; Sister; Uncle; Aunt; Great Uncle, or son or daughter of; Great Aunt, or son or daughter of; Nephew, or son or daughter of; Niece, or son or daughter of; First Cousin, or son or daughter of; or Second Cousin, or son or daughter of.

(2) If a County Committeeman or spouse is involved as outlined above, the farm loan may be certified to by the other two Committeemen provided the Committeeman involved does not participate in any manner in the certification or influence the other Committeemen in any way.

(k) *Refinancing debts or acquiring land involving relatives.* A loan will not be made on a farm which involves the purchase of land owned by a parent or other near relative of an applicant, nor will a loan be made in which funds are included to refinance a debt to a parent or other near relative unless the State Director has determined, in writing, before approval of the loan that:

(1) The applicant is unlikely to receive an inheritance in a short time either of title to the property or of sufficient funds to make a loan unnecessary, and

(2) The seller's circumstances are such as to make it impracticable for him to

ing out their farm and home plans.

system of farming.

the mortgage.

a loan to an applicant to purchase a farm

sell the property to the applicant or to advance additional funds on terms that would make a loan unnecessary.

(1) *Supplementary income of owners of less than family-type farms.* In the case of a loan to the owner of a less than family-type farm, the County Supervisor must determine that the income from the land the applicant owns together with the income from other sources will likely be available to the applicant on a continuing basis.

(1) When the applicant must depend on income from land in addition to that he owns, the County Supervisor will determine that such land or other land of similar quantity and quality likely will be available during the period of the loan, or if other land should not be available there is a likelihood that off-farm employment is available to provide the income needed.

(2) When the applicant must depend on income from off-farm employment, it must be determined that (i) the off-farm income will be reasonably certain to materialize and continue in the amount anticipated, taking into consideration the nature of the proposed employment and, where possible, the actual employment for the past two or three years, and (ii) the time required for the off-farm work, together with that required for the farm, is possible of accomplishment by the applicant and his immediate family, taking into consideration hired labor for seasonal peak-load periods.

(Secs. 1, 2, 44, 60 Stat. 1069, 1072, 1074, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1002, 1018)

§ 331.9 *Sources of funds and terms of loans*—(a) *Sources of funds.* Loans will be made from funds furnished by private lenders and insured by the Government or from funds authorized by the Congress.

(b) *Amortization period.* Loans will be amortized within the shortest period consistent with the ability of the borrower to pay. In no case will the repayment period exceed 40 years from the date of the note.

(c) *Interest rates*—(1) *Direct loans.* For direct loans, interest will be charged at the rate of 4½ percent per year on the unpaid principal.

(2) *Insured loans.* For insured loans, interest will be charged at the rate of 3½ percent per year on the unpaid principal.

(d) *Loan insurance charge.* Each insured loan borrower will pay a loan insurance charge in addition to principal and interest payments on his Farm Ownership loan.

(1) *Initial loan insurance charge.* Each insured loan borrower will pay on the date of loan closing an initial loan insurance charge, computed at the rate of one percent of the principal obligation on the note, covering the period from the date of loan closing to the date the first installment on the note is due.

(2) *Annual loan insurance charge.* Each insured loan borrower will pay an annual loan insurance charge of one percent of the actual principal obligation remaining unpaid which will include the balance on the note and any unpaid advances made from the insurance fund on behalf of the borrower. Each annual loan insurance charge will be computed on the basis of the principal obligation remaining unpaid as of the date on which each installment on the note is due, and will be paid on or before the date the next succeeding installment is due. Annual loan insurance charges will continue until the loan is paid in full or the mortgaged property is acquired by the Government or until contract of insurance is otherwise terminated.

(Secs. 3, 12, 60 Stat. 1074, 1076, as amended, sec. 16, 69 Stat. 553; 7 U. S. C. 1003, 1005b, 1006c)

§ 331.10 *Security requirements.* Each direct or insured loan will be secured by either a first or second mortgage on the borrower's farm.

(a) A loan will be secured by a second mortgage when the prior mortgage does not contain repayment schedules that the borrower cannot meet in addition to repaying his loan, undesirable future advance provisions, or any other provisions which might jeopardize the security position of the Government or the borrower's ability to repay the loan, or when the holder of the prior mortgage agrees to satisfactorily modify, waive, or subordinate any such undesirable features of his mortgage.

(b) When a prior mortgage contains any of the above undesirable features which cannot be removed, the prior mortgage will be refinanced with loan funds and the loan will be secured by a first mortgage.

(c) A loan secured by a second mortgage may be made to the holder of a purchase contract if he has or obtains on or before the date of loan closing a mortgageable interest in the property, the contract is not subject to summary cancellation upon default, and all of the other terms and conditions meet the requirements of paragraph (a) of this section.

(Secs. 1, 3, 44, 60 Stat. 1069, 1072, 1074, as amended, sec. 16, 69 Stat. 553, as amended, sec. 17, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1003, 1006c, 1006d, 1018)

§ 331.11 *Technical service*—(a) *Planning and performing farm development.* Farm development work will be planned and completed in accordance with Part 304 of this chapter.

(b) *Appraisal.* Farms on which Farm Ownership loans are to be made will be appraised by a Farmers Home Administration employee authorized to appraise farms. An appraisal fee of $20 will be charged to each applicant who receives an insured loan except that for a subsequent insured loan the fee will be charged only when a new appraisal is made.

(c) *Title clearance and legal services.* Title clearance and legal services required for making and closing loans will be in accordance with the provisions of Subpart A of Part 307 of this chapter.

(Secs. 2, 12, 60 Stat. 1074, 1076; 7 U. S. C. 1002, 1005b)

§ 331.12 *Mineral rights.* Borrowers should to the extent possible hold all the mineral rights in land to be acquired. If the seller refuses to transfer mineral rights or such rights are vested wholly or partially in third parties, the applicant should make as good a bargain as possible under the circumstances.

§ 331.13 *County committee determinations.* A Farm Ownership loan will not be approved unless the County committee has determined (a) the fair and reasonable value of the farm, (b) that the farm is of such character that there is a reasonable likelihood that the making of a loan will carry out the purposes of Title I, and (c) that the applicant is eligible to receive the benefits of Title I of the Bankhead-Jones Farm Tenant Act, as amended.

(Sec. 2, 60 Stat. 1074; 7 U. S. C. 1002)

§ 331.14 *Loan approval authority.* The State Director is authorized to approve or disapprove Farm Ownership loans in accordance with existing Farmers Home Administration regulations. This authority may be redelegated in writing by the State Director to one or more of the following State Office employees: Chief, Farm Loan Operations; Chief, Program Operations; Program Loan Officer; or Farm Loan Officer.

§ 331.15 *Loan funds impressed with trust.* The proceeds of loans made pursuant to Title I of the Bankhead-Jones Farm Tenant Act, as amended, shall be impressed with a trust for the purposes for which loans may be made under that Title, and may be used only for the purposes stated in the application therefor, and such trust shall continue, and the proceeds shall be free from garnishment, attachment, or the levy of an execution, until such proceeds have been used by the borrower for such purposes. Failure of the borrower to use the proceeds of such loans for such purposes, and in accordance with the purposes stated in the application therefor, shall be deemed grounds for the cancellation of the loan or for declaring the amount unpaid immediately due and payable.

(Sec. 44, 60 Stat. 1069; 7 U. S. C. 1018)

§ 331.16 *Territorial subdivisions in Alaska, Puerto Rico, and the Virgin Islands.* In Alaska, Puerto Rico, and the Virgin Islands, for the purposes of Title I, Title II, and the related provisions of Title IV of the Bankhead-Jones Farm Tenant Act, as amended, each of the areas identified below is designated a subdivision to be deemed synonymous with the term "county," as the term is used in said Titles. Each such subdivision consists of, and is coextensive with the geographical limits of, the area set forth opposite the name of the subdivision.

NOTE: The table of subdivisions and areas, as amended, heretofore published under § 311.28 of this chapter, is transferred to this § 331.16.

(Sec. 54, 60 Stat. 1071, as amended; 7 U. S. C. 1028)

§ 331.17 *Average values of farms.* For the purpose of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined as follows:

NOTE: The tables setting forth States, counties, and average values, as amended, heretofore published under § 311.29 of this chapter, are transferred to this § 331.17.

(Sec. 3, 60 Stat. 1074, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1003)

Sec.
334.1 General.
334.2 Eligibility.
334.3 Use of loan funds.
334.4 Special requirements.

AUTHORITY: §§ 334.1 to 334.4 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interpret or apply sec. 1, 60 Stat. 1072, as amended, sec. 17, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1006d.

§ 334.1 *General.* This part outlines additional requirements for Farm Ownership loans made primarily for refinancing. Loans primarily for refinancing will include (a) loans which are entirely for refinancing and fees, and (b) loans for refinancing which also include funds for land purchase or land or building development which will not significantly improve the farming operations or housing for the family.

§ 334.2 *Eligibility.* A loan primarily for refinancing may be made to an applicant who is otherwise eligible for a Farm Ownership loan provided the fair and reasonable value of the farm as determined by the County Committee plus the current market value of the applicant's livestock and farm equipment is equal to or exceeds his total indebtedness. In a case where the applicant's total indebtedness exceeds the fair and reasonable value of the farm plus the current value of his livestock and farm equipment, the loan will not be approved unless it is determined that the debt(s) will be reduced to within such value on or before the date of loan closing. For the purpose of determining an applicant's total indebtedness, Commodity Credit Corporation loans on crops in storage will not be included in the total indebtedness.

§ 334.3 *Use of loan funds.* Loan funds may be used to refinance secured real estate, secured nonreal estate, and unsecured debts; however, in connection with a loan to the owner of a less than family-type farm only debts incurred for agricultural purposes may be refinanced. Loans made primarily for refinancing also may include funds for any of the other purposes authorized in § 331.6 of this chapter.

§ 334.4 *Special requirements.* Loans primarily for refinancing may be made provided it is determined the applicant will be able to place his operations on a sound basis if his debts are refinanced on more favorable terms and conditions. Ordinarily, loans will not be made to refinance long-term real estate loans of the type generally made by lenders such as the Federal Land Banks or insurance companies except to get the priority of lien required when other debts are being refinanced.

(a) Loans will not be used to refinance any debt until it has been determined that the present creditor or other credit source will not give the applicant terms and conditions on the debt that he could reasonably be expected to meet. In making this determination, the County Supervisor will request the applicant to negotiate with the present creditor(s) or other credit sources in the area if he feels the applicant can likely secure such credit. In addition, the County Supervisor will contact each secured creditor to discuss the applicant's credit needs and ascertain if refinancing is necessary.

(b) Real estate debts will not be refinanced unless such debts are liens against the farm to be given as security for the loan.

(c) Preference will be given to paying those nonreal estate debts that will be most helpful to the applicant in carrying on farm and home operations.

(d) The applicant will furnish the County Supervisor a statement from the creditor on debt(s) to be refinanced showing the amount of the debt.

Dated: December 20, 1956.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 56-10590; Filed, Dec. 28, 1956; 8:52 a. m.]

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

MISCELLANEOUS AMENDMENTS

1. Section 333.1 in Title 6, Code of Federal Regulations (21 F. R. 5551), is hereby amended to read as follows:

§ 333.1 *General.* (a) This part prescribes the authority, policies, and procedures for processing subsequent direct and insured Farm Ownership loans. The term "subsequent loan," as used in this part, means (1) a Farm Ownership loan to a person who is indebted for a direct or insured Farm Ownership loan, (2) a direct Farm Ownership loan made in connection with a credit sale of real estate on Farm Ownership terms, or (3) a direct Farm Ownership loan made to a transferee in connection with the transfer of a Farm Ownership farm in accordance with Part 372 of this chapter. The term "Farm Ownership debt," as used in this part, means any amount owed by a Farm Ownership borrower on his Farm Ownership account.

(b) The subsequent credit needs of a borrower with a direct Farm Ownership loan may be met in one of the following ways, provided the loan is otherwise sound and proper:

(1) A Farm Housing loan may be made to a direct Farm Ownership borrower, except a borrower on a reclamation project or public lands, if his total additional credit needs can be met with a Farm Housing loan and both loans will not exceed any of the limits that would be applicable if a subsequent direct Farm Ownership loan were being made. When Farm Housing funds are more adequate than Farm Ownership funds, this method of meeting the subsequent credit needs of a direct Farm Ownership borrower should be used whenever possible.

(2) A subsequent direct Farm Ownership loan may be made in accordance with § 333.2 to a borrower with a direct Farm Ownership loan whose subsequent credit needs cannot be met by a Farm Housing loan or by a subsequent insured Farm Ownership loan where a local lender within the State is available. In case a subsequent insured Farm Ownership loan is made, the initial direct Farm Ownership loan will be refinanced in accordance with § 333.3.

(c) The subsequent credit needs of a borrower with an insured Farm Ownership loan may be met in one of the following ways, provided the loan is otherwise sound and proper:

(1) A Farm Housing loan may be made to an insured Farm Ownership borrower, except a borrower on a reclamation project or public lands, if his total additional credit needs can be met with a Farm Housing loan and both loans will not exceed any of the limits that would be applicable if a subsequent insured Farm Ownership loan were being made. This method of meeting the subsequent credit needs of an insured Farm Ownership borrower should be used whenever possible, unless ample insured funds are available and the County Supervisor has knowledge that the lender desires to make the subsequent insured Farm Ownership loan.

(2) A subsequent insured Farm Ownership loan may be made in accordance with § 333.3 in an amount sufficient to refinance the initial insured Farm Ownership loan and to meet the applicant's subsequent credit needs. A subsequent insured Farm Ownership loan will not be made unless the existing insured Farm Ownership loan is refinanced in accordance with § 333.3.

(d) A subsequent direct or insured Farm Ownership loan will not be made to a borrower who is successfully established on a family-type farm and is progressing satisfactorily.

(e) Ordinarily, a subsequent direct or insured Farm Ownership loan, or a Farm Housing loan to a Farm Ownership borrower, will not be processed if the amount of funds required is less than $1,000, because of the costs involved in proportion to the amount of the loan.

(f) The State Director is authorized to approve or disapprove subsequent direct and insured Farm Ownership loans. This authority may be redelegated in writing by the State Director to one or more of the following State Office employees: Chief, Farm Loan Operations; Chief, Program Operations; Program Loan Officer; or Farm Loan Officer.

(g) A subsequent direct or insured Farm Ownership loan may be made for the same purposes and under the same conditions as an initial Farm Ownership loan. A subsequent direct Farm Ownership loan may be made to pay equity to a transferor in connection with the transfer of a family-type farm which is security for a direct Farm Ownership loan.

(h) If a reappraisal is required in connection wth a subsequent insured Farm Ownership loan, an additional fee of $20 will be charged. A new appraisal report will be required in connection with a

subsequent direct or insured Farm Ownership loan only when:

(1) Subsequent loan funds will be used to purchase land, or to refinance debts against land not covered by the mortgage for the initial Farm Ownership loan; or

(2) The latest appraisal report was made on a different basis (normal earning capacity value or normal market value) than the type of appraisal applicable to the subsequent loan; or

(3) The County Committee requests a new appraisal report; or

(4) The State Director or the County Supervisor determines that there have been physical changes in the farm which appear to have altered significantly the value determined in the latest appraisal report, or such changes are likely to result if the subsequent loan is made.

(i) For a subsequent direct Farm Ownership loan, loan closing will be accomplished in accordance with Subpart A of Part 307 of this Chapter. For a subsequent insured Farm Ownership loan, closing instructions will be issued by the Attorney in Charge in each case.

(Secs. 1–4, 12, 44, 60 Stat. 1063, as amended, 1072–1075, as amended, 1076, as amended, secs. 501, 502, 510 (g), 63 Stat. 432, 433, 436, sec. 16, 69 Stat. 553, sec. 17, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001–1004, 1005b, 1006c, 1006d, 1018, 42 U. S. C. 1471, 1472, 1480 (g))

2. In § 333.2 (21 F. R. 5553), paragraphs (a), (e), and (f) are hereby amended, and a new paragraph (g) is hereby added to read as follows:

§ 333.2 *Subsequent direct loans*—(a) *Refinancing of existing direct Farm Ownership debt required.* Existing direct Farm Ownership debts will be refinanced when the borrower's Farm Ownership indebtedness represents an asset of (1) a State Rural Rehabilitation Corporation, (2) a Defense Relocation Corporation, the accounts of which are not yet considered Government accounts, or (3) a land-leasing or land-purchasing association or similar organization. The amount to be refinanced will include interest on the direct Farm Ownership debt to the date the subsequent direct loan is closed. The determination of the balance to be refinanced, the receipt for payment, note, mortgage, and satisfaction or release of the mortgage in connection with the debt being refinanced will be handled in accordance with Part 366 of this chapter.

* * * * *

(e) *Certification by County Committee.* The County Committee will certify again, on Form FHA–491, "County Committee Certification Farm Ownership Loans)," as to the fair and reasonable value of the farm, after the contemplated improvements are made. The Committee will take into consideration any information on farm production that has become available as a result of operating history, as well as the normal earning capacity value or the normal market value of the farm as indicated on the latest appraisal report.

(f) *Loan processing actions.* The subsequent loan docket will be assembled and the loan will be processed in the same manner as prescribed in Part 332 of this chapter, except that:

(1) Additional Forms FHA–643, "Farm Development Plan," FHA–42, "Valuation of Buildings," and FHA–596, "Appraisal Report," will be completed and included in the docket only when applicable.

(2) The docket will include, when applicable, Forms FHA–97, "Agreement for Assumption of Indebtedness," FHA–165, and FHA–176.

(3) The installment due date of the subsequent direct Farm Ownership loan will be January 1 except in those cases in which a borrower previously executed an initial or a subsequent direct Farm Ownership note or an assumption agreement which provided for a March 31 installment due date. If the borrower previously executed an initial or a subsequent direct Farm Ownership note or an assumption agreement with a March 31 installment due date, the installment due date of the subsequent direct Farm Ownership loan will be March 31; in such case, the note (and if applicable the mortgage) taken in connection with the subsequent direct Farm Ownership loan will be amended to provide for a March 31 installment due date.

(g) *Title clearance and loan closing.* Title clearance and loan closing in connection with a subsequent direct Farm Ownership loan will be accomplished in accordance with Subpart A of Part 307 of this chapter.

3. In § 333.3 (21 F. R. 5553), paragraphs (g) (4) and (h) (2) are hereby amended to read as follows:

§ 333.3 *Subsequent insured loans.*

* * *

(g) *Actions prior to loan closing.*

* * *

(4) Title clearance will be accomplished in accordance with the method prescribed by the loan approval official with the advice of the Attorney in Charge. The applicable provisions of Subpart A of Part 307 of this chapter will be followed insofar as practicable, except that the subsequent insured Farm Ownership loan will be closed under the guidance of instructions from the Attorney in Charge.

(h) *Loan closing actions.* * * *

(2) On the date of loan closing, the County Supervisor will collect from the borrower all loan insurance charges and, if applicable, a reappraisal fee, as follows:

(i) If an initial direct Farm Ownership loan is being refinanced, an initial loan insurance charge on the subsequent insured Farm Ownership loan calculated in the same manner as in the case of an initial insured Farm Ownership loan.

(ii) If an initial insured Farm Ownership loan is being refinanced, any amount owed the loan insurance account on the initial insured Farm Ownership loan as of the date the subsequent insured Farm Ownership loan is closed. In addition, the initial loan insurance charge on the subsequent insured Farm Ownership loan calculated as follows:

(*a*) If the note for the initial insured loan has a December 31 or January 1 installment due date, the initial loan insurance charge on the subsequent loan for the fraction of the year from the date of closing the subsequent loan to the next January 1 will be calculated on the amount of the difference between the amount of the new promissory note and the unpaid balance of principal on the old promissory note as of the date of closing the subsequent insured loan.

(*b*) If the note for the initial insured loan has a March 31 installment due date and the subsequent loan is closed during the months of January, February, or March, the initial loan insurance charge on the subsequent loan for the fraction of the year from the date of closing the subsequent loan to the next January 1 will be calculated on the full amount of the subsequent loan note.

(*c*) If the note for the initial insured loan has a March 31 installment due date and the subsequent loan is closed during the months of April through December, the initial loan insurance charge on the subsequent loan for the fraction of the year from the date of closing the subsequent loan to the next January 1 will be calculated as follows:

(*1*) The amount of the principal balance on the initial insured loan as of the date of loan closing will be subtracted from the amount of the subsequent loan;

(*2*) The charge on such difference from the date of closing the subsequent loan to the next January 1 will be calculated.

(*3*) From the above result, ¼ of the annual loan insurance charge on the initial loan which was charged to the account on the March 31 preceding the date of closing the subsequent loan will be subtracted. If such ¼ of the annual loan insurance charge is greater than the amount calculated under the preceding paragraph, no initial loan insurance charge on the subsequent loan will be collected.

(iii) If a reappraisal was made, an appraisal fee of $20.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i))

Dated: December 21, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56–10575; Filed, Dec. 28, 1956; 8:50 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 421—GRAINS AND RELATED COMMODITIES

NOTICE PERTAINING TO ELIGIBILITY OF GRAINS UNDER PURCHASE AGREEMENTS STORED IN WAREHOUSES NOT APPROVED UNDER UNIFORM GRAIN STORAGE AGREEMENT

Under the price support programs in effect for the 1956-crops of barley, corn, flaxseed, grain sorghums, oats, rye, soybeans, and wheat, the regulations provide that where a producer has given written notice within the 30-day period prior to the applicable loan maturity date for the commodity of his intent to sell his commodity stored in other than an approved warehouse under purchase agreement to CCC, a pre-delivery inspection of the commodity shall be made and a sample taken (except for corn) and submitted for grade analysis within the 30-day period, or in any event, prior to delivery of the commodity. Notwithstanding present provisions of price-support programs for the above commodities, where commodities under purchase agreement are stored in warehouses not approved under the Uniform Grain Storage Agreement either commingled or in such a manner that the identity of the commodity cannot be related to the producer, no pre-delivery inspection shall be made of the commodity. In such cases, except for corn, the commodity upon delivery to CCC must meet the grade and quality requirements for a warehouse-storage loan and the producer shall not be entitled to any more than the market price for grains, other than corn, delivered to and inadvertently accepted by CCC which do not meet such grade and quality requirements. The provisions of 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn, as amended, pertaining to the eligibility requirements for corn delivered to CCC under purchase agreement from other than approved warehouse storage and for settlement on corn so delivered shall be applicable to all corn delivered from warehouses not approved under the Uniform Grain Storage Agreement except that no pre-delivery inspection will be made of the corn which is stored commingled or stored in such a manner that the identity of the corn cannot be related to the producer. All other program provisions remain unchanged. The program provisions affected are contained in the following supplements to the 1956 C. C. C. Grain Price Support Bulletin 1: Supplement 1, Barley, 21 F. R. 4004 and 6745; Supplement 1, Corn, 21 F. R. 7175; Supplement 1, Flaxseed, 21 F. R. 4265, 4545, and 6747; Supplement 1, Grain Sorghums, 21 F. R. 4248 and 6947; Supplement 1, Oats, 21 F. R. 4007, 5566 and 6746; Supplement 1, Rye, 21 F. R. 4040 and 6950; Supplement 1, Soybeans, 21 F. R. 7471, 7683, 8970 and 9142; and Supplement 1, Wheat, 21 F. R. 4000, 6743 and 8232.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1031; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Issued this 21st day of December, 1956.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56–10222; Filed, Dec. 28, 1956; 8:45 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

The regulations contained herein govern the 1957 acreage reserve part of the Soil Bank Program and supersede the regulations (21 F. R. 6162, 6824, 6879, 7309, 7612, 7843, 8309) previously issued with respect thereto, except for Appendix 2, as amended, to such regulations.

Sec.
485.201 Definitions.
485.202 General.
485.203 Purpose of the acreage reserve program.
485.204 Administration.
485.205 Area of availability.
485.206 Eligible commodities.
485.207 National acreage reserve goals.
485.208 State and county allocations of funds.
485.209 "New farm allotments"; "new producers," not eligible.
485.210 Restrictions on Government Land.
485.211 Limits on extent of participation.
485.212 Acreage Reserve Agreement.
485.213 Reduction of acreage.
485.214 Designation and use of acreage reserve.
485.215 Compliance with acreage allotments.
485.216 Amount of compensation.
485.217 Rate of compensation per acre.
485.218 Method of determining normal yields, county rates and productivity indexes.
485.219 Appeals.
485.220 Methods of measuring acreage and extent of calculations.
485.221 Division of compensation between landlords, tenants, and sharecroppers.
485.222 Additional provisions relating to tenants and sharecroppers.
485.223 Manner of compensation.
485.224 Time of compensation.
485.225 Set-offs.
485.226 Release and reapportionment of acreage allotments.
485.227 Revised allotments.
485.228 Compensation in case of sale or transfer of farm or change in tenants.
485.229 Reconstitution of farms.
485.230 Successors-in-interest.
485.231 Assignments.
485.232 Schemes or devices to defeat purposes of agreement.
485.233 Violations of agreement.
485.234 Penalty for grazing or harvesting.
485.235 Access to farm and records.
485.236 State committee approval of determinations of county committees.
485.237 Finality of determinations.
485.238 Effect on acreage allotment and marketing quota programs.
485.239 Redesignation as Conservation Reserve.
485.240 Waiver.

AUTHORITY: §§ 485.201 to 485.240 issued under sec. 124, Pub. Law 540, 84th Cong. Interpret or apply secs. 101–106, 114–123, Pub. Law 540, 84th Cong.

§ 485.201 *Definitions.* As used in §§ 485.201 to 485.240 and in all agreements, forms, documents and procedures in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the Soil Bank Act (70 Stat. 188).

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer, employee, or other representative of the United States Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Administrator" means the Administrator, or Acting Administrator, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Deputy Administrator" means the Deputy Administrator, or Acting Deputy Administrator, for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Director" means the Director, or Acting Director, of the Soil Bank Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "State" means any one of the continental United States.

(g) "County" means county or parish.

(h) "Community committee" means the group of persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(i) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county committees.

(j) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(k) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. The term "person" shall include two or more persons having joint or common interest.

(l) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of a commodity to be paid as rent.

(m) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crop or the proceeds thereof.

(n) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(o) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(p) "Producer" means any person who is an owner or a landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, sharecropper, or, in the case of rice, a person who furnishes water for a share of the crop.

(q) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as a part of the same unit in producing range livestock, or with respect to the rotation of crops, and with workstock, farm machinery, and labor

substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(r) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953, and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable non-crop open pasture, and (3) any land which constitutes or will constitute if tillage is continued, an erosion hazard to the community.

(s) "Commercial corn-producing area" means the area designated by the Secretary for the 1957 crop of corn pursuant to section 327 of the Agricultural Adjustment Act of 1938, as amended.

(t) "Commercial wheat-producing area" means all areas except the area designated by the Secretary (21 F. R. 3305) pursuant to section 335 (e) of the Agricultural Adjustment Act of 1938, as amended.

(u) "Corn" means field corn, including sweet corn which is produced for feed or silage, planted alone or interplanted with other crops.

(v) "Cotton" means upland cotton only.

(w) "Commodity" means any one of the commodities listed in § 485.206.

(x) "Allotment" means the 1957 acreage allotment established for a farm for a particular commodity pursuant to the Agricultural Adjustment Act of 1938, as amended.

(y) "Acreage reserve" means the tract or tracts of cropland designated in an acreage reserve agreement for a farm as being withdrawn from the production of a particular commodity.

(z) "Agreement" means Form CSS–800–1 (Soil Bank), "Soil Bank Acreage Reserve Agreement 1957 (Winter Wheat)," or Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat), or both. The term "Agreement" includes both such forms except as otherwise indicated by the context.

§ 485.202 *General.* All of the provisions of the regulations contained herein are applicable to all agreements entered into under the 1957 acreage reserve part of the Soil Bank Program, both on Form CSS–800–1 (Soil Bank), "Soil Bank Acreage Reserve Agreement 1957 (Winter Wheat)," and Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat), except as otherwise specifically indicated by the context.

§ 485.203 *Purpose of the acreage reserve program.* The purpose of the acreage reserve program is to assist producers to divert a portion of their cropland from the production of excessive supplies of agricultural commodities by compensating them for reducing their acreage below their allotment.

§ 485.204 *Administration.* The 1957 acreage reserve program will be administered by the Commodity Stabilization Service under the general direction and supervision of the Administrator. Any authority herein delegated to the Administrator may also be exercised by the Deputy Administrator. The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations contained herein. Such forms and instructions shall be approved by, and the instructions shall be issued by, the Administrator. In the field, the program will be carried out by State and county committees. Members of county committees are hereby authorized to sign agreements on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of these regulations, or of any amendment, supplement, or revision thereto, or to modify or waive any of the provisions of any agreement, or to enter into any revised agreement except to the extent that revision is hereinafter specifically authorized.

§ 485.205 *Area of availability.* The acreage reserve program will be available only in the continental United States.

§ 485.206 *Eligible commodities.* The acreage reserve program provided for herein shall apply to the 1957 crops of upland cotton, corn produced in the commercial corn-producing area, wheat produced in the commercial wheat-producing area, rice, flue-cured tobacco, burley tobacco, Maryland tobacco, dark air-cured tobacco, fire-cured tobacco, Virginia sun-cured tobacco, cigar binder tobacco, types 51 and 52, 54 and 55, and Ohio cigar filler tobacco, types 42, 43, and 44.

§ 485.207 *National acreage reserve goals.* There are hereby established the following national acreage reserve goals for the 1957 acreage reserve program:

Commodity:	Acres
(a) Corn	4,500,000–5,500,000
(b) Cotton	3,500,000–4,500,000
(c) Rice	175,000–225,000
(d) Wheat	12,000,000–15,000,000
(e) Flue-cured tobacco	70,000–80,000
(f) Burley tobacco	30,000–35,000
(g) Maryland tobacco	6,500–7,500
(h) Dark air-cured tobacco	2,000–3,000
(i) Fire-cured tobacco	6,000–7,000
(j) Virginia sun-cured tobacco	400–600
(k) Cigar binder tobacco:	
Type 51	3,500–4,000
Type 52	2,600–3,200
Type 54	500–700
Type 55	1,000–1,500
(l) Ohio cigar filler tobacco: Types 42, 43, and 44	400–600

§ 485.208 *State and county allocations of funds.* (a) To give producers a fair and equitable opportunity to participate in the acreage reserve program, State and county allocations of amounts which may be obligated for each commodity shall be established to govern the extent of participation by producers in each State and county.

(b) The State allocations for the eligible commodities, determined after taking into consideration the State acreage allotments, productivity of land, the estimated extent of participation in the program by farmers, the supply and demand conditions for different classes, grades, and quality of the commodity produced in the several States, distance from markets, and historic market prices, are specified in Appendix 1 set forth below. Any portion of the allocation for any State may be reapportioned by the Administrator to any one or more other States if it is determined by him that such action is necessary to achieve the national acreage goal or to give producers a fair and equitable opportunity to participate.

(c) (1) County allocations shall be determined by the State committee, taking into consideration the county acreage allotments, productivity of land, and the estimated extent of participation in the program by farmers, subject to such limitations as the Administrator may determine are necessary to achieve the national goal or to give producers a fair and equitable opportunity to participate, or to prevent serious adverse effect on the economy of any county or area.

(2) Any portion of the allocation for any county may be reapportioned by the State committee to one or more other counties if the State committee determines that such action is necessary to achieve the national acreage goal or to give producers a fair and equitable opportunity to participate, subject to such limitations as may be determined by the Administrator in accordance with subparagraph (1) of this paragraph.

§ 485.209 *"New farm allotments": "new producers," not eligible.* Producers on farms which receive allotments as "new farms" under regulations governing the establishment of acreage allotments for 1957 crops, shall not be eligible for participation in the acreage reserve program with respect to such "new farm" allotments. In the case of rice, producers who receive allotments as "new producers" under regulations governing the establishment of allotments for the 1957 crop of rice shall not be eligible to participate with respect to such rice allotments.

§ 485.210 *Restrictions on Government land.* (a) Producers who lease

lands from the Federal Government, or any agency thereof, under a lease prohibiting the use of such lands for the production of a commodity, shall not be eligible to participate in the acreage reserve program for such commodity with respect to such lands.

(b) The Federal Government, or any agency thereof, is not eligible to share in any compensation payable under any agreement. This provision shall not preclude the Federal Government, or any agency thereof, from being paid as a result of set-off, or assignment, or designation as payee because of a lien on a growing crop.

§ 485.211 *Limits on extent of participation*—(a) *Maximum acreage.* The acreage for any commodity which may be placed in the acreage reserve for a farm may not exceed the farm allotment for the commodity. Within such limitation, the acreage which may be placed in the acreage reserve may not exceed the applicable maximum specified in subparagraphs (1), (2), or (3) of this paragraph.

(1) In the case of agreements covering wheat entered into on Form CSS–800–1 (Soil Bank), "Soil Bank Acreage Reserve Agreement 1957 (Winter Wheat)", the maximum acreage, except as provided in subparagraph (3) of this paragraph, shall be (i) 50 acres, or (ii) 50 percent of the allotment, whichever is larger. To the extent of the allocation to the county, agreements covering not more than such maximum acreage shall be entered into on a "first-come first-served" basis, i. e., in the order in which they are filed with the county committee.

(2) In the case of agreements covering commodities other than Winter Wheat entered into on Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat), the maximum acreage for the farm for each commodity, except as provided in subparagraph (3) of this paragraph, shall be as follows:

(i) Wheat—50.0 acres or 50 percent of the allotment, whichever is larger, subject to the limitation that in no case shall the maximum acreage exceed the allotment for the farm less (*a*) the number of acres, if any, on the farm placed in the acreage reserve under an agreement entered into on the aforesaid Form CSS–800–1, and (*b*) the number of acres, if any, planted to wheat in the fall of 1956 on land on the farm (excluding the number of acres planted on any such acreage reserve).

(ii) Corn—20.0 acres or 30 percent of the allotment, whichever is larger.

(iii) Cotton—10.0 acres or 30 percent of the allotment, whichever is larger.

(iv) Rice—20.0 acres or 30 percent of the allotment, whichever is larger.

(v) Tobacco: Burley, Dark Air-cured, Fire-cured and Virginia sun-cured: 1.0 acre or 30 percent of the allotment, whichever is larger; all other tobacco—3.0 acres or 30 percent of the allotment, whichever is larger.

To the extent of the allocation to the county, agreements covering not more than such maximum acreage shall be entered into on a "first-come, first-served" basis, i. e., in the order in which they are filed with the county committee.

(3) If allocations to the county for a commodity are in an amount in excess of that required to cover all agreements filed with the county committee for an acreage of such commodity not in excess of the maximum acreage specified above in this paragraph, producers who have indicated on the agreement a desire to place more than the applicable maximum acreage specified in subparagraphs (1) or (2) of this paragraph in the program will be permitted to place additional acreage in the program. In the case of wheat acreage placed in the program under an agreement entered into on "Form CSS–800–1 Winter Wheat)", no limitation shall apply to such additional acreage. In the case of acreage of any commodity placed in the program under an agreement entered into on Form CSS–800 (crops other than Winter Wheat), such producers will be permitted to place additional acreage in the program to such extent as may hereafter be provided by amendment to these regulations: *Provided*, That, in the case of agreements for wheat entered into on Form CSS–800 (crops other than Winter Wheat), the acreage placed in the acreage reserve may in no event exceed the allotment for the farm less (i) the number of acres, if any, on the farm placed in the acreage reserve under an agreement entered into on Form CSS–800–1 (Soil Bank), "Soil Bank Acreage Reserve Agreement 1957 (Winter Wheat)", and (ii) the number of acres, if any, planted to wheat in the fall of 1956 on land on the farm (excluding the number of acres planted on any such acreage reserve).

(b) *Minimum acreage.* (1) The minimum acreage for wheat which may be placed in the acreage reserve for a farm under an agreement entered into on Form CSS–800–1 (Soil Bank), "Soil Bank Acreage Reserve Agreement 1957 (Winter Wheat)", shall be (i) three acres, or (ii) the allotment, whichever is smaller.

(2) No minimum acreage shall be applicable with respect to agreements entered into on Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat).

§ 485.212 *Acreage Reserve Agreement.* (a) In order for the producers on the farm to participate in the program with respect to any commodity, an agreement on Form CSS–800–1 (Soil Bank), "Acreage Reserve Agreement 1957 (Winter Wheat)" or Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat) must be signed by the operator. In addition, if the operator is a share-tenant, the agreement must be signed, prior to signature by a county committeeman, by each person who as owner or landlord (1) has control of the land on which the acreage reserve is located or (2) has control of the land on which the acreage of the commodity is being reduced, or (3) is eligible to receive any compensation under the agreement: *Provided*, That if such an owner or landlord is not available for signing an agreement for winter wheat on Form CSS–800–1 by December 21, 1956, or for signing an agreement for commodities other than winter wheat on Form CSS–800 by the applicable final date specified in paragraph (b) of this section for filing agreements, the county committee may, upon request of the operator, enter into the agreement without the signature of such owner or landlord if it is established to the satisfaction of the county committee that such owner or landlord has no right to graze or harvest a crop from the acreage reserve or otherwise control the farming operations on the acreage reserve; in any such case, the compensation otherwise payable to such owner or landlord under the agreement shall not be paid unless the owner or landlord signs the agreement not later than December 31, 1957. A separate agreement must be executed for each commodity, and, in the case of tobacco, for each kind of tobacco for which a separate farm acreage allotment is established. Producers on farms coming within the provisions of subparagraph (2) (ii) of paragraph (b) of this section who entered into an agreement for wheat on Form CSS–800–1 (Soil Bank), "Soil Bank Acreage Reserve Agreement 1957 (Winter Wheat)" may also enter into an agreement for spring wheat on Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (Crops other than Winter Wheat); however, separate agreements must be executed. In such case, the acreage permitted to be harvested as shown on "Form CSS–800–1 (Winter Wheat)" shall be reduced by the number of acres which the producer agrees to place in the acreage reserve under Form CSS–800.

(b) (1) In the case of wheat, the agreement, signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, except as provided in subparagraphs (3) and (5) of this paragraph, must be filed with the county committee not later than the date specified below:

(i) If a farm is one on which no wheat was planted in the spring of 1954, 1955, or 1956, and the producers wish to participate in the 1957 acreage reserve program for wheat, the agreement (Form CSS–800–1) must be filed with the county committee not later than October 5, 1956.

(ii) If a farm is one on which wheat is normally planted in the fall but on which wheat was planted in the spring of 1954, 1955, or 1956, and the producers wish to participate with respect to winter wheat, the agreement (Form CSS–800–1) must be filed with the county committee not later than October 5, 1956. If the producers on such a farm wish to participate in the spring wheat program, the agreement (Form CSS–800) must be filed after the date of issuance of these regulations and on or before March 8, 1957.

(iii) In the case of farms other than those specified in (i) and (ii) above, if the producers wish to participate in the spring wheat program, the agreement (Form CSS–800) must be filed after the date of issuance of these regulations and on or before March 8, 1957.

wise specifically indicated by the context.

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than such maximum acreage shall be agreement: *Provided*, That if such an on or before March 8, 1957.

(2) In the case of commodities other than wheat, if the producers wish to participate in the acreage reserve program for a commodity, the agreement (Form CSS–800), signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, must, except as provided in subparagraphs (3) and (5) of this paragraph, be filed with the county committee not later than the following date: Cotton and tobacco—March 1, 1957; corn and rice—March 8, 1957.

(3) If the first official notice of the allotment for a commodity is dated later than 15 days prior to the final date specified for filing an agreement on Form CSS–800 (crops other than Winter Wheat), the producers shall have 15 days from the date of such notice to file an agreement for the commodity.

(4) If the operator has indicated on the agreement filed with the county committee his desire to place in the acreage reserve an additional acreage in excess of the maximum specified in § 485.211 (a) (1) or (2), and the allocation made to the county is sufficient to permit additional acreage to be placed in the acreage reserve, the operator shall be notified, as soon as possible after the applicable final date specified in subparagraphs (1) or (2) of this paragraph (b) for filing agreements, of the amount of additional acreage which he may place in the acreage reserve. In order to place such additional acreage in the acreage reserve, the producers must sign a new agreement, and, except as provided in subparagraph (5) of this paragraph, file it with the county committee not later than 10 days after the date that the notice to the operator was postmarked.

(5) If a person in addition to the operator is required to sign the agreement, and is not exempt under the proviso contained in paragraph (a) of this section but is not available for the signing of the agreement on or before the final date specified for filing the agreement, the operator must sign the agreement and deliver a signed copy to the county committee not later than such final date, and must obtain the signature of such other person and furnish the finally executed agreement to the county committee not later than 30 days after such final date.

(c) (1) In any case where an agreement for wheat is entered into on Form CSS–800–1 (Soil Bank), "Acreage Reserve Agreement 1957, (Winter Wheat)", the producers who signed the agreement may terminate it by filing written notice of such termination with the county committee not later than October 5, 1956, or may, not later than such date, file a new agreement subject to all of the provisions of these regulations applicable to agreements entered into on such Form CSS–800–1, which shall supersede the original agreement.

(2) In any case where an agreement for wheat is entered into on Form CSS–800–1 (Soil Bank), "Acreage Reserve Agreement 1957 (Winter Wheat)", and the farm is entitled to a 1957 allotment for a commodity other than wheat, the producers who signed the agreement may terminate it by filing written notice of such termination with the county committee not later than 15 days after the date of mailing by the county office of notice of the establishment of the last of the 1957 allotments for the farm. The mailing of any revision, modification or correction, of whatever nature, of the first notice of the establishment of an allotment shall not operate to extend the time herein specified within which notice of termination must be filed. Termination of an agreement under this subparagraph shall not operate to release any producer from liability for the civil penalty (see § 485.234) for knowingly and wilfully grazing or harvesting any crop from any acreage, in violation of the agreement, prior to notice of such termination.

(3) In any case where an agreement is entered into on Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat), the producers who signed the agreement may terminate it by filing written notice of such termination with the county committee not later than the applicable final date specified in subparagraph (2) of paragraph (b) of this section for filing such an agreement or may, not later than such date, file a new agreement, subject to all of the provisions of these regulations applicable to agreements entered into on such Form CSS–800, which shall supersede the original agreement.

§ 485.213 *Reduction of acreage.* (a) The 1957 acreage of a commodity covered by an agreement must be reduced below the allotment.

(b) (1) The producer shall not be limited with respect to the number of acres he may plant to a commodity covered by an agreement, except that the producer shall not plant any commodity on the acreage reserve unless such commodity is approved by the State and county committees for protective cover in accordance with § 485.214 (d). However, the producer must agree not to harvest an acreage of such commodity which exceeds the allotment, less the number of acres which the producer agrees to place in the acreage reserve (in the case of wheat, if an agreement is entered into on both Form CSS–800–1 (Soil Bank), "Soil Bank Acreage Reserve Agreement 1957 (Winter Wheat)" and on Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat), such number of acres means the total number of acres which the producer agrees to place in the acreage reserve under both agreements).

(2) The acreage planted to a commodity covered by an agreement in excess of the number of acres which the producer may harvest (such acreage is hereinafter referred to as the "excess acreage") must be disposed of in such manner that no part of such excess can be harvested. Such disposition must be accomplished in a manner permitted under the marketing quota and price support programs and not later than the final date fixed for disposition thereunder: *Provided*, That wheat planted on the acreage reserve as an approved cover crop may not be cut for hay or otherwise harvested after December 31, 1956 or grazed after December 31, 1956 except as provided in § 485.214 (c), even though such manner of disposition is permitted for compliance with allotments for purposes of marketing quotas and price support. Information as to the date fixed for disposition shall be available in the office of the county committee, and shall be obtained by the farm operator from such office.

(3) The county committee shall notify the producer of the number of acres of excess acreage. If through no fault of the producer (i) he was not notified of the excess acreage in time to dispose of such excess acreage as provided in subparagraph (2) of this paragraph, or (ii) he received an erroneous notice and acted in good faith on the basis of such notice, and the corrected notice was not furnished in time to dispose of such excess acreage as provided in subparagraph (2) of this paragraph, and, with respect to both (i) and (ii), the producer made a reasonable effort by measuring or otherwise not to harvest an acreage in excess of that permitted under subparagraph (1) of this paragraph, the producer shall not, except if he harvests a crop from the acreage reserve, be deemed in violation of the agreement because of harvesting excess acreage. However, the amount of compensation payable under such agreement shall be adjusted as provided in § 485.216.

(4) In determining the acreage of any commodity under the acreage reserve program the definition of the acreage for such commodity under the marketing quota and price support programs shall apply, except that the provisions of such definitions which relate to the disposition of acreage in excess of the allotment shall, in the case of the acreage reserve program, apply to the disposition of acreage in excess of the acreage permitted to be harvested.

(c) (1) Failure to dispose of excess acreage as required in paragraph (b) of this section shall constitute a violation of the agreement.

(2) Any producer who knowingly and willfully harvests any crop from excess acreage in violation of the provisions of paragraph (b) of this section will be subject to the civil penalty specified in § 485.234.

(d) If at the time an agreement on Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat) is filed with the county committee there has been planted on the farm an acreage of the commodity covered by the agreement substantially in excess of that which the producer is permitted to harvest under the provisions of paragraph (b) of this section, and there is any lien or encumbrance on such crop, consent of the holder of such lien or encumbrance on a form prescribed by the Administrator must be furnished to the county committee prior to signing of the agreement by the county committee. The operator or landlord may designate such holder of a lien or encumbrance as payee or joint payee to receive all or any part of the compensation payable under the agreement to such operator or landlord, but

may not designate such holder of a lien or encumbrance as payee to receive any of the compensation due tenants and sharecroppers. For purposes of this paragraph, an operator or landlord shall not be considered as the holder of a lien or encumbrance.

§ 485.214 *Designation and use of acreage reserve.* (a) The tract or tracts of cropland constituting the acreage reserve for the commodity must be specifically designated and identified in the agreement.

(1) The tract(s) of land constituting the acreage reserve must be land that would be suitable for the production of a 1957 crop of the commodity, and, in the case of an agreement for wheat on Form CSS–800–1 (Soil Bank), "Soil Bank Acreage Reserve Agreement 1957 (Winter Wheat)," must have been planted to wheat at least one year during the period 1945–1956, inclusive. Land which is intended to be utilized during the calendar year 1957 for industrial development, housing, highway construction, or other non-farm use, shall not be eligible for designation as acreage reserve. The county committee shall have the right to reject the designation of tracts which are of such size, shape, or nature as to make it impracticable to determine performance of the agreement, or which will tend to defeat the purpose of the program.

(2) In the case of agreements filed on Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat), for the purpose of determining (i) suitability of the land, (ii) percent of productivity of the farm or the tract(s) of land constituting the acreage reserve, (iii) accuracy of the designation and identification of the acreage reserve, and (iv) whether the acreage reserve is of such size, shape or nature as to make it impracticable to determine performance of the agreement, or as will tend to defeat the purpose of the program, the county committee shall, insofar as practicable, make an inspection of the farm prior to the time that the agreement is signed by a member of the county committee. If it is determined by the county committee that the land designated as the acreage reserve is unsuitable for the production of the commodity, or that the productivity of the tract(s) of land designated as the acreage reserve is less than that indicated by the producers on the agreement, or is of such size, shape, or nature, as to make it impracticable to determine performance under the agreement, or as will tend to defeat the purpose of the program, or that the designation and identification of the acreage reserve is inaccurate, the agreement shall not be signed by a member of the county committee. In the case of such a determination, the producers may, not later than 10 days after the date of written notice of the determination of the county committee, file a new agreement, subject to all of the provisions of these regulations applicable to agreements entered into on such Form CSS–800, designating other land as the acreage reserve.

(3) In the case of agreements filed on Form CSS–800 (Soil Bank), "Soil Bank 1957 Acreage Reserve Agreement" (crops other than Winter Wheat), if the county committee does not make the inspection prior to the signing of the agreement by one of its members, provided for in subparagraph (2) of this paragraph, it shall have the right at any time after the agreement is signed by one of its members to inspect the farm for the purpose of determining (i) suitability of the land, (ii) per cent of productivity of the farm or the tract(s) of land designated as the acreage reserve, and (iii) the accuracy of the designation and identification of the acreage reserve. If it is determined by the county committee that the land designated as the acreage reserve is unsuitable for the production of the commodity, or that the productivity of the land designated as the acreage reserve is less than that indicated by the producers on the agreement, the producers may, not later than 10 days after date of written notice of the determination by the county committee, file a new agreement, subject to all of the provisions of these regulations applicable to agreements entered into on such Form CSS–800 (crops other than Winter Wheat) designating other land as the acreage reserve. Such new agreement shall supersede the original agreement when signed by a member of the county committee. The execution of such new agreement shall not operate to release any producer from the civil penalty for knowingly and willfully grazing or harvesting any crop from any acreage in violation of the original agreement prior to the execution of the new agreement. If the county committee determines that the land is unsuitable for the production of the commodity, and the producers do not file a new agreement as specified above, the agreement shall be deemed terminated. If the county committee determines that the productivity of the land is less than that indicated by the producers on the agreement, and the producers do not file a new agreement as specified above, the agreement shall remain in full force and effect but the rate of compensation per acre shall be determined as provided in § 485.217. If the county committee determines that the designation and identification of the acreage reserve was inaccurate, the producers may file a new agreement properly designating the land which they have treated as the acreage reserve under the original agreement.

(b) No crop shall be harvested from the acreage reserve after December 31, 1956, or the date the agreement is filed, whichever is later, and prior to January 1, 1958. Such restriction shall not apply to a crop which matured and normally would be harvested in 1956 but was not harvested in 1956 due to conditions beyond the control of the farm operator, unless harvesting of the crop in 1956 would have been in violation of a 1956 acreage reserve agreement.

(c) The acreage reserve shall not be grazed after December 31, 1956, or the date the agreement is filed, whichever is later, and prior to January 1, 1958, unless the Secretary, after the Governor of the State in which the farm is located has certified that there is a need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship or suffering caused by severe drought, flood, or other natural disaster and gives written consent to such grazing. Such restriction shall not apply to grazing a crop which matured and normally would be harvested in 1956 but was not harvested in 1956 due to conditions beyond the control of the farm operator, unless harvesting of the crop in 1956 would have been in violation of a 1956 acreage reserve agreement.

(d) No crop shall be planted on the acreage reserve after December 31, 1956, or the date the agreement is filed, whichever is later, and prior to January 1, 1958, except as provided in subparagraphs (1) and (2) following:

(1) Crops may be planted in the fall of 1957 for harvest in 1958 or later years in areas where such crops would normally be planted in the fall of 1957 for harvest in 1958 or later years. Such crops include tree crops such as fruit, nut, tung, holly, Christmas trees or nursery stock, and such other crops as asparagus, rhubarb, strawberries, and other berry crops. No part of any area within the acreage reserve on which such crops are planted under this provision, however, will be eligible for designation as acreage reserve for 1958 or a later year unless the planting has been removed from the land at the time the subsequent agreement is filed.

(2) Crops approved by the State and county committees for protective cover may be planted as a cover crop on the acreage reserve. If a crop approved for protective cover, other than grasses, legumes, Sudan, broomcorn, or sweet sorghums, would mature as grain or seed in 1957, such crop shall be disposed of in such manner that no part of the crop can be harvested. Such disposition must be made not later than 15 days before harvesting of the crop begins in the area. If a grass, legume, Sudan, broomcorn, or sweet sorghums approved for protective cover would mature as grain or seed in 1957 and would be in such condition that it could be harvested after December 31, 1957, such crop shall be disposed of in such manner that no part of the crop could be harvested. Such disposition must be made not later than the date fixed by the State committee for the area, which date shall not be later than November 30, 1957. Information as to crops approved for protective cover and the disposition dates, if any, for such crops shall be available in the office of the county committee, and shall be obtained by the farm operator from such office.

(e) If any crop is growing on the acreage reserve at the time the agreement is filed with the county committee, or if any crop is planted on the acreage reserve after the agreement is filed and on or before December 31, 1956, such crop shall not be harvested and shall be disposed of in such manner that no part of such crop can be harvested: *Provided*, That the foregoing shall not apply to (1) a crop which is harvested, or under

terminate it by filing written notice of

crop may not be cut for hay or other-

compensation payable under the agreement to such operator or landlord, but

acreage reserve.

normal conditions would be harvested on or before December 31, 1956, (2) an approved cover crop which is harvested on or before December 31, 1956, or which need not be disposed of under the provisions of paragraph (d) of this section. Such disposition shall be made not later than the date fixed by the State committee for the area, which date shall be not later than 15 days before harvesting of the crop begins in the area, except that in the case of grasses, legumes, Sudan, broomcorn, and sweet sorghums, approved for protective cover, such date shall be not later than November 30, 1957. Information as to the crops required to be disposed of, and the disposition dates for such crops, shall be available in the office of the county committee and shall be obtained by the farm operator from such office.

(f) The producer shall, without reimbursement under the agreement take such steps as may be prescribed by the county committee to prevent the acreage reserve from becoming a source of spreading noxious weeds designated by the State committee. A list of such noxious weeds shall be available in the office of the county committee, and shall be obtained by the farm operator from that office.

(g) The acreage reserve shall be in addition to any acreage in the conservation reserve program.

(h) In order to provide an incentive for designating as the acreage reserve under the 1958 and 1959 acreage reserve programs the same tract, or a part of the same tract, as is designated under the 1957 program, the rate of compensation per acre for any acreage designated as the acreage reserve under the 1958 program which was also included in the designation of the acreage reserve under the 1957 program shall be 110 percent of the rate which which would otherwise be payable under the 1958 program; and the rate of compensation per acre for any acreage designated as the acreage reserve under the 1959 program which was also included in the designation of the acreage reserve under both the 1957 and 1958 programs shall be 110 percent of the rate which would otherwise be payable under the 1959 program. Such incentive rate shall be effective regardless of whether the land is designated as the acreage reserve for the same commodity as in other years.

§ 485.215 *Compliance with acreage allotments.* No person shall be eligible for compensaiton under the acreage reserve program with respect to any farm on which (a) the 1957 acreage of cotton (including extra long staple cotton), rice, or tobacco (including cigar binder tobacco, type 53) exceeds the allotment for such commodity, or (b) the 1957 acreage of wheat, in the case of a farm in the commercial wheat-producing area, exceeds the larger of the allotment or 15 acres; or (c) the 1957 acreage of corn, in the case of a farm in the commercial corn-producing area, exceeds the allotment; or (d) the 1957 acreage of peanuts exceeds the larger of the allotment or one acre. For purposes of this provision, such acreage limitations shall not be deemed to have been exceeded unless under the rules and regulations governing eligibility for price support for such commodity such acreage limitations would be determined to have been knowingly exceeded.

§ 485.216 *Amount of compensation.* If there has been no violation of the agreement, the amount of compensation payable for the commodity shall be determined by multiplying the rate of compensation per acre for the commodity, determined in accordance with § 485.217, by (a) the number of acres in the acreage reserve, or the number of acres which the producer has agreed to place in the acreage reserve, whichever is the smaller, less (b) the number of acres of new land not presently included in the cropland for the farm at the time of the signing of the agreement which is brought into cultivation and used for the production of a crop for harvest in 1957: *Provided,* That in the case of an agreement for wheat on Form CSS–800–1 (Soil Bank), "Acreage Reserve Agreement 1957 (Winter Wheat)," no compensation shall be paid if the acreage so determined is below the minimum acreage which may be placed in the acreage reserve: *Provided further,* That in the case of any agreement if, under the provisions of § 485.213 (b) (3), the producers are not in violation of the agreement but did not dispose of excess acreage as provided in § 485.213 (b) (2), the amount of compensation payable shall be determined by multiplying the rate of compensation per acre for the commodity by the acreage by which the commodity is reduced below the allotment if the amount thus determined is less than would otherwise be determined.

§ 485.217 *Rate of compensation per acre*—(a) *Wheat and tobacco.* (1) Except as provided in subparagraph (2) below of this paragraph, the rate of compensation per acre for wheat and tobacco shall be determined by multiplying the base unit rate for the commodity (base unit rates for wheat are specified in Appendix 2, as amended, to the regulations published in 21 F. R. 6162; base unit rates for tobacco are specified in Appendix 2 to these regulations, set forth below) by the normal yield for the farm (the method for determining normal yield for the farm is specified in § 485.218 (a)).

(2) If the county committee determines that the productivity for the commodity of the tract of land designated as the acreage reserve is significantly less than the productivity for the commodity of the average land on the farm normally devoted to the commodity (the method for determining productivity of land is specified in § 485.218 (a)), the rate of compensation per acre shall be determined by (i) multiplying the result of the calculation specified in subparagraph (1) of this paragraph by (ii) the percentage of the productivity of the acreage reserve in relation to the productivity of the average land on the farm normally devoted to the commodity. (The rate of compensation per acre thus obtained will be the same as the rate obtained by use of the normal yield for the tract of land designated as the acreage reserve, as specified in section 5 (b), Part VII–Terms and Conditions, Form CSS–800–1 (Winter Wheat)): *Provided,* That, in no case shall the rate of compensation per acre be in excess of that obtained by using the percentage of productivity of the acreage reserve indicated by the producers on the agreement.

(b) *Corn, cotton and rice.* (1) Except as provided in subparagraph (2) below of this paragraph (b), the rate of compensation per acre for corn, cotton, and rice shall be determined by multiplying the County Rate of Compensation (County Rates of Compensation are set forth in appendix 3) for the commodity by the farm productivity index for the commodity (the method of determining the farm productivity index is specified in § 485.218 (b)).

(2) If the county committee determines that the productivity for the commodity of the tract of land designated as the acreage reserve is significantly less than the productivity for the commodity of the average land on the farm normally devoted to the commodity (the method for determining productivity of land is specified in § 485.218 (b), the rate of compensation per acre shall be determined by (i) multiplying the result of the calculation specified in subparagraph (1) of this paragraph by (ii) the percentage of productivity of the acreage reserve in relation to the productivity of the average land on the farm normally devoted to the commodity: *Provided,* That, in no case shall the rate of compensation be in excess of that obtained by using the percentage of productivity of the acreage reserve indicated by the producers on the agreement.

§ 485.218 *Method of determining normal yields, county rates and productivity indexes*—(a) *Wheat and tobacco.* County check yields for wheat and tobacco shall be determined by or under the direction of the Administrator on the basis of the county average yields for the commodity during the base period specified below for such commodity, adjusted for drought, flood or other abnormal conditions, and for trend in the case of wheat. The base period for wheat is 1945 through 1954, both inclusive, and the base period for tobacco is 1950 through 1955, both inclusive. The county committee, upon approval of the State committee, may establish community check yields for communities or areas of the county as deemed necessary to reflect significant variations in the yields between such communities or areas. The county committee shall establish a farm normal yield for wheat and tobacco for each farm in the continental United States which has an allotment for such commodity.

(1) The normal yield per acre of wheat for a farm, where reliable records of the actual average yield per acre for all of the ten years 1946 through 1955 are presented by the producer or are available to the county committee, shall, subject to adjustment as specified below in this subparagraph, be determined to be the average of such yields, adjusted for

drought, flood, or other abnormal conditions, and trend in yields. If for any year of such 10-year period, records of the actual average yield are not available, or there was no actual yield, the normal yield per acre of wheat for the farm shall, subject to adjustment as specified below in this subparagraph, be determined by the county committee, taking into consideration the yield in years for which data are available, drought, flood, or other abnormal conditions, the check yield for the county (or community check yield if one is established), the productivity of the land on the farm normally devoted to the production of wheat, and the farming practices of the operator. The wheat normal yield established for farms in any county shall be subject to such adjustment as is necessary in order that wheat normal yields for all farms in the county, weighted by the wheat allotments, will not exceed the county check yield for wheat.

(2) The normal yield per acre of tobacco for a farm shall, subject to adjustment as specified below in this subparagraph, be determined by the county committee on the basis of actual yields (or approved yields where actual yields are not available) for the farm during the six years 1950–1955 adjusted for drought, flood or other abnormal conditions. The tobacco normal yield established for the farms in any county shall be subject to such adjustment as is necessary in order that normal yield for all farms in the county, weighted by the allotments, will be within one per cent of the county check yield.

(3) The productivity for wheat or the kind or type of tobacco involved of the tract of land designated as the acreage reserve shall be determined by the county committee on the basis of (1) the normal yield for the farm, and (2) any factors affecting yield which indicate that the productivity of the tract of land designated as the acreage reserve varies significantly from the productivity of the average land on the farm normally devoted to the commodity.

(b) *Cotton, corn and rice; farm productivity index.* (1) The county committee shall establish a farm productivity index for cotton, corn and rice for each farm in the continental United States which has an allotment (except "new farm" allotments and "new rice producer" allotments) for corn, cotton or rice. The farm productivity index for a commodity shall be based upon the suitability of the cropland on the farm for producing the commodity, taking into consideration the farming practices of the operator. The farm productivity index for a commodity shall be expressed as that percentage of 100 that the suitability of the average cropland on the farm normally devoted to the production of the commodity bears to the suitability, using normal farming practices, of the average cropland in the county for producing the commodity. The farm productivity index so established shall be subject to such adjustment as is necessary in order that the farm productivity indexes for all farms in the county, weighted by the allotments, will not exceed 100 percent.

(2) The productivity for the commodity of the tract of land designated as the acreage reserve shall be determined by the county committee on the basis of (1) the farm productivity index for the commodity, and (2) any factors affecting yield which indicate that the productivity of the tract of land designated as the acreage reserve varies significantly from the productivity of the average land on the farm normally devoted to the production of the commodity.

(d) Prior to the execution of an agreement, the county committee may correct any error made in establishing the farm normal yield or the farm productivity index. In correcting errors made in establishing the farm normal yield for tobacco and wheat, the total of all increases in yields (together with any increases in yields as a result of appeals) shall not be such as will result in a weighted average yield (when farm yields are weighted by the respective farm allotments) which exceeds the county check yield by more than 2 percent. In correcting errors made in establishing the farm productivity index for corn, cotton, and rice, the total of all increases in productivity indexes (together with any increases in productivity indexes as a result of appeals) shall not be such as will result in a weighted average compensation rate when farm compensation rates are weighted by the respective farm allotments) which exceeds the county rate of compensation by more than 2 percent.

(e) The Administrator shall issue instructions to State and county committees implementing the provisions of this section. Such instructions shall be available for examination at the office of each county committee.

§ 485.219 *Appeals.* (a) (1) The operator of each farm which has an allotment for corn, cotton or rice (except a "new farm" or "new producer" allotment) will be mailed a notice of the rate of compensation per acre for the commodity which will be applicable under the 1957 acreage reserve program if the producers on the farm place land in the acreage reserve which is at least equal to the productivity for the commodity of the average land on the farm which is normally devoted to the production of the commodity. The operator may request a reconsideration of the rate of compensation shown on such notice. Such request shall be in writing setting forth the facts in support thereof, and shall be filed at the office of the county committee shown on the notice within 15 days after the date of the aforementioned notice. If the operator fails to file a request for reconsideration within such 15 day period, the rate set forth in such notice shall be final.

(2) In the case of tobacco, the operator may at the time he files the agreement request in writing a reconsideration of the rate of compensation per acre determined to be applicable to land on the farm which is at least equal to the productivity for such commodity of the average land on the farm normally devoted to the production of such commodity. If the operator fails to file a request for reconsideration at the time he files the agreement, the rate specified in the agreement shall be final.

(b) The county committee shall notify the operator of its decision in writing. The operator may, within 15 days after the date of the county committee's decision, file, at the aforementioned county office, an appeal in writing to the State committee. The State committee shall notify the operator of its decision in writing. If the operator fails to file an appeal to the State committee from a decision of the county committee on reconsideration within the 15 day period specified in this paragraph (b), the decision of the county committee shall be final. The decision of the State committee on an appeal shall in all cases be final.

(c) The filing of a request for reconsideration or of an appeal as provided for in paragraph (a) of this section shall not operate to extend the applicable closing date for filing an agreement (the agreement must be filed on or before such closing date). The right to request reconsideration and appeal shall not give the producers any right to terminate the agreement even though they are dissatisfied with the decision on reconsideration or appeal; agreements executed pending request for reconsideration or an appeal shall be and remain in full force and effect regardless of the decision made on reconsideration or appeal, subject to such increase in the rate of compensation which may be allowed by such decision.

(d) The total of all increases in yields in the case of tobacco on reconsideration or appeal (together with any increase in yields as a result of correction of errors made by the county committee in establishing farm normal yields), shall not be such as will result in a weighted average yield (when farm yields are weighted by the respective farm allotments) which exceeds the county check yield by more than 2 percent. The total of all increases in productivity indexes in the case of corn, cotton, and rice on reconsideration or appeal (together with any increases in productivity indexes as a result of correction of errors made by the county committee in establishing productivity indexes), shall not be such as will result in a weighted average payment rate (when farm payment rates are weighted by the respective farm allotments) which exceeds the county rate of compensation by more than 2 percent.

§ 485.220 *Methods of measuring acreage and extent of calculations.* (a) The methods of measuring the number of acres in the acreage reserve, the acreage of the commodity, and the acreage by which the commodity is reduced below the allotment shall be the same as those used for marketing quota and price support programs, except that the "extent of calculations" set forth in paragraph (b) of this section shall govern wherever different from those used for purposes of marketing quotas and price support.

(b) The extent of calculations shall be as follows:

(1) The acreage of tobacco shall be expressed in hundredths of an acre and fractions of less than a hundredth of an acre shall be dropped.

ceed 100 percent.

(2) The acreage of wheat shall be expressed in whole acres and fractions of less than one acre shall be dropped.

(3) The acreages of crops other than tobacco and wheat shall be expressed in tenths of an acre and fractions of less than one-tenth of an acre shall be dropped.

(4) In determining the acreage reserve for a commodity, the "extent of calculations" set forth above in subparagraphs (1), (2), and (3) of this paragraph shall be followed, except that, in the case of wheat, the acreage reserve shall be calculated in tenths of an acre and fractions of less than a tenth of an acre shall be dropped.

§ 485.221 *Division of compensation between landlords, tenants, and sharecroppers.* The agreement entered into with the producers shall specify the basis on which the landlords, tenants, sharecropers, and (in the case of rice) persons who furnish water for a share of the crop, are to share in the compensation payable thereunder. The basis on which the tenants and sharecroppers share in such compensation must be approved by the county committee as being fair and equitable. In considering whether the tenants and sharecroppers will share in the compensation on a fair and equitable basis, the county committee shall give consideration to the respective contributions which would have been made by the landlord, tenants, and sharecroppers in the production of the crops which would have been produced on the acreage diverted from production under the agreement and the basis on which they would have shared in such crops or the proceeds thereof. In general, the basis for sharing compensation may be approved by the county committee if:

(a) The total compensation is allocated among the shares of the allotment for the commodity which, in the absence of participation in the acreage reserve program, would be farmed by (1) a landowner, cash-tenant, or fixed-rent tenant, with his own labor or with hired labor other than sharecroppers, or (2) a sharetenant without the aid of any sharecropper, or (3) a sharecropper, in proportion to the number of acres contributed from each such share of the allotment to the acreage diverted from production under the agreement; and

(b) The share of the landlord, and operator, if other than the landlord, in the compensation allocated to any share of the allotment farmed by a tenant or sharecropper does not result in the landlord and operator receiving substantially in excess of the return they would have received if they were not participating in the acreage reserve program for furnishing the land and farm management less any savings in cost to them which result from not producing a crop on the acreage diverted from production and less the amount of any enhancement in value of the land diverted from production as a result of conservation practices carried out on such land.

§ 485.222 *Additional provisions relating to tenants and sharecroppers.* (a) No agreement with respect to any commodity shall be entered into with a producer if it shall appear:

(1) That the landlord or operator has not afforded his tenants and sharecroppers an opportunity to participate under the agreement in proportion to the number of acres in the respective shares of the allotment made available to such tenants or sharecroppers; or

(2) That the landlord or operator has, in anticipation of participating in the Soil Bank Program, reduced the number of tenants and sharecroppers on the farm, or the shares of the allotment made available to tenants or sharecroppers in the case of agreements entered into after the issuance of these regulations, if a tenant or sharecropper leaves the farm voluntarily, or for some reason other than being forced off the farm by the landlord or operator in anticipation of participating in the Soil Bank Program, the failure to replace such tenant or sharecropper shall not be considered as a reduction in anticipation of participating in the Soil Bank Program;

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement, or understanding, unfairly exacted or required by the operator or landlord and entered into in contemplation of the signing of any agreement hereunder, the effect or purpose of which is:

(i) To cause the tenant or sharecropper to pay over to the landlord or operator any compensation to be paid to him under the agreement; or

(ii) To change the status of any tenant or sharecropper in order to deprive him of any part of the compensation or any other right or privilege of his under the agreement to which his actual status with respect to the land prior thereto would have entitled him; or

(iii) To reduce the size of the tenant's or sharecropper's share of the allotment in contemplation of the signing of the agreement; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) That the operator or landlord has adopted any device or scheme of any sort whatever for the purpose of depriving any tenant or any sharecropper of his compensation or any other right under the agreement.

(b) The agreement shall be deemed to have been violated if any of the conditions set forth in paragraph (a) of this section are discovered after the signing of the agreement, or if, after the signing of the agreement, the operator or landlord enters into any lease, contract, agreement, or understanding with any tenant or sharecropper of the nature prohibited by paragraph (a) (3) of this section or adopts any scheme or device prohibited by paragraph (a) (4) of this section.

§ 485.223 *Manner of compensation.* Compensation will be paid to each producer entitled thereto through the issuance to such producer of negotiable certificates, redeemable by Commodity Credit Corporation. Such certificates will be redeemable in cash upon presentation by the producer to whom issued or any holder in due course at the Federal Reserve Bank or Branch Bank designated thereon. Such presentation should be made through regular banking channels. The designated Federal Reserve Bank or Branch Bank will accept the certificates as cash items for immediate credit. The statement on the face of the certificate that the certificate is not valid unless presented within one year from date of issue means only that the particular certificate must be presented within such time; if such certificate is not so presented, it may be returned to the ASC county office which issued it for cancellation and a substitute will be issued in lieu thereof to the holder. In the case of certificates issued with respect to wheat, rice and corn the producer to whom the certificate is issued for participating in the program (but not any other person) may obtain redemption of such certificates in grain to the extent provided in the regulations governing redemption of certificates in grains in effect at the time of redemption (the regulations in effect as of the date of issuance of these regulations are contained in 21 F. R. 6881, as amended in 21 F. R. 8129). Commodities delivered to producers in redemption of certificates shall not be eligible for tender to Commodity Credit Corporation under the price support program.

§ 485.224 *Time of compensation.* Certificates shall be issued as soon as practicable after determination by the county committee that there has been compliance with the acreage reduction requirements of the program and the requirements of § 485.215 relating to compliance with allotments. (In the case of an agreement for wheat on Form CSS–800–1, if only winter wheat is planted on the farm and the farm does not have an allotment for any other commodity, it is anticipated that the issuance of certificates will begin about June 1, 1957.)

§ 485.225 *Set-offs.* (a) If any producer, or any person to whom a certificate is payable, has a debt due and owing to the United States Department of Agriculture, or any agency thereof, or to any other agency of the United States if such indebtedness to such other agency of the United States is listed on the county debt register, the compensation due such producer or person shall be set off against such indebtedness. Indebtedness owing to the Department of Agriculture, or any agency thereof, shall be given first consideration. Assignees, and holders of liens and encumbrances designated as payees who have consented (see § 485.213 (d)) to the producer entering into agreements, shall be entitled to payment only of the amount, if any, remaining after set-off under this section is made against any indebtedness due and owing by the producer at the time compensation is paid, or would otherwise be paid, under the agreement. Set-offs made pursuant to this section shall not deprive any producer or person of any right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 485.226 *Release and reapportionment of acreage allotments.* The provisions of this section shall be applicable only to agreements entered into after the issuance of these regulations.

(a) *Release of allotments.* The producers on a farm may not participate in the acreage reserve program for a commodity if any part of the farm allotment for such commodity is voluntarily released pursuant to the provisions of the acreage allotment regulations governing the release and reapportionment of allotments.

(b) *Reapportionment of allotment.* In the case of a farm whose allotment for a commodity is increased due to reapportionment to such farm of allotments voluntarily released by other farms, the allotment prior to reapportionment shall be considered the allotment for purposes of determining (i) the maximum acreage for such commodity which may be placed in the acreage reserve program, and (ii) the acreage of such commodity which the producers may harvest under the provisions of § 485.213 (b); but for purposes of determining compliance with allotments for commodities other than those covered by the agreement, the reapportioned allotment shall be applicable.

§ 485.227 *Revised allotments.* (a) In any case where the producer receives an increase in his allotment for a commodity other than as a result of reapportionment after he executes an agreement for such commodity but prior to the final date set for determining compliance with the acreage reduction requirements of the agreement, a new agreement may be filed, subject to the availability of funds, not later than 10 days after official notification of the increased allotment. In such case, the producers may, subject to the maximum acreage limitations specified in § 485.211, increase the number of acres placed in the acreage reserve and designate additional or other acreage meeting all the requirements of these regulations as the acreage reserve. If a new agreement is not filed, the acreage permitted to be harvested as shown on the agreement shall be increased by the number of acres by which the allotment is increased.

(b) (1) In any case where a producer is officially notified of an allotment for a commodity which is larger than that finally established and is not notified of the revised allotment prior to the time planting of the commodity normally ends in the area, as determined by the county committee, the original allotment shall be considered the allotment for purposes of the acreage reserve program provided the county committee finds that the producer had no reason to know that the allotment shown in the original notice was erroneous.

(2) If the county committee finds that the producer had reason to know that the original notice was erroneous, the allotment for purposes of the acreage reserve program shall be that finally established. If the revised notice is issued after the execution of an agreement, a new agreement must be executed within 10 days after the date of the revised notice. If under the revised allotment the number of acres which the producer may place in the acreage reserve is less than that previously placed in the acreage reserve, the producer may designate another tract of land meeting all the requirements of these regulations as the acreage reserve. If a new agreement is not filed within the time limit specified above, the original agreement shall be deemed terminated.

§ 485.228 *Compensation in case of sale or transfer of farm or change in tenants*—(a) *Sale or transfer of farm.* (1) (i) If the county committee is notified in writing prior to payment of compensation to the original owner of the sale or transfer of the entire farm covered by the agreement, and the original owner and the buyer or successor agree on a division of the compensation payable to the original owner under the agreement on a form prescribed by the Administrator, compensation shall be paid accordingly.

(ii) If such an agreement is not reached between the original owner and the buyer or successor, compensation shall be paid to the original owner, if he retains the interest in the crop on the farm with respect to which the compensation is to be paid. If the interest in the crop with respect to which the compensation is to be paid is transferred to the buyer or other person succeeding the original owner, and the county committee is notified in writing of such sale or transfer before compensation has been paid, compensation shall be paid to the buyer or successor. If no 1957 crop of the commodity covered by the agreement is grown on the farm, compensation shall be paid to the original owner if the sale or transfer took place after the end of the normal harvesting season for the commodity in the area, as determined by the county committee. If the sale or transfer took place prior thereto, compensation shall be paid to the buyer or successor.

(2) (i) If the county committee is notified in writing prior to payment of compensation to the original owner of the sale or transfer of a part of the farm, and the original owner and the buyer or successor agree on a division of the compensation payable to the original owner under the agreement on a form prescribed by the Administrator, compensation shall be paid accordingly.

(ii) If such an agreement is not reached between the original owner and the buyer or successor, the county committee shall determine the division of compensation between the original owner and the buyer or successor on a basis which it determines to be fair and equitable. In reaching such determination, the county committee shall consider, among any other factors which it determines pertinent, (*a*) the respective interests which the original owner and the buyer or successor have in the 1957 crop, if any, of the commodity covered by the agreement which was planted on the farm, (*b*) the contribution to the reduction of the commodity which has been made by the original owner at the time of the sale or transfer, (*c*) the contribution which will be made by the buyer or successor to such reduction, (*d*) the length of time the agreement has been in effect prior to the sale or transfer, (*e*) the respective contributions which have and will be made by the original owner and by the buyer or successor in carrying out those provisions of the agreement relating to not harvesting or grazing, and the control of noxious weeds, on the acreage reserve.

(3) No compensation shall be paid to a buyer or successor unless he becomes a party to the acreage reserve agreement by executing a form prescribed by the Administrator for such purpose.

(b) *Change in tenants and sharecroppers.* If the county committee is notified in writing, prior to payment of compensation under an existing agreement to a tenant (including a tenant operator) or to a sharecropper, that such tenant or sharecropper is no longer on the farm, the county committee shall determine the division of compensation between the original tenant or sharecropper and the successor tenant or sharecropper, or between the original tenant or sharecropper and the landlord or operator if the tenant or sharecropper is not replaced, on a basis which it determines to be fair and equitable. In making such determination, the county committee shall consider, among any other factors which it deems pertinent, (1) the respective interests which the original tenant or sharecropper and the successor tenant or sharecropper (or the landlord or operator) have in the 1957 crop, if any, of the commodity covered by the agreement which was planted on the farm, (2) the contribution to the reduction of the commodity which has been made by the tenant or sharecropper up to the time he leaves the farm, (3) the contribution which will be made by the successor tenant or sharecropper (or the landlord or operator) to such reduction, (4) the length of time the agreement has been in effect prior to the change in tenant or sharecropper, (5) the respective contributions which have and will be made by the original tenant or sharecropper and by the successor tenant or sharecropper (or landlord or operator) in carrying out those provisions of the agreement relating to the preventing of harvesting or grazing and the control of noxious weeds on the acreage reserve: *Provided*, That if the successor is a tenant-operator, no compensation shall be paid to him unless he becomes a party to the agreement, by executing a form prescribed by the Administrator for such purpose: *And provided further*, That, in the case of agreements entered into prior to the date of issuance of these regulations, if a 1957 crop of the commodity covered by the agreement is grown on the farm compensation shall be paid to the original tenant or sharecropper if he retains the interest in such crop and to the successor tenant or sharecropper if he succeeds to the interest in such crop.

(c) In any case covered by this section payment of compensation may be withheld until the end of 1957 if it is deemed necessary or desirable in order to assure performance of the agreement during the entire contract period.

§ 485.229 *Reconstitution of farms.* Any agreement entered into after the issuance of these regulations shall be deemed terminated if, after the execution of the agreement but before the end of the planting season for the commodity in the area as determined by the county committee, the farm allotment is revised as a result of a division of the farm by sale, lease or other means, or as a result of the combination of two or more farms, or parts of farms, as a single farm. In case of such termination, the producers on the farms involved may, on or before the date for filing agreements specified in § 485.212, file new agreements, subject to availability of funds and to all the provisions of these regulations.

§ 485.230 *Successors-in-interest.* In case any producer who is entitled to any compensation under any agreement, dies, becomes incompetent or disappears before receiving such compensation, the compensation shall be made to his successor, as determined in accordance with the regulations issued by the Secretary (7 CFR Part 1108), or any amendments thereto, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

§ 485.231 *Assignments.* Any producer who may be entitled to any compensation under the acreage reserve program may assign his right thereto, in whole or in part, subject to the following conditions:

(i) The assignment must be made in writing on a form prescribed by the Administrator.

(ii) There may be only one outstanding assignment of compensation payable to a producer under an agreement.

(iii) Each assignment may cover only compensation due under one agreement.

(iv) The producer's signature must be affixed to the assignment in the presence of two witnesses, neither of whom may be an employee or an agent of, or related to, the assignee.

In order to be recognized, the assignment must be delivered at the office of the county committee which signed the agreement. In the event of two outstanding assignments by a producer only the first one received at such county office will be recognized. Payment of any compensation which may become due will be paid to the assignee, to the extent of the assignment and subject to the provisions of § 485.225 pertaining to set-offs, unless prior thereto the county office at which the assignment was delivered receives a written release signed by the assignee. No further assignment may be made by an assignee.

§ 485.232 *Schemes or devices to defeat purposes of agreement.* No producer entering into an agreement with the Secretary hereunder shall employ any scheme or device which would tend to defeat the purpose of the agreement.

§ 485.233 *Violations of agreement.* (a) In the event the Secretary determines that there has been a violation of any agreement and that such violation is of such a substantial nature as to warrant termination of the agreement all rights to compensation under the agreement shall be forfeited and all compensation paid shall be refunded. The producers who sign the agreement will be obligated to refund all compensation received not only by them but also by any tenant or sharecropper. The tenant or sharecropper shall also be obligated to refund any compensation received by him. In the event that any of the certificates issued as compensation cannot be returned, the face amount of such certificates, plus interest at the rate of six percent per annum, shall be paid to the United States.

(b) In the event the Secretary determines that there has been a violation of any agreement but that the violation is of such a nature as not to warrant termination of the agreement, rights to compensation under the agreement shall be adjusted, forfeited and refunded as the Secretary determines to be appropriate. The producers signing the agreement will be obligated to accept such adjustments in compensation, forfeit such benefits, and make such refunds to the United States of compensation received not only by them but also by any tenant or sharecropper as the Secretary determines to be appropriate. The tenant or sharecropper will also be obligated to refund, forfeit, and accept such adjustment in compensation paid or otherwise payable to him as the Secretary determines to be appropriate. In the event that any of the certificates issued as compensation cannot be returned in accordance with the determination of the Secretary, the face amount of such certificates, plus interest at the rate of six percent per annum shall be paid to the United States. In the event that a refund of less than the face amount of a certificate is required, interest at the rate of six percent per annum on the amount required to be refunded shall be paid to the United States.

(c) Regulations prescribing the rules and procedure for determining whether a violation has occurred, and whether the violation is of such a nature as to warrant termination of the agreement, and the amount of any adjustment, forfeiture or refund which shall be made if the violation is of such a nature as not to warrant termination of the agreement, and the rules and procedure for review of such determinations will be published separately at a later date.

§ 485.234 *Penalty for grazing or harvesting.* Section 123 of the Act imposes a civil penalty upon any producer who knowingly and willfully grazes or harvests any crop from any acreage in violation of an agreement equal to 50 per centum of the compensation payable for compliance with such agreement. Such penalty is in addition to any amounts required to be forfeited or refunded under the provisions of the agreement.

§ 485.235 *Access to farm and records.* The county committeemen or their representatives, or any authorized representative of the Secretary, for the purposes of ascertaining the accuracy of the representations made in or in connection with any agreement entered into hereunder and the performance of the terms and conditions of the agreement, shall have the right to enter the farm at any reasonable time in order to measure the acreage or determine the production of any agricultural commodity on the farm and to examine any records pertaining to the farm or to the acreage, production, or sale of any such agricultural commodity, and the landlord or operator shall furnish such information relating to the farm as may be requested by the county committeemen or their representatives or authorized representatives of the Secretary.

§ 485.236 *State Committee approval of determinations of county committees.* The State Committee may revise or require revision of any determination made by the county committee in connection with the acreage reserve program. This authority shall not extend to agreements after the signing thereof by a member of a county committee.

§ 485.237 *Finality of determinations.* The facts constituting the basis for any compensation, or the amount thereof, under any agreement when officially determined in conformity with §§ 485.201 to 485.240, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government, except that the Act provides for judicial review in the case of the termination of an agreement.

§ 485.238 *Effect on acreage allotment and marketing quota programs.* (a) The acreage on any farm which is diverted from the production of any commodity in order to carry out an agreement shall be considered as acreage devoted to the commodity for the purposes of establishing future State, county and farm acreage allotments.

(b) In applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U. S. C. 1340 (6), and section 326 (b) and 356 (g) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1326 (b), 1356 (g)) relating to reduction of the storage amounts of wheat and rice, the acreage on any farm which is diverted from the production of wheat or rice in order to carry out an agreement, shall be considered as wheat acreage or rice acreage, as the case may be, on the farm.

§ 485.239 *Redesignation as conservation reserve.* The county committee may permit a producer to terminate an agreement in order to place all or any part of the tract of land designated as the acreage reserve in the conservation reserve, and may permit such a producer to sign a new agreement designating other eligible land as the acreage reserve, provided the maximum compensation payable under the new agreement does not exceed that payable under the original agreement.

§ 485.240 *Waiver.* (a) The Administrator, in order to prevent undue hardship, may waive the requirements of any provision of the regulations contained herein or in the agreement if such waiver is not prohibited by law and if, in his judgment, such waiver is in the best interests of the program. Any such waiver shall be in writing and shall contain a full statement of the reasons therefor. If the facts or circumstances on which the request for a waiver is based have or are likely to have general applicability, relief may not be given by a waiver but only by an appropriate amendment to these regulations.

Issued at Washington, D. C., this 20th day of December, 1956.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

APPENDIX 1—STATE ALLOCATIONS OF AMOUNTS WHICH MAY BE OBLIGATED

1957 ACREAGE RESERVE PROGRAM

CORN	*Allocation (thousand dollars)*
State:	
Alabama	1,208
Arkansas	289
Delaware	673
Georgia	987
Illinois	41,824
Indiana	20,709
Iowa	44,287
Kansas	3,355
Kentucky	4,497
Maryland	1,666
Michigan	6,016
Minnesota	19,344
Missouri	12,424
Nebraska	16,814
New Jersey	735
North Carolina	3,969
North Dakota	225
Ohio	15,695
Pennsylvania	3,916
South Dakota	7,224
Tennessee	1,950
Virginia	713
West Virginia	91
Wisconsin	9,089

COTTON	*Allocation (dollars)*
State:	
Alabama	13,322,400
Arizona	11,122,700
Arkansas	20,687,300
California	20,333,200
Florida	428,600
Georgia	10,870,500
Illinois	36,000
Kansas	200
Kentucky	143,500
Louisiana	9,531,400
Maryland	300
Mississippi	25,977,500
Missouri	5,763,600
Nevada	54,300
New Mexico	4,023,800
North Carolina	6,695,100
Oklahoma	8,035,600
South Carolina	9,596,100
Tennessee	8,585,700
Texas	64,055,300
Virginia	236,900

RICE	*Allocation (dollars)*
Arkansas	3,360,600
California	3,038,500
Florida	3,700
Louisiana	3,617,700
Illinois	200
Mississippi	378,100
Missouri	39,300
North Carolina	200
Oklahoma	1,200
South Carolina	13,500
Tennessee	4,300
Texas	3,542,700

TOBACCO—FLUE CURED	
Alabama	11,000
Florida	376,000
Georgia	1,834,000
North Carolina	12,695,000
South Carolina	2,344,000
Virginia	1,896,000

TOBACCO—BURLEY	
Alabama	800
Arkansas	1,300
Georgia	2,400
Illinois	200
Indiana	238,400
Kansas	2,200
Kentucky	6,216,800
Missouri	85,700
North Carolina	385,500
Ohio	308,000
Pennsylvania	100
South Carolina	200
Tennessee	1,881,300
Texas	100
Virginia	405,700
West Virginia	83,300

TOBACCO—MARYLAND	
Delaware	100
Maryland	1,033,100
Virginia	800

TOBACCO—DARK AIR-CURED	
Indiana	1,300
Kentucky	372,900
Tennessee	63,800

TOBACCO—FIRE-CURED	
Illinois	100
Kentucky	405,400
Tennessee	500,700
Virginia	217,800

TOBACCO—VIRGINIA SUN-CURED	
Virginia	69,000

TOBACCO—CIGAR BINDER—TYPE 51	
Connecticut	1,257,700
Massachusetts	5,300

TOBACCO—CIGAR BINDER—TYPE 52	
Connecticut	219,200
Massachusetts	781,600
New Hampshire	200
Vermont	1,000

TOBACCO—CIGAR BINDER—TYPE 54	
Illinois	100
Indiana	100
Wisconsin	74,800

TOBACCO—CIGAR BINDER—TYPE 55	
Iowa	200
Minnesota	4,300
Wisconsin	204,500

TOBACCO—CIGAR FILLER—TYPES 42, 43, AND 44	
Ohio	72,500
Pennsylvania	500

WHEAT

State	Initial allocation (thousand dollars)	Revised allocation (thousand dollars)
Arkansas	256	41
California	3,186	2,781
Colorado	15,894	22,684
Delaware	191	54
Georgia	484	830
Idaho	10,642	7,820
Illinois	11,526	959
Indiana	7,775	1,970
Iowa	858	226
Kansas	67,437	81,415
Kentucky	1,030	735
Maryland	1,055	292
Michigan	7,096	4,384
Minnesota	3,962	3,780
Missouri	8,410	3,060
Montana	20,646	15,079
Nebraska	25,169	16,120
New Jersey	385	176
New Mexico	1,017	1,387
New York	2,630	3,425
North Carolina	1,593	1,727
North Dakota	30,863	30,868
Ohio	11,059	5,351
Oklahoma	26,237	19,864
Oregon	8,141	4,158
Pennsylvania	4,082	1,092
South Carolina	695	967
South Dakota	10,479	9,058
Tennessee	895	620
Texas	15,344	13,379
Utah	2,134	2,241
Virginia	1,494	853
Washington	20,011	9,090
West Virginia	221	116
Wisconsin	320	252
Wyoming	1,783	776

APPENDIX 2—BASE UNIT RATES FOR TOBACCO

1957 ACREAGE RESERVE PROGRAM

Kind or type:	*Base unit rate (cents per pound)*
Flue-cured	18
Burley	18
Maryland	17
Dark air-cured	12
Fire-cured	13
Virginia sun-cured	12
Cigar binder type 51	19
Cigar binder type 52	18
Cigar binder type 54	08
Cigar binder type 55	11
Cigar filler types 42, 43, and 44	09

NOTE: Base unit rates for wheat are specified in Appendix 2, as amended, to the regulations published in 21 F. R. 6162.

APPENDIX 3—COUNTY RATES OF COMPENSATION PER ACRE

1957 ACREAGE RESERVE PROGRAM

CORN

ALABAMA

County	*Dollars per acre*	*County*	*Dollars per acre*
Cherokee	28	Limestone	28
De Kalb	32	Madison	31
Etowah	30	Marshall	31
Jackson	30	Morgan	25

ARKANSAS

Clay	23	Greene	22
Craighead	24	Mississippi	26

to compensation under the agreement and conditions of the agreement, shall contain a full statement of the reasons

CORN—Continued

DELAWARE

County	Dollars per acre	County	Dollars per acre
Kent	46	Sussex	44
New Castle	49		

GEORGIA

Berrien	22	Evans	21
Brooks	18	Lowndes	18
Bulloch	20	Screven	18
Candler	17	Tattnall	23
Colquitt	19	Tift	22
Cook	22	Toombs	20
Emanuel	14	Wayne	25

ILLINOIS

Adams	52	Lee	62
Alexander	30	Livingston	52
Bond	42	Logan	59
Boone	65	McDonough	57
Brown	48	McHenry	57
Bureau	62	McLean	56
Calhoun	49	Macon	56
Carroll	67	Macoupin	51
Cass	55	Madison	45
Champaign	56	Marion	32
Christian	58	Marshall	56
Clark	42	Mason	48
Clay	34	Massac	34
Clinton	39	Menard	54
Coles	51	Mercer	55
Cook	47	Monroe	42
Crawford	42	Montgomery	51
Cumberland	44	Morgan	57
De Kalb	64	Moultrie	52
De Witt	56	Ogle	65
Douglas	56	Peoria	56
Du Page	57	Perry	31
Edgar	53	Piatt	59
Edwards	40	Pike	51
Effingham	40	Pope	33
Fayette	39	Pulaski	29
Ford	51	Putnam	58
Franklin	30	Randolph	38
Fulton	54	Richland	35
Gallatin	41	Rock Island	57
Greene	52	St. Clair	44
Grundy	52	Saline	36
Hamilton	31	Sangamon	54
Hancock	54	Schuyler	52
Hardin	35	Scott	49
Henderson	54	Shelby	49
Henry	58	Stark	57
Iroquois	49	Stephenson	65
Jackson	34	Tazewell	58
Jasper	40	Union	31
Jefferson	31	Vermilion	54
Jersey	49	Wabash	44
Jo Daviess	59	Warren	58
Johnson	27	Washington	34
Kane	63	Wayne	33
Kankakee	51	White	37
Kendall	56	Whiteside	58
Knox	59	Will	50
Lake	50	Williamson	28
La Salle	57	Winnebago	61
Lawrence	38	Woodford	59

INDIANA

Adams	54	Fayette	54
Allen	54	Floyd	39
Bartholomew	48	Fountain	50
Benton	49	Franklin	50
Blackford	50	Fulton	51
Boone	54	Gibson	43
Brown	40	Grant	58
Carroll	55	Greene	40
Cass	56	Hamilton	54
Clark	40	Hancock	52
Clay	49	Harrison	40
Clinton	54	Hendricks	53
Crawford	33	Henry	55
Daviess	47	Howard	60
Dearborn	42	Huntington	54
Decatur	53	Jackson	43
De Kalb	50	Jasper	47
Delaware	52	Jay	49
Dubois	43	Jefferson	38
Elkhart	53	Jennings	39

CORN—Continued

INDIANA—continued

County	Dollars per acre	County	Dollars per acre
Johnson	53	Putnam	51
Knox	44	Randolph	52
Kosciusko	54	Ripley	44
Lagrange	52	Rush	56
Lake	48	St. Joseph	53
La Porte	48	Scott	38
Lawrence	41	Shelby	51
Madison	55	Spencer	40
Marion	49	Starke	45
Marshall	53	Steuben	53
Martin	39	Sullivan	42
Miami	56	Switzerland	42
Monroe	40	Tippecanoe	52
Montgomery	51	Tipton	61
Morgan	50	Union	59
Newton	47	Vanderburgh	44
Noble	55	Vermillion	47
Ohio	43	Vigo	42
Orange	40	Wabash	55
Owen	42	Warren	49
Parke	51	Warrick	38
Perry	37	Washington	40
Pike	39	Wayne	54
Porter	48	Wells	55
Posey	43	White	48
Pulaski	46	Whitley	54

IOWA

Adair	43	Jefferson	43
Adams	47	Johnson	54
Allamakee	51	Jones	57
Appanoose	37	Keokuk	46
Audubon	46	Kossuth	47
Benton	54	Lee	45
Black Hawk	51	Linn	51
Boone	48	Louisa	50
Bremer	50	Lucas	38
Buchanan	49	Lyon	43
Buena Vista	48	Madison	43
Butler	45	Mahaska	46
Calhoun	45	Marion	43
Carroll	46	Marshall	53
Cass	46	Mills	47
Cedar	61	Mitchell	47
Cerro Gordo	46	Monona	40
Cherokee	50	Monroe	37
Chickasaw	44	Montgomery	48
Clarke	39	Muscatine	53
Clay	46	O'Brien	50
Clayton	52	Osceola	44
Clinton	57	Page	47
Crawford	44	Palo Alto	43
Dallas	46	Plymouth	41
Davis	38	Pocahontas	46
Decatur	37	Polk	48
Delaware	52	Pottawattamie	45
Des Moines	55	Poweshiek	49
Dickinson	44	Ringgold	40
Dubuque	56	Sac	49
Emmet	48	Scott	58
Fayette	50	Shelby	48
Floyd	47	Sioux	46
Franklin	49	Story	49
Fremont	43	Tama	54
Greene	46	Taylor	40
Grundy	56	Union	41
Guthrie	42	Van Buren	41
Hamilton	48	Wapello	43
Hancock	48	Warren	41
Hardin	51	Washington	50
Harrison	44	Wayne	37
Henry	49	Webster	47
Howard	38	Winnebago	48
Humboldt	48	Winneshiek	50
Ida	47	Woodbury	40
Iowa	51	Worth	47
Jackson	53	Wright	48
Jasper	49		

KANSAS

Anderson	26	Douglas	29
Atchison	30	Franklin	26
Brown	35	Jackson	25
Clay	25	Jefferson	26
Cloud	25	Jewell	19
Doniphan	36	Johnson	30

CORN—Continued

KANSAS—continued

County	Dollars per acre	County	Dollars per acre
Leavenworth	30	Republic	23
Marshall	28	Riley	25
Miami	26	Shawnee	26
Nemaha	31	Smith	19
Phillips	17	Washington	26
Pottawatomie	25		

KENTUCKY

Allen	33	Jefferson	47
Ballard	32	Larue	43
Barren	36	Livingston	33
Boone	45	Logan	39
Boyle	49	Lyon	35
Breckenridge	33	Mason	52
Bullitt	40	McCracken	29
Butler	33	McLean	33
Caldwell	33	Marion	47
Calloway	30	Meade	39
Carlisle	33	Monroe	34
Carroll	43	Muhlenberg	31
Christian	35	Nelson	47
Crittenden	32	Ohio	31
Daviess	38	Oldham	46
Edmonson	30	Shelby	45
Fulton	34	Simpson	40
Graves	30	Spencer	43
Grayson	31	Taylor	42
Green	36	Todd	38
Hancock	35	Trigg	35
Hardin	40	Trimble	41
Hart	39	Union	41
Henderson	38	Warren	39
Hickman	35	Washington	47
Hopkins	33	Webster	33

MARYLAND

Baltimore	49	Kent	48
Caroline	43	Montgomery	47
Carroll	54	Queen Annes	47
Cecil	49	Somerset	40
Dorchester	42	Talbot	43
Frederick	47	Washington	44
Harford	53	Wicomico	37
Howard	47	Worcester	42

MICHIGAN

Allegan	38	Lenawee	54
Barry	40	Livingston	42
Berrien	36	Macomb	43
Branch	45	Mecosta	36
Calhoun	41	Midland	43
Cass	38	Monroe	54
Clinton	47	Montcalm	40
Eaton	46	Oakland	42
Genesee	45	Saginaw	48
Gratiot	47	Sanilac	41
Hillsdale	47	St. Clair	42
Ingham	48	St. Joseph	36
Ionia	45	Shiawassee	47
Isabella	43	Tuscola	46
Jackson	47	Van Buren	32
Kalamazoo	35	Washtenaw	49
Kent	40	Wayne	47
Lapeer	44		

MINNESOTA

Anoka	37	Jackson	45
Benton	36	Kandiyohi	40
Big Stone	31	Lac qui Parle	39
Blue Earth	48	Le Sueur	50
Brown	45	Lincoln	32
Carver	53	Lyon	38
Chippewa	37	McLeod	51
Chisago	40	Martin	46
Cottonwood	41	Meeker	43
Dakota	46	Mille Lacs	40
Dodge	44	Morrison	36
Douglas	36	Mower	43
Faribault	47	Murray	38
Fillmore	46	Nicollet	49
Freeborn	46	Nobles	41
Goodhue	49	Olmsted	47
Grant	32	Otter Tail	32
Hennepin	44	Pipestone	33
Houston	50	Pope	36
Isanti	40	Redwood	39

CORN—Continued

MINNESOTA—continued

County	Dollars per acre	County	Dollars per acre
Renville	42	Todd	36
Rice	49	Traverse	28
Rock	38	Wabasha	49
Scott	50	Waseca	50
Sherburne	32	Washington	45
Sibley	46	Watonwan	45
Stearns	39	Wilkin	26
Steele	48	Winona	48
Stevens	33	Wright	45
Swift	33	Yellow Medicine	38

MISSOURI

Adair	39	Lincoln	40
Andrew	42	Linn	37
Atchison	42	Livingston	40
Audrain	33	Macon	41
Bates	33	Marion	44
Benton	26	Mercer	38
Bollinger	29	Mississippi	35
Boone	36	Moniteau	33
Buchanan	40	Monroe	39
Caldwell	35	Montgomery	40
Callaway	34	Morgan	30
Cape Girardeau	41	New Madrid	38
Carroll	41	Nodaway	41
Cass	34	Perry	39
Chariton	43	Pettis	34
Clark	42	Pike	45
Clay	40	Platte	42
Clinton	42	Putnam	36
Cole	35	Ralls	37
Cooper	38	Randolph	37
Daviess	40	Ray	36
De Kalb	35	St. Charles	43
Dunklin	30	St. Clair	25
Franklin	37	St. Louis	40
Gentry	37	Ste. Genevieve	38
Grundy	37	Saline	47
Harrison	40	Schuyler	38
Henry	27	Scotland	39
Holt	40	Scott	33
Howard	40	Shelby	35
Jackson	34	Stoddard	29
Jefferson	40	Sullivan	35
Johnson	52	Vernon	24
Knox	38	Warren	39
Lafayette	42	Wayne	29
Lewis	42	Worth	43

NEBRASKA

Adams	22	Johnson	31
Antelope	24	Kearney	30
Boone	26	Knox	28
Boyd	23	Lancaster	28
Buffalo	28	Lincoln	21
Burt	39	Madison	30
Butler	31	Merrick	34
Cass	34	Nance	25
Cedar	31	Nemaha	34
Clay	24	Nuckolls	22
Colfax	34	Otoe	32
Cuming	38	Pawnee	31
Custer	18	Phelps	30
Dakota	37	Pierce	29
Dawson	38	Platte	32
Dixon	31	Polk	31
Dodge	38	Richardson	36
Douglas	37	Saline	27
Fillmore	26	Sarpy	36
Franklin	21	Saunders	34
Furnas	20	Seward	31
Gage	29	Sherman	20
Garfield	22	Stanton	32
Gosper	22	Thayer	23
Greeley	21	Thurston	34
Hall	36	Valley	24
Hamilton	29	Washington	40
Harlan	20	Wayne	32
Holt	20	Webster	18
Howard	20	York	31
Jefferson	26		

NEW JERSEY

Burlington	50	Hunterdon	54
Cumberland	50	Mercer	50
Gloucester	48	Middlesex	50

CORN—Continued

NEW JERSEY—continued

County	Dollars per acre	County	Dollars per acre
Monmouth	50	Somerset	50
Ocean	47	Warren	54
Salem	51		

NORTH CAROLINA

Beaufort	38	Jones	31
Bertie	36	Lenoir	32
Camden	46	Martin	43
Chowan	38	Nash	36
Columbus	33	Northampton	33
Craven	30	Onslow	30
Currituck	48	Pasquotank	46
Duplin	30	Perquimans	40
Edgecombe	35	Pitt	35
Gates	37	Robeson	29
Greene	32	Sampson	30
Halifax	34	Tyrrell	40
Harnett	32	Washington	37
Hertford	35	Wake	34
Hyde	39	Wayne	31
Johnston	34	Wilson	37

NORTH DAKOTA

Richland	23

OHIO

Adams	45	Lorain	48
Allen	56	Lucas	54
Ashland	50	Madison	57
Athens	49	Mahoning	45
Auglaize	56	Marion	54
Brown	44	Medina	48
Butler	51	Mercer	57
Champaign	56	Miami	56
Clark	55	Montgomery	53
Clermont	45	Morgan	52
Clinton	58	Morrow	53
Columbiana	44	Muskingum	50
Coshocton	53	Ottawa	53
Crawford	53	Paulding	49
Darke	54	Perry	51
Defiance	51	Pickaway	55
Delaware	55	Pike	48
Erie	50	Preble	57
Fairfield	59	Putnam	55
Fayette	56	Richland	50
Franklin	56	Ross	55
Fulton	54	Sandusky	54
Greene	56	Scioto	49
Hamilton	49	Seneca	53
Hancock	54	Shelby	57
Hardin	55	Stark	46
Henry	55	Tuscarawas	51
Highland	53	Union	53
Hocking	48	Van Wert	55
Holmes	51	Vinton	48
Huron	49	Warren	50
Jackson	46	Wayne	51
Knox	54	Williams	54
Lawrence	45	Wood	54
Licking	54	Wyandot	53
Logan	53		

PENNSYLVANIA

Adams	45	Lancaster	57
Berks	47	Lebanon	50
Blair	49	Lehigh	49
Bucks	49	Lycoming	50
Carbon	43	Mifflin	49
Centre	50	Monroe	44
Chester	53	Montgomery	49
Clinton	48	Montour	43
Columbia	47	Northampton	49
Cumberland	47	Northumberland	45
Dauphin	47	Perry	46
Delaware	51	Schuylkill	43
Franklin	47	Snyder	47
Fulton	43	Union	50
Huntingdon	48	York	48
Juniata	46		

SOUTH DAKOTA

Aurora	21	Brule	17
Beadle	20	Charles Mix	23
Bon Homme	29	Clark	19
Brookings	27	Clay	34

CORN—Continued

SOUTH DAKOTA—continued

County	Dollars per acre	County	Dollars per acre
Codington	21	Lake	29
Davison	26	Lincoln	36
Day	21	McCook	29
Deuel	28	Miner	24
Douglas	25	Minnehaha	34
Grant	27	Moody	33
Gregory	21	Roberts	25
Hamlin	24	Sanborn	24
Hanson	29	Tripp	16
Hutchinson	31	Turner	33
Jerauld	20	Union	35
Kingsbury	25	Yankton	32

TENNESSEE

Benton	26	Lauderdale	29
Bedford	33	Lincoln	31
Carroll	27	Marion	37
Cheatham	36	Montgomery	34
Coffee	36	Moore	32
Crockett	27	Obion	33
Dyer	30	Robertson	37
Franklin	39	Sequatchie	37
Gibson	29	Stewart	32
Grundy	38	Tipton	24
Haywood	24	Warren	32
Henry	29	Weakley	29
Lake	30		

VIRGINIA

Accomack	42	Northampton	44
Charles City	42	Princess Anne	41
Isle of Wight	47	Southampton	41
Nansemond	44	Surry	41
Norfolk	41	Sussex	39

WEST VIRGINIA

Berkeley	40	Jefferson	43

WISCONSIN

Adams	31	Marquette	41
Buffalo	48	Milwaukee	52
Columbia	52	Monroe	46
Crawford	48	Outagamie	49
Dane	56	Pepin	43
Dodge	58	Pierce	42
Dunn	46	Polk	39
Eau Claire	47	Racine	53
Fond du Lac	54	Richland	49
Grant	55	Rock	56
Green	51	St. Croix	41
Green Lake	55	Sauk	52
Iowa	52	Trempealeau	44
Jackson	43	Vernon	49
Jefferson	59	Walworth	56
Juneau	40	Waukesha	53
Kenosha	50	Waupaca	49
La Crosse	53	Washara	39
Lafayette	52	Winnebago	50

COTTON

ALABAMA

Autauga	59	De Kalb	69
Baldwin	62	Elmore	64
Barbour	49	Escambia	74
Bibb	60	Etowah	62
Blount	62	Fayette	53
Bullock	46	Franklin	49
Butler	54	Geneva	62
Calhoun	54	Greene	45
Chambers	50	Hale	57
Cherokee	68	Henry	54
Chilton	63	Houston	55
Choctaw	47	Jackson	64
Clarke	47	Jefferson	58
Clay	56	Lamar	51
Cleburne	46	Lauderdale	48
Coffee	55	Lawrence	55
Colbert	56	Lee	48
Conecuh	52	Limestone	56
Coosa	50	Lowndes	54
Covington	57	Macon	50
Crenshaw	51	Madison	61
Cullman	68	Marengo	51
Dale	53	Marion	52
Dallas	57	Marshall	71

COTTON—Continued

ALABAMA—continued

County	Dollars per acre	County	Dollars per acre
Mobile	63	Shelby	59
Monroe	66	Sumter	49
Montgomery	53	Talladega	47
Morgan	58	Tallapoosa	48
Perry	59	Tuscaloosa	56
Pickens	51	Walker	51
Pike	47	Washington	57
Randolph	54	Wilcox	52
Russell	43	Winston	56
St. Clair	57		

ARIZONA

Cochise	75	Pima	126
Gila	134	Pinal	135
Graham	112	Santa Cruz	110
Greenlee	109	Yavapai	130
Maricopa	147	Yuma	131
Mohave	70		

ARKANSAS

Arkansas	58	Lee	66
Ashley	71	Lincoln	66
Baxter	35	Little River	52
Benton	38	Logan	58
Boone	42	Lonoke	55
Bradley	38	Marion	33
Calhoun	41	Miller	45
Chicot	69	Mississippi	73
Clark	43	Monroe	58
Clay	56	Montgomery	33
Cleburne	30	Nevada	29
Cleveland	37	Newton	38
Columbia	33	Ouachita	33
Conway	46	Perry	52
Craighead	63	Phillips	71
Crawford	73	Pike	35
Crittenden	80	Poinsett	72
Cross	70	Polk	42
Dallas	39	Pope	49
Desha	74	Prairie	51
Drew	58	Pulaski	57
Faulkner	41	Randolph	58
Franklin	48	St. Francis	69
Fulton	32	Saline	32
Garland	39	Scott	29
Grant	37	Searcy	38
Greene	57	Sebastian	40
Hempstead	46	Sevier	37
Hot Spring	33	Sharp	36
Howard	34	Stone	28
Independence	46	Union	30
Izard	35	Van Buren	23
Jackson	56	Washington	38
Jefferson	71	White	38
Johnson	64	Woodruff	60
Lafayette	60	Yell	62
Lawrence	51		

CALIFORNIA

Butte	31	San Benito	95
Fresno	113	San Bernardino	48
Glenn	71	San Diego	79
Imperial	125	San Joaquin	75
Kern	130	San Luis Obispo	45
Kings	100	Stanislaus	61
Los Angeles	44	Tehama	59
Madera	85	Tulare	95
Merced	94	Yuba	31
Riverside	117		

FLORIDA

Alachua	51	Lafayette	46
Baker	48	Leon	38
Bay	63	Levy	31
Calhoun	49	Liberty	37
Clay	52	Madison	44
Columbia	39	Nassau	53
Dixie	34	Okaloosa	60
Duval	48	Orange	41
Escambia	60	Santa Rosa	57
Gadsden	48	Suwannee	54
Gilchrist	38	Taylor	40
Hamilton	43	Union	41
Holmes	51	Walton	53
Jackson	40	Washington	51
Jefferson	33		

COTTON—Continued

GEORGIA

County	Dollars per acre	County	Dollars per acre
Appling	54	Jeff Davis	53
Atkinson	54	Jefferson	45
Bacon	53	Jenkins	48
Baker	45	Johnson	44
Baldwin	46	Jones	41
Banks	62	Lamar	50
Barrow	56	Lanier	49
Bartow	70	Laurens	47
Ben Hill	54	Lee	46
Berrien	51	Liberty	39
Bibb	66	Lincoln	42
Bleckley	62	Long	52
Brantley	47	Lowndes	53
Brooks	55	Lumpkin	55
Bryan	43	McDuffie	42
Bulloch	53	McIntosh	35
Burke	49	Macon	58
Butts	53	Madison	59
Calhoun	54	Marion	46
Camden	46	Meriwether	54
Candler	47	Miller	52
Carroll	51	Mitchell	51
Catoosa	61	Monroe	44
Charlton	45	Montgomery	47
Chatham	61	Morgan	57
Chattahoochee	29	Murray	53
Chattooga	56	Muscogee	40
Cherokee	50	Newton	55
Clarke	57	Oconee	56
Clay	54	Oglethorpe	57
Clayton	43	Paulding	50
Clinch	50	Peach	69
Cobb	46	Pickens	40
Coffee	47	Pierce	52
Colquitt	58	Pike	56
Columbia	40	Polk	54
Cook	57	Pulaski	50
Coweta	46	Putnam	50
Crawford	53	Quitman	42
Crisp	58	Randolph	52
Dade	50	Richmond	42
Dawson	41	Rockdale	45
Decatur	35	Schley	51
De Kalb	48	Screven	46
Dodge	47	Seminole	62
Dooly	59	Spalding	55
Dougherty	42	Stephens	57
Douglas	41	Stewart	46
Early	57	Sumter	64
Echols	37	Talbot	41
Effingham	54	Taliaferro	38
Elbert	62	Tattnall	49
Emanuel	47	Taylor	58
Evans	52	Telfair	45
Fayette	49	Terrell	65
Floyd	57	Thomas	52
Forsyth	55	Tift	54
Franklin	65	Toombs	54
Fulton	54	Treutlen	51
Gilmer	42	Troup	43
Glascock	41	Turner	55
Gordon	64	Twiggs	43
Grady	58	Upson	50
Greene	44	Walker	50
Gwinnett	55	Walton	59
Habersham	57	Ware	52
Hall	53	Warren	46
Hancock	45	Washington	50
Haralson	51	Wayne	54
Harris	46	Webster	42
Hart	65	Wheeler	50
Heard	53	White	59
Henry	53	Whitfield	48
Houston	49	Wilcox	50
Irwin	52	Wilkes	45
Jackson	52	Wilkinson	38
Jasper	54	Worth	58

ILLINOIS

Alexander	51	Massac	49
Jefferson	48	Pulaski	48
Madison	48	Williamson	46

KANSAS

Cowley	24	Montgomery	24

COTTON—Continued

KENTUCKY

County	Dollars per acre	County	Dollars per acre
Ballard	43	Graves	52
Calloway	49	Hickman	71
Carlisle	52	McCracken	44
Fulton	83	Marshall	43

LOUISIANA

Acadia	69	Madison	83
Allen	50	Morehouse	78
Ascension	52	Natchitoches	65
Assumption	60	Orleans	55
Avoyelles	87	Ouachita	70
Beauregard	38	Plaquemines	55
Bienville	40	Pointe Coupee	82
Bossier	71	Rapides	103
Caddo	79	Red River	65
Calcasieu	50	Richland	59
Caldwell	64	Sabine	38
Cameron	52	St. Bernard	49
Catahoula	65	St. Helena	51
Claiborne	31	St. James	57
Concordia	84	St. John the Baptist	50
De Soto	39	St. Landry	79
East Baton Rouge	51	St. Martin	75
East Carroll	80	St. Mary	52
East Feliciana	57	St. Tammany	54
Evangeline	77	Tangipahoa	54
Franklin	56	Tensas	90
Grant	71	Union	42
Iberia	52	Vermilion	65
Iberville	57	Vernon	39
Jackson	35	Washington	60
Jefferson	53	Webster	42
Jefferson Davis	50	West Baton Rouge	73
Lafayette	73	West Carroll	61
Lafourche	48	West Feliciana	63
La Salle	62	Winn	35
Lincoln	33		
Livingston	54		

MARYLAND

Caroline	46

MISSISSIPPI

Adams	55	Leflore	79
Alcorn	57	Lincoln	56
Amite	56	Lowndes	51
Attala	63	Madison	69
Benton	61	Marion	58
Bolivar	74	Marshall	61
Calhoun	70	Monroe	59
Carroll	70	Montgomery	73
Chickasaw	60	Neshoba	56
Choctaw	62	Newton	53
Claiborne	68	Noxubee	59
Clarke	52	Oktibbeha	44
Clay	55	Panola	73
Coahoma	85	Pearl River	56
Copiah	60	Perry	55
Covington	58	Pike	56
De Soto	71	Pontotoc	66
Forrest	59	Prentiss	62
Franklin	49	Quitman	78
George	62	Rankin	71
Greene	59	Scott	63
Grenada	75	Sharkey	75
Hancock	56	Simpson	58
Harrison	56	Smith	60
Hinds	60	Stone	56
Holmes	84	Sunflower	71
Humphreys	74	Tallahatchie	75
Issaquena	71	Tate	82
Itawamba	58	Tippah	63
Jackson	60	Tishomingo	49
Jasper	52	Tunica	81
Jefferson	58	Union	62
Jefferson Davis	60	Walthall	66
Jones	63	Warren	80
Kemper	50	Washington	73
Lafayette	59	Wayne	57
Lamar	61	Webster	69
Lauderdale	56	Wilkinson	59
Lawrence	55	Winston	60
Leake	65	Yalobusha	61
Lee	60	Yazoo	76

COTTON—Continued

MISSOURI

County	Dollars per acre	County	Dollars per acre
Bollinger	36	Oregon	31
Butler	52	Ozark	35
Cape Girardeau	51	Pemiscot	71
Carter	33	Ripley	41
Dunklin	66	Scott	62
Howell	31	Stoddard	73
Jefferson	43	Vernon	55
Mississippi	72	Wayne	33
New Madrid	65		

NEVADA

Clark	116	Nye	71

NEW MEXICO

Bernalillo	38	Lea	79
Chaves	114	Luna	116
Curry	32	Otero	89
De Baca	81	Quay	49
Dona Ana	113	Roosevelt	33
Eddy	113	Sierra	110
Grant	57	Socorro	70
Guadalupe	35	Valencia	38
Hidalgo	94		

NORTH CAROLINA

Alamance	57	Jones	50
Alexander	56	Lee	64
Anson	58	Lenoir	58
Beaufort	66	Lincoln	60
Bertie	61	Martin	63
Bladen	52	Mecklenburg	60
Brunswick	53	Montgomery	54
Burke	54	Moore	52
Cabarrus	60	Nash	52
Caldwell	61	New Hanover	51
Camden	68	Northampton	68
Carteret	52	Onslow	55
Catawba	60	Orange	57
Chatham	52	Pamlico	52
Chowan	68	Pasquotank	56
Cleveland	66	Pender	53
Columbus	56	Perquimans	70
Craven	51	Person	50
Cumberland	59	Pitt	57
Currituck	57	Polk	62
Davidson	59	Randolph	56
Davie	58	Richmond	49
Duplin	61	Robeson	60
Durham	56	Rockingham	57
Edgecombe	54	Rowan	62
Forsyth	50	Rutherford	63
Franklin	49	Sampson	52
Gaston	59	Scotland	64
Gates	66	Stanly	69
Granville	50	Tyrrell	65
Greene	57	Union	55
Guilford	57	Vance	51
Halifax	60	Wake	51
Harnett	64	Warren	68
Hertford	60	Washington	63
Hoke	56	Wayne	51
Hyde	52	Wilkes	58
Iredell	59	Wilson	59
Johnston	60	Yadkin	

OKLAHOMA

Adair	20	Dewey	25
Alfalfa	22	Ellis	24
Atoka	23	Garfield	24
Beaver	21	Garvin	39
Beckham	28	Grady	39
Blaine	30	Grant	24
Bryan	31	Greer	26
Caddo	36	Harmon	29
Canadian	35	Harper	19
Carter	22	Haskell	32
Cherokee	19	Hughes	31
Choctaw	36	Jackson	36
Cleveland	40	Jefferson	23
Coal	29	Johnston	26
Comanche	19	Kay	34
Cotton	25	Kingfisher	26
Craig	33	Kiowa	29
Creek	23	Latimer	20
Custer	31	Le Flore	42
Delaware	31	Lincoln	23

COTTON—Continued

OKLAHOMA—continued

County	Dollars per acre	County	Dollars per acre
Logan	27	Payne	26
Love	29	Pittsburg	33
McClain	36	Pottawatomie	26
McCurtain	54	Pushmataha	16
McIntosh	34	Roger Mills	25
Major	25	Rogers	29
Marshall	39	Seminole	20
Mayes	32	Sequoyah	52
Murray	35	Stephens	22
Muskogee	42	Texas	24
Noble	25	Tillman	37
Nowata	23	Tulsa	39
Okfuskee	24	Wagoner	36
Oklahoma	27	Washington	23
Okmulgee	26	Washita	32
Osage	37	Woodward	18
Pawnee	29		

SOUTH CAROLINA

Abbeville	55	Greenwood	50
Aiken	52	Hampton	59
Allendale	52	Horry	53
Anderson	61	Jasper	55
Bamberg	52	Kershaw	46
Barnwell	49	Lancaster	58
Beaufort	52	Laurens	59
Berkeley	55	Lee	64
Calhoun	64	Lexington	52
Charleston	46	McCormick	49
Cherokee	55	Marion	56
Chester	60	Marlboro	62
Chesterfield	51	Newberry	56
Clarendon	59	Oconee	70
Colleton	58	Orangeburg	59
Darlington	57	Pickens	66
Dillon	63	Richland	58
Dorchester	66	Saluda	62
Edgefield	68	Spartanburg	55
Fairfield	55	Sumter	63
Florence	55	Union	52
Georgetown	45	Williamsburg	56
Greenville	65	York	65

TENNESSEE

Bedford	45	Lewis	44
Benton	51	Lincoln	57
Bradley	49	Loudon	42
Cannon	45	McMinn	42
Carroll	61	McNairy	65
Chester	63	Madison	60
Coffee	63	Marion	59
Crockett	73	Marshall	48
Cumberland	42	Maury	45
Davidson	46	Meigs	42
Decatur	45	Monroe	39
De Kalb	41	Montgomery	46
Dyer	74	Moore	51
Fayette	63	Obion	76
Franklin	65	Perry	50
Gibson	66	Polk	53
Giles	48	Rhea	42
Grundy	58	Roane	35
Hamilton	48	Robertson	46
Hardeman	64	Rutherford	63
Hardin	48	Shelby	66
Haywood	67	Tipton	73
Henderson	60	Van Buren	40
Henry	54	Warren	45
Hickman	47	Wayne	42
Humphreys	40	Weakley	57
Knox	62	White	42
Lake	97	Williamson	43
Lauderdale	76	Wilson	45
Lawrence	53		

TEXAS

Anderson	26	Bastrop	24
Andrews	22	Baylor	28
Angelina	38	Bee	31
Aransas	35	Bell	28
Archer	24	Bexar	23
Armstrong	28	Blanco	25
Atascosa	21	Borden	24
Austin	49	Bosque	23
Bailey	28	Bowie	53
Bandera	26	Brazoria	66

COTTON—Continued

TEXAS—continued

County	Dollars per acre	County	Dollars per acre
Brazos	53	Hill	27
Brewster	82	Hockley	40
Briscoe	34	Hood	22
Brooks	18	Hopkins	26
Brown	18	Houston	37
Burleson	51	Howard	29
Burnet	19	Hudspeth	98
Caldwell	30	Hunt	31
Calhoun	55	Irion	21
Callahan	19	Jack	21
Cameron	58	Jackson	48
Camp	30	Jasper	36
Carson	26	Jeff Davis	96
Cass	33	Jefferson	55
Castro	55	Jim Hogg	15
Chambers	59	Jim Wells	27
Cherokee	33	Johnson	28
Childress	27	Jones	24
Clay	25	Karnes	24
Cochran	28	Kaufman	27
Coke	16	Kendall	26
Coleman	21	Kenedy	21
Collin	34	Kent	24
Collingsworth	26	Kerr	24
Colorado	43	Kimble	27
Comal	28	King	27
Comanche	17	Kinney	38
Concho	21	Kleberg	30
Cooke	31	Knox	34
Coryell	23	Lamar	33
Cottle	29	Lamb	49
Crockett	52	Lampasas	19
Crosby	43	La Salle	21
Culberson	103	Lavaca	33
Dallam	31	Lee	25
Dallas	30	Leon	37
Dawson	29	Liberty	54
Deaf Smith	40	Limestone	22
Delta	38	Live Oak	31
Denton	27	Llano	19
De Witt	28	Loving	44
Dickens	28	Lubbock	63
Dimmit	51	Lynn	29
Donley	25	McCulloch	19
Duval	18	McLennan	26
Eastland	19	McMullen	24
Ector	54	Madison	37
Ellis	32	Marion	27
El Paso	125	Martin	27
Erath	19	Mason	21
Falls	27	Matagorda	54
Fannin	33	Maverick	63
Fayette	37	Medina	25
Fisher	26	Menard	19
Floyd	53	Midland	24
Foard	23	Milam	32
Fort Bend	64	Mills	21
Franklin	31	Mitchell	29
Freestone	25	Montague	23
Frio	26	Montgomery	31
Gaines	21	Moore	27
Galveston	55	Morris	30
Garza	29	Motley	26
Gillespie	21	Nacogdoches	35
Glasscock	23	Navarro	26
Goliad	29	Newton	29
Gonzales	25	Nolan	28
Gray	26	Nueces	44
Grayson	32	Ochiltree	28
Gregg	33	Oldham	36
Grimes	45	Orange	54
Guadalupe	27	Palo Pinto	20
Hale	67	Panola	34
Hall	29	Parker	20
Hamilton	21	Parmer	59
Hansford	26	Pecos	98
Hardeman	24	Polk	35
Hardin	44	Potter	29
Harris	54	Presidio	110
Harrison	30	Rains	27
Hartley	27	Randall	23
Haskell	33	Reagan	31
Hays	30	Real	36
Hemphill	25	Red River	36
Henderson	26	Reeves	127
Hidalgo	55	Refugio	49

COTTON—Continued

TEXAS—continued

County	Dollars per acre	County	Dollars per acre
Roberts	25	Tom Green	26
Robertson	50	Travis	27
Rockwall	32	Trinity	34
Runnels	22	Tyler	48
Rusk	32	Upshur	27
Sabine	31	Uvalde	77
San Augustine	30	Val Verde	63
San Jacinto	35	Van Zandt	27
San Patricio	48	Victoria	48
San Saba	21	Walker	35
Schleicher	25	Waller	44
Scurry	27	Ward	50
Shackelford	19	Washington	43
Shelby	35	Webb	47
Smith	31	Wharton	59
Somervell	20	Wheeler	25
Starr	21	Wichita	32
Stephens	16	Wilbarger	33
Sterling	24	Willacy	54
Stonewall	23	Williamson	29
Sutton	94	Wilson	22
Swisher	51	Winkler	43
Tarrant	29	Wise	25
Taylor	20	Wood	27
Terrell	57	Yoakum	25
Terry	26	Young	23
Throckmorton	28	Zapata	52
Titus	41	Zavala	76

VIRGINIA

Accomack	64	Lunenburg	62
Brunswick	54	Mecklenburg	55
Caroline	62	Nansemond	65
Charlotte	50	Norfolk	53
Chesterfield	57	Prince Edward	51
Cumberland	53	Prince George	51
Dinwiddie	53	Princess Anne	53
Franklin	51	Southampton	62
Greensville	55	Surry	54
Halifax	51	Sussex	56
Isle of Wight	57		

RICE

ARKANSAS

Arkansas	67	Lafayette	48
Ashley	60	Lawrence	60
Chicot	61	Lee	64
Clark	62	Lincoln	57
Clay	60	Little River	49
Conway	58	Lonoke	64
Craighead	64	Miller	53
Crittenden	63	Mississippi	62
Cross	60	Monroe	62
Dallas	59	Perry	53
Desha	59	Phillips	60
Drew	60	Poinsett	64
Faulkner	61	Prairie	64
Grant	57	Pulaski	59
Greene	61	Randolph	60
Hot Springs	58	St. Francis	62
Independence	58	White	62
Jackson	63	Woodruff	62
Jefferson	58		

CALIFORNIA

Butte	82	Riverside	46
Colusa	79	Sacramento	76
Fresno	73	San Joaquin	65
Glenn	77	Solano	66
Imperial	32	Stanislaus	79
Kern	62	Sutter	78
Kings	43	Tulare	43
Madera	74	Yola	70
Merced	62	Yuba	62
Placer	73		

FLORIDA

Palm Beach	29

ILLINOIS

Adams	65

LOUISIANA

Acadia	59	Assumption	57
Allen	57	Avoyelles	60
Ascension	59	Beauregard	45

RICE—Continued

LOUISIANA—continued

County	Dollars per acre	County	Dollars per acre
Bossier	60	Plaquemines	55
Calcasieu	49	Rapides	59
Cameron	57	Richland	66
Concordia	66	St. Charles	53
East Carroll	75	St. James	55
Evangeline	57	St. John the Baptist	64
Franklin	58	St. Landry	58
Grant	59	St. Martin	65
Iberia	56	St. Mary	57
Iberville	61	St. Tammany	45
Jefferson Davis	59	Tensas	69
Lafayette	60	Terrebonne	51
Lafourche	50	Vermilion	57
Madison	66	West Carroll	71
Morehouse	71		

MISSISSIPPI

Bolivar	60	Quitman	62
Coahoma	60	Sharkey	60
De Soto	62	Sunflower	59
Hancock	24	Tallahatchie	63
Humphreys	59	Tate	57
Issaquena	57	Tunica	63
Leflore	63	Washington	60
Panola	61		

MISSOURI

Lewis	66	Dunklin	90
Marion	63	Mississippi	36
Lincoln	71	New Madrid	39
St. Charles	80	Pemiscot	68
Ripley	53	Scott	78
Butler	76	Stoddard	57

NORTH CAROLINA

Hyde	47

OKLAHOMA

McCurtain	53

SOUTH CAROLINA

Berkeley	44	Georgetown	27
Charleston	28	Horry	44
Colleton	29	Jasper	38

TENNESSEE

Dyer	44	Lauderdale	65
Fayette	44		

TEXAS

Austin	67	Lavaca	64
Bowie	57	Liberty	59
Brazoria	61	Matagorda	66
Calhoun	61	Milam	63
Chambers	57	Newton	61
Colorado	68	Orange	56
Fort Bend	64	Polk	54
Galveston	58	San Jacinto	54
Hardin	63	Victoria	66
Harris	65	Walker	61
Jackson	69	Waller	67
Jasper	56	Washington	69
Jefferson	57	Wharton	66

[F. R. Doc. 56-10483; Filed, Dec. 28, 1956; 8:45 a. m.]

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the Conservation Reserve Program Regulations issued August 16, 1956 (21 F. R. 6289), and amended November 8, 1956 (21 F. R. 8792) are hereby amended as follows:

1. Section 485.156 (b) is amended by striking out the first sentence and inserting in lieu thereof the following: "A contract which includes 1956 as a part of the contract period must be signed by the farm operator and filed with the county committee not later than November 30, 1956. If a person in addition to the operator is required to sign the contract, the operator must sign the contract and deliver a signed copy to the county committee not later than November 30, 1956, and must obtain the signature of such other person and furnish the fully executed contract to the county committee not later than December 31, 1956."

2. Section 485.156 (c) (1) is amended by striking out the language "three years or five years," and inserting in lieu thereof the language "three years, five years, or ten years,".

3. Section 485.156 (c) (3) is amended by adding after the words "practice A–7" in the first sentence, the words "or woody vegetation under practice G–1".

4. Section 485.157 (b) (2) is amended to read as follows:

(2) Approved protective vegetative cover (other than tree or shrub cover) shall be limited to perennial grasses and perennial legumes normally seeded in the area for hay or pasture: *Provided*, That approved protective vegetative cover may include other grasses and legumes and volunteer vegetative cover, upon recommendation by the county committee, the local Soil Conservation Service technician, and the Forest Service representative having responsibility for farm forestry in the county, and approval of the State ASC Committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having responsibility for farm forestry in the State. Approved protective vegetative cover shall be adequate to provide good protection from wind and water erosion for the contract period and where practicable shall be of specific benefit to wildlife. Volunteer vegetative cover may be included as approved protective cover only under conditions and standards prescribed by the State committee, the State conservationist of the Soil Conservation Service and the Forest Service official having responsibility for farm forestry in the State and only where it is determined that it will be impracticable at any time during the period of the contract to require the establishment of grasses and legumes normally seeded in the area for hay or pasture.

5. Section 485.158 (a) is amended to read as follows:

(a) (1) A soil bank base shall be established by the county committee for each farm on which land is placed in the conservation reserve. The soil bank base for the farm shall be the average acreage of land devoted to soil bank base crops during the soil bank base period applicable to the farm, adjusted by the county committee where necessary to make due allowance for abnormal weather conditions or for the established crop rotation system for the farm to the extent that such abnormal weather conditions or crop rotation system affected the acreage of such crops during such period. The soil bank base period for a farm shall be the two-year period immediately preceding the first year of the contract period if the contract period starts with the calendar year 1956 or 1957 or the period beginning with 1955 and ending with the year immediately preceding the first year of the contract period if the contract period starts with the calendar year 1958 or a succeeding year. The soil bank base crops shall consist of all crops produced for harvest on the farm other than (i) annual grasses pastured or cut for hay or ensilage, provided a crop of seed or grain was not harvested from such grasses, (ii) biennial legumes, (iii) perennial grasses and legumes, (iv) annual legumes except soybeans, cowpeas, peanuts, field and canning peas, and field and canning beans, and (v) land devoted to a garden primarily for home consumption: *Provided*, That the acreage of any commodity for which payment is made under the acreage reserve program during the soil bank base period shall be considered as being devoted to a crop of such commodity and shall be included in determining the soil bank base. The soil bank base established hereunder may provide different acreages for alternate years when necessary to reflect an established summer fallow rotation system, provided the average of the acreages for such alternate years shall equal the acreage as determined above.

(2) If the contract is modified to include additional land in the conservation reserve other than through reconstitution of the farm, the soil bank base established for the farm under the original contract shall remain the same under the contract as modified.

6. Section 485.158 (b) is amended by changing the period at the end thereof to a comma and adding the following: "Notwithstanding the provisions of subparagraph (2) of this paragraph, if the reconstitution of a farm under contract results in all or a part of the conservation reserve for the reconstituted farm being in excess of the soil bank base for such farm, the part of the conservation reserve in excess of the soil bank base may be continued in the conservation reserve for the duration of the contract at the non-diversion rate specified in § 485.163."

7. Section 485.159 is amended by adding a paragraph (c) to read as follows:

(c) If the farm is divided the farm soil bank base shall be apportioned among the respective parts as follows: An acreage of the farm soil bank base equal to the acreage allotments for the farm will be apportioned to each part on the same basis as the acreage allotments are apportioned to each part under the regulations governing the establishment of acreage allotments. The remainder of the acreage of the soil bank base, if any, shall be apportioned on the basis of the cropland on each part. If the county committee determines that such apportionment of the remainder of the farm soil bank base results in an apportionment which would not be representative of the farming operations normally carried out on each part, the remainder may be apportioned among the respective parts in the same manner as would have been done if each part had been a completely separate farm. The sum of the soil bank base acreages determined hereunder for the respective parts of the farm shall in no event exceed the farm soil bank base established for the farm prior to its division.

8. Section 485.162 (b) is amended by striking out the proviso in the first sentence and inserting in lieu thereof the following: "*Provided*, That where the area covered by the water impounded by a water storage facility is not wholly within the conservation reserve on a farm, the cost-share for such water storage facility practice shall be limited to a percentage of the cost-share computed as above which is equal to the percentage which the area located on the conservation reserve covered by the impounded water is of the total area covered by the impounded water: *Provided further*, That in no case shall the cost-share for a water storage facility exceed $1,500."

9. Section 485.169 (b) is amended to read as follows:

(b) (1) The loss of control of all or a part of the farm by sale or otherwise by any owner signatory to the contract or by any cash tenant, standing-rent tenant, or fixed-rent tenant who has a lease for the entire contract period and who signed the contract in lieu of the owner shall terminate the contract as to such producer with respect to the acreage over which control is lost. In the event of such termination, the producer losing such control shall not be entitled to further compensation under the contract with respect to the acreage over which control is lost and shall refund all Federal cost-shares paid under the contract with respect to such acreage unless the producer who acquires his interest in such acreage is or becomes a party to a conservation reserve contract which will continue in the conservation reserve for the duration of the contract period the acreage which was in the conservation reserve at the time such interest was acquired.

(2) The contract shall remain in full force and effect in accordance with the original terms and conditions of the contract with respect to the acreage remaining under the producer's control, modified however to reflect the changes, if any, in the acres in the farm, farm soil bank base, permitted acres, and conservation reserve resulting from the loss of control. In the event that the soil bank base on the acreage remaining under his control is less than the acreage in the conservation reserve at the regular rate the producer may elect (i) to continue the acreage in the conservation reserve for the duration of the contract period under a contract so modified or (ii) to refund all Federal cost-shares paid with respect to that part of the acreage in the conservation reserve remaining under his control. In the event of such refund, the producer shall not be entitled to further compensation under the contract and shall be relieved of further obligations under the contract.

(3) The loss of control of all or part of a farm by any producer signatory to the contract shall not affect the rights and obligations of all other producers signatory to the contract except as otherwise provided in this subpart.

10. Section 485.170 is amended to read as follows:

§ 485.170 *Assignments.* Any producer who may be entitled to any practice payment or annual payment under the Conservation Reserve Program may assign his right thereto, in whole or in part, subject to the following conditions:

(a) The assignment must be made in writing on a form prescribed by the Administrator.

(b) There may be only one outstanding assignment of compensation payable to a producer for any one year under a contract.

(c) Each assignment may cover only compensation due under one contract.

(d) The producer's signature must be affixed to the assignment in the presence of two witnesses, neither of whom may be an employee or an agent of, or related to, the assignee.

In order to be recognized the assignment must be delivered at the office of the county committee which signed the contract. In the event of two outstanding assignments by a producer for one year only the first one received at such county office will be recognized. Payment of any compensation which may become due will be paid to the assignee to the extent of the assignment and subject to the provisions of § 485.166 pertaining to set offs, unless prior thereto the county office at which the assignment was delivered receives a written release signed by the assignee. No further assignment may be made by the assignee.

(Sec. 124, 70 Stat. 198. Interpret or apply secs. 107–123, 125, 126, 70 Stat. 191–198)

Done at Washington, D. C., this 26th day of December 1956.

[SEAL] E. L. PETERSON, *Acting Secretary.*

[F. R. Doc. 56-10574; Filed, Dec. 28, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

AMENDMENT OF FRUIT AND VEGETABLE QUARANTINE REGULATIONS

Pursuant to the authority conferred by sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U. S. C. 159, 162), § 319.56–2 of the regulations supplemental to Fruit and Vegetable Quarantine No. 56 (7 CFR 319.56–2) is amended by deleting therefrom the final sentence in the fifth paragraph thereof, reading, "However, entry of pineapples from Jamaica is restricted to the Port of New York and to such other northern ports as may be designated in the permits."

Jefferson	33	Cowley	24	Montgomery	24	Lee	60	Yazoo	76		

Custer	31	Le Flore	42	Bailey	28	Bowie	66	Hidalgo	55	Refugio	49
Delaware	31	Lincoln	23	Bandera	26	Brazoria	66				

Acadia	59	Assumption	57
Allen	57	Avoyelles	60
Ascension	59	Beauregard	45

striking out the first sentence and inserting in lieu thereof the following:

period. The soil bank base period for a farm shall be the two-year period imme-

A recent survey in Jamaica by an entomologist of the United States Department of Agriculture disclosed that the pest risk previously associated with Jamaican pineapples does not now exist when the pineapples are grown under cultural conditions required for commercial production. Commercially-produced pineapples, therefore, may be safely authorized entry at all ports subject to inspection on arrival to confirm their freedom from injurious insects. Consequently, it is no longer considered necessary to restrict the entry of Jamaican-grown pineapples to the port of New York or to such other northern ports as might be authorized.

This amendment shall be effective on December 29, 1956.

This amendment is a relieving of restrictions now existing which are no longer necessary as indicated above. The amendment should be made effective as soon as possible to be of maximum benefit to importers. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure are impracticable, unnecessary, and contrary to the public interest. Since the amendment relieves restrictions it may, under said section 4, be made effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318, 7 U. S. C. 143, 162)

Done at Washington, D. C., this 26th day of December 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-10587; Filed, Dec. 28, 1956; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective January 1, 1957. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Greater Boston, Massachusetts, marketing area. The provisions of the said order are well known to handlers—the public hearing having been held on February 28–29, 1956, the recommended decision having been issued on October 30, 1956 (21 F. R. 8405; F. R. Doc. 56–8898) and the final decision having been issued December 5, 1956 (21 F. R. 9767; F. R. Doc. 56–10124). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective January 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) of more than 50 percent of the milk covered by the order, which is marketed within the Greater Boston, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum thereon and who, during the determined representative period (November 1956), were engaged in the production and sale of milk in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. In § 904.41 (a) delete the words "Subject to § 904.43 (c)," and capitalize the word "subtract".

2. Delete § 904.42 and substitute the following:

§ 904.42 *Zone price differentials.* The prices determined pursuant to §§ 904.40, 904.41 and 904.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) Each city plant shall be in the "City Plant" zone.

(b) The zone location of each country plant shall be based upon its highway mileage distance to Boston as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Boston and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Boston, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C	D
Distance to Boston (miles)	Zone	Class I and blended price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Within 40	City plant	+54.0	+38.1
41 to 50	5	+19.2	+4.2
51 to 60	6	+18.0	+4.0
61 to 70	7	+16.8	+3.7
71 to 80	8	+15.6	+3.5
81 to 90	9	+14.4	+3.2
91 to 100	10	+13.2	+3.0
101 to 110	11	+12.0	+2.9
111 to 120	12	+10.8	+2.6
121 to 130	13	+9.6	+2.4
131 to 140	14	+8.4	+2.1
141 to 150	15	+7.2	+1.6
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+0.6
181 to 190	19	+2.4	+0.4
191 to 200	20	+1.2	+0.1
201 to 210	21	(1)	(1)
211 to 230	22	−1.0	−0.6
231 to 240	23	−2.0	−0.7
241 to 250	24	−3.0	−0.9
251 to 260	25	−4.0	−0.9
261 to 270	26	−5.0	−1.2
271 to 280	27	−6.0	−1.3
281 to 290	28	−7.0	−1.5
291 to 300	29	−8.0	−1.6
301 to 310	30	−9.0	−1.8
311 to 320	31	−10.0	−2.3
321 to 330	32	−11.0	−2.4
331 to 340	33	−12.0	−2.5
341 to 350	34	−13.0	−2.8
351 to 360	35	−14.0	−2.8
361 to 370	36	−15.0	−3.0
371 to 380	37	−16.0	−3.1
381 to 390	38	−17.0	−3.3
391 to 400	39	−18.0	−3.4
401 to 410	40	−19.0	−3.5
411 to 420	41	−20.0	−3.5
421 to 430	42	−21.0	−3.5
431 to 440	43	−22.0	−3.5
441 to 450	44	−23.0	−3.5
451 and over	45	−24.0	−3.5
	46 and over	(2)	

[1] No differential.
[2] Class I and blended price differentials applicable to plants located more than 450 miles from Boston shall be obtained by extending the table at the rate of one cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

3. Delete § 904.43.

4. In § 904.47 (c) delete the words "by railway mileage distance" and substitute therefor the words "according to their zone locations".

5. Delete § 904.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 904.48 (e) and substitute the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In § 904.63 delete the words "Subject to § 904.43 (c)," and capitalize the word "subtract".

8. Delete the introductory text of § 904.64 preceding paragraph (a) and substitute therefor the following:

§ 904.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 904.61 (a) shall be subject to the differentials set forth in Column C of the table in § 904.42 and to further differentials as follows:

9. In § 904.65 (a) (2), (3), and (b) insert immediately following the word "zone" each time it appears the word "location".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 21st day of December 1956 to be effective on and after January 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56–10569; Filed, Dec. 28, 1956; 8:49 a. m.]

[Navel Orange Reg. 99]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.399 *Navel Orange Regulation 99*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 27, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 30, 1956, and ending at 12:01 a. m., P. s. t., January 6, 1957, is hereby fixed as follows:

(i) District 1: 554,400 cartons;
(ii) District 2: 103,377 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 28, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56–10626; Filed, Dec. 28, 1956; 11:33 a. m.]

PART 934—MILK IN MERRIMACK VALLEY, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective January 1, 1957. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Merrimack Valley, Massachusetts, marketing area. The provisions of the said order are well known to handlers—the public hearing having been held on February 28–29, 1956, the recommended decision having been issued on October 30, 1956 (21 F. R. 8405; F. R. Doc. 56–8898) and the final decision having been issued December 5, 1956 (21 F. R. 9767; F. R. Doc. 56–10124). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective January 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) of more than 50 percent of the milk covered by the order, which is marketed within the Merrimack Valley, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum thereon and who, during the determined representative period (October 1956), were engaged in the production and sale of milk in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Merrimack Valley, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. § 934.25 (g), (h), and (i), delete the words "to the City Hall in Lawrence" and substitute therefor the words "to Lawrence according to their zone location".

2. In § 934.40 delete the figure "52" and substitute therefor the figure "54".

3. Delete § 934.42 and substitute the following:

§ 934.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 934.40, 934.41, and 934.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Lawrence as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Lawrence and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Lawrence, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A	B	C	D
Distance to Lawrence (miles)	Zone	Class I and blended price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Lawrence shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

4. Delete § 934.43.

5. Delete § 934.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 934.48 (e) and substitute the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In the first sentence of § 934.64, delete the words "Class I price differentials applicable pursant to § 934.42" and substitute therefor the words "differentials set forth in Column C of the table in § 934.42,".

8. In § 934.65 (a) and (b) delete the words "location or zone" and substitute therefor the words "zone location".

9. In § 934.66 (a) delete the words "location or zone" and substitute therefor the words "zone location".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 21st day of December 1956, to be effective on and after January 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56–10570; Filed, Dec. 28, 1956; 8:49 a. m.]

PART 996—MILK IN SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 996.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective January 1, 1957. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Springfield, Massachusetts, marketing area. The provisions of the said order are well known to handlers—the public hearing having been held on February 28–29, 1956, the recommended decision having been issued on October 30, 1956 (21 F. R. 8405; F. R. Doc. 56–8898) and the final decision having been issued December 5, 1956 (21 F. R. 9767; F. R. Doc. 56–10124). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective January 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) of more than 50 percent of the milk covered by the order, which is marketed within the Springfield, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum thereon and who, during the determined representative period (October 1956), were engaged in the production and sale of milk in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. In § 996.25 (g), (h), and (i), insert immediately preceding the period the words "according to their zone locations".

2. In § 996.40 delete the figure "52" and substitute therefor the figure "54".

3. Delete § 996.42 and substitute the following:

§ 996.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 996.40, 996.41, and 996.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Springfield as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Springfield and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Springfield, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Springfield (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−8.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Springfield shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

4. Delete § 996.43.

5. Delete § 996.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 996.48 (e) and substitute the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In the first sentence of § 996.64, delete the words "Class I price differentials applicable pursuant to § 996.42" and substitute therefor the words "differentials set forth in Column C of the table in § 996.42,".

8. In § 996.65 (a) and (b) delete the words "location or zone" and substitute therefor the words "zone location".

9. In § 996.66 (a) delete the words "location or zone" and substitute therefor the words "zone location".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 21st day of December 1956, to be effective on and after January 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-10571; Filed, Dec. 28, 1956; 8:49 a. m.]

PART 999—MILK IN WORCESTER, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective January 1, 1957. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Worcester, Massachusetts, marketing area. The provisions of the said order are well known to handlers—the public hearing having been held on February 28–29, 1956, the recommended decision having been issued on October 30, 1956 (21 F. R. 8405; F. R. Doc. 56–8898) and the final decision having been issued December 5, 1956 (21 F. R. 9767; F. R. Doc. 56–10124). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective January 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) of more than 50 percent of the milk covered by the order, which is marketed within the Worcester, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum thereon and who, during the determined representative period (October 1956), were engaged in the production and sale of milk in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk

in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. In § 999.25 (g), (h), and (i), insert immediately preceding the period the words "according to their zone locations".

2. In § 999.40 delete the figure "52" and substitute therefor the figure "54".

3. Delete § 999.42 and substitute the following:

§ 999.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 999.40, 999.41, and 999.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Worcester as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Worcester and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Worcester, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Worcester (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
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71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
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221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−8.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Worcester shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

4. Delete § 999.43.

5. Delete § 999.48 (a) (2) and substitute the following:

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

6. Delete § 999.48 (e) and substitute the following:

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
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4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

7. In the first sentence of § 999.64, delete the words "Class I price differentials applicable pursuant to § 999.42" and substitute therefor the words "differentials set forth in Column C of the table in § 999.42,".

8. In § 999.65 (a) and (b) delete the words "location or zone" and substitute therefor the words "zone location".

9. In § 999.66 (a) delete the words "location or zone" and substitute therefor the words "zone location".

(Sec. 5, 49, Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 21st day of December 1956 to be effective on and after January 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-10572; Filed, Dec. 28, 1956; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 11]

PART 73—SCABIES IN CATTLE

AREAS QUARANTINED BECAUSE OF SCABIES

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 73.0, as amended, Part 73, Subchapter C, Chapter I, Title 9, Code of Federal Regulations (21 F. R. 9244), is hereby further amended to read as follows:

§ 73.0 *Notice and quarantine.* Notice is hereby given that cattle in Colorado are affected with scabies, a contagious, infectious, and communicable disease, and Bent, Crowley, Las Animas, and Otero Counties are hereby quarantined because of said disease.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes Bent County, Colorado, within the areas quarantined because of scabies in cattle. Part 73, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, contains the regulations pertaining to the interstate movement of cattle from such quarantined areas.

The amendment imposes certain further restrictions necessary to prevent the spread of scabies in cattle, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amend-

ment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C. this 26th day of December 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-10588; Filed, Dec. 28, 1956; 8:52 a. m.]

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

SUBPART D—DESIGNATION OF MODIFIED CERTIFIED BRUCELLOSIS-FREE AREAS, PUBLIC STOCKYARDS, AND SLAUGHTERING ESTABLISHMENTS

CHANGES IN DESIGNATION OF MODIFIED CERTIFIED BRUCELLOSIS-FREE AREAS

Pursuant to § 78.16 of the regulations in Part 78, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, it has been determined that certain additional areas come within the definition of modified certified brucellosis-free areas in § 78.1 (i) of the regulations and that other areas heretofore designated as such areas do not come within the definition in § 78.1 (i), and § 78.13 of the regulations is hereby amended accordingly to read as follows:

§ 78.13 *Modified certified brucellosis-free areas.* The following States, Counties, Municipalities, and other areas, are hereby designated as modified certified brucellosis-free areas:

(a) The entire State of Maine;

(b) The entire State of New Hampshire;

(c) The entire State of North Carolina;

(d) The entire State of Washington;

(e) The entire State of Wisconsin;

(f) Arizona: Apache Indian Reservation, Hopi Indian Reservation, and Navajo Indian Reservation;

(g) Colorado: Southern Indian Ute Reservation;

(h) Delaware: Kent and New Castle Counties;

(i) Georgia: Wilkinson County;

(j) Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lemhi, Lewis, and Shoshone Counties;

(k) Indiana: Adams, Allen, Brown, Clark, Crawford, Daviess, Dubois, Floyd, Harrison, Lake, LaPorte, Martin, Perry, Porter, Posey, Pulaski, Spencer, Starke, and Warrick Counties;

(l) Maryland: Somerset, Wicomico, and Worcester Counties;

(m) Massachusetts: Dukes County;

(n) Michigan: Alger, Bay, Chippewa, Crawford, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Marquette, Menominee, Ontonagon, and Schoolcraft Counties;

(o) Minnesota: Aitkin, Anoka, Becker, Beltrami, Big Stone, Blue Earth, Brown, Carlton, Cass, Chisago, Clay, Clearwater, Cook, Cottonwood, Crow Wing, Dodge, Douglas, Faribault, Fillmore, Freeborn, Goodhue, Grant, Houston, Hubbard, Itasca, Jackson, Kandiyohi, Kittson, Koochiching, Lac Qui Parle, Lake, Lake of the Woods, LeSueur, Lincoln, Lyon, McLeod, Mahnomon, Marshall, Martin, Meeker, Morrison, Mower, Murray, Nicollet, Nobles, Norman, Olmstead, Ottertail, Pennington, Pine, Pipestone, Polk, Pope, Ramsey, Red Lake, Redwood, Renville, Rice, Rock, Roseau, St. Louis, Sherburne, Sibley, Steele, Stevens, Swift, Todd, Traverse, Wabasha, Wadena, Waseca, Watonwan, Wilkin, Winona, Wright, and Yellow Medicine Counties;

(p) Montana: Beaverhead, Blaine, Broadwater, Carbon, Cascade, Chouteau, Daniels, Deer Lodge, Flathead, Garfield, Golden Valley, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Mineral, Missoula, Phillips, Pondera, Roosevelt, Sanders, Sheridan, Silver Bow, Stillwater, Toole, and Valley Counties;

(q) Nebraska: Burt, Chase, Cuming, Dodge, Douglas, Fillmore, Gage, Hamilton, Harlan, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Sarpy, Seward, Thayer, Webster, and York Counties;

(r) Nevada: Mineral, Ormsby, and Storey Counties;

(s) New Jersey: Atlantic and Cape May Counties;

(t) New Mexico: Grant, Hidalgo, and Las Alamos Counties; and Isleta Indian Reservation, Navajo Indian Reservation, and Zuni Indian Reservation;

(u) New York: Warren County;

(v) North Dakota: Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cavalier, Divide, Eddy, Grant, Griggs, Hettinger, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

(w) Oregon: Clatsop, Coos, Curry, Josephine, Marion, Morrow, Multnomah, Tillamook, Washington, and Yamhill Counties.

(x) Pennsylvania: Allegheny, Armstrong, Beaver, Bedford, Blair, Bucks, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Dauphin, Delaware, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Lehigh, Luzerne, Lycoming, McKean, Mercer, Monroe, Montour, Pike, Schuylkill, Snyder, Somerset, Sullivan, Union, Venango, Warren, Washington, Westmoreland, and Wyoming Counties;

(y) Puerto Rico: Adjuntas, Aguada, Aguadilla, Aibonito, Anasco, Arecibo, Arroyo, Barceloneta, Barranquitas, Cabo Rojo, Camuy, Canovanas, Ceiba, Ciales, Cidra, Corozal, Guanica, Guayama, Guayanilla, Guaynabo, Gurabo, Hatillo, Humacao, Isabela, Jayuya, Juncos, Lares, Las Marias, Maricao, Maunabo, Mayaguez, Moca, Morovis, Orocovis, Petillas, Penuelas, Quebradillas, Rincon, San Juan, San Sebastian, Santa Isabel, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Villalba, and Yauco Municipalities;

(z) South Carolina: Bamberg, Cherokee, Chester, Malboro, Saluda, Union, and York Counties;

(aa) Tennessee: Johnson and Scott Counties;

(bb) Utah: Morgan and Weber Counties; and Navajo Indian Reservation;

(cc) West Virginia: Boone, Brooke, Cabell, Clay, Fayette, Grant, Greenbrier, Hancock, Harrison, Lincoln, Logan, McDowell, Marshall, Mingo, Ohio, and Upshur Counties.

Effective date: The foregoing amendment shall become effective on January 1, 1957.

The amendment deletes certain areas from the list of areas designated as modified certified brucellosis-free areas, and adds certain other areas to the list of areas heretofore so designated. The amendment will in part relieve restrictions, and will, in part, impose restrictions, on the interstate movement of cattle, as provided in Subpart C of the regulations. Subpart C of the regulations becomes effective on January 1, 1957. The foregoing amendment also should be made effective on that date in order to accomplish its purpose in the public interest and to be of maximum benefit to persons who would be subject to the restrictions relieved by the amendment. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 26th day of December 1956.

[SEAL] R. J. ANDERSON,
Chief, Animal Disease Eradication Branch, Agricultural Research Service.

[F. R. Doc. 56-10589; Filed, Dec. 28, 1956; 8:52 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

BANK HOLDING COMPANY'S SUBSIDIARY BANKS OWNING SHARES OF NONBANKING COMPANIES

§ 222.101 *Bank holding company's subsidiary banks owning shares of nonbanking companies.* (a) The Board's opinion has been requested on the following related matters under the Bank Holding Company Act of 1956.

(b) The question is raised as to whether shares in a nonbanking company which were acquired by a banking subsidiary of the bank holding company many years ago when their acquisition was lawful and are now held as investments, and which do not include more than 5 percent of the outstanding voting securities of such nonbanking company and do not have a value greater than 5 percent of the value of the bank holding company's total assets, are exempted from the divestment requirements of the act by the provisions of section 4 (c) (5) of the act.

(c) In the Board's opinion, this exemption is as applicable to such shares when held by a banking subsidiary of a bank holding company as when held directly by the bank holding company itself. While the exemption specifically refers only to shares held or acquired by the bank holding company, the prohibition of the act against retention of nonbanking interests applies to indirect as well as direct ownership of shares of a nonbanking company, and, in the absence of a clear mandate to the contrary, any exception to this prohibition should be given equal breadth with the prohibition. Any other interpretation would lead to unwarranted results.

(d) Although certain of the other exemptions in section 4 (c) of the act specifically refer to shares held or acquired by banking subsidiaries, an analysis of those exemptions suggests that such specific reference to banking subsidiaries was for the purpose of excluding nonbanking subsidiaries from such exemptions, rather than for the purpose of providing an inclusionary emphasis on banking subsidiaries.

(e) It should be noted that the Board's view as to this question should not be interpreted as meaning that each banking subsidiary could own up to 5 percent of the stock of the same nonbanking organization. In the Board's opinion the limitations set forth in section 4 (c) (5) apply to the aggregate amount of stock held in a particular organization by the bank holding company itself and by all of its subsidiaries.

(f) Secondly, question is raised as to whether shares in a nonbanking company acquired in satisfaction of debts previously contracted (d. p. c.) by a banking subsidiary of the bank holding company may be retained if such shares meet the conditions contained in section 4 (c) (5) as to value and amount, notwithstanding the requirement of section 4 (c) (2) that shares acquired d. p. c. be disposed of within two years after the date of their acquisition or the date of the act, whichever is later. In the Board's opinion, the 5 percent exemption provided by section 4 (c) (5) covers any shares, including shares acquired d. p. c., that meet the conditions set forth in that exemption, and, consequently, d. p. c. shares held by a banking subsidiary of a bank holding company which meet such conditions are not subject to the two-year disposition requirement prescribed by section 4 (c) (2), although any such shares would, of course, continue to be subject to such requirement for disposition as may be prescribed by provisions of any applicable banking laws or by the appropriate bank supervisory authorities.

(g) Finally, question is raised as to whether shares held by banking subsidiaries of the bank holding company in companies holding bank premises of such subsidiaries are exempted from the divestment requirements by section 4 (c) (1) of the act. It is the Board's view that section 4 (c) (1), exempting shares owned or acquired by a bank holding company in any company engaged solely in holding or operating properties used wholly or substantially by any subsidiary bank, is to be read and interpreted, like section 4 (c) (5), as applying to shares owned indirectly by a bank holding company through a banking subsidiary as well as to shares held directly by the bank holding company. A contrary interpretation would impair the right that member banks controlled by bank holding companies would otherwise have to invest, subject to the limitations of section 24A of the Federal Reserve Act, in stock of companies holding their bank premises; and such a result was not, in the Board's opinion, intended by the Bank Holding Company Act.

(Sec. 5 (b), 70 Stat. 137; 12 U. S. C. 1844)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 56-10555; Filed, Dec. 28, 1956; 8:47 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

COMMERCIAL VEHICLES AND COMMON CARRIERS

Paragraph (e) of § 3.35, entitled *Commercial vehicles and common carriers*, is amended to read as follows:

(e) The provisions of this section prohibiting commercial trucks shall not apply within "other Federal reservations", in the environs of the District of Columbia, as defined in § 3.4 (b), and shall not apply on that portion of Suitland Parkway between the intersection with Maryland Route 337 and the end of the Parkway at Maryland Route 4, a length of 0.6 mile.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 21st day of December 1956.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 56-10548; Filed, Dec. 28, 1956; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

REVISION OF PART

Because of the number of outstanding amendments to Part 27, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on December 31, 1956. Attention is called also to the deletion of § 27.16, Expired certificates; special issuance, and § 27.22, Termination of certificates, since they are obsolete and no longer applicable.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 27 of the Civil Air Regulations (14 CFR Part 27, as amended) as attached hereto, effective on December 31, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

REQUIREMENTS

Sec.
27.1 Aircraft dispatcher certificate requirements.
27.2 Age.
27.3 Character.
27.4 Citizenship.
27.5 Education.
27.6 Aeronautical knowledge.
27.7 Aeronautical experience.
27.8 Aeronautical skill.

AIRCRAFT DISPATCHER CERTIFICATE

27.10 Application.
27.11 Display.
27.12 Duration.
27.13 Temporary certificates.
27.14 Recent experience requirements.
27.17 Nontransferability.
27.19 Re-examination after failure.
27.20 Revocation.
27.21 Change of address.

EXAMINATIONS AND TESTS

27.30 General.
27.31 Time and place.
27.32 Inspection.
27.33 Standard of performance.

AUTHORITY: §§ 27.1 to 27.33 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552.

REQUIREMENTS

§ 27.1 *Aircraft dispatcher certificate requirements.* To be eligible for an aircraft dispatcher certificate, an applicant shall comply with the requirements of §§ 27.2–27.8.

§ 27.2 *Age.* 23 years is the minimum age for the issuance of an aircraft dispatcher certificate.

§ 27.3 *Character.* Applicant shall be of good moral character.

§ 27.4 *Citizenship.* An applicant for an aircraft dispatcher certificate may be a citizen of any country or a person without nationality.

§ 27.5 *Education.* Applicant shall be able to read, write and understand the English language and speak the same without any accent or impediment of speech that would interfere with two-way radio conversation.

scope of its records which cannot be

Becker, Beltrami, Big Stone, Blue Earth, Brown, Carlton, Cass, Chisago, Clay, Clearwater, Cook, Cottonwood, Crow

(z) South Carolina: Bamberg, Cherokee, Chester, Malboro, Saluda, Union, and York Counties;

vestments, and which do not include more than 5 percent of the outstanding

companies holding bank premises of such

amendments to Part 27, it has been de-

way radio conversation.

§ 27.6 *Aeronautical knowledge.* Applicant shall be familiar with and shall accomplish a satisfactory written examination on:

(a) The provisions of Part 40 and those parts of Part 60 of this subchapter which apply to dispatching. In each case the applicant shall understand the relation of each provision to air carrier operation.

(b) The characteristics of at least one make and model of air carrier aircraft, with particular reference to performance, gross load, pay loads under conditions of various fuel loads, fuel capacity, fuel consumption at specified power outputs at various altitudes, most economical speed at which level flight can be maintained, and loading charts.

(c) The general system of collection and dissemination of weather information.

(d) Weather map, forecast, and sequence abbreviations, symbols, and nomenclature. The general principles of modern methods of weather analysis including the application of data obtained from airplane weather observations and meteorological data reported from observations made by pilots engaged in air carrier flights.

(e) Cloud forms, including average heights of their bases and approximate upper and lower limits within which their bases and tops respectively occur.

(f) Weather conditions adversely affecting aeronautical activities, the circumstances under which they occur, how such are ascertained and located, and principles of forecasting such conditions.

(g) The influence of terrain upon meteorological conditions and developments, and the relation thereof to air carrier flight operations.

(h) Elementary principles of radio range operation and radio communication, including weather conditions adversely affecting them and the communication procedures and practices used between airplanes and ground stations.

(i) Department of Commerce Weather Bureau Circular N, Instructions for Airway Meteorological Service, and all amendments thereto.

(j) Air navigation facilities in use on the civil airways, including rotating beacons, course lights, radio ranges, radio marker beacons and intermediate fields.

(k) Principles of aircraft navigation, with particular respect to instrument operation and use of radio range and direction-finding equipment, including letdown procedures.

(l) Use and limitations of sensitive type altimeters, particularly with respect to barometric settings.

(m) Airway and airport traffic control procedures.

§ 27.7 *Aeronautical experience.* (a) Applicant shall have served in scheduled air carrier or scheduled military operations for 2 of the immediately preceding 3 years as:

(1) A pilot member of the crew; or

(2) A flight radio operator or ground radio operator; or

(3) A flight navigator; or

(4) A meteorologist in a dispatch organization dispatching aircraft; or

(5) A technical supervisor of aircraft dispatchers; or

(6) An assistant in dispatching of scheduled military aircraft; or

(b) Applicant shall have served for 2 of the immediately preceding 3 years as an air traffic controller; or

(c) Applicant shall have any combination of experience in paragraph (a), or in paragraphs (a) and (b) of this section, provided each is at least one year; or

(d) Applicant shall have served as an assistant in the dispatching of scheduled air carrier aircraft under the supervision of a certificated aircraft dispatcher for at least one year within the immediately preceding 2 years; or

(e) Applicant shall be a graduate of an aircraft dispatcher course approved by the Administrator.

§ 27.8 *Aeronautical skill.* Applicant shall be able to:

(a) Make a reasonably accurate and intelligent analysis of a series of daily Weather Bureau maps, in accordance with modern methods, and forecast therefrom the subsequent weather conditions, pertinent to air carrier flying operations;

(b) Make an accurate and detailed analysis, in accordance with modern methods, of weather conditions prevailing in the general neighborhood of a specified civil airway from a series of daily Weather Bureau maps and sequence reports, and forecast with a high degree of accuracy subsequent weather trends pertinent to air carrier flying operations, with particular reference to specified terminals;

(c) Be sufficiently familiar with the Morse code to be able to identify radio ranges by their identification signals;

(d) Prepare and use charts to determine the most economical fuel consumption settings of an aircraft at given altitudes; and

(e) Dispatch and assist a hypothetical flight under adverse weather conditions.

AIRCRAFT DISPATCHER CERTIFICATE

§ 27.10 *Application.* Application for an aircraft dispatcher certificate shall be made upon the applicable form prescribed and furnished by the Administrator.

§ 27.11 *Display.* An aircraft dispatcher certificate shall be kept readily available to the holder thereof at all times when he is on duty in connection with the dispatching of air carrier aircraft, and shall be presented upon the request of any authorized representative of the Administrator or Board or of any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance.

§ 27.12 *Duration.* (a) An aircraft dispatcher certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(c) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the Act or of the Civil Air Regulations occuring during the effective period of the certificate.

§ 27.13 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary aircraft dispatcher certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

§ 27.14 *Recent experience requirements.* The holder of an aircraft dispatcher certificate shall not exercise the privileges thereunder unless, within the preceding 12 calendar months he has either:

(a) For at least three months:

(1) Served as an aircraft dispatcher, or

(2) Served as first or second pilot in scheduled air carrier operation, or

(3) Been engaged in:

(i) The technical supervision of aircraft dispatchers or air carrier dispatching systems, or

(ii) The determination of competency or qualifications of aircraft dispatchers, or

(4) Served in any combination of the duties described in subparagraphs (1), (2), or (3) of this paragraph; or

(b) Demonstrated to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the regulations in this subchapter for the issuance of the certificate and rating.

§ 27.17 *Nontransferability.* An aircraft dispatcher certificate is not transferable.

§ 27.19 *Re-examination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for re-examination within a 30-day period unless he presents a statement signed by a certificated aircraft dispatcher, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for re-examination.

§ 27.20 *Revocation.* No person whose aircraft dispatcher certificate has been revoked shall apply for or be issued an aircraft dispatcher certificate for a period of one year after the revocation, except as the order of revocation may otherwise provide.

§ 27.21 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated aircraft dispatcher, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Admin-

istrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

EXAMINATIONS AND TESTS

§ 27.30 *General.* The examinations and tests prescribed in this part shall be conducted by an authorized representative of the Administrator.

§ 27.31 *Time and place.* All examinations and tests will be held at such times and places as the Administrator may designate.

§ 27.32 *Inspection.* The applicant for an aircraft dispatcher certificate shall offer full cooperation with respect to any inspection or examination which may be made of such applicant upon proper request by any such authorized representative of the Administrator prior or subsequent to the issuance of an aircraft dispatcher certificate.

§ 27.33 *Standard of performance.* All practical or theoretical examinations and tests shall be accomplished to the satisfaction of the Administrator and the passing grade in each subject shall be at least 70 percent.

[F. R. Doc. 56-10614; Filed, Dec. 28, 1956; 8:56 a. m.]

Subchapter B—Economic Regulations

[Regulation No. ER-219]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of December 1956.

A notice of proposed rule-making was published in the FEDERAL REGISTER September 20, 1955 (20 F. R. 7049), and circulated to the industry as Economic Regulations Draft Release No. 76, dated September 13, 1955, which proposed to completely revise Part 249 in order to minimize the burden of indexing and storing records and to remedy certain experienced deficiencies in the provisions of this part.

The principal purposes of this revised regulation are to eliminate unnecessary and unduly burdensome record retention requirements, permit blanket microfilming of records pursuant to standardized conditions and procedures, insure that the limited classes of records pertinent to the successful completion of a final audit by the Board's staff are retained as long as necessary, and supplement definite retention periods, of fixed duration, with respect to classes of records relevant to the ultimate disposition of pending litigated proceedings and classes of records pertinent to the computation of subsidy mail pay.

As originally published, the Draft Release required that all records be preserved until termination of a final audit, by the Board's staff, covering the fiscal year to which the records relate irrespective of possible prior expiration of any applicable fixed retention period or periods. However, upon consideration of the comments filed by various air carriers objecting to the breadth of this provision, the Board has concluded that it should be liberalized by restricting this requirement to a limited number of classes of records which must necessarily be consulted in performing the audit and by permitting the microfilming of such records, upon or before the expiration of the indicated retention period, pending notification that an audit has been completed.

In response to industry comments, the Board has deleted a proposed provision which would have deprived any air carrier (destroying records in accordance with the permissive authorization contained in this part) of the privilege of contending that such records would have supported its contentions concerning their contents if still available. It appears that it is unnecessary to adopt any specific provision dealing with this subject because any party seeking to make such contentions in a Board proceeding would be subject to the application of the evidentiary rule that an adverse inference may properly be drawn from the nonproduction of material and relevant evidence within the possession or control of such a party.

Various air carriers have challenged the requirement, carried over from the present provisions of Part 249, that certified descriptions must be executed upon the destruction of all records which have been preserved until the expiration of the pertinent retention periods prescribed herein. The Board believes that this requirement must be continued because its repeal would render it impossible to assess responsibility for consequences which may result from the destruction of particular records. It should be noted that Part 249 merely grants permission to destroy records and does not affirmatively require that they shall be destroyed. Thus, each air carrier bears primary responsibility for exercising its independent judgment concerning the need for record retention beyond the mandatory period of preservation specified in this part.

The industry has also objected to the requirement that carriers must continue to retain, irrespective of the expiration of fixed retention periods, all records remaining in their custody when they become parties to a mail rate proceeding, before the Board, arising under section 406 of the Civil Aeronautics Act. Under such circumstances, the records must be kept until the litigation finally terminates or until the carrier obtains specific permission, from the Board, to destroy certain categories of records. In this manner, ample provision is made for the destruction of all classes of records not actually required in determining an appropriate mail rate. Consequently, the industry's complaint has been directed solely to the fact that the Board has imposed upon the management of each air carrier the administrative burden of initially identifying records relevant to the ultimate disposition of such pending proceedings. However, it appears entirely proper to compel an air carrier seeking permission to destroy such non-relevant records to make these initial determinations. In the first place, the carrier's personnel have an immediate and extensive familiarity with the scope of its records which cannot be duplicated by the Board's staff. Secondly, the particular records which are actually relevant to the disposition of a mail rate proceeding depend largely on the nature of the contentions which will be raised by the carrier. Here again, the Board's staff is unable to evaluate the relevance of a particular category of records to the same extent as the air carrier's staff. The complex and voluminous nature of contested mail rate proceedings renders it imperative that this initial burden be assumed by the air carrier management. Since the problem of determining relevancy is materially simpler in other types of Board proceedings, the revised final rule provides that a carrier need only retain those classes of records which have been specifically identified by the Board in such proceedings.

Certain record retention requirements concerning supplemental air carriers and irregular air carriers which are presently included in Part 242 of the Economic Regulations have been transferred to this part. This formal recodification does not, of course, require any prior notice or public rule-making proceedings. The general provisions of Part 249 have been expressly made applicable to all air carriers irrespective of whether they maintain their accounts and file their reports under Parts 241, 242, 243 or 244 of the Economic Regulations. However, appropriate and distinct retention tables and requirements ahve been formulated for each of these different classes of air carriers.

While comments have been received on the safety records aspect of Part 249, the Board has decided to defer action with respect to this matter in order to expedite the issuance of a final revised Part 249 embodying substantial liberalization and revision of present record keeping requirements. It is contemplated that the Board will issue a further notice of proposed rule-making directed toward incorporating in Part 249 all of the safety record retention requirements of air carriers. At the present time, some of these requirements are found only in the Civil Air Regulations.

The Board further finds that the classifications hereby established are just and reasonable in view of the nature of the services performed by such carriers, and that the regulations and limitations here promulgated to be applicable to and observed by such classes of air carriers are necessary and in the public interest.

Interested persons have been afforded opportunity to participate in the formulation of this revision, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 249 of the Economic Regulations (14 CFR Chapter I) effective January 28, 1957, to read as follows:

Sec.
249.1 Definitions.
249.2 Applicability.
249.3 Preservation of records.
249.4 Waivers of requirements of this part.
249.5 Accidental loss or destruction of records.
249.6 Permissive destruction of records.

Sec.
249.7 Preservation of records on microfilm.
249.8 Time for preservation of records by supplemental or irregular air carriers.
249.9 Time for preservation of records by Alaskan air carriers.
249.10 Time for preservation of records by air freight forwarders.
249.11 Time for preservation of records by certificated air carriers.
249.12 Effective date.

AUTHORITY: §§ 249.1 to 249.12 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425.

§ 249.1 *Definitions.* For the purposes of this part:

(a) "Records" means original documents,[1] or microfilms thereof, made as authorized herein, constituting integral links in developing the history of, or facts regarding financial transactions or physical operations. The term "records" embraces not only accounting records in a limited technical sense but all other evidentiary accounts of events such as memoranda, correspondence, working sheets, and tabulating equipment listings or tapes. The term "records" also encompasses any material coming into the possession of the air carrier through merger or consolidation.

(b) "Original documents" means any record initially acquired, processed or subsequently modified in connection with each constituent step involved in an evidentiary account of historical events. The term "original documents" also embraces any copy of initially prepared documents bearing subsequently added approvals, comments or notations of significance to a full explanation of recorded facts or information.

(c) "Microfilms" means photographic reproductions of original documents which have been made in compliance with the requirements of § 249.7.

(d) "Records relating to an accounting year" means "records" which record transactions or events either occurring, or necessitating accounting entries to be made, in any twelve-month period an air carrier has been authorized to use for purposes of accounting and reporting to the Board.

(e) "Certified description" means an instrument which (1) identifies records by date and/or period covered; (2) describes such records in accordance with the applicable section of this Part prescribing retention categories; and (3) has been certified to be correct in an instrument, executed by a responsible officer of an air carrier.

(f) "Pending proceeding" means any formally docketed proceeding the Board is empowered to conduct, under section 205 (a) or any other applicable section of the Civil Aeronautics Act, still subject to final adjudication.

(g) "Final adjudication" shall be deemed to have occurred upon the first applicable date specified below:

(1) Where no petition for judicial review of a final Board order disposing of a pending proceeding has been filed by any party entitled to file such a petition under section 1006 (a) of the act, midnight of the last day prescribed for the filing of such a petition.[2]

(2) Where such a petition has been filed, the day of issuance of a final decision, by the highest court to have entertained the proceeding, fully disposing of such petition for review and of all further review proceedings arising therefrom or until the expiration of the time prescribed by statute for the filing of a petition for further review of a prior decision by a lower court.

(3) Where such a petition has been filed, and the proceeding has been remanded to the Board for further action, the applicable date specified in subparagraph (1) or (2) of this paragraph.

(h) "Open mail rate period" means the whole or any part of the time interval between the date of institution of a new mail rate proceeding,[3] under Rule 303 of the Board's Rules of Practice (§ 302.303 of this chapter), or of the inauguration of service over a new route or routes, for which no mail rate has previously been fixed, and the date upon which a Board order prescribing the rate of final mail compensation, payable for periods subsequent to the date of adoption thereof, becomes legally effective under sections 1005 and 1006 of the act.

(i) "Subsidy" means that portion of the rate of compensation for the transportation of mail, established pursuant to section 406 of the act, which is paid by the Board in accordance with the provisions of Reorganization Plan No. 10 of 1953.

§ 249.2 *Applicability.* Except as may otherwise be provided in this part or other parts of this subchapter, the provisions of this part shall apply to each air carrier, as defined in section 1 (2) of the act, which holds a certificate of public convenience and necessity and to each irregular or supplemental air carrier, Alaskan air carrier, air freight forwarder, and international air freight forwarder, respectively, subject to the reporting requirements of Parts 241, 242, 243, and 244 of this subchapter.

§ 249.3 *Preservation of records.* All records shall be preserved by each air carrier in accordance with the retention requirements respectively prescribed in § 249.8, § 249.9, § 249.10, or § 249.11. Records not covered by the provisions of such sections may be microfilmed or destroyed at the discretion of the air carrier. Records which are used in lieu of those specified in any of such sections shall be preserved for the periods prescribed with respect to records used for substantially similar purposes. Records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall be preserved in conformity with the principles embodied in this part prescribing appropriate retention requirements. However, nothing contained in either this part or subchapter is intended to excuse non-compliance with the applicable requirements of any other governmental body, Federal or State, prescribing a longer retention period for any particular category of records.

§ 249.4 *Waivers of requirements of this part.* A waiver from any provision of this part may be made by the Civil Aeronautics Board upon its own initiative or upon the submission of a written request therefor from any air carrier or group of air carriers. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures or techniques; compliance with such prescribed requirements would impose an unreasonable burden upon the air carrier and that the granting of the waiver would be in the public interest.

§ 249.5 *Accidental loss or destruction of records.* If, during the prescribed period of preservation, records shall become unavailable through loss, destruction, or otherwise, the air carrier shall promptly submit to the Board a statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction. This statement shall be authenticated by an officer or some other responsible employee of the air carrier.

§ 249.6 *Permissive destruction of records.* Upon the expiration of the period of preservation prescribed in § 249.8, § 249.9, § 249.10, or § 249.11, records may be destroyed at the option of the air carrier. *Provided, however,* That each air carrier shall execute a "certified description" before destroying any such records.

§ 249.7 *Preservation of records on microfilm.* Microfilms which are prepared in accordance with the requirements of this section may be substituted for original documents with respect to all categories of records where such substitution has been specifically authorized in this part. Microfilms may be substituted for those categories of records required to be retained under § 249.11 where, and to the extent that, such substitution is specifically authorized in the "Schedule of Records" therein contained: *Provided, however,* That all such substitution shall only be made when the records involved are not subject to the retention requirements of paragraph (e) of § 249.11. Microfilms may not be substituted for any category of records required to be retained for the relatively limited time periods prescribed in §§ 249.8, 249.9, and 249.10 except to the extent that: (i) Microfilming of "corporate and general" records is specifically authorized for Air Freight Forwarders in the "Schedule of Records" contained in § 249.11 or (ii) waiver from this prohibition with respect to any particular category of records is obtained pursuant to § 249.4.

[1] Relating to a particular segment, operating division, or entire system of the carrier's operations.

[2] For the purposes of this part, the statutory period prescribed for the filing of a petition for judicial review shall be deemed to have expired as follows: (a) where no timely petition for reconsideration has been filed with the Board, in accordance with its Rules of Practice, on the sixtieth day following entry of final Board order disposing of all issues in a pending proceeding; and (b) where a timely petition for reconsideration has been filed with the Board, in accordance with its Rules of Practice, on the sixtieth day following the entry of an order denying the relief requested in such a petition.

[3] Relating to either its entire system or any geographic subdivision thereof which may have been treated as a separate rate-making unit.

(a) Prior to photographing, the original documents shall be so prepared, arranged, classified, and indexed as readily to permit the subsequent location, examination, and reproduction of the photographs thereof. Any significant characteristic, feature, or other attribute of the records which photography would not clearly reflect (e. g., that the record is a copy or that certain figures thereon are red) shall be so indicated on the records at the time of such arrangement, classification, and identification. When a number of records to be microfilmed have in common such a characteristic or attribute, an appropriate notation identifying the characteristic or attribute may be indicated in a statement at the beginning of the roll of film instead of on each individual record. Any notations on the face or reverse side of any document shall be photographed and identified as forming an integral part of the original document.

(b) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the originals records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

(c) The photographic matter on each roll shall begin and end with a statement as to the nature and order of arrangement of the records reproduced, the name of the photographer, and the date. Rolls of film shall not be cut. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of a film found to be spoiled or illegible or of other matter, shall be attached to the beginning of the roll, and in such event the aforementioned certificate or certificates shall cover also such supplemental or retaken film and shall state the reasons for taking such film.

(d) All film stock shall be of approved permanent-record microfilm type of 16-mm or 35-mm size, either perforated or unperforated, such as meets the minimum specifications of the National Bureau of Standards. (Such film stock may be identified by a manufacturer's mark, a solid triangle after the word "safety" in the edge of the film.) The photographing and processing shall be such that reproductions on photographic paper can be made, similar in size without significant loss in clarity of detail, during the period prescribed in these rules for the retention of the records concerned. The air carrier shall be prepared to furnish, at its own expense, appropriate standard facilities for reading the microfilm.

(e) The microfilms shall be indexed and retained in such manner as will render them readily accessible and identifiable. They shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. The films shall be cared for in such manner as to prevent cracking, breaking, splitting, etc.

§ 249.8 *Time for preservation of records by supplemental or irregular air carriers.* All supplemental air carriers, as defined in Order No. E-9744 (adopted November 10, 1955), and all large irregular air carriers, as defined in Part 291 of this subchapter, shall keep all accounts, records and memoranda (including accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of Part 242 of this subchapter. Such accounts, records and memoranda as relate to statistical reports shall be preserved for three years, and such as relate to flight reports shall be preserved for one year.

§ 249.9 *Time for preservation of records by Alaskan air carriers.* All Alaskan air carriers, as defined in Part 292 of this subchapter, which are subject only to the reporting requirements of § 243.1 of this subchapter, shall retain and preserve all accounts, records, and memoranda (including accounts, records and memoranda of the movement of traffic as well as of the receipts and expenditures of money) which are needed in order to accomplish full compliance with the reporting requirements of Part 243. Such accounts, records, and memoranda shall be preserved for three years. Alaskan air carriers subject to the reporting requirements of Part 241 shall retain and preserve all records in accordance with the provisions of § 249.11.

§ 249.10 *Time for preservation of records by air freight forwarders.* (a) All air freight forwarders and all international air freight forwarders, as defined in Parts 296 and 297 of this subchapter, shall retain and preserve the following records for a period of one year, unless the Board orders them to be retained for a longer period:

(1) Shipping documents—airwaybills, bills of lading, cargo manifiests, receipts, exchange orders, invoices, and similar evidences of shipping transactions;

(2) Information to agents and representatives—bulletins, circulars and all instructions to traffic-soliciting personnel;

(3) Information to the public—press releases, paid advertisements, pamphlets, brochures, circulars, and bulletins;

(4) Agreements—agreements, contracts, releases, documents, and memoranda evidencing any arrangements with its agents and representatives, direct air carriers, foreign air carriers, other freight forwarders, or with their respective agents and representatives;

(5) Correspondence—all correspondence relating to any of the foregoing.

(b) All air freight forwarders and international air freight forwarders shall retain their corporate and general records specified in the "Schedule of Records" contained in § 249.11 in accordance with the provisions thereof.

§ 249.11 *Time for preservation of records by certificated air carriers.* Each certificated air carrier subject to the reporting requirements of Part 241 of this subchapter shall retain its records in accordance with the provisions of this section.

(a) All records of the categories specified in this section shall be preserved for the duration of the retention periods specified in the "Schedule of Records" set forth in paragraph (f) of this section. *Provided, however,* That records which are included in a category identified by an asterisk (*) in the "Schedule of Records" shall be retained until receipt of a notification from the Board's Office of Carrier Accounts and Statistics to the effect that a final audit has been completed for the period to which such records relate. Upon expiration of the indicated microfilm period, original documents may be microfilmed and microfilms retained in lieu thereof at the discretion of the air carrier pending receipt of such notification. Microfilms may also be retained in lieu of original documents, belonging to any category of records for which no specific microfilm period is indicated, when the indicated retention period applicable thereto has expired. Records may be destroyed when the otherwise applicabe retention period has expired unless, prior thereto, the certificated air carrier has been named as a party to a pending proceeding. In the latter event, it shall retain all records identified in the "Schedule of Records" in accordance with the applicable provisions of either paragraph (b) or (c) of this section.

(b) Each certificated air carrier shall retain, in accordance with the provisions of this paragraph, all records remaining in its custody as of the beginning of an "open mail rate period," and all records which are subsequently acquired.[4] Each such air carrier shall preserve any records which relate to an accounting year included in an "open mail rate period"[4] until the occurrence of either of the following specified contingencies, whichever is first:

(1) Final adjudication of a Board order fixing the final mail compensation payable for services rendered during an open mail rate period.

(2) Receipt of a notice issued by the Board, pursuant to a written application filed by the air carrier,[5] authorizing the destruction of specifically identified categories of records.

(c) Each certificated air carrier which has been joined as a party to a pending proceeding arising under any section of the act other than section 406, shall continue to preserve all records in accordance with the provisions of this section and part as though no such proceeding were pending unless prior to the occurrence of otherwise authorized destruction the air carrier has received a written notice from the Board directing that specific records (identified by category and period covered) be preserved until final adjudication of the pending proceeding. In such event, the air carrier

[4] As used in the part, an accounting year shall be deemed to be included in an open mail rate period if any portion thereof falls within such period.

[5] Such an application should be filed whenever the carrier believes that certain categories of records are not relevent to the proper processing of a pending mail proceeding. The application should list those categories of records which the carrier desires to destroy and its reasons for believing that such records are not necessary or useful in the determination of its statutory mail pay.

ing division, or entire system of the carrier's operations.

may have been treated as a separate rate-making unit.

to any particular category of records is obtained pursuant to § 249.4.

carriers. All supplemental air carriers, cified in this section shall be preserved the determination of its statutory mail pay

shall continue to preserve such records until final adjudication thereof.

(d) The provisions of paragraphs (b) and (c) of this section shall not be construed to prevent the microfilming of original documents, and the preservation of such microfilms of original documents in lieu thereof, in accordance with the provisions of the "Schedule of Records." Upon the expiration of the retention periods set forth in the "Schedule of Records," the identified categories of records may be microfilmed at the discretion of the air carrier pending satisfaction of the conditions specified in paragraphs (b) and (c) of this section regarding the destruction of records.

(e) Notwithstanding any other provisions of this section or part, each air carrier shall preserve original documents set forth below (except those relating to mail compensation for months in which the carrier is not operating under a mail rate including a "subsidy" element) until receipt of a written notice from the Board, which specifically authorizes destruction of such documents:

(1) All monthly records of operations, such as tabulations and summaries of miles flown and passenger-miles flown, which pertain to or are a part of operational records relevant to the computation of "subsidy" mail pay.

(2) All basic original documents, such as pilots' flight logs, aircraft weight and balance reports, and passenger manifests, which are relevant to a determination of the validity of the carrier's operational records described in subparagraph (1) of this paragraph.

(f) All records of the categories specified in the "Schedule of Records" below, shall be preserved for the duration of the retention periods specified therein. Except as otherwise specified in the "Schedule of Records," the periods stated therein begin with the date the records are created or otherwise come into the possession of the carrier. The following indicators are used to designate in the "Schedule of Records" those records for which microfilms may be substituted for original records provided the procedures prescribed in § 249.7 are observed:

In the absence of any "M" indicator, microfilms may not be substituted for any category of original documents unless microfilming is specifically authorized under the provisions of paragraph (a) or (d) of this section.

M—Indicates that microfilms may be substituted for retention of the original records at any time.

M–2, M–3, etc.—Indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form for the number of years corresponding to the numeral.

ME—Indicates records for which microfilms may be substituted for the retention of original records only for the period subsequent to the expiration, cancellation, supersedure, or other condition shown in the column, "Period to be Retained." Thus, for Item 9 (c) microfilms are not acceptable for current leases; however, they are acceptable for leases upon termination thereof, the retention period for which is three years after termination.

SCHEDULE OF RECORDS

Category of records	Period to be retained	Microfilm indicator
CORPORATE AND GENERAL		
1. Corporate organization:		
(a) Charter or certificate of incorporation and amendments thereto.	Permanently	
(b) Legal documents in connection with mergers, consolidations, reorganization, receiverships, and similar actions which affect the identity or organization of the company.	do	M–6
2. Proxies and voting lists:		
(a) Proxies of holders of voting securities	3 years	M
(b) Lists of holders of voting securities represented at meetings.	do	M
3. Minutes of meetings:		
(a) Meetings of stockholders and directors	Permanently	M–6
(b) Meetings of executive and other directors' committees	do	M–6
4. Capital stock records:		
(a) Detailed capital stock journals, ledgers or their equivalents.	Permanently	M–3
(b) Detailed capital stock subscription accounts and journals or their equivalents.	3 years	M
(c) Subscription notices and requests for allotment	do	M
(d) Stubs or similar records of capital stock certificates	Permanently	M–3
(e) Stock transfer registers	do	M–3
(f) Papers pertaining to or supporting transfers of capital stock.	3 years	M
(g) Canceled capital stock certificates	6 years after cancellation	ME
5. Bond or other long-term debt records:		
(a) Bond indentures, underwriting, mortgage, and other long-term credit agreements.	Permanently	M–6
(b) Bond or other long-term debt detailed journals, vouchers, and ledgers, or their equivalents.	3 years after redemption	ME
(c) Bond subscription accounts	3 years after account is closed.	ME
(d) Subscription notices and requests for allotment	3 years	M
(e) Stubs or similar records of bonds or other long-term debt issued.	Permanently	M–3
(f) Records of interest paid and unpaid	do	M–3
(g) Canceled bonds, mortgages, notes or other long-term debt, and interest coupons.	6 years after redemption*	ME
(h) Papers pertaining to or supporting transfers of bonds	3 years	M
6. Authorizations from regulatory bodies for issuance of securities including applications, reports and supporting papers.	1 year after expiration	ME
7. Copies of registration statements and other data filed with the Securities and Exchange Commission and supporting papers in connection with offerings of securities for sale to the public or the listing of securities on exchange.	6 years	M–3
8. Titles, franchises, and licenses:		
(a) Certificates of public convenience and necessity issued by the Civil Aeronautics Board.	Optional after expiration	ME
(b) Letters of registration and exemptions to operate issued by the Civil Aeronautics Board.	do	ME
(c) Deeds and other title papers	3 years after property disposition.	ME
(d) Copies of formal orders of regulatory bodies served upon the air carrier.	1 year after expiration	ME
9. Contracts and agreements (see also other pertinent categories):		
(a) Service contracts, such as operational, management, accounting, financial, and legal service.	3 years after termination	ME
(b) Contracts with other air carriers for interchange of air craft or other joint use of properties.	do*	ME
(c) Leases pertaining to rental of property to, or from, others	do*	ME
(d) Contracts and agreements with employees and associated companies for the purchase and sale of the air carrier's own securities, or those of associated companies, together with memoranda clarifying or explaining provisions of such contracts.	Until termination	
(e) Releases from direct or contingent liability arising out of action in tort.	2 years	M
(f) Card or book records of contracts or agreements made	3 years after termination	ME
10. General and subsidiary ledgers or their equivalents except as otherwise provided herein:		
(a) General ledgers and ledgers subsidiary or auxiliary thereto	Permanently	M–10
(b) Indexes to general and subsidiary ledgers	do	M–10
(c) Trial balance sheets of general and subsidiary ledgers	5 years*	M–3
11. Journals and journal vouchers except as otherwise provided herein:		
(a) General and subsidiary journals and journal vouchers	10 years	M–6
(b) Papers forming a part of, or necessary to explain journal entries.	do	M–6
(c) Schedules of recurring or standard journal entries and entry numbers.	Until superseded	
12. Voucher registers:		
(a) Voucher distribution registers or their equivalents	10 years	M–6
13. Vouchers:		
(a) Voucher indexes	3 years*	
(b) Vouchers, expenditure authorizations detailed distribution sheets and other supporting papers, except as otherwise provided herein (see item 50 (a)):		
(1) Vouchers of $1,000 or more and supporting documents including original bills and invoices.	6 years*	M–3
(2) Other vouchers and expenditure authorizations including original bills and invoices.	3 years*	M–3
(c) Receipts for cash paid out	do*	
14. Accounts Receivables and Payables:		
(a) Traffic accounts receivable or payable, detailed journals and ledgers or their equivalents, together with supporting papers.	3 years	
(b) General accounts receivable or payable, detailed journals and ledgers or their equivalent, together with supporting papers.	6 years*	M–3
(c) Copies of invoices issued by carrier and supporting papers	1 year after settlement*	ME

SCHEDULE OF RECORDS—Continued

Category of records	Period to be retained	Microfilm indicator
TREASURY		
100. Statements of funds and deposits:		
(a) Authorizations for transfer of funds from one depository to another.	1 year after expiration*	M–1
(b) Reports and estimates of funds required for general and special purposes.	1 year	M–3
101. Records of deposits with banks:		
(a) Check stubs, bank deposit books and copies of deposit slips.	3 months after reconciliation.	M–2
(b) Statements from depositaries showing the details of funds received, disbursed and transferred.	3 years*	M
(c) Check registers or other records or checks issued	6 years	
(d) Checks canceled by banks	3 years*	
102. Records of receipts and disbursements:		
(a) Daily cash receipts memorandums or report of receipts and disbursements of funds.	1 year*	M
REVENUES		
150. Sales reports:		
Sales, ticket or other similar reports from stations, offices, and agents.	2 years*	M–1
151. (a) Flight and additors coupons	do*	M–2
(b) Perpetual inventory of ticket stock	do*	
(c) Requisitions and receipts for tickets furnished agents and ticket selling employees.	do*	
(d) Records and reports incident to ticket refund claims	do*	
(e) Lost ticket memorandu, certification of loss and receipt for refund.	do*	
(f) Airwaybills	do	
152. Customers' guarantee deposits:		
(a) Customers' deposit ledgers	3 years*	M–1
(b) Air travel card authorizations	1 month after termination*	M–2
(c) Receipts for one trip travel orders	8 months after orders are accounted for.	
153. Authorizations, records, reports, registers and supporting papers incident to the transportation of persons or property at free or reduced rates.	8 years*	
154. Charter and interline agreements (except equipment interchange).	Until termination*	M–6 after cancellation.
155. Official tariffs and amendments thereto	Permanently	
PAYROLL AND PERSONNEL EXPENSES		
200. Payroll sheets, registers, or their equivalents, of salaries and wages paid to individual officers and employees.	3 years*	M
201. Records showing the distribution to accounts and jobs of salaries and wages paid to officers and employees, such as payroll summaries or reapplication statements of such distribution.	do*	
202. Job and cost distribution cards	do	
203. Time and attendance cards	1 year	
204. Paid checks, receipts for wages paid in cash, and other evidence of payments made to employees.	3 years*	M
205. Personnel service rating, adjustment notices	do*	M–1
206. Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage or salary rates, hours, and similar matters.	1 year after termination*	ME
207. Employees' welfare and pension records (See items 11, 12, 13 and 14):		
(a) Retirement plan	2 years after supersession*	ME
(b) Workmen's compensation accident reports	3 years	M
(c) Employees relief, health and hospital insurance records pertaining to other than the expenditure of funds.	1 year	
PURCHASES AND STORES		
250. Materials and Supplies detailed journals, and ledgers or their equivalents together with supporting papers.	6 years*	M–3
252. Purchase orders	3 years*	
253. Contracts for purchase of materials and supplies	Until expiration	
254. Materials distribution summaries	3 years	
255. Materials and supplies inventory records	1 year*	
256. Inventories of materials and supplies:		
(a) General inventories of materials and supplies on hand with records of adjustments of accounts to bring stores records into agreement with physical inventories.	3 years*	M–2
(b) Perpetual inventory records of materials and supplies	1 year after supersession	ME
257. Stores record of materials and supplies received	2 years*	
258. Stores Requisitions	3 years	

SCHEDULE OF RECORDS—Continued

Category of records	Period to be retained	Microfilm indicator
CORPORATE AND GENERAL—continued		
15. Uncollectible accounts:		
(a) Reports and statements showing age and status of accounts receivable	1 year*	ME
(b) Authorizations for writing off accounts receivable	do*	
16. Records of securities owned:		
(a) Detailed ledgers and journals, or their equivalents, of securities owned, or held by custodians.	3 years after the related securities are sold, redeemed, or otherwise disposed of.*	ME
17. Insurance records:		
(a) Records, cards, or other records of insurance policies in force showing coverage, premiums paid, good experience credits and expiration dates.	3 years after policy expiration.*	ME
(b) Records of self-insurance provisions and actual losses from damages to persons and property.	Same as for items 11, 12 and 13.	
(c) Insurance policies	2 years after expiration*	ME
(d) Records of claims recoveries from insurance companies and reports thereof.	3 years after settlement*	ME
(e) Records of fidelity bonds of employees and others responsible for funds of the air carrier.	1 year after expiration of bonds.	ME
18. Tax records:		
(a) Assessments against the air carrier:		
(1) Copies of schedules and returns to taxing authorities and supporting working papers and records of appeals	3 years after final settlement.*	ME
(2) Copies of taxing authorities termination reports	do*	ME
(b) Taxes collected as agent:		
(1) Copies of schedules and returns to taxing authorities and supporting working papers.	3 years after settlement*	ME
19. Accountants' and auditors' reports:		
(a) Certifications and reports of all examinations and audits conducted by public and certified public accountants.	3 years*	
(b) Reports of examinations and audits conducted by internal auditors and others.	do*	
20. Organization and procedural internal accounting manuals	do	M
21. Job or Work Orders including engineering records (maps, profiles, specifications; estimates of work; records of engineering studies, except maintenance studies; records pertaining to extensions, additions, and betterment projects).	3 years from completion or abandonment.*	
PROPERTY AND EQUIPMENT AND RELATED RESERVES		
50. Detailed journals, vouchers and ledgers or their equivalents, together with supporting papers:		
(a) For properties and equipment with unit costs in excess of $10,000.	3 years after property retirement.*	ME
(b) Other properties and equipment	3 years from acquisition*	
51. Contracts and agreements relating to purchase and to sale of properties and equipment:		
(a) Involving an interest in realty	3 years after property retirement.*	ME
(b) Involving purchase or sale of equipment	3 years after purchase or sale.	ME
52. Authorization for expenditures for new equipment, additions, modifications, and betterments, including related memoranda applicable thereto:		
(a) For expenditures in excess of $10,000	6 years from acquisition.*	ME
(b) Other expenditures	3 years from acquisition.*	
54. Approved authorizations for retirements	3 years after property retirement.*	
55. Depreciation reserves:		
(a) Detailed records or analysis sheets segregating the depreciation reserves according to type and classification.	3 years after property retirement.*	
(b) Records supporting computations of depreciation expense, including such data as service life and salvage value	do*	
(c) Detailed records of charges against depreciation reserves	do*	
56. Flight equipment engine overhaul records	6 years*	
(a) Detailed records or analysis sheets segregating the maintenance reserves according to type and classification.	do*	
(b) Records supporting computations of maintenance expense, including such data as historical costs and engineering or other available studies		
(c) Detailed records of charges against maintenance reserves	do*	

SCHEDULE OF RECORDS—Continued

Category of records	Period to be retained	Microfilm indicator
OPERATING STATISTICS		
300. Individual trip reports: [1]		
(a) Traffic data:		
Basic documents showing numbers of passengers and pounds of mail and property carried:		
(1) Passenger	2 years*	
(2) Mail	1 year*	
(3) Property	2 years*	
301. System report of airplane movements by trip number showing arrivals, departures, delays and related information.[1]	3 years	M-2
302. Reservations reports and records:		
(a) Cards and charts constituting original source of passengers' names, telephone numbers, etc.	2 months	
(b) Telegrams and radio messages relating to the clearance of space, passenger dispatches, etc.	1 month	
(c) Records and reports relating to errors or irregularities, oversales, no-show passengers, etc.	1 year	
303. Records and reports of irregularities and delays:		
(a) In handling passengers	2 years	M-1
(b) In handling air express and air freight	do	M-1
304. Financial and statistical reports to the Civil Aeronautics Board and other regulatory bodies together with supporting papers.	3 years*	
MAINTENANCE AND OVERHAUL		
350. Records and reports concerning repairs (excluding job expense distribution detail):		
A. Flight equipment:		
(1) Maintenance work:		
(a) Line check and work-performed reports	1 year	M
(b) Intermediate line engine check and work performed reports.	do	M
(2) Overhaul work:		
(a) Intermediate main base engine check and work-performed reports	Until equipment is sold or 3 years after retirement.	M
(b) Major overhaul check and work-performed reports.	do	M
(3) Log books	Until disposal of equipment.	M
351. Maintenance statistics:		
A. Vital statistics required by Civil Air Regulations relative to individual units of flight equipment.	do	M
B. Other Maintenance statistics	1 year	M
TRANSPORTATION		
400. Individual trip reports: [1]		
(a) Operations data:		
(1) Dispatchers' clearance forms	3 months*	
(2) Flight engineers', radio operators' and navigators' flight logs.	do	
(3) Flight plan	do	
(4) Pilot's flight logs	do*	
(5) Radio contacts by or with pilots en route	30 days	
(6) Weather forecasts (terminal and intermediate)	3 months	
(7) Weight and balance reports	do*	
401. Records and reports (internal and memoranda) incident to airplane accidents.	Until disposal is authorized by Civil Aeronautics Board.	M
402. Reports to Civil Aeronautics Board and other regulatory bodies of accidents involving aircraft, mechanical interruption in flight, power-plant failure, and aircraft structural failure and defects; and supporting papers therefor.	2 years	M
MISCELLANEOUS		
450. Correspondence and indexes thereto, including interoffice memoranda and working papers supporting or relating to subjects covered by other items of these regulations where necessary to a proper explanation of such related subjects.	Period prescribed for items to which related.	As may be permitted for items to which related.
451. Data relating to the destruction of records as provided in this section; authorizations and certificates executed in connection with the reproduction or destruction of records.	Permanently	M

[1] Refer to § 249.11 (e).

§ 249.12 *Effective date.* This part shall become effective January 28, 1957. The retention requirements prescribed in this part shall be applicable to all records remaining in the custody of any air carrier, subject to its provisions, upon the effective date of this regulation as well as to all records subsequently acquired. With respect to individual records, each retention period herein prescribed shall commence upon the date when the records are created or otherwise come into the possession of the air carrier.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-10531; Filed, Dec. 28, 1956; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6568]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

R. H. MACY & CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; exaggerated as regular and customary; § 13.285 *Value.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, R. H. Macy & Co., Inc., New York, N. Y., Docket 6568, Dec. 12, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporate seller in New York City with violating the Fur Products Labeling Act by advertisements in newspapers and by various other means which failed to disclose the names of animals producing the fur contained in certain fur products; misrepresented prices of fur products as having been reduced from regular prices which were in fact fictitious; used percentage savings claims and comparative prices not based on current market values; and misrepresented the value of certain fur products; and with failing to maintain adequate records as a basis for such representations.

At a pretrial conference, agreement was reached stating that the evidence was insufficient to support the charge of failure to maintain adequate records and that charge was dismissed. As to the remainder of the complaint, the parties entered into an agreement containing consent order to cease and desist, and on that basis, the hearing examiner made his initial decision and order to cease and desist which became, on December 12, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, R. H. Macy & Company, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Represents, directly or by implication:

(a) That respondent's regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has regularly or customarily sold or offered for sale in good faith fur products of like grade and quality in the recent regular course of its business;

(b) That fur products are of a certain value unless such representations or claims are true in fact;

B. Making use of comparative prices or percentage savings claims in advertising unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent R. H. Macy & Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: December 12, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-10565; Filed, Dec. 28, 1956; 8:48 a. m.]

[Docket 6609]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

EMPIRE WOOLEN MILLS

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Maximilian Gottlieb et al. trading as Empire Woolen Mills, Woonsocket, R. I., Docket 6609, Dec. 6, 1956]

In the Matter of Maximilian Gottlieb, and Ilona Gottlieb, Co-Partners Trading Under the Name and Style of Empire Woolen Mills

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a manufacturer of wool products at Woonsocket, R. I., with violating the Wool Products Labeling Act through representing the constituent fibers of piece goods falsely as 65 percent Beaver, 35 percent Wool, or 100 percent Wool, on attached labels, sales invoices and shipping memoranda, and on labels furnished to customers to be attached to garments manufactured from said wool products.

Following entry of an agreement between the parties containing consent order to cease and desist, the hearing examiner made his initial decision, including order to cease and desist, which became on December 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Maximilian Gottlieb and Ilona Gottlieb, trading under the name of Empire Woolen Mills, or trading under any other name; and the respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act) of piece goods or other "wool products" (as "wool products" are defined in the Wool Products Labeling Act), do forthwith cease and desist from:

A. Misbranding such products by:

1. Attaching or using stamps, tags, labels or other means of identification which represent that such products contain a certain percentage of beaver hair or fiber which is contrary to fact;

2. Otherwise falsely or deceptively stamping, tagging, labeling or identifying such products as to the character or amount of their constituent fibers;

3. Failing to affix securely on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product (exclusive of ornamentation not exceeding five percentum of the total fiber weight) of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where the percentage of weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment of such wool product in commerce (as "commerce" is defined in the Wool Products Labeling Act of 1939).

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That respondents Maximilian Gottlieb and Ilona Gottlieb, trading under the name of Empire Woolen Mills, or trading under any other name; and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act) of piece goods or other wool products, do forthwith cease and desist from:

A. Misrepresenting in invoices, shipping memoranda and by labels separately furnished or in any other manner the character or amount of the constituent fibers contained in such products.

B. Furnishing to or placing in the hands of others stamps, tags, or labels by means of which the respondents' products, or garments made from them, may be falsely or deceptively stamped, tagged, labeled or otherwise identified, either as to the character or amount of their constituent fibers or in any other respect.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 6, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 56-10564; Filed, Dec. 28, 1956; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54267]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PASSENGER AND CREW LISTS

The Bureau has agreed with the Immigration and Naturalization Service of the Department of Justice on a new form of combined passenger and crew list for use in complying with the requirements of both agencies. In order to provide for the use of the new form, the following changes are made in the Customs Regulations:

1. Section 4.7 (c) is amended to read as follows:

(c) The list of passengers required by the fifth subdivision of section 431, Tariff Act of 1930, and the list of the crew shall be on customs and immigration Form I–418 or on a substantially similar form. The passenger and crew list shall be presented in duplicate as a part of the manifest to the customs officer who boards the vessel. No such passenger or crew list, nor a copy of either, shall be required in the case of a vessel arriving from Canada, otherwise than by sea, at a port on the Great Lakes, or their connecting or tributary waters.[1a]

(Sec. 431, 439, 465, 581 (a), 583, 46 Stat. 710, as amended, 712, as amended, 718, 747, as amended, 748; 19 U. S. C. 1431, 1439, 1465, 1581 (a), 1583)

2. The first sentence of § 4.9 (b) is amended to read as follows: "Upon the entry of an American vessel, the master shall present to the collector, in addition to the passenger and crew lists required under § 4.7 (c), the certified copy of the crew list on customs and immigration Form I–418 obtained, in accordance with the provisions of § 4.68 (a), upon the last

[F. R. Doc. 56-10531; Filed, Dec. 28, 1956; 8:45 a. m.]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended,

tain value unless such representations or claims are true in fact;

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previous clearance outward from the United States."

3. The citation of authority for § 4.9 is amended to read as follows:

(Secs. 434, 435, 46 Stat. 711, as amended, sec. 366, 58 Stat. 705, R. S. 4576, as amended; 19 U. S. C. 1434, 1435, 42 U. S. C. 269, 46 U. S. C. 677)

4. Section 4.50 (a) is amended to read as follows:

(a) The master of every vessel arriving at a port of the United States from foreign territory and required to make entry, except a vessel arriving from Canada, otherwise than by sea, at a port on the Great Lakes, or their connecting or tributary waters,[9] shall submit a passenger and crew list as required by § 4.7 (c) on customs and immigration Form I–418. If the vessel is arriving from noncontiguous foreign territory and is carrying steerage passengers, the additional information respecting such passengers required by Form I–418 shall be included therein.

(Sec. 431, 46 Stat. 710, as amended, sec. 9, 22 Stat. 189, as amended; 19 U. S. C. 1431, 46 U. S. C. 158)

5. Section 4.51 is amended by substituting "customs and immigration Form I–418" for "customs and immigration Forms I–415 and I–416".

6. Section 4.68 (a) is amended by substituting "customs and immigration Form I–418" for "Coast Guard Form 710–A".

The procedures prescribed in this order become effective and mandatory on March 1, 1957, and permissive, at the option of the transportation companies involved, on or after January 1, 1957.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 18, 1956.

JAMES W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–10625; Filed, Dec. 28, 1956; 11:14 a. m.]

[T. D. 54270]

PART 14—APPRAISEMENT

PART 16—LIQUIDATION OF DUTIES

CONVERSION OF CURRENCY

The amendments of the Customs Regulations set forth below implement the changes in section 522 (c) of the Tariff Act of 1930 (31 U. S. C. 372 (c)) made by section 3 of the Customs Simplification Act of 1956 (70 Stat. 943) relating to the use of rates of exchange certified by the Federal Reserve Bank of New York in the conversion of foreign currencies for customs purposes. Section 16.4 of the Customs Regulations is amended to provide for the use for customs purposes, in appropriate cases, of the rates first certified by the Federal Reserve Bank of New York for certain foreign currencies for a day within the quarter beginning January 1, 1957, and each quarter thereafter. And § 14.11 is amended to make clear that the general regulations issued under section 522 of the Tariff Act of 1930, as amended, are applicable where conversion of foreign currency is necessary in connection with certain matters arising under the Antidumping Act of 1921, as amended.

1. Section 14.11 is amended by substituting "section 522, Tariff Act of 1930, as amended (31 U. S. C. 372) and § 16.4 of this chapter," for "section 522, Tariff Act of 1930 (31 U. S. C. 372)".

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

2a. Section 16.4 of the Customs Regulations is amended by redesignating paragraphs (d) and (e) as (e) and (f) and adding a new paragraph (d) as follows:

(d) For the currency of each foreign country listed at the end of this paragraph, there will be published in the Treasury Decisions, for the quarter beginning January 1, 1957, and for each quarter thereafter, the rate or rates first certified by the Federal Reserve Bank of New York for such foreign currency for a day in that quarter. The rate or rates of exchange to be used for customs purposes for any day of exportation within the quarter shall be the rate or rates so certified and published, unless the rate or rates certified by the Federal Reserve Bank for the day of exportation (1) vary by 5 per centum or more from such first certified and published rate or rates in which case notice of such variance and the rate or rates certified for such day shall be published in the Treasury Decisions and such rate or rates shall be used for customs purposes in connection with merchandise exported on such day; or (2) vary by less than 5 per centum from the proclaimed value in which case notice of such variance shall be published in the Treasury Decisions and the proclaimed value shall be used for customs purposes in connection with merchandise exported on such day.

Australia	Japan
Austria	Mexico
Belgium	Netherlands
British Malaysia	New Zealand
Canada	Norway
Ceylon	Portugal
Finland	Sweden
France (Metropolitan)	Switzerland
Germany	Union of South Africa
India	United Kingdom
Ireland	

b. Redesignated paragraph (e) is amended by adding at the end of the first sentence "as provided in paragraphs (c) and (d) of this section".

c. Redesignated paragraph (f) is amended by substituting "(e) (4) or (5)" for "(d) (4) or (5)".

d. The citation of authority for § 16.4 is amended to read as follows: "(Secs. 505, 522, 46 Stat. 732, 739, as amended; 19 U. S. C. 1505, 31 U. S. C. 372)."

e. The second paragraph of footnote 5 appended to § 16.4 (a) is amended to read as follows:

(c) *Market rate when no proclamation.* (1) If no value has been proclaimed under subsection (a) for the quarter in which the merchandise was exported, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate at noon on the day of exportation, then conversion of the foreign currency involved shall be made—

(A) At a value measured by such buying rate, or

(B) If the Secretary of the Treasury shall by regulation so prescribe with respect to the particular foreign currency, at a value measured by the buying rate first certified under this subsection for a day in the quarter in which the day of exportation falls (but only if the buying rate at noon on the day of exportation does not vary by 5 per centum or more from such first-certified buying rate).

(2) For the purposes of this subsection, the term "buying rate" means the buying rate in the New York market for cable transfers payable in the foreign currency so to be converted. Such rate shall be determined by the Federal Reserve Bank of New York and certified to the Secretary of the Treasury, who shall make it public at such times and to such extent as he deems necessary. In ascertaining such buying rate, the Federal Reserve Bank of New York may, in its discretion—

(A) Take into consideration the last ascertainable transactions and quotations, whether direct or through exchange of other currencies, and

(B) If there is no market buying rate for such cable transfers, calculate such rate (i) from actual transactions and quotations in demand or time bills of exchange, or (ii) from the last ascertainable transactions and quotations outside the United States in or for exchange payable in United States currency or other currency.

(3) For the purposes of this subsection, if the day of exportation is one on which banks are generally closed in New York City, then the buying rate at noon on the last preceding business day shall be considered the buying rate at noon on the day of exportation.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

Notice of the proposed issuance of the foregoing instructions was published in the FEDERAL REGISTER on December 5, 1956 (21 F. R. 9613), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). These instructions shall be effective on the date of publication in the FEDERAL REGISTER, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because the instructions relate to action to be taken by customs officers and, although affecting rights of interested persons, do not require any action to be taken by such persons.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 26, 1956.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56–10601; Filed, Dec. 28, 1956; 8:55 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. 1, Further Amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 56–10051, published at page 9765 of the issue for Tuesday, December 11, 1956, the following changes should be made in § 401.3:

1. In the 27th line of paragraph (a), the word "wage" should read "earnings".

2. The eighth line of paragraph (b) should read: "such relative or legal representative in".

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950)

"GOOD CAUSE" FOR EXTENDING TIME FOR FILING PROOF OF HUSBAND'S, WIDOWER'S, OR PARENT'S SUPPORT OR FOR FILING APPLICATION FOR LUMP-SUM DEATH PAYMENT

Regulations No. 4, as amended (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.309 (e) is amended to read as follows:

§ 404.309 *Husband's insurance benefit; conditions of entitlement.* A husband is entitled to husband's insurance benefits if he:

* * * * *

(e) Was receiving at least one-half of his support (see § 404.332) from his wife (1) at the time she became entitled to old-age insurance benefits and he filed proof of such support within 2 years after the month in which she became so entitled, or (2) with respect to benefits under this section for months after August 1954 on the basis of applications filed after such month and then only if his wife was, without the application of section 202 (j) (1) of the act, entitled to a primary insurance benefit (see § 403.402 of this chapter, Regulations 3) under the act for August 1950, on the first day of the first month for which she was entitled to old-age insurance benefits (§ 404.303) and in which an event described in § 404.408 (a) did not occur and he filed proof of such support within 2 years after such first month (for what constitutes filing of proof of support within the 2-year period referred to in (1) above, see §§ 404.616 and 404.617); and

2. Section 404.322 (f) is amended to read as follows:

§ 404.322 *Widower's insurance benefits; conditions of entitlement.* A widower is entitled to widower's insurance benefits if he:

* * * * *

(f) Was receiving at least one-half of his support (see § 404.332) from his wife (1) at the time of her death, or at the time she became entitled to old-age insurance benefits, if she was then a currently insured individual and (except as provided in § 404.1357) filed proof of such support within 2 years after the date of her death or the month in which she became entitled to old-age insurance benefits (whichever is appropriate), or (2) with respect to benefits under this section for months after August 1954 on the basis of an application filed after such month and then only if his wife was a currently insured individual and was, without the application of section 202 (j) (1) of the act, entitled to a primary insurance benefit (see § 403.402 of this chapter, Regulations 3) under the act for August 1950, on the first day of the first month for which she was entitled to old-age insurance benefits (§ 404.303) and in which an event described in § 404.408 (a) did not occur and he filed proof of such support within 2 years after such first month (for what constitutes filing of proof of support within the 2-year period referred to in subparagraph (1) of this paragraph, see §§ 404.616 and 404.617); and

3. Section 404.328 (c) is amended to read as follows:

§ 404.328 *Parent's insurance benefits; conditions of entitlement.* A parent is entitled to parent's insurance benefits if he:

* * * * *

(c) Was receiving at least one-half of his support (see § 404.332) from such individual at the time of such individual's death and (1) (except as provided in §§ 404.1319 and 404.1357) has filed proof of such support within 2 years after the date of such death, or (2) if such individual is a fully insured individual by reason of the provisions of § 404.107 (b), has filed proof of such support prior to September 1956 (for what constitutes filing of proof of support within the 2-year period referred to above, see §§ 404.616 and 404.617); and

4. Section 404.338 (b) is amended to read as follows:

§ 404.338 *Lump-sum death payments, conditions of entitlement.* A lump sum is payable to one or more of the persons described in §§ 404.339 to 404.342, inclusive, based upon the wages and self-employment income of an individual if:

* * * * *

(b) An application (see Subpart G of this part) for such lump sum has, except as otherwise provided in Subpart G of this part or in § 404.339, been filed within 2 years after the date of death of such individual (for what constitutes filing of application within the 2-year period, see §§ 404.616 and 404.617).

5. Section 404.609 is amended by changing the period at the end of paragraph (b) to a semicolon and adding a new paragraph (c), reading:

(c) As provided in §§ 404.616 and 404.617.

6. New §§ 404.616 and 404.617 are added to follow § 404.615:

§ 404.616 *Filing of proof of support or application for lump-sum death payment after 2-year period.* In any case in which the proof of support required to be filed under § 404.309 (e), § 404.322 (f), or § 404.328 (c), or the application for the lump-sum death payment required to be filed under § 404.338 (b), is not filed within the 2-year period prescribed by the appropriate section, such proof of support or application shall nevertheless be deemed to have been filed within such 2-year period if it is filed within 2 years following the expiration of such 2-year period or on or before August 31, 1958, whichever is later, and it is determined, as provided in § 404.617, that there was good cause for failure to file such proof or application within the initial 2-year period.

§ 404.617 *"Good cause" for delayed filing of proof of support or application for lump-sum death payment*—(a) *What constitutes "good cause".* "Good cause" may be found for failure to file, within the initial 2-year period, proof of support under § 404.309 (e), § 404.322 (f), or § 404.328 (c), or application for the lump-sum death payment under § 404.338 (b), when the individual (husband, widower, parent, or lump-sum applicant, as may be appropriate) establishes to the satisfaction of the Department that such failure to file was due to:

(1) Circumstances beyond the individual's control, such as extended illness, mental or physical incapacity, or communication difficulties; or

(2) Incorrect or incomplete information furnished the individual by the Department; or

(3) Efforts by the individual to secure supporting evidence without a realization that such evidence could be submitted after filing proof of support or application; or

(4) Unusual or unavoidable circumstances, the nature of which demonstrate that the individual could not reasonably be expected to have been aware of the need to file timely the proof of support or lump-sum application.

(b) *What does not constitute "good cause."* "Good cause" for failure to file timely such proof of support or application does not exist when there is evidence of record in the Department that the individual was informed that he should file within the initial 2-year period and he failed to do so through negligence or intent not to file.

(Sec. 205, 1102, 49 Stat. 624, as amended, 647, as amended, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302)

[SEAL] C. I. SCHOTTLAND,
Commissioner of Social Security.

Approved: December 21, 1956.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 56–10598; Filed, Dec. 28, 1956; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6220]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

MISCELLANEOUS AMENDMENTS

On June 26, 1956, a notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 102, 103, 109, 110, 111, 112, 113, 114, 115, 118, 119, 120, and 121 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 4629). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below:

PARAGRAPH 1. Section 1.103–1 is revised.

PAR. 2. Section 1.103–2 (a) (1) is revised by changing the fifth sentence thereof to read as follows: "Under the above-mentioned provisions, income consisting of dividends on stock of Federal land banks, national farm-loan associations, Federal home loan banks, and Federal reserve banks is not, in the case of stock issued before March 28, 1942, includible in gross income. Income consisting of dividends on share accounts of Federal savings and loan associations is includible in gross income but, in the case of shares issued before March 28, 1942, is not subject to the normal tax on income."

PAR. 3. The first sentence in § 1.103–4 (b) (1) is revised by inserting the word "income" following the word "Federal" and before the word "tax" and inserting the word "Maritime" following the word "and" and before the word "Administration".

PAR. 4. The first sentence in § 1.110–1 (a) is revised by inserting the phrase "of the Internal Revenue Code of 1954" following the term "subtitle A" and before the word "upon".

PAR. 5. Section 1.110–1 (b) is revised by inserting the phrase "of the Internal Revenue Code of 1954" following the term "subtitle A" and before the word "upon".

PAR. 6. The last sentence in § 1.111–1 (a) is revised by inserting the phrase "of 1954" following the word "Code" and before the word "or".

PAR. 7. The first sentence in § 1.111–1 (b) (2) (i) is revised by inserting the phrase "of 1954" following the word "Code" and before the word "or".

PAR. 8. Section 1.111–1 (b) (2) (ii) is revised by deleting the word "greatest" and inserting in lieu thereof the word "greater".

PAR. 9. The first sentence of § 1.111–1 (c) is revised by inserting the phrase "of 1954" following the word "Code" and before the word "shall".

PAR. 10. The second sentence of § 1.111–1 (c) is revised by inserting the phrase "of the Internal Revenue Code of 1954" following the parenthetical expression "(not including section 531 or section 541)" and before the words "or corresponding provisions".

PAR. 11. Section 1.113–1 is revised by inserting the expression "Subchapter IV of" following the word "and" and before the word "the".

PAR. 12. Section 1.119–1 (b) is revised by deleting "(1)" following the heading and by substituting "(1)", "(2)", and "(3)" for "(i)", "(ii)", and "(iii)", respectively.

PAR. 13. Section 1.121 is amended by inserting after paragraph (17) of section 121 (a) the following new paragraph:

(18) Dependency and indemnity compensation paid to survivors of members of a uniformed service and certain other persons, see section 210 of the Servicemen's and Veterans' Survivor Benefits Act.

PAR. 14. Section 1.121 is amended by inserting after section 121 (b) the following:

(Sec. 121 (a) (18) added by section 501 (t) of P. L. 881 (84th Cong.) effective January 1, 1957)

As so changed, the regulations read as set forth below.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: December 21, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

Sec.
1.102 Statutory provisions; gifts and inheritances.
1.102–1 Gifts and inheritances.
1.103 Statutory provisions; interest on certain governmental obligations.
1.103–1 Interest upon obligations of a State, Territory, etc.
1.103–2 Dividends from shares and stock of Federal agencies or instrumentalities.
1.103–3 Interest upon notes secured by mortgages executed to Federal agencies or instrumentalities.
1.103–4 Interest upon United States obligations.
1.103–5 Treasury bond exemption in the case of trusts or partnerships.
1.103–6 Interest upon United States obligations in the case of nonresident aliens and foreign corporations, not engaged in business in the United States.
1.109 Statutory provisions; improvements by lessee on lessor's property.
1.109–1 Exclusion from gross income of lessor of real property of value of improvements erected by lessee.
1.110 Statutory provisions; income taxes paid by lessee corporation.
1.110–1 Income taxes paid by lessee corporation.
1.111 Statutory provisions; recovery of bad debts, prior taxes, and delinquent accounts.
1.111–1 Recovery of certain items previously deducted or credited.
1.112 Statutory provisions; certain combat pay of members of the Armed Forces.
1.112–1 Compensation of members of the Armed Forces of the United States for service in a combat zone during an induction period, or for service while hospitalized as a result of such combat-zone service.
1.113 Statutory provisions; mustering-out payments for members of the Armed Forces.
1.113–1 Mustering-out payments for members of the Armed Forces.
1.114 Statutory provisions; sports programs conducted for the American National Red Cross.
1.114–1 Proceeds from certain sports programs conducted for the benefit of the American National Red Cross.
1.115 Statutory provisions; income of States, municipalities, etc.
1.115–1 Bridges to be acquired by State or political subdivisions.
1.118 Statutory provisions; contributions to the capital of a corporation.
1.118–1 Contributions to the capital of a corporation.
1.119 Statutory provisions; meals or lodging furnished for the convenience of the employer.
1.119–1 Meals or lodging furnished for the convenience of the employer.
1.120 Statutory provisions; statutory subsistence allowance received by police.
1.120–1 Statutory subsistence allowance received by police.
1.121 Statutory provisions; cross references to other acts.

AUTHORITY: §§ 1.102 to 1.121 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.102 *Statutory provisions; gifts and inheritances.*

SEC. 102. *Gifts and inheritances*—(a) *General rule.* Gross income does not include the value of property acquired by gift, bequest, devise, or inheritance.

(b) *Income.* Subsection (a) shall not exclude from gross income—

(1) The income from any property referred to in subsection (a); or

(2) Where the gift, bequest, devise, or inheritance is of income from property, the amount of such income.

Where, under the terms of the gift, bequest, devise, or inheritance, the payment, crediting, or distribution thereof is to be made at intervals, then, to the extent that it is paid or credited or to be distributed out of income from property, it shall be treated for purposes of paragraph (2) as a gift, bequest, devise, or inheritance of income from property. Any amount included in the gross income of a beneficiary under subchapter J shall be treated for purposes of paragraph (2) as a gift, bequest, devise, or inheritance of income from property.

§ 1.102–1 *Gifts and inheritances*—(a) *General rule.* Property received as a gift, or received under a will or under statutes of descent and distribution, is not includible in gross income, although the income from such property is includible in gross income. An amount of principal paid under a marriage settlement is a gift. However, see section 71 and the regulations thereunder for rules relating to alimony or allowances paid upon divorce or separation. Section 102 does not apply to prizes and awards (see section 74 and § 1.74–1) nor to scholarships and fellowship grants (see section 117 and the regulations thereunder).

(b) *Income from gifts and inheritances.* The income from any property received as a gift, or under a will or statute of descent and distribution shall not be excluded from gross income under paragraph (a) of this section.

(c) *Gifts and inheritances of income.* If the gift, bequest, devise, or inheritance is of income from property, it shall not be excluded from gross income under paragraph (a) of this section. Section 102 provides a special rule for the treatment of certain gifts, bequests, devises, or inheritances which by their terms are to be paid, credited, or distributed at intervals. Except as provided in section 663 (a) (1) and paragraph (d) of this section, to the extent any such gift, bequest, devise, or inheritance is paid, credited, or to be distributed out of income from property, it shall be considered a gift, bequest, devise, or inheritance of income from property. Section 102 provides the same treatment for amounts of income from property which is paid, credited, or to be distributed under a gift or bequest whether the gift or bequest is in terms of a right to payments at intervals (regardless of income) or is in terms of a right to income. To the extent the amounts in either case are paid, credited, or to be distributed at intervals out of income, they are not to be excluded under section 102 from the taxpayer's gross income.

(d) *Effect of subchapter J.* Any amount required to be included in the gross income of a beneficiary under sections 652, 662, or 668 shall be treated for purposes of this section as a gift, bequest, devise, or inheritance of income from property. On the other hand, any amount excluded from the gross income of a beneficiary under section 663 (a) (1) shall be treated for purposes of this section as property acquired by gift, bequest, devise, or inheritance.

(e) *Income taxed to grantor or assignor.* Section 102 is not intended to tax a donee upon the same income which is taxed to the grantor of a trust or assignor of income under section 61 or sections 671 through 677, inclusive.

§ 1.103 *Statutory provisions; interest on certain governmental obligations.*

SEC. 103. *Interest on certain governmental obligations*—(a) *General rule.* Gross income does not include interest on—

(1) The obligations of a State, a Territory, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia;

(2) The obligations of the United States; or

(3) The obligations of a corporation organized under act of Congress, if such corporation is an instrumentality of the United States and if under the respective acts authorizing the issue of the obligations the interest is wholly exempt from the taxes imposed by this subtitle.

(b) *Exception.* Subsection (a) (2) shall not apply to interest on obligations of the United States issued after September 1, 1917 (other than postal savings certificates of deposit, to the extent they represent deposits made before March 1, 1941), unless under the respective acts authorizing the issuance thereof such interest is wholly exempt from the taxes imposed by this subtitle.

(c) *Cross references.* For provisions relating to the taxable status of—

(1) Bonds and certificates of indebtedness authorized by the First Liberty Bond Act, see sections 1 and 6 of that Act (40 Stat. 35, 36; 31 U. S. C. 746, 755);

(2) Bonds issued to restore or maintain the gold reserve, see section 2 of the Act of March 14, 1900 (31 Stat. 46; 31 U. S. C. 408);

(3) Bonds, notes, certificates of indebtedness, and Treasury bills authorized by the Second Liberty Bond Act, see sections 4, 5 (b) and (d), 7, 18 (b), and 22 (d) of that Act, as amended (40 Stat. 290; 46 Stat. 20, 775; 40 Stat. 291, 1310; 55 Stat. 8; 31 U. S. C. 752a, 754, 747, 753, 757c);

(4) Bonds, notes, and certificates of indebtedness of the United States and bonds of the War Finance Corporation owned by certain nonresidents, see section 3 of the Fourth Liberty Bond Act, as amended (40 Stat. 1311, § 4; 31 U. S. C. 750);

(5) Certificates of indebtedness issued after February 4, 1910, see section 2 of the Act of that date (36 Stat. 192; 31 U. S. C. 769);

(6) Consols of 1930, see section 11 of the Act of March 14, 1900 (31 Stat. 48; 31 U. S. C. 751);

(7) Obligations and evidences of ownership issued by the United States or any of its agencies or instrumentalities on or after March 28, 1942, see section 4 of the Public Debt Act of 1941, as amended (c. 147, 61 Stat. 180; 31 U. S. C. 742a);

(8) Commodity Credit Corporation obligations, see section 5 of the Act of March 8, 1938 (52 Stat. 108; 15 U. S. C. 713a–5);

(9) Debentures issued by Federal Housing Administrator, see sections 204 (d) and 207 (l) of the National Housing Act, as amended (52 Stat. 14, 20; 12 U. S. C. 1710, 1713);

(10) Debentures issued to mortgagees by United States Maritime Commission, see section 1105 (c) of the Merchant Marine Act, 1936, as amended (52 Stat. 972; 46 U. S. C. 1275);

(11) Federal Deposit Insurance Corporation obligations, see section 15 of the Federal Deposit Insurance Act (64 Stat. 890; 12 U. S. C. 1825);

(12) Federal Home Loan Bank obligations, see section 13 of the Federal Home Loan Bank Act, as amended (49 Stat. 295, § 8; 12 U. S. C. 1433);

(13) Federal savings and loan association loans, see section 5 (h) of the Home Owners' Loan Act of 1933, as amended (48 Stat. 133; 12 U. S. C. 1464);

(14) Federal Savings and Loan Insurance Corporation obligations, see section 402 (e) of the National Housing Act (48 Stat. 1257; 12 U. S. C. 1725);

(15) Home Owners' Loan Corporation bonds, see section 4 (c) of the Home Owners' Loan Act of 1933, as amended (48 Stat. 644, c. 168; 12 U. S. C. 1463);

(16) Obligations of Central Bank for Cooperatives, production credit corporations, production credit associations, and banks for cooperatives, see section 63 of the Farm Credit Act of 1933 (48 Stat. 267; 12 U. S. C. 1138c);

(17) Panama Canal bonds, see section 1 of the Act of December 21, 1904 (34 Stat. 5; 31 U. S. C. 743), section 8 of the Act of June 28, 1902 (32 Stat. 484; 31 U. S. C. 744), and section 39 of the Tariff Act of 1909 (36 Stat. 117; 31 U. S. C. 745);

(18) Philippine bonds, etc., issued before the independence of the Philippines, see section 9 of the Philippine Independence Act (48 Stat. 463; 48 U. S. C. 1239);

(19) Postal savings bonds, see section 10 of the Act of June 25, 1910 (36 Stat. 817; 39 U. S. C. 760);

(20) Puerto Rican bonds, see section 3 of the Act of March 2, 1917, as amended (50 Stat. 844; 48 U. S. C. 745);

(21) Treasury notes issued to retire national bank notes, see section 18 of the Federal Reserve Act (38 Stat. 268; 12 U. S. C. 447);

(22) United States Housing Authority obligations, see sections 5 (e) and 20 (b) of the United States Housing Act of 1937 (50 Stat. 890, 898; 42 U. S. C. 1405, 1420);

(23) Virgin Islands insular and municipal bonds, see section 1 of the Act of October 27, 1949 (63 Stat. 940; 48 U. S. C. 1403).

§ 1.103.1 *Interest upon obligations of a State, Territory, etc.* Interest upon the obligations of a State, Territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia is not includible in gross income. Obligations issued by or on behalf of the State, Territory, or possession of the United States, or a duly organized political subdivision acting by constituted authorities empowered to issue such obligations, are the obligations of a State, Territory, or possession of the United States, or a political subdivision thereof. Certificates issued by a political subdivision for public improvements (such as sewers, sidewalks, streets, etc.) which are evidence of special assessments against specific property, which assessments become a lien against such property and which the political subdivision is required to enforce, are, for purposes of this section, obligations of the political subdivision even though the obligations are to be satisfied out of special funds and not out of general funds or taxes. The term "political subdivision", for purposes of this section, denotes any division of the State, Territory, or possession of the United States which is a municipal corporation, or to which has been delegated the right to exercise part of the sovereign power of the State, Territory, or possession of the United States. As thus defined, a political subdivision of a State, Territory, or possession of the United States may or may not, for purposes of this section, include special assessment districts so created, such as road, water, sewer, gas, light reclamation, drainage, irrigation, levee, school, harbor, port improvement, and similar districts and divisions of a State, Territory, or possession of the United States.

§ 1.103–2 *Dividends from shares and stock of Federal agencies or instrumentalities*—(a) *Issued before March 28, 1942.* (1) Section 26 of the Federal Farm Loan Act of July 17, 1916 (12 U. S. C. 931), provides that Federal land banks and national farm-loan associations, including the capital and reserve or surplus therein and the income derived therefrom, shall be exempt from taxation, except taxes upon real estate. Section 7 of the Federal Reserve Act of December 23, 1913 (12 U. S. C. 531), provides that Federal reserve banks, including the capital stock and surplus therein and the income derived therefrom, shall be exempt from taxation, except taxes upon real estate. Section 13 of the Federal Home Loan Bank Act (12 U. S. C. 1433) provides that the Federal Home Loan Bank including its franchise, its capital, reserves, and surplus, its advances, and its income shall be exempt from all taxation, except taxes upon real estate. Section 5 (h) of the Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (h)) provides that shares of Federal savings and loan associations shall, both as to their value and the income therefrom, be exempt from all taxation (except surtaxes, estate, inheritance, and gift taxes) imposed by the United States. Under the above-mentioned provisions, income consisting of dividends on stock of Federal land banks, national farm-loan associations, Federal home loan banks, and Federal reserve banks is not, in the case of stock issued before March 28, 1942, includible in gross income. In-

come consisting of dividends on share accounts of Federal savings and loan associations is includible in gross income but, in the case of shares issued before March 28, 1942, is not subject to the normal tax on income. For taxability of such income in the case of such stock or shares issued on or after March 28, 1942, see section 6 of the Public Debt Act of 1942 (31 U. S. C. 742a) and paragraph (b) of this section. For the time at which a stock or share is issued within the meaning of this section, see paragraph (b) of this section.

(2) Regardless of the exemption from income tax of dividends paid on the stock of Federal reserve banks, dividends paid by member banks are treated like dividends of ordinary corporations.

(3) Dividends on the stock of the central bank for cooperatives, the production credit corporations, production credit associations, and banks for cooperatives, organized under the provisions of the Farm Credit Act of 1933, constitute income to the recipients, subject to both the normal tax and surtax (see section 63 of the Farm Credit Act of 1933 (12 U. S. C. 1138c)).

(b) *Issued on or after March 28, 1942.* (1) By virtue of the provisions of section 6 of the Public Debt Act of 1942, the tax exemption provisions set forth in paragraph (a) of this section with respect to income consisting of dividends on stock of the Federal land banks, national farm-loan associations, and Federal reserve banks, or on share accounts of Federal savings and loan associations, are not applicable in the case of dividends on such stock or shares issued on or after March 28, 1942.

(2) For the purposes of this section, a stock or share is deemed to be issued at the time and to the extent that payment therefor is made to the agency or instrumentality. The date of issuance of the certificate or other evidence of ownership of such stock or share is not determinative if payment is made at an earlier or later date. Where old stock is retired in exchange for new stock of a different character or preference, the new stock shall be deemed to have been issued at the time of the exchange rather than when the old stock was paid for. These rules may be illustrated by the following examples:

Example (1). A, the owner of an investment share account, consisting of 10 shares, in a Federal savings and loan association, has a single certificate issued before March 28, 1942, evidencing such ownership. In order that A may dispose of half of such shares, the association at his request issues, after March 27, 1942, two 5-share certificates in substitution for the 10-share certificate. The shares evidenced by the two new certificates are deemed to have been issued before March 28, 1942, the shares having been paid for before such date.

Example (2). The X Bank, a member of a Federal reserve bank, owns 50 shares of Federal reserve bank stock, evidenced by a single stock certificate issued before March 28, 1942. On December 31, 1942, the X Bank reduces the amount of its capital stock, as a result of which it is required to reduce the amount of its Federal reserve bank stock to 40 shares. It surrenders the 50-share certificate to the Federal reserve bank and receives a new 40-share certificate. The 40 shares evidenced by such certificate are deemed to have been issued before March 28, 1942. On December 31, 1943, the X Bank increases the amount of its capital stock, as a result of which it is required to purchase 10 additional shares of the Federal reserve bank stock. The Federal reserve bank issues a 10-share certificate evidencing ownership of the new shares. Of the 50 shares then owned by the X Bank, 40 were issued prior to March 28, 1942, and 10 were issued after March 27, 1942.

Example (3). A, the owner of a savings share account in the amount of $100 in a Federal savings and loan association, has a passbook containing a certificate issued prior to March 28, 1942, evidencing such ownership. Subsequent to March 27, 1942, A deposits $10,000 in the account. With respect to the $10,000 deposit, the share is deemed to have been issued after March 27, 1942.

§ 1.103–3 *Interest upon notes secured by mortgages executed to Federal agencies or instrumentalities.* Section 26 of the Federal Farm Loan Act of July 17, 1916 (12 U. S. C. 931), and section 210 of such act, as added by section 2 of the act of March 4, 1923 (12 U. S. C. 1111), provide that first mortgages executed to Federal land banks, joint-stock land banks, or Federal intermediate credit banks, and the income derived therefrom, shall be exempt from taxation. Accordingly, income consisting of interest on promisory notes held by such banks and secured by such first mortgages is not subject to the income tax.

§ 1.103–4 *Interest upon United States obligations*—(a) *Issued before March 1, 1941.* (1) Interest upon obligations of the United States issued on or before September 1, 1917, is exempt from tax. In the case of obligations issued by the United States after September 1, 1917, and in the case of obligations of a corporation organized under act of Congress, if such corporation is an instrumentality of the United States, the interest is exempt from tax only if and to the extent provided in the acts authorizing the issue thereof, as amended and supplemented.

(2) Interest on Treasury bonds issued before March 1, 1941, is exempt from Federal income taxes except surtaxes imposed upon the income or profits of individuals, associations, or corporations. However, interest on an aggregate of not exceeding $5,000 principal amount of such bonds is also exempt from surtaxes. Interest in excess of the interest on an aggregate of not exceeding $5,000 principal amount of such bonds is subject to surtax and must be included in gross income.

(3) Interest credited to postal savings accounts upon moneys deposited before March 1, 1941, in postal savings banks is wholly exempt from income tax.

(b) *Issued on or after March 1, 1941.* (1) Under the provisions of sections 4 and 5 of the Public Debt Act of 1941, interest upon obligations issued on or after March 1, 1941, by the United States, or any agency or instrumentality thereof, shall not have any exemption, as such, from Federal income tax except in respect of any such obligations which the Federal Maritime Board and Maritime Administration (formerly United States Maritime Commission) or the Federal Housing Administration has, before March 1, 1941, contracted to issue at a future date. The interest on such obligations so contracted to be issued shall bear such tax-exemption privileges as were at the time of such contract provided in the law authorizing their issuance. For the purposes hereof, under section 4 (a) of the Public Debt Act of 1941, a Territory and a possession of the United States (or any political subdivisions thereof), and the District of Columbia, and any agency or instrumentality of any one or more of the foregoing, shall not be considered as an agency or instrumentality of the United States.

(2) In the case of obligations issued as the result of a refunding operation, as, for example, where a corporation exchanges bonds for previously issued bonds, the refunding obligations are deemed, for the purposes of this section, to have been issued at the time of the exchange rather than at the time the original bonds were issued.

§ 1.103–5 *Treasury bond exemption in the case of trusts or partnerships.* (a) When the income of a trust is taxable to beneficiaries, as in the case of a trust the income of which is to be distributed to the beneficiaries currently, each beneficiary is entitled to exemption as if he owned directly a proportionate part of the Treasury bonds held in trust. When, on the other hand, income is taxable to the trustee, as in the case of a trust the income of which is accumulated for the benefit of unborn or unascertained persons, the trust, as the owner of the bonds held in trust, is entitled to the exemption on account of such ownership. In general, see sections 652 (b) and 662 (b) and the regulations thereunder.

(b) As the income of a partnership is taxable to the individual partners, each partner is entitled to exemption as if he owned directly a proportionate part of the bonds held by the partnership. For rules relating to partially tax-exempt interest see section 702 (a) (7) and the regulations thereunder.

§ 1.103–6 *Interest upon United States obligations in the case of nonresident aliens and foreign corporations, not engaged in business in the United States.* By virtue of section 4 of the Victory Liberty Loan Act of March 3, 1919 (31 U. S. C. 750), amending section 3 of the Fourth Liberty Bond Act of July 9, 1918 (31 U. S. C. 750), the interest received on and after March 3, 1919, on bonds, notes, and certificates of indebtedness of the United States while beneficially owned by a nonresident alien individual, or a foreign corporation, partnership, or association, if such individual, corporation, partnership, or association is not engaged in business in the United States, is exempt from income taxes. Such exemption applies only to such bonds, notes, or certificates as have been issued before March 1, 1941. Interest derived by a nonresident alien individual, or by a foreign corporation, partnership, or association on such bonds, notes, or certificates issued on or after March 1, 1941, is subject to tax as in the case of taxpayers generally as provided in § 1.103–4 (b).

§ 1.109 *Statutory provisions; improvements by lessee on lessor's property.*

SEC. 109. *Improvements by lessee on lessor's property.* Gross income does not include income (other than rent) derived by a lessor of real property on the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by the lessee.

§ 1.109–1 *Exclusion from gross income of lessor of real property of value of improvements erected by lessee.* (a) Income derived by a lessor of real property upon the termination, through forfeiture or otherwise, of the lease of such property and attributable to buildings erected or other improvements made by the lessee upon the leased property is excluded from gross income. However, where the facts disclose that such buildings or improvements represent in whole or in part a liquidation in kind of lease rentals, the exclusion from gross income shall not apply to the extent that such buildings or improvements represent such liquidation. The exclusion applies only with respect to the income realized by the lessor upon the termination of the lease and has no application to income, if any, in the form of rent, which may be derived by a lessor during the period of the lease and attributable to buildings erected or other improvements made by the lessee. It has no application to income which may be realized by the lessor upon the termination of the lease but not attributable to the value of such buildings or improvements. Neither does it apply to income derived by the lessor subsequent to the termination of the lease incident to the ownership of such buildings or improvements.

(b) The provisions of this section may be illustrated by the following example:

Example. The A Corporation leased in 1945 for a period of 50 years unimproved real property to the B Corporation under a lease providing that the B Corporation erect on the leased premises an office building costing $500,000, in addition to paying the A Corporation a lease rental of $10,000 per annum beginning on the date of completion of the improvements, the sum of $100,000 being placed in escrow for the payment of the rental. The building was completed on January 1, 1950. The lease provided that all improvements made by the lessee on the leased property would become the absolute property of the A Corporation on the termination of the lease by forfeiture or otherwise and that the lessor would become entitled on such termination to the remainder of the sum, if any, remaining in the escrow fund. The B Corporation forfeited its lease on January 1, 1955, when the improvements had a value of $100,000. Under the provisions of section 109, the $100,000 is excluded from gross income. The amount of $50,000 representing the remainder in the escrow fund is forfeited to the A Corporation and is included in the gross income of that taxpayer. As to the basis of the property in the hands of the A Corporation, see § 1.1019–1.

§ 1.110 *Statutory provisions: income taxes paid by lessee corporation.*

SEC. 110. *Income taxes paid by lessee corporation.* If—

(1) A lease was entered into before January 1, 1954,

(2) Both lessee and lessor are corporations, and

(3) Under the lease, the lessee is obligated to pay, or to reimburse the lessor for, any part of the tax imposed by this subtitle on the lessor with respect to the rentals derived by the lessor from the lessee,

then gross income of the lessor does not include such payment or reimbursement, and no deduction for such payment or reimbursement shall be allowed to the lessee. For purposes of the preceding sentence, a lease shall be considered to have been entered into before January 1, 1954, if it is a renewal or continuance of a lease entered into before such date and if such renewal or continuance was made in accordance with an option contained in the lease on December 31, 1953.

§ 1.110–1 *Income taxes paid by lessee corporation.* (a) If a lease was entered into before January 1, 1954, if both lessee and lessor are corporations, and if, under the lease, the lessee is obligated to pay, or to reimburse the lessor for, any portion of the tax imposed by subtitle A of the Internal Revenue Code of 1954 upon the lessor with respect to the rentals derived by the lessor from such lease, such payment or reimbursement of tax shall be excluded from gross income of the lessor and no deduction therefor shall be allowed to the lessee. For purposes of this section, a renewal or continuance after December 31, 1953, of a lease entered into before January 1, 1954, shall be considered a lease entered into before January 1, 1954, if such renewal or continuance is made in accordance with an option contained in the original lease on December 31, 1953, or in accordance with an option contained (on December 31, 1953) in an instrument by which the original lease was renewed or continued. Thus, assume that a corporation lessor and a corporation lessee enter into a lease on January 1, 1947. The lease expires on December 31, 1953, but may be renewed for two years at the option of the lessee. On December 31, 1953, the lessee exercises his option, and the parties further agree, in writing, that the terms of the lease may be extended for an additional two years at the lessee's option. On December 31, 1955, the lessee exercises his option. The renewal period covering 1954 and 1955 are controlled by the provisions of section 110. Similarly, section 110 is applicable to the second two-year period to which the lease has been extended. However, section 110 would not be applicable to any further extension of the terms of the lease, since such further extension would not be made pursuant to an option existing on December 31, 1953.

(b) In the case of a lease to which the provisions of section 110 are not applicable, any amounts paid or reimbursed by the lessee corporation with respect to taxes imposed by subtitle A of the Internal Revenue Code of 1954 upon the lessor corporation for rentals derived by the lessor corporation under such lease shall be included in the gross income of the lessor corporation and shall, if otherwise allowable, be allowed as a deduction to the lessee corporation.

§ 1.111 *Statutory provisions; recovery of bad debts, prior taxes, and delinquency amounts.*

SEC. 111. *Recovery of bad debts, prior taxes, and delinquency amounts*—(a) *General rule.* Gross income does not include income attributable to the recovery during the taxable year of a bad debt, prior tax, or delinquency amount, to the extent of the amount of the recovery exclusion with respect to such debt, tax, or amount.

(b) *Definitions.* For purposes of subsection (a)—

(1) *Bad debt.* The term "bad debt" means a debt on account of the worthlessness or partial worthlessness of which a deduction was allowed for a prior taxable year.

(2) *Prior tax.* The term "prior tax" means a tax on account of which a deduction or credit was allowed for a prior taxable year.

(3) *Delinquency amount.* The term "delinquency amount" means an amount paid or accrued on account of which a deduction or credit was allowed for a prior taxable year and which is attributable to failure to file return with respect to a tax, or pay a tax, within the time required by the law under which the tax is imposed, or to failure to file return with respect to a tax or pay a tax.

(4) *Recovery exclusion.* The term "recovery exclusion", with respect to a bad debt, prior tax, or delinquency amount, means the amount, determined in accordance with regulations prescribed by the Secretary or his delegate, of the deductions or credits allowed, on account of such bad debt, prior tax, or delinquency amount, which did not result in a reduction of the taxpayer's tax under this subtitle (not including the accumulated earnings tax imposed by section 531 or the tax on personal holding companies imposed by section 541) or corresponding provisions of prior income tax laws (other than subchapter E of chapter 2 of the Internal Revenue Code of 1939, relating to World War II excess profits tax), reduced by the amount excludable in previous taxable years with respect to such debt, tax, or amount under this section.

(c) *Special rules for accumulated earnings tax and for personal holding company tax.* In applying subsections (a) and (b) for the purpose of determining the accumulated earnings tax under section 531 or the tax under section 541 (relating to personal holding companies)—

(1) A recovery exclusion allowed for purposes of this subtitle (other than section 531 or section 541) shall be allowed whether or not the bad debt, prior tax, or delinquency amount resulted in a reduction of the tax under section 531 or the tax under section 541 for the prior taxable year; and

(2) Where a bad debt, prior tax, or delinquency amount was not allowable as a deduction or credit for the prior taxable year for purposes of this subtitle other than of section 531 or section 541 but was allowable for the same taxable year under section 531 or section 541, then a recovery exclusion shall be allowable if such bad debt, prior tax, or delinquency amount did not result in a reduction of the tax under section 531 or the tax under section 541.

§ 1.111–1 *Recovery of certain items previously deducted or credited*—(a) *General.* Section 111 provides that income attributable to the recovery during any taxable year of bad debts, prior taxes, and delinquency amounts shall be excluded from gross income to the extent of the "recovery exclusion" with respect to such items. The rule of exclusion so prescribed by statute applies equally with respect to all other losses, expenditures, and accruals made the basis of deductions from gross income for prior taxable years, including war losses referred to in section 127 of the Internal Revenue Code of 1939, but not including deductions with respect to depreciation, depletion, amortization, or amortizable

bond premiums. The term "recovery exclusion" as used in this section means an amount equal to the portion of the bad debts, prior taxes, and delinquency amounts (the items specifically referred to in section 111), and of all other items subject to the rule of exclusion which, when deducted or credited for a prior taxable year, did not result in a reduction of any tax of the taxpayer under subtitle A (other than the accumulated earnings tax imposed by section 531 or the personal holding company tax imposed by section 541) of the Internal Revenue Code of 1954 or corresponding provisions of prior income tax laws (other than the World War II excess profits tax imposed under subchapter E of chapter 2 of the Internal Revenue Code of 1939).

(1) *Section 111 items.* The term "section 111 items" as used in this section means bad debts, prior taxes, delinquency amounts, and all other items subject to the rule of exclusion, for which a deduction or credit was allowed for a prior taxable year. If a bad debt was previously charged against a reserve by a taxpayer on the reserve method of treating bad debts, it was not deducted, and it is therefore not considered a section 111 item. Bad debts, prior taxes, and delinquency amounts are defined in section 111 (b) (1), (2), and (3), respectively. An example of a delinquency amount is interest on delinquent taxes. An example of the other items not expressly referred to in section 111 but nevertheless subject to the rule of exclusion is a loss sustained upon the sale of stock and later recovered, in whole or in part, through an action against the party from whom such stock had been purchased.

(2) *Definition of "recovery."* Recoveries result from the receipt of amounts in respect of the previously deducted or credited section 111 items, such as from the collection or sale of a bad debt, refund or credit of taxes paid, or cancellation of taxes accrued. Care should be taken in the case of bad debts which were treated as only partially worthless in prior years to distinguish between the item described in section 111, that is, the part of such debt which was deducted, and the part not previously deducted, which is not a section 111 item and is considered the first part collected. The collection of the part not deducted is not considered a "recovery." Furthermore, the term "recovery" does not include the gain resulting from the receipt of an amount on account of a section 111 item which, together with previous such receipts, exceeds the deduction or credit previously allowed for such item. For instance, a $100 corporate bond purchased for $40 and later deducted as worthless is subsequently collected to the extent of $50. The $10 gain (excess of $50 collection over $40 cost) is not a recovery of a section 111 item. Such gain is in no case excluded from gross income under section 111, regardless of whether the $40 recovery is or is not excluded.

(3) *Treatment of debt deducted in more than one year by reason of partial worthlessness.* In the case of a bad debt deducted in part for two or more prior years, each such deduction of a part of the debt is considered a separate section 111 item. A recovery with respect to such debt is considered first a recovery of those items (or portions thereof), resulting from such debt, for which there are recovery exclusions. If there are recovery exclusions for two or more items resulting from the same bad debt, such items are considered recovered in the order of the taxable years for which they were deducted, beginning with the latest. The recovery exclusion for any such item is determined by considering the recovery exclusion with respect to the prior year for which such item was deducted as being first used to offset all other applicable recoveries in the year in which the bad debt is recovered.

(4) *Special provisions as to worthless bonds, etc., which are treated as capital losses.* Certain bad debts arising from the worthlessness of securities and certain nonbusiness bad debts are treated as losses from the sale or exchange of capital assets. See sections 165 (g) and 166 (d). The amounts of the deductions allowed for any year under section 1211 on account of such losses for such year are considered to be section 111 items. Any part of such losses which, under section 1211, is a deduction for a subsequent year through the capital loss carryover (any later receipt of an amount with respect to such deducted loss is a recovery) is considered a section 111 item for the year in which such loss was sustained.

(b) *Computation of recovery exclusion—(1) Amount of recovery exclusion allowable for year of recovery.* For the year of any recovery, the section 111 items which were deducted or credited for one prior year are considered as a group and the recovery thereon is considered separately from recoveries of any items which were deducted or credited for other years. This recovery is excluded from gross income to the extent of the recovery exclusion with respect to this group of items as (i) determined for the original year for which such items were deducted or credited (see subparagraph (2) of this paragraph) and (ii) reduced by the excludable recoveries in intervening years on account of all section 111 items for such original year. A taxpayer claiming a recovery exclusion shall submit, at the time the exclusion is claimed, the computation of the recovery exclusion claimed for the original year for which the items were deducted or credited, and computations showing the amount recovered in intervening years on account of the section 111 items deducted or credited for the original year.

(2) *Determination of recovery exclusion for original year for which items were deducted or credited.* (i) The recovery exclusion for the taxable year for which section 111 items were deducted or credited (that is, the "original taxable year") is the portion of the aggregate amount of such deductions and credits which could be disallowed without causing an increase in any tax of the taxpayer imposed under subtitle A (other than the accumulated earnings tax imposed by section 531 or the personal holding company tax imposed by section 541) of the Internal Revenue Code of 1954 or corresponding provisions of prior income tax laws (other than the World War II excess profits tax imposed under subchapter E of chapter 2 of the Internal Revenue Code of 1939). For the purpose of such recovery exclusion, consideration must be given to the effect of net operating loss carryovers and carrybacks or capital loss carryovers.

(ii) This rule shall be applied by determining the recovery exclusion as the aggregate amount of the section 111 items for the original year for which such items were deducted or credited reduced by whichever of the following amounts is the greater:

(*a*) The difference between (*1*) the taxable income for such original year and (2) the taxable income computed without regard to the section 111 items for such original year.

(*b*) In the case of a taxpayer subject to any income tax in lieu of normal tax or surtax or both (except the alternative tax on capital gains imposed by section 1201, which is disregarded), the difference between (*1*) the income subject to such tax for such original year and (2) the income subject to such tax computed without regard to the section 111 items for such original year.

(Neither the amount determined under (*1*) nor the amount under (2) of (*a*) or (*b*) of this subdivision shall in any case be considered less than zero.) For this determination of the recovery exclusion, the aggregate of the section 111 items must be further decreased by the portion thereof which caused a reduction in tax in preceding or succeeding taxable years through any net operating loss carryovers or carrybacks or capital loss carryovers affected by such items. This decrease is the aggregate of the largest amount determined for each of such preceding and succeeding years under (*a*) and (*b*) of this subdivision, the computation of each carryover or carryback to the preceding or succeeding year being made under (*1*) of (*a*) and (*b*) of this subdivision with regard to the section 111 items for the original year and such computation being made under (2) of (*a*) and (*b*) of this subdivision without regard to such items. For the purpose of the preceding sentence, the computations under both (*1*) and (2) of (*a*) and (*b*) of this subdivision shall be made without regard to any section 111 items for such preceding or succeeding year and the carryovers and carrybacks to such year shall be determined without regard to any section 111 items for years subsequent to the original year.

(iii) The determination of the recovery exclusion for original taxable years subject to the provisions of the Internal Revenue Code of 1939 shall be made under § 39.22 (b) (12)–1 (b) (2) of Regulations 118.

(3) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. A single individual with no dependents has for his 1954 taxable year the following income and deductions:

	With deduction of section 111 items	Without deduction of section 111 items
Gross income	$25,000	$25,000
Less deductions:		
Depreciation	20,000	20,000
Business bad debts and taxes	6,300	
Personal exemption	600	600
	26,900	20,600
Taxable income or (loss)	(1,900)	4,400
Adjustment under section 172 (d) (4)	600	
Net operating loss	(1,300)	

The full amount of the net operating loss of $1,300 is carried back and allowed as a deduction for 1952. The aggregate of the section 111 items for 1954 is $6,300 (bad debts and taxes). The recovery exclusion on account of section 111 items for 1954 is $600, determined by reducing the $6,300 aggregate of the section 111 items by $5,700, i. e., the sum of (1) the difference between the amount of the taxable income for 1954 computed without regard to the section 111 items ($4,400) and the amount of the taxable income for 1954 (not less than zero) computed by taking such items into account, and (2) the amount of the net operating loss ($1,300) which caused the reduction in tax for 1952 by reason of the carryback provisions. If in 1956 the taxpayer recovers $400 of the bad debts, all of the recovery is excluded from the income by reason of the recovery exclusion of $600 determined for the original year 1954. If in 1957 the taxpayer recovers an additional $300 of the bad debts, only $200 is excluded from gross income. That is, the recovery exclusion of $600 determined for the original year 1954 is reduced by the $400 recovered in 1956, leaving a balance of $200 which is used in 1957. The balance of the amount recovered in 1957, $100 ($300 less $200), is included in gross income for 1957.

(c) *Provisions as to taxes imposed by section 531 (relating to the accumulated earnings tax) and section 541 (relating to the tax on personal holding companies).* A recovery exclusion allowed for purposes of subtitle A (other than section 531 or section 541) of the Internal Revenue Code of 1954 shall also be allowed for the purpose of determining the accumulated earnings tax under section 531 or the personal holding company tax under section 541 regardless of whether or not the section 111 items on which such recovery exclusion is based resulted in a reduction of the tax under section 531 or section 541 of the Internal Revenue Code of 1954 (or corresponding provisions of prior income tax laws) for the prior taxable year. Furthermore, if there is recovery of a section 111 item which was not allowable as a deduction or credit for the prior taxable year for purposes of subtitle A (not including section 531 or section 541) or corresponding provisions of prior income tax laws (other than subchapter E of chapter 2 of the Internal Revenue Code of 1939, relating to World War II excess profits tax), but was allowable for such prior taxable year in determining the tax under section 531 or section 541 (or corresponding provisions of prior income tax laws) then for the purpose of determining the tax under section 531 or section 541 a recovery exclusion shall be allowable with respect to such recovery if the section 111 item did not result in a reduction of the tax under section 531 or section 541 (or corresponding provisions of prior income tax laws).

§ 1.112. *Statutory provisions; certain combat pay of members of the Armed Forces.*

SEC. 112. *Certain combat pay of members of the Armed Forces*—(a) *Enlisted personnel.* Gross income does not include compensation received for active service as a member below the grade of commissioned officer in the Armed Forces of the United States for any month during any part of which such member—

(1) Served in a combat zone during an induction period, or

(2) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone during an induction period; but this paragraph shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subsection (c) (3) of this section.

(b) *Commissioned officers.* Gross income does not include so much of the compensation as does not exceed $200 received for active service as a commissioned officer in the Armed Forces of the United States for any month during any part of which such officer—

(1) Served in a combat zone during an induction period, or

(2) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone during an induction period; but this paragraph shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subsection (c) (3) of this section.

(c) *Definitions.* For purposes of this section—

(1) The term "commissioned officer" does not include a commissioned warrant officer.

(2) The term "combat zone" means any area which the President of the United States by Executive Order designates, for purposes of this section or corresponding provisions of prior income tax laws, as an area in which Armed Forces of the United States are or have (after June 24, 1950) engaged in combat.

(3) Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combatant activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; except that June 25, 1950, shall be considered the date of the commencing of combatant activities in the combat zone designated in Executive Order 10195.

(4) The term "compensation" does not include pensions and retirement pay.

(5) The term "induction period" means any period during which, under laws heretofore or hereafter enacted relating to the induction of individuals for training and service in the Armed Forces of the United States, individuals (other than individuals liable for induction by reason of a prior deferment) are liable for induction for such training and service.

§ 1.112–1 *Compensation of members of the Armed Forces of the United States for service in a combat zone during an induction period, or for service while hospitalized as a result of such combat-zone service.* (a) In addition to the exemptions and credits otherwise applicable, section 112 provides that there shall be excluded from gross income:

(1) Compensation received for active service as a member below the grade of commissioned officer in the Armed Forces of the United States for any month during any part of which such member (i) served in a combat zone during an induction period, or (ii) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving provided that during all of such month there are combatant activities in some combat zone.

(2) In the case of compensation received for active service as a commissioned officer in the Armed Forces of the United States for any month during any part of which such officer (i) served in a combat zone during an induction period, or (ii) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving provided that during all of such month there are combatant activities in some combat zone, so much of such compensation as does not exceed $200.

(b) The exclusions under section 112 and this section are applicable only if active service is performed in a combat zone during an induction period. Compensation is subject to exclusion whether or not it is received outside a combat zone or while the recipient is hospitalized or in a year different from that in which the service was rendered for which the compensation is paid. Service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive order, for the purpose of section 112, as an area in which Armed Forces of the United States are or have engaged in combat, and only if it is performed on or after the date designated by the President by Executive order as the date of the commencing of combatant activities in such zone and on or before the date designated by the President by Executive order as the date of the termination of combatant activities in such zone. Section 112 (c) (3) provides that June 25, 1950, shall be considered the date of commencing of combatant activities in the combat zone designated in Executive Order 10195. In Executive Order 10585 the President designated January 31, 1955, as of midnight thereof, as the date of termination of combatant activities in the combat zone designated in Executive Order 10195. If a member of the Armed Forces serves in a combat zone for any part of a month during an induction period, he is entitled to the exclusion for such month to the same extent as if he has served in such zone, for the entire month. If a member of the Armed Forces is hospitalized for a part of a month as a result of wounds, disease, or injury incurred while serving in such zone during an induction period, he is entitled to the exclusion for the entire month provided there are some combatant activities in any combat zone during all of such month.

(c) If an individual is hospitalized for wound, disease, or injury while serving in a combat zone, the wound, disease, or injury will, unless the contrary clearly ap-

pears, be presumed to have been incurred while serving in a combat zone. In certain cases, however, a wound, disease, or injury may have been incurred while serving in a combat zone even though the individual was not hospitalized for it while so serving. And, in exceptional cases, a wound, disease, or injury will not have been incurred while serving in a combat zone even though the individual was hospitalized for it while so serving.

(d) These principles may be illustrated by the following examples (in each case service is performed in a combat zone during an induction period):

Example (1). An individual is hospitalized in a combat zone for a specific disease after having served in such zone for three weeks. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in the combat zone.

Example (2). The facts are the same as in example (1) except that the incubation period is one year. Such disease was not incurred while serving in the combat zone.

Example (3). A member of the Air Force, stationed outside the combat zone, is shot while participating in an aerial flight over the combat zone, but is not hospitalized until he returns to his home base. Such injury was incurred while serving in a combat zone.

Example (4). An individual is hospitalized for a specific disease three weeks after having departed from a combat zone. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in a combat zone.

(e) An individual is hospitalized only until such time as his status as a hospital patient ceases by reason of his discharge from the hospital.

(f) The term "induction period" means any period in which individuals are generally subject to induction into the Armed Forces of the United States under the Universal Military Training and Service Act (50 App. U. S. C. 451) or under similar acts hereafter enacted. The term does not apply to any period in which individuals are not generally subject to induction but are subject to induction by reason of a prior deferment.

(g) The term "commissioned officer" does not include a commissioned warrant officer, and, accordingly, a commissioned warrant officer is entitled to the exclusion allowed to enlisted personnel under section 112 (a). The term "compensation", for the purpose of this section, does not include pensions and retirement pay. As to who are members of the Armed Forces of the United States, see section 7701 (a) (15).

(h) These exclusions are applicable without regard to the marital status of the recipient of the compensation, and if a husband and wife both meet the requirements of the statute, then each is entitled to the benefit of an exclusion. In the case of a husband and wife domiciled in a State recognized for Federal income tax purposes as a community property State, any exclusion from gross income under section 112 operates before apportionment of the gross income of the spouses in accordance with community property law. For example, a man and his wife are domiciled in a community property State and he is entitled, as a commissioned officer, to the benefit of the exclusion of $200 for each month under section 112 (b). He receives $1,000 as compensation for active service for three months in a combat zone. Of such amount, $600 is excluded from gross income under section 112 (b) and only $400 is taken into account in determining the gross income of both husband and wife.

(i) A member of the Armed Forces is in active service if he is actually serving in the Armed Forces of the United States. Periods during which a member of the Armed Forces is absent from duty on account of sickness, wounds, leave, internment by the enemy, or other lawful cause are periods of active service. A member of the Armed Forces in active service in a combat zone who there becomes a prisoner of war or missing in action is deemed, for the purpose of section 112 and this section, to continue in active service in the combat zone for the period for which he is entitled to such status for military pay purposes. These exclusions apply to compensation received by a member of the Armed Forces for services rendered while in active service even though payment is received subsequent to discharge or release from active service. Compensation credited to a decedent's account for a period subsequent to the established date of his death and received by his estate will be excluded under section 112 from the gross income of the estate to the same extent that it would have been excluded from the gross income of the decedent if he had lived and received such compensation.

§ 1.113 *Statutory provisions; mustering-out payments for members of the Armed Forces.*

SEC. 113. *Mustering-out payments for members of the Armed Forces.* Gross income does not include amounts received during the taxable year as mustering-out payments with respect to service in the Armed Forces of the United States.

§ 1.113–1 *Mustering-out payments for members of the Armed Forces.* For the purposes of the exclusion from gross income under section 113 of mustering-out payments with respect to service in the Armed Forces, mustering-out payments are payments made to any recipients pursuant to the provisions of the Mustering-out Payment Act of 1944 and Subchapter IV of the Veterans Readjustment Assistance Act of 1952. (See 38 U. S. C. 691e and 1011–1016.)

§ 1.114 *Statutory provisions; sports programs conducted for the American National Red Cross.*

SEC. 114. *Sports programs conducted for the American National Red Cross*—(a) *General rule.* In the case of a taxpayer which is a corporation primarily engaged in the furnishing of sports programs, gross income does not include amounts received as proceeds from a sports program conducted by the taxpayer if—

(1) The taxpayer agrees in writing with the American National Red Cross to conduct such sports program exclusively for the benefit of the American National Red Cross;

(2) The taxpayer turns over to the American National Red Cross the proceeds from such sports program, minus the expenses paid or incurred by the taxpayer—

(A) Which would not have been so paid or incurred but for such sports program, and

(B) Which would be allowable as a deduction under section 162 (relating to trade or business expenses) but for subsection (b) of this section; and

(3) The facilities used for such program are not regularly used during the taxable year for the conduct of sports programs to which this subsection applies.

For purposes of this subsection, the term "proceeds from such sports program" includes all amounts paid for admission to the sports program, plus all proceeds received by the taxpayer from such program or activities carried on in connection therewith.

(b) *Treatment of expenses.* Expenses described in subsection (a) (2) shall be allowed as a deduction under section 162 only to the extent that such expenses exceed the amount excluded from gross income by subsection (a) of this section.

§ 1.114–1 *Proceeds from certain sports programs conducted for the benefit of the American National Red Cross*—(a) *In general.* Under section 114, a corporation primarily engaged in the furnishing of sports programs may exclude from its gross income amounts received as proceeds from a sports program conducted by such corporation if each of the following requirements is met:

(1) The corporation agrees in writing with the American National Red Cross to conduct such sports program exclusively for the benefit of the American National Red Cross;

(2) The corporation turns over to the American National Red Cross all the proceeds from such sports program, less only the expenses paid or incurred by such corporation which would not have been paid or incurred but for such sports program and which would be allowable as deductions as ordinary and necessary business expenses under section 162 (a) except for the provisions of section 114 (b); and

(3) The facilities of the corporation used in conducting such sports program are not regularly used during the taxable year for the conduct of sports programs to which section 114 (a) applies.

(b) *Certain corporations ineligible.* Section 114 does not apply in the case of a corporation organized or operated primarily to conduct or furnish, or to participate in the conduct or furnishing of, one or more sports programs for the American National Red Cross.

(c) *Proceeds from a sports program.* The proceeds from a sports program conducted for the benefit of the American National Red Cross include all amounts received by the conducting corporation, irrespective of when received, on account of such sports program, which amounts would be includible in the gross income of such conducting corporation, except for the provisions of section 114. Where the activities carried on in connection with the sports program include the sale or rental of radio, television, or movie rights, refreshments, souvenirs, parking facilities, programs, advertising, or other goods and services, whether sold or rented directly or through concessionaires, the amounts received by the conducting corporation from such sports program include all amounts received from such activities, but only where such amounts would not have been received by the conducting corporation but for the presentation of the particular sports program. Where the conducting corporation receives payments for concessions on an annual or seasonal basis, and such payments are not increased because of the particular sports program, such payments are not considered as proceeds from such sports program, and any expenses paid or incurred by the conducting corporation on account of such concession operations may not be taken into account under section 114 (a) (2) in determining the net amount of the proceeds from such sports program which the conducting corporation is required to turn over to the American National Red Cross; nor are the proceeds of a sports program considered to include amounts received by the conducting corporation which do not constitute gross income of such corporation, such as admissions taxes or the breakage on a pari-mutual wagering pool which is required to be paid over to the State.

(d) *Sports programs.* (1) Section 114 applies where the program furnished by the conducting corporation consists of sports events such as baseball, football, basketball, or racing but it does not apply to programs or events such as motion pictures, circuses, or dances which are not ordinarily considered to be competitive sporting events.

(2) A sports program includes all of the events normally making up a full program in the particular sport. A single race of a racing program consisting of more than one race would not constitute a sports program, nor would one baseball or basketball game of a doubleheader program constitute a sports program.

(e) *Treatment of expenses.* Expenses described in section 114 (a) (2) shall be allowable as deductions under section 162 only to the extent that such expenses exceed the amount excluded from gross income under section 114 (a).

§ 1.115 *Statutory provisions; income of States, municipalities, etc.*

SEC. 115. *Income of states, municipalities, etc.*—(a) *General rule.* Gross income does not include—

(1) Income derived from any public utility or the exercise of any essential governmental function and accruing to a State or Territory, or any political subdivision thereof, or the District of Columbia; or

(2) Income accruing to the government of any possession of the United States, or any political subdivision thereof.

(b) *Contracts made before September 8, 1916, relating to public utilities.* Where a State or Territory, or any political subdivision thereof, or the District of Columbia, before September 8, 1916, entered in good faith into a contract with any person, the object and purpose of which was to acquire, construct, operate, or maintain a public utility—

(1) If—

(A) By the terms of such contract the tax imposed by this subtitle is to be paid out of the proceeds from the operation of such public utility before any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia, and

(B) A part of such proceeds for the taxable year would (but for the imposition of the tax imposed by this subtitle) accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia,

then a tax on the taxable income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this subtitle, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under regulations prescribed by the Secretary or his delegate) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this subtitle) would have accrued directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the taxable income from the operation of such public utility for such taxable year.

(2) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespective of the tax imposed by this subtitle, accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then the tax on the taxable income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this subtitle.

(c) *Contracts made before May 29, 1928, relating to bridge acquisitions.* Where a State or political subdivision thereof, pursuant to a contract entered into before May 29, 1928, to which it is not a party, is to acquire a bridge—

(1) If—

(A) By the terms of such contract the tax imposed by this subtitle is to be paid out of the proceeds from the operation of such bridge before any division of such proceeds, and

(B) A part of such proceeds for the taxable year would (but for the imposition of the tax imposed by this subtitle) accrue directly to or for the use of or would be applied for the benefit of such State or political subdivision,

then a tax on the taxable income from the operation of such bridge shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this subtitle, but there shall be refunded to such State or political subdivision (under regulations to be prescribed by the Secretary or his delegate) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this subtitle) would have accrued directly to or for the use of or would be applied for the benefit of such State or political subdivision bears to the amount of the taxable income from the operation of such bridge for such taxable year. No such refund shall be made unless the entire amount of the refund is to be applied in part payment for the acquisition of such bridge.

(2) If by the terms of such contract no part of the proceeds from the operation of the bridge for the taxable year would, irrespective of the tax imposed by this subtitle, accrue directly to or for the use of or be applied for the benefit of such State or political subdivision, then the tax on the taxable income from the operation of such bridge shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this subtitle.

§ 1.115–1 *Bridges to be acquired by State or political subdivisions.* (a) Any State or political subdivision thereof claiming a refund under the provisions of section 115 (c) of an amount equal to all or a portion of any income tax levied, assessed, collected, and paid shall file a claim therefor on Form 843 (to which there shall be attached as exhibits the matter hereinafter prescribed) with the district director of internal revenue for the internal revenue district in which the tax was paid, which claim shall be executed on behalf of such State or political subdivision thereof by the treasurer or other fiscal officer thereof and shall contain:

(1) A statement of the name of the taxpayer, of the amount of tax levied, assessed, collected, and paid for the taxable year or period in respect of which the claim is made, and the amount of refund thereby sought;

(2) A full statement of the facts considered by the claimant sufficient to entitle it to receive the refund, including copies of all contracts and other documents bearing on the case, and a statement that the claim is submitted under the provisions of section 115 (c);

(3) A showing which will establish to the satisfaction of the district director that the fiscal officer presenting the claim has authority to receive the amount of the refund on behalf of the State or political subdivision which he assumes to represent and to apply without delay the entire amount of such refund in part payment for the acquisition of such bridge, including copies of the laws, ordinances, or similar enactments considered by the claimant sufficient to establish its authority to receive the refund and so to apply it, together with a statement that such fiscal officer will receive and immediately so apply the entire amount of the refund; and

(4) A statement, verified by a written declaration that it is made under the penalties of perjury, made by or on behalf of the taxpayer that the taxpayer thereby joins with and concurs in the request of the State or political subdivision thereof that a refund of an amount equal to all or a portion of the tax previously paid by such taxpayer be made to such State or political subdivision, that the taxpayer agrees to receive the amount refunded from the State or political subdivision to which it is paid and immediately to apply the entire amount of such refund in part payment for the acquisition of such bridge, and that if for any reason the contract which is the basis of the claim for refund is not fully executed and performed, the taxpayer will repay to the United States upon its demand the entire amount of the refund with interest at 6 percent per annum from the date the refund is made without seeking or claiming the benefit of any statute of limitations which prior thereto may have run against the United States.

(b) No refund shall be made of any amount in excess of the amount of the tax levied, assessed, collected, and paid by the taxpayer for any taxable year or period. A separate claim shall be made in respect of each separate taxable year or period. If by the terms of the contract on which the claim is based two or more States or political subdivisions of a State or States are entitled to acquire the bridge, the claim for refund in respect of each separate taxable year or period must be made jointly by the States or political subdivisions thereof so entitled. The amount refunded under section 115 (c) and this section is not con-

sidered an overpayment, within the meaning of section 6611 relating to interest on overpayments, and no interest shall be allowed or paid upon the amount of the refund.

(c) A check or voucher in payment of a claim for refund allowed under section 115 (c) will be drawn in the name of the fiscal officer or officers having authority, as established under paragraph (a) (3) of this section, to receive the same, and will contain an express provision that it is issued for the sole purpose and subject to the conditions prescribed in section 115 (c) and this section.

§ 1.118 *Statutory provisions; contributions to the capital of a corporation.*

SEC. 118. *Contributions to the capital of a corporation*—(a) *General rule.* In the case of a corporation, gross income does not include any contribution to the capital of the taxpayer.

(b) *Cross reference.* For basis of property acquired by a corporation through a contribution to its capital, see section 362.

§ 1.118–1 *Contributions to the capital of a corporation.* In the case of a corporation, section 118 provides an exclusion from gross income with respect to any contribution of money or property to the capital of the taxpayer. Thus, if a corporation requires additional funds for conducting its business and obtains such funds through voluntary pro rata payments by its shareholders, the amounts so received being credited to its surplus account or to a special account, such amounts do not constitute income, although there is no increase in the outstanding shares of stock of the corporation. In such a case the payments are in the nature of assessments upon, and represent an additional price paid for, the shares of stock held by the individual shareholders, and will be treated as an addition to and as a part of the operating capital of the company. Section 118 also applies to contributions to capital made by persons other than shareholders. For example, the exclusion applies to the value of land or other property contributed to a corporation by a governmental unit or by a civic group for the purpose of inducing the corporation to locate its business in a particular community, or for the purpose of enabling the corporation to expand its operating facilities. However, the exclusion does not apply to any money or property transferred to the corporation in consideration for goods or services rendered, or to subsidies paid for the purpose of inducing the taxpayer to limit production. See section 362 for the basis of property acquired by a corporation through a contribution to its capital by its stockholders or by nonstockholders.

§ 1.119 *Statutory provisions; meals or lodging furnished for the convenience of the employer.*

SEC. 119. *Meals or lodging furnished for the convenience of the employer.* There shall be excluded from gross income of an employee the value of any meals or lodging furnished to him by his employer for the convenience of the employer, but only if—

(1) In the case of meals, the meals are furnished on the business premises of the employer, or

(2) In the case of lodging, the employee is required to accept such lodging on the business premises of his employer as a condition of his employment.

In determining whether meals or lodging are furnished for the convenience of the employer, the provisions of an employment contract or of a State statute fixing terms of employment shall not be determinative of whether the meals or lodging are intended as compensation.

§ 1.119–1 *Meals and lodging furnished for the convenience of the employer*—(a) *Meals.* (1) The value of meals furnished to an employee by his employer shall be excluded from the employee's gross income if two tests are met: (i) The meals are furnished on the business premises of the employer, and (ii) the meals are furnished for the convenience of the employer. The exclusion shall apply irrespective of whether under an employment contract or a statute fixing the terms of employment such meals are furnished as compensation.

(2) The question of whether meals are furnished for the convenience of the employer is one of fact to be determined by analysis of all the facts and circumstances in each case. Ordinarily, meals furnished to the employee during the working day will be deemed furnished for the convenience of the employer. Likewise, meals furnished immediately preceding or immediately following working hours of the employee will be deemed to be for the convenience of the employer if the furnishing of such meals serves a business purpose of the employer other than providing additional or indirect compensation to the employee. Meals furnished on nonworking days, or at times when the employee's presence on the employer's business premises does not serve a business purpose of the employer, do not qualify for the exclusion. If the employee is required to occupy living quarters on the business premises of his employer as a condition of his employment (as defined in paragraph (b) of this section), the exclusion applies to the value of any meals furnished to the employee on such premises. There is no requirement that the employee accept such meals as a condition of employment to qualify for the exclusion.

(b) *Lodging.* The value of lodging furnished to an employee by his employer shall be excluded from the employee's gross income if three tests are met: (1) The lodging is furnished on the business premises of the employer, (2) the lodging is furnished for the convenience of the employer, and (3) the employee is required to accept such lodging as a condition of his employment. The phrase "required as a condition of his employment" means required in order for the employee to perform properly the duties of his employment. The exclusion shall apply irrespective of whether under an employment contract or a statute fixing the terms of employment such lodging is furnished as compensation.

(c) *Rules.* (1) For purposes of this section, the term "business premises of the employer" generally means the place of employment of the employee. For example, meals and lodging furnished in the employer's home to a domestic servant would constitute meals and lodging furnished on the business premises of the employer. Similarly, meals furnished to cowhands while herding their employer's cattle on leased land would be regarded as furnished on the business premises of the employer.

(2) The exclusion provided by section 119 applies only to meals and lodging furnished in kind, without charge or cost to the employee. If the employee has an option to receive additional compensation in lieu of meals or lodging in kind, or is required to reimburse the employer for meals or lodging furnished in kind, the value of such meals and lodging is not excluded from gross income. However, the mere fact that an employee, at his option, may decline to accept meals and lodging tendered in kind will not of itself require inclusion of the value thereof in gross income. Cash allowances for meals or lodging received by an employee are includible in gross income to the extent that such allowances constitute compensation.

(d) *Examples.* The provisions of section 119 may be illustrated by the following examples:

Example (1). A waitress who works from 7 a. m. to 4 p. m. is furnished without charge two meals a workday. In order to insure that the waitress will commence work on time, the employer encourages her to have her breakfast on his business premises before starting work, although she is not required to have her breakfast there. She is required to have her lunch on such premises. The waitress is permitted to exclude the value of these meals from her gross income under paragraph (a) of this section.

Example (2). The waitress in example (1) is allowed to have meals on the employer's premises without charge on her days off. The waitress is not permitted to exclude the value of such meals from her gross income.

Example (3). A Civil Service employee of a State is employed at an institution and is required by his employer to be available for duty at any time. Accordingly, the employer furnishes the employee with meals and lodging at the institution. Under the applicable State statute, his meals and lodging are regarded as part of the employee's compensation. The employee would nevertheless be entitled to exclude the value of such meals and lodging from his gross income.

Example (4). An employee of an institution is given the choice of residing at the institution free of charge, or of residing elsewhere and receiving a cash allowance in addition to his regular salary. If he elects to reside at the institution the value to the employee of the lodging furnished by the employer will be includible in the employee's gross income because his residence at the institution is not required in order for him to perform properly the duties of his employment.

§ 1.120 *Statutory provisions; statutory subsistence allowance received by police.*

SEC. 120. *Statutory subsistence allowance received by police*—(a) *General rule.* Gross income does not include any amount received as a statutory subsistence allowance by an individual who is employed as a police official by a State, a Territory, or a possession of the United States, by any political subdivision of any of the foregoing, or by the District of Columbia.

(b) *Limitations.* (1) Amounts to which subsection (a) applies shall not exceed $5 per day.

(2) If any individual receives a subsistence allowance to which subsection (a) applies, no deduction shall be allowed under any other provision of this chapter for expenses

in respect of which he has received such allowance, except to the extent that such expenses exceed the amount excludable under subsection (a) and the excess is otherwise allowable as a deduction under this chapter.

§ 1.120–1 *Statutory subsistence allowance received by police.* (a) Section 120 excludes from the gross income of an individual employed as a police official by a State, Territory, or possession of the United States, by any of their political subdivisions, or by the District of Columbia, any amount received as a statutory subsistence allowance to the extent that such allowance does not exceed $5 per day. For purposes of this section, the term "statutory subsistence allowance" means an established amount, apart from salary or other compensation, which is authorized under the laws of a State, a Territory, or a possession of the United States, by any political subdivision of any of the foregoing, or by the District of Columbia, to be paid to an individual who is employed as a police official of such governmental unit for meals and other incidental expenses in connection with his official duties. A subsistence allowance paid to a police official by any of the foregoing governmental units which is not so provided by statute may not be excluded from gross income under the provisions of section 120. The term "police official" includes an employee of any of the foregoing governmental units who has police duties, such as a sheriff, a detective, a policeman, or a State police trooper, however designated.

(b) The exclusion provided by section 120 is to be computed on a daily basis, that is, for each day for which the statutory allowance is paid. If the statute providing the allowance does not specify the daily amount of such allowance, the allowance shall be converted to a daily basis for the purpose of applying the limitation provided herein. For example, if a State statute provides for a weekly subsistence allowance, the daily amount is to be determined by dividing the weekly amount by the number of days for which the allowance is paid. Thus, if a State trooper receives a weekly statutory subsistence allowance of $40 for 5 days of the week, the daily amount would be $8, that is, $40 divided by 5. However, for purposes of this section, only $5 per day may be excluded, or $25 on a weekly basis.

(c) Expenses in respect of which the allowance under section 120 is paid may not be deducted under any provision of the income tax laws except to the extent that (1) such expenses exceed the amount of the exclusion, and (2) the excess is otherwise allowable as a deduction. For example, if a State statute provides a subsistence allowance of $3 per day and the taxpayer, a State trooper, incurs expeditures of $4.50 for meals while away from home overnight on official police duties only $3 would be excludable under this section. Expenses relating to such exclusion ($3) may not be deducted under any provision of the income tax laws. However, the remaining $1.50 may be an allowable deduction under section 162 as traveling expenses while away from home in the performance of official duties. See § 1.162–2.

§ 1.121 *Statutory provisions; cross references to other acts.*

SEC. 121. *Cross references to other acts*—(a) For exemption of—

(1) Adjustments of indebtedness under wage earners' plans, see section 679 of the Bankruptcy Act (52 Stat. 938; 11 U. S. C. 1079);

(2) Allowances and expenditures to meet losses sustained by persons serving the United States abroad, due to appreciation of foreign currencies, see the Acts of March 6, 1934 (48 Stat. 466; 5 U. S. C. 118c) and April 25, 1938 (52 Stat. 221; 5 U. S. C. 118c–1);

(3) Amounts credited to the Maritime Administration under section 9 (b) (6) of the Merchant Ship Sales Act of 1946, see section 9 (c) (1) of that Act (60 Stat. 48; 50 U. S. C. App. 1742);

(4) Benefits under World War Adjusted Compensation Act, see section 308 of that Act, as amended (43 Stat. 125; 44 Stat. 827, § 3; 38 U. S. C. 618);

(5) Benefits under World War Veterans' Act, 1924, see section 3 of the Act of August 12, 1935 (49 Stat. 609; 38 U. S. C. 454a);

(6) Dividends and interest derived from certain preferred stock by Reconstruction Finance Corporation, see section 304 of the Act of March 9, 1933, as amended (49 Stat. 1185; 12 U. S. C. 51d);

(7) Earnings of ship contractors deposited in special reserve funds, see section 607 (h) of the Merchant Marine Act, 1936, as amended (52 Stat. 961, § 28; 46 U. S. C. 1177);

(8) Income derived from Federal Reserve banks, including capital stock and surplus, see section 7 of the Federal Reserve Act (38 Stat. 258; 12 U. S. C. 531);

(9) Income derived from Ogdensburg bridge across Saint Lawrence River, see section 4 of the Act of June 14, 1933, as amended (54 Stat. 259, § 2);

(10) Income derived from Owensboro bridge across Ohio River and nearby ferries, see section 4 of the Act of August 14, 1937 (50 Stat. 643);

(11) Income derived from Saint Clair River bridge and ferries, see section 4 of the Act of June 25, 1930, as amended (48 Stat. 140, § 1);

(12) Leave compensation payments under section 6 of Armed Forces Leave Act of 1946, see section 7 of that Act (60 Stat. 967; 37 U. S. C. 36);

(13) Mustering-out payments made to or on account of veterans under the Mustering-Out Payment Act of 1944, see section 5 (a) of that Act (58 Stat. 10; 38 U. S. C. 691e);

(14) Railroad retirement annuities and pensions, see section 12 of the Railroad Retirement Act of 1935, as amended (50 Stat. 316; 45 U. S. C. 228l);

(15) Railroad unemployment benefits, see section 2 (e) of the Railroad Unemployment Insurance Act, as amended (52 Stat. 1097; 53 Stat. 845, § 9; 45 U. S. C. 352);

(16) Special pensions of persons on Army and Navy medal of honor roll, see section 3 of the Act of April 27, 1916 (39 Stat. 54; 38 U. S. C. 393);

(17) Gain derived from the sale or other disposition of Treasury Bills, issued after June 17, 1930, under the Second Liberty Bond Act, as amended, see Act of June 17, 1930 (C. 512, 46 Stat. 775; 31 U. S. C. 754).

(18) Dependency and indemnity compensation paid to survivors of members of a uniformed service and certain other persons, see section 210 of the Servicemen's and Veterans' Survivor Benefits Act.

(b) For extension of military income-tax-exemption benefits to commissioned officers of Public Health Service in certain circumstances, see section 212 of the Public Health Service Act (58 Stat. 689; 42 U. S. C. 213).

(Sec. 121 (a) (18) added by sec. 501 (t) of Pub. Law 881 (84th Cong.) effective January 1, 1957)

[F. R. Doc. 56–10568; Filed, Dec. 28, 1956; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 129—VALUES OF FOREIGN MONEYS

SUSPENSION OF PART

It has been determined that the publication of Part 129, Chapter I, Title 31, Code of Federal Regulations (Treasury Department Circular No. 1, "Values of Foreign Moneys"), published quarterly under the provisions of section 522, Title IV, of the Tariff Act of 1930, is not presently required.

The law requires a determination by the Director of the Mint of the values of the standard gold coins in circulation based upon the pure metal of such coins. There are at present no gold circulating coins. The publication of the circular, therefore, will be suspended, effective January 1, 1957, until such time as there are standard gold coins in circulation in one or more countries.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

Dated: December 27, 1956.

[SEAL] DAVID W. KENDALL,
Secretary of the Treasury.

[F. R. Doc. 56–10602; Filed, Dec. 28, 1956; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

RESERVE OBLIGATIONS AND PARTICIPATION REQUIREMENTS

Sections 864.31 to 864.43 are rescinded and the following substituted therefor:

Sec.
864.31 Purpose.
864.32 Ready Reserve status of obligors.
864.33 Types of Reserve obligors.
864.34 Participation requirements.
864.35 Discharge of a Reservist.
864.36 Interservice transfers.
864.37 Transfer of Reservists to Reserve components of other services.
864.38 Individuals in Air Force ROTC program.
864.39 Reenlistment upon completion of term of obligation.

AUTHORITY: §§ 864.31 to 864.39 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 205, 66 Stat. 483, as amended, secs. 264, 265, 651, 671, 1033, 1034, 70A Stat. 11, 27, 80; 50 U. S. C. 925, 10 U. S. C. 264, 265, 651, 671, 1033, 1034.

DERIVATION: AFR 45–35, June 27, 1956.

§ 864.31 *Purpose.* Sections 864.31 to 864.39 outline the Reserve obligations and set forth the participation requirements for members of the Air Force Reserve not on extended active duty.

§ 864.32 *Ready Reserve status of obligors.* All Reservists with Reserve obligations are Ready Reservists until they have been designated Standby Reservists under §§ 861.1 to 861.14.

§ 864.33 *Types of Reserve obligors*—(a) *Type I.* The law requires a type I

employer, or

ant would constitute meals and lodging other provision of this chapter for expenses while away from home in the performance of official duties. See § 1.162–2.

[F. R. Doc. 56–10595; Filed, Dec. 28, 1956; 8:48 a. m.]

(a) *Type I.* The law requires a type I

obligor to remain a member of a Reserve component for a period of 5 years from the date of his transfer to a Reserve component upon his release from active military service. This obligation applies to each male person who, being subject to induction, enlisted or was inducted for active military service between June 24, 1948 and June 19, 1951. This person also must have:

(1) Been under 26 years of age at the time of enlistment or induction.

(2) Served for a period of less than 3 years. This does not include those persons who completed at least 21 months of active military service and who, thereafter, served satisfactorily in the active military service under a voluntary extension for a period of at least one year.

(3) Been required by law, upon completion of the period of active military service, to transfer to and serve in the Air Force Reserve for a period of 5 years.

(b) *Type II.* The law requires a type II obligor to remain a member of a Reserve component for a period of 6 years from the date of his transfer to a Reserve component upon release from active military service. This obligation applies to each male person who, while subject to induction, enlisted in the active military service for a period of 1 year between June 24, 1948 and June 19, 1951. The person also must have:

(1) Been between 18 and 19 years of age at enlistment.

(2) Been required by law, upon completion of the period of active military service, to transfer to and serve in the Air Force Reserve for a period of 6 years.

(c) *Type III.* The law requires a type III obligor to complete a total period of 8 years of active service and/or service in a Reserve component. This obligation applies to each male person without prior military status who was enlisted, appointed, or inducted in any of the Armed Forces of the United States, including their Reserve components, under any provision of law, between June 20, 1951 and August 9, 1955, before attaining his 26th birthday.

(d) *Type IV.* The law requires a type IV obligor to complete a total period of 6 years of active military service and/or service in a Reserve component. This six-year period may be extended for not more than six months under conditions outlined in § 864.34 (b) (3). A type IV obligor is a male person without prior military status, who is enlisted, appointed, or inducted in any of the Armed Forces, including their Reserve components, under any provision of law, after August 9, 1955 and before attaining his 26th birthday, except as provided in paragraph (e) of this section.

(e) *Type V.* The law requires a type V obligor to complete a total of 8 years of satisfactory service as a member of a Reserve component. A type V obligor is a male person who:

(1) Is enlisted in a Ready Reserve program of a Reserve component between August 10, 1955 and July 3, 1959 before attaining the age of 18 years 6 months and is required to perform an initial tour of active duty for training of not less than 3 months or more than 6 months.

(2) Is appointed to a commissioned officer grade after August 9, 1955 before attaining 26 years of age and, upon successful completion of Air Force ROTC and other officers training courses of other Armed Services, does not serve on extended active duty after appointment but does serve on active duty for training for a period of not less than 6 months.

§ 864.34 *Participation requirements—*(a) *For types I, II, and III obligors.* Types I, II, and III obligors may be selectively assigned to Ready Reserve units or mobilization positions. These individuals may volunteer for assignment to a Ready Reserve unit or mobilization position and be permitted to participate in Reserve training while assigned to the unit or position. However, they will not be permitted to accept an assignment to a unit or position with lower participation requirements than that of the unit or position to which selectively assigned. If not selectively assigned to a Ready Reserve unit or mobilization position, they may be voluntarily assigned to any Ready Reserve unit or mobilization position. If they are mandatorily screened into Standby Reserve status, they may be voluntarily assigned to any program element not requiring Ready Reserve status. Participation in Reserve training while in Standby Reserve status will not be credited toward the period of time the individual is required to serve in a Ready Reserve status.

(1) Type I obligors complete their period of obligated service if they remain assigned to a Ready Reserve unit or position and meet the established minimum participation requirements for a period of 36 consecutive months. Otherwise, they must retain Reserve status for a period of 5 years.

(2) Type II obligors complete their period of obligated service if they remain assigned to a Ready Reserve unit or position and meet the established minimum participation requirements for a period of 4 years. Otherwise, they must retain Reserve status for a period of 6 years.

(3) Type III obligors complete their period of obligated service if they complete a total of 8 years of service as a member of a Regular and/or Reserve component. This period may not be reduced.

(b) *For types IV and V obligors.* The number of unit training assemblies or training periods and the annual active duty training prescribed for any program element are the minimum required to maintain acceptable proficiency of units and/or assigned personnel. Types IV and V obligors will therefore be encouraged to volunteer for participating assignment to Ready Reserve units or mobilization positions. Those who do not volunteer for such assignment will be assigned without their consent as indicated in subparagraphs (1) and (2) of this paragraph. If a suitable Ready Reserve assignment is not available, they will be retained in the Ineligible Reserve Section (Training Category G) unless designated Standby Reservists.

(1) Types IV and V obligors who have completed not less than 2 years of active military service may be selectively assigned and may be retained in such assignment until the lack of training has reduced their proficiency to unacceptable levels, if:

(i) The degree of skill that they acquired while on extended active duty is such that they do not require additional training.

(ii) Their civilian occupation is so closely allied to their military specialties that neither inactive duty training nor annual tours of active duty for training are required.

(iii) They reside at a location where a participating assignment to a Ready Reserve program element is not reasonably available.

(2) Except as provided in subparagraph (1) of this paragraph qualified types IV and V obligors will be mandatorily assigned to vacant positions in Ready Reserve units, or to vacant mobilization positions, and:

(i) Must attend each year at least 90 percent of the unit training assemblies or training periods prescribed for the program element of assignment.

(ii) Must perform an annual 15-day short tour of active duty for training.

(iii) Must perform assigned duties in accordance with standards established by the appropriate commander.

(iv) May be excused from complying with subdivisions (i) and (ii) of this subparagraph only because of sickness, injury, emergency, or other circumstances beyond their control.

(v) Will, if they fail to serve satisfactorily as provided in subdivision (i) through (iii) of this subparagraph, unless excused as provided in subdivision (iv) of this subparagraph, be required to perform a 30-day tour of active duty for training. Those who fail to satisfactorily perform the 30-day tour may be ordered to active duty for training for not more than 45 days. An obligor who fails to comply with orders to perform the 45-day active duty tour for training becomes subject to disciplinary action under the Uniform Code of Military Justice. An obligor who has an obligation as outlined in § 864.33 (e) and fails to satisfactorily perform the 45-day tour will be reported to the local Selective Service board for induction. Discharge will be effected only after the Reservist has been certified to the Selective Service System.

(3) The reserve service obligation of a type IV obligor who has not qualified for elective Standby status will be extended, not to exceed six months, if he is involuntarily ordered to perform a 45-day active duty training tour and if insufficient time remains in his period of obligated service to perform such tour.

§ 864.35 *Discharge of a Reservist.* For the purpose of complete separation from any military status or upon revocation or termination of commission or appointment, acceptance of resignation in place of elimination action or separation under conditions other than honorable, being dropped from the rolls or dismissal, the Reservist will be discharged and his Reserve obligation will be considered to have been terminated. However, a discharge or other type of separation for the purpose of immediate entry or reentry into the same or any other component of the Armed Forces, in the same or any other status, or to

enter an officer training program in which the person has military status will not terminate the Reserve obligation. Additional service performed after this type of discharge or separation will be counted toward fulfillment of the Reserve obligation.

§ 864.36 *Interservice transfers.* An interservice transfer of a person with a Reserve obligation will be accomplished only in instances where the Reservist requests or consents to the transfer and where the two services concerned mutually agree that the transfer is in the best interest of the Armed Forces. An Armed Force may request the transfer of a particular Reservist from a Reserve component of another Armed Force.

(a) Requests will normally be made only when:

(1) The initiating Armed Force has a specific Ready Reserve vacancy for the person concerned within a reasonable distance of the person's domicile or place of business, or

(2) The person concerned applies for and the gaining Armed Force desires his enrollment in its officer training program.

(b) Requests will be approved only when:

(1) The losing Armed Force does not have a suitable Ready Reserve assignment within a reasonable distance of the domicile or place of business of the person to which the Reservist may be usefully assigned, or

(2) The Reservist has special experience or professional, educational, or technical background clearly of greater use to the gaining Armed Force, and the use of this experience or background outweighs the value of his previous training in the losing Armed Force, or

(3) The person concerned will be enrolled in an officer training program of the gaining Armed Force without regard to subparagraph (1) of this paragraph.

(c) Interservice transfer of a Reservist between Reserve components of the Armed Forces will be accomplished by discharging the person from the Reserve component in which serving so that the person can immediately enlist or be appointed in the Reserve component of the gaining service. Where membership in the officer training program does not confer military status, discharge will be for immediate enlistment in the Reserve component of the gaining service. Discharge for this purpose will not constitute termination or fulfillment of the reserve service obligation under section 651 of Title 10, United States Code. Additional service performed after such discharge will be counted toward fulfillment of the obligation.

(d) An application for transfer to the Air Force Reserve will be disapproved if the applicant initially enlisted under the special enlistment programs outlined in section 261, 262, or 263, Armed Forces Reserve Act of 1952, as amended (50 U. S. C. 1012, 1013, 1014), except as provided in §§ 862.1 to 862.19.

(e) AFR 36–26 (Interservice transfer of officers of the Medical Service or Corps) governs interservice transfer of officers of the various medical services.

§ 864.37 *Transfer of Reservists to Reserve components of other services.* Individual members of the Air Force Reserve when not on active duty may be transferred to Reserve components of other services:

(a) *Requests initiated by a service.* (1) The Departments of the Army and Navy may request the services of a particular Air Force Reservist.

(2) The Air Force will approve the transfer only when the requirements established in § 864.36 are met.

(3) Requests will include a statement:

(i) That there is a specific Ready Reserve vacancy for the person within a reasonable distance of his domicile or place of business where he will receive inactive duty training.

(ii) That the person concerned will accept the change and will participate in inactive duty training as Department of Defense directives on participation in Reserve training programs prescribe.

(iii) When applicable, on the Reservist's special experience, or professional or technical background and the need for this experience or background by the initiating service.

(4) State senior Army instructors or Naval district commanders may initiate a request for transfer of a member of the Air Force Reserve. The application will be forwarded with recommendation for approval or disapproval to the Commander, Air Reserve Records Center, Continental Air Command, 3800 York Street, Denver 5, Colorado. Such requests will not be forwarded to Headquarters USAF, except in the event of disapproval where the requesting agency feels that adjudication by higher authority is in the best interest of the Department of Defense.

(b) *Requests initiated by individual members of Air Force Reserve.* (1) Individual members may initiate requests for transfer to a Reserve component of another service.

(2) The Air Force will approve requests only when all of the requirements of § 864.36 are met.

(3) Requests will include a statement:

(i) From the State senior Army instructor or Naval district commander of the service to which transfer is desired, covering in sufficient detail the requirements specified by paragraph (a) (3) of this section, when applicable.

(ii) By the person that he is or is not assigned to a Ready Reserve unit or position, and, if not, whether he has applied for such an assignment, and, further that, if the transfer is approved, he will accept a Ready Reserve assignment with the gaining service.

(iii) In detail, by the person, on the experience and qualifications which indicate the transfer is in the best interest of the Department of Defense.

(4) Individually initiated requests for transfers will be submitted to the commander of the individual's unit of Reserve assignment, and forwarded as provided in paragraph (a) (4) of this section.

(c) *Approval action.* Approval action will include informing the person in writing that action will be taken to effect his discharge as a Reserve of the Air Force when documentary evidence is received that the person has enlisted or been appointed as a Reserve of the Armed Force to which transfer has been requested. Discharge will not be accomplished, however, until notification of the person's enlistment or appointment in the new service has been received.

(d) *Transfer of officers of medical services.* AFR 36–26 (Interservice transfer of officers of the Medical Service or Corps) governs transfer of officers of the Air Force Reserve medical services to other military services.

§ 864.38 *Individuals in Air Force ROTC program.* Individuals participating in the Air Force Reserve Officers Training Corps program may remain enlisted members of the Air Force Reserve during enrollment in Air Force ROTC. The Professor of Air Science will furnish the Air Force commander having jurisdiction over such persons a statement showing satisfactory participation in the Air Force ROTC program at the end of each calendar year during enrollment. If the Reservist is dropped from enrollment in Air Force ROTC at any time, the Professor of Air Science will immediately notify the Air Force commander concerned. Reserves of the other Armed Forces who are selected for enrollment in the advanced course of Air Force ROTC must be transferred to the Air Force Reserve as provided in § 864.37 before formal enrollment.

§ 864.39 *Reenlistment upon completion of term of obligation.* Sections 864.31 to 864.39 will not prevent personnel who fulfill their obligation from remaining in Reserve components. All airmen to whom §§ 864.31 to 864.39 apply will be encouraged to reenlist upon completion of their term of obligation if they are otherwise qualified.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56–10596; Filed, Dec. 28, 1956; 8:53 a. m.]

PART 864—ENLISTED RESERVE

DISCHARGE OF AIRMEN OF THE AIR FORCE RESERVE

In Part 864, new §§ 864.71 to 864.91 are added as follows:

Sec.
864.71 General.
864.72 Reasons for discharge.
864.73 Incompatible status.
864.74 Expiration of enlistment.
864.75 Immediate reenlistment.
864.76 Federally recognized in Air National Guard of the United States.
864.77 Failure to participate in Reserve training.
864.78 Failure to reply to official correspondence or inability to locate.
864.79 Elimination from inactive status list.
864.80 Minor children.
864.81 Physical disability.
864.82 Inaptitude or unsuitability.
864.83 Unfitness.
864.84 Fraudulent enlistment.
864.85 Conviction by civil court.
864.86 Homosexuals.

officer grade after August 9, 1955 before signment until the lack of training has in the same or any other status, or to officers of the various medical services. discharge as a Reserve of the Air Force

Sec.
864.87 Entrance or service in an Armed Force of a foreign country.
864.88 Accepting civil employment with foreign governments.
864.89 Loss of nationality.
864.90 Security program.
864.91 Disposition boards.

AUTHORITY: §§ 864.71 to 864.91 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 266, 1162, 1163, 8685, 8966, 70A Stat. 11, 89, 535, 556; 10 U. S. C. 266, 1162, 1163, 8685, 8966.

DERIVATION: AFR 45-43, May 31, 1956.

§ 864.71 *General*—(a) *To whom applicable.* Sections 864.71 to 864.91 apply to all enlisted members of the Air Force Reserve component not serving on extended active duty. Except as otherwise indicated in § 864.74, it does not apply to airmen of the Regular Air Force who are transferred to the Reserve of the Air Force as members of the Air Force Reserve and retired under authority contained in the Army and Air Force Vitalization and Retirement Equalization Act of 1948 pursuant to section 8966 of Title 10, United States Code.

(b) *Policy.* Membership in the Air Force Reserve is not an inherent right of any individual. It is a privilege and confers upon an individual an obligation to serve in the active military service in the event of mobilization or emergency or at such other times as the national security may require. An airman who is not qualified or is unable to properly fulfill his obligation to serve may be separated from the service. An airman discharged for any of the reasons outlined in §§ 864.71 to 864.91 ceases to be a Reserve airman of the Air Force.

(c) *Definitions*—(1) *Airmen.* Unless otherwise indicated, an individual enlisted in or transferred in an enlisted status to the Reserve of the Air Force as a member of the Air Force Reserve.

(2) *Expiration of enlistment.* This term will include termination of voluntary enlistment; completion of Reserve service obligation as described in §§ 864.31 to 864.43; or completion of 30 years' service (active plus Reserve time after retirement) required of Regular Air Force airmen retired under the Armed Forces Voluntary Recruitment Act of 1945, as amended pursuant to section 8914 of Title 10, United States Code.

(3) *Reserve of the Air Force.* The common Federal status possessed by members of the Air Force Reserve and the Air National Guard of the United States.

(4) *Reserve components.* The Air Force Reserve and the Air National Guard of the United States.

(5) *Extended active duty.* Any tour of active duty, other than active duty for training, performed in the Federal service by a member of a Reserve component. Extended active duty may be further defined as the only tour in which strength accountability changes from the Reserve to the active establishment.

(6) *Active military service.* A general term applied to all active duty with the active establishment without regard to duration or purpose.

(7) *Active status.* The status of all Reservists except those on the Inactive Status List and those in the Retired Reserve.

(8) *Discharge.* Termination by administrative action of all status in the United States Air Force.

(d) *Retention of airmen to qualify for retirement.* Airmen may be retained in an active status as indicated in this section when such action is specifically authorized in §§ 864.72 to 864.90 outlining the reason for discharge.

(1) Any airman who on the established date of discharge has been or is entitled to be credited with 18 or more but less than 19 years of satisfactory Federal service for retired pay purposes under title III, the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, pursuant to section 8966 of Title 10, United States Code, will not, without his consent, be discharged before the date on which he is credited with 20 years of such satisfactory Federal service or the third anniversary of the established date of discharge, whichever is earlier.

(2) Any airman who on the established date of discharge has been or is entitled to be credited with 19 or more but less than 20 years of satisfactory service as outlined in subparagraph (1) of this paragraph, will not, without his consent, be discharged before the date on which he is credited with 20 years of such satisfactory Federal service or the second anniversary of his established date of discharge, whichever is earlier.

(e) *Service obligations.* Current laws under certain conditions impose upon individuals a liability for training or service in the Armed Forces of the United States, or, as used in §§ 864.71 to 864.91, a "service obligation." Service obligations apply only to male personnel. Service obligations under the Universal Military Training and Service Act, as amended (62 Stat. 604) are described in §§ 864.31 to 864.43. Airmen who have a service obligation under section 651 of Title 10, United States Code, or other provisions of law, are not relieved of that obligation by separation from their Reserve status to enter some other military status such as enlistment, induction, or appointment in the same or another Armed Force. They will be relieved of their service obligations if their separation is under other than honorable conditions or is effected for cause for reasons outlined in §§ 864.71 to 864.91.

§ 864.72 *Reasons for discharge*—(a) *Policy.* With a few exceptions, no person may be a member of more than one Reserve component at the same time under existing law. Other conditions may exist or arise such as when an airman voluntarily accepts or enters into an incompatible status, which will require that affirmative action be taken to effect his separation from the service. Any airman, including an airman who has a service obligation as outlined in § 864.71 (e) unless otherwise indicated, whose retention as an Air Force Reserve airman becomes incompatible or inconsistent with the best interest of the Air Force will be discharged. The reasons outlined in §§ 864.72 to 864.90, or similar reasons, will warrant consideration for discharge.

(b) *Character of discharge.* Except as otherwise specifically indicated, airmen discharged for any of the reasons outlined in §§ 864.72 to 864.90 will be honorably discharged or discharged under honorable conditions (General Discharge Certificate), depending upon the character of service rendered.

(c) *Termination of enlistment—death.* The death of an airman will be reported. All military personnel should report to the nearest Air Force authority the death of any airman not serving on extended active duty which may come to their attention.

(d) *Discharge—upon request.* An airman may, upon his request, be discharged when it is determined that discharge will be in the best interest of the Air Force in furtherance of the Reserve program, provided that:

(1) He has no unfulfilled service obligations as outlined in § 864.71 (e).

(2) Action has not been initiated to discharge him for any of the reasons outlined in §§ 864.72 to 864.90.

§ 864.73 *Incompatible status.* (a) An airman, who accepts appointment as a commissioned or warrant officer in any component of the Air Force or who enlists in the Regular Air Force, will be discharged from his enlistment as a Reserve airman.

(b) An airman, who is inducted or enlisted, or who accepts appointment in the United States Army, Navy, Marine Corps, Coast Guard, Public Health Service or Coast and Geodetic Survey, or in any component thereof or who accepts appointment for entrance into any of the service academies, will be discharged from his enlistment as a Reserve airman of the Air Force.

(1) An airman, except an airman in the Retired Reserve, who is not on orders to report for extended active duty or active duty for training, may apply for appointment as a commissioned or warrant officer or for enlistment in another service or any component thereof without jeopardizing his current status provided that a conditional release from his status as a Reserve airman of the Air Force is obtained. Upon approval of a request for a conditional release, the Commander, Continental Air Command, will advise the airman in writing that appropriate action will be taken to discharge him from his enlistment as a Reserve of the Air Force upon receipt of documentary evidence from the gaining service of the date the airman enlisted or accepted appointment in the other service or in any component thereof.

(2) Upon receipt of documentary evidence from the gaining service that an airman has been inducted, has enlisted, or accepted appointment in any of the services outlined in subparagraph (1) of this paragraph or in any component thereof, action will be taken to discharge the airman from his enlistment as a Reserve of the Air Force effective as of the date immediately preceding date of induction, enlistment, or acceptance of appointment in the gaining service. If the airman has unfulfilled service obligations, the letter of notification will also

contain a statement that the records of the airman show that as of the date of discharge from his enlistment as a Reserve of the Air Force he had completed (years, months, and days) service toward fulfillment of his service obligations as outlined in § 864.71 (e). It will also contain a statement that discharge from his enlistment as a Reserve of the Air Force under this section does not constitute fulfillment of his service obligations. A copy of the letter of notification with a copy of the orders effecting discharge will be forwarded to the gaining service.

§ 864.74 *Expiration of enlistment.* Airmen will be discharged upon expiration of their term of enlistment or period of obligated service as provided by law, whichever is later. An airman of the Regular Air Force, transferred to the Reserve of the Air Force as a member of the Air Force Reserve and placed on the retired list of the Regular Air Force under authority contained in section 8255 of Title 10, United States Code, will be discharged upon completion of 30 years of service (including active service and service in the Reserve after retirement).

§ 864.75 *Immediate reenlistment.* An airman who is qualified for reenlistment under current directives will, upon his application, be discharged to reenlist. Airmen discharged under this section will be reenlisted on the day following discharge. The discharge certificate will not be delivered to the airman until reenlistment has been effected. Discharge and reenlistment may be effected:

(a) During the 90 days preceding expiration of term of service.

(b) To meet length of active duty service requirement for active military service, individual training, training with units, or attendance at schools.

§ 864.76 *Federally recognized in Air National Guard of the United States.* Airmen of the Air Force Reserve who enlist in the Air National Guard and become members of federally recognized units thereby become members of the Air National Guard of the United States and cease to be members of the Air Force Reserve. Airmen who enlist in the Air National Guard in a grade other than the grade in which they are currently enlisted as Reserves of the Air Force, upon becoming members of the Air National Guard of the United States, will be discharged from their prior enlisted status as Reserve airmen of the Air Force. Discharge will be effected as of the date immediately preceding date they assume the latter status.

§ 864.77 *Failure to participate in Reserve training.* Subject to limitations contained in § 864.71 (d), airmen in an active status, who fail to meet prescribed qualifications for retention as outlined in §§ 861.1 to 861.14, will be discharged: *Provided*, That:

(a) They are ineligible for transfer to the Retired Reserve or they are eligible but fail to apply.

(b) They do not possess minimum professional qualifications of a designated Air Force Specialty which will be required for utilization in a future mobilization warranting their retention in the Air Force Reserve and assignment to the Inactive Status List as prescribed in §§ 861.1 to 861.14.

(c) They have no unfulfilled service obligations as outlined in § 864.71 (e).

§ 864.78 *Failure to reply to official correspondence or inability to locate.* An airman, who fails to reply to official correspondence or who cannot be located after a reasonable effort on the part of appropriate commanders, will be discharged, provided that he has no unfulfilled service obligations as outlined in § 864.71 (e). When correspondence to which a reply is required is mailed to an airman and no reply is received within such reasonable time limits as local conditions may warrant, or if the correspondence is returned by postal authorities because of inability to locate the addressee, the following action will be taken:

(a) The last address reported by the airman of his permanent mailing address will be verified and the correspondence or a follow-up, as appropriate, will be mailed by registered mail, with return receipt requested to be signed only by addressee, to the verified address.

(b) If the correspondence is again returned by postal authorities because of inability to locate the addressee, local civil authorities or other persons who might reasonably be expected to assist in locating the airman may be contacted, if such action is deemed appropriate.

(c) When the airman fails to reply to correspondence within 30 days from the date of delivery, as indicated by the signed registry receipt, or when he cannot be located after reasonable efforts have been made as outlined in paragraph (b) of this section, a complete detailed report will be forwarded by the initiating organization commander to the Air Reserve Records Center.

§ 864.79 *Elimination from inactive status list.* Airmen, other than those retired from the Regular Air Force after 20 years' active Federal service, or those with Reserve service obligations, will not be retained on the Inactive Status List when it is determined that further retention would be of no benefit to the Air Force. Airmen in this category will be discharged when it is determined from a review of their records that they are no longer proficient in their specialties or that their specialties are no longer considered for utilization in a future mobilization: *Provided*, That:

(a) They are ineligible for transfer to the Retired Reserve or they are eligible but fail to apply.

(b) They are not qualified for assignment to another training category or they are eligible but fail to request such assignment.

§ 864.80 *Minor children.* A female airman, who is the parent by birth or adoption of a child under 18 years of age and has personal or legal custody of such child, is the step-parent of a child under 18 years of age and the child is within the household of the woman for a period of more than 30 days a year, or who has or assumes personal custody of any child under 18 years of age, will be discharged provided that she is ineligible for transfer to the Retired Reserve or she is eligible but fails to apply. No female airman will be discharged under this section on the basis of circumstances which existed at the time of, and did not then render her ineligible for enlistment in the military service.

§ 864.81 *Physical disability.* Airmen, who are found by competent military medical authorities or authorized civilian medical authorities to be permanently medically disqualified for active military service or for active military service with a waiver, will be discharged provided that they are ineligible for transfer to the Retired Reserve or they are eligible but fail to apply for such transfer.

§ 864.82 *Inaptitude or unsuitability.* Airmen will be discharged for inaptitude when it is determined that they do not possess the required degree of adaptability for military service. Airmen will be discharged for unsuitability when it is determined that they are unsuitable for military service. Discharge under this section will be under honorable conditions and a General Discharge Certificate (DD Form 257AF) will be issued.

§ 864.83 *Unfitness.* Airmen will be discharged when they have demonstrated that they are unfit for further retention in the military service and definite determination is made that they cannot be rehabilitated to the extent that they may be expected to become satisfactory airmen. Discharge under this section will be under other than honorable conditions and Undesirable Discharge Certificate (DD Form 258AF) will be issued.

§ 864.84 *Fraudulent enlistment.* Airmen will be discharged for fraudulent enlistment when it is determined that they willfully and knowingly concealed or misrepresented any information which would have rendered them ineligible for enlistment or would have induced a further inquiry concerning their qualifications or disqualifications for enlistment. Discharge under this section will be under other than honorable conditions and an Undesirable Discharge Certificate (DD Form 258AF) will be issued. Exceptions may be made in those cases where a full consideration of all the facts to which the fraud relates, including the nature of the service rendered subsequent to reenlistment, whether enlistment was prompted by an honest and sincere desire to serve, and all other attendant facts and circumstances indicates that the airman is entitled to be discharged under honorable conditions and furnished a General Discharge Certificate (DD Form 257AF).

§ 864.85 *Conviction by civil court.* Airmen who, after enlistment, are convicted by civil court of an offense punishable by death or imprisonment for more than 1 year, will be discharged under this section. Discharge under this section will be under other than honorable conditions and an Undesirable Discharge Certificate (DD Form 258AF) will be issued.

§ 864.86 *Homosexuals.* Every member of the military service will consider it his duty to report to his commander or to the nearest Air Force installation

Reservists except those on the Inactive

outlined in §§ 864.72 to 864.90, or similar

the airman has unfulfilled service obligations, the letter of notification will also

discharged provided that she is ineligible

or to the nearest Air Force installation

any facts concerning overt acts of homosexuality which may come to his attention. Commanders receiving information indicating that an Airman in the Air Force Reserve possesses homosexual tendencies or has engaged in acts of homosexuality will report the facts and circumstances to the local Office of Special Investigations and request an investigation by that office. Character of discharge under this section will be determined in accordance with current pertinent regulations.

§ 864.87 *Entrance or service in an Armed Force of a foreign country.* An airman who enters or serves in the Armed Forces of a foreign country may be discharged if, before entry or service, he fails to obtain written authority for such entry or service from the Secretary of State and the Secretary of Defense. Character of discharge under this section will be determined by the Secretary of the Air Force.

§ 864.88 *Accepting civil employment with foreign governments.* An airman who accepts civil employment with any foreign government or any concern which is controlled in whole or in part by a foreign government may be discharged when:

(a) He has not obtained prior written approval of the Secretary of the Air Force as provided in section 1032 of Title 10, United States Code, or

(b) He continues such employment after the Secretary of the Air Force has revoked his prior written approval.

(c) Character of discharge under this section will be determined by the Secretary of the Air Force.

§ 864.89 *Loss of nationality.* Any airman, who is a national of the United States, whether by birth or by naturalization, who loses such nationality for any of the reasons outlined in the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U. S. C. 1101) or any other provision of law, will be discharged. Character of discharge under this section will be determined by the Secretary of the Air Force.

§ 864.90 *Security program.* Commanders receiving information which indicates that retention of an airman is not clearly consistent with the interests of national security will report the facts and circumstances in each case to the local Office of Special Investigations and request an investigation by that office. Within 10 days following receipt of the results of the investigation, action will be taken as outlined in §§ 886.1 to 886.21.

(a) *Application for discharge in lieu of board action.* An airman who has received a Notice of Proposed Action under sections 886.1 to 886.21, advising him that proceedings have been initiated to determine whether he should be discharged under §§ 886.1 to 886.21, may apply for discharge in lieu of further board action under §§ 886.1 to 886.21 at any time before the time that the findings and recommendations of the board are approved.

§ 864.91 *Disposition boards*—(a) *Policy.* Except as otherwise indicated, airmen will not be discharged for any of the reasons outlined in §§ 864.77 to 864.89, except pursuant to the approved recommendation of a board of officers, hereafter referred to as "Disposition Board or Boards," convened by competent authority, unless the airman concerned voluntarily elects to submit an application for discharge in lieu of board action under §§ 864.71 to 864.91.

(b) *Rights of respondent.* Each airman, hereafter referred to as "respondent," whose case is presented to a Disposition Board for consideration will have the following rights:

(1) *Personal appearance or representation.* Respondent may appear in person, with or without counsel, or be represented by counsel in his absence at all open proceedings of the Board. However, he will not be reimbursed for expenses incident to his appearance, except that upon his request, the Commander, Continental Air Command, will furnish invitational travel orders and furnish fund citation thereon for his appearance before the Board. When invitational travel orders are issued, they will direct that military air transportation will be used if available. Only where such transportation is not available will the respondent be authorized travel by commercial transportation. No per diem will be authorized. He will not be reimbursed for expenses incident to the appearance or assistance of civilian counsel to include military personnel not serving in the active military service. He may have military counsel at Government expense provided that such counsel is serving on extended active duty. He may have military counsel of his choice if such counsel is serving on extended active duty and is determined to be reasonably available by the major air commander concerned.

(2) *Challenge voting members.* Respondent may challenge for cause only any voting member of the Disposition Board.

(3) *Witnesses.* Respondent may request the appearance before a Board of any witness whose testimony he believes to be pertinent to his case specifying in his request the type of information the witness can provide. His request will be honored by the Board if the witness is considered to be reasonably available and his testimony can add materially to the case. Respondent will not be reimbursed for expenses incident to the appearance or assistance of civilian witnesses, to include military personnel not serving in the active military service. He or his counsel may question any witness appearing before a Board considering his case.

(4) *Submit to examination.* Respondent may or may not submit to examination by the Board. Article 31, UCMJ, will be read and explained to him and he will be advised that all the rights granted thereby are extended to him. If he then desires to submit to examination or make a statement under oath, he will be sworn. If he does not desire to make a sworn statement, he may make an unsworn statement in mitigation or extenuation of the reasons for discharge. This statement may be oral or in writing or both. It may be made by the respondent or his counsel or both. In the event that the respondent elects to make an unsworn statement, he will not thereby subject himself to examination by the Board.

(5) *Submission of evidence.* Respondent, whether present or not, may submit any answer, deposition, sworn or unsworn statement, certificate, affidavit, or stipulation for consideration by the Board. He may also, at any time before the Board convenes or during the proceedings, submit a written brief concerning the whole or any phase of his case.

(6) *Retirement or request for discharge.* Respondent may, at any time before the time that the findings and recommendations of the Disposition Board are approved:

(i) Apply for retirement, if eligible pursuant to sections 101, 676, 1001, 1331–1337, 1401, 8966 of Title 10, United States Code, or

(ii) Apply for transfer to the Retired Reserve, if eligible, or

(iii) Apply for discharge in lieu of further board action under §§ 864.71 to 864.91.

However, the Board once convened will continue until his application for retirement, transfer to the Retired Reserve or discharge is approved, or until the resultant findings and recommendations of the Board have been approved by competent authority, whichever occurs first.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-10595; Filed, Dec. 28, 1956; 8:53 a. m.]

PART 861—OFFICERS' RESERVE

Subchapter G—Personnel

PART 887—APPOINTMENT OF OFFICER PERSONNEL

APPOINTMENT OF CHAPLAINS IN THE REGULAR AIR FORCE

1. In Part 861 §§ 861.171 to 861.177 are revoked.

2. In Part 887 §§ 887.171 to 887.177 are added as follows:

Sec.
887.171 Purpose.
887.172 Policy.
887.173 Definitions.
887.174 Grade determination.
887.175 Eligibility.
887.176 Periods.
887.177 Application.

AUTHORITY: §§ 887.171 to 887.177 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply Pub. Law 737, 84th Cong.; 70 Stat. 582.

DERIVATION: AFR 36–19, September 13, 1956.

§ 887.171 *Purpose.* Sections 887.171 to 887.177 establish the eligibility requirements and the procedure for application and appointment of commissioned officers in the Regular Air Force with a view to designation for the performance of chaplain duties. Selection for such appointment will be based upon professional background and experience.

§ 887.172 *Policy.* The policy of the Air Force is to conduct an orderly buildup of the Regular Air Force toward authorized officer strength. This buildup will be accomplished by tendering Regular Air Force appointments in the grades of first lieutenant through lieutenant colonel to those persons who possess officer qualities, ability, and experience required by the Air Force. Vacancies exist in the Regular officer structure in promotion list service groups. Accordingly, applications will be considered for existing vacancies in promotion list service groups and over-all vacancies in denominational quotas. At the time of appointment, any person, who would be entitled to a permanent grade in the Regular Air Force which is higher than the temporary or Reserve grade in which serving on active duty, is not eligible for appointment under §§ 887.171 to 887.177; this determination will be made by Headquarters USAF. Final selection of applicants will be accomplished by a board of officers at Headquarters USAF. Those applicants considered best qualified to meet the requirements of the Air Force will be selected. Such factors as manner of performance, breadth of experience, type of assignments, technical competence, and any substantiated derogatory information will be evaluated. The recommendations of the Headquarters USAF selection board will be final. However, the President may remove from the recommended list the name of any officer who has been selected for appointment by the Headquarters USAF selection board, but who, in his opinion, is not qualified for appointment.

§ 887.173 *Definitions*—(a) *Organization commander.* The commander of the organization to which the applicant is actually assigned for administrative purposes.

(b) *Major air commander.* The commander responsible for the operation and administration of any organization designated a major air command who reports directly to the Chief of Staff, USAF.

(c) *Headquarters USAF.* Refers to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: AFPTR–P–3A, Washington 25, D. C.

(d) *Promotion list service credit.* That credit awarded for the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, and eligibility for promotion.

(e) *Special effectiveness report.* That special USAF Officer Effectiveness Report (AF Form 77) furnished by the applicant's commander and submitted as part of the application for a Regular Air Force appointment.

§ 887.174 *Grade determination*—(a) *Service credit.* (1) For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, eligibility for promotion, and mandatory retirement or elimination under the Officer Personnel Act of 1947, as amended pursuant to section 8296 of Title 10, United States Code, a person appointed under §§ 887.171 to 887.177 will be credited at the time of his appointment with the active Federal commissioned service in the Armed Forces that he performed after becoming 21 years of age and before his appointment. In addition and for the same purposes, a person may be credited by Headquarters USAF with not more than 2 years of constructive service.

(2) Each person appointed under §§ 887.171 to 887.177 will be credited at the time of his appointment, in addition to the service with which he is credited under subparagraph (1) of this paragraph, and for the purposes of determining grade, position on the promotion list, seniority in Regular grade, and eligibility for promotion, with 3 years of service.

(b) *Permanent grades.* (1) Based on promotion list service credit as outlined in paragraph (a) of this section, commissioned grade of appointment will be as follows:

Promotion list service credit	*Grade*
3 but less than 7 years	First lieutenant.
7 but less than 14 years	Captain.
14 but less than 21 years	Major.
21 or more years	Lieutenant colonel.

Notwithstanding any other provision of law, no person, who was a cadet at the United States Air Force Academy or the United States Military Academy, or a midshipman at the United States Naval Academy, may be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at that Academy are graduated and appointed as officers. No person, who was enrolled at, but did not graduate from, an Academy, may be credited, upon appointment as a commissioned officer of the Regular Air Force, with longer service than that credited to any member of his class at that Academy whose service in the Air Force, or in the Army and the Air Force, has been continuous since graduation.

(2) To prevent loss of seniority among newly appointed Regular officers and to eliminate a delay in promoting those Regular officers already on the promotion list, the appointment of an officer, who is within 6 months of becoming eligible for appointment in the next higher grade in the Regular Air Force at the time of selection, will be delayed until after the date on which he completes the necessary service for appointment in the next higher grade.

(3) The name of each person appointed under §§ 887.171 to 887.177 will be placed on the promotion list immediately below the most junior officer of the same grade who has the same or next greater amount of service credit, and will be awarded the appropriate date of rank in permanent grade.

(c) *Temporary grade.* Appointment in the Regular Air Force will not affect grade or date of rank in temporary grade held by appointee. A Reserve of the Air Force commission or Regular warrant officer appointment will be vacated on the day before the date of execution of oath of office as a Regular Air Force officer. An officer accepting a Regular Air Force appointment, who is serving in his Reserve of the Air Force grade equivalent to or higher than his Regular Air Force grade, will be tendered a temporary United States Air Force appointment in the equivalent or higher grade with no change in current active duty date of rank.

§ 887.175 *Eligibility.* Each person applying under §§ 887.171 to 887.177 must meet the eligibility requirements contained in paragraphs (a) through (g) of this section. Waivers are not authorized, except as provided for in paragraph (b) of this section.

(a) *Current status.* An applicant must hold a valid appointment as a Reserve of the Air Force officer or USAF temporary officer and must be serving as a commissioned officer in the active military service, and currently designated to perform chaplain duties pursuant to sections 8067, 8211, 8296, 8574 of Title 10, United States Code. In the event that an officer's established date of separation occurs before receipt of appointment, he may apply for indefinite active duty status, or, he may, upon approval of his organization commander, sign a specified period of time contract extending his date of separation until June 30, 1958, unless sooner released from extended active duty for the convenience of the Government. A person, released from active duty for any reason after submission of application, will no longer be considered for a Regular Air Force appointment.

(b) *Age.* At time of appointment, a person may not exceed the age of 30 by more than the number of years, months, and days he has served on active duty as a commissioned officer in the Armed Forces of the United States after attaining the age of 21. The Secretary of the Air Force may waive the above age limitation when, in his opinion, there is an inadequate number of officers with the required qualifications; but no person may be appointed if he is above the age which would permit him to complete 20 years of active Federal commissioned service before he attains his 55th birthday. Therefore, any person, who could complete a total of 20 years' active Federal commissioned service before reaching his 55th birthday, may apply.

(c) *Education.* Each applicant must possess a minimum of 120 semester credit hours or 180 quarter credit hours of formal undergraduate study in an accredited college or university and must have completed a minimum of 90 semester or 120 quarter hours of formal graduate work in an accredited theological school.

(d) *Ecclesiastical indorsement.* Each applicant must obtain ecclesiastical indorsement for Regular Air Force appointment from the appropriate denominational agency.

(e) *Citizenship.* An applicant must be a citizen of the United States. An applicant, who is not a citizen by birth, must furnish a certificate by an officer, notary public, or any other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number ---------- (or certified copy of court order establishing citizenship)

stating that ---------- was (Full name)
admitted to United States citizenship by the ---------- Court of ----------, ---------- on (District or county) (State)
---------- (Date)
The following person was named in the certificate as a minor child: ----------; (Full name)
age -----.

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances. Act 25 June 1948 (62 Stat. 767; 18 U. S. C. 1426 (h)) provides that "whoever, without lawful authority, prints, photographs, makes, or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(f) *Medical.* An applicant must be medically qualified. Standard Form 88, "Report of Medical Examination," and Standard Form 89, "Report of Medical History," will not be submitted with the application, but will be requested before appointment.

(g) *Background.* An applicant must be of such background, character, and reputation to insure that his appointment into the Regular Air Force would be clearly consistent with the interests of the Air Force. Each applicant selected for appointment must be the subject of a favorable National Agency Check before the date of official tender of appointment. Any person, who is or has been a conscientious objector, may not be commissioned Regular Air Force.

§ 887.176 *Period*—(a) *Probationary period.* The appointment of any person under §§ 887.171 to 887.177 is probationary for 3 years and may be revoked by the Secretary of the Air Force at any time before the third anniversary of the acceptance of such appointment.

(b) *Application period.* An application may be submitted during the period October 15, 1956 to March 14, 1957. An application submitted after March 14, 1957 will be returned by the organization commander to the applicant. An application submitted under §§ 887.171 to 887.177 will remain valid until a new application period is announced by Headquarters USAF.

§ 887.177 *Application.* An applicant must comply with the following instructions:

(a) *Submitting application.* The application will be submitted to the applicant's organization commander and will consist of the following completed documents:

(1) Two copies of AF Form 17, "Application for Appointment in the Regular Air Force." Each applicant will plainly mark at the top of the application form "Chaplain."

(2) Original or photostat of authenticated transcripts substantiating education.

(3) Certificate from an officer verifying citizenship by naturalization, as required by § 887.175 (e), if applicable.

(4) Five copies of DD Form 398, "Statement of Personal History," and one completed FBI Applicant Fingerprint Card, if applicant has not been the subject of a favorable National Agency Check or complete background investigation during current tour of active duty.

(5) A copy of the letter forwarded by applicant to the appropriate denominational agency requesting that ecclesiastical indorsement for appointment in Regular Air Force be forwarded directly to the Chief of Air Force Chaplains, Headquarters USAF, Washington 25, D. C.

(6) Any other papers or statements considered relevant by the applicant.

(b) *Testing.* No testing required.

(c) *Distinguished graduates.* An applicant, who has been designated a Distinguished Aviation Cadet graduate, Distinguished Officer Candidate graduate, or Distinguished Air Force ROTC graduate, should attach to his application, a copy of the letter designating him as such, to insure that special consideration is given for such achievement.

(d) *Change of address.* The military address furnished on the application will be used for contacting an applicant. The applicant must give immediate notice to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: AFPTR–P–3A, Washington 25, D. C., of any permanent change of address, between submission of application and notification of final action.

(e) *Replying to communications.* An applicant, who does not promptly reply to and/or comply with all communications and instructions regarding his application, will be considered as being no longer interested in a Regular commission and his application will be considered abandoned.

(f) *Returning application.* Application and supporting documents, which are forwarded to Headquarters USAF, will not be returned to an applicant, except as provided for in paragraph (g) of this section.

(g) *Withdrawing application.* A person may withdraw his application at any time before acceptance of a Regular appointment by submitting a written request to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: AFPTR–P–3A, Washington 25, D. C. Application and allied papers will be returned.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force
Air Adjutant General.

[F. R. Doc. 56–10597; Filed, Dec. 28, 1956; 8:53 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

EFFECTIVE DATE

On September 7, 1956, the Secretary of Labor determined the prevailing minimum wages in certain industries and segments of industries to be $1.00 an hour and amended Title 41 of the Code of Federal Regulations to reflect these determinations (21 F. R. 6750). As stated in that document the rates therein established became effective and applied to all contracts subjects to the Walsh-Healey Public Contracts Act (41 U. S. C. 35–45) for which bids were solicited or negotiations otherwise commenced on or after October 7, 1956. The purpose of this amendment is to eliminate inconsistent and obsolete provisions for effective dates so that the Cumulative Pocket Supplement to the Code of Federal Regulations to be issued as of January 1, 1957 will present the data in its most simple form.

Accordingly, pursuant to authority under sections 1 (b), 4 and 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 2038; 41 U. S. C. 35, 40), Title 41 of the Code of Federal Regulations is hereby amended to reflect the effective date of each of these determinations as follows:

1. Sections 202.2 (e), 202.3 (e), 202.4 (e), 202.5 (e), 202.6 (e), 202.8 (e), 202.9 (e), 202.10 (e), 202.11 (e), 202.16 (e), 202.18 (e), 202.19 (e), 202.20 (e), 202.21 (e), 202.22 (e), 202.26 (e), 202.27 (e), 202.28 (e), 202.29 (e), 202.31 (e), 202.32 (e), 202.35 (e), 202.36 (e), 202.37 (e), 202.38 (e), 202.39 (e), 202.40 (e), 202.42 (e), 202.45 (e), 202.46 (e), 202.48 (e), are hereby amended to read as follows:

(e) *Effective date.* This section shall be effective, and the minimum wages herein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after October 7, 1956.

2. Section 202.33 (e) is hereby amended to read as follows:

(e) *Effective date.* (1) Paragraph (b) (1) of this section shall be effective, and the minimum wage therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after December 5, 1955.

(2) Paragraph (b) (2) of this section shall be effective, and the minimum wage therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after October 7, 1956.

3. Section 202.41 (e) is hereby amended to read as follows:

(e) *Effective date.* (1) The determination for this industry in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia shall be effective, and the minimum wage therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after October 7, 1956.

(2) The determination for this industry in the remaining States of the United States and the District of Columbia shall be effective, and the minimum wage therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after February 17, 1952.

4. Section 202.43 (e) is hereby amended to read as follows:

(e) *Effective date.* (1) Paragraph (b) (1) of this section shall be effective, and the minimum wage therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after February 21, 1953.

(2) Paragraph (b) (2) of this section shall be effective, and the minimum wage therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after October 7, 1956.

5. Section 202.44 (e) is hereby amended to read as follows:

(e) *Effective date.* (1) The determination for the industrial and refined basic chemicals branch of this industry in the States of Maryland, Virginia, South Carolina, North Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia shall be effective, and the minimum wage therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after October 7, 1956.

(2) The determination for the industrial and refined basic chemicals branch of this industry in the remaining States of the United States and the determination for the bone black, carbon black, and lamp black branch of this industry shall be effective, and the minimum wages therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after January 23, 1951.

(3) The determination for the cleaning and polishing preparations, insecticides and fungicides, and miscellaneous chemicals branch of this industry shall be effective, and the minimum wage therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after October 7, 1956.

Because the changes in the terms of the regulations effected by these amendments do not change the dates when the several wage determinations become effective, and are needed only to clarify the terms of the regulations for their imminent codification, I hereby find good cause to, and do, find that notice and public procedure thereon are unnecessary. For the same reasons I find good cause to make them effective without delay, and do, therefore, direct that they shall take effect upon publication in the FEDERAL REGISTER.

(Sec. 4, 49 Stat. 2038, as amended; 41 U. S. C. 38)

Signed at Washington, D. C. this 26th day of December 1956.

ROCCO C. SICILIANO,
Acting Secretary of Labor.

[F. R. Doc. 56–10577; Filed, Dec. 28, 1956; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–5A (Formerly NPA Order M–5A), Direction 1—Revocation]

M–5A—ALUMINUM

DIR. 1—LIMITATION ON REQUIRED DELIVERY OF ALUMINUM BY PRODUCERS DURING THIRD QUARTER OF 1953

REVOCATION

Direction 1 (18 F. R. 2642) to BDSA Order M–5A (formerly NPA Order M–5A) is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to BDSA Order M–5A, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This revocation is effective December 27, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 56–10603; Filed, Dec. 27, 1956; 2:54 p. m.]

[BDSA Reg. 2 (Formerly NPA Reg. 2), Direction 6—Revocation]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 6—CANCELLATION AND CONVERSION OF CERTAIN DO RATINGS

REVOCATION

Direction 6 (18 F. R. 1665) to BDSA Reg. 2 (formerly NPA Reg. 2) is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 6 to BDSA Reg. 2, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This revocation is effective December 27, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 56–10604; Filed, Dec. 27, 1956; 2:54 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1377]

NEVADA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATIONAL AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws or the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604), and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreational areas as indicated:

NEVADA 028474—NEVADA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

Mack's Canyon Recreation Area No. 1:
T. 18 S., R. 56 E.,
Sec. 27, SW¼NW¼, W½SE¼NW¼, S½NW¼NW¼, SW¼NE¼NW¼, NW¼NE¼SW¼, N½NW¼SW¼, and SW¼NW¼SW¼.
Sec. 28, SE¼NE¼NE¼, NE¼SE¼NE¼, NE¼NE¼SE¼, and S½NE¼SE¼.
The areas described aggregate 180 acres.
Mack's Canyon Recreation Area No. 2:
T. 18 S., R. 56 E.,
Sec. 33, NW¼NE¼, N½SE¼NE¼, E½NE¼NW¼, and NE¼SE¼NW¼.
The areas described aggregate 90 acres.

NEVADA 043407—TOIYABE NATIONAL FOREST

MOUNT DIABLO MERIDIAN

San Juan Administrative Site:
T. 15 N., R. 42 E., unsurveyed,
Sec. 32, E½SE¼.
The area described contains 80 acres.
Tierney Creek Administrative Site:
T. 14 N., R. 42 E., unsurveyed,
Sec. 28, NW¼NW¼.
The area described contains 40 acres.
Stoneberger Creek Recreation Area:
T. 15 N., R. 46 E., unsurveyed,
Sec. 22, N½SW¼.
The area described contains 80 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

DECEMBER 26, 1956.

[F. R. Doc. 56–10599; Filed, Dec. 28, 1956; 8:54 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—Procedures Applicable to the Public

[CGFR 56-56]

PART 3—MERCHANT MARINE PERSONNEL

CUSTOMS AND IMMIGRATION FORM I-418, COMBINED PASSENGER AND CREW LIST

As a result of conferences held by the Bureau of the Budget with the Department of State, Immigration and Naturalization Service, U. S. Public Health Service, Bureau of Customs, and the U. S. Coast Guard, one form has been established to replace eight existing forms utilized by the shipping and aviation industries in the manifesting of passengers and crew. This form has been designated as Customs and Immigration Form I-418, Combined Passenger and Crew List. The provisions of R. S. 4573, as amended (46 U. S. C. 674), require, before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale fishery, that the master thereof shall deliver to the Collector of Customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company. As a public service the Coast Guard has been furnishing their Form CG-710A, Crew List, to masters of such vessels. After January 1, 1957, the Coast Guard will discontinue the printing of Form CG-710A and will discontinue the free distribution of forms used in reporting members of the crew as required by R. S. 4573, as amended.

The Customs and Immigration Form I-418, Combined Passenger and Crew List, may be procured from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at the price of $2.00 per pad (100 forms). The use of this new Form I-418 will be effective January 1, 1957. The Bureau of Customs is charged with the primary responsibility of enforcing the provisions of R. S. 4573, as amended (46 U. S. C. 674), which requires the filing of a complete crew list by masters of certain vessels with the Collector of Customs before clearance may be granted.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with R. S. 4405, as amended, 4462, as amended, and section 7, 49 Stat. 1936, as amended (46 U. S. C. 375, 416, 689, § 3.13-20, *Crew list*, is canceled effective January 1, 1957.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Dated: December 20, 1956.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 56-10585; Filed, Dec. 28, 1956; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11797; FCC 56-1273]

[Rules Amdt. 3-50]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, television broadcast stations (Evansville, Ind.-Owensboro, Ky.-Festus, Mo.-Shelbyville, Tenn.); Docket No. 11797; Rules Amdt. 3-50.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 56-745) issued in this proceeding on July 25, 1956 and published in the FEDERAL REGISTER on July 28, 1956 (21 F. R. 5700) proposing to assign Channel 14 to Evansville in lieu of Channel 62 in response to a petition filed by Premier Television, Inc., permittee of Station WFIE operating on Channel 62 in Evansville. The proposed shift of channels would be accomplished by the following changes:

City	Channel No.	
	Delete	Add
Evansville, Ind	62	14-
Owensboro, Ky	14-	62
Festus, Mo	14+	25-
Shelbyville, Tenn	62-	56

2. Petitioner requested that the Commission order it to show cause why its outstanding authorization for Station WFIE should not be modified to specify operation on Channel 14 in lieu of Channel 62, and that Aircast, Inc., permittee of Station WKYT, authorized to operate on Channel 14 at Owensboro, be ordered to show cause why its outstanding authorization should not be modified to specify operation on Channel 62. In its notice of proposed rule making the Commission stated that such show cause order proceedings which may be necessary would be instituted at the termination of this proceeding.

3. No comments in opposition to the proposal have been filed. Petitioner and Aircast, Inc. have filed comments in support of the proposal.

4. WFIE urges that the proposed shift in channels would enable it to extend its coverage; that the amendments can be accomplished in accordance with the rules; and that adoption of its proposal would expedite the early establishment of local television service in Owensboro. Petitioner explains that it has reached an agreement with Aircast pursuant to which it will make available to the Owensboro station, the Channel 62 antenna, transmission line and associated equipment now used by WFIE for operation on Channel 62; and urges that this will enable the people of Owensboro to receive a local service at an early date. Aircast supports the proposal noting that many receivers in the Owensboro area are not adapted to receive Channel 14 but can receive Channel 62. Aircast submits that under the proposal it will be able to begin operation promptly and economically because of the assistance offered by petitioner.

5. The Commission believes that the proposed shift in channels between Evansville and Owensboro will serve the public interest in making possible the affording of a local television service in Owensboro at an early date. Accordingly, we are amending the Table of Assignments in accordance with WFIE's proposal. In order to accomplish the channel changes, the existing authorizations of WFIE and WKYT must be changed. We are therefore modifying the outstanding authorizations of these stations to specify operation on the new frequencies pursuant to section 316 (a) of the Communications Act of 1934, as amended. While we have refused to invoke modification procedures under section 316 (a) in requests for changes in channel assignments for the convenience of a petitioner, we believe that such procedures are appropriate in this case where a double switch in frequencies is required and where we have concluded that the change in channel assignments will serve the public interest in effectuating the early establishment of television service.

6. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), 307 (b) and 316 (a) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective January 30, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	Channel No.
Evansville, Ind	7, 14-, 50-, *56
Owensboro, Ky	62
Festus, Mo	25-
Shelbyville, Tenn	56

8. In light of the fact that the parties have consented thereto; *It is further ordered*, That pursuant to sections 303 (f) and 316 (a) of the Communications Act of 1934, as amended, effective January 30, 1957, the outstanding construction permit of Premier Television, Inc. for Station WFIE on Channel 62 in Evansville, Indiana, is modified to specify Channel 14; and that the outstanding construction permit of Aircast, Inc. for Station WKYT on Channel 14 in Owensboro, Kentucky is modified to specify Channel 62. Premier and Aircast are directed to file with the Commission within 30 days new engineering information in light of the change in frequencies. In the event that WFIE will be unable to commence operation on Channel 14 by the effective date of the modification order, the Commission will consider a request for extension of its outstanding temporary authorization on Channel 62 pending completion of the switchover to Channel 14.

9. Section 3.606, recapitulated to include all outstanding amendments adopted as of December 20, 1956, reads as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: December 19, 1956.

Released: December 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

§ 3.606 *Table of assignments*—(a) *General.* The following table of assignments contains the channels assigned to the listed communities in the United States, its Territories, and possessions. Channels designated with an asterisk are assigned for use by noncommercial educational broadcast stations only. A station on a channel identified by a plus or minus mark is required to operate with its carrier frequencies offset 10 kc above or below, respectively, the normal carrier frequencies.

(b) *Table of assignments.*

	Channel No.
Alabama:	
Andalusia	*2-, 29
Anniston	70+
Auburn	*56
Bessemer	54
Birmingham	6-, *10-, 13-, 42+, 48
Brewton	23+
Clanton	14
Cullman	60+
Decatur	23-
Demopolis	18
Dothan	9+, 19-
Enterprise	40+
Eufaula	44
Florence	41
Fort Payne	19
Gadsden	15+, 21+
Greenville	49-
Guntersville	40-
Huntsville	31+
Jasper	17
Mobile	5+, 10+, *42, 48+
Montgomery	12, 20, *26+, 32
Munford	*7-
Opelika	22-
Selma	8-, 58+
Sheffield	47-
Sylacauga	24-
Talladega	64
Thomasville	27-
Troy	36-
Tuscaloosa	45, 51-
Tuskegee	16-
University	*74+
Arizona:	
Ajo	14-
Bisbee	15
Casa Grande	18-
Clifton	25-
Coolidge	30+
Douglas	3-
Eloy	24
Flagstaff	9, 13
Globe	34+
Holbrook	14
Kingman	6-
Mesa	12-
Miami	28+
Morenci	31
Nogales	17-
Phoenix	3+, 5-, *8+, 10-
Prescott	15
Safford	21
Tucson	4-, *6+, 9-, 13-
Williams	25
Winslow	16-
Yuma	11-, 13+
Arkansas:	
Arkadelphia	34+
Batesville	30-
Benton	40
Blytheville	64+, 74
Camden	50
Conway	62
El Dorado	10-, 26-
Fayetteville	*13-, 41-
Forrest City	22+
Fort Smith	5-, *16, 22, 39
Harrison	24
Helena	54-
Hope	15-
Hot Springs	9+, 52+
Jonesboro	8, 39+
Little Rock	*2-, 4, 11+, 17-, 23+
Magnolia	28+
Malvern	46
Morrilton	43-
Newport	28
Paragould	58-
Pine Bluff	7-, 36
Russellville	19
Searcy	33
Springdale	35-
Stuttgart	14+
California:	
Alturas	9
Bakersfield	10-, 29
Bishop	19
Brawley	25+
Chico	12-
Corona	52
Delano	37+
El Centro	16, 56
Eureka	3-, 13-
Fresno	12+, *18-, 24, 47, 53
Hanford	21
Los Angeles	2, 4, 5, 7, 9, 11, 13, 22, *28, 34
Madera	30+
Merced	34-, 66
Modesto	14+, 58
Monterey. (*See* Salinas.)	
Napa	62
Oakland. (*See* San Francisco.)	
Oxnard	32
Palm Springs	14
Petaluma	68
Pittsburg	16
Port Chicago	70
Porterville	55
Red Bluff	15
Redding	7
Riverside	40, 46
Sacramento	3, *6, 10, 40-, 46+
Salinas-Monterey	8+, 35
San Bernardino	18, *24-, 30
San Buenaventura	38-
San Diego	8, 10, *15+, 21-, 27, 33, 39
San Francisco-Oakland	2+, 4-, 5+ 7-, *9+, 20-, 26-, 32+, 38, 44-
San Jose	11+, 48, *54, 60
San Luis Obispo	6+
Santa Barbara	3-, 20, 26
Santa Cruz	56
Santa Maria	44
Santa Paula	16+
Santa Rosa	50
Stockton	13+, 36, *42, 64
Tulare	27+
Ukiah	18
Visalia	43, 49
Watsonville	22-
Yreka City	19
Yuba City	52-
Colorado:	
Alamosa	3-, 19+
Boulder	*12, 22+
Canon City	36
Colorado Springs	11, 13, *17+, 23+
Craig	19
Delta	24+
Denver	2, 4-, *6-, 7, 9-, 20, 26+
Durango	6+, 15
Fort Collins	44+
Fort Morgan	15+
Grand Junction	5-, 21+
Greeley	50
La Junta	24
Lamar	18-
Leadville	14+
Longmont	32
Loveland	38
Montrose	10+, 18
Pueblo	5, *8, 28+, 34-
Salida	25
Sterling	25-
Trinidad	21-
Walsenburg	30-
Connecticut:	
Bridgeport	43-, 49-, *71
Hartford	3+, 18-, *24
Meriden	65-
New Britain	30+
New Haven	8+, 59+
New London	26+, 81
Norwalk. (*See* Stamford.)	
Norwich	57+, *63-
Stamford-Norwalk	27
Waterbury	53
Delaware:	
Dover	40
Wilmington	12, *59-, 83+
District of Columbia:	
Washington	4, 5-, 7+, 9, 14-, 20+, *26-, 50-
Florida:	
Belle Glade	27+
Bradenton	28-
Clearwater	32+, 50
Daytona Beach	2-, 53
De Land	44+
Fort Lauderdale	17-, 39
Fort Myers	11+
Fort Pierce	19
Gainesville	*5-, 20+
Jacksonville	4+, *7, 12-, 30+, 36-
Key West	14+, 20
Lake City	33+
Lakeland	16+, 22+
Lake Wales	14
Leesburg	26-
Marianna	17+
Melbourne	37-
Miami	*2, 4, 7-, 10+, 23-, 33
Ocala	15+
Orlando	6-, 9, 18, *24-, 47
Palatka	17
Panama City	7+, *30, 36+
Pensacola	3-, 15+, *21, 46
Quincy	54+
St. Augustine	25+
St. Petersburg. (*See* Tampa.)	
Sanford	35+
Sarasota	34+
Tallahassee	*11-, 24, 51
Tampa-St. Petersburg	*3, 8-, 13-, 28
West Palm Beach	5, 12, *15, 21+
Georgia:	
Albany	10, 25
Americus	31
Athens	*8, 60-
Atlanta	2, 5-, 11+, *30, 36
Augusta	6+, 12+
Bainbridge	35-
Brunswick	28+, 34-
Cairo	45+
Carrollton	33
Cartersville	63-
Cedartown	53-
Columbus	4, 28, *34
Cordele	43
Dalton	25+
Douglas	32-
Dublin	15
Elberton	24+
Fitzgerald	53+
Fort Valley	18+
Gainesville	52
Griffin	39+
La Grange	50
Macon	13+, *41+, 47+
Marietta	57+
Milledgeville	51+
Moultrie	48-
Newnan	61+

	Channel No.
Georgia—Continued	
Rome	9, 59
Savannah	3+, *9−, 11
Statesboro	22
Swainsboro	20−
Thomasville	6, 27
Tifton	14−
Toccoa	35
Valdosta	37+
Vidalia	26
Waycross	16
Idaho:	
Blackfoot	33
Boise	2, *4+, 7
Burley	15−
Caldwell	9−
Coeur d'Alene	12−
Emmett	26−
Gooding	23
Idaho Falls	3, 8+
Jerome	17
Kellogg	33−
Lewiston	3−
Moscow	*15
Nampa	6, 12+
Payette	14+
Pocatello	6−, 10
Preston	41
Rexburg	27+
Rupert	21
Sandpoint	23−
Twin Falls	11, 13−
Wallace	27−
Weiser	20−
Illinois:	
Alton	48
Aurora	16
Belleville	54+
Bloomington	15−
Cairo	24−
Carbondale	34, *61−
Centralia	32+, 59+
Champaign-Urbana	3+, *12−, 21, 27, 33
Chicago	2−, 5, 7, 9+, *11, 20, 26, 32, 38, 44
Danville	24
Decatur	17, 23+
De Kalb	*67
Dixon	47+
Elgin	28+
Freeport	23
Galesburg	40−
Harrisburg	22
Jacksonville	29
Joliet	48+
Kankakee	14
Kewanee	60−
La Salle	35
Lincoln	53+
Macomb	61+
Marion	40
Mattoon	46−
Moline. (*See* Davenport, Iowa.)	
Mt. Vernon	38−
Olney	16−
Pekin	69+
Peoria	8, 19, *37−, 43+
Quincy	10−, 21+
Rockford	13+, 39+, *45+
Rock Island. (*See* Davenport, Iowa.)	
Springfield	2+, 20+, *66+
Streator	65−
Urbana. (*See* Champaign.)	
Vandalia	28−
Waukegan	22+
Indiana:	
Anderson	26+, 61
Angola	77
Bedford	68
Bloomington	4, *30−, 36
Columbus	42−
Connersville	38+
Elkhart	52
Evansville	7, 14−, 50−, *56
Fort Wayne	15+, 21+, *27+, 33−, 69
Gary	50, *66
Hammond	56−
Hatfield	9+

	Channel No.
Indiana—Continued	
Indianapolis	6, 8−, 13−, *20−, 39, 67−
Jasper	19+
Kokomo	31
Lafayette	18, *47, 59
Lebanon	79+
Logansport	51
Madison	25−
Marion	29+
Michigan City	62+
Muncie	49, 55+, *71
Princeton	52+
Richmond	32−
Shelbyville	58+
South Bend	34−, *40+, 46
Tell City	31−
Terre Haute	10, *57+, 63−, 73+
Vincennes	44+
Washington	60+
Iowa:	
Algona	37+
Ames	5, 25−
Atlantic	45−
Boone	19−
Burlington	32−, 38+
Carroll	39
Cedar Rapids	2, 9−, 20−, *26+
Centerville	31−
Charles City	18−
Cherokee	14
Clinton	64
Creston	43
Davenport-Rock Island-Moline, Ill.	4+, 6+, *30+, 36+, 42−
Decorah	44+
Des Moines	8−, *11+, 13−, 17+, 23−
Dubuque	56+, 62−
Estherville	24+
Fairfield	54
Fort Dodge	21
Fort Madison	50+
Grinnell	71
Iowa City	*12+, 24−
Keokuk	44−
Knoxville	33−
Marshalltown	49
Mason City	3+, 35−
Muscatine	58
Newton	65+
Oelwein	28
Oskaloosa	52+
Ottumwa	15+, 63
Red Oak	32+
Shenandoah	20+
Sioux City	4−, 9, *30, 36−
Spencer	42+
Storm Lake	34+
Waterloo	7+, 16−, *22−, 46+
Webster City	27
Kansas:	
Abilene	31+
Arkansas City	49
Atchison	60+
Chanute	50−
Coffeyville	33−
Colby	22−
Concordia	47−
Dodge City	6+, 23
El Dorado	55+
Emporia	39−
Fort Scott	27
Garden City	9, 11+
Goodland	10, 31
Great Bend	2, 28
Hays	7−, 20−
Hutchinson	12, 18
Independence	20
Iola	44+
Junction City	29+
Larned	15−
Lawrence	*11, 17−
Leavenworth	54−
Liberal	14
McPherson	26−
Manhattan	*8, 23+
Newton	14+
Olathe	52−
Ottawa	21−
Parsons	46−
Pittsburg	7+, 38−

	Channel No.
Kansas—Continued	
Pratt	36+
Salina	34
Topeka	13+, 42, *48+
Wellington	24−
Wichita	3−, 10−, 16−, *22+
Winfield	43+
Kentucky:	
Ashland	59−
Bowling Green	13, 17+
Campbellsville	40+
Corbin	16
Danville	35+
Elizabethtown	23
Frankfort	43−
Glasgow	28+
Harlan	73+
Hazard	19−
Hopkinsville	20
Lexington	18+, 27−, 64, 70+
Louisville	3−, 11+, *15, 21−, 41−, 51−
Madisonville	26
Mayfield	63
Maysville	24+
Middlesborough	57, 63+
Murray	33−
Owensboro	62
Paducah	6+, 43, 72
Pikeville	14−
Princeton	45−
Richmond	60
Somerset	29−
Winchester	37+
Louisiana:	
Abbeville	27+
Alexandria	5, 62+, 74
Bastrop	53+
Baton Rouge	2, 18−, 28, *34, 40−
Bogalusa	69, 78
Crowley	76
De Ridder	70
Eunice	64−
Franklin	46+
Hammond	57
Houma	30+
Jackson	59
Jennings	48
Lafayette	10, 38−, 67−
Lake Charles	7−, *14, 25, 60+
Minden	30
Monroe	8+, *13, 43+
Morgan City	36+
Natchitoches	17+
New Iberia	15+
New Orleans	4+, 6+, *8, 20−, 26, 32+, 61
Oakdale	54+
Opelousas	58
Ruston	20
Shreveport	3−, 12
Thibodaux	24
Winnfield	22−
Maine:	
Auburn	23+
Augusta	10−, 20+
Bangor	2−, 5+, *16−
Bar Harbor	22−
Bath	65
Belfast	41−
Biddeford	59
Calais	7−, 20−
Dover-Foxcroft	18+
Fort Kent	17+
Houlton	24
Lewiston	8−, 17
Millinocket	14+
Orono	*12−
Portland	6−, 13+, *47−, 53+
Presque Isle	8, 19
Rockland	25−
Rumford	55−
Van Buren	15−
Waterville	35+
Maryland:	
Annapolis	53−
Baltimore	2+, 11−, 13+, 18, *24+, 72−
Cambridge	22+
Cumberland	17+, 30−
Frederick	62
Hagerstown	52, 68+
Salisbury	16+

	Channel No.
Massachusetts:	
Amherst	*82
Barnstable	25+
Boston	*2+, 4−, 5−, 7+, 38, 44+, 56
Brockton	62
Easthampton	61
Fall River	46−, 68
Greenfield	32+, 58−
Holyoke. (*See* Springfield.)	
Lawrence	72
Lowell	78
New Bedford	6+, 28−, 34+
North Adams	19, *80+
Pittsfield	64+
Springfield-Holyoke	22, 40
Worcester	14, 20
Michigan:	
Alma	41+
Alpena	9+, *11, 30−
Ann Arbor	20+, *26−
Bad Axe	46−
Battle Creek	58−, 64−
Bay City	5−, 63−, *73+
Benton Harbor	42
Big Rapids	39
Cadillac	13−, 45
Calumet	5
Cheboygan	4+, 36+
Coldwater	24−
Detroit	2+, 4, 7−, 50−, *56, 62
East Lansing	60+
East Tawas	25−
Escanaba	3+, *49
Flint	12−, 16−, *22−, 28
Gladstone	40−
Grand Rapids	8+, *17+, 23−
Hancock	10−
Houghton	19, *25
Iron Mountain	9, 27
Iron River	33−
Ironwood	12−, 31−
Jackson	48
Kalamazoo	3−, 36−, *74
Lansing	6−, 54
Ludington	18+
Manistee	15−
Manistique	14+
Marquette	6−, 13+, 17, *35
Midland	19+
Mount Pleasant	47−
Muskegon	29−, 35+
Parma-Onondago	10−
Petoskey	31
Pontiac	44+
Port Huron	34+
Rogers City	24
Saginaw	51−, 57−
Sault Ste. Marie	8, 10+, 28−, *34
Traverse City	7+, 20−, *26+
West Branch	21
Minnesota:	
Albert Lea	57−
Alexandria	36
Austin	6−, 51+
Bemidji	13−, 24−
Brainerd	12
Cloquet	44
Crookston	21−
Detroit Lakes	18+
Duluth-Superior, Wis.	3, 6+, *8−, 32, 38
Ely	16
Fairmont	40+
Faribault	20
Fergus Falls	16−
Grand Rapids	20−
Hastings	29+
Hibbing	10+
International Falls	11
Little Falls	14+
Mankato	15−
Marshall	22+
Minneapolis-St. Paul	*2−, 4, 5−, 9+, 11−, 17, 23+
Montevideo	19
New Ulm	43−
Northfield	26
Owatonna	45
Red Wing	63−
Rochester	10, 55−
St. Cloud	7, 33

	Channel No.
Minnesota—Continued	
St. Paul. (*See* Minneapolis.)	
Stillwater	39−
Thief River Falls	15
Virginia	26+
Wadena	27+
Willmar	31+
Winona	61
Worthington	32
Mississippi:	
Biloxi	13+, *44+, 50−
Brookhaven	37+
Canton	16
Clarksdale	32
Columbia	35+
Columbus	4−, 28−
Corinth	29−
Greenville	21−, 27
Greenwood	6, 24+
Grenada	15
Gulfport	56−
Hattiesburg	9, 17−
Jackson	3+, 12+, *19+, 25−, 47
Kosciuško	52−
Laurel	33−
Laurel-Pachuta	7
Louisville	46−
McComb	31−
Meridian	11−, 30−, *36−
Natchez	29+
Pascagoula	22
Picayune	14−
Starkville	34−
State College	*2+
Tupelo	9−, 38
University	*20+
Vicksburg	41+
West Point	56+
Yazoo City	49
Missouri:	
Cape Girardeau	12, 18+, 69
Carthage	56−
Caruthersville	27−
Chillicothe	14−
Clinton	49−
Columbia	8+, 16+, 22−
Farmington	52
Festus	25−
Fulton	24+
Hannibal	7−, 27+
Jefferson City	13, 33+
Joplin	12+, 30+
Kansas City	4, 5+, 9+, *19+, 25+, 65
Kennett	21
Kirksville	3−, 18
Lebanon	23
Marshall	40+
Maryville	26
Mexico	45
Moberly	35+
Monett	14
Nevada	18−
Poplar Bluff	15+
Rolla	46
St. Joseph	2−, 30−, *36
St. Louis	4−, 5−, *9, 11−, 30, 36, 42+
Sedalia	6−, 28+
Sikeston	37
Springfield	3+, 10, *26+, 32
West Plains	20−
Montana:	
Anaconda	2+
Billings	2, 8, *11
Bozeman	*9, 22−
Butte	4, 6+, *7−, 15+
Cut Bank	20+
Deer Lodge	25+
Dillon	20
Glasgow	16
Glendive	5+, 18−
Great Falls	3+, 5+, *23−
Hamilton	17+
Hardin	4+
Havre	9+, 11+
Helena	10+, 12
Kalispell	9−
Laurel	14+
Lewiston	13
Livingston	16−
Miles City	3−, *6, 10

	Channel No.
Montana—Continued	
Missoula	8−, *11−, 13−, 21+
Polson	18
Red Lodge	18+
Shelby	14−
Sidney	14
Whitefish	16+
Wolf Point	20−
Nebraska:	
Alliance	13−, 21
Beatrice	40
Broken Bow	14−
Columbus	49+
Fairbury	35
Falls City	38
Fremont	52
Grand Island	11−, 21+
Hastings	5−, 27−
Hay Spring	8
Hayes Center	6
Kearney	13, 19
Lexington	23−
Lincoln	10+, *12−, 18+, 24
McCook	8−, 17
Nebraska City	50
Norfolk	33+
North Platte	2−, 4+
Omaha	3, 6+, 7, *16, 22, 28−
Scottsbluff	10−, 16+
York	15
Nevada:	
Boulder City	4+
Carlin	14
Carson City	37
Elko	10−
Ely	3−, 6+
Fallon	29−
Goldfield	5−
Hawthorne	31
Henderson	2−
Las Vegas	8−, *10+, 13−
Lovelock	18+
McGill	8+
Reno	4, 8, *21+, 27−
Tonopah	9−
Winnemucca	7+
Yerington	33
New Hampshire:	
Berlin	26
Claremont	37
Concord	75+
Durham	*11
Hanover	*27+
Keene	45−
Laconia	43
Littleton	24−
Manchester	9−, 48+
Nashua	54
Portsmouth	15
Rochester	51
New Jersey:	
Andover	*69
Asbury Park	58
Atlantic City	46, 52+
Bridgeton	64−
Camden	*80
Freehold	*74
Hammonton	*70
Montclair	*77
Newark	13−
New Brunswick	*19−, 47+
Paterson	37+
Trenton	41+
Wildwood	48−
New Mexico:	
Alamogordo	17
Albuquerque	4+, *5+, 7+, 13+
Artesia	21+
Atrisco-Five Points	18+
Belen	24+
Carlsbad	6−, 23
Clayton	27−
Clovis	12+, 35
Deming	14+
Farmington	17−
Gallup	3, *8−, 10
Hobbs	46
Hot Springs	19
Las Cruces	22−
Las Vegas	14−
Lordsburg	23+

	Channel No.
New Mexico—Continued	
Portales	3, 27+
Raton	23
Roswell	8, 13+
Santa Fe	9+, 11−
Silver City	6+, 19
Socorro	9
Tucumcari	5+, 10
New York:	
Albany	10, 13−, 17, 23+
Amsterdam	18+, 57
Auburn	7+, 39
Batavia	29
Binghamton	12, 40+
Buffalo	2, 4, 7−, 59, 63
Canton	28
Corning	18−
Cortland	9
Dunkirk	17
Elmira	24, 36+
Fulton	55
Geneva	19
Glens Falls	6+, 45
Gloversville	35
Hornell	31
Hudson	34
Ithaca	20+, 52
Jamestown	46
Kingston	8+, 62
Lake Placid	5
Malone	53
Massena	33
Middletown	22
Monticello	67
Newburgh	26
New York	2, 4, 5, 7, 9, 11, 13, 31, 41, 47, 68
Niagara Falls	40
Norwich	21
Ogdensburg	28
Olean	35
Oneonta	43
Oswego	14
Plattsburgh	3, 16
Poughkeepsie	54
Rochester	5, 10, 21, 27+
Rome	66
Saranac Lake	25
Schenectady	17, 45
Syracuse	3, 8+, 24, 30
Troy	50
Utica	20, 41
Watertown	7, 50
Watkins Glen	65
North Carolina:	
Asheville	13, 21+, 62
Burlington	45
Charlotte	9, 36+, 42
Durham	11, 17+, 28
Elizabeth City	57
Fayetteville	40+, 50
Gastonia	46
Goldsboro	69
Greensboro	2, 61+
Greenville	53
Hickory	18+, 58
High Point	8+, 31
Kinston	14
Lenoir	55
Monroe	26
New Bern	12
Raleigh	4, 22+, 50
Rocky Mount	30
Salisbury	24
Sanford	38
Shelby	19
Statesville	48
Tarboro	10
Wilmington	3, 6+, 15
Wilson	58
Winston-Salem	12+, 26
North Dakota:	
Bismarck	5+, 12
Devils Lake	10
Dickinson	2, 13
Fargo	11+, 17
Grand Forks	7+, 15
Jamestown	24
Minot	8+, 10
Valley City	6
Williston	4

	Channel No.
Ohio:	
Akron	23+, 49
Ashtabula	25
Athens	19
Bucyrus	49
Cambridge	10
Canton	17+, 67
Chillicothe	2, 50
Cincinnati	5, 9, 12, 19+, 64
Cleveland	3, 8, 25, 43, 61
Columbus	4, 6+, 10, 34, 53
Coshocton	13
Dayton	2+, 7, 22, 26, 45
Defiance	39
Delaware	54
Findlay	31
Fremont	42
Hamilton	29
Kenton	52
Lancaster	36
Lima	35+, 73
Mansfield	15+, 47
Marietta	5+, 14
Marion	37
Middletown	33
Newark	18
Norwalk	45
Portsmouth	1, 10+, 74
Sandusky	41
Springfield	16, 66
Steubenville	9+, 58
Toledo	11, 13+, 30, 36
Warren	21
Wooster	26
Xenia	57
Youngstown	21+, 27, 73
Zanesville	6, 18
Oklahoma:	
Ada	17
Alva	4
Ardmore	12+, 29
Bartlesville	23+, 61
Chickasha	9
Clinton	15
Duncan	35
Durant	36
Elk City	7
Enid	5+, 47
Guymon	6
Hobart	11
Lawton	8+, 62
McAlester	24+, 31
Miami	13
Muskogee	3+, 55
Norman	40
Oklahoma City	4, 9, 25, 34, 43
Okmulgee	56
Ponca City	10+, 14
Pryor	38
Sayre	33
Shawnee	2+, 57
Stillwater	18
Tulsa	2, 6+, 8, 23+, 41
Woodward	20
Oregon:	
Albany	45
Astoria	6+, 10
Baker	9, 11+
Bend	21
Coos Bay	5+, 15
Corvallis	7
Eugene	13+, 24
Grants Pass	29
Klamath Falls	2+, 8
La Grande	16
Medford	10+, 12
Ontario	14
Pendleton	30
Portland	2, 6+, 8, 27+, 49
Roseburg	26
Salem	3+, 21
The Dalles	23

	Channel No.
Pennsylvania:	
Allentown	39+, 51
Altoona	10, 24
Bethlehem	16
Butler	19
Chambersburg	15
Clearfield	6
Easton	22
Erie	12+, 35, 66
Greensburg	4, 41
Harrisburg	27, 33+, 71
Hazleton	8
Indiana	63
Johnstown	7+, 56
Lancaster	8+, 64
Lebanon	13
Meadville	30
New Castle	45
Oil City	54
Philadelphia	3, 6+, 10, 17, 29, 48, 57
Pittsburgh	2, 4, 11, 16, 53, 58
Pottsville	12
Reading	33, 61
Scranton	16+, 22
Sharon	15
State College	3
Sunbury	10
Uniontown	44
Warren	9
Washington	18
Wilkes-Barre	28, 34
Williamsport	36
York	43
Rhode Island:	
Providence	10, 12+, 16
South Carolina:	
Anderson	40
Charleston	2+, 5, 24
Columbia	7, 25+, 67
Florence	15+, 32
Greenville	4, 16+, 29
Greenwood	21
Rock Hill	48
Spartanburg	7+, 18
Sumter	10
South Dakota:	
Aberdeen	3+, 9
Huron	5+, 11
Lead	5
Mitchell	13
Pierre	7
Rapid City	3+, 10
Sioux Falls	13+, 17
Watertown	28
Yankton	8
Tennessee:	
Bristol	5, 11+
Chattanooga	3, 9+, 12, 28
Clarksville	35
Cleveland	23
Columbia	22
Cookeville	15
Dyersburg	16
Elizabethton	4
Greeneville	15
Harriman	39
Jackson	12+, 47
Johnson City	5+, 11
Kingsport	13
Knoxville	6, 26, 53
Lawrenceburg	29
Memphis	3, 5+, 10, 24, 30
Nashville	2, 4, 8, 17, 39
Oak Ridge	46
Tullahoma	18
Texas:	
Abilene	9+, 12
Alice	10
Amarillo	4, 10+, 19
Austin	7, 24+, 36
Baytown	61
Beaumont	6, 12+, 31
Big Spring	4
Brownsville	2, 23
Brownwood	6
Bryan	20
Cleburne	58
Coleman	25
Corpus Christi	6+, 10, 16
Corsicana	24
Dallas	4, 8, 13+, 21, 39
Del Rio	4
Denison	23
Denton	29
Eagle Pass	10
El Paso	4, 7+, 9, 13
Fort Worth	5, 11+, 26, 41
Galveston	11, 34+
Gladewater	32
Graham	7
Greenville	8
Harlingen	4
Henderson	43
Houston	2, 8+, 11, 13, 39
Huntsville	19
Kilgore	12
Laredo	8
Longview	7+, 35
Lubbock	5+, 13
Lufkin	9
Marshall	18
McAllen	5
Midland	2, 9+
Mineral Wells	24
Nacogdoches	12
Odessa	7+, 36
Orange	26
Palestine	19
Paris	14
Pecos	8
Plainview	34
Port Arthur	4, 10+, 12
Rusk	69
San Angelo	8, 16+
San Antonio	4, 5+, 9, 12, 17
Sherman	28
Sweetwater	5
Temple	6, 25
Texarkana	6+, 10
Tyler	7, 19+
Victoria	3, 6+
Waco	10, 34
Wichita Falls	6+, 15
Utah:	
Cedar City	13
Logan	5
Moab	4
Ogden	9, 11+
Price	6
Provo	2+, 16
Richfield	10
Salt Lake City	4, 5+, 7, 20
Vernal	12
Vermont:	
Barre	5+, 15
Bennington	17
Brattleboro	41
Burlington	3+, 22
Montpelier	8
Rutland	10+, 18
St. Johnsbury	21
Virginia:	
Alexandria	26
Arlington	15
Bristol	5+, 11
Charlottesville	29
Danville	24+, 63
Fredericksburg	9
Harrisonburg	3
Lynchburg	13+, 18
Martinsville	31
Newport News	10, 33
Norfolk	3, 13+, 27, 43
Petersburg	8
Portsmouth	21
Richmond	6, 12+, 23
Roanoke	7+, 10
Staunton	16
Suffolk	44
Waynesboro	30
Winchester	4+, 50
Washington:	
Aberdeen	16
Bellingham	12+, 24
Centralia	9
Ellensburg	6
Everett	11
Kelso	25
Kennewick	17
Longview	19
Moses Lake	45
Olympia	7
Pasco	4
Port Angeles	31
Pullman	10
Richland	5
Seattle	5, 7+, 9, 11
Spokane	2+, 4, 6+, 28
Tacoma	13
Vancouver	21
Walla Walla	8
Wenatchee	3
Yakima	23+, 47
West Virginia:	
Beckley	9+, 15
Bluefield	6+, 10
Charleston	2+, 8, 13
Clarksburg	12+, 30
Fairmont	35
Huntington	3, 5+, 11
Martinsburg	25
Morgantown	40
Parkersburg	15+, 17
Weirton	24
Wheeling	7+, 9
Wisconsin:	
Appleton	11+, 42
Ashland	3+, 10
Beaver Dam	14
Eau Claire	9+, 13
Fond du Lac	18
Green Bay	2+, 5, 26
Hurley	12
Janesville	27
Kenosha	6+, 50
La Crosse	8+, 25
Madison	3+, 15, 21
Manitowoc	24
Marinette	11
Milwaukee	4, 10+, 12, 18, 58
Oshkosh	6
Racine	9
Rhinelander	7+, 9
Sheboygan	28
Stevens Point	16
Superior	3, 6+, 10
Wausau	7+, 12
Wyoming:	
Casper	2+, 6
Cheyenne	4, 7+, 9
Lander	10
Rawlins	5
Riverton	13
Sheridan	7
Worland	5+, 11

	Channel No.
New Mexico—Continued	
Los Alamos	20—
Lovington	27
Portales	22+
Raton	46—, *52
Roswell	*3+, 8, 10—
Santa Fe	2+, *9+, 11—
Silver City	*10+, 12
Socorro	15+
Tucumcari	25+
New York:	
Albany-Schenectady-Troy	6, *17+, 23—, 35, 41
Amsterdam	52—
Auburn	37—
Batavia	33—
Binghamton	12—, 40—, *46+, 56+
Buffalo (*also see* Buffalo-Niagara Falls)	17, *23
Buffalo-Niagara Falls	2, 4—, 7+, 59
Carthage	7—
Clymer	37
Cortland	72
Dunkirk	46
Elmira	9—, 18+, 24—
Glens Falls	39+
Gloversville	29—
Hornell	50
Ithaca	*14+, 20—
Jamestown	58+
Kingston	66—
Lake Placid	5
Malone	20+, *66
Massena	14—
Middletown	60
New York	2—, 4, 5+, 7, 9+, 11+, *25, 31—
Niagara Falls. (*See* Buffalo-Niagara Falls.)	
Ogdensburg	24+
Olean	54+
Oneonta	62—
Oswego	31
Patchogue	75
Plattsburg	28+
Poughkeepsie	21—, *83
Rochester	5—, 10+, 15—, *21, 27+
Rome (*See* Utica.)	
Saranac Lake	18
Schenectady. (*See* Albany.)	
Syracuse	3—, 8, *43+
Troy. (*See* Albany.)	
Utica-Rome	13, *25+, 54—
Vail Mills	10—
Watertown	48
North Carolina:	
Ahoskie	53
Albermarle	20
Asheville	13—, *56—, 62+, 78
Burlington	63
Burnsville	18
Chapel Hill	*4+
Charlotte	3, 9+, 36+, *42+
Durham	11+, *40—, 46+, 73—
Elizabeth City	31+
Fayetteville	18—, 54—
Gastonia	48
Goldsboro	34, 72
Greensboro	2—, *51—, 57—
Greenville	9—
Henderson	52—
Hendersonville	27
Hickory	30—
High Point	15+
Jacksonville	16
Kannapolis	59+
Kinston	45
Laurinburg	41—
Lumberton	21+
Mount Airy	55
New Bern	13—
Raleigh	5, *22—, 28—
Roanoke Rapids	30+
Rocky Mount	50+
Salisbury	80
Sanford	38
Shelby	39
Southern Pines	49
Statesville	64—
Washington	7
Wilmington	3—, 6, 29—, *35+

	Channel No.
North Carolina—Continued	
Wilson	56
Winston-Salem	12, 26+, *32—
North Dakota:	
Bismarck	5, 12—, 18, *24
Bottineau	16+
Carrington	26—
Devils Lake	8+, 14—
Dickinson	2+, 4, *17
Fargo	6, 11+, *34—, 40
Grafton	17
Grand Forks	*2, 10
Harvey	22+
Jamestown	7—, 42
Lisbon	23
Minot	*6+, 10—, 13+
New Rockford	20+
Rugby	33—
Valley City	4—, 32—
Wahpeton	45+
Williston	8—, 11—, *34+
Ohio:	
Akron	49+, *55—, 61+
Ashtabula	15
Athens	62—
Bellefontaine	63
Bowling Green	*70
Cambridge	26
Canton	29
Chillicothe	56+
Cincinnati	5—, 9, 12, *48—, 54—, 74—
Cleveland	3, 5+, 8, 19, *25+, 65+
Columbus	4—, 6+, *34, 40—
Coshocton	20
Dayton	2, 7+, *16+, 22+
Defiance	43
Findlay	53
Fremont	59+
Gallipolis	72
Hamilton-Middletown	65
Lancaster	28—
Lima	35—, 73
Lorain	31—
Mansfield	36+
Marion	17—
Massillon	23+
Middletown. (*See* Hamilton.)	
Mount Vernon	58
Newark	60—
Oxford	14+
Piqua	44—
Portsmouth	30
Sandusky	42+
Springfield	52—, 76
Steubenville. (*See* Wheeling, W. Va.)	
Tiffin	47+
Toledo	11—, 13, *30+, 79
Warren	67+
Youngstown (also see Youngstown, Ohio—New Castle, Pa.)	21—, 27, 73—
Youngstown, Ohio-New Castle, Pa.	45—
Zanesville	18—, 50+
Oklahoma:	
Ada	10+, 50+
Altus	36
Alva	30
Anadarko	58—
Ardmore	12—, 55—
Bartlesville	62—
Blackwell	51—
Chickasha	64
Claremore	15
Clinton	32—
Duncan	39—
Durant	27—
Elk City	8+, 15+, 26+
El Reno	56+
Enid	5, 21, *27+
Frederick	44
Guthrie	48
Guymon	20+
Hobart	23+
Holdenville	14—
Hugo	21+
Lawton	7+, *28+, 34—
McAlester	47
Miami	58+
Muskogee	8—, *45+, 66+
Norman	31—, *37—
Oklahoma City	4—, 9—, *13, 19+, 25—

	Channel No.
Oklahoma—Continued	
Okmulgee	26
Pauls Valley	61
Ponca City	40—
Pryor Creek	54
Sapulpa	42—
Seminole	59
Shawnee	53—
Stillwater	29—, *69
Tulsa	2+, 6, *11—, 17+, 23
Vinita	28—
Woodward	35+
Oregon:	
Albany	55+
Ashland	14—
Astoria	30—
Baker	37+
Bend	15—
Burns	16
Coos Bay	11
Corvallis	*7—, 49—
Eugene	*9+, 13, 20+, 26
Grants Pass	30
Klamath Falls	2—, 17
La Grande	13+
Lebanon	43+
McMinnville	46—
Medford	5
North Bend	16+
Pendleton	28
Portland	6+, 8—, *10, 12, 21—, 27+
Roseburg	4+, 28+
Salem	3+, *18—, 24+, 66
Springfield	37—
The Dalles	32
Pennsylvania:	
Allentown	39, 67
Altoona	10—, 19+, 25—
Bethlehem	51—
Bradford	70—
Butler	43—
Chambersburg	46—
Du Bois	31+
Easton	57—
Emporium	42—
Erie	12, 35+, *41—, 66+
Harrisburg	27—, 55+, 71+
Hazleton	63
Irwin	4+
Johnstown	6, 56—
Lancaster	8—, 21+
Lebanon	15+
Lewistown	74—
Lock Haven	32—
Meadville	62+
New Castle (see Youngstown, Ohio—New Castle, Pa.)	
Oil City	64
Philadelphia	3, 6—, 10, 17—, 23+, 29, *35—
Pittsburgh	2—, 11, *13—, 16, 47—, 53+
Reading	33+, 61—
Scranton	16—, 22—, 44
Shamokin	65
Sharon	39+
Shinglehouse	26+
State College	*48+
Sunbury	38
Uniontown	14
Washington	63+
Wilkes-Barre	28, 34
Williamsport	36—
York	43, 49
Rhode Island:	
Providence	10+, 12+, 16, *36+
South Carolina:	
Aiken	54
Anderson	40, 58—
Camden	14
Charleston	2+, 5+, *13, 17+
Clemson	*68
Columbia	10—, *19+, 25—, 67+
Conway	23—
Florence	8—, 60
Georgetown	27—
Greenville	4—, 23+, *29
Greenwood	21—
Lake City	55+
Lancaster	31—
Laurens	45—
Marion	43—
Newberry	70

	Channel No.
South Carolina—Continued	
Orangeburg	44—
Rock Hill	61—
Spartanburg	7+, 17—, 47
Sumter	28
Union	65—
South Dakota:	
Aberdeen	9—, 17+
Belle Fourche	23+
Brookings	*8, 25
Hot Springs	17+
Huron	12+, 15+
Lead	5—, 26
Madison	46
Mitchell	5+, 20—
Mobridge	27—
Pierre	10+, *22+
Rapid City	3+, 7+, 15—
Reliance	6—
Sioux Falls	11, 13+, 38+, *44—
Sturgis	20
Vermillion	*2+, 41
Watertown	3—, 35+
Winner	18—
Yankton	17—
Tennessee:	
Athens	14+
Bristol, Tenn.-Bristol, Va.	5+, 46—
Chattanooga	3+, 12—, 43+, 49+, *55—
Clarksville	53
Cleveland	38+
Columbia	39—
Cookeville	24, *69
Crossville	*77
Covington	19—
Dyersburg	46+
Elizabethton	22+
Fayetteville	27+
Gallatin	48+
Harriman	67
Humboldt	25
Jackson	7+, 16+
Johnson City	11—, 34+
Kingsport	28
Knoxville	6, 10+, *20+, 26—
Lawrenceburg	50+
Lebanon	58
Lexington	*11
McMinnville	46
Maryville	51
Memphis	3, 5+, *10+, 13+, 42—, 48—
Morristown	54+
Murfreesboro	18—
Nashville	*2—, 4+, 5, 8+, 30+, 36+
Oak Ridge	32+
Paris	51+
Pulaski	44—
Shelbyville	56
Sneedville	*2+
Springfield	42
Tullahoma	68—
Union City	55
Texas:	
Abilene	9+, 33—
Alice	34+
Alpine	12—
Amarillo	*2—, 4, 7, 10
Athens	25+
Austin	7+, 18—, 24, *70—
Ballinger	25
Bay City	33
Beaumont-Port Arthur	4—, 6—, 31+, *37
Beeville	38—
Big Spring	4—, 34+
Bonham	43
Borger	33
Brady	15—
Breckenridge	14+
Brenham	52—
Brownfield	15
Brownsville (*also see* Brownsville-Harlingen-Weslaco)	36
Brownsville-Harlingen-Weslaco[1]	4+, 5—
Brownwood	19

[1] These assignments may be utilized in any community lying within the area of the triangle formed by Brownsville, Harlingen and Weslaco.

	Channel No.
Texas—Continued	
Bryan	54—
Bryan-College Station (*also see* College Station)	3+
Childress	40
Cleburne	57
Coleman	21—
College Station (also see Bryan-College Station)	*48—
Conroe	20+
Corpus Christi	6+, 10—, *16+, 22, 43
Corsicana	47+
Crockett	56
Crystal City	28+
Cuero	25—
Dalhart	16
Dallas	4+, 8, *13+, 23, 29, 73
Del Rio	16—
Denison	52
Denton	*2, 17
Eagle Pass	26
Edinburg	26—
El Campo	27
El Paso	4, *7, 9, 13, 20+, 26+
Falfurrias	52
Floydada	45
Fort Stockton	22
Fort Worth	5+, 11—, 20—, *26—
Gainesville	49—
Galveston	11+, 35—, 41—, *47—
Gonzales	64+
Greenville	69—
Harlingen (*also see* Brownsville-Harlingen-Weslaco)	23
Hebbronville	58
Henderson	42+
Hereford	19—
Hillsboro	63
Houston	2—, *8—, 13—, 23+, 29—, 39—
Huntsville	15
Jacksonville	36—
Jasper	49+
Kermit	14
Kilgore	59—
Kingsville	40
Lamesa	28
Lampasas	40—
Laredo	8, 13, *15+
Levelland	38—
Littlefield	32
Longview	32, 38+
Lubbock	5—, 11, 13—, *20, 26
Lufkin	9, 46—
McAllen	20—
McKinney	65—
Marfa	19+
Marshall	16—
Mercedes	32
Mexia	50—
Midland	2+, 18
Mineral Wells	38
Mission	14
Monahans	9—
Mount Pleasant	35
Nacogdoches	19—, 40+
New Braunfels	62—
Odessa	7—, 24—
Orange	43—
Pampa	17—
Paris	33+
Pearsall	31
Pecos	16+
Perryton	22
Plainview	29+
Port Arthur. (*See* Beaumont.)	
Quanah	42
Raymondville	42
Rosenberg	17—
San Angelo	3—, 8+, 17+, *23—
San Antonio	4, 5, *9—, 12+, 35+, 41+
San Benito	48
San Marcos	53+
Seguin	14—
Seymour	24+
Sherman	46+
Snyder	30+
Stephenville	32+
Sulphur Springs	41
Sweetwater	12
Taylor	58+

	Channel No.
Texas—Continued	
Temple	6, 16, 22+
Terrell	58
Texarkana	6+, *18, 24—
Tyler	7, 61+, 72
Uvalde	20
Vernon	18+
Victoria	19+
Waco	10+, *28—, 34
Waxahachie	45—
Weatherford	51
Wesiaco. (*See* Brownsville-Harlingen-Weslaco.)	
Wichita Falls	3, 6—, *16+, 22—
Utah:	
Brigham	36—
Cedar City	5
Logan	12—, 30, *46
Ogden	9+, *18—, 24
Price	6
Provo	11+, 22, *28
Richfield	13+
St. George	16+
Salt Lake City	2—, 4—, 5+, *7—, 20+, 26
Tooele	44
Vernal	3+
Vermont:	
Bennington	74+
Brattleboro	77+
Burlington	3, *16+, 22+
Montpelier	57
Newport	46
Rutland	49+
St. Albans	34—
St. Johnsbury	30
Virginia:	
Blacksburg	*60+
Bristol. (*See* Bristol, Tenn.)	
Charlottesville	*45+, 64+
Covington	44+
Danville	24—
Emporia	25+
Farmville	19
Fredericksburg	47
Front Royal	39—
Harrisonburg	3—, 34—
Lexington	54
Lynchburg	13, 16—
Marion	50
Martinsville	35—
Newport News. (*See* Norfolk-Portsmouth-Newport News.)	
Norfolk-Portsmouth (*also see* Norfolk-Portsmouth-Newport News)	27
Norfolk-Portsmouth-Newport News (*also see* Norfolk-Portsmouth)	3+, 10+, 15, *21—, 33
Norton	52+
Petersburg	8, 41
Portsmouth. (*See* Norfolk-Portsmouth and *also see* Norfolk, Portsmouth-Newport News.)	
Pulaski	37—
Richmond	6+, 12—, *23, 29+
Roanoke	7—, 10, 27+, *33—
South Boston	14+
Staunton	36
Waynesboro	42
Williamsburg	17
Winchester	28+
Washington:	
Aberdeen	58
Anacortes	34
Bellingham	12+, 18+, 24—
Bremerton	44, 50
Centralia	17
Clarkston	34+, 40+
Ellensburg	49, *65
Ephrata	43
Everett	22—, 28—
Grand Coulee	37
Hoquiam	52
Kelso	39
Kennewick (*also see* Kennewick-Richland-Pasco)	25
Kennewick-Richland-Pasco	*41
Longview	33
Moses Lake	61
Olympia	60
Omak-Okanogan	*35—

	Channel No.
Washington—Continued	
Port Angeles	45
Pullman	35
Richland	53
Seattle	7, 9, 11, 13, *16+, 22, 41
Spokane	2+, 4, 6, 28, *43+, 66
Tacoma	13, 20, 36, *49+
Toppenish	67
Vancouver	21
Walla Walla	32
Wenatchee	47
Yakima	23+, 29
West Virginia:	
Bluefield	6, 10+, *31+, 61
Charleston	2+, 8, 11—, *13, 17+, 24—
Clarksburg	12+, 15—, 62
Fairmont	35—
Huntington	5, 13—, *19+, 33—
Morgantown	40—
Parkersburg	15+, 54
Wheeling	7+, 9—, *11, 20+, 24—
Wisconsin:	
Appleton	26—
Eau Claire	9+, 13—
Green Bay	2+, 5, 11—
La Crosse	8+, 25—
Madison	3+, 15—
Milwaukee	4, 6, 10—, 12, 18, 24—
Oshkosh	48
Rhinelander	34
Superior	21+, 27—
Wausau	7—
Wyoming:	
Casper	2+, 6, 9—
Cheyenne	4, 5+, *7, 8—
Lander	10
Rawlins	13
Riverton	11
Sheridan	12
Worland	22
Alaska:	
Anchorage	2, 4, 7, 11, 13
Fairbanks	2, 4, 9, 11
Juneau	8, 10, 13
Ketchikan	2, 4, 8, 11
Kodiak	3, 5, 9, 11
Hawaii:	
Hilo	2, 4, 9, 11
Honolulu	2, 4, 5, 7, 13
Kahului	8, 10, 12
Puerto Rico:	
Aguadilla	3
Arecibo	11
Caguas	13
Carolina	6
Fajardo	4
Guayama	7
Humacao	5
Mayaguez	5
Ponce	9
San Juan	2, 4, 7, 13
Virgin Islands:	
St. Thomas	8
St. Croix	10

	Channel No.
Washington—Continued	
Okanogan. (*See* Omak.)	
Pasco (*also see* Kennewick-Richland-Pasco)	19—
Port Angeles	16—
Pullman	*10—, 24
Richland (*also see* Kennewick-Richland-Pasco)	31
Seattle	4, 5+, 7, *9, 20, 26+
Spokane	2—, 4—, 6—, *7+
Tacoma	11+, 13—, *56, 62
Walla Walla	5—, 8, *22
Wenatchee	*45, 55, 67
Yakima	23+, 29+, *47
West Virginia:	
Beckley	4, 21, 66
Bluefield	6—, 41+
Charleston	8+, *43+, 49—
Clarksburg	12+, 22, 69—
Elkins	40+
Fairmont	35
Hinton	31
Huntington	3+, 13+, *53—
Logan	23—
Martinsburg	58—
Morgantown	*24
Parkersburg	15—
Welch	25
Weston	5, 32
Wheeling (*also see* Wheeling-Steubenville, Ohio)	*57+
Wheeling-Steubenville, Ohio	7, 9+, 51+
Williamson	17
Wisconsin:	
Adams	*58+
Appleton	42+
Ashland	15+
Beaver Dam	37
Beloit	57
Chilton	*24+
Eau Claire	13, *19+, 25+
Fond du Lac	54+
Green Bay	2+, 5+, 70+
Janesville	63+
Kenosha	61—
La Crosse	8+, *32+, 38—, 72
Madison	3, *21—, 27—, 33+
Manitowoc	65
Marinette	11+, 32—, *38+
Milwaukee	4—, *10+, 12, 19—, 25, 31+
Oshkosh	48—
Park Falls	*18
Portage	17—
Prairie du Chien	34
Racine	40—, 55
Rhinelander	22
Rice Lake	21+
Richland Center	15, *66—
Sheboygan	59—
Shell Lake	*30—
Sparta	50—
Stevens Point	20+, 26—
Sturgeon Bay	44—
Superior. (*See* Duluth, Minn.)	
Wausau	7—, 16+, *46—
Whitefish Bay	6
Wisconsin Rapids	14—
Wyoming:	
Buffalo	29
Casper	2+, 6+
Cheyenne	3, 5+
Cody	24—
Douglas	14
Evanston	14—
Gillette	31—
Green River	16
Greybull	40
Lander	17—
Laramie	*8+, 18+
Lovell	36+
Lusk	19—
Newcastle	28+
Powell	30+
Rawlins	11—
Riverton	10+
Rock Springs	13
Sheridan	9—, 12+
Thermopolis	15
Torrington	27
Wheatland	24+
Worland	34
U. S. TERRITORIES AND POSSESSIONS	
Alaska:	
Anchorage	2—, *7—, 11, 13—
Fairbanks	2+, 4+, 7+, *9+, 11+, 13+
Juneau	*3, 6, 10
Ketchikan	2, 4, *9
Seward	4—, 9—
Sitka	13
Guam:	
Agana	8, 10
Hawaiian Islands:	
Hilo, Hawaii	2, *4, 7, 9, 11, 13 4—, *7+, 9—, 11+, 13—
Lihue, Kauai	3+, *8—, 10+, 12—
Wailuku, Maui	3, 8, *10, 12
Puerto Rico:	
Arecibo	13+
Caguas	11—
Mayaguez	3+, 5—
Ponce	7+, 9—
San Juan	2+, 4—, *6+
Virgin Islands:	
Charlotte Amalie	10—, 12+
Christiansted	8+

[F. R. Doc. 56-10520; Filed, Dec. 28, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 960, 963]

[Docket Nos. AO-253-A2, AO-233-A6]

MILK IN AKRON, OHIO, AND STARK COUNTY, OHIO, MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS TO ORDERS AS IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the orders, as in effect, regulating the handling of milk in the Akron, Ohio, and Stark County, Ohio, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order were formulated was held at Akron, Ohio, August 22, 1956, pursuant to notice thereof issued August 1, 1956 (21 F. R. 5846).

The material issues of record relate to:

(1) The merger of orders No. 60 and No. 63 regulating the handling of milk in the Akron, Ohio, and Stark County, Ohio, marketing areas;

(2) The extent to which the present provisions of Order No. 60 (other than those involved in the issues listed below) are appropriate for the merged marketing area;

(3) The determination and level of the price for Class I milk;

(4) The pricing of milk used to produce cottage cheese; and

(5) Distribution of returns to producers by means of eligible milk quotas.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof.

1. Order No. 63 regulating the handling of milk in the Stark County, Ohio, marketing area should be consolidated with Order No. 60 regulating the handling of milk in the Akron, Ohio, marketing area and in the marketing area of the merged order there should also be included two sections of land in Stark County, Ohio, not now included in the marketing area of either order.

The presently defined Akron and Stark County marketing areas are, with one minor exception, contiguous to each other. When the Stark County order was issued in 1952, the northern boundary of the marketing area was defined in considerable detail (by sections in Green Township of Summit County and by lots in Suffield Township of Portage County) in an attempt to establish the precise point at which major distribution of milk by Stark County handlers ceased and distribution by Akron handlers became more important. Sections 6 and 7 of Lake Township, Stark County, were omitted from the marketing area because of distribution of Akron milk in the village of Uniontown. When the Akron order was issued, effective February 1955, the area included all of Summit County and all of Suffield Township of Portage County other than those areas defined in the Stark County marketing area. Sections 6 and 7 of Lake Township, Stark County, were omitted, although distribution by Akron handlers still continued to be important and all sales in this area are by Akron and Stark County handlers.

There has long been substantial completion in procurement and sales of milk between Akron and Stark County dealers. For considerable time an Akron handler has made substantial milk sales in the Stark County area. Handlers in the Akron marketing area regularly distribute milk packaged in a Stark County plant, a situation recognized by the allocation provisions of the Akron order. One distributor with a plant subject to each order transfers milk and producers between the Akron and Stark County markets. Intermarket sales and movements of milk have accelerated recently. Two Akron handlers now have permits to sell milk in Canton, the largest city of the Stark County area. Health requirements for production and handling of milk for fluid consumption are sufficiently uniform that milk acceptable to any of the municipalities of the area moves freely throughout the area.

Stark County producers are interspersed with Akron producers throughout the southeastern two-thirds of the area from which the larger Akron market draws its milk supply. Because of competition for milk in this general area between Akron, Stark County and the nearby Cleveland market, it has been necessary to bring Akron and Stark County Class I prices into precise alignment with each other and into close alignment with the Cleveland price.

The extent to which overlapping and intermingling of production and sales of milk have developed makes it clear that no clearly defined boundary between the areas any longer exists.

Producer organizations and handlers of both areas uniformly support a merger of the Akron and Stark County orders to regulate the entire area under one regulation. The principal advantages of this action will be the stability provided producers by reflecting in one uniform price the Class I sales of all handlers, rather than dividing these sales into two separate pools; and greater freedom to handlers for movements of milk within the entire area without distinction as to the individual market pools affected. Integration into a single market has in this instance progressed to the point that these objectives should be achieved by providing a single regulation governing the two presently defined marketing areas. Also included in the combined marketing area should be sections 6 and 7 of Lake Township, Stark County. These sections are in all respects similar to the adjacent territory now included in the respective separate orders.

To accomplish the merger effectively and most equitably the assets in the custody of the market administrator in the administrative marketing service and producer-settlement funds under the Stark County order should be merged with assets in similar funds under the Akron order when the merger is effected. To distribute such funds under the Stark County order to Stark County producers and handlers, would unduly burden handlers and producers now regulated by the Akron order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail to no good purpose.

2. *Applicability of provisions of Akron order to merged order.* While there are many differences in language between the Akron and Stark County orders, there are relatively few differences in substantive effect as applied to the marketing conditions that prevail in the areas presently defined. The majority of the provisions of a milk order apply to the individual operations of handlers in determining the classification and minimum value of receipts of milk from producers by each handler. The effect of similar provisions of such nature in two separate orders are not changed when the two orders are combined into a single regulation.

A few of the differences between the present orders are of an administrative nature such as the manner in which prices are stated, dates on which payroll reports are required, offers of reimbursement by cooperatives as a prerequisite to receipt of payments of dues or for milk of their members, or certificates of use required with respect to classification of milk transferred to nonpool plants. With respect to these matters the provisions of the present Akron order appear to be applicable to the combined marketing area.

As indicated elsewhere in this decision the Akron order provides that milk in bottled form classified and priced under another Federal order that is received by an Akron handler, be assigned to the same classification in the Akron handler's plant as under the other order. The Stark County order has no such provision. While its chief use under the Akron order has been with respect to receipts of Stark County milk, need for free movement of packaged milk from the nearby Cleveland market justifies retention of the provision.

A butter-cheese formula price now serving only as an alternative basis for pricing Class II milk under the Stark County order has never been effective. The Akron order does not include provision for use of this price. There is no reason for including this price in the order for the combined area.

The provisions of the Akron order which permit classification as Class II milk in all months of milk disposed of to manufacturers of soup, candy or bakery products, are appropriate for the classification of milk now regulated by the Stark County order, under which such classification is now limited to certain months.

The Akron order provides for the adjustment of prices to producers by a weighted average butterfat differential computed on the basis of the class use of butterfat in producer milk. This results in a somewhat higher differential than that provided in the Stark County order. Producers of both markets supported the use of weighted average differential in distributing to producers the value of milk in the combined pool. This differential reflects the value of butterfat under the order in accordance with its use.

The Stark County order provides for public announcement by the market administrator of the percentage of producer milk used in each class by each handler. It was proposed that a similar provision be included in the combined order. The principal justification for such provision appears to be its value to cooperative associations in allocating milk of their members to handlers in accordance with their need. Cooperative associations should be informed as to the use of milk of their member producers supplied to handlers. Public announcement of percentage utilization by classes for each handler is not required, however, in order to provide this information to cooperative associations with respect to use of milk of their members. Accordingly, it is provided that the market administrator provide such information to cooperative associations, if they so request, without public announcement.

It is in the related provisions with respect to producers whose milk is to be priced, pool plants, the receipts of which are fully regulated, and the provisions applicable to nonpool plants doing business in the area that there are more substantial differences between the two orders. The Akron order specifies that milk of producers must have approval of a health authority of the marketing area; the Stark County order contains no such requirement, but does provide price and pooling differentials applicable to milk received at plants which do not have a health authority permit from either Canton, Massillon, or Alliance, the principal cities of the area. All plants making route distribution of Class I milk in the Akron area, except plants located out of the area with sales of less than 300 points daily on routes entering the area, are subject to full regulation. Plants subject to full regulation under the Stark County order must distribute 18,000 pounds or more of Class I milk on routes entering the marketing area, and, if located outside the area, such distribution must be 10 percent or more of the plants' total Class I distribution. Except for reporting, plants with sales of less than 300 points in the Akron area are exempt from regulation; nonpool plants make payments with respect to Class I sales in the Stark County marketing area. The pool plant requirements of the Stark County order were largely designed to avoid full regulation of Akron plants with minor sales in the Stark County area. Regulation of the Akron area has removed need for certain of these requirements. It was proposed that the Akron pool plant provisions be retained for the merged area, but that provision be made to include as producers, dairy farmers without health authority approval, if their milk is received at a plant which distributes milk only in those portions of the marketing area for which health authorities do not exercise jurisdiction with respect to approval of milk for fluid consumption.

In Stark County, health authority approval is required only for distributors of milk in the cities of Canton, Massilon and Alliance. Despite the fact that there is very substantial urban population outside these cities, there is little milk distributed in Stark County from plants without permits issued by these cities or the recognized health authorities of the Akron area. Milk of only about 20 producers is presently subject

culture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: December 26, 1956.

[SEAL] ROY V. HENDRICKSON,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-10615; Filed, Dec. 28, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 960]

[Docket No. AO-312-A1]

HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

Notice of Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Akron, Ohio, marketing area.

Interested parties may file exceptions to this proposed amendment with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: December 26, 1956.

[SEAL] ROY V. HENDRICKSON,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-10616; Filed, Dec. 28, 1956; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 960]

[Docket No. AO-312-A1]

HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

Notice of Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Akron, Ohio, marketing area.

Interested parties may file exceptions to this proposed amendment with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: December 26, 1956.

[SEAL] ROY V. HENDRICKSON,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-10617; Filed, Dec. 28, 1956; 8:48 a. m.]

to the pricing and pooling differentials of the Stark County order. Stark County is expected in the near future to operate a milk inspection program. Producers supplying nonpermit plants are frequently paid without deduction of the differential provided in the order.

There is little need to continue provision for regulation of nonpermit milk. The volume of such milk has declined to the point that it is no longer a serious competitive factor in the market. Plants presently operating on a nonpermit basis must compete for supplies with regulated plants. The nominal (300 point) pooling requirements would, however, provide considerable incentive for outside manufacturing plants to pool their receipts on the basis of minimum sales in the area. It is concluded that plants dealing only in nonpermit milk should be exempt from pricing and pooling and that health authority approval should be required for all milk to be considered as producer milk under the order.

3. The price for Class I milk under the combined order should continue to be maintained in fixed alignment with that of the Cleveland market.

The price for Class I milk under each of the existing Akron and Stark County orders is established as 5 cents less than that under Order No. 75, regulating the handling of milk in the nearby Cleveland market. These Class I pricing provisions each expire January 31, 1957. Such price alignments and expiration date were established in the Akron order as originally issued effective February 1955, and in the Stark County order were included by amendment effective April 1, 1956. For some two years prior to that date, the Stark County price had been maintained at approximately this relationship to the Cleveland price, with some variations resulting from amendment of the Cleveland order without corresponding change in the Stark County order, and from minor differences in supply-demand adjustment provisions.

Producers proposed that the Class I price of the order for the combined marketing area be established by adding each month a Class I differential of $2.25 to a price identical with the Cleveland basic formula price, subject to adjustment by the supply-demand provisions of the Cleveland order. The Cleveland Class I differential is $1.40 for the months of February through July and $1.85 for other months. The proposal would thus provide a Class I price for the Akron-Stark County market 85 cents above the Cleveland price six months of the year and 40 cents above for the other six months, an annual overage of 62.5 cents.

The Akron-Stark County market is closely related to the Cleveland market in both procurement and sale of milk. The Akron-Stark County milkshed lies entirely within the area from which Cleveland draws milk supplies. Many Cleveland producers in this area deliver their milk direct to bottling plants in the Cleveland marketing area; there are, in addition, some Cleveland supply plants within the Akron-Stark County milkshed to which other Cleveland producers deliver milk. Sales competition is particularly keen. One Akron-Stark County handler operates 30 or more dairy stores in the Cleveland marketing area, from which he has substantial Class I sales. Other Akron-Stark County handlers also sell milk in the Cleveland marketing area. Several Cleveland handlers have substantial sales in the Akron-Stark County area. One such handler began serving a number of stores in Canton two days prior to the hearing. There is also substantial competition for sales between Akron-Stark County and Cleveland handlers at points outside the designated marketing areas. At least one handler with plants under each order can and does shift producers and sales outlets between these plants. The competition for supplies and sales was a major factor in establishment of the price alignments now prevailing.

To provide Class I prices averaging 62.5 cents more than the Cleveland price would place Akron-Stark County handlers at a competitive sales disadvantage. The proponents of the price proposals presented at the hearing recognized the necessity for alignment of prices between Akron-Stark County and Cleveland but insisted that changes in the seasonal pattern and level of the Class I price should be made in both markets. They further asserted the logic of making the changes they advocated in the Akron-Stark County order to be later followed by appropriate changes in the Cleveland order. Such a procedure of parallel amendment would require future hearings in each market to maintain the necessary price alignment whenever there was need for any change in pricing provisions. Official notice is hereby taken that at a public hearing held in Cleveland October 10–12, 1956, evidence was received with respect to the seasonality, level, and supply-demand adjustment of the Class I price for that market, and that Akron-Stark County producers and handlers had opportunity to and did present evidence at such hearing.

In view of the larger volume of milk in the Cleveland pool and the evidence in this record that the Akron-Stark County market depends upon the Cleveland market for supplemental supplies, rather than vice-versa, it is considered appropriate that price alignment with the Cleveland market be maintained by specifying the Akron-Stark County Class I price in terms of the Cleveland price.

The present 5-cent differential has been based on (1) a difference no longer in effect in the classification and pricing of fluid cream sales under the Cleveland order at the time the Akron order was issued, and (2) a lower average farm to plant hauling cost to Akron-Stark County plants than to Cleveland plants for farmers in the area of common supply. Farm to plant hauling cost comparisons presented for this record were principally to plants in Akron and in Cleveland and showed, in some instances, slightly higher hauling costs to Cleveland plants.

While hauling rates to Stark County plants are in the record, competitive rates from the Stark County production area to Cleveland are not. At the present price alignment Akron and Stark County producer blend prices have averaged somewhat higher than Cleveland producer prices, due to higher Class I utilization. At the present differential the Akron-Stark County market is at no disadvantage in competing for supplies with the Cleveland market in the supply area common to the two markets. To eliminate the differential would merely accentuate the differences in blend prices in the common supply area. Despite the higher Cleveland Class I price and transportation costs on packaged milk, a Cleveland handler has recently opened sales outlets in Canton. The present price alignment is evidently such that Cleveland handlers can compete for sales throughout the area. It is concluded that the Akron-Stark County Class I price should continue to be the Cleveland Class I price less 5 cents.

4. No change should be made in the pricing of milk used to produce cottage cheese.

Milk used to produce cottage cheese is presently classified as Class II milk under the Akron and Stark County orders, a class which includes all milk manufacturing uses. Under the Cleveland order, manufacturing uses, other than cottage cheese, are Class III milk. Milk used to produce cottage cheese is classified as Class II milk and priced 30 cents higher per hundredweight than Class III milk. It was proposed that the price for Class II milk used to produce cottage cheese be 20 cents per hundredweight more than that used for other Class II uses.

The Cleveland provisions are based upon the fact that Class II milk under the Cleveland order is subject to location adjustments. There are no location adjustments on supply plants in the Akron-Stark County market which require similar provisions to provide equality of costs between handlers. Cottage cheese need not be made from inspected milk. There is some indication in this record that distributors with plants in both areas have shifted cheese production to their Akron-Stark County plants from their Cleveland plants.

Increasing the Akron-Stark County price by 30 cents might result in diversion of cheese production to nonpool plants; and thus create difficulties in disposal of Class II milk. It is concluded that no change should be made in the pricing of milk used to produce cottage cheese.

5. A quota plan similar to that of the Cleveland market should be adopted as a means of encouraging more even production of milk during the year. Eligible milk quotas should be established during the short production months (beginning in 1957) for use in the following flush season as a basis for distribution of returns to producers. For milk delivered in excess of his established quota each producer would receive approximately the Class II price, while for deliveries within the quota the price would be based on the relationship of Class I sales to quota deliveries of all producers.

Such plans have been effective in many markets in encouraging a more even flow of milk throughout the year. The chief advantage of the plan is that each producer sets his own quota by his fall deliveries. The price for deliveries within this quota in the following spring is not reduced by the volume of excess milk. Each producer can realize the results of his own efforts to achieve level seasonal production. Such a plan has been in effect in the Cleveland market the past year. The interrelationship of the Cleveland and Akron-Stark County production areas make it highly desirable that a similar plan be in effect in the Akron-Stark County market. The extent to which the necessary alignment of class prices may be maintained depends to a considerable extent upon alignment of provisions to encourage a desirable seasonal pattern of production.

It was proposed that the months (October, November and December) used in the Cleveland market to establish quotas also be used in the Akron-Stark County market. It was also proposed that payments on the quota plan be made for the months of April, May and June as in Cleveland, and that other provisions of the plan be essentially the same as those under the Cleveland order. Certain handlers suggested that the provisions be written so that any amendments made in the plan for the Cleveland market be automatically adopted for the Akron-Stark County market. Producers opposed this provision and one cooperative association testified that no change should be made until the plan had been in operation two years.

It is concluded that, with one minor exception, the plan should be identical with that effective in the Cleveland market. The Cleveland plan provides for transfer of quotas between producers. Since quotas are used only for a three-month period, provision for widespread quota transfers are not necessary and may provide opportunity for minimizing the effectiveness of the plan in leveling production. Provision should be adopted for transfer of quotas in case of death of a producer or dissolution of joint holdings.

Proposed findings and conclusions. Briefs were filed on behalf of the producers' associations, the handlers in the market, and those affected by proposed amendments. The briefs contained proposed findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order:

DEFINITIONS

§ 960.1 *Act.* "Act" means Public Act No. 10 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 960.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 960.3 *Marketing area.* "Akron-Stark County, Ohio, marketing area", hereinafter referred to as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of: Summit County; Stark County, except Paris and Sugar Creek Townships; Franklin, Ravenna, Brimfield, and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; Smith Township in Mahoning County, except Great Lot 35 thereof; Knox Township in Columbiana County; and Sections 1, 2, 3, 10, 11, and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio.

§ 960.4 *Handler.* "Handler" means any person (a) in his capacity as the operator of a plant or plants where milk is processed and packaged for distribution on a route(s) in the marketing area, and (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a plant for the account of such cooperative association.

§ 960.5 *Pool plant.* "Pool plant" means any plant at which milk received from dairy farmers is packaged and distributed as Class I milk on a route(s) wholly or partially within the marketing area, except plants exempted pursuant to § 960.80.

§ 960.6 *Nonpool plant.* "Nonpool plant" means a plant other than a plant operated by a producer-handler, during such months as it is not a pool plant.

§ 960.7 *Producer.* "Producer" means any person other than a producer-handler who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a pool plant. This definition shall include any such person who is regularly designated as a producer but whose milk is caused to be diverted to a plant, other than a pool plant, by a handler for his account. Milk so diverted shall be deemed to have been received at a pool plant by the handler or cooperative association which caused it to be diverted.

§ 960.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 960.9 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in milk, skim milk, or cream, used to produce all other milk products, received from all sources other than producers and pool plants.

§ 960.10 *Producer-handler.* "Producer-handler" means any person who (a) produces milk; (b) receives no milk from producers or from other sources; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 960.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or store) of Class I milk to a wholesale or retail stop(s).

§ 960.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 960.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture.

§ 960.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association; (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 960.15 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is not in excess of such producer's daily average quota computed pursuant to § 960.55 multiplied by the number of days in such month on which such producer delivered milk to such handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery

shed to which other Cleveland producers deliver milk. Sales competition is parallel to Cleveland are not. At the present price alignment Akron and Stark producer sets his own quota by his fall de-

for sale in the said marketing area as determined pursuant to section 2 of the wholly or partially within the marketing a pool plant, the days of

shall be considered as days of delivery for purposes of this section and of § 960.55.

§ 960.16 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is in excess of eligible milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 960.55.

MARKET ADMINISTRATOR

§ 960.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 960.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 960.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 960.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses (except those incurred under § 960.76) necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate.

(f) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 8 days after the day upon which he is required to perform such acts, has not made reports pursuant to § 960.30 or § 960.31 or payments pursuant to §§ 960.70, 960.72, 960.75, 960.76, or 960.77;

(g) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate;

(j) On or before the 5th day of each month the minimum class prices for the preceding month for milk of 3.5 percent butterfat content, as computed pursuant to §§ 960.50 and 960.51, and the butterfat differentials, computed pursuant to § 960.52.

(2) On or before the 13th day of each month the uniform price(s) for the preceding month, computed pursuant to § 960.61, or §§ 960.62 and 960.63 as applicable, and the butterfat differential for the preceding month computed pursuant to § 960.74.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such information concerning the operation of this subpart as does not reveal confidential information.

(k) On or before the 13th day of each month, report to each cooperative association that so requests the class utilization of milk received during the preceding month by each handler from producers who are members of such association, prorating to such receipts the class utilization of all producer receipts of such handler.

(l) Provide notice, for each producer for whom a daily average quota is computed pursuant to § 960.55, on or before the first day of the month first stated in § 960.63 to: (1) Such producers, (2) cooperative associations for such producers who are its members, and (3) handlers for such producers from whom they received milk.

REPORTS, RECORDS AND FACILITIES

§ 960.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month, each handler who operates a pool plant(s), and any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (b), shall, with respect to milk or milk products which were received at a pool plant by such handler during the preceding month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of butterfat and skim milk contained in milk received from producers, and, for the months specified in § 960.63 the aggregate quantities of eligible milk;

(b) The quantities of butterfat and skim milk contained in or used to produce receipts of milk and milk products from other pool plants;

(c) The quantities of butterfat and skim milk contained in or used to produce receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all butterfat and skim milk the receipt of which is required to be reported pursuant to this section;

(e) The pounds of butterfat and skim milk contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the use of milk as the market administrator may request.

§ 960.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler, and each handler who does not operate a pool plant, shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who operated a pool plant(s) at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, and for the months specified in § 960.63, the pounds of eligible milk and of ineligible milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 960.70, (3) the nature and amount of each deduction or charge made by the handler, and (4) the number of days, if less than the entire month, for which milk was received from such producers.

§ 960.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) all payments required to be made by such handler pursuant to §§ 960.70, 960.72, 960.75, 960.76, and 960.77.

§ 960.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and

records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 960.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by a handler which is required to be reported pursuant to § 960.30 shall be classified pursuant to §§ 960.41 through 960.44.

§ 960.41 *Classes of utilization.* Subject to the conditions set forth in §§ 960.43 and 960.44, the classes of utilization shall be:

(a) Class I milk shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, cream, including sour cream or any mixture of cream and milk or skim milk, or (2) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; (3) in shrinkage of producer milk up to 2 percent of receipts from producers; and (4) in shrinkage of other source milk.

§ 960.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

§ 960.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I milk unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified as Class II milk. Any skim milk or butterfat which is classified in Class II shall be reclassified to Class I if subsequent to the original classification such skim milk or butterfat is handled in such a manner as to justify its reclassification.

§ 960.44 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to the pool plant of another handler in the form of milk, skim milk or cream shall be Class I milk unless Class II milk is indicated by the operators of both plants in their reports submitted pursuant to § 960.30: *Provided,* That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant(s) of the transferee handler after allocating other source milk in such plant(s) in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a handler described in § 960.80 or to a nonpool plant shall be Class I milk unless all of the following conditions are met:

(1) Class II milk is indicated by the operator of the pool plant in his report submitted pursuant to § 960.30.

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of such Class II utilization.

(3) If the above conditions are met, the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim milk and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I milk after allocating skim milk and butterfat in milk received from dairy farmers whom the market administrator determines constitute the regular source of milk for Class I uses at such plant, in series beginning with Class I milk.

(c) Skim milk and butterfat transferred in the form of milk, skim milk, or cream to a producer-handler shall be classified as Class I milk.

§ 960.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 960.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 960.46 *Allocation of butterfat.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II milk the pounds of butterfat shrinkage allowed pursuant to § 960.41 (b) (3);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received in a form other than that specified in paragraph (d) of this section from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received;

(e) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 960.44 (a); and

(f) Add to the remaining pounds of butterfat in Class II milk the pounds subtracted pursuant to paragraph (a) of this section.

(g) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 960.47 *Allocation of skim milk.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 960.46.

MINIMUM PRICES

§ 960.50 *Class I milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I milk shall be 5 cents less than the Class I price as determined pursuant to § 975.61 of this chapter.

§ 960.51 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month which is classified as Class II milk shall be the higher of the prices computed by the market administrator pursuant to paragraph (a) or (b) of this section.

(a) The average of the basis (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.

Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average, as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 960.52 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 960.50 and 960.51 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II milk.* Mutliply by 1.15, and divide the result by 10.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 960.55 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 960.56 the market administrator shall determine quotas for producers as follows: During each of the months specified in § 960.63 of each year beginning with 1958, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of the first delivery to the end of such 3-month period.

§ 960.56 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period.

(b) A producer may transfer his daily quota during the period of April through June by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

DETERMINATION OF UNIFORM PRICE

§ 960.60 *Value of producer milk for each handler.* The value of producer milk received during the month by each handler who operates a pool plant(s), and by any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (b), shall be a sum of money computed by the market administrator by multiplying by the applicable class price, adjusted pursuant to § 960.52, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 960.46 and 960.47, adding together the resulting amounts, and adding an amount computed by multiplying any excess utilization classified pursuant to § 960.46 (g) and § 960.47 by the applicable class prices.

§ 960.61 *Computation of uniform price.* For each month (except those specified in § 960.63) the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to any pool plant as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 960.60 for all handlers who reported pursuant to § 960.30 for such month, except those in default in payments required pursuant to § 960.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 960.72 (b);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 960.77;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 960.74 multiplied by 10;

(f) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(g) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed.

§ 960.62 *Computation of ineligible milk price.* Effective April 1958, for the months specified in § 960.63, the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjusting to the nearest cent.

§ 960.63 *Computation of eligible milk price.* Effective April 1958, for each of the months of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content received from producers at a pool plant by:

(a) Subtracting the value of ineligible milk obtained in § 960.62 (a) from the aggregate value of milk computed pursuant to § 960.61 (a) through (e) and adjusting by an amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 960.64 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 960.30 of:

(a) The classification pursuant to §§ 960.46 and 960.47 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 960.60;

(b) The uniform prices for the month computed pursuant to § 960.61 or §§ 960.62 and 960.63, as applicable; and

(c) The amount due such handler pursuant to § 960.73 and the amount to be paid by such handler pursuant to §§ 960.72, 960.75, and 960.76.

PAYMENTS

§ 960.70 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 18th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) pursuant to § 960.61 or §§ 960.62 and 960.63, adjusted by the butterfat differential pursuant to § 960.74, and less any proper deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 960.73 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall (i) pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (*a*) the total pounds of milk received from him during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days on which milk was received, and (*d*) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 960.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 960.72 and 960.77 and out of which he shall make all payments pursuant to §§ 960.73 and 960.77.

§ 960.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 960.60 exceeds the amount which such handler is required to pay all producers pursuant to § 960.70 such handler shall pay the difference between the two amounts.

(b) If, during the preceding month, the total receipts from all producers was 110 percent or more of the total Class I milk at pool plants, any handler who received other source milk during the preceding month which was allocated to Class I pursuant to § 960.46 (b) or § 960.47 shall pay an amount equal to the value of such milk at the Class I price less the value of such milk at the Class II price.

§ 960.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 960.70 is greater than the total value of the milk of such handler computed pursuant to § 960.60 for such preceding month less any unpaid obligations of the handler to the market administrator pursuant to §§ 960.72, 960.75, 960.76 (a), and 960.77 (a): *Provided,* That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this paragraph, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 960.74 *Producer butterfat differential.* In making payments pursuant to § 960.70, the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 960.52, weighted by the pounds of butterfat in producer milk in each class and rounded to the nearest tenth of a cent.

§ 960.75 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 960.22 (d), each handler shall pay the market administrator on or before the 16th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production) and (b) all other source milk allocated to Class I pursuant to § 960.46 (b) and the corresponding portion of § 960.47.

§ 960.76 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 960.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 960.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler for the amount of any loss sustained by him because of any improper claim on the part of the association, and a certification that the association, and an unterminated membership contract with each producer, which contract authorizes the claim deduction. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted within 16 days after the end of the month.

§ 960.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 960.43 resulting in monies due (a) the market administrator from such handler or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 960.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section the class prices, the appropriate uniform price, the butterfat differential, the rate

of administrative assessment pursuant to § 960.75, and the rate of marketing service deduction pursuant to § 960.76 which were applicable in the month for which the original calculation of amounts due were made shall be used.

§ 960.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notified the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 960.80 *Handler exemption.* A handler operating any plant specified below shall be exempted with respect to the milk received of such plant during the month from all provisions of this subpart except §§ 960.31, 960.32 and 960.33:

(a) A plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area;

(b) A plant at which the Secretary finds is subject during the month to another Federal order; or

(c) A plant at which no milk approved by the health authorities of any community of the marketing area for consumption as fluid milk is received from dairy farmers and from which disposition of Class I milk in the marketing area is permitted only in portions of the marketing area for which no health authority exercises jurisdiction with respect to approval of milk for fluid consumption.

§ 960.81 *Producer-handler.* A producer-handler shall be exempt from all provisions of this subpart except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 960.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 960.91 *Suspension or termination.* Whenever the Secretary finds the subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 960.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 960.93 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instrument necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 960.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 27th day of December 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-10600; Filed, Dec. 28, 1956; 8:55 a. m.]

Agricultural Research Service

[7 CFR Part 301]

SWEETPOTATOES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), is considering the amendment of Sweetpotato Quarantine No. 30 (7 CFR 301.30), to read as follows:

§ 301.30 *Notice of quarantine.* (a) The Administrator of the Agricultural Research Service has determined that it is necessary to quarantine Hawaii and Puerto Rico to prevent the spread to other parts of the United States of the sweetpotato scarabee (Euscepes postfasciatus Fairm.) and the sweetpotato stem borer (Omphisa anastomosalis Guen.), dangerous insect infestations new to and not widely prevalent or distributed within or throughout the United States, and that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread to other parts of the United States of the sweetpotato scarabee,

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Administrator of the Agricultural Research Service therefore has quarantined Hawaii, Puerto Rico, and the Virgin Islands of the United States to prevent the spread of the sweetpotato scarabee (Euscepes postfasciatus Fairm.) and the sweetpotato stem borer (Omphisa anastomosalis Guen.).

(c) No variety of sweetpotatoes (Ipomoea batatas Poir.) shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided*, That the prohibitions of this section shall not prohibit the movement of sweetpotatoes in either direction between Puerto Rico and the Virgin Islands of the United States; nor prohibit the movement of sweetpotatoes by the United States Department of Agriculture for scientific or experimental purposes; nor prohibit the movement from Puerto Rico or the Virgin Islands of the United States of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such northern ports of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes under the supervision of an inspector of said Branch either in Puerto Rico or the Virgin Islands of the United States or at the designated port of arrival, in a manner approved by the said Chief; nor prohibit the movement from Hawaii of sweet potatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such parts of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes in Hawaii under the supervision of an inspector of said Branch, in a manner approved by the said Chief: *Provided further*, That whenever the Chief of the Plant Quarantine Branch shall find that facts exist as to pest risk involved in the movement of sweetpotatoes or any classification thereof to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective. As used in this section, the term "State, Territory, or District of the United States" means "Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

This amendment would authorize the movement from Hawaii of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such ports of the United States as he may designate in the permit or certificate, provided the sweetpotatoes have been fumigated in Hawaii in an approved manner under the supervision of an inspector of the Plant Quarantine Branch.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 21st day of December 1956.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 56-10573; Filed, Dec. 28, 1956; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 198]

[Ex Parte No. MC-40]

TRANSPORTATION OF MIGRANT WORKERS BY MOTOR VEHICLE

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 17th day of December A. D. 1956.

It appearing that Public Law No. 939, Second Session of the 84th Congress amended sections 203 (a) and 204 (a) of the Interstate Commerce Act (49 U. S. C. 303 (a) and 304 (a)) to provide, as a duty of the Commission, the establishment for carriers of migrant workers by motor vehicle, reasonable requirements with respect to comfort of passengers, qualifications and maximum hours of service of operators, and safety of operation equipment, limited to cases of transportation of any migrant worker for a total distance of more than 75 miles, and then only if such transportation is across the boundary line of any State, the District of Columbia, or territory of the United States, or a foreign country;

It further appearing that study has been directed to existing standards embraced in recommendations of the President's Committee on Migratory Labor, the Migrant Labor Agreement of 1951, as amended, between United States and the government of Mexico, and existing practices in the operation of motor vehicles used for the transportation of passengers, with the result that reasonable regulations for the transportation of migrant workers have been developed;

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the Commission's proposal to adopt and prescribe the following regulations as an additional part to the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR Parts 190-197). (Authority: 49 Stat. 546, as amended, 49 U. S. C. 304). The proposed regulations are as follows:

§ 198.1 *Definitions*—(a) *Migrant worker.* "Migrant worker" means any individual proceeding to or returning from employment in agriculture as defined in section 3 (f) of the Fair Labor Standards Act of 1938, as amended (29 U. S. C. 203 (f), or section 3121 (g) of the Internal Revenue Code of 1954 (26 U. S. C. 3121 (g)).

(b) *Carrier of migrant workers by motor vehicle.* "Carrier of migrant workers by motor vehicle" means any person, including any "contract carrier by motor vehicle", but not including any "common carrier by motor vehicle", who or which transports in interstate or foreign commerce at any one time three or more migrant workers to or from their employment by any motor vehicle other than a passenger automobile or station wagon, except a migrant worker transporting himself or his immediate family.

(c) *Motor Carrier.* "Motor carrier" means any carrier of migrant workers by motor vehicle as defined in paragraph (d) of this section.

(d) *Motor Vehicle.* "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Commission, but does not include a passenger automobile or station wagon, any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation in street-railway service.

(e) *Bus.* "Bus" means any motor vehicle designed, constructed, and used for the transportation of passengers; except passenger automobiles or station wagons other than taxicabs.

(f) *Truck.* "Truck" means any self-propelled motor vehicle except a truck tractor, designed and used, or exclusively used whether or not so designed, for the transportation of property.

(g) *Truck tractor.* "Truck tractor" means a self-propelled motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(h) *Semitrailer.* "Semitrailer" means any motor vehicle other than a "pole trailer", with or without motive power, designed to be drawn by another motor vehicle and so constructed that some part of its weight rests upon the towing vehicle.

(i) *Driver or operator.* "Driver or operator" means any person who drives any motor vehicle.

(j) *Highway.* "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

§ 198.2 *Applicability.* The regulations prescribed in this part shall be applicable to motor carriers of migrant workers, as defined in § 198.1 (b), only in the case of transportation of any migrant worker for a total distance of more than seventy-five miles, and then only if such transportation is across the boundary line of any State, the District of Columbia, or territory of the United States, or a foreign country.

tion claiming such money.

such disposition. If a liquidating agent

Puerto Rico, and the Virgin Islands of

ten data, views, or arguments in connec-

worker. "Migrant worker" means any individual proceeding to or returning

eign country.

§ 198.3 *Qualifications of drivers or operators*—(a) *Compliance required.* Every motor carrier, and its officers, agents, representatives and employees who drive motor vehicles or are responsible for the hiring, supervision, training, assignment or dispatching of drivers shall comply and be conversant with the requirements of this part.

(b) *Minimum requirements.* No person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

(1) No loss of foot, leg, hand or arm.

(2) No mental, nervous, organic, or functional disease, likely to interfere with safe driving.

(3) No loss of fingers, impairment of use of foot, leg, fingers, hand or arm, or other structural defect or limitation, likely to interfere with safe driving.

(4) *Eyesight.* Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field of vision in the horizontal meridian shall not be less than a total of 140 degrees; ability to distinguish colors, red, green and yellow; drivers requiring correction by glasses shall wear properly prescribed glasses at all times when driving.

(5) *Hearing.* Hearing shall not be less than 10/20 in the better ear, for conversational tones, without a hearing aid.

(6) *Liquor, narcotics and drugs.* Shall not be addicted to the use of narcotics or habit forming drugs, or the excessive use of alcoholic beverages or liquors.

(7) *Driving skill.* Experience in driving some type of motor vehicle (including private automobiles) for not less than one year, including experience throughout the four seasons.

(8) *Knowledge of regulations.* Familiarity with the rules and regulations prescribed in this subchapter pertaining to the driving of motor vehicles.

(9) *Age.* Minimum age shall be 21 years.

(10) *Knowledge of English.* Every driver shall be able to read and speak the English language.

(11) *Driver's permit.* Possession of a valid permit adequate to qualify the driver to operate a school bus in the jurisdiction by which the permit is issued.

(12) *Initial and periodic physical examination of drivers.* No person shall drive nor shall any motor carrier require or permit any person to drive any motor vehicle unless within the immediately preceding 36 month period such person shall have been physically examined and shall have been certified in accordance with the provisions of subparagraph (13) of this paragraph by a licensed doctor of medicine or osteopathy as meeting the requirements of this paragraph.

(13) *Certificate of physical examination.* Every motor carrier shall have in its files at its principal place of business for every driver employed or used by it a legible certificate of a licensed doctor of medicine or osteopathy based on a physical examination as required by subparagraph 12 or a legible photographically reproduced copy thereof, and every driver shall have in his possession while driving, such a certificate or a photographically reproduced copy thereof covering himself.

(14) *Doctor's certificate.* The doctor's certificate shall certify as follows:

DOCTOR'S CERTIFICATE

This is to certify that I have this day examined _____ in accordance with the requirements of the Interstate Commerce Commission for qualifications of drivers and that I find him—

Qualified under said rules ☐
Qualified only when wearing glasses ☐

I have kept on file in my office a completed examination.

_____ (Date)
_____ (Place)
_____ (Signature of examining doctor)
_____ (Address of doctor)

Signature of driver _____
Address of driver _____

§ 198.4 *Driving of motor vehicles*—(a) *Compliance required.* Every motor carrier shall comply with the requirements of this part, shall instruct its officers, agents, representatives and drivers with respect thereto, and shall take such measures are are necessary to insure compliance therewith by such persons. All officers, agents, representatives, drivers, and employees of motor carriers directly concerned with the management, maintenance, operation, or driving of motor vehicles, shall comply with and be conversant with the requirements of this part.

(b) *Driving rules to be obeyed.* Every motor vehicle shall be driven in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless such laws, ordinances and regulations are at variance with specific regulations of this Commission which impose a greater affirmative obligation or restraint.

(c) *Driving while ill or fatigued.* No driver shall drive or be required or permitted to drive a motor vehicle while his ability or alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for him to begin or continue to drive, except in the case of grave emergency where the hazard to passengers would be increased by observance of this section and then only to the nearest point at which the safety of passengers is assured.

(d) *Alcoholic beverages.* No driver shall drive or be required or permitted to drive a motor vehicle, be in active control of any such vehicle, or go on duty or remain on duty, when under the influence of any alcoholic beverage or liquor, regardless of its alcoholic content, nor shall any driver drink any such beverage or liquor while on duty.

(e) *Schedules to conform with speed limits.* No motor carrier shall permit nor require the operation of any motor vehicle between points in such period of time as would necessitate the vehicle being operated at speeds greater than those prescribed by the jurisdictions in or through which the vehicle is being operated.

(f) *Equipment, inspection and use.* No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following parts and accessories are in good working order; nor shall any driver fail to use or make use of such parts and accessories when and as needed:

Service brakes, including trailer brake connections.
Parking (hand) brake.
Steering mechanism.
Lighting devices and reflectors.
Tires.
Horn.
Windshield wiper or wipers.
Rear-vision mirror or mirrors.
Coupling devices.

(g) *Safe loading*—(1) *Distribution and securing of load.* No motor vehicle shall be driven nor shall any motor carrier permit or require any motor vehicle to be driven if it is so loaded, or if the load thereon is so improperly distributed or so inadequately secured, as to prevent its safe operation.

(2) *Doors, tarpaulins, tailgates and other equipment.* No motor vehicle shall be driven unless the tailgate, tailboard, tarpaulins, doors, all equipment and rigging used in the operation of said vehicle, and all means of fastening the load, are securely in place.

(3) *Interference with driver.* No motor vehicle shall be driven when any object obscures his view ahead, or to the right or left sides, or to the rear, or interferes with the free movement of his arms or legs, or prevents his free and ready access to the accessories required for emergencies, or prevents the free and ready exit of any person from the cab or driver's compartment.

(4) *Property on motor vehicles.* No vehicle transporting persons and property shall be driven unless such property is stowed in a manner which will assure: (i) Unrestricted freedom of motion to the driver for proper operation of the vehicle; (ii) unobstructed passage to all exits by any person; and (iii) adequate protection to passengers and others from injury as a result of the displacement or falling of such articles.

(5) *Maximum passengers on motor vehicles.* No motor vehicle shall be driven if the total number of passengers exceeds the seating capacity permitted on seats prescribed in § 198.5 (f). All passengers carried on such vehicle shall remain seated while the motor vehicle is in motion.

(h) *Rest and meal stops.* Every carrier shall provide a rest stop of not less than 15 minutes duration at not more than two hour intervals. Meal stops shall be made at intervals not to exceed five hours and shall be for a period of not less than 30 minutes duration.

(i) *Kinds of motor vehicles in which workers may be transported.* Workers may be transported in or on only the following types of motor vehicles: a bus, a truck with no trailer attached, or a semitrailer attached to a truck tractor provided that no other trailer is attached to the semitrailer. Closed vans without windows or means to assure ventilation shall not be used.

(j) *Time of day for travel.* No motor vehicle other than a bus shall be driven, nor shall any carrier permit or require any such motor vehicle to be driven in transporting persons, before 6 o'clock in the morning nor after 8 o'clock in the evening. For the purpose of this section the time standard in effect at the place of beginning the day's travel shall be used.

(k) *Obscured lamps or reflectors.* No motor vehicle shall be driven when any of the required lamps or reflectors are obscured by the tailboard, by any part of the load, by dirt, or otherwise.

(l) *Ignition of fuel; prevention.* No driver or any employee of a motor carrier shall: (1) Fuel a motor vehicle with the engine running, except when it is necessary to run the engine to fuel the vehicle; (2) Smoke or expose any open flame in the vicinity of a vehicle being fueled; (3) Fuel a motor vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank; (4) Permit any other person to engage in such activities as would be likely to result in fire or explosion.

(m) *Reserve fuel.* No supply of fuel for the propulsion of any motor vehicle or for the operation of any accessory thereof shall be carried on the motor vehicle except in a properly mounted fuel tank or tanks.

(n) *Driving by unauthorized person.* Except in case of emergency, no driver shall permit a motor vehicle to which he is assigned to be driven by any person not authorized to drive such vehicle by the motor carrier in control thereof.

(o) *Protection of passengers from weather.* No motor vehicle shall be driven while transporting passengers unless the passengers therein are protected from inclement weather conditions such as rain, snow, or sleet, by use of the top or protected devices required by § 198.5 (f).

(p) *Unattended vehicles; precautions.* No motor vehicle shall be left unattended by the driver until the parking brake has been securely set, the wheels chocked, and all reasonable precautions have been taken to prevent the movement of such vehicle.

§ 198.5 *Parts and accessories necessary for safe operation*—(a) *Compliance.* Every motor carrier, and its officers, agents, drivers, representatives and employees directly concerned with the installation and maintenance of equipment and accessories, shall comply and be conversant with the requirements and specifications of this part, and no motor carrier shall operate any motor vehicle, or cause or permit it to be operated, unless it is equipped in accordance with said requirements and specifications.

(b) *Lighting devices.* Every motor vehicle shall be equipped with the lighting devices and reflectors required by Subpart A of Part 193 of the Motor Carrier Safety Regulations of this Commission.

(c) *Brakes.* Every motor vehicle shall be equipped with brakes and shall satisfy the braking performance required by Subpart C of Part 193 of the Motor Carrier Safety Regulations of this Commission.

(d) *Coupling devices—fifth wheel mounting and locking.* The lower half of every fifth wheel mounted on any truck-tractor or dolly shall be securely affixed to the frame thereof by U-bolts of adequate size, securely tightened, or by other means providing at least equivalent security. Such U-bolts shall not be of welded construction. The installation shall be such as not to cause cracking, warping, or deformation of the frame. Adequate means shall be provided positively to prevent the shifting of the lower half of a fifth wheel on the frame to which it is attached. The upper half of every fifth wheel shall be fastened to the motor vehicle with at least the security required for the securing of the lower half to a truck-tractor or dolly. Locking means shall be provided in every fifth wheel mechanism including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. A release mechanism operated by the driver from the cab shall be deemed to meet this requirement. On fifth wheels designed and constructed as to be readily separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle the date of manufacture of which is subsequent to December 31, 1952.

(e) *Tires.* Every motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any other defect likely to cause failure. No vehicle shall be operated while transporting passengers while using any tire which does not have tread configurations on that part of the tire which is in contact with the road surface. No vehicle transporting passengers shall be operated with re-grooved, re-capped, or re-treaded tires on front wheels.

(f) *Passenger compartment.* Every motor vehicle transporting passengers, other than a bus, shall have a passenger compartment meeting the following requirements:

(1) *Floors.* A substantially smooth floor, without protruding obstructions more than two inches high, except as are necessary for securing seats or other devices to the floor, and without cracks or holes.

(2) *Sides.* Side walls and ends above the floor at least 60 inches high, by attachment of sideboards to the permanent body construction if necessary. Stake body construction shall be construed to comply with this requirement only if all six-inch or larger spaces between stakes are suitably closed to prevent passengers from falling off the vehicle.

(3) *Nails, screws, splinters.* The floor and the interior of the sides and ends of the passenger-carrying space shall be free of inwardly protruding nails, screws, splinters, or other projecting objects, likely to be injurious to passengers or their apparel.

(4) *Seats.* A seat for each worker transported. The seats shall be: Securely attached to the vehicle during the course of transportation; not less than 16 inch nor more than 19 inches above the floor; at least 13 inches deep; equipped with backrests extending to a height of at least 36 inches above the floor, with at least 24 inches of space between the backrests or between the edges of the opposite seats when face to face; designed to provide at least 18 inches of seat for each passenger; without cracks more than one-fourth inch wide, and the backrests, if slatted, without cracks more than two inches wide, and the exposed surfaces, if made of wood, planed or sanded smooth and free of splinters.

(5) *Protection from weather.* Whenever necessary to protect the passengers from inclement weather conditions a top at least 80 inches high above the floor and facilities for closing the sides and ends of the passenger-carrying compartment. Tarpaulins or other such removable devices for protection from the weather shall be secured in place.

(6) *Exit.* Adequate means of ingress and egress to and from the passenger space shall be provided on the rear or at the right side. Such means of ingress and egress shall be at least 18 inches wide. The top and the clear opening shall be at least 60 inches high, or as high as the side wall of the passenger space if less than 60 inches. The bottom shall be at the floor of the passenger space.

(7) *Gates or doors.* Gates or doors shall be provided to close the means of ingress and egress and each such gate or door shall be equipped with at least one latch or other fastening device of such construction as to keep the gate or door securely closed during the course of transportation; and readily operative without the use of tools.

(8) *Ladders or steps.* Ladders or steps for the purpose of ingress or egress shall be used when necessary and shall remain firmly attached to the vehicle during the course of transportation. The maximum vertical spacing of footholds shall not exceed 12 inches, except that the lowest step may be not more than 18 inches above the ground when the vehicle is empty.

(9) *Hand holds.* Hand holds or devices for similar purpose shall be provided to permit ingress and egress without hazard to passengers.

(10) *Emergency exit.* Vehicles with permanently affixed roofs shall be equipped with at least one emergency exit having a gate or door, latch and hand hold as prescribed in subparagraphs (7) and (9) of this paragraph and located on a side or rear not equipped with the exit prescribed in subparagraph (6) of this paragraph.

(11) *Communication with driver.* Means shall be provided to enable the passengers to communicate with the driver. Such means may include telephone, speaker tubes, buzzers, pull cords, or other mechanical or electrical means.

(g) *Heaters.* Every motor vehicle not designed to carry passengers when used in temperatures below 60° F. shall be equipped with a heater adequate to maintain a temperature of 60° F. under all ordinary weather conditions expected during the seasons and in the locations where it is used for the transportation of workers. The term "heater" as used in this section means any device or assembly of devices or appliances used to heat the interior of any motor vehicle. The installation or use of the following

produced copy thereof, and every driver shall have in his possession while driving,

No motor vehicle shall be driven unless the driver thereof shall have satisfied

any such motor vehicle to be driven in transporting persons, before 6 o'clock in

affixed to the frame thereof by U-bolts height of at least 30 inches above the

types of heaters is prohibited: (1) Exhaust heaters—any type of exhaust heater in which the engine exhaust gases are conducted into or through any space occupied by persons or any heater which conducts engine compartment air into any such space. (2) Unenclosed flame heaters—any type of heater employing a flame which is not fully enclosed. (3) Heaters permitting fuel leakage—any type of heater from the burner of which there could be spillage or leakage of fuel upon the tilting or overturning of the vehicle in which it is mounted. (4) Heaters permitting air contamination—any heater taking air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system; or any heater taking air in ducts from the outside atmosphere to be conveyed through the engine compartment, unless said ducts are so constructed and installed as to prevent contamination of the air so conveyed by exhaust or engine compartment gases. (5) Solid fuel heaters except wood charcoal—any stove or other heater employing solid fuel except wood charcoal.

§ 198.6 *Hours of service of drivers—(a) Maximum driving time.* Except as otherwise provided in this section, no motor carrier shall permit or require a driver employed or used by it to drive or operate for more than 10 hours in the aggregate excluding rest stops and stops for meals in any period of 24 consecutive hours, unless such driver be off duty for eight consecutive hours immediately following the 10 hours aggregate driving and within said period of 24 consecutive hours. The term "24 consecutive hours" as used in this part means any such period starting at the time the driver reports for duty.

§ 198.7 *Inspection and maintenance of motor vehicles.* (a) Every motor carrier shall systematically inspect and maintain or cause to be systematically maintained, all motor vehicles and their accessories subject to its control, to insure that such motor vehicles and accessories are in safe and proper operating condition.

It is further ordered, That interested persons may, on or before February 12, 1957, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed rule or some revision thereof in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington 25, D. C. No oral hearing is contemplated.

And it is further ordered, That notice of this proposed rule shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–10556; Filed, Dec. 28, 1956; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54269]

PAN-OCEANIC NAVIGATION CORP.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

DECEMBER 21, 1956.

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81 (a), Customs Regulations (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the Pan-Oceanic Navigation Corporation as described below:

(a) *House flag.* The house flag is rectangular in shape; the hoist is 4 feet in height; the fly is 6 feet. The flag is composed of 3 horizontal stripes. The upper stripe is white and 1 foot in depth; the middle stripe is Greek blue and 2 feet in depth; and the lower stripe is white and 1 foot in depth. Centered horizontally on the Greek blue stripe is a white diamond 1 foot 9 inches in height and 3 feet 3 inches from apex to apex horizontally. The vertical apexes are located 1½ inches from the white stripes. In the centered position within the diamond is a vermillion red Gothic capital "P", the letter being 10½ inches in height and 10½ inches wide and 3 inches thick.

(b) *Funnel mark.* The funnel mark is to appear on an oval shaped, raked, and tapered funnel of black having a forward height of 24 feet 9 inches and an after height of 24 feet. The major axis is 19 feet at the base and 18 feet at the top, and the minor axis is 10 feet top and bottom. Three adjourning colored bands encircle the funnel. The first is a white band 2 feet 2 inches in depth located 3 feet 10 inches below the top of the funnel. Immediately below the white band is a band of Greek blue 6 feet in depth and immediately below the Greek blue band is a band of white 2 feet 2 inches wide. Centered horizontally in the Greek blue band on each side of the funnel is a white diamond 5 feet 8 inches in height and 9 feet 4 inches from apex to apex horizontally. The vertical apexes of the diamond are 2 inches from the white bands. Centered on the white diamond is a vermillion red Gothic letter "P" 2 feet 6 inches high and 2 feet 6 inches wide and 6 inches thick.

Colored drawings of the house flag and funnel mark described above are on file with the Federal Register Division.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F. R. Doc. 56–10586; Filed, Dec. 28, 1956; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Public Roads has filed an application, Serial No. Anchorage 031917, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for permanent depot for road construction and maintenance purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MACLAREN RIVER AREA

Beginning at a point on the centerline of the Denali Highway, which point is ten (10) feet northeast of the northeast end of the MacLaren River Bridge; thence N. 79° 36' E. four hundred (400) feet along the centerline of the aforementioned highway to a point on the centerline; thence N. 10° 24' W. seven hundred (700) feet; thence S. 79° 36' W. two hundred ninety (290) feet to a point on the left bank of the MacLaren River; thence following the meanders of the left bank of the MacLaren River downstream for a distance of approximately five hundred forty (540) feet to a point on the left bank of the MacLaren River; thence S. 39° 20' E., one hundred seventy (170) feet to a point; thence S. 10° 24' E. to a point of beginning, containing 6.72 acres, more or less.

LLOYD E. TOLAND, *Acting Operations Supervisor.*

[F. R. Doc. 56–10546; Filed, Dec. 28, 1956; 8:45 a. m.]

[Serial No. Idaho 07009]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

The Federal Power Commission has certified that the hereinafter described lands which were withdrawn as a part of Power Site Reserve No. 565 dated November 21, 1916, as modified by Executive Order dated June 10, 1940, have been proclaimed to be of no value for purposes of power development and, therefore, the Federal Power Commission has no objection to revocation of the power withdrawal pertaining to these lands:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 17 E.,
Sec. 34, Lot 7, 8, 9;
Sec. 35, N½N½.

The area described totals 279.19 acres of public lands.

The lands described are located about three miles northerly from Twin Falls, Idaho, on the north side of the Snake River Canyon. They lie in and are adjacent to a fairly large block of federal land which extends several miles to the west, north and east. U. S. Highway 93 crosses these lands at approximately the subdivision line between Lots 8 and 9.

The topography is generally undulating to rolling and beset with numerous large lava outcrops. The soil is medium in texture and with considerable lava debris scattered about and intermingled with it. The vegetation consists mainly of cheat grass and mustard with minor quantities of other annual weeds and grasses. The land is generally unsuitable for farming because of adverse topography and rock. Farming here would require irrigation because of the low precipitation of eight to ten inches per annum, and the irrigation water is not available from existing surface supplies. There is doubt as to whether the water would be available at economic pumping depths in this locality.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to prior existing valid rights and the requirements of applicable law, the lands described in paragraph 2, hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager, mentioned below, beginning on the date of this Order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Application by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert-land, and small-tract laws by qualified veterans of World War II and, or, the Korean conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on January 25, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., April 26, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., April 26, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10:00 a. m. on April 26, 1957.

Persons claiming veterans preference rights under paragraph a (2) above, must enclose with their applications proper evidence of military or naval service, preferably a completed photostatic copy of the certificate of honorable discharge.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice, can be found in Title 43 of the Code of Federal Regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

NOLAN F. KEIL, *Acting State Supervisor.*

[F. R. Doc. 56–10547; Filed, Dec. 28, 1956; 8:45 a. m.]

Office of the Secretary

VIRGIN ISLANDS NATIONAL PARK

NOTICE OF ESTABLISHMENT

DECEMBER 1, 1956.

Whereas, in accordance with the provisions of the act of August 2, 1956 (70 Stat. 940), the Acting Secretary of the Interior, on November 15, 1956, designated the tentative exterior boundary lines of the Virgin Islands National Park comprising a total of not more than 9,500 acres of land as shown on Drawing No. NP–VI–7000 entitled "Acquisition Areas, Virgin Islands National Park"; and

Whereas more than the minimum acreage of 5,000 acres of land required for establishment of the said park, in its initial phase, within the tentative exterior boundary lines designated by the Acting Secretary has been acquired by the United States, said land being more particularly identified in two deeds, each dated November 21, 1956, and accepted by me on December 1, 1956, on behalf of the United States; and

Whereas the said act provided that notice of the establishment of the park shall be published in the FEDERAL REGISTER:

It is ordered, that:

1. Notice is hereby given that the Virgin Islands National Park has been established, within the tentative exterior boundary lines hereinbefore mentioned, said park to consist, in its initial phase, of the land acquired by the United States under and by virtue of the two deeds referred to above.

2. This notice shall be published in the FEDERAL REGISTER and notice of any subsequent additions to the Virgin Islands National Park as established shall be published in like manner.

FRED A. SEATON, *Secretary of the Interior.*

[F. R. Doc. 56–10549; Filed, Dec. 28, 1956; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LEWIS T. GIBBS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 19, 1956, 21 F. R. 4298.

A. Deletions: None—no change.
B. Additions: None—no change.

This statement is made as of November 28, 1956.

Dated: December 20, 1956.

LEWIS T. GIBBS.

[F. R. Doc. 56–10576; Filed, Dec. 28, 1956; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 473]

PUERTO RICO

NOTICE OF RESIGNATION AND APPOINTMENT OF EMPLOYEE MEMBER OF INDUSTRY COMMITTEES

David Sternback, a resident of Puerto Rico, having resigned from Industry

Committees No. 27, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Jose M. Cueto, another resident of Puerto Rico, to serve in his stead on such Committees as an employee representative.

Signed at Washington, D. C., this 21st day of December 1956.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 56-10591; Filed, Dec. 26, 1956; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-17]

AMF ATOMICS, INC.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to AMF Atomics, Inc. substantially in the form set forth below unless within 15 days after publication in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR 2.102 (b)). There is annexed a Memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed reactor and the principal factors considered in reviewing the application for a license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

CONSTRUCTION PERMIT

AMF Atomics, Inc., New York 16, New York, (hereinafter "AMF Atomics") on March 8, 1956, filed its application, docketed F-17, for a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, C. F. R., to construct and operate a nuclear reactor (hereinafter "the reactor"). Supplements to the application were filed on July 10, 1956 and September 17, 1956. Reference to "the application" herein will be to the original application as supplemented.

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, C. F. R., Part 50, "Licensing of Production and Utilization Facilities."

B. AMF Atomics proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. AMF Atomics is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, C. F. R.; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. AMF Atomics is technically qualified to design and construct the reactor.

E. AMF Atomics has submitted sufficient information to provide reasonable assurance that a reactor of the type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

F. The issuance of a construction permit to AMF Atomics will not be inimical to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 and Title 10, C. F. R., Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to AMF Atomics to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

A. The earliest date for the completion of the reactor is March 1, 1957. The latest date for completion of the reactor is December 31, 1957. The term "completion date" as used herein means the date on which construction of the reactor is completed, except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Plainsboro, Township, Middlesex County, New Jersey, specified in the "Hazards Summary Report" dated June 1956, submitted by AMF Atomics as part of its license application.

C. The type of facility authorized for construction is a "pool" type research reactor designed to operate at a thermal power level of 5,000 kilowatts, as described in the license application.

This permit is subject to submittal by AMF Atomics to the Commission (by proposed amendment of the application) of additional information required to complete its Hazards Summary Report and a finding by the Commission that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the Atomic Energy Act of 1954 and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to AMF Atomics pursuant to section 104c of the Atomic Energy Act of 1954, which license shall expire twenty (20) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, C. F. R., Part 50, the Commission has allocated to AMF Atomics, for use in the operation of the reactor, 63.8 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in AMF Atomics' application. Estimated schedules of special nuclear material transfers to AMF Atomics and returns to the Commission are contained in Appendix "A" which is attached hereto. Deliveries by the Commission to AMF Atomics in accordance with schedule 1 of Appendix "A" will be conditioned upon AMF Atomics' return to the Commission of special nuclear material substantially in accordance with schedule 2 of Appendix "A".

Dated at Washington, D. C. this 19th day of December, 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

APPENDIX "A" TO AMF ATOMICS, INC., CONSTRUCTION PERMIT

SCHEDULE 1

Estimated Schedule of Transfers of Special Nuclear Material from the Commission to AMF Atomics:

Date of transfer:	*Kilograms of contained U-235*
1956	20.1
1957	36.0
1958–1975 (18 years total at 36.0 per year)	648.0
Total transfers	704.1

SCHEDULE 2

Estimated Schedule of Transfers of Special Nuclear Material from AMF Atomics to the Commission:

Date of transfer	Kilograms of contained U-235 recoverable scrap	Spent fuel	Total
1957	11.8	------	11.8
1958	21.2	6.1	27.3
1959	21.2	12.2	33.4
1960–1976 (17 years total)	360.4	207.4	567.8
Inventory to be returned	------	------	14.6
Total transfers	------	*	654.9

(Total Fabrication and burn-out losses calculated to be 49.2 kgs.)

MEMORANDUM

Part I—Description of the Reactor

In its license application, AMF Atomics, Inc., described a reactor which it proposes to build and operate at a site four miles northeast of Princeton, New Jersey. The proposed facility is a five megawatt pool-type reactor moderated, reflected and cooled by light water. The core is immersed in a two section concrete pool filled with water. One of the sections of the pool contains an experimental stall into which beam tubes and other experimental facilities converge. The other section is an open area suitable for bulk irradiations of materials with neutrons or gamma rays.

The reactor control system consists of five aluminum clad boron carbide shim-safety rods having an average reactivity control value of 2.2 percent each and one stainless steel regulatory rod with a control value of 0.6 percent, suspended from drives mounted on the reactor bridge.

Each reactor fuel element consists of an assembly of eighteen curved aluminum-clad uranium-aluminum alloy plates containing 196 grams of fully enriched U-235. These elements are arranged in a standard grid structure having a 12" x 18" cross-section. The core, which is 24" high, is designed so that as many as 54 fuel elements, arranged in a 6 x 9 array, could be inserted in the reactor. The proposed loading, however, calls for the use of only 24 elements containing approximately 4.1 kg. of U-235.

The applicant's calculations indicate that 2.8 kg. will be needed to satisfy the basic critical mass requirements. The additional 1.3 kg. will be charged to the reactor to provide reactivity 9.1 percent above that required for cold clean criticality. The applicant states that this amount of reactivity is needed to overcome the following factors which lower the initial reactivity as the reactor is operated:

(1) 0.22 percent—temperature increase.
(2) 3.4 percent—xenon buildup.
(3) 1.9 percent—the six beam tubes.
(4) 1.5 percent—neutron absorbing experiments.
(5) 0.65 percent—burnout of U-235.
(6) 1.1 percent—control requirements.
(7) 1.1 percent—various other effects.

The applicant's proposed total control value for the shim-safety rods of about 11 percent is great enough to control a reactor having 9.1 percent excess reactivity.

Heat will be removed from the reactor core by normal convection of the pool water when the reactor is operated at low powers, and by forced convection when it is operated at high powers.

The reactor is to be housed in a vapor container consisting of a reinforced concrete parabolic shell structure 80 feet tall and 80 feet in diameter, said by the applicant to be capable of sustaining, without rupture, an internal excess pressure of 0.442 pounds per square inch. The applicant states that at this pressure the leakage rate will not exceed 2.5 percent of the container volume per day. A wing of the building adjacent to the containment structure will contain assorted laboratories and supporting facilities.

The site for this facility is a 300 acre tract located in Plainsboro Township, in southwest Middlesex County, New Jersey, between Trenton and New Brunswick. Princeton, the nearest major populated center, having approximately 13,000 residents, lies four and one half miles west of the site. The general area has a low population density. The boundary of the property controlled by the applicant is 1,300 feet from the reactor at the nearest point. Presently, there are no residents within 3,600 feet of the reactor; 85 are within one mile, 710 within two miles and approximately 25,000 within five miles.

Part II—Hazard analysis

General Considerations. There is an extensive body of relevant knowledge and successful operating experience for reactors of the type under consideration. Pool-type reactors using fuel elements and having core arrangements generally similar to those proposed for this reactor have been safely and successfully operated for several years. The power levels of these reactors are in the 10–100 kilowatt range for the Geneva demonstration reactor and the Penn State reactors, the few megawatt range for the Oak Ridge reactors, and the many megawatt range for the MTR.

While it is true that none of these previously built and operated units is exactly duplicated in the design of the proposed reactor, and while there are certain features proposed for this reactor, such as the fairly great flexibility occasioned by the large number of available fuel positions (54), which will require special attention prior to the issuance of operational approval, the stability and predictability of pool-type reactors, which has been demonstrated by the extensive successful operation of these reactors, leaves no reason to doubt that an adequately engineered and carefully constructed reactor of the type proposed by the applicant should be capable of safe operation.

Temperature coefficient of reactivity. One feature of importance in these considerations is the characteristics of negative temperature coefficient shared by this reactor in common with others of this type. The negative temperature coefficient contributes to both the static stability and the dynamic stability of the reactor. A reactor possesses static stability in changing temperatures if it decreases in reactivity with an increase in temperature (negative temperature coefficient), i. e., if for any cause there is a rise of temperature within the reactor, the effective multiplication factor, or its ability to sustain a chain reaction, will then tend to decrease. Consequently, the rate of heat production or power level will also decrease, tending to offset the rise in temperature. Conversely, if the temperature coefficient were positive, the reactor would be unstable to temperature changes. AMF has presented results of calculations which indicate that the proposed reactor possesses a relatively strong negative temperature coefficient of reactivity, insuring stability in the event of probable types of power excursions. These results are consistent with values measured in existing MTR type reactors. The extent of density changes in the coolant or moderator brought about by changes in temperature have a strong influence on the sign and magnitude of the over-all temperature coefficient. However, density changes do not respond to temperature variations instantaneously, and as a result oscillations may develop in the neutron flux and reactor power. If such oscillations are rapidly damped out because of the inherent features of the reactor, the reactor is said to have good dynamic stability. Although this phenomenon has not been completely analyzed with respect to the proposed reactor, its general aspects should not be significantly different from satisfactory observations of this characteristic made in existing reactors having similar nuclear characteristics.

Containment of maximum credible accident. We are not at this time ready to accept the applicant's assertion that the maximum accident against which the strength of the containment structure must be evaluated is one which would result from a rapid step insertion of 3.3 percent excess reactivity, with a consequent energy release, as shown by the BORAX experiments, of 135 MW–SEC. A restudy of all potential accidents, including those that could result from slow additions of reactivity, taking into consideration the possibility of metal-water reactions, must be made before this point can be finally resolved. Further, since the applicant's definition of the maximum credible accident has not been accepted, and since the structural design of the containment building has not been presented, no attempt can be made to examine the ability of the building to remain unbreached by the energy release from such an accident.

However, based on rather extensive knowledge and experience with pool-type reactors, we are satisfied that when the maximum credible accident has been defined it will be possible to design a containment structure in such a way that it will not be breached by the energy release resulting from such an accident. The applicant has stated that a sudden insertion of reactivity is the worst conceivable accident. While, as previously pointed out, we are not yet ready to agree that this is the case, we are satisfied that proper design specifications and operational procedures can make the occurrence of accidents of this nature highly improbable.

As to the proposed leakage rate, if the containment building is not breached by the violence of an incident, if the fission products are released into the containment building by the incident in amounts not exceeding those postulated by the applicant, and if the dilution and filtration procedures used are as effective as indicated, the radiation level which would exist at the boundary of the site nearest the reactor would not exceed that permissible for the public in general. Thus, if the above mentioned conditions are met, the proposed leakage rate of 2.5 percent per day at a differential pressure of 0.442 psi as a design goal would be acceptable.

Possibility of Development of Additional Potential Safety Hazards. While the safety problems of pool-type reactors seem to be fairly well understood, as the results of continuing experimental work on water moderated, relected and cooled reactors become available, and as more operating experience on such reactors is developed, new information may point out potential safety hazards which are not recognized today.

In this connection, quite recent experiments have indicated that under certain conditions unstable reactor oscillations may occur. The full implication of these instabilities on the potential hazard of reactors of this type is not yet known. See copy of letters to licensees and license applicants dated October 18, 1956, on file in the AEC Public Document Room.

Summary. The application has been reviewed at this time only for the purpose of determining whether, based on information contained in the application and any amendments thereto, and taking into account the wealth of experience which has been gained from the operation of reactors of this general type, there is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public. In making this determination, it is not necessary to give detailed consideration to the adequacy or acceptability of particular design features or specification of the reactor and its associated equipment, to the proposed operating procedures, or to the safety of the reactor for specific types of research and development programs. For this reason, no attempt has been made to review and evaluate these factors at this time.

Prior to the time when the reactor is allowed to go critical, a complete review and evaluation of (1) the hazard aspects of the reactor and containment design; (2) the operating and supervisory procedures; (3) the particular research and development programs to be carried out; and (4) the emergency plans, must demonstrate that the issuance of a license to operate the reactor will not be inimical to the common defense and security or to the health and safety of the public.

The applicant may at such times as he deems appropriate request amendment of his construction permit to include findings with regard to particular technical design features or specifications of the reactor and its associated equipment and proposed operating procedures.

Part III—Technical qualifications of applicant

American Machine and Foundry Company, parent of AMF Atomics and its predecessor in the atomic field, has acted as a major subcontractor for the Manhattan Engineering District and the Atomic Energy Commission's Savannah River Project. AMF Atomics was the contractor for the construction of a research reactor for the Battelle Memorial Institute of Columbus, Ohio, with respect to which a license to operate was issued by the Commission on August 10, 1956, License No. R-4.

Part IV—Financial qualifications of applicant

AMF Atomics estimates that the initial cost of the proposed reactor will be approximately $2,700,000 and the annual operating budget will be about $500,000.

The American Machine and Foundry Company has informed the Commission that in the event AMF Atomics is unable to obtain financing enabling it to undertake and carry through the construction and operation specified in the AMF Atomics Inc. application, American Machine and Foundry Company will provide AMF Atomics with sufficient funds to carry forward the construction and operation of the reactor.

At September 30, 1955, the parent company had $77 million in current assets compared with $31 million in current liabilities, or a

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current ratio of nearly 2.5. Total assets amounted to $129 million, of which stockholders' equity accounted for $59 million or roughly 46 percent. Net income (after taxes) amounted to between $4 and $5 million each year since 1948 with one exception due to a lengthy labor strike. The company's customers are engaged in many different lines of endeavor. Therefore, its earnings do not depend on the economic conditions prevailing in any single industry.

Part V—Conclusions

Based upon the above considerations, it is concluded that:

a. There is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

[F. R. Doc. 56-10563; Filed, Dec. 28, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11622]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Phillips Petroleum Company (Phillips) on November 26, 1956, tendered for filing a proposed change in a presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description, Purchaser, Rate Schedule Description, and Effective Date[1]

Notice of change dated November 21, 1956; Colorado Interstate Gas Company; Supplement No. 7 to Phillips FPC Gas Rate Schedule No. 21; January 1, 1957.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 21, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-10550; Filed, Dec. 28, 1956; 8:46 a. m.]

[Docket No. G-11623]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil & Refining Company (Humble), on November 30, 1956 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description, Purchaser, Rate Schedule Designation, and Effective Date[3]

Notice of Change, dated November 23, 1956; Mississippi River Fuel Corporation; Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 21; January 27, 1957.

In its support for the proposed increased rates, Humble states, among other reasons, that the gas sales contract was executed after arm's-length bargaining and that the proposed increased rate is an integral part of the initial rate schedule. Humble further states that the proposed increased rate is in line with prices presently being paid in the region where these sales are made.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 27, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 21, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-10551; Filed, Dec. 28, 1956; 8:46 a. m.]

[Docket No. G-11624]

TOKLAN PRODUCTION CO., ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Toklan Production Company, et al. (Toklan), on November 30, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description, Purchaser, Rate Schedule Designation, and Effective Date[4]

Notice of Change, undated; Phillips Petroleum Company; Supplement No. 2 to Toklan's FPC Gas Rate Schedule No. 1; January 1, 1957.

As support for the proposed increase, Toklan recites, among other things, that the gas sales contract was executed by arm's-length bargaining and that the proposed rates will not adversely affect the competition of gas with other fuels since the intrinsic value of gas is far below the price of competing fuels.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Phillips if later.

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Humble if later.

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Toklan if later.

the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 21, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-10552; Filed, Dec. 28, 1956; 8:46 a. m.]

[Docket No. G-11625]

DELTA DRILLING CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Delta Drilling Company, et al., (Delta), on December 3, 1956 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description, Purchaser, Rate Schedule Designation, and Effective Date[1]

Notice of Change, dated November 30, 1956; Southern Natural Gas Co.; Supplement No. 1 to Delta's FPC Gas Rate Schedule No. 7; January 2, 1957.

In its support of the proposed increased rate, Delta states that the gas sales contract was executed after arm's-length bargaining and that the proposed increased rate is similar to rates being paid for other sales of gas made in the same region.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 2, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provide by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 21, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-10553; Filed, Dec. 28, 1956; 8:46 a. m.]

[Docket No. G-11626]

GODFREY L. CABOT, INC.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Godfrey L. Cabot, Inc. (Cabot), on December 3, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description, Purchaser, Rate Schedule Designation, and Effective Date[3]

Letter dated November 15, 1956; Hope Natural Gas Co.; Supplement No. 10 to Cabot's FPC Gas Rate Schedule No. 9; January 2, 1957.

Notice of Change, undated; Hope Natural Gas Co.; Supplement No. 11 to Cabot's FPC Gate Rate Schedule No. 9; January 2, 1957.

In its support of the increased rate, Cabot cites a provision of the gas sales contract which permits a redetermination of sales price based upon a 20 cent base price plus 50 percent of any general increase in rates obtained by Hope Natural Gas Company in its sales.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-desginated supplements be and the same hereby are suspended and the use thereof deferred until June 2, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplements hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding as been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 21, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-10554; Filed, Dec. 28, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3827]

GREAT SWEET GRASS OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING DECEMBER 21, 1956.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited; File No. 1-3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Delta if later.

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Cabot if later.

Phillips if later.

Humble if later.

Tokian if later.

Delta if later.

[1] Commissioner Digby dissenting.

Cabot if later.

months, or to withdraw, the registration

of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8–K and Form 10–K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8–K for the month of December 1955, and amendments thereto, and that registrant's annual report on Form 10–K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8–K for the month of August 1955, was false and misleading in certain respects set forth in said order, and that the Form 8–K report for the month of December 1955, and the Form 10–K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On December 14, 1956, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from December 15, 1956 to December 24, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19(a)(2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19(a)(4) of the act, and also subject to an order and notice of hearing under section 19(a)(2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X–15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from December 25, 1956, to January 3, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10557; Filed, Dec. 28, 1956; 8:47 a. m.]

[File No. 1–3679]

KROY OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

DECEMBER 21, 1956.

In the matter of trading on the American Stock Exchange in the 20¢ par value Capital Stock of Kroy Oils Limited; File No. 1–3679.

I. The 20¢ par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May, 1956, on Form 8–K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On December 14, 1956 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from December 15, 1956, to December 24, 1956, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from December 25, 1956, to January 3, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10558; Filed, Dec. 28, 1956; 8:47 a. m.]

[File No. 70–3532]

CENTRAL MASSACHUSETTS GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER REGARDING ISSUANCE OF COMMON STOCK BY SUBSIDIARY OF REGISTERED HOLDING COMPANY AND ACQUISITION OF SAID STOCK BY PARENT

DECEMBER 21, 1956.

New England Electric System ("NEES"), a registered holding company, and its direct subsidiary Central Massachusets Gas Company ("Central Massachusetts"), a gas utility company, have filed a joint application and an amendment thereto pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Central Massachusetts proposes to issue and sell for cash 14,000 additional shares of its capital stock, at the par value thereof, $25 a share, aggregating $350,000. These additional shares are to be acquired by NEES, the sole stockholder of Central Massachusetts, for which NEES will expend available treasury funds. The proceeds from the sale of this stock are to be applied by Central Massachusetts to the discharge of a like amount of notes payable to a bank, these obligations having been incurred by Central Massachusetts for extensions, enlargements, and additions to its plant and property.

The Department of Public Utilities of Massachusetts, in which State Central Massachusetts is organized and doing business, has authorized the issuance and sale of the additional shares.

Total expenses of Central Massachusetts are estimated at $2,060 and of NEES at $300.

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application as amended be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and hereby is, granted, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10559; Filed, Dec. 28, 1956; 8:47 a. m.]

[File No. 54–54 etc.]

NORTHERN STATES POWER CO.

ORDER APPROVING FEES AND EXPENSES OF PIONEER SERVICE & ENGINEERING CO.

DECEMBER 21, 1956.

In the matter of Northern States Power Company (Delaware), File No. 54–54; Northern States Power Company (Minnesota), File No. 70–559; Northern States Power Company (Delaware), File No. 59–50.

Pioneer Service & Engineering Company ("Pioneer") has filed an application and an amendment thereto requesting our approval of its fees and expenses for services rendered to the estate of Northern States Power Company, a Delaware corporation ("Delaware") and registered holding company in process of liquidation under a plan of reorganization approved by the Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (27 S. E. C. 321, 547).

Pioneer states that it has kept the books and records of Delaware since January 1, 1948; that it has administered Delaware's residual estate, supervising the exchanges of Delaware's preferred and common stocks for common stock of Northern States Power Company, a Minnesota corporation ("Minnesota"), the surviving holding company, pursuant to the provisions of the plan of reorganization; and that its charges for such services have been limited to cost plus 10 percent. At the principal fee hearing in these proceedings in 1950, Pioneer submitted an application for approval of its fees and expenses for the two-year period 1948–1949, with testimony in support thereof, as follows: For fees, $52,786.61; for expenses, $9,866.32. The testimony at such hearing indicated that Pioneer had been paid for its services and reimbursed for its expenses on a current monthly basis, and that the company would suffer no hardship if approval of its application should be deferred until consummation of the plan and the filing of its final application. The Commission therefore deferred action on the application pending the completion of Pioneer's services (33 S. E. C. 287, 295).

The bar date for effecting exchanges under the plan expired on September 30, 1956 (Holding Company Act Release No. 12983), and Pioneer is now in the process of winding up the affairs of Delaware, delivering the residual assets to Minnesota, and making a final accounting to the court. The instant petition gives an itemized statement of all services rendered and expenditures incurred by Pioneer for 1950 and subsequent years, which aggregate $10,728.57 for fees and $377.58 for expenses.

Pioneer, having already received payment in full, now asks that the Commission approve such payments, aggregating $63,515.20 for fees and $10,243.90 for expenses, in order that it may make its final report to the court and terminate these proceedings.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the requested fees and reimbursement of expenses are not unreasonable and that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application as amended be granted, effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said application as amended be, and is hereby granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–10561; Filed, Dec. 28, 1956; 8:47 a. m.]

[File No. 70–3502]

PAVILION NATURAL GAS CO.

ORDER GRANTING APPLICATION REGARDING PROPOSED ACQUISITION BY SUBSIDIARY FROM PARENT OF CAPITAL STOCK OF ASSOCIATE PUBLIC UTILITY

DECEMBER 21, 1956.

The Pavilion Natural Gas Company ("Pavilion"), a public-utility company and an exempt public utility holding company which is a subsidiary of Genesee Valley Gas Company, Inc. ("Genesee"), an exempt public utility holding company, has filed an application, pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act"), regarding the proposed acquisition by Pavilion from Genesee of all of the outstanding capital stock of Churchville Oil & Natural Gas Company ("Churchville"), a direct public utility subsidiary of Genesee.

Pavilion, a New York corporation, is engaged in purchasing, producing, distributing and selling, principally at retail, natural gas in the counties of Livingston, Wyoming and Genesee in the State of New York. It owns all of the outstanding capital stock of Valley Gas Corporation, a public utility organized and operating in the State of New York. Pavilion is exempt from the provisions of the act, pursuant to Rule U-2.

Genesee, a New York corporation, is solely a holding company, owning all of the capital stocks of Pavilion and Churchville. Genesee is exempt from the provisions of the act, pursuant to an order issued by the Commission under section 3 (a) (1) of the act on August 2, 1938 (3 S. E. C. 672).

Churchville, a New York corporation, is engaged in purchasing, producing, distributing and selling at retail natural gas in the counties of Genesee and Monroe in the State of New York. Churchville's principal source of natural gas is Pavilion, and the two systems are contiguous and interconnected.

Genesee, whose liquidation and dissolution is contemplated in the relatively near future, proposes to transfer to Pavilion, and Pavilion proposes to acquire, as a capital contribution, all of the outstanding 500 shares of $100 par value common stock of Churchville, and to record such investment on its books at $50,000 which is the cost thereof to Genesee.

The proposed acquisition by Pavilion of the capital stock of Churchville has been authorized by the Public Service Commission of New York, the State Commission of the state in which both Pavil-

ion and Churchville are organized and doing business.

The fees and expenses to be incurred in connection with the proposed transactions consist of the requisite stock transfer tax to be paid by Genesee, and estimated counsel fees of not to exceed $400 to be paid by Pavilion to Duke & Landis, and miscellaneous expenses estimated at approximately $50.

Due notice of the filing of the application having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13250) and no hearing having been requested of or ordered by the Commission; and

It appearing that the requirements of section 10 (f) are satisfied and that no adverse findings are required under sections 10 (b) or 10 (c) (1); that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable; and the Commission finding that the proposed acquisition by Pavilion of the capital stock of Churchville will have the tendency required by section 10 (c) (2), and deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted, effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that the application be, and it hereby is, granted, effective forthwith, subject to the conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10560; Filed, Dec. 28, 1956; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JAKOB SAJNE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jakob Sajne, Sezana, Yugoslavia, Claim No. 63541, $561.63 in the Treasury of the United States.

Emil Sajne, Sezana, Yugoslavia, $280.82 in the Treasury of the United States.

Stanko Sajne, Sezana, Yugoslavia, Claim No. 63542, $280.81 in the Treasury of the United States.

Vesting Order No. 1899.

Executed at Washington, D. C., on December 20, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10579; Filed, Dec. 28, 1956; 8:51 a. m.]

FERDINAND MAENNER STEIDLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ferdinand Maenner Steidle, Sevilla, Spain, Claim No. 63310, Vesting Order No. 8625, $1,638.08 in the Treasury of the United States.

Executed at Washington, D. C., on December 20, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10578; Filed, Dec. 28, 1956; 8:51 a. m.]

FRITZ JOSEF JILOVSKY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Fritz Josef Jilovsky, Tel Aviv, Israel, $133.34 in the Treasury of the United States.

Felix Jilovsky, Nof Yam, Israel, $133.33 in the Treasury of the United States.

Otto Jilovsky, Haifa, Israel, $133.33 in the Treasury of the United States.

Claim No. 62941, Vesting Order No. 17996.

Executed at Washington, D. C., on December 20, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10582; Filed, Dec. 28, 1956; 8:51 a. m.]

HELENE BURGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Helene Burger, Badgastein, Austria, Claim No. 66499, Vesting Order No. 9693, $53.82 in the Treasury of the United States.

Executed at Washington, D. C., on December 20, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10581; Filed, Dec. 28, 1956; 8:51 a. m.]

JESSIE STRASSBURGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jessie Strassburger, nee Orthmann, Vaduz, Liechtenstein, Claim No. 43175, Vesting Order No. 8711, $1,175.00 in the Treasury of the United States.

Executed at Washington, D. C., on December 20, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10583; Filed, Dec. 28, 1956; 8:52 a. m.]

ELLEN ETTLINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ellen Ettlinger, 44 Linkside Drive, Oxford, England, Claim No. 45394, Vesting Order No. 8535, $79.14 in the Treasury of the United States.

250 shares Federated Petroleums Ltd., Canada, no par common stock, certificates #12076 and #12077, 100 shares each; and certificate #12078, 50 shares. The security is presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on December 20, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 56-10584; Filed, Dec. 28, 1956; 8:52 a. m.]